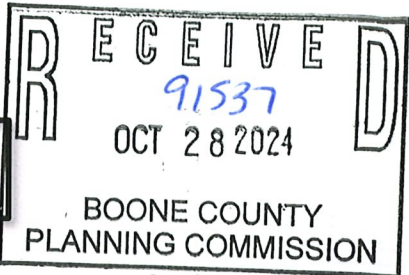


**BOARD OF ADJUSTMENT
BOONE COUNTY PLANNING COMMISSION**



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

034

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: Ralph & Krista Wilmhoff
Address: 3739 Green Rd
Burlington KY 41005
City State Zip Code
Phone Number: 859-663-7375 Fax Number: _____
Email: r.wilmhoff@gmail.com
- 4. Description of Request:
reduced setback front yard of 15'
- 5. Name of Development: _____
- 6. Location of Development: 3739 Green Rd
Burlington KY 41005
City State Zip Code
- 7. Acreage Under Review: 3
- 8. Lot Number and Name of Subdivision (if part of a subdivision): _____
- 9. Current Owner: Ralph & Krista Wilmhoff
Address: 3739 Green Rd
Burlington KY 41005
City State Zip Code
Phone Number: 859-663-7375 Fax Number: _____
Email: r.wilmhoff@gmail.com

10. Proposed Use(s) on Site: Chicken coop
11. Total Square Footage of Existing and/or Proposed Buildings: 100
12. Current Zoning: A2
13. D955 807 2028
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:

Ryle Wilkoff

Applicant's Signature:

Ryle Wilkoff

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

1. Date Received: 10/28/24 Fee Received: \$666 Receipt #: 91537

2. Is application complete: _____

3. Staff Reviewer: M. Schwartz

4. Scheduled Board Action Date: 12/11/2024

5. Board Action: 12/11/2024

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
plancom@boonecountyky.org
www.boonecountyky.org

STAFF REPORT

#1

APPLICANT: Ralph and Krista Wilmhoff

LOCATION: 3739 Green Road, Boone County, Kentucky

ZONING: Agricultural Estate (A-2)

DATE: December 11, 2024

PROPOSAL

- A. The applicant is requesting a Variance reducing the minimum front yard setback from sixty (60) feet to fifteen (15) feet for an existing chicken coop.

SITE HISTORY

- 1983 On December 13, 1983, the Boone County Planning Commission approved a Conveyance Plat creating a 1.005 acre parcel, being the western portion of the site in question.
- 1987 On January 23, 1987, the Boone County Planning Commission approved a Conveyance Plat creating a 2.021 acre parcel, being the eastern portion of the site in question.
- 2008 On November 12, 2008, the Boone Board of Adjustment approved a Variance reducing the minimum front yard setback from sixty (60) feet to thirty (30) feet to allow the construction of a house and detached garage (BCBOA-08-022).
- 2009 On August 18, 2009, the Boone County Planning Commission approved a Zoning Permit to allow the construction of a house and detached garage on 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 602.A of the Boone County Zoning Regulations states that the purpose of the Agricultural Estate district is to provide for low density residential development and on a limited basis agricultural uses or agricultural related uses in the context of a rural environment.
- E. 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.
- F. Section 3111 of the Boone County Zoning Regulations states that the minimum front yard setback within the A-2 district is sixty (60) feet.

RELATIONSHIP TO THE COMPREHENSIVE PLAN

- A. The Our Boone County Plan 2040 Future Land Use Plan designates the site in question as “Rural Lands” and “Rural Density Residential”, 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.

- B. Green Road is identified as a County maintained local street providing for two-way traffic within an approximate twelve (12) foot pavement width. There are no sidewalks along the roadway.

SURROUNDING LAND USES AND ZONING

- North: Single family residential/agricultural (A-2)
- South: Single family residential/agricultural (A-2)
- East: Single family residential/agricultural (A-2)
- West: Single family residential/agricultural (A-2)

SITE CHARACTERISTICS

- A. The approximate 3 acre property is located on the south side of Green Road, approximately 2,200 feet west of East Bend Road.
- B. The site has approximately three hundred eighty-six (386) feet of frontage along Green Road.
- C. The site is currently occupied by a detached single-family residential dwelling, a detached garage, and a chicken coop.
- D. Access to the site is from a single curb cut onto Green Road and from a curb cut onto a shared driveway which intersects with Green Road.
- E. A pond is located along the southern portion of the site and the southeastern portion of the site is heavily wooded.
- F. There is a row of existing trees along Green Road.
- G. Topographically, the site slopes downward, front to back, with a twenty (20) foot elevation change.

STAFF COMMENTS

- A. The property to the immediate west of the site in question has an accessory structure that is set back approximately seven (7) feet from the front lot line along Green Road.
- B. Due to an embankment and existing mature trees along Green Road, the properties located along the south side of Green Road are barely visible from the roadway.

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,

A handwritten signature in black ink, appearing to read 'M. Schwartz', enclosed within a hand-drawn oval.

Michael D. Schwartz
Director, Zoning Services

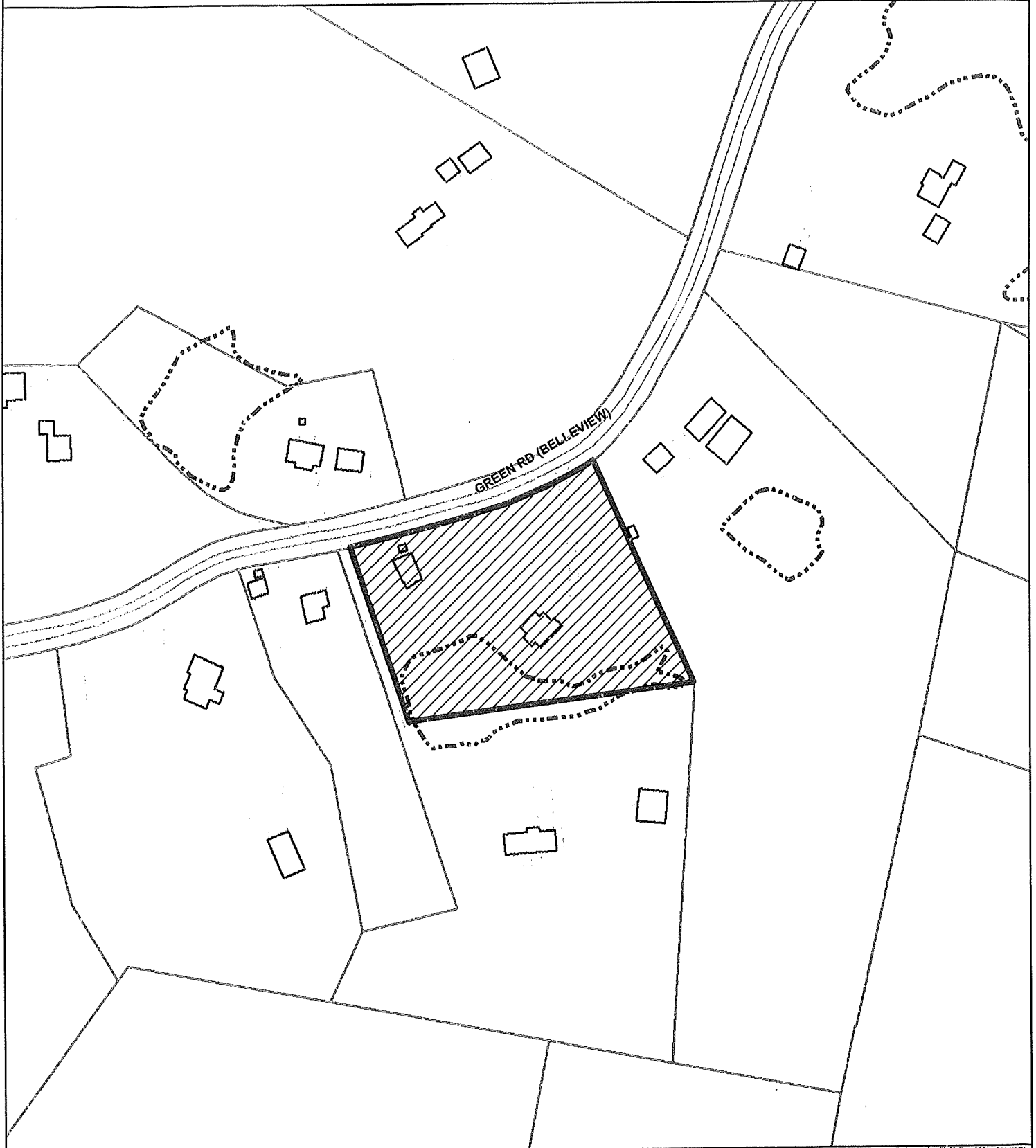
MDS/ss

Attachments

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

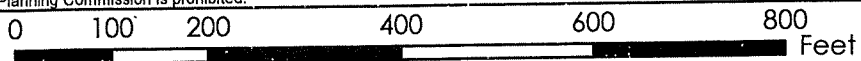
Vicinity Map

www.boonecountygis.com



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1 inch = 200 feet



Boone County GIS - Putting Northern Kentucky on the Map



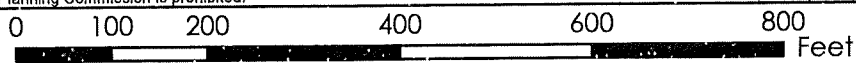
Aerial Map

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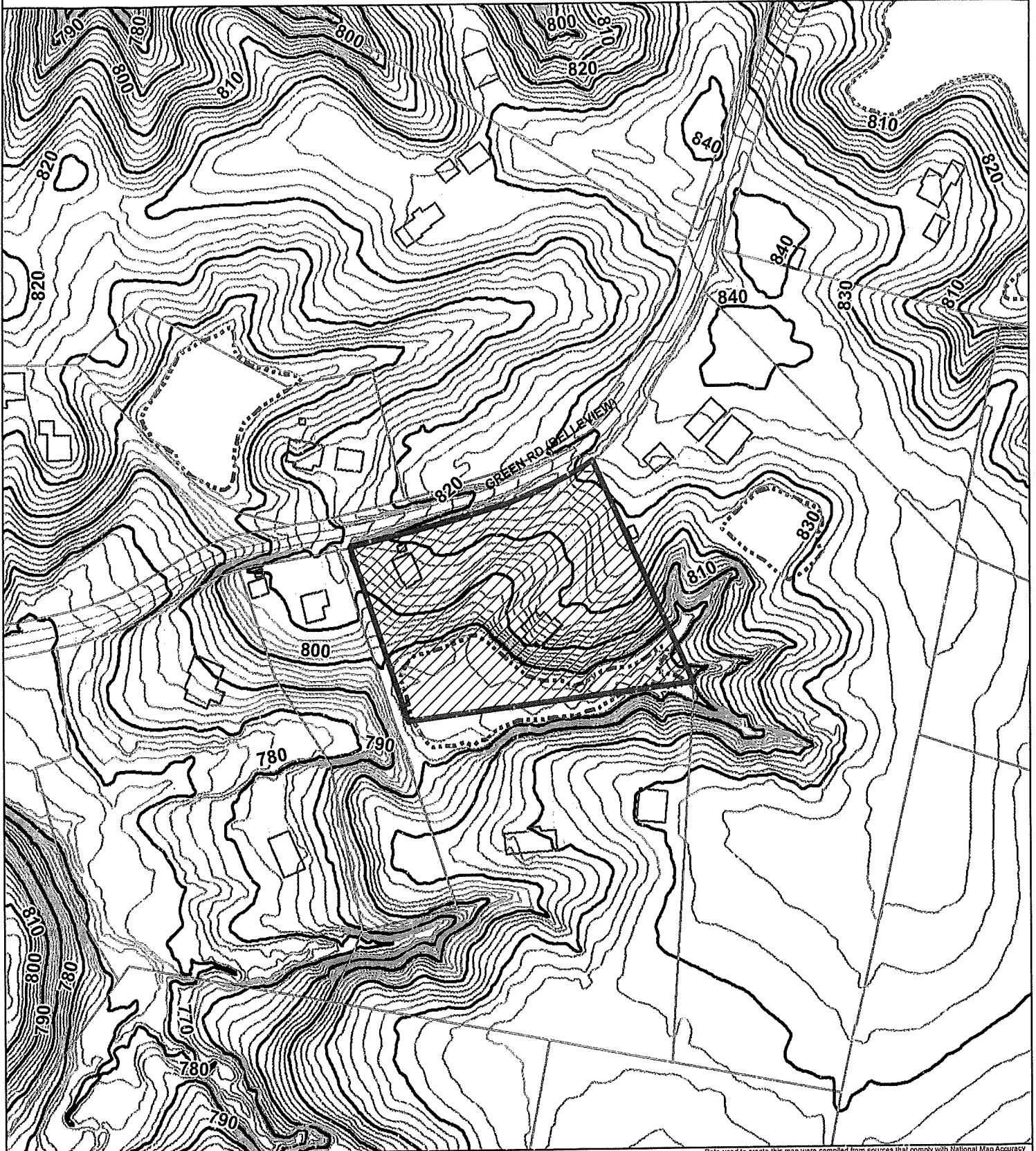


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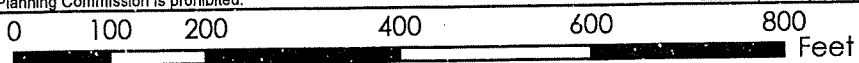
Topographic Map

www.boonecountygis.com



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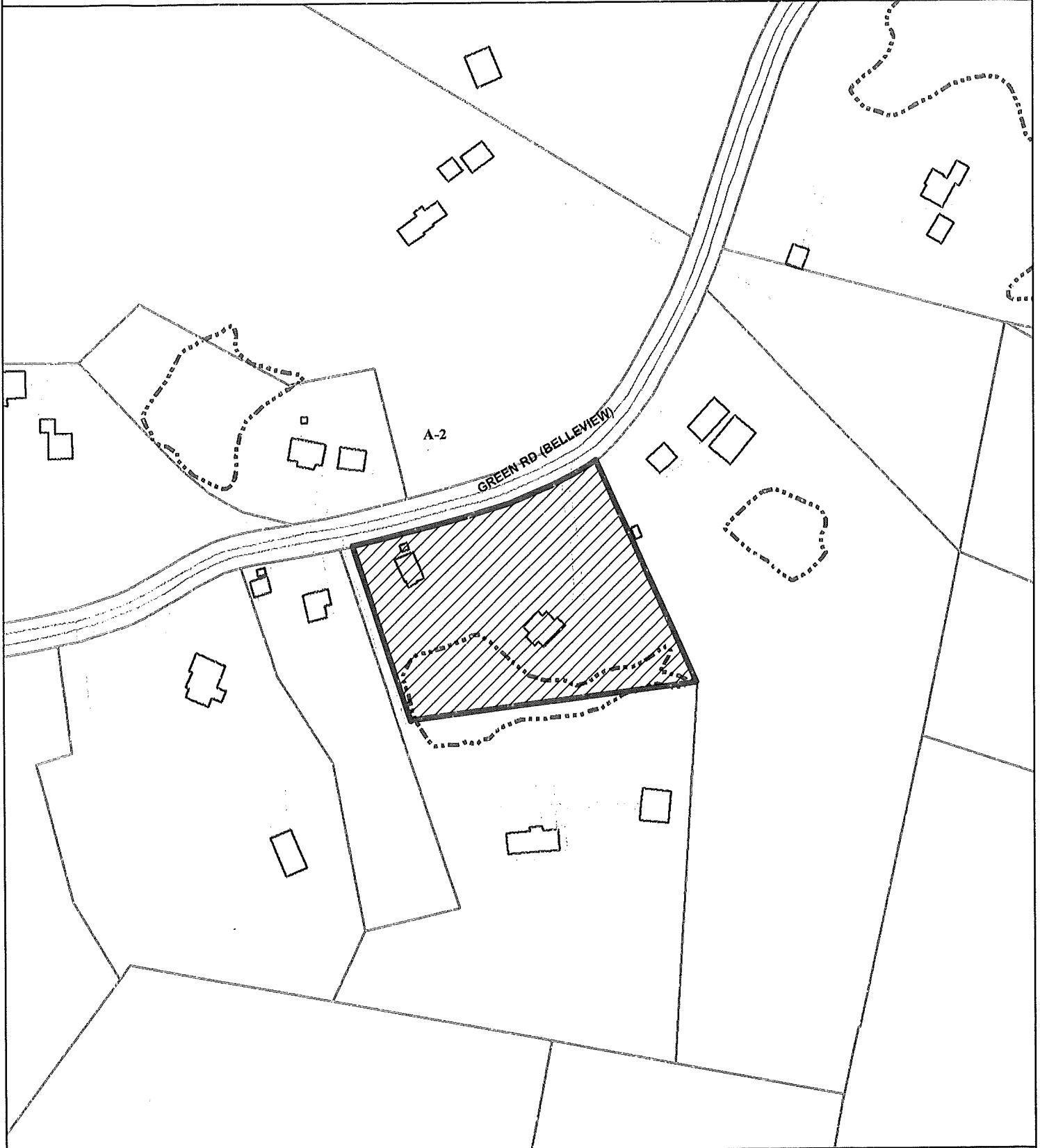


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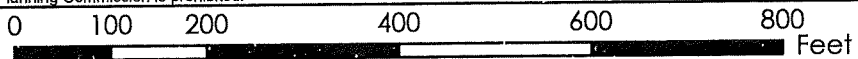
Zoning Map

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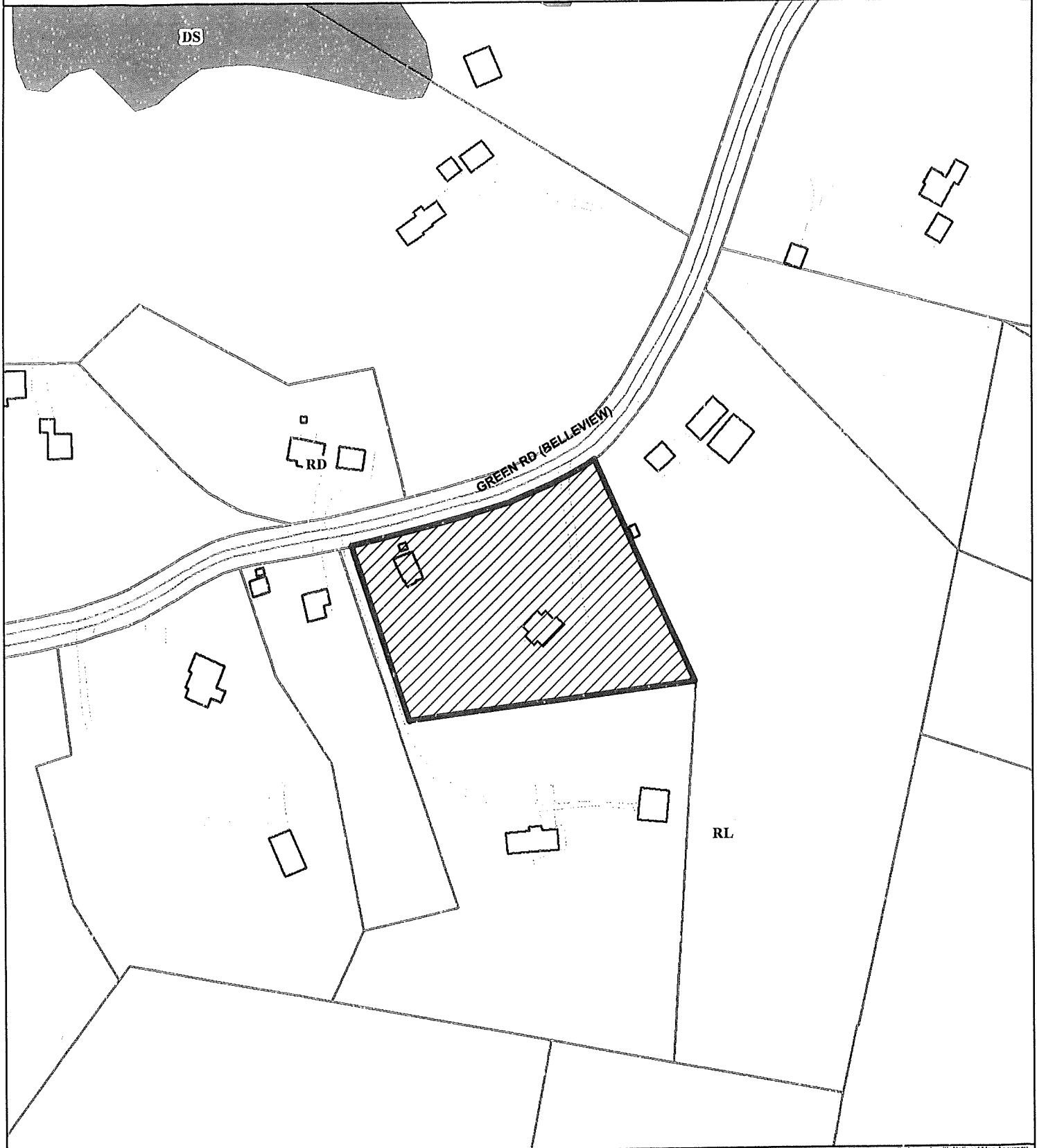


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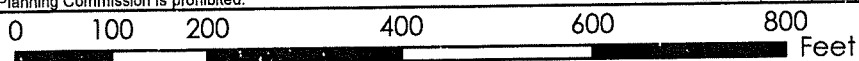
2040 Future land Use Map

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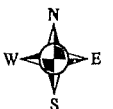
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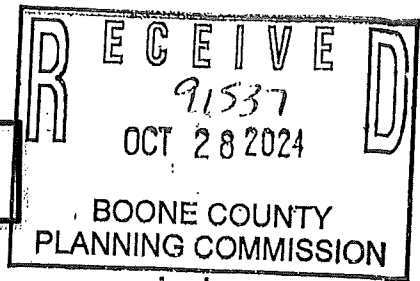
1 inch = 200 feet



Boone County GIS - Putting Northern Kentucky on the Map



**BOARD OF ADJUSTMENT
BOONE COUNTY PLANNING COMMISSION**



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

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City State Zip Code
Phone Number: 859-663-7375 Fax Number: _____
Email: r.wilmhoff@gmail.com
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Burlington KY 41005
City State Zip Code
Phone Number: 859-663-7375 Fax Number: _____
Email: r.wilmhoff@gmail.com

- 10. Proposed Use(s) on Site: Chicken coop
- 11. Total Square Footage of Existing and/or Proposed Buildings: 100
- 12. Current Zoning: A2
- 13.

<u>D955</u>	<u>807</u>	<u>2028</u>
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: Ralph Wilkoff

Applicant's Signature: Ralph Wilkoff

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

1. Date Received: 10/28/24 Fee Received: \$666 Receipt #: 91537

2. Is application complete: _____

3. Staff Reviewer: _____

4. Scheduled Board Action Date: _____

5. Board Action: _____

_____ Approved

_____ Approved with Conditions (see #6)

_____ Denial (See #7)

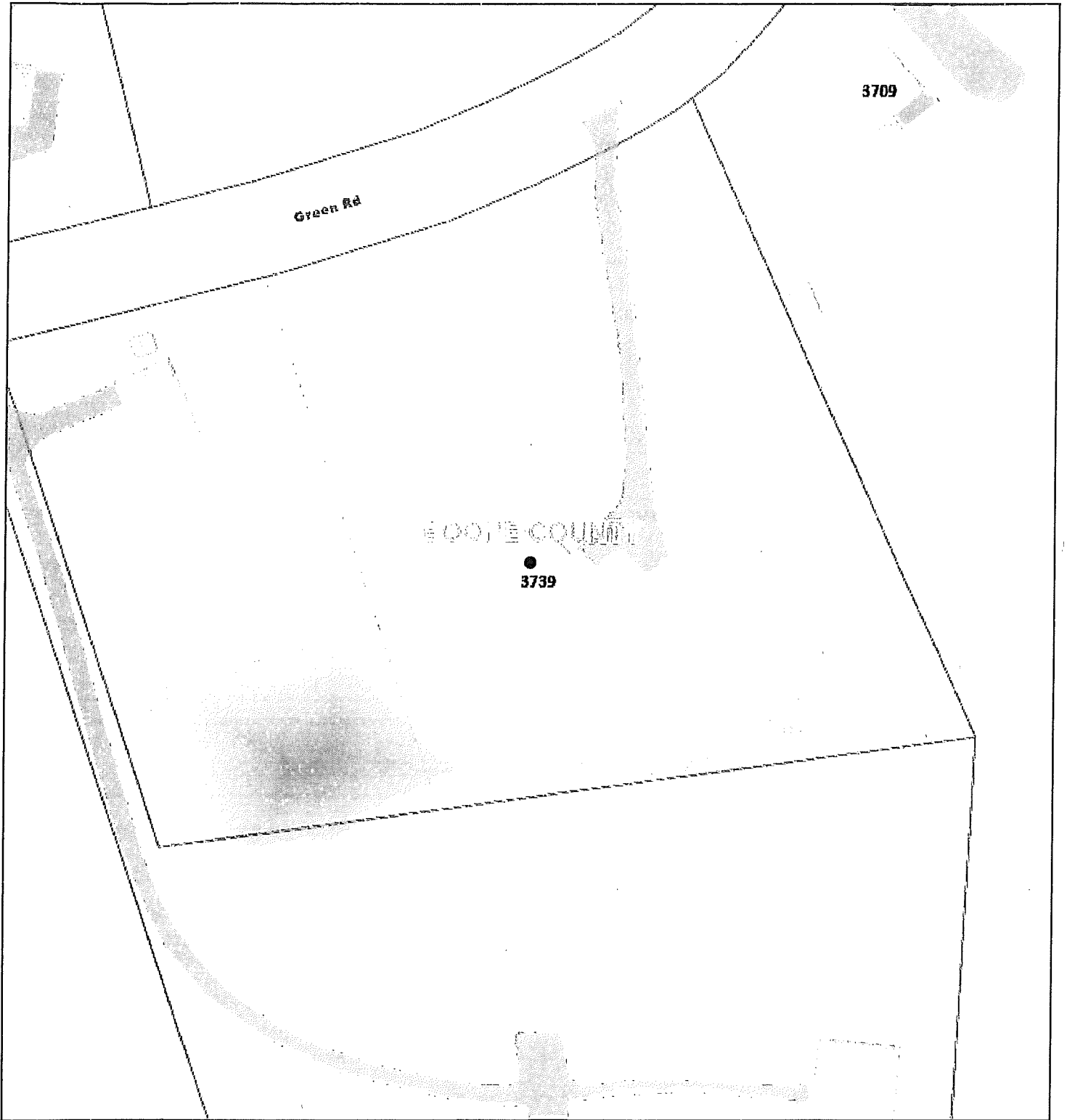
6. Conditions of Approval: _____

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

- There is a pre-existing condition on Green Rd. Our neighbors garage @3757 currently is approximately 16' from its property line. Even this close, it is barely visible from Green Rd
- There is a steep embankment along the border of our property with Green Rd. It is approximately 6-8 ft above the level of the road. This embankment is a heavily wooded area with an assortment of deciduous trees of varying sizes. The embankment and the trees along this area make the chicken coop almost invisible from the road.
- We have reviewed the Board of Adjustment Variance Checklist and believe that “. . . 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 so the zoning regulations.”

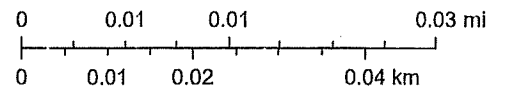
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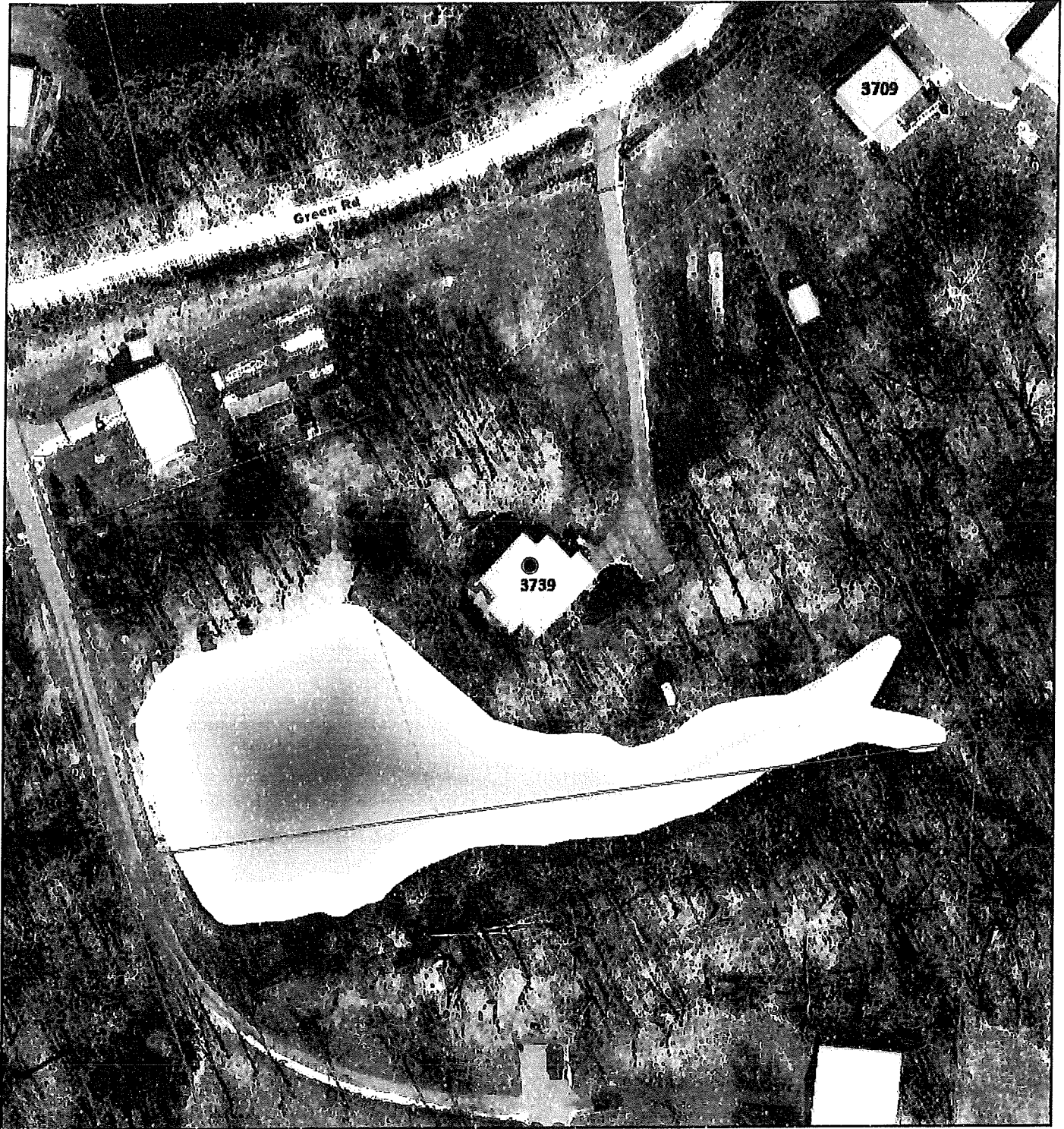
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|--|---------------------|--|---------------------------|
| | Buildings | | Tax Parcels |
| | Building Footprints | | Exterior Features |
| | Street Centerlines | | Deck |
| | Local Street | | Patio |
| | Roadways | | Driveway |
| | Roadway | | Waterbodies (large scale) |
| | Lot Lines | | |
















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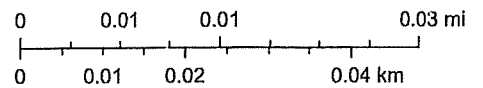
Boone County, Kentucky



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|  Building Footprints |  Exterior Features |
|  Street Centerlines |  Deck |
|  Local Street |  Patio |
|  Roadways |  Driveway |
|  Roadway |  Waterbodies (large scale) |
|  Lot Lines | |



GIS Services Division, Boone County Planning Commission

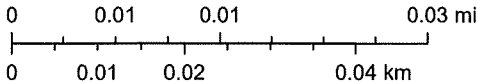
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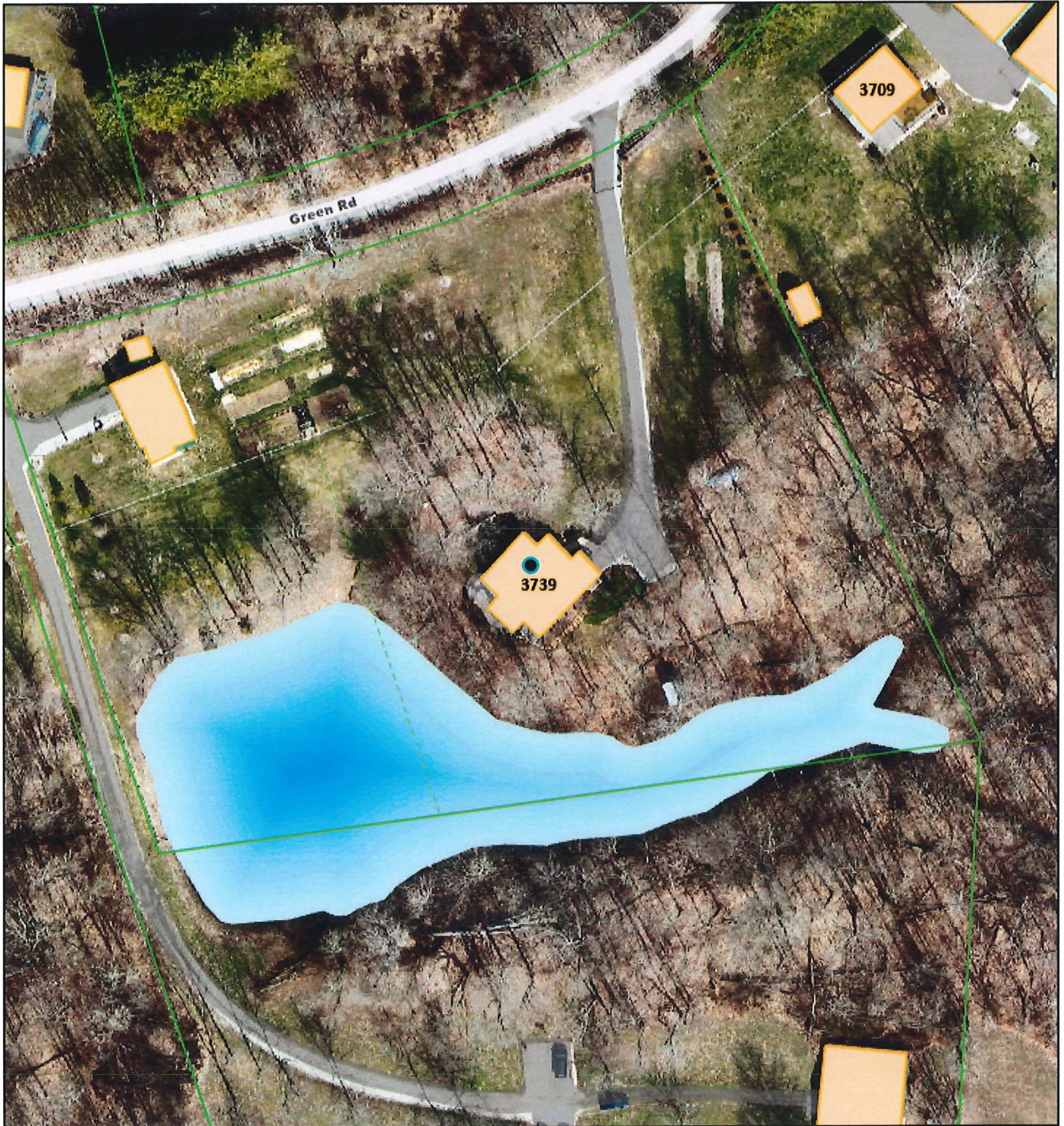
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| Buildings | Tax Parcels |
| Building Footprints | Exterior Features |
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| Roadway | Waterbodies (large scale) |
| Lot Lines | |

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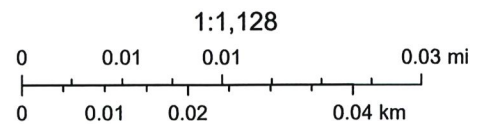
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Boone County, Kentucky



10/25/2024, 11:41:16 AM

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|---------------------|---------------------------|
| Buildings | Tax Parcels |
| Building Footprints | Exterior Features |
| Street Centerlines | Deck |
| Local Street | Patio |
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GIS Services Division, Boone County Planning Commission

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CERTIFICATE OF LAND USE RESTRICTION

- 1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Ralph & Krista Wilmhoff
3739 Green Rd
Burlington, KY 41005

- 2. ADDRESS OF PROPERTY
3739 Green Rd
Burlington, KY 41005
- 3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Wilmhoff Variance

- 4. DEED BOOK 955 PAGE NO. 807 GROUP NO. 2028

- 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

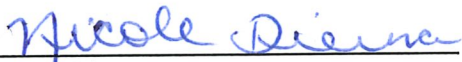
COUNTY OF BOONE

Subscribed, sworn to, and acknowledged before me by Michael D. Schwartz on behalf of the Boone
County Planning Commission this 12th day of December, 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.)