



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 [X] Florence _____ Walton _____ Union _____
2. (Check One) Conditional Use Permit [X] Variance [scribble] Appeal _____
Change in Non-Conforming Use _____
3. Applicant's Name John Weiss
Applicant's Address 3427 Maple Tree Ln
Erlanger Ky 41018
City State Zip
4. Description of Request: Porch Reduce 30' front yard set back to allow covered porch
5. Name of Development _____
6. Location of Development 3427 Mapletree Ln Erlanger Ky 41018
7. Acreage Under Review 0.19
8. Lot Number and Name of Subdivision (if part of a subdivision)
Lot # 76 Cherry Hill Sub
9. Owner of Property John Weiss
Address of Property Owner 3427 Maple Tree Ln
10. Erlanger Ky 41018
City State Zip
Phone Number 859 512 8934 Fax No. _____ E-Mail _____
11. Proposed Use(s) on Site _____
12. Total Square Footage of Existing and/or Proposed Buildings 1012
13. Current Zoning on Property Residential - SR-2
14. Deed Book 918 Page No. 646 Group No. 2022
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? No
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 4-8-13 Fee Received \$637.00 Receipt # 66620
2. Is application complete? Yes No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
5/8/13 **Approved**
Approved with Conditions (See #6)
Denial (See #7)
6. Conditions of Approval: SEE 5/8/13 Meeting Minutes
AND CLK
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: John Weiss

LOCATION: 3427 Maple Tree Lane, Boone County, Kentucky

ZONING: Suburban Residential Two (SR-2)

DATE: May 8, 2013

PROPOSAL

The applicant has requested a variance so he can construct a covered porch in the 30 foot front yard setback. The submitted survey shows that the house is currently located 30.1 feet from the front property line and the plot plan shows that the covered porch will extend another 9 feet into the front yard. The request is to reduce the 30 foot front yard setback to 21.1 feet.

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-2 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 0.19 acre site is located on the southeast side of Maple Tree Lane and contains a brick ranch style home with a basement. Concrete patios exist along the front and southwest sides of the house but are currently not covered. The topography in the front yard is relatively flat.

SURROUNDING LAND USES & ZONING

- Northeast: Single-Family Residential Dwellings Fronting on Maple Tree Lane and Peach Tree Lane (SR-2)
- Northwest: Maple Tree Lane and Single-Family Residential Dwellings (SR-2)
- Southeast: Single-Family Residential Dwellings Fronting on Maple Tree Lane (SR-2)
- Southwest: Single-Family Residential Dwelling Fronting on Maple Tree Lane (SR-2)

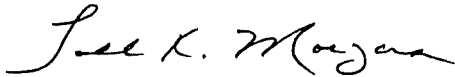
STAFF COMMENTS

1. The submitted drawing shows that the proposed covered porch is "L" shaped and will extend into the front and side yards. The Variance request is only for the portion of the covered porch that is proposed in the front yard. The proposed structure will meet the 5' minimum setback requirement.
2. Staff would like the applicant to address the following questions:
 - A. What are the proposed building materials?
 - B. Is any landscaping proposed in the front yard?
3. Staff did some rough front yard setback measurements on the adjoining single-family dwellings from 2012 aerial photography and found some of these structures could be three or four feet into the front yard setback.
4. On June 9, 2010, the Boone County Board of Adjustment approved a Variance application to reduce the front yard setback from 30' to 18' so a 10' x 20' covered porch could be constructed at 704 Peach Tree Lane.
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

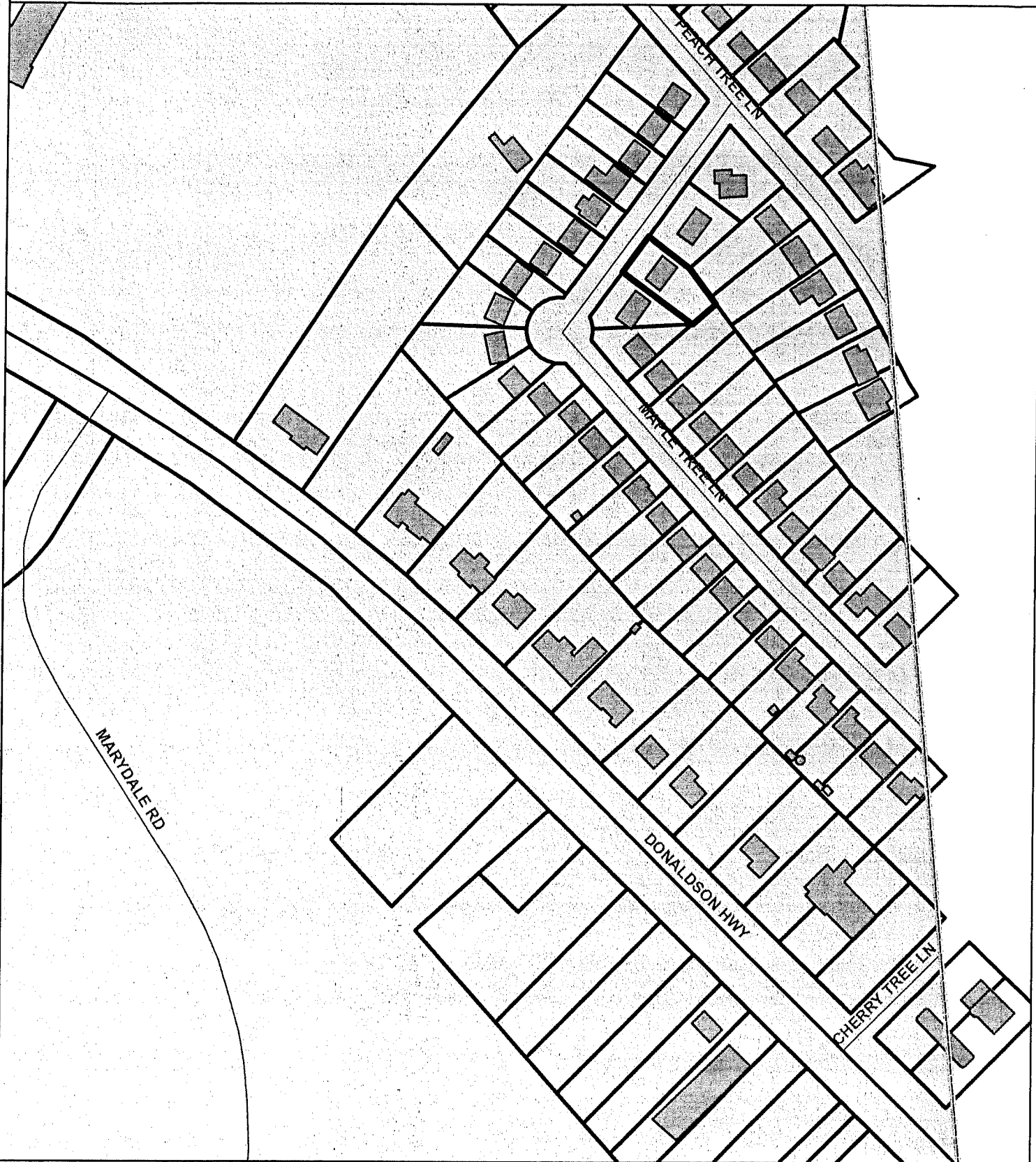
TKM/dw

Attachments

- *Site Vicinity Map
- *Survey
- *Proposed Porch Dimensions
- *2012 Aerial Map
- *Zoning Map
- *Application

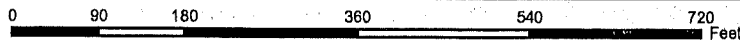
SITE VICINITY MAP

www.boonecountygis.com



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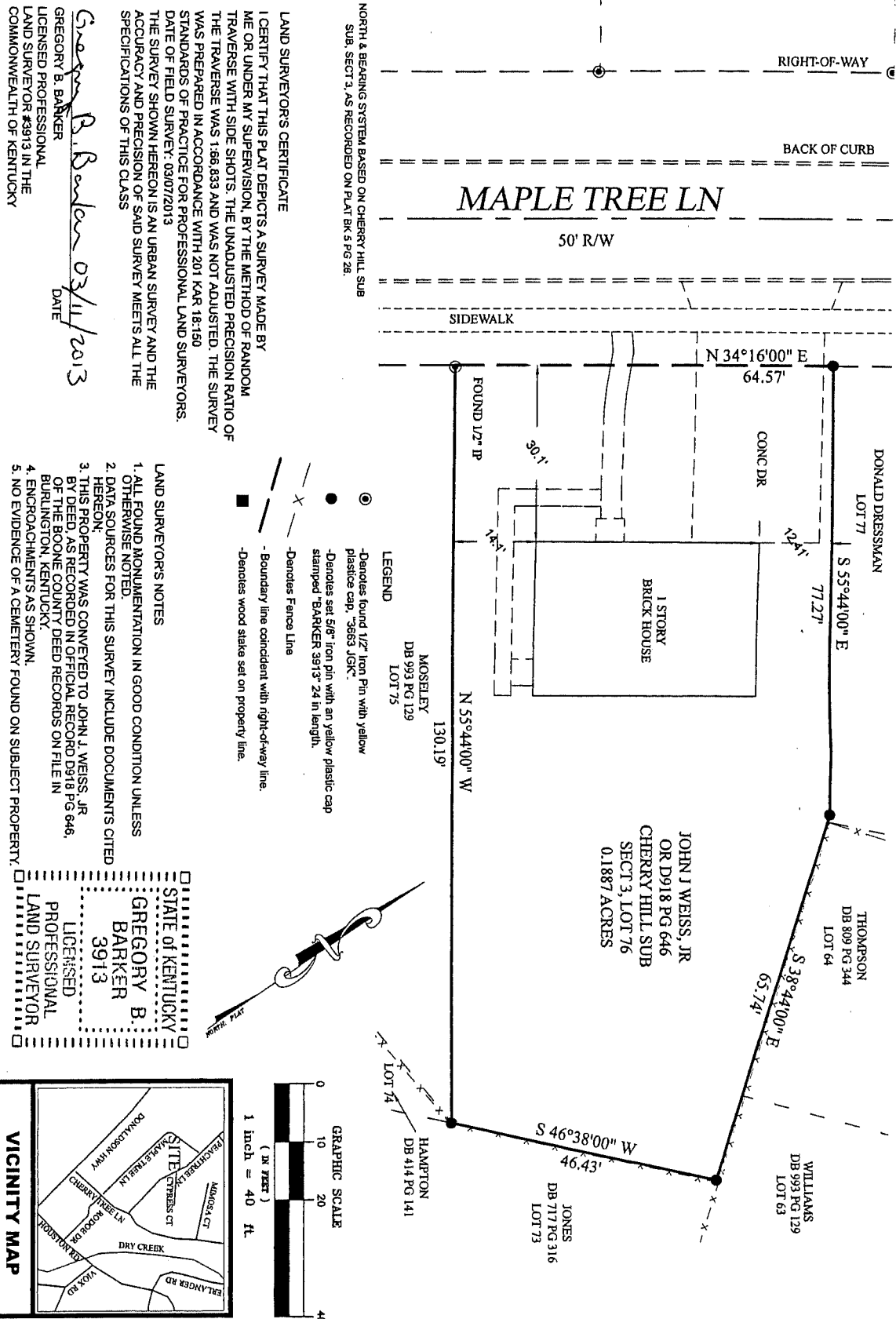


1 inch = 200 feet

Boone County GIS
"Putting Northern Kentucky on the Map"



Boone County GIS, 2012



BARKER LAND SURVEYING
 1533 GAR-RD ST.
 COVINGTON, KY 41011
 (859) 563-9025

CLIENT/OWNER
 JOHN J WEISS JR
 3427 MAPLE TREE LN
 ERLANGER, KY 41018

BOUNDARY SURVEY
3427 MAPLE TREE LANE
CITY OF ERLANGER
BOONE COUNTY, KENTUCKY

DRAWING TITLE	PROJECT TITLE
SCALE	DATE
1" = 20'	03/11/2013
PROJECT NO.	SHEET
0005-13	1/1

LAND SURVEYOR'S CERTIFICATE

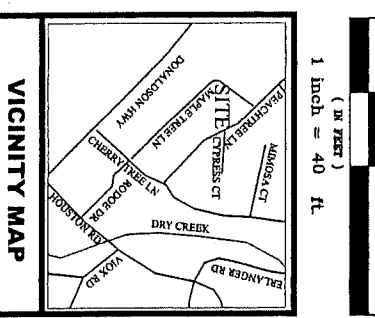
I CERTIFY THAT THIS PLAT DEPICTS A SURVEY MADE BY ME OR UNDER MY SUPERVISION, BY THE METHOD OF RANDOM TRAVERSE WITH SIDE SHOTS. THE UNADJUSTED PRECISION RATIO OF THE TRAVERSE WAS 1:56,833 AND WAS NOT ADJUSTED. THE SURVEY WAS PREPARED IN ACCORDANCE WITH 201 KAR 18:150 STANDARDS OF PRACTICE FOR PROFESSIONAL LAND SURVEYORS. DATE OF FIELD SURVEY: 03/07/2013

THE SURVEY SHOWN HEREON IS AN URBAN SURVEY AND THE ACCURACY AND PRECISION OF SAID SURVEY MEETS ALL THE SPECIFICATIONS OF THIS CLASS

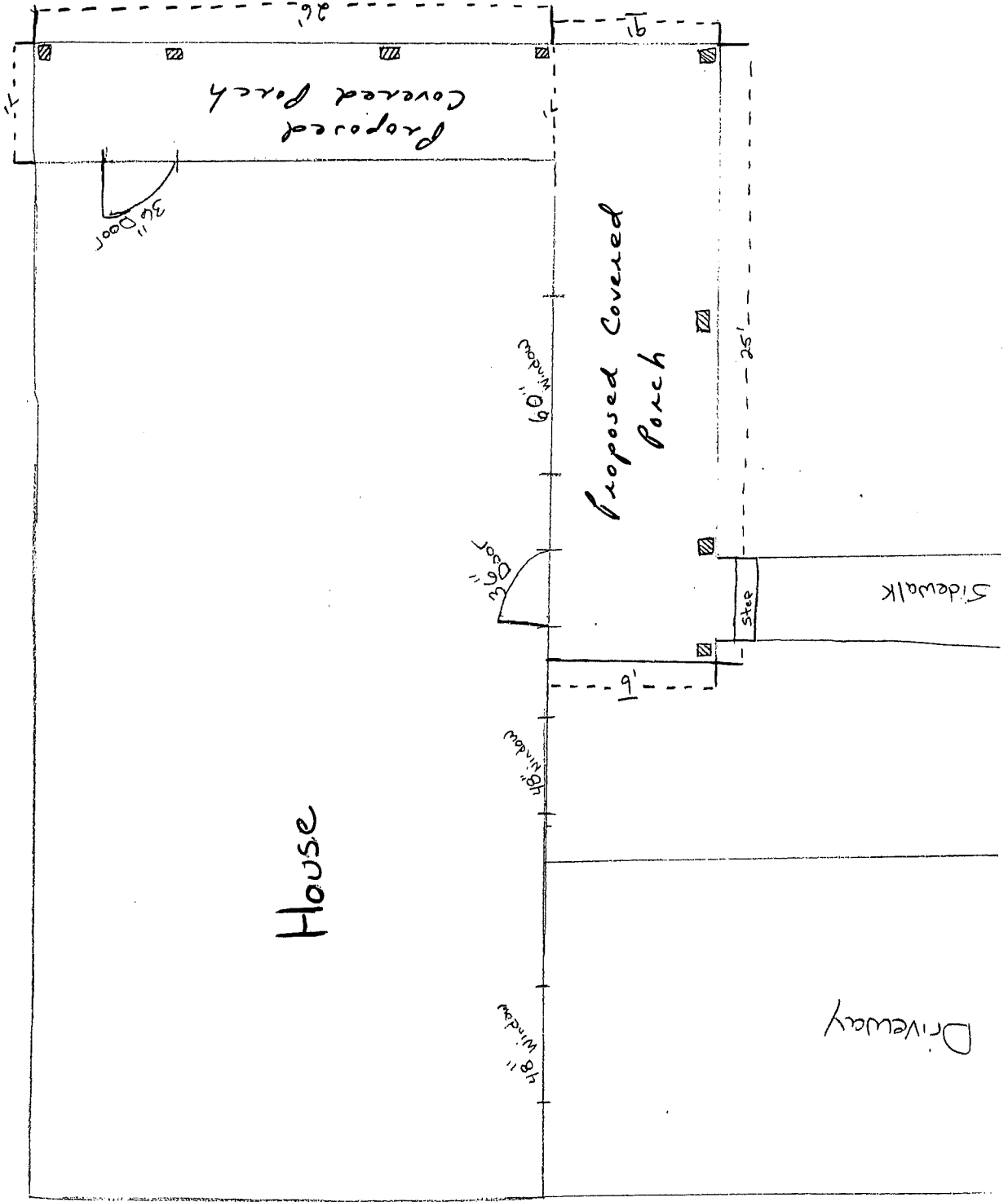
Gregory B. Barker 03/11/2013
 GREGORY B. BARKER
 LICENSED PROFESSIONAL
 LAND SURVEYOR #3913 IN THE
 COMMONWEALTH OF KENTUCKY

- LAND SURVEYOR'S NOTES**
1. ALL FOUND MONUMENTATION IN GOOD CONDITION UNLESS OTHERWISE NOTED.
 2. DATA SOURCES FOR THIS SURVEY INCLUDE DOCUMENTS CITED HEREON:
 3. THIS PROPERTY WAS CONVEYED TO JOHN J WEISS, JR BY DEED AS RECORDED IN OFFICIAL RECORD D918 PG 646, OF THE BOONE COUNTY DEED RECORDS ON FILE IN BURLINGTON, KENTUCKY.
 4. ENCROACHMENTS AS SHOWN.
 5. NO EVIDENCE OF A CEMETERY FOUND ON SUBJECT PROPERTY.

STATE OF KENTUCKY
 GREGORY B. BARKER
 3913
 LICENSED PROFESSIONAL
 LAND SURVEYOR



VICINITY MAP



4x4x8
Treated Post

House

Proposed Covered
Porch

Sidewalk

Driveway

36" Door

36" Door

36" Window

36" Window

36" Window

26'

9'1"

1'5"

1'6"

Step

2012 AERIAL MAP

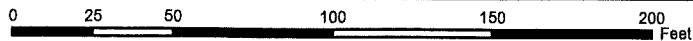
www.boonecountygis.com



DGI, LINK-GIS, Uses

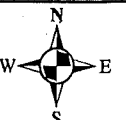
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1 inch = 60 feet

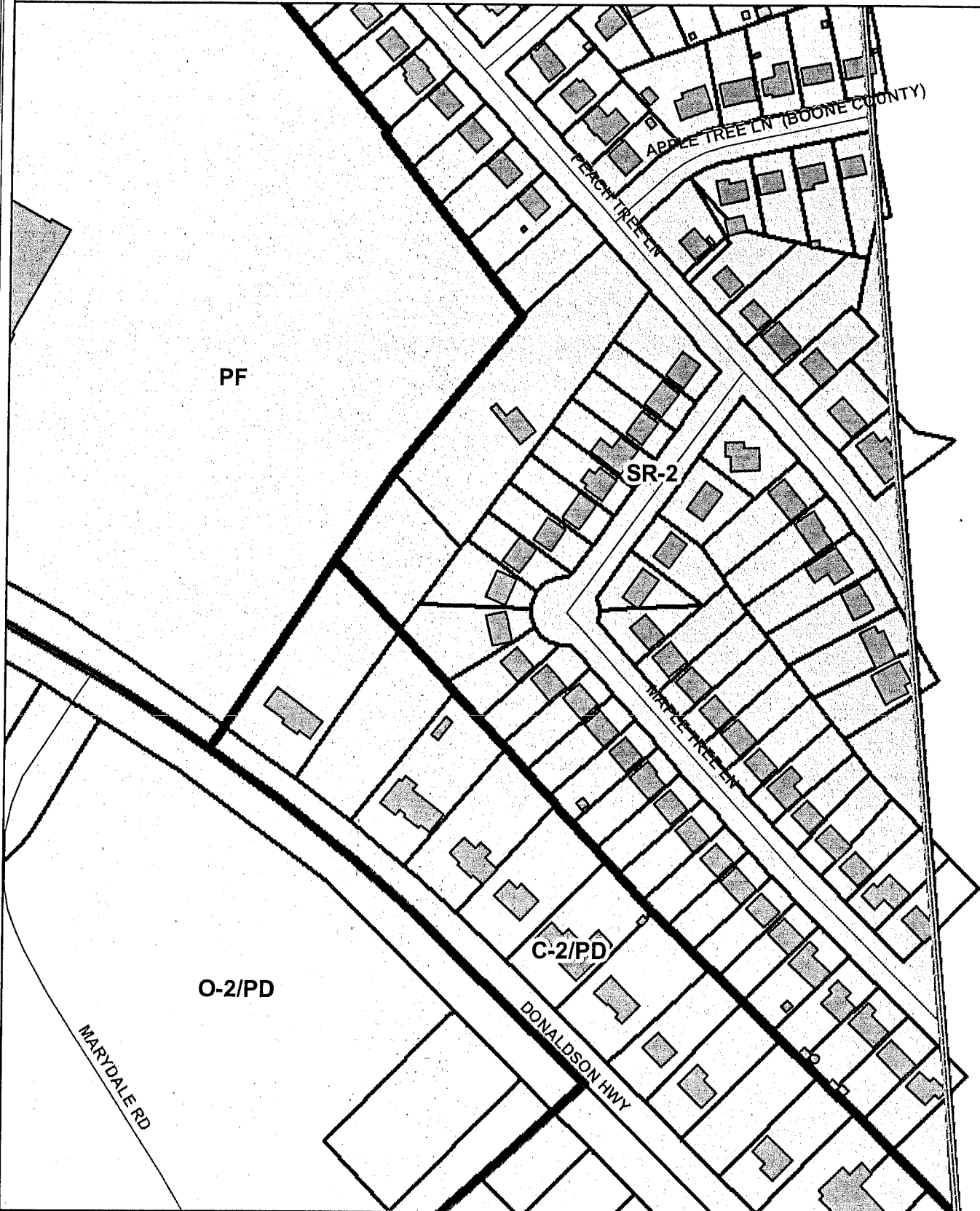
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Boone County GIS

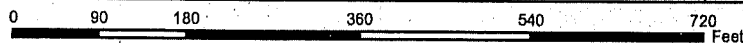
ZONING MAP

www.boonecountygis.com



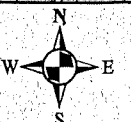
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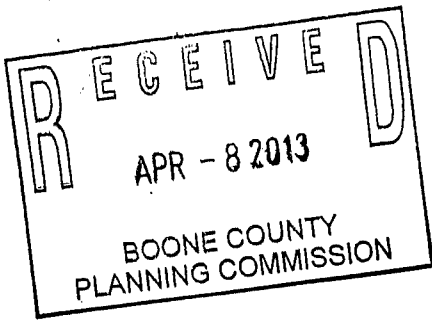


1 inch = 200 feet

Boone County GIS
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Boone County GIS 2012



APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

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See Boone County Zoning Regulations

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

County

CERTIFICATE OF LAND USE RESTRICTION

- 1. NAME AND ADDRESS OF PROPERTY OWNER(S)
John Weiss
3427 Maple Tree Lane
Erlanger, KY 41018
- 2. ADDRESS OF PROPERTY
3427 Maple Tree Lane
Erlanger, KY 41018
- 3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

4. DEED BOOK 918 PAGE NO. 646 GROUP NO. 2022

- 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

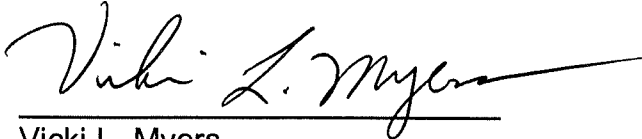
Todd K. Morgan, AICP, Senior Planner, Zoning Services
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledged before me by Todd K. Morgan

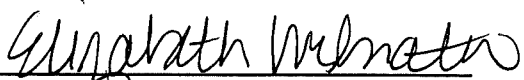
on behalf of the Boone County Planning Commission this 14th day of May, 2013.



Vicki L. Myers
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
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 May 9, 2013 Certificate of Land Use Restriction (#13-BCBOA-009-A), for John Weiss, Property Owner(s).

The following conditions will apply:

1. The shingles on the house and porch will match.

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

DEED BOOK 918

PAGE NO. 646

GROUP NO. 2022