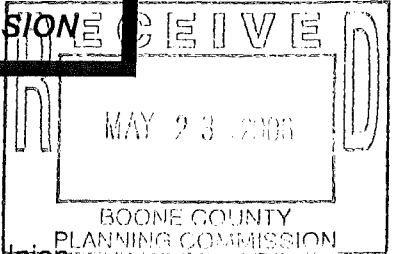


APPLICATION FORM

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 _____ Florence _____ Walton _____ Union _____
- 2. (Check One) _____ Conditional Use Permit Variance _____ Appeal _____
_____ Change in Non-Conforming Use
- 3. Applicant's Name Martha Duncan
Phone Number 859 250-1070 3 Fax No. _____
Applicant's Address 2857 Landings Way
Burlington Ky 41005
City State Zip
- 4. Description of Request: Request for a zoning variance to encroach into the required 30' rear yard set back to build a 30' x 14' deck.
- 5. Name of Development 2857 Landings Way
- 6. Location of Development 2857 Landings Way
- 7. Acreage Under Review 0.21
- 8. Lot Number and Name of Subdivision (if part of a subdivision) _____
- 9. Owner of Property Martha Duncan
Phone Number of Owner 250-6763
- 10. Address of Property Owner 2857 Landings Way, BC 41005
City State Zip
- 11. Proposed Use(s) on Site Single-family residence w/ deck
- 12. Total Square Footage of Existing and/or Proposed Buildings _____
- 13. Current Zoning on Property SR-1/20/10
- 14. Deed Book 911 Page No. 434 Group No. 2038A
- 15. Is the site subject to a zone change? yes
If yes, give date of approval _____
- 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: Martha Duncan

Property Owner's Signature: Martha Duncan

**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 5-23-04 Fee Received \$ 511.00 #502-11
2. Is application complete? _____ Yes _____ No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
 Approved
 Approved with Conditions (See #6)
 Denial (See #7)
6. Conditions of Approval: Two deciduous or evergreen
trees six feet tall at time of planting,
must be planted between the deck and the rear
property line.
7. Reasons for Denial: _____

**Boone County Planning Commission
Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
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: Martha Duncan

LOCATION: 2857 Landings Way, Boone County, Kentucky

ZONING: Suburban Residential One (SR-1)/Planned Development/Concept Development

DATE: June 14, 2006

Proposal

The applicant is requesting a variance to allow a deck to encroach into the rear yard setback. The subject property is located at 2857 Landings Way, Boone County, Kentucky. The Concept Development Plan (see attachments) indicates that the deck will be constructed onto the rear of an existing single-family residential dwelling and will be located 11 feet from the rear property line.

Applicable Regulations

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.

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 minimum front, side, or rear yard (p. 31.9)."

Site Characteristics and Zoning

The subject property and adjoining properties are located within Pebble Creek Subdivision and are zoned Suburban Residential One/Planned Development/Concept Development (SR-1/PD/CD). The subject lot adjoins a wooded lot that is Homeowner's Association property.

Staff Comments

1. If the Board grants the Variance, Staff recommends that two deciduous or evergreen trees, which are six feet tall at the time of planting, should be planted between the deck and rear property line.

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 rear yard setback variance.

Respectfully submitted,

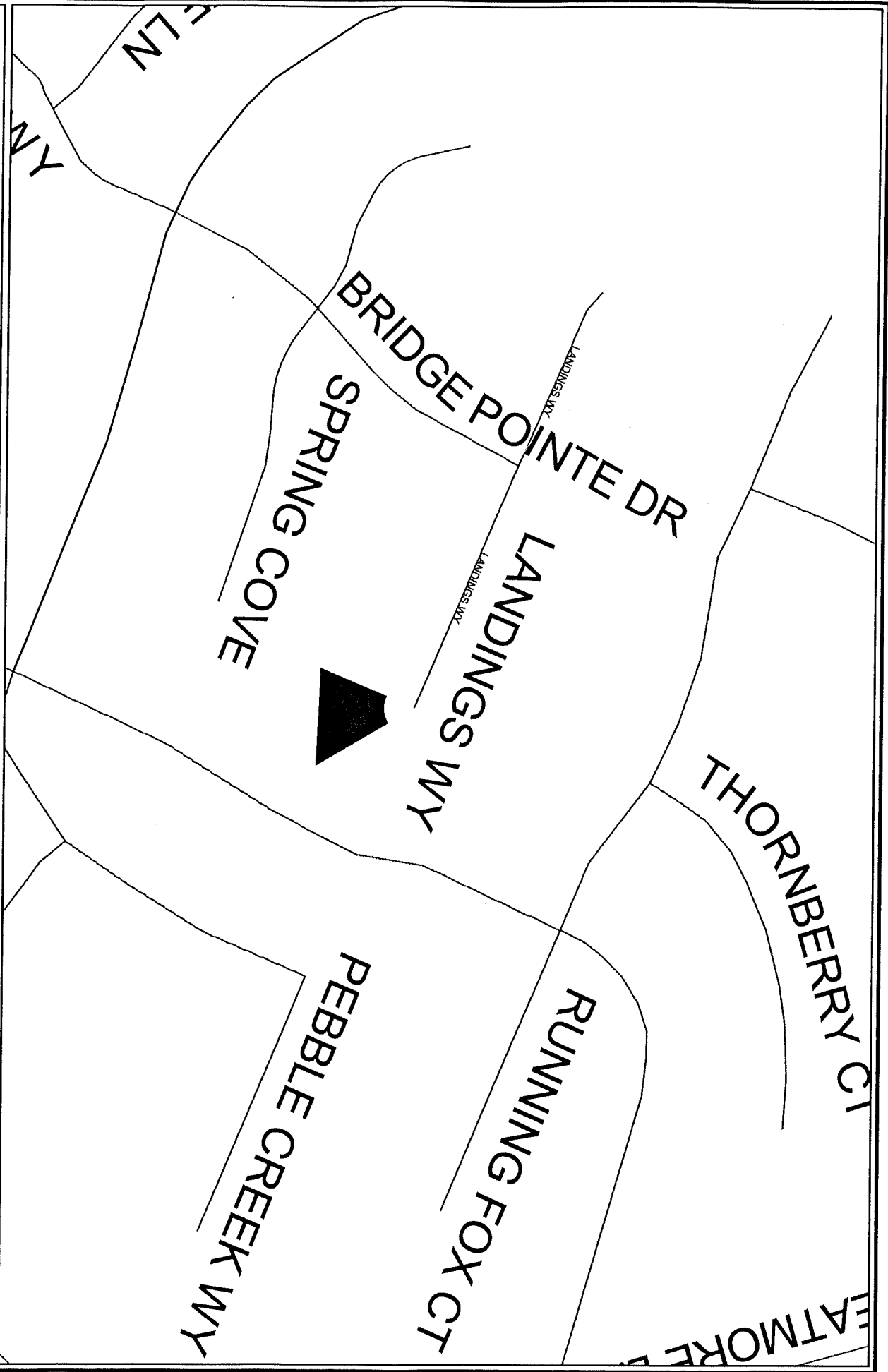


Patty Bachman
Planner, Zoning Services

MPB/pr

Attachments

- Exhibit A – Site Vicinity Map
- Exhibit B – Concept Development Plan
- Exhibit C – Final Plat for Section 13 of Pebble Creek Subdivision
- Exhibit D – Improvement Plan for Phase 4 of Pebble Creek Subdivision
- Exhibit F – Zoning Map
- Exhibit G – Aerial Map
- Exhibit H – Application

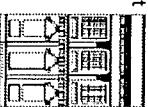


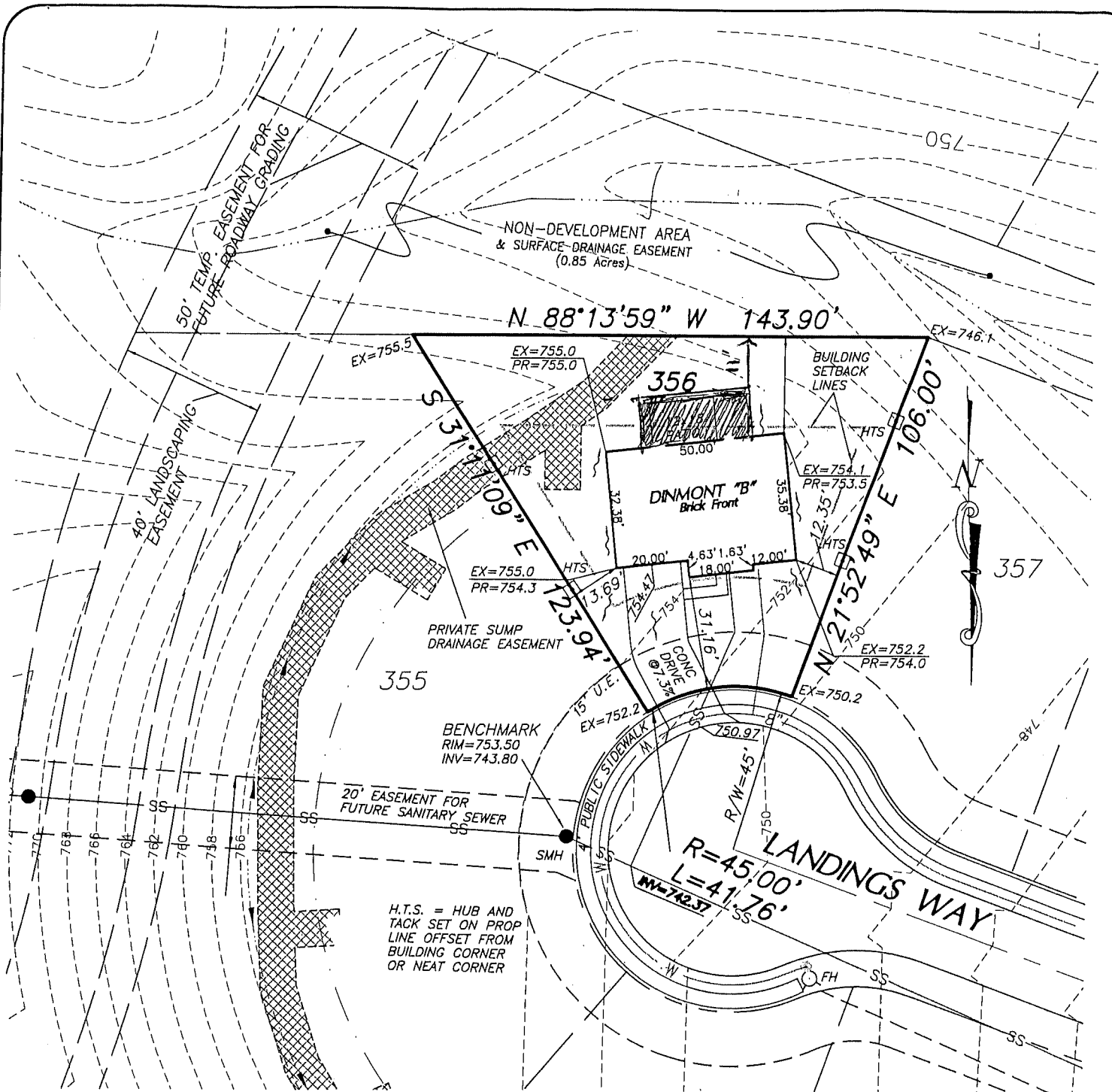
Vicinity



1 inch equals 200 feet

Produced by the
Boone County Planning Commission
GIS Services Division
June 6, 2006





- EXISTING INFORMATION SHOWN HEREON IS BASED ON APPROVED IMPROVEMENT PLANS PROVIDED BY OTHERS.
- LOT DIMENSIONS CAN BE SUBJECT TO CHANGE WITHOUT THE KNOWLEDGE OF PREFERRED SURVEYING COMPANY, INC., AND ARE SHOWN HEREON PER COPY OF THE RECORD PLAT UNLESS OTHERWISE NOTED. PROPERTY LINE DIMENSION VERIFICATION SHOULD BE PERFORMED BEFORE RELYING ON DIMENSION SHOWN HEREON.
- THIS PLOT PLAN WAS PREPARED AT THE REQUEST OF RYLAND HOMES TO ACQUIRE A BUILDING PERMIT AND IS TO BE USED SOLELY FOR SUCH PURPOSE.
- PROPOSED BASEMENT FLOOR ELEVATION BASED UPON SANITARY LATERAL LENGTH REQUIREMENTS AND BASEMENT SLAB BUILD-UP.

MINIMUM SETBACKS	
FRONT YARD	30 FEET
SIDE YARD	0, 15 FEET COMB.
REAR YARD	25 FEET

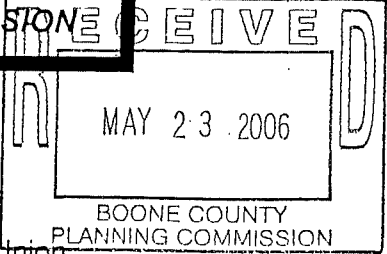
QUANTITIES	
LOT	9,265 SQ. FT.
DRIVEWAY & CONC.	621 SQ. FT.
DRIVEWAY APPROACH	89 SQ. FT.
PUBLIC SIDEWALK	156 SQ. FT.
SOD	2,732 SQ. FT.
SEEDED	4,215 SQ. FT.
SANITARY TAP	87 LINEAR FT.
WATER TAP	40 LINEAR FT.

PLOT PLAN FOR:
RYLAND HOMES
4660 DUKE DRIVE
SUITE 100

BUILDING INFORMATION:
2 STORY
DINMONT "B"
BRICK FRONT

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 [checked] Variance _____ Appeal _____
3. Applicant's Name Martha Duncan, Phone Number (859) 250-6763, Fax No. _____, Applicant's Address 2857 Landings Way, Burlington Ky 41005
4. Description of Request: building on ~~lot~~ ~~BOX 44~~ ~~lot~~ variance to encroach into the required 30' rear yard set back to build a 30' x 14' deck.
5. Name of Development 2857 Landings Way
6. Location of Development 2857 Landings Way
7. Acreage Under Review 0.21
8. Lot Number and Name of Subdivision (if part of a subdivision)
9. Owner of Property Martha Duncan, Phone Number of Owner 250-6763
10. Address of Property Owner 2857 Landings Way, BC 41005
11. Proposed Use(s) on Site single-family residence w/ deck
12. Total Square Footage of Existing and/or Proposed Buildings
13. Current Zoning on Property SR-1/1D/CO
14. Deed Book 911 Page No. 434 Group No. 20380A
15. Is the site subject to a zone change? yes
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: Martha Duncan

Property Owner's Signature: Martha Duncan

COPY

CLUR #06-BCBOA-005-A

CERTIFICATE OF LAND USE RESTRICTION

- 1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Martha Duncan
2857 Landings Way
Burlington, KY 41005

- 2. ADDRESS OF PROPERTY
2857 Landings Way
Burlington, KY 41005

- 3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

- 4. DEED BOOK 911 PAGE NO. 434 GROUP NO. 2038A

- 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)
 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

Patty Bachman
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 June 14, 2006 Certificate of Land Use Restriction (#06-BCBOA-005-A), for Martha Duncan, Property Owner(s).

The following conditions will apply:

- 1) Two deciduous or evergreen trees, six feet tall at the time of planting, are required to be planted between the deck and the rear property line.

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

DEED BOOK 911

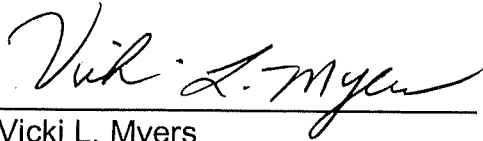
PAGE NO. 434

GROUP NO. 2038A

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

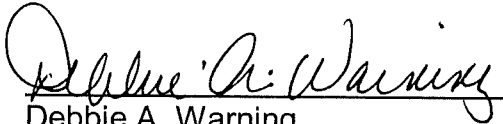
Subscribed, sworn to, and acknowledged before me by Patty Bachman on behalf of the
Boone County Planning Commission this 27th day of June, 2006.



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.)