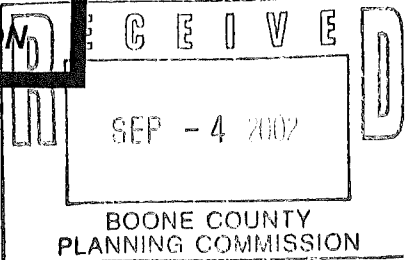


02-BCBDA-DENIED

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 [checked] Variance \_\_\_\_\_ Appeal \_\_\_\_\_
Change in Non-Conforming Use \_\_\_\_\_
3. Applicant's Name William J. Young
Phone Number (859) 578-1130 Fax No. (859) 578-1190
Applicant's Address 2306 Kenyon Court
Hebron KY 41048
City State Zip
4. Description of Request: Variance of 40' rear setback for construction of Deck
5. Name of Development Parlor Grove Estates
6. Location of Development Hebron
7. Acreage Under Review 1/2 acre
8. Lot Number and Name of Subdivision (if part of a subdivision) #228 Parlor Grove Estates
9. Owner of Property William J. Young
Phone Number of Owner (859) 578-1130
10. Address of Property Owner 2306 Kenyon Court Hebron, KY 41048
City State Zip
11. Proposed Use(s) on Site Residential
12. Total Square Footage of Existing and/or Proposed Buildings (Existing) 7000 sq ft
13. Current Zoning on Property Residential (RS)
14. Deed Book 734 Page No. 122 Group No. 2002
15. Is the site subject to a zone change? No
If yes, give date of approval N/A
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]

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 9-4-02 Fee Received \$ 503.00 R# 32729
2. Is application complete? \_\_\_\_\_ Yes \_\_\_\_\_ No
3. Staff Reviewer \_\_\_\_\_
4. Scheduled Board Action Date \_\_\_\_\_
5. Board Action:  
\_\_\_\_\_ **Approved**  
\_\_\_\_\_ **Approved with Conditions (See #6)**  
10-9-02 **Denial (See #7)**
6. Conditions of Approval: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
7. Reasons for Denial: SEE 10-9-02 B.C.B.O.A.  
MEETING MINUTES  
\_\_\_\_\_  
\_\_\_\_\_

**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) - Web Page**

**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: William J. Yung  
LOCATION: 2306 Kenyon Court, Boone County, Kentucky  
ZONING: Rural Suburban (RS)  
DATE: October 9, 2002

### Proposal

The Applicant has requested a variance to allow the construction of a deck and gazebo onto the back of a single-family dwelling, which is located at 2306 Kenyon Court, Boone County, Kentucky. The request is to reduce the 40 foot rear yard setback to 9' 5½" (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: Kenyon Court & Single-Family Residential Dwellings (RS)

South: Two Undeveloped Single-Family Residential Lots (RS)

East: Undeveloped Single-Family Residential Lots (RS)

West: Single-Family Residential Dwelling (RS)

Site Characteristics

The 0.5333 acre site contains a single-family dwelling and is fairly level. The topography immediately to the rear of the site begins to fall severely toward Tanner Road and the Ohio River (see attached Topographical Map). The rear 20' of the property contains a sanitary sewer easement.

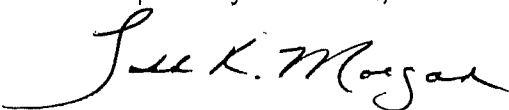
Staff Comments

1. The requested variance would reduce the required 40' rear yard setback requirement by 76%. 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.
2. Staff's main concern is that the property adjoins two undeveloped lots on Pinnacle Court. These two lots will be greatly affected if the Variance is approved. These two lots sit 10 to 25 feet lower than the subject property.
3. The property contains a 20' wide sanitary sewer easement along the rear property line. If the Board approves the request, the applicant will need to provide Staff a letter from Sanitation District No. 1 at the time he files his zoning and building permits. This letter will need to indicate that Sanitation District No. 1 has given the property owner permission to erect the deck and gazebo in the easement.

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.

Respectfully submitted,



Todd K. Morgan, AICP  
Planner, Zoning Services

TKM/pr

Attachments

- Exhibit A – Site Vicinity Map
- Exhibit B – Letter From Applicant
- Exhibit C – Concept Plans
- Exhibit D – Aerial Map
- Exhibit E – Zoning Map
- Exhibit F – Topographical Map
- Exhibit G – Application



# 2306 Kenyon Ct. Site Vicinity Map

600 0 600 Feet



1 inch equals 600 feet  
Produced by the  
Boone County Planning Commission  
GIS Services Division  
September 24, 2002



To Whom it may Concern,

We are requesting a variance from the 40' set back requirement in the rear of our property that is lot #228 in Parlor Grove Estates in Hebron, KY. The purpose of our request is to allow the completion of our home by granting use of the area within the setback for construction of a deck. Due to the irregular shape of our lot, it is necessary for a corner of our deck to extend into the setback. The rear boundary of our lot is at the crest of a steep grade, which leads down to lots #263 and #264, which are 25 to 30 feet below. The steeply graded hill makes the rear of lots #263 and #264 unsuitable for any use. This will ensure an adequate buffer between the two properties and maintain the essential general character of the vicinity. Our house has 8 doors that exit to the rear and require a deck to facilitate their use. Our investment in the neighborhood is substantial and has been beneficial to the adjoining property owners in the past and will become more so with the new construction for which we seek this variance.

Sincerely,

A handwritten signature in black ink, appearing to read "William J. Yung", with a long horizontal flourish extending to the right.

William J. Yung

2306

# Kenyon Court

Sidewalk  
12' Right of Way

Driveway

40' Setback

50'-6 3/4"

Driveway

14'-10 3/4"

Existing House

Covered Walkway

Proposed Deck

10' Setback

Gazebo

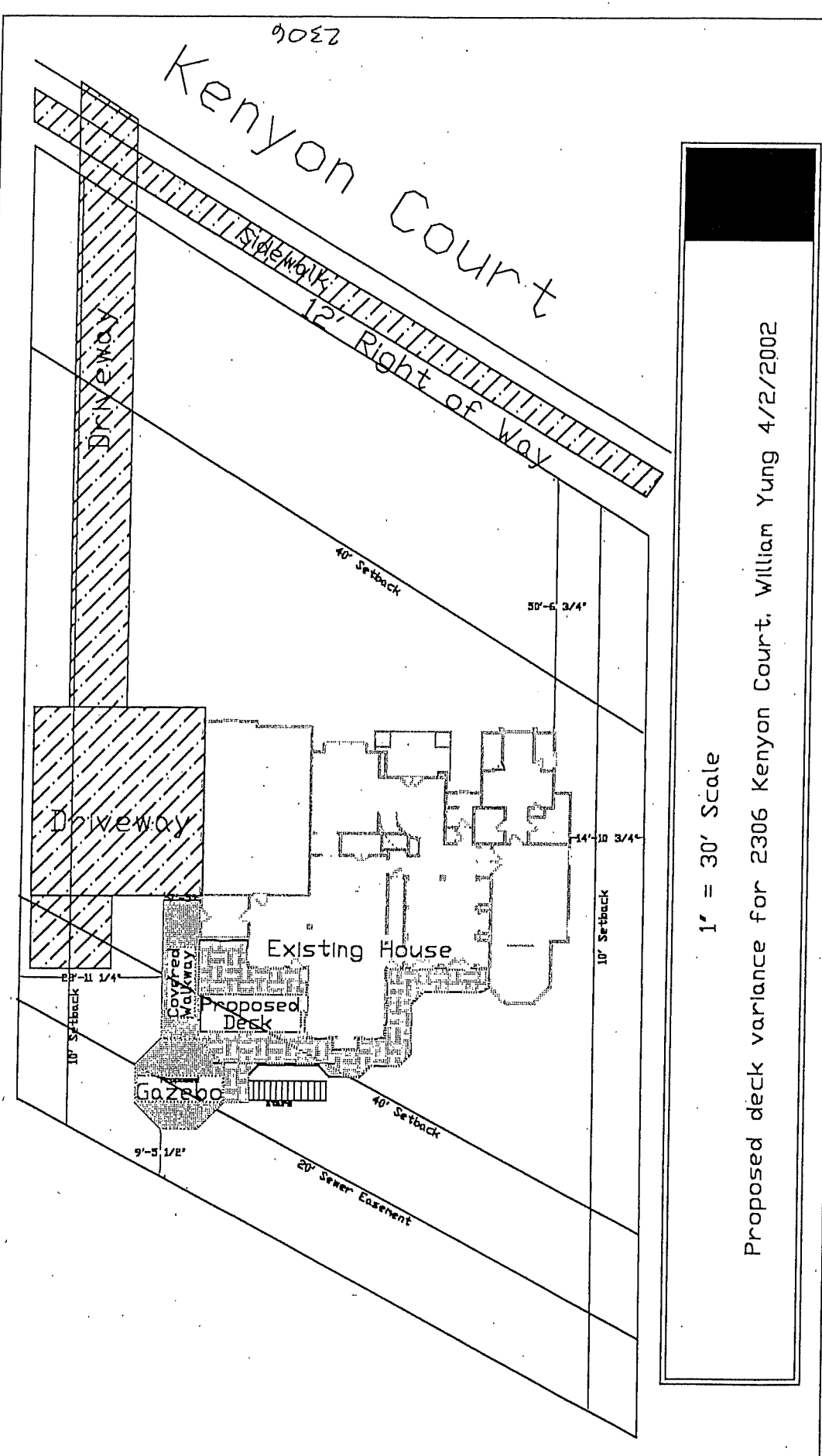
40' Setback

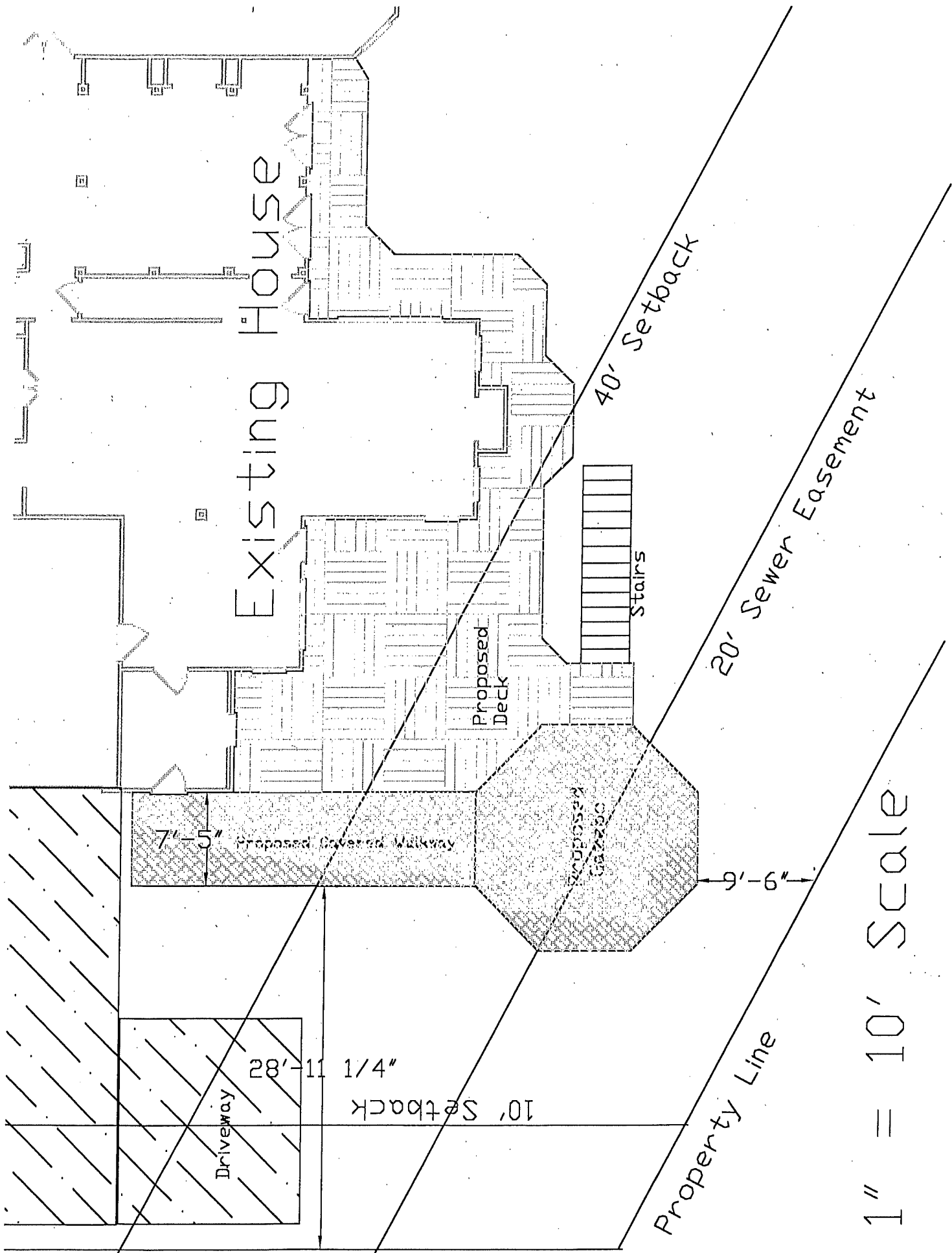
9'-5 1/2"

20' Sewer Easement

1' = 30' Scale

Proposed deck variance for 2306 Kenyon Court, William Yung 4/2/2002





EXISTING HOUSE

40' Setback

20' Sewer Easement

Stairs

Proposed Deck

7'-5" Proposed Covered Walkway

Proposed Garage

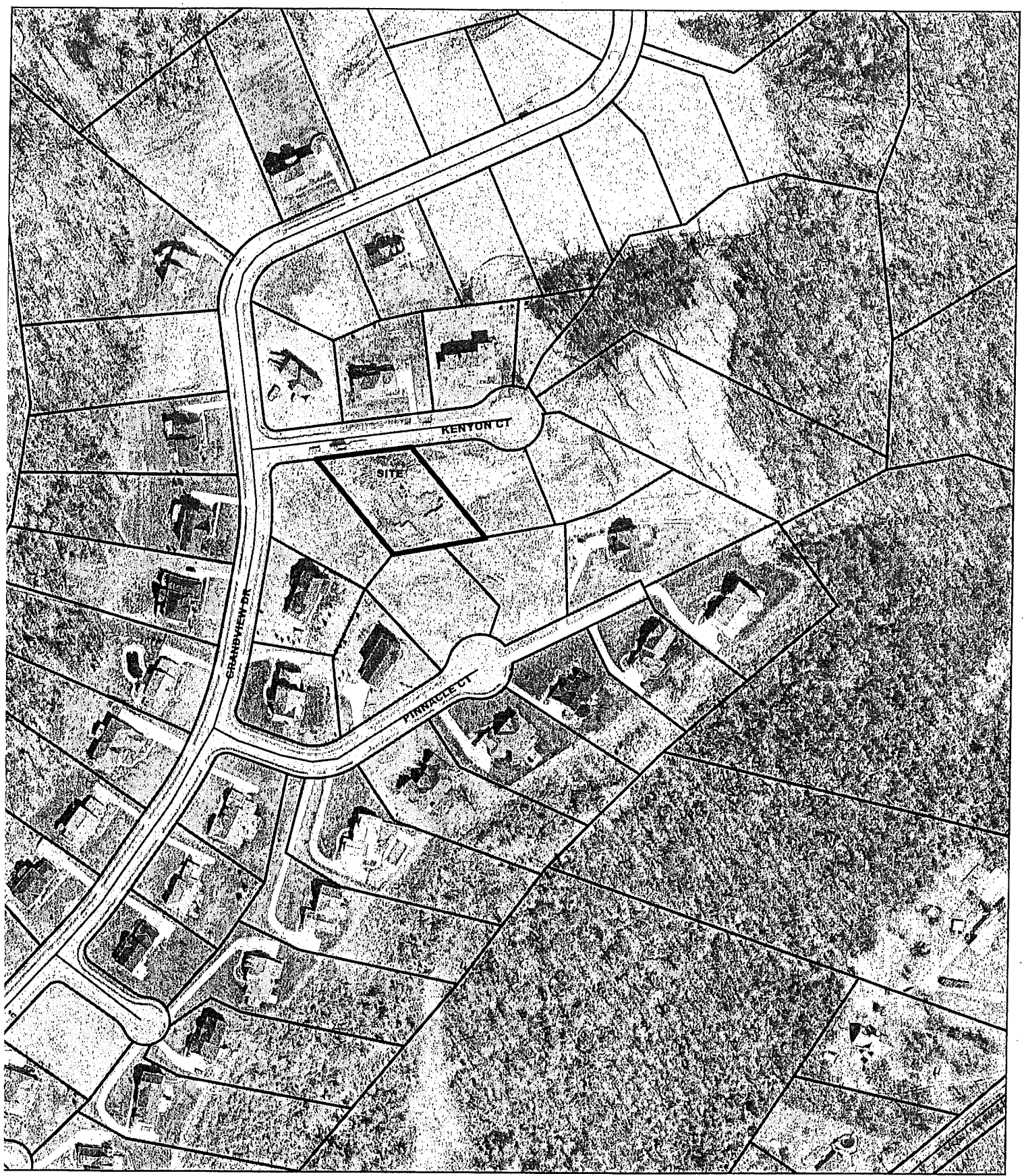
9'-6"

28'-11 1/4"  
Driveway

10' Setback

Property Line

1" = 10' Scale



# 2306 Kenyon Ct. Aerial Map

200 0 200 Feet

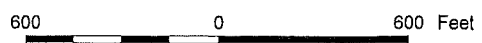


1 inch equals 200 feet  
Produced by the  
Boone County Planning Commission  
GIS Services Division  
September 26, 2002





# 2306 Kenyon Ct. Zoning Map

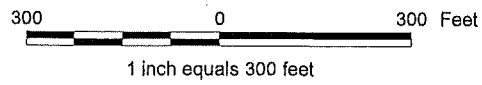


1 inch equals 600 feet  
 Produced by the  
 Boone County Planning Commission  
 GIS Services Division  
 September 24, 2002





# 2306 Kenyon Ct. Topographical Map

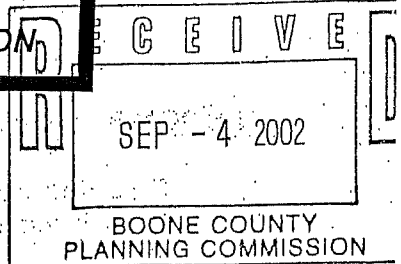


Produced by the  
Boone County Planning Commission  
GIS Services Division  
September 24, 2002



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)

- 1. (Check One)  Boone  Florence  Walton  Union
- 2. (Check One)  Conditional Use Permit  Variance  Appeal  
 Change in Non-Conforming Use
- 3. Applicant's Name William J. Yung  
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City State Zip
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- 5. Name of Development Parlor Grove Estates
- 6. Location of Development Hebron
- 7. Acreage Under Review 1/2 acre
- 8. Lot Number and Name of Subdivision (if part of a subdivision)  
#228 Parlor Grove Estates
- 9. Owner of Property William J. Yung  
Phone Number of Owner (859) 578-1130
- 10. Address of Property Owner 2306 Kenyon Court Hebron, KY 41048  
City State Zip
- 11. Proposed Use(s) on Site Residential
- 12. Total Square Footage of Existing and/or Proposed Buildings (Existing) 7000 sq ft
- 13. Current Zoning on Property Residential (RS)
- 14. Deed Book 734 Page No. 122 Group No. 3531
- 15. Is the site subject to a zone change? No  
If yes, give date of approval N/A
- 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]

Property Owner's Signature: [Signature]