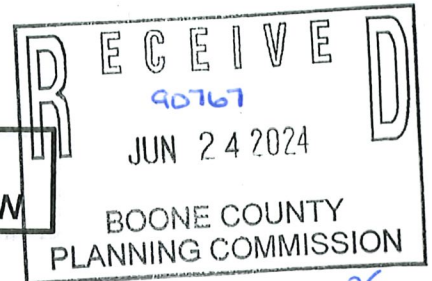


July 16

**BOARD OF ADJUSTMENT
BOONE COUNTY PLANNING COMMISSION**



Five (5) scaled copies and one (1) 11 x 17 reduction of submitted drawings are required 025

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: Daryl & Tonya Hauck
Address: 11810 Victory School House Rd
Union Ky 41091
City State Zip Code

Phone Number: 859-689-1323 Fax Number: _____

Email: darylandtawn@yahoo.com

4. Description of Request: add a garage

5. Name of Development: DARYL AND TONYA HAUCK

6. Location of Development: 11810 VICTORY SCHOOL HOUSE RD
UNION Ky 41091
City State Zip Code

7. Acreage Under Review: 6

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

9. Current Owner: applicant
Address: SAME

City State Zip Code

Phone Number: 859-689-1323 Fax Number: _____

Email: DARYL AND TAWN @ YAHOO.COM

10. Proposed Use(s) on Site: car storage

11. Total Square Footage of Existing and/or Proposed Buildings: 400 sq. ft

12. Current Zoning: A1

13. 1056 610 2060
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: Sonya Huck [Signature]

Applicant's Signature: Same

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

1. Date Received: \$ ~~666.00~~ ^{6/24/24} Fee Received: \$ 666.00 Receipt #: 90767

2. Is application complete: _____

3. Staff Reviewer: M. Schwartz

4. Scheduled Board Action Date: 8/14/2024

5. Board Action: B 1/14/2024

- 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

#2

APPLICANT: Daryl and Tonya Hauck

LOCATION: 11810 Victory School House Road, Boone County, Kentucky

ZONING: Agriculture (A-1)

DATE: August 14, 2024

PROPOSAL

- A. The applicant is requesting a Variance decreasing the minimum front yard setback from eighty (80) feet to twenty-two (22) feet in order to construct a garage.

SITE HISTORY

1974-

1981

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

1979

Conveyance Plats were approved by the Boone County Planning Commission, creating the two lots that comprise the site 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 601.A of the Boone County Zoning Regulations states that the purpose of the Agriculture district is to preserve and protect the supply of productive agricultural lands and other open space, primarily for non-urban uses.
- E. Section 3111 of the Boone County Zoning Regulations states that the minimum front yard setback within the A-1 district is eighty (80) feet.
- F. Section 3153.A 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 districts 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 “Developmentally Sensitive”, which are described 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. Victory School House Road is identified as a County maintained local street providing for two-way traffic within an approximate twelve (12) foot wide pavement width. There are no sidewalks along the roadway.

SURROUNDING LAND USES AND ZONING

North:	Single family residential/vacant/agricultural (A-1)
South:	Single family residential/vacant/agricultural (A-1)
East:	Single family residential/vacant/agricultural (A-1)
West:	Single family residential/vacant/agricultural (A-1)

SITE CHARACTERISTICS

- A. The approximate 6.1 acre property is located along the east side of Victory School House Road, approximately 2,200 feet north of Beaver Road.
- B. The site has approximately four hundred fifty (450) feet of frontage along Victory School House Road.
- C. The site is currently occupied by a detached single-family residential dwelling and an accessory structure.
- D. The site has a gravel driveway to Victory School House Road.
- E. The site, and the area adjacent to the site, is heavily wooded.
- F. Topographically, the site slopes upward from front to back at an average grade of twenty-six (26) percent.

STAFF COMMENTS

- A. The existing house currently has a front yard setback of approximately seventy (70) feet.
- B. The property located at 11896 Victory School House Road has an accessory structure that is located closer to the front property line than the proposed twenty-two (22) 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

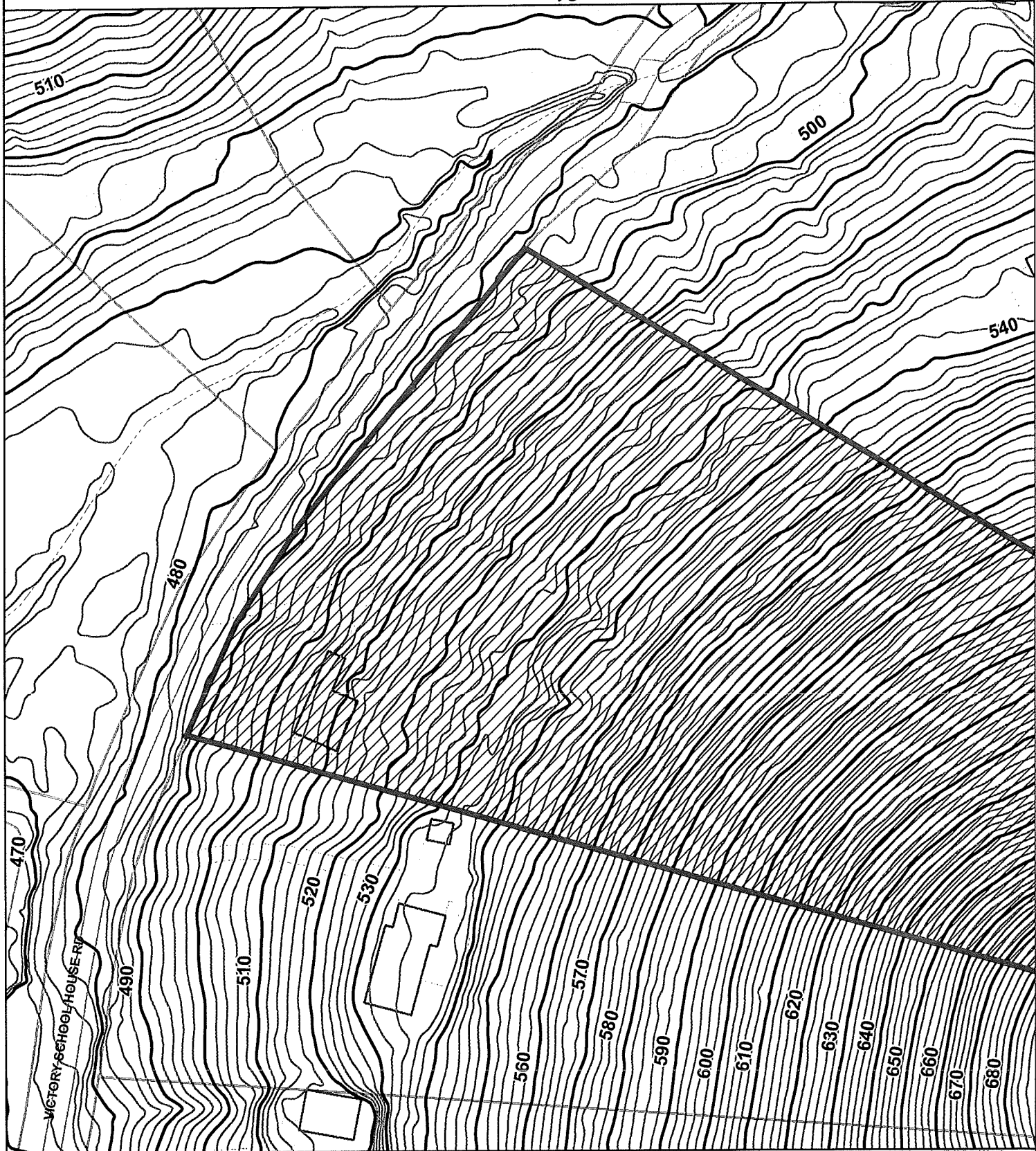
MDS/ss

Attachments

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

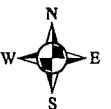
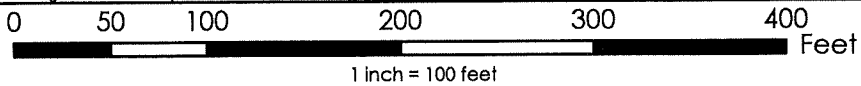
Topographic Map

www.boonecountygis.com



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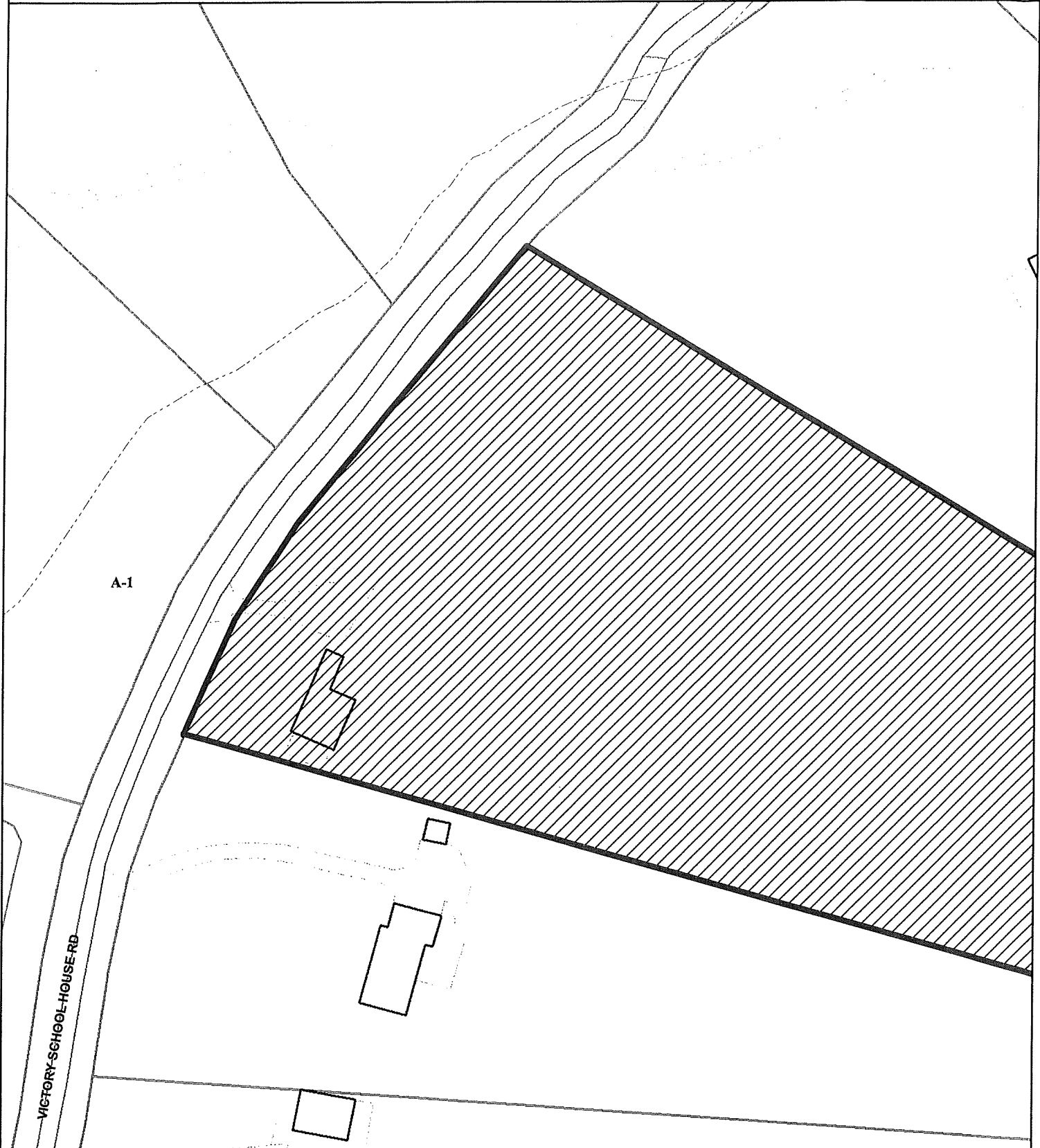
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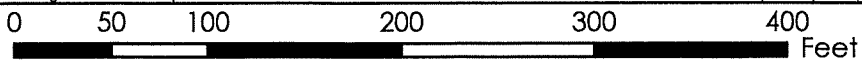
Zoning Map

www.boonecountygis.com

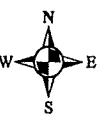


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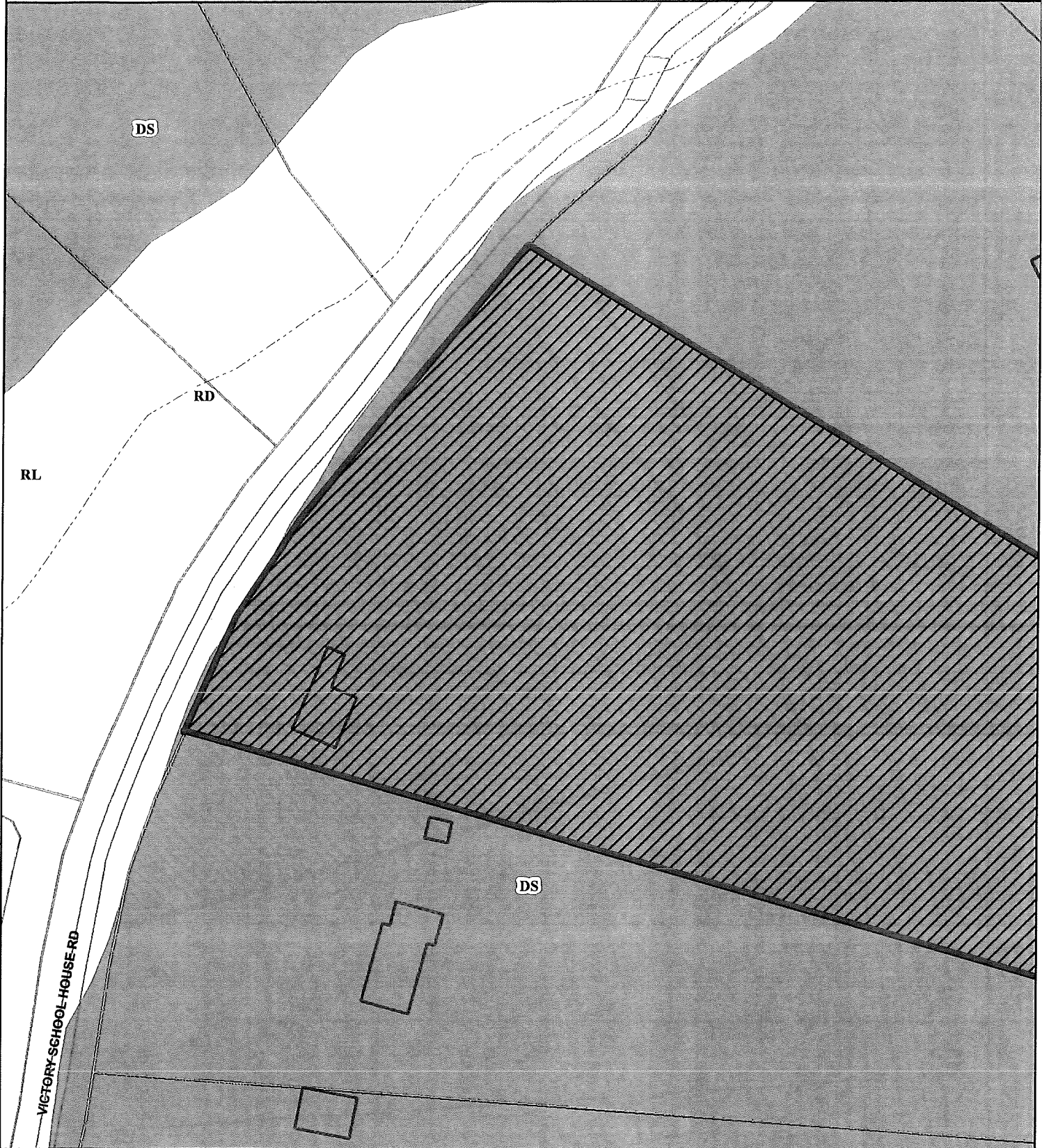


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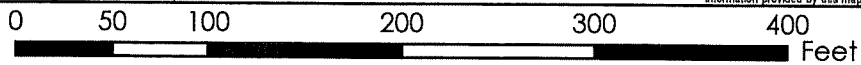
2040 Future Land Use Map

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**BOARD OF ADJUSTMENT
BOONE COUNTY PLANNING COMMISSION**

RECEIVED
JUN 24 2024
BOONE COUNTY
PLANNING COMMISSION

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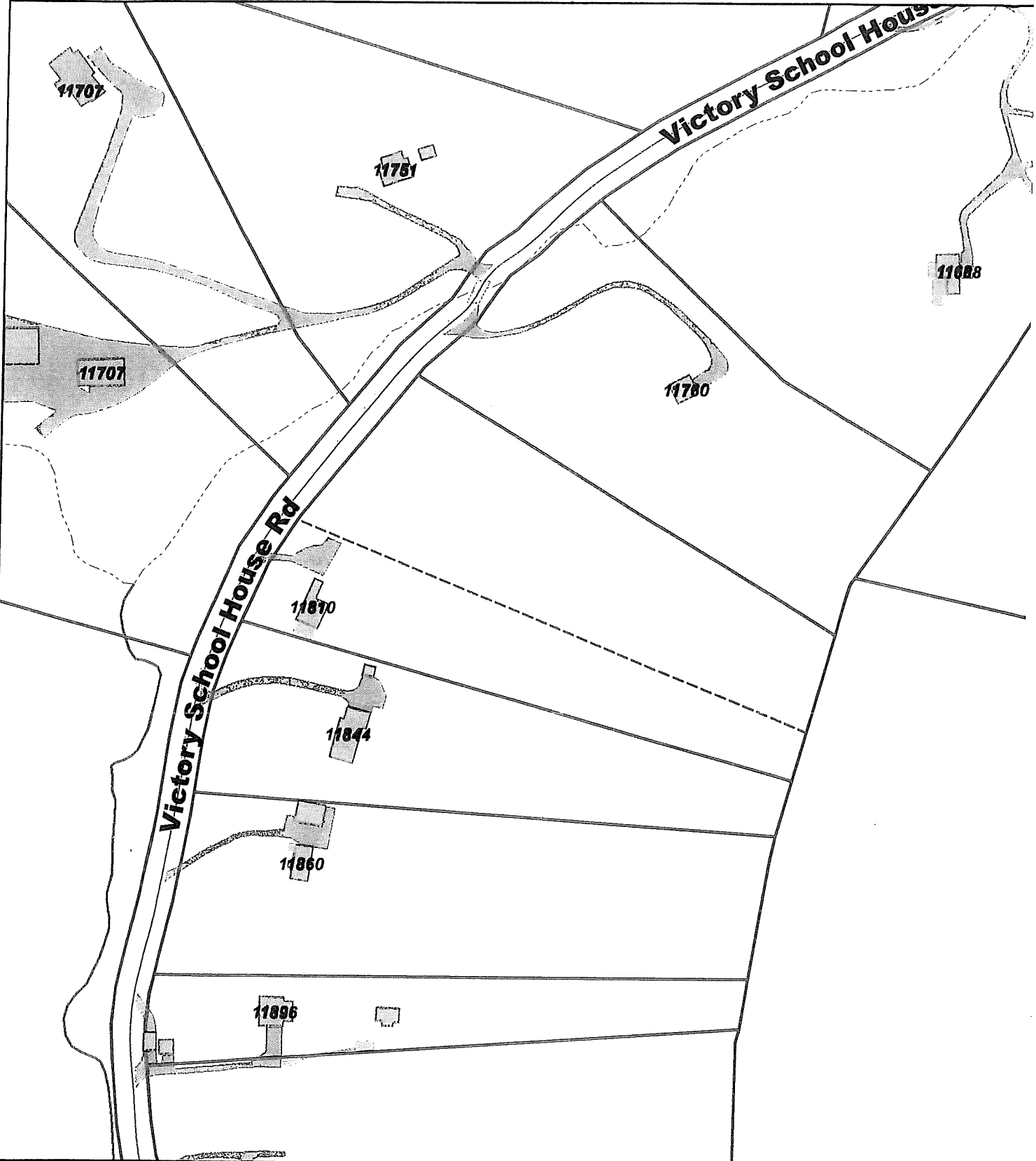
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City State Zip Code
7. Acreage Under Review: 6
8. Lot Number and Name of Subdivision (if part of a subdivision): _____
9. Current Owner: applicant
Address: SAME

City State Zip Code
Phone Number: 859-689-1323 Fax Number: _____
Email: DARYL AND TAWN @ YAHOO, COM

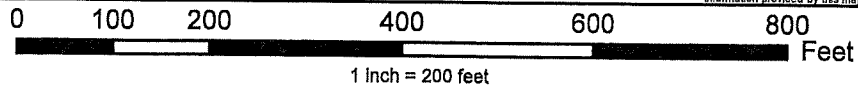
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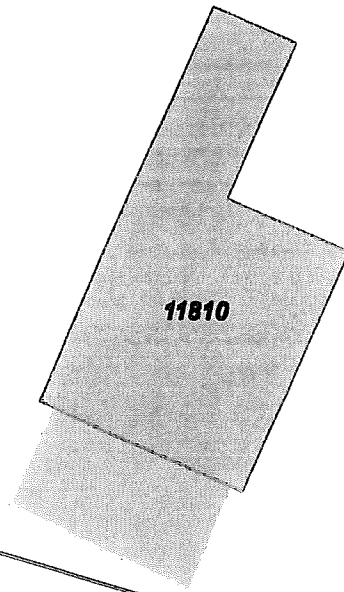
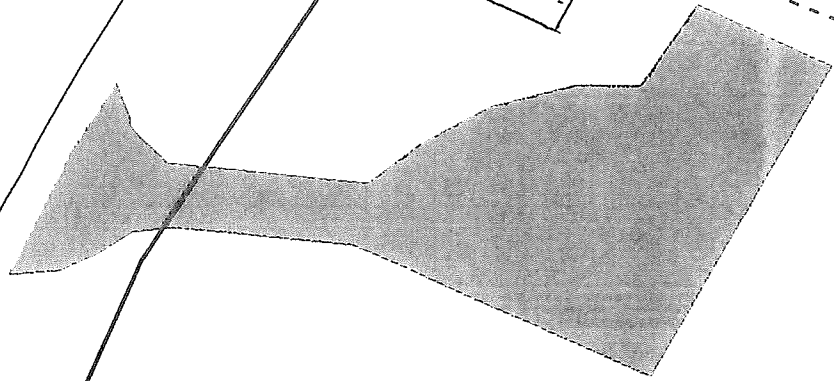
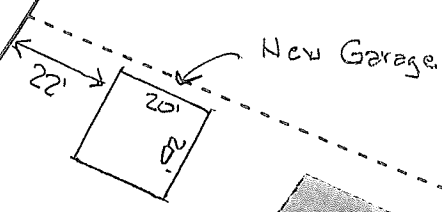
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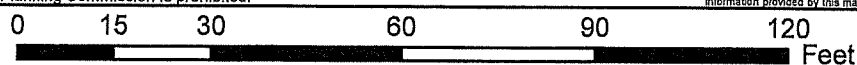
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Victor



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1 inch = 30 feet



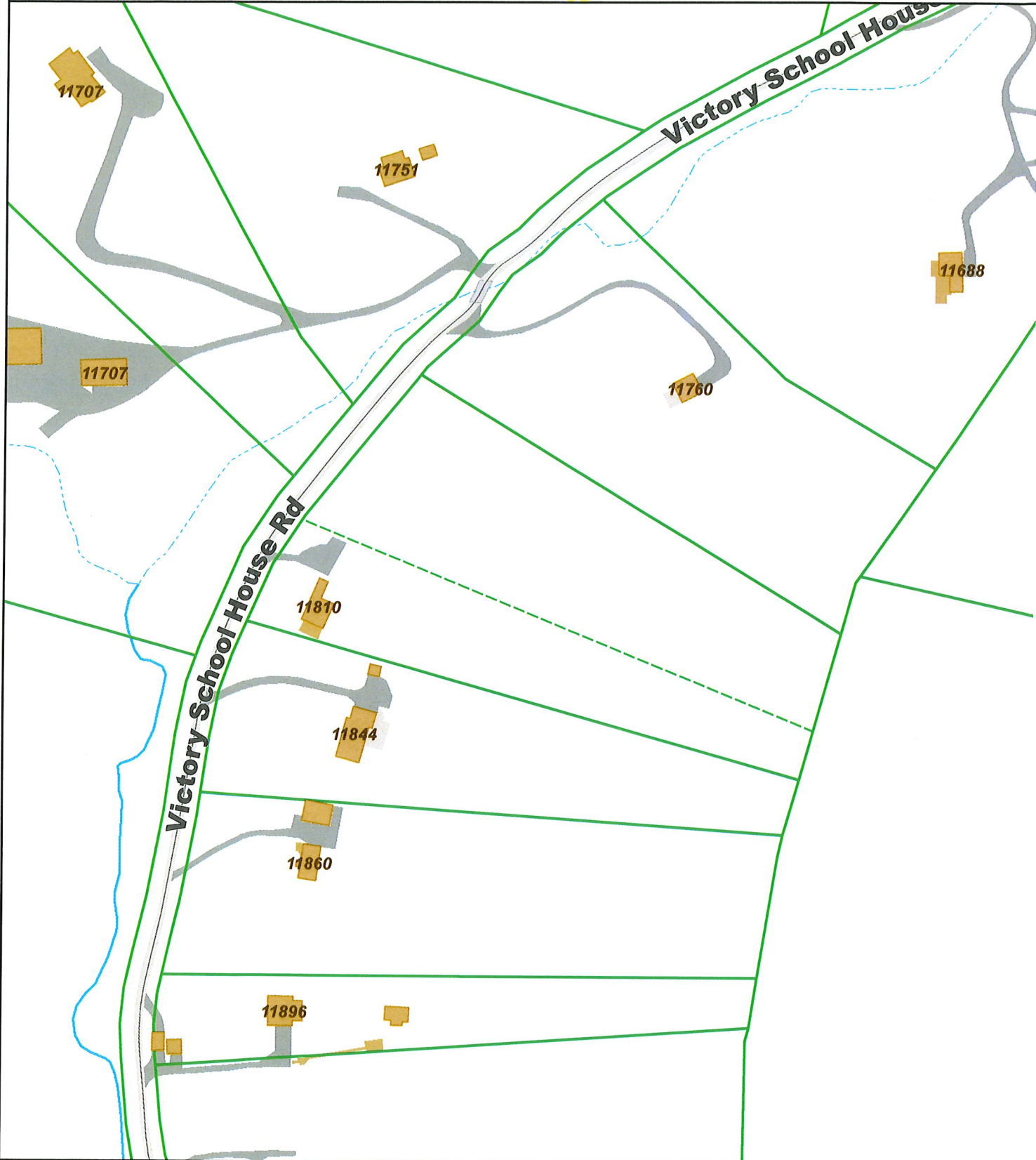
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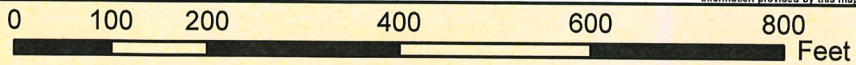
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1 inch = 200 feet



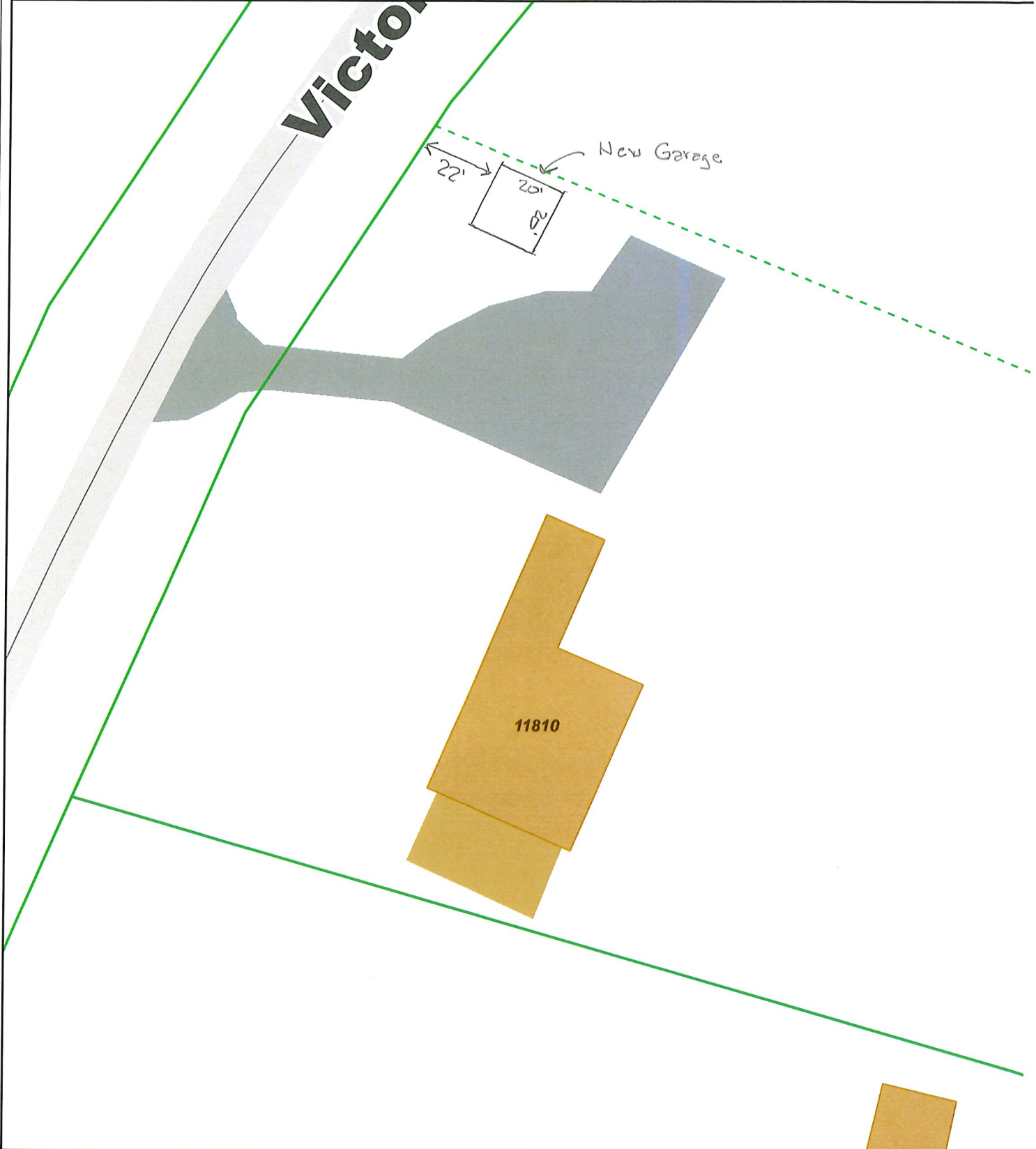
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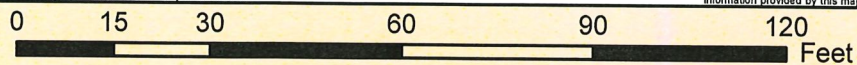
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1 inch = 30 feet



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CERTIFICATE OF LAND USE RESTRICTION

- 1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Daryl and Tonya Hauck
11810 Victory School House Rd
Union, KY 41091

- 2. ADDRESS OF PROPERTY
11810 Victory School House Rd
Union, KY 41091
- 3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Hauck Variance

- 4. DEED BOOK 1056 PAGE NO. 610 GROUP NO. 2060

- 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

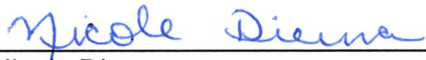
COUNTY OF BOONE

Subscribed, sworn to, and acknowledged before me by Michael D. Schwartz on behalf of the Boone
County Planning Commission this 15th day of August, 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.)