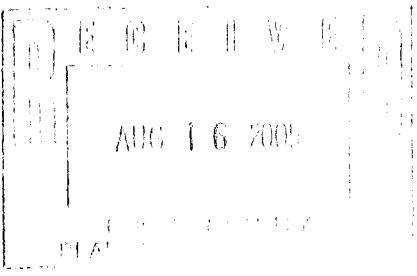


APPLICATION FORM



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 Julianne Ossese, Phone Number 689-0638, Applicant's Address 5504 CARRYBACK DR, Burlington KY 41005
4. Description of Request: request variance (~5ft.) to allow home addition
5. Name of Development Derby Farms Section 1
6. Location of Development Burlington, KY
7. Acreage Under Review 0.42
8. Lot Number and Name of Subdivision (if part of a subdivision) #5 Derby Farms [redacted] Plat slide 175-B
9. Owner of Property Julianne Ossese, Phone Number of Owner 689-0638
10. Address of Property Owner 5504 CARRYBACK DR, Burlington KY 41005
11. Proposed Use(s) on Site Residence
12. Total Square Footage of Existing and/or Proposed Buildings 1457 / 400
13. Current Zoning on Property SR-1
14. Deed Book 655 [redacted] Page No. 159 [redacted] Group No. 2025
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: Julie Ossese

Property Owner's Signature: Julie Ossese

BOARD OF ADJUSTMENT AND
ZONING APPEALS ACTION
APPLICATION
PAGE 2

SECTION B (To be completed by the Boone County Planning Commission Staff)

\$24.00 R# 43544

1. Date Received 8-16-05 Fee Received \$503.00 R# 43444
2. Is application complete? Yes No
3. Staff Reviewer Mr Bachman
4. Scheduled Board Action Date _____
5. Board Action:
 Approved
 Approved with Conditions (See #6)
 Denial (See #7).
6. Conditions of Approval: Applicant will sup plant one tree from Plant List "A" as described in Section 3760 of the Boone County Zoning Regulations, along the south property boundary adjoining the parcel on which 5494 Carry Back
7. Reasons for Denial: lane is located.

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: Julianne Ossege
LOCATION: 5504 Carry Back Drive, Boone County, Kentucky
ZONING: Suburban Residential One (SR-1)
DATE: September 14, 2005

Proposal

The Applicant is requesting a variance for a reduction in the required 30-foot front yard building setback on the subject property. The request would allow a reduction to 24.7 feet, to allow the construction of a side porch.

Applicable Regulations

Article 40, Section 4000 of the Boone County Zoning Regulations notes that the front yard of a flag lot "is measured from the rear lot line of the adjoining lot that is between the flag lot in question and the street."

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.

Surrounding Land Uses and Zoning

The approximate 0.42 acre lot is located in Derby Farms subdivision and is zoned Suburban Residential One (SR-1). The adjoining properties are as follows:

- North: Vacant property, 25.16 acres, zoned Industrial One/Planned Development/Concept Development (I-1/PD/CD)
- South: Detached single-family residence at 5500 Carry Back Lane, zoned Suburban Residential One (SR-1)
- Southeast: Detached single-family residence at 5512 Carry Back Lane, zoned Suburban Residential One (SR-1)
- Southwest: Detached single-family residence at 5494 Carry Back Lane, zoned Suburban Residential One (SR-1)
- East: Detached single-family residence at 5508 Carry Back Lane, zoned Suburban Residential One (SR-1)
- West: Detached single-family residence at 5488 Carry Back Lane, zoned Suburban Residential One (SR-1)

Staff Comments

1. Staff would like to point out that Article 40 of the Boone County Zoning Regulations defines that the front yard of a flag lot "is measured from the rear lot line of the adjoining lot that is between the flag lot in question and the street. As a result, the orientation of a house on a flag lot is not used in determining the front, rear, or side yard setbacks.
2. If the request is approved, an existing mature tree may be impacted through the construction of the proposed screen porch. To offset any potential damage to this tree, staff requests than an additional tree from Plant List "A," as described in Section 3760 of the Boone County Zoning Regulations ("Plant Lists") be installed at the front property line adjoining 5494 Carry Back Lane.

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 requests.

Respectfully submitted,

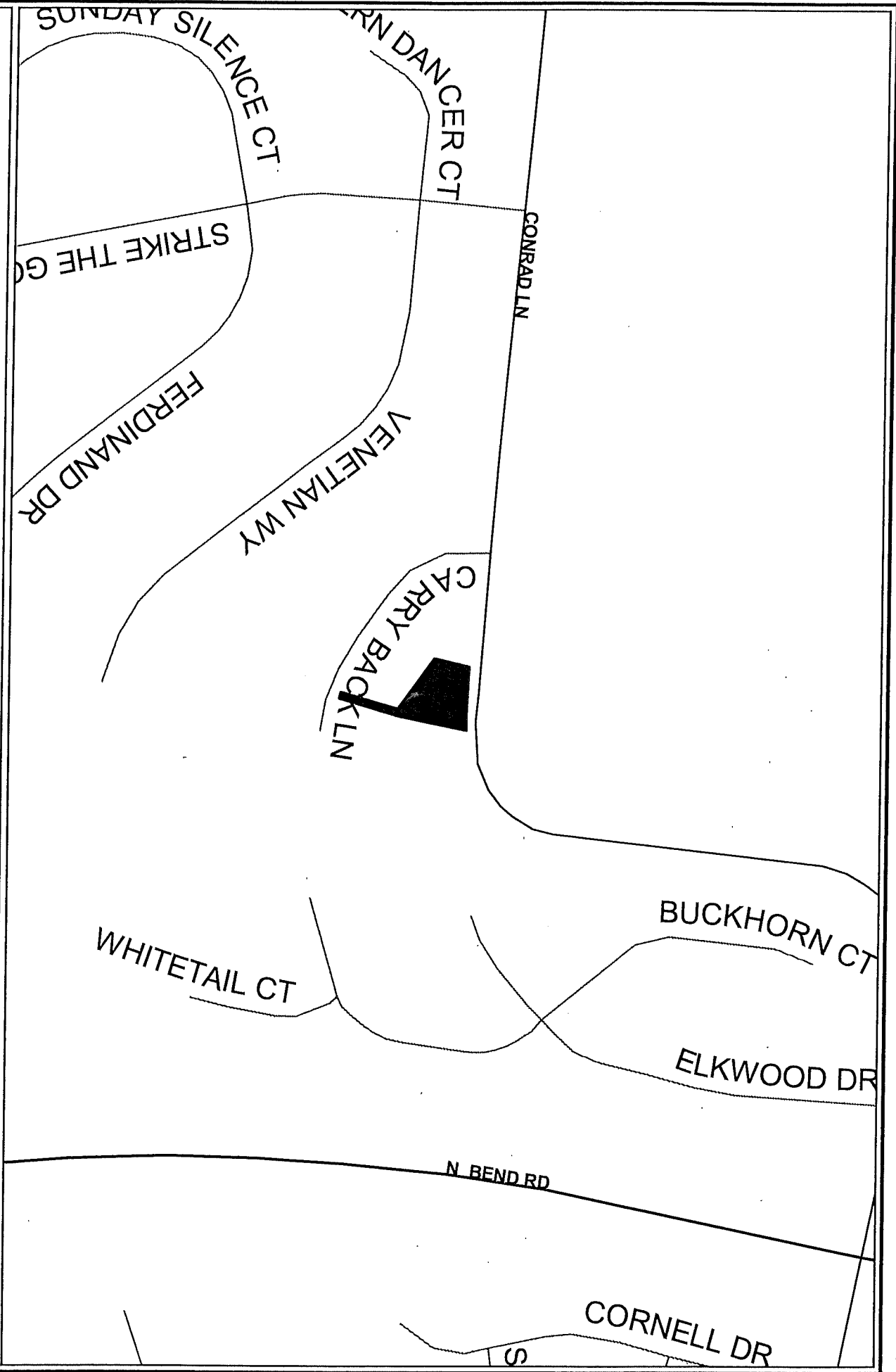


Patty Bachman
Planner, Zoning Services

MPB/pr

Attachments

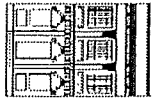
- Exhibit A – Site Vicinity Map
- Exhibit B –Zoning Map
- Exhibit C –Aerial Map
- Exhibit D –Plot Plan of Subject Property
- Exhibit E –Detail from Plot Plan of Subject Property
- Exhibit F –Application



Vicinity Map-5504 Carry Back



1 inch equals 300 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 September 6, 2005

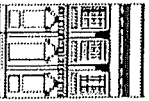


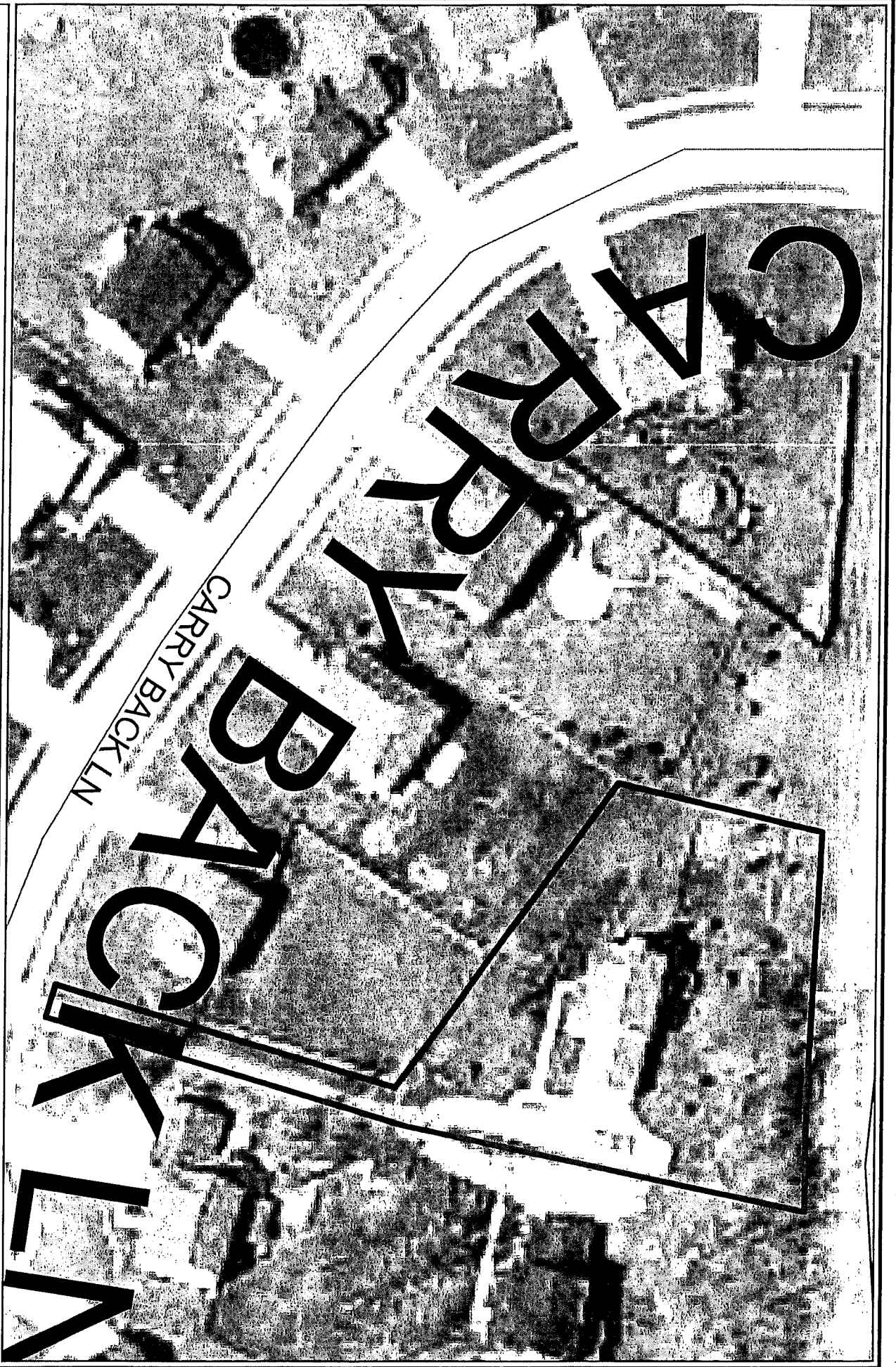
Zoning-Carry Back



1 inch equals 300 feet

Produced by the
Boone County Planning Commission
GIS Services Division
September 6, 2005

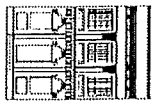




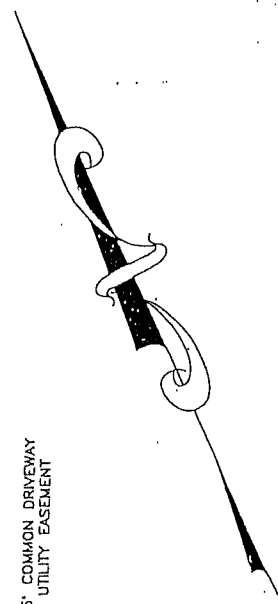
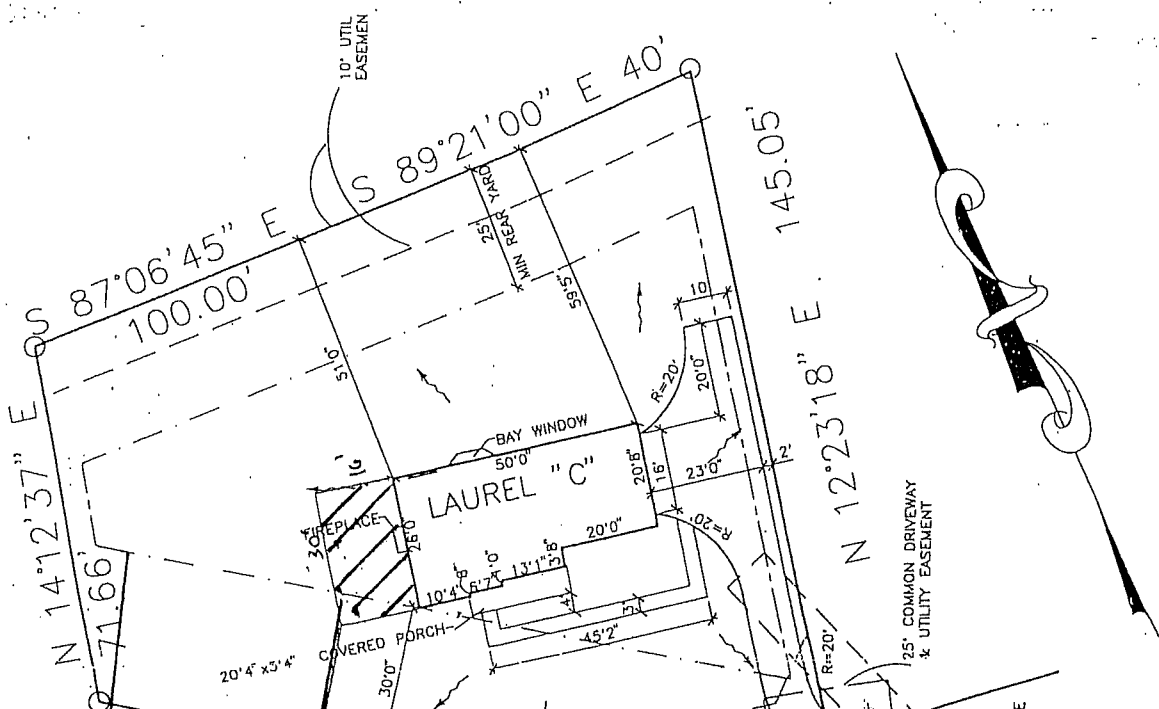
CARRY BACK LN



1 inch equals 50 feet
Produced by the
Boone County Planning Commission
GIS Services Division
September 6, 2005

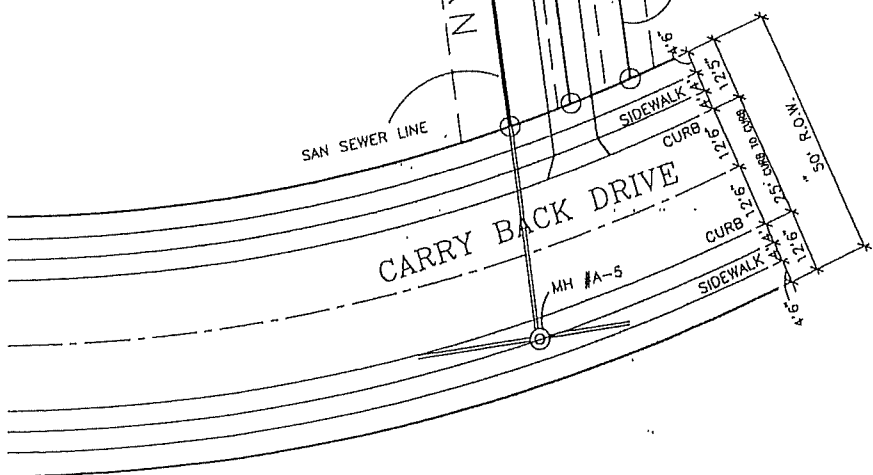
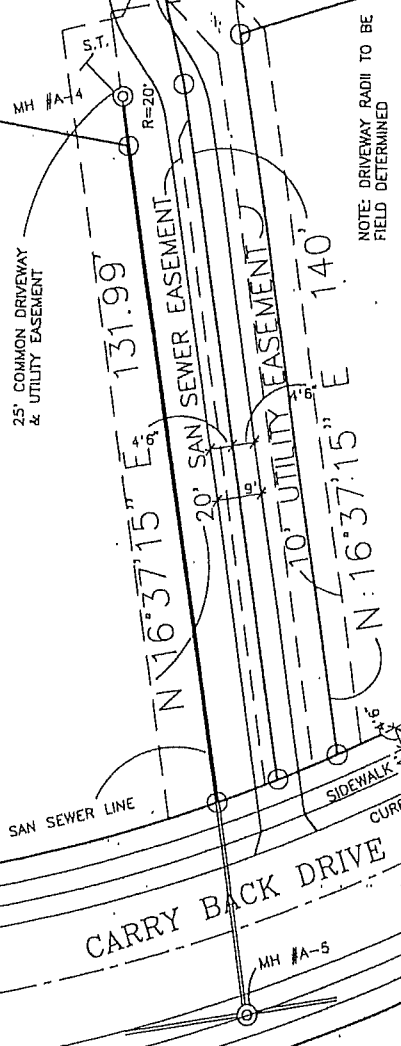


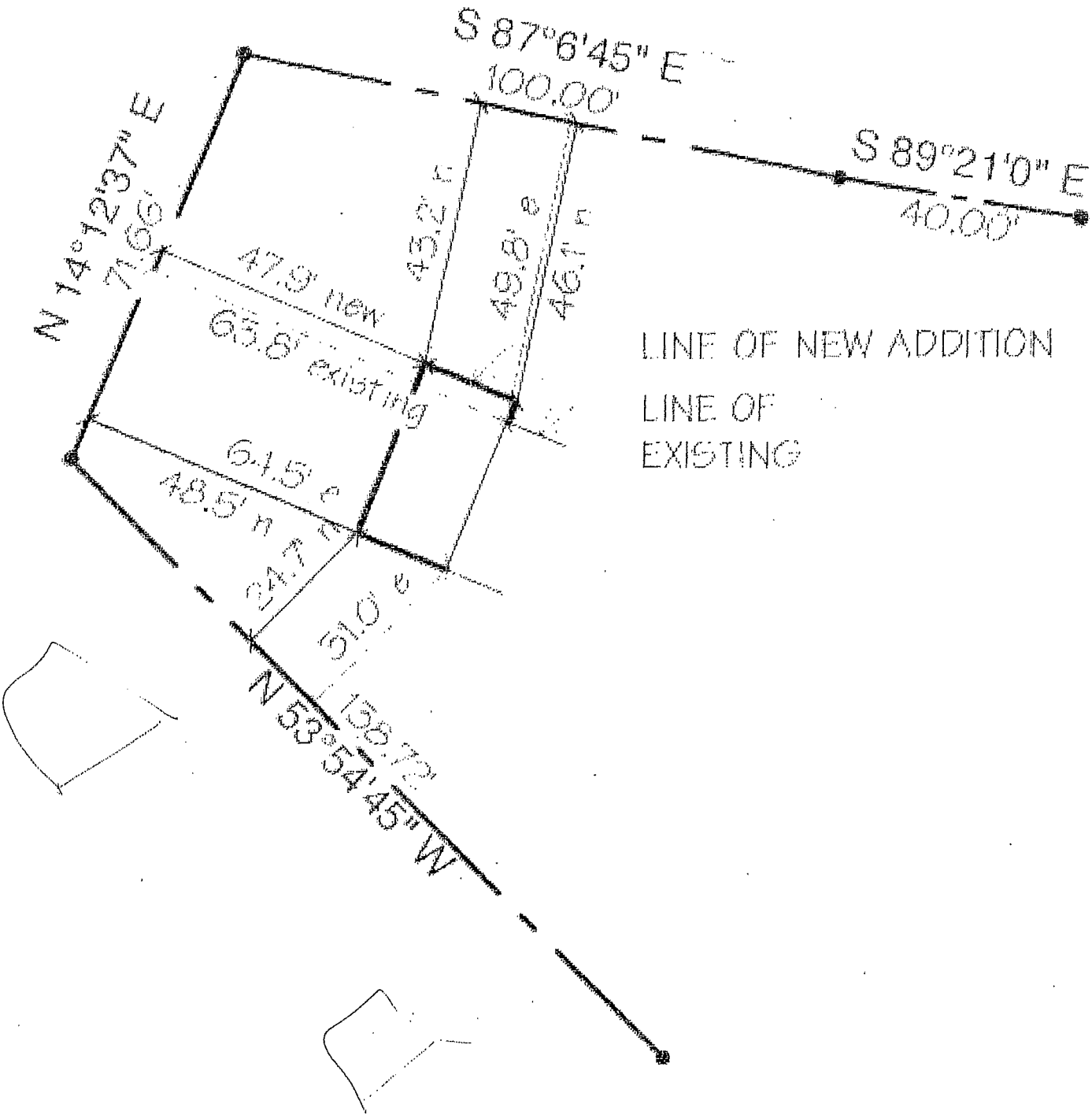
Aerial Photography-Carry Back



Proposed
Building
Addition

Front yard
Building
Setback





Plot Plan

Scale: 1" = 50'-0" x 200%

Julie Ossege

9504 Carryback Dr.

Burlington, KY 41005 9101

7/27/05 BAW



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
3. Applicant's Name Julianne Ossege
Phone Number 689-0638 Fax No.
Applicant's Address 5504 CARRYBACK DR
Burlington KY 41005
City State Zip
4. Description of Request: request variance (~5ft.) to allow
None additions
5. Name of Development Derby Farms Section 1
6. Location of Development Burlington, KY
7. Acreage Under Review 0.42
8. Lot Number and Name of Subdivision (if part of a subdivision)
#5 DERBY FARMS [redacted] plat slide 175-B
9. Owner of Property Julianne Ossege
Phone Number of Owner 689-0638
10. Address of Property Owner 5504 CARRYBACK DR
Burlington KY 41005
City State Zip
11. Proposed Use(s) on Site Residence
12. Total Square Footage of Existing and/or Proposed Buildings 1457 / 400
13. Current Zoning on Property SR-1
14. Deed Book 655 [redacted] Page No. 159 [redacted] Group No. 2025
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: Julianne Ossege

Property Owner's Signature: Julianne Ossege

COPY

CLUR #05-BCBOA-015-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Julianne Ossege
5504 Carry Back Drive
Burlington, KY 41005

2. ADDRESS OF PROPERTY

5504 Carry Back Drive
Burlington, KY 41005

3. NAME OF SUBDIVISION OR
DEVELOPMENT (if applicable)

Derby Farms

4. DEED BOOK 655

PAGE NO. 159

GROUP NO. 2025

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

Patty Bachman, 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 September 14, 2005 Certificate of Land Use Restriction (#05-BCBOA-015-A), for Julianne Ossege, Property Owner(s).

The following conditions will apply:

- 1) An additional tree from Plant List "A" as described in Section 3760 of the Boone County Zoning Regulations ("Plant Lists") is to be installed at the front property line adjoining 5494 Carry Back Lane.

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

DEED BOOK 655

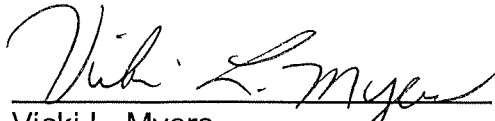
PAGE NO. 159

GROUP NO. 2025

COMMONWEALTH OF KENTUCKY

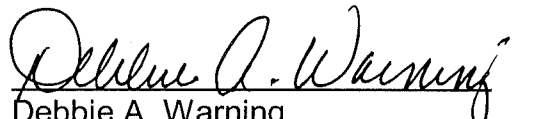
COUNTY OF BOONE

Subscribed, sworn to, and acknowledged before me by Patty Bachman on behalf of the
Boone County Planning Commission this 3 day of October, 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.)