

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 TERESA NOBLE  
Phone Number 859-653-9049 Fax No. \_\_\_\_\_  
Applicant's Address 8648 Treeline Drive  
Florence KY 41042  
City State Zip
- 4. Description of Request: Build Decks on back of House  
Reduce 30' rear yard setback to 18' +/-
- 5. Name of Development Heart Institute
- 6. Location of Development Florence KY
- 7. Acreage Under Review \_\_\_\_\_
- 8. Lot Number and Name of Subdivision (if part of a subdivision)  
324
- 9. Owner of Property Teresa Noble  
Address of Property Owner 8648 Treeline Drive Phone No. 647-1337  
Florence KY 41042  
City State Zip
- 11. Proposed Use(s) on Site \_\_\_\_\_
- 12. Total Square Footage of Existing and/or Proposed Buildings \_\_\_\_\_
- 13. Current Zoning on Property SR-1
- 14. Deed Book 944 Page No. 444 Group No. 2038A
- 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: Teresa Noble

Property Owner's Signature: Teresa Noble

**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 4-15-08 Fee Received \$632.00
2. Is application complete?  Yes  No
3. Staff Reviewer \_\_\_\_\_
4. Scheduled Board Action Date \_\_\_\_\_
5. Board Action:  
5/14/08  **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: Teresa Noble

LOCATION: 8648 Treeline Drive, Boone County, Kentucky

ZONING: Suburban Residential One (SR-1)

DATE: May 14, 2008

### Proposal

The applicant is requesting a variance to allow two decks to encroach into the 30 foot rear yard setback. The submitted plan shows that the deck dimensions are 12' x 16' and 16' x 20' respectively and that both decks will be located approximately 18 feet from the rear property line.

### 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.

Section 3123 of the Boone County Zoning Regulations states that open structures such as porches, canopies, balconies, platforms, and decks 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.

#### Site Characteristics

The approximate 0.36 acre lot fronts on Treeline Drive and adjoins a Hearthstone Community Association parcel. The topography of the parcel falls from 764 feet above sea level at the street to 752 feet above sea level at the rear property line. The rear of the parcel is wooded and overlooks South Fork Gunpowder Creek.

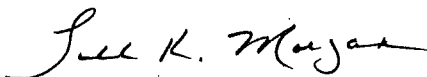
#### Staff Comments

1. The rear of the site immediately adjoins a Hearthstone Community Association parcel. South Fork of Gunpowder Creek runs through this parcel.
2. The back of the house was constructed with two french doors that are supposed to connect to a deck or decks. Variances are needed because the house was constructed near the 30' rear yard setback line.
3. Staff would like the property owner to explain if they were aware of the 30' rear yard setback requirement when they bought the home.
4. Staff does not believe that the request will alter the essential character of the area. The decks overlook a community association parcel and are not visible from the street.

#### 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
- \*Site Plan
- \*Final Plat
- \*Zoning Map
- \*Aerial Map
- \*Topographical Map
- \*Application

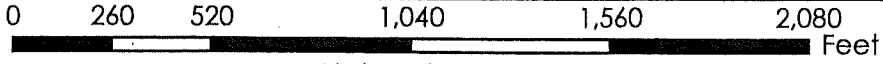
# SITE VICINITY MAP

www.boonecountygis.com

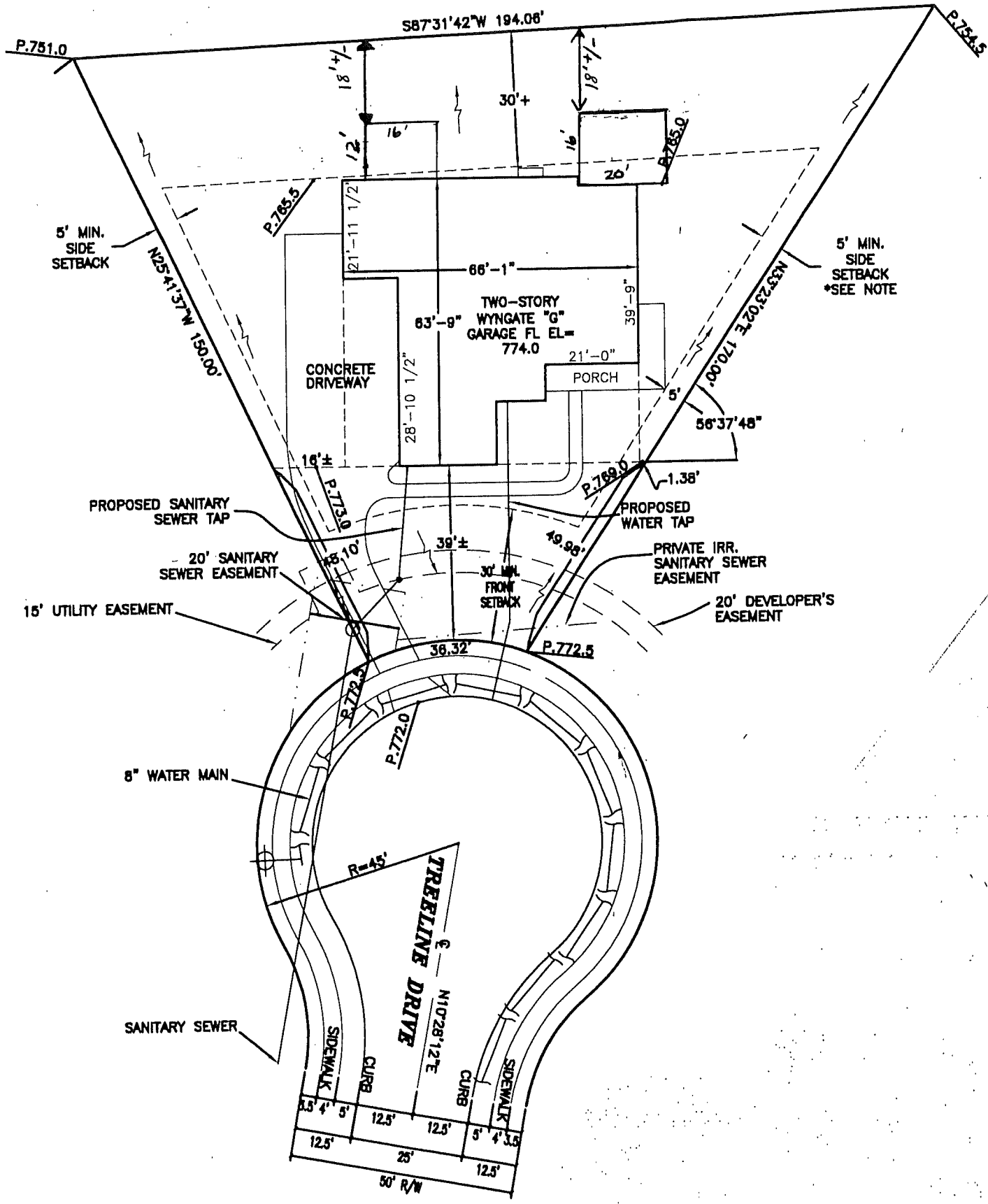


Copyright 2008 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS stands no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



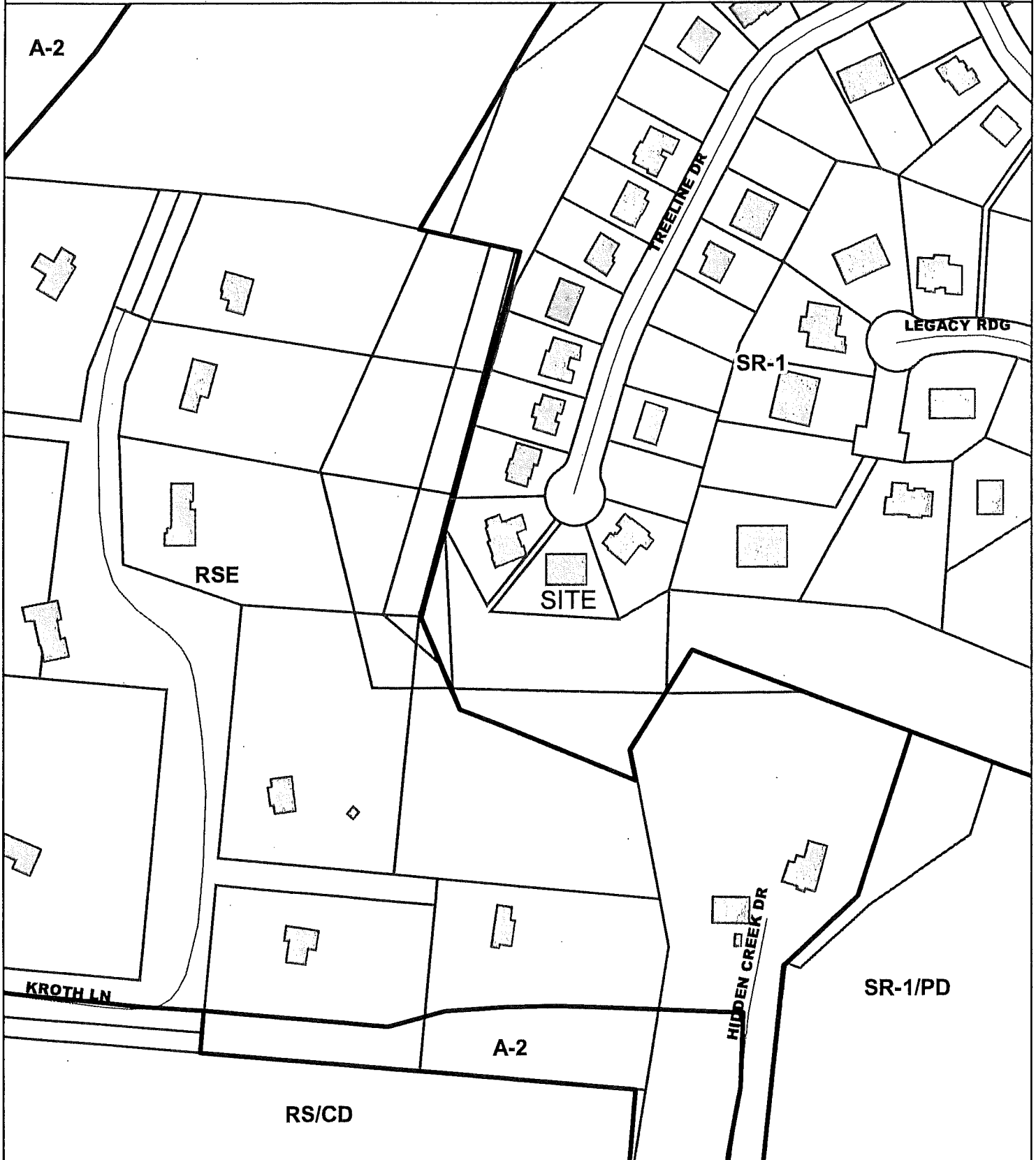
**Boone County GIS - Putting Northern Kentucky on the Map**





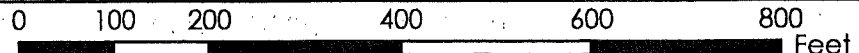
# ZONING MAP

www.boonecountygis.com



Copyright 2008 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



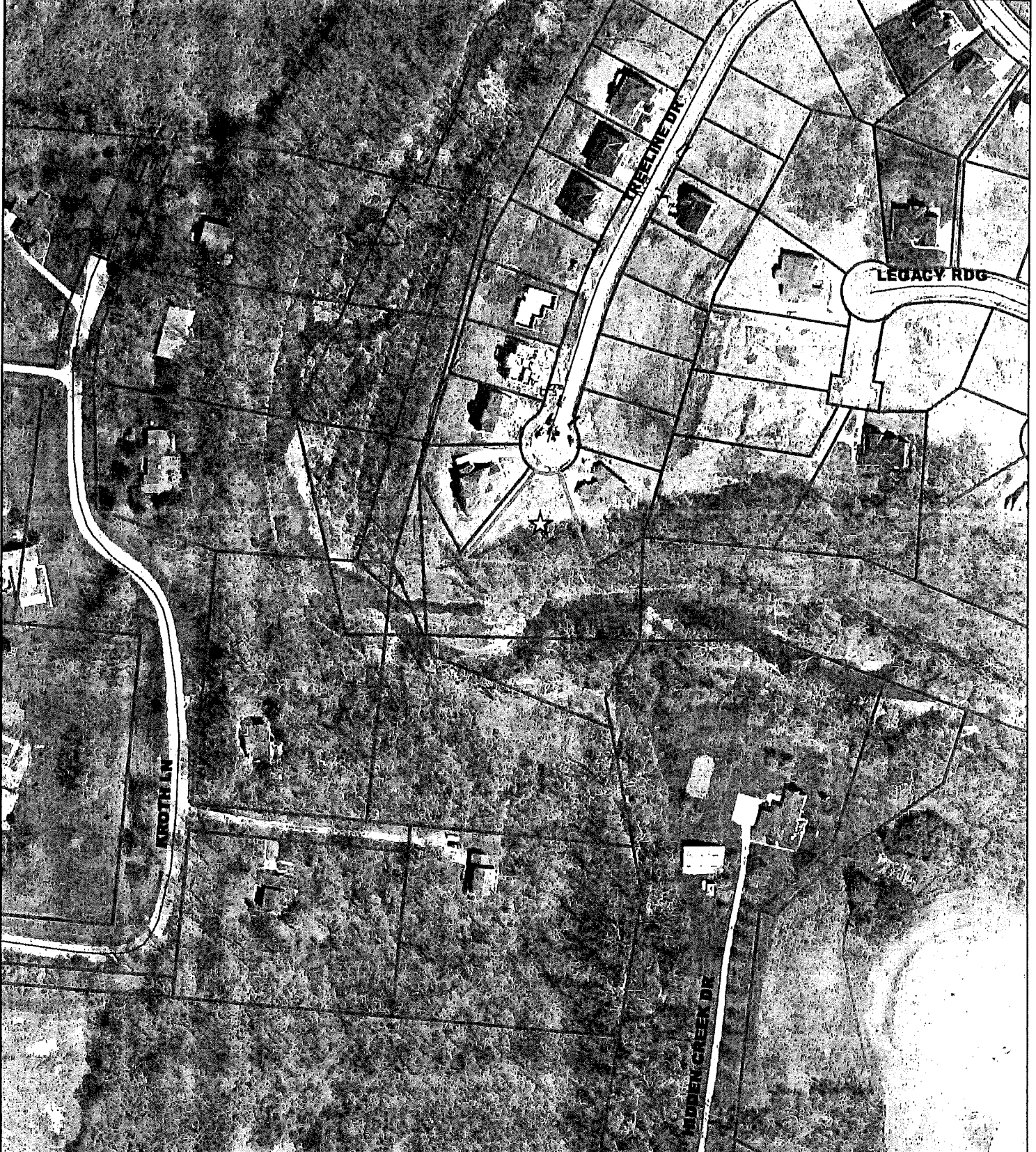
1 inch equals 200 feet



**Boone County GIS - Putting Northern Kentucky on the Map**

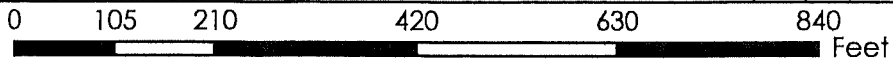
# AERIAL MAP

www.boonecountygis.com

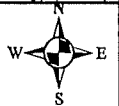


Copyright 2008 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



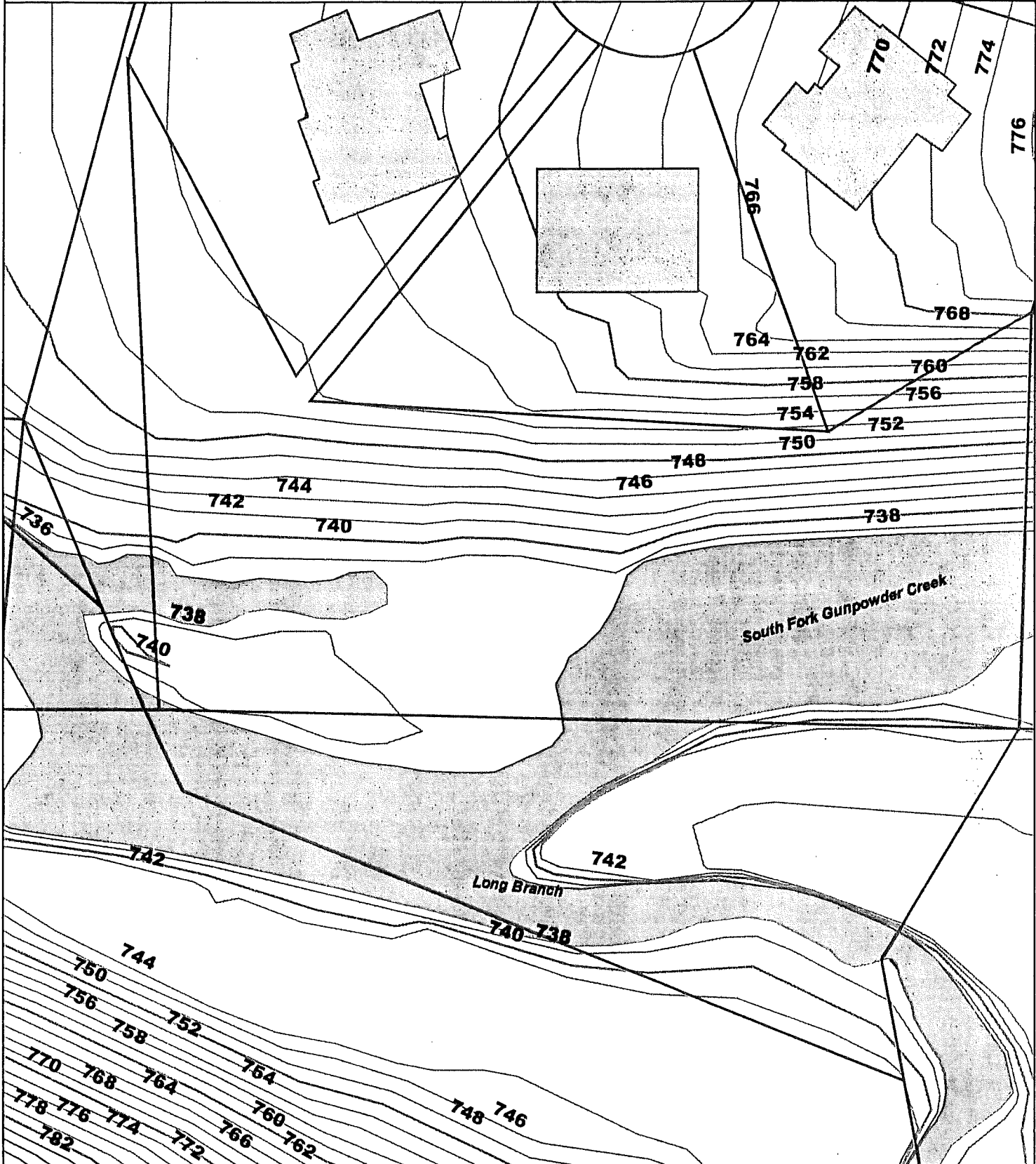
1 inch equals 200 feet



**Boone County GIS - Putting Northern Kentucky on the Map**

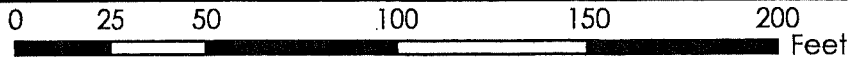
# TOPOGRAPHICAL MAP

www.boonecountygis.com

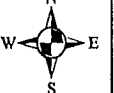


Copyright 2008 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

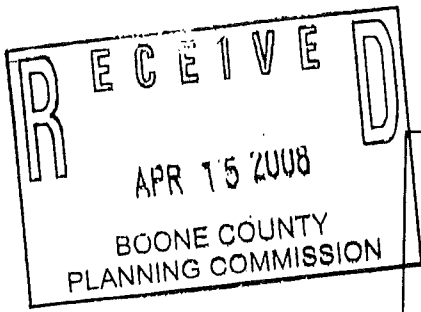
Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



1 inch equals 50 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
- 3. Applicant's Name TERESA NOBLE  
Phone Number 859-453-9049 Fax No. \_\_\_\_\_  
Applicant's Address 8648 Treeline Drive  
Florence KY 41042  
City State Zip
- 4. Description of Request: Build Decks on Back of House  
Reduce 30' rear yard setback to 18' +/-
- 5. Name of Development Hearthstone
- 6. Location of Development Florence KY
- 7. Acreage Under Review \_\_\_\_\_
- 8. Lot Number and Name of Subdivision (if part of a subdivision)  
324
- 9. Owner of Property Teresa Noble  
Address of Property Owner 8648 Treeline Drive Phone No. 647-1337
- 10. Florence KY 41042  
City State Zip
- 11. Proposed Use(s) on Site \_\_\_\_\_
- 12. Total Square Footage of Existing and/or Proposed Buildings \_\_\_\_\_
- 13. Current Zoning on Property SR-1
- 14. Deed Book 944 Page No. 444 Group No. 2038A
- 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: Teresa Noble

Property Owner's Signature: Teresa Noble

COPY

CLUR #08-BCBOA-008-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Teresa Noble  
8648 Treeline Drive  
Florence, KY 41042

2. ADDRESS OF PROPERTY

8648 Treeline Drive  
Florence, KY 41042

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Hearthstone

4. DEED BOOK 944

PAGE NO. 444

GROUP NO. 2038A

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  
2950 WASHINGTON STREET, ROOM 317  
P.O. BOX 958  
BURLINGTON, KENTUCKY 41005



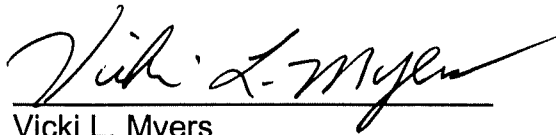
\_\_\_\_\_  
SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

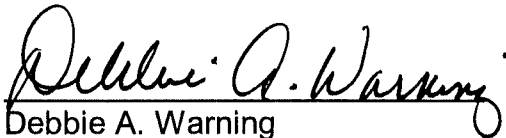
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the  
Boone County Planning Commission this 15 day of May, 2008.



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 May 14, 2008 Certificate of Land Use Restriction (#08-BCBOA-008-A), for Teresa Noble, 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 944 PAGE NO. 444 GROUP NO. 2038A