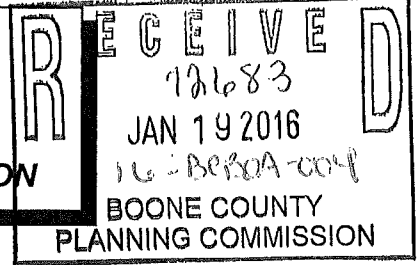


APPLICATION FORM

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 _____ Florence _____ Walton _____ Union _____
- 2. (Check One) _____ Conditional Use Permit Variance _____ Appeal _____
_____ Change in Non-Conforming Use
- 3. Applicant's Name Robert Presser
Applicant's Address 15330 Glencoe Verona Rd
VERONA VERONA, KY 41092
City State Zip
- 4. Phone Number 859 750-4568 Fax No. _____ E-Mail _____
Description of Request: Variance to Reduce 25' Rear Yard Set Back
For Existing House
- 5. Name of Development _____
- 6. Location of Development 15288 Glencoe-Verona Rd Verona, Ky 41092
- 7. Acreage Under Review 1.951
- 8. Lot Number and Name of Subdivision (if part of a subdivision) _____
- 9. Owner of Property Robert Presser Executor
Address of Property Owner 15330 Glencoe Verona Rd Verona, Ky 41092
VERONA P.O. Box 205 KY
City State Zip
- 10. Phone Number 859-750-4568 Fax No. _____ E-Mail _____
- 11. Proposed Use(s) on Site Existing House
- 12. Total Square Footage of Existing and/or Proposed Buildings _____
- 13. Current Zoning on Property A-2
- 14. Deed Book 1064 Page No. 930 Group No. 2088
- 15. Is the site subject to a zone change? N/A
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: Robert Presser
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: Robert Presser
(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 1/19/16 Fee Received \$600.00 Receipt # 72683
2. Is application complete? Yes No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
2/10/16 **Approved**
_____ **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 - 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: Robert Presser

LOCATION: 15288 Glencoe-Verona Road, Boone County, Kentucky

ZONING: Agricultural Estate (A-2)

DATE: February 10, 2016

PROPOSAL

The applicant has requested a Variance so an existing house can encroach into the 25 foot rear yard building setback. The house was constructed in 2007 and was not constructed per the 10/16/06 Zoning Permit. The applicant estimates that the house is located 15 feet from the rear property line but is asking for a Variance to reduce the setback requirement to 13½ feet.

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.

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 1.951 acre property is located on a private road that connects to Glencoe-Verona Road and contains a ranch style single-family residential dwelling with a basement. Access to the property is provided from a shared gravel driveway with the adjoining property. The gravel driveway currently does not extend to the house, attached garage, or any parking areas on the 1.951 acre lot. Boone County GIS shows that the topography of the site falls from 878 feet above sea level at the access point and 872 feet level at the rear property line to 846 feet above sea level at the center of the site (area used to contain a pond). The topography falls again from the 846 feet above sea level to 828 feet above sea level to a shared pond, which is located in the northern extreme of the site. The northern part of the site is heavily wooded with deciduous trees.

STAFF COMMENTS

1. The subject house was constructed in 2007 and does not comply with the approved 10/16/06 Zoning Permit. The Zoning Permit showed the house was going to be constructed with a 25 foot rear yard setback. The rear yard setback would have become a nonconformity if it had been in continuous existence for ten (10) years or more without enforcement action.

2. Driveway access is currently not provided to the house or any parking areas on site.

The 10/16/06 Zoning Permit showed that a driveway was going to wrap around the northern side of the pond that was located in the middle of the site and extend to the house. This driveway was never constructed and the dam for the pond failed sometime after 2012.

3. Staff would like the applicant to address the following questions:

- A. Was the house ever occupied?
- B. Does the house have a septic system?
- C. Is the property currently for sale?
- D. Are there plans to grade the property so driveway access can be provided to the garage and some future parking areas?

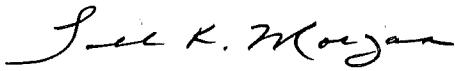
Staff would like to note that an engineered grading plan (Site Plan for Grading) will need to be approved by Boone County Planning Commission if significant grading is proposed.

4. On 1/29/16, Boone County Building Department sent the applicant a letter indicating that the subject house was in violation of the Building Code because it had never received a final inspection.
5. The Board should analyze the Variance criteria before acting on the request.

CONCLUSION

KRS 100.241 and Section 250 of the Boone County Zoning Regulations gives the Boone County Board of Adjustment and Zoning Appeals the authority to act on the request.

Respectfully submitted,



Todd K. Morgan, AICP
Senior Planner, Zoning Services

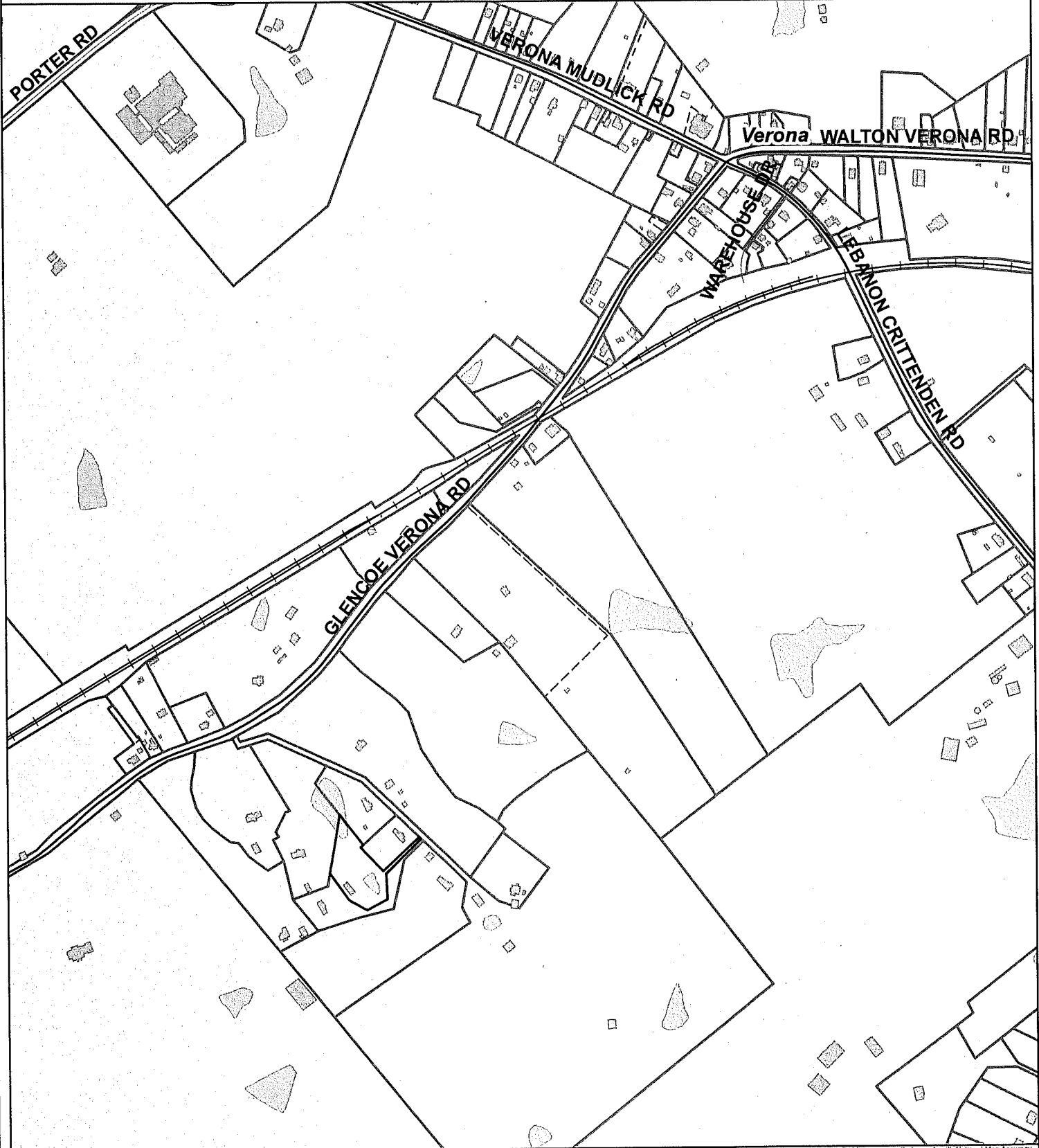
TKM/tlb

Attachments

- *Site Vicinity Map
- *Conveyance Plat of Subject Property
- *10/16/06 Zoning Permit
- *Zoning Map
- *2007 Aerial Map
- *2012 Aerial Map
- *Topographical Map
- *1/29/16 Letter From Boone County Building Department to Applicant
- *Application

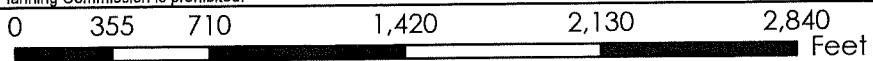
SITE VICINITY MAP

www.boonecountygis.com



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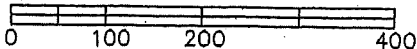
1 inch = 700 feet



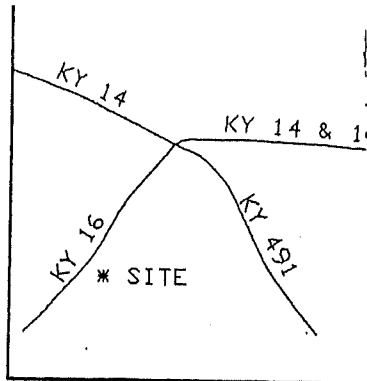
Boone County GIS - Putting Northern Kentucky on the Map

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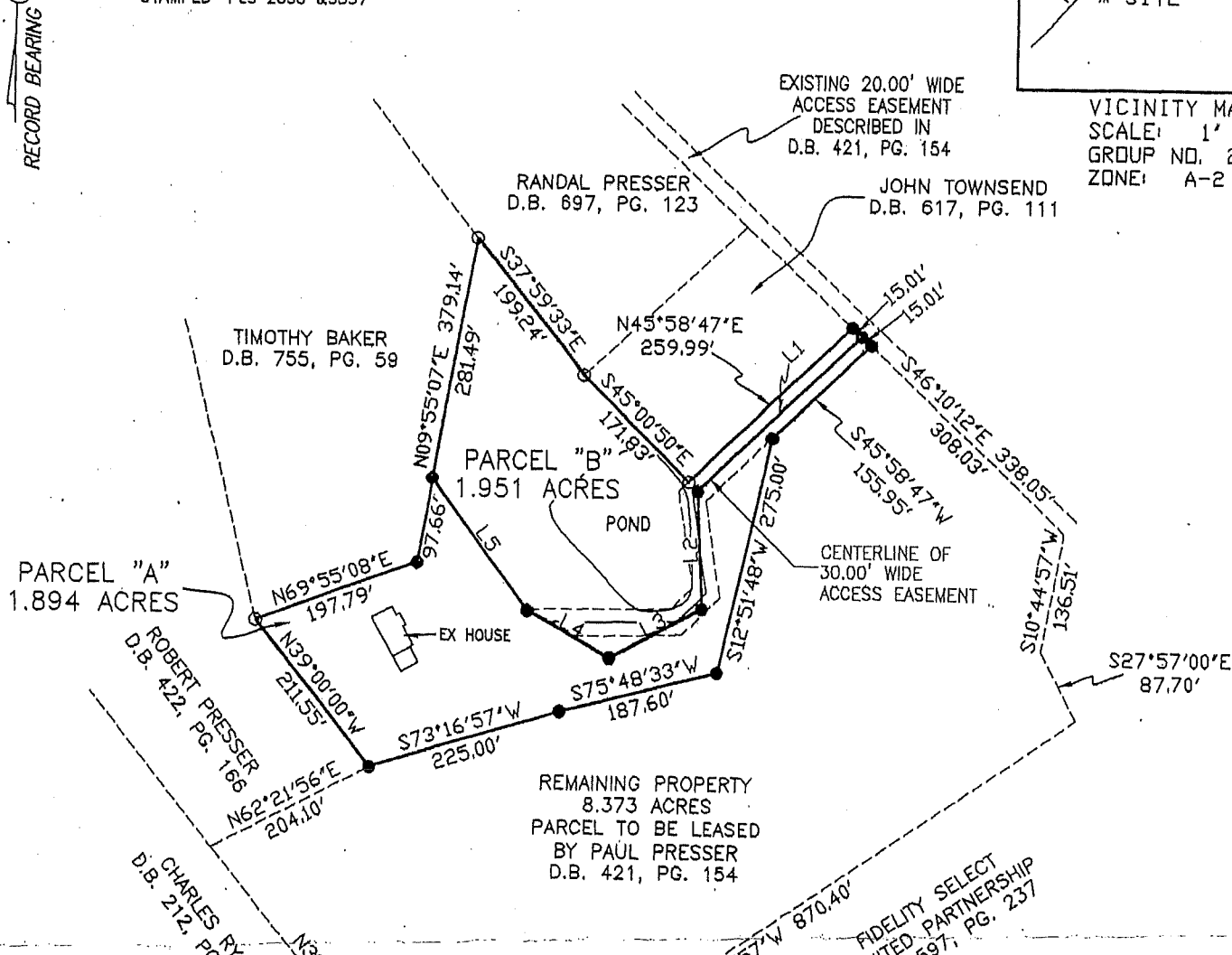
Boone County GIS
ArcMap Document: BooneMap (file).mxd



- EXISTING IRON PIN
- SET 1/2" REBAR AND CAP STAMPED "PLS 2030 & 3357"



VICINITY MAP
 SCALE: 1" = 2000'
 GROUP NO. 2088
 ZONE: A-2



STATE OF KENTUCKY
 GREGORY A. LARISON
 3357
 LICENSED PROFESSIONAL LAND SURVEYOR

LINE	BEARING	DISTANCE
L1	S45°58'47"W	260.56'
L2	S02°33'16"E	134.56'
L3	S62°11'01"W	120.32'
L4	N60°50'19"W	107.43'
L5	N35°55'40"W	185.52'

BOONE COUNTY PLANNING COMMISSION APPROVAL CERTIFICATE
 Approved for recording the transfer of property only by the Boone County Planning Commission this 4th day of December, 2002.

P & Z Code No. 4021

Ava B. White
 CHAIRMAN
 12-4-02
 DATE

A-2
 12-4-02
 GVS

This plat shall be void if not filed with the Boone County Clerk for recording purposes within two (2) years of Planning Commission approval.

FOR BUILDABLE LOTS

I certify that I have examined the records of the Boone County Clerk and find that this is the 5th & 6th conveyance made under the present ownership and the parent tract since 1966 or the adoption of KRS.100.

PLAT OF THE DIVISION OF THE PAUL PRESSER PROPERTY

BUILDING ADDRESS OR LOCATION: 15288 GLENCOE-VERONA RD.
VERONA, KY. 41092

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): PAUL PRESSER
15284 GLENCOE-VERONA RD. VERONA, KY. 41092

APPLICANT'S SIGNATURE: Paul Presser As
 Authorized by Property Owner

DATE 10-4-06 PHONE NUMBER: 859-485-6104

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

Zoning District	<u>A2</u>	Date	<u>10/16/06</u>	Fee	<input checked="" type="checkbox"/>	\$75.00	Farm Exempt
Approved	<input checked="" type="checkbox"/>	Denied				\$35.00	(No Fee)
Staff Reviewer	<u>RUDY CORDELL</u>		Address/Location <u>15288 GLENCOE-VERONA</u>				
Subdivision							
Lot #	<u>B3</u>	Section #	<u>—</u>		Block/Phase #	<u>—</u>	

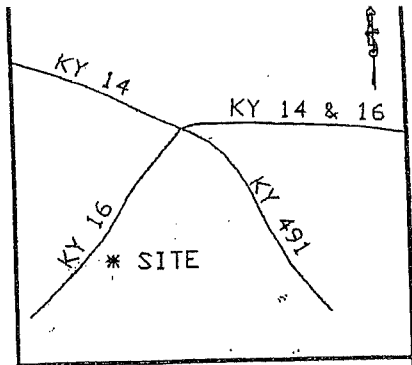
R#
51551
VERONA

Type of Improvement	
<input checked="" type="checkbox"/> Single Family Residence	Detached Garage
Duplex	Garage Addition
Three Family	Porch or Deck
Apartment (# units _____)	Barn or Shed
Townhouse (# units _____)	Swimming Pool
Mobile Home	Tenant Finish
Residential Addition	Other:
Jurisdiction	
<input checked="" type="checkbox"/> Boone County	Florence
Walton	Union
Post Office	
Burlington	Florence
Walton	Union
Hebron	<input checked="" type="checkbox"/> Verona
Petersburg	Erlanger
Crittenden	
Group # <u>2088</u>	Census Tract # <u>706.04</u>

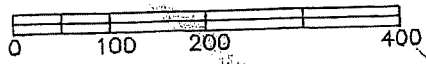
**BOONE COUNTY
 PLANNING COMMISSION
 RECEIVED**

OCT 6 2006

PAUL PRESSER
 15284 GLENCOE - VERONA RD.
 VERONA, KY. 41092



VICINITY MAP
 SCALE: 1" = 2000'
 GROUP NO. 2088
 ZONE: A-2

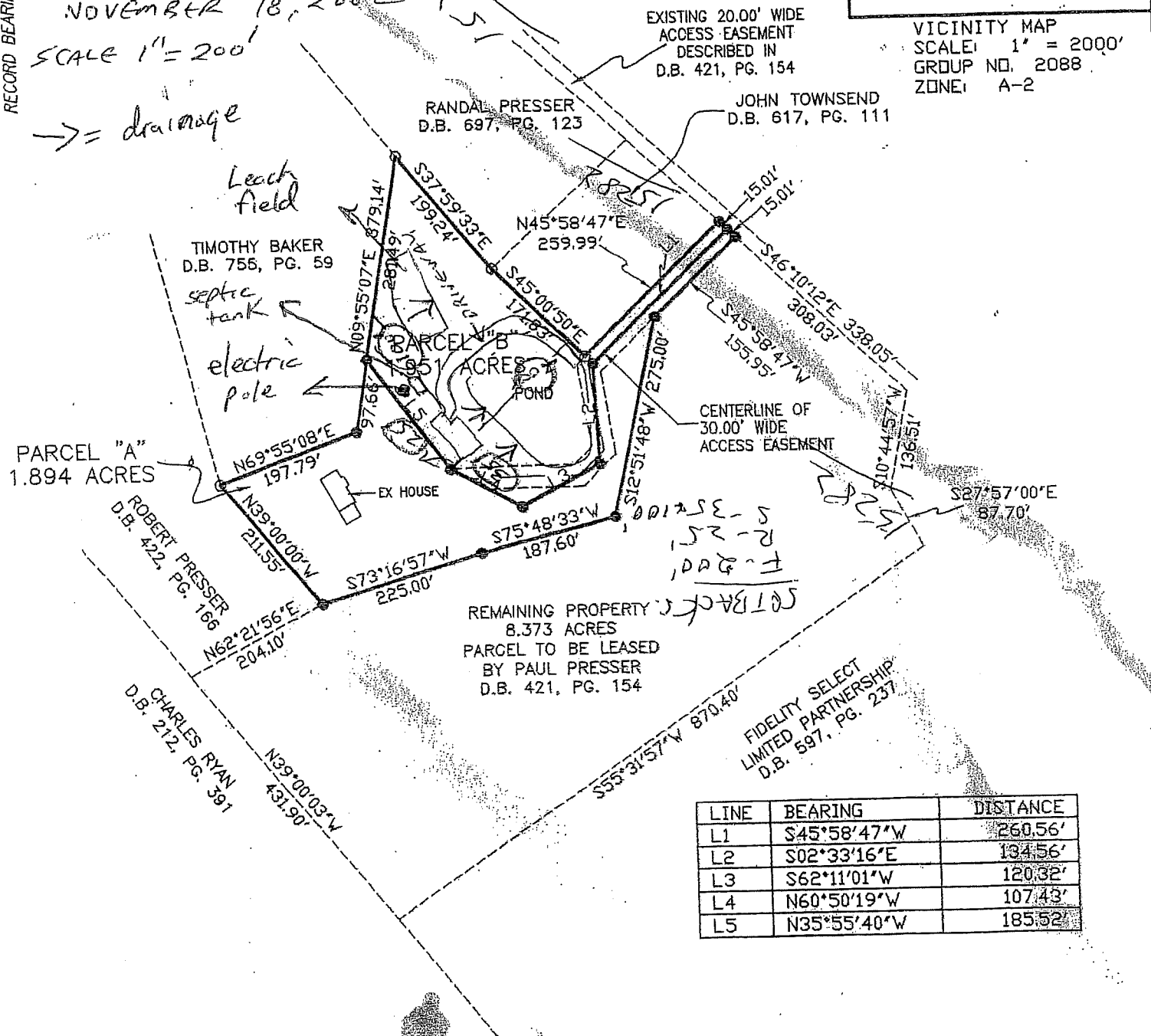


- EXISTING IRON PIN
- SET 1/2" REBAR AND CAP STAMPED "PLS 2030 & 3357"

NOVEMBER 18, 2002
 SCALE 1" = 200'

RECORD BEARING

→ = drainage



LINE	BEARING	DISTANCE
L1	S45°58'47"W	260.56'
L2	S02°33'16"E	134.56'
L3	S62°11'01"W	120.32'
L4	N60°50'19"W	107.43'
L5	N35°55'40"W	185.52'

BOONE COUNTY PLANNING COMMISSION APPROVAL CERTIFICATE
 Approved for recording the transfer of property only by the Boone County Planning Commission this _____ day of _____, 20____.

This plat shall be void if not filed with the Boone County Clerk for recording purposes within two (2) years of Planning Commission approval.

CHAIRMAN _____ DATE _____

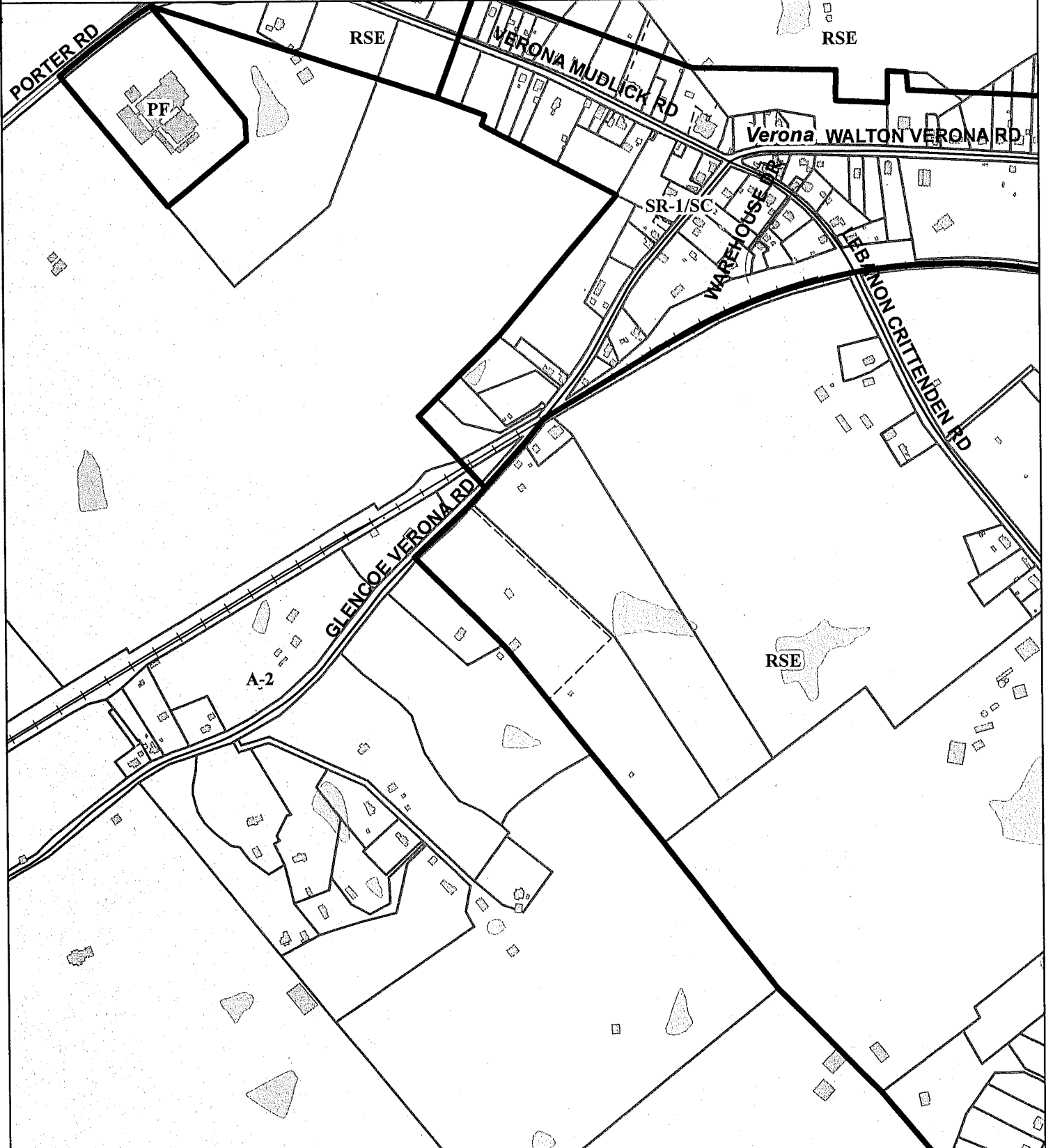
OR BUILDABLE LOTS

I certify that I have examined the records of the Boone County Clerk and find that this is the 5th & 6th conveyance made under the present ownership and the parent tract since 1966 or the adoption of KRS.100.

PLAT OF THE DIVISION OF THE PAUL PRESSER PROPERTY

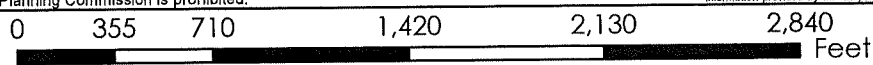
ZONING MAP

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Boone County GIS - Putting Northern Kentucky on the Map



Map Created: 07/01/2013

Map File: BooneMap (01e).mxd

2007 AERIAL 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

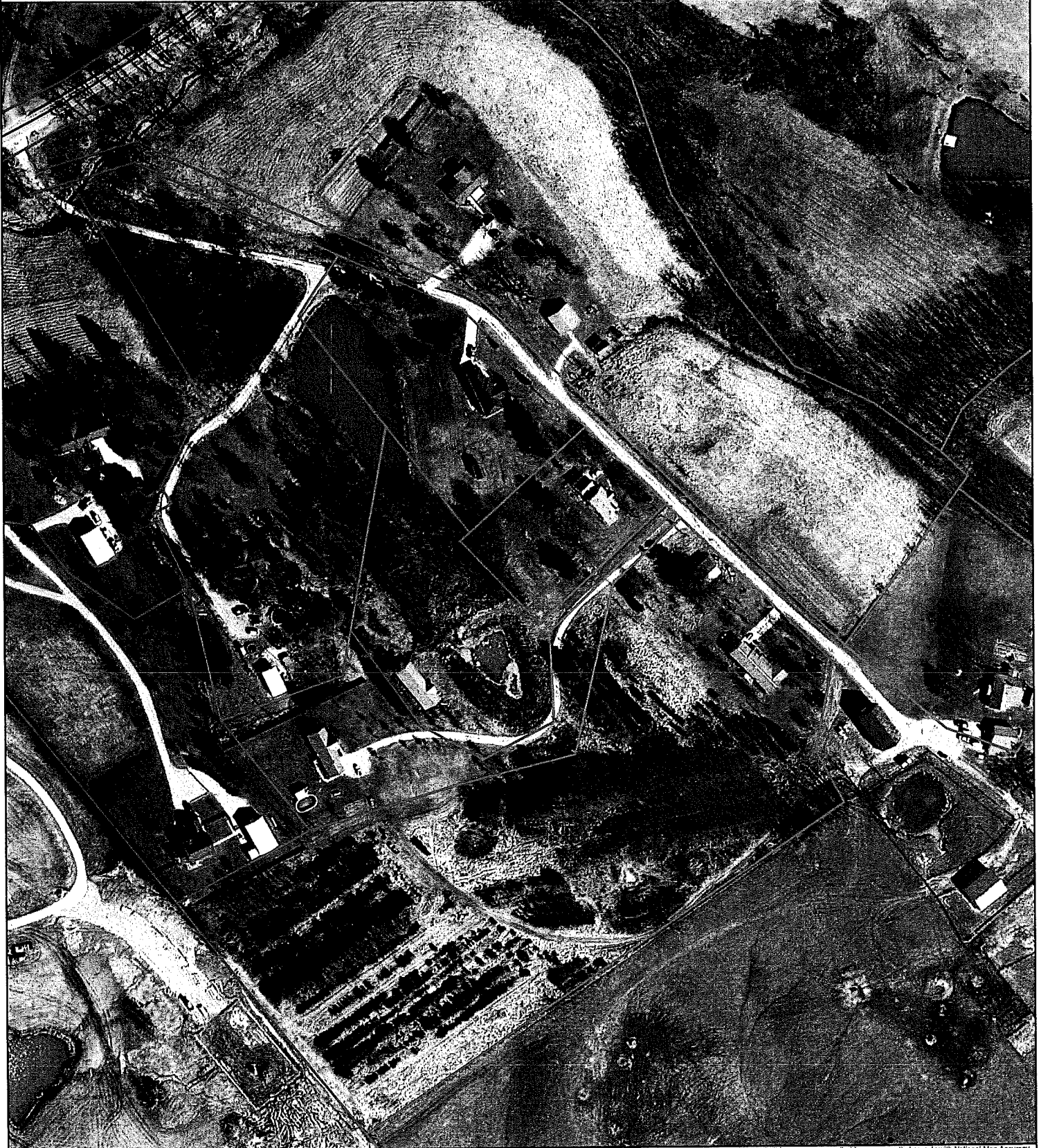


Map Created: 07/01/2013

Small Print: © Copyright 2014 BOONE COUNTY GIS
ArcMap Document: BooneMap (08) mxd

2012 AERIAL MAP

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0 100 200 400 600 800 Feet

1 inch = 200 feet



Map Created: 07/01/2013

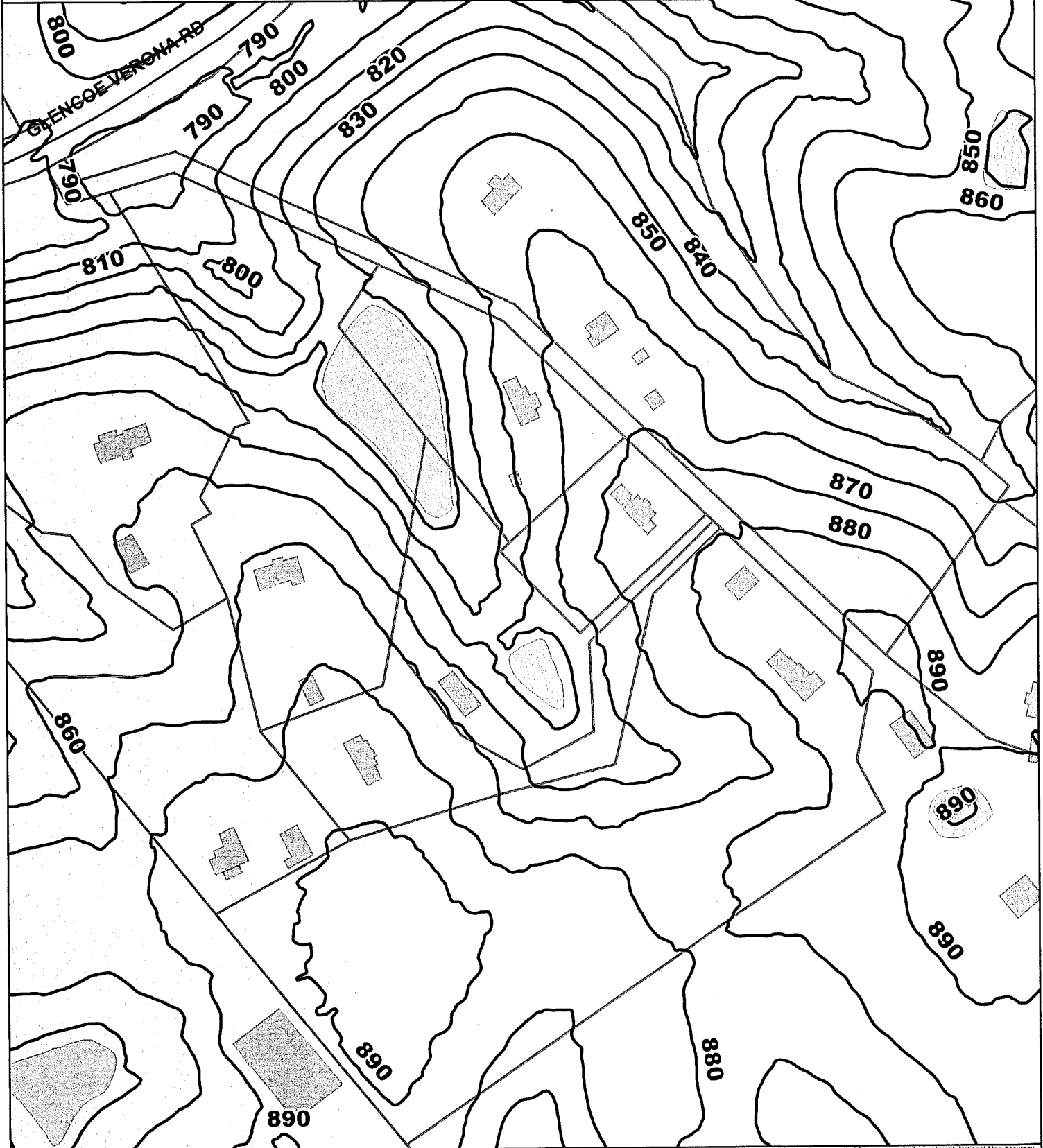
Boone County GIS - Putting Northern Kentucky on the Map



Boone County Planning Commission
ArcMap Document: BooneMap (file).mxd

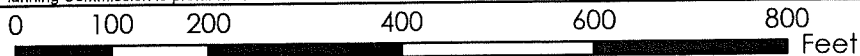
TOPOGRAPHICAL MAP

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Boone County GIS - Putting Northern Kentucky on the Map



GARY W. MOORE
COUNTY JUDGE/EXECUTIVE

JEFFREY S. EARLYWINE
COUNTY ADMINISTRATOR



BOONE COUNTY
BUILDING INSPECTION

JERALD E. NORAN
CHIEF BUILDING OFFICIAL

BOONECOUNTYKY.ORG

January 29th, 2016

Paul Presser
15284 Glenco-Verona Rd.
Verona, KY 41092

Re: 15288 Glenco- Verona Rd.
Verona, KY 41092
Single Family Dwelling
Reference/Permit #06100111

Mr. Presser:

This letter is to inform you that the house located at 15288 Glenco Verona Road is in violation of the Kentucky Building Code and subject to penalties prescribed in KRS 198B and a certificate of occupancy has not been issued by this office for this structure. The last inspection that we performed on your property was a frame inspection back on October 1st, 2008.

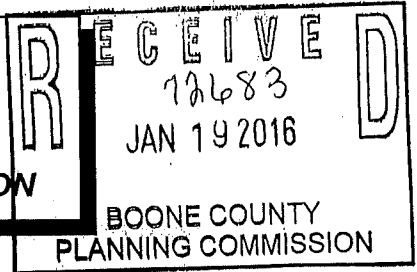
In order to re-open this record and get a final inspection a new fee will have to be made to our office in the amount of \$115 dollars which is half of the original building permit fee. Please contact our office within five (5) days of receiving this letter or this matter will be turned over to the Boone County Attorney's office.

Sincerely,

Lea Black
Certified Permit Technician
Boone County Building Department

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)
- Boone _____ Florence _____ Walton _____ Union _____
 - (Check One)
 Conditional Use Permit _____ Variance _____ Appeal _____
 Change in Non-Conforming Use _____
 - Applicant's Name Robert Presser
 Applicant's Address 15330 Glencoe Verona Rd
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 City State Zip
 - Phone Number 859-750-4568 Fax No. _____ E-Mail _____
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VERONA PO Box 205 KY
 City State Zip
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 - Proposed Use(s) on Site Existing House
 - Total Square Footage of Existing and/or Proposed Buildings _____
 - Current Zoning on Property A-2
 - Deed Book 1064 Page No. 930 Group No. 2088
 - Is the site subject to a zone change? N/A
 If yes, give date of approval _____
 - Have you submitted a Site Plan with this request? Yes
 - Have you submitted a list of adjoining property owners with this request? _____
 - 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: Robert Presser
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: Robert Presser
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

CERTIFICATE OF LAND USE RESTRICTION

COPY

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Robert Presser, Executor
15330 Glencoe Verona Road
Verona, KY 41092

2. ADDRESS OF PROPERTY

15288 Glencoe Verona Road
Verona, KY

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

4. DEED BOOK 1064

PAGE NO. 920

GROUP NO. 2088

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:

X 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

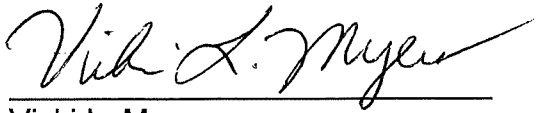
Todd K. Morgan, Senior Planner
Name and Title of Completing Official

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 11 day of February, 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.)