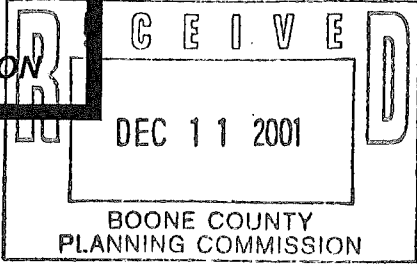


APPLICATION FORM

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 DAVID LAWSON
Phone Number 426-0337 Fax No.
Applicant's Address 2143 LONGFORD DR.
CRESCENT SPRINGS KY 41017
City State Zip

4. Description of Request: DIVISION OF 7.7046 ACRES FROM 41.7 ACRE TRACT. REDUCING REQUIRED LOT FRONTAGE ON REMAINDER TRACT FROM 150' TO 61.9'

5. Name of Development

6. Location of Development 5710 VILE LANE

7. Acreage Under Review 41.7

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

9. Owner of Property SAME AS ABOVE

Phone Number of Owner 10.

Address of Property Owner
City State Zip

11. Proposed Use(s) on Site

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

13. Current Zoning on Property A-2

14. Deed Book 209 Page No. 201 Group No. 2024

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: David Lawson

Property Owner's Signature: David Lawson

**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 12-11-01 Fee Received \$420.00 R# 29861
- 2. Is application complete? _____ Yes _____ No
- 3. Staff Reviewer _____
- 4. Scheduled Board Action Date 1-9-02
- 5. Board Action:
 Approved
 Approved with Conditions (See #6)
 Denial (See #7)
- 6. Conditions of Approval: NONE
- 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: David Lawson
LOCATION: 5710 Vice Lane, Boone County, Kentucky
ZONING: Agricultural Estate (A-2)
DATE: January 9, 2002

Proposal

The property owners are requesting a variance to reduce the required lot frontage for a parcel of land, which is located at 5710 Vice Lane, Boone County, Kentucky.

The owners are attempting to do a Conveyance Plat to split their 41 acre parcel into two legal lots of record (see Concept Plan). However, the proposed 7.7046 acre remainder tract is not meeting the 150 foot lot frontage requirement. As a result, the owners are seeking a variance to reduce the minimum lot frontage from 150 feet to 61.9' feet.

Applicable Regulations

Article 40, Section 4000 of the Boone County Zoning Regulations defines the front yard as a yard extending between side lot lines cross the front of a lot and from the front lot line to the front of the principal building.

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.

Site Characteristics

The 41 acre site currently contains a single-family residence and a barn. These structures will be located on the proposed 7.7046 acre tract, if the variance and conveyance plat are approved. Access for the proposed 34 acre flag lot is shown off of an existing hammerhead that immediately adjoins the Vice Lane right-of-way.

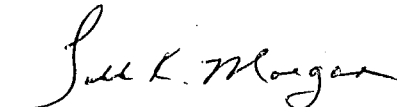
Surrounding Land Uses

- North: 149 acre agricultural parcel, which fronts on Shady Hollow Lane (A-2)
- South: Single-family residential dwellings on Vice Lane (A-2)
- East: 81 acre agricultural parcel, which fronts on KY 18
- West: Single-family residential dwellings on Vice Lane (A-1 & A-2)

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 lot frontage variance from 150 feet to 61.9 feet. It is Staff's opinion that denying the variance would deprive the applicants of the reasonable use of their land and would create an unnecessary hardship.

Respectfully submitted,

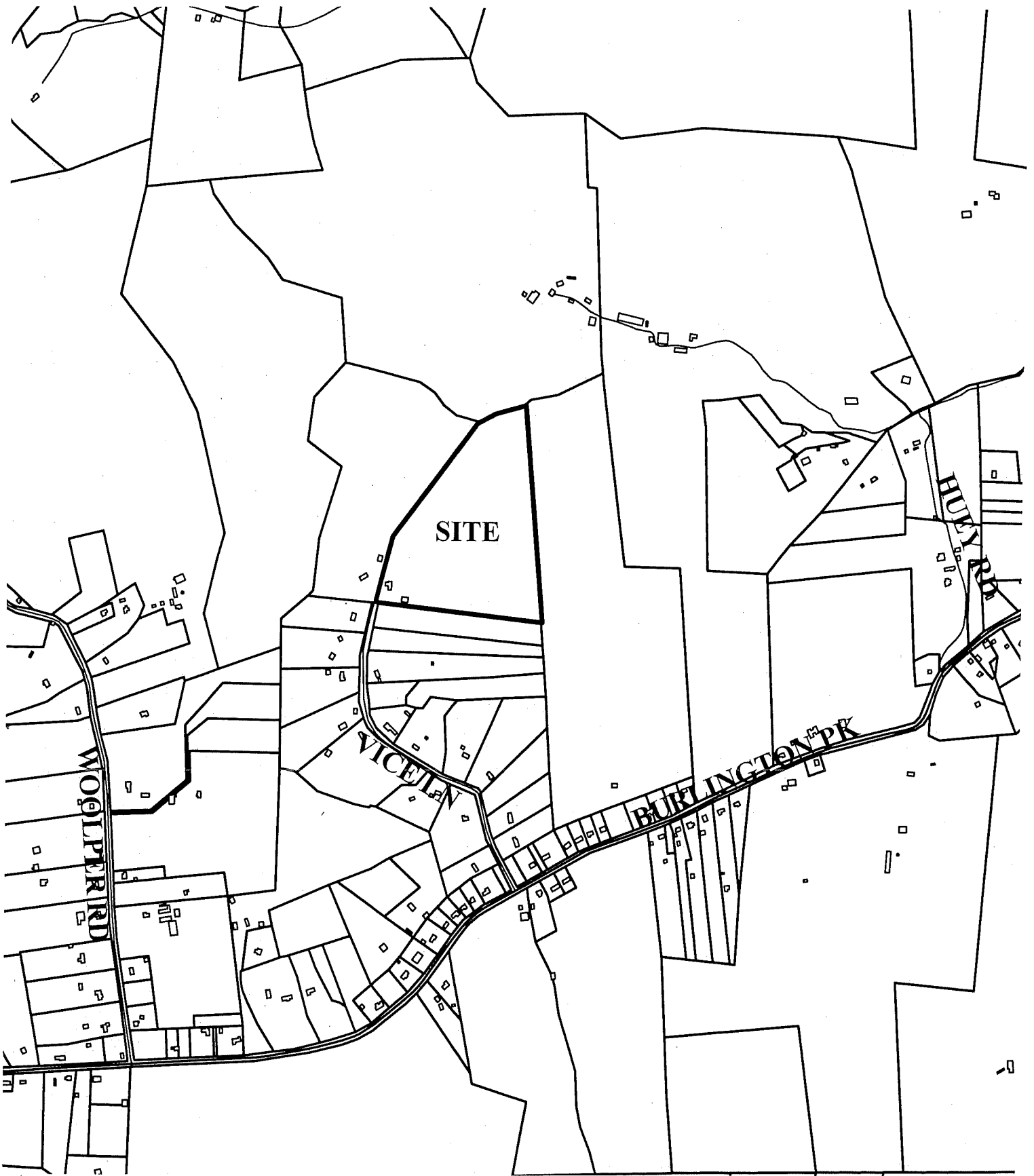


Todd K. Morgan, AICP
Planner, Zoning Services

TKM/pr

Attachments

- Exhibit A – Site Vicinity Map
- Exhibit B – Concept Plan
- Exhibit C – Concept Plan
- Exhibit D – Aerial Map
- Exhibit E – Application



Lawson Property Site Vicinity Map

1100 0 1100 Feet

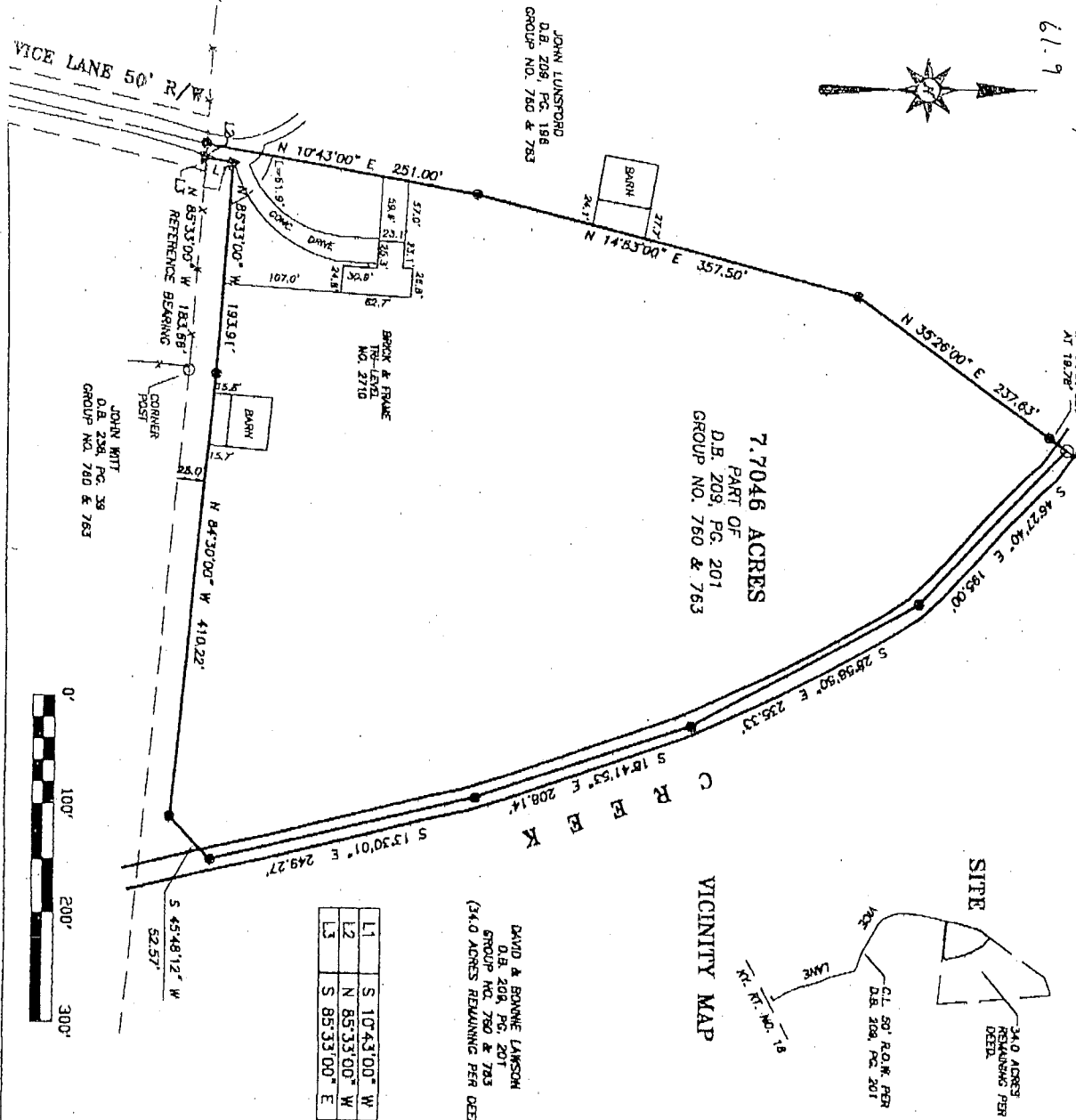


1 inch equals 1100 feet

Produced by the
Boone County Planning Commission
GIS Services Division
December 17, 2001



61.9



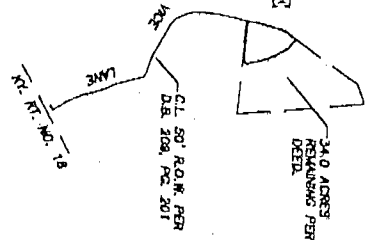
7.7046 ACRES
PART OF
D.B. 209, PG. 201
GROUP NO. 780 & 763

DAVID & BONNIE LAWSON
D.B. 208, PG. 201
GROUP NO. 780 & 783
(34.0 ACRES REMAINING PER DEED)

L1	S 10°43'00" W	25.15'
L2	N 85°33'00" W	12.56'
L3	S 85°33'00" E	12.77'



VICINITY MAP



I CERTIFY THAT THIS PLAT DEPICTS A SURVEY MADE BY ME OR UNDER MY SUPERVISION IN ACCORDANCE WITH THE KENTUCKY MINIMUM SURVEYING STANDARDS, AND COMPLIES WITH ALL REQUIREMENTS OF THE BROOKS COUNTY ZONING AND SUBDIVISION REGULATIONS, AND THAT DESIGNATED AREAS INCLUDING PUBLIC LANE OR STREETS ARE CURRENTLY OWNED BY THE PROPERTY OWNER.

ANDREW R. AMENT, REG. NO. 1729 DATE

ANDREW R. AMENT, REG. NO. 1729 DATE

THIS PLAT SHALL BE VOID IF NOT FILED WITH THE BROOKS COUNTY CLERK FOR RECORDING PURPOSES WITHIN (2) YEARS OF PLANNING COMMISSION APPROVAL.

BROOKS COUNTY PLANNING COMMISSION APPROVAL CERTIFICATE APPROVED FOR RECORDING THE TRANSFER OF PROPERTY ONLY BY THE BROOKS COUNTY PLANNING COMMISSION THIS DAY OF _____, 2001

CHAIRMAN'S SIGNATURE

- ▲ INDICATES P.K. NAIL SET IN CENTER OF EXISTING PAVEMENT.
- INDICATES P.I. OF RIGHT OF WAY LINE OR CENTER LINE.
- INDICATES 1/2" x 24" IRON PIN WITH YELLOW CAP STAMPED 2936 ON IT, SET.

SURVEY FOR DIVISION

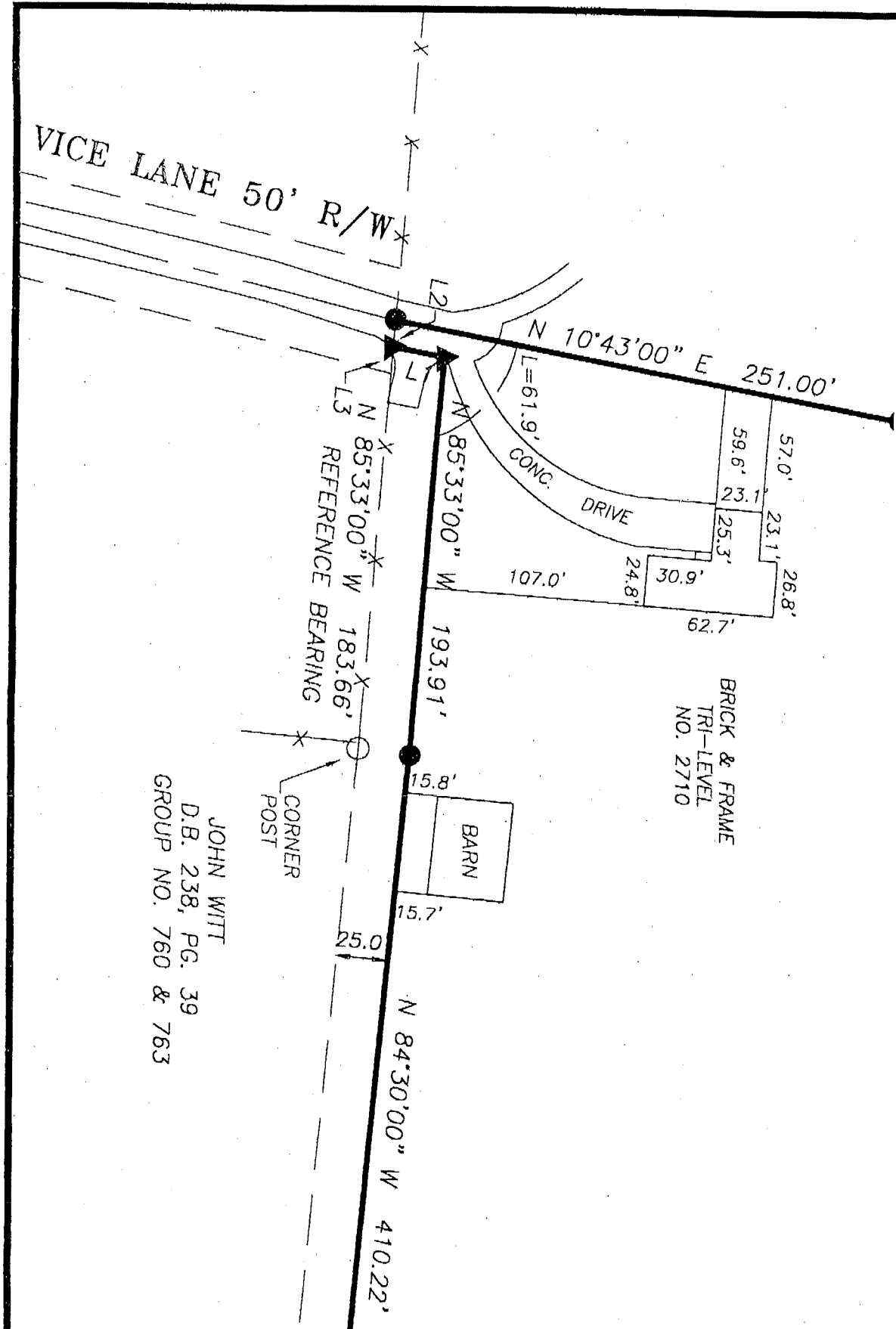
FOR
DAVID & BONNIE LAWSON
5710 VICE LANE
BURLINGTON, KY 41008

PART OF
DAVID & BONNIE LAWSON PROPERTY
5710 VICE LANE
BURLINGTON, KY 41008

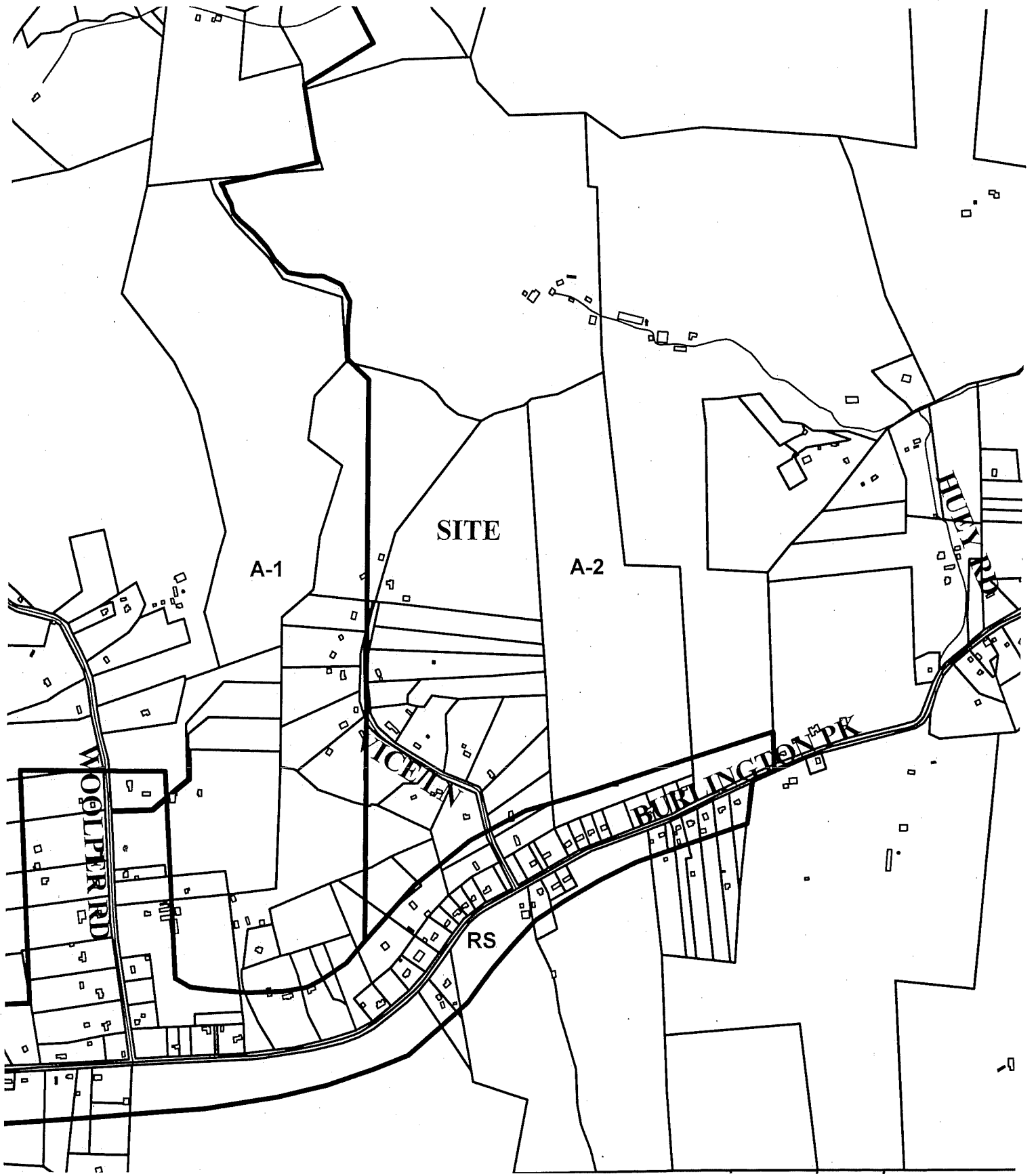
LOCATED ON THE EAST SIDE OF VICE LANE AND AT THE NORTH END OF VICE LANE
BROOKS COUNTY, KENTUCKY

SCALE 1" = 100'
DATE 11-28-01
DRAWN BY J.L.C.
JOB NO. 0111
OTTIBRILANSON

ANDREW R. AMENT
LAND SURVEYOR, P.S.C.
635 FAIR OAKS LANE, EGGERSWOOD, KENTUCKY 41017
FAX 859-341-7828



JOHN WITT
 D.B. 238, PG. 39
 GROUP NO. 760 & 763



Lawson Property Zoning Map

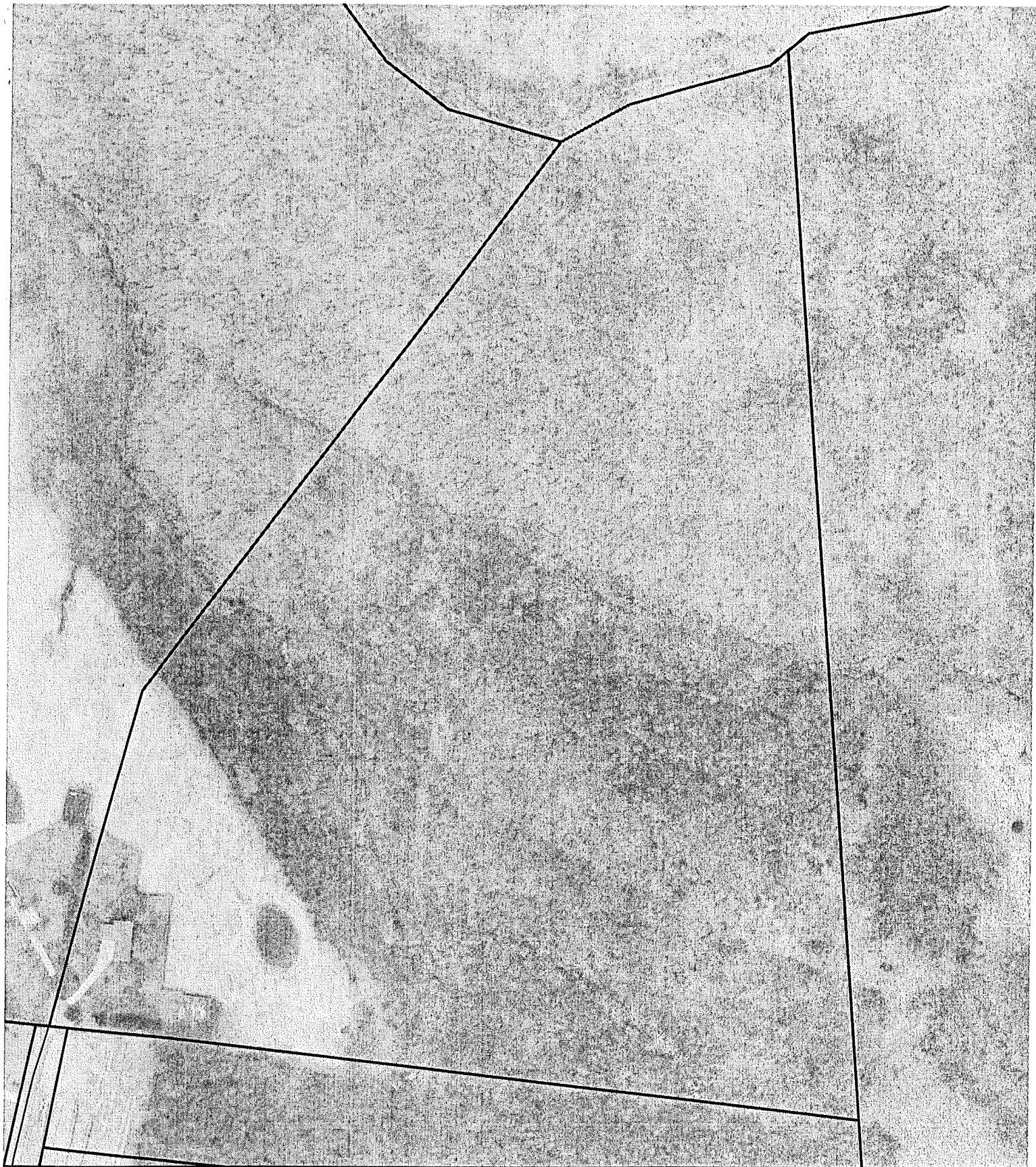
1100 0 1100 Feet



1 inch equals 1100 feet

Produced by the
Boone County Planning Commission
GIS Services Division
December 17, 2001





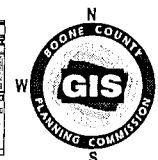
Lawson Property

225 0 225 Feet



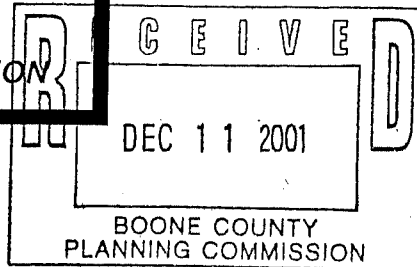
1 inch equals 225 feet

Produced by the
Boone County Planning Commission
GIS Services Division
December 20, 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)

(Check One)

1. Boone _____ Florence _____ Walton _____ Union _____

(Check One)

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

3. Applicant's Name DAVID LAWSON

Phone Number 426-0337 Fax No. _____

Applicant's Address 2143 LONGFORD DR.

CRESCENT SPRINGS KY. 41017
City State Zip

4. Description of Request: DIVISION OF 7.7046 ACRES FROM
41.7 ACRE TRACT. REDUCING REQUIRED LOT FRONTAGE
ON REMAINDER TRACT FROM 150' TO 61.9'

5. Name of Development _____

6. Location of Development 5710 VILE LANE

7. Acreage Under Review _____

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

9. Owner of Property SAME AS ABOVE

Phone Number of Owner _____ 10.

Address of Property Owner _____

City State Zip

11. Proposed Use(s) on Site ~~_____~~

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

13. Current Zoning on Property _____

14. Deed Book 209 Page No. 201 Group No. 2024

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: David Lawson

Property Owner's Signature: David Lawson

COPY

CLUR #02-BCBOA-002-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

David Lawson
2143 Longford Dr.
Crescent Springs, KY 41017

2. ADDRESS OF PROPERTY

5710 Vice Lane
Burlington, KY 41005

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

4. DEED BOOK 209

PAGE NO. 201

GROUP NO. 2024

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
2995 WASHINGTON STREET
BURLINGTON, KENTUCKY 41005

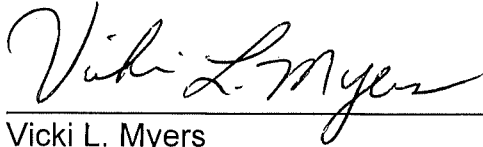

SIGNATURE OF COMPLETING OFFICIAL

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 10 day of January, 2002.



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 9, 2002 Certificate of Land Use Restriction (#02-BCBOA-002-A), for David Lawson, 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 209

PAGE NO. 201

GROUP NO. 2024