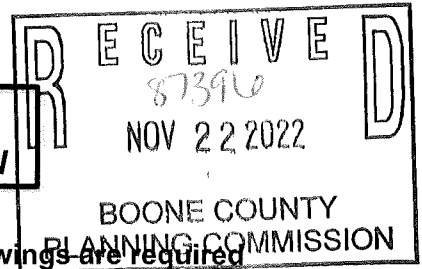


**BOARD OF ADJUSTMENT
BOONE COUNTY PLANNING COMMISSION**



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: Melissa Dick; Solgen Power, LLC.
 Address: 7453 Empire Drive
Florence Ky 41042
 City State Zip Code

Phone Number: 513-978-5941 Fax Number: _____

Email: melissa.dick@solgenpower.com

4. Description of Request: A-2 zone front yard setback. Reduce setback to 0 ft.
~~This BOA is for getting a variance approved for the location of a solar ground mounted system.~~

5. Name of Development: Smother's Residence
 6. Location of Development: 1330 Eads Rd
Verona Ky 41092
 City State Zip Code

7. Acreage Under Review: _____

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

9. Current Owner: Brian ~~Brain~~ and Anastasia Smothers
 Address: 1330 Eads Rd
Verona Ky 41092
 City State Zip Code

Phone Number: 859-653-7127 Fax Number: _____

Email: smoothie7554@gmail.com

Board of Adjustment
Page 2

Single family/ Residential

10. Proposed Use(s) on Site: _____

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

12. Current Zoning: Residential


13.	<u>1153</u>	<u>248</u>	<u>20BLB</u>
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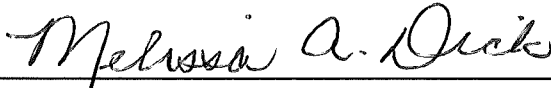
14. Is the site subject to a zone change: Yes No
If yes, date of approval: _____

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

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

1. Date Received: 11/22/22 Fee Received: \$6666 Receipt #: 87396

2. Is application complete:

3. Staff Reviewer: M. Schwartz

4. Scheduled Board Action Date: 12/19/2022

5. Board Action: 1/11/2023

Approved

Approved with Conditions (see #6)

Denial (See #7)

6. Conditions of Approval: _____

7. Reasons for Denial: See Meeting Minutes

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

#1

APPLICANT: Solgen Power LLC, per Melissa Dick, on behalf of Brian and Anastasia Smothers

LOCATION: 1330 Eads Road, Boone County, Kentucky

ZONING: Agricultural Estate (A-2)

DATE: January 11, 2023 (deferred from December 19, 2022)

PROPOSAL

1. The applicant is requesting a Variance reducing the front yard setback from sixty (60) feet to zero (0) feet to allow for the installation of ground mounted solar panels.

SITE HISTORY

1980 Based on information contained in the Boone County GIS, the site was originally zoned A-2.

APPLICABLE REGULATIONS

- A. Section 250 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 250 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 251 of the Boone County Zoning Regulations.
 1. Findings listed in Section 251:
 - 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 sixty (60) feet within the A-2 district.
- E. Section 620 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."
- F. Section 3153 of the Boone County Zoning Regulations states that accessory structures or uses may be located in the front yard area or corner side yard area in Agricultural zones or for agricultural uses located in other zones provided the respective front yard or corner side yard setback is met.

RELATIONSHIP TO THE COMPREHENSIVE PLAN

- A. The Our Boone County Plan 2040 Future Land Use Plan designates the site in question as "Rural Lands" and Rural Density Residential".
 - 1. Rural Lands is defined as wooded, agricultural, recreational, or low density residential uses of up to one dwelling unit per two acres. Residential construction in Rural Lands does not occur in a formal subdivision.
 - 2. Rural Density Residential is defined as low density residential uses of up to one dwelling unit 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

5. Goal B, Objective 1). 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. Eads is identified as a County maintained collector street providing for two way traffic within an approximate eighteen (18) foot pavement width. There are no sidewalks along the roadway.

SURROUNDING LAND USES AND ZONING

- North: CSX Railroad line, single family residential, and undeveloped agricultural land (A-2)
- South: Single family residential and undeveloped agricultural land (A-2)
- East: Single family residential and undeveloped agricultural land (A-2)
- West: Single family residential and undeveloped agricultural land (A-2)

SITE CHARACTERISTICS

- A. The approximate 8.6 acre property is located along the north side of Eads Road, approximately 1.2 miles east of Walton Verona Road.
- B. The site is currently occupied by a two-story, detached single-family residential dwelling and a barn.
- C. Access to the site is from two driveways onto Eads Road.
- D. The area where the existing buildings are located is relatively flat.

PROPOSED DEVELOPMENT

- A. The applicant is proposing to install an approximate 7' x 36' solar panel array in front of the existing barn.

STAFF COMMENTS

- A. A 3-rail Kentucky horse fence is located along Eads Road, in front of the existing barn.

- B. Based on information contained in the Boone County GIS, this fence is located within the public right-of-way of Eads Road.
- C. The applicant has already installed the solar panels.
- D. Based on a measurement from the fence, the solar panels are approximately ten (10) to fifteen (15) feet from the front property line.
- E. Should the Board take action to approve the submitted request, Staff is suggesting the following condition be considered as part of that action:
 - 1. The variance shall reduce the front yard setback from sixty (60) feet to ten (10) feet.
 - 2. The variance shall only apply to the installation of ground mounted solar panels and shall not establish a new front yard setback for any other structure.

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. Section 251 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

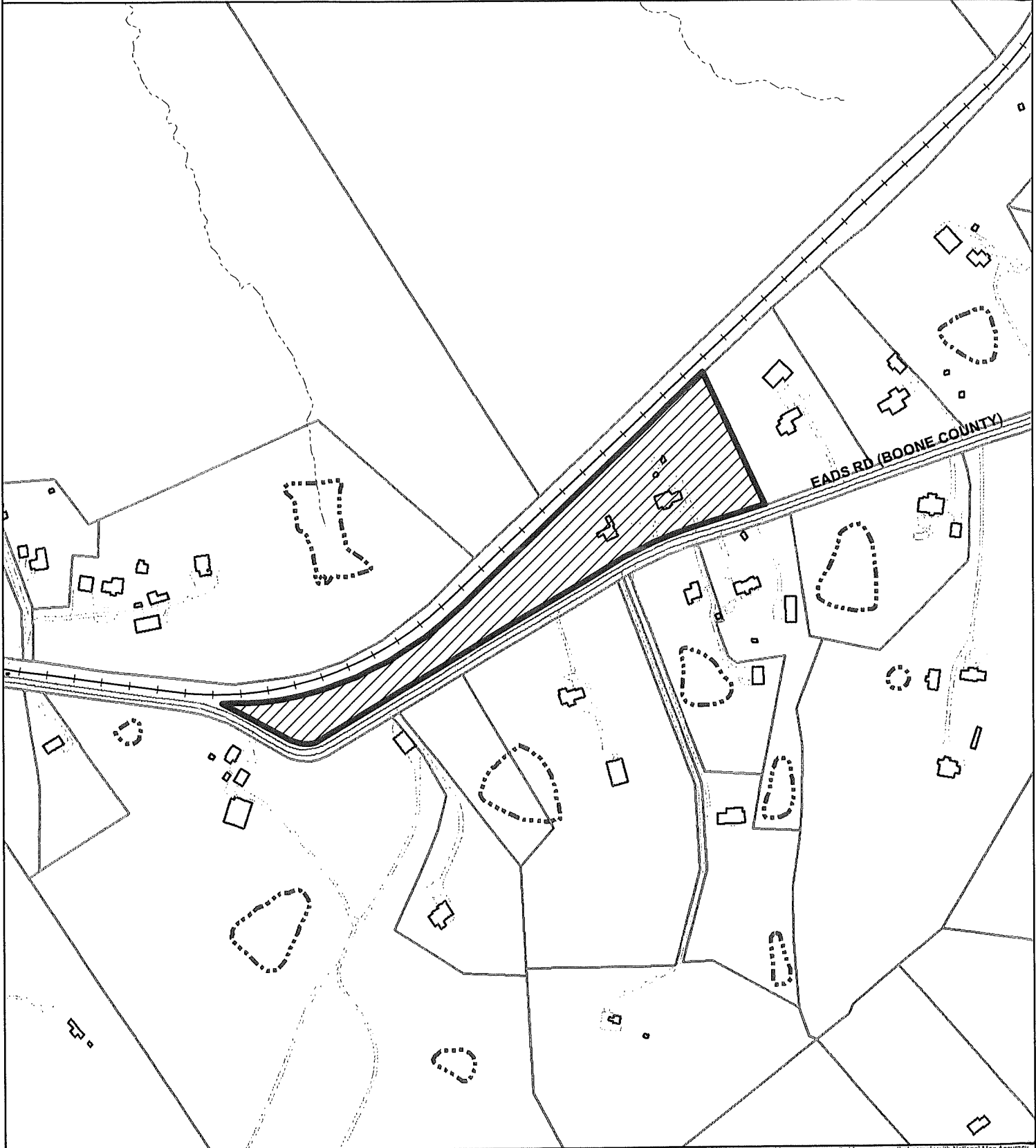
MDS/ss

Attachments

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

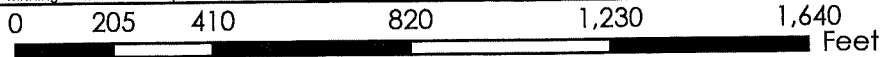
Vicinity Map

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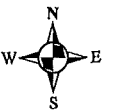
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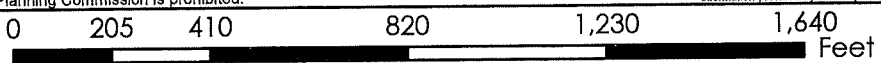
Aerial Map

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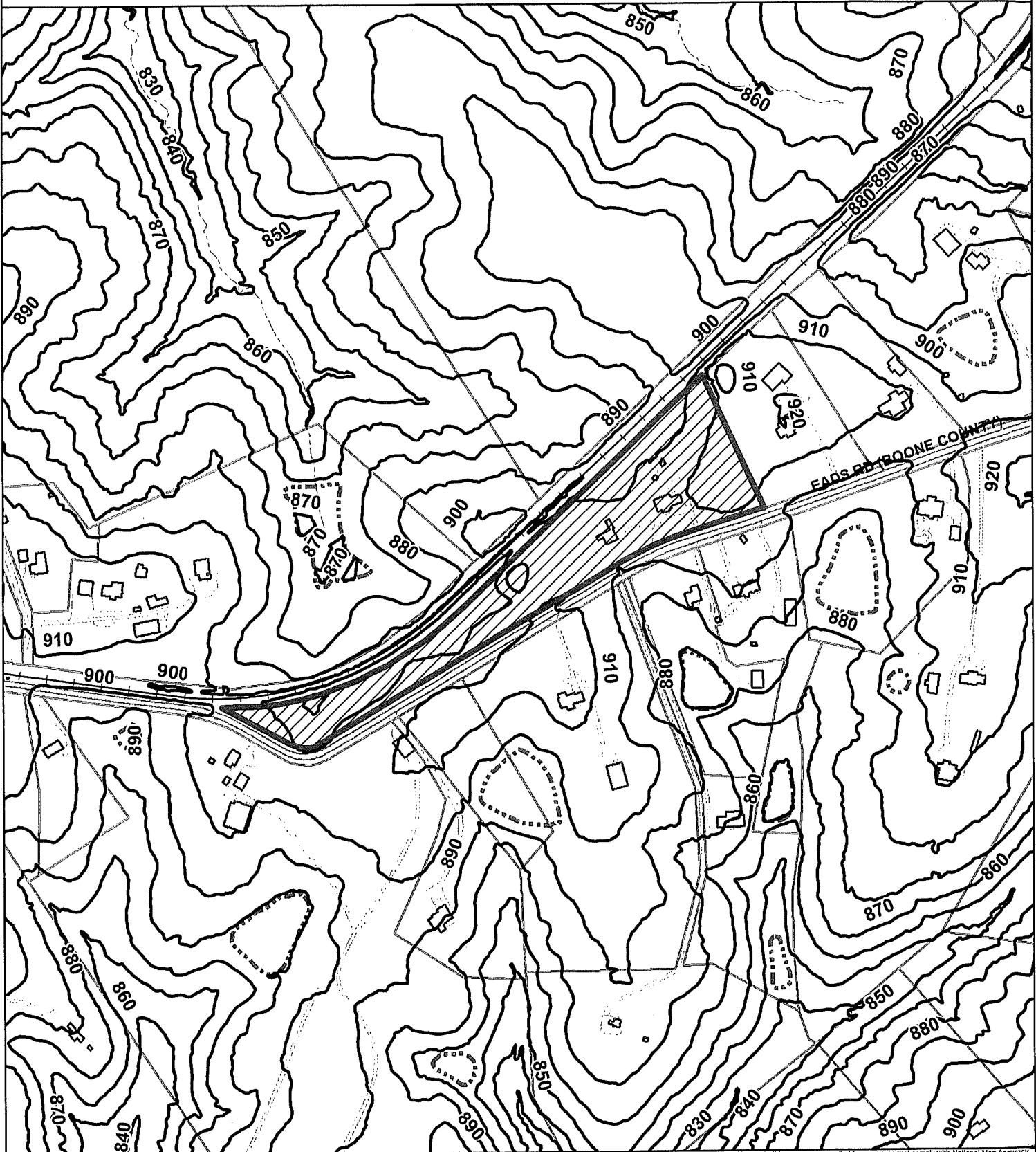
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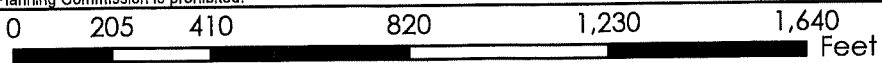
Topographical Map

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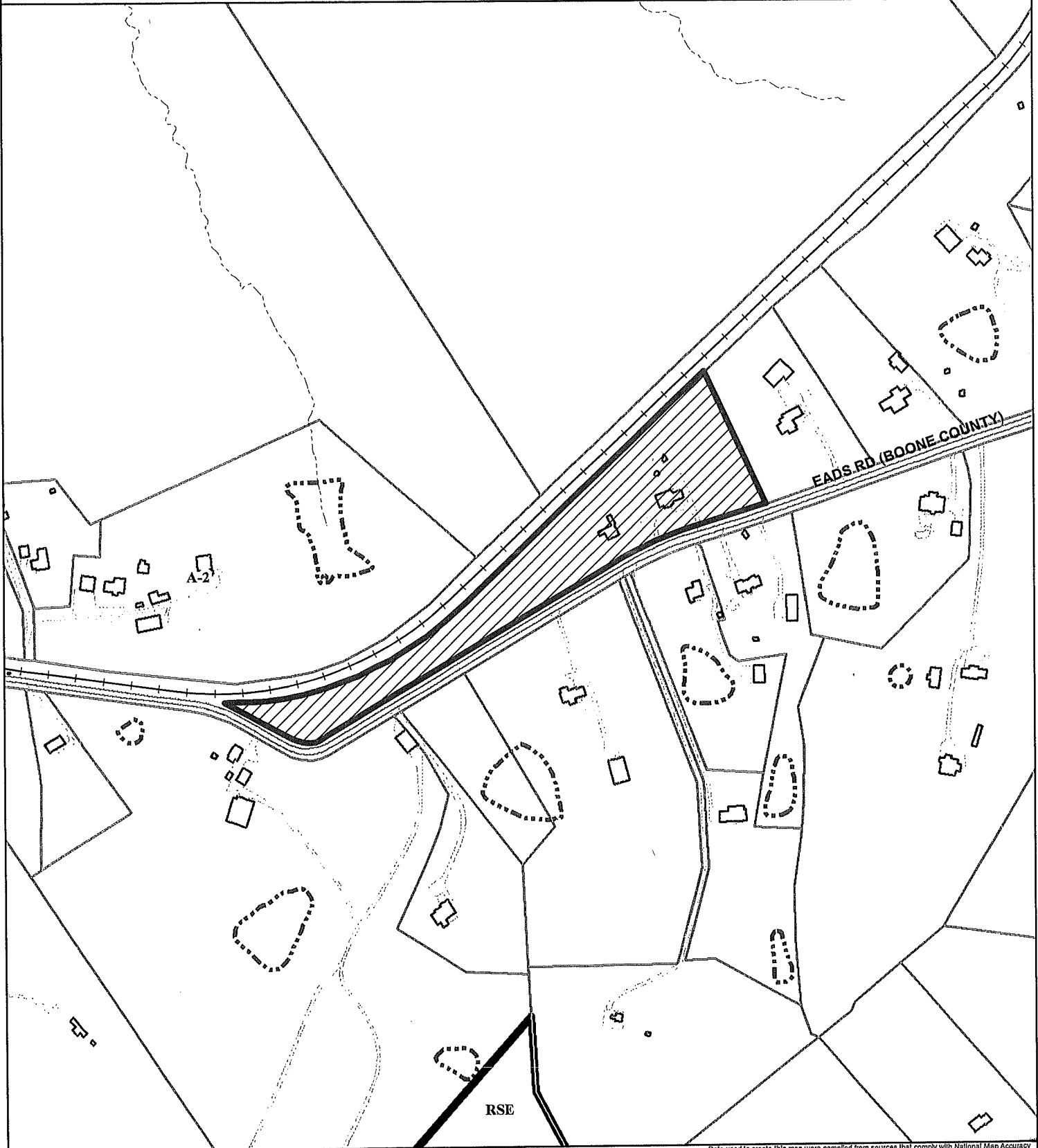


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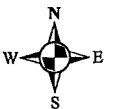
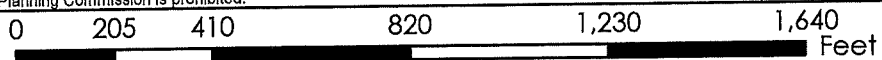
Zoning Map

www.boonecountygis.com



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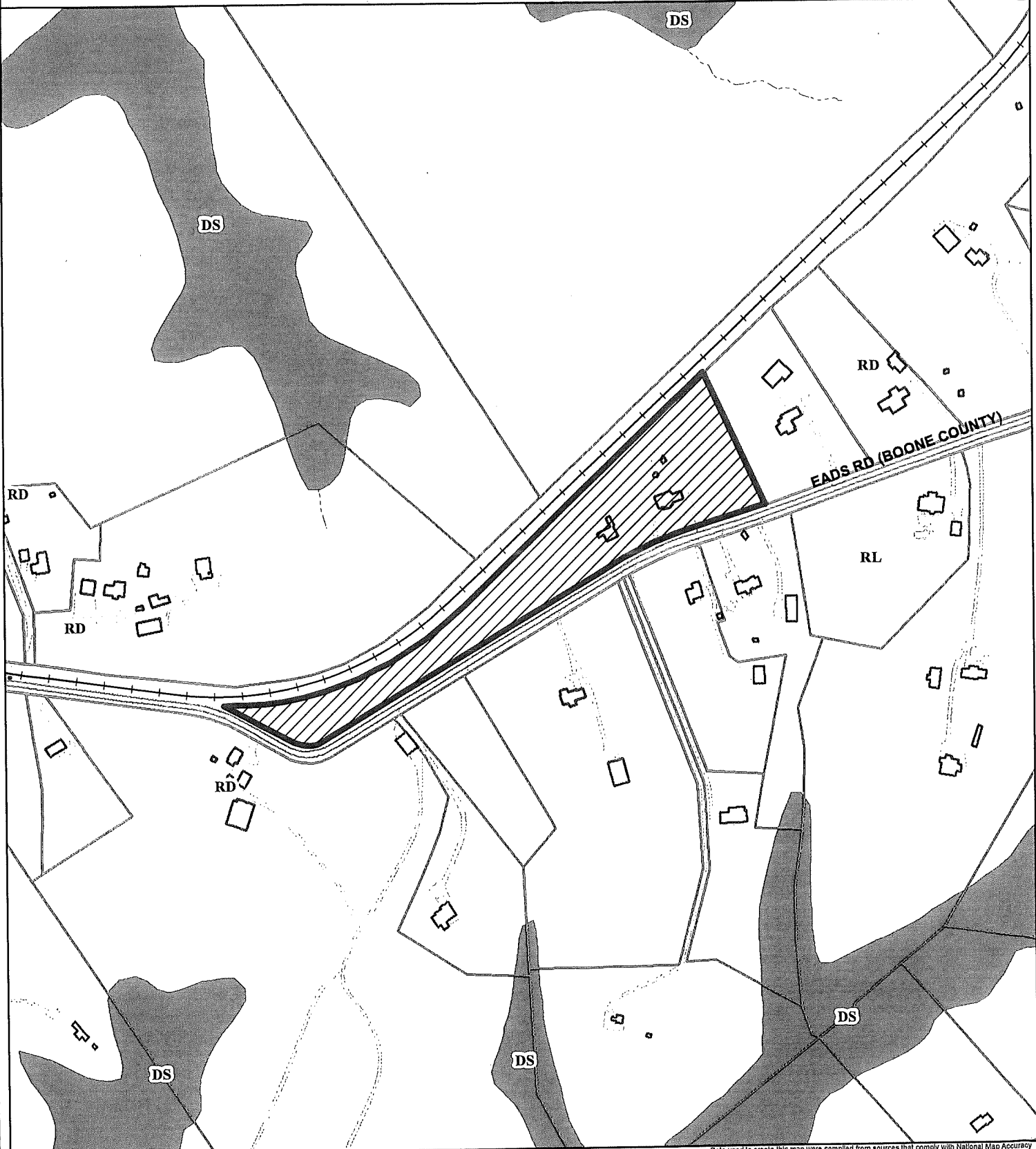
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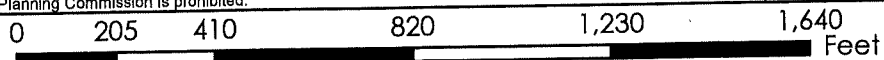
2040 Future Land Use Map

www.boonecountygis.com



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Boone County GIS - Putting Northern Kentucky on the Map



**BOARD OF ADJUSTMENT
BOONE COUNTY PLANNING COMMISSION**

RECEIVED
87396
NOV 22 2022
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
 Change in Non-Conforming Use

3. Applicant: Melissa Dick; Solgen Power, LLC.

Address: 7453 Empire Drive

Florence Ky 41042
City State Zip Code

Phone Number: 513-978-5941 Fax Number: _____

Email: melissa.dick@solgenpower.com

4. Description of Request: A-2 zone front yard setback. Reduce setback to 8'
~~This BOA is for getting a variance approved for the location of a solar ground mounted system.~~

5. Name of Development: Smother's Residence

6. Location of Development: 1330 Eads Rd

Verona Ky 41092
City State Zip Code

7. Acreage Under Review: _____

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

9. Current Owner: Brian ~~Brain~~ and Anastasia Smothers

Address: 1330 Eads Rd

Verona Ky 41092
City State Zip Code

Phone Number: 859-653-7127 Fax Number: _____

Email: smoothie7554@gmail.com

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

1. Date Received: 11/22/22 Fee Received: \$6666 Receipt #: 87396

2. Is application complete: _____

3. Staff Reviewer: _____

4. Scheduled Board Action Date: _____

5. Board Action: _____

- _____ Approved
- _____ Approved with Conditions (see #6)
- _____ Denial (See #7)

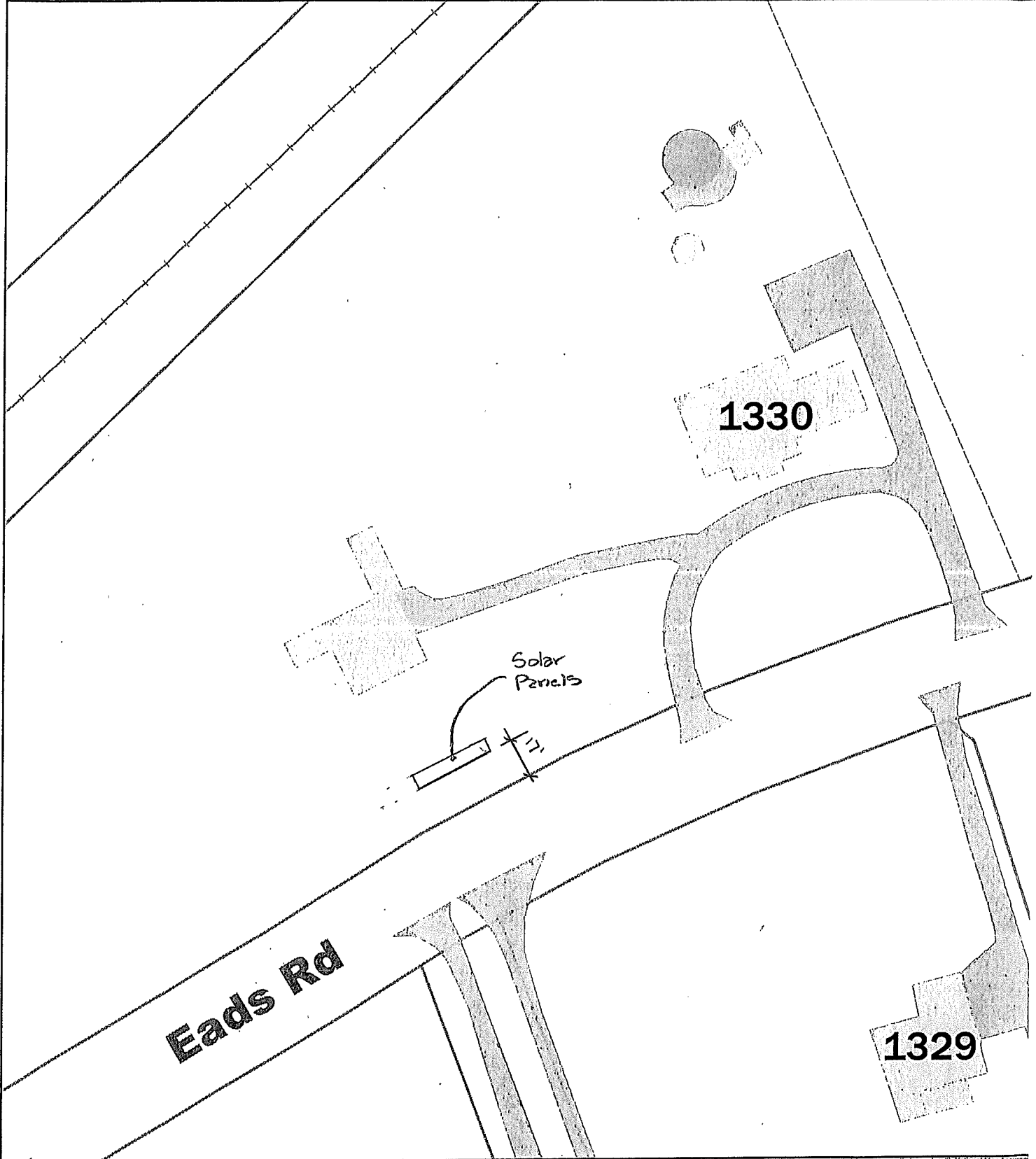
6. Conditions of Approval: _____

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

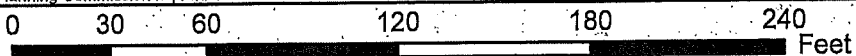
Boone County GIS Map

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