

APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

See Boone County Zoning Regulations

SECTION A (To be completed by applicant)

(Check One)

1. [X] Boone [] Florence [] Walton [] Union

(Check One)

2. [] Conditional Use Permit [X] Variance [] Appeal

[] Change in Non-Conforming Use

3. Applicant's Name LLOYD & JEANNE STEPHENSON

Phone Number (606) 371-8611 Fax No. []

Applicant's Address 699 STABLE GATE LN.

FLORENCE KY 41042

© WORK 513-222-5498

PGR 513 736-9297

4. Description of Request: TO REQUEST 36' SET BACK FROM FRONT PROPERTY LINE (TO MOVE FOUNDATION AWAY FROM SEWER DITCH LINE IN REAR OF LOT), AND TO APPROVE 37' SET BACK FROM REAR PROPERTY LINE.

5. Name of Development ARBORWOOD ESTATES

6. Location of Development EAST BEND RD. BURLINGTON KY.

7. Acreage Under Review APPROX 1/2 ACRE

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

LOT # 30 ARBORWOOD SUBDIVISION

9. Owner of Property LLOYD & JEANNE STEPHENSON

Phone Number of Owner (606) 371-8611 10.

Address of Property Owner FLORENCE KY 41042

11. Proposed Use(s) on Site SINGLE FAMILY DWELLING

12. Total Square Footage of Existing and/or Proposed Buildings 2095 SQ.FT.

13. Current Zoning on Property RS/PD

14. Deed Book 756 Page No. 95 Group No. 3886 2009

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: Lloyd Stephenson Jr / Jeanne Stephenson

Property Owner's Signature: Lloyd Stephenson Jr / Jeanne Stephenson

BOARD OF ADJUSTMENT AND
ZONING APPEALS ACTION
APPLICATION
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SECTION B (To be completed by the Boone County Planning Commission Staff)

- 1. Date Received _____ Fee Received _____
- 2. Is application complete? _____ Yes _____ No
- 3. Staff Reviewer MIKE HENDERSON _____
- 4. Scheduled Board Action Date MAY 10, 2000 _____
- 5. Board Action:
 - Approved**
 - _____ **Approved with Conditions (See #6)**
 - _____ **Denial (See #7)**
- 6. Conditions of Approval: _____

- 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.

STAFF REPORT

APPLICANT: Lloyd & Jeanne Stephenson
LOCATION: Lot #30 Catalpa Court, Boone County, Kentucky
ZONING: Rural Suburban/Planned Development (RS/PD)
DATE: May 10, 2000

Proposal

The applicant is requesting a Variance to allow a reduction of the front and rear yard setbacks for a Single Family Dwelling and deck at Lot #30 Catalpa Court, Boone County, Kentucky. The Boone County Zoning Regulations require a minimum front yard setback of 40 feet and a minimum rear yard setback of 40 feet for any structure in a Rural Suburban/Planned Development (RS/PD) zoning district. The proposed design of the house allows the construction of a deck at the edge of a sanitation easement. To maintain the proposed size of the deck, avoid the easement and minimize the impact on the front yard setback, the house needs to encroach on the front yard setback by 4 feet and on the rear yard setback by 3 feet.

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. The approval of this request would reduce the front yard setback by 10%, and the rear yard setback by 7.5%. Both of these reductions are minimal.
2. Lot #30 is in a bend. An approved 4' front yard Variance would have little to no visual impact on the surrounding houses.
3. Lot #30 is in a bend. An approved 3' rear yard Variance would have little to no visual impact on the surrounding houses. Directly behind the proposed house is a lake, a reduced rear yard would not have an adverse effect on any neighboring property.

Conclusion

K.R.S. 100.241 gives the Boone County Board of Adjustment and Zoning Appeals the power to hear and decide on applications for Variances.

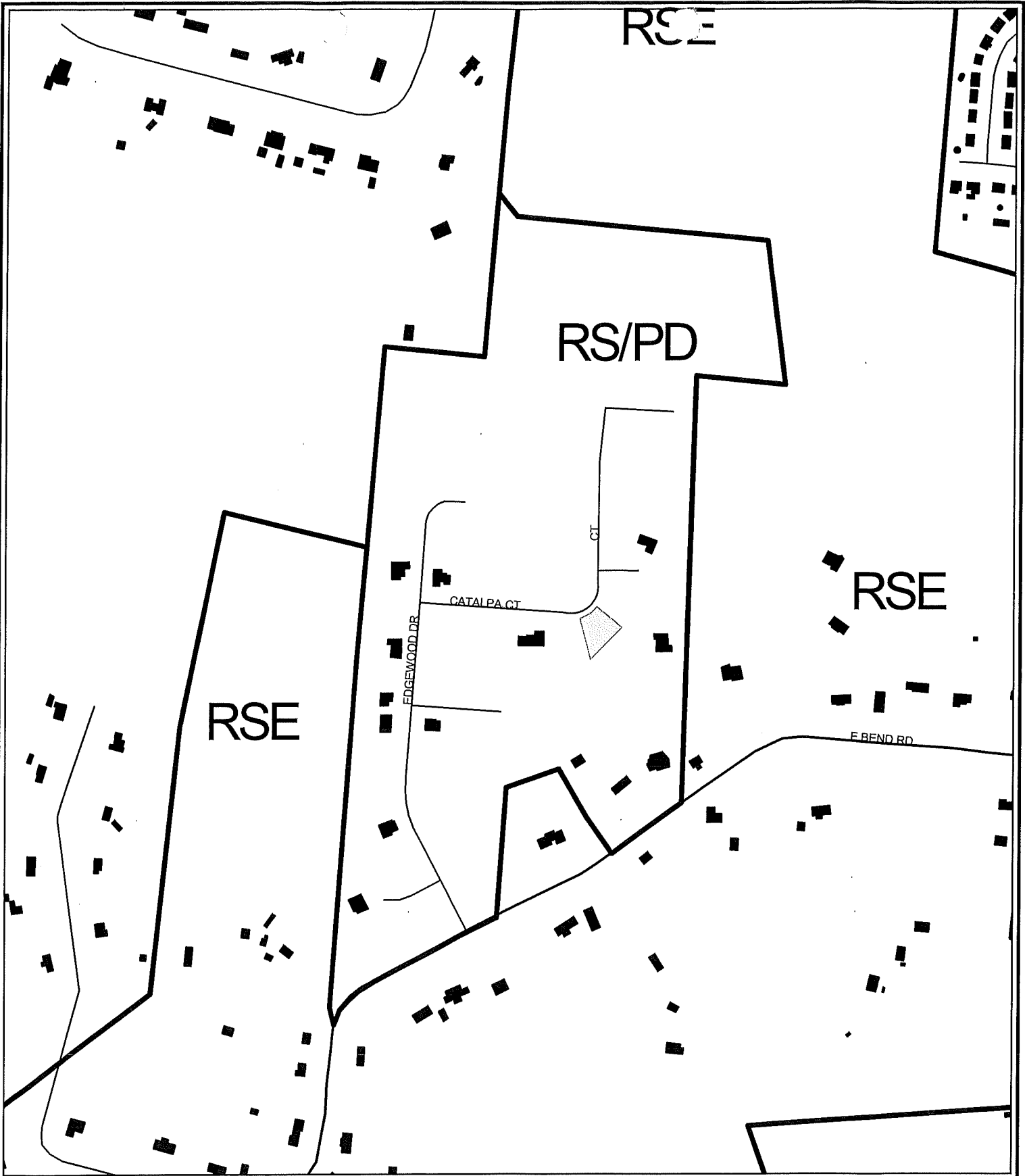
Respectfully Submitted,


Mike Homer
Planner

MH/pr

Attachments

- Site/Zoning Map
- Site Map
- Variance Application



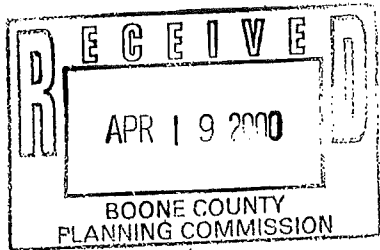
Site/Zoning Map

Lot #30 Catalpa Court



1 inch equals 500 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 May 4, 2000





APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

See Boone County Zoning Regulations

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2. (Check One) Conditional Use Permit [checked] Variance _____ Appeal _____
3. Applicant's Name LLOYD & JEANNE STEPHENSON
Phone Number (606) 371-8611 Fax No. _____
Applicant's Address 699 STABLE GATE LN. FLORENCE KY 41042
4. Description of Request: TO REQUEST 36' SET BACK FROM FRONT PROPERTY LINE...
5. Name of Development ARBORWOOD ESTATES
6. Location of Development EAST BEND RD. BURLINGTON, KY.
7. Acreage Under Review APPROX 1/2 ACRE
8. Lot Number and Name of Subdivision LOT # 30 ARBORWOOD SUBDIVISION
9. Owner of Property LLOYD & JEANNE STEPHENSON
Phone Number of Owner (606) 371-8611
Address of Property Owner FLORENCE KY 41042
11. Proposed Use(s) on Site SINGLE FAMILY DWELLING
12. Total Square Footage of Existing and/or Proposed Buildings 2095 SQ.FT.
13. Current Zoning on Property RS/PD
14. Deed Book 756 Page No. 95 Group No. 3886
15. Is the site subject to a zone change? NO
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: Lloyd Stephenson Jr. / J. Stephenson

Property Owner's Signature: Lloyd Stephenson Jr. / Jeanne R. Stephenson

COPY

CLUR #00-BCBOA-015-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Lloyd & Jeanne Stephenson
699 Stable Gate Lane
Florence, KY 41042

2. ADDRESS OF PROPERTY

4677 Catalpa Court
Burlington, KY 41005

3. NAME OF SUBDIVISION OR
DEVELOPMENT (if applicable)

Arborwood Estates

4. DEED BOOK 756

PAGE NO. 95

GROUP NO. 2029

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
2995 WASHINGTON STREET
BURLINGTON, KENTUCKY 41005



SIGNATURE OF COMPLETING OFFICIAL

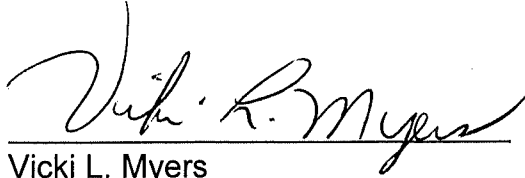
Mike Homer, Planner, Zoning Services
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledged before me by Mike Homer on behalf of the

Boone County Planning Commission this 12 day of May, 2000.

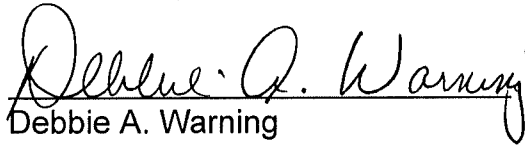


Vicki L. Myers
NOTARY PUBLIC, State at Large

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 May 10, 2000 Certificate of Land Use Restriction (#00-BCBOA-015-A), for Lloyd & Jeanne Stephenson, Property Owner(s).

The following conditions will apply:

No conditions.

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

DEED BOOK 756

PAGE NO. 95

GROUP NO. 2029