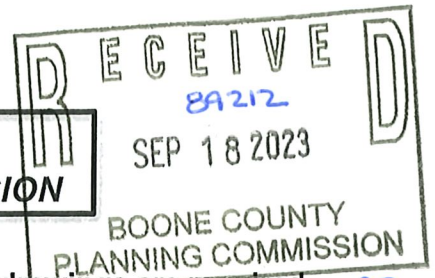


**BOARD OF ADJUSTMENT
BOONE COUNTY PLANNING COMMISSION**



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: Darryl Freeman

Address: 10364 EAST BEND Rd.

Union City KY State 41091 Zip Code

Phone Number: 859-743-0878 Fax Number: _____

Email: DarrylFreeman67@icloud.com

4. Description of Request:
Increase the maximum front yard setback from 12' to 140'

5. Name of Development: N/A

6. Location of Development: 8807 EAST BEND Rd.

Burlington City KY State 41005 Zip Code

7. Acreage Under Review: 3.26

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

9. Current Owner: SAME AS APPLICANT

Address: _____

_____ City _____ State _____ Zip Code

Phone Number: 2 _____ Fax Number: _____

Email: _____

10. Proposed Use(s) on Site: BUILDERS A HOME
11. Total Square Footage of Existing and/or Proposed Buildings: N/A none
12. Current Zoning: A1/SC AND A2
13. 813 390 2044
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: Darryl Frea
(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

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

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

1. Date Received: 9/18/2023 Fee Received: \$ 966.00 Receipt #: 89212

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

#3

APPLICANT: Darryl Freeman

LOCATION: The southwest corner of the intersection of East Bend Road with Waterloo Road, having a Parcel Identification Number (PIDN) of 019.00-00-028.02, Boone County, Kentucky

ZONING: Agricultural Estate (A-2) and Agriculture/Small Community (A-1/SC)

DATE: September 13, 2023

PROPOSAL

- A. The applicant is requesting a Variance increasing the maximum front yard setback from twenty-nine (29) feet to one hundred forty (140) feet.

SITE HISTORY

- 1954-
1960 Based on information contained in the Boone County GIS, a house was built on the site in question.
- 1994-
1999 Based on information contained in the Boone County GIS, the house was demolished.

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 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.
- E. Section 601.A of the Boone County Zoning Regulations states that the purpose of the Agriculture district is to preserve and protect the supply of productive agricultural lands and other open space, primarily for non-urban uses.
- F. Section 2000.A of the Boone County Zoning Regulations states that the intent of the Small Community Overlay District is to provide for the maintenance and development of small community centers where an integrated variety of land uses are essential to the vitality, viability, and well-being of the community. These circumstances are most prevalent in the many small, traditional community centers and town sites of Boone County, and may be appropriate to meet the needs of new community development in the County as well.
- G. Section 2005.B.1.a of the Boone County Zoning Regulations states that the

minimum required front yard shall be the shortest front yard setback of those lots within two hundred (200) feet of the site, on the same, respective street frontage. The maximum required front yard shall be the average of the front yard setbacks of those lots within two hundred (200) feet of the site, on the same, respective street frontage.

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” 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. 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 1).
 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 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).
7. Development shall attempt to utilize existing topography and vegetation (including mature trees where possible) and preserve the existing character of the land where practical (Environment Goal A, Objective 7).
- C. East Bend Road is identified as a State maintained arterial street providing for two-way traffic within two driving lanes and Waterloo Road is a County maintained collector street providing for two-way traffic within two driving lanes. There are no sidewalks along the roadway.

SURROUNDING LAND USES AND ZONING

North:	Single family residential/agricultural (A-1, A-2, and A-1/SC)
South:	Single family residential/agricultural (A-1, A-2, and A-1/SC)
East:	Single family residential/agricultural (A-1, A-2, and A-1/SC)
West:	Single family residential/agricultural (A-1, A-2, and A-1/SC)

SITE CHARACTERISTICS

- A. The approximate 2.7 acre property is located at the southwest corner of the intersection of East Bend Road with Waterloo Road.
- B. The site has approximately two hundred ten (210) feet of frontage along East Bend Road and approximately five hundred (500) feet of frontage along Waterloo Road.
- C. The site is currently vacant.
- D. There are gravel driveways to the site from both East Bend Road and Waterloo Road.
- E. There are multiple overhead utility lines that bisect the site.
- F. Topographically, the site slopes upward from East Bend Road to the high spot of the site, at an average grade of five (5) percent. From there, the site slopes downward, to the northwest, at an average grade of fourteen (14) percent.

STAFF COMMENTS

- A. The existing house that is within two hundred (200) feet of the site, on the same respective street frontage, has a front yard setback of twenty-nine (29) feet. Based on Section 2005.B.1.a of the Boone County Zoning Regulations any house that is to be built on the site in question would have to have its minimum and maximum front yard setback set at twenty-nine (29) feet.

- B. The existing overhead utility lines that run approximately parallel to East Bend Road are set back between fifteen (15) and eighty-five (85) feet from the property line along East Bend Road.
- C. The applicant would like to build a house on the property, west of the existing overhead utility lines that run approximately parallel to East Bend Road.

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

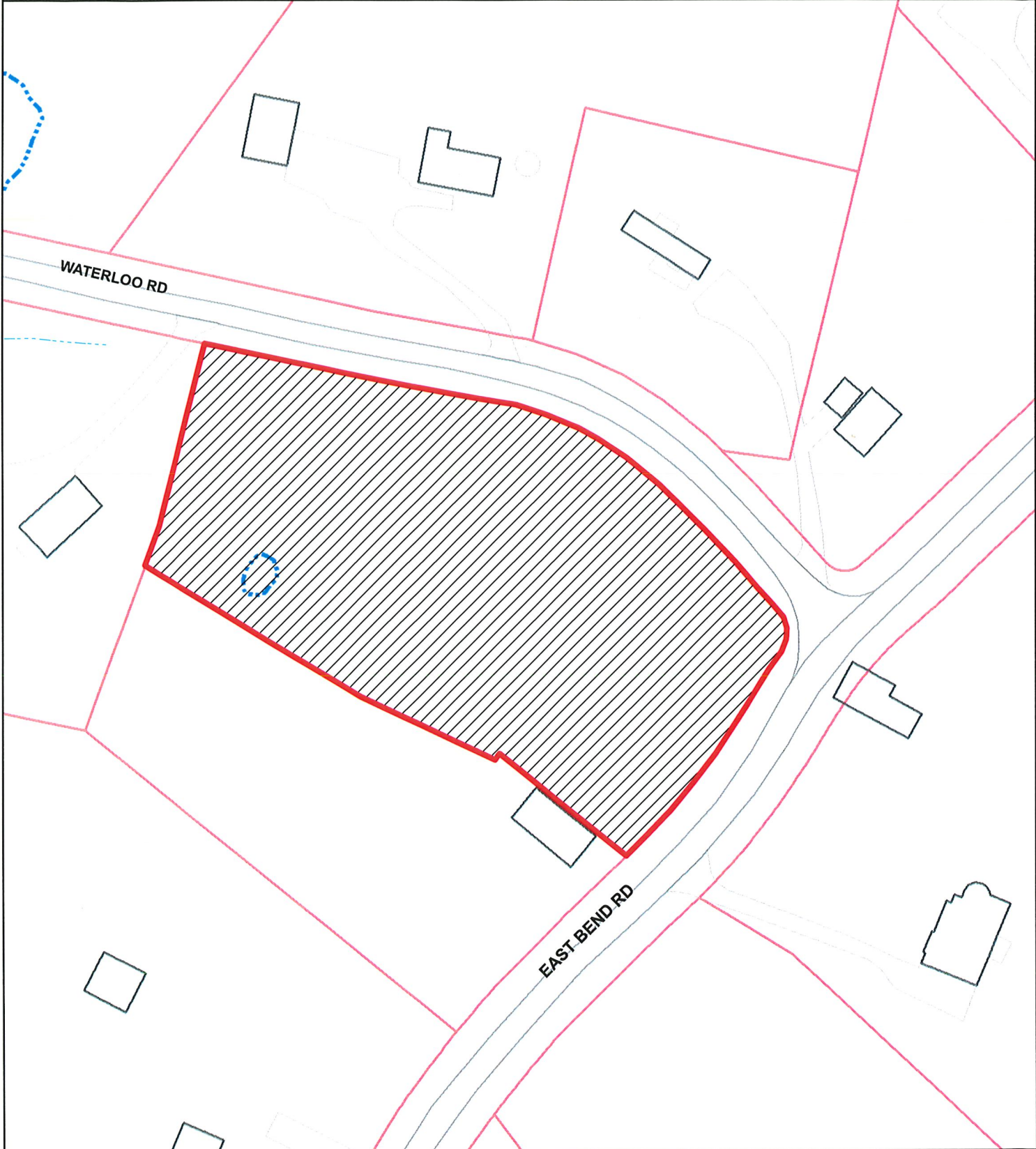
MDS/ss

Attachments

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

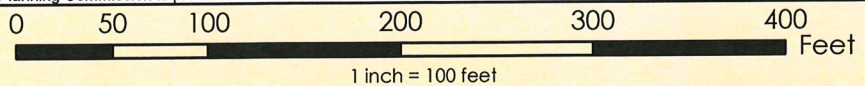
Vicinity Map

www.boonecountygis.com



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Map Created: xx/xx/2022

Boone County GIS
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Aerial Map

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0 50 100 200 300 400 Feet

1 inch = 100 feet

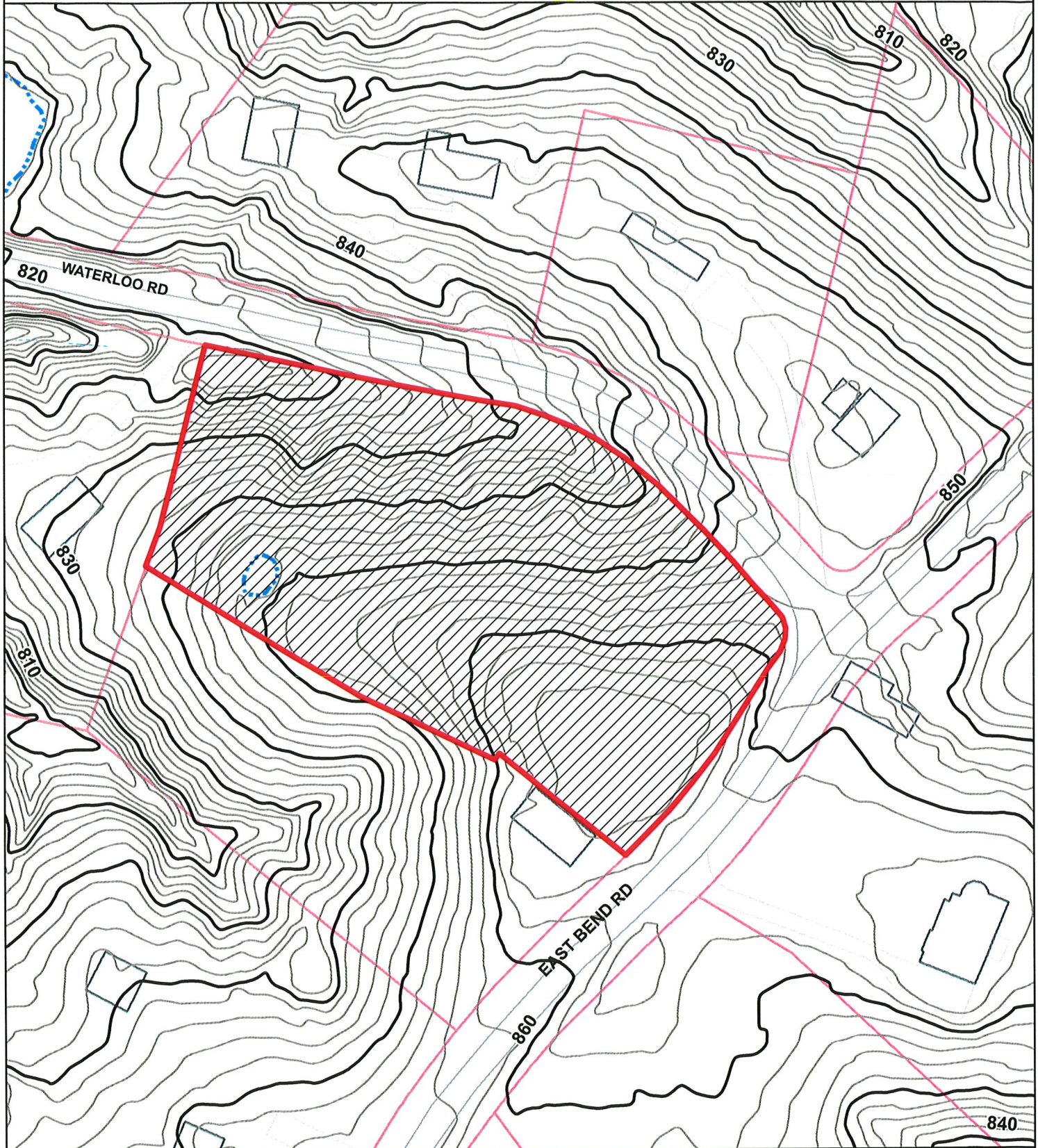


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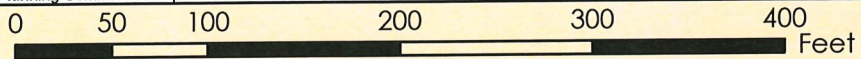
Topographical Map

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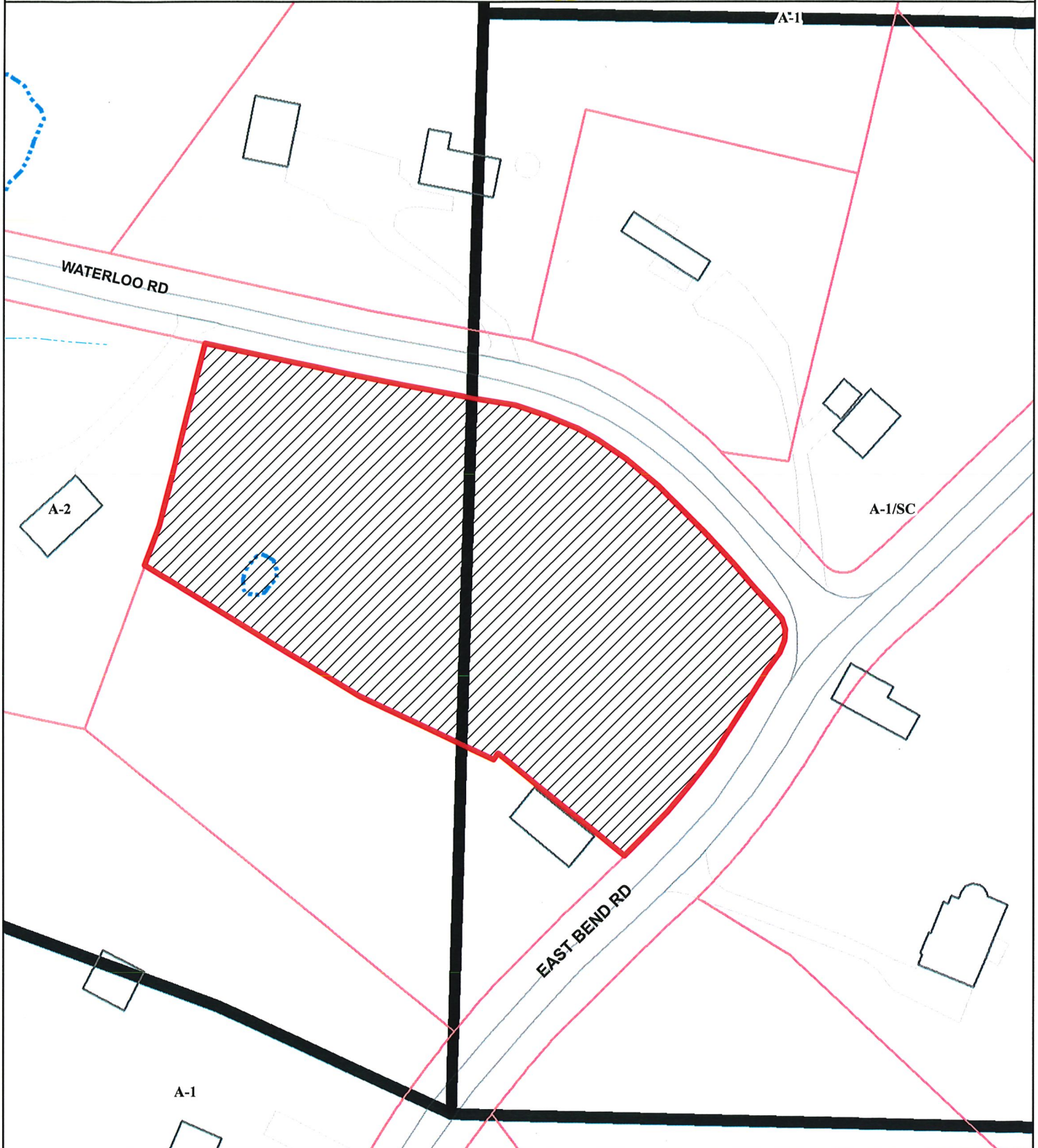
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ArcMap Document: *.mxd

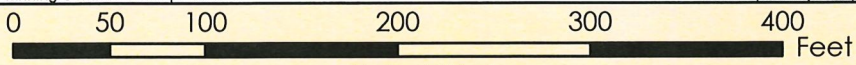
Zoning Map

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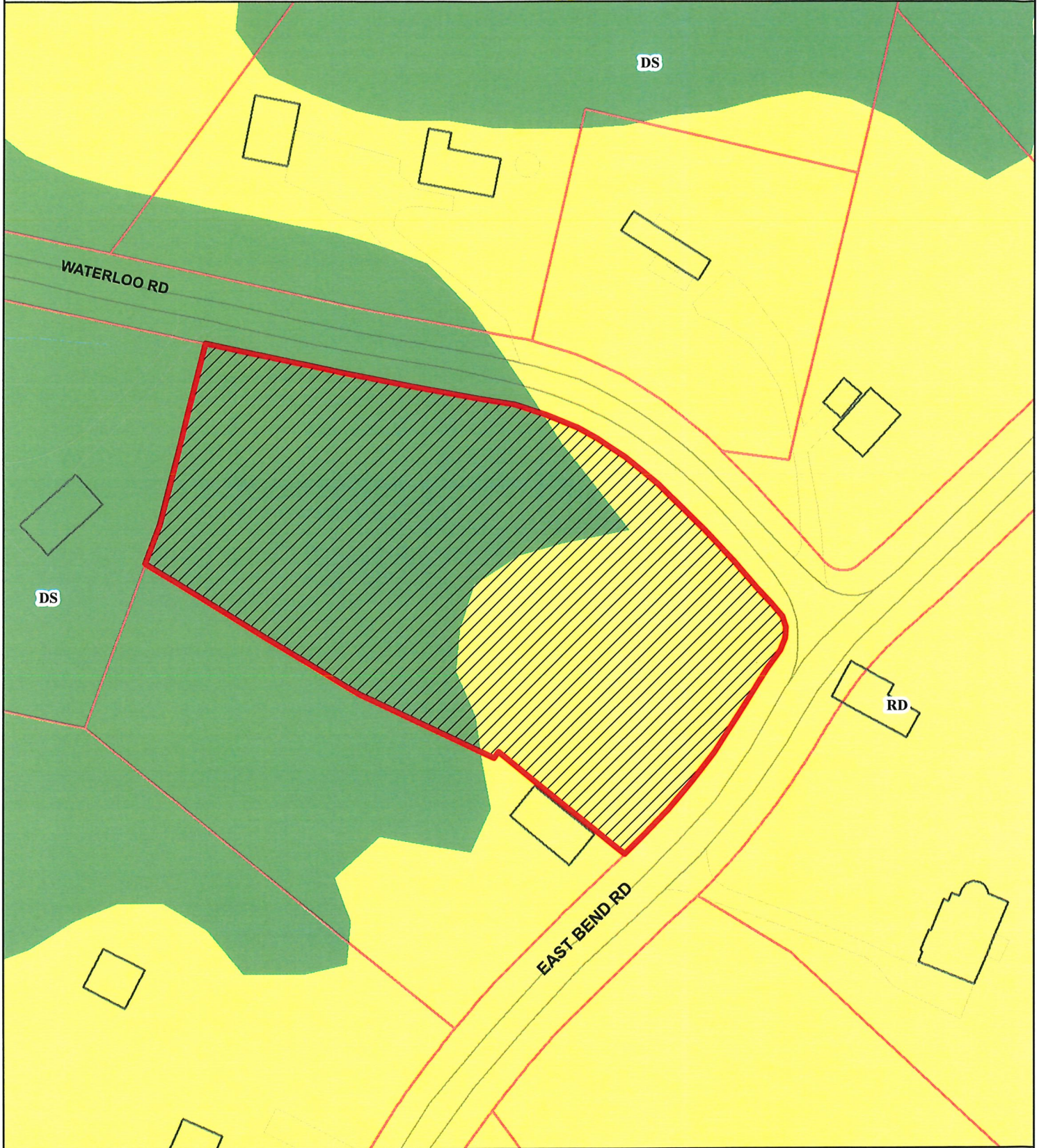


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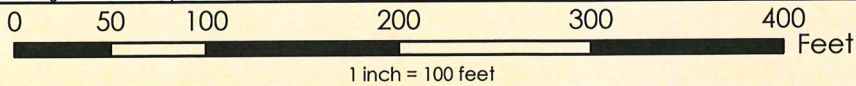
2040 Future Land Use Map

www.boonecountygis.com



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State Plane: Kentucky North 820 1111
ArcMap Document: *.mxd

**BOARD OF ADJUSTMENT
BOONE COUNTY PLANNING COMMISSION**

RECEIVED
89212
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

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: Darryl Freeman
Address: 10364 EAST BERD RD.
Union KY 41091
City State Zip Code
Phone Number: 859-743-0878 Fax Number: _____
Email: DarrylFreeman67@icloud.com
4. Description of Request:
Increase the maximum front yard setback from 12' to 140'
5. Name of Development: N/A
6. Location of Development: 8807 EAST BERD RD.
BURLINGTON KY 41005
City State Zip Code
7. Acreage Under Review: 3.26
8. Lot Number and Name of Subdivision (if part of a subdivision):

9. Current Owner: SAME AS APPLICANT
Address: _____
_____ City State Zip Code
Phone Number: 2 _____ Fax Number: _____
Email: _____

10. Proposed Use(s) on Site: BUILDING A HOME
11. Total Square Footage of Existing and/or Proposed Buildings: N/A NONE
12. Current Zoning: A1/SC AND A2
13. 813 390 2044
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: Daniel Frea
(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

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

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

1. Date Received: 9/18/2023 Fee Received: \$966.00 Receipt #: 89212

2. Is application complete: _____

3. Staff Reviewer: _____

4. Scheduled Board Action Date: _____

5. Board Action: _____

_____ Approved

_____ Approved with Conditions (see #6)

_____ Denial (See #7)

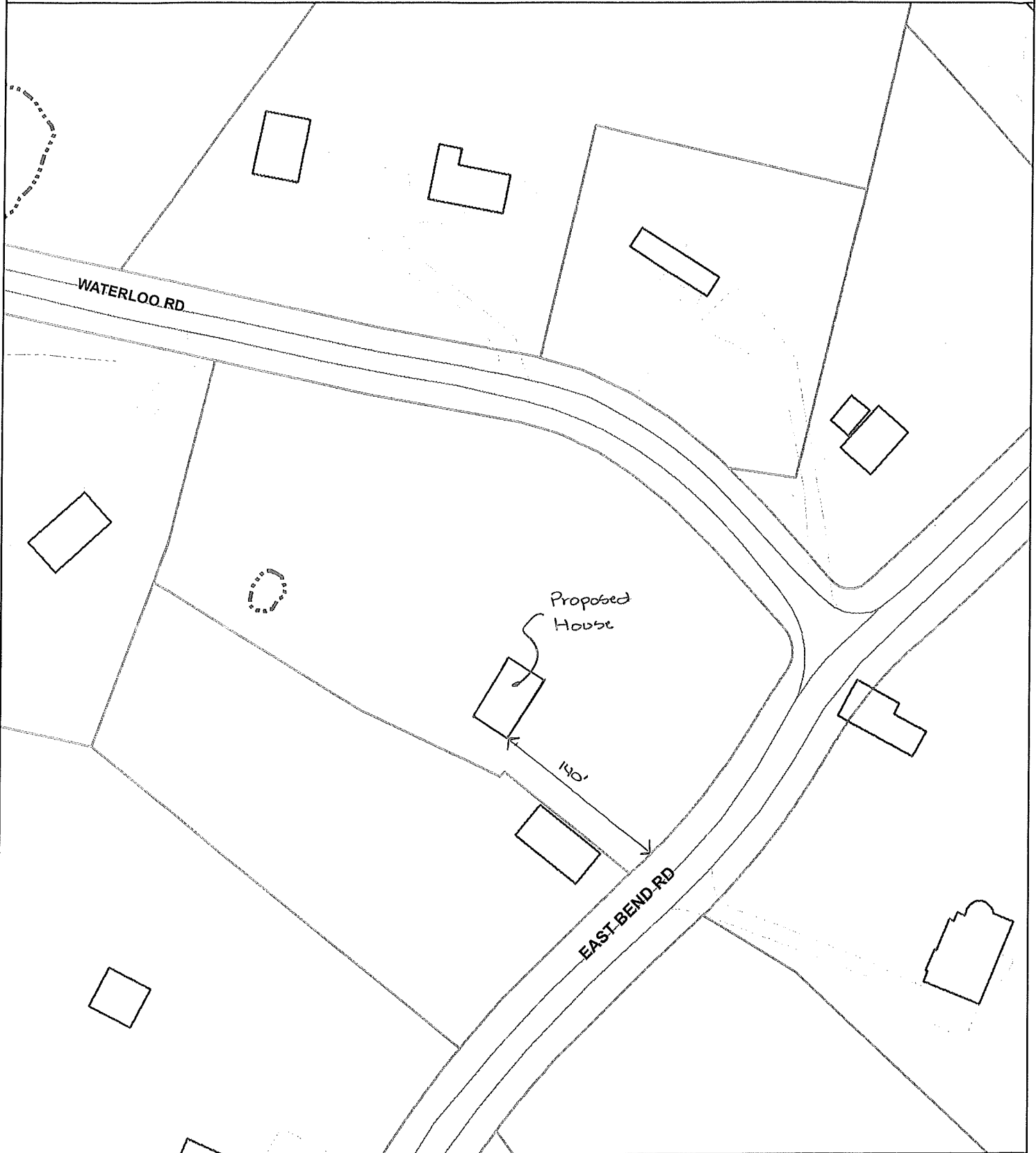
6. Conditions of Approval: _____

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

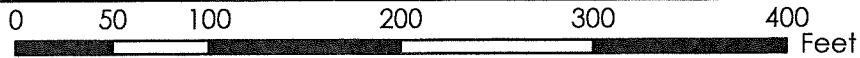
Boone County GIS Map

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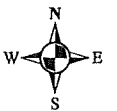
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1 inch = 100 feet



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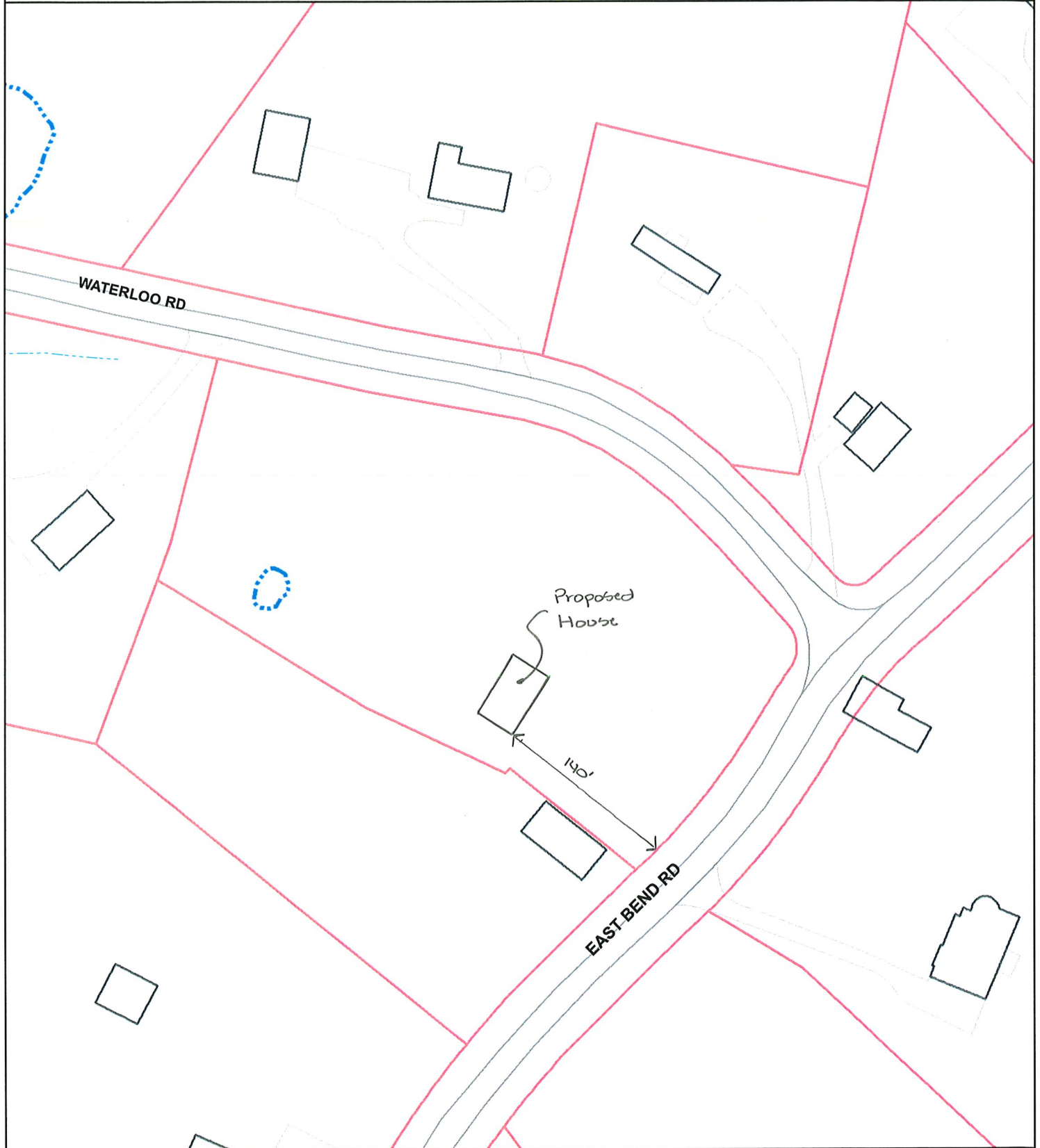


Map Created: xx/xx/2022

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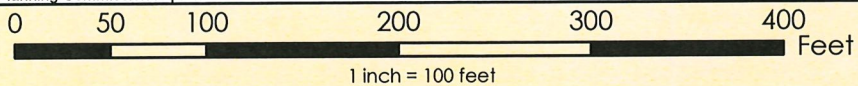
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Boone County GIS - Putting Northern Kentucky on the Map



Map Created: xx/xx/2022

State Plane Kentucky 5003 NAD 83 UTM
ArcMap Document: *.mxd

CERTIFICATE OF LAND USE RESTRICTION

- 1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Darryl Freeman
10364 East Bend Rd
Union, KY 41091

- 2. ADDRESS OF PROPERTY
8807 East Bend Rd
Burlington, KY 41005

- 3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Freeman Variance

- 4. DEED BOOK 813 PAGE NO. 390 GROUP NO. 2044

- 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 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.)