

APPLICATION FORM

NOV 13 2008

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 [checked] Florence \_\_\_\_\_ Walton \_\_\_\_\_ Union \_\_\_\_\_ (Check One) 2. \_\_\_\_\_ Conditional Use Permit [checked] Variance \_\_\_\_\_ Appeal \_\_\_\_\_ Change in Non-Conforming Use \_\_\_\_\_ 3. Applicant's Name ELIZABETH F. BREEDEN Phone Number 859-485-1506 Fax No. \_\_\_\_\_ Applicant's Address 580 WINCHESTER DRIVE WALTON KY 41094 City State Zip 4. Description of Request: Allow a deck to be added into 30th row yard setback 5. Name of Development \_\_\_\_\_ 6. Location of Development 580 Winchester Drive, Walton, Ky 41094 7. Acreage Under Review 0.26 8. Lot Number and Name of Subdivision (if part of a subdivision) 180 Steplechase 9. Owner of Property Elizabeth F. Breedon Phone Number of Owner 859-485-1506 10. Address of Property Owner 580 Winchester Drive, Walton, Ky 41094 City State Zip 11. Proposed Use(s) on Site Single Family Residence & Deck 12. Total Square Footage of Existing and/or Proposed Buildings \_\_\_\_\_ 13. Current Zoning on Property S1/PD 14. Deed Book 890 Page No. 68 Group No. 2071 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: Elizabeth F. Breedon

Property Owner's Signature: Elizabeth F. Breedon

**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 11-13-06 Fee Received \$571.00 RA# 51801
2. Is application complete?  Yes  No
3. Staff Reviewer \_\_\_\_\_
4. Scheduled Board Action Date \_\_\_\_\_
5. Board Action:  
12/13/06 **Approved**  
\_\_\_\_\_ **Approved with Conditions** (See #6)  
\_\_\_\_\_ **Denial** (See #7)
6. Conditions of Approval: NONE  
\_\_\_\_\_  
\_\_\_\_\_
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](http://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: Elizabeth F. Breeden  
LOCATION: 580 Winchester Drive, Boone County, Kentucky  
ZONING: Suburban Residential One/Planned Development (SR-1/PD)  
DATE: December 13, 2006

### Proposal

The applicant has requested a Variance to allow a 15' x 13' deck to encroach into the thirty (30) foot rear yard setback (see attachments). The submitted Concept Plan shows that the deck will be located twenty (20) feet from the rear property line. The subject property is located at 580 Winchester 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 approximate 0.26 acre property is a corner lot and has frontage on Winchester Drive and Grand National Boulevard. The lot contains an existing two-story residential dwelling with an attached 3' x 5' deck. The rear of the property adjoins a large retention lake which is maintained by the Home Owners Association.

Adjoining Properties

North: Retention Lake (SR-1/PD)  
South: Winchester Drive and Single-Family Dwellings (SR-1/PD)  
East: Single-Family Residential Dwelling (SR-1/PD)  
West: Grand National Boulevard and H.O.A. Area (SR-1/PD)

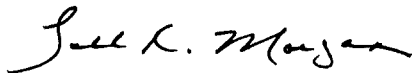
Staff Comments

1. Staff would like to know if the builder informed the applicant about the 30' rear yard setback requirement before she bought the house.
2. The rear property line adjoins a large retention lake and walking path which is maintained by the H.O.A. Most of the homes on Winchester Drive which back up to the lake have large decks. However, the subject property does not appear to be as deep as the other lots
3. The Board needs to analyze if the request is in accord with Section 251 of the zoning regulations.

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  
Senior Planner, Zoning Services

TKM/pr

Attachments

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



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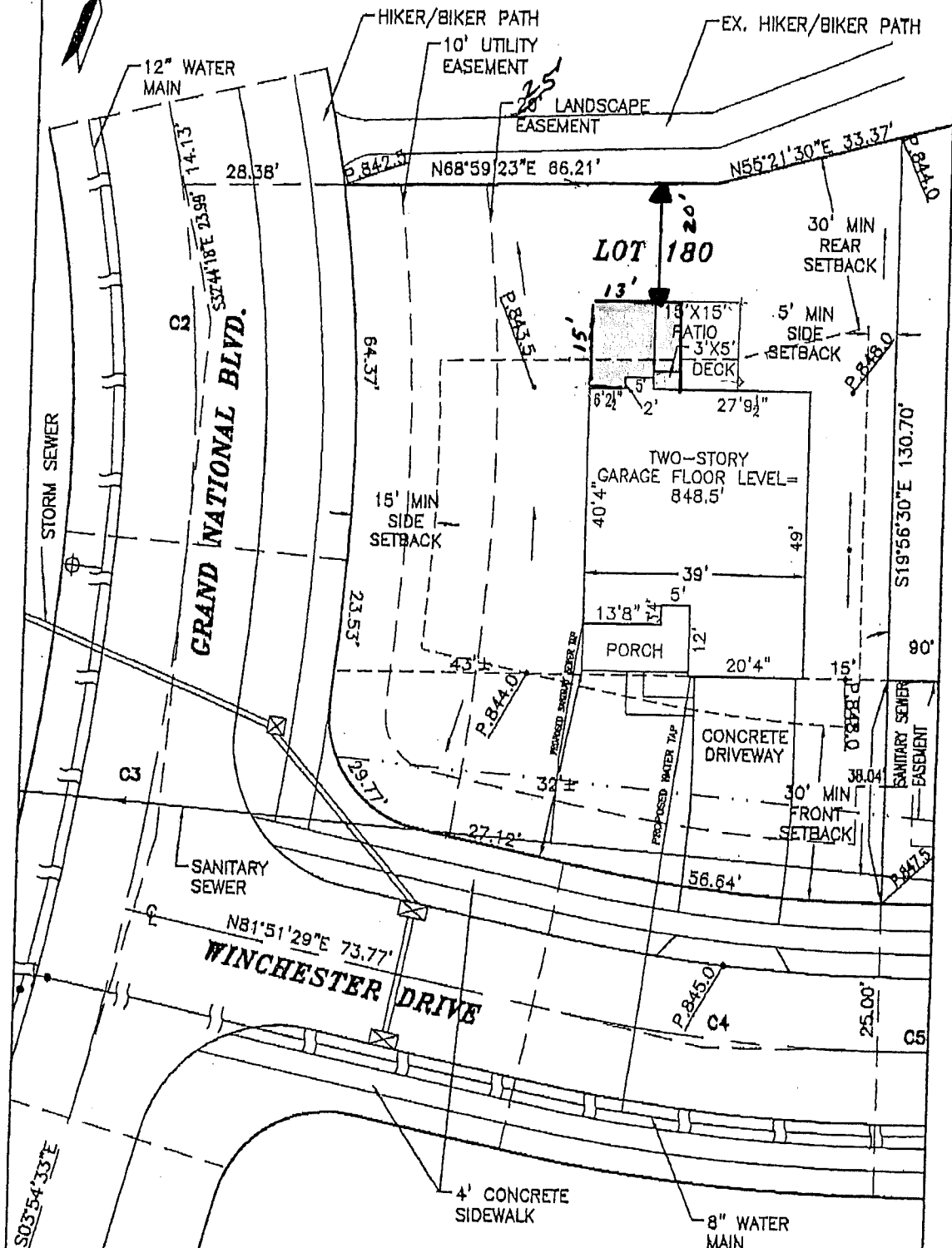


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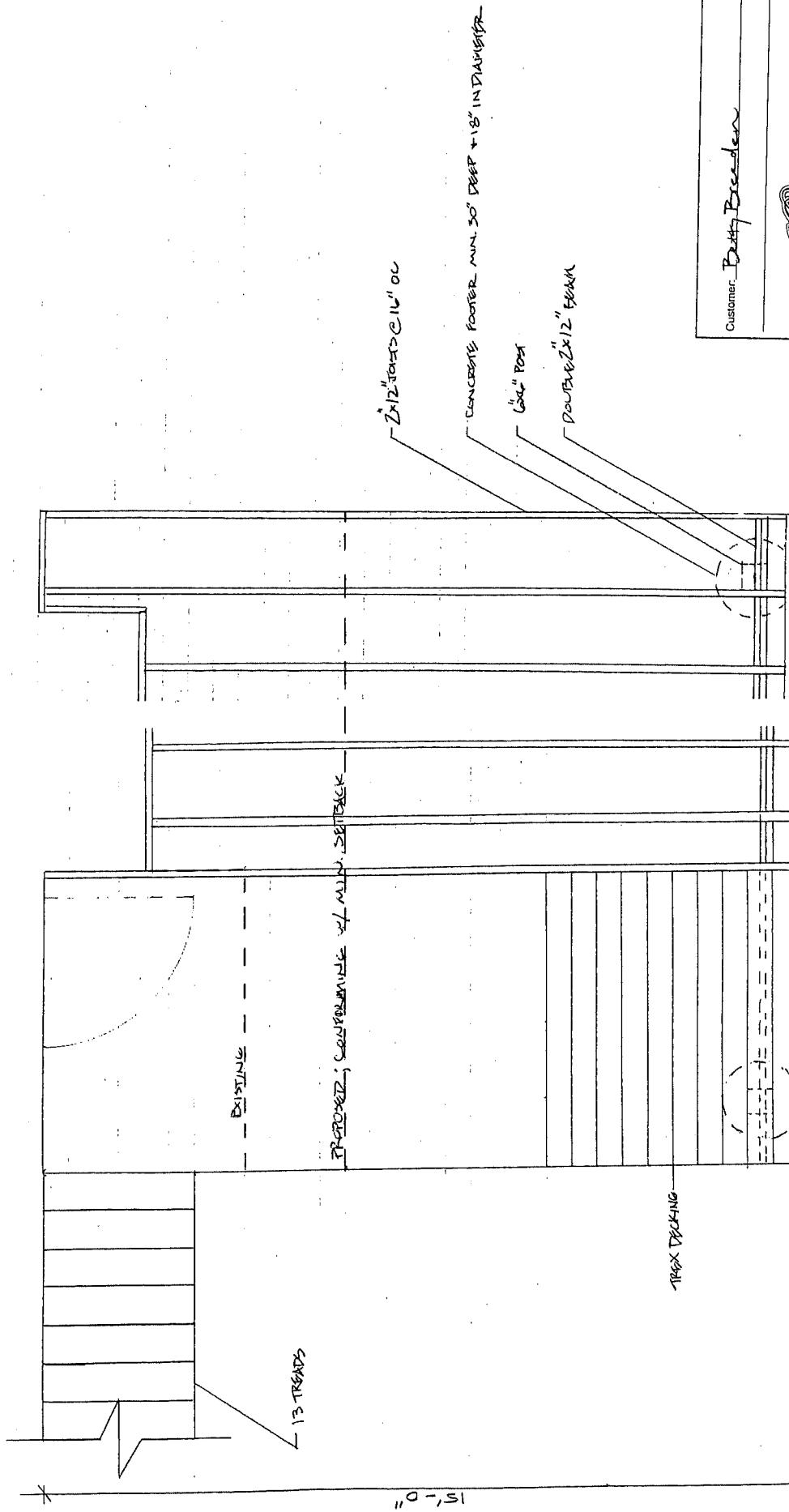
Be W Plane Kentucky North NAD 1983

<b>C2</b> C	<b>C3</b> C	<b>C4</b> C	<b>C5</b> C
$\Delta=17^{\circ}20'22''$	$\Delta=11^{\circ}29'23''$	$\Delta=11^{\circ}48'00''$	$\Delta=21^{\circ}41'38''$
T=38.12'	T=50.30'	T=31.00'	T=143.71'
R=250.00'	R=500.00'	R=300.00'	R=750.00'
L=75.66'	L=100.27'	L=61.78'	L=283.97'



PLOT PLAN FOR <b>CALUMET HOMES, LLC.</b>		SHEET 1 OF 2	
CALUMET HOMES, LLC. P.O. BOX 725 UNION, KY 41091	DATE: 4/20/04	IMPROVEMENT PLAN PHASE DATE OF APPROVAL 04/00	
	STEEPLECHASE SUBDIVISION SECTION 7 LOT 180 BOONE COUNTY, KENTUCKY		
SCALE: 1"=20'		<b>VIOX &amp; VIOX, INC.</b> Engineers • Surveyors • Landscape Architects 456 Erlanger Road Erlanger, Kentucky 41018 Tel: 859-727-3283 Fax: 859-727-8457 e-mail: viox@viox.net	

7/27/04

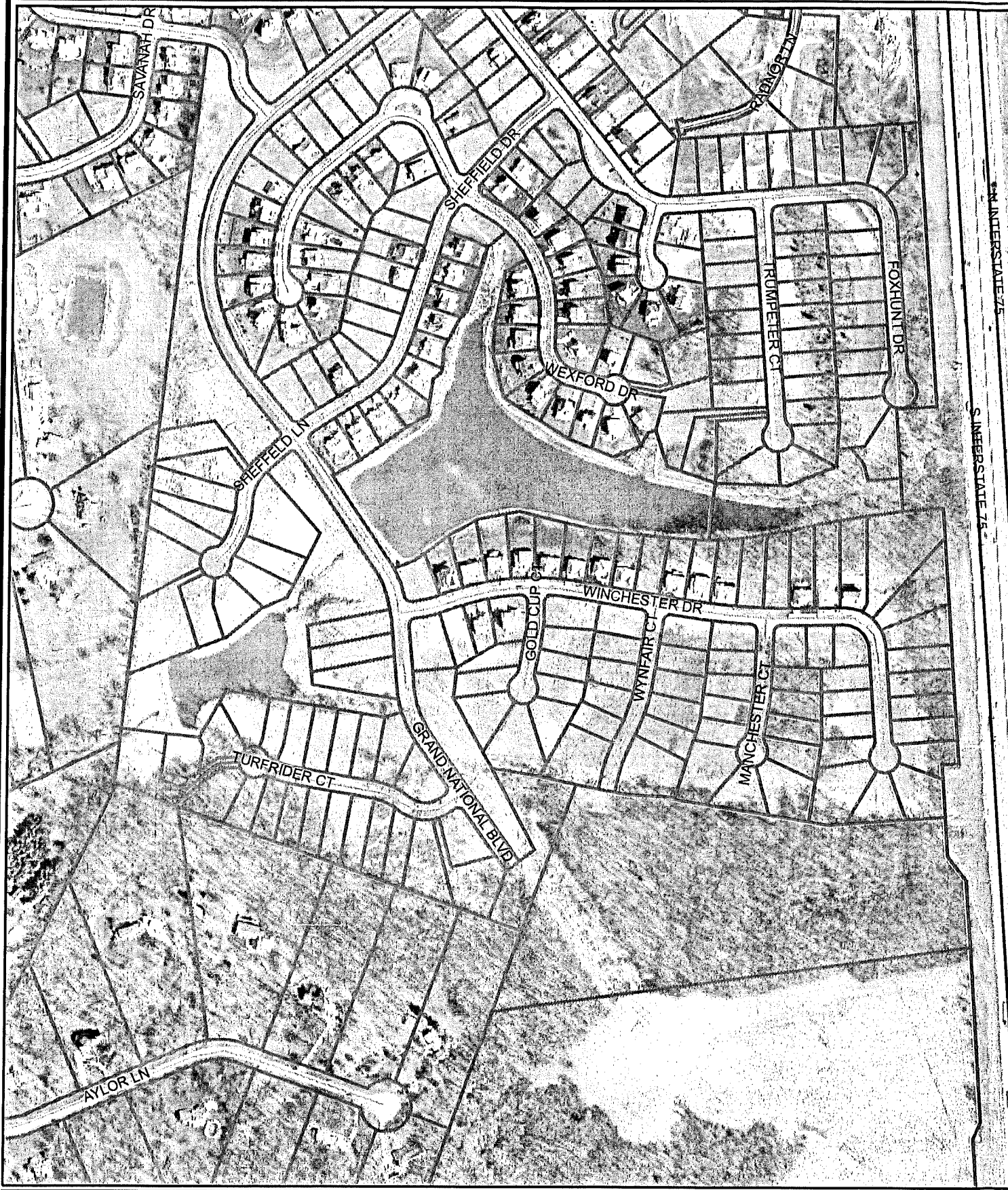


Customer: *Betty Breeden*

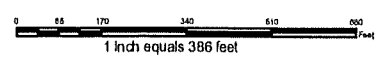


MITCHELL JOBE  
859.468.5875  
STEVE PERRY  
859.802.8800

Date: 10.2.06 Scale:  $\frac{1}{2}'' = 1'-0''$



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Site in Pleas Kentucky North NAD 1983

Map printed by Boone County Planning Commission

SR-1/CD

FOXHUNT DR

WEXFORD DR

SHEFFIELD DR

TRUMPETER CT

SHEFFIELD LN

SR-1/PD/CD

WINCHESTER DR

GOLD CUP CT

WYANFAIR CT

MANCHESTER CT

TURFRIDER CT

GRAND NATIONAL BLVD

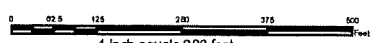
SR-1/PD/CD

A-2

SR-1/CD



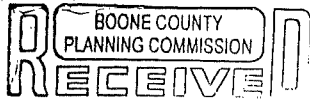
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State Plane Kentucky North NAD 1983



APPLICATION FORM

NOV 13 2006

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 ELIZABETH F. BREEDEN
Phone Number 859-485-1506 Fax No.
Applicant's Address 580 WINCHESTER DRIVE WALTON KY 41094
4. Description of Request: Allow a deck to encroach into 30ft rear yard setback
5. Name of Development
6. Location of Development 580 Winchester Drive, Walton KY 41094
7. Acreage Under Review 0.26
8. Lot Number and Name of Subdivision (if part of a subdivision) 180 Steeplechase
9. Owner of Property Elizabeth F. Breedon
Phone Number of Owner 859-485-1506
10. Address of Property Owner 580 Winchester Drive, Walton, Ky 41094
11. Proposed Use(s) on Site Single Family Residence & Deck
12. Total Square Footage of Existing and/or Proposed Buildings
13. Current Zoning on Property SR1/PD
14. Deed Book 890 Page No. 68 Group No. 2071
15. Is the site subject to a zone change?
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: Elizabeth F. Breedon

Property Owner's Signature: Elizabeth F. Breedon

COPY

CLUR #06-BCBOA-020-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)  
Elizabeth Breeden  
580 Winchester Drive  
Walton, KY 41094
  
2. ADDRESS OF PROPERTY  
580 Winchester Drive  
Walton, KY 41094
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)  
580 Winchester Drive
  
4. DEED BOOK 890                      PAGE NO. 68                      GROUP NO. 2071
  
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  
2950 WASHINGTON STREET, ROOM 317  
P.O. BOX 958  
BURLINGTON, KENTUCKY 41005

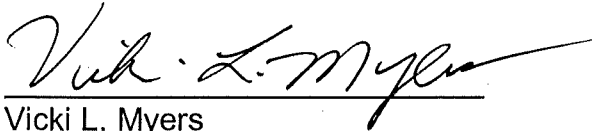
Todd K. Morgan  
SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

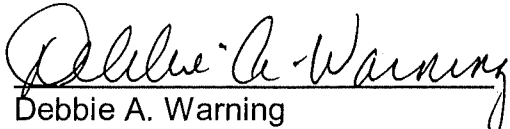
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the  
Boone County Planning Commission this 14 day of December, 2006.



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  
2950 Washington Street, Room 317  
P.O. Box 958  
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 December 13, 2006 Certificate of Land Use Restriction (#06-BCBOA-020-A), for Elizabeth Breeden, 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 890 PAGE NO. 68 GROUP NO. 2071