

\$666.00
Deadline 7/19/22
Mtg Date 8/10/22

**BOARD OF ADJUSTMENT
BOONE COUNTY PLANNING COMMISSION**

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

Site Plan Review is not granted by the appropriate Board of Adjustment

An application consists of all fees paid in full, submitted drawings, and a completed application form

SECTION A: (To be completed by applicant)

- 1. Check One Boone Florence Walton Union
- 2. Check One Conditional Use Permit Variance Appeal
 Change in Non-Conforming Use

3. Applicant: RAYMOND HUGHES

Address: 5070 PETERSBURG RD

PETERSBURG KENTUCKY 41080
City State Zip Code

Phone Number: 859-586-5718 Fax Number: _____

Email: HUGHESR39@GMAIL.COM

4. Description of Request:
Reduce minimum frontage width from 150 feet to 100 feet and 125 feet.

5. Name of Development: Hughes

6. Location of Development: 5076 Petersburg Road

Petersburg KY 41080
City State Zip Code

7. Acreage Under Review: 28

8. Lot Number and Name of Subdivision (if part of a subdivision):

9. Current Owner: Sandra Hughes

Address: 5070 Petersburg Road

Petersburg KY 41080
City State Zip Code

Phone Number: 859-586-5718 Fax Number: _____

Email: HUGHESR39@GMAIL.COM

Residential

10. Proposed Use(s) on Site: _____
11. Total Square Footage of Existing and/or Proposed Buildings: _____ 0
12. Current Zoning: _____ A-2
13. _____ 314 _____ 217 _____ 2005A
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: *Londra Hughes*
(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

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

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

1. Date Received: 7/15/22 Fee Received: 1066.00 Receipt #: 86609

2. Is application complete:

3. Staff Reviewer: Todd Morgan

4. Scheduled Board Action Date: 8/10/22

5. Board Action: _____
 Approved
_____ Approved with Conditions (see #6)
_____ Denial (See #7)

6. Conditions of Approval: NONE

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

#2

APPLICANT: Raymond Hughes

LOCATION: Northside of Petersburg Road, east of 5080 Petersburg Road, West of 5100 and 5110 Petersburg Road, Boone County, Kentucky

ZONING: Agricultural Estate (A-2)

DATE: August 10, 2022

PROPOSAL

The request is to reduce the 150 foot minimum road frontage requirement so an approximate 28 acre lot can be subdivided into two buildable lots of record. The draft conveyance plat shows that one lot would be 10.027 acres in area and would have 100' of road frontage on Petersburg Road. The remainder lot would be 17.999 acres in area and would have 125.53 feet of frontage on Petersburg Road. Each lot would use an existing access point on Petersburg Road. This access point currently provides access to the subject lot and three households. The draft conveyance plat shows an ingress/egress easement already exists on this driveway.

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.

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. Table 31.1 of the Boone County Zoning Regulations requires a minimum frontage of 150 (150) feet for a buildable lot 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.

SURROUNDING LAND USES AND ZONING

North: Farms/Agricultural Tracts (A-1 and A-2)

South: Petersburg Road and Single-Family Residential Dwelling (A-2)

East: Single-Family Residential Dwelling and Mobile Home (A-2)

West: Single-Family Residential Dwelling/Farm (A-2)

SITE CHARACTERISTICS

- A. The site is approximately 28 acres in area.
- B. The southern part of the site is currently fenced and contains a manicured field. The middle and northern part of the site are heavily wooded with mature deciduous trees.
- C. Access to the site is provided from a gravel driveway that connects to three other properties.
- D. Boone County GIS shows that an intermittent blue line stream exists in the northern tip of the site.
- E. The topography of the site falls from 820 feet above sea level at the back of the fenced field to 810 at the street and 670 feet above sea level near the northern property line.

STAFF COMMENTS

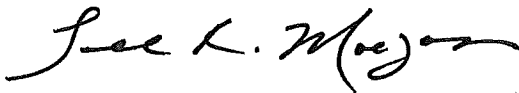
- A. Staff would like the applicant to address the following:
 - 1. Will one house be constructed on each lot?
 - 2. Will each house be accessed from the existing easement?

- B. Staff believes that denying the request would cause an unnecessary hardship on the applicant and would deprive him of the reasonable use of the land.

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 should address how their proposal meets these criteria.

Respectfully submitted,



Todd K. Morgan, AICP
Senior Planner

TKM/ss

Attachments

- *Vicinity Map
- *Zoning Map
- *Development Plan (Draft Conveyance Plat)
- *2020 Aerial Map
- *2020 Aerial With Proposed Lots Shown
- *Topographical Map
- *Application

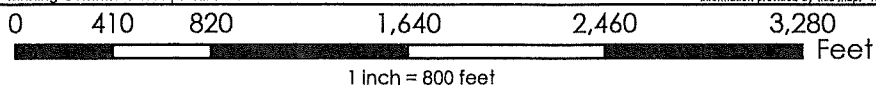
SITE VICINITY MAP

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 County GIS - Putting Northern Kentucky on the Map



ZONING MAP

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0 410 820 1,640 2,460 3,280 Feet

1 inch = 800 feet



Boone County GIS - Putting Northern Kentucky on the Map



Map Created: xx/xx/2020

Map Document: *.mxd

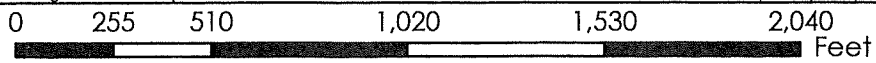
2020 AERIAL MAP

www.boonecountygis.com



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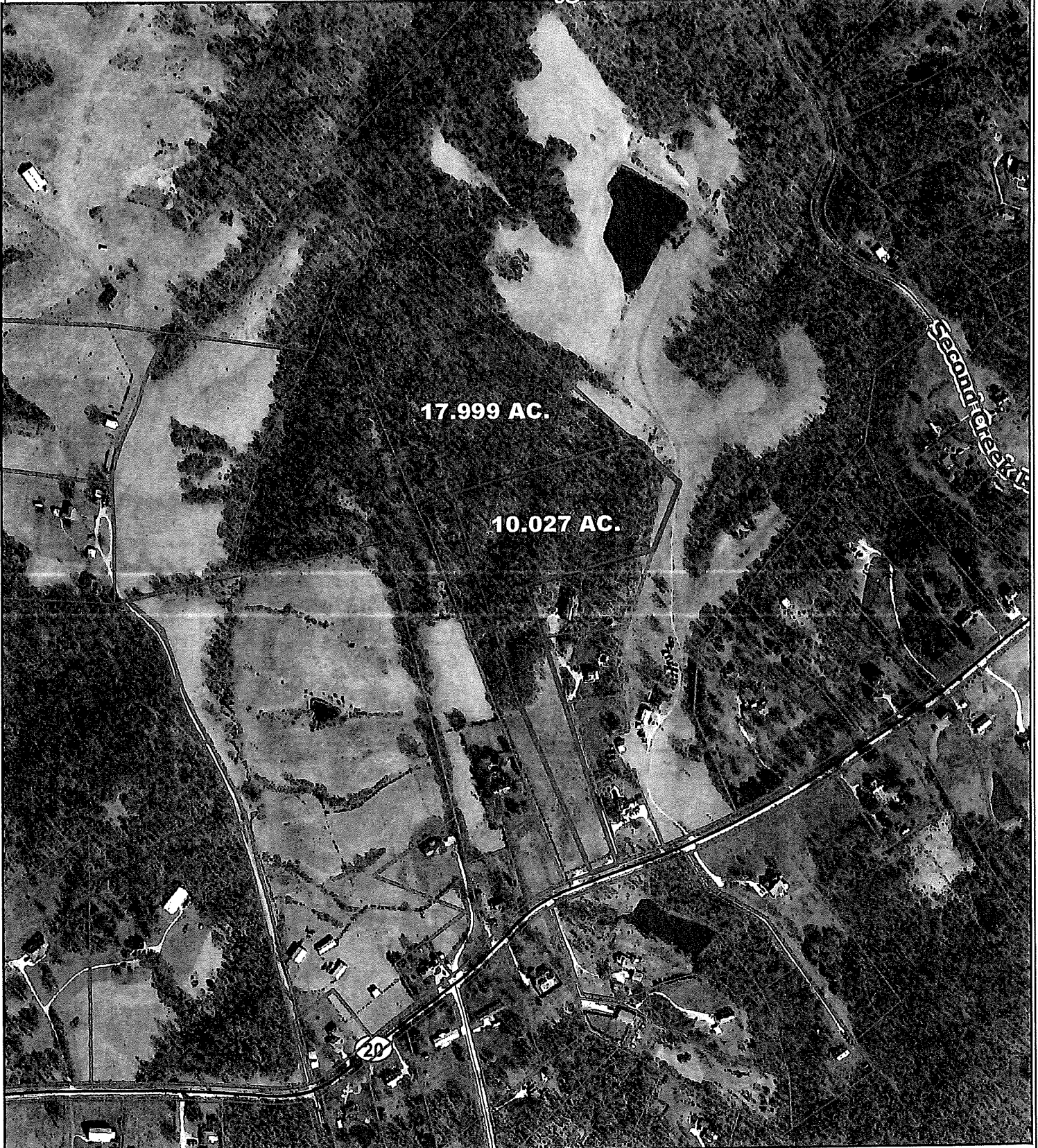
Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 06/02/2020

Map Document: *.mxd

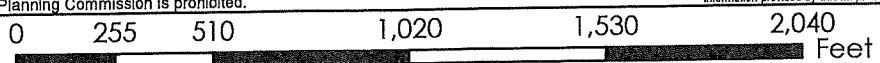
2020 AERIAL MAP WITH PROPOSED LOT BOUNDARIES

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1 inch = 500 feet



Boone County GIS - Putting Northern Kentucky on the Map



TOPOGRAPHICAL MAP

www.boonecountygis.com



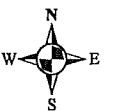
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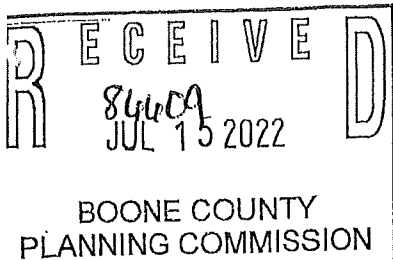
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0 255 510 1,020 1,530 2,040 Feet

1 inch = 500 feet

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

ORIGINAL Applicant's Signature: Raymond Hughes
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Sandra Hughes
5070 Petersburg Rd
Petersburg, KY 41080
2. ADDRESS OF PROPERTY
Petersburg Rd
Petersburg, KY 41080
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Raymond Hughes
4. DEED BOOK 314 PAGE NO. 217 GROUP NO. 2005A
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

Todd K. Morgan, AICP, Senior Planner
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the Boone
County Planning Commission this 12th day of August, 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.)