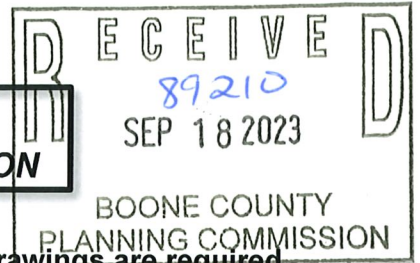


**BOARD OF ADJUSTMENT
BOONE COUNTY PLANNING COMMISSION**



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

034

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: Greg Larison
Address: 466 Erlanger Road
Erlanger KY 41018
City State Zip Code
Phone Number: 859 727 3293 Fax Number: _____
Email: glarison@vioxinc.com
4. Description of Request:
~~Division of property including one 20' flag stem to be divided into two 10' flag stems~~
5. Name of Development: _____
6. Location of Development: 1441 North Bend Road
Hebron KY 41048
City State Zip Code
7. Acreage Under Review: 13.009
8. Lot Number and Name of Subdivision (if part of a subdivision):

9. Current Owner: George S. & Amy J. Bonta
Address: P.O. Box 565
Hebron KY 41048
City State Zip Code
Phone Number: _____ Fax Number: _____
Email: _____

10. Proposed Use(s) on Site: Residential

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

12. Current Zoning: RSE

13. 893 126 2004
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: *Angie Bonta*
Angie Bonta

Applicant's Signature: *[Signature]*

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

1. Date Received: 9/18/2023 Fee Received: \$666.00 Receipt #: 89210

2. Is application complete: _____

3. Staff Reviewer: M. Schwartz

4. Scheduled Board Action Date: 10/11/2023

5. Board Action: 10/11/2023

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: Greg Larison on behalf of George and Amy Bonta

LOCATION: 1441 North Bend Road and the property immediately to its south, having a Parcel Identification Number (PIDN) of 035.00-00-026.01, Boone County, Kentucky

ZONING: Rural Suburban Estates (RSE)

DATE: September 13, 2023

PROPOSAL

- A. The applicant is requesting a Variance reducing the minimum street frontage width for two contiguous flag lots from thirty (30) feet to 20.09 feet.

SITE HISTORY

- 1994-1997 Based on information contained in the Boone County GIS, a barn was constructed on the southern lot of the site in question.
- 1997 On February 25, 1997, the Boone County Planning Commission approved a zoning permit for a single-family residence on the northern lot of the site in question.
- 2001 On February 28, 2001, the Boone County Planning Commission approved a zoning permit for an addition/deck on the northern lot of the site in question.
- 2005 On January 19, 2005, the Boone County Planning Commission approved a Conveyance Plat creating the southern lot of the site in question as a non-buildable lot.
- 2005 On August 12, 2005, the Boone County Planning Commission approved a zoning permit for a shed/swimming pool/addition on the northern lot of 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 901.A of the Boone County Zoning Regulations states that a 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.

- E. Section 315.d of the Boone County Subdivision Regulations states that in the case of two contiguous flag lots, there shall be thirty feet (30') of frontage on a publicly dedicated street with a common driveway. With two contiguous flag lots, a deeded 15 foot (15') strip of land for each lot is required with a common unobstructed access easement for a shared driveway to the public street.

RELATIONSHIP TO THE COMPREHENSIVE PLAN

- A. The Our Boone County Plan 2040 Future Land Use Plan designates the site in question as “Rural Density Residential”, “Suburban Density Residential”, and “Developmentally Sensitive”, which are described as follows:
1. Rural Density Residential - Low density residential uses of up to one dwelling unit per acre.
 2. Suburban Density Residential - - Single family housing of up to four units 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.
- 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).

- C. North Bend Road is identified as a State maintained arterial street providing for two-way traffic within three driving lanes (one lane in each direction with a center left-turn lane). There are sidewalks along both sides of the roadway.

SURROUNDING LAND USES AND ZONING

North: Single family residential (RSE and SR-1)
South: Single family residential (RSE)
East: OnPoint Home Lending office (RSE)
West: Single family residential (SR-1)

SITE CHARACTERISTICS

- A. The approximate 11.3 acre property is located along the west side of North Bend Road, approximately nine hundred (900) feet south of Treetop Lane.
- B. The site is comprised of two lots, the northern lot having an area of approximately 9.8 acres and the southern lot having an area of approximately 1.5 acres.
- C. The site in question has 20.09 feet of frontage along North Bend Road.
- D. The site in question is currently occupied by a detached single-family residential dwelling and a barn.
- E. Access to the site in question is from a shared curb cut onto North Bend Road.
- F. The site in question is heavily wooded.
- G. The western edge of the site in question is located within the 100-Year Floodplain.
- H. Topographically, the site rises from North Bend Road to the location of the house and then slopes downward to the west.

STAFF COMMENTS

- A. The submitted request is to allow the existing 20.09 foot wide flag lot, and existing non-buildable lot, to be subdivided into two flag lots, each having an approximate ten (10) foot width so that the existing house can remain on the northern lot and a new house can be constructed on the southern lot, with the

existing barn.

- B. If the Board approves the requested Variance, three (3) single-family residences would share a common driveway having an approximate width of eighteen (18) feet.
- C. Should the Board take action to approve the submitted request, Staff is suggesting the following condition be considered as part of that action:
 - 1. An access easement shall be provided on the two proposed flags.

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

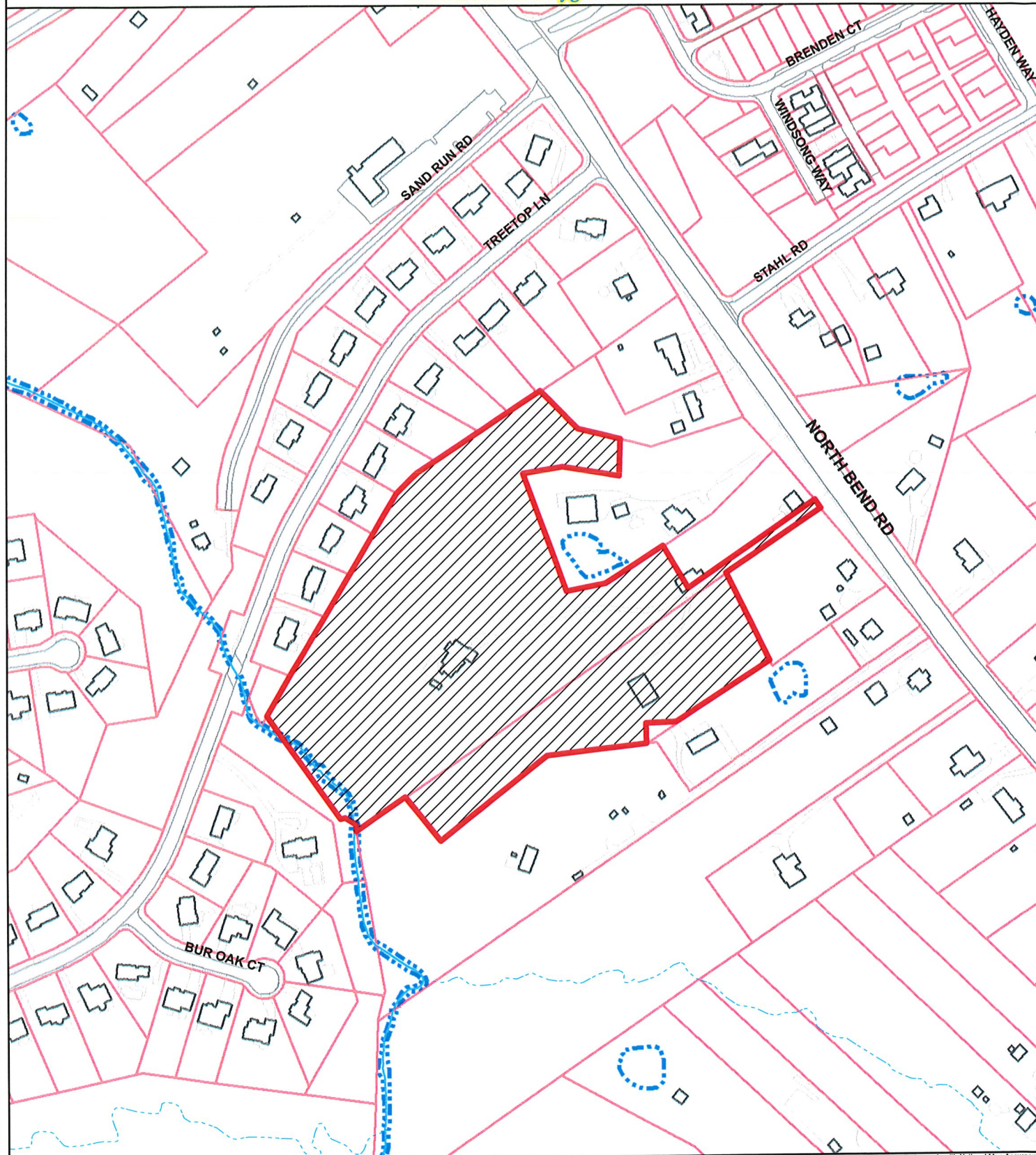
MDS/ss

Attachments

- *Vicinity Map
- *Aerial Map
- *Topographic and Floodplain Map
- *Zoning Map
- *2040 Future Land Use Map
- *Application
- *Development Plan

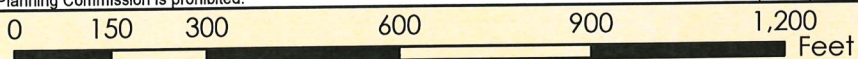
Vicinity Map

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.



1 inch = 300 feet



Boone County GIS - Putting Northern Kentucky on the Map

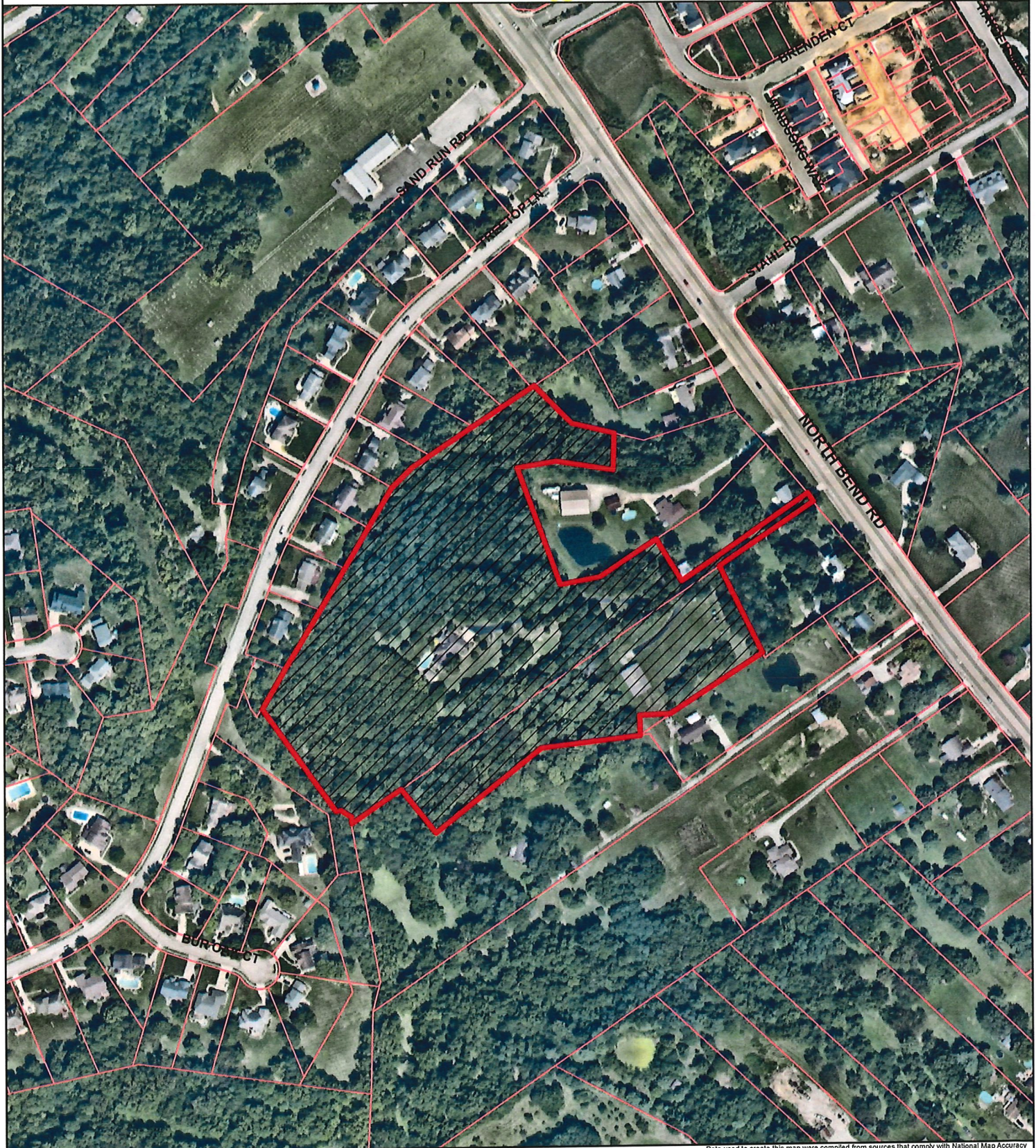


Boone County GIS
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Map Created: xx/xx/2022

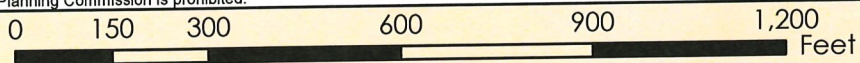
Aerial Map

www.boonecountygis.com



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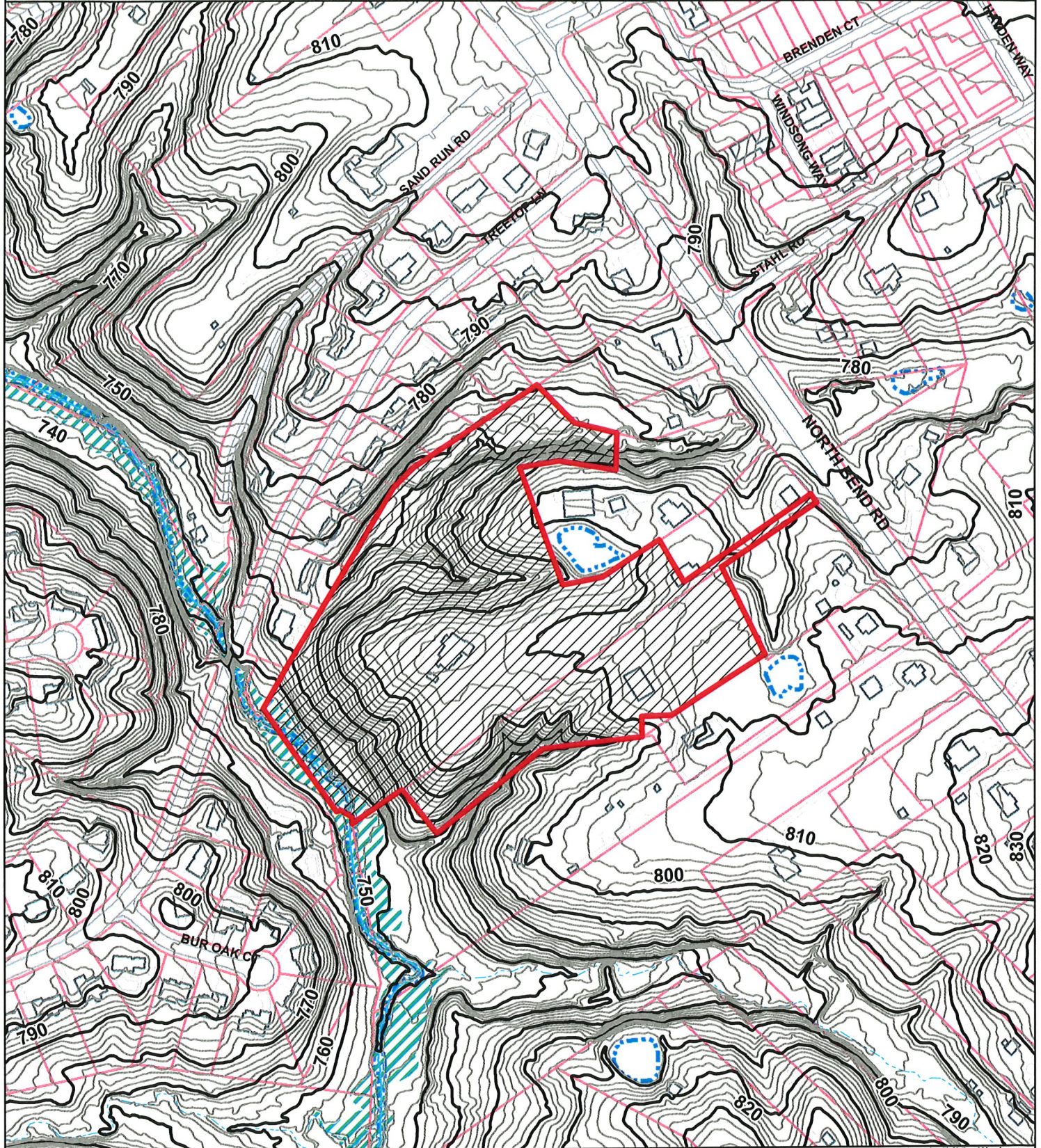
Boone County GIS - Putting Northern Kentucky on the Map

Map File: C:\GIS\Map\Boone GIS 1111
ArcMap Document: *.mxd

Map Created: xx/xx/2022

Topographic and Floodplain Map

www.boonecountygis.com



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0 150 300 600 900 1,200 Feet

1 inch = 300 feet



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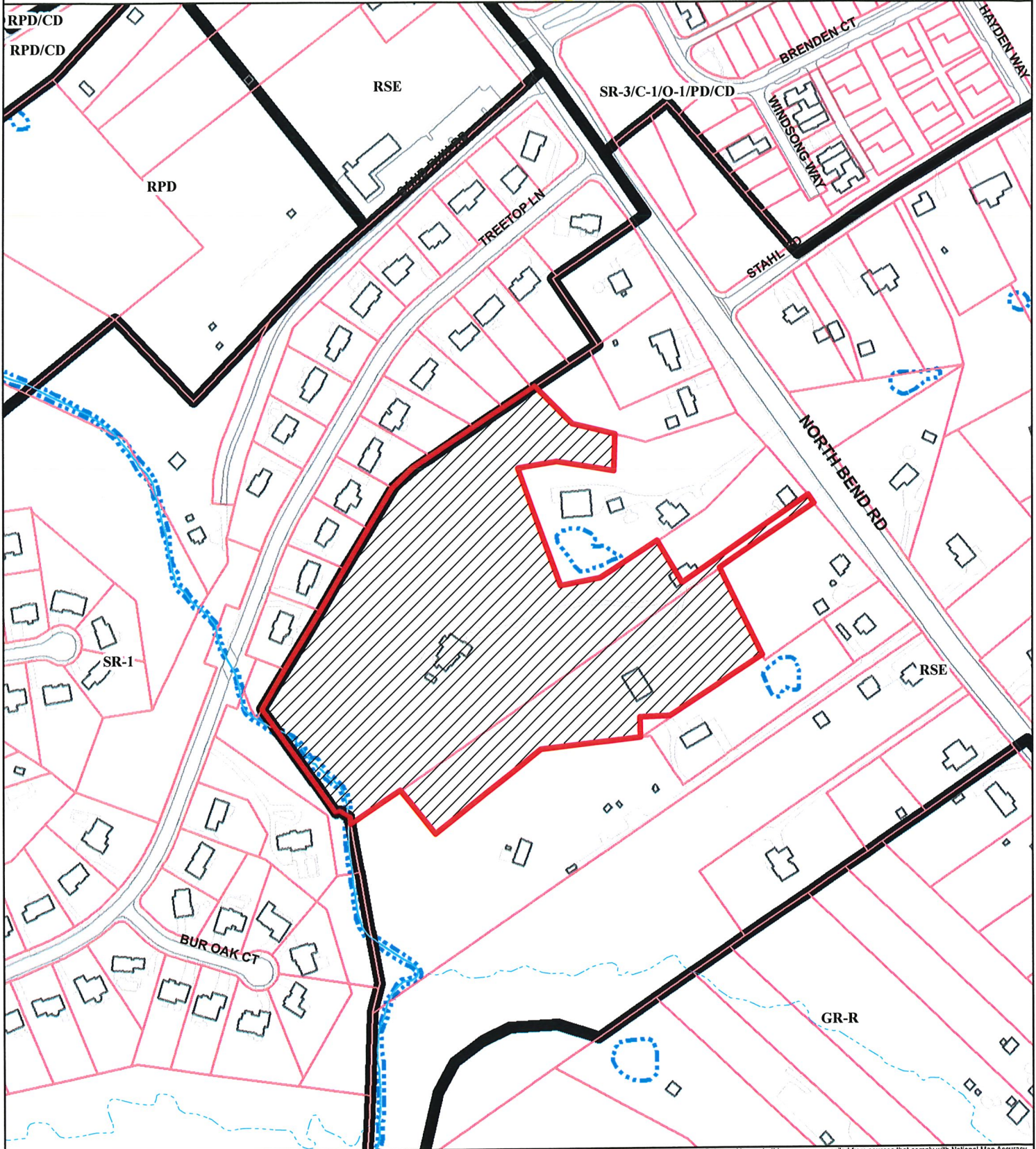


Map Created: xx/xx/2022

State Plane: Foot North 830 1103
ArcMap Document: *.mxd

Zoning Map

www.boonecountygis.com



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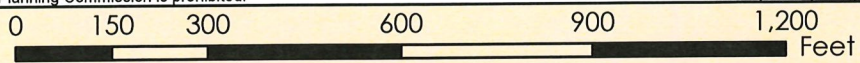
2040 Future Land Use Map

www.boonecountygis.com



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Boone County GIS - Putting Northern Kentucky on the Map

**BOARD OF ADJUSTMENT
BOONE COUNTY PLANNING COMMISSION**

RECEIVED
89210
SEP 18 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

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2. Check One Conditional Use Permit Variance Appeal
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City State Zip Code
Phone Number: 859 727 3293 Fax Number: _____
Email: glarison@vioxinc.com
4. Description of Request:
~~Division of property including one 20' flag stem to be divided into two 10' flag stems~~
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6. Location of Development: 1441 North Bend Road
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Email: _____

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

1. Date Received: 9/18/2023 Fee Received: \$666.00 Receipt #: 89210

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 DIVISION
OF THE
GEORGE AND AMY BONTA PROPERTY**

BOONE COUNTY KENTUCKY

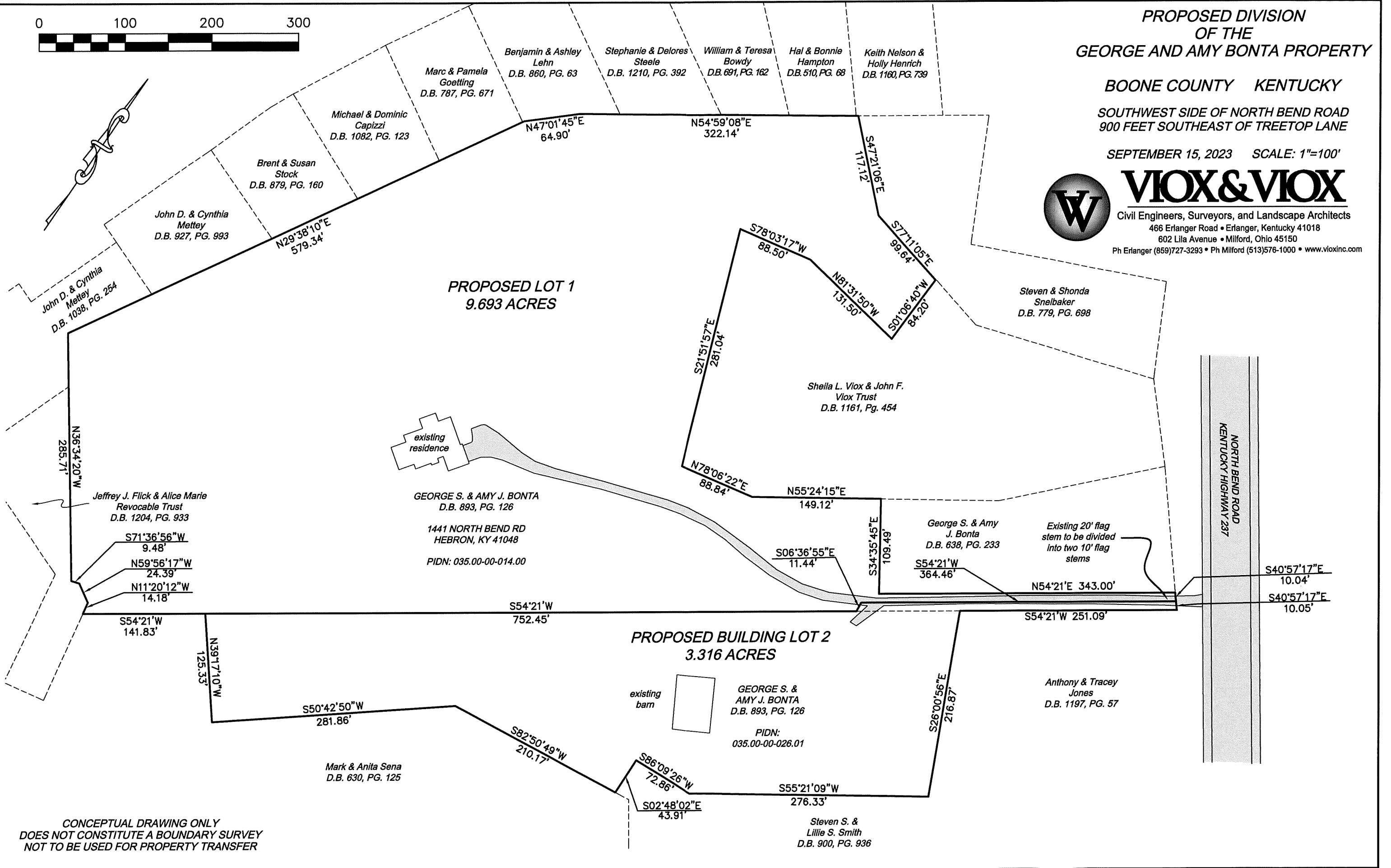
**SOUTHWEST SIDE OF NORTH BEND ROAD
900 FEET SOUTHEAST OF TREETOP LANE**

SEPTEMBER 15, 2023 SCALE: 1"=100'



VIOX & VIOX

Civil Engineers, Surveyors, and Landscape Architects
466 Erlanger Road • Erlanger, Kentucky 41018
602 Lila Avenue • Millford, Ohio 45150
Ph Erlanger (859)727-3293 • Ph Millford (513)576-1000 • www.vioxinc.com



CONCEPTUAL DRAWING ONLY
DOES NOT CONSTITUTE A BOUNDARY SURVEY
NOT TO BE USED FOR PROPERTY TRANSFER

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

George & Amy Bonta
P.O. Box 565
Hebron, KY 41048

2. ADDRESS OF PROPERTY

1441 North Bend Rd
Hebron, KY 41048

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Bonta Variance

4. DEED BOOK 896

PAGE NO. 126

GROUP NO. 2004

5. TYPE OF RESTRICTION(S) (Check all that apply)

Zoning Map Amendment:
From _____ To _____

Conditional Use Permit

Development Plan

Conditional Zoning

Subdivision Plat
(Not Recorded)

Other:

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 October, 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
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.)