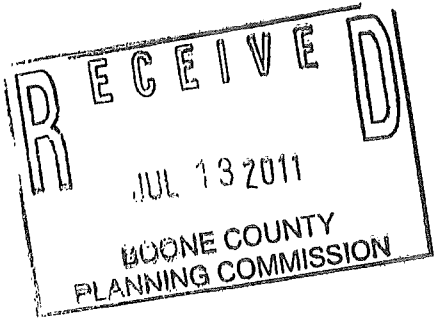


11-BCBOA-008-A

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)

- (Check One) 1. Boone [checked] Florence _____ Walton _____ Union _____ (Check One) 2. _____ Conditional Use Permit [checked] Variance _____ Appeal _____ Change in Non-Conforming Use _____ 3. Applicant's Name David Neff Phone Number 859 468 1820 Fax No. 859 334-3598 Applicant's Address 2501 Petersburg Rd / PO Box 2 Hebron Ky 41048 City State Zip 4. Description of Request: 8' variance To Build a covered front porch. (30' to 22') 5. Name of Development _____ 6. Location of Development _____ 7. Acreage Under Review 0.9269 8. Lot Number and Name of Subdivision (if part of a subdivision) _____ 9. Owner of Property David Neff Address of Property Owner 2501 Petersburg Rd / Box 2 Phone No. 859 468 1820 Hebron Ky 41048 City State Zip 10. 11. Proposed Use(s) on Site covered front porch 12. Total Square Footage of Existing and/or Proposed Buildings 1140 sq ft. 13. Current Zoning on Property SR-1 14. Deed Book 869 Page No. 508 Group No. 2007 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: [Signature] (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 7-13-11 Fee Received \$ 632.00 R#63184
- 2. Is application complete? Yes No CR
- 3. Staff Reviewer _____
- 4. Scheduled Board Action Date _____
- 5. Board Action:
8/10/11 **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: David Neff

LOCATION: 2501 Petersburg Road, Boone County, Kentucky

ZONING: Suburban Residential One (SR-1)

DATE: August 10, 2011

PROPOSAL

The applicant has requested a variance so an 8' x 42' covered porch can be constructed onto the front of his house. The submitted G.I.S. exhibit shows that the covered porch will be located 24' from the front property line but the applicant is seeking a 22' setback to allow for a small margin of error during construction. The request is to reduce the front yard setback from 30' to 22'.

APPLICABLE REGULATIONS

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 SR-1 zone as 30' front, 30' rear, and 5' minimum/15' total 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 approximate 0.9269 acre site is located on the southeast corner of the Petersburg Road/Benjamin Lane intersection and contains a single-family residential dwelling and a detached three car garage. Access to the property is provided from two access points on Peterburg Road. The sides and rear of the property are heavily wooded with mature deciduous trees. Woolper Creek runs along the rear property line.

SURROUNDING LAND USES & ZONING

North: KY 20, Single-Family Residential Dwelling, Showplace Garden Center, and a Pallet Company (I-2)

South: Single-Family Residential Dwelling Fronting on Benjamin Lane (SR-1)

East: Approximate 22.3 Acre Tract (SR-1)

West: Benjamin Lane and a Single-Family Residential Dwelling Fronting on KY 20 (SR-2)

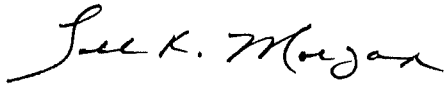
STAFF COMMENTS

1. Staff would like the applicant to address if the proposed roofing will match the existing roofing.
2. Staff believes the request will have little to no impact on adjoining properties. The sides of the property are heavily wooded with large deciduous trees and a garden/landscaping center and a pallet company are located across KY 20.
3. The Board should analyze if the request will alter the essential character of the general vicinity or if the provisions of the regulations will deprive the applicant of the reasonable use of the land.

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/dw

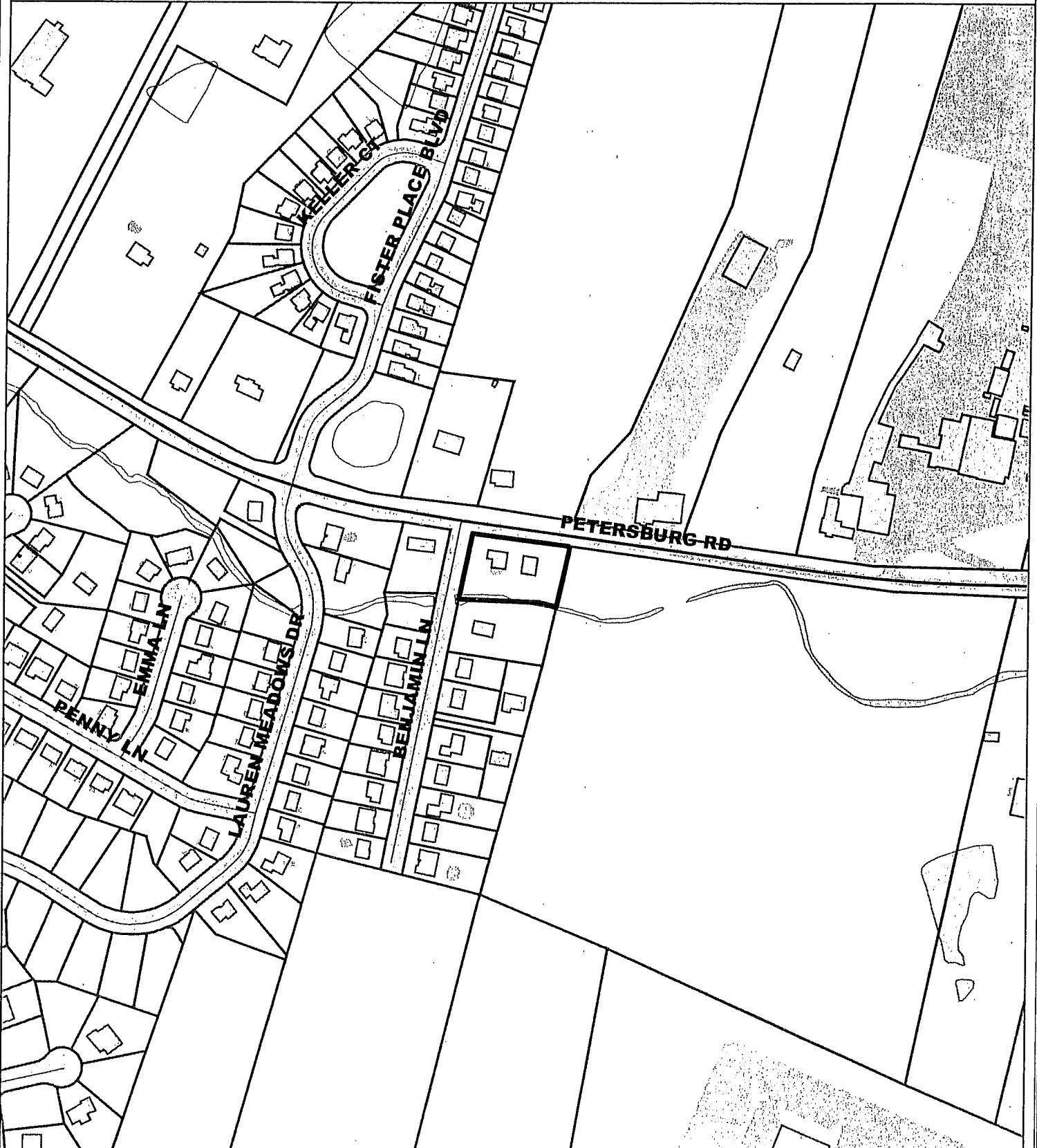
Attachments

- *Site Vicinity Map
- *Proposal
- *Porch Plans
- *2007 Aerial Map
- *Zoning Map
- *Application

SITE VICINITY MAP

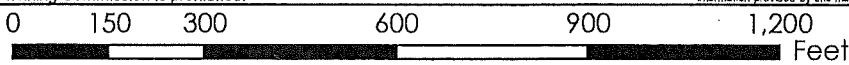
BC-11-008

www.boonecountygis.com



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Boone County GIS - Putting Northern Kentucky on the Map



Map Created: 01/10/2008

ArchMap Document: *.mxd

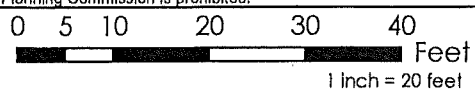
Boone County GIS Map

www.boonecountygis.com



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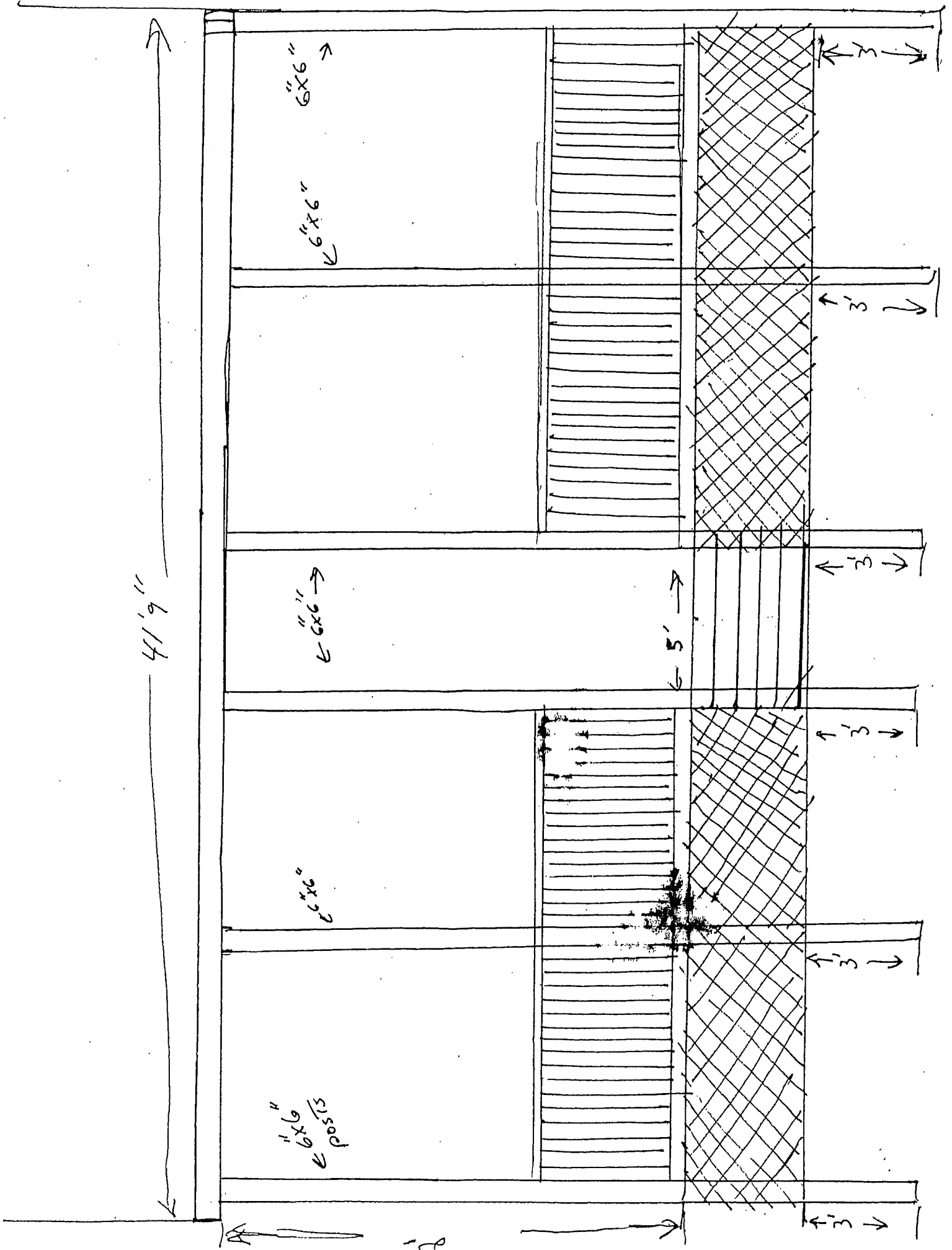
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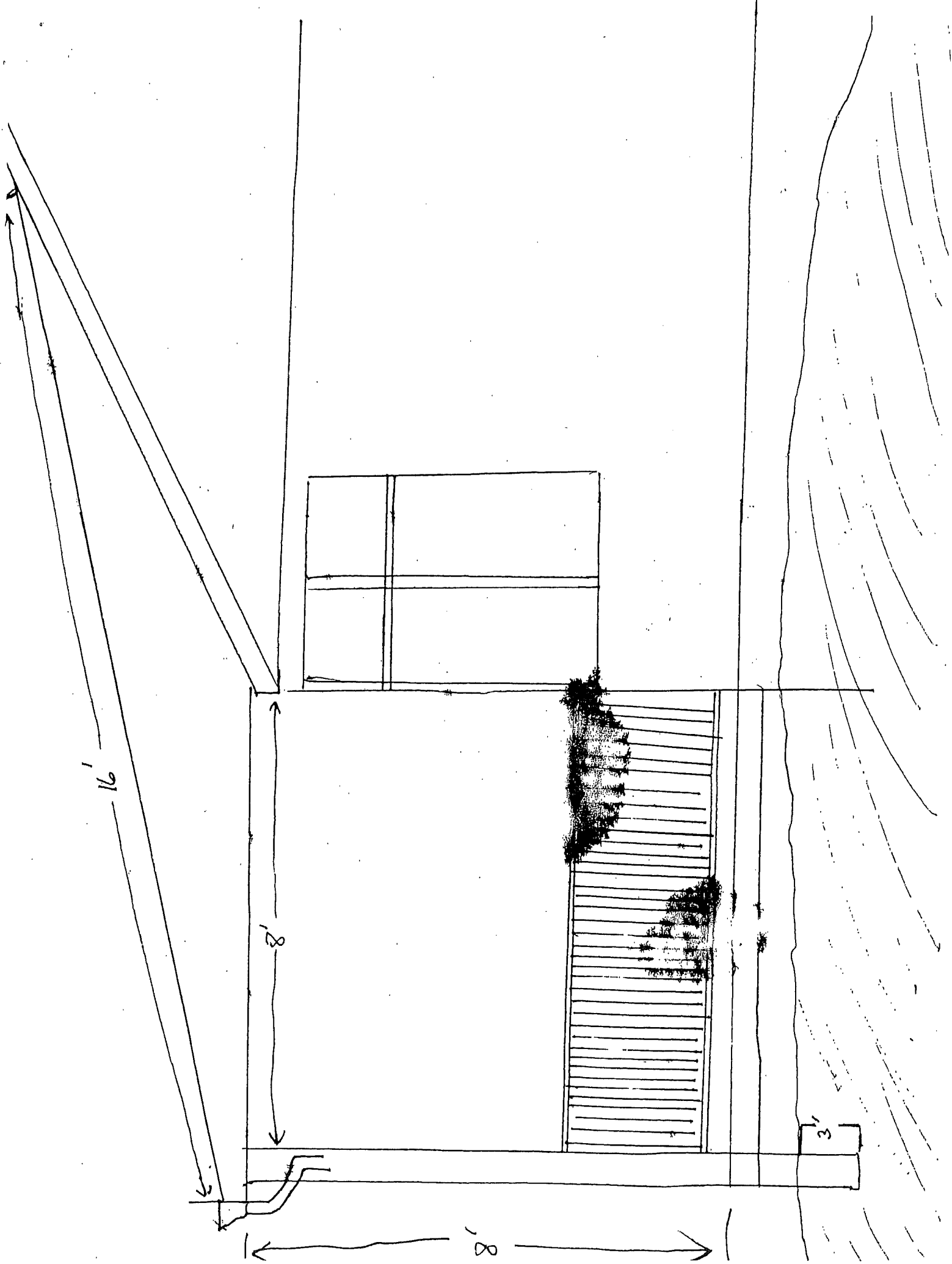


Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 01/01/2008

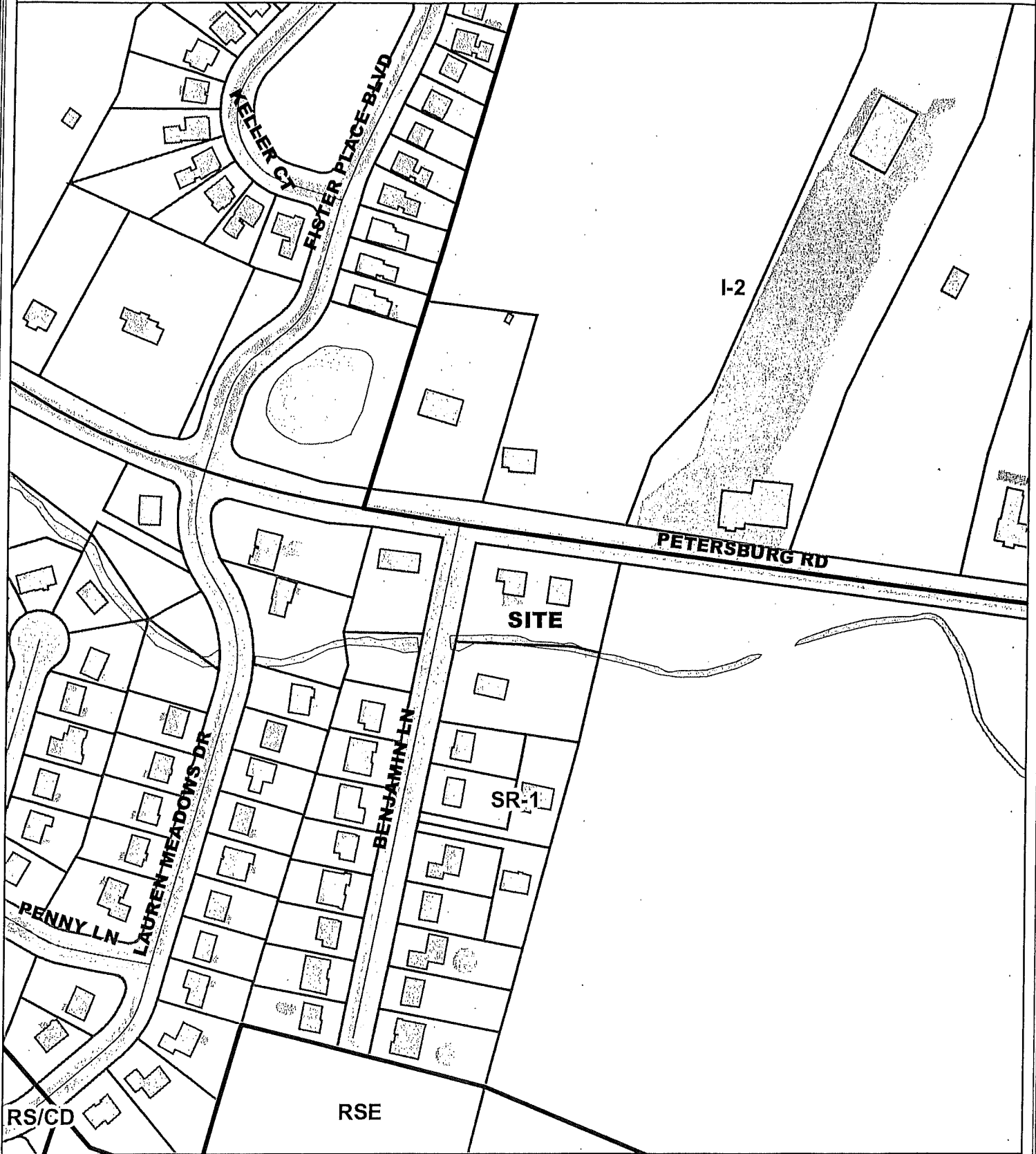
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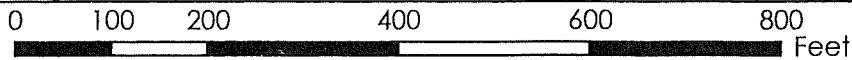
ZONING MAP

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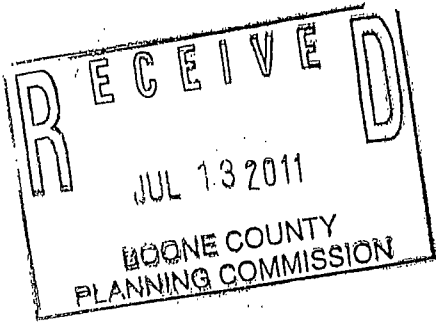
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1 inch = 200 feet



Boone County GIS - Putting Northern Kentucky on the Map



APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

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 David Neff
Phone Number 859 468 1820 Fax No. 859 334-3598
Applicant's Address 2501 Petersburg Rd / PO Box 2
Hebron KY 41048
City State Zip

4. Description of Request: 8' variance To Build a covered front porch (30' to 22')

5. Name of Development

6. Location of Development

7. Acreage Under Review 0.9269

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

9. Owner of Property David Neff

10. Address of Property Owner 2501 Petersburg Rd / Box 2 Phone No. 859 468 1820
Hebron KY 41048
City State Zip

11. Proposed Use(s) on Site covered front porch

12. Total Square Footage of Existing and/or Proposed Buildings 1140 sq ft.

13. Current Zoning on Property SR-1

14. Deed Book 869 Page No. 508 Group No.

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: [Signature]
(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 #11-BCBOA-008-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
David Neff
2501 Petersburg Road
Hebron, KY 41048
2. ADDRESS OF PROPERTY
2501 Petersburg Road
Hebron, KY 41048
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

4. DEED BOOK 869 PAGE NO. 508 GROUP NO. 2007
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

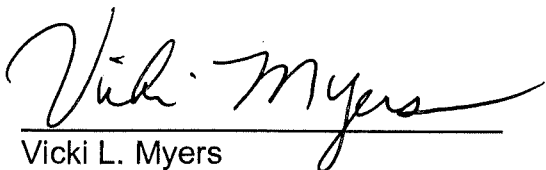
Todd K. Morgan, AICP, Senior Planner
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the

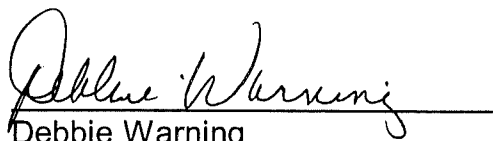
Boone County Planning Commission this 11 day of August, 2011.



Vicki L. Myers
Notary ID 438411
NOTARY PUBLIC, State at Large

My commission Expires:
April 17, 2015

This instrument was prepared for recording purposes only by:



Debbie 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 August 10, 2011 Certificate of Land Use Restriction (#11-BCBOA-008-A), for David Neff, 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 869

PAGE NO. 508

GROUP NO. 2007