BOARD OF ADJUSTMENT
BOONE COUNTY PLANNING COMMISSION

RECEIVED
8558
MAR 03 2021
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 Haas

Address: 3940 Olympic Blvd.

Erlanger (City) KY (State) 41018 (Zip Code)

Phone Number: 859-344-5916 Fax Number: 859-344-5900

Email: jhaas@fischerhomes.com

4. Description of Request:
Asking for a variance on the rear yard setback from 30 feet to 22.5 feet as show on the site plan.

5. Name of Development: Triple Crown Country Club

6. Location of Development: 1855 Woodward Court

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

7. Acreage Under Review: 0.2108 Acres

8. Lot Number and Name of Subdivision (if part of a subdivision:
Lot No. 108 of Section No. 29 - Block "D" of Triple Crown Country Club

9. Current Owner: Triple Crown Developers, LLC

Address: 1671 Park Road - Suite One

Fort Wright (City) KY (State) 41011 (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: 2,731 Sq/Ft

12. Current Zoning: SR-1

13.

829 997	320 713	5454 2004
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: 3-3-21 Fee Received: $666.00 Receipt #: 83381

2. Is application complete: S

3. Staff Reviewer: M. Schwartz

4. Scheduled Board Action Date: April 14, 2021

5. Board Action: April 14, 2021

   _____ Approved

   ✓ Approved with Conditions (see #6)

   _____ Denial (See #7)

6. Conditions of Approval: See Minutes, CLUR, & attached memo.

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

CONDITIONS OF APPROVAL

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

LOCATION: 1855 Woodward Court, Boone County, Kentucky

ZONING: Suburban Residential One (SR-1)

DATE: April 14, 2021

1. That appropriate landscaping be installed to serve as a buffer for the sight line of the deck to the adjoining properties and that the landscaping be included as part of the zoning permit for the house.

STAFF REPORT **#1**

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

LOCATION: 1855 Woodward Court, Boone County, Kentucky

ZONING: Suburban Residential One (SR-1)

DATE: April 14, 2021

PROPOSAL

The applicant is requesting a Variance to reduce the minimum required rear yard setback from thirty (30) feet to 22.5 feet in order to build a deck.

SITE HISTORY

2017 On November 28, 2017, the Boone County Planning Commission approved a Final Plat for Triple Crown Country Club, Section 29, Block D, creating the lot in question.

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. Suburban Residential One districts will be located on lands within established urban areas where adequate infrastructure facilities and services are available or proposed."

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 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).

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).

C. Woodward Court is identified as a local cul-de-sac street providing for two way traffic within two driving lanes. Sidewalks are provided along both sides of the roadway as individual lots are developed.

SURROUNDING LAND USES AND ZONING

North: Single family (SR-1)

South: Single family (SR-1)

East: Single family (SR-1)

West: Single family (SR-1)

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 30.7 feet from the rear property line and the proposed deck will be set back 22.5 feet from the rear property line.

STAFF COMMENTS

A. The site in question, containing approximately 0.2 acres, is located along the west side of Woodward Court, approximately 350 feet south of Bridlegate Drive.

B. The house located at 15060 Stablewood Drive has a rear yard setback of approximately fifty-two (52) feet. The house located at 15050 Stablewood Drive has a rear yard setback of approximately forty-two feet (42) feet.

C. The at grade patio at 15050 Stablewwod Drive is set back approximately fifteen (15) feet from the rear property line.

D. The proposed deck will be separated from adjacent houses by approximately sixty-four (64) feet, at a minimum, and will be separated from the adjacent at grade patio by approximately thirty-seven (37) feet.

E. On October 14, 2020, the Boone Board of Adjustment approved a variance reducing the rear yard setback from thirty (30) feet to 20.4 feet, in order to build a single family dwelling and a deck on property located at 1854 Woodward Court (BCBOA-20-023).

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
*Application
*Development Plan

Vicinity Map

www.boonecountygis.com

Copyright 2018 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

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.

0 50 100 200 300 400 Feet

1 Inch = 100 feet

N W E S

Boone

Map Created: 01/01/2018

ArcMap Document: *.mxd

Aerial Map

www.boonecountygis.com

Copyright 2018 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

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.

0 50 100 200 300 400 Feet

1 inch = 100 feet

N W E S

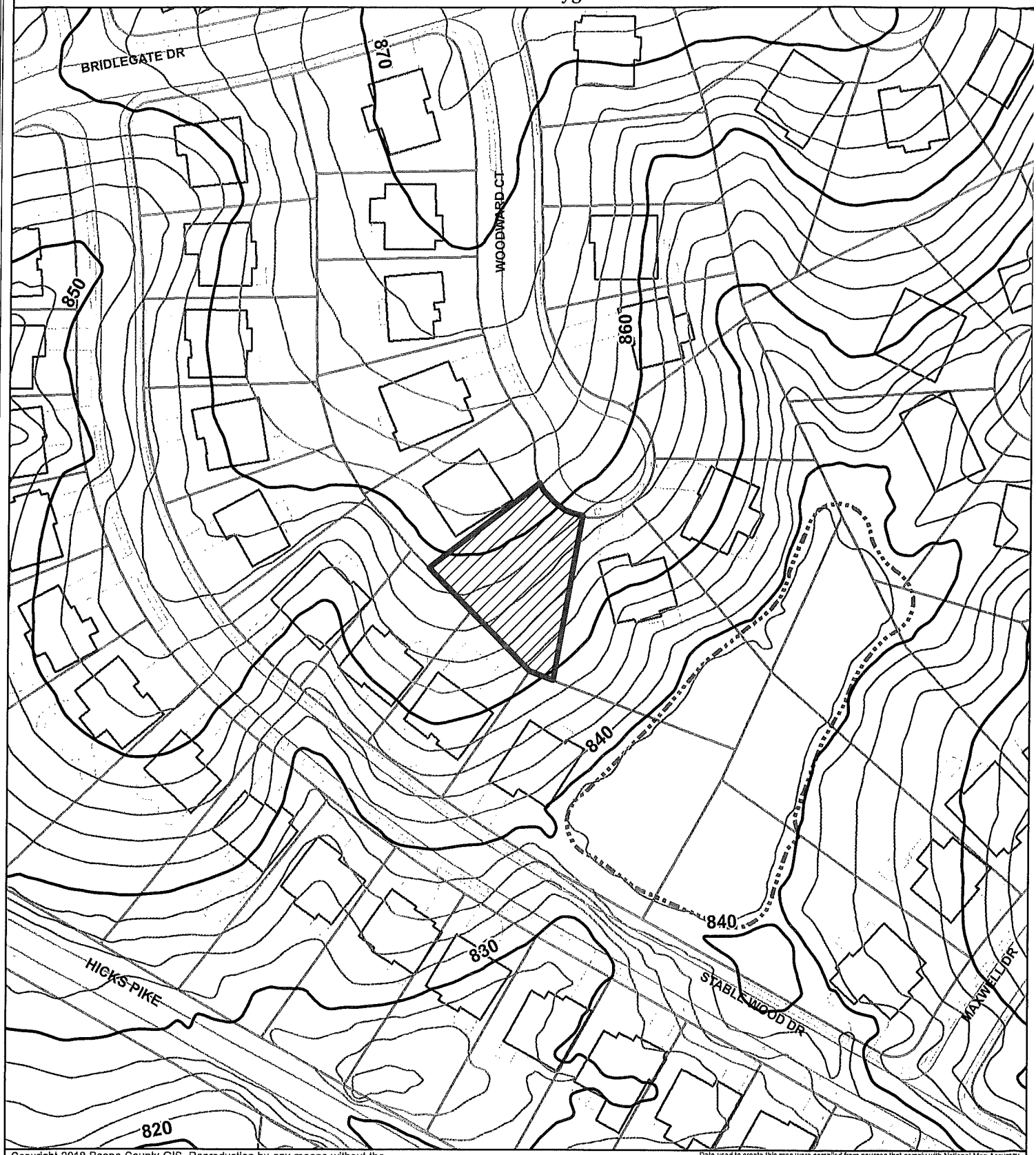
Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 01/01/2018

ArcMap Document: *.mxd

Topographical Map

www.boonecountygis.com



Copyright 2018 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

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.

0 50 100 200 300 400 Feet

1 inch = 100 feet

N W E S

Boone County GIS

State Plane Kentucky North NAD 1983

Map Created: 01/01/2018

ArcMap Document: *.mxd

Zoning Map

www.boonecountygis.com

Copyright 2018 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

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.

0 50 100 200 300 400 Feet

1 inch = 100 feet

N W E S

Boone County GIS

Map Created: 01/01/2018

ArcMap Document: *.mxd

2040 Future Land Use Map

www.boonecountygis.com

Copyright 2018 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

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.

0 50 100 200 300 400 Feet

1 inch = 100 feet

N W E S

Boone

Map Created: 01/01/2018

ArcMap 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: John Haas

Address: 3940 Olympic Blvd.

Erlanger (City) KY (State) 41018 (Zip Code)

Phone Number: 859-344-5916 Fax Number: 859-344-5900

Email: jhaas@fischerhomes.com

4. Description of Request:
Asking for a variance on the rear yard setback from 30 feet to 22.5 feet as show on the site plan.

5. Name of Development: Triple Crown Country Club

6. Location of Development: 1855 Woodward Court

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

7. Acreage Under Review: 0.2108 Acres

8. Lot Number and Name of Subdivision (if part of a subdivision:
Lot No. 108 of Section No. 29 - Block "D" of Triple Crown Country Club

9. Current Owner: Triple Crown Developers, LLC

Address: 1671 Park Road - Suite One

Fort Wright (City) KY (State) 41011 (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: 2,731 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)

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

1. Date Received: _____ Fee Received: _____ Receipt #: _____

2. Is application complete: _____

3. Staff Reviewer: _____

4. Scheduled Board Action Date: _____

5. Board Action: _____

   _____ 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

FISCHER HOMES

3940 Olympic Blvd, Suite 100, Erlanger, KY 41018 . (P) 859.341.4709 * Main Office

HOME SITE#: 111 (Section 29-3&D)
COMMUNITY: Bridlegate at Triple Crown (BDG)
RECORDED: Plat Book:
ADDRESS: 1855 Woodward Court
COUNTY/STATE: Union, KY DATE: 02/11/2021
SCALE OF DRAWING: 1' = 30' DRAWN BY: CDS 859-344-4349

16'-8"w. x 5'-9"d. CONCRETE PORCH

Field Issue

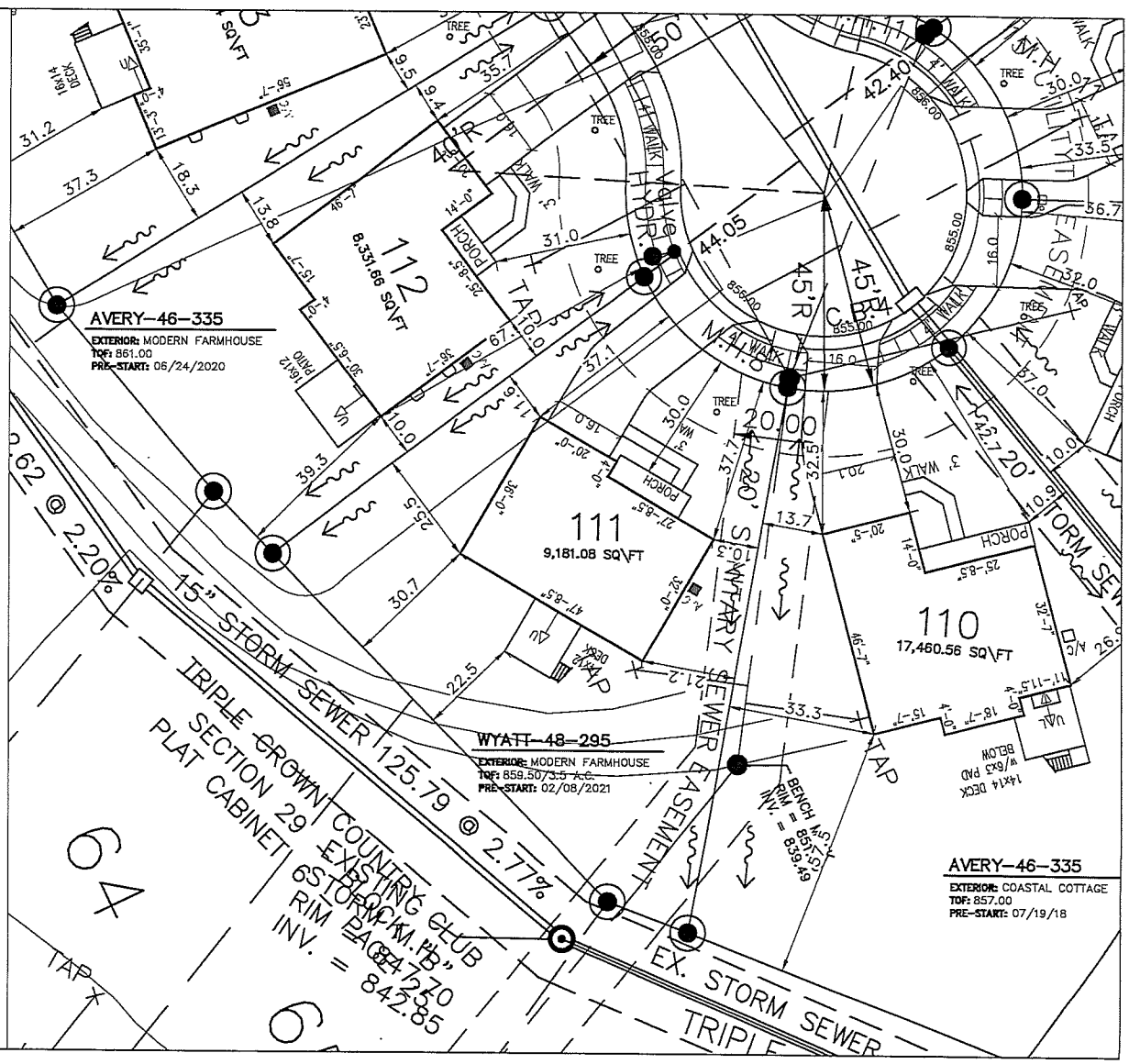
This plot plan is not part of the Construction and Purchase Agreement and is provided as a courtesy to you to indicate lot boundaries, home pad location, home pad orientation and other encumbrances. This plot plan is not an official survey. The information contained herein and any representation(s) (verbal or written) provided now or in the future are not binding upon Fischer Homes. Fischer Homes may unilaterally modify this plot plan at any time without notice to you. By signing this, you acknowledge that you are solely responsible for performing any due diligence you deem necessary to verify lot boundaries, roadways, easements, utilities, restrictions, elevations, grading and any other items or encumbrances.

Purchaser:_____ Date:_____

Purchaser:_____ Date:_____

RECORD PLAT

SETBACK REQUIREMENTS	ZONING	FISCHER
FRONT =	30	30
SIDE =	5 min, 15 total	5 min, 15 total
REAR =	30	30
SIDEYARD CORNER LOT=		
SIDEWALKS=4' along Woodward Court, 5' along Bridlegate Drive		



FISCHER HOMES

3940 Olympic Blvd, Suite 100, Erlanger, KY 41018 . (P) 859.341.4709 * Main Office

HOME SITE#: 111 (Section 29-3&D)
COMMUNITY: Bridlegate at Triple Crown (BDG)
RECORDED: Plat Book:
ADDRESS: 1855 Woodward Court
COUNTY/STATE: Union, KY DATE: 02/11/2021
SCALE OF DRAWING: 1' = 30' DRAWN BY: CDS 859-344-4349

16'-8"w. x 5'-9"d. CONCRETE PORCH

Field Issue

RECEIVED
MAR 03 2021
BOONE COUNTY
PLANNING COMMISSION

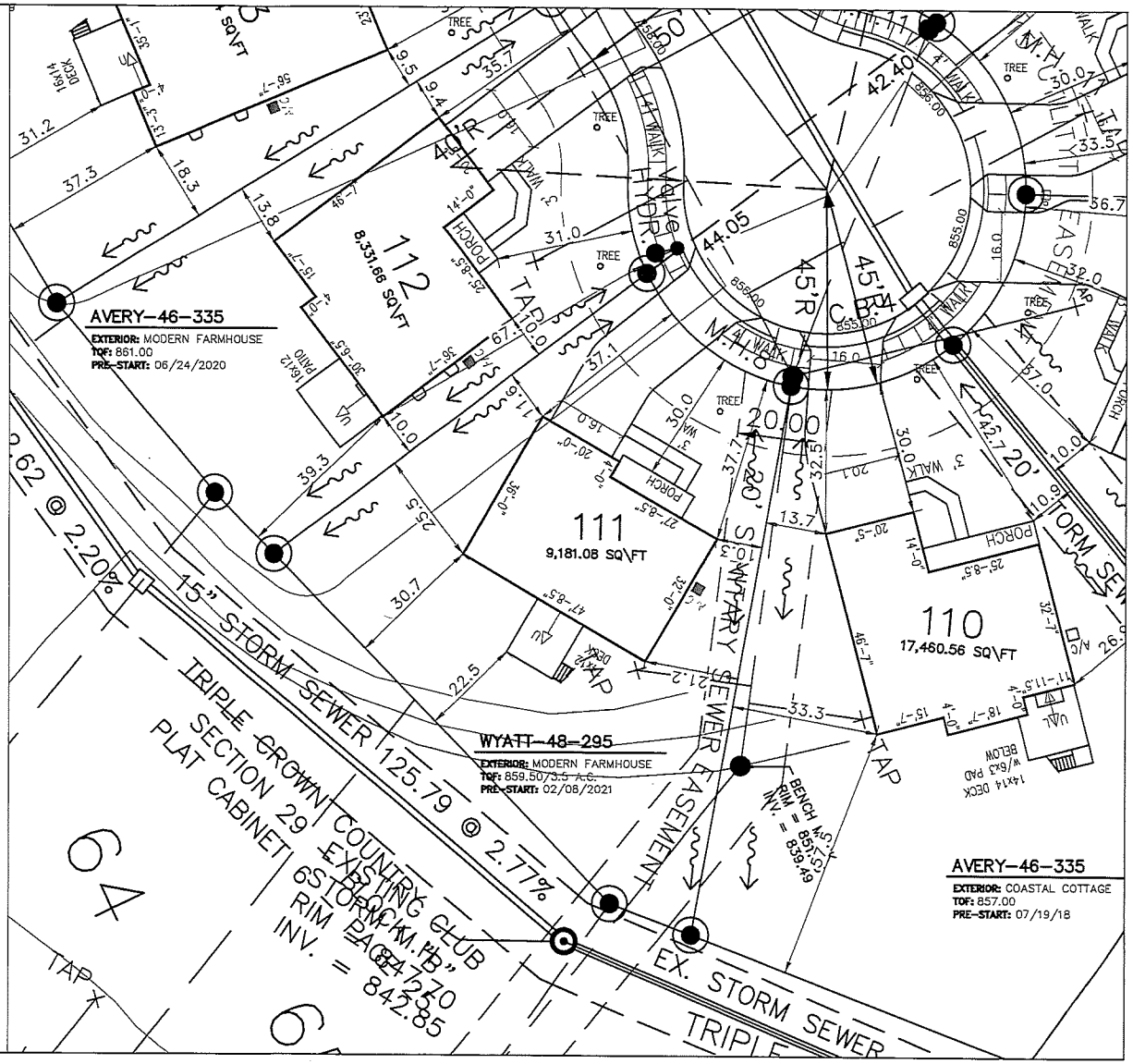
This plot plan is not part of the Construction and Purchase Agreement and is provided as a courtesy to you to indicate lot boundaries, home pad location, home pad orientation and other encumbrances. This plot plan is not an official survey. The information contained herein and any representation(s) (verbal or written) provided now or in the future are not binding upon Fischer Homes. Fischer Homes may unilaterally modify this plot plan at any time without notice to you. By signing this, you acknowledge that you are solely responsible for performing any due diligence you deem necessary to verify lot boundaries, roadways, easements, utilities, restrictions, elevations, grading and any other items or encumbrances.

Purchaser:_____ Date:_____

Purchaser:_____ Date:_____

RECORD PLAT

SETBACK REQUIREMENTS	ZONING	FISCHER
FRONT =	30	30
SIDE =	5 min, 15 total	5 min, 15 total
REAR =	30	30
SIDEYARD CORNER LOT=		
SIDEWALKS=4' along Woodward Court, 5' along Bridlegate Drive		



CLUR #21-BCBOA-010-A

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
   1855 Woodward Court
   Union, KY 41091

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
   Triple Crown Country Club/Haas

4. DEED BOOK 947 PAGE NO. 713 GROUP NO. 2064

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

   ____ Zoning Map Amendment:
   From_____To

   ____ Development Plan

   ____ Subdivision Plat
   (Not Recorded)

   _X_ Variance

   ____ Conditional Use Permit

   ____ Conditional Zoning

   ____ Other:

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 April, 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.)

CLUR #21-BCBOA -010-A

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the variance approved by the Boone Board of Adjustment and in accordance with the current zoning in effect as of April 14, 2021 Certificate of Land Use Restriction (#21-BCBOA-010-A), for Triple Crown Developers, LLC, Property Owner(s). The following conditions will apply:

1. The appropriate landscaping be installed to serve as a buffer for the sight line of the deck to the adjoining properties and that the landscaping be included as part of the zoning permit for the house.

The approved variance as well as the preceding conditions apply to the property described in:

DEED BOOK 947 PAGE NO. 713 GROUP NO. 2064