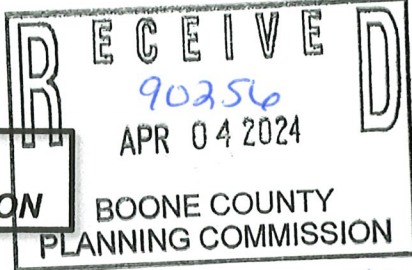


**BOARD OF ADJUSTMENT  
BOONE COUNTY PLANNING COMMISSION**



Five (5) scaled copies and one (1) 11 x 17 reduction of submitted drawings are required 014

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: Matthew Todd Smith  
Address: 1576 Jolee Drive  
Hebron Ky 41048  
City State Zip Code  
Phone Number: 513-374-7346 Fax Number: \_\_\_\_\_  
Email: tsmith@fdlawrence.com
4. Description of Request:  
Reduce side yard setback from 10' to 3'
5. Name of Development: Current residence
6. Location of Development: 1576 Jolee Drive  
Hebron Ky 41048  
City State Zip Code
7. Acreage Under Review: 1.0376
8. Lot Number and Name of Subdivision (if part of a subdivision):  
DB 1053 PG 753
9. Current Owner: Matthew & Kristi Smith  
Address: 1576 Jolee Drive  
Hebron Ky 41048  
City State Zip Code  
Phone Number: 513-374-7346 Fax Number: \_\_\_\_\_  
Email: tsmith@fdlawrence.com

10. Proposed Use(s) on Site: Garage/addition
11. Total Square Footage of Existing and/or Proposed Buildings: \_\_\_\_\_
12. Current Zoning: Residential
13. 1053 753 2002  
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: *Maria Todd Smith*

Applicant's Signature: *Maria Todd Smith*

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

1. Date Received: 4/4/24 Fee Received: \$666 Receipt #: 90256
2. Is application complete:
3. Staff Reviewer: M. Schwartz
4. Scheduled Board Action Date: 5/8/2024
5. Board Action: 5/8/2024  
 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](mailto:plancom@boonecountyky.org)  
[www.boonecountyky.org](http://www.boonecountyky.org)

## STAFF REPORT

#1

APPLICANT: Matthew Todd Smith

LOCATION: 1576 Jolee Drive, Boone County, Kentucky

ZONING: Rural Suburban Estates (RSE)

DATE: May 8, 2024

### PROPOSAL

- A. The applicant is requesting a Variance reducing the side yard setback from ten (10) feet to three (3) feet to allow for a building addition.

### SITE HISTORY

- 1991 On February 20, 1991, the Final Plat for Parlor Grove Estates Subdivision, Section 7, was recorded, creating the lot in question.
- 2000 On February 22, 2000, the Boone County Planning Commission approved a zoning permit for a single-family residential dwelling.

### 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 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 3111 of the Boone County Zoning Regulations requires a minimum side yard setback of ten (10) feet within the RSE district.

#### RELATIONSHIP TO THE COMPREHENSIVE PLAN

A. The Our Boone County Plan 2040 Future Land Use Plan designates the site in question as "Rural Density Residential", which is described 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 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. Jolee Drive is identified as a County maintained local street providing for two way traffic within a twenty-four (24) foot pavement width. There are no sidewalks along the roadway.

#### SURROUNDING LAND USES AND ZONING

North: Single family residential (RSE)  
South: Single family residential (RSE)  
East: Single family residential (RSE)  
West: Single family residential (RSE)

#### SITE CHARACTERISTICS

- A. The approximate 1.0 acre property is located along the east side of Jolee Drive, approximately six hundred (600) feet northwest of Britt Drive.
- B. The site has approximately two hundred twenty (220) feet of frontage along Jolee Drive.
- C. The site is currently occupied by a detached single-family residential dwelling.
- D. Access to the site is from a single curb cut onto Jolee Drive.
- E. Approximately one-third of the site is occupied by an existing pond and drainage easement.
- F. The northwest corner of the site, where the house is located, is relatively flat. From there, the site slopes downward to the pond.
- G. There are mature trees to the rear of the house and around the pond.

#### STAFF COMMENTS

- A. The proposed addition will be set back three (3) feet from the side property line and approximately one hundred (100) feet from the nearest building to the north of the site in question.
- B. There are two (2) driveways immediately to the north of the site in question.

- C. The house that is on the site in question is set back approximately fifty-five (55) feet from Jolee Drive. The house that is immediately north of the site in question is set back approximately one hundred eighty (180) feet from Jolee Drive.

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

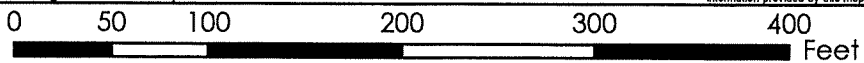
# Vicinity Map

www.boonecountygis.com



Copyright 2022 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

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.



**Boone County GIS - Putting Northern Kentucky on the Map**



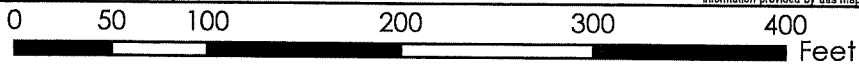
# Aerial Map

www.boonecountygis.com



Copyright 2022 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

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.



**Boone County GIS - Putting Northern Kentucky on the Map**

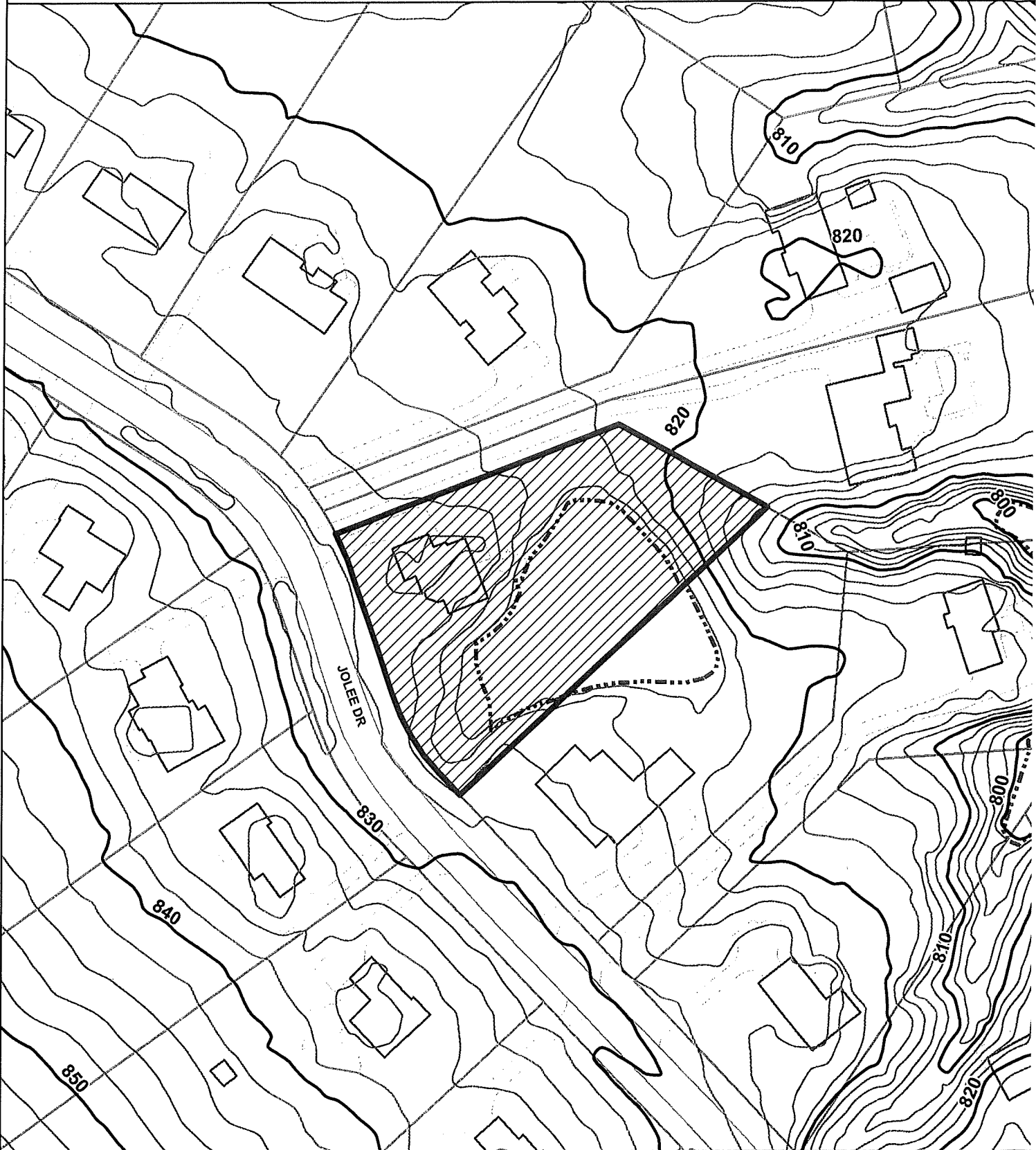


Map Created: 09/02/2022

Map File: C:\GIS\Map\2022\09\02\090222.mxd  
ArcMap Document: \*.mxd

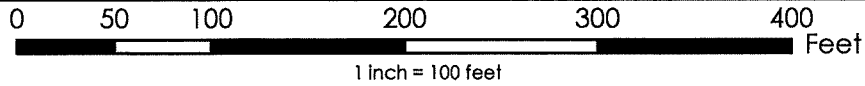
# Topographic Map

www.boonecountygis.com



Copyright 2022 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

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.



**Boone County GIS - Putting Northern Kentucky on the Map**

Map Created: xx/xx/2022

Map File: C:\working\Boone GIS 1107  
ArcMap Document: \*.mxd

# Zoning Map

www.boonecountygis.com

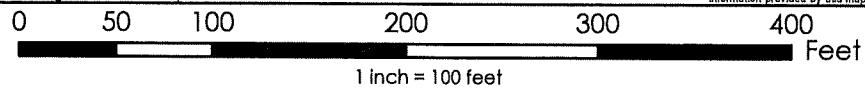


Copyright 2022 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

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.



**Boone**

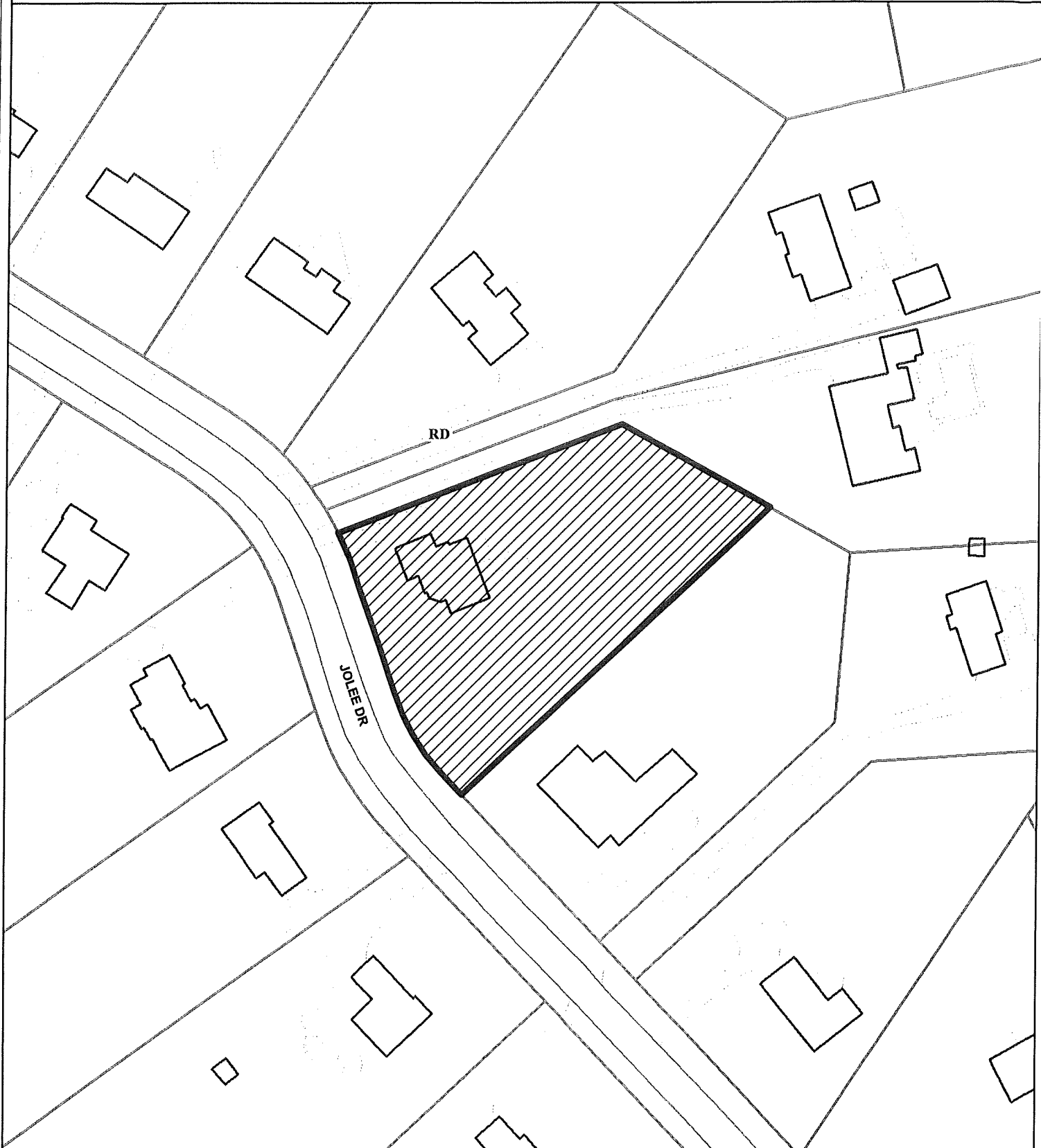


Map Created: xx/xx/2022

ArchMap Document: \*.mxd

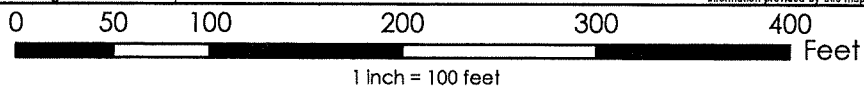
# 2040 Future Land Use Map

www.boonecountygis.com



Copyright 2022 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

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.



**Boone**



Map Created: xbx/2022

Map File: C:\boone\GIS\2040\_Future\_Land\_Use\_Map.aprx  
ArcMap Document: \*.mxd

**BOARD OF ADJUSTMENT  
BOONE COUNTY PLANNING COMMISSION**

**RECEIVED**  
90256  
APR 04 2024  
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: Matthew Todd Smith

Address: 1576 Jolee Drive

Hebron Ky 41048  
City State Zip Code

Phone Number: 513-374-7346 Fax Number: \_\_\_\_\_

Email: tsmith@fdlawrence.com

4. Description of Request: Reduce side yard setback from 10' to 3'

5. Name of Development: Current residence

6. Location of Development: 1576 Jolee Drive

Hebron Ky 41048  
City State Zip Code

7. Acreage Under Review: 1.0376

8. Lot Number and Name of Subdivision (if part of a subdivision):  
DB 1053 PG 753

9. Current Owner: Matthew & Kristi Smith

Address: 1576 Jolee Drive

Hebron Ky 41048  
City State Zip Code

Phone Number: 513-374-7346 Fax Number: \_\_\_\_\_

Email: tsmith@fdlawrence.com

10. Proposed Use(s) on Site: Garage/addition
11. Total Square Footage of Existing and/or Proposed Buildings: \_\_\_\_\_
12. Current Zoning: Residential
13. 1053 753 2002  
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: *Mark Todd Smith*

Applicant's Signature: *Mark Todd Smith*

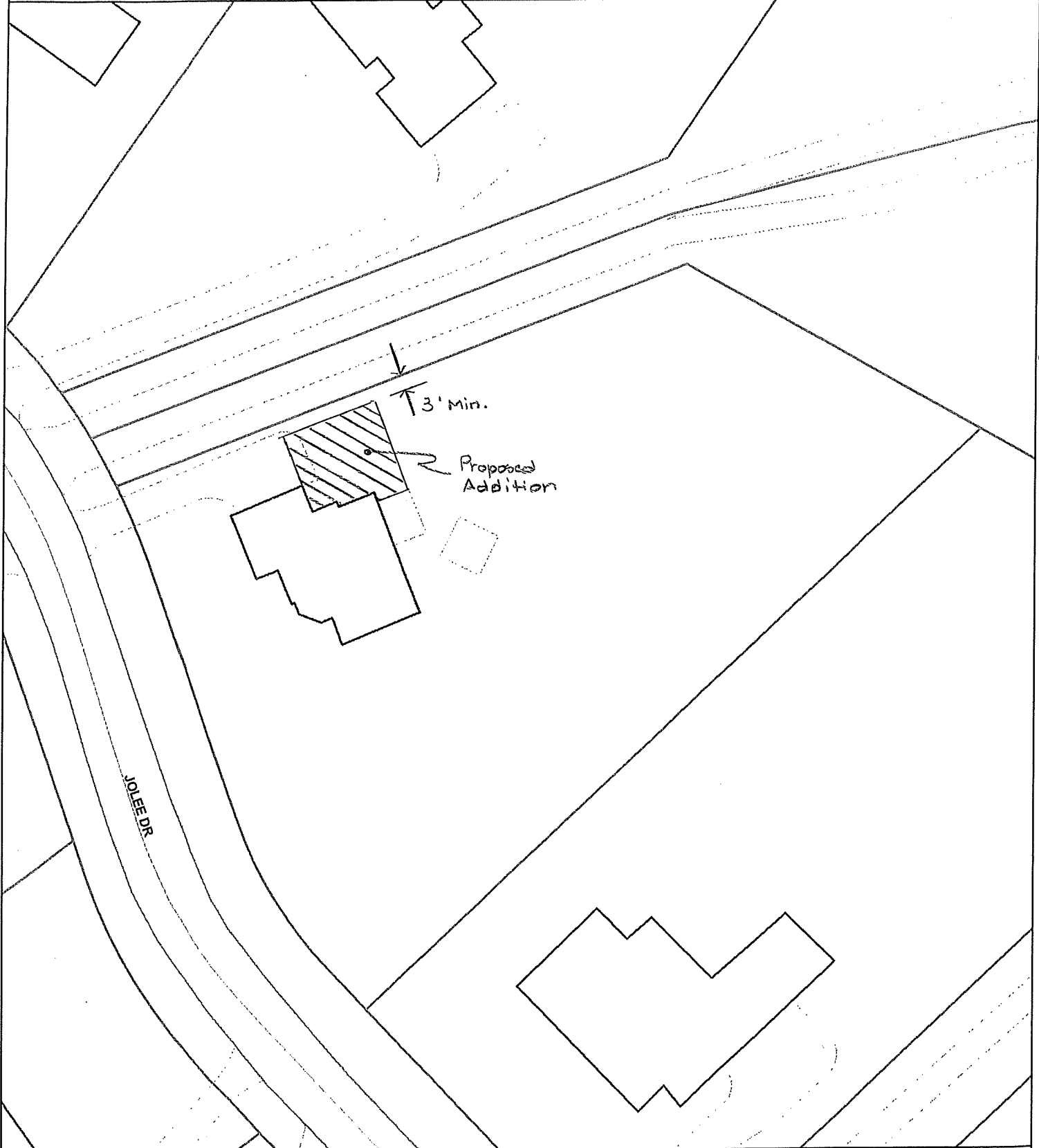
**SECTION B:** (To be completed by Planning Commission staff)

1. Date Received: 4/4/24 Fee Received: \$666 Receipt #: 90256
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)

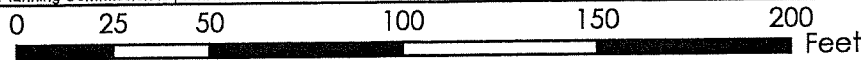
# Boone County GIS Map

www.boonecountygis.com



Copyright 2022 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

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 = 50 feet

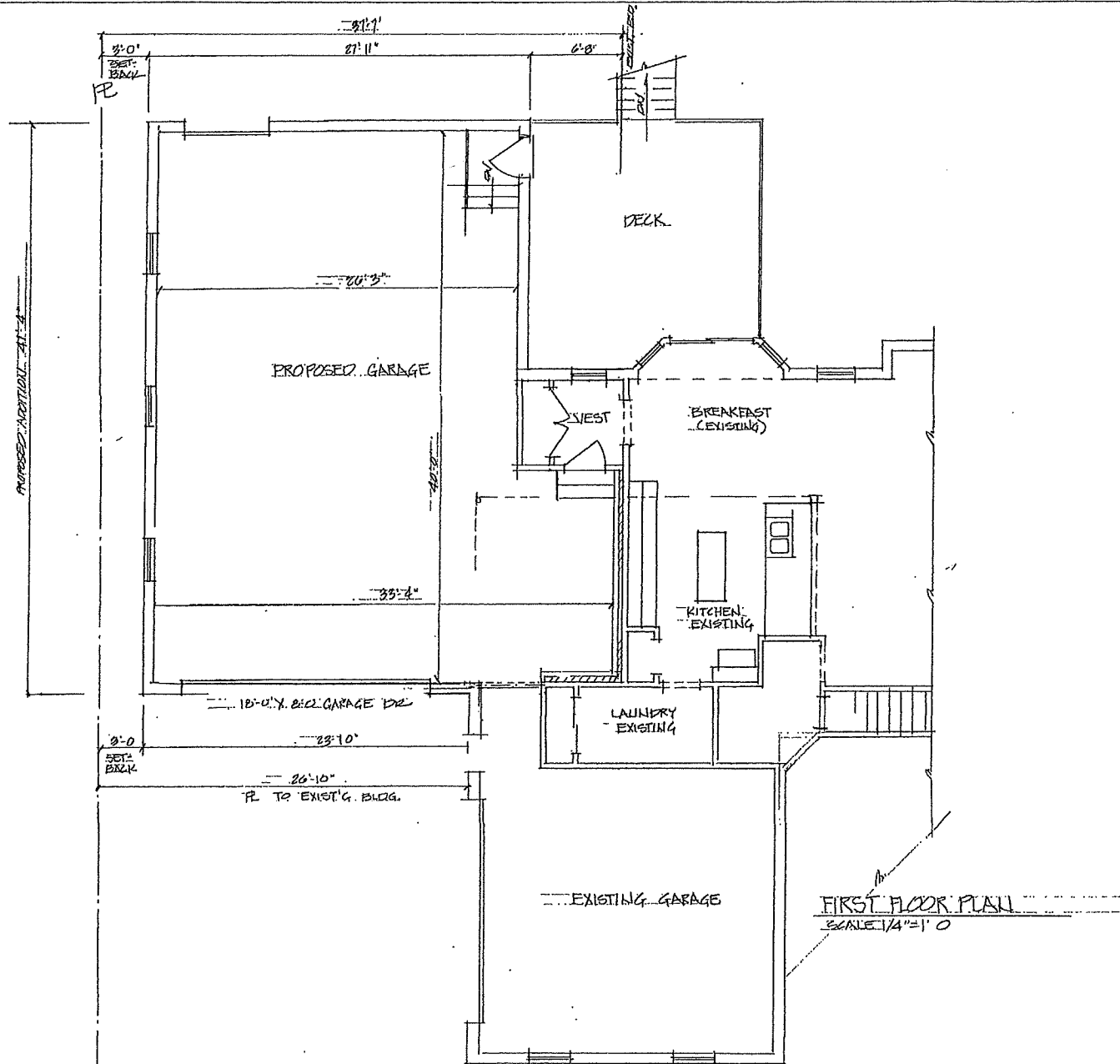


**Boone County GIS - Putting Northern Kentucky on the Map**



Map Created: xx/xx/2022

ArcMap Document: \*.mxd



FIRST FLOOR PLAN  
SCALE 1/4" = 1' 0"

ADDITION TO THE RESIDENCE OF  
TODD & KRISTI SMITH  
1576 LOLEE DRIVE, HEBRON KY  
QUEST CONSTRUCTION  
STUDER RESIDENTIAL DESIGN

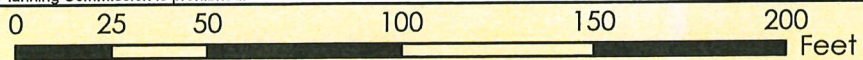
# Boone County GIS Map

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



Copyright 2022 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

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.

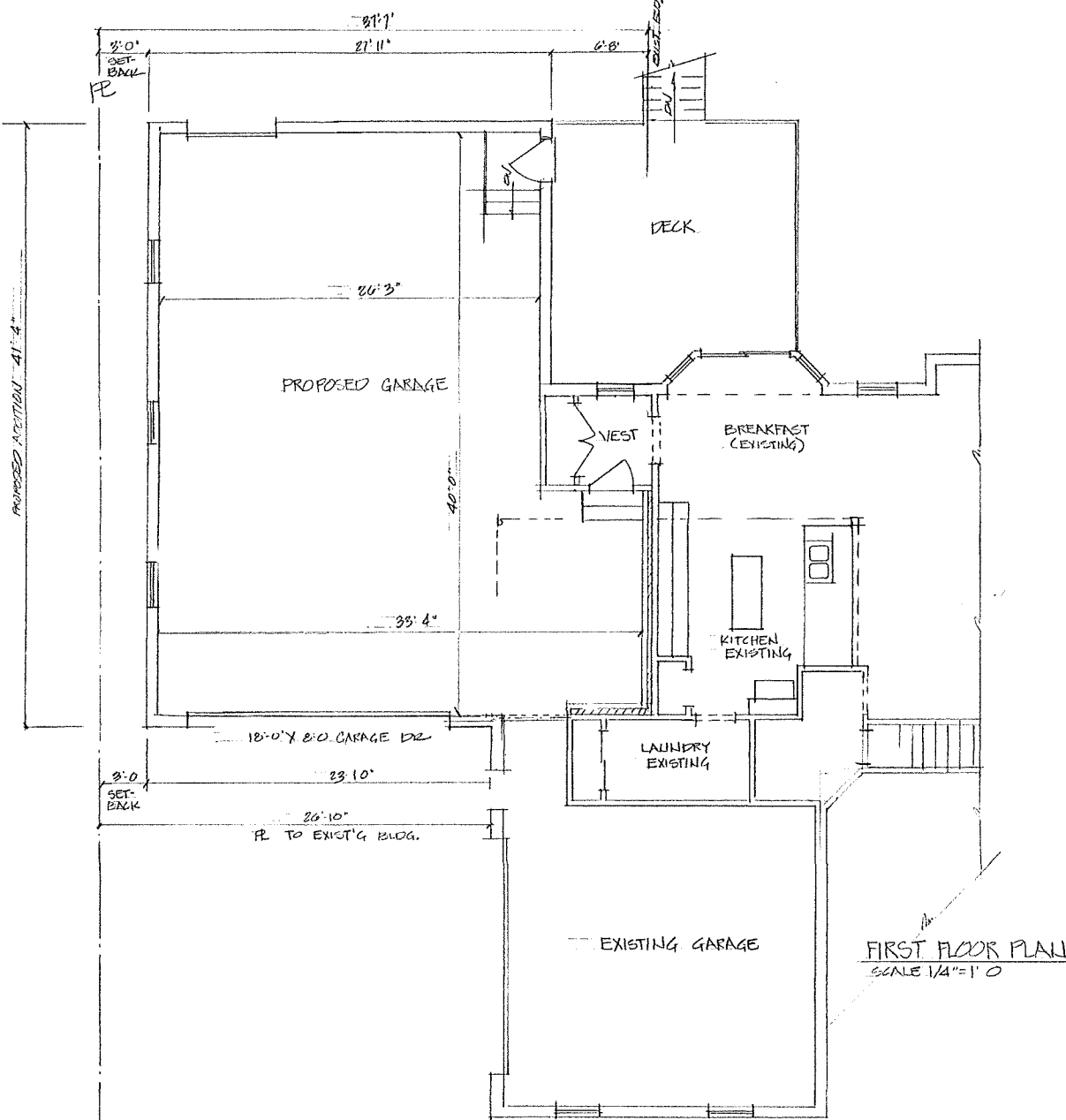


1 inch = 50 feet



**Boone County GIS - Putting Northern Kentucky on the Map**



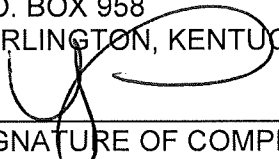


ADDITION TO THE RESIDENCE OF  
 TODD & KRISTI SMITH  
 1576 JOLEE DRIVE, HEERON KY  
 QUEST CONSTRUCTION  
 STUDDER RESIDENTIAL DESIGNS

CERTIFICATE OF LAND USE RESTRICTION

- 1. NAME AND ADDRESS OF PROPERTY OWNER(S)  
Matthew and Kristi Smith  
1576 Jolee Dr  
Hebron, KY 41048
  
- 2. ADDRESS OF PROPERTY  
1576 Jolee Dr  
Hebron, KY 41048
  
- 3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)  
Smith Variance
  
- 4. DEED BOOK 1053                      PAGE NO. 753                      GROUP NO. 2002
  
- 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 9<sup>th</sup> day of May, 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.)