

**BOARD OF ADJUSTMENT
BOONE COUNTY PLANNING COMMISSION**

RECEIVED
80436
JUN 20 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: J. T. Hale (J. T. Hale)
Address: 888 Edgemoor Rd
Florence Ky 41042
City State Zip Code
Phone Number: 513-324-9125 Fax Number: 859-525-1855
Email: _____
4. Description of Request: Further Reduce 30 Ft Front yard set back to allow a cover deck
5. Name of Development: _____
6. Location of Development: 888 Edgemoor Rd
Florence Ky 41042
City State Zip Code
7. Acreage Under Review: _____
8. Lot Number and Name of Subdivision (if part of a subdivision): _____
9. Current Owner: Shelley J. Hale
Address: #888 Edgemoor Rd
Florence Ky 41042
City State Zip Code
Phone Number: _____ Fax Number: 859-525-1855
Email: _____

10. Proposed Use(s) on Site: Prop. cover deck
11. Total Square Footage of Existing and/or Proposed Buildings: 130 Ft sq
12. Current Zoning: SR-1
13. 753 279 2033 A
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: Shelley J Hale
(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

ORIGINAL Applicant's Signature: [Signature]
(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

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

1. Date Received: 6/20/22 Fee Received: \$666 Receipt #: 86436

2. Is application complete:

3. Staff Reviewer: M. Schwartz

4. Scheduled Board Action Date: 7/13/2022

5. Board Action: 7/13/2022

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
www.boonecountyky.org

6-19-2022

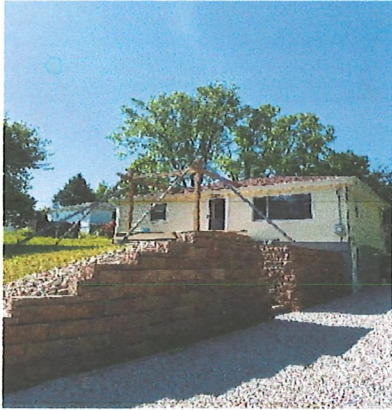
To Whom it May Concern,

We, James and Shelley Hale, live at 888 Edgehill Rd in the Greenview Subdivision in Florence Ky 41042.

We plan to replace our old concrete front steps/ porch with a new covered deck / porch.

We have already removed the old concrete front steps / porch and started construction of the new covered deck / porch.

We need a permit from the Boone County Planning Commission to complete the job.



It will look similar to this when it's completed.



We are asking our neighbors for input on this. If you have no objections and are in favor of the completion of this project, please sign in Section 1 on page 2 of this letter.

If you do object to the completion of this project, please sign in Section 2 of this letter.

Thank you,

James Hale
Shelley Hale

STAFF REPORT

#2

APPLICANT: Shelley and J.T. Hale

LOCATION: 888 Edgehill Road, Boone County, Kentucky

ZONING: Suburban Residential One (SR-1)

DATE: July 13, 2022

PROPOSAL

1. The applicant is requesting a Variance reducing the front yard setback from thirty (30) feet to fifteen (15) feet to allow for a covered porch.

SITE HISTORY

1954 - 1960 Based on information contained in the Boone County GIS, the site was developed. has been zoned C-3 since 1980.

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 thirty (30) feet within the SR-1 district.
- E. Section 930 of the Boone County Zoning Regulations states that 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.”
- F. Section 3111 of the Boone County Zoning Regulations states that the minimum required setbacks of the SR-1 district are:
1. Minimum Front Yard Setback: Thirty (30) feet
 2. Minimum Rear Yard Setback: Thirty (30) feet
 3. Minimum Side Yard Setback: Five (5) feet one side/fifteen (15) feet total
- G. Section 3123 of the Boone County Zoning Regulations states that open structures such as decks which occupy space three (3) or more feet above the general ground level of the yard shall be considered part of the building to which attached and shall not project into the required minimum rear yard.

RELATIONSHIP TO THE COMPREHENSIVE PLAN

- A. The Our Boone County Plan 2040 Future Land Use Plan designates the site in question as “Suburban Density Residential”.

Suburban Density Residential is defined as single family housing of up to four units 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. 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).
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).
5. Home ownership shall be encouraged and incentivized as well as redevelopment and renovation of deteriorating housing stock (Demographics Goal B, Objective 3).
6. 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).
7. Residential developments shall be encouraged to plan and build in a manner compatible with the general housing density and design planned for the area, with the existing conditions of the site, and significant site features (Demographics Goal B, Objective 8).

C. Edgehill Road is identified as a county maintained public street providing for two way traffic. There are no sidewalks along the roadway.

SURROUNDING LAND USES AND ZONING

North: Single family residential (SR-1)

South: Single family residential (SR-1)

East: Single family residential (SR-1)

West: Single family residential (SR-1)

SITE CHARACTERISTICS

- A. The approximate 0.31 acre property is located along the south side of Edgehill Road, approximately 370 feet east of Green Drive.
- B. The site is currently occupied by a detached single-family residential dwelling and an accessory structure.
- C. Access to the site is from a single curb cut onto Edgehill Road.
- D. The western half of the site slopes upward, west to east, at an average grade of 26%. The eastern half of the site slopes upward, west to east, at an average grade of 4%.
- E. The site is within the 55 day/night noise level of the Cincinnati/Northern Kentucky International Airport.

PROPOSED DEVELOPMENT

- A. The applicant is proposing to construct a covered porch on the front of the house.
- B. The proposed porch will be set back approximately seventeen (17) feet from the front property line.

STAFF COMMENTS

- A. In 1998, the Boone Board of Adjustment granted a variance to reduce the front yard setback from thirty (30) feet to twenty-two (22) feet for the property located at 5889 Green Drive (BCBOA-98-011).
- B. In 2001, the Boone Board of Adjustment granted a variance to reduce the front yard setback from thirty (30) feet to twenty-three (23) feet for the property located at 5855 Green Drive (BCBOA-01-002).
- C. The existing single-family residential dwelling is currently a nonconforming structure, having a front yard setback of twenty-five (25) feet.
- D. The average setback of buildings that front along the south side of Edgehill Road

is twenty-eight (28) feet.

- E. The two properties directly across the street from the site in question are set back approximately twenty (20) and twenty-four (24) feet from their front property line.
- F. The applicant has submitted a petition that shows nine (9) property owners having no objection to the applicants request.

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

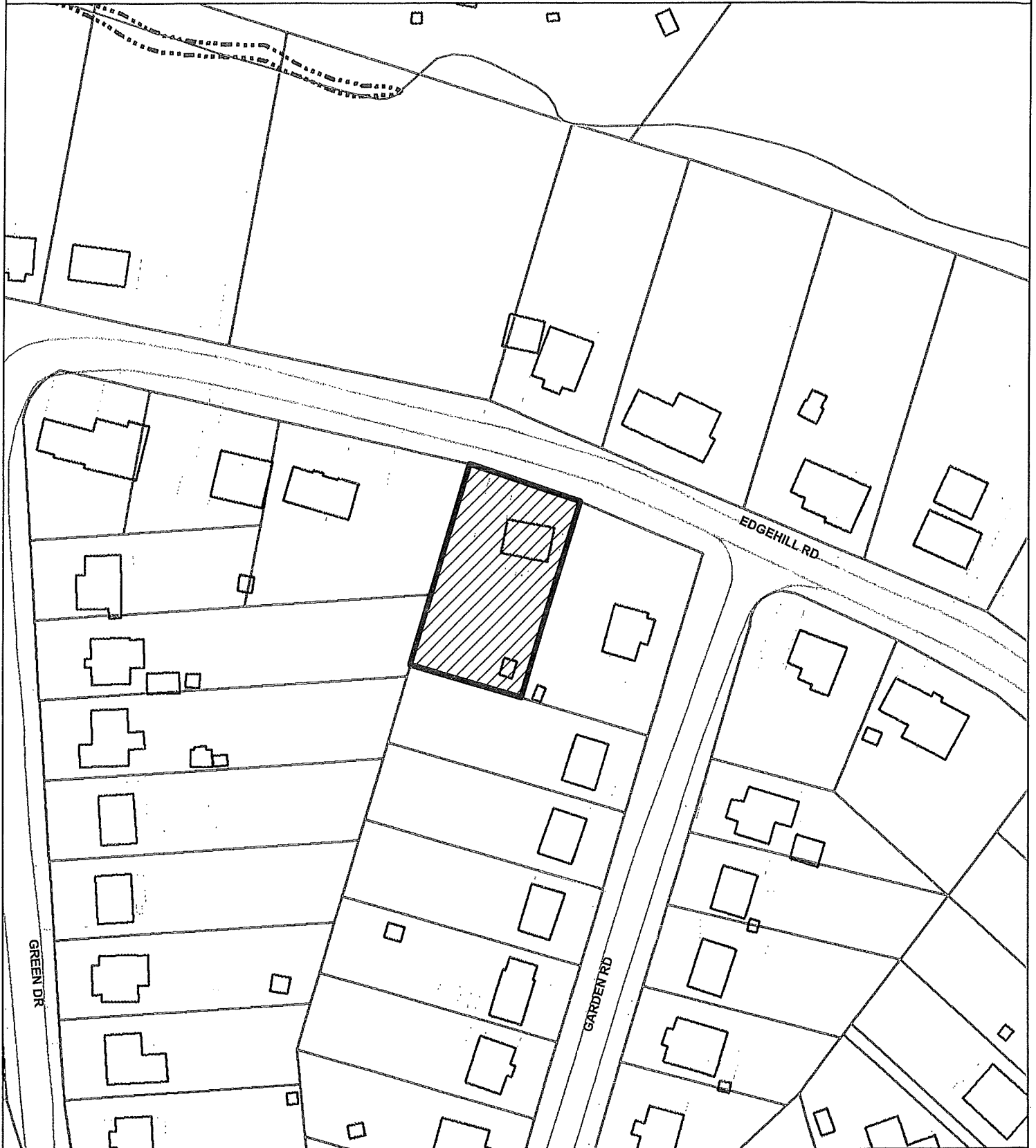
MDS/ss

Attachments

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

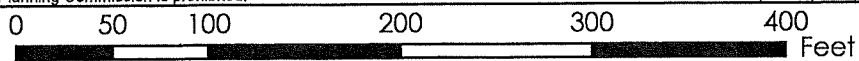
Vicinity Map

www.boonecountygis.com



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1 inch = 100 feet



Boone County GIS



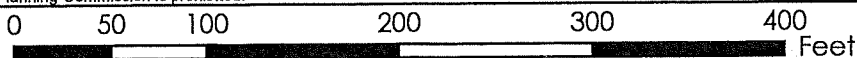
Aerial Map

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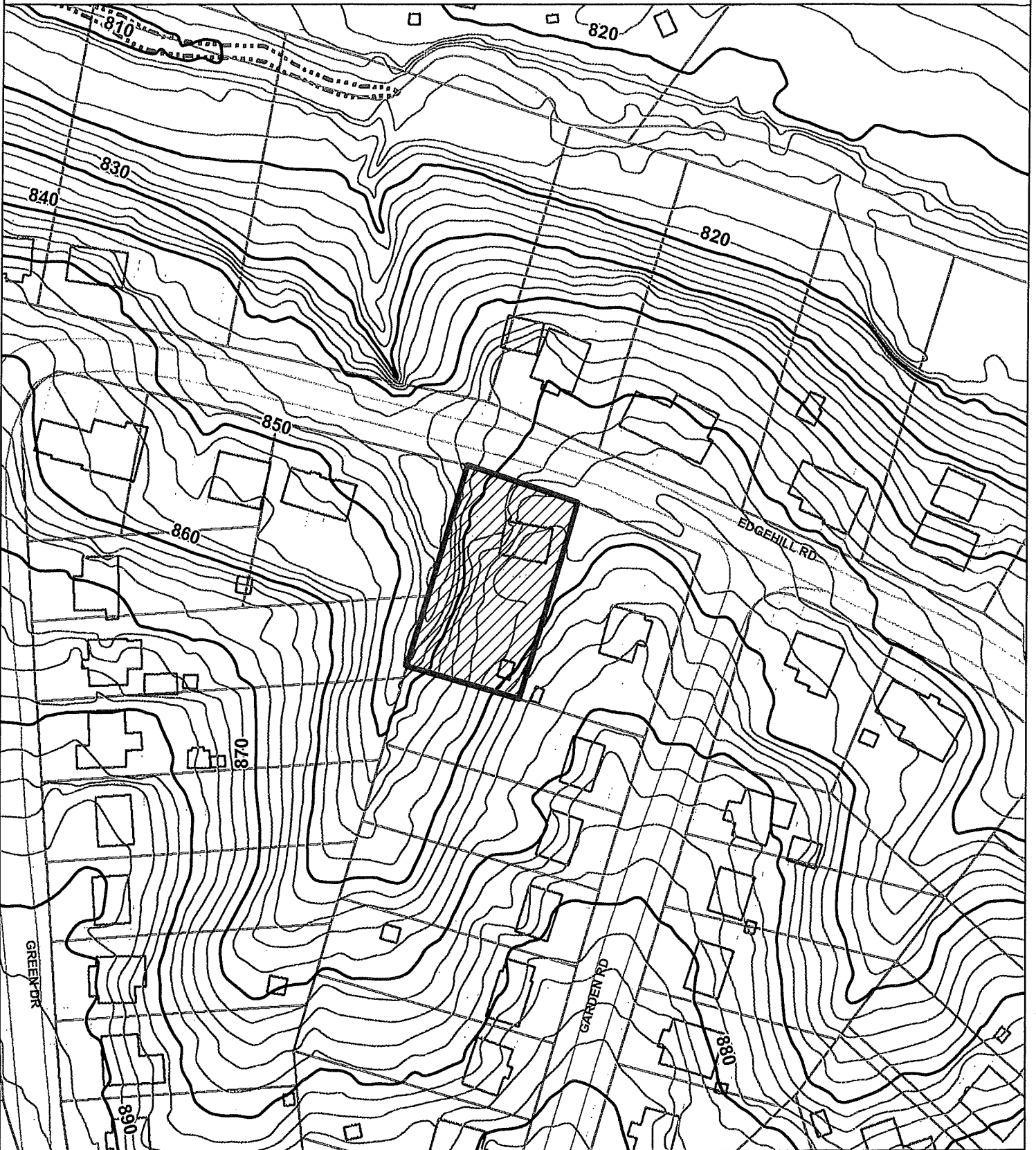


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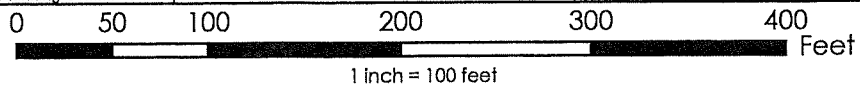
Topographical Map

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Boone County GIS



Zoning Map

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MHP

A/HDO

SR-1

EDGEHILL RD.

GREEN DR

GARDEN RD

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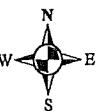
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0 50 100 200 300 400 Feet

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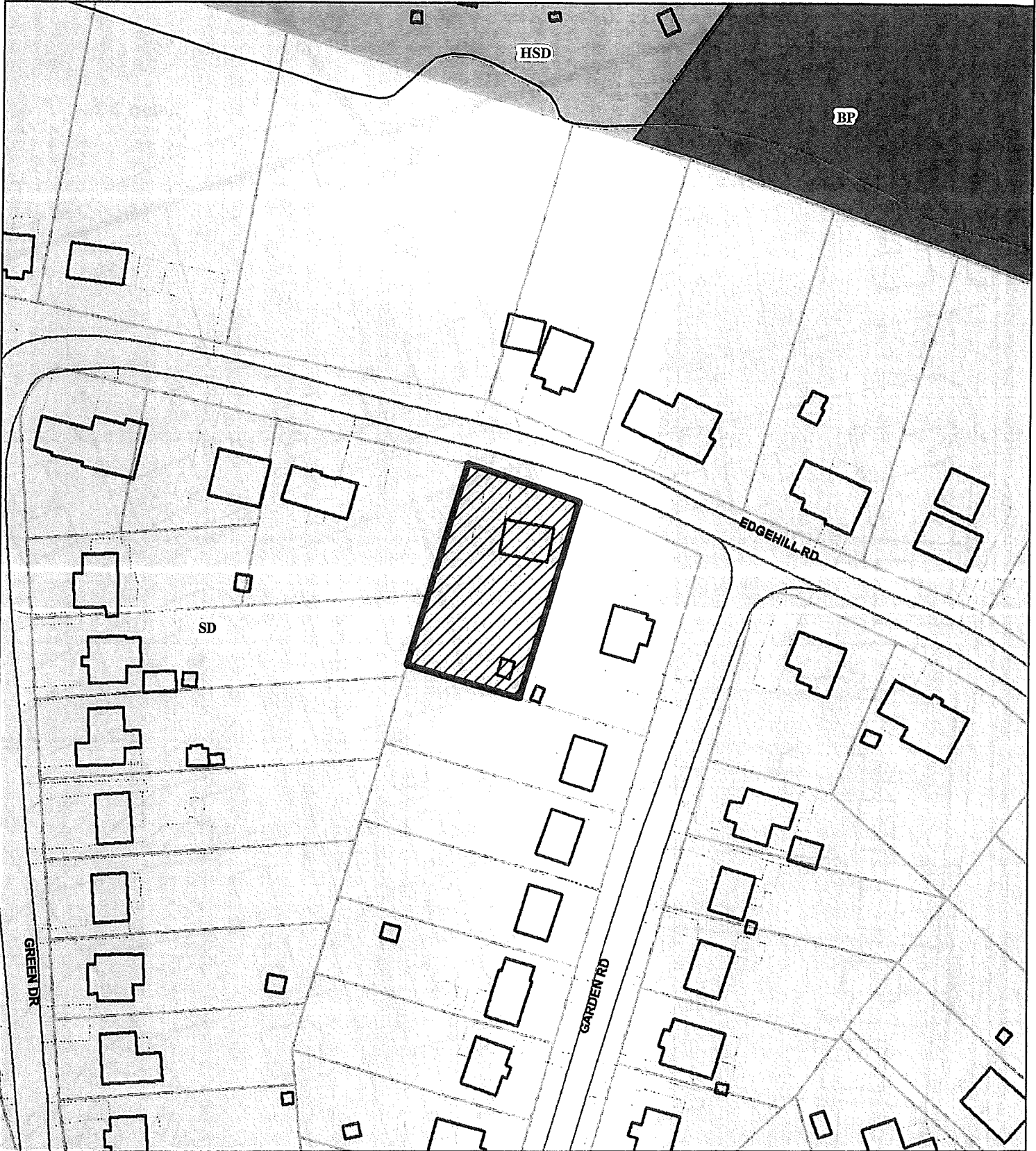


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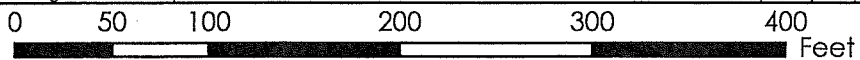
2040 Future Land Use Map

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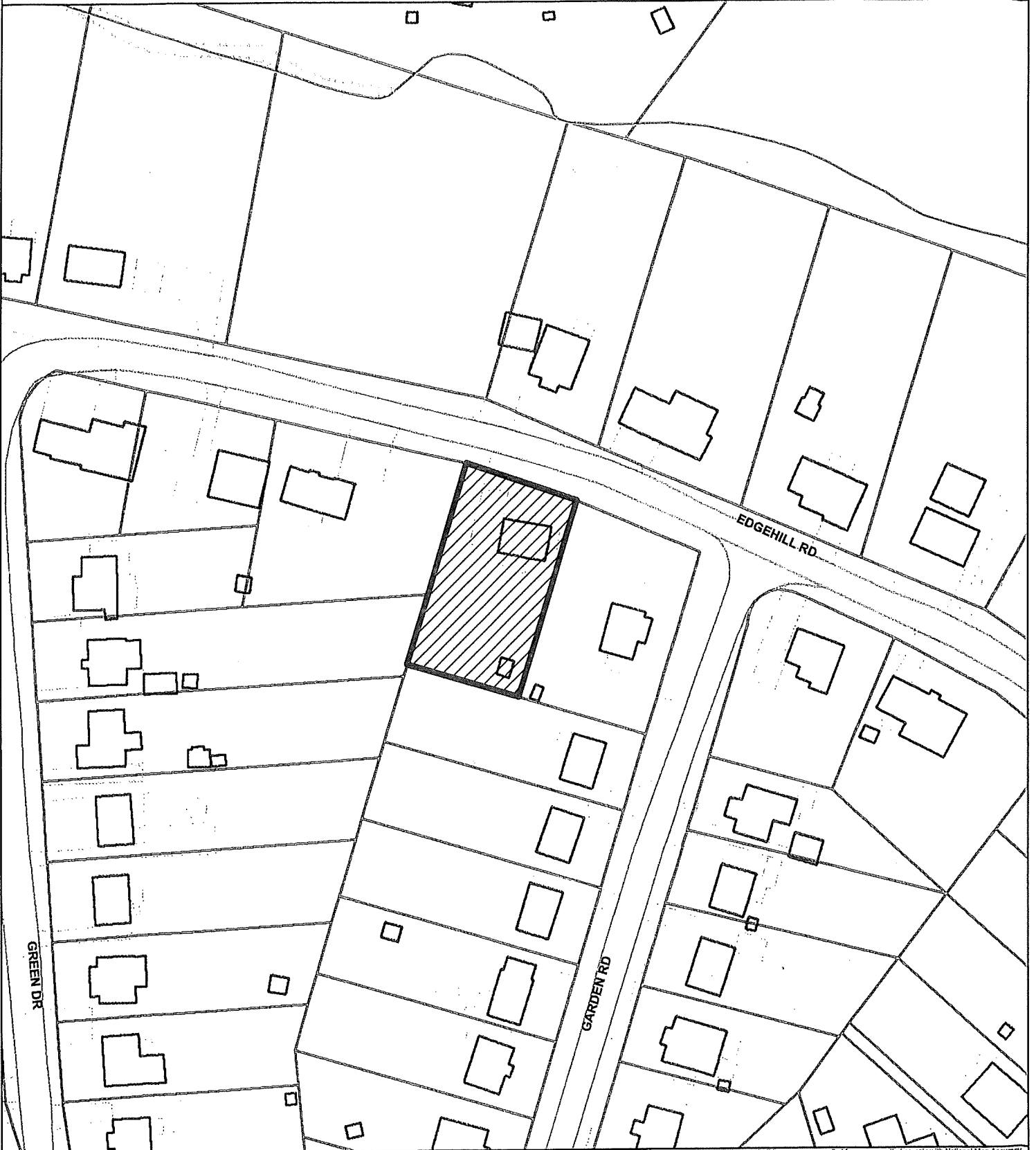
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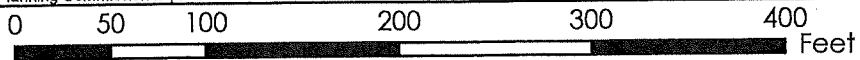
Noise Contour Map

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13. 753 279 2033 A
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

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

ORIGINAL Applicant's Signature: [Signature]
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SECTION B: (To be completed by Planning Commission staff)

1. Date Received: 6/20/22 Fee Received: \$666 Receipt #: 80436

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
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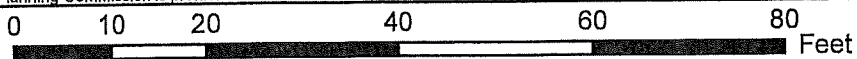
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6-19-2022

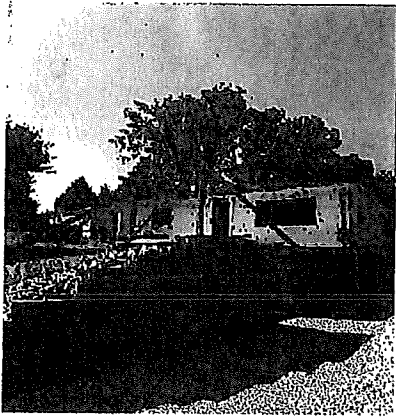
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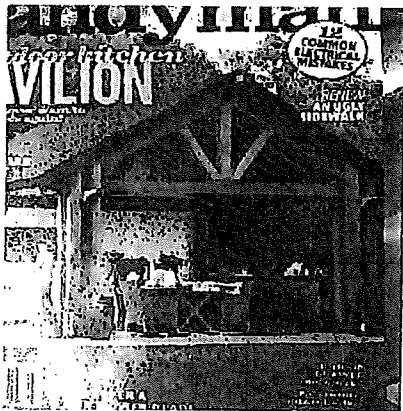
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If you do object to the completion of this project, please sign in Section 2 of this letter.

Thank you,

James Hale
Shelley Hale

Section 1 - I am in favor of completion of the porch construction at 888 Edgehill Rd, Florence, Ky 41042

~~Paul D. Cross~~ 889 EDGEHILL RD
M. H. H. 859 396 1312
Joe 857 Edgehill Rd
Jimboony 851 Edgehill Rd
Cory 5811 Green Tr (513) 720-1197
Larry Beaver 5815 GREEN DR (859) 760-0775
Grant Stewart 808 Edgehill 859-371-8895
J. 918 Edgehill Rd 859-562-3164
Cory Pool 923 Edgehill Rd 859-307-0775
963 Colony Rd 513-335-9884

Section 2 - I am NOT in favor of completion of the porch construction at 888 Edgehill Rd, Florence, Ky 41042

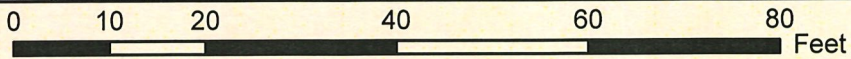
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Map Created: xx/xx/2022

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ArcMap Document: *.mxd

CERTIFICATE OF LAND USE RESTRICTION

- 1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Shelley Hale
888 Edgehill Road
Florence, KY 41042

- 2. ADDRESS OF PROPERTY
888 Edgehill Road
Florence, KY

- 3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Greenview Lot 56

- 4. DEED BOOK 753 PAGE NO. 279 GROUP NO. 2033A

- 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)
 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 July, 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:

Sara Smith
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.)