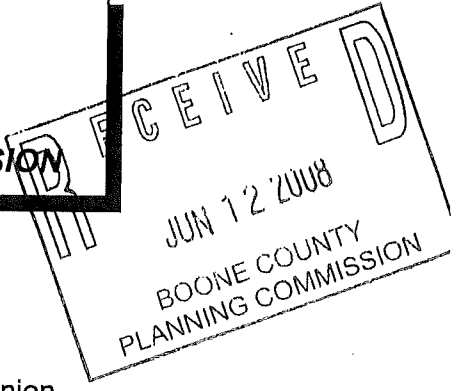


APPLICATION FORM

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) [X] Boone ... Florence ... Walton ... Union
2. (Check One) ... Conditional Use Permit [X] Variance ... Appeal
3. Applicant's Name Henry Hogben, Phone Number 513 330 4264, Applicant's Address 2540 Hathaway Rd., Union Ky 41091
4. Description of Request: Requesting a variance to change back setback to 29.7'
5. Name of Development
6. Location of Development
7. Acreage Under Review 1.838 acres.
8. Lot Number and Name of Subdivision
9. Owner of Property Henry Hogben, Address of Property Owner 2540 Hathaway Rd, Union Ky 41091
10. City State Zip
11. Proposed Use(s) on Site Back Porch (Covered)
12. Total Square Footage of Existing and/or Proposed Buildings 500 sq ft. (20x25')
13. Current Zoning on Property RSE
14. Deed Book 924 Page No. 44 Group No. 2046
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: Henry Hogben

Property Owner's Signature: Henry Hogben

STAFF REPORT

APPLICANT: Henry Hogben

LOCATION: 2540 Hathaway Road, Boone County, Kentucky

ZONING: Rural Suburban Estates (RSE)

DATE: July 9, 2008

Proposal

The applicant is requesting a variance to allow a covered porch to encroach into the 40 foot rear yard setback. The submitted plot plan shows that the porch is 20' x 25' and will be located 29.7 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 1.838 acre contains a single-family residential dwelling. The property fronts on a 30' wide access easement that connects to Hathaway Road. The topography of the lot falls from 890 feet above sea level at the rear property line to 860 feet above sea level at the front property line. Mature deciduous trees exist along all property lines.

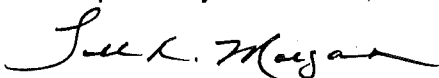
Staff Comments

1. The applicant's rear yard adjoins a 13 acre farm. A mature deciduous tree line buffers the subject property from the farm. As a result, Staff believes that the request will not alter the essential character of the general vicinity.
2. Staff recommends the following condition if the request is approved:
 - A. The deciduous tree line along the rear property line shall be preserved
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 act on the request.

Respectfully submitted,



Todd K. Morgan, AICP
Senior Planner, Zoning Services

TKM/pr

Attachments

- *Aerial Map
- *Plot Plan
- *Zoning Map
- *Topographical Map
- *Application

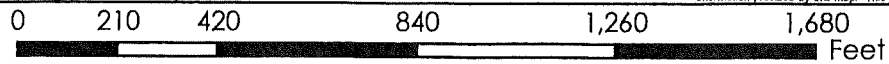
AERIAL MAP

www.boonecountygis.com

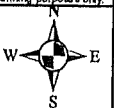


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1 inch equals 400 feet



Boone County GIS - Putting Northern Kentucky on the Map

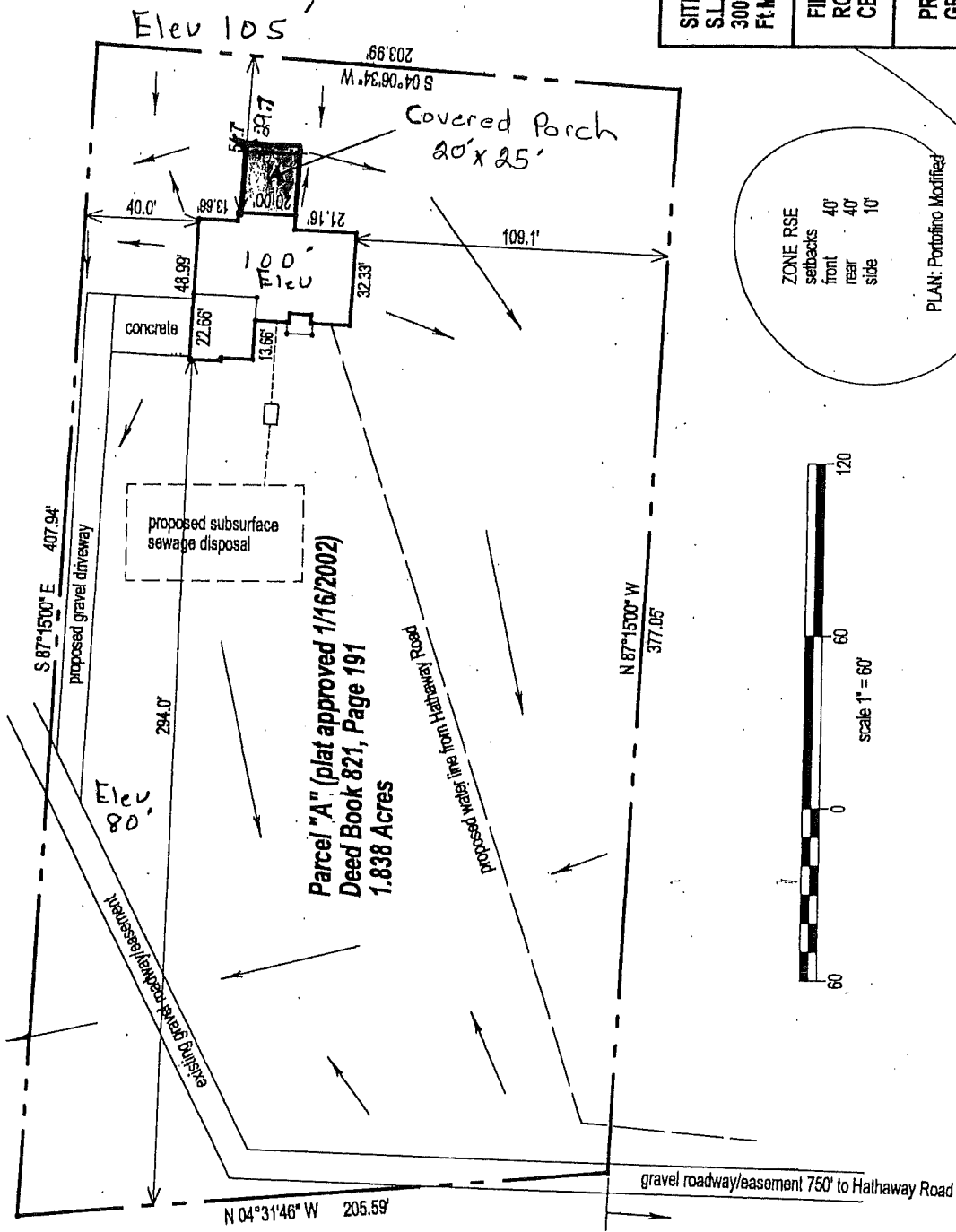


SITE PLAN FOR:
S.L. WILLIAMS
 300 Buttermilk Pike Suite 300
 Ft. Mitchell, KY 41017-2139

FIELD CONTACT:
ROB ADAMS
 CELL 859-240-0592

PREPARED BY:
GREGORY C. SCHULTZ
 P.L.S. 2777
 10130 ABRADOR LANE
 ALEXANDRIA, KY 41001
 859-391-6361

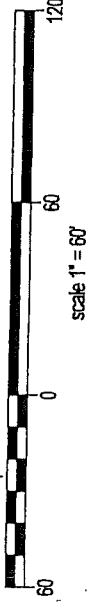
#2546 Hathaway
 existing residence



ZONE RSE setbacks
 front 40'
 rear 40'
 side 10'

PLAN: Pontafino Modified

Prepared:
 January 4, 2005



Project Location:
 2546 Hathaway Road
 Deed Book 821, Page 191

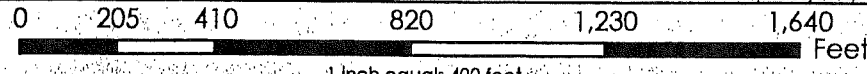
ZONING MAP

www.boonecountygis.com



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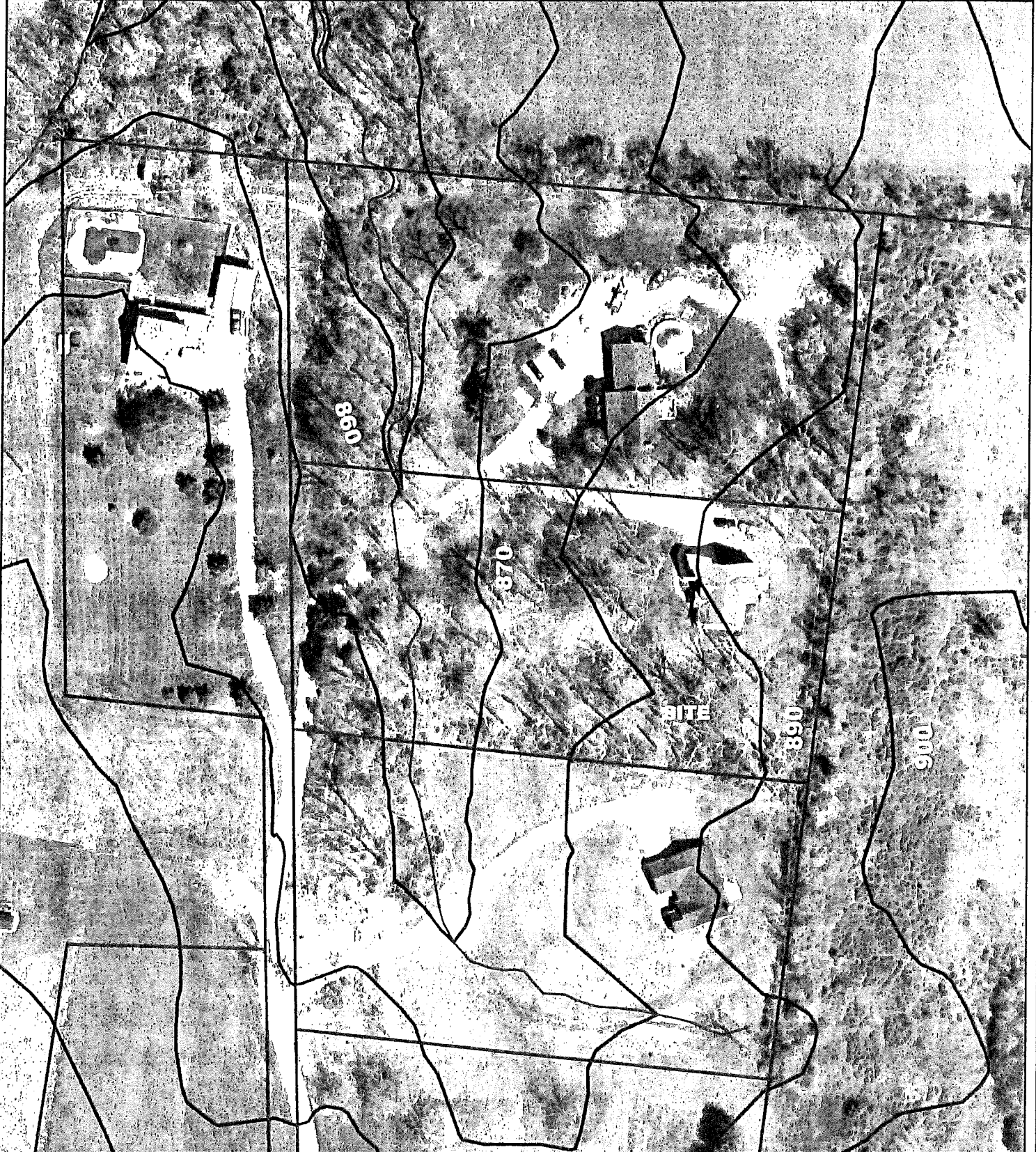
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Boone County GIS - Putting Northern Kentucky on the Map

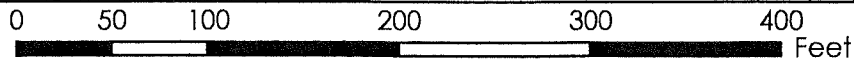
TOPOGRAPHICAL MAP

www.boonecountygis.com

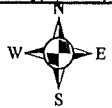


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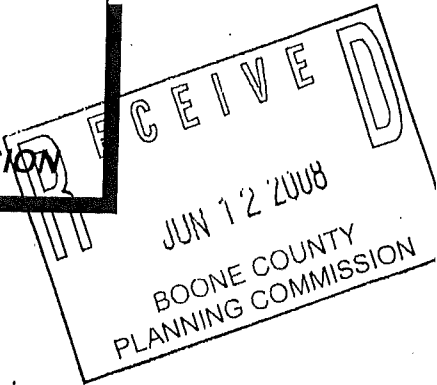
1 inch equals 100 feet



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 Henry Hogben
Phone Number 513 330 4264 Fax No. _____
Applicant's Address 2540 Hathaway Rd.
Union Ky 41091
City State Zip
- 4. Description of Request: Requesting a variance to change back setback to ~~30~~ 29.7'
- 5. Name of Development _____
- 6. Location of Development _____
- 7. Acreage Under Review 1.838 acres.
- 8. Lot Number and Name of Subdivision (if part of a subdivision) _____
- 9. Owner of Property Henry Hogben
Address of Property Owner 2540 Hathaway Rd Phone No. _____
- 10. Union Ky 41091
City State Zip
- 11. Proposed Use(s) on Site Back Porch (Covered)
- 12. Total Square Footage of Existing and/or Proposed Buildings 500 sq ft. (20x25')
- 13. Current Zoning on Property RSE
- 14. Deed Book 924 Page No. 44 Group No. 2046
- 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: Henry Hogben

Property Owner's Signature: Henry Hogben

COPY

CLUR #08-BCBOA-013-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Henry Hogben
2540 Hathaway Road
Union, KY 41091

2. ADDRESS OF PROPERTY

2540 Hathaway Road
Union, KY 41091

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

4. DEED BOOK 924

PAGE NO. 44

GROUP NO. 2046

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:

X 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

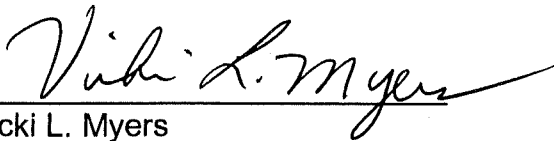
Todd K. Morgan
SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

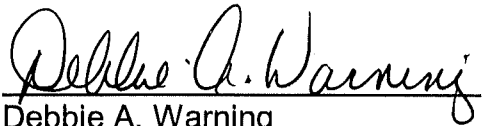
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 23 day of July, 2008.



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 July 9, 2008 Certificate of Land Use Restriction (#08-BCBOA-013-A), for Henry Hogben, Property Owner(s).

The following conditions will apply:

- 1) The deciduous tree line along the rear property line is to be preserved.

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

DEED BOOK 924

PAGE NO. 44

GROUP NO. 2046