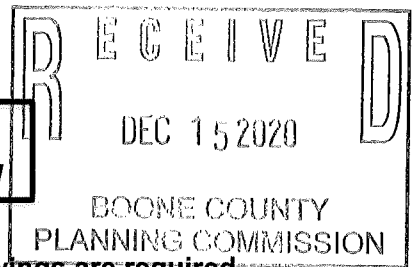


**BOARD OF ADJUSTMENT  
BOONE COUNTY PLANNING COMMISSION**



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

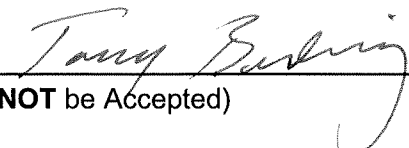
An application consists of all fees paid in full, submitted drawings, and a completed application form

**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 26.53 feet as show on the site plan.
5. Name of Development: Triple Crown Country Club
6. Location of Development: 650 Coaltown Court  
Union KY 41091  
City State Zip Code
7. Acreage Under Review: 0.9963 Acres
8. Lot Number and Name of Subdivision (if part of a subdivision):  
Lot No. 82 of Section No. 18 - Block "J" 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. 829 711 320 33 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: 12-15-2020 Fee Received: 666.00 Receipt #: 82945

2. Is application complete: \_\_\_\_\_

3. Staff Reviewer: M. Schwartz

4. Scheduled Board Action Date: 1/13/2021

5. Board Action: 1/13/2021

- 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](mailto:plancom@boonecountyky.org)  
[www.boonecountyky.org](http://www.boonecountyky.org)

## STAFF REPORT

#1

APPLICANT: Tony Berling, on behalf of Triple Crown Developers, LLC

LOCATION: 650 Coaltown Court, Boone County, Kentucky

ZONING: Suburban Residential One (SR-1)

DATE: January 13, 2021

### PROPOSAL

- A. The applicant is requesting a Variance to reduce the minimum required rear yard setback from thirty (30) feet to 26.53 feet in order to build a single family dwelling and a deck.

### SITE HISTORY

2019 On October 15, 2019, the Boone County Planning Commission approved a Final Plat for Triple Crown Country Club, Section 18, Block J, creating the lot in question.

2016-2020 based on information contained in the Boone County GIS, Coaltown Court was constructed.

### 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.”
- 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 as “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).

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. Coaltown Court is identified as a public cul-de-sac street providing for two way traffic within a 25 foot pavement width. Sidewalks will be provided along both sides of the roadway as individual houses are built.

#### SURROUNDING LAND USES AND ZONING

- North: Vacant/undeveloped land – future single family residential (SR-1)  
South: Single family residential (SR-1)  
East: Vacant/undeveloped land – future single family residential (SR-1)  
West: Vacant/undeveloped land – future single family residential (SR-1)

#### SITE CHARACTERISTICS

- A. The approximate 1 acre property is located along the south side of Coaltown Court, approximately 500 feet east of Citation Drive.  
B. The site is currently vacant.  
C. The site slopes downward from west to east.  
D. A 150 foot wide electrical transmission easement crosses over the northern portion of the lot, resulting in the southern portion of the lot having a developable depth ranging from approximately 40 feet to 90 feet.

#### 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 35 feet from the rear property line and the proposed deck will be set back 26.53 feet from the rear property line.

STAFF COMMENTS

- A. Based on zoning permits approved by the Boone County Planning Commission and information contained in the Boone County GIS, the house located at 1025 Hyperion Court has a rear yard setback of 53 feet and the two houses will have a separation of 86 feet.
- B. Based on zoning permits approved by the Boone County Planning Commission and information contained in the Boone County GIS, the house located at 1029 Hyperion Court has a rear yard setback of 63 feet and the two houses will have a separation of 150 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
- \*Easement Location
- \*Application
- \*Development Plan

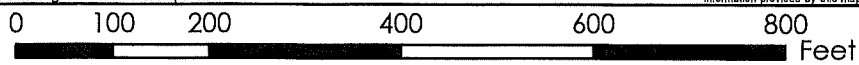
# Vicinity Map

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.



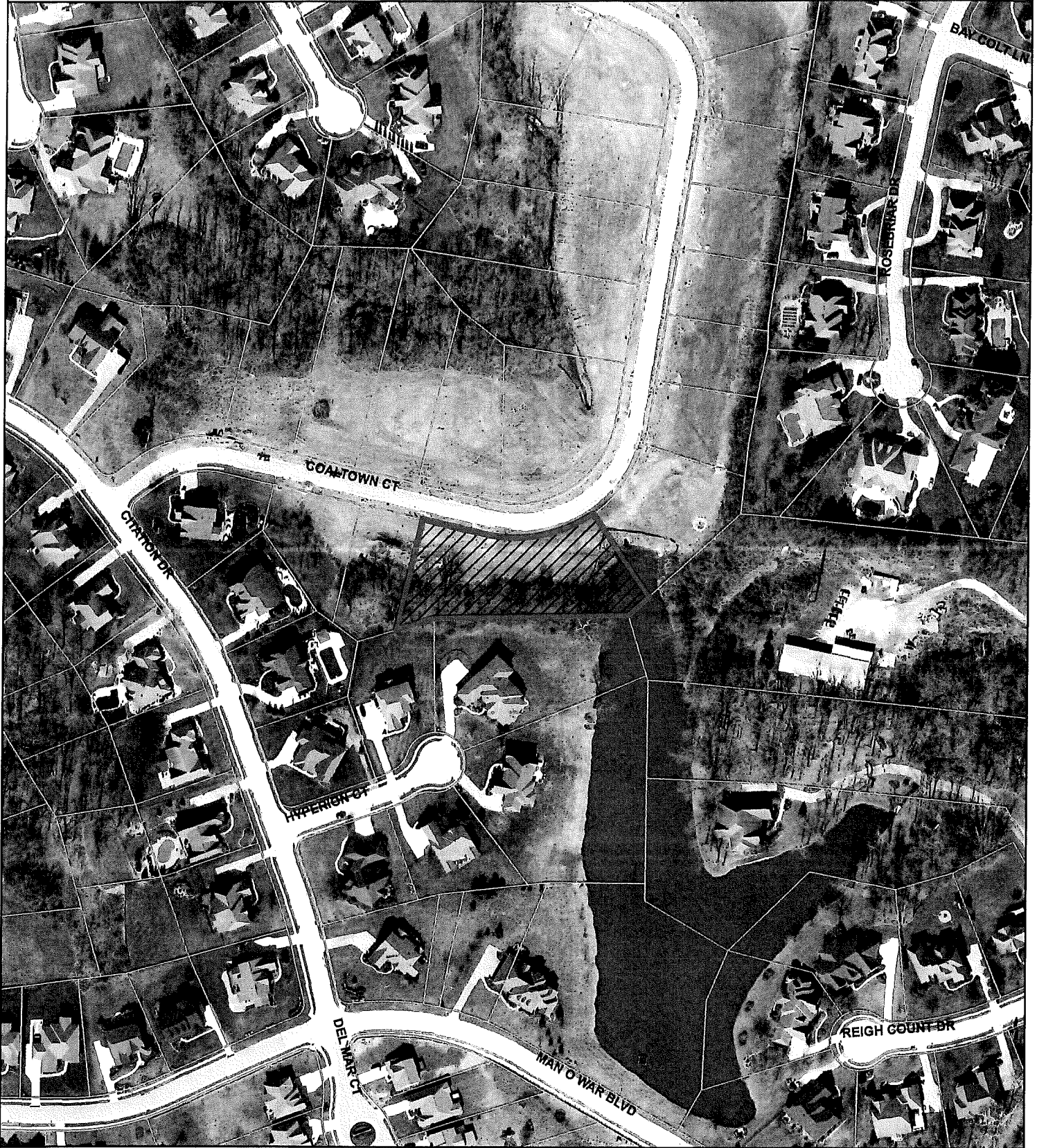
1 Inch = 200 feet

**Boone County GIS**



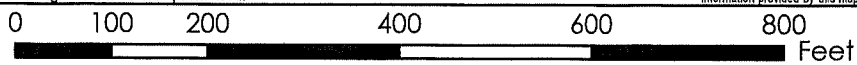
# Aerial Map

www.boonecountygis.com



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1 Inch = 200 feet



**Boone County GIS - Putting Northern Kentucky on the Map**

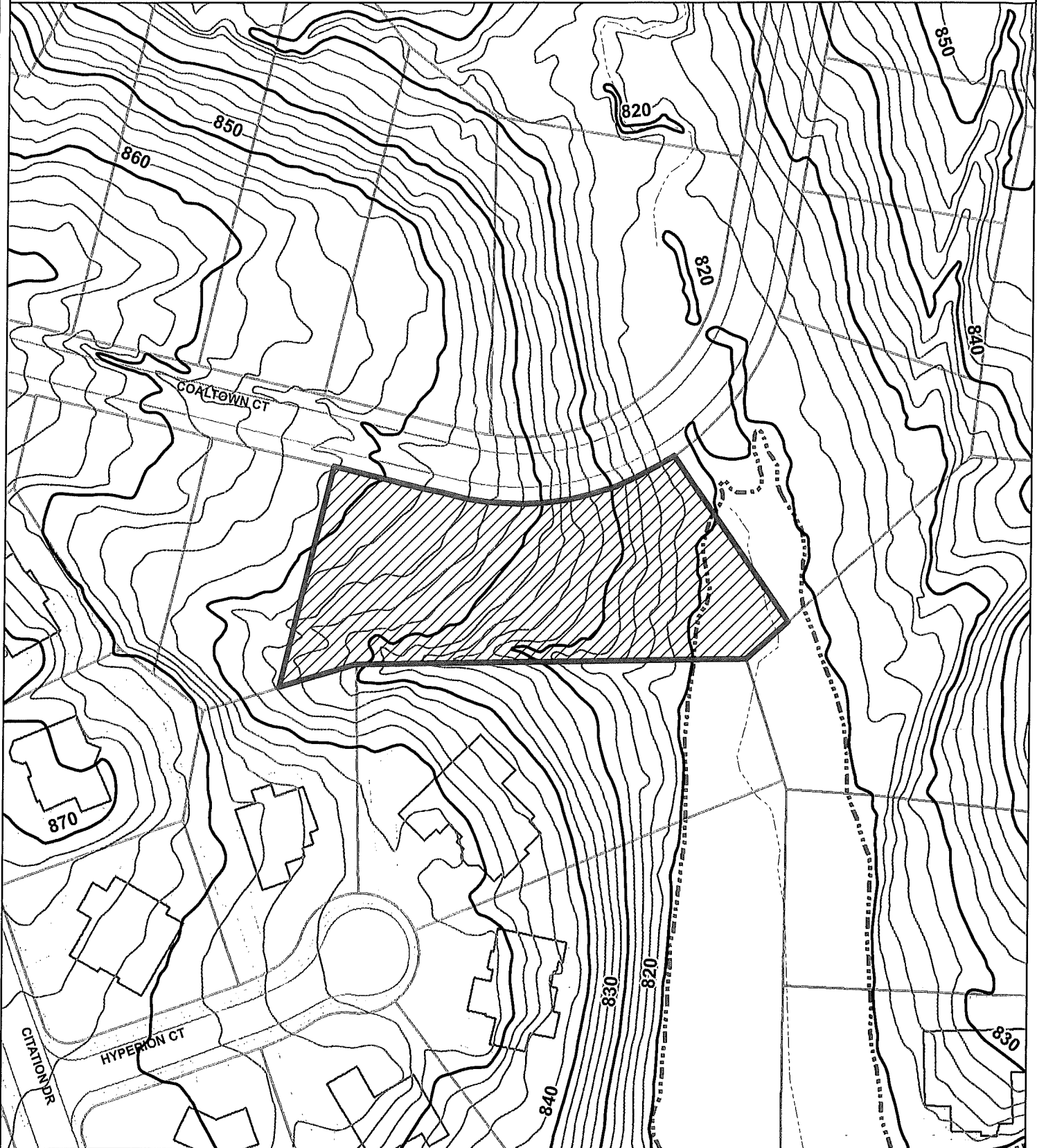


Map Created: 01/01/2018

Map File: F:\maps\North\GIS (1).mxd  
ArcMap Document: \*.mxd

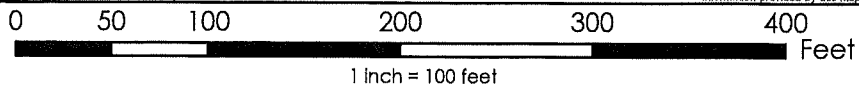
# Topographic Map

www.boonecountygis.com



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**Boone County GIS**



Map Created: 01/01/2018

Boone County GIS  
ArcMap Document: \*.mxd

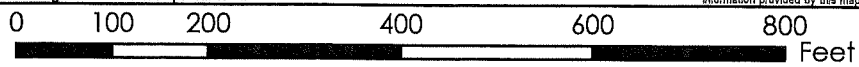
# Zoning Map

www.boonecountygis.com



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1 Inch = 200 feet

**Boone County GIS**



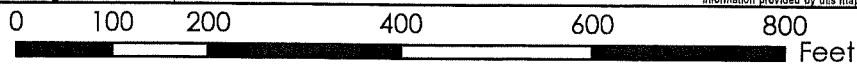
# 2040 Future Land Use Map

www.boonecountygis.com



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1 inch = 200 feet

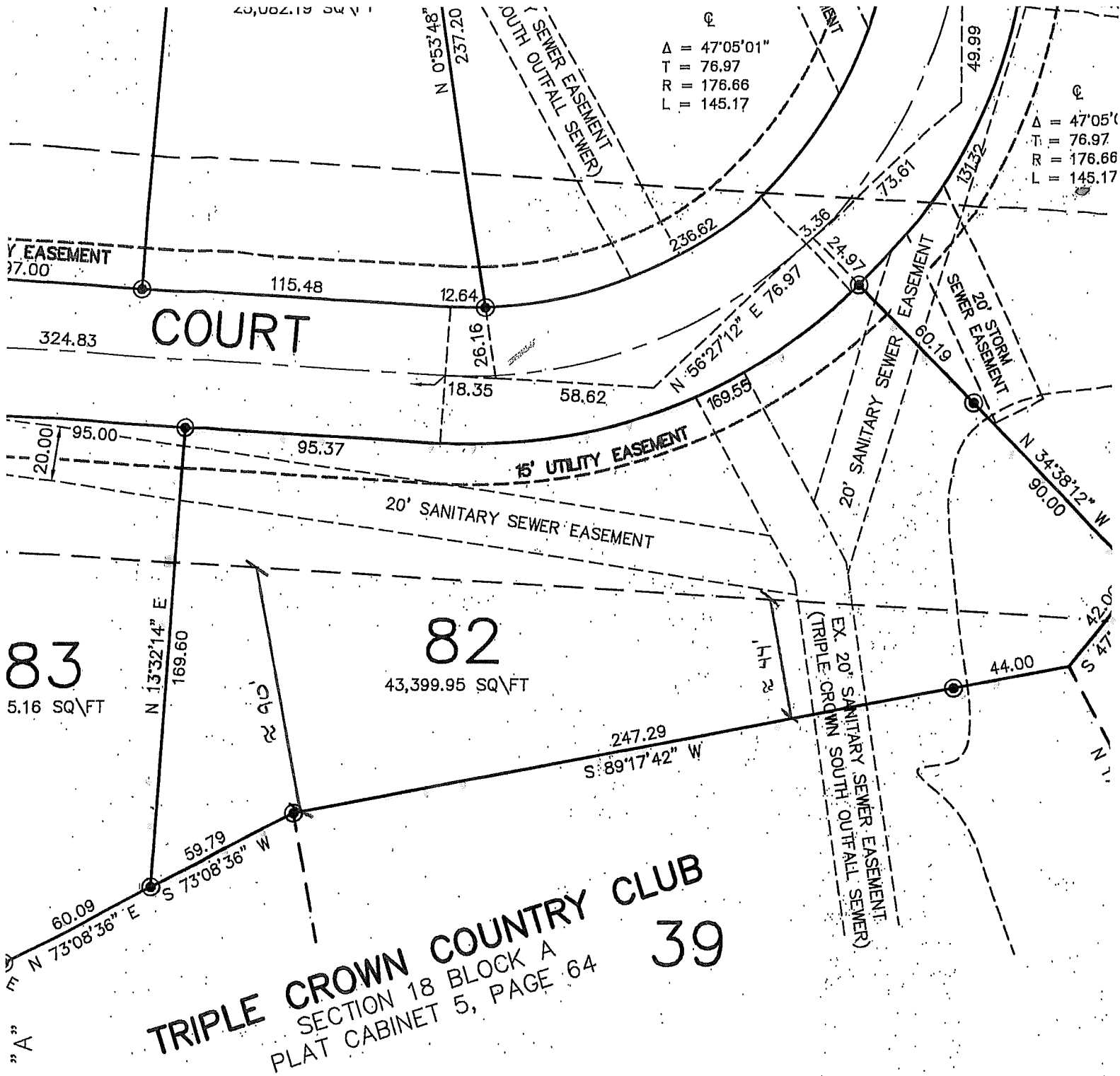


**Boone County GIS - Putting Northern Kentucky on the Map**

Map Created: 01/01/2018



Path / User / Color by Name, 04/11/15  
ArcMap Document: \*.mxd



$\Delta = 47^{\circ}05'01''$   
 $T = 76.97$   
 $R = 176.66$   
 $L = 145.17$

$\Delta = 47^{\circ}05'01''$   
 $T = 76.97$   
 $R = 176.66$   
 $L = 145.17$

83  
5.16 SQ\FT

82  
43,399.95 SQ\FT

BLOCK "A"

38

39

TRIPLE CROWN COUNTRY CLUB  
 SECTION 18 BLOCK A  
 PLAT CABINET 5, PAGE 64

STATE OF KENTUCKY  
 STEVEN A. BERLING  
 3206  
 LICENSED  
 LAND SURVEYOR


Code No. 2547

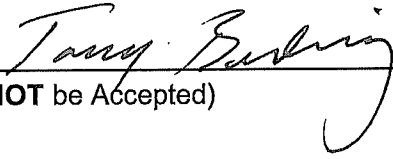
EASEMENT LOCATION

1" = 50'

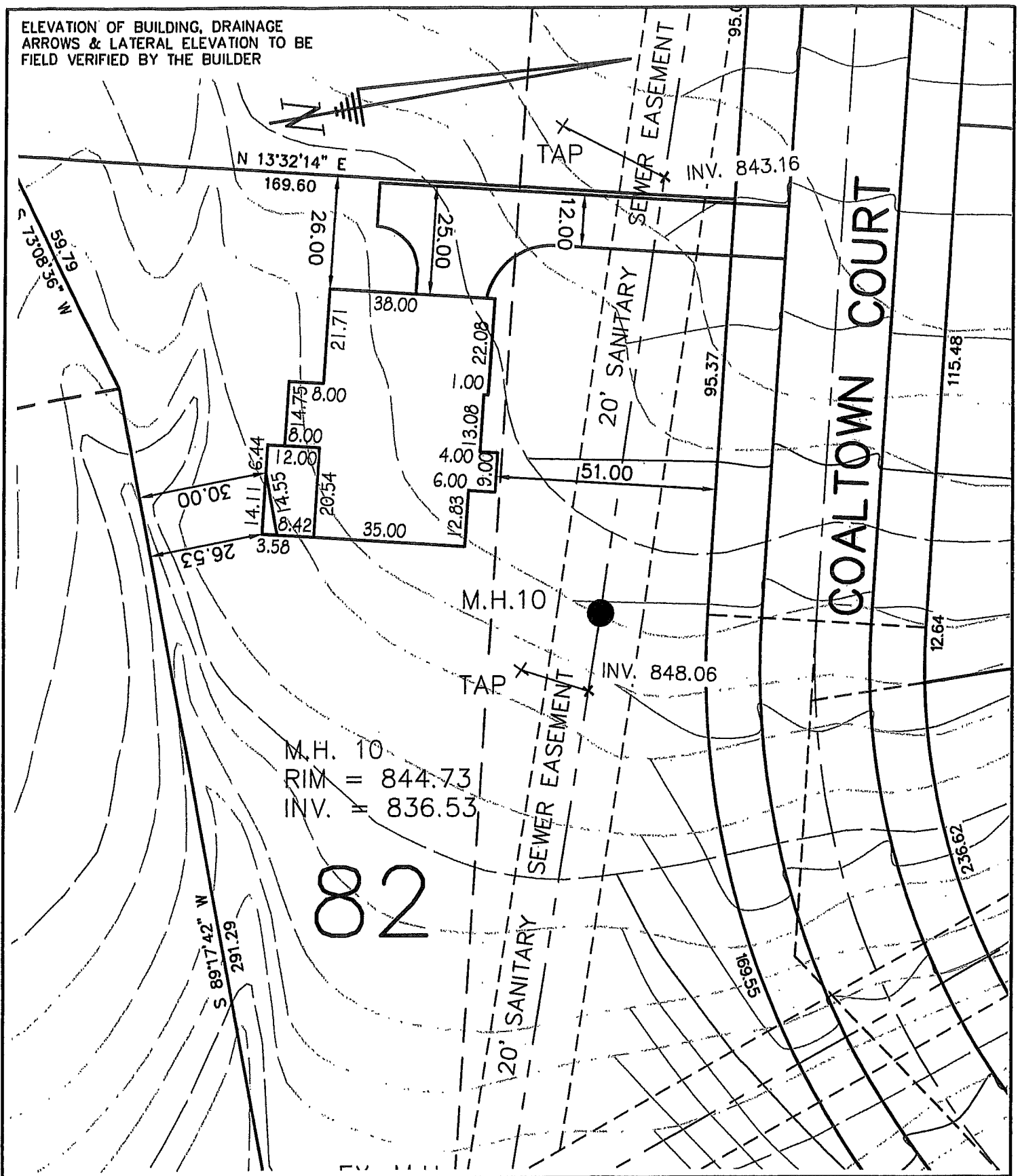



10. Proposed Use(s) on Site: Single Family residence
11. Total Square Footage of Existing and/or Proposed Buildings: 2,535 Sq/Ft
12. Current Zoning: SR-1
13. 829 320 5454  
Deed Book Page Group Number
14. Is the site subject to a zone change:  Yes  No  
If yes, date of approval: \_\_\_\_\_
15. Have you 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)

ELEVATION OF BUILDING, DRAINAGE  
ARROWS & LATERAL ELEVATION TO BE  
FIELD VERIFIED BY THE BUILDER



<b>BUILDER</b> <b>DREES HOMES</b>	<b>SUBDIVISION</b> TRIPLE CROWN COUNTRY CLUB 650 COALTOWN COURT UNION, KENTUCKY		<b>SECTION</b> <b>18</b>	<b>BLOCK</b> <b>J</b>	<b>LOT NUMBER</b> <b>82</b>
<b>OWNER</b> DREES HOMES 211 GRANDVIEW DRIVE FORT MITCHELL, KY 41017 OFFICE: (859) 578-4200	<b>DATE</b> 12/14/20 <b>IMPROVEMENT PLAN APPROVAL</b> 4-24-18	<b>SCALE</b> 1" = 30'  = TREE TO BE PICKED FROM THE PLANT LIST "A"	<b>PREPARED BY:</b> CHRIS BERLING JAMES W. BERLING ENGINEERING 1671 PARK ROAD, SUITE ONE FT. WRIGHT, KENTUCKY 41011 (859) 331-9191		

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  
650 Coaltown Court  
Union, KY 41091
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)  
Triple Crown Country Club
  
4. DEED BOOK 711                      PAGE NO. 33                      GROUP NO. 2064
  
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 14 day of January, 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.)