

**BOARD OF ADJUSTMENT
BOONE COUNTY PLANNING COMMISSION**

RECEIVED
90709
JUN 14 2024
BOONE COUNTY
PLANNING COMMISSION

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

003

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: Rodney Baker

Address: 3050 TOULOUSE Drive

Union Ky 41091
City State Zip Code

Phone Number: 859 802 3505 Fax Number: _____

Email: Rodney Baker 6464@gmail.com

4. Description of Request: Building deck that extend PAST the current 30' FOOT OFFSET restriction

5. Name of Development: _____

6. Location of Development: 3050 TOULOUSE Drive

Union Ky 41091
City State Zip Code

7. Acreage Under Review: _____

8. Lot Number and Name of Subdivision (if part of a subdivision):
336 New Orleans South

9. Current Owner: Rodney Baker

Address: 3050 TOULOUSE Dr

Union Ky 41091
City State Zip Code

Phone Number: 859-802-3505 Fax Number: _____

Email: Rodney Baker 6464@gmail.com

10. Proposed Use(s) on Site: deck to encroach rear OFFSET

11. Total Square Footage of Existing and/or Proposed Buildings: _____

12. Current Zoning: RS/PD


13. 1195 912 2046
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: 

Applicant's Signature: 

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

1. Date Received: 6/14/24 Fee Received: \$666 Receipt #: 90709

2. Is application complete: _____

3. Staff Reviewer: [Signature]

4. Scheduled Board Action Date: 7-10-24

5. Board Action: 7-10-24

- 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

#3

APPLICANT: Rodney Baker
LOCATION: 3050 Toulouse Drive, Florence, Kentucky
ZONING: Suburban Residential One (SR-1)
DATE: July 10, 2024

PROPOSAL

- A. The applicant is requesting a Variance reducing the rear yard setback from thirty (30) feet to twenty-five (25) feet to allow for a deck.

SITE HISTORY

- 2004 The City of Florence adopted Ordinance 0-7-04, an ordinance adopting and approving a zoning map amendment in conjunction with the annexation of an approximately 15.3 acre area which included the subject site.
- 2022 On January 26, 2022, the Final Plat for Orleans-South Subdivision, Section 17, was recorded, creating the lot in question.
- 2022 On February 17, 2022, 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 903.A of the Boone County Zoning Regulations states that 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. Table 31-1 of the Boone County Zoning Regulations provides the following minimum regulations for a property located within an SR-1 Zone:

Zoning District: SR-1 (Detached Single Family)

Minimum Lot Size (Sq. Ft.): 8,000
Minimum Frontage: 65'
Minimum Front Yard Setback: 30'
Minimum Rear Yard Setback: 30'
Minimum Side Yard Setback: 5' min./15' - total 15'

SURROUNDING LAND USES AND ZONING

North: Single family residential (SR-1)
South: Farm (SR-1)
East: Single family residential (SR-1)
West: Single family residential (SR-1)

SITE CHARACTERISTICS

- A. The approximate 0.54 acre property is located along the south side and cul-de-sac of Toulouse Drive.
- B. The site has approximately fifty-two (52) feet of frontage along Toulouse Drive.
- C. The site is currently occupied by a detached single-family residential dwelling with an existing patio.
- D. Access to the site is from a single curb cut onto Toulouse Drive.

- F. The site's topography has been graded to allow for construction of the single family home. There is a drainage channel, with an existing easement, running along the south property line.
- G. There is landscaping and a fence along the south property line.

STAFF COMMENTS

- A. The proposed deck addition will be set back approximately twenty-six (26) feet from the south property line.
- B. The adjacent property to the south went through the zone change process changing from RSE to SR-1. A Concept Development Plan was approved as part of that application.
- C. The proposed deck would be approximately 350' from the nearest home site shown on the approved concept development plan for the adjacent property.

CONCLUSION

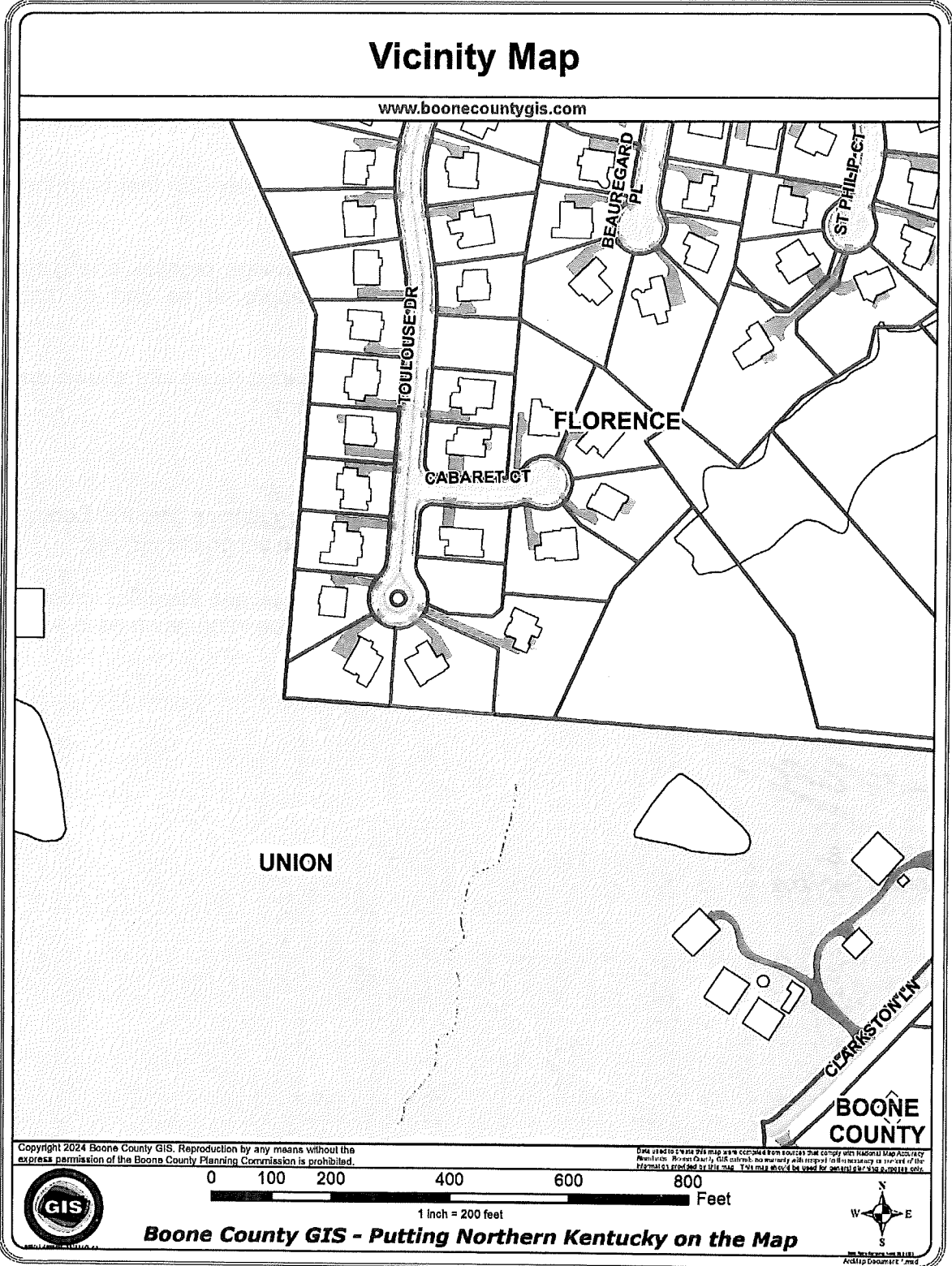
- A. KRS 100.241 and Section 202 of the Boone County Zoning Regulations give the Boone County Board of Adjustment and Zoning Appeals the authority to act on the request.
- B. Sections 204.D and 204.E of the Boone County Zoning Regulations identifies criteria necessary for granting a Variance. The applicant needs to provide information as to how their application meets these criteria.

Respectfully submitted,



Steven C. Lilly, PLS
Planner, Zoning Services

SCL/ss



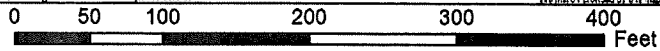
Aerial Map

www.boonecountygis.com



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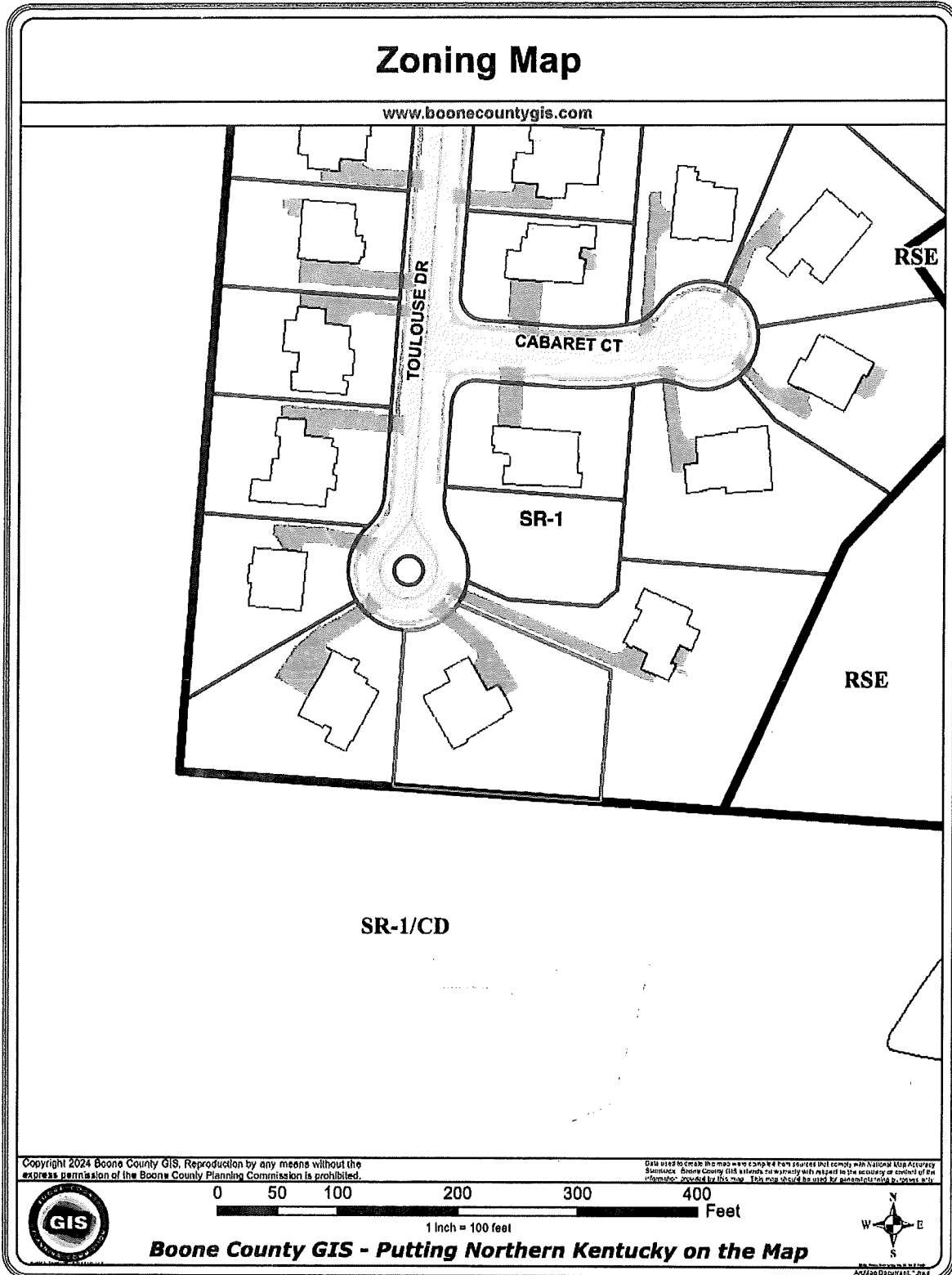
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Boone County GIS - Putting Northern Kentucky on the Map

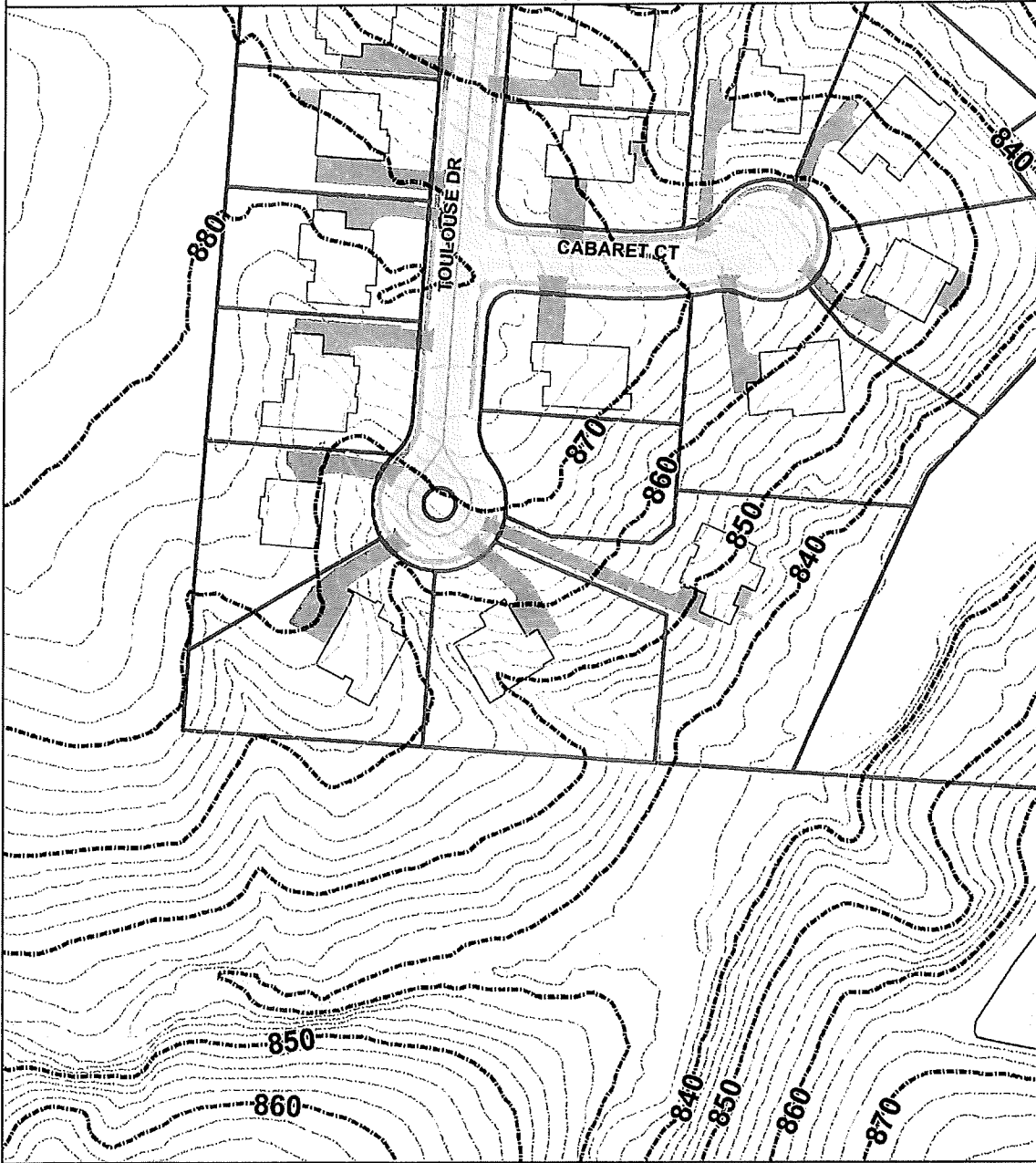


Boone County GIS
ArcMap Document (*.mxd)



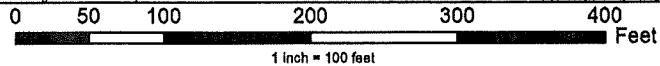
Topographic Map

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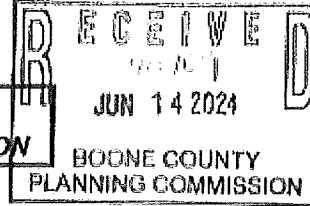
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Boone County GIS
Arkipp Economic, Inc.

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Board of Adjustment
Page 2

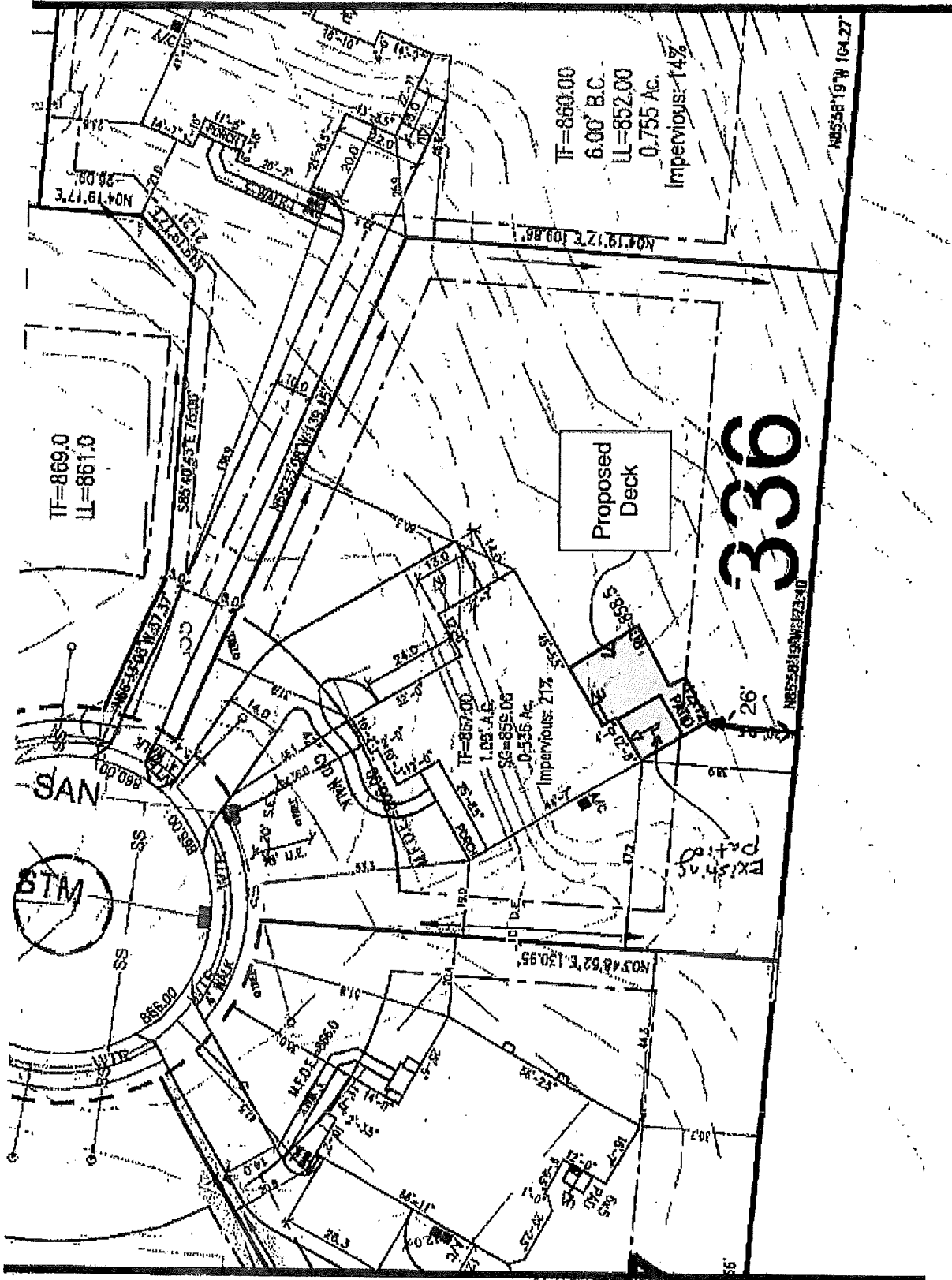
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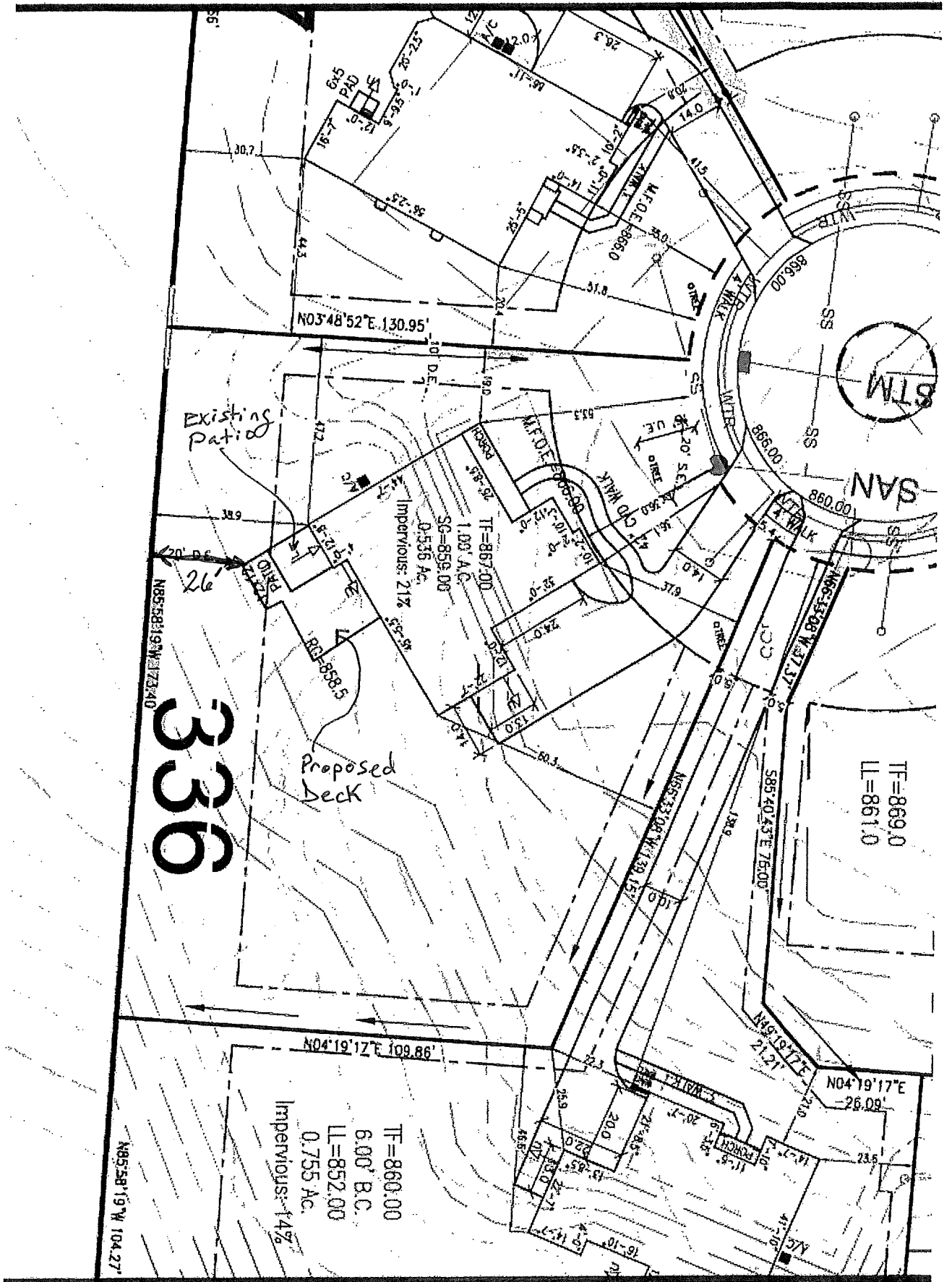
Property Owner's Signature:

Rodney Baker

Applicant's Signature:

Rodney Baker





336

Existing patio

Proposed Beck

TF=860.00
 6.00' B.C.
 LL=852.00
 0.755 Ac.
 Impervious: 14%

TF=869.0
 LL=861.0

N85°58'19" W 104.27'

N85°58'19" W 73.40'

N04°19'17" E 109.86'

N03°48'52" E 130.95'

N85°33'08" W 139.157'

N04°19'17" E 26.08'

N85°33'08" W 37.37'

SAN

STM

Impervious: 21%

TF=867.00
 1.08' A.C.
 SG=859.00
 0.536 Ac.

100'-888.5

100'-888.5

100'-888.5

100'-888.5

100'-888.5

100'-888.5

100'-888.5

100'-888.5

100'-888.5

100'-888.5

100'-888.5

100'-888.5

100'-888.5

100'-888.5

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Rodney Baker
3050 Toulouse Dr
Union, KY 41091
2. ADDRESS OF PROPERTY
3050 Toulouse Dr
Union, KY 41091
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Baker Variance
4. DEED BOOK 1195 PAGE NO. 912 GROUP NO. 2046
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)
- X 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

Steven C. Lilly, Planner

Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE


Subscribed, sworn to, and acknowledged before me by Steven C. Lilly on behalf of the Boone
County Planning Commission this 11th day of July, 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.)