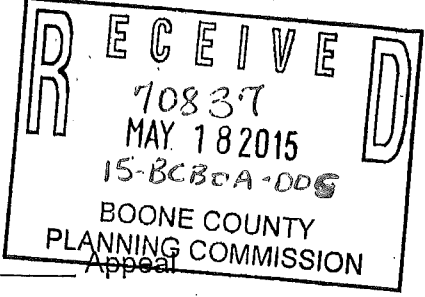


APPLICATION FORM

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 \_\_\_\_\_
Change in Non-Conforming Use \_\_\_\_\_
3. Applicant's Name POTTER HOUSE GROUP, INC.
Applicant's Address PO BOX 905
Florence KY 41022
City State Zip
Phone Number 859-384-2006 Fax No. \_\_\_\_\_ E-Mail \_\_\_\_\_
4. Description of Request: DECK ENCROACHMENT IN REAR YARD SETBACK
5. Name of Development Hidden Creek II
6. Location of Development Burlington - Benton Court
7. Acreage Under Review 1/2 ACRE
8. Lot Number and Name of Subdivision (if part of a subdivision)
LOT 137 Hidden Creek II
9. Owner of Property POTTER HOUSE GROUP, INC.
Address of Property Owner PO BOX 905
10. Florence KY 41022
City State Zip
Phone Number 859-384-2006 Fax No. \_\_\_\_\_ E-Mail \_\_\_\_\_
11. Proposed Use(s) on Site NEW SINGLE FAMILY RESIDENCE
12. Total Square Footage of Existing and/or Proposed Buildings 2000 SF
13. Current Zoning on Property SR-1
14. Deed Book 588 Page No. 118 Group No. 2024
15. Is the site subject to a zone change? NO
If yes, give date of approval \_\_\_\_\_
16. Have you submitted a Site Plan with this request? YES
17. Have you submitted a list of adjoining property owners with this request? \_\_\_\_\_
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 5/18/15 Fee Received \$632<sup>00</sup> Receipt # 70837
2. Is application complete?  Yes  No
3. Staff Reviewer \_\_\_\_\_
4. Scheduled Board Action Date \_\_\_\_\_
5. Board Action:  
6/10/15 **Approved** 15-BCBOA-005  
\_\_\_\_\_ **Approved with Conditions** (See #6)  
\_\_\_\_\_ **Denial** (See #7)
6. Conditions of Approval: NONE  
\_\_\_\_\_  
\_\_\_\_\_
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](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: Potter House Group, Inc.

LOCATION: Lot 137, Hidden Creek II Subdivision. The property is located at the northeast corner of the Benton Court/Ortiz Court intersection, Boone County, Kentucky

ZONING: Suburban Residential One (SR-1)

DATE: June 10, 2015

### PROPOSAL

The applicant has requested a Variance so a 12' x 12' deck can be constructed onto the back of a two-story house that is currently under construction. The request is to reduce the 30' rear yard setback to 25.7'

### SITE HISTORY

On May 19, 2015, Boone County Planning Commission approves a Zoning Permit for the two-story house (28' x 40' building footprint). The 12' x 12' deck was removed from the drawing because it did not meet the 30' rear yard setback requirement.

### 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 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 0.5 acre site is located on the northeast side of Benton Court/Ortiz Court intersection. A two-story bi-level home is currently under construction on the lot. A 100' wide overhead electric easement is located on the western portion of the lot. Boone County GIS shows that the topography of the parcel falls from 820 feet above sea level at the northeast property line to 806 feet above sea level at the northwest property line. There are currently no trees on the lot.

### SURROUNDING LAND USES & ZONING

- Northeast: Undeveloped Lot in Hidden Creek II Subdivision (SR-1)
- Northwest: Single-Family Residential Dwellings Fronting on Ortiz Court (SR-1)
- Southeast: Single-Family Residential Dwellings Fronting on Benton Court (SR-1)
- Southwest: Single-Family Residential Dwelling Fronting on Benton Court (SR-1)

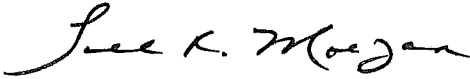
### STAFF COMMENTS

1. Staff would like the applicant to address the following questions:
  - A. Has the house been sold?
  - B. Could another size deck be constructed that lessens the Variance request (10' x 10', etc.)?
  - C. Will any trees be planted between the rear of the house and deck?
2. The Board needs to analyze the Variance criteria before acting on the request.
3. Staff believes that the 100' wide electric easement that is located on the property creates a hardship because it limits the buildable area on the lot.

### 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

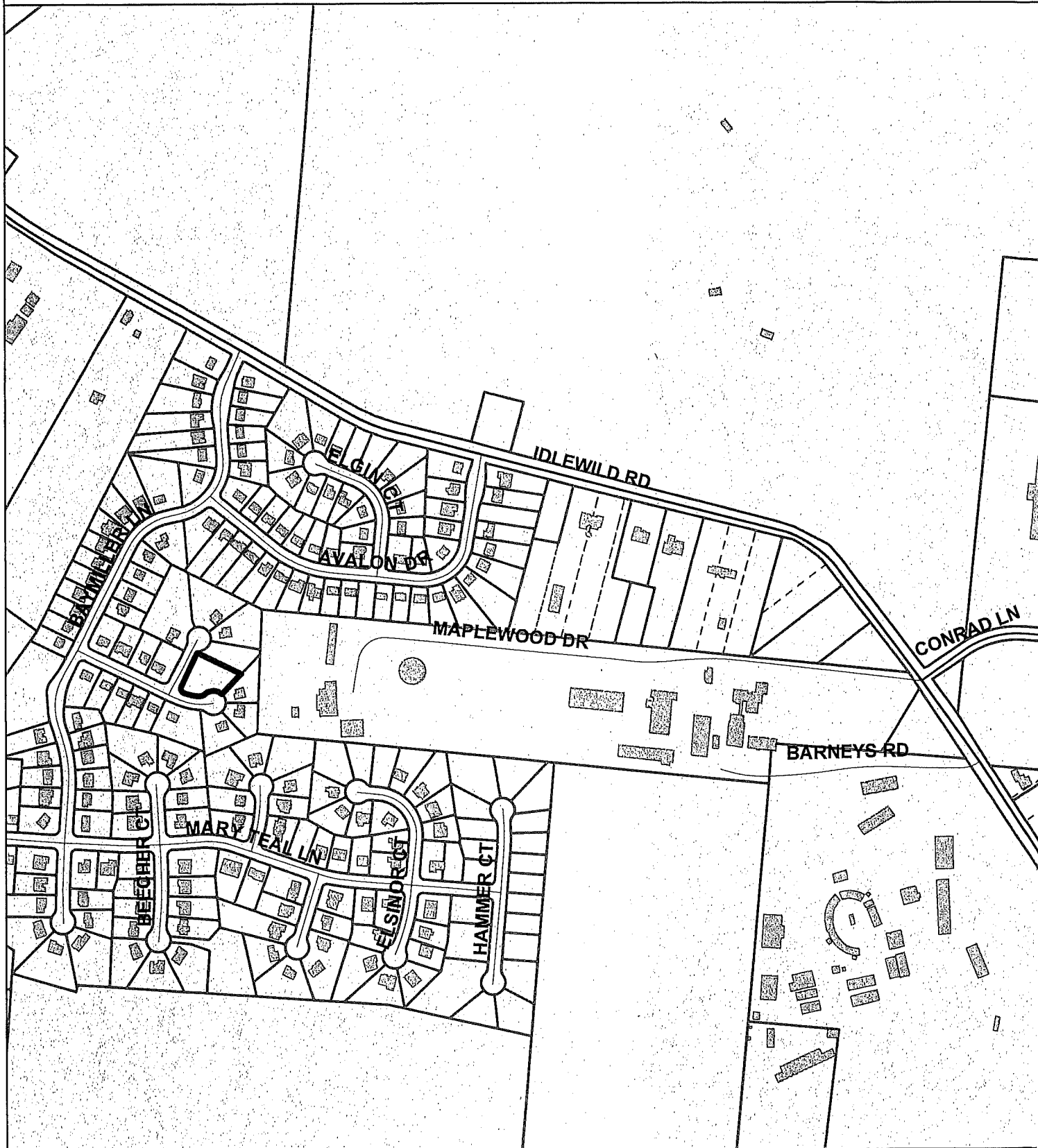
TKM/tlb

Attachments

- \*Site Vicinity Map
- \*Proposal
- \*House Drawings
- \*Final Plat - Section 8, Hidden Creek II
- \*2012 Aerial Map
- \*Zoning Map
- \*Topographical Map
- \*Application

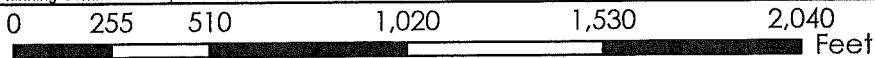
# SITE VICINITY MAP

www.boonecountygis.com



Copyright 2014 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: 07/01/2013

ArcMap Document: BooneMap (file).mxd

**PROPOSED SITE PLAN**

CLIENT: LEE RICKEY  
 STREET ADDRESS: 3608 BENTON COURT  
 CITY: BURLINGTON  
 COUNTY: BOONE  
 STATE: KENTUCKY  
 SUBDIVISION NAME: HIDDEN CREEK II  
 SECTION 8  
 LOT NUMBER: 137  
 PLAT SLIDE: 5-271

**CERTIFICATION**

I hereby certify that the survey depicted by this plat was done by persons under my direct supervision. The unadjusted precision ratio meets or exceeds minimum standards. The survey as shown hereon is an Urban survey and the accuracy and precision of said survey meets all the specifications of this type.

STATE OF KENTUCKY  
 ANDREW R. AMENT  
 1729  
 LICENSED  
 PROFESSIONAL  
 LAND SURVEYOR

**LEGEND**

- ▼ = Existing Mag Nail
  - = Hub and Tack Set
  - ⊗ = Existing Iron Pipe
  - = Existing Iron Pin
  - X = Cut Cross Notch
  - = Iron Pin set w/ cap
- (1/2" X 18" rebar, L.S. 1729)

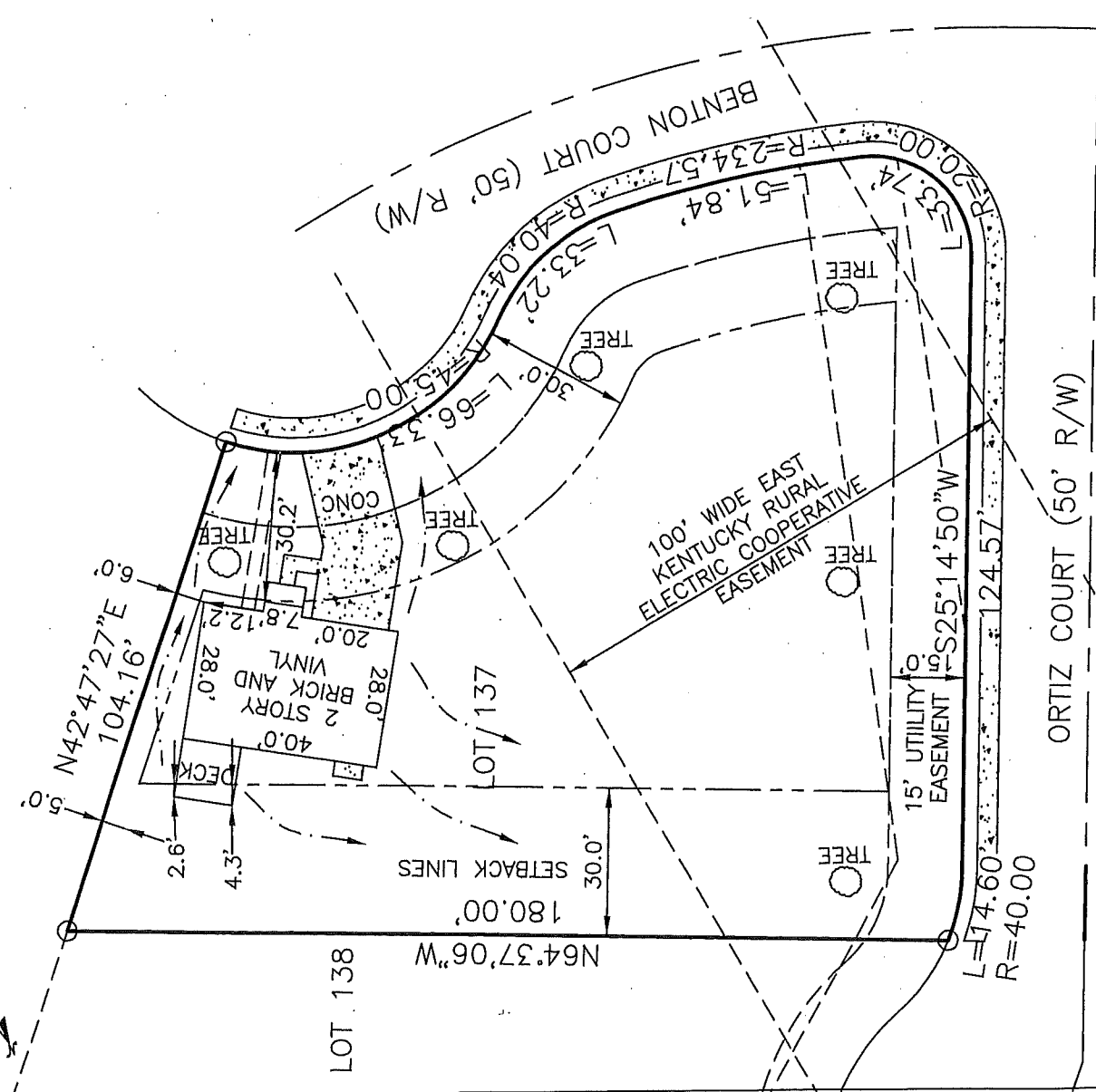
*Andrew R. Ament* PLS

**ACKNOWLEDGED BY SURVEYOR**

REVISED: 5-6-2015 REVISED: 5-13-2015 REVISED: 5-18-2015

**ASA**  
 ANDREW R. AMENT, LAND SURVEYOR, PSC  
 655 Fair Oaks Lane  
 Edgewood, Kentucky 41017  
 Office (859) 341-7878 Fax (859) 341-7827  
 amentsurveying@gmail.com

SCALE: 1"=40'  
 DATE: 5-7-2015  
 DRAWN BY: CDM  
 CHECKED: ARA  
 JOB#: 2015-













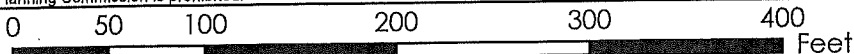
# 2012 AERIAL MAP

www.boonecountygis.com



Copyright 2014 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.



1 inch = 100 feet

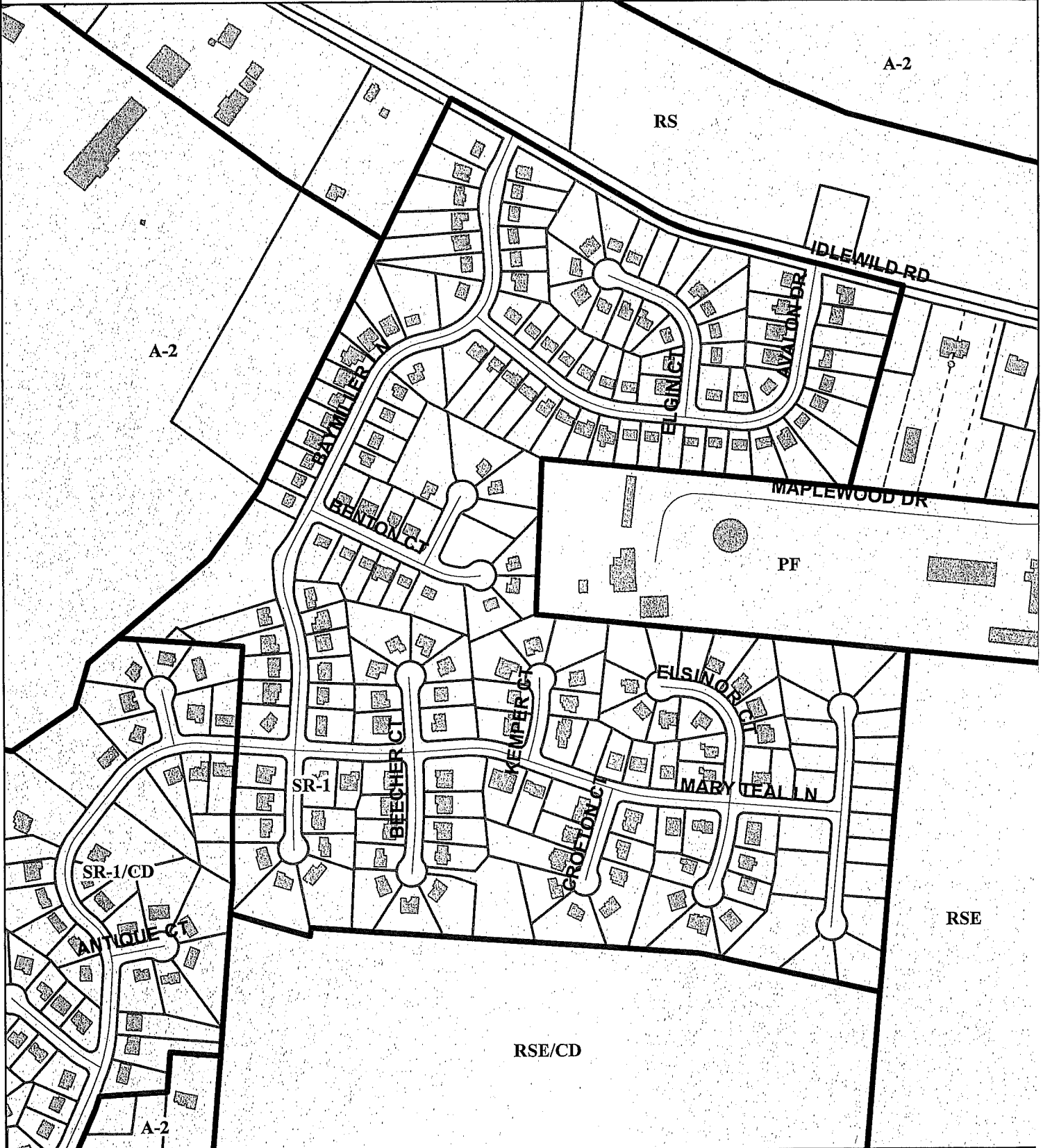


**Boone County GIS - Putting Northern Kentucky on the Map**



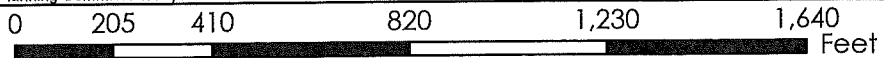
# ZONING MAP

www.boonecountygis.com



Copyright 2014 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.



1 inch = 400 feet



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



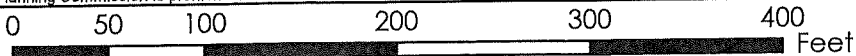
# TOPOGRAPHICAL MAP

www.boonecountygis.com



Copyright 2014 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.



1 inch = 100 feet



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

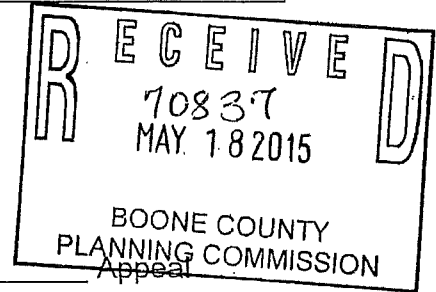
Map Created: 07/01/2013

Boone County GIS  
ArcMap Document: BooneMap (file).mxd

**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 \_\_\_\_\_ Florence \_\_\_\_\_ Walton \_\_\_\_\_ Union \_\_\_\_\_
2. (Check One)  
 \_\_\_\_\_ Conditional Use Permit  Variance \_\_\_\_\_  
 \_\_\_\_\_ Change in Non-Conforming Use \_\_\_\_\_
3. Applicant's Name POTTER HOUSE Group, Inc.  
 Applicant's Address PO BOX 905  
Florence KY 41022  
 City State Zip  
 Phone Number 859-384-2006 Fax No. \_\_\_\_\_ E-Mail \_\_\_\_\_
4. Description of Request: DECK ENCROACHMENT IN REAR YARD SETBACK ALL
5. Name of Development Hidden Creek II
6. Location of Development BURLINGTON - Benton Court
7. Acreage Under Review 1/2 ACRE
8. Lot Number and Name of Subdivision (if part of a subdivision)  
LOT 137 Hidden Creek II
9. Owner of Property POTTER HOUSE Group, Inc.  
 Address of Property Owner PO BOX 905  
Florence KY 41022  
 City State Zip  
 Phone Number 859-384-2006 Fax No. \_\_\_\_\_ E-Mail \_\_\_\_\_
10. Proposed Use(s) on Site NEW SINGLE FAMILY RESIDENCE
11. Total Square Footage of Existing and/or Proposed Buildings 2000 SF
12. Current Zoning on Property SR-1
13. Deed Book 588 Page No. 118 Group No. 2024
14. Is the site subject to a zone change? NO  
 If yes, give date of approval \_\_\_\_\_
15. Have you submitted a Site Plan with this request? YES
16. Have you submitted a list of adjoining property owners with this request? \_\_\_\_\_
17. 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)



COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

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

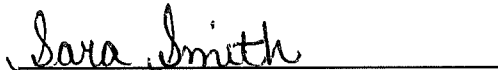
on behalf of the Boone County Planning Commission this 11 day of June, 2015.



Vicki L. Myers  
Vicki L. Myers  
Notary ID 438411  
NOTARY PUBLIC, State at Large

My commission Expires:  
April 17, 2019

This instrument was prepared for recording purposes only by:



Sara Smith  
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.)