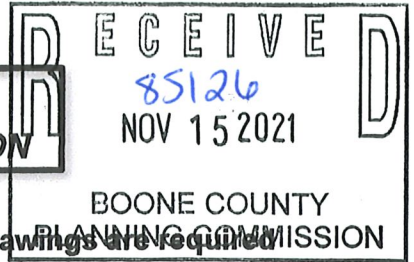


**BOARD OF ADJUSTMENT
BOONE COUNTY PLANNING COMMISSION**



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

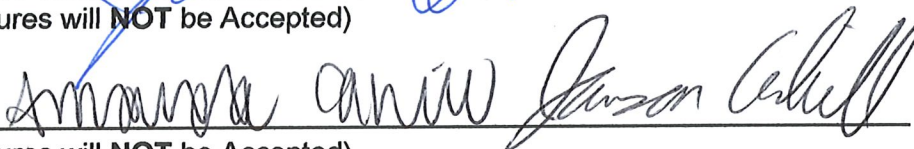
An application consists of all fees paid in full, submitted drawings, and a completed application form

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: Janson and Amanda Cahill
Address: 9701 Manassas Drive
Florence KY 41042
City State Zip Code
Phone Number: 859-240-4414 Fax Number: _____
Email: jansoncahill@gmail.com ; presslya1@yahoo.com
4. Description of Request: Variance on lot due to steep elevation change
5. Name of Development: Eagles Ridge
6. Location of Development: 1491 Grapevine Ridge
Walton KY 41094
City State Zip Code
7. Acreage Under Review: 2.5 Acres
8. Lot Number and Name of Subdivision (if part of a subdivision): lot #10, Eagles Ridge
9. Current Owner: Joseph & Julie NAAS
Address: 1115 MADDOX CAVE
VERONA KY 41092
City State Zip Code
Phone Number: 8593914223 Fax Number: _____
Email: JMNAAS1971@GMAIL.COM

10. Proposed Use(s) on Site: Single-Family House
11. Total Square Footage of Existing and/or Proposed Buildings: ~ 2600 sq. ft.
12. Current Zoning: A-2
13. 1117 985 2076A
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: 
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

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

1. Date Received: 11/15/21 Fee Received: \$666 Receipt #: 85126
2. Is application complete:
3. Staff Reviewer: M. Schwartz
4. Scheduled Board Action Date: 12/8/2021
5. Board Action: 12/8/2021
 Approved
 Approved with Conditions (see #6)
 Denial (See #7)
6. Conditions of Approval: _____

7. Reasons for Denial: See Minutes

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

#4

APPLICANT: Janson and Amanda Cahill, on behalf of Joseph and Julie Naas

LOCATION: 1491 Grapevine Ridge, being immediately south of the property located at 1485 Grapevine Ridge

ZONING: Agricultural Estate (A-2)

DATE: December 8, 2021

PROPOSAL

- A. A variance reducing the front yard setback from sixty (60) feet to forty-four (44) feet in order to build a detached single-family residential dwelling.

SITE HISTORY

2018 On July 31, 2018, the Boone County Planning Commission approved a final plat for Eagle Oak Estates, Section Three, Block B, Lot 10, 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 620 of the Boone County Zoning Regulations states that the “purpose of the Agricultural Estate district is to provide for low density residential development and on a limited basis agricultural uses or agricultural related uses in the context of a rural environment.”
- E. Section 3110 of the Boone County Zoning Regulations states that the minimum required front yard setback shall be sixty (60) feet in the A-2 district.

RELATIONSHIP TO THE COMPREHENSIVE PLAN

- A. The Our Boone County Plan 2040 Future Land Use Plan designates the site in question as “Rural density Residential” and “Developmentally Sensitive”, which are defined as follows:
 - 1. Rural Density Residential (RD) - Low density residential uses of up to one dwelling unit per acre.
 - 2. Developmentally Sensitive (DS) (Future Land Use Map only) - 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. In addition, developmentally sensitive areas may, in the future, be defined and protected due to historical or visual importance.
- 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. Grapevine Ridge is a county maintained local cul-de-sac street providing for two way traffic within a 25 foot wide pavement width. There are no sidewalks along the roadway.

SURROUNDING LAND USES AND ZONING

- North: Single-family residential and a vacant residential lot (A-2)
- South: Single-family residential and vacant residential lots (A-2)
- East: Single-family residential and agricultural land (A-2)
- West: Single-family residential and vacant residential lots (A-2)

SITE CHARACTERISTICS

- A. The approximate 2.5 acre property is located along the west side of Grapevine Ridge, approximately 750 feet east of Eagle Ridge.
- B. The site is currently vacant.
- C. The front portion of the site slopes downward, west to east, at an average grade of 12%. The remainder of the site slopes downward, west to east, at an average grade of 36%.
- D. The eastern three-quarters of the site is heavily wooded with mature trees.

PROPOSED DEVELOPMENT

- A. Construction of a detached single-family residential dwelling.

STAFF COMMENTS

- A. On November 13, 2019, the Boone Board of Adjustment approved a variance reducing the front yard setback from 60 feet to 52.5 feet for the property located at 1496 Grapevine Ridge (BCBOA-19-018).
- B. On October 12, 2016, the Boone Board of Adjustment denied a variance reducing the front yard setback from 60 feet to 25 feet for the property located at 12241 Eagle Ridge (BCBOA-16-DE-1).
- C. The house located on the lot immediately to the north of the site in question has a front yard setback of approximately 61 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
Director, Zoning Services

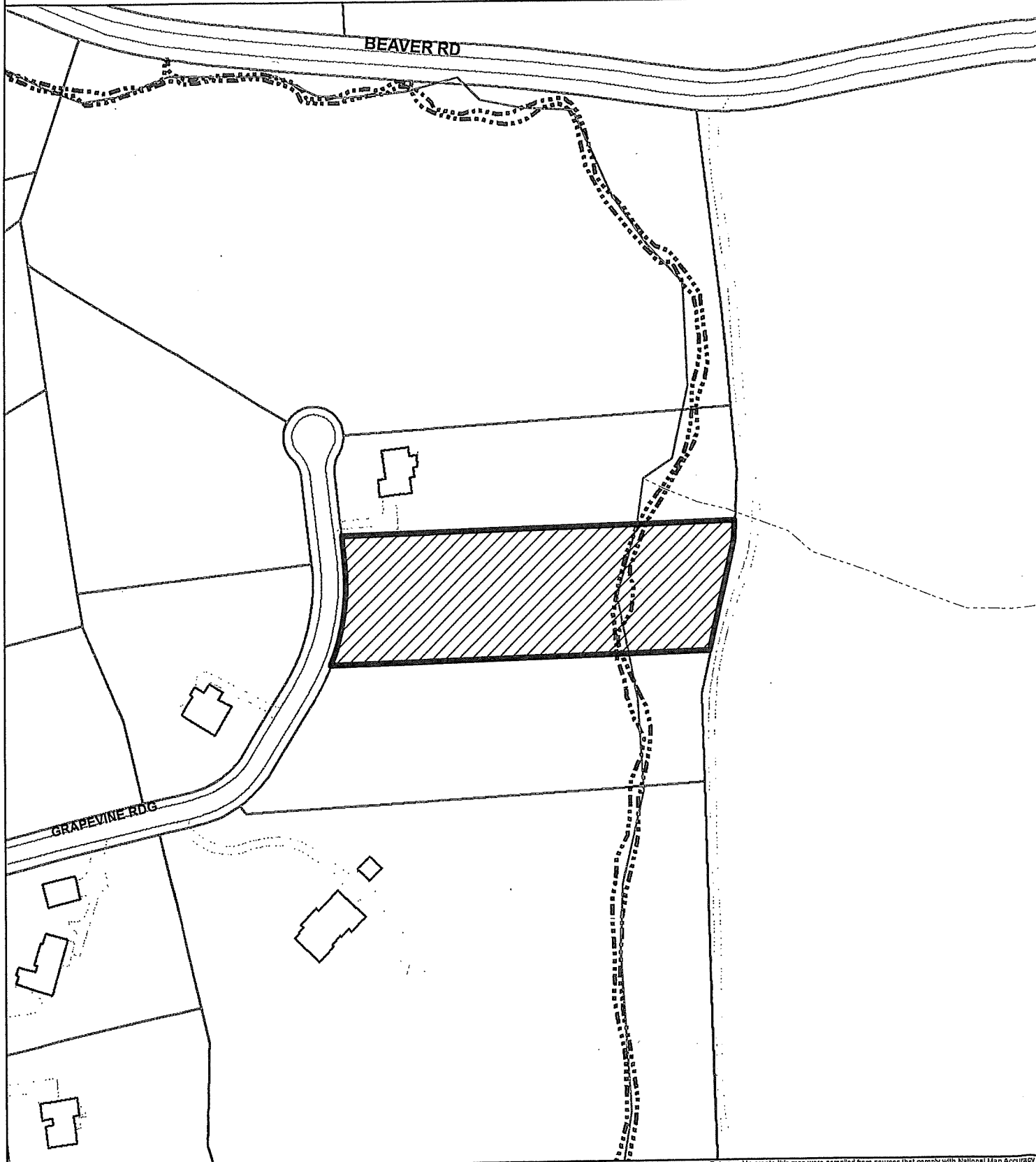
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Attachments

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

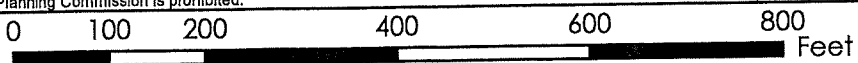
Vicinity Map

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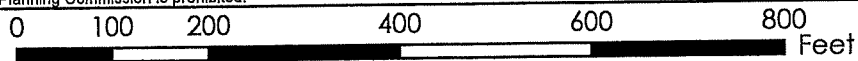
Aerial Map

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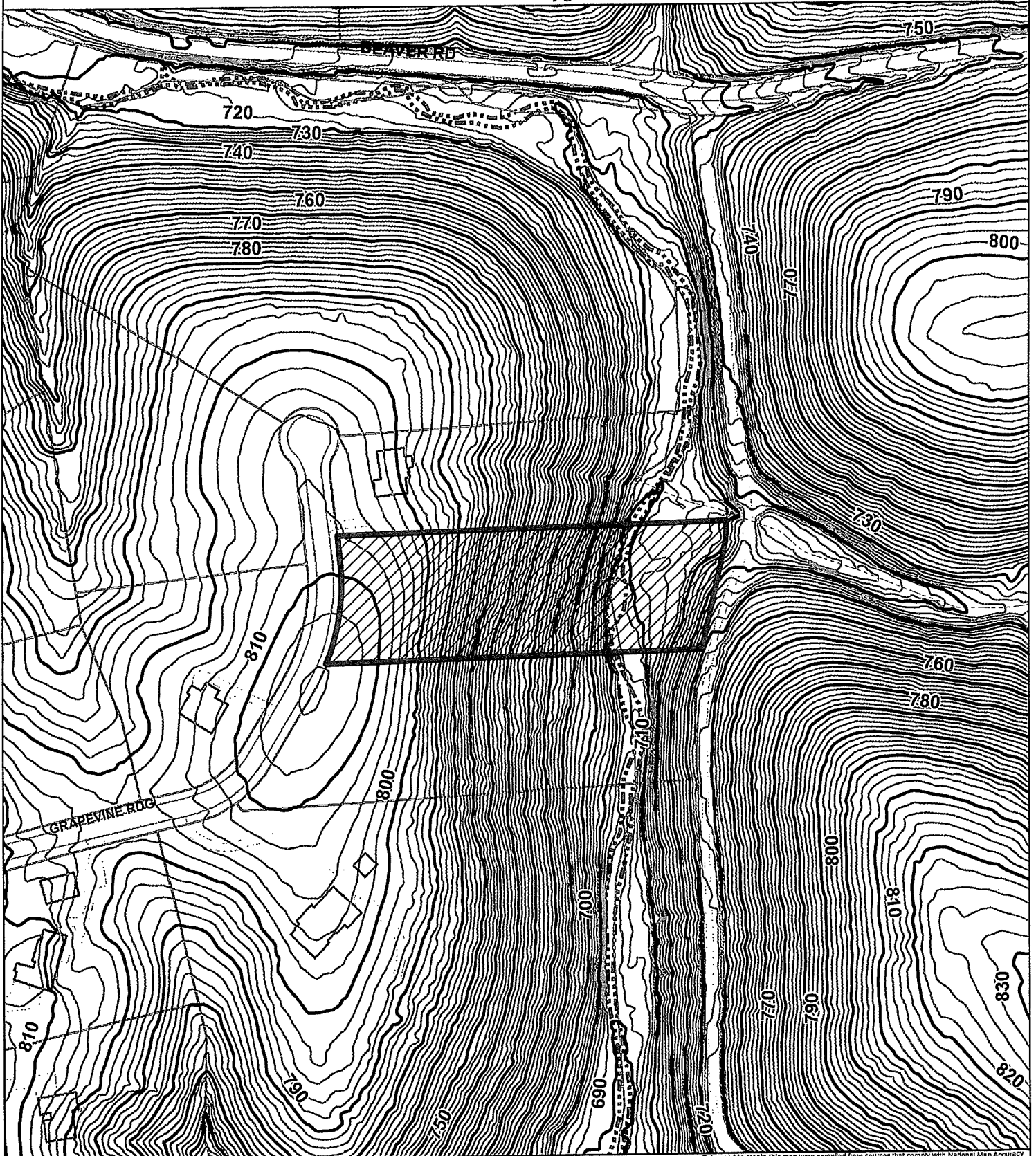


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Topographical Map

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1 inch = 200 feet



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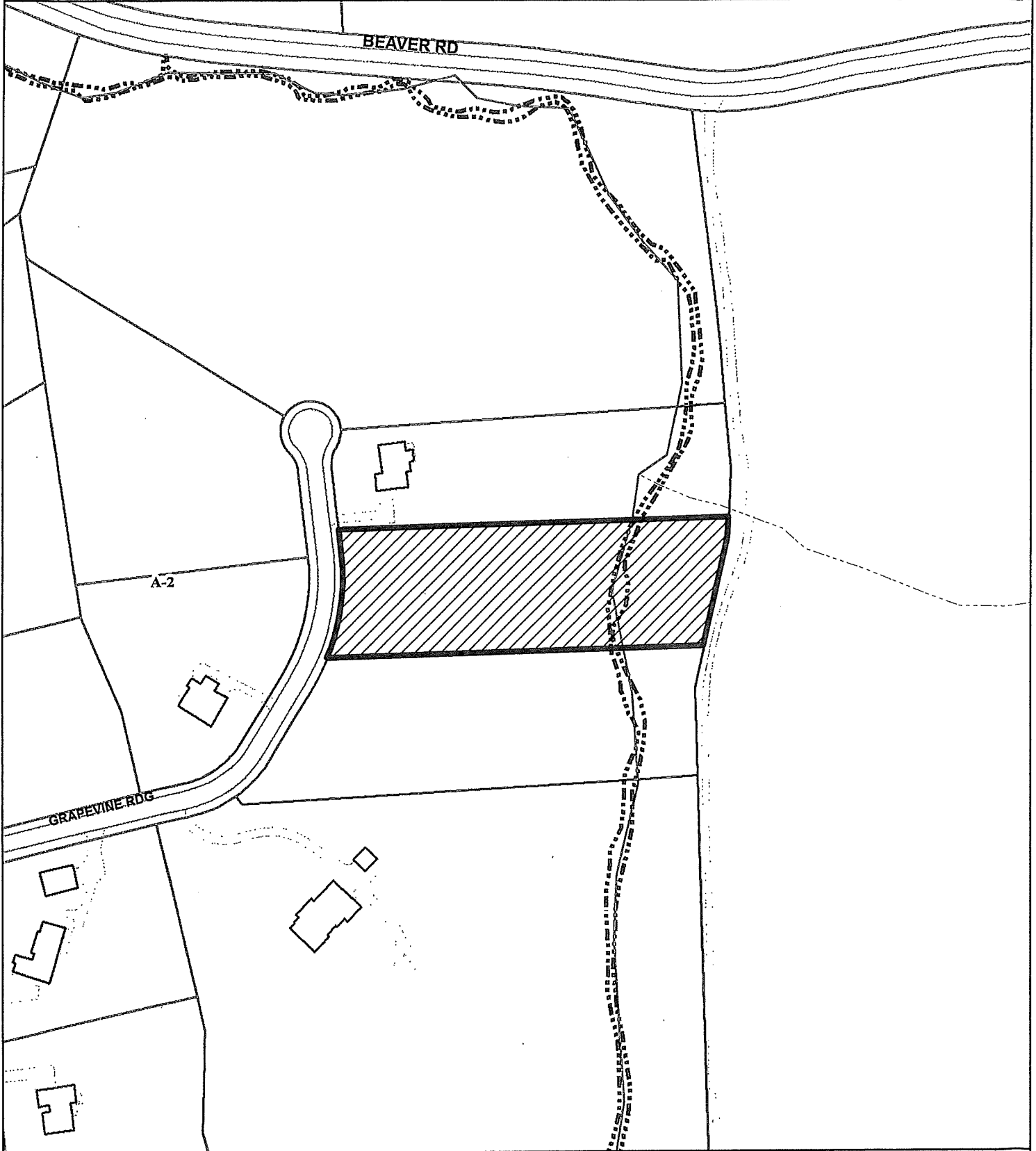


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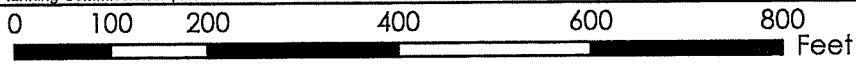
Zoning Map

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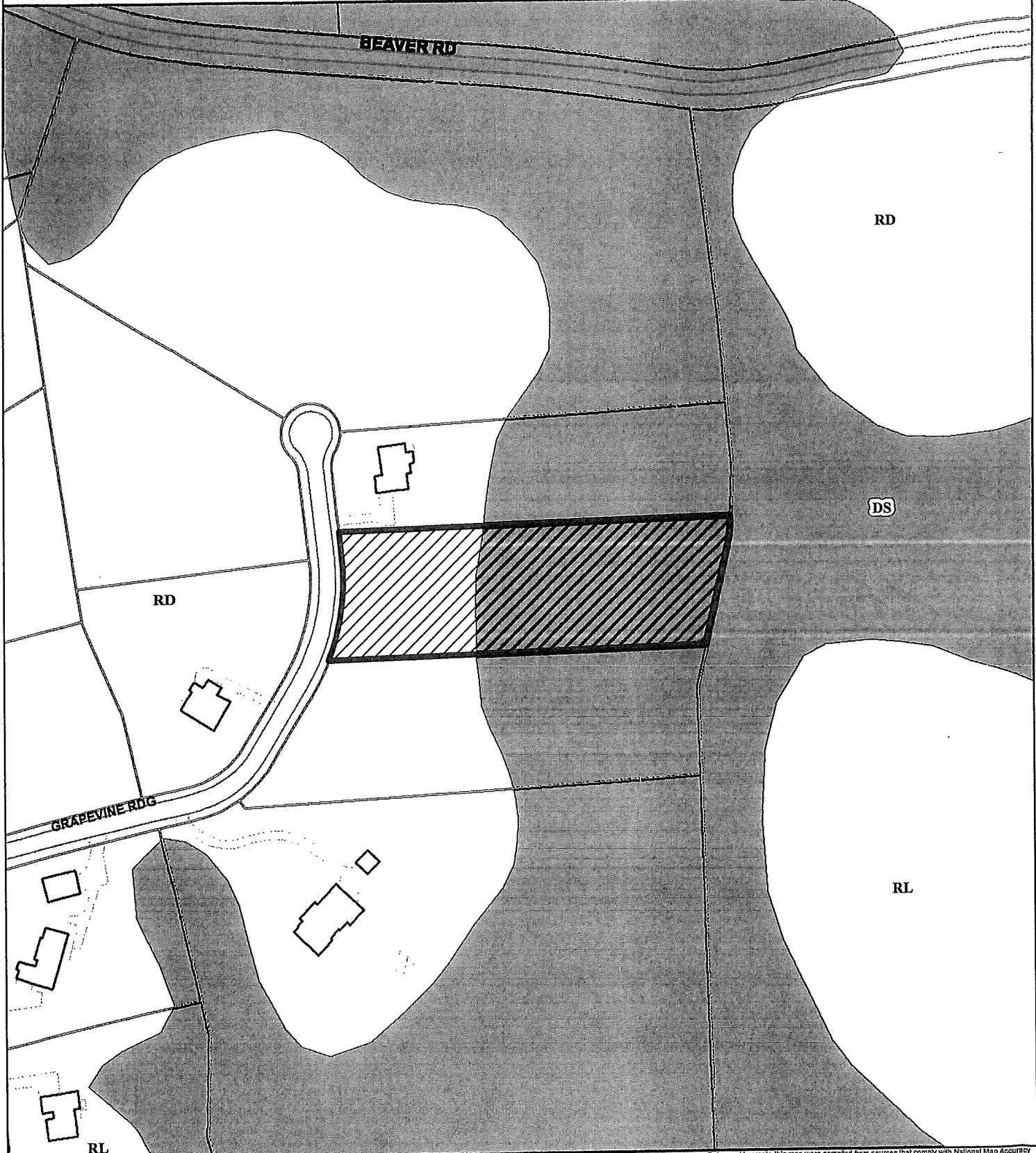
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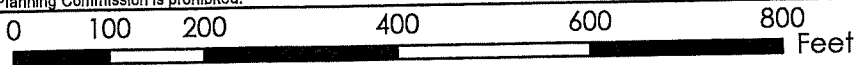
2040 Future Land Use Map

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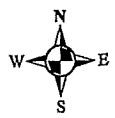


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10. Proposed Use(s) on Site: Single Family House

11. Total Square Footage of Existing and/or Proposed Buildings: ± 2600 sq. ft.

12. Current Zoning: A-2

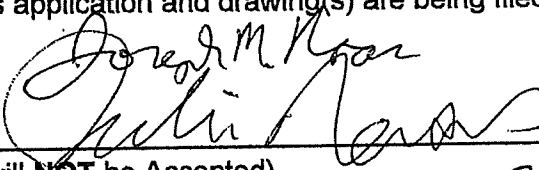
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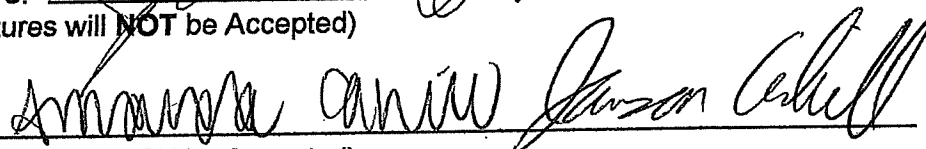
14. Is the site subject to a zone change: Yes No
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15. Have you submitted a Site Plan with this request: Yes No

16. Have you submitted a list of adjoining property owners with this request: Yes No

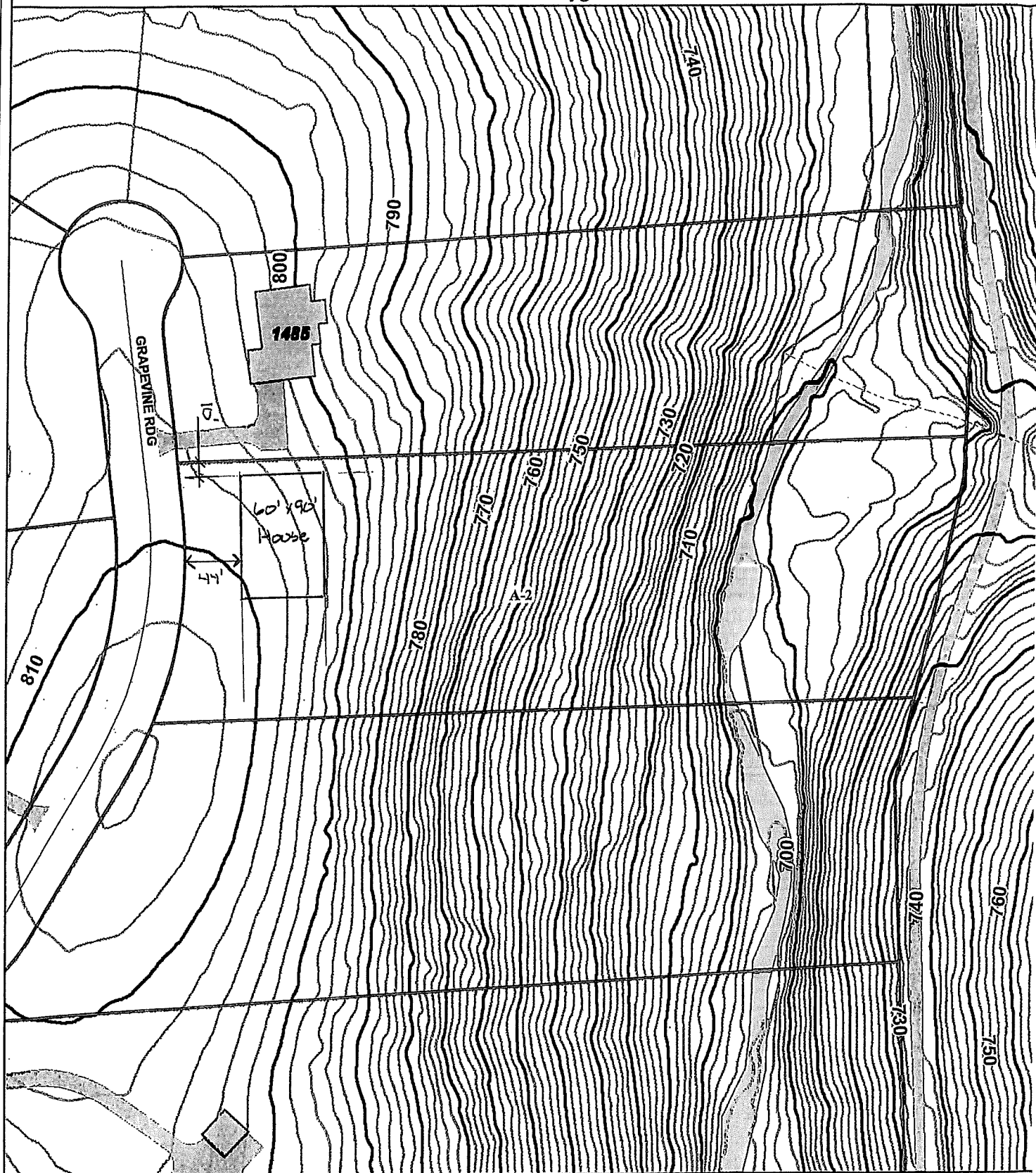
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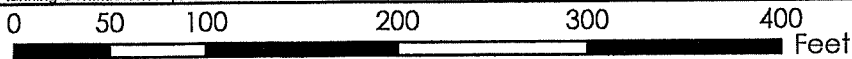
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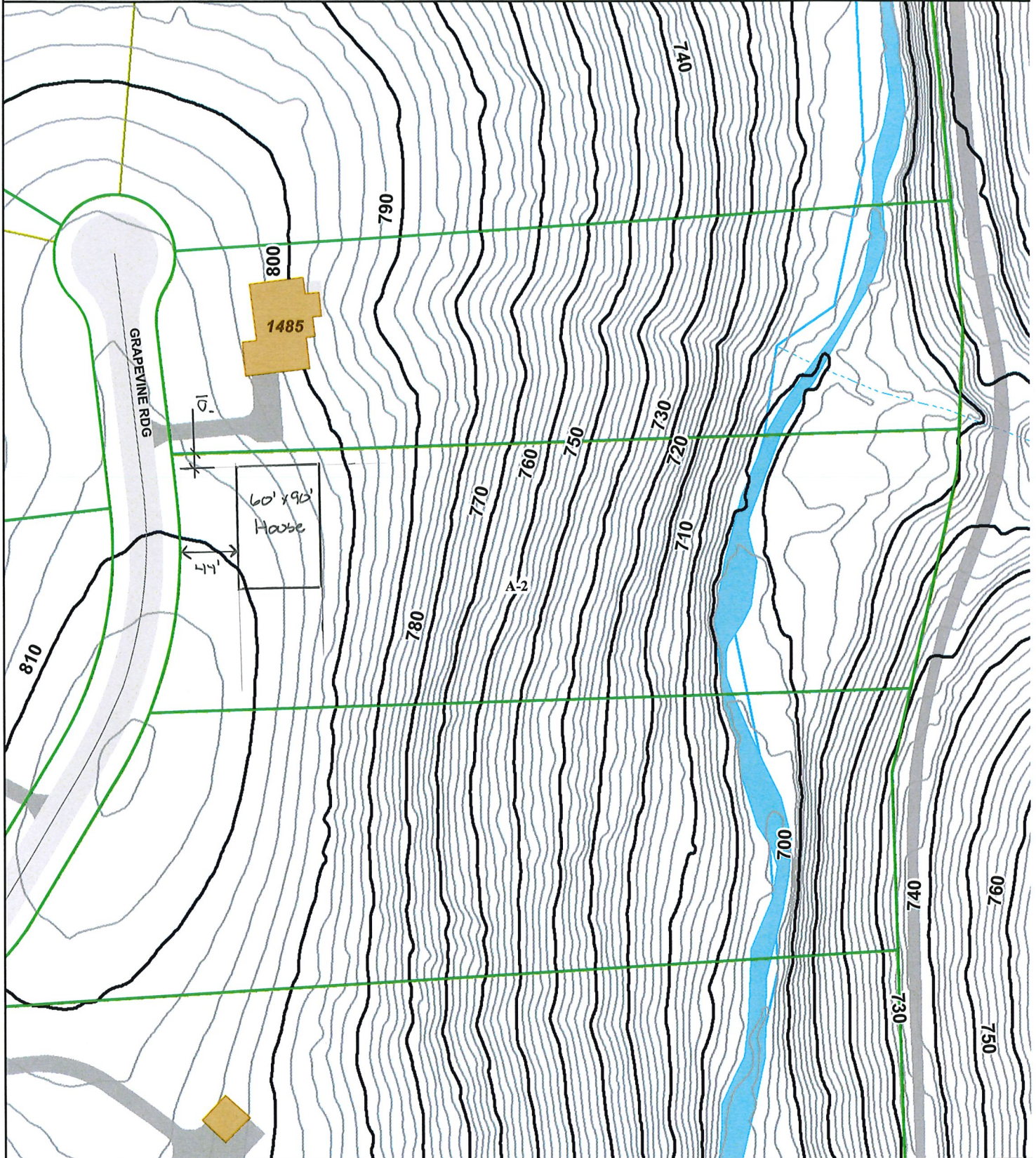


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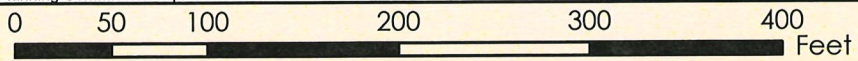
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