

10-BCBOA-03-A

APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION: BOONE COUNTY PLANNING COMMISSION

RECEIVED SEP 21 2010 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: Herbert Fredrickson; Phone Number: 859-534-5052; Applicant's Address: 4809 Woolper Road, Petersburg, KY 41080

4. Description of Request: [Redacted]

[Redacted] Allow new house to be constructed in 80' front yard setback

5. Name of Development: [Redacted]

6. Location of Development: State of Kentucky, County of Boone, 1 1/2 miles SW side of Woolper Road, approx. 6/10 miles SE of Ashby Fork Road (see Quitclaim deed)

7. Acreage Under Review: of total 5.08 acres, footprint new residence

8. Lot Number and Name of Subdivision (if part of a subdivision): 01700-00-007.02

9. Owner of Property: Herbert Fredrickson & Petronella Best

Address of Property Owner: 4809 Woolper Road, Petersburg, KY 41080; Phone No. 859-534-5052

11. Proposed Use(s) on Site: Construction new residence of 2310 sq ft living play space on a 1540 sq ft footprint, approx 45 ft from front yard property line (see site)

12. Total Square Footage of Existing and/or Proposed Buildings: existing 1233 sq ft / proposed 2310 sq ft

13. Current Zoning on Property: A-1 (consistency will be maintained after completion new residence)

14. Deed Book: 978; Page No. 311; Group No. 2023

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.

ORIGINAL Property Owner's Signature: Petronella LP Best (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 9/21/10 Fee Received \$632⁰⁰ / #61577
- 2. Is application complete? Yes No
- 3. Staff Reviewer _____
- 4. Scheduled Board Action Date _____
- 5. Board Action:
 10/13/10 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: Herbert Fredrickson

LOCATION: 4809 Woolper Road, Boone County, Kentucky

ZONING: Agriculture (A-1)

DATE: October 13, 2010

Proposal

The applicant has requested a variance so he can construct a single-family residential dwelling into the required 80' front yard setback. The submitted plot plan shows the proposed house will be located 30'-4" from the front property line (see attachments).

The applicant informed Staff that the existing house will be demolished once the new house is constructed. The existing house is located approximately 25' from the front 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.

Table 31.1 of the Boone County Zoning Regulations lists the setback requirements for a detached single-family residence in an A-1 zone as 80' front, 25' rear, and 10' sides.

Section 3123 of the Boone County Zoning Regulations states that open structures such as porches, canopies, balconies, platforms, carports, covered patios, and similar architectural projections 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. Chimneys, overhangs and gutters may extend up to two and one-half (2½) feet into a required front, side, or rear yard. However, such extensions into a required yard shall not impede, disrupt, or interfere with storm water flow and may need to be cantilevered above grade or necessitate the construction of a storm pipe system with drainage structures or other improvements to provide adequate site drainage.

Site Characteristics

The subject property is located on the southwest side of Woolper Road and is approximately 5.08 acres in area. The property contains a ranch style dwelling unit, which is constructed with a vinyl siding, and a wood barn that is in a state of disrepair. The submitted Plot Plan shows the topography of the parcel falls from 548 feet above sea level at the northwest property corner to approximately 500 feet above sea level at Woolper Creek (rear property line).

Staff Comments

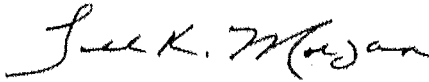
1. The existing house has a pre-existing non-conforming front yard setback of +/- 25 feet. The pre-existing non-conforming setback will be abandoned once this house is demolished.

Planning Commission Staff has allowed houses with non-conforming setbacks to be replaced without going to the Board of Adjustment when the subject house is being built within the same building footprint and the non-conforming setback is not being enlarged. In this case, a Variance is required because the house location is changing on the lot.
2. The applicant has submitted some building elevation drawings of the proposed household. The plans show that the house will be constructed with synthetic stucco and a standing seam metal roof. The plans show the elevated deck on the eastern facade will be located 30'-4" from the front property line.
3. Staff believes the request should be approved for the following reasons:
 - A. The request will not alter the essential character of the area because the proposed house is setback further on the lot than the existing house. In addition, several adjoining properties have houses or accessory structures which do not meet the 80' front yard setback requirement.
 - B. The lot has topographical constraints and flood plain issues. As a result, denying the request would create an unnecessary hardship on the applicant
4. The Board needs to analyze the Variance criteria before acting on the request.

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
- *Plot Plan with Topography
- *Elevation Drawings
- *2007 Aerial Map
- *Zoning Map
- *Application

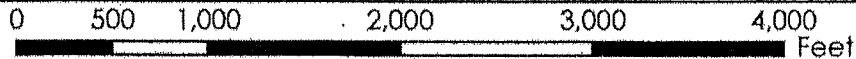
SITE VICINITY MAP

www.boonecountygis.com



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1 inch = 1,000 feet



Boone County GIS - Putting Northern Kentucky on the Map

093010	CONSTRUCTION
083010	BIDDING
072010	PRELIMINARY

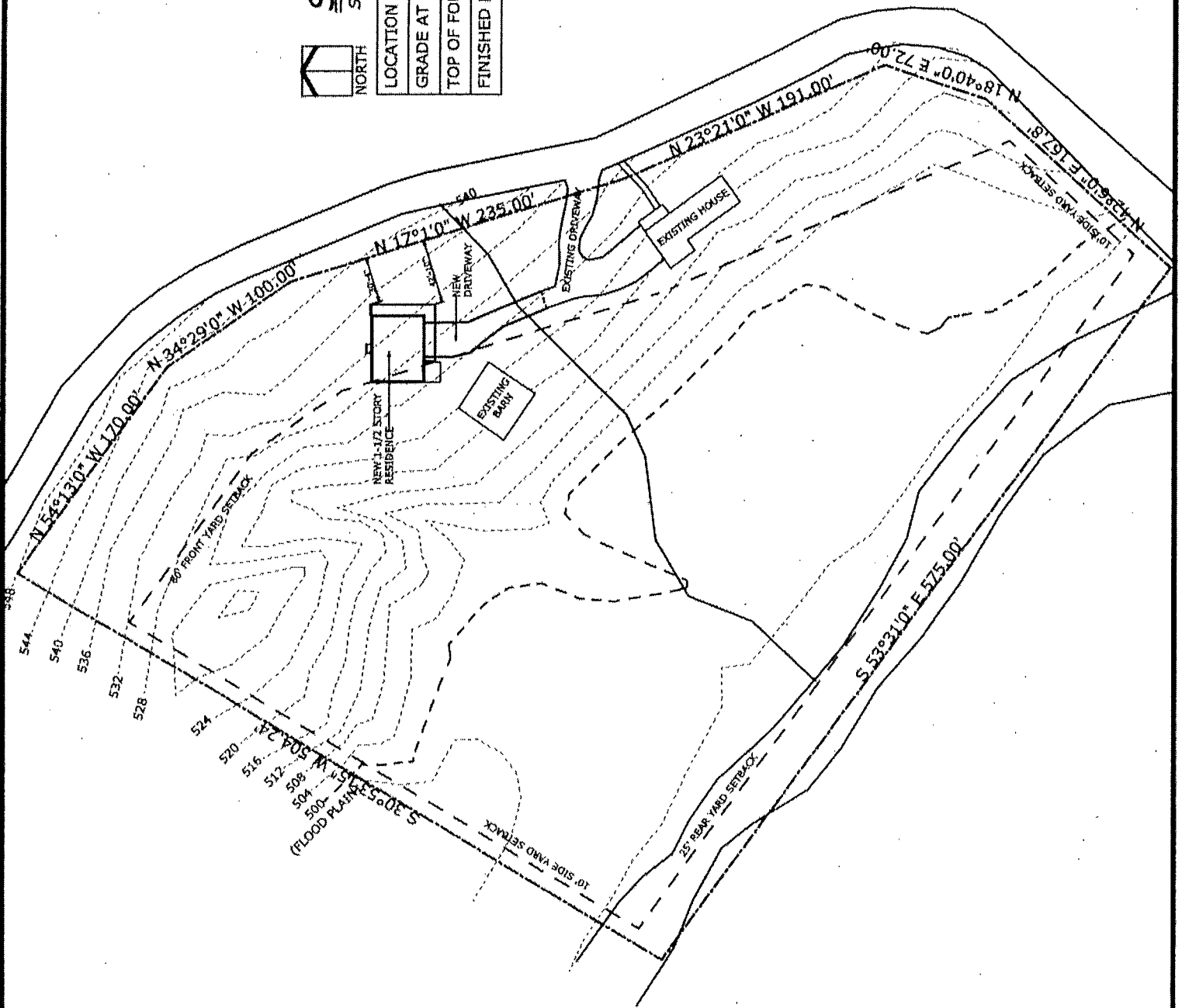
A NEW HOME FOR THE
Fredrickson-Best Residence
 HERB FREDRICKSON & ELLY BEST
 4809 WOOLPER ROAD
 PETERSBURG, KY 41080



60 Franklin Street
 Dublin, Ohio 43017
 614.774.2490 Phone
 614.633.1053 Fax
 www.bolyardstudio.com

SITE PLAN
 SCALE: 1" = 100'-0"

LOCATION	ELEVATION
GRADE AT FOUNDATION	534.00'
TOP OF FOUNDATION	534.67'
FINISHED FIRST FLOOR	535.84'

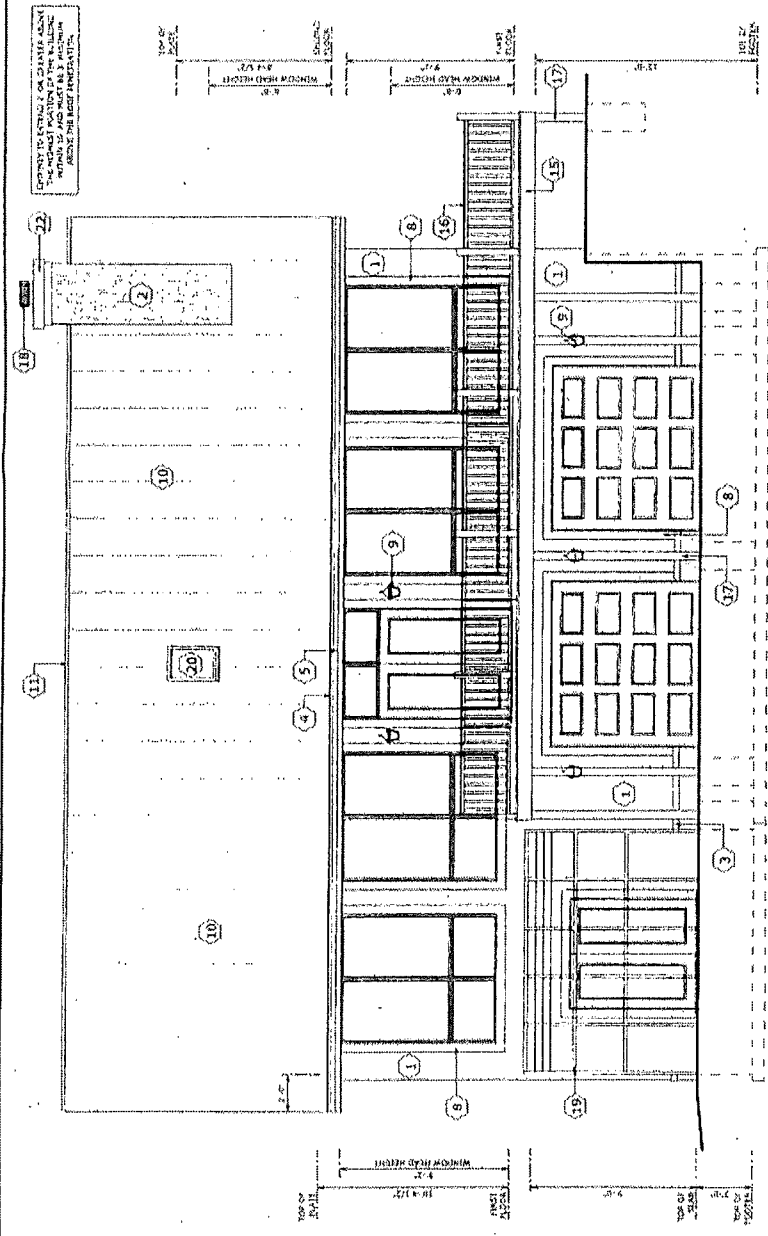


BOLYARD ARCHITECTURE
 DESIGN STUDIO
 60 Franklin Street
 Dublin, Ohio 43017
 Phone: 614.274.2900
 Fax: 614.633.1053
 www.bolyardstudio.com

A NEW HOME FOR THE
Fredrickson-Best Residence
 HERB FREDRICKSON & ELY BEST
 4009 WOODPINE ROAD
 PETERSBURG, KY 41080

DATE	01/25/10
BY	HERB FREDRICKSON
REVISION	
DESCRIPTION	
DATE	
BY	
REVISION	
DESCRIPTION	

SOUTH ELEVATION
A9



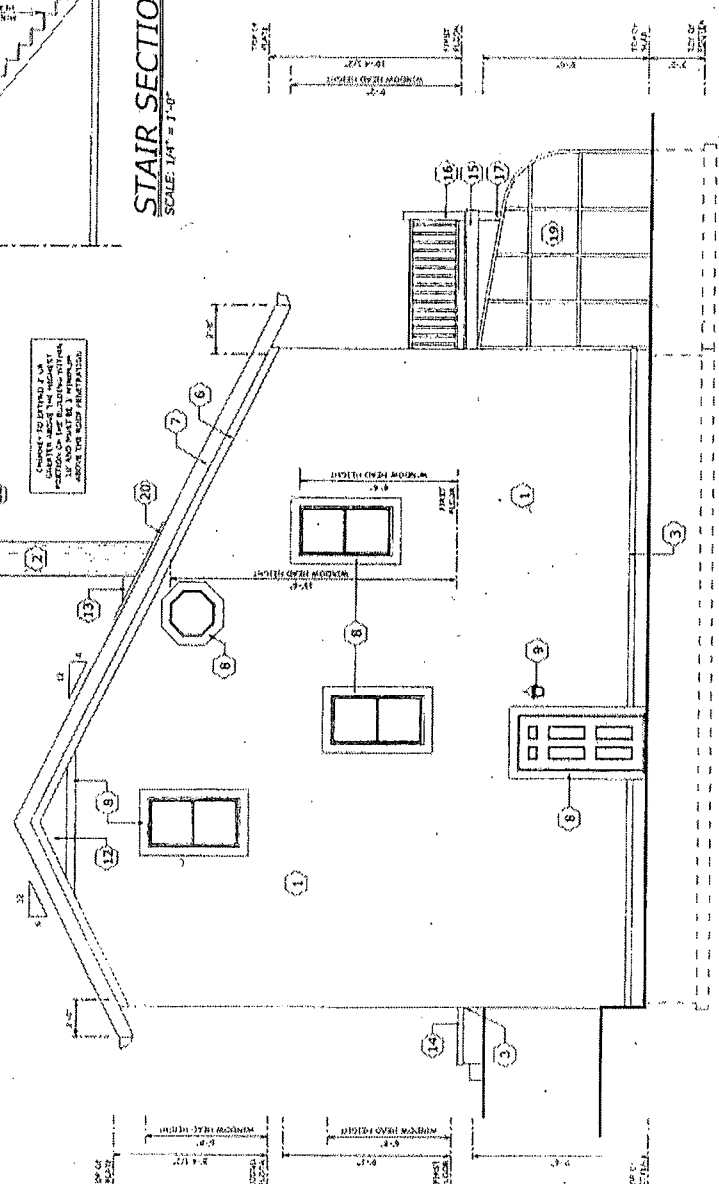
SOUTH ELEVATION
 SCALE: 1/4" = 1'-0"

CODED NOTES

1	SEE MANUFACTURER'S SPECIFICATIONS FOR DETAILS	9	CONCRETE FINISH TO MATCH EXISTING
2	NATURAL STONE	10	STANDING SEAM ALUMINUM ROOF WITH BRASS CLAWS
3	SPERMATOPHYTES, PINECO WATERBURY	11	CONCRETE FINISH TO MATCH EXISTING
4	1/2" AZEK PAGES OR SIMILAR	12	TABLE VENT
5	GLASS BLOCK WITH GLASS BLOCK	13	CALCULATED SCALE
6	1/2" FIBRE RELIEF BY BERTIT AND STANS	14	CONCRETE FINISH TO MATCH EXISTING
7	1/2" AZEK PANEL BOARD OR SIMILAR	15	RFC COATED WOOD
8	1/2" TRIM RELIEF BY BERTIT AND STANS	16	RFC COATED WOOD
9	CONCRETE FINISH TO MATCH EXISTING	17	RFC COATED WOOD
10	STANDING SEAM ALUMINUM ROOF WITH BRASS CLAWS	18	METAL BRASS APRESTA
11	CONCRETE FINISH TO MATCH EXISTING	19	POUR ROOM ENCLOSURE BY EDWARDS DESIGN, INC. 2008-1103
12	TABLE VENT	20	CONCRETE FINISH TO MATCH EXISTING
13	CALCULATED SCALE	21	1/2" AZEK SIPPY OR SIMILAR
14	CONCRETE FINISH TO MATCH EXISTING	22	NATURAL STONE DETAIL
15	RFC COATED WOOD	23	
16	RFC COATED WOOD	24	

CODED NOTES

1	SYNTHETIC STUCCO BY ARTIST. SEE MANUFACTURER'S SPECIFICATIONS FOR DETAILS.	9	LEACHLIGHT	17	1/2" CANTYLED WOOD POST
2	SYNTHETIC STUCCO WATERFALL	10	SLANTING SHAW SALVAMOUNTAIN ROOF WITH SHOCK DAMPERS	18	METAL SPARK ARRESTOR
3	SYNTHETIC STUCCO WATERFALL	11	CONCRETE JOIST	19	SUNROOM ENCLOSURE BY SUN ROOM DESIGN, INC. (724) 752-1123
4	1/2" X 1/2" WOOD ON SHIMLAR	12	SPRINKLER	20	SPOTLIGHT
5	CONCRETE JOIST	13	SALVAMOUNTAIN SADDLE	21	1/2" X 1/2" WOOD ON SHIMLAR
6	1/2" X 1/2" WOOD ON SHIMLAR	14	CONCRETE JOIST AND STAIRS	22	NATURAL STONE DETAIL
7	1/2" X 1/2" WOOD ON SHIMLAR	15	1/2" CANTYLED WOOD DECK	23	1/2" CANTYLED WOOD
8	1/2" X 1/2" WOOD ON SHIMLAR	16	1/2" CANTYLED WOOD	24	1/2" CANTYLED WOOD



WEST ELEVATION
SCALE: 1/4" = 1'-0"

STAIR SECTION
SCALE: 1/4" = 1'-0"

BOLYARD ARCHITECTURE
DESIGN STUDIO
60 Franklin Street
Dorwin, Ohio 44017
414.224.2190 Phone
414.633.1053 Fax
www.bolyardstudio.com

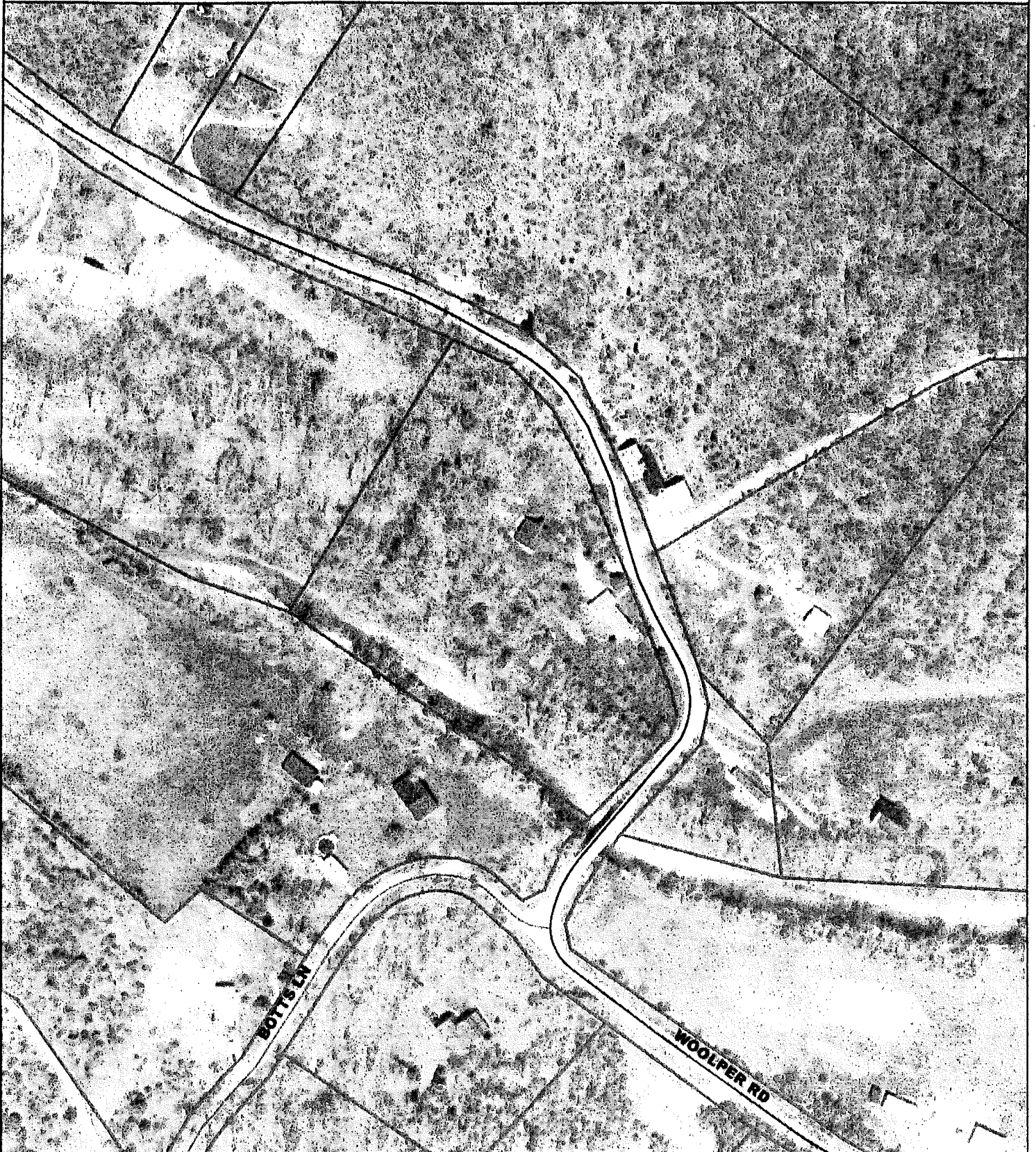
A NEW HOME FOR THE
Fredrickson-Best Residence
HERB FREDRICKSON & ELY BEST
4809 WOOLPER ROAD
PETERSBURG, KY 41090

DATE:	
REVISION:	
DESCRIPTION:	
BY:	
CHECKED:	
DATE:	

A11
WEST ELEVATION
AND STAIR SECTION

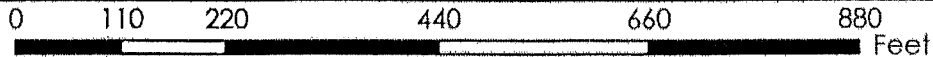
2007 AERIAL MAP

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1 Inch = 200 feet

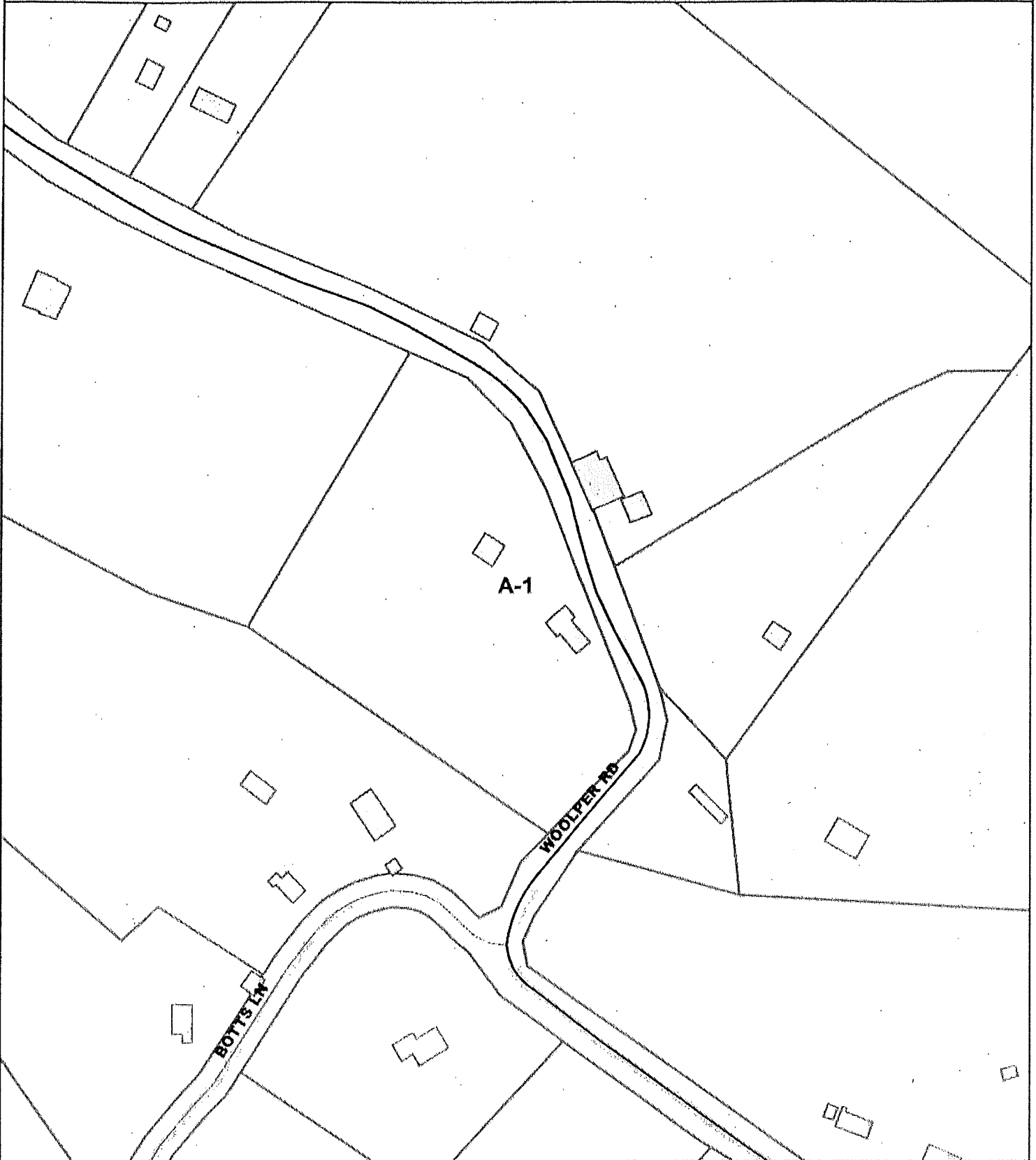


Boone County GIS - Putting Northern Kentucky on the Map



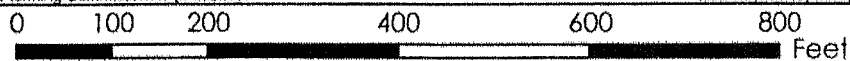
ZONING MAP

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1 Inch = 200 feet



Boone County GIS - Putting Northern Kentucky on the Map



APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

RECEIVED SEP 21 2010 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
Change in Non-Conforming Use

3. Applicant's Name Herbert Fredrickson
Phone Number 859-534-5052 Fax No.
Applicant's Address 4809 Woolper Road
Petersburg KY 41080
City State Zip

4. Description of Request: Allow new house to be constructed in 80' front yard setback

5. Name of Development
6. Location of Development State of Kentucky County of Boone lying on the SW side of Woolper Road, approx. 6.10 miles SE of Ashby Ford Road (see Quitclaim deed)
7. Acreage Under Review of total 5.08 acres, footprint new residence
8. Lot Number and Name of Subdivision (if part of a subdivision) 017-00-00-007.02

9. Owner of Property Herbert Fredrickson & Petronella Best
Address of Property Owner 4809 Woolper Road Phone No. 859-534-5052
Petersburg KY 41080
City State Zip

11. Proposed Use(s) on Site Construction new residence of 2310 sq ft living plan space on a 1500 sq ft footprint approx. 25 ft from front yard property line (see site)
12. Total Square Footage of Existing and/or Proposed Buildings existing 1233 sq ft / proposed 2310 sq ft
13. Current Zoning on Property A-1 (existing will be demolished after completion new residence)
14. Deed Book 978 Page No. 311 Group No. 2023
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: Petronella L Best
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

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

COPY

CLUR #10-BCBOA-013-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Herbert Fredrickson & Petronella Best
4809 Woolper Road
Petersburg, KY 41080

2. ADDRESS OF PROPERTY
4809 Woolper Road
Petersburg, KY 41080

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

4. DEED BOOK 978 PAGE NO. 311 GROUP NO. 2023

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

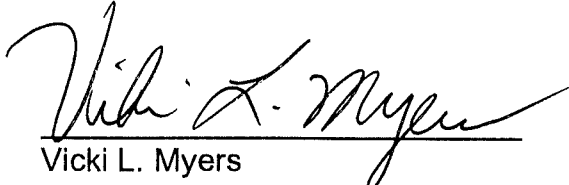
Todd K. Morgan
SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

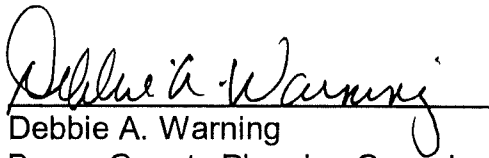
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 14 day of October, 2010.



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 October 13, 2010 Certificate of Land Use Restriction (#10-BCBOA-013-A), for Herbert Fredrickson and Petronella Best, 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 978

PAGE NO. 311

GROUP NO. 2023