

By 12-22
for 1-12 at 6:30
meeting

APPLICATION FORM

00-005

**BOARD OF ADJUSTMENT
AND
ZONING APPEALS ACTION
BOONE COUNTY PLANNING COMMISSION**

See Boone County Zoning Regulations

SECTION A (To be completed by applicant)

MAR 20 1999

BOONE COUNTY
PLANNING COMMISSION

- 1. (Check One) Boone Florence Walton Union
- 2. (Check One) Conditional Use Permit Variance Appeal Change in Non-Conforming Use
- 3. Applicant's Name William T. Shroder
Phone Number 606-371-1247 Fax No. _____
Applicant's Address 1416 BAUFIELD ST
FLORENCE KY 41042
City State Zip
- 4. Description of Request: 30' SET BACK TO BE REDUCED
TO 20' GARAGE TO ENTER INTO THIS AREA
(10' AT FRONT - 10' AT REAR)
- 5. Name of Development POWDER MILL SUB
- 6. Location of Development 1217 LAYTON - FLORENCE KY 41042
Boone Co.
- 7. Acreage Under Review APP. 3/8 ACR
- 8. Lot Number and Name of Subdivision (if part of a subdivision)
LOT 8 - SECTION 2 Powder Mill Sub
- 9. Owner of Property William T. Shroder
Phone Number of Owner 606-371-1247 10. _____
Address of Property Owner 1416 BAUFIELD ST FLORENCE KY 41042
City State Zip
- 11. Proposed Use(s) on Site Residential
- 12. Total Square Footage of Existing and/or Proposed Buildings 1416 1700 sq ft
- 13. Current Zoning on Property SR-1
- 14. Deed Book 383 Page No. 112 Group No. 2039
- 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.

Applicant's Signature: William T. Shroder

Property Owner's Signature: William A. Shroder

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 12-30-99 Fee Received \$456.00 R# 22759
2. Is application complete? Yes No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
 Approved
 Approved with Conditions (See #6)
 Denial (See #7)
6. Conditions of Approval: The Front Yard Setback can be reduced up to a maximum of 6 FEET
7. Reasons for Denial: _____

**Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005
(606) 334-2196 Phone
(606) 334-2264 Fax**

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.

*Approved
Condition of 6' Variance*

#5

STAFF REPORT

APPLICANT: William T. Shrader
LOCATION: Section 1, Lot 8, Powder Creek Crossing Subdivision
ZONING: Suburban Residential One (SR-1)
DATE: January 12, 2000

Proposal

The applicant is requesting a Variance to reduce the required front yard setback for Lot 8, within Section 1 of the Powder Creek Crossing Subdivision. The property is zoned Suburban Residential One (SR-1). Each single family dwelling is required to have a minimum front yard setback of 30 feet from the street right-of-way/property line to the front portion of the house.

The applicant has indicated that he would like the front yard setback to be reduced to a maximum of 20 feet so that an attached garage can be built closer to the property line.

Dimensional Variance

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 dimensional terms of the zoning regulation pertaining to height, width, or location of structures, and the size of yards and open spaces where such departure meets the requirements of K.R.S. 100.241 to 100.47.

“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:

- 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 of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant and;

- 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.

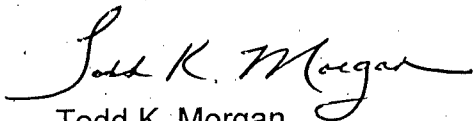
Staff Comments

1. Staff believes that the requested Variance can be viewed in two different ways. (A) The requested Variance arises from special circumstances (a 25 foot wide Union Light Heat & Power Utility Easement runs through the property) which do not generally apply to land in the general vicinity. (B) The applicant could choose a different floor plan or scale down the proposed house so that it could meet the applicable setbacks.
2. A 1/3 reduction in the front yard setback would be an obvious difference from the neighboring structures. A 5 foot or less departure from the setback requirement would not be as pronounced.

Conclusion

K.R.S. 100.241 gives the Boone County Board of Adjustment and Zoning Appeals the authority to grant the applicant's request for a Variance to reduce the required front yard setback.

Respectfully Submitted,

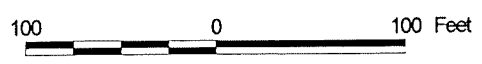
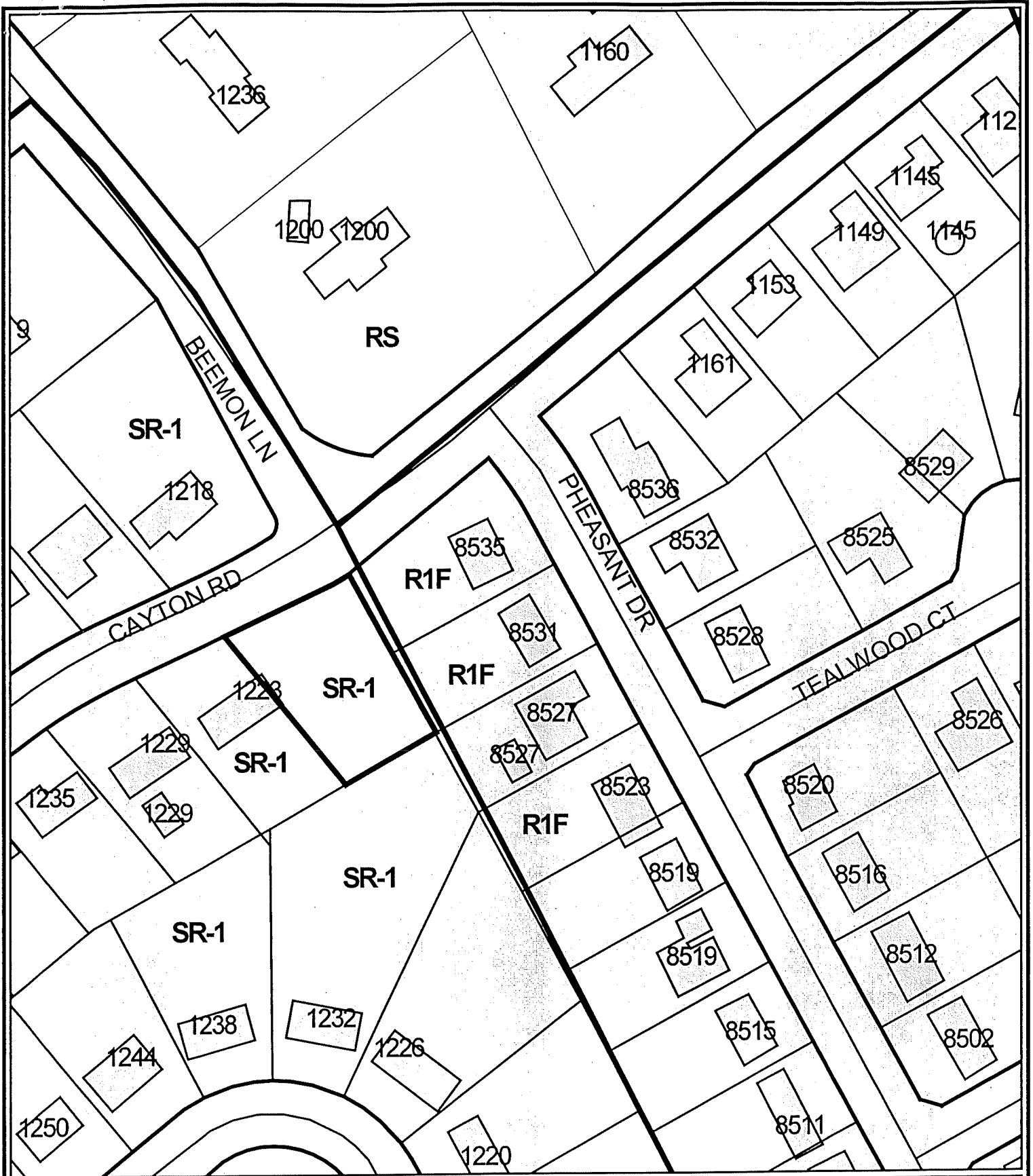


Todd K. Morgan
Planner

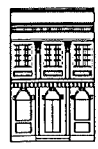
TKM/pr

Attachments

- Site Vicinity Map
- Zoning Map
- Plat



1 inch equals 100 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 January 4, 2000



Zoning Map

SECTION FIVE

PHEASANT RUN SUBDIVISION

DEC 20 1989

SIX

SRI

S 32° 37' 01" E - 150.00'

78.22'

S 56° 17' 22" E - 76.22'

EASE. TO U.L.H. & P. CO. MISC. BK. 17 PG. 285

Miller

8

Miller

9

13958 SF

S 43° 24' 35" E

156.98'

11985

EX.

1

Mo. Sign

#1217

95.06'

30'

1533 CASGMH

IRREGULAR

S 60° 58' 25" E - 171.29'

A=126.16' C6

S 60° 58' 25" E - 84.66'

A=55.51' C2

30.61'

54.06'

1"=25'

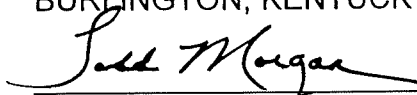
COPY

CLUR #00-BCBOA-005-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
William A. Shrader
1416 Bayfield Court
Florence, KY 41042
2. ADDRESS OF PROPERTY
1217 Cayton Road
Florence, KY 41042
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Powder Creek
4. DEED BOOK 383 PAGE NO. 42 GROUP NO. 2039
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
2995 WASHINGTON STREET
BURLINGTON, KENTUCKY 41005



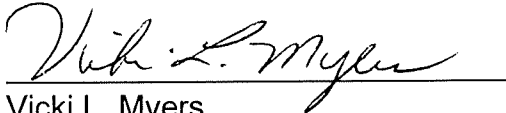
SIGNATURE OF COMPLETING OFFICIAL

Todd Morgan, Planner, Zoning Services
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

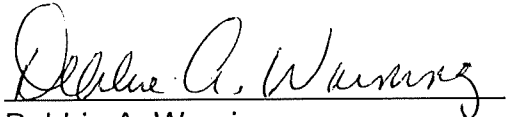
Subscribed, sworn to, and acknowledged before me by Todd Morgan on behalf of the
Boone County Planning Commission this 25 day of January, 2000.



Vicki L. Myers
NOTARY PUBLIC, State at Large

My commission Expires:
April 17, 2003

This instrument was prepared for recording purposes only by:



Debbie A. Warning
Boone County Planning Commission
2995 Washington Street
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 Adjustments and in accordance with the current zoning in effect as of January 12, 2000 Certificate of Land Use Restriction (#00-BCBOA-005-A), for William A. Shrader, Property Owner(s).

The following conditions will apply:

1. The front yard setback can be reduced up to a maximum of six (6) feet.

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

DEED BOOK 383

PAGE NO. 42

GROUP NO. 2039