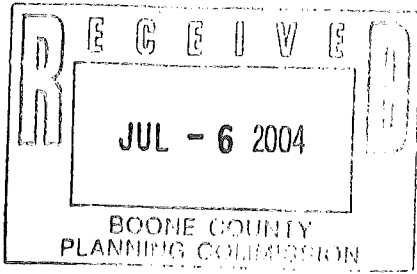


APPLICATION FORM



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 [X] Florence _____ Walton _____ Union _____
2. (Check One) _____ Conditional Use Permit [X] Variance _____ Appeal _____
3. Applicant's Name KMG Builders LLC
Phone Number 859-653-5173 Fax No. _____
Applicant's Address 7927 Driftwood Drive
Florence, Kentucky 41042
4. Description of Request: Reduce rear yard setback requirements from 30' to 21'
5. Name of Development Northfield at Farmview
6. Location of Development Lot 65 (10 Homestead Drive, Florence, Kentucky 41042)
7. Acreage Under Review 0.407 ac
8. Lot Number and Name of Subdivision (if part of a subdivision) Lot 65, Northfield at Farmview
9. Owner of Property Tom Krogstad
Phone Number of Owner 859-371-4396
10. Address of Property Owner 7927 Driftwood Drive
Florence, Kentucky 41042
11. Proposed Use(s) on Site Single Family Residence
12. Total Square Footage of Existing and/or Proposed Buildings approx: 2000 +/-
13. Current Zoning on Property SR1/PD
14. Deed Book 840 Page No. 574 Group No. 2038B
15. Is the site subject to a zone change?
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: Tom Krogstad for KMG Builders LLC

Property Owner's Signature: Tom Krogstad

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 7-6-04 Fee Received \$ 527.00 R# 39421
2. Is application complete? Yes No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
8-11-04 Approved

Approved with Conditions (See #6)

Denial (See #7).
6. Conditions of Approval: NONE

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 - 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: KMG Builders, LLC
LOCATION: Lot 65 Northfield at Farmview Subdivision, Florence, Kentucky
ZONING: Suburban Residential One/Planned Development (SR-1/PD)
DATE: August 11, 2004

Proposal

The Applicant is requesting a variance to reduce the 30 foot rear yard setback requirement of lot 65 of Northfield at Farmview Subdivision.

While the submitted Concept Development Plan shows the proposed single-family residence 22 feet from the rear property line, the applicant is seeking to reduce the setback requirement to 21 feet to allow for a small margin of error during construction.

Applicable Regulations

Article 40, Section 4000 of the Boone County Zoning Regulations defines that the front yard of a flag lot "is measured from the rear lot line of the adjoining lot that is between the flag lot in question and the street."

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.

Surrounding Land Uses and Zoning

The approximate 0.4 acre flag lot is located within Northfield at Farmview Subdivision and is zoned Suburban Residential One/Planned Development (SR-1/PD). The parcel adjoins the following land uses:

North: Flag Lot Panhandle & a Single-Family Residential Dwelling (SR-1/PD)

South: Single-Family Residential Dwellings (SR-1/PD)

East: Single-Family Residential Dwelling (Under Construction) (SR-1/PD)

West: Single-Family Residential Dwellings & Homestead Drive (SR-1/PD)

Staff Comments

1. Staff would like to point out that Article 40 of the Boone County Zoning Regulations defines that the front yard of a flag lot "is measured from the rear lot line of the adjoining lot that is between the flag lot in question and the street. As a result, the orientation of a house on a flag lot is not used in determining the front, rear, or side yard setbacks.
2. The setback requirements for the proposed single-family dwelling are as follows:
Front Yard: 30 feet;
Rear Yard: 30 feet;
Side Yards: 15 feet total, with a 5 foot minimum on any one side.

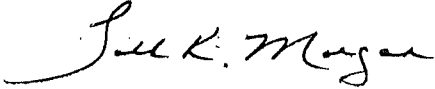
Based on the flag lot definition listed above, the submitted Concept Development Plan shows that the front and rear facades of the proposed dwelling are oriented toward the side property lines.

While the zoning regulations require the total side yard setbacks to be at least 15 feet, the submitted Concept Development Plan shows that the total side yard setbacks are approximately 117 feet. Staff believes that the Board should consider the total side yard setbacks when analyzing the request.

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 request.

Respectfully submitted,



Todd K. Morgan, AICP
Planner, Zoning Services

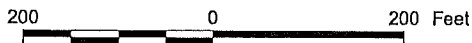
TKM/pr

Attachments

- Exhibit A – Site Vicinity Map
- Exhibit B – Concept Plan
- Exhibit C – Zoning Map
- Exhibit D – Aerial Map
- Exhibit E – Topographical Map
- Exhibit F – Pictures
- Exhibit G – Application



**Lot 65,
Northfield at Farmview
Site Vicinity Map**



1 inch equals 200 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 July 30, 2004



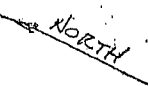
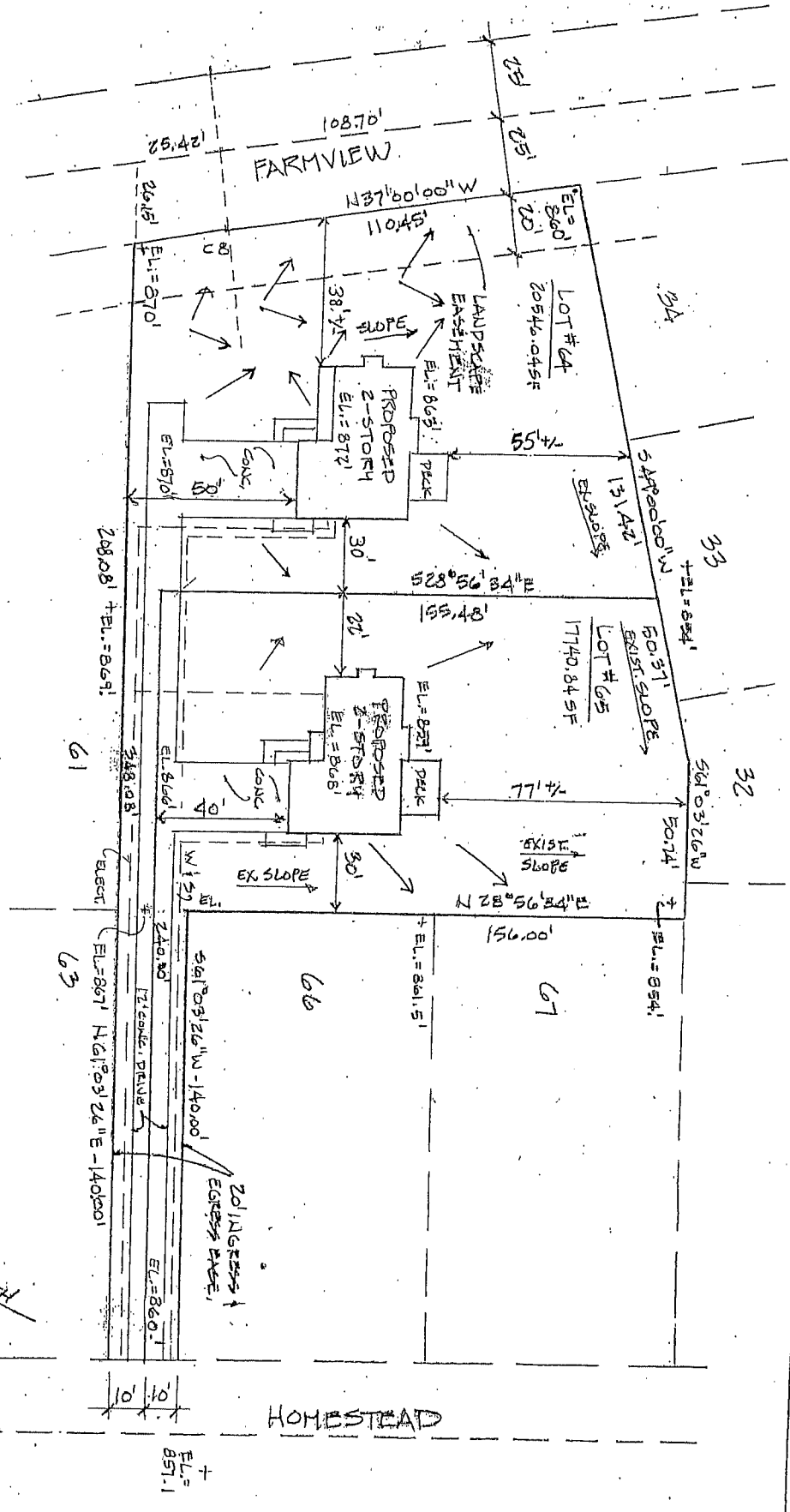
* INFORMATION ON SITE PLAN FROM SURVEY BY RAYMOND ESTEYBACK DATED 7/27/89

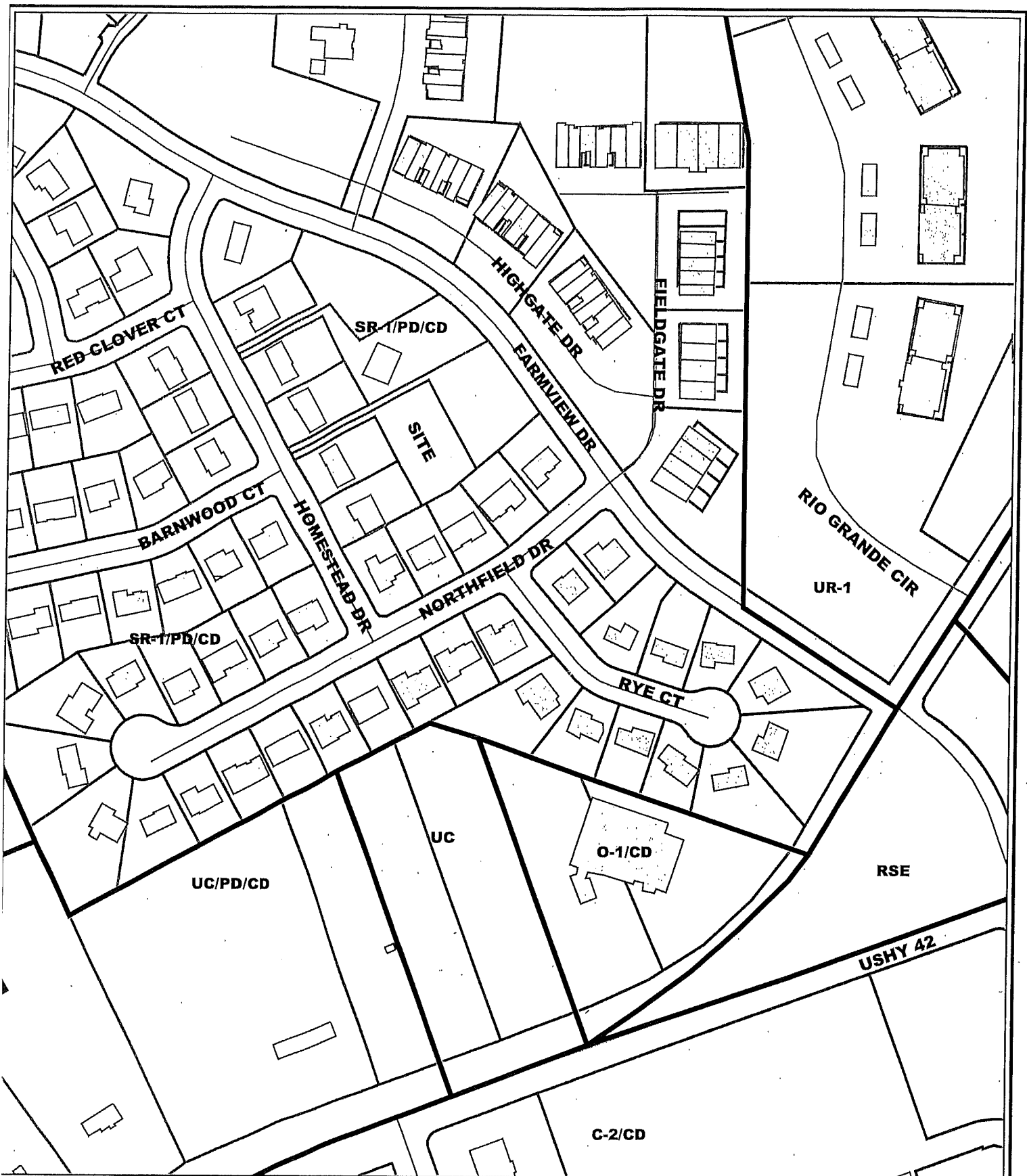
* ELEVATIONS FROM BOONE COUNTY PLANNING COMMISSION GIS SERVICES DIVISION DATED APRIL 18, 2002

SITE PLAN

1" = 40'

ELEVATION @ SUPG. STOP OF FPNV





**Lot 65,
Northfield at Farmview
Zoning Map**

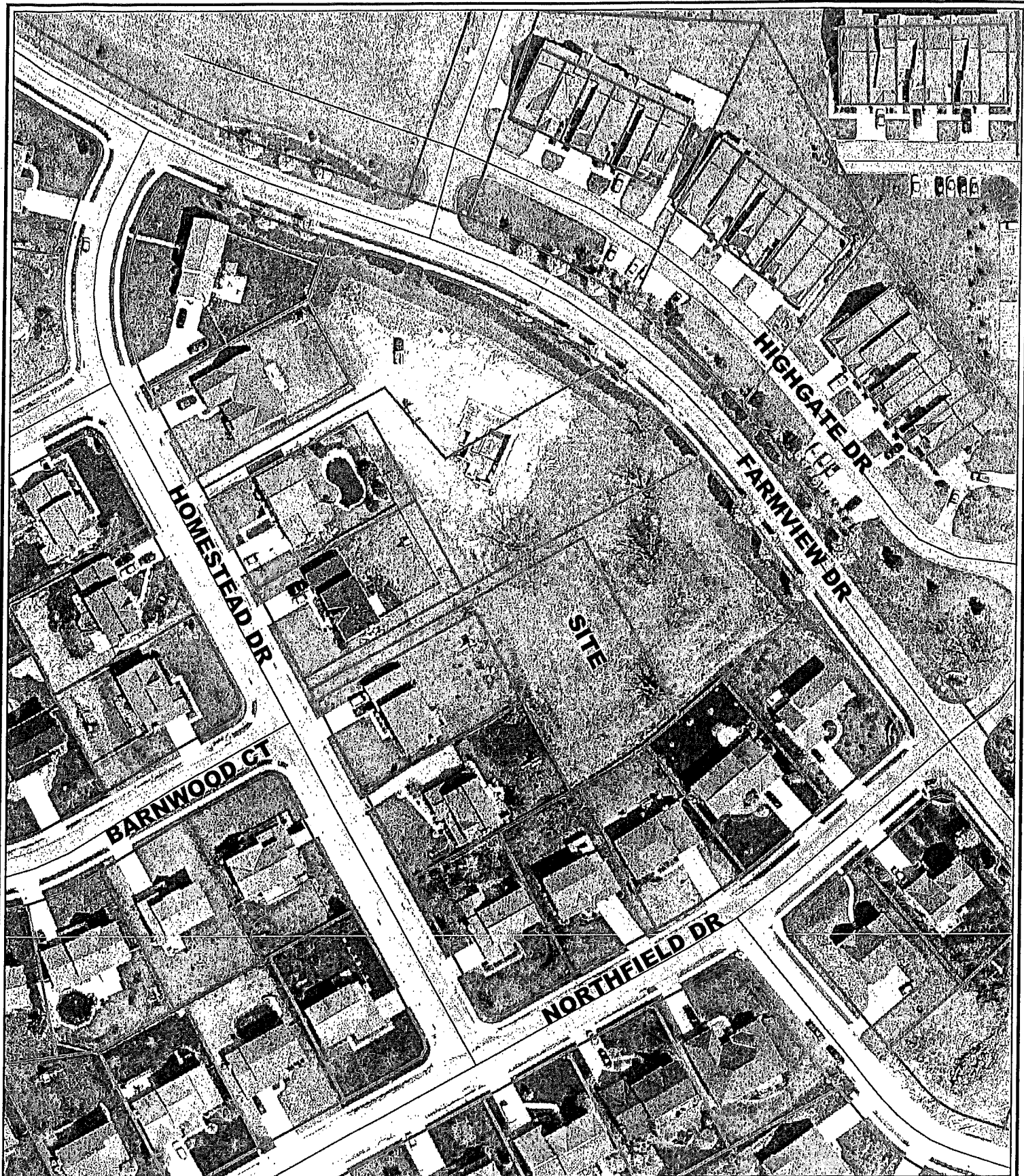
200 0 200 Feet



1 inch equals 200 feet

Produced by the
Boone County Planning Commission
GIS Services Division
July 30, 2004



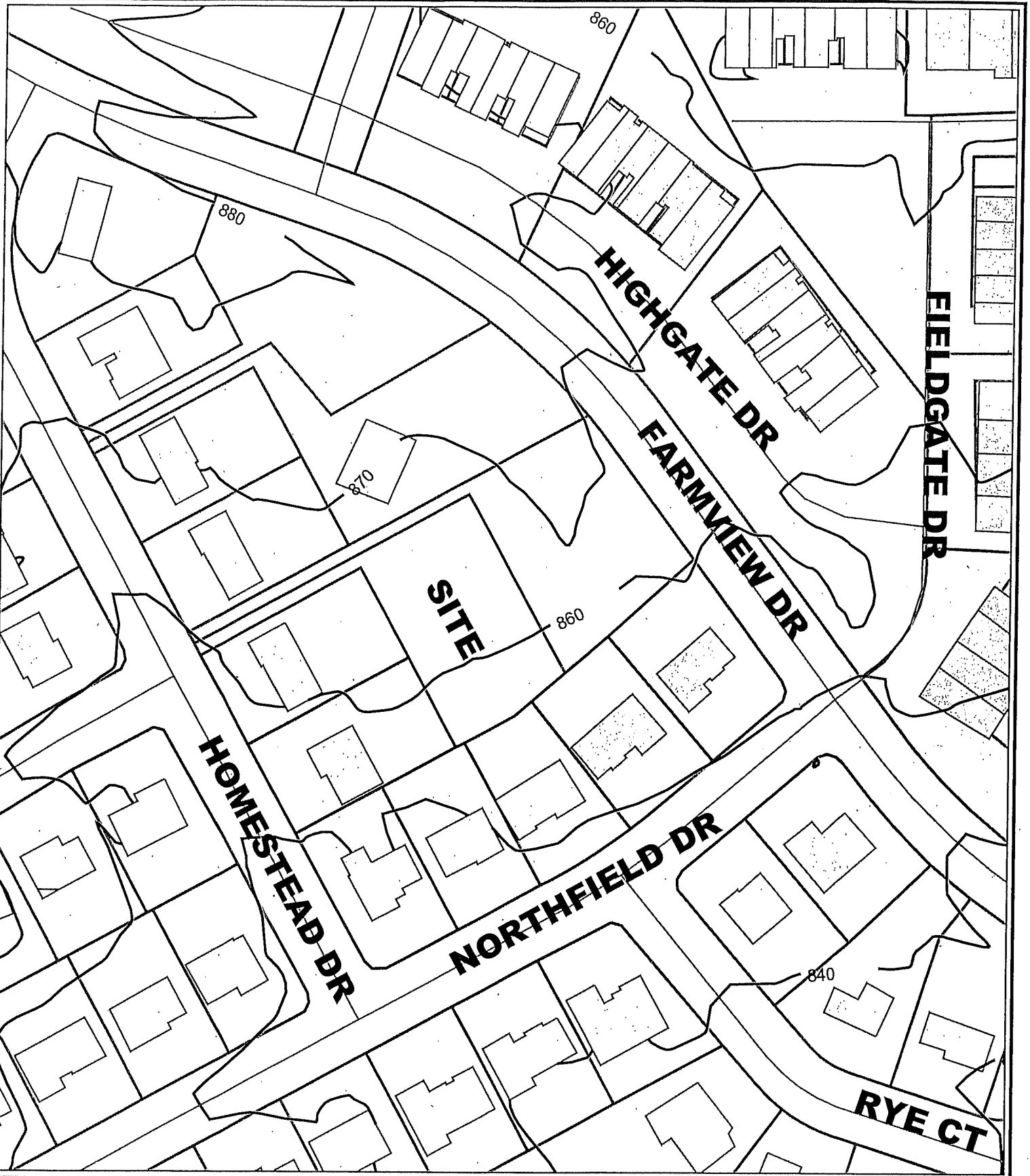


**Lot 65,
Northfield at Farmview
Aerial Map**

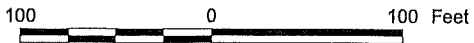
100 0 100 Feet

1 inch equals 100 feet
Produced by the
Boone County Planning Commission
GIS Services Division
July 30, 2004





**Lot 65,
Northfield at Farmview
Topographical Map**



1 inch equals 100 feet

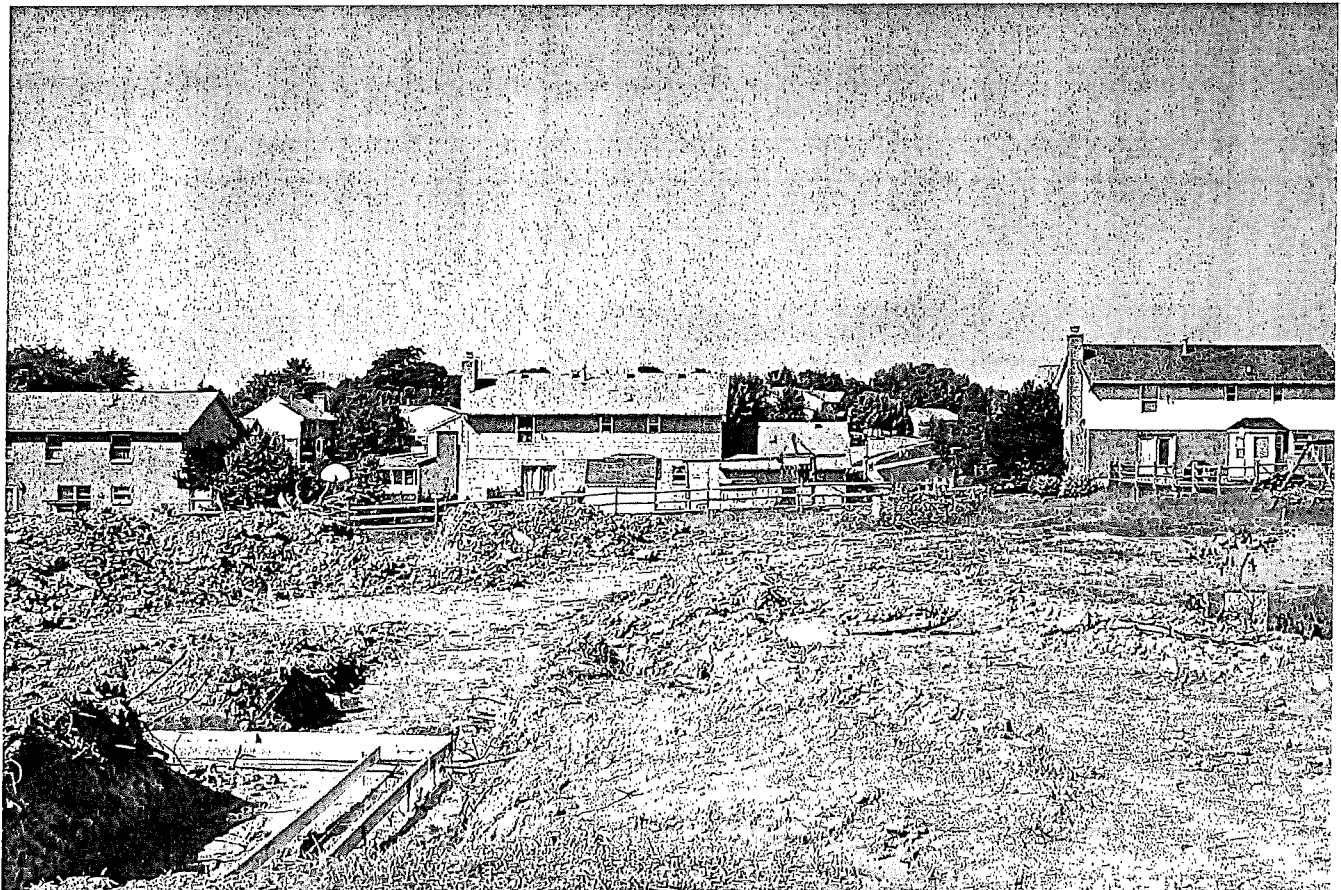
Produced by the
Boone County Planning Commission
GIS Services Division
July 30, 2004



View of Flag Lot Panhandle From Homestead Dr. & Barnwood Ct.



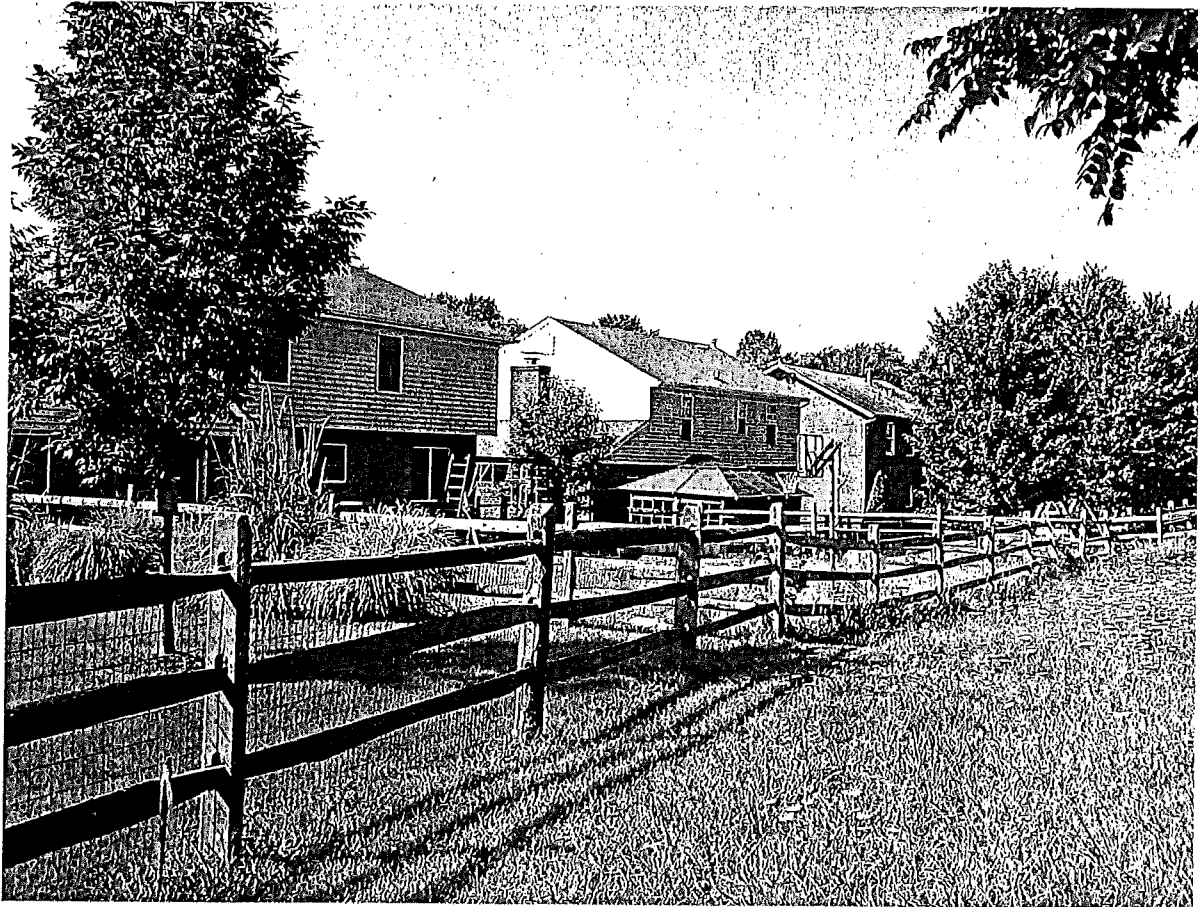
View of Subject Lot & Adjoining Properties to West From Lot 64



View of Site & Adjoining Properties to South



Adjoining Properties to South



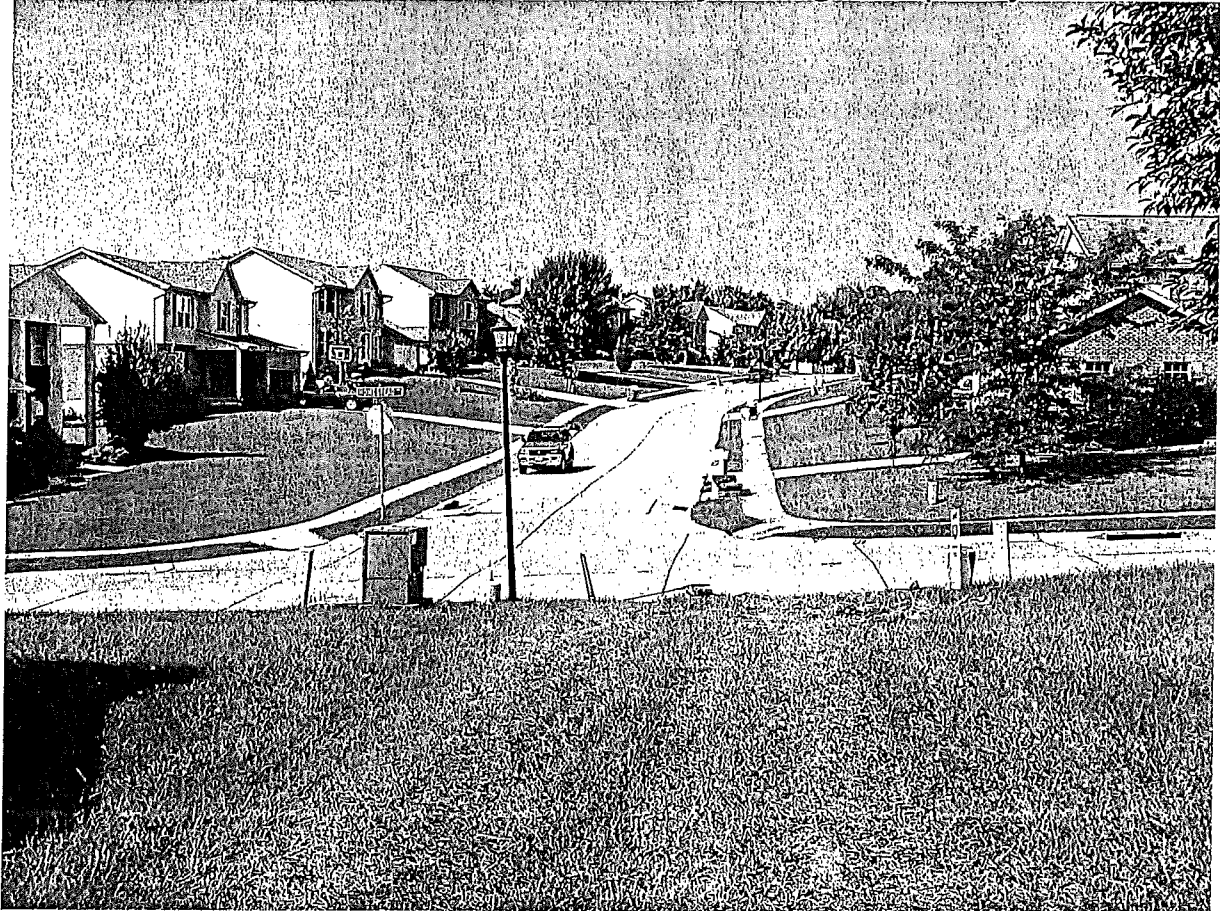
View East From Rear Property Line

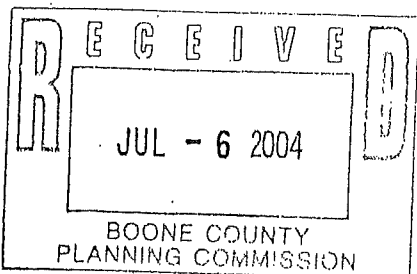


View North



View of Flag Lot Panhandle & Adjoining Property to 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 Florence Walton Union

(Check One)

2. Conditional Use Permit Variance Appeal
 Change in Non-Conforming Use

3. Applicant's Name KMG Builders LLC
Phone Number 859-653-5173 Fax No. _____
Applicant's Address 7927 Driftwood Drive
Florence, Kentucky 41042
City State Zip

4. Description of Request: Reduce rear yard setback requirements from 30' to ~~30'~~ 21'

5. Name of Development Northfield at Farmview

6. Location of Development Lot 65
(10 Homestead Drive, Florence, Kentucky 41042)

7. Acreage Under Review 0.407 ac

8. Lot Number and Name of Subdivision (if part of a subdivision)
Lot 65, Northfield at Farmview

9. Owner of Property Tom Krogh

Phone Number of Owner 859-371-4396

10. Address of Property Owner 7927 Driftwood Drive
Florence, Kentucky 41042
City State Zip

11. Proposed Use(s) on Site Single Family Residence

12. Total Square Footage of Existing and/or Proposed Buildings approx: 2000 ±

13. Current Zoning on Property SR1/PD

14. Deed Book 840 Page No. 574 Group No. 2038B

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.

Applicant's Signature: Tom Krogh for KMG Builders LLC

Property Owner's Signature: Tom Krogh

COPY

CLUR #04-FBOA-003-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Tom Krogstad
7927 Driftwood Drive
Florence, KY 41042

2. ADDRESS OF PROPERTY

10 Homestead Drive
Florence, KY 41042

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Lot 65, Northfield at Farmview

4. DEED BOOK 840

PAGE NO. 574

GROUP NO. 2038B

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

Zoning Map Amendment:
From To

Conditional Use Permit

Development Plan

Conditional Zoning

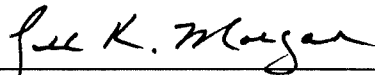
Subdivision Plat
(Not Recorded)

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

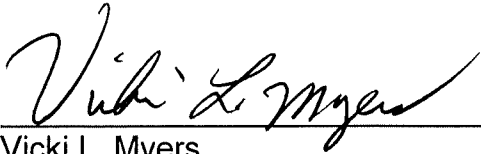
Todd K. Morgan, Planner, Zoning Services
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the

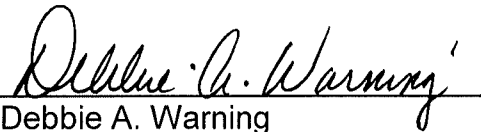
Boone County Planning Commission this 18 day of August, 2004.



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 August 11, 2004 Certificate of Land Use Restriction (#04-BCBOA-003-A), for Tom Krogstad, Property Owner(s).

The following conditions will apply:

No conditions.

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

DEED BOOK 840

PAGE NO. 574

GROUP NO. 2038B