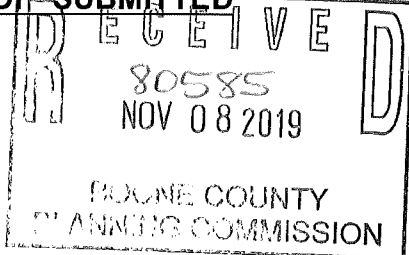


APPLICATION FORM

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
3. Applicant's Name Fischer Homes / Michelle and Robert Barth
4. Description of Request: Deck to encroach 8' into 40' required rear yard setback.
5. Name of Development Alison Place
6. Location of Development Longbranch Rd to Kroth Lane to Kel Court
7. Acreage Under Review total property acreage = .421 acres, or 18333.9657 sq.ft.
8. Lot Number and Name of Subdivision (if part of a subdivision) ASP 12 - Alison Place
9. Owner of Property Fischer Homes
10. Address of Property Owner 3940 Olympic Blvd, Erlanger KY 41018
11. Proposed Use(s) on Site Home - already constructed plus deck.
12. Total Square Footage of Existing and/or Proposed Buildings Home = 2548 Deck = 630
13. Current Zoning on Property Residential
14. Deed Book D1126 Page No. 16-18 Group No. 5521 20381A
15. Is the site subject to a zone change? NO
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: Jan Fischer Single Family II (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: Jan Fischer Single Family II (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 11/8/19 Fee Received \$632<sup>00</sup> Receipt # 80585
2. Is application complete?  Yes  No
3. Staff Reviewer M. Schwartz
4. Scheduled Board Action Date 12/11/19
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](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

#1

APPLICANT: Fischer Homes/Michelle and Robert Barth

LOCATION: 3008 Kel Court, Boone County, Kentucky

ZONING: Rural Suburban (RS/CD)

DATE: December 11, 2019

### PROPOSAL

The applicant is requesting a Variance reducing the rear yard setback from forty (40) feet to thirty-two (32) feet in order to construct a deck.

### SITE HISTORY

2007 On July 18, 2007, the Boone County Planning Commission recommended approval of a zoning map amendment changing the zoning of an approximate 26 acre area, including the site in question, from A-2 to RS (R-07-012-A). On September 4, 2007, the Boone Fiscal Court adopted Ordinance Number 07-19, approving the zoning map amendment.

2019 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. Kel Court is identified as a local cul-de-sac street, with sidewalks on both sides of the street.

#### SITE CHARACTERISTICS

- A. The approximate 0.4 acre property is located along the east side of Kel Court, approximately 600 feet east of Kroth Lane. The site is currently occupied by a detached single-family residential dwelling.

#### SURROUNDING LAND USES AND ZONING

North: Vacant land (future single-family lot) (RS/CD)

South: Vacant land (future single-family lot) (RS/CD)

East: Single-family (RS/CD)

West: Vacant land (future single-family lot) (RS/CD)

#### PROPOSED DEVELOPMENT

- A. The applicant is proposing to construct a fourteen (14) foot by forty-five (45) foot deck onto the rear of the house.
- B. The deck will encroach into the required rear yard by eight (8) 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

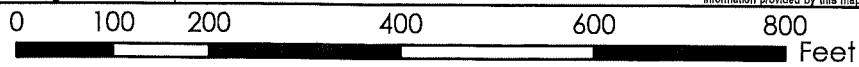
# Vicinity Map

www.boonecountygis.com

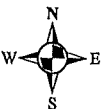


Copyright 2018 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



1 Inch = 200 feet



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

Map Created: 01/01/2018

Made With ArcGIS Online by Bentley Systems, Inc.  
ArcMap Document: \*.mxd

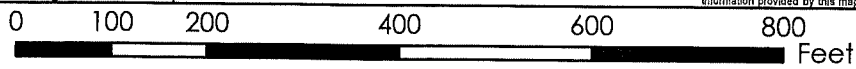
# Aerial Map

www.boonecountygis.com



Copyright 2018 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



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

Map Created: 01/01/2018

Map Data: 01/01/2018  
ArcMap Document: \*.mxd

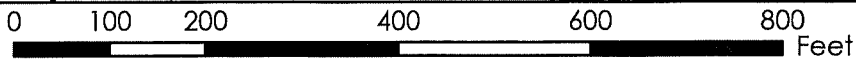
# Zoning Map

www.boonecountygis.com



Copyright 2018 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



1 inch = 200 feet



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



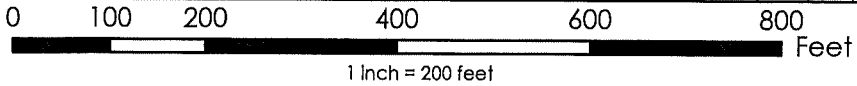
# Topographical Map

www.boonecountygis.com



Copyright 2018 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



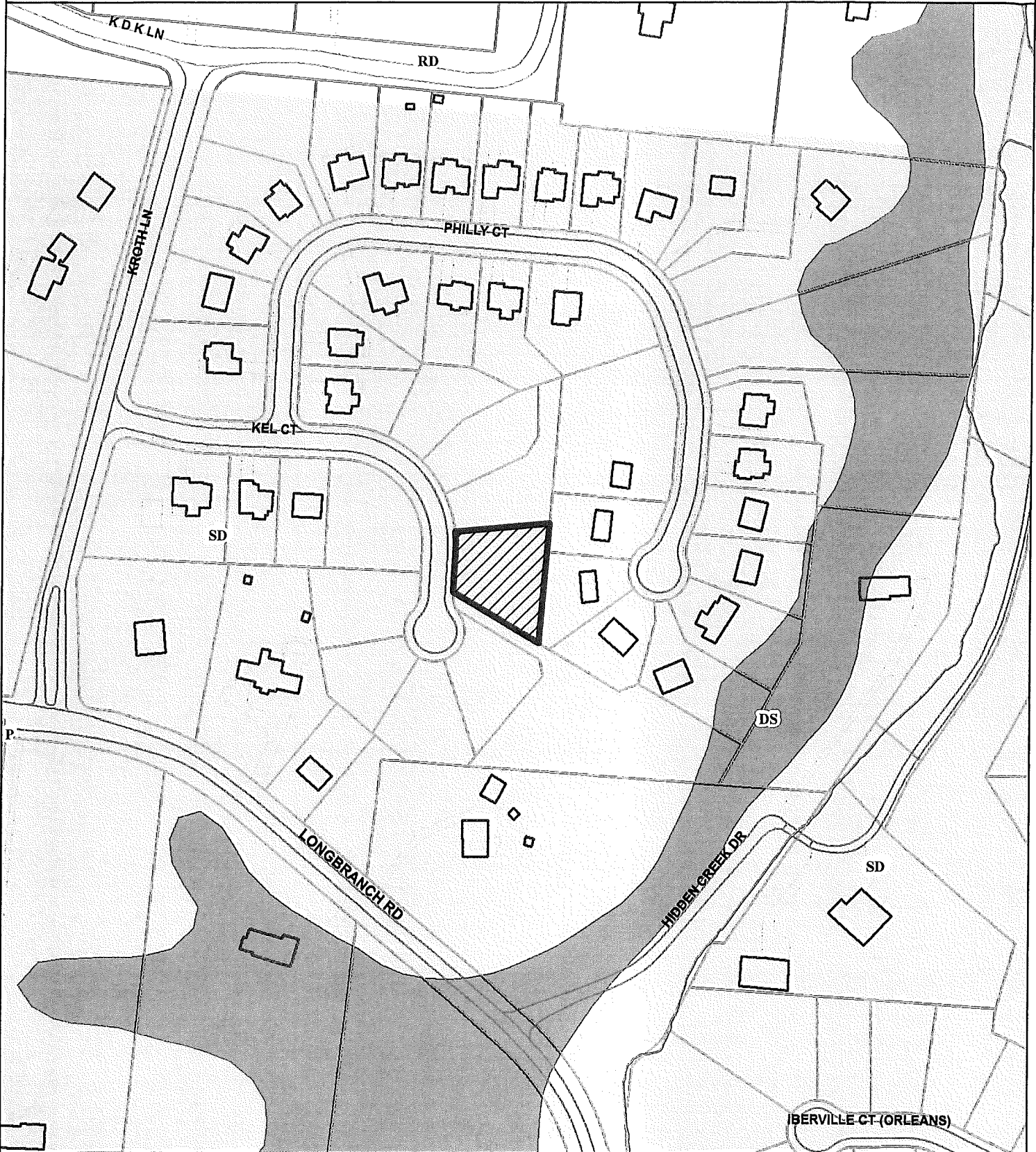
**Boone County GIS - Putting Northern Kentucky on the Map**

Map Created: 01/01/2018

Rich Firm's Kentucky Form 600 1103  
ArcMap Document: \*.mxd

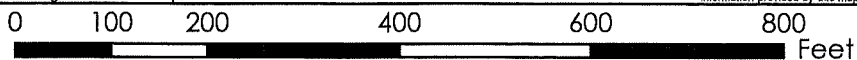
# 2040 Future Land Use Map

www.boonecountygis.com



Copyright 2018 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



1 Inch = 200 feet

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



Map Created: 01/01/2018

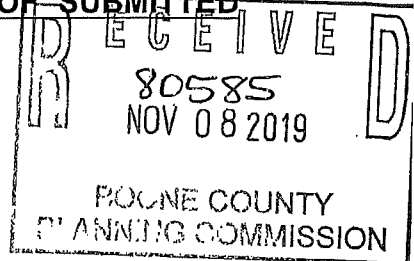
Multi-Purpose Utility by Esri, 10/15/11  
ArcMap Document: \*.mxd

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

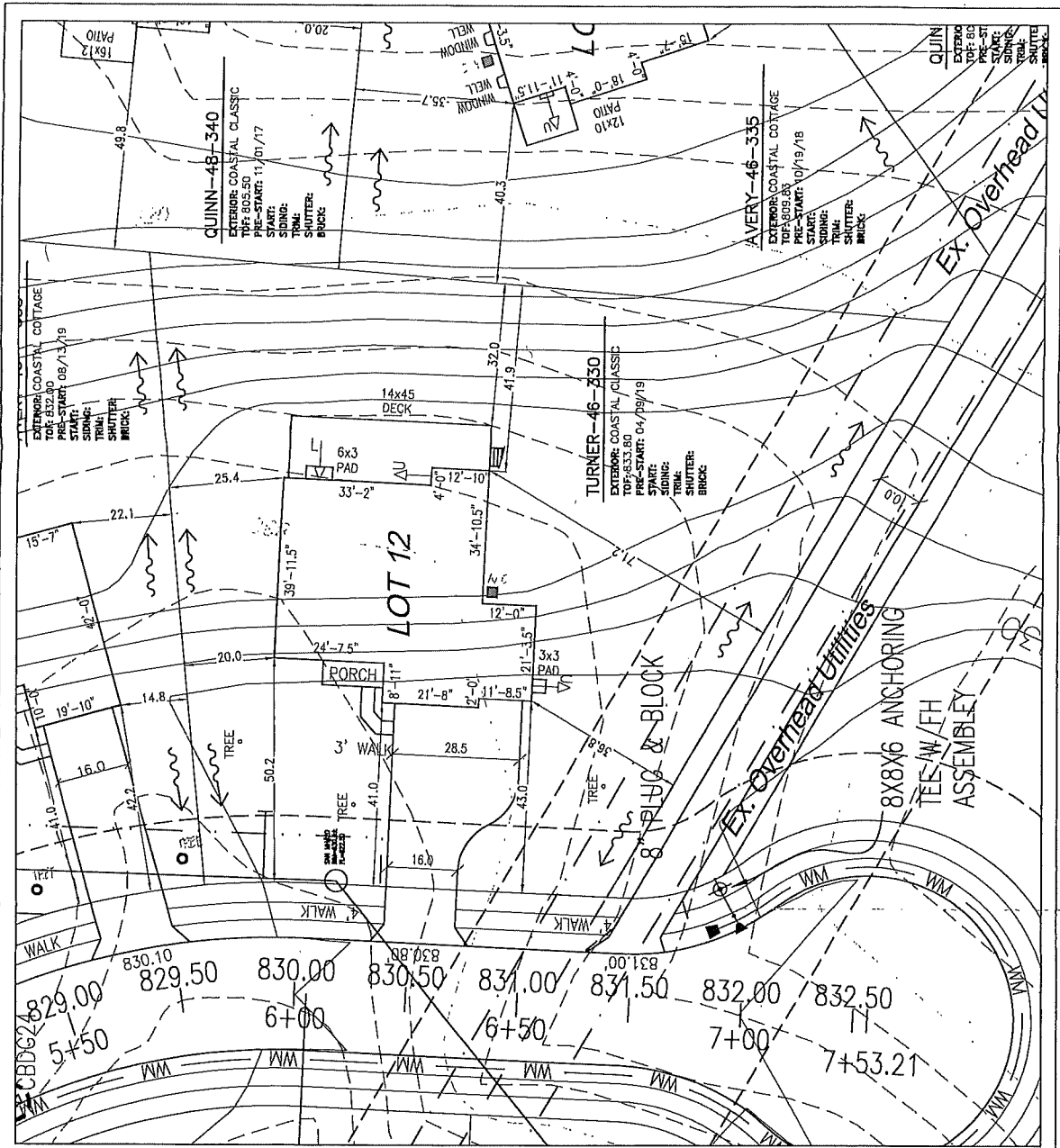


SECTION A (To be completed by applicant)

- 1. (Check One) Boone Florence Walton Union
2. (Check One) Conditional Use Permit Variance Appeal
3. Applicant's Name Fischer Homes / Michelle and Robert Barth
4. Description of Request: Deck to encroach 8' into 40' required rear yard setback
5. Name of Development Alison Place
6. Location of Development Longbranch Rd to Kroth Lane to Kel Court
7. Acreage Under Review total property acreage = .421 acres, or 18333.9657 sq.ft
8. Lot Number and Name of Subdivision (if part of a subdivision) ASP 12 - Alison Place
9. Owner of Property Fischer Homes
10. Address of Property Owner 3940 Olympic Blvd, Erlanger KY 41018
11. Proposed Use(s) on Site Home - already constructed plus deck
12. Total Square Footage of Existing and/or Proposed Buildings Home = 2548 Deck = 630
13. Current Zoning on Property Residential
14. Deed Book D1126 Page No. 16-18 Group No. 5521
15. Is the site subject to a zone change? NO
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: Jim Fischer Fischer Single Family III

ORIGINAL Applicant's Signature: Jim Fischer Fischer Single Family III



**FISCHER HOMES**  
 3940 Olympic Blvd., Suite 100, Erlanger, KY 41018 . (P) 859.341.4709 \* Main Office  
 HOME SITE #: 012 (Section 1)  
 COMMUNITY: Alson Place (ASP)  
 RECORDED: Plat Book:  
 ADDRESS: 3008 Kel Court DATE: 10/24/19  
 COUNTY/STATE: Boone County, KY DRAWN BY: GTH 859-344-7119  
 SCALE OF DRAWING: 1" = 30'

13'-8 1/2" w. x 5'-5 1/2" d. PORCH

Issued for  
 Construction



**RECORD PLAT**

SEALBACK REQUIREMENTS	FISCHER
FRONT = 40"	40"
SIDE = 10 min., 20 total	10 min., 20 total
REAR = 40"	40"
SIDEYARD CORNER LOT = 20'	
SIDEWALKS=PER PLAN	

CERTIFICATE OF LAND USE RESTRICTION


- 1. NAME AND ADDRESS OF PROPERTY OWNER(S)  
Fischer Homes  
3940 Olympic Blvd.  
Erlanger, KY 41018
  
- 2. ADDRESS OF PROPERTY  
3008 Kel Court  
Union, KY 41091
  
- 3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)  
Fischer Homes/Barth

4. DEED BOOK 1126                      PAGE NO. 16                      GROUP NO. 2038A

- 5. TYPE OF RESTRICTION(S) (Check all that apply)
  - Zoning Map Amendment:                       Conditional Use Permit
  - From \_\_\_\_\_ To
  - Development Plan                                       Conditional Zoning
  - Subdivision Plat                                       Other:
  - (Not Recorded)
  - 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

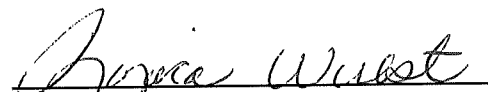
Subscribed, sworn to, and acknowledged before me by Michael D. Schwartz

on behalf of the Boone County Planning Commission this 12 day of December, 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.)