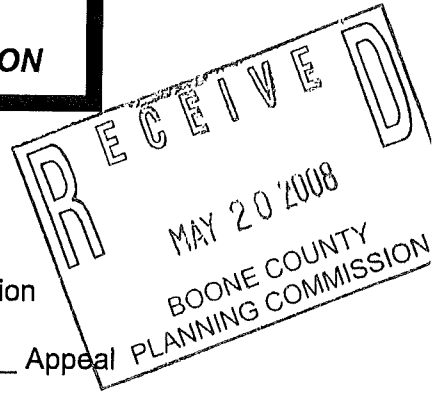


APPLICATION FORM

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 \_\_\_\_\_ Variance [checked] Appeal \_\_\_\_\_ Change in Non-Conforming Use \_\_\_\_\_
3. Applicant's Name RICHARD AND ROSE PRITTS Phone Number 859-689-7619 Fax No. \_\_\_\_\_ Applicant's Address 2759 PRESIDENTIAL DR. HEBRON KY. 41048
4. Description of Request: REDUCE 30 FT REAR YARD SETBACK TO CONSTRUCT A DECK. 30' to 19' +/-
5. Name of Development LIBERTY CROSSING
6. Location of Development 2759 PRESIDENTIAL
7. Acreage Under Review 1.26 ACRES
8. Lot Number and Name of Subdivision (if part of a subdivision) 97, LIBERTY CROSSING
9. Owner of Property SAME Address of Property Owner SAME Phone No. 859-689-7619
10. City State Zip
11. Proposed Use(s) on Site DECIL 12' x 16'
12. Total Square Footage of Existing and/or Proposed Buildings 192 SQ FT.
13. Current Zoning on Property SR-1
14. Deed Book 899 Page No. 190 Group No. 2006
15. Is the site subject to a zone change? NO
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: Richard Pritts

Property Owner's Signature: Richard Pritts

**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 5-20-08 Fee Received \$632<sup>00</sup> RAH 56423
2. Is application complete?  Yes  No
3. Staff Reviewer \_\_\_\_\_
4. Scheduled Board Action Date \_\_\_\_\_
5. Board Action:  
Approved  
6-11-08 Approved with Conditions (See #6)  
Denial (See #7)
6. Conditions of Approval: SEE 6/11/08 B.C.B.O.A.  
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](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: Richard & Rose Pritts  
LOCATION: 2759 Presidential Drive, Boone County, Kentucky  
ZONING: Suburban Residential One (SR-1)  
DATE: June 11, 2008

### Proposal

The applicant is requesting a variance to allow a deck to encroach into the 30 foot rear yard setback. The submitted plans show that the deck is 12' x 16' and will be located approximately 19 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 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 0.26 acre lot is located on the corner of Presidential Drive and Senate Place and contains a single-family residential dwelling. The topography of the parcel falls from 862 feet above sea level at the northeast property corner to 856 feet above sea level at the southwest corner. A small grove of trees exists in the northwest property corner.

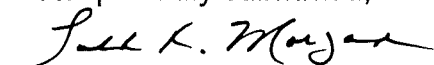
#### Staff Comments

1. The applicants have provided letters from six (6) adjoining property owners stating that they have no objections to a 12' x 14' deck (see attachments). The applicant informed Staff that the 12' x 14' dimension was a typo and should have read 12' x 16'.
2. Staff would like the applicants to answer the following questions:
  - A. Were they aware of the 30' rear yard setback requirement when they bought the home?
  - B. Would they consider constructing a different size deck, such as a 10' x 20', that would reduce the setback encroachment?
  - C. Would they consider planting any trees in the rear or side yard?
3. The Board needs to consider the findings for granting a Variance as listed in Section 251 of the Boone County 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 request.

Respectfully submitted,



Todd K. Morgan, AICP  
Senior Planner, Zoning Services

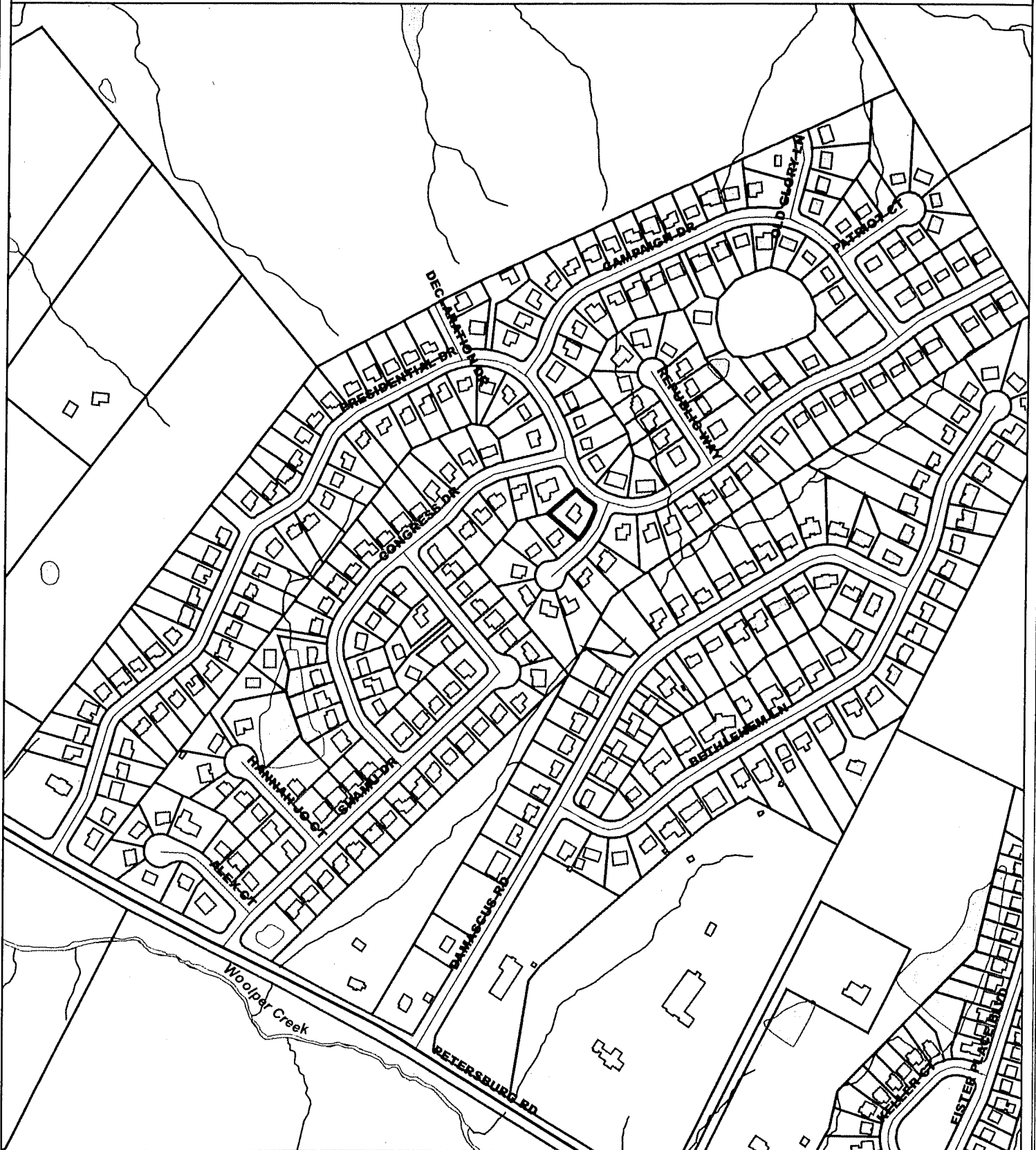
TKM/pr

Attachments

- \*Site Vicinity Map
- \*Site Plan
- \*Deck Plan
- \*Zoning Map
- \*Topographical Map
- \*Aerial Map
- \*Letters From Adjoining Property Owners
- \*Application

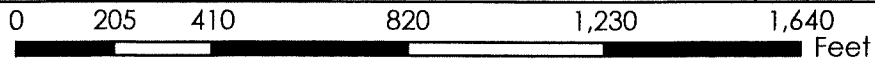
# SITE VICINITY MAP

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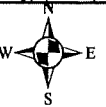
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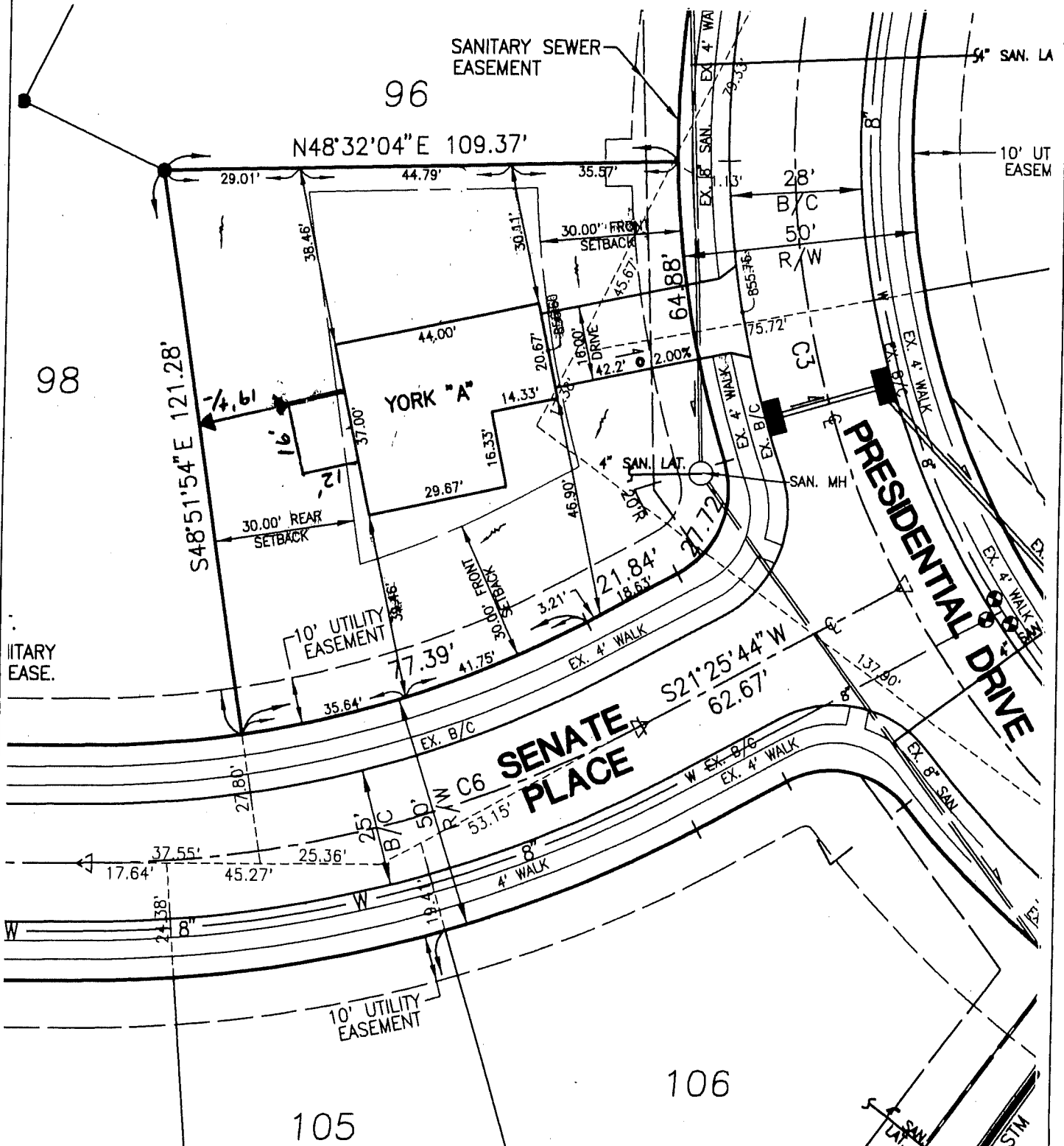
1 inch equals 400 feet



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

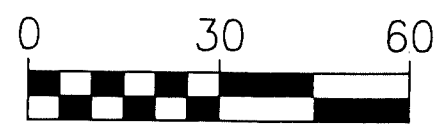
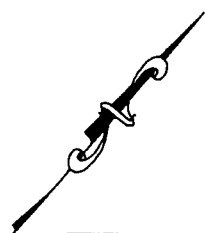


Curve	Rad='	Arc='	Tan='	Delta Angle	Chord Direction	Chord
C3	200.00	280.14	168.57	80°15'11"	S 53°46'29" E	257.79
C6	250.00	123.26	62.91	28°14'56"	S 35°33'12" W	122.01

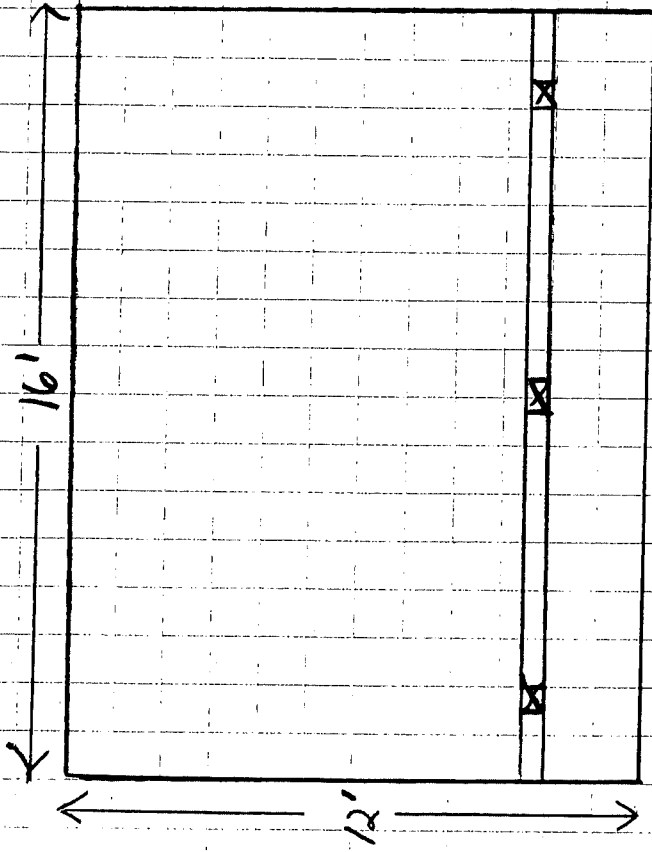


NOTES:  
 ALL TIE-DOWN DIMENSIONS ARE TO THE OUTSIDE OF FOUNDATION WALL.  
 ELEVATIONS ARE BASED ON IMPROVEMENT PLANS AND MUST

HB HOME BUILDERS  
 5400 DUPONT CIRCLE,  
 SUITE J  
 MILFORD, OHIO 45150



SCALE: 1" = 30'



← 2X8 LEADGER BORED WITH  
1/2" X 5/16" GALV BOLTS 16" ON CENTER

2X8 JOISTS 16" ON CENTER

← TWO 2X10 BEAMS  
DOUBLE BOLTED TO EACH 6X6  
WITH 1/2" X 10" GALV. BOLTS

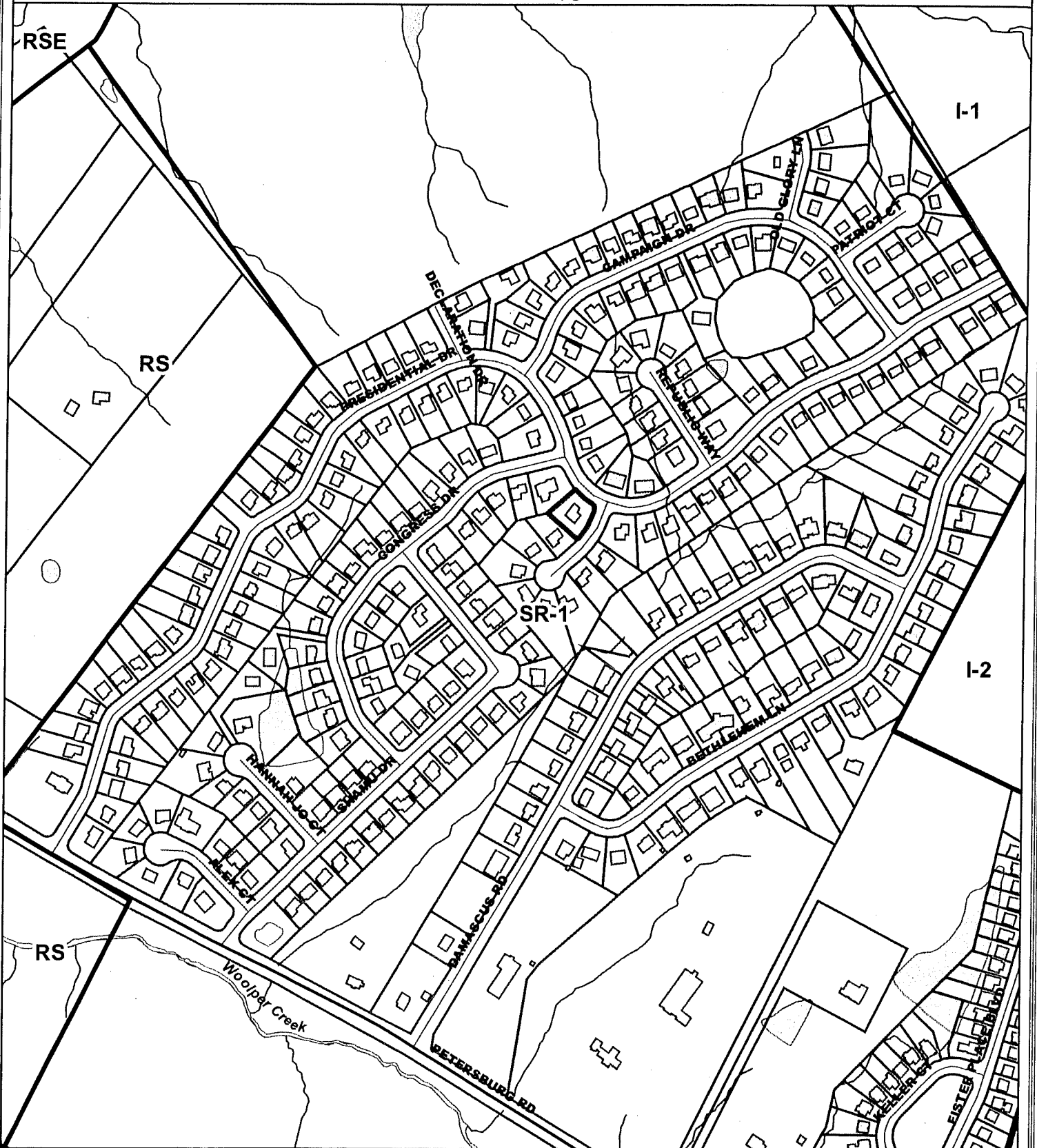
← CONCRETE PIERS 30" DEEP  
X 12" W. DIAMETER

RICHARD PRITS  
2759 RESIDENTIAL DR.  
HOBEN, KY 41048

859-689-7619

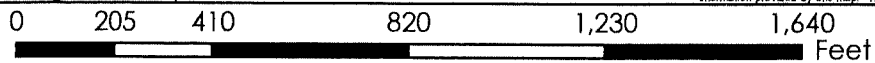
# ZONING MAP

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1 inch equals 400 feet



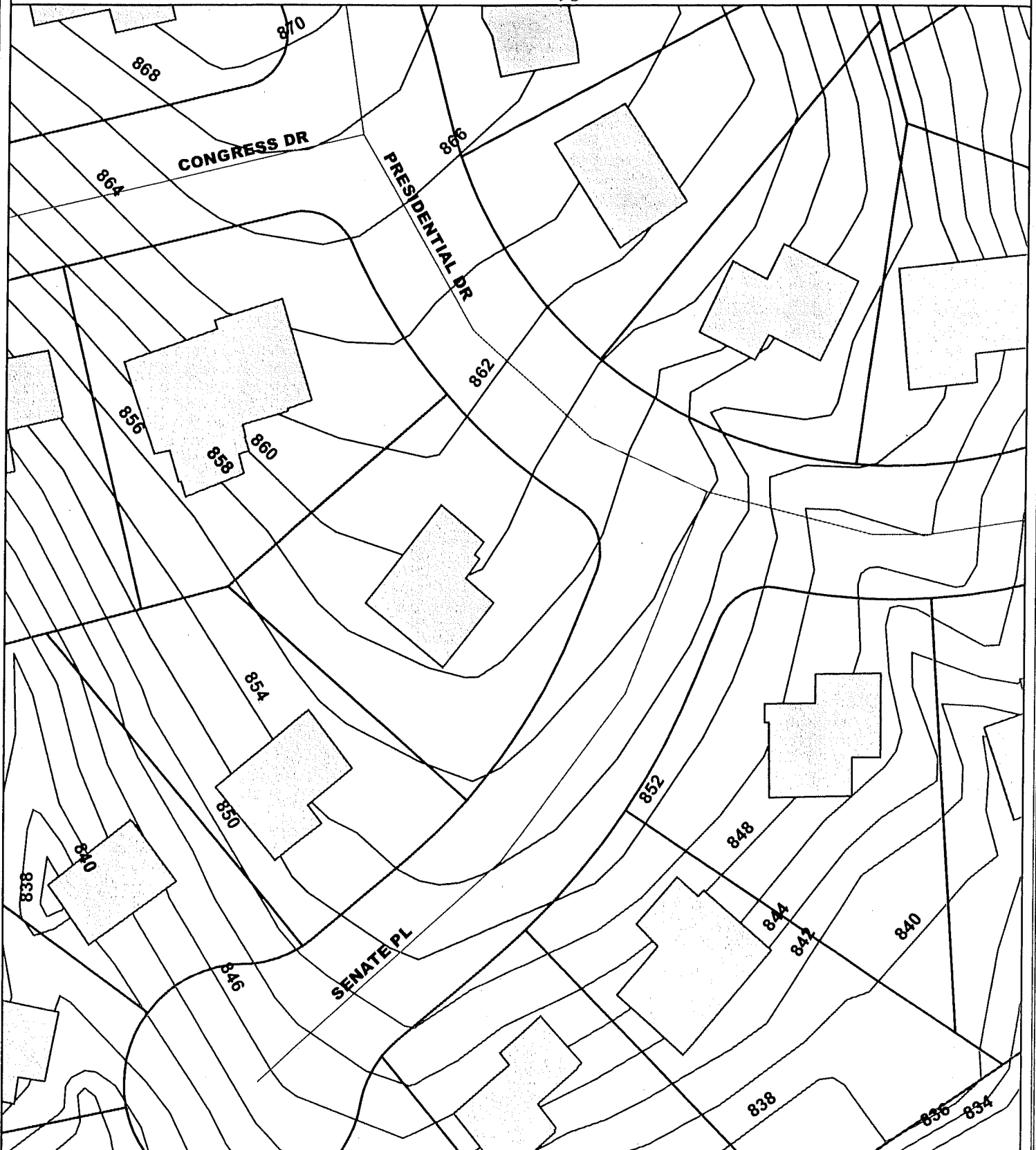
**Boone County GIS - Putting Northern Kentucky on the Map**

Map Created: 05/22/2008 at 10:07:30

Map Date: 05/22/2008 10:07:30  
ArcMap Document: Untitled

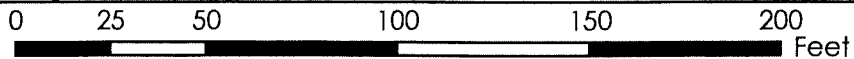
# TOPOGRAPHICAL MAP

www.boonecountygis.com

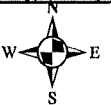


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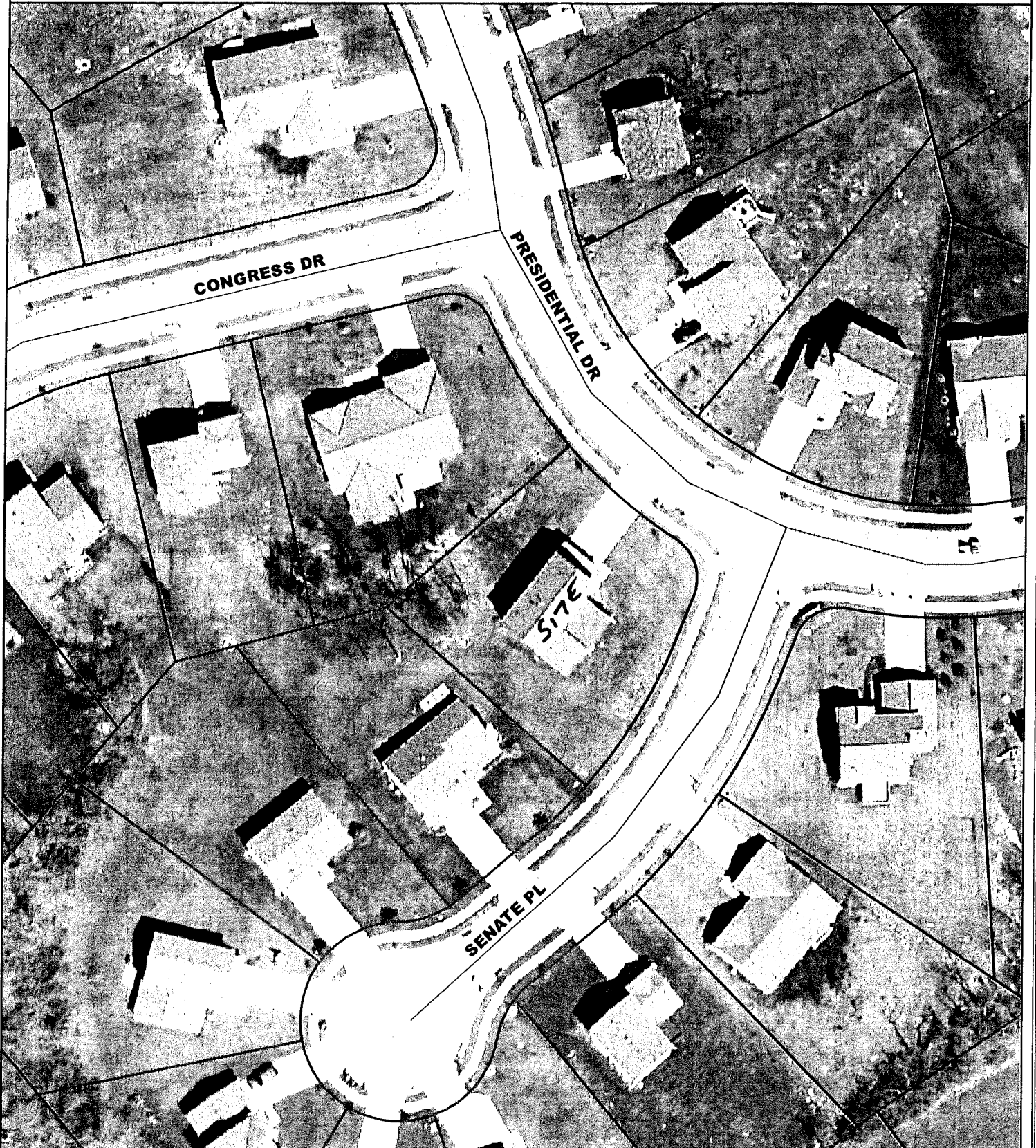
1 Inch equals 50 feet



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

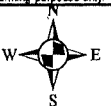
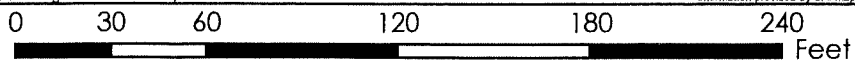
# AERIAL MAP

www.boonecountygis.com



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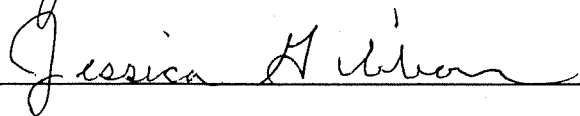


**Boone County GIS - Putting Northern Kentucky on the Map**

**Richard and Rosalie Pritts  
2759 Presidential Drive  
Hebron, Kentucky 41048  
859-689-7619**

**I Jason and Jessica Gibbons residing at 3396 Senate Place, Hebron, Kentucky,  
Liberty Crossing Development,  
approve and/or have no objection to a 12 feet by 14 feet deck at the back patio door  
on the property of Richard and Rosalie Pritts, 2759 Presidential Drive, Hebron,  
Kentucky 41048.**

This 19 day of May 2008.

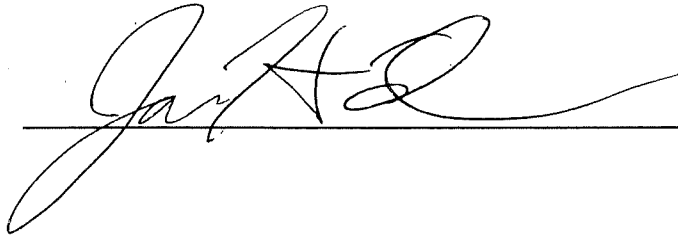
  
\_\_\_\_\_  
  
\_\_\_\_\_

**Richard and Rosalie Pritts  
2759 Presidential Drive  
Hebron, Kentucky 41048  
859-689-7619**

**I James Tollett residing at 3397 Senate Place, Hebron,  
Kentucky in Liberty Crossing Housing Development,  
approve and/or have no objection to a 12 feet by 14 feet deck at the back patio door  
on the property of Richard and Rosalie Pritts, 2759 Presidential Drive, Hebron,  
Kentucky 41048.**

This <sup>17</sup>8 day of MAY 2008.

*PHONE 859-534-5675*



A handwritten signature in black ink, appearing to read 'James Tollett', is written over a horizontal line.

**Richard and Rosalie Pritts  
2759 Presidential Drive  
Hebron, Kentucky 41048  
859-689-7619**

**I Aaron Kelly and Shannon Giles residing at 2762 Presidential Dr., Hebron,  
Kentucky in Liberty Crossing Housing Development,  
approve and/or have no objection to a 12 feet by 14 feet deck at the back patio door  
on the property of Richard and Rosalie Pritts, 2759 Presidential Drive, Hebron,  
Kentucky 41048.**

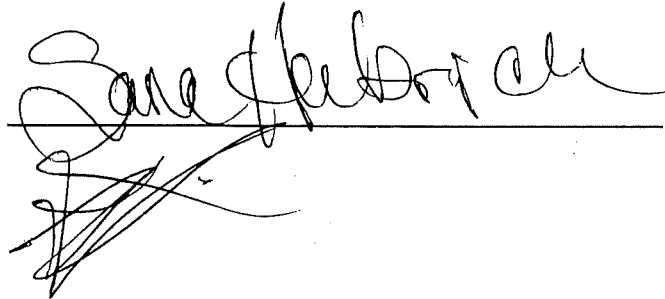
This 10 day of May 2008.

  
\_\_\_\_\_  
Shannon Giles  
\_\_\_\_\_

**Richard and Rosalie Pritts  
2759 Presidential Drive  
Hebron, Kentucky 41048  
859-689-7619**

**I Aaron and Sara Hubrich residing at 2758 Presidential Dr., Hebron,  
Kentucky in Liberty Crossing Housing Development,  
approve and/or have no objection to a 12 feet by 14 feet deck at the back patio door  
on the property of Richard and Rosalie Pritts, 2759 Presidential Drive, Hebron,  
Kentucky 41048.**

This 10 day of May 2008.

A handwritten signature in cursive script, appearing to read "Sara Hubrich", is written above a horizontal line. Below the line, there are several diagonal scribbles.

**Richard and Rosalie Pritts  
2759 Presidential Drive  
Hebron, Kentucky 41048  
859-689-7619**

I James <sup>RP</sup> + Sarah Keap,

Residing at 2755 Presidential Dr.,

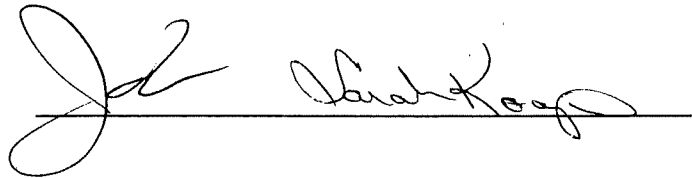
**Hebron, Kentucky in Liberty Crossing Housing Development,**

**approve and/or have no objection to a 12 feet by 14 feet deck at the back patio door**

**on the property of Richard and Rosalie Pritts, 2759 Presidential Drive, Hebron,**

**Kentucky 41048.**

This 10 day of May 2008.

  
\_\_\_\_\_

**Richard and Rosalie Pritts  
2759 Presidential Drive  
Hebron, Kentucky 41048  
859-689-7619**

**I Vernon and Jenny Stacy residing at 3301 Congress Drive, Hebron,  
Kentucky in Liberty Crossing Housing Development,  
approve and/or have no objection to a 12 feet by 14 feet deck at the back patio door  
on the property of Richard and Rosalie Pritts, 2759 Presidential Drive, Hebron,  
Kentucky 41048.**

This 14 day of MAY 2008.

Vernon + Jenny Stacy

APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

RECEIVED MAY 20 2008 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 \_\_\_\_\_ Variance [checked] Appeal \_\_\_\_\_ Change in Non-Conforming Use \_\_\_\_\_
3. Applicant's Name RICHARD AND ROSE PRITTS
Phone Number 859-689-7619 Fax No. \_\_\_\_\_
Applicant's Address 2759 PRESIDENTIAL DR.
HEBRON KY. 41048
City State Zip
4. Description of Request: REDUCE 30 FT REAR YARD SETBACK TO CONSTRUCT A DECK.
5. Name of Development LIBERTY CROSSING
6. Location of Development 2759 PRESIDENTIAL
7. Acreage Under Review 1.26 ACRES
8. Lot Number and Name of Subdivision (if part of a subdivision) 97, LIBERTY CROSSING
9. Owner of Property SAME
Address of Property Owner SAME Phone No. 859-689-7619
10. City State Zip
11. Proposed Use(s) on Site DECK
12. Total Square Footage of Existing and/or Proposed Buildings 192 SQ FT.
13. Current Zoning on Property SR-1
14. Deed Book 899 Page No. 190 Group No. 2006
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: [Signature]
Property Owner's Signature: [Signature]

COPY

CLUR #08-BCBOA-009-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)  
Richard and Rose Pritts  
2759 Presidential Drive  
Hebron, KY 41048
  
2. ADDRESS OF PROPERTY  
2759 Presidential Drive  
Hebron, KY 41048
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)  
Liberty Crossing
  
4. DEED BOOK 899                      PAGE NO. 190                      GROUP NO. 2006
  
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

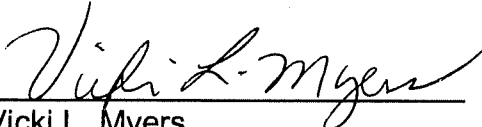
Todd K. Morgan  
SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

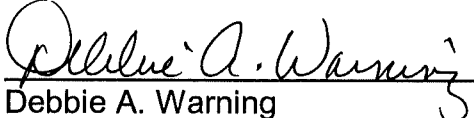
COUNTY OF BOONE

Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the  
Boone County Planning Commission this 2 day of July, 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 June 11, 2008 Certificate of Land Use Restriction (#08-BCBOA-009-A), for Richard and Rose Pritts, Property Owner(s).

The following condition will apply:

- 1) There is to be at least one tree planted in the rear yard and at least one tree planted in the side yard.

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

DEED BOOK 899 PAGE NO. 190 GROUP NO. 2006