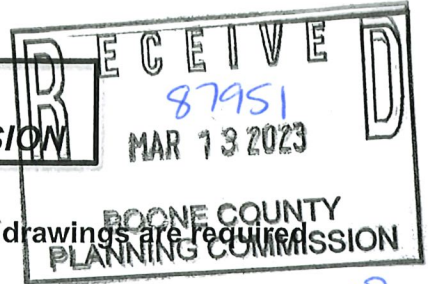


BOARD OF ADJUSTMENT  
BOONE COUNTY PLANNING COMMISSION



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

010

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: Gabriel Silva Muñoz

Address: 619 buckshire glen

Florence City KY State 41042 Zip Code

Phone Number: 859 469 3036 Fax Number: \_\_\_\_\_

Email: Gabrielsilva87@gmail.com

4. Description of Request:  
install a small porch in front of the house

5. Name of Development: Munoz Variance

6. Location of Development: 619 Buckshire Glen

Florence City KY State 41042 Zip Code

7. Acreage Under Review: \_\_\_\_\_

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

9. Current Owner: Gabriel Silva Muñoz

Address: 619 buckshire glen

Florence City KY State 41042 Zip Code

Phone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_

Email: \_\_\_\_\_



10. Proposed Use(s) on Site: deterioration of the front door and a safer path to the main entry do to weather hitting the front of the house.
11. Total Square Footage of Existing and/or Proposed Buildings: \_\_\_\_\_ + 180 Sgf.
12. Current Zoning: SR-1
13. 1071 795 2057  
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:** *Gabriel Shin*  
(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

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



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

1. Date Received: 3/13/23 Fee Received: \$666 Receipt #: 87951

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

3. Staff Reviewer: M. Schwartz

4. Scheduled Board Action Date: 4/12/2023

5. Board Action: 4/12/2023

- 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](mailto:plancom@boonecountyky.org)  
[www.boonecountyky.org](http://www.boonecountyky.org)



## STAFF REPORT

#2

APPLICANT: Gabriel Silva Munoz

LOCATION: 619 Buckshire Glen

ZONING: Suburban Residential One (SR-1)

DATE: April 12, 2023

### PROPOSAL

1. The applicant is requesting a Variance reducing the front yard setback from thirty (30) feet to nineteen (19) feet to allow for a covered porch.

### SITE HISTORY

- 1997 On August 6, 1997, the Boone County Planning Commission approved a Final Plat for Union Station Subdivision, Section 5, creating the lot in question.
- 1998 On October 8, 1998, the Boone County Planning Commission approved a Zoning Permit for a single-family residence on the site in question.
- 2016 On August 22, 2016, the Boone County Planning Commission approved a Zoning Permit for a covered porch, to the rear of the house, on the site in question.
- 2020 On April 30, 2020, the Boone County Planning Commission approved a Zoning Permit for a shed on the site in question.
- 2021 On February 2, 2021, the Boone County Planning Commission approved a Zoning Permit for an inground pool on the site in question.

### APPLICABLE REGULATIONS

- A. Section 202.C 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 4000 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 204.D and 204.E of the Boone County Zoning Regulations.
  1. Findings listed in Section 204.D and 204.E:
    - 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 903.A 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. Suburban Residential One districts will be located on lands within established urban areas where adequate infrastructure facilities and services are available or proposed.”
- F. Section 3123.A of the Boone County Zoning Regulations state that open structures such as porches, decks, canopies, balconies, platforms, carports, covered patios, and similar architectural projections which occupy space three (3) or more feet above the general ground level of the yard shall be considered parts of the building to which attached and shall not project into the required minimum front, side, or 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”, which is described 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. Maintenance of sound existing housing and rehabilitation of deteriorating housing shall be encouraged and incentivized (Demographics Goal B, Objective 2).
  4. Home ownership shall be encouraged and incentivized as well as redevelopment and renovation of deteriorating housing stock (Demographics Goal B, Objective 3).
- C. Buckshire Glen is a county maintained local street providing for two-way traffic. There are sidewalks along both sides of the roadway.

#### SURROUNDING LAND USES AND ZONING

- North: Single-family residential dwellings (SR-1)
- South: Single-family residential dwellings (SR-1)
- East: Single-family residential dwellings (SR-1)
- West: Single-family residential dwellings (SR-1)

#### SITE CHARACTERISTICS

- A. The approximate 0.20 acre property is located along the south and west sides of Buckshire Glen, approximately 1,200 feet east of Cheshire Ridge Drive.
- B. The site has approximately one hundred thirty-one (131) feet of frontage along Buckshire Lane.
- C. The site is a pie shaped lot.
- D. The site is currently occupied by a two-story, detached single-family residential dwelling, and an inground pool.
- E. Access to the site is provided from a single curb cut onto Buckshire Glen.
- F. The proposed addition will be set back a minimum of nineteen (19) feet from the front property line and a maximum of twenty-three (23) feet from the front property line.
- G. Topographically, the site slopes upward, front to back, at an average grade of 6%.

STAFF COMMENTS

- A. On December 12, 2022, the Boone Board of Adjustment approved a Variance reducing the front yard setback from thirty (30) feet to twenty-seven (27) feet to allow for a covered porch at 587 Buckshire Glen (BCBOA-22-033).
- B. Based on information contained in the Boone County GIS, the property immediately to the northwest of the site in question (10772 Station Lane) has a corner side yard setback of approximately twenty-five (25) feet.
- C. Based on information contained in the Boone County GIS, the property immediately to the southeast of the site in question (611 Buckshire Glen) has a front yard setback of approximately twenty-seven (27) feet.
- D. Based on information contained in the Boone County GIS, the average setback from Buckshire Glen, for buildings within two hundred (200) feet of the site in question, is approximately twenty-seven (27) feet.
- E. Based on information contained in the Boone County GIS, there will be approximately two hundred (200) feet of sight view for drivers coming around the curve, immediately adjacent to the site in question.

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. Sections 204.D and 204.E 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

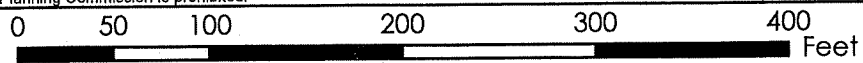
# Vicinity Map

www.boonecountygis.com



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1 inch = 100 feet



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



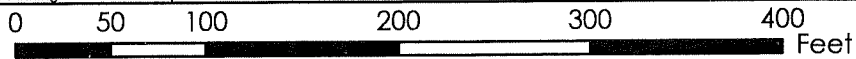
# Aerial Map

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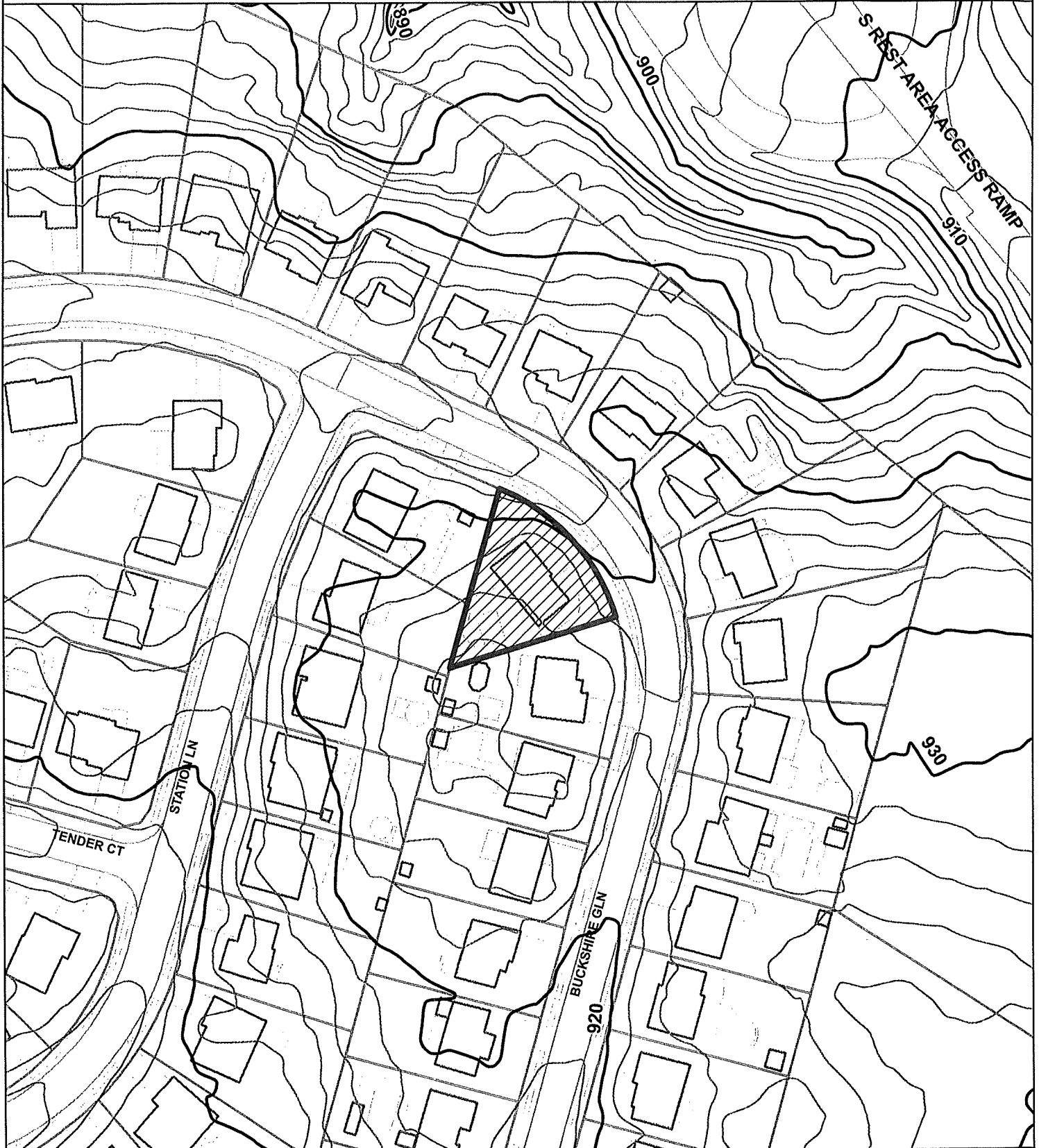
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Map Created: xx/xx/2022

ArcMap Document: \*.mxd

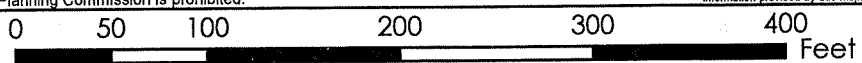
# Topographic Map

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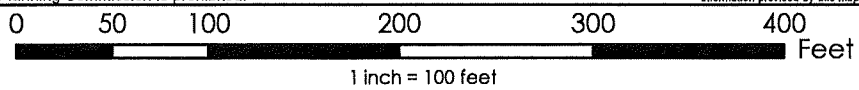
# Zoning Map

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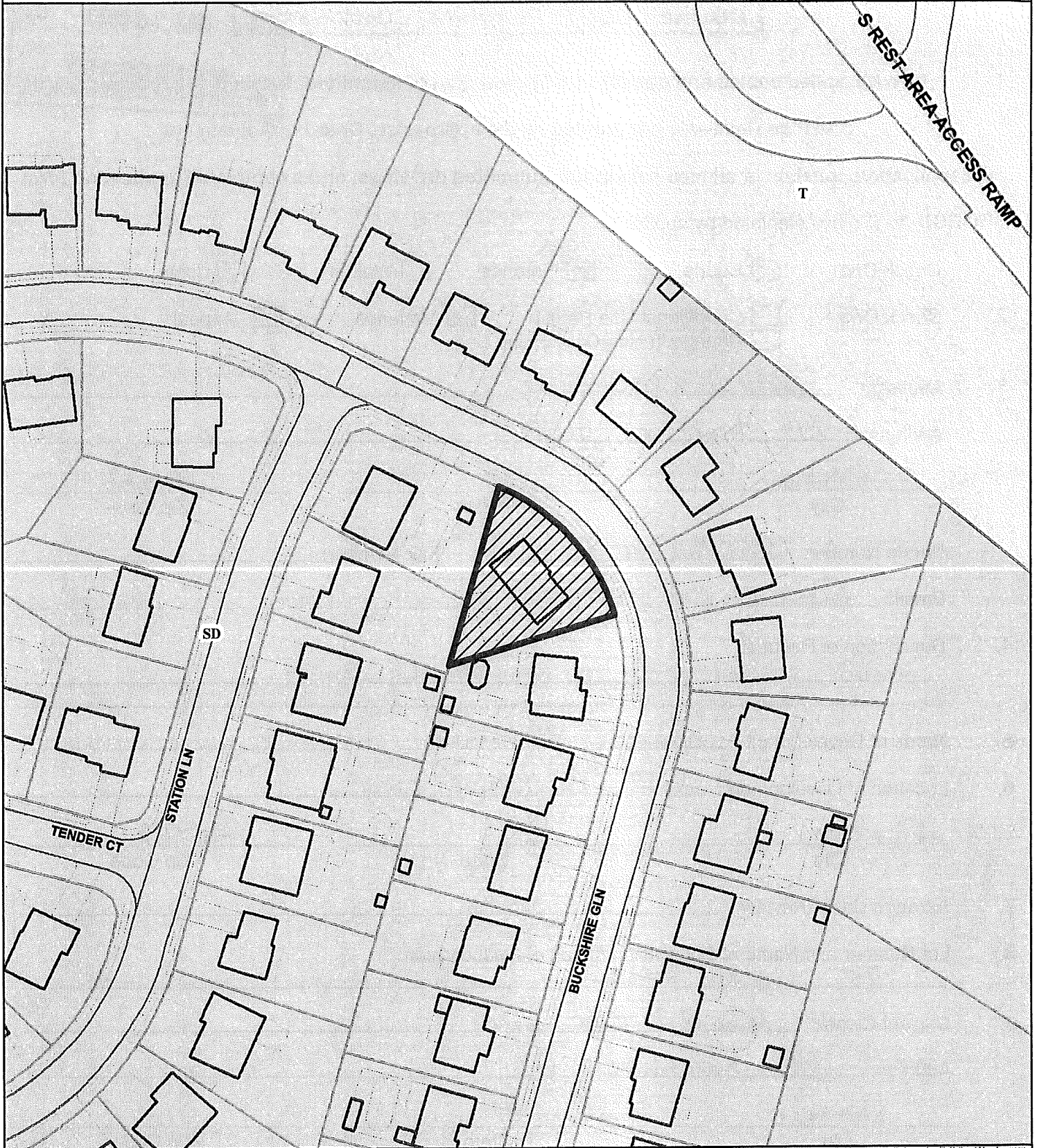


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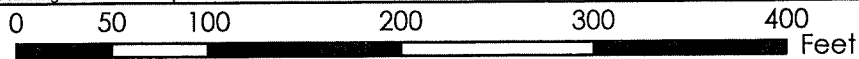
# 2040 Future Land Use Map

www.boonecountygis.com



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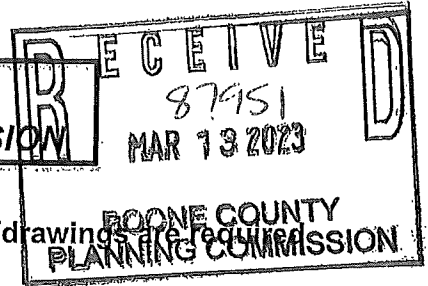
Map Created: xx/xx/2022

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



Boone County GIS  
ArchMap Document: \*.mxd

BOARD OF ADJUSTMENT  
BOONE COUNTY PLANNING COMMISSION



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

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: Gabriel Silva Muñoz  
Address: 619 buckshire glen  
Florence KY 41042  
City State Zip Code  
Phone Number: 859 469 3036 Fax Number: \_\_\_\_\_  
Email: Gabrielsilva57@gmail.com
4. Description of Request:  
install a small porch in front of the house
5. Name of Development: MUNOZ Variance
6. Location of Development: 619 Buckshire Glen  
Florence KY 41042  
City State Zip Code
7. Acreage Under Review: \_\_\_\_\_
8. Lot Number and Name of Subdivision (if part of a subdivision):  
75 Union Station
9. Current Owner: Gabriel Silva Muñoz  
Address: 619 buckshire glen  
Florence KY 41042  
City State Zip Code  
Phone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_  
Email: \_\_\_\_\_

10. Proposed Use(s) on Site: deterioration of the front door and a safer path to the main entry do to weather hitting the front of the house.
11. Total Square Footage of Existing and/or Proposed Buildings: \_\_\_\_\_ ± 180 Sgf.
12. Current Zoning: SR-1
13. 1071 795 2057  
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:** Gabriel Shin  
(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

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

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

1. Date Received: 3/13/23 Fee Received: \$5666 Receipt #: 87951

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

3. Staff Reviewer: \_\_\_\_\_

4. Scheduled Board Action Date: \_\_\_\_\_

5. Board Action: \_\_\_\_\_

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

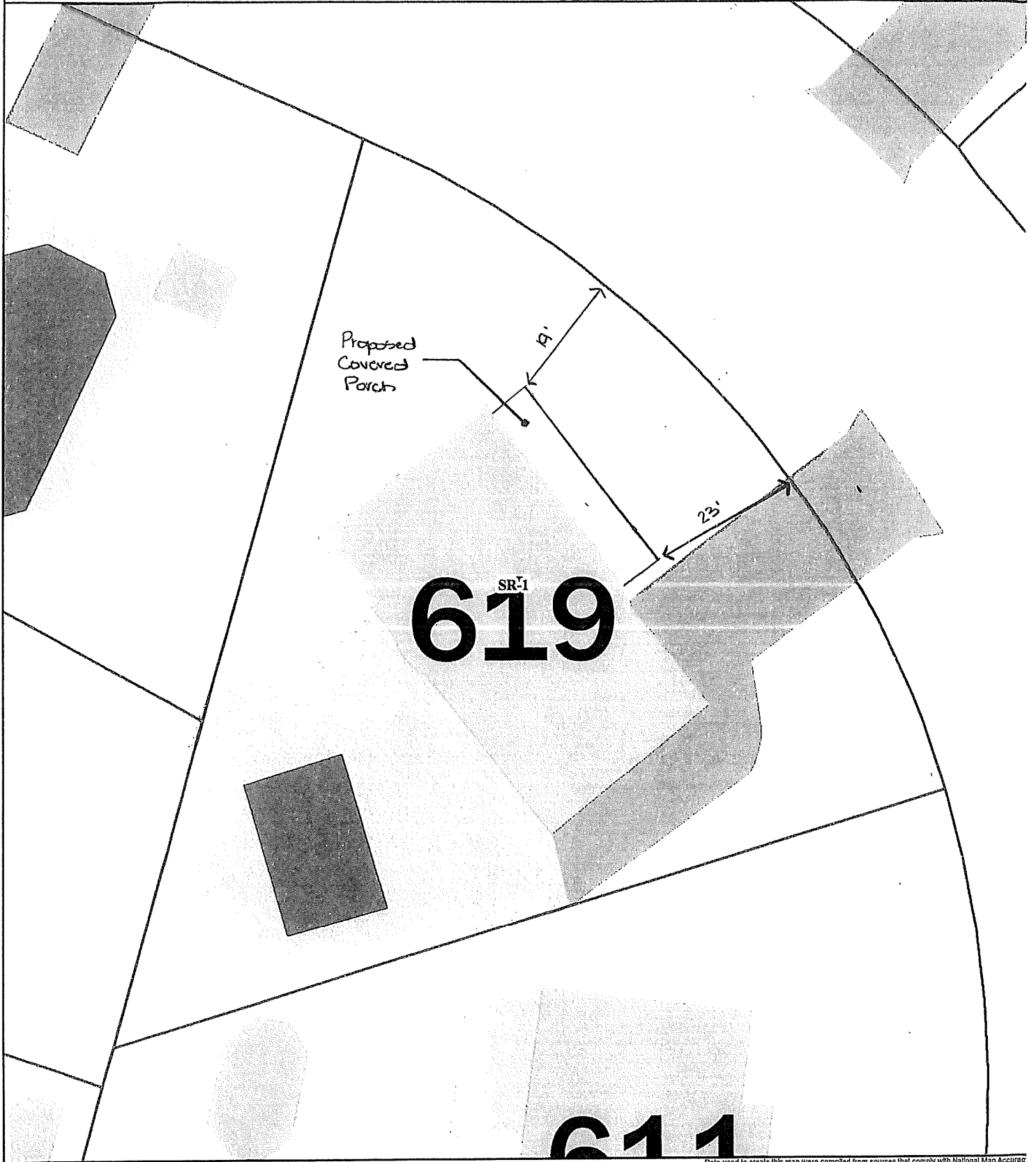
6. Conditions of Approval: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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](mailto:plancom@boonecountyky.org)  
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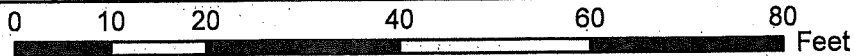
# Boone County GIS Map

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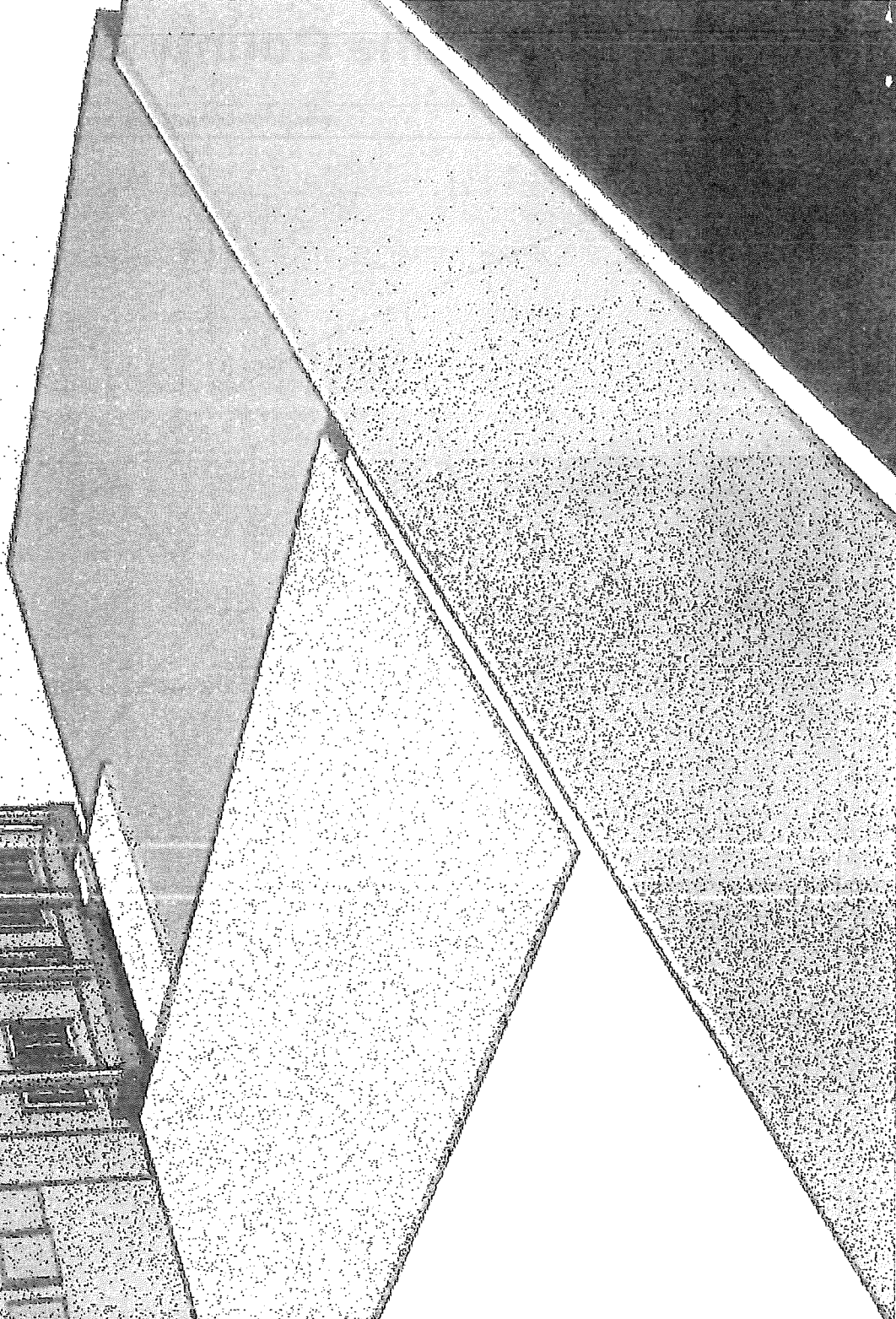
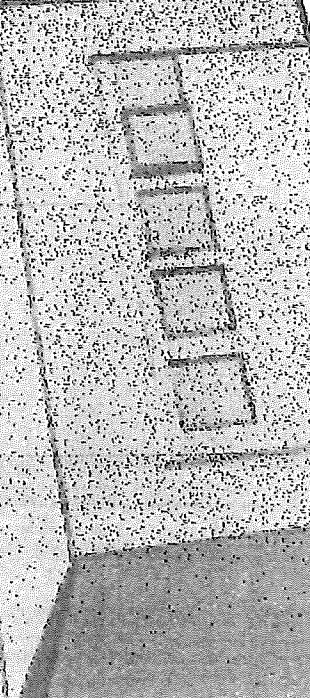
1 inch = 20 feet



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

Map Created: 12/20/2023

Map Document: \*.mxd



CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)  
Gabriel Silva Munoz  
619 Buckshire Glen  
Florence, KY 41042
2. ADDRESS OF PROPERTY  
619 Buckshire Glen  
Florence, KY 41042
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)  
Munoz Variance
4. DEED BOOK 1071                      PAGE NO. 795                      GROUP NO. 2057
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 13<sup>th</sup> day of April, 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.)

