

**BOARD OF ADJUSTMENT  
BOONE COUNTY PLANNING COMMISSION**

**RECEIVED**  
Inv. 85388  
JAN 06 2022  
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: DONALD J BARTH  
Address: 12855 HUTTON DR.  
WALTON KY 41094  
City State Zip Code  
Phone Number: (859) 485-1095 Fax Number: \_\_\_\_\_  
Email: donbarth1957@gmail.com
- 4. Description of Request: Variances to reduce the minimum frontage from 150' to 126.14' and 69.85' +/- 10' in order to create 2 lots
- 5. Name of Development: DONALD J BARTH
- 6. Location of Development: 12855 HUTTON DR.  
Walton Ky 41094  
City State Zip Code
- 7. Acreage Under Review: 12.89 Acres
- 8. Lot Number and Name of Subdivision (if part of a subdivision): \_\_\_\_\_
- 9. Current Owner: DONALD J BARTH / DONALD J BARTH TRUST  
Address: 12855 HUTTON DR  
WALTON Ky 41094  
City State Zip Code  
Phone Number: (859) 485-1095 Fax Number: \_\_\_\_\_  
Email: donbarth1957@gmail.com

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

11. Total Square Footage of Existing and/or Proposed Buildings: \_\_\_\_\_

12. Current Zoning: Agricultural

13. 878 836 2070  
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:** Donald J Barth  
(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

**ORIGINAL Applicant's Signature:** Donald J Barth  
(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

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

1. Date Received: \_\_\_\_\_ Fee Received: \_\_\_\_\_ Receipt #: \_\_\_\_\_

2. Is application complete: \_\_\_\_\_

3. Staff Reviewer: M. Schwartz

4. Scheduled Board Action Date: 2/9/2022

5. Board Action: 2/9/2022

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: Donald J. Barth

LOCATION: 12855 Hutton Drive, Boone County, Kentucky

ZONING: Agricultural Estate (A-2)

DATE: February 9, 2022

### PROPOSAL

- A. The request is to reduce the minimum required frontage from 150 feet to approximately 126 feet and 69 feet in order to subdivide the property into two (2) lots.

### SITE HISTORY

- 1981-1985 Based on information contained in the Boone County GIS, the barn was built.
- 1988 On March 1, 1988, the Boone County Planning Commission approved a zoning permit for the construction of a single family residential dwelling.
- 2018 On September 6, 2018, the Boone County Planning Commission approved a zoning permit for an 18' x 22' sunroom addition.

### 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 frontage of 150 feet within the A-2 district.
  - E. Section 4000 of the Boone County Zoning Regulations defines lot frontage as the distance between the side property lines as measured across the required minimum front yard setback line.
  - F. Section 3110 of the Boone County Zoning Regulations requires a minimum front yard setback of 60 feet within the A-2 district.
  - G. 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 defined 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:
  - 1. 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).
  - 2. Development policies shall not discriminate against any person (Demographics Goal A, Objective 1).
  - 3. Home ownership shall be encouraged and incentivized as well as redevelopment and renovation of deteriorating housing stock (Demographics Goal B, Objective

- 3).
  4. 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).
- C. Hutton Drive is identified as a county maintained local street providing for two way traffic within a sixty (60) foot right-of-way and an approximate twenty-two (22) foot pavement width. There are no sidewalks along the roadway.

#### SURROUNDING LAND USES AND ZONING

- North: Single family (A-2)
- South: Single family/Agricultural (A-2)
- East: Single family/Agricultural (A-2)
- West: Single family/Agricultural (A-2)

#### SITE CHARACTERISTICS

- A. The approximate 12.8 acre property is located at the terminus of Hutton Drive, approximately 2,065 feet east of Huey Lane.
- B. The site is currently occupied by a single-family residential dwelling and an approximate 2,500 square foot barn.
- C. The site slopes downward, front to back, at an average slope of approximately 2%.

#### PROPOSED DEVELOPMENT

- A. The property owner is proposing to subdivide the property to create one additional building lot meeting the minimum requirements of the A-2 district, except for the required frontage.
- B. The applicant is identifying that the two new lots will be served by a single driveway with access to Hutton Drive.

#### STAFF COMMENTS

- A. Since the two new lots will be served by a single driveway, an access easement will have to be created so that both lots can legally utilize the shared driveway.

#### 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  
Planner

MDS/ss

Attachments

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

# Vicinity Map

www.boonecountygis.com

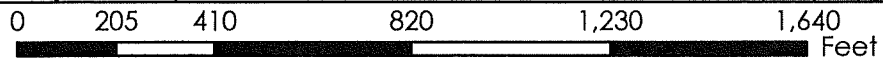


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Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



**Boone**



1 inch = 400 feet



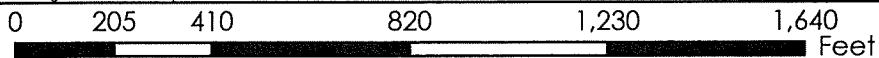
# Aerial Map

www.boonecountygis.com



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

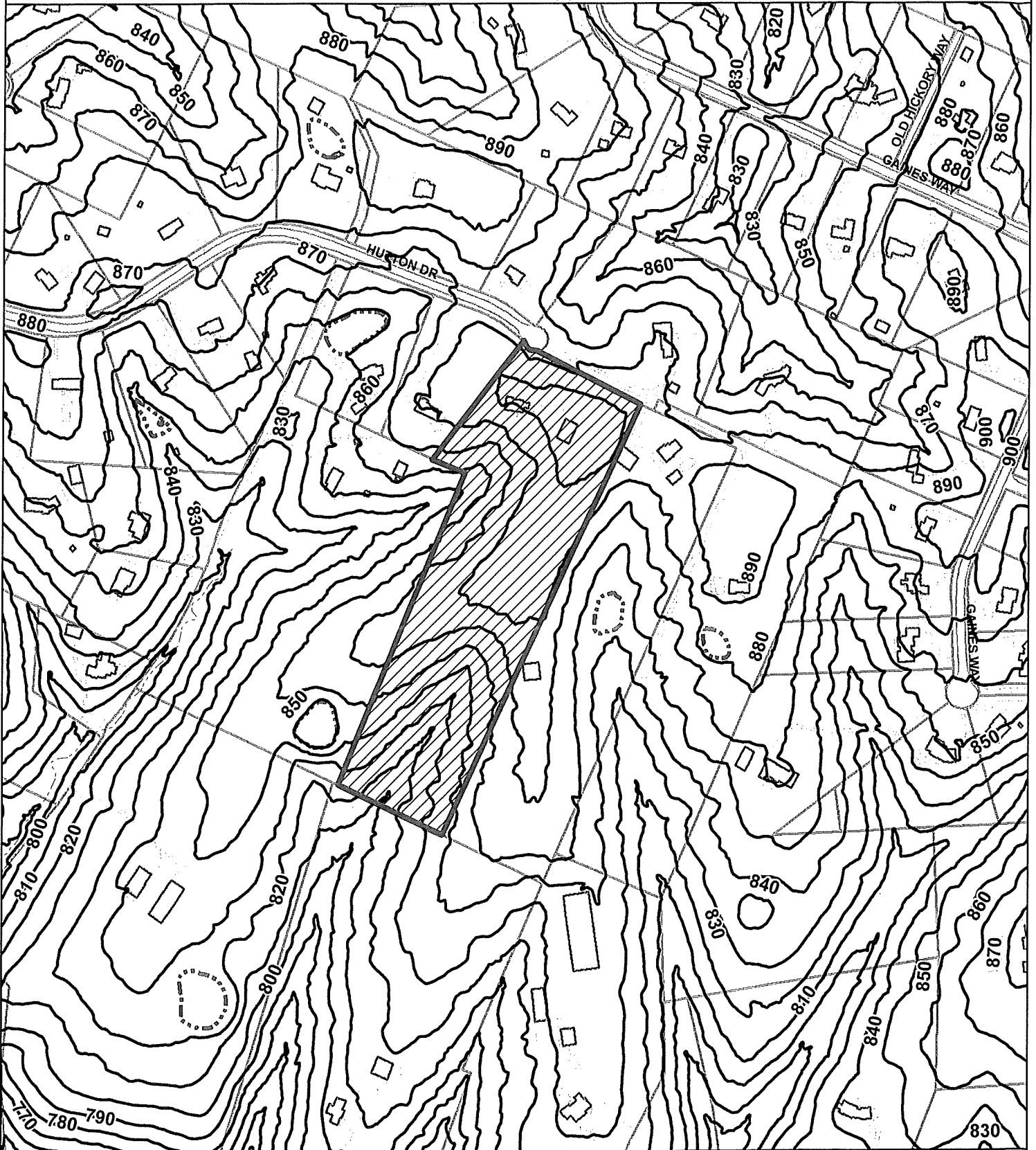


Map Created: xxjoc/2021

Map File: E:\maps\2021\2021\_0110.mxd  
ArcMap Document: \*.mxd

# Topographical Map

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0 205 410 820 1,230 1,640 Feet

1 inch = 400 feet

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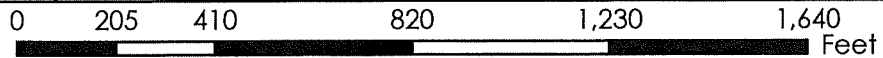
# Zoning Map

www.boonecountygis.com



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**Boone County GIS**



# 2040 Future Land Use Map

www.boonecountygis.com



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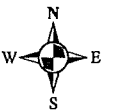
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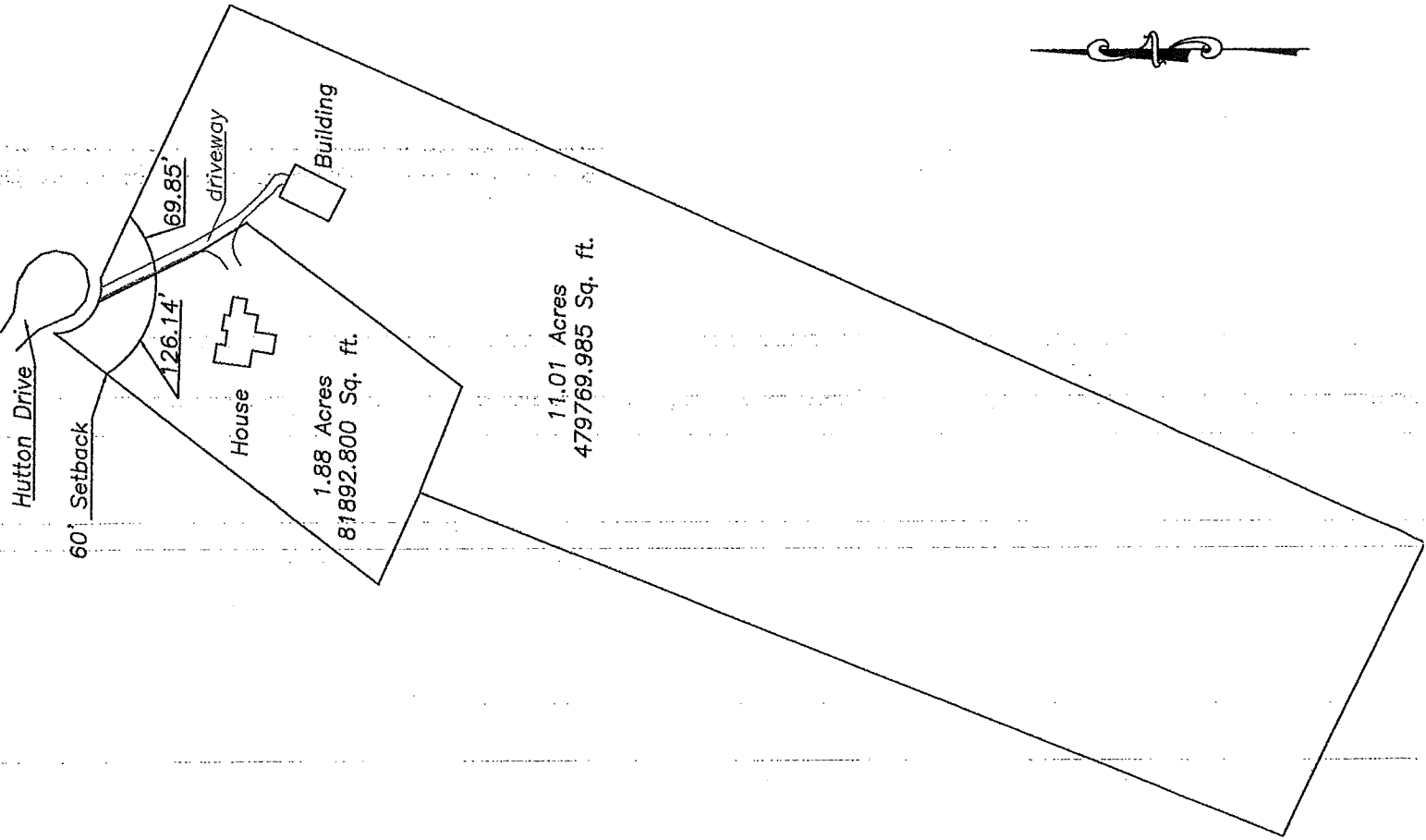
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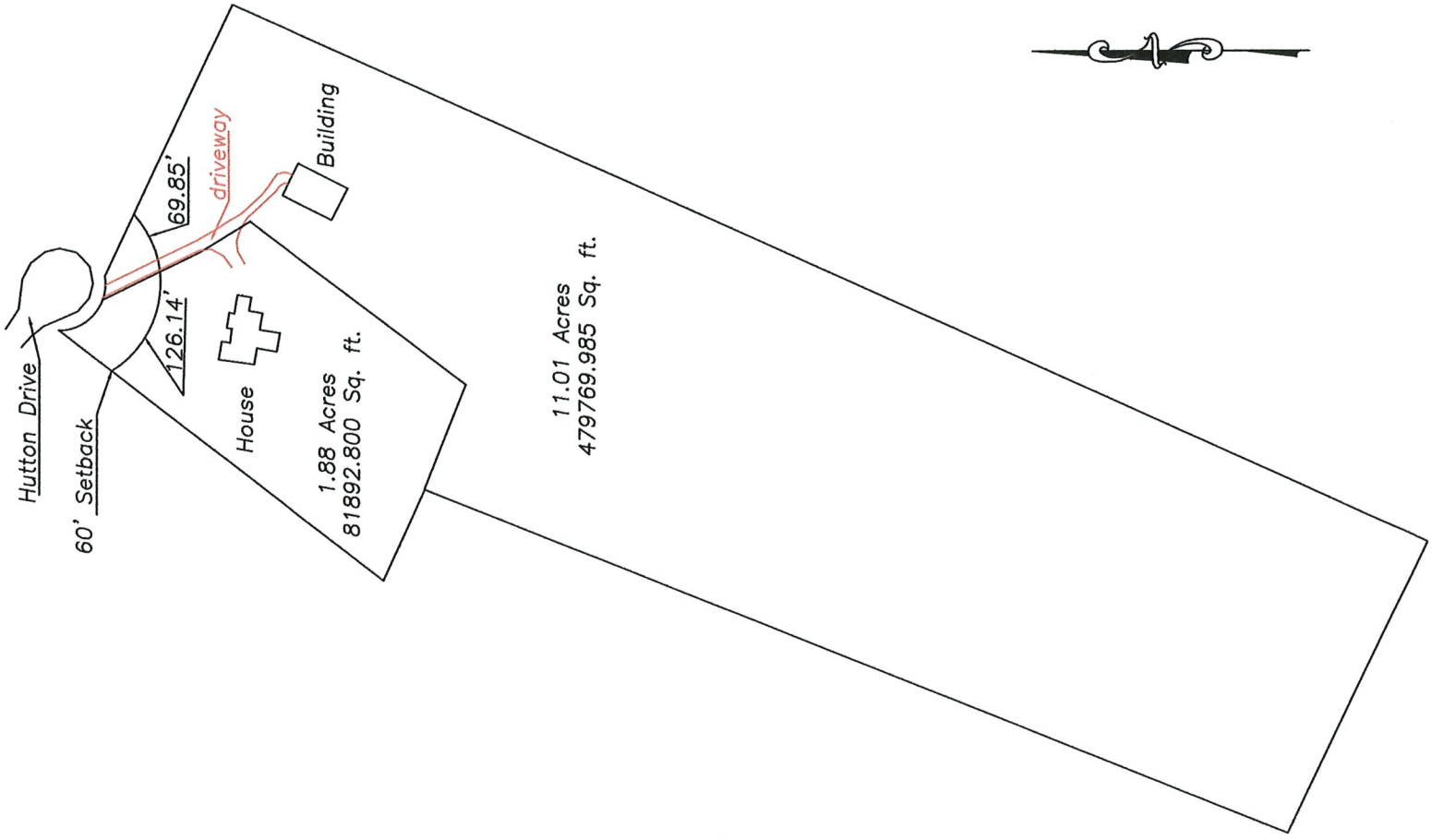
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**ORIGINAL Applicant's Signature:** Donald J Barth  
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1" = 200'

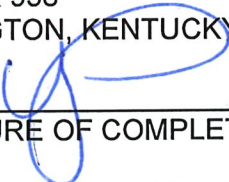




CERTIFICATE OF LAND USE RESTRICTION

- 1. NAME AND ADDRESS OF PROPERTY OWNER(S)  
Donald J. Barth Trust  
12855 Hutton Dr  
Walton, KY 41094
  
- 2. ADDRESS OF PROPERTY  
12855 Hutton Dr  
Walton, KY 41094
  
- 3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)  
Donald Barth Variance
  
- 4. DEED BOOK 878                      PAGE NO. 836                      GROUP NO. 2070
  
- 5. TYPE OF RESTRICTION(S) (Check all that apply)
  - Zoning Map Amendment:  
From \_\_\_\_\_ To \_\_\_\_\_
  - Conditional Use Permit
  - Development Plan
  - Conditional Zoning
  - Subdivision Plat  
(Not Recorded)
  - Other:
  - 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 16<sup>th</sup> day of February, 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.)