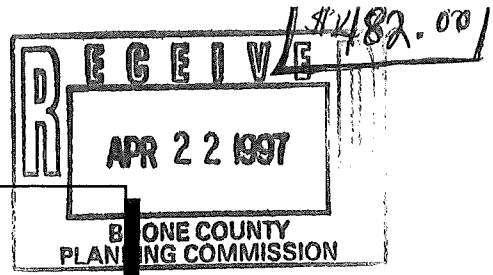


APPLICATION FORM



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

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 Edward Perkins (Father of owner)
Phone Number 384-3544 Fax No. _____
Applicant's Address 1437 DUBLIN PLACE
UNION KY 41091
City State Zip
 4. Description of Request: FRONT YARD SET BACK VARIANCE
 5. Name of Development _____
 6. Location of Development OFF HATTON CREEK RD. IN BOONE CO.
 7. Acreage Under Review 5.27
 8. Lot Number and Name of Subdivision (if part of a subdivision) _____
 9. Owner of Property Donna G. Utz
Phone Number of Owner 384-2394
 10. Address of Property Owner (SAME as APPLICANT)
City State Zip
 11. Proposed Use(s) on Site Residence
 12. Total Square Footage of Existing and/or Proposed Buildings 1555 sq. ft. APPROX.
 13. Current Zoning on Property A-1
 14. Deed Book ~~277-580~~ Page No. ~~157-28~~ Group No. _____
 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.

Applicant's Signature: Edward Perkins

Property Owner's Signature: Donna G. Utz

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 April 23, 1997 Fee Received 482.00 R# 13267
2. Is application complete? Yes No
3. Staff Reviewer [Signature]
4. Scheduled Board Action Date 5/14/97
5. Board Action:
 Approved
 Approved with Conditions (See #6)
 Denial (See #7)
6. Conditions of Approval: _____

7. Reasons for Denial: _____

Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005
(606) 334-2196 Phone
(606) 334-2264 Fax

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: Ed Perkins

LOCATION: Off Hatton-Creek Road, Boone County, Kentucky

ZONING: Agricultural (A-1)

DATE: May 14, 1997

The applicant is requesting a Variance to allow a reduction in the front setback on a 5.27 acre tract located off Hatton Creek Road. Hatton Creek Road is a private drive, located off Big Bone Church Road, approximately six tenths of a mile north of KY 338. The Boone County Zoning Regulations requires a lot in an A-1 zone to have at least a 150 feet of "frontage" in order to convey the parcel off the parent tract. Because of the lot's narrow, triangular shape, the minimum "frontage" width could not be met. The only alternative for conveying the lot off the parent tract was to add a note on the Conveyance Plat which states that the minimum permitted front yard setback line would be at the point where the lot becomes 150 feet in width. The topography of the applicant's site slopes in such a manner that it would not be feasible to locate the residence at a distance where the lot becomes 150 feet in width. The applicant would like to locate the house on the property's highest elevation, where the lot is approximately 100 feet in width.

The minimum front yard setback in an Agricultural (A-1) zone is 80 feet. The minimum side yard setback is 10 feet. The minimum rear yard setback is 25 feet.

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 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 K.R.S. 100.241 to 100.47.

Variances are appropriate by reason of exceptional narrowness, shallowness, or unusual shape of a site on the effective date of the zoning regulations or amendment thereof or by reason of exceptional topographic conditions, or some other extraordinary situation or condition of the site. The literal enforcement of the above dimensional terms of the zoning regulation would deprive the applicant of reasonable capacity to make use of the land in a manner equivalent to the use permitted other landowners in the same zone. The dimensional terms pertaining to height, width and location involve such items as structures, parking space stalls, driveway aisles, and landscaped buffers and signs. Lot frontages, the size of yards and open spaces refer to minimum yard dimensions such as building setbacks.

Conclusion

K.R.S. 100.241 gives the Boone County Board of Adjustment and Zoning Appeals the authority to grant the applicant's request for a Variance to reduce the front yard setback on the 5.27 acre tract of land, in order to construct a house on the property. It is Staff's opinion that the proposed 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. This opinion is based on the proposed use, the type of structure, the surrounding land uses, the irregular shape of the lot, the topography, and because the house would not be seen from Hatton Creek Road or from any of the surrounding residences.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Edward Coleman". The signature is written in a cursive, flowing style.

Edward Coleman
Planner

EC\par

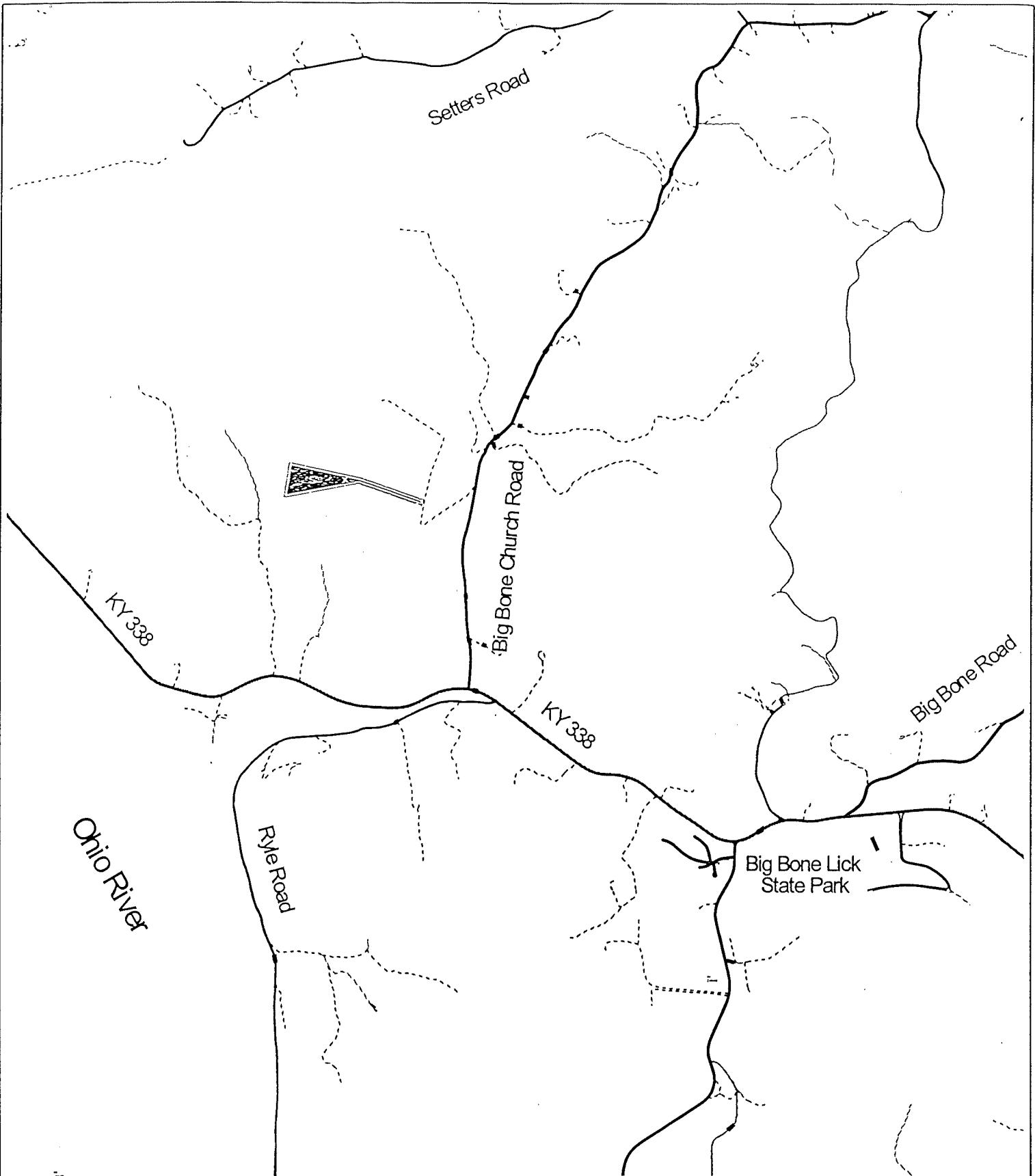
Attachments

- Location Map
- Site Map
- Zoning Map
- Property Plat

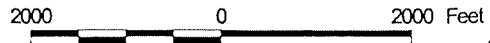
VARIANCE

The following reviews the criteria the Board must use to judge each Variance request:

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 or a nuisance to the public.
4. The Board should decide if the Variance will 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.
6. The Board should decide if 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. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the Zoning Regulation from which relief is sought.
8. 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 at the Zoning Regulation from which relief is sought.

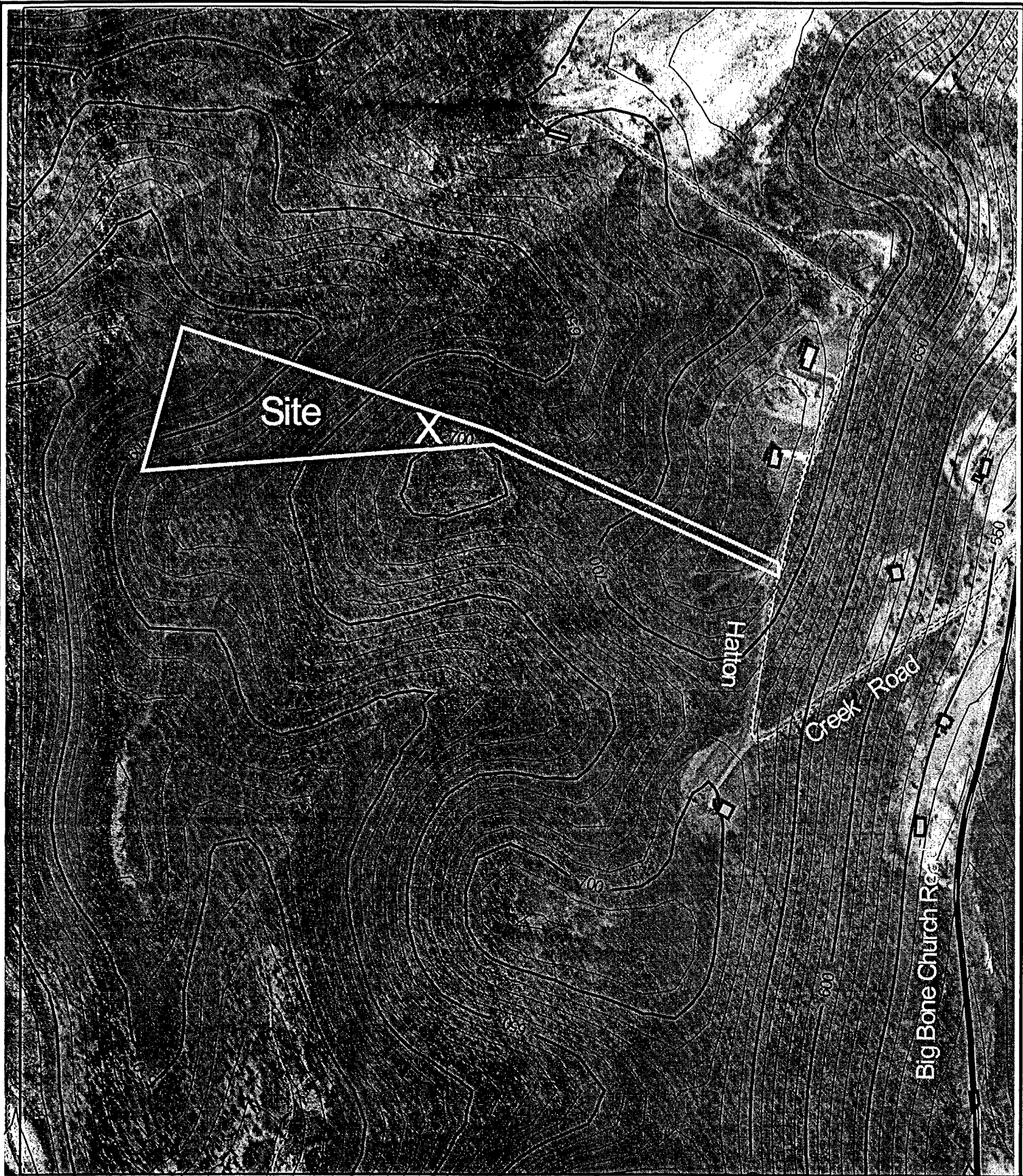


Perkins Location Map



1 inch equals 2000 feet
Produced by the
Boone County Planning Commission
GIS Services Division
May 7, 1997



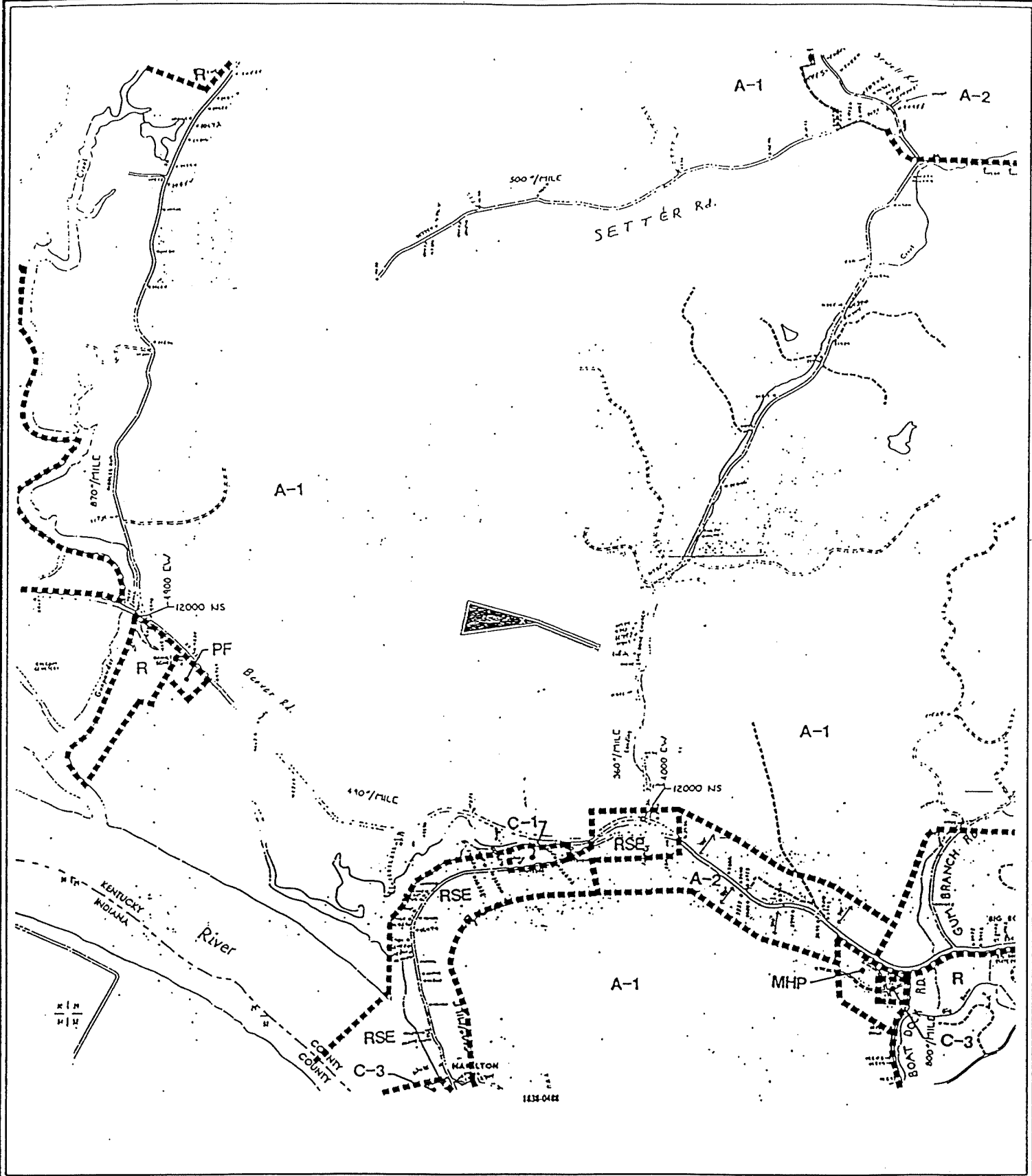


Perkins Site Plan

400 0 400 Feet

1 inch equals 400 feet
Produced by the
Boone County Planning Commission
GIS Services Division
May 7, 1997





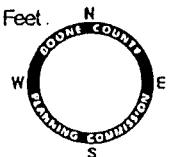
Zoning Map

2000 0 2000 Feet



1 inch equals 2000 feet
Produced by the
Boone County Planning Commission

May 8, 1997



COPY

CLUR# 97-BCBOA-003-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER (S)

Donna G Utz
1437 Dublin Place
Union, Kentucky 41091

2. ADDRESS OF PROPERTY

Hatton Creek Road
Boone County, Kentucky

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

DEED BOOK: 580

PAGE NO.:28

GROUP NO.: 2061

4. TYPE OF RESTRICTION (S) (Check all that apply)

___ Zoning Map Amendment:
From ___ to ___

___ Conditional Use Permit

___ Development Plan

___ Conditional Zoning

___ Subdivision Plat
(Unrecorded)

___ Other: Site Plan

X 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

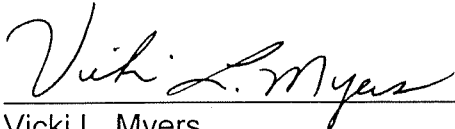
Edward Coleman, Planner

Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledge before me by Edward Coleman, on behalf of
the Boone County Planning Commission this 22st day of May 1997.

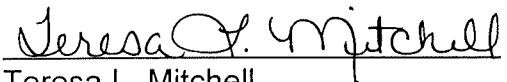


Vicki L. Myers
NOTARY PUBLIC, State at Large

My commission Expires:

April 17, 1999

This instrument was prepared for recording purposes only by:



Teresa L. Mitchell
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.)

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the Variance approved by the Boone County Board of Adjustment and in accordance with the current zoning in effect as of May 14, 1997 Certificate of Land Use Restriction (# 97-BCBOA-003.), for Donna G. Utz,
Property Owners

The following conditions will apply:

The approved Variance as well as the preceding conditions apply to the property described in: DEED BOOK 580 PAGE NO. 28 Group No. 2061