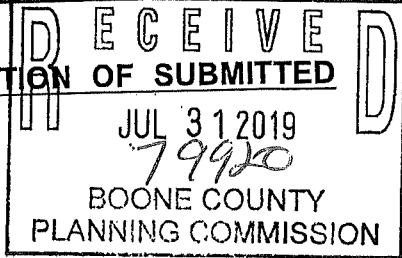


APPLICATION FORM

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 ROY SMITH
Applicant's Address 3104 DURANGO CT.
BURLINGTON KY 41005
City State Zip
4. Phone Number 859-684-1539 Fax No. 859-586-8873 E-Mail rsmith@advancedturf.com
Description of Request: WANTING A 25' x 20' ROOF
ATTACHED TO HOUSE
5. Name of Development SUNDANCE ESTATE
6. Location of Development REAR OF PROPERTY
3104 DURANGO CT. BURLINGTON, KY 41008
7. Acreage Under Review _____
8. Lot Number and Name of Subdivision (if part of a subdivision)
41
9. Owner of Property ROY SMITH
Address of Property Owner SAME AS ABOVE
10. _____
City State Zip
Phone Number _____ Fax No. _____ E-Mail _____
11. Proposed Use(s) on Site COVERED PATIO
12. Total Square Footage of Existing and/or Proposed Buildings 3000 SQ. FT.
13. Current Zoning on Property RS-CD
14. Deed Book 299 Page No. 343 Group No. 2007
15. Is the site subject to a zone change? Yes
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:
(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

ORIGINAL Applicant's 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 7-31-19 Fee Received \$632.00 Receipt # 79920
2. Is application complete? Yes No
3. Staff Reviewer M. Schwartz
4. Scheduled Board Action Date 9/11/19
5. Board Action:
 Approved
 Approved with Conditions (See #6)
 Denial (See #7)
6. Conditions of Approval: _____

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

#4

APPLICANT: Roy Smith

LOCATION: 3104 Durango Court, Boone County, Kentucky

ZONING: Rural Suburban (RS/CD)

DATE: September 11, 2019

PROPOSAL

The applicant is requesting a Variance reducing the rear yard setback from forty (40) feet to twenty-seven (27) feet in order to construct a covered patio.

SITE HISTORY

- 2005 A Zoning Map Amendment was approved for the site in question, and the larger area, from RSE to RS (R-05-002-A).
- 2008 A Final Plat was approved for Sundance Estates Subdivision, Section Two, which includes the site in question.
- 2008 The Boone Board of Adjustment denied a variance reducing the rear yard setback from forty (40) feet to twenty-six (26) feet in order to construct a single-family dwelling on property located at 3103 Durango Court.
- 2011 A Zoning Permit was approved for the construction of the single-family dwelling on the site in question.

APPLICABLE REGULATIONS

- A. Section 250 of the Boone County Zoning Regulations states that one of the duties of the Board of Adjustment is to hear and decide on applications for variances.
- B. Section 250 of the Boone County Zoning Regulations defines a variance as a departure from 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.
- C. 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. Findings listed in Section 251:
 - a. 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 a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations. In making these findings, the board shall consider whether:

- (1) The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;
 - (2) The strict application of the provisions of the regulations would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant;
 - (3) The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.
- b. 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.
- D. Section 3111 of the Boone County Zoning Regulations requires a minimum rear yard setback of forty (40) feet in the RS zone.
- E. Section 3123 of the Boone County Zoning Regulations states that open structures, such as porches, decks, canopies, balconies, platforms, carports covered patios, and similar architectural projections which occupy space three (3) feet or more above the general ground level of the yard shall be considered part of the building to which attached and shall not project into the required minimum front, side, or rear yard.
- F. Section 920 of the Boone County Zoning Regulations states that “the purpose of the Rural Suburban district is to provide a residential environment whose dwelling types and densities are typical of a low density suburban character. Such districts will largely be located to preserve the established character of areas developed prior to the adoption of these regulations and where there is limited feasibility, desire, or need to provide or require installation or utilization of all infrastructure necessary to support a suburban or urban neighborhood.”

RELATIONSHIP TO THE COMPREHENSIVE PLAN

- A. The Our Boone County Plan 2040 Future Land Use Plan designates the site in question for “Suburban Density Residential” uses. This designation is defined as Single family housing of up to four units per acre.
- B. The following Our Boone County Plan 2040 Goals and Objectives apply to this application:

Land uses and zoning decisions shall strive to balance the rights of landowners with the rights of neighbors and the community (Overall Goal A, Objective 4).

Promote quality of life amenities to retain current residents and attract new residents in order to have a stable and diversified population (Demographics Goal A, Objective 3).

Home ownership shall be encouraged and incentivized as well as redevelopment and renovation of deteriorating housing stock (Demographics Goal B, Objective 3).

- C. Durango Court is identified as a local cul-de-sac street.

SITE CHARACTERISTICS

- A. The approximate 0.32 acre property is located along the north side of Durango Court, approximately 170 feet east of Sundance Boulevard. The site is currently occupied by a detached single-family residential dwelling.

SURROUNDING LAND USES AND ZONING

North: Single-family (RS/CD)

South: Single-family (RS/CD)

East: Single-family (RS/CD)

West: Single-family (RS/CD)

PROPOSED DEVELOPMENT

- A. The applicant is proposing to construct a twenty (20) foot by twenty-five (25) foot patio, along with an approximate nine (9) foot high covered roof structure.
- B. The covered patio will encroach into the required rear yard by thirteen (13) feet.

CONCLUSION

- A. KRS 100.241 and Section 220 of the Boone County Zoning Regulations give the Boone County Board of Adjustment and Zoning Appeals the authority to act on the request.
- B. Section 251 of the Boone County Zoning Regulations identifies criteria necessary for granting a Variance. The applicant needs to provide information as to how their application meets this criteria.

Respectfully submitted,



Michael D. Schwartz
Planner

MDS/ss

Attachments

- *Vicinity Map
- *Aerial Map
- *Zoning Map
- *Topographical Map
- *2040 Future Land Use Map
- *Application
- *Development Plan

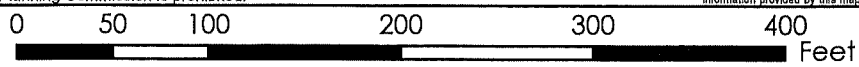
Vicinity Map

www.boonecountygis.com



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1 Inch = 100 feet



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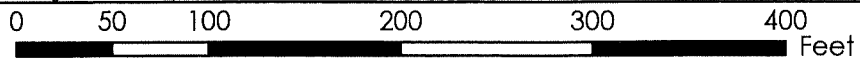
Aerial Map

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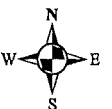
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Map Created: 01/01/2018

Map Frame & Content by Source Data 1/1/18
ArcMap Document (*.mxd)

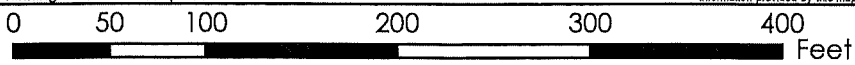
Topographic Map

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Zoning Map

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0 50 100 200 300 400 Feet

1 Inch = 100 feet



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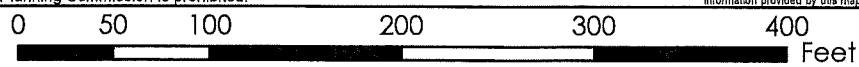
2040 Future Land Use Map

www.boonecountygis.com

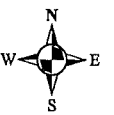


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Boone County GIS - Putting Northern Kentucky on the Map



APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

RECEIVED JUL 31 2019 79920 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 _____
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Change in Non-Conforming Use _____
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Applicant's Address 3104 DURANGO CT.
BURLINGTON KY 41005
City State Zip
4. Phone Number 859-689-1539 Fax No. 859-586-8873 E-Mail rsmith@advzonedturf.com
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5. Name of Development SUNDANCE ESTATE
6. Location of Development REAR OF PROPERTY
3104 DURANGO CT. BURLINGTON, KY 41005
7. Acreage Under Review _____
8. Lot Number and Name of Subdivision (if part of a subdivision)
4)
9. Owner of Property ROY SMITH
Address of Property Owner SAME AS ABOVE
10. City State Zip
Phone Number Fax No. E-Mail
11. Proposed Use(s) on Site COVERED PATIO
12. Total Square Footage of Existing and/or Proposed Buildings 3000 SQ. FT.
13. Current Zoning on Property RS-CD
14. Deed Book 699 Page No. 343 Group No. 2007
15. Is the site subject to a zone change? YES
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
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**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 7-31-19 Fee Received \$632.00 Receipt # 79920
2. Is application complete? Yes No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
 Approved
 Approved with Conditions (See #6)
 Denial (See #7)
6. Conditions of Approval: _____

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**

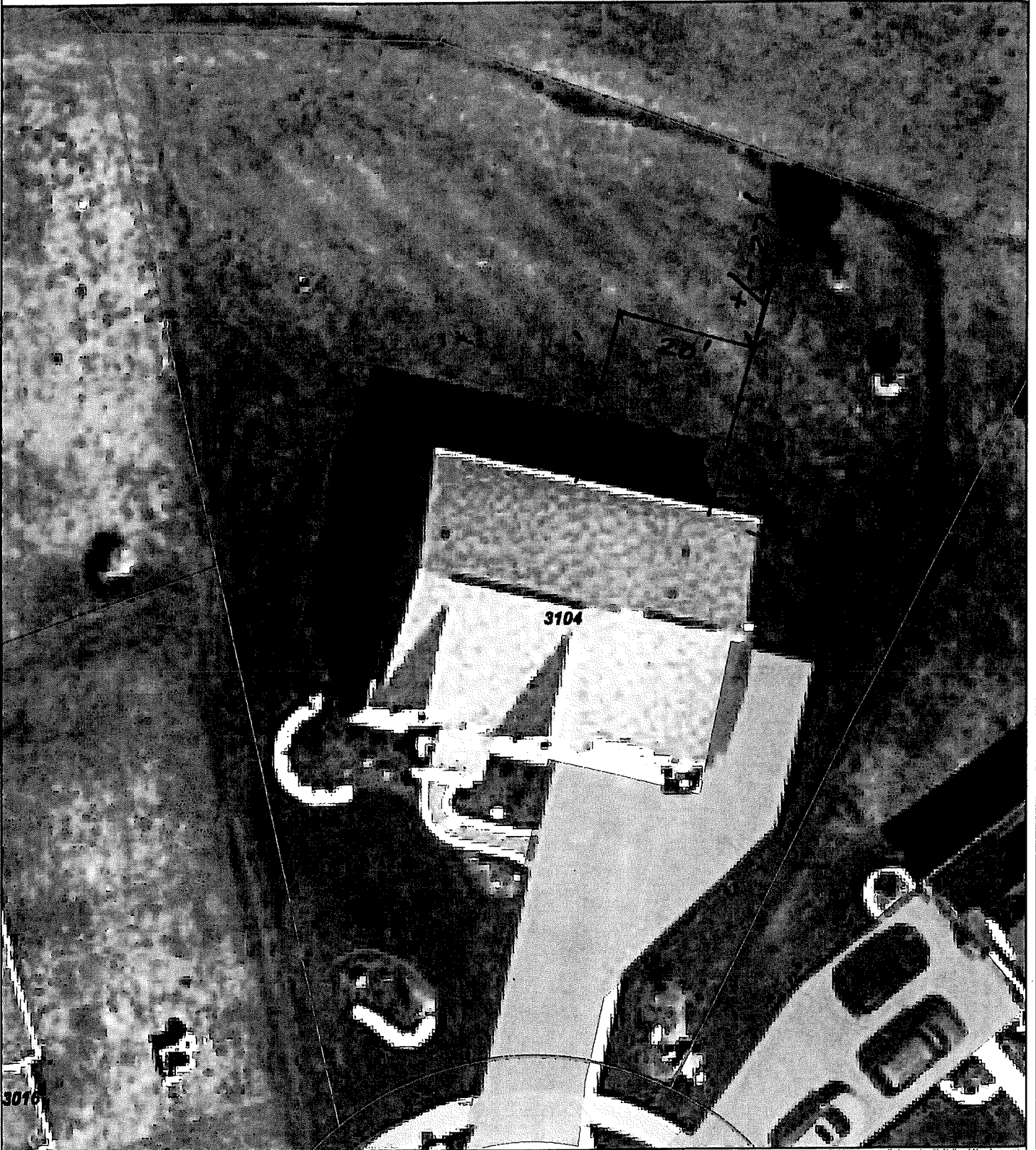
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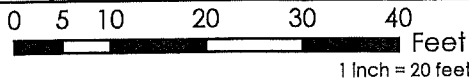
Boone County GIS Map

www.boonecountygis.com



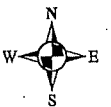
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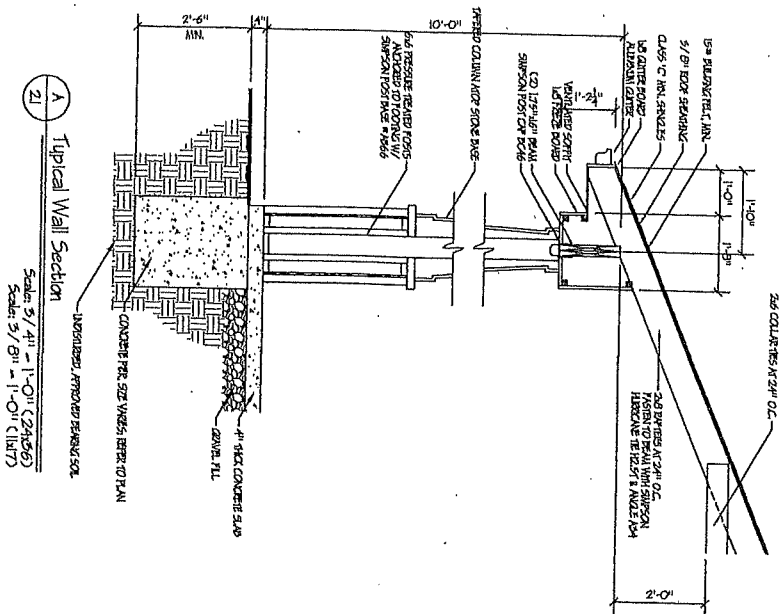


Map Created: xx/xx/2019

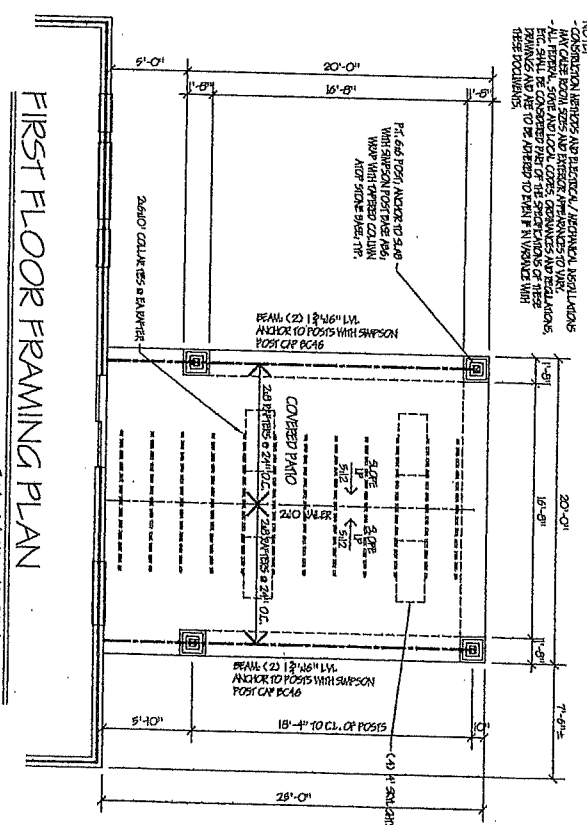
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ArcMap Document *.mxd

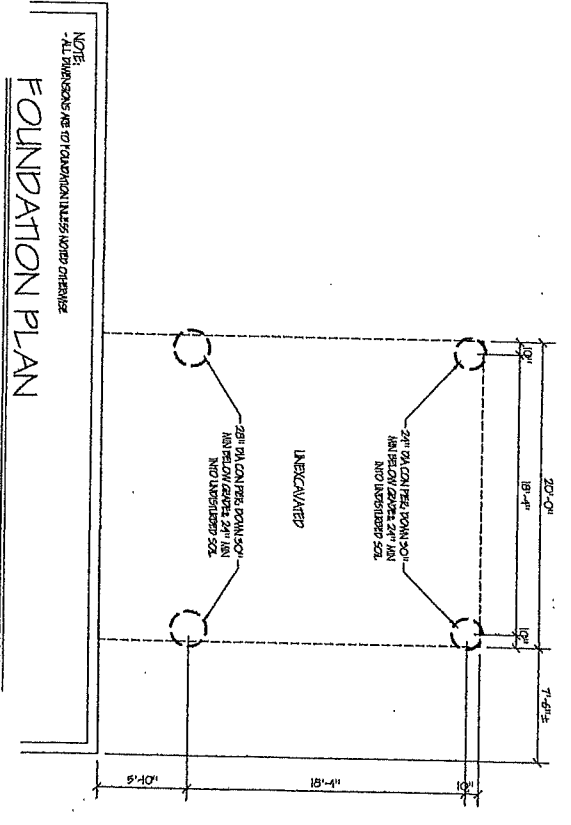


21
 Typical Wall Section
 Scale: 5/4" = 1'-0" (24x36)
 Scale: 5/8" = 1'-0" (11x7)



FIRST FLOOR FRAMING PLAN
 Scale: 1/4" = 1'-0" (24x36)
 Scale: 1/8" = 1'-0" (11x7)

NOTE:
 ALL OPERATIONAL LIFESPANS AND DESIGN / APPROVAL REQUIREMENTS
 FOR ALL ROOMS SHALL BE AS SHOWN. APPROVED INSTALLATIONS
 SHALL BE SUBJECT TO ALL LOCAL CODES, ORDINANCES AND REGULATIONS.
 ALL SHALL BE CONSIDERED PART OF THE SPECIFICATIONS OF THESE
 THESE DOCUMENTS TO BE APPLIED TO BE IN ACCORDANCE WITH
 THESE DOCUMENTS.



FOUNDATION PLAN
 Scale: 1/4" = 1'-0" (24x36)
 Scale: 1/8" = 1'-0" (11x7)

NOTE:
 ALL DIMENSIONS ARE TO FOUNDATION UNLESS NOTED OTHERWISE

Date	By
7-23-19	ENZWEILER
8-2-19	ENZWEILER
8-22-19	ENZWEILER
8-22-19	ENZWEILER

ENZWEILER & ASSOCIATES
 ARCHITECTS & ENGINEERS
 6102 LANE ALUMINUM PINE
 CO. SPRING CREEK, ALA 35896

Designed By: Assoc's & Enzweiler
 Proposed Residence Per: Roy Smith
 3104 Durango Ct, Burlington, KY 41005
 Builder: To Be Determined
 Sheet 2.1
 Plans and Section

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Roy Smith
3104 Durango Court
Burlington, KY 41005

2. ADDRESS OF PROPERTY

3104 Durango Court
Burlington, KY 41005

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Roy Smith

4. DEED BOOK 999

PAGE NO. 343

GROUP NO. 2007

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


Michael D. Schwartz - Planner
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledged before me by Michael D. Schwartz


on behalf of the Boone County Planning Commission this 12 day of September, 2019.



Treva L. Beagle
Notary ID 588897
NOTARY PUBLIC, State at Large

My commission Expires:
November 12, 2021

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.)