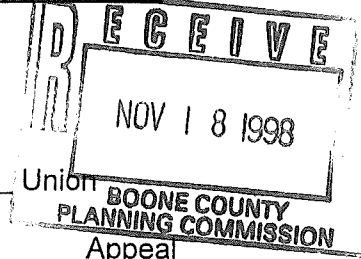


APPLICATION FORM

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 ANTHONY ZIMMERMAN - d/b/a - A.2A. CONSTRUCTION  
 Phone Number 282-7314 Fax No. 586-0533  
 Applicant's Address 760 TIMBER LAKE  
INDEPENDENCE, KY 41051  
 City State Zip

4. Description of Request: Add Deck to House 12x12

5. Name of Development DEER CREEK  
 6. Location of Development NEBRON, KY

7. Acreage Under Review N/A

8. Lot Number and Name of Subdivision (if part of a subdivision)  
27 DEER CREEK

9. Owner of Property A2A Construction  
 Phone Number of Owner 282-7314 10. Address of Property Owner \_\_\_\_\_

11. Proposed Use(s) on Site Putting Deck on new home that  
Doesn't have enough Room in Back Yard  
 City State Zip

12. Total Square Footage of Existing and/or Proposed Buildings 2001

13. Current Zoning on Property \_\_\_\_\_

14. Deed Book 663 Page No. 281 Group No. 3877 2002

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? \_\_\_\_\_

17. Have you submitted a list of adjoining property owners with this request? \_\_\_\_\_

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: Anthony Zimmerman

Property Owner's Signature: Anthony Zimmerman

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 11-18-98 Fee Received 420.00 / R18797
2. Is application complete?  Yes  No
3. Staff Reviewer D JOEBGER
4. Scheduled Board Action Date \_\_\_\_\_
5. Board Action:  
727 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:** Anthony Zimmerman

**DEVELOPMENT:** Anthony Zimmerman

**LOCATION:** Lot 27 of the Deer Creek Subdivision, Bloomfield Court, Boone County, Kentucky

**ZONING:** Suburban Residential One (SR-1)

**DATE:** December 9, 1998

### Proposal

The applicant is requesting a Variance to allow a 12' reduction in the 30' rear yard setback on a lot in an SR-1 zoning district. The applicant is requesting the Variance in order to construct a 12' x 12' deck onto the rear of a 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. A Zoning Permit Application for the existing single family residence received approval from the Planning Commission on September 28, 1998 and is presently under construction.

### 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 Lot 27 of the Deer Creek Subdivision, Bloomfield Court, 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,

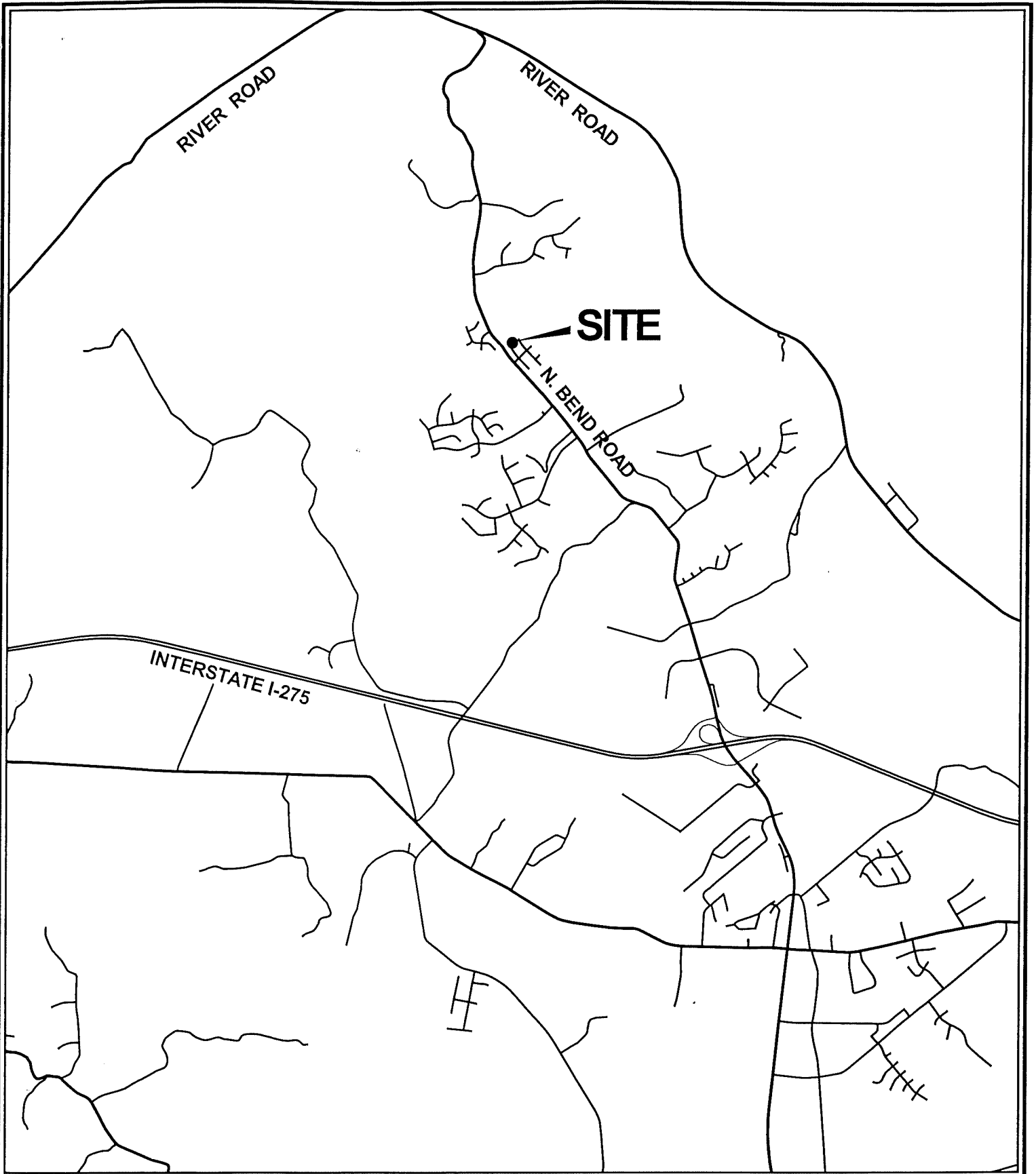


David R. Doerger  
Planner

DRD\pr

Attachments

- Vicinity Map
- Plot Plan
- Zoning Permit Application



# VICINITY MAP

3500 0 3500 Feet

1 inch equals 3500 feet  
Produced by the  
Boone County Planning Commission  
GIS Services Division  
December 3, 1998



NAME OF APPLICANT AND ADDRESS: A2A Const. 760 Timber Ln Indep. Ky

NAME OF PROPERTY OWNER AND ADDRESS: \_\_\_\_\_

**NOTICE**

I, or we, understand and agree that all construction work will be performed in accordance with this Zoning Permit Application, the Boone County Zoning Regulations and the Boone County Subdivision Regulations.

APPLICANT'S SIGNATURE: *Anthony Zimmerman*

DATE: 9-22-98 Phone Number: 282-7314

Review # \_\_\_\_\_

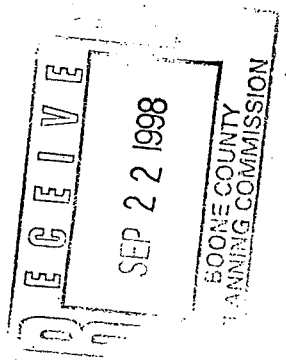
**This Portion of the Application to be Completed  
the Boone County Planning Commission**

Zoning District <u>SR-1</u>	Date <u>9/28/98</u>	Fee <u>40.00</u>	<u>35.00</u>
Approved <input checked="" type="checkbox"/>	Denied <input type="checkbox"/>	<u>15.00</u>	None
Staff Reviewer <u>Bruce Horn</u>	Address/Location <u>1010 Bloomfield Ct.</u>		
Subdivision <u>Deer Creek</u>			
Lot # <u>27</u>	Section # <u>1</u>	Block/Phase #	

*RH*  
~~18234~~  
18234

*Approved without  
Deck. Deck class  
NOT meet fees  
set-back.  
B.H.*

Type of Improvement	
<input checked="" type="checkbox"/> Single Family Residence	<input type="checkbox"/> Detached Garage
<input type="checkbox"/> Duplex	<input type="checkbox"/> Garage Addition
<input type="checkbox"/> Three Family	<input type="checkbox"/> Porch or Deck
<input type="checkbox"/> Apartment (# units _____)	<input type="checkbox"/> Barn or Shed
<input type="checkbox"/> Townhouse (# units _____)	<input type="checkbox"/> Swimming Pool
<input type="checkbox"/> Mobile Home	<input type="checkbox"/> Tenant Finish
<input type="checkbox"/> Residential Addition	<input type="checkbox"/> Other:
Jurisdiction	
<input checked="" type="checkbox"/> Boone County	<input type="checkbox"/> Florence
<input type="checkbox"/> Walton	<input type="checkbox"/> Union
Post Office	
<input type="checkbox"/> Burlington	<input type="checkbox"/> Florence
<input type="checkbox"/> Walton	<input type="checkbox"/> Union
<input checked="" type="checkbox"/> Hebron	<input type="checkbox"/> Verona
<input type="checkbox"/> Petersburg	<input type="checkbox"/> Erlanger
<input type="checkbox"/> Crittenden	
Group # <u>2002</u> - Reference Group # _____ Census Tract # <u>704</u>	



COPY

CLUR # 98-BCBOA-026-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER (S)

AZA Construction  
760 Timber Lane  
Independence, Kentucky 41051

2. ADDRESS OF PROPERTY

Lot #27  
Boone County, Kentucky

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Deer Creek Subdivision

DEED BOOK: 663

PAGE NO.: 281

GROUP NO.: 2002

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

Zoning Map Amendment:  Conditional Use Permit  
 From      To     

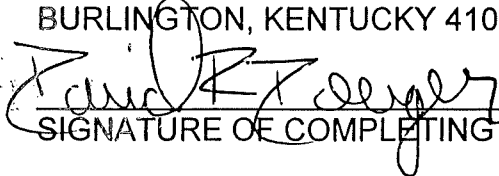
Development Plan  Conditional Zoning

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

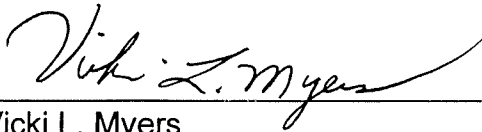
  
SIGNATURE OF COMPLETING OFFICIAL

David Doerger, Planner  
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

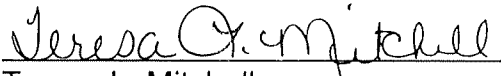
Subscribed, sworn to, and acknowledge before me by David Doerger, on behalf of the  
Boone County Planning Commission this 16<sup>th</sup> day of December, 1998.



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-026-A), for AZA Construction, 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 663 PAGE NO. 281 Group No. 2002