APPLICATION FORM

RECEIVED
JUN 15 1998
BOONE COUNTY PLANNING COMMISSION

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

(Check One)

2. _____ Conditional Use Permit ✓ Variance _____ Appeal
   _____ Change in Non-Conforming Use
3. Applicant's Name ROBERT MIZE
   Phone Number 606 371 0960 Fax No. 606 371 4928
   Applicant's Address 5889 GREEN DR.
   FLORENCE, BOONE CO. KY 41042
   City State Zip
4. Description of Request: HOUSE ADDITION LESS THAN 30 FT SET BACK. A 5' VARIANCE IS NEEDED.
5. Name of Development GREENVIEW SUB. LOT # 24 + PORT OF 22.
6. Location of Development ROUTE 18 & GREENVIEW DR.
7. Acreage Under Review _____
8. Lot Number and Name of Subdivision (if part of a subdivision)
9. Owner of Property ROBERT MIZE
   Phone Number of Owner 371 0960 10.
   Address of Property Owner 5889 GREEN DR. FLO KY 41042.
   City State Zip
11. Proposed Use(s) on Site HOUSE ADDITION
12. Total Square Footage of Existing and/or Proposed Buildings 1200' EXISTING 1404' ADDITION
13. Current Zoning on Property RESIDENTIAL
14. Deed Book 429 Page No. 48 Group No. ~~352~~ 2033A
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: RB Mize

Property Owner's Signature: RB Mize

(over)

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 Ed Colmlu
4. Scheduled Board Action Date 7/8/98
5. Board Action:
   X **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: **Robert Mize**

LOCATION: 5889 Green Drive, Boone County, Kentucky

ZONING: Suburban Residential One (SR-1)

DATE: July 8, 1998

Proposal

The applicant is requesting a Variance to allow a reduction in the front yard setback for the purpose of constructing an addition on an existing house at 5889 Green Drive. The residence is part of the Greenview Subdivision. The subdivision was developed before Boone County adopted zoning regulations. Many of the houses within the subdivision contain setbacks that would not meet the current front yard setback requirements for a Suburban Residential One (SR-1) zoning district if not for the fact that the houses are pre-existing. The applicant's residence has a front yard setback of approximately 26 feet from the porch to the right of way. The addition is to be located along the southern side of the residence and extend four feet beyond the porch. The new addition would sit approximately 22 feet from the right of way along Green Drive.

The Boone County Zoning Regulations requires a minimum front yard setback of 30 feet from the right of way (property line) for any principally permitted structure (house) built in a Suburban Residential One (SR-1) zoning district.

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

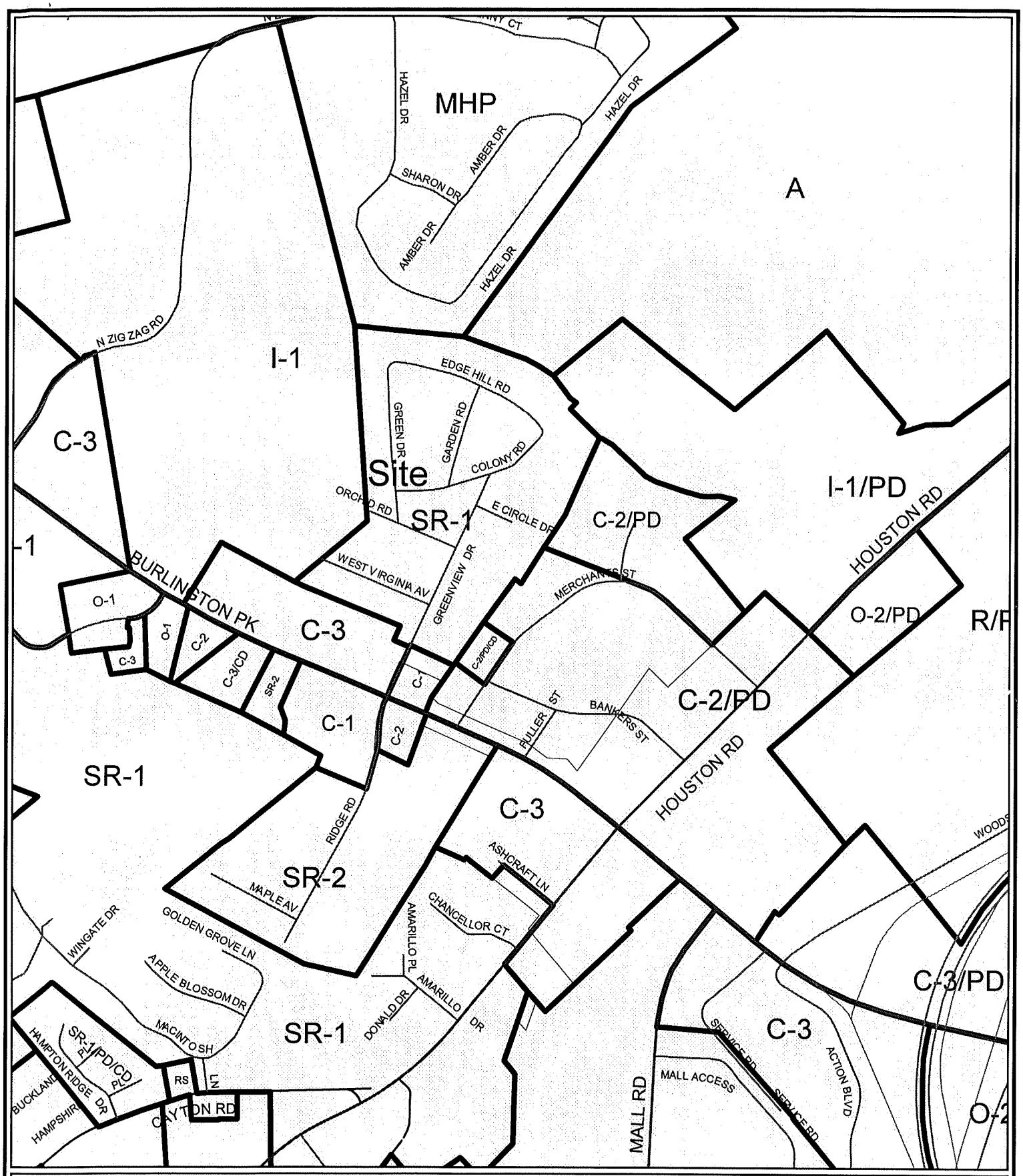
K.R.S. 100.241 gives the Boone County Board of Adjustment and Zoning Appeals the authority to grant the Applicant's request for a Variance to reduce the front yard setback for an addition on an existing house at 5889 Green Drive. It is Staff's opinion that the proposed Variance will not adversely affect 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. Because many of the existing residences within the subdivision do not meet the current front yard setback, granting this request will not alter or negatively impact the character of the neighborhood.

Respectfully Submitted,

Edward Coleman
Planner

EC\pr

Attachments
-Location Map
-Aerial Photo
-Proposed Addition



Mize Property
5889 Green Drive

800 0 800 Feet

1 inch equals 800 feet
Produced by the
Boone County Planning Commission
GIS Services Division
June 26, 1998

Mize Property
5889 Green Drive

50 0 50 Feet

1 inch equals 50 feet
Produced by the
Boone County Planning Commission
GIS Services Division
June 25, 1998

N
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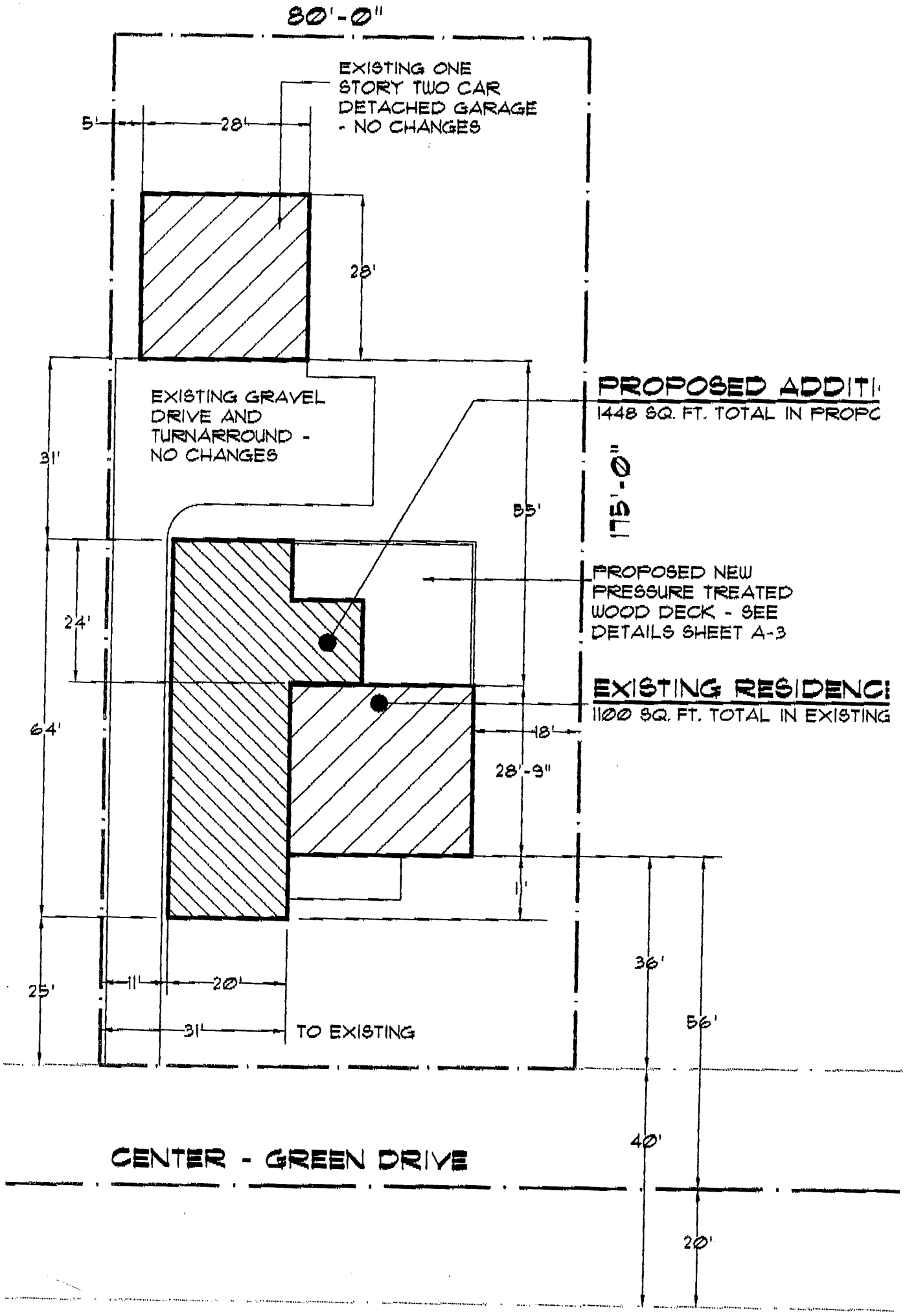
S


80'-0"
EXISTING ONE STORY TWO CAR DETACHED GARAGE - NO CHANGES
5'
28'
28'
EXISTING GRAVEL DRIVE AND TURNARROUND - NO CHANGES
PROPOSED ADDITI
1448 SQ. FT. TOTAL IN PROPO
175'-0"
31'
55'
PROPOSED NEW PRESSURE TREATED WOOD DECK - SEE DETAILS SHEET A-3
24'
EXISTING RESIDENCE
1100 SQ. FT. TOTAL IN EXISTING
64'
18'
28'-9"
1'
36'
25'
11'
20'
31'
TO EXISTING
56'
40'
CENTER - GREEN DRIVE
20'

COPY

CLUR # 98-BCBOA-011-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER (S)
Robert Mize
5889 Green Drive
Florence, KY 41042

ADDRESS OF PROPERTY
5889 Green Drive
Boone County, Kentucky

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Greenview Subdivision

DEED BOOK: 429 PAGE NO.:48 GROUP NO.: 2033A

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

___ Zoning Map Amendment: From____ to____

___ Development Plan

___ Subdivision Plat (Not Recorded)

_X_ Variance

____ Conditional Use Permit

____ Conditional Zoning

____Other:

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 13th day of August 1998.

Vicky 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.)

CLUR# 98-BCBOA-011-A

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 July 8, 1998 Certificate of Land Use Restriction (# 98 BCBOA -011-A), for Robert Mize, Property Owners

The following conditions will apply: 1). No Conditions

The approved Variance as well as the preceding conditions apply to the property described in: DEED BOOK 429 PAGE NO. 48 Group No. 2033 A