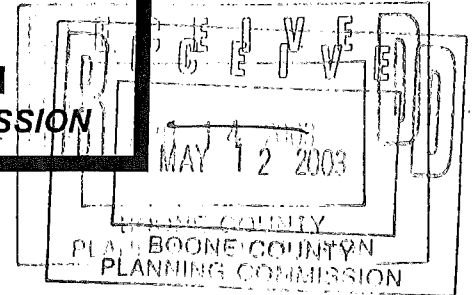


APPLICATION FORM

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 ALAN & KRISTIN LAMBLE
4. Description of Request: REQUEST APPROVAL TO BUILD DECK OFF OF EXISTING HOUSE STRUCTURE INTO CASEMENT / 30 feet to 17 feet 15 feet
5. Name of Development STEEPLECHASE SUBDIVISION
6. Location of Development HWY 75 EXIT # 175 RICHWOOD HWY 338
7. Acreage Under Review 75' x 105'
8. Lot Number and Name of Subdivision (if part of a subdivision) LOT #54 STEEPLECHASE SUBDIVISION
9. Owner of Property ALAN & KRISTIN LAMBLE
10. Address of Property Owner 11315 SHEFFIELD LANE WALTON KY 41094
11. Proposed Use(s) on Site DECK OFF OF EXISTING STRUCTURE IS TO BE USED FOR GRILLING OUT AND LOUNGING OUTSIDE.
12. Total Square Footage of Existing and/or Proposed Buildings DECK = 280 SQ FT.
13. Current Zoning on Property RESIDENTIAL (SR-1/PD)
14. Deed Book 822 Page No. 457-459 Group No. 2071
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: [Handwritten signatures]

Property Owner's Signature: [Handwritten signatures]

**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 5-12-03 ~~4-14-03~~ Fee Received \$ 503.00 ~~PA 35186~~
2. Is application complete? _____ Yes _____ No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
6-11-03 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 - 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

APPLICANT: Alan & Kristin Lamble

LOCATION: 11315 Sheffield Lane, Boone County, KY

ZONING: Suburban Residential One/Planned Development (SR-1/PD)

DATE: June 11, 2003

Proposal

The applicants are requesting a variance so that they can attach an elevated deck onto the rear of their single-family dwelling. The property in question is located at 11315 Sheffield Lane and is zoned Suburban Residential One/Planned Development (SR-1/PD). The request is to reduce the rear yard setback requirement from 30 feet to 15 feet (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."

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 0.19 acre lot is located in Steeplechase Subdivision. The property adjoins a Home Owners Association (H.O.A.) parcel to east and other single-family residential lots to the north, south, and west. The H.O.A. parcel contains a large lake and walking trail.

The rear 20 feet of the site contains a sanitary sewer easement (see Concept Plan). The applicants request would place the deck 5 feet into this easement. Staff talked with Gary Aman, with Sanitation District No. 1, about the request. Mr. Aman indicated that he would allow the deck to go into the easement because the applicants have submitted a letter indicating that Sanitation District No. 1 will not be held liable for any damage to the deck if work needs to be conducted on the sewer main.

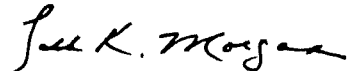
Staff Comments

1. Staff believes that the strict application of the provisions contained in the regulations would create an unnecessary hardship on the applicant. The existing house is currently 31 feet from the rear property line and contains a second floor walk out that does not connect to a deck. The applicant's were not aware of the setback requirements when they bought the house. In addition, the rear of the house immediately adjoins a H.O.A. parcel.

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,

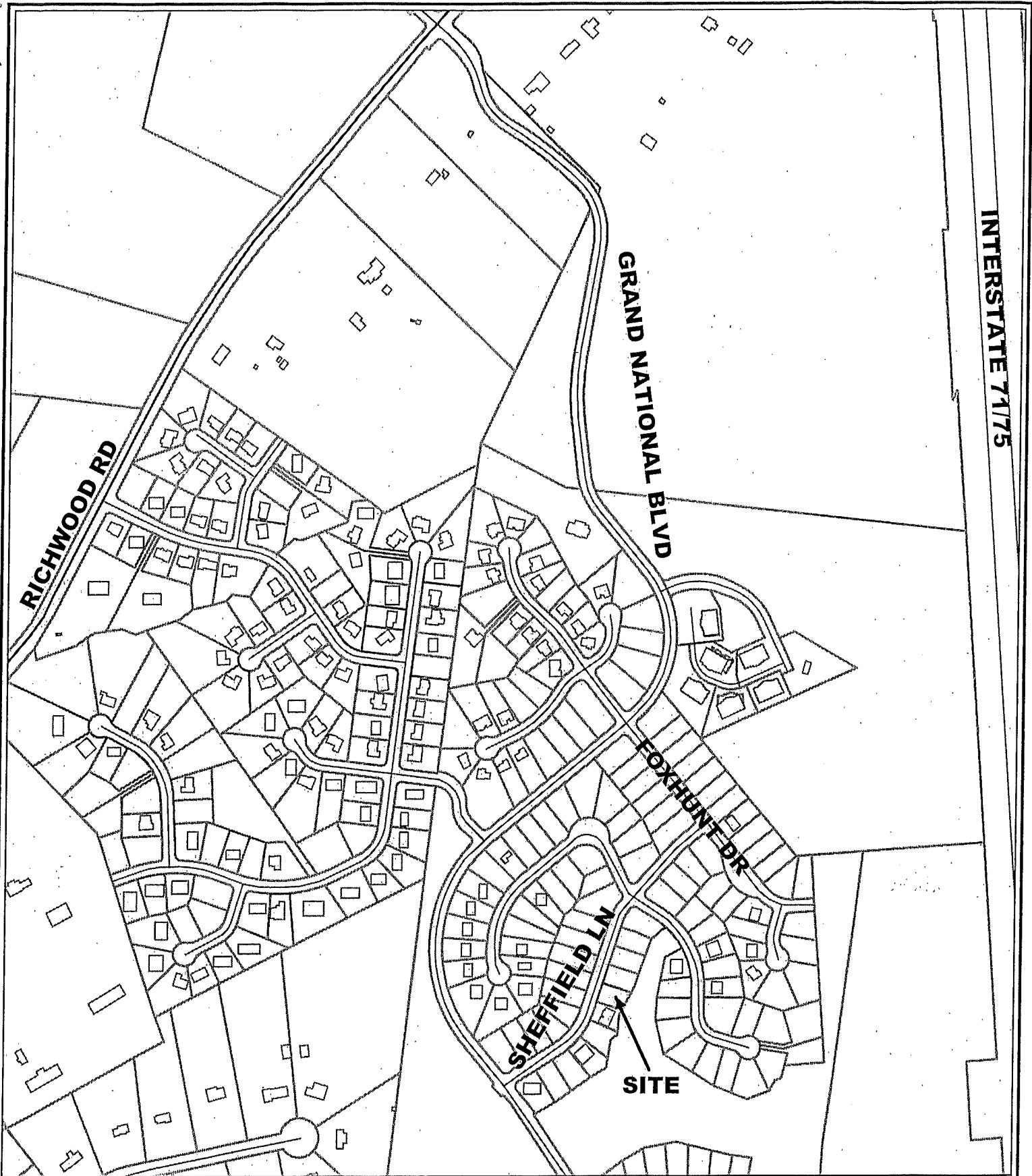


Todd K. Morgan, AICP
Planner, Zoning Services

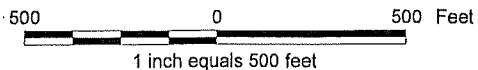
TKM/pr

Attachments

- Exhibit A – Site Vicinity Map
- Exhibit B – Concept Plans
- Exhibit C – Zoning Map
- Exhibit D – Applicants Letter to Sanitation District No. 1
- Exhibit E – Application

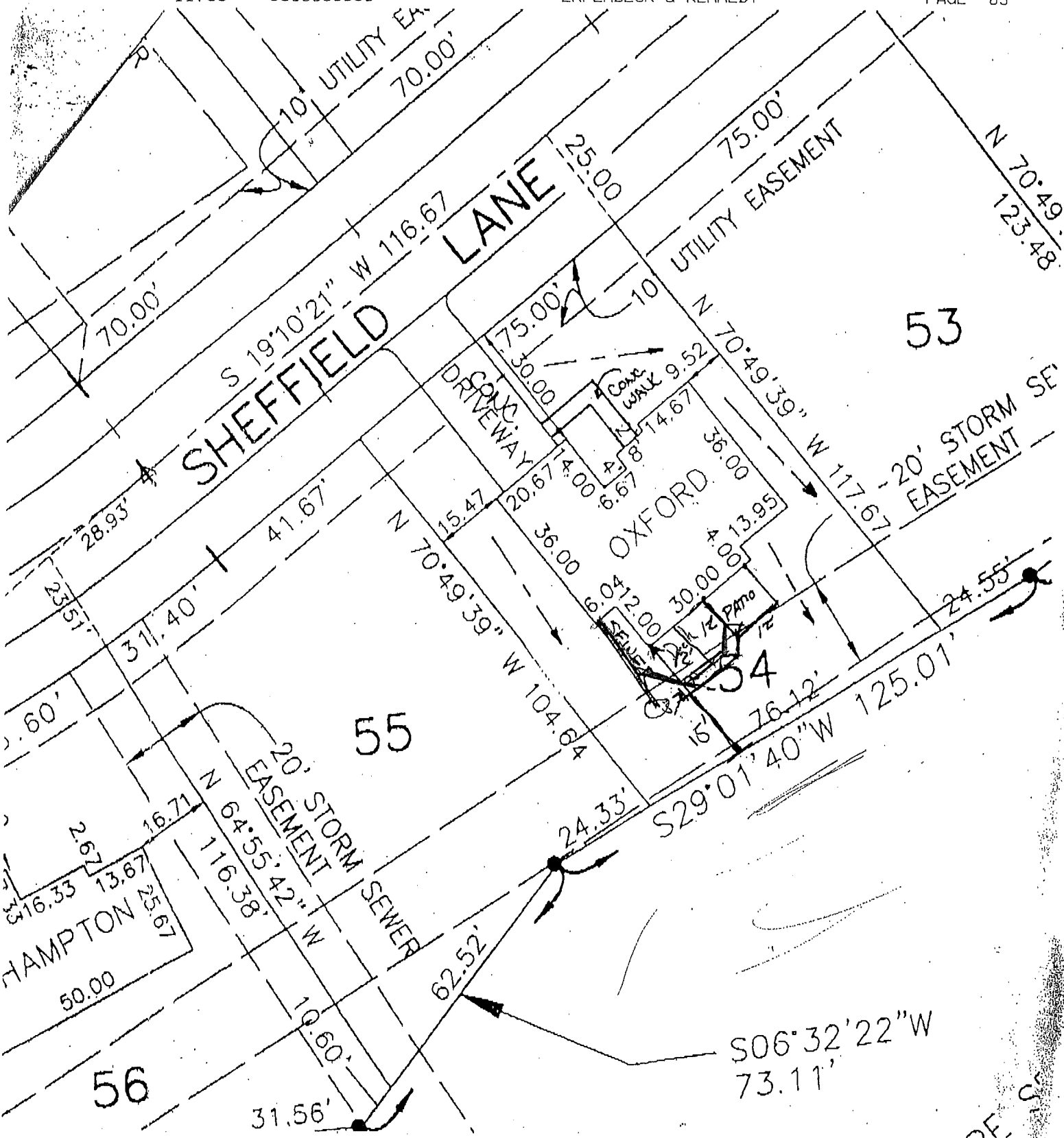


11315 Sheffield Lane Site Vicinity Map



Produced by the
Boone County Planning Commission
GIS Services Division
May 28, 2003





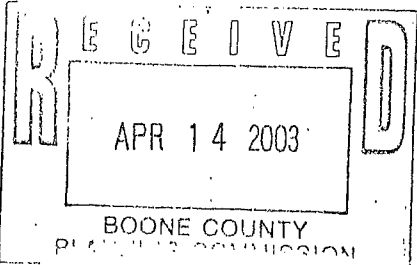
PLOT PLAN

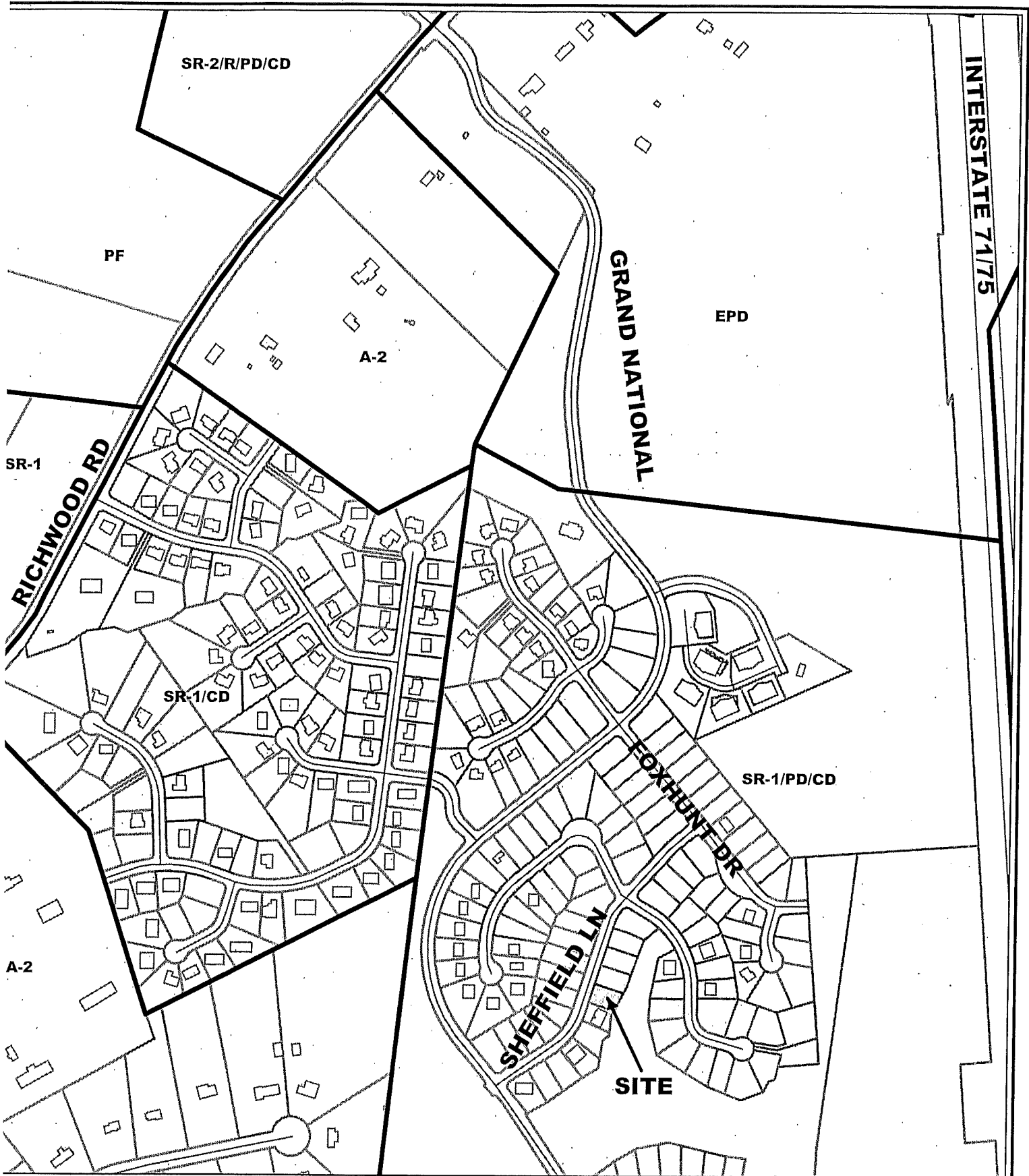
LOT 54

ERPENBECK & KENNEY

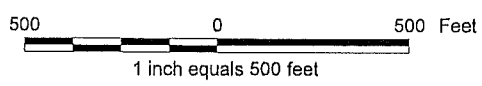
STEEPLECHASE SUBDIVISION

SHEFFIELD LANE - BOONE Co., KY





11315 Sheffield Lane Zoning Map



Produced by the
Boone County Planning Commission
GIS Services Division
May 28, 2003



Alan and Kristin Lamble
11315 Sheffield Lane
Walton KY 41094

Mr. Gary Aman
Sanitation District No. 1
1045 Eaton Drive
Fort Wright, KY 41017

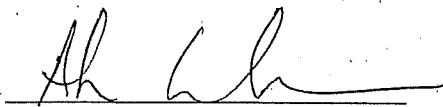
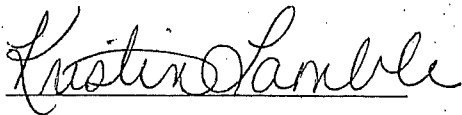
May 8, 2003

Dear Mr. Aman,

We realize that our future deck construction on our property at 11315 Sheffield Lane, Walton, Kentucky will encroach 5 feet into a twenty foot storm sewer easement as shown on our plat. We understand that in the event repairs become necessary to the sewer line our deck might possibly be in the way. We ask that your office make every attempt not to damage our deck, however we understand that the Sanitation department will not be held liable for any damage that may occur.

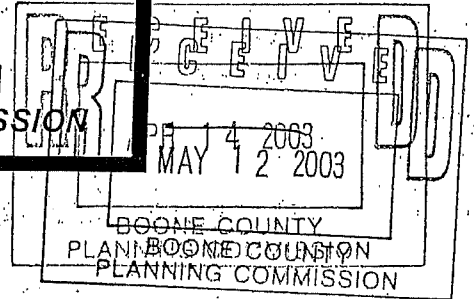
Sincerely,

Alan and Kristin Lamble

Handwritten signature of Alan Lamble in cursive script, written over a horizontal line.Handwritten signature of Kristin Lamble in cursive script, written over a horizontal line.

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 ALAN & KRISTIN LAMBLE
Phone Number (859) 493-0413 Fax No. _____
Applicant's Address 11315 SHEFFIELD LANE
WALTON KY 41094
City State Zip

- 4. Description of Request: REQUEST APPROVAL TO BUILD DECK OFF OF EXISTING HOUSE STRUCTURE INTO CASEMENT / 30 feet to ~~17 feet~~ 15 feet

- 5. Name of Development STEEPLECHASE SUBDIVISION

- 6. Location of Development HWY 75 EXIT # 175 RICHWOOD HWY 338
FIRST SUBDIVISION ON LEFT HEADING WEST

- 7. Acreage Under Review 75' x 105'

- 8. Lot Number and Name of Subdivision (if part of a subdivision)
LOT #54 STEEPLCHASE SUBDIVISION

- 9. Owner of Property ALAN & KRISTIN LAMBLE
Phone Number of Owner (859) 493-0413

- 10. Address of Property Owner 11315 SHEFFIELD LANE WALTON KY 41094
City State Zip

- 11. Proposed Use(s) on Site DECK OFF OF EXISTING STRUCTURE IS TO BE USED FOR GRILLING OUT AND LOUNGING OUTSIDE.

- 12. Total Square Footage of Existing and/or Proposed Buildings DECK = 280 SQ FT.

- 13. Current Zoning on Property RESIDENTIAL

- 14. Deed Book 822 Page No. 457-459 Group No. 3937

- 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: Alan L Lamb Kristin Lamb

Property Owner's Signature: Alan L Lamb Kristin Lamb

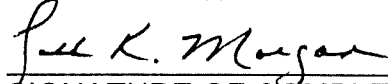
COPY

CLUR #03-BCBOA-012-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Alan & Kristin Lambie
11315 Sheffield Lane
Walton, KY 41094
2. ADDRESS OF PROPERTY
11315 Sheffield Lane
Walton, KY 41094
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Steeplechase
4. DEED BOOK 822 PAGES 457 - 459 GROUP NO. 2071
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)
- 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



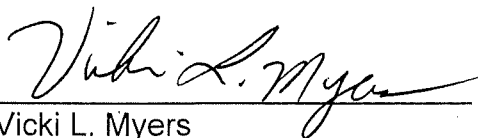
SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

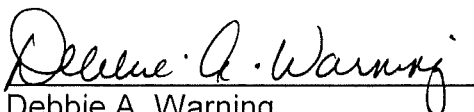
COUNTY OF BOONE

Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 12 day of June, 2003.


Vicki L. Myers
NOTARY PUBLIC, State at Large

My commission Expires:
April 17, 2007

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 11, 2003 Certificate of Land Use Restriction (#03-BCBOA-012-A), for Alan & Kristin Lamble, 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 822

PAGES 457-459

GROUP NO. 2071