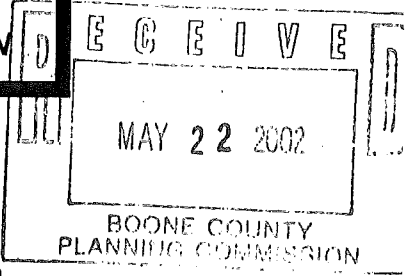


APPLICATION FORM

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 _____ Variance [checked] Appeal _____ Change in Non-Conforming Use _____
3. Applicant's Name T+D Remodeling LLC, Darryl S Black, Phone Number 859-272-2712, Fax No. 859-586-2344, Applicant's Address 70201 176 Hebron, KY 41080
4. Description of Request: - Foundation - in front - had uncovered 2' 8" ea easement Front Yard Setback Variance From 30' to 37' 2"
5. Name of Development Kimmis Subdivision
6. Location of Development Hebron, KY off Route
7. Acreage Under Review .22
8. Lot Number and Name of Subdivision (if part of a subdivision) Sect. 2, Lot 24 Kimmis Sub
9. Owner of Property Donald Stebbins, Phone Number of Owner, Address of Property Owner 10091 Pittman Blvd Flor Ky, 41002
10.
11. Proposed Use(s) on Site single family
12. Total Square Footage of Existing and/or Proposed Buildings
13. Current Zoning on Property - Prec SR-1
14. Deed Book 724 Page No. 50 Group No. 2001
15. Is the site subject to a zone change? No
16. Have you submitted a Site Plan with this request? No
17. Have you submitted a list of adjoining property owners with this request?
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: [Signature]

Property Owner's Signature: [Signature]

**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 5-22-02 Fee Received \$426.00 RA 31472
2. Is application complete? _____ Yes _____ No _____
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
 Approved 6-12-02
 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: T & D Remodeling LLC

LOCATION: Section 2, Lot 24, Kimmis Subdivision
(2712 Shamu Drive, Boone County, Kentucky).

ZONING: Suburban Residential One (SR-1)

DATE: June 12, 2002

Proposal

T & D Remodeling is requesting a variance to reduce the front yard setback requirement from 30' to 27' 2" for a single-family dwelling which is partially constructed on Section 2, Lot 24 of Kimmis Subdivision. The request, if approved, will allow the existing concrete foundation to remain where it has been poured (see attachments).

Site History

On August 25, 2000, a zoning permit was issued to construct the single-family residence. The zoning permit showed the house meeting the 30' front yard setback requirement (see attachments).

Applicable Regulations

Article 2, Section 250 of the Boone County Zoning Regulations states that the Board of Adjustment 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 is located in Kimmis Subdivision and is zoned Suburban Residential One (SR-1). The adjoining properties are single-family residential lots and are also zoned SR-1.

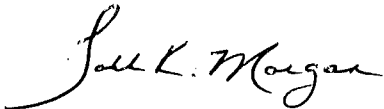
Staff Comments

Staff believes that the foundation was poured too close to the property line unintentionally and should not be viewed as a willful violation. Furthermore, Staff believes that granting the variance will not alter the essential character of the area or adversely affect the public health or safety.

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 front yard setback variance from 30' to 27' 2".

Respectfully submitted,

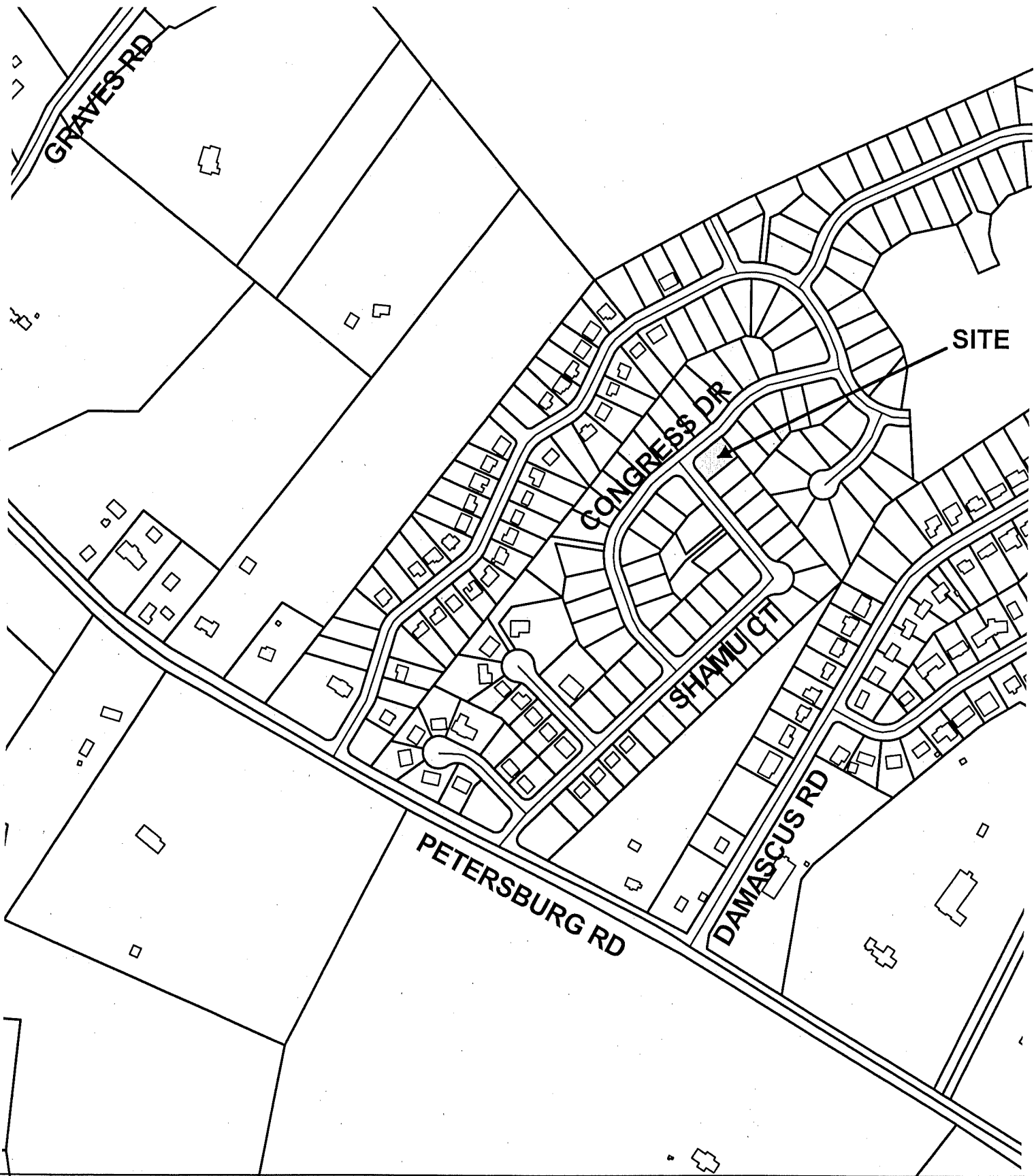


Todd K. Morgan, AICP
Planner, Zoning Services

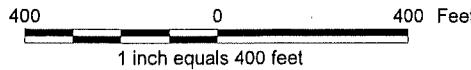
TKM/pr

Attachments

- Exhibit A – Site Vicinity Map
- Exhibit B – Concept Plan
- Exhibit C – Front Elevation Drawing
- Exhibit D – Zoning Map
- Exhibit E – August 25, 2000 Zoning Permit
- Exhibit F – Photos
- Exhibit G – Application

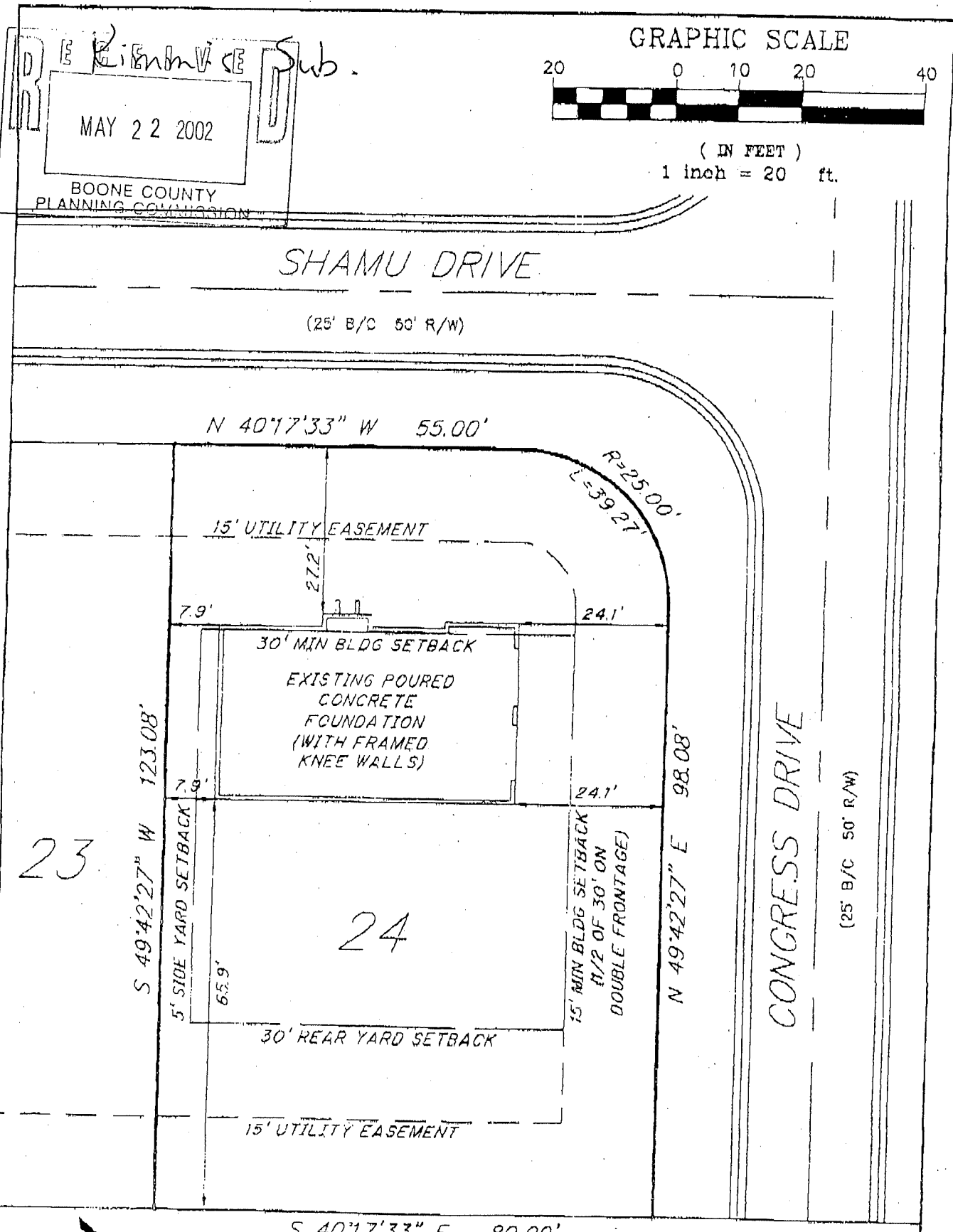


**Section 2, Lot 24 Kimmis
Site Vicinity Map**



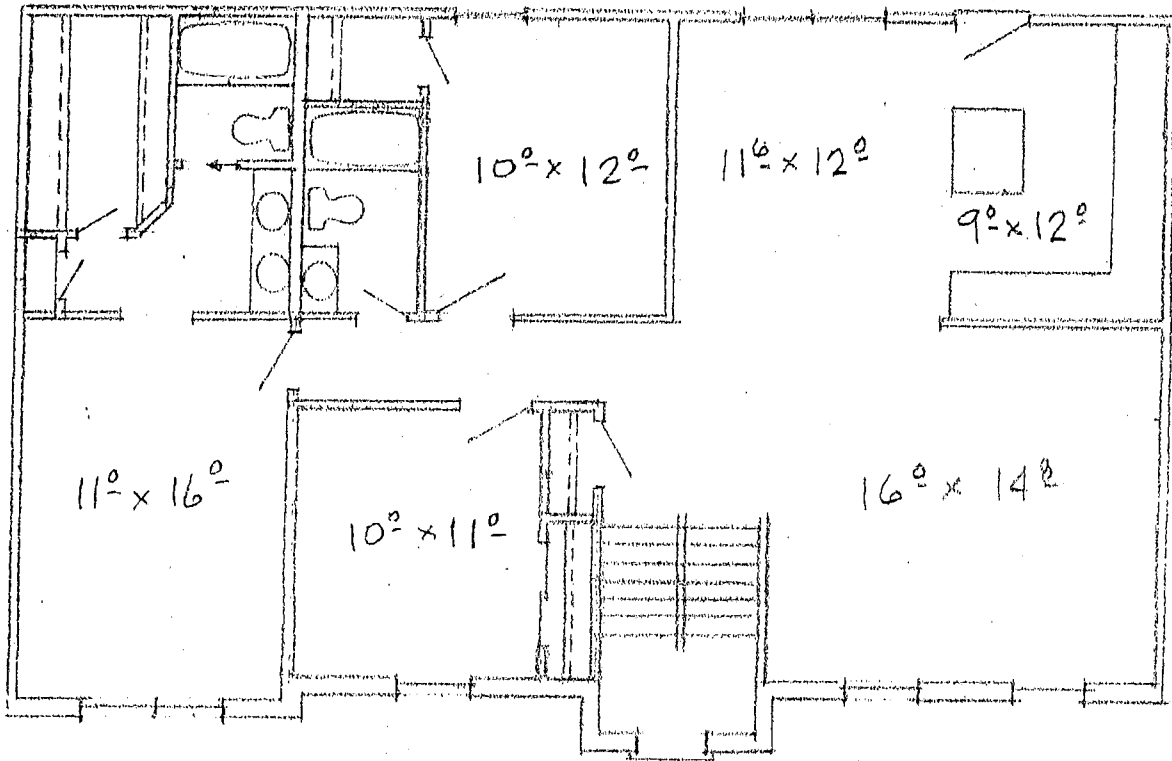
Produced by the
Boone County Planning Commission
GIS Services Division
June 3, 2002





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

STATE of KENTUCKY
JAMES J. BERTRAM
3423
LICENSED

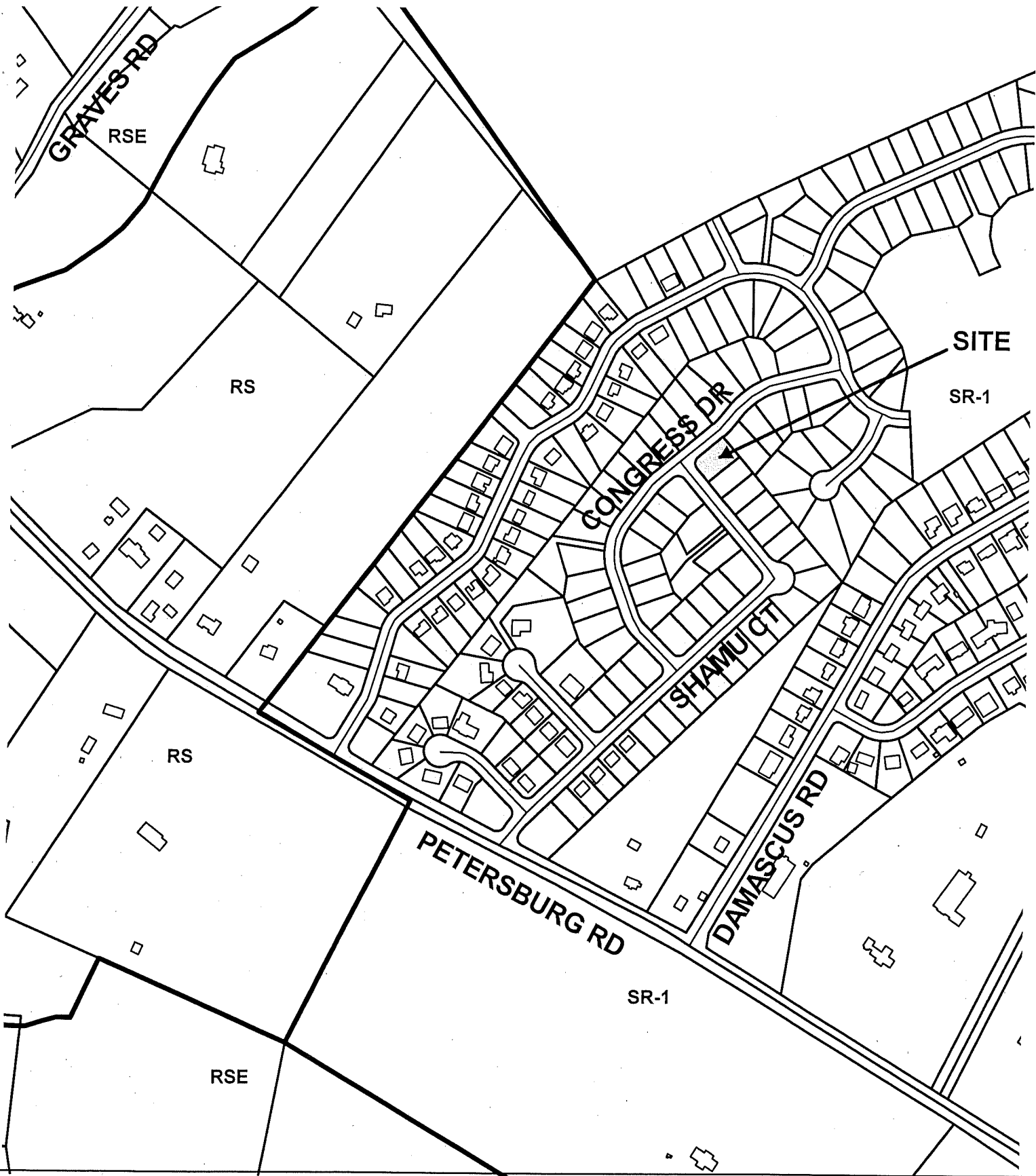


cathedral ceiling

FLOOR PLAN
Scale 1/8" = 1'-0"



FRONT ELEVATION
Scale 1/8" = 1'-0"



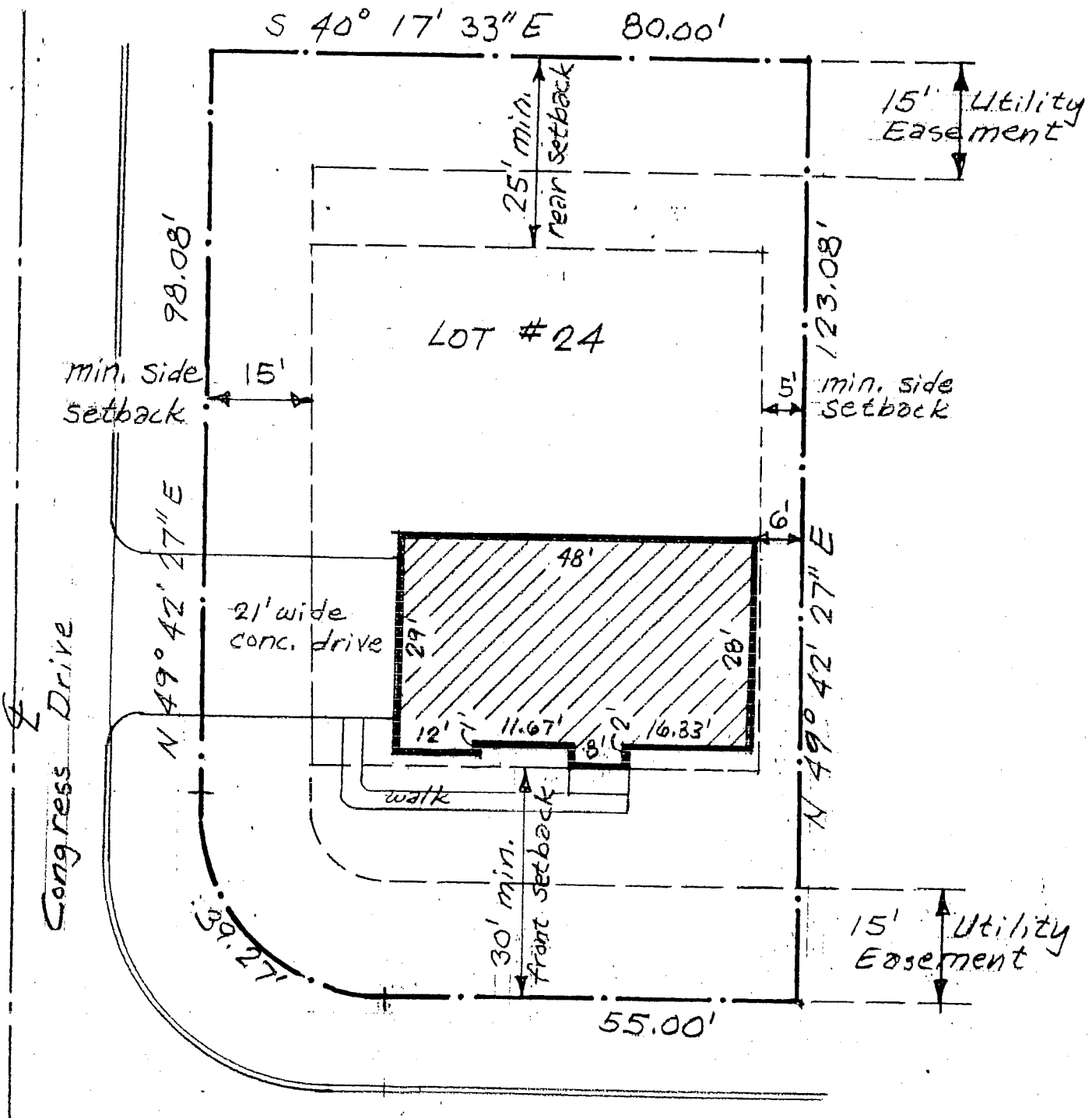
Section 2, Lot 24 Kimmis Zoning Map

400 0 400 Feet

1 inch equals 400 feet

Produced by the
Boone County Planning Commission
GIS Services Division
June 3, 2002

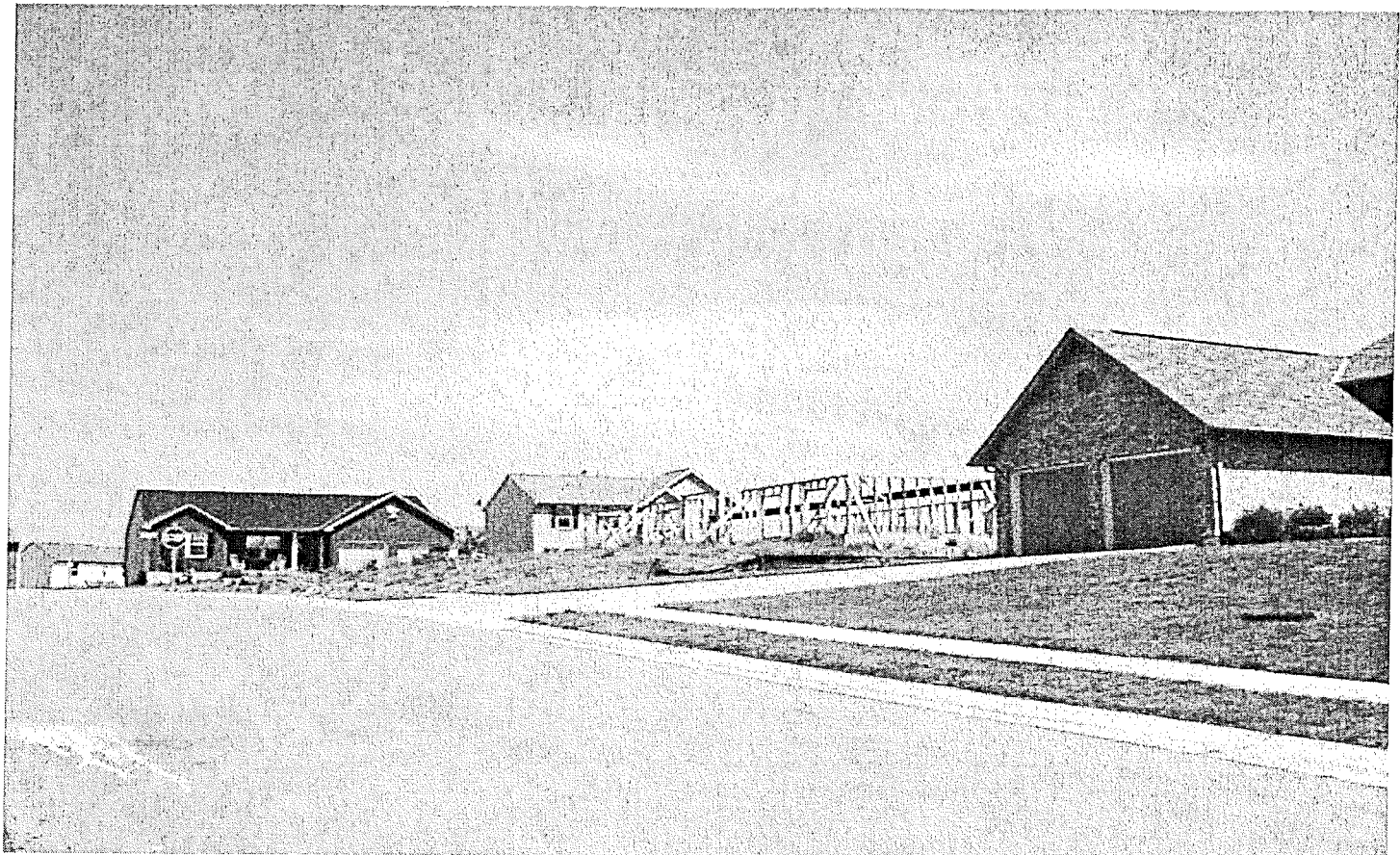




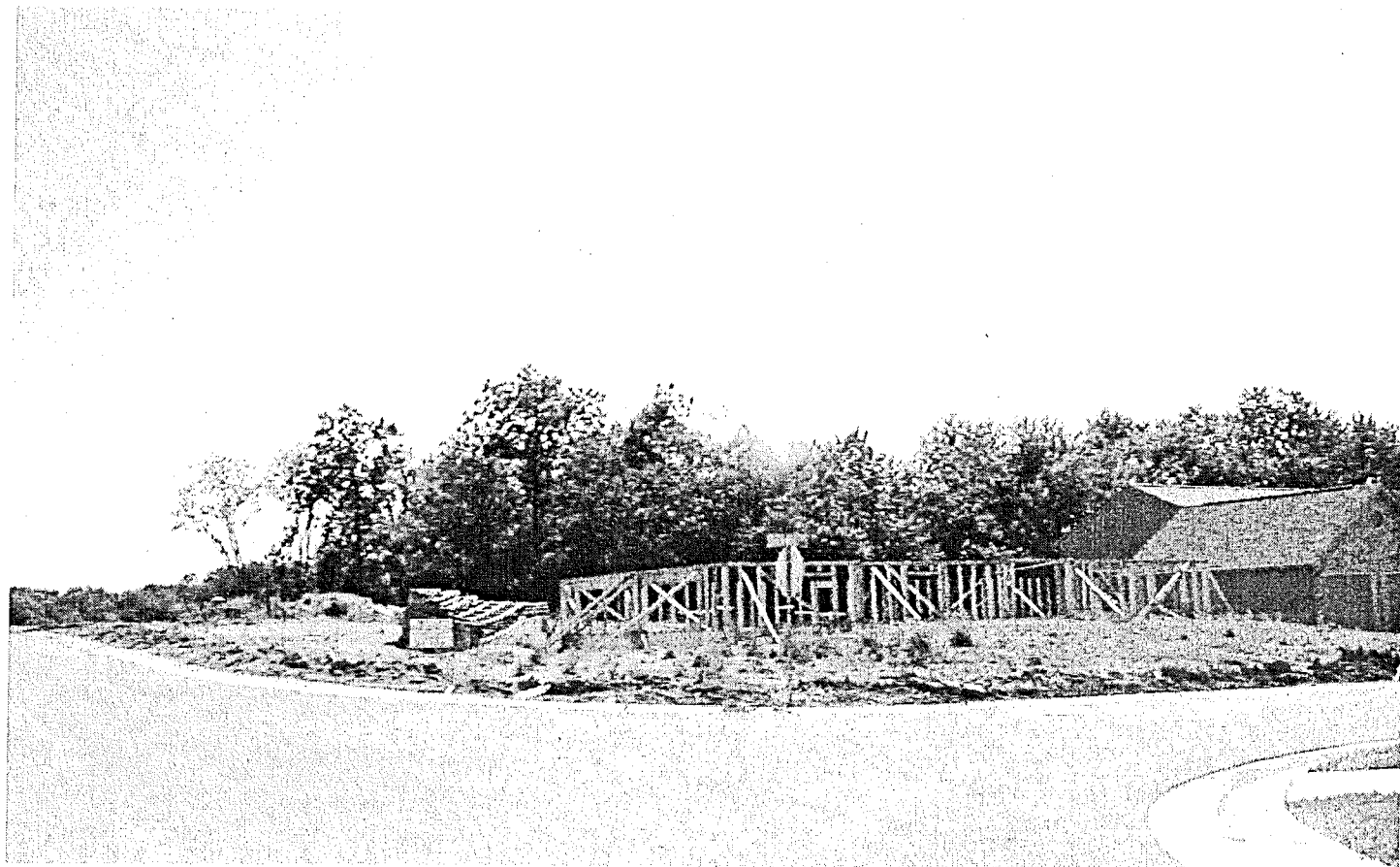
Shamu Drive

SITE PLAN
Scale 1" = 20'

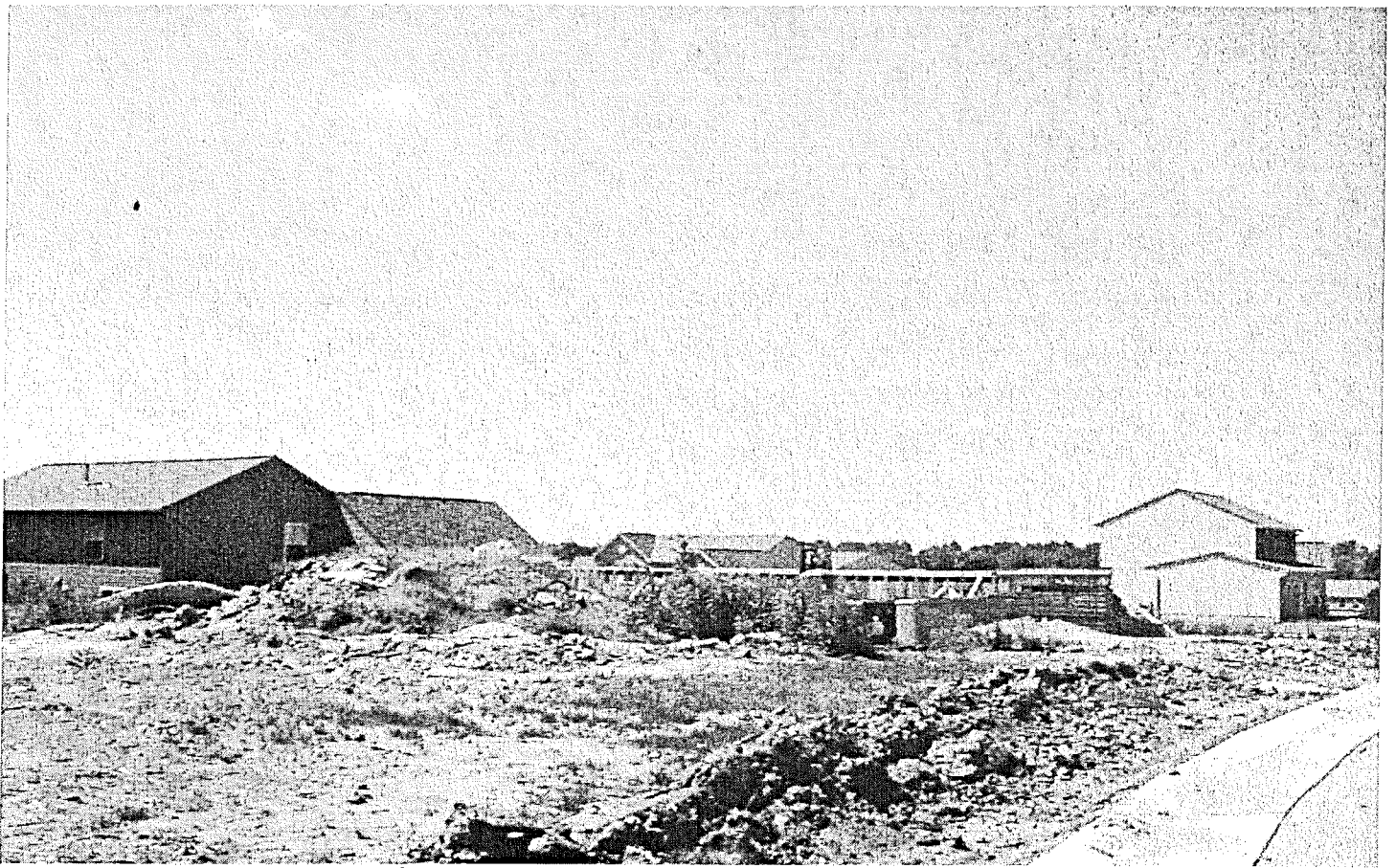
Builder:
NORMAN STITES
(859) 371-8019



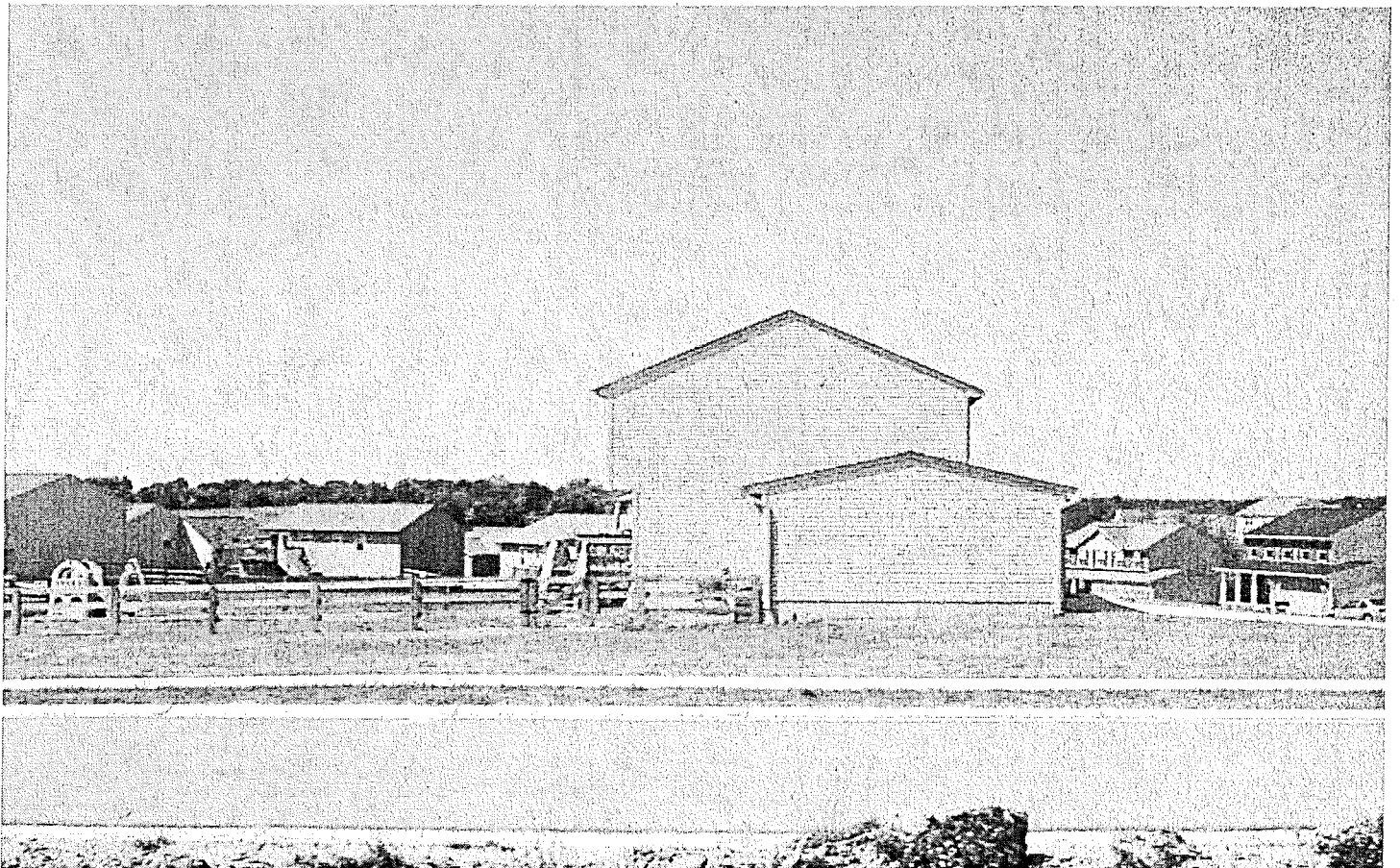
View of Site From Shamu Court



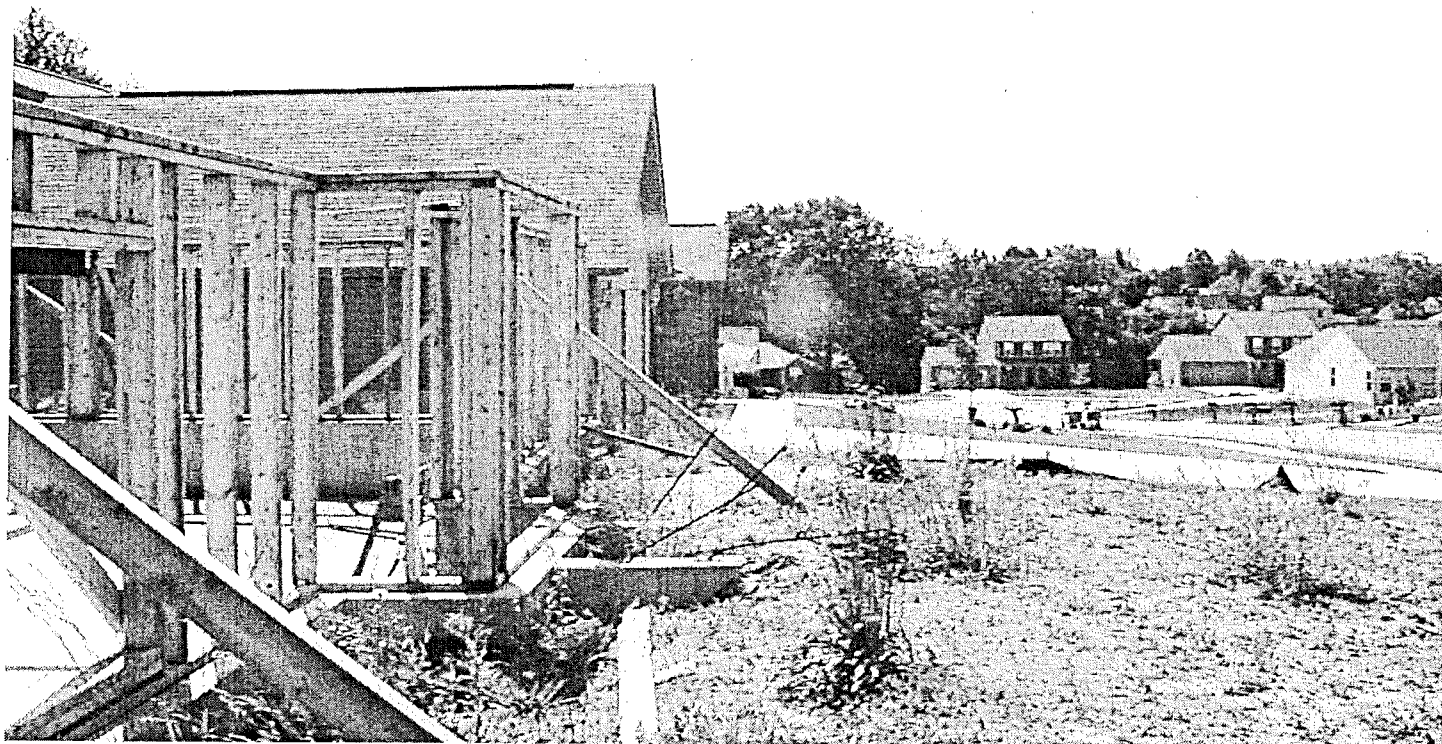
View of Site From Shamu Court & Congress Drive



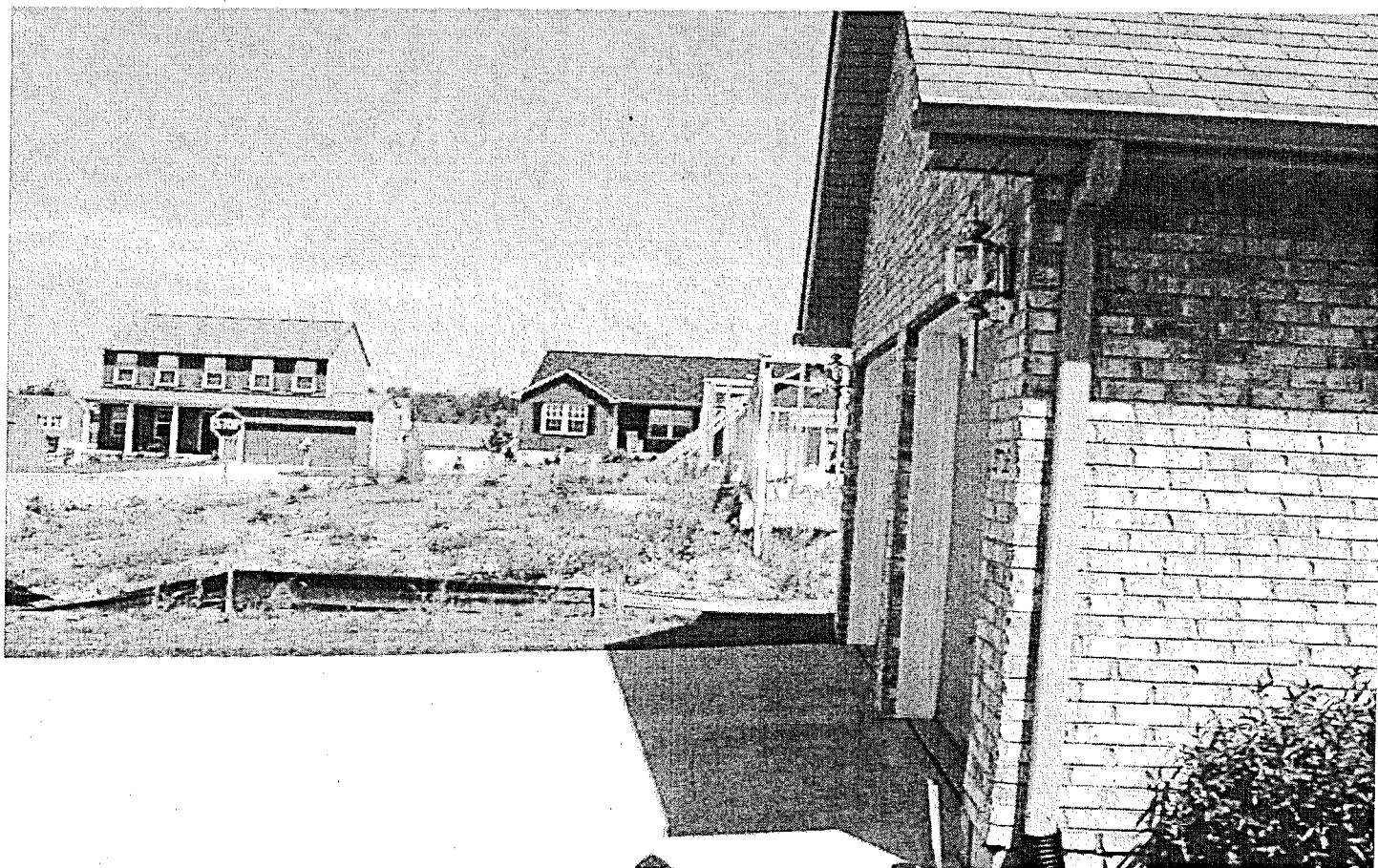
View of Site From the Rear



View Across Shamu Court



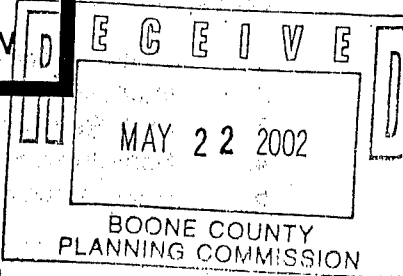
View of Front Yard



View of Front Yard

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 T+D Remodeling, LLC. Darryl J Black
Phone Number 859-393-2742 Fax No. 859-586-2844
Applicant's Address PO Box 176
Petersburg Ky 41080
City State Zip
- 4. Description of Request: - Foundation - in lot - had surveyed
over 2' 8" on easement
Front Yard Setback Variance from 30' to 27' 2"
- 5. Name of Development Kimmi's Subdivision
- 6. Location of Development Hebron Ky off Ky 20
- 7. Acreage Under Review ~~0.22~~ .22
- 8. Lot Number and Name of Subdivision (if part of a subdivision)
sect. 2; Lot 24 Kimmi's Sub.
- 9. Owner of Property Norman Stites
Phone Number of Owner 371-8019 10.
Address of Property Owner 10041 Biltmore Blvd Flor Ky 41042
City State Zip
- 11. Proposed Use(s) on Site single family
- 12. Total Square Footage of Existing and/or Proposed Buildings _____
- 13. Current Zoning on Property - Res. SR-1
- 14. Deed Book 724 Page No. 50 Group No. Plat No# 599-B
- 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? _____
- 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: Darryl J Black

Property Owner's Signature: Norman E Stites

COPY

CLUR #02-BCBOA-009-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Norman Stites
10041 Biltmore Blvd.
Florence, KY 41042

2. ADDRESS OF PROPERTY

2712 Shamu Drive
Hebron, KY 41048

3. NAME OF SUBDIVISION OR
DEVELOPMENT (if applicable)

Kimmiss, Section 2, Lot 24

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

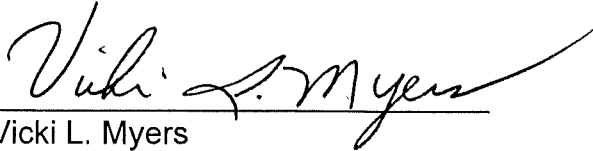

SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

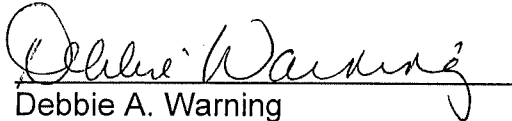
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 13 day of June, 2002.



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 June 12, 2002 Certificate of Land Use Restriction (#02-BCBOA-009-A), for Norman Stites, 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

PAGE NO. 50

GROUP NO. 2006