



SECTION B

(To be completed by Boone County Planning Commission Staff)

1. Date Received 7-23-92
2. Fee Received \$236.00 R8144
3. Is application complete?  Yes  No
4. Staff Reviewer Laura Pramuk
5. Scheduled Board Action Date Aug. 12, 1992.
6. Board Action:  
 Approval  
 Approved with Conditions (See #7)  
 Disapproved (See #8)
7. Conditions: that proposed house be constructed  
30 feet from BOU of Kirby Ln, not from gravel rd.
8. Reasons for Disapproval: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## STAFF REPORT

#1

DEVELOPMENT: Kirby Heights Subdivision  
APPLICANT: Steven W. Ponder  
LOCATION: 11116 Kirby Lane, Union, Kentucky  
ZONING: Agricultural Estate (A-2)  
DATE: August 12, 1992

### REMARKS:

The applicant is seeking a Variance to reduce the required minimum frontyard setback from sixty (60) feet to thirty (30) feet in order to build a single family residence in an Agricultural Estate (A-2) zoning district. Table 31.1, dimensional standards, of the 1991 Boone County Zoning Regulations calls for a minimum frontyard setback of sixty (60) feet in this zone. The subject property is located in Kirby Heights Subdivision off of Big Bone Church Road in rural Union, Kentucky. The surrounding property is residential/agricultural, and is zoned A-2 or A-1. Kirby Lane is not county maintained at the present time and is graveled. A residence is located next to the subject property and agriculture is across the street and to the west of the site.

The applicant proposes to construct a residence on the subject property. Due to the steep slope to the rear of the lot, it would be difficult to place the house 60' from the right of way. Doing so would necessitate extensive grading. There is a 10 to 15 foot difference between the rear of the lot and the level area toward the front. The proposed structure would be 240' from the rear property line.

Due to the rural nature of the area and the requested 30 foot distance from the road, the requested reduction in setback should not impair traffic movement on Kirby Lane, create a safety hazard or cause visual blight.

In deciding whether or not to allow the requested Variance the Board must find the following:

1. If the Variance is granted, it would not adversely affect the public health, safety or welfare.
2. The Variance will not alter the essential character of the general vicinity.
3. The Variance will not cause a hazard of a nuisance to the public.
4. The Variance will not allow an unreasonable circumvention of the requirements of the zoning regulations.
5. The requested Variance does not arise from special circumstances which do not generally apply to land in the general vicinity, or in the same zone.

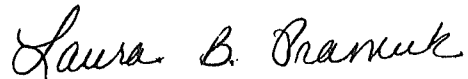
STEVEN W. PONDER  
AUGUST 12, 1992  
PAGE TWO

6. 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.
7. These circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulations from which relief is sought.

The Board shall deny any request for a Variance arising from circumstances that are the result of willful violations of the zoning regulations by the applicant subsequent to the adoption of the zoning regulations from which relief is sought.

Attached to the Staff Report is a copy of the plan that the applicant submitted with the request.

Respectfully submitted,

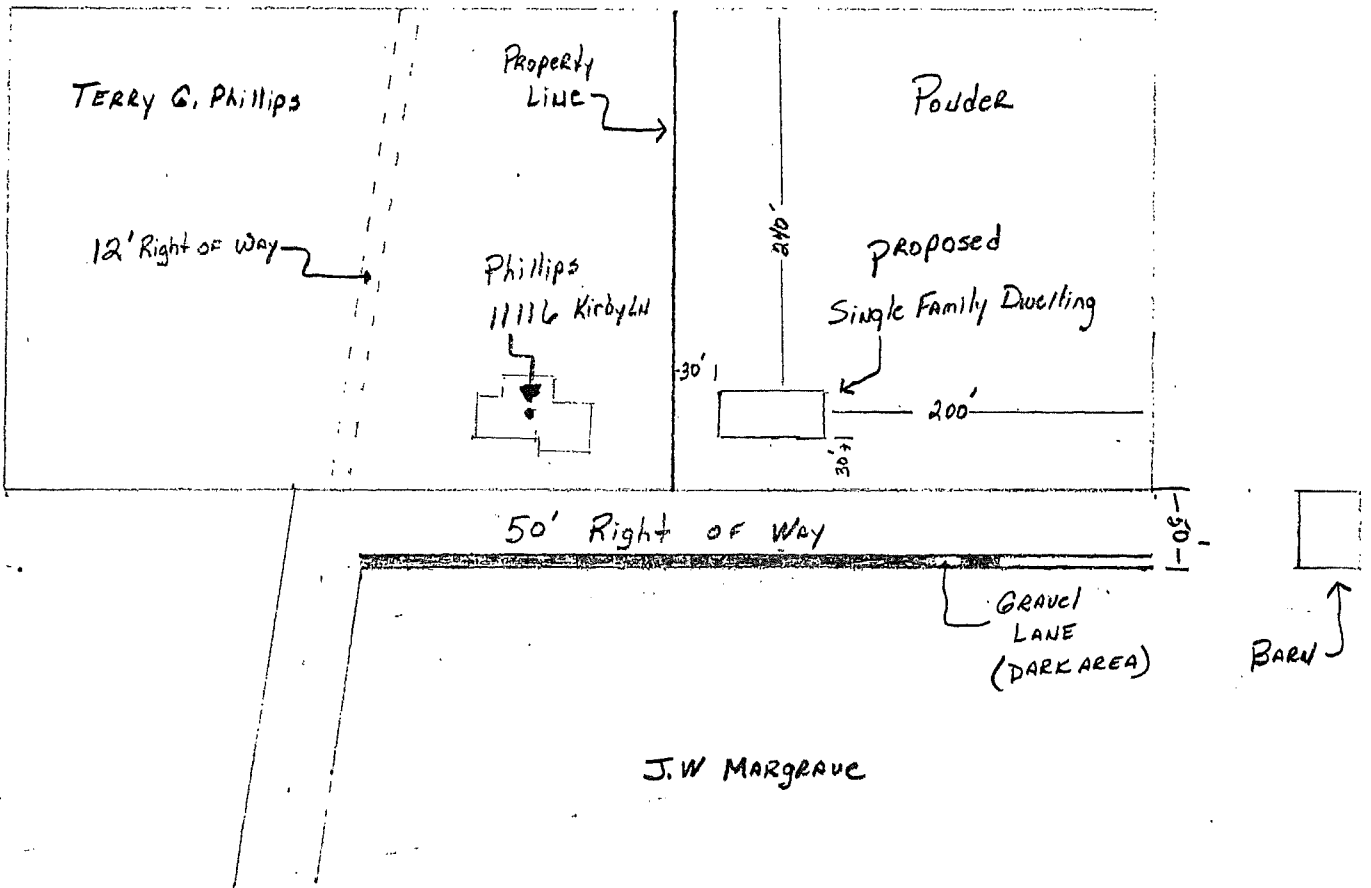


Laura B. Pramuk  
Planner I

LBP:kat

Site Plan  
11116 Kirby Ln.  
Union, Ky 41091

John Harmeling



Steven W. Ponder  
Variance request  
Reduce frontyard setback from 60' to 30'  
A-2

CERTIFICATE OF LAND USE RESTRICTION

- 1. NAME AND ADDRESS OF PROPERTY OWNER (S)  
Steven W. & Tracie L. Ponder  
519 Greenfield Dr. #3  
Erlanger, KY 41018
- 2. ADDRESS OF PROPERTY  
11116 Kirby Lane  
Union, KY
- 3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)  
N/A

DEED BOOK: 485 PAGE NO.: 21 GROUP NO.: 2062

4. TYPE OF RESTRICTION (S) (Check all that apply)
- |                                     |   |                          |                                 |
|-------------------------------------|---|--------------------------|---------------------------------|
| <input type="checkbox"/>            | Zoning Map Amendment<br>from _____ to _____ | <input type="checkbox"/> | Conditional Use Permit          |
| <input type="checkbox"/>            | Development Plan                            | <input type="checkbox"/> | Conditional Zoning<br>Condition |
| <input type="checkbox"/>            | Subdivision Plat<br>(unrecorded)            | <input type="checkbox"/> | Other: (Specify)                |
| <input checked="" type="checkbox"/> | Variance                                    |                          |                                 |

- 5. 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  
2995 WASHINGTON STREET  
BURLINGTON, KENTUCKY 41005

  
SIGNATURE OF COMPLETING OFFICIAL

Assistant Director/  
Kevin P. Costello, AICP-Zoning Administrator  
NAME AND TITLE OF COMPLETING OFFICIAL  
(type or print)

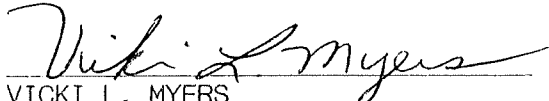
COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledge before me by Kevin P. Costello

on behalf of the Boone County Planning Commission this 20th day

of October, 1992.

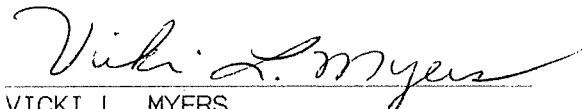


VICKI L. MYERS  
NOTARY PUBLIC, State at Large

My commission Expires:

April 8, 1995

This instrument was prepared for recording purposes only by:



VICKI L. MYERS  
Boone County Planning Commission  
2995 Washington Street  
Burlington, Kentucky 41005

NO TITLE EXAMINATION

(Legal Description and source of Title and Group Number furnished by the applicant.)

BCPC 01/89

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the Variance  
as approved by the Boone County Board of Adjustments and in accordance with the  
current zoning in effect as of August 12, 1992, (Certificate of Land Use  
Restriction # 92-BCBOA-016-A), for Steven W. & Tracie L. Ponder, property  
owners.

The Variance is granted with the condition that the "30-foot  
Variance be granted and is to be measured from the edge of the 50-  
foot right of way as shown on the Site Plan tendered with the  
request."

The approved Variance as well as the preceding conditions apply  
to the property described in: DEED BOOK 485 PAGE NO. 21 Group No. 2062

State of Kentucky, County of Boone  
JERRY W. ROUSE, Clerk of the Boone County  
Court, do certify that the foregoing  
was on the 20 day of  
October  
19 92 at 3:30 P.M., lodged in my office  
for record, and that it has been duly recorded in  
my said office, together with this and the  
certificate thereon endorsed.  
Given under my hand this 20 day of Oct.  
19 92.

JERRY W. ROUSE, CLERK  
By Walter Smart D.C.