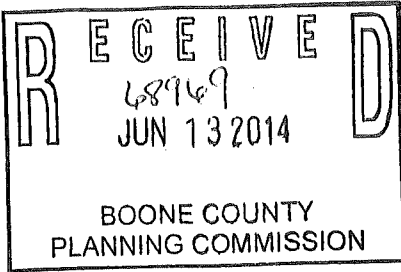


APPLICATION FORM



BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

FIVE (5) SCALED COPIES AND ONE (1) 11X17 REDUCTION OF SUBMITTED DRAWINGS ARE REQUIRED

See Boone County Zoning Regulations

SECTION A (To be completed by applicant)

- (Check One) 1. Boone [X] Florence [] Walton [] Union []
(2) Conditional Use Permit [X] Variance [] Appeal []
(3) Change in Non-Conforming Use []
3. Applicant's Name John J. Bonner & DIANA BONNER
Applicant's Address 8715 Signal Pointe Ct
Florence KY 41042
City State Zip
4. Description of Request: Covered Porch Addition to be 20ft from rear property line
5. Name of Development Heartstone
6. Location of Development Pleasant Valley / Preservation Way
7. Acreage Under Review 0.4 +/-
8. Lot Number and Name of Subdivision (if part of a subdivision) 282 Heartstone Section 21 Plat Cabinet 5, Slide 243
9. Owner of Property John J and Diana E Bonner
Address of Property Owner 8715 Signal Pointe Ct
Florence KY 41042
City State Zip
10. Phone Number 859-916-8771 Fax No. E-Mail jbonner@fuse.net
11. Proposed Use(s) on Site Patio
12. Total Square Footage of Existing and/or Proposed Buildings 8x19 ex, 12x19 pr, 20x19 total
13. Current Zoning on Property Residential (SR-1)
14. Deed Book 1030 Page No. 51 Group No. 2038A
15. Is the site subject to a zone change?
If yes, give date of approval
16. Have you submitted a Site Plan with this request? YES
17. Have you submitted a list of adjoining property owners with this request? YES
18. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

ORIGINAL Property Owner's Signature: (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's 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 6/13/14 Fee Received \$1032.00 Receipt # 68969
2. Is application complete? Yes No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
7/9/14 **Approved**
Approved with Conditions (See #6)
Denial (See #7)
6. Conditions of Approval: SEE 7/9/14 BCBOA
MINUTES + CCUR
7. Reasons for Denial: _____

14-BCBOA-CC9-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: John J. Bonner and Diana Bonner

LOCATION: 8715 Signal Pointe Court

ZONING: Suburban Residential One (SR-1)

DATE: July 9, 2014

Proposal

The applicants are requesting a Variance to reduce the required 30' rear yard building setback to 20' so they can extend the covered porch off the back of their house. The existing covered patio is 8' x 19'. The proposed addition will cover an existing 12' x 19' concrete patio pad that is located immediately behind their house. The submitted renderings show that the covered patio will have partial brick columns and a brick fireplace. The applicants informed Staff that the shingle roof that is proposed will match the house.

Site History

On July 19, 2007, Boone County Planning Commission approves a Zoning Permit for the subject house. The approved plot plan shows the house with a 40 foot front yard setback and 34 foot rear yard setback.

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.

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 0.4 acre property is located on Signal Pointe Court in Hearthstone Subdivision. The property contains a two-story single-family residential dwelling with a basement. The house is constructed with brick, vinyl siding, and asphalt shingles. An 8' x 19' covered patio exists on the back of the house and it steps off to a 12' x 19' concrete patio. Boone County GIS shows that the topography of the parcel falls from approximately 800' above sea level at the front property line to 782' above sea level at the rear property line. The rear property line is buffered with deciduous tree line and evergreen trees that have been installed on the neighboring lot. The subject property adjoins other single-family residential lots in Hearthstone Subdivision.

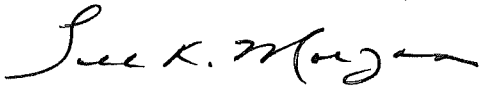
Staff Comments

1. The Board should analyze the Variance criteria before acting on the request.
2. The applicants informed Staff that they have not surveyed the property but they are confident the addition will be more than 20' from the rear property line. Staff determined the addition would be 22' from the rear property line if the house was constructed per the July 19, 2007 Zoning Permit.
3. Staff would like the applicant to address the following:
 - A. Have they spoken with the Hearthstone Home Owners Association about their approval process?
 - B. Do they plan and adding any additional landscaping in the side or rear yard after the covered patio addition is constructed?
4. Staff normally recommends landscaping to be installed along the rear property line for such requests. In this particular case, the rear property line is well landscaped. The Board may also want to consider a condition which requires some plantings along the northern property line (59.97') because the addition will be highly visible from Legacy Ridge.
5. Staff recommends that the Board should impose a condition requiring the patio addition to be constructed per the submitted exhibits if the application is approved.

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

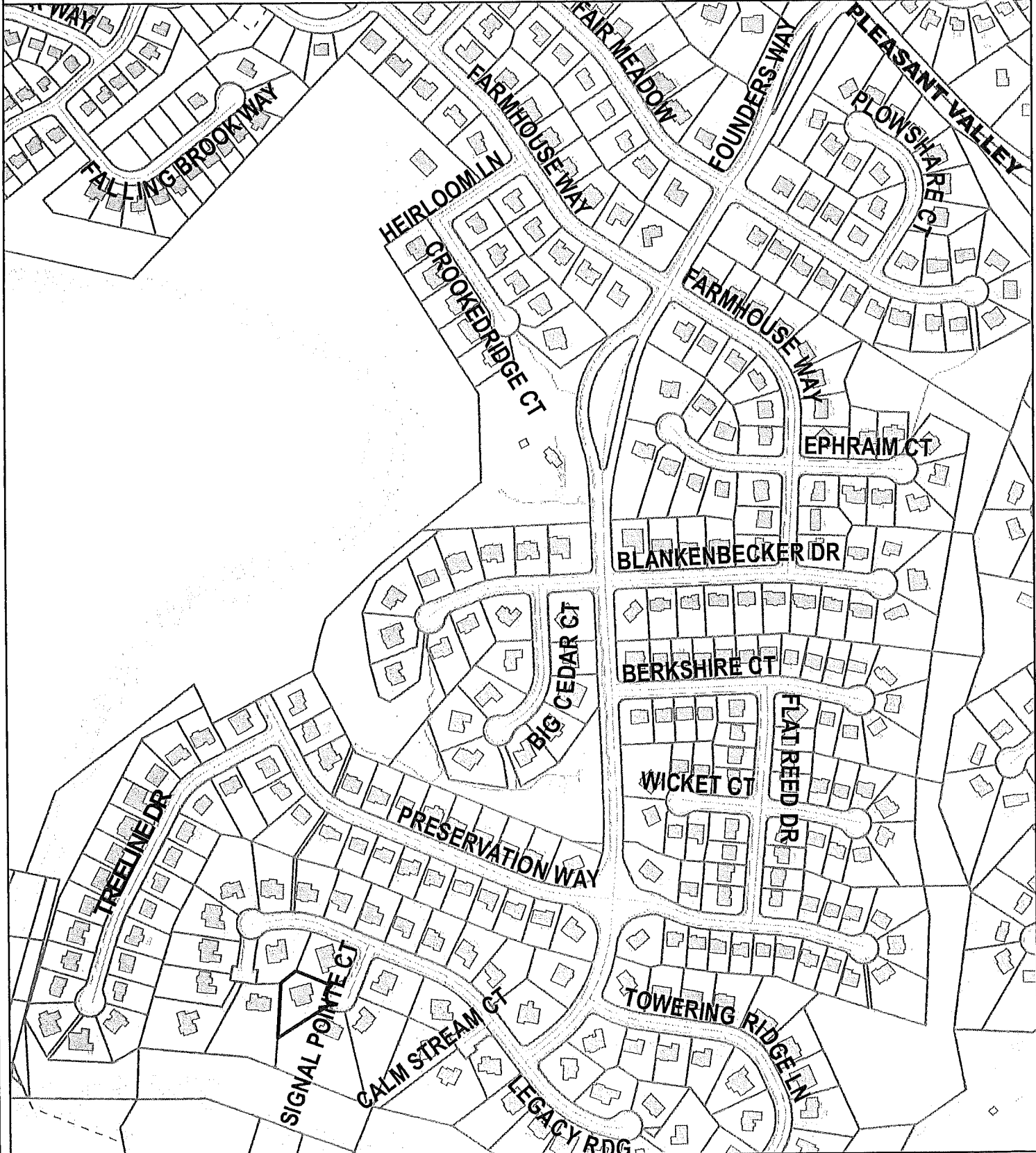
TKM/tlb

Attachments

- *Site Vicinity Map
- *Letter From Applicant
- *Proposed Plot Plan
- *Renderings
- *Zoning Map
- *2013 Aerial Map
- *Zoning Map
- *Topographical Map
- *Application

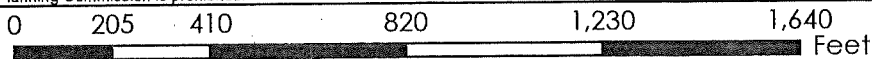
SITE VICINITY MAP

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



Zoning Board:

Outdoor Covered Patio

The purpose of this project is to create a covered outdoor patio that allows our existing deck and patio area to be used in sun or rain with family and friends. We are planning to add a 12x19 deck that is covered. This space will consist of clean lines that will mimic and accent the existing home design. The 4 columns will match the columns on the front of the house in structural appearance. The roofing and any necessary siding will also match the existing home. The fireplace is to add a warm and inviting look to the space. Our goal after the space has been created is for viewers to feel that it was built with the home and flows well with the existing lines and look of the home.

To accomplish this goal, we are seeking approval to build the additional structure in a corner where we will need to address the existing 30 foot minimum setback. Our submission is to seek approval to allow the minimum setback to be reduced to 20 feet in order to add the desired structure. (For the sake of reference, the additional structure would not exceed the existing depth of the original and current patio)

Sincerely,

Jake and Diana Bonner

NEW OUTDOOR LIVING SPACE

S02°05'20"E
163.71'

LOT 282

30' MIN.
REAR
SETBACK

5' MIN.
SIDE
SETBACK
*SEE NOTE

5' MIN.
SIDE
SETBACK

COVERED DECK
12'
15'3"
19'1"

TWO-STORY
PEMBROKE "A"
GARAGE FLOOR
EL.=799.5'

CONCRETE
DRIVEWAY

PORCH

PROPOSED WATER TAP
30' MIN.
FRONT
SETBACK
SANITARY
SERIES AP
31' PL
28.5' BC

APPLICANT'S COPY
This Zoning Permit / Plot Plan
shall be Displayed or Available
on the Job Site.

20' SANITARY
SEWER EASEMENT

DEVELOPER'S
EASEMENT

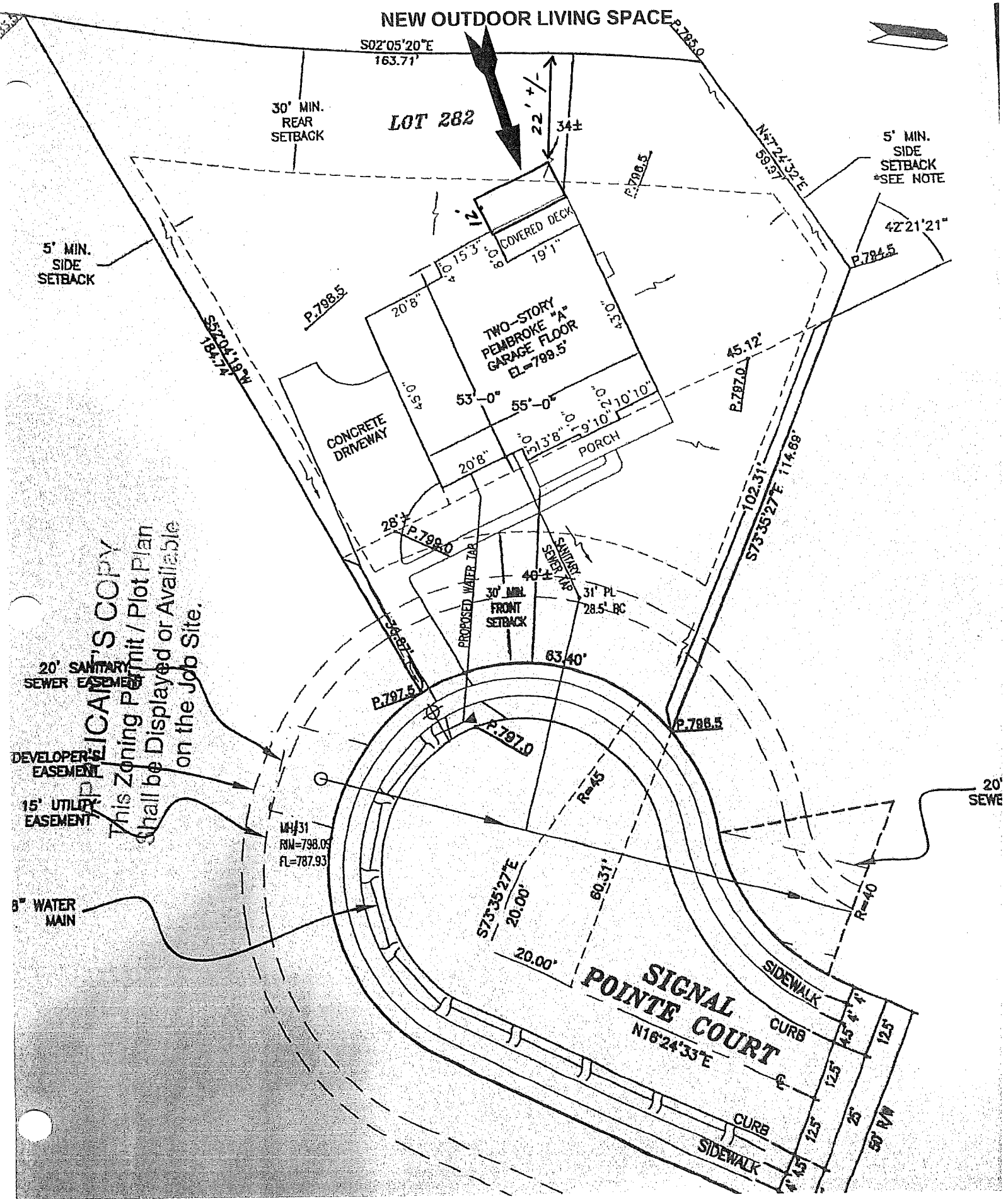
15' UTILITY
EASEMENT

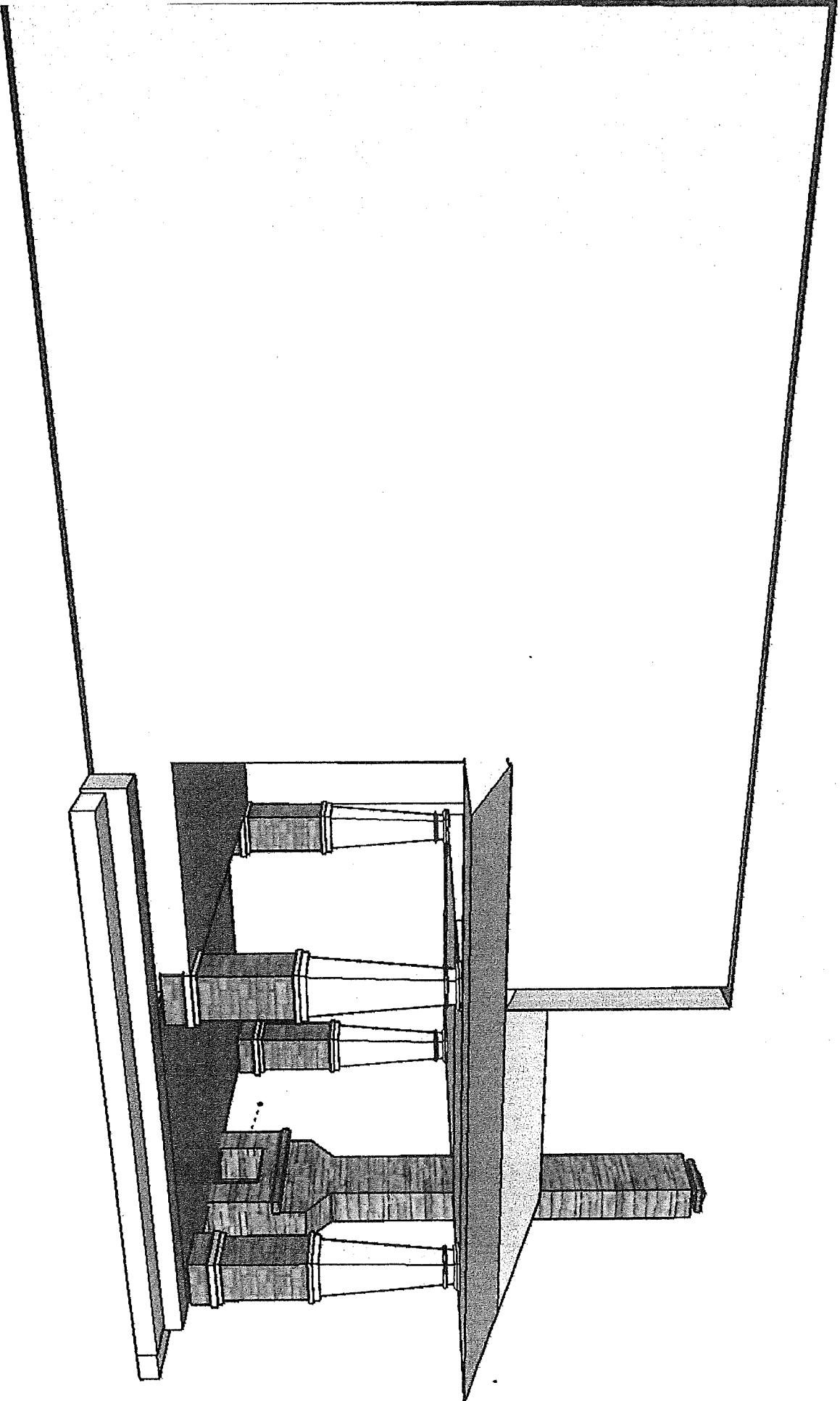
8" WATER
MAIN

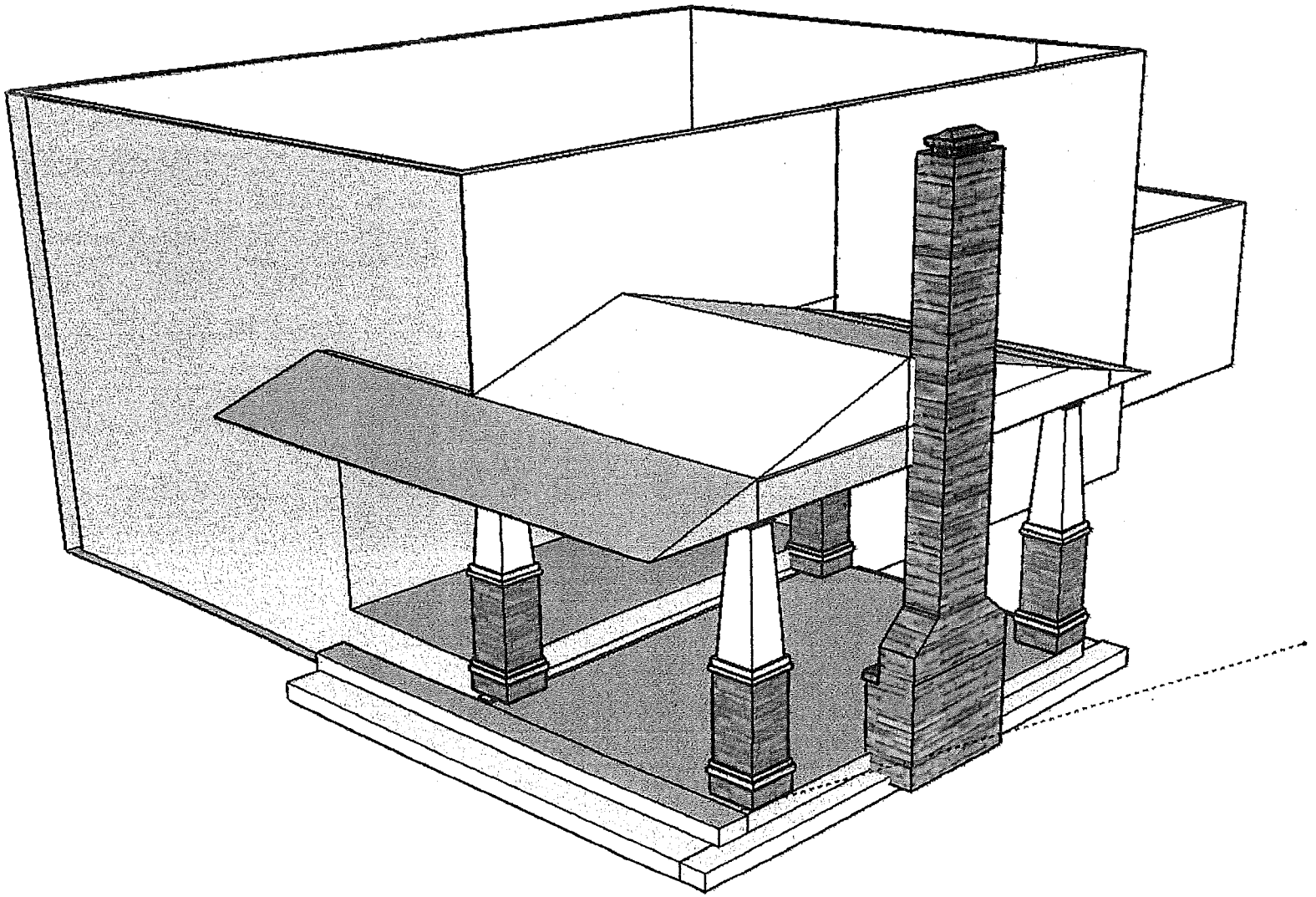
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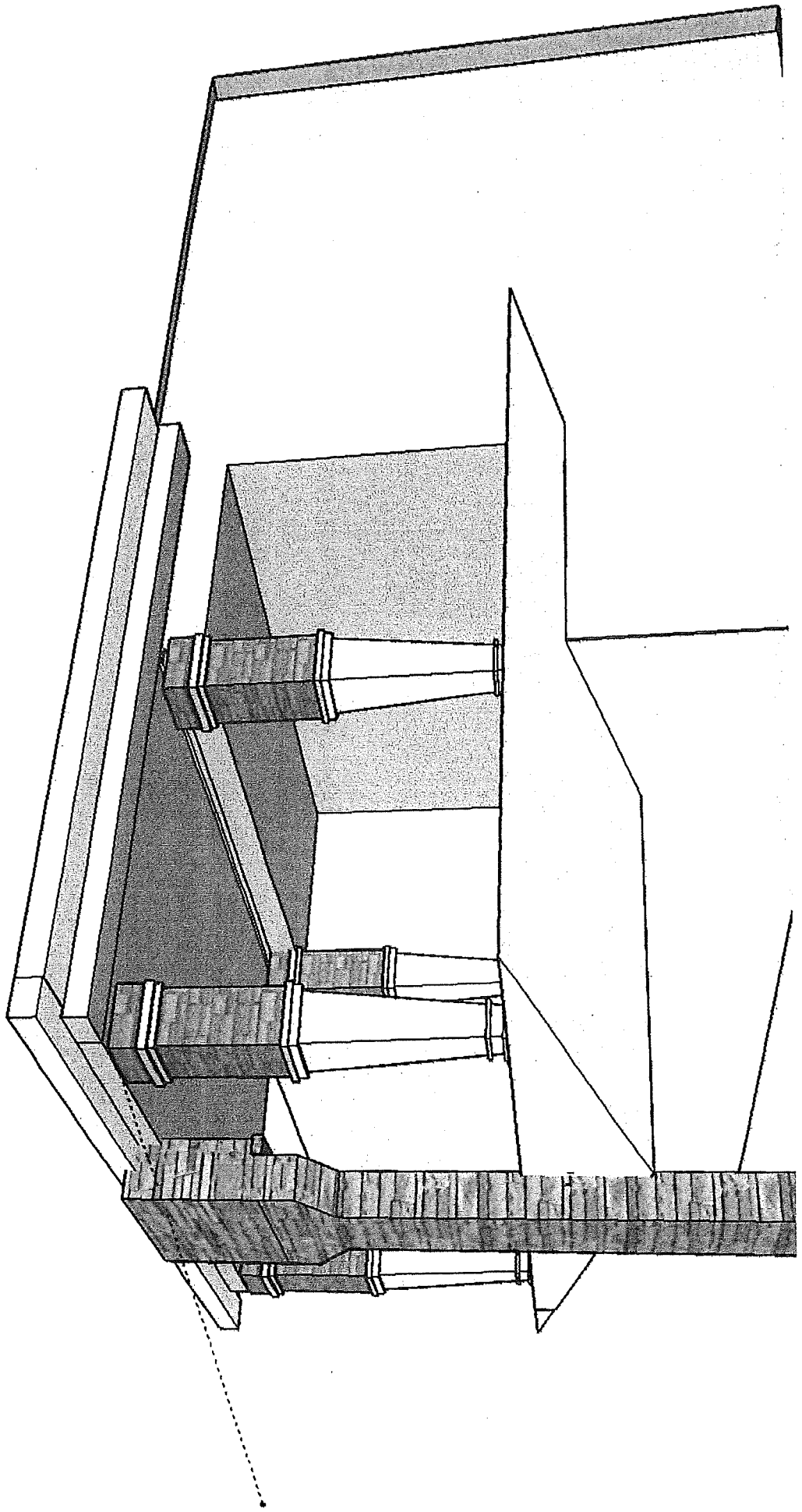
SIGNAL
POINTE COURT
N16°24'33"E

20'
SEWE



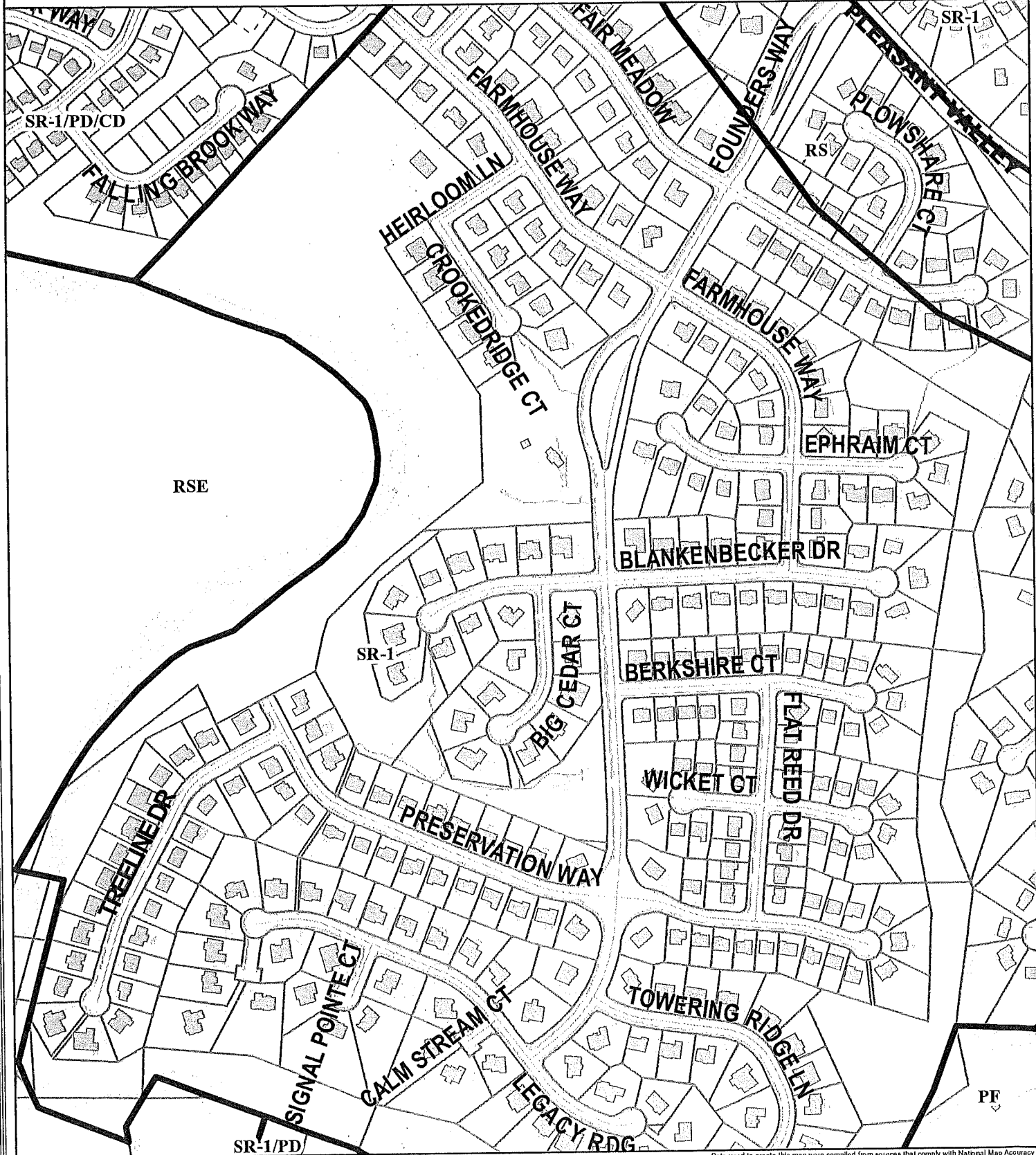






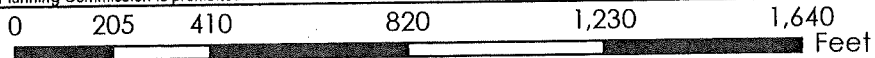
ZONING MAP

www.boonecountygis.com



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1 inch = 400 feet



Boone County GIS - Putting Northern Kentucky on the Map



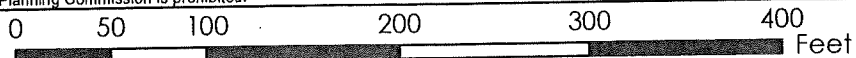
2013 AERIAL MAP

www.boonecountygis.com

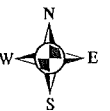


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1 inch = 100 feet



Boone County GIS - Putting Northern Kentucky on the Map

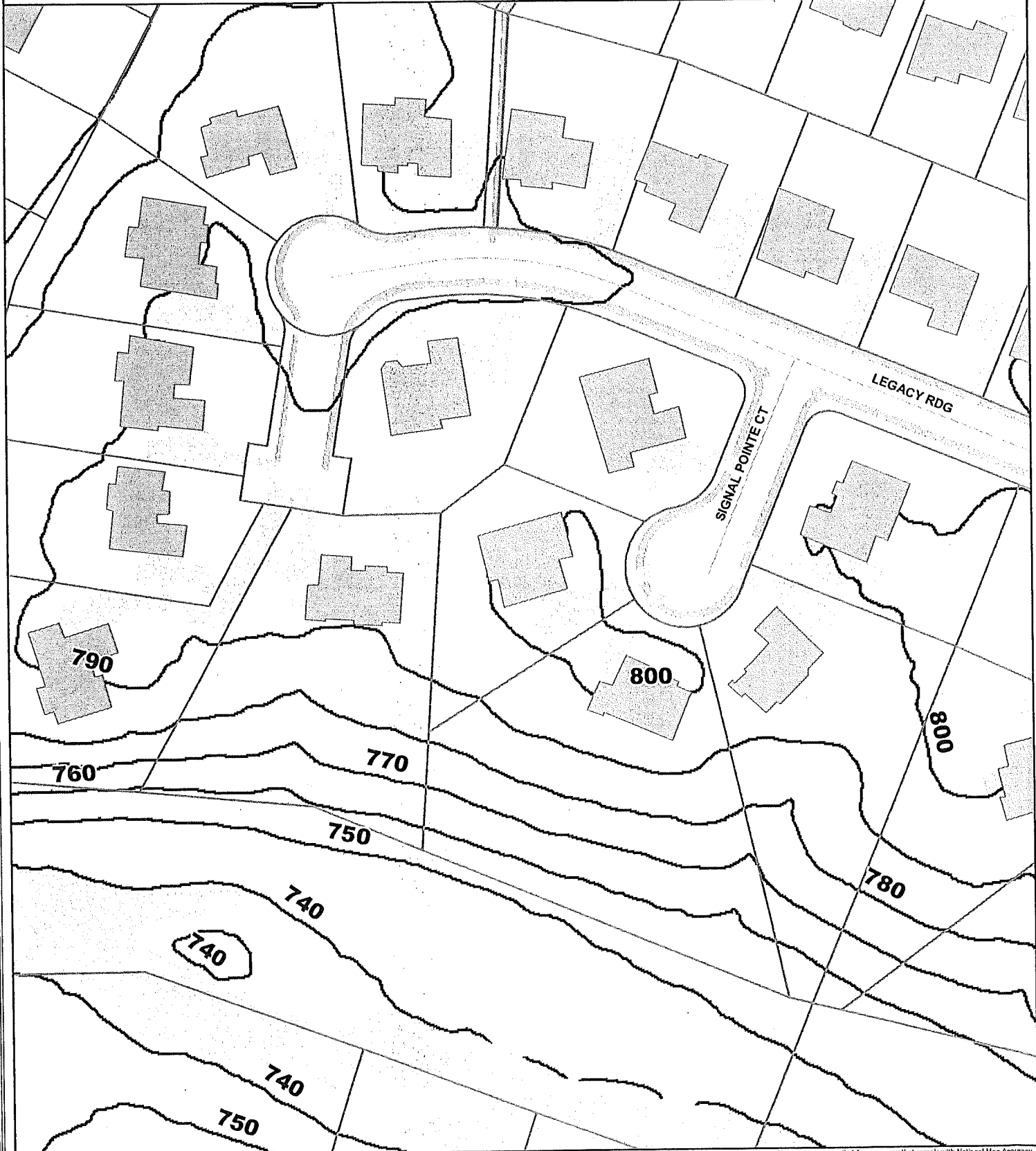


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From Map & Worksheet North 2013
ArcMap Document: BooneMap (file).mxd

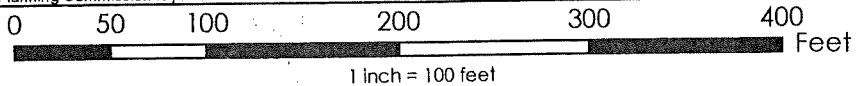
TOPOGRAPHICAL MAP

www.boonecountygis.com



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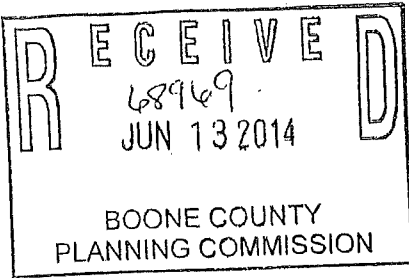


Boone County GIS - Putting Northern Kentucky on the Map

AmMap Document: BooneMap (16) mxd

Map Created: 07/01/2013

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

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2. (Check One) Conditional Use Permit [X] Variance [] Appeal []
3. Applicant's Name John J. Bonner & DIANA BONNER
Applicant's Address 8715 Signal Pointe Ct
Florence KY 41042
4. Description of Request: Covered Porch Addition to be 20ft from rear property line
5. Name of Development Heartstone
6. Location of Development Pleasant Valley / Preservation Way
7. Acreage Under Review 0.4 +/-
8. Lot Number and Name of Subdivision (if part of a subdivision) 282 Heartstone Section 21 Plat Cabinet S, Slide 243
9. Owner of Property John J and Diana E Bonner
Address of Property Owner 8715 Signal Pointe Ct
Florence KY 41042
10. Phone Number 859-916-8771 Fax No. E-Mail jbonner@fuse.net
11. Proposed Use(s) on Site Patio
12. Total Square Footage of Existing and/or Proposed Buildings 8x19 ex, 12x19 pr, 20x19 total
13. Current Zoning on Property Residential
14. Deed Book 1030 Page No. 51 Group No. 2038A
15. Is the site subject to a zone change?
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]
ORIGINAL Applicant's Signature: [Signature]

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

John & Diana Bonner
8715 Signal Pointe Court
Florence, KY 41042

2. ADDRESS OF PROPERTY

8715 Signal Pointe Court
Florence, KY

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Hearthstone

4. DEED BOOK 1030

PAGE NO. 51

GROUP NO. 2038A

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

Zoning Map Amendment:
From To

Conditional Use Permit

Development Plan

Conditional Zoning

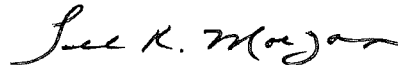
Subdivision Plat
(Not Recorded)

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, 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 14 day of July, 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 Adjustment and in accordance with the current zoning in effect as of July 9, 2014 Certificate of Land Use Restriction (#14-BCBOA-009-A), for John & Diana Bonner, Property Owner(s).

The following condition will apply:

1. The patio addition shall be constructed per the submitted renderings.

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

DEED BOOK 1005

PAGE NO. 78

GROUP NO. 2087B