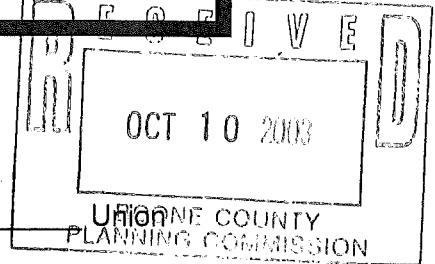


APPLICATION FORM

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 _____
2. (Check One) Conditional Use Permit _____ Variance [checked] Appeal _____
3. Applicant's Name CENTURION HOMES INC.
4. Description of Request: TO allow for encroachment of (6') into minimum rear yard for deck construction
5. Name of Development BRENTWOOD
6. Location of Development BULLITTSVILLE ROAD BURLINGTON
7. Acreage Under Review LESS THAN 1 1/2
8. Lot Number and Name of Subdivision (if part of a subdivision) LOT #109 BRENTWOOD
9. Owner of Property CENTURION HOMES
10. Address of Property Owner 6520 EAST BEND ROAD BURLINGTON KY 41005
11. Proposed Use(s) on Site Single family
12. Total Square Footage of Existing and/or Proposed Buildings 1500 sq ft
13. Current Zoning on Property RS
14. Deed Book ~~212-274~~ Page No. 272-274 Group No. ~~2018~~
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]

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 10-10-03 Fee Received 495.00 R 36883
2. Is application complete? Yes No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
11-12-03 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: Centurion Homes, Inc.
LOCATION: Section 4, Lot 109, Brentwood Subdivision
(3773 Bullittsville Road, Boone County, Kentucky).
ZONING: Rural Suburban (RS)
DATE: November 12, 2003

Proposal

Centurion Homes is requesting a variance for a reduction in the 40 foot rear yard setback requirement, for a parcel located at Section 4, Lot 109 of Brentwood Subdivision. The applicant has requested that the rear yard setback be reduced by six (6) feet (see attached Concept Plan) so that an elevated deck can be constructed onto the rear of a single-family dwelling.

Applicable Regulations

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.

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 minimum front, side, or rear yard."

Site Characteristics and Zoning

The property is located in Brentwood Subdivision and is zoned Rural Suburban (RS). The adjoining lots to the south, east, and west are all located in Brentwood Subdivision and are zoned RS.

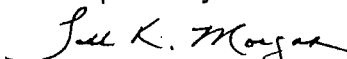
Staff Comments

1. The applicant has provided a letter (see attachments) which indicates that they originally intended to construct a 10' x 20' patio instead of a 10' x 20' deck onto the rear of the single-family dwelling. The letter indicates that current grading conditions would require steps to be constructed to the patio. Because the buyers need a handicapped accessible home the steps are not an option.
2. Staff believes that there is another alternative to constructing the deck. A retaining wall could be constructed that separates the basement walkout area from the first floor walkout area. This retaining wall would enable the applicant to add additional fill to the first floor walkout area and construct the patio level with the ground. Although this would be expensive, it is an alternative to the variance.
3. The proposed variance will have the greatest impact on the vacant flag lot to the south. If the Board grants the Variance, Staff recommends two evergreen trees, which are six (6) feet tall planting, should be planted between the rear property line and the deck.

Conclusion

KRS 100.241 and Section 250 of the Boone County Zoning Regulations gives the Florence Board of Adjustment and Zoning Appeals the authority to grant the applicant's request for a rear yard setback variance.

Respectfully submitted,



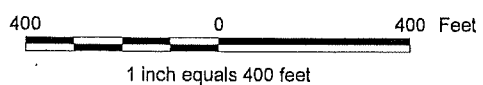
Todd K. Morgan, AICP
Planner, Zoning Services

Attachments

- Exhibit A – Site Vicinity Map
- Exhibit B – Letter From Applicant
- Exhibit C – Concept Plan
- Exhibit D – Final Plat, Section 4 of Brentwood
- Exhibit E – Aerial Map
- Exhibit F – Zoning Map
- Exhibit G – Application



Lot 109, Brentwood Site Vicinity Map



Produced by the
Boone County Planning Commission
GIS Services Division
October 31, 2003



Centurion Homes
6520 East Bend Road, Burlington, KY 41005
859-689-5722

October 10, 2003

Boone County Planning & Zoning
Burlington, KY 41005

To Whom It May Concern:

This variance is being requested to allow for the construction of a 10'x 20' deck verses a 10'x 20' patio as originally planned for this handicap accessible residence.

The anticipated grade on the rear of the home was to be level with the rear door that would have allowed for a concrete patio with no steps and only a small ramp. The grade conditions now would force the patio far below the level of the rear door with the need for several steps. Because of the special needs and requirements of the homeowners, a deck level with the rear door is now the only option.

The variance requested would allow for a six feet encroachment into the minimum rear yard of 40 feet.

Sincerely,


Frank J. Hermanek, Pres.
Centurion Homes, Inc.

BULLITTSVILLE RD

APPLICANT'S
This Zoning Perm.
Shall be Displayed
on the [unclear] Plan
available

Set Top Foundations 20" ABOVE & DRIVE AT STREET
N 49° 53' 21" W
167.57



~~WARRANT~~

LOT 108

SCALE 1" = 30'

LOT #109 BRENTWOOD SECTION 3 GROUP # 2018
MAY 2001 2773 BULLITTSVILLE ROAD BURLINGTON KY

CENTURION HOMES, INC.
6520 EAST BEND RD.
BURLINGTON KY 41005

(IN FEET)
1 inch = 50 ft.



C.I.C. Company
3967 Case Road
Covington, KY 41015
Office: (606) 356 6406

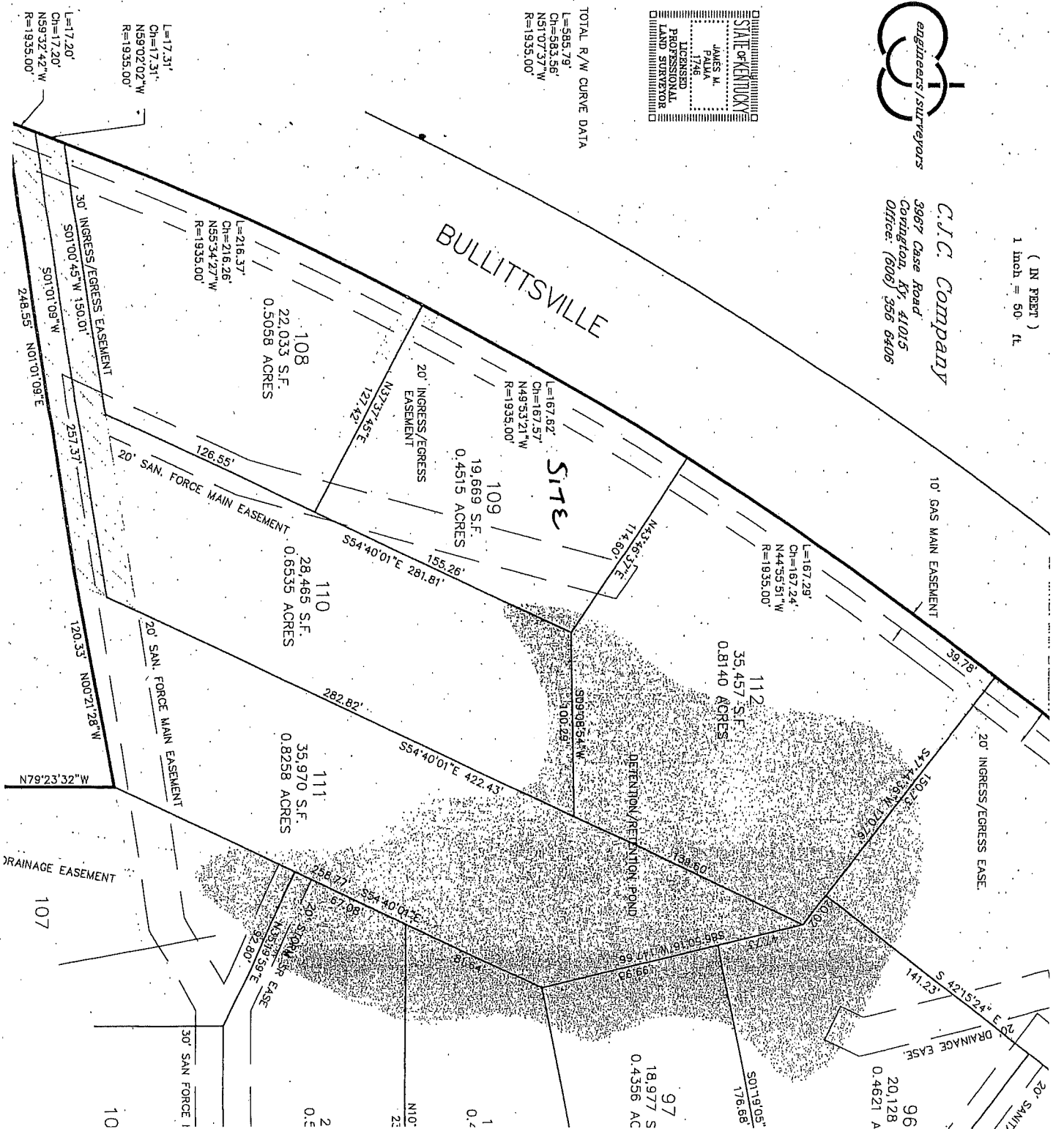


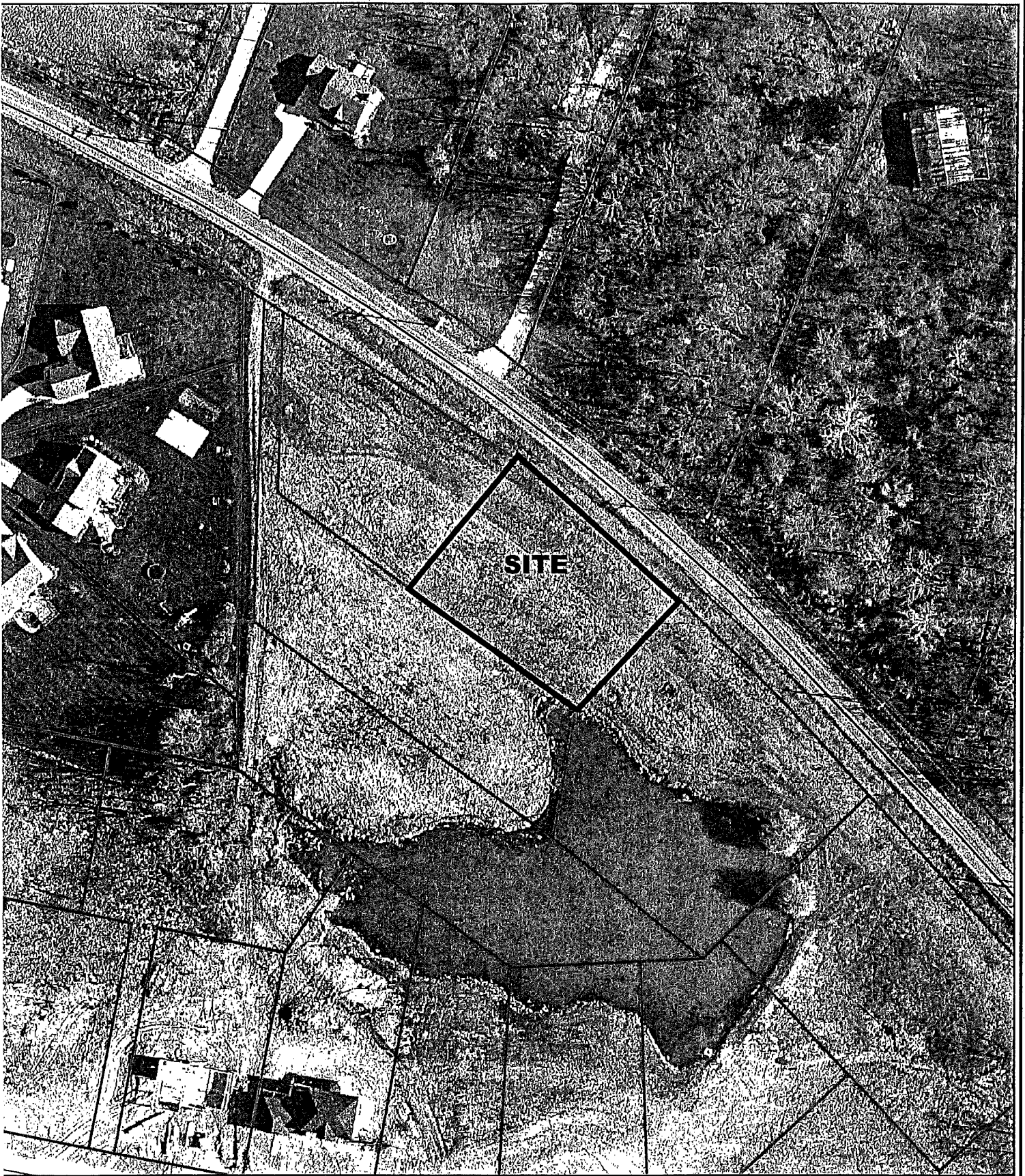
TOTAL R/W CURVE DATA

L=585.79'
Ch=583.56'
NS107.37"W
R=1935.00'

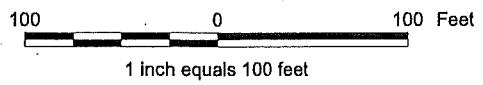
L=17.31'
Ch=17.31'
NS9°02'02"W
R=1935.00'

L=17.20'
Ch=17.20'
NS9°32'42"W
R=1935.00'

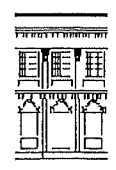


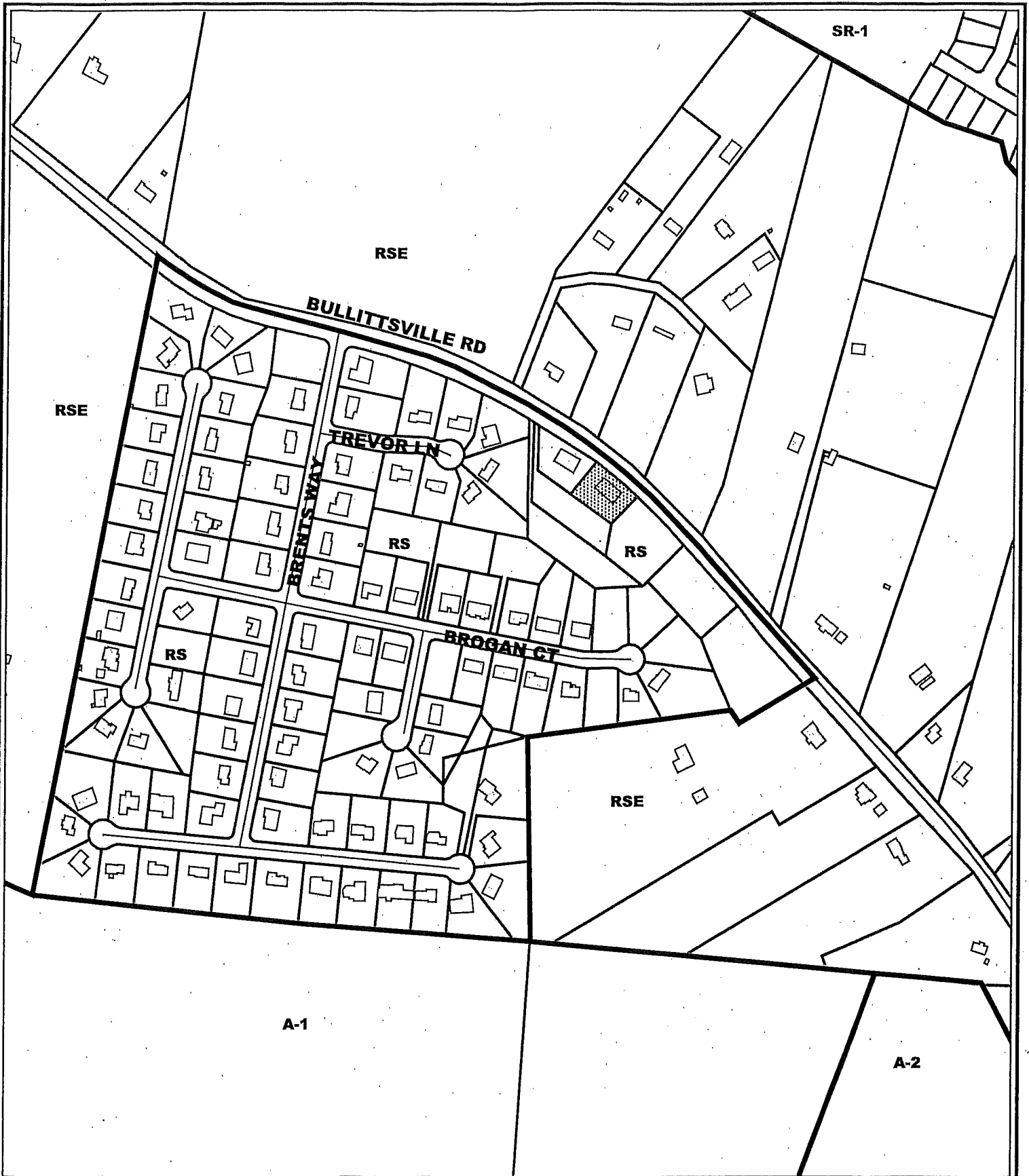


Lot 109, Brentwood Aerial Map

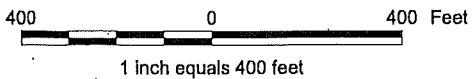


Produced by the
Boone County Planning Commission
GIS Services Division
October 31, 2003





Lot 109, Brentwood Zoning Map

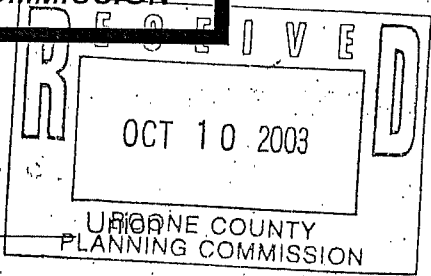


Produced by the
Boone County Planning Commission
GIS Services Division
October 31, 2003



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 _____
- 2. (Check One) _____ Conditional Use Permit Variance _____ Appeal _____
_____ Change in Non-Conforming Use
- 3. Applicant's Name: CENTURION HOMES INC.
Phone Number 689-5722 Fax No. 689-5722
Applicant's Address 6520 EAST BEND Rd. Burlington
BURLINGTON KY. 410050
City State Zip
- 4. Description of Request: TO allow for encroachment of (6') into
minimum rear yard for deck construction
- 5. Name of Development BRENTWOOD
- 6. Location of Development BULLITTSVILLE ROAD Burlington
- 7. Acreage Under Review LESS THAN 1 1/2
- 8. Lot Number and Name of Subdivision (if part of a subdivision)
LOT #109 BRENTWOOD
- 9. Owner of Property CENTURION HOMES
Phone Number of Owner 689-5722
- 10. Address of Property Owner 6520 EAST BEND ROAD
BURLINGTON KY 41005
City State Zip
- 11. Proposed Use(s) on Site Single family
- 12. Total Square Footage of Existing and/or Proposed Buildings 1500 Sq FT
- 13. Current Zoning on Property RS
- 14. Deed Book ~~4239~~ Page No. 272-274 Group No. ~~4239~~
- 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: [Signature]

Property Owner's Signature: [Signature]

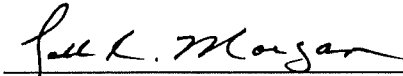
COPY

CLUR #03-BCBOA-021-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Centurion Homes
6520 East Bend Road
Burlington, KY 41005
2. ADDRESS OF PROPERTY
3773 Bullittsville Road
Burlington, KY 41005
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Brentwood
4. DEED BOOK 56 PAGE NO. 272 - 274 GROUP NO. 2018
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



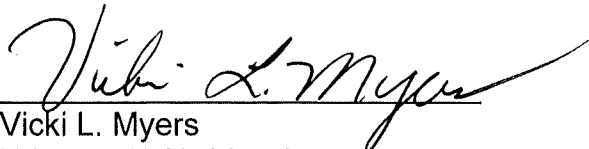
SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

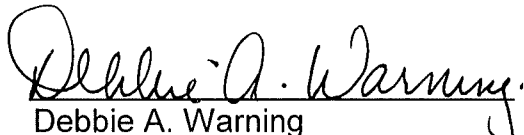
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 13 day of November, 2003.



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.)