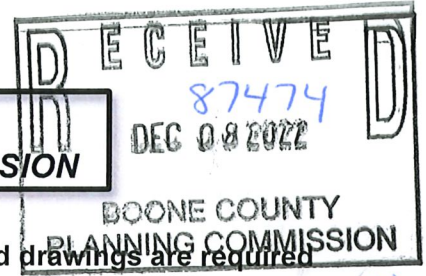


**BOARD OF ADJUSTMENT
BOONE COUNTY PLANNING COMMISSION**



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: Tony Berling
Address: 1671 Park Road - Suite One
Fort Wright KY 41011
City State Zip Code
Phone Number: 859-331-9191 Fax Number: 859-344-7422
Email: tberling23@gmail.com
4. Description of Request:
~~Asking for a variance on the year yard setback from 50 feet to 40.0 feet as show on the site plan.~~
5. Name of Development: Hawk's Landing Phase 4
6. Location of Development: Corbin Court
Union KY 41091
City State Zip Code
7. Acreage Under Review: 0.90 Acres
8. Lot Number and Name of Subdivision (if part of a subdivision):
Lot Nos. 1 - 8 - Phase 4 - Hawk's Landing
9. Current Owner: Camp Ernst Road, LLC
Address: 2807 Amsterdam Road
Villa Hills KY 41017
City State Zip Code
Phone Number: 859-282-6900 Fax Number: 859-240-6901
Email: jwenstrup@fuse.net

Single Family residence

10. Proposed Use(s) on Site: _____

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

12. Current Zoning: SR-1

13.	<u>918</u>	<u>252</u>	<u>2033A</u> <i>2033A</i>
	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: 12/8/22 Fee Received: \$666 Receipt #: 87474

2. Is application complete:

3. Staff Reviewer: M. Schwartz

4. Scheduled Board Action Date: 1/11/2023

5. Board Action: 1/11/2023

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

STAFF REPORT

#2

APPLICANT: Tony Berling, on behalf of Camp Ernst Road LLC

LOCATION: North side of Longbranch Road, between Gordon Boulevard and Kroth Lane, approximately 1,600 feet east of Gordon Boulevard, and having a Property Identification Number (PIDN) of 039.00-00-024.00

ZONING: Suburban Residential One (SR-1)

DATE: January 11, 2023

PROPOSAL

1. The applicant is requesting a Variance reducing the rear yard setback from fifty (50) feet to forty (40) feet for an approximate 0.90 acre area, being lots 1-8 of Hawk's Landing Subdivision – Phase 4.

SITE HISTORY

2022 On November 29, 2022, the Boone County Planning Commission approved a Preliminary Plat for Hawk's landing Subdivision – Phase 4.

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

- B. The proposed buildings will be a minimum of forty (40) feet from the north right-of-way line of Longbranch Road.

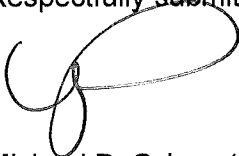
STAFF COMMENTS

- A. The house located to the west of the site in question is set back approximately twenty-five (25) feet from the north right-of-way line of Longbranch Road.

CONCLUSION

- A. KRS 100.241 and Section 220 of the Boone County Zoning Regulations give the Boone County Board of Adjustment and Zoning Appeals the authority to act on the request.
- B. Section 251 of the Boone County Zoning Regulations identifies criteria necessary for granting a Variance. The applicant needs to provide information as to how their application meets this criteria.

Respectfully submitted,



Michael D. Schwartz
Director, Zoning Services

MDS/ss

Attachments

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

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.

0 150 300 600 900 1,200 Feet

1 inch = 300 feet

Boone County GIS - Putting Northern Kentucky on the Map



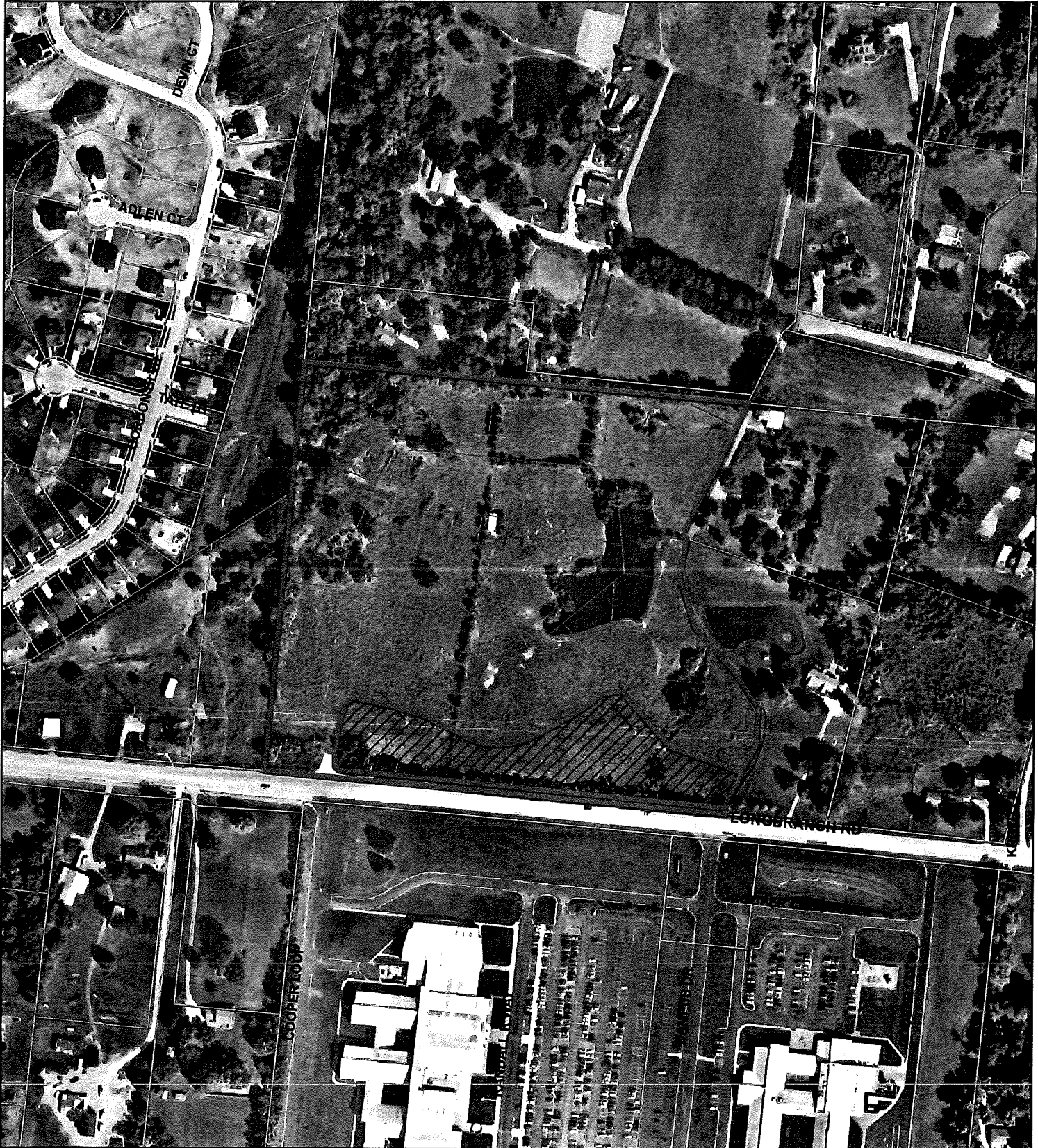
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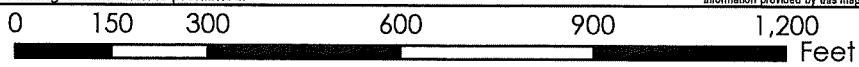
Aerial Map

www.boonecountygis.com



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Boone County GIS - Putting Northern Kentucky on the Map

Map Created: xx/xx/2021

Boone County GIS
ArcMap Document: *.mxd

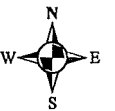
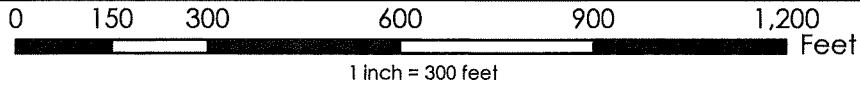
Zoning Map

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Boone County GIS - Putting Northern Kentucky on the Map

Map Created: xx/xx/2021

Boone County GIS
ArchMap Document: *.mxd

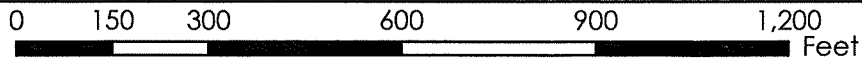
Zoning Map

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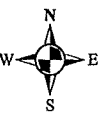


1 inch = 300 feet



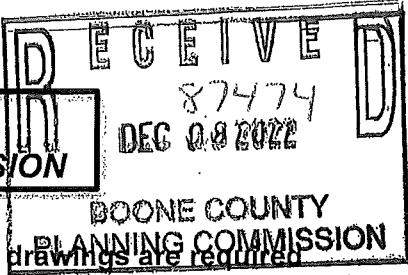
Map Created: xx/xx/2021

Boone County GIS - Putting Northern Kentucky on the Map



Boone County GIS
ArcMap Document: *.mxd

**BOARD OF ADJUSTMENT
BOONE COUNTY PLANNING COMMISSION**



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

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Phone Number: 859-331-9191 Fax Number: 859-344-7422
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Single Family residence

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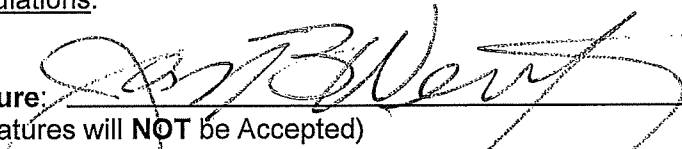
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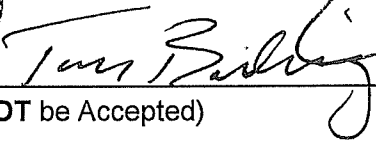
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If yes, date of approval: _____

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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ORIGINAL Property Owner's Signature: 
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

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

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

1. Date Received: 12/8/22 Fee Received: \$666 Receipt #: 87474

2. Is application complete: _____

3. Staff Reviewer: _____

4. Scheduled Board Action Date: _____

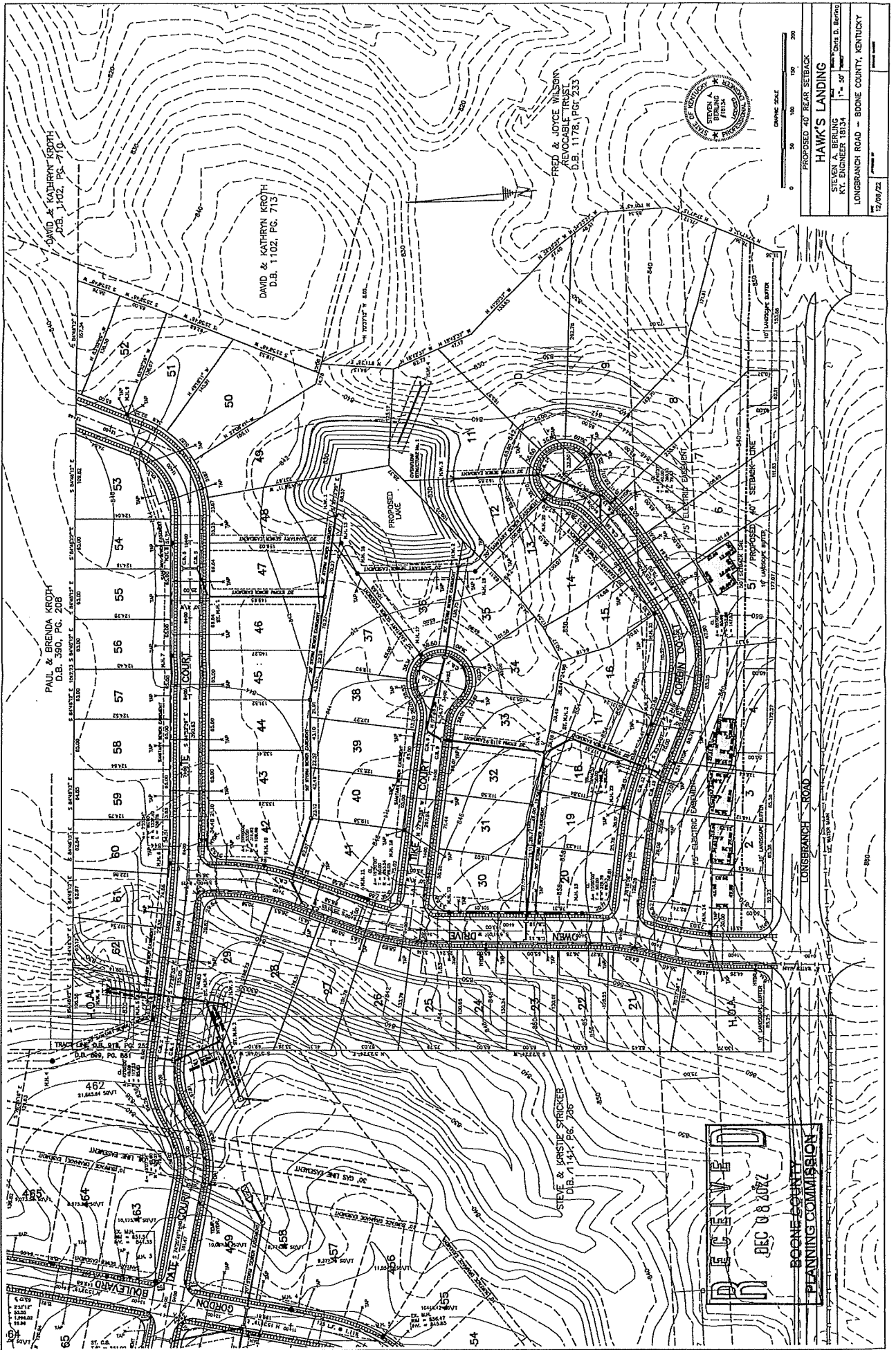
5. Board Action: _____

- _____ Approved
- _____ Approved with Conditions (see #6)
- _____ Denial (See #7)

6. Conditions of Approval: _____

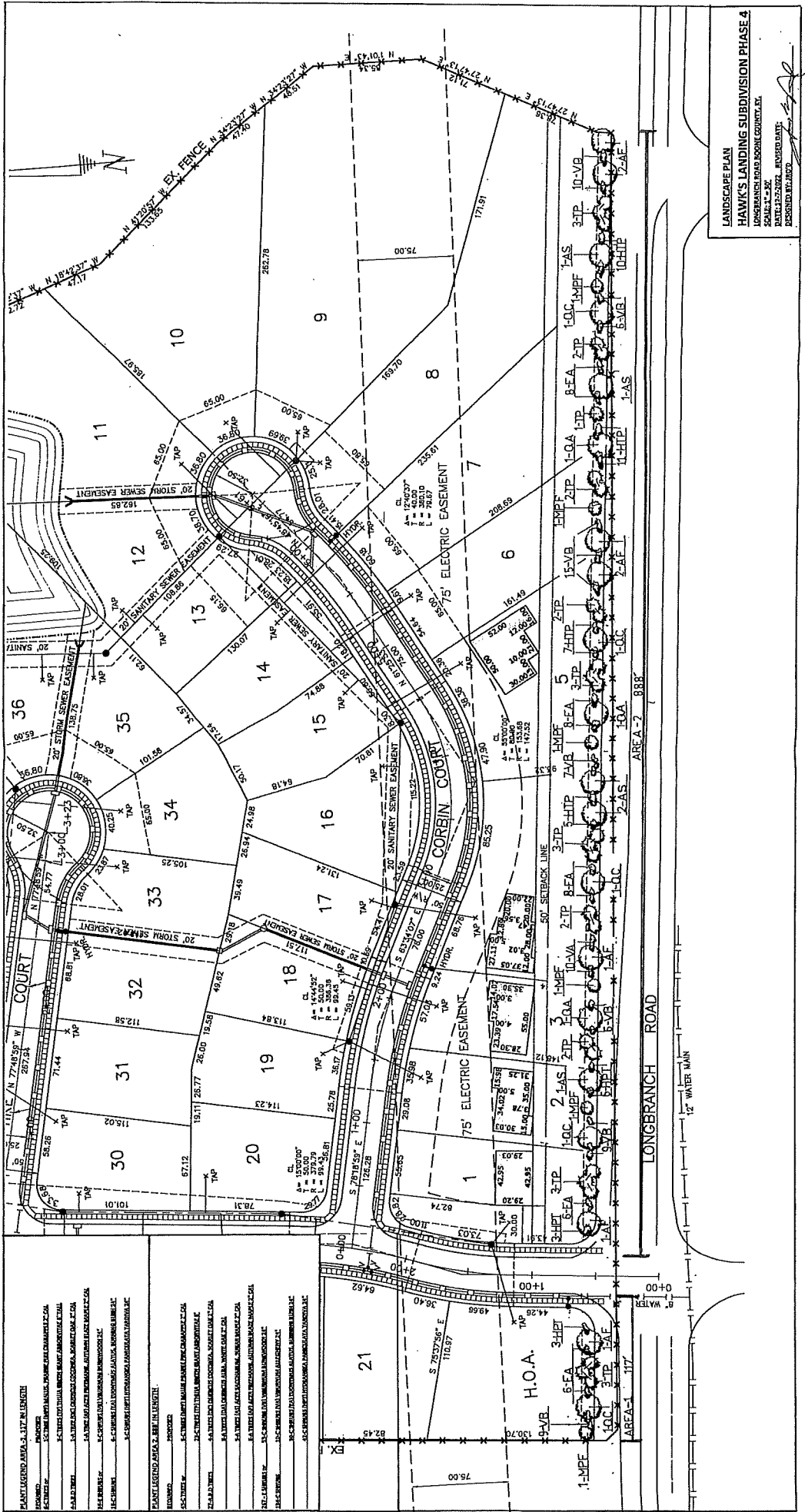
7. Reasons for Denial: _____

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



PROPOSED 40' REAR SETBACK
HAWK'S LANDING
 STEVE & BURSIDE STRICKER
 P.L. ENGINEER 10/04
 1" = 50'
 CHIEF D. BERRING
 LONGBRANCH ROAD - BOONE COUNTY, KENTUCKY
 12/08/22

RECEIVED
 DEC 8 2007
 BOONE COUNTY
 PLANNING COMMISSION



LANDSCAPE PLAN
HAWK'S LANDING SUBDIVISION PHASE 4
 LOCATED IN LOUISIANA PARISH COUNTY, LA.
 DATE: 12-22-2022 REVISED DATE:
 DESIGNED BY: JCD

PLANT LEGEND AREA 3 - 1/2" N. LENGTH

1-MPE	1" MIMOSA
2-1-AS	2" 1-AS
3-HEI	3" HEI
4-FA	4" FA
5-3-TIP	5" 3-TIP
6-FA	6" FA
7-1-OC	7" 1-OC
8-SMB	8" SMB
9-1-OC	9" 1-OC
10-1-OC	10" 1-OC
11-1-OC	11" 1-OC
12-1-OC	12" 1-OC
13-1-OC	13" 1-OC
14-1-OC	14" 1-OC
15-3-TIP	15" 3-TIP
16-3-TIP	16" 3-TIP
17-3-TIP	17" 3-TIP
18-3-TIP	18" 3-TIP
19-3-TIP	19" 3-TIP
20-3-TIP	20" 3-TIP
21-3-TIP	21" 3-TIP
22-3-TIP	22" 3-TIP
23-3-TIP	23" 3-TIP
24-3-TIP	24" 3-TIP
25-3-TIP	25" 3-TIP
26-3-TIP	26" 3-TIP
27-3-TIP	27" 3-TIP
28-3-TIP	28" 3-TIP
29-3-TIP	29" 3-TIP
30-3-TIP	30" 3-TIP
31-3-TIP	31" 3-TIP
32-3-TIP	32" 3-TIP
33-3-TIP	33" 3-TIP
34-3-TIP	34" 3-TIP
35-3-TIP	35" 3-TIP
36-3-TIP	36" 3-TIP

PLANT LEGEND AREA 2 - 1/2" N. LENGTH

1-MPE	1" MIMOSA
2-1-AS	2" 1-AS
3-HEI	3" HEI
4-FA	4" FA
5-3-TIP	5" 3-TIP
6-FA	6" FA
7-1-OC	7" 1-OC
8-SMB	8" SMB
9-1-OC	9" 1-OC
10-1-OC	10" 1-OC
11-1-OC	11" 1-OC
12-1-OC	12" 1-OC
13-1-OC	13" 1-OC
14-1-OC	14" 1-OC
15-3-TIP	15" 3-TIP
16-3-TIP	16" 3-TIP
17-3-TIP	17" 3-TIP
18-3-TIP	18" 3-TIP
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32-3-TIP	32" 3-TIP
33-3-TIP	33" 3-TIP
34-3-TIP	34" 3-TIP
35-3-TIP	35" 3-TIP
36-3-TIP	36" 3-TIP

LONGBRANCH ROAD

AREA-7 888'

AREA-1 117'

12" WATER MAIN

0+00

1+00

2+00

3+00

4+00

5+00

6+00

7+00

8+00

9+00

10+00

11+00

12+00

13+00

14+00

15+00

16+00

17+00

18+00

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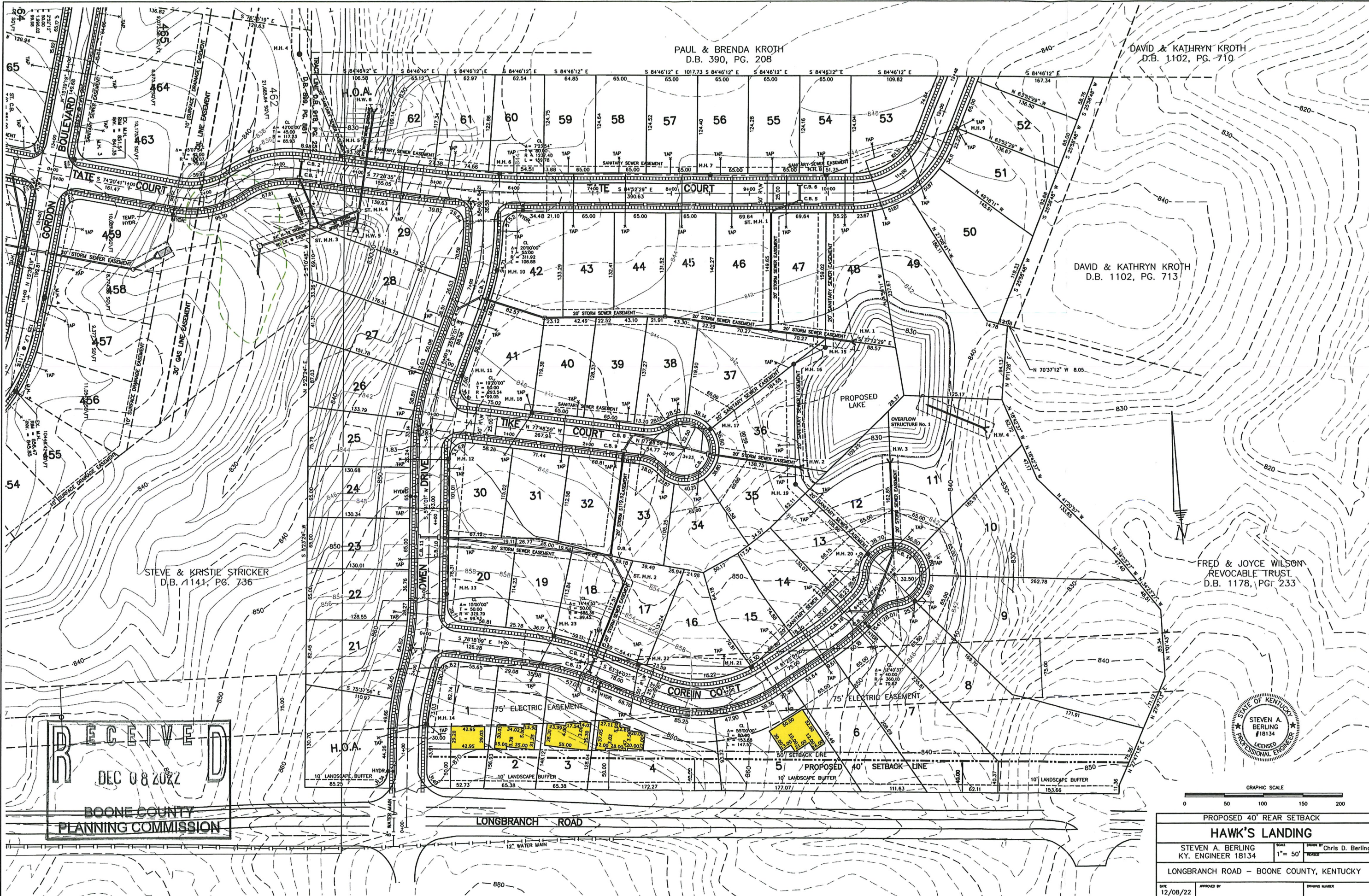
32+00

33+00

34+00

35+00

36+00



PAUL & BRENDA KROTH
D.B. 390, PG. 208

DAVID & KATHRYN KROTH
D.B. 1102, PG. 710

DAVID & KATHRYN KROTH
D.B. 1102, PG. 713

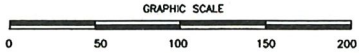
STEVE & KRISTIE STRICKER
D.B. 1141, PG. 736

FRED & JOYCE WILSON
REVOCABLE TRUST
D.B. 1178, PG. 233



RECEIVED
DEC 08 2022

BOONE COUNTY
PLANNING COMMISSION



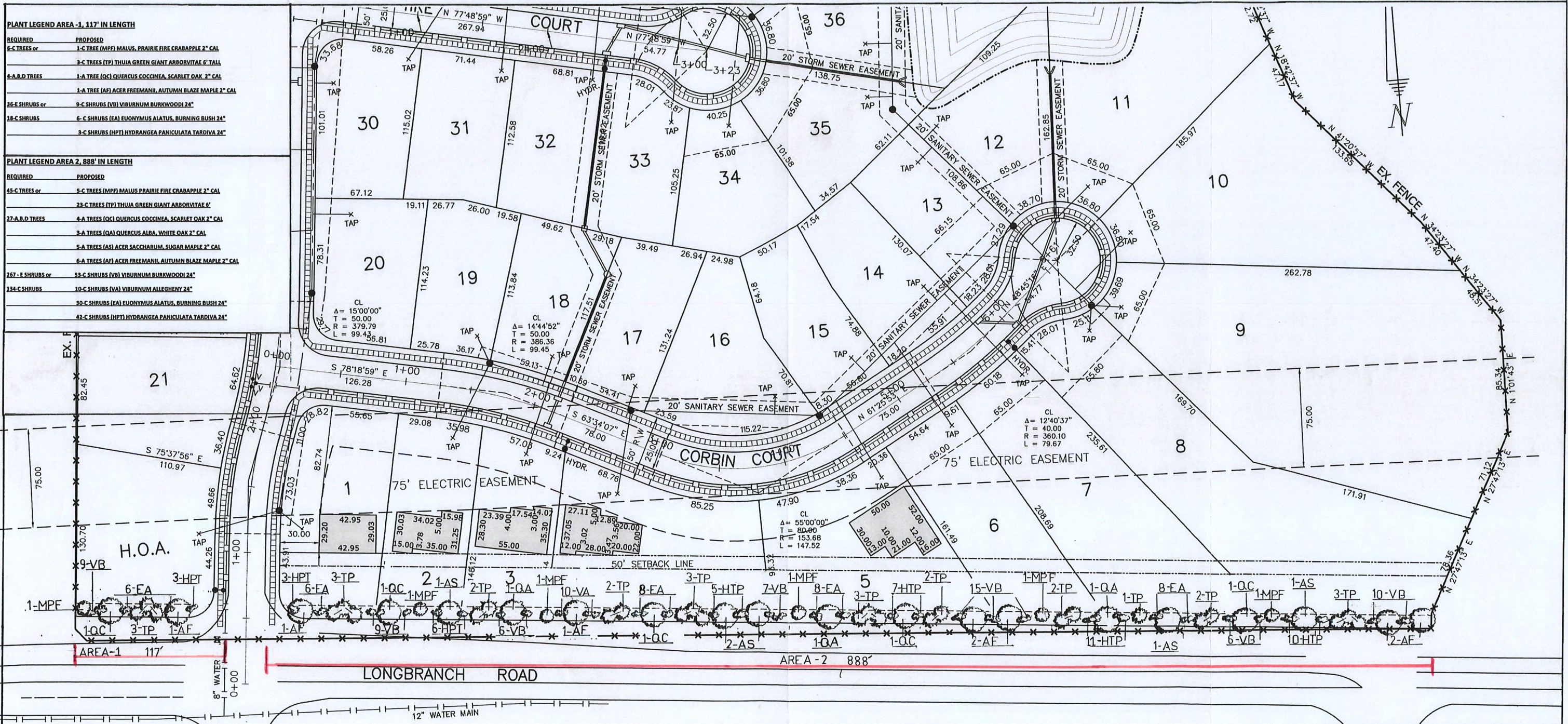
PROPOSED 40' REAR SETBACK	
HAWK'S LANDING	
STEVEN A. BERLING KY. ENGINEER 18134	SCALE: 1" = 50' DRAWN BY: Chris D. Berling
LONGBRANCH ROAD - BOONE COUNTY, KENTUCKY	
DATE: 12/08/22	APPROVED BY: _____ DRAWING NUMBER: _____

PLANT LEGEND AREA 1, 117' IN LENGTH

REQUIRED	PROPOSED
6-C TREES or	1-C TREE (MPF) MALUS, PRAIRIE FIRE CRABAPPLE 2" CAL
	3-C TREES (TP) THUJA GREEN GIANT ARBORVITAE 6' TALL
4-A,B,D TREES	1-A TREE (QC) QUERCUS COCCINEA, SCARLET OAK 2" CAL
	1-A TREE (AF) ACER FREEMANII, AUTUMN BLAZE MAPLE 2" CAL
36-E SHRUBS or	9-C SHRUBS (VB) VIBURNUM BURKWOODII 24"
18-C SHRUBS	6-C SHRUBS (EA) EUONYMUS ALATUS, BURNING BUSH 24"
	3-C SHRUBS (HPT) HYDRANGEA PANICULATA TARDIVA 24"

PLANT LEGEND AREA 2, 888' IN LENGTH

REQUIRED	PROPOSED
45-C TREES or	5-C TREES (MPF) MALUS PRAIRIE FIRE CRABAPPLE 2" CAL
	23-C TREES (TP) THUJA GREEN GIANT ARBORVITAE 6'
27-A,B,D TREES	4-A TREES (QC) QUERCUS COCCINEA, SCARLET OAK 2" CAL
	3-A TREES (QA) QUERCUS ALBA, WHITE OAK 2" CAL
	5-A TREES (AS) ACER SACCHARUM, SUGAR MAPLE 2" CAL
	6-A TREES (AF) ACER FREEMANII, AUTUMN BLAZE MAPLE 2" CAL
267-E SHRUBS or	53-C SHRUBS (VB) VIBURNUM BURKWOODII 24"
134-C SHRUBS	10-C SHRUBS (VA) VIBURNUM ALLEGHENY 24"
	30-C SHRUBS (EA) EUONYMUS ALATUS, BURNING BUSH 24"
	42-C SHRUBS (HPT) HYDRANGEA PANICULATA TARDIVA 24"



LANDSCAPE PLAN
HAWK'S LANDING SUBDIVISION PHASE 4
 LONGBRANCH ROAD BOONE COUNTY, KY.
 SCALE: 1" = 30'
 DATE: 12-7-2022 REVISED DATE:
 DESIGNED BY: JRO'D

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Camp Ernst Road, LLC
2807 Amsterdam Rd
Villa Hills, KY 41017
2. ADDRESS OF PROPERTY
Corbin Ct
Union, KY 41091
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Hawk's Landing – Phase 4
4. DEED BOOK 918 PAGE NO. 252 GROUP NO. 2038A
5. TYPE OF RESTRICTION(S) (Check all that apply)
- ___ Zoning Map Amendment: ___ Conditional Use Permit
 From ___ To ___
- ___ Development Plan ___ Conditional Zoning
- ___ Subdivision Plat ___ Other:
 (Not Recorded)
- X Variance
6. NAME AND ADDRESS OF PLANNING COMMISSION, BOARD OF ADJUSTMENT, LEGISLATIVE BODY OR FISCAL COURT WHICH MAINTAINS THE ORIGINAL RECORDS CONTAINING THE RESTRICTION

BOONE COUNTY PLANNING COMMISSION
2950 WASHINGTON STREET, ROOM 317
P.O. BOX 958
BURLINGTON, KENTUCKY 41005

SIGNATURE OF COMPLETING OFFICIAL

Michael D. Schwartz, Director, Zoning Services
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

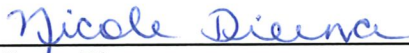
Subscribed, sworn to, and acknowledged before me by Michael D. Schwartz on behalf of the Boone

County Planning Commission this 12th day of January, 2023.

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.)