

APPLICATION FORM

BOARD OF ADJUSTMENT
AND
ZONING APPEALS ACTION
BOONE COUNTY PLANNING COMMISSION

APR 18 2005

BOONE COUNTY
PLANNING COMMISSION

See Boone County Zoning Regulations

SECTION A (To be completed by applicant)

- (Check One)
1. Boone _____ Florence _____ Walton _____ Union _____
 2. (Check One)
 Conditional Use Permit Variance _____ Appeal _____
 Change in Non-Conforming Use _____
 3. Applicant's Name DENNIS SOLOMON
 Phone Number 586-1698 Fax No. _____
 Applicant's Address 6773 EDGEWOOD DR
BURLINGTON Ky 41005
 City State Zip
 4. Description of Request: DECK ON REAR OF HOUSE -
WILL GO BEYOND 40' REAR SET BACK
 5. Name of Development ARBORWOOD
 6. Location of Development ROUTE 338 1MI OUTSIDE BURLINGTON
 7. Acreage Under Review _____
 8. Lot Number and Name of Subdivision (if part of a subdivision)
#78 ARBORWOOD
 9. Owner of Property DENNIS SOLOMON
 Phone Number of Owner 586-1698
 10. Address of Property Owner 6773 ARBORWOOD
 City State Zip
 11. Proposed Use(s) on Site SINGLE FAMILY DWELLING
WITH ATTACHED DECK
 12. Total Square Footage of Existing and/or Proposed Buildings _____
 13. Current Zoning on Property RS/PD
 14. Deed Book 875 Page No. 968 Group No. 2029
 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? _____
 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: Dennis Solomon

Property Owner's Signature: Dennis Solomon

BOARD OF ADJUSTMENT AND
ZONING APPEALS ACTION
APPLICATION
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SECTION B (To be completed by the Boone County Planning Commission Staff)

1. Date Received 4-18-05 Fee Received \$503.00 R# 42101
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@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: Dennis Solomon
LOCATION: 6773 Edgewood Drive, Boone County, Kentucky
ZONING: Rural Suburban/Planned Development (RS/PD)
DATE: May 11, 2005

Proposal

The Applicant has requested a Variance to allow a deck to be constructed onto the rear of an existing single-family residence. The submitted Concept development Plan shows that the deck will encroach eight (8) feet into the forty (40) foot rear yard setback (see attachments). The subject property is located at 6773 Edgewood Drive, Boone County, Kentucky.

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 Edgewood Drive and is approximately 0.4 acres in area. The existing house is located 40' from the front and rear property lines. The rear of the property contains some mature deciduous trees and has flat to rolling topography.

Adjoining Properties

- North: Single-Family Residential Dwelling Currently Under Construction (RS/PD)
- South: Single-Family Residential Dwelling (RS/PD)
- East: Edgewood Drive, Single-Family Residential Dwelling, and Vacant Lot (RS/PD)
- West: Single-Family Residential Dwelling on a 3.2 Acre Lot in Saddle Ridge (A-2)

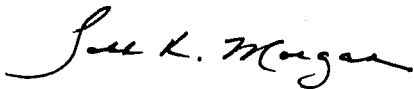
Staff Comments

1. The house is located at the minimum front yard setback (40') and could not have been moved any further forward on the lot.
2. The house was constructed with a second story walkout door with no deck. Due to the shape of the lot it appears that only an eight (8) to nine (9) foot long deck could be constructed off of the walkout door before a Variance is required.
3. The adjoining single-family residence to the west is located in Saddle Ridge Subdivision and is located more than 300' away from the proposed deck.
4. The Board needs to analyze if the request is in accord with Section 251 of the zoning regulations. Specifically, the Board should analyze whether: (1) the request will alter the essential character of the general vicinity or; (2) if the strict application of the regulations will deprive the applicant of the reasonable use of the land or create an unnecessary hardship.

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

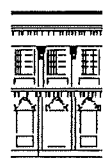
- Exhibit A – Site Vicinity Map
- Exhibit B – Concept Plan
- Exhibit C – Aerial Map
- Exhibit D – Zoning Map
- Exhibit E – Application



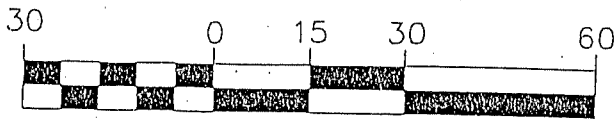
6773 Edgewood Drive Site Vicinity Map

600 0 600 Feet

1 inch equals 600 feet
Produced by the
Boone County Planning Commission
GIS Services Division
April 28, 2005

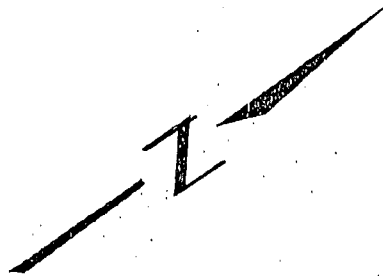


GRAPHIC SCALE



(IN FEET)

1 inch = 30 ft.



SADDLE RIDGE
SUBDIVISION

N03°52'00"E 164.86'

829.0

78

PROPOSED
ONE STORY
RESIDENTIAL
GARAGE 5140.3

FUTURE

836.5

N64°03'53"W 90.29'

79

CONC DRIVE

51.58'

22.00'

50.84'

40' MINIMUM
BLDG SETBACK

10' UTILITY EASEMENT

20' SANITARY SEWER EASEMENT

838.5

8" SAN

S35°36'30"W 95.63'

CONC WALK

R=175.00'
L=29.54'

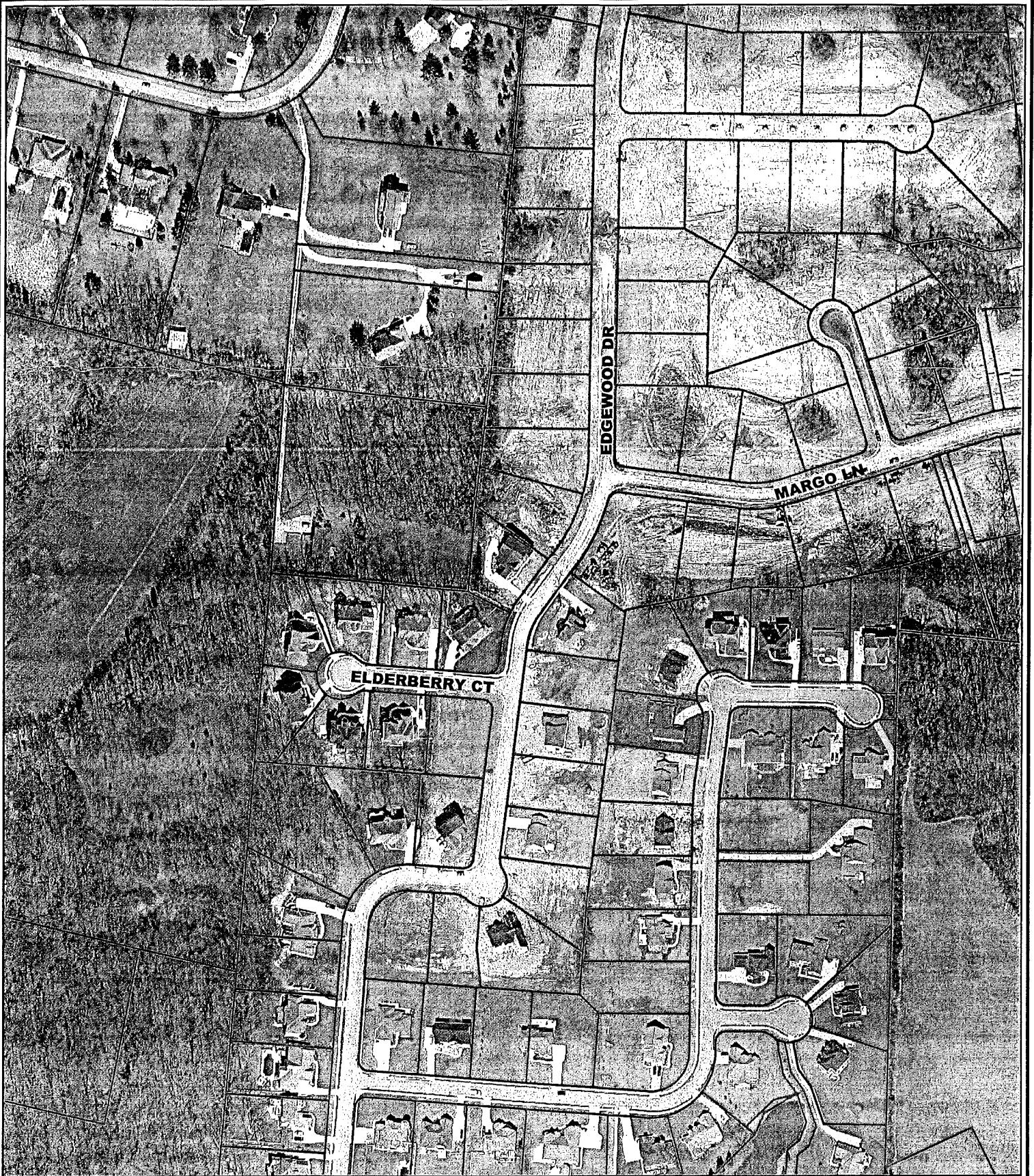
838.3

EDGEWOOD DRIVE

(50' R/W, 28' B/C)

8" WM

OWNER:
DENNIS SOLOMON
6773 EDGEWOOD DR.
D



6773 Edgewood Drive Aerial Map

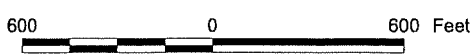
250 0 250 Feet

1 inch equals 250 feet
Produced by the
Boone County Planning Commission
GIS Services Division
April 28, 2005

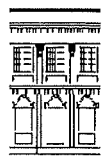




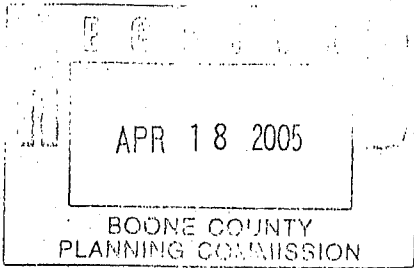
6773 Edgewood Drive Zoning Map



1 inch equals 600 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 April 28, 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)

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2. (Check One) Conditional Use Permit _____ Variance [checked] Appeal _____
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7. Acreage Under Review
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12. Total Square Footage of Existing and/or Proposed Buildings
13. Current Zoning on Property RS/PP
14. Deed Book 875, Page No. 968, Group No.
15. Is the site subject to a zone change?
16. Have you submitted a Site Plan with this request? YES
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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: Dennis Solomon

Property Owner's Signature: Dennis Solomon

COPY

CLUR #05-BCBOA-007-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Dennis Solomon
6773 Edgewood Dr.
Burlington, KY 41018

2. ADDRESS OF PROPERTY

6773 Edgewood Drive
Burlington, KY 41005

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Arborwood, Lot 78

4. DEED BOOK 875

PAGE NO. 968

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:

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

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-007-A), for Dennis Solomon, 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 875

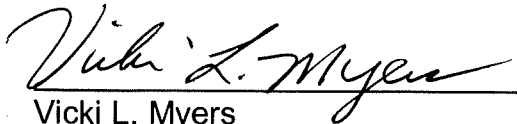
PAGE NO. 968

GROUP NO. 2029

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

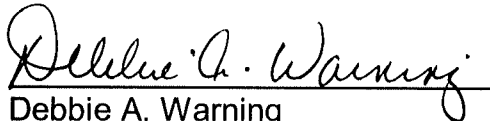
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 13 day of May, 2005.



Vicki L. Myers
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.)