

Single Family residence

10. Proposed Use(s) on Site: _____
11. Total Square Footage of Existing and/or Proposed Buildings: 3,000 Sq/Ft
12. Current Zoning: SR-1
13. 1161 762 5763 2064
Deed Book Page Group Number
14. Is the site subject to a zone change: Yes No
If yes, date of approval: _____ 2-09-2021
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: 6/22/23 Fee Received: \$1666 Receipt #: 88683

2. Is application complete: _____

3. Staff Reviewer: M. Schwartz

4. Scheduled Board Action Date: 8/19/2023

5. Board Action: 8/19/2023

- 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: Triple Crown Developers LLC, per Tony Berling

LOCATION: 600 Winstar Court

ZONING: Suburban Residential One (SR-1)

DATE: August 9, 2023

PROPOSAL

1. The applicant is requesting a Variance reducing the front yard setback from thirty (30) feet to twenty-five (25) feet to for a single-family residential dwelling.

SITE HISTORY

- 1992 As part of the update of the Boone County Zoning Regulations, the site was rezoned from A-2 to PF.
- 2021 On February 9, 2021, the Boone Fiscal Court adopted Ordinance Number 2021-07, approving a zoning map amendment for the site and the adjacent area from PF to SR-1, subject to four (4) conditions (R-21-001-A).
- 2021 On May 12, 2021, the Boone Board of Adjustment approved an Appeal of the Zoning Administrator's Decision that the name of a new street must be changed to Count Fleet Drive rather than Justify Drive as proposed (BCBOA-21-APP).
- 2023 On May 19, 2023, the Boone County Planning Commission approved a Final Plat for Triple Crown Country Club, Section 34, Block E, creating the lot 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 “Public/Institutional”, which is described as Government offices, schools, libraries, churches, cemeteries, fairgrounds, maintenance areas, etc.
- 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. Winstar Court is a county maintained local street providing for two-way traffic. Sidewalks will be provided along both sides of the roadway as individual lots are developed.

SURROUNDING LAND USES AND ZONING

- North: Single-family residential dwellings (SR-1)
- South: Single-family residential dwellings (SR-1)
- East: Vacant/undeveloped land (PF)
- West: Single-family residential dwellings (SR-1)

SITE CHARACTERISTICS

- A. The approximate 0.40 acre property is located along the northeast side of Winstar Court, approximately 570 feet north of Justify Drive south.
- B. The site has approximately 70.99 feet of frontage along Winstar Court.
- C. The site is vacant and will be developed with a detached single-family residential dwelling.
- D. Access to the site will be provided from a single curb cut onto Winstar Court.
- E. A one hundred fifty (150) foot wide electric transmission easement runs along the rear of the site in question, leaving approximately thirty-eight (38) feet as the building depth.
- F. The proposed house will be set back twenty-five (25) feet from the front property line, allowing for an approximate sixty-three (63) foot building depth.
- G. Topographically, the site has been graded for the proposed development of the lot.

STAFF COMMENTS

- A. Since the site in question is located at the end of a cul-de-sac street, with a slight curve in the roadway, the proposed house will not look like it is out of line with the other houses along the street, which will have a minimum front yard setback of thirty (30) feet.

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

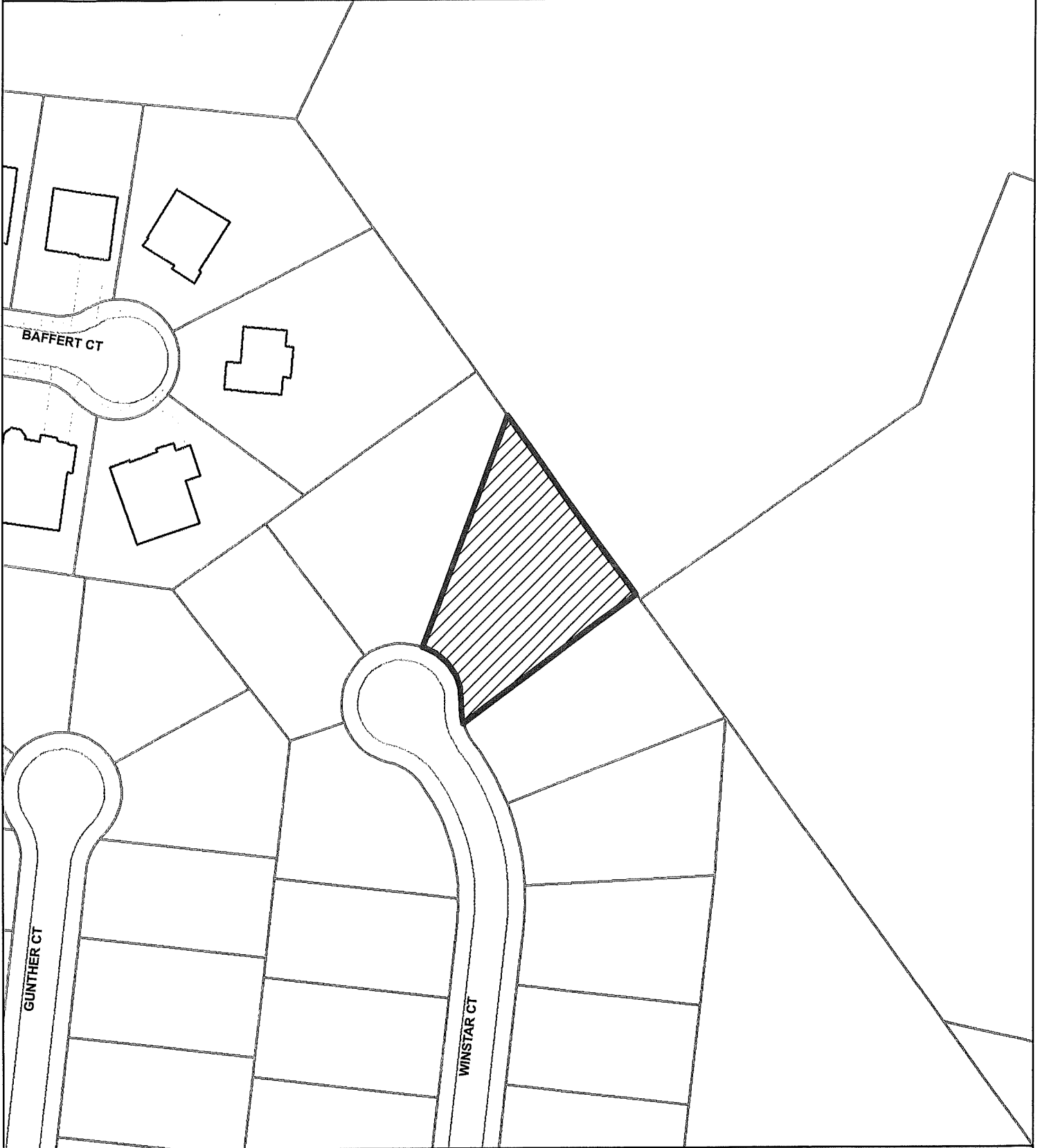
MDS/ss

Attachments

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

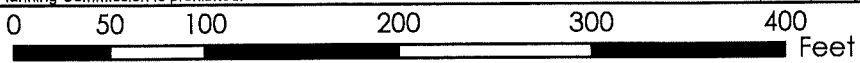
Vicinity Map

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1 inch = 100 feet



Boone County GIS - Putting Northern Kentucky on the Map



Aerial Map

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0 50 100 200 300 400 Feet

1 Inch = 100 feet



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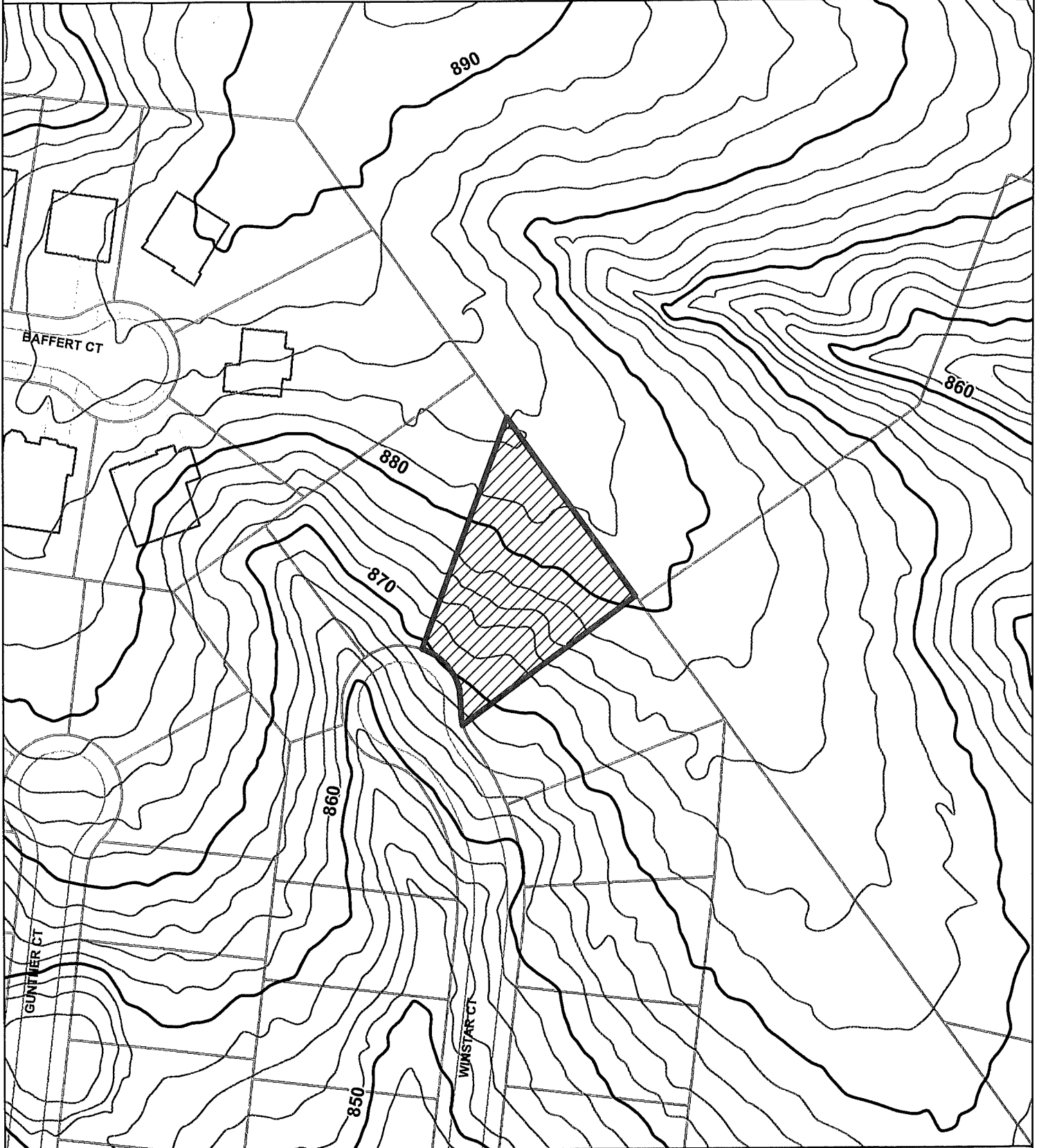


Map Created: xh02/2022

Web Page Content by EPH, 10/2/19
ArcMap Document: *.mxd

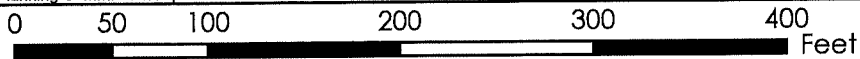
Topographic Map

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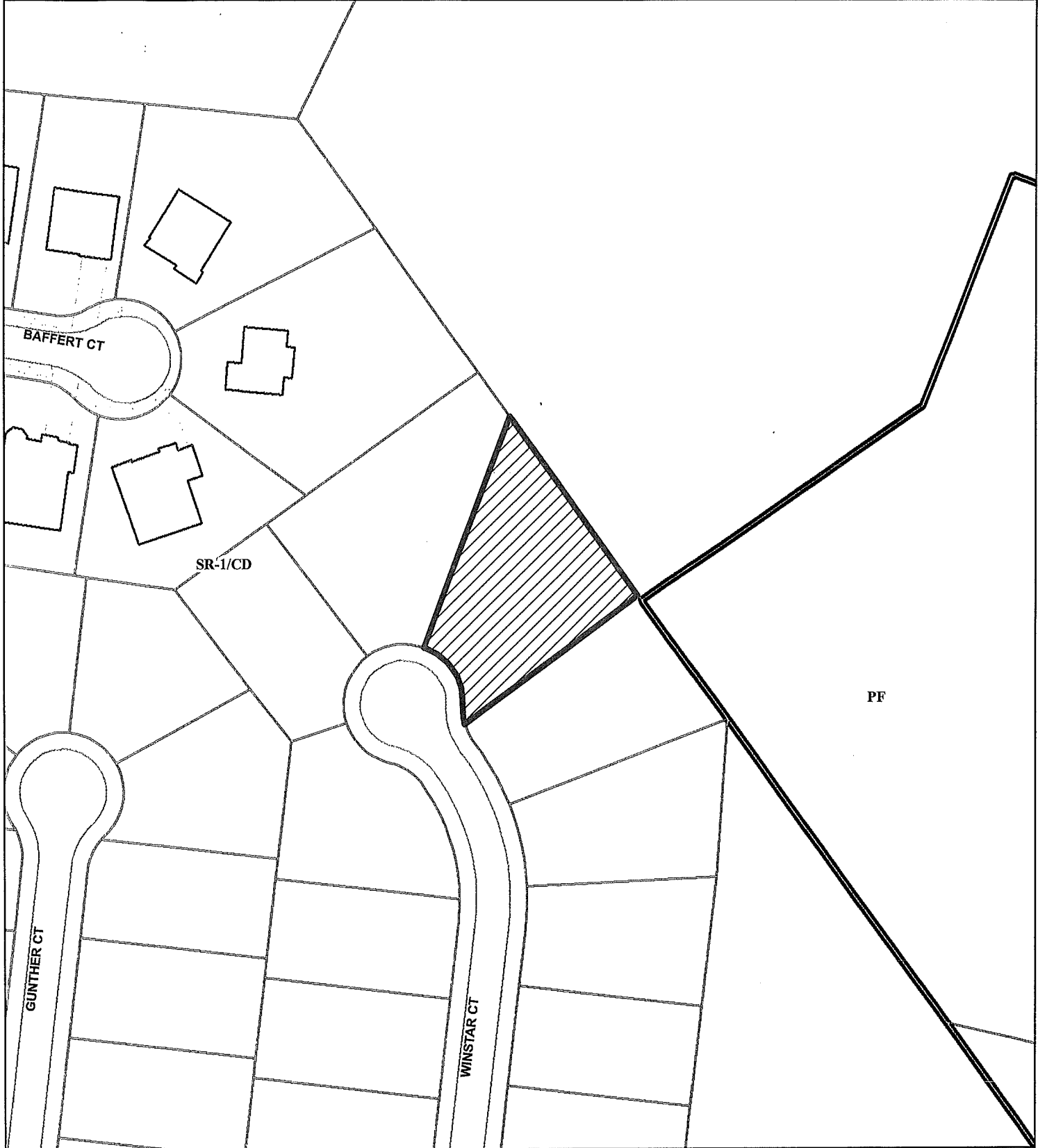


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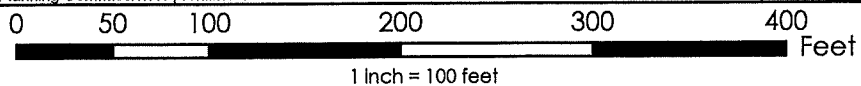
Zoning Map

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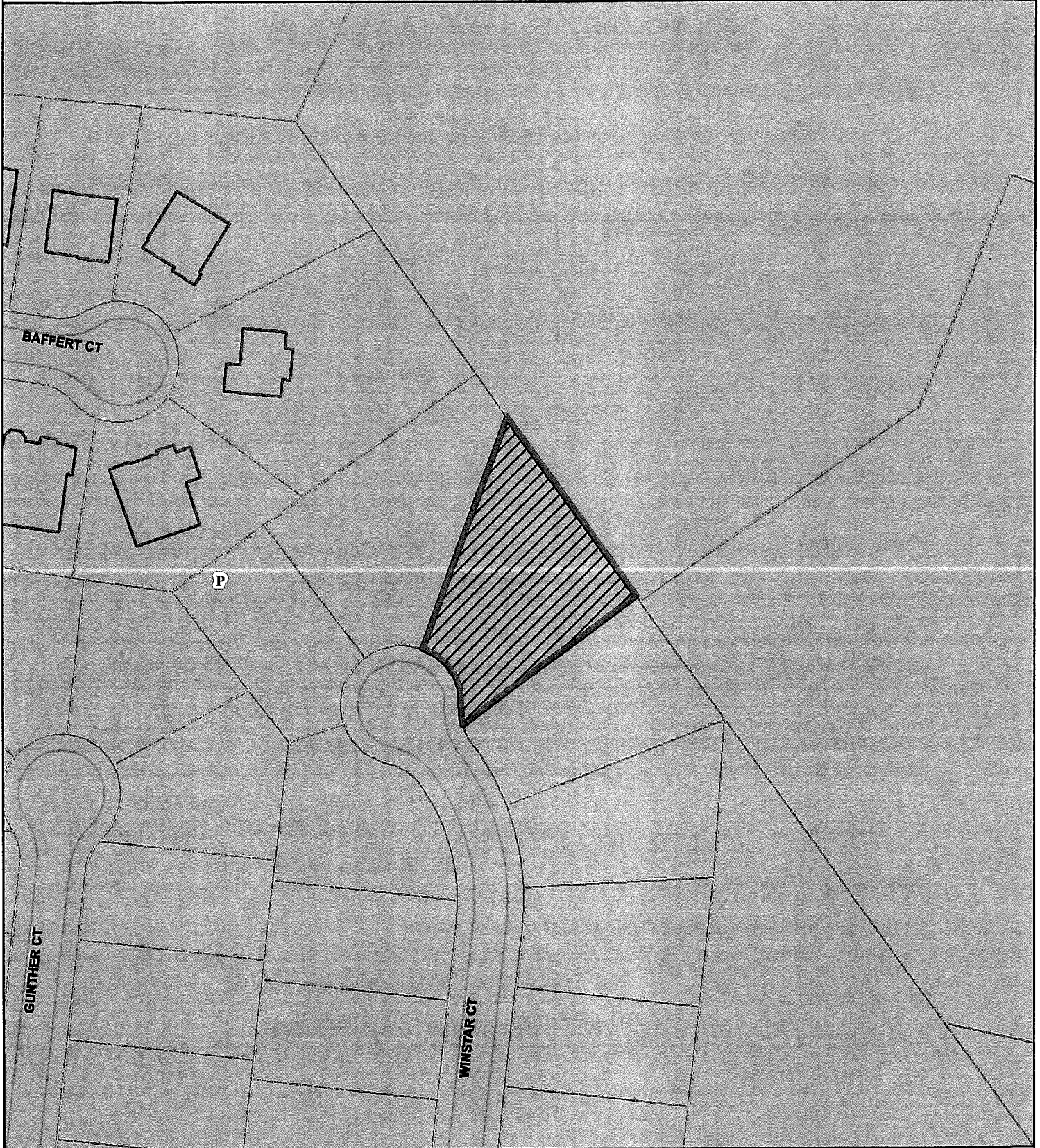


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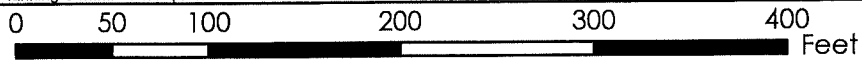
2040 Future Land Use Map

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Boone County GIS - Putting Northern Kentucky on the Map



Single Family residence

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13. 1161 762 5763
Deed Book Page Group Number

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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: *Tommy Baskin (MEMBER)*
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

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

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

1. Date Received: 6/22/23 Fee Received: \$666 Receipt #: 88683

2. Is application complete: _____

3. Staff Reviewer: _____

4. Scheduled Board Action Date: _____

5. Board Action: _____

_____ Approved

_____ Approved with Conditions (see #6)

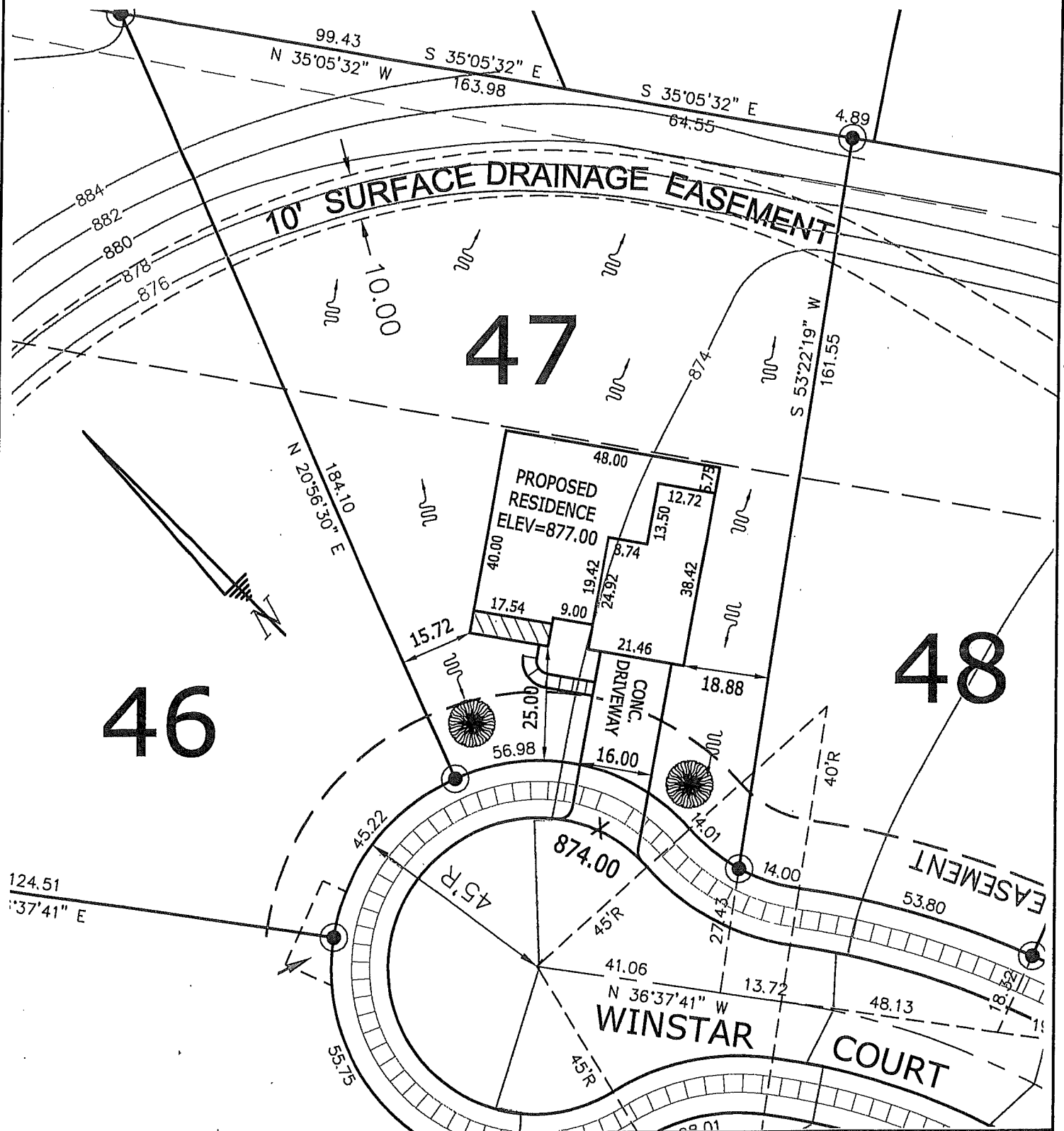
_____ Denial (See #7)


6. Conditions of Approval: _____

7. Reasons for Denial: _____

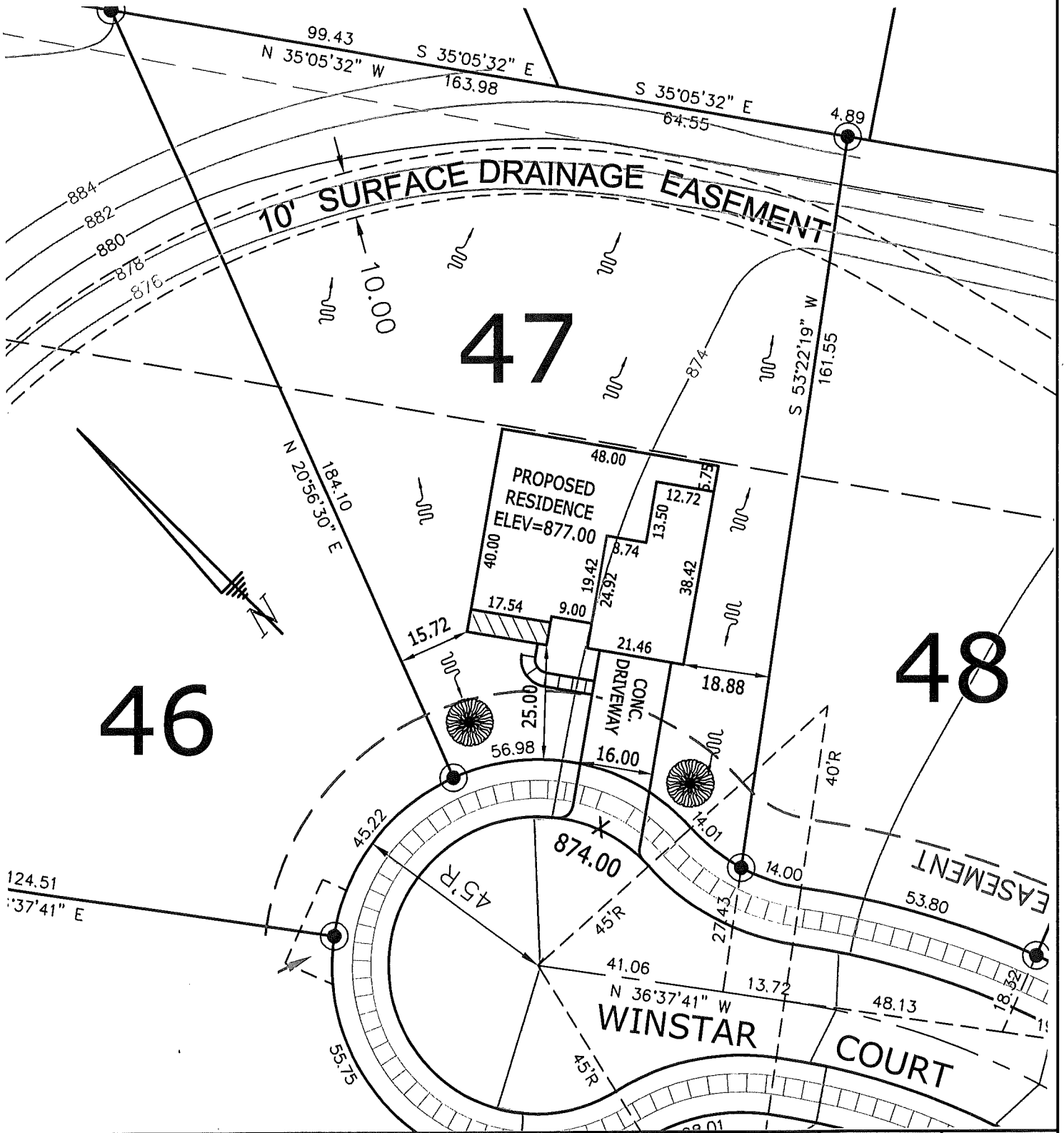
Boone County Planning Commission
Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
Burlington, Kentucky 41005
Phone: 859-334-2196 Fax: 859-334-2264
plancom@boonecountyky.org
www.boonecountyky.org


ELEVATION OF BUILDING, DRAINAGE
ARROWS & LATERAL ELEVATION TO
BE FIELD VERIFIED BY THE BUILDER



BUILDER DREES HOMES	SUBDIVISION TRIPLE CROWN COUNTRY CLUB 600 WINSTAR COURT UNION, KENTUCKY		SECTION 34	BLOCK E	LOT NUMBER 47
OWNER DREES HOMES 211 GRANDVIEW DRIVE FORT MITCHELL, KY 41017 OFFICE: (859) 578-4200	DATE 6/05/23 IMPROVEMENT PLAN APPROVAL	SCALE 1" = 30' 5-2-2022	PREPARED BY: CHRIS BERLING JAMES W. BERLING ENGINEERING 1671 PARK ROAD, SUITE ONE FT. WRIGHT, KENTUCKY 41011 (859) 331-9191		
 = TREE TO BE PICKED FROM THE PLANT LIST "A"					

ELEVATION OF BUILDING, DRAINAGE
ARROWS & LATERAL ELEVATION TO
BE FIELD VERIFIED BY THE BUILDER



BUILDER DREES HOMES	SUBDIVISION TRIPLE CROWN COUNTRY CLUB 600 WINSTAR COURT UNION, KENTUCKY	SECTION 34	BLOCK E	LOT NUMBER 47
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CERTIFICATE OF LAND USE RESTRICTION

- 1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Triple Crown Developers, LLC
1671 Park Rd, Suite 1
Fort Wright, KY 41011

- 2. ADDRESS OF PROPERTY
600 Winstar Ct
Union, KY 41091

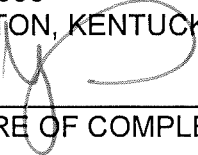
- 3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Triple Crown Country Club

- 4. DEED BOOK 1161 PAGE NO. 762 GROUP NO. 2064

- 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 10th day of August, 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.)