

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 [X] Florence \_\_\_\_\_ Walton \_\_\_\_\_ Union \_\_\_\_\_
2. (Check One) Conditional Use Permit \_\_\_\_\_ Variance [X] Appeal \_\_\_\_\_ Change in Non-Conforming Use \_\_\_\_\_
3. Applicant's Name MARIO ANGULO
Phone Number 859) 393-0933 Fax No. 859) 571-5196
Applicant's Address 1558 BEEMON LN FLORENCE KY 41042
4. Description of Request: REDUCED FRONT YARD SET BACK TO ALLOW PORCH.
5. Name of Development N/A
6. Location of Development 1558 Beeman Lane Florence KY 41042
7. Acreage Under Review 1.83
8. Lot Number and Name of Subdivision (if part of a subdivision) N/A
9. Owner of Property MARIO ANGULO
Phone Number of Owner 859) 393-0933
10. Address of Property Owner 1558 BEEMON LN FLORENCE KY 41042
11. Proposed Use(s) on Site Residential
12. Total Square Footage of Existing and/or Proposed Buildings \_\_\_\_\_
13. Current Zoning on Property SR-1
14. Deed Book 824 Page No. 489 Group No. 2032
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: ANGULO MARIO

Property Owner's Signature: ANGULO MARIO

BOARD OF ADJUSTMENT AND  
ZONING APPEALS ACTION  
APPLICATION  
PAGE 2

**SECTION B** (To be completed by the Boone County Planning Commission Staff) *RA# 37791*

- 1. Date Received 2-11-04 Fee Received \$ 114.00 *RA# 37791*
- 2. Is application complete?  Yes  No
- 3. Staff Reviewer \_\_\_\_\_
- 4. Scheduled Board Action Date \_\_\_\_\_
- 5. Board Action:  
 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) - 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: Mario Angulo  
LOCATION: 1558 Beemon Lane  
ZONING: Suburban Residential One (SR-1)  
DATE: March 10, 2004

### Proposal

The applicant is requesting a variance for a reduction in the required 30 foot front yard setback for the above-mentioned address. The subject parcel is 1.89 acres. The zoning of the property is Suburban Residential One (SR-1).

The attached survey of the property in question indicates that southern property line extends to the centerline of Beemon Lane. No dedicated right of way is shown on the deed to the property. The applicant constructed a porch on the property, prior to submitting a Zoning Permit for the porch. The distance from the overhang of the porch to the centerline of Beemon Lane is 38.8 feet. Kentucky Revised Statutes permits the County to claim 30 feet of right of way (up to 15 feet on either side of the road) when there is no dedicated right of way reflected in the deed of the property. The Boone County Engineer has indicated that the county claims this 15 foot right of way. Thus the setback from the front porch to the right of way (which would serve as the property line) is 23.8 feet, a reduction of 7.2 feet in the required setback.

### 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 required minimum front, side or rear yard.

#### Surrounding Land Uses

- Northeast, East: Single-family residence, located at 1554 Beemon Lane, part of Fox Run Subdivision, zoned Suburban Residential One/Planned Development/Concept Development (SR-1/PD/CD)
- Northwest, West: Single-family residences at 1555, 1559, 1563, 1567, and 1571 Hickory Hill Court, part of Fox Run subdivision, zoned Suburban Residential One/Planned Development/Concept Development (SR-1/PD/CD)
- Southeast: Two vacant parcels, each 0.30 acres, lots 518 and 555 of Silvercreek Subdivision, zoned Suburban Residential One
- Southwest: A 4.06 acre parcel belonging to the applicant, zoned Suburban Residential One

Staff Comments

1. The Board shall deny the request for a variance that results from any willful violation of the Boone County Zoning Regulations. It is staff's belief that the reduction in setback resulted from an honest error rather than a willful violation.

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 variance in the front yard setback from 30 feet to 23.8 feet. It is Staff's opinion that granting the variance will not adversely affect the public health, safety or welfare, and will not alter the essential character of the general vicinity if the existing tree line is preserved.

Respectfully submitted,

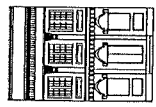
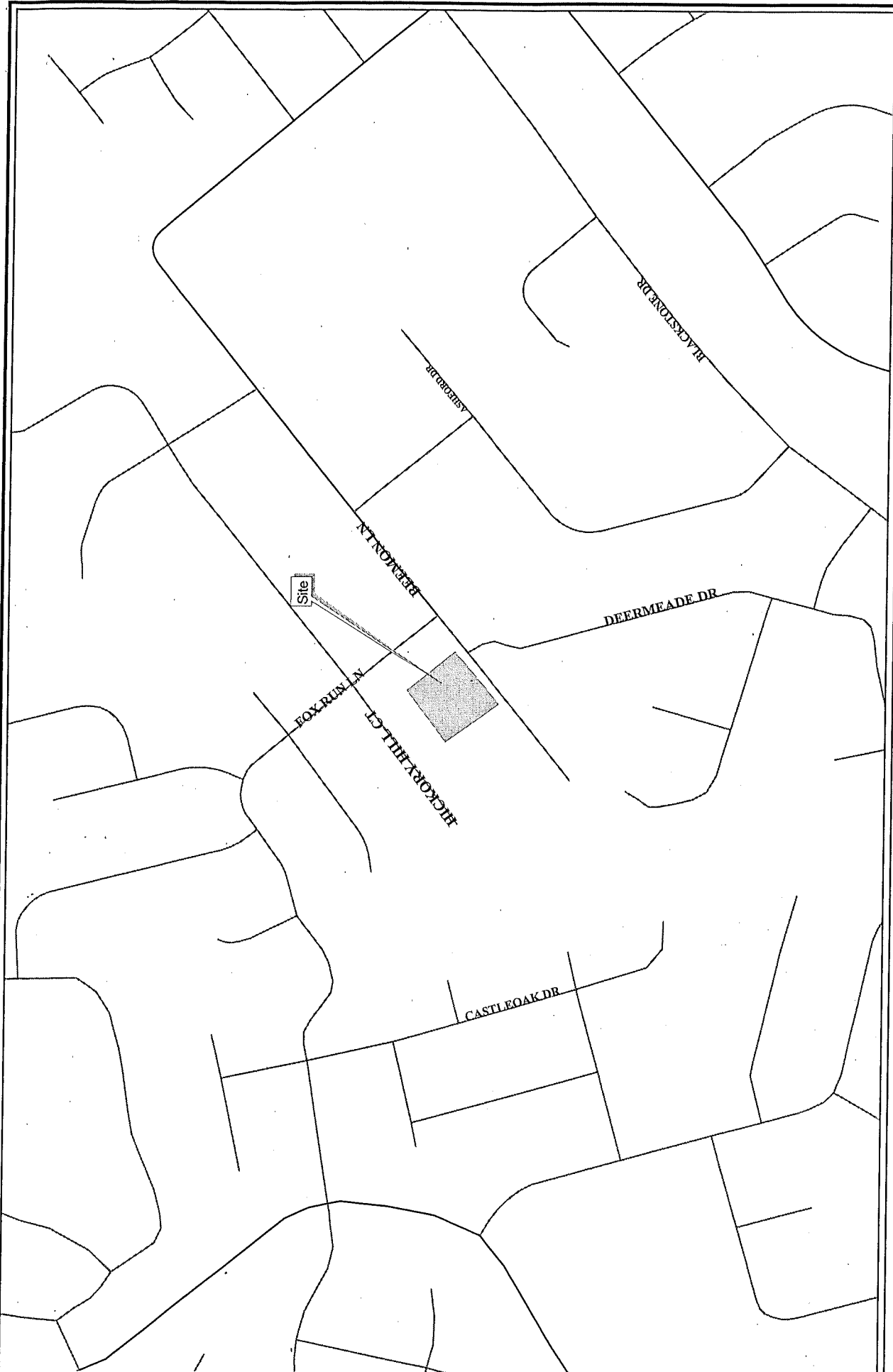


Patty Bachman  
Planner, Zoning Services

MPB/pr

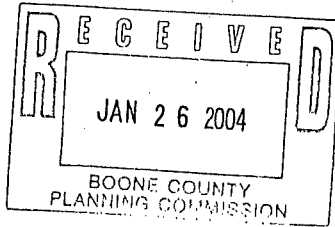
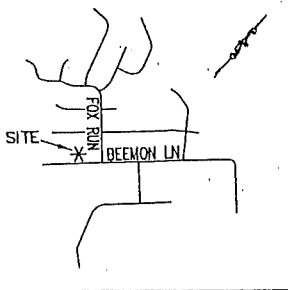
Attachments

- Exhibit A – Site Vicinity Map
- Exhibit B – Site Plot Plan
- Exhibit C – Aerial Map and Zoning Map
- Exhibit D – Application



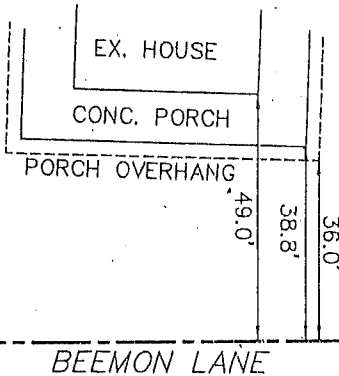
1 inch equals 500 feet  
Produced by the  
Boone County Planning Commission  
GIS Services Division  
February 24, 2004

# 1558 Beemon Lane



VICINITY MAP  
SCALE: 1"=2000'  
ZONE: SR-1

MARIO ANGULO  
D.B. 824, PG. 487



SET IP  
@ 15.00'

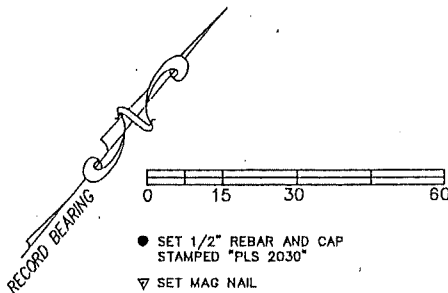
EX. 30'  
R/W

S52°00'00"W  
655.00'

BEEMON LANE

S38°00'00"E 255.24'

FOX RUN SUBDIVISION  
SECTION 1  
PLAT BOOK 12, PG. 49



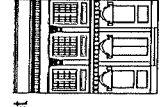
PLAT OF PARTIAL SURVEY  
OF THE  
MARIO ANGULO PROPERTY  
BOONE COUNTY KENTUCKY  
NORTHWEST SIDE OF BEEMON LANE  
145' SOUTHWEST OF FOX RUN LANE

DECEMBER 17, 2003 SCALE: 1" = 30'

I hereby certify that the survey depicted by this plat was done by persons under my direct supervision by the method of random traverse with sideshots. The unadjusted error of closure was 1:18,000 and was not adjusted. The survey as shown hereon is a Class A Survey and the accuracy and precision of said survey meets all the specifications of this class.

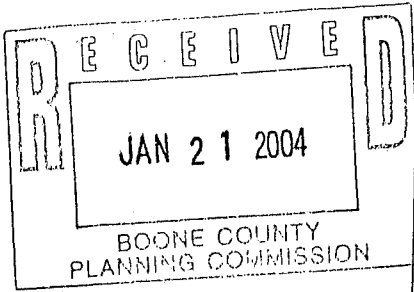
*Timothy R. McNeely* 12-22-03  
P.L.S 2030 DATE

McNEELY SURVEYING, INC.  
466 ERLANGER ROAD  
ERLANGER, KY. 41018  
(859) 727-3293



1 inch equals 100 feet  
Produced by the  
Boone County Planning Commission  
GIS Services Division  
January 27, 2004

1558 Beemon Lane



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. [X] Boone [ ] Florence [ ] Walton [ ] Union

(Check One)

- 2. [ ] Conditional Use Permit [ ] Variance [X] Appeal [ ] Change in Non-Conforming Use

3. Applicant's Name MARIO ANGULO
Phone Number 859) 393-0933 Fax No. 859) 371-5196
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FLORENCE KY 41042
City State Zip

4. Description of Request: REDUCED FRONT YARD SET BACK TO ALLOW PORCH.

5. Name of Development N/A

6. Location of Development 1558 Beemon Lane
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Phone Number of Owner 859) 393-0933

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

13. Current Zoning on Property SR-1

14. Deed Book 824 Page No. 489 Group No. 2032

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: ANGULO MARIO

Property Owner's Signature: ANGULO MARIO

COPY

CLUR #04-BCBOA-007-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Mario Angulo  
1558 Beemon Lane  
Florence, KY 41042

2. ADDRESS OF PROPERTY

1558 Beemon Lane  
Florence, KY 41042

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

\_\_\_\_\_

4. DEED BOOK 824

PAGE NO. 489

GROUP NO. 2032

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:

X 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

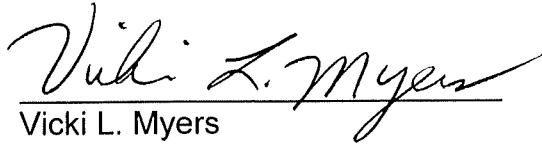
*Patty Bachman*  
SIGNATURE OF COMPLETING OFFICIAL

Patty Bachman, Planner, Zoning Services  
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

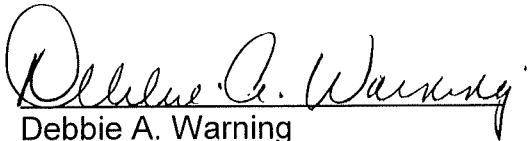
Subscribed, sworn to, and acknowledged before me by Patty Bachman on behalf of the  
Boone County Planning Commission this 16 day of March, 2004.



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 March 10, 2004 Certificate of Land Use Restriction (#04-BCBOA-007-A), for Mario Angulo, 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 824

PAGE NO. 489

GROUP NO. 2032