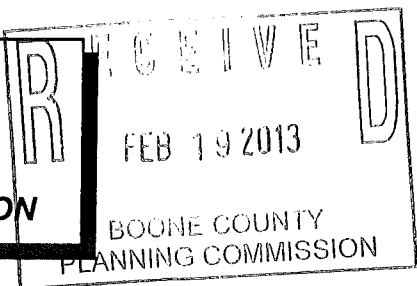


BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION



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 [checked] Florence _____ Walton _____ Union _____
2. (Check One) Conditional Use Permit _____ Variance [checked] Appeal _____
3. Applicant's Name BOB BOYD FOR CHAMPION PATIO ROOMS
Applicant's Address 12121 CHAMPION WAY
CINCI OHIO 45241
City State Zip
4. Description of Request: REDUCE REAR YARD SETBACK TO ALLOW CONSTRUCTION OF SUN ROOM
5. Name of Development _____
6. Location of Development 1374 CROSSBEND NEBRON KY.
7. Acreage Under Review _____
8. Lot Number and Name of Subdivision (if part of a subdivision)
Lot 394 Thornwilde
9. Owner of Property PAM LEDDEN
Address of Property Owner SAME AS ABOVE
10. City State Zip
Phone Number 513-505-5205 Fax No. _____ E-Mail _____
11. Proposed Use(s) on Site HOUSE WITH SUNROOM ADDITION
12. Total Square Footage of Existing and/or Proposed Buildings 168 SQ FT.
13. Current Zoning on Property SR-1 and RPD
14. Deed Book 991 Page No. 790 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: [Signature]
(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 2/19/13 Fee Received \$132.50 Receipt # 00330
2. Is application complete? Yes No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
3/13/13 **Approved**
Approved with Conditions (See #6)
Denial (See #7)
6. Conditions of Approval: A copy of the Thorndwilde HOA approval must be submitted with the zoning permit application
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: Bob Boyd for Champion Patio Rooms

LOCATION: 1374 Crossbend Drive, Boone County, Kentucky

ZONING: Suburban Residential One (SR-1) and Residential Planned Development (RPD)

DATE: March 13, 2013

Proposal

The applicant is requesting a variance to allow an 12' x 14.5' (174 square foot) sunroom to be constructed onto the back of a house and encroach into the 25' rear yard setback. The sunroom is proposed on an existing deck, which is 12' x 20'. The request is to reduce the rear yard setback from 25' to 15' to allow the sunroom addition.

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 - Part of 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 - Boone County Planning Commission approves a Zoning Permit allowing a house to be constructed on the lot. The plan does not show a deck as part of the project.

Site Characteristics

The subject property is approximately 0.19 acres in area and is located on the southeast side of Crossbend Drive. 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 838 feet above sea level along the northeast property line to 830 feet above sea level at the southeast property boundary.

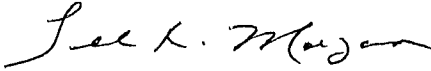
Staff Comments

1. Zoning and Building Permits were not obtained for the 12' x 20' deck that is currently on the back of the house. Per Section 3123 of the Boone County Zoning Regulations, a Zoning Permit application could be approved for the deck because it is an open structure and the decking is less than 3 feet above grade.
2. Staff would like the applicant or property owner to address the following:
 - A. When was the deck constructed?
 - B. A brochure was submitted showing a similar sunroom. Is the exterior appearance of this sunroom going to be similar to the one in the brochure?
 - C. Has the Thornwilde Home Owners Association approved the sunroom addition?
 - D. The proposed sunroom will be highly visible from Softwind Court and Rockcreek Court. Is any landscaping being proposed in the rear or side yards?
3. The Board granted a similar request back for 2155 Conistan Court (Thornwilde Subdivision) back in 2010. The request was to reduce the 25' rear yard setback to 18' so a screened room could be constructed onto the back of a house. Staff has attached the Board conditions to the back of the report and taken some pictures of the property
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

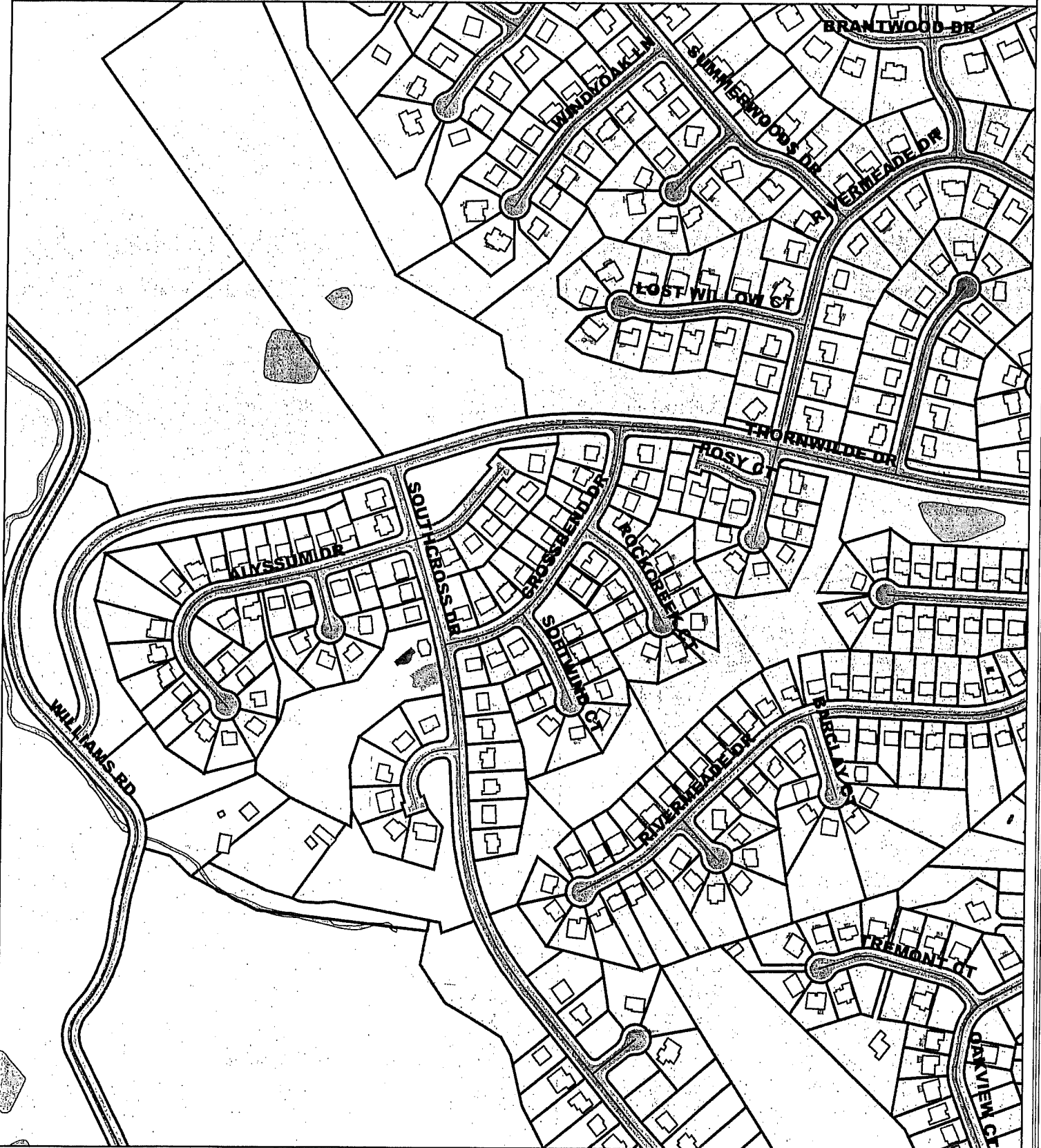
TKM/dw

Attachments

- *Site Vicinity Map
- *2012 Aerial Map Showing Existing Deck and Proposed Setback
- *Champion Patio Rooms Brochure
- *Sunroom Floor Plan, Elevation Drawings & Roof Plan
- *2012 Aerial Map
- *Zoning Map
- *Conditions of Approval for 2155 Conistan Court
- *Application

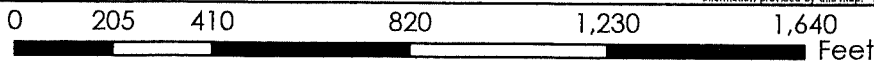
SITE VICINITY MAP

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.



Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 01/01/2008

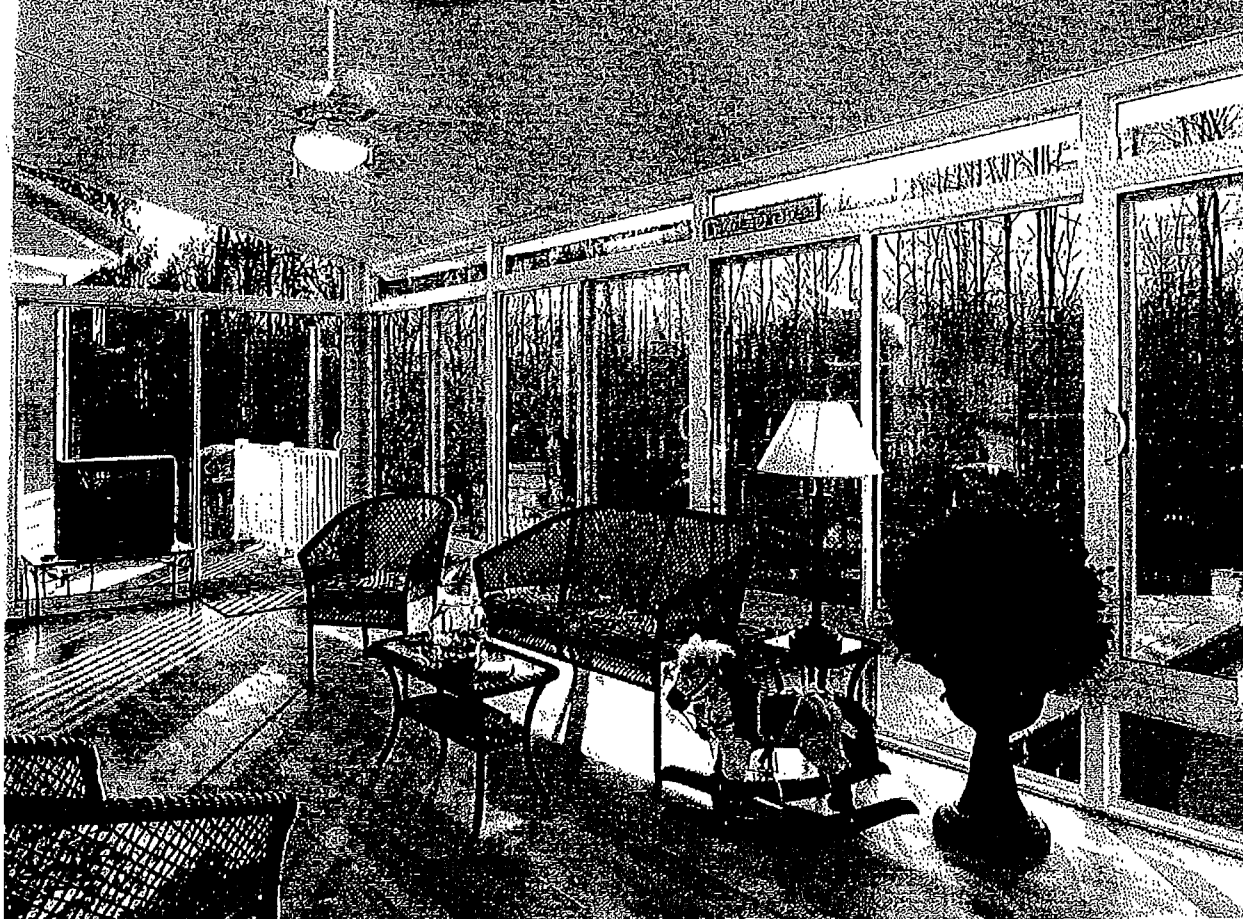
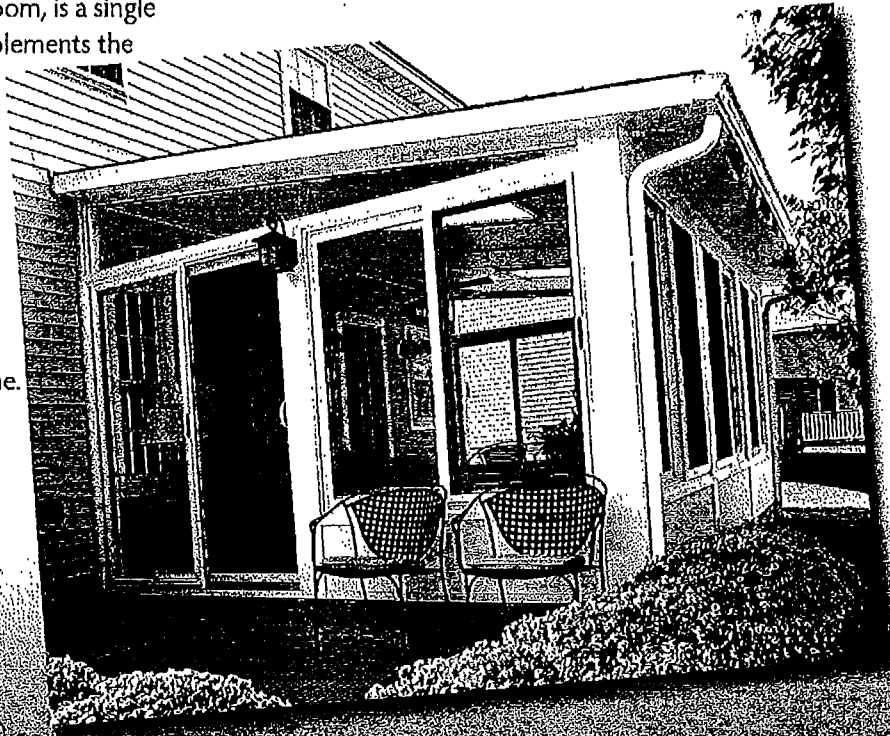
North Point & Center by North 400 1102
ArcMap Document: *.mxd



Studio Style Sun Rooms

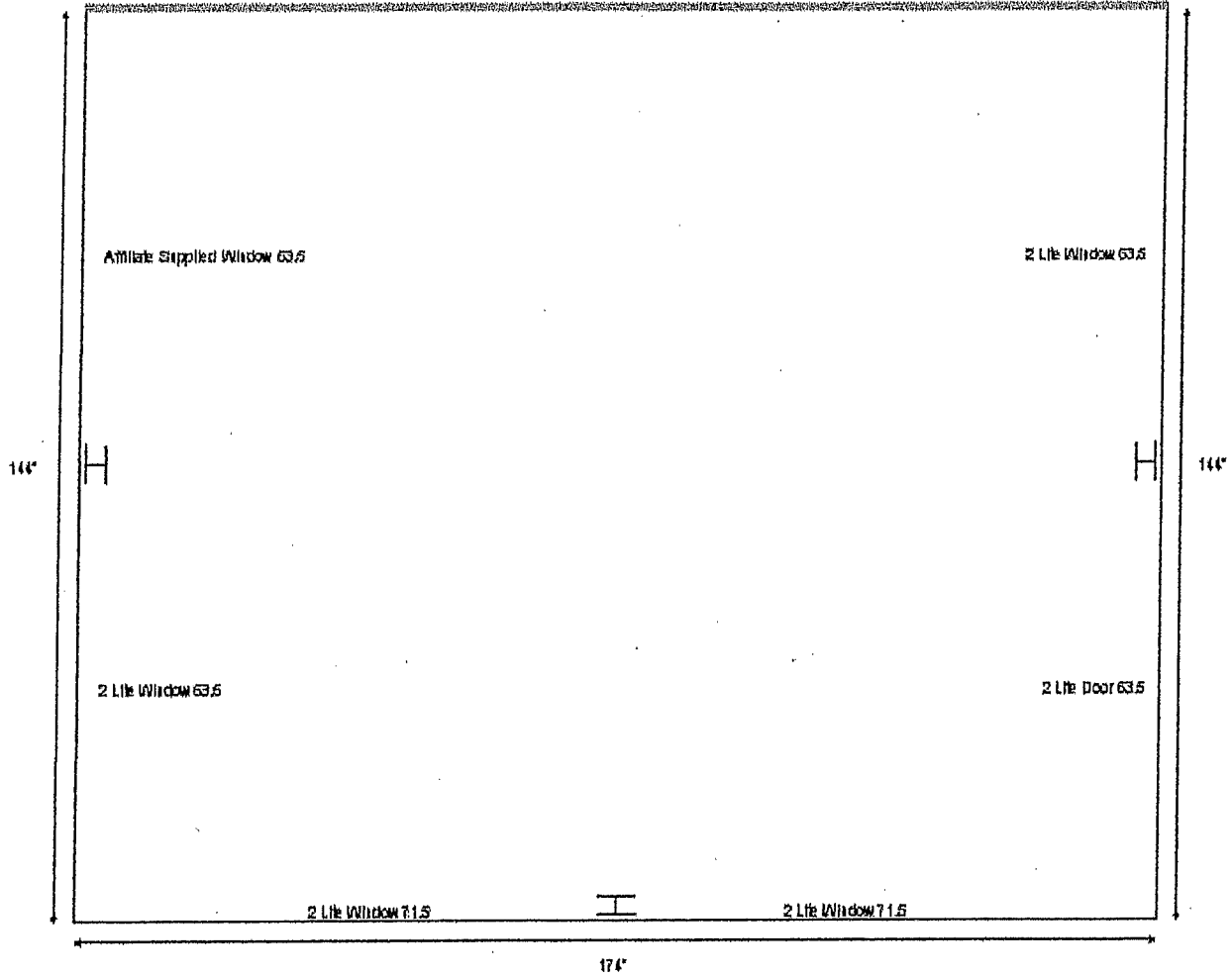
The classic of the Champion Sun Room line, the studio style Sun Room, is a single sloped roof style that complements the architectural features of almost any home.

Options include glass or solid knee walls, glass or solid transoms and sliding doors or sliding windows. These options will depend on the existing style of home.



As with all Champion Sun Rooms our factory representative will help you design a room that will suit your home and your needs perfectly.

Floor Plan

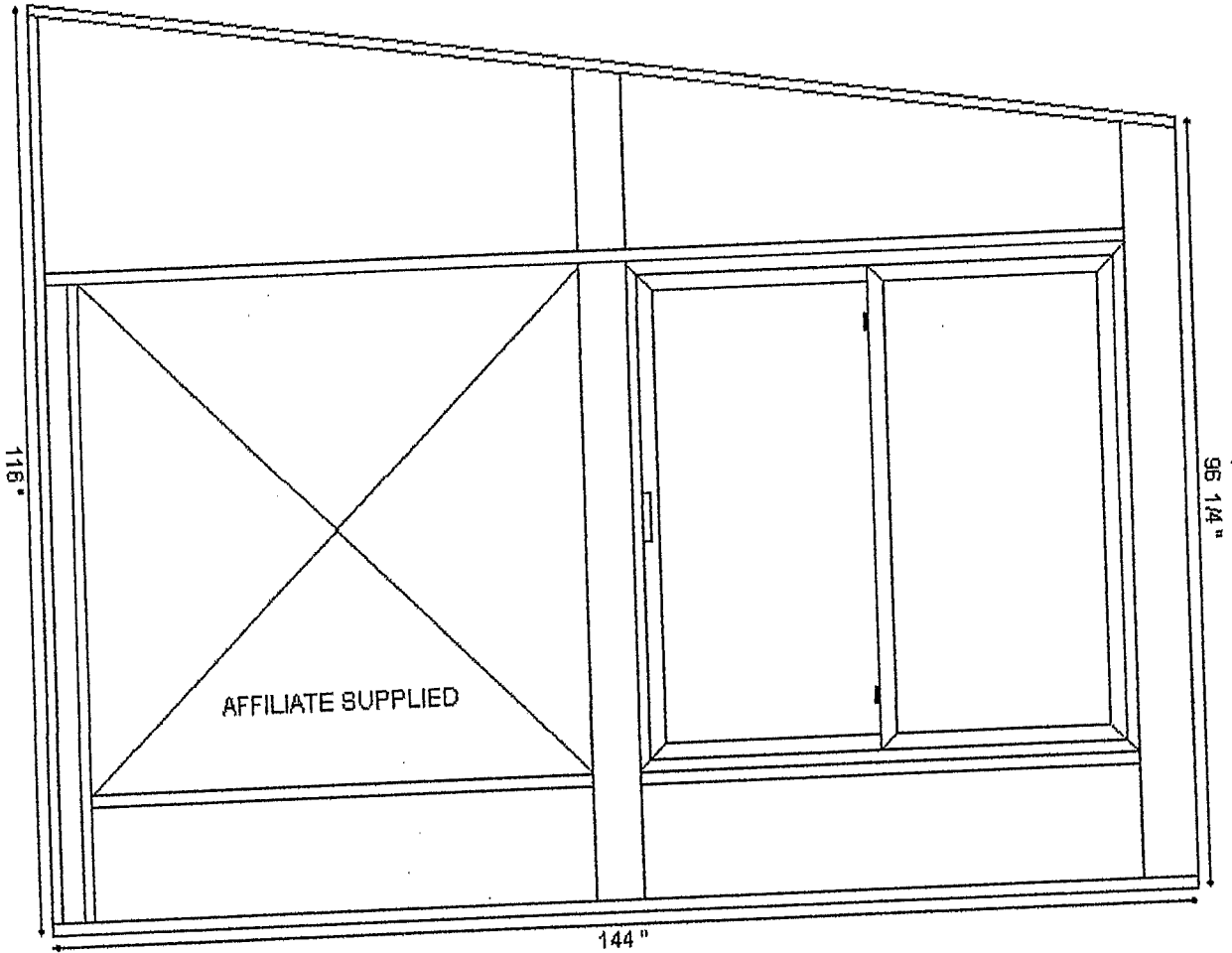


Dimensions

Attachment Height: 116 "
B Wall Height: 96.25 "
B Wall Width: 174 "
A Wall Width: 144 "
C Wall Width: 144 "
Roof Overhang: 6 "

ORDER NO: 2877
ITEM: 1
DATE: 01/29/13

A Wall



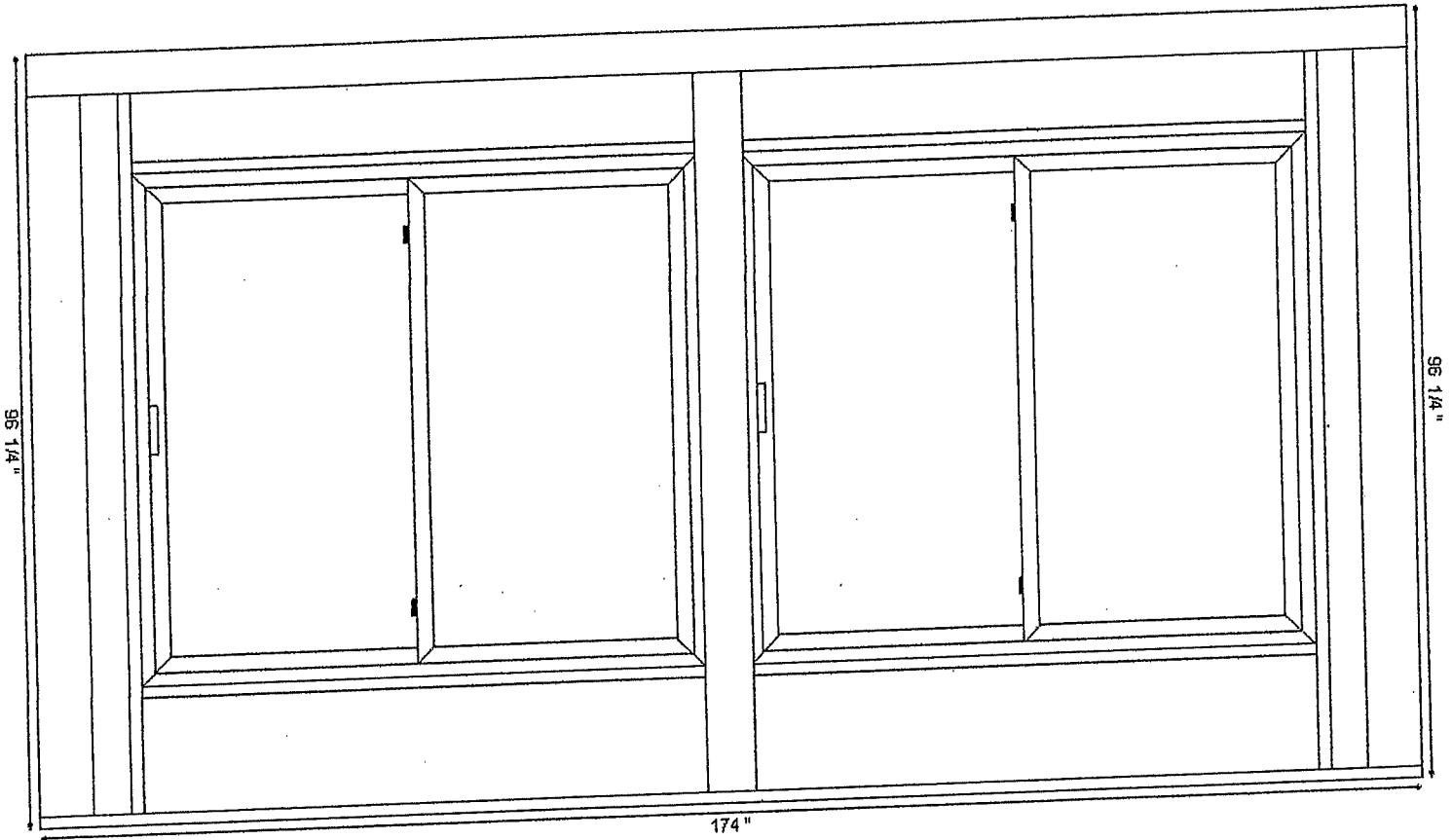
Dimensions

Attachment Height: 116 "
B Wall Height: 96.25 "
A Wall Width: 144 "
Roof Overhang: 6 "

Layout

0.625" (BASE PLATE) + 4.125" (Foam) + 0.625" (WINDOW PLATE) + 63.5" (Affiliate Supplied Window)
+ 5.0625" (Wall Mullion) + 63.5" (2 Lite Window) + 6.5625" (Corner Post)

B Wall



Dimensions

Attachment Height: 116 "
 B Wall Height: 96.25 "
 B Wall Width: 174 "
 Roof Overhang: 6 "

Layout

6.5625" (Corner Post) + 5.7812" (Foam) + 0.625" (WINDOW PLATE) + 71.5" (2 Lite Window) + 5.0625" (Wall Mullion) + 71.5" (2 Lite Window) + 0.625" (WINDOW PLATE) + 5.7812" (Foam) + 6.5625" (Corner Post)

ORDER NO:

2877

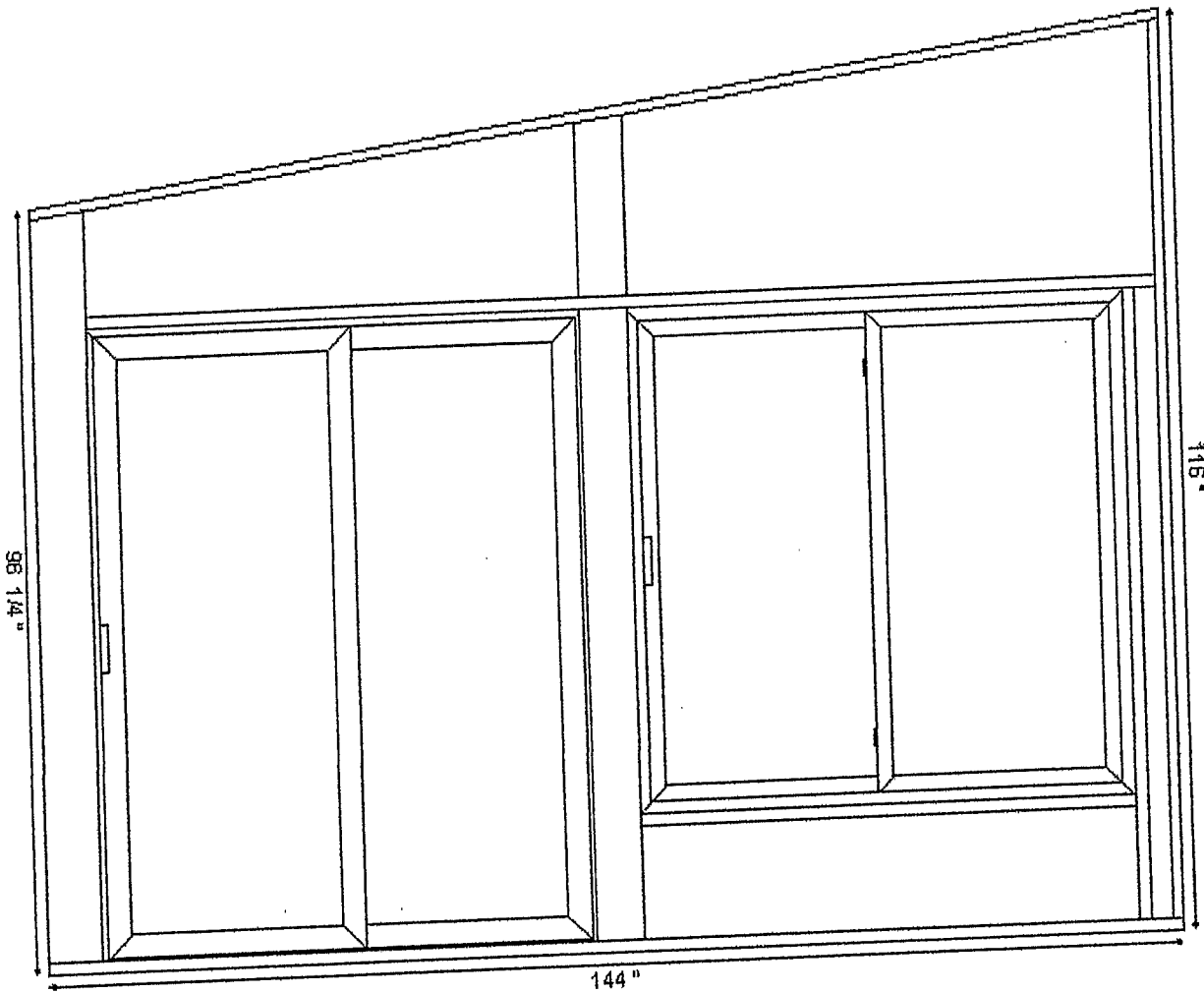
ITEM:

1

DATE:

01/29/13

C Wall



Dimensions

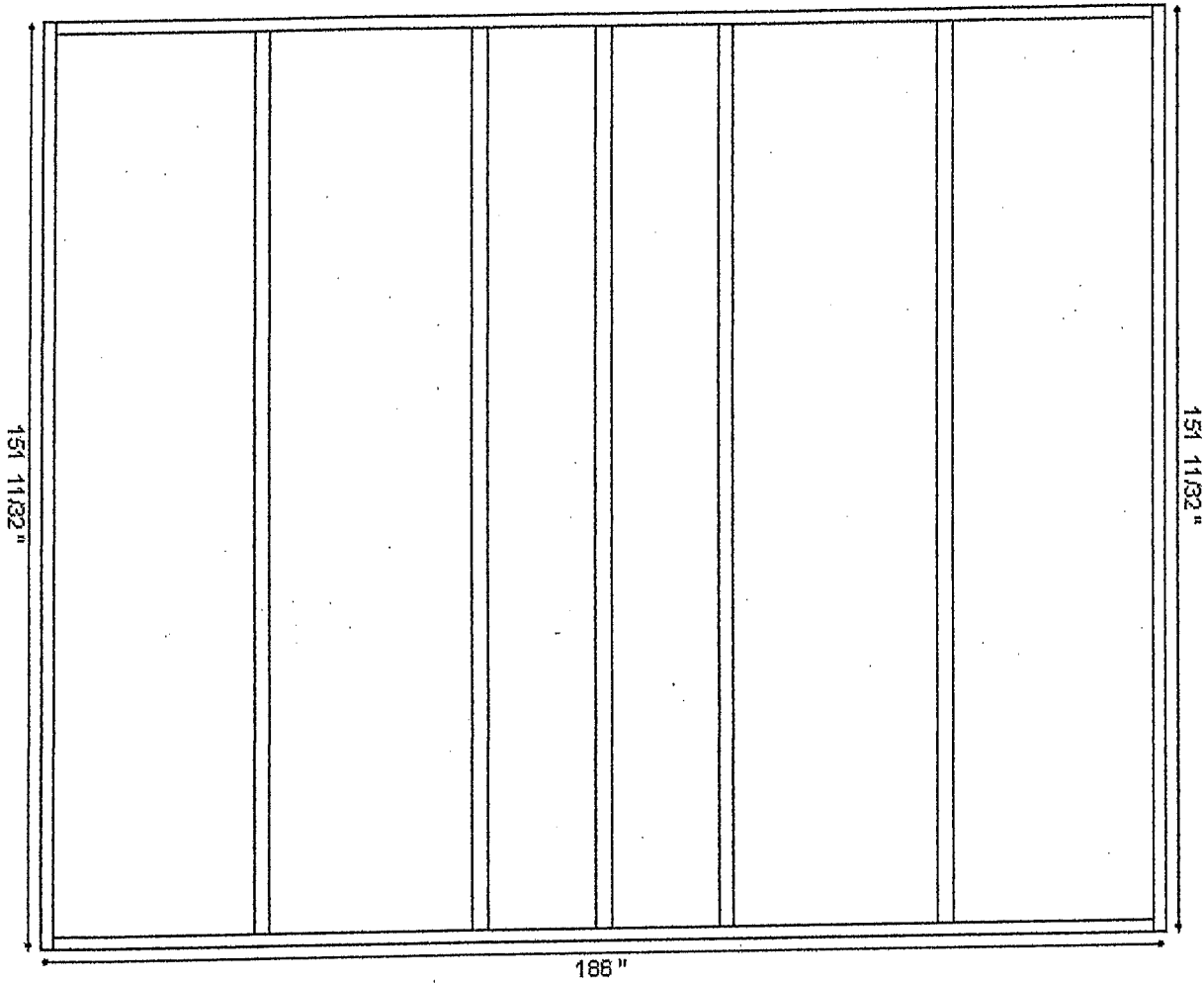
Attachment Height: 116 "
B Wall Height: 96.25 "
C Wall Width: 144 "
Roof Overhang: 6 "

Layout

6.5625" (Corner Post) + 63.5" (2 Lite Door) + 5.0625" (Wall Mullion) + 63.5" (2 Lite Window) +
0.625" (WINDOW PLATE) + 4.125" (Foam) + 0.625" (BASE PLATE)

ORDER NO: 2877
ITEM: 1
DATE: 01/29/13

Roof



Dimensions

Attachment Height: 116 "
B Wall Height: 96.25 "
B Wall Width: 174 "
A Wall Width: 144 "
C Wall Width: 144 "
Roof Overhang: 6 "

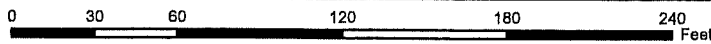
2012 Aerial Photo Map

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.



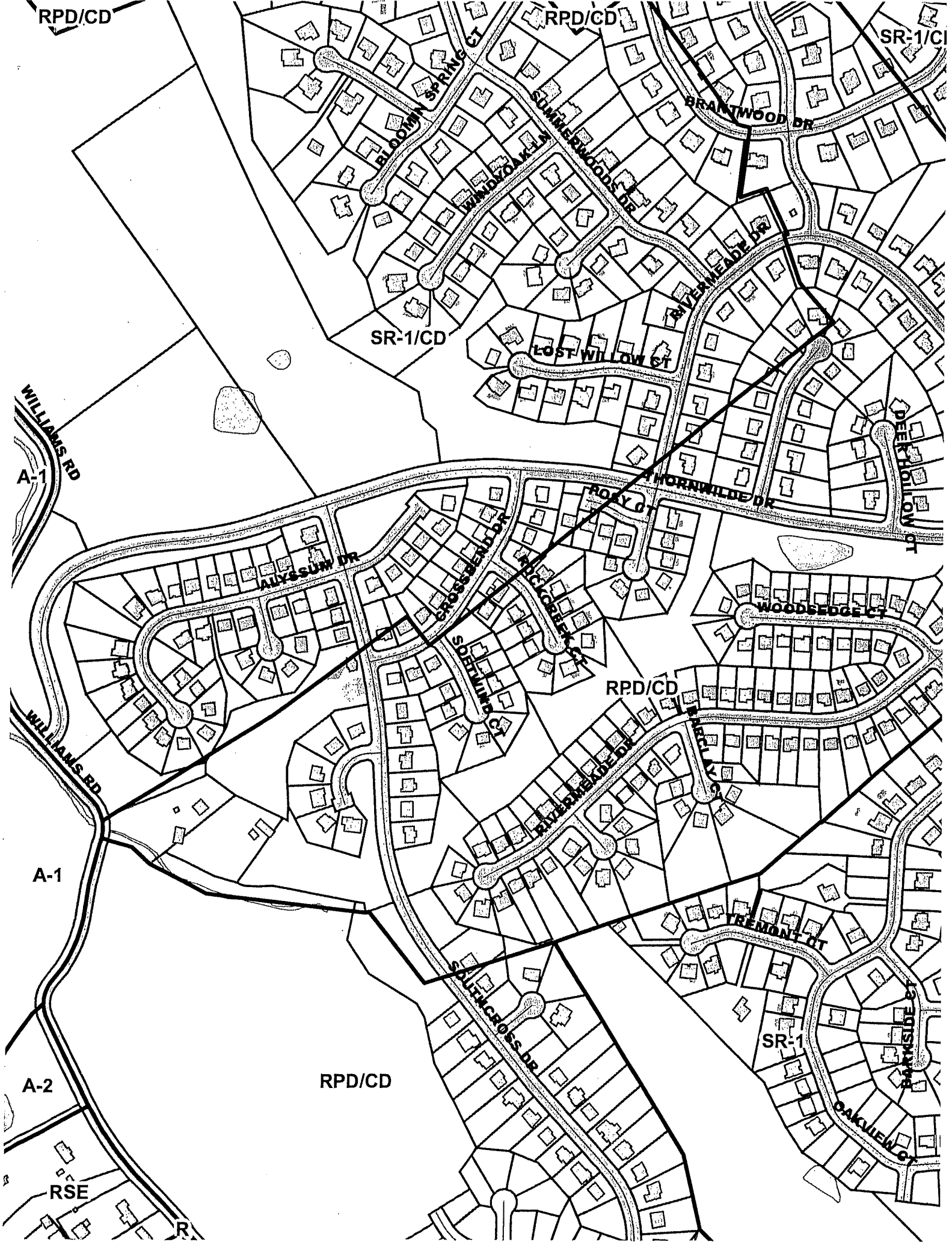
1 inch = 70 feet

Boone County GIS

"Putting Northern Kentucky on the Map"



Boone County GIS



RPD/CD

RPD/CD

SR-1/CD

SR-1/CD

RPD/CD

RPD/CD

SR-1

RSE

WILLIAMS RD

WILLIAMS RD

A-1

A-1

A-2

BLOOMING SPRING CT

WINDYBROOK LN

SUMMERWOODS DR

BRANTWOOD DR

RIVERMEADE DR

LOST WILLOW ST

HORNWILDE DR

DEERHOLLOW CT

ALYSSUM DR

CROSSBERRY LN

ROXY CT

WOODEDGE CT

WINDYBROOK LN

RIVERMEADE DR

TREMONT CT

SUNLACE DR

OAKVIEW CT

BARKSIDE ST

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.

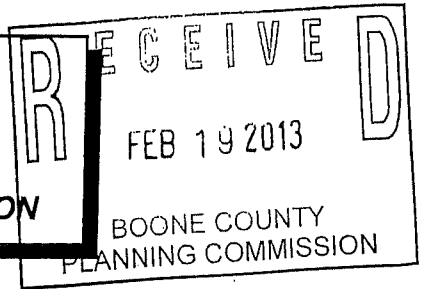
The approved Variance as well as the preceding condition applies to the property described in:

DEED BOOK 982 PAGE NO. 96 GROUP NO. 2004

CONDITIONS FOR 2155 CONISTAN CE.

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 BOB BOYD FOR CHAMPION PATIO ROOMS
 Applicant's Address 12121 CHAMPION WAY
CINCI OHIO 45241
 City State Zip
4. Phone Number 513-200-1151 Fax No. _____ E-Mail _____
 Description of Request: REDUCE REAR YARD SETBACK TO ALLOW CONSTRUCTION OF SUN ROOM
5. Name of Development _____
6. Location of Development 1374 CROSSBEND HEBRON KY.
7. Acreage Under Review _____
8. Lot Number and Name of Subdivision (if part of a subdivision)
Lot 394, Thornwilde
9. Owner of Property PAM LEDDEN
 Address of Property Owner SAME AS ABOVE
10. _____
 City State Zip
 Phone Number 513-505-5205 Fax No. _____ E-Mail _____
11. Proposed Use(s) on Site HOUSE WITH SUNROOM ADDITION
12. Total Square Footage of Existing and/or Proposed Buildings 168 SQ FT.
13. Current Zoning on Property SR-1 and RPD
14. Deed Book 991 Page No. 790 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: Pamela Ladden
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

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

COPY

CLUR #13-BCBOA-006-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Pam Ledden
1374 Crossbend Drive
Hebron, KY 41048

2. ADDRESS OF PROPERTY

1374 Crossbend Drive
Hebron, KY 41048

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Thornwilde, Lot 394

4. DEED BOOK 991

PAGE NO. 790

GROUP NO. 2004

5. TYPE OF RESTRICTION(S) (Check all that apply)

Zoning Map Amendment:
From To

Conditional Use Permit

Development Plan

Conditional Zoning

Subdivision Plat
(Not Recorded)

Other:

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

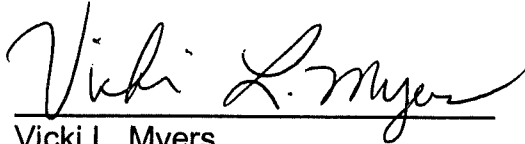
Todd K. Morgan, Senior Planner, Zoning Services
Name and Title of Completing Official

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 14th day of March, 2013.



Vicki L. Myers

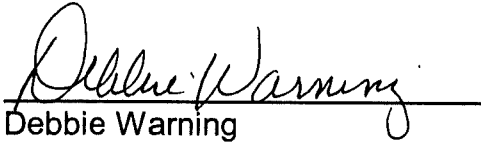
Notary ID 438411

NOTARY PUBLIC, State at Large

My commission Expires:

April 17, 2015

This instrument was prepared for recording purposes only by:



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 March 13, 2013 Certificate of Land Use Restriction (#13-BCBOA-006-A), for Pam Ledden, Property Owner(s).

The following conditions will apply:

1. A copy of the Thornwilde HOA approval must be submitted with the zoning permit application.

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

DEED BOOK 991

PAGE NO. 790

GROUP NO. 2004