APPLICATION FORM

BOARD OF ADJUSTMENT
AND
ZONING APPEALS ACTION
BOONE COUNTY PLANNING COMMISSION

FIVE (5) SCALED COPIES AND ONE (1) 11X17 REDUCTION OF SUBMITTED DRAWINGS ARE REQUIRED
See Boone County Zoning Regulations

RECEIVED 83520 MAR 22 2021 BOONE COUNTY PLANNING COMMISSION

SECTION A (To be completed by applicant)

(Check One)
1. _____ Boone ✓ Florence _____ Walton _____ Union

(Check One)
2. _____ Conditional Use Permit ✓ Variance _____ Appeal
_____ Change in Non-Conforming Use
3. Applicant's Name Tim + Tracy L Sparks
Applicant's Address 2422 Hilliard
Hebron KY 41048
City State Zip
Phone Number 513-780-0129 Fax No. _____ E-Mail tjsparks65@yahoo.com
4. Description of Request: Moving house 10ft forward, due to being to close to pond for safety reasons. Back of deck would only be 22ft to pond.
5. Name of Development Cornerstone Estates
6. Location of Development Lot #11 3351 Wilarose Ln
7. Acreage Under Review 0.46
8. Lot Number and Name of Subdivision (if part of a subdivision)
Lot #11 Cornerstone Estates
9. Owner of Property Tim + Tracy L Sparks
Address of Property Owner 2422 Hilliard Dr. Hebron, Ky 41048
10. Hebron KY 41048
City State Zip
Phone Number 513-780-0129 Fax No. _____ E-Mail tjsparks65@yahoo.com
11. Proposed Use(s) on Site New home - one story
12. Total Square Footage of Existing and/or Proposed Buildings 2407 Sq.ft
13. Current Zoning on Property _____
14. Deed Book D1160 Page No. 700-702 Group No. 4929
15. Is the site subject to a zone change? No
If yes, give date of approval 2010
16. Have you submitted a Site Plan with this request? yes
17. Have you submitted a list of adjoining property owners with this request? yes
18. 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: Tracy L Sparks
(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

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

(over)

SECTION B (To be completed by the Boone County Planning Commission Staff)

1. Date Received 3-22-21 Fee Received $666.00 Receipt # 83520
2. Is application complete? ✓ Yes ___ No
3. Staff Reviewer M. Schwartz
4. Scheduled Board Action Date April 14, 2021
5. Board Action:
   ✓ **Approved** 4/14/2021
   ___ **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
(859) 334-2196 - Phone
(859) 334-2264 - Fax
plancom@boonecountyky.org - E-mail
www.boonecountyky.org - Web Page

NOTE: See Boone County Planning Commission Fee Schedule for Board of Adjustment Fees.

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.

STAFF REPORT **#4**

APPLICANT: Tim and Tracy Sparks, per Tracy Sparks

LOCATION: 3351 Wildrose Lane, Boone County, Kentucky

ZONING: Rural Suburban (RS)

DATE: April 14, 2021

PROPOSAL

A. The applicant is requesting a Variance to reduce the minimum required front yard setback from forty (40) feet to thirty (30) feet in order to build a detached single-family residential dwelling and a deck.

SITE HISTORY

2004 On September 28, 2004, the Boone Fiscal Court adopted Ordinance Number 04-11, changing the zoning of an approximate 19 acre area, including the site in question, from RSE to RS

2006 On August 2, 2006, the Boone County Planning Commission approved a Final Plat for Cornerstone Estates, Section Two, 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 RS district.

E. Section 920 of the Boone County Zoning Regulations states that the "purpose of the Rural Suburban district is to provide a residential environment whose dwelling types and densities are typical of a low density suburban character. Such districts will largely be located to preserve the established character of areas developed prior to the adoption of these regulations and where there is limited feasibility, desire, or need to provide or require installation or utilization of all infrastructure necessary to support a suburban or urban neighborhood."

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. Cornerstone Drive and Wildrose Lane are identified as a county maintained local streets 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 (RS)

South: Single family (RS)

East: Single family (RS)

West: Single family (RS)

PROPOSED DEVELOPMENT

A. The applicant is proposing to construct an approximate 72' x 52' house with a 20' x 20' deck onto the rear of the house.

B. The proposed house will be set back thirty (30) feet from the front property line.

C. The proposed house will be set back sixty-two (62) feet from the rear property line and forty-two feet from the existing detention facility.

D. The proposed deck will be set back forty-two (42) feet from the rear property line and twenty-two (22) feet from the existing detention facility.

E. The proposed house will be set back approximately twenty-two (22) feet from the lake easement and the proposed deck will be set back approximately two (2) feet from the lake easement.

STAFF COMMENTS

A. The site in question, containing approximately 0.46 acres, is located at the southwest corner of the intersection of Cornerstone Drive with Wildrose Lane.

B. The site in question has a lot depth of approximately 162 feet.

C. Along the rear property line of the site in question, there is a lake easement having a width ranging from 35 feet to 40 feet.

D. Topographically, the eastern half of the site slopes downward, east to west, at an average grade of 5%. The western half of the site slopes downward, east to west at an average grade of 15%. Overall, the average grade of the site is 10%.

E. The site is located within the 55 day/night noise level of the Northern Kentucky/Greater Cincinnati International Airport.

F. The existing house located immediately to the south of the site in question, having an address of 3355 Wildrose Lane, has a front yard setback of 40.72 feet.

G. The Boone Board of Adjustment has acted on five variance requests within the Cornerstone Estates Subdivision:

1. On June 25, 2010, the Boone Board of Adjustment approved variances reducing the front yard setback from forty (40) feet to thirty-five (35) feet and reducing the rear yard setback from forty (40) feet to 29.5 feet, in order to build a single family dwelling on property located at 3378 Wildrose Lane (BCBOA-10-006).

2. On June 25, 2010, the Boone Board of Adjustment approved variances reducing the front and rear yard setbacks from forty (40) feet to thirty-five (35) feet, in order to build a single family dwelling on property located at 3237 Cornestone Drive (BCBOA-10-007).

3. On March 14, 2013, the Boone Board of Adjustment approved a variance reducing the front yard setback from forty (40) feet to 32.35 feet, in order to build a single family dwelling on property located at 3358 Wildrose Lane (BCBOA-13-005).

4. On November 18, 2013, the Boone Board of Adjustment approved a variance reducing the front yard setback from 32.34 feet to 31.5 feet, in order to build a single family dwelling on property located at 3358 Wildrose Lane (BCBOA-13-021).

5. On January 9, 2014, the Boone Board of Adjustment approved a variance reducing the front yard setback from forty (40) feet to thirty-eight (38) feet, in order to build a single family dwelling on property located at 3277 Cornerstone Drive (BCBOA-14-001).

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,

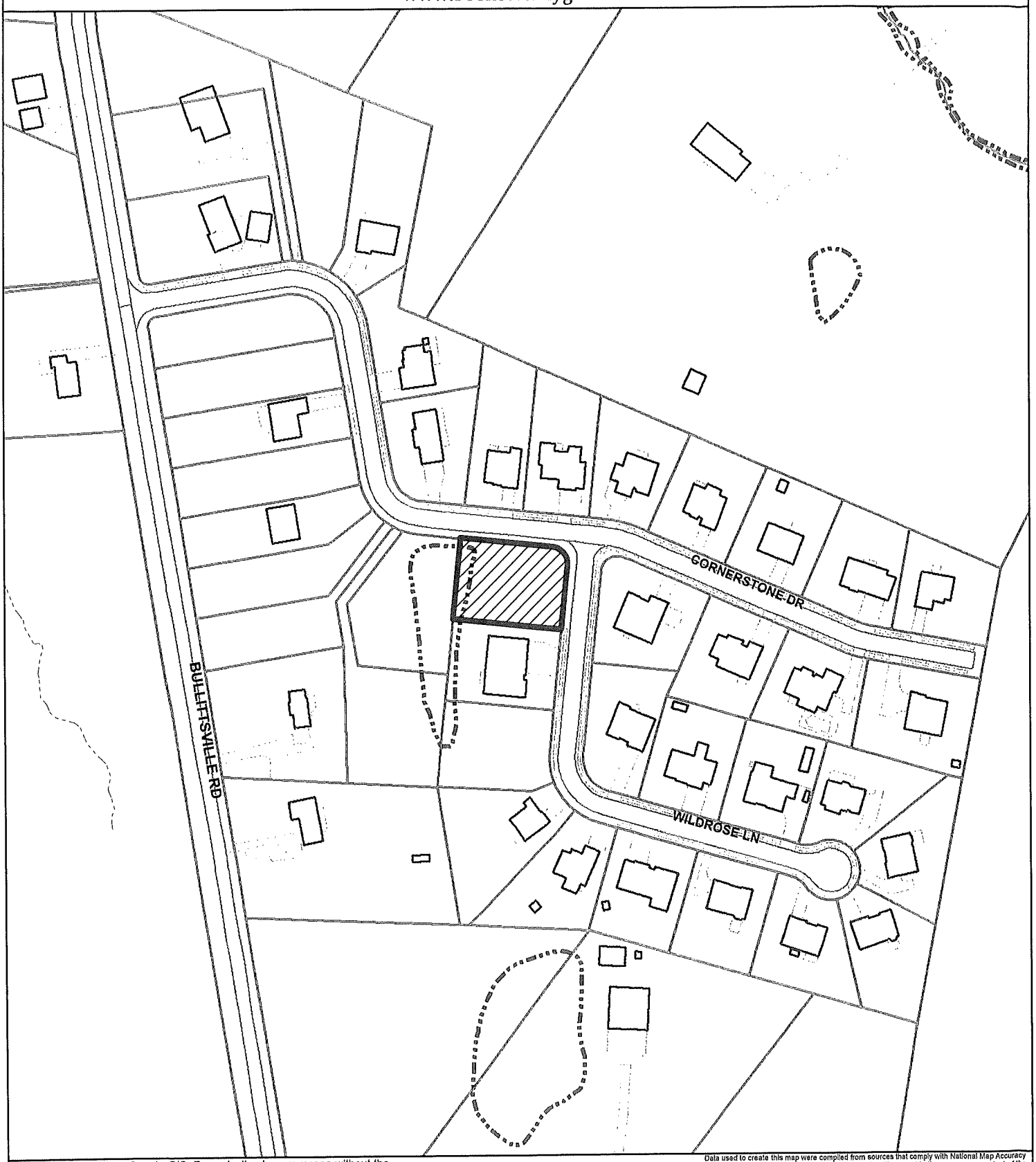
Michael D. Schwartz
Planner

MDS/ss

Attachments
*Vicinity Map
*Aerial Map
*Topographical Map
*Zoning Map
*2040 Future Land Use Map
*Noise Contour Map
*Application
*Development Plan

Vicinity Map

www.boonecountygis.com



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0 100 200 400 600 800 Feet

1 inch = 200 feet

N W E S

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State Plane Feet by North NAD 1983

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ArcMap Document: *.mxd

Aerial Map

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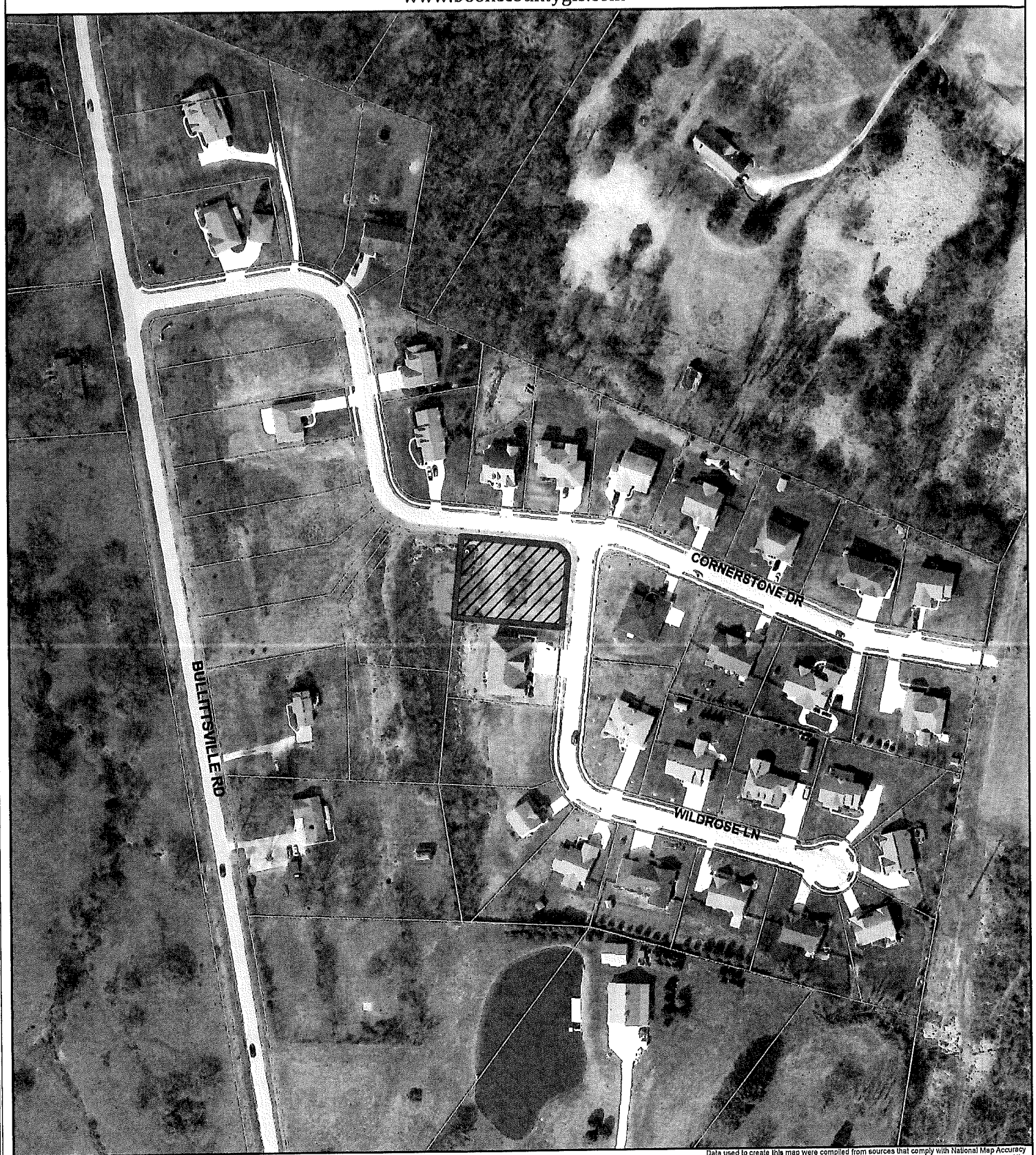

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Topographical Map

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Zoning Map

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2040 Future Land Use Map

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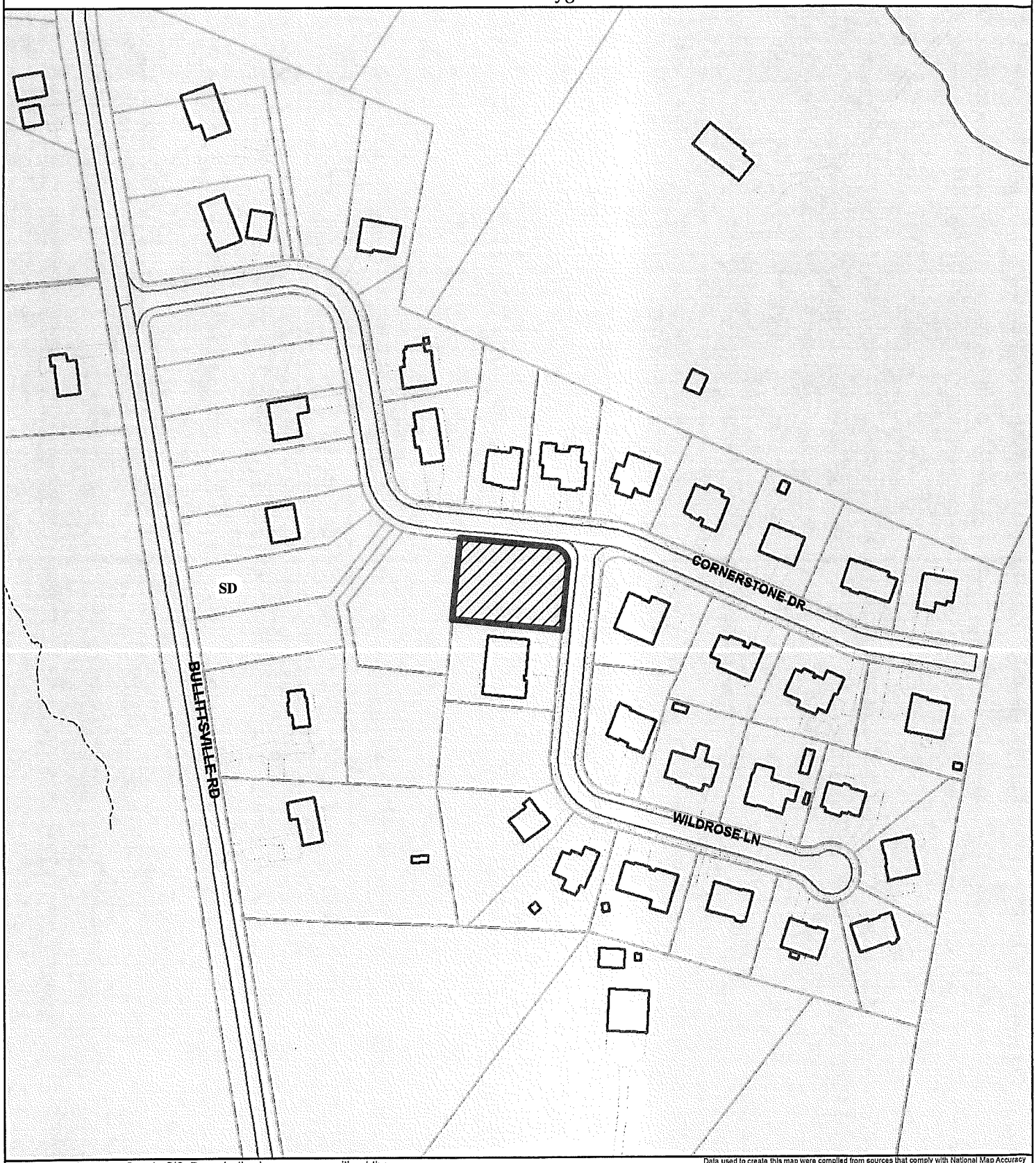

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Noise Contour Map

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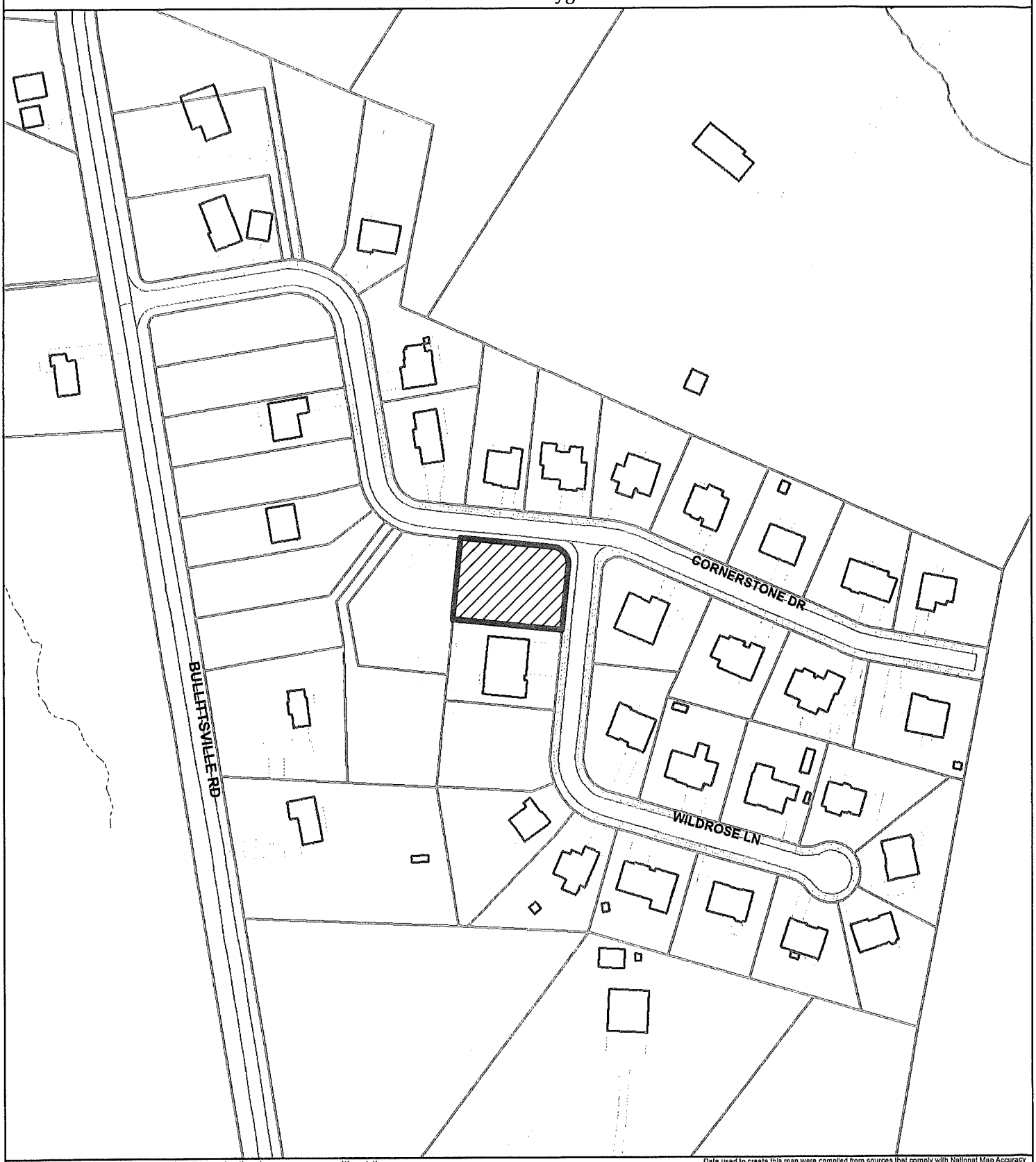

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Phone Number 513-780-0129 Fax No. _____ E-Mail tjsparks65@yahoo.com

11. Proposed Use(s) on Site New home - One story

12. Total Square Footage of Existing and/or Proposed Buildings 2407 Sq.ft

13. Current Zoning on Property _____

14. Deed Book D1160 Page No. 700-702 Group No. 4929

15. Is the site subject to a zone change? _____
If yes, give date of approval _____

16. Have you submitted a Site Plan with this request? yes

17. Have you submitted a list of adjoining property owners with this request? yes

18. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

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ORIGINAL Applicant's Signature: Tracy L Sparks
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(over)

SECTION B (To be completed by the Boone County Planning Commission Staff)

1. Date Received 3-22-21 Fee Received $666.00 Receipt # 83520
2. Is application complete? ✓ Yes ____ No
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
(859) 334-2196 - Phone
(859) 334-2264 - Fax
plancom@boonecountyky.org - E-mail
www.boonecountyky.org - Web Page

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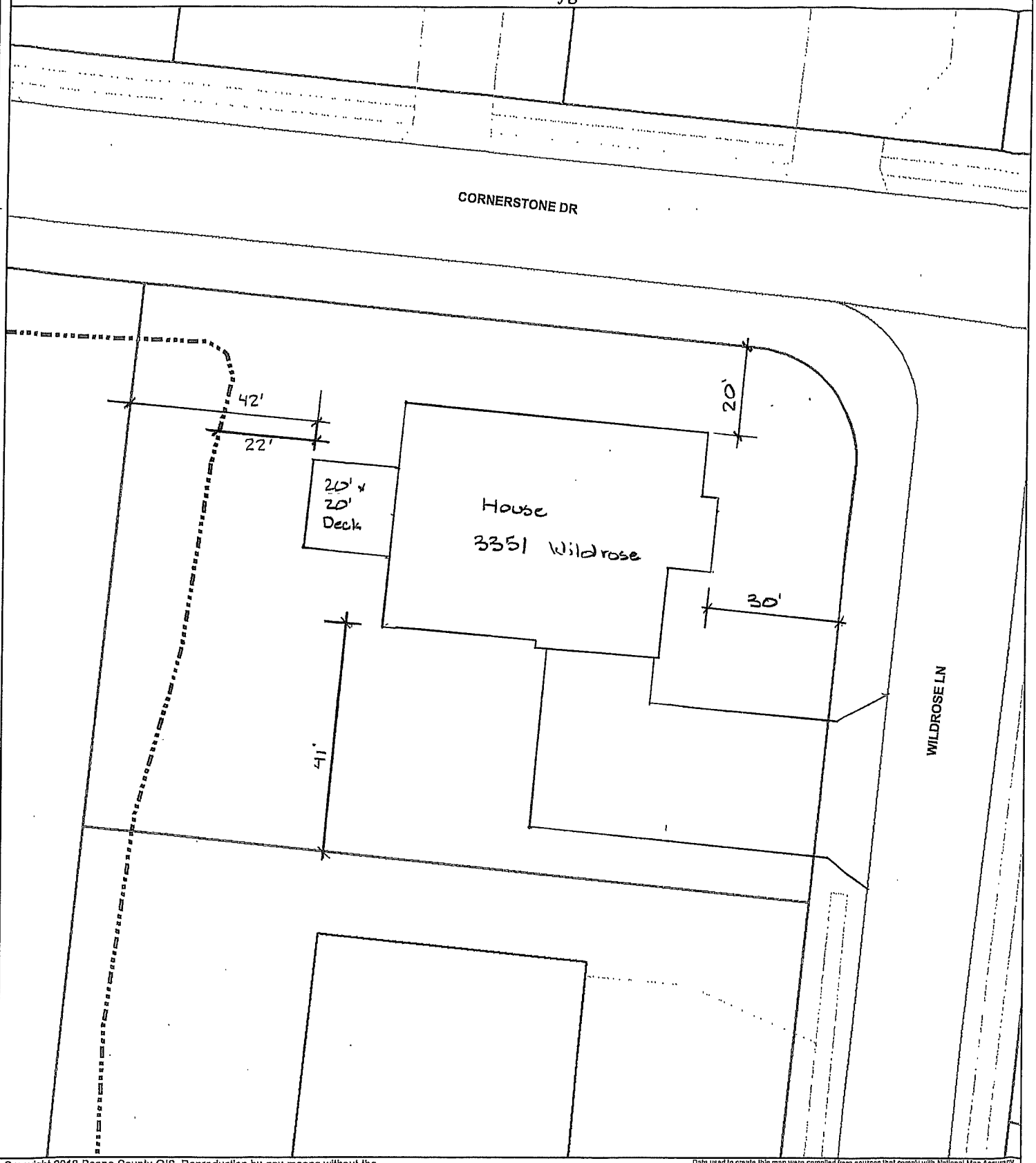

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0 15 30 60 90 120 Feet

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Boone County GIS - Putting Northern Kentucky on the Map

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CLUR #21-BCBOA-013-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Tim & Tracy Sparks
2422 Hilliard Drive
Hebron, KY 41048

2. ADDRESS OF PROPERTY
2422 Hilliard Drive
Hebron, KY 41048

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Tim & Tracy Sparks

4. DEED BOOK 1028 PAGE NO. 967 GROUP NO. 2010

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.)