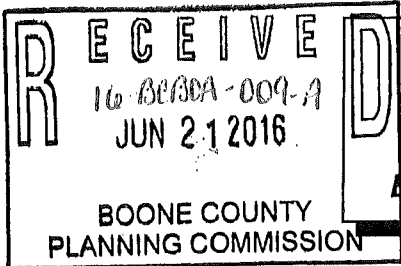


APPLICATION FORM



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

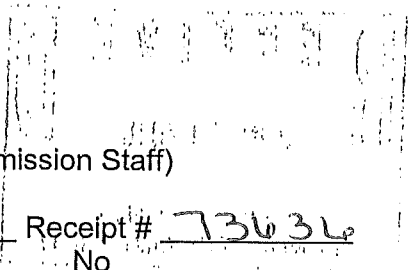
SECTION A (To be completed by applicant)

- 1. (Check One) Boone [checked] Florence _____ Walton _____ Union _____
2. (Check One) Conditional Use Permit _____ Variance _____ Appeal _____
3. Applicant's Name William C. Nona (Nona)
Applicant's Address 2596 Berwood Ln.
Hebron KY 41048
4. Description of Request: Reduce front yard set back requirement to allow deck
5. Name of Development _____
6. Location of Development 2596 Berwood Ln Hebron, Ky 41048
7. Acreage Under Review _____
8. Lot Number and Name of Subdivision (if part of a subdivision) Sec. 8, Lot 171 Ridgfield Sub.
9. Owner of Property Same
Address of Property Owner _____
10. City _____ State _____ Zip _____
Phone Number _____ Fax No. _____ E-Mail _____
11. Proposed Use(s) on Site _____
12. Total Square Footage of Existing and/or Proposed Buildings 16 x 16
13. Current Zoning on Property VR-1
14. Deed Book 917 Page No. 100 Group No. 2010
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: [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 6-21-16 Fee Received 632.00 Receipt # 73636
2. Is application complete? _____ Yes _____ No _____
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
7/13/16 **Approved**
Approved with Conditions (See #6)
Denial (See #7)
6. Conditions of Approval: SEE 7/13/16 Meeting Minutes
AND C.C.U.R.
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: William C. Nona

LOCATION: 2596 Berwood Lane, Boone County, Kentucky

ZONING: Urban Residential One (UR-1)

DATE: July 13, 2016

PROPOSAL

The applicant has requested a variance to allow an existing deck to encroach into the 30 foot front yard setback in an Urban Residential One (UR-1) zoning district. The proposal is to reduce the front yard setback to approximately 16 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 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 of the Boone County Zoning Regulations lists the setback requirements for a detached single-family residence in a UR-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 0.179 acre site is located at 2596 Berwood Lane, Boone county, Kentucky. The property contains a single-family residential dwelling which fronts on Berwood Lane. The front yard contains one mature deciduous tree.


STAFF COMMENTS

1. A Boone County Building Inspector noticed that deck construction was occurring and issued a "Stop work" order on May 26, 2016.
2. The applicant informed Staff that he was not aware that zoning or building permits were required to construct a deck. He indicated that he got bad advise from his neighbors.
3. The subject house contains a deck attached to the house in the backyard as well as the deck in the front yard.
4. While taking pictures of the site, Staff noticed that the household to the southeast has an attached deck in their front yard.
5. Staff drove down the subject street and most of the houses are approximately 30 feet from the front property line.
6. Staff does not believe the request alters the essential character of the area because there are multiple properties throughout the neighborhood that have attached decks/stoops in their front yard. Staff would feel differently if the deck were covered.

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,



Paul Yoder
Intern, Zoning Services

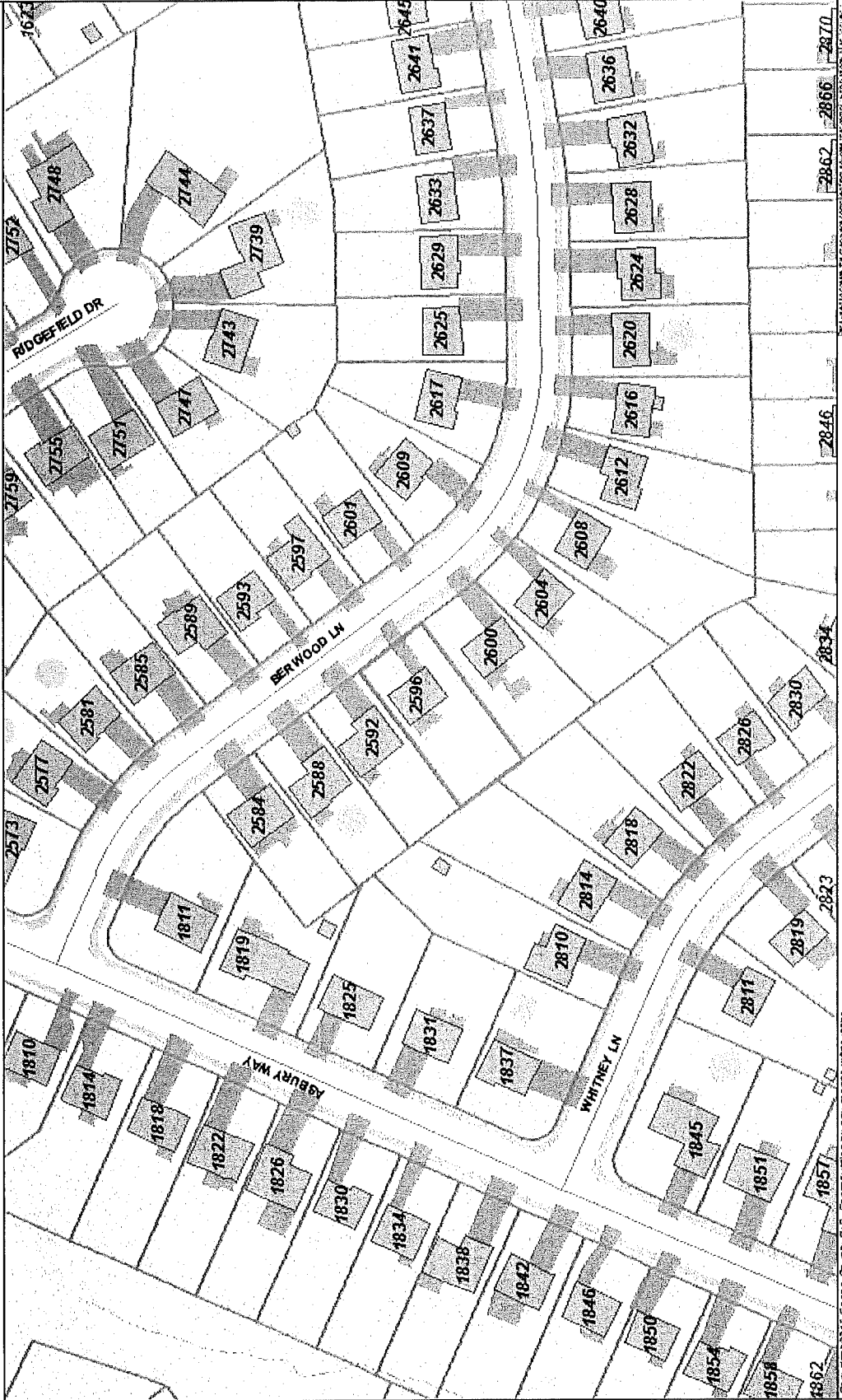
PY/tlb

Attachments

- *Site Vicinity Map
- *Deck Plan With Setbacks
- *2012 Aerial Map
- *Topographical Map
- *Zoning Map
- *Application

Site Vicinity Map

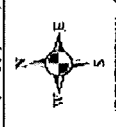
www.boonecountygis.com

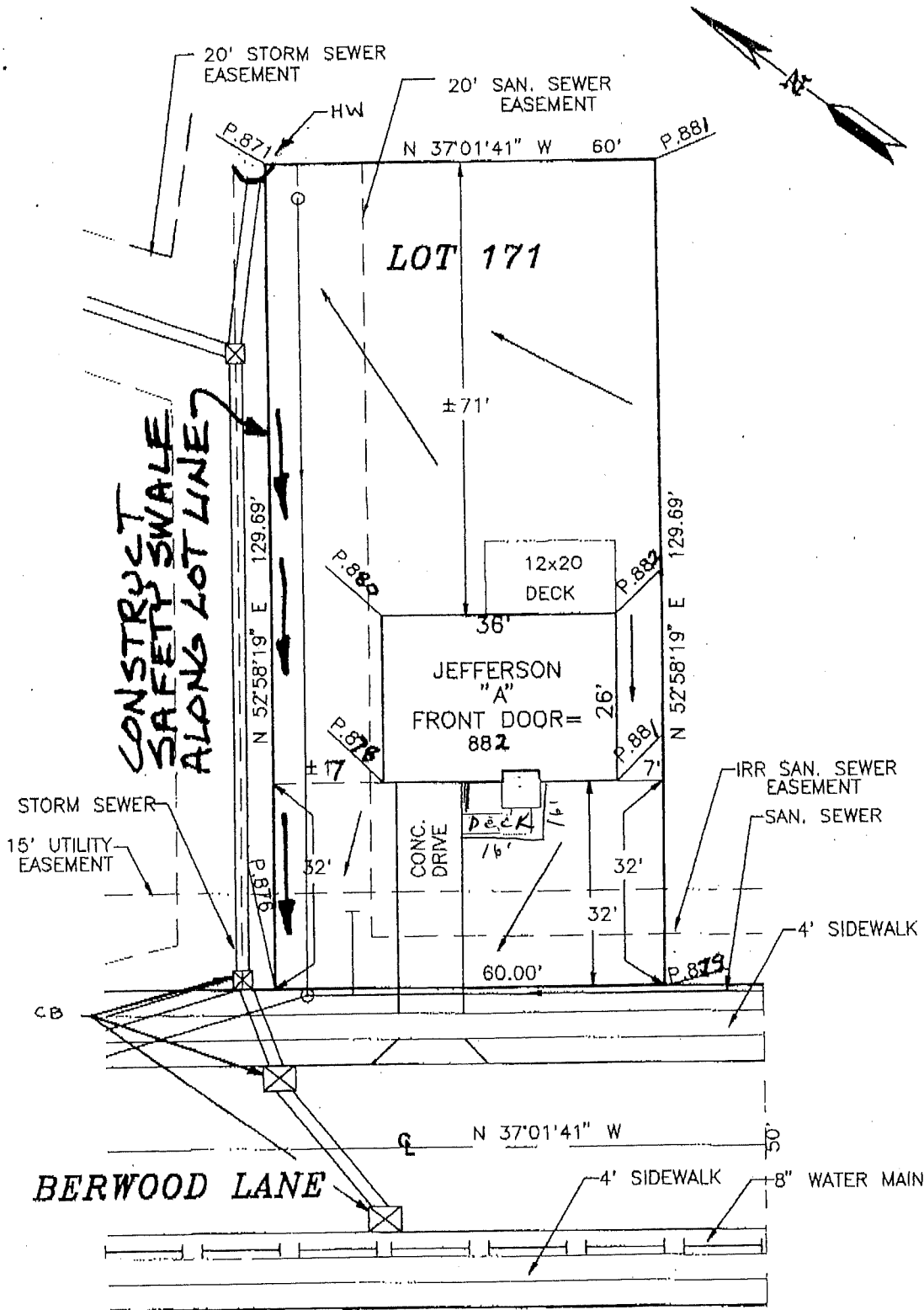


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Boone County GIS - Putting Northern Kentucky on the Map





PLOT PLAN

BERLING FOR RENAISSANCE HOMES

LOT 171- RIDGEFIELD SUBDIVISION - SECTION 8
HEBRON, BOONE CO., KENTUCKY

SCALE 1" = 20' SEPTEMBER 4, 1996



VIOX & VIOX P.S.C.
CONSULTING ENGINEERS & SURVEYORS
488 ERLANGER ROAD
ERLANGER, KENTUCKY 41018
PHONE: (606) 727-3283

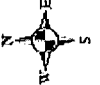
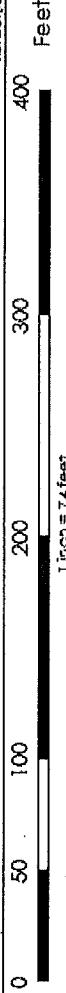
2012 Aerial Map

www.boonecountygis.com



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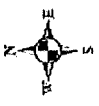
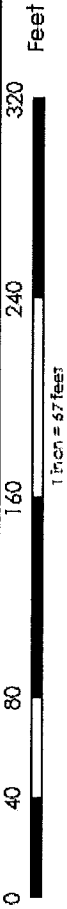
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Topographical Map

www.boonecountygis.com



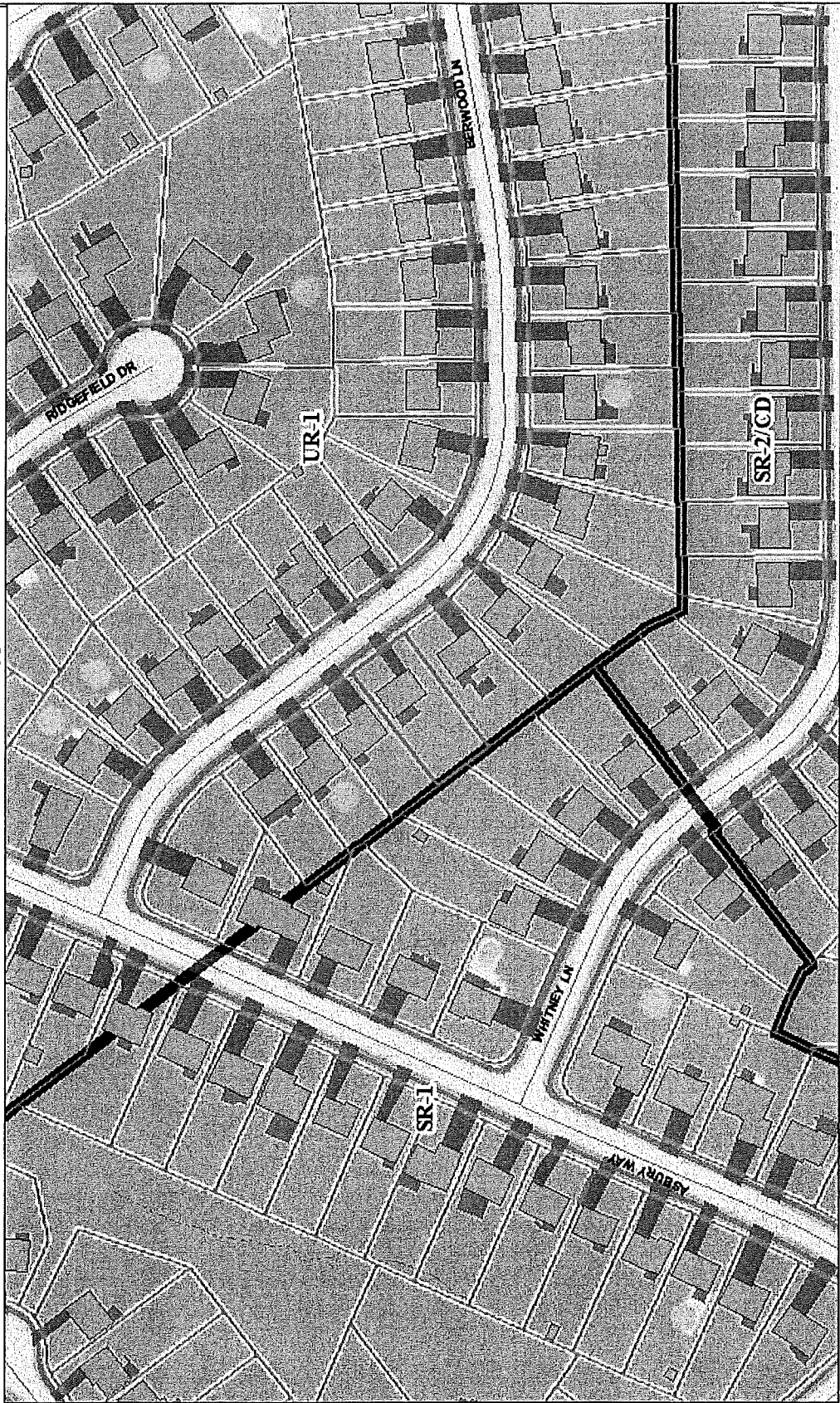
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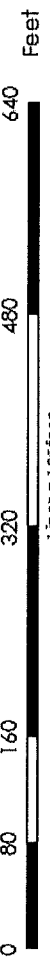
Boone County GIS - Putting Northern Kentucky on the Map

Zoning map

www.boonecountygis.com



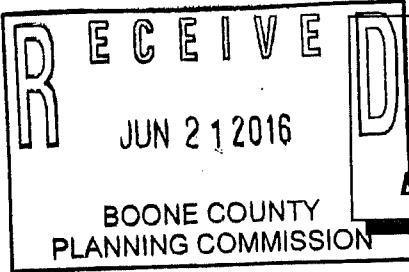
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Boone County GIS - Putting Northern Kentucky on the Map



APPLICATION FORM



BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

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SECTION A (To be completed by applicant)

- 1. (Check One) Boone [checked] Florence _____ Walton _____ Union _____
2. (Check One) _____ Conditional Use Permit _____ Variance _____ Appeal _____
3. Applicant's Name William C. Nona (Nona)
Applicant's Address 2596 Barwood Ln.
Hebron City KY State 41048 Zip
4. Description of Request: Reduce front yard setback requirement to allow deck
5. Name of Development _____
6. Location of Development 2596 Barwood Ln Hebron, KY 41048
7. Acreage Under Review _____
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9. Owner of Property Same
Address of Property Owner _____
10. City _____ State _____ Zip _____
Phone Number _____ Fax No. _____ E-Mail _____
11. Proposed Use(s) on Site _____
12. Total Square Footage of Existing and/or Proposed Buildings deck 16 x 16
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14. Deed Book 917 Page No. 100 Group No. 2010
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If yes, give date of approval _____
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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 #16-BCBOA-009-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

William Nona
2596 Berwood Lane
Hebron, KY 41048

2. ADDRESS OF PROPERTY

2596 Berwood Lane
Hebron, KY

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

4. DEED BOOK 917

PAGE NO. 100

GROUP NO. 2010

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

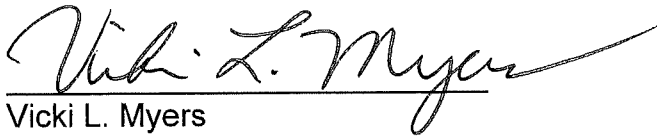
Todd K. Morgan, Senior Planner
Name and Title of Completing Official

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 14 day of July, 2016:



Vicki L. Myers

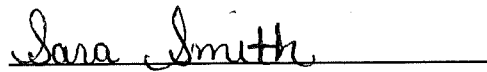
Notary ID 438411

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 County Board of Adjustment and in accordance with the current zoning in effect as of July 13, 2016 Certificate of Land Use Restriction (#16-BCBOA-009-A), for William Nona, Property Owner(s).

The following conditions will apply:

1. The deck shall not be covered or enclosed.

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

DEED BOOK 917

PAGE NO. 100

GROUP NO. 2010