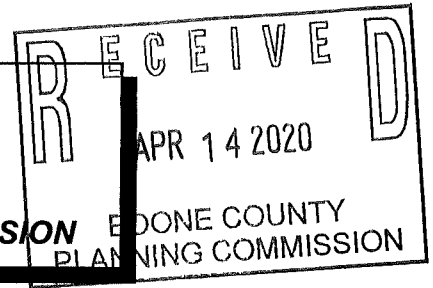


APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION



FIVE (5) SCALED COPIES AND ONE (1) 11X17 REDUCTION OF SUBMITTED DRAWINGS ARE REQUIRED

See Boone County Zoning Regulations

SECTION A (To be completed by applicant)

- (Check One) Boone Florence Walton Union
1. Boone Florence Walton Union
2. Conditional Use Permit Variance Appeal
3. Applicant's Name Coley and Lindsay Jones
4. Description of Request: Decrease 80' setback, Avoid existing power lines
5. Name of Development
6. Location of Development
7. Acreage Under Review
8. Lot Number and Name of Subdivision
9. Owner of Property Coley and Lindsay Jones
10. Proposed Use(s) on Site Equipment Storage
11. Proposed Use(s) on Site
12. Total Square Footage of Existing and/or Proposed Buildings 1,680
13. Current Zoning on Property A-1
14. Deed Book 1051 Page No. 261-263 Group No. 2061
15. Is the site subject to a zone change? No
16. Have you submitted a Site Plan with this request? Yes
17. Have you submitted a list of adjoining property owners with this request? Yes
18. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

ORIGINAL Property Owner's Signature: [Signature] Lindsay Jones (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: [Signature] Lindsay Jones (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

**BOARD OF ADJUSTMENT AND
ZONING APPEALS ACTION
APPLICATION
PAGE 2**

SECTION B (To be completed by the Boone County Planning Commission Staff)

- 1. Date Received 4-14-20 Fee Received \$ 666.00 Receipt # 81301
- 2. Is application complete? _____ Yes _____ No
- 3. Staff Reviewer M. Schwartz
- 4. Scheduled Board Action Date 6/10/2020
- 5. Board Action:
 Approved
 Approved with Conditions (See #6)
 Denial (See #7)
- 6. Conditions of Approval: _____

- 7. Reasons for Denial: _____

**Boone County Planning Commission
Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
Burlington, Kentucky 41005
(859) 334-2196 - Phone
(859) 334-2264 - Fax
plancom@boonecountyky.org - E-mail
www.boonecountyky.org - Web Page**

NOTE: See Boone County Planning Commission Fee Schedule for Board of Adjustment Fees.

Site Plan Review is not granted by the appropriate Board of Adjustment.

An application consists of all fees paid in full, submitted drawings and a completed application form.

STAFF REPORT

#1

APPLICANT: Codey and Lindsay Jones

LOCATION: 4363 Hathaway Road, Boone County, Kentucky

ZONING: Agriculture (A-1)

DATE: June 10, 2020

PROPOSAL

The applicant is requesting a Variance to reduce the minimum required front yard setback from eighty (80) feet to 22'-4" in order to build an accessory structure in the front yard.

SITE HISTORY

2016 On September 14, 2016, the Boone County Planning Commission approved a zoning permit to allow the construction of a single family residence.

APPLICABLE REGULATIONS

- A. Section 250 of the Boone County Zoning Regulations states that one of the duties of the Board of Adjustment is to hear and decide on applications for variances.
- B. Section 250 of the Boone County Zoning Regulations defines a variance as a departure from dimensional terms of the zoning regulation pertaining to the height, width, or location of structures, and the size of yards and open spaces where such departure meets the requirements of KRS 100.241 to 100.247.
- C. The Board should evaluate the request as it relates to the criteria necessary for granting a Variance as stated in Section 251 of the Boone County Zoning Regulations.
 1. Findings listed in Section 251:
 - a. Before any variance is granted, the Board must find that the granting of the variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations. In making these findings, the board shall consider whether:
 - (1) The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;
 - (2) The strict application of the provisions of the regulations would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant;
 - (3) The circumstances are the result of actions of the applicant taken

subsequent to the adoption of the zoning regulation from which relief is sought.

- b. The Board shall deny any request for a variance arising from circumstances that are the result of willful violations of the zoning regulation by the applicant subsequent to the adoption of the zoning regulation from which relief is sought.
- D. Section 3153 of the Boone County Zoning Regulations states that accessory structures or uses may be located in the front yard area in agricultural zones provided the respective front yard setback is met.
- E. Section 3111 of the Boone County Zoning Regulations requires a minimum front yard setback of eighty (80) feet in the A-1 district.
- F. Section 1130 of the Boone County Zoning Regulations states that “the purpose of the Agriculture district is to preserve and protect the supply of productive agricultural lands and other open space, principally for non-urban uses.”

RELATIONSHIP TO THE COMPREHENSIVE PLAN

- A. The Our Boone County Plan 2040 Future Land Use Plan designates the site in question for “Rural Land” and “Developmentally Sensitive” uses.

Rural Land is defined as wooded, agricultural, recreational, or low density residential uses of up to one dwelling unit per two acres. Residential construction in Rural Lands does not occur in a formal subdivision.

Developmentally Sensitive is defined as areas that have an existing slope of twenty percent or greater for a height of 20 meters (67.6 feet), or have unique soil or flooding characteristics which limit the ability of an area to support urban development, or contain significant wooded areas, creeks, wildlife habitat, or other natural features that are important to a site's stability and visual character.

- B. The following Our Boone County Plan 2040 Goals and Objectives apply to this application:

Boone County shall strive to achieve diversity and balance in land use while protecting natural resources and natural systems (Overall Goal A, Objective 3).

Land uses and zoning decisions shall strive to balance the rights of landowners with the rights of neighbors and the community (Overall Goal A, Objective 4).

Development policies shall not discriminate against any person (Demographics Goal A, Objective 1).

An evaluation of environmental factors identified in this Plan will be part of any development review process (Environment Goal A, Objective 1).

Development shall attempt to utilize existing topography and vegetation (including mature trees where possible) and preserve the existing character of the land where practical (Environment Goal A, Objective 7).

- C. Progress Drive is identified as an arterial street providing for two way traffic within two driving lanes. There are no sidewalks along the roadway.

SITE CHARACTERISTICS

- A. The approximate 13 acre property is located along the south side of Hathaway Road, approximately 2,700 feet east of Sullivan Road/Riddles Run Road.
- B. The site is currently occupied by a single family residential building.
- C. A creek, being within the 100-Year Floodplain, bisect the site, approximately 230 feet into the property.
- D. Overhead utility lines bisect the site, between the roadway and the creek, approximately 90 feet into the property.
- E. Between the roadway and the creek, the topography of the site slopes downward from 490 msl to 480 msl, at a slope of approximately 6%.
- E. South of the creek, the topography slopes upward from 480 msl to 760 msl, at a slope of approximately 20%.
- F. The site in question is heavily wooded, other than the proposed location of the accessory structure.

SURROUNDING LAND USES AND ZONING

- North: Single family and vacant/undeveloped land (A-1)
- South: Single family and vacant/undeveloped land (A-1)
- East: Single family and vacant/undeveloped land (A-1)
- West: Single family and vacant/undeveloped land (A-1)

PROPOSED DEVELOPMENT

- A. The applicant is proposing to construct a 1,680 square foot accessory structure within the front yard area.
- B. The proposed accessory structure will have a side yard setback of 18'-6" and a front

yard setback of 22'-4".

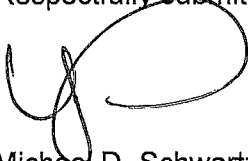
STAFF COMMENTS

- A. Directly across the street from the site in question, there is an old accessory structure having a front yard setback of approximately 6 feet and a principal structure having a front yard setback of approximately 32 feet.
- B. Section 3111 of the Boone County Zoning Regulations prohibits structures from exceeding forty-five (45) feet in height in the A-1 district. The applicant has not provided the proposed height of the structure. The applicant should address this requirement and state that the structure will not exceed the maximum height allowed within the district.

CONCLUSION

- A. KRS 100.241 and Section 220 of the Boone County Zoning Regulations give the Boone County Board of Adjustment and Zoning Appeals the authority to act on the request.
- B. Section 251 of the Boone County Zoning Regulations identifies criteria necessary for granting a Variance. The applicant needs to provide information as to how their application meets this criteria.

Respectfully submitted,



Michael D. Schwartz
Planner

MDS/ss

Attachments

- *Vicinity Map
- *Aerial Map
- *Topographical Map
- *Zoning Map
- *2040 Future Land Use Map
- *Floodplain Map
- *Application
- *Development Plan

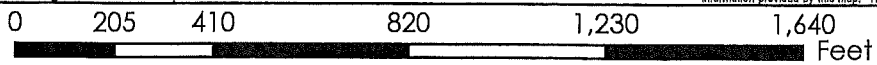
Vicinity Map

www.boonecountygis.com



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1 inch = 400 feet



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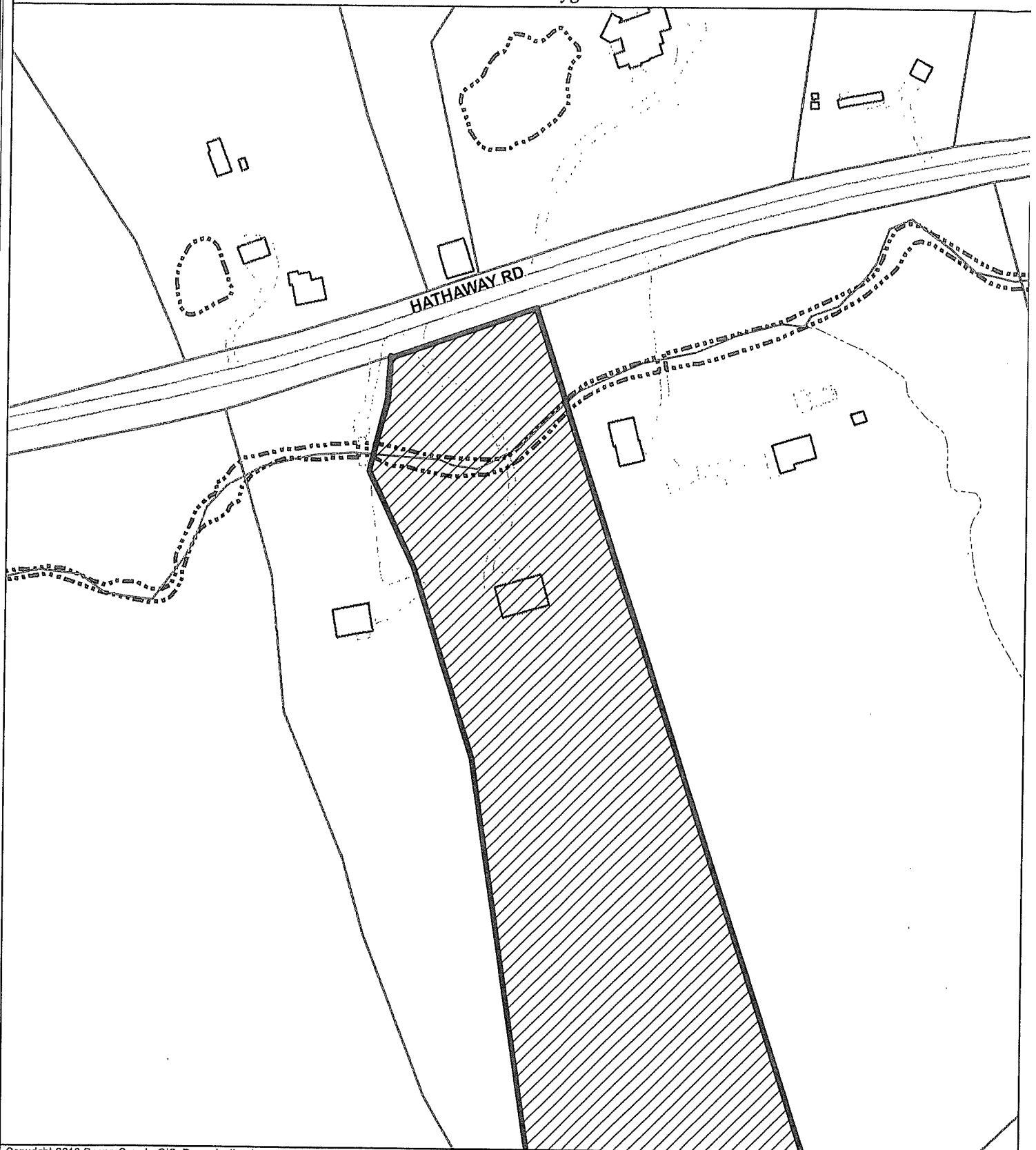


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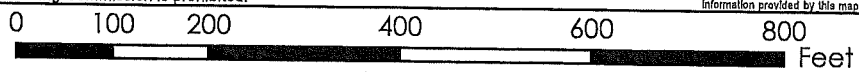
Vicinity Map

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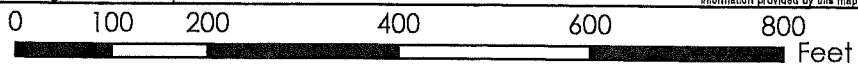
Aerial Map

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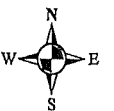


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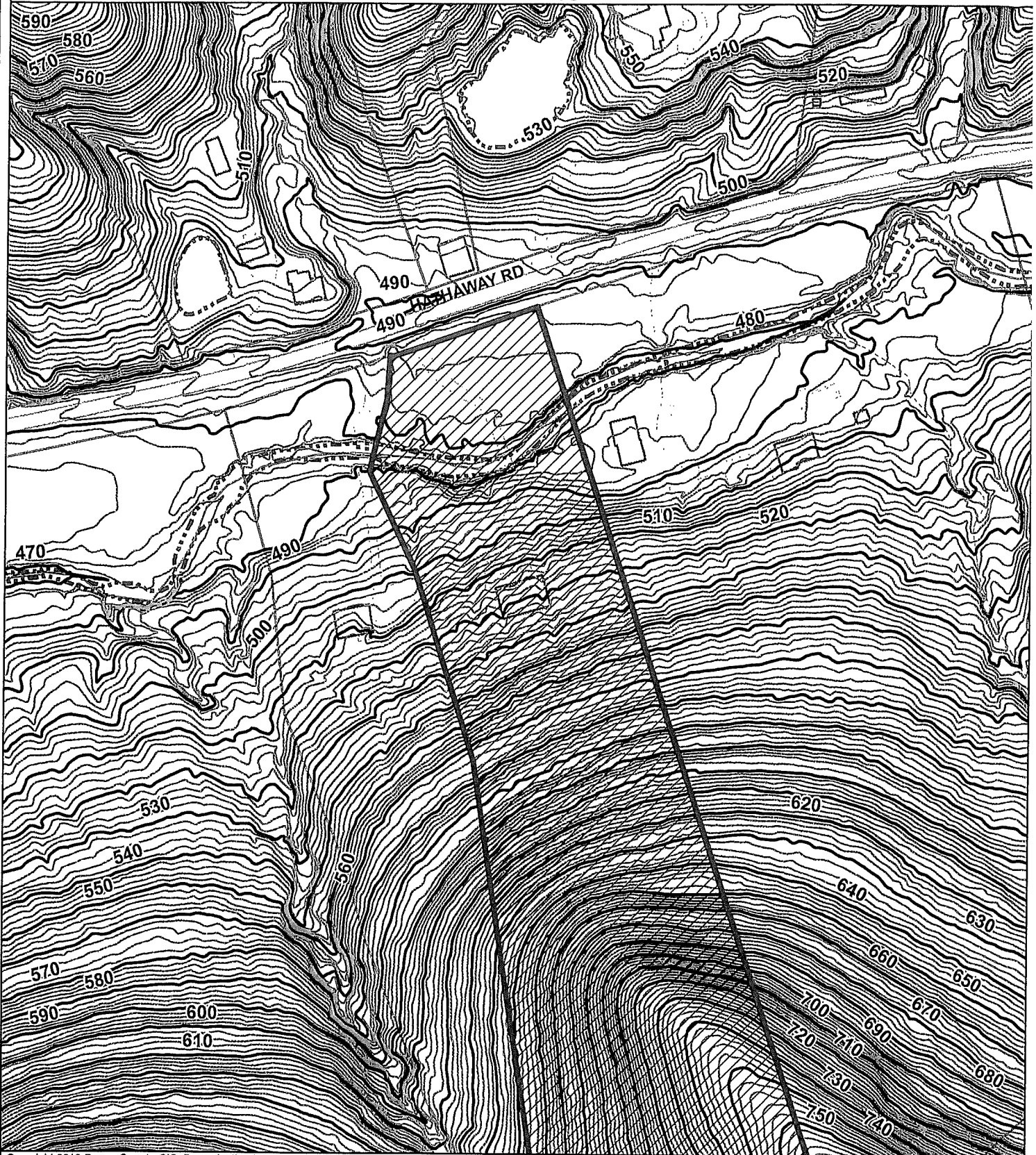


Boone County GIS



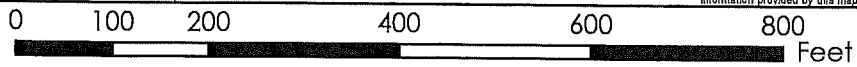
Topographical Map

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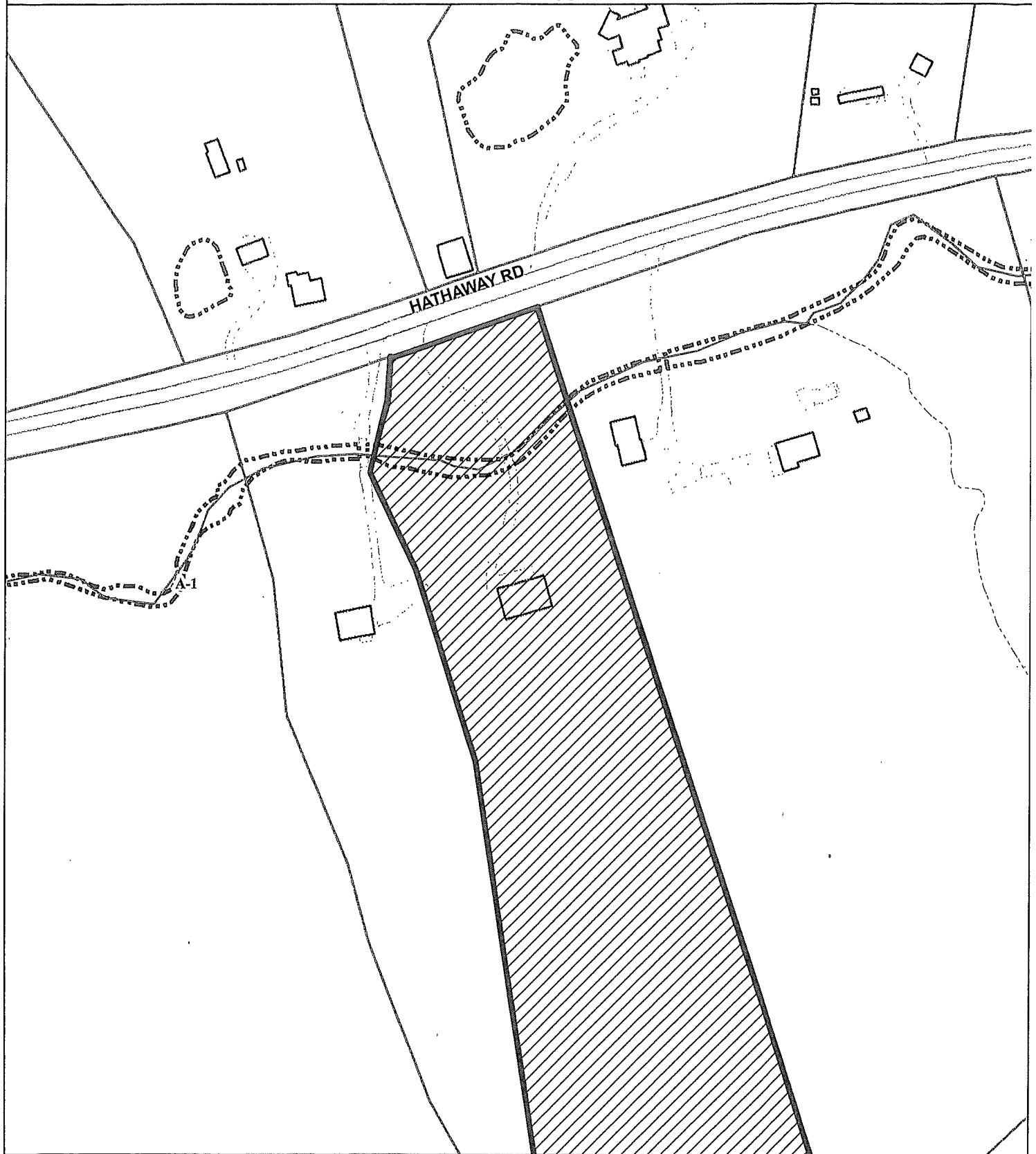


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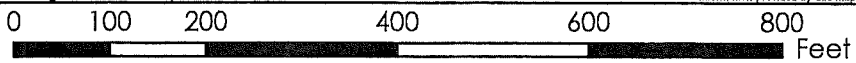
Zoning Map

www.boonecountygis.com



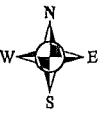
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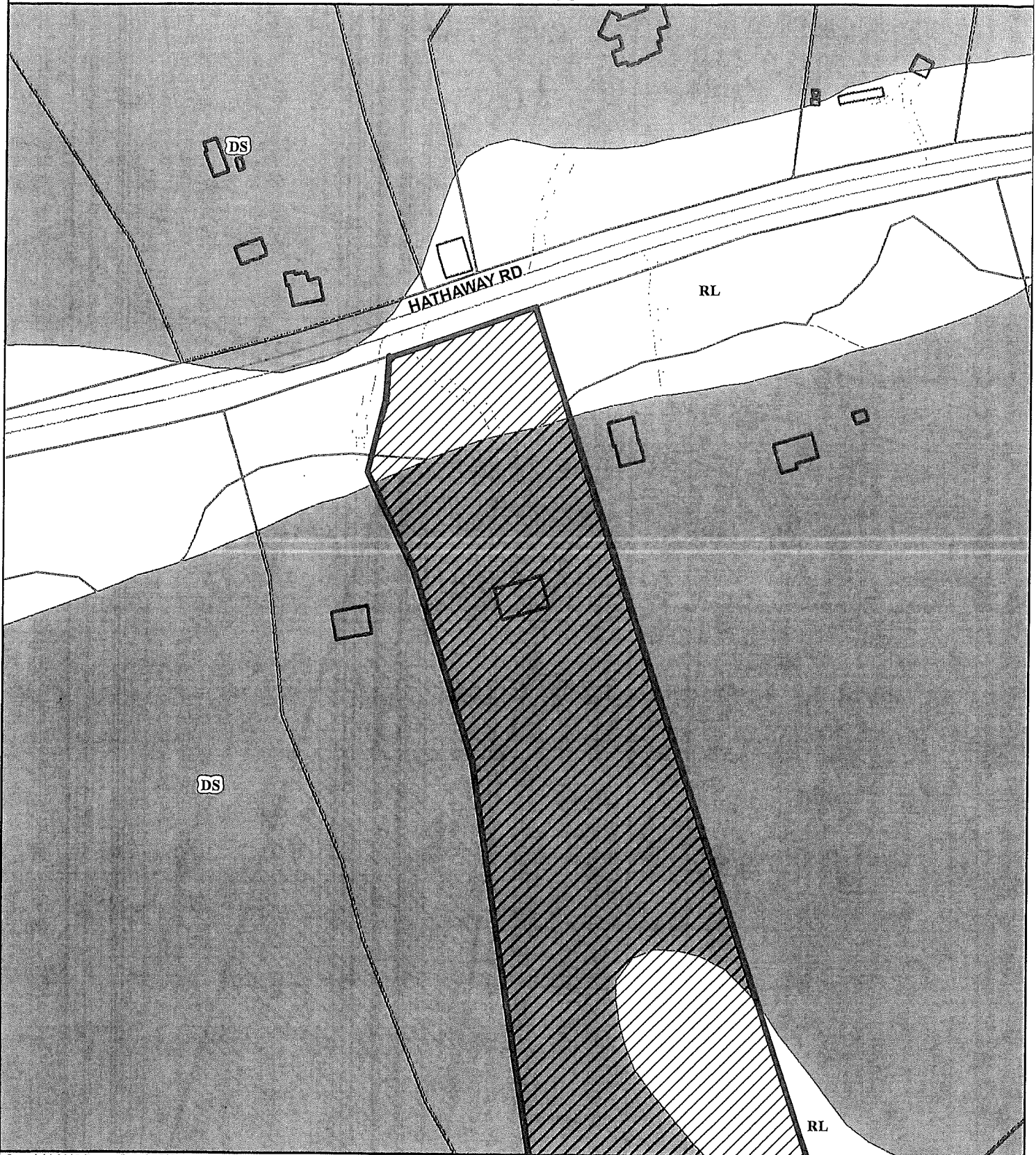
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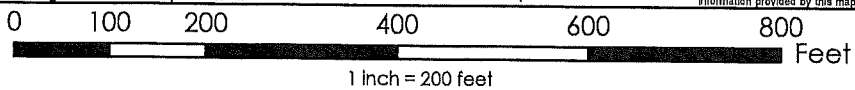
2040 Future Land Use Map

www.boonecountygis.com

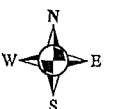


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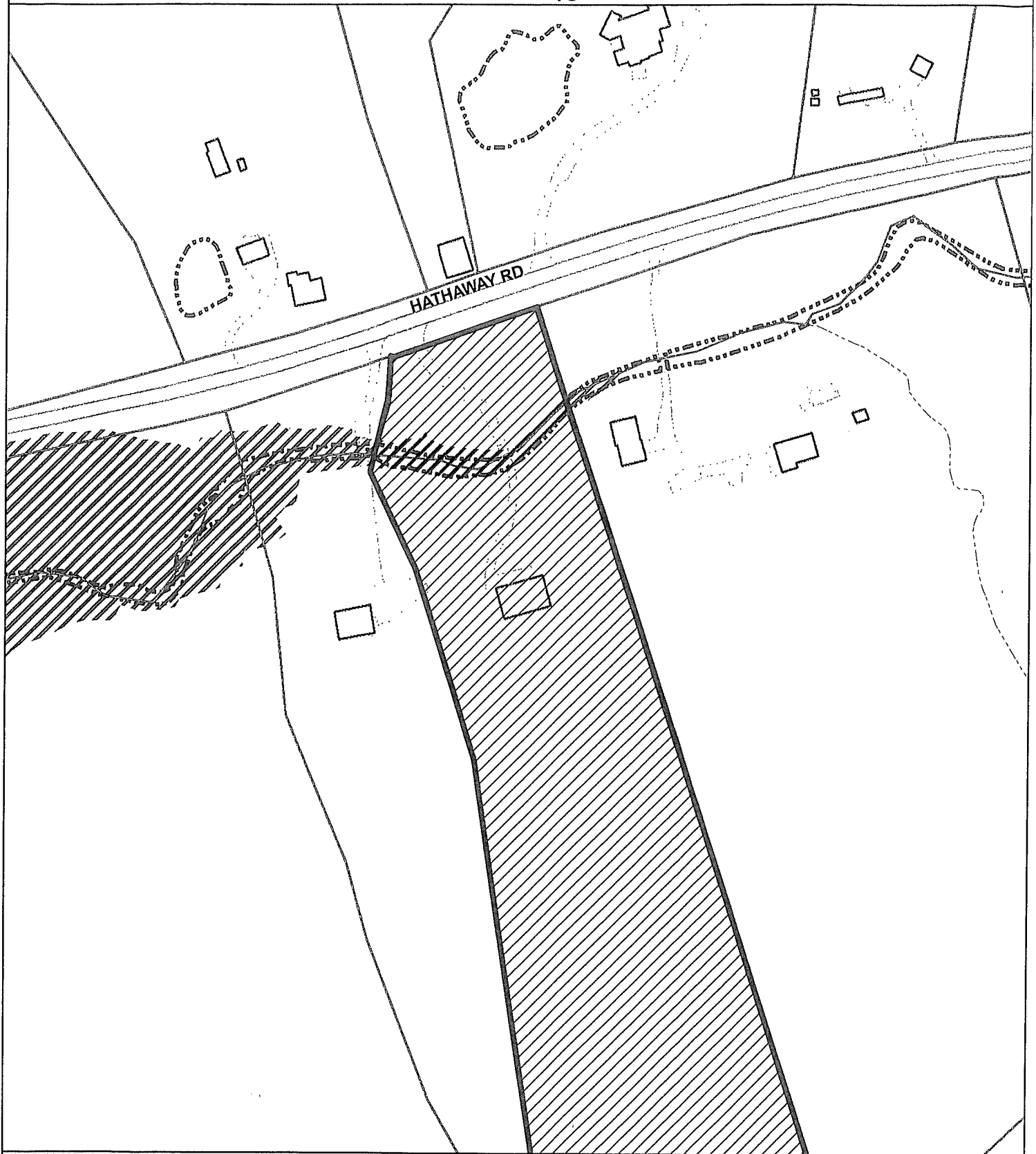


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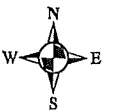
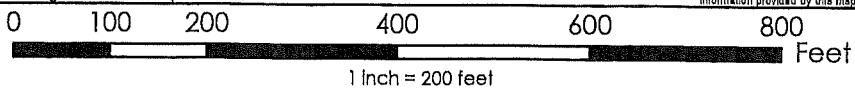
Floodplain Map

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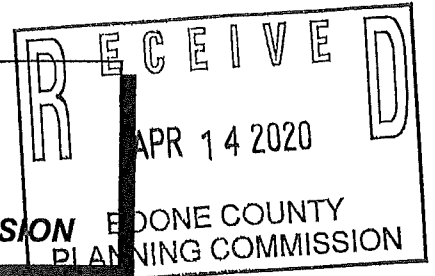
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APPLICATION FORM

BOARD OF ADJUSTMENT
AND
ZONING APPEALS ACTION
BOONE COUNTY PLANNING COMMISSION



FIVE (5) SCALED COPIES AND ONE (1) 11X17 REDUCTION OF SUBMITTED DRAWINGS ARE REQUIRED

See Boone County Zoning Regulations

SECTION A (To be completed by applicant)

- (Check One)
1. Boone Florence Walton Union
 - (Check One)
 2. Conditional Use Permit Variance Appeal
 Change in Non-Conforming Use
 3. Applicant's Name Coley and Lindsay Jones
Applicant's Address 4363 Hathaway Rd.
Union KY 41091
City State Zip
Phone Number (859) 743-9132 Fax No. _____ E-Mail cj32640@yahoo.com
 4. Description of Request: Decrease 80' setback, Avoid existing power lines
 5. Name of Development _____
 6. Location of Development _____
 7. Acreage Under Review _____
 8. Lot Number and Name of Subdivision (if part of a subdivision) _____
 9. Owner of Property Coley and Lindsey Jones
Address of Property Owner 4363 Hathaway Rd.
Union KY 41091
City State Zip
Phone Number (859) 743-9132 Fax No. _____ E-Mail cj32640@yahoo.com
 10. Proposed Use(s) on Site Equipment Storage
 11. Total Square Footage of Existing and/or Proposed Buildings 1,680
 12. Current Zoning on Property A-1
 13. Deed Book 1051 Page No. 261-263 Group No. _____
 14. Is the site subject to a zone change? No
If yes, give date of approval _____
 15. Have you submitted a Site Plan with this request? Yes
 16. Have you submitted a list of adjoining property owners with this request? Yes
 17. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

ORIGINAL Property Owner's Signature: Coley and Lindsay Jones
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: Coley and Lindsay Jones
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

Boone County GIS Map

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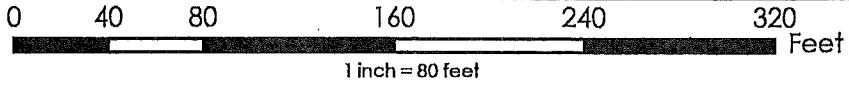


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Boone



CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Codey and Lindsay Jones
4363 Hathaway Road
Union, KY 41091
2. ADDRESS OF PROPERTY
4363 Hathaway Road
Union, KY 41091
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Codey and Lindsay Jones
4. DEED BOOK 1051 PAGE NO. 261 GROUP NO. 2061
5. TYPE OF RESTRICTION(S) (Check all that apply)
- ___ Zoning Map Amendment: ___ Conditional Use Permit
 From ___ To
- ___ Development Plan ___ Conditional Zoning
- ___ Subdivision Plat ___ Other:
 (Not Recorded)
- X Variance
6. NAME AND ADDRESS OF PLANNING COMMISSION, BOARD OF ADJUSTMENT, LEGISLATIVE BODY OR FISCAL COURT WHICH MAINTAINS THE ORIGINAL RECORDS CONTAINING THE RESTRICTION

BOONE COUNTY PLANNING COMMISSION
2950 WASHINGTON STREET, ROOM 317
P.O. BOX 958
BURLINGTON, KENTUCKY 41005



SIGNATURE OF COMPLETING OFFICIAL

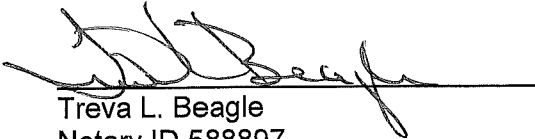
Michael D. Schwartz, Planner
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledged before me by Michael D. Schwartz


on behalf of the Boone County Planning Commission this 9 day of July, 2020.



Treva L. Beagle
Notary ID 588897
NOTARY PUBLIC, State at Large

My commission Expires:
November 12, 2021

This instrument was prepared for recording purposes only by:



Ronica Wuest
Boone County Planning Commission
2950 Washington Street, Room 317
P.O. Box 958
Burlington, Kentucky 41005

NO TITLE EXAMINATION

(Legal Description and source of Title and Group Number furnished by the applicant.)