

**BOARD OF ADJUSTMENT
BOONE COUNTY PLANNING COMMISSION**

Five (5) 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: Casey Reeves

Address: 4880 Petes Lane

Petersburg KY 41080
City State Zip Code

Phone Number: 8599911085 Fax Number: NA

Email: crrexc@yahoo.com

4. Description of Request:
Barn that was built on property

5. Name of Development: Barn

6. Location of Development: 4880 Petes Lane

Petersburg KY 41082
City State Zip Code

7. Acreage Under Review: 10.50

8. Lot Number and Name of Subdivision (if part of a subdivision):
NA

9. Current Owner: Casey & Randi Reeves

Address: 4880 Petes Lane

Petersburg KY 41080
City State Zip Code

Phone Number: 8599911085 Fax Number: NA

Email: crrexc@yahoo.com

Repair and store farm equipment

10. Proposed Use(s) on Site: _____
11. Total Square Footage of Existing and/or Proposed Buildings: 3471
12. Current Zoning: Residential/Farm
13. 525 878 261 508 4249 2023
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: Randi J. Reeves
(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

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

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

1. Date Received: 11/10/20 Fee Received: \$1610.00 Receipt #: 82757
2. Is application complete:
3. Staff Reviewer: M. Schwartz
4. Scheduled Board Action Date: 12/19/2020
5. Board Action: 12/19/2020
- 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

#1

APPLICANT: Casey Reeves, per Randi Reeves

LOCATION: 4880 Petes Lane, Boone County, Kentucky

ZONING: Agriculture (A-1)

DATE: December 9, 2020

PROPOSAL

- A. During the capture of aerial photographs earlier this year, staff determined that the applicant had constructed a barn on their property.
- B. Staff informed the applicant that the structure did not meet the minimum front yard setback.
- C. The applicant is requesting a Variance to reduce the minimum required front yard setback from eighty (80) feet to six (6) feet for the location of the accessory structure.

SITE HISTORY

- 2001 A final plat was approved for Botts Hill Subdivision, creating the lot in question.
- 2005 On January 19, 2005, the Boone County Planning Commission approved a Zoning Permit for the construction of a detached single-family residential dwelling.

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 3110 of the Boone County Zoning Regulations requires a minimum front yard setback of eighty (80) feet within the A-1 district.
- F. Section 610 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, primarily for non-urban uses.”
- G. Kentucky Revised Statute (KRS) 100.203(4) states that the zoning ordinance text may contain provisions to the effect that land which is used for agricultural purposes shall have no regulations except that: (a) Setback lines may be required for the protection of existing and proposed streets and highways; (b) All buildings or structures in a designated floodway or flood plain or which tend to increase flood heights or obstruct the flow of flood waters may be fully regulated; (c) Mobile homes and other dwellings may be permitted but shall have regulations imposed which are applicable, such as zoning, building, and certificates of occupancy; and (d) The uses set out in KRS 100.111(2)(c) may be subject to regulation as a conditional use.
- H. Section 3115 of the Boone County Zoning Regulations states that land used for agricultural uses are exempt from requirements for zoning permits, certificates of occupancy and height and yard standards for agricultural buildings, except that set back lines may be enforced for the protection of existing streets and highways.
- I. The Boone County Property Valuation Administrator (PVA) has identified that the Assessment Type of the site in question is Agricultural.

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”.

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. In addition, developmentally sensitive areas may, in the future, be defined and protected due to historical or visual importance. Any development on land identified as Developmentally Sensitive must be carefully assessed by the developer and the Planning Commission to determine the ability of the land to support the proposed project. The land use priority for areas designated Developmentally Sensitive is preservation of the existing environment, as opposed to development of the land. This shall act as a guideline for any project proposed in Developmentally Sensitive areas; specific sites designated as Developmentally Sensitive require more detailed inventories of soil, slope, wildlife habitat, vegetation, and other possible physical constraints as part of the development plans. These inventories shall be used, along with engineering studies, to determine whether an area designated Developmentally Sensitive can be developed in a fashion which is sensitive to the existing site characteristics. The Developmentally Sensitive areas of Boone County have been identified by utilizing United States Department of Agriculture Natural Resources Conservation Service (formerly Soil Conservation Service) data and mapping, through the Boone County Geographic Information System (GIS). The degree of accuracy of these areas is intended to locate general areas of concern. Actual site assessments will determine the exact boundaries of Developmentally Sensitive areas in Boone County at the time of development.

- 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).

Promote quality of life amenities to retain current residents and attract new residents in

order to have a stable and diversified population (Demographics Goal A, Objective 3).

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. Petes Lane is identified as a private local cul-de-sac street providing for two way traffic within an approximate 18 – 20 foot pavement width. There are no sidewalks along the roadway.

SURROUNDING LAND USES AND ZONING

- North: Single family and agricultural/vacant land (A-1)
- South: Agricultural/vacant land (A-1)
- East: Single family and agricultural/vacant land (A-1)
- West: Agricultural/vacant land (A-1)

SITE CHARACTERISTICS

- A. The approximate 10.1 acre property is located at the terminus of Petes Lane, approximately 1,400 feet west of Botts Lane.
- B. The site is currently occupied by a single-family residential dwelling, an approximate 2,100 square foot accessory structure, and a 3,471 square foot barn.
- C. The 3,471 square foot barn is to be used for the storage and repair of farm equipment and is the building under consideration for the proposed variance.
- D. The site slopes downward from 788 msl at Petes Lane to 610 msl at the rear property line, at an average slope of approximately 20%.
- E. The site is wooded, with the exception of the area that has been developed for the residence and the accessory structures.

PROPOSED DEVELOPMENT

- A. The applicant has constructed a barn in the front yard.
- B. The barn is set back six (6) feet from the front property line.

STAFF COMMENTS

- A. The area to the immediate east of the existing barn is part of the same lot in question, eliminating the possibility of another single-family residence being built within view of the structure.

- B. There is an existing tree line immediately to the north of the existing barn providing screening for the adjacent property owner.
- C. The area to the northeast of the existing barn is part of the lot addressed as 4807 Petes lane. This lot is already developed with a single-family residence that is not within view of the 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

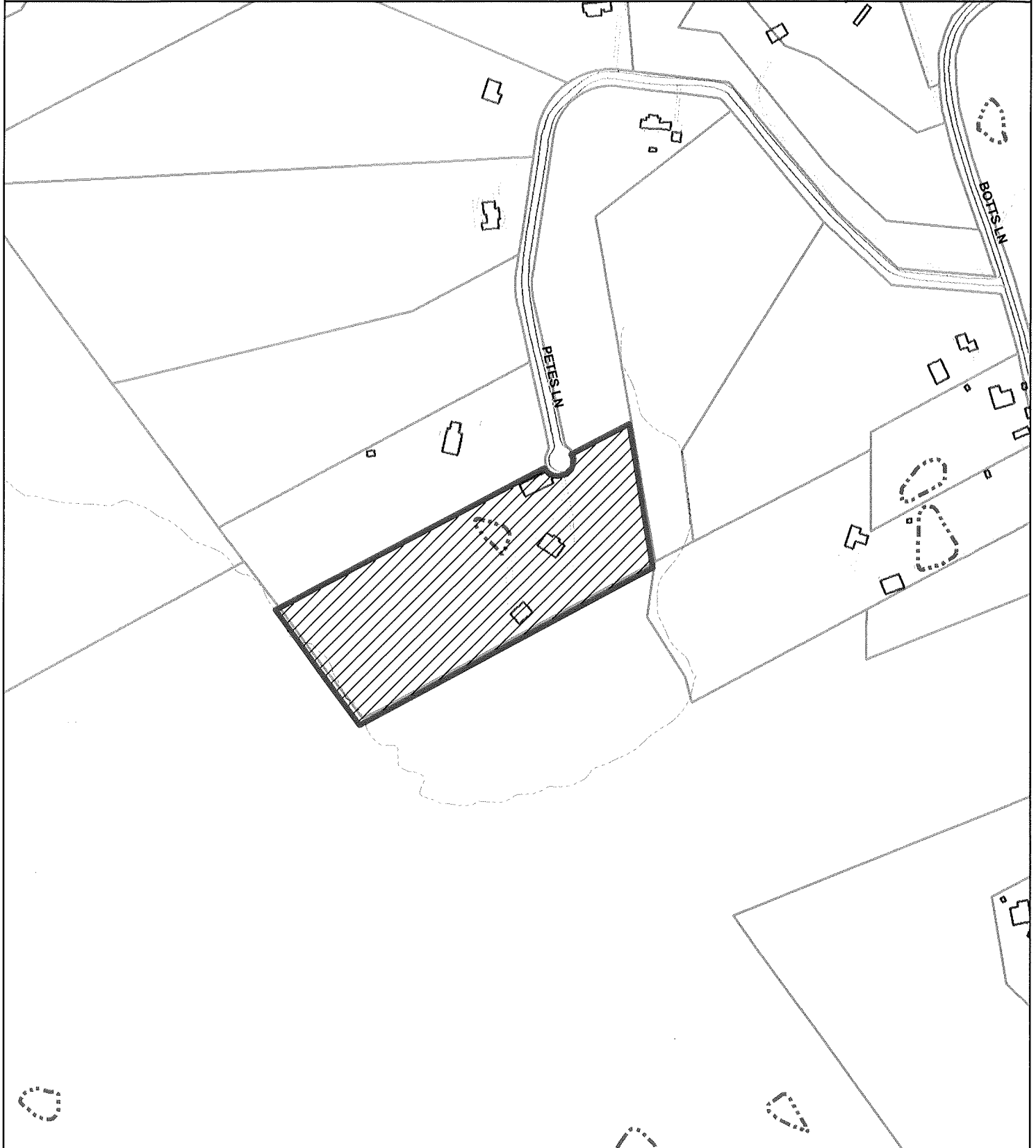
MDS/ss

Attachments

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

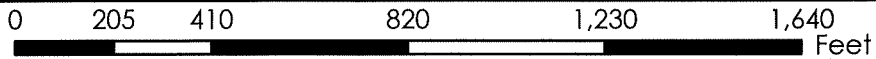
Vicinity Map

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Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 01/01/2018

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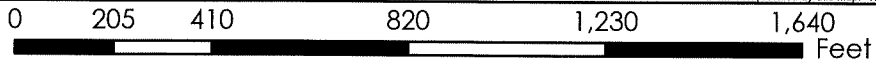
Aerial Map

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1 inch = 400 feet



Boone County GIS

Map Created: 01/01/2018

State Plane 27 units by North NAD 1983
ArcMap Document: *.mxd

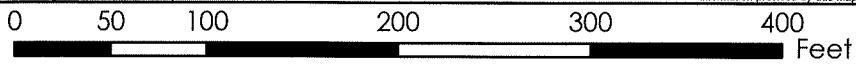
Aerial Map - Close Up

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1 inch = 100 feet



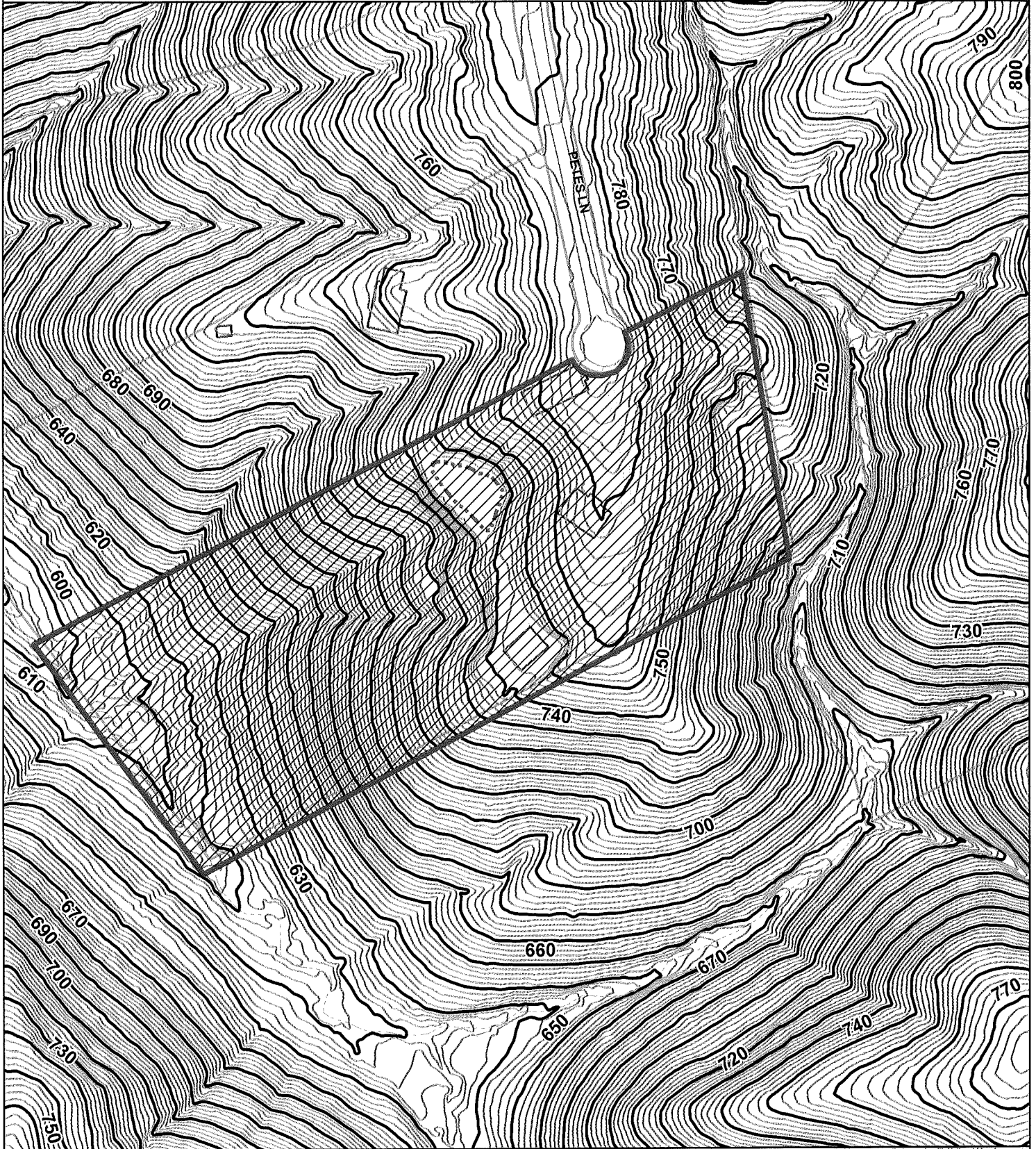
Boone County GIS

Map Created: 01/01/2018

State Plane 12 North by North NAD 1983
ArcMap Document: *.mxd

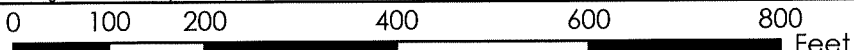
Topographical Map

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1 inch = 200 feet



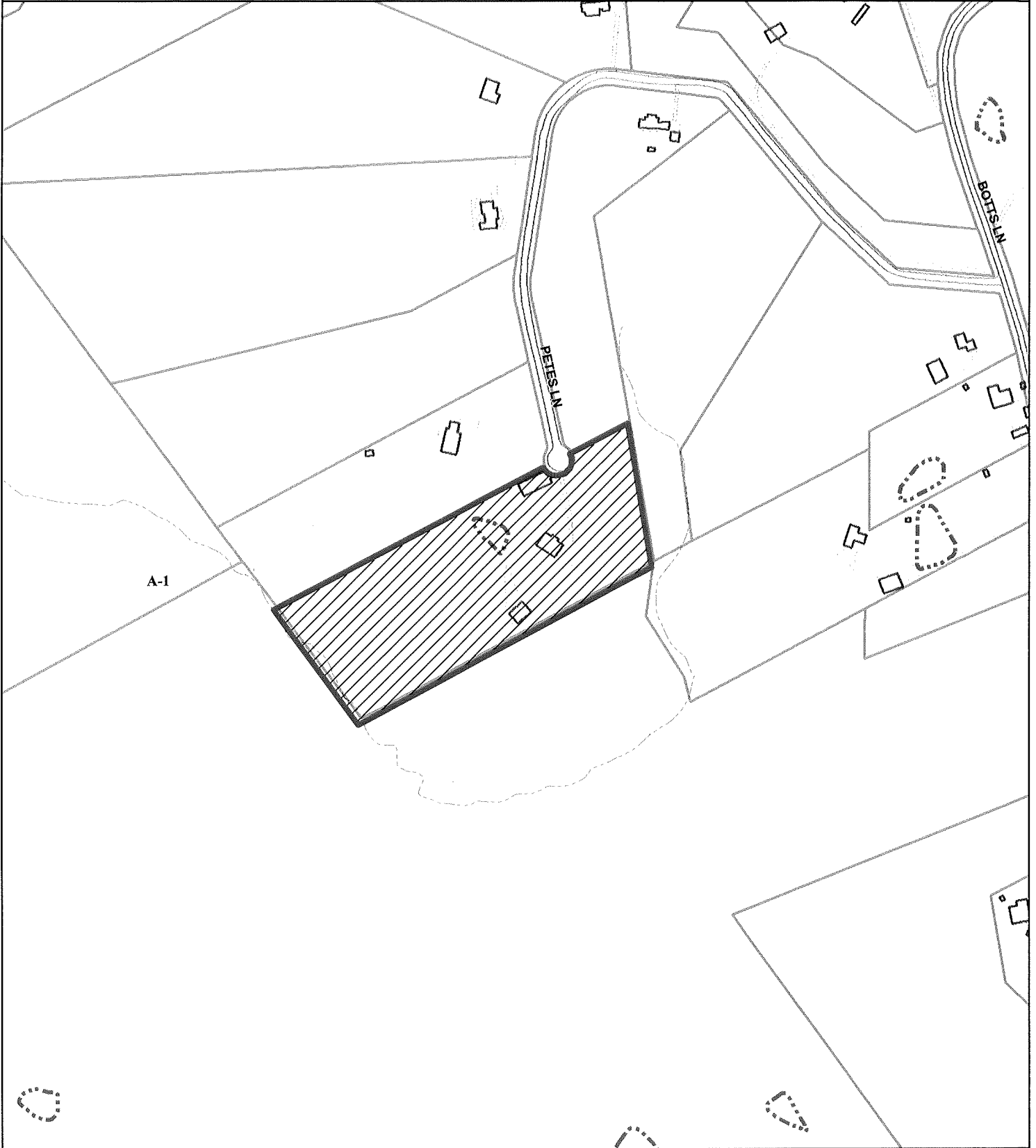
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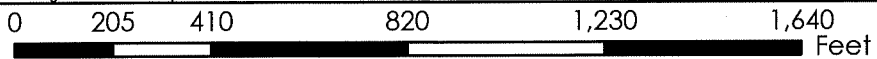
Zoning Map

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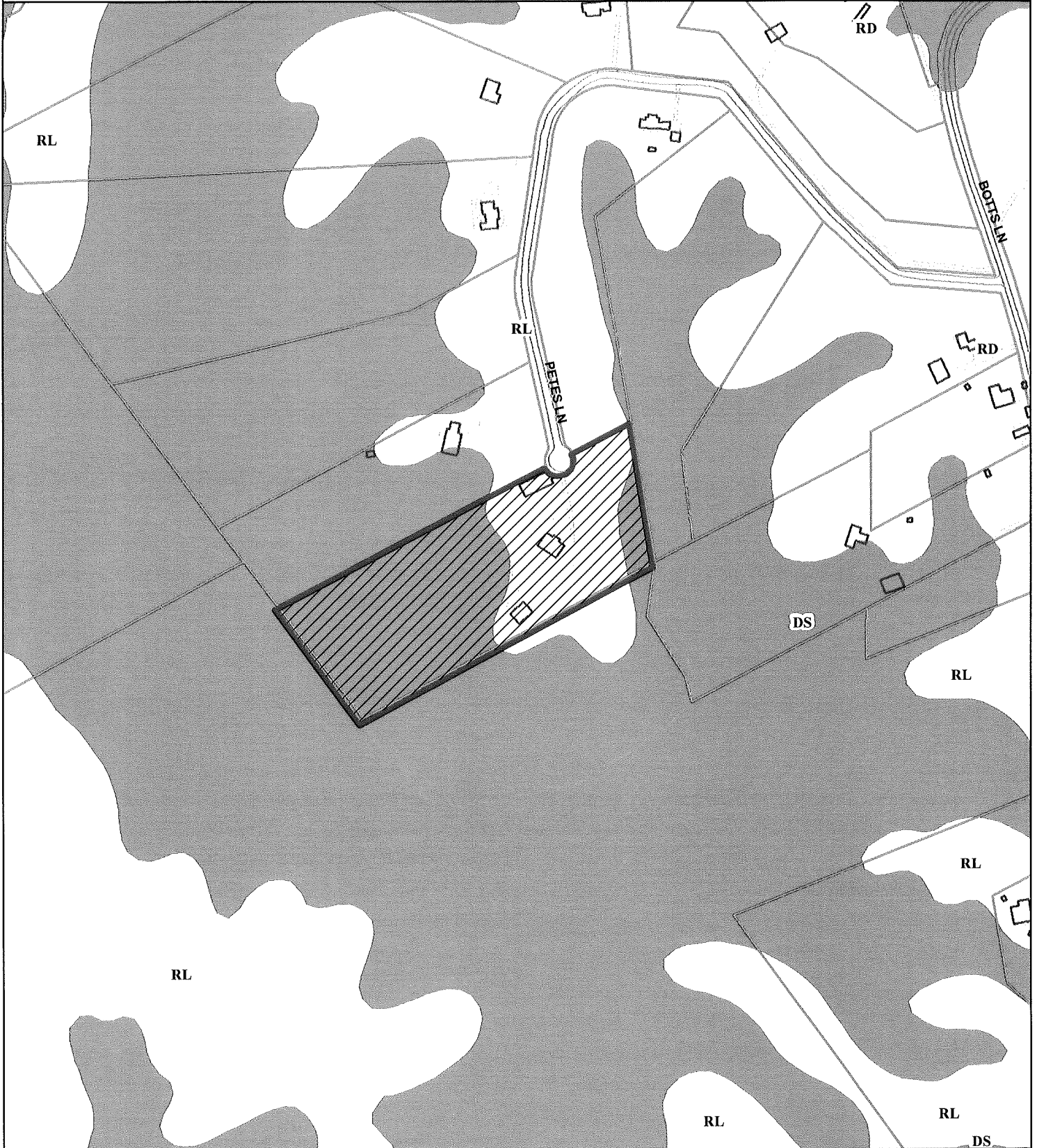
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With Plans of Ordinance 2018-0011
ArcMap Document: *.mxd

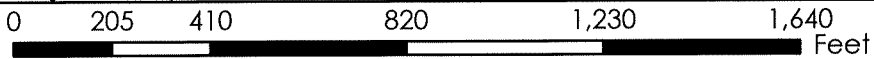
2040 Future Land Use Map

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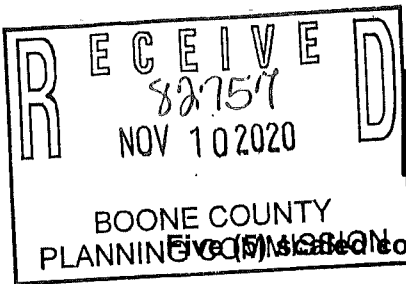
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BOONE COUNTY PLANNING COMMISSION**

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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: Casey Reeves
4880 Petes Lane
 Address: _____
Petersburg KY 41080
 City State Zip Code
 Phone Number: 8599911085 Fax Number: NA
 Email: crrexc@yahoo.com

4. Description of Request: Barn that was built on property

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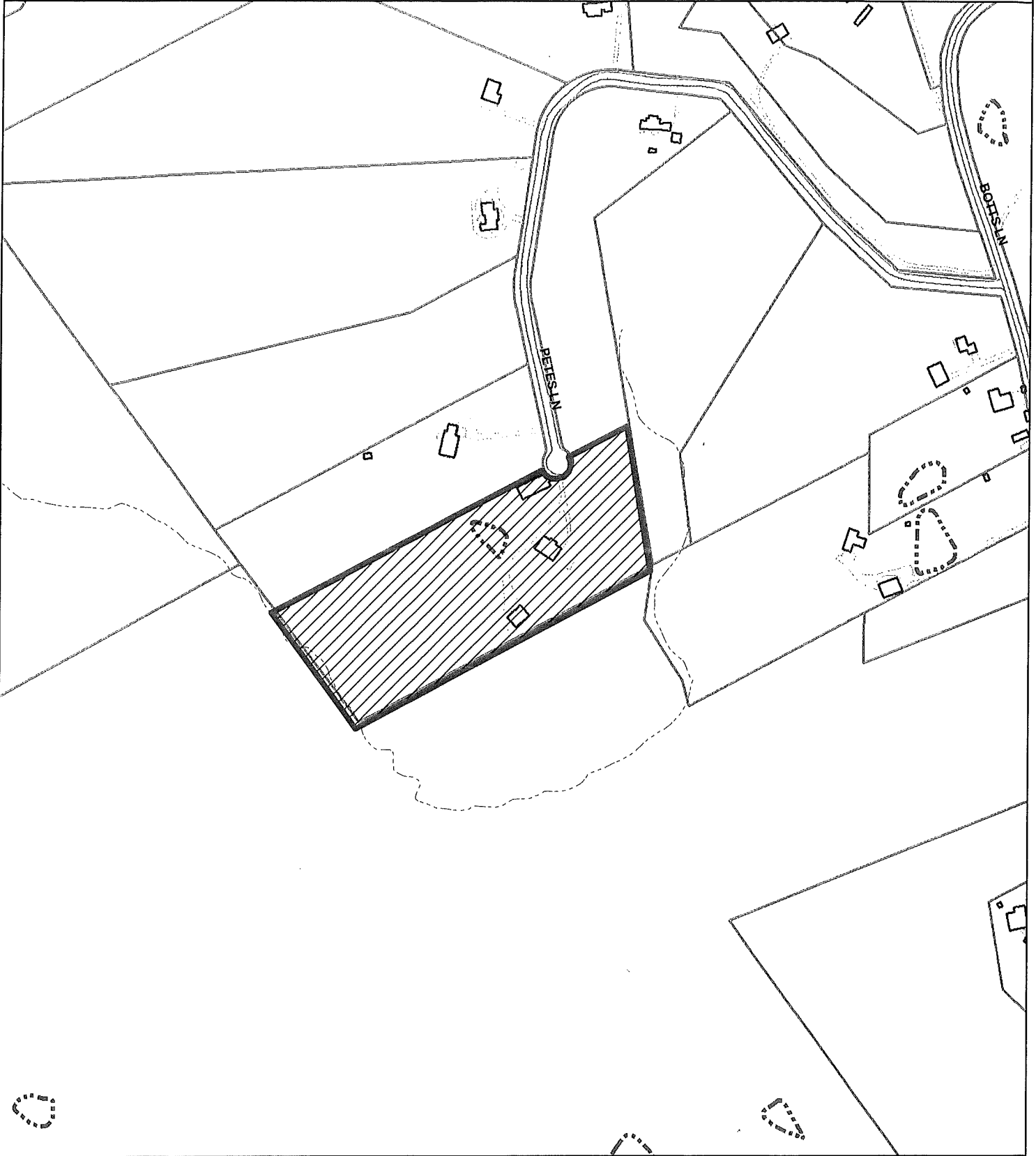
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13. _____ 525 _____ 261 _____ 4249
Deed Book Page Group Number
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If yes, date of approval: _____
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16. Have you submitted a list of adjoining property 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: Brandi A. Reeves
(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

ORIGINAL Applicant's Signature: Brandi A. Reeves
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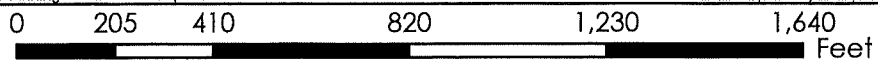
Boone County GIS Map

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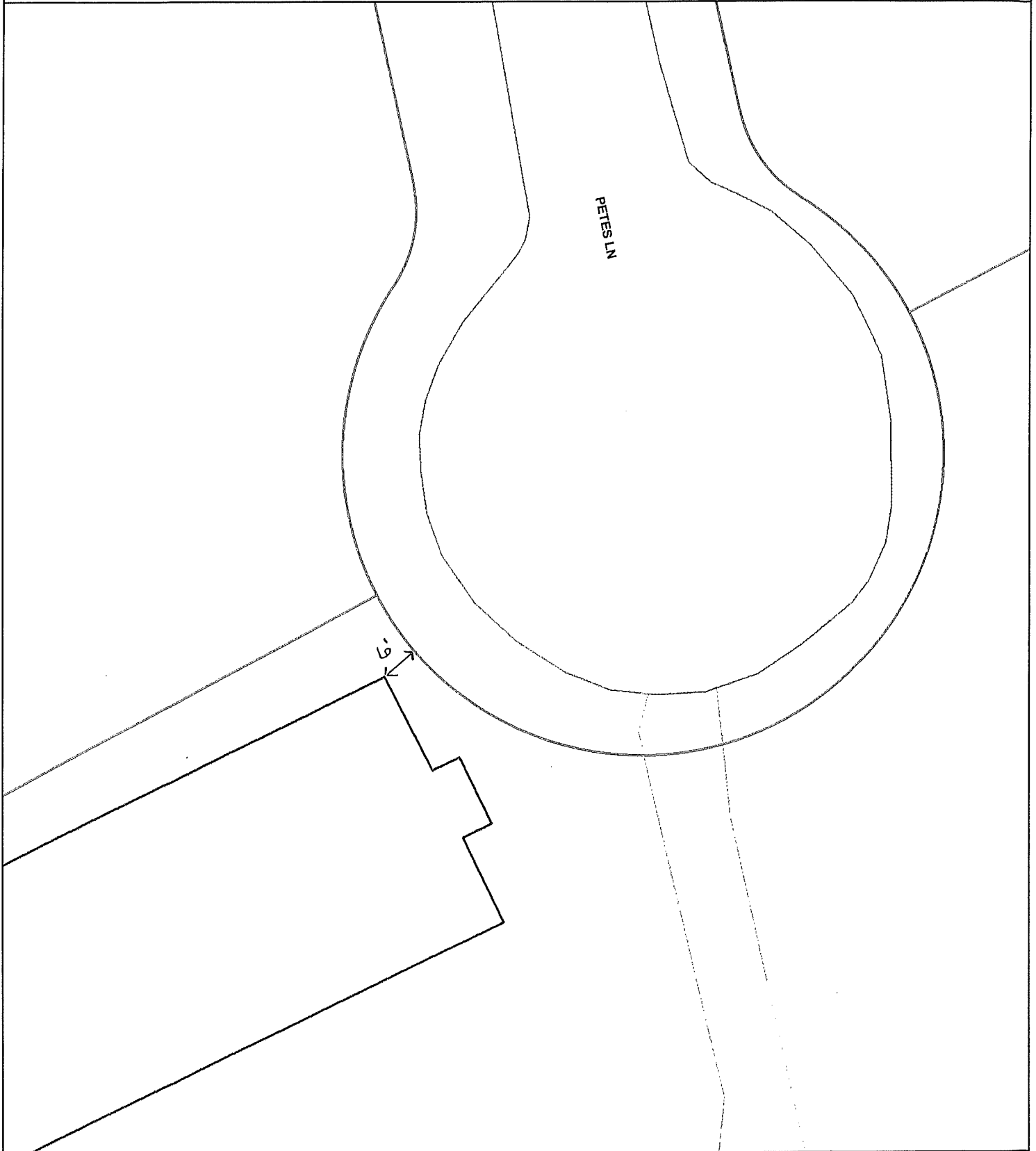


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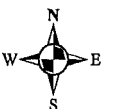
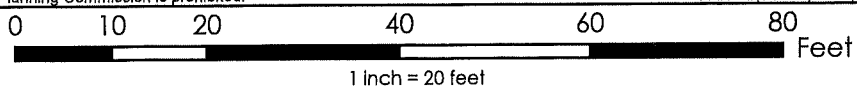


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Boone



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ArcMap Document: *.mxd

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Casey & Randi Reeves
4880 Petes Lane
Petersburg, KY 41080
2. ADDRESS OF PROPERTY
4880 Petes Lane
Petersburg, KY 41080
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Casey Reeves
4. DEED BOOK 878 PAGE NO. 503 GROUP NO. 2023
5. TYPE OF RESTRICTION(S) (Check all that apply)
- Zoning Map Amendment: Conditional Use Permit
From To
- Development Plan Conditional Zoning
- Subdivision Plat Other: Minor Site Plan
(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 December, 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.)