

334-3624

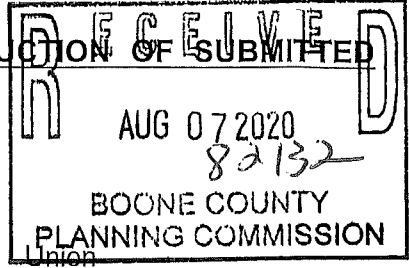
- Legal Description (Deed)
- Names & mailing addresses of adjoining property owners
- 5 copies of site plan

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
- (Check One) Conditional Use Permit Variance Appeal
 Change in Non-Conforming Use
- Applicant's Name RONNIE & ANGELA SMITH
Applicant's Address 4174 RIVER RD
HEBRON KY 41048
City State Zip
- Phone Number 859-512-1309 Fax No. _____ E-Mail RONNIESMITH58@OUTLOOK.COM
- Description of Request: ADDITION OF GARAGE
- Name of Development _____
- Location of Development _____
- Acreage Under Review _____
- Lot Number and Name of Subdivision (if part of a subdivision) _____
- Owner of Property ANGELA SMITH
Address of Property Owner 4174 RIVER RD
HEBRON KY 41048
City State Zip
- Phone Number 859-512-3675 Fax No. _____ E-Mail _____
- Proposed Use(s) on Site STORAGE
- Total Square Footage of Existing and/or Proposed Buildings 400 + 640 sq ft
- Current Zoning on Property _____
- Deed Book 1051 Page No. 402 Group No. 2014A
- Is the site subject to a zone change? NO
If yes, give date of approval _____
- Have you submitted a Site Plan with this request? YES
- Have you submitted a list of adjoining property owners with this request? YES
- 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: Angela Smith
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: Angela Smith
(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 8-7-20 Fee Received \$606.00 Receipt # 82132
2. Is application complete? Yes No
3. Staff Reviewer M. Schwartz
4. Scheduled Board Action Date 9/9/2020
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

#2

APPLICANT: Angela Smith

LOCATION: 4174 River Road, Boone County, Kentucky

ZONING: Suburban ResidentialOne/Small Community Overlay (SR-1/SC)

DATE: September 9, 2020

PROPOSAL

- A. The applicant is requesting Change in Nonconforming Use to allow the expansion of an existing 530 square foot accessory structure to 1,170 square feet on property located at 4174 River Road.

SITE HISTORY

- 1949-
1954 Based on information contained in the Boone County GIS, the house located at 4178 River Road and the existing accessory garage under review were constructed.
- 2017 The Boone County Planning Commission approved a Conveyance Plat creating a lot for the property located at 4178 River Road and providing a 20 foot wide ingress/egress easement for the two lots.
- 2017 On June 27, 2017, the Boone County Planning Commission staff approved a zoning permit for the construction of a 1,550 square foot single-family dwelling on the site in question.
- 2018 On May 10, 2018, the Boone County Planning Commission staff approved a zoning permit for the construction of pool on the site in question.

APPLICABLE REGULATIONS

- A. Section 220 of the Boone County Zoning Regulations states that one of the duties of the Board of Adjustment is to grant changes in nonconforming uses as specified in this order.
- B. Section 273 of the Boone County Zoning Regulations states that the Board of Adjustment shall have the power to hear and decide on applications to permit a change from one nonconforming use to another. In reviewing such applications, the Board:

1. Shall not permit such a change unless the new nonconforming use is as equally or more compatible with permitted uses in the district in which it is located as the existing nonconforming use.
 2. Shall not allow any changed nonconforming use to be increased or enlarged, nor extended to occupy a greater area of land than was occupied by the original nonconforming use.
- C. In permitting such change in nonconforming use, the Board may require appropriate conditions and safeguards in accord with other provisions of this order, such as the provision of landscaping and buffering, the improvement of parking areas, and restrictions on the hours of operation.
- D. Kentucky Revised Statute (KRS) 100.253 (2), reads as follows: “The board of adjustment shall not allow the enlargement or extension of a nonconforming use beyond the scope and area of its operation at the time the regulation which makes its use nonconforming was adopted, nor shall the board permit a change from one (1) nonconforming use to another unless the new nonconforming use is in the same or a more restrictive classification, provided, however, the board of adjustment may grant approval, effective to maintain nonconforming-use status, for enlargements or extensions, made or to be made, of the facilities of a nonconforming use, where the use consists of the presenting of a major public attraction or attractions, such as a sports event or events, which has been presented at the same site over such period of years and has such attributes and public acceptance as to have attained international prestige and to have achieved the status of a public tradition, contributing substantially to the economy of the community and state, of which prestige and status the site is an essential element, and where the enlargement or extension was or is designed to maintain the prestige and status by meeting the increasing demands of participants and patrons.”
- E. Section 930 of the Boone County Zoning Regulations states that “the purpose of the Suburban Residential One district is to provide a low density, residential environment whose dwelling types and densities are typical of a suburban character. It is also to provide limited or passive and active recreational uses that are appropriate to the permitted uses in the district. Suburban Residential One districts will be located on lands within established urban areas where adequate infrastructure facilities and services are available or proposed.
- F. Section 2000 of the Boone County Zoning Regulations states that “the intent of the Small Community Overlay district is to provide for the maintenance and development of small community centers where an integrated variety of land uses are essential to the vitality, and well-being of the community. These circumstances are most prevalent in the many small, traditional community centers and town sites of Boone County, and may be appropriate to meet the needs of new community development in the County as well.”
- G. Section 2010 of the Boone County Zoning Regulations state that all principally permitted

uses in the basic underlying district are principally permitted in the Small Community Overlay district.

- H. Section 931 of the Boone County Zoning Regulations identify detached single-family dwelling units as a principally permitted use within the SR-1 district.
- I. Section 4000 of the Boone County Zoning Regulations defines an accessory structure as “a use or structure on the same lot as the principal use or structure and is subordinate and secondary in area, extent and purpose to the principal use or structure in which it serves. An accessory use or structure contributes to the comfort, convenience, and/or necessity for the occupants of the principal use or structure.”
- J. Section 3153 of the Boone County Zoning Regulations requires accessory structures or uses to be placed in the side or rear yard only within residential districts.

RELATIONSHIP TO THE COMPREHENSIVE PLAN

- A. The Our Boone County Plan 2040 Future Land Use Plan designates the site in question for “Suburban Density Residential” uses and Water. The Suburban Density Residential designation is defined as single family housing of up to four units per acre.

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

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).

Home ownership shall be encouraged and incentivized as well as redevelopment and renovation of deteriorating housing stock (Demographics Goal B, Objective 3).

- C. River Road 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 2.2 acre property is located along the north side of River Road, approximately .6 miles east of Petersburg Road.
- B. The site is currently occupied by an approximate 1,150 square foot detached single-family residential dwelling, a pool, and an existing approximate 500 square foot garage.
- C. Access to the site is from curb cut onto River Road. This curb cut also serves as the access for the house located at 4178 River Road, which is under the same

ownership as the applicant.

- D. The entire site is located within the 100-Year Floodplain.
- E. The property located at 4171-4179 River Road, which is across the street from the site in question, is occupied by an historic structure (Prable House and Garage).
- F. The site is within the 55 day/night noise level of the airport.

SURROUNDING LAND USES AND ZONING

North: Ohio River (SR-1/SC)

South: Single-family residential (SR-1/SC)

East: Single-family residential (SR-1/SC)

West: Single-family residential (SR-1/SC)

PROPOSED DEVELOPMENT

- A. The applicant is proposing to increase the existing 500 square foot garage to a total of 1,140 square feet by constructing a 640 square foot addition (20' x 32').

STAFF COMMENTS

- A. In reviewing the submitted application, the applicant should address, and the Board must find, that the new nonconforming use is as equally or more compatible with permitted uses in the district in which it is located as the previous nonconforming use.
- B. The Board must find that the new nonconforming use is not an increase or enlargement over the previous nonconforming use and that the new nonconforming use is not occupying a greater land area than was occupied by the previous nonconforming use.

CONCLUSION

KRS 100.253 and Sections 251 and 273 of the Boone County Zoning Regulations gives the Boone Board of Adjustment and Zoning Appeals the authority to act on the request.

Respectfully submitted,

A handwritten signature in black ink, appearing to be the initials 'AS' or similar, written in a cursive style.

Michael D. Schwartz
Planner

MDS/ss

Attachments

- *Vicinity Map
- *Aerial Map
- *Zoning Map
- *Topographic Map
- *2040 Future Land Use Map
- *Noise Contour Map
- *100-Year Floodplain Map
- *Application
- *Concept Development Plan

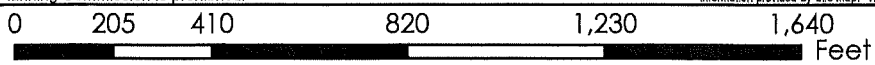
Vicinity Map

www.boonecountygis.com



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Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



Boone County GIS - Putting Northern Kentucky on the Map

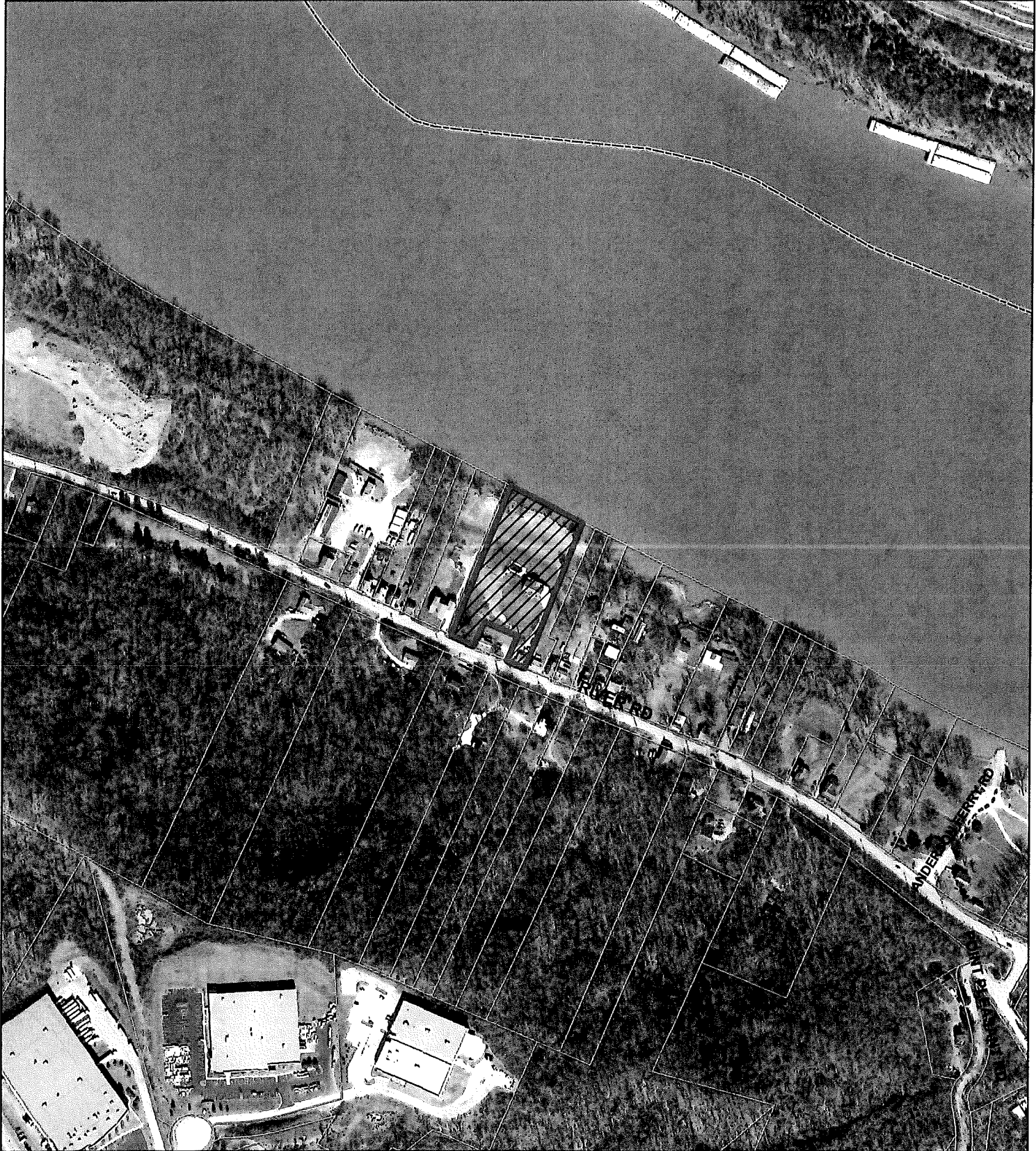


Map Created: 01/01/2018

Boone County GIS
ArcMap Document: *.mxd

Aerial Map

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0 205 410 820 1,230 1,640 Feet

1 inch = 400 feet



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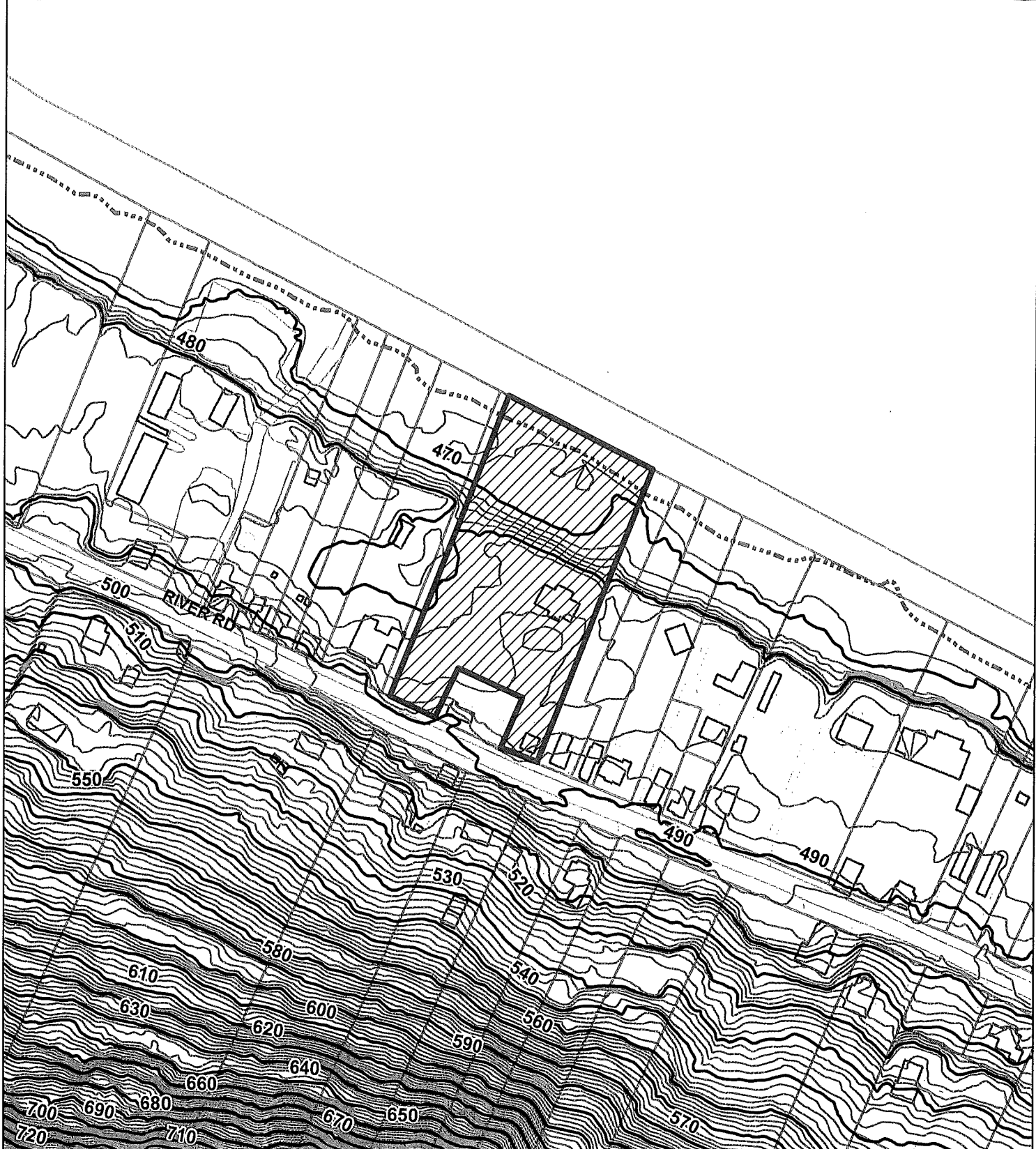


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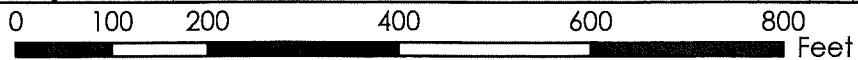
Topographical Map

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1 inch = 200 feet

Boone County GIS



Map Created: 01/01/2018

Boone County GIS
ArcMap Document: *.mxd

Zoning Map

www.boonecountygis.com

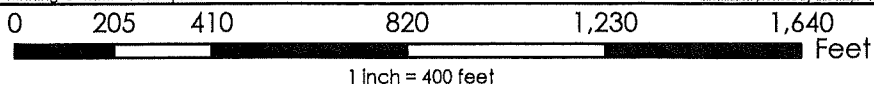


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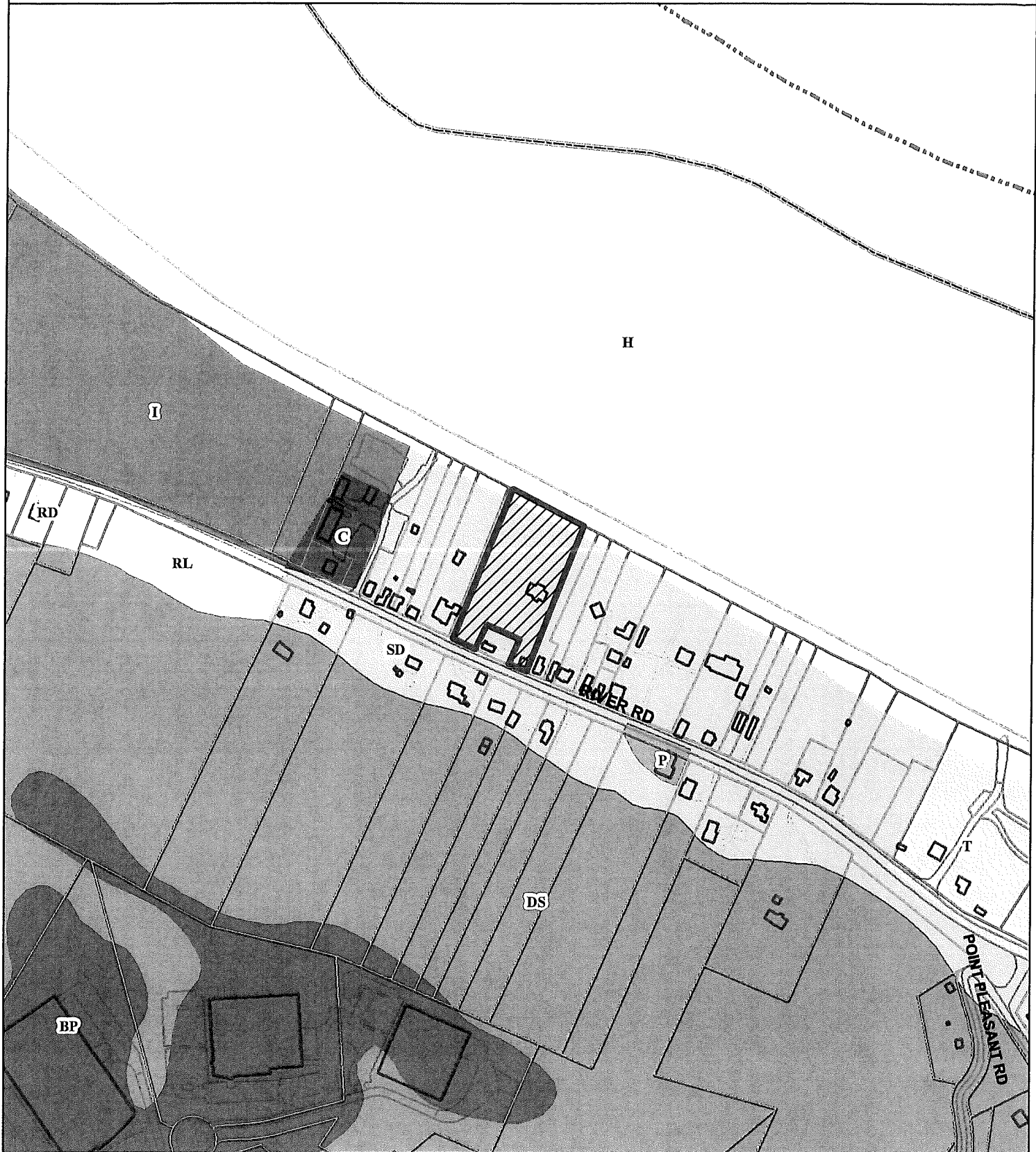


Boone



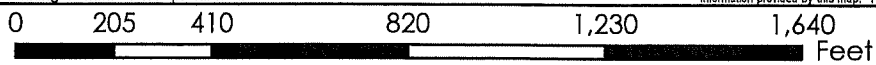
2040 Future Land Use Map

www.boonecountygis.com



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1 Inch = 400 feet



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Map Created: 01/01/2018

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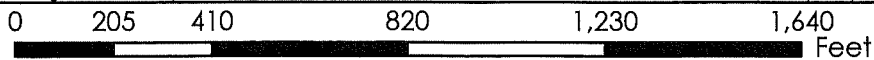
Noise Contour Map

www.boonecountygis.com



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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

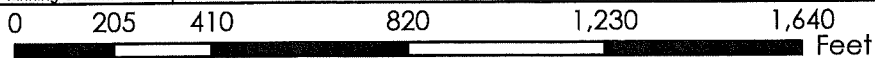
100 Year Floodplain Map

www.boonecountygis.com



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ArcMap Document: *.mxd

334-3624

- Legal Description (Deed)
- Names & mailing address of adjoining property owners
- 5 copies of site plan

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

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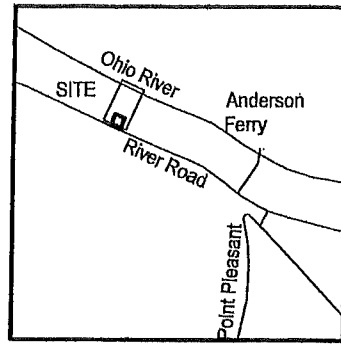
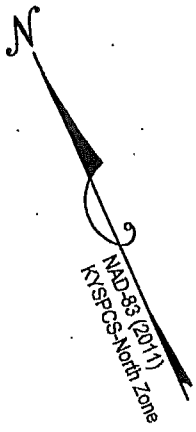
R E C E I V E D
AUG 07 2020
82132
BOONE COUNTY
PLANNING COMMISSION

SECTION A (To be completed by applicant)

- (Check One)
1. Boone _____ Florence _____ Walton _____
- (Check One)
2. Conditional Use Permit _____ Variance _____ Appeal _____
3. Change in Non-Conforming Use
3. Applicant's Name RONNIE + ANGELA Smith
- Applicant's Address 4174 RIVER RD
- HEBRON KY 41048
- City State Zip
- Phone Number 859-512-1309 Fax No. _____ E-Mail RONNIE.SMITH58@OUTLOOK.COM
4. Description of Request: ADDITION OF GARAGE
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 ANGELA Smith
- Address of Property Owner 4174 RIVER RD
10. HEBRON KY 41048
- City State Zip
- Phone Number 859-512-3675 Fax No. _____ E-Mail _____
11. Proposed Use(s) on Site STORAGE
12. Total Square Footage of Existing and/or Proposed Buildings 400 + 640 sq ft
13. Current Zoning on Property _____
14. Deed Book 1051 Page No. 402 Group No. _____
15. Is the site subject to a zone change? NO
- If yes, give date of approval _____
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: Angela Smith
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: Angela Smith
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)



VICINITY MAP
SCALE: 1"=2000'
GROUP NO.: 2014-A
ZONE: SR-1/SC

STATE of KENTUCKY
BRENT M. WEBSTER
3923
LICENSED
PROFESSIONAL
LAND SURVEYOR

REMAINING
2.417 Acres
Angela Smith
D.B. 1051, page 402

PARCEL 1
0.258 Acres (11222 sq.ft.)
-0.074 ROW Acres (3222 sq.ft.)
0.184 Net Acres (8000 sq.ft.)
Part of
D.B. 1051, pg. 402

Proposed
Addition

- EXISTING IRON PIN
- SET 5/8" REBAR AND CAP
STAMPED "Webster 3923"

5/8" Iron Bar

5/8" Iron Pin
PLS 3923

5/8" Iron Pin
PLS 3923

Brian & Becky Laupp
D.B. 1071, pg. 801

Donald Souder
Deed Book 955, page 981

N 24°53'45" E
288.97'

269.89'
452.19'

162.30'

5/8" Iron Pin
PLS 3923

Monte & Carol Rovekamp
Deed Book 711, page 200

267.50'
454.47'

5/8" Iron Pin
● 20.00'
PLS 3923

5/8" Iron Pin
● 20.00'
PLS 3923

1/2" Iron Pin

5/8" Iron Pin
● 20.00'
PLS 3923

River Road (KY HWY 8)

107.42'
N 65°40'45" W

60.93'

30' right-of-way
parcel
3222 sq. ft.

DEDICATION CERTIFICATE

I hereby do dedicate the right-of-way of 30 feet as shown hereon to public use,



CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Ronnie & Angela Smith
4174 River Road
Hebron, KY 41048

2. ADDRESS OF PROPERTY
4174 River Road
Hebron, KY 41048

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Ronnie & Angela Smith

4. DEED BOOK 1051 PAGE NO. 402 GROUP NO. 2014A

5. TYPE OF RESTRICTION(S) (Check all that apply)

Zoning Map Amendment: Conditional Use Permit
From _____ To _____

Development Plan Conditional Zoning

Subdivision Plat Other: Change in non-conforming
(Not Recorded) use

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

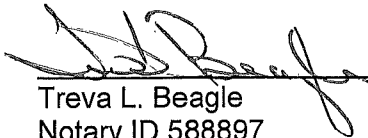
Michael D. Schwartz, Planner
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

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

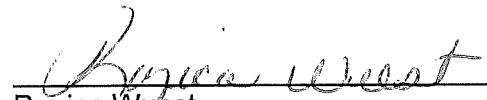
on behalf of the Boone County Planning Commission this 10 day of September, 2020.



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.)