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: John Hoff

Address: 12251 Ryle Rd

Union (City) Ky (State) 41091 (Zip Code)

Phone Number: (859) 743-7655 Fax Number:

Email: jehoff84@gmail.com

4. Description of Request:
To build 36x36 Pole Barn with 12x36 side shed.

5. Name of Development:

6. Location of Development: 12251 Ryle Rd Union

Union (City) Ky (State) 41091 (Zip Code)

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JAN 19 2021
BOONE COUNTY
PLANNING COMMISSION

83098

7. Acreage Under Review: 1.62

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

9. Current Owner: John Hoff

Address: 12251 Ryle Rd Union

Union (City) Ky (State) 41091 (Zip Code)

Phone Number: (859) 743-7655 Fax Number:

Email: jehoff84@gmail.com

10. Proposed Use(s) on Site: Personal Storage

11. Total Square Footage of Existing and/or Proposed Buildings: _____

12. Current Zoning: C-1

13. 1082 (Deed Book) 991 (Page) 2066-A (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: [signature]
(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

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

- Application
- Deed
- Names & Mailing Address of Adjacent Property Owners (includes properties across the street)
- Site Plan
- ~~[illegible]~~ $966 application fee

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

1. Date Received: 1-19-21 Fee Received: $96.00 Receipt #: 83098

2. Is application complete: ✓

3. Staff Reviewer: M. Schwartz

4. Scheduled Board Action Date: 2/10/2021

5. Board Action: 2/10/2021

   ✓ 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
www.boonecountyky.org

STAFF REPORT **#1**

APPLICANT: John Huff

LOCATION: 12251 Ryle Road, Boone County, Kentucky

ZONING: Commercial One (C-1)

DATE: February 10, 2021

PROPOSAL

A. The submitted request is for a Change of Nonconforming Use to allow the construction of a 1,296 square foot storage building (pole barn) with a 432 square foot side shed.

SITE HISTORY

1949 Based on information contained in the Boone County GIS, a building was located on the west side of the property.

1974 Based on information contained in the Boone County GIS, the property was vacant.

1980 The 1980 Boone County zoning map identified the site as being zoned C-1.

1981 Based on information contained in the Boone County GIS, a building was located on the site where the current building is located.

1989 Records indicate that a zoning permit for an addition was submitted to the Boone County Planning Commission.

1999 Records indicate that a zoning permit for a barn was submitted to the Boone County Planning Commission.

APPLICABLE REGULATIONS

A. Section 220 of the Boone County Zoning Regulations states that one of the duties of the Board of Adjustment is to grant changes in nonconforming uses as specified in this order.

B. Section 273 of the Boone County Zoning Regulations states that the Board of Adjustment shall have the power to hear and decide on applications to permit a change from one nonconforming use to another. In reviewing such applications, the Board:

1. Shall not permit such a change unless the new nonconforming use is as equally or more compatible with permitted uses in the district in which it is located as the existing nonconforming use.

2. Shall not allow any changed nonconforming use to be increased or enlarged, nor extended to occupy a greater area of land than was occupied by the original nonconforming use.

C. In permitting such change in nonconforming use, the Board may require appropriate conditions and safeguards in accord with other provisions of this order, such as the provision of landscaping and buffering, the improvement of parking areas, and restrictions on the hours of operation.

D. Kentucky Revised Statute (KRS) 100.253 (2), reads as follows: "The board of adjustment shall not allow the enlargement or extension of a nonconforming use beyond the scope and area of its operation at the time the regulation which makes its use nonconforming was adopted, nor shall the board permit a change from one (1) nonconforming use to another unless the new nonconforming use is in the same or a more restrictive classification, provided, however, the board of adjustment may grant approval, effective to maintain nonconforming-use status, for enlargements or extensions, made or to be made, of the facilities of a nonconforming use, where the use consists of the presenting of a major public attraction or attractions, such as a sports event or events, which has been presented at the same site over such period of years and has such attributes and public acceptance as to have attained international prestige and to have achieved the status of a public tradition, contributing substantially to the economy of the community and state, of which prestige and status the site is an essential element, and where the enlargement or extension was or is designed to maintain the prestige and status by meeting the increasing demands of participants and patrons."

E. Section 1010 of the Boone County Zoning Regulations states that "the purpose of the Commercial One district is to provide the convenience goods and personal services required for daily living needs. Districts will be located on suitable lands central to the neighborhood trade area with direct access from neighborhood collector roads or minor arterials. District facilities and plans will be organized to provide central and convenient collection of vehicles, pedestrians and multi-modal forms of transportation within the district's facilities and major shopping spaces."

F. Residential dwellings are not identified as a principally permitted use within the C-1 district.

G. Section 3110 of the Boone County Zoning Regulations requires a minimum front yard setback of twenty-five (25) feet and a minimum side yard setback of twenty (20) feet within the C-1 district.

H. Section 3153 of the Boone County Zoning Regulations state that accessory structures or uses shall be placed in the side or rear yard in all zoning districts.

I. Section 4000 of the Boone County Zoning Regulations defines an accessory use or structure as a use or structure on the same lot as the principal use or structure and is subordinate and secondary in area, extent and purpose to the principal use or structure in which it serves. An accessory use or structure contributes to the comfort, convenience, and/or necessity for the occupants of the principal use or structure.

RELATIONSHIP TO THE COMPREHENSIVE PLAN

A. The Our Boone County Plan 2040 Future Land Use Plan designates the site in question for "Rural Density Residential" uses, which is defined as low density residential uses of up to one dwelling unit 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).

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).

Maintenance of sound existing housing and rehabilitation of deteriorating housing shall be encouraged and incentivized (Demographics Goal B, Objective 2).

Home ownership shall be encouraged and incentivized as well as redevelopment and renovation of deteriorating housing stock (Demographics Goal B, Objective 3).

C. Ryle Road is identified as a local street, providing for two-way traffic within an approximate 15 foot pavement width. There are no sidewalks along the roadway.

SITE CHARACTERISTICS

A. The approximate 1.6 acre property is located along the north side of Ryle Road, approximately 0.4 miles west of its intersection with Beaver Road.

B. The site is currently occupied by an approximate 1,400 square foot single-family residential dwelling, an approximate 130 square foot accessory structure, an approximate 170 square foot accessory structure, and an approximate 700 square foot accessory structure.

C. The site slopes downward 40 feet from south to north at an average grade of approximately 15%.

D. The northern two-thirds of the site is located within the floodplain of Landing Creek.

E. Access to the site is from an existing curb cut onto Ryle Road.

SURROUNDING LAND USES AND ZONING

North: Single-family residential and vacant/undeveloped land (A-1)

South: Single-family residential (RSE)

East: Single-family residential (C-1)

West: Single-family residential (C-1)

PROPOSED DEVELOPMENT

A. The applicant is proposing the following:

1. Construction of a 36' x 36' accessory structure (1,296 square foot pole barn) for personal storage.

2. Construction of a 12' x 36' accessory structure (432 square foot side shed) for personal storage.

3. The proposed building will have a front yard setback of 55 feet and a side yard setback of 90 feet.

STAFF COMMENTS

A. The applicant has submitted a petition, with signature from all of the adjoining property owners, stating that they are in favor of the proposed building(s).

B. The location of the proposed structure sits approximately 10-15 feet below the the pavement level of Ryle Road.

C. In reviewing the submitted application, the applicant should address, and the Board must find, that the new nonconforming use is as equally or more compatible with permitted uses in the district in which it is located as the previous nonconforming use.

D. The Board must find that the new nonconforming use is not an increase or enlargement over the previous nonconforming use and that the new nonconforming use is not occupying a greater land area than was occupied by the previous nonconforming use.

CONCLUSION

KRS 100.253 and Section 273 of the Boone County Zoning Regulations gives the Boone Board of Adjustment and Zoning Appeals the authority to act on the request.

Respectfully submitted,

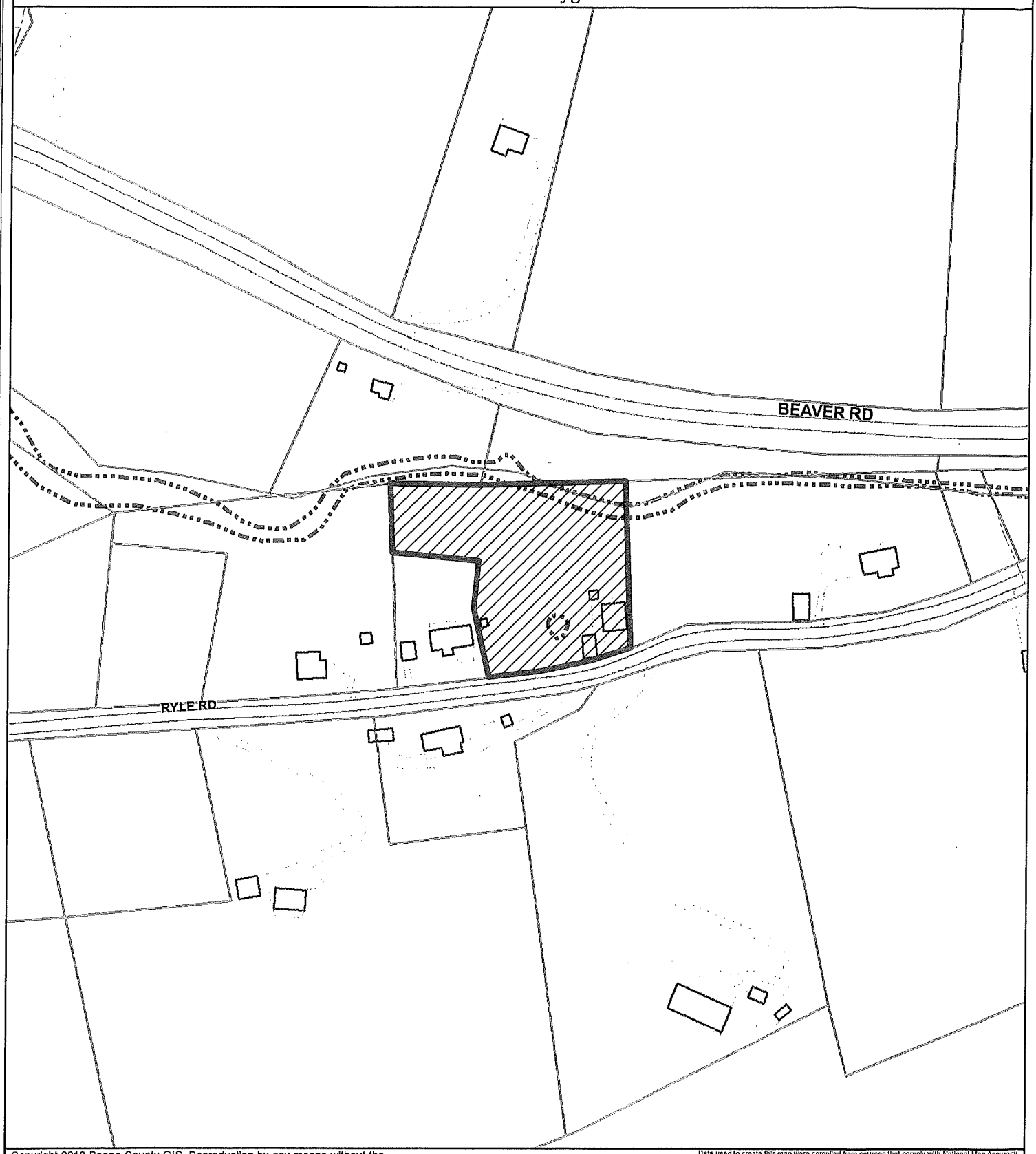
Michael D. Schwartz
Planner

MDS/ss

Attachments
*Vicinity Map
*Aerial Map
*Zoning Map
*Topographical and Floodplain Map
*2040 Future Land Use Map
*Application
*Concept Development Plan
*Petition in favor of the request

Vicinity Map

www.boonecountygis.com



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0 100 200 400 600 800 Feet

1 Inch = 200 feet

N W E S

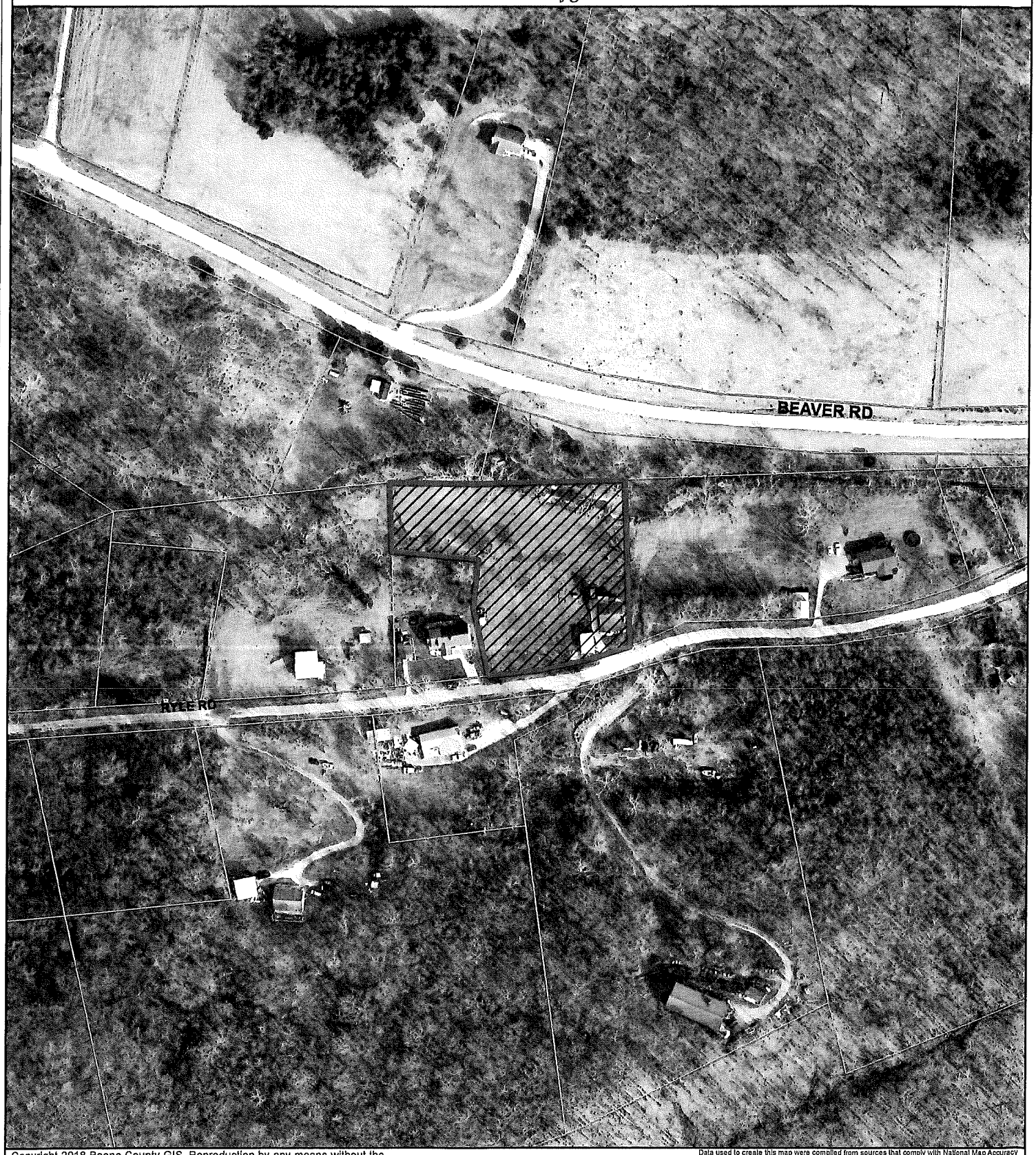
Boone County GIS

Map Created: 01/01/2018

ArcMap Document: *.mxd

Aerial Map

www.boonecountygis.com



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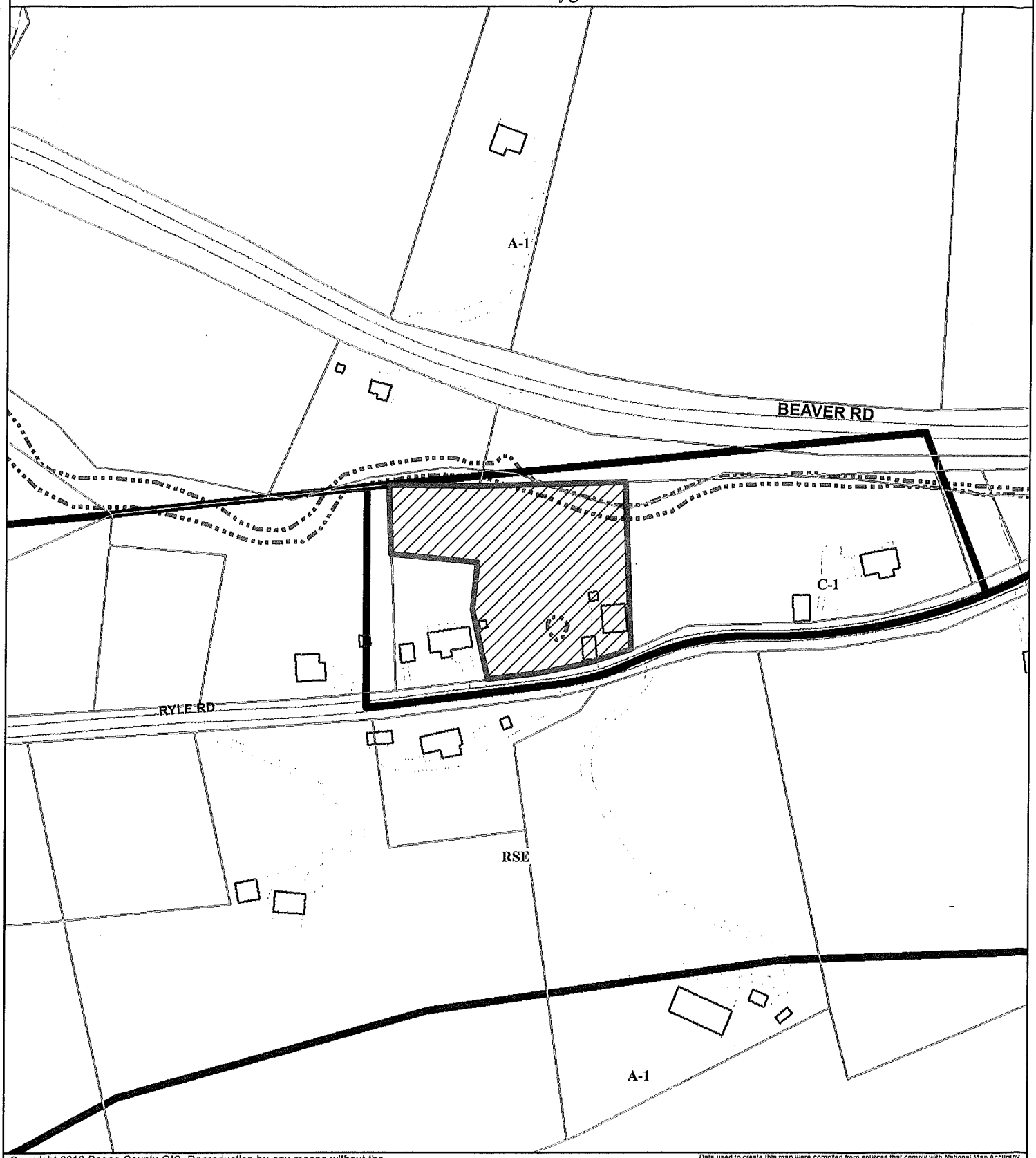
ArcMap Document: *.mxd

Zoning Map

www.boonecountygis.com



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N W E S

Boone County GIS

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Topographical and Floodplain Map

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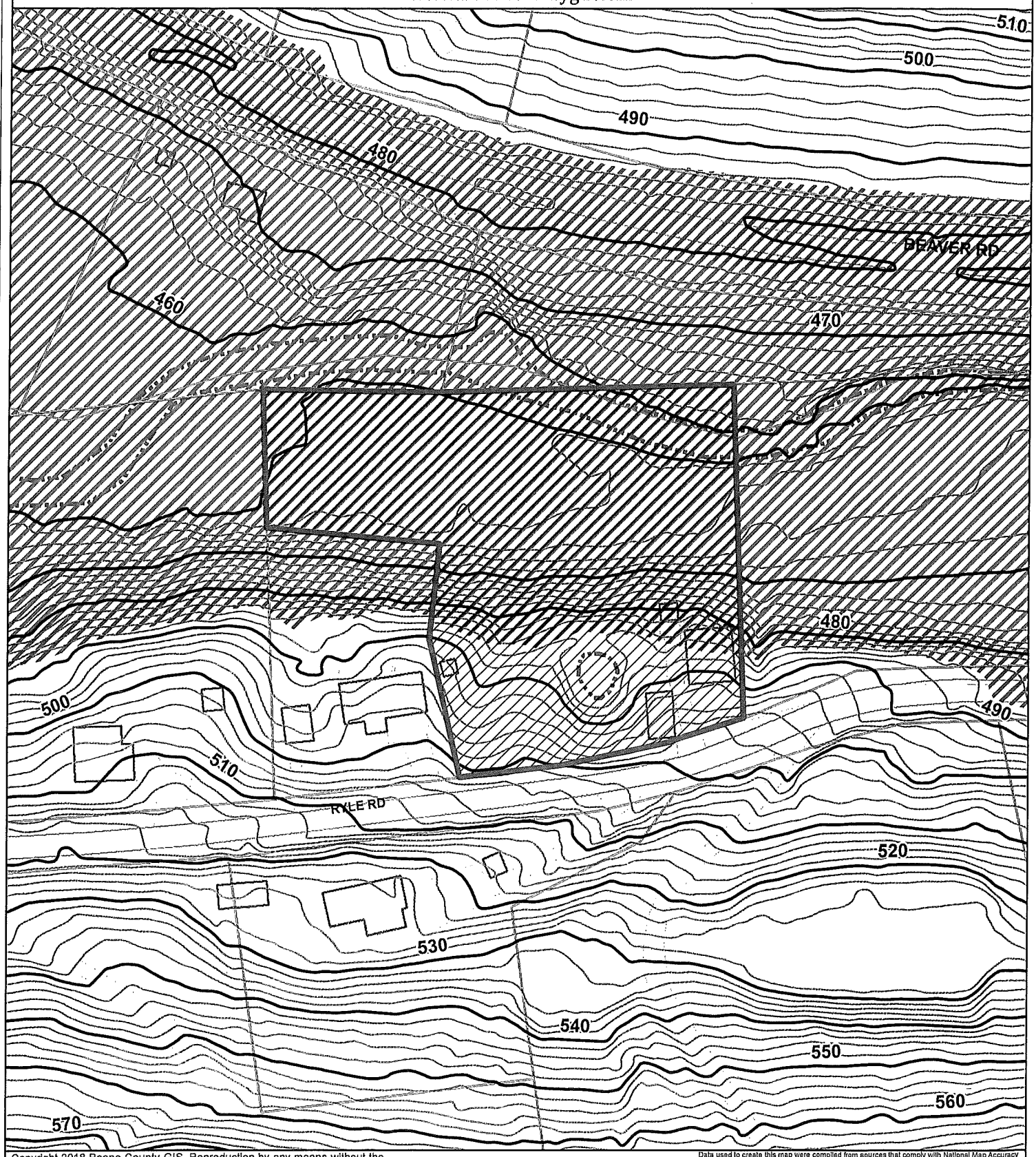

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N W E S

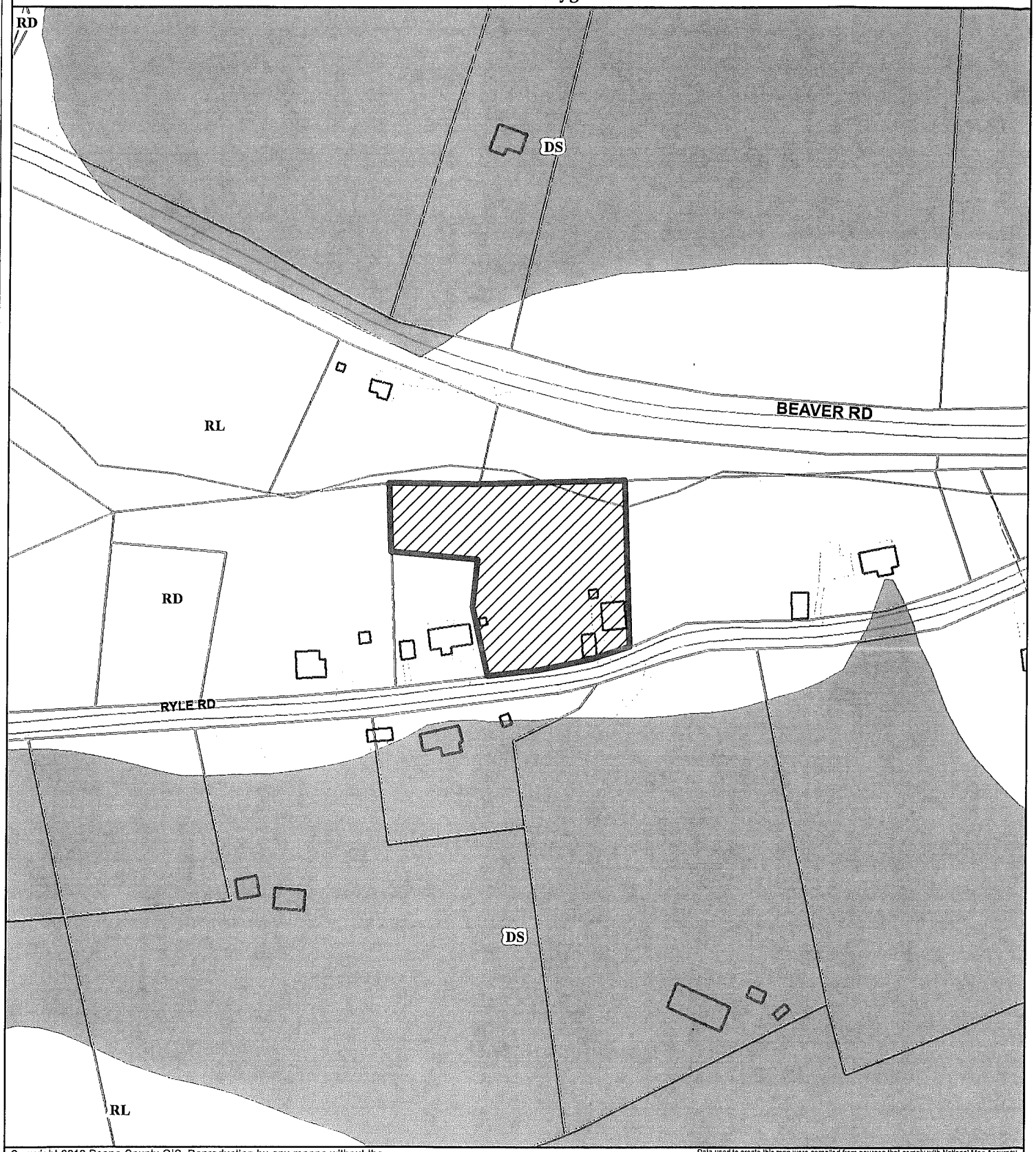
Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 01/01/2018

ArcMap Document: *.mxd

2040 Future Land Use Map

www.boonecountygis.com



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BOONE COUNTY PLANNING COMMISSION

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2. Check One ☐ Conditional Use Permit ☐ Variance ☐ Appeal
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3. Applicant: JOHN HOFF

Address: 12251 Ryle Rd

UNION (City) Ky (State) 41091 (Zip Code)

Phone Number: (859) 743-7655 Fax Number:

Email: jehoff84@gmail.com

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Phone Number: (859) 743-7655 Fax Number:

Email: jehoff84@gmail.com

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10. Proposed Use(s) on Site: Personal Storage

11. Total Square Footage of Existing and/or Proposed Buildings: _____

12. Current Zoning: C-1

13. 1082 (Deed Book) 991 (Page) 2068-A (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.

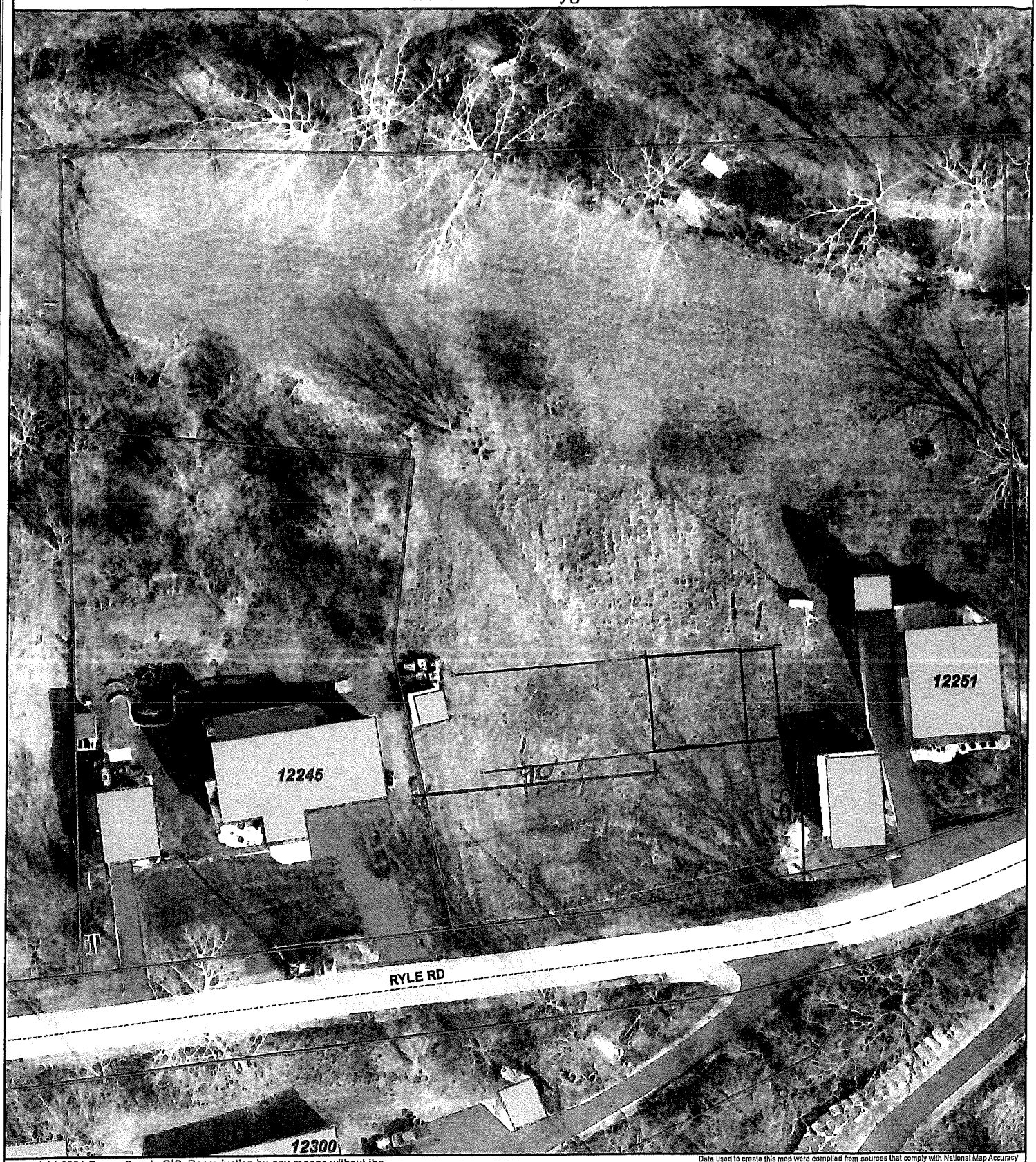
ORIGINAL Property Owner's Signature: _____
(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

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

- Application
- Deed
- Names & Mailing Address of Adjacent Property Owners (includes properties across the Street)
- Site Plan
- ~~$100~~ $966 application fee

Boone County GIS Map

www.boonecountygis.com



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0 25 50 100 150 200 Feet

1 inch = 50 feet

N W E S

Boone

Map Created: xx/xx/2021

ArcMap Document: *.mxd

By signing below, I state that I am for the building of a 36"x36" pole barn with a 12"x36" open side shed on the property addressed, 12251 Ryle Rd. Union, Ky 41091.

Printed First/Last Name	Signature	Address
Margaret Tunstall	Margaret Tunstall	12245 Ryle Rd.
Kevin Hanks	[illegible]	12300 Ryle rd
Harry Huff, Jr.	Harry G. Huff Jr.	Parcel 031.00-00-011.00 Deed Book 927-854 Mailing: 12704 Ryle Rd, Union, Ky 410[illegible]
Ralph Mitchell	[illegible]	4210 Beaver Rd Union, Ky 41091
Lisa Parker	Lisa Parker	12264 Ryle Rd. Union, Ky 41091
Colleen Pennell	Colleen Pennell	12263 Ryle Rd Union Ky 41091

CLUR #21-BCBOA-004-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
John Huff
12251 Ryle Road
Union, KY 41091

2. ADDRESS OF PROPERTY
12251 Ryle Road
Union, KY 41091

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
John Huff

4. DEED BOOK 1082 PAGE NO. 991 GROUP NO. 2066A

5. TYPE OF RESTRICTION(S) (Check all that apply)

____ Zoning Map Amendment:
From____ To

____ Development Plan

____ Subdivision Plat
(Not Recorded)

____ Variance

____ Conditional Use Permit

____ Conditional Zoning

_X_ Other: Change in Non-Conforming Use

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 11 day of February, 2021.

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.)