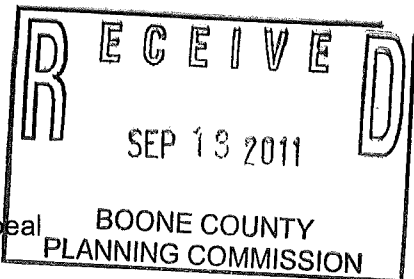


APPLICATION FORM

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

FIVE (5) SCALED COPIES AND ONE (1) 11X17 REDUCTION OF SUBMITTED DRAWINGS ARE REQUIRED

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 Tom Cox
Phone Number 859 282 6335 Fax No. _____
Applicant's Address 10329 BRUCE DR.
FLORENCE KY 41042
City State Zip
- 4. Description of Request: Reduce Front Yard setback
of House from 30' to 17.15'
- 5. Name of Development _____
- 6. Location of Development To south of 1935 Gun Club Road
and east of 1941 Gun Club Road
- 7. Acreage Under Review 0.308
- 8. Lot Number and Name of Subdivision (if part of a subdivision) _____
- 9. Owner of Property Tom Cox
Address of Property Owner 10329 BRUCE DR. Phone No. 2826335
FLORENCE KY 41042
City State Zip
- 10. _____
- 11. Proposed Use(s) on Site Single-Family Residence
- 12. Total Square Footage of Existing and/or Proposed Buildings _____
- 13. Current Zoning on Property SR-1
- 14. Deed Book 805 Page No. 545 Group No. 2089
- 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? _____
- 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: Tom Cox
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: Tom Cox
(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 9-13-11 Fee Received \$632⁰⁰ Receipt # 63577
2. Is application complete? Yes No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
10/12/11 **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: Tom Cox

LOCATION: Private Road south of Gun Club Road. The property is located south of 1935 Gun Club Road and east of 1941 Gun Club Road, Boone County, Kentucky.

ZONING: Suburban Residential One (SR-1)

DATE: October 12, 2011

PROPOSAL

The applicant is requesting a variance to allow a proposed 47' x 26' (1,222 square foot) single-family residential dwelling to encroach into the 30 foot front yard setback. The submitted plot plan shows the house will be located 20.24 feet from the front property line.

APPLICABLE REGULATIONS

17.15 (correction noted in meeting minutes)

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.

Table 31.1 of the Boone County Zoning Regulations lists the setback requirements for a detached single-family residential dwelling in the SR-1 zone as 30' front, 30' rear, and 5' minimum/15' total sides.

SITE CHARACTERISTICS

The subject property is 0.308 acres in area and is located on a private road that connects to Gun Club Road. Two sheds which house tools and lawn equipment are the only structures located on the property. The rear of the property is wooded with large deciduous trees. The submitted plot plan and survey shows that the topography of the parcel falls 14 feet from the northwest property corner to the rear property line. Public water and sanitary sewer service are not available.

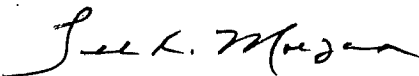
STAFF COMMENTS

1. A Conveyance Plat for the 0.308 acre tract was recorded on January 2, 1985.
2. The property owner has furnished a copies of the front elevation drawing and floor plan of the proposed house. He has also furnished a copy of his septic inspection report.
3. Staff does not believe the request will alter the essential character of the area. The property fronts on a private road and it is hard to identify the front property line.
4. Staff believes that the strict application of the 30' front yard setback requirement could create an unnecessary hardship on the applicant because of topography of the parcel falls off at the rear.
5. 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/vlm

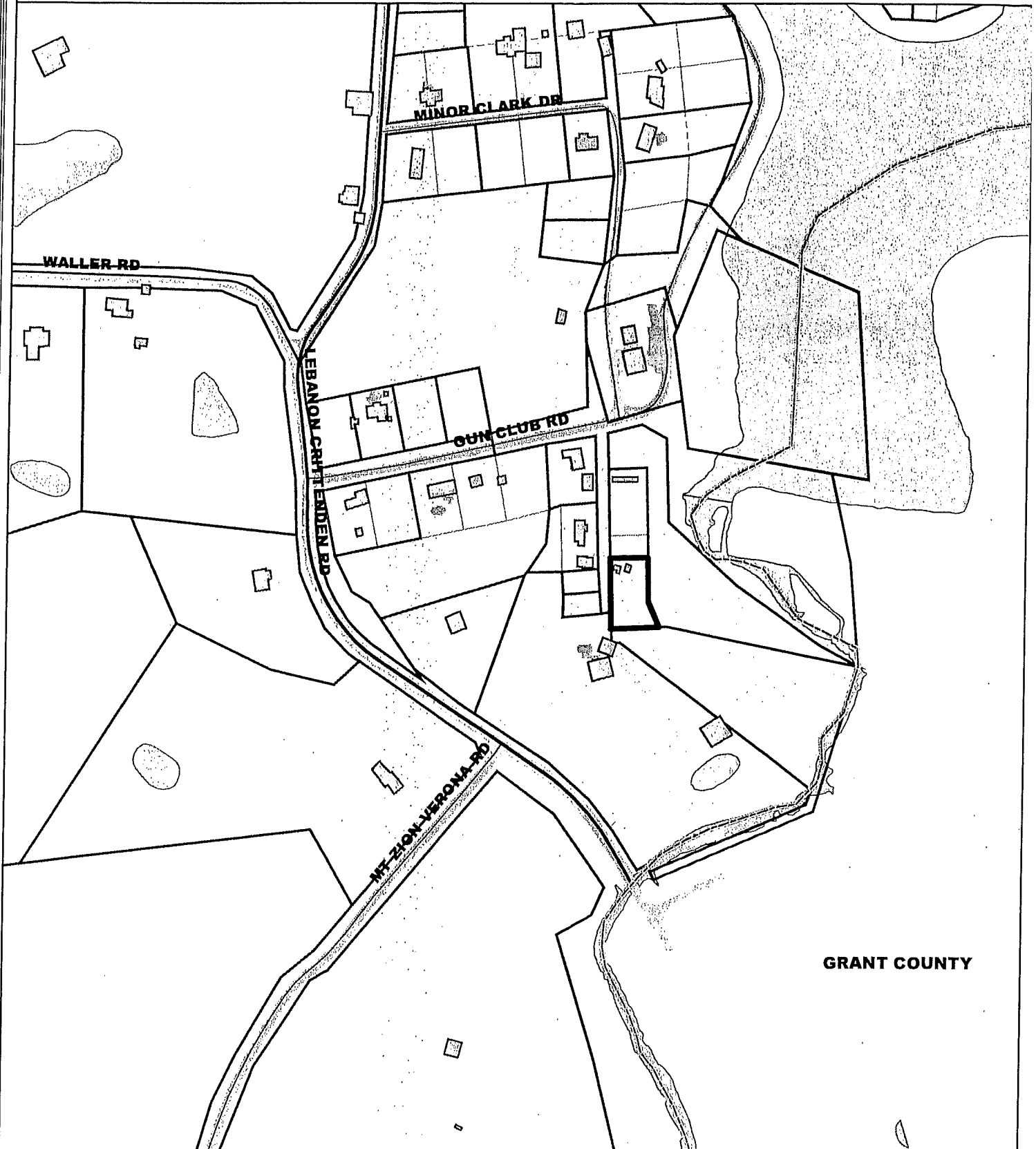
Attachments

- *Site Vicinity Map
- *Plot Plan
- *Front Elevation Drawing
- *Floor Plan
- *2009 Aerial Map
- *Zoning Map
- *Septic Inspection Report
- *Application

SITE VICINITY MAP

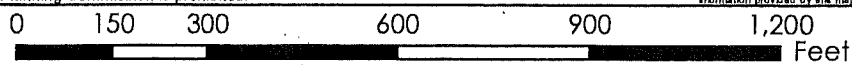
BCBOA 11-012

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1 inch = 300 feet



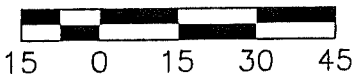
Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 01/01/2008

File Path: \\server\gis\maps\11-012.mxd
AppMap Document: *mxd

A CURRENT TITLE EXAMINATION/REPORT IS NECESSARY TO DETERMINE ANY ADDITIONAL EASEMENTS, RESTRICTIONS, COVENANTS, CONDITIONS OR ENCUMBRANCES WHICH MAY AFFECT THE LANDS HEREIN THIS MAP.

2 WORKING DAYS
BEFORE YOU DIG
 CALL TOLL FREE 800-362-2764
 OHIO UTILITIES PROTECTION SERVICE



STATE of KENTUCKY
 KENNETH R.
 COMBS
 3164
 LICENSED
 PROFESSIONAL
 LAND SURVEYOR

SETBACKS
 FRONT YARD=30'
 REAR YARD=30'
 SIDE YARD=5'/15' TOTAL

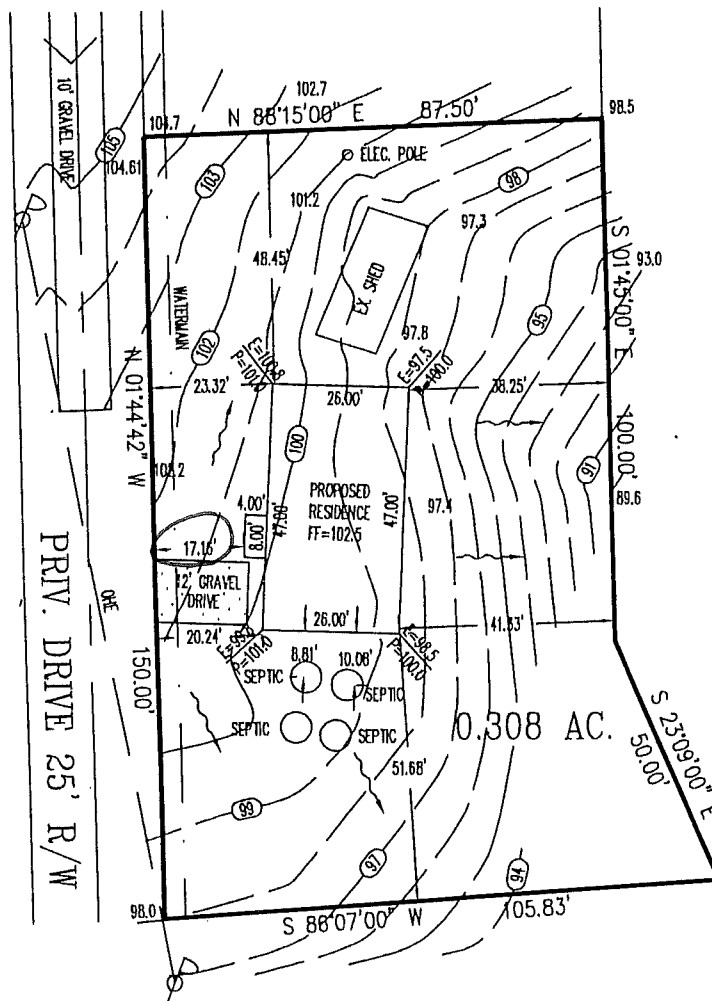
* THIS HOUSE DOES NOT MEET FRONT YARD SETBACK REQUIREMENTS *

INFORMATION FROM CONSTRUCTION DRAWINGS.
 CONTRACTOR IS TO VERIFY LOCATION AND DEPTH OF WATER AND SANITARY SERVICES BEFORE CONSTRUCTION.

ALL ELEVATIONS ARE EXISTING UNLESS SPECIFIED WITH AN "E" FOR EXISTING OR A "P" FOR PROPOSED. UNLESS F.F.E., M.O.E. OR M.B.E. ARE FIELD VERIFIED BY AN ENGINEERING FIRM, CONTRACTOR TAKES FULL RESPONSIBILITY FOR THE FINISH FLOOR ELEVATION.

A STANDARD FORMULA WAS USED TO DETERMINE FINISH FLOOR GRADE. FINAL FINISH FLOOR ELEVATION IS CONTRACTOR'S RESPONSIBILITY.

Prior to construction, a geotechnical report shall be obtained by the builder. Apex assumes no responsibility for soil conditions.



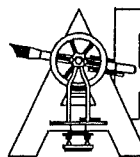
PROJECT No. 110673

DWG No. 110673PB

DATE: 09-08-11

POTTERHILL HOMES

PLOT PLAN
 0.308 ACRES
 GUN CLUB DRIVE
 BOONE COUNTY
 KENTUCKY



APEX
 ENGINEERING & SURVEYING, INC.
 1068 NORTH UNIVERSITY BLVD. MIDDLETOWN, OHIO 45042
 PH.-(513) 424-5202 OR (513) 932-8991 FAX - (513) 424-6202

SCALE: 1"=20'

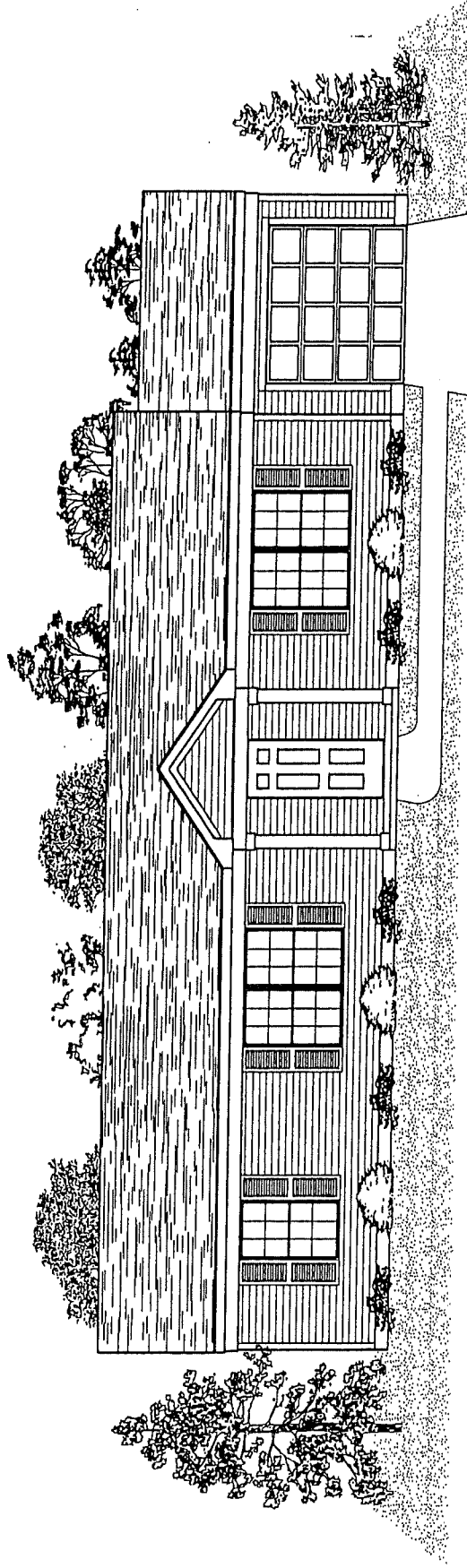
DRAWN: JWC

CHECKED:

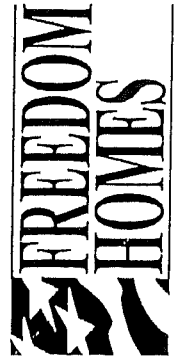
• Freedom 1222 •

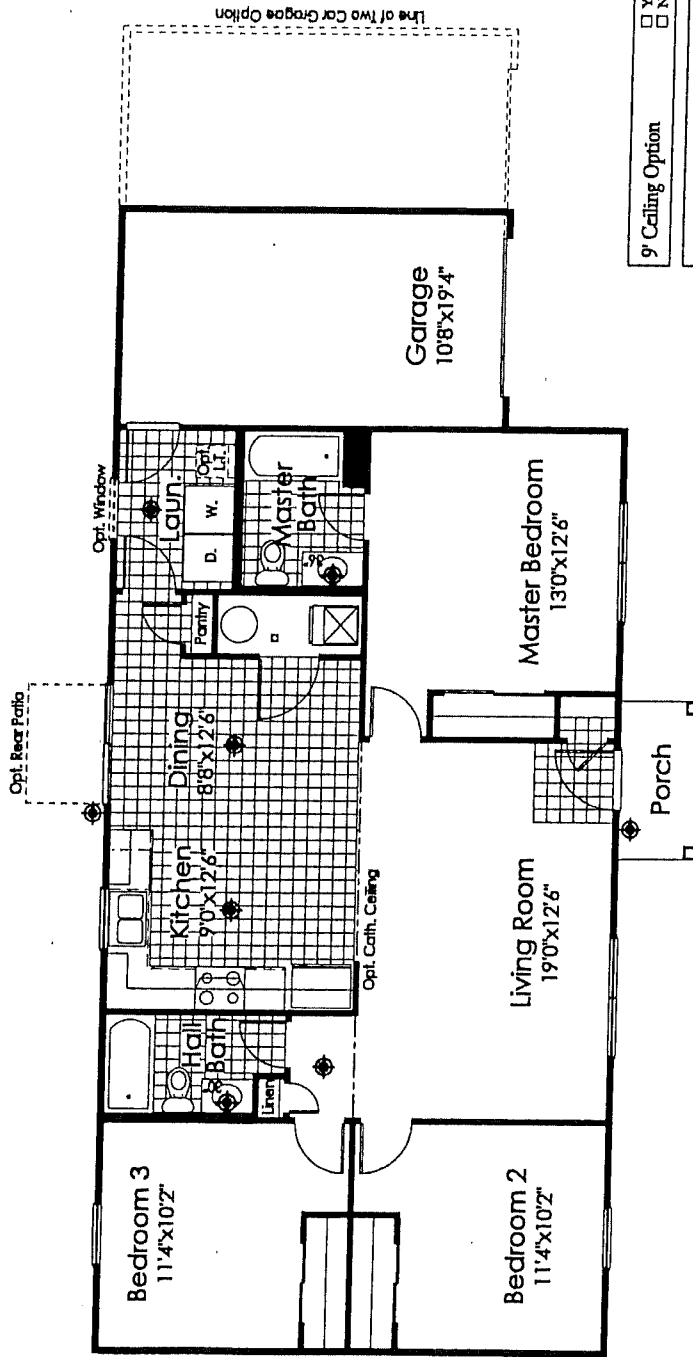
ELEVATIONS
& FLOOR PLANS

\$ 73,880.00



Freedom 1222
Elevation "A"





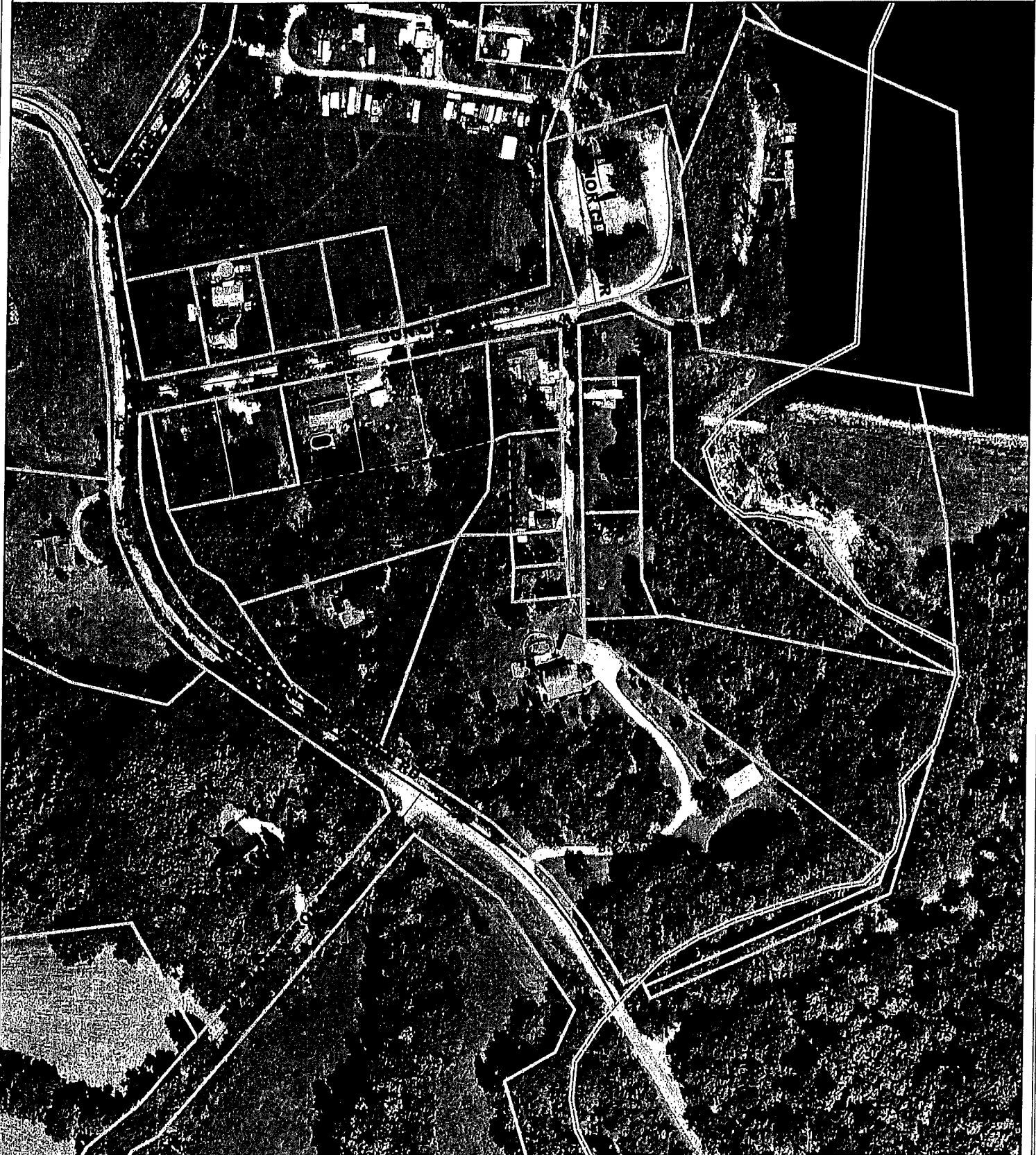
9' Ceiling Option	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Brick Front Option	<input type="checkbox"/> Yes	<input type="checkbox"/> No

First Floor Plan
 ◆ = LIGHT FIXTURE LOCATION



2009 AERIAL MAP

www.boonecountygis.com



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0 8,750 17,500 35,000 52,500 70,000 Feet

1 Inch = 83,333 feet

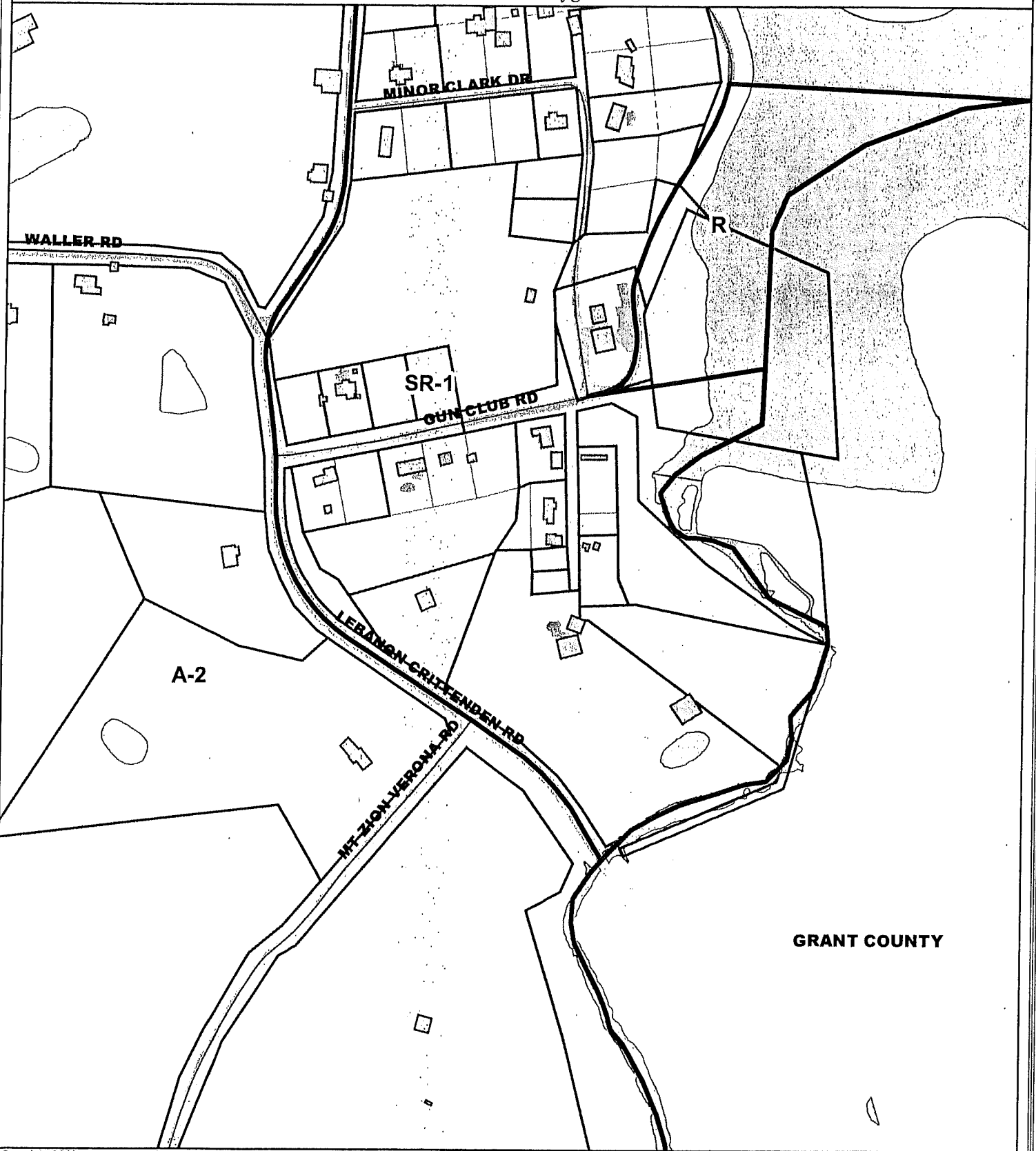


Boone County GIS - Putting Northern Kentucky on the Map



ZONING MAP

www.boonecountygis.com



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0 8,750 17,500 26,250 35,000 43,750 52,500 61,250 70,000

Feet

1 inch = 83,333 feet



Boone County GIS - Putting Northern Kentucky on the Map



ONSITE SEWAGE DISPOSAL SYSTEM
CONTINUOUS INSTALLATION INSPECTION REPORT

B-03076-18

Permit No.

Location/Address of Property: off Gunclub Rd. County: Boone

Name of Owner: Thomas Cox Name of Installer: John Mullins

Private Installation: Commercial Installation: Other:

Installers shots

Excavation (Service Type - 05)

- | | YES | NO | | YES | NO |
|--|--------------------------|--------------------------|---|--------------------------|--------------------------|
| 1. Area staked off for system, undisturbed, not regraded. | <input type="checkbox"/> | <input type="checkbox"/> | 4. System layout complies with design as approved. | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. System laid out in this area. | <input type="checkbox"/> | <input type="checkbox"/> | 5. Soil moisture check made by installer before excavation (Group IV Soils Only); and passed (no smearing). | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. System laid out on surface and grades shot before excavation. | <input type="checkbox"/> | <input type="checkbox"/> | 6. Excavation work meets standards for grade, depth, lateral(s) length, spacing, etc. | <input type="checkbox"/> | <input type="checkbox"/> |

Deficiencies to be corrected before approval is granted (if any): _____

Deficiencies Corrected (if any): Yes No Initial Installation Approved Yes No
Inspected by: _____ Certificate Number: _____ Date: _____

NOTE: If the excavation inspection is waived, installer's affidavit must be attached. ACTION CODE #K

Installation (Service Type - 01)

- Excavation installation work undisturbed, unaltered Yes No
- System properly installed as to grade, (to be checked by certified inspector with transit and leveling rod) size, type, length of laterals, curtain drains, other site modifications, etc. Yes No

3. List component code number(s) for:

- A. Septic Tanks(s) Ky C15 047
- B. Aerobic Unit _____
- D. Alternating Valve _____
- E. Distribution Box(s) _____
- F. Non-Perforated Piping 5" H 35 Pipe Manufacturer's Name 4" Pipe: Fe Jet Stream
- G. Perforated Lateral Piping H-10 Pipe Manufacturer's Name Infiltrator 3' wide
- H. Pump(s) Model No. _____ Manufacturer's Name _____
- I. Switches, Controls, Model No.'s. _____ Manufacturer's Name: _____
- J. Other (Describe) _____ Code or Model No. _____

- K. Type of trench fill material used: Crushed Limestone ; Gravel ; Crushed Furnace Slag ; Pea Gravel ; Sand ; Average Diameter of Trench Fill Material _____ in.
- L. Type of trench barrier material used: Straw ; Hay ; Spun Polyester ; Other Synthetic Material . Thickness of barrier material used _____ in. ✓

Deficiencies to be corrected before approval is granted (if any): Backfill

Deficiencies Corrected (if any): Yes No Final Installation Approved: Yes (Action Code A) No (Action Code Y)

Inspected By: James Newman R.S. Certificate Number: 61466

NKIDHD Date: 10-8-03

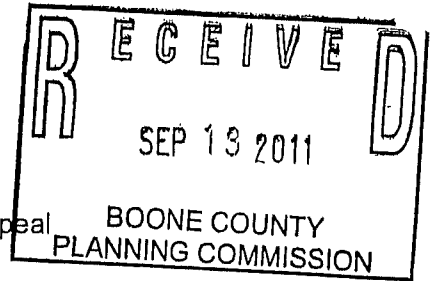
Todd Morgan
859-334-2196
Boone County

APPLICATION FORM

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

FIVE (5) SCALED COPIES AND ONE (1) 11X17 REDUCTION OF SUBMITTED DRAWINGS ARE REQUIRED

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 Tom Cox
 Phone Number 859 282 6395 Fax No. _____
 Applicant's Address 10329 BRUCE DR.
FLORENCE KY 41042
City State Zip
 - Description of Request: Reduce Front Yard setback
of House from 30' to 17.15'
 - Name of Development _____
 - Location of Development To south of 1935 Gun club Road
and east of 1941 Gun club Road
 - Acreage Under Review 0.308
 - Lot Number and Name of Subdivision (if part of a subdivision) _____
 - Owner of Property Tom Cox
 Address of Property Owner 10329 BRUCE DR. Phone No. 2826395
FLORENCE KY 41042
City State Zip
 - Proposed Use(s) on Site Single-Family Residence
 - Total Square Footage of Existing and/or Proposed Buildings _____
 - Current Zoning on Property SR-1
 - Deed Book 805 Page No. 545 Group No. 2089
 - Is the site subject to a zone change? _____
 If yes, give date of approval _____
 - Have you submitted a Site Plan with this request? yes
 - Have you submitted a list of adjoining property owners with this request? _____
 - 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: Tom Cox
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

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

COPY

CLUR #11-BCBOA-012-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Tom Cox
10329 Bruce Drive
Florence, KY 41042
2. ADDRESS OF PROPERTY
South of 1935 Gun Club Road
East of 1941 Gun Club Road
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
N/A
4. DEED BOOK 805 PAGE NO. 545 GROUP NO. 2089

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, AICP, 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 18th day of October, 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:



Patricia Russ
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 12, 2011 Certificate of Land Use Restriction (#11-BCBOA- 012-A), for Tom Cox, 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 805 PAGE NO. 545 GROUP NO. 2089