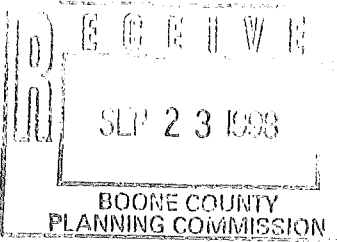


APPLICATION FORM



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 PHILIP E. MARTIN Phone Number 485-2378 Fax No. 485-2378 Applicant's Address 1880 STEPHENSON Mill Rd. VERONA, Ky 41092
4. Description of Request: ASKING FOR VARIANCE OF REQUIRED SETBACK DIMENSIONS
5. Name of Development _____
6. Location of Development CORNER OF HIGHWAY 16 & STEPHENSON Mill Rd.
7. Acreage Under Review 5.0749 ACRES
8. Lot Number and Name of Subdivision (if part of a subdivision) 2255 STEPHENSON Mill Rd
9. Owner of Property PHILIP MARTIN Phone Number of Owner 485-2378 Address of Property Owner 1880 STEPHENSON Mill Rd VERONA Ky 41092
10. City State Zip
11. Proposed Use(s) on Site SINGLE FAMILY HOME w/ ACCESSORY USE
12. Total Square Footage of Existing and/or Proposed Buildings 1973 SQ.FT.
13. Current Zoning on Property RSE
14. Deed Book 297 Page No. 197 Group No. 2077
15. Is the site subject to a zone change? NO
16. Have you submitted a Site Plan with this request? NO, AS SOON AS SURVEYOR SET PLAN
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: Philip E. Martin

Property Owner's Signature: Philip E. Martin

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 9-23-98 Fee Received \$494.00 R# 18259
2. Is application complete? Yes No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
 Approved
 Approved with Conditions (See #6) 10/14/98
 Denial (See #7)
6. Conditions of Approval: The applicant will provide a beam in the rear yard w/ trees planted on the beam subject to staff review.
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: Philip Mastin

DEVELOPMENT: Philip Mastin

LOCATION: Northwest Corner of the intersection of KY 16 and Stephenson Mill Road (2255 Stephenson Mill Road)

ZONING: Rural Suburban Estates (RSE)

DATE: October 14, 1998

Proposal

The applicant is requesting a Variance to allow a single family residence to encroach 15' into the required 40' rear yard setback. The existing house is on the northwest corner of the intersection of KY 16 and Stephenson Mill Road and is still in the process of construction. The house sits on an approximate 5 acre site in a Rural Suburban Estates (RSE) zoning district.

Boone County Zoning Regulations

The Boone County Zoning Regulations requires a minimum 40' rear yard setback for any principally permitted structure (house) built in a Rural Suburban Estates (RSE) zoning district. The Applicant submitted a Zoning Permit Application and received approval from the Planning Commission on April 29, 1998. The Applicant's plot plan, which was included with the application, indicated that the location of the house would comply with the rear yard setback requirement.

Dimensional Variance

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.

Variations 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, 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 rear yard setback for the existing house at 2255 Stephenson Mill Road, Boone County, Kentucky.

The Board should evaluate the applicant's request as it relates to the criteria necessary for granting a Variance, stated in Article 2, Section 251 of the Boone County Zoning Regulations.

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:

- a. The requested Variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;
- b. 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;
- c. the circumstances are 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 regulation by the applicant subsequent to the adoption of the zoning regulation from which relief is sought.

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. However, the circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulations from which relief is sought.

Respectfully Submitted,

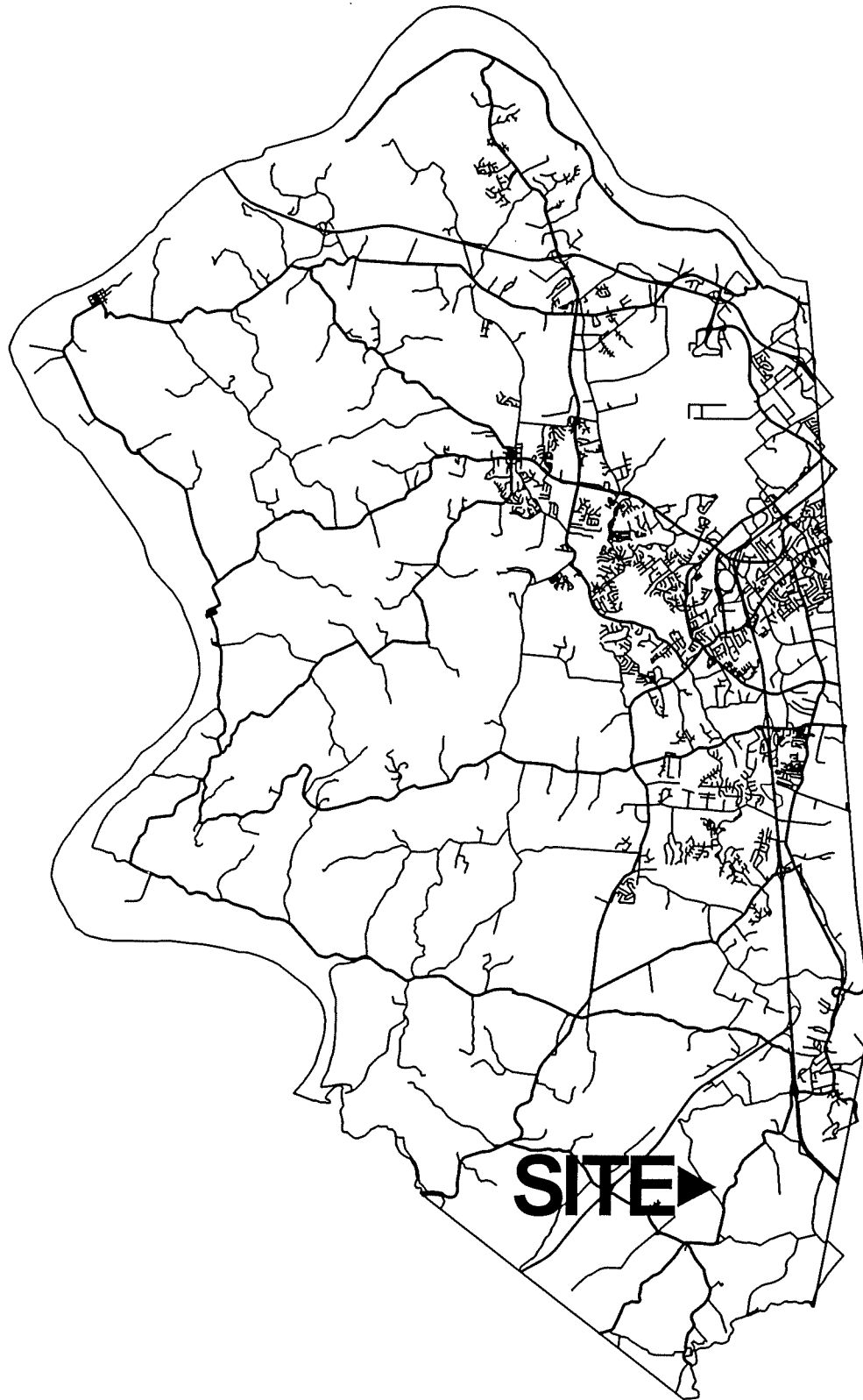


David R. Doerger
Planner

DRD\pr

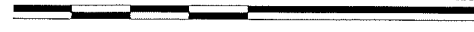
Attachments

- Location Map
- Site Plan/Location
- Plot Plan
- Zoning Permit Application

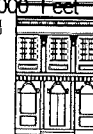


Location Map

20000 0 20000 Feet



1 inch equals 16300 feet
Produced by the
Boone County Planning Commission
GIS Services Division
October 7, 1998





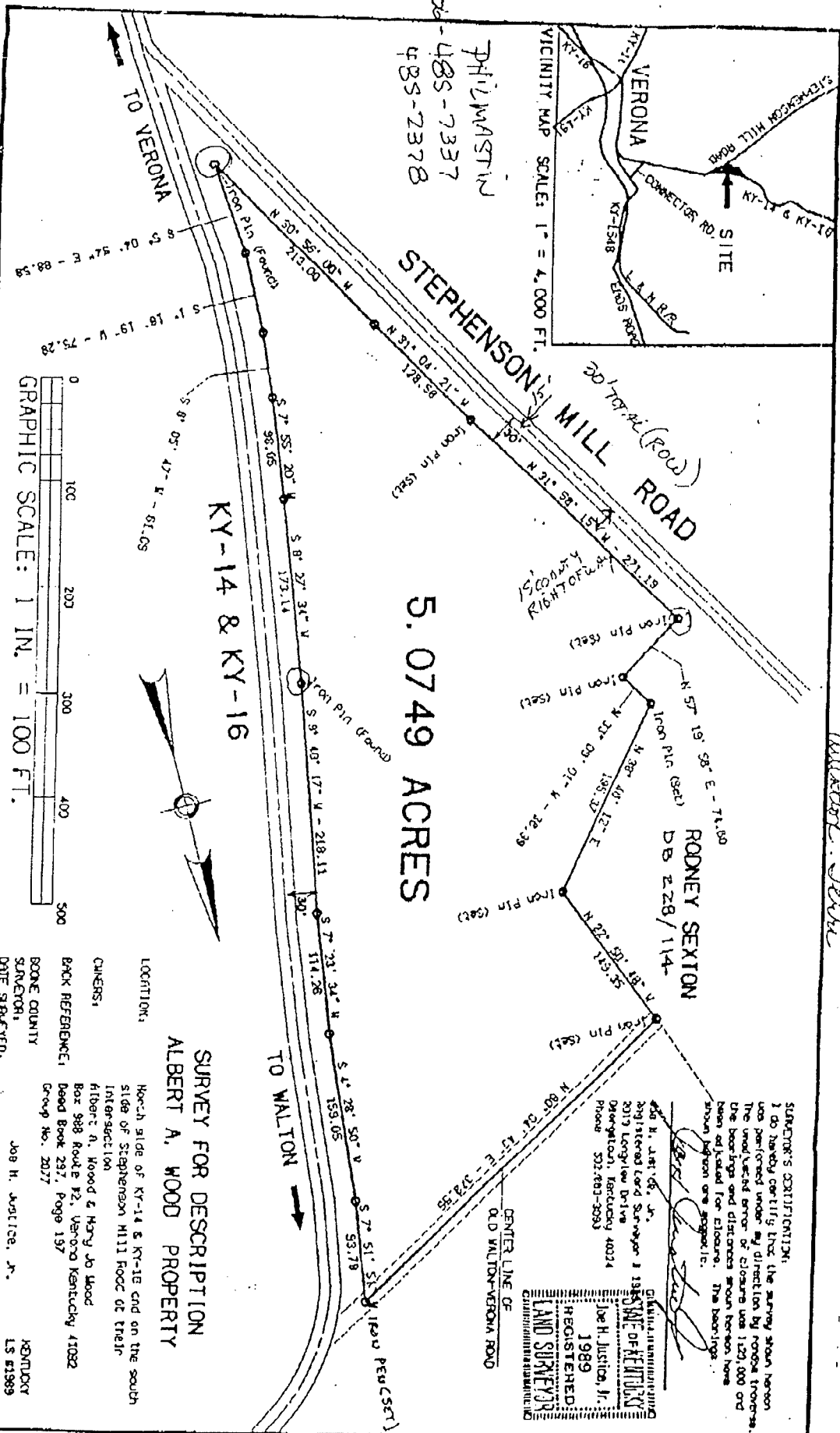
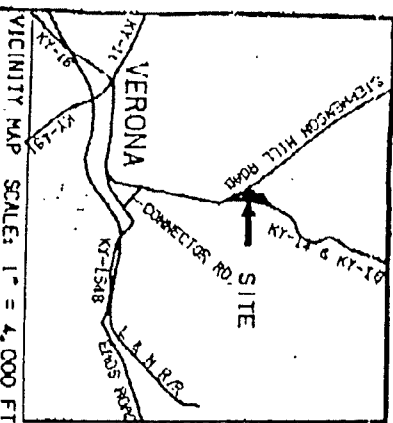
Site Map

200 0 200 Feet

1 inch equals 100 feet
Produced by the
Boone County Planning Commission
GIS Services Division
October 7, 1998



PHILWASTIN
 485-7337
 485-2378



5.0749 ACRES

GRAPHIC SCALE: 1 IN. = 100 FT.

**SURVEY FOR DESCRIPTION
 ALBERT A. WOOD PROPERTY**

LOCATION: North side of KY-14 & KY-16 and on the south side of Stephenson Mill Road at their intersection
 OWNERS: Albert A. Wood & Mary Jo Wood
 BACK REFERENCE: Road Book 297, Page 197
 Boone County Surveyor,
 DATE SURVEYED, _____
 Job H. Justice, Jr.
 September 2, 1989

STATE OF KENTUCKY
 REGISTERED LAND SURVEYOR
 1989
 Joe H. Justice, Jr.
 Phone 324-883-2093

RODNEY SECTION
 DB Z 28 / 114-

Albert A. Wood

STATEMENT:
 I do hereby certify that the survey shown herein was performed under my direction by rodmen true to the best of my skill and ability. The bearings and distances shown herein have been calculated for closure. The bearings shown herein are magnetic.



COMMONWEALTH OF KENTUCKY
DEPARTMENT OF HOUSING, BUILDINGS AND CONSTRUCTION
DIVISION OF BUILDING CODES ENFORCEMENT

1047 U.S. Highway 127 S, Suite 1
FRANKFORT, KENTUCKY 40601-4337
TEL. (502) 564-8090
FAX (502) 564-6799

PAUL E. PATTON
GOVERNOR

JACK M. RHODY, P.E.
DIRECTOR

April 17, 1998

Mr. Jim Key
5958 Garrard St.
Burlington, KY 41005

Re: KIBS NUMBER: 01A-094-9804
MODEL NAME: Andover, 2 Story
MODEL NUMBER: TSAB (27.33' x 36') (1968 SF)
USE GROUP: Single-Family Dwelling

Dear Mr. Key:

Please be advised that the above referenced Industrialized Building System (IBS) has been sold and will be placed within your jurisdiction.

This office has reviewed and approved the plans of the referenced IBS as required by Chapter 1, Section 105.2 of the 1997 Kentucky Building Code. We have also made a factory inspection of this unit or have obtained a copy of an approved 3rd Party Inspection Agency report. This approval does not constitute the approval of the Division of Plumbing or other authorities having jurisdiction.

If your jurisdiction has extended the KBC to cover single family dwellings then you will need to inspect all foundation work and final delivery of the unit. If you do not regulate single family dwellings then please disregard this letter.

Enclosed, for your information, is a copy of the factory delivery notification.

If you should have any questions, please feel free to call or write.

Sincerely,

Terry M. Slade
Assistant Director

TMS/mlw
E-mail: tslade@mail.state.ky.us

Copy: Unibilt Industries, Inc., Manufacturer
Best Built Homes, Inc., Dealer
Tim Faust, Division of Plumbing

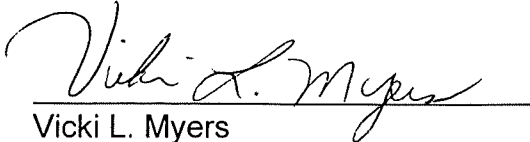
An Equal Opportunity Employer M/F/D

Printed on recycled paper

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

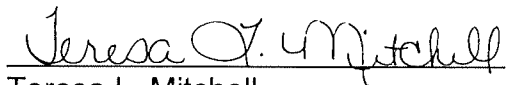
Subscribed, sworn to, and acknowledge before me by David Doerger, on behalf of the
Boone County Planning Commission this 12th day of November 1998.



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 October 14, 1998 Certificate of Land Use Restriction (# 98 BCBOA-022-A), for Philip E. Mastin, Property Owners

The following conditions will apply: 1). That the variance be granted with the conditions that a berm be placed on the back side and on top of the berm will be 6' to 8' white pines: and the house will be bricked.

The approved Variance as well as the preceding conditions apply to the property described in: DEED BOOK 297 PAGE NO. 197 Group No. 2077