

APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

SEP - 8 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 MICHAEL & DIANA PHILLIPS
4. Description of Request: WE REQUEST TO ALTER THE 150 FT FRONTAGE AT THE 60 FT SET BACK (BUILDING LINE) TO 66.63 FEET.
5. Name of Development MICHAEL & DIANA PHILLIPS DEVELOPMENT.
6. Location of Development 6303 SADDLE RIDGE BURLINGTON KY 41005
7. Acreage Under Review 3.457 ACRES
8. Lot Number and Name of Subdivision (if part of a subdivision) PART OF LOT 26 OF SADDLE RIDGE SUBDIVISION & 3 ACRES WEST OF SAME &
9. Owner of Property MICHAEL & DIANA PHILLIPS
10. Address of Property Owner 6303 SADDLE RIDGE BURLINGTON KY 41005
11. Proposed Use(s) on Site BUILD HOME
12. Total Square Footage of Existing and/or Proposed Buildings BARN 3200 + HOME 2008
13. Current Zoning on Property AR
14. Deed Book 365 & 633 Page No. 147 & 219 Group No. 2029
15. Is the site subject to a zone change? NO
16. Have you submitted a Site Plan with this request? NO
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: Michael Phillip Diana Phillip

Property Owner's Signature: Michael Phillip Diana Phillip

**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 9-8-05 Fee Received \$ 519.00 #43711
2. Is application complete? _____ Yes _____ No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
10/12/05 **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: Michael & Diana Phillips
LOCATION: 6303 Saddle Ridge Drive, Boone County, Kentucky.
ZONING: Agricultural Estate (A-2)
DATE: October 12, 2005

Proposal

The applicants are requesting a variance to reduce the 150' road frontage requirement so two non-buildable lots, totaling 3.457 acres in area, can be converted into a buildable lot.

At the time the request was submitted the applicants owned 5.75 acres of land which was broken into the following lots of record (see Concept Plan & Aerial Map):

- Lot 1 – A 2.286 acre tract which contains a single-family residential dwelling. This lot has since been sold to another couple.
- Lot 2 – A 0.457 acre non-buildable tract which was conveyed from Lot 1 on August 16, 2005.
- Lot 3 – A 3.00 acre non-buildable tract which the applicant's purchased in 1996. A garage/shed is located on this parcel.

The applicants have informed Staff that they plan to build a house on a 3.457 acre tract (lots 2 and 3). The variance is needed because the lot does not meet the 150' lot frontage requirement. The request is to reduce the required lot frontage from 150' to 66.63'.

Applicable Regulations

Article 2, Section 250 of the Boone County Zoning Regulations states that the Board of Adjustment 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.

Table 31.1 of the Boone County Zoning Regulations indicates that conventional lots in the Agriculture Estate (A-2) zone must have at least 150 feet of road frontage.

Table 31.1 of the Boone County Zoning Regulations indicates that the minimum front yard setback in the Agricultural Estate (A-2) zone is 60 feet.

Article 40 of the Boone County Zoning Regulations defines lot frontage as "the distance between the side property lines as measured across the required minimum front yard setback line."

Surrounding Land Uses and Zoning

- North: Single-Family Dwelling Fronting on KY 18 (A-2)
- South: Single-Family Dwelling Fronting on Saddle Ridge Drive (A-2) & Baptist Convalescent Center (SR-1/PD)
- East: Single-Family Dwellings Fronting on Saddle Ridge Drive (A-2)
- West: Baptist Convalescent Center & Undeveloped Parcel

Staff Comments

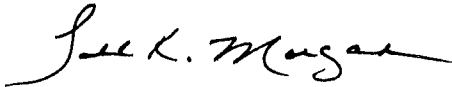
1. Buildable lots in the Agricultural Estate (A-2) zone must be 1.84 acres in area and must have 150 feet of road frontage at the front yard setback. The subject tract is 3.457 acres in area and has 66.63 feet of road frontage at the front yard setback.
2. Staff talked with Daryl Davis, with Boone County Public Works, regarding the request. Mr. Davis indicated that an encroachment permit will be required before a new driveway can tie into the Saddle Ridge Drive right-of-way.

3. Staff's only concern regarding the request is that the proposed driveway will go through an area that has rolling topography and a large number of deciduous trees (see aerial and topographical maps). Staff would like the applicants to explain the location of the driveway and how many trees will be removed.
4. Staff recommends that the Board should analyze if any tree preservation areas should be required on the 3.457 acre tract.
5. Staff would like the applicants to be aware that a Grading Plan, prepared by a Professional Engineer, may be required if the fundamental grade of the property is changed.

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 for a road frontage variance.

Respectfully submitted,

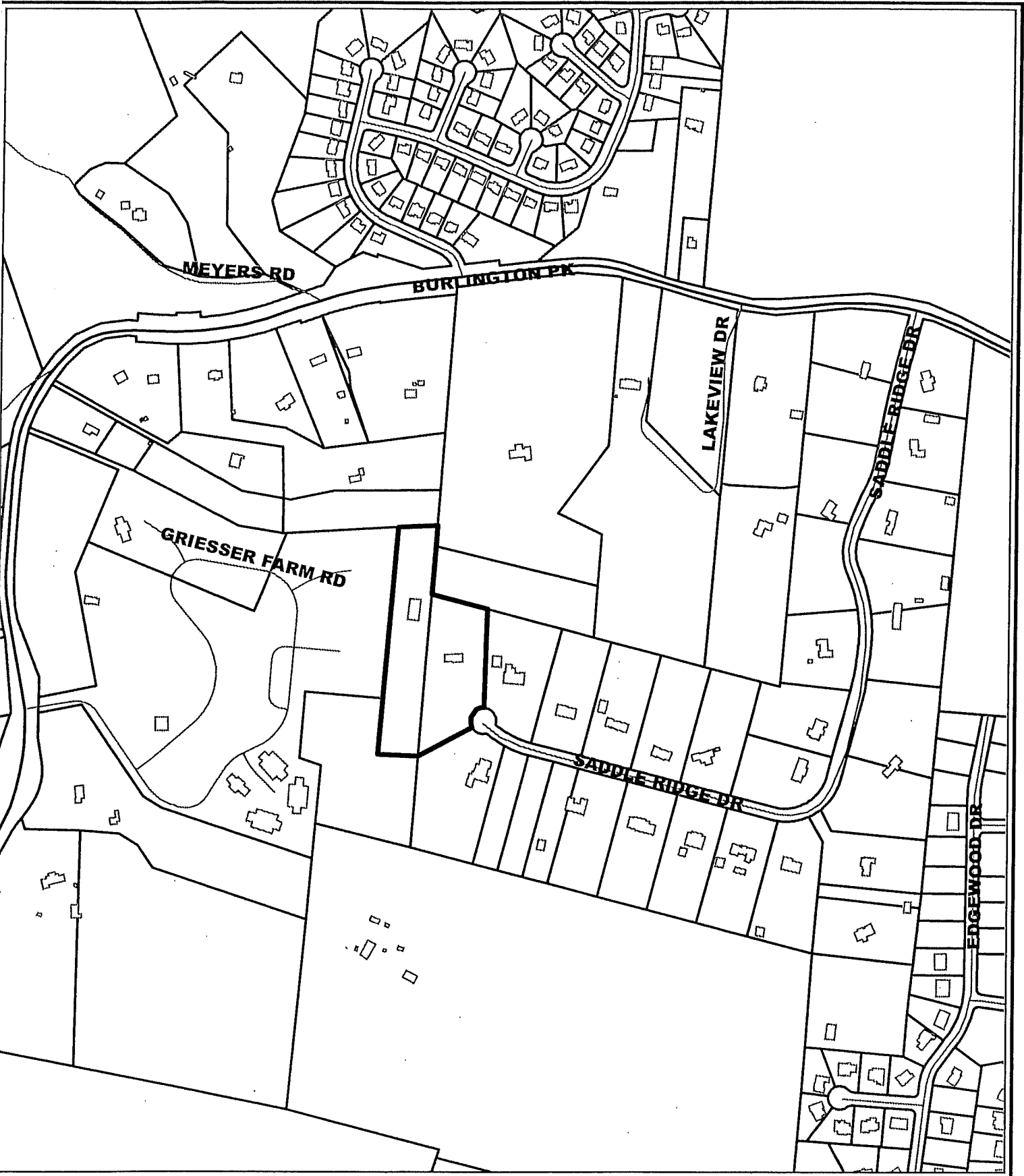


Todd K. Morgan, AICP
Planner, Zoning Services

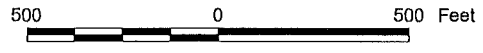
TKM/pr

Attachments

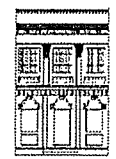
- Exhibit A – Site Vicinity Map
- Exhibit B – Concept Plan
- Exhibit C – Zoning Map
- Exhibit D – Topographical Map
- Exhibit E – Aerial Map
- Exhibit F – Application



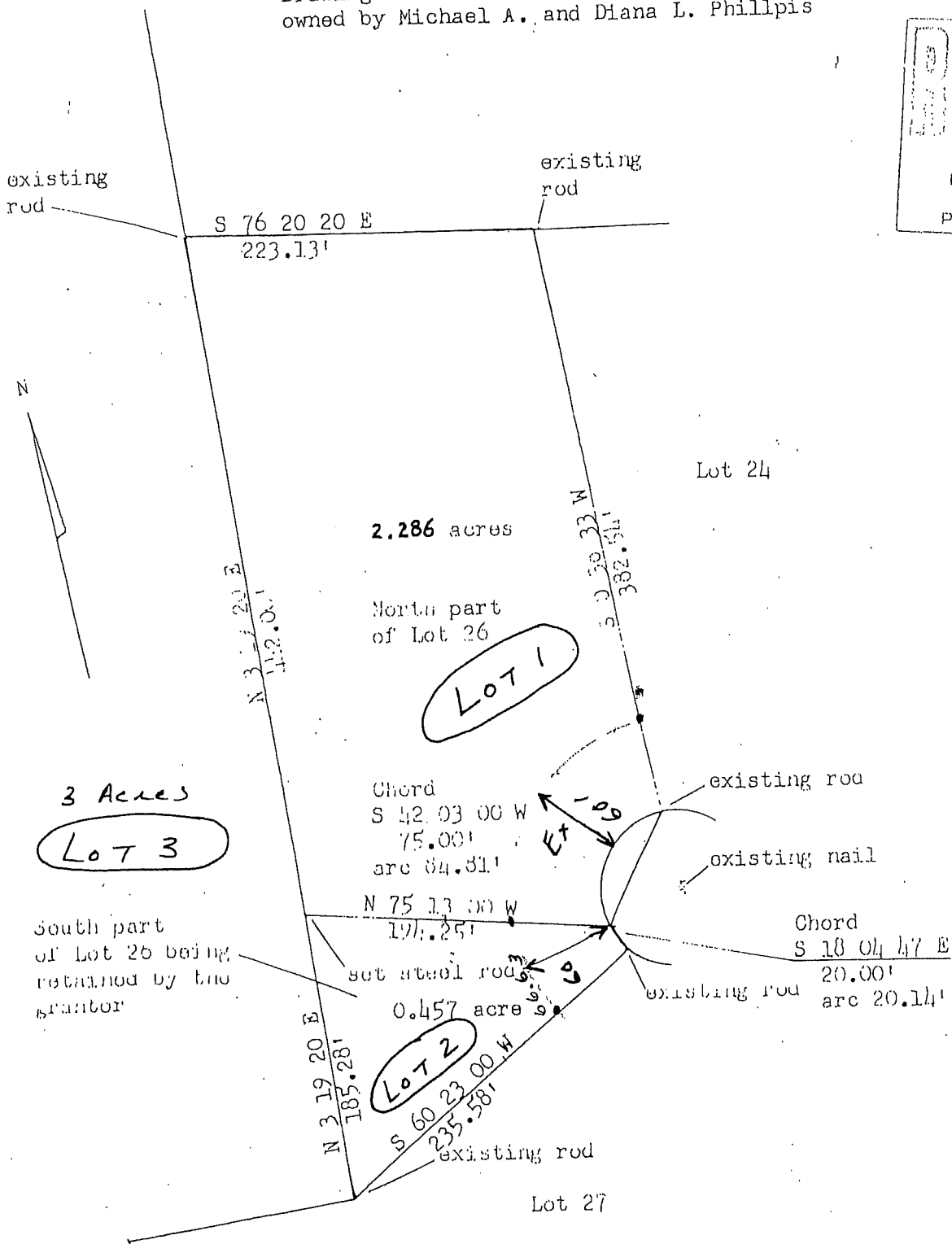
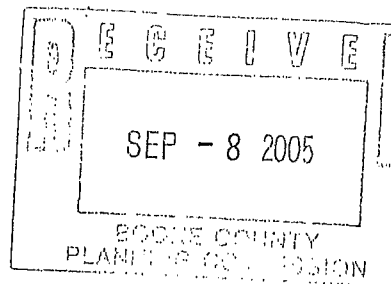
6303 Saddle Ridge Dr. Site Vicinity Map



1 Inch equals 500 feet
Produced by the
Boone County Planning Commission
GIS Services Division
September 23, 2005



Drawing of the dividing of Lot 26 in Saddle Ridge Subdivision
 owned by Michael A. and Diana L. Phillipis



Group No. 1464
 Scale 1"=100'

Class A survey
 closure 1 in 14969

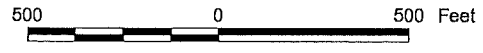
Lot 26 owned by
 Deed Book 365,
 page 147

Surveyed on 8/12/05 by
 Edwin G. Kirkpatrick
 Professional Surveyor No. 873
 P.O. Box 85,
 Burlington, Ky. 41005



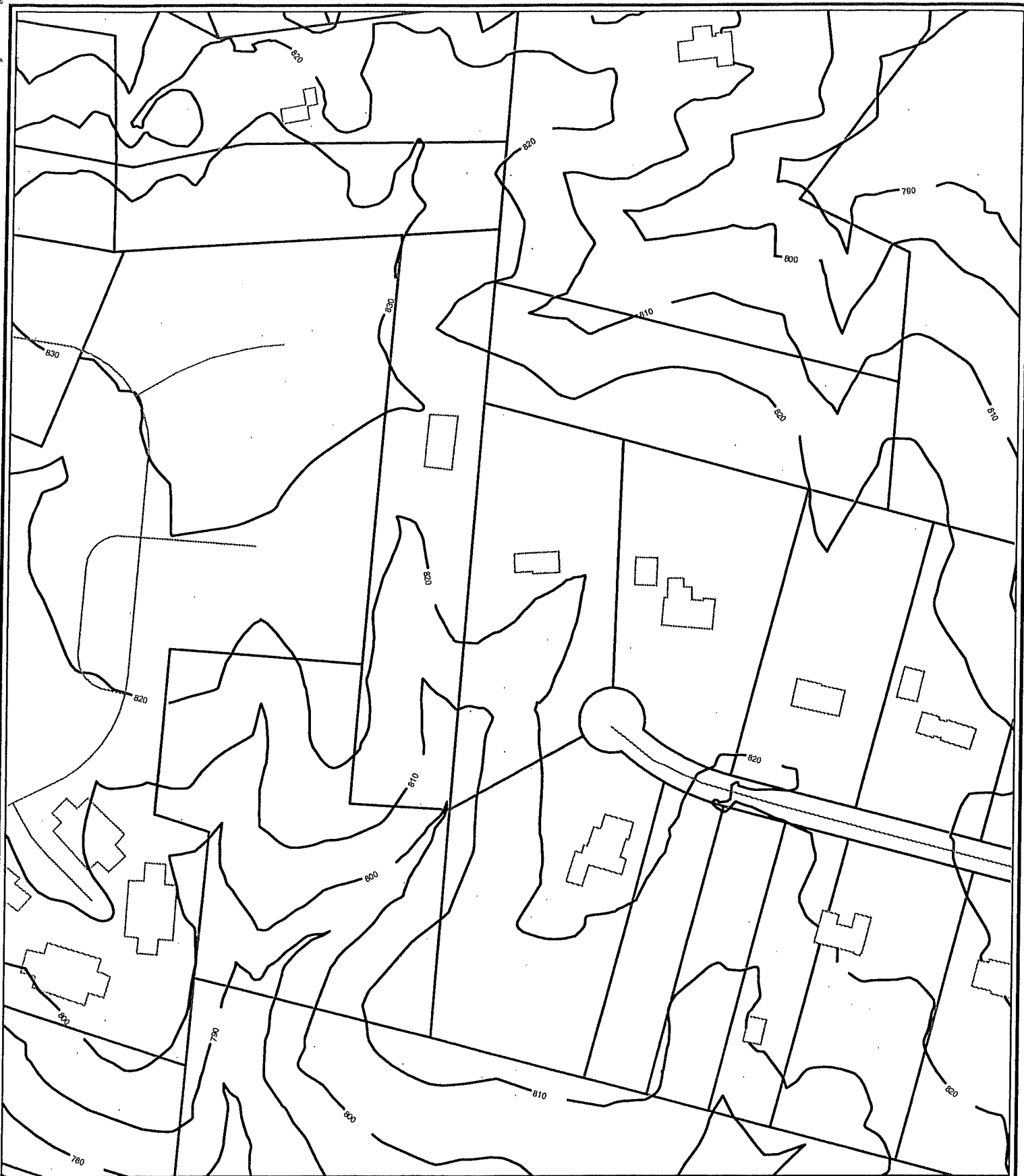


6303 Saddle Ridge Dr. Zoning Map



1 inch equals 500 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 September 23, 2005



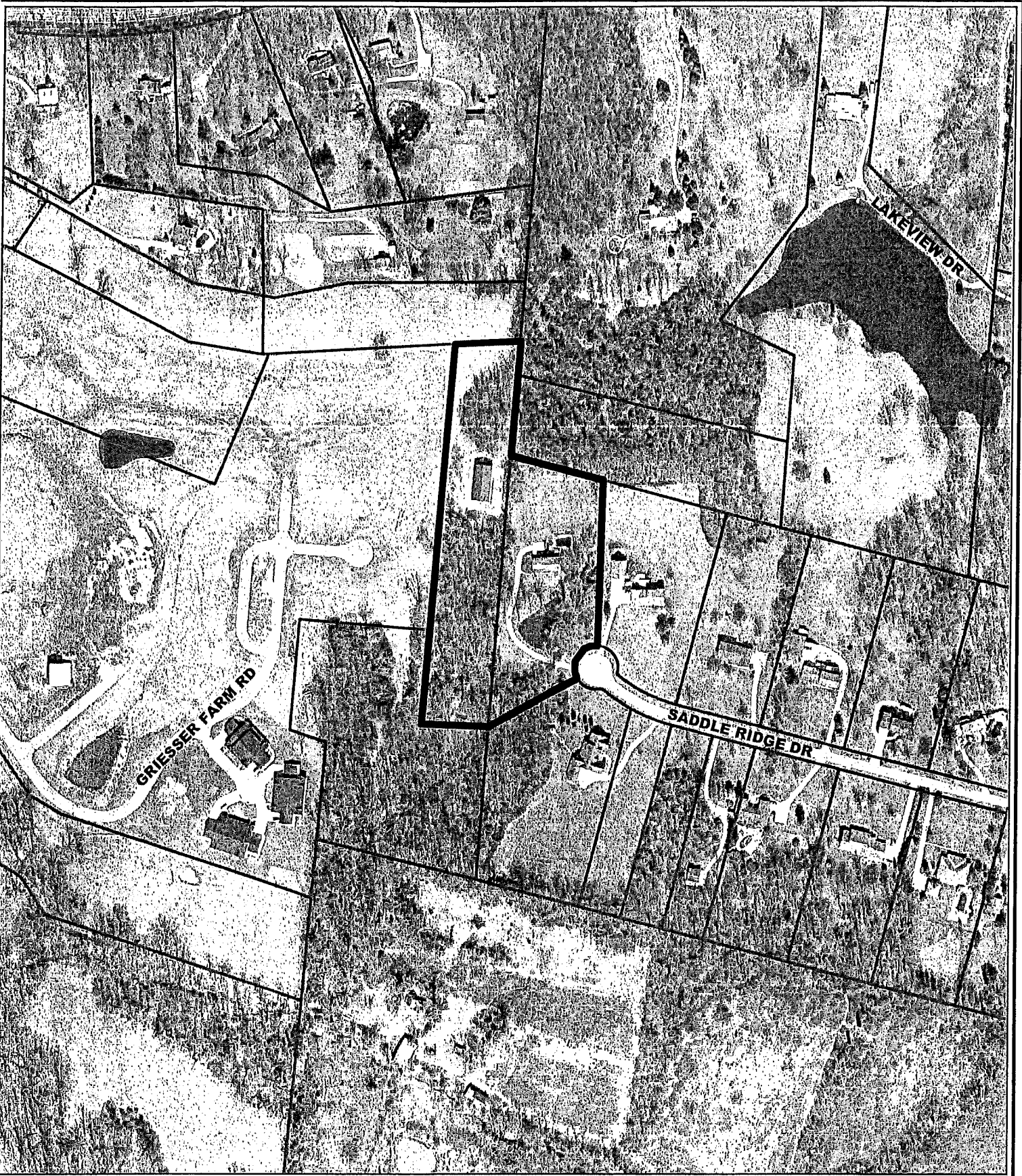


6303 Saddle Ridge Dr. Topographical Map

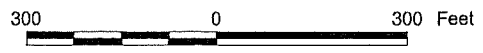
200 0 200 Feet

1 inch equals 200 feet
Produced by the
Boone County Planning Commission
GIS Services Division
September 27, 2005





6303 Saddle Ridge Dr. Aerial Map

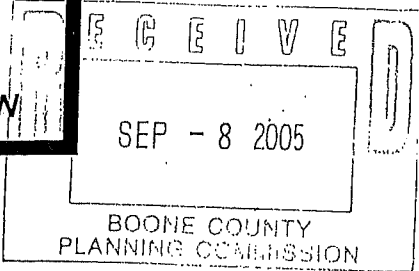


1 inch equals 300 feet
Produced by the
Boone County Planning Commission
GIS Services Division
September 23, 2005



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)

- (Check One)
- Boone _____ Florence _____ Walton _____ Union _____
 - (Check One)
 Conditional Use Permit _____ Variance _____ Appeal _____
 Change in Non-Conforming Use _____
 - Applicant's Name MICHAEL & DIANA PHILLIPS
 Phone Number 859-586-8609 Fax No. _____
 Applicant's Address 6303 SADDLE RIDGE
BURLINGTON KENTUCKY 41005
 City State Zip
 - Description of Request: WE REQUEST TO ALTER THE 150 FT FRONTAGE AT THE 60 FT SET BACK (BUILDING LINE) TO 66.63 FEET.
 - Name of Development MICHAEL & DIANA PHILLIPS DEVELOPMENT.
 - Location of Development 6303 SADDLE RIDGE BURLINGTON KY 41005
 - Acreage Under Review 3.457 ACRES
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PART OF LOT 26 OF SADDLE RIDGE SUBDIVISION & 3 ACRES WEST OF SAME LOT
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 Phone Number of Owner 859-586-8609
 - Address of Property Owner 6303 SADDLE RIDGE BURLINGTON KY 41005
 City State Zip
 - Proposed Use(s) on Site BUILD HOME
 - Total Square Footage of Existing and/or Proposed Buildings BARN 3200 & HOME 2008 TOTAL 5200
 - Current Zoning on Property AE
 - Deed Book 365 & 633 Page No. 147 & 219 Group No. 1464 & 2029
 - Is the site subject to a zone change? NO
 If yes, give date of approval _____
 - Have you submitted a Site Plan with this request? NO
 - Have you submitted a list of adjoining property owners with this request? YES
 - 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: Michael Phillips Diana Phillips

Property Owner's Signature: Michael Phillips Diana Phillips

COPY

CLUR #05-BCBOA-019-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Michael & Diana Phillips
6303 Saddle Ridge Drive
Burlington, KY 41005
2. ADDRESS OF PROPERTY
6303 Saddle Ridge Drive
Burlington, KY 41005
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

4. DEED BOOKS & PAGE NOS. 365/147, 633/219 GROUP NO. 2029
5. TYPE OF RESTRICTION(S) (Check all that apply)
- ____ Zoning Map Amendment: ____ Conditional Use Permit
 From ____ To
- ____ Development Plan ____ Conditional Zoning
- ____ Subdivision Plat ____ Other:
 (Not Recorded)
- 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

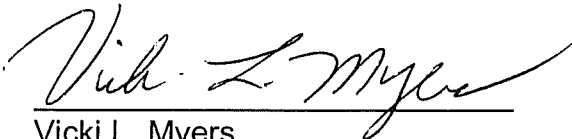
Todd K. Morgan
SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

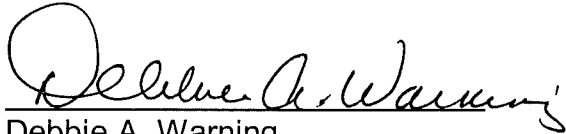
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 13 day of October, 2005.



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.)

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 October 12, 2005 Certificate of Land Use Restriction (#05-BCBOA-019-A), for Michael & Diana Phillips, 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 BOOKS & PAGE NOS. 365/147, 633/219 GROUP NO. 2029