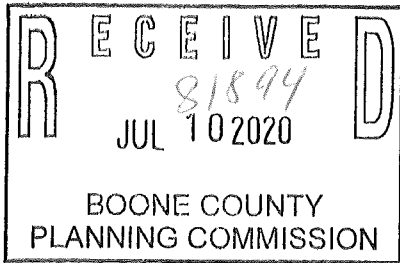


APPLICATION FORM



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)

- 1. (Check One) Boone [checked] Florence \_\_\_\_\_ Walton \_\_\_\_\_ Union \_\_\_\_\_
2. (Check One) Conditional Use Permit [checked] Variance \_\_\_\_\_ Appeal \_\_\_\_\_
3. Applicant's Name Mary Cuneo
Applicant's Address 12755 Boat Dock Rd
Union KY
City State Zip
Phone Number 803 701 3223 Fax No. - E-Mail maryfuller80@gmail.com
4. Description of Request:
5. Name of Development
6. Location of Development
7. Acreage Under Review
8. Lot Number and Name of Subdivision (if part of a subdivision) N/A
9. Owner of Property Mary + Mark Cuneo
Address of Property Owner 12755 Boat Dock Rd
10. Union KY
City State Zip
Phone Number 803 701 3223 Fax No. - E-Mail maryfuller80@gmail.com
11. Proposed Use(s) on Site
12. Total Square Footage of Existing and/or Proposed Buildings 900
13. Current Zoning on Property
14. Deed Book 1139 Page No. 913 Group No. 2074
15. Is the site subject to a zone change?
If yes, give date of approval
16. Have you submitted a Site Plan with this request?
17. Have you submitted a list of adjoining property owners with this request?
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: Mary Cuneo Mark Cuneo
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: Mark Cuneo Mary Cuneo
(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 7-10-20 Fee Received \$666.00 Receipt # 81894
2. Is application complete?  Yes  No
3. Staff Reviewer M. Schwartz
4. Scheduled Board Action Date 8/12/2020
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](http://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: Mary Cuneo

LOCATION: 12755 Boat Dock Road, Boone County, Kentucky

ZONING: Agriculture (A-1)

DATE: August 12, 2020

### PROPOSAL

The applicant is requesting a Variance to reduce the minimum required front yard setback from eighty (80) feet to twenty (20) in order to build an accessory structure in the front yard.

### SITE HISTORY

- 2000 On June 20, 2000, the Boone County Planning Commission approved a zoning permit to allow the construction of a single family residence.
- 2000 On October 4, 2000, the Boone County Planning Commission approved a Conveyance Plat creating the lot in question.

### 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. Boat Dock Road is identified as a collector street providing for two way traffic within two driving lanes. There are no sidewalks along the roadway.

#### SITE CHARACTERISTICS

- A. The approximate 5 acre property is located along the northwest side of Boat Dock Road, approximately 800 feet southwest of Bender Road.
- B. The site is currently occupied by a single family residential building.
- C. The site slopes upward from 484 msl to 564 msl, at an average slope of approximately 10%.
- D. A mature tree line exists along Boat Dock Road, fronting the site in question.

#### 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 ten (10) foot high, 900 square foot (30' x 30'), pole barn within the front yard area.
- B. The proposed accessory structure will have side yard setbacks in excess of one hundred fifty (150) feet and a front yard setback of twenty (20) feet.

#### STAFF COMMENTS

- A. A mature tree line exists along Boat Dock Road which will screen the proposed accessory structure.

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

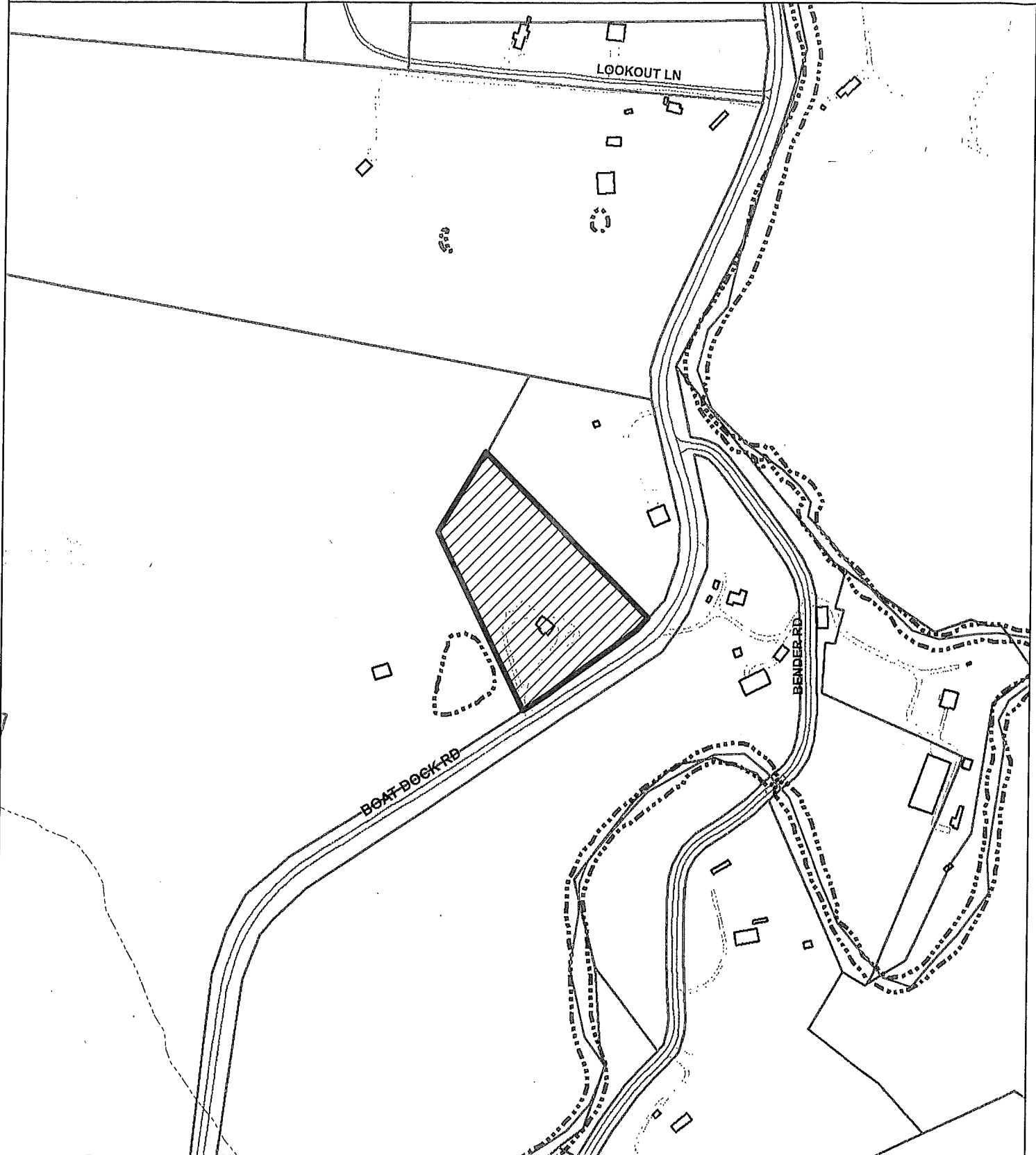
MDS/ss

Attachments

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

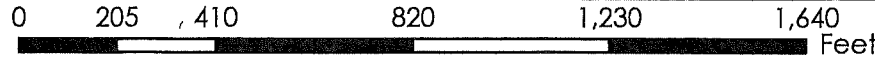
# Vicinity Map

www.boonecountygis.com



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**Boone County GIS - Putting Northern Kentucky on the Map**

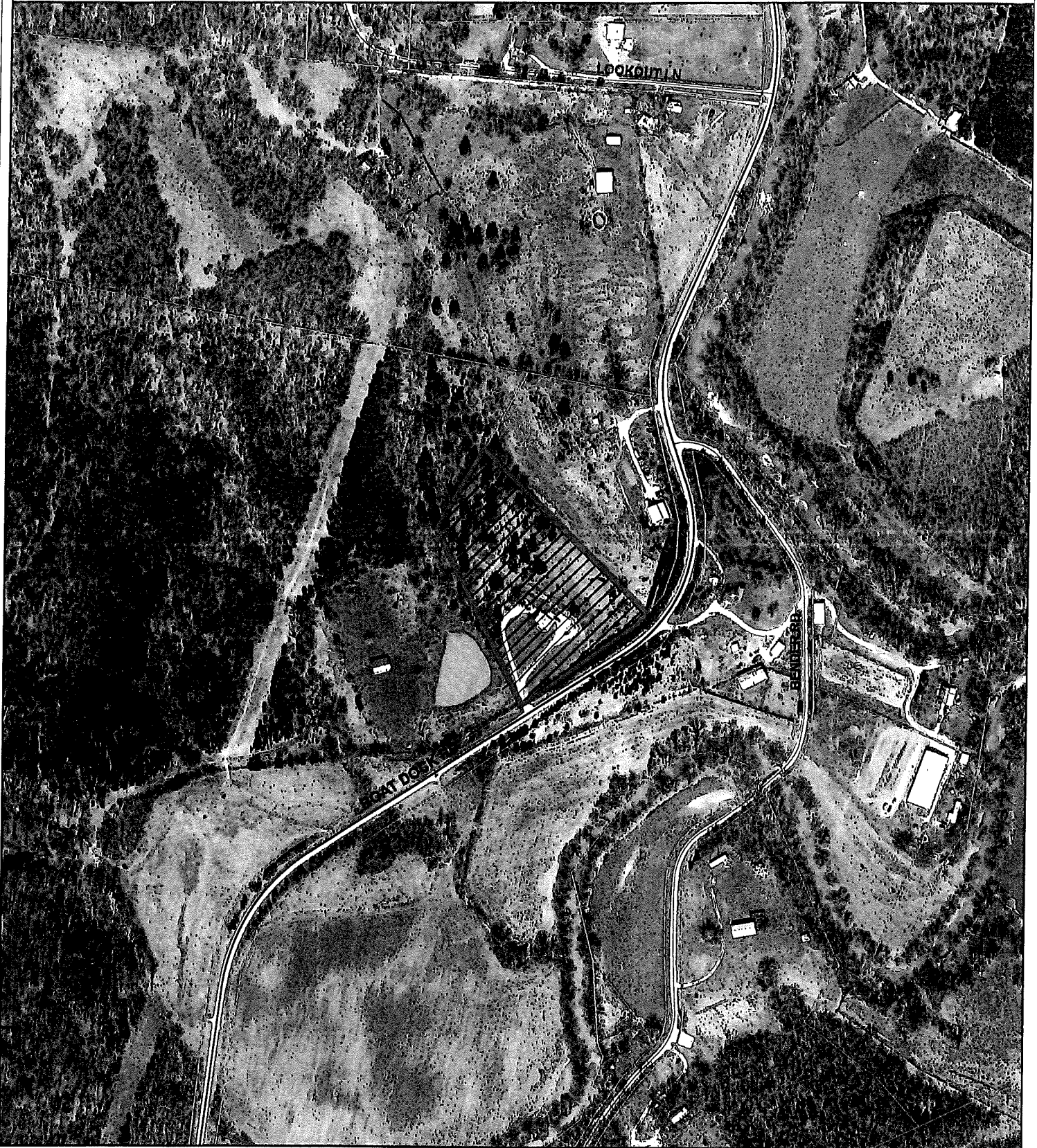


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Boone County GIS  
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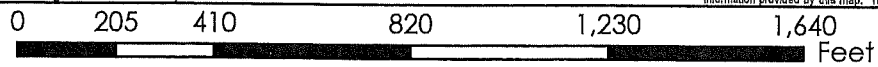
# Aerial Map

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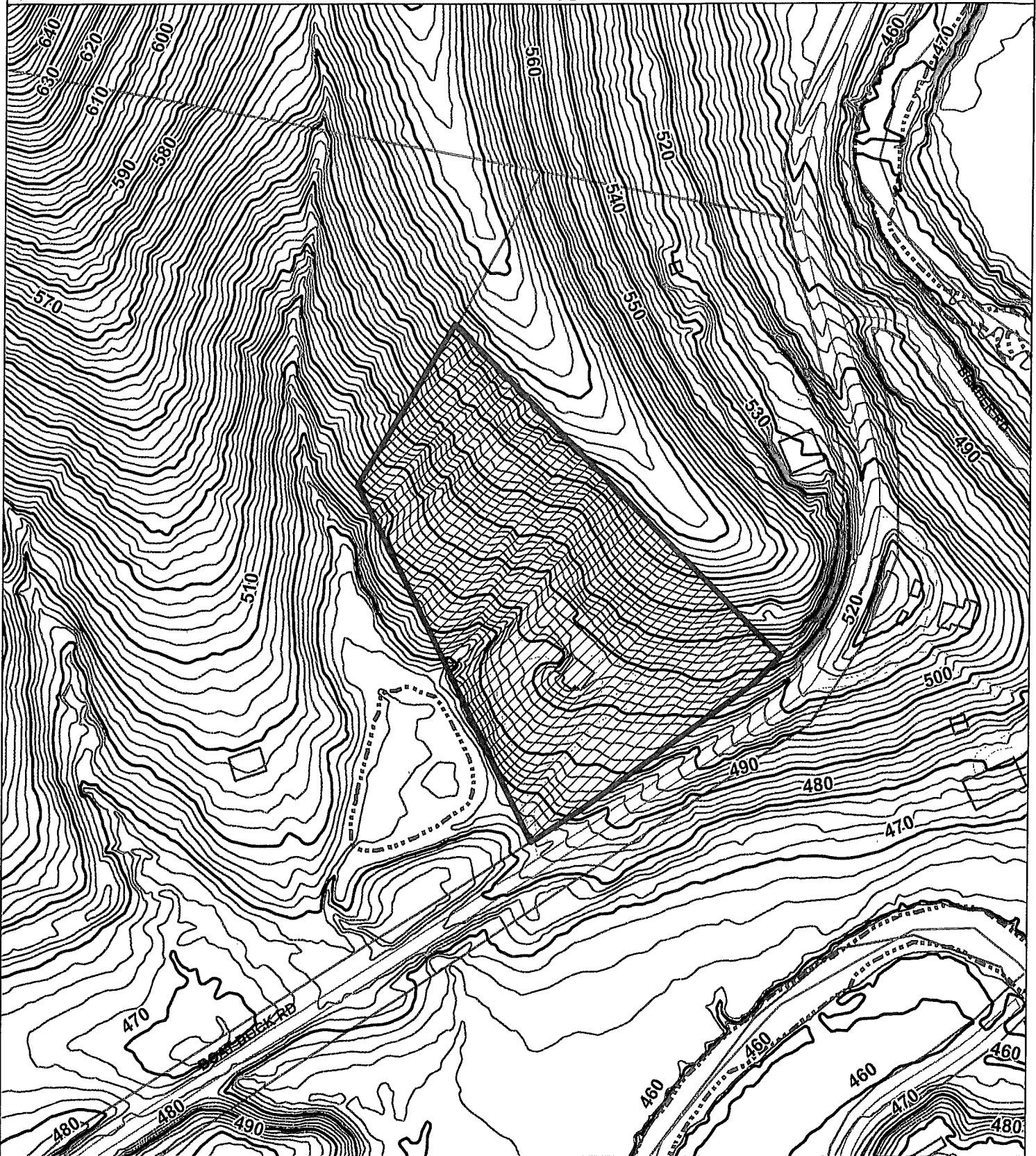
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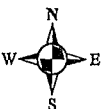
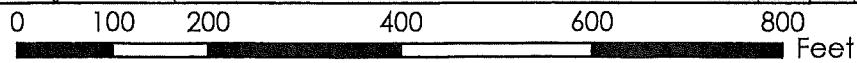
# Topographical Map

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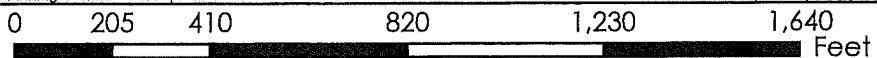
# Zoning Map

www.boonecountygis.com

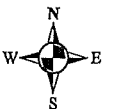


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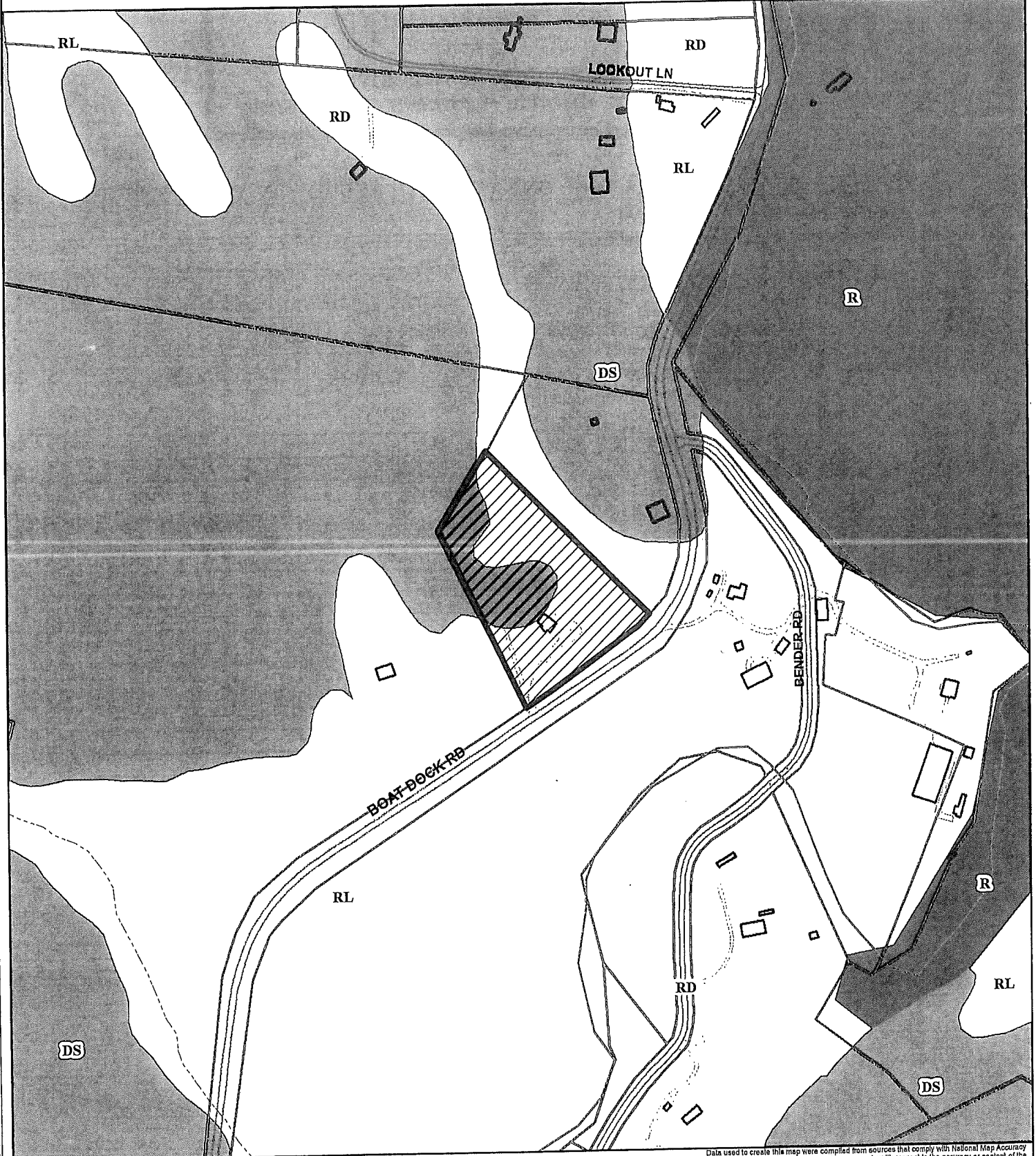
1 Inch = 400 feet



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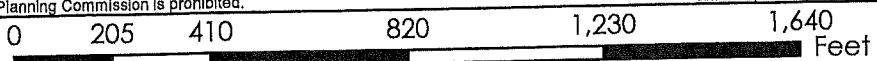
# 2040 Future Land Use Map

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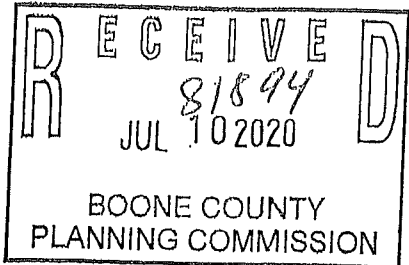


**Boone County GIS - Putting Northern Kentucky on the Map**



Map Created: 01/01/2018

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ArcMap Document: \*.mxd



APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

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See Boone County Zoning Regulations

SECTION A (To be completed by applicant)

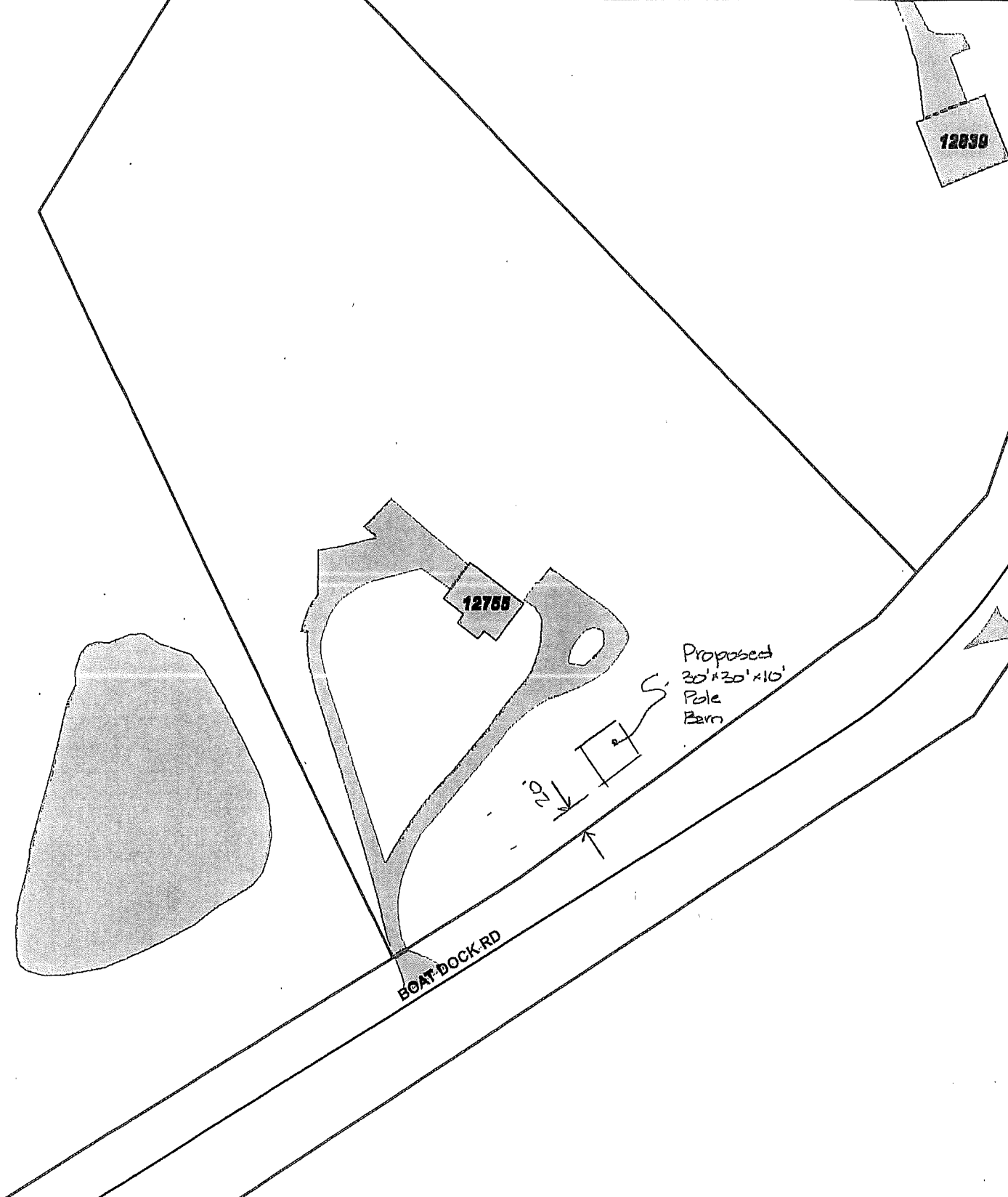
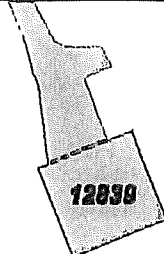
- 1. (Check One) Boone [checked] Florence \_\_\_\_\_ Walton \_\_\_\_\_ Union \_\_\_\_\_
2. (Check One) \_\_\_\_\_ Conditional Use Permit [checked] Variance \_\_\_\_\_ Appeal \_\_\_\_\_
3. Applicant's Name Mary Cuneo
Applicant's Address 12755 Boat Dock Rd
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City State Zip
4. Phone Number 803 701 3223 Fax No. - E-Mail maryfuller80@gmail.com
5. Description of Request:
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7. Location of Development
8. Acreage Under Review
9. Lot Number and Name of Subdivision (if part of a subdivision) N/A
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12. Proposed Use(s) on Site
13. Total Square Footage of Existing and/or Proposed Buildings 900
14. Current Zoning on Property
15. Deed Book \_\_\_\_\_ Page No. \_\_\_\_\_ Group No. \_\_\_\_\_
16. Is the site subject to a zone change?
17. If yes, give date of approval
18. Have you submitted a Site Plan with this request?
19. Have you submitted a list of adjoining property owners with this request?
20. 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: Mary Cuneo Mark Cuneo
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: Mark Cuneo Mary Cuneo
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

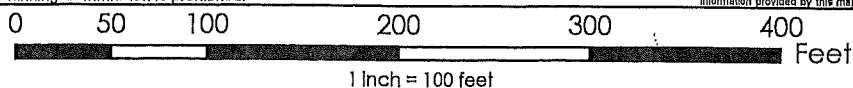
# Boone County GIS Map

www.boonecountygis.com



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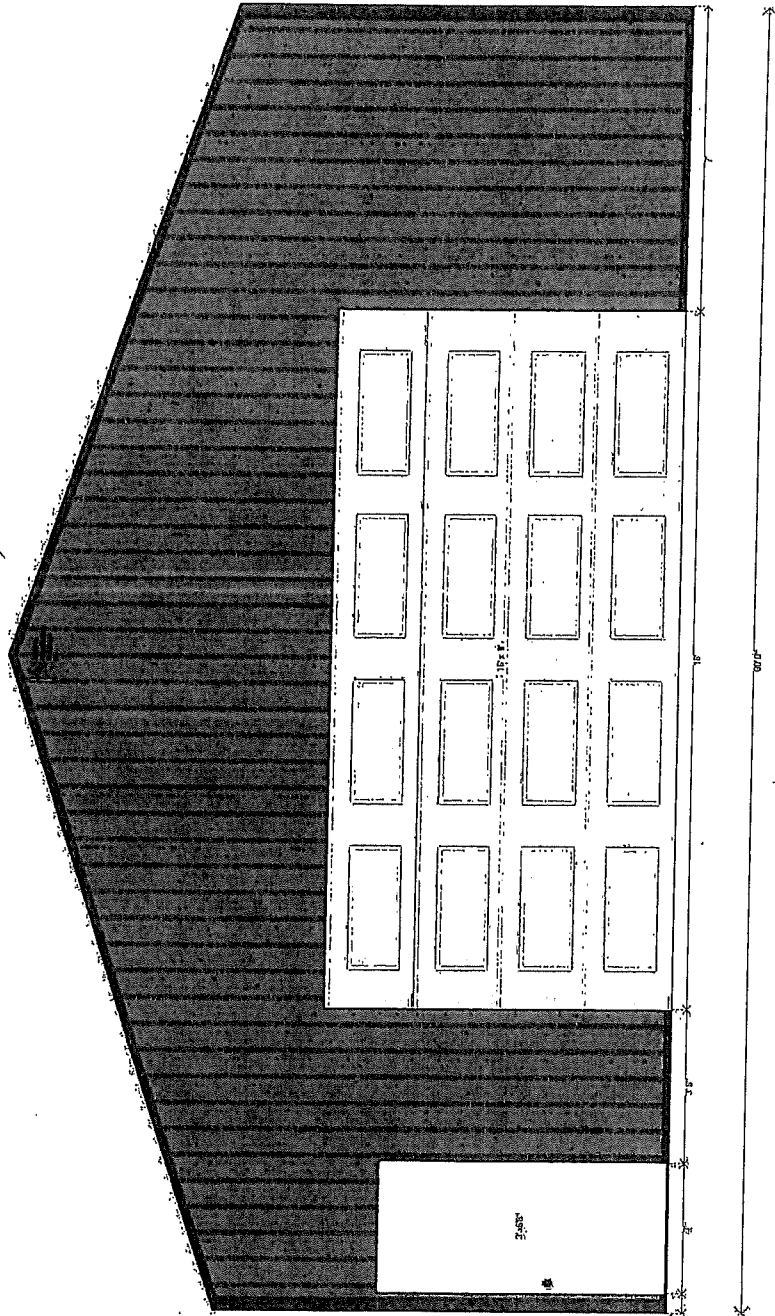
**Boone County GIS - Putting Northern Kentucky on the Map**



Map Created: xx/xx/2020

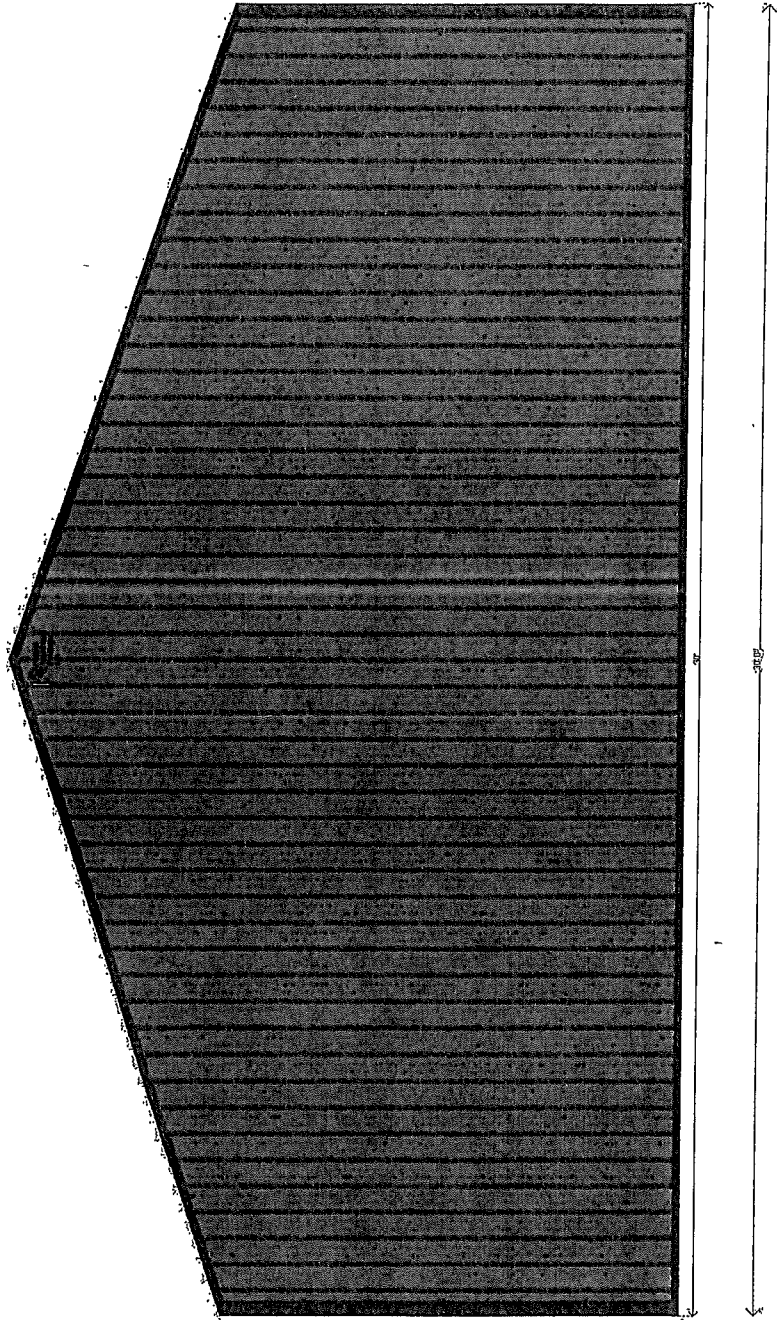
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ELEVATION PLAN (BY DIRECTION, ALL WINGS) --- South



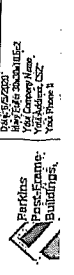
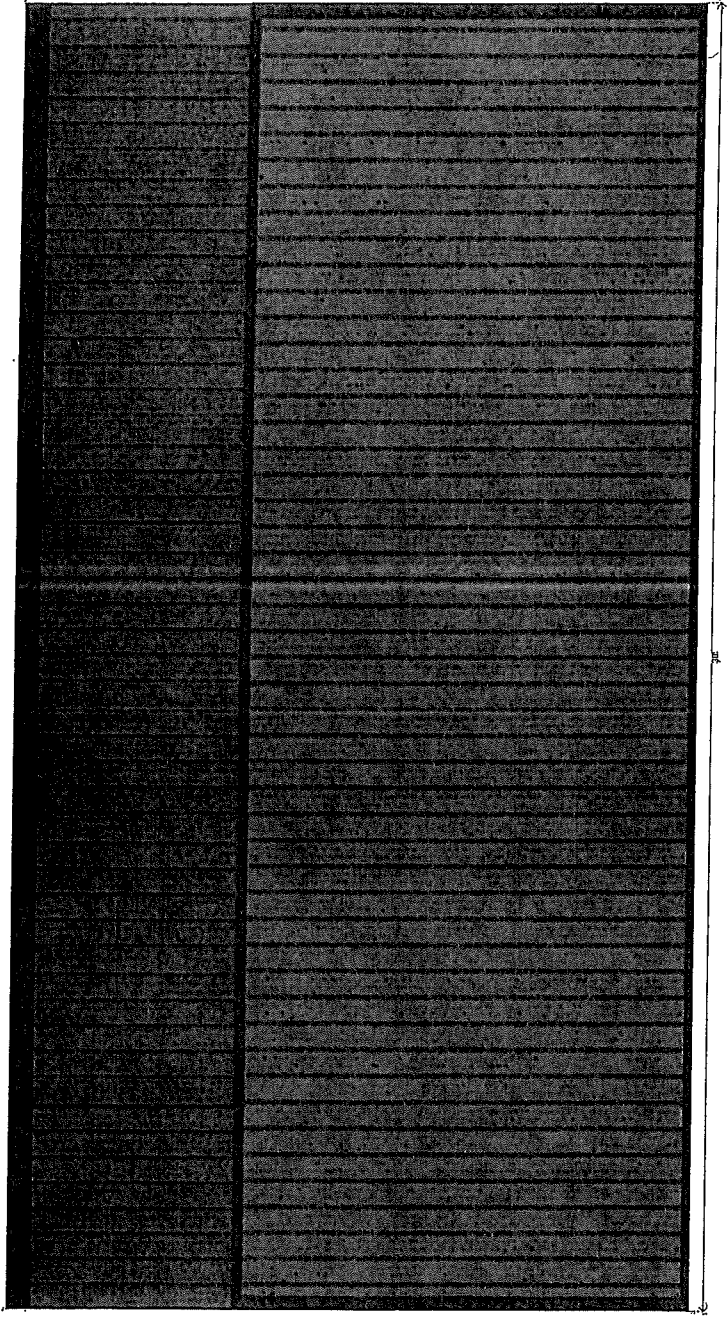
Build Smarter  
Not Bigger  
Your Advantage  
Your Peace of Mind

ELEVATION PLAN (BY DIRECTION, ALL WINGS) -- North

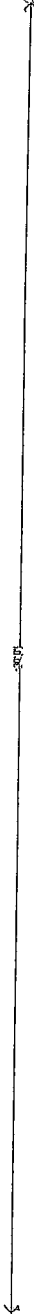
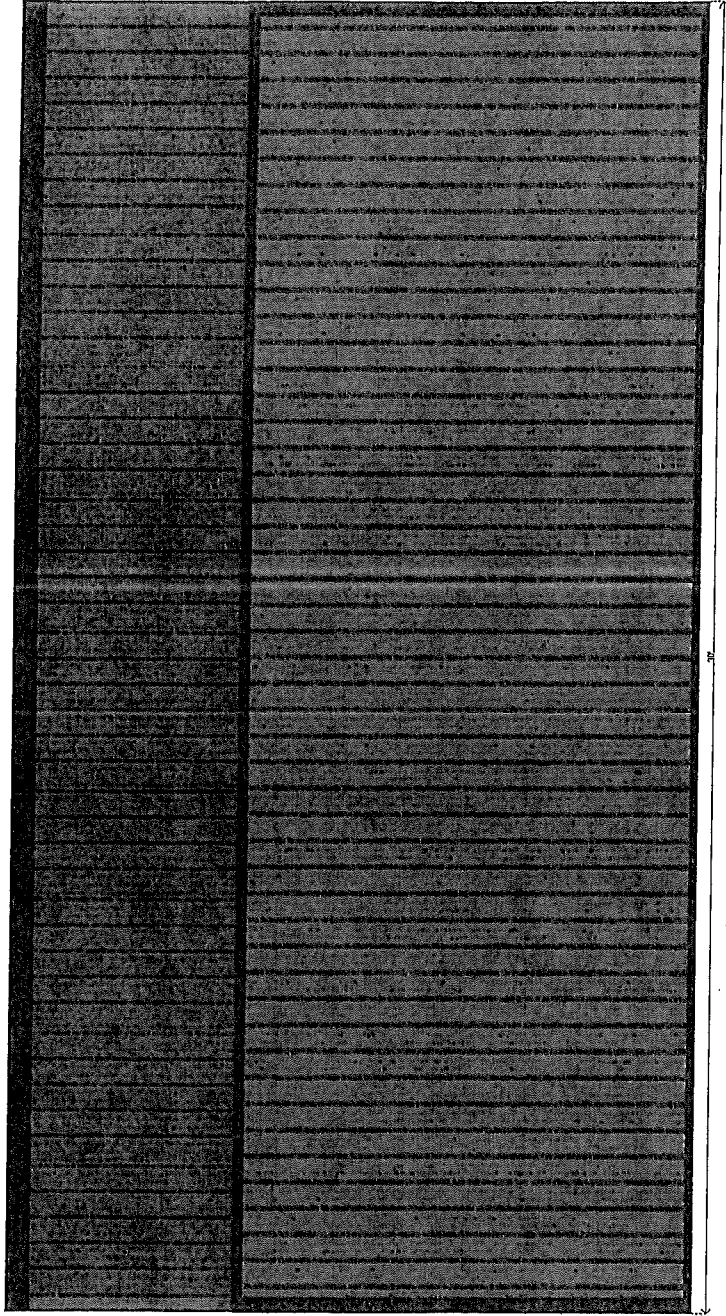


Best Choice  
Buy Trans-Form  
Buildings from  
Parkes Trans-Form  
Buildings

ELEVATION PLAN (BY DIRECTION, ALL WINES) -- West



ELEVATION PLAN (BY DIRECTION, ALL WINGS) -- East



Building  
Performance  
Part-Framo  
Buildings  
"You Power"

(C. 10/1/17)

CLUR #20-BCBOA-014-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)  
Mary Cuneo  
12755 Boat Dock Road  
Union, KY 41091
  
2. ADDRESS OF PROPERTY  
12755 Boat Dock Road  
Union, KY 41091
  
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)  
Mary Cuneo
  
4. DEED BOOK 1139                      PAGE NO. 913                      GROUP NO. 2074
  
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)  
 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

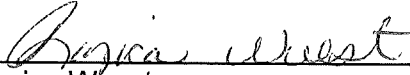
Subscribed, sworn to, and acknowledged before me by Michael D. Schwartz

on behalf of the Boone County Planning Commission this 13 day of August, 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.)