

**BOARD OF ADJUSTMENT  
BOONE COUNTY PLANNING COMMISSION**

**R E C E I V E D**  
85317  
DEC 20 2021  
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: Collen Phillips  
Address: 10113 Canoe dr.  
Union Ky 41091  
City State Zip Code  
Phone Number: 859-512-3483 Fax Number: \_\_\_\_\_  
Email: CollenPhillips@gmail.com
4. Description of Request:  
Reduce front yard setback from 60' to 25' (Approx)
5. Name of Development: Collen Phillips house
6. Location of Development: \_\_\_\_\_  
Union Ky 41091  
City State Zip Code
7. Acreage Under Review: 1.78
8. Lot Number and Name of Subdivision (if part of a subdivision): \_\_\_\_\_
9. Current Owner: Collen Phillips  
Address: 10113 Canoe dr  
Union Ky 41091  
City State Zip Code  
Phone Number: 859-512-3483 Fax Number: \_\_\_\_\_  
Email: CollenPhillips@gmail.com

10. Proposed Use(s) on Site: House
11. Total Square Footage of Existing and/or Proposed Buildings: 3200 sqft
12. Current Zoning: A-2
13. 1161 755 2055  
Deed Book Page Group Number
14. Is the site subject to a zone change:  Yes  No  
If yes, date of approval: ~~1/1/04~~
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: 12/20/21 Fee Received: \$716 Receipt #: 85317

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

#4

APPLICANT: Collen Phillips

LOCATION: 10113 Canoe Drive, Boone County, Kentucky

ZONING: Agricultural Estate (A-2)

DATE: January 12, 2022

PROPOSAL

- A. The applicant is requesting a Variance to reduce the minimum required front yard setback from sixty (60) feet to twenty (20) feet in order to build a detached single family dwelling.

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 sixty (60) feet within the A-2 district.
- E. 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.”

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”, which is described as low density residential uses of up to one dwelling unit 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).

- C. Canoe Drive is identified as a local cul-de-sac street providing for two way traffic within an approximate twelve (12) foot pavement width. There are no sidewalks along the roadway.

SURROUNDING LAND USES AND ZONING

North: Single family (A-2)

- South: Single family (A-2)  
East: Single family (A-2)  
West: Vacant/agricultural land (A-2)

PROPOSED DEVELOPMENT

- A. The applicant is proposing to construct a detached single family residential dwelling on the site.
- B. The proposed house will be set back approximately twenty-five (25) feet from the front property line, but no less than twenty (20) feet from the front property line.

STAFF COMMENTS

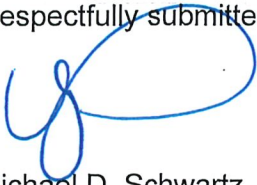
- A. The site in question, containing approximately 1.3 acres, is located along the west side of Canoe Drive, approximately 1,100 feet south of Hathaway Road.
- B. On September 1, 2021, the Boone County Planning Commission staff approved a zoning permit to allow the construction of a detached single-family residential dwelling on the site in question, having a front yard setback of sixty-five (65) feet.
- C. The site slopes downward 20 feet, from the front of the lot to the back of the lot, at an average grade of 10%.
- D. Based on information contained in the Boone County GIS, the house to the north of the site has a front yard setback of twenty-four (24) feet and the house to the south of the site has a front yard setback of nine (9) feet.
- E. The average front yard setback for all of the houses along Canoe Drive is sixty-four (64) feet.
- F. The site in question is the only vacant lot along Canoe Drive.
- G. On July 12, 1995, the Boone Board of Adjustment approved a variance reducing the front yard setback from sixty (60) feet to thirty (30) feet for the property located at 10173 Canoe Drive.
- H. Emails from the public that have been received by staff are attached to this report and will become part of the official record.

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

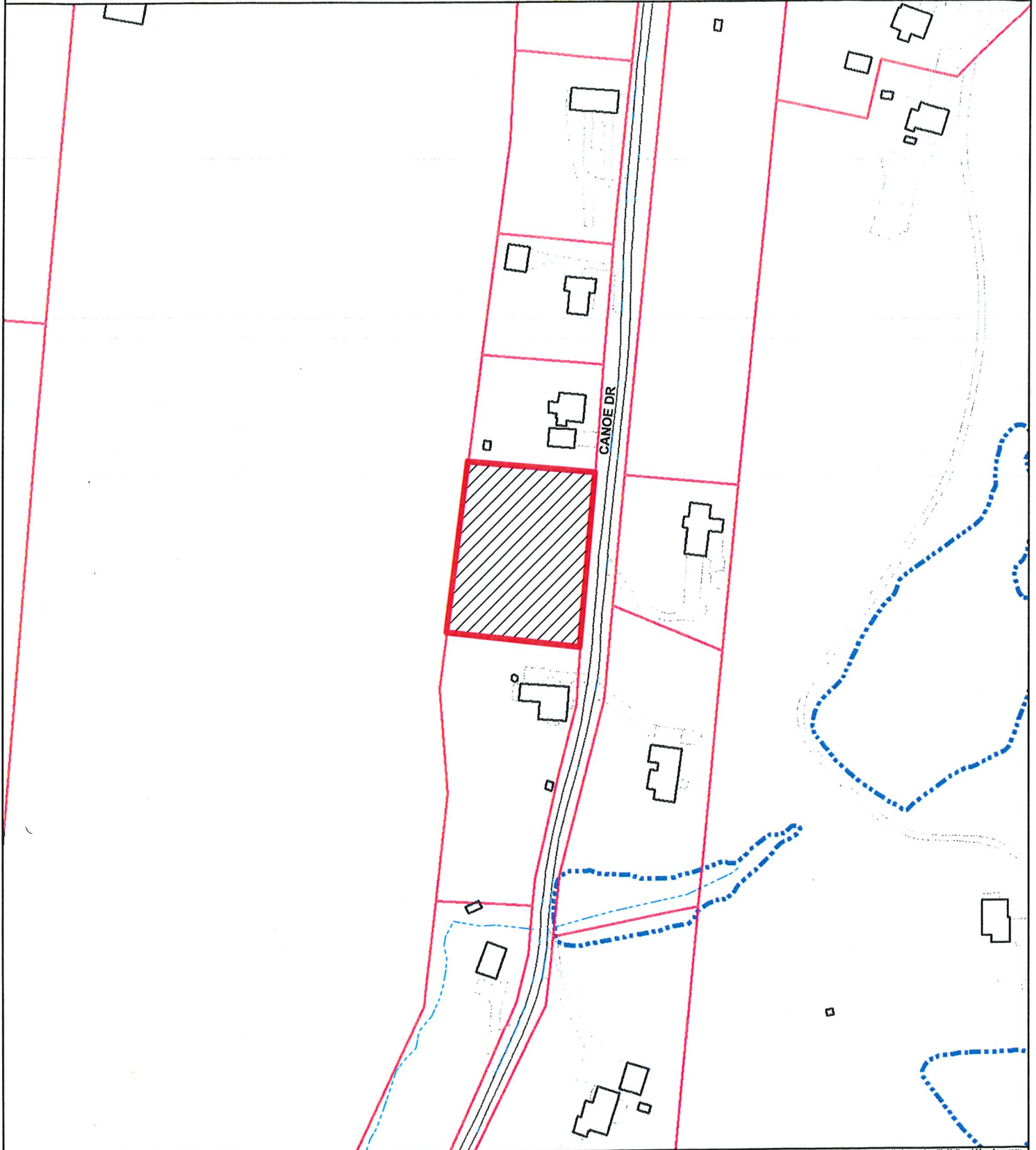
MDS/ss

Attachments

- \*Vicinity Map
- \*Aerial Map
- \*Topographical Map
- \*Zoning Map
- \*2040 Future Land Use Map
- \*Application
- \*Development Plan
- \*Emails from the public

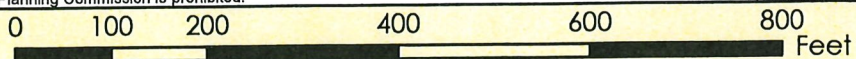
# Vicinity Map

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



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1 inch = 200 feet



**Boone County GIS - Putting Northern Kentucky on the Map**



Map Created: 01/01/2018

Map File Location: D:\GIS\Map 1010.mxd  
ArcMap Document: \*.mxd

# Aerial Map

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



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0 100 200 400 600 800 Feet

1 inch = 200 feet



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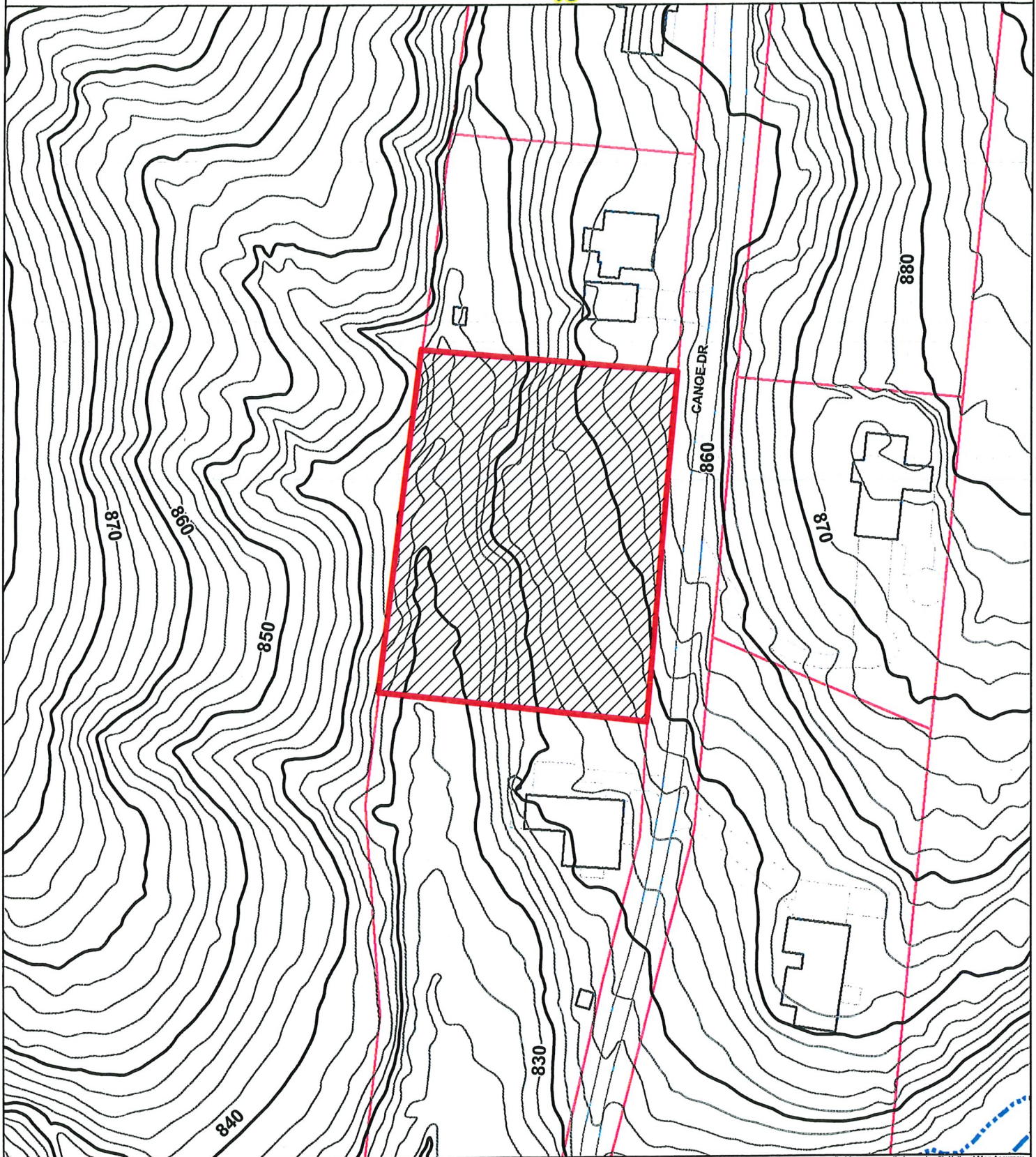


Map Created: 01/01/2018

Map File: 6 of 6.mxd  
ArcMap Document: \*.mxd

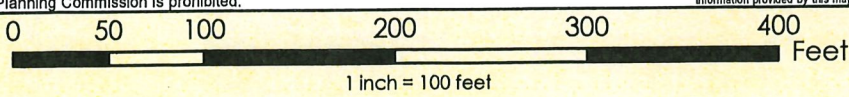
# Topographical Map

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



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**Boone**

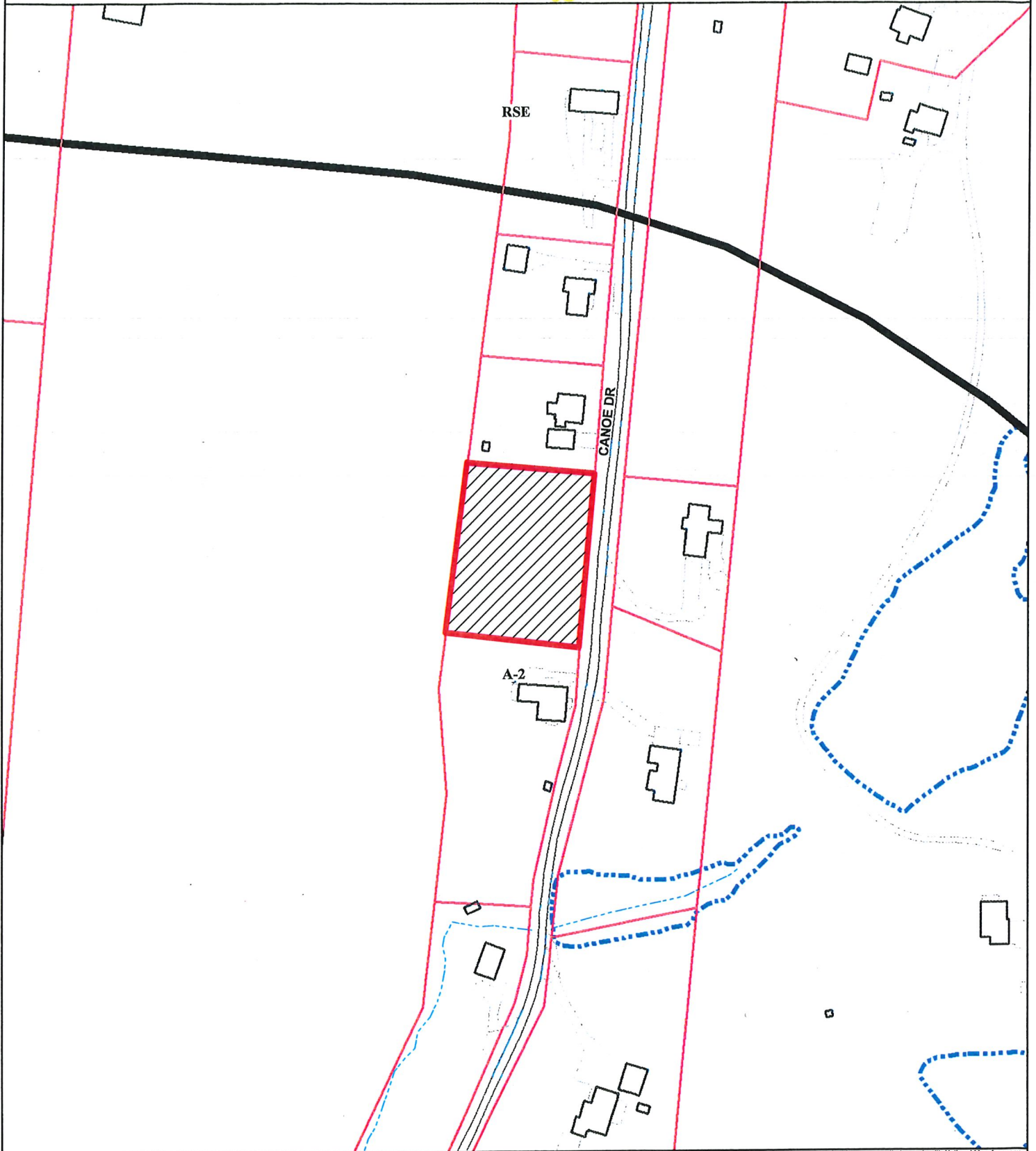


Map Created: 01/01/2018

Map File: 1.mxd by: [unreadable] 1/1/18  
ArcMap Document: \*.mxd

# Zoning Map

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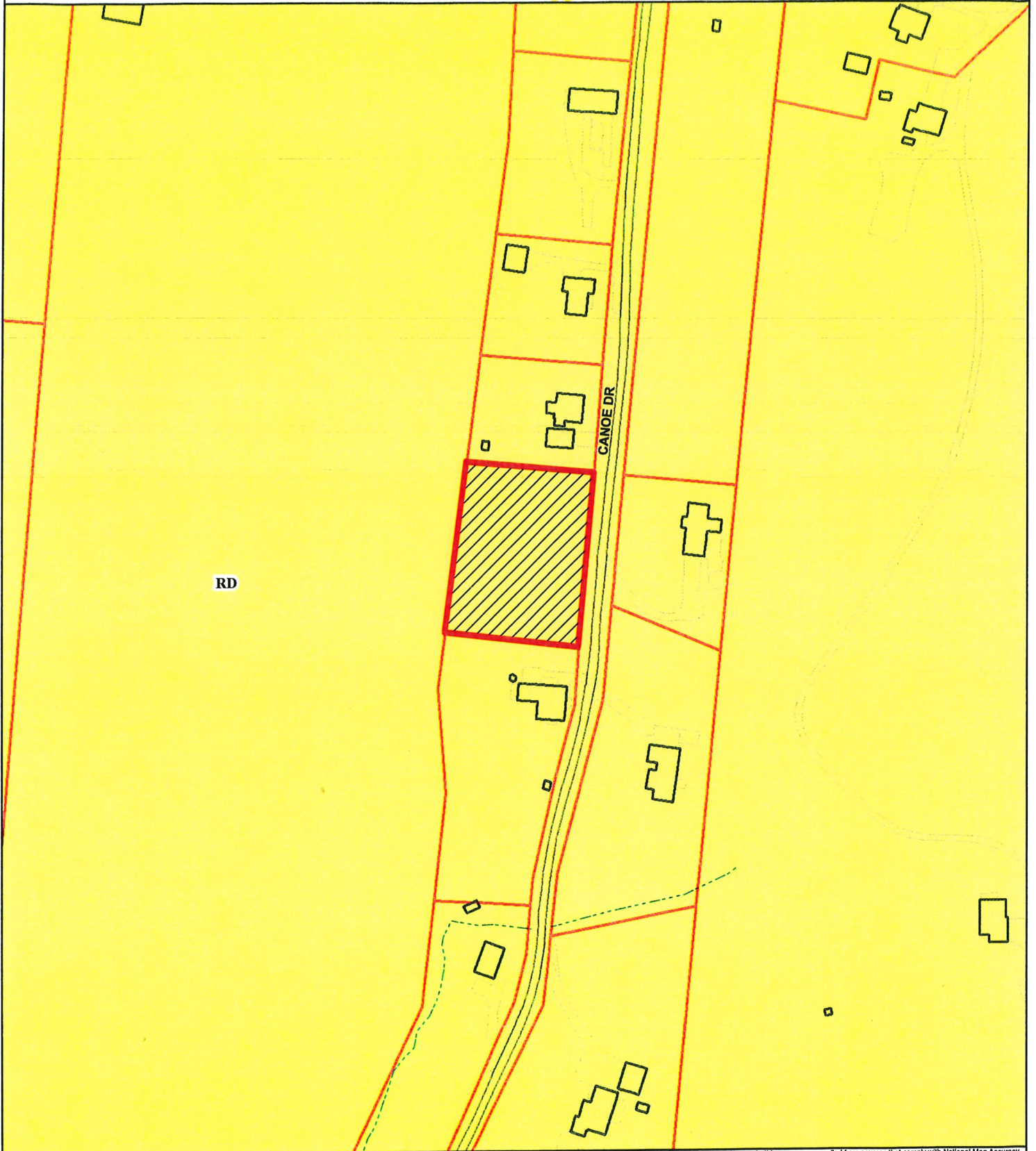


Map Created: 01/01/2018

ArcMap Document: \*.mxd

# 2040 Future Land Use Map

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

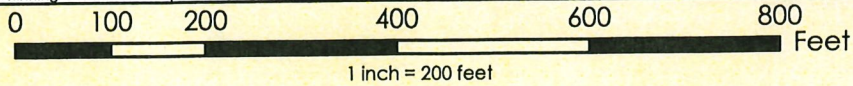


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**Boone**



Web File Path: \\boone\gis\2018\2040\_Future\_Land\_Use\_Map.mxd  
ArcMap Document: \*.mxd

Map Created: 01/01/2018

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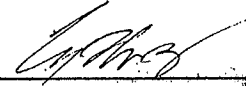
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12. Current Zoning: A-2
13. 1161 Deed Book      ~~1161~~ 755 Page      2055 Group Number
14. Is the site subject to a zone change:  Yes       No  
If yes, date of approval: ~~\_\_\_\_\_~~
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16. Have you submitted a list of adjoining property owners with this request:  Yes       No
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**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)

(COPY)

10113 Canoe Dr

BUILDING ADDRESS OR LOCATION: 052 00 00 004 13

NOTICE: I certify that what is submitted is true and accurate and I or we understand and agree that all construction work will be performed in accordance with this Zoning Permit Application, the Boone County Zoning Regulations and the Boone County Subdivision Regulations.

NAME AND ADDRESS OF APPLICANT: Collen Phillips  
*please print*  
10106 Canoe dr

SIGNATURE OF APPLICANT: [Signature]  
as authorized by property owner

DATE: 8/17/21 PHONE: 859 512-3489 E-MAIL: CollenPhillips@gmail.com

\*\*\*\*\*  
Below this line to be completed by the Boone County Planning Commission

Zoning: <u>A-2</u>	Date: <u>9-1-21</u>	Fee: <input checked="" type="checkbox"/> \$90.00	Farm Exempt
<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Denied	<input checked="" type="checkbox"/> \$45.00	(No Fee)
Staff Reviewer: <u>[Signature]</u>	Address: <u>10113 Canoe Dr</u>		
Subdivision: <u>N/A</u>			
Lot:	Section:	Block/Phase:	Group No: <u>2055</u> Census: <u>706-01</u>

TYPE OF IMPROVEMENT:

<input checked="" type="checkbox"/> Single Family Residence	<input type="checkbox"/> Detached Garage
<input type="checkbox"/> Duplex	<input type="checkbox"/> Garage Addition
<input type="checkbox"/> Mobile Home	<input type="checkbox"/> Barn or Shed
<input type="checkbox"/> Residential Addition	<input type="checkbox"/> Above Ground Pool
<input type="checkbox"/> Porch or Deck	<input type="checkbox"/> In Ground Pool
<input type="checkbox"/> Other:	

JURISDICTION:

<input checked="" type="checkbox"/> Unincorporated Boone County	<input type="checkbox"/> City of Florence
<input type="checkbox"/> City of Walton	<input type="checkbox"/> City of Union

POST OFFICE (ZIP CODE):

<input type="checkbox"/> Burlington (41005)	<input type="checkbox"/> Florence (41042)
<input type="checkbox"/> Walton (41094)	<input checked="" type="checkbox"/> Union (41091)
<input type="checkbox"/> Hebron (41048)	<input type="checkbox"/> Verona (41092)
<input type="checkbox"/> Petersburg (41080)	<input type="checkbox"/> Erlanger (41018)
<input type="checkbox"/> Crittenden (41030)	<input type="checkbox"/> Independence (41051)

**RECEIVED**  
 84632  
 AUG 17 2021  
 BOONE COUNTY  
 PLANNING COMMISSION

# Boone County GIS Map

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

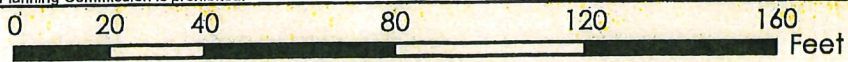
Parcel #: 052.00.00.004.13

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Water course  
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1 Inch = 40 feet



**Boone County GIS - Putting Northern Kentucky on the Map**

Map Created: 10/20/2021

Map Document: \*.mxd

## Michael Schwartz

---

**From:** Granville <Gran1946@charter.net>  
**Sent:** Wednesday, December 29, 2021 2:16 PM  
**To:** Michael Schwartz  
**Subject:** Variance for 10213 Canoe Dr, Union Ky

### EXTERNAL MESSAGE

Mr Schwartz, I wish to make the following comment about the request for a change to the 60 foot setback from the roadway:

The approval of Collen's request to have his building situated less than the 60 feet will in no way have any effect on anyone living on Canoe Drive. I also believe that it will not effect anyone's property value.

Therefore, I recommend approval of Collen's request.

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)  
Collen Phillips  
10113 Canoe Dr  
Union, KY 41091
2. ADDRESS OF PROPERTY  
10113 Canoe Dr  
Union, KY 41091
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)  
Collen Phillips
4. DEED BOOK 1161                      PAGE NO. 755                      GROUP NO. 2055
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.

---

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.)