

APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

APR - 4 2005

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 _____
3. Applicant's Name S.L. Williams Homes Inc. Phone Number 344-6410 Fax No. 344-6666
4. Description of Request: Rear Set Back Reduced, For Deck in Back Yard
5. Name of Development Gunpowder Trails
6. Location of Development Camp Ernst Rd Boone Co.
7. Acreage Under Review 1/4 (less)
8. Lot Number and Name of Subdivision (if part of a subdivision) 28 Gunpowder Trails
9. Owner of Property S.L. Williams Homes Inc. Phone Number of Owner Same as Above
10. Address of Property Owner
11. Proposed Use(s) on Site Single Family Home
12. Total Square Footage of Existing and/or Proposed Buildings 0
13. Current Zoning on Property SR-1
14. Deed Book 843 Page No. 296 Group No. 2038 A
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 4-4-05 Fee Received ^{BT} 519.00 R# 41985
2. Is application complete? _____ Yes _____ No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
5-11-05 **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: S.L. Williams Homes, Inc.
LOCATION: Lot 28, Gunpowder Trails Subdivision, Boone County, Kentucky
ZONING: Suburban Residential One (SR-1)
DATE: May 11, 2005

Proposal

The Applicant has requested a Variance to allow a proposed deck to encroach eight (8) feet into the thirty (30) foot rear yard setback (see attachments). The subject house is currently being constructed on lot 28 of Gunpowder Trails Subdivision (108 Sydneys Court, Boone County, Kentucky).

Site History

07/05/01 – The subject property was involved in a Zoning Map Amendment request that was approved by Boone County Fiscal Court. The zone change rezoned approximately 80 acres of land from Agricultural Estate (A-2) to Suburban Residential One (SR-1).

Applicable Regulations

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.

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 Sydneys Court and is approximately 0.2 acres in area. The rear of the property is heavily wooded and the topography falls off substantially (see attached Improvement Plan).

Adjoining Properties

- North: Single-Family Residential Dwellings Located on 34 Acres (A-2)
- South: Sydneys Court, Single-Family Residential Lots in Gunpowder Trails (SR-1)
- East: Single-Family Residential Lot in Gunpowder Trails (SR-1)
- West: Single-Family Residential Lot in Gunpowder Trails (SR-1)

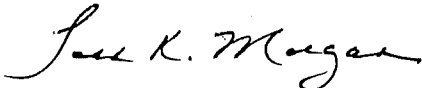
Staff Comments

1. The house is located at the minimum front yard setback (30') and cannot be moved any further forward.
2. The lot adjoins an approximate 34 acre estate to the north. Two single-family residences are located on this acreage. The proposed 12' x 12' deck is located more than 700 feet from these households and is not visible from them due to the substantial tree line (see attached aerial photograph).
3. The Board needs to analyze if the request is in accord with Section 251 of the zoning regulations. Specifically, the Board must find that the request will not alter the essential character of the general vicinity.

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

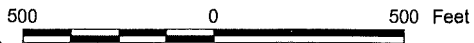
TKM/pr

Attachments

- Exhibit A – Site Vicinity Map
- Exhibit B – Concept Plan
- Exhibit C – Aerial Map
- Exhibit D – Gunpowder Trails, Improvement Plan
- Exhibit E – Zoning Map
- Exhibit F – Application



**Lot 28, Gunpowder Trails
Site Vicinity Map**



1 inch equals 500 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 April 22, 2005



12'x12'
Deck

N 56°33'11" E 71.47'

Lot 28

house
top of foundation EL 838.0

garage

porch

concrete drive

sewer

Whitel

10' utility

4' sidewalk

50.0' RW

25.0' pavement

4' sidewalk

4' sidewalk

4' sidewalk

4' sidewalk

RECEIVED
APR - 4 2005
BOONE COUNTY
PLANNING & ZONING

Elevations are per Preliminary Plat

SITE PLAN FOR:
S.L. WILLIAMS
300 BUTTERMILK PIKE
SUITE 311
FT MITCHELL, KY 41017-2139

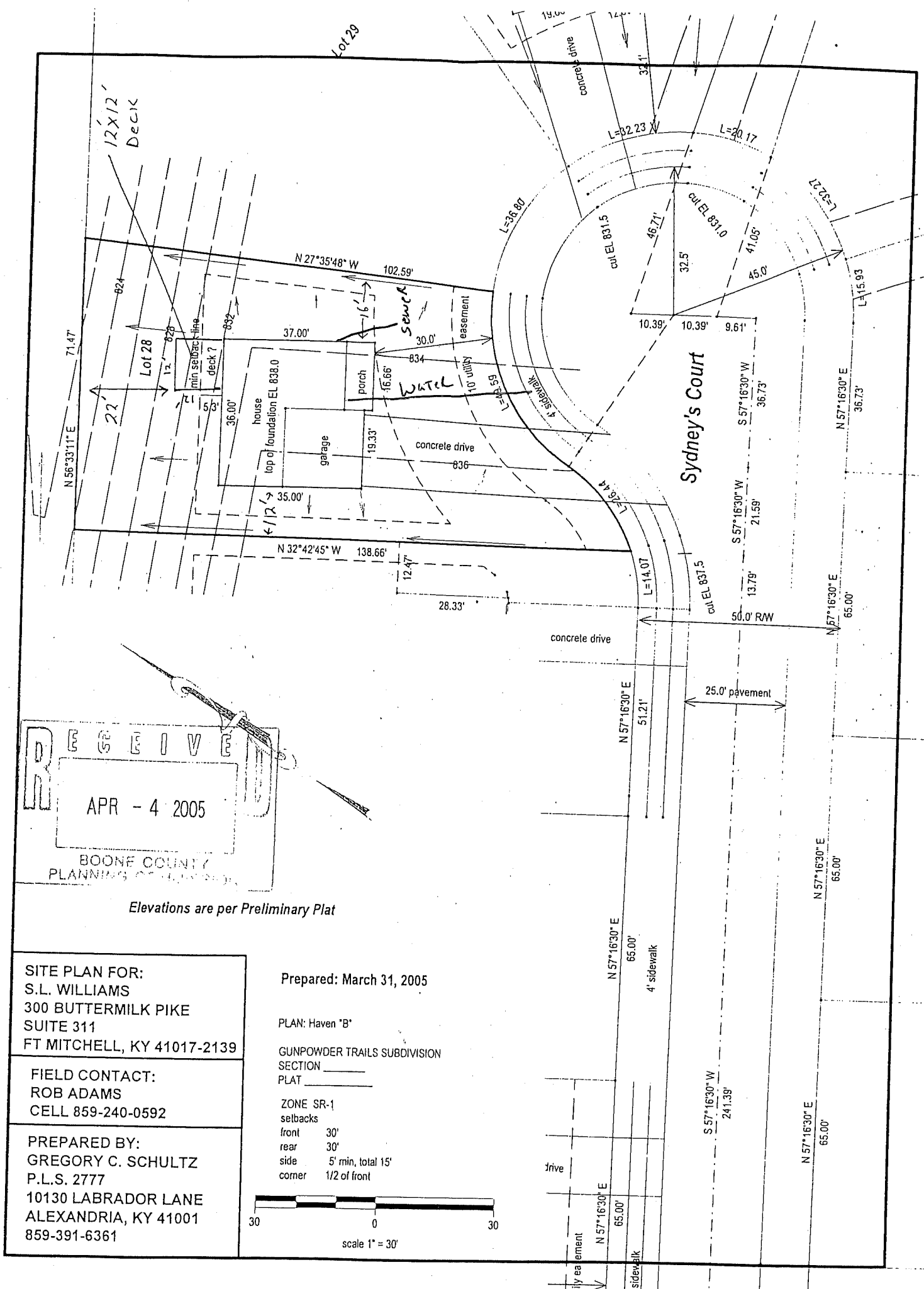
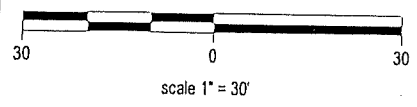
FIELD CONTACT:
ROB ADAMS
CELL 859-240-0592

PREPARED BY:
GREGORY C. SCHULTZ
P.L.S. 2777
10130 LABRADOR LANE
ALEXANDRIA, KY 41001
859-391-6361

Prepared: March 31, 2005

PLAN: Haven "B"
GUNPOWDER TRAILS SUBDIVISION
SECTION _____
PLAT _____

ZONE SR-1
setbacks
front 30'
rear 30'
side 5' min, total 15'
corner 1/2 of front

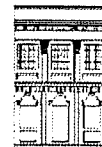


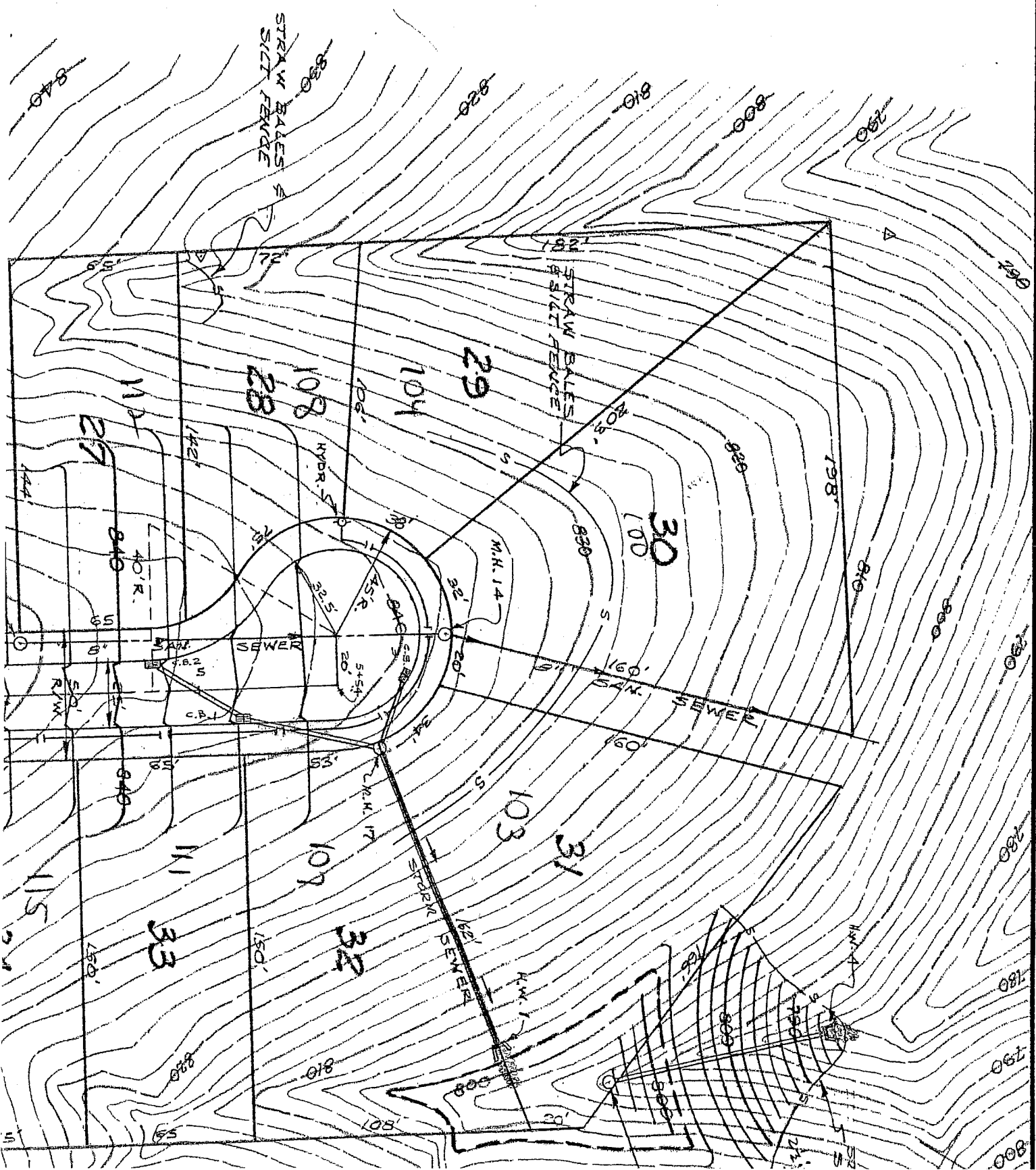


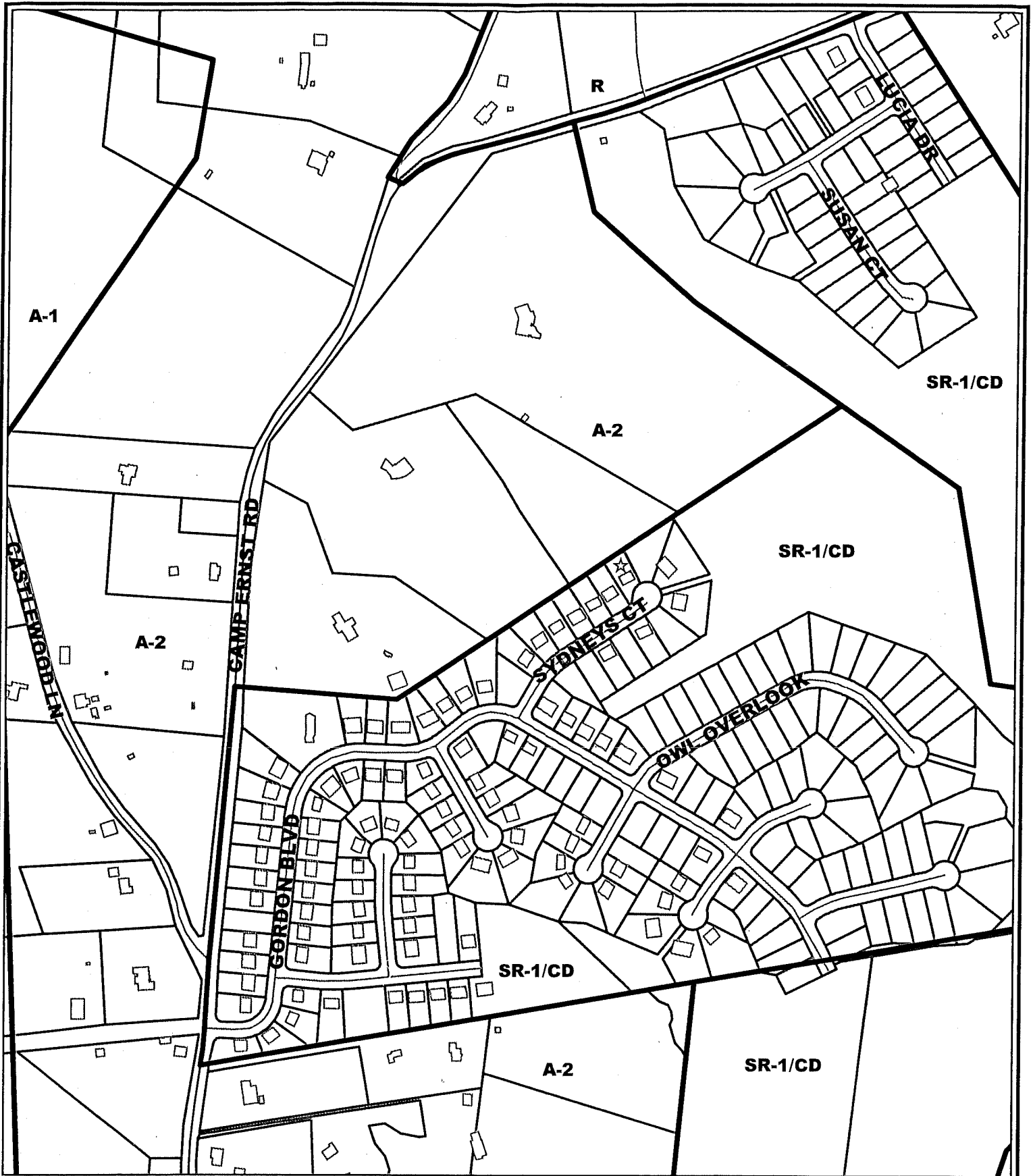
Lot 28, Gunpowder Trails Aerial Map

300 0 300 Feet

1 inch equals 300 feet
Produced by the
Boone County Planning Commission
GIS Services Division
April 22, 2005







Lot 28, Gunpowder Trails Zoning Map



1 inch equals 400 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 April 22, 2005



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BOONE COUNTY PLANNING COMMISSION

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See Boone County Zoning Regulations
SECTION A (To be completed by applicant)

- 1. (Check One) Boone Florence Walton Union
- 2. (Check One) Conditional Use Permit Variance Appeal
 Change in Non-Conforming Use
- 3. Applicant's Name S.L. Williams Homes Inc.
Phone Number 344-6410 Fax No. 344-6666
Applicant's Address 300 Buttermilk Pike Suite 311
Ft Mitchell KY 41017
City Ft Mitchell State KY Zip 41017
- 4. Description of Request: Rear Set Back Reduced, For Deck in Back yard
- 5. Name of Development Counpowder Trails
- 6. Location of Development Camp Ernest Rd Boone Co.
- 7. Acreage Under Review 1/4 (less)
- 8. Lot Number and Name of Subdivision (if part of a subdivision)
28 Counpowder Trails
- 9. Owner of Property S.L. Williams Homes Inc.
Phone Number of Owner Same as Above
- 10. Address of Property Owner
City State Zip
- 11. Proposed Use(s) on Site Single Family Home
- 12. Total Square Footage of Existing and/or Proposed Buildings 0
- 13. Current Zoning on Property SR-1
- 14. Deed Book 843 Page No. 296 Group No. 4571
- 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 #05-BCBOA-006-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

S.L. Williams Homes Inc.
300 Buttermilk Pike, Suite 311
Ft. Mitchell, KY 41017

2. ADDRESS OF PROPERTY

108 Sydneys Court
Burlington, KY 41005

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Gunpowder Trails, Lot 28

4. DEED BOOK 843

PAGE NO. 296

GROUP NO. 2038A

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: Variance

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

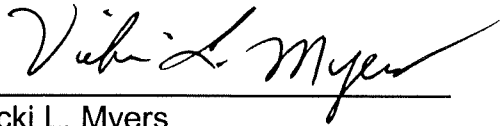

SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

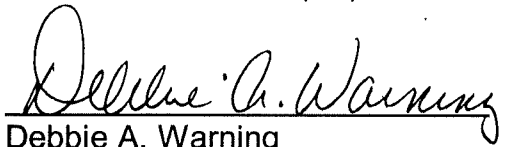
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 13 day of May, 2005.



Vicki L. Myers
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
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 May 11, 2005 Certificate of Land Use Restriction (#05-BCBOA-006-A), for S.L. Williams Homes, Inc., 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 843

PAGE NO. 296

GROUP NO. 2038A