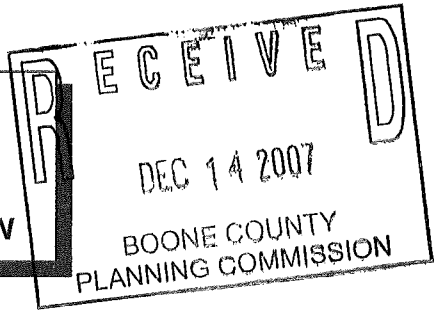


08-BCBOA-02-17

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 _____
Change in Non-Conforming Use _____
3. Applicant's Name Bold Homes, Inc.
Phone Number 859-657-6700 Fax No. 859-384-5272
Applicant's Address POB 975
City Union State KY Zip 41091
4. Description of Request: Side yard set back variance
5. Name of Development _____
6. Location of Development 9450 Lower River Rd.
7. Acreage Under Review 1.730 acres
8. Lot Number and Name of Subdivision (if part of a subdivision) _____
9. Owner of Property Donna L. King
Address of Property Owner 3788 Meadowlark Dr. Phone No. 859-341-8724
10. City Edgewood, KY State KY Zip 41018
11. Proposed Use(s) on Site Single family residence
12. Total Square Footage of Existing and/or Proposed Buildings 1620 SF home 525 SF garage
13. Current Zoning on Property RSE
14. Deed Book 944 Page No. 933 Group No. 2044
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: Mike J. Keyley vp
Property Owner's Signature: Donna King

(over)

**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 12-14-07 Fee Received \$5700 R# 55315
2. Is application complete? Yes No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
 Approved
 1/9/08 Approved with Conditions (See #6)
 Denial (See #7)
6. Conditions of Approval: SEE 1/9/08 BCBOA Meeting
MINUTES + C.L.U.R.
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: Bold Homes, Inc.

LOCATION: 9450 Lower River Road, Boone County, Kentucky

ZONING: Rural Suburban Estates (RSE)

DATE: January 9, 2008

Proposal

The applicant is requesting a variance to allow an existing single-family residence to encroach into the 10 foot side yard setback. The submitted mortgage inspection survey shows that the house was constructed 7.77 feet from the side property line (see attachments). The subject property is located at 9450 Lower River Road and is zoned Rural Suburban Estates (RSE).

Site History

12/21/06 – A Zoning Permit is issued for a single-family residence. The permit shows that the house will meet all building setback requirements (see attachments).

Applicable Regulations

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.

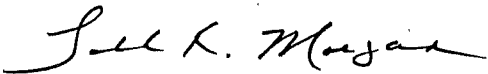
Staff Comments

1. Staff would like the applicant to explain why the error occurred.
2. Single-family residences already exist on the adjoining properties to the northeast and southwest. Staff believes that the 2.23 side yard setback reduction is not discernable from these properties or the road and that the essential character of the area will not be altered.

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 request.

Respectfully submitted,



Todd K. Morgan, AICP
Senior Planner, Zoning Services

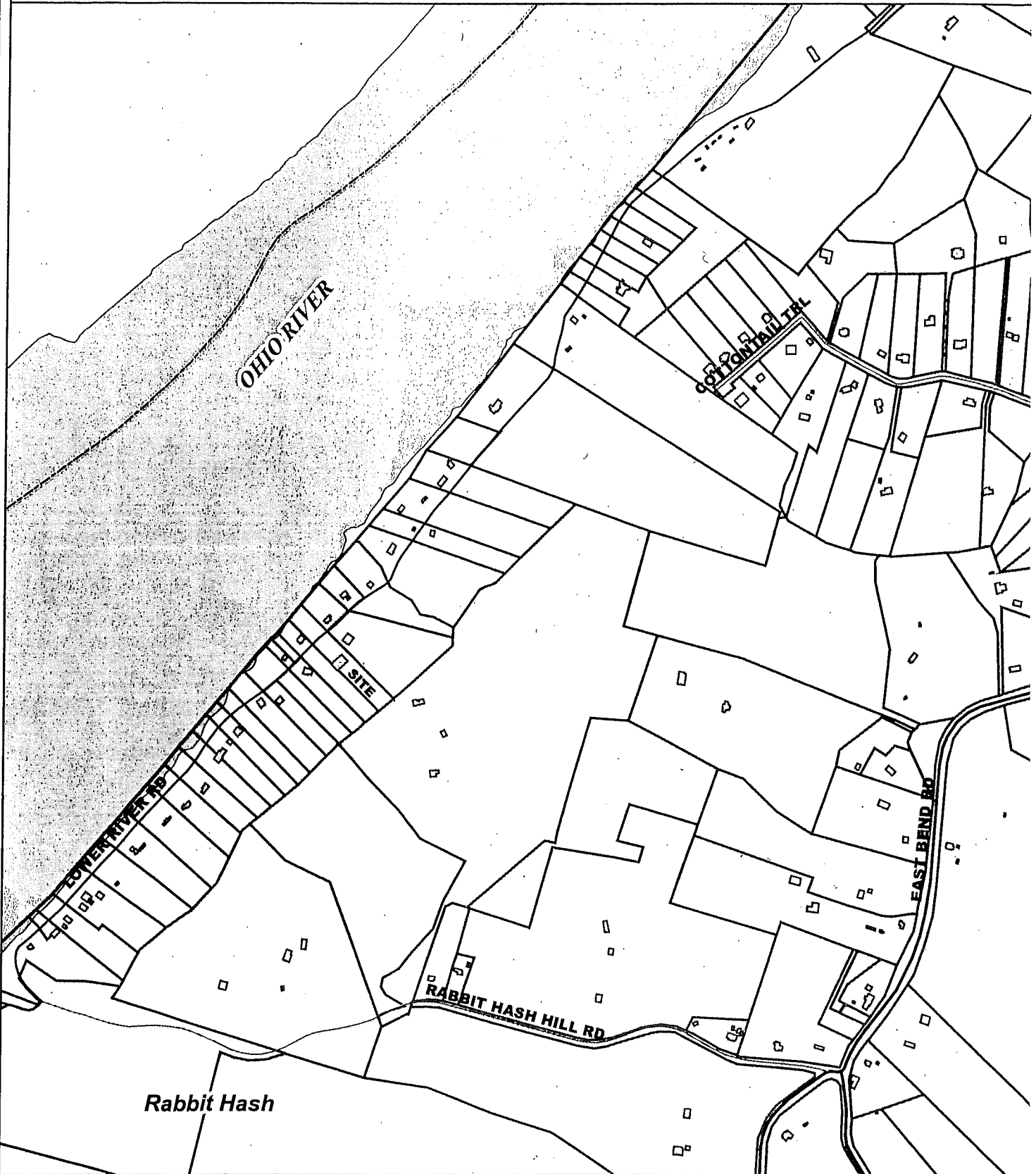
TKM/pr

Attachments

- *Site Vicinity Map
- *Mortgage Inspection Survey (Concept Plan)
- *12/21/06 Zoning Permit
- *Aerial Map
- *Zoning Map
- *Application

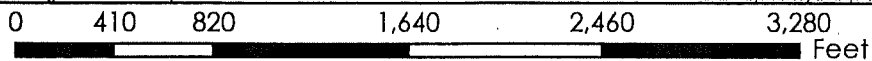
SITE VICINITY MAP

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Boone County GIS - Putting Northern Kentucky on the Map

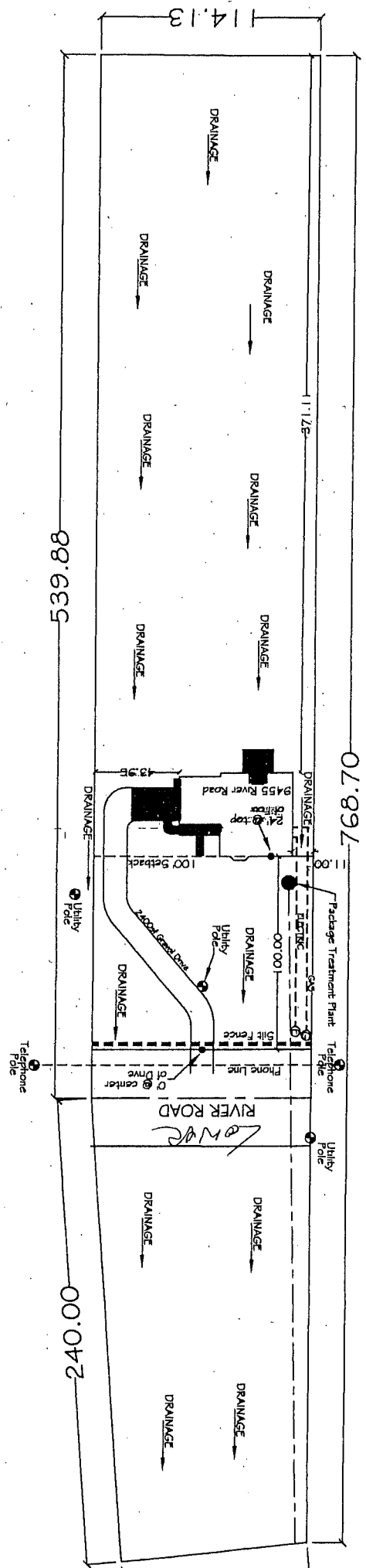
Map Created at 10:27:55 on 01/04/2008



Map Document: Untitled

12/21/06
Approved Zoning
Permit

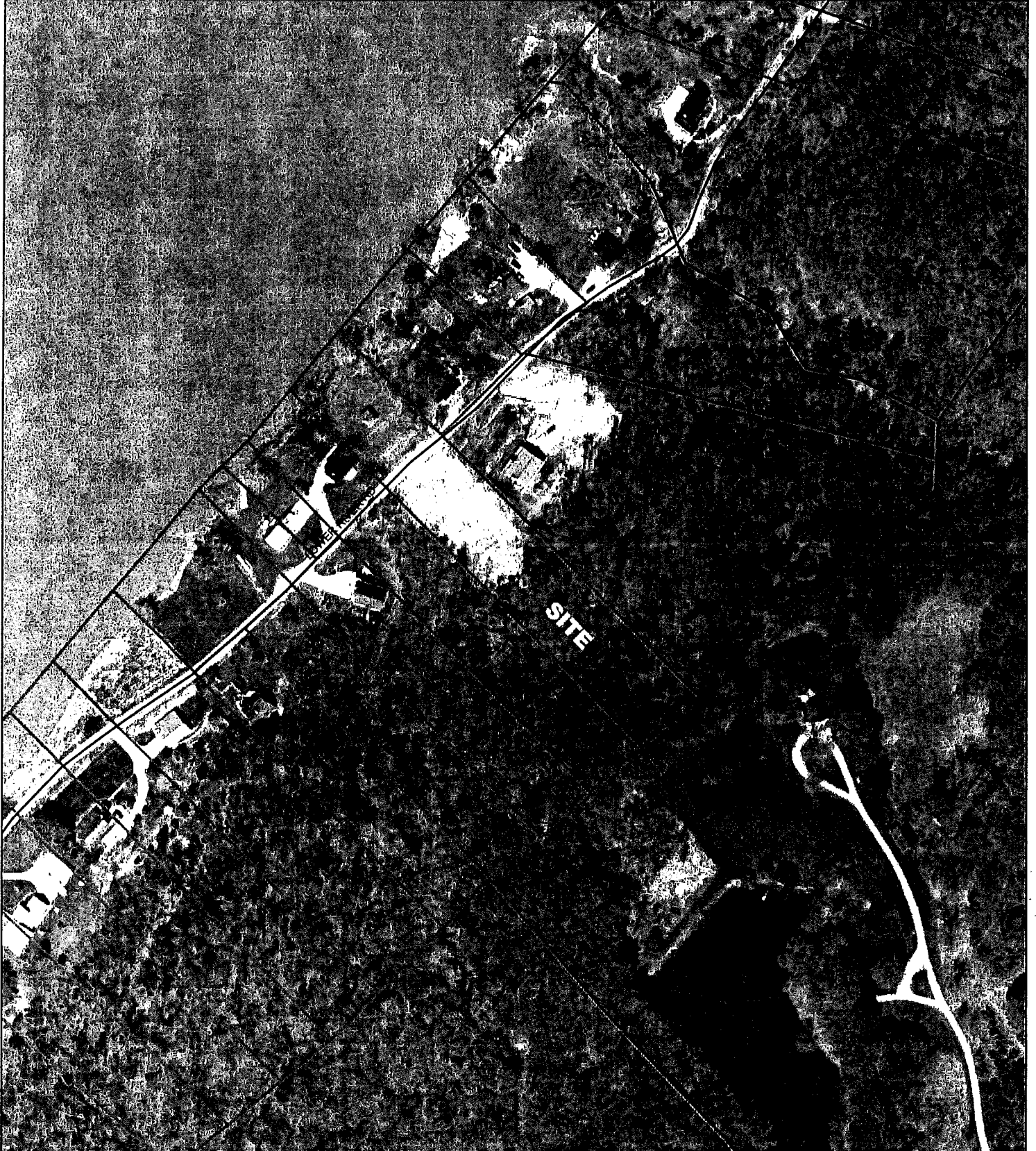
SCALE: (1" = 50')



11/11/06

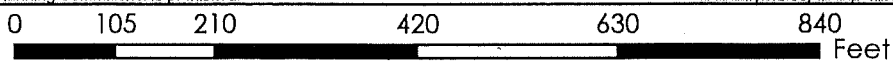
AERIAL MAP

www.boonecountygis.com



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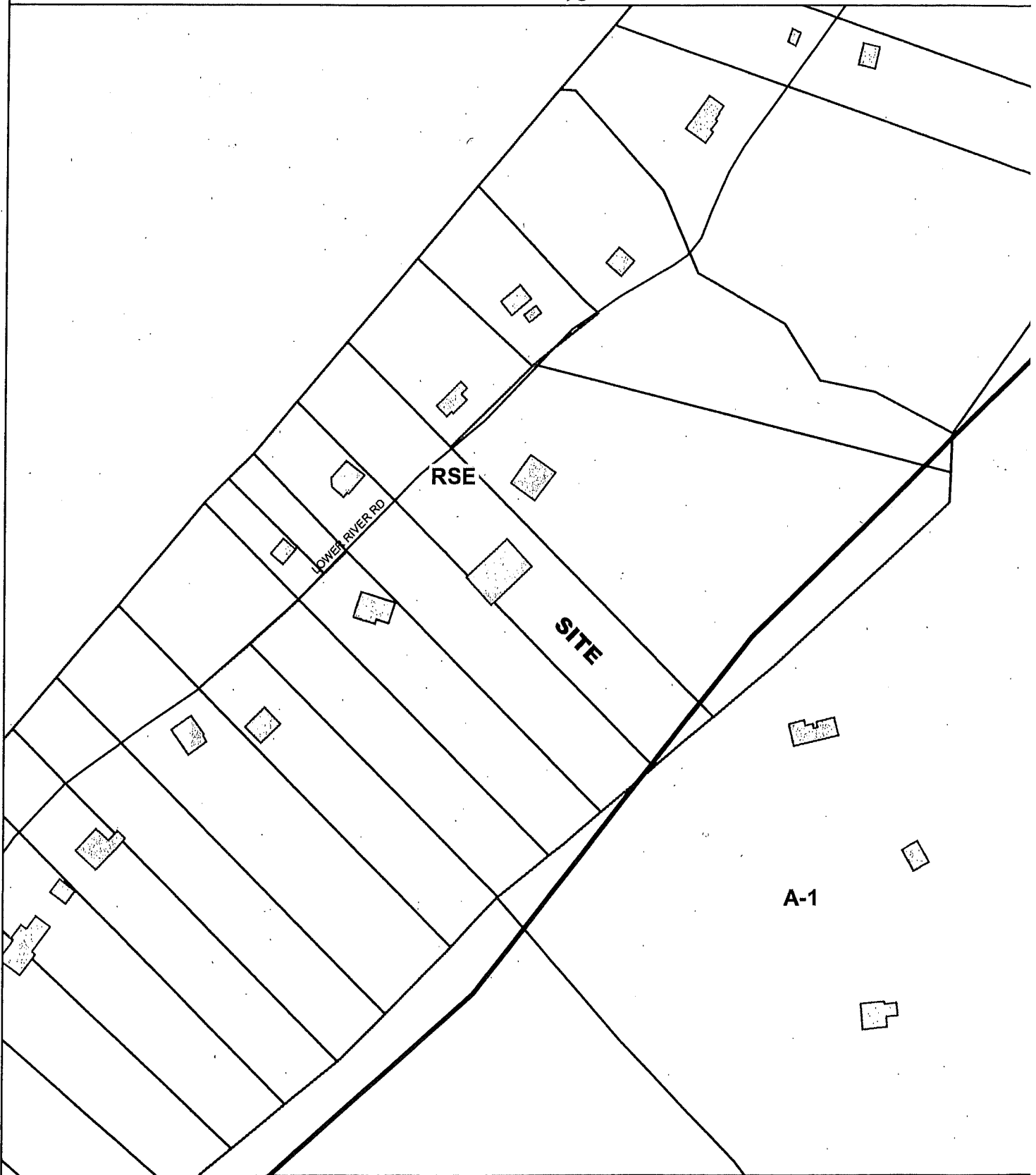


Boone County GIS - Putting Northern Kentucky on the Map



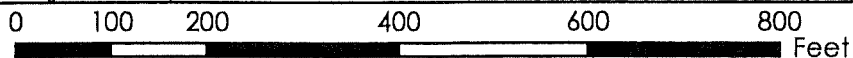
ZONING MAP

www.boonecountygis.com



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1 inch equals 200 feet

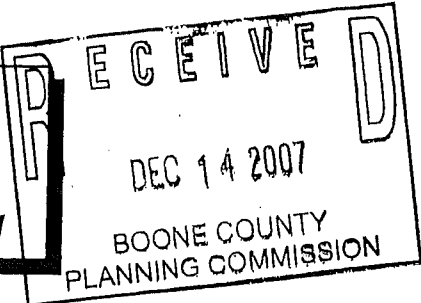


Boone County GIS - Putting Northern Kentucky on the Map



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
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Applicant's Address POB 975
City Union State Ky Zip 41091
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Applicant's Signature: Mike J. Kesley up

Property Owner's Signature: Donna King

(over)

COPY

CLUR #08-BCBOA-002-A

CERTIFICATE OF LAND USE RESTRICTION

- 1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Donna L. King
3488 Meadowlark Drive
Edgewood, KY 41018

- 2. ADDRESS OF PROPERTY
9450 Lower River Road
Burlington, KY 41005

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

- 4. DEED BOOK 944 PAGE NO. 933 GROUP NO. 2044

- 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

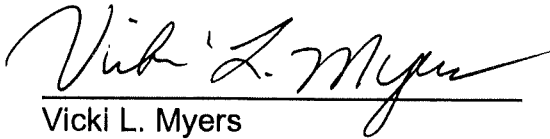
Todd K. Morgan
SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

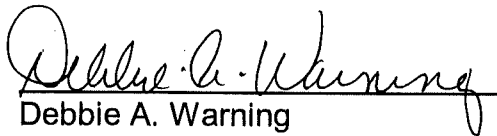
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 16 day of January, 2008.



Vicki L. Myers
NOTARY PUBLIC, State at Large

My commission Expires:
April 17, 2011

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 January 9, 2008 Certificate of Land Use Restriction (#08-BCBOA-002-A), for Donna L. King, Property Owner(s).

The following conditions will apply:

- 1) Staff is to contact the Building Department and make them aware of the grading situation by the end of the week (1/11/08). Staff is also to contact Mr. Jim Knab when the revised Zoning Permit is submitted for review. Mr. Knab has one week from the time he is contacted to come in and analyze the revised Zoning Permit Application.

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

DEED BOOK 944

PAGE NO. 933

GROUP NO. 2044