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: Robert Fohl Revisions Redevelopment Company LLC.

Address: 1649 Grandview Dr.

Hebron (City) KY (State) 41048 (Zip Code)

Phone Number: (859) 669-9817 Fax Number:

Email: Robert Fohl @ outlook.com

4. Description of Request: Change the front of the lot setback from 48ft to 20ft

5. Name of Development: Torrid

6. Location of Development: 3059 Torrid ST

Burlington (City) KY (State) 41048 (Zip Code)

7. Acreage Under Review: .535

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

9. Current Owner: Revisions Redevelopment Company LLC.

Address: 1649 Grandview Dr.

Hebron (City) KY (State) 41048 (Zip Code)

Phone Number: (859) 669-9817 Fax Number

Email: Robert Fohl @ outlook.com

RECEIVED MAR 22 2021 BOONE COUNTY PLANNING COMMISSION

83570

BOARD OF ADJUSTMENT
BOONE COUNTY PLANNING COMMISSION

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SECTION A: (To be completed by applicant)

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2. Check One ☐ Conditional Use Permit ☒ Variance ☐ Appeal
☐ Change in Non-Conforming Use

3. Applicant: Robert Fohl Revisions Redevelopment Company LLC.

Address: 1649 Grandview Dr.

Hebron (City) KY (State) 41048 (Zip Code)

Phone Number: (859) 669-9817 Fax Number:

Email: RobertFohl@outlook.com

4. Description of Request:
Change the minimum width of the Driveway from 20ft to 15ft.

5. Name of Development: Torrid

6. Location of Development: 3059 Torrid ST

Burlington (City) KY (State) 41005 (Zip Code)

7. Acreage Under Review: .535

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

9. Current Owner: Revisions Redevelopment Company LLC.

Address: 1649 Grandview Dr.

Hebron (City) KY (State) 41048 (Zip Code)

Phone Number: 859-669-9817 Fax Number:

Email: Robert Fohl@outlook.com

10. Proposed Use(s) on Site: 2 Duplexes

11. Total Square Footage of Existing and/or Proposed Buildings: 4800

12. Current Zoning: SR-2

13. D1155 1157 — Deed Book; 382 845 — Page; 2029 — 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: 3-22-21 Fee Received: $1,616.00 Receipt #: 83510

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: Revisions Redevelopment Company, LLC, per Robert Fohl

LOCATION: 3059 Torrid Street Boone County, Kentucky

ZONING: Suburban Residential Two/Small Community Overlay (SR-2/SC)

DATE: April 14, 2021

1. Prior to construction, a Major Site Plan shall be submitted to the Boone County Planning Commission for review and approval.

2. The proposed access driveway, having a minimum width of fifteen (15) feet, shall be entirely located within the existing ingress/egress easement.

STAFF REPORT **#3**

APPLICANT: Revisions Redevelopment Company, LLC, per Robert Fohl

LOCATION: 3059 Torrid Street Boone County, Kentucky

ZONING: Suburban Residential Two/Small Community Overlay (SR-2/SC)

DATE: April 14, 2021

PROPOSAL

A. A variance reducing the front yard setback from forty-eight (48) feet to twenty (20) feet.

B. A variance reducing the driveway aisle width from twenty (20) feet to fifteen (15) feet.

C. A variance reducing the minimum Buffer Yard A width from ten (10) feet to five (5) feet.

SITE HISTORY

1969-1974 Based on information contained in the Boone County GIS, the site was initially developed.

2002-2004 Based on information contained in the Boone County GIS, a garage addition 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 940 of the Boone County Zoning Regulations states that the "purpose of the Suburban Residential Two district is to provide a more compact, but essentially single family residential environment. Such districts will be located on suitable lands within established or proposed urban entities where adequate infrastructure facilities and services are available or proposed."

E. Section 2000 of the Boone County Zoning Regulations states that the intent of the Small Community Overlay District "is to provide for the maintenance and development of small community centers where an integrated variety of land uses are essential to the vitality, viability, and well-being of the community. These circumstances are most prevalent in the many small, traditional community centers and town sites of Boone County, and may be appropriate to meet the needs of new community development in the County as well. The integration and variety of land uses found in small community centers often cannot practically be accommodated by the other basic zoning districts established by this order. This article creates an overlay district which may be established in areas appropriate for use as small community centers."

F. Section 2010.1 of the Boone County Zoning Regulations state that all principally permitted uses of the basic underlying district are principally permitted uses within the SC district. Section 941.3 of the Boone County Zoning Regulations identify duplex dwelling units with garages as a principally permitted use within the SR-2 district.

G. Section 4000 of the Boone County Zoning Regulations defines a duplex dwelling unit as a single residential structure that contains two dwelling units for use by two separate families living independent of each other. The two dwelling units within a duplex dwelling unit structure are separated by a common wall, floor, and/or ceiling.

H. Section 2015 of the Boone County Zoning Regulations states that the required front yard setback shall conform to the setbacks of adjacent principal structures on the same, respective street frontage. The front yard setback of the adjacent principal structure,

located at 3035 Torrid Street, is forty-eight (48) feet.

I. Section 3323 of the Boone County Zoning Regulations requires access drives, providing for two-way traffic and having no adjacent off-street parking areas, to be a minimum of twenty (20) feet in width.

J. Section 3645 of the Boone County Zoning Regulations requires a Buffer Yard A, having a minimum width of ten (10) feet, to be provided along the perimeter of the site.

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", which 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).

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. Torrid Street is a county maintained local street providing for two way traffic. There are no sidewalks along the roadway.

SURROUNDING LAND USES AND ZONING

North: Single-family residential and Burlington Pentecostal Church (SR-2/SC)

South: Single-family residential (SR-2/SC)

East: Single-family residential (SR-2/SC)

West: Single-family residential (SR-2/SC)

SITE CHARACTERISTICS

A. The 0.535 acre property is located approximately 150 feet south of Torrid Street and approximately 250 feet west of Elwood Avenue.

B. The site is currently occupied by an approximate 2,100 square foot single-family residential dwelling and an approximate 1,900 square foot detached garage/accessory structure.

C. Access to the site is via an approximate nine (9) foot wide driveway that is partially located within a fifteen (15) foot wide ingress/egress easement.

D. The site slopes downward from east to west, at an average grade of 5%.

PROPOSED DEVELOPMENT

A. Demolition and removal of the existing dwelling and a portion of the existing garage/accessory structure.

B. Construction of two (2) duplex dwelling units.

C. Provision for four (4) parking spaces.

D. Access via a fifteen (15) foot wide driveway.

STAFF COMMENTS

A. The existing dwelling on the site has a front yard setback of approximately thirty (30) feet. If the setback variance is approved, there will be a separation of approximately 160 feet between the dwellings on the site and the nearest building to the north of the site.

B. There is extensive existing vegetation located on the adjacent properties to the north, east, and west of the site in question.

C. Since the submitted plan is a 'concept' development plan, an accurate evaluation against the zoning regulations cannot be made. However, the following items appear to not meet the minimum requirements of the zoning regulations:

1. Section 941.4 requires duplex dwelling units to have garages. Section 3325 requires a minimum of eight (8) parking spaces to be provided on the site. While the submitted plan indicates the retention of a garage, insufficient information has

been submitted to determine compliance with these requirements. The applicant should address how these requirements will be met.

2. Section 3323 requires a drive aisle width of twenty-four (24) feet when there is adjacent off-street parking. The submitted plan indicates a drive ails width of twenty (20) feet.

D. 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. The Boone County Building Department had no comments.

E. Should the Board take action to approve the submitted request, the following conditions should be considered as part of that action:

1. Prior to construction, a Major Site Plan shall be submitted to the Boone County Planning Commission for review and approval.

2. The proposed access driveway, having a minimum width of fifteen (15) feet, shall be entirely located within the existing ingress/egress easement.

3. The reduction in the buffer yard width shall only apply to the area immediately west of the proposed duplex dwelling unit, along the western property line.

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

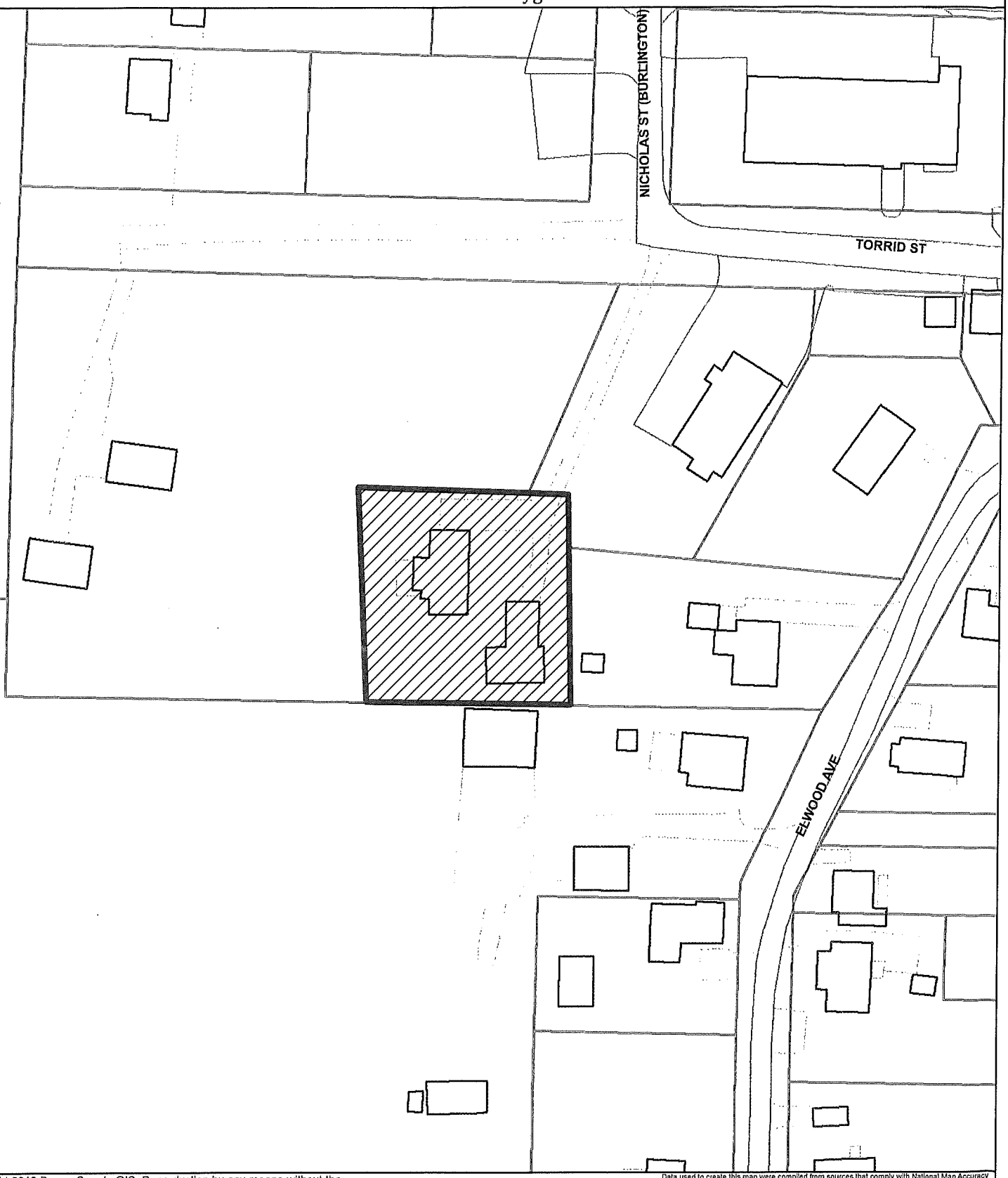
MDS/ss

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.

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

Aerial Map

www.boonecountygis.com

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0 50 100 200 300 400 Feet

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N W E S

Boone County GIS - Putting Northern Kentucky on the Map

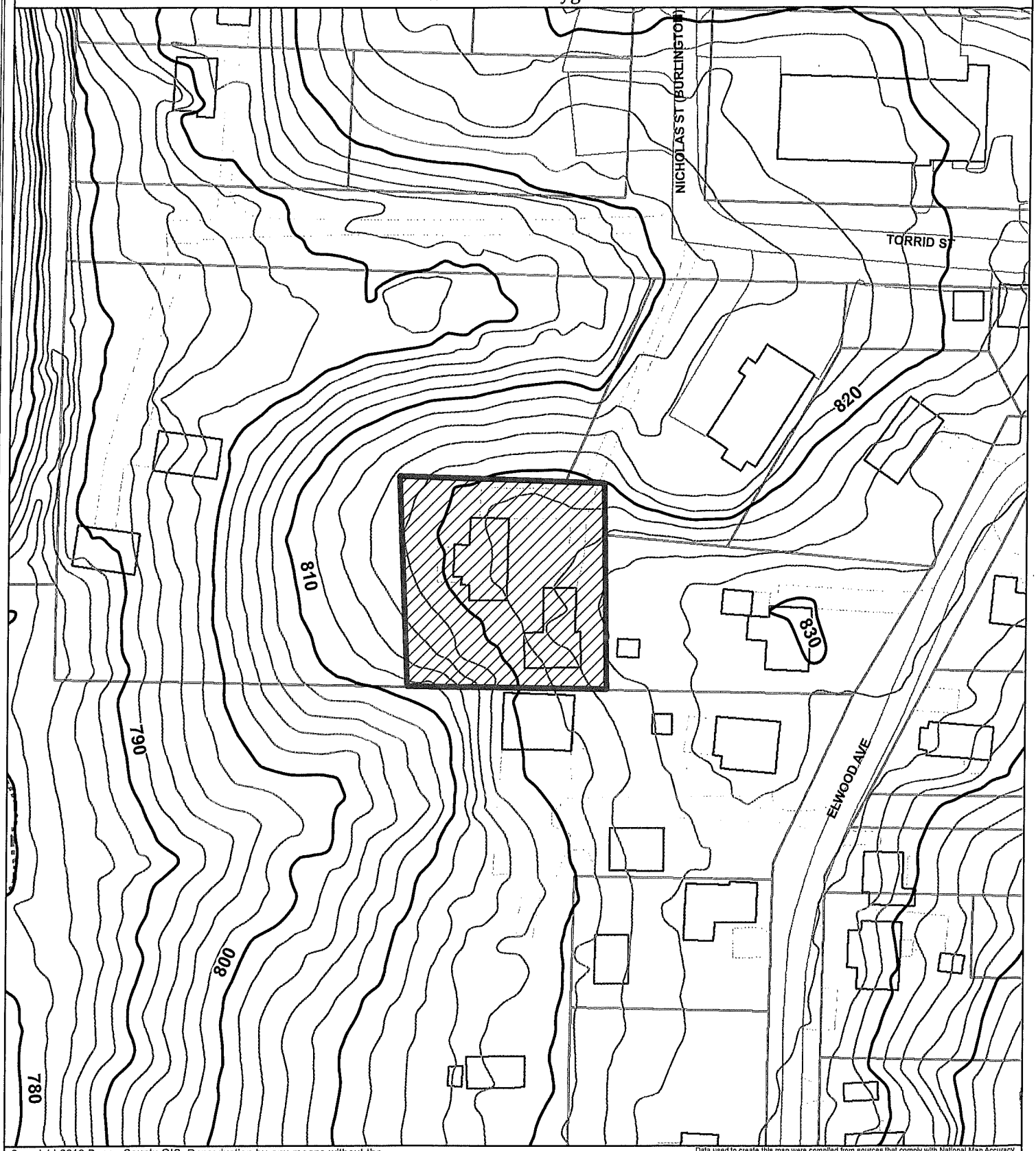
State Plane Kentucky North NAD 1983

Map Created: 01/01/2018

ArcMap Document: *.mxd

Topographical Map

www.boonecountygis.com



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N W E S

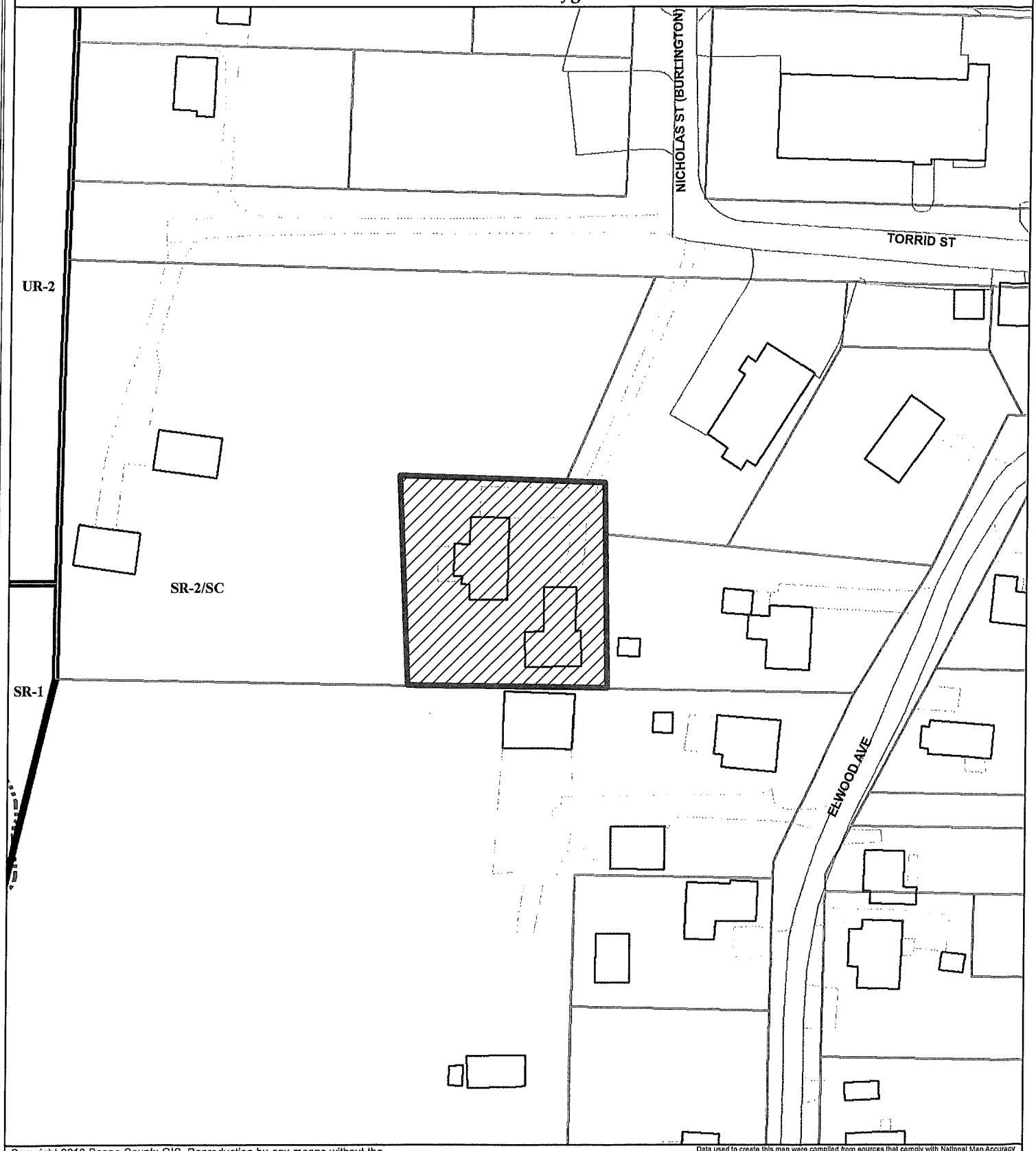
Boone

Map Created: 01/01/2018

ArcMap Document: *.mxd

Zoning Map

www.boonecountygis.com



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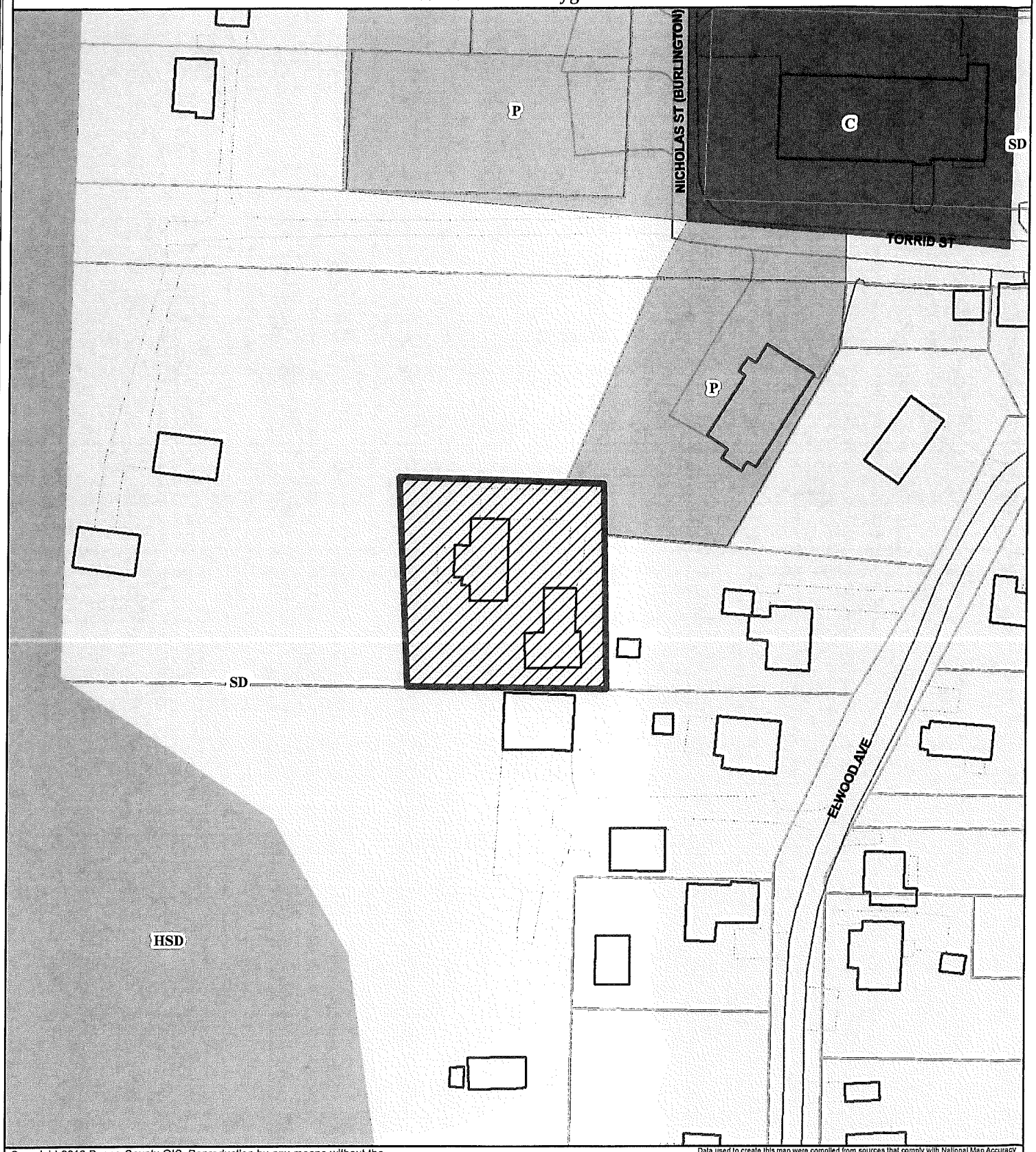
Boone County GIS

Map Created: 01/01/2018

ArcMap Document: *.mxd

2040 Future Land Use Map

www.boonecountygis.com



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0 50 100 200 300 400 Feet

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N W E S

Boone

State Plane Coordinates North NAD 1983

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: Robert Fohl Revisions Redevelopment Company LLC.
Address: 1649 Grandview Dr.
Hebron (City) KY (State) 41048 (Zip Code)
Phone Number: (859) 669-9817 Fax Number:
Email: Robert Fohl@outlook.com

4. Description of Request:
Change the front of the lot setback from 48ft to 20ft

5. Name of Development: Torrid

6. Location of Development: 3059 Torrid ST
Burlington (City) KY (State) 41048 (Zip Code)

7. Acreage Under Review: .535

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

9. Current Owner: Revisions Redevelopment Company LLC.
Address: 1649 Grandview Dr.
Hebron (City) KY (State) 41048 (Zip Code)
Phone Number: (859) 669-9817 Fax Number
Email: Robert Fohl@outlook.com.

RECEIVED
MAR 22 2021
BOONE COUNTY
PLANNING COMMISSION

83570

BOARD OF ADJUSTMENT
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6. Location of Development: 3059 Torrid ST
Burlington (City) KY (State) 41005 (Zip Code)

7. Acreage Under Review: .535

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

9. Current Owner: Revisions Redevelopment Company LLC.
Address: 1649 Grandview Dr.
Hebron (City) KY (State) 41048 (Zip Code)
Phone Number: 859-669-9817 Fax Number:
Email: RobertFohl@outlook.com

10. Proposed Use(s) on Site: 2 Duplexes

11. Total Square Footage of Existing and/or Proposed Buildings: 4800

12. Current Zoning: SR-2

13. D1155 (Deed Book) 382 (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: [signature]
(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

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

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

1. Date Received: 3-22-21 Fee Received: $1,616.00 Receipt #: 83510

2. Is application complete: S

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
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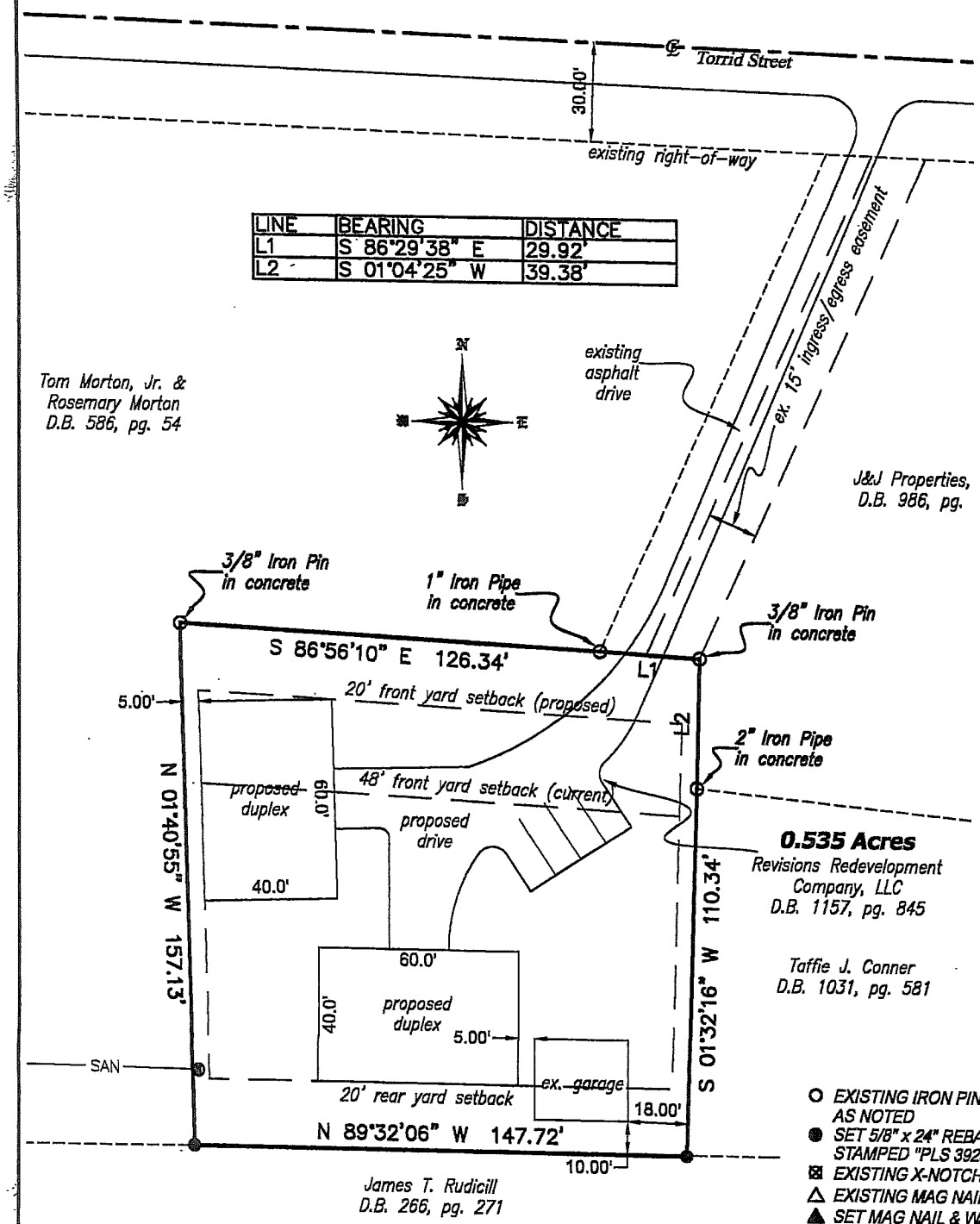


LINE	BEARING	DISTANCE
L1	S 86°29'38" E	29.92'
L2	S 01°04'25" W	39.38'

O EXISTING IRON PIN OR PIPE AS NOTED
● SET 5/8" x 24" REBAR & CAP STAMPED "PLS 3923"
⊠ EXISTING X-NOTCH
△ EXISTING MAG NAIL
▲ SET MAG NAIL & WASHER STAMPED "PLS 3923"

0 50 100

LAND SURVEYOR'S CERTIFICATE

I hereby certify that the survey depicted by this plat was done by persons under my direct supervision by the method of GNSS best practices. The relative positional accuracy is +/- 0.04' + 50 PPM and was not adjusted. The survey as shown hereon is an Urban Survey and the accuracy and precision of said survey meets all the specifications of this class and complies with 201 KAR 18:150. Field work completed on March 9, 2021. This plat is not valid unless stamped and signed.

Brent M. Webster, P.S. 3923 Date

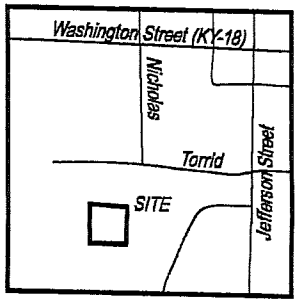
LAND SURVEYOR'S NOTES

1. North and bearing system based on Grid North. Horizontal Datum: NAD-83(2011) KYSPCS-North Zone.
2. This survey does not constitute a title search by the surveyor. All information regarding record easements, and other documents that might affect the quality of title to the parcel shown hereon can be obtained by the completion of a title search.
3. All data sources, documents and records shown hereon are on file in the office of the Boone County Clerk in Burlington, KY, unless otherwise noted.
4. All monumentation shown hereon is in good condition unless otherwise noted.
5. All surveyed property corners noted as set are 5/8" diameter iron pins, 24" in length, with cap stamped Webster Surveying KY-3923, unless otherwise noted.
6. No evidence of encroachments.
7. No evidence of a cemetery on surveyed parcel.

GNSS NOTES

Equipment: Javad Triumph-3 Base & Triumph-LS Receiver
Type of Survey: Real Time Kinematic
Horizontal Datum: NAD-83(2011) KYSPCS North Zone
Vertical Datum: NAVD-88
Geoid: GEOID-12B

VICINITY MAP
SCALE: 1"=800'



PLAT OF SURVEY
0.535 ACRES AT 3059 TORRID STREET
CITY OF BURLINGTON
BOONE COUNTY, KENTUCKY

SCALE: 1" = 50'	PROJECT NUMBER: 20210030	CLIENT: Robert Fohl 1649 Grandview Dr. Hebron, KY 41048	
DRAWN BY: BMW	DATE: 03/12/2021		

WEBSTER LAND SURVEYING, L.L.C.
Surveying the Tri-State Area
2940 Hebron Park Drive, Ste 210 Hebron, KY 41048
brent@nkylandsurveyor.com 859.760.7794

CLUR #21-BCBOA-012-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Revisions Redevelopment Company LLC
1649 Grandview Drive
Hebron, KY 41048

2. ADDRESS OF PROPERTY
3059 Torrid Street
Burlington, KY 41005

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Robert Fohl/Torrid

4. DEED BOOK 1157 PAGE NO. 845 GROUP NO. 2029

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

____ Zoning Map Amendment:
From_____To

____ Development Plan

____ Subdivision Plat
(Not Recorded)

__X__ Variances (2)

____ 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-012-A

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the variances (2) 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-012-A), for Revisions Redevelopment Company LLC, Property Owner(s).

The following conditions will apply:

1. Prior to construction, a Major Site Plan shall be submitted to the Boone County Planning Commission for review and approval.

2. The proposed access driveway, having a minimum width of fifteen (15) feet, shall be entirely located within the existing ingress/egress easement.

The approved variances (2) as well as the preceding conditions apply to the property described in:

DEED BOOK 1157 PAGE NO. 845 GROUP NO. 2029