

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 [X] Boone [] Florence [] Walton [] Union
2. Check One [] Conditional Use Permit [X] Variance [] Appeal
[] Change in Non-Conforming Use

3. Applicant: Melissa Baker
Address: 9807 Cherbourg Rd.
Union Ky. 41091
City State Zip Code

Phone Number: 859-393-8418 Fax Number:

Email: melissabaker@gmail.com

4. Description of Request: Reduce front yard set back from 80 ft. to 57.8 ft.

5. Name of Development:
6. Location of Development: 4435 Beaver Rd. (will become this address once house constructed)
Union Ky. 41091
City State Zip Code

7. Acreage Under Review: 23.8969

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

9. Current Owner: William & Melissa Baker
Address: same as above
City State Zip Code

Phone Number: Fax Number:

Email:

10. Proposed Use(s) on Site: single family dwelling (house)
11. Total Square Footage of Existing and/or Proposed Buildings: 1800 ft.
12. Current Zoning: A-1
13. D1142 327 2066 A
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: Yvelina Bailey
(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

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

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

1. Date Received: 9/7/21 Fee Received: \$666⁰⁰ Receipt #: 84740

2. Is application complete:

3. Staff Reviewer: M. Schwartz

4. Scheduled Board Action Date: 10/13/2021

5. Board Action: 10/13/2021

- 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

#3

APPLICANT: Melissa Baker, on behalf of William and Melissa Baker

LOCATION: 4435 Beaver Road, being along the south side of Beaver Road, approximately 5,000 feet west of Ryle Road and immediately west of 4417 Beaver Road

ZONING: Agricultural One (A-1)

DATE: October 13, 2021

PROPOSAL

- A. The request is to reduce the minimum required front yard setback from eighty (80) feet to 57.8 feet in order to build a house.

SITE HISTORY

1996 On June 14, 1996, the Boone County Planning Commission approved a Conveyance Plat, creating the lot in question.

1997-1999 Based on information contained in the Boone County GIS, a boat dock, marina and off-street parking area were constructed on the site.

2007-2009 Based on information contained in the Boone County GIS, the marina was abandoned.

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 eighty (80) feet within the A-1 district.
- E. Section 610 of the Boone County Zoning Regulations states that the “purpose of the Agriculture district is to preserve and protect the supply of productive agricultural lands and other open space, primarily for non-urban uses”.

RELATIONSHIP TO THE COMPREHENSIVE PLAN

- A. The Our Boone County Plan 2040 Future Land Use Plan designates the site in question for “Rural Land” and “Developmentally Sensitive” areas.

Rural Land is defined as wooded, agricultural, recreational, or low density residential uses of up to one dwelling unit per two acres. Residential construction in Rural lands does not occur in a formal subdivision.

Developmentally Sensitive is defined as areas that have an existing slope of twenty percent or greater for a height of 20 meters (67.6 feet), or have unique soil or flooding characteristics which limit the ability of an area to support urban development, or contain significant wooded areas, creeks, wildlife habitat, or other natural features that are important to a site’s stability and visual character.

- 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).

Home ownership shall be encouraged and incentivized as well as redevelopment and renovation of deteriorating housing stock (Demographics Goal B, Objective 3).

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).

An evaluation of environmental factors identified in this Plan will be part of any development review process (Environment Goal A, Objective 1).

Areas possessing unique environmental characteristics should be preserved, used as passive or active recreational areas, or appropriately incorporated into development design (Environment Goal A, Objective 2).

Developmentally Sensitive and scenic areas shall be identified, mapped, and stabilized. Developments proposed in any of these areas shall be carefully designed and reviewed to minimize environmental impacts (Environment Goal A, Objective 3).

Development design shall consider natural and ecological systems, such as wildlife habitats, air, soils, and water (Environment Goal A, Objective 6).

Development shall attempt to utilize existing topography and vegetation (including mature trees where possible) and preserve the existing character of the land where practical (Environment Goal A, Objective 7).

- C. Beaver Road is a state maintained arterial street providing for two way traffic within an approximate eighteen (18) foot pavement width. There are no sidewalks along the roadway.

SURROUNDING LAND USES AND ZONING

- North: Vacant/undeveloped/agricultural land (A-1)
South: Ohio River (A-1)
East: Single family residential and agricultural land (A-1)
West: Agricultural land (A-1)

SITE CHARACTERISTICS

- A. The site, containing approximately 24 acres, is located along the south side of Beaver Road, approximately 5,000 feet west of Ryle Road.
- B. The site is currently occupied by a small barn structure and a boat dock.

- C. With the exception of the first 170 feet, the entire site is located within the 100-year floodplain.
- D. The site slopes downward from north to south at an average grade of approximately 8%.

PROPOSED DEVELOPMENT

- A. The proposal is to construct a detached single-family residential dwelling 57.8 feet from the front property line.

STAFF COMMENTS

- A. The nearest structure to the east of the site in question has a front yard setback of approximately 94 feet. The nearest structure to the west of the site in question has a front yard setback of approximately 15 feet.

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

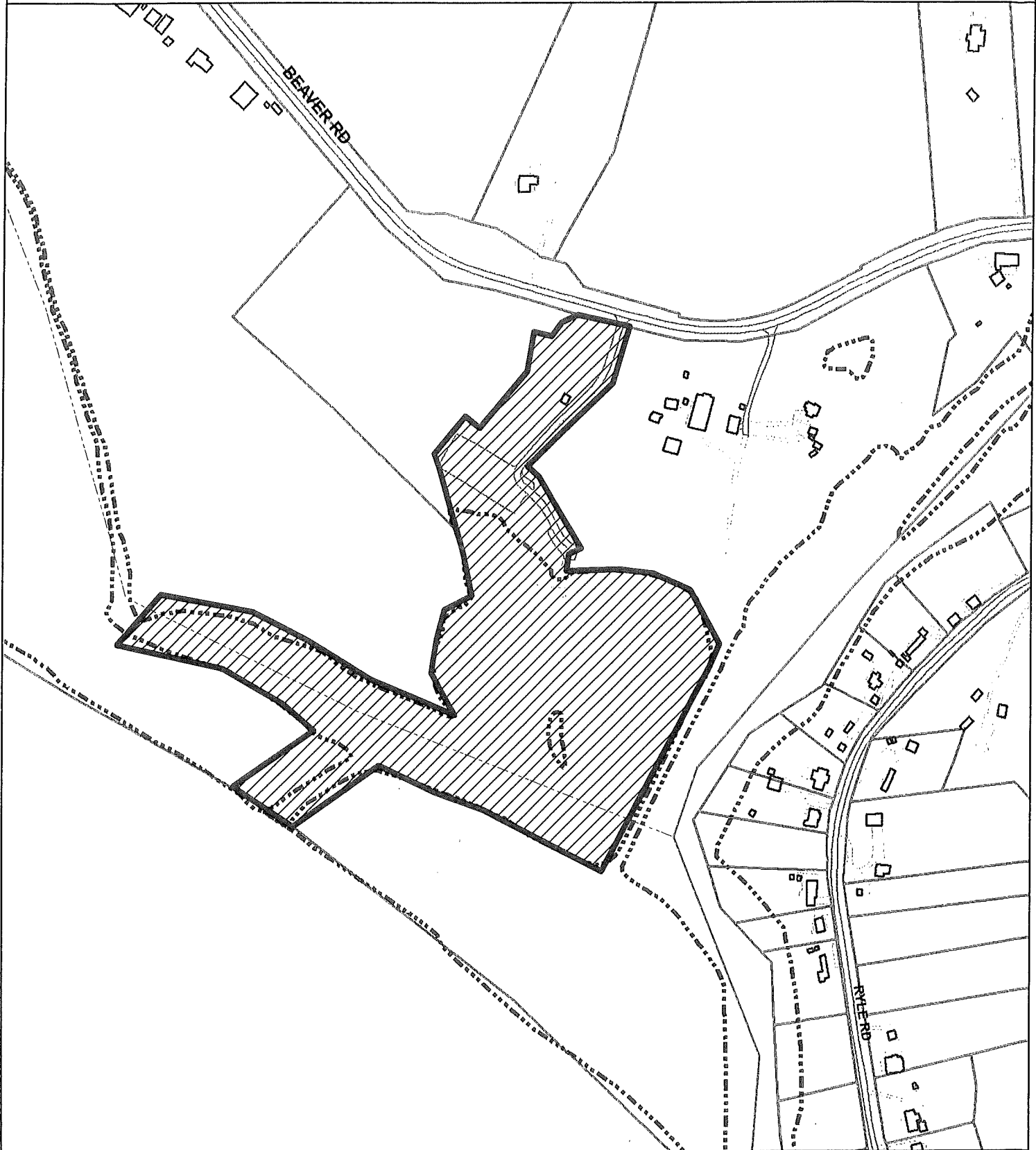
MDS/ss

Attachments

- *Vicinity Map
- *Aerial Map
- *Topographical and Floodplain Map
- *Zoning Map
- *2040 Future Land Use Map
- *Application
- *Development Plan

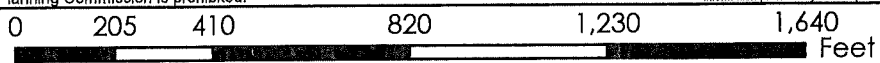
Vicinity Map

www.boonecountygis.com



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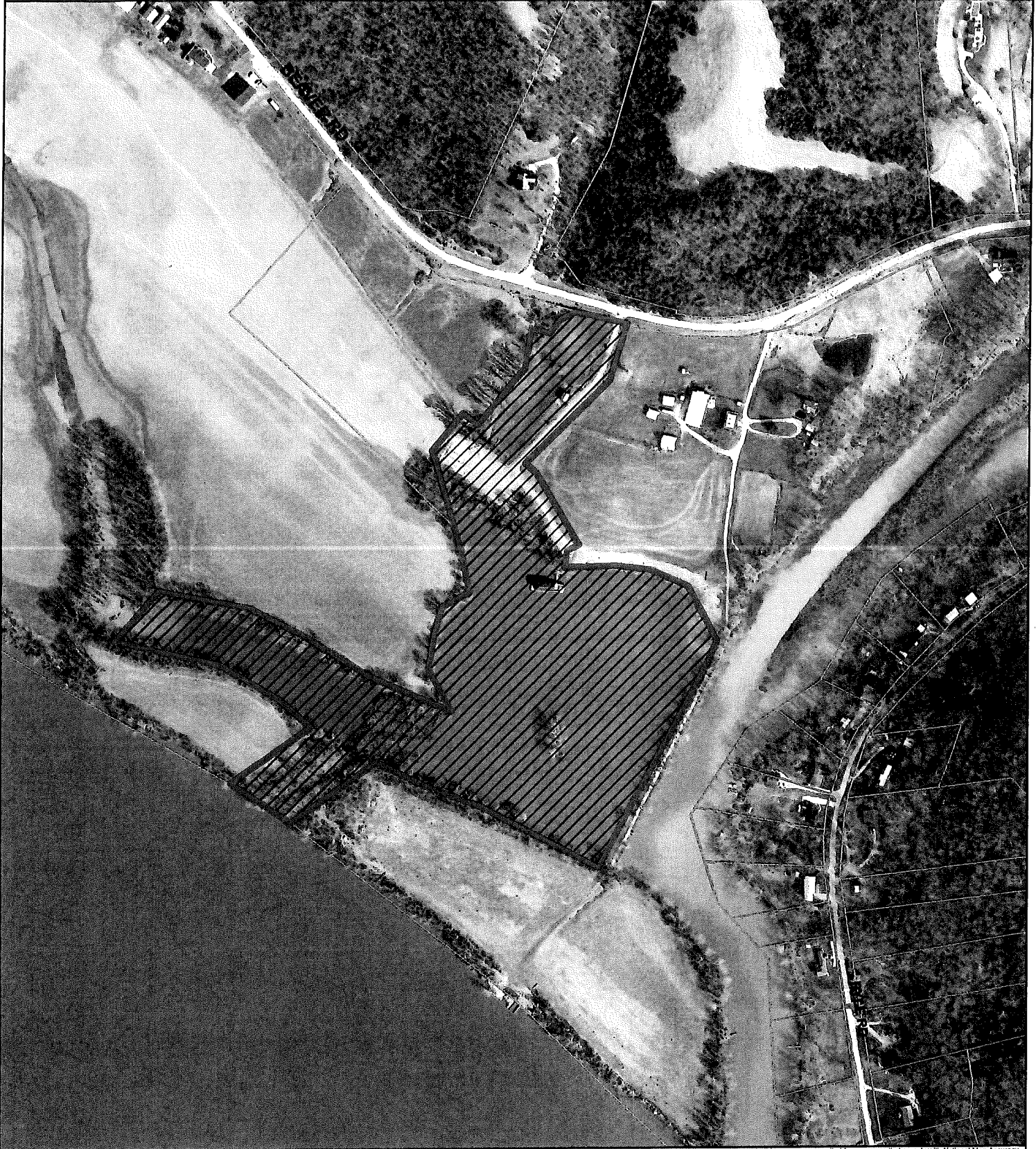


Boone County GIS - Putting Northern Kentucky on the Map



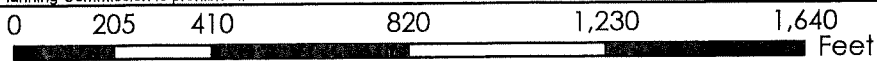
Aerial Map

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Boone County GIS - Putting Northern Kentucky on the Map

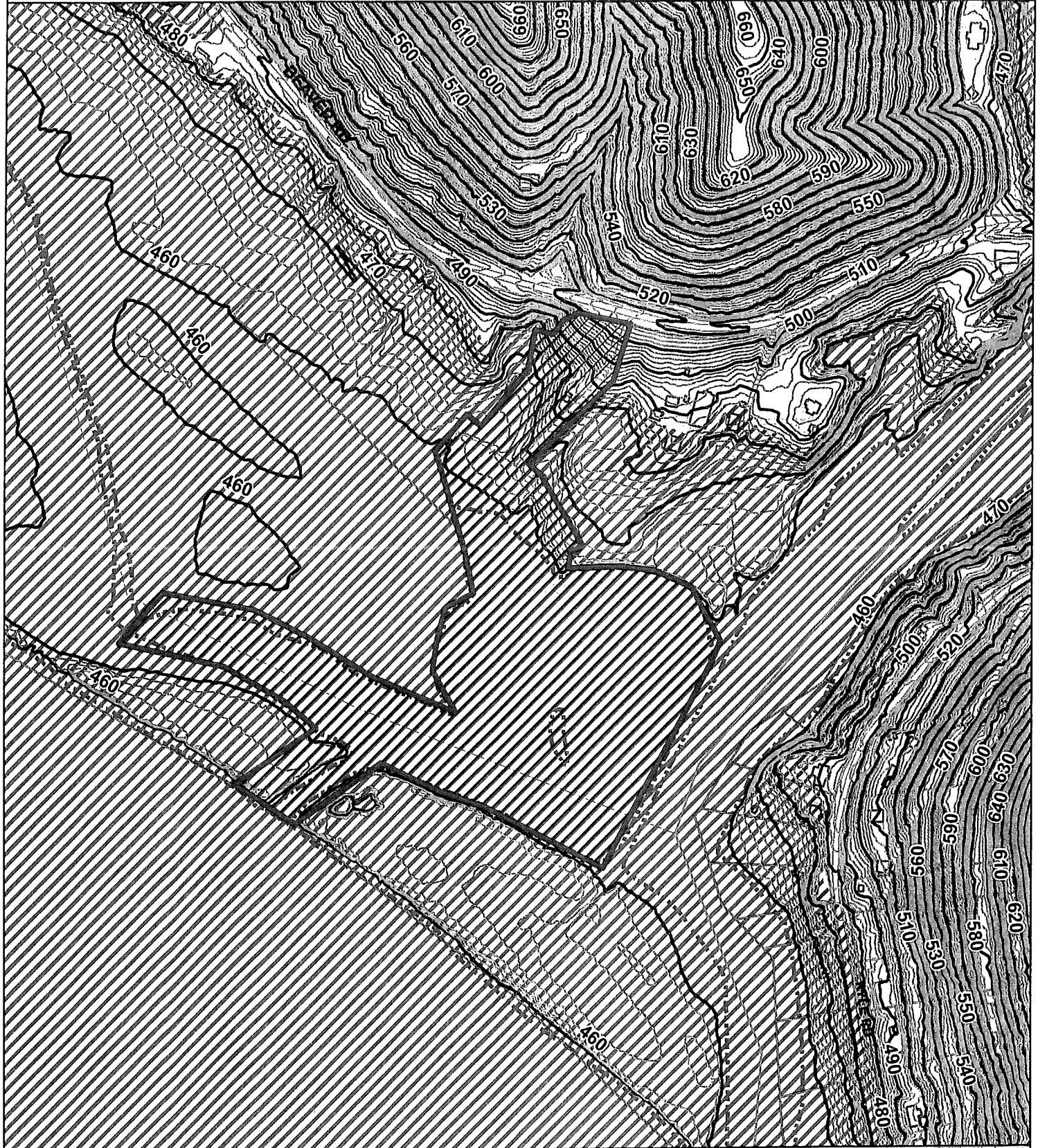


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ArcMap Document: *.mxd

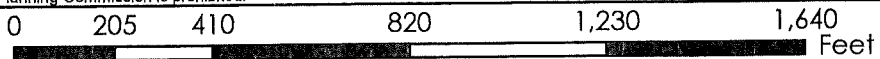
Topographica and Floodplain Map

www.boonecountygis.com

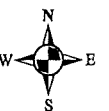


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1 Inch = 400 feet



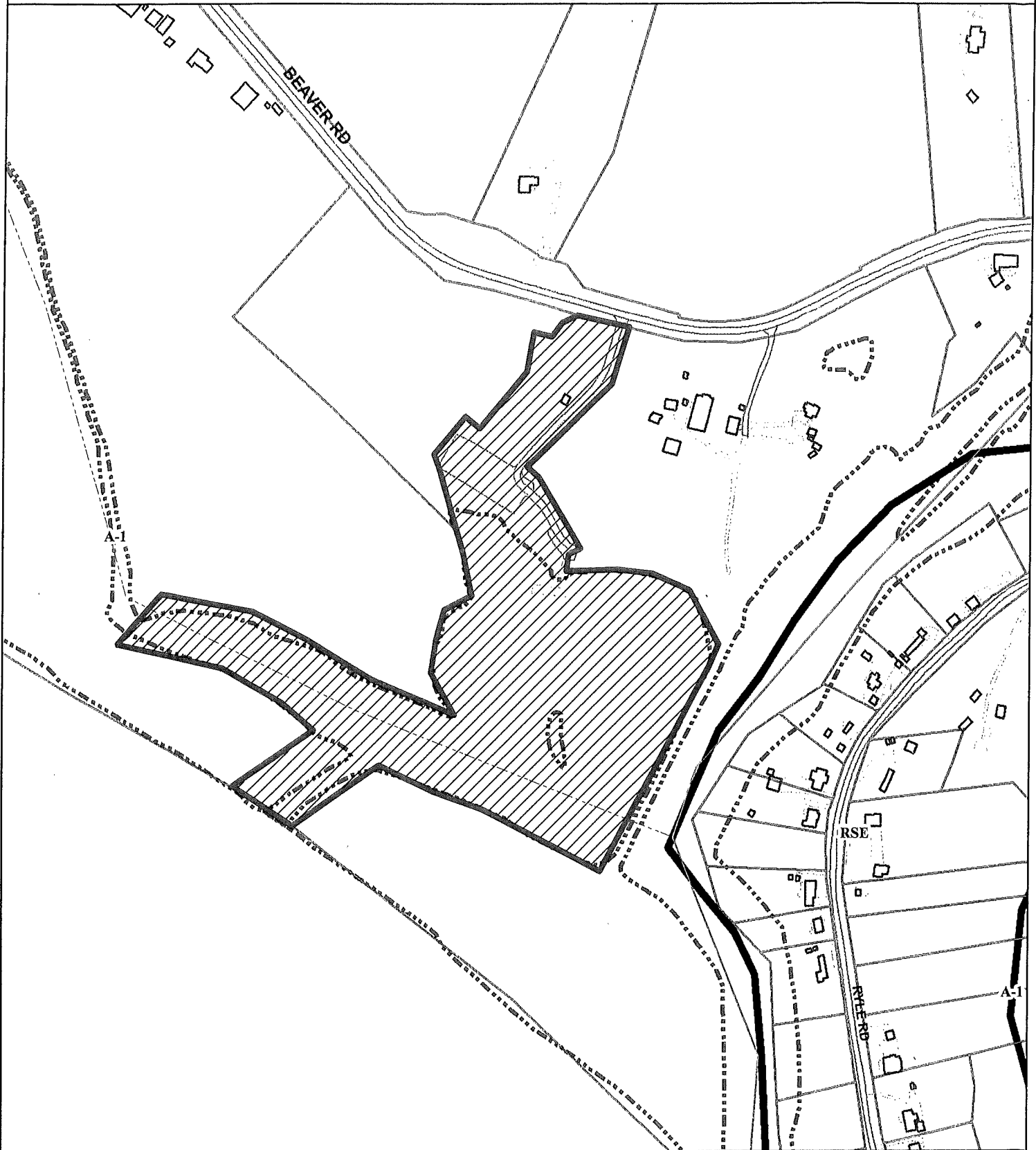
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Map Created: xx/xx/2021

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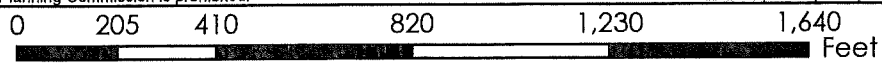
Zoning Map

www.boonecountygis.com



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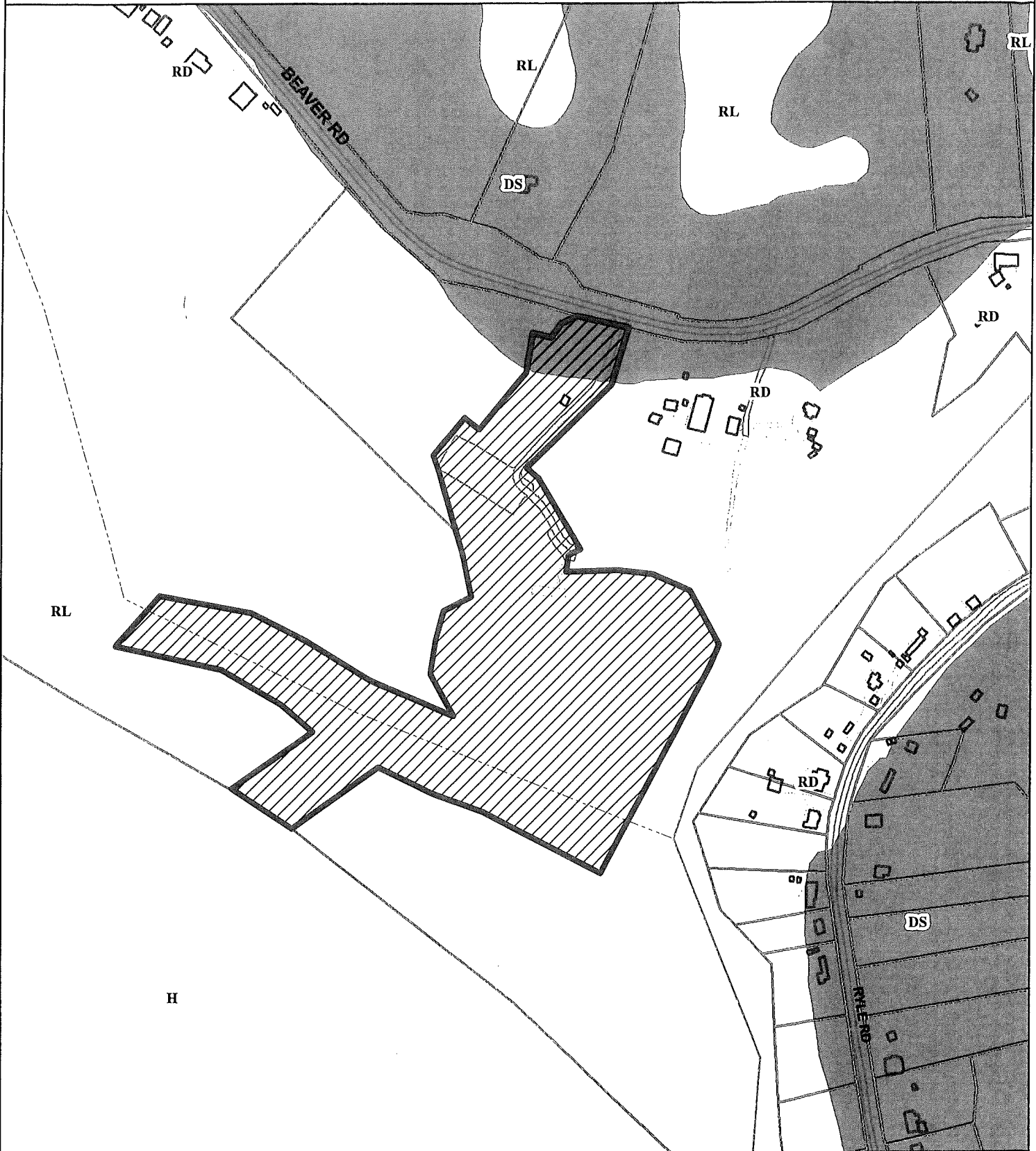


Boone County GIS



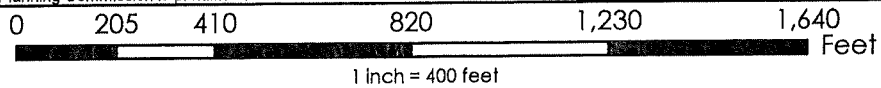
2040 Future Land Use Map

www.boonecountygis.com



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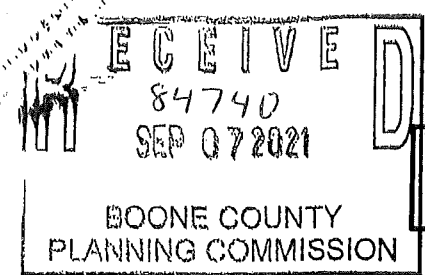


Boone County GIS



Map Created: xx/xx/2021

ArcMap Document: *.mxd



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ORIGINAL Property Owner's Signature: *Melina Baker*
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

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

LINE TABLE		
LINE	LENGTH	BEARING
L1	144.93	S73°58'34"E
L2	186.09	S16°09'15"W
L3	359.42	S44°45'42"W
L4	58.46	S50°56'15"E
L5	235.51	S31°40'54"E
L6	42.00	S58°18'06"W
L7	49.74	S10°45'13"W
L8	155.55	N86°53'17"E
L9	103.63	S83°15'43"E
L10	118.33	S67°08'16"E
L11	187.35	S30°26'52"E
L12	75.00	S20°30'48"W
L13	693.81	S26°42'58"W
L14	404.00	N63°08'46"W
L15	153.75	N70°38'31"W
L16	182.57	N64°56'06"W
L17	315.51	S54°23'25"W
L18	216.14	N57°53'21"W
L19	293.85	N54°23'25"E
L20	129.52	N50°15'24"W
L21	199.01	N60°02'52"W
L22	326.48	N78°02'52"W
L23	201.01	N40°36'29"E
L24	270.29	S80°16'23"E
L25	184.91	S63°06'08"E
L26	230.30	S59°43'51"E
L27	273.39	S67°22'57"E
L28	144.81	N29°54'44"W
L29	103.68	N08°27'19"E
L30	92.13	N15°51'43"E
L31	87.79	N62°50'50"E
L32	134.59	N11°30'34"W
L33	154.30	N17°37'01"W
L34	153.67	N17°37'01"W
L35	144.42	N39°03'45"E
L36	55.00	S50°56'15"E
L37	218.25	N89°03'45"E
L38	124.27	N09°53'35"E
L39	50.00	S73°58'34"E
L40	60.42	N40°28'04"E
L41	70.71	N61°01'26"E

100 YEAR FLOOD PLAIN

PROPOSED HOUSE

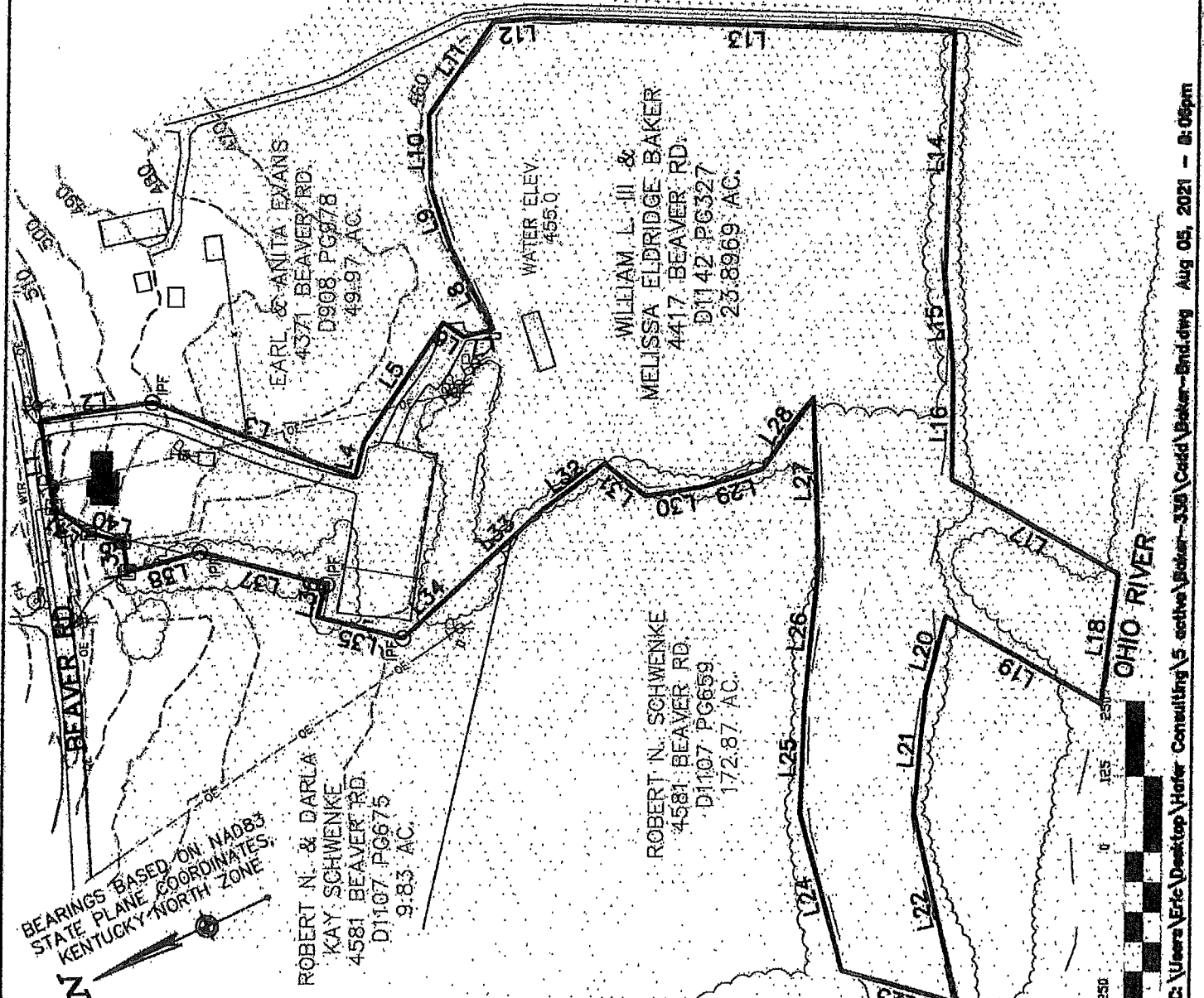
PLOT PLAN

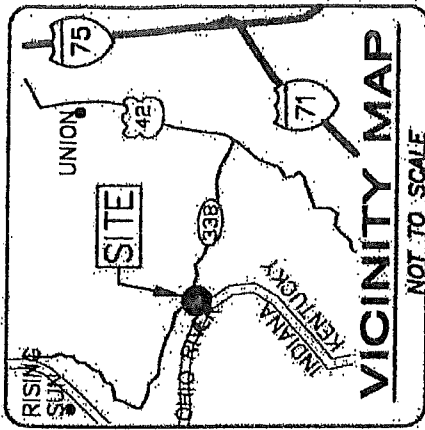
BEAVER ROAD
GROUP NO. 2801 & 2088A
D1142 PG327

BBC, INC
8807 CHERBOURG DR,
UNION, KY 41091
(859) 394-0327
BBCInc-01@yahoocom

Eric W. Hafer, P.E., P.S.
7426 US HWY 42 SUITE 210
FLORENCE, KY 41042
(513) 320-8953
EWH@peppere.com

SCALE	DATE	JOB NO.	CRKTD.
1" = 250'	08/10/21	202100	8/24/21
			2





BEARINGS BASED ON NAD83
STATE PLANE COORDINATES,
KENTUCKY NORTH ZONE.

WILLIAM L. III &
MELISSA ELDRIDGE BAKER
4417 BEAVER RD.
D1142 PG327
23.8969 AC.

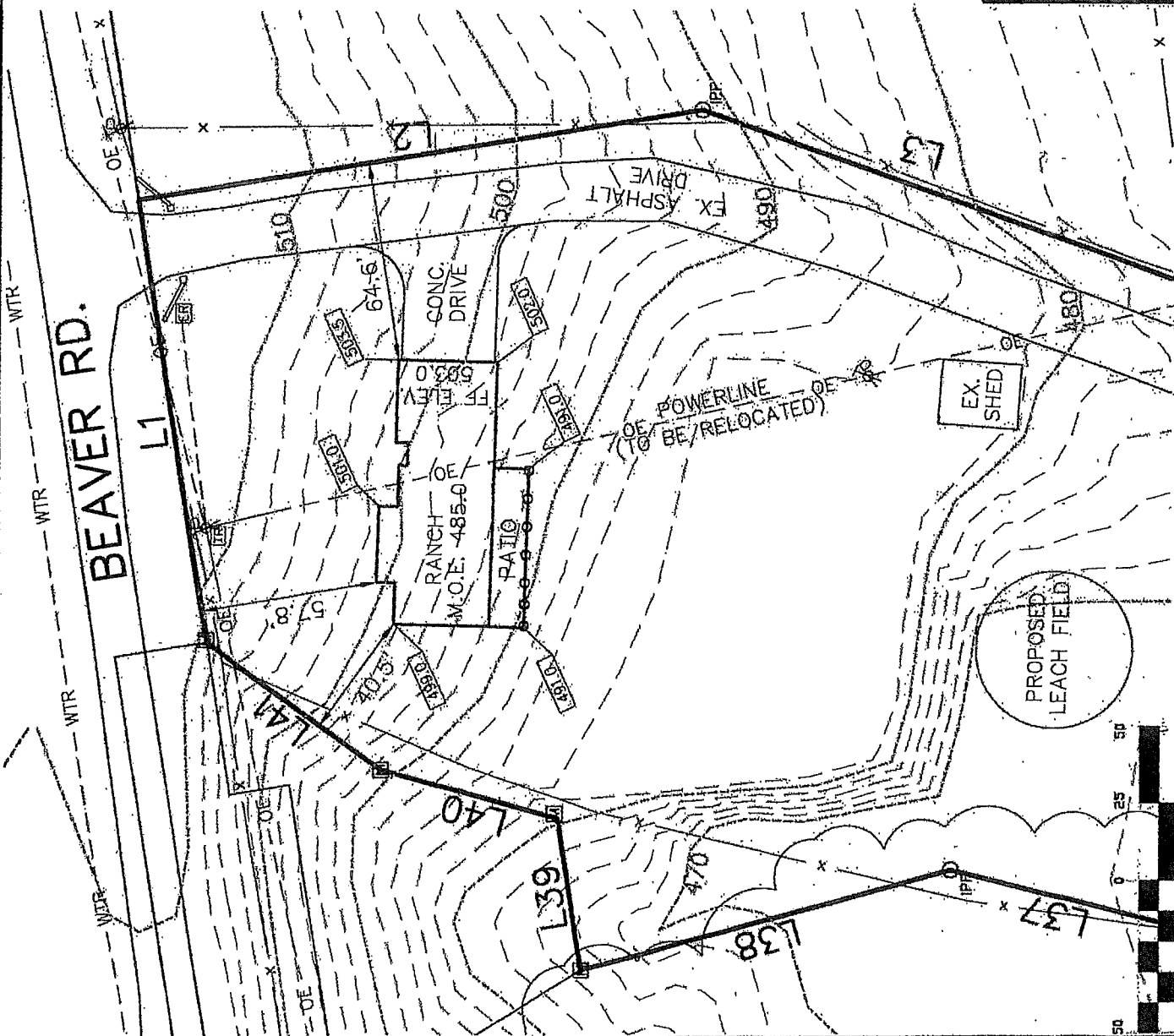
PLOT PLAN

BEAVER ROAD
GROUP NO. 2601 & 2086A
D1142 PG327

BBC, INC
9807 CHERBOURG DR.
UNION, KY 41001
(859) 394-0327
BBCinc01@yahoo.com

Eric W. Hafer, P.E., P.S.
7426 US HWY 42 SUITE 210
FLORENCE, KY 41042
(513) 320-6953
EWH@epa.com

SCALE	DATE	JOB NO.	DRAWN	CHECKD.
1" = 50'	08/10/21	202100	STP/	STP/
			2	2



CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
William & Melissa Baker
9807 Cherbourg Dr
Union, KY 41091
2. ADDRESS OF PROPERTY
4435 Beaver Rd
Union, KY 41091
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
William & Melissa Baker
4. DEED BOOK 1142 PAGE NO. 327 GROUP NO. 2066A
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
- 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, Director, Zoning Services
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 15th day of October, 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:

Nicole Dierna
Nicole Dierna
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.)