

**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: James E. Hubert Jr

Address: 65 Princeton Ave.

Smithtown NY 11787
City State Zip Code

Phone Number: (631) 766-9608 Fax Number: N/A

Email: Jameshubert2255@aol.com

4. Description of Request:

Variance to build primary residence that would reduce the minimum yard setback to 34 feet from the eastern (front) property line instead of 40 feet currently required. This request is due to the severe lot slope.

5. Name of Development: none

6. Location of Development: 10024 Tayman Drive

Union Kentucky 41091
City State Zip Code

7. Acreage Under Review: .98 acres

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

9. Current Owner: Same as applicant

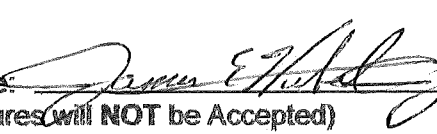
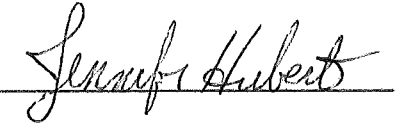
Address: _____

City State Zip Code

Phone Number: _____ Fax Number: _____

Email: _____

10. Proposed Use(s) on Site: To build Hubert family primary residence.
11. Total Square Footage of Existing and/or Proposed Buildings: None
12. Current Zoning: Lot 4 Tayman Estates
13. 901 1087 418 027 2054
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: 3-5-21 Fee Received: \$ 666.00 Receipt #: 83400

2. Is application complete: 5

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: _____

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

#2

APPLICANT: James E. Hubert, Jr.

LOCATION: 10024 Tayman Drive, Boone County, Kentucky

ZONING: Rural Suburban Estates (RSE)

DATE: April 14, 2021

PROPOSAL

The applicant is requesting a Variance to reduce the minimum required front yard setback from forty (40) feet to thirty-four (34) feet in order to build a detached single family dwelling.

SITE HISTORY

2003 On February 19, 2003, the Boone County Planning Commission approved a Final Plat for Tayman Estates, 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 front yard setback of forty (40) feet within the RSE district.
- E. Section 930 of the Boone County Zoning Regulations states that the “purpose of the Rural Suburban Estates district is to provide a residential environment whose dwelling types and densities are typical of a semi-suburban character. Such districts will be located on lands adjacent to established urban areas, but which are not suitable for larger scale or more densely developed suburban or urban residential use.”

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”, which is described 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).

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. Tayman Drive is identified as a local cul-de-sac street providing for two way traffic within two driving lanes. Sidewalks are provided along the west side of the roadway.

SURROUNDING LAND USES AND ZONING

- North: Single family (RSE)
- South: Single family (RSE)
- East: Single family (RSE)
- West: Single family (RSE)

PROPOSED DEVELOPMENT

- A. The applicant is proposing to construct a detached single family residential dwelling on the site.
- B. The proposed house will be located in a developable envelope providing for the required rear yard setback of forty (40) feet, the required side yard setbacks of ten (10) feet and a front yard setback of thirty-four (34) feet.

STAFF COMMENTS

- A. The site in question, containing approximately 0.9 acres, is located along the west side of Tayman Drive, approximately 900 feet south of Hathaway Road.
- B. The site slopes downward 36 feet, from the front of the lot to the back of the lot, at an average grade of 17%.

- C. Based on information contained in the Boone County GIS, the house to the north of the site has a front yard setback of forty-six (46) feet and the house to the south of the site has a front yard setback of forty-three (43) feet.
- D. The average front yard setback for all of the houses along Tayman Drive is forty-two (42) feet.
- E. The site in question is the only vacant lot along Tayman Drive.

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

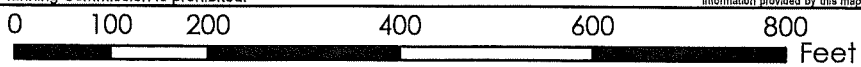
Vicinity Map

www.boonecountygis.com



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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



Map Created: 01/01/2018

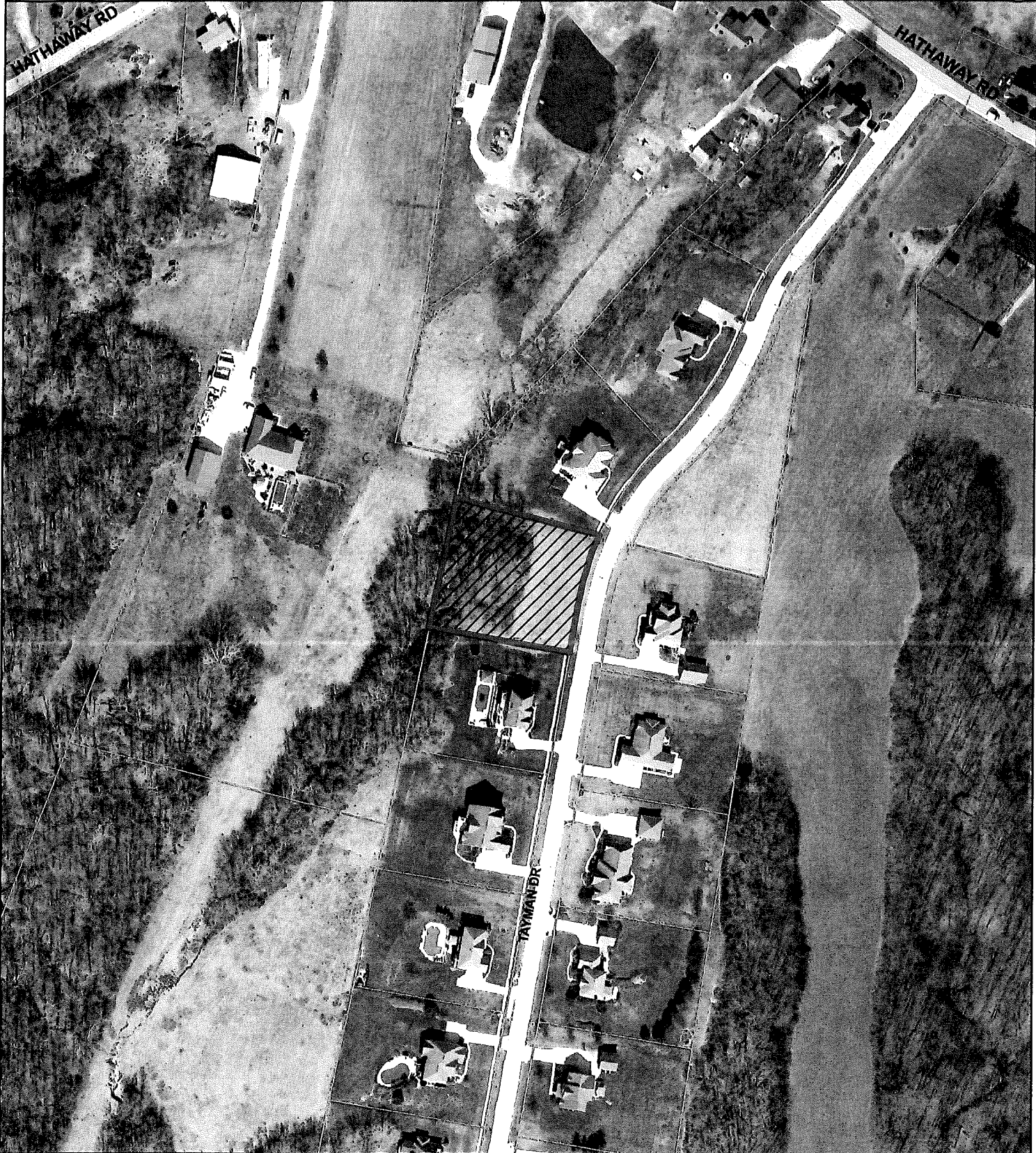
Boone County GIS - Putting Northern Kentucky on the Map



Boone County GIS
ArcMap Document: *.mxd

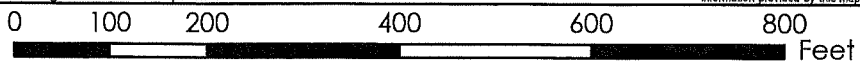
Aerial Map

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Map Created: 01/01/2018

Maple Files created by Bruce 04/8 11/07
ArcMap Document: *.mxd

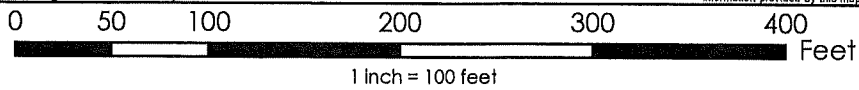
Topographical Map

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Boone County GIS - Putting Northern Kentucky on the Map



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Boone County GIS
ArcMap Document: *.mxd

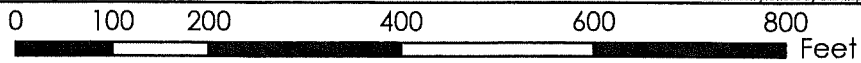
Zoning Map

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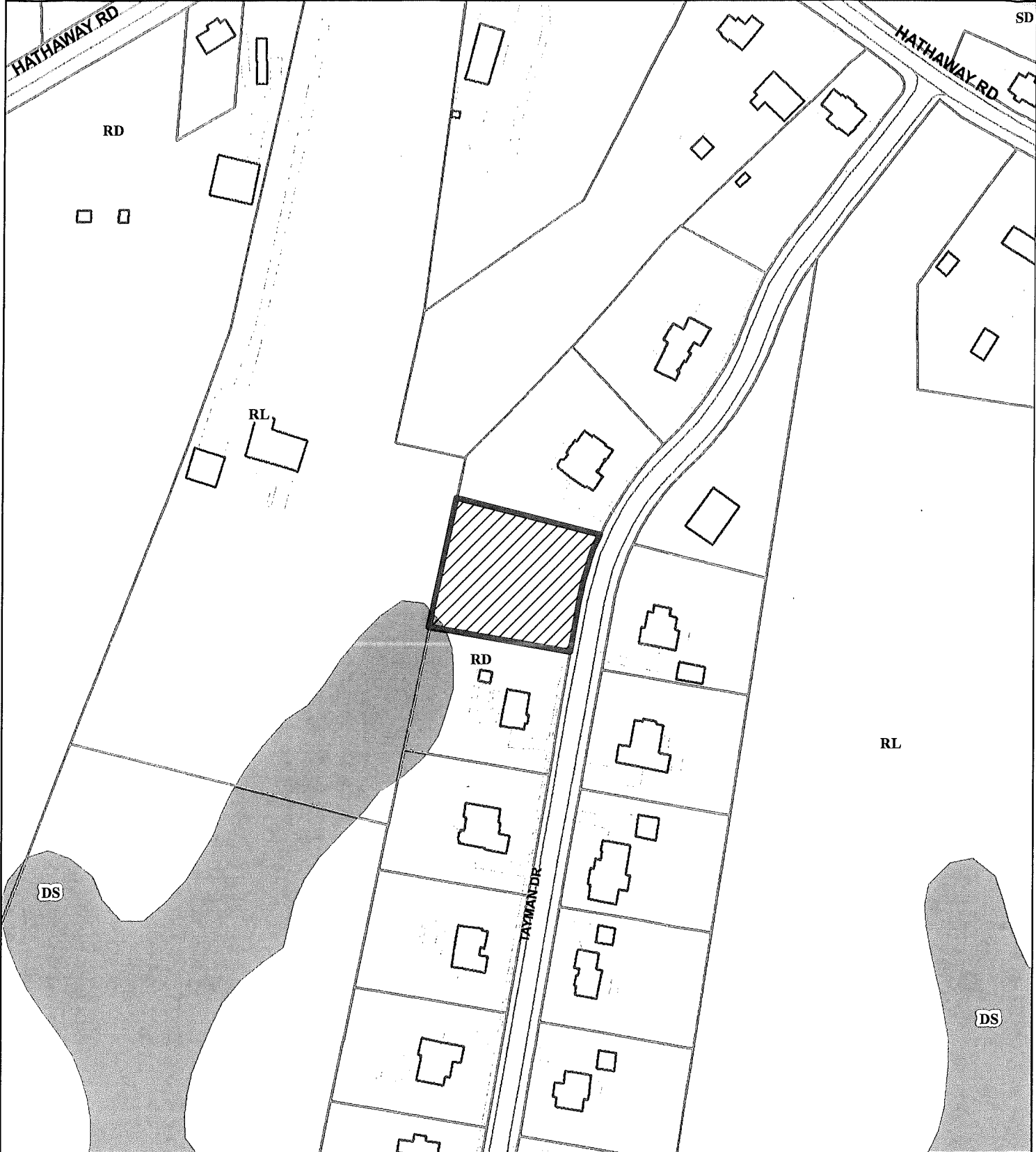
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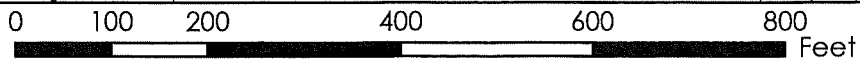
2040 Future Land Use Map

www.boonecountygis.com



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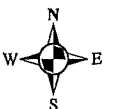
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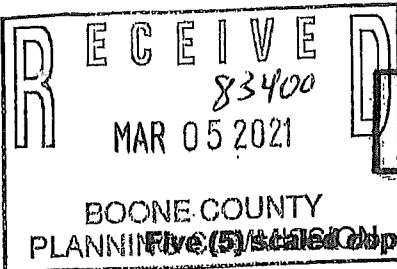


Boone County GIS - Putting Northern Kentucky on the Map



Map Created: 01/01/2018

File Path: K:\GIS\2040 Future Land Use Map.mxd
ArcMap Document: *.mxd



BOARD OF ADJUSTMENT
BOONE COUNTY PLANNING COMMISSION

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 Phone Number: (631) 766-9608 Fax Number: N/A
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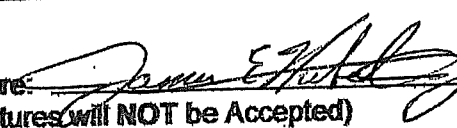
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<u>901</u>	<u>418</u>	<u>2054</u>
Deed Book	Page	Group Number
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ORIGINAL Property Owner's Signature:  Jennifer Hubert
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

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: 3-5-21 Fee Received: \$ 666.00 Receipt #: 83400

2. Is application complete: 5

3. Staff Reviewer: _____

4. Scheduled Board Action Date: _____

5. Board Action: _____

_____ Approved

_____ Approved with Conditions (see #6)

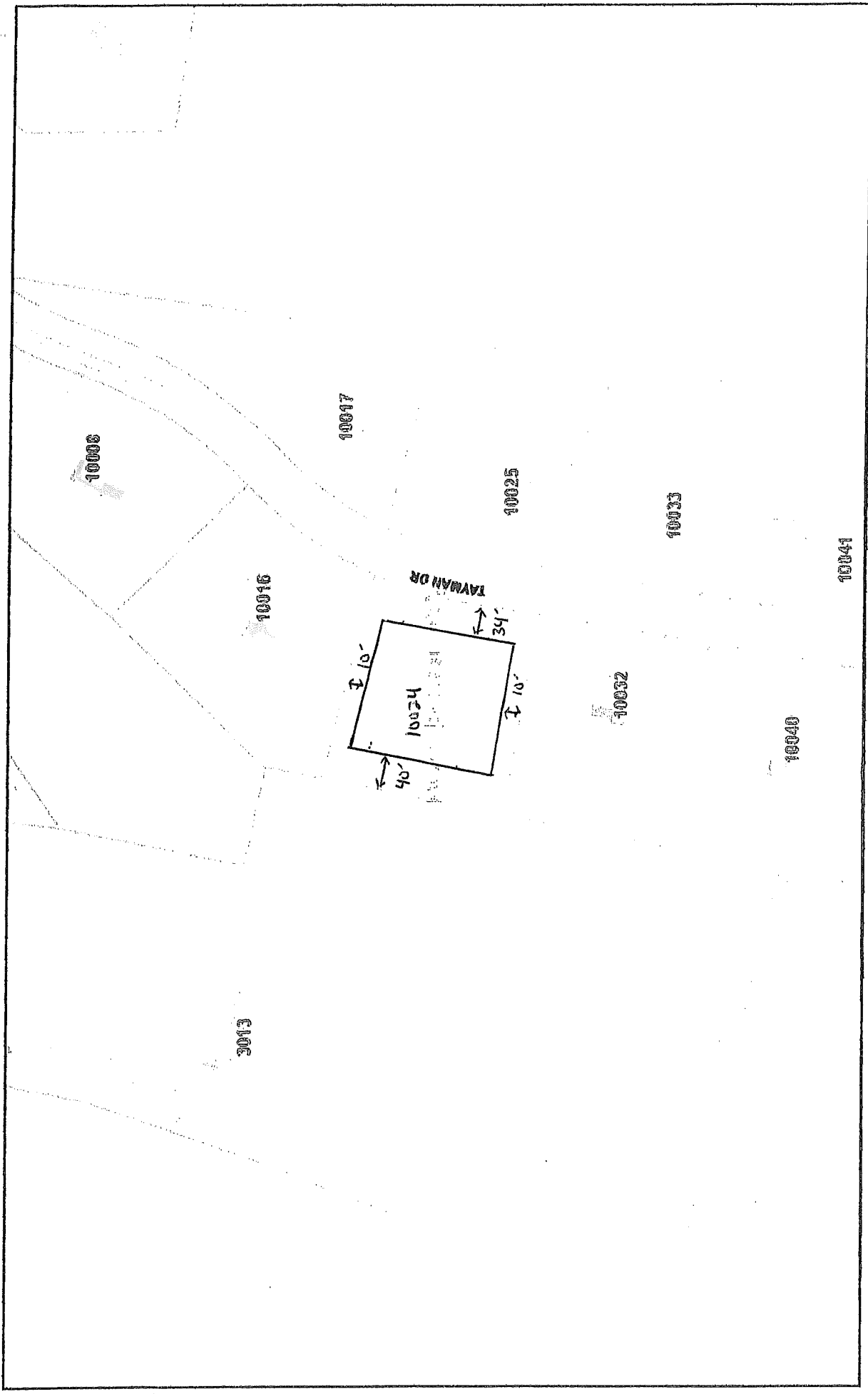
_____ Denial (See #7)

6. Conditions of Approval: _____

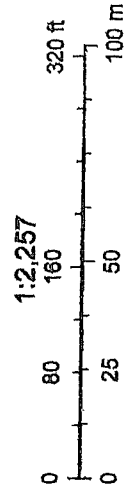
7. Reasons for Denial: _____

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

City of Union, Kentucky



3/3/2021, 8:11:18 AM



GIS Services Division, Boone County Planning Commission

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

James E. Hubert, Jr.
65 Princeton Ave.
Smithtown, NY 11787

2. ADDRESS OF PROPERTY

10024 Tayman Drive
Union, KY 41091

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

James E. Hubert, Jr.

4. DEED BOOK 1087

PAGE NO. 627

GROUP NO. 2054

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

Zoning Map Amendment:
From To

Conditional Use Permit

Development Plan

Conditional Zoning

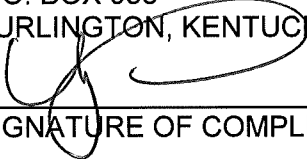
Subdivision Plat
(Not Recorded)

Other:

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

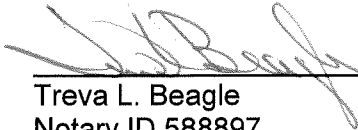
Michael D. Schwartz, Planner
Name and Title of Completing Official

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 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.)