

**BOARD OF ADJUSTMENT
BOONE COUNTY PLANNING COMMISSION**

RECEIVED
82211
AUG 18 2020
BOONE COUNTY
PLANNING COMMISSION

Five (5) scaled copies and one (1) 11 x 17 reduction of submitted drawings are required

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

SECTION A: (To be completed by applicant)

- 1. Check One Boone Florence Walton Union
- 2. Check One Conditional Use Permit Variance Appeal
 Change in Non-Conforming Use

3. Applicant: CAC DEVELOPMENTS LLC

Address: 915 EADS RD - LOT # 8 SCENIC VIEW ESTATES

Crittenden - MAIL Ky 41030
City State Zip Code

Phone Number: Cindy Cahill 859-991-0800 Fax Number: 859-486-6201

Email: CINDYCAHILL02@GMAIL.COM

4. Description of Request:
REDUCE VARIANCE OF FRONT YARD SET BACK FROM 60 FEET TO 30 FEET.

5. Name of Development: SCENIC VIEW ESTATES

6. Location of Development: EADS RD / SALEM CREEK ROAD

Verma Ky
City State Zip Code

7. Acreage Under Review: 3.34 ACRES

8. Lot Number and Name of Subdivision (if part of a subdivision):
LOT # 8 SCENIC VIEW ESTATES

9. Current Owner: CAC DEVELOPMENTS LLC - CINDY CAHILL

Address: 5512 Taylor Mill Rd

Taylor mill Ky 41015
City State Zip Code

Phone Number: 859-991-0800 Fax Number: 859-486-6201

Email: CINDYCAHILL02@GMAIL.COM

SECTION B: (To be completed by Planning Commission staff)

1. Date Received: 8-18-20 Fee Received: \$ 6000.00 Receipt #: 82211

2. Is application complete: _____

3. Staff Reviewer: M. Schwartz _____

4. Scheduled Board Action Date: 9/9/2020 _____

5. Board Action: 9/9/2020 _____

- 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
Phone: 859-334-2196 Fax: 859-334-2264
plancom@boonecountyky.org
www.boonecountyky.org

STAFF REPORT

#4

APPLICANT: CAC Developments, LLC, per Cindy Cahill

LOCATION: 915 Eads Road, Boone County, Kentucky

ZONING: Agricultural Estate (A-2)

DATE: September 9, 2020

PROPOSAL

The applicant is requesting a Variance to reduce the minimum required front yard setback from sixty (60) feet to thirty (30) feet in order to build a single family dwelling.

SITE HISTORY

2019 On October 4, 2010, the Boone County Planning Commission approved a Final Plat for Scenic View Estates Subdivision, 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 3110 of the Boone County Zoning Regulations requires a minimum front yard setback of sixty (60) feet within the A-2 district.
- E. Section 620 of the Boone County Zoning Regulations states that the “purpose of the Agricultural Estate district is to provide for low density residential development and on a limited basis agricultural uses or agricultural related uses in the context of a rural environment.”

RELATIONSHIP TO THE COMPREHENSIVE PLAN

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

Rural Lands 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.

- 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).

Residential developments shall be evaluated for impact on infrastructure, environment, health and safety considerations, buffering, and design with secondary consideration given to dwelling unit type and density (Demographics Goal B, Objective 4).

Residential developments shall be encouraged to plan and build in a manner compatible with the general housing density and design planned for the area, with the existing conditions of the site, and significant site features (Demographics Goal B, Objective 8).

- C. Eads Road is identified as a collector street providing for two way traffic within two

driving lanes. Sidewalks are not provided along the roadway.

SURROUNDING LAND USES AND ZONING

- North: Single family (A-2)
South: Vacant/undeveloped land (A-2)
East: Single family and vacant/undeveloped land (A-2)
West: Vacant/undeveloped land (A-2)

PROPOSED DEVELOPMENT

- A. The applicant is proposing to construct a 1,950 square foot detached single family residential dwelling on the site.
- B. The proposed house will be set back a minimum of thirty (30) feet from the front (east) property line, 167 feet from the north property line, 106 feet from the south property line, and 227 feet from the west property line.

STAFF COMMENTS

- A. The site in question, containing approximately 3 acres, is located at the southwest corner of the intersection of Eads Road with Salem Creek Road.
- B. The average front yard setback for houses along Eads Road/Salem Creek Road, within 2,500 feet of the site in question, is 260 feet.
- C. The site slopes downward east to west, from an elevation of 906 msl to 876 msl, at an average grade of 9%.
- D. A pond exists in the southern central portion of the site.
- E. A 150 foot wide electrical transmission easement (East Kentucky RECC) bisects the site leaving the site with a developable rear yard area having a depth ranging from 30 feet to 130 feet and a developable front yard area having a depth ranging from 30 feet to 125 feet.

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,

A handwritten signature in black ink, appearing to read 'MS', with a large, sweeping flourish extending to the right.

Michael D. Schwartz
Planner

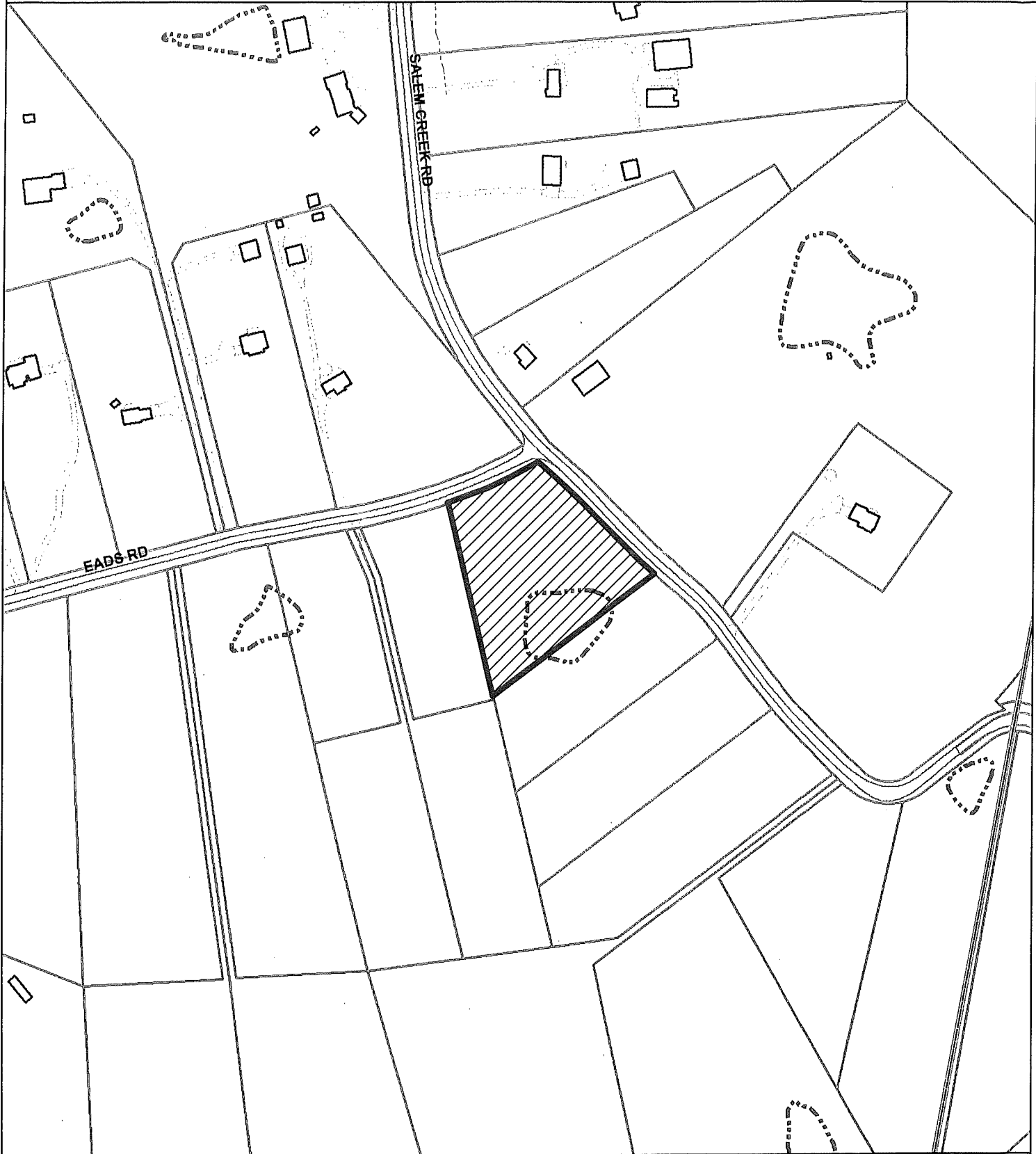
MDS/ss

Attachments

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

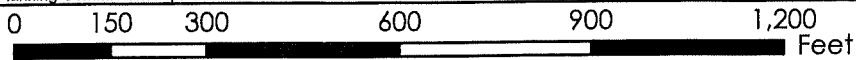
Vicinity Map

www.boonecountygis.com



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1 inch = 300 feet



Boone County G

Map Created: 01/01/2018

Photo: Photo 2 edited by ArcSW, 5/20/11/11
ArcMap Document: *.mxd

BOONE COUNTY CLERK
BOOK 039 PAGE 2052

Owner
CAC Development LLC
5512 Taylor Mill Road
Taylor Mill, KY 41015

SCENIC VIEW ESTATES

Lot	Area (Ac)	Area (Sq Ft)	Area (Sq Ft)
1	18.8233	815,004	815,004
2	16.4225	709,644	709,644
3	5.5488	240,188	240,188
4	2.1570	93,294	93,294
5	2.8854	125,181	125,181
6	2.7233	118,108	118,108
7	2.0541	89,428	89,428
8	2.4234	105,397	105,397
9	2.8223	122,871	122,871
10	2.8223	122,871	122,871
11	3.2231	140,181	140,181
12	13.5064	585,004	585,004
13	11.1006	480,004	480,004
14	3.2839	142,889	142,889
15	5.2839	229,004	229,004

RECORD BRANING
GRID NORTH
KENTUCKY NORTH ZONE

Notes:
No conveyance without survey.
Current Zoning - A2
Comp No. 2880
Lots 1-15 are a part of
Deed Book 1122, Page 60.

CAC Development LLC
Residential Parcel
D.B. 1022, Pg. 60
Harrison Co.

CAC Development LLC
Residential Parcel
D.B. 1027, Pg. 100
Harrison Co.

CAC Development LLC
Residential Parcel
D.B. 1027, Pg. 100
Harrison Co.

CAC Development LLC
Residential Parcel
D.B. 1027, Pg. 100
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Harrison Co.

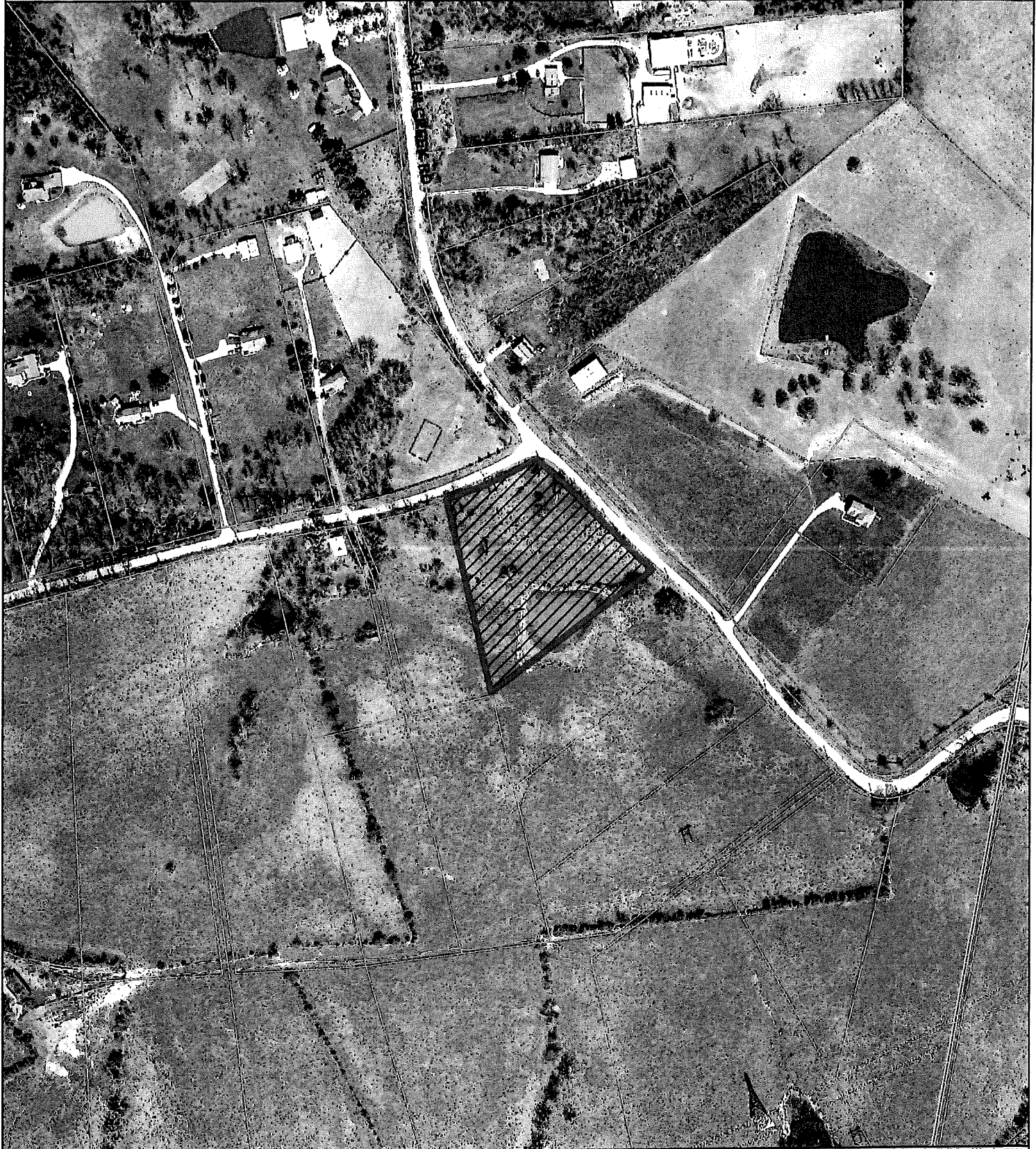
CAC Development LLC
Residential Parcel
D.B. 1027, Pg. 100
Harrison Co.

Matchline Sheet 2

SHEET 1

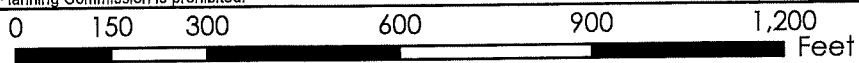
Aerial Map

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Boone County GIS - Putting Northern Kentucky on the Map

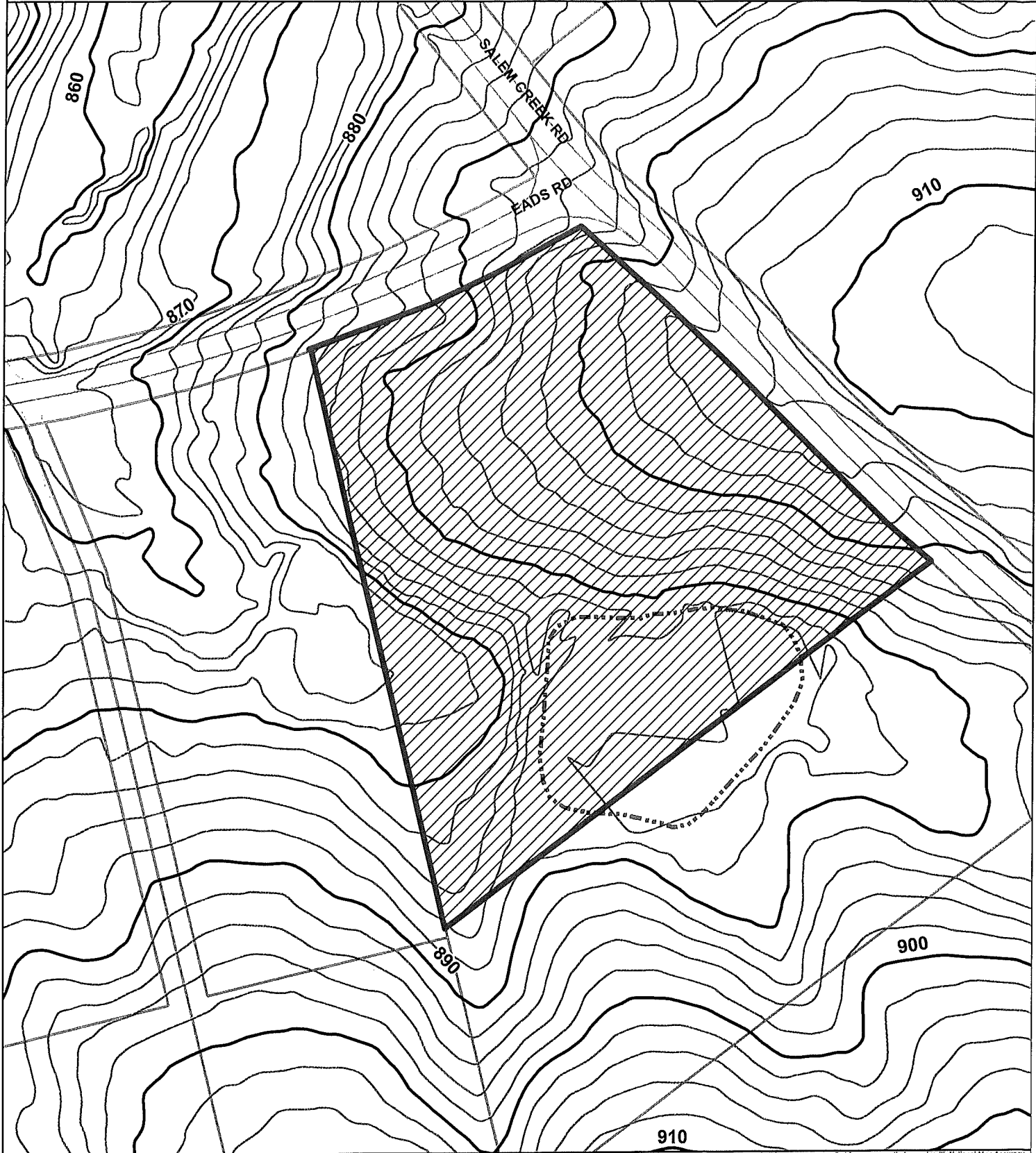


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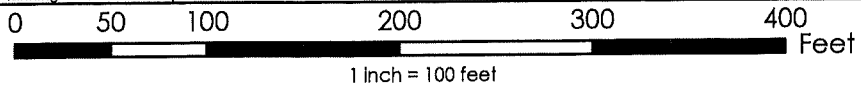
Topographical Map

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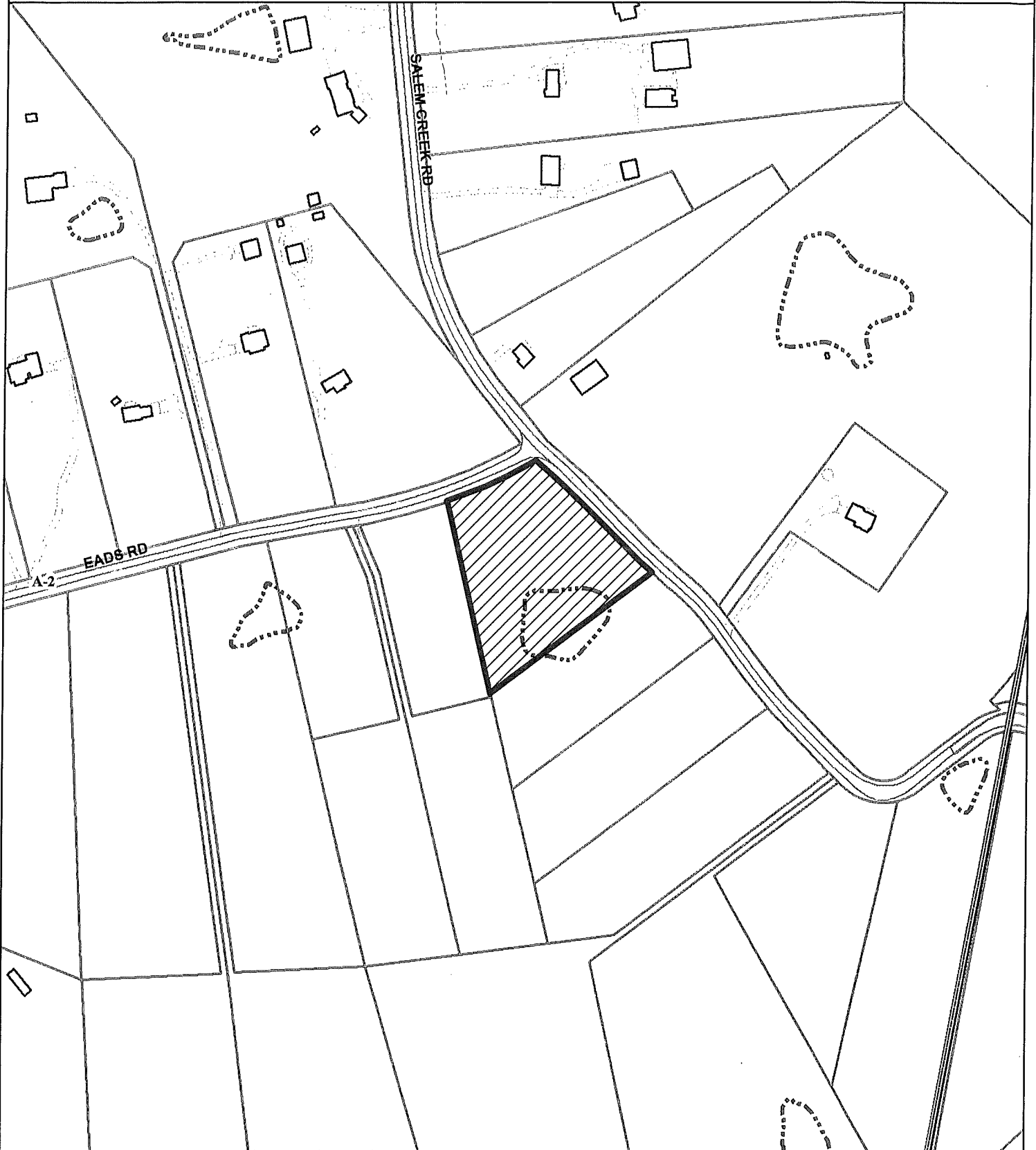
Boone



Map Created: 01/01/2018
ArcMap Document: *.mxd

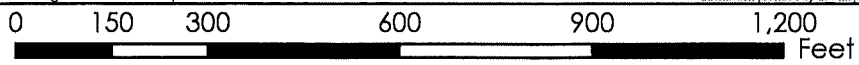
Zoning Map

www.boonecountygis.com



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Boone County GIS - Putting Northern Kentucky on the Map

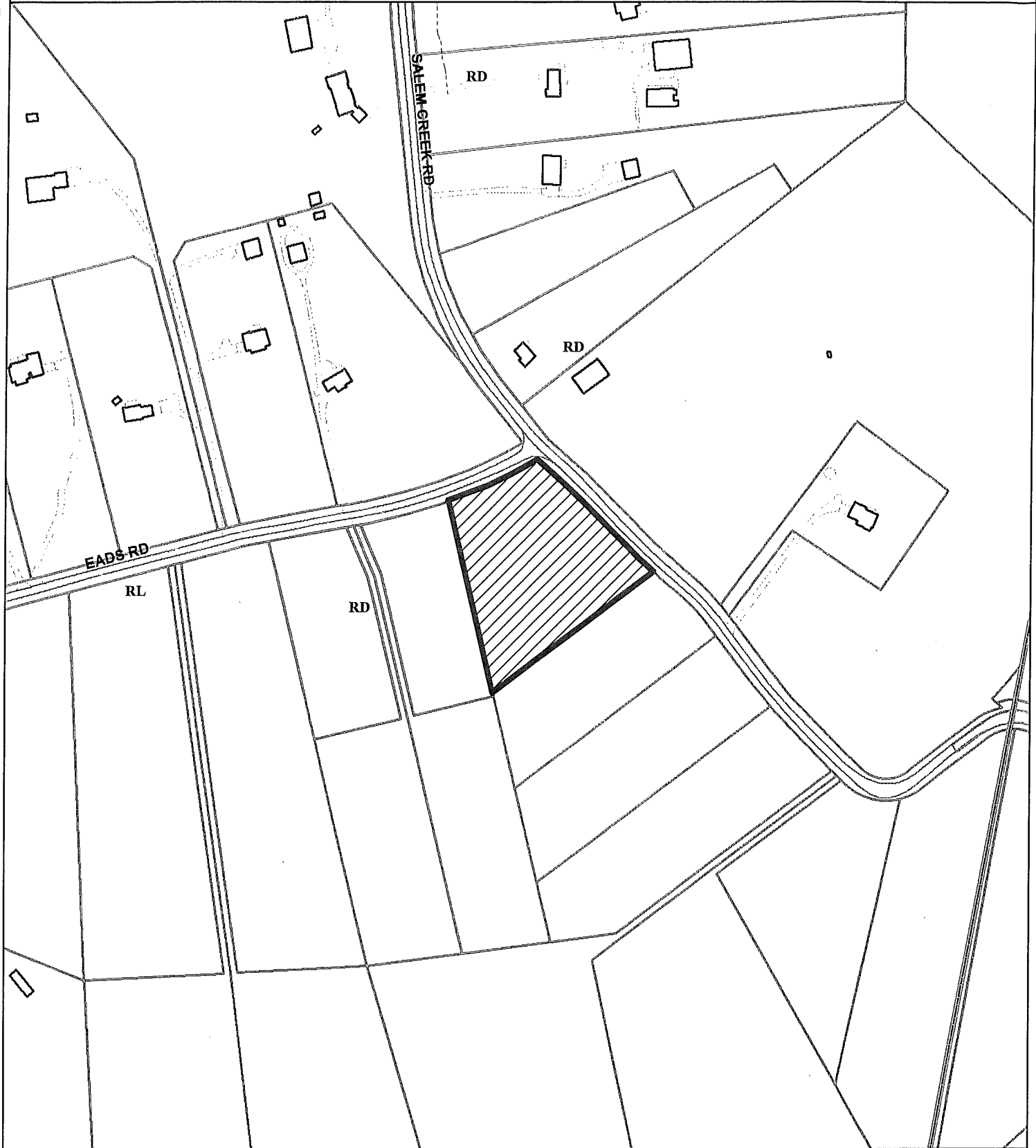


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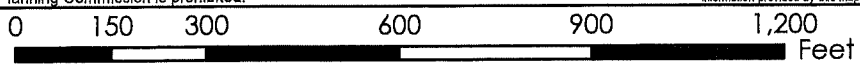
2040 Future Land Use Map

www.boonecountygis.com



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Boone County GIS
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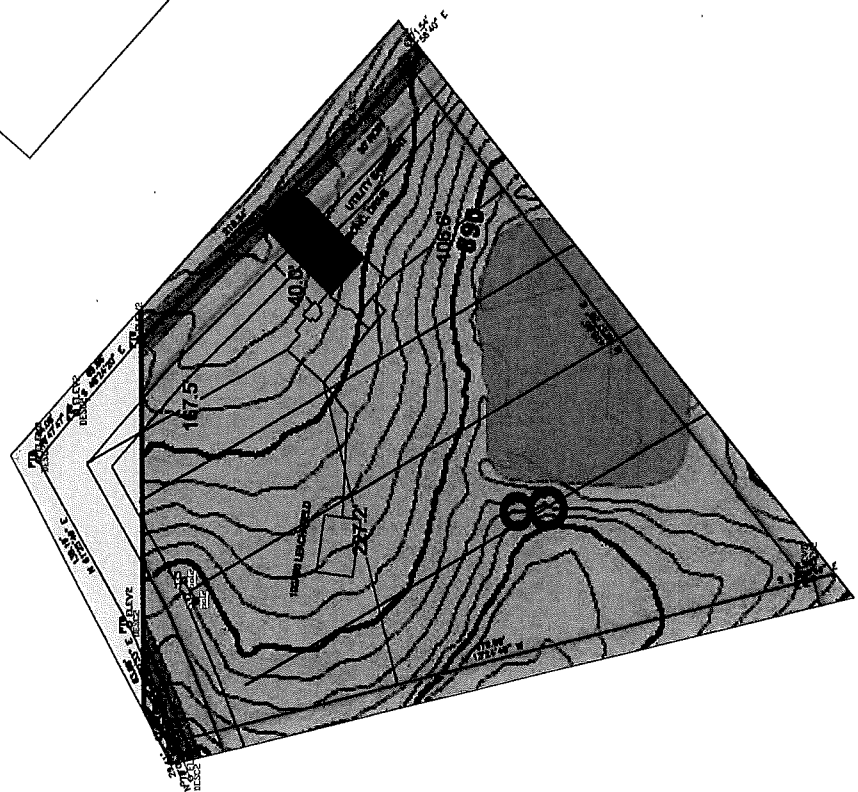
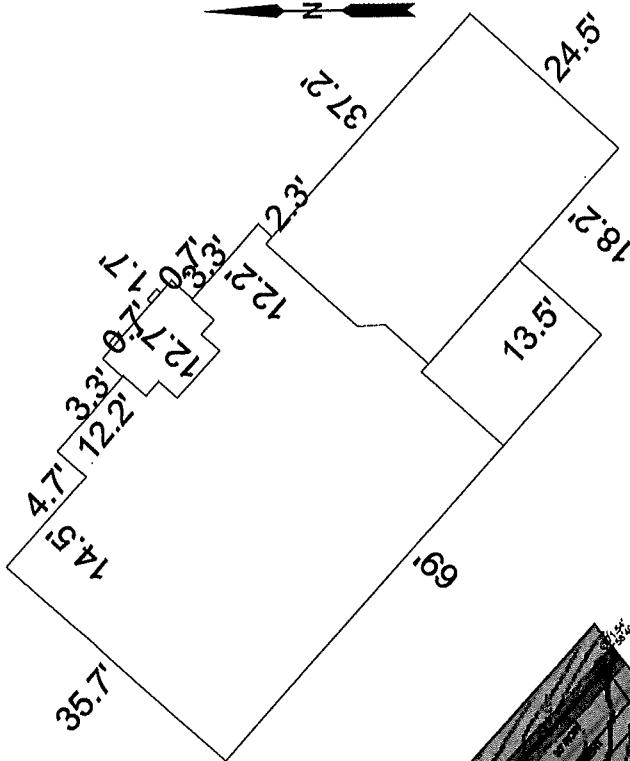
SECTION A: (To be completed by applicant)

1. Check One Boone Florence Walton Union
2. Check One Conditional Use Permit Variance Appeal
 Change in Non-Conforming Use
3. Applicant: CAC DEVELOPMENTS LLC
Address: 915 EADS Rd - LOT # 8 SCENIC VIEW ESTATES
Crittenden - MAIL Ky 41030
City State Zip Code
Phone Number: Cindy Cahill 859-991-0800 Fax Number: 859-486-6201
Email: CINDYCAHILL02@GMAIL.COM
4. Description of Request: REDUCE VARIANCE OF FRONT YARD SET BACK FROM 60 FEET TO 30 FEET.
5. Name of Development: SCENIC VIEW ESTATES
6. Location of Development: EADS Rd / SALEM CREEK ROAD
Verma Ky
City State Zip Code
7. Acreage Under Review: 3.34 ACRES
8. Lot Number and Name of Subdivision (if part of a subdivision): LOT # 8 SCENIC VIEW ESTATES
9. Current Owner: CAC DEVELOPMENTS LLC - CINDY CAHILL
Address: 5512 Taylor Mill Rd
Taylor Mill Ky 41015
City State Zip Code
Phone Number: 859-991-0800 Fax Number: 859-486-6201
Email: CINDYCAHILL02@GMAIL.COM

10. Proposed Use(s) on Site: CONSTRUCTION OF Single Family Residence
11. Total Square Footage of Existing and/or Proposed Buildings: 1950 S.F.
12. Current Zoning: A-2
13. 1122 60 2090
Deed Book Page Group Number
14. Is the site subject to a zone change: Yes No
If yes, date of approval: _____
15. Have you submitted a Site Plan with this request: Yes No
16. Have you submitted a list of adjoining property owners with this request: Yes No
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: Cynthia A. Cahill, Manager
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: Cynthia A. Cahill, Manager
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)
CAC DEVELOPMENTS LLC



Lot 8 915 Eads Rd.					
				PROJECT NO. 915 Eads Rd. Crittenden, KY	
DRAWN Kyle Rabe	DATE 6/11/20	DATE 6/11/20			
APPROVED			SHEET Site Plan		
SCALE 1:50					

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
CAC Developments LLC
5512 Taylor Mill Road
Taylor Mill, KY 41015

2. ADDRESS OF PROPERTY
915 Eads Road
Crittenden, KY 41030

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Cindy Cahill

4. DEED BOOK 1122 PAGE NO. 60 GROUP NO. 2090

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

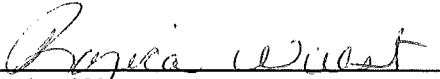
on behalf of the Boone County Planning Commission this 10 day of September, 2020.



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.)