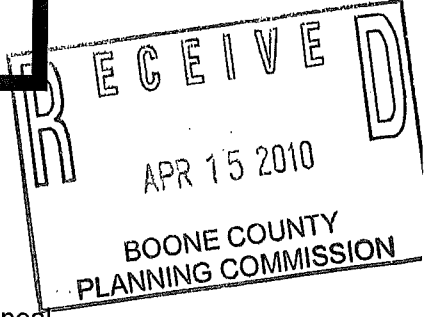


10-BC100A-003-A

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 [X] Florence _____ Walton _____ Union _____
2. _____ Conditional Use Permit [X] Variance _____ Appeal _____
3. Applicant's Name VIOY & VIOY, INC. Phone Number 727-3293 Fax No. Applicant's Address 466 ERLANGER RD ERLANGER IL 61018
4. Description of Request: FRONTAGE REQUIREMENT TO BE REDUCED
5. Name of Development N/A
6. Location of Development EAST BEND ROAD
7. Acreage Under Review PROPOSED 20,000 SQ. FT. LOT
8. Lot Number and Name of Subdivision (if part of a subdivision)
9. Owner of Property CARROLL LOUDEN ESTATE Address of Property Owner 8927 E. BEND RD Phone No. BURLINGTON IL 61005
10. City State Zip
11. Proposed Use(s) on Site EXISTING SINGLE FAMILY RESIDENCE
12. Total Square Footage of Existing and/or Proposed Buildings
13. Current Zoning on Property C-3
14. Deed Book 321 Page No. 275 Group No. 2044
15. Is the site subject to a zone change? NO
16. Have you submitted a Site Plan with this request? CONCEPT PLAN
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: Colin Loudon of Carroll Loudon (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

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

(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 4/15/10 Fee Received \$ 932.00 R# 60528
2. Is application complete? Yes No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
5/12/10 **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@boonecountky.org - E-mail
www.boonecountky.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: Viox & Viox, Inc. for the Carroll Louden Estate

LOCATION: 8885 and 8897 East Bend Road, Boone County, Kentucky

ZONING: Commercial Services (C-3) and Agriculture (A-1)

DATE: May 12, 2010

Proposal

The applicant is requesting a variance to reduce the lot frontage requirement of a proposed lot in the C-3 zone from 100 feet to 76.25 feet.

The submitted plan shows that existing lot is approximately 30 acres in area and contains two single-family residential dwellings and an auto parts/junk yard business. The family members want to break the parcel into 5 lots of record. A Variance is needed for the 20,000 square foot lot because it is located entirely within the C-3 zone and does not meet the 100 foot road frontage requirement. One of the single-family residential dwellings will be located on the subject lot.

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.

Sections 611 and 613 of the Boone County Zoning Regulations do not list junkyards as principally permitted or conditional uses in the Agriculture (A-1) zone

Sections 1031 and 1033 of the Boone County Zoning Regulations do not list single-family residential dwellings as principally permitted or conditional uses in the Commercial Services (C-3) zone

Table 31.1 of the Boone County Zoning Regulations indicates that a buildable lot in Commercial Services (C-3) zone shall be a minimum of 20,000 square feet in area and have at least 100 feet of road frontage.

Site Characteristics

The approximate 30 acre lot has approximately 467 feet of frontage along East Bend Road. The property contains two single-family residential dwellings, an auto parts building, several storage buildings, and a vehicle junkyard. The auto parts building has a large gravel parking lot located in front of the building. The storage buildings, vehicle junkyard, and the southernmost house share a driveway and the northernmost house has its own driveway. The topography of the parcel falls from approximately 860' above sea level at the road to 760' above sea level at the rear property line. Portions of the property are heavily wooded with mature deciduous trees.

Adjoining Properties and Zoning

North: Single-Family Dwellings Fronting on East Bend and Waterloo Road (C-3, A-1, A-2)

South: Single-Family Dwellings and Farm Fronting on East Bend Road (A-1)

East: East Bend Road, Beech Grove Road, Single-Family Dwellings and Fronting on East Bend Road (A-1, A-1/SC)

West: Single-Family Dwellings and Farm Fronting on Waterloo Road (A-1, A-2)

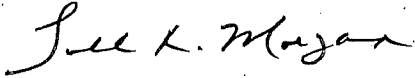
Staff Comments

1. The single-family residential dwellings and vehicle junkyard are pre-existing non-conforming uses. The C-3 zoning district does not permit single-family residential dwellings and the A-1 zone does not permit junkyards. An aerial photograph from 1994 showed that the houses and junk yard were present on the lot.
2. The submitted plans show that two 5 acre flag lots will be created. Portions of the flag panhandles do not comply with the 15 foot width standard (30' required overall) found in the Boone County Subdivision Regulations. The Zoning Administrator has indicated that he will approve a Waiver to allow the reduced panhandles as drawn if the Board of Adjustment approves the Variance request. The Waiver would prevent two storage buildings from being demolished.
3. Staff does not believe the request will alter the essential character of the area because the proposed property lines will not be discernable to the public.
4. Staff believes the proposal will make the property less non-conforming because two houses will be put on individual lots of record.

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

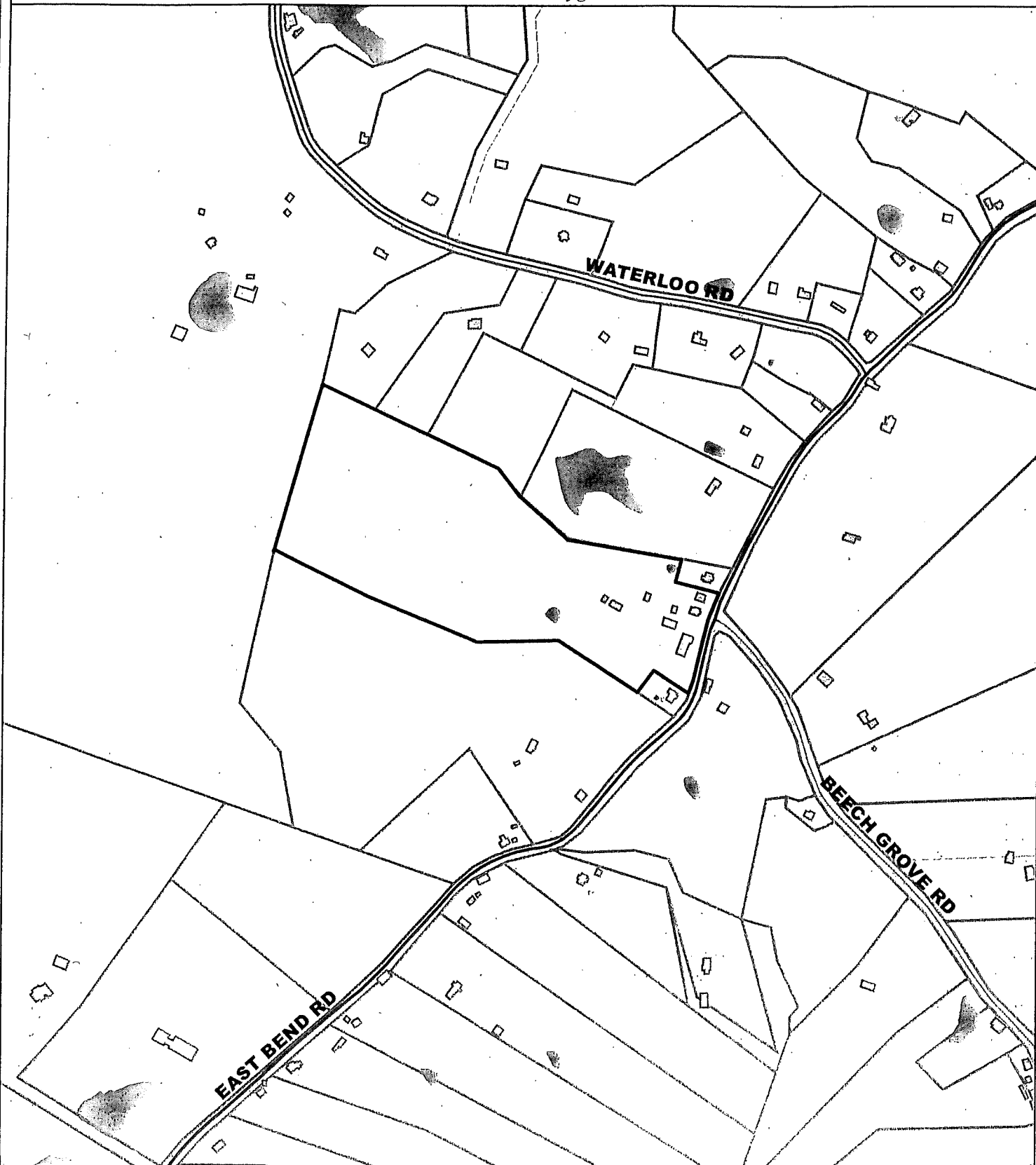
TKM/pr

Attachments

- *Site Vicinity Map
- *Conceptual Plan (Overall Parcel)
- *Conceptual Plan (Road Frontage)
- *2007 Aerial Map
- *1994 Aerial Map
- *Zoning Map
- *Topographical Map
- *Application

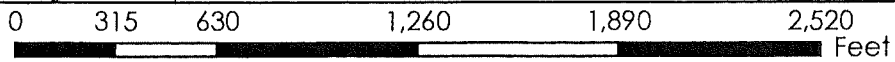
SITE VICINITY MAP

www.boonecountygis.com

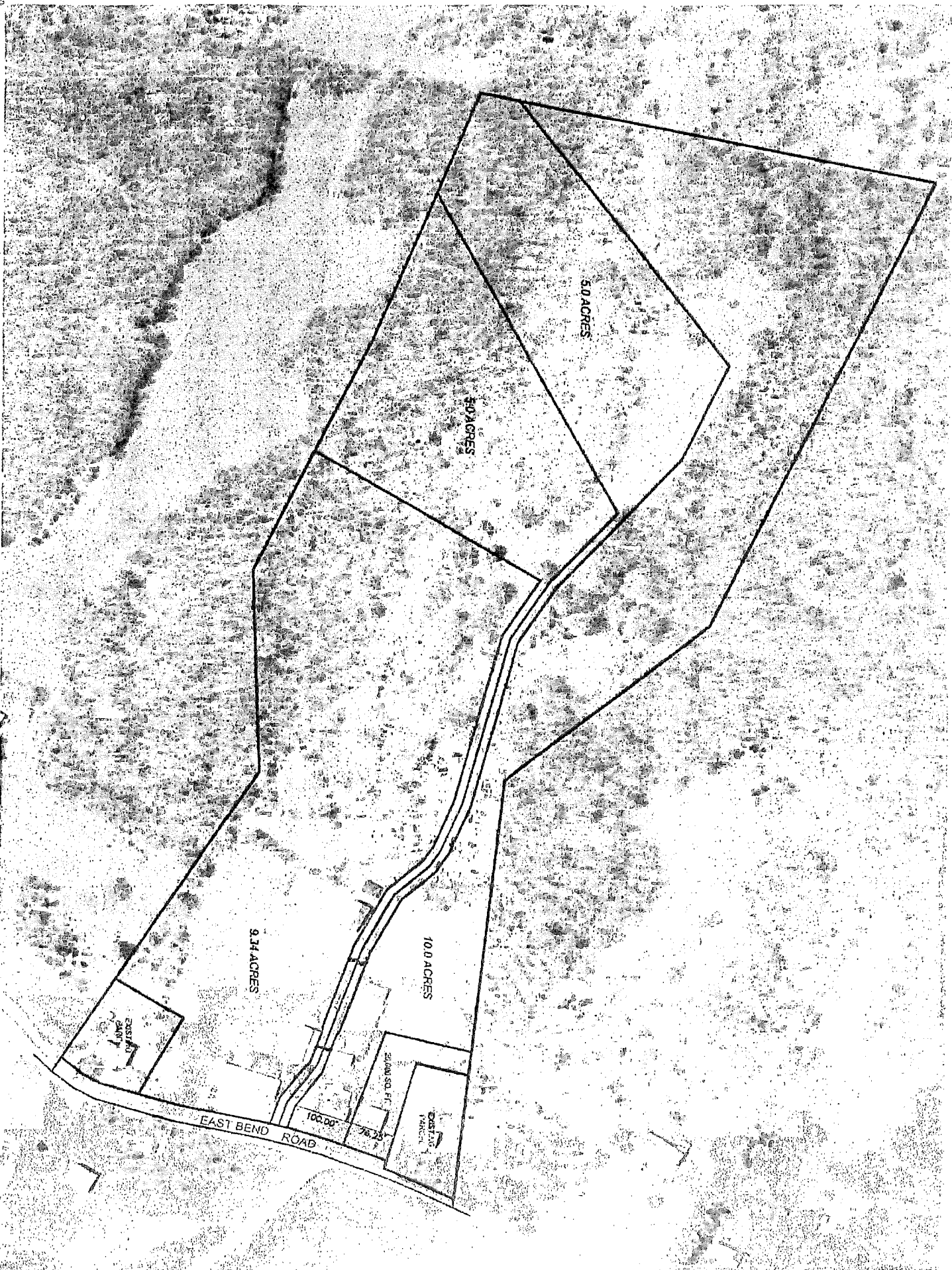


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Boone County GIS - Putting Northern Kentucky on the Map



9.34 ACRES

10.0 ACRES

20,000 SQ. FT.

EXISTING
PARCEL

EAST BEND ROAD

100.00'

76.25'

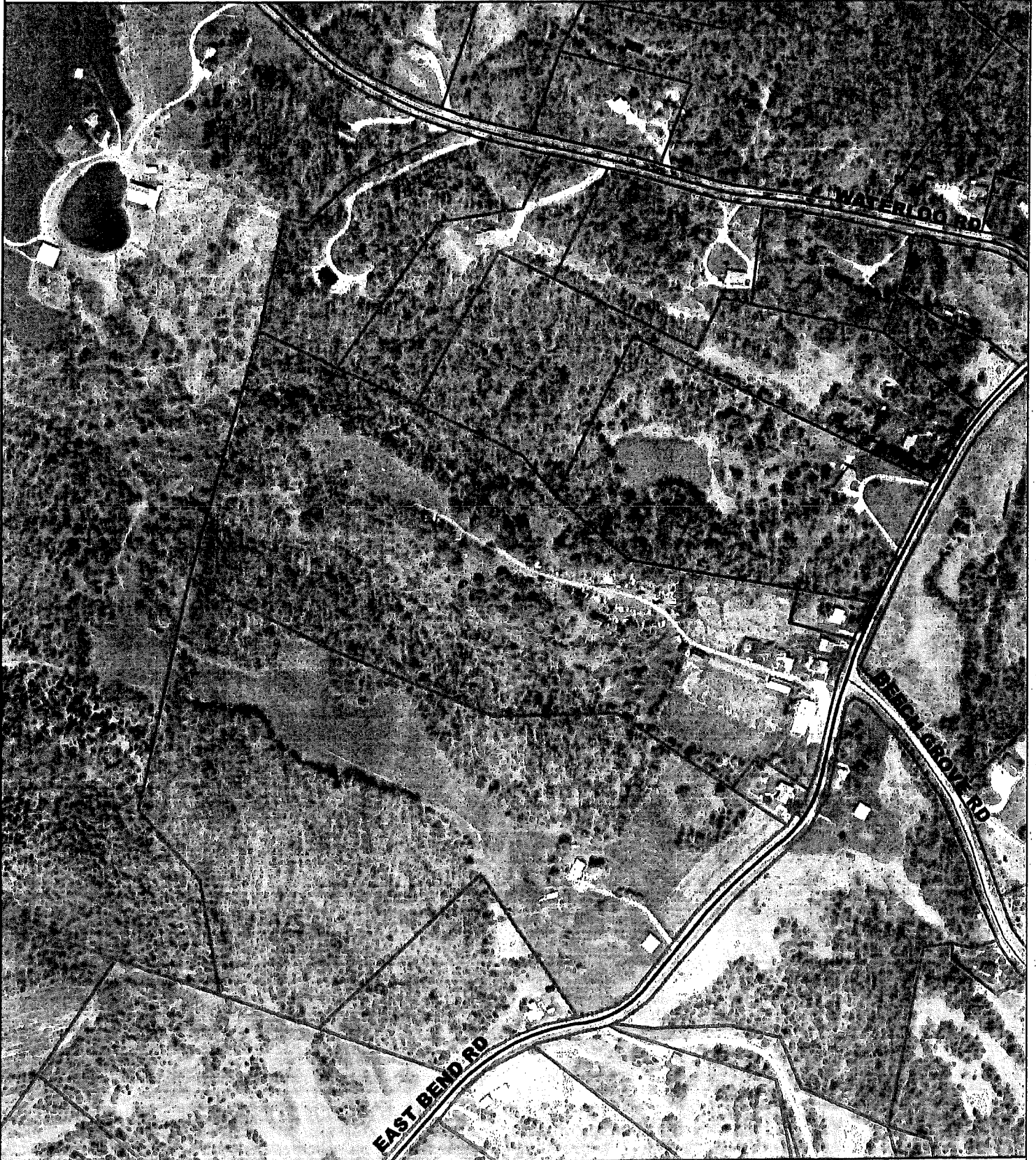
15' 5"

2.50' (2.50')

100 B

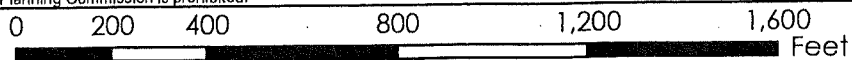
2007 AERIAL MAP

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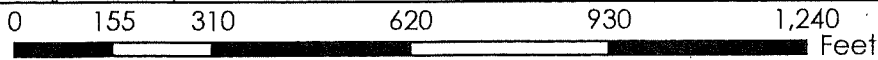
1994 AERIAL MAP

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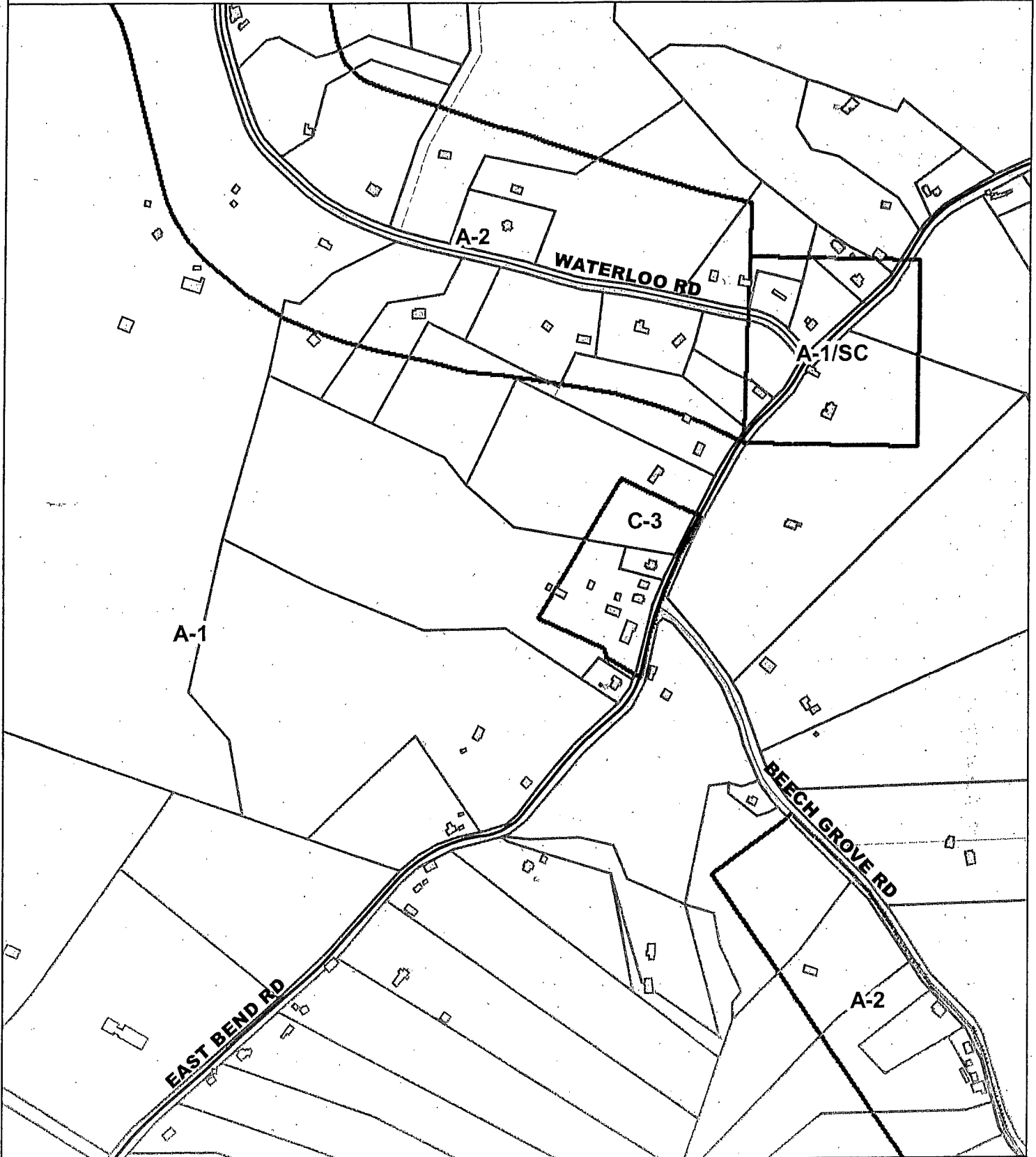
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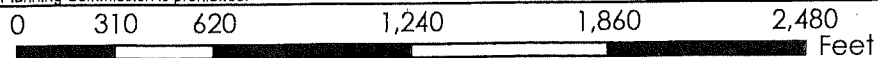
ZONING MAP

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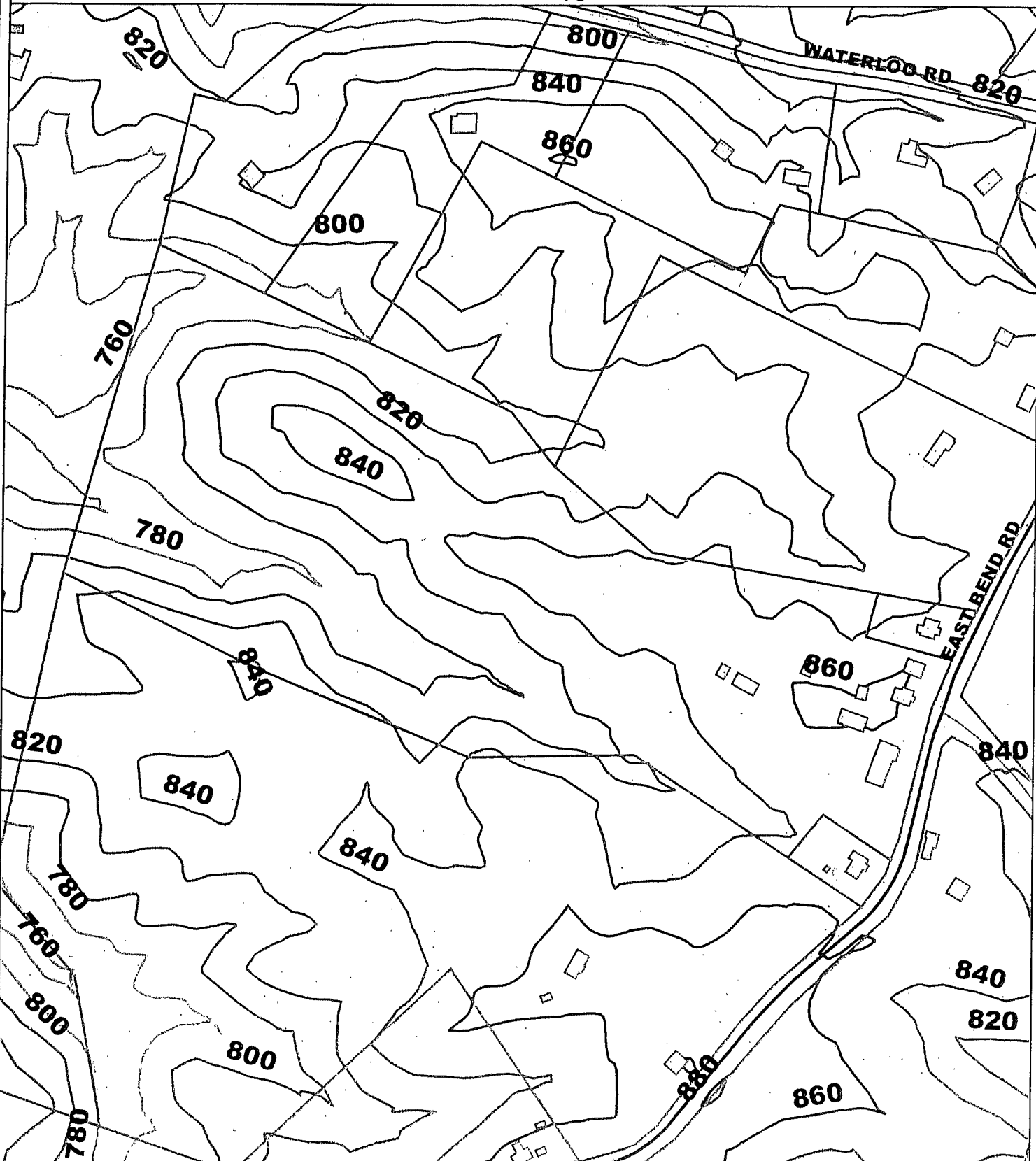
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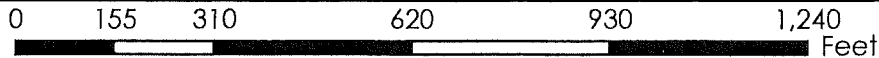
TOPOGRAPHICAL MAP

www.boonecountygis.com



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Boone County GIS - Putting Northern Kentucky on the Map



APPLICATION FORM

BOARD OF ADJUSTMENT
AND
ZONING APPEALS ACTION
BOONE COUNTY PLANNING COMMISSION

RECEIVED
APR 15 2010
BOONE COUNTY
PLANNING COMMISSION

See Boone County Zoning Regulations
SECTION A (To be completed by applicant)

- (Check One)
- Boone _____ Florence _____ Walton _____ Union _____
(Check One)
 - _____ Conditional Use Permit Variance _____ Appeal _____
Change in Non-Conforming Use
 - Applicant's Name VLOY & VLOY, INC.
Phone Number 727-3293 Fax No. _____
Applicant's Address 466 ERLANGER RD
ERLANGER KU 41018
City State Zip
 - Description of Request: FRONTAGE REQUIREMENT TO BE REDUCED
 - Name of Development N/A
 - Location of Development EAST BEND ROAD
 - Acreage Under Review PROPOSED 20,000 SQ. FT. LOT
 - Lot Number and Name of Subdivision (if part of a subdivision) _____
 - Owner of Property CARROLL LOUDEN ESTATE
Address of Property Owner 8927 E. BEND RD Phone No. _____
BURLINGTON KU 41005
City State Zip
 - Proposed Use(s) on Site EXISTING SINGLE FAMILY RESIDENCE
 - Total Square Footage of Existing and/or Proposed Buildings _____
 - Current Zoning on Property C-3
 - Deed Book 321 Page No. 275 Group No. 2044
 - Is the site subject to a zone change? NO
If yes, give date of approval _____
 - Have you submitted a Site Plan with this request? CONCEPT PLAN
 - Have you submitted a list of adjoining property owners with this request? YES
 - 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: Colin Loudon of Carroll Loudon
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

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

(over)

COPY

CLUR #10-BCBOA-003-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Carroll Loudon Estate
8927 East Bend Road
Burlington, KY 41005

2. ADDRESS OF PROPERTY
8885 & 8897 East Bend Road
Burlington, KY 41005

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

4. DEED BOOK 321 PAGE NO. 275 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)

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

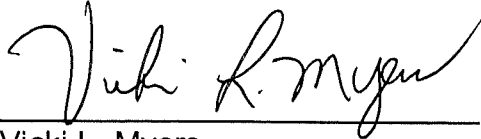
Todd K. Morgan
SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

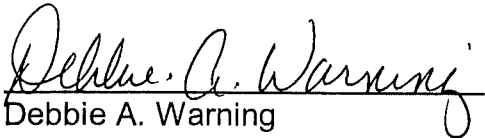
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 13 day of May, 2010.



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 12, 2010 Certificate of Land Use Restriction (#10-BCBOA-003-A), for Carroll Louden Estate, 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 321 PAGE NO. 275 GROUP NO. 2044