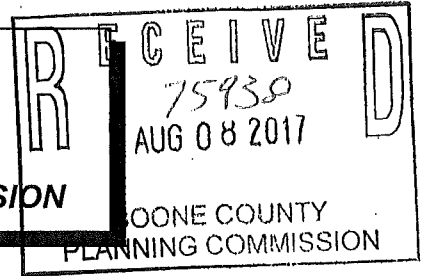


APPLICATION FORM

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 \_\_\_\_\_ Appeal \_\_\_\_\_ Change in Non-Conforming Use \_\_\_\_\_

3. Applicant's Name John CLEMENTSON Applicant's Address 1804 CONNER RD HEBRON KY 41088

689-4020

4. Description of Request: Reduce 40' setback to rear deck

5. Name of Development \_\_\_\_\_ 6. Location of Development 1804 CONNER RD Hebron KY

7. Acreage Under Review 2.16 8. Lot Number and Name of Subdivision (if part of a subdivision) \_\_\_\_\_

9. Owner of Property SAME AS ABOVE Address of Property Owner \_\_\_\_\_

10. City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ Phone Number \_\_\_\_\_ Fax No. \_\_\_\_\_ E-Mail \_\_\_\_\_

11. Proposed Use(s) on Site Deck

12. Total Square Footage of Existing and/or Proposed Buildings 1310 Addition

13. Current Zoning on Property RS + PF

14. Deed Book 1054 Page No. 212 + 209 Group No. 2020

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? 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 8-8-17 Fee Received \$632.00 Receipt # 75938
2. Is application complete?  Yes  No
3. Staff Reviewer \_\_\_\_\_
4. Scheduled Board Action Date \_\_\_\_\_
5. Board Action:  
9/13/17 **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](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: John Clementson

LOCATION: 1804 Conner Road, Boone County, Kentucky

ZONING: Rural Suburban (RS) and Public Facilities (PF)

DATE: September 13, 2017

### PROPOSAL

The applicant has requested a variance so he can construct a covered deck on the front of his house. The submitted G.I.S. map shows that the house is currently located 40 feet from the front property line and the covered deck will extend another 8 feet into the front yard. The request is to reduce the 40 foot front yard building setback requirement to approximately 32 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.

Table 31.1 of the Boone County Zoning Regulations lists the setback requirements for a detached single-family residence in an RS zone as 40' front, 40' rear, and 10' 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 2.16 acre site is located on the northwest side of Conner Road and contains a two-story single-family residential dwelling, with a business office, swimming pool, green house and garden shed. The property also contains an approximate 132' x 60' shop (Affordable Overhead Door Company) and miscellaneous business storage (trailers, pods, work trucks, metal storage, etc.). Access to the property is provided from Conner Road. The first access point is an approximate 140' wide concrete parking area that's used by business and household vehicles. The second is approximate 20' wide concrete driveway that connects to the shop in the northwest corner of the property. Boone County G.I.S. shows that the topography of the property falls from 892 feet above sea level at the rear property line to 878 feet above sea level at the front property line.

### SURROUNDING LAND USES & ZONING

- Northeast: Single-Family Residential Dwelling Fronting on Conner Road (RS)
- Northwest: Conner High School and Conner Middle School Campus (PF)
- Southeast: Conner Road, 12.91 Acre Farm (SR-1)
- Southwest: Single-Family Residential Dwelling Fronting on Conner Road (RS and PF)

### STAFF COMMENTS

1. The submitted plans show that new decks will be located on the front and southwest sides of the house. New metal roofing will be installed over the existing house and proposed decks.
2. Staff would like the applicant to address the following questions:
  - A. What color will the metal roofing will be?
  - B. What is happening to the storage pod that is currently located to the southwest of the house?
  - C. How is the bottom of the household being used?
3. Staff would like to note the business operation on the property is a pre-existing nonconforming use. Aerial photography shows the business was operated on the property in 1994. The metal storage shop was constructed between 1999 and 2002. The business has no bearing on the Variance request.

4. Staff believes the proposal will make the structure more aesthetically pleasing from Conner Road.
5. The Board needs to analyze if the strict application of the Zoning Regulations would deprive the applicant of the reasonable use of the land or create an unnecessary hardship.

#### 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/ss

#### Attachments

- \*Site Vicinity Map
- \*2016 Aerial Map with Proposed Covered Deck Location
- \*Deck Plan
- \*Roof Framing Plan
- \*Elevation Drawings
- \*2016 Aerial Map
- \*Zoning Map
- \*Topographical Map
- \*Application

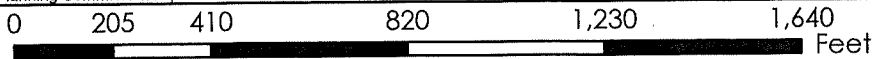
# SITE VICINITY MAP

www.boonecountygis.com



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1 inch = 400 feet



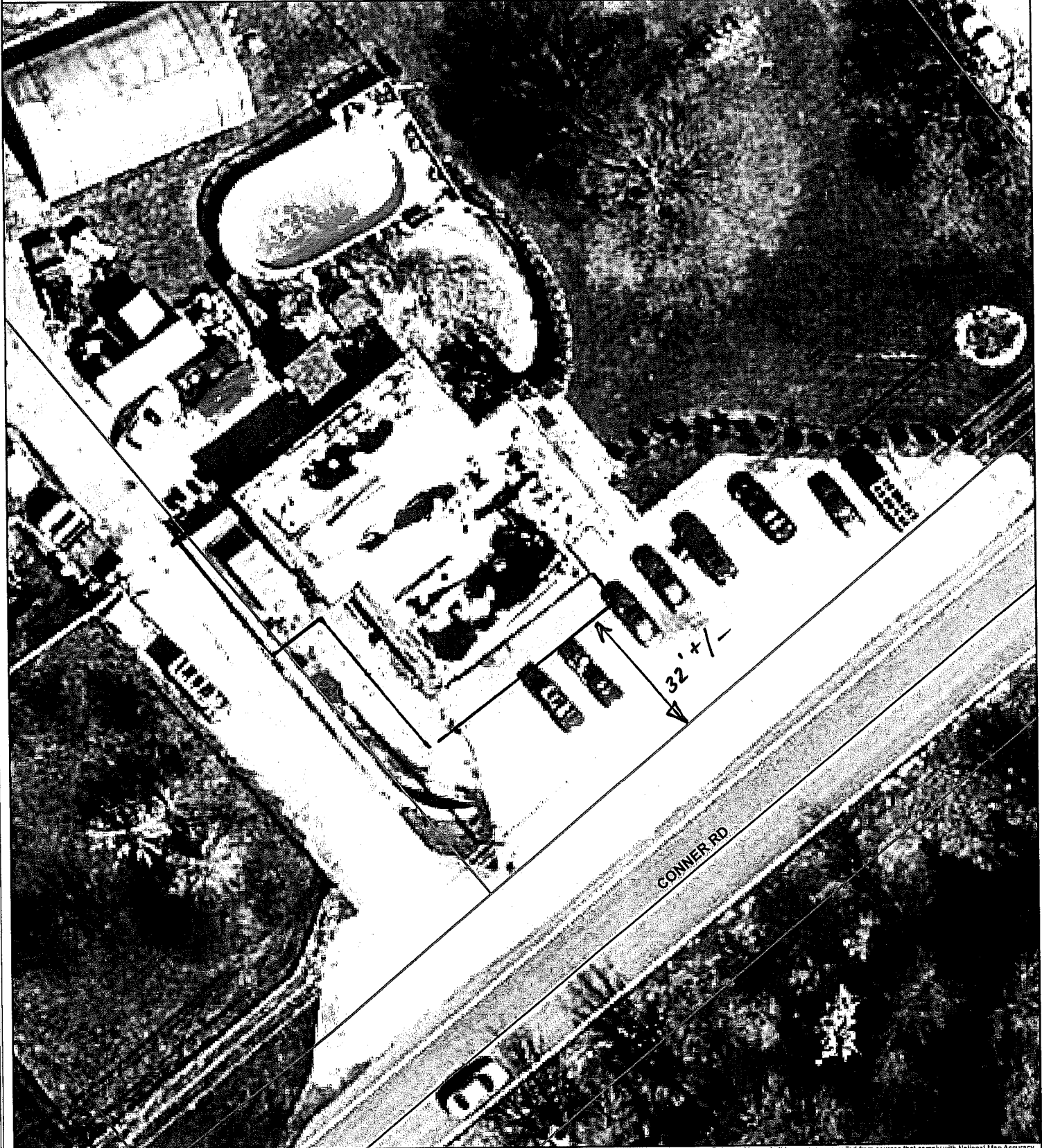
**Boone County GIS - Putting Northern Kentucky on the Map**

Map Created: 07/01/2013

Map Document: BooneMap (title).mxd

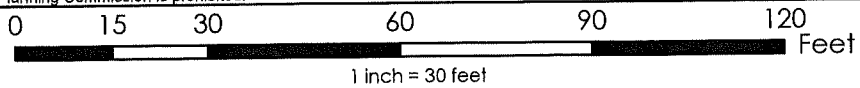
# Boone County GIS Map

www.boonecountygis.com



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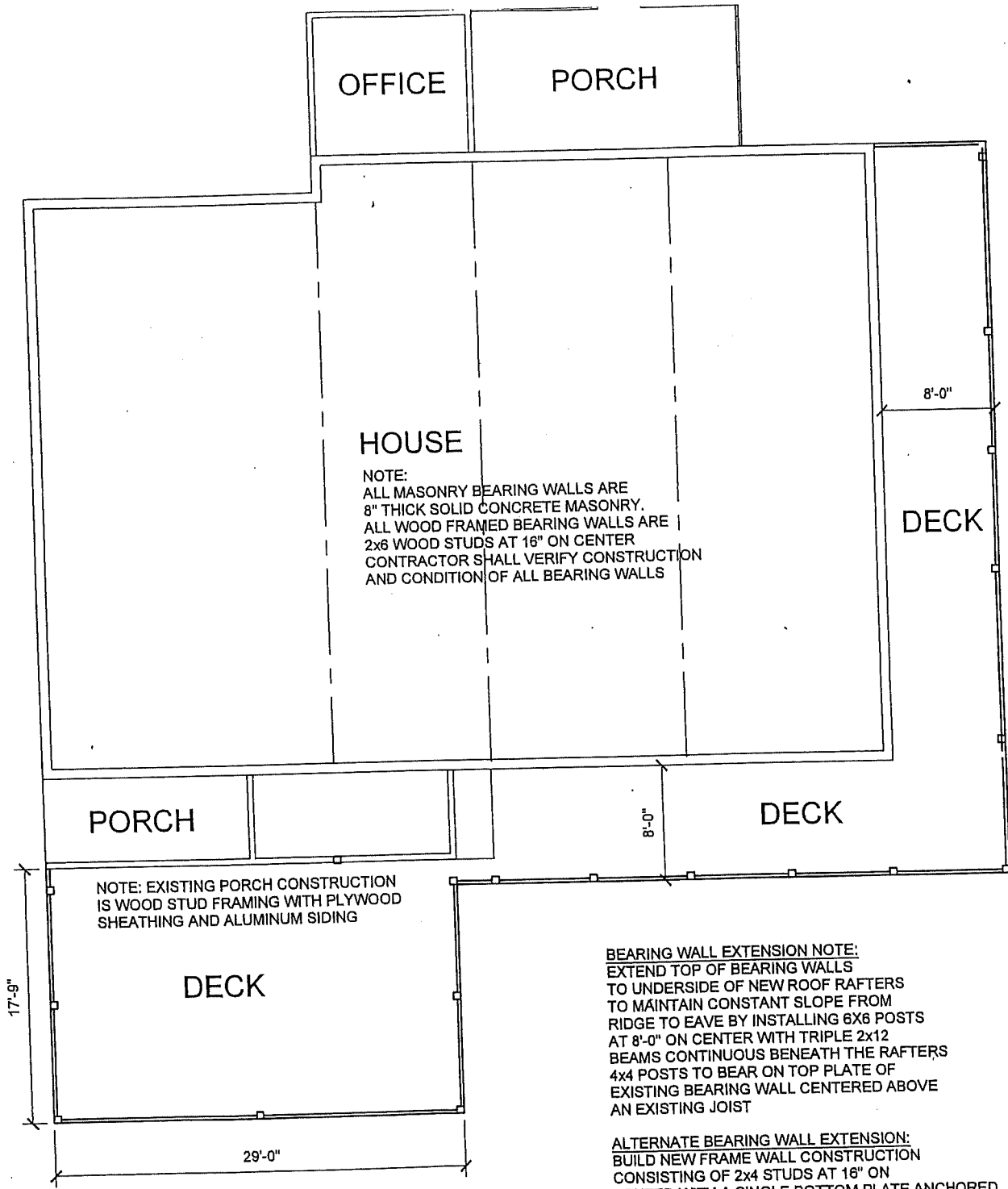
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**Boone County GIS - Putting Northern Kentucky on the Map**

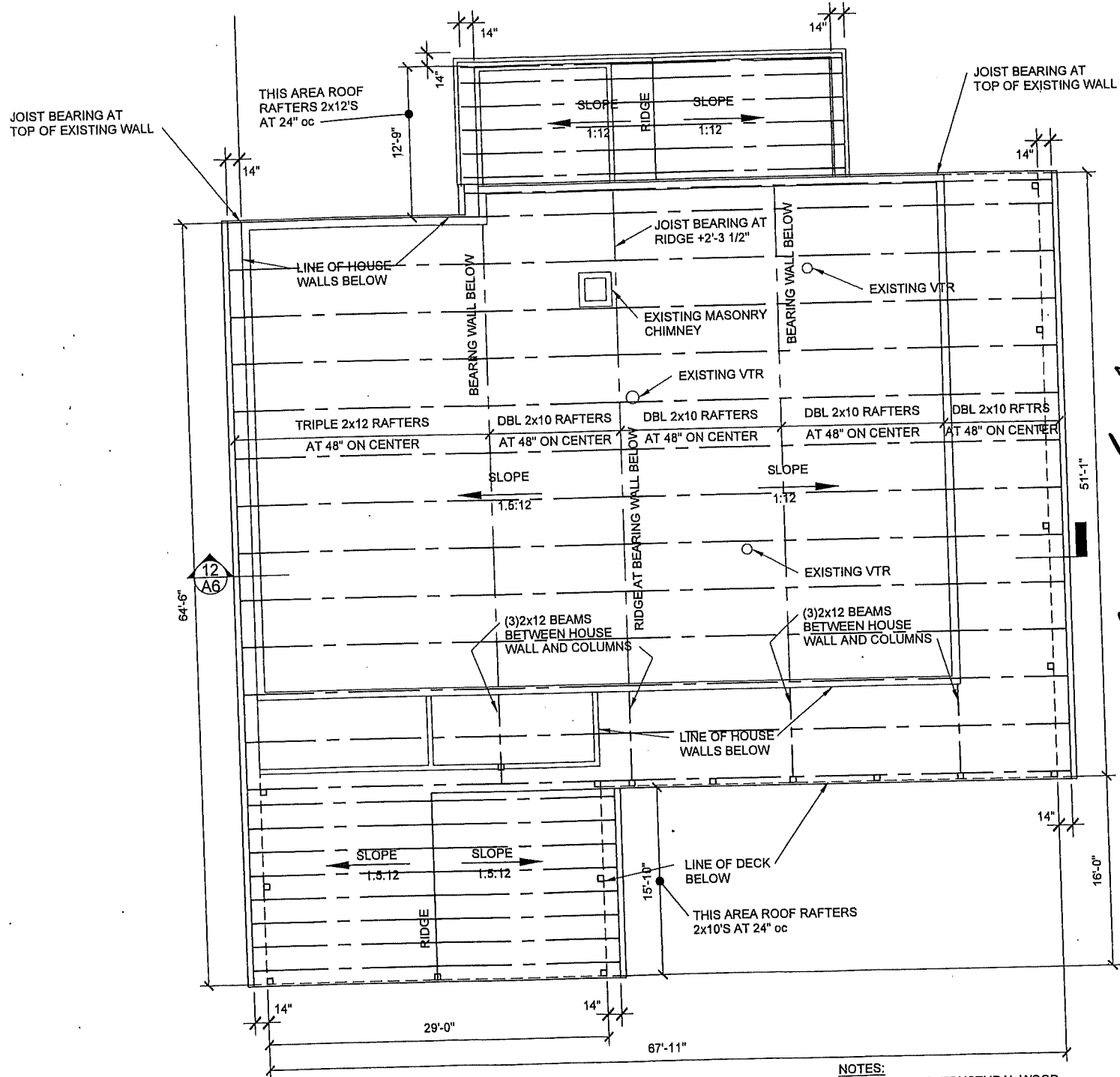
Map Created: 01/01/2015

ArcMap Document: BooneMap (lite).mxd



Conner Road

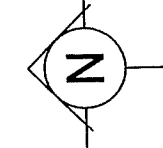
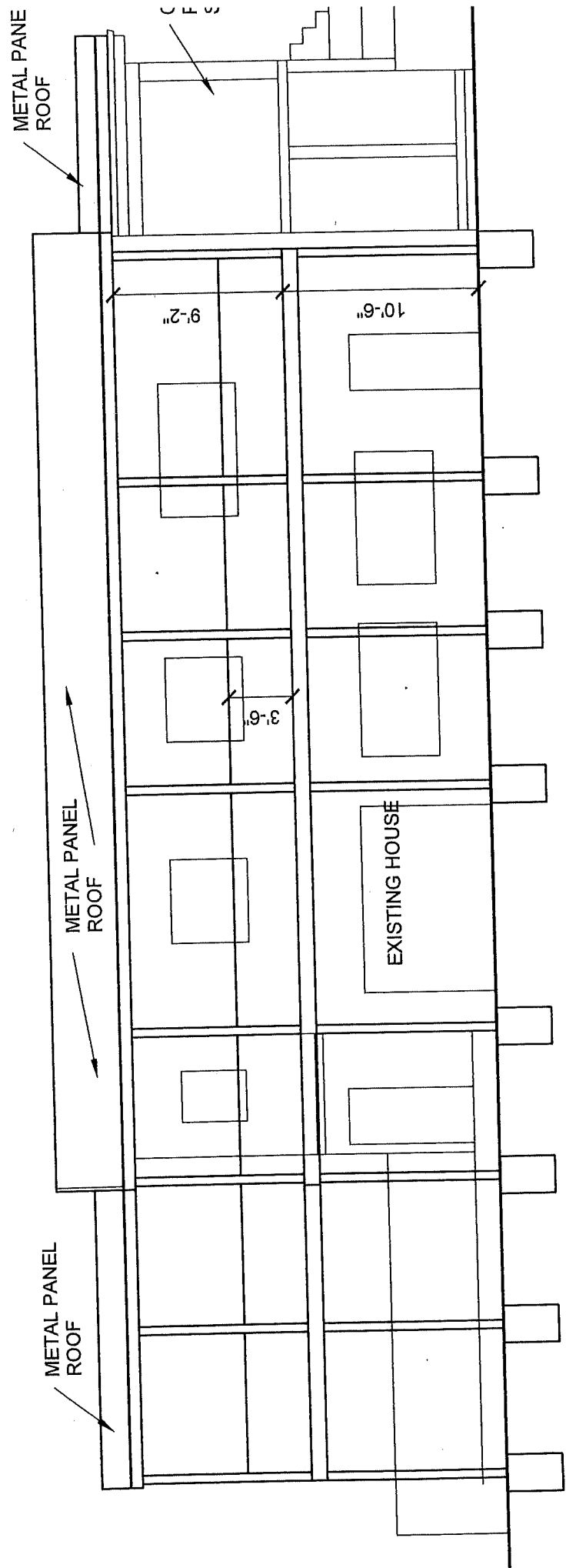
New Deck Plan.



NOTES:  
 1. ALL NEW STRUCTURAL WOOD

*New Roof Framing Plan*

PROVIDE VINYL

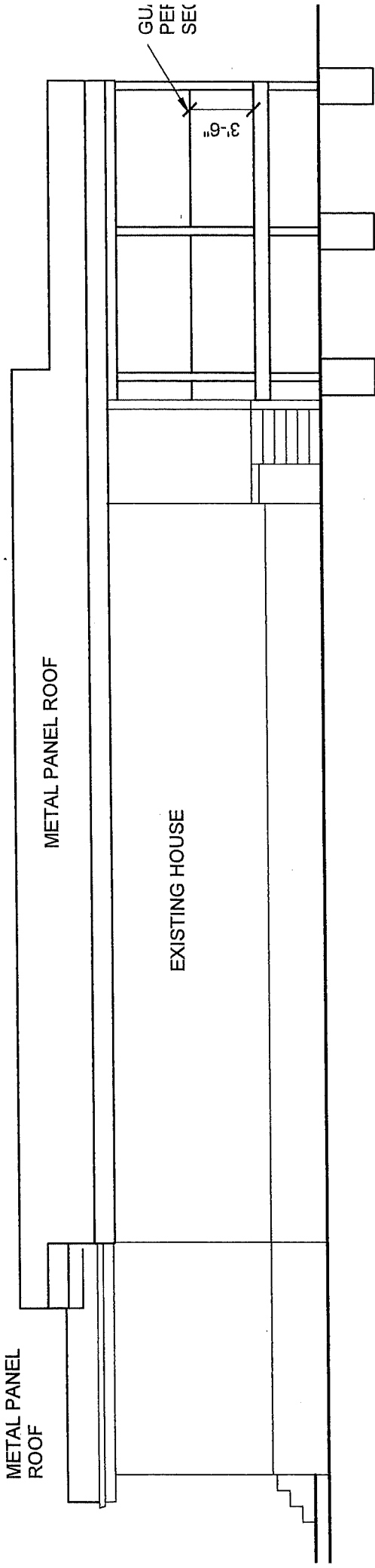


*Southeast*  
**FRONT ELEVATION**

**10**  
 1/8" = 1'-0"







METAL PANEL ROOF

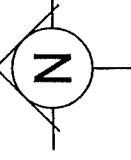
METAL PANEL ROOF

EXISTING HOUSE

GU, PEF SEC

3'-6"

*Southwest*



BACK [REDACTED] ELEVATION

8

1/8" = 1'-0"

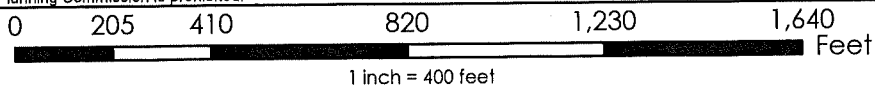
# ZONING MAP

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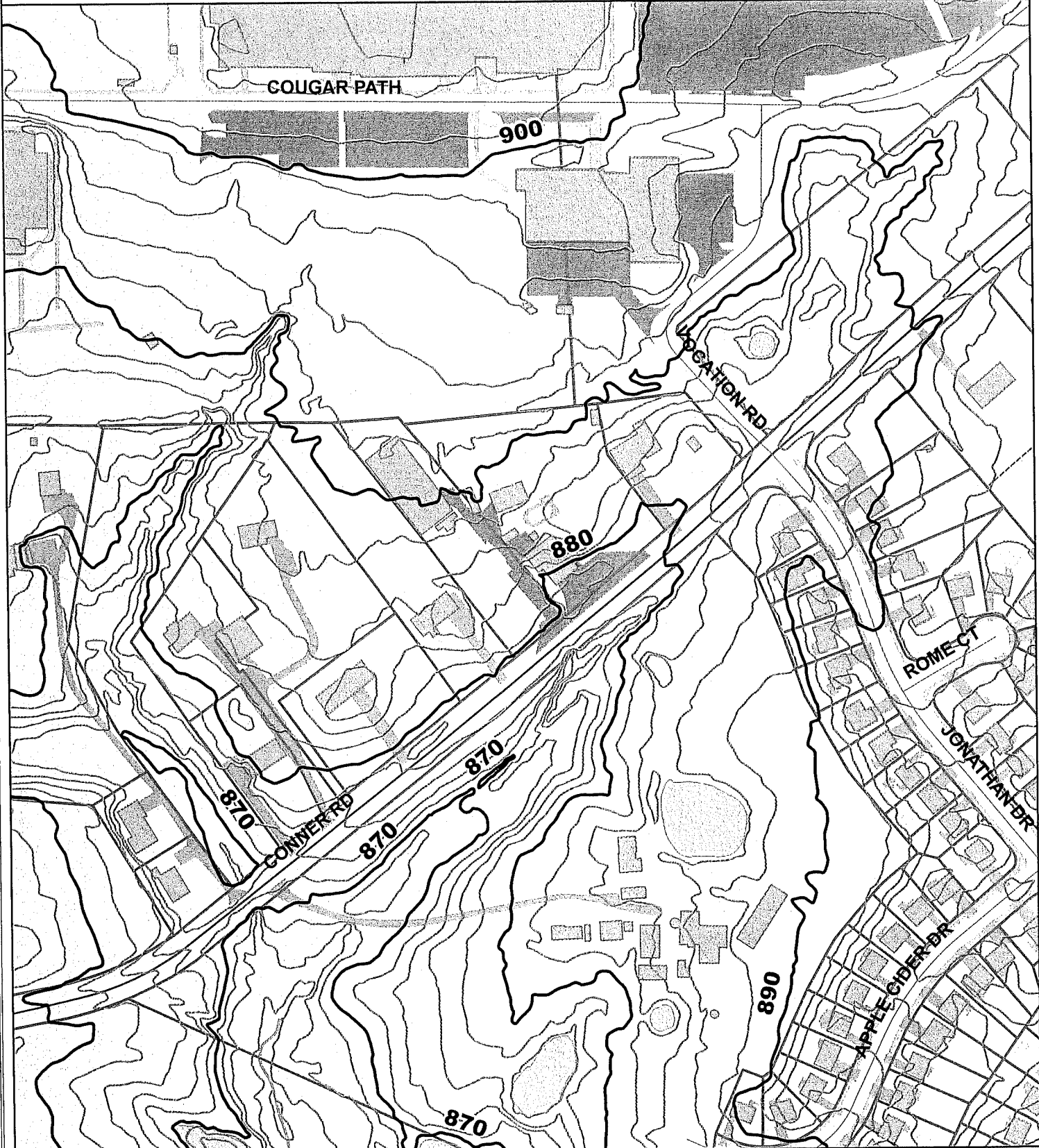
**Boone County GIS - Putting Northern Kentucky on the Map**





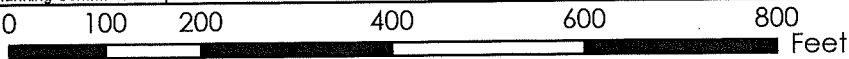
# TOPOGRAPHICAL MAP

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1 inch = 200 feet



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



Map Created: 07/01/2013

State Plane: Kentucky State Plane 1103  
ArcMap Document: BooneMap (ft).mxd

APPLICATION FORM

**BOARD OF ADJUSTMENT  
AND  
ZONING APPEALS ACTION  
BOONE COUNTY PLANNING COMMISSION**

R E C E I V E D

75930  
AUG 08 2017

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 John CLEMENTSON  
Applicant's Address 1804 CONNER RD  
HEBRON KY 41048  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_
- 689-4020  
4. Phone Number 859-689-4020 Fax No. \_\_\_\_\_ E-Mail \_\_\_\_\_  
Description of Request: Reduce 40' set back to rear deck
5. Name of Development \_\_\_\_\_
6. Location of Development 1804 CONNER RD Hebron KY
7. Acreage Under Review 2.16
8. Lot Number and Name of Subdivision (if part of a subdivision) \_\_\_\_\_
9. Owner of Property SAME AS ABOVE  
Address of Property Owner \_\_\_\_\_
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Phone Number \_\_\_\_\_ Fax No. \_\_\_\_\_ E-Mail \_\_\_\_\_
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13. Current Zoning on Property RS + PF
14. Deed Book 1054 Page No. 212 + 209 Group No. 2020
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? 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:** John Clementson  
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

**ORIGINAL Applicant's Signature:** John Clementson  
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

COPIY

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

John Clementson  
1804 Conner Road  
Hebron, KY 41048

2. ADDRESS OF PROPERTY

1804 Conner Road  
Hebron, KY 41048

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

John Clementson

4. DEED BOOK 1054

PAGE NO. 212

GROUP 2020

PAGE NO. 209

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

Todd K. Morgan  
SIGNATURE OF COMPLETING OFFICIAL

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

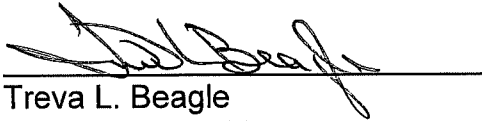
[Copy]

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

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

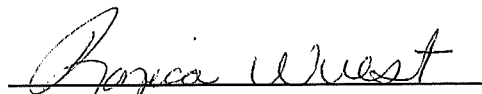
on behalf of the Boone County Planning Commission this 21 day of September, 2017.



Treva L. Beagle  
Notary ID 499309  
NOTARY PUBLIC, State at Large

My commission Expires:  
November 12, 2017

This instrument was prepared for recording purposes only by:



Ronica Wuest  
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.)