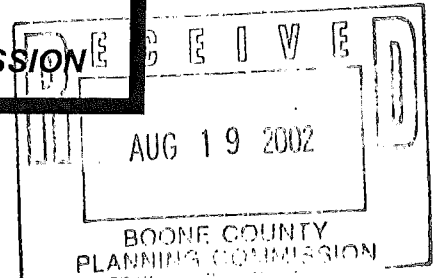


APPLICATION FORM

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 \_\_\_\_\_
3. Applicant's Name MICHAEL EXELER PRES P&K HOMES
Phone Number 371-3826 / 512-9111 Fax No. \_\_\_\_\_
Applicant's Address 9999 HAVEN HILL DR
FLORENCE KY 41042
4. Description of Request: TO BUILD 16 X 24 DECK, REDUCE REAR YARD SETBACK FROM 30' TO 16'
5. Name of Development OAK REST ACRES
6. Location of Development HAVEN HILL DR
7. Acreage Under Review 0.233
8. Lot Number and Name of Subdivision (if part of a subdivision)
9. Owner of Property MICHAEL EXELER
Phone Number of Owner 371-3826 / 512-9111
Address of Property Owner 9999 HAVEN HILL DR / FLORENCE KY 41042
10.
11. Proposed Use(s) on Site DECK
12. Total Square Footage of Existing and/or Proposed Buildings 384
13. Current Zoning on Property SR-I
14. Deed Book 823 Page No. 215 Group No. 2057
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: [Signature] PRES P&K HOMES

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 8-19-02 Fee Received 461.00 RA 32522
2. Is application complete? \_\_\_\_\_ Yes \_\_\_\_\_ No
3. Staff Reviewer \_\_\_\_\_
4. Scheduled Board Action Date \_\_\_\_\_
5. Board Action:  
9-11-02 **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  
(859) 334-2196 - Phone  
(859) 334-2264 - Fax  
plancom@boonecountyky.org - E-mail**

[www.boonecountyky.org](http://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

APPLICANTS: P & K Homes LLC  
LOCATION: 9999 Haven Hill Drive, Boone County, Kentucky  
ZONING: Suburban Residential One (SR-1)  
DATE: September 11, 2002

### Proposal

The Applicant has requested a variance to allow the construction of 16' x 24' deck onto the back of a single-family dwelling, which is located at 9999 Haven Hill Drive, Boone County, Kentucky. The request is to reduce the 30 foot rear yard setback to 16' (see attached Concept Plan).

### Applicable Regulations

Article 31, Section 3123 of the Boone County Zoning Regulations states that 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 & Zoning

North: Vacant Lot in Haven Hill Subdivision (SR-1)  
South: Single-Family Residential Dwelling (SR-1)  
East: Haven Hill Dr. & Framed Single-Family Dwelling in Haven Hill Subdivision (SR-1)  
West: Single-Family Residential Dwelling, Pasture, and Orchard (SR-1)

Site Characteristics

The 0.233 acre site contains a single-family dwelling. The topography of the site falls from 880' above sea level at Haven Hill Drive to 870' above sea level at the rear of the property. A mature deciduous tree line exists near the rear property line.

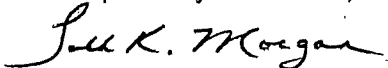
Staff Comments

The requested 14' variance would reduce the required 30' rear yard setback requirement by 47%. The Board needs to determine if the request arises from special circumstances, would change the essential character of the area, or would be an unreasonable circumvention of the zoning regulations.

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 16 feet.

Respectfully submitted,



Todd K. Morgan, AICP  
Planner, Zoning Services

TKM/pr

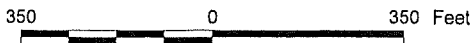
Attachments

Exhibit A – Site Vicinity Map  
Exhibit B – Concept Plan  
Exhibit C – Plat of Property  
Exhibit D – Aerial Map  
Exhibit E – Zoning Map  
Exhibit F – Application



# P & K Homes LLC

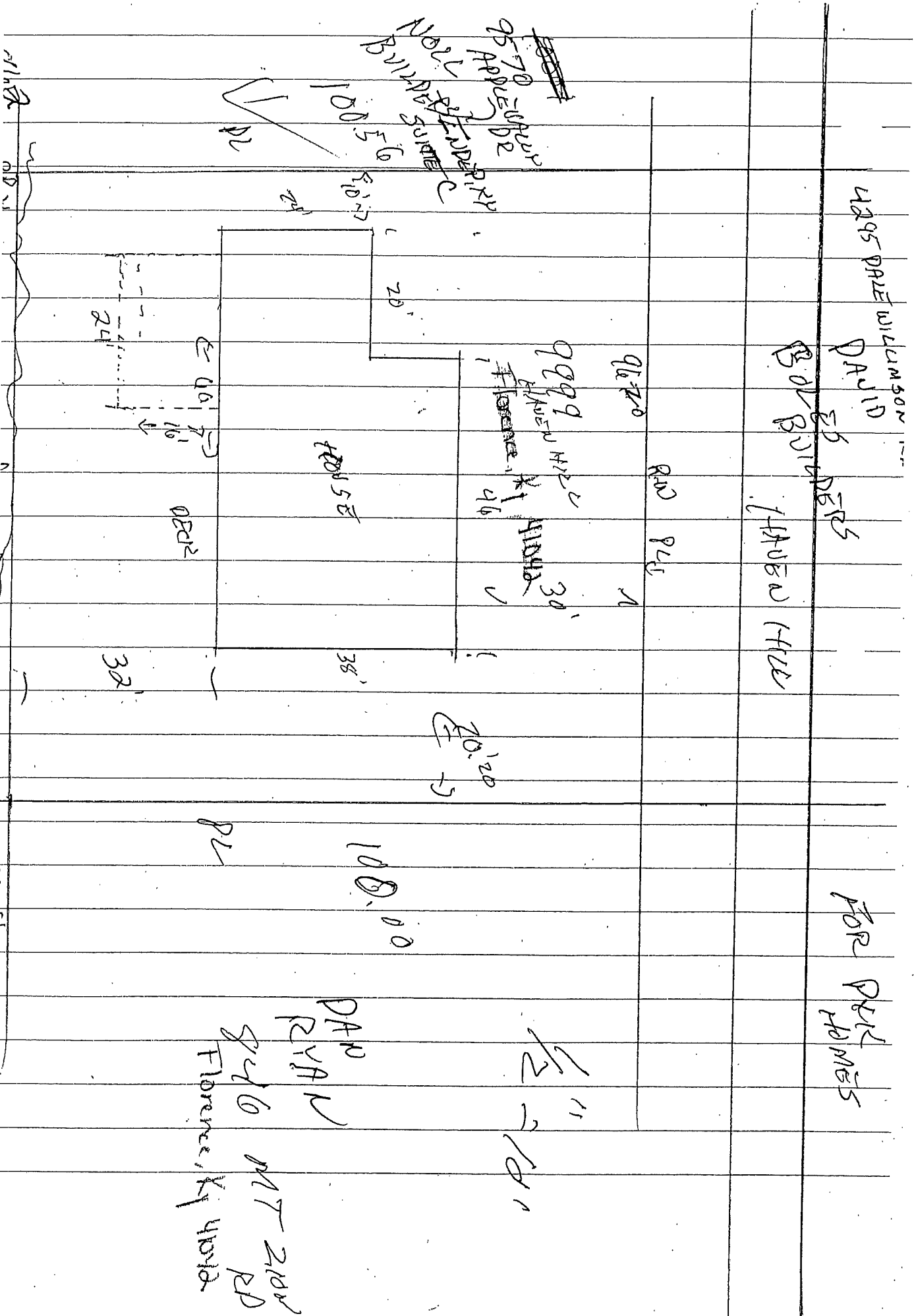
## Site Vicinity Map



1 inch equals 350 feet

Produced by the  
Boone County Planning Commission  
GIS Services Division  
August 28, 2002

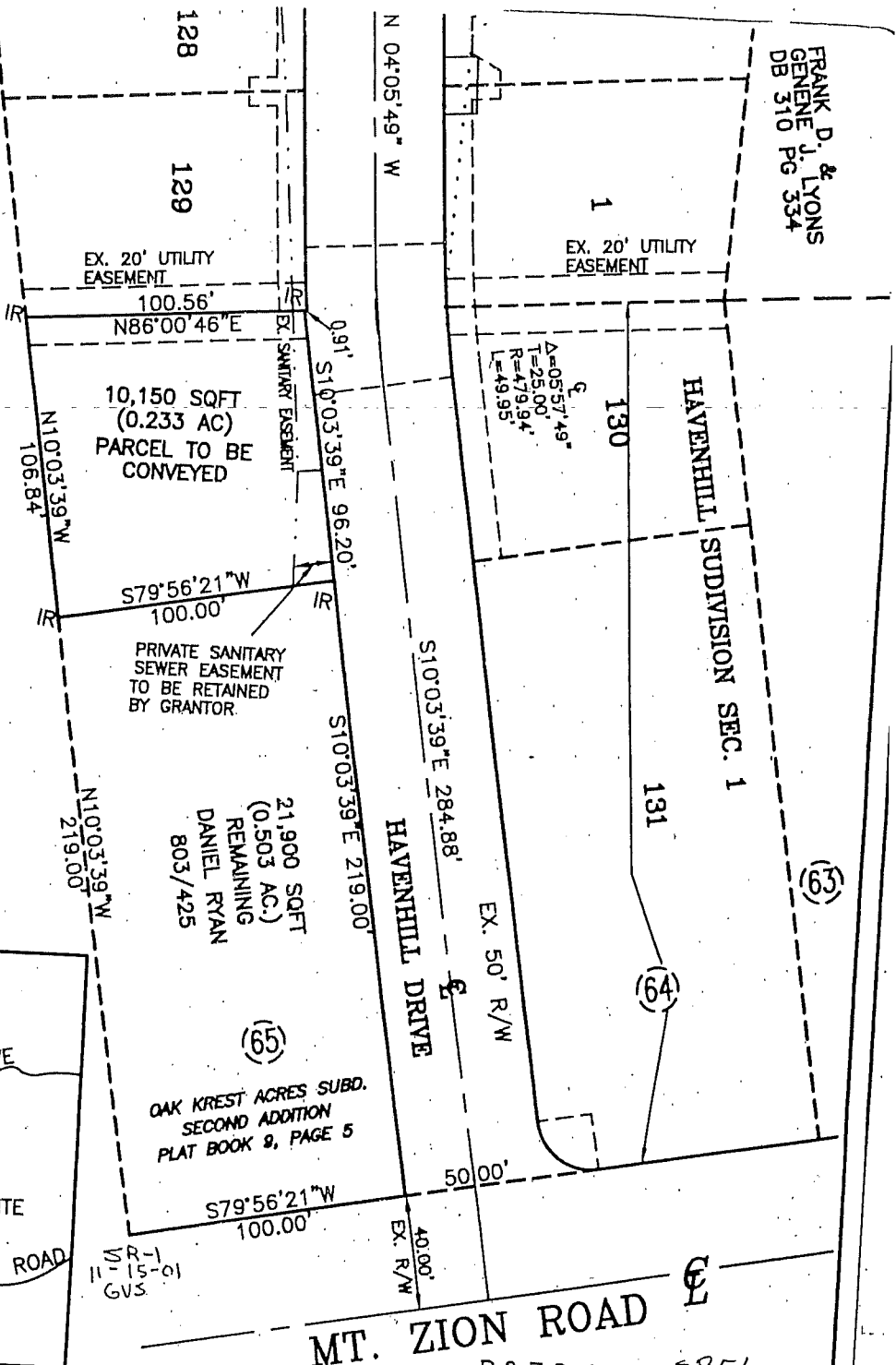
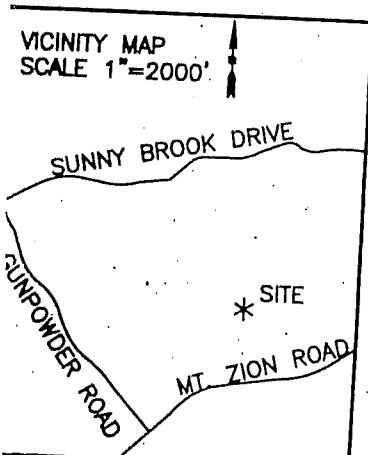
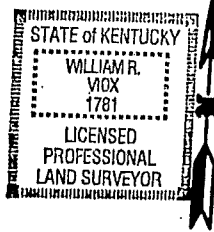




ROBERT E. BROWN  
MARGRET E. BROWN  
201 PG 333

FRANK D. & LYONS  
GENENE J. LYONS  
DB 310 PG 334

GROUP NO. 1002



FOR BUILDABLE LOTS  
LAND SURVEYOR'S CERTIFICATE

I certify that I have examined the records of the Boone County Clerk and find that the (first) (second) (third) (fourth) (fifth) conveyance made under the present ownership and the parent tract since 1866 or from the adoption of the Constitution of 1892 is correct and true.

*[Signature]* 11/5/01  
Date of Surveyor Date

LAND SURVEYOR'S CERTIFICATE

I certify that this plat depicts a survey made by me or under my supervision in accordance with the Kentucky Minimum Surveying Regulations, and complies with all requirements of the Boone County Ordinance and Subdivision Regulations, and that dedicated areas and public ways or streets are currently owned by the owner.

11/5/01 *[Signature]*

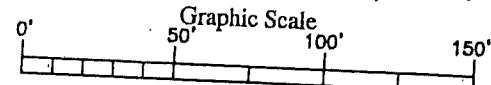
BOONE COUNTY PLANNING COMMISSION APPROVAL CERTIFICATE

I hereby approve the transfer of property only by the Boone County Planning Commission this 14th day of November, 2001.

*[Signature]*

This certificate shall be void if not filed with the Boone County Clerk for recording purposes within two (2) years of Planning Commission approval.

10,150 SQ FT PARCEL  
TO BE CONVEYED BY  
DANIEL RYAN  
PART OF LOT 65 OAK KREST ACRES  
Boone County, Kentucky  
Scale: 1"=50' Nov. 5, 2001



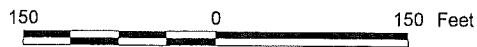
**W VIOX & VIOX, INC.**  
Engineers • Surveyors • Landscape Architects

466 Erlanger Road  
Erlanger, Kentucky 41018

Tel: 859-727-3293  
Fax: 859-727-8452



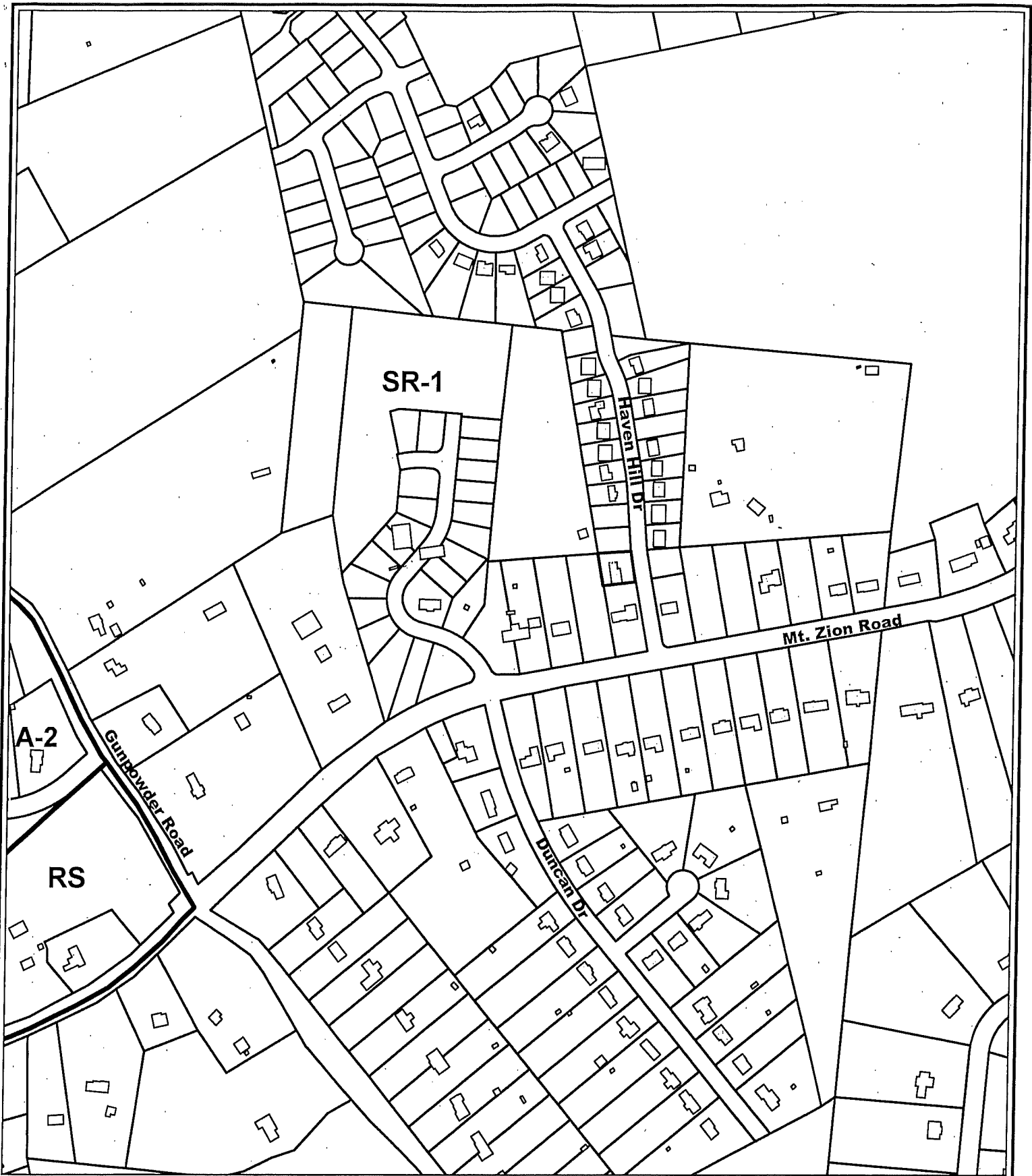
# P & K Homes LLC Aerial Map



1 inch equals 150 feet

Produced by the  
Boone County Planning Commission  
GIS Services Division  
August 28, 2002





# P & K Homes LLC

## Zoning Map



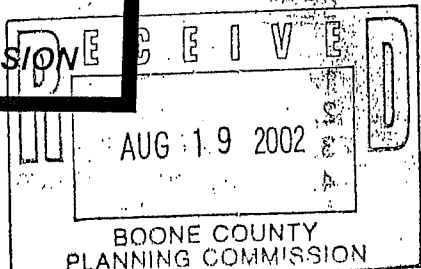
1 inch equals 400 feet

Produced by the  
Boone County Planning Commission  
GIS Services Division  
August 28, 2002



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 MICHAEL EXELER PRES P&K HOMES  
Phone Number 371-3826 / 512-9111 Fax No. \_\_\_\_\_  
Applicant's Address 9999 HAVEN HILL DR  
FLORENCE NY 41042  
City State Zip

4. Description of Request: TO BUILD 16 X 24 DECK

5. Name of Development OAK REST ACRES

6. Location of Development HAVEN HILL DR

7. Acreage Under Review 0.233

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

9. Owner of Property MICHAEL EXELER

Phone Number of Owner 371-3826 / 512-9111

Address of Property Owner 9999 HAVEN HILL DR / FLORENCE NY 41042  
City State Zip

11. Proposed Use(s) on Site DECK

12. Total Square Footage of Existing and/or Proposed Buildings ~~XXXX~~ 384

13. Current Zoning on Property SR-I

14. Deed Book 823 Page No. 215 Group No. \_\_\_\_\_

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: M. Exeler PRES P&K HOMES

Property Owner's Signature: M. Exeler

COPY

CLUR #02-BCBOA-017-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)  
Michael Exeler  
9999 Haven Hill Drive  
Florence, KY 41042
2. ADDRESS OF PROPERTY  
9999 Haven Hill Drive  
Florence, KY 41042
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)  
Haven Hill
4. DEED BOOK 823      PAGE NO. 215      GROUP NO. 2057
5. TYPE OF RESTRICTION(S) (Check all that apply)
- Zoning Map Amendment:       Conditional Use Permit  
From    To
- 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

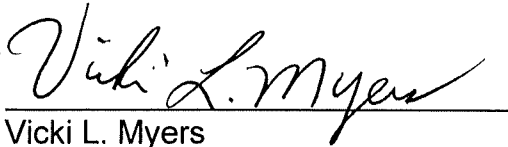
  
SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

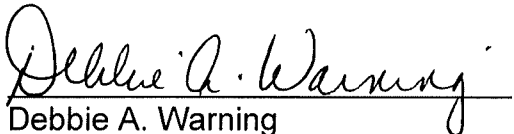
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the  
Boone County Planning Commission this 16 day of September, 2002.



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 September 11, 2002 Certificate of Land Use Restriction (#02-BCBOA-017-A), for Michael Exeler, 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 823 ,

PAGE NO. 215

GROUP NO. 2057