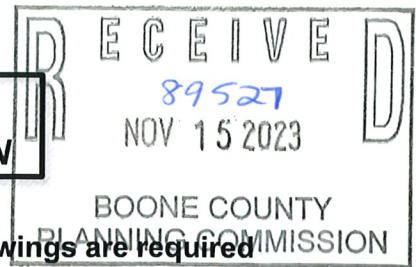


**BOARD OF ADJUSTMENT  
BOONE COUNTY PLANNING COMMISSION**



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: Tony Berling

Address: 1671 Park Road - Suite One

Fort Wright KY 41011  
City State Zip Code

Phone Number: 859-331-9191 Fax Number: 859-344-7422

Email: tberling23@gmail.com

4. Description of Request:  
Asking for a variance on the front yard setback from 30 feet to 25.0 feet and the rear yard from 30 feet to 22.96 feet as show on the site plan.

5. Name of Development: Hawk's Landing Subdivision

6. Location of Development: 6681 Gordon Blvd

Union KY 41091  
City State Zip Code

7. Acreage Under Review: 0.2178 Acres

8. Lot Number and Name of Subdivision (if part of a subdivision):  
Lot No. 481 of the Re-Subdivision of Lot Nos. 479, 480, 481 & 482 of Section No. 5 of Hawk's Landing Subdivision

9. Current Owner: Camp Ernst Road, LLC & Drees Homes

Address: 2807 Amsterdam Road

Villa Hills KY 41017  
City State Zip Code

Phone Number: 859-282-6900 Fax Number: 859-282-6901

Email: jim.schebengroup@outlook.com

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

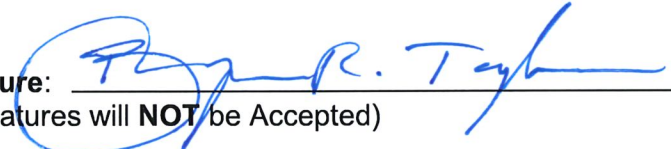
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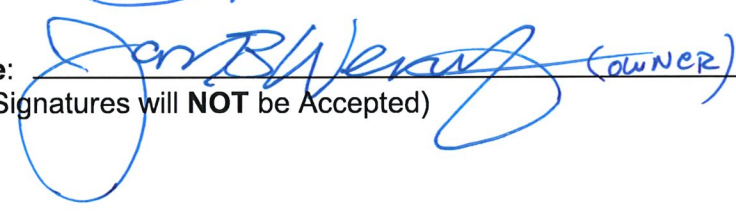

14. Is the site subject to a zone change:  Yes  No  
If yes, date of approval: \_\_\_\_\_

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:**  (OWNER)   
(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

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

1. Date Received: 11/15/23 Fee Received: \$666 Receipt #: 89527

2. Is application complete: \_\_\_\_\_

3. Staff Reviewer: M. Schwartz

4. Scheduled Board Action Date: 12/13/2023

5. Board Action: 12/13/2023

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](mailto:plancom@boonecountyky.org)  
[www.boonecountyky.org](http://www.boonecountyky.org)

## STAFF REPORT

#3

APPLICANT: Tony Berling on behalf of Camp Ernst Road LLC and Drees Homes

LOCATION: 6681 Gordon Boulevard, Boone County, Kentucky

ZONING: Suburban Residential One (SR-1)

DATE: December 13, 2023

### PROPOSAL

- A. The applicant is requesting Variances: (1) decreasing the front yard setback from thirty (30) feet to twenty-five (25) feet; and (2) decreasing the rear yard setback from thirty (30) feet to 22.96 feet.

### SITE HISTORY

- 2006 On June 27, 2006, the Boone County Fiscal Court adopted Ordinance Number 06-08, changing the zoning of the site in question, and the adjoining area, from A-2 to SR-1, subject to two (2) conditions.
- 2021 On December 1, 2021, the Boone County Planning Commission approved a Final Plat for Hawk's Landing, Section 5.
- 2023 On November 15, 2023, the Boone County Planning Commission approved a Final Plat for Hawk's Landing, Re-Plat of Lots 479, 481, and 482, 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 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.
- E. Section 3111.C of the Boone County Zoning Regulations states that the minimum required front yard setback shall be thirty (30) feet and the minimum rear yard setback shall be thirty (30) feet.

#### **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. Gordon Boulevard is identified as a County maintained subcollector street providing for two-way traffic within two driving lanes. Sidewalks are being provided along both sides of the roadway as lots are developed.

#### SURROUNDING LAND USES AND ZONING

North:	Single family residential and vacant lots for single-family residential dwellings (SR-1)
South:	Single family residential and vacant lots for single-family residential dwellings (SR-1)
East:	Single family residential and vacant lots for single-family residential dwellings (SR-1)
West:	Single family residential and vacant lots for single-family residential dwellings (SR-1)

#### SITE CHARACTERISTICS

- A. The approximate 0.22 acre property is located along the north side of Gordon Boulevard, approximately 150 feet west of Devin Court.
- B. The site has one hundred twenty-two (122) feet of frontage along Gordon Boulevard.
- C. The site is currently vacant.
- D. A one hundred (100) foot wide electric easement covers the southeast portion of the site.
- E. Topographically, the site slopes downward from front to back, at an average grade of fourteen (14) percent.

STAFF COMMENTS

- A. Due to the shape of the lot, the eastern half of the lot is not as deep as the western half of the lot.
- B. By positioning the house closer to the front lot line, more of the rear yard can be utilized.
- C. Due to the diagonal nature of the rear lot line, the rear yard setback cannot be met.

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

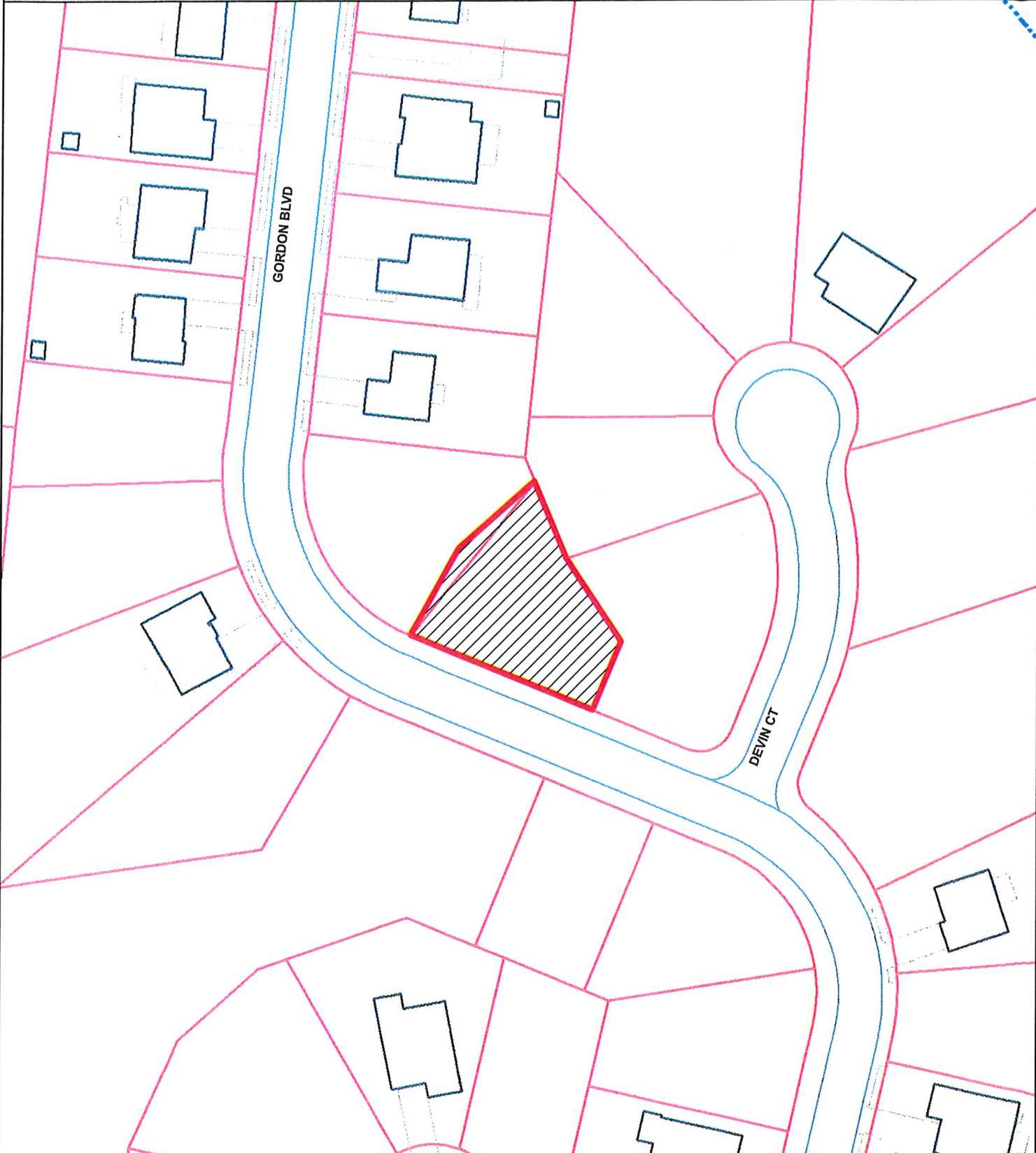
MDS/ss

Attachments

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

# Vicinity Map

[www.boonecountygis.com](http://www.boonecountygis.com)

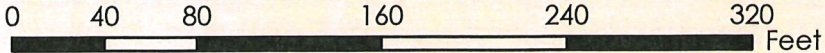


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**Boone**



1 inch = 83 feet



Map Created: xx/xx/2022

Boone County GIS  
ArcMap Document: \*.mxd

# Aerial Map

[www.boonecountygis.com](http://www.boonecountygis.com)



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0 40 80 160 240 320 Feet

1 inch = 83 feet

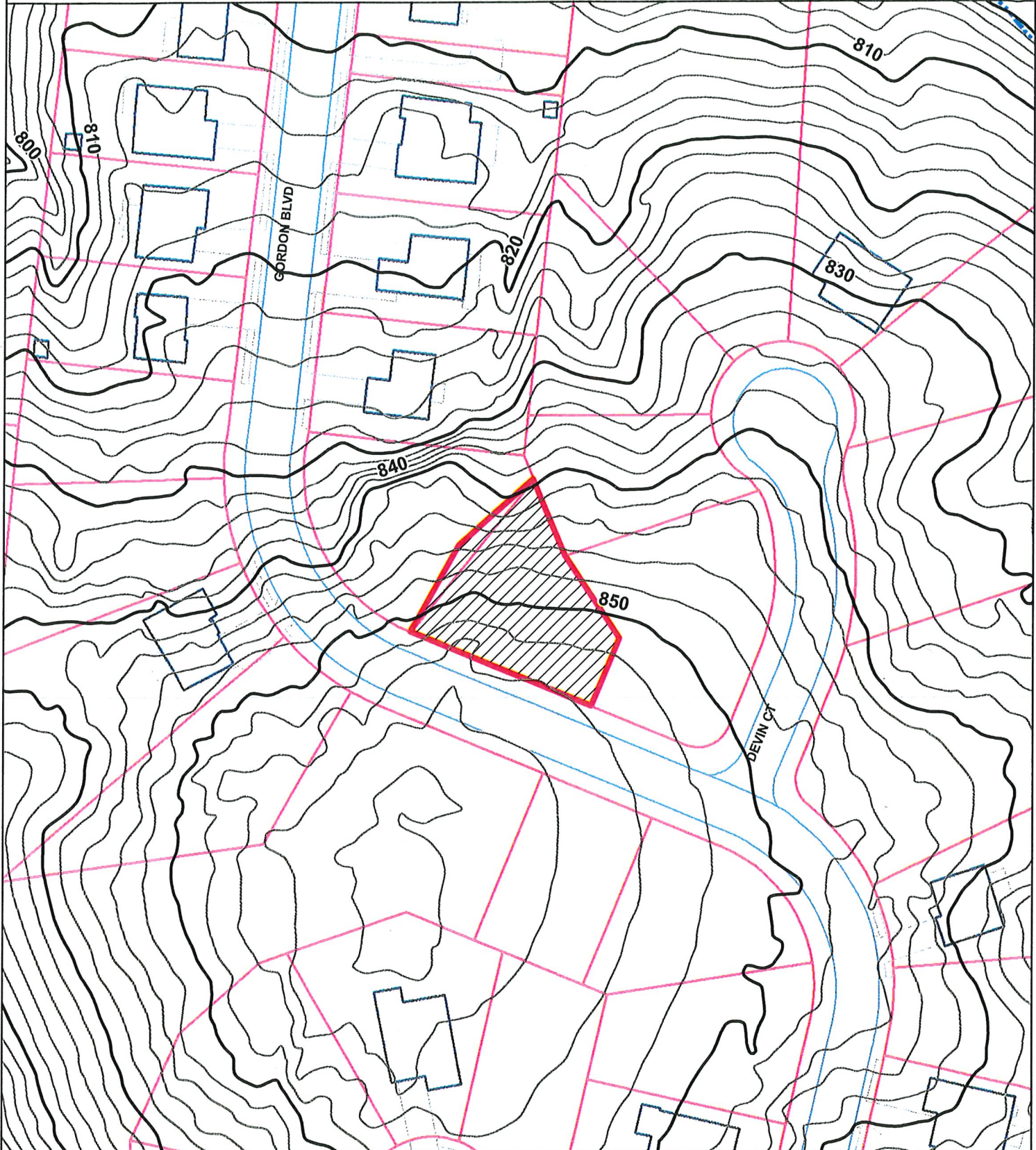


**Boone**



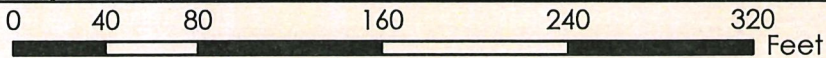
# Topographic Map

[www.boonecountygis.com](http://www.boonecountygis.com)



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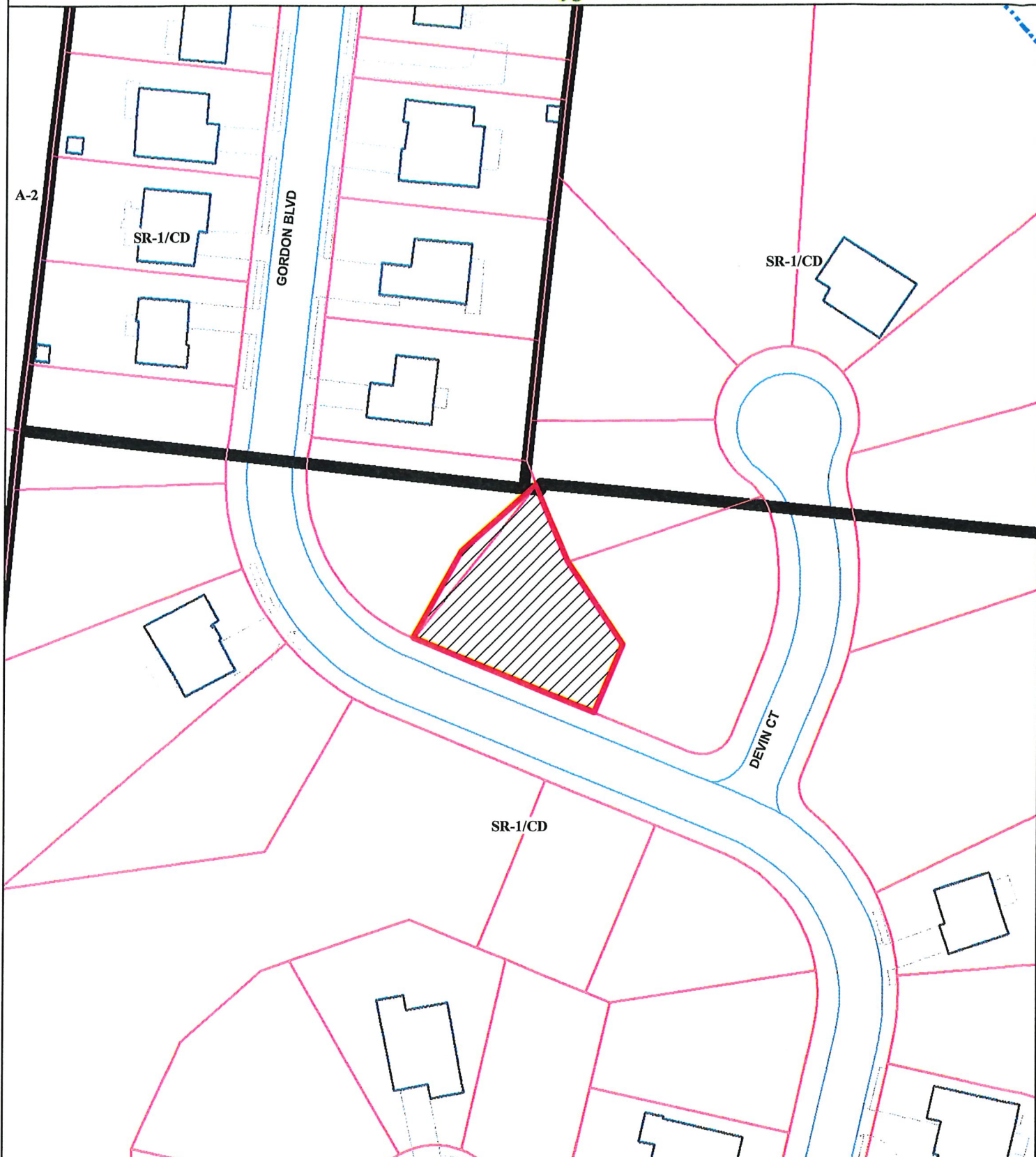


**Boone**



# Zoning Map

[www.boonecountygis.com](http://www.boonecountygis.com)

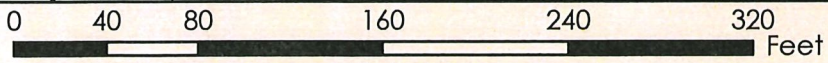


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**Boone**

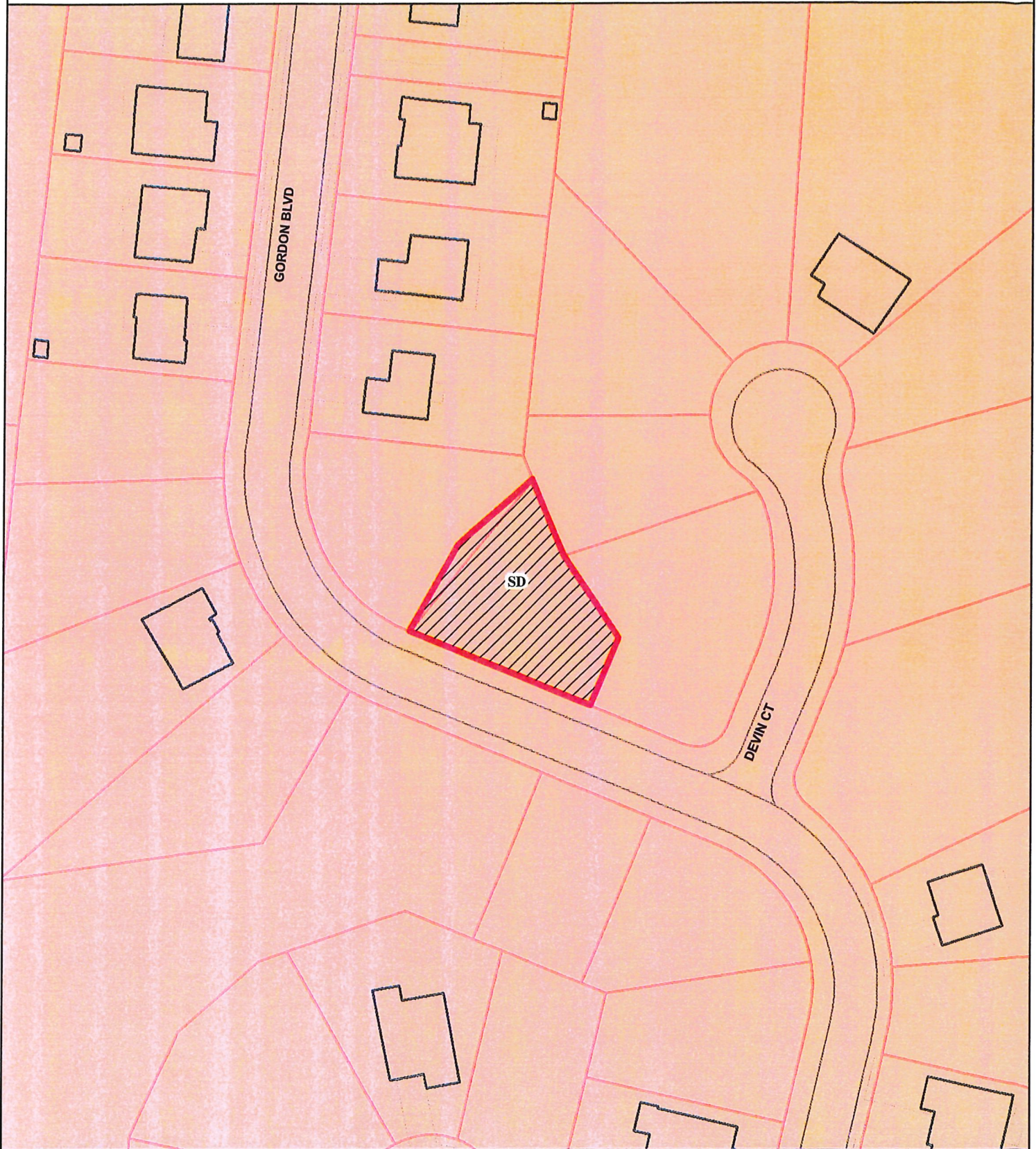


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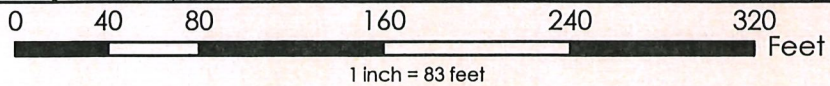
# 2040 Future Land Use Map

[www.boonecountygis.com](http://www.boonecountygis.com)



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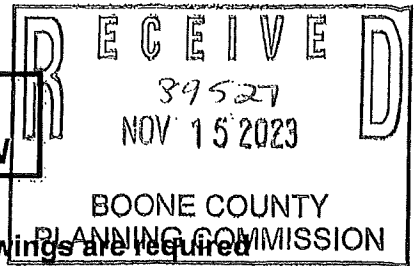
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**Boone**



**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: Tony Berling

Address: 1671 Park Road - Suite One

Fort Wright KY 41011  
City State Zip Code

Phone Number: 859-331-9191 Fax Number: 859-344-7422

Email: tberling23@gmail.com

4. Description of Request:  
Asking for a variance on the front yard setback from 30 feet to 25.0 feet and the rear yard from 30 feet to 22.96 feet as show on the site plan.

5. Name of Development: Hawk's Landing Subdivision

6. Location of Development: 6681 Gordon Blvd

Union KY 41091  
City State Zip Code

7. Acreage Under Review: 0.2178 Acres

8. Lot Number and Name of Subdivision (if part of a subdivision):  
Lot No. 481 of the Re-Subdivision of Lot Nos. 479, 480, 481 & 482 of Section No. 5 of Hawk's Landing Subdivision

9. Current Owner: Camp Ernst Road, LLC & Drees Homes

Address: 2807 Amsterdam Road

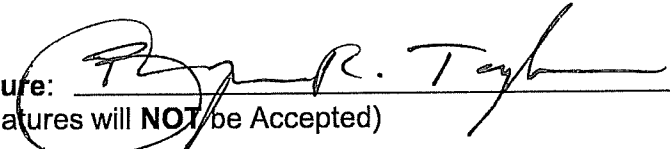
Villa Hills KY 41017  
City State Zip Code

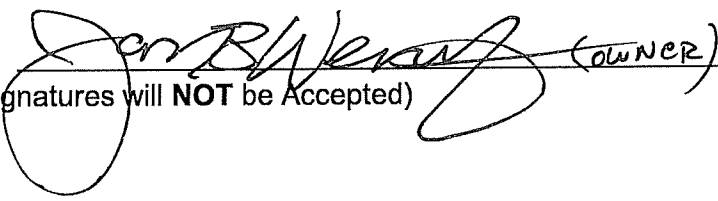
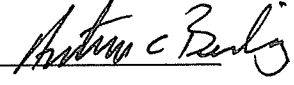
Phone Number: 859-282-6900 Fax Number: 859-282-6901

Email: jim.schebengroup@outlook.com

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. 899 891 5699  
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:**  (owner)   
(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

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

1. Date Received: 11/15/23 Fee Received: \$6666 Receipt #: 89527

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](mailto:plancom@boonecountyky.org)  
[www.boonecountyky.org](http://www.boonecountyky.org)

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

242


479

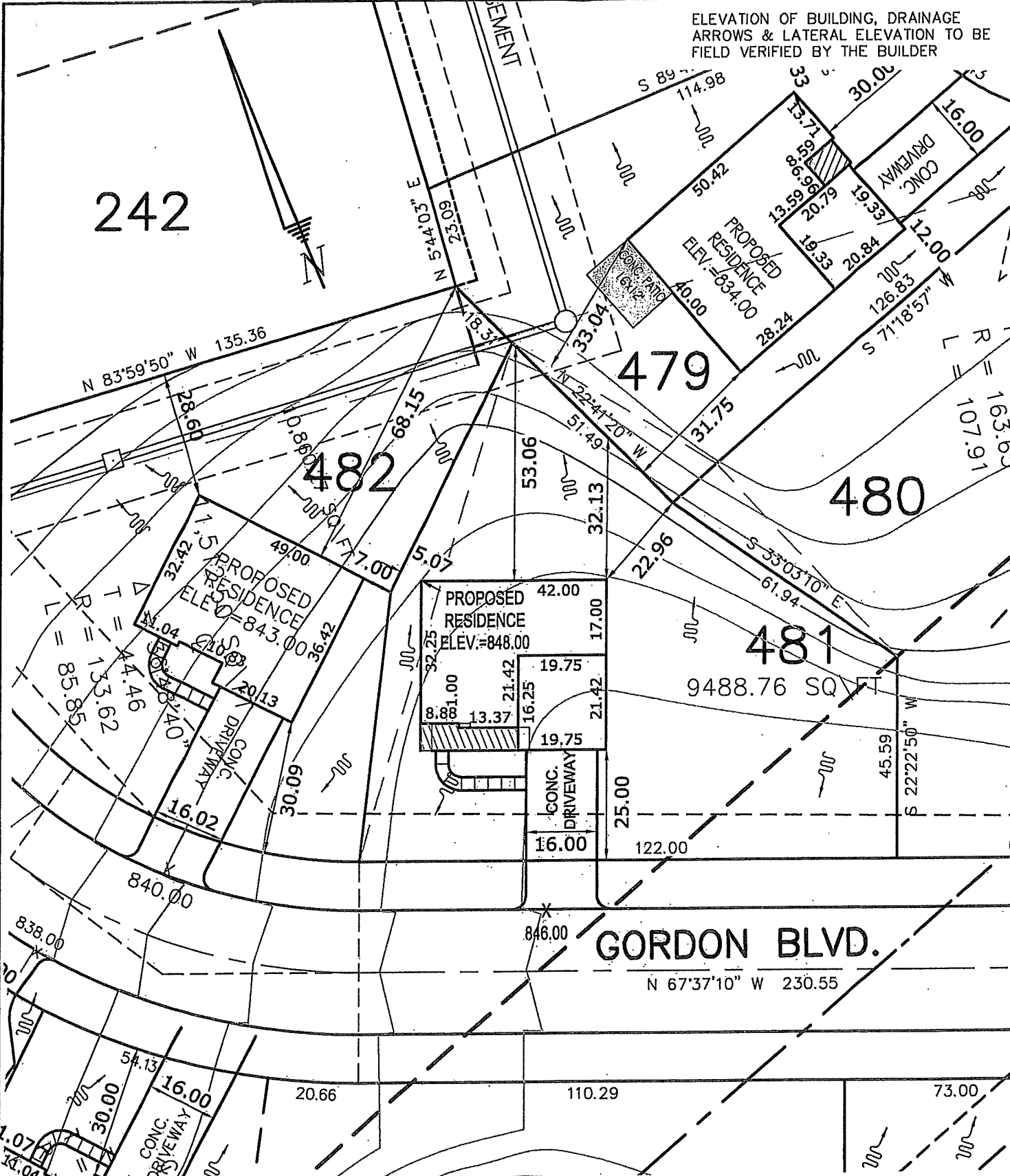
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480

481

GORDON BLVD.

BUILDER <b>DREES HOMES</b>	SUBDIVISION HAWK'S LANDING 6681 GORDON BLVD. UNION, KENTUCKY	SECTION <b>5</b>	BLOCK	LOT NUMBER <b>481</b>
OWNER DREES HOMES 211 GRANDVIEW DRIVE FORT MITCHELL, KY 41017 OFFICE: (859) 578-4200	DATE 11/13/23 SCALE 1" = 30' IMPROVEMENT PLAN APPROVAL  = TREE TO BE PICKED FROM THE PLANT LIST "A"	PREPARED BY: CHRIS BERLING JAMES W. BERLING ENGINEERING 1671 PARK ROAD, SUITE ONE FT. WRIGHT, KENTUCKY 41011 (859) 331-9191		





CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)  
Camp Ernst Road LLC  
2807 Amsterdam Rd  
Villa Hills, KY 41017
2. ADDRESS OF PROPERTY  
6681 Gordon Blvd  
Union, KY 41091
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)  
Hawk's Landing Variance
4. DEED BOOK 899                      PAGE NO. 891                      GROUP NO. 2038A
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 14<sup>th</sup> day of December, 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.)