APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION

BOONE COUNTY PLANNING COMMISSION

FIVE (5) SCALED COPIES AND ONE (1) 11X17 REDUCTION OF SUBMITTED DRAWINGS ARE REQUIRED

See Boone County Zoning Regulations

RECEIVED
OCT 18 2018
78287
BOONE COUNTY
PLANNING COMMISSION

SECTION A (To be completed by applicant)

(Check One)

1. _____ Boone _____ Florence X Walton _____ Union

(Check One)

2. _____ Conditional Use Permit ✓ Variance _____ Appeal
   _____ Change in Non-Conforming Use

3. Applicant's Name Phil Freihofer
   Applicant's Address 8449 Saint Louis BLVD
   Union (City) KY (State) 41091 (Zip)
   Phone Number 859-743-3490 Fax No. _____ E-Mail pfreihofer@fuse.net

4. Description of Request: Variance to reduce Road frontage requirement for 2 single family residential lots

5. Name of Development _____

6. Location of Development South Side of Old Beaver Road between 8 + 12 Old Beaver

7. Acreage Under Review .938 ACRES

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

9. Owner of Property Phil Freihofer
   Address of Property Owner 8449 Saint Louis BLVD

10. Union (City) KY (State) 41091 (Zip)
    Phone Number 859-743-3490 Fax No. _____ E-Mail pfreihofer@fuse.net

11. Proposed Use(s) on Site Single Family Homes

12. Total Square Footage of Existing and/or Proposed Buildings N/A

13. Current Zoning on Property SR 1

14. Deed Book 1112 Page No. 325 Group No. 2079

15. Is the site subject to a zone change? NO
    If yes, give date of approval _____

16. Have you submitted a Site Plan with this request? YES

17. Have you submitted a list of adjoining property owners with this request? Yes

18. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

ORIGINAL Property Owner's Signature: Phil Freihofer
(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

ORIGINAL Applicant's Signature: Phil Freihofer
(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

(over)

BOARD OF ADJUSTMENT AND
ZONING APPEALS ACTION
APPLICATION
PAGE 2

SECTION B (To be completed by the Boone County Planning Commission Staff)

1. Date Received 10-18-18 Fee Received $632.00 Receipt # 78287
2. Is application complete? _____ Yes _____ No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
   11/27/18 **Approved**
   _____ **Approved with Conditions** (See #6)
   _____ **Denial** (See #7)
6. Conditions of Approval: NONE
7. Reasons for Denial: _____

Boone County Planning Commission
Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
Burlington, Kentucky 41005
(859) 334-2196 - Phone
(859) 334-2264 - Fax
plancom@boonecountyky.org - E-mail
www.boonecountyky.org - Web Page

NOTE: See Boone County Planning Commission Fee Schedule for Board of Adjustment Fees.

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.

STAFF REPORT

APPLICANT: Phillip Freihofer

LOCATION: Southeast side of Old Beaver Road between 8 Old Beaver Road and 12 Old Beaver Road, Walton, Kentucky

ZONING: Suburban Residential One (SR-1)

DATE: November 27, 2018

PROPOSAL

The applicant has submitted a Variance application to reduce the required road frontage requirement from 65' to 63.74' for two proposed single-family residential lots. Approval of the request would allow the existing 0.938 acre lot to be subdivided into two lots of record and a single-family residential dwelling to be constructed on each lot.

APPLICABLE REGULATIONS

Section 220 of the Boone County Zoning Regulations states that one duty of the Board of Adjustment is to act on Variance applications.

Section 250 of the Boone County Zoning Regulations states that the Board of Adjustment and Zoning Appeals shall have the power to hear and decide on applications for variances. A variance is defined as a departure from the 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.

The Board needs to evaluate the Variance request as it relates to the criteria listed in Section 251 of the Boone County Zoning Regulations:

1. 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 nuisance to the public, and will not allow an unreasonable circumvention of the requirements contained in the zoning regulations.

    A. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;

    B. The strict application of the provisions contained in the regulations would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant;

    C. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

2. 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.

Section 305 G. of the Boone County Subdivision Regulations states that "subdivisions or developments that adjoin existing city and county street rights-of-way shall dedicate additional right-of-way to meet a 50 foot minimum right-of-way width if it does not exist for local or sub-collector streets and a 60 foot minimum right-of-way if it does not exist for collector and arterial streets, or for state street rights-of-way. The entire right-of-way shall be provided where any part of the subdivision or development is on both sides of the existing street; and one half of the right-of-way shall be provided, as measured from the centerline for subdivisions or developments that are located on only one side of the existing street."

Table 31.1 of the Boone County Zoning Regulations provides the following standards for detached single-family lots in the SR-1 zone:

Minimum Lot Size - 8,000 square feet.
Minimum Road Frontage - 65 feet.
Maximum Building Height - 45 feet
Minimum Building Setbacks - 30' front, 30' rear, 5' minimum/15' total side yards

Article 40 of the Boone County Zoning Regulations defines lot frontage as "the distance between the side property lines as measured across the required minimum front yard setback line."

SITE HISTORY

On September 18, 2018, the Walton Board of Adjustment denied Conditional Use Permit and Variance applications. The Conditional Use Permit application was to allow two duplexes to be constructed and the Variance was to reduce the required road frontage requirement of each duplex parcel from 75' of frontage to 65' of frontage.

SITE CHARACTERISTICS

The approximate 0.938 acre site is located on the southeast side of Old Beaver Road and has 127.48 feet of street frontage (measured at the 30' minimum front yard setback). The property is currently undeveloped but has two concrete driveway aprons that connect to Old Beaver Road. A public sidewalk system also exists in the Old Beaver right-of-way. Boone County G.I.S. shows that topography of the property falls from 924 feet above sea level at Old Beaver Road to 894 feet above sea level along the southwest property line. A water main is located on the north side of Old Beaver Road and a sanitary sewer main runs through the property. Significant deciduous tree cover exists on site.

SURROUNDING LAND USES & ZONING

North: Single-Family Residential Dwellings Fronting on Old Beaver Road (SR-1)

South: Single-Family Residential Dwelling Fronting on High School Court (SR-1)

East: Single-Family Residential Dwelling Fronting on Old Beaver Road (SR-1)

West: Single-Family Residential Dwelling Fronting on Old Beaver Road (SR-1)

STAFF COMMENTS

1. Staff would like the applicant to address the following:

A. Is he planning on building the houses on the lots?

B. If so:

- Does he have a specific floor plan and exterior building materials in mind?
- Would he sell the houses or rent them?

2. A City of Walton sanitary sewer main runs through the subject property. The applicant will need to verify that the houses are not in the sanitary sewer easement. It's possible that a portion of the sanitary sewer main will need to be relocated to construct the houses.

3. The Board needs to analyze the Variance criteria before acting on the request. Staff believes the strict application of the provision found in the Zoning Regulations would create an unnecessary hardship on the applicant. The northeast property line gradually tapers inwards and the front half of the property gets narrower as you move further away from Old Beaver Road. The 1.26' lot frontage Variance on each lot should not be discernable in the field.

CONCLUSION

KRS 100.241 and Section 220 of the Boone County Zoning Regulations gives the Walton Board of Adjustment and Zoning Appeals the authority to act on the request.

Respectfully submitted,

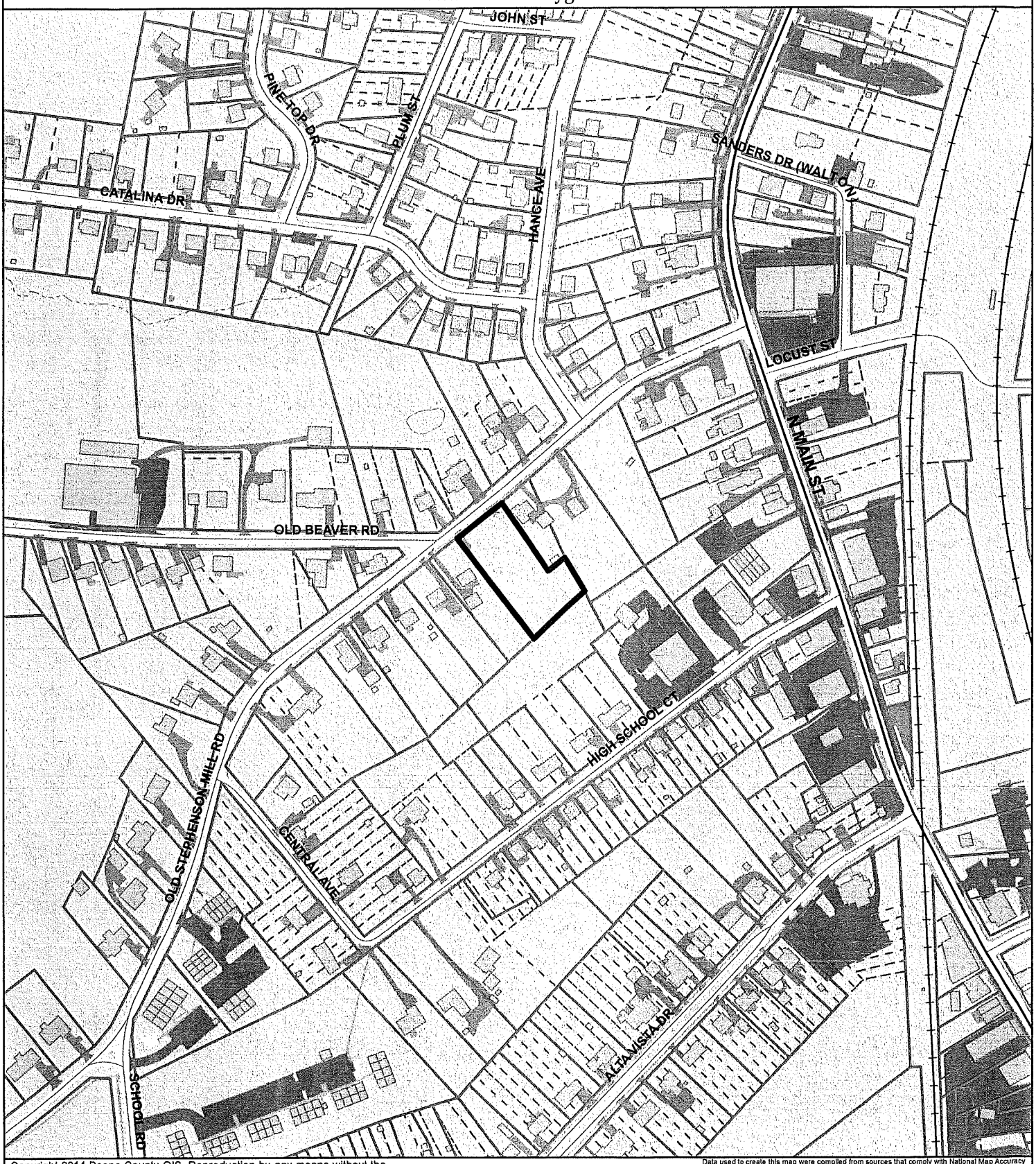
Todd K. Morgan, AICP
Senior Planner, Zoning Services

TKM/ss

Attachments
*Site Vicinity Map
*Proposed Lot Dimensions and Lot Frontage Measurements
*1969 Conveyance Plat of Subject Property
*Zoning Map
*Topographical Map
*2016 Aerial Map
*Location of Sanitary Sewer Main on Property Per Boone County GIS
*9/18/18 Plan
*Application

SITE VICINITY MAP

www.boonecountygis.com



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0 150 300 600 900 1,200 Feet

1 inch = 300 feet

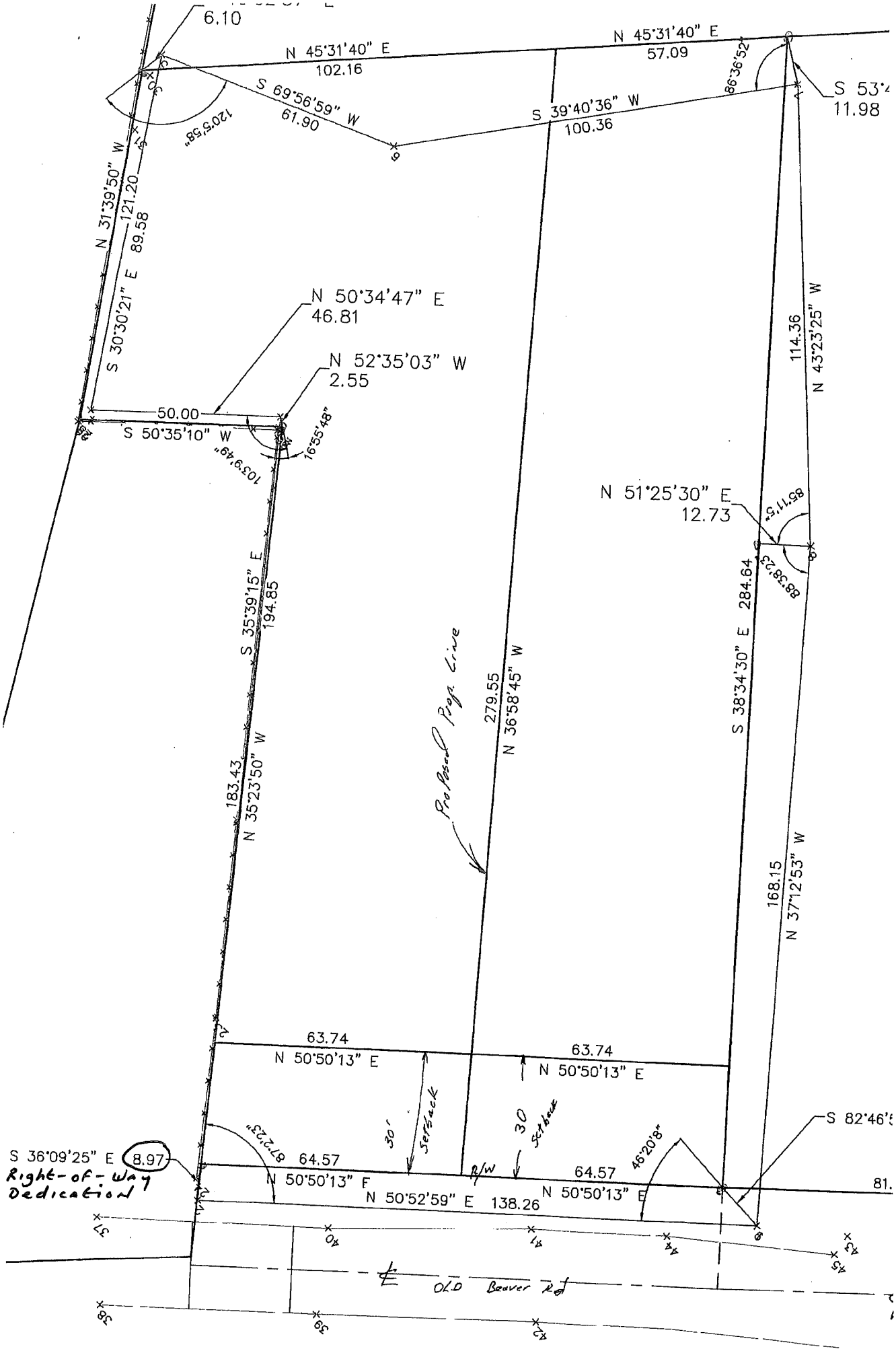
N W E S

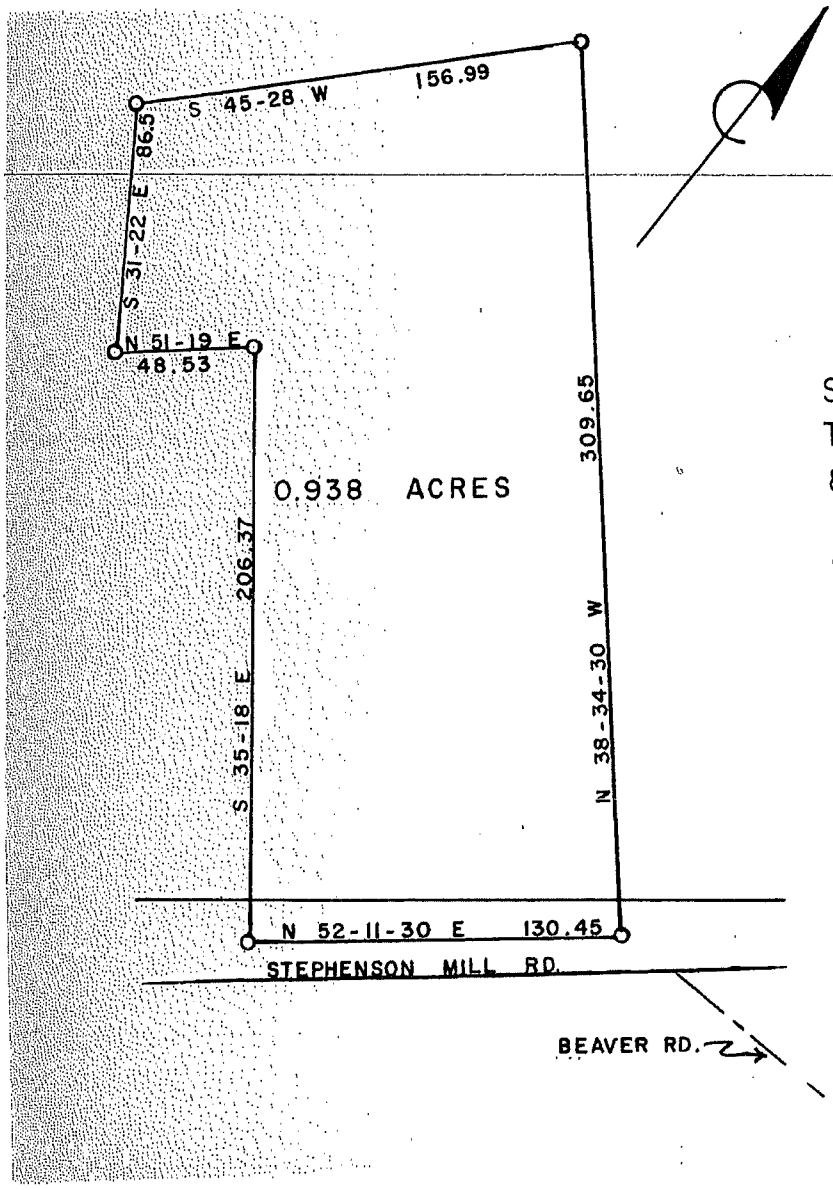
Boone County GIS - Putting Northern Kentucky on the Map

State Plane Kentucky North NAD 1983

Map Created: 07/01/2013

ArcMap Document: BooneMap (lite).mxd


6.10
N 45°31'40" E
102.16
N 45°31'40" E
57.09
86°36'52"
S 53°
11.98
S 69°56'59" W
61.90
120°5'58"
S 39°40'36" W
100.36
N 31°39'50" W
121.20
89.58
S 30°30'21" E
N 50°34'47" E
46.81
N 52°35'03" W
2.55
50.00
S 50°35'10" W
16°55'48"
103°9'49"
114.36
N 43°23'25" W
N 51°25'30" E
12.73
85°11'5"
88°38'2"
284.64
S 38°34'30" E
S 35°39'15" E
194.85
279.55
N 36°58'45" W
Proposed Prop. Line
183.43
N 35°23'50" W
168.15
N 37°12'53" W
63.74
N 50°50'13" E
63.74
N 50°50'13" E
30' Setback
30 Setback
S 82°46'
S 36°09'25" E
8.97
Right-of-Way Dedication
87°2'23"
64.57
N 50°50'13" E
R/W
64.57
N 50°50'13" E
46°20'8"
N 50°52'59" E
138.26
81.
℄ OLD Beaver Rd



I certify that this is a field survey to the accuracy required by this commission and that this conveyance does not create a nonconforming use.

James E. Ransom, P.E.

SURVEY OF 0.938 ACRES TO BE CONVEYED BY JACK & DORIS CONNER TO CLAUDE & PAULINE HUESTON

WALTON KENTUCKY

JUNE 20, 1969 SCALE 1"=50'

JAMES E. RANSOM P.E.

Approved for recording the transfer of property only by the Boone County Planning Commission on this 9 day of July 1969.

Thomas B. Craig Jr.

Chairman

ZONING MAP

www.boonecountygis.com

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0 150 300 600 900 1,200 Feet

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N W E S

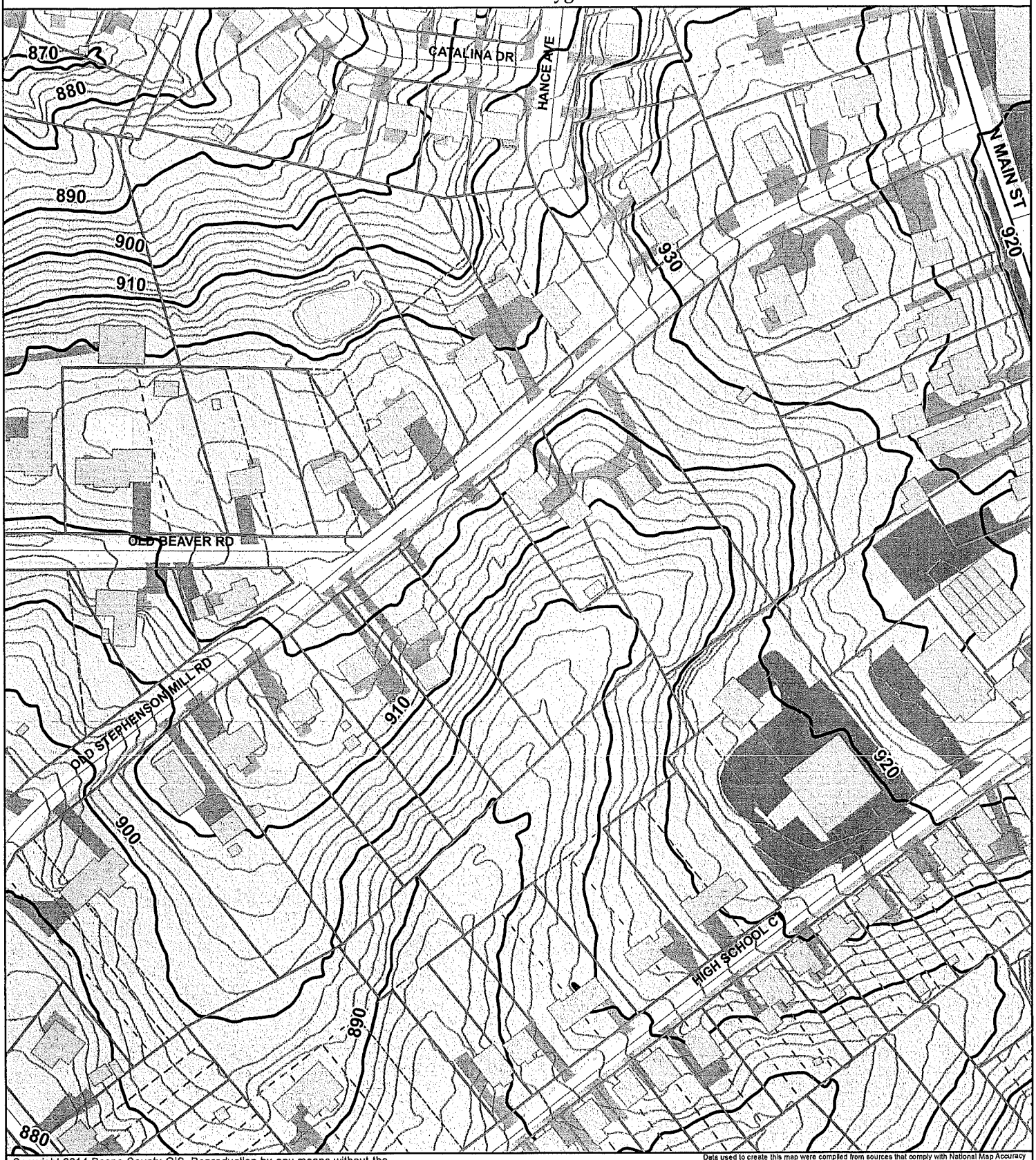
Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 07/01/2013

ArcMap Document: BooneMap (lite).mxd

TOPOGRAPHICAL MAP

www.boonecountygis.com



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0 75 150 300 450 600 Feet

1 inch = 150 feet

N W E S

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Map Created: 07/01/2013

ArcMap Document: BooneMap (lite).mxd

2016 AERIAL MAP

www.boonecountygis.com

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0 75 150 300 450 600 Feet

1 inch = 150 feet

N W E S

State Plane Kentucky North NAD 1983

Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 07/01/2013

ArcMap Document: BooneMap (life).mxd

SANITARY SEWER

www.boonecountygis.com

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0 75 150 300 450 600 Feet

1 inch = 150 feet

N W E S

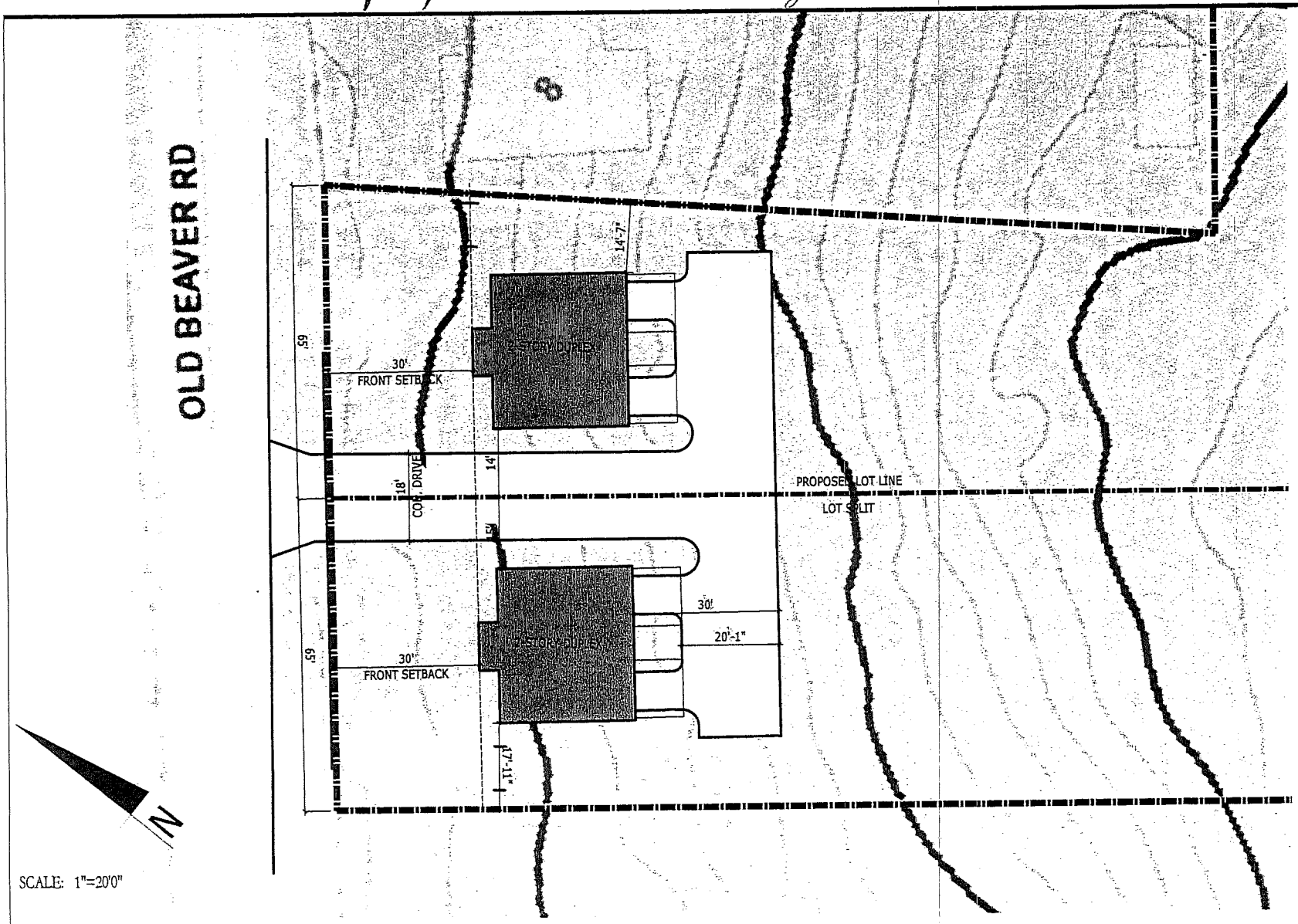
Boone County GIS - Putting Northern Kentucky on the Map

State Plane X inches by North NAD 1983

Map Created: 07/01/2013

ArcMap Document: BooneMap (life).mxd

9/18/18 Plan denied by Walton BOA



SCALE: 1"=20'0"

PLOT PLAN

+/-0.938 ACRES
10 OLD BEAVER RD
WALTON, KENTUCKY
41094

SR-2 ZONE
65' MIN. LOT WIDTH
30' FRONT SETBACK
5' MIN. 15' TOTAL SIDEYARD SETBACK

PLOT PLAN GENERAL NOTES

- ASSUMED ALLOWABLE SOIL BEARING PRESSURE = 2,000 p.s.f.
- EROSION CONTROL BMP -

1. Immediately after mobilization but prior to initiating any soil-disturbing activities, the Contractor will install fiber roll perimeter controls on the site. Install behind existing curb and along common property lines. These practices have been designed to trap all sediment produced during soil-disturbing activities, and to prevent off-site damage.

2 The recommended sequence for the installation and removal of erosion and sediment control measures is as follows: perimeter control measures (silt barriers and fencing) installed at designated areas; cleaning of street during construction; site grading (including temporary slope stabilization) as needed; installation of utilities; building construction; paving; final grading; installation of sod or vegetative materials; removal of temporary practices and perimeter controls; and site cleanup.

3 During all soil-disturbing activities, the Contractor will take appropriate steps using accepted construction methods to minimize exposure of unprotected soil and other construction materials to rainfall.

PLANS DRAWN BY:
TAYLOR DESIGN
2113 BLANKENBECKER DRIVE
FLORENCE, KENTUCKY 41042
859-412-5751

CONTRACTOR:
FREIHOFER & WULFECK BUILDERS & REMODELERS
P.O. BOX 176068
COVINGTON, KENTUCKY 41017
859-344-0861

10 BEAVER ROAD

PLOT PLAN

PHIL FREIHOFER
10 OLD BEAVER RD.
WALTON KY.

APRIL 14, 2018

SHEET
S.1

APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION

BOONE COUNTY PLANNING COMMISSION

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See Boone County Zoning Regulations

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OCT 18 2018
BOONE COUNTY
PLANNING COMMISSION

SECTION A (To be completed by applicant)

1. (Check One) _____ Boone _____ Florence X Walton _____ Union 78287
2. (Check One) _____ Conditional Use Permit ✓ Variance _____ Appeal _____ Change in Non-Conforming Use
3. Applicant's Name Phil Freihofer
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ORIGINAL Property Owner's Signature: Phil Freihofer
(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

ORIGINAL Applicant's Signature: Phil Freihofer
(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

(over)

CLUR #18-WBOA-003-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
   Phil Freihofer
   8449 Saint Louis Blvd
   Union, KY 41091

2. ADDRESS OF PROPERTY
   Southside of Old Beaver Road
   Walton, KY 41094

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
   Phil Freihofer

4. DEED BOOK 1112 PAGE NO. 325 GROUP NO. 2079

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:

   _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

   Todd K. Morgan

   SIGNATURE OF COMPLETING OFFICIAL

   Todd K. Morgan, AICP – Senior Planner
   Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledged before me by Todd K. Morgan

on behalf of the Boone County Planning Commission this 28 day of November, 2018.

Treva L. Beagle
Notary ID 588897
NOTARY PUBLIC, State at Large

My commission Expires:
November 12, 2021

This instrument was prepared for recording purposes only by:

Ronica Wuest
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.)