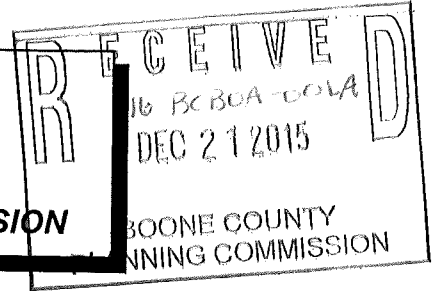


APPLICATION FORM

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 \_\_\_\_\_ Florence \_\_\_\_\_ Walton \_\_\_\_\_ Union \_\_\_\_\_
  2. (Check One)  
 Conditional Use Permit \_\_\_\_\_  Variance \_\_\_\_\_  Appeal \_\_\_\_\_  
 Change in Non-Conforming Use \_\_\_\_\_
  3. Applicant's Name Distinctive Design  
 Applicant's Address 1050 Enterprise Dr. Ste. #110  
Lex \_\_\_\_\_ Ky \_\_\_\_\_ 40510 \_\_\_\_\_  
 City State Zip  
 Phone Number 857-223-0539 Fax No. \_\_\_\_\_ E-Mail CPENNE@KONGAN.COM
  4. Description of Request: Side Yard VARIANCE of 1.23 FT.
  5. Name of Development Strawberry Hill
  6. Location of Development 6244 Matthew Circle
  7. Acreage Under Review \_\_\_\_\_
  8. Lot Number and Name of Subdivision (if part of a subdivision)  
120 STRAWBERRY Hill
  9. Owner of Property Angie Gilford  
 Address of Property Owner 6244 MATHEW Cir.
  10. Burlington \_\_\_\_\_ Ky \_\_\_\_\_ 41005 \_\_\_\_\_  
 City State Zip  
 Phone Number 513-372-1034 Fax No. \_\_\_\_\_ E-Mail \_\_\_\_\_
  11. Proposed Use(s) on Site Residential - Attached garage on house
  12. Total Square Footage of Existing and/or Proposed Buildings \_\_\_\_\_
  13. Current Zoning on Property SR-L-PD
  14. Deed Book 1037 Page No. 730 Group No. 2030
  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 / signed
  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: Angie Gilford  
(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 12-21-15 Fee Received \$632.00 Receipt # 7260
2. Is application complete?  Yes  No
3. Staff Reviewer \_\_\_\_\_
4. Scheduled Board Action Date \_\_\_\_\_
5. Board Action:  
 Approved  
 1/13/16 Approved with Conditions (See #6)  
 Denial (See #7)
6. Conditions of Approval: SEE 1/13/16 Meeting Minutes  
+ CLK
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: Distinctive Design

LOCATION: 6244 Mathew Circle, Boone County, Kentucky

ZONING: Suburban Residential One/Planned Development (SR-1/PD)

DATE: January 13, 2016

### PROPOSAL

The applicant has requested a variance so a 38' x 12.42' attached garage can be constructed onto the front and south side of a house. The request is to reduce the side yard building setback requirement from 5' to 3.77'. The submitted elevations show that the addition will be constructed with brick and asphalt shingles to match the house as closely as possible.

### 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 "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 0.796 acre site is located in Strawberry Hill Subdivision and is located on the east side of the Mathew Circle cul-de-sac. The property contains a ranch style single-family residential dwelling, which is constructed with brick and asphalt shingle roofing. The rear and side yards contain a concrete patio, garden shed, and chain link fencing. Mature deciduous trees and scrubby vegetation exist along the rear property line. Boone County GIS shows that the topography of the site falls from approximately 830 feet above sea level at the front property line to 800 feet above sea level at the rear property line.

### SURROUNDING LAND USES & ZONING

North: Single-Family Residential Dwelling Fronting on Mathew Circle (SR-1/PD)

South: Single-Family Residential Dwelling Fronting on Mathew Circle (SR-1/PD)

East: Single-Family Residential Dwellings Fronting on Rogers Lane and Woodcrest Drive (SR-1) and Multi-Family Residential Dwellings Fronting on Douglas Drive (SR-2/PD)

West: Single-Family Residential Dwellings Fronting on Mathew Circle (SR-1/PD)

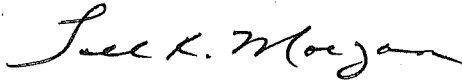
### STAFF COMMENTS

1. A concrete patio is currently located between the house and the southern property line. The proposed addition will fit within the limits of this patio.
2. The submitted drawings show that only the front corner of the garage needs the setback variance. The back corner of the addition is shown with a 9.91' setback.
3. Staff would like the applicant to address the following questions:
  - A. The survey drawing shows the addition will have a 3.77' side yard setback and the elevation drawings shows a 2'-1" side yard setback. Are the different measurements due to the roof overhang?
  - B. Is a new roof being installed on the entire house?
4. The Board should analyze if the request will alter the essential character of the general vicinity or if the provisions of the regulations will deprive the applicant of the reasonable use of the land.
5. Staff recommends the following condition if the request is approved:
  - A. The addition shall be constructed per the submitted elevation drawings.

### 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
- \*Survey Drawing with Proposed Addition
- \*Proposed Foundation, Floor, and Roof Plans
- \*Proposed Building Elevations
- \*2012 Aerial Map
- \*Zoning Map
- \*Topographical Map
- \*Application

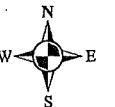
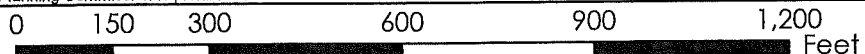
# SITE VICINITY MAP

www.boonecountygis.com

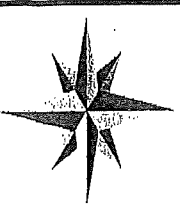


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**Boone County GIS - Putting Northern Kentucky on the Map**



RYAN LAND SURVEYING  
1850 SHADY HOLLOW LN  
Burlington, Kentucky 41005  
(859) 588-5800

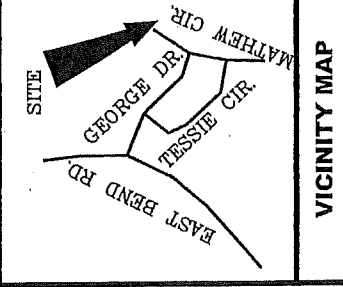
CENT  
DISTINCTIVE DESIGN

**SURVEY EXHIBIT**  
PROJECT TITLE: **ANGIE GIFFORD**  
DRAWING TITLE: **BURLINGTON, KY, 41005**

SCALE: 1" = 50'  
DATE: 11/20/2015  
PROJECT NO.: S-115-2015  
ZONED: SR-1-PD  
SHEET: 1 OF 1

STATE OF KENTUCKY  
TIMOTHY EARL RYAN  
LS-3565  
LICENSED PROFESSIONAL LAND SURVEYOR

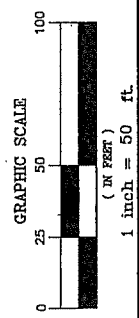
NORTH & BEARING SYSTEM BASED ON LOT 120 STRAWBERRY HILL SUB. SECT. 5 PLAT 208 BOONE CO. RECORDS.



KILLORAN KEVIN & ALLISON  
DB. 534 PG. 56

ANGIE GIFFORD  
DB. 1037 PG. 730  
0.796 Acres

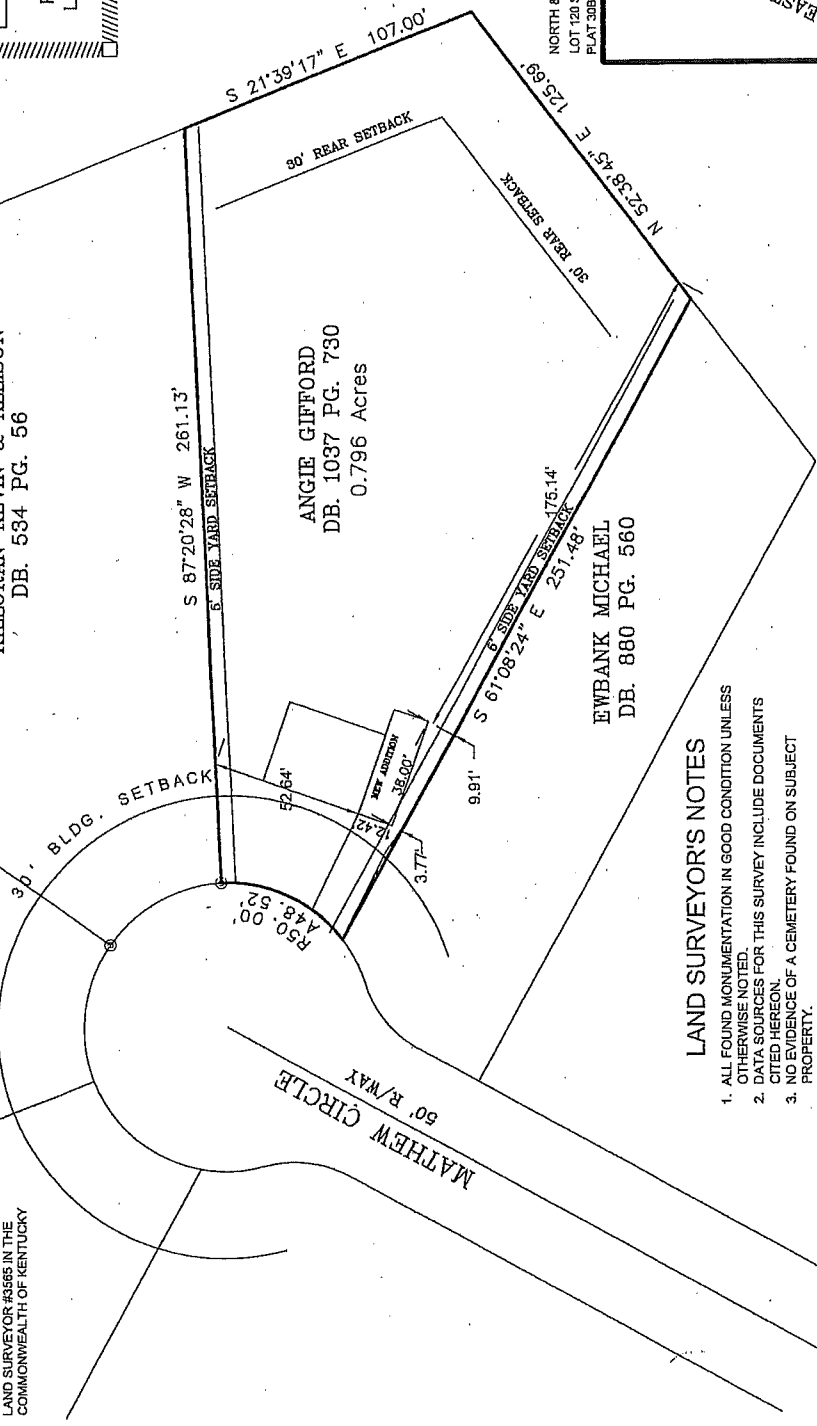
EWBANK MICHAEL  
DB. 880 PG. 560



I HEREBY CERTIFY THAT THE SURVEY DEPICTED BY THIS PLAT WAS DONE BY PERSONS UNDER MY DIRECT SUPERVISION BY THE METHOD OF RANDOM TRAVERSE WITH SIDE SHOTS. THE UNADJUSTED ERROR OF CLOSURE WAS 1:45,780 AND WAS NOT ADJUSTED.

DATE: 12/2/2015  
TIMOTHY E. RYAN

LICENSED PROFESSIONAL LAND SURVEYOR #3365 IN THE COMMONWEALTH OF KENTUCKY

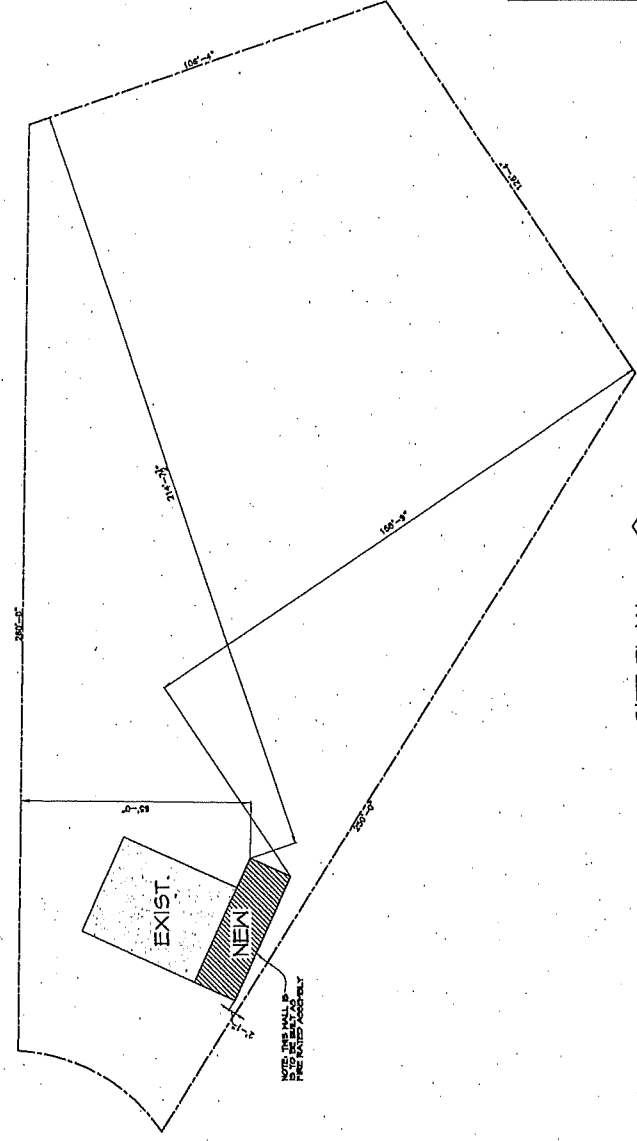
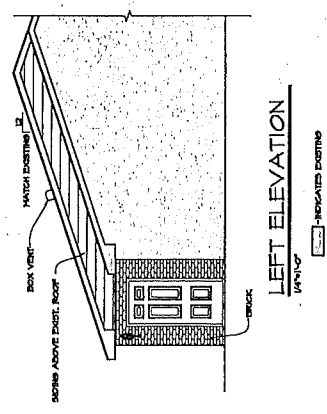
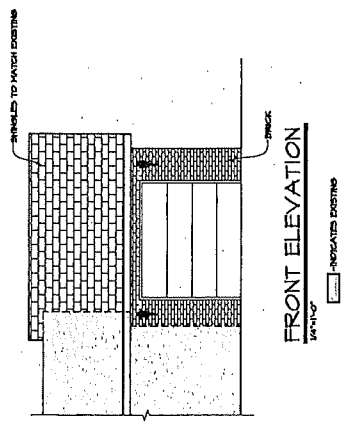
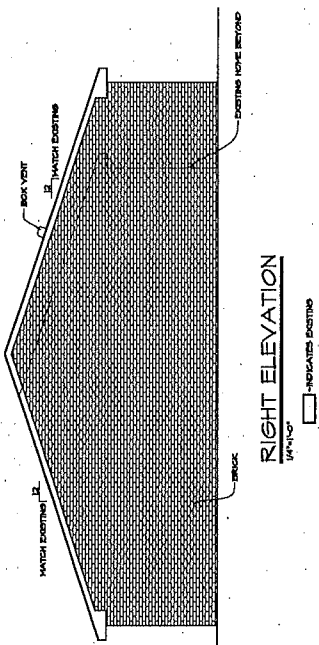
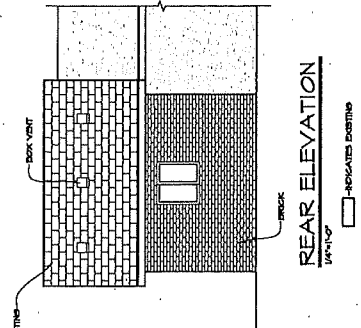


**LAND SURVEYOR'S NOTES**

1. ALL FOUND MONUMENTATION IN GOOD CONDITION UNLESS OTHERWISE NOTED.
2. DATA SOURCES FOR THIS SURVEY INCLUDE DOCUMENTS CITED HEREON.
3. NO EVIDENCE OF A CEMETERY FOUND ON SUBJECT PROPERTY.
4. 5' MIN SETBACK SIDE YARDS

LEGEND  
⊙ -Denotes FOUND IP





**SITE PLAN**  
 MATCHES TO MATCH EXISTING

# 2012 AERIAL MAP

www.boonecountygis.com



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0 100 200 400 600 800 Feet

1 inch = 200 feet



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



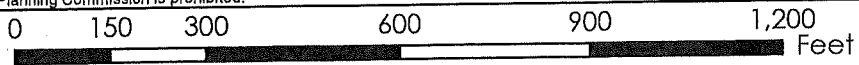
# ZONING MAP

www.boonecountygis.com



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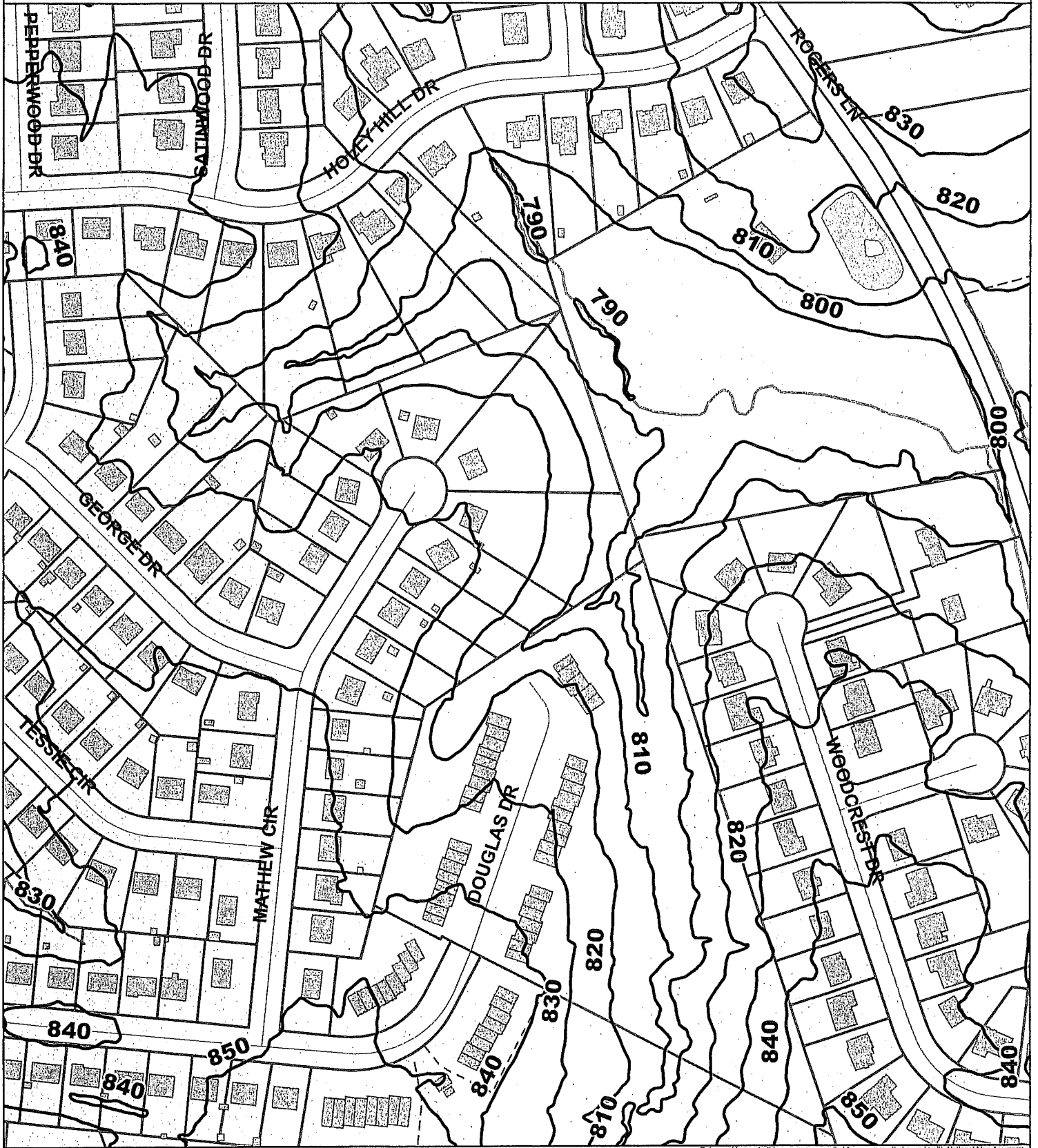
1 inch = 300 feet



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

# TOPOGRAPHICAL MAP

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0 100 200 400 600 800 Feet

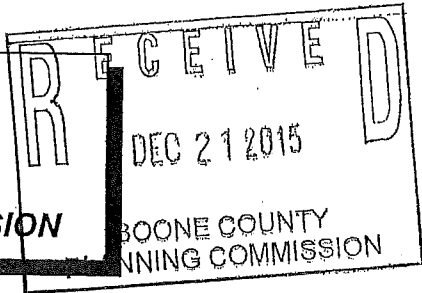
1 inch = 200 feet

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



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 \_\_\_\_\_ Florence \_\_\_\_\_ Walton \_\_\_\_\_ Union \_\_\_\_\_

(Check One)

2. \_\_\_\_\_ Conditional Use Permit  Variance \_\_\_\_\_ Appeal \_\_\_\_\_  
\_\_\_\_\_ Change in Non-Conforming Use

3. Applicant's Name Distinctive Design  
Applicant's Address 1050 Enterprise Dr. Ste. #110  
Lex Ky. 40510  
City State Zip

4. Phone Number 859-273-0539 Fax No. \_\_\_\_\_ E-Mail Cpenik@kengon.com  
Description of Request: Side Yard VARIANCE of 1.23 FT

5. Name of Development Strawberry Hill  
6. Location of Development 6244 Matthew Circle

7. Acreage Under Review \_\_\_\_\_

8. Lot Number and Name of Subdivision (if part of a subdivision)  
120 STRAWBERRY HILL

9. Owner of Property Angie Gifford  
Address of Property Owner 6244 Matthew Cr.

10. Berlington Ky. 41005  
City State Zip

- Phone Number 513-372-1034 Fax No. \_\_\_\_\_ E-Mail \_\_\_\_\_

11. Proposed Use(s) on Site Residential - Attached garage on house

12. Total Square Footage of Existing and/or Proposed Buildings \_\_\_\_\_

13. Current Zoning on Property SR 1-PD

14. Deed Book 1037 Page No. 730 Group No. 7030

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 / Sunday

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: Angie Gifford  
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: C. Penik  
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

COPY

CLUR #16-BCBOA-001-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Angie Gifford  
6244 Mathew Circle  
Burlington, KY 41005

2. ADDRESS OF PROPERTY

6244 Mathew Circle  
Burlington, KY

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Strawberry Hill, Lot 120

4. DEED BOOK 1037

PAGE NO. 730

GROUP NO. 2030

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

Zoning Map Amendment:  
From  To

Conditional Use Permit

Development Plan

Conditional Zoning

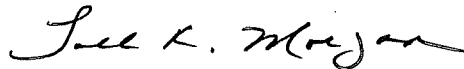
Subdivision Plat  
(Not Recorded)

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

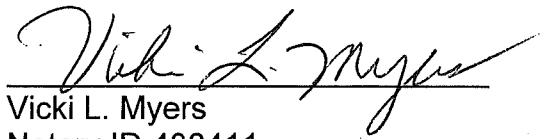
Name and Title of Completing Official

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 January, 2016.



Vicki L. Myers

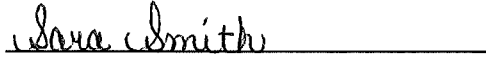
Notary ID 438411

NOTARY PUBLIC, State at Large

My commission Expires:

April 17, 2019

This instrument was prepared for recording purposes only by:



Sara Smith

Boone County Planning Commission

2950 Washington Street, Room 317

P.O. Box 958

Burlington, Kentucky 41005

NO TITLE EXAMINATION

(Legal Description and source of Title and Group Number furnished by the applicant.)

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the variance approved by the Boone Board of Adjustment and in accordance with the current zoning in effect as of January 14, 2016 Certificate of Land Use Restriction (#16-BCBOA-001-A), for Angie Gifford, Property Owner(s).

The following conditions will apply:

1. The addition shall be constructed per the submitted elevation drawings.
2. The fence and adjoining property to the south shall not be disturbed during construction.

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

DEED BOOK 1037

PAGE NO. 730

GROUP NO. 2030