

**BOARD OF ADJUSTMENT
BOONE COUNTY PLANNING COMMISSION**

RECEIVED
89968
FEB 20 2024
BOONE COUNTY
PLANNING COMMISSION
013

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: Zachary R Hicks
Address: 6058 Burlington PK
Burlington KY 41005
City State Zip Code

Phone Number: 859-816-8216 Fax Number: _____

Email: Zhicks8234@yahoo.com

4. Description of Request:
Increase size of previously existing single family residents from 2 bedroom to 3 bedroom.

5. Name of Development: N/A

6. Location of Development: 6058 Burlington PK
Burlington Ky 41005
City State Zip Code

7. Acreage Under Review: 3.19 acres

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

9. Current Owner: Zachary R Hicks
Address: 2882 Limburg rd.
Bort Hebron Ky 41005 41048
City State Zip Code

Phone Number: 859-816-8216 Fax Number: _____

Email: Zhicks8234@yahoo.com

10. Proposed Use(s) on Site: Single family residential

11. Total Square Footage of Existing and/or Proposed Buildings: 5300 sq ft

12. Current Zoning: I3

13. 975 147 2023
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.

Property Owner's Signature: Zachary L. H...

Applicant's Signature: Zachary L. H...

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

1. Date Received: 2/20/24 Fee Received: \$966 Receipt #: 89968

2. Is application complete:

3. Staff Reviewer: M. Schwartz

4. Scheduled Board Action Date: 3/13/2024

5. Board Action: 3/13/2024

- 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

#6

APPLICANT: Zachary R. Hicks

LOCATION: 6058 Burlington Pike, Boone County, Kentucky

ZONING: Industrial Three Surface Mining (I-3)

DATE: March 13, 2024

PROPOSAL

The applicant is requesting a Change in Nonconforming Use that would increase the size of a previously existing single-family residential dwelling.

SITE HISTORY

- 1980 The site was zoned I-3 as part of the original zoning for the County.
- 1980 Based on information from the Boone County PVA website, the previously existing single-family residential dwelling was constructed.
- 1987 On June 3, 1987, the Boone County Planning Commission approved a Conveyance Plat 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 grant changes in nonconforming uses as specified in this order.
- B. Section 206.C.2 of the Boone County Zoning Regulations states that the board of adjustment shall not allow the enlargement or extension of a nonconforming use beyond the scope and area of its operation at the time the regulation which makes its use nonconforming was adopted, nor shall the board permit a change from one (1) nonconforming use to another unless the new nonconforming use is in the same or a more restrictive classification.
- C. In permitting such change in nonconforming use, the Board may require appropriate conditions and safeguards in accord with other provisions of this order, such as the provision of landscaping and buffering, the improvement of parking areas, and restrictions on the hours of operation.
- D. Kentucky Revised Statute (KRS) 100.253 (2), reads as follows: "The board of adjustment shall not allow the enlargement or extension of a nonconforming use beyond the scope and area of its operation at the time the regulation which makes its use nonconforming was adopted, nor shall the board permit a change from one (1) nonconforming use to another unless the new nonconforming use is in the same or a more restrictive classification, provided, however, the board of adjustment may grant approval, effective to maintain nonconforming-use status, for enlargements or

extensions, made or to be made, of the facilities of a nonconforming use, where the use consists of the presenting of a major public attraction or attractions, such as a sports event or events, which has been presented at the same site over such period of years and has such attributes and public acceptance as to have attained international prestige and to have achieved the status of a public tradition, contributing substantially to the economy of the community and state, of which prestige and status the site is an essential element, and where the enlargement or extension was or is designed to maintain the prestige and status by meeting the increasing demands of participants and patrons.”

- E. Section 1104.A of the Boone County Zoning Regulations state that “the intent of this district is to regulate surface mining excavation, extraction, processing, storage, loading, hauling, and unloading of sand, gravel, rock, clay, shale, stone, coal, and similar natural resources and for treatment and processing of such products which may be produced from such raw materials.”
- F. Section 505.4 of the Boone County Zoning Regulations identifies single-family dwelling unit as a prohibited use in the I-3 district.

RELATIONSHIP TO THE COMPREHENSIVE PLAN

- A. The Our Boone County Plan 2040 Future Land Use Plan designates the site in question for “Industrial” uses. This designation is defined as Manufacturing, wholesale, warehousing, distribution, assembly, mining, and terminal uses.
- B. The following Our Boone County Plan 2040 Goals and Objectives apply to this application:
 - 1. Mixing of residential and other land uses shall be encouraged where appropriate (Overall Goal A, Objective 2).
 - 2. 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).
 - 3. Development policies shall not discriminate against any person (Demographics Goal A, Objective 1).
 - 4. 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).
 - 5. 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).
 - 6. Maintenance of sound existing housing and rehabilitation of deteriorating housing shall be encouraged and incentivized (Demographics Goal B, Objective 2).
 - 7. Home ownership shall be encouraged and incentivized as well as redevelopment and renovation of deteriorating housing stock (Demographics Goal B, Objective 3).
 - 8. 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).

9. Industries shall be promoted in suitable locations to make the county a vital part of a strong regional economy (Economy Goal A, Objective 2).
 10. Industrial development shall be encouraged to locate near railroad lines, highways, the Ohio River, the Airport, and where infrastructure exists or is planned (Economy Goal B, Objective 5).
 11. Future industrial districts should be identified in advance of residential development so that potential impacts are known and can be addressed (Economy Goal B, Objective 6).
- C. Burlington Pike is identified as a state maintained arterial street, providing for two-way traffic within two driving lanes. There are no sidewalks along the roadway.

SITE CHARACTERISTICS

- A. The approximate 3.5 acre property is located at the terminus of a private, shared gravel access drive, approximately one hundred eighty (180) feet west of Burlington Pike.
- B. The site is currently occupied by an accessory structure and was occupied by an approximate 2,100 square foot single-family residential dwelling.
- C. Access to the site is from an existing shared driveway within a twenty-five (25) foot wide access easement.
- D. The location of the proposed house is the high point of the site. From there, the site slopes downward to the south and west.
- E. The southern and western portions of the site lie within the 100-year floodplain of the Ohio River.

SURROUNDING LAND USES AND ZONING

North: Single-family residential (I-3)

South: Vacant wooded land (SR-1/SC)

East: Single-family residential (I-3)

West: Ohio River (I-3)

PROPOSED DEVELOPMENT

- A. The applicant is proposing to construct a 5,300 square foot, 3-bedroom, single-family residential dwelling in the same location as the previous house.

STAFF COMMENTS

- A. A zoning map amendment application has been submitted requesting that the zoning be changed for the area located to the north and east of the site from I-3 to SR-1 to allow the retention of an existing detached single-family residential dwelling and the development of five (5) additional detached single-family residential dwellings. The

Boone County Planning Commission has scheduled a public hearing on March 20, 2024.

- B. In reviewing the submitted application, the applicant should address, and the Board must find, that the new nonconforming use is as equally or more compatible with permitted uses in the district in which it is located as the previous nonconforming use.
- C. The Board must find that the new nonconforming use is not an increase or enlargement over the previous nonconforming use and that the new nonconforming use is not occupying a greater land area than was occupied by the previous nonconforming use.

CONCLUSION

KRS 100.253 and Section 202 of the Boone County Zoning Regulations gives the Boone Board of Adjustment and Zoning Appeals the authority to act on the request.

Respectfully submitted,



Michael D. Schwartz
Planner

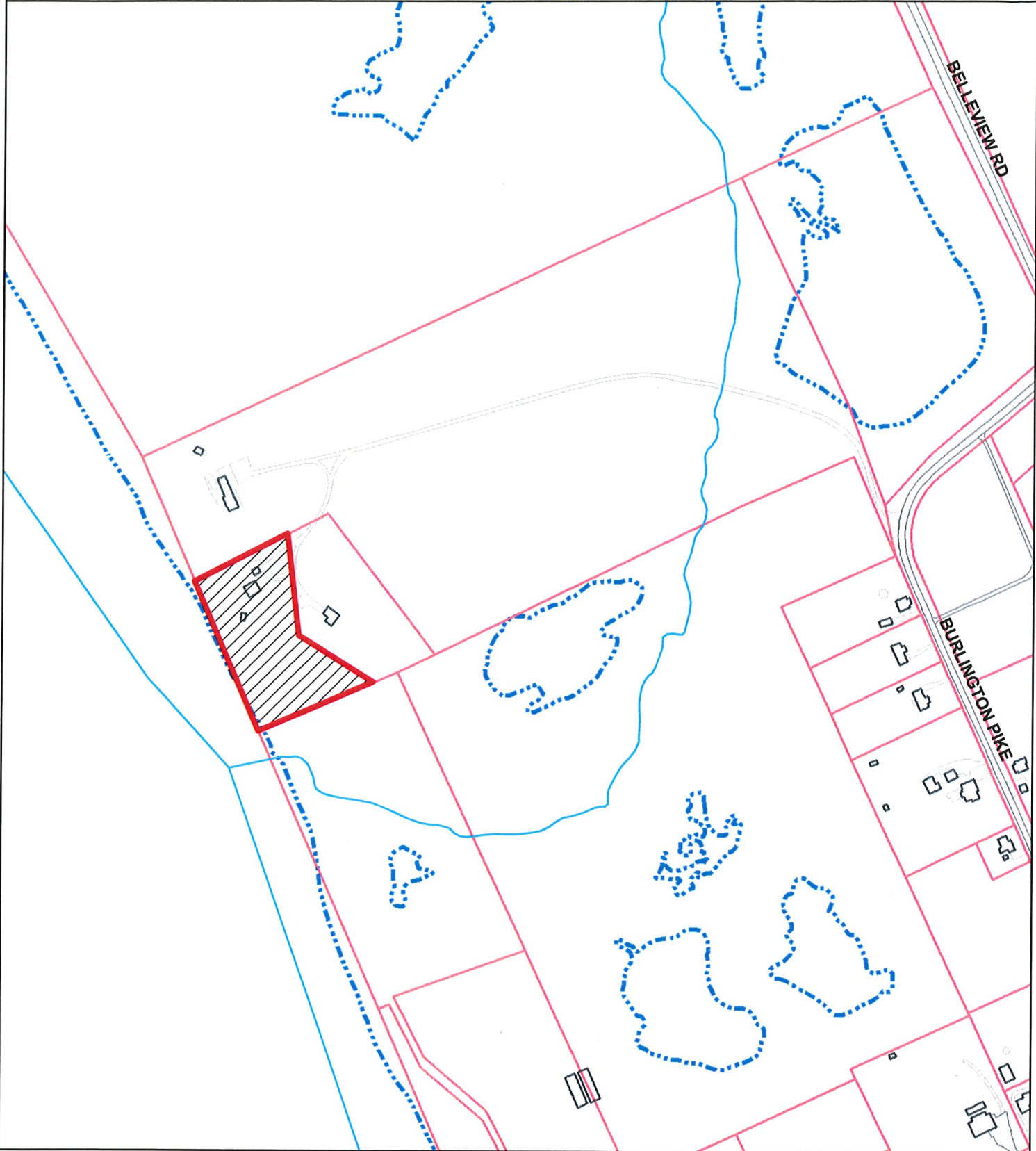
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Attachments

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

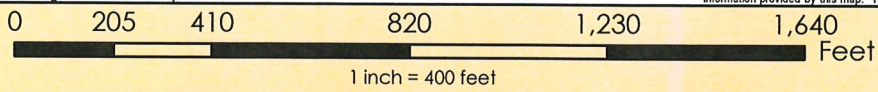
Vicinity Map

www.boonecountygis.com



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Boone County GIS - Putting Northern Kentucky on the Map

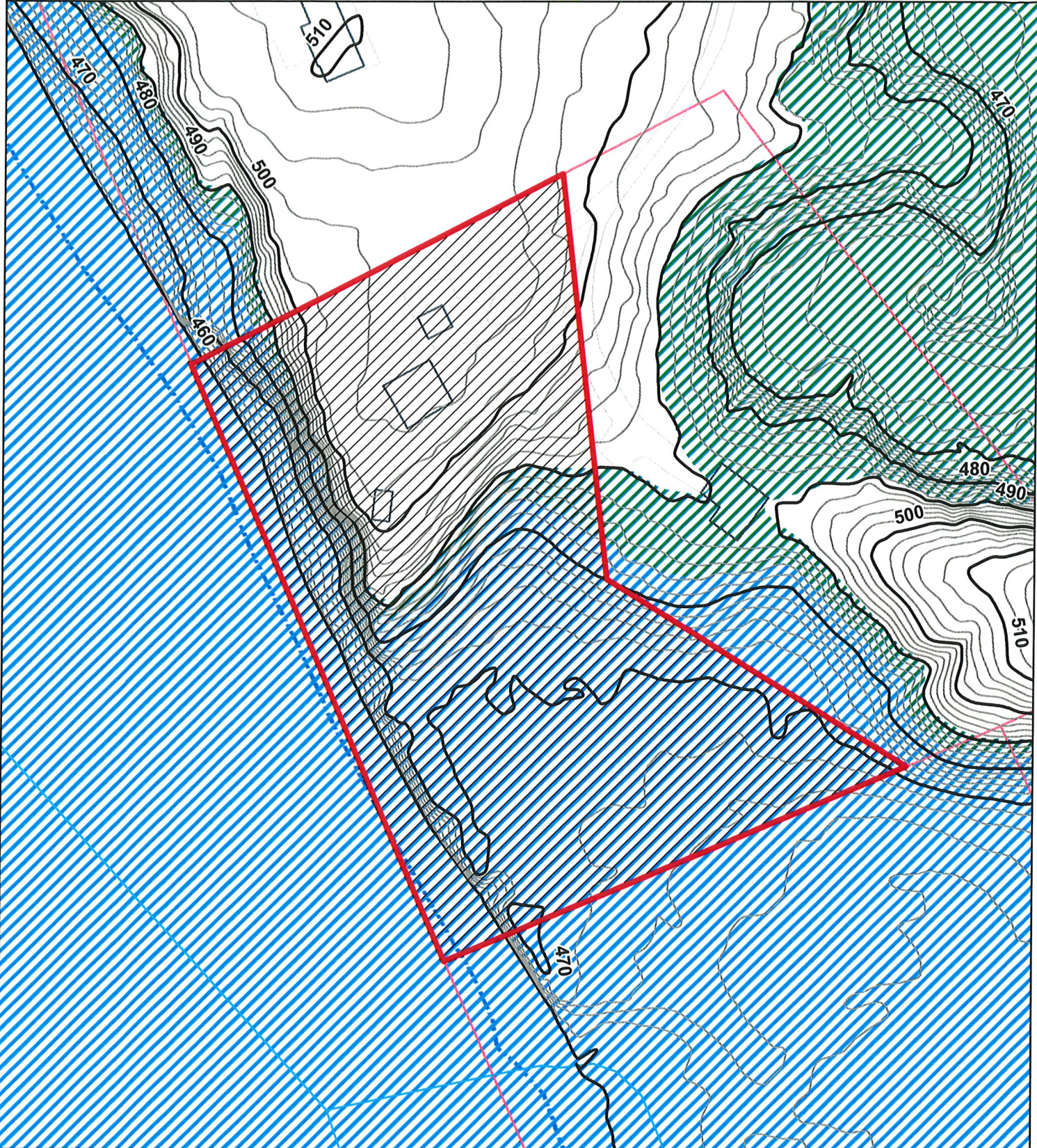


Map Created: xx/xx/2022

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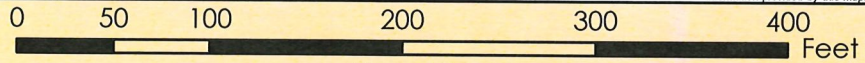
Topographic and Floodplain Map

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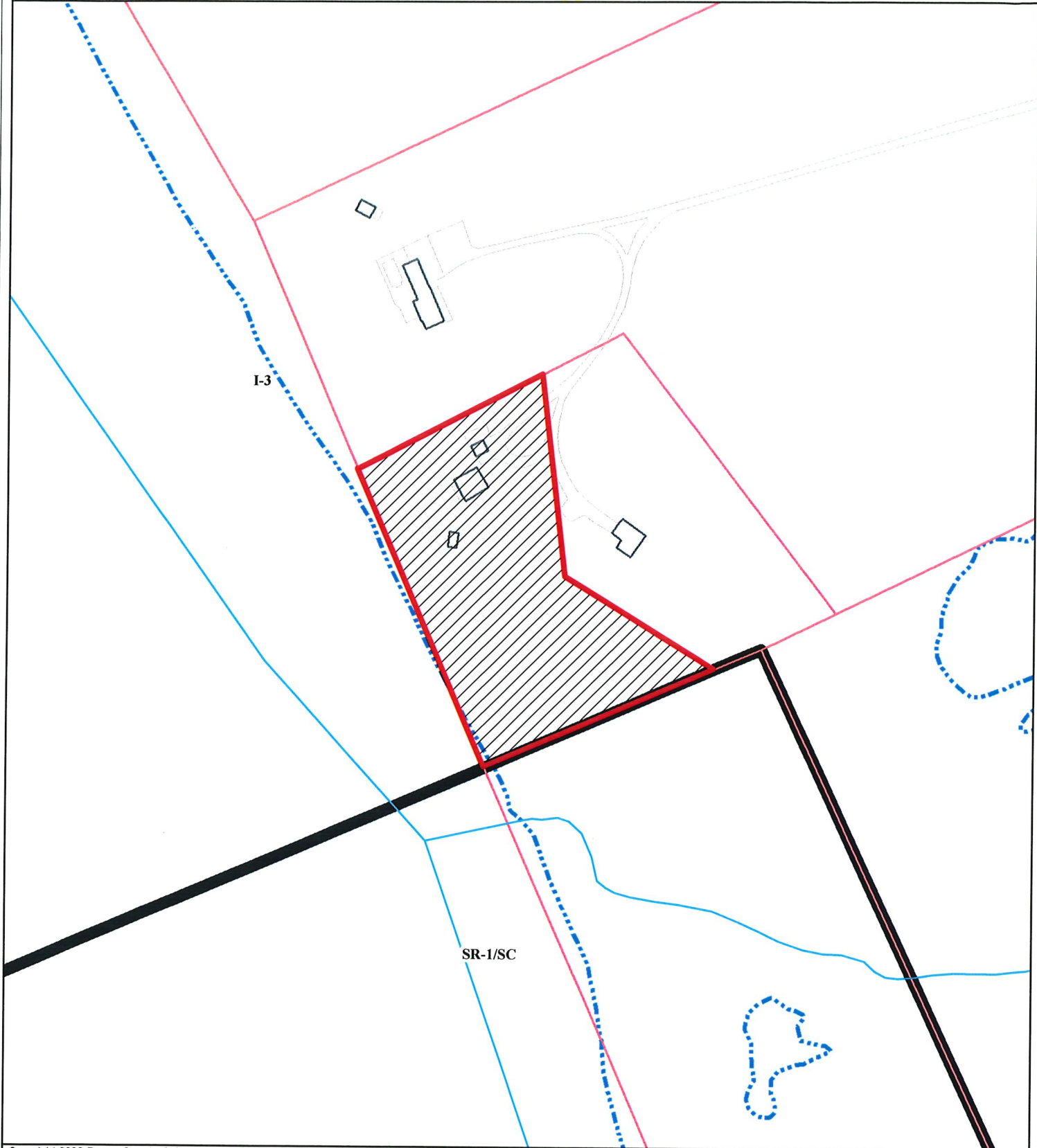
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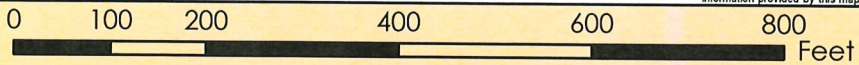
Zoning Map

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1 inch = 200 feet



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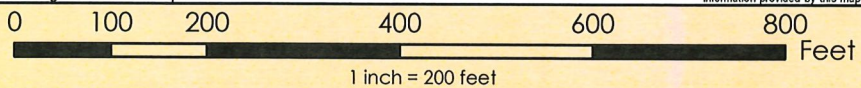
2040 Future Land Use Map

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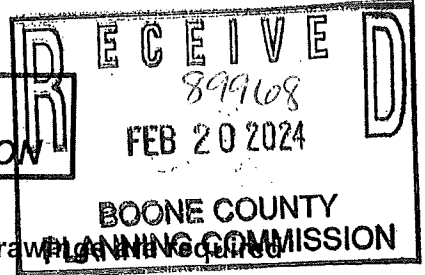
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Deed Book Page Group Number
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Applicant's Signature: Zachary R. Harris

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2. Is application complete:

3. Staff Reviewer: _____

4. Scheduled Board Action Date: _____

5. Board Action: _____

_____ Approved

_____ Approved with Conditions (see #6)

_____ Denial (See #7)

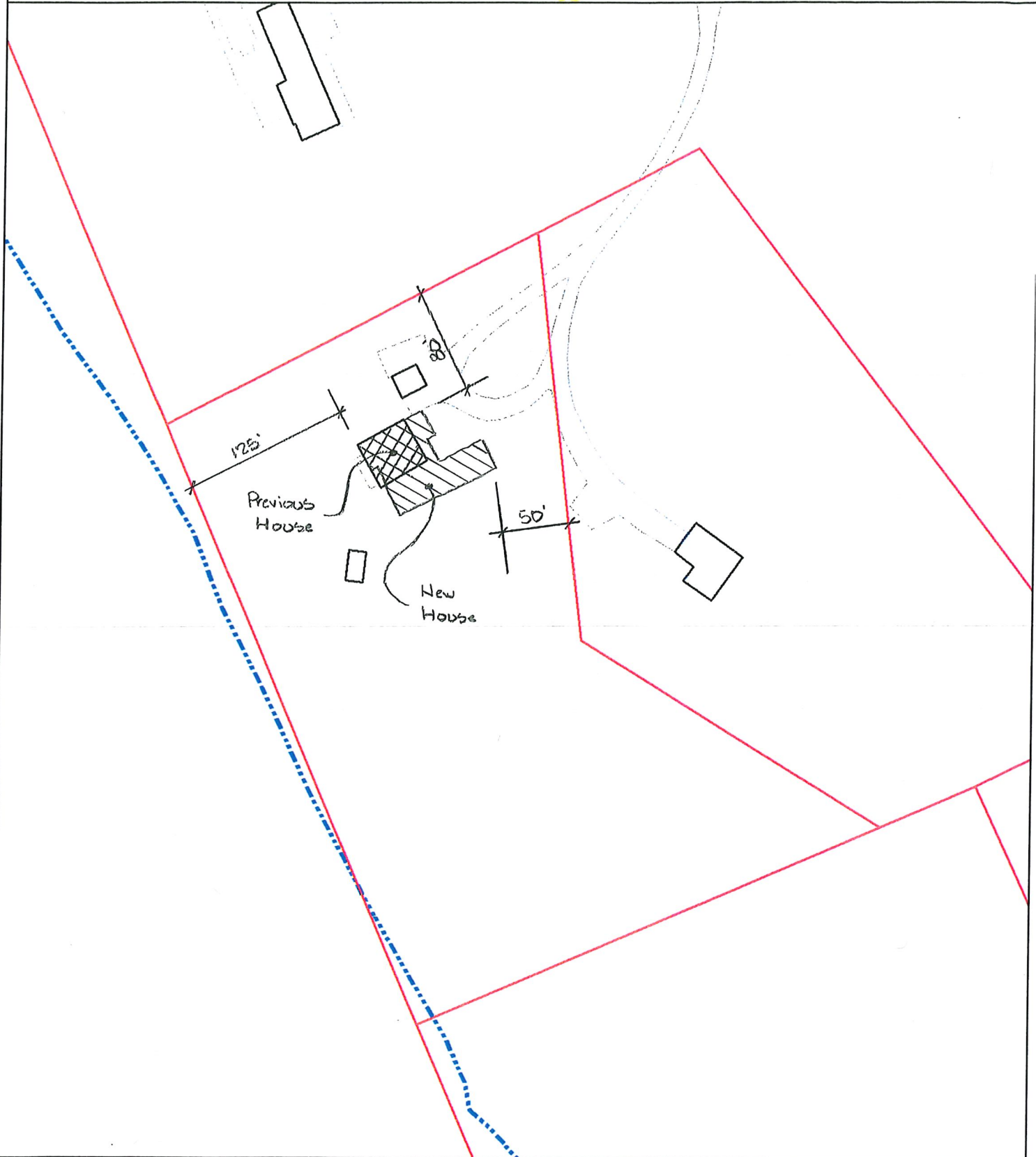
6. Conditions of Approval: _____

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
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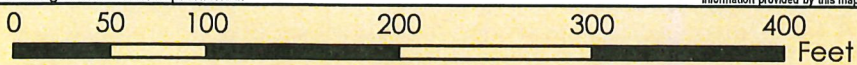
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Map Created: xx/xx/2022

ArcMap Document: *.mxd

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Zachary R. Hicks
2882 Limaburg Rd
Hebron, KY 41048
2. ADDRESS OF PROPERTY
6058 Burlington Pk
Burlington, KY 41005
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Hicks CNCU
4. DEED BOOK 975 PAGE NO. 147 GROUP NO. 2023
5. TYPE OF RESTRICTION(S) (Check all that apply)
- | | |
|---|---|
| <input type="checkbox"/> Zoning Map Amendment:
From _____ To _____ | <input type="checkbox"/> Conditional Use Permit |
| <input type="checkbox"/> Development Plan | <input type="checkbox"/> Conditional Zoning |
| <input type="checkbox"/> Subdivision Plat
(Not Recorded) | <input checked="" type="checkbox"/> Other: Change in Non-Conforming Use |
| <input type="checkbox"/> 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 March, 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
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.)