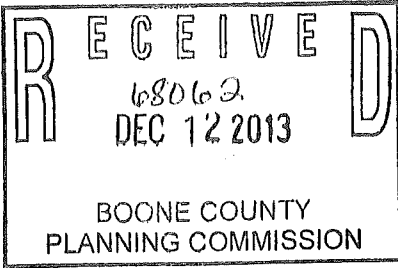


APPLICATION FORM



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 [checked] Florence _____ Walton _____ Union _____
2. (Check One) Conditional Use Permit _____ Variance [checked] Appeal _____
3. Applicant's Name Adam Miller Homes
Applicant's Address 2216 Dixie Highway; Suite 100
Fort Mitchell KY 41017
4. Description of Request: Encroach 2ft on 40ft setback on right side of garage
5. Name of Development Cornerstone Estates
6. Location of Development 3277 Cornerstone Drive
7. Acreage Under Review .56
8. Lot Number and Name of Subdivision (if part of a subdivision) Lot 28 Cornerstone Estates
9. Owner of Property Cynthia Powell
Address of Property Owner PO Box 871
10. Burlington KY 41005
11. Proposed Use(s) on Site Single family home
12. Total Square Footage of Existing and/or Proposed Buildings
13. Current Zoning on Property RS
14. Deed Book 1024 Page No. 605 Group No. 2007
15. Is the site subject to a zone change?
16. Have you submitted a Site Plan with this request?
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: Cynthia Powell
(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 12/12/13 Fee Received \$632⁰⁰ Receipt # 68062
2. Is application complete? Yes No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
1/8/14 **Approved**
_____ **Approved with Conditions (See #6)**
_____ **Denial (See #7)**
6. Conditions of Approval: NONE

7. Reasons for Denial: _____

14-BCBOA-001-A

**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: Adam Miller Homes for Cynthia Powell

LOCATION: Lot 28, Cornerstone Estates Subdivision
(3277 Cornerstone Drive, Boone County, Kentucky)

ZONING: Rural Suburban (RS)

DATE: January 8, 2014

PROPOSAL

The applicant is requesting a Variance to reduce the 40 foot front yard setback for a single-family residential dwelling. The submitted plan shows that the structure is proposed 38 feet from the front property line.

RELEVANT HISTORY

On September 28, 2004, Boone County Fiscal Court approved a Zoning Map Amendment from Rural Suburban Estates (RSE) to Rural Suburban (RS) for 18.77 acres of an overall 24.24 acre tract to allow a single-family residential subdivision. There was a condition of approval which required a 15 foot wide undisturbed easement around the perimeter of the subdivision.

On September 30, 2013, Boone County Planning Commission approved a Zoning Permit for the subject house. The plan showed that the house would meet the 40' front yard setback requirement. When construction began on the house the buyers realized that a 2' bump out was not being constructed on front of the house. They made Adam Miller Homes aware of the error and a Variance application was submitted. Adam Miller Homes is still constructing the house and will address the 2' bump out once the Board acts on the application.

APPLICABLE REGULATIONS

Article 2, Section 250 of the Boone County Zoning Regulations states that the Board of Adjustment 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 a Rural Suburban (RS) zone as 40 foot front, 40 foot rear, and 10 foot sides.

SITE CHARACTERISTICS

The approximate 0.56 acre site is located on the south side of Cornerstone Drive and a the subject house is currently under construction. There is no currently no mature vegetation on the site. Boone County GIS shows that the topography of the parcel falls from 866 feet above sea level at near the rear property line to 860' above sea level at the street.

SURROUNDING LAND USES & ZONING

North: Cornerstone Drive and Single-Family Residential Dwellings (RS)

South: Single-Family Residential Dwellings Fronting on Wildrose Lane (RS)

East: Existing Farm which is Approved as Sawgrass II Subdivision (RS & SR-1)

West: Single-Family Residential Dwelling Fronting on Cornerstone Drive (RS)

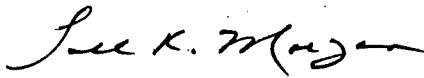
STAFF COMMENTS

1. Staff would like the applicant to explain why the original permit drawings showed the incorrect building footprint?
2. Staff does not believe the request will alter the essential character of the area.
3. 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

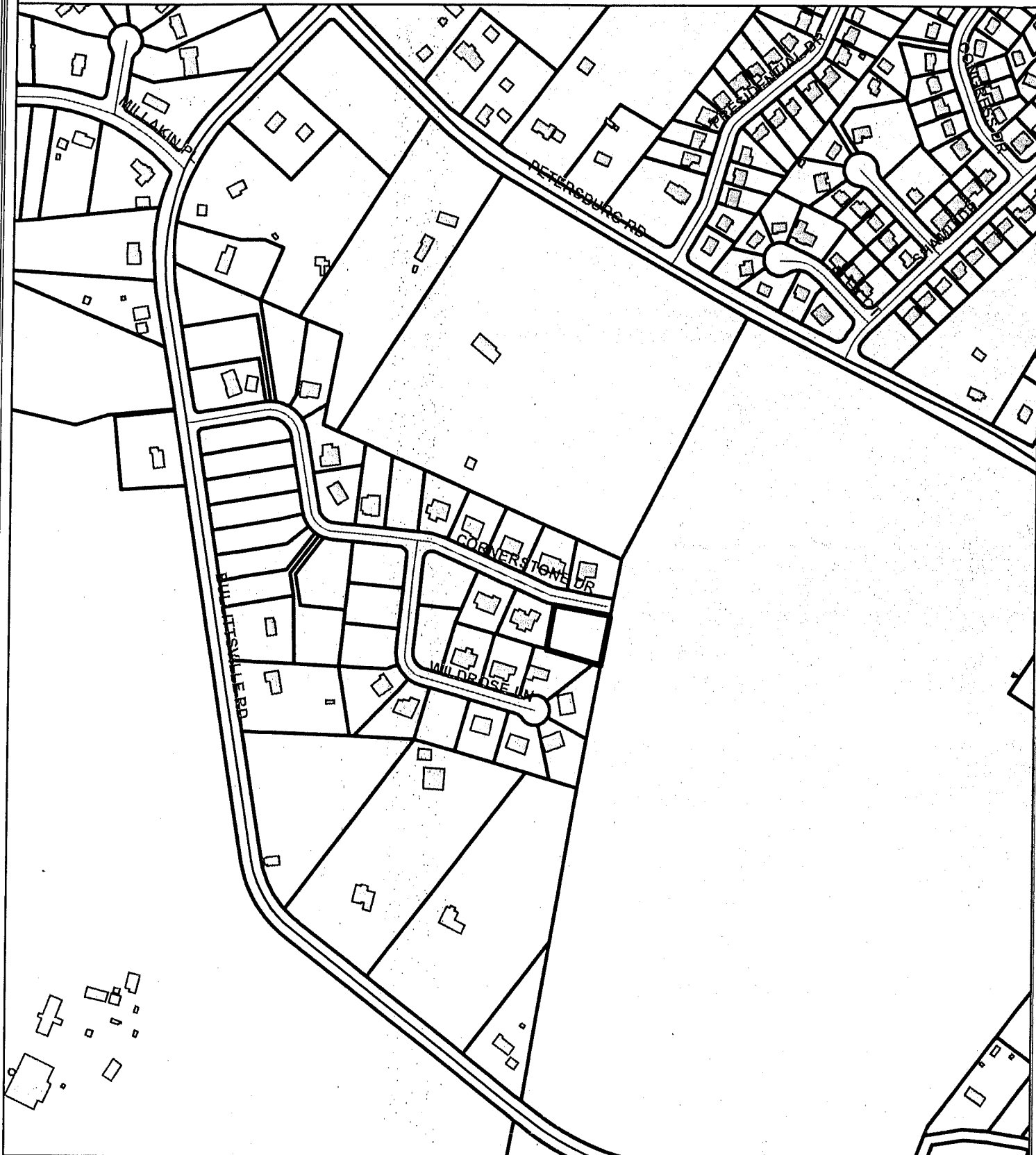
TKM/vlm

Attachments

- *Site Vicinity Map
- *Proposed Plot Plan
- *Front and Rear Building Elevations
- *Foundation Plan
- *Engineer's Note
- *9/30/13 Approved Zoning Permit
- *Zoning Map
- *Topographical Map
- *2012 Aerial Map
- *Application

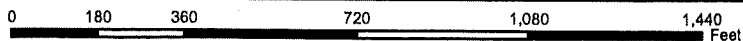
SITE VICINITY MAP

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 = 400 feet

Boone County GIS

"Putting Northern Kentucky on the Map"



Boone County GIS 2012

ADAM MILLER
H O M E S

KEY NOTES

- 1 QUONDED CORNERS
- 2 BRICK SOLDER COURSE
- 3 1" X 6 TRIM
- 4 1" X 8 GUTTER BOARD
- 5 1" X 6 FREEZE BOARD
- 6 1" X 8 RAKE BOARD
- 7 1" X 4 SUB-RAKE
- 8 BRICK VENEER
- 9 BRICK SILL
- 10 4" X 8 X 10 KEYSTONE
- 11 SLAT SHUTTER
- 12
- 13 CABLE BRACKET
- 14
- 15 SHINKLES
- 16
- 17
- 18 BOX COLUMN, SEE DETAIL E7/1
- 19 APPROXIMATE GRADE
- 20

Designer assumes no liability for any home constructed from this plan. Builder or contractor must verify all dimensions prior to proceeding with construction. Plans are shown for general information only. Engineering aspects should incorporate actual site conditions. Custom must be exercised in making any changes in this plan.

HOUSE NAME: **The Schible** PLAN NO. **010**

SHEET DESCRIPTION: **FRONT AND REAR ELEVATIONS**

DATE: _____ REVISION: _____

JOB ADDRESS: _____

CONTRACTOR: **SMITH RESORCS** CUSTOMER: **POWELL** SHEET NO. **1.1**

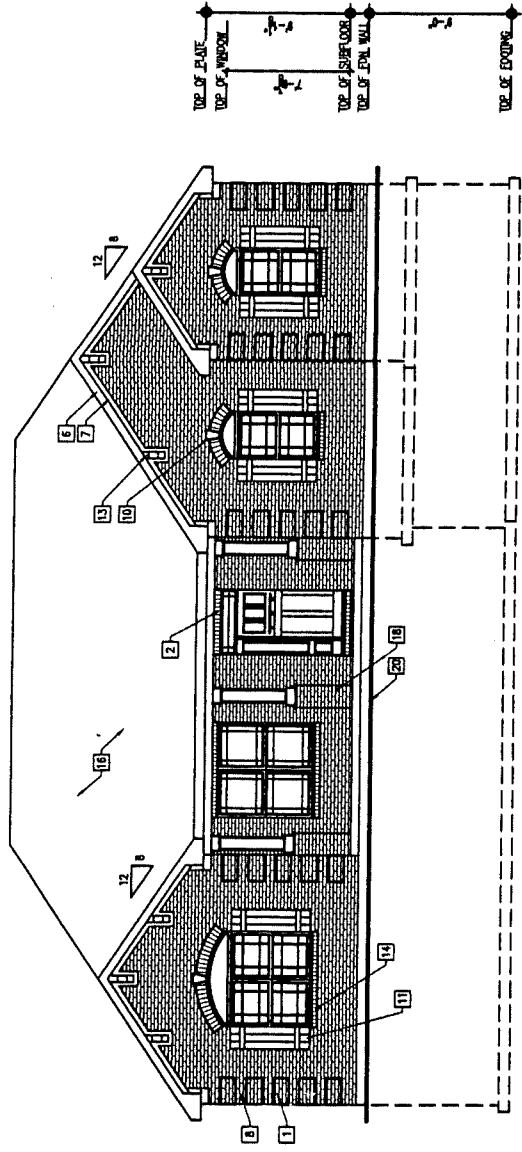
PHONE NO.: **609-262-0768** JOB #:

CONTRACT DATE: **07-14-13**

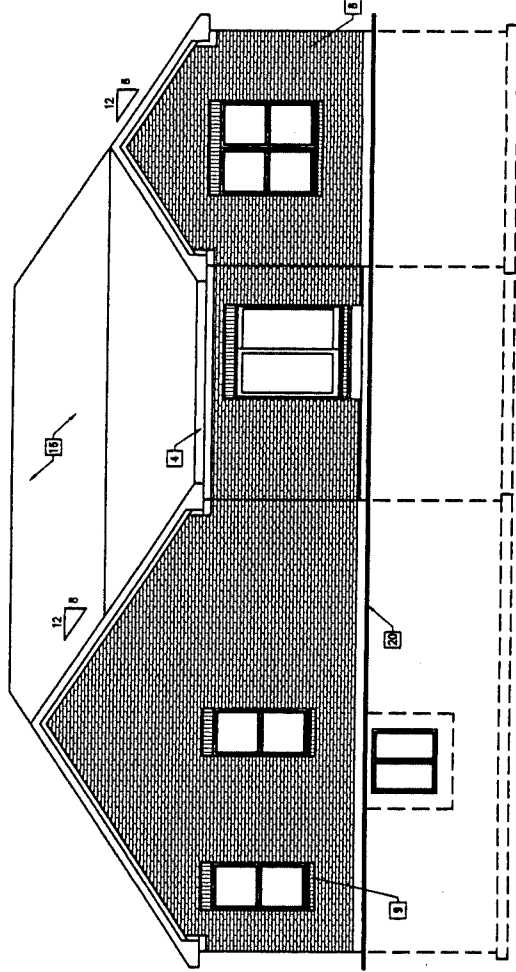
REFERENCE NO.: **SP-13-043**

BRICK LINTEL SCHEDULE

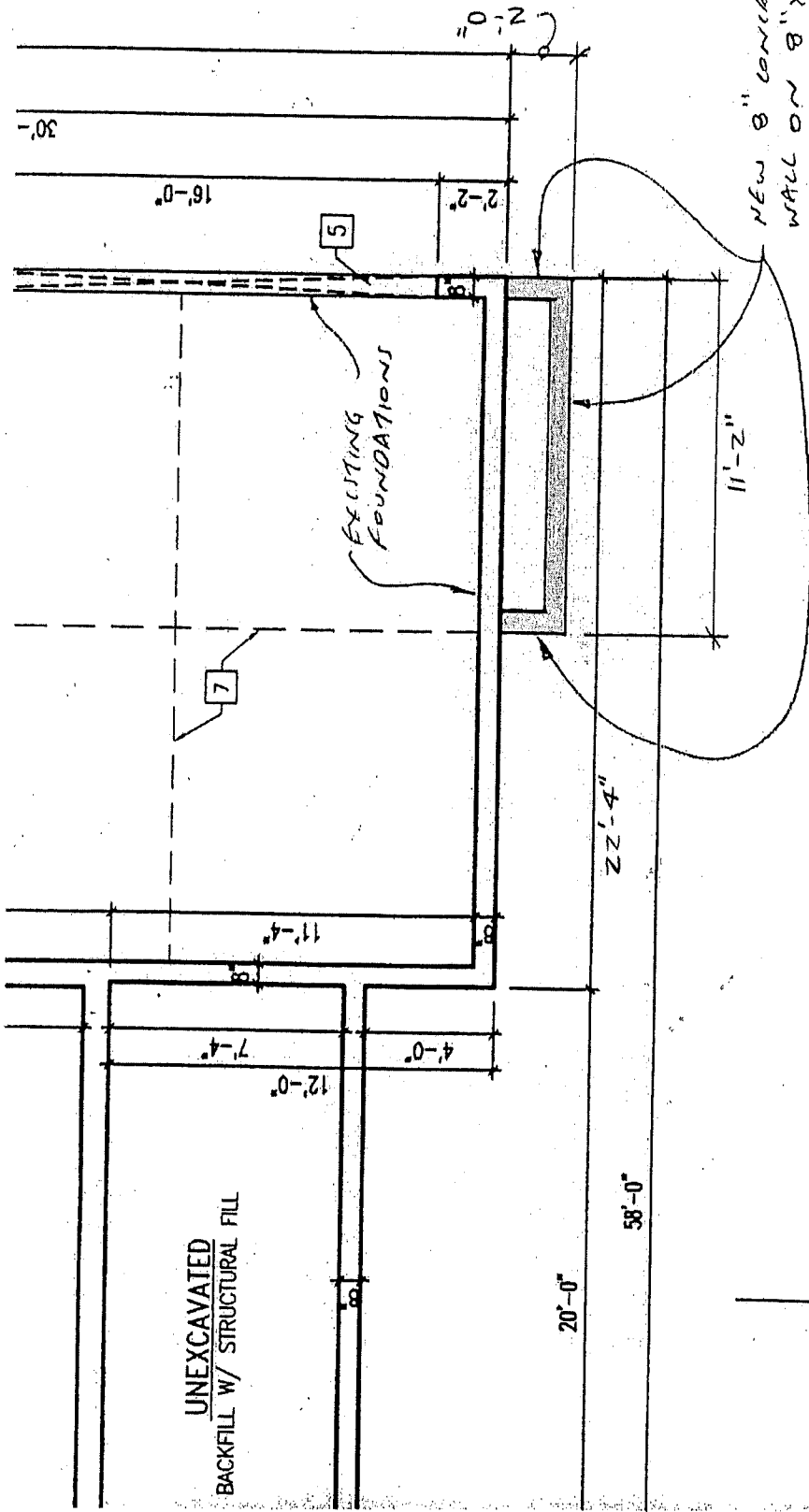
ANGLE CLEAR SPAN	ANGLE LIN	MINIMUM BEARING
0 FT. - 7 FT.	$4^{\circ} 53' - 1/2^{\circ} \times 1/2^{\circ}$	4" EACH END
7 FT. - 12 FT.	$5^{\circ} 53' - 1/2^{\circ} \times 1/2^{\circ}$	4" EACH END
12 FT. - 15 FT.	$6^{\circ} 53' - 1/2^{\circ} \times 1/2^{\circ}$	4" EACH END
15 FT. - 18 FT.	$7^{\circ} 53' \times 1/2^{\circ}$	4" EACH END



FRONT ELEVATION
SCALE: 1/8" = 1'-0"



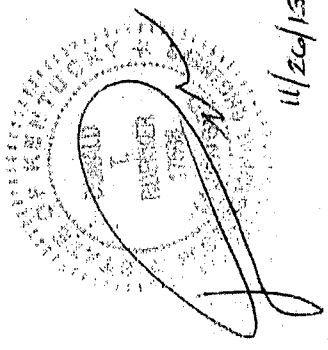
REAR ELEVATION
SCALE: 1/8" = 1'-0"



NEW 8" CONCRETE FOR
 WALL ON 8" X 20" CONCRETE
 FOOTING. PROVIDE #1 #4 IN
 FOOTING. PROVIDE #2 #4 TOP
 & BOTTOM IN WALL. BRILL
 REINFORCING C" INTO
 EXISTING FOUNDATIONS

POWELL RESIDENCE

11/25/13



11/26/13

Cornerstone
Lot 28

BUILDING ADDRESS OR LOCATION: 3277 Cornerstone Dr Burlington Ky 41005

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): TIM STEVENS
"ADAM Miller Homes" 2216 Dixie Hwy Ft. Mitchell Ky 41017
 Suite 100

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

DATE Sept. 20, 2013 PHONE NO. 859 444-1465 E-MAIL TSTEVENS@AdamMillerHomes.com

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

Zoning <u>RS/CD</u>	Date <u>9-30-13</u>	Fee <u>PD</u>	<input checked="" type="checkbox"/>	\$90.00	Farm Exempt
<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Denied			\$45.00	(No Fee)
Staff Reviewer <u>[Signature]</u>	Address <u>3277 Cornerstone DR</u>				
Subdivision <u>Cornerstone Estates</u>					
Lot # <u>28</u>	Section # <u>2</u>	Block/Phase #			

Owner/buyer:
Cindy Powell
812-569-9439

Type of Improvement	
<input checked="" type="checkbox"/> Single Family Residence	Detached Garage
<input type="checkbox"/> Duplex	Garage Addition
<input type="checkbox"/> Three Family	Porch or Deck
<input type="checkbox"/> Apartment (# units)	Barn or Shed
<input type="checkbox"/> Townhouse (# units)	Swimming Pool
<input type="checkbox"/> Mobile Home	Tenant Finish
<input type="checkbox"/> Residential Addition	Other:
Jurisdiction	
<input checked="" type="checkbox"/> Boone County	Florence
<input type="checkbox"/> Walton	Union
Post Office	
<input checked="" type="checkbox"/> Burlington (41005)	Florence (41042)
<input type="checkbox"/> Walton (41094)	Union (41091)
<input type="checkbox"/> Hebron (41048)	Verona (41092)
<input type="checkbox"/> Petersburg (41080)	Erlanger (41018)
<input type="checkbox"/> Crittenden (41030)	Independence (41051)
Group # <u>2007</u>	Census Tract # <u>704.02</u>

67653
 RECEIVED
 SEP 23 2013
 BOONE COUNTY
 PLANNING COMMISSION

NOTE:

THIS HOUSE IS SITUATED AT OR NEAR THE MINIMUM SETBACKS. BUILDER TO VERIFY FOUNDATION FORMS PRIOR TO CONSTRUCTION.

PLOT PLAN

THIS DRAWING IS INTENDED FOR BUILDING PERMIT PURPOSES ONLY AND DOES NOT REPRESENT A BOUNDARY SURVEY—NOT INTENDED FOR LAND TRANSFER

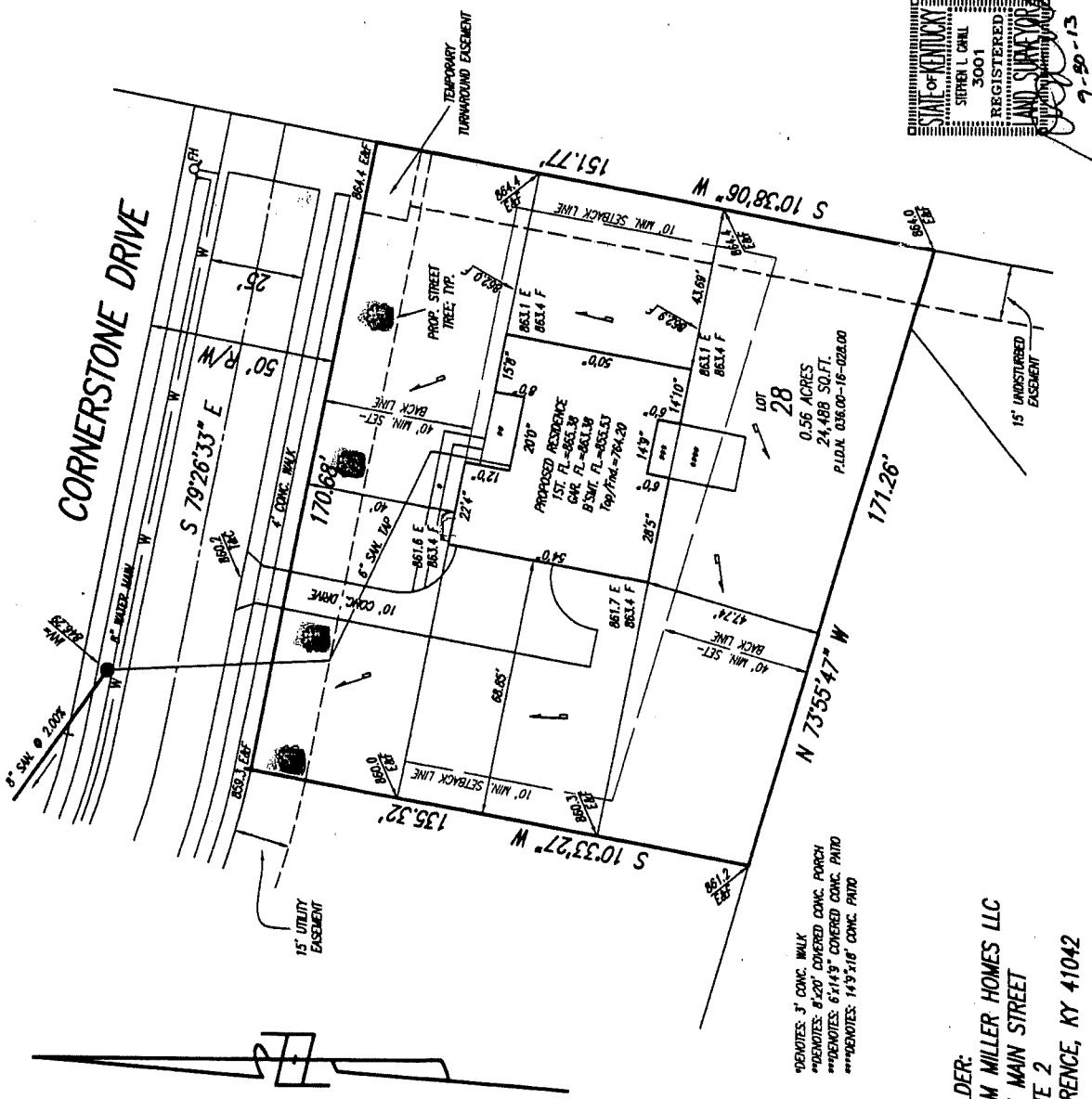
CORNERSTONE ESTATES, SECTION 2
BURLINGTON
BOONE COUNTY, KENTUCKY

A Abercrombie & Associates, Inc.
Civil Engineering + Surveying
3377 Compton Road, Suite 120 - Cincinnati, Ohio 45251
613-385-6767 - www.abercrombie-associates.com

REV. 9-30-13

SCALE 1" = 30'
DATE 9-3-13
JOB NO. 09-0121
DRAWN J.C.

CORNERSTONE DRIVE



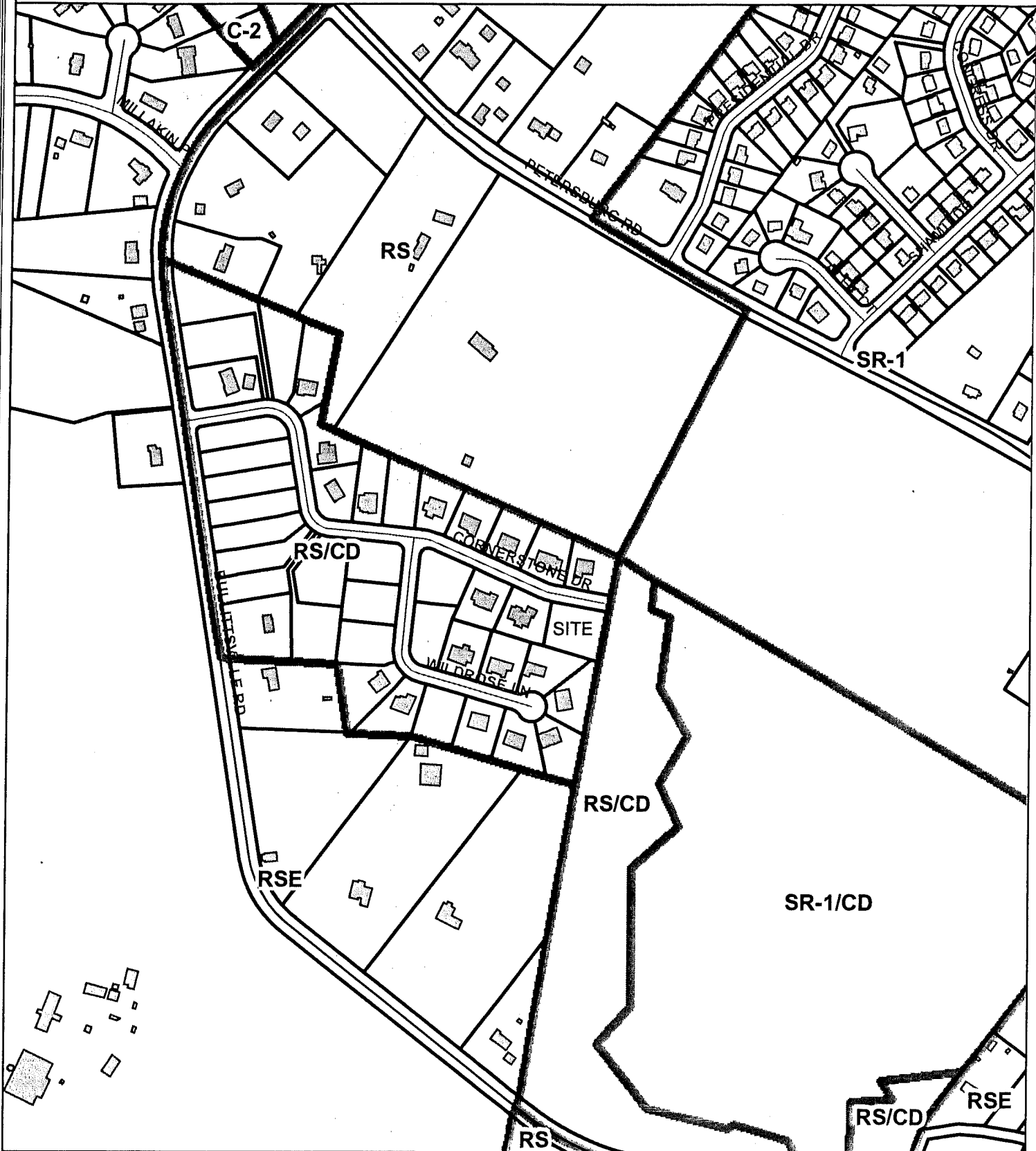
STATE OF KENTUCKY
STEPHEN L. CHIL
3001
REGISTERED
LAND SURVEYOR
9-3-13

**DENOTES: 3" CONC. WALK
***DENOTES: 8'x20' COVERED CONC. PORCH
****DENOTES: 6'x14'9" COVERED CONC. PATIO
*****DENOTES: 14'9"x18' CONC. PATIO

BUILDER:
ADAM MILLER HOMES LLC
236 MAIN STREET
SUITE 2
FLORENCE, KY 41042

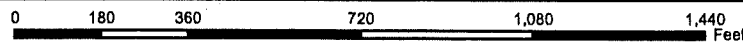
ZONING MAP

www.boonecountygis.com



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1 inch = 400 feet

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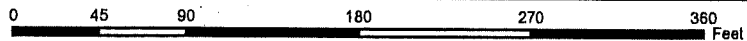
TOPOGRAPHICAL MAP

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1 inch = 100 feet

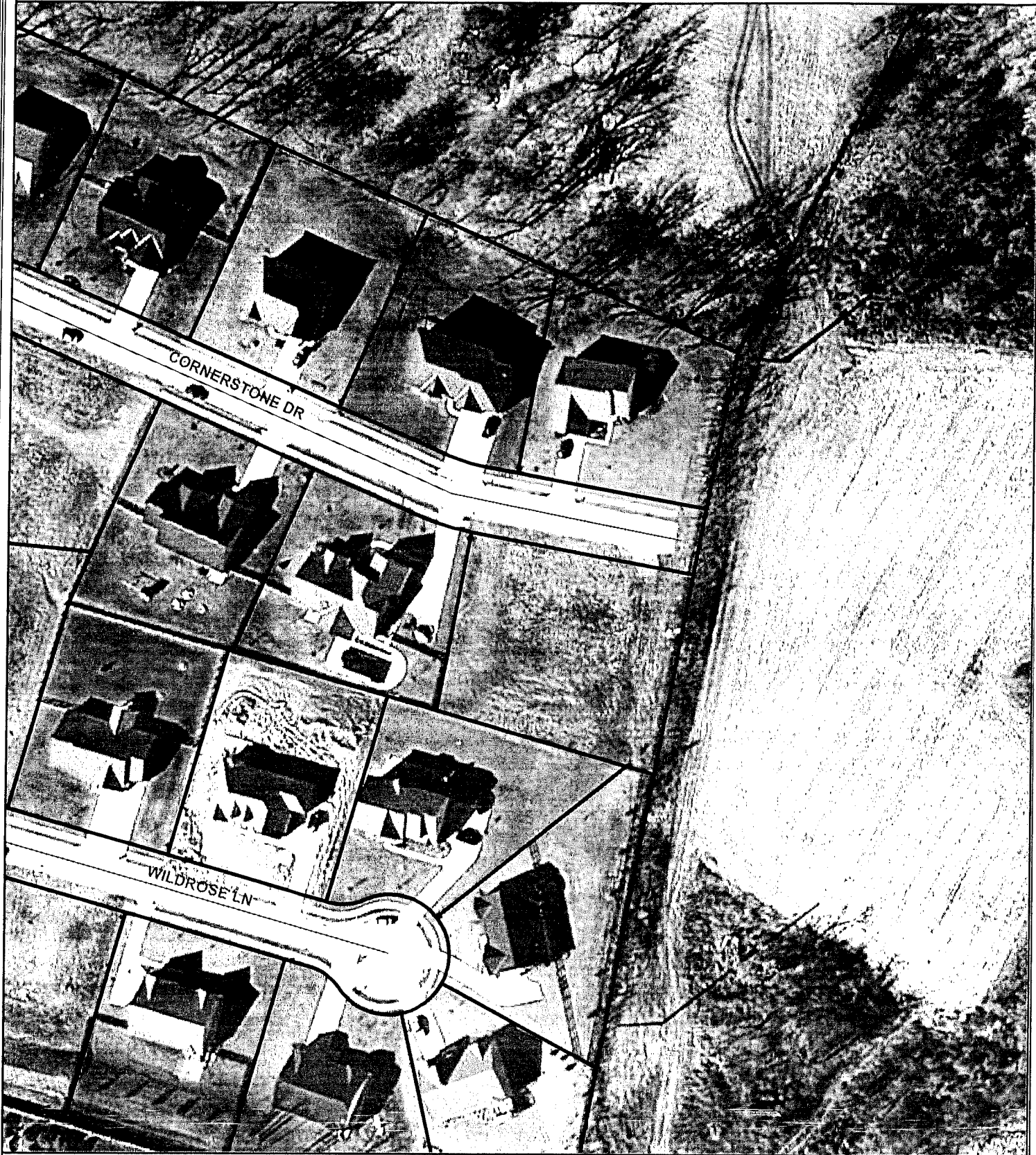
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Boone County GIS

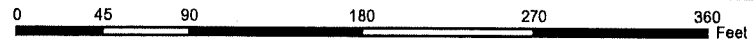
2012 AERIAL MAP

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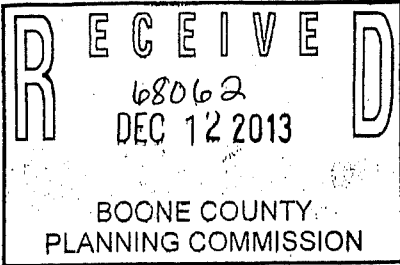
1 inch = 100 feet

Boone County GIS
"Putting Northern Kentucky on the Map"



Boone County GIS 2012

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 [checked] Florence _____ Walton _____ Union _____
2. (Check One) _____ Conditional Use Permit _____ [checked] Variance _____ Appeal _____
Change in Non-Conforming Use _____
3. Applicant's Name Adam Miller Homes
Applicant's Address 2216 Dixie Highway, Suite 100
Fort Mitchell KY 41017
City State Zip
4. Phone Number 859-652-4393 Fax No. 859-486-6327 E-Mail amiller@adammilleron.com
Description of Request: Encroach on 40ft setback on right side of garage
5. Name of Development Cornerstone Estates
6. Location of Development 3277 Cornerstone Drive
7. Acreage Under Review .56
8. Lot Number and Name of Subdivision (if part of a subdivision)
Lot 28 Cornerstone Estates
9. Owner of Property Cynthia Powell
Address of Property Owner PO Box 871
10. Burlington KY 41005
City State Zip
Phone Number _____ Fax No. _____ E-Mail _____
11. Proposed Use(s) on Site Single family home
12. Total Square Footage of Existing and/or Proposed Buildings _____
13. Current Zoning on Property RS
14. Deed Book 1024 Page No. 605 Group No. 2007
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? _____
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: Cynthia Powell
(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 #14-BCBOA-001-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Cynthia Powell
P.O. Box 871
Burlington, KY 41005

2. ADDRESS OF PROPERTY

3277 Cornerstone Drive
Burlington, Ky 41005

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Cornerstone

4. DEED BOOK 1024 PAGE NO. 605 GROUP NO. 2007

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
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 9 day of January, 2014.



Vicki L. Myers

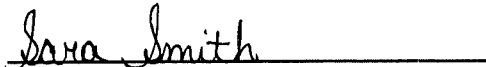
Notary ID 438411

NOTARY PUBLIC, State at Large

My commission Expires:

April 17, 2015

This instrument was prepared for recording purposes only by:



Sara Smith

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 Board of Adjustments and in accordance with the current zoning in effect as of January 9, 2014 Certificate of Land Use Restriction (#14-BCBOA-001-A), for Cynthia Powell, 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 1024

PAGE NO. 605

GROUP NO. 2007