

APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION	RECEIVED JUN 5 2020 BOONE COUNTY PLANNING COMMISSION
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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)
1. Boone _____ Florence _____ Walton _____ Union _____
 2. _____ Conditional Use Permit Variance _____ Appeal _____
 _____ Change in Non-Conforming Use _____
 3. Applicant's Name Sean and Robin O'Brien
 Applicant's Address 2565 Twin Hills Ct.
Union Ky 41091
 City State Zip
 4. Phone Number 303-330-7684 Fax No. slightly E-Mail spobrien@dcpmidstream.com
 Description of Request: Covered patio over the variance
 5. Name of Development Redstone Village
 6. Location of Development off Rice Pike
 7. Acreage Under Review .6074
 8. Lot Number and Name of Subdivision (if part of a subdivision) _____
 9. Owner of Property Sean and Robin O'Brien
 Address of Property Owner 2565 Twin Hills Ct.
Union Ky 41091
 City State Zip
 10. Phone Number 330-330-7684 Fax No. _____ E-Mail spobrien@dcpmidstream.com
 Proposed Use(s) on Site outdoor relaxation under covered patio
 11. Total Square Footage of Existing and/or Proposed Buildings 500 sq ft
 12. Current Zoning on Property R3 LCD
 13. Deed Book 1085 Page No. 872 731 Group No. 2055
 14. Is the site subject to a zone change? yes
 If yes, give date of approval _____
 15. Have you submitted a Site Plan with this request? yes
 16. Have you submitted a list of adjoining property owners with this request? yes
 17. 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: Sean O'Brien Robin O'Brien
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: Sean O'Brien Robin O'Brien
(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 6-15-20 Fee Received 666.0 Receipt # 81700
2. Is application complete? _____ Yes _____ No
3. Staff Reviewer M. Schwartz
4. Scheduled Board Action Date 7/8/2020
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: Sean and Robin O'Brien

LOCATION: 2565 Twin Hill Court, Boone County, Kentucky

ZONING: Rural Suburban (RS)

DATE: July 8, 2020

PROPOSAL

The applicant is requesting a Variance to reduce the minimum required rear yard setback from forty (40) feet to twenty-five (25) feet to allow the construction of a covered porch.

SITE HISTORY

- 2006 On December 20, 2005, Toebben Ltd. submitted a Zoning Map Amendment application for a 55.966 acre area, including the site in question, from Agricultural Estate (A-2) to Rural Suburban (RS). On March 1, 2006, the Boone County Planning Commission recommended approval of the Zoning Map Amendment, subject to six conditions (R-06-007-A). On June 6, 2006, the Boone County Fiscal Court adopted Ordinance Number 06-04, changing the zoning from A-2 to RS.
- 2013 On August 12, 2013, the Boone County Planning Commission approved a zoning permit to allow the construction of a house.
- 2017 On November 28, 2017, the Boone County Planning Commission approved a zoning permit to allow the construction of building additions.

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 3110 of the Boone County Zoning Regulations requires a minimum rear yard setback of forty (40) feet in the RS district.
- E. Section 3123 of the Boone County Zoning Regulations states that open structures such as porches which occupy space three (3) or more feet 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 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.

Suburban Density Residential 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).

Development policies shall not discriminate against any person (Demographics Goal A, Objective 1).

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).

Maintenance of sound existing housing and rehabilitation of deteriorating housing shall be encouraged and incentivized (Demographics Goal B, Objective 2).

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

- C. Twin Hills Court is identified as a local street providing for two way traffic within two driving lanes. Sidewalks are provided along both sides of the roadway.

SURROUNDING LAND USES AND ZONING

- North: Single family (RS)
- South: Single family (RS)
- East: Single family (RS)
- West: Single family (RS)

PROPOSED DEVELOPMENT

- A. The applicant is proposing to construct a 16'-0" x 26'-4" covered porch onto the rear of the existing house.
- B. A wood burning fireplace insert will be part of the new covered porch addition.

STAFF COMMENTS

- A. The existing uncovered porch measures approximately 5 feet by 7 feet.
- B. The existing uncovered porch is set back approximately thirty-two (32) feet from the rear property line.
- C. The existing house is set back approximately forty (40) feet from the rear property line.
- D. An existing mature tree line exists along the rear property line of the site.

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

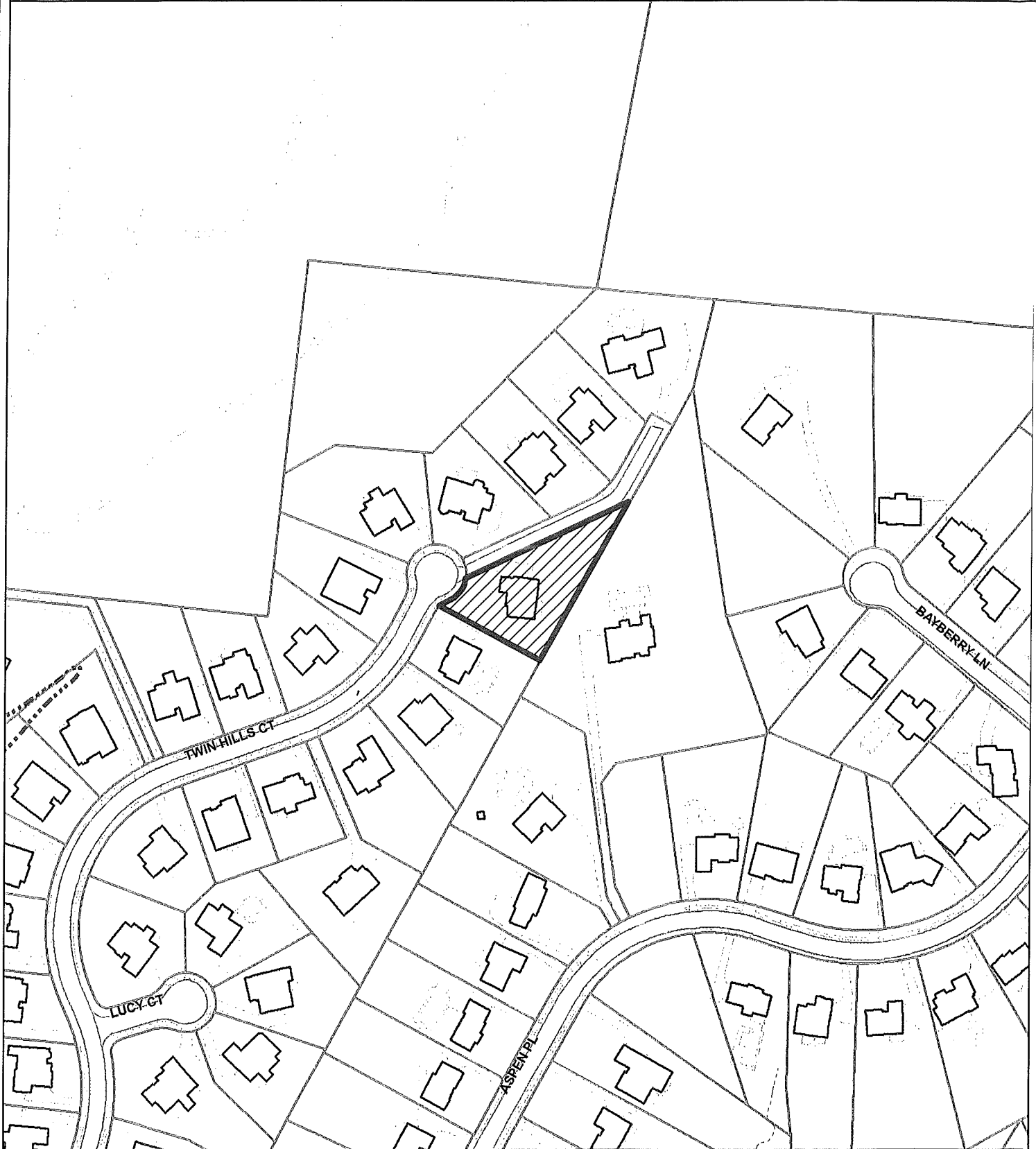
MDS/ss

Attachments

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

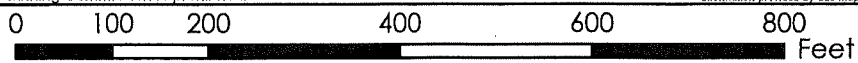
Vicinity Map

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1 Inch = 200 feet



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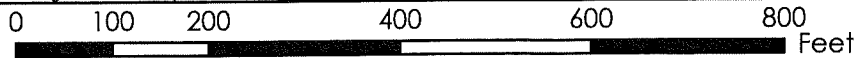
Aerial Map

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Boone County GIS

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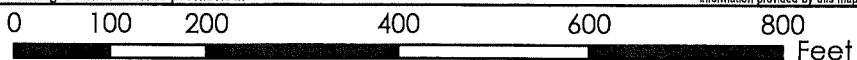
Topographical Map

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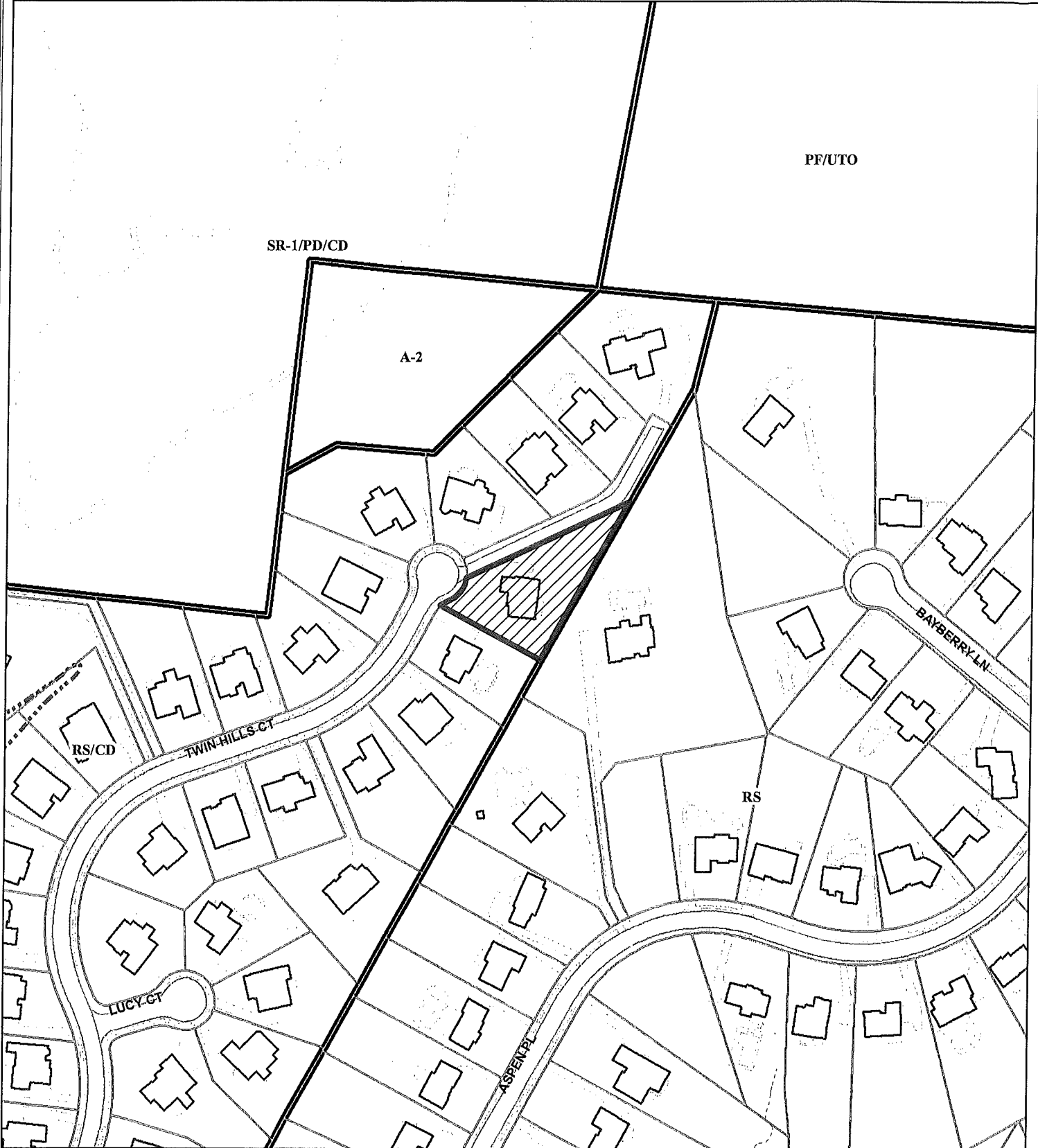


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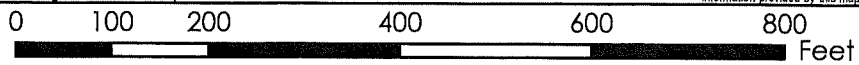
Zoning Map

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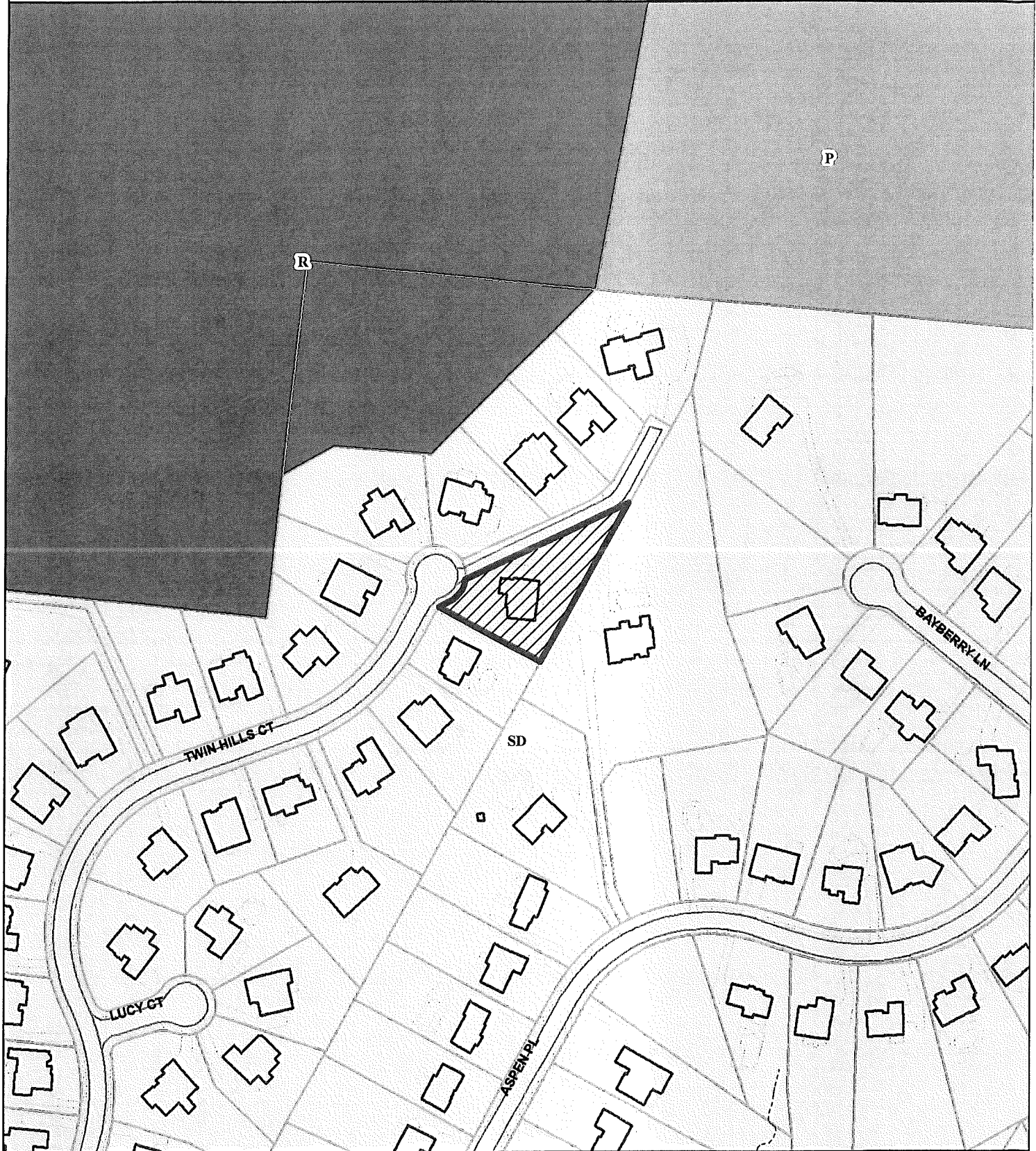


Map Created: 01/01/2018

Map File: C:\gis\mxd\Zoning Map 11/11
ArcMap Document: *.mxd

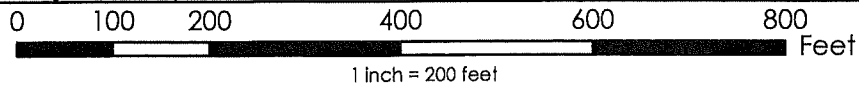
2040 Future Land Use Map

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BOUNDARY SURVEY DRAWINGS TITLE	SCALE 1"=50'	DATE 1/25/2017
		PROJECT NO. S-17-005
PROJECT TITLE LOT 60 REDSTONE VILLAGE SUBDIVISION 2565 TWIN HILLS COURT UNION, KENTUCKY 41091		REVISION
CLIENT SHAWN O'BRIEN 2565 TWIN HILLS COURT UNION, KENTUCKY 41091		SHEET 1 of 1
ZONING RS/CD PLAT CAB 5 SLIDE 618		
SURVEYOR'S INFORMATION THOMAS H. BUSHELMAN JR. LICENSED PROFESSIONAL LAND SURVEYOR #3722 IN THE COMMONWEALTH OF KENTUCKY (652) 839-5717 (7789)		

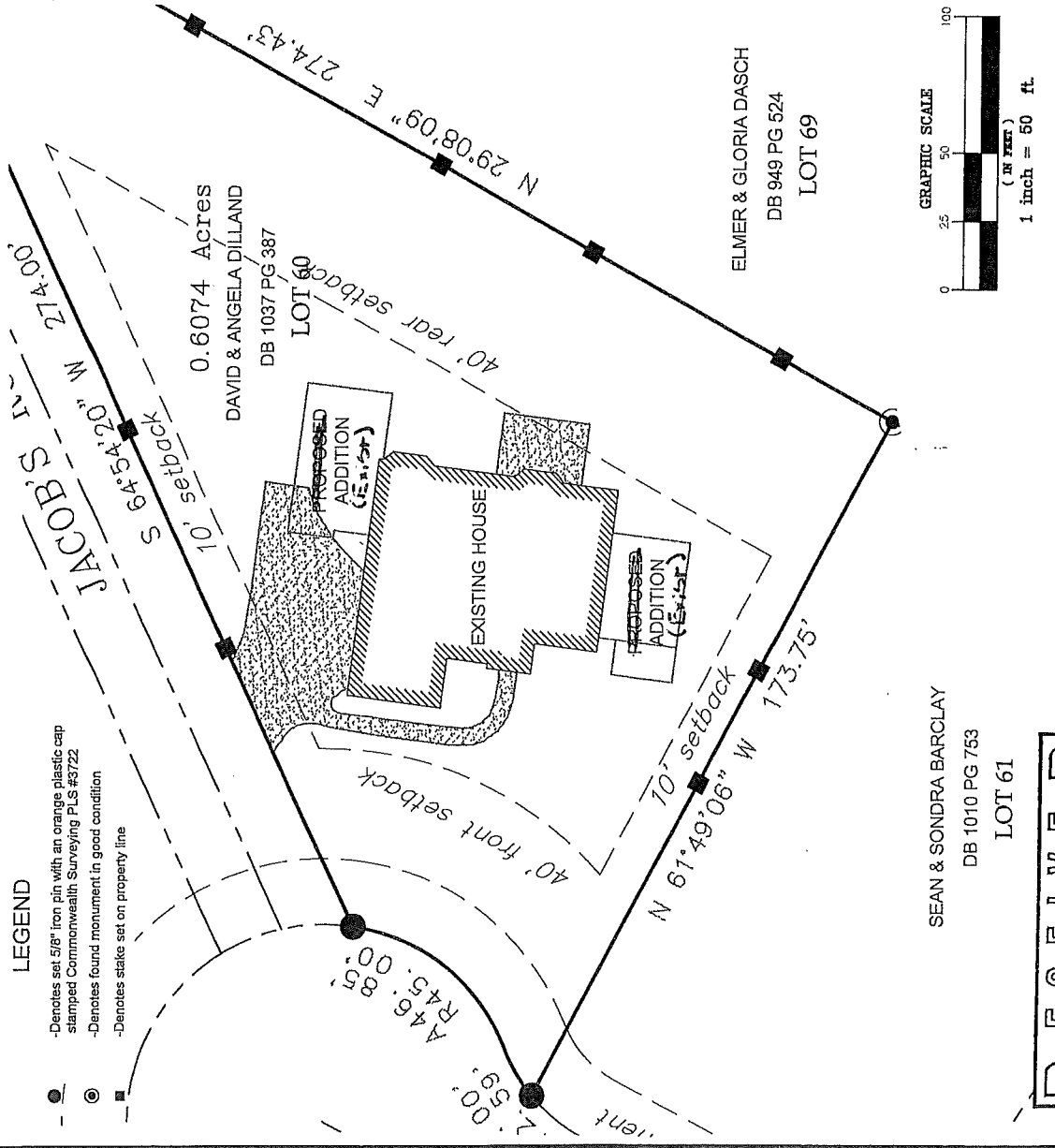
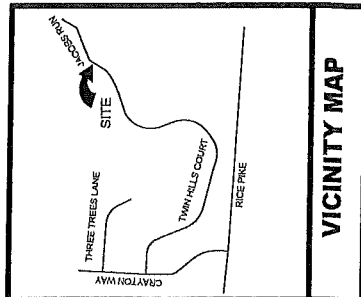
LAND SURVEYOR'S CERTIFICATE
 I HEREBY CERTIFY THAT THE SURVEY DEPICTED BY THIS PLAT WAS DONE BY PERSONS UNDER MY DIRECT SUPERVISION BY THE METHOD OF RANDOM TRAVERSE WITH SIDE SHOTS. THE UNADJUSTED PRECISION RATIO WAS 1:51,520 AND WAS NOT ADJUSTED. THE SURVEY SHOWN HEREON IS AN URBAN SURVEY AND THE ACCURACY AND PRECISION OF SAID SURVEY MEETS ALL THE SPECIFICATIONS OF THIS CLASS.

THOMAS H. BUSHELMAN JR.
 LICENSED PROFESSIONAL
 LAND SURVEYOR #3722 IN THE
 COMMONWEALTH OF KENTUCKY

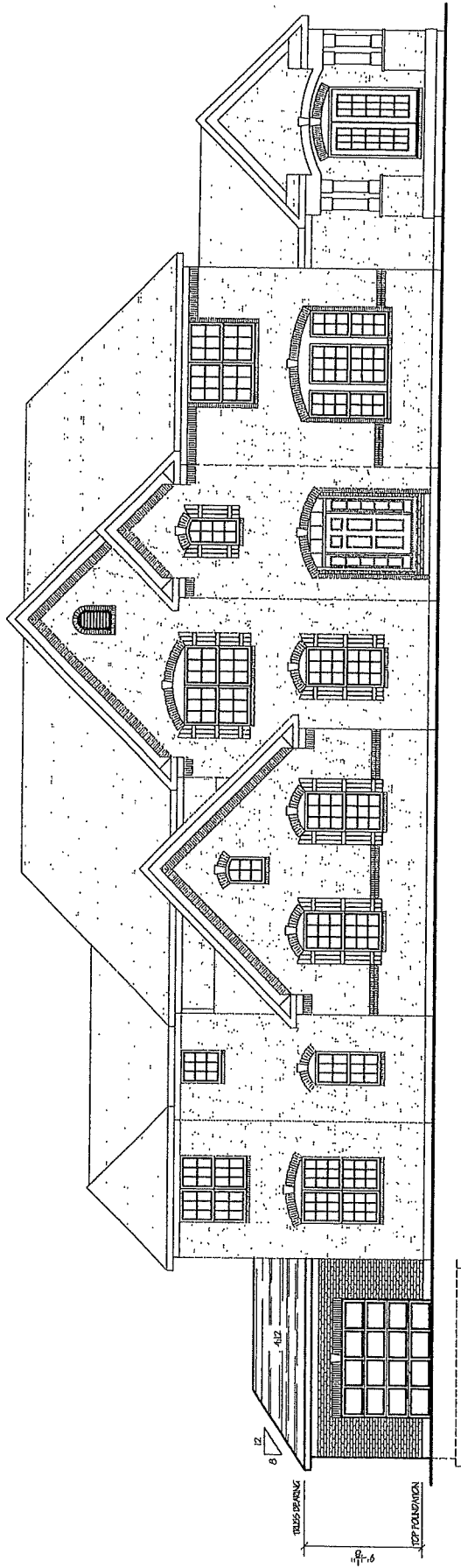
LAND SURVEYOR'S NOTES

1. ALL FOUND MONUMENTATION IN GOOD CONDITION UNLESS OTHERWISE NOTED.
2. DATA SOURCES FOR THIS SURVEY INCLUDE DOCUMENTS CITED HEREON.
3. NO ENCROACHMENTS UNLESS OTHERWISE NOTED.
4. NO EVIDENCE OF A CEMETERY FOUND ON SUBJECT PROPERTY.

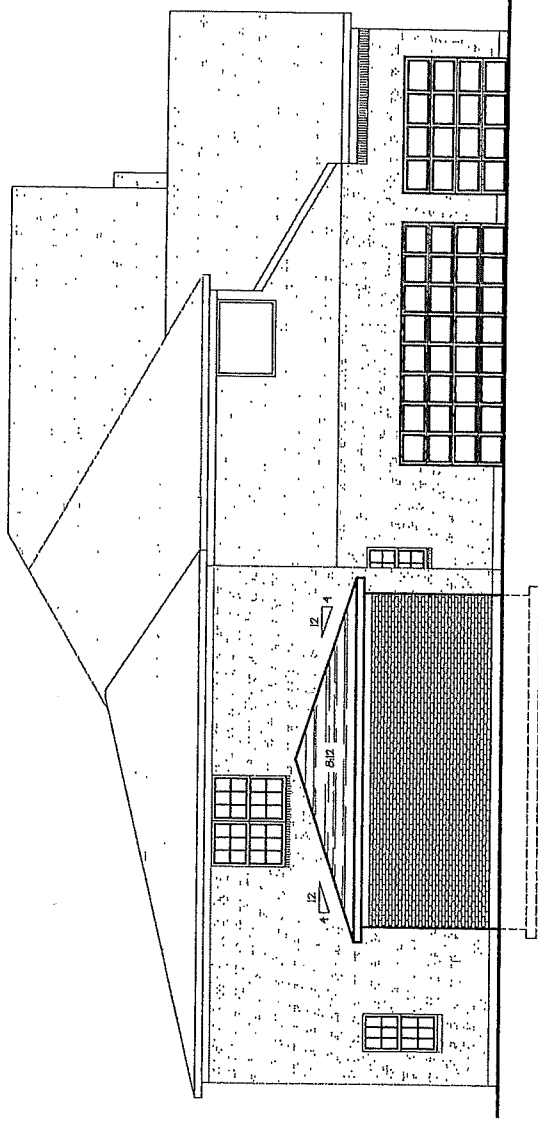
NORTH & BEARING SYSTEM BASED ON REDSTONE VILLAGE SUBDIVISION AS SHOWN IN PLAT CAB 5 SLIDE 618



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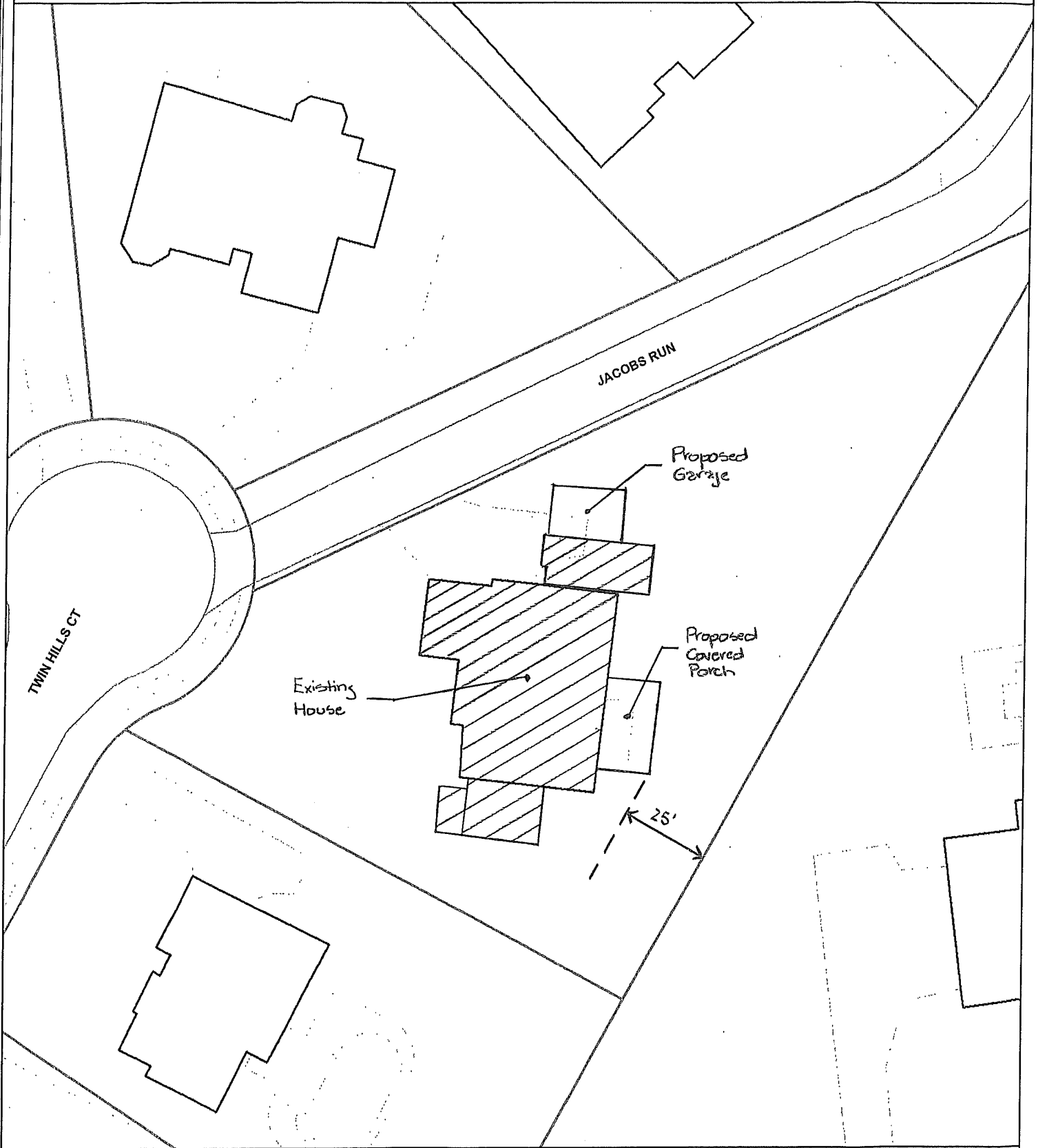
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PLANNING COMMISSION



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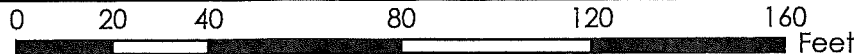
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1 Inch = 40 feet



Boone



CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Sean & Robin O'Brien
2565 Twin Hills Ct.
Union, KY 41091
2. ADDRESS OF PROPERTY
2565 Twin Hills Ct.
Union, KY 41091
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Sean & Robin O'Brien
4. DEED BOOK 1085 PAGE NO. 731 GROUP NO. 2055
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

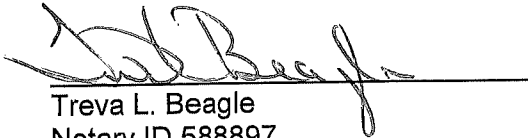
Michael D. Schwartz, Planner
Name and Title of Completing Official

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 9 day of July, 2020.



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.)