

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)

(Check One)

1. [X] Boone [] Florence [] Walton [] Union

(Check One)

2. [] Conditional Use Permit [X] Variance [] Appeal [] Change in Non-Conforming Use

3. Applicant's Name Keith Peel

Phone Number 1-859-361-3517 Fax No. []

Applicant's Address 53 Utz Dr Florence Ky 41042

4. Description of Request: Variance to change offset

From 20' to front of house to 70'

5. Name of Development Belleview

6. Location of Development 6661 + 6675 Second Street, Burlington, KY (Belleview)

7. Acreage Under Review 0.86 Acres

8. Lot Number and Name of Subdivision (if part of a subdivision)

Lot Number 3 and 4

9. Owner of Property Peggy Roberts + Gene Stewart

Address of Property Owner 1141 Riddles Run Rd Phone No. 859 384 4165

10. Union Ky 41091

11. Proposed Use(s) on Site Residential - New home construction

12. Total Square Footage of Existing and/or Proposed Buildings 2000

13. Current Zoning on Property residential SR-1/SC

14. Deed Book 941-959 Page No. 557-424 Group No. 2035

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.

ORIGINAL Property Owner's Signature: Peggy Roberts + Gene Stewart (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: [Signature] (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

Keith Peel 53 Utz Drive Florence, KY 41042

**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 3/16/09 Fee Received \$632.⁰⁰/₀₀ R58239
2. Is application complete? Yes No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
4/8/09 **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 - 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: Keith Peel

LOCATION: 6661 & 6675 Second Street, Boone County (Bellevue), Kentucky

ZONING: Suburban Residential One/Small Community Overlay (SR-1/SC)

DATE: April 8, 2009

Proposal

The applicant is requesting a variance to allow the front yard setback requirement of a proposed single-family residential dwelling to be increased from 20 feet maximum to 70 feet.

The submitted G.I.S. Map shows that the building site is a portion of the applicant's property (6661 Second Street) and the Roberts/Stewart property (6675 Second Street). The future parcel will be approximately 1.05 acres in area. The applicant has also submitted a brochure of the proposed dwelling (see attachments).

Applicable Regulations

Section 2015 of the Boone County Zoning Regulations states that the setback standards within the Small Community Overlay District shall be as follows:

Front Yard and Corner Side Yard: The following requirements apply for residential structures when the underlying zone is agricultural or residential.

- A. The required front yard and corner side yard shall conform to the setbacks of adjacent principal structures on the same, respective street frontage;
- B. If no principal structure exists within 200 feet on the adjoining lots on the same street frontage, then the required front yard and corner side yard setbacks shall conform to the setbacks of adjacent principal structures across the respective street;
- C. If no principal structure exists within 200 feet on the adjoining lots on the same street frontage or across the street, then the front yard setback shall be 20 feet maximum and the corner side yard setback shall be one half of the front yard setback.

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 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 future lot is approximately 1.05 acres in area and is located on west of Second Street. The property contained two single-family residential dwellings. One house has already been demolished and the other is planned to be demolished. The topography of the parcel falls from approximately 500 feet above sea level at Second Street to approximately 460 feet above sea level at the Ohio River.

Surrounding Land Uses and Zoning

North: Single-Family Dwellings (SR-1/SC)

South: Single-Family Residential Dwelling (SR-1/SC)

East: Second Street, Single-Family Residential Dwelling fronting on Main Street (SR-1/SC), and Trapp's Water (SR-1/SC)

West: Ohio River

Staff Comments

1. Staff is concerned about the request because the adjoining houses to the east and west are setback about 18' and 22' from their front property lines. The proposed 70' front yard setback will stand out and goes against the intent of the Small Community Overlay District (SC). The small, traditional towns of Boone County (Burlington/Hebron/Petersburg/Rabbit Hash/) were specifically zoned SC to maintain the small town feel of these communities. One aspect of this small town feeling is principal structures in close proximity to the street.

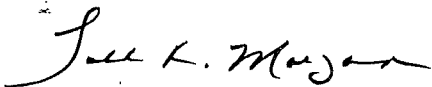
In general terms, the proposed setback is more indicative of an estate lot versus a small town setting and is the type of building siting that the code tries to prevent.

2. The applicant had several loads of recycled concrete delivered to the site so he could stabilize the bank that falls off to the Ohio River. Staff made him aware that permits could be required from the Kentucky Division of Water and U.S. Army Corps of Engineers. The County Engineer indicated that he would have no issue with the bank stabilization (rip rap blanket) if the proper permits were issued by the Kentucky Division of Water and/or Army Corps of Engineers.
3. Staff recommends the following conditions if the request is approved:
 - A. The front yard setback should be minimized to the greatest extent possible.
 - B. The house shown in the brochure shall be modified as follows to help it better fit in to the community:
 - A. Remove the front gable;
 - B. Windows shall have a vertical orientation (not horizontal or square); and
 - C. Extend the porch across the entire front facade.
 - C. The Boone County Planning Commission shall receive copies of all permits that were needed from the Kentucky Division of Water and/or Army Corps of Engineers to stabilize the river bank. The applicant shall furnish copies of these permits at the time a Zoning Permit is submitted to construct the new house.

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

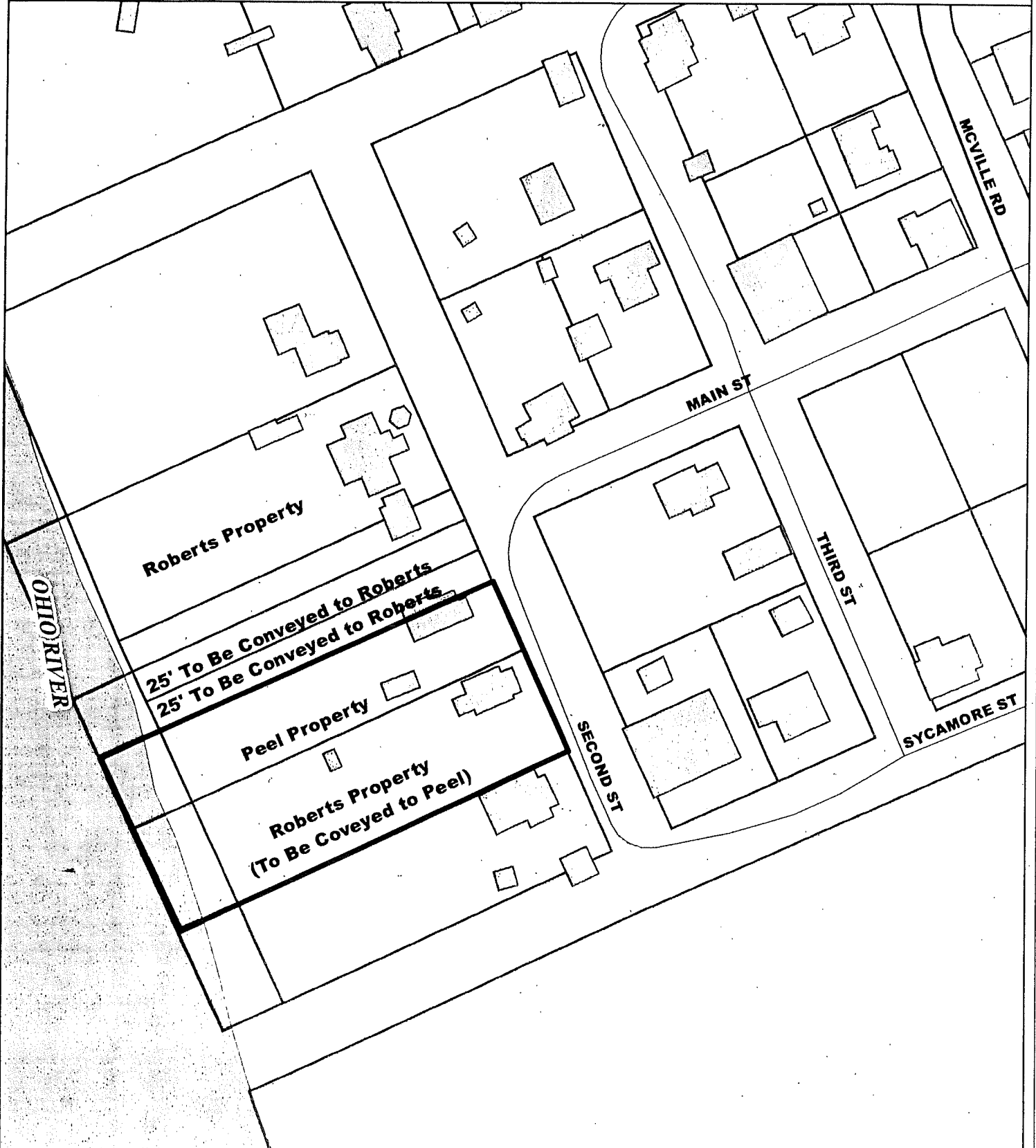
TKM/pr

Attachments

- *Site Vicinity Map
- *G.I.S. Map with Proposed House Location
- *House Brochure
- *Topographical Map
- *Zoning Map
- *Application

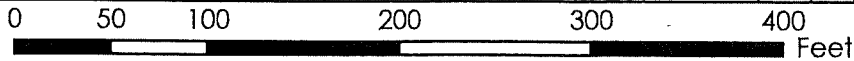
SITE VICINITY MAP

www.boonecountygis.com



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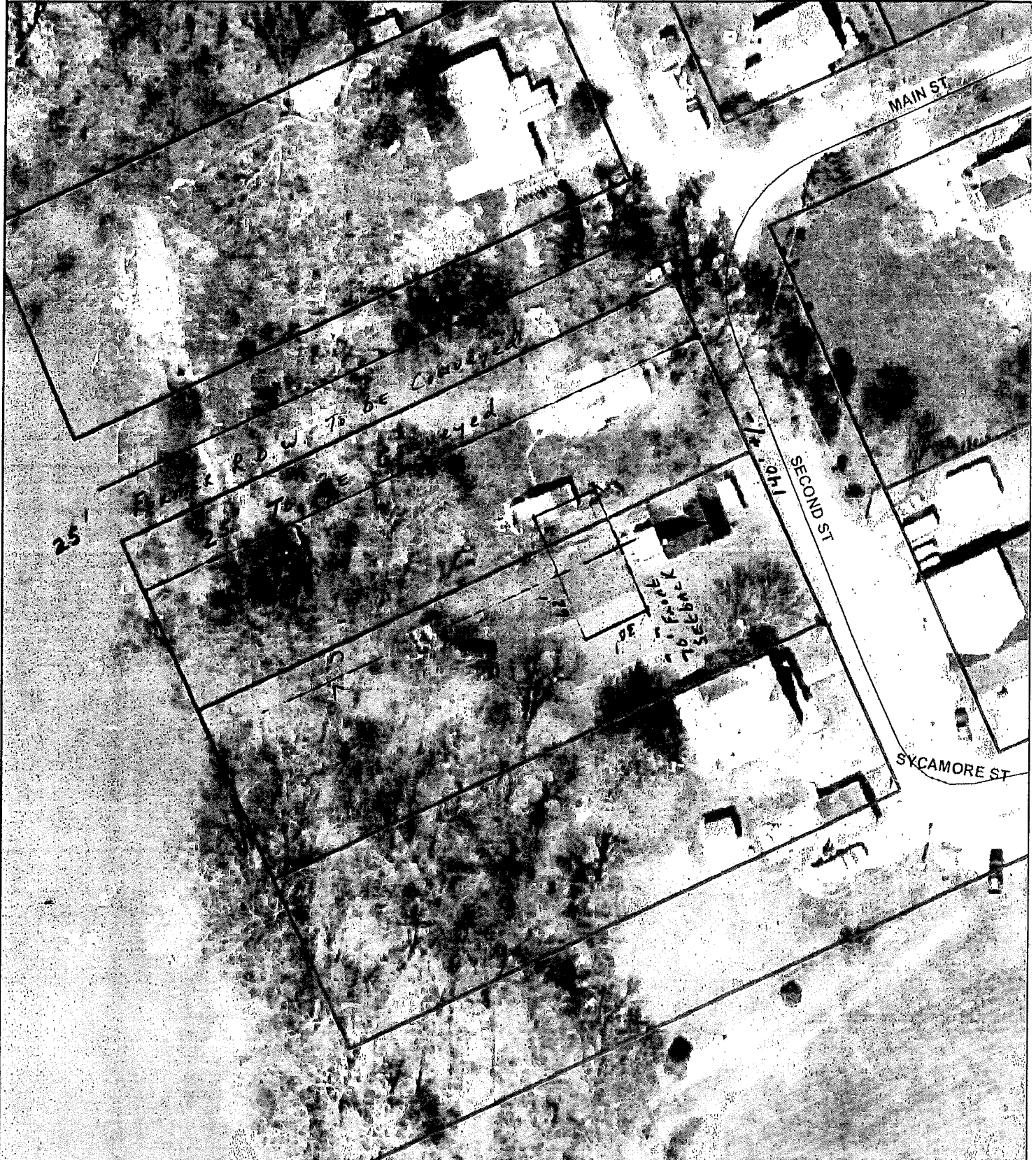


Boone County GIS - Putting Northern Kentucky on the Map



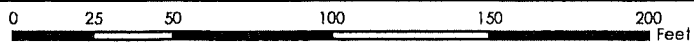
Boone County GIS Map

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1 inch equals 60 feet

Boone County GIS

"Putting Northern Kentucky on the Map"



Map & Photo Courtesy: Boone County GIS

Dunkirk II

VALUE PLAN

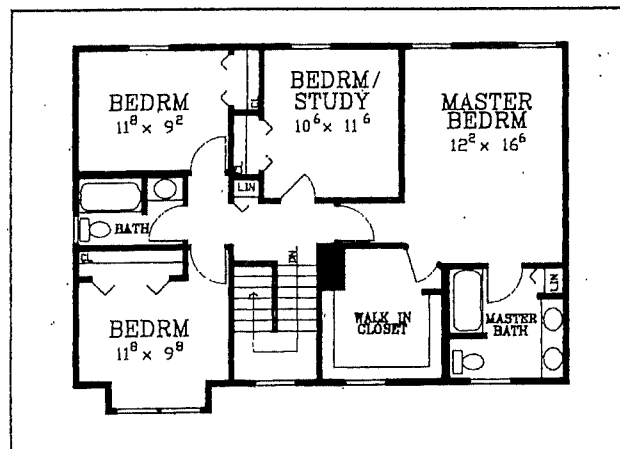
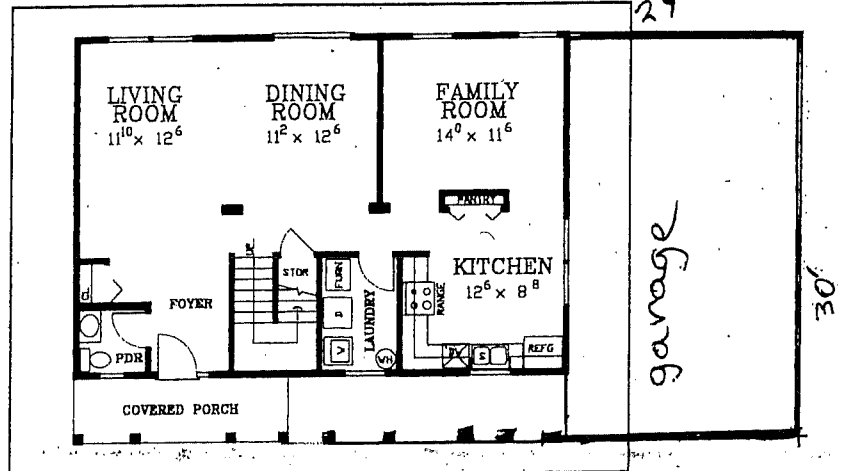


Photo or artist rendering may vary from actual plan.

Total living area:
1,992 sq. ft.

This spacious two-story home offers many deluxe features and lots of living space. In the front you enter into a foyer with a powder room to your left. Adjacent to the kitchen is a large size family room. A living room and dining room accompany the first floor living area. The second floor features a magnificent master bedroom suite with a full size bath and walk-in closet. A full size bath adjoins the remaining three bedrooms. This home will please you and your family for years to come.

- 4 Bedrooms
- 2 Baths, 1 Powder room
- Charming turned gable
- Large Living and Dining Rooms
- Standard Front Porch



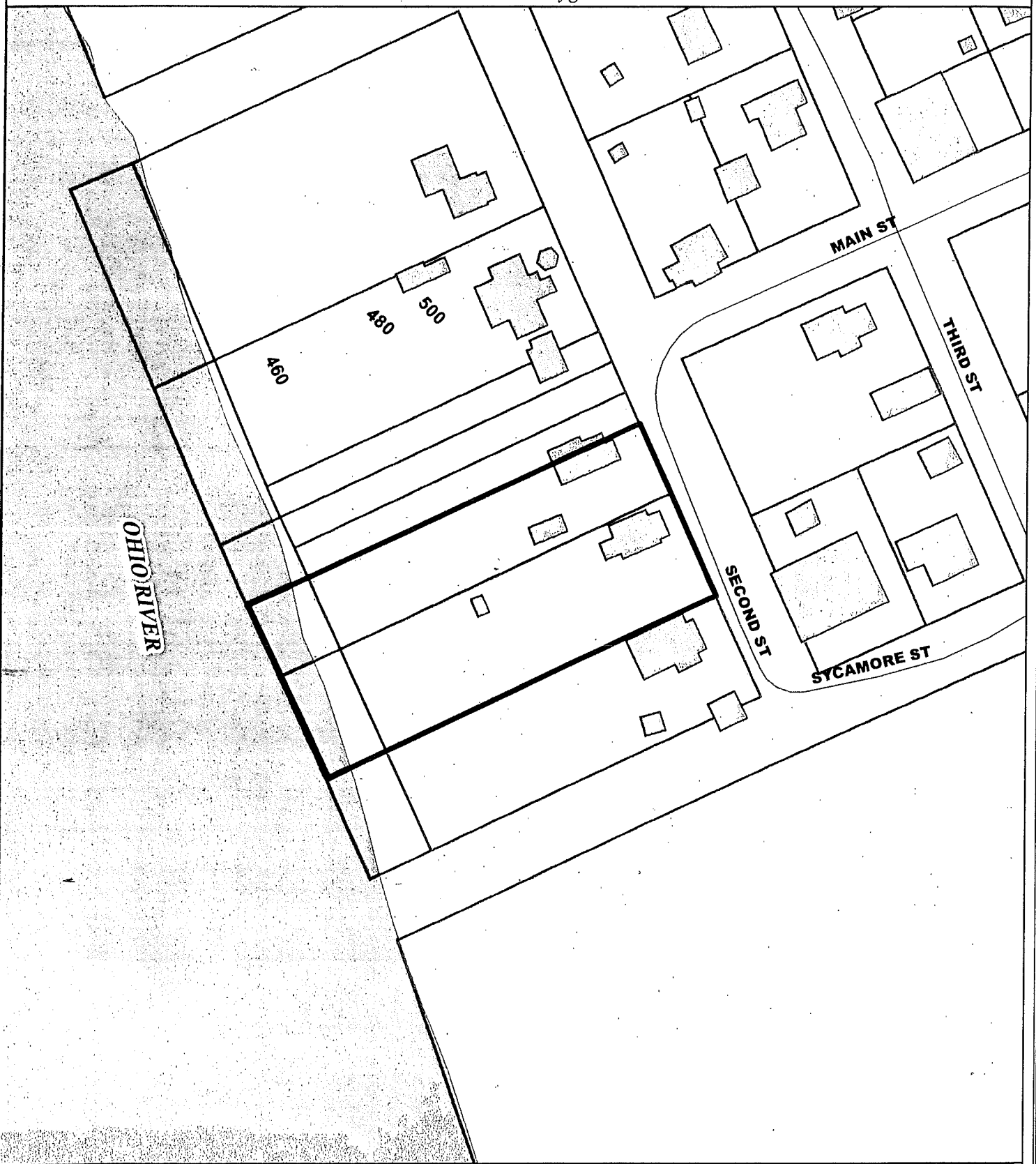
Width: 38'
Depth: 26'
Depth: 30' (w/front porch)

Wall Options: • 2" x 4" • 2" x 6"

Foundation Options: • Slab • Crawl Space • Full Basement
Slab/crawl option shown

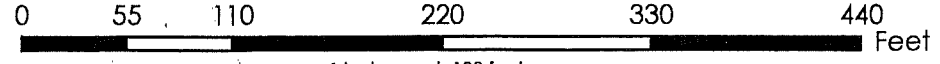
TOPOGRAPHICAL MAP

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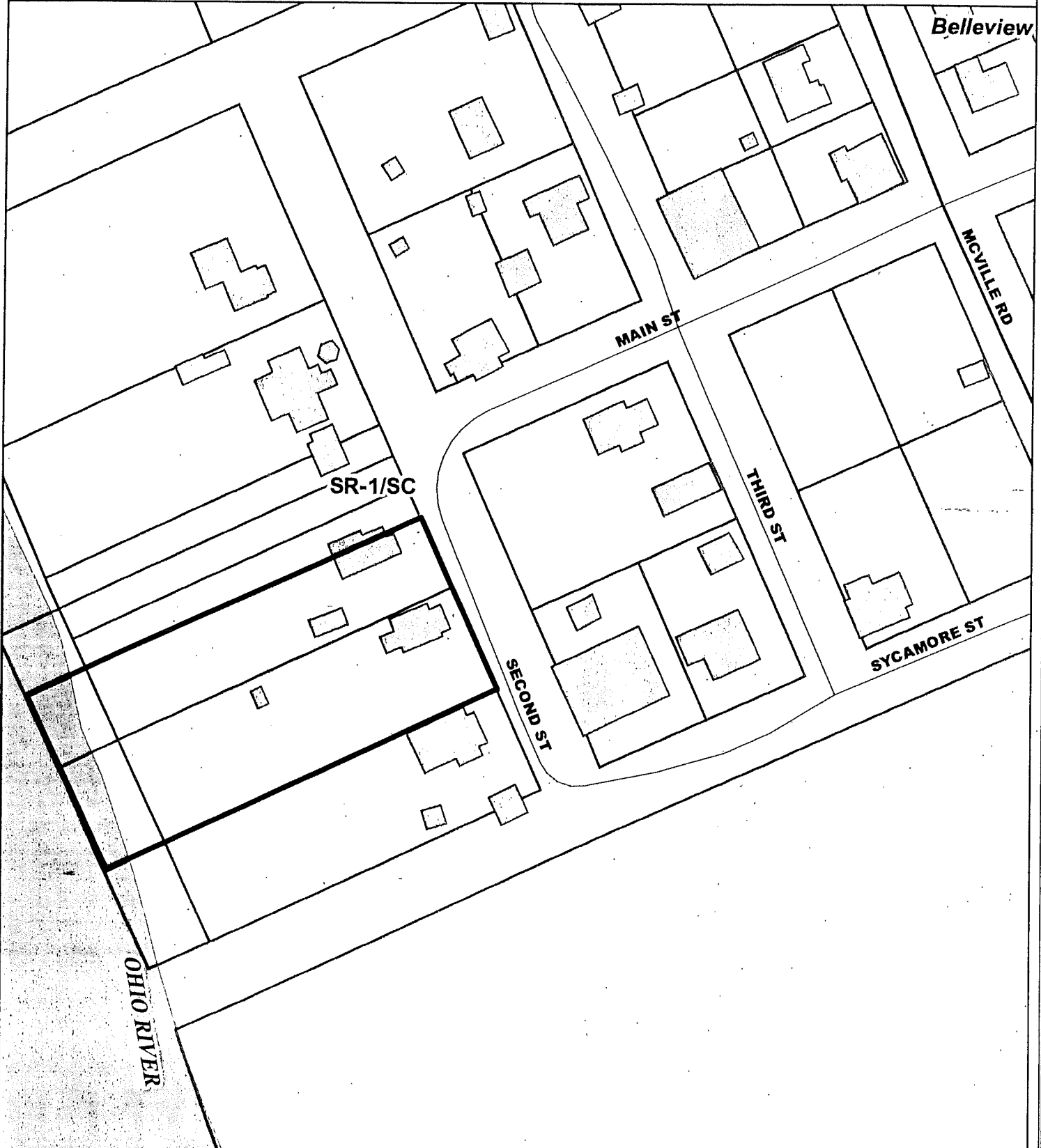
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Boone County GIS - Putting Northern Kentucky on the Map

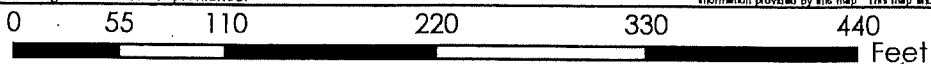
ZONING MAP

www.boonecountygis.com

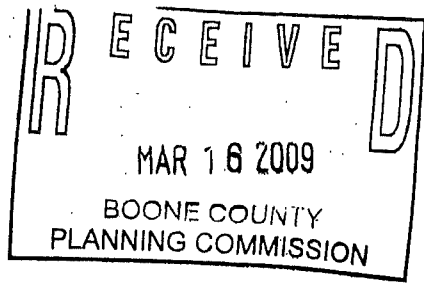


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ORIGINAL Applicant's Signature: Keith Peel (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

Keith Peel 53 Utz Drive Florence, KY 41042

COPY

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Keith Peel
53 Utz Drive
Florence, KY 41042
DEED BOOK 941 PAGE NO. 557

Peggy Roberts and Gene Stewart
11140 Riddles Run Road
Union, KY 41091
DEED BOOK 959 PAGE NO. 424

2. ADDRESS OF PROPERTY
6661 and 6675 Second Street
Burlington, KY 41005

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

4. GROUP NO. 2035

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

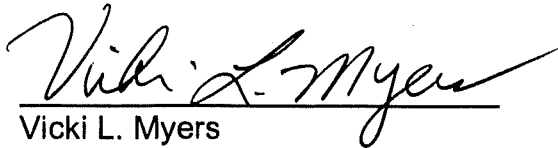
Todd K. Morgan
SIGNATURE OF COMPLETING OFFICIAL

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 9 day of April, 2009.



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 April 8, 2009 Certificate of Land Use Restriction (#09-BCBOA-005-A), for Keith Peel, Peggy Roberts and Gene Stewart, 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 BOOKS and PAGES 941/557, 959/424

GROUP NO. 2035