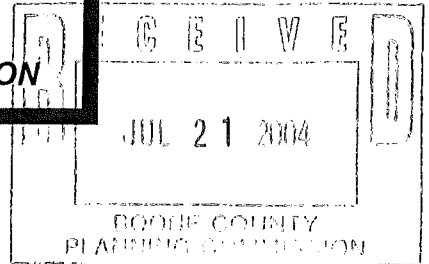


04-BCBOA-026-A

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 [X] Variance _____ Appeal _____ Change in Non-Conforming Use _____
3. Applicant's Name Richard and Maria Brown Phone Number 859-393-0548 Fax No. 513-358-1169 Applicant's Address 3879 Hathway Rd Union KY 41091
4. Description of Request: Reduce setback to 40' for front of property
5. Name of Development N/A
6. Location of Development Plot 2 kn off of Camp East Rd
7. Acreage Under Review 5.00 ac
8. Lot Number and Name of Subdivision (if part of a subdivision) Lot 3 Group 2037
9. Owner of Property Jeffery and Jacqueline Caudill Phone Number of Owner 859-393-4936
10. Address of Property Owner 8063 Camp East Road Burlington KY 41005
11. Proposed Use(s) on Site Single Family Home
12. Total Square Footage of Existing and/or Proposed Buildings 2275 sq. ft.
13. Current Zoning on Property A1
14. Deed Book 647 Page No. 107 Group No. 2037
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: Richard Brown 7/20/04

Property Owner's Signature: [Signature] 7/21/04

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 _____ Fee Received _____
2. Is application complete? _____ Yes _____ No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
8-11-04 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@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: Richard & Maria Brown

LOCATION: Near the terminus of Klotz Lane. The property is immediately to the east of 8053 Camp Ernst Road and to the west of 8063 Camp Ernst Road, Boone County, Kentucky

ZONING: Agriculture (A-1)

DATE: August 11, 2004

Proposal

The Applicants are requesting a variance to allow a proposed single-family residence to encroach into the 80 foot front yard setback. The subject property is located near the terminus of Klotz Lane and is zoned Agriculture (A-1). The submitted Concept Development Plan indicates that the house is being proposed 40 feet from the front property line.

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.

Site Characteristics

The proposed house is located in a clearing near the southwest property boundary. The remaining portion of the 5 acre tract is heavily wooded (see attached aerial map). The topography of the parcel falls from 880 feet above sea level at Klotz Lane to 730 feet above sea level at the northwest property boundary (see attached topographical map). Boone County GIS and survey stakes located on property both indicate that there is approximately 30 feet of right-of-way between the front property line and Klotz Lane edge of pavement.

Surrounding Land Uses and Zoning

- North: Single-Family Residences (A-1)
- South: Single-Family Residence (A-1)
- East: Single-Family Residence (A-1)
- West: Single-Family Residence (A-1)

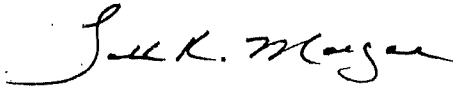
Staff Comments

1. The adjoining residence to the east does not meet the 80' front yard setback requirement. According to Boone County GIS the residence is approximately 50' feet from the front property line.
2. There is 30' of right-of-way between the front property line and Klotz Lane edge of pavement. This strip of right-of-way will give the proposed house the appearance that it is 70 feet from the front property line.
3. Staff believes that the topography of the lot and the existing vegetation should be considered by the Board when reviewing the request. Moving the house further back on the lot may put the rear of the house in a ravine and will cause more deciduous trees to be removed from the site.

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 Applicants request for a front yard setback Variance.

Respectfully submitted,

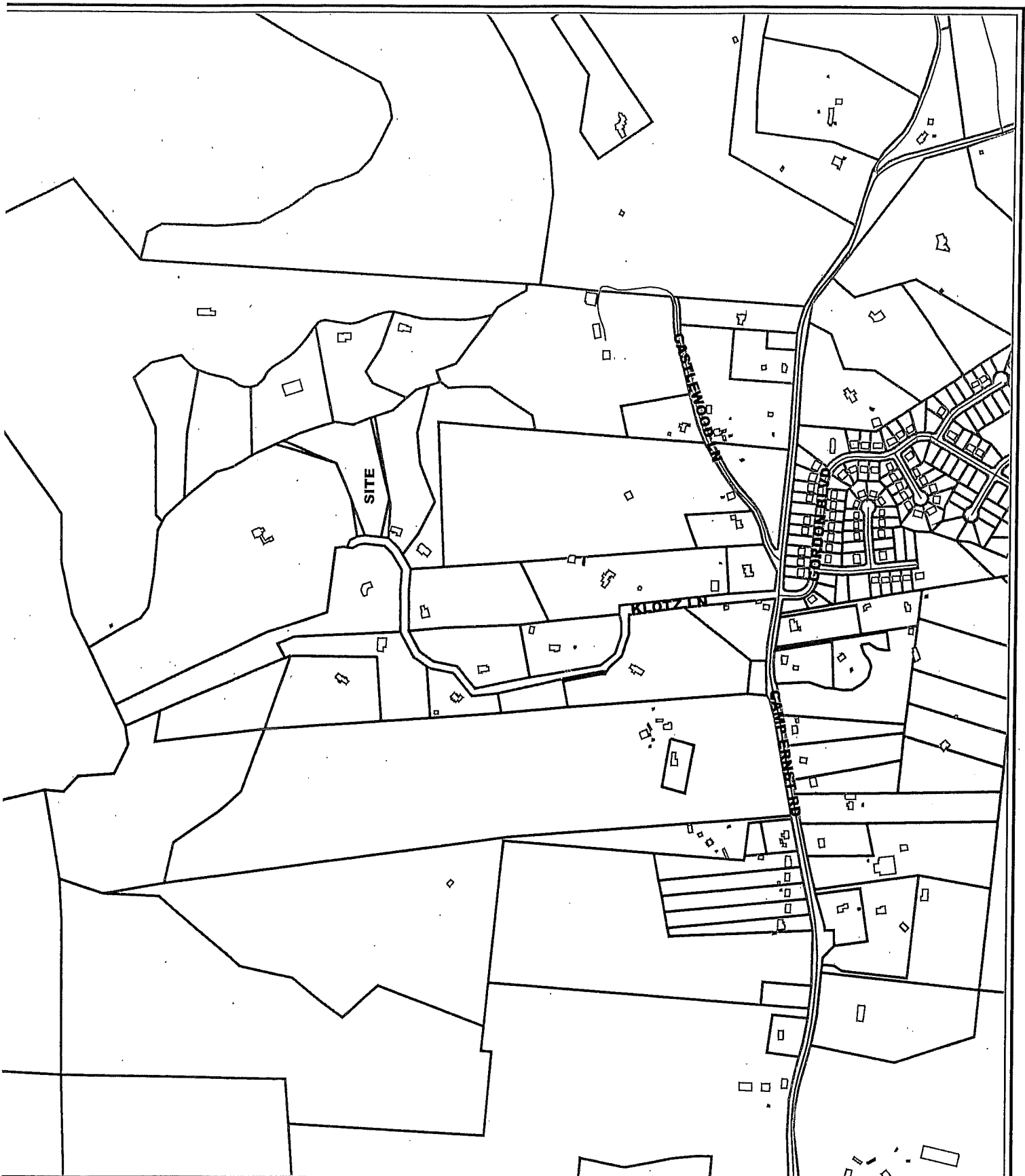


Todd K. Morgan, AICP
Planner, Zoning Services

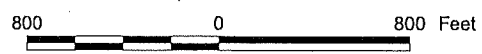
TKM/pr

Attachments

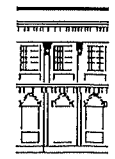
- Exhibit A – Site Vicinity Map
- Exhibit B – Concept Plan (Survey)
- Exhibit C – Zoning Map
- Exhibit D – Aerial Map
- Exhibit E – Topographical Map
- Exhibit F – Application



Richard & Maria Brown Site Vicinity Map



1 inch equals 800 feet
Produced by the
Boone County Planning Commission
GIS Services Division
August 3, 2004

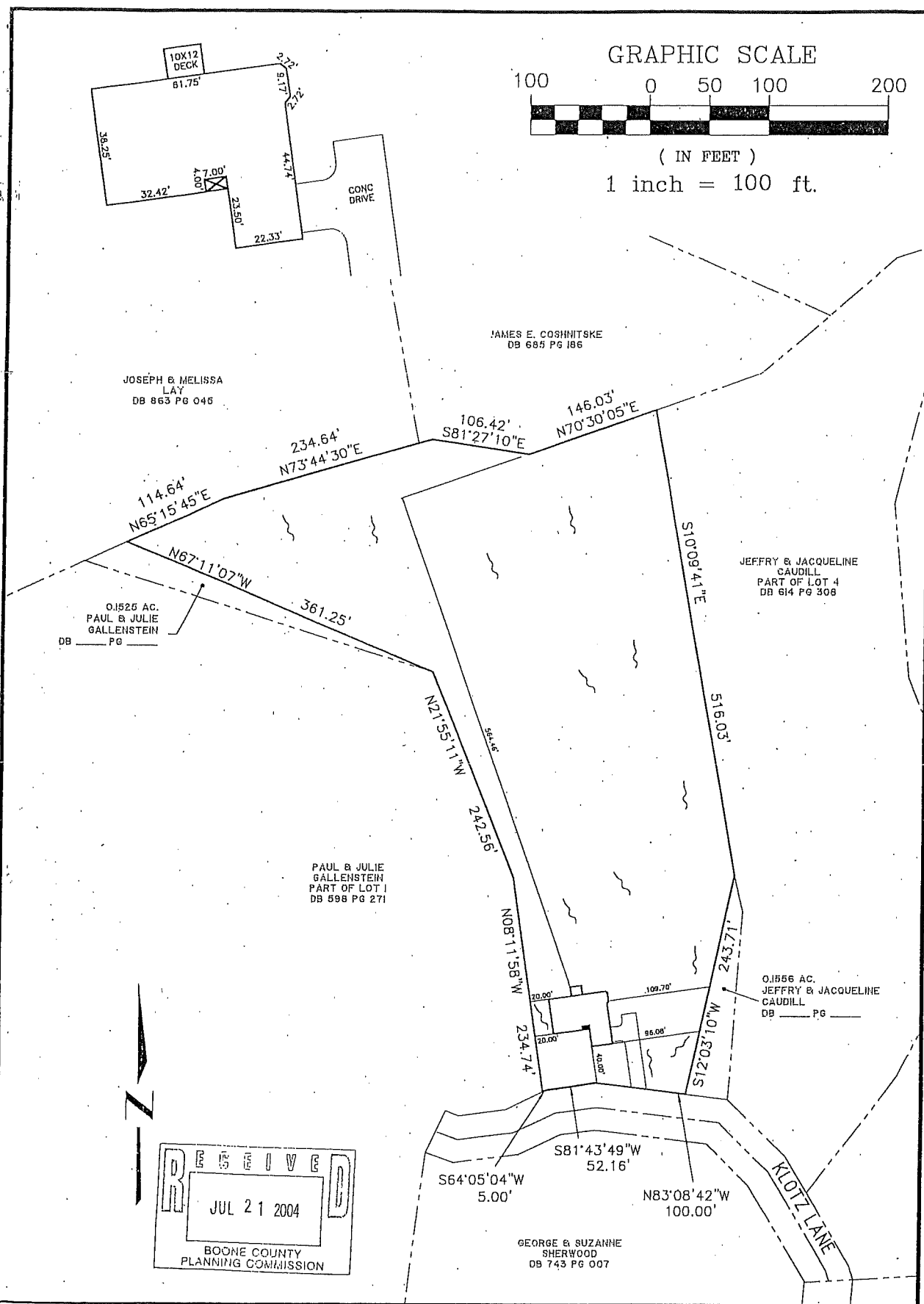


GRAPHIC SCALE



(IN FEET)

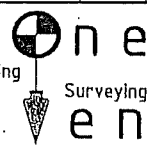
1 inch = 100 ft.

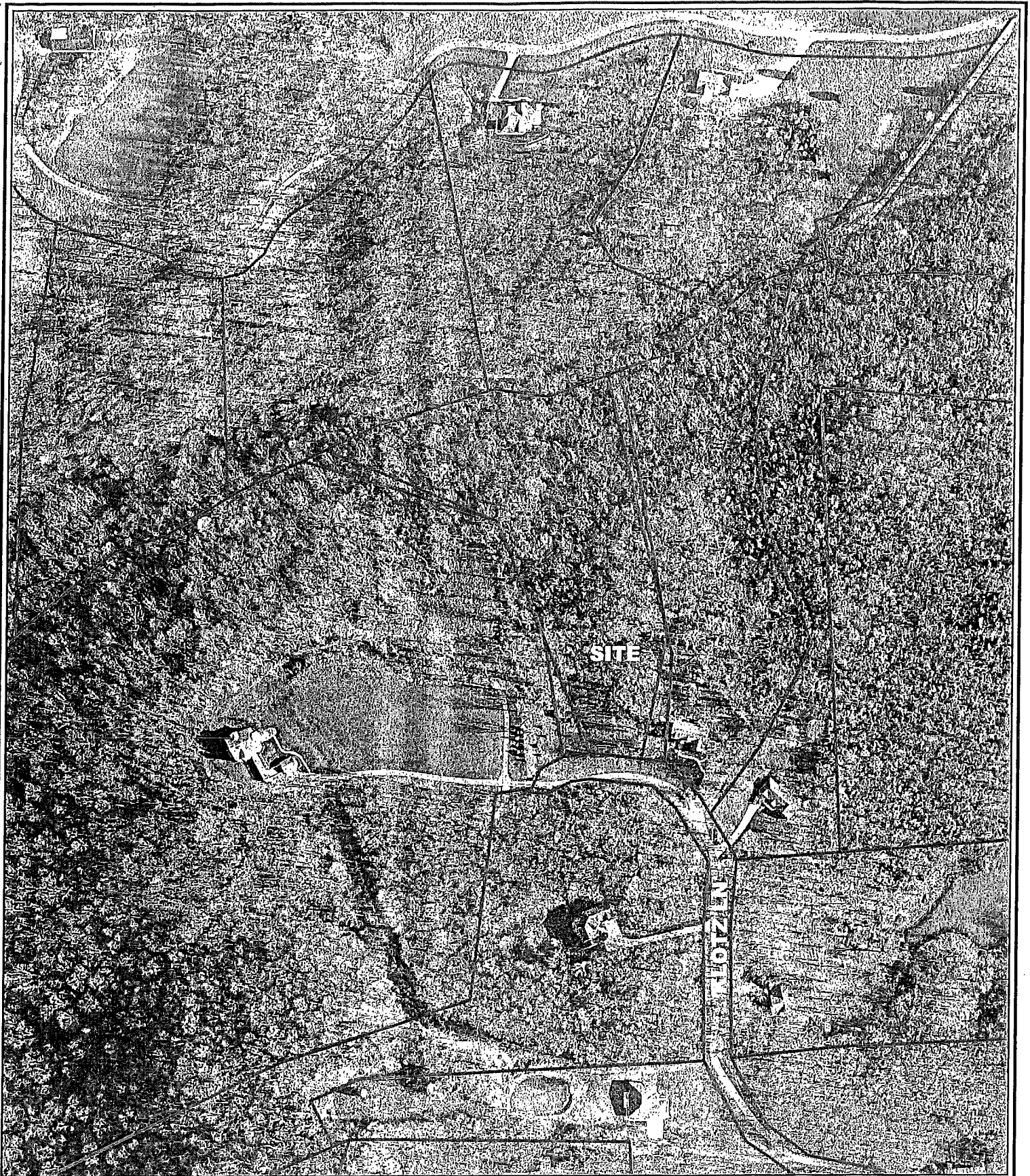


RECEIVED
 JUL 21 2004
 BOONE COUNTY
 PLANNING COMMISSION

DRAWN BY:
 MCRO
 CHECKED BY:
 DTRE
 JOB #
 V-04-049
 DATE:
 7/06/04

**PLOT PLAN FOR
 RICHARD BROWN**
 3879 HATHAWAY ROAD
 UNION, KY 41091
**8063 CAMP ERNST ROAD
 BOONE COUNTY, KENTUCKY**

Engineering  Surveying
Eleven
 5294 Madison Pike
 Independence, KY 41051
 859 363-9025
 Fax: 859 363-9125

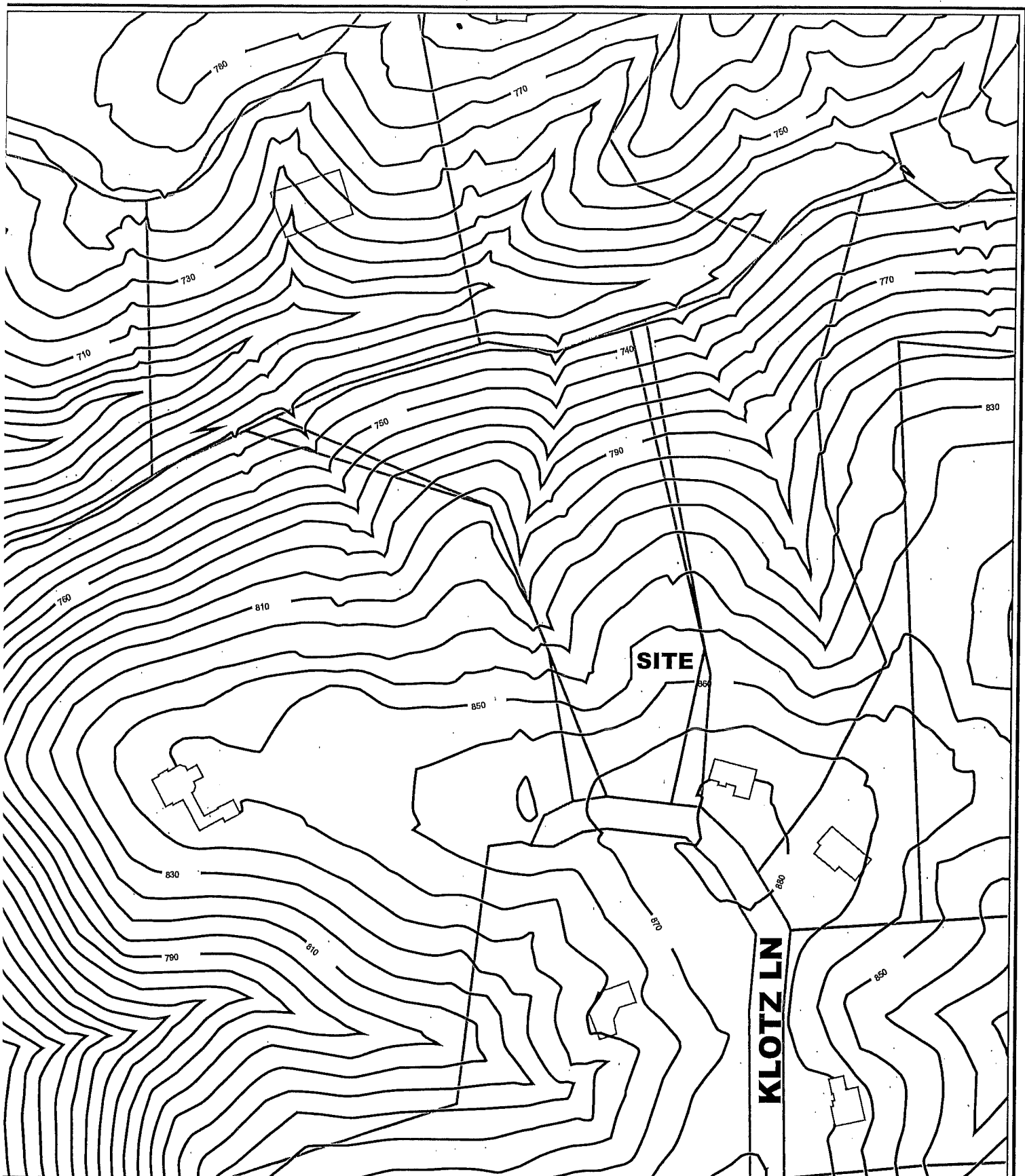


Richard & Maria Brown
Aerial Map

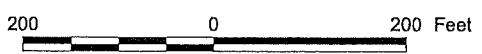
250 0 250 Feet

1 inch equals 250 feet
Produced by the
Boone County Planning Commission
GIS Services Division
August 3, 2004

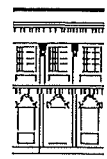




**Richard & Maria Brown
Topographical Map**

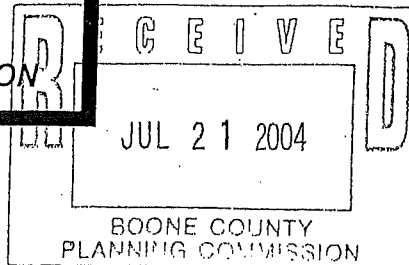


1 inch equals 200 feet
Produced by the
Boone County Planning Commission
GIS Services Division
August 3, 2004



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 Richard and Maria Brown
Phone Number 859-393-0548 Fax No. 513-358-1169
Applicant's Address 3879 Hathway Rd
Union Ky 41091
City State Zip

4. Description of Request: Reduce setback to 40' for front
of property

5. Name of Development N/A

6. Location of Development Plot 2 on off of Camp Ernst Rd

7. Acreage Under Review 5.00 ac

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

Lot 3 Group 2037

9. Owner of Property Jeffery and Jacqueline Caudill

Phone Number of Owner 859-393-4936

10. Address of Property Owner 8063 Camp Ernst Road

Burlington Ky 41005
City State Zip

11. Proposed Use(s) on Site Single Family Home

12. Total Square Footage of Existing and/or Proposed Buildings 2275 sq. ft.

13. Current Zoning on Property A1

14. Deed Book 647 Page No. 107 Group No. 2037

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: Richard Brown 7/20/04

Property Owner's Signature: Jeffery M Caudill 7/21/04

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Jeffery and Jacqueline Caudill
8063 Camp Ernst Road
Burlington, KY 41005

2. ADDRESS OF PROPERTY

Klotz Lane
Burlington, KY 41005

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

4. DEED BOOK 647

PAGE NO. 107

GROUP NO. 2037

5. TYPE OF RESTRICTION(S) (Check all that apply)

___ Zoning Map Amendment:
From ___ To

___ Conditional Use Permit

___ Development Plan

___ Conditional Zoning

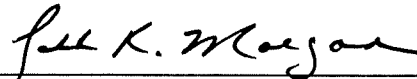
___ Subdivision Plat
(Not Recorded)

___ 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



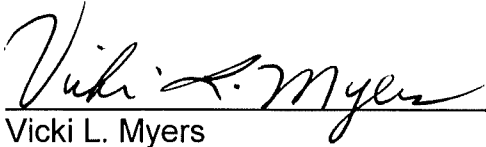
SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

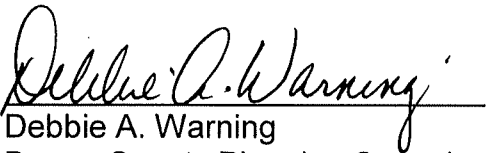
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 18 day of August, 2004.



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 August 11, 2004 Certificate of Land Use Restriction (#04-BCBOA-026-A), for Jeffery and Jacqueline Caudill, 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 647

PAGE NO. 107

GROUP NO. 2037