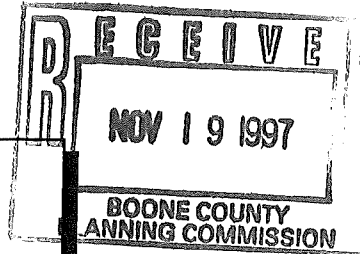


APPLICATION FORM



BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

See Boone County Zoning Regulations SECTION A (To be completed by applicant)

- 1. (Check One) Boone [checked] Florence _____ Walton _____ Union _____
2. (Check One) Conditional Use Permit _____ [checked] Variance _____ Appeal _____
3. Applicant's Name JOHN M. HARMELBY SR., Phone Number 606-371-1108 Fax No. _____ Applicant's Address 550 MT Zion Rd APT 186 FLORENCE KY 41091
4. Description of Request: I WOULD LIKE TO CHANGE THE SET BACK ZONING FROM 85 FEET FROM CENTER LINE OF ROAD TO A SET BACK OF 55 FEET FROM THE CENTER LINE OF THE ROAD DO TO THE TOPOGRAPHY OF THIS LOT
5. Name of Development NO NAME PRIVATE HOMES TO BE BUILT
6. Location of Development OLD CLERK LANE 4.13 ACRES BEING CALLED TRACT THREE FROM GROUP # 2067 NEXT TO CARL FRYE 12246 CLERK LANE
7. Acreage Under Review 4.13 ACRES
8. Lot Number and Name of Subdivision (if part of a subdivision) NONE
9. Owner of Property AT PRESENT TIME CARL FRYE YET LAND IS UNDER A CONTRACT TO MYSELF Phone Number of Owner 485-1707
10. Address of Property Owner 12246 CLERK LANE BOONE COUNTY KY 41094
11. Proposed Use(s) on Site TO BUILD A PRIVATE HOME
12. Total Square Footage of Existing and/or Proposed Buildings 1843 SQ FT.
13. Current Zoning on Property A-2 ZONE
14. Deed Book 251 Page No. 125 Group No. 2067
15. Is the site subject to a zone change? NOT THAT I AM AWARE OF
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: John M Harmelby SR.

Property Owner's Signature: Carl Frye John M Harmelby SR.

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 _____ Fee Received _____
2. Is application complete? Yes _____ No _____
3. Staff Reviewer [Signature] _____
4. Scheduled Board Action Date 12/10/97 _____
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: John M. Harmeling
LOCATION: Cleek Lane, Boone County, Kentucky
ZONING: Agricultural Estates (A-2)
DATE: December 10, 1997

Proposal

The applicant is requesting a Variance to allow a reduction of the front yard setback for a residence near the end of Cleek Lane, Boone County, Kentucky. The house will be placed on a 4.13 acre lot in an Agricultural Estate (A-2) zoning district. The portion of Cleek Lane that the lot has frontage onto is not county maintained.

The Boone County Zoning Regulations requires a minimum front yard setback of 60 feet from the right of way (property line) for any principally permitted structure (house) built in an Agricultural Estate (A-2) zoning district. The Applicant is requesting a Variance to reduce the front yard setback from 60 to 30 feet. The site is generally flat where the Applicant would prefer to build the house. The lot begins to slope severely away from Cleek Lane where the house would have to be constructed with the 60 foot front yard setback.

Action by the Board of Adjustment and Zoning Appeals

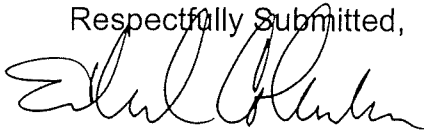
The Board of Adjustment and Zoning Appeals has the power to hear and decide on applications for variances. A variance is defined as a departure from dimensional terms of the zoning regulation pertaining to the height, width, or location of structures, and the size of yards and open spaces where such 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 for a proposed house on a 4.13 acre tract near the end of Cleek Lane, Boone County. It is Staffs' opinion that due to topographic conditions of the site, the Applicant's request for a Variance is appropriate. Staff believes that this request 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.

Respectfully Submitted,

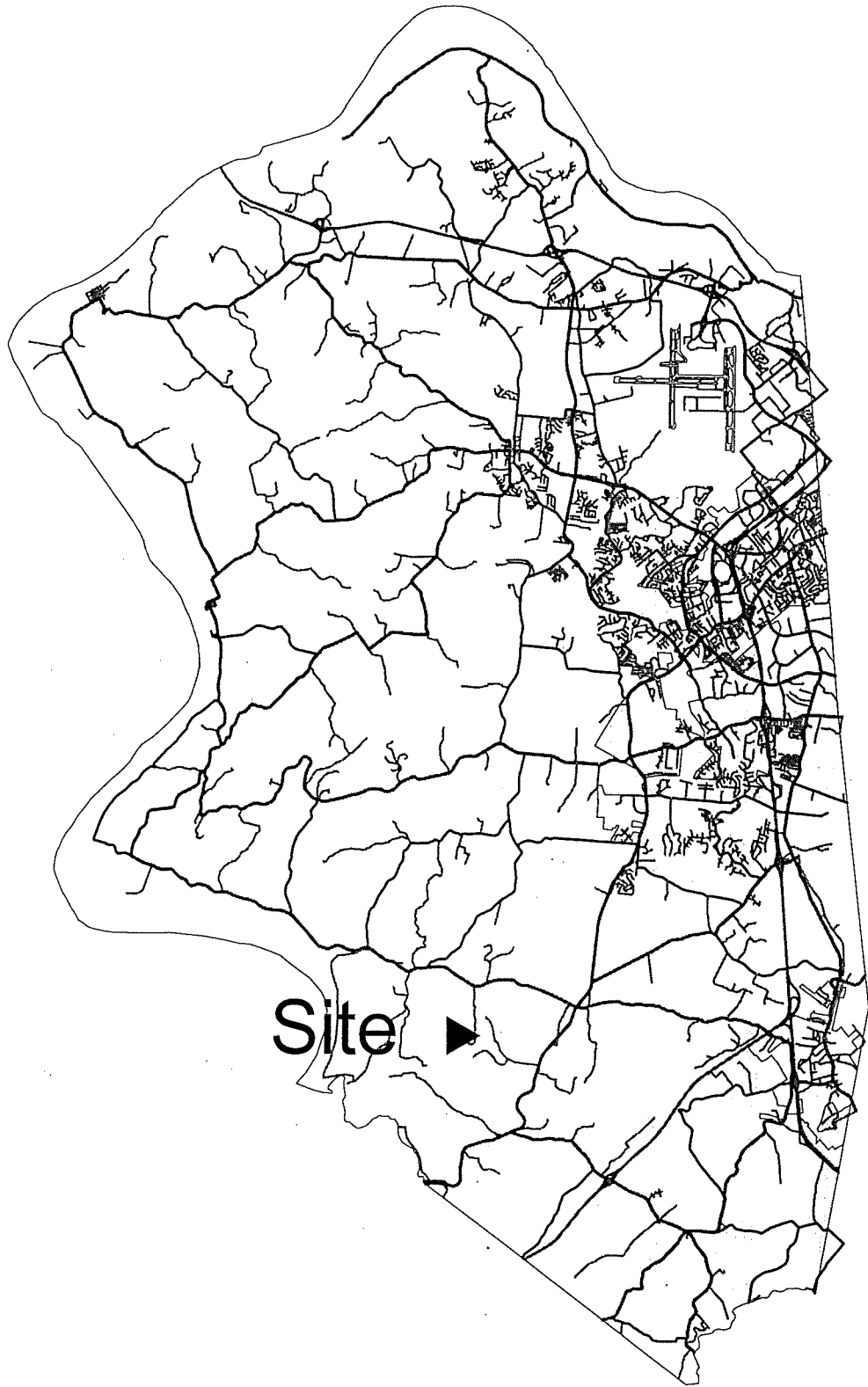
A handwritten signature in black ink, appearing to read "Edward Coleman", written over the typed name.

Edward Coleman
Planner

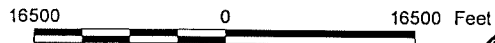
EC\pr

Attachments

- Location Map
- Aerial Photo
- Proposed Plot Plan



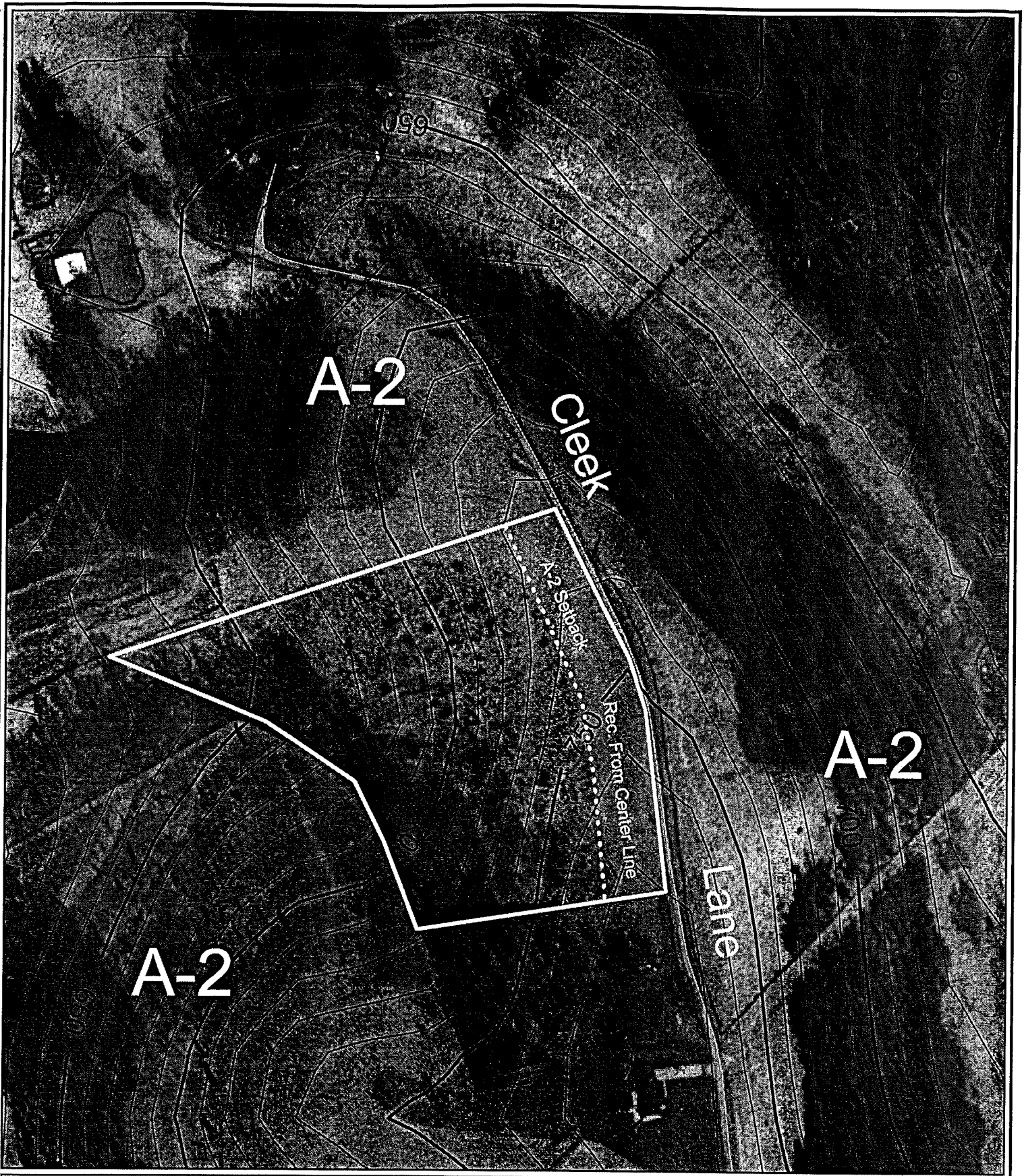
Site ▶



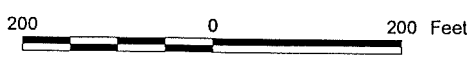
1 inch equals 16500 feet
Produced by the
Boone County Planning Commission
GIS Services Division
December 5, 1997



Location Map Cleek Lane



Cleek Lane Site Map



1 inch equals 200 feet
Produced by the
Boone County Planning Commission
GIS Services Division
December 5, 1997



CHANGERS AGREEMENT
 TRACT 1, TRACT 2, & TRACT 3 HAVE A 50 FOOT
 EASEMENT FROM END OF OLD CLEEK LANE
 TO RIGHT-OF-WAY INTO 50 FOOT EASEMENT
 INTO GRAVEL ROAD. DATE: _____

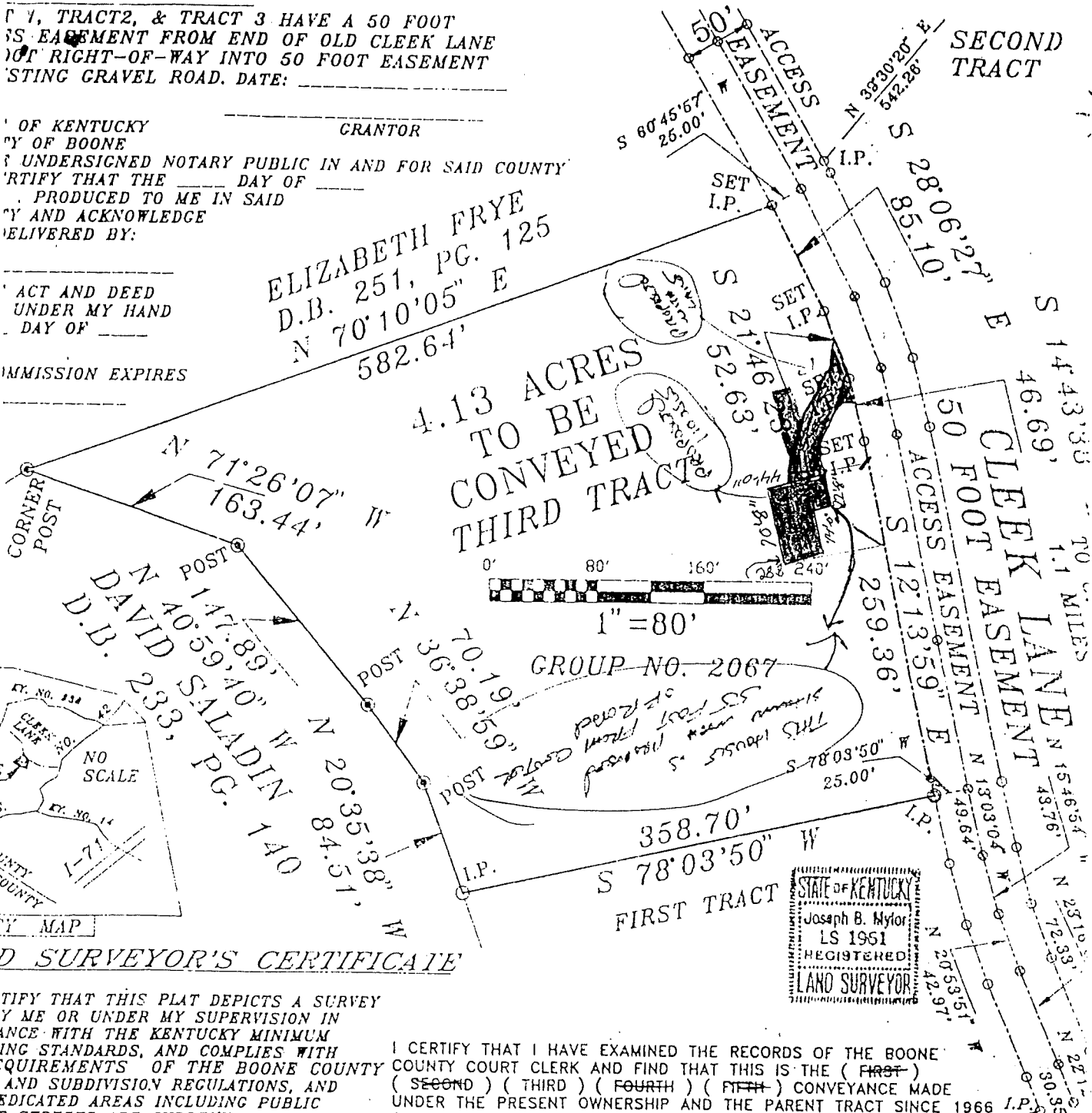
STATE OF KENTUCKY
 COUNTY OF BOONE
 I, UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID COUNTY
 CERTIFY THAT THE _____ DAY OF _____
 WAS PRODUCED TO ME IN SAID
 COUNTY AND ACKNOWLEDGED
 DELIVERED BY:

ACT AND DEED
 UNDER MY HAND
 THIS _____ DAY OF _____

COMMISSION EXPIRES _____

GRANTOR
 ELIZABETH FRYE
 D.B. 251, PG. 125
 N 70°10'05" E
 582.64'

4.13 ACRES
 TO BE
 CONVEYED
 THIRD TRACT



NOTARY SURVEYOR'S CERTIFICATE

I CERTIFY THAT THIS PLAT DEPICTS A SURVEY
 MADE BY ME OR UNDER MY SUPERVISION IN
 ACCORDANCE WITH THE KENTUCKY MINIMUM
 SURVEYING STANDARDS, AND COMPLIES WITH
 THE REQUIREMENTS OF THE BOONE COUNTY
 ZONING AND SUBDIVISION REGULATIONS, AND
 DESIGNATED AREAS INCLUDING PUBLIC
 UTILITIES STREETS ARE CURRENTLY OWNED BY
 THE PROPERTY OWNER.

I CERTIFY THAT I HAVE EXAMINED THE RECORDS OF THE BOONE
 COUNTY COURT CLERK AND FIND THAT THIS IS THE (FIRST)
 (SECOND) (THIRD) (FOURTH) (FIFTH) CONVEYANCE MADE
 UNDER THE PRESENT OWNERSHIP AND THE PARENT TRACT SINCE 1966
 OR FROM ADOPTION OF KRS 100.

12797
 JOSEPH B. MYLOR L.S. 1961

06/23/93
 DATE

JOSEPH B. MYLOR L.S. 1961

BOONE COUNTY PLANNING COMMISSION APPROVAL CERTIFICATE
 APPROVED FOR RECORDING THE TRANSFER OF PROPERTY ONLY BY THE
 BOONE COUNTY PLANNING COMMISSION THIS _____
 OF _____, 19____

PLAT OF SURVEY

| | | | | |
|---|---|---|---|--|
| BOONE COUNTY PLANNING COMMISSION | | TRACT NO. 3, WITH 50 FOOT ACCESS EASEMENT | | |
| BOONE COUNTY PLANNING COMMISSION P.O. BOX 430 200 FRANKLIN STREET MORGANFIELD, KY. 40359 TELEPHONE NO. (606) 542-0941 | ACTING SURVEYOR DESIGNED BY: J.B. MYLOR DRAWN BY: J.B. MYLOR CHECKED BY: J.B. MYLOR APPROVED BY: J.B. MYLOR REGISTRATION NO. KY 1961 | BOONE COUNTY DATE 06/23/93 SCALE 1"=80' REGISTERED | SCALE 1"=80' DATE 06/23/93 PROPERTY TO BE CONVEYED BY: ELIZABETH FRYE D.B. 251, PG. 125 GROUP NO. 2067 | BOONE COUNTY, KY. CONVEYANCE OF TRACT 3, 4.13 ACRE WEST OF CLEEK LANE EXTENDED |

COPY

CLUR # 97-BCBOA-019-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER (S)

Carl Frye
12246 Cleek Lane
Walton, Kentucky 41094

2. ADDRESS OF PROPERTY

Cleek Lane
Boone County, Kentucky

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

DEED BOOK: 251

PAGE NO.:125

GROUP NO.:2067

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:

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

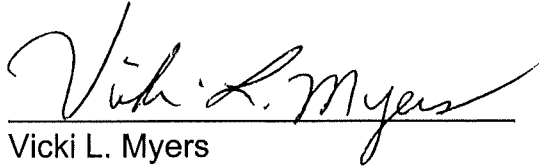
Edward Coleman, Planner

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 9th day of January 1998.

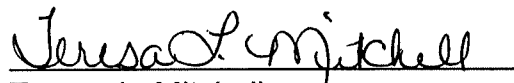


Vicki L. Myers
NOTARY PUBLIC, State at Large

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 Adjustments and in accordance with the current zoning in effect as of December 10, 1997 Certificate of Land Use Restriction (# 97-BCBOA -016-A), for Carl Frye, property Owners

The following conditions will apply: No Conditions

The approved Variance as well as the preceding conditions apply to the property described in: DEED BOOK 251 PAGE NO. 125 Group No. 2067