

**BOARD OF ADJUSTMENT
BOONE COUNTY PLANNING COMMISSION**

RECEIVED
86076
MAY 02 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 018

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: Jacob and Brittany Smith
 Address: 6772 Hillock Ct
Florence KY 41042
 City State Zip Code
 Phone Number: 8593079203 Fax Number: _____
 Email: smithjacobnky@gmail.com

4. Description of Request: Appeal to zoning Admins opinion
*Based on opinion of PIDN: 049.07-12.007.00
 of-dior handed down on April 4 2020 on keep by
 OF CHICKENS*

5. Name of Development: Meadows of Oak Brook
 6. Location of Development: _____

 City State Zip Code

7. Acreage Under Review: _____

8. Lot Number and Name of Subdivision (if part of a subdivision):
LOT: 7 SECTION: 1 Block/Phase: G Group No: 2032 CENSUS: 703-05

9. Current Owner: Brittany and Jacob Smith
 Address: 6772 Hillock CT
FLORENCE KY 41042
 City State Zip Code

Phone Number: 859-307-9203 Fax Number: _____
 Email: SmithJacobNky@gmail.com

10. Proposed Use(s) on Site: _____

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

12. Current Zoning: SR-1 _____

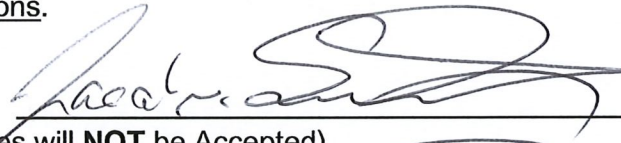
13. 1149 _____ 42 _____ 2032 _____
Deed Book Page Group Number

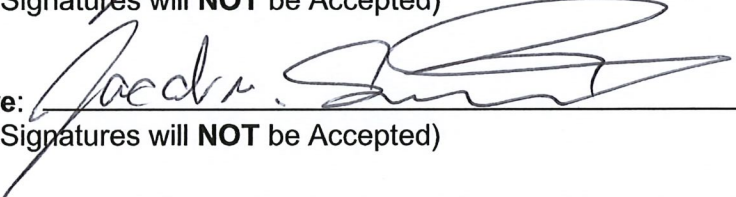
14. Is the site subject to a zone change: Yes No
If yes, date of approval: _____

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: 8/5/22 Fee Received: \$716 Receipt #: 86076

2. Is application complete: _____

3. Staff Reviewer: M. Schwartz

4. Scheduled Board Action Date: 6-8-2022

5. Board Action: 6/8/2022

Approved override decision of Zoning Administrator 3-1

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

#1

APPLICANT: Jacob and Brittany Smith

LOCATION: 6772 Hillock Lane

ZONING: Suburban Residential One/Planned Development (SR-1/PD)

DATE: June 8, 2022

DESCRIPTION OF REQUEST AND ISSUE

- A. On April 4, 2022, the Boone County Zoning Administrator made a determination that the keeping of chickens is not allowed within the SR-1 district within Unincorporated Boone County, specifically at 6772 Hillock Court, as either a principally permitted, accessory, or conditional use.
- B. The applicant is appealing the Boone County Zoning Administrator's decision that keeping of chickens is not allowed within the SR-1 district within Unincorporated Boone County, specifically at 6772 Hillock Court, as either a principally permitted, accessory, or conditional use.

DOCUMENTED FACTS

1. January 3, 2022 – Boone County Planning Commission sends a violation letter to Brittany and Jacob Smith stating that the Zoning Enforcement Officer had observed that chickens and/or other farm animals were being kept on the property and that this was in violation of Article 9 of the zoning regulations.
2. January 3, 2022 – Boone County Planning Commission sends a violation letter to Brittany and Jacob Smith stating that the Zoning Enforcement Officer had observed that an accessory structure was installed on the property without a zoning permit.
3. February 25, 2022 - Jacob Smith applied for a Zoning Permit to allow the construction/installation of a 32 square foot (8' x 4') accessory structure in the rear yard.
4. March 1, 2022 – The Boone County Planning Commission approved the zoning permit to allow the construction/installation of a 32 square foot (8' x 4') accessory structure in the rear yard (see Exhibit 1).
5. March 21, 2022 – Jacob Smith sends an email to Robert Krebs and Michael Schwartz stating that the violation letters should not have been sent and that it is his belief that the keeping of chickens on his property is allowed by the zoning regulations (see Exhibit 2).
6. March 22, 2022 – Michael Schwartz sends an email to Jacob Smith stating: (1) that the time limit to file an appeal has expired; (2) identifying the procedure to start on new 30-day appeal timeline; and (3) summarizing the appeal process (see Exhibit 3).

7. March 24, 2022 – Jacob Smith sends an email to Michael Schwartz, officially asking for a determination of the zoning administrator as to whether chickens can be kept/allowed on property located at 6772 Hillock Court (see Exhibit 4).
8. April 4, 2022 – Michael Schwartz sends an email to Jacob Smith providing Mr. Smith with the Zoning Administrator's determination (see Exhibit 5).
9. May 2, 2022 – Jacob Smith officially files an Appeal application (see Exhibit 6).

SITE FACTS

1. The property located at 6772 Hillock Court is located within Unincorporated Boone County (see Exhibit 7).
2. Currently, and as of January 3, 2022, the site was/is zoned Suburban Residential One/Planned Development (SR-1/PD) (see Exhibit 8).

PERTINENT REGULATIONS (effective on January 3, 2022)

1. Section 110 (Boone County Zoning Regulations)

In their interpretation and application, the provisions of this order shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals and the general welfare, as per KRS 100.201- 100.991. Whenever the requirements of these regulations conflict with the requirement of any other lawfully adopted rules, regulations, ordinance, orders or resolutions, or where there may be internal conflicts within this order, the most restrictive, or that imposing the higher standards shall govern.

2. Section 220 (Boone County Zoning Regulations)

For the purposes of this order, the Board of Adjustment and Zoning Appeals shall have the following duties:

- a. To hear and decide appeals where it is alleged there is an error in any order, requirements, decision, interpretation, grant, or refusal made by the Zoning Administrator;
- b. To authorize such variances from the terms of this order as 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.
- c. To grant conditional use permits as specified in this zoning order, with such additional safeguards as will uphold the intent of this order.
- d. To grant changes in nonconforming uses as specified in this order.

3. Section 230 (Boone County Zoning Regulations)

It is the intent of this order that all questions of interpretation and enforcement shall be first presented to the Zoning Administrator, and that such questions shall be presented to the Board only on appeal from the decision of the Zoning Administrator, and that recourse from the decisions of the Board shall be to the appropriate court of jurisdiction as provided by law. It is further the intent of this ordinance that the duties for the legislative bodies in connection with this order shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this order. Under this order, the legislative bodies shall have only the duties of considering and adopting or rejecting proposed amendments or the repeal of this order as provided by law.

4. Section 240 (Boone County Zoning Regulations)

Appeals and variances shall conform to the procedures and requirements of Sections 240-254, inclusive, of this zoning order and KRS 100.241-100.251 and 100.257-100.263. As specified in SECTION 220, the Board of Adjustment and Zoning Appeals has appellate jurisdiction relative to appeals and variances.

5. Section 245 (Boone County Zoning Regulations)

Appeal to the Board of Adjustment and Zoning Appeals may be taken by any person, or entity claiming to be injuriously affected or aggrieved by an official action, order, requirement, interpretation, grant, refusal, or decision of the Zoning Administrator. Such appeal shall be taken within thirty (30) days after the decision by filing, with the Board of Adjustment and Zoning Appeals, a notice of appeal specifying the grounds upon which the appeal is being taken, and by giving notice of such appeal to any and all parties of record. The Zoning Administrator shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken. The appellant may also submit any materials appropriate for review in consideration of the appeal.

6. Section 246 (Boone County Zoning Regulations)

An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator from whom the appeal is taken certifies to the Board of Adjustment and Zoning Appeals after the notice of appeal is filed with the Administrator, that by reason of facts stated in the application, a stay would, in the officer's opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted upon application to the proper court of record, on notice to the Zoning Administrator from whom the appeal is taken.

7. Section 254 (Boone County Zoning Regulations)

The Board of Adjustment and Zoning Appeals shall hear and decide upon the notice of appeal or application for variance within sixty (60) days of filing. The Board of Adjustment and Zoning Appeals shall either approve, approve with supplementary conditions as specified in SECTION 245, or disapprove the request for appeal or

variance. The Board shall further make a finding that the reasons set forth in an application justify the granting of the variance that will make possible a reasonable use of the land, building, or structure. If the request is disapproved, the board shall state the reasons for disapproval in writing. Appeals from Board decisions shall be to the appropriate court of jurisdiction as provided by law.

8. Section 266 (Boone County Zoning Regulations)

The Board of Adjustment and Zoning Appeals shall hear and decide upon the application for a conditional use permit within sixty (60) days of filing. The Board shall either approve, approve with supplementary conditions as specified in SECTION 264, or disapprove the application as presented. If the application is approved or approved with modification, the Board shall direct the Zoning Administrator to issue a conditional use permit listing the specific conditions specified by the Board for approval. If disapproved, the Board shall state the reasons for disapproval. If the application is disapproved by the Board, the applicant may seek relief through the appropriate circuit court. Appeals from Board decisions shall be as provided in Kentucky Revised Statutes (KRS), Section 100.347.

9. Section 930 (Boone County Zoning Regulations)

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. Suburban Residential One districts will be located on lands within established urban areas where adequate infrastructure facilities and services are available or proposed.

10. Section 931 (Boone County Zoning Regulations)

The following uses are permitted:

- a. Detached single-family dwelling units;
- b. Patio homes within clusters of twenty or more contiguous units and in accordance with SECTION 3159;
- c. Detached single family landominiums within clusters of twenty or more contiguous units.
- d. Farms of tobacco, fiber, cash grain, fruits, tree nuts, vegetables, or other field crops;
- e. Farms of no predominant crops, including range and grassland pastures, horticultural specialties, apiary farms and other agriculture and related activities;
- f. Wildlife preserve sanctuaries, habitats, cultures and related activities;
- g. Garden plots and other similar forms of communal or organizational farming practices;
- h. Recreation defined in this district to be playgrounds, open space parks, hiking areas and trails, bikeway systems and picnicking areas;

11. Section 932 (Boone County Zoning Regulations)

Accessory Uses, buildings and structure customarily incidental and subordinate to any of the permitted uses including:

- a. Accessory uses for a dwelling unit including:
 - (1) Private garages and parking;
 - (2) Structures such as fences and walls;
 - (3) Buildings such as storage sheds, private greenhouses and gazebos;
 - (4) Storage of a recreational vehicle or unit (according to ARTICLE 31);
 - (5) Private swimming pool, sauna, bathhouse and similar accessories;
 - (6) The keeping and use of pets and animals (Does not apply in the City of Florence);
 - (7) Keeping of household pets (Applies to City of Florence only - see SECTION 3140);
- b. Signage (according to ARTICLE 34);
- c. Parking (according to ARTICLE 33);
- d. Temporary buildings incidental to construction.
- e. Clubhouses, community centers and similar common assembly or shared facilities where the facility is an integral part of a residential development and the membership is limited to residents of a common development or neighborhood;
- f. Family day care.

12. Section 933 (Boone County Zoning Regulations)

The following uses and appropriate accessories subject to the approval and qualifications of the Board of adjustment and Zoning Appeals provided: a) the activity is an integral and subordinate function of a permitted use; or b) the activity will not contradict the low density character of the district; and c) the arrangement of uses, buildings, or structures will be compatible with the organization of permitted and accessory uses to be protected in the district.

- a. Duplex dwelling units with garages; City of Florence Only - Duplex dwelling units with garages (Site Plan Review required);
- b. Churches, synagogues, temples and other places of religious assembly for worship (Site Plan Review required);
- c. Cemeteries, including mausoleums (Site Plan Review required);
- d. Day care centers (Site Plan Review required);
- e. Unlighted athletic fields;
- f. Horse related uses, including riding and boarding stables, as defined by KRS 100.111 (2)(c);
- g. Short term rentals. (Applies to Unincorporated Boone County and the City of Florence Only)

13. Section 3140 (Boone County Zoning Regulations)

Household agriculture, as defined in ARTICLE 40, is not permitted in the City of Florence.

14. Section 3153 (Boone County Zoning Regulations)

Accessory structures or uses, as defined in ARTICLE 40 of this order (ordinance), shall be placed in the side or rear yard only, but not the corner side yard, and shall be no closer than five (5) feet to any property line in all zoning districts (refer to SECTION 3122 for setbacks along freeway, expressway, arterial, or collector roads). Accessory structures or uses may be located in the front yard area or corner side yard area in Agricultural zones or for agricultural uses located in other zones provided the respective front yard or corner side yard setback is met. (THE FOLLOWING PASSAGE APPLIES TO UNINCORPORATED BOONE COUNTY ONLY). Roof structures that are open at the sides and/or partially enclosed structures that are used solely to house farmers marts may also be located in the front yard area or corner side yard area provided the respective front yard or corner side yard setback is met.

For the purposes of this section, fences are considered accessory structures and may not be located in the front yard or corner side yard (except as otherwise permitted under SECTION 3655). However, the five (5) foot setback requirement does not apply to fences located in the side or rear yards (refer to SECTION 3655 for fencing requirements). Retaining walls which are an integral part of a grade may be located in any yard and are not subject to setback requirements. Gas pumps, automatic teller machines, guard shacks, and photo service facilities are permitted in the front yard, but shall be located at a sufficient distance from the property line in order to have safe internal traffic flow as per the requirements of Articles 32 and 33 and shall not be located in required landscape areas.

For lots in residential zones that are less than 20,000 square feet in area, except for land used for agricultural purposes, the following shall apply:

- a. The combined area of all accessory structures on a lot, not including open, outdoor swimming pools or other non-roofed structures, shall not exceed fifty percent (50%) of the gross floor area of the principal structure or 750 square feet, whichever is larger.
- b. A maximum of three roof covered accessory structures are permitted.
- c. Accessory structures shall not exceed the height of the principal structure.

15. Section 4000 (Boone County Zoning Regulations)

Agricultural Use

Per KRS 100.111.(2), "agricultural use" means the use of:

- a. A tract of at least five (5) contiguous acres for the production of agricultural or horticultural crops, including but not limited to livestock, livestock products, poultry, poultry products, grain, hay, pastures, soybeans, tobacco, timber, orchard fruits, vegetables, flowers, or ornamental plants, including provision for dwellings for persons and their families who are engaged in the agricultural use on the tract, but not including residential building development for sale or lease to the public;
- b. Regardless of the size of the tract of land used, small farm wineries licensed under KRS 243.155;

- c. A tract of at least five (5) contiguous acres used for the following activities involving horses:
1. Riding lessons;
 2. Rides;
 3. Training;
 4. Projects for educational purposes;
 5. Boarding and related care; or
 6. Shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS Chapter 230, involving seventy (70) or less participants. Shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS Chapter 230, involving more than seventy (70) participants shall be subject to local applicable zoning regulations; or
- d. A tract of land used for the following activities involving horses:
1. Riding lessons;
 2. Rides;
 3. Training;
 4. Projects for educational purposes;
 5. Boarding and related care; or
 6. Shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS Chapter 230, involving seventy (70) or less participants. Shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS Chapter 230, involving more than seventy (70) participants shall be subject to local applicable zoning regulations.

This paragraph shall only apply to acreage that was being used for these activities before July 13, 2004;

16. Section 4000 (Boone County Zoning Regulations)

Household Agriculture

Agricultural activities of a hobby or non-commercial scale, scope, and nature that are conducted as an accessory use to a dwelling unit, and which are conducted outside of a dwelling unit. Activities pursuant to this definition include the keeping of one or more customary farm animals such as horses, mules, donkeys, cows, bison, lamas, sheep, pigs, goats, rabbits, chinchillas, ostriches, pigeons, chickens and other fowl, as well as beekeeping and aquaculture, and maintaining related structures such as stables, hutches, coops, and hives. Due to the limited scale and scope, household agriculture per this definition does not constitute an agricultural use as defined by KRS 100.111. (This definition applies to the City of Florence only)

17. Section 4000 (Boone County Zoning Regulations)

Household Pets

Animals customarily kept within a home or upon the premises for the resident's personal use and enjoyment. They are not to be raised for commercial purposes and must be appropriately confined to a dwelling unit or a private boarding stable so as to not create a nuisance to adjoining property owners. Household pets include, but not limited to, domestic dogs, domestic cats, domestic birds, domestic fish, and domestic rodents. (This definition applies to Unincorporated Boone County, City of Walton, and City of Union only)

DETERMINATION

The keeping of chickens is not allowed within the SR-1 district within Unincorporated Boone County, specifically at 6772 Hillock Court, as either a principally permitted, accessory, or conditional use.

ANALYSIS

1. While Section 932.1.f of the Boone County Zoning Regulations specifically states that the keeping and use of pets and animals is allowed as an accessory use for a dwelling unit, Section 4000 (Interpretation Of Terms And Words) of the Boone County Zoning Regulations provides guidance as to what pets and animals are contemplated. The definition of "Household Pets" includes animals customarily kept within a home or upon the premises for the resident's personal use and enjoyment. The definition continues by stating that household pets include, but are not limited to, domestic dogs, domestic cats, domestic birds, domestic fish, and domestic rodents.

In making my determination, I have concluded that:

- a. Chickens are not animals that are customarily kept within a home or upon the premises for the resident's personal use and enjoyment. While this part of the definition may apply to this property owner, the keeping of chickens on a single-family residential lot with a minimum lot area of 8,000 square feet is not customary.
- b. Chickens are not domesticated birds.

If Section 932.1.f, specifically the reference to the keeping and use of animals, were to be interpreted as broad enough to include chickens, it would also have to include other animals such as ducks, geese, ostrich, emu, etc.

If the definition of Household Pets were to include other animals, birds, rodents that were not domesticated, animals such as lions, tigers, bears, crocodiles, etc. would have to be allowed .

2. The definition of agricultural use specifically includes the production of agricultural or horticultural crops, including but not limited to, ... poultry, poultry products.... Mr. Jacob

Smith stated in his email that they first acquired these animals (chickens) to pass along some measure of agricultural husbandry and that his family enjoys the eggs that they (the chickens) produce. This is directly consistent with the definition of agricultural use, which is not allowed within the SR-1 district on a lot of less than five (5) contiguous acres.

3. While balancing the rights of a property owner against the requirements of the zoning regulations, given the previous analysis, I am also bound by Section 110 of the zoning regulations to impose the most restrictive standard, which is to prohibit the chickens.
4. The SR-1 district comprises approximately ten (10) percent of the area of the County. The following table identifies zoning districts that permit both single-family dwellings and the keeping of chickens:

ZONING DISTRICT	AREA OF THE COUNTY
Agricultural One (A-1)	3%
Agricultural Estate (A-2)	29%
Rural Suburban Estate (RSE)	6%
Rural Suburban (RS)	2%

CONCLUSION

Section 160 of the Boone County Subdivision Regulations give the Boone Board of Adjustment and Zoning Appeals the authority to act on this request. In order for an appeal to be granted, the Board must determine that the administrative decision in question is in error.

Respectfully submitted,



Michael D. Schwartz
Director, Zoning Services
Zoning Administrator

Attachments

- Exhibit 1: Zoning Permit
- Exhibit 2: Email from Jacob Smith, dated March 21, 2022
- Exhibit 3: Email from Michael Schwartz, dated March 22, 2022
- Exhibit 4: Email from Jacob Smith, dated March 24, 2022
- Exhibit 5: Email from Michael Schwartz, dated April 4, 2022
- Exhibit 6: Appeal Application
- Exhibit 7: Vicinity Map
- Exhibit 8: Zoning Map

SECTION A: (To be completed by applicant)

1. Building or Address Location: 6772 Hillock CT Back yard

2. Applicant: Jacob N. Smith

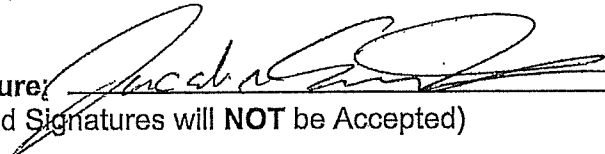
Address: 6772 Hillock CT

Florence City Ky State 41047 Zip Code

Phone Number: 259-307-9203 Fax Number: _____

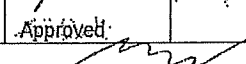
Email: SmithJacobKy@gmail.com

NOTICE: I/we 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 application, the Boone County Zoning Regulations, and the Boone County Subdivision Regulations.

ORIGINAL Applicant's Signature:  Date: 2-25-2022

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

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

Zoning: <u>SR-1/PO/CD</u>	Date: <u>3-1-22</u>	Fee: <u>80</u>	<input checked="" type="checkbox"/>	\$90.00	Part Exempt
<input checked="" type="checkbox"/> Approved:	<input type="checkbox"/> Denied:	\$45.00			(no Fee)
Staff Reviewer: 	Address: <u>6772 Hillock CT</u>				
Subdivision: <u>Oakbrook</u>					
Lot: <u>7</u>	Section: <u>1</u>	Block/Phase: <u>R</u>	Group No: <u>2032</u>	Census: <u>703.05</u>	

TYPE OF IMPROVEMENT:

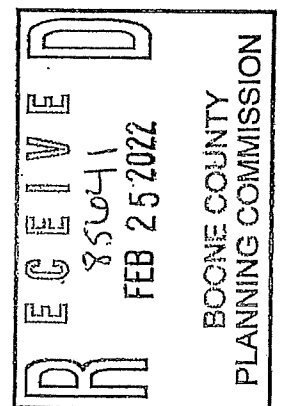
<input type="checkbox"/> Single Family Residence	<input type="checkbox"/> Detached Garage
<input type="checkbox"/> Duplex	<input type="checkbox"/> Garage Addition
<input type="checkbox"/> Mobile Home	<input checked="" type="checkbox"/> Barn or Shed
<input type="checkbox"/> Residential Addition	<input 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 checked="" type="checkbox"/> Florence (41042)
<input type="checkbox"/> Walton (41094)	<input type="checkbox"/> Union (41091)
<input type="checkbox"/> Hebron (41048)	<input type="checkbox"/> Verona (41092)
<input type="checkbox"/> Petersburg (41080)	<input type="checkbox"/> Erlanger (41016)
<input type="checkbox"/> Crittenden (41030)	<input type="checkbox"/> Independence (41051)



Hillock Ct

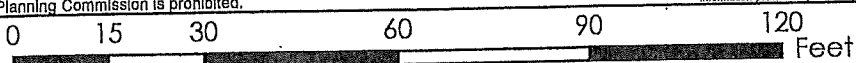
www.boonecountygis.com



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENTP, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

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.

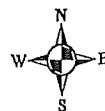
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1 Inch = 30 feet



Boone County GIS - Putting Northern Kentucky on the Map



ArcMap Document: *.mxd

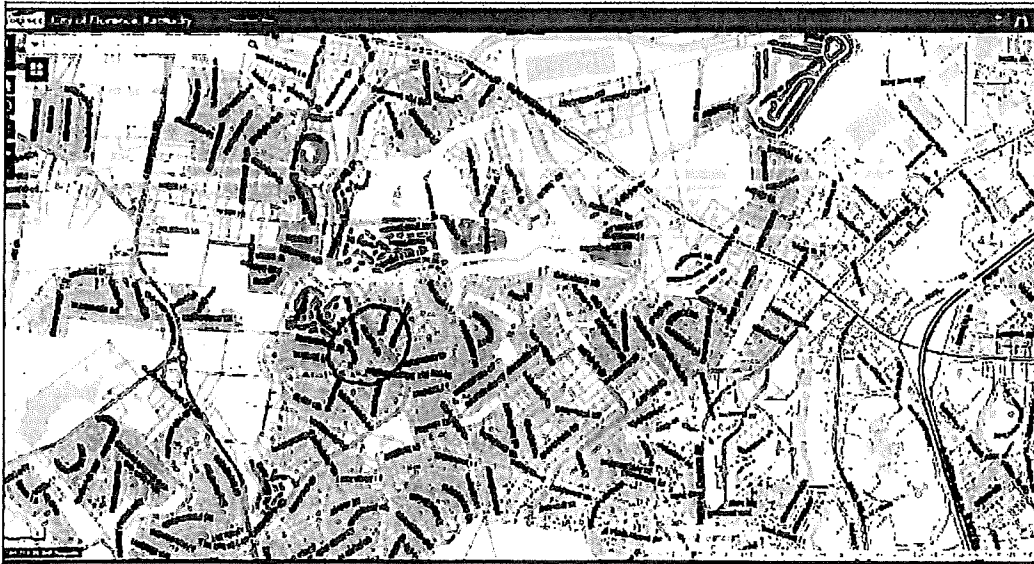
Michael Schwartz

From: Jacob <smithjacobnky@gmail.com>
Sent: Monday, March 21, 2022 2:44 PM
To: Robert Krebs; Michael Schwartz
Subject: In response to PIDN:049.07-12-007.00

EXTERNAL MESSAGE

Robert and Michael,

This is in response to citation PIDN:049.07-12-007.00 issued by Robert Krebs. After careful review with legal and non-legal entities, I have determined that though my residence at 6772 Hillock Ct is within the SR-1 zone, current zoning code(s) do not restrict me from having a small, non-commercial flock of chickens (*animals*) in my backyard. The current zoning codes do not prohibit them in any way. The only prohibition to possession of a small non-commercial flock would be if I were to live within Florence city limits where provisions for chickens (*animals*) and a "coop" do not apply. If I were to contact any emergency services, the county, NOT city resources would respond to my residence. Also, as you can see from the map below I am well outside of the City of Florence limits.



This citation is based on an arbitrary interpretation of the zoning regulations as inclusive, thus exceeding the scope of Zoning's authority to merely interpret and apply the regulations as written. While you have expressed that you may broadly interpret the zoning ordinance as "inclusive," meaning that any uses not specifically permitted within a district are excluded. The zoning regulations at issue do not specifically provide for such a reading, and the zoning board does not have the authority to expand the scope of the ordinances beyond their express terms. Legal precedence states that "A statute, ordinance or regulation is unconstitutionally vague if individuals cannot reasonably understand what it requires or if it allows an agency unfettered discretion in enforcement." (Curd v. Kentucky State Bd. of Licensure for Prof'l Engineers & Land Surveyors , 433 S.W.3d 291, 305 [KY 2014])

I would also like to reference past testimony of Andy Jesensky and Kevin Wall, the City's zoning administrator on 7 June, 2017 specifically identifying zones where "chicken coops" were allowed as an accessory use within certain districts, but not within the SR-1 district within the (Florence) city limits. This reaffirms that chicken coops, which have no other purpose but to house chickens, are allowed in SR-1, just not within the city limits of Florence. Since I do not live in the city of Florence, I believe this citation has been issued in error.

Outlined below, are the codes cited to me by your enforcement officer. These codes not only contradict the citation but have direct and indirect legal precedence by the Appellate Court when this issue has come up in the past.

Section 922 F and G

Accessory uses, Buildings and structures customarily incidental and subordinate to any of the **permitted** uses including:

- f. Private stable or **other keeping** and use of pets and **animals** (Does not apply in the City of Florence)
- g. Chicken coops (Does not apply in the City of Florence)

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Jacob Smith

6772 Hillock Ct.

Michael Schwartz

From: Michael Schwartz
Sent: Tuesday, March 22, 2022 9:36 AM
To: Jacob; Robert Krebs
Subject: RE: In response to PIDN:049.07-12-007.00

Mr. Smith –

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(https://cms7files.revize.com/boonecountyky/document_center/PlanningCommission/Applications/BOA.pdf)
2. Any supporting information (optional)
3. The application fee of \$716.00

Once the application, and other information is submitted, a public hearing will be scheduled by the Boone Board of Adjustment.

Please feel free to contact me if you have any questions.

Michael D. Schwartz
Director, Zoning Services
Zoning Administrator



BOONE COUNTY
PLANNING COMMISSION

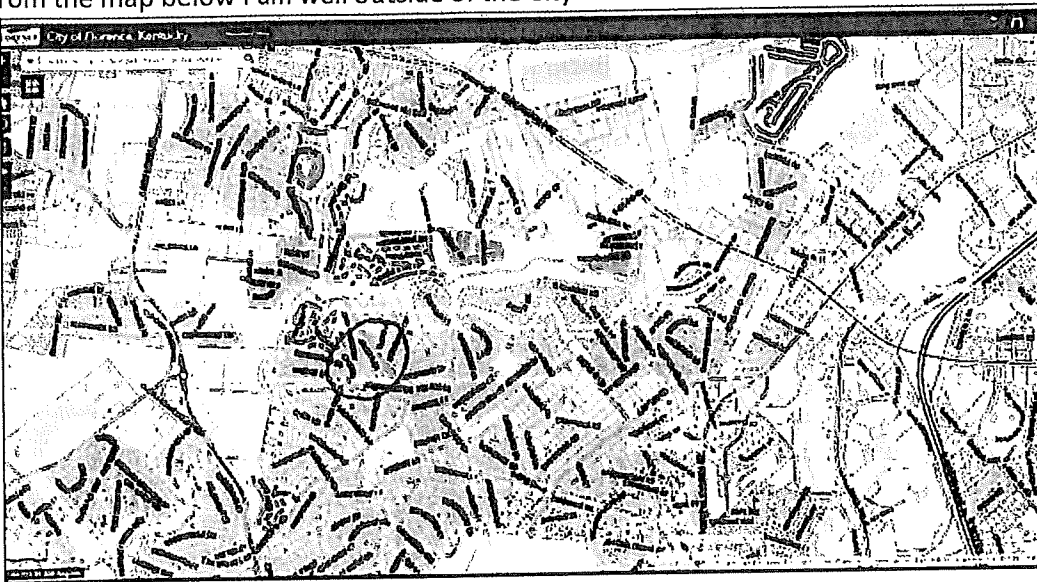
2950 Washington Street, Room 317
Burlington, Kentucky 41005
(P) 859-334-2196 (F) 859-334-2264

From: Jacob <smithjacobnky@gmail.com>
Sent: Monday, March 21, 2022 2:44 PM
To: Robert Krebs <rkrebs@boonecountyky.org>; Michael Schwartz <mschwartz@boonecountyky.org>
Subject: In response to PIDN:049.07-12-007.00

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Jacob Smith

6772 Hillock Ct.

Michael Schwartz

From: Jacob <smithjacobnky@gmail.com>
Sent: Thursday, March 24, 2022 9:14 AM
To: Michael Schwartz
Subject: Re: In response to PIDN:049.07-12-007.00

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Mr. Schwartz,

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I am officially requesting an opinion as to whether or not I can keep chickens on my property: We currently have 6 hens that are housed and kept in an area that, due to the poor drainage in the neighborhood, is in an often marshy and otherwise unusable area of my yard, depending on the season. This is located on the right side of my property's back yard. We aim to keep the flock to 6 hens though sometimes will have up to but no more than 12, due to the local tractor supply and other vendors only selling them in quantities of 6, but we never wish to house any more than that.

We first acquired these animals to teach our then five-year-old son some responsibility and to pass along some measure of agricultural husbandry, as well as to develop some self-sufficiency skills in a very small setting that are consistent with our family values. He cares for them, has helped raise them from hatchlings, named them, and has even trained them to come to him. We hope to encourage some 4-H involvement in the future if that is something in which he wishes to participate. We as a family enjoy caring for them and enjoy the eggs they produce. An added benefit we have enjoyed since we've had the hens is a noticeable reduction of the mosquito population that breeds in the marshy area the hens inhabit. The ground remains marshy despite the \$5,000 we have spent to help dissipate the water that flows into my yard from the surrounding properties. We've had the hens for almost two years and during that time we have had no complaints of any kind associated with our chickens; that is until the county's tax evaluation personnel visited our property. A notice of county zoning violation was issued shortly thereafter.

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Thank you for your consideration in this matter
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Michael D. Schwartz

Director, Zoning Services

Zoning Administrator



**BOONE COUNTY
PLANNING COMMISSION**

2950 Washington Street, Room 317

Burlington, Kentucky 41005

(P) 859-334-2196 (F) 859-334-2264

From: Jacob <smithjacobnky@gmail.com>

Sent: Monday, March 21, 2022 2:44 PM

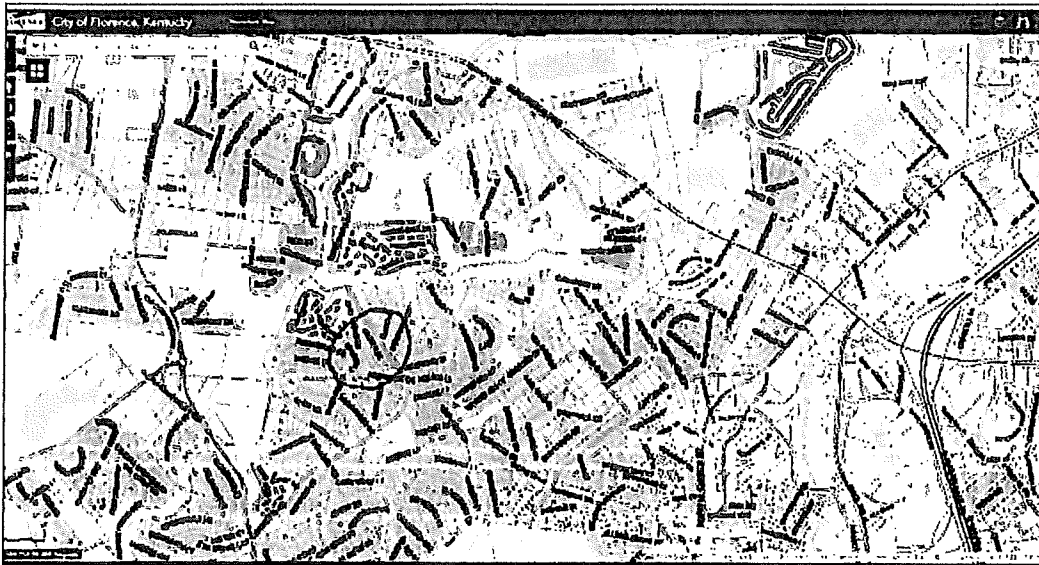
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Michael Schwartz

From: Michael Schwartz
Sent: Monday, April 4, 2022 7:10 AM
To: Jacob
Subject: RE: In response to PIDN:049.07-12-007.00
Attachments: 20220404072601771.pdf

Mr. Smith –

Please find attached my determination relative to your request.

The hard copy will be placed in the mail.

As stated under Further Action, on page 9, of the attached letter, you have 30 days to file an appeal.

Michael D. Schwartz
Director, Zoning Services
Zoning Administrator, Boone County



BOONE COUNTY
PLANNING COMMISSION

2950 Washington Street, Room 317
Burlington, Kentucky 41005
(P) 859-334-2196 (F) 859-334-2264

From: Jacob <smithjacobnky@gmail.com>
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Director, Zoning Services

Zoning Administrator



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Sent: Monday, March 21, 2022 2:44 PM

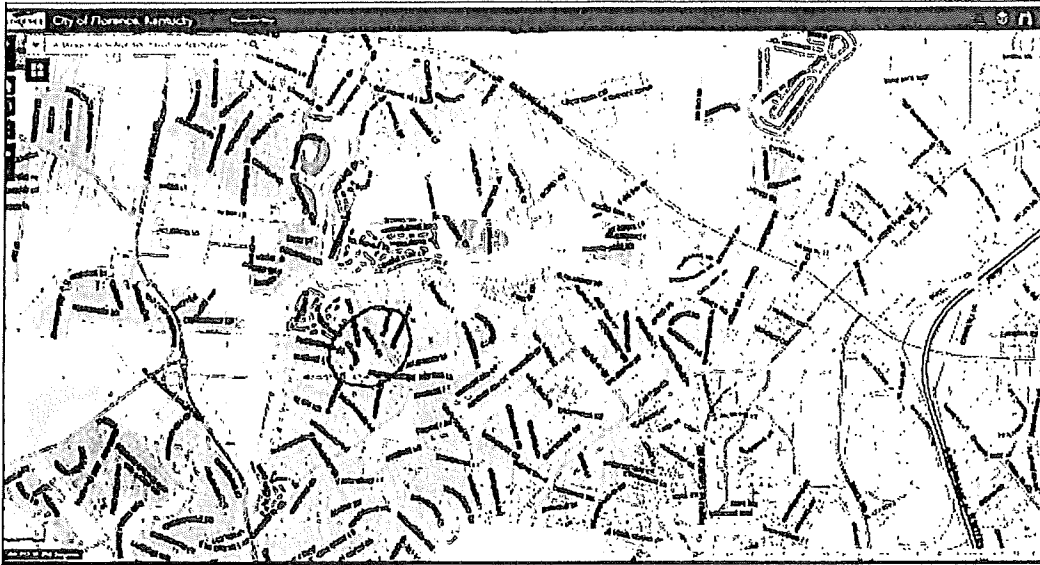
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Jacob Smith

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BOONE COUNTY PLANNING COMMISSION

www.boonecountyky.org/pc
www.boonecountygis.com

Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
Burlington, KY 41005

Phone (859) 334-2196; Fax (859) 334-2264
plancom@boonecountyky.org

April 4, 2022

Mr. Jacob Smith
6772 Hillock Court
Florence, Kentucky 41042
(VIA Email and USPS)

RE: Zoning Administrator's determination as to whether chickens are allowed in the SR-1 district, specifically at 6772 Hillock Court

Dear Mr. Smith:

DOCUMENTED FACTS

1. January 3, 2022 – Boone County Planning Commission sends a violation letter to Brittany and Jacob Smith stating that the Zoning Enforcement Officer had observed that chickens and/or other farm animals were being kept on the property and that this was in violation of Article 9 of the zoning regulations.
2. January 3, 2022 – Boone County Planning Commission sends a violation letter to Brittany and Jacob Smith stating that the Zoning Enforcement Officer had observed that an accessory structure was installed on the property without a zoning permit.
3. February 25, 2022 - Jacob Smith applied for a Zoning Permit to allow the construction/installation of a 32 square foot (8' x 4') accessory structure in the rear yard.
4. March 1, 2022 – The Boone County Planning Commission approved the zoning permit to allow the construction/installation of a 32 square foot (8' x 4') accessory structure in the rear yard.
5. March 21, 2022 – Jacob Smith sends an email to Robert Krebs and Michael Schwartz stating that the violation letters should not have been sent and that it is his belief that the keeping of chickens on his property is allowed by the zoning regulations.
6. March 22, 2022 – Michael Schwartz sends an email to Jacob Smith stating: (1) that the time limit to file an appeal has expired; (2) identifying the procedure to start on new 30-day appeal timeline; and (3) summarizing the appeal process.
7. March 24, 2022 – Jacob Smith sends an email to Michael Schwartz, officially asking for a determination of the zoning administrator as to whether chickens can be kept/allowed on property located at 6772 Hillock Court.

SITE FACTS

1. Currently, and as of January 3, 2022, the site was/is zoned Suburban Residential One/Planned Development (SR-1/PD).
2. The property located at 6772 Hillock Court is located within UnIncorporated Boone County)

PERTINENT REGULATIONS (effective on January 3, 2022)

1 Section 110 (Boone County Zoning Regulations)

In their interpretation and application, the provisions of this order shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals and the general welfare, as per KRS 100.201- 100.991. Whenever the requirements of these regulations conflict with the requirement of any other lawfully adopted rules, regulations, ordinance, orders or resolutions, or where there may be internal conflicts within this order, the most restrictive, or that imposing the higher standards shall govern.

2. Section 220 (Boone County Zoning Regulations)

For the purposes of this order, the Board of Adjustment and Zoning Appeals shall have the following duties:

1. To hear and decide appeals where it is alleged there is an error in any order, requirements, decision, interpretation, grant, or refusal made by the Zoning Administrator;
2. To authorize such variances from the terms of this order as 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.
3. To grant conditional use permits as specified in this zoning order, with such additional safeguards as will uphold the intent of this order.
4. To grant changes in nonconforming uses as specified in this order.

3. Section 230 (Boone County Zoning Regulations)

It is the intent of this order that all questions of interpretation and enforcement shall be first presented to the Zoning Administrator, and that such questions shall be presented to the Board only on appeal from the decision of the Zoning Administrator, and that recourse from the decisions of the Board shall be to the appropriate court of jurisdiction as provided by law. It is further the intent of this ordinance that the duties for the legislative bodies in connection with this order shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this order. Under this order, the legislative bodies

shall have only the duties of considering and adopting or rejecting proposed amendments or the repeal of this order as provided by law.

4. Section 240 (Boone County Zoning Regulations)

Appeals and variances shall conform to the procedures and requirements of Sections 240-254, inclusive, of this zoning order and KRS 100.241-100.251 and 100.257-100.263. As specified in SECTION 220, the Board of Adjustment and Zoning Appeals has appellate jurisdiction relative to appeals and variances.

5. Section 245 (Boone County Zoning Regulations)

Appeal to the Board of Adjustment and Zoning Appeals may be taken by any person, or entity claiming to be injuriously affected or aggrieved by an official action, order, requirement, interpretation, grant, refusal, or decision of the Zoning Administrator. Such appeal shall be taken within thirty (30) days after the decision by filing, with the Board of Adjustment and Zoning Appeals, a notice of appeal specifying the grounds upon which the appeal is being taken, and by giving notice of such appeal to any and all parties of record. The Zoning Administrator shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken. The appellant may also submit any materials appropriate for review in consideration of the appeal.

6. Section 246 (Boone County Zoning Regulations)

An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator from whom the appeal is taken certifies to the Board of Adjustment and Zoning Appeals after the notice of appeal is filed with the Administrator, that by reason of facts stated in the application, a stay would, in the officer's opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted upon application to the proper court of record, on notice to the Zoning Administrator from whom the appeal is taken.

7. Section 254 (Boone County Zoning Regulations)

The Board of Adjustment and Zoning Appeals shall hear and decide upon the notice of appeal or application for variance within sixty (60) days of filing. The Board of Adjustment and Zoning Appeals shall either approve, approve with supplementary conditions as specified in SECTION 245, or disapprove the request for appeal or variance. The Board shall further make a finding that the reasons set forth in an application justify the granting of the variance that will make possible a reasonable use of the land, building, or structure. If the request is disapproved, the board shall state the reasons for disapproval in writing. Appeals from Board decisions shall be to the appropriate court of jurisdiction as provided by law.

8. Section 266 (Boone County Zoning Regulations)

The Board of Adjustment and Zoning Appeals shall hear and decide upon the application for a conditional use permit within sixty (60) days of filing. The Board shall either approve, approve with supplementary conditions as specified in SECTION 264, or disapprove the application as presented. If the application is approved or approved with modification, the Board shall direct the Zoning Administrator to issue a conditional use permit listing the specific conditions specified by the Board for approval. If disapproved, the Board shall state the reasons for disapproval. If the application is disapproved by the Board, the applicant may seek relief through the appropriate circuit court. Appeals from Board decisions shall be as provided in Kentucky Revised Statutes (KRS), Section 100.347.

9. Section 930 (Boone County Zoning Regulations)

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. Suburban Residential One districts will be located on lands within established urban areas where adequate infrastructure facilities and services are available or proposed.

10. Section 931 (Boone County Zoning Regulations)

The following uses are permitted:

1. Detached single-family dwelling units;
2. Patio homes within clusters of twenty or more contiguous units and in accordance with SECTION 3159;
3. Detached single family landminiums within clusters of twenty or more contiguous units.
4. Farms of tobacco, fiber, cash grain, fruits, tree nuts, vegetables, or other field crops;
5. Farms of no predominant crops, including range and grassland pastures, horticultural specialties, apiary farms and other agriculture and related activities;
6. Wildlife preserve sanctuaries, habitats, cultures and related activities;
7. Garden plots and other similar forms of communal or organizational farming practices;
8. Recreation defined in this district to be playgrounds, open space parks, hiking areas and trails, bikeway systems and picnicking areas;

11. Section 932 (Boone County Zoning Regulations)

Accessory Uses, buildings and structure customarily incidental and subordinate to any of the permitted uses including:

1. Accessory uses for a dwelling unit including:
 - a. Private garages and parking;
 - b. Structures such as fences and walls;
 - c. Buildings such as storage sheds, private greenhouses and gazebos;

- d. Storage of a recreational vehicle or unit (according to ARTICLE 31);
- e. Private swimming pool, sauna, bathhouse and similar accessories;
- f. The keeping and use of pets and animals (Does not apply in the City of Florence);
- g. Keeping of household pets (Applies to City of Florence only - see SECTION 3140);
2. Signage (according to ARTICLE 34);
3. Parking (according to ARTICLE 33);
4. Temporary buildings incidental to construction.
5. Clubhouses, community centers and similar common assembly or shared facilities where the facility is an integral part of a residential development and the membership is limited to residents of a common development or neighborhood;
6. Family day care.

12. Section 933 (Boone County Zoning Regulations)

The following uses and appropriate accessories subject to the approval and qualifications of the Board of adjustment and Zoning Appeals provided: a) the activity is an integral and subordinate function of a permitted use; or b) the activity will not contradict the low density character of the district; and c) the arrangement of uses, buildings, or structures will be compatible with the organization of permitted and accessory uses to be protected in the district.

1. Duplex dwelling units with garages; City of Florence Only - Duplex dwelling units with garages (Site Plan Review required);
2. Churches, synagogues, temples and other places of religious assembly for worship (Site Plan Review required);
3. Cemeteries, including mausoleums (Site Plan Review required);
4. Day care centers (Site Plan Review required);
5. Unlighted athletic fields;
6. Horse related uses, including riding and boarding stables, as defined by KRS 100.111 (2)(c);
7. Short term rentals. (Applies to Unincorporated Boone County and the City of Florence Only)

13. Section 3140 (Boone County Zoning Regulations)

Household agriculture, as defined in ARTICLE 40, is not permitted in the City of Florence.

14. Section 3153 (Boone County Zoning Regulations)

Accessory structures or uses, as defined in ARTICLE 40 of this order (ordinance), shall be placed in the side or rear yard only, but not the corner side yard, and shall be no closer than five (5) feet to any property line in all zoning districts (refer to SECTION 3122 for setbacks along freeway, expressway, arterial, or collector roads). Accessory structures or uses may be located in the front yard area or corner side yard area in Agricultural zones or for agricultural uses located in other zones provided the respective front yard or corner

side yard setback is met. (THE FOLLOWING PASSAGE APPLIES TO UNINCORPORATED BOONE COUNTY ONLY). Roof structures that are open at the sides and/or partially enclosed structures that are used solely to house farmers marts may also be located in the front yard area or corner side yard area provided the respective front yard or corner side yard setback is met.

For the purposes of this section, fences are considered accessory structures and may not be located in the front yard or corner side yard (except as otherwise permitted under SECTION 3655). However, the five (5) foot setback requirement does not apply to fences located in the side or rear yards (refer to SECTION 3655 for fencing requirements). Retaining walls which are an integral part of a grade may be located in any yard and are not subject to setback requirements. Gas pumps, automatic teller machines, guard shacks, and photo service facilities are permitted in the front yard, but shall be located at a sufficient distance from the property line in order to have safe internal traffic flow as per the requirements of Articles 32 and 33 and shall not be located in required landscape areas.

For lots in residential zones that are less than 20,000 square feet in area, except for land used for agricultural purposes, the following shall apply:

1. The combined area of all accessory structures on a lot, not including open, outdoor swimming pools or other non-roofed structures, shall not exceed fifty percent (50%) of the gross floor area of the principal structure or 750 square feet, whichever is larger.
2. A maximum of three roof covered accessory structures are permitted.
3. Accessory structures shall not exceed the height of the principal structure.

15. Section 4000 (Boone County Zoning Regulations)

Agricultural Use

Per KRS 100.111.(2), "agricultural use" means the use of:

- a. A tract of at least five (5) contiguous acres for the production of agricultural or horticultural crops, including but not limited to livestock, livestock products, poultry, poultry products, grain, hay, pastures, soybeans, tobacco, timber, orchard fruits, vegetables, flowers, or ornamental plants, including provision for dwellings for persons and their families who are engaged in the agricultural use on the tract, but not including residential building development for sale or lease to the public;
- b. Regardless of the size of the tract of land used, small farm wineries licensed under KRS 243.155;
- c. A tract of at least five (5) contiguous acres used for the following activities involving horses:
 1. Riding lessons;
 2. Rides;
 3. Training;
 4. Projects for educational purposes;
 5. Boarding and related care; or

6. Shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS Chapter 230, involving seventy (70) or less participants. Shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS Chapter 230, involving more than seventy (70) participants shall be subject to local applicable zoning regulations; or
- d. A tract of land used for the following activities involving horses:
 1. Riding lessons;
 2. Rides;
 3. Training;
 4. Projects for educational purposes;
 5. Boarding and related care; or
 6. Shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS Chapter 230, involving seventy (70) or less participants. Shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS Chapter 230, involving more than seventy (70) participants shall be subject to local applicable zoning regulations.

This paragraph shall only apply to acreage that was being used for these activities before July 13, 2004;

16. Section 4000 (Boone County Zoning Regulations)

Household Agriculture

Agricultural activities of a hobby or non-commercial scale, scope, and nature that are conducted as an accessory use to a dwelling unit, and which are conducted outside of a dwelling unit. Activities pursuant to this definition include the keeping of one or more customary farm animals such as horses, mules, donkeys, cows, bison, lamas, sheep, pigs, goats, rabbits, chinchillas, ostriches, pigeons, chickens and other fowl, as well as beekeeping and aquaculture, and maintaining related structures such as stables, hutches, coops, and hives. Due to the limited scale and scope, household agriculture per this definition does not constitute an agricultural use as defined by KRS 100.111. (This definition applies to the City of Florence only)

17. Section 4000 (Boone County Zoning Regulations)

Household Pets

Animals customarily kept within a home or upon the premises for the resident's personal use and enjoyment. They are not to be raised for commercial purposes and must be appropriately confined to a dwelling unit or a private boarding stable so as to not create a nuisance to adjoining property owners. Household pets include, but not limited to,

domestic dogs, domestic cats, domestic birds, domestic fish, and domestic rodents. (This definition applies to Unincorporated Boone County, City of Walton, and City of Union only)

DETERMINATION

The keeping of chickens is not allowed within the SR-1 district within Unincorporated Boone County, specifically at 6772 Hillock Court, as either a principally permitted, accessory, or conditional use.

ANALYSIS

1. While Section 932.1.f of the Boone County Zoning Regulations specifically states that the keeping and use of pets and animals is allowed as an accessory use for a dwelling unit, Section 4000 (Interpretation Of Terms And Words) of the Boone County Zoning Regulations provides guidance as to what pets and animals are contemplated. The definition of "Household Pets" includes animals customarily kept within a home or upon the premises for the resident's personal use and enjoyment. The definition continues by stating that household pets include, but are not limited to, domestic dogs, domestic cats, domestic birds, domestic fish, and domestic rodents.

In making my determination, I have concluded that:

- a. Chickens are not animals that are customarily kept within a home or upon the premises for the resident's personal use and enjoyment. While this part of the definition may apply to this property owner, the keeping of chickens on a single-family residential lot with a minimum lot area of 8,000 square feet is not customary.
- b. Chickens are not domesticated birds.

If Section 932.1.f, specifically the referring to the keeping and use of animals, were to be interpreted as broad enough to include chickens, it would also have to include other animals such as ducks, geese, ostrich, emu, etc.

If the definition of Household Pets were to include other animals, birds, rodents that were not domesticated, animals such as lions, tigers, bears, crocodiles, etc. would have to be allowed.

2. The definition of agricultural use specifically includes the production of agricultural or horticultural crops, including but not limited to, ... poultry, poultry products.... Mr. Jacob Smith stated in his email that they first acquired these animals (chickens) to pass along some measure of agricultural husbandry and that his family enjoys the eggs that they (the chickens) produce. This is directly consistent with the definition of agricultural use, which is not allowed within the SR-1 district on a lot of less than five (5) contiguous acres.

Zoning Administrator Determination
Keeping Of Chickens
Jacob Smith
6772 Hillock Court
April 4, 2022

Page 9

3. While balancing the rights of a property owner against the requirements of the zoning regulations, given the previous analysis, I am also bound by Section 110 of the zoning regulations to impose the most restrictive standard, which is to prohibit the chickens.

FURTHER ACTION

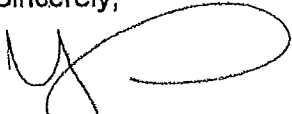
Pursuant to Kentucky Revised Statute (KRS) 100.261, if you claim to be injuriously affected or aggrieved by an official action, order, requirement, interpretation, grant, refusal, or decision of any zoning enforcement officer, you can file an appeal to the Boone Board of Adjustment. Such appeal shall be taken within thirty (30) days after the appellant or his agent receives notice of the action of the official by filing with said officer and with the Boone Board of Adjustment a notice of appeal specifying the grounds thereof, and giving notice of such appeal to any and all parties of record.

The Board of Adjustment application is available in the office of the Boone County Planning Commission or on its website at:

https://cms7files.revize.com/boonecountyky/document_center/PlanningCommission/Applications/BOA.pdf.

The application fee is \$716.00. Payment can be made in cash, credit card (3% service fee), or check (payable to Boone County Planning Commission).

Sincerely,



Michael D. Schwartz
Director, Zoning Services
Zoning Administrator

Exhibit 6

**BOARD OF ADJUSTMENT
BOONE COUNTY PLANNING COMMISSION**

R	RECEIVED	D
	86076 MAY 02 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: Jacob and Brittany Smith
Address: 6772 Hillock Ct
Florence KY 41042
City State Zip Code
Phone Number: 8593079203 Fax Number: _____
Email: smithjacobnky@gmail.com
4. Description of Request: Appeal to zoning Admins opinion *Based on opinion of PIDN: 049.07-12-007.06
opinion handed down on April 4 2020 on Petition
of chickens*
5. Name of Development: Meadows of Oak Brook
6. Location of Development: _____
City State Zip Code
7. Acreage Under Review: _____
8. Lot Number and Name of Subdivision (if part of a subdivision):
LOT: 7 Section: 1 Block/Phase: G Group No: 2032 CENSUS: 703-05
9. Current Owner: Brittany and Jacob Smith
Address: 6772 Hillock Ct
Florence Ky 41042
City State Zip Code
Phone Number: 859-307-9203 Fax Number: _____
Email: SmithJacobnky@gmail.com

10. Proposed Use(s) on Site: _____

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

12. Current Zoning: SR-1 _____

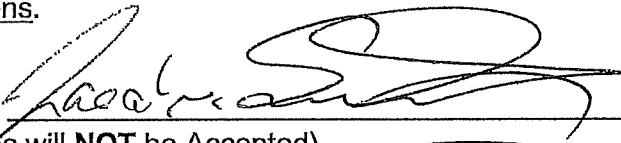
13. 1149 42 2032
Deed Book Page Group Number

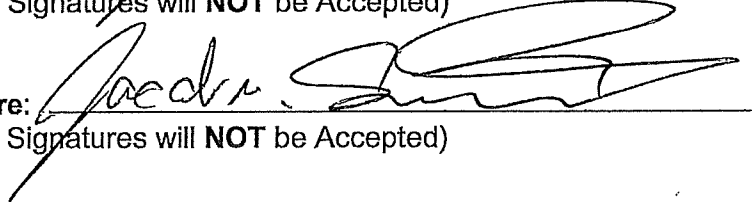
14. Is the site subject to a zone change: Yes No
If yes, date of approval: _____

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: 11/5/22 Fee Received: \$716 Receipt #: 80076

2. Is application complete: _____

3. Staff Reviewer: _____

4. Scheduled Board Action Date: _____

5. Board Action: _____

- _____ 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

Zoning Map

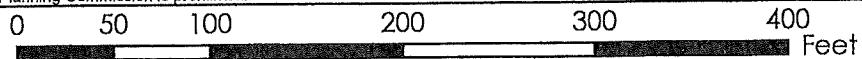
Exhibit 8

www.boonecountygis.com



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1 inch = 100 feet



Boone



Boone County GIS
ArcMap Document *.mxd

CERTIFICATE OF LAND USE RESTRICTION

- 1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Jacob & Brittany Smith
6772 Hillock Ct
Florence, KY 41042

- 2. ADDRESS OF PROPERTY
6772 Hillock Ct
Florence, KY 41042

- 3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Smith Chickens

- 4. DEED BOOK 1149 PAGE NO. 42 GROUP NO. 2032

- 5. TYPE OF RESTRICTION(S) (Check all that apply)
 - Zoning Map Amendment: Conditional Use Permit
 - From _____ To _____

 - Development Plan Conditional Zoning

 - Subdivision Plat Other: Appeal
 - (Not Recorded)

 - 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 13th day of June, 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.)