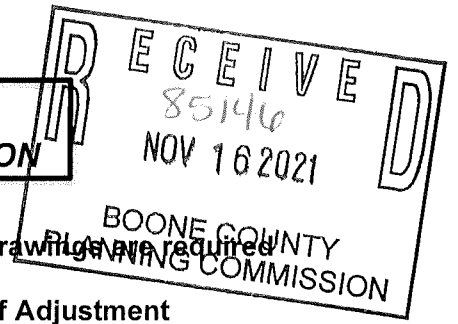


**BOARD OF ADJUSTMENT
BOONE COUNTY PLANNING COMMISSION**



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: Tony Berling
Address: 1671 Park Road - Suite One
Fort Wright KY 41011
City State Zip Code
Phone Number: 859-331-9191 Fax Number: 859-344-7422
Email: tberling23@gmail.com
4. Description of Request:
~~Asking for a variance on the front yard setback from 30 feet to 25.0 feet as show on the site plan.~~
5. Name of Development: Triple Crown Country Club
6. Location of Development: 604 Coaltown Court
Union KY 41091
City State Zip Code
7. Acreage Under Review: 0.36 Acres
8. Lot Number and Name of Subdivision (if part of a subdivision):
Lot No. 72 of Section No. 18 - Block "J" of Triple Crown Country Club
9. Current Owner: Triple Crown Developers, LLC
Address: 1671 Park Road - Suite One
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13. 711 33 5573
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
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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: 11/16/21 Fee Received: \$6666⁰⁰ Receipt #: 85144
2. Is application complete: ✓
3. Staff Reviewer: M. Schwartz
4. Scheduled Board Action Date: 12/18/2021
5. Board Action: 12/18/2021
✓ 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

#6

APPLICANT: Tony Berling, on behalf of Triple Crown Developers, LLC

LOCATION: 604 Coaltown Court, Boone County, Kentucky

ZONING: Suburban Residential One (SR-1)

DATE: December 8, 2021

PROPOSAL

- A. The applicant is requesting a Variance to reduce the minimum required front yard setback from thirty (30) feet to twenty-five (25) feet in order to build a single family dwelling.

SITE HISTORY

2019 On October 15, 2019, the Boone County Planning Commission approved a Final Plat for Triple Crown Country Club, Section 18, Block J, creating the lot in question.

2016-2020 Based on information contained in the Boone County GIS, Coaltown Court 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 3110 of the Boone County Zoning Regulations requires a minimum front yard setback of thirty (30) feet within the SR-1 district.
- E. Section 930 of the Boone County Zoning Regulations states that the “purpose of the Suburban Residential 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.”

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”.

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).

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. Coaltown Court is identified as a public cul-de-sac street providing for two way traffic within a 25 foot pavement width. Sidewalks will be provided along both sides of the roadway as individual houses are built.

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 0.4 acre property is located along the north side of Coaltown Court, approximately 1,600 feet northeast of Citation Drive.
- B. The site is currently vacant.
- C. A 20 foot wide storm drainage easement runs along the west property line of the site and a 20 foot wide storm sewer easement runs generally parallel to the rear property line, approximately 20 feet into the site.
- D. The site slopes downward, east to west, at an average grade of approximately 15%.

PROPOSED DEVELOPMENT

- A. The applicant is proposing to construct a detached single family residential dwelling and a deck on the site.
- B. The proposed house will be set back 25 feet from the front property line.

STAFF COMMENTS

- A. Based on zoning permits approved by the Boone County Planning Commission:
1. The house located at 600 Coaltown Court has a front yard setback of 97.9 feet.
 2. The house located at 605 Coaltown Court has a front yard setback of 30 feet.
 3. The house located at 608 Coaltown Court has a front yard setback of 31 feet.
- B. Given the size of the site in question, and the existence of the 20 foot wide storm sewer easement, a house having a depth of 55 feet can be built on the site while still meeting the required 30 foot front yard setback. The proposed variance will allow a 60 foot deep house to be built on the site.
- C. On January 13, 2021, the Boone Board of Adjustment approved a variance reducing the rear yard setback from 30 feet to 26.53 feet in order to build a house and deck on property located at 650 Coaltown Court.

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

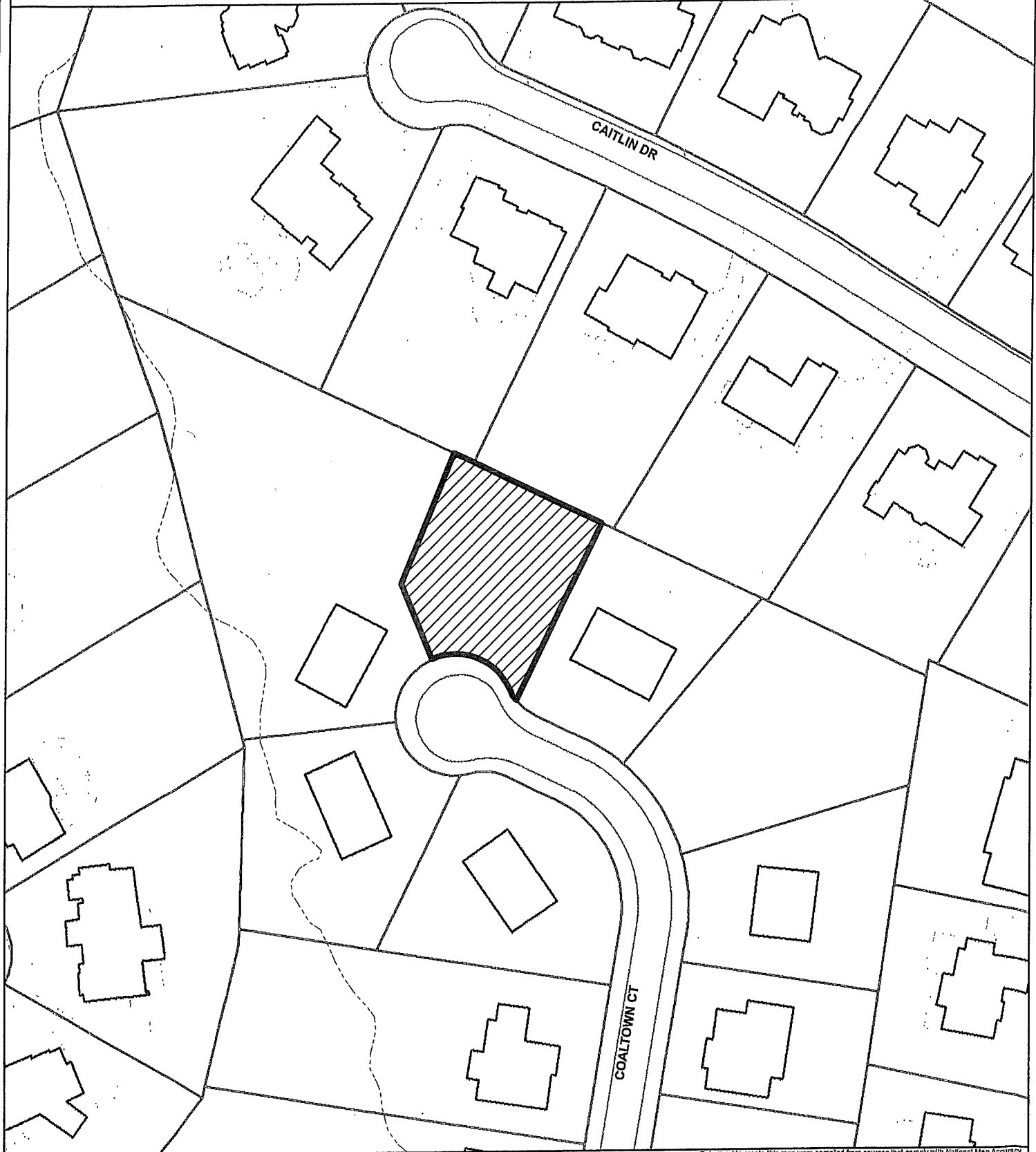
MDS/ss

Attachments

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

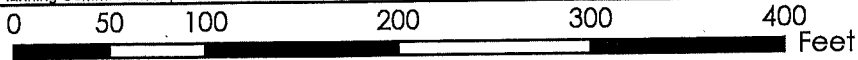
Vicinity Map

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 = 100 feet

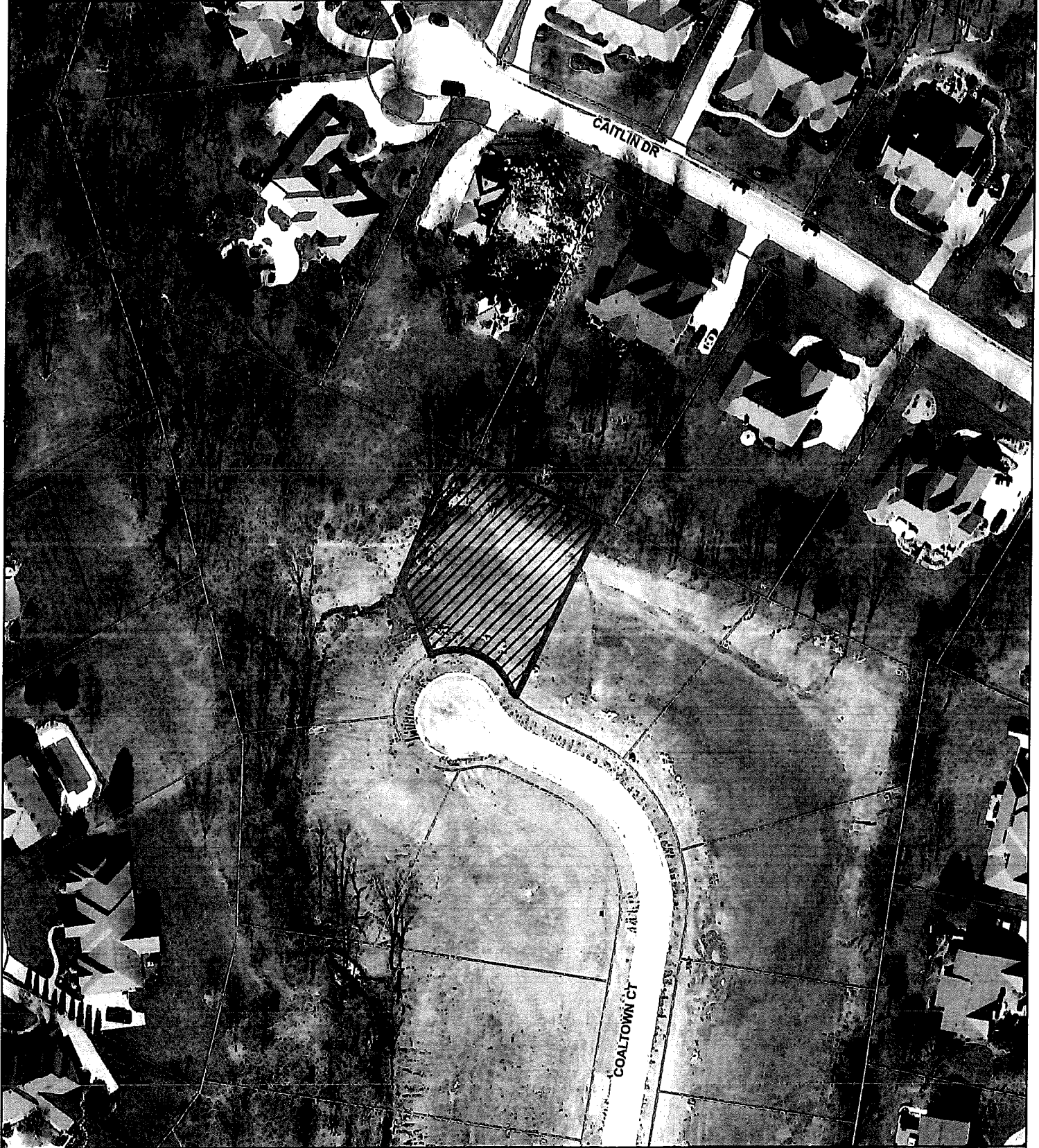


Boone County GIS



Aerial Map

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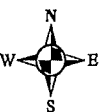
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0 50 100 200 300 400 Feet

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Boone County GIS - Putting Northern Kentucky on the Map



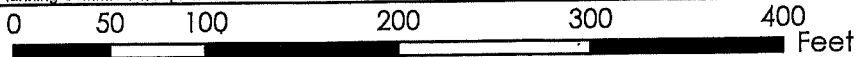
Topographical Map

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Boone



Map Created: xx/xx/2021

Map Document: *.mxd

Zoning Map

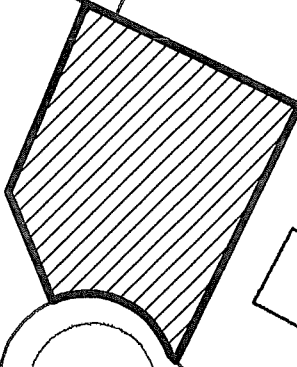
www.boonecountygis.com

SR-2/R/PD/CD

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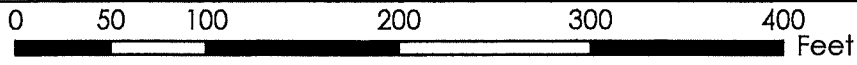
SR-1

COALTOWN CT



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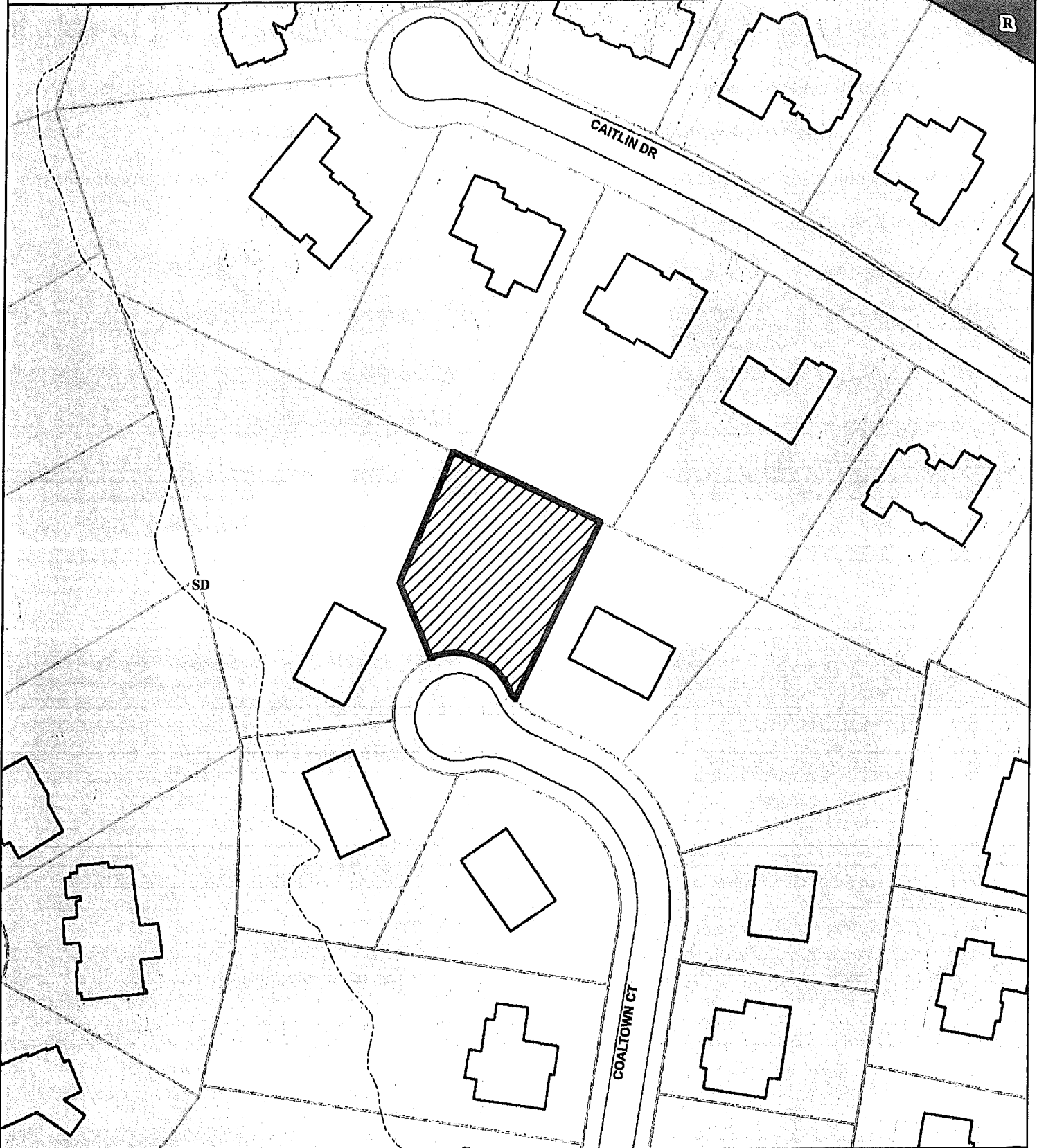


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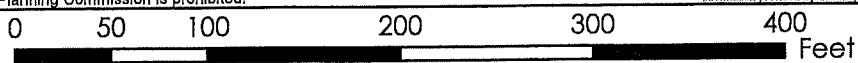
2040 Future Land Use Map

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**BOARD OF ADJUSTMENT
BOONE COUNTY PLANNING COMMISSION**

RECEIVED
85146
NOV 16 2021
BOONE COUNTY
PLANNING COMMISSION

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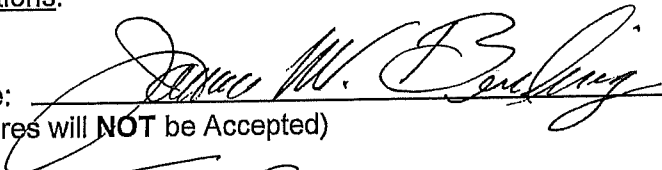
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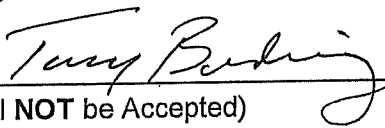
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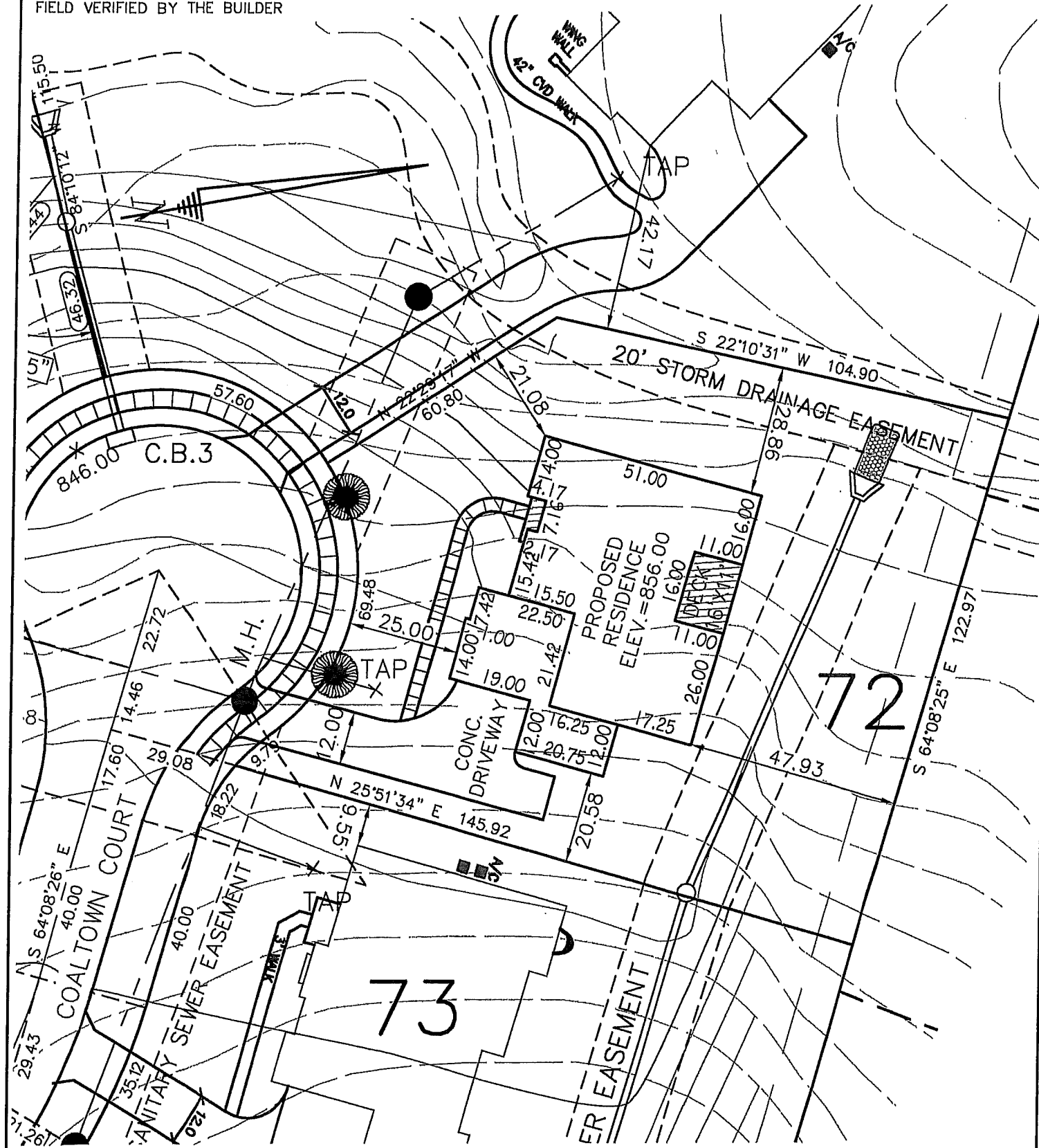
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(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

ORIGINAL Applicant's Signature: 
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ELEVATION OF BUILDING, DRAINAGE
ARROWS & LATERAL ELEVATION TO BE
FIELD VERIFIED BY THE BUILDER



BUILDER DREES HOMES	SUBDIVISION TRIPLE CROWN COUNTRY CLUB 604 COALTOWN COURT UNION, KENTUCKY	SECTION 18	BLOCK J	LOT NUMBER 72
OWNER DREES HOMES 211 GRANDVIEW DRIVE FORT MITCHELL, KY 41017 OFFICE: (859) 578-4200	DATE 11/11/21 SCALE 1" = 30' IMPROVEMENT PLAN APPROVAL  = TREE TO BE PICKED FROM THE PLANT LIST "A"	PREPARED BY: CHRIS BERLING JAMES W. BERLING ENGINEERING 1671 PARK ROAD, SUITE ONE FT. WRIGHT, KENTUCKY 41011 (859) 331-9191		

CERTIFICATE OF LAND USE RESTRICTION

- 1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Triple Crown Developers, LLC
1671 Park Rd, Suite 1
Fort Wright, KY 41011

- 2. ADDRESS OF PROPERTY
604 Coaltown Ct
Union, KY 41091

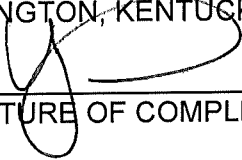
- 3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Triple Crown Country Club

- 4. DEED BOOK 711 PAGE NO. 33 GROUP NO. 5573

- 5. TYPE OF RESTRICTION(S) (Check all that apply)
 - Zoning Map Amendment:
From _____ To _____
 - Development Plan
 - Subdivision Plat
(Not Recorded)
 - 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, 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 9th day of December, 2021.

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

My commission Expires:
November 12, 2025

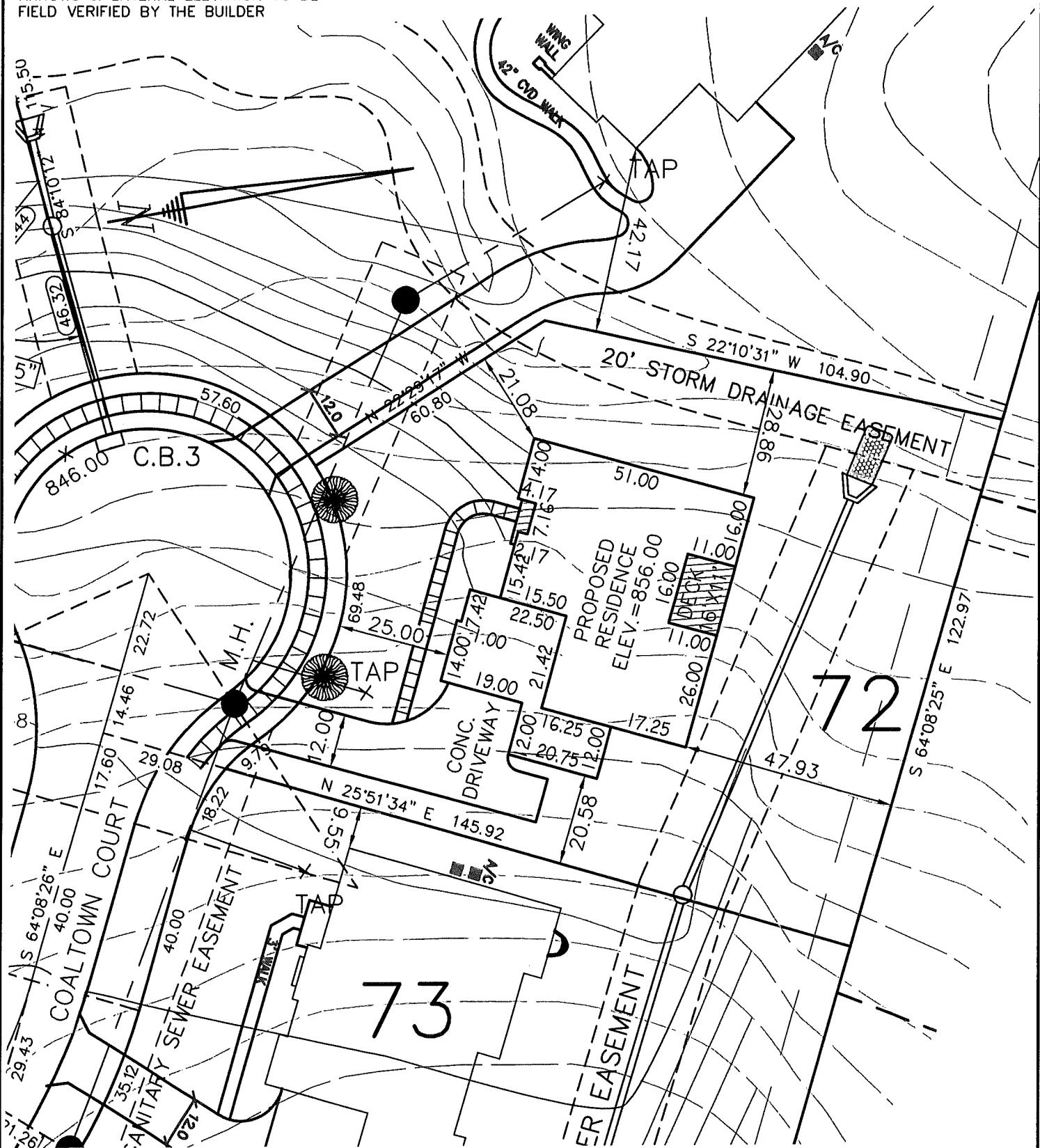
This instrument was prepared for recording purposes only by:



Nicole Dierna
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.)

ELEVATION OF BUILDING, DRAINAGE
ARROWS & LATERAL ELEVATION TO BE
FIELD VERIFIED BY THE BUILDER



BUILDER DREES HOMES	SUBDIVISION TRIPLE CROWN COUNTRY CLUB 604 COALTOWN COURT UNION, KENTUCKY	SECTION 18	BLOCK J	LOT NUMBER 72
OWNER DREES HOMES 211 GRANDVIEW DRIVE FORT MITCHELL, KY 41017 OFFICE: (859) 578-4200	DATE 11/11/21 SCALE 1" = 30' IMPROVEMENT PLAN APPROVAL  = TREE TO BE PICKED FROM THE PLANT LIST "A"	PREPARED BY: CHRIS BERLING JAMES W. BERLING ENGINEERING 1671 PARK ROAD, SUITE ONE FT. WRIGHT, KENTUCKY 41011 (859) 331-9191		