



**Townhomes**

10. Proposed Use(s) on Site: \_\_\_\_\_
11. Total Square Footage of Existing and/or Proposed Buildings: 16,000 SF
12. Current Zoning: UR-1 - Multi Family
13. 204 540 2025  
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:** Marcella Barton  
(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

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

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

- 1. Date Received: 1-19-21 Fee Received: \$ 1,716<sup>00</sup> Receipt #: 83099
- 2. Is application complete:  \_\_\_\_\_
- 3. Staff Reviewer: M. Schwarz \_\_\_\_\_
- 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](mailto:plancom@boonecountyky.org)  
[www.boonecountyky.org](http://www.boonecountyky.org)

## STAFF REPORT

#2

APPLICANT: Brad Trauth, on behalf of Marcella Barton

LOCATION: 5559 Limaburg Road, Boone County, Kentucky

ZONING: Urban Residential One (UR-1)

DATE: February 10, 2021

### PROPOSAL

- A. A variance reducing the rear yard building setback (west) from thirty (30) feet to twenty-five (25) feet.
- B. A variance reducing the side yard building setback (south) from thirty (30) feet to twenty (20) feet.
- C. A variance reducing the side yard setback (south) for decks from thirty (30) feet to ten (10) feet.
- D. A variance reducing the rear (west) Buffer Yard A landscape width from ten (10) feet to five (5) feet.
- E. A variance reducing the side (north) Buffer Yard A landscape width from ten (10) feet to five (5) feet.
- F. A variance reducing the driveway aisle width from twenty-four (24) feet to twenty-two (22) feet.

### SITE HISTORY

- 1969-1974 Based on information contained in the Boone County GIS, the house was constructed.
- 1974 On December 18, 1974, the Boone County Planning Commission approved a Conveyance Plat, creating the lot in question.
- 1985-1990 Based on information contained in the Boone County GIS, areas to the north, south, and west of the site were developed.
- 1991 On February 12, 1991, the Boone County Planning Commission approved a zoning permit for a garage.

### 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 960 of the Boone County Zoning Regulations states that the “purpose of the Urban Residential One district is to provide an urban scale, residential environment for smaller family types who do not require or desire the low density attributes to character typical of suburban districts. Housing will consist of the more compact dwelling types. Such districts will be located on suitable lands within established or proposed urban entities with adequate infrastructure (available or proposed) and accessibility to urban activity centers.
- E. Section 961 of the Boone County Zoning Regulations identifies duplex dwelling units, townhouse dwelling units, apartment dwelling units, condominium dwelling units, and landominium dwelling units as principally permitted uses within the UR-1 district.

- F. Section 3161.3 of the Boone County Zoning Regulations states that all townhouses, multi-family or accessory structures within the UR-1 district shall maintain a minimum thirty (30) foot setback from all property lines of adjacent property not included as part of the townhouse or multi-family development as approved.
- G. 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.
- H. Section 3645 of the Boone County Zoning Regulations requires a Buffer Yard A to be provided between developments that are both zoned UR-1. This same section states that the minimum width of Buffer Yard A shall be ten (10) feet.
- I. Section 3310 of the Boone County Zoning Regulations requires access drives to have a minimum width of twenty-four (24) feet.

#### RELATIONSHIP TO THE COMPREHENSIVE PLAN

- A. The Our Boone County Plan 2040 Future Land Use Plan designates the site in question as “Urban Density Residential”, which is defined as attached housing, generally condominiums or apartments, of over 8 dwelling 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).

The needs of an aging population (e.g., access to services, transportation, and support networks) shall be acknowledged and addressed (Demographics Goal A, Objective 2).

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).

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).

Clustered housing (or Open Space Subdivisions) shall be promoted by appropriate incentives (Demographics Goal B, Objective 7).

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. Limaburg Road is a county maintained collector street providing for two way traffic within an approximate 22 foot pavement width and a 60 foot right-of-way width. There are no sidewalks along the roadway.

#### SURROUNDING LAND USES AND ZONING

- North: Multi-family residential (Hayfield Park Apartments – 87 units at 12 units per acre) (UR-1)
- South: Multi-family residential (Sky Harbor Apartments – 192 units at 19 units per acre) (UR-1)
- East: Arronco Heating/Air Plumbing and agricultural land (I-1)
- West: Multi-family residential (Hayfield Park Apartments – 87 units at 12 units per acre) (UR-1)

#### SITE CHARACTERISTICS

- A. The approximate 1.1 acre property is located along the west side of Limaburg Road, approximately 2,500 feet north of Burlington Pike.
- B. The site is currently occupied by a single-family residential dwelling and a detached garage.
- C. The site slopes upward from south to north, at an average grade of 3% to 11%.
- D. A 25 foot wide utility easement crosses over the eastern portion of the lot, fronting and paralleling Limaburg Road.

#### PROPOSED DEVELOPMENT

- A. Demolition and removal of all existing improvements (i.e. house, garage, fence).
- B. Construction of 13 attached single-family residential dwellings in two building groups.
- C. Provision for rear patios/decks.
- D. Provision for 13 garage parking spaces and 16 exterior parking spaces.

- E. Access via a curb cut onto Limaburg Road, in the approximate location of the existing driveway.

STAFF COMMENTS

- A. An inter-departmental email was sent to the Boone County Building Department, Boone County Public Works, and the Burlington Fire District requesting comments pertaining to the request.
1. Jerold Noran, Boone County Building Department responded that he did not have any comments.
  2. Rob Franxman, Boone County Public Works, responded that he did not have any issue with the variances. He did note that an encroachment permit will need to be filed with Boone County Public Works for the new entrance. He also noted that the applicant should take care to locate the entrance according to the zoning regulations, particularly Section 3215 (driveway spacing) and Section 3217 (sight distance).
  3. No comments were received from the Burlington Fire District.
- B. The following requirements pertain to the proposed curb cut onto Limaburg Road:
1. Based on Limaburg Road's classification as a collector street, and its posted speed limit of 45 MPH, Section 3215 of the Boone County Zoning Regulations require that the proposed driveway be a minimum distance of 230 feet from Hayfield Drive. The submitted plan shows a distance of 140 feet.
  2. Based on Limaburg Road's classification as a collector street, Section 3216 of the Boone County Zoning Regulations require that the proposed driveway be a minimum distance of 75 feet from Tanglewood Court. The submitted plan shows a distance of 260 feet.
  3. Section 3217 of the Boone County Zoning Regulations provide for sight distance requirements to be met.
  4. Section 3221.4 of the Boone County Zoning Regulations state that if a property cannot be served by any access point meeting these standards, the Planning Commission will designate one or more access point(s) based on traffic safety, operational needs and conformance to as much of the requirements of these regulations as possible.
- C. A mature tree line exists on the adjacent properties to the south and west of the site.
- D. The two buildings to the north of the site are set back thirty (30) feet from the common property line. If approved, there will be a separation of seventy-three (73) feet between the buildings on the site and the buildings to the north of the site.

- E. The two buildings to the south of the site are set back thirty-five (35) feet from the common property line. If approved, there will be a minimum separation of fifty-five (55) feet between the buildings on the site and the buildings to the south of the site. If the decks are included, the minimum separation will be forty-five (45) feet.
- F. The two buildings to the south of the site have a separation of forty (40) feet from each other.

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

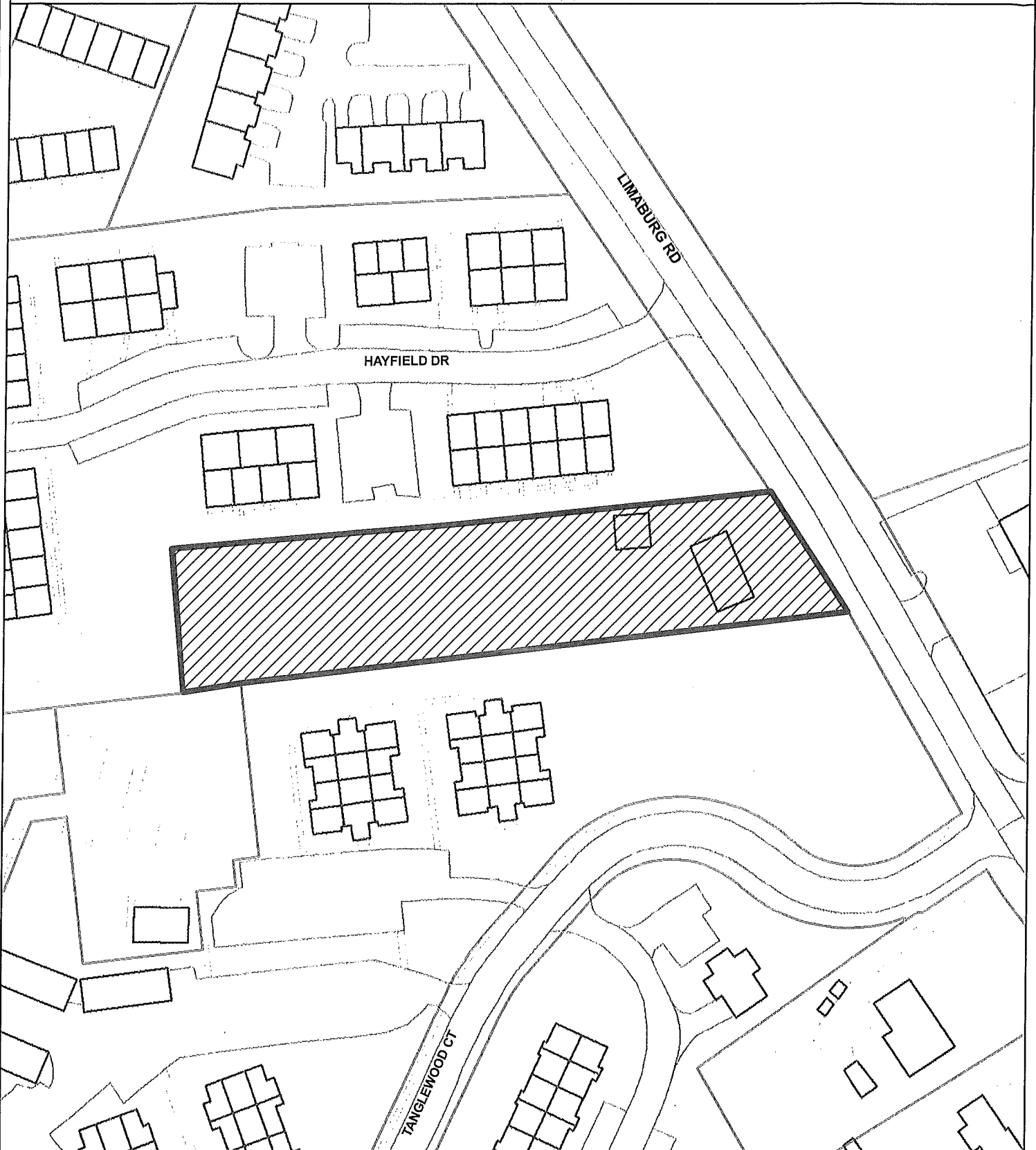
MDS/ss

Attachments

- \*Vicinity Map
- \*Aerial Map
- \*Topographical Map
- \*Zoning Map
- \*2040 Future Land Use Map
- \*Noise Contour Map
- \*Application
- \*Development Plan
- \*Email from Boone County Building Department dated January 20, 2021
- \*Email from Boone County Public Works dated January 28, 2021

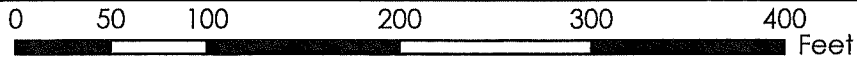
# Vicinity Map

www.boonecountygis.com



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1 Inch = 100 feet



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

Map Created: 01/01/2018

File Path: F:\maps\2018\GIS\_1113  
ArcMap Document: \*.mxd

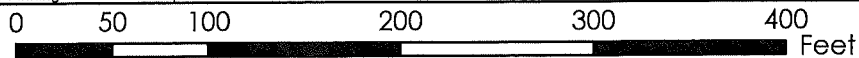
# Aerial Map

www.boonecountygis.com



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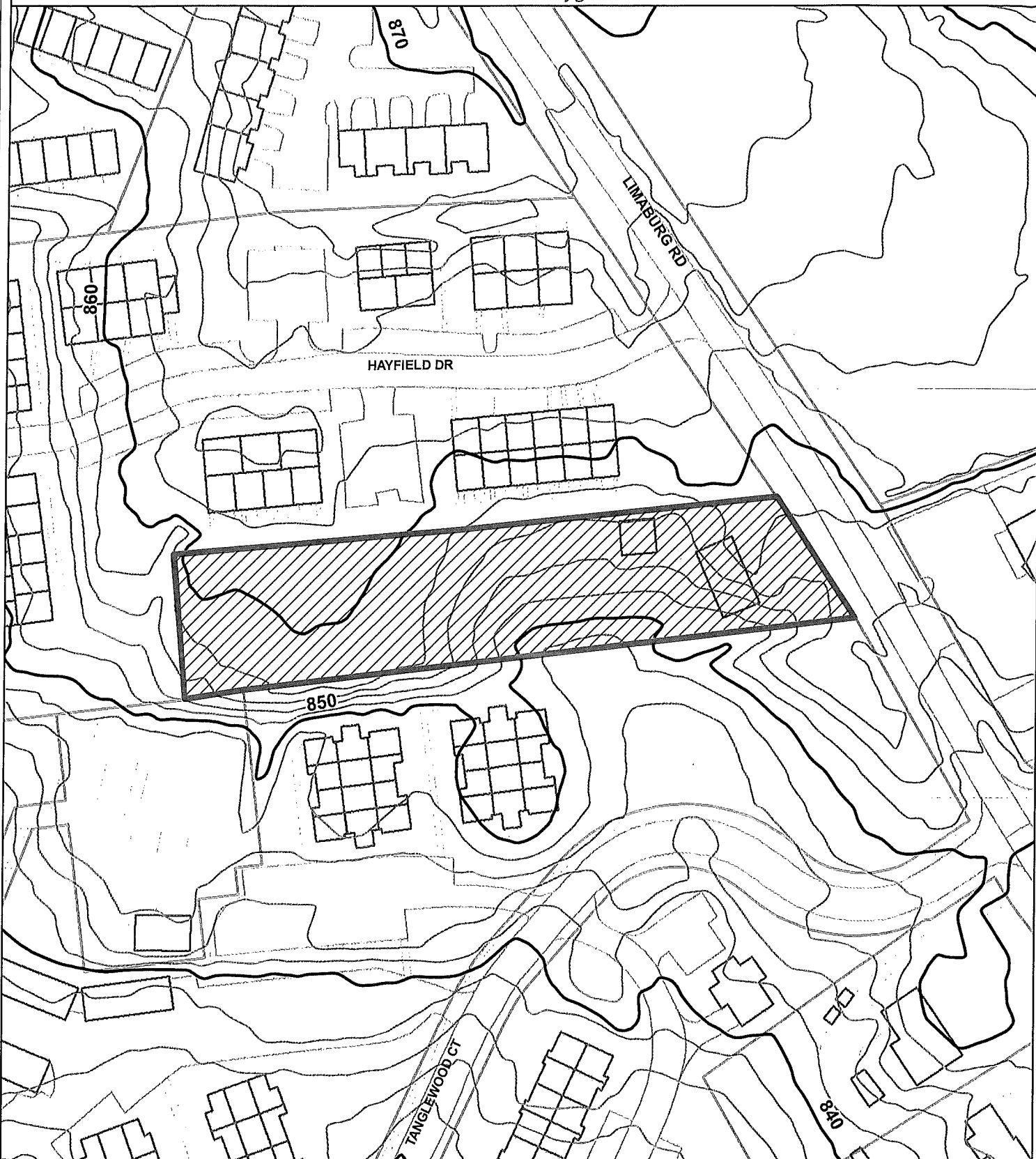


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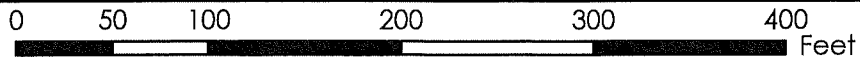
# Topographical Map

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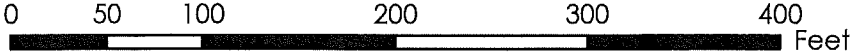
# Zoning Map

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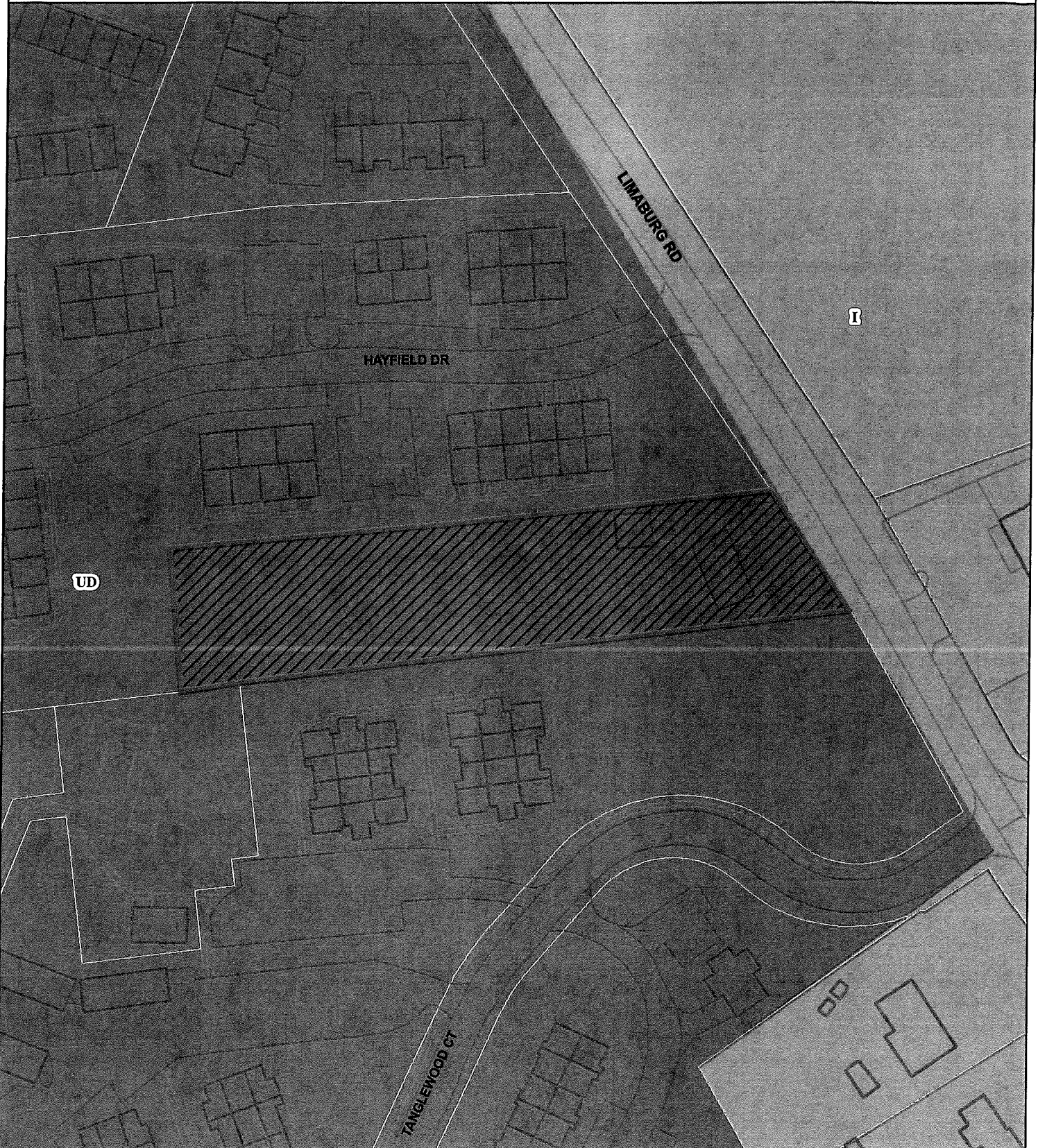
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ArcMap Document: \*.mxd

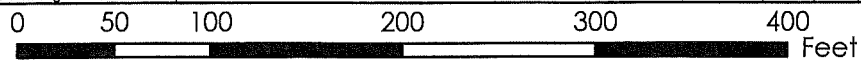
# 2040 Future land Use Map

www.boonecountygis.com



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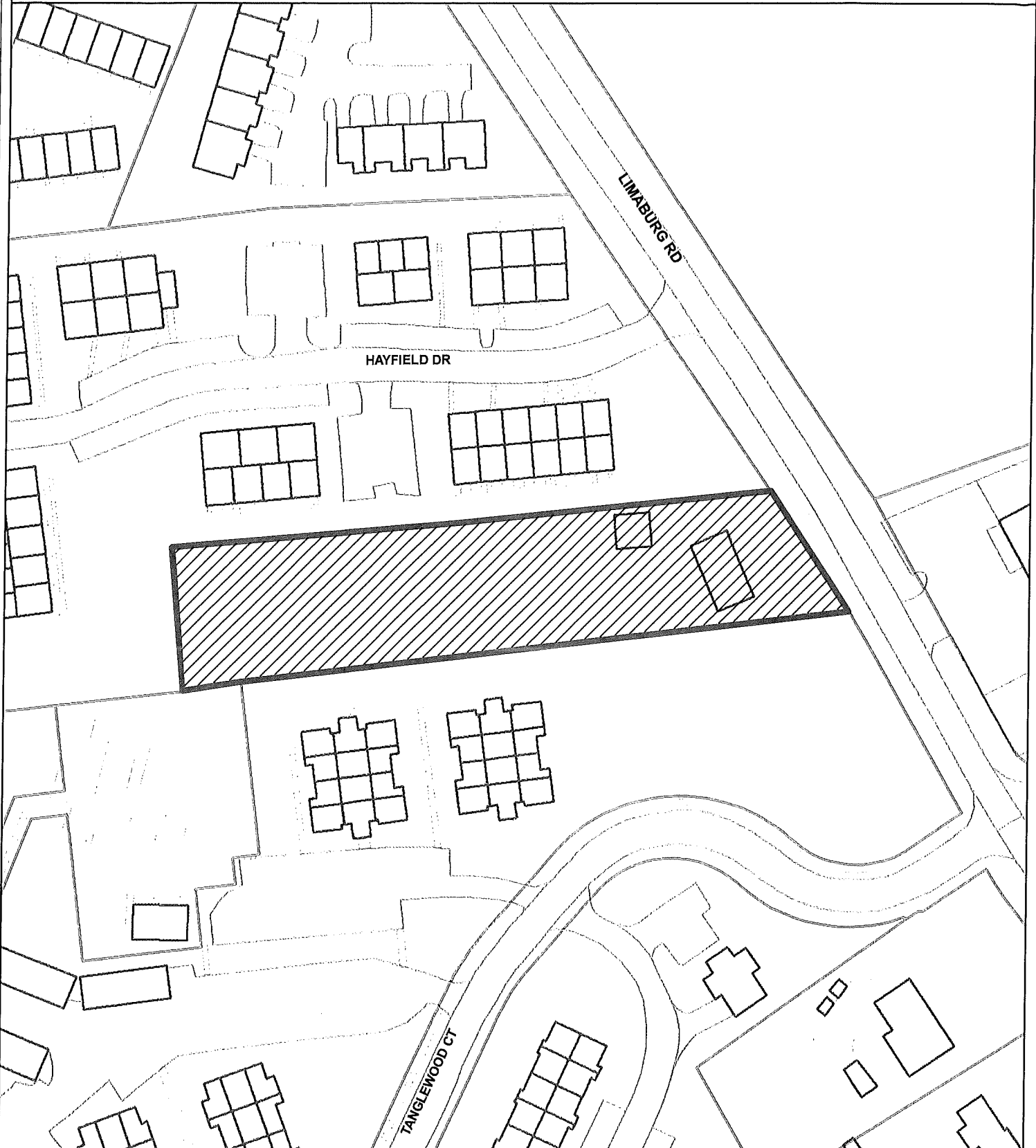


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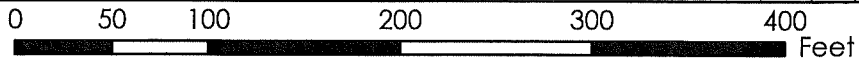
# Noise Contour Map

www.boonecountygis.com



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1 inch = 100 feet



Map Created: 01/01/2018

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



Map Document: \*.mxd

**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: Brad Trauth

Address: 1689 Grandview Drive

Hebron KY 41005  
 City State Zip Code

Phone Number: 859-466-4912 Fax Number: \_\_\_\_\_

Email: brad@trauthhomes.com

4. Description of Request:  
1) 30' setback reduced to 20' along South & West property lines; 2) Allow 11' setback for decks along South property line only; 3) 24' private driveway width be reduced to 22'; 4) landscape buffer reduced from 10' to 5' along North Property line

5. Name of Development: N/A

6. Location of Development: 5559 Limaburg Rd.

Burlington Kentucky 41005  
 City State Zip Code

7. Acreage Under Review: 1.12

8. Lot Number and Name of Subdivision (if part of a subdivision):  
N/A

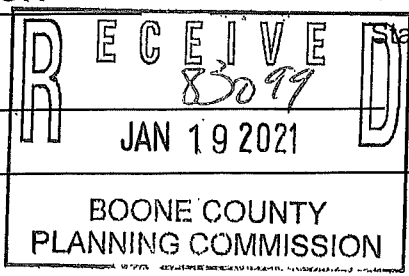
9. Current Owner: Marcella & Garland Barton

Address: 5559 Limaburg Rd

Burlington KY 41005  
 City State Zip Code

Phone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_

Email: \_\_\_\_\_







## Michael Schwartz

---

**From:** Jerry Noran  
**Sent:** Wednesday, January 20, 2021 8:31 AM  
**To:** Michael Schwartz  
**Subject:** RE: Boone Board of Adjustment - 5559 Limaburg Road

No comment

Sincerely,  
Jerald E. Noran, CBO, AIA  
Chief Building Official  
Boone County Building Department  
2950 Washington Street  
P.O.Box 900  
Burlington, KY 41005  
859-334-3288  
jnoran@boonecountky.org

---

**From:** Michael Schwartz  
**Sent:** Wednesday, January 20, 2021 7:12 AM  
**To:** Jerry Noran <jnoran@boonecountky.org>; Robert Franxman <rfranxman@boonecountky.org>; Daniel Menetrey <dmenetrey@boonecountky.org>; 'jbarlow@burlingtonkyfire.org' <jbarlow@burlingtonkyfire.org>  
**Subject:** Boone Board of Adjustment - 5559 Limaburg Road

We are in receipt of an application to the Boone Board of Adjustment requesting the following variances in order to develop 13 attached single family residential dwellings:

- (1) to reduce the rear yard building setback (west) from thirty (30) feet to twenty-five (25) feet;
- (2) to reduce the side yard building setback (south) from thirty (30) feet to twenty (20) feet;
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- (5) to reduce the side (north) Buffer Yard A landscape width from ten (10) feet to five (5) feet;
- (6) reduce the driveway aisle width from twenty-four (24) feet to twenty-two (22) feet

If you have any comments that you would like to be included in the staff report to the Board, please forward them to me no later than Friday, February 5, 2021.

**Michael D. Schwartz, Planner**



2950 Washington Street, Room 317  
Burlington, Kentucky 41005  
(P) 859-334-2196 (F) 859-334-2264

## Michael Schwartz

---

**From:** Robert Franxman  
**Sent:** Thursday, January 28, 2021 11:23 AM  
**To:** Michael Schwartz  
**Cc:** Daniel Menetrey  
**Subject:** RE: Boone Board of Adjustment - 5559 Limaburg Road

Michael,

I don't have an issue with any of these variances. I would note that an encroachment permit will need to be filed with Boone County Public Works for the new entrance. The applicant should take care to locate the entrance according to the zoning regulations (particularly sections 3215 and 3217).

Thanks,  
Rob

**From:** Michael Schwartz  
**Sent:** Wednesday, January 20, 2021 7:12 AM  
**To:** Jerry Noran <jnoran@boonecountyky.org>; Robert Franxman <rfranxman@boonecountyky.org>; Daniel Menetrey <dmenetrey@boonecountyky.org>; 'jbarlow@burlingtonkyfire.org' <jbarlow@burlingtonkyfire.org>  
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**Michael D. Schwartz, Planner**



**BOONE COUNTY**  
**PLANNING COMMISSION**

2950 Washington Street, Room 317  
Burlington, Kentucky 41005  
(P) 859-334-2196 (F) 859-334-2264

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Marcella & Garland Barton  
5559 Limaburg Road  
Burlington, KY 41005

2. ADDRESS OF PROPERTY

5559 Limaburg Road  
Burlington, KY 41005

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Brad Truth

4. DEED BOOK 780

PAGE NO. 321

GROUP NO. 2025

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

Zoning Map Amendment:  
From  To

Conditional Use Permit

Development Plan

Conditional Zoning

Subdivision Plat  
(Not Recorded)

Other:

Variances (6)

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


\_\_\_\_\_  
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 1 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.)