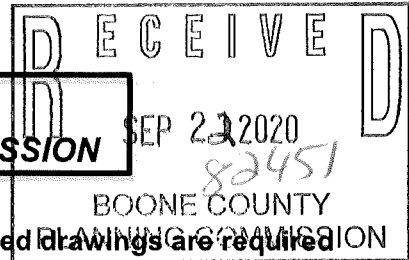


**BOARD OF ADJUSTMENT
BOONE COUNTY PLANNING COMMISSION**



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: Tony Berling
Address: 1671 Park Road - Suite One
Fort Wright KY 41011
City State Zip Code
Phone Number: 859-331-9191 Fax Number: 859-344-7422
Email: tberling23@gmail.com

4. Description of Request:
~~Asking for a variance on the rear yard setback from 30 feet to 20.4 feet as show on the site plan.~~

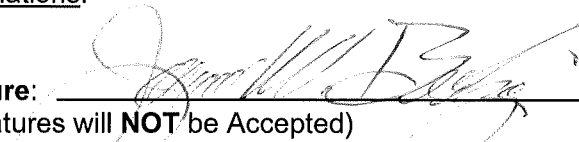
5. Name of Development: Triple Crown Country Club
6. Location of Development: 1854 Woodward Court
Union KY 41091
City State Zip Code

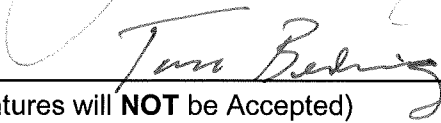
7. Acreage Under Review: 0.2061 Acres

8. Lot Number and Name of Subdivision (if part of a subdivision):
Lot No. 108 of Section No. 29 - Block "D" of Triple Crown Country Club

9. Current Owner: Triple Crown Developers, LLC
Address: 1671 Park Road - Suite One
Fort Wright KY 41011
City State Zip Code
Phone Number: 859-331-9191 Fax Number: 859-344-7422
Email: tberling23@gmail.com

10. Proposed Use(s) on Site: Single Family residence
11. Total Square Footage of Existing and/or Proposed Buildings: 2,535 Sq/Ft
12. Current Zoning: SR-1
13. 829 941 320 713 5454 2064
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: 
(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

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

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

1. Date Received: 9-22-20 Fee Received: \$686.00 Receipt #: 82451
2. Is application complete:
3. Staff Reviewer: M. Schwartz
4. Scheduled Board Action Date: 10/14/2020
5. Board Action: Approval
 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@boonecountky.org
www.boonecountky.org

STAFF REPORT

#2

APPLICANT: Triple Crown Developers, LLC, per Tony Berling

LOCATION: 1854 Woodward Court, Boone County, Kentucky

ZONING: Suburban Residential One (SR-1)

DATE: October 14, 2020

PROPOSAL

The applicant is requesting a Variance to reduce the minimum required rear yard setback from thirty (30) feet to 20.4 feet in order to build a single family dwelling and a deck.

SITE HISTORY

2017 On November 28, 2017, the Boone County Planning Commission approved a Final Plat for Triple Crown Country Club, Section 29, Block D, 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 rear yard setback of thirty (30) feet within the SR-1 district.
- 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 3123 of the Boone County Zoning Regulations states that open structures such as decks which occupy space three (3) or more feet above the general ground level of the yard shall be considered part of the building to which attached and shall not project into the required minimum rear yard.

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”.

Suburban Density Residential 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).

Provide appropriate services, housing, employment, and shopping opportunities in order to meet the needs of the population in all geographic areas of the County (Demographics Goal A, Objective 4).

A broad range of housing opportunities shall be provided to meet the needs and desires of all household types and shall be balanced with affordability, employment centers, commercial areas, and educational needs (Demographics Goal B, 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. Woodward Court is identified as a local cul-de-sac street providing for two way traffic within two driving lanes. Sidewalks are provided along both sides of the roadway as individual lots are developed.

SURROUNDING LAND USES AND ZONING

- North: Single family (SR-1)
- South: Single family (SR-1)
- East: Single family (SR-1)
- West: Single family (SR-1)

PROPOSED DEVELOPMENT

- A. The applicant is proposing to construct a detached single family residential dwelling and a deck on the site.
- B. The proposed house will be set back 28.4 feet from the rear property line and the proposed deck will be set back 20.4 feet from the rear property line.

STAFF COMMENTS

- A. The site in question, containing approximately 0.2 acres, is located along the east side of Woodward Court, approximately 350 feet south of Bridlegate Drive.
- B. Based on zoning permits approved by the Boone County Planning Commission, the houses located at 1965 and 1966 Hirsch Court will not be directly behind the proposed house on the site in question.
- C. The house located at 1965 Hirsch Court will have a rear yard setback of 37.6 feet, and the two houses will have a separation of 100 feet.
- D. The house located at 1966 Hirsch Court will have a rear yard setback of 67 feet, and the two houses will have a separation of 90 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,



Michael D. Schwartz
Planner

MDS/ss

Attachments

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

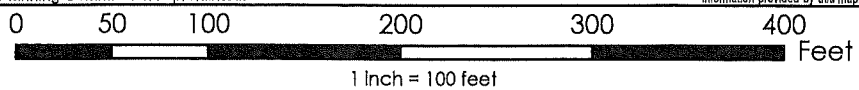
Vicinity Map

www.boonecountygis.com



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Boone



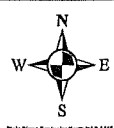
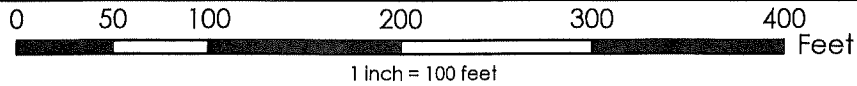
Aerial Map

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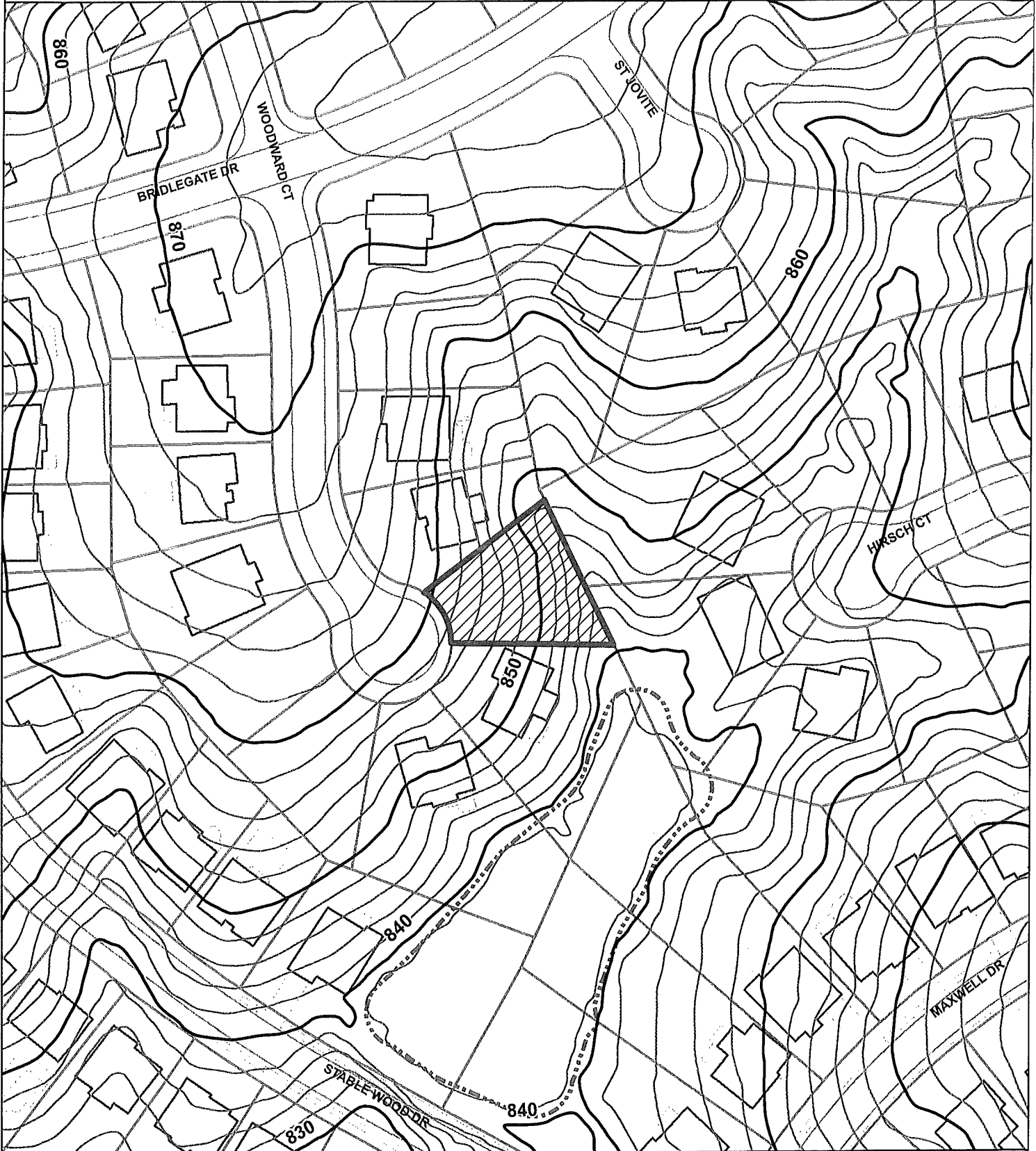
Boone County GIS

Map Created: 01/01/2018

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ArcMap Document: *.mxd

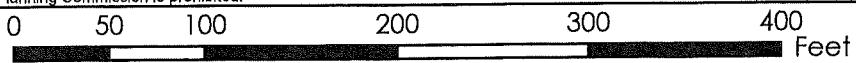
Topographical Map

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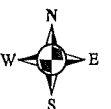
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1 inch = 100 feet



Boone County GIS - Putting Northern Kentucky on the Map



Boone County GIS
ArcMap Document: *.mxd

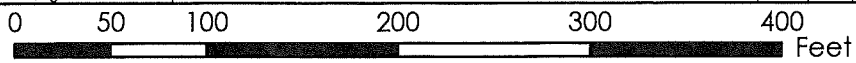
Zoning Map

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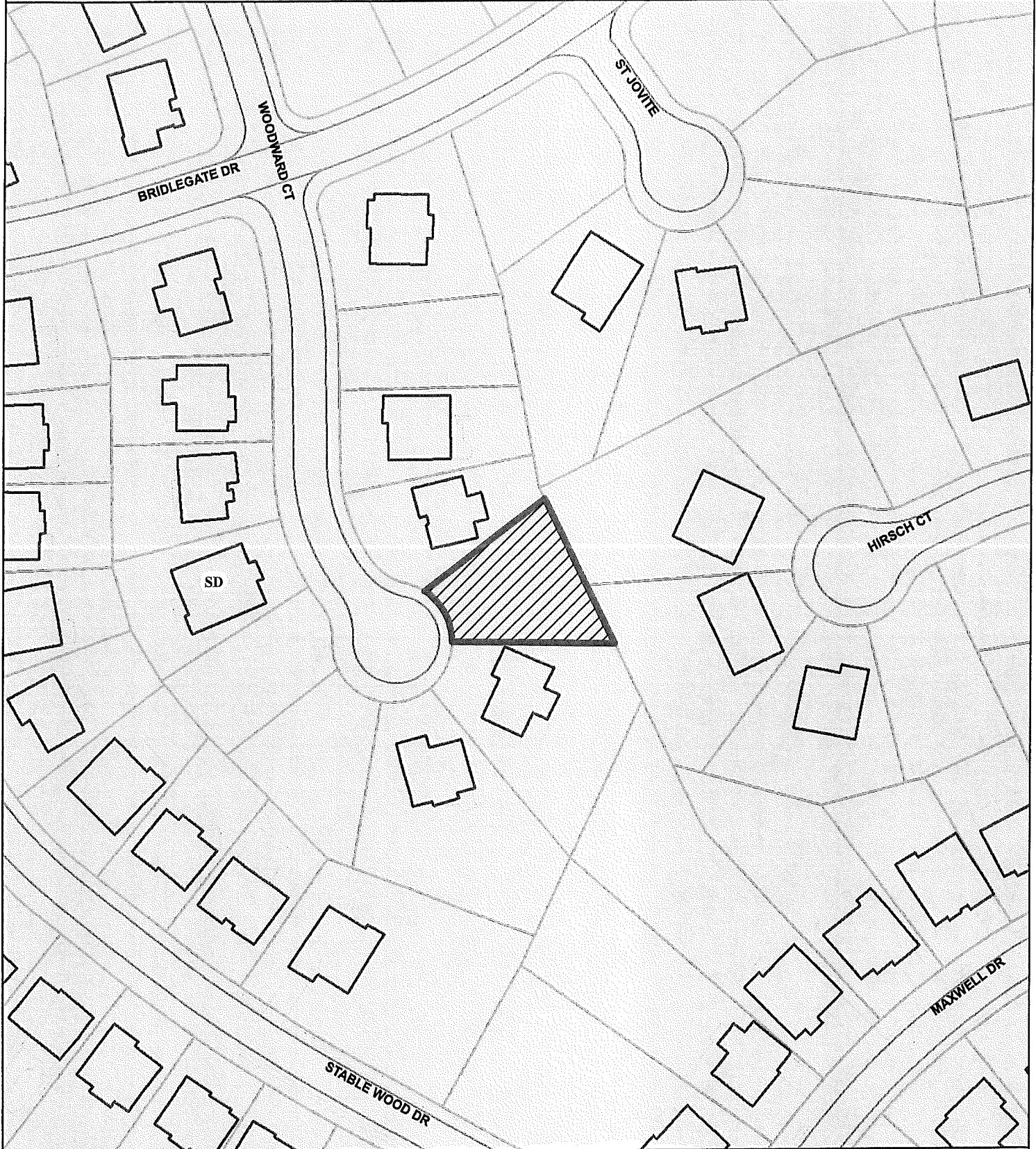


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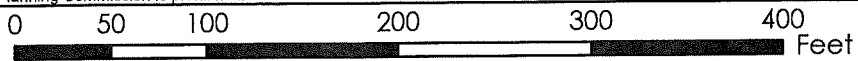
2040 Future Land Use Map

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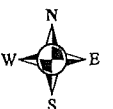
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Boone



Map File: C:\Users\j... ArcMap Document: *.mxd

Map Created: 01/01/2018

**BOARD OF ADJUSTMENT
BOONE COUNTY PLANNING COMMISSION**

RECEIVED
SEP 21 2020
BOONE COUNTY
PLANNING COMMISSION

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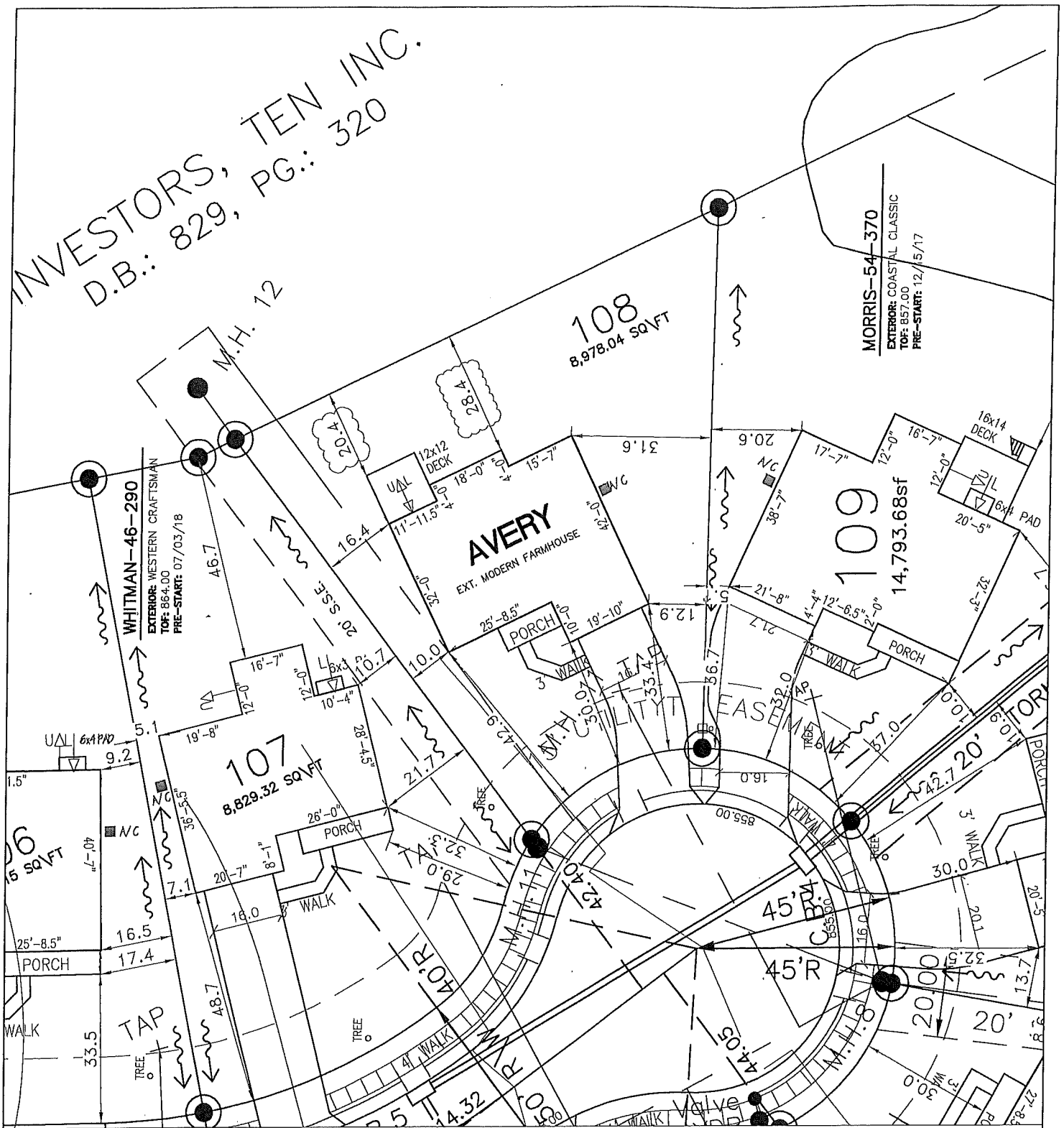
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(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

ORIGINAL Applicant's Signature: _____

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INVESTORS, TEN INC.
 D.B.: 829, PG.: 320



19.341.4709 * Main Office

DATE: 09/17/2020
 DRAWN BY: GTH 859-344-7119

ary
 Issue



10/1/2020

CLUR #20-BCBOA-023-A

CERTIFICATE OF LAND USE RESTRICTION

- 1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Triple Crown Developers, LLC
1671 Park Road-Suite One
Fort Wright, KY 41011

- 2. ADDRESS OF PROPERTY
1854 Woodward Court
Union, KY 41091

- 3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Triple Crown Country Club

- 4. DEED BOOK 941 PAGE NO. 713 GROUP NO. 2064

- 5. TYPE OF RESTRICTION(S) (Check all that apply)
 Zoning Map Amendment:
From To
 Development Plan Conditional Zoning
 Subdivision Plat (Not Recorded) Other:
 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 15 day of October, 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.)