

**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
 2. Conditional Use Permit Variance Appeal
 Change in Non-Conforming Use
 3. Applicant's Name STEVE LANGSDALE
Phone Number 859-283-5069 Fax No. 859-283-5749
Applicant's Address 1460 VISAGLEN CR
UNION KY 41091
City State Zip
 4. Description of Request: VARIANCE TO allow a deck to encroach
into rear yard setback. (30' to 12')
 5. Name of Development COOL SPRINGS
 6. Location of Development 1460 VISAGLEN CR, UNION
 7. Acreage Under Review _____
 8. Lot Number and Name of Subdivision (if part of a subdivision)
#121
 9. Owner of Property ~~STEVE & ELISA LANGSDALE~~
Phone Number of Owner 859-283-5069
 10. Address of Property Owner STEVE LANGSDALE
UNION KY 41091
City State Zip
 11. Proposed Use(s) on Site DECK ON SINGLE FAMILY RESIDENCE
 12. Total Square Footage of Existing and/or Proposed Buildings approx 750 sq. ft.
 13. Current Zoning on Property SR-1/UT0
 14. Deed Book 901 Page No. 617 Group No. 2064
 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? _____
 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: 

Property Owner's 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 12-20-05 Fee Received \$ 487.00 RF44564
2. Is application complete? _____ Yes _____ No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
1-11-06 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: Steve Langsdale
LOCATION: 1460 Vistaglen Circle, Boone County, Kentucky
ZONING: Suburban Residential One/Union Town Overlay (SR-1/UTO)
DATE: January 11, 2006

Proposal

The Applicant has requested a Variance to allow a partially constructed deck to encroach eighteen (18) feet into the thirty (30) foot rear yard setback (see attachments). The subject property is located at 1460 Vistaglen Circle, 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 VistaGlen Circle and is approximately 0.38 acres in area. The rear of the property adjoins an approximate 10.5 acre Home Owners Association parcel with a storm water retention pond (see attached Improvement Plan).

Adjoining Properties

- North: Vacant Parcel & Home Owners Association Parcel (SR-1/UTO)
- South: Single-Family Residence (SR-1/UTO)
- East: Home Owners Association Parcel (SR-1/UTO)
- West: Vistaglen Circle & Vacant Parcel (SR-1/UTO)

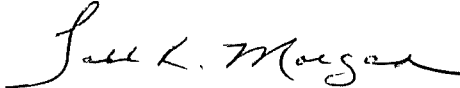
Staff Comments

1. The Boone County Building Department issued the applicant a stop work order after they discovered construction occurring without permits. Staff would like the applicant to explain why he began construction without zoning and building permits.
2. Staff cannot determine how far the deck will be located from the rear property line because the Concept Development Plan and deck plans have been reduced and are not to scale. Staff has approximated that the closest portion of the deck will be from 12 to 15 feet from the rear property line.
3. Although the rear of the lot adjoins an approximate 10.5 acre Home Owners Association parcel with a storm water retention lake, Staff is concerned that the size and visibility of the deck from the Cool Springs/Meadowlake Way intersection could change the essential character of the area.
4. Staff would like the applicant to address if there is anything he could do to the deck which would minimize the setback encroachment.

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,

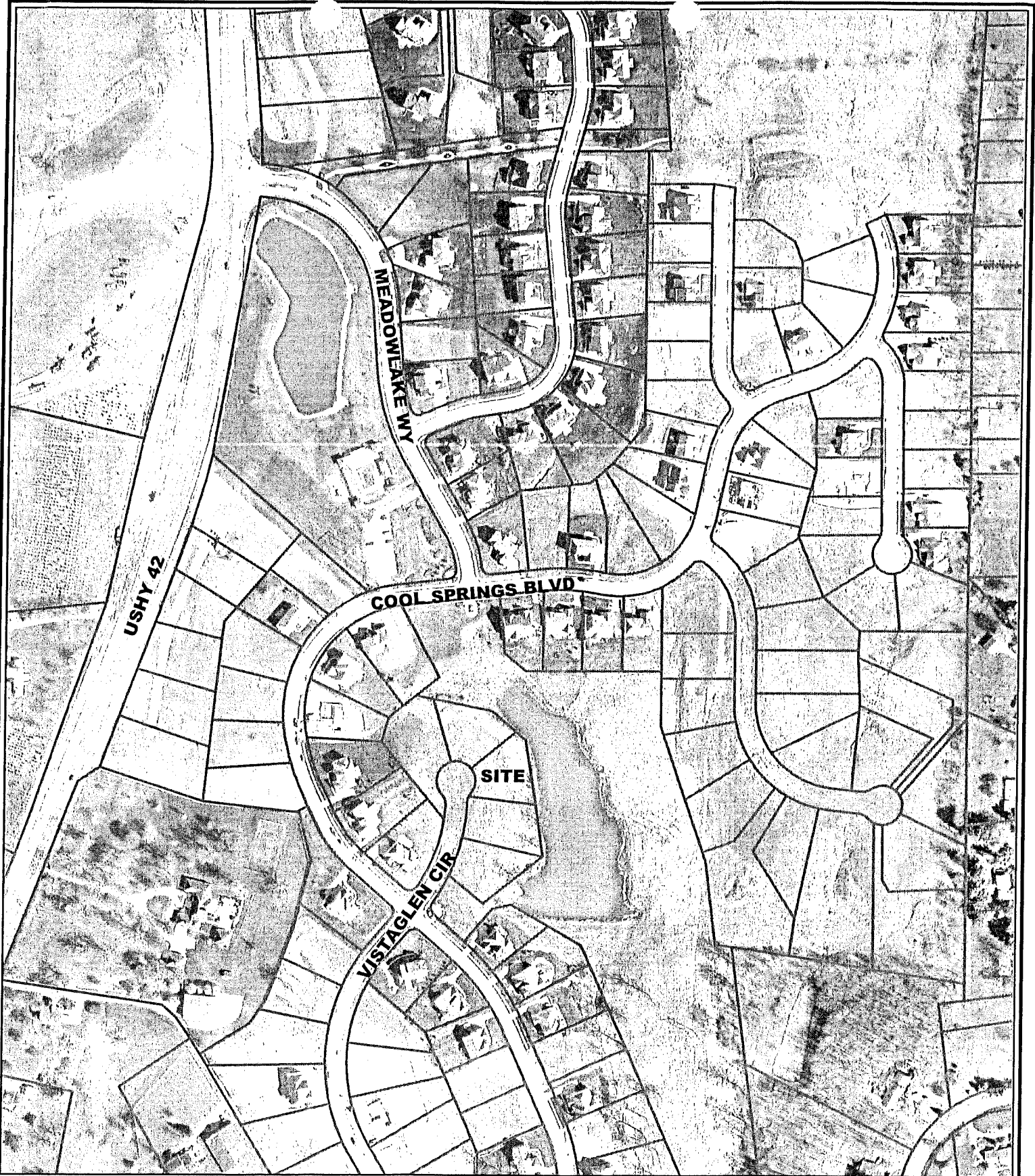


Todd K. Morgan, AICP
Planner, Zoning Services

TKM/pr

Attachments

- Exhibit A – Aerial Map
- Exhibit B – Concept Plan
- Exhibit C – Deck Plans
- Exhibit D – Cool Springs Final Plat
- Exhibit E – Zoning Map
- Exhibit F – Application



1460 Vistaglen Circle Aerial Map

300 0 300 Feet

1 inch equals 300 feet
Produced by the
Boone County Planning Commission
GIS Services Division
December 28, 2005





BLUE-LINE GRID

Telephone

Name

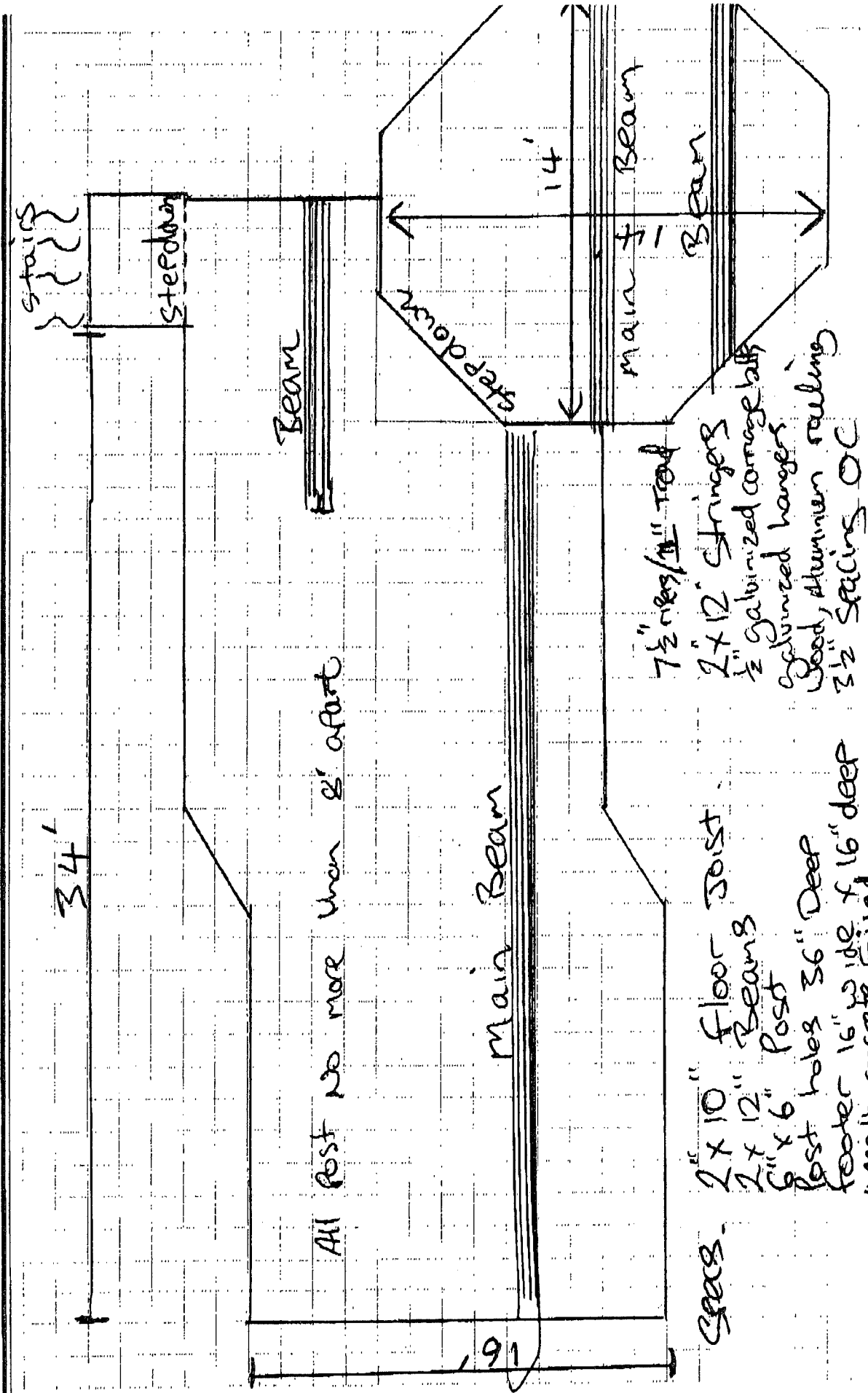
Steve Langsdale

750⁺ sq. ft

Store #:

Designer Name:

5
2.285
1996



HDS-453 (1/87)

ONE SQUARE = ONE FOOT (1/4" SCALE)

14 = 32
1 = 2.285



BLUE-LINE GRID

Telephone

Name

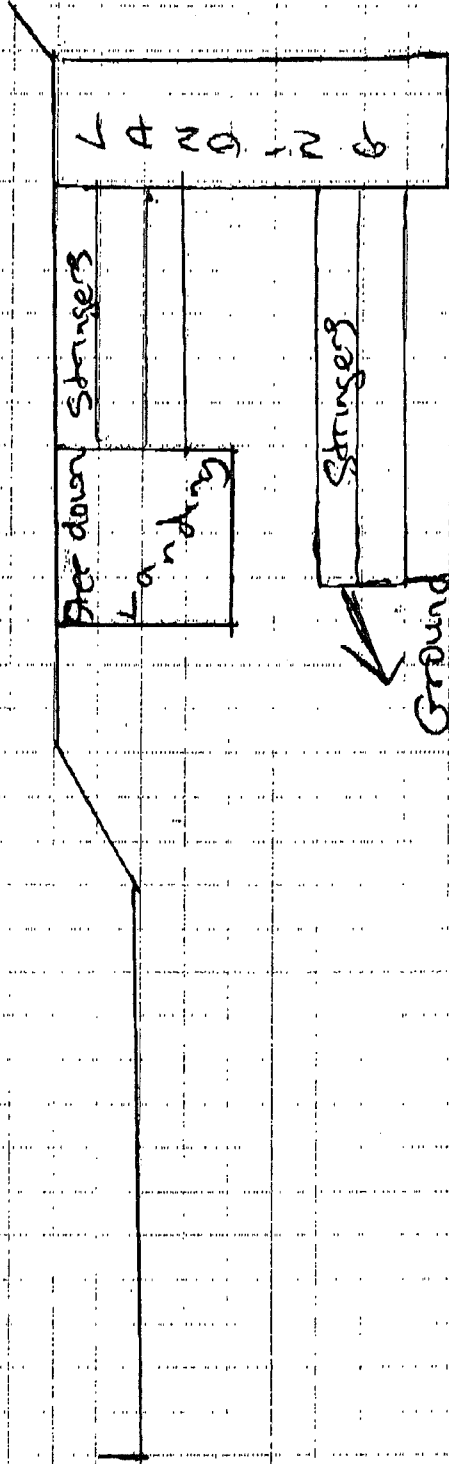
Steve Langsdale

Deck

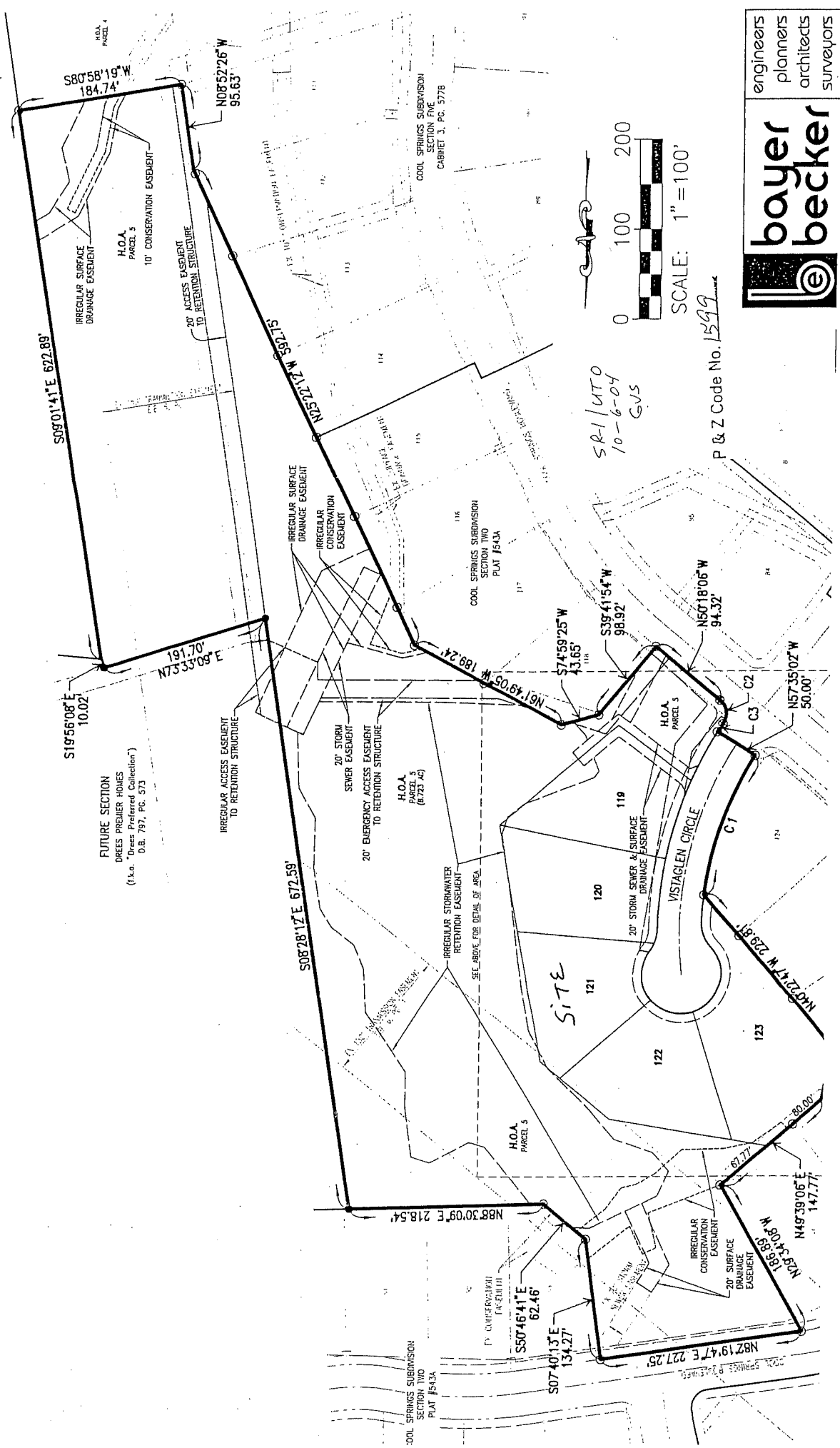
Store #

Designer Name:

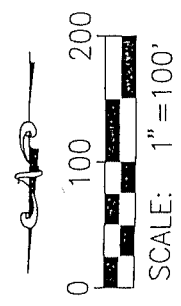
Stair configuration



ONE SQUARE = ONE FOOT (1/4" SCALE)



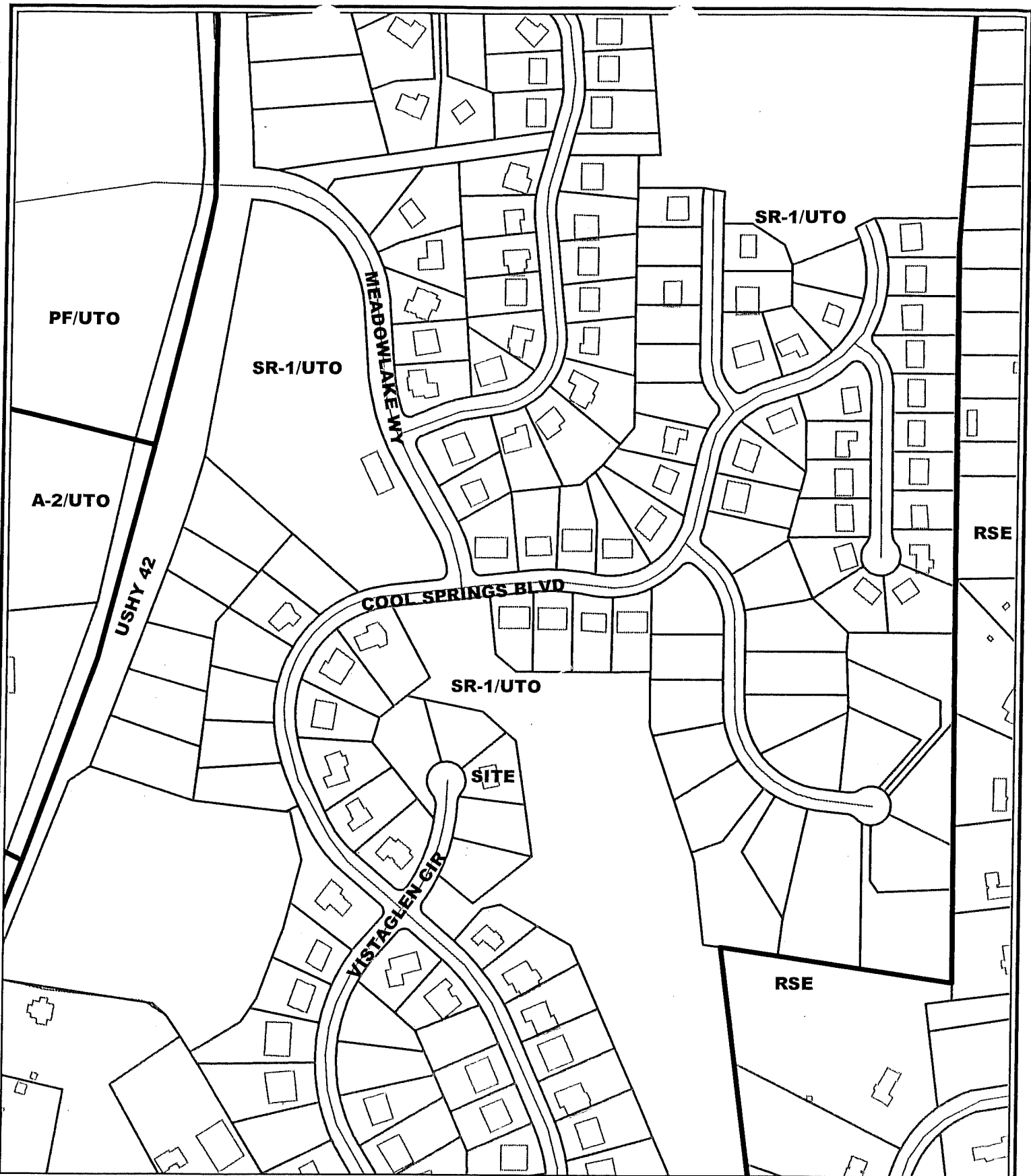
engineers
planners
architects
surveyors



SRI LUTO
10-6-04
GVS

P & Z Code No. 1599

Site



1460 Vistaglen Circle Zoning Map

300 0 300 Feet

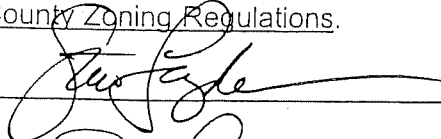
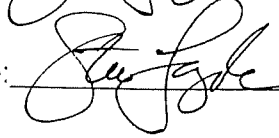
1 inch equals 300 feet
 Produced by the
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 GIS Services Division
 December 28, 2005



**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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1. Boone _____ Florence _____ Walton _____ Union _____
(Check One)
2. _____ Conditional Use Permit Variance _____ Appeal _____
_____ Change in Non-Conforming Use
3. Applicant's Name STEVE LANGSDALE
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#121
9. Owner of Property ~~BOONE~~ STEVE & LISA LANGSDALE
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10. Address of Property Owner STEVE LANGSDALE
UNION KY 41091
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12. Total Square Footage of Existing and/or Proposed Buildings approx 750 sq. ft.
13. Current Zoning on Property SR-1/UTO
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Applicant's Signature: 
Property Owner's Signature: 

COPY

CLUR #06-BCBOA-001-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Steve & Lisa Langsdale
1460 Vistaglen Cr.
Union, KY 41091
2. ADDRESS OF PROPERTY
1460 Vistaglen Cr.
Union, KY 41091
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Cool Springs
4. DEED BOOK 901 PAGE NO. 617 GROUP NO. 2064
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

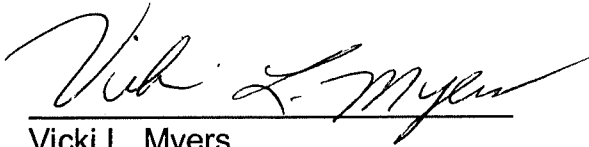
Todd K. Morgan
SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

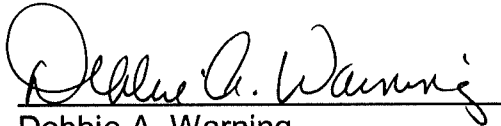
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 12 day of January, 2006.



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 January 11, 2006 Certificate of Land Use Restriction (#06-BCBOA-001-A), for Steve & Lisa Langsdale, 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 901

PAGE NO. 617

GROUP NO. 2064