

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 \_\_\_\_\_ Florence \_\_\_\_\_ Walton \_\_\_\_\_ Union \_\_\_\_\_
- 2. (Check One)  
\_\_\_\_\_ Conditional Use Permit  Variance \_\_\_\_\_ Appeal \_\_\_\_\_  
\_\_\_\_\_ Change in Non-Conforming Use \_\_\_\_\_
- 3. Applicant's Name Patrick Sweeney  
Phone Number (606) 485-6990 Fax No. \_\_\_\_\_  
Applicant's Address 883 Catlett Dr.  
Crittenden KY 41030  
City State Zip
- 4. Description of Request: We would like a setback variance in order to build a house. The house will replace the existing trailer.
- 5. Name of Development \_\_\_\_\_
- 6. Location of Development \_\_\_\_\_
- 7. Acreage Under Review 5,000 sq feet (1/8 of an acre)
- 8. Lot Number and Name of Subdivision (if part of a subdivision)  
Lot Number 1 ; Catlett Subdivision
- 9. Owner of Property Clinton Sweeney  
Phone Number of Owner (606) 727-2618 10.  
Address of Property Owner Erlanger KY 41018  
City State Zip
- 11. Proposed Use(s) on Site To build a house
- 12. Total Square Footage of Existing and/or Proposed Buildings \_\_\_\_\_
- 13. Current Zoning on Property RSE
- 14. Deed Book 126 Page No. 257, 258, 259 Group No. 2090
- 15. Is the site subject to a zone change? \_\_\_\_\_  
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.

X Applicant's Signature: Patrick Sweeney

Property Owner's Signature: Clinton Sweeney

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 8-18-99 Fee Received \$408.00/21625
2. Is application complete?  Yes  No
3. Staff Reviewer Mark Jordan
4. Scheduled Board Action Date September 8, 1999
5. Board Action:  
 **Approved**  
 **Approved with Conditions (See #6)**  
 **Denial (See #7)**
6. Conditions of Approval: No Conditions
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:** Patrick Sweeney

**LOCATION:** Lot 1 of the Catlett Subdivision, 883 Catlett Road, Boone County, Kentucky

**ZONING:** Rural Suburban Estates (RSE)

**DATE:** September 8, 1999

### Proposal

The applicant is requesting a Variance to allow a reduction of the rear yard setback for the construction of a 1,232 square foot Single Family Detached dwelling on Lot 1 of the Catlett Subdivision, Boone County, Kentucky. The Boone County Zoning Regulations requires a minimum setback of 40 feet for the front and rear yards in the Rural Suburban Estates (RSE) zoning district for a Single Family Detached dwelling. The enclosed drawing submitted by the applicant indicates that the Lot is 50 feet in width, and 100 feet in depth, for a total lot size of 5,000 square feet. The drawing indicates that the 40 foot minimum front yard setback requirement will be met, however, because of the proposed location of the house, and the narrowness in depth of the lot, the applicant will not be able to meet the 40 foot minimum rear yard setback requirement. The applicant is proposing a rear yard setback of 16 feet, for a total variance of 24 feet. If the Variance is granted, the result will be a smaller rear yard setback. The front and side yard setbacks, along with the appearance of the residence from Catlett Road will not be affected.

### Action by 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 height, width, or location of structures, and the size of open spaces where such departure meets the requirements of K.R.S. 100.241 to 100.247.

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 a reasonable capacity to make use of the land in a manner equivalent to other land owners 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 rear yard setback for the proposed 1,232 square foot Single Family Detached dwelling on Lot 1 of the Catlett Subdivision. The applicant's proposal must be determined by the criteria listed in K.R.S. 100.241 to 100.247.

Respectfully Submitted,

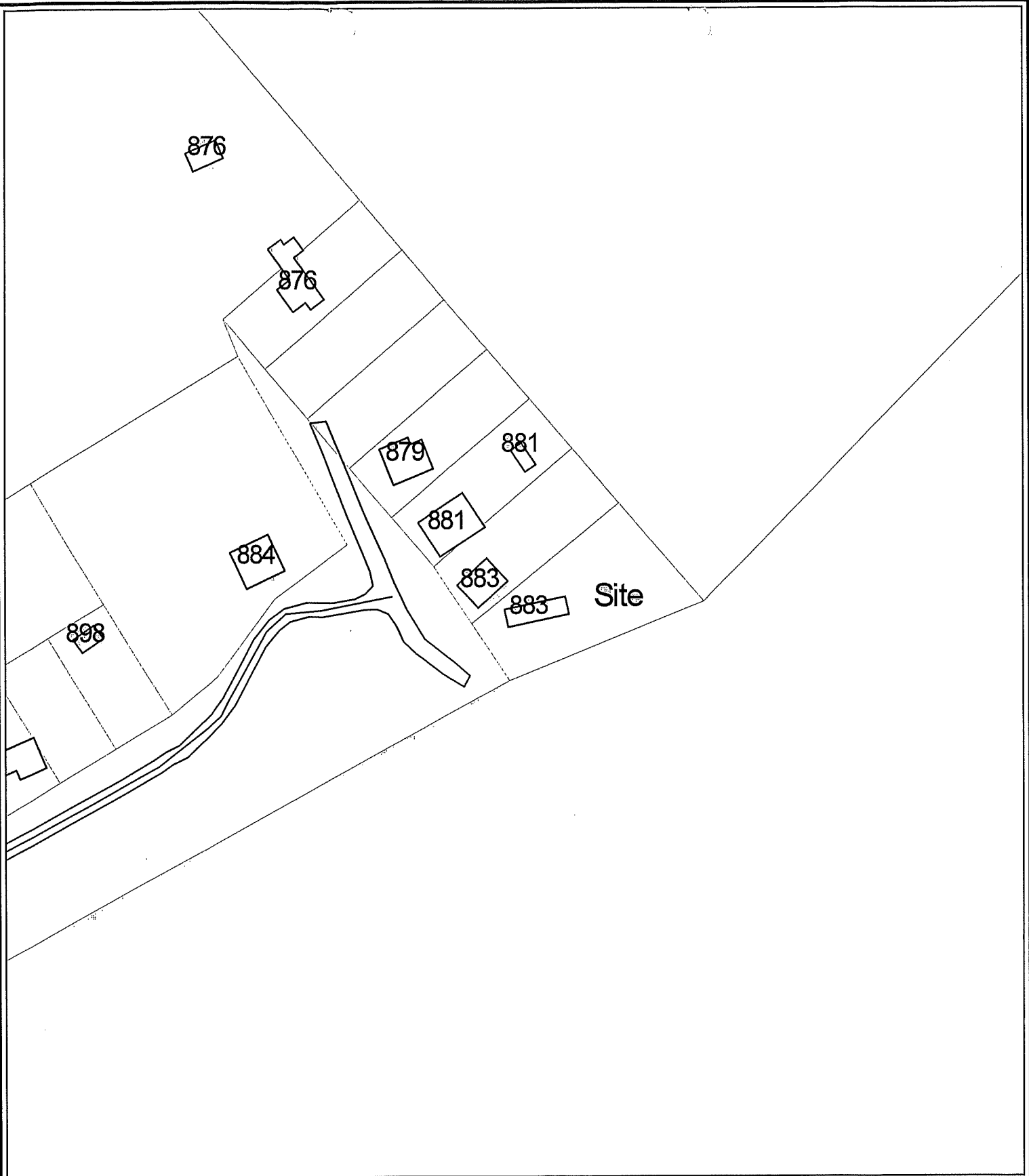


Mark E. Jordan  
Planner

MEJ\pr

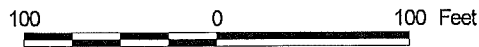
Attachments

- Site Vicinity Map
- Zoning Map
- Plot Plan with proposed 1,232 square foot Single Family Detached dwelling



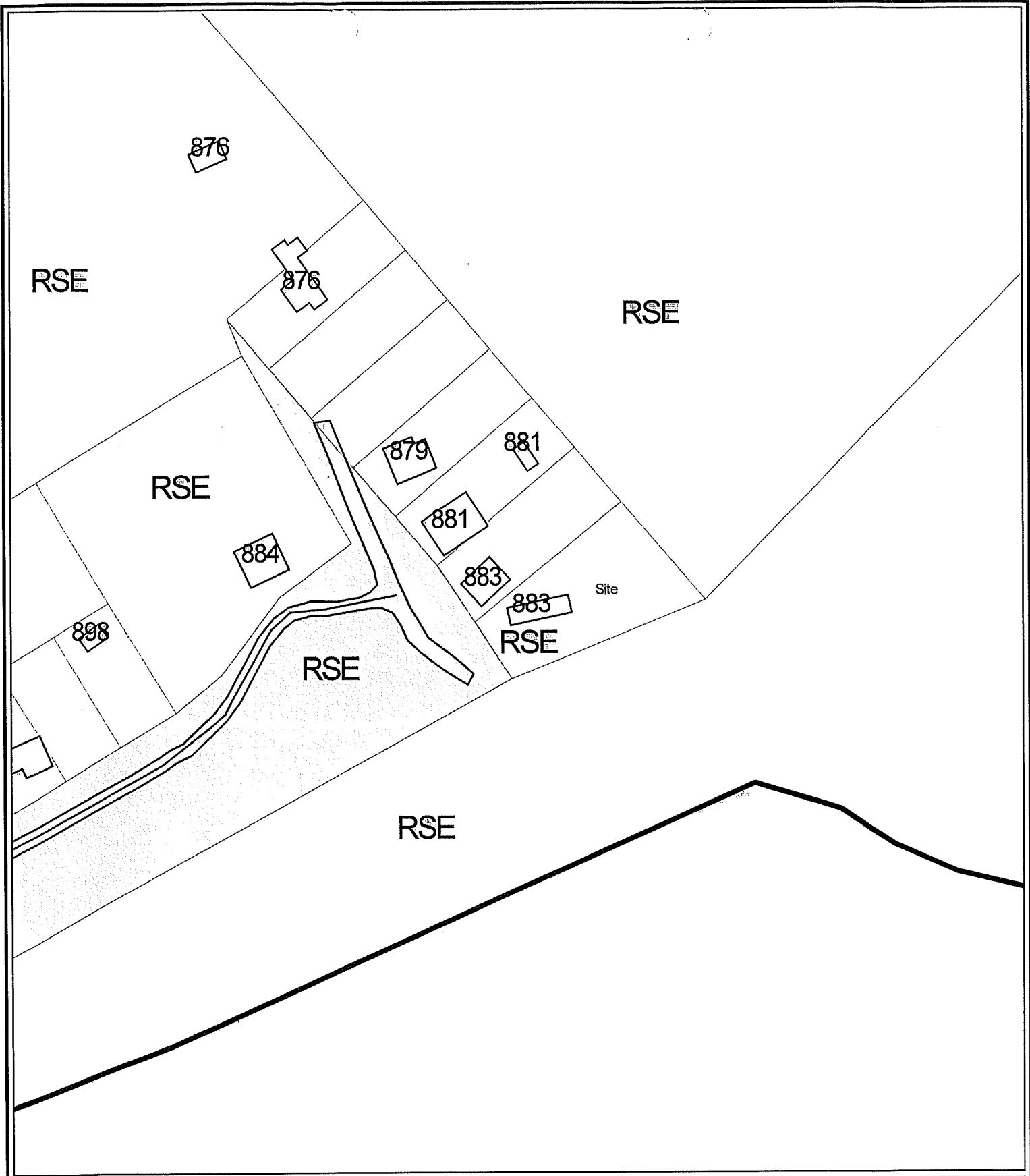
# Site Vicinity Map

## 883 Catlett Road



1 inch equals 100 feet  
Produced by the  
Boone County Planning Commission  
GIS Services Division  
August 23, 1999





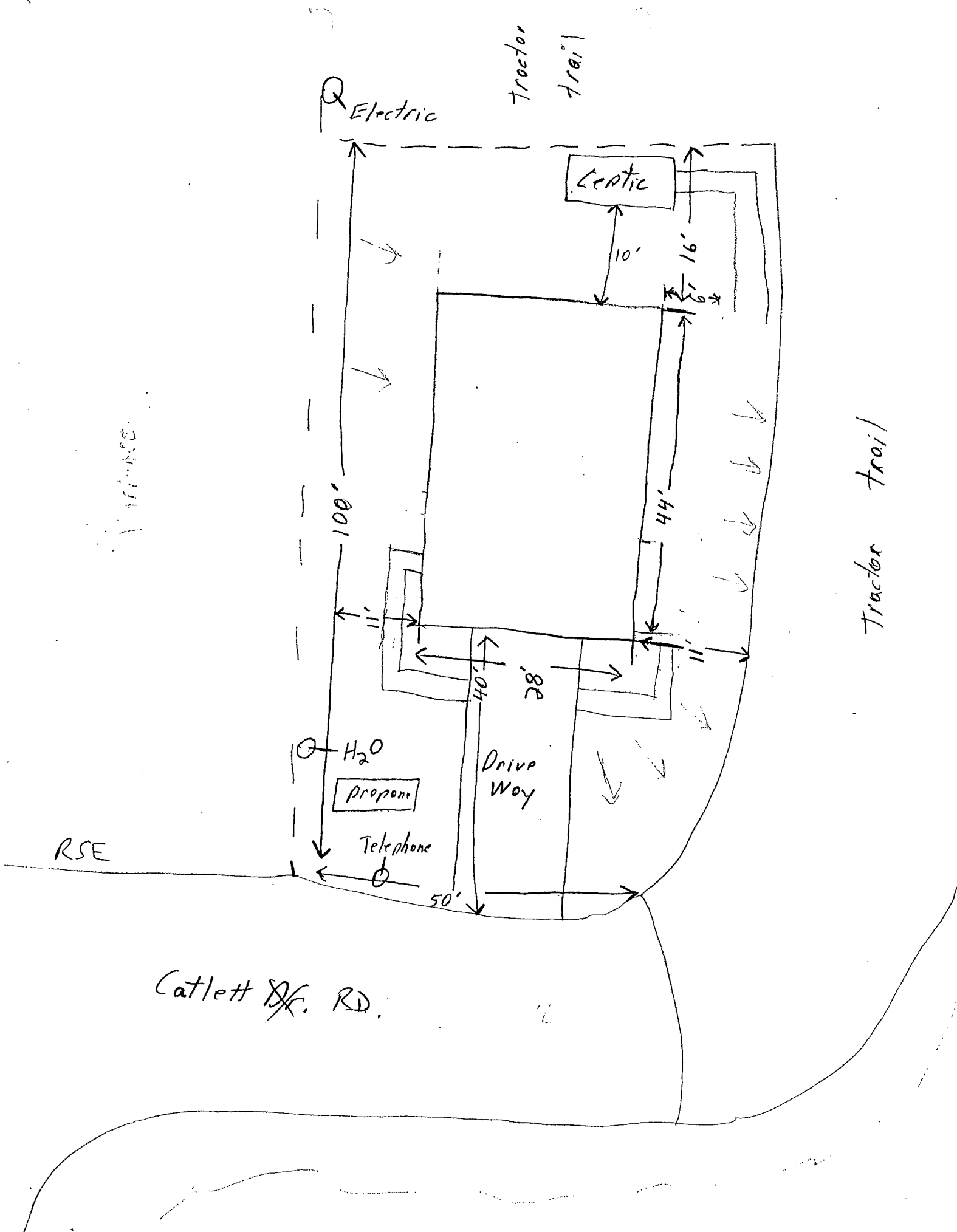
# Zoning Map

## 883 Catlett Road



1 inch equals 100 feet  
 Produced by the  
 Boone County Planning Commission  
 GIS Services Division  
 August 23, 1999





9-8-99

COPY

CLUR # 99-BCBOA-016-A

CERTIFICATE OF LAND USE RESTRICTION

- 1. NAME AND ADDRESS OF PROPERTY OWNER (S)  
Clinton Sweeney  
883 Catlett Drive  
Crittenden, Kentucky 41030
  
- 2. ADDRESS OF PROPERTY  
Lot #1  
Crittenden, Kentucky 41030
- 3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)  
Catlett Subdivision
  
- 3. DEED Bk# 126                      PAGE # 257                      GROUP # 2090
  
- 4. TYPE OF RESTRICTION(S) (Check all that apply)
  - Zoning Map Amendment:                       Conditional Use Permit
  - From  To
  - Development Plan                                       Conditional Zoning
  - Subdivision Plat                                       Other:
  - (Not Recorded)
  - 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

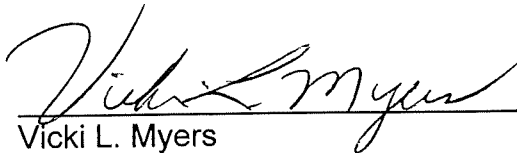
  
SIGNATURE OF COMPLETING OFFICIAL

Mark Jordan, Planner, Zoning Services  
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledge before me by Mark Jordan on behalf of the  
Boone County Planning Commission this 21<sup>st</sup> day of September 1999.



Vicki L. Myers  
NOTARY PUBLIC, State at Large

My commission Expires:  
April 17, 2003

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 September 8, 1999 Certificate of Land Use Restriction (# 99-BCBOA-016-A), for Clinton Sweeney, Property Owners.

The following conditions will apply: No Conditions

The approved Variance well as the preceding conditions apply to the property described in: DEED BOOK 126 PAGE NO. 257 Group No. 2090