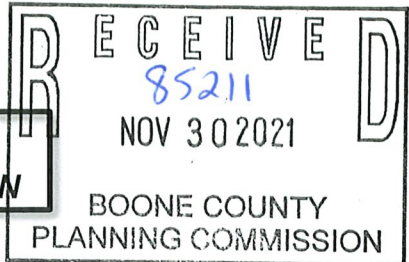


**BOARD OF ADJUSTMENT  
BOONE COUNTY PLANNING COMMISSION**



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: Potter House Group (Lee Rickey)  
Address: 189 Weber Lane  
Florence KY 41042  
City State Zip Code  
Phone Number: 859-393-6592 Fax Number: \_\_\_\_\_  
Email: lee@potterhousegroup.com
4. Description of Request:  
new single family residence, not sure why the variance is needed
5. Name of Development: 3130 Beaver Road, Union KY 41091
6. Location of Development: 3130 Beaver Road  
Union KY 41091  
City State Zip Code
7. Acreage Under Review: 10 acre
8. Lot Number and Name of Subdivision (if part of a subdivision):  
3130 Beaver Road, Union KY 41091
9. Current Owner: Brian & Dianne Evans  
Address: 6248 SIERRA TRL  
Burlington KY 41005  
City State Zip Code  
Phone Number: 859-802-7933 Fax Number: \_\_\_\_\_  
Email: kywildcats@fuse.net

Single Family Residence

10. Proposed Use(s) on Site: \_\_\_\_\_

11. Total Square Footage of Existing and/or Proposed Buildings: 2990 SF

12. Current Zoning: RSE / SC

13. 1175                      551                      2068  
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:** *Brian Donald Lewis*  
(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

**ORIGINAL Applicant's Signature:** *Jim M. King*  
(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

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

1. Date Received: 11/30/21 Fee Received: \$966 Receipt #: 85211
2. Is application complete:
3. Staff Reviewer: M. Schwartz
4. Scheduled Board Action Date: 1/12/2022
5. Board Action: 1/12/2022  
 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](mailto:plancom@boonecountyky.org)  
[www.boonecountyky.org](http://www.boonecountyky.org)

## STAFF REPORT

#1

APPLICANT: Potter House Group, per Lee Rickey, on behalf of Brian and Dianne Evans

LOCATION: 3130 Beaver Road, Boone County, Kentucky

ZONING: Rural Suburban Estates/Small Community Overlay (RSE/SC)

DATE: January 12, 2022

### PROPOSAL

The applicant is requesting a Variance to increase the maximum front yard setback from 53 feet to 330 feet in order to construct a single family residential dwelling.

### SITE HISTORY

- 1990 On December 27, 1990, the Boone County Planning Commission approved a zoning permit authorizing the construction of a detached single family residential dwelling.
- 2010-2012 Based on information contained in the Boone County GIS, the shed and house on the site were removed.
- 2021 On September 27, 2021, the Boone County Planning Commission approved a Conveyance Plat, 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 SRE district.
- E. Section 2015.A of the Boone County Zoning Regulations states that the required front yard, within the SC Overlay district, shall conform to the setbacks of adjacent principal structures when the underlying zone is residential. The principal structure to the southeast of the site (3070 Beaver Road) has a front yard setback of forty-four (44) feet. The principal structure to the northwest of the site (3190 Beaver Road) has a front yard setback of sixty-two (62) feet. Taking the average of these measurements will require the site in question to have a maximum front yard setback of fifty-three (53) feet.
- F. Section 910 of the Boone County Zoning Regulations states that "Rural Suburban Estates should be located where there may be a limited feasibility or desire or need for providing or requiring all infrastructure normal to support a suburban or urban neighborhood. The purpose of the Rural Suburban Estates district is to provide a residential environment whose dwelling types

and densities are typical of a semi-suburban character. Such districts will be located on lands adjacent to established urban areas, but which are not suitable for larger scale or more densely developed suburban or urban residential use.”

- G. Section 2000 of the Boone County Zoning Regulations states that the “intent of this article is to provide for the maintenance and development of small community centers where an integrated variety of land uses are essential to the vitality, viability, and well-being of the community. These circumstances are most prevalent in the many small, traditional community centers and town sites of Boone County, and may be appropriate to meet the needs of new community development in the County as well. The integration and variety of land uses found in small community centers often cannot practically be accommodated by the other basic zoning districts established by this order. This article creates an overlay district which may be established in areas appropriate for use as small community centers.”

#### RELATIONSHIP TO THE COMPREHENSIVE PLAN

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

Rural Density Residential is defined as low density residential uses of up to one dwelling unit per acre.

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. 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).

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).

Priority shall be given towards maintaining, protecting, and improving the capacity and safety of the existing road system across jurisdictions (Transportation Goal A, Objective 1).

- C. Beaver Road is identified as a state maintained arterial street providing for two way traffic within two driving lanes. Sidewalks are not provided along the roadway.

#### SURROUNDING LAND USES AND ZONING

- North: Single family/agricultural (RSE/SC)
- South: Big Bone Lick State Historic Park (R)
- East: Single family/agricultural (RSE/SC)
- West: Single family/agricultural (RSE/SC)

#### SITE CHARACTERISTICS

- A. The approximate 10 acre property is located along the northeast side of Beaver Road, approximately 4,200 feet east of Gum Branch Road.
- B. The site is currently vacant, with the exception of some sheds/barns.
- C. The site slopes upward, away from the roadway, at an average grade of

approximately 6%.

- D. The site sits approximately ten (10) feet above Beaver Road.

PROPOSED DEVELOPMENT

- A. The applicant is proposing to construct a detached single family residential dwelling 330 feet from the front property line.

STAFF COMMENTS

- A. The house that is located on the lot immediately to the northwest of the site (3160 Beaver Road) has a front yard setback of approximately 1,170 feet and was built in 2002.

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

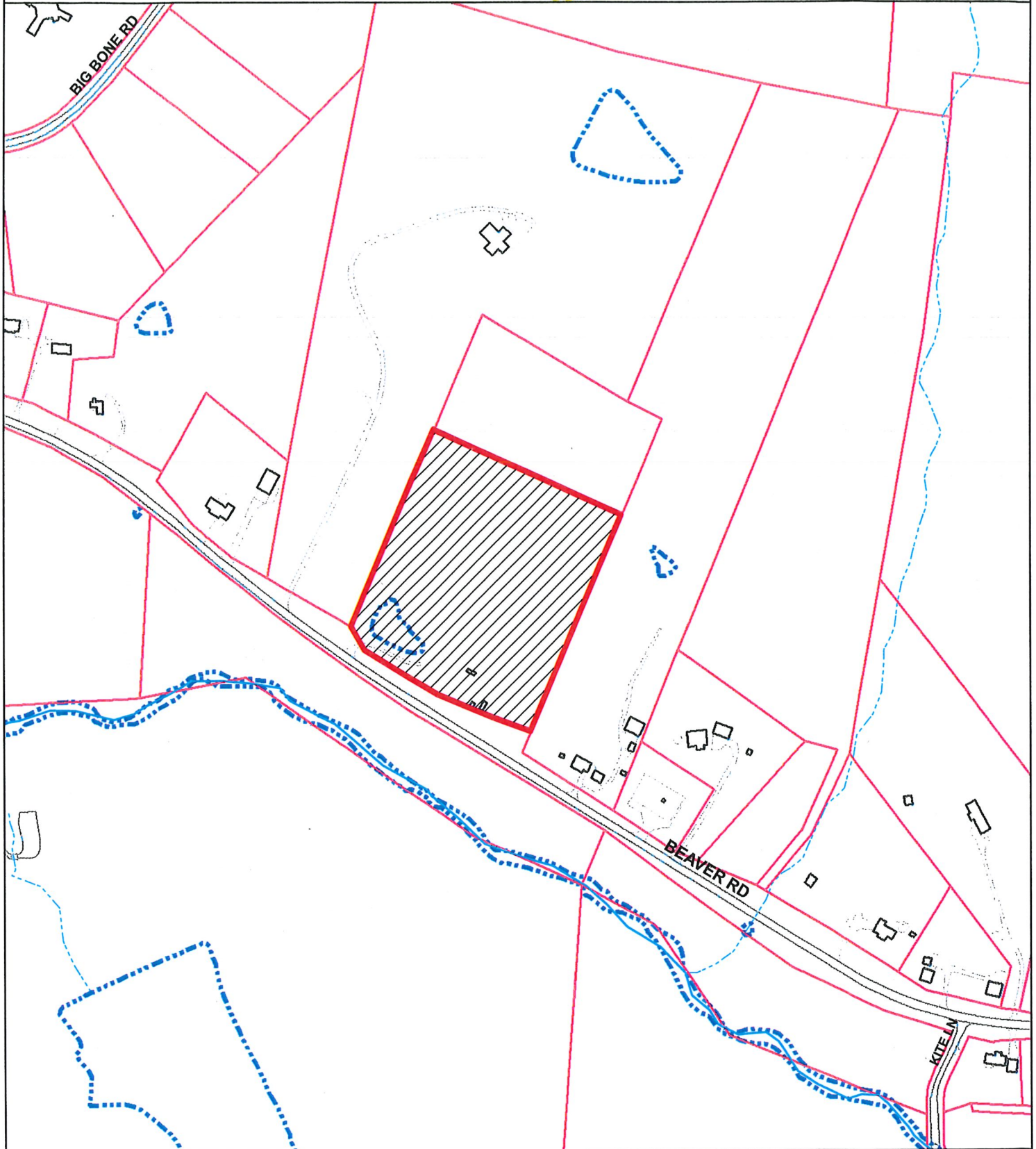
MDS/ss

Attachments

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

# Vicinity Map

[www.boonecountygis.com](http://www.boonecountygis.com)

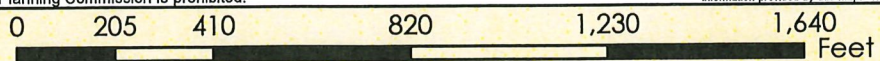


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**Boone**



1 inch = 400 feet



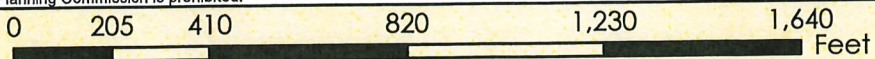
# Aerial Map

[www.boonecountygis.com](http://www.boonecountygis.com)



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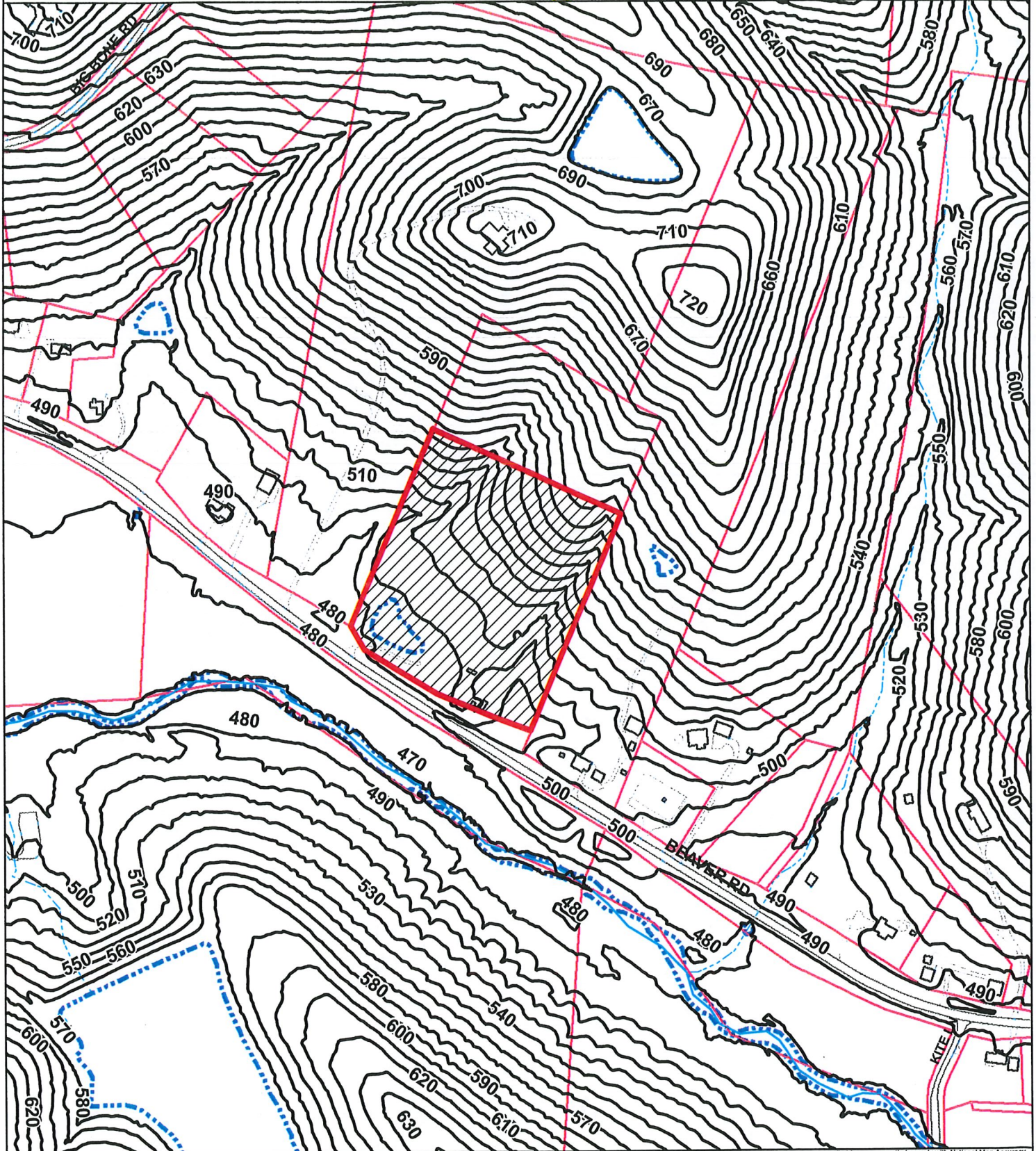
**Boone County GIS**

Map Created: xx/xx/2021

Boone County GIS  
ArcMap Document: \*.mxd

# Topographical Map

[www.boonecountygis.com](http://www.boonecountygis.com)



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0 205 410 820 1,230 1,640 Feet

1 inch = 400 feet



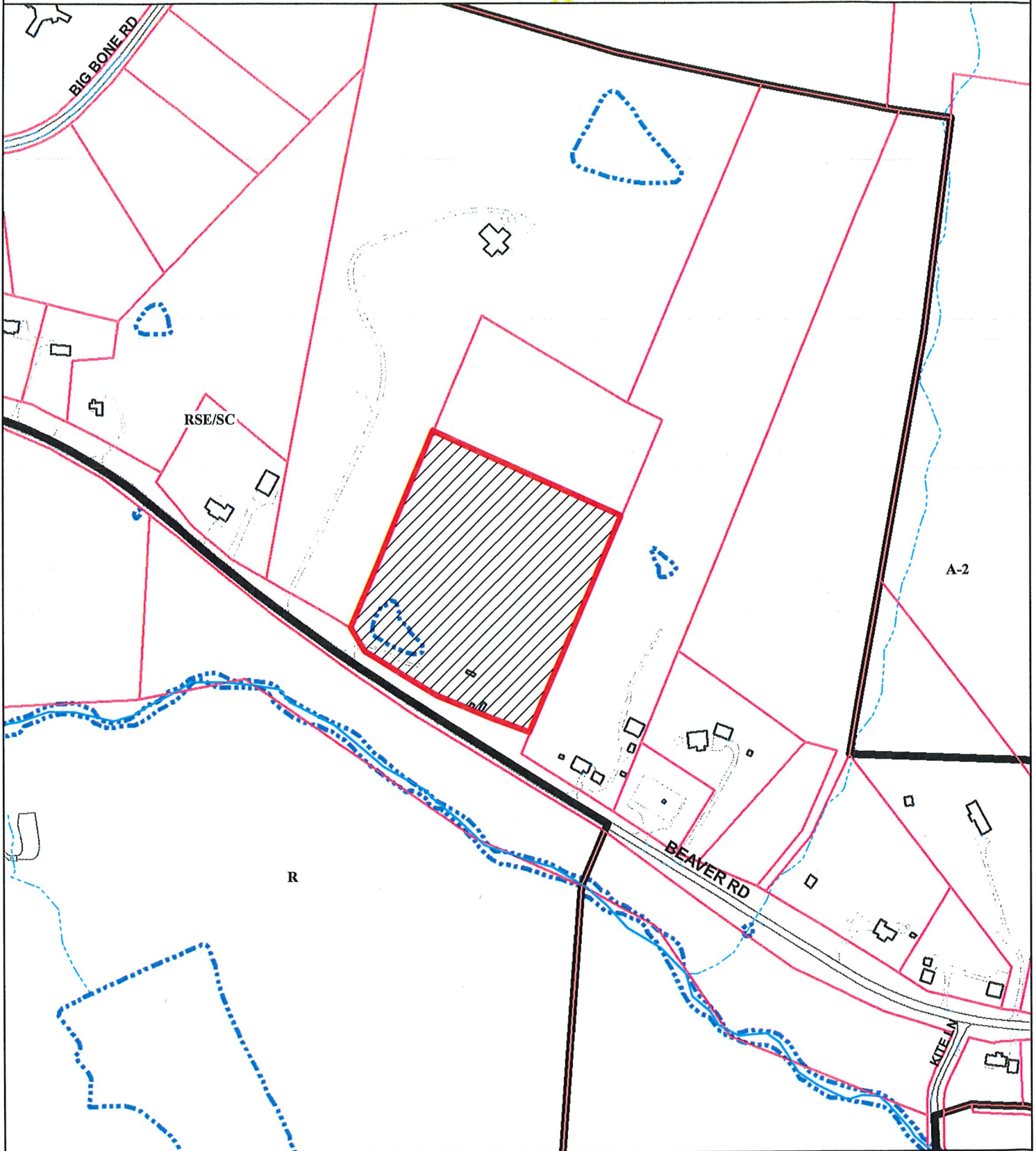
**Boone County GIS**

Map Created: xx/xx/2021

With Plans & Section by Earth Star LLC  
ArcMap Document: \*.mxd

# Zoning Map

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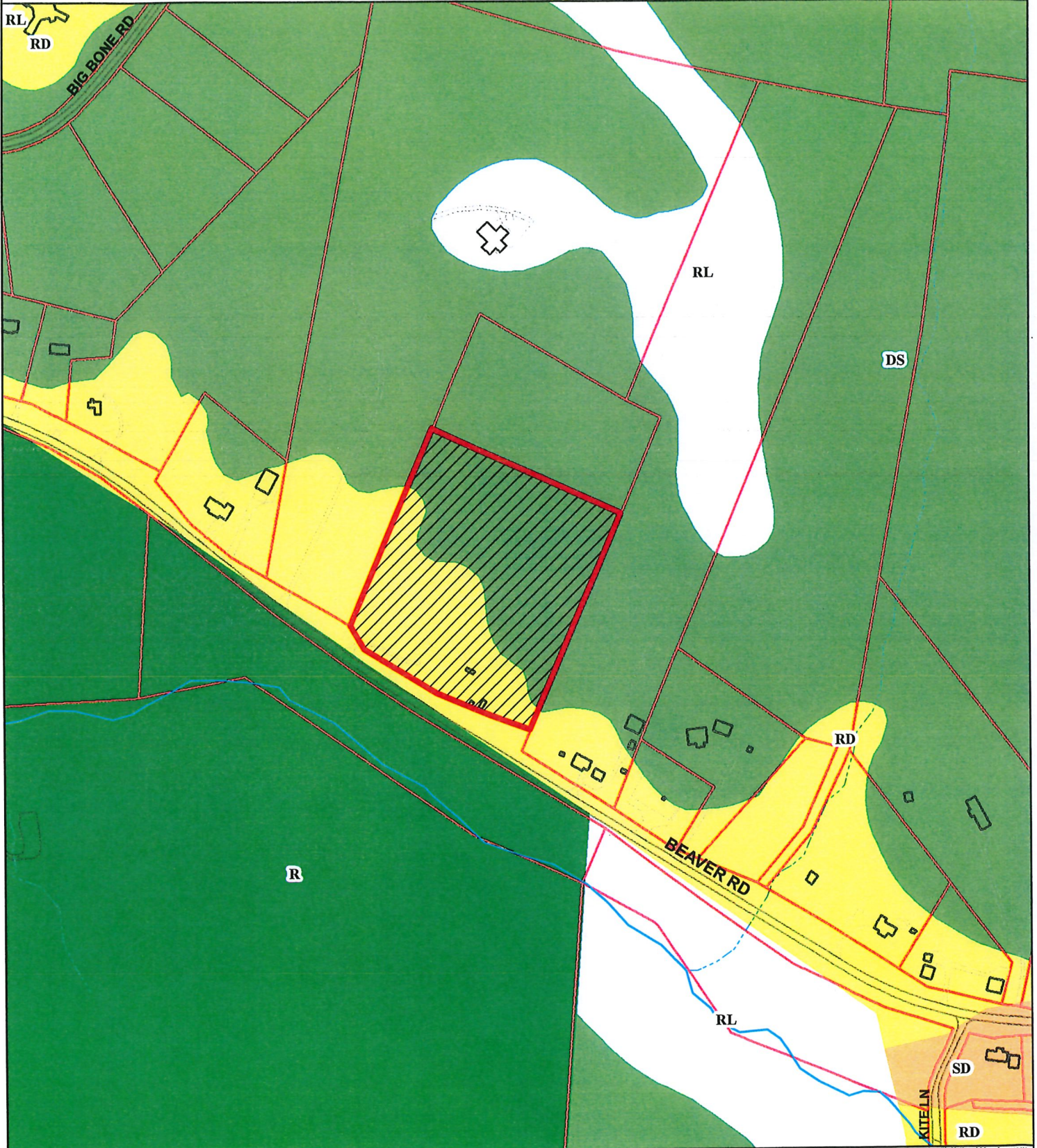


**Boone**



# 2040 Future Land Use Map

[www.boonecountygis.com](http://www.boonecountygis.com)



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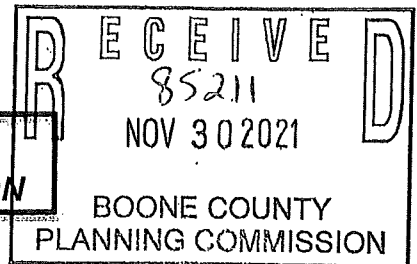


**Boone County GIS**

Map Created: xx/xx/2021

Boone County GIS  
ArchMap Document: \*.mxd

**BOARD OF ADJUSTMENT  
BOONE COUNTY PLANNING COMMISSION**



Five (5) scaled copies and one (1) 11 x 17 reduction of submitted drawings are required

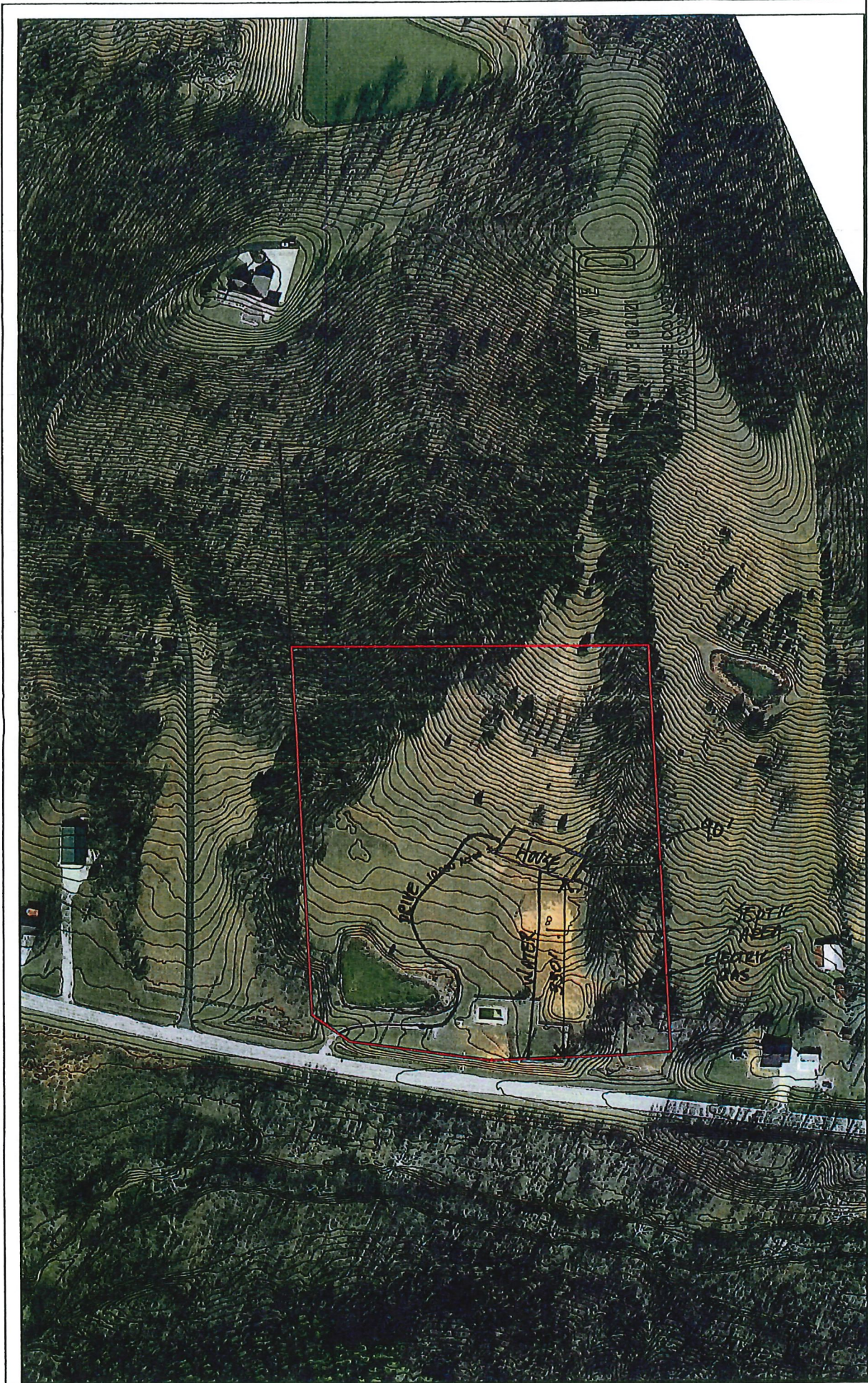
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 Change in Non-Conforming Use
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Address: 189 Weber Lane  
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City State Zip Code  
Phone Number: 859-393-6592 Fax Number: \_\_\_\_\_  
Email: lee@potterhousegroup.com
4. Description of Request:  
new single family residence, not sure why the variance is needed
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7. Acreage Under Review: 10 acre
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9. Current Owner: Brian & Dianne Evans  
Address: 6248 SIERRA TRL  
Burlington KY 41005  
City State Zip Code  
Phone Number: 859-802-7933 Fax Number: \_\_\_\_\_  
Email: kywildcats@fuse.net







CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)  
Brian and Dianne Evans  
6248 Sierra Trail  
Burlington, KY 41005
2. ADDRESS OF PROPERTY  
3130 Beaver Rd  
Union, KY 41091
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)  
3130 Beaver Road
4. DEED BOOK 1175                      PAGE NO. 551                      GROUP NO. 2068
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 14<sup>th</sup> day of January, 2022.

\_\_\_\_\_  
Trevia 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.)