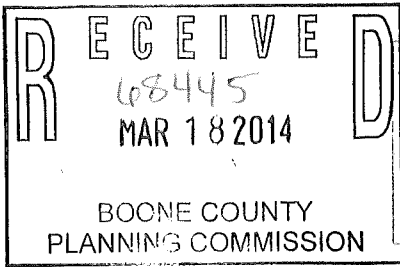


APPLICATION FORM



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 Gerald Hardcorn
Applicant's Address 510 Whippoorwill Lane Perry Park Ky 40363
4. Description of Request: Change corner lot side set back to 30'0" and remaining side set back to 20'0" for residential construction
5. Name of Development Arborwood Estates Lot #10 Section #1
6. Location of Development East Bend Road (Ky 335) Burlington Ky
7. Acreage Under Review 0.43 +/-
8. Lot Number and Name of Subdivision (if part of a subdivision) Arborwood Estates Lot #10 Section #1 Plat Slide 306-A
9. Owner of Property Gerald & Andrea Hardcorn
Address of Property Owner 510 Whippoorwill Lane Perry Park Ky 40363
10. Phone Number 502 484 5179 Fax No. E-Mail jahardcorn@kip.net
11. Proposed Use(s) on Site Residential Construction
12. Total Square Footage of Existing and/or Proposed Buildings 1st Fl-3400 / total-5600
13. Current Zoning on Property Residential RS/PD
14. Deed Book D 1023 Page No. 51-53 Group No. 2029
15. Is the site subject to a zone change? N/A
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 3/18/14 Fee Received \$1632<sup>00</sup> Receipt # 68445
2. Is application complete?  Yes  No
3. Staff Reviewer \_\_\_\_\_
4. Scheduled Board Action Date \_\_\_\_\_
5. Board Action:  
4/9/14 **Approved**  
**Approved with Conditions** (See #6)  
**Denial** (See #7)
6. Conditions of Approval: SEE 4/9/14 BCBOA Meeting  
MINUTES + CLUR
7. Reasons for Denial: \_\_\_\_\_

BOBOA 006 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](http://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: Gerald Hardcorn

LOCATION: Section 1, Lot 10 Arborwood Subdivision, Boone County, Kentucky

ZONING: Rural Suburban/Planned Development (RS/PD)

DATE: April 9, 2014

### Proposal

The property owner has submitted a Variance application to modify building setback conditions that were imposed by Boone County Board of Adjustment.

On October 9, 2013, the Boone County Board of Adjustment approved two Variance applications so a house could be constructed in the 40' front and rear yard setbacks. At this meeting, the applicant indicated that the final design of the house had not been determined and the submitted plan did not reflect the true building footprint. He indicated that the house would fit it in the box that was drawn on the plan. The Board imposed the following setback conditions on the approval:

- 30' Front Yard
- 20' Rear Yard
- 40' Corner side Yard
- 35' Side Yard

The current proposal shows the house will be located 30' from Edgewood Drive (front yard), 20' from the rear property line, 30' from Alder Court (corner side yard), and 28'-11" from the side property line. Building elevation drawings and floor plans were also submitted with the application.

### 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 and Section 3121 of the Boone County Zoning Regulations list the setback requirements in an RS zone as 40' front, 40' rear, 20' corner side, and 10' 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 0.43 acres in area and is located at the northwest corner of Edgewood Drive and Alder Court. Boone County GIS shows that the topography of the parcel falls from 820' above sea level at the center of the site to 818' above sea level along the northern property line. The property contains a grass surface and several mature deciduous trees. Public water and sanitary sewer mains exist along Edgewood Drive and Alder Court.

#### Site History

In 1993, Boone County Planning Commission and Boone County Fiscal Court approve a Zoning Map Amendment request which rezones the property from Rural Suburban Estates (RSE) to Rural Suburban/Planned Development (RS/PD).

On October 9, 2013, the Boone County Board of Adjustment approves two Variance applications so a house can be constructed in the front and rear yard setbacks (see the proposal section of the Staff Report for more information).

#### Staff Comments

1. The request would allow the following changes to the October 9, 2013 Boone County Board of Adjustment approval:

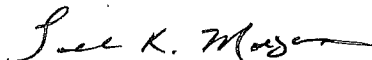
- A. Reduce the corner side yard setback from 40' to 30'.
- B. Reduce the side yard setback from 35' to 28'-11".
2. Staff has attached the Zoning Permits for lots 1, 3, 9, and 11 of Arborwood Subdivision on to the back of the report for informational and comparison purposes.
3. Staff would like the applicant and/or home builder to address the following:
  - A. Was an attempt made to design the house so it complied with the 40' corner side and 35' side yard requirements?
  - B. What house features would have to be eliminated or redesigned if the application is denied?
4. The Board needs to analyze the Variance criteria before acting on the request.

Although the proposed home is beautiful and shown with quality construction materials, Staff believes the size of the house could alter the essential character of the area. The Board should also analyze if denying the request would deny the applicant of the reasonable use of the land.

#### 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 requests.

Respectfully submitted,



Todd K. Morgan, AICP  
Senior Planner, Zoning Services

TKM/tlb

#### Attachments

- \*Site Vicinity Map
- \*10/9/13 Plot Plan
- \*Proposed Plot Plan
- \*Floor Plans and Elevations
- \*2012 Aerial Map
- \*Zoning Map
- \*Topographical Map
- \*Zoning Permits for lots 1, 3, 9, and 11 of Arborwood Subdivision
- \*10/9/13 Boone County Board of Adjustment Meeting Minutes
- \*Application

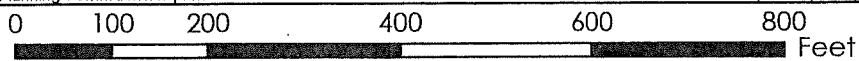
# SITE VICINITY MAP

www.boonecountygis.com



Copyright 2013 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 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**



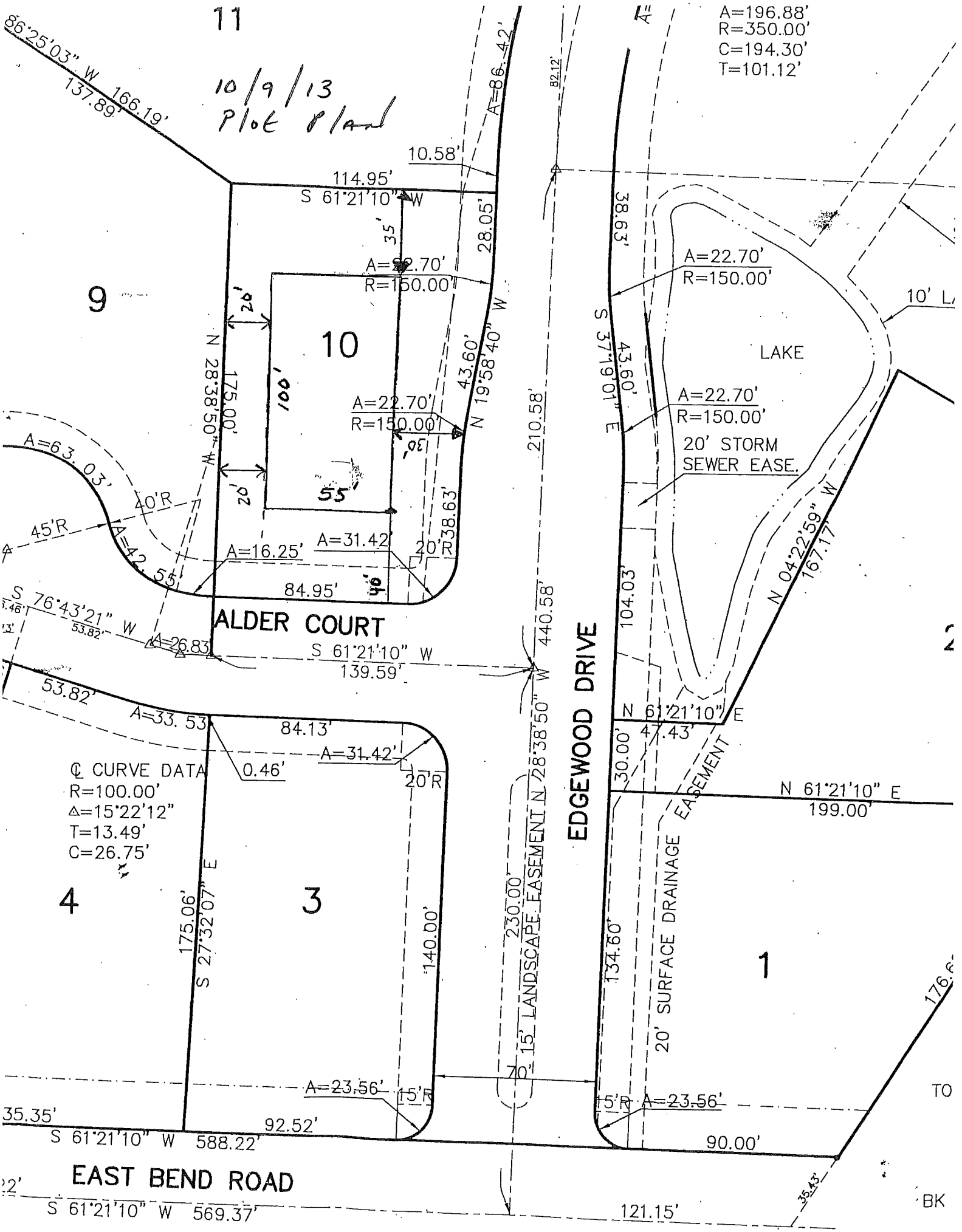
Map Created: 01/01/2013

Boone County GIS  
AnMap Document: \*.mxd

11

10/9/13  
Plot Plan

A=196.88'  
R=350.00'  
C=194.30'  
T=101.12'



EAST BEND ROAD

EDGEWOOD DRIVE

1

10

9

4

3

LAKE

A=22.70'  
R=150.00'  
20' STORM SEWER EASE.

20' SURFACE DRAINAGE EASEMENT

15' LANDSCAPE EASEMENT

ALDER COURT

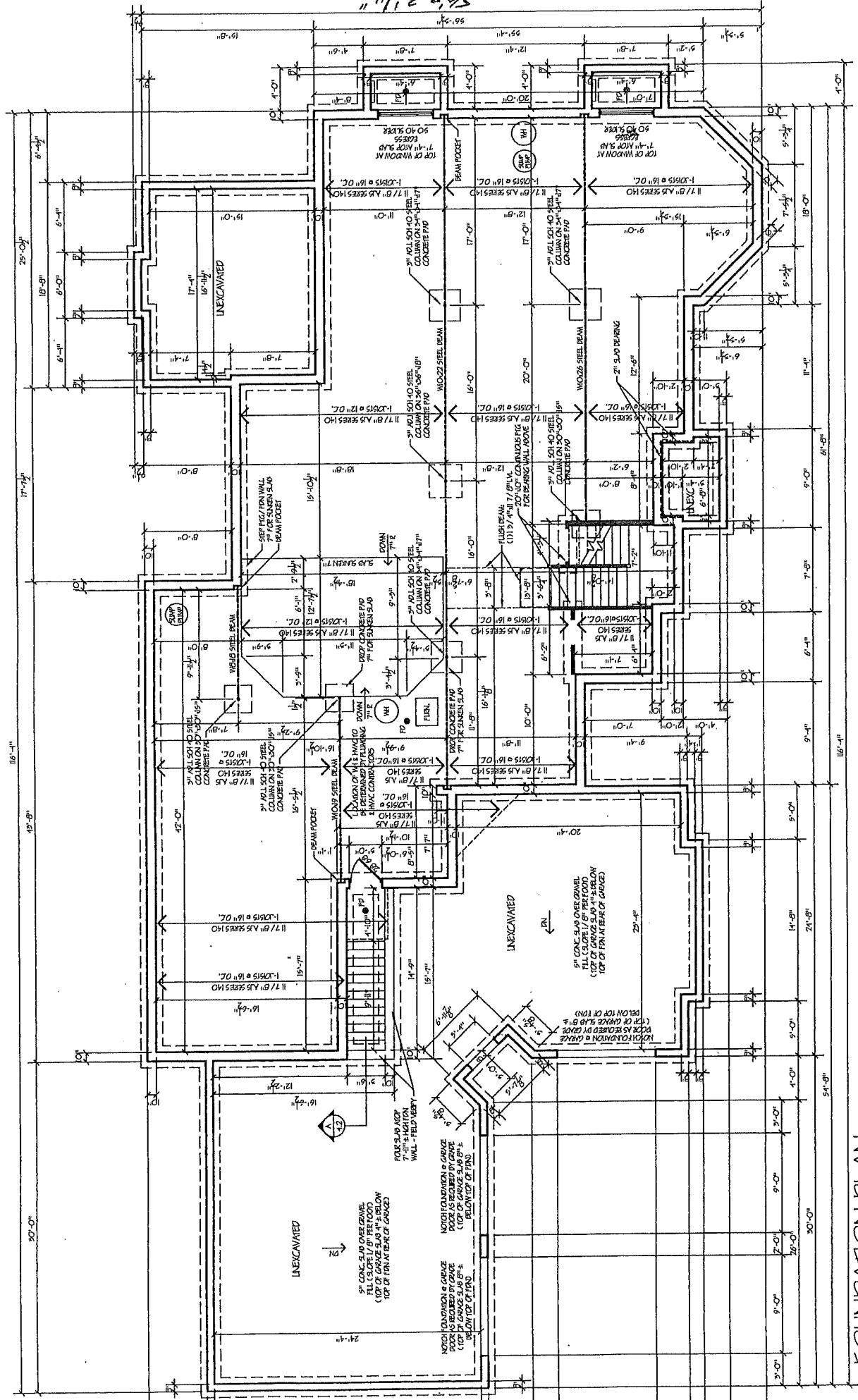
TO

BK



116'-4"

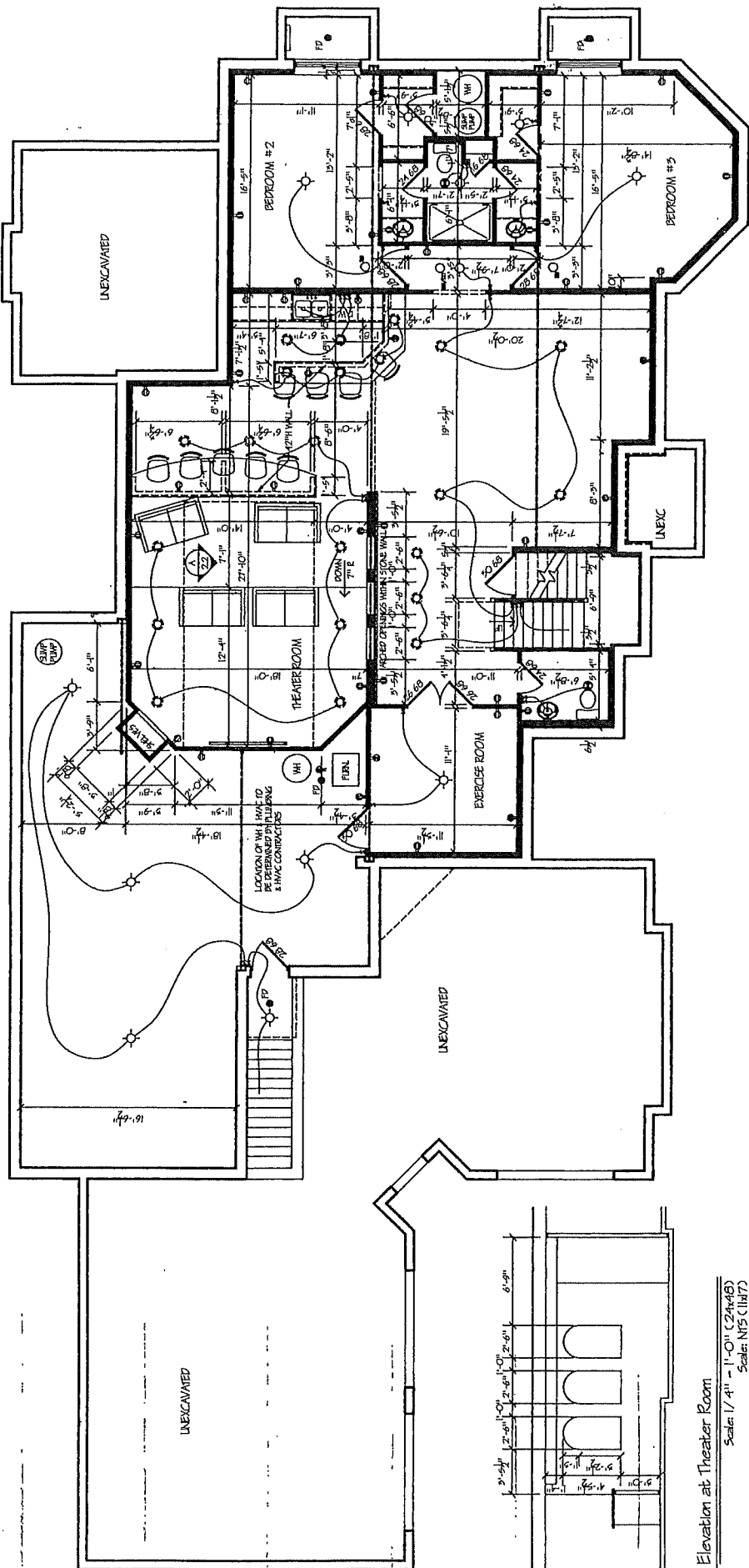
58'-2 1/4"



# FOUNDATION PLAN

Scale: 1/4" = 1'-0" (24x48)  
Scale: NTS (11x17)

PL PRESSURE  
K INCREASE  
D W/VE

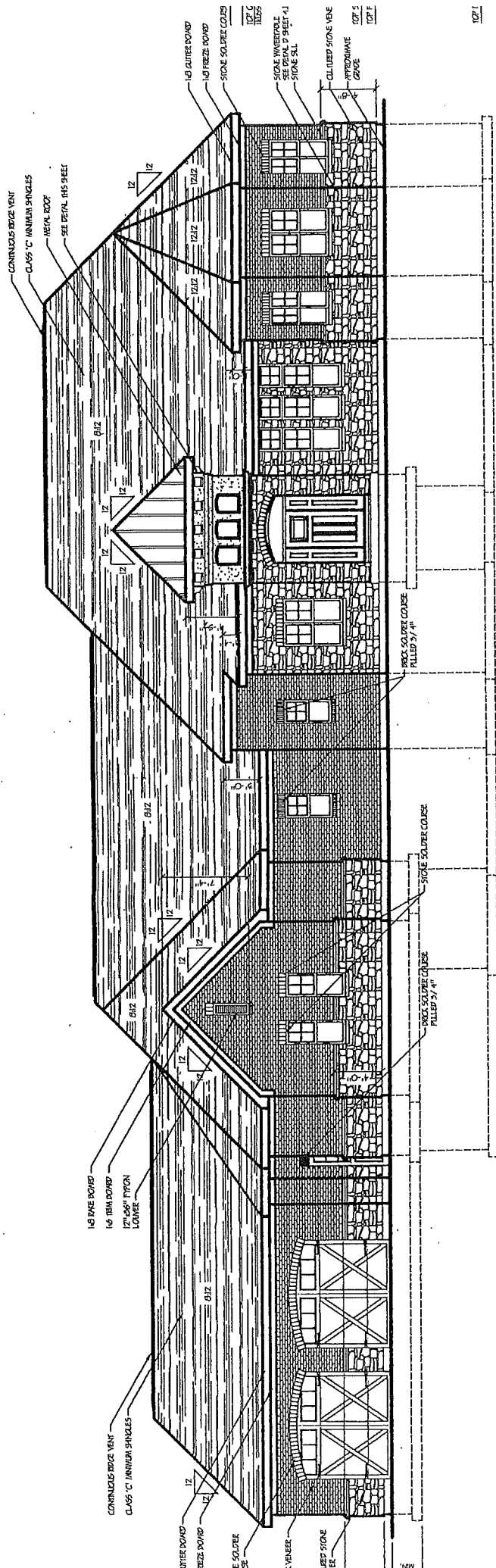


ORIGNAL PRVEN  
AT EXHIBIT  
11/11/17

41  
A  
Elevation at Theater Room  
Scale: 1/4" = 1'-0" (24x48)  
Scale: NTS (11/17)

FINISHED LOWER LEVEL PLAN  
Scale: 1/4" = 1'-0" (24x48)  
Scale: NTS (11/17)  
2027 SF - 01-08-14

r Level  
3" (24x48)  
NTS (11/17)



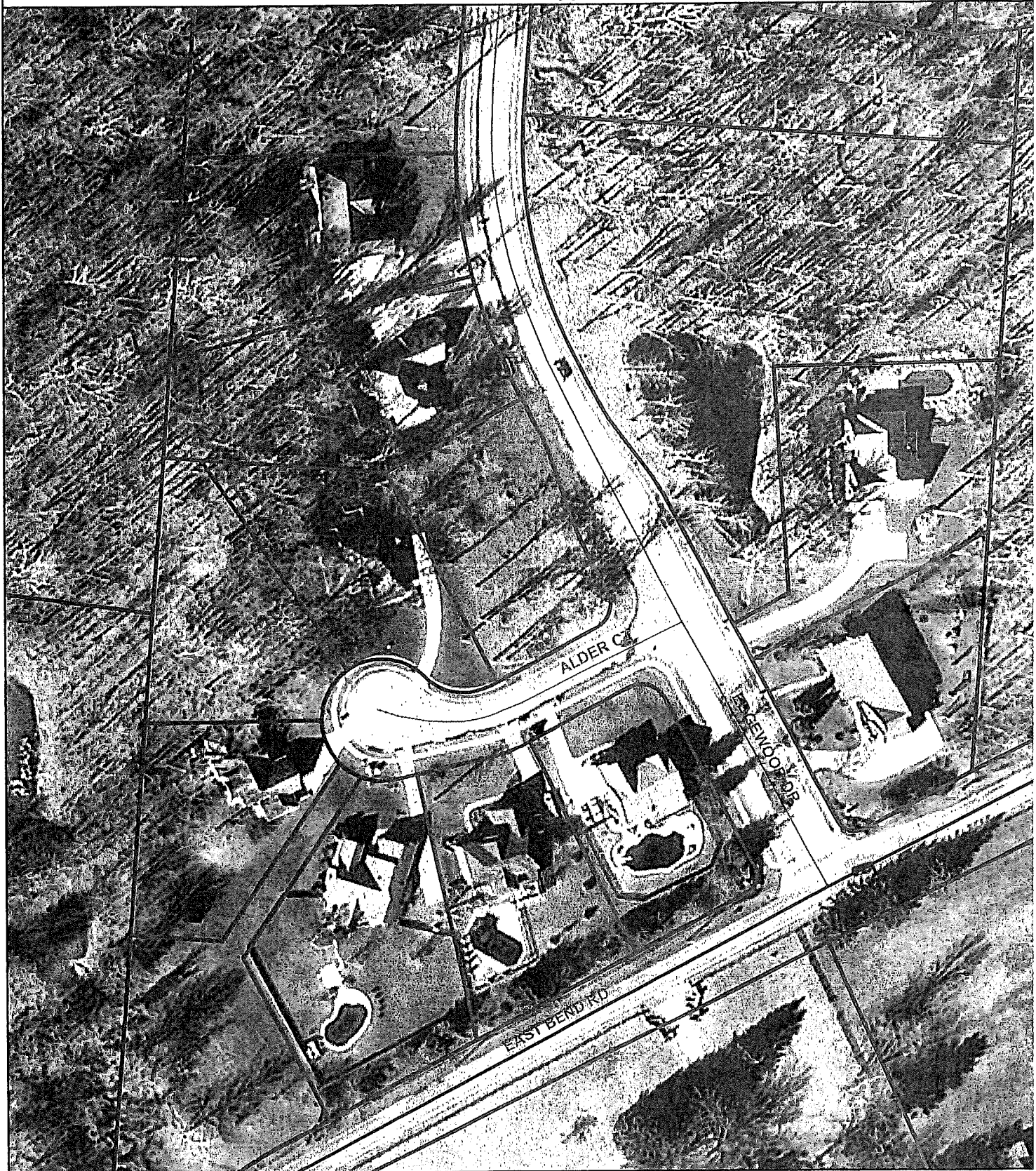
**FRONT ELEVATION**  
 Scale: 1/4" = 1'-0" (2x4x8)  
 Symbols: NFS (1/11/7)

1'-0" 1'-0" 1'-0" 6"



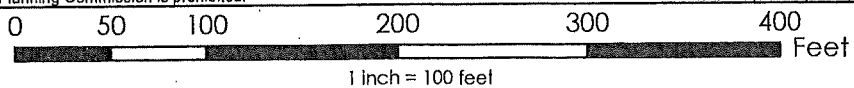
# 2012 AERIAL MAP

www.boonecountygis.com



Copyright 2013 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.



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



Map Created: 01/01/2013

Boone County GIS  
Aerial Map Document: \*axad

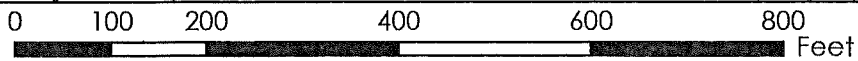
# ZONING MAP

www.boonecountygis.com



Copyright 2013 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 information provided by this map. This map should be used for general planning purposes only.



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

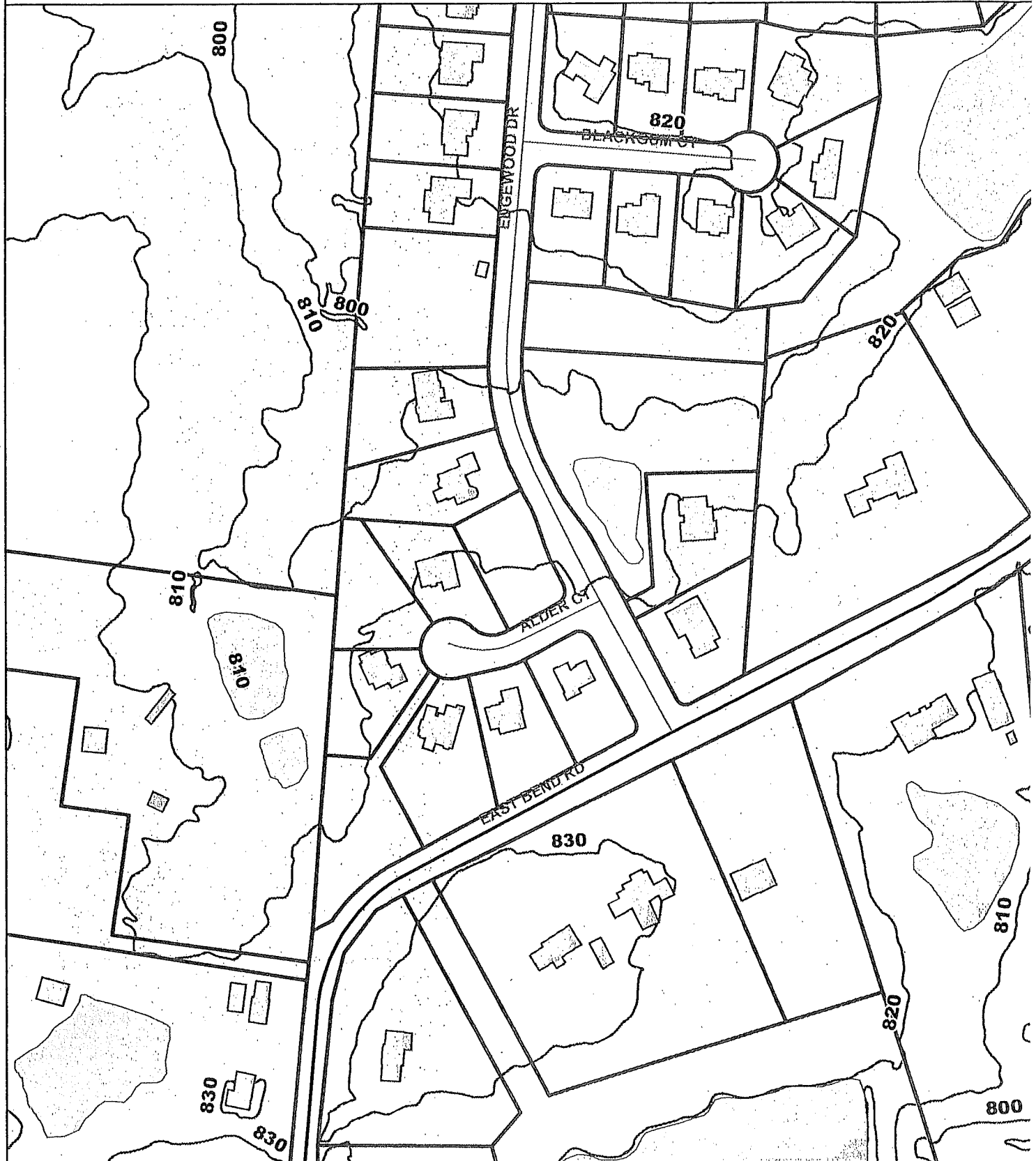


Map Created: 01/01/2013

From Plans & Maps, March 1, 2013  
ArcMap Document: \*.mxd

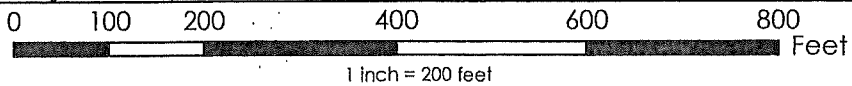
# TOPOGRAPHICAL MAP

www.boonecountygis.com



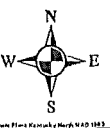
Copyright 2013 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

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.



Map Created: 01/01/2013

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



File Name: 20130101\_01.mxd  
Map Document: 20130101.mxd

ADDRESS OR LOCATION: LOT #1 - ARBORWOOD SUB.  
BURLINGTON, KY 41005  
EDGEWOOD DRIVE

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): William C. WORKMAN  
6713. EDGEWOOD DRIVE BURLINGTON, KY 41005

APPLICANT'S SIGNATURE: William C. Workman  
 As Authorized by Property Owner

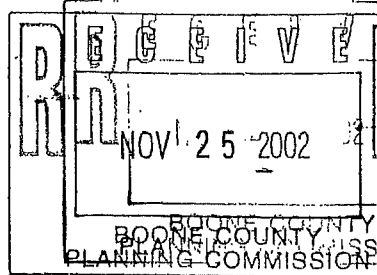
DATE: 11/25/02 Phone Number: (859) 689-1418

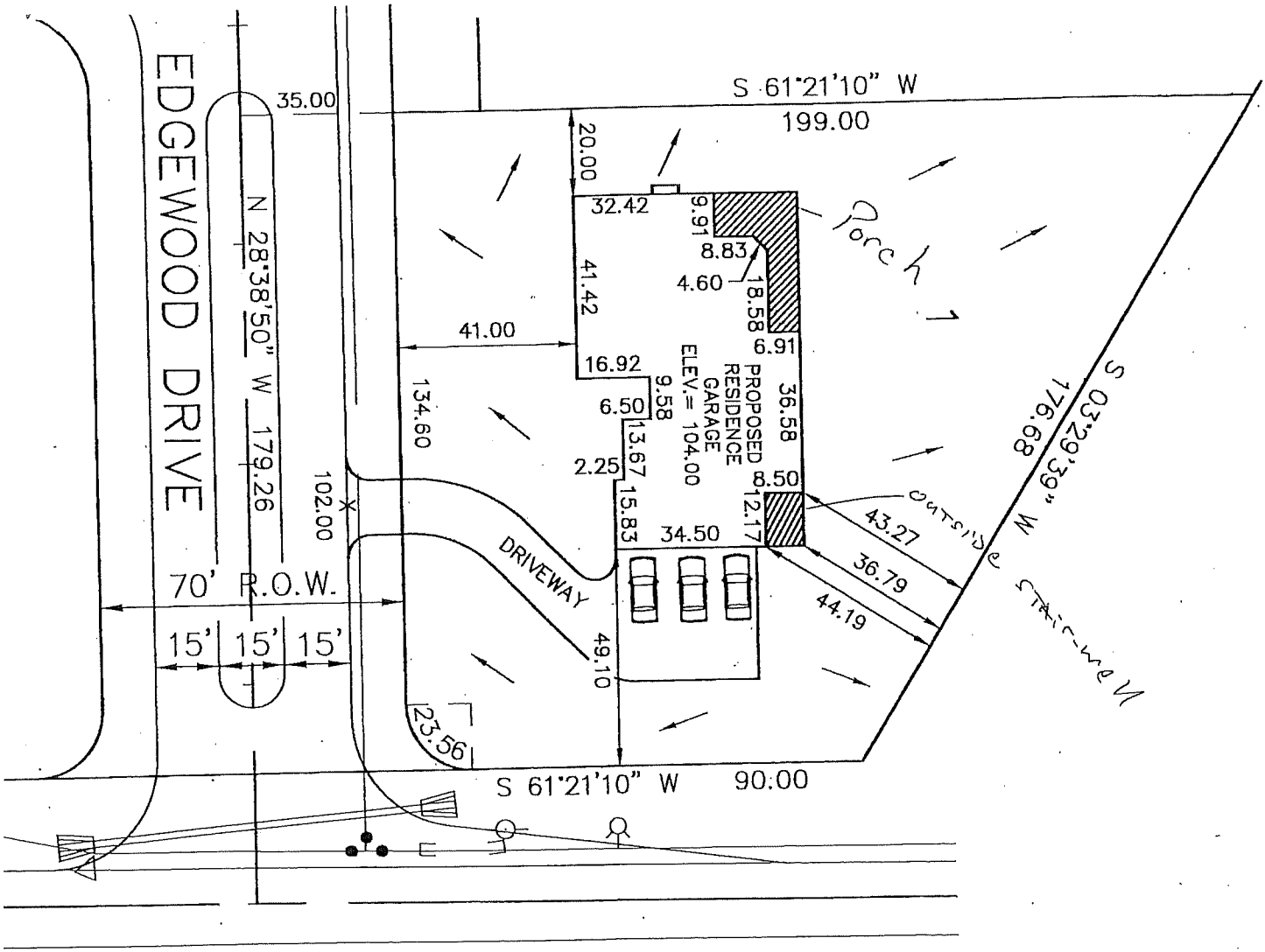
\*\*\*\*\*

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

Zoning District	Date <u>11/26/02</u>	Fee	<u>\$40.00</u>	\$35.00
Approved <input checked="" type="checkbox"/>	Denied	<u>PD</u>	\$15.00	None
Staff Reviewer <u>Ruby Cardell</u>	Address/Location <u>6666 Edgewood Dr.</u>			
Subdivision <u>Arborwood Estates</u>				
Lot # <u>1</u>	Section # <u>1</u>	Block/Phase # <u>—</u>		

Type of Improvement	
<input checked="" type="checkbox"/> Single Family Residence	Detached Garage
<input type="checkbox"/> Duplex	Garage Addition
<input type="checkbox"/> Three Family	<input checked="" type="checkbox"/> 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	Florence
<input type="checkbox"/> Walton	Union
<input type="checkbox"/> Hebron	Verona
<input type="checkbox"/> Petersburg	Erlanger
<input type="checkbox"/> Crittenden	
Group # <u>2029</u>	Census Tract # <u>705101</u>





BUILDING ADDRESS OR LOCATION: \_\_\_\_\_

**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): \_\_\_\_\_

**S.L. WILLIAMS**  
 HOMES, INC.  
 300 Buttermilk Pike, Suite 311  
 Ft. Mitchell, KY 41017-2139

APPLICANT'S SIGNATURE: \_\_\_\_\_  
 As Authorized by Property Owner

*[Handwritten Signature]*

DATE 3-29-04 PHONE NUMBER: 240-0592

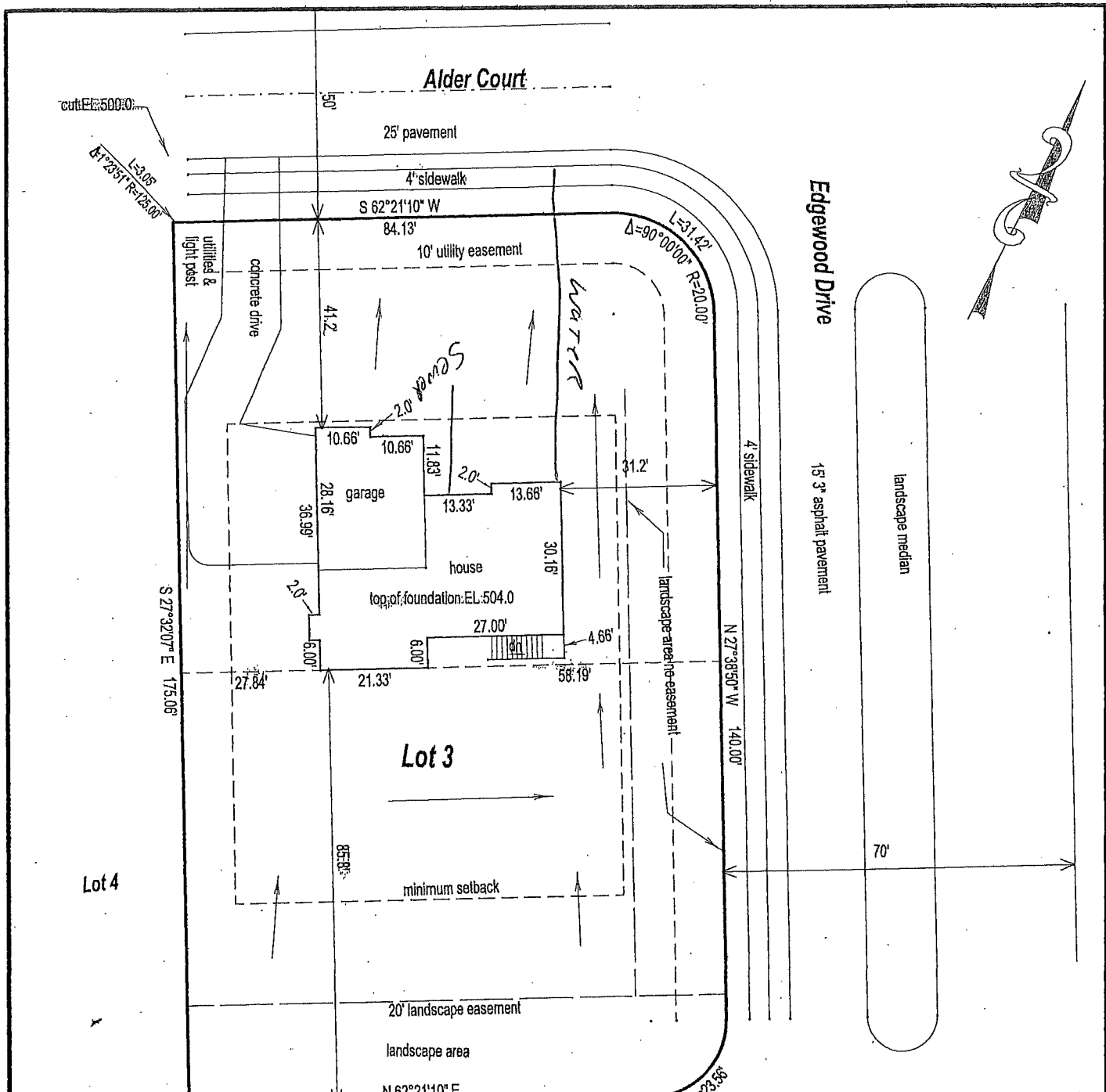
\*\*\*\*\*

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

Zoning District	Date <u>4/8/04</u>	Fee <u>PA</u>	\$50.00		
Approved <u>X</u>	Denied		\$20.00		None
Staff Reviewer <u>Randy Cordell</u>	Address/Location <u>6670 Alder CT</u>				
Subdivision <u>Ardenwood Estates</u>	PIDN				
Lot # <u>3</u>	Section # <u>1</u>	Block/Phase # <u>—</u>			

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	Florence
<input type="checkbox"/> Walton	Union
<input type="checkbox"/> Hebron	Verona
<input type="checkbox"/> Petersburg	Erlanger
<input type="checkbox"/> Crittenden	
Group # <u>2029</u>	Census Tract # <u>705.01</u>

*Ret 38374*  
 RECEIVED  
 APR - 7 2004  
 BOONE COUNTY



**SITE PLAN FOR:**  
**S.L. WILLIAMS**  
**300 BUTTERMILK PIKE**  
**SUITE 311**  
**FT MITCHELL, KY 41017-2139**

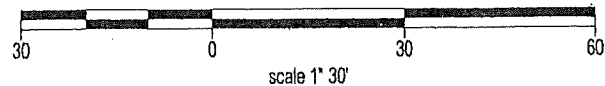
**FIELD CONTACT:**  
**ROB ADAMS**  
**CELL 859-240-0592**

**PREPARED BY:**  
**GREGORY C. SCHULTZ**  
**P.L.S. 2777**  
**10130 LABRADOR LANE**  
**ALEXANDRIA, KY 41001**  
**859-391-6361**

PLAN: Monte Carlo "B" modified

Arborwood Subdivision  
 Section One  
 Plat Cabinet 2 Slide 306 A

ZONE RPD-CD  
 setbacks  
 front 40'  
 rear 40'  
 side 10'  
 corner 1/2 of front



March 30, 2004

NAME OF APPLICANT AND ADDRESS: SUTTER HOMES INC 4660 BURL PK BURL KY  
 NAME OF PROPERTY OWNER AND ADDRESS: KAREN + JEFF COLEMAN 6189 ROCKFORD FLO KY

**NOTICE**

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.

APPLICANT'S SIGNATURE: Thomas Sutter

DATE: 7-1-97 Phone Number: 506-6334-7560

\*\*\*\*\*

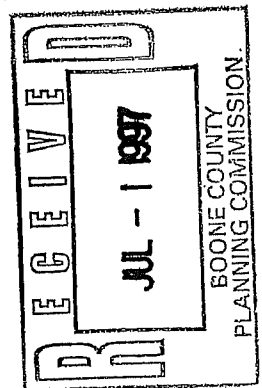
Review # \_\_\_\_\_

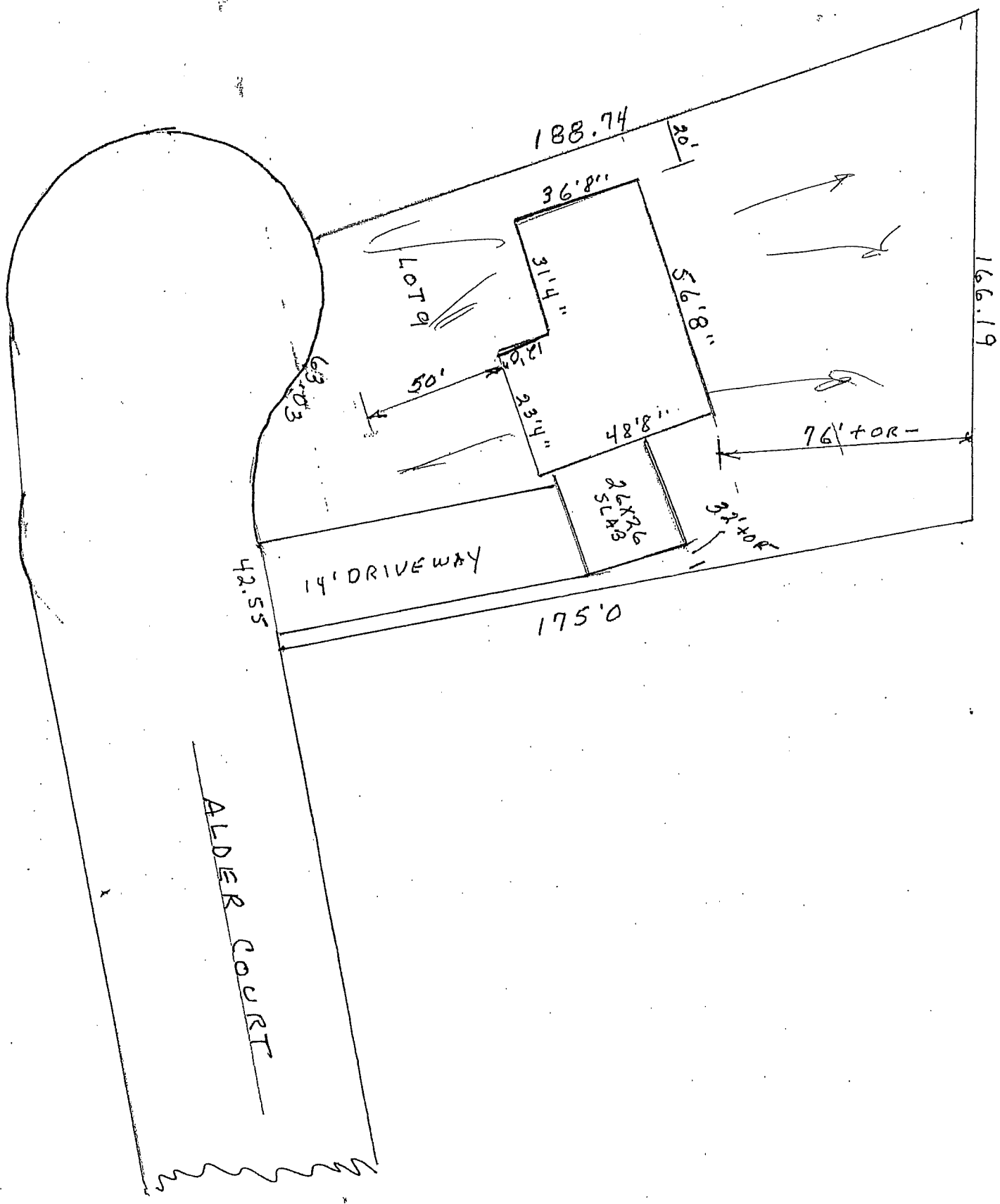
**This Portion of the Application to be Completed  
the Boone County Planning Commission**

Zoning District	<u>RS/PD</u>	Date	<u>7-2-97</u>	Fee	<input checked="" type="checkbox"/>	\$40.00	<input type="checkbox"/>	\$35.00
Approved	<input checked="" type="checkbox"/>	Denied	<input type="checkbox"/>	<u>Paid</u>	<input type="checkbox"/>	\$15.00	<input type="checkbox"/>	None
Staff Reviewer	<u>JOHN HUTH</u>		Address/Location <u>6675 ALDER COURT</u>					
Subdivision	<u>ARBORWOOD</u>							
Lot #	<u>9</u>	Section #	<u>1</u>	Block/Phase #				

R#  
13983

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 checked="" type="checkbox"/>	Burlington	<input 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 #	Reference Group #	Census Tract #	
<u>2029</u>		<u>705.01</u>	





NAME OF APPLICANT AND ADDRESS: CRAIG JOSE Company

NAME OF PROPERTY OWNER AND ADDRESS: CRAIG JOSE Company

**NOTICE**

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.

APPLICANT'S SIGNATURE: [Signature]

DATE: 12-6-95 Phone Number: 283-1411

\*\*\*\*\*

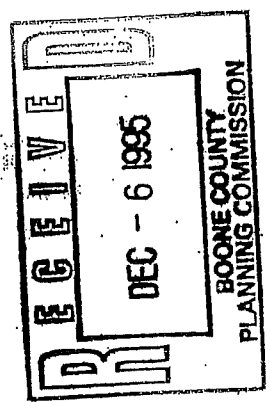
Review # \_\_\_\_\_

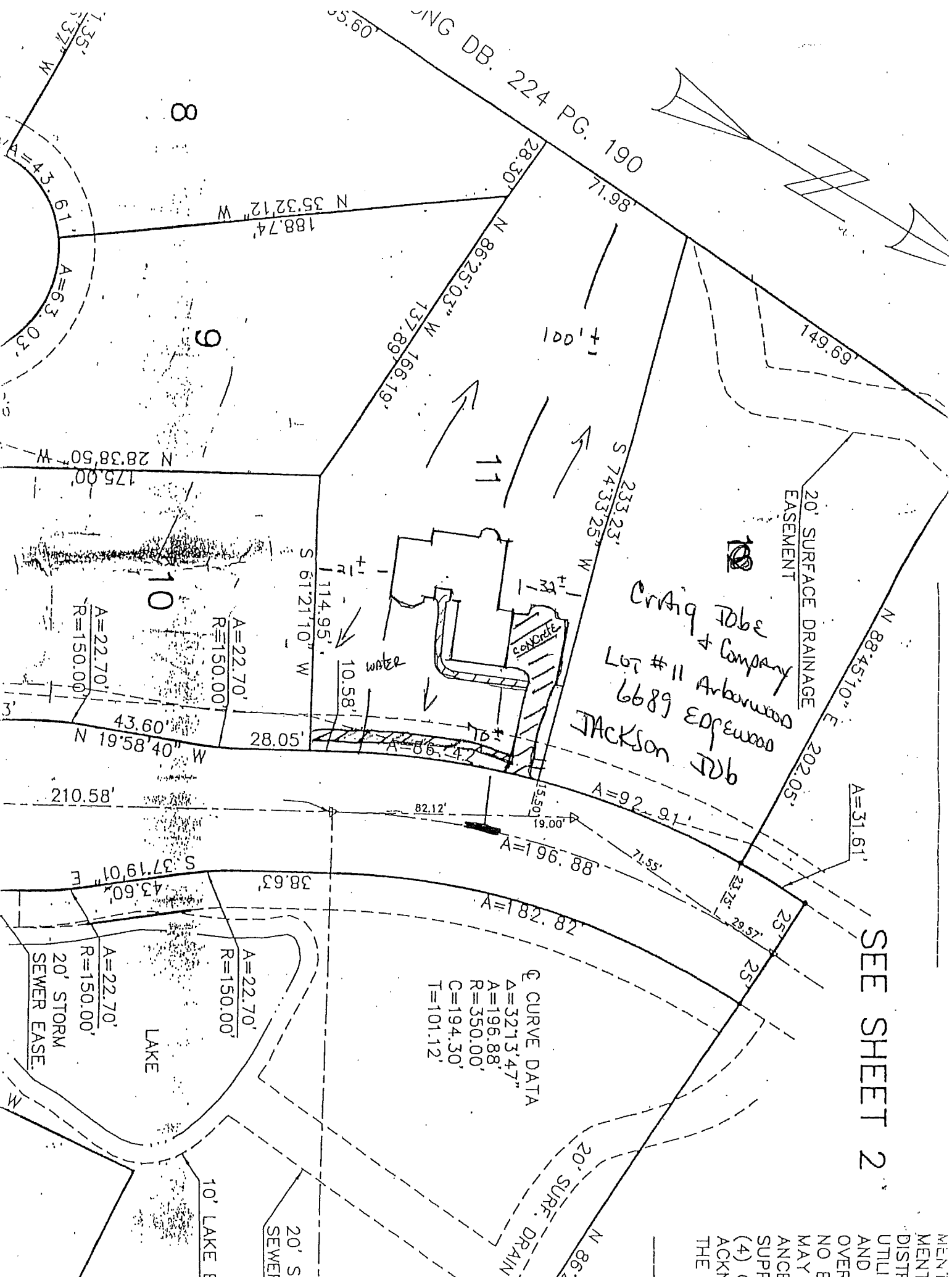
**This Portion of the Application to be Completed  
the Boone County Planning Commission**

Zoning District	<u>RS/PD</u>	Date	<u>12/11/95</u>	Fee	<input checked="" type="checkbox"/> \$30.00	<input type="checkbox"/> \$45.00
Approved	<input checked="" type="checkbox"/>	Denied	<input type="checkbox"/>	Paid	<input checked="" type="checkbox"/> \$10.00	<input type="checkbox"/> None
Staff Reviewer	<u>[Signature]</u>		Address/Location	<u>6689 EDGEWOOD DR</u>		
Subdivision	<u>ARBORWOOD</u>					
Lot #	<u>11</u>	Section #	Block/Phase #			

R#  
8671

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 checked="" type="checkbox"/>	Burlington
<input 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
Group #	<u>2029</u> Reference Group # _____ Census Tract # <u>705.01</u>





Craig Dobe  
 & Company  
 Lot # 11 Arborwood  
 6689 Edgewood  
 JACKSON DOb

C CURVE DATA  
 A=3213.47'  
 A=196.88'  
 R=350.00'  
 C=194.30'  
 T=101.12'

SEE SHEET 2

MENT  
 DISTRI  
 UTILIT  
 AND A  
 OVERH  
 NO BU  
 MAY T  
 ANCES  
 SUPPO  
 (4) CR  
 ACKNO  
 THE S

2. **Request of Gerald Hardcorn for two (2) Variances to allow a single-family residential dwelling to encroach into the 40' front and 40' rear yard building setbacks. The approximate 0.43 acre tract is located at Section 1, Lot 10 Arborwood Subdivision (lot is located on the northwest corner of the Edgewood Drive/Alder Court intersection), Boone County, Kentucky and is currently zoned Rural Suburban/Planned Development (RS/PD).**

Mrs. Sparks entered the room at this time.

Staff Member, Todd Morgan, AICP, presented the Staff Report which included a PowerPoint presentation (see Staff Report).

Mr. Miller asked Mr. Morgan if anything would stop the applicant from withdrawing the application and coming back before the Board at the time he has a more defined plan. Mr. Morgan said he would rather the Board table the request if they want more specific information. Mr. Miller said a true plan would allow the Board to assess what the impacts are.

Mr. Gerald Hardcorn said he contacted the neighbors that are contiguous to his lot and showed them the plan. Both neighbors have signed letters indicating they have no objections to the proposal (see Exhibits 1 and 2). He said he did not want to spend a significant amount of money on designing the house prior to knowing if the Variances would be approved. He did meet with his architect yesterday and they came up with a rear elevation drawing (see Exhibit 3).

Mr. Hardcorn said the house will be a ranch style house and will complement the existing houses in the neighborhood in terms of price and materials. The house will be completely brick or stone. No vinyl or fiber cement siding is being contemplated. The roof will have fairly steep roof lines. No part of the house will venture out of the building footprint that he has drawn.

The house that was constructed on lot 9 is 35 feet from the side property line and a portion of the driveway touches the property line. The rear of his house will be 20 feet from that same property line. As a result, there will be 55 feet of separation between the two houses. He said it is difficult to build on his lot because it is only about 85 feet in width at its narrowest point and there are 40' front and 40' rear yard setback requirements. You could build a tall house on the lot, but it wouldn't be similar to other houses in the neighborhood. He also stated that the landscaping island at the entrance to the subdivision caused the front of his lot to be irregularly shaped. Edgewood Drive is wider near East Bend Road because of the landscaping island and tapers back down to a normal 2 lane street. In addition, the front yard setback is being measured from the narrowest point of his lot. The house will meet the 40' front yard setback at the deepest part of the lot. He does not believe the request will have any impact on the neighbors that live on lot 11. He also believes the proposal will not impact the neighbors on lot 9 because there will be 55 feet of separation between their houses. He said if the front of his house was turned towards Alder Court then the side of his house could be as little as 10 feet from lot 9. He explained this to the owners of lot 9. He said he is trying to work with the owners of lot 9 so they have a view of the lake that is across Edgewood Drive. He knows the Home Owners Association has the right to approve their drawings. He is fine with that because they have a high end residential designer designing their house.

Mr. Miller reviewed the elevation drawing and asked Mr. Hardcorn to confirm that the house would have a basement. Mr. Hardcorn said the house would have a full basement with the exception of the area under the garage.

Mr. Miller asked what were the approximate dimensions and square footage of the house? Mr. Hardcorn said the first floor would be approximately 3,500 square feet. There will also be finished areas in the basement. They are planning on constructing a three car garage, which isn't uncommon for the neighborhood. Mr. Miller asked if the garage was included in the 3,500 square feet. Mr. Hardcorn replied it was.

Mr. Morgan asked what was the length of the house? Mr. Hardcorn said they are right in the neighborhood of 100 feet. They have a little bit a leeway but will not make a final decision until the Variances are acted on.

Mr. Morgan reviewed the rear elevation drawing and asked if doors were shown on each end of the fireplace? Mr. Hardcorn stated those are windows. Right now the design is not showing a rear door. Mr. Miller asked if a deck or patio is being proposed on the rear of the house? Mr. Hardcorn said there could be a small patio for a grill. Mr. Morgan said a patio pad would not factor into the setback requirement unless it was covered.

Mr. Miller said based on the scale of the drawing the house is approximately 80 feet long. Mr. Hardcorn said the elevation drawing they submitted is just a close representation. Mr. Miller asked what street the driveway would be coming off of? Mr. Hardcorn replied Alder Court.

Mr. Hardcorn said they intend to save as many trees as possible.

Mr. Whitton asked if anybody else in the audience wanted to speak regarding the request?

Mr. Joe Eubanks said he has lived at 6686 Alder Court for about 6 years. The subject lot has been for sale ever since he has lived in his house. He said he is in favor of the request and looks forward to a house being constructed on the lot.

Mr. Steve Craig said he lived at 6744 Edgewood Drive. He said while it will be nice to have new neighbors his concern is that a large house is being constructed on a small lot. 3,500 square feet is a big house. The ambiance of the neighborhood when you are driving in is large yards and open space. He said that ambiance is being compromised with the request.

Mr. Eubanks stated the neighbors on Alder Court have a bigger concern. A two-story home will be constructed on that lot if the ranch is not approved. The two-story home would front on Alder Court and could be as little as 10 feet from side property line.

Mr. Hardcorn said he does not believe he is maximizing the lot. He is exceeding both of the required side setbacks. He could build a 25' x 125' house on the lot without Variances but it would be a very strange looking house. He does not know why the lot was designed the way it was with those setback requirements. They have looked at different options and decided to apply for a double Variance because they think it is the best solution. The request gives adequate space around the house. He does not believe it will have an impact on anyone.

Mrs. Pam Craig said she lives at 6744 Edgewood Drive and they have lived there for approximately 9 years. She likes the house but is concerned that the house is only 30 feet from the street. She believes the house is too large for the lot and will look out of place. Mr. Morgan reviewed the aerial map and explained the house will not be 30 feet from the street. The front yard setback is measured between the front property line and the closest portion of the house. The street, grass strip, and sidewalks, are located in the County right-of-way.

Mr. Eubanks stated the subject property is one of the few in the neighborhood that does not have sidewalks. He looks forward to sidewalks being constructed with the house. Mr. Morgan confirmed that sidewalks will be required along Edgewood Drive and Alder Court when a house is constructed on the lot.

Mr. Morgan asked Mr. Hardcorn if he would be willing to agree to a condition which would require a 40'cornerside yard setback and a 35' side yard setback? Mr. Hardcorn said he could accept that as a condition.

Mr. Shipe asked if any landscaping is proposed along the rear property line? Mr. Hardcorn replied the neighbor has not asked for any and there are already some mature trees in the rear yard. He is not opposed to installing landscaping.

Mr. Miller asked for the driveway location to be explained. Mr. Morgan reviewed the aerial map and indicated the driveway would extend from Alder Court to the house. Mr. Miller asked if the garage will be on the Alder Court side? Mr. Hardcorn said it would. The garage will be L shaped so there will be 2 car garage one way and one car garage the other.

Mr. Miller said he wishes a true layout had been submitted because it would have been easier to visualize and understand if it impacted neighbors. Mr. Hardcorn said the house will be architecturally pleasing with a combination of brick and stone.

**Mr. Whitton said he would entertain a motion. Mr. Shipe made a motion to approve the request with a condition that the house will meet the following setbacks:**

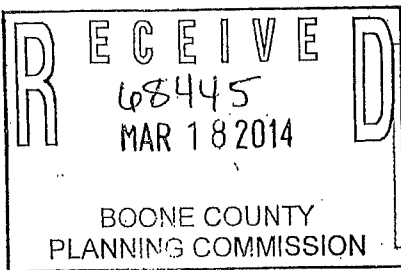
- Front Yard - 30 feet
- Rear Yard - 20 feet
- Cornerside Yard - 40 feet
- Side Yard - 35 feet

Mrs. Hempfling seconded the motion. Mr. Whitton called for a vote and it carried unanimously.

3. Request of ABC Signs for McDonald's for a Variance to allow two (2) menu boards to be 6'-9" tall. The approximate 1.18 acre site is located at 5985 Centennial Circle, Boone County, Kentucky and is currently zoned Commercial Services/Planned Development (C-3/PD).

Staff Member, Todd Morgan, AICP, presented the Staff Report which included a PowerPoint presentation (see Staff Report).

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] Varlance \_\_\_\_\_ Appeal \_\_\_\_\_
3. Applicant's Name Gerald Hardcorn
Applicant's Address 510 Whippoorwill Lane
Perry Park Ky 40363
4. Description of Request: Change corner lot side set back to 30'0" and remaining side set back to 20'0" for residential construction
5. Name of Development Arberwood Estates Lot #10 Section #1
6. Location of Development East Bond Road (Ky 328) Burlington Ky
7. Acreage Under Review 0.43 +/-
8. Lot Number and Name of Subdivision (if part of a subdivision) Arberwood Estates Lot #10 Section #1 Plat Slide 306-A
9. Owner of Property Gerald & Andrea Hardcorn
Address of Property Owner 510 Whippoorwill Lane
Perry Park Ky 40363
10. Phone Number 502 484 5179 Fax No. E-Mail jahardcorn@kih.net
11. Proposed Use(s) on Site Residential Construction
12. Total Square Footage of Existing and/or Proposed Buildings 1st fl - 3400 / Total - 5600
13. Current Zoning on Property Residential RS/PD
14. Deed Book D 1023 Page No. 51-53 Group No. 2029
15. Is the site subject to a zone change? N/A
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)

[COPY]

CLUR #14-BCBOA-006-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Gerald & Andrea Hardcorn  
510 Whippoorwill Lane  
Perry Park, KY 40363

2. ADDRESS OF PROPERTY

Edgewood Drive  
Burlington, KY

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Arborwood, Section 1, Lot 10

4. DEED BOOK 1023      PAGE NO. 51-53      GROUP NO. 2029

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

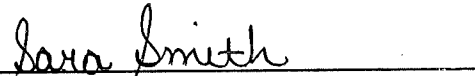
on behalf of the Boone County Planning Commission this 16 day of April, 2014.



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 Boone County Board of Adjustments and in accordance with the current zoning in effect as of April 10, 2014 Certificate of Land Use Restriction (#14-BCBOA-006-A), for Gerald and Andrea Hardcorn, Property Owner(s).

The following conditions will apply:

1. Roof and sump pump water from the house shall be directed towards Edgewood Drive or Alder Court and away from lots 9 and 11 of Arborwood Subdivision.

The approved variance as well as the preceding condition apply to the property described in:

DEED BOOK 1023

PAGE NO. 51-53

GROUP NO. 2029