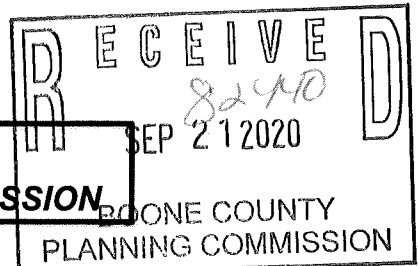


**BOARD OF ADJUSTMENT
BOONE COUNTY PLANNING COMMISSION**



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: Guadalupe Cruz-O'Neil
Address: 4768 River Road
Hebron KY 41048
City State Zip Code
Phone Number: 206-739-6170 Fax Number: _____
Email: Cruzoneil5557@gmail.com
4. Description of Request: New home 1120+- sq. ft. 1 story
5. Name of Development: Taylor Homes
6. Location of Development: _____
City State Zip Code
7. Acreage Under Review: _____
8. Lot Number and Name of Subdivision (if part of a subdivision): _____
9. Current Owner: Guadalupe Cruz O'Neil
Address: 5196 Rapid Run Rd.
Cincinnati OH 45238
City State Zip Code
Phone Number: 206 739 6170 Fax Number: _____
Email: Cruz Oneil 5557@gmail.com

10. Proposed Use(s) on Site: _____
11. Total Square Footage of Existing and/or Proposed Buildings: 1120 sq. ft.
12. Current Zoning: S2-1 150
13. 1147 209 2009
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: 9-21-20 Fee Received: \$666.00 Receipt #: 82440
2. Is application complete: 3
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@boonecountyky.org
www.boonecountyky.org

STAFF REPORT

#1

APPLICANT: Guadalupe Cruz-O'Neil

LOCATION: 4768 River Road, Boone County, Kentucky

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

DATE: October 14, 2020

PROPOSAL

The applicant is requesting a Variance to increase the maximum required front yard setback from zero (0) feet to thirty (30) feet in order to build a single family dwelling.

SITE HISTORY

1960 –

1969 Based on information contained in the Boone County GIS, the site was developed with a house between 1960 and 1969.

2020

On August 18, 2020, the Boone County Planning Commission approved a zoning permit authorizing the existing dwelling unit on the site to be demolished.

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 thirty (30) feet and a minimum side yard setback of five (5) feet one side/fifteen (15) feet total, within the SR-1 district.
- E. Section 2015.A of the Boone County Zoning Regulations states that the required front yard, within the SC Overlay district, shall conform to the setbacks of adjacent principal structures when the underlying zone is residential. The principal structure to the northwest of the site in question has a front yard setback of zero (0) feet.
- F. Section 2015 of the Boone County Zoning Regulations requires a minimum side yard setback of five (5) feet, within the SC Overlay district.
- G. 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.”
- H. Section 2000 of the Boone County Zoning Regulations states that the “intent of this article is to provide for the maintenance and development of small community centers where an integrated variety of land uses are essential to the vitality, viability, 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. The integration and variety of land uses found in small community centers often cannot practically be accommodated by the other basic zoning districts established by this order. This article creates an overlay district which may be established in areas appropriate for use as small community centers.”

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).

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).

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).

Priority shall be given towards maintaining, protecting, and improving the capacity and safety of the existing road system across jurisdictions (Transportation Goal A, Objective 1).

- C. River Road is identified as an arterial 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 (SR-1/SC)

South: Vacant (SR-1/SC)

East: Ohio River (SR-1/SC)

West: Single family (SR-1/SC)

PROPOSED DEVELOPMENT

- A. The applicant is proposing to construct a one story, 1,120 square foot detached single family residential dwelling on the site.
- B. The proposed house will be set back thirty (30) feet from the front property line and a minimum of ten (10) feet from the side property lines.

STAFF COMMENTS

- A. The site in question, containing approximately 0.3 acres, is located along the northeast side of River Road, approximately 0.5 miles northwest of Petersburg Road.
- B. The site in question is located with the 60 day/night noise level of the airport.
- C. The site slopes downward from River Road to the Ohio River, from an elevation of 498 msl to 466 msl, at an average grade of 14%.
- D. The average front yard setback within 500 feet to the north of the site is approximately 32 feet and the average front yard setback within 500 feet to the south of the site is approximately 8 feet. The average front yard setback within 500 feet of the site, in either direction, is approximately 15 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

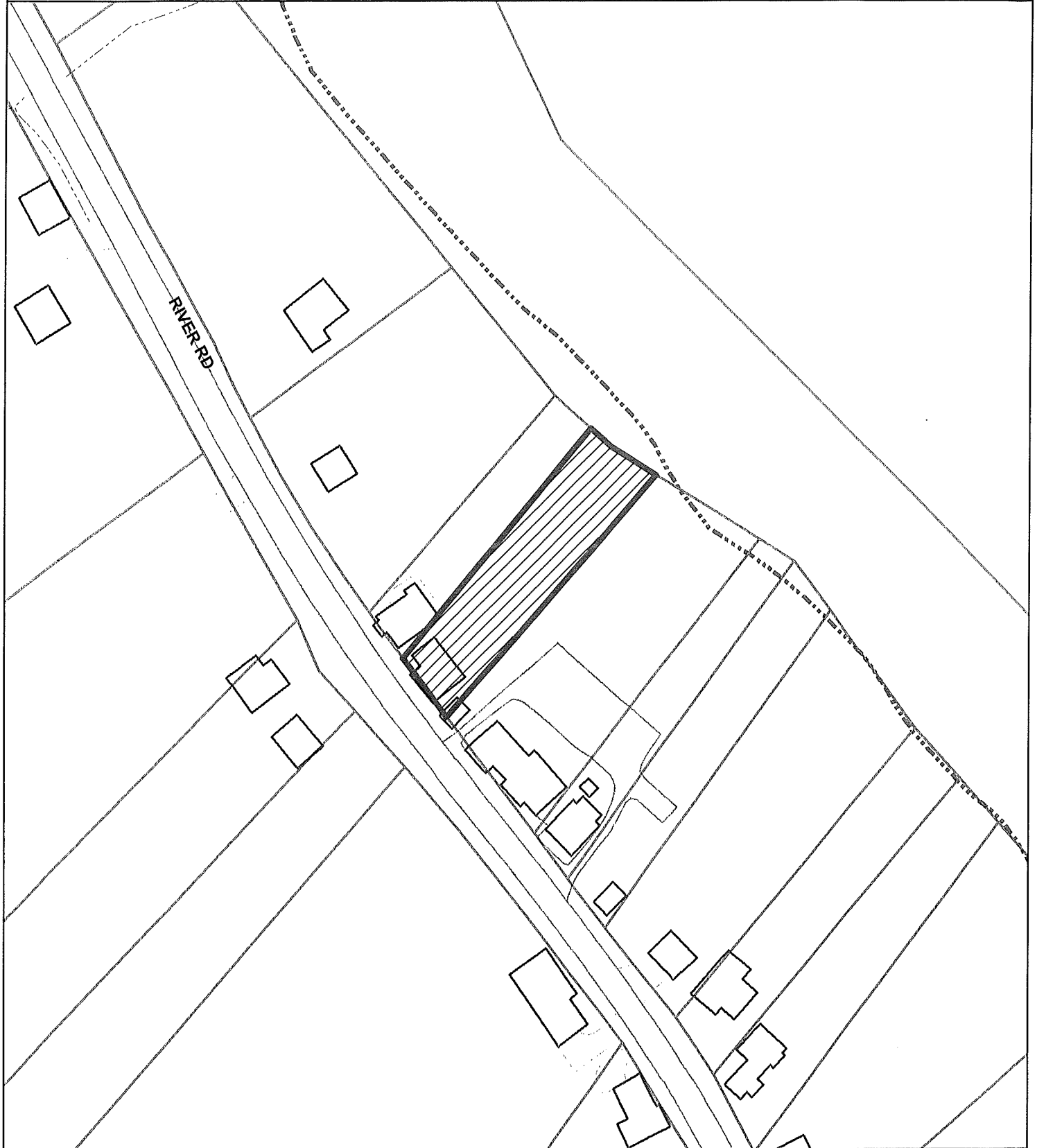
Attachments

- *Vicinity Map
- *Aerial Map
- *Topographical Map
- *Floodplain Map
- *Zoning Map
- *2040 Future Land Use Map
- *Noise Contour Map

- *Application
- *Development Plan

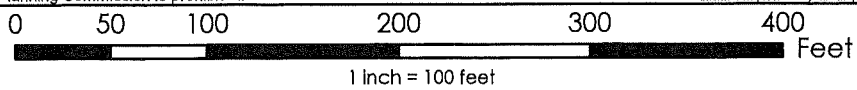
Vicinity Map

www.boonecountygis.com

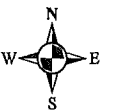


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Boone County GIS



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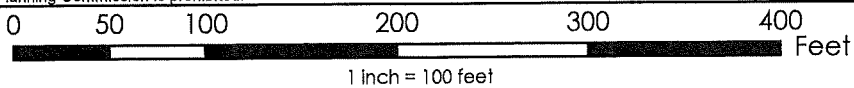
Aerial Map

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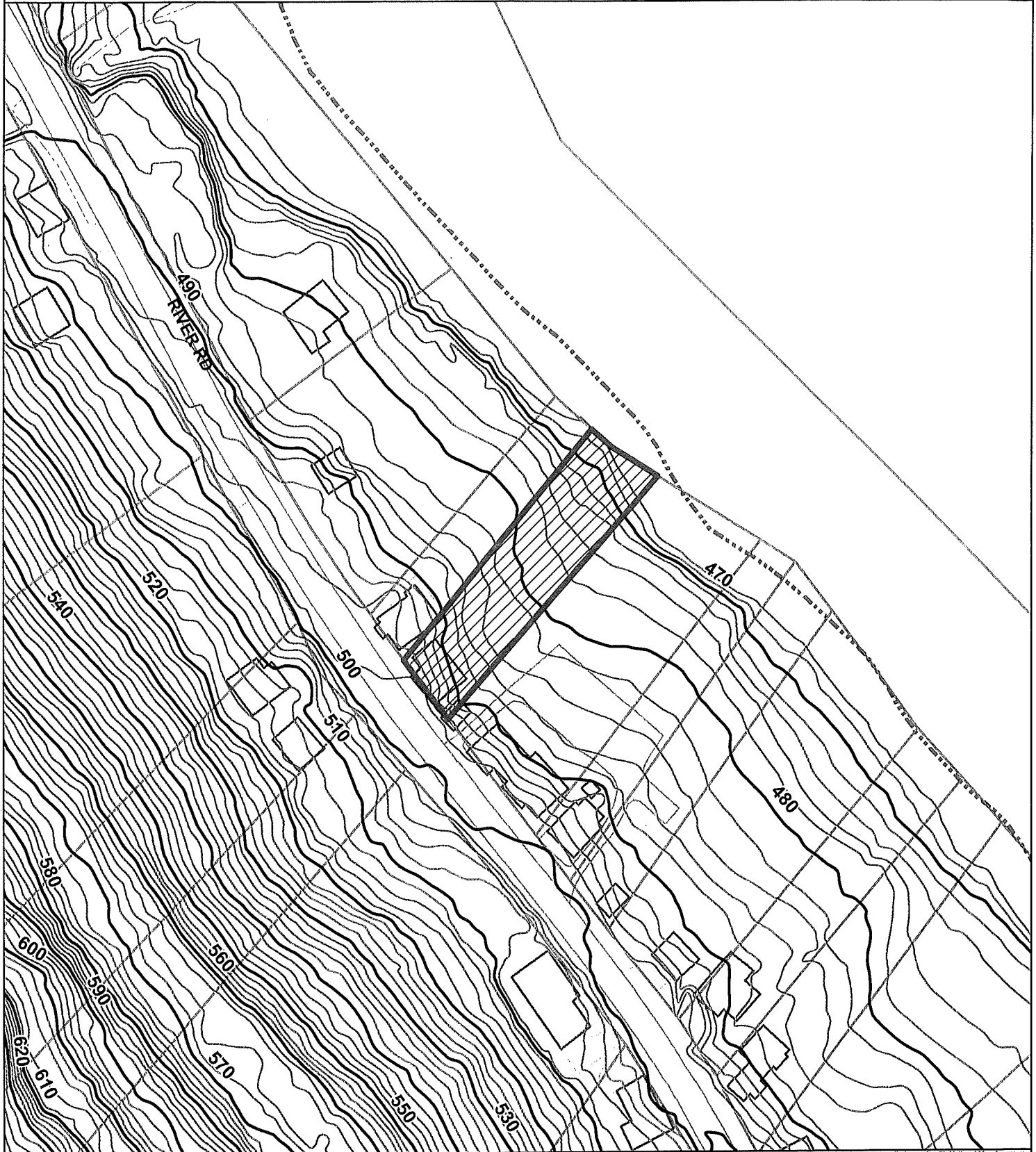


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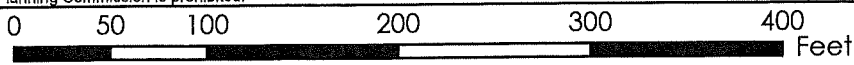
Topographical Map

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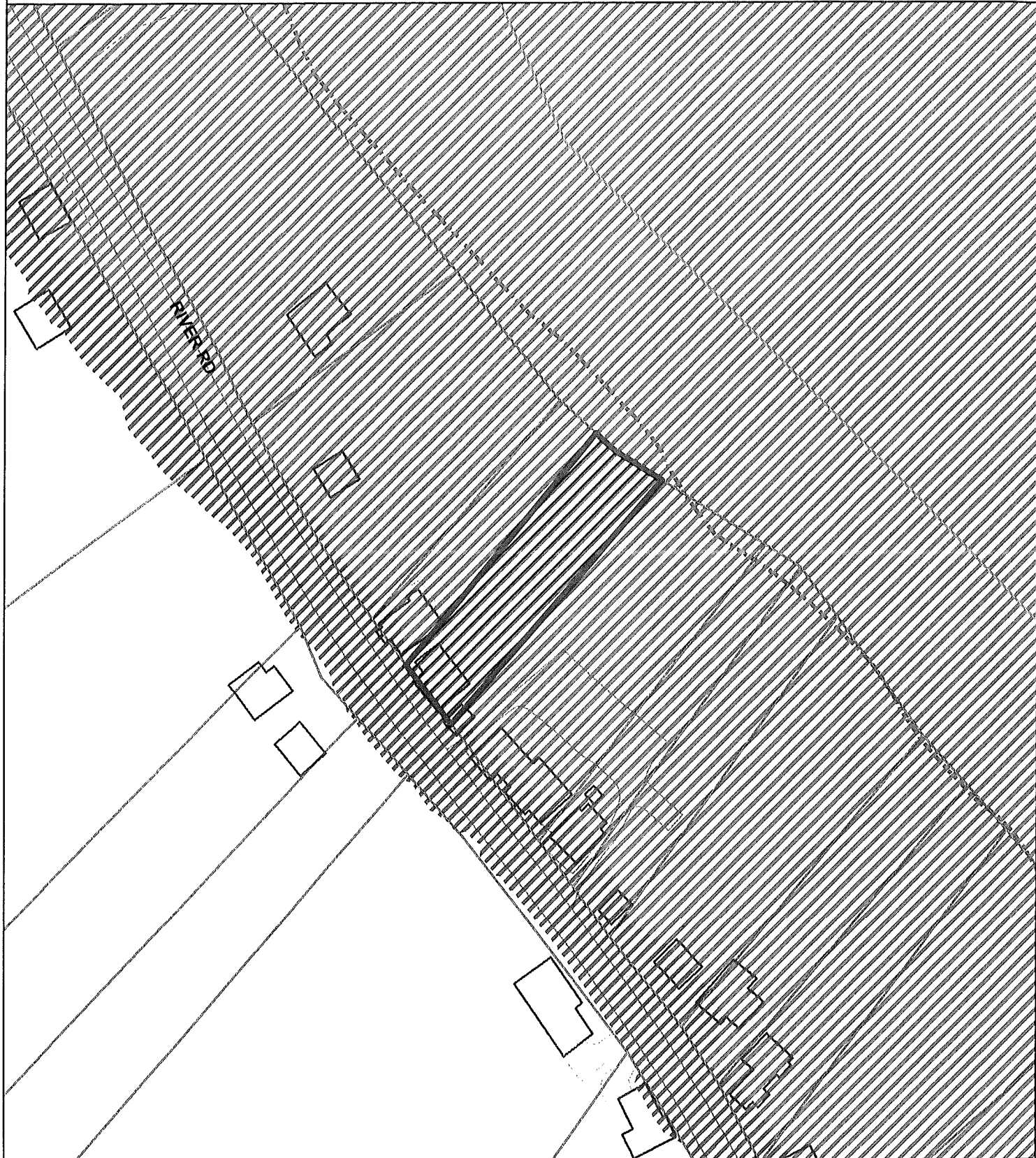


Boone County GIS - Putting Northern Kentucky on the Map



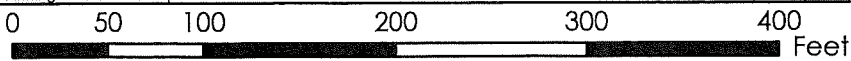
Floodplain Map

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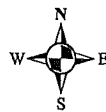
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1 inch = 100 feet



Boone County GIS - Putting Northern Kentucky on the Map

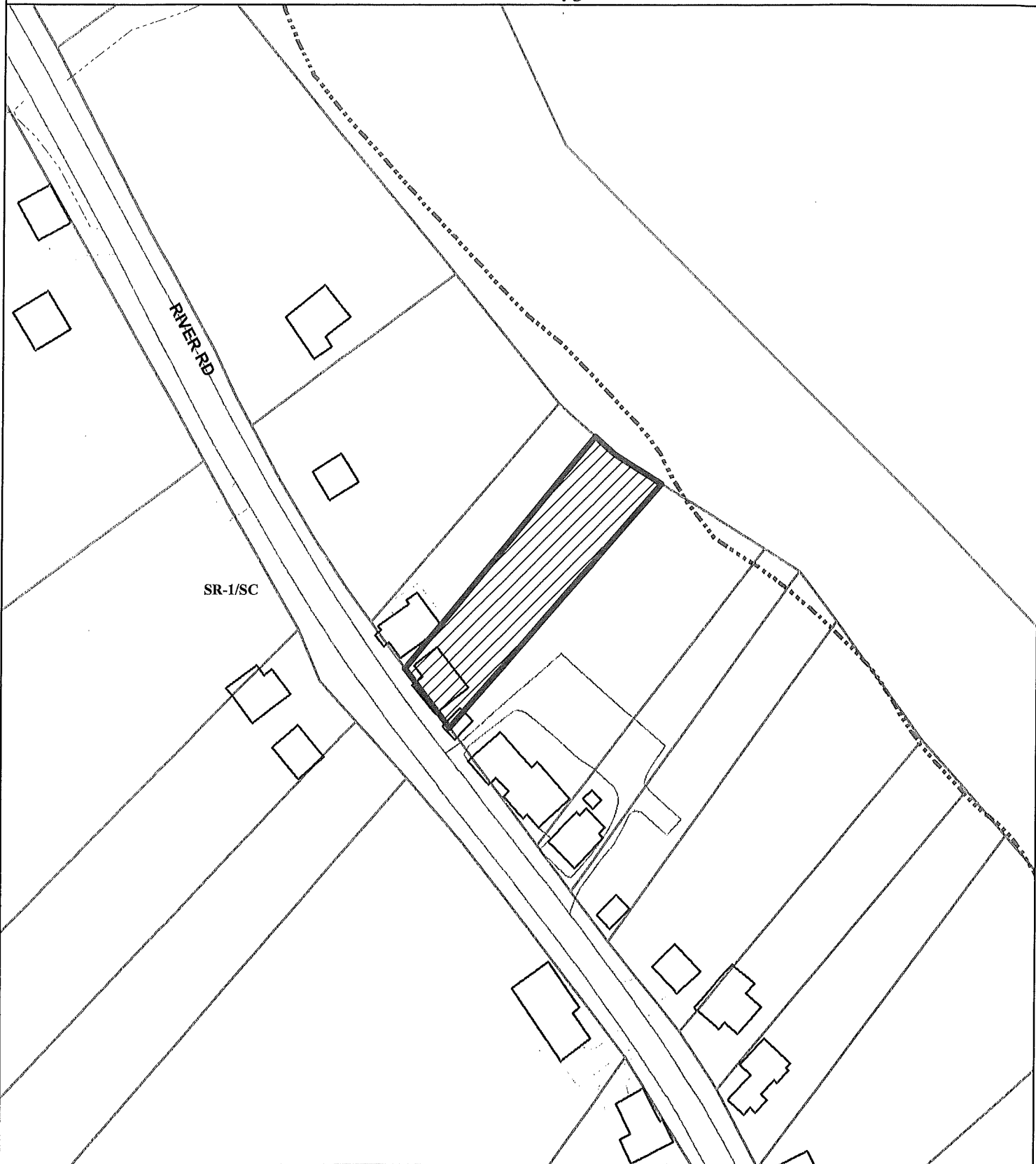


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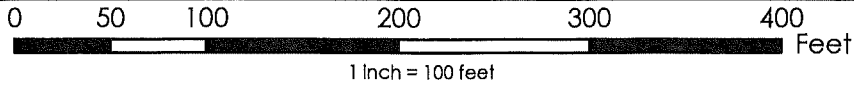
Zoning Map

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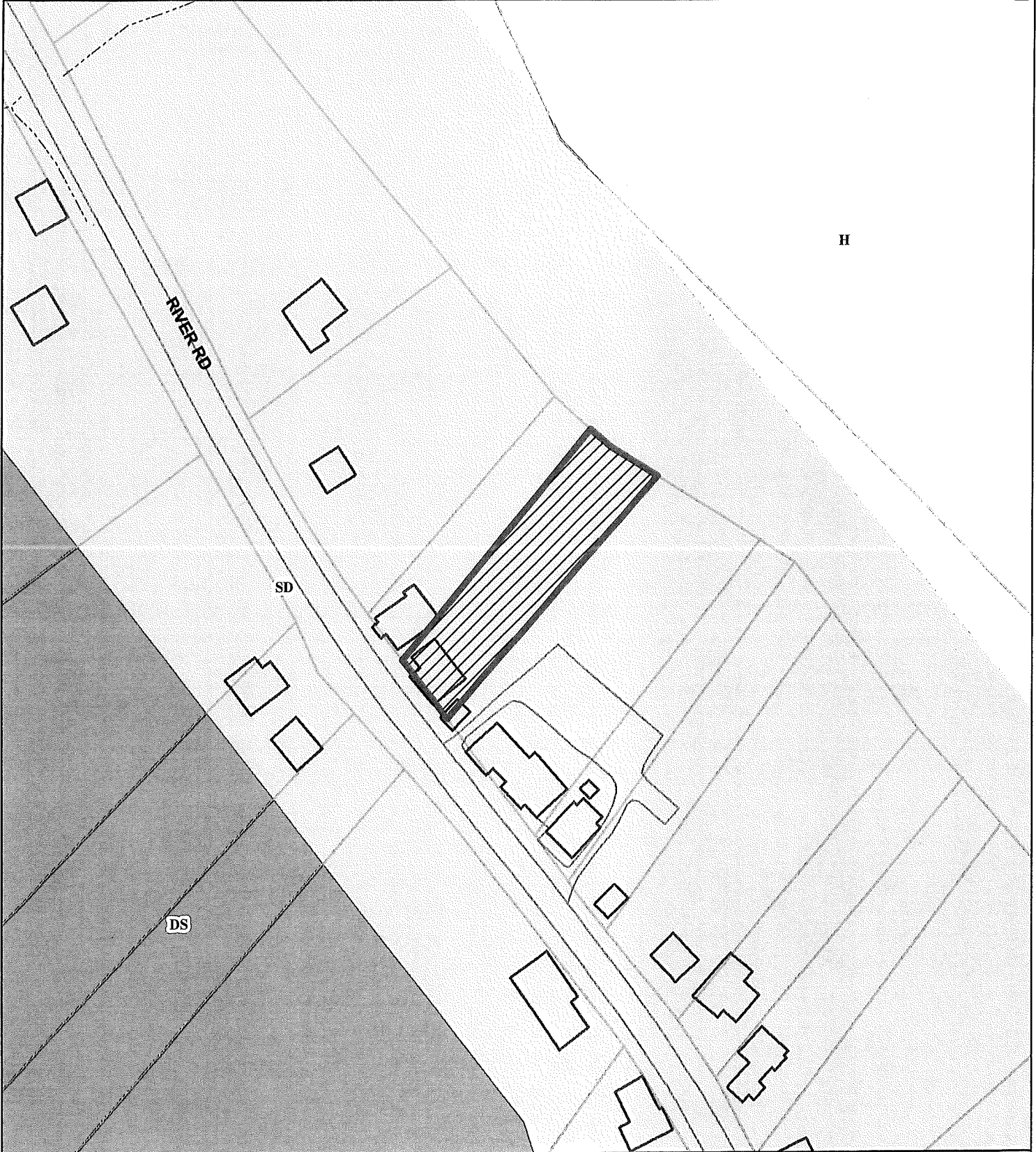
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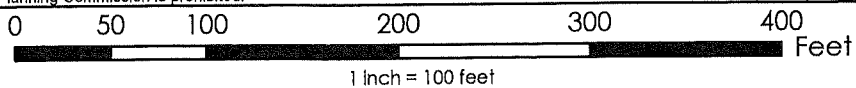
2040 Future Land Use Map

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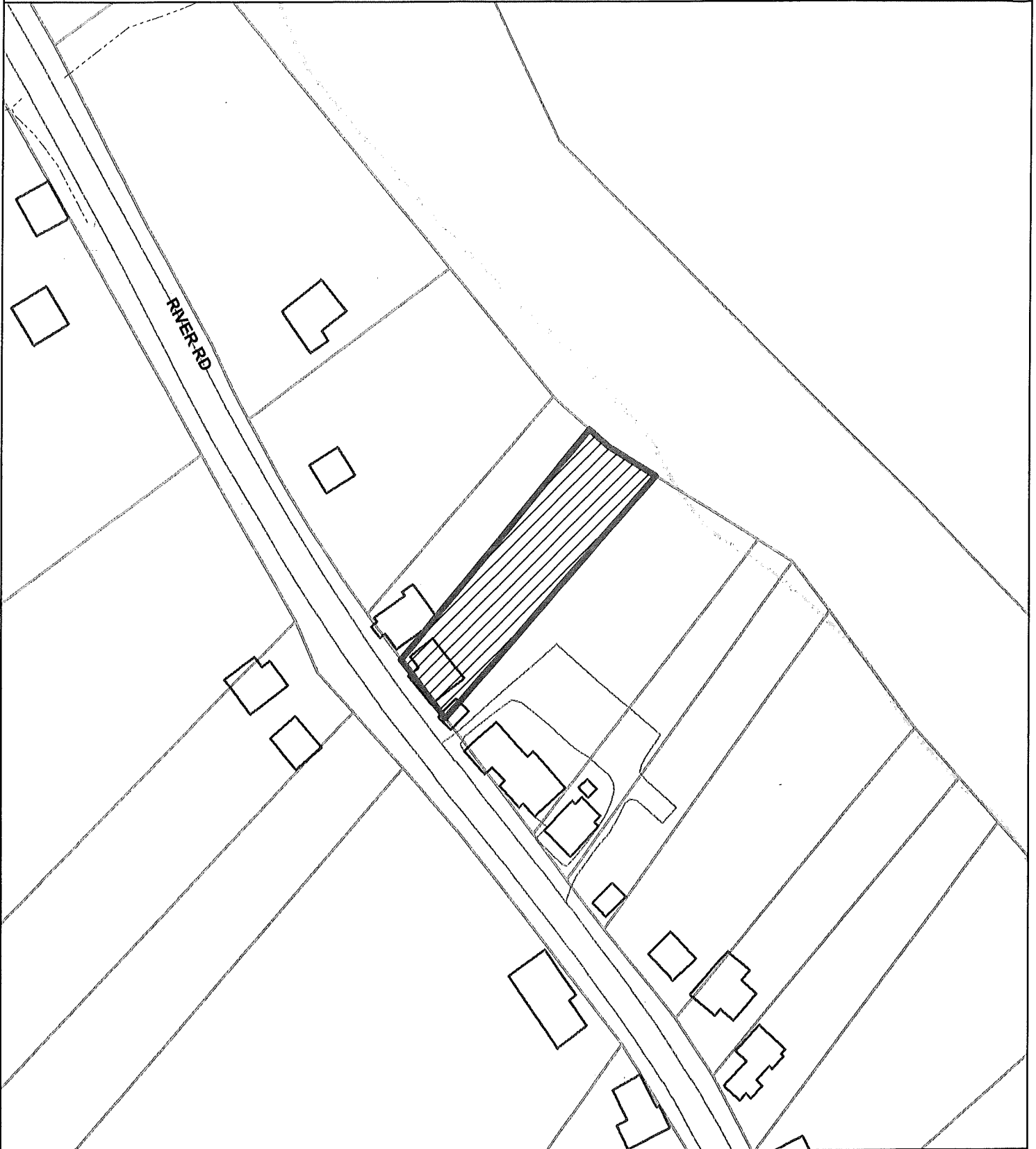
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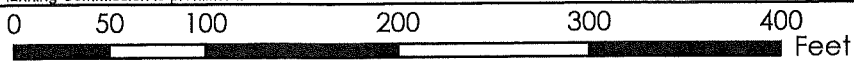
Noise Contour Map

www.boonecountygis.com

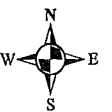


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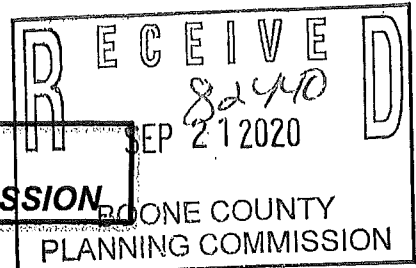
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Boone County GIS - Putting Northern Kentucky on the Map

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Boone County GIS
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**BOARD OF ADJUSTMENT
BOONE COUNTY PLANNING COMMISSION**

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Cincinnati OH 45238
City State Zip Code
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Email: Cruz Oneil 5557@gmail.com

10. Proposed Use(s) on Site: _____

11. Total Square Footage of Existing and/or Proposed Buildings: 1120 sq. ft.

12. Current Zoning: SIR-1 150

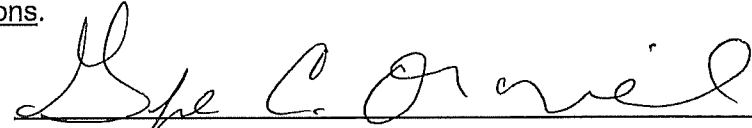
13. 1147 209 2009
Deed Book Page Group Number


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

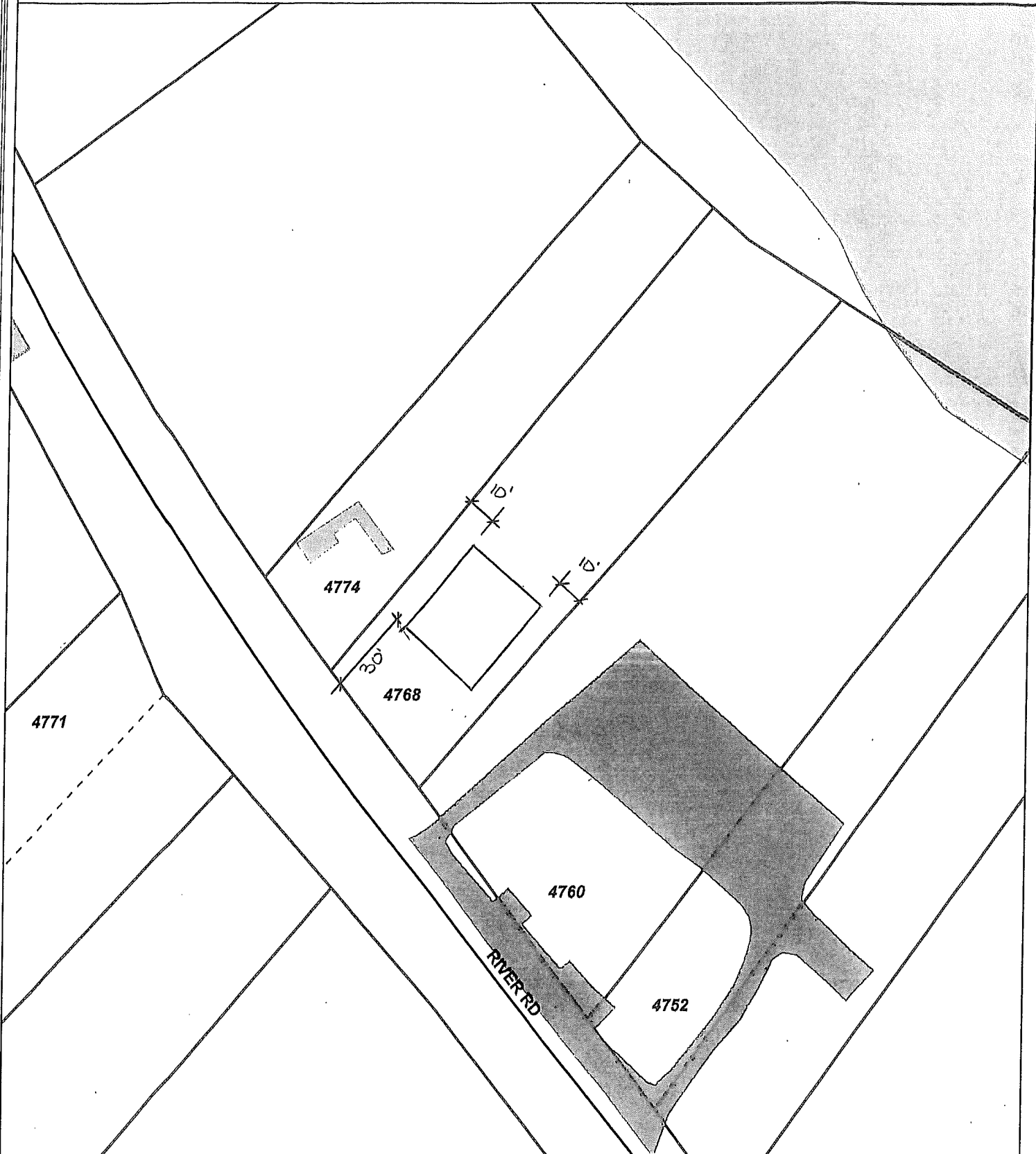
17. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

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)

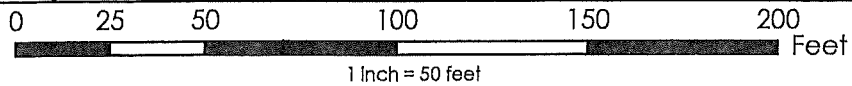
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Boone



CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Guadalupe Cruz-O'Neil
5196 Rapid Run Road
Cincinnati, OH 45238
2. ADDRESS OF PROPERTY
4768 River Road
Hebron, KY 41048
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Guadalupe Cruz-O'Neil
4. DEED BOOK 1147 PAGE NO. 209 GROUP NO. 2009
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 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.)