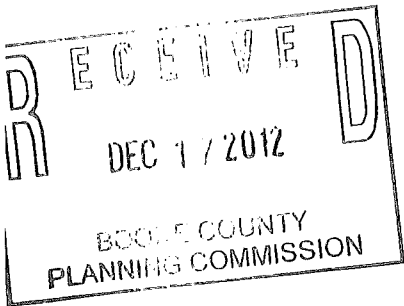


12/18/2012  
1/9/2013



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)

- 1.  Boone \_\_\_\_\_ Florence \_\_\_\_\_ Walton \_\_\_\_\_ Union \_\_\_\_\_

(Check One)

- 2. \_\_\_\_\_ Conditional Use Permit  \_\_\_\_\_ Variance \_\_\_\_\_ Appeal \_\_\_\_\_  
\_\_\_\_\_ Change in Non-Conforming Use \_\_\_\_\_

- 3. Applicant's Name WILLIAM CULLEN - CULLEN BROTHERS, LLL  
Applicant's Address 1800 COACH TRAIL HEBBON, KY 41048

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone Number 513-615-2269 Fax No. \_\_\_\_\_ E-Mail \_\_\_\_\_

- 4. Description of Request: Reduce 30' FRONT YARD SET BACK TO 24' +/- TO ALLOW FOR CONSTRUCTION OF FRONT PORCH. FRONT DOOR CURRENTLY LEAKS.

- 5. Name of Development \_\_\_\_\_

- 6. Location of Development 2164 LUMBER JUMP DRIVE HEBBON, KY 41048

- 7. Acreage Under Review .38

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

- 9. Owner of Property JACK & DEBBIE WESSNER  
Address of Property Owner 2164 LUMBER JUMP HEBBON, KY 41048

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone Number 513 615 2269 Fax No. \_\_\_\_\_ E-Mail W.CULLEN@INSIGHTBB.COM

- 11. Proposed Use(s) on Site SINGLE FAMILY Dwelling with covered front Porch.

- 12. Total Square Footage of Existing and/or Proposed Buildings 2200 Approx.

- 13. Current Zoning on Property SP-1

- 14. Deed Book 897 Page No. 820 Group No. 2004

- 15. Is the site subject to a zone change? N/A

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] Deborah Wessner  
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

**ORIGINAL Applicant's Signature:** [Signature]  
(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 12/17/12 Fee Received \$132.00 Receipt # 66083
2. Is application complete?  Yes  No
3. Staff Reviewer \_\_\_\_\_
4. Scheduled Board Action Date \_\_\_\_\_
5. Board Action:  
1/9/13 **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](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: Cullen Brothers, LLC for Jack and Debbie Wessner

LOCATION: 2164 Lumberjack Drive, Boone County, Kentucky

ZONING: Suburban Residential One (SR-1)

DATE: January 9, 2013

### Proposal

The applicant has submitted a variance application to allow a 5' x 8½' covered porch to be constructed onto the front of a house and encroach into the front yard setback. The request is to reduce the front yard setback from 30' to 24'.

### 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 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 subject property is approximately 0.38 acres in area and is located directly across from an "eyebrow" on Lumberjack Drive. The property contains a two-story brick and vinyl side house with a side entry garage. Boone County GIS shows the topography of the parcel falls 868' above sea level at the southeast property boundary to 850' above sea level along the northwest property line.

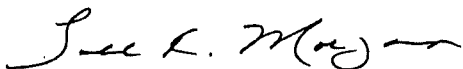
#### Staff Comments

1. The applicant started work on the project without zoning and building permits and Boone County Building Department issued a stop work order. One of the Variance criteria states that the Board shall deny any request arising from circumstances that are the result of willful violations of the zoning regulation by the applicant. Staff would like the applicant to explain why work started without permits.
2. The applicant submitted a rendering of the proposed porch and Staff does not believe the structure will alter the essential character of the area.
3. The applicant submitted a petition from the nine adjoining property owners. The petition indicates that they have no objection to the proposed construction.
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

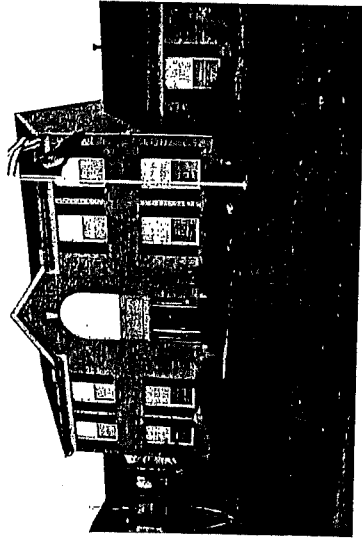
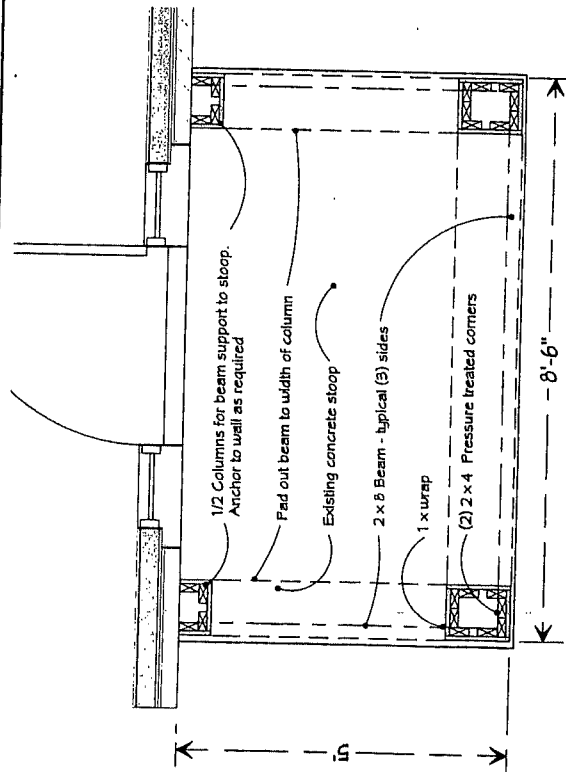
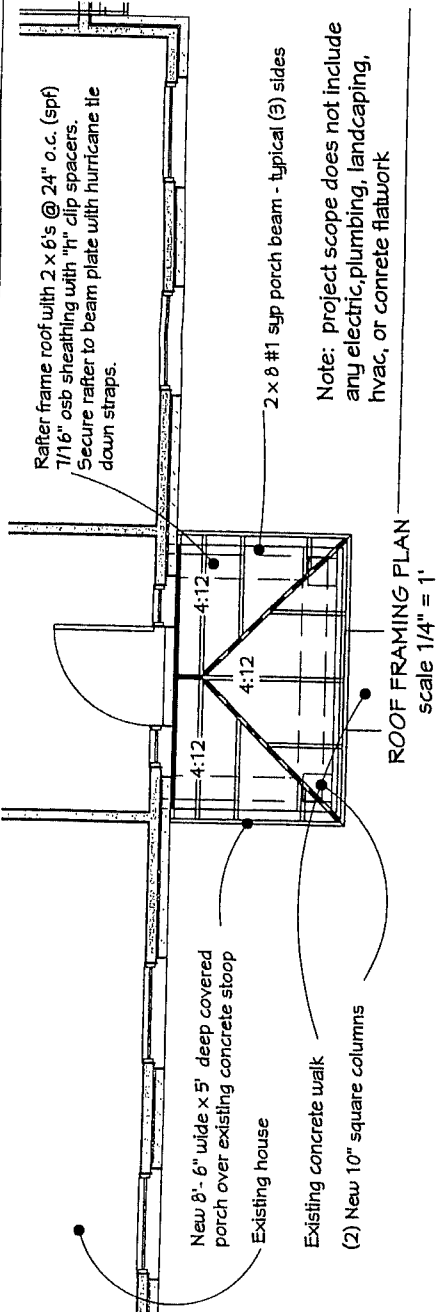
TKM/dw

Attachments

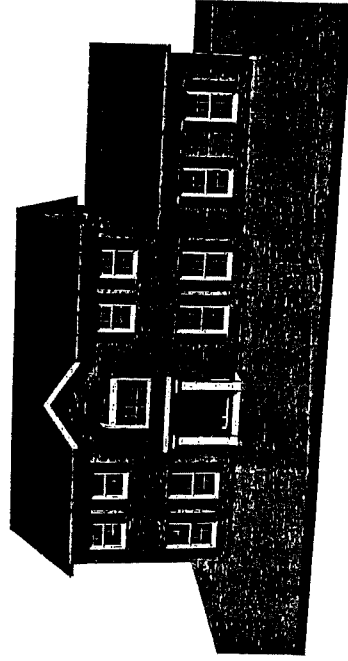
- \*Site Vicinity Map
- \*Plot Plan
- \*Roof Plan, Porch Plan, and Rendering
- \*2009 Aerial Map
- \*Zoning Map
- \*Topographical Map
- \*Petition Signed By Adjoining Property Owners
- \*Application







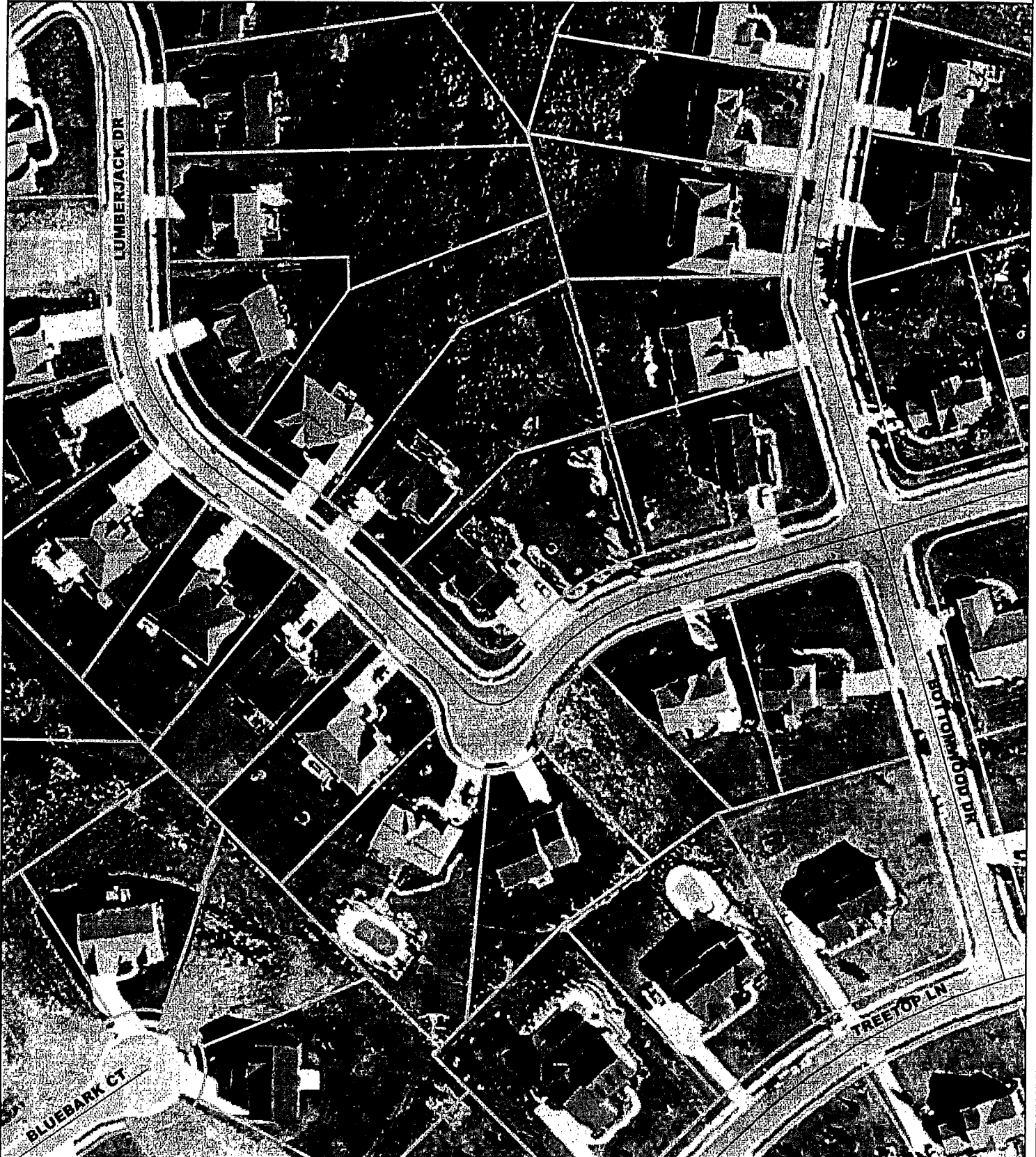
EXISTING ELEVATION



PROPOSED ELEVATION

# 2009 AERIAL MAP

www.boonecountygis.com



Copyright 2011 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

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.



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



Copyright 2011 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

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.

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



1 inch = 83,333 feet

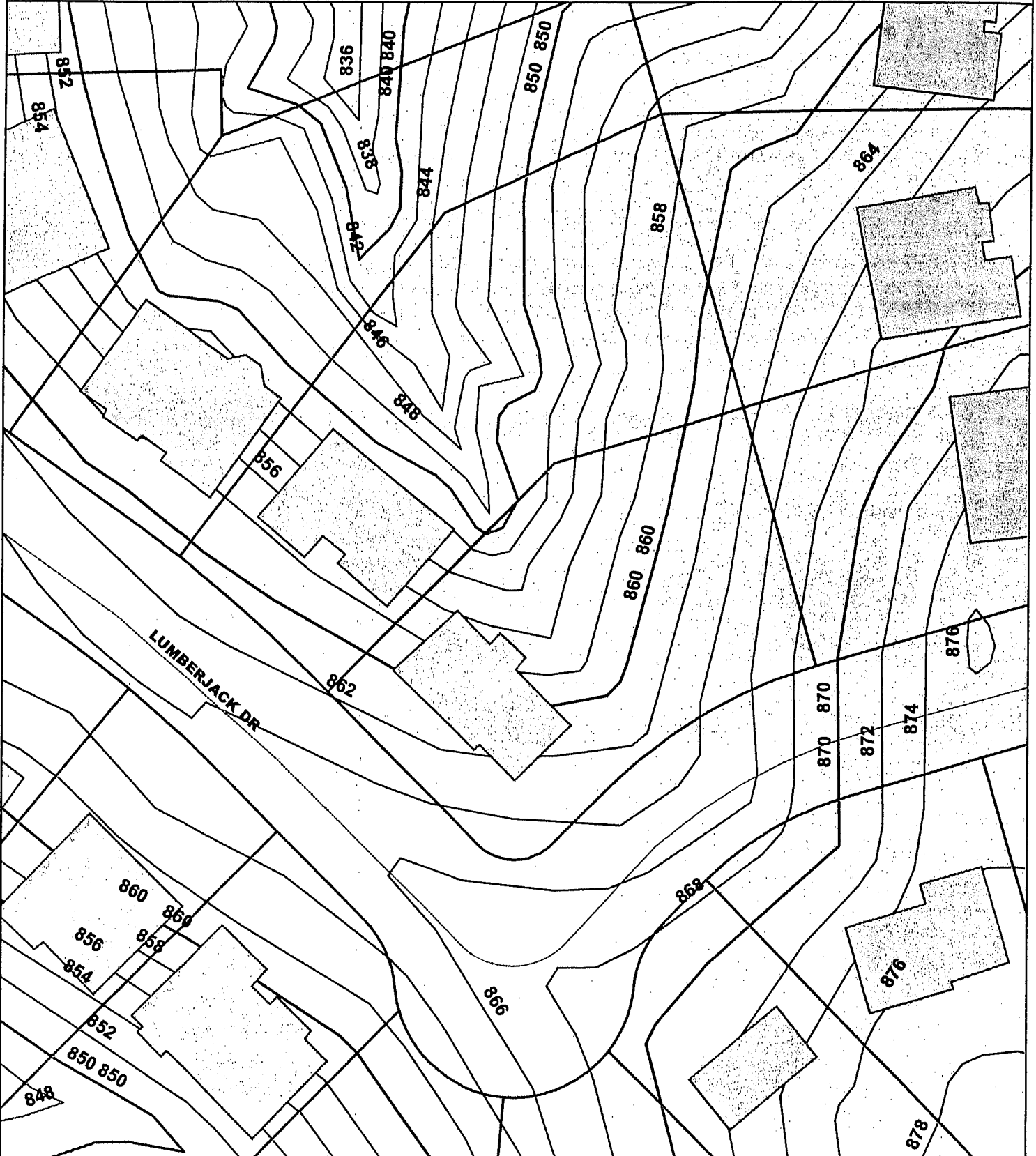


**Boone County GIS - Putting Northern Kentucky on the Map**



# TOPOGRAPHICAL MAP

www.boonecountygis.com



Copyright 2011 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

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.

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**



December 13, 2012

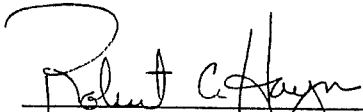
To: Adjacent Property Owner


We, Jack and Debbie Wessner residing at 2164 Lumber Jack Drive Hebron Kentucky 41048 wish to construct a covered porch over our front door. Currently our door leaks during heavy rains and in the summer during excessive heat and sun the door expands so tightly it will not open. The porch is intended to shield the door from the rain and sun. The size of the porch is approximately 8' - 6" wide x 6' deep. Attached is a propped rendering of the final appearance.

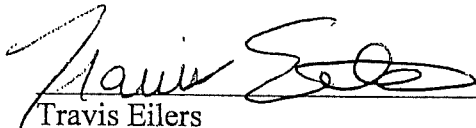
In order to obtain the necessary permits to build the porch we have to obtain a zoning variance. The current zoning ordinances for our section of Tree Tops subdivision require a front yard setback of 30' and the builder of our home built the house at the minimum. As such we need a variance from the ordinance of approximately 6' as the front porch will encroach into the minimum setback.

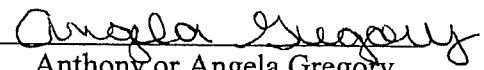
By signing this document you are made aware of our request for this zoning variance and find no fault with our request and grant your consent to the construction of the porch. Thank you for your cooperation.

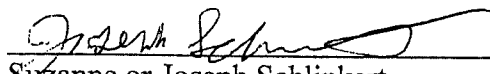
Jack and Debbie Wessner.

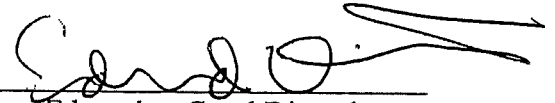
  
Robert C. or Rebecca Hayes  
2168 Lumber Jack


  
Kenneth or Bridgette Johnson  
1538 Bottomwood


  
Travis Eilers  
1542 Bottomwood

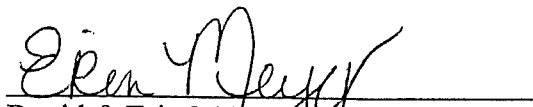
  
Anthony or Angela Gregory  
2151 Lumber Jack

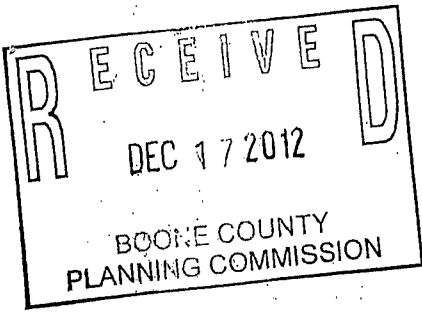
  
Suzanne or Joseph Schlinkert  
2155 Lumber Jack

  
Edward or Carol Dinatale  
2159 Lumber Jack

  
Gary & Amy Wells  
2163 Lumber Jack

  
Carl & Masami Kerby  
2167 Lumber Jack

  
David & Erin Myer  
2171 Lumber Jack



APPLICATION FORM

12/18/2012  
1/9/2013

**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)
1.  Boone \_\_\_\_\_ Florence \_\_\_\_\_ Walton \_\_\_\_\_ Union \_\_\_\_\_
- (Check One)
2. \_\_\_\_\_ Conditional Use Permit  Variance \_\_\_\_\_ Appeal \_\_\_\_\_  
\_\_\_\_\_ Change in Non-Conforming Use \_\_\_\_\_
  3. Applicant's Name WILLIAM CULLEN - CULLEN BROTHERS, LLL  
Applicant's Address 1860 COACH TRAIL HEBRON, KY 41048  
\_\_\_\_\_  
City 513-615-2269 State \_\_\_\_\_ Zip \_\_\_\_\_  
Phone Number \_\_\_\_\_ Fax No. \_\_\_\_\_ E-Mail \_\_\_\_\_
  4. Description of Request: REDUCE 30' FRONT YARD SET BACK TO 24' +/- TO ALLOW FOR CONSTRUCTION OF FRONT PORCH. FRONT DOOR CURRENTLY LEAKS.
  5. Name of Development \_\_\_\_\_
  6. Location of Development 2164 LUMBER JAIL DRIVE HEBRON, KY 41048
  7. Acreage Under Review .38
  8. Lot Number and Name of Subdivision (if part of a subdivision)  
371 TREETOPS
  9. Owner of Property JACK & DEBBIE WESSNER  
Address of Property Owner 2164 LUMBER JAIL HEBRON, KY 41048  
\_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Phone Number 513 615 2269 Fax No. \_\_\_\_\_ E-Mail W/CULLEN@INSIGHTBB.COM
  11. Proposed Use(s) on Site SINGLE FAMILY DWELLING WITH COVERED FRONT Porch.
  12. Total Square Footage of Existing and/or Proposed Buildings 2200 APPROX.
  13. Current Zoning on Property SP-1
  14. Deed Book 897 Page No. 820 Group No. 2004
  15. Is the site subject to a zone change? N/A  
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] Deborah Wessner  
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

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

GOPY

CLUR #13-BCBOA-001-A

CERTIFICATE OF LAND USE RESTRICTION

- 1. NAME AND ADDRESS OF PROPERTY OWNER(S)  
Jack & Debbie Wessner  
2164 Lumberjack  
Hebron, KY 41048
  
- 2. ADDRESS OF PROPERTY  
2164 Lumberjack  
Hebron, KY 41048
  
- 3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)  
Cullen Brothers, LLC
  
- 4. DEED BOOK 897      PAGE NO. 820      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

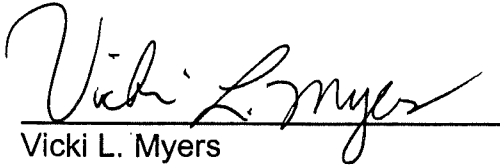
Todd K. Morgan, Senior Planner, Zoning Services  
Name and Title of Completing Official

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 10th day of January, 2013.



Vicki L. Myers

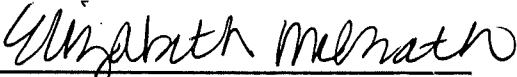
Notary ID 438411

NOTARY PUBLIC, State at Large

My commission Expires:

April 17, 2015

This instrument was prepared for recording purposes only by:



Elizabeth McGrath

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 Board of Adjustments and in accordance with the current zoning in effect as of January 9, 2013 Certificate of Land Use Restriction (#13-BCBOA-001-A), for Jack & Debbie Wessner, Property Owner(s).

The following conditions will apply:

The approved Variance as well as the preceding conditions apply to the property described in:

DEED BOOK 897 PAGE NO. 820 GROUP NO. 2004