

**BOARD OF ADJUSTMENT
BOONE COUNTY PLANNING COMMISSION**

RECEIVED
89723
DEC 28 2023
BOONE COUNTY
PLANNING COMMISSION

Five (5) scaled copies and one (1) 11 x 17 reduction of submitted drawings

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: Steve Bingle

Address: 3424 Brogue Place

Union City KY State 41091 Zip Code

Phone Number: 513-460-5546 Fax Number: _____

Email: stevebingle@hotmail.com

4. Description of Request:
Increase front yard setback from 42' to 104'
Reduce

5. Name of Development: _____

6. Location of Development: 11952 Gum Branch

Union City KY State 41091 Zip Code

7. Acreage Under Review: 38

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

9. Current Owner: Steve Bingle

Address: 3424 Brogue Place

Union City KY State 41091 Zip Code

Phone Number: 513-460-5546 Fax Number: _____

Email: stevebingle@hotmail.com

10. Proposed Use(s) on Site: N/A

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

12. Current Zoning: RSE / SC

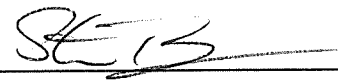
13. 1180 965 2062
1215 50
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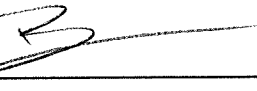
14. Is the site subject to a zone change: Yes No
If yes, date of approval: _____

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.

Property Owner's Signature: 

Applicant's Signature: 

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

1. Date Received: 12/28/2023 Fee Received: \$ 666.00 Receipt #: 89723

2. Is application complete: _____

3. Staff Reviewer: M. Schwartz

4. Scheduled Board Action Date: 2/26/2024

5. Board Action: 2/26/2024

_____ Approved

Approved with Conditions (see #6)

_____ Denial (See #7)

6. Conditions of Approval: That the two lots that comprise the site shall be consolidated into a single lot.

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

#1

APPLICANT: Steven Bingle

LOCATION: 11952 Gum Branch Road and the property having a Parcel Identification Number (PIDN) of 031.00-00-019.00, Boone County, Kentucky

ZONING: Rural Suburban Estates/Small Community (RSE/SC)

DATE: February 14, 2024

PROPOSAL

- A. The applicant is requesting a Variance reducing the minimum front yard setback from four hundred twenty-seven (427) feet to one hundred four (104) feet.

SITE HISTORY

1949-
1954

Based on information contained in the Boone County GIS, a house was built on the site in question.

2004-
2006

Based on information contained in the Boone County GIS, the house was no longer present on the site.

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 the Rural Suburban Estates district 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 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.
- F. Section 2005.B.1.b of the Boone County Zoning Regulations states that if no principal structure exists on lots within two hundred (200) feet of the site, on the same street frontage, then the minimum required front yard setback shall be

the average of the front yard setbacks of those lots within two hundred (200) feet of the site, across the respective street.

RELATIONSHIP TO THE COMPREHENSIVE PLAN

- A. The Our Boone County Plan 2040 Future Land Use Plan designates the site in question as “Rural Lands”, “Rural Density Residential”, and “Developmentally Sensitive”, which are described as follows:
1. Rural Lands - 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 - Low density residential uses of up to one dwelling unit 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 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. Gum Branch Road is identified as a County maintained local street providing for two-way traffic within an approximate thirteen (13) foot pavement width. There are no sidewalks along the roadway. Gum Branch Road terminates at the northern edge of the site.

SURROUNDING LAND USES AND ZONING

- North: Single family residential/agricultural/undeveloped land (A-1)
South: Big Bone Lick State Park (R)
East: Single family residential/agricultural/undeveloped land (RSE/SC)
West: State owned property (CONS) and single-family residential (A-1 and RSE/SC)

SITE CHARACTERISTICS

- A. The approximate 38.6 acre property is located at the northwest corner of the intersection of Gum Branch Road with Beaver Road.
- B. The site has approximately two hundred thirty-three (233) feet of frontage along Beaver Road and approximately one thousand seven hundred (1,700) feet of frontage along Gum Branch Road.
- C. The site is currently comprised of two (2) lots of record under common ownership.
- D. The site is currently vacant, with the exception of a couple of small accessory structures.
- E. The western edge of the site is located within the 100-year and 500-year floodplain of Gum Branch Creek.
- F. Topographically, the site slopes upward, west to east, at an average grade of fourteen (14) percent.

STAFF COMMENTS

- A. There are no existing houses on the same side of the street as the site, within two hundred (200) feet of the site.

- B. The two existing houses within two hundred (200) feet of the site, on the opposite side of the street, have an average front yard setback of four hundred twenty-seven (427) feet. Based on Section 2005.B.1.b of the Boone County Zoning Regulations any house that is to be built on the site in question would have to have its minimum front yard setback set at four hundred twenty-seven (427) feet.
- C. The applicant would like to build a house on the property with a front yard setback of one hundred four (104) feet.
- D. Should the Board take action to approve the requested Variance, staff offers the following condition as a suggestion:
 - 1. Prior to the submission of a zoning permit for the proposed house, the two lots that comprise the site shall be consolidated into a single lot.

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

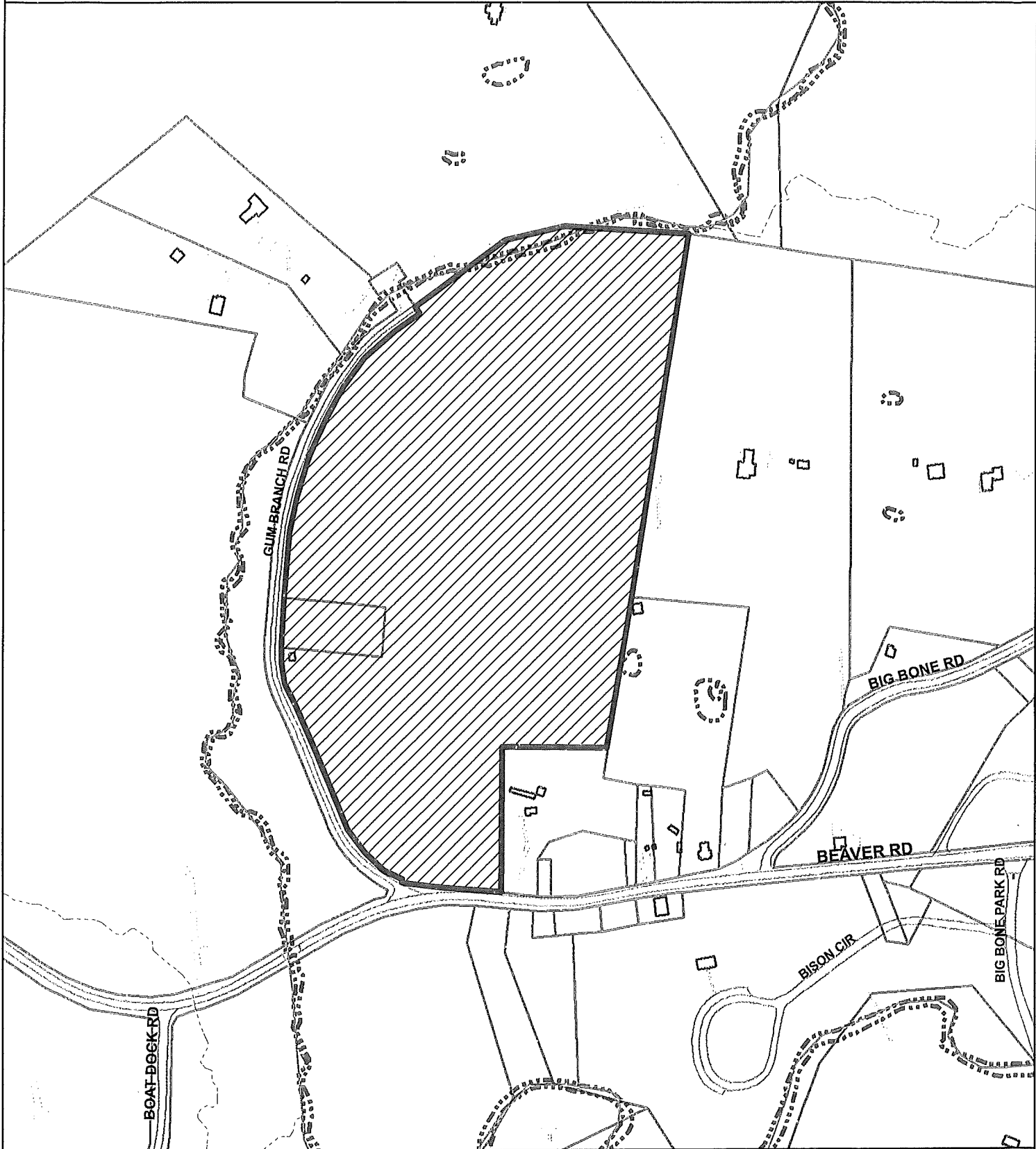
MDS/ss

Attachments

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

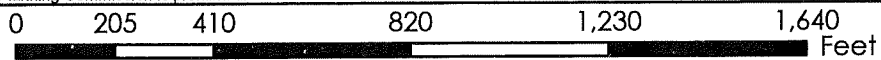
Vicinity Map

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 = 400 feet



Boone County GIS - Putting Northern Kentucky on the Map



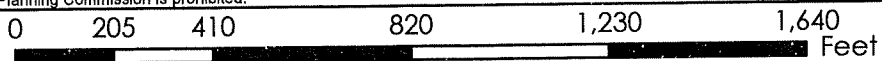
Aerial Map

www.boonecountygis.com



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Boone County GIS - Putting Northern Kentucky on the Map

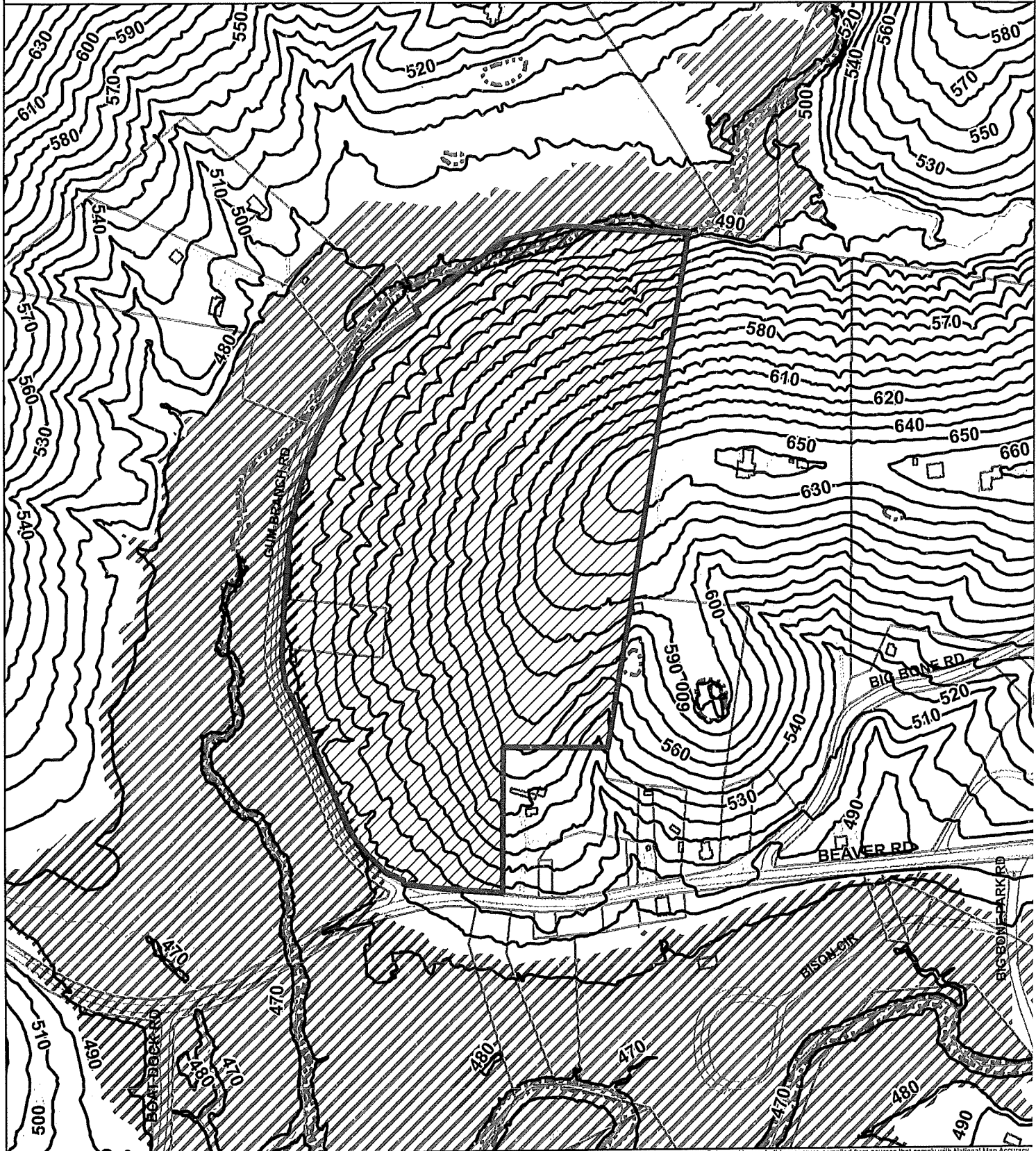


Map Created: xx/xx/2022

Boone County GIS
ArchMap Document: *.mxd

Topographic and Floodplain Map

www.boonecountygis.com



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0 205 410 820 1,230 1,640 Feet

1 inch = 400 feet



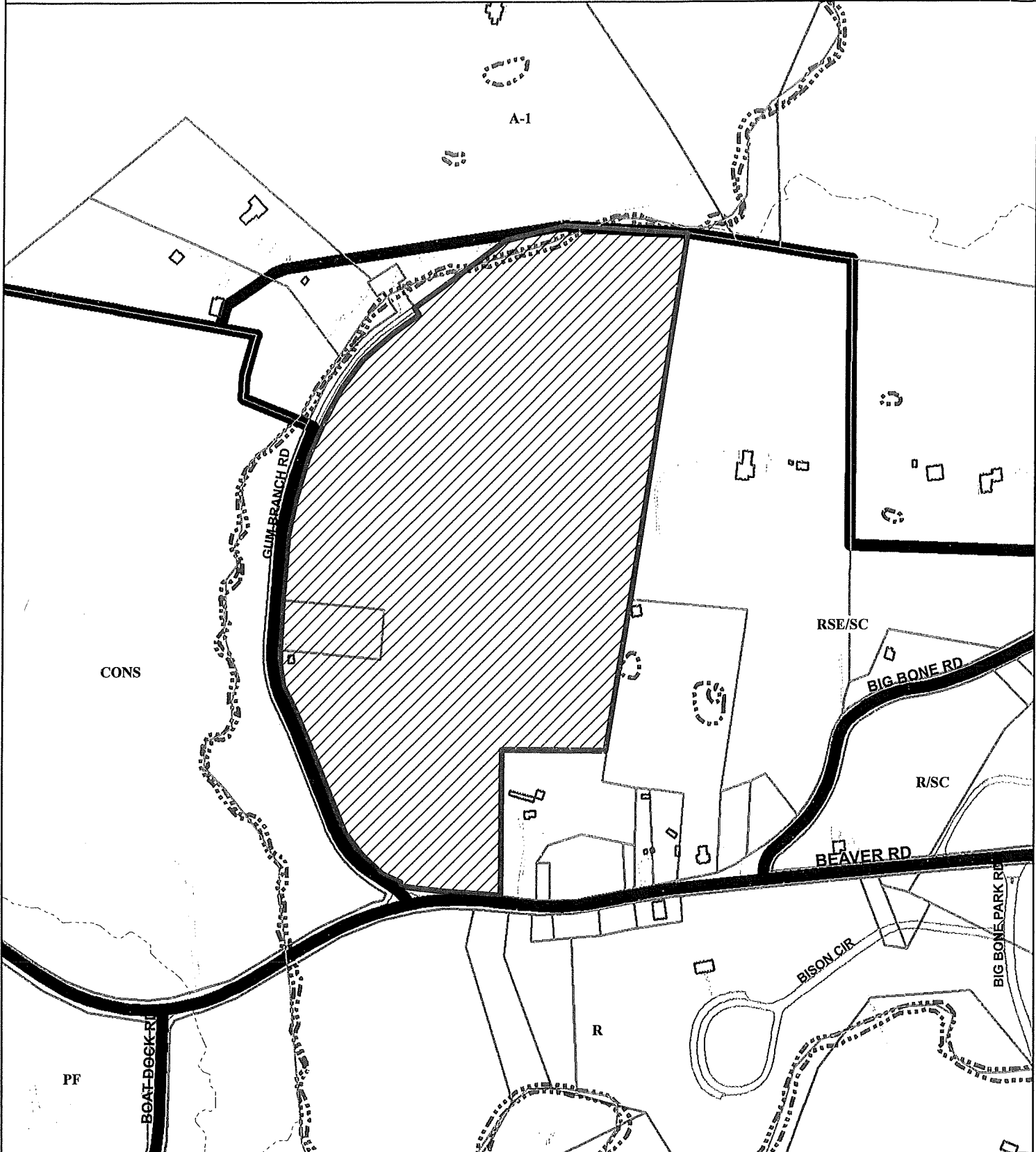
Boone County GIS - Putting Northern Kentucky on the Map

Map Created: xx/xx/2022

Made with ArcMap 10.8.1
ArcMap Document: *.mxd

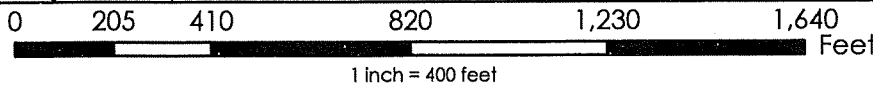
Zoning Map

www.boonecountygis.com



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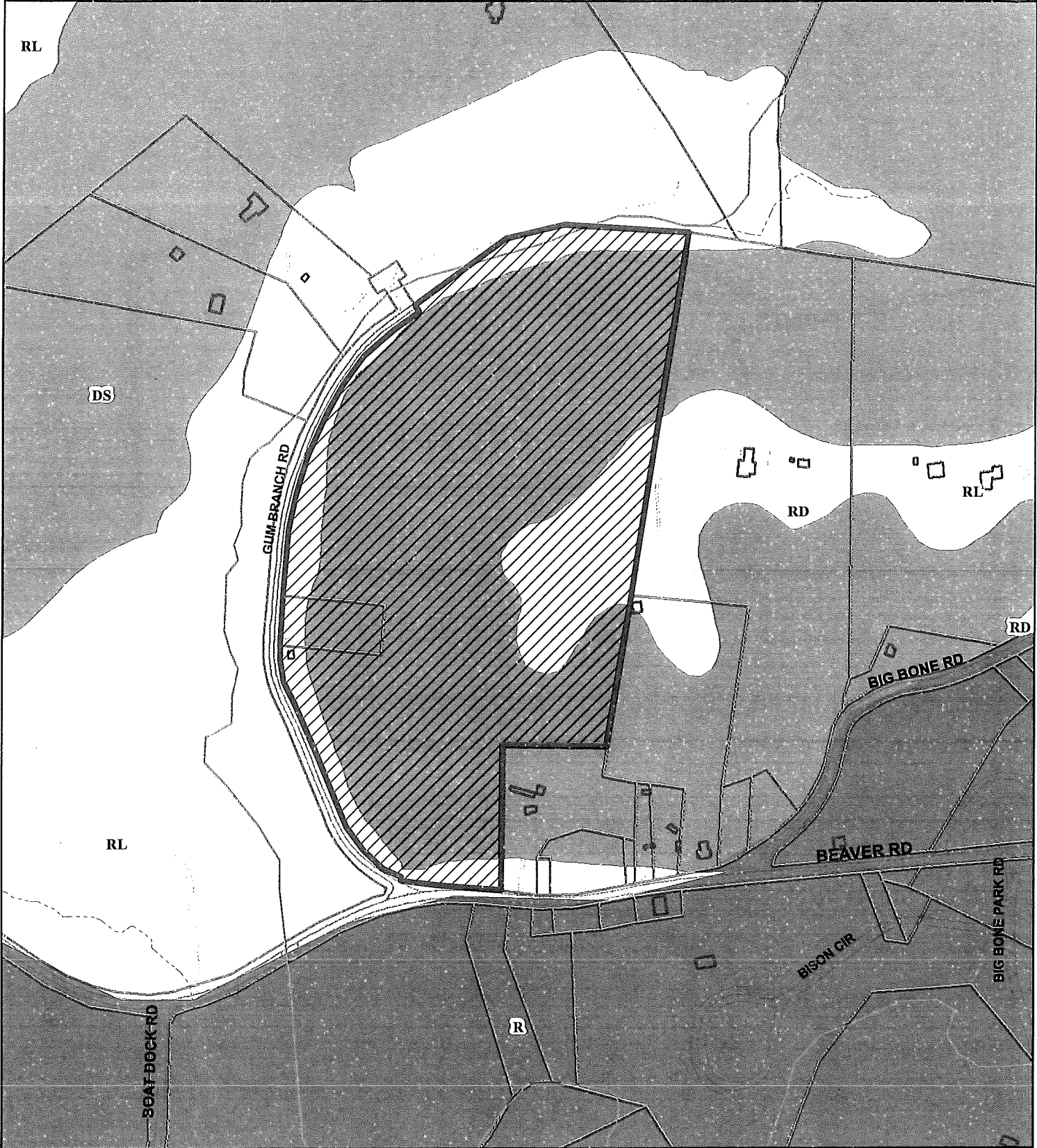


Boone County GIS - Putting Northern Kentucky on the Map



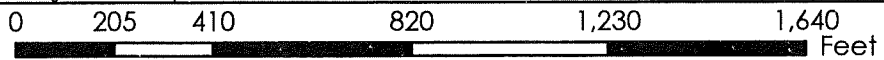
2040 Future Land Use Map

www.boonecountygis.com



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1 inch = 400 feet



Boone County GIS - Putting Northern Kentucky on the Map



10. Proposed Use(s) on Site: N/A

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

12. Current Zoning: RSE / SC

13.

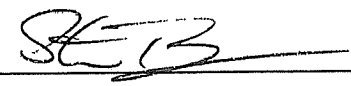
<u>1180</u> <u>1215</u>	<u>965</u> <u>50</u>	<u>2062</u>
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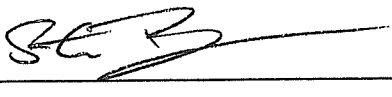
14. Is the site subject to a zone change: Yes No
If yes, date of approval: _____

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.

Property Owner's Signature: 

Applicant's Signature: 

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

1. Date Received: 12/28/2023 Fee Received: \$ 666.00 Receipt #: 89123

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: _____

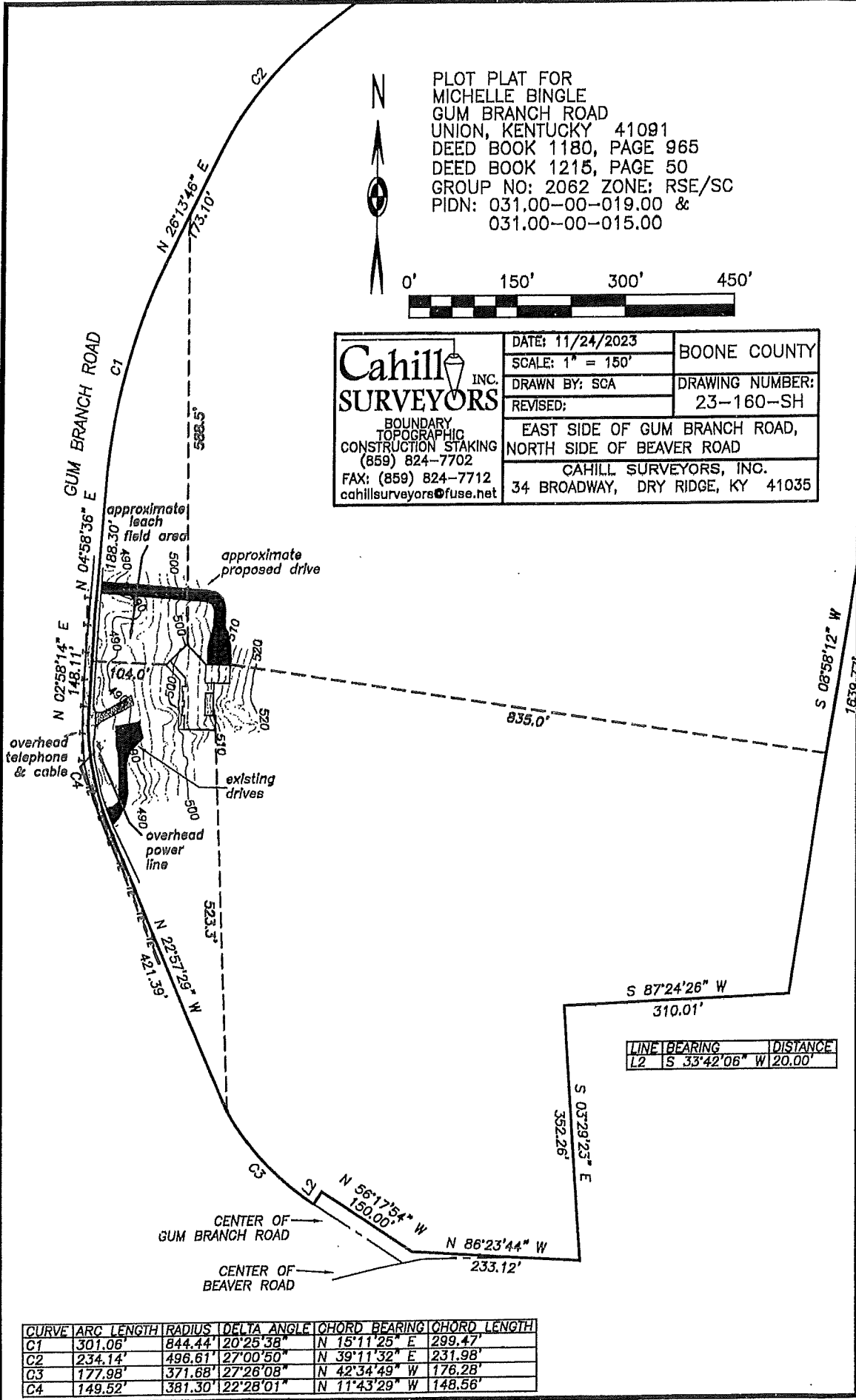
7. Reasons for Denial: _____

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

PLOT PLAT FOR
 MICHELLE BINGLE
 GUM BRANCH ROAD
 UNION, KENTUCKY 41091
 DEED BOOK 1180, PAGE 965
 DEED BOOK 1215, PAGE 50
 GROUP NO: 2062 ZONE: RSE/SC
 PIDN: 031.00-00-019.00 &
 031.00-00-015.00



Cahill INC. SURVEYORS BOUNDARY TOPOGRAPHIC CONSTRUCTION STAKING (859) 824-7702 FAX: (859) 824-7712 cahillsurveyors@fuse.net	DATE: 11/24/2023	BOONE COUNTY
	SCALE: 1" = 150'	DRAWING NUMBER:
	DRAWN BY: SCA	23-160-SH
	REVISED:	
EAST SIDE OF GUM BRANCH ROAD, NORTH SIDE OF BEAVER ROAD		
CAHILL SURVEYORS, INC. 34 BROADWAY, DRY RIDGE, KY 41035		



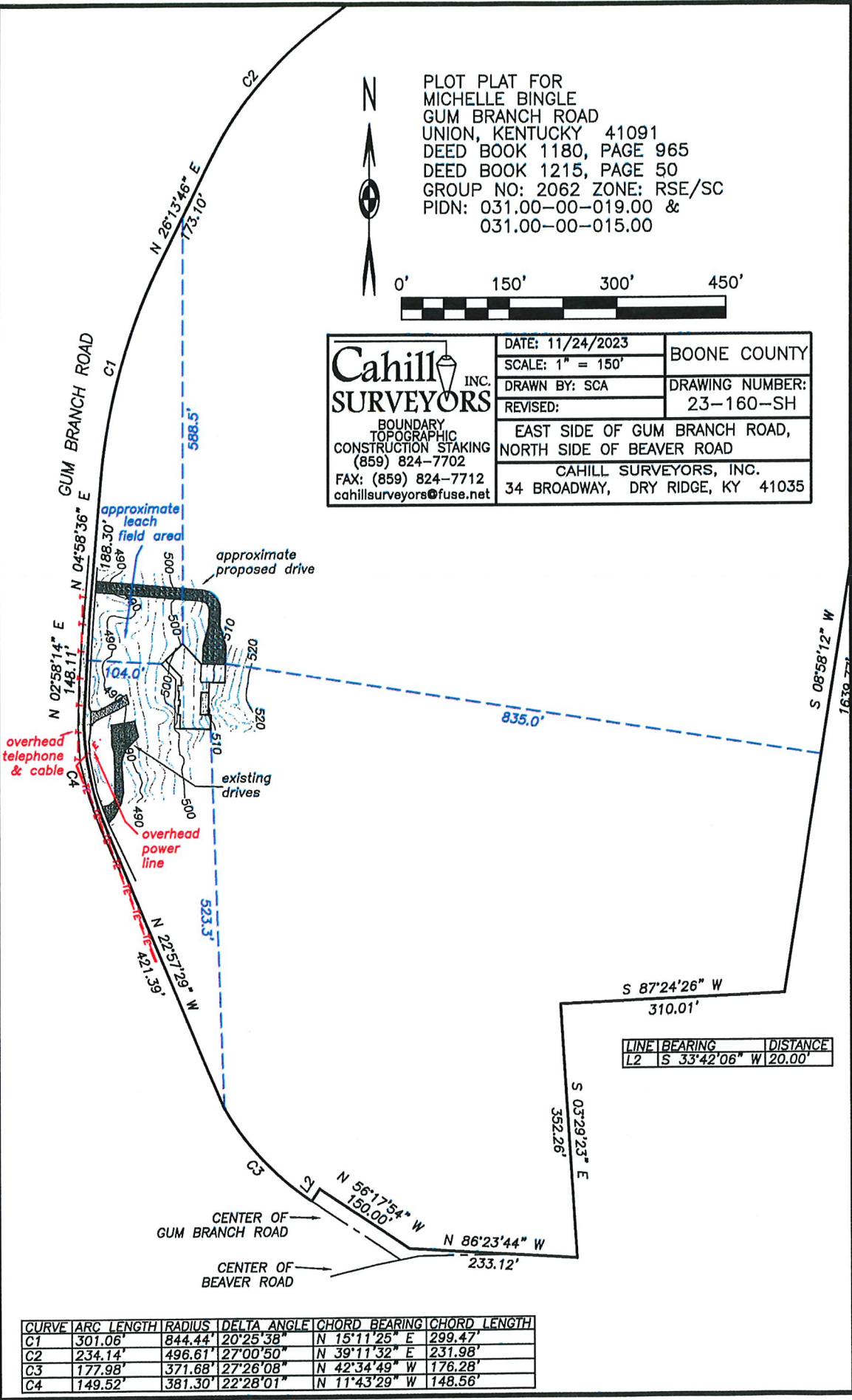
CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	301.06'	844.44'	20°25'36"	N 15°11'25" E	299.47'
C2	234.14'	496.61'	27°00'50"	N 39°11'32" E	231.98'
C3	177.98'	371.68'	27°26'08"	N 42°34'49" W	176.28'
C4	149.52'	381.30'	22°28'01"	N 11°43'29" W	148.56'

LINE	BEARING	DISTANCE
L2	S 33°42'06" W	20.00'

PLOT PLAT FOR
 MICHELLE BINGLE
 GUM BRANCH ROAD
 UNION, KENTUCKY 41091
 DEED BOOK 1180, PAGE 965
 DEED BOOK 1215, PAGE 50
 GROUP NO: 2062 ZONE: RSE/SC
 PIDN: 031.00-00-019.00 &
 031.00-00-015.00



Cahill SURVEYORS BOUNDARY TOPOGRAPHIC CONSTRUCTION STAKING (859) 824-7702 FAX: (859) 824-7712 cahillsurveyors@fuse.net	DATE: 11/24/2023	BOONE COUNTY
	SCALE: 1" = 150'	DRAWING NUMBER:
	DRAWN BY: SCA	23-160-SH
	REVISED:	
EAST SIDE OF GUM BRANCH ROAD, NORTH SIDE OF BEAVER ROAD CAHILL SURVEYORS, INC. 34 BROADWAY, DRY RIDGE, KY 41035		



LINE	BEARING	DISTANCE
L2	S 33°42'06" W	20.00'

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	301.06'	844.44'	20°25'38"	N 15°11'25" E	299.47'
C2	234.14'	496.61'	27°00'50"	N 39°11'32" E	231.98'
C3	177.98'	371.68'	27°26'08"	N 42°34'49" W	176.28'
C4	149.52'	381.30'	22°28'01"	N 11°43'29" W	148.56'

CERTIFICATE OF LAND USE RESTRICTION

- 1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Steven Bingle
3424 Brogue Pl
Union, KY 41091

- 2. ADDRESS OF PROPERTY
11952 Gum Branch Rd
Union, KY 41091

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

- 4. DEED BOOK 1180 PAGE NO. 965 GROUP NO. 2062

- 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)
 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 27th day of February, 2024.

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.)

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the Variance approved by the Boone County Board of Adjustment and in accordance with the current zoning in effect as of February 26, 2024, Certificate of Land Use Restriction (#24-BCBOA-004-A), for Steven Bingle, Property Owner(s).

The following condition will apply:

1. The two lots that comprise the site shall be consolidated into a single lot.

The approved Variance as well as the preceding conditions apply to the property described in:

DEED BOOK 1180

PAGE NO. 965

GROUP NO. 2062