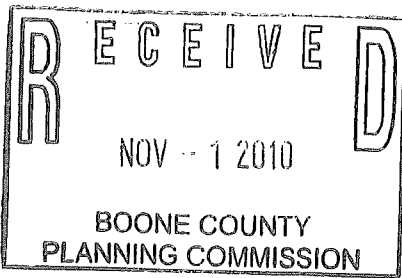


APPLICATION FORM



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 CHAMPION PATIO ROOMS  
Phone Number 513-200-1151 Fax No. \_\_\_\_\_  
Applicant's Address 12121 CHAMPION WAY  
CINCI OHIO 45241  
City State Zip
- 4. Description of Request: VARIANCE ON REAR SET BACK (25' To 18')
- 5. Name of Development THORNWILDE
- 6. Location of Development HEBRON
- 7. Acreage Under Review APROX. ACRES 0.23
- 8. Lot Number and Name of Subdivision (if part of a subdivision)  
318 THORNWILDE 2155 Conistan
- 9. Owner of Property WILLIAM M'CARHY  
Address of Property Owner 2155 CONISTAN CT Phone No. 959-534-0163  
HEBRON KENTUCKY 41048  
City State Zip
- 11. Proposed Use(s) on Site SINGLE SLOPE SCREEN ROOM ON EXISTING DECK
- 12. Total Square Footage of Existing and/or Proposed Buildings 396 SQ FT.
- 13. Current Zoning on Property RPD
- 14. Deed Book 982 Page No. 96 Group No. 2004
- 15. Is the site subject to a zone change? \_\_\_\_\_  
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: William M'Carthy  
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

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

**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 11/1/10 Fee Received \$632<sup>00</sup> RA#61797
2. Is application complete? Yes No
3. Staff Reviewer \_\_\_\_\_
4. Scheduled Board Action Date \_\_\_\_\_
5. Board Action:  
12/8/10 **Approved**  
**Approved with Conditions** (See #6)  
**Denial** (See #7)
6. Conditions of Approval: SEE STAFF COMMENT # 2  
IN STAFF REPORT
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](http://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: Champion Patio Rooms

LOCATION: 2155 Conistan Court, Boone County, Kentucky

ZONING: Residential Planned Development (RPD)

DATE: December 8, 2010

### Proposal

The applicant is requesting a variance to allow an approximate 15' x 27' (405 square feet) screened room to be constructed onto the back of a house and encroach into the required 25' rear yard setback. The submitted plot plan shows the room addition is being proposed on an existing deck, which is approximately 1' tall. The request is to reduce the rear yard setback from 25' to 18'.

### 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 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 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.

#### Relevant Site History

- 1990 - The property is rezoned to Residential Planned Development (RPD) as part of the 1990 Zoning Update.
- 1994 - Boone County Planning Commission and Boone County Fiscal Court approve a Concept Development Plan for Thornwilde Subdivision. The detached single-family residential sections of the subdivision are approved with 30' front, 25' rear, and 5' side yard setbacks.
- 2010 - The Boone County Planning Commission approves a Zoning Permit allowing a 1' tall deck to be attached to the rear of the subject house. The deck was permitted to encroach into the rear yard setback because it was less than 3' tall (see Section 3123 of the Boone County Zoning Regulations above).

#### Site Characteristics

The subject property is approximately 0.23 acres in area and is located on the east side of Conistan Court. The property contains a two-story single-family residential dwelling with an attached deck. Boone County G.I.S. shows that the topography of the parcel falls from 830 feet above sea level at the rear property line to 824 feet above sea level at the Conistan Court right-of-way line. The northeastern extreme of the property is heavily wooded with mature deciduous trees.

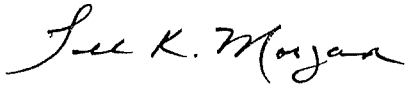
#### Staff Comments

1. The applicant has provided some pictures of some screen rooms (see attachments). Staff would like to know if these pictures are representative of what is being proposed?
2. The proposed screen room will be highly visible from Rivermeade Drive and adjoining properties to the north. Staff recommends that two small trees (Amur Maple, Crabapple, etc.) should be installed to the north and northwest of the proposed screen room if the Variance application is approved.
3. 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 Proposed Screen Room
- \*Pictures of Similar Structures
- \*2009 Aerial Map
- \*Zoning Map
- \*Application

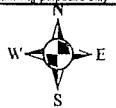
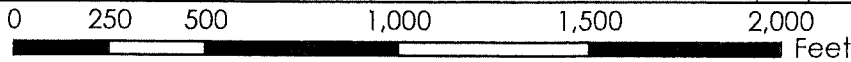
# SITE VICINITY MAP

www.boonecountygis.com



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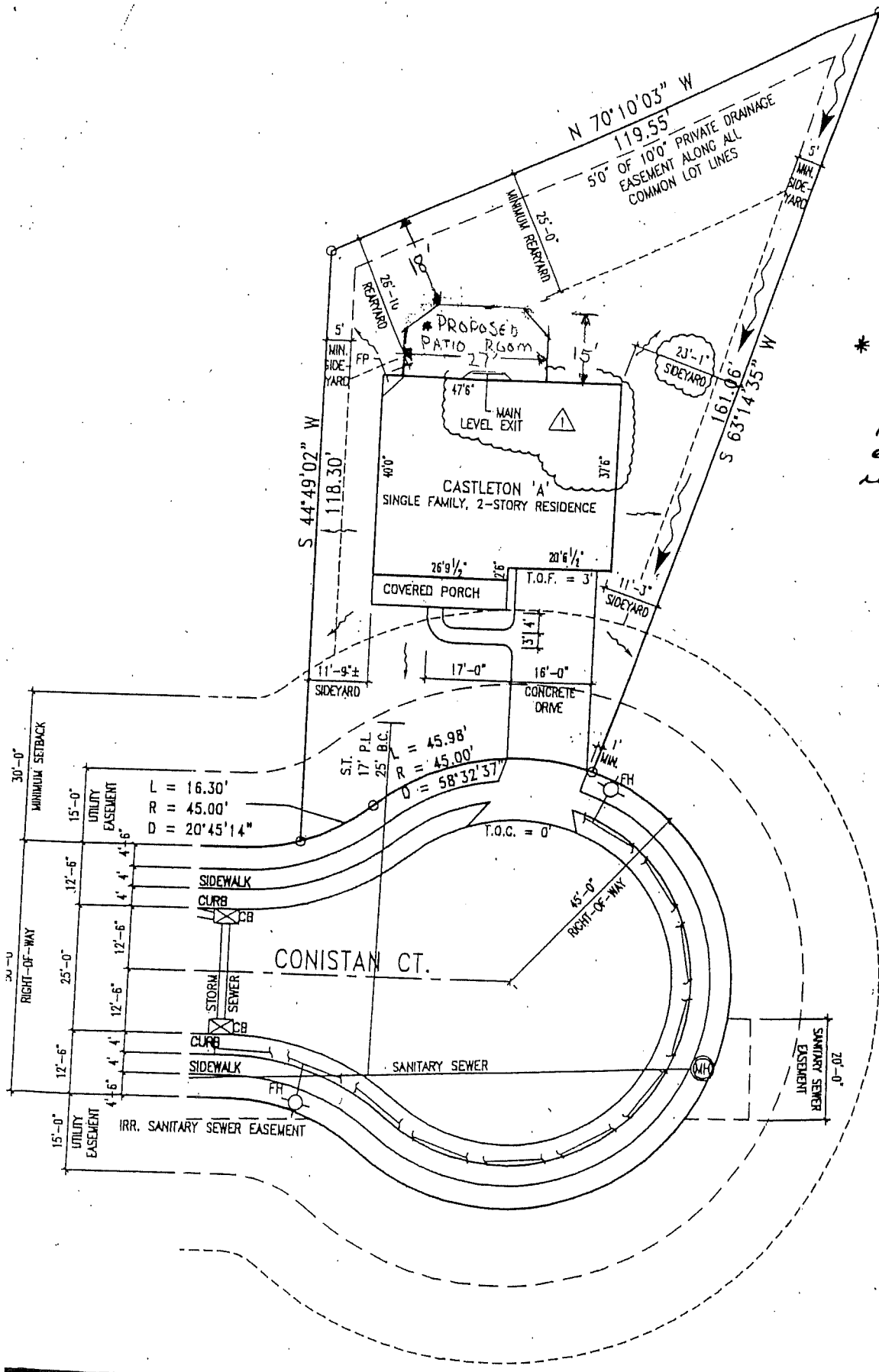
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**Boone County GIS - Putting Northern Kentucky on the Map**

Map Created: 01/01/2008

Boone County GIS  
ArcMap Document (\*.mxd)



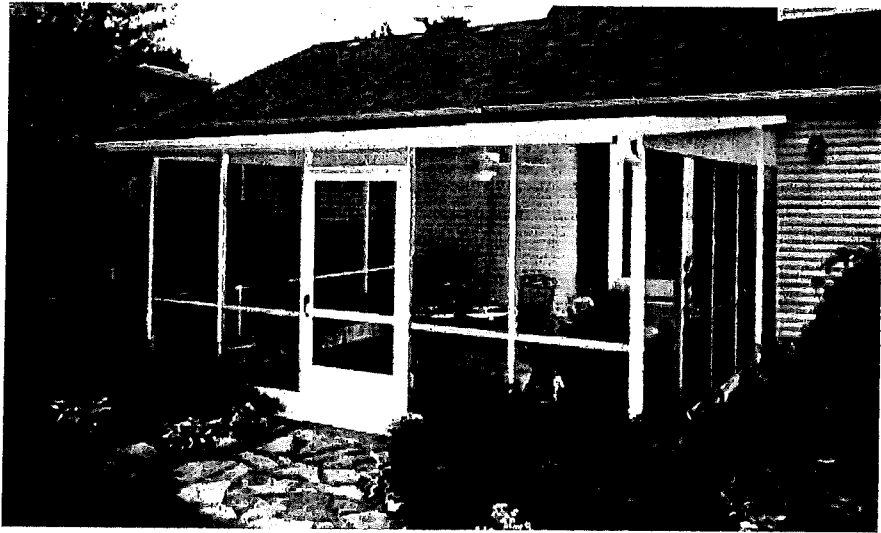
\* PATIO ROOM is proposed An Existing DECK. The deck is 1' tall and can encroach into the rear yard setback

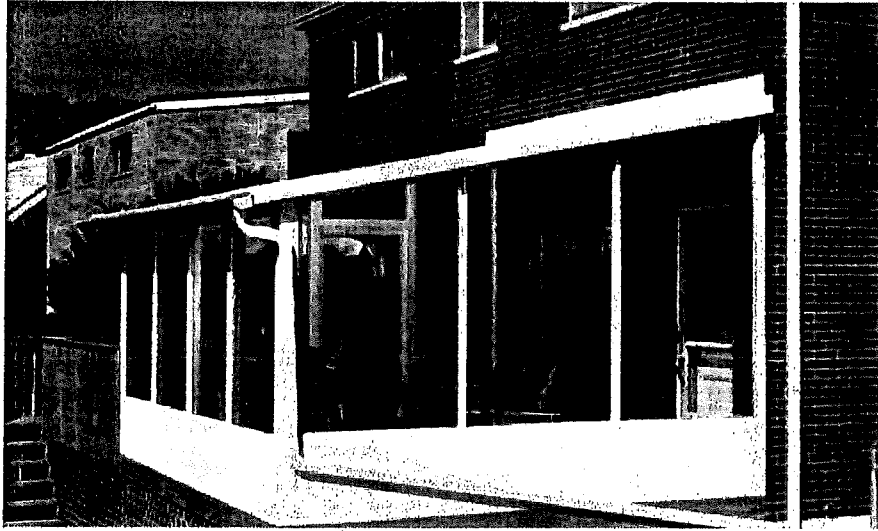
Plot Plan Altered by  
 Sarah Harve  
 6516 Gray Fox Curve  
 Chanhassen, MN 553  
 (952) 564-0104

Drees Company  
 Fort Mitchell, Kentucky 41017 Pht (859) 578-4200  
 ny. All rights reserved. These plans are protected by Copyright.  
 y be reproduced in any form or by any means, including  
 the written permission from the Copyright owner.

PER ITEM #1 OF DREES CO. GENERAL SPECS:  
 THIS IS NOT A LEGAL SURVEY. FOR PERMIT PURPOSES ONLY.  
 HOUSE MAY BE FIELD ADJUSTED FOR LOT CONDITIONS WITHIN LEGAL  
 SIDYARDS & SETBACKS OF LOCAL ZONING.

PLOT PLAN BY:	ROBERT A.	SHEET DESCRIPTION:
PHONE EXT. NO.:	4287	
PLOT PLAN DATE:	04/22/03	
		PLOT PLAN SCALE: 1" = 30'-





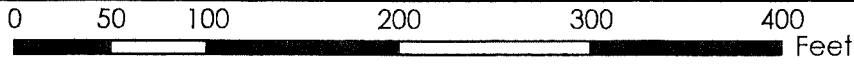
# 2009 AERIAL MAP

www.boonecountygis.com



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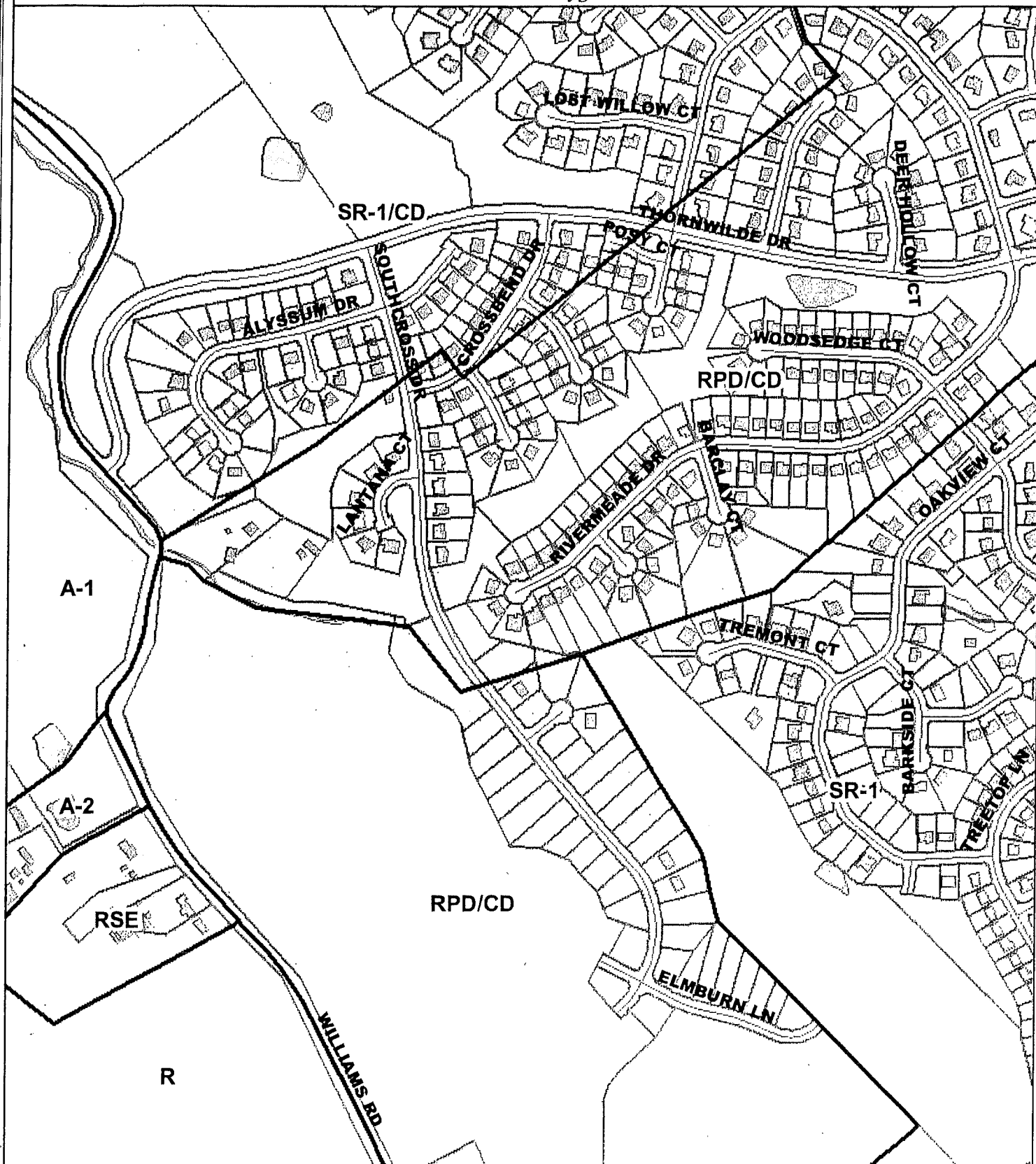
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**Boone County GIS - Putting Northern Kentucky on the Map**

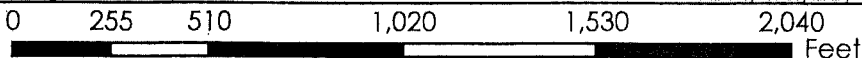
# ZONING MAP

www.boonecountygis.com



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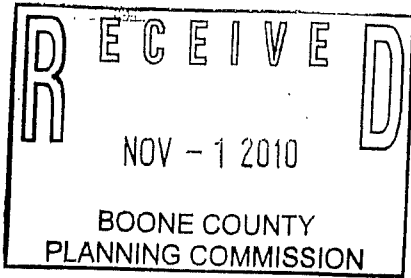
Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



1 inch = 500 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)

- (Check One) 1. Boone Florence Walton Union
(Check One) 2. Conditional Use Permit Variance Appeal
3. Applicant's Name CHAMPION PATIO ROOMS
Phone Number 513-200-1151 Fax No.
Applicant's Address 12121 CHAMPION WAY
CINCI OHIO 45241
City State Zip
4. Description of Request: VARIANCE ON REAR SET BACK (25' To 18')
5. Name of Development THORNWILDE
6. Location of Development HEBRON
7. Acreage Under Review APPROX. ACRES 0.23
8. Lot Number and Name of Subdivision (if part of a subdivision)
318 THORNWILDE 2155 Constan
9. Owner of Property WILLIAM M'CARTHY
Address of Property Owner 2155 CONSTAN CT Phone No. 859-534-6163
10. HEBRON KENTUCKY 41048
City State Zip
11. Proposed Use(s) on Site SINGLE SLOPE SCREEN ROOM ON EXISTING DECK
12. Total Square Footage of Existing and/or Proposed Buildings 396 SQ FT.
13. Current Zoning on Property RPD
14. Deed Book 982 Page No. 96 Group No. 2004
15. Is the site subject to a zone change?
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: Patricia McCarthy (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

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

COPY

CLUR #10-BCBOA-014-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)  
William McCarthy  
2155 Conistan Court  
Hebron, KY 41048
2. ADDRESS OF PROPERTY  
2155 Conistan Court  
Hebron, KY 41048
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)  
Thornwilde, Lot 318
4. DEED BOOK 982                      PAGE NO. 96                      GROUP NO. 2004
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

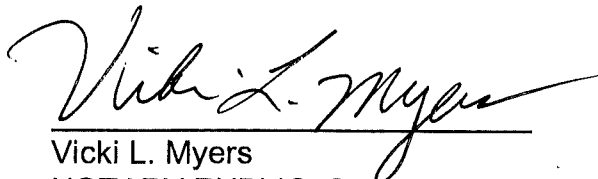
Todd K. Morgan  
SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

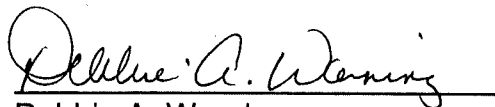
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the  
Boone County Planning Commission this 9 day of December, 2010.



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 December 8, 2010 Certificate of Land Use Restriction (#10-BCBOA-014-A), for William McCarthy, Property Owner(s).

The following condition will apply:

- 1) Two small trees (Amur Maple, Crabapple, etc.) are required to be installed to the north and northwest of the proposed screen room.

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

DEED BOOK 982 PAGE NO. 96 GROUP NO. 2004