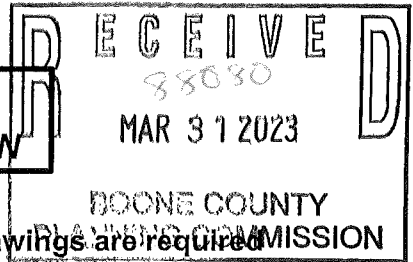


**BOARD OF ADJUSTMENT
BOONE COUNTY PLANNING COMMISSION**



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: Jeffery W. Wells and Kristi D. Wells
Address: 3764 Bullittsville Road
Burlington Ky 41005
City State Zip Code
Phone Number: 859-620-1361 Fax Number: N/A
Email: kristi.wells@dingmore.com
4. Description of Request:
EX. GARAGE IS 2.64' FROM PROPOSED NEW 20'
PAN HANDEL FOR ACCESS TO BLDG. SITE
5. Name of Development: _____
6. Location of Development: 3764 BULLITTSVILLE RD.
BURLINGTON KY 41005
City State Zip Code
7. Acreage Under Review: 0.1128
8. Lot Number and Name of Subdivision (if part of a subdivision): _____
9. Current Owner: Jeffery W. Wells and Kristi D. Wells
Address: 3764 Bullittsville Road
Burlington Ky 41005
City State Zip Code
Phone Number: 859-620-1361 Fax Number: N/A
Email: kristi.wells@dingmore.com

10. Proposed Use(s) on Site: _____

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

12. Current Zoning: RSE _____

13. 1196 421 3371 2007
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: 3/31/23 Fee Received: \$1666 Receipt #: 88080

2. Is application complete: _____

3. Staff Reviewer: M. Schwartz

4. Scheduled Board Action Date: 5/10/2023

5. Board Action: 5/10/2023

- 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: Jeffery and Kristi Wells

LOCATION: 3764 Bullittsville Road, Boone County, Kentucky

ZONING: Rural Suburban Estates (RSE)

DATE: May 10, 2023

PROPOSAL

1. The applicant is requesting a Variance reducing the side yard setback from five (5) feet to 2.64 feet to allow for access to a non-buildable lot.

SITE HISTORY

1984 On July 17, 1984, the Boone County Planning Commission approved a Conveyance Plat creating the lot in question.

1985-1990 Based on information contained in the Boone County GIS, the original house was built on the site in question.

1995 On May 24, 1995, the Boone County Planning Commission approved a Conveyance Plat creating the lot immediately to the northeast of the site in question, as a non-buildable lot.

2012-2020 Based on information contained in the Boone County GIS, the original house was demolished.

2021 On February 5, 2021, the Boone County Planning Commission approved a zoning permit for a single-family residence on the site in question.

2021 On February 12, 2021, the Boone County Planning Commission approved a zoning permit for an accessory structure 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 3153.A of the Boone County Zoning Regulations requires that accessory structures be located in the side or rear yard and be set back a minimum of five (5) feet from any property line.
- E. Section 901.A of the Boone County Zoning Regulations states that the “Rural Suburban Estates should be located where there may be a limited feasibility, desire, or need for providing or requiring all infrastructure normal to support a suburban or urban neighborhood. The purpose of the Rural Suburban Estates district is to provide a residential environment whose dwelling types and densities are typical of a semi-suburban character. Such districts will be located on lands adjacent to established urban areas, but which are not suitable for larger scale or more densely developed suburban or urban residential use.”
- F. Section 4000 of the Boone County Zoning Regulations defines a Customary Accessory Use or Structure as: (1) subordinate to and serves the principal structure or principal use; (2) subordinate in area, extent, or purpose to the principal structure or principal use served; (3) contributes to the comfort, convenience, or necessity of occupants of the principal structure or principal use served; and (4) is located on the same lot as the principal structure or principal use served, with the single exception of such accessory

off-street parking facilities as are permitted to locate elsewhere than on the same lot with the structure or use served.

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. 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. Bullittsville Road is identified as a County maintained collector street providing for two way traffic within an approximate eighteen (18) foot pavement width. There are no sidewalks along the roadway.

SURROUNDING LAND USES AND ZONING

- North: Single family residential (RSE)
- South: Single family residential (RSE)
- East: Single family residential (RSE)
- West: Single family residential (RS and SR-1)

SITE CHARACTERISTICS

- A. The approximate 1 acre property is located approximately five hundred (500) feet northeast of Bullittsville Road and approximately two hundred fifty (250) feet southeast of Bentgrass Way.
- B. The site is currently occupied by a detached single-family residential dwelling and two accessory structures.
- C. Access to the site is from a shared thirty-three (33) foot wide accessway, which is owned by the Sundance Estates HOA.
- D. The site rises front to back at an average grade of four (4) percent.
- E. The site is located within the 55 day/night noise level of the Cincinnati/Northern Kentucky International Airport.
- F. The existing accessory structure will be set back 2.64 feet from the new side property line.

STAFF COMMENTS

- A. The applicant also owns the property to the immediate northeast of the site in question, which is currently a non-buildable lot since it does not have access to a street or accessway.
- B. If the Variance request is approved, a new flag stem would be created from the site in question to the existing non-buildable lot, thus giving it access to the shared accessway.
- C. The existing accessory structure would be set back 2.64 feet from the newly created side property line.

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
- *Noise Contour Map
- *Application
- *Development Plan

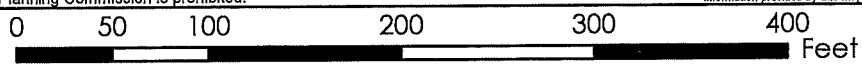
Vicinity Map

www.boonecountygis.com



Copyright 2022 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

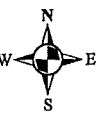
Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



1 inch = 100 feet



Boone County GIS - Putting Northern Kentucky on the Map



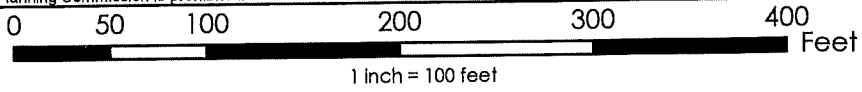
Aerial Map

www.boonecountygis.com



Copyright 2022 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

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.



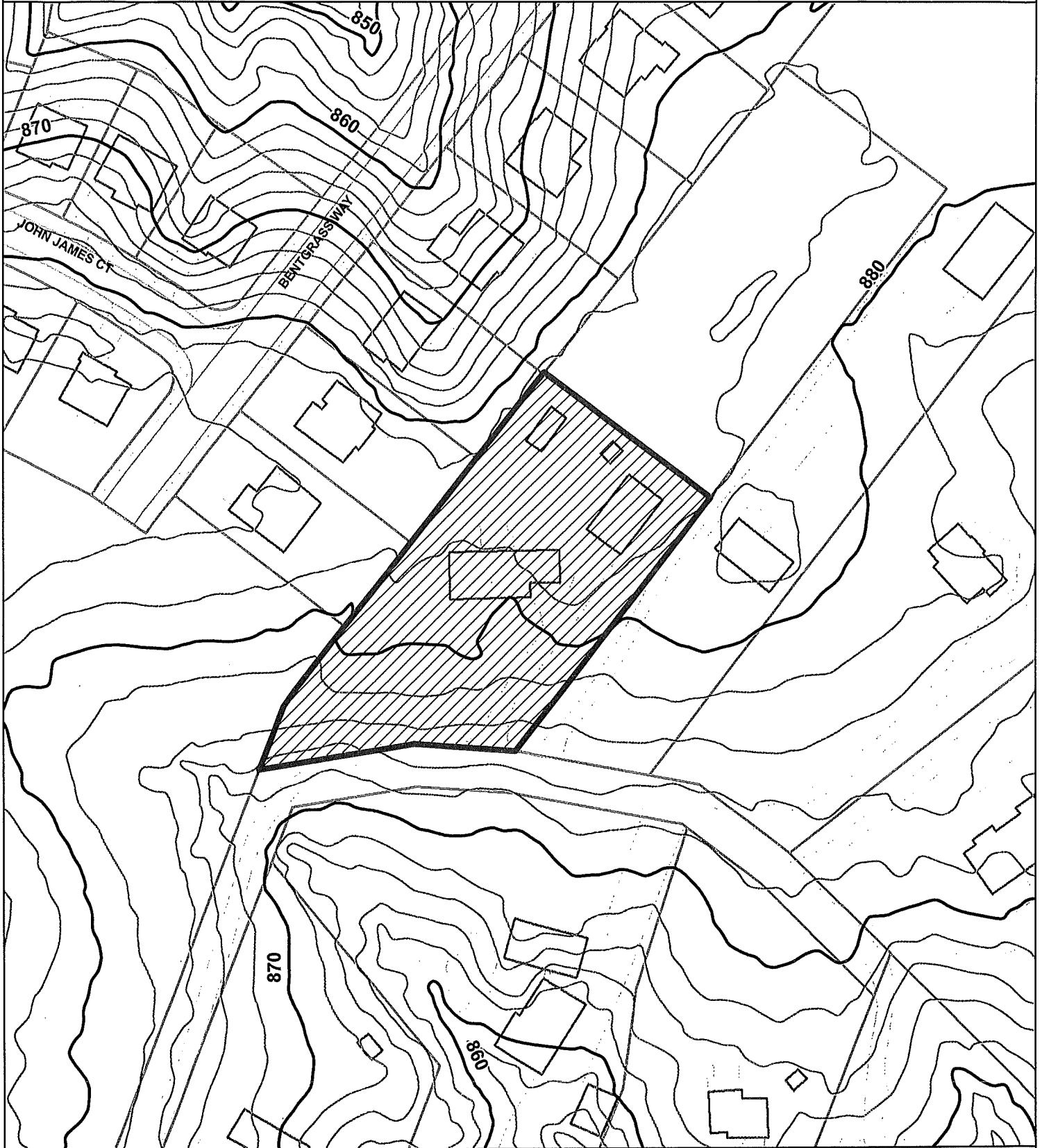
Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 10/10/2022

Map Document: *.mxd

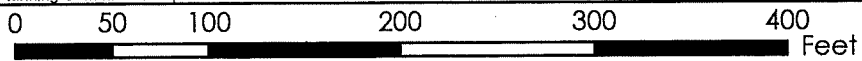
Topographic Map

www.boonecountygis.com



Copyright 2022 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

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



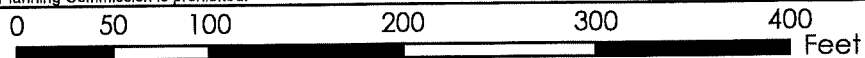
Zoning Map

www.boonecountygis.com



Copyright 2022 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

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.



1 inch = 100 feet



Boone County GIS - Putting Northern Kentucky on the Map



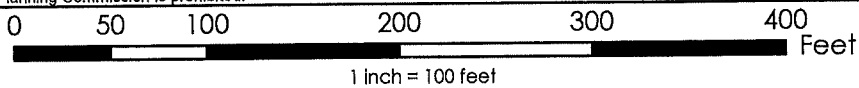
2040 Future Land Use Map

www.boonecountygis.com



Copyright 2022 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

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



Map Created: xx/xx/2022

ArcMap Document: *.mxd

**BOARD OF ADJUSTMENT
BOONE COUNTY PLANNING COMMISSION**

RECEIVED
88030
MAR 31 2023
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: Jeffery W. Wells and Kristi D. Wells
Address: 3764 Bullittsville Road
Burlington Ky 41005
City State Zip Code
Phone Number: 859-620-1361 Fax Number: N/A
Email: Kristi.Wells@dingmore.com
4. Description of Request: EX. GARAGE IS 2.64' FROM PROPOSED NEW 20' PAN HANDLE FOR ACCESS TO BLDG. SITE
5. Name of Development: _____
6. Location of Development: 3764 BULLITTSVILLE RD.
BURLINGTON KY 41005
City State Zip Code
7. Acreage Under Review: 0.1128
8. Lot Number and Name of Subdivision (if part of a subdivision): _____
9. Current Owner: Jeffery W. Wells and Kristi D. Wells
Address: 3764 Bullittsville Road
Burlington Ky 41005
City State Zip Code
Phone Number: 859-620-1361 Fax Number: N/A
Email: Kristi.Wells@dingmore.com

10. Proposed Use(s) on Site: _____

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

12. Current Zoning: RSE _____

13. 1196 421 3371
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)

LAND SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE SURVEY DEPICTED BY THIS PLAT WAS DONE BY PERSONS UNDER MY DIRECT SUPERVISION BY THE METHOD OF RANDOM TRAVERSE WITH SIDE SHOTS. THE UNADJUSTED ERROR OF CLOSURE WAS 1:45,210, AND WAS NOT ADJUSTED. THE SURVEY SHOWN HEREON IS A CLASS URBAN SURVEY, AND THE DISTANCES AND DIRECTIONS ARE BASED ON THE UNADJUSTED TRAVERSE. THIS IS A BOUNDARY SURVEY AND COMPLIES WITH 201 KAR 18:160

Timothy E. Ryan
 TIMOTHY E. RYAN 3/6/2023
 DATE

LICENSED PROFESSIONAL
 LAND SURVEYOR #3565 IN THE
 COMMONWEALTH OF KENTUCKY

LAND SURVEYOR'S NOTES

1. NO ENCROACHMENT UNLESS NOTED
2. NO EVIDENCE OF A CEMETERY FOUND ON SUBJECT PROPERTY.
3. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY THE SURVEYOR.
4. ALL DATA SOURCES, DOCUMENTS AND RECORDS SHOWN HEREON ARE ON FILE IN THE OFFICE OF THE BOONE COUNTY CLERK IN BURLINGTON, KY, UNLESS NOTED.
5. PAN HANDLE PAR DRIVEWAY TO BE STAY INSIDE PROP. LINE

Buildable Lot Certificate
 I Certify that I have examined the records of the Boone County Clerk and find that this is the first conveyance made under present ownership of the parent tract.
Timothy E. Ryan 3/6/2023
 Timothy E. Ryan PLS #3565 Date

STATE OF KENTUCKY

TIMOTHY EARL RYAN
 LS-3565

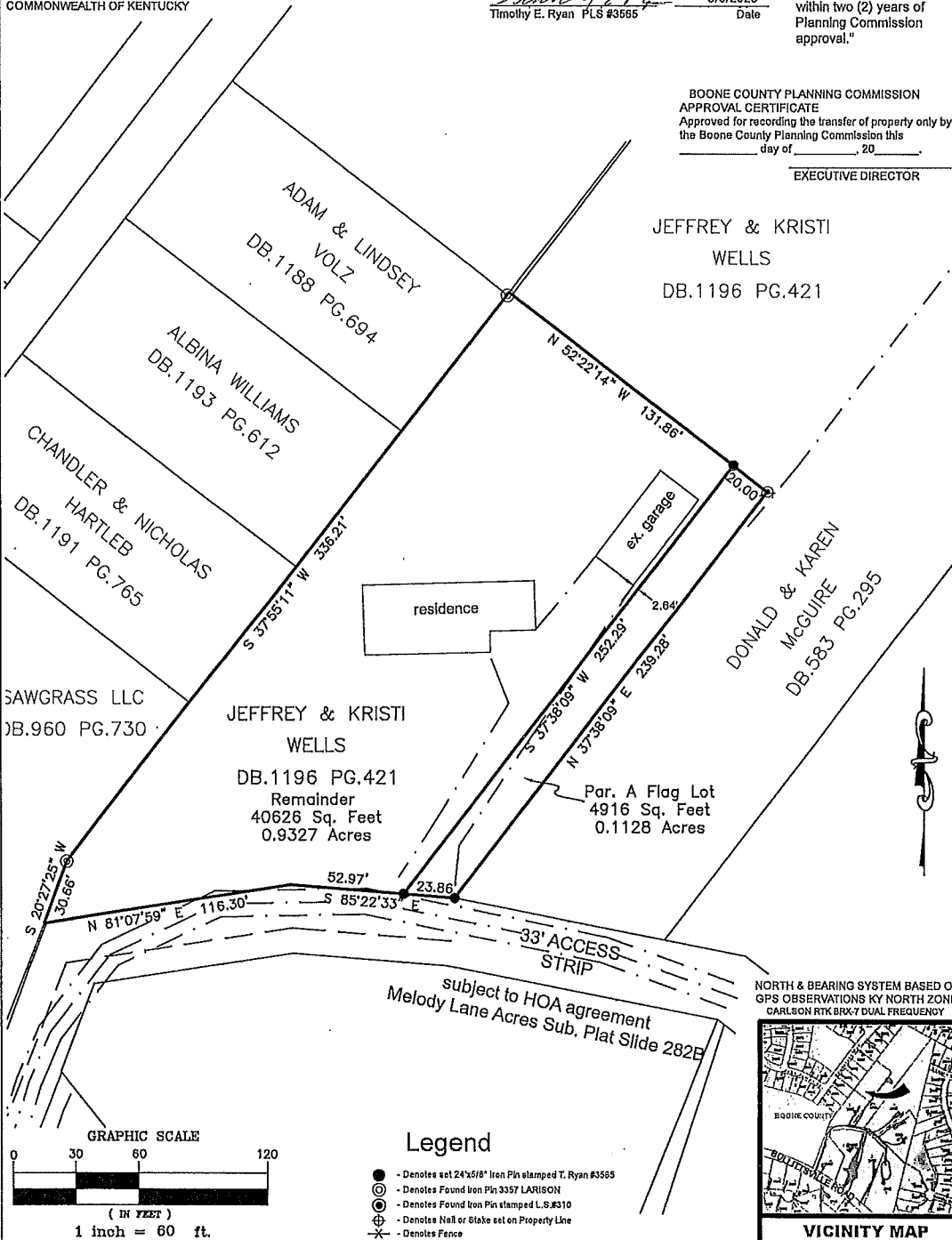
LICENSED
 PROFESSIONAL
 LAND SURVEYOR

"This Plat shall be void if not filed with the Boone County Clerk for recording purposes within two (2) years of Planning Commission approval."

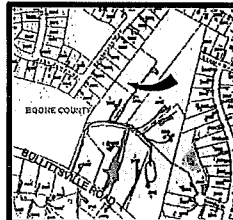
BOONE COUNTY PLANNING COMMISSION
 APPROVAL CERTIFICATE
 Approved for recording the transfer of property only by the Boone County Planning Commission this _____ day of _____, 20____.

EXECUTIVE DIRECTOR

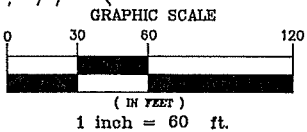
JEFFREY & KRISTI WELLS
 DB.1196 PG.421



NORTH & BEARING SYSTEM BASED ON
 GPS OBSERVATIONS KY NORTH ZONE
 CARLSON RTK BRX7 DUAL FREQUENCY



VICINITY MAP



Legend

- - Denotes set 24"x6/8" Iron Pin stamped T. Ryan #3565
- ⊙ - Denotes Found Iron Pin 3357 LARIBSON
- ⊙ - Denotes Found Iron Pin stamped L.S.#310
- ⊕ - Denotes Nail or Stake set on Property Line
- ⊗ - Denotes Fence

SHEET 1 OF 1	DRAWING TITLE	CONVEYANCE PLAT		RYAN LAND SURVEYING	
	PROJECT TITLE	0.1128 Acres to be Conveyed JEFFREY & KRISTI WELLS 3764 BULLITTSVILLE ROAD BURLINGTON, KY 41005		3850 SHADY HOLLOW LN. Burlington, Kentucky 41005 (609) 686-6800 zoned RSE CLIENT WELLS	
SCALE	DATE	1" = 60' 3/6/2023			
GROUP #	GROUP #	23-11 3371			

LAND SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE SURVEY DEPICTED BY THIS PLAT WAS DONE BY PERSONS UNDER MY DIRECT SUPERVISION BY THE METHOD OF RANDOM TRAVERSE WITH SIDE SHOTS. THE UNADJUSTED ERROR OF CLOSURE WAS 1: 45,210, AND WAS NOT ADJUSTED. THE SURVEY SHOWN HEREON IS A CLASS URBAN SURVEY, AND THE DISTANCES AND DIRECTIONS ARE BASED ON THE UNADJUSTED TRAVERSE. THIS IS A BOUNDARY SURVEY AND COMPLIES WITH 201 KAR 18:150

Timothy E. Ryan
 TIMOTHY E. RYAN 3/6/2023
 DATE

LICENSED PROFESSIONAL
 LAND SURVEYOR #3565 IN THE
 COMMONWEALTH OF KENTUCKY

LAND SURVEYOR'S NOTES

1. NO ENCROACHMENT UNLESS NOTED
2. NO EVIDENCE OF A CEMETERY FOUND ON SUBJECT PROPERTY
3. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY THE SURVEYOR
4. ALL DATA SOURCES, DOCUMENTS AND RECORDS SHOWN HEREON ARE ON FILE IN THE OFFICE OF THE BOONE COUNTY CLERK IN BURLINGTON, KY UNLESS NOTED.
5. PAN HANDLE PAR DRIVEWAY TO BE STAY INSIDE PROP. LINE

Buildable Lot Certificate

I Certify that I have examined the records of the Boone County Clerk and find that this is the first conveyance made under present ownership of the parent tract.

Timothy E. Ryan
 Timothy E. Ryan PLS #3565 3/6/2023
 Date

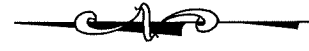
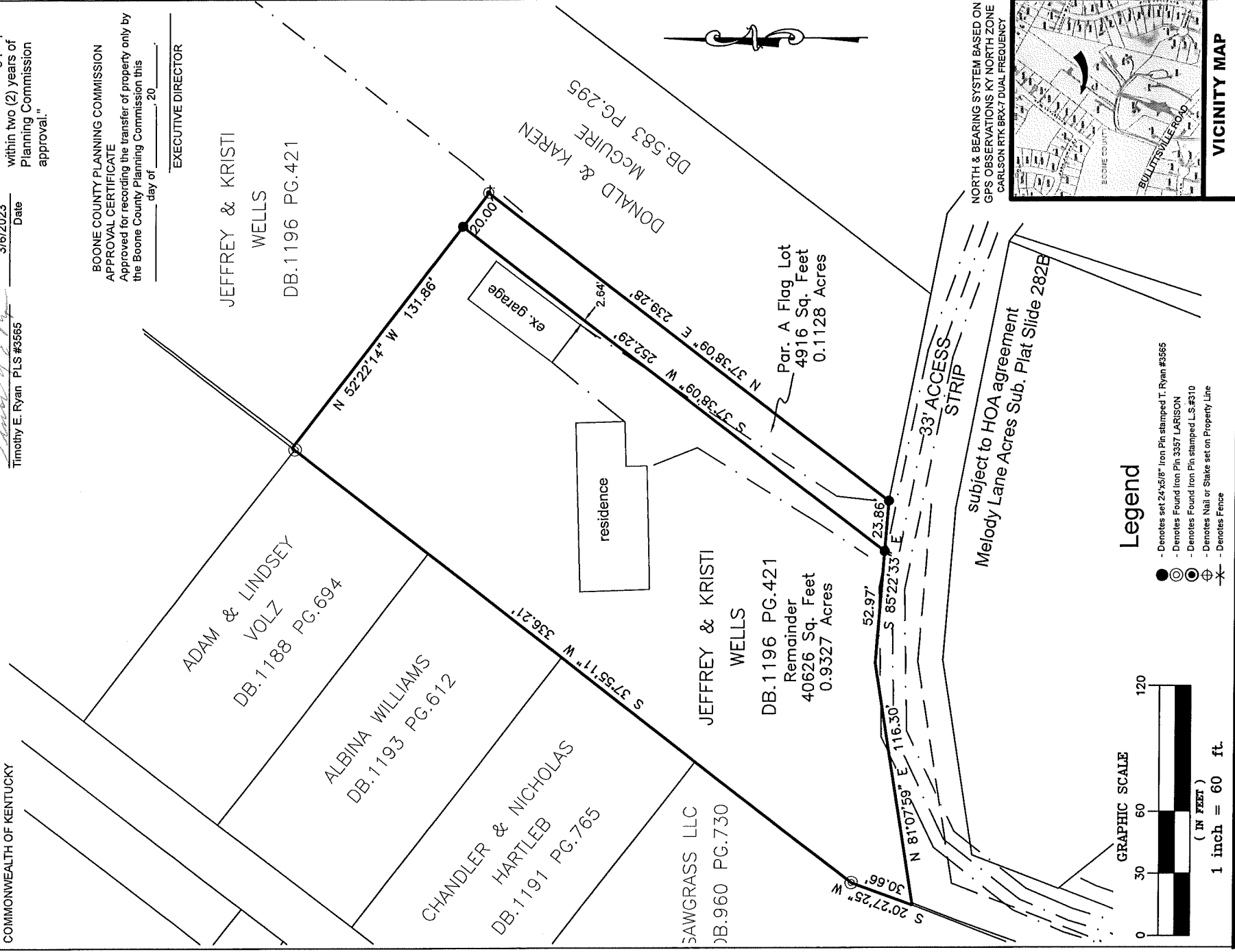
BOONE COUNTY PLANNING COMMISSION
 APPROVAL CERTIFICATE
 Approved for recording the transfer of property only by the Boone County Planning Commission this _____ day of _____, 20____

EXECUTIVE DIRECTOR

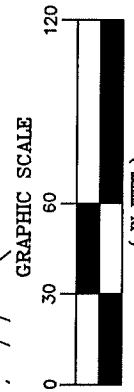
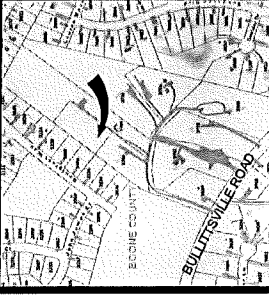
JEFFREY & KRISTI
 WELLS
 DB.1196 PG.421

"This Plat shall be void if not filed with the Boone County Clerk for recording purposes within two (2) years of Planning Commission approval."

STATE OF KENTUCKY
 TIMOTHY EARL RYAN LS-3565
 LICENSED PROFESSIONAL LAND SURVEYOR



NORTH & BEARING SYSTEM BASED ON GPS OBSERVATIONS KY NORTH ZONE CARLSON RTK BOX 7 DUAL FREQUENCY



- Legend**
- Denotes set 24"x5/8" Iron Pin stamped T. Ryan #3565
 - ⊙ Denotes Found Iron Pin 3357 LARSON
 - ⊕ Denotes Found Iron Pin stamped L.S.#310
 - ⊖ Denotes Nail or Stake set on Property Line
 - ✱ Denotes Fence

DRAWING TITLE CONVEYANCE PLAT		RYAN LAND SURVEYING	
PROJECT TITLE 0.1128 Acres to be Conveyed JEFFREY & KRISTI WELLS 3764 BULLITTSVILLE ROAD BURLINGTON, KY 41005		zoned RSE CLIENT WELLS	
SCALE 1"=60'	DATE 3/6/2023	2850 STADY HOLLOW LN Burlington, Kentucky 41005 (605) 566-5800	
PROJECT NO. 23-11	GROUP # 3371		
SHEET 1 OF 1			

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Jeffery & Kristi Wells
3764 Bullitsville Rd
Burlington, KY 41005
2. ADDRESS OF PROPERTY
3764 Bullitsville Rd
Burlington, KY 41005
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Wells Variance
4. DEED BOOK 1196 PAGE NO. 421 GROUP NO. 2007
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

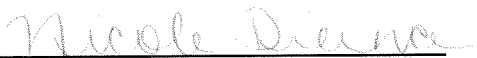
Subscribed, sworn to, and acknowledged before me by Michael D. Schwartz on behalf of the Boone

County Planning Commission this 11th day of May, 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.)