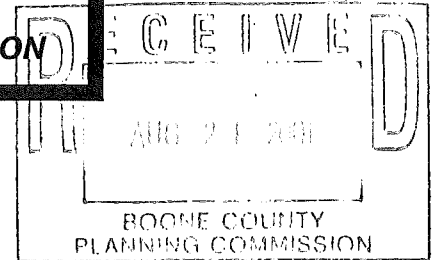


APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION



See Boone County Zoning Regulations

SECTION A (To be completed by applicant)

- 1. (Check One) Boone [checked] Florence _____ Walton _____ Union _____
2. (Check One) Conditional Use Permit [X] Variance _____ Appeal _____ Change in Non-Conforming Use _____
3. Applicant's Name Lee Rickey Center Line Services L.L.C. Phone Number 859-578-8050 Fax No. 859-578-6632. Applicant's Address 519 ENTERPRISE DRIVE Suite 103 Crescent Springs KY 41017
4. Description of Request: Deck encroaches on rear set back of property, variance to allow deck 10x12 to encroach 9' into rear set back of lot
5. Name of Development KIMMIS SUBDIVISION
6. Location of Development Rt. 20 off 237
7. Acreage Under Review _____
8. Lot Number and Name of Subdivision (if part of a subdivision) LOT 18 Section 2 - KIMMIS
9. Owner of Property Center Line Services L.L.C. Phone Number of Owner 578-8050, 893-6744 10. Address of Property Owner SAME AS ABOVE City State Zip
11. Proposed Use(s) on Site Single family - two story
12. Total Square Footage of Existing and/or Proposed Buildings 1300 sq.
13. Current Zoning on Property SR-1
14. Deed Book 724 Page No. 50 Group No. 2006
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: Kay Markesbery (Lee Rickey)

Property Owner's Signature: Kay Markesbery - closing agent

**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 8-21-01 Fee Received \$414.00 RA 28809
2. Is application complete? _____ Yes _____ No
3. Staff Reviewer _____
4. Scheduled Board Action Date 9-12-01
5. Board Action:
 Approved
 Approved with Conditions (See #6)
 Denial (See #7)
6. Conditions of Approval: EXISTING TREES ON REAR
PROPERTY LINE MUST BE
PRESERVED
7. Reasons for Denial: _____

**Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005
(859) 334-2196 - Phone
(859) 334-2264 - Fax
plancom@boonecountyky.org - E-mail**

www.boonecountyky.org

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: Center Line Services LLC

LOCATION: Section 2, Lot 18, Kimmis Subdivision
(2736 Shamu Drive, Boone County, Kentucky).

ZONING: Suburban Residential One (SR-1)

DATE: September 12, 2001

Proposal

Center Line Services LLC is requesting a variance for a reduction in the required 30 foot rear yard setback, for a parcel located at Section 2, Lot 18 of Kimmis Subdivision. The applicant has requested that the rear yard setback be reduced by 9' so that a 10' x 12' deck can be constructed onto the rear of a single-family dwelling (see Exhibit A).

Applicable Regulations

Article 31, Section 3123 of the Boone County Zoning Regulations states, "open structures such as porches, canopies, balconies, platforms, carports, covered patios, and similar architectural projections which occupy space three (3) or more feet above the general ground level of the yard shall be considered parts of the building to which attached and shall not project into the required minimum front, side or rear yard."

Article 2, 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 should evaluate the applicant's request as it relates to the criteria necessary for granting a variance as stated 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.

Surrounding Land Uses and Zoning

The property, lot 18 on Shamu Drive, is located in Kimmis Subdivision and is zoned Suburban Residential One (SR-1). The house on the 0.19 acre parcel is currently under construction. The rear property line contains some mature deciduous trees and adjoins a future section of Liberty Crossing Subdivision (SR-1). A zoning map of the immediate area has been attached to the Staff Report.

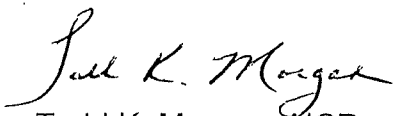
Staff Comments

The properties located to the rear of Lot 18 are planned to contain single-family homes in the future. The variance sought by the applicant is a 9 foot (or 30% reduction) departure from the required 30 foot rear yard setback. Staff believes that the request will not alter the character of the neighborhood, if the applicant is willing to keep to mature deciduous trees along the rear property line.

Conclusion

KRS 100.241 and Section 250 of the Boone County Zoning Regulations gives the Boone County Board of Adjustment and Zoning Appeals the authority to grant the applicant's request for a rear yard setback variance from 30 feet to 21 feet. It is Staff's opinion that granting 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.

Respectfully submitted,

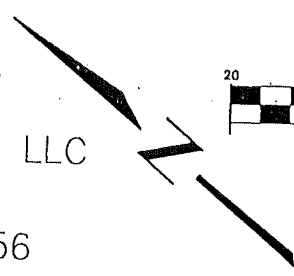

Todd K. Morgan, AICP
Planner, Zoning Services

TKM/pr

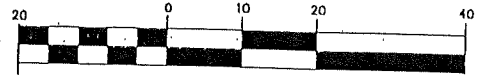
Attachments

- Exhibit A – Concept Plan
- Exhibit B – Kimmis Subdivision Final Plat
- Exhibit C – Zoning Map
- Exhibit D – Application

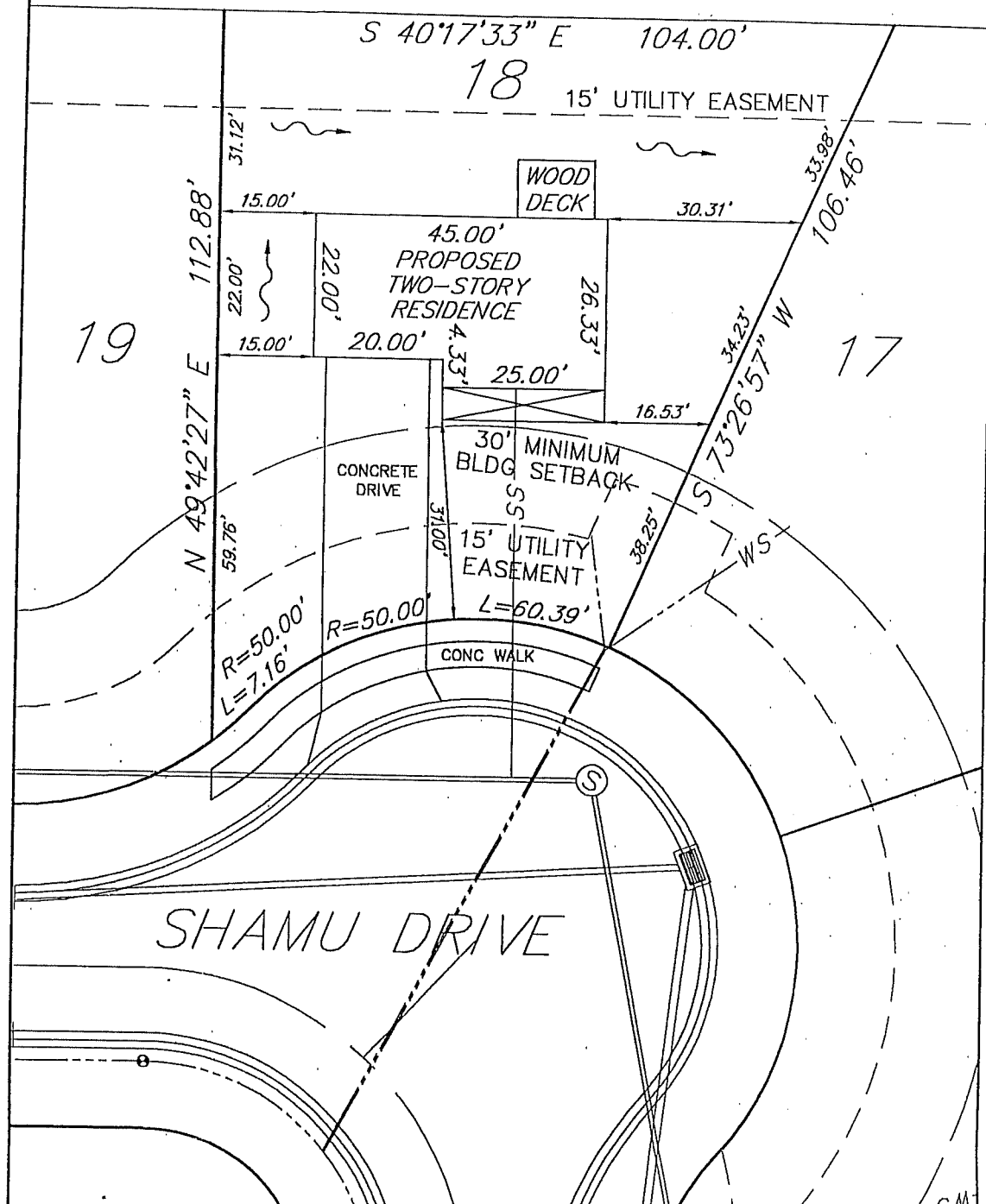
RECEIVED
 LIBERTY CROSSING LLC
 40 ACRES
 D.B. 635, PG. 156



GRAPHIC SCALE



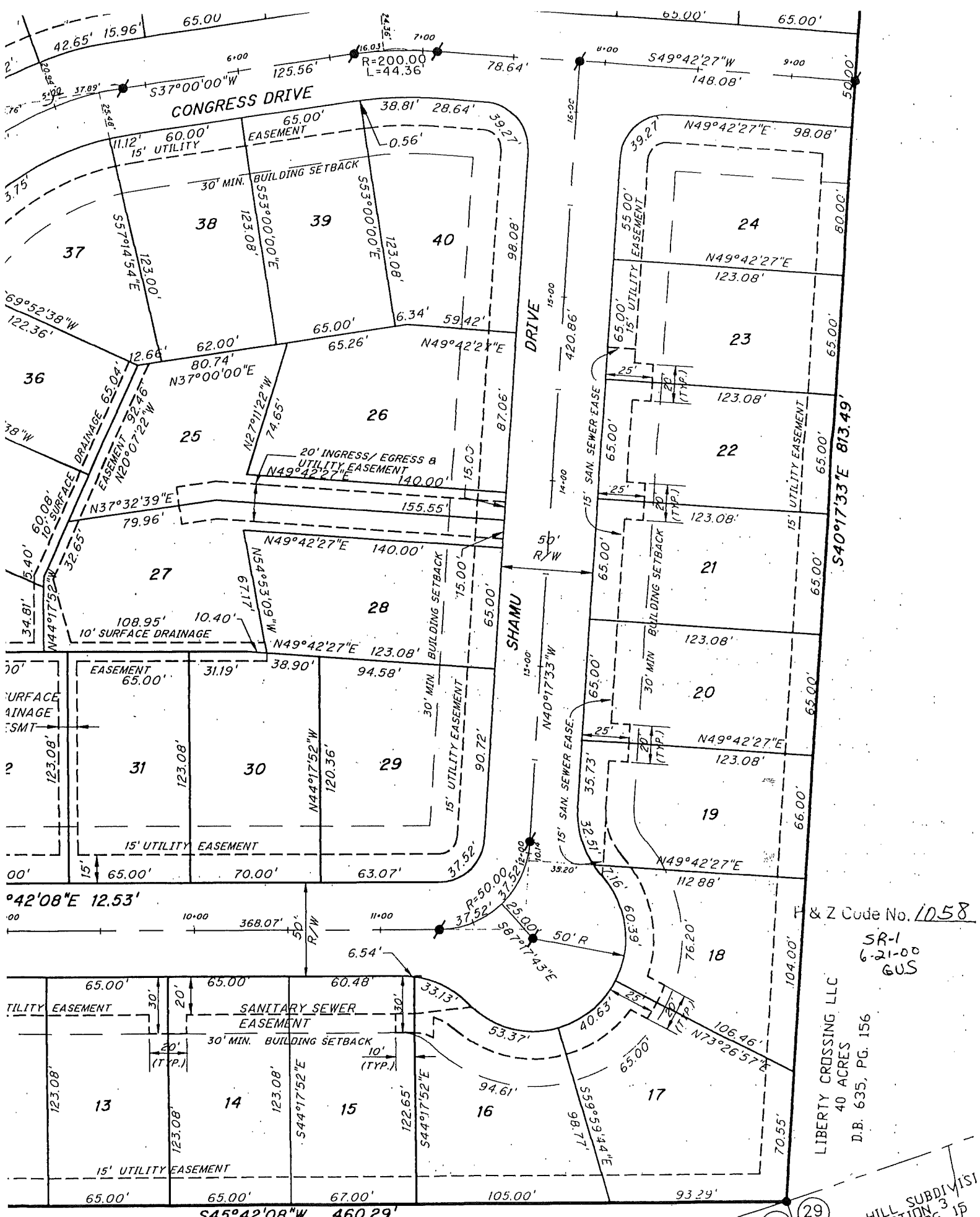
(IN FEET)
 1 inch = 20 ft.



DRAWN BY:
 DTRE
 CHECKED BY:
 JBER
 JOB #
 2000-11
 DATE:
 06-26-01

PLOT PLAN
 FOR
 CENTER LINE SERVICES, LLC
 KIMMIS SUBDIVISION, SECTION TWO
 LOT #18
 BOONE COUNTY, KENTUCKY

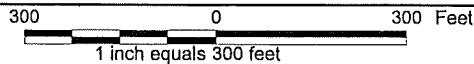
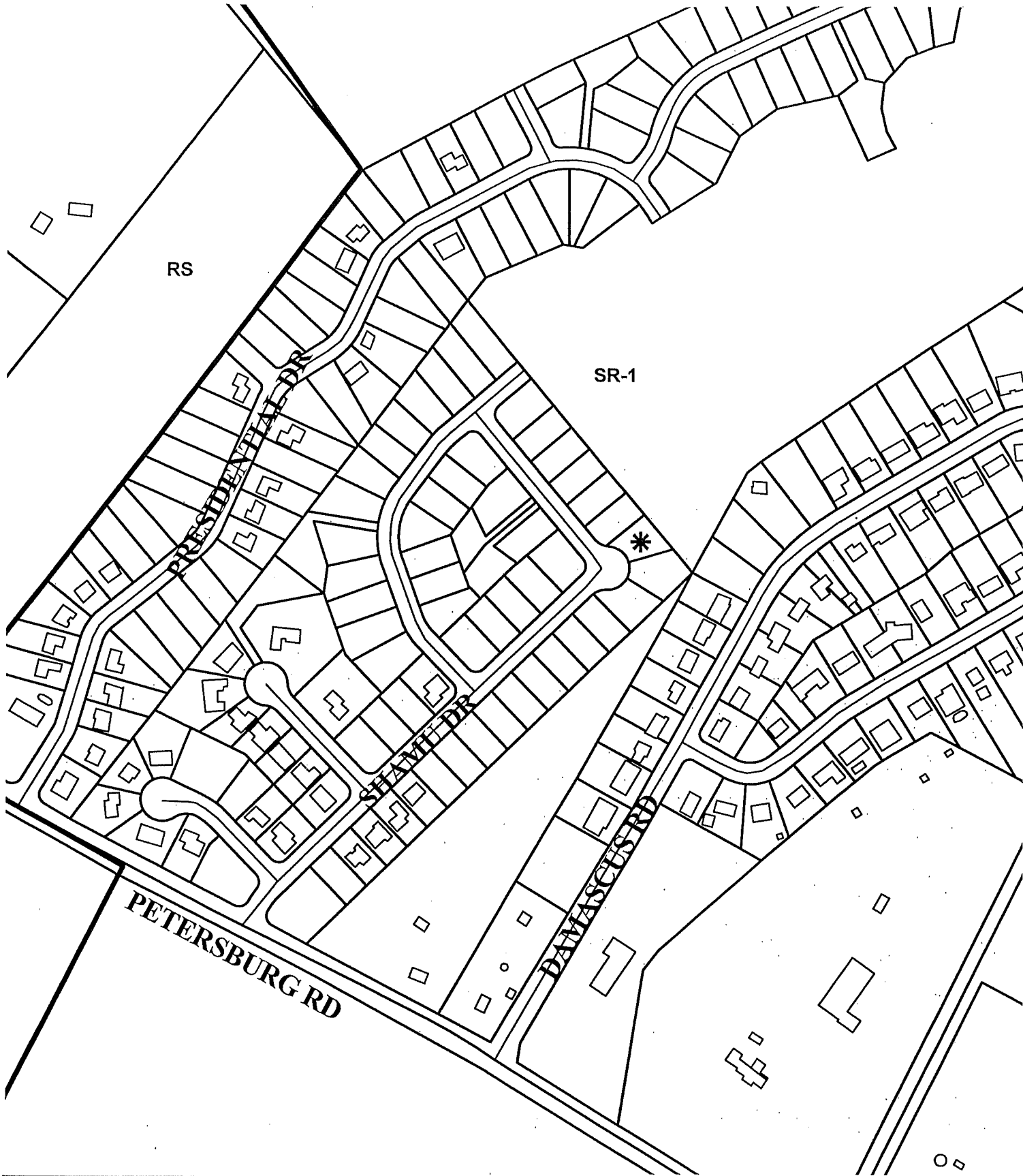
CL
 CENTER LINE
 ENGINEERING &
 SURVEYING, PLLC
 519 Enterprise Drive
 Suite #103
 Crescent Springs, KY 41017
 (859) 578-8050 Fax (859) 578-6632



F & Z Code No. 1058
 SR-1
 6-21-00
 GUS

LIBERTY CROSSING LLC
 40 ACRES
 D.B. 635, PG. 156

MARS HILL SUBDIVISION
 SECTION 3
 P.B. 17, PG. 1P



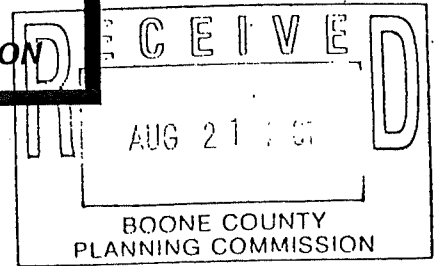
Centerline Services LLC
Zoning Map

Produced by the
Boone County Planning Commission
GIS Services Division
August 22, 2001



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)

- 1. (Check One) Boone _____ Florence _____ Walton _____ Union _____
- 2. (Check One) _____ Conditional Use Permit Variance _____ Appeal _____
_____ Change in Non-Conforming Use
- 3. Applicant's Name Lee Rickey Center Line Services L.L.C.
Phone Number 859-578-8050 Fax No. 859-578-6632
Applicant's Address 519 Enterprise Drive Suite 103
Crescent Springs KY 41017
City State Zip
- 4. Description of Request: Deck encroaches on rear set back of property, VARIANCE to allow deck 10x12 to encroach 9' into rear set back of LOT
- 5. Name of Development KIMMIS SUBDIVISION
- 6. Location of Development Rt. 20 off 237
- 7. Acreage Under Review _____
- 8. Lot Number and Name of Subdivision (if part of a subdivision)
LOT 18 Section 2 - KIMMIS
- 9. Owner of Property Center Line Services L.L.C.
Phone Number of Owner 578-8050, 893-6744 10.
Address of Property Owner SAME AS ABOVE
City State Zip
- 11. Proposed Use(s) on Site SINGLE FAMILY - two story
- 12. Total Square Footage of Existing and/or Proposed Buildings 1300 sq.
- 13. Current Zoning on Property SR-1
- 14. Deed Book 724 Page No. 50 Group No. 4129
- 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: Kay Markesbery (Lee Rickey)

Property Owner's Signature: Kay Markesbery - closing agent

COPY

CLUR #01-BCBOA-020-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Center Line Services, L.L.C.
519 Enterprise Drive, Suite 103
Crescent Springs, KY 41017
2. ADDRESS OF PROPERTY
Hebron, KY 41048
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Lot 18, Kimmis Subdivision
4. DEED BOOK 724 PAGE NO. 50 GROUP NO. 2006
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

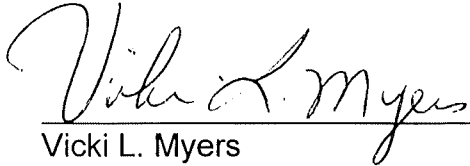

SIGNATURE OF COMPLETING OFFICIAL

Todd K. 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 K. Morgan on behalf of the
Boone County Planning Commission this 25 day of September, 2001.



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 September 12, 2001 Certificate of Land Use Restriction (#01-BCBOA-020-A), for Center Line Services, L.L.C., Property Owner(s).

The following conditions will apply:

- 1) The trees along the rear property line are to be left in tact, but the applicant may trim the limbs of the tree that would overhang the deck.

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

DEED BOOK 724

PAGE NO. 50

GROUP NO. 2006