

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 _____
- (Check One)
2. _____ Conditional Use Permit _____ Variance _____ Appeal _____
 _____ Change in Non-Conforming Use _____
3. Applicant's Name ANDREW P & GAIL YESUL
 Phone Number 606-371-3560 Fax No. _____
 Applicant's Address 1835 KNOLLMONT DR.
FLORENCE, KY. 41042
 City State Zip
4. Description of Request: WE WOULD LIKE TO PUT A 19'0" x 16'0" SCREENED IN DECK ON THE BACK OF OUR HOME
5. Name of Development THE GROVES OF OAKBROOK
6. Location of Development FLORENCE KY.
7. Acreage Under Review _____
8. Lot Number and Name of Subdivision (if part of a subdivision)
LOT # 19 THE GROVES
9. Owner of Property ANDREW P & GAIL YESUL
 Phone Number of Owner 606-371-3560 10. _____
 Address of Property Owner 1835 KNOLLMONT DR. FLO. KY 41042
 City State Zip
11. Proposed Use(s) on Site SCREENED IN DECK
12. Total Square Footage of Existing and/or Proposed Buildings _____
13. Current Zoning on Property SR1
14. Deed Book 713 Page No. 94 Group No. 3725-2032
15. Is the site subject to a zone change? UNKNOWN
 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: Andrew P Yesul Gail Yesul

Property Owner's Signature: Andrew P Yesul Gail Yesul

BOARD OF ADJUSTMENT AND
ZONING APPEALS ACTION
APPLICATION
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SECTION B (To be completed by the Boone County Planning Commission Staff)

1. Date Received NOV 17, 1998 Fee Received 408.00 R# 18788
2. Is application complete? Yes No
3. Staff Reviewer DAVID R. DOERGER
4. Scheduled Board Action Date _____
5. Board Action:
12/9/98 **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: Andrew P. and Gail Yesul
DEVELOPMENT: Andrew P. and Gail Yesul
LOCATION: 1835 Knollmont Drive, Boone County, Kentucky
ZONING: Suburban Residential One/Planned Development (SR-1/PD)
DATE: December 9, 1998

Proposal

The applicant is requesting a Variance to allow a 15' reduction in the 30' rear yard setback on a lot in an SR-1/PD zoning district. The applicant is requesting the Variance in order to construct a 19' x 16' screen porch onto the rear of an existing single family residence.

Boone County Zoning Regulations

The Boone County Zoning Regulations requires a minimum 30' rear yard setback for any principally permitted structure (house) built in a Suburban Residential One (SR-1) zoning district. This site is also within a Planned Development Overlay District as part of the Oakbrook Subdivision. In a Planned Development Overlay District setbacks may vary from the standard requirements of the underlying zones. Since this subdivision was not approved with an alternate rear yard setback, principal structures must comply with the 30' rear yard setback requirement of the underlying SR-1 zone. A Zoning permit Application for the existing single family residence received approval from the Planning Commission on May 8, 1998.

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 1835 Knollmont Drive, 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.

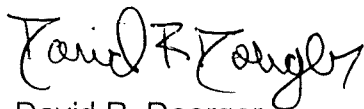
Before any Variance is granted, the Board must find that the granting of the Variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable 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.

Respectfully Submitted,

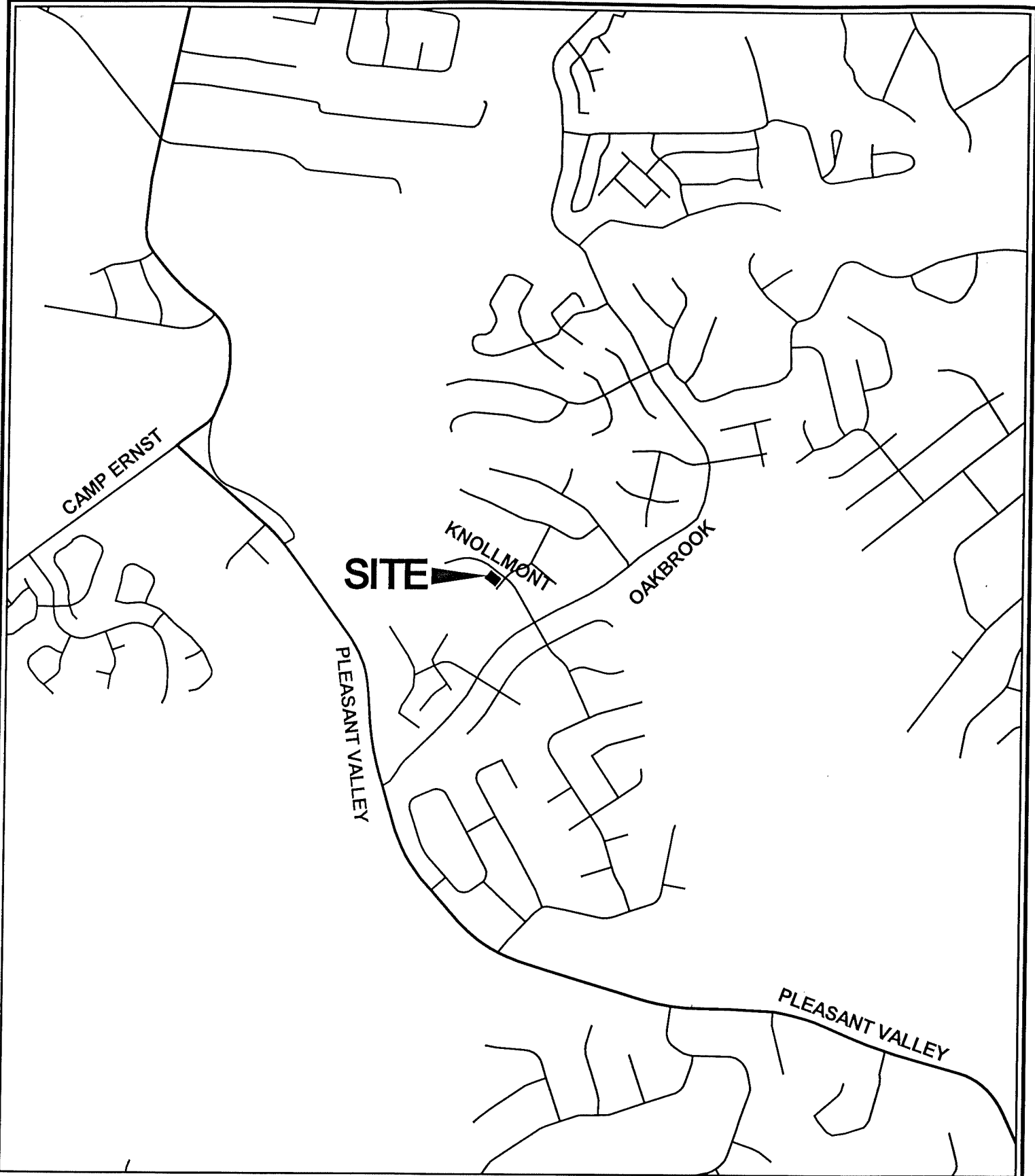


David R. Doerger
Planner

DRD\pr

Attachments

- Vicinity Map
- Plot Plan



VICINITY MAP

1000 0 1000 Feet



1 inch equals 1300 feet
Produced by the
Boone County Planning Commission
GIS Services Division
December 3, 1998



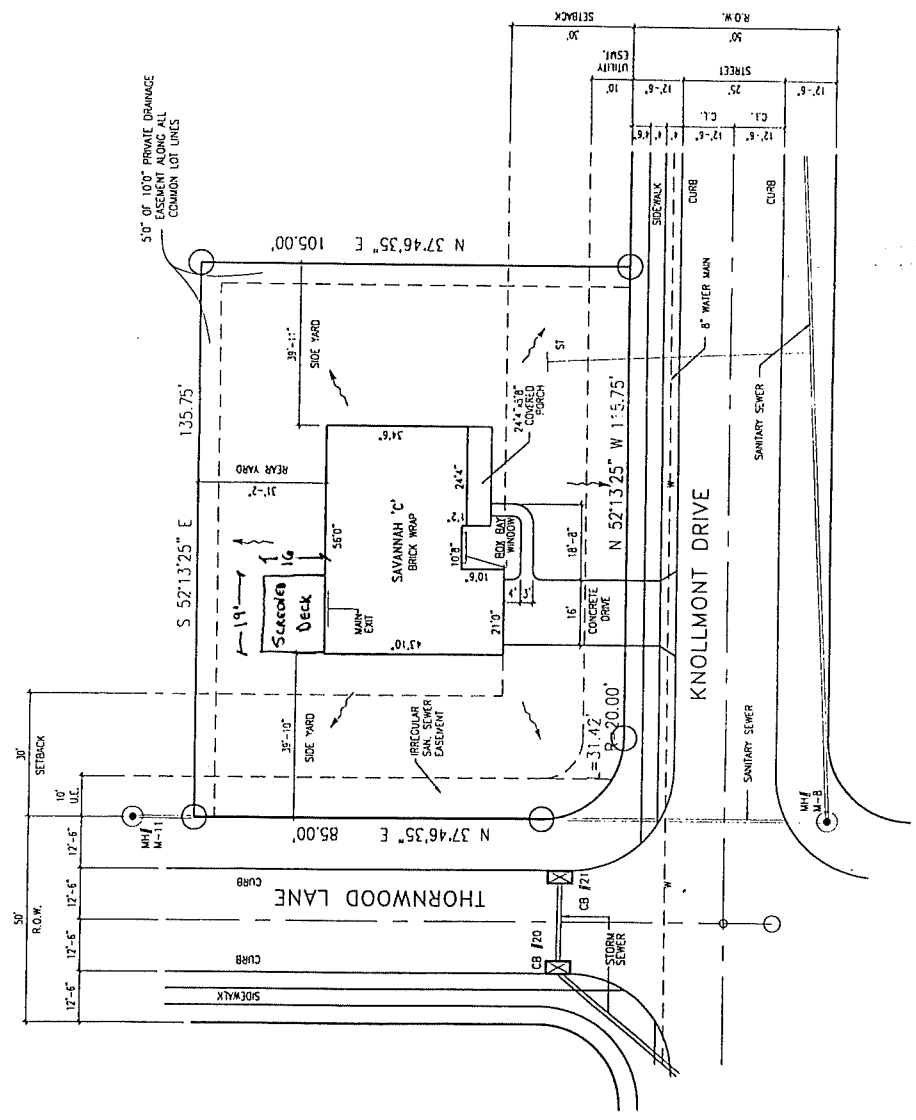
DESCRIPTION

LOT #19
 OAKBROOK SUBDIVISION
 THE GROVES
 PHASE M, PART ONE
 BOONE COUNTY,
 KENTUCKY



SUBDIVISION NOTES

- EXTERIOR STEPS WITH CONCRETE PAD IF/AS REQUIRED BY GRADE
- THE JACOING (MINIMUM 3'-0" X 3'-0") AT THE EXTERIOR OF AN
- THE SIDEWALK SHALL BE NOT MORE THAN 8 1/4" BELOW THE TO
- EXTERIOR CONCRETE PLATWORK LOCATED AT THE REAR OF THE
- HOUSE TO BE PER CONTRACT SELECTION SHEETS
- FIELD DETERMINE EXACT RADIUS AND LOCATION OF CURVES AT HOUSE
- SIDEWALK



CONTRACT REVISIONS:	REV. NO.	REV. DATE	REV. BY	REV. DESCRIPTION

CONTRACT NO.	TRISH	CUSTOMER	YESUL	SHEET NO.
PHONE 1-811-4327	4327			
CONTRACT DATE	04/20/98	JOB #	TG-019	P.1



PLOT PLAN BY:	TH B. 1423	SHEET DESCRIPTION	PLOT PLAN
PHONE EXT. NO.			SCALE: 1" = 30'-0"
PLOT PLAN DATE	04/23/98		

PER ITEM #1 OF DRES CO. GENERAL SPECS
 THIS IS NOT A LEAS SURVEY FOR PERMIT PURPOSES ONLY
 HOUSE MAY BE FIELD ADJUSTED OR LOT CORRECTED WITHIN LOCAL
 ORDINANCES & SETBACKS OF LOCAL ZONING.

The Drees Company
 111 Springwood Drive
 Fort Mitchell, Kentucky 41017
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12-9-98

COPY

CLUR # 98-BCBOA-025-A
CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER (S)
Andrew P. & Gail Yesul
1835 Knollmont Drive
Florence, Kentucky 41042

2. ADDRESS OF PROPERTY
1835 Knollmont Drive
Florence, Kentucky

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

DEED BOOK: 713 PAGE NO.: 94 GROUP NO.: 2032

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

- Zoning Map Amendment: From _____ To _____
- Conditional Use Permit
- Development Plan
- Conditional Zoning
- Subdivision Plat (Not Recorded)
- Other: _____
- 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

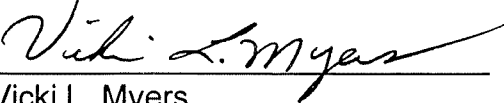
David Doerger
SIGNATURE OF COMPLETING OFFICIAL

David Doerger, Planner
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

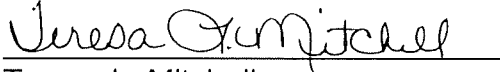
Subscribed, sworn to, and acknowledge before me by David Doerger, on behalf of the
Boone County Planning Commission this 16th day of December, 1998.



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 9, 1998 Certificate of Land Use Restriction (# 98 BCBOA-025-A), for Andrew and Gail Yesul, 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 713 PAGE NO. 94 Group No. 2032