

13-BOBOA-01U-A

APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

RECEIVED MAY 10 2013 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 [checked] Variance _____ Appeal _____
Change in Non-Conforming Use _____
3. Applicant's Name POTTER HOUSE GROUP, INC
Applicant's Address PO BOX 905
Florence KY 41042
City State Zip
4. Phone Number 859-384-2006 Fax No. 888-204-1693 E-Mail lee@potterhousegroup.com
Description of Request: VARIANCE FOR DECK ENFORCEMENT INTO REAR YARD SET BACK
5. Name of Development CARSPEN CREEK - SECTION 2
6. Location of Development OFF GUNPOWDER 11070 GATEWOOD COURT
Florence KY 41042
7. Acreage Under Review 70' x 115' - .182208
8. Lot Number and Name of Subdivision (if part of a subdivision)
LOT 22 - CARSPEN CREEK - 11070 GATEWOOD COURT
9. Owner of Property POTTER HOUSE GROUP, INC
Address of Property Owner PO BOX 905
Florence KY 41042
City State Zip
10. Phone Number 859-384-2006 Fax No. 888-204-1693 E-Mail lee@potterhousegroup.com
11. Proposed Use(s) on Site SINGLE FAMILY RESIDENCE
12. Total Square Footage of Existing and/or Proposed Buildings 1400
13. Current Zoning on Property SR-1
14. Deed Book 1015 Page No. 893 Group No. 2057
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? NO
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 5/10/13 Fee Received \$132.00 Receipt # 660844
2. Is application complete? Yes No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
6/12/13 **Approved**
Approved with Conditions (See #6)
Denial (See #7)
6. Conditions of Approval: SEE 6/12/13 Meeting
MINUTES + C.L.U.R.
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: Potter House Group, Inc.

LOCATION: 11070 Gatewood Court, Boone County, Kentucky

ZONING: Suburban Residential One (SR-1)

DATE: June 12, 2013

PROPOSAL

The applicant has requested a Variance so a 12' x 12' deck can be constructed onto the back of a house that is currently under construction. The request is to reduce the 30' rear yard setback to 24.69'.

SITE HISTORY

3/22/13 - Boone County Planning Commission approves a Zoning Permit for a ranch home and a 6' x 16' deck. The deck was redrawn from 12' x 12' to 6' x 16' so it would meet the 30' rear yard setback requirement (see attachments).

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 0.18 acre site is located on the east side of Gatewood Court. A brick and vinyl sided ranch home is currently under construction on the lot. Boone County GIS shows that the topography of the parcel falls from 866 feet above sea level at Gatewood Court to 858 feet above sea level at the southeast corner of the property. There are currently no trees on the lot.

SURROUNDING LAND USES & ZONING

North: Single-Family Residential Dwelling Fronting on Gatewood Court (SR-1)

South: Single-Family Residential Dwelling Fronting on Gatewood Court (SR-1)

East: Single-Family Residential Dwellings Fronting on Blacksmith Place (SR-1)

West: Single-Family Residential Dwellings Fronting Gatewood Court and Mt. Zion Road (SR-1)

STAFF COMMENTS

1. Staff would like the applicant to address the following:
 - A. Has the house been sold?
 - B. Could another size deck be constructed that meets the setback or lessens the Variance request (8' x 16', 10' x 14', etc.)?
2. Staff observed the adjoining households to the north and south both had decks. Staff researched both of these structures and found the following:

11066 Gatewood Court (Adjoining Property to North)

 - On March 9, 2005, Boone County Board of Adjustment approves a Variance allowing a deck to be located 25' from the rear property line. The deck had been constructed without permits. A condition was imposed requiring two small trees in the rear yard.
 - On March 10, 2005, Boone County Planning Commission issued a Zoning Permit for a 14' x 12' deck. The deck is shown with a 25'-0½" rear yard setback. The permit also indicates that two trees will be planted in the rear yard.

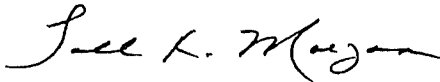
11074 Gatewood Court (Adjoining Property to South)

- On October 11, 2006, Boone County Board of Adjustment approves a Variance allowing a deck 27'-4½" from the rear property line. A condition was imposed requiring two small trees in the rear yard.
 - On October 13, 2006, Boone County Planning Commission issued a Zoning Permit for a 9'-9" x 4' deck. The deck is shown 27'-4½" from the rear property line. Two small trees are shown in the rear yard.
3. Staff recommends that 2 small trees should be required in the rear yard if the variance is approved.
 4. The Board needs to analyze the Variance application 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
- *Proposal
- *3/22/13 Zoning Permit
- *2009 Aerial
- *Zoning Map
- *Topographical Map
- *3/10/05 Zoning Permit for 11066 Gatewood Court
- *10/13/06 Zoning Permit for 11074 Gatewood Court
- *Application

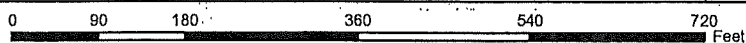
SITE VICINITY MAP

www.boonecountygis.com



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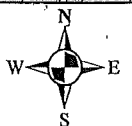
Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



1 inch = 200 feet

Boone County GIS

"Putting Northern Kentucky on the Map"



Boone County GIS 2012

GRAPHIC SCALE

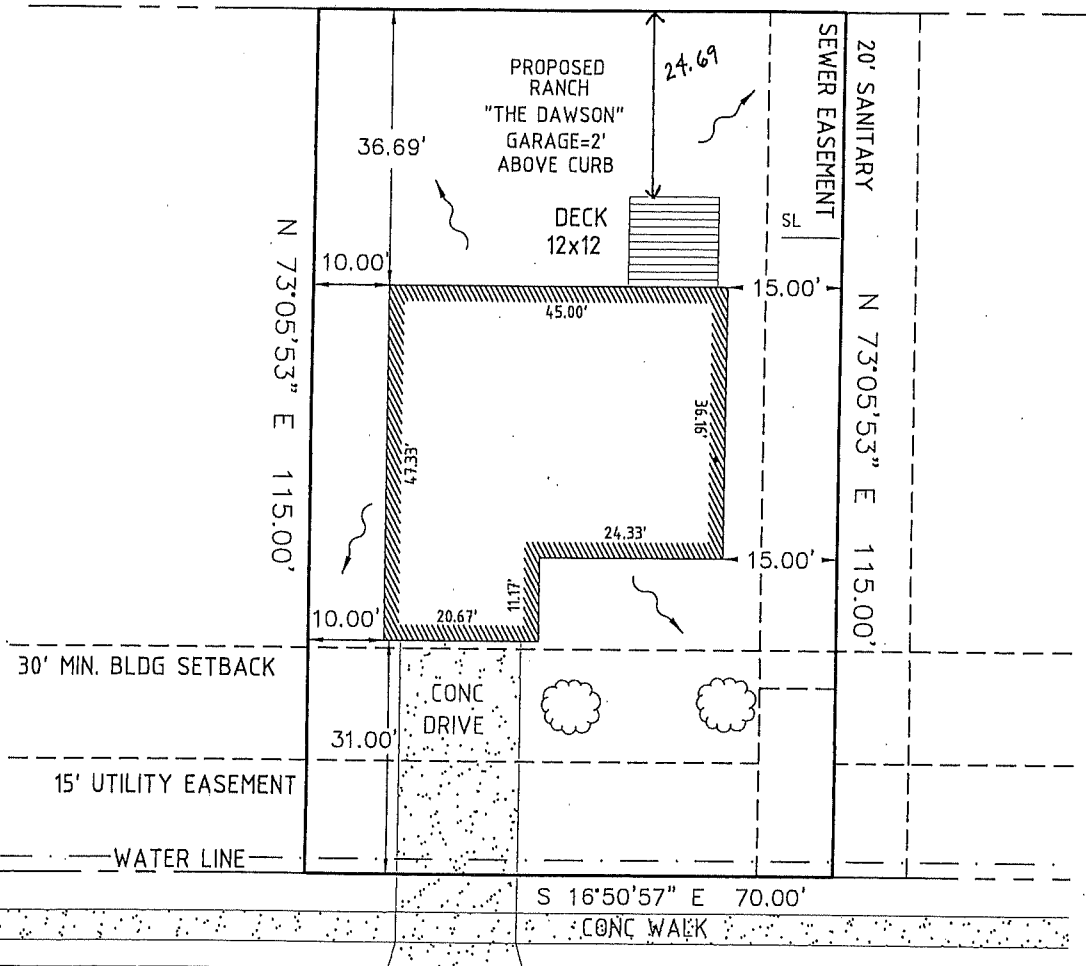


(IN FEET)

1 inch = 20 ft.



N 16°54'07" W 70.00'



CURRENT Proposal

GATEWOOD COURT

PLOT PLAN FOR POTTER HOUSE GROUP INC
PO BOX 905
FLORENCE, KENTUCKY 41022

LOT 22
CARSPENS CREEK SUBDIVISION SEC 2
BOONE COUNTY, KENTUCKY

1844 Burlington Pike
Burlington, Kentucky 41006
(859) 688-SRVY (7789)

JOB #

S-13-016

DATE:

3/17/2013



Lot # 22 Carspens Creek

BUILDING ADDRESS OR LOCATION: 11070 Gatewood Court Florence KY 41042

NOTICE

I certify that what is submitted is true and accurate and I or we understand and agree that all construction work will be performed in accordance with this Zoning Permit Application, the Boone County Zoning Regulations and the Boone County Subdivision Regulations.

NAME AND ADDRESS OF APPLICANT (PLEASE PRINT): Potter Horse Group
Po Box 905 Florence KY 41022

APPLICANT'S SIGNATURE: [Signature]
 As Authorized by Property Owner

DATE 3-18-13 PHONE NO. 859-384-2006 E-MAIL pottthousegroup@gmail.com

**This Portion of the Application to be Completed
 the Boone County Planning Commission**

Zoning <u>SR-1</u>	Date <u>3.22.13</u>	Fee <u>[initials]</u>	\$90.00	Farm Exempt
<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Denied	<u>[initials]</u>	\$45.00	(No Fee)
Staff Reviewer <u>[Signature]</u>	Address <u>11070 Gatewood CT</u>			
Subdivision <u>Carspens Creek</u>				
Lot # <u>22</u>	Section # <u>2</u>	Block/Phase #		

R#
66473

Type of Improvement			
<input checked="" type="checkbox"/>	Single Family Residence	<input type="checkbox"/>	Detached Garage
<input type="checkbox"/>	Duplex	<input type="checkbox"/>	Garage Addition
<input type="checkbox"/>	Three Family	<input type="checkbox"/>	Porch or Deck
<input type="checkbox"/>	Apartment (# units)	<input type="checkbox"/>	Barn or Shed
<input type="checkbox"/>	Townhouse (# units)	<input type="checkbox"/>	Swimming Pool
<input type="checkbox"/>	Mobile Home	<input type="checkbox"/>	Tenant Finish
<input type="checkbox"/>	Residential Addition	<input type="checkbox"/>	Other:
Jurisdiction			
<input checked="" type="checkbox"/>	Boone County	<input type="checkbox"/>	Florence
<input type="checkbox"/>	Walton	<input type="checkbox"/>	Union
Post Office			
<input type="checkbox"/>	Burlington (41005)	<input checked="" type="checkbox"/>	Florence (41042)
<input type="checkbox"/>	Walton (41094)	<input type="checkbox"/>	Union (41091)
<input type="checkbox"/>	Hebron (41048)	<input type="checkbox"/>	Verona (41092)
<input type="checkbox"/>	Petersburg (41080)	<input type="checkbox"/>	Erlanger (41018)
<input type="checkbox"/>	Crittenden (41030)	<input type="checkbox"/>	Independence (41051)
Group # <u>2057</u>		Census Tract # <u>703.08</u>	



GRAPHIC SCALE

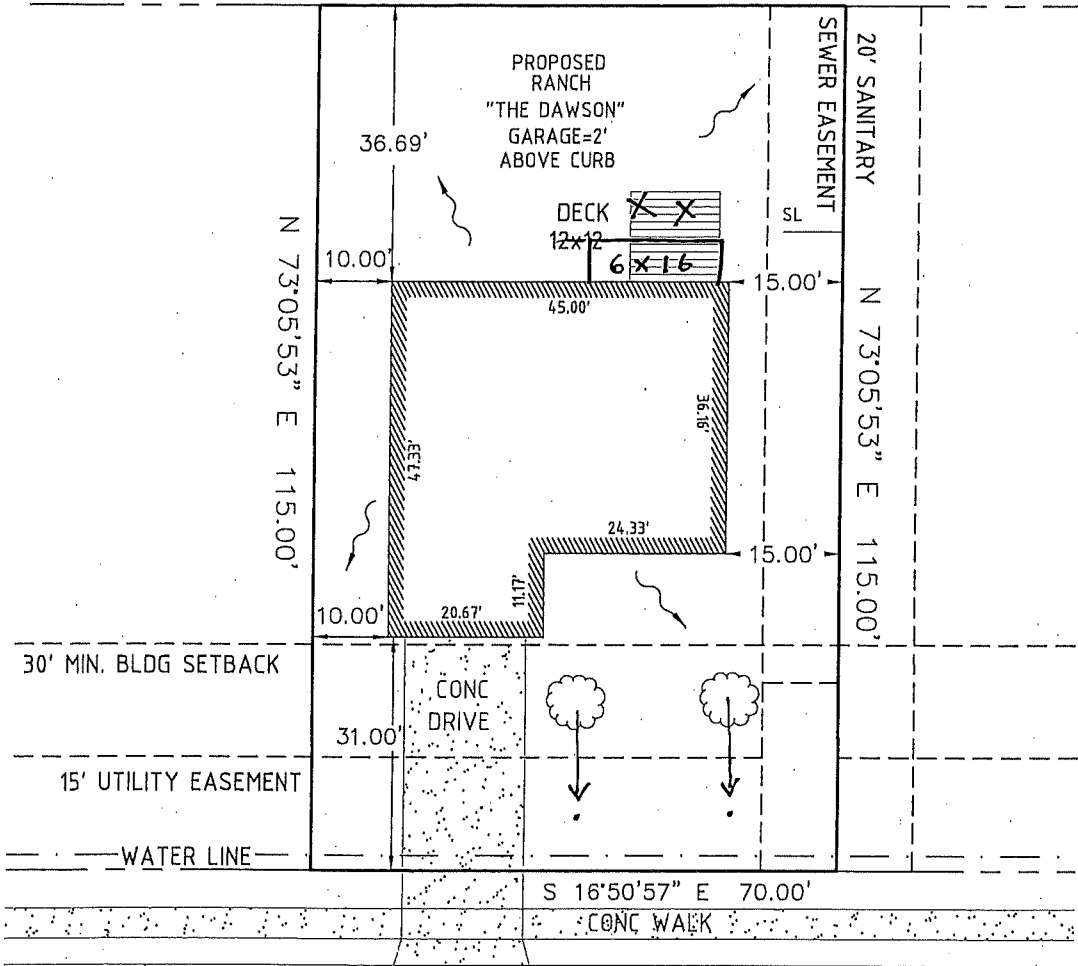


(IN FEET)

1 inch = 20 ft.



N 16°54'07" W 70.00'



GATEWOOD COURT

PLOT PLAN FOR POTTER HOUSE GROUP INC
 PO BOX 905
 FLORENCE, KENTUCKY 41022

LOT 22
 CARSPENS CREEK SUBDIVISION SEC 2
 BOONE COUNTY, KENTUCKY

4844 Burlington Pike
 Burlington, Kentucky 41006
 (606) 586-5777 (7100)

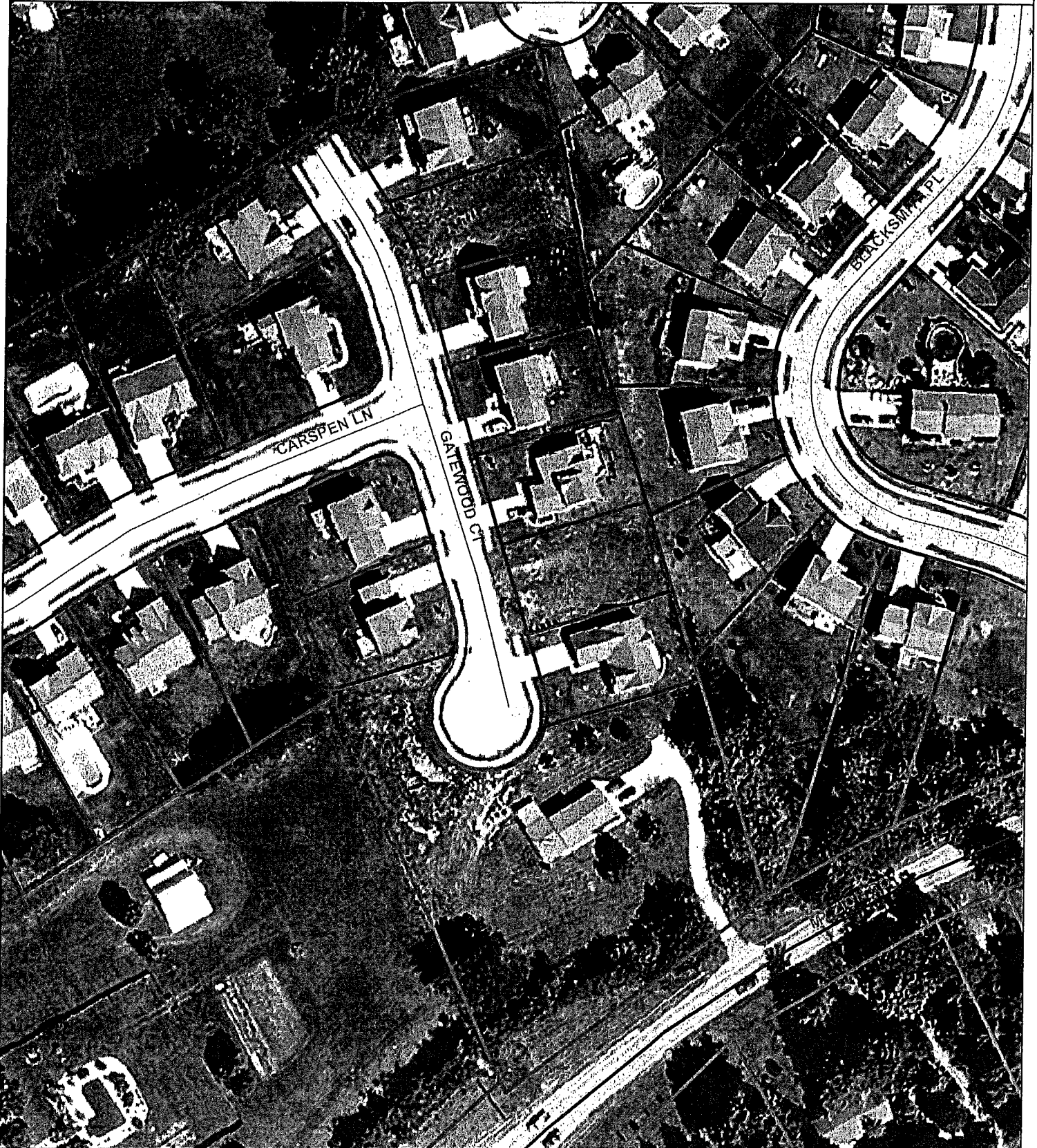
JOB #
 S-13-016

DATE:
 3/17/2013



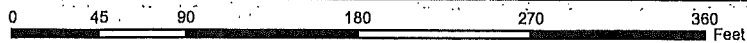
2009 AERIAL MAP

www.boonecountygis.com



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1 inch = 100 feet

Boone County GIS

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Map by Plan Forward (March 2010) 0803

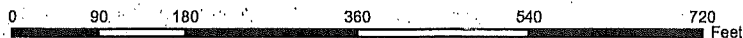
ZONING MAP

www.boonecountygis.com



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1 inch = 200 feet

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Boone County GIS

TOPOGRAPHICAL MAP

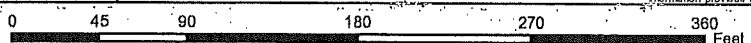
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Source: GIS Services Division, Boone County Planning Commission

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1 inch = 100 feet

Boone County GIS

"Putting Northern Kentucky on the Map"



Boone County GIS

BUILDING ADDRESS OR LOCATION: 11066 Gatewood Ct.

NOTICE

I certify that what is submitted is true and accurate and I or we understand and agree that all construction work will be performed in accordance with this Zoning Permit Application, the Boone County Zoning Regulations and the Boone County Subdivision Regulations.

NAME AND ADDRESS OF APPLICANT (PLEASE PRINT): Smi New Home Solutions
P.O. Box 139 Union KY 41091

APPLICANT'S SIGNATURE: Don Simon (Don Simon) As
 Authorized by Property Owner

DATE 1/20/05 PHONE NUMBER: 859-655-2220

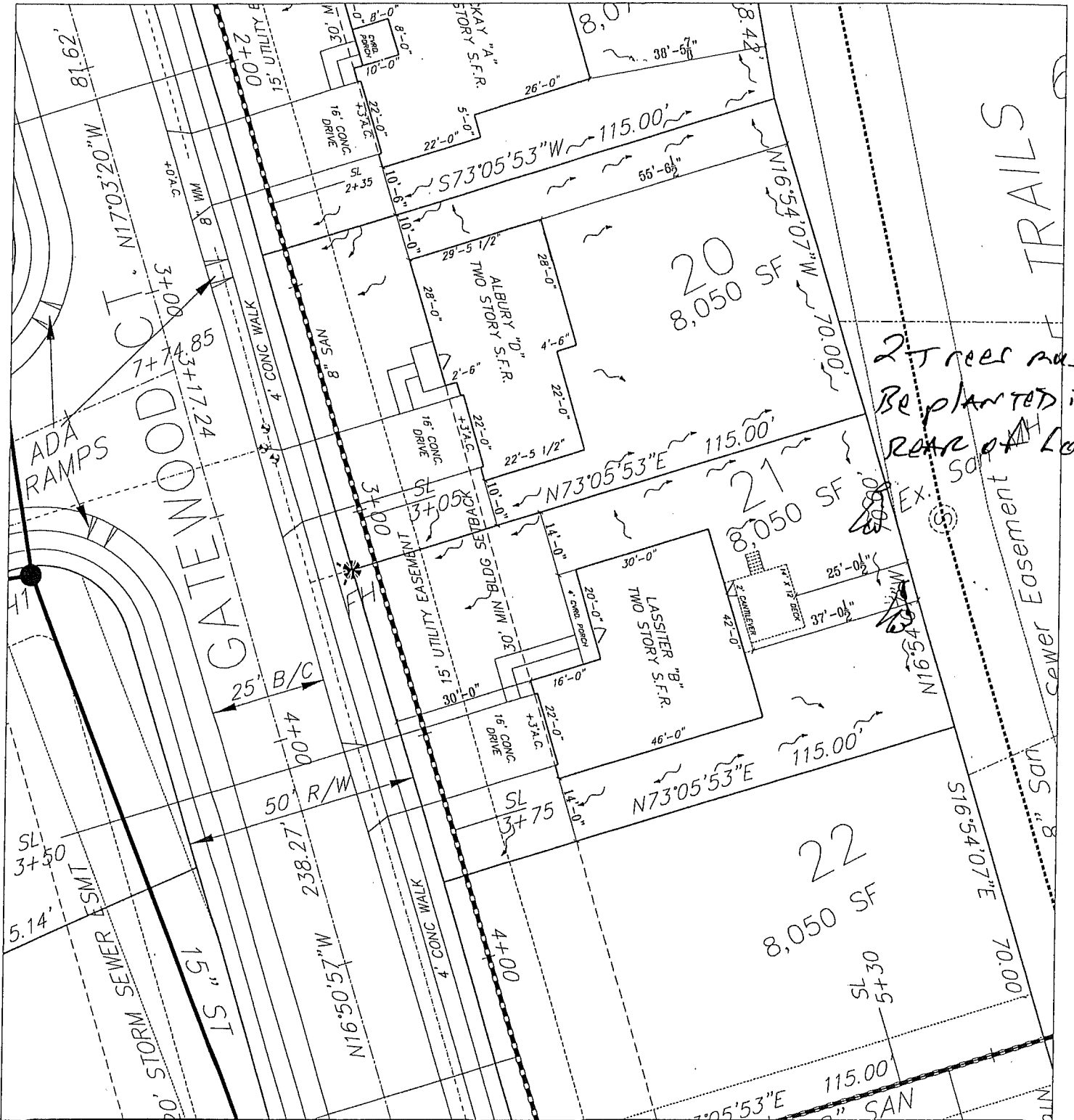
- This Portion of the Application to be Completed
 the Boone County Planning Commission

Zoning District	<u>SRI</u>	Date	<u>3/10/05</u>	Fee	<input checked="" type="checkbox"/>	\$50.00	Farm Exempt
Approved	<input checked="" type="checkbox"/>	Denied	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	\$20.00	(No Fee)
Staff Reviewer	<u>Ruby Corbell</u>		Address/Location <u>11066 GATEWOOD CT.</u>				
Subdivision	<u>CARSPON'S CREEK</u>						
Lot #	Section #		Block/Phase #				

** 3/19/05
 Variance Approved
 for deck to
 encroach into
 REAR YD setback
 Two trees
 must be planted
 in REAR of lot.
 (20)*

Type of Improvement	
Single Family Residence	Detached Garage
Duplex	Garage Addition
Three Family	Porch or Deck
Apartment (# units _____)	Barn or Shed
Townhouse (# units _____)	Swimming Pool
Mobile Home	Tenant Finish
Residential Addition	Other:
Jurisdiction	
<input checked="" type="checkbox"/> Boone County	Florence
<input type="checkbox"/> Walton	Union
Post Office	
<input type="checkbox"/> Burlington	<input checked="" type="checkbox"/> Florence
<input type="checkbox"/> Walton	Union
<input type="checkbox"/> Hebron	Verona
<input type="checkbox"/> Petersburg	Erlanger
<input type="checkbox"/> Crittenden	
Group # <u>2057</u>	Census Tract # <u>703.08</u>

#41270
 RECEIVED
 JAN 21 2005
 BOONE COUNTY
 PLANNING COMMISSION



2 Trees must
Be planted in
rear of Lot.

TRAILS

sewer Easement

8" SAN

SMI
NEW HOME SOLUTIONS

P.O. BOX 139
UNION, KENTUCKY 41091
OFFICE: (859) 689-7701
FAX: (859) 689-7852

SMI New Home Solutions, LLC

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DATE:	01/20/05	REVISION:	ADDED 14' X 12' DECK
SUBDIVISION	CARSPENS CREEK, SECTION TWO		
SCALE	1"=30'		
JOB ADDRESS:	GATEWOOD COURT		
CONTRACT BY:	SMI	CUSTOMER:	MARKET
PHONE NO.:	859-689-7701	JOB #:	21CC
CONTRACT DATE:	N/A		
			SHEET NO. P.1

BUILDING ADDRESS OR LOCATION: 11074 Gatewood Court Florence, KY

NOTICE

I certify that what is submitted is true and accurate and I or we understand and agree that all construction work will be performed in accordance with this Zoning Permit Application, the Boone County Zoning Regulations and the Boone County Subdivision Regulations.

NAME AND ADDRESS OF APPLICANT (PLEASE PRINT): Kyle Mason
P.O. Box 139 Union, KY 41091

APPLICANT'S SIGNATURE: Kyle Mason As
 Authorized by Property Owner

DATE 10/13/06 PHONE NUMBER: 859-655-2220

This Portion of the Application to be Completed
 the Boone County Planning Commission

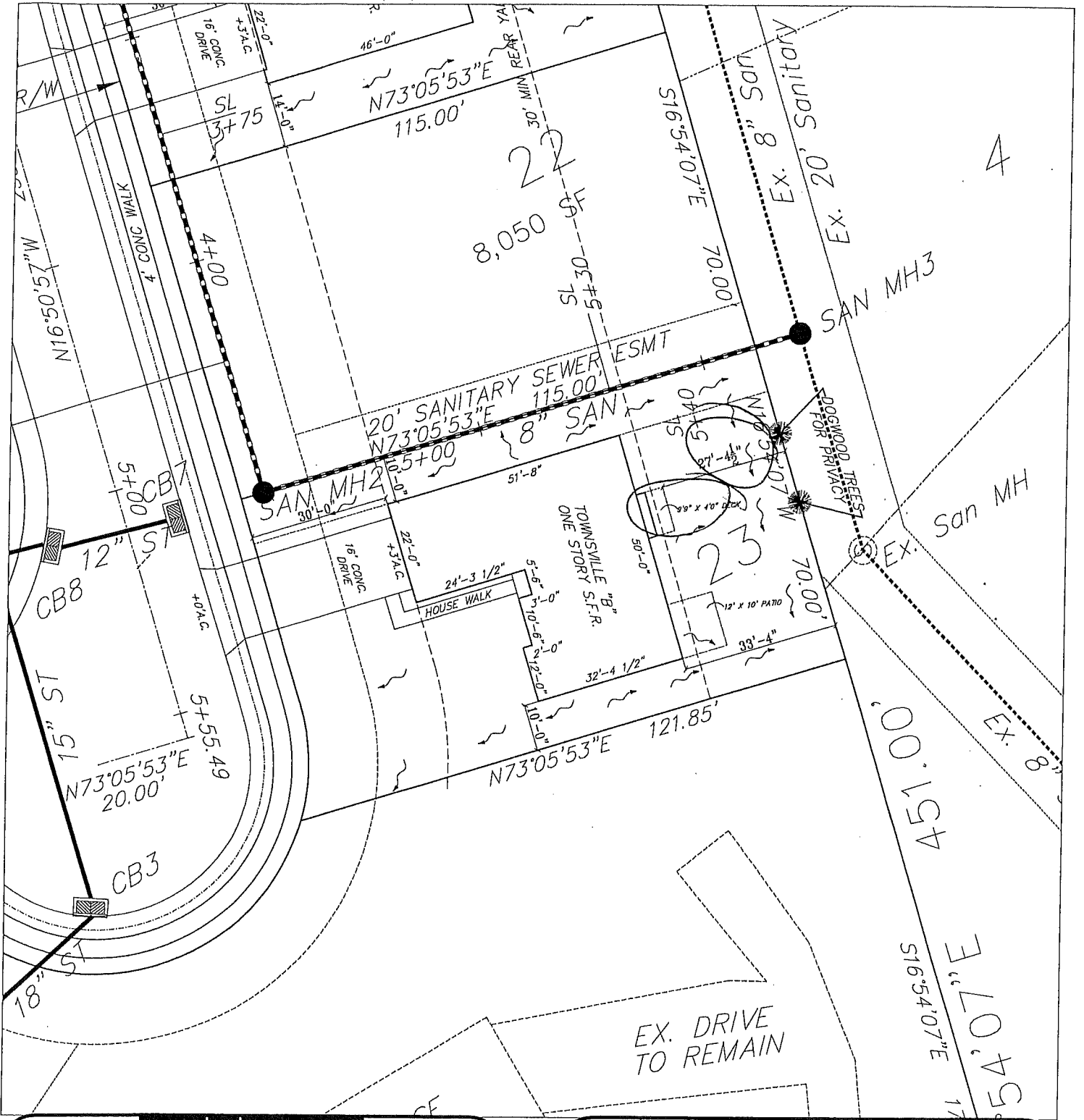
Zoning District	<u>SR1</u>	Date	<u>10/13/06</u>	Fee	<u>\$75.00</u>	Farm Exempt
Approved	<input checked="" type="checkbox"/>	Denied	<input type="checkbox"/>	<u>pd</u>	<input checked="" type="checkbox"/> \$35.00	(No Fee)
Staff Reviewer	<u>Rudy Conell</u>		Address/Location <u>11074 Gatewood Ct,</u>			
Subdivision	<u>Campers Creek</u>					
Lot #	<u>23</u>	Section #	<u> </u>		Block/Phase # <u> </u>	

*Variance
 approved to
 allow deck to
 encroach into
 rear yard setback

Type of Improvement	
<input type="checkbox"/> Single Family Residence	<input type="checkbox"/> Detached Garage
<input type="checkbox"/> Duplex	<input type="checkbox"/> Garage Addition
<input type="checkbox"/> Three Family	<input checked="" type="checkbox"/> Porch or Deck
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<input type="checkbox"/> Residential Addition	<input type="checkbox"/> Other:
Jurisdiction	
<input checked="" type="checkbox"/> Boone County	<input type="checkbox"/> Florence
<input type="checkbox"/> Walton	<input type="checkbox"/> Union
Post Office	
<input type="checkbox"/> Burlington	<input checked="" type="checkbox"/> Florence
<input type="checkbox"/> Walton	<input type="checkbox"/> Union
<input type="checkbox"/> Hebron	<input type="checkbox"/> Verona
<input type="checkbox"/> Petersburg	<input type="checkbox"/> Erlanger
<input type="checkbox"/> Crittenden	<input type="checkbox"/>
Group # <u>2059</u>	Census Tract # <u>703.08</u>

R51616
 BOONE COUNTY
 PLANNING COMMISSION
 RECEIVED

OCT 13 2006



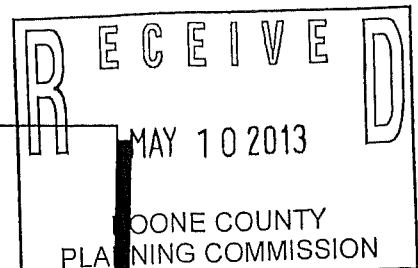
P.O. BOX 139
 UNION, KENTUCKY 41091
 OFFICE: (859) 655-2220
 FAX: (859) 655-2223

SMI New Home Solutions, LLC

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DATE:	REVISION:
SUBDIVISION	CARSPENS CREEK, SECTION TWO
SCALE	1"=30'
JOB ADDRESS: GATEWOOD COURT	
CONTRACT BY: SMI	CUSTOMER: SALCIDO
PHONE NO.: 859-655-2220	JOB #: 23CC
CONTRACT DATE: 08/31/06	SHEET NO. P.1

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)

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(Check One) 2. Conditional Use Permit [checked] Variance _____ Appeal _____
Change in Non-Conforming Use _____
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8. Lot Number and Name of Subdivision (if part of a subdivision) LOT 22 - CARSPEN CREEK - 11070 GATEWOOD COURT
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10. FLORENCE KY 41042
City State Zip
Phone Number 859-384-2006 Fax No. 888-204-1693 E-Mail lee@potterhousegroup.com
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14. Deed Book 1015 Page No. 893 Group No. 2057
15. Is the site subject to a zone change? NO
If yes, give date of approval _____
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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 #13-BCBOA-014-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Potter Home Group, Inc.
P.O. Box 905
Florence, KY 41042

2. ADDRESS OF PROPERTY

11070 Gatewood Court
Florence, KY 41042

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Carspen Creek, Section 2

4. DEED BOOK 1015

PAGE NO. 893

GROUP NO. 2057

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



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 27th day of June,

2013.



Vicki L. Myers

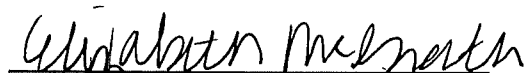
Notary ID 438411

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
June 12, 2013 Certificate of Land Use Restriction (#13-BCBOA-014-A), for Potter House
Group, Inc., Property Owner(s).

The following conditions will apply:

1. Two small trees shall be required in the rear yard.

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

DEED BOOK 1015

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GROUP NO. 2057