

**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: Brian Williams

Address: 2042 Bridgette Ln

Hebron KY 41048
City State Zip Code

Phone Number: 859-760-1280 Fax Number: _____

Email: brian@briwiconstruction.com

4. Description of Request:
Requesting a 5 ft variance for the back yard minimum requirements for a new deck structure

5. Name of Development: Gatewood Court Deck

6. Location of Development: 11074 Gatewood Ct

Florence KY 41042
City State Zip Code

7. Acreage Under Review: _____

8. Lot Number and Name of Subdivision (if part of a subdivision:
LOT 23, CARSPEN'S CREEK

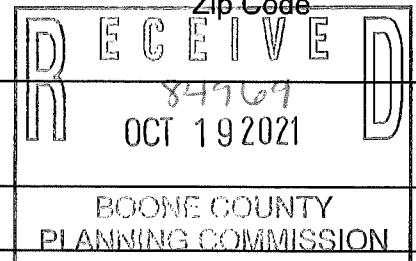
9. Current Owner: Phil Smith

Address: 11074 Gatewood Ct

Florence KY 41042
City State Zip Code

Phone Number: 970-889-4043 Fax Number: _____

Email: phillsmith99@live.com



Deck

- 10. Proposed Use(s) on Site: _____
- 11. Total Square Footage of Existing and/or Proposed Buildings: _____ 220
- 12. Current Zoning: _____ SR-1
- 13. _____ 1169 _____ 996 _____ 2057
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: _____ Braden Williams
(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

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

1. Date Received: 10/19/21 Fee Received: \$666 Receipt #: 84969

2. Is application complete: _____

3. Staff Reviewer: M. Schmitz

4. Scheduled Board Action Date: 11/10/2021

5. Board Action: 11/10/2021

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

#5

APPLICANT: Brian Williams, on behalf of Phil Smith

LOCATION: 11074 Gatewood Court

ZONING: Suburban Residential One (SR-1)

DATE: November 10, 2021

PROPOSAL

- A. A variance reducing the rear yard setback from thirty (30) feet to sixteen (16) feet in order to build a deck.

SITE HISTORY

- 2006 On September 13, 2006, the Boone County Planning Commission staff approved a zoning permit for the construction of a detached single-family residential dwelling.
- 2006 On October 11, 2006, the Boone Board of Adjustment approved a variance reducing the rear yard setback from thirty (30) feet to 27' – 4 ½", for the construction of a deck, subject to the condition that two small trees from Plant List C be installed between the deck and rear property line (BCBOA-06-018).
- 2006 On October 13, 2006, the Boone County Planning Commission staff approved a zoning permit for the construction of a deck.

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 930 of the Boone County Zoning Regulations states that the purpose of the Suburban 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.”
- E. Section 3111 of the Boone County Zoning Regulations states that the minimum required setbacks of the SR-1 district are:
1. Minimum Front Yard Setback: Thirty (30) feet
 2. Minimum Rear Yard Setback: Thirty (30) feet
 3. Minimum Side Yard Setback: Five (5) feet one side/fifteen (15) feet total
- 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 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. Gatewood Court is a county maintained local cul-de-sac street providing for two way traffic. Sidewalks are provided along both sides of the roadway.

SURROUNDING LAND USES AND ZONING

- North: Single-family residential (SR-1)
South: Single-family residential (SR-1)
East: Single-family residential (SR-1)
West: Single-family residential (SR-1)

SITE CHARACTERISTICS

- A. The approximate 0.18 acre property is located along the east side of Gatewood Court, approximately 120 feet south of Carspen Lane.
- B. The site is currently occupied by a detached single family residential dwelling, an at grade patio, and a deck.
- C. A fence partially encloses the rear yard of the site.
- D. The site slopes downward from the northwest to southeast, at an average grade of 11%.
- E. The site is located within the 55 day/night noise level of the Cincinnati/Northern Kentucky International Airport.

PROPOSED DEVELOPMENT

- A. Enlargement of the existing deck to a 12' x 20' deck.

STAFF COMMENTS

- A. The existing dwelling is set back approximately thirty (30) feet from the rear property line.
- B. The existing deck is set back approximately 27' – 4 ½" from the rear property line.
- C. If the variance is granted, the proposed deck will be approximately sixty-six (66) feet and ninety (90) feet from the decks of the adjacent houses to the rear of the site in question.
- D. On March 9, 2005, the Boone Board of Adjustment approved a variance reducing the rear yard setback from thirty (30) feet to twenty-five (25) feet in order to construct a deck at 11066 Gatewood Court, subject to the condition that two

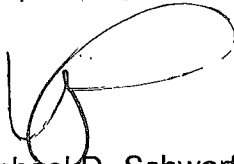
small trees from Plant List C are to be installed between the deck and the rear property line (BCBOA-05-003).

- E. On June 12, 2013, the Boone Board of Adjustment approved a variance reducing the rear yard setback from thirty (30) feet to 24.69 feet in order to construct a covered patio at 11070 Gatewood Court, subject to the condition that two small trees shall be required in the rear yard (BCBOA-13-014).

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
Director, Zoning Services

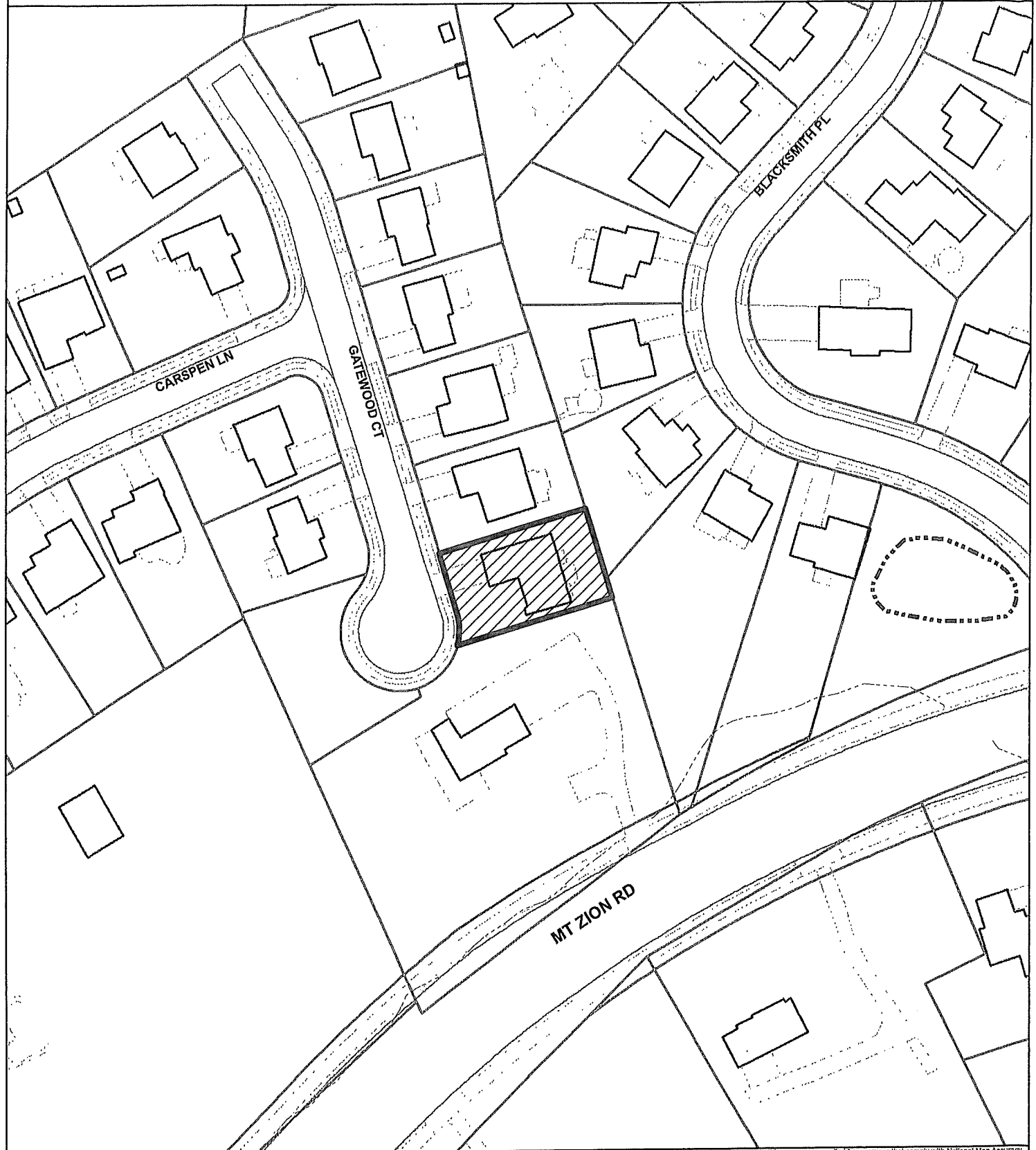
MDS/ss

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

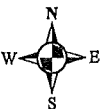
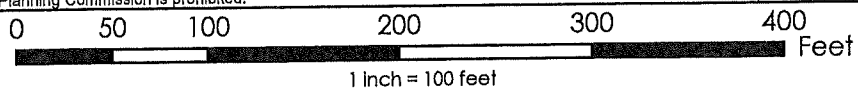


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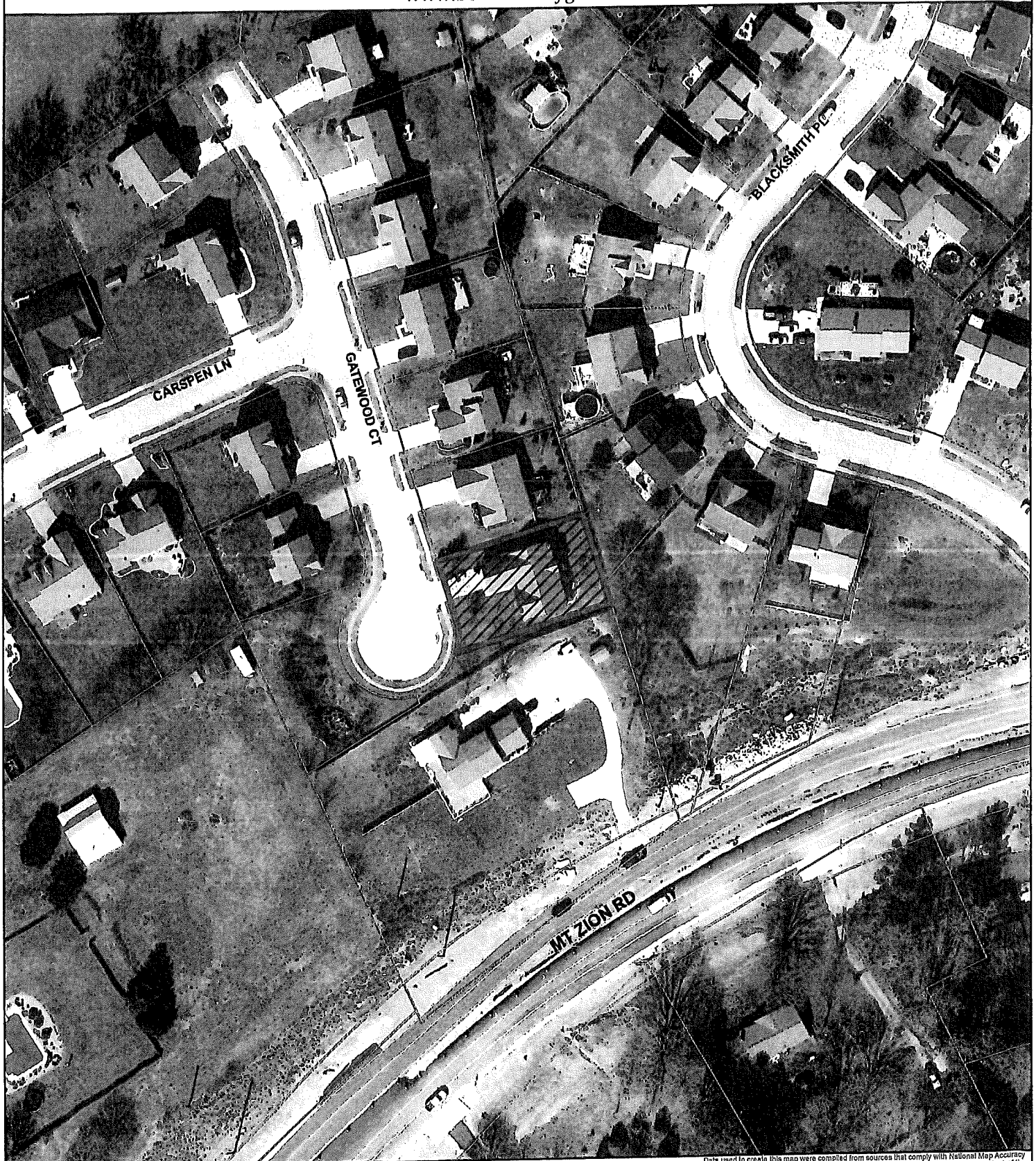


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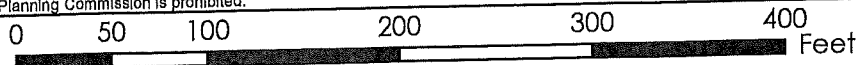
Aerial Map

www.boonecountygis.com

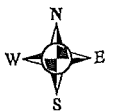


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1 Inch = 100 feet



Boone County GIS - Putting Northern Kentucky on the Map

Map Created: xx/xx/2021
ArcMap Document: *.mxd

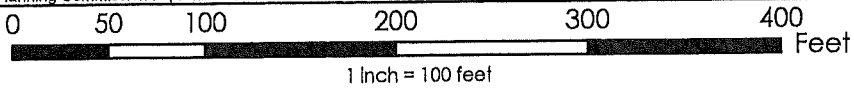
Topographical Map

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Boone



Map Created: xx/xx/2021

Info: Boone County GIS 2021
AtoMap Document *.mxd

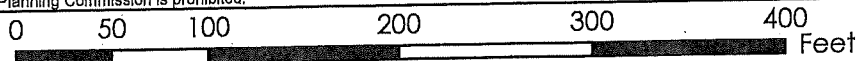
Zoning Map

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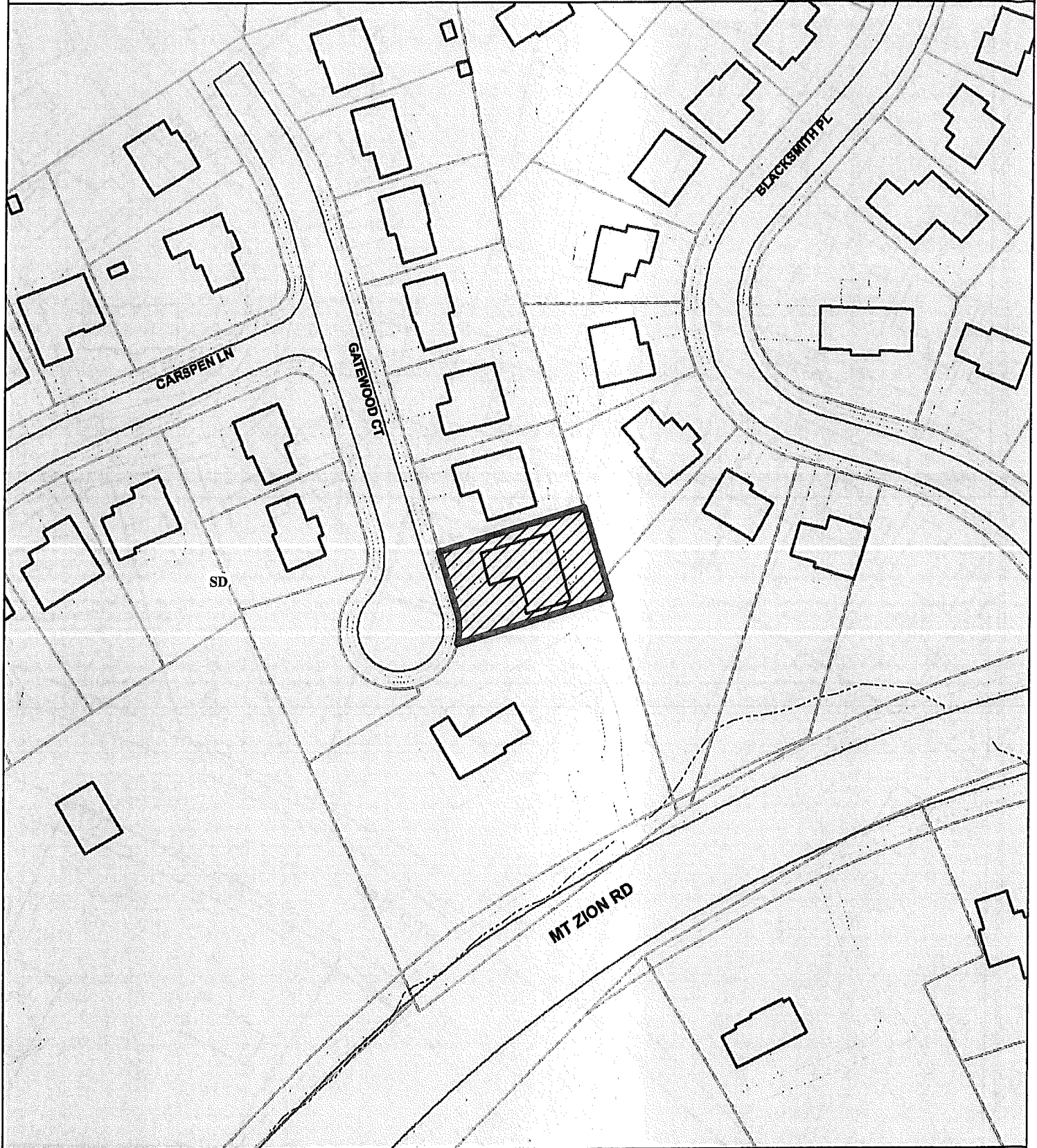


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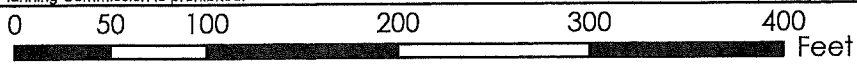
2040 Future Land Use Map

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Boone



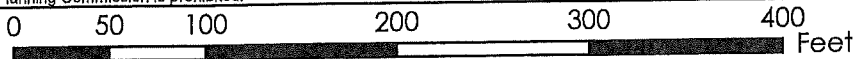
Noise Contour Map

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Boone County GIS



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2. Check One Conditional Use Permit Variance Appeal
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 City State Zip Code

Phone Number: 859-760-1280 Fax Number: _____

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6. Location of Development: 11074 Gatewood Ct

Florence KY 41042
 City State Zip Code

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LOT 23, CARSPEN'S CREEK

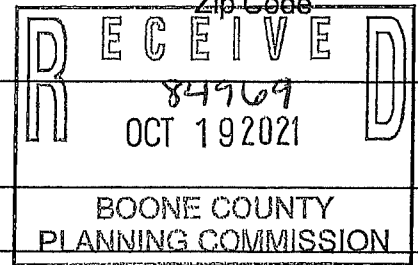
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Address: 11074 Gatewood Ct

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 City State Zip Code

Phone Number: 970-889-4043 Fax Number: _____

Email: phillsmith99@live.com



Deck

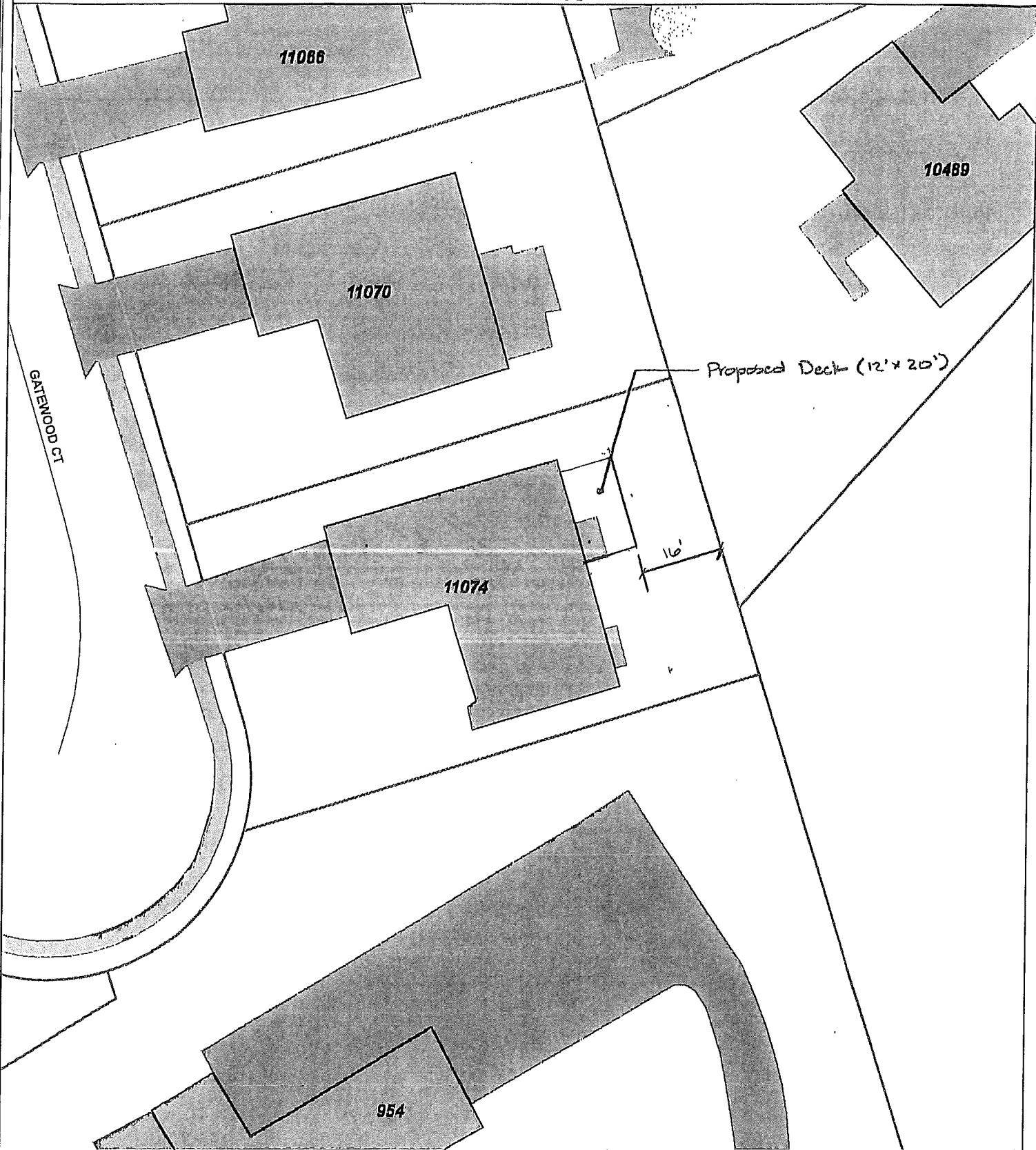
10. Proposed Use(s) on Site: _____
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Deed Book Page Group Number
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If yes, date of approval: _____
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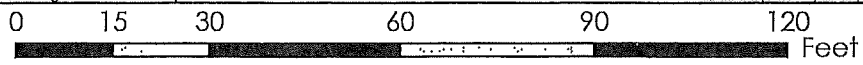
Boone County GIS Map

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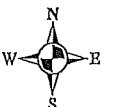


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1 Inch = 30 feet



Boone County GIS - Putting

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Phil Smith
11074 Gatewood Ct
Florence, KY 41042
2. ADDRESS OF PROPERTY
11074 Gatewood Ct
Florence, KY 41042
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Gatewood Court Deck
4. DEED BOOK 1169 PAGE NO. 996 GROUP NO. 2057
5. TYPE OF RESTRICTION(S) (Check all that apply)
- ___ Zoning Map Amendment: ___ Conditional Use Permit
 From _____ To _____
- ___ Development Plan ___ Conditional Zoning
- ___ Subdivision Plat ___ Other:
 (Not Recorded)
- X 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 16th day of November, 2021.

Treva L. Beagle
Notary ID KYNP37603
NOTARY PUBLIC, State at Large

My commission Expires:
November 12, 2025

This instrument was prepared for recording purposes only by:

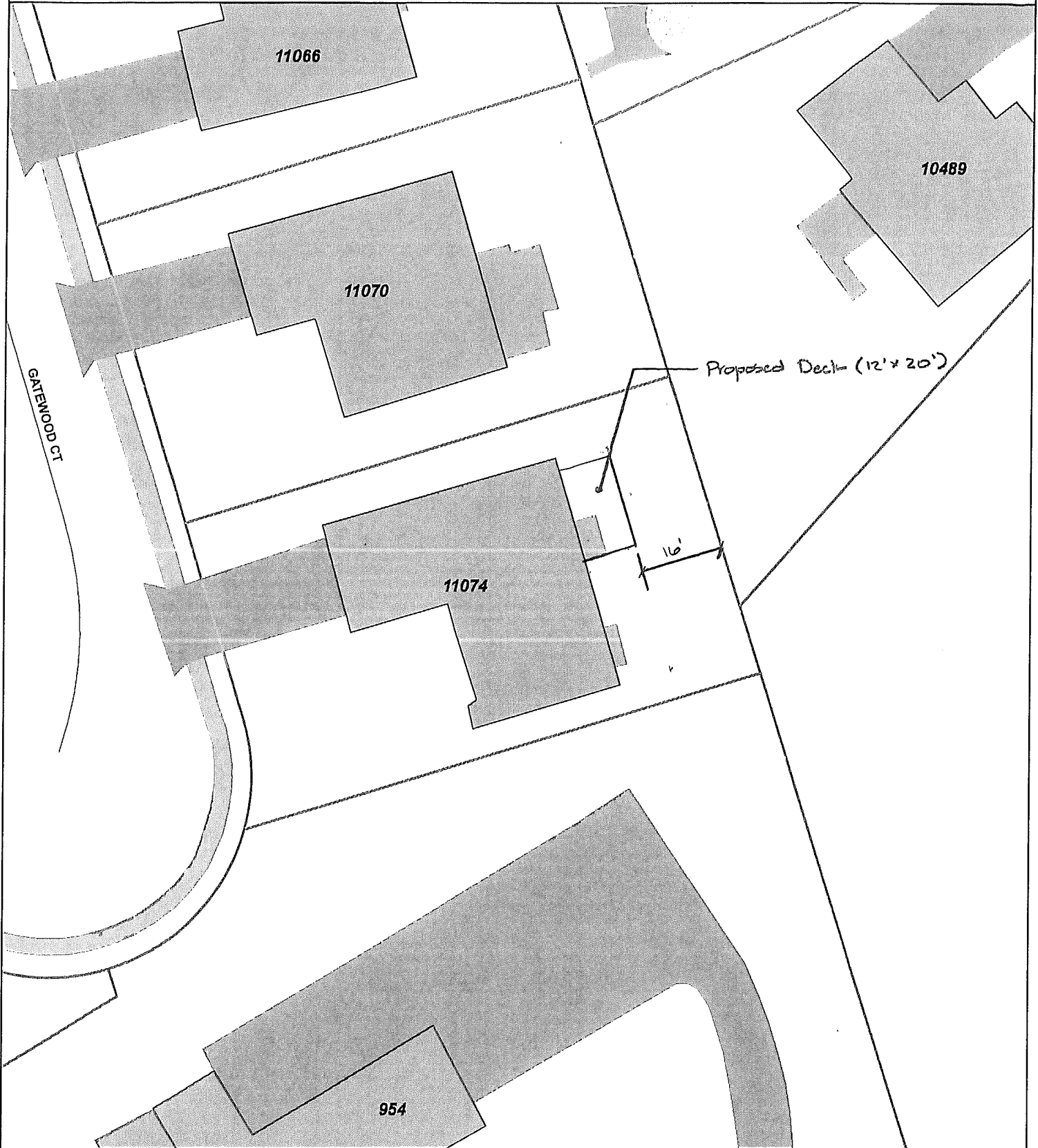
Nicole Dierna
Nicole Dierna
Boone County Planning Commission
2950 Washington Street, Room 317
P.O. Box 958
Burlington, Kentucky 41005

NO TITLE EXAMINATION

(Legal Description and source of Title and Group Number furnished by the applicant.)

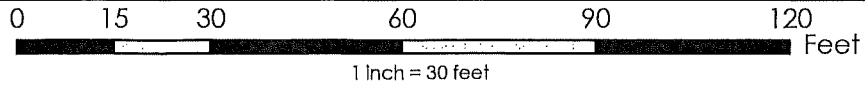
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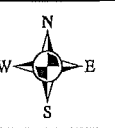


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