

01-BCBoA-026-A

APPLICATION FORM

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

SEP 17 2001
BOONE COUNTY
PLANNING COMMISSION

See Boone County Zoning Regulations

SECTION A (To be completed by applicant)

- (Check One)
1. Boone _____ Florence _____ Walton _____ Union _____
 - (Check One)
 2. _____ Conditional Use Permit Variance _____ Appeal _____
_____ Change in Non-Conforming Use
 3. Applicant's Name Center Line Services LLC
Phone Number 578-8050 Fax No. 578-6632
Applicant's Address 519 ENTERPRISE DRIVE Suite 103
Crescent Springs KY 41017
City State Zip
 4. Description of Request: Rear ~~YARD~~ YARD SETBACKS
ARE BEING ENCRACHERD ON.
 5. Name of Development KIMMIS
 6. Location of Development RT. 20 SHAMU DRIVE
 7. Acreage Under Review _____
 8. Lot Number and Name of Subdivision (if part of a subdivision)
LOT 25
 9. Owner of Property CENTER LINE
Phone Number of Owner 578-8050
 10. Address of Property Owner 519 ENTERPRISE DRIVE KY 41017
City State Zip
 11. Proposed Use(s) on Site single Family
 12. Total Square Footage of Existing and/or Proposed Buildings 1300
 13. Current Zoning on Property SR1
 14. Deed Book 724 Page No. 46, 50 Group No. 2006
 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: Juan M. Kirby

Property Owner's Signature: Juan M. Kirby

(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 9-17-01 Fee Received \$1287.00 R# 29111
2. Is application complete? _____ Yes _____ No _____
3. Staff Reviewer _____ *See R#*
4. Scheduled Board Action Date _____ *28830*
5. Board Action: Approved with Conditions (See #6) 10-10-01
Denial (See #7) Applicant must install
THREE (3) SIX-foot tall fences
within the REAR YARD and Two (2) SIX-foot
tall fences in the FRONT YARD *\$100.00 adjustment*
6. Conditions of Approval: _____
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
LOCATION: Section 2, Lot 25, Kimmis Subdivision
(2719 Shamu Drive, Boone County, Kentucky).
ZONING: Suburban Residential One (SR-1)
DATE: October 10, 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 25 of Kimmis Subdivision. The .21 acre site is zoned Suburban Residential One (SR-1) and is a flag lot. The request is to reduce the rear yard setback from 30' to 23'.

Site History

On September 12, 2001, the Boone County Board of Adjustment tabled Center Line Services request for a front yard setback variance. This request was to reduce the front yard setback from 30' to 17'. Staff recommended that the Variance needed to be split up between the front yard and the rear yard so the impact on lot 26, of Kimmis Subdivision, would not be so great. The revised Concept Development Plan shows that the applicant is now seeking a 7' front yard setback Variance (30' to 23').

Applicable Regulations

Article 40 of the Boone County Zoning Regulations defines the front yard as, "a yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building. **For flag lots, the front yard is measured from the rear lot line of the adjoining lot that is between the flag lot in question and the street.**"

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 25 on Shamu Drive, is located within Kimmis Subdivision and is zoned Suburban Residential One (SR-1). The subject parcel is adjacent to other lots within Kimmis Subdivision. Another undeveloped flag lot is located to the southeast of the site. A Final Plat and Zoning Map have been attached to the Staff Report.

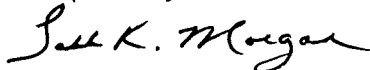
Staff Comments

While Staff is concerned about the impact that the Variance will have on lots 35, 36, and 37, the new proposal will achieve the objective of balancing the home on the lot. Staff recommends a condition that would require the applicant to plant three six-foot tall trees within the rear yard and two six-foot tall trees to be planted within the front yard.

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 23 feet. It is Staff's opinion that granting the Variance will not alter the essential character of the general vicinity if the applicant agrees to a condition which requires some trees to be planted within the front and rear yards of the property.

Respectfully submitted,



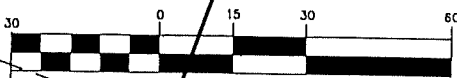
Todd K. Morgan, AICP
Planner, Zoning Services

TKM/pr

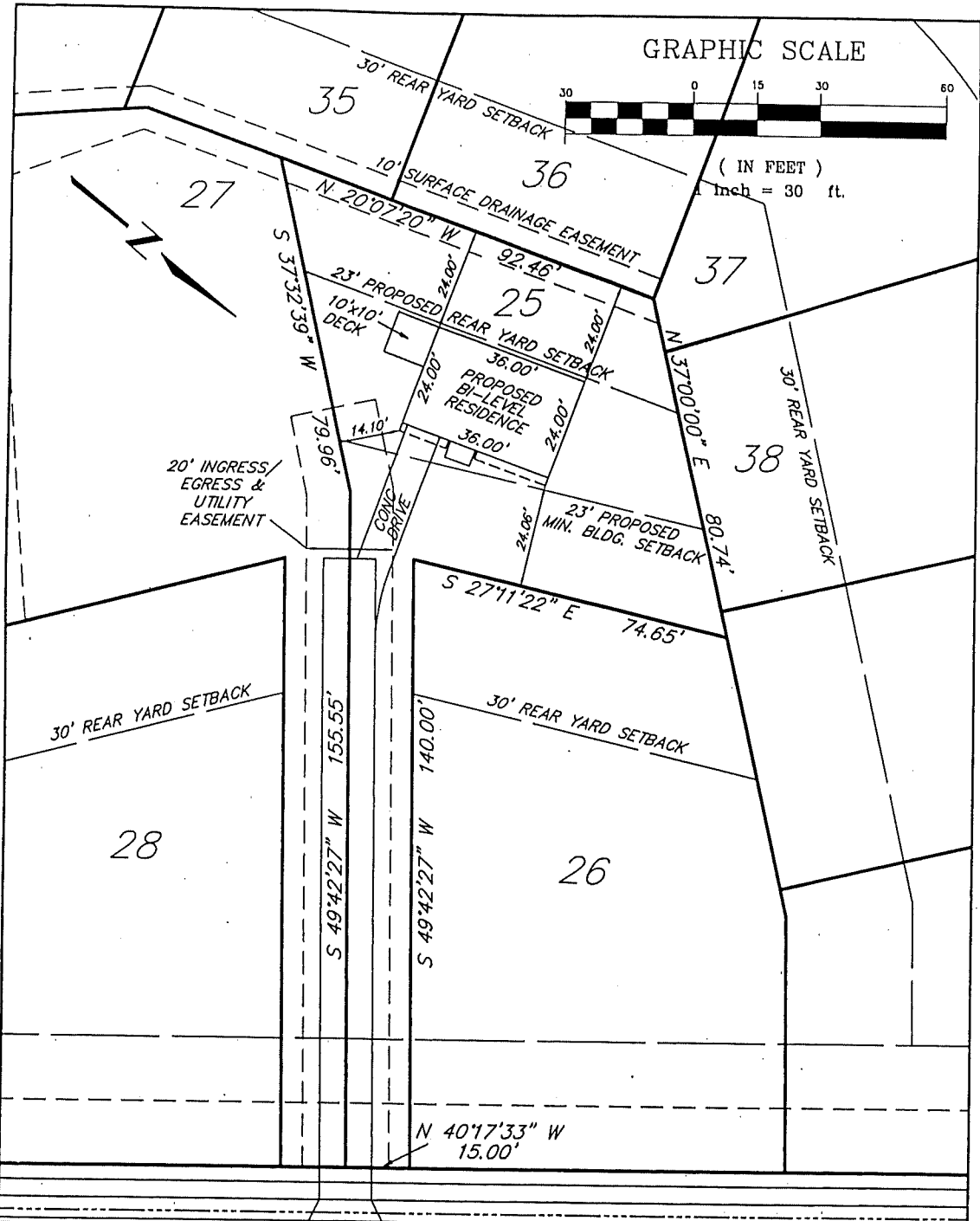
Attachments

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

GRAPHIC SCALE



(IN FEET)
1 inch = 30 ft.



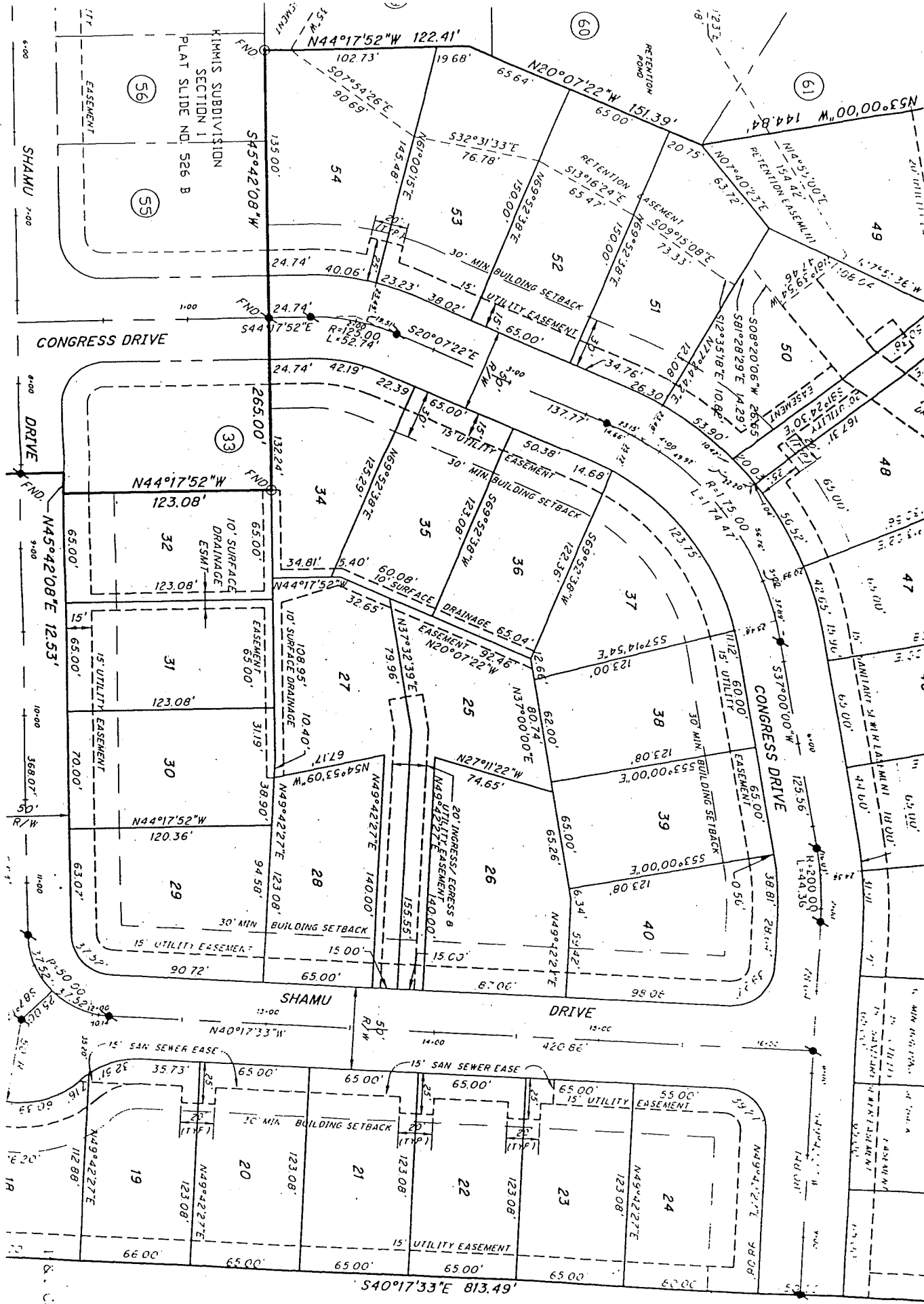
SHAMU DRIVE
25' B/C, 50' R/W

DRAWN BY:
DTR
CHECKED BY:
JBER
JOB #
2000-11
DATE:
08-31-01

VARIANCE EXHIBIT
FOR
CENTER LINE SERVICES, LLC
KIMMIS SUBDIVISION, SECTION TWO
LOT 25
BOONE COUNTY, KENTUCKY

BOONE COUNTY
PLANNING & COMMUNITY DEVELOPMENT

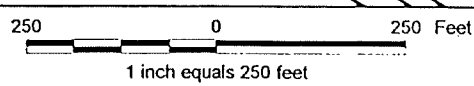
**CENTER LINE
ENGINEERING &
SURVEYING, PLLC**
519 Enterprise Drive
Suite #103
Crescent Springs, KY 41017
(659) 578-0050 Fax (659) 578-6632



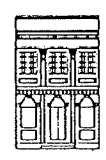
SR-1
 6.21.00
 10.00



Center Line Services Zoning Map



Produced by the
Boone County Planning Commission
GIS Services Division
August 24, 2001



APPLICATION FORM

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

See Boone County Zoning Regulations

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Phone Number of Owner 578-8050
10. Address of Property Owner 519 ENTERPRISE DRIVE KY 41017
City State Zip
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Applicant's Signature: Jim M. Kirby

Property Owner's Signature: Jim M. Kirby

(over)

COPY

CLUR #01-BCBOA-026-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Center Line Services
519 Enterprise Drive, Suite 103
Crescent Springs, KY 41017
2. ADDRESS OF PROPERTY
Lot 25, Kimmis Subdivision
Hebron, KY 41048
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Kimmis, Lot 25
4. DEED BOOK 724 PAGES 46, 47, 50, 51,52 GROUP NO. 2006
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
2995 WASHINGTON STREET
BURLINGTON, KENTUCKY 41005



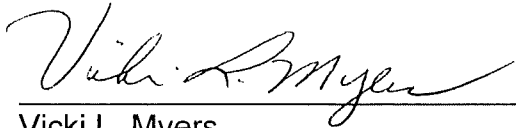
SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

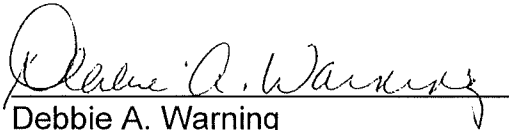
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 16 day of October, 2001.



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 October 10, 2001 Certificate of Land Use Restriction (#01-BCBOA-025-A), for Center Line Services, 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 724

PAGES 46, 47, 50, 51, 52

GROUP NO. 2006