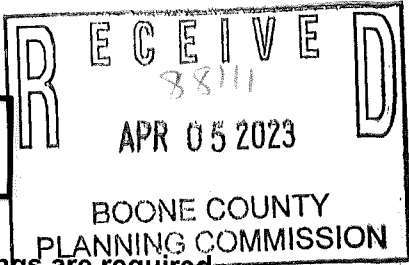


**BOARD OF ADJUSTMENT
BOONE COUNTY PLANNING COMMISSION**



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: Dwight M Workman, Jr
Address: 12320 Cleek Ln
Walton KY 41094
City State Zip Code
Phone Number: 859-466-7891 Fax Number: _____
Email: dworkman@verstlogistics.com

4. Description of Request:
I would like to build a 30X40 garage on my property that is roughly 40' from my property line. Garage would be fully wrapped in brick to match my existing home. Intended to store my tractor and implements.

5. Name of Development: _____

6. Location of Development: 12320 Cleek Ln
Walton KY 41094
City State Zip Code

7. Acreage Under Review: 11.75

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

9. Current Owner: Dwight M & Reba L Workman
Address: 12320 Cleek Ln
Walton KY 41094
City State Zip Code
Phone Number: 859-466-7891 Fax Number: _____
Email: dworkman@verstlogistics.com

10. Proposed Use(s) on Site: Intended use is to store farm equipment to keep it out of the weather

11. Total Square Footage of Existing and/or Proposed Buildings: 1200 sq ft

12. Current Zoning: Residential

13. 1107 346 2007
Deed Book Page Group Number

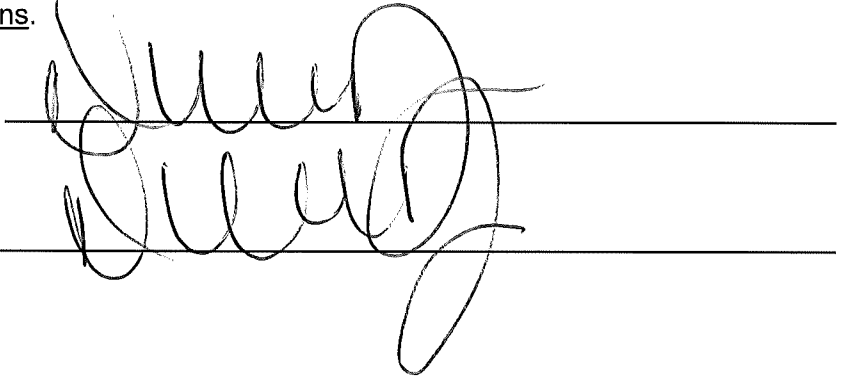
14. Is the site subject to a zone change: Yes No
If yes, date of approval: _____

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.

Property Owner's Signature:



Applicant's Signature:



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

1. Date Received: 4/5/23 Fee Received: \$6666 Receipt #: 88111
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

#3

APPLICANT: Dwight M. Workman, Jr.

LOCATION: 12320 Cleek Lane

ZONING: Agricultural Estate (A-2)

DATE: May 10, 2023

PROPOSAL

1. The applicant is requesting a Variance reducing the front yard setback from sixty (60) feet to thirty-five (35) feet to allow the construction of a building addition or accessory structure.

SITE HISTORY

- 1999 On June 2, 1999, the Boone County Planning Commission approved a Conveyance Plat, creating the lot in question.
- 2015 On February 13, 2015, the Boone County Planning Commission approved a Zoning Permit for a single-family residence on the site in question.
- 2017 On February 27, 2017, the Boone County Planning Commission approved a Zoning Permit for a deck, 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 sixty (60) feet within the A-2 district.
- E. Section 602.A of the Boone County Zoning Regulations states that the “purpose of the Agricultural Estate district is to provide for low density residential development and on a limited basis agricultural uses or agricultural related uses in the context of a rural environment.”
- F. Section 3153.A of the Boone County Zoning Regulations state that accessory structures or uses may be located in the front yard area or corner side yard area in Agricultural zones or for agricultural uses located in other districts provided the respective front yard or corner side yard setback is met.

RELATIONSHIP TO THE COMPREHENSIVE PLAN

- A. The Our Boone County Plan 2040 Future Land Use Plan designates the site in question as “Rural Land”, “Rural Density Residential”, and “Developmentally Sensitive”, which are described as follows:

1. Rural Land: Wooded, agricultural, recreational, or low density residential uses of up to one dwelling unit per two acres. Residential construction in Rural Lands does not occur in a formal subdivision.
 2. Rural Density Residential: Low density residential uses of up to one dwelling unit per acre.
 3. Developmentally Sensitive: Areas that have an existing slope of twenty percent or greater for a height of 20 meters (67.6 feet), or have unique soil or flooding characteristics which limit the ability of an area to support urban development, or contain significant wooded areas, creeks, wildlife habitat, or other natural features that are important to a site's stability and visual character. In addition, developmentally sensitive areas may, in the future, be defined and protected due to historical or visual importance
- 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. Cleek Lane is a county maintained local street providing for two-way traffic within an approximate twelve (12) foot wide pavement width. There are no sidewalks along the roadway.

SURROUNDING LAND USES AND ZONING

- North: Single-family residential dwellings and agricultural/undeveloped land (A-2)
- South: Single-family residential dwellings and agricultural/undeveloped land (A-2)

East: Single-family residential dwellings and agricultural/undeveloped land (A-2)

West: Single-family residential dwellings and agricultural/undeveloped land (A-2)

SITE CHARACTERISTICS

- A. The approximate 12 acre property is located along the east side of Cleek Lane, approximately one (1) mile northwest of US 42.
- B. The site has approximately eight hundred eighty-four (884) feet of frontage along Cleek Lane.
- C. The site is currently occupied by a detached single-family residential dwelling.
- D. Access to the site is provided from a single curb cut onto Cleek Lane.
- E. The front portion of the site has been cleared of trees, while the back portion of the site is heavily wooded.
- F. Topographically, the site slopes downward, front to back, at an average grade of 16%.

STAFF COMMENTS

- A. The zoning permit that was approved in 2015 showed that the house would have a sixty (60) foot front yard setback. However, the Boone County GIS indicates an approximate fifty-six (56) foot front yard setback.
- B. The applicant is proposing to construct a 1,200 square foot building that will either be attached or detached from the existing single-family residence.
- C. The proposed building will be set back thirty-five (35) feet from the front property line.
- D. Based on information contained in the Boone County GIS, the following table provides a summary of structures along Cleek Lane that do not meet the required front yard setback of sixty (60) feet:

ADDRESS	STRUCTURE TYPE	SETBACK
12300	accessory	32'
12349	primary	29'
12389	accessory	16'
12479	accessory	5'
12450	accessory	16'
12511	primary	32'
12549	accessory	10'
12576	primary	48'
12590	primary	37'
12634	primary	3'
12770	accessory	23'
12832	primary	47'

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

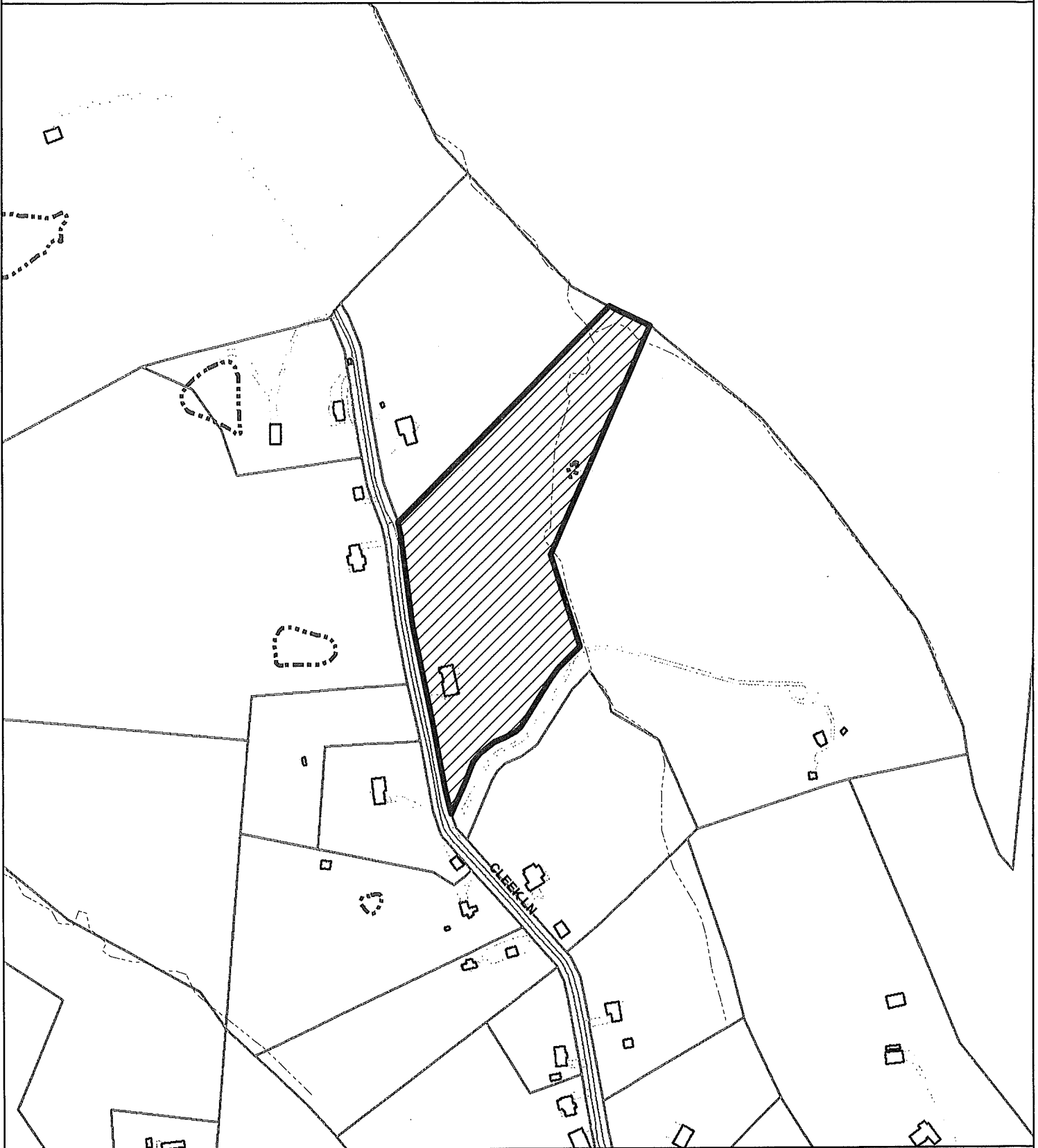
MDS/ss

Attachments

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

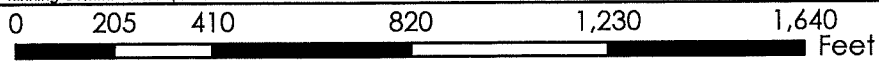
Vicinity Map

www.boonecountygis.com



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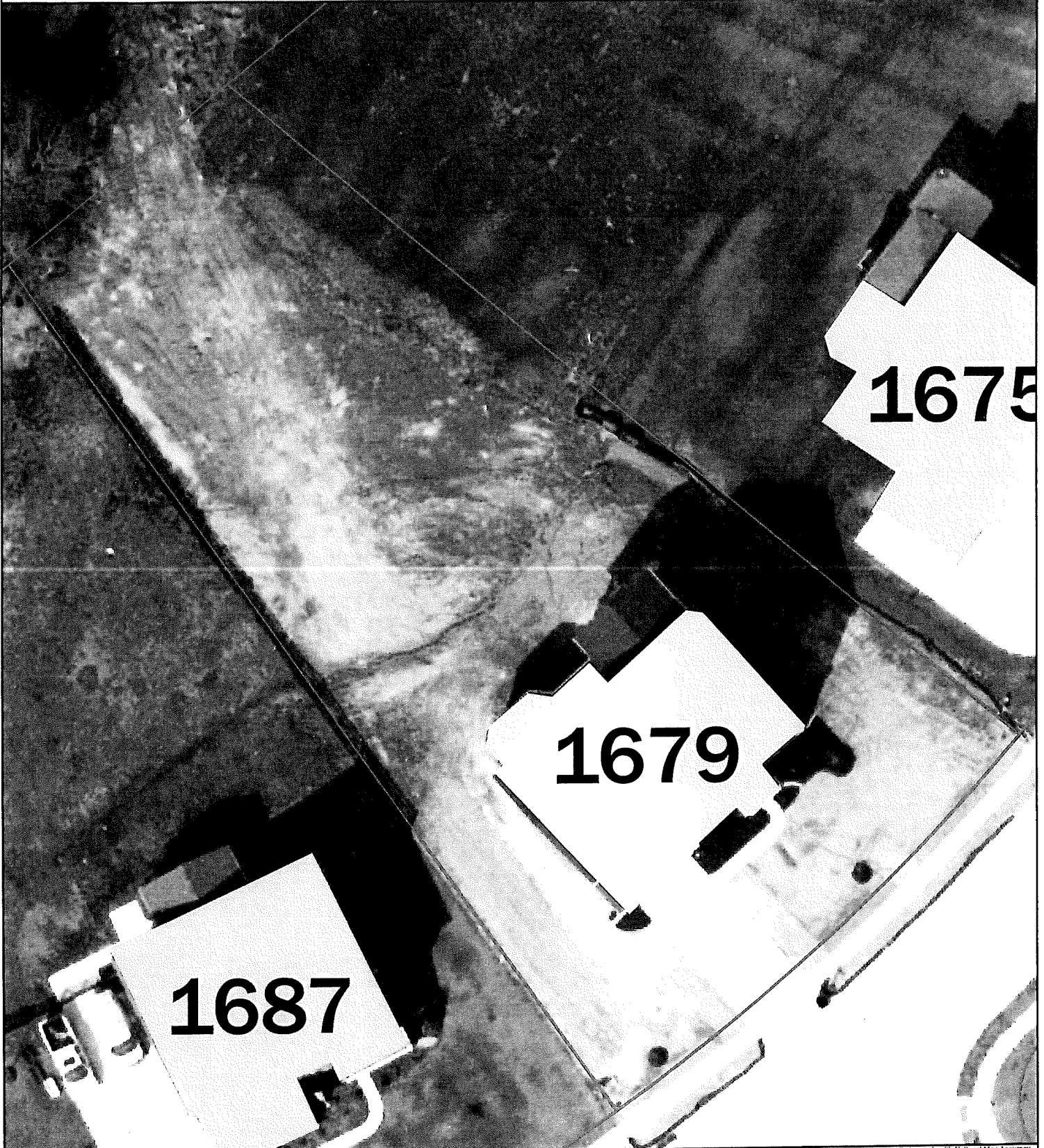
1 inch = 400 feet



Boone County GIS - Putting Northern Kentucky on the Map

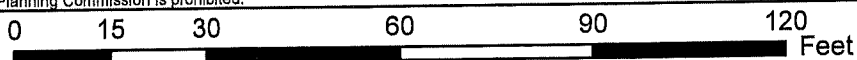
Boone County GIS Map

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1 inch = 30 feet



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Aerial Map

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0 205 410 820 1,230 1,640 Feet

1 inch = 400 feet



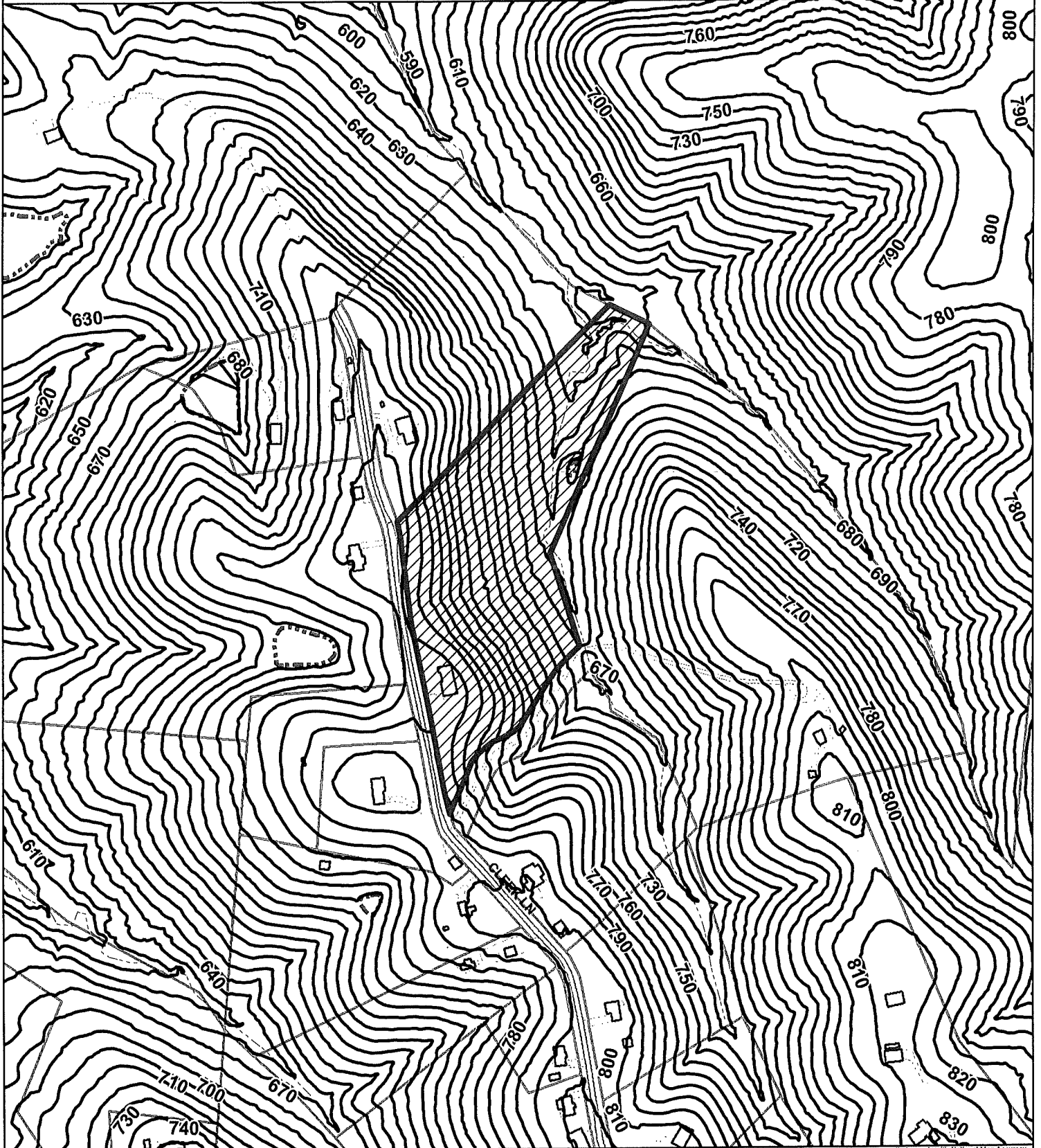
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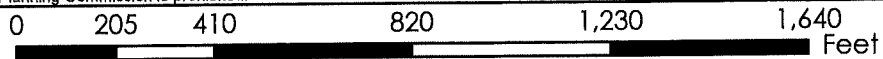
Topographic Map

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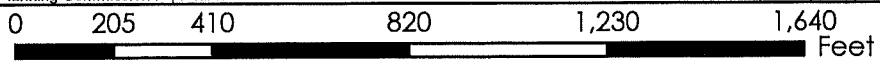
Zoning Map

www.boonecountygis.com

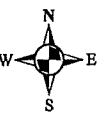


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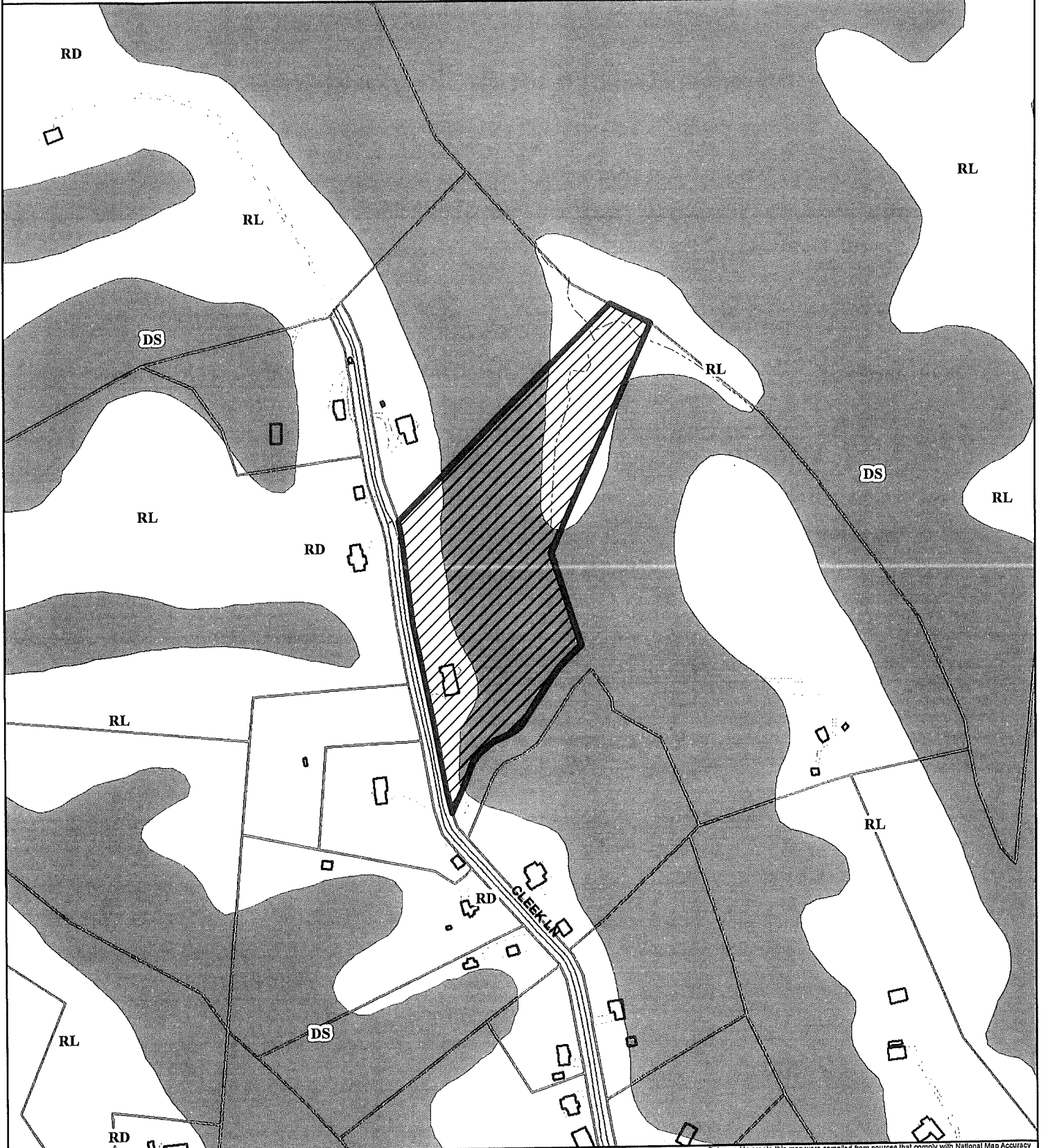
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Map Created: xx/xx/2022

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2040 Future Land Use Map

www.boonecountygis.com



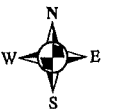
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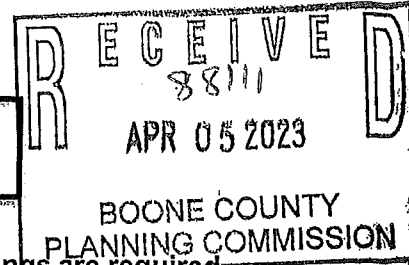
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1 inch = 400 feet



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**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

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- 2. Check One Conditional Use Permit Variance Appeal
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Walton KY 41094
City State Zip Code

Phone Number: 859-466-7891 Fax Number: _____

Email: dworkman@verstlogistics.com

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6. Location of Development: 12320 Cleek Ln

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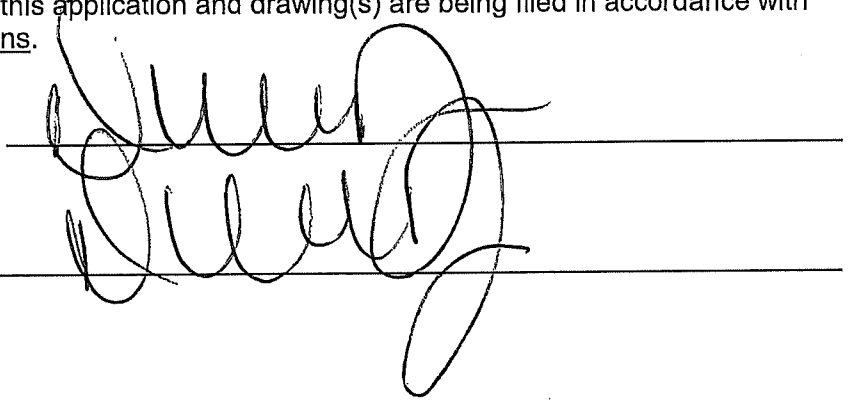
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City State Zip Code

Phone Number: 859-466-7891 Fax Number: _____


Email: dworkman@verstlogistics.com

10. Proposed Use(s) on Site: Intended use is to store farm equipment to keep it out of the weather
11. Total Square Footage of Existing and/or Proposed Buildings: 1200 sq ft
12. Current Zoning: Residential
13. 1107 346 2067
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.

Property Owner's Signature:



Applicant's Signature:



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

1. Date Received: 4/5/23 Fee Received: \$666 Receipt #: 8811

2. Is application complete: _____

3. Staff Reviewer: _____

4. Scheduled Board Action Date: _____

5. Board Action: _____

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

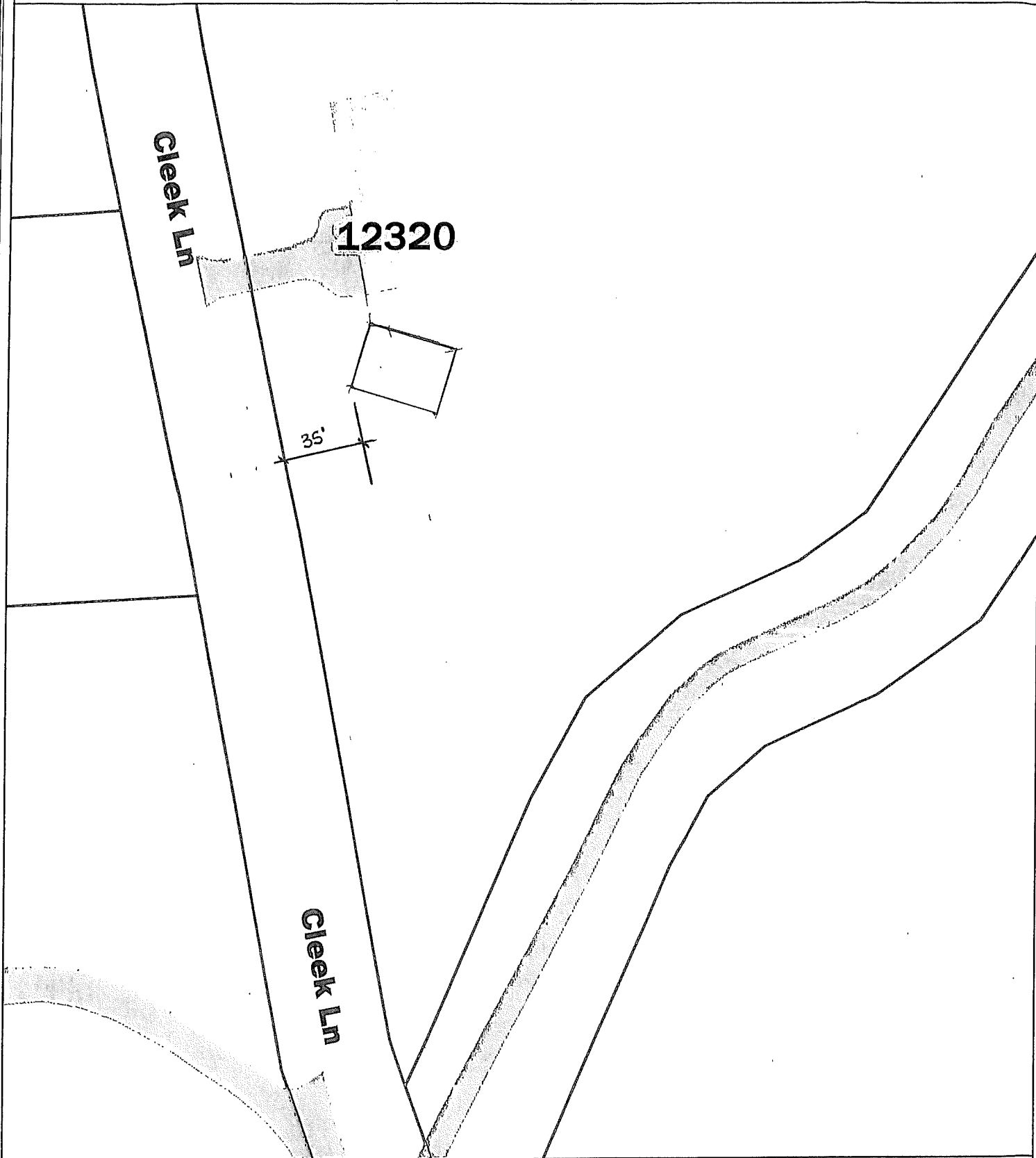
6. Conditions of Approval: _____

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

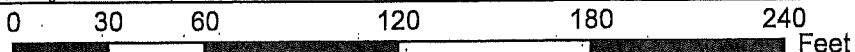
Boone County GIS Map

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1 inch = 60 feet



Boone County GIS - Putting Northern Kentucky on the Map



Map Created: xbx/2023

ArcMap Document: *.mxd

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Dwight & Reba Workman
12320 Cleek Ln
Walton, KY 41094
2. ADDRESS OF PROPERTY
12320 Cleek Ln
Walton, KY 41094
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Workman Variance
4. DEED BOOK 2208 PAGE NO. 346 GROUP NO. 2067
5. TYPE OF RESTRICTION(S) (Check all that apply)
- Zoning Map Amendment:
From _____ To _____
- Conditional Use Permit
- 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.)