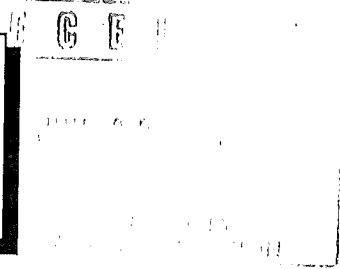


APPLICATION FORM

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 [X] Variance [] Appeal [] Change in Non-Conforming Use

3. Applicant's Name [Joanna Jack Lloyd] Phone Number [859-586-9365] Fax No. [] Applicant's Address [2856 Burlington Ky 41005]

4. Description of Request: [reduce side yard setback from 10' to 5']

5. Name of Development []

6. Location of Development [4394 Bullitsville Rd Burlington, Ky]

7. Acreage Under Review [4 acres]

8. Lot Number and Name of Subdivision (if part of a subdivision) []

9. Owner of Property [Joanna & Jack Lloyd]

Phone Number of Owner [586-9365]

10. Address of Property Owner [4394 Bullitsville Rd Burlington, Ky 41005]

11. Proposed Use(s) on Site [single family Residnet]

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

13. Current Zoning on Property [RSE]

14. Deed Book [D847] Page No. [338] Group No. [2007]

15. Is the site subject to a zone change? [] 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: [Joanna Lloyd] [Jack W. Lloyd]

Property Owner's Signature: [Joanna Lloyd] [Jack W. Lloyd]

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 6-22-04 Fee Received \$ 527.00 # 39264
2. Is application complete? _____ Yes _____ No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
7/14/04 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@boonecountky.org - E-mail
www.boonecountky.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: Jo Ann & Jack Lloyd
LOCATION: 4394 Bullittsville Road, Boone County, Kentucky.
ZONING: Rural Suburban Estates (RSE)
DATE: July 14, 2004

Proposal

The Applicants are requesting a Variance to reduce the 10 foot side yard setback requirement for a proposed remainder tract which is located at 4394 Bullittsville Road, Boone County, Kentucky.

The submitted Concept Development Plan shows that the applicants want to subdivide their approximate 5 acre tract into two legal lots of record (Parcel A & Parcel B).

Proposed Parcel B is a 1 acre flag lot which contains a mobile home. The Applicants have informed Staff that their son intends to remove this mobile and construct a new single-family residential dwelling in its place. The mortgage company is requiring that the new house must be on an individual lot of record.

Proposed Parcel A is a 3.9665 acre remainder tract which contains the Applicants home and a barn. A Variance is needed for the remainder tract because the Applicants home is 3 feet from the newly proposed property line. The request is to reduce the 10 foot side yard setback requirement of Parcel A from 10 feet to 3 feet.

Applicable Regulations

Article 2, Section 250 of the Boone County Zoning Regulations states that the Board of Adjustment 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.

Sections 911 and 913 of the Boone County Zoning Regulations do not list mobile homes as a principally permitted or conditional use within the Rural Suburban Estates (RSE) zoning district.

Section 3113 of the Boone County Zoning Regulations states that "single family detached dwellings (including mobile homes in an Agriculture zoning district) within Agricultural or Residential zones shall be required to be individually placed on single lots of record unless required to obtain Site Plan approval by the underlying zoning district or Article 30."

Section 315 (d) of the Boone County Subdivision Regulations states that single-flag lots shall have twenty feet (20') of frontage along a publically dedicated street.

Section 155 of the Boone County Subdivision Regulations states that upon request to the Zoning Administrator, a property owner may seek a waiver of any subdivision regulation with a written request. "The Zoning Administrator shall review the individual request and grant a waiver under unusual or extreme circumstances, while still meeting the purpose and authority sections of this document."

Surrounding Land Uses and Zoning

North: Single-Family Residence & Farm (RSE)

South: Single-Family Residences & Barn (RSE)

East: Farm (RSE & A-2)

West: Bullittsville Road & Rehkamp Farm (A-1 & A-2)

Staff Comments

1. The lot is currently non-conforming for the following reasons:

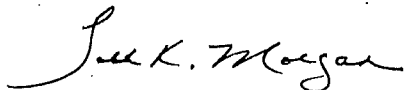
- a. There are currently two dwelling units on the 5 acre parcel. Section 3113 of the Boone County Zoning Regulations states that single family detached dwellings and mobile homes shall be individually placed on single lots of record and;
 - b. Mobile Homes are not permitted in Rural Suburban Estates (RSE) zoning districts.
2. The Concept Development Plan indicates that the property owner will need to obtain a Waiver from the Zoning Administrator to reduce the required width of the flag lot panhandle from 20' to 15.8'. The Zoning Administrator has indicated that he is not opposed to the Waiver because it will place the dwellings on individual lots of record.
 3. The Boone County Building Department informed Staff that there must be at least three feet (3') of separation between a house and a property line. The Concept Plan shows that this requirement is being met.
 4. Staff believes that denying the request would create an unnecessary hardship on the Applicants because the lot already contains two dwelling units.

The proposal also eliminates two non-conforming uses because it places each dwelling on a lot of record and eliminates a mobile home in the RSE zoning district.

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.

Respectfully submitted,



Todd K. Morgan, AICP
Planner, Zoning Services

TKM/pr

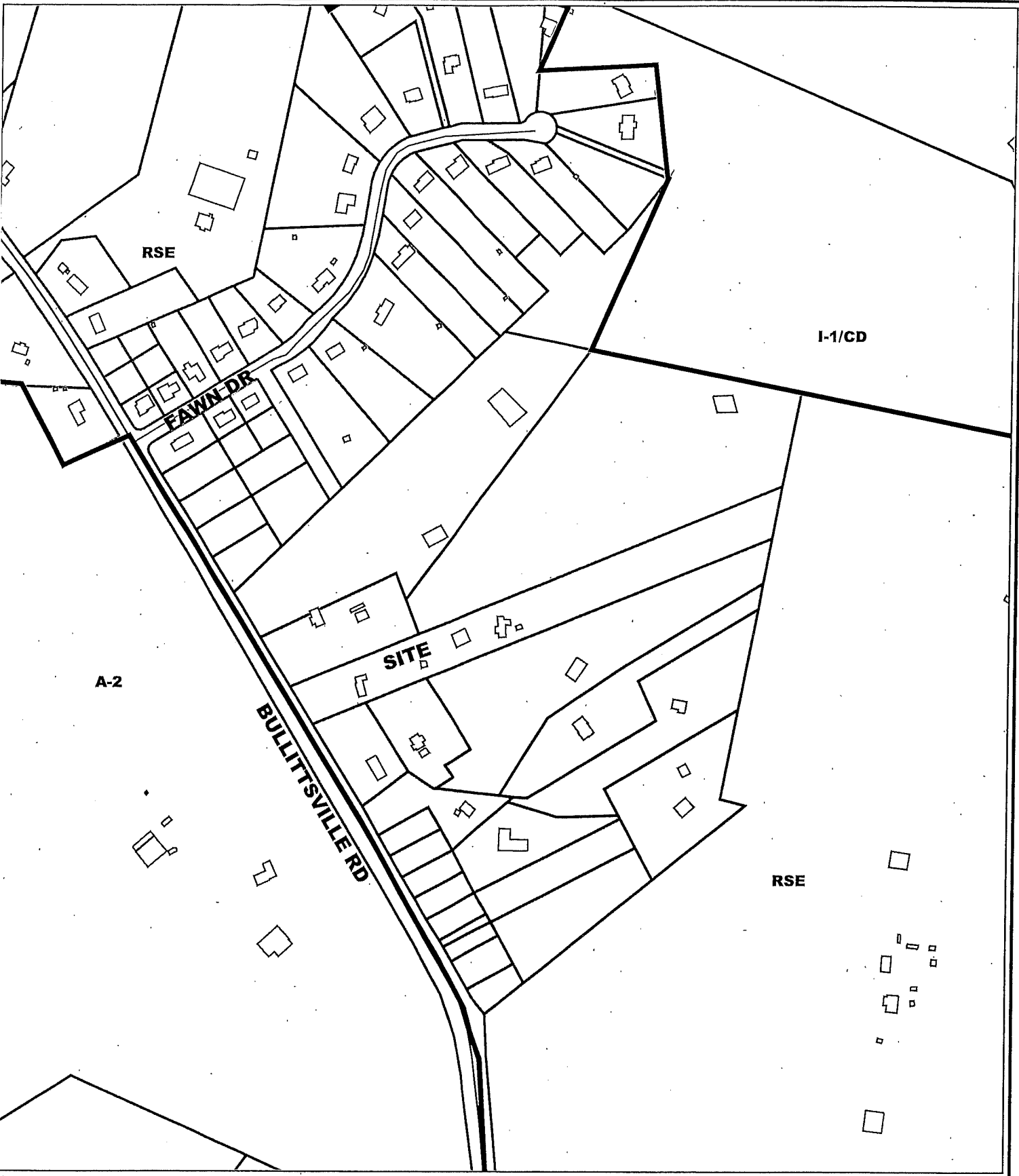
Attachments

Exhibit A – Site Vicinity & Zoning Map

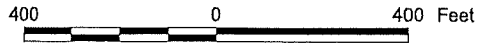
Exhibit B – Concept Plan

Exhibit C – Aerial Map

Exhibit D – Application



4394 Bullittsville Road Site Vicinity & Zoning Map



1 inch equals 400 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 June 23, 2004



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

LINE	BEARING	DISTANCE
L1	N 31°19'23" W	16.02'
L2	N 31°19'23" W	122.83'
L3	N 88°15'00" E	30.42'
L4	S 31°19'23" E	122.83'
L5	S 31°19'23" E	16.02'
L6	S 88°15'00" W	30.42'
L7	S 68°15'00" W	30.42'
L8	N 21°45'00" W	101.12'
L9	N 68°15'00" E	293.10'
L10	S 22°03'29" E	116.92'

PARCEL A
4.0511 TOTAL ACRES
-0.0846 R/WAY ACRES
=3.9665 NET ACRES
REMAINING PART OF
DEED BOOK 847, PAGE 338
GROUP #2019, RSE ZONE

Jerry Spada
db 471, pg. 109

Gary Kennedy
db 803, pg. 27

iron pin found by post, 6.02' inside r/way line

30' wide r/way parcel

40.0' barn

27.0' L9

26.7' mobile home

52.7' B

20.0' N 68°15'00" E 1637.02'

20.0' S 68°15'00" W 878.18'

15.8' wide shared access easement

iron pin found LS 310 1.45' outside the r/way

iron pin found LS 310 0.30' outside the property line

Kenton Co. Airport Board db 626, pg. 80

Gary Brookover db 669, pg. 115

Notes: the width of the shared access easement is subject to the zoning administrator approval of a waiver of the typical 20' width.

PARCEL B
1.0110 TOTAL ACRES
-0.0110 R/WAY ACRES
=1.0000 NET ACRES

Betty Bay
deed book 858, page 646

DEDICATION CERTIFICATE
I hereby dedicate the right of way of Bullittsville Road as shown hereon to public use, forever.

BOONE COUNTY PLANNING COMMISSION APPROVAL CERTIFICATE
Approved for recording the transfer of property only by the Boone County Planning Commission this _____ day of _____, 2004.

Authorized Signature _____

PARCEL A
4.0511 TOTAL ACRES
-0.0846 R/WAY ACRES
=3.9665 NET ACRES
REMAINING PART OF
DEED BOOK 847, PAGE 338
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Authorized Signature _____

Signature of Grantor _____ Date _____

NOTARY CERTIFICATE
The foregoing instrument was acknowledged before me this _____ day of _____, 2004.

Notary _____ Commission Expires _____

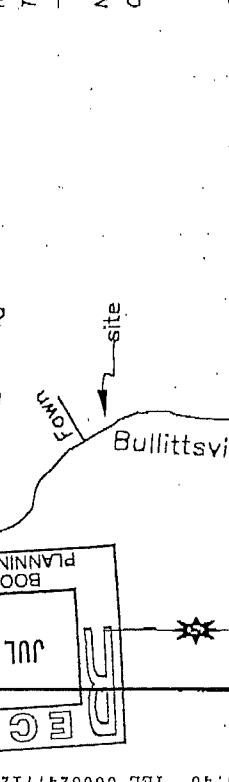
LAND SURVEYOR'S CERTIFICATE:
I certify that this plat has been prepared by me or under my supervision in accordance with the Kentucky Minimum Surveying Standards, and complies with all requirements of the Boone County Zoning and Subdivision Regulations, and that dedicated areas including public ways or streets are currently owned by the property owner.

Ky. P.L.S. No. 2709 Date: _____

1.00 ACRE CONVEYANCE
JACK & JOANN LLOYD
4394 BULLITTSVILLE ROAD TO
BURLINGTON, KY 41005

DATE: 8/9/04
SCALE: 1" = 200'
DRAWN BY: SCA
REVISED:
EAST SIDE OF BULLITTSVILLE ROAD,
0.17 MILES SOUTHEAST OF FAWN DRIVE
CAHILL SURVEYORS, INC.
34 BROADWAY, DRY RIDGE, KY 41035

LEGEND
○ 1/2" DIAMETER, 18" LONG IRON PIN SET WITH YELLOW PLASTIC CAP - STAMPED "2709 3479 3612" UNLESS OTHERWISE NOTED
▲ MAGNAIL SET C/L ROAD UNLESS OTHERWISE NOTED
● TREE OR POST AS NOTED



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Approved for recording the transfer of property only by the Boone County Planning Commission this _____ day of _____, 2004.

Authorized Signature _____

Signature of Grantor _____ Date _____

NOTARY CERTIFICATE
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Notary _____ Commission Expires _____

LAND SURVEYOR'S CERTIFICATE:
I certify that this plat has been prepared by me or under my supervision in accordance with the Kentucky Minimum Surveying Standards, and complies with all requirements of the Boone County Zoning and Subdivision Regulations, and that dedicated areas including public ways or streets are currently owned by the property owner.

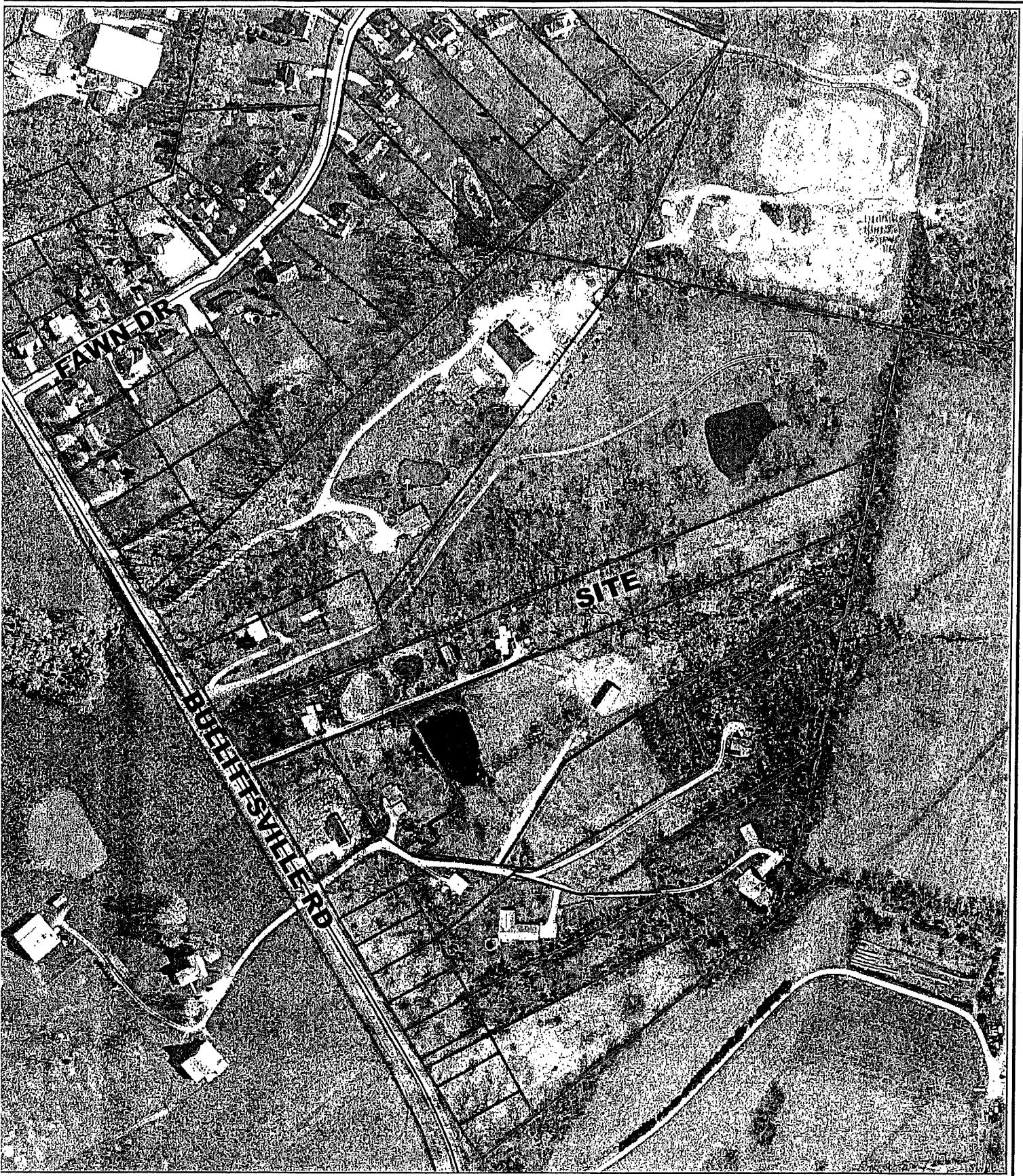
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1.00 ACRE CONVEYANCE
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DRAWN BY: SCA
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EAST SIDE OF BULLITTSVILLE ROAD,
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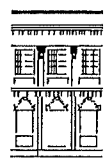
vicinity map (no specific scale)



4394 Bullitsville Road Aerial Map

300 0 300 Feet

1 inch equals 300 feet
Produced by the
Boone County Planning Commission
GIS Services Division
June 23, 2004



APPLICATION FORM

BOARD OF ADJUSTMENT
AND
ZONING APPEALS ACTION
BOONE COUNTY PLANNING COMMISSION

RECEIVED
MAY 3 2007
BOONE COUNTY
PLANNING COMMISSION

See Boone County Zoning Regulations

SECTION A (To be completed by applicant)

1. Boone Florence Walton Union
(Check One)

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

3. Applicant's Name John & Jack Lloyd
Phone Number 859-586-9365 Fax No. _____
Applicant's Address 28564
Burlington Ky 71005
City State Zip

4. Description of Request: reduce side yard setback
from 10' to 5'

5. Name of Development _____

6. Location of Development 4394 Battlettsville Rd
Burlington, Ky

7. Acreage Under Review 4 acres

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

9. Owner of Property John & Jack Lloyd

Phone Number of Owner 586-9365

10. Address of Property Owner 4394 Battlettsville Rd
Burl. Ky 41005
City State Zip

11. Proposed Use(s) on Site single family Residet

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

13. Current Zoning on Property RSE

14. Deed Book 2847 Page No. 338 Group No. 2007

15. Is the site subject to a zone change? _____
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: John & Jack Lloyd Jack W. Lloyd

Property Owner's Signature: John & Jack Lloyd Jack W. Lloyd

COPY

CLUR #04-BCBOA-018-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Jo Ann & Jack Lloyd
4394 Bullittsville Road
Burlington, KY 41005

2. ADDRESS OF PROPERTY

4394 Bullittsville Road
Burlington, KY 41005

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

4. DEED BOOK 847

PAGE NO. 338

GROUP NO. 2007

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

Todd K. Morgan

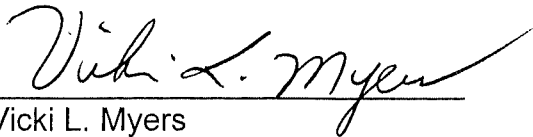
SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

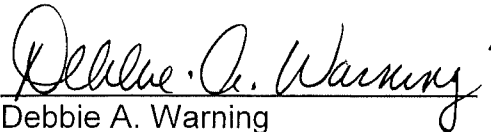
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 15 day of July, 2004.



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 July 14, 2004 Certificate of Land Use Restriction (#04-BCBOA-018-A), for Jo Ann & Jack Lloyd, 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 847

PAGE NO. 338

GROUP NO. 2007