

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 WILBERT C LEAD BEATER  
Phone Number 384-7258 Fax No. \_\_\_\_\_  
Applicant's Address 2025 LAFITTE COURT  
UNION KY 41091  
City State Zip
- 4. Description of Request: BUILD DECK 12X18  
REDUCE REAR YARD setback FROM 20' to 10'
- 5. Name of Development TREME ORLEANS
- 6. Location of Development FLORENCE
- 7. Acreage Under Review \_\_\_\_\_
- 8. Lot Number and Name of Subdivision (if part of a subdivision)  
303 TREME ORLEANS
- 9. Owner of Property WILBERT C LEAD BEATER  
Phone Number of Owner 384-7258
- 10. Address of Property Owner 2025 LAFITTE COURT  
UNION KY 41091  
City State Zip
- 11. Proposed Use(s) on Site TO BUILD NEW DECK
- 12. Total Square Footage of Existing and/or Proposed Buildings 15-181
- 13. Current Zoning on Property \_\_\_\_\_
- 14. Deed Book 860 Page No. 940 Group No. 2038A
- 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: W. Lead Beater

Property Owner's Signature: W. Lead Beater

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 10/22/03 Fee Received \$519.00 R 36964
2. Is application complete?  Yes  No
3. Staff Reviewer Todd Morgan
4. Scheduled Board Action Date \_\_\_\_\_
5. Board Action:  
11-12-03  Approved  
 Approved with Conditions (See #6)  
 Denial (See #7).
6. Conditions of Approval: SEE 11-12-03 FLORENCE  
BOARD OF ADJUSTMENT MEETING  
MINUTES
7. Reasons for Denial: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Boone County Planning Commission  
2995 Washington Street  
Burlington, Kentucky 41005  
(859) 334-2196 - Phone  
(859) 334-2264 - Fax  
plancom@boonecountyky.org - E-mail  
[www.boonecountyky.org](http://www.boonecountyky.org) - Web Page

**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: Wilbert C. Leadbeater  
LOCATION: 2025 Lafitte Court, Florence, Kentucky  
ZONING: Suburban Residential One/Planned Development (SR-1/PD)  
DATE: November 12, 2003

### Proposal

The applicant is requesting a variance for a reduction in the 20 foot rear yard setback requirement, for property located at 2025 Lafitte Court, Florence, Kentucky. The applicant has requested that the rear yard setback be reduced by 10 feet (see attached Concept Plan) so that a 12' x 18' elevated deck can be constructed onto the rear of a single-family dwelling.

### Applicable Regulations

Article 2, Section 250 of the Boone County Zoning Regulations states that the Board of Adjustment and Zoning Appeals shall have the power to hear and decide on applications for variances. A variance is defined as a departure from the 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 KRS 100.241 to 100.247.

The Board should evaluate the applicant's request as it relates to the criteria necessary for granting a variance as stated in Section 251 of the Boone County Zoning Regulations:

1. 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 nuisance to the public, and will not allow an unreasonable circumvention of the requirements contained in the zoning regulations.
  - 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 contained in 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 regulation from which relief is sought.

2. 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.

Article 31, Section 3123 of the Boone County Zoning Regulations states that "open structures such as porches, canopies, balconies, platforms, carports, covered patios, and similar architectural projections which occupy space three (3) or more feet above the general ground level of the yard shall be considered parts of the building to which attached and shall not project into the minimum front, side, or rear yard."

#### Site Characteristics and Zoning

The property is located in Orleans - North Subdivision and is zoned Suburban Residential One/Planned Development (SR-1/PD). The parcel adjoins other single-family residential lots to the north, south, east, and west.

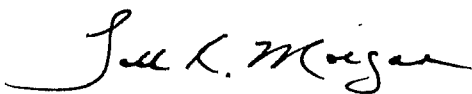
#### Staff Comments

1. The house is currently 22½ feet from the rear property line and the rear yard setback requirement is 20 feet (see attached Concept Plan).
2. Staff is concerned that the proposed variance will reduce the rear yard setback to 10 feet. Staff believes that the request could impact the future owners of the lots to the north. On the other hand, the applicant has purchased a house with a second story walkout door that currently does not connect to a structure. Without obtaining a dimensional variance the walkout door will be virtually useless.
3. If the Board grants the Variance, Staff recommends that the applicant should be required to plant two (2) evergreen trees in his rear yard to buffer his property from the lots to the north (lots 167 & 168). The trees should be at least 6 feet tall at the time of planting.

#### Conclusion

KRS 100.241 and Section 250 of the Boone County Zoning Regulations gives the Florence Board of Adjustment and Zoning Appeals the authority to grant the applicant's request for a rear yard setback variance.

Respectfully submitted,



Todd K. Morgan, AICP  
Planner, Zoning Services

TKM/pr

Attachments

Exhibit A – Site Vicinity Map

Exhibit B – Concept Plan

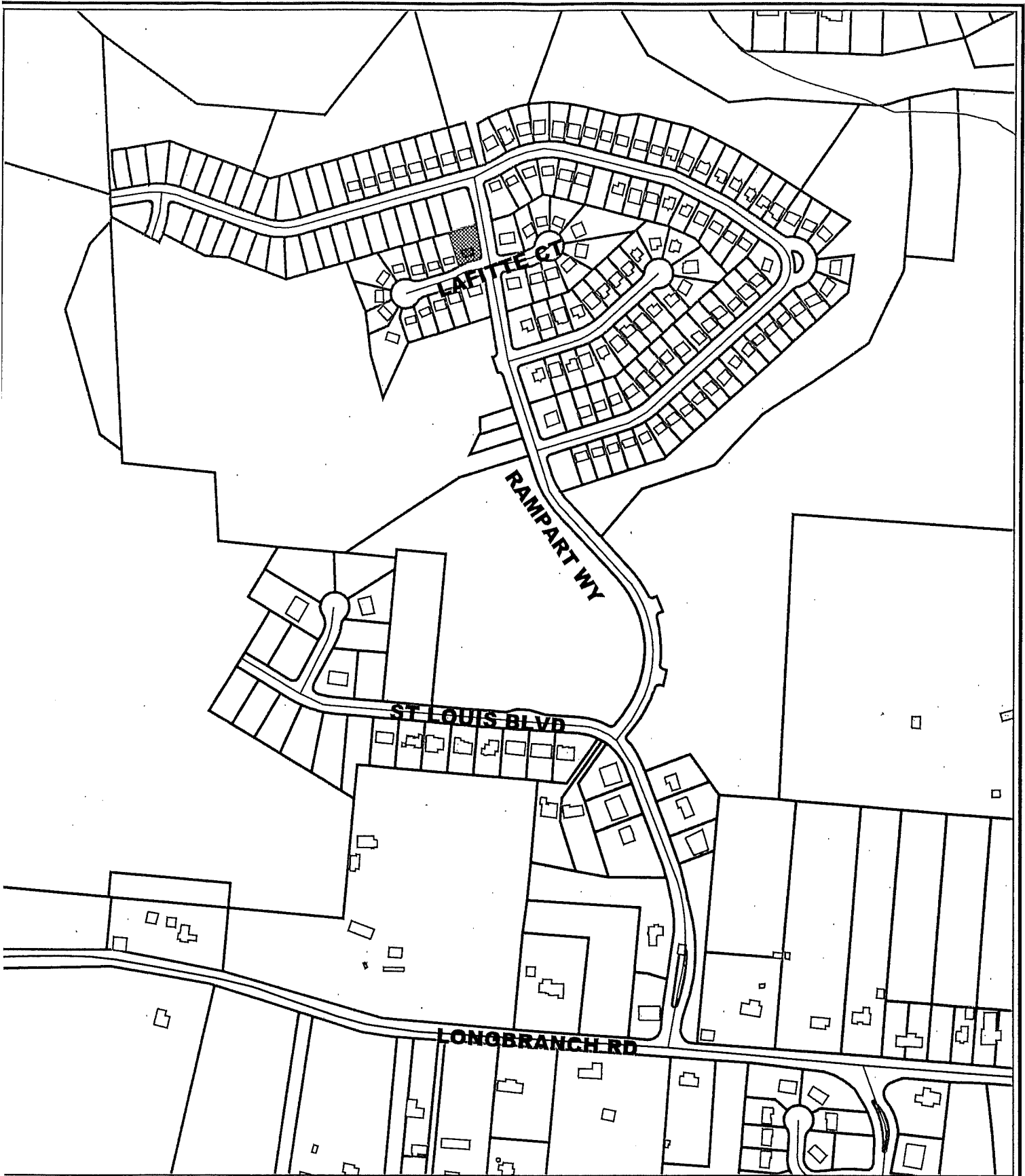
Exhibit C – Final Plat, Section 7 of Orleans - North

Exhibit D – Final Plat, Section 8 of Orleans - North

Exhibit E – Zoning Map

Exhibit F – Pictures

Exhibit G – Application



# 2025 Lafitte Court Site Vicinity Map

400 0 400 Feet



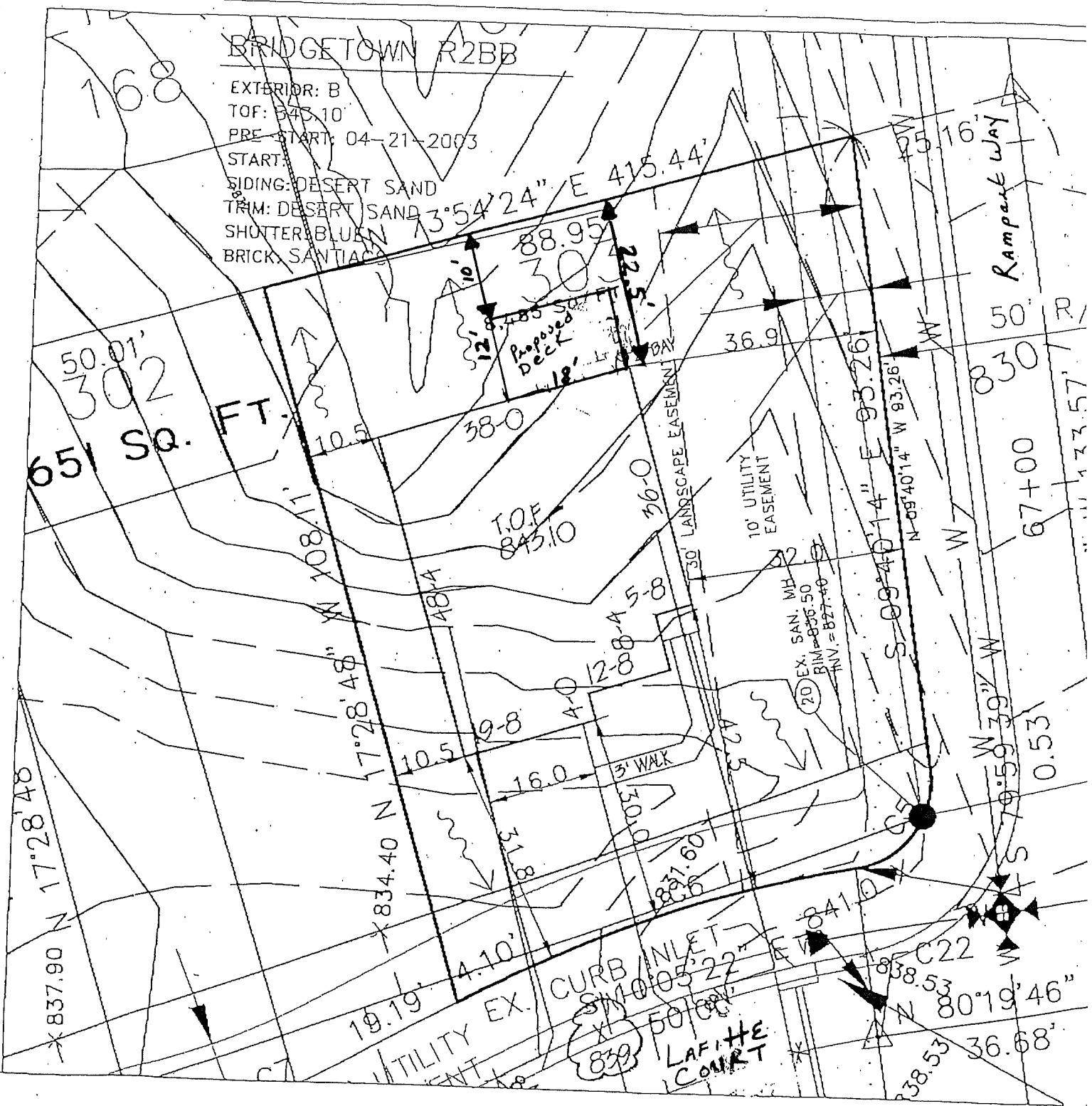
1 inch equals 400 feet  
Produced by the  
Boone County Planning Commission  
GIS Services Division  
October 30, 2003



BRIDGETOWN R2BB

EXTERIOR: B  
TOF: 843.10  
PRE-START: 04-21-2003  
START:  
SIDING: DESERT SAND  
TRIM: DESERT SAND  
SHUTTER: BLUEN  
BRICK: SANTIAGO

50.01'  
302  
65' SQ. FT.



Rampart Way

50' R

67+00

133.57'

W 79' W  
S 70°59'39" W  
0.53'

C22  
N 80°19'46"  
36.68'  
38.53'

UTILITY EX.  
CURB INLET  
LAFIHE COURT

10' UTILITY EASEMENT

30' LANDSCAPE EASEMENT

EX. SAN. MH  
BIN = 836.50  
INV. = 827.40

T.O.F.  
843.10

Proposed Deck  
12'-10" x 18'-0"

N 3°54'24" E 415.44'

N 05°40'14" W 93.26'

N 17°28'48" W 834.40'

N 17°28'48" W 837.90'

N 108°11' W 108.11'

48'-4"

12'-8" A 5-8

9-8

16.0

3' WALK

30.0

1837.60'

837.10'

841.0'

S 10°05'22" E 150.00'

50.00'

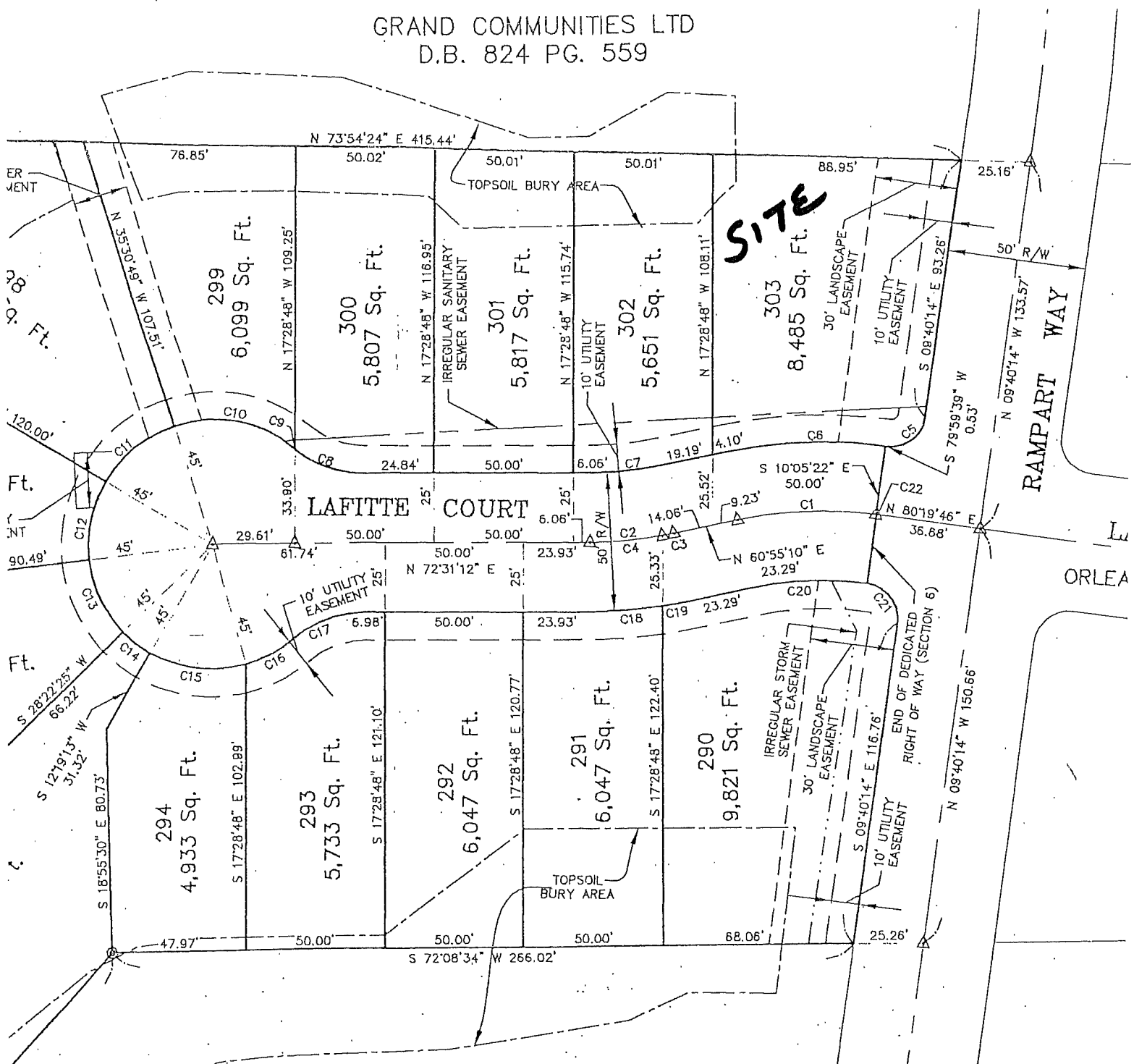
839

38.53'

36.68'

L EXIST ALONG ALL COMMON LOT LINES,

GRAND COMMUNITIES LTD  
D.B. 824 PG. 559



GRAND COMMUNITIES LTD  
D.B. 824 PG. 559

CURVE TABLE					
CURVE	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD
C1	18°59'27"	150.00'	49.72	S 70°24'54" W	49.49'
C2	11°36'02"	150.00'	30.37	N 66°43'11" E	30.32'
C3	1°35'24"	150.00'	4.16	N 81°42'52" E	4.16'
C4	10°00'38"	150.00'	26.21	N 67°30'53" E	26.17'
C5	89°39'53"	12.50'	19.56	N 35°09'43" E	17.63'
C6	18°59'28"	175.00'	58.01	N 70°24'54" E	57.74'
C7	11°36'02"	125.00'	25.31	N 66°43'11" E	25.26'
C8	38°58'34"	40.00'	27.21	S 87°59'31" E	26.69'
C9	1°08'35"	40.00'	0.80	S 67°55'57" E	0.80'
C10	58°09'10"	45.00'	45.67	N 83°33'46" E	43.74'
C11	41°22'29"	45.00'	32.50	N 33°47'56" E	31.79'
C12	37°22'09"	45.00'	29.35	N 05°34'22" W	28.83'
C13	37°22'08"	45.00'	29.35	N 42°56'31" W	28.83'
C14	15°34'48"	45.00'	12.24	N 69°24'59" W	12.20'
C15	15°34'48"	45.00'	12.24	S 80°05'20" W	12.20'

BASED ON N.A.D. 1983

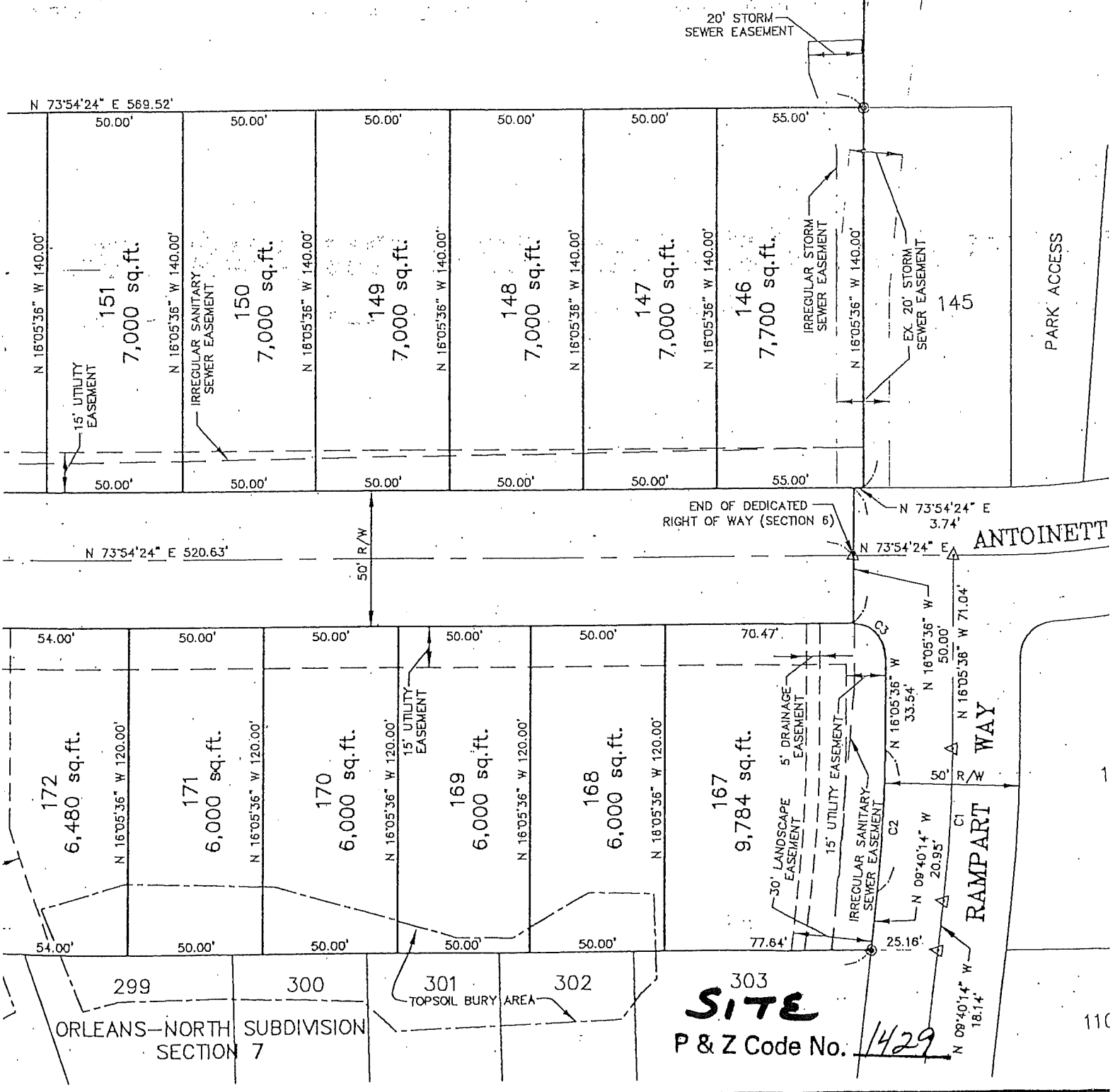
GRAND COMMUNITIES LTD  
D.B. 802 P.G. 135

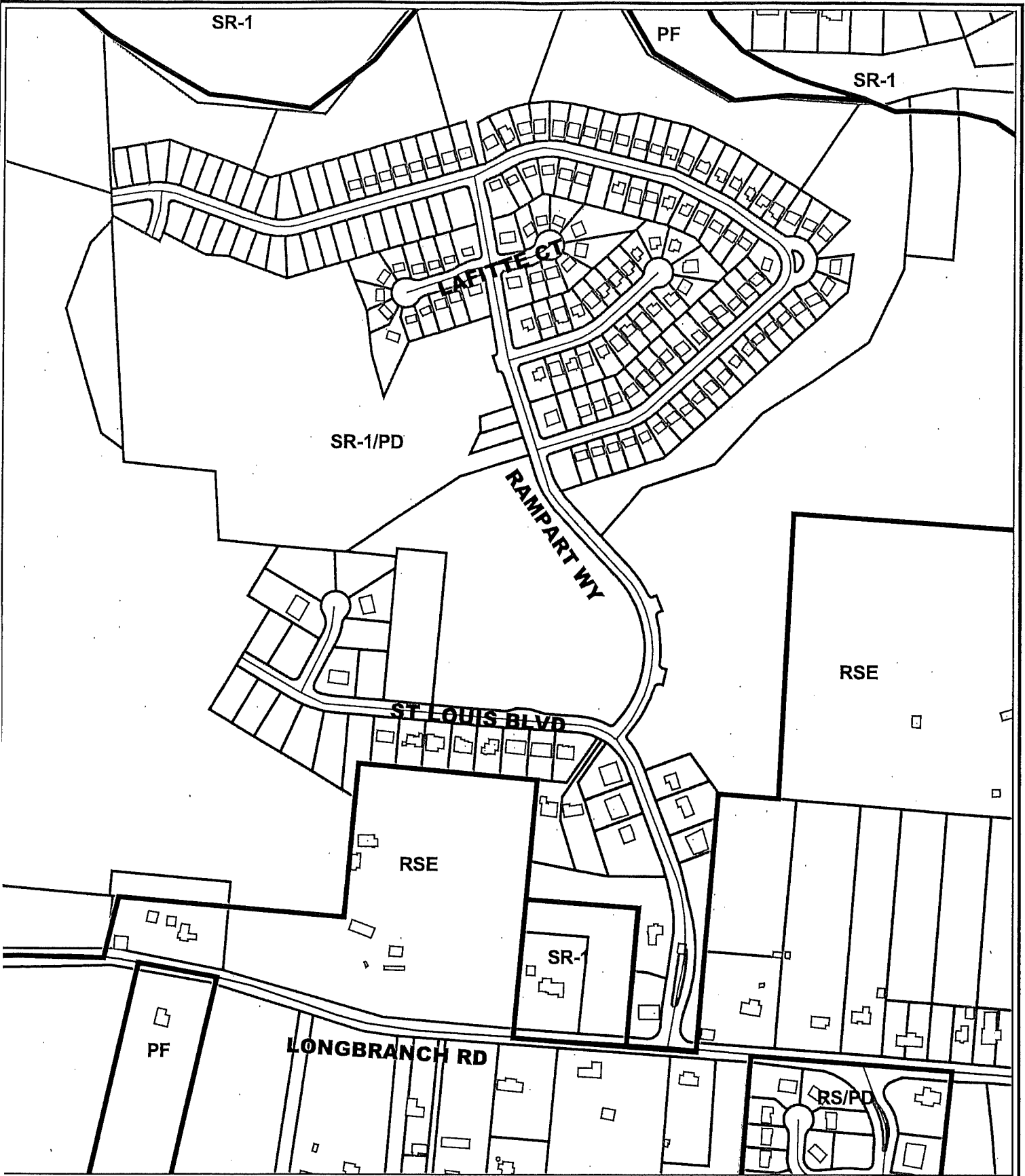
ORLEANS-NORTH  
SUBDIVISION  
SECTION 6

OPEN SPACE PARCEL

PARCEL "H"  
ACRES

BEA





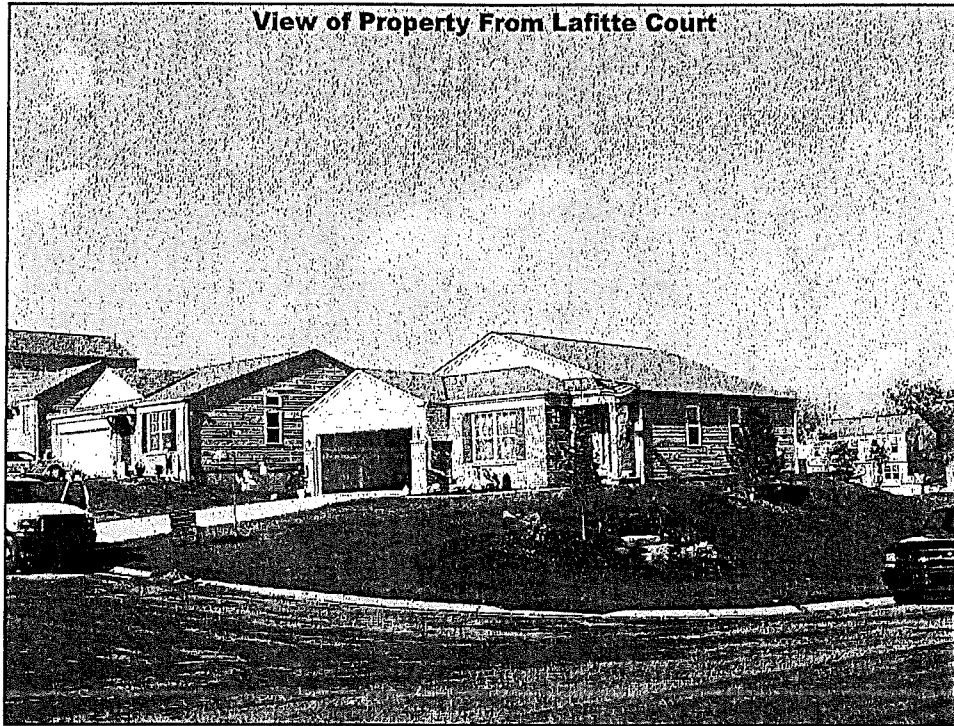
# 2025 Lafitte Court Zoning Map

400 0 400 Feet

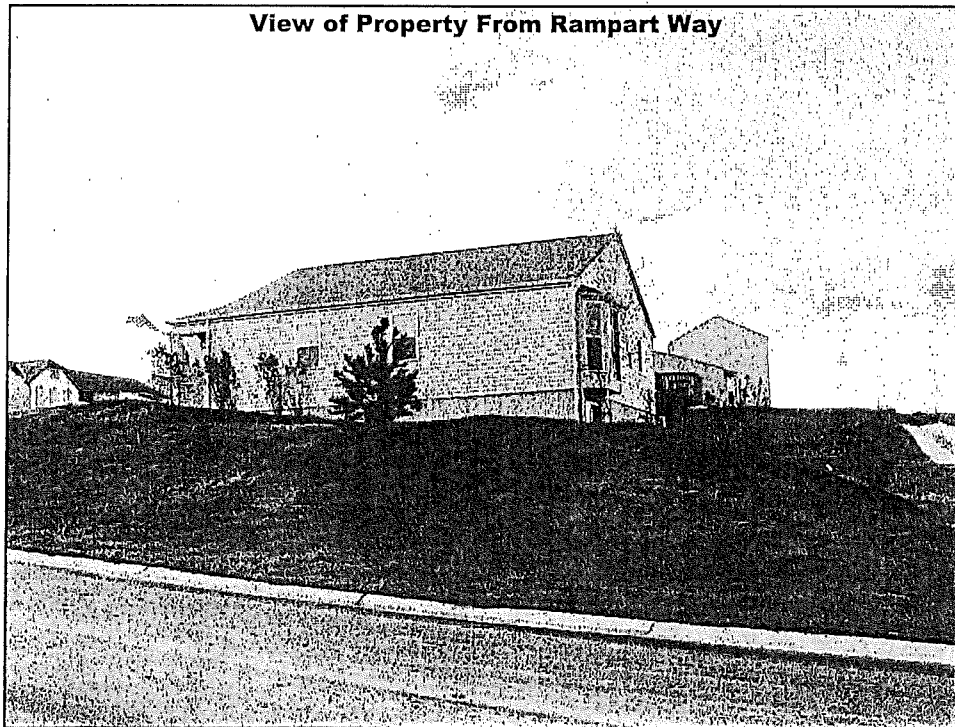
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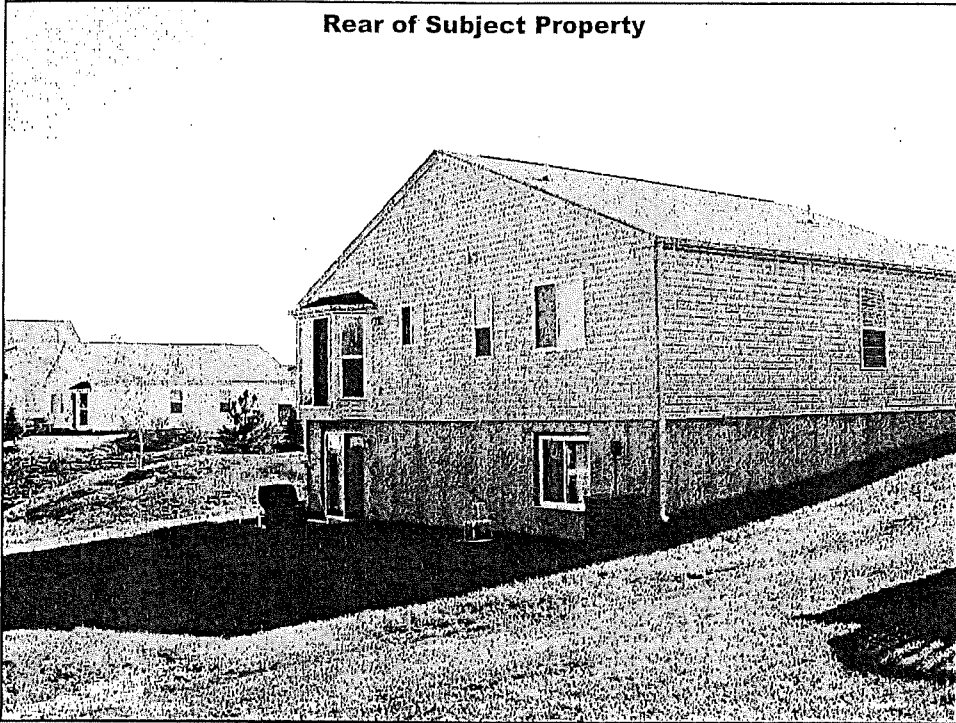
**View of Property From Lafitte Court**



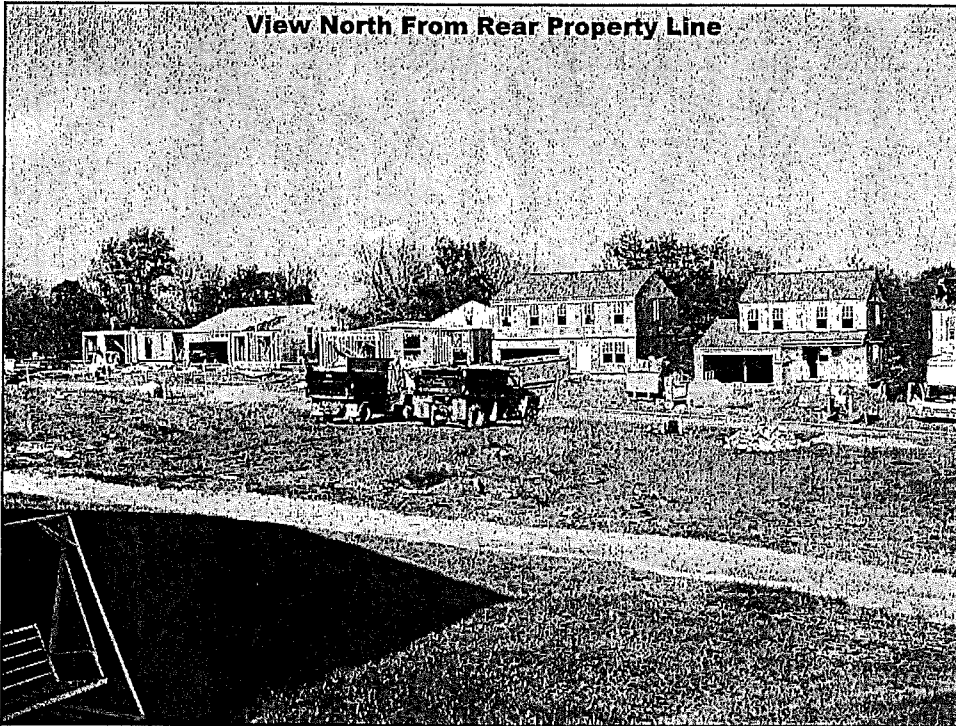
**View of Property From Rampart Way**



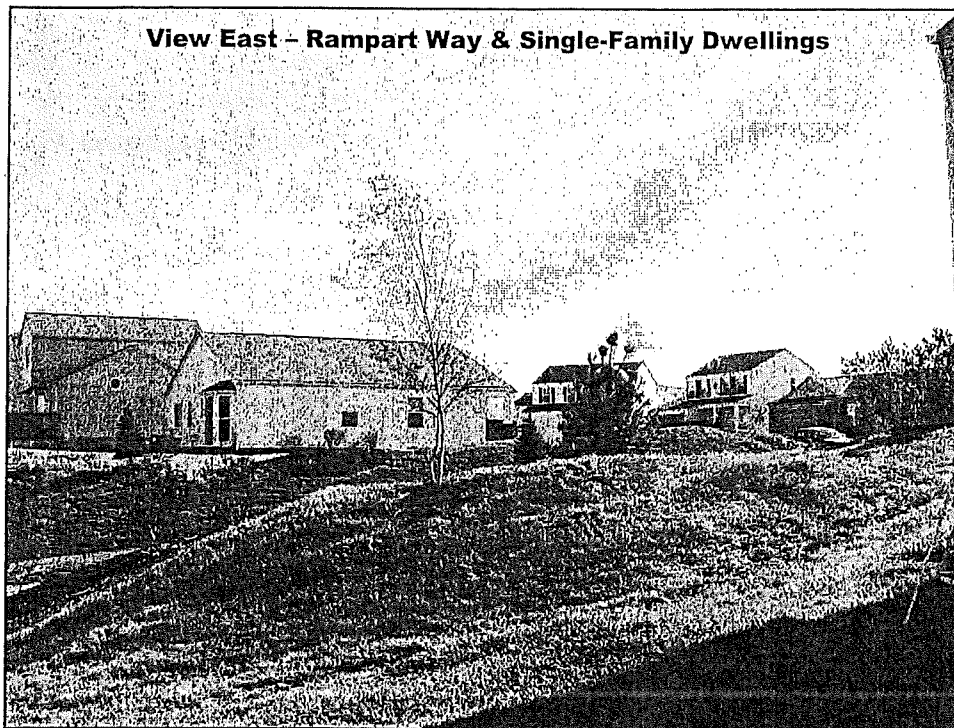
**Rear of Subject Property**



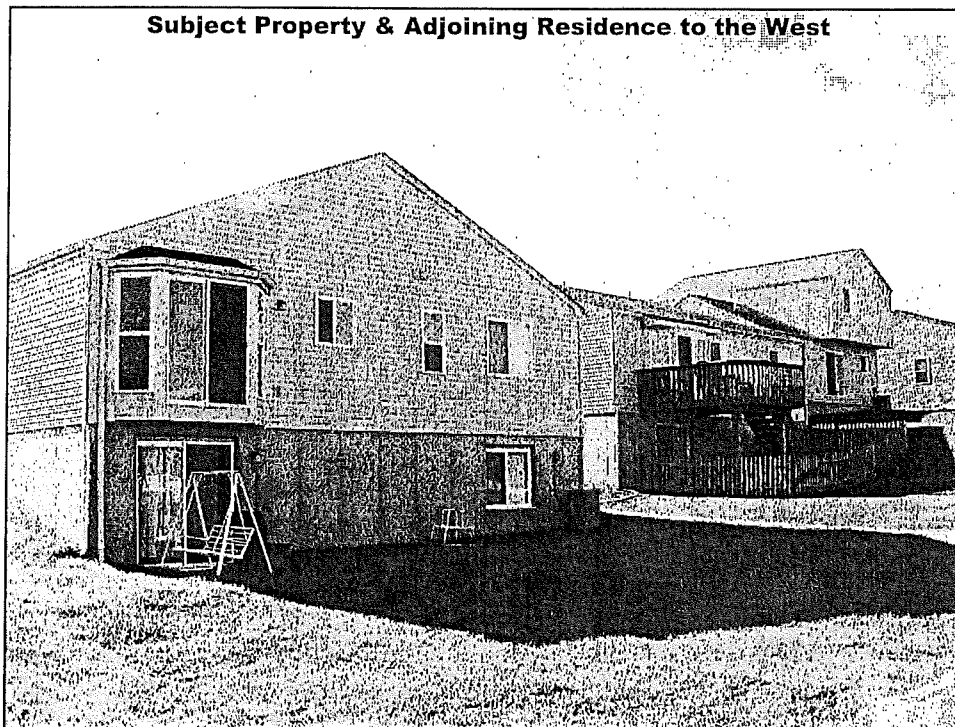
**View North From Rear Property Line**

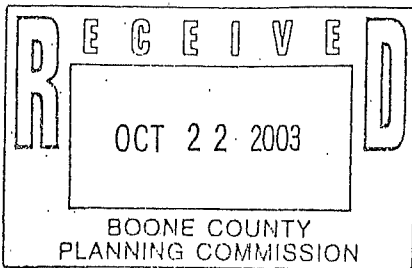


**View East - Rampart Way & Single-Family Dwellings**



**Subject Property & Adjoining Residence to the West**





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 [checked] Florence [checked] Walton [ ] Union [ ]
2. Conditional Use Permit [ ] Variance [checked] Appeal [ ]
3. Applicant's Name WILBERT CLEARBATER, Phone Number 384-7258, Fax No. [ ], Applicant's Address 2025 LAFITTE COURT, Union KY 41091
4. Description of Request: BUILD DECK 12X18, REDUCE REAR YARD setback from 20' to 10'
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6. Location of Development FLORENCE
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12. Total Square Footage of Existing and/or Proposed Buildings 12-181
13. Current Zoning on Property [ ]
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15. Is the site subject to a zone change? NO
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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: [Handwritten Signature]

Property Owner's Signature: [Handwritten Signature]

COPY

CLUR #03-FBOA-005-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Wilbert C. Leadbeater  
2025 Lafitte Court  
Union, KY 41091

2. ADDRESS OF PROPERTY

2025 Lafitte Court  
Union, KY 41091

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Orleans

4. DEED BOOK 860

PAGE NO. 940

GROUP NO. 2038A

5. 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

6. 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

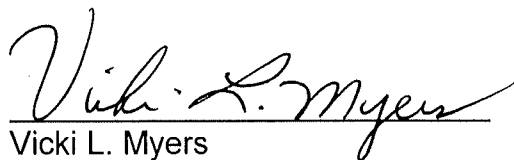
  
SIGNATURE OF COMPLETING OFFICIAL

Todd K. Morgan, Planner, Zoning Services  
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

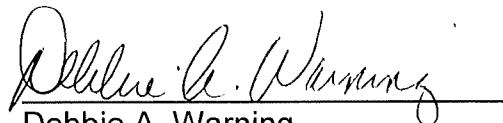
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the  
Boone County Planning Commission this 21 day of November, 2003.



Vicki L. Myers  
NOTARY PUBLIC, State at Large

My commission Expires:  
April 17, 2007

This instrument was prepared for recording purposes only by:



Debbie A. Warning  
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 Florence Board of Adjustments and in accordance with the current zoning in effect as of November 12, 2003 Certificate of Land Use Restriction (#03-FBOA-005-A), for Wilbert C. Leadbeater, Property Owner(s).

The following conditions will apply:

- 1) The applicant is required to plant two evergreen trees in his rear yard to buffer his property from the lots to the north (Lots #167 and #168). The trees should be at least six feet tall at the time of planting.
- 2) The deck is to be completed within thirty days, weather permitting.

The approved Variance as well as the preceding conditions apply to the property described in:

DEED BOOK 860

PAGE NO. 940

GROUP NO. 2038A