

**BOARD OF ADJUSTMENT
BOONE COUNTY PLANNING COMMISSION**

RECEIVED
89561
NOV 20 2023
BOONE COUNTY
PLANNING COMMISSION
040

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: ARLINGHAUS I LLC
Address: 142 Barnwood Drive
Edgewood Ky 41017
City State Zip Code
Phone Number: 859-392-8900 Fax Number: _____
Email: bob@schroder.net
- 4. Description of Request:
Applicant requests a variance in front and rear yard setback distances. A zone change condition required the home to face Ky Rt 18, but zoning regulations interpret the frontage to be from the street where the access is on.
- 5. Name of Development: Hunters Ridge
- 6. Location of Development: 6108 Springfield Blvd
Burlington Ky 41005
City State Zip Code
- 7. Acreage Under Review: approximately half acre
- 8. Lot Number and Name of Subdivision (if part of a subdivision):
Lot 2, Section One, Hunters Ridge Subdivision, Group 4868, Plat 5/353
- 9. Current Owner: Arlinghaus I LLC
Address: 142 Barnwood Drive
Edgewood Ky 41017
City State Zip Code
Phone Number: 859-392-8900 Fax Number: _____
Email: bob@schroder.net

10. Proposed Use(s) on Site: one single family home

11. Total Square Footage of Existing and/or Proposed Buildings: 2500 +/-

12. Current Zoning: SR-1

13. 919 660 4868 2029
Deed Book Page Group Number

14. Is the site subject to a zone change: Yes No
If yes, date of approval: March 25, 2003

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: ARLINGTONS I LLC
By: Robert Schneider VP.

Applicant's Signature: ARLINGTONS I LLC
By: Robert Schneider VP.

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

1. Date Received: 11/20/23 Fee Received: \$666 Receipt #: 89561

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
www.boonecountyky.org

STAFF REPORT

#4

APPLICANT: Arlinghaus I LLC, per Bob Schroder

LOCATION: 6108 Springfield Boulevard, Boone County, Kentucky

ZONING: Suburban Residential One (SR-1)

DATE: December 13, 2023

PROPOSAL

- A. The applicant is requesting a Variance decreasing the rear yard setback from thirty (30) feet to 7.9 feet.

SITE HISTORY

- 2003 On March 25, 2003, the Boone County Fiscal Court adopted Ordinance Number 03-09, changing the zoning of the site in question, and the adjoining area, from A-2 to SR-1, subject to ten (10) conditions, including the following: (1) the houses on the lots closest to KY 18 and which adjoin the main collector road (northernmost lots along the collector road; two lots on the east side of the proposed road and three lots on the west side of the proposed road) shall face KY 18; and (2) that except for the lots at the front of the development, which will face KY 18, there will be no driveways off the main road through the development.
- 2006 On August 16, 2006, the Boone County Planning Commission approved a Final Plat for Hunter's Ridge, Section 1, 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 rear yard setback shall be thirty (30) feet.

F. Section 4000 of the Boone County Zoning Regulations includes the following definitions:

1. Front Lot Line: The boundary line of a lot and a street right-of-way line, or easement in the case of a private street. In the case of a corner lot or double frontage lot, the boundary line and that street right-of-way line, or easement in the case of a private street, toward which the lot is addressed.
2. Rear Lot Line: The boundary line of a lot which is opposite the front lot line of such lot. In the case of a triangular shaped lot, for measurement purposes only, a line ten (10) feet in length within the lot parallel to the front lot line.
3. Side Lot Line: Any boundary line of a lot, other than a front lot line or a rear lot line.
4. Front Yard: A yard extending between side lot lines across the front of a lot and from the front lot line(s) to the principal building.
5. Rear Yard: A yard extending between side lot lines, or between a side lot line and corner side yard if applicable, across the rear of a lot and from the rear lot line(s) to the rear of the principal building.

6. Side Yard: A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

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. Springfield Boulevard is identified as a County maintained collector street providing for two-way traffic within two driving lanes. Sidewalks are provided along both sides of the roadway. Fronting the site in question, there is a raised median separating the two opposing driving lanes.

SURROUNDING LAND USES AND ZONING

- | | |
|--------|--|
| North: | Reserved open space (SR-1) |
| South: | Vacant lots for single-family residential dwellings (SR-1) |
| East: | Vacant lot for a single-family residential dwelling (SR-1) |

West: Vacant lots for single-family residential dwellings (SR-1)

SITE CHARACTERISTICS

- A. The approximate 0.47 acre property is located along the east side of Springfield Boulevard, approximately 250 feet south of Burlington Pike.
- B. The site has approximately 313 feet of frontage along Springfield Boulevard.
- C. The site is currently vacant.
- D. Topographically, the site slopes upward from north to south, at an average grade of nine (9) percent.

STAFF COMMENTS

- A. Due to the condition that the house must face KY 18 (Burlington Pike), the defined rear yard will look like, and function as, a side yard.
- B. Within the SR-1 district, the minimum side yard setback is fifteen (15) feet with one side being no less than five (5) 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

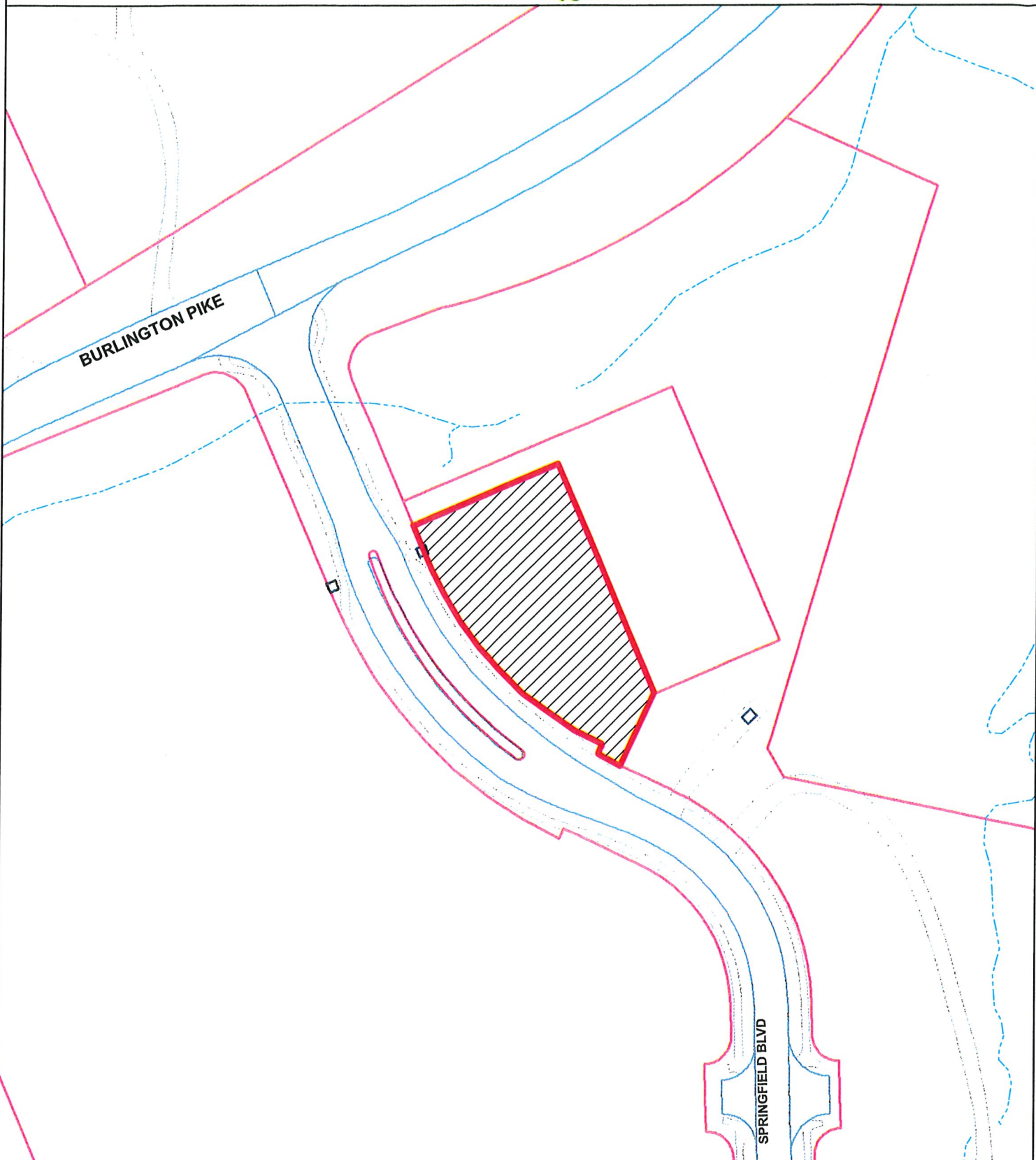
MDS/ss

Attachments

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

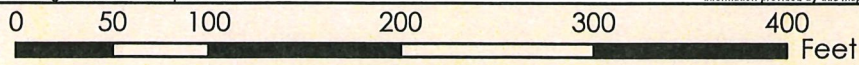
Vicinity Map

www.boonecountygis.com



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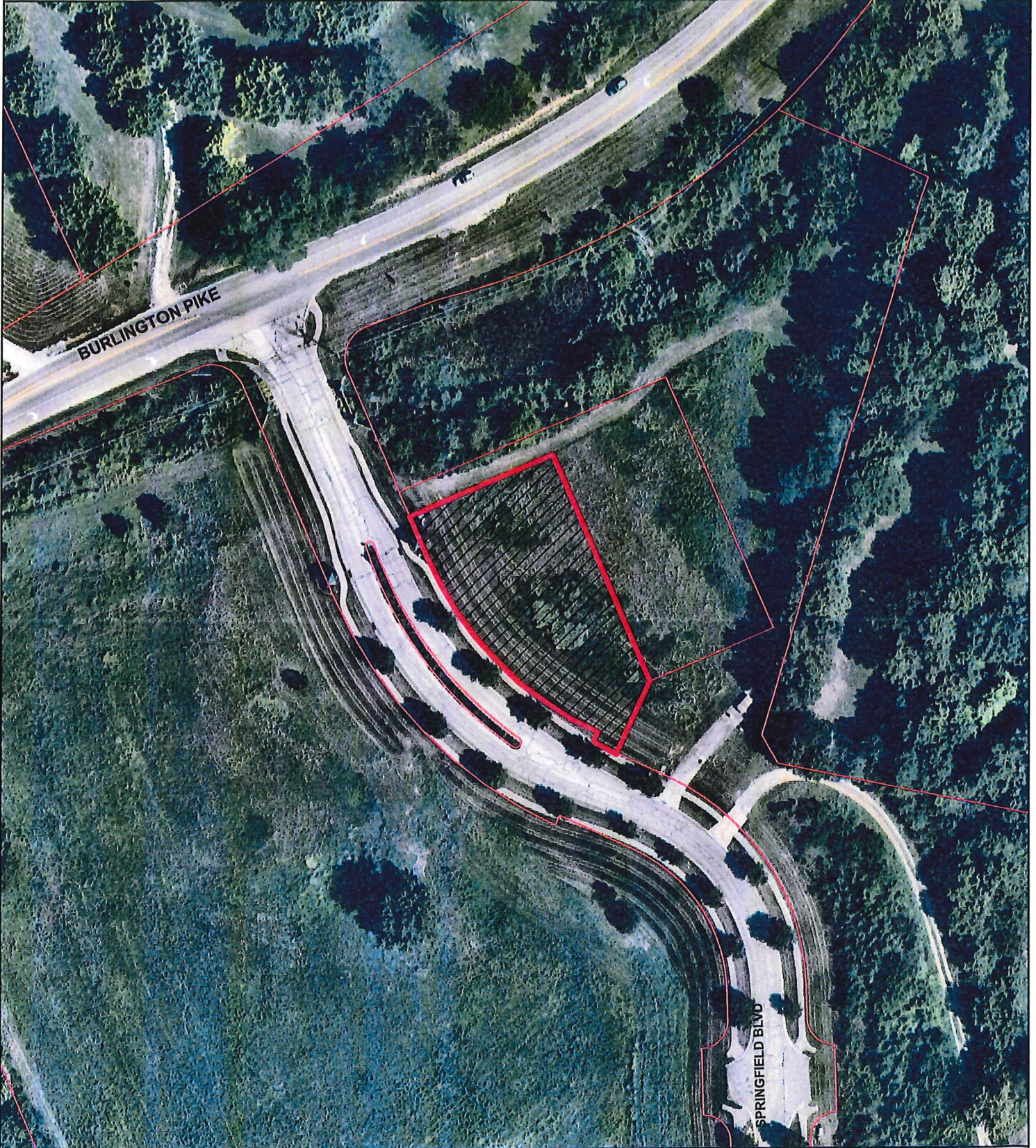
Boone County GIS - Putting Northern Kentucky on the Map

Map Created: xx/xx/2022

Boone County GIS
ArcMap Document: *.mxd

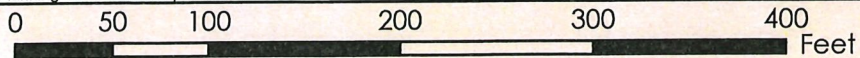
Aerial Map

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1 inch = 100 feet

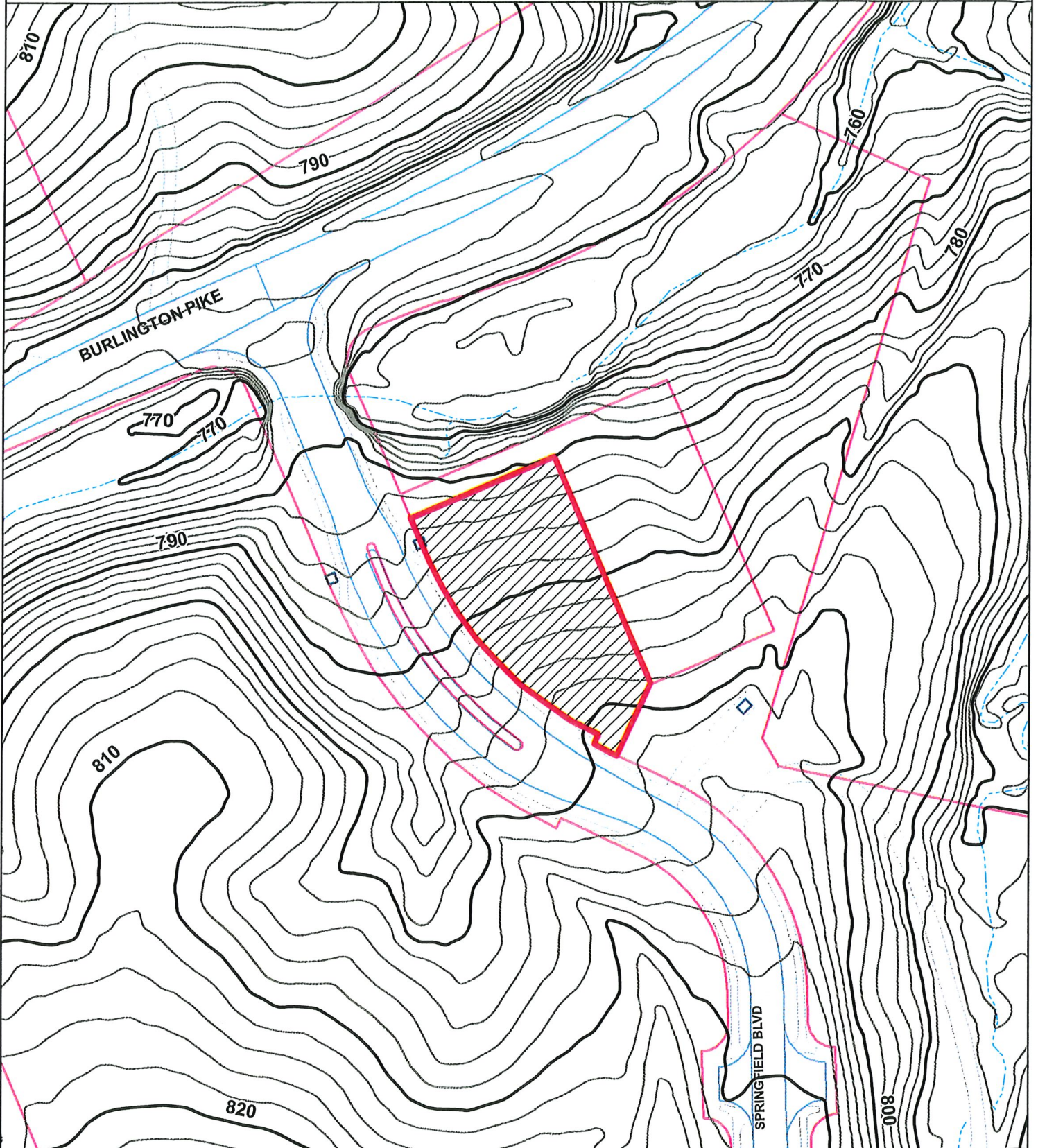


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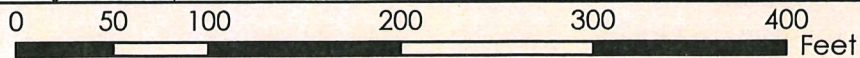
Topographic Map

www.boonecountygis.com



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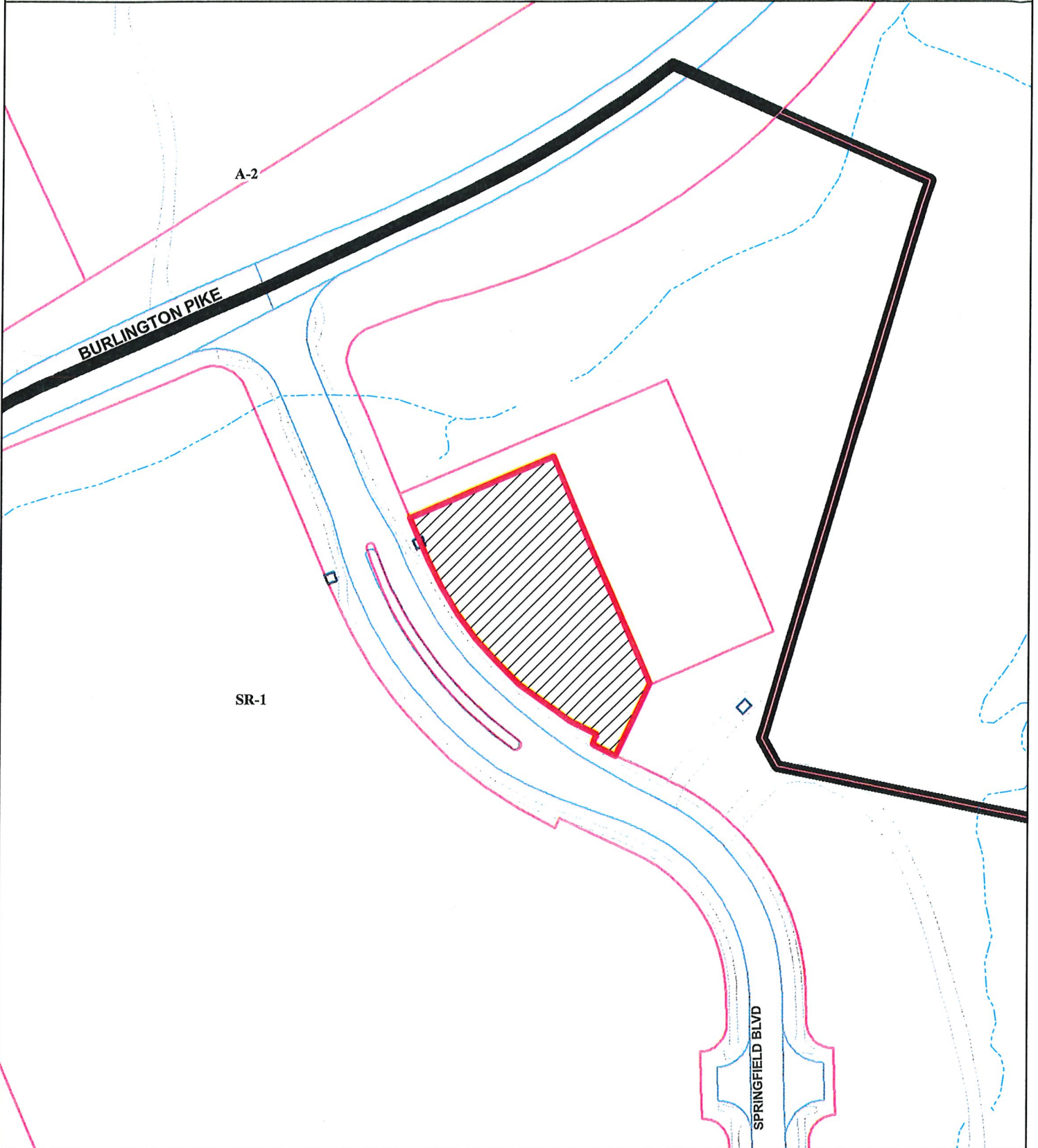


Boone County GIS - Putting Northern Kentucky on the Map



Zoning Map

www.boonecountygis.com



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0 50 100 200 300 400 Feet

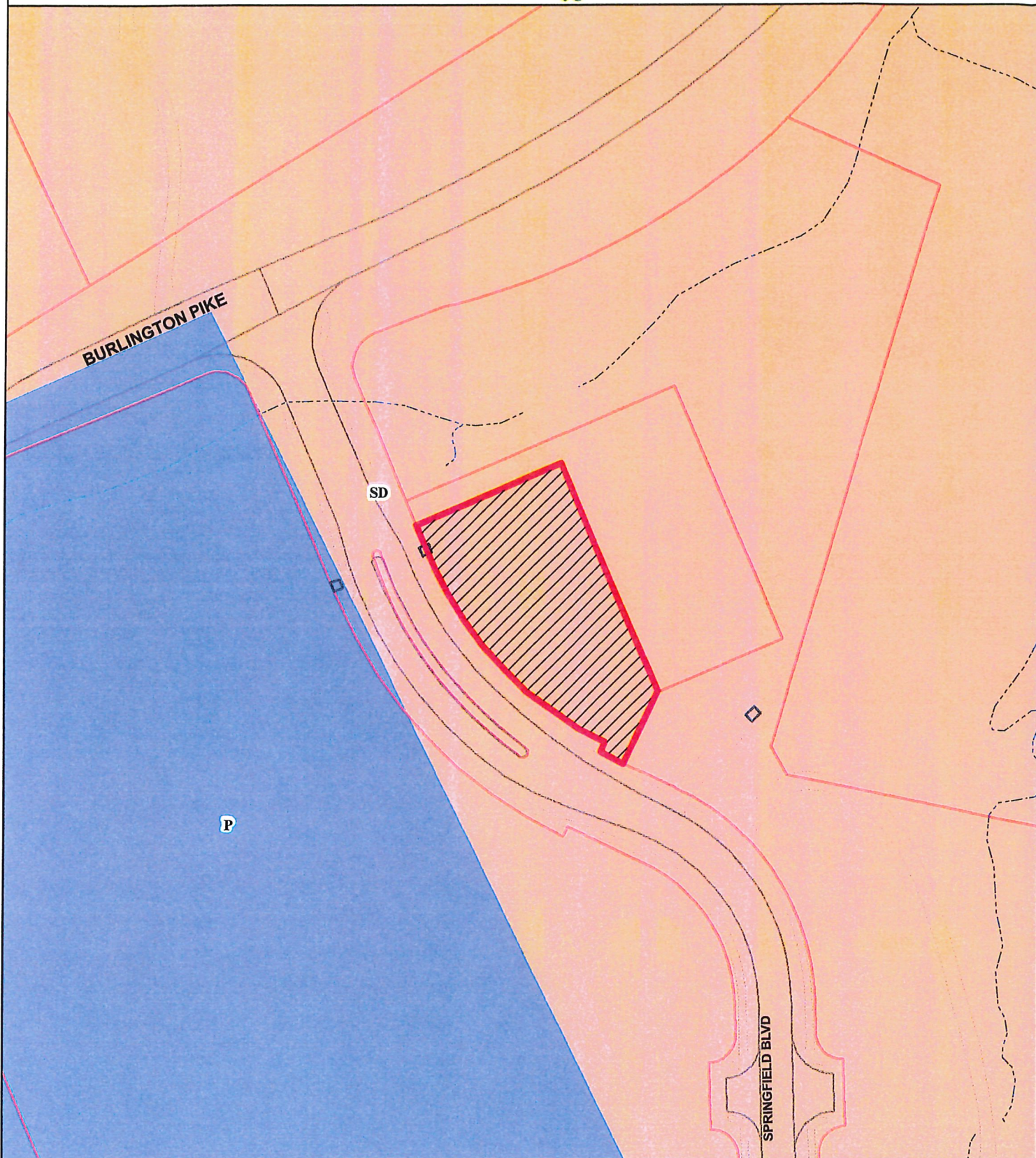
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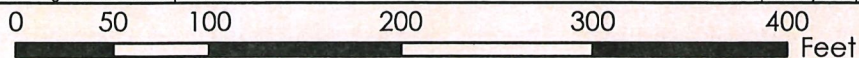
2040 Future Land Use Map

www.boonecountygis.com



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Boone County GIS - Putting Northern Kentucky on the Map



Map Created: xx/xx/2022

Map File: C:\Projects\2040\2040.mxd
ArcMap Document: *.mxd

**BOARD OF ADJUSTMENT
BOONE COUNTY PLANNING COMMISSION**

RECEIVED
895201
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BOONE COUNTY
PLANNING COMMISSION

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2. Check One Conditional Use Permit Variance Appeal
 Change in Non-Conforming Use

3. Applicant: ARLINGHAUS I LLC

Address: 142 Barnwood Drive

Edgewood Ky 41017
City State Zip Code

Phone Number: 859-392-8900 Fax Number: _____

Email: bob@schroder.net

4. Description of Request:
Applicant requests a variance in front and rear yard setback distances. A zone change condition required the home to face Ky Rt 18, but zoning regulations interpret the frontage to be from the street where the access is on.

5. Name of Development: Hunters Ridge

6. Location of Development: 6108 Springfield Blvd

Burlington Ky 41005
City State Zip Code

7. Acreage Under Review: approximately half acre

8. Lot Number and Name of Subdivision (if part of a subdivision):
Lot 2, Section One, Hunters Ridge Subdivision, Group 4868, Plat 5/353

9. Current Owner: Arlinghaus I LLC

Address: 142 Barnwood Drive

Edgewood Ky 41017
City State Zip Code

Phone Number: 859-392-8900 Fax Number: _____

Email: bob@schroder.net

one single family home

10. Proposed Use(s) on Site: _____

11. Total Square Footage of Existing and/or Proposed Buildings: 2500 +/-

12. Current Zoning: SR-1

13.	<u>919</u>	<u>660</u>	<u>4868</u>
	Deed Book	Page	Group Number

14. Is the site subject to a zone change: Yes No
If yes, date of approval: _____ March 25, 2003

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: ARLWENAVS I LLC
By: [Signature] VP.

Applicant's Signature: ARLWENAVS I LLC
By: [Signature] VP.

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

1. Date Received: 11/20/23 Fee Received: \$1000 Receipt #: 89561

2. Is application complete:

3. Staff Reviewer: _____

4. Scheduled Board Action Date: _____

5. Board Action: _____

_____ Approved

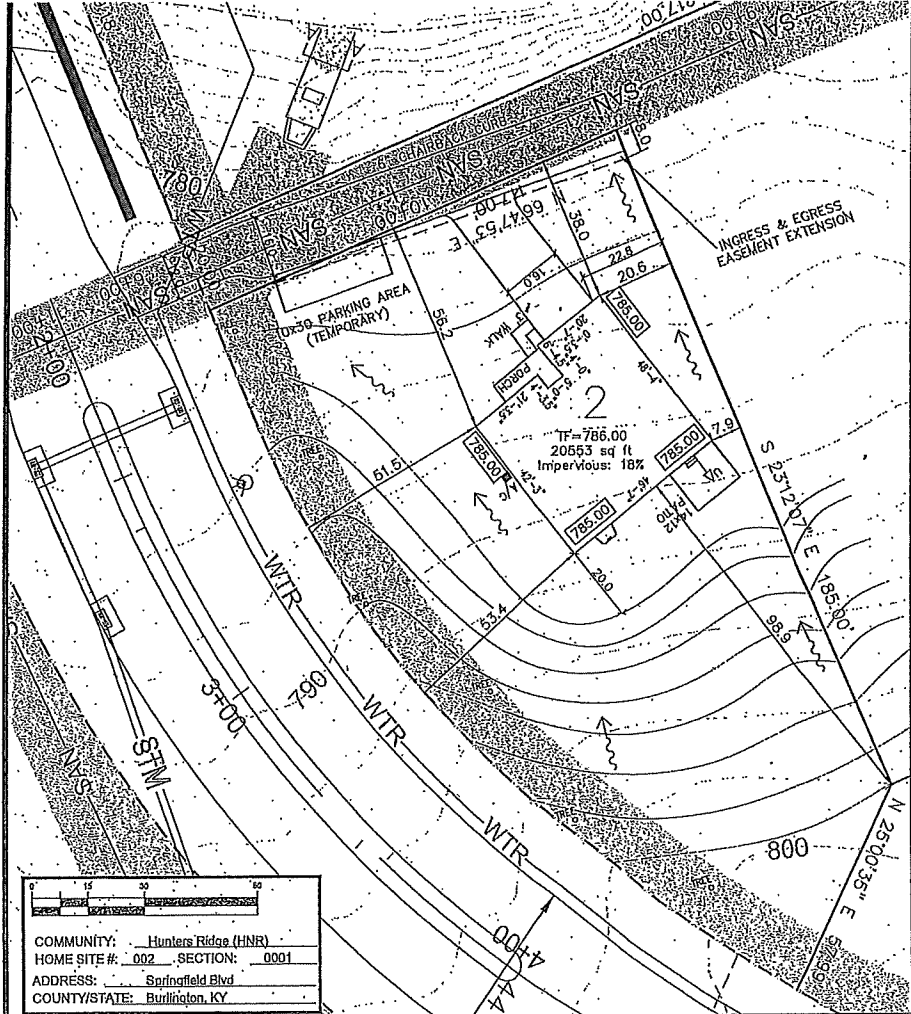
_____ Approved with Conditions (see #6)

_____ 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

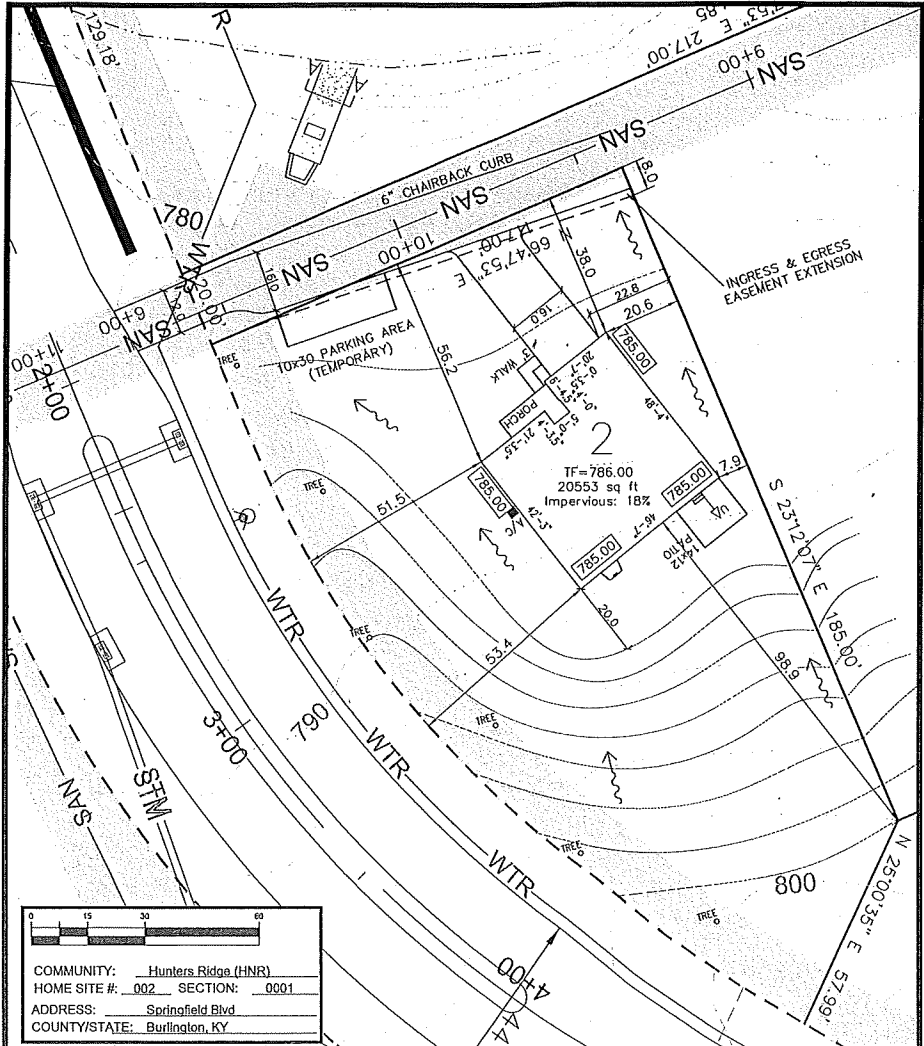


0	15	30	45	60
0	15	30	45	60
0	15	30	45	60
0	15	30	45	60

COMMUNITY: Hunters Ridge (HNR)
 HOME SITE #: 002 SECTION: 0001
 ADDRESS: Springfield Blvd
 COUNTY/STATE: Burlington, KY

SCALE 1" = 50'

Exhibit A



0 15 30 60
 COMMUNITY: Hunters Ridge (HNR)
 HOME SITE #: 002 SECTION: 0001
 ADDRESS: Springfield Blvd
 COUNTY/STATE: Burlington, KY

SCALE 1" = 30'

Exhibit A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Arlinghaus I LLC
142 Barnwood Dr
Edgewood, KY 41017
2. ADDRESS OF PROPERTY
6108 Springfield Blvd
Burlington, KY 41005
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Hunters Ridge Variance
4. DEED BOOK 919 PAGE NO. 660 GROUP NO. 2029
5. TYPE OF RESTRICTION(S) (Check all that apply)
- ___ Zoning Map Amendment: ___ Conditional Use Permit
From ___ To ___
- ___ Development Plan ___ Conditional Zoning
- ___ Subdivision Plat ___ Other:
(Not Recorded)
- X 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 14th 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.)