

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 \_\_\_\_\_ [checked] Variance \_\_\_\_\_ Appeal \_\_\_\_\_
Change in Non-Conforming Use \_\_\_\_\_
3. Applicant's Name Savannah Homes Inc
Phone Number 859 282 6028 Fax No. 859 282 6761
Applicant's Address 6200 Doubletree Ln
Florence Ky
City State Zip
4. Description of Request: Variance for porch 4.25 ft from property line - 27' from adjacent houses
5. Name of Development Arborwood
6. Location of Development off East Bend Rd
7. Acreage Under Review \_\_\_\_\_
8. Lot Number and Name of Subdivision (if part of a subdivision)
91 Arborwood
9. Owner of Property Savannah Homes, Inc
Phone Number of Owner 859 816 7010
10. Address of Property Owner 6200 Doubletree
Florence Ky 41042
City State Zip
11. Proposed Use(s) on Site Single fam. home
12. Total Square Footage of Existing and/or Proposed Buildings 2306 gar 420
13. Current Zoning on Property single family
14. Deed Book \_\_\_\_\_ Page No. \_\_\_\_\_ Group No. Boone Cty. Clerk
15. Is the site subject to a zone change? no Burlington, Ky
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.

DB 825
age 639
loop 2029

Applicant's Signature: [Signature] VP
Property Owner's Signature: [Signature] VP
Savannah Homes, Inc

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 2-14-05 Fee Received \$503.00 R# 41446
2. Is application complete?  Yes  No
3. Staff Reviewer \_\_\_\_\_
4. Scheduled Board Action Date \_\_\_\_\_
5. Board Action:  
 Approved  
 3/9/05 Approved with Conditions (See #6)  
 Denial (See #7).
6. Conditions of Approval: SEE 3-9-05 BCBOA  
MEETING MINUTES
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: Savannah Homes, Inc.  
LOCATION: Lot 91, Arborwood Estates Subdivision, Boone County, Kentucky  
ZONING: Rural Suburban/Planned Development (RS/PD)  
DATE: March 9, 2005

### Proposal

The Applicant has requested a Variance to allow a wrap around porch to encroach 5.75 feet into the ten (10) foot minimum side yard setback (see attachments). The subject house and porch have been partially constructed on lot 91 of Arborwood Estates Subdivision (4509 Margo Lane, Boone County, Kentucky).

### Site History

- 10/25/04 – The Boone County Planning Commission approved a Zoning Permit to allow the construction of a single-family home with a wrap around porch. The approved permit shows that the house and porch were meeting all applicable setback requirements.
- 02/03/05 – The Boone County Planning Commission approved a revised Zoning Permit for the single-family home after the builder determined that wrap around porch was encroaching into the side yard setback. The approved Zoning Permit indicates that a Variance will be needed to construct the wrap around porch.

### 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.

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 subject property fronts on Margo Lane and is approximately 0.4 acres in area. The lot adjoins other single-family residential lots in Arborwood Estates Subdivision (see attached Final Plat).

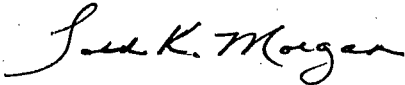
#### Staff Comments

1. Staff would like the Applicant to explain how the construction error occurred. The original Zoning Permit showed that all building setbacks would be met.
2. Staff would like to note that lot 92 of Arborwood Estates is the most impacted by the request. A single-family residence is currently being constructed on this lot. The approved Zoning Permit for lot 92 shows that a side entry garage is located on the western side of the house and that a driveway is being constructed to the side property line (see attachments).

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.

Respectfully submitted,



Todd K. Morgan, AICP  
Planner, Zoning Services

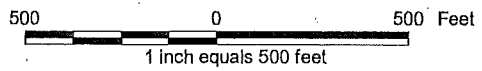
TKM/pr

Attachments

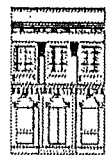
- Exhibit A – Site Vicinity Map
- Exhibit B – Concept Plan
- Exhibit C – 10/25/04 Zoning Permit (Lot 91)
- Exhibit D – 02/03/05 Zoning Permit (Lot 91)
- Exhibit E – Zoning Permit (Lot 92)
- Exhibit F – Section 8, Arborwood Estates Final Plat
- Exhibit G – Zoning Map
- Exhibit H – Aerial Map
- Exhibit I – Application

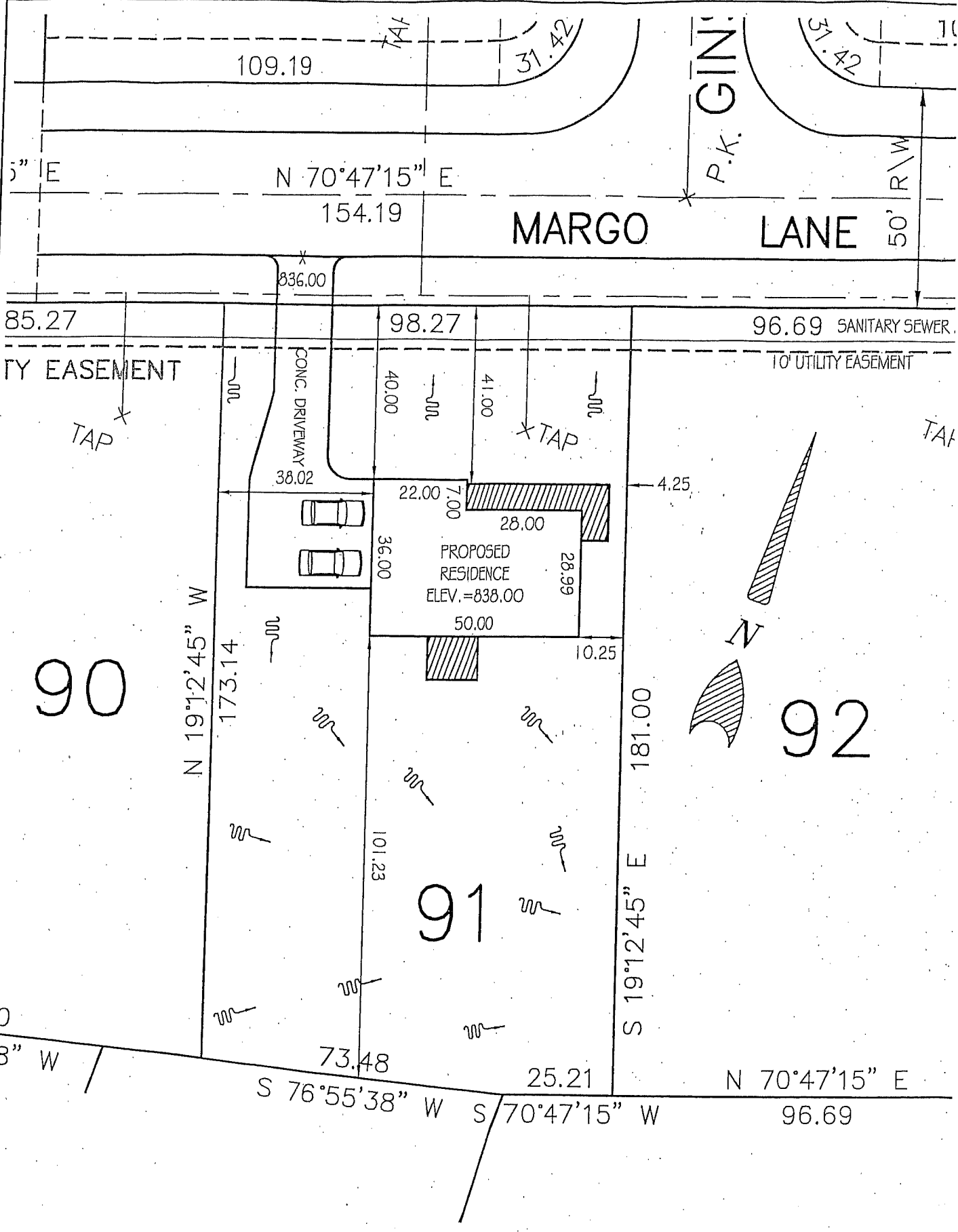


# Lot 91, Arborwood Estates Site Vicinity Map



Produced by the  
Boone County Planning Commission  
GIS Services Division  
February 22, 2005





BUILDER <b>SAVANNAH HOMES, INC.</b>		SUBDIVISION <b>ARBORWOOD ESTATES          MARGO LANE          BOONE COUNTY, KENTUCKY</b>		SECTION <b>8</b>	BLOCK 	LOT NUMBER <b>91</b>
PHONE NUMBER (859) 816-7010	DATE 2/03/05	IMPROVEMENT PLAN APPROVAL 		SCALE 1" = 30'	DRAWN BY Chris D. Berling	
FAX NUMBER (859) 282-6761					DATE STAKED 	

BUILDING ADDRESS OR LOCATION Lot 91 Mango Lane

**NOTICE**

I certify that what is submitted is true and accurate and I or we understand and agree that all construction work will be performed in accordance with this Zoning Permit Application, the Boone County Zoning Regulations and the Boone County Subdivision Regulations.

NAME AND ADDRESS OF APPLICANT (PLEASE PRINT): Savannah Homes

APPLICANT'S SIGNATURE: [Signature]  
 Authorized by Property Owner

DATE Oct 25, 2004 PHONE NUMBER: 859 816-7010

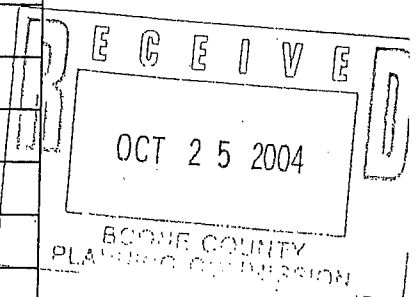
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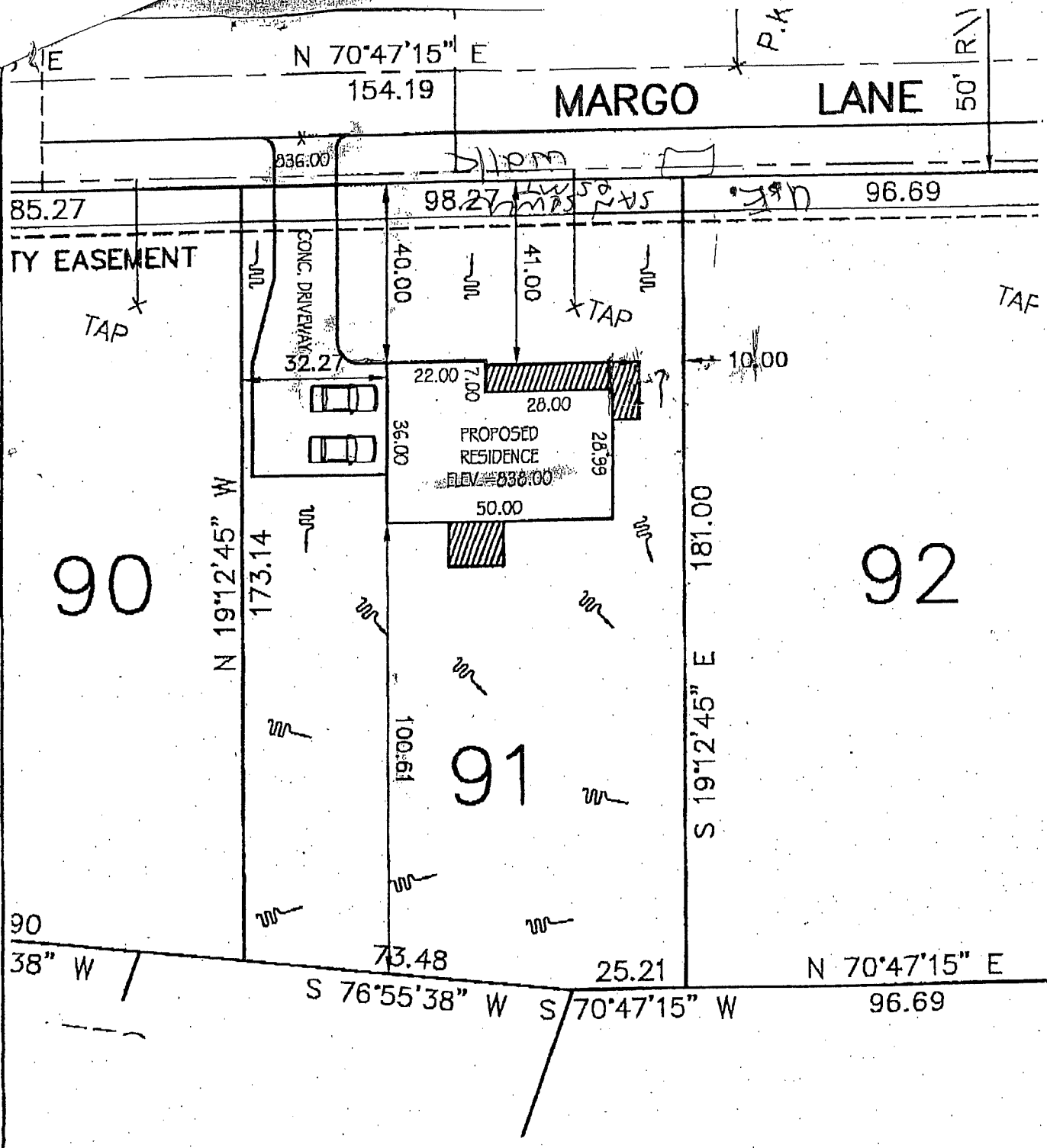
RS100 This Portion of the Application to be Completed  
 the Boone County Planning Commission

Zoning District	Date	Fee	\$50.00	
Approved <input checked="" type="checkbox"/>	10/25/04	PA	\$20.00	None
Staff Reviewer	Address/Location			
<u>Randy Cordell</u>	<u>4509 Mango Ln</u>			
Subdivision	<u>Arboretum Estates</u>			
Lot #	Section #	Block/Phase #		
<u>91</u>	<u>8</u>	<u>—</u>		

Type of Improvement	
<input checked="" type="checkbox"/> Single Family Residence	Detached Garage
<input type="checkbox"/> Duplex	Garage Addition
<input type="checkbox"/> Three Family	<del>Porch or Deck</del>
<input type="checkbox"/> Apartment (# units _____)	Barn or Shed
<input type="checkbox"/> Townhouse (# units _____)	Swimming Pool
<input type="checkbox"/> Mobile Home	Tenant Finish
<input type="checkbox"/> Residential Addition	Other:
Jurisdiction	
<input checked="" type="checkbox"/> Boone County	Florence
<input type="checkbox"/> Walton	Union
Post Office	
<input checked="" type="checkbox"/> Burlington	Florence
<input type="checkbox"/> Walton	Union
<input type="checkbox"/> Hebron	Verona
<input type="checkbox"/> Petersburg	Erlanger
<input type="checkbox"/> Crittenden	
Group # <u>2029</u>	Census Tract # <u>705.01</u>

RA#40624





BUILDER <b>SAVANNAH HOMES, INC.</b>		SUBDIVISION <b>ARBORWOOD ESTATES MARGO LANE BOONE COUNTY, KENTUCKY</b>		SECTION <b>8</b>	BLOCK	LOT NUMBER <b>91</b>
PHONE NUMBER <b>(859) 816-7010</b>	DATE <b>10/21/04</b>	IMPROVEMENT PLAN APPROVAL		SCALE <b>1" = 30'</b>	DRAWN BY <b>Chris D. Berling</b>	
FAX NUMBER <b>(859) 282-6761</b>					DATE STAKED	

TOTAL

BUILDING ADDRESS OR LOCATION: MARGO LANE LOT 9 SEC 8  
ARBORWOOD ESTATES BOONE CITY, KY

**NOTICE**

I certify that what is submitted is true and accurate and I or we understand and agree that all construction work will be performed in accordance with this Zoning Permit Application, the Boone County Zoning Regulations and the Boone County Subdivision Regulations.

NAME AND ADDRESS OF APPLICANT (PLEASE PRINT): SAVANNAH HOMES, INC  
PO BOX US HY 42 PROP 108; FLORENCE, KY 41042  
8459

APPLICANT'S SIGNATURE: [Signature] President SH1.  
 Authorized by Property Owner

DATE FEB 2-05 PHONE NUMBER: 859 816 7006

\*\*\*\*\*

*RC/AD*

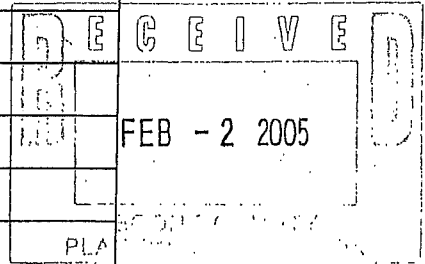
This Portion of the Application to be Completed  
 the Boone County Planning Commission

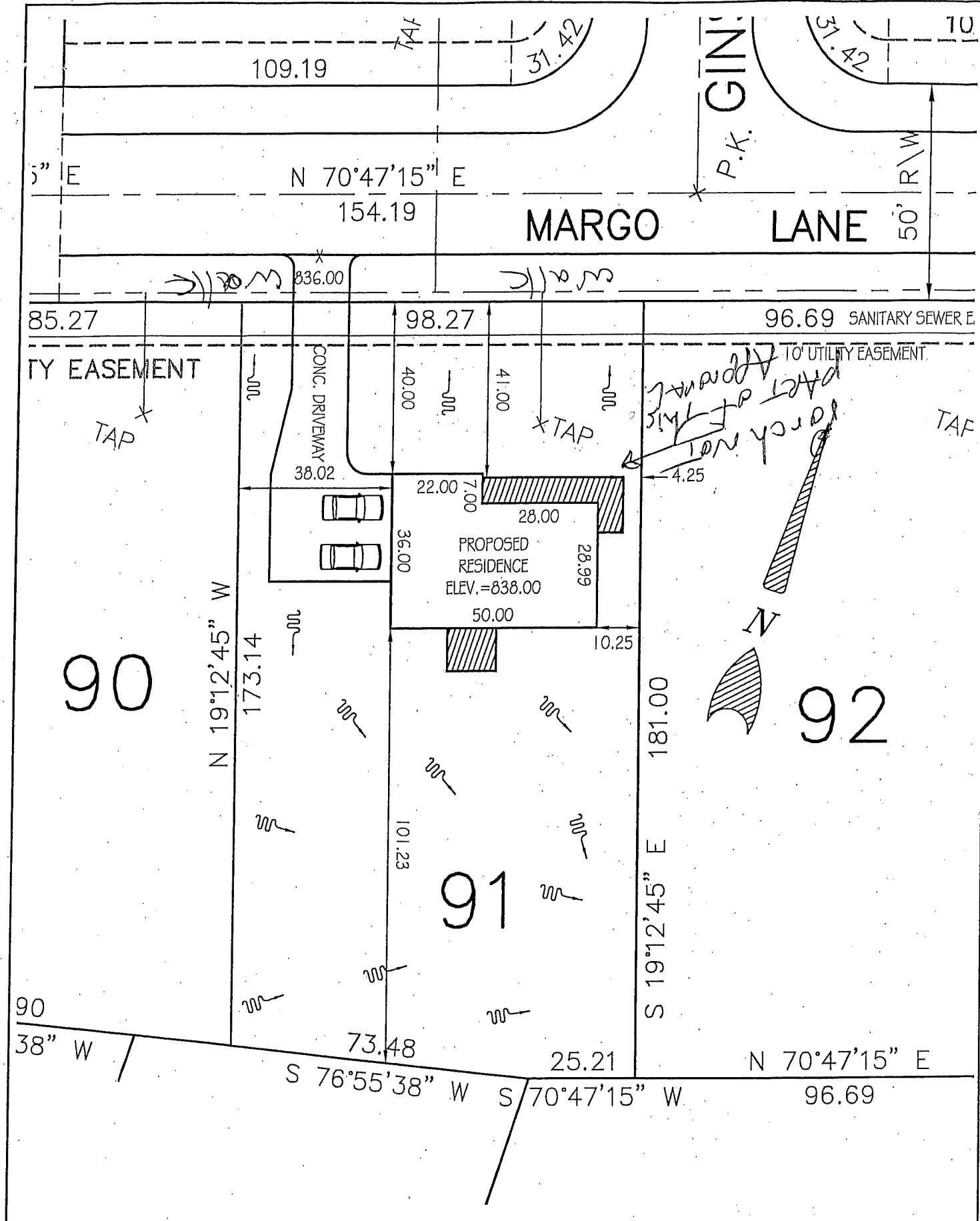
Zoning District	Date <u>2/3/05</u>	Fee <u>V</u>	\$50.00	
Approved <u>X</u>	Denied	<u>AD</u>	\$20.00	None
Staff Reviewer <u>Ruby Cordell</u>	Address/Location <u>9509 MARGO LN</u>			
Subdivision <u>Arborwood Estates</u>				
Lot # <u>91</u>	Section # <u>8</u>	Block/Phase # <u>    </u>		

*Re-submit*  
*Porch not part of approved permit. Porch encroaches into side yard. SET BACK - VARIANCE needed!*  
*12C*

Type of Improvement	
<input checked="" type="checkbox"/> Single Family Residence	Detached Garage
<input type="checkbox"/> Duplex	Garage Addition
<input type="checkbox"/> Three Family	<input checked="" type="checkbox"/> or Deck <i>only</i>
<input type="checkbox"/> Apartment (# units <u>    </u> )	Barn or Shed
<input type="checkbox"/> Townhouse (# units <u>    </u> )	Swimming Pool
<input type="checkbox"/> Mobile Home	Tenant Finish
<input type="checkbox"/> Residential Addition	Other: <u>    </u>
Jurisdiction	
<input checked="" type="checkbox"/> Boone County	Florence
<input type="checkbox"/> Walton	Union
Post Office	
<input checked="" type="checkbox"/> Burlington	Florence
<input type="checkbox"/> Walton	Union
<input type="checkbox"/> Hebron	Verona
<input type="checkbox"/> Petersburg	Erlanger
<input type="checkbox"/> Crittenden	
Group # <u>2029</u>	Census Tract # <u>705.01</u>

*RA# 41358*





BUILDER <b>SAVANNAH HOMES, INC.</b>		SUBDIVISION <b>ARBORWOOD ESTATES MARGO LANE BOONE COUNTY, KENTUCKY</b>		SECTION <b>8</b>	BLOCK	LOT NUMBER <b>91</b>
PHONE NUMBER <b>(859) 816-7010</b>	DATE <b>2/03/05</b>	IMPROVEMENT PLAN APPROVAL		SCALE <b>1" = 30'</b>	DRAWN BY <b>Chris D. Berling</b>	
FAX NUMBER <b>(859) 282-6761</b>					DATE STAKED	



Plans and being submitted for recording  
 City Court/Clerk.  
*Paul Patton*  
 Chairman's Signature

**CERTIFICATE**  
 I am the owner(s) of the hereon and that (I) (We) division with (my) (our) free n building restriction lines, and ks, parks, and other open . (I) (We) further certify that . (I) (We) further certify that . (I) (We) further certify that age 639 of the Boone County and that for acceptance of (s) must petition the or a certain time period."

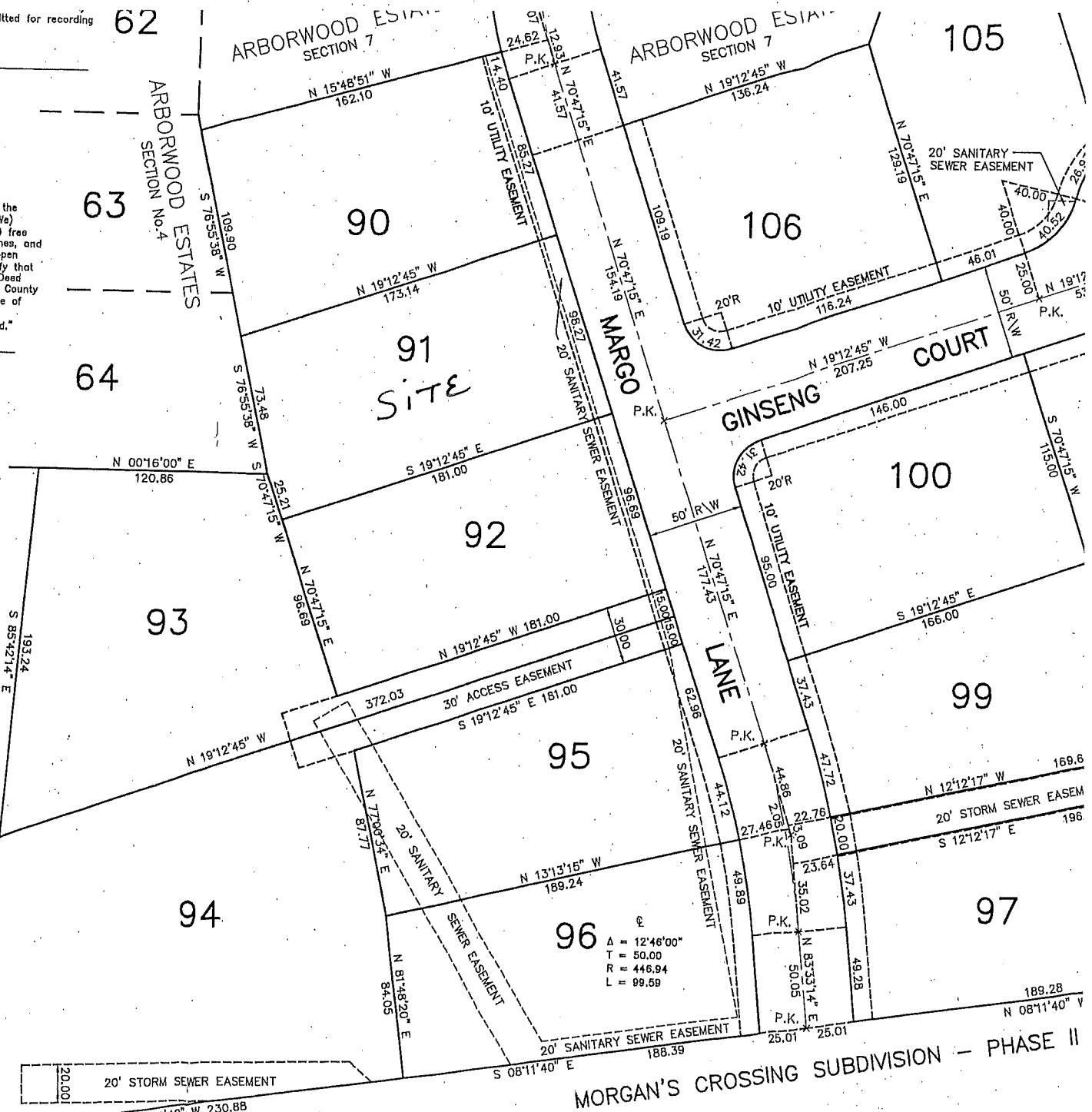
Owner(s)

Noted  
 2004 by

not filed  
 clerk for  
 one(1) year  
 approval."

n-Buildable  
 storm

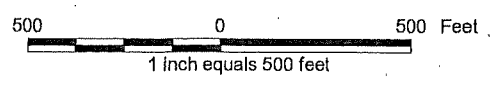
20' STORM SEWER EASEMENT  
 20.00'



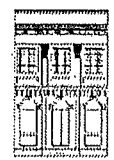
MORGAN'S CROSSING SUBDIVISION - PHASE II

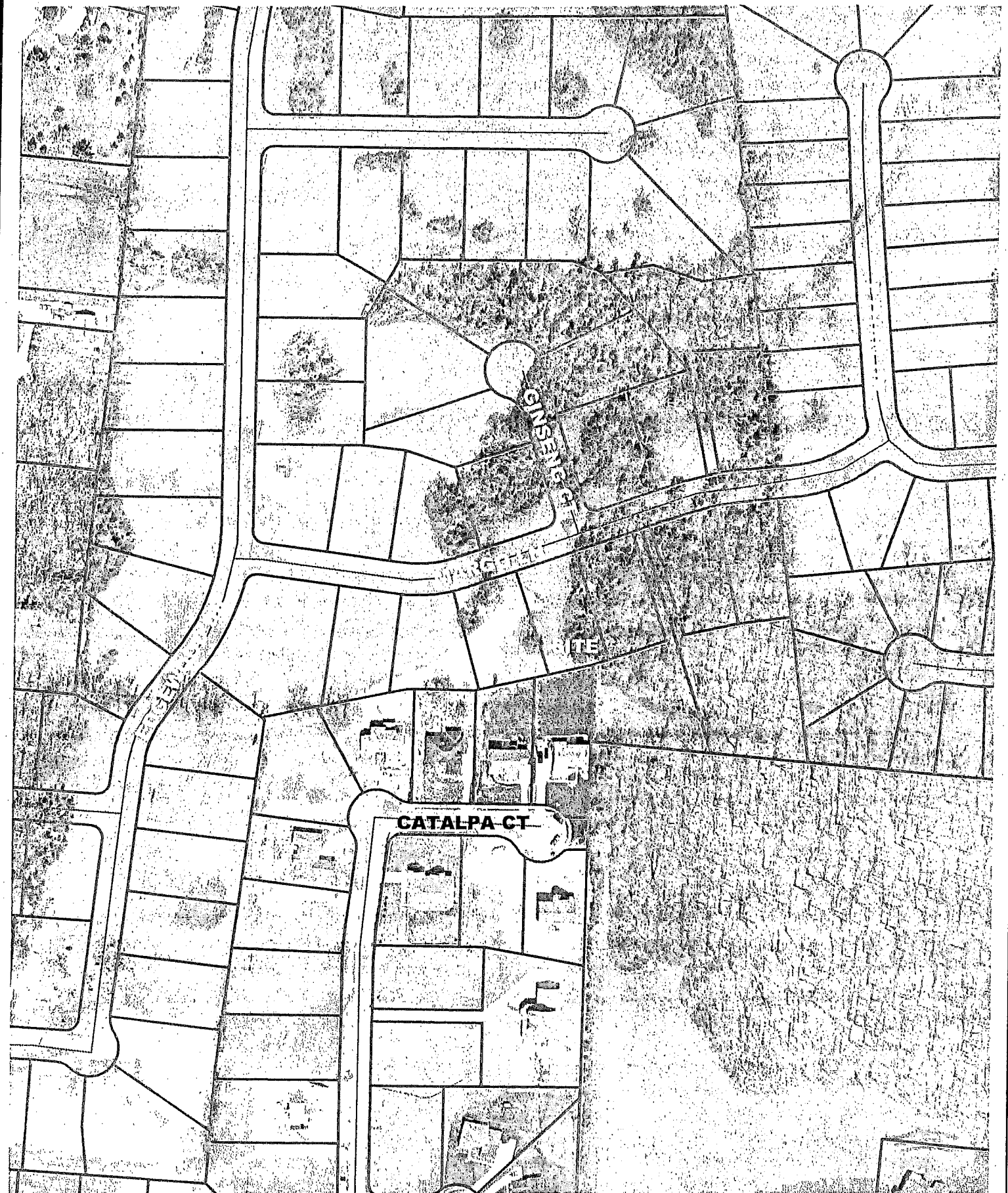


# Lot 91, Arborwood Estates Zoning Map

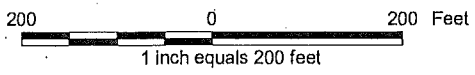


Produced by the  
Boone County Planning Commission  
GIS Services Division  
February 22, 2005

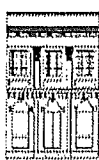


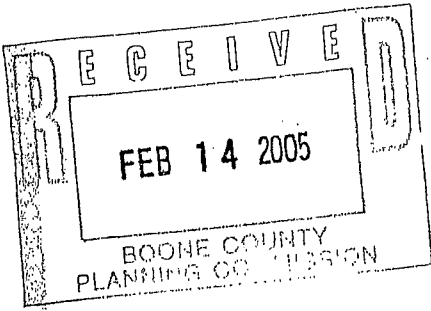


# Lot 91, Arborwood Estates Aerial Map



Produced by the  
Boone County Planning Commission  
GIS Services Division  
February 22, 2005





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 Savannah Homes, Inc Phone Number 859 282 6028 Fax No. 859 282 6761
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5. Name of Development Arborwood
6. Location of Development off East Bend Rd
7. Acreage Under Review
8. Lot Number and Name of Subdivision (if part of a subdivision) 91 Arborwood
9. Owner of Property Savannah Homes, Inc Phone Number of Owner 859 816 7010
10. Address of Property Owner 6200 Douletree, Florence Ky 41042
11. Proposed Use(s) on Site single fam. home
12. Total Square Footage of Existing and/or Proposed Buildings no 2306 gar 420
13. Current Zoning on Property single family
14. Deed Book [redacted] Page No. [redacted] Group No. Boone Co, Clerk Burlington, Ky
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.

B 825
JE 639
up 2029

Applicant's Signature: [Signature] VP

Property Owner's Signature: [Signature] VP Savannah Homes, Inc

COPY

CLUR #05-BCBOA-002-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Savannah Homes, Inc.  
6200 Doubletree Lane  
Florence, KY 41042

2. ADDRESS OF PROPERTY

\_\_\_\_\_  
\_\_\_\_\_

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Arborwood, Lot 91

4. DEED BOOK 825

PAGE NO. 639

GROUP NO. 2029

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

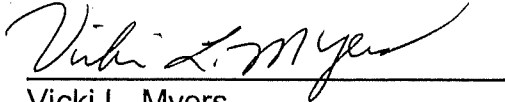
SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

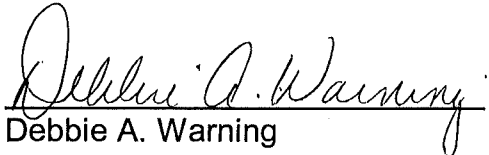
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the  
Boone County Planning Commission this 16<sup>th</sup> day of March, 2005.



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 9, 2005 Certificate of Land Use Restriction (#05-BCBOA-002-A), for Savannah Homes, Inc., Property Owner(s).

The following conditions will apply:

- 1) The exposed concrete underneath the wrap around porch shall be landscaped to minimize the aesthetic impact on Lot 92 of Arborwood Estates. A landscaping plan must be submitted to Staff for approval.

The approved Variance as well as the preceding conditions apply to the property described in:

DEED BOOK 825

PAGE NO. 639

GROUP NO. 2029