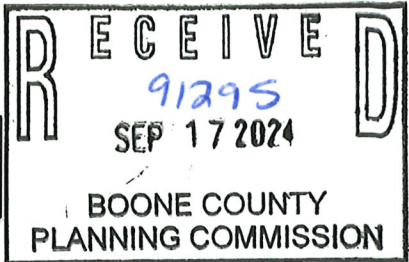


**BOARD OF ADJUSTMENT
BOONE COUNTY PLANNING COMMISSION**



One (1) scaled copy and one (1) 11 x 17 reduction of submitted drawings are required

032

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: Mike Joyce
Address: 5353 Limaburg Road
Burlington KY 41005
City State Zip Code
Phone Number: 610-529-4547 Fax Number: _____
Email: michaeljoyce3@gmail.com
- 4. Description of Request:
I am requesting a variance of up to 8ft for the sides and rear of my fence. I am also requesting a variance for my front fence to 6ft. Explanation doc attached.
- 5. Name of Development: _____
- 6. Location of Development: 5353 Limaburg Rd
Burlington KY 41005
City State Zip Code
- 7. Acreage Under Review: 1.06,0.58,0.81,0.18
- 8. Lot Number and Name of Subdivision (if part of a subdivision):
049.00-18-043.00, 049.00-18-044.00, 049.00-00-054.02, 049.00-00-008.05
- 9. Current Owner: Mike Joyce
Address: 5353 Limaburg Road
Burlington KY 41005
City State Zip Code
Phone Number: 610-529-4547 Fax Number: _____
Email: michaeljoyce3@gmail.com

10. Proposed Use(s) on Site: single family home
11. Total Square Footage of Existing and/or Proposed Buildings: _____
12. Current Zoning: SR-1/PD and SR-2/PD
13. 1174 407 2025
Deed Book Page Group Number
14. Is the site subject to a zone change: Yes No
If yes, date of approval: 8/8/87 5/23/95 7/23/02
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:

Michael Jager

Applicant's Signature:

Michael Jager

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

1. Date Received: 9/17/24 Fee Received: \$4666 Receipt #: 91295

2. Is application complete: _____

3. Staff Reviewer: M. Schwartz

4. Scheduled Board Action Date: 10/9/2024

5. Board Action: 10/9/2024

_____ Approved

Approved with Conditions (see #6)

_____ Denial (See #7)

6. Conditions of Approval: See Attached, Minutes, & CLUP

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
plancom@boonecountyky.org
www.boonecountyky.org

CONDITION OF APPROVAL

APPLICANT: Mike Joyce

LOCATION: 5353 Limaburg Road, Boone County, Kentucky

ZONING: Suburban Residential One/Planned Development (SR-1/PD) and Suburban Residential Two/Planned Development (SR-2/PD)

DATE: October 9, 2024

1. Any fence located within the front yard shall meet the minimum requirements of Section 3655.D.3 of the zoning regulations.

STAFF REPORT

#2

APPLICANT: Mike Joyce

LOCATION: 5353 Limaburg Road, Boone County, Kentucky

ZONING: Suburban Residential One/Planned Development (SR-1/PD) and Suburban Residential Two/Planned Development (SR-2/PD)

DATE: October 9, 2024

PROPOSAL

- A. The applicant is requesting a Variance increasing the height of a fence from six (6) feet to eight (8) feet in the side and rear yards and from four (4) feet to six (6) feet in the front yard.

SITE HISTORY

- 1995 On May 23, 1995, the Boone Fiscal Court adopted Ordinance Number 920.306, approving a zoning map amendment for the site in question, including areas adjacent to the site in question, from R to SR-2/PD to allow the development of single-family residences (R-95-012-A).
- 1995 On November 27, 1995, the Boone County Planning Commission approved a Final Plat for Meadowood Estates of Tall Trees, creating a portion of the site in question.
- 2002 On July 23, 2002, the Boone Fiscal Court adopted Ordinance Number 02-11, approving a zoning map amendment for the rear of the site in question, including areas adjacent to the site in question, from R, O-2, and C-2 to SR-1/PD to allow the development of single-family residences and a nine hole golf course (R-02-011-A).
- 2004 On November 17, 2004, the Boone County Planning Commission approved a Conveyance Plat, creating a portion of 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 903.A of the Boone County Zoning Regulations states that the purpose of the Suburban Residential One district is to provide a low density, residential environment whose dwelling types and densities are typical of a suburban character. It is also to provide limited or passive and active recreational uses that are appropriate to the permitted uses in the district. Suburban Residential One districts will be located on lands within established urban areas where adequate infrastructure facilities and services are available or proposed.
- E. Section 904.A of the Boone County Zoning Regulations states that the purpose of the Suburban Residential Two district is to provide a more compact, but essentially single family residential environment. Such districts will be located on suitable lands within established or proposed urban entities where adequate infrastructure facilities and services are available or proposed.
- F. Section 3655.B of the Boone County Zoning Regulations states that the maximum height for fences within residential districts and the GR-R district is six (6) feet and fences shall be required to be located within the side or rear yards.
- G. Section 3655.D of the Boone County Zoning Regulations states that fences shall be permitted within the front yard and corner side yard (Unincorporated Boone County, City

of Union, and City of Walton only) according to the following standards:

1. The maximum fence height is four (4) feet.
2. Fences shall be of a decorative design, such as wrought iron, architectural steel, picket, wood or vinyl picket, or post and rail, and shall be designed to have an opacity of fifty percent (50%) or less. Utilitarian style fences, such as chain link with or without vinyl coating, barbed wire, stock wire, chicken wire, chains on posts, and similar styles, are not permitted.

RELATIONSHIP TO THE COMPREHENSIVE PLAN

- A. The Our Boone County Plan 2040 Future Land Use Plan designates the site in question as “Suburban Density Residential”, which is described as single-family housing of up to four units 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 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. Limaburg Road is identified as a county maintained collector street providing for two way traffic within two (2) driving lanes. There are no sidewalks along the roadway.

SURROUNDING LAND USES AND ZONING

North: Detached single-family residential dwellings (SR-2/PD) and a private golf course

(SR-1/PD)
South: Private golf course (SR-1/PD)
East: Detached single-family residential dwellings (RS)
West: Private golf course (SR-1/PD)

SITE CHARACTERISTICS

- A. The approximate 2.5 acre area is located along the west side of Limaburg Road, approximately four hundred (400) feet south of Timber Lane/Lakeland Park Drive.
- B. The site has approximately three hundred forty-five (345) feet of frontage along Limaburg Road.
- C. The site is currently occupied by a detached single-family residential dwelling and accessory structures.
- D. The site is located within the 55 day/night noise level of the airport.
- E. A portion of the site is within the six hundred (600) buffer of an underground pipeline.
- F. Access to the site is from a curb cut onto Limaburg Road.
- G. There are two masonry pillars at the entrance to the site, one on each side of the driveway.
- H. There is a four (4) foot high gate at the entrance to the site in question.
- I. The site is mostly surrounded by a five (5) foot high fence.

STAFF COMMENTS

- A. The submitted Concept Development Plan indicates the following:
 - 1. Installation of a six (6) foot high fence along the front property line (Limaburg Road).
 - 2. Installation of an eight (8) foot high fence along the side and rear property lines.
- B. The site in question is the former clubhouse of the private golf course.
- C. The golf cart/walking path, tees, and greens of the private golf course are very close to the site in question.
- D. The existing fence is located approximately twenty-two (22) feet from the pavement of Limaburg Road.
- E. Should the Board take action to approve the requested Variance, the following condition should be considered:

1. Any fence located within the front yard shall meet the minimum requirements of Section 3655.D.3 of the zoning regulations.

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

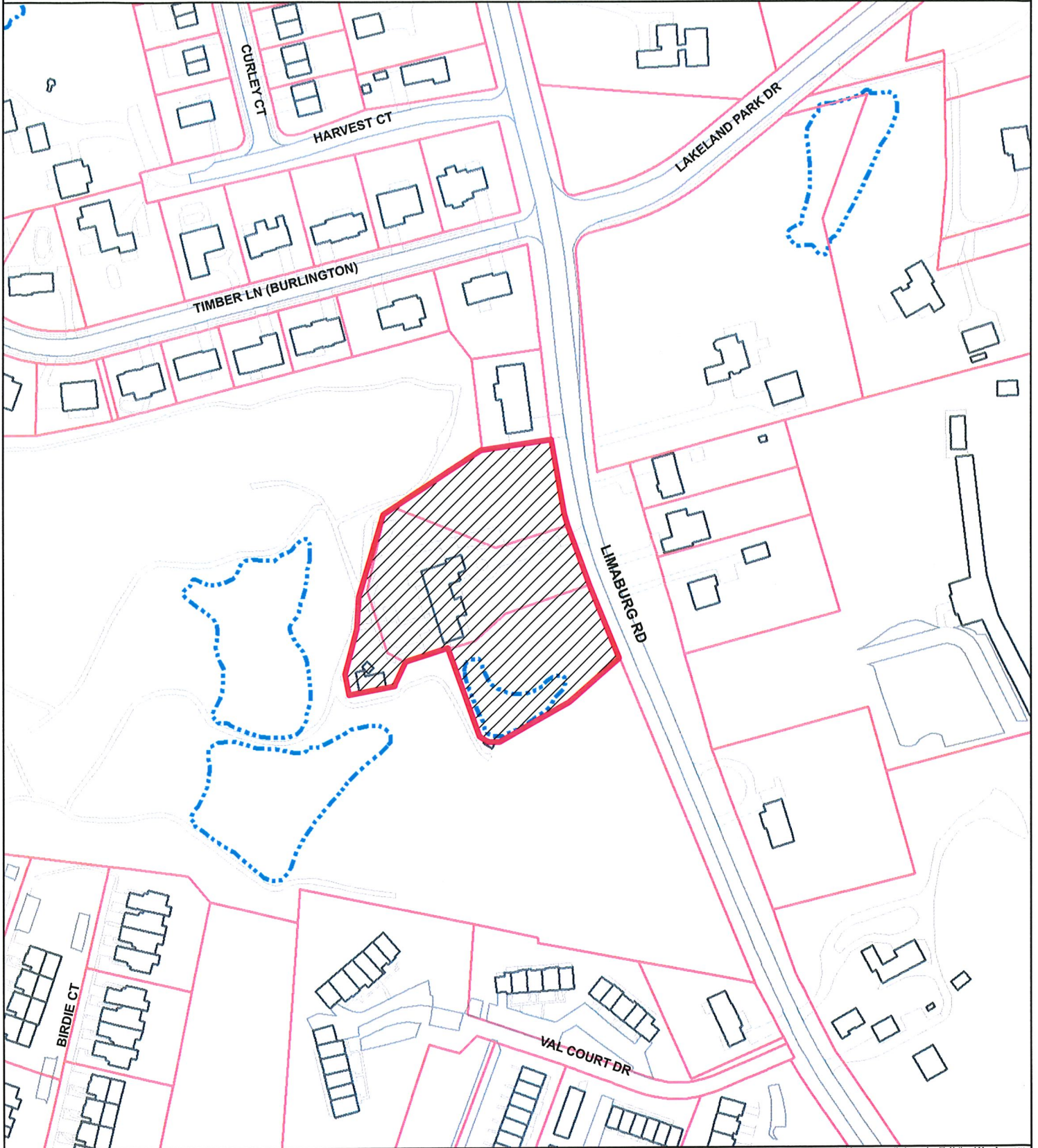
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Attachments

- *Vicinity Map
- *Aerial Map
- *Topographical Map
- *Zoning Map
- *Pipeline Buffer Map
- *Noise Contour Map
- *2040 Future Land Use Map
- *Application
- *Project Narrative
- *Development Plan

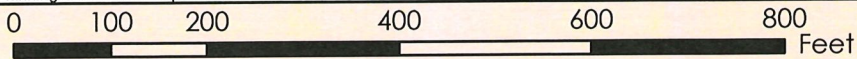
Vicinity Map

www.boonecountygis.com



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1 inch = 200 feet



Map Created: xx/xx/2022

Boone County GIS - Putting Northern Kentucky on the Map



State Plane Kentucky 2011 NAD 83 1113
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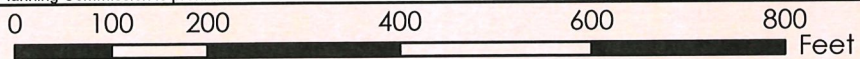
Aerial Map

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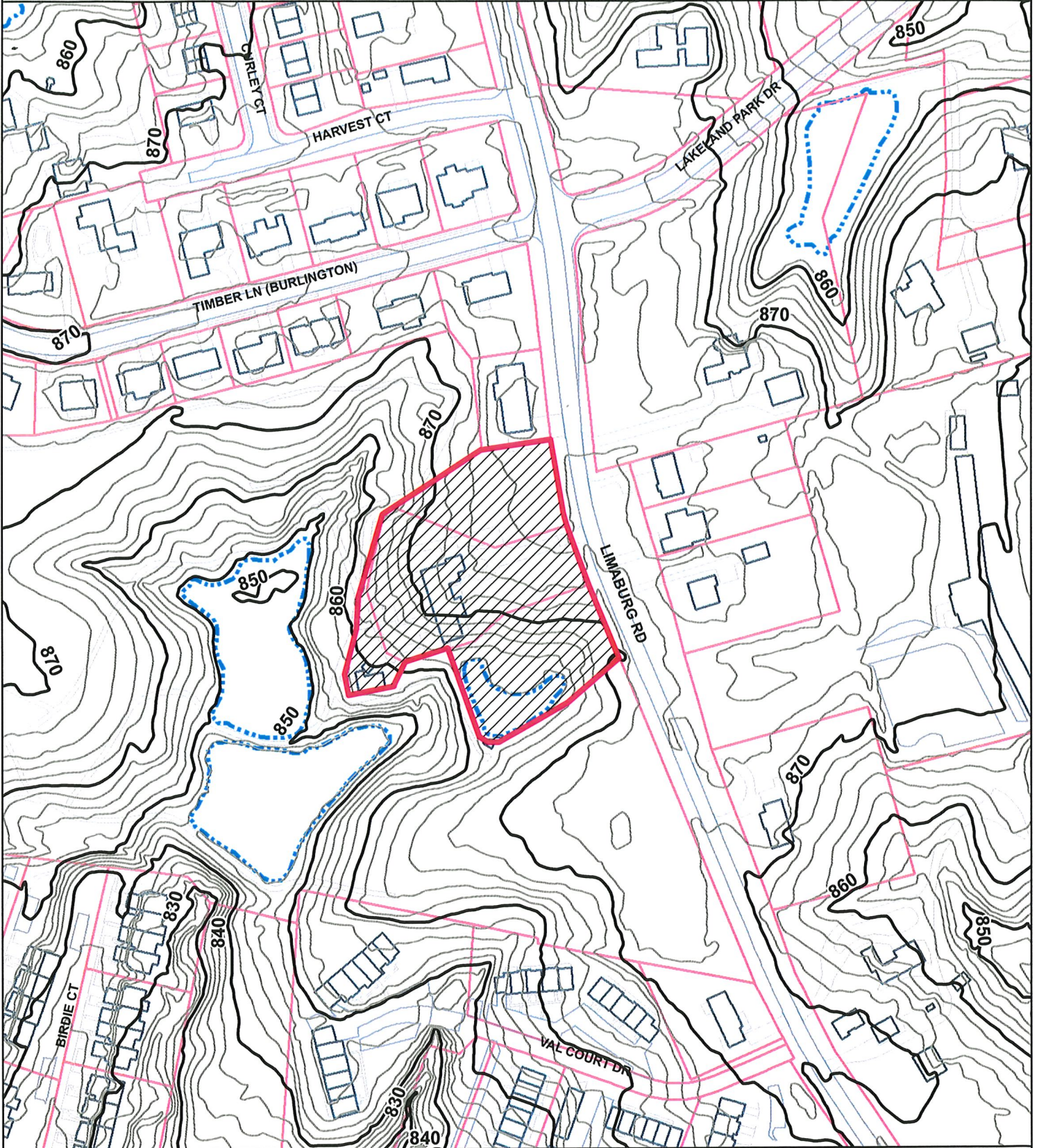


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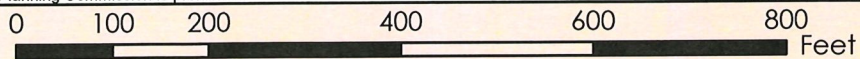
Topographic Map

www.boonecountygis.com



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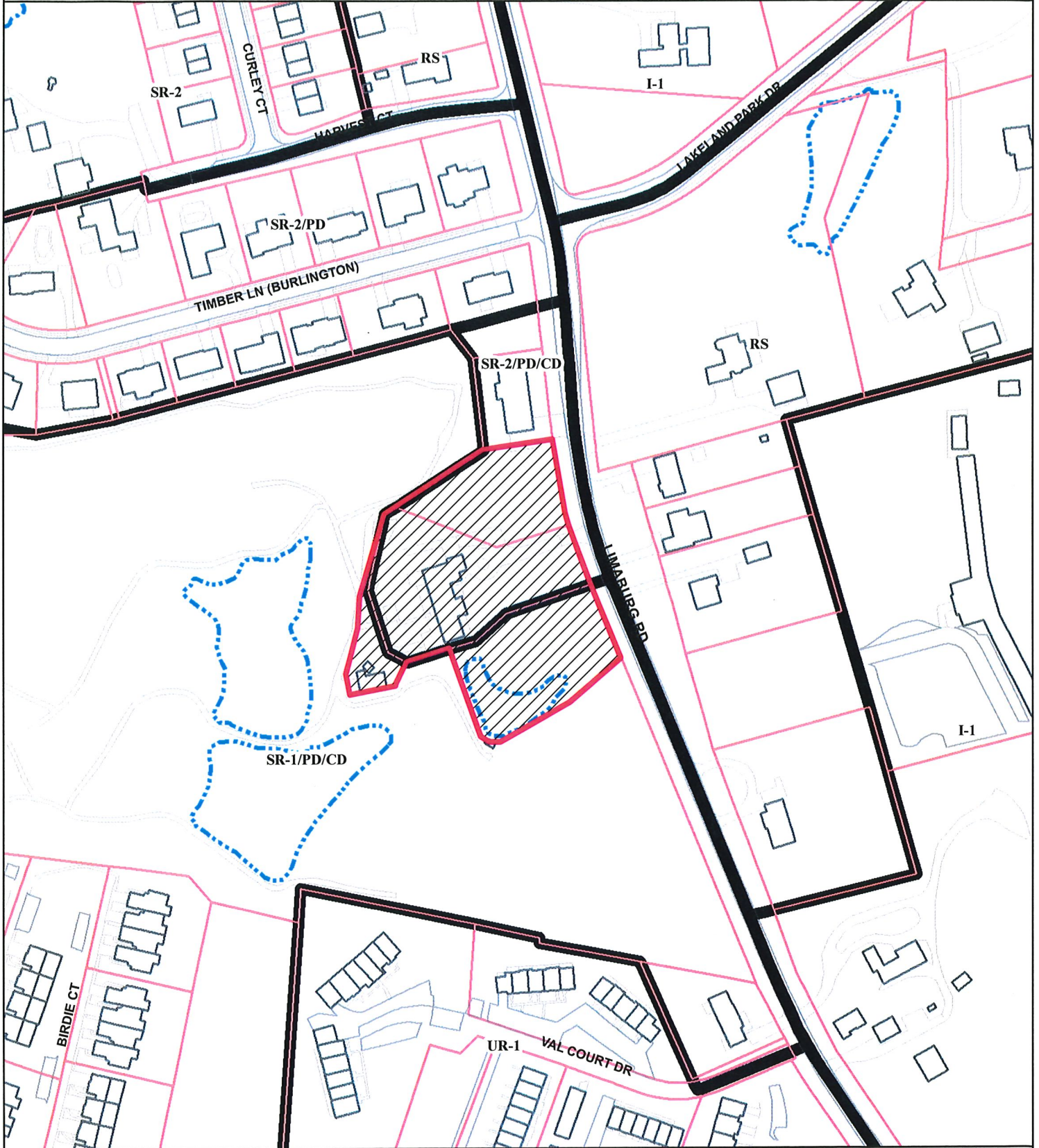


Map Created: xx/xx/2022

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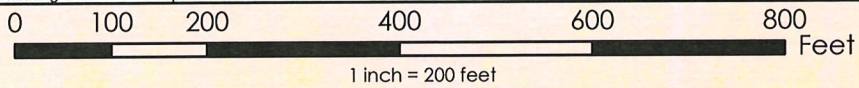
Zoning Map

www.boonecountygis.com



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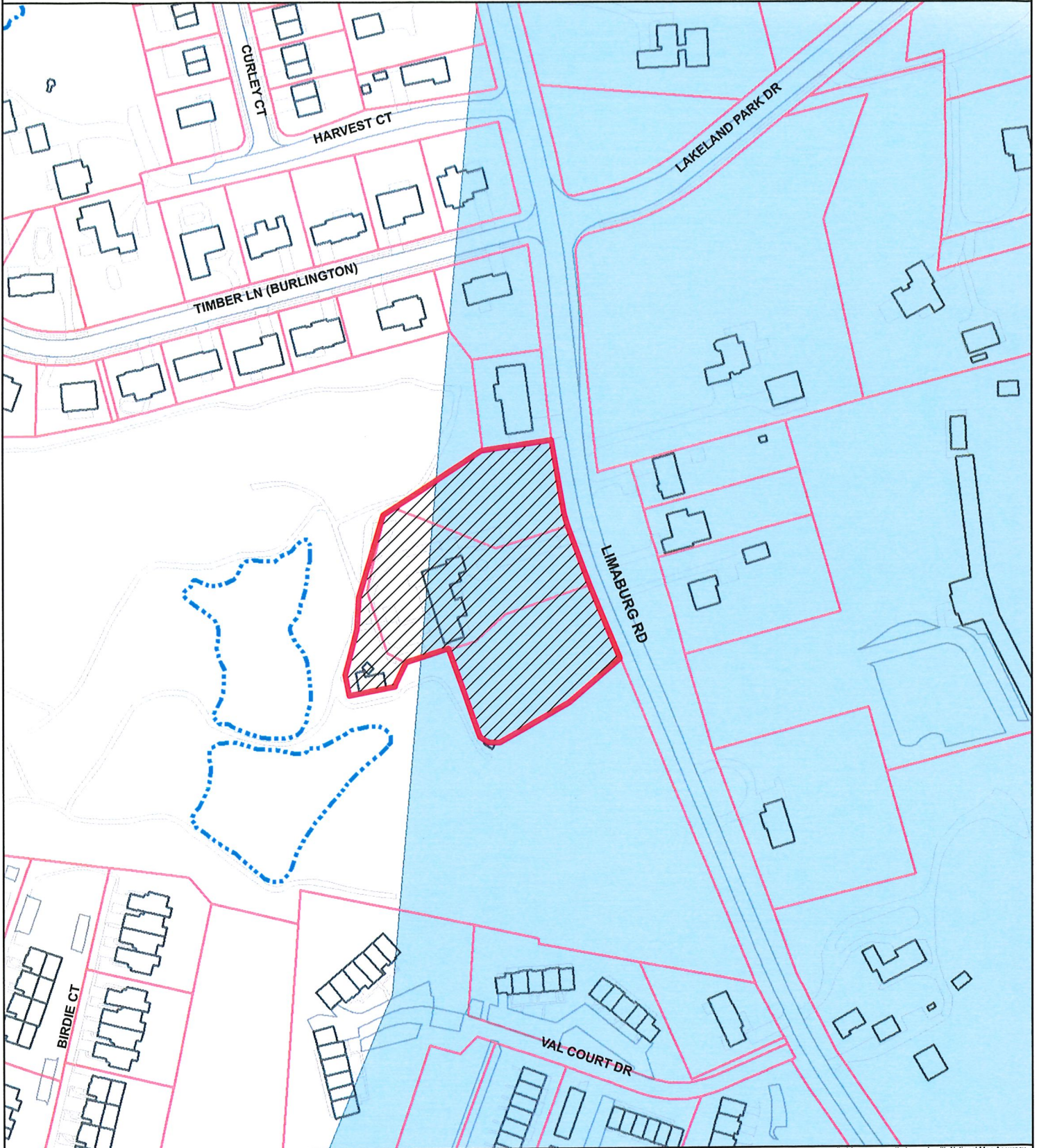
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State Plane - Kentucky South MADS 1183
ArcMap Document: *.mxd

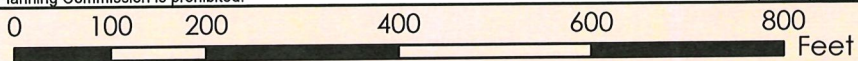
Pipeline Buffer Map

www.boonecountygis.com



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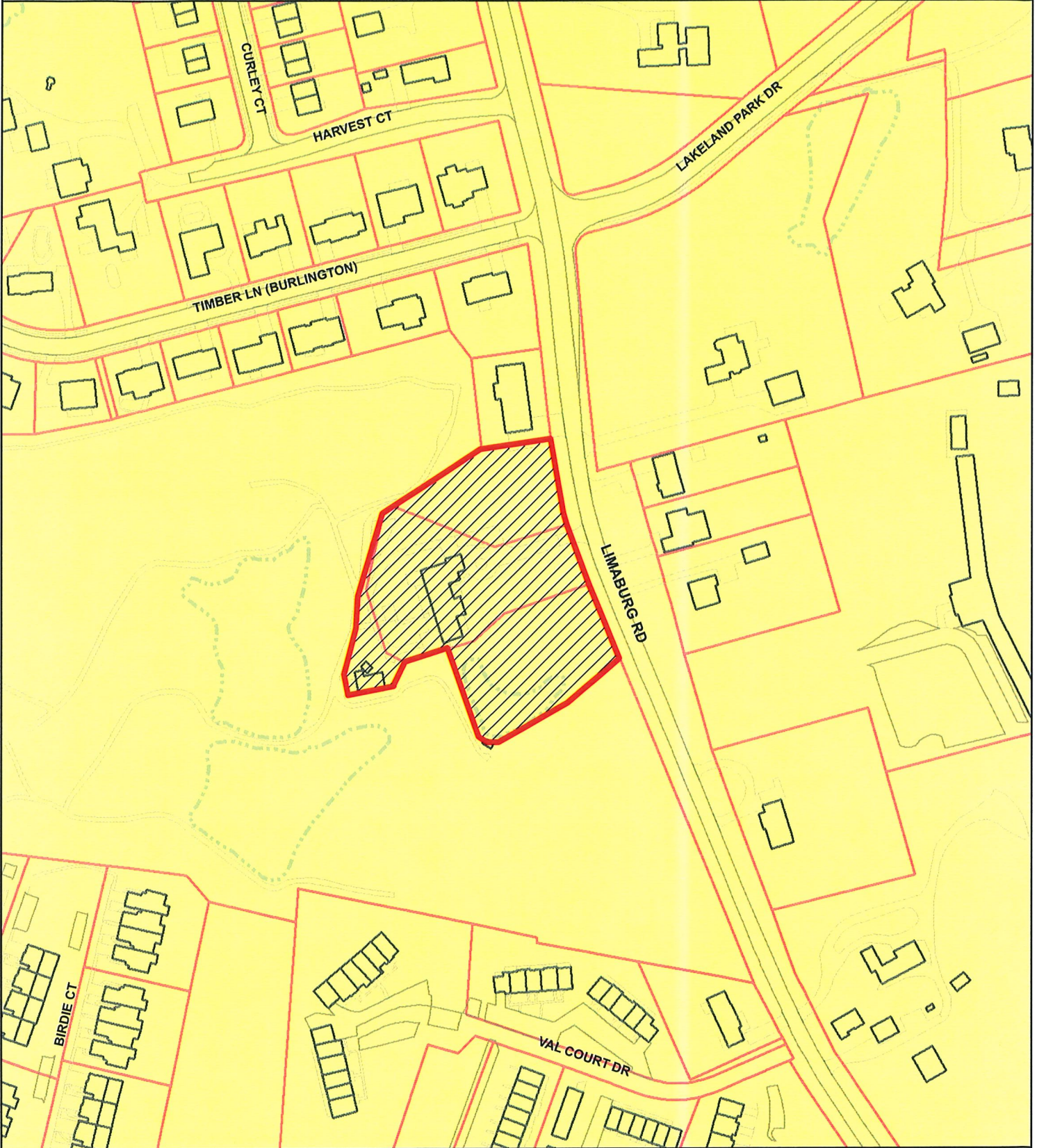


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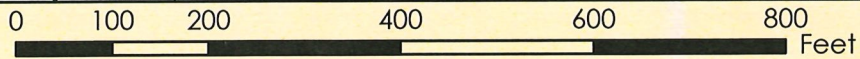
Noise Contour Map

www.boonecountygis.com



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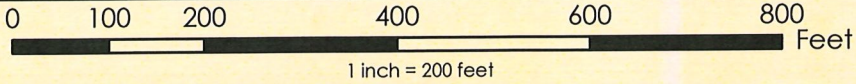
2040 Future Land Use Map

www.boonecountygis.com



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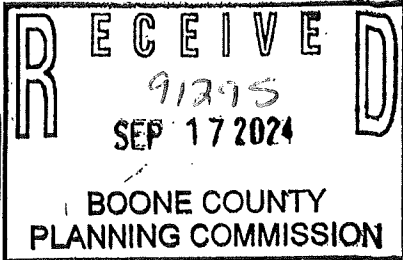
Boone County GIS - Putting Northern Kentucky on the Map



Map Created: xx/xx/2022

Boone County GIS 2022 11/11/22
ArcMap Document: *.mxd

**BOARD OF ADJUSTMENT
BOONE COUNTY PLANNING COMMISSION**



One (1) scaled copy 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
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_____ Burlington _____ KY _____ 41005
City State Zip Code
Phone Number: _____ 610-529-4547 _____ Fax Number: _____
Email: _____ michaeljoyce3@gmail.com
4. Description of Request:
I am requesting a variance of up to 8ft for the sides and rear of my fence. I am also requesting a variance for my front fence to 6ft. Explanation doc attached.
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6. Location of Development: 5353 Limaburg Rd
_____ Burlington _____ KY _____ 41005
City State Zip Code
7. Acreage Under Review: _____ 1.06,0.58,0.81,0.18
8. Lot Number and Name of Subdivision (if part of a subdivision):
_____ 049.00-18-043.00, 049.00-18-044.00, 049.00-00-054.02, 049.00-00-008.05
9. Current Owner: _____ Mike Joyce
Address: _____ 5353 Limaburg Road
_____ Burlington _____ KY _____ 41005
City State Zip Code
Phone Number: _____ 610-529-4547 _____ Fax Number: _____
Email: _____ michaeljoyce3@gmail.com

10. Proposed Use(s) on Site: single family home
11. Total Square Footage of Existing and/or Proposed Buildings: _____
12. Current Zoning: SR-1/PD and SR-2/PD
13. 1174 407 2025
Deed Book Page Group Number
14. Is the site subject to a zone change: Yes No
If yes, date of approval: 8/8/81 5/23/95 7/23/02
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: Michael Jager

Applicant's Signature: Michael Jager

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

1. Date Received: 9/17/24 Fee Received: \$5000 Receipt #: 91295

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
plancom@boonecountyky.org
www.boonecountyky.org

2024-09-XX

Application for Zoning Variance, Boone County KY

Mike Joyce

Address: 5353 Limaburg Road Erlanger KY 41005

Parcel 049.00-18-043.00

Parcel 049.00-18-044.00

Parcel 049.00-00-054.02

Parcel 049.00-00-008.05

Request

I am making a request for a height variance from 6ft to 8ft for a fence to separate my property from Meadowood Golf Course on the sides and rear of my property. I am also making a request to use a 6ft high fence in the front of my property. When I purchased this property, I of course anticipated getting a stray golf ball from time to time. What I did not anticipate was a constant flow of trespassers and the blatant arrogance and entitlement many of these people seem to have.

Details

If a ball lands on the edge of the property and a golfer grabs it and leaves, I let this go. I have had people come all way up to the front of my house "looking for golf balls". I had one person try to open the front door, no knocking, no door bell just try to enter our home. This specific instance was recorded, and I did report it to the police. This individual was found and said he was confused and looking for a job.

I have had multiple people open shed doors or enter a small run in shed I have. I have put up a couple "private property signs" but these have disappeared multiple times ending up in the brush areas around my property. I have put up white plastic chains to match the existing white 5ft vinyl fence in sections that had gaps and the chains have been destroyed along with several sections of the existing 5ft white vinyl fence.

I confront those that I can, but this is daily occurrence, and it is getting old. I have had verbal altercations that have been intense multiple times. These instances are particularly egregious:

- urinating on my property, urinating on my property while my kids are riding their bikes around the house
- walking up to my open garage
- entering my run-in shed

- opening the doors of my small rear shed
- interacting with my kids, ages 5, 8 and 16, in anyway
- playing through my property leaving divots in the lawn

Other particularly annoying occurrences where I have not been able to confront anyone include:

- breaking rails of existing 5ft vinyl fences while climbing after I put the white chains up in the gaps
- breaking the chains I put again in gaps
- I have had a Golf cart running up driveway very fast, in that case it was too young kids speeding up my driveway while my kids were our riding their bikes, they did not end up getting close but it could easily happen with this careless behavior.

Urination is almost always at the 8th hole and the general trespassing and fence/chain damage occurs due to errant golf balls coming from the 5th and 7th holes.

I also seem to have groups of kids from the development cut though the golf course and then my front yard and existing fence to get to the neighborhood to the right of my property. I had one of these kids on tape looking around something on the right side of my house, he had hood on and I was not able get anything done about this. I have gently let kids know they that they are on private property however this seems to just create a break in traffic not a stop to the occurrences.

Interfacing / Discussions with Meadowood

I have spoken with the staff and owner of Meadowood and we have a good relationship. They do what they can and advise their patrons on how to behave. But in the end as the price point is low thus it's not much of a loss for patrons to be told not to come back so they (the patrons) don't really seems to care. I let the owner know I intend to put up a fence eventually and he didn't have any issues with this. We walked our property line and went over the general plan together.

Steps to abate the above-mentioned issues

- Repaired my fence multiple times
- Added chains in areas with gaps in fence, these have all been destroyed (white plastic to match the existing vinyl)
- Posted private property signs
- Confronted those that I can when possible

- Spoken to the Meadowood staff and owner (whom I do not hold responsible for the actions of patrons)

Reasoning

My major point being that I think the golfers will still climb a 6ft fence as they regularly climb 5ft fences all around the golf course and I am requesting up to an 8ft for the sides and rear as highlight in red. The kids already climb over my front fence so I would like to be able to put up a 6ft in the front as highlighted in orange.

The fence cost will be significant and having people still climb would make the expenditure a waste.



CERTIFICATE OF LAND USE RESTRICTION

- 1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Michael Joyce
5353 Limaburg Rd
Burlington, KY 41005

- 2. ADDRESS OF PROPERTY
5353 Limaburg Rd
Burlington, KY 41005
- 3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Joyce Variance

- 4. DEED BOOK 1174 PAGE NO. 407 GROUP NO. 2025

- 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 10th day of October, 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.)

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 October 9, 2024, Certificate of Land Use Restriction (#24-BCBOA-032-A), for Michael Joyce, Property Owner(s).

The following conditions will apply:

1. Any fence located within the front yard shall meet the minimum requirements of Section 3655.D.3 of the Zoning Regulations.

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

DEED BOOK 1174

PAGE NO. 407

GROUP NO. 2025