

APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

APR 12 2005

See Boone County Zoning Regulations SECTION A (To be completed by applicant)

- 1. (Check One) Boone [checked] Florence \_\_\_\_\_ Walton \_\_\_\_\_ Union \_\_\_\_\_
2. (Check One) Conditional Use Permit [checked] Variance \_\_\_\_\_ Appeal \_\_\_\_\_
3. Applicant's Name WILSON E. FLYNN Phone Number 859-371-7667 Fax No. \_\_\_\_\_ Applicant's Address 8481 PNEASANT DR. FLORENCE KY 41042
4. Description of Request: TO ALLOW AN ATTACHED PORCH TO BE LOCATED 21' FRONT THE FRONT PROPERTY LINE.
5. Name of Development \_\_\_\_\_
6. Location of Development 8481 PNEASANT DR. FLORENCE, KY 41042
7. Acreage Under Review 0.23
8. Lot Number and Name of Subdivision (if part of a subdivision) \_\_\_\_\_
9. Owner of Property WILSON E. & JONA C. FLYNN Phone Number of Owner 859 371-7667
10. Address of Property Owner 8481 PNEASANT DR. FLORENCE KY 41042
11. Proposed Use(s) on Site SINGLE FAMILY RESIDENCE WITH PORCH
12. Total Square Footage of Existing and/or Proposed Buildings \_\_\_\_\_
13. Current Zoning on Property R1F
14. Deed Book 828 Page No. 675 Group No. 2039
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? \_\_\_\_\_
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: Wilson E. Flynn

Property Owner's Signature: Wilson E. Flynn

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 4-12-05 Fee Received \$ 511.00 RA# 42008
2. Is application complete? \_\_\_\_\_ Yes \_\_\_\_\_ No
3. Staff Reviewer \_\_\_\_\_
4. Scheduled Board Action Date \_\_\_\_\_
5. Board Action:  
\_\_\_\_\_ Approved  
5-11-05 Approved with Conditions (See #6)  
\_\_\_\_\_ Denial (See #7).
6. Conditions of Approval: The shingles on the porch  
shall match the shingles  
on the house
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: Wilson E. Flynn  
LOCATION: 8481 Pheasant Drive, Florence, Kentucky  
ZONING: Residential One Family (R1F)  
DATE: May 11, 2005

### Proposal

The applicant has requested a variance so he can construct a 8' x 17' covered porch onto the front of his single-family residence. The single-family residence is a non-conforming structure because it is located 27 feet from the front property and the front yard setback requirement of the Residential One Family (R1F) zone is 30 feet. The applicants request will reduce the front yard setback from 27 feet to 21 feet (see attached Concept Plan).

### Site History

9/29/04 – The Boone County Planning Commission approved a Zoning Permit which allowed the applicant to construct a 8' x 17' concrete patio in his front yard. The permit indicates that the patio could not have a roof (see attachments).

### Applicable Regulations

Article 2, Section 271 of the Boone County Zoning Regulations states that when an addition is proposed for a pre-existing structure that does not meet the current setback requirements, the addition may be located along the non-conforming building line established by the existing structure, but may not encroach into such non-conforming setback unless a variance is granted by the Board of Adjustment and Zoning Appeals.

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 & Zoning

- North: Single-Family Residential Dwellings Fronting on Pheasant Drive (R1F)
- South: Single-Family Residential Dwellings Fronting on Partridge Circle (R1F)
- East: Single-Family Residential Dwelling Fronting on Pheasant Drive (R1F)
- West: Single-Family Residential Dwelling Fronting on Pheasant Drive (R1F)

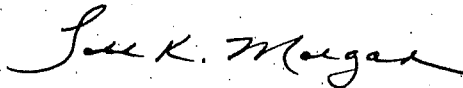
#### Staff Comments

1. As mentioned previously, the existing single-family residence is a non-conforming structure because it is located 27 feet from the front property line and the front yard setback requirement of the Residential One Family (R1F) zone is 30 feet.
2. Staff has provided some rough measurements of the front yard setbacks of the adjoining single-family dwellings. The Boone County G.I.S. system indicates that these houses have non-conforming front yard setbacks that range between 20.5 feet and 27.5 feet (see attached aerial map).
3. The applicant furnished a signed petition from nine residents that live in the general area. The petition indicates that the residents have no objections to the proposal (see attachments).
4. The Board should analyze if the request will alter the essential character of the general vicinity or the provisions of the regulations deprive the applicant of the reasonable use of the land.

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 applicants request for a front yard setback variance.

Respectfully submitted,

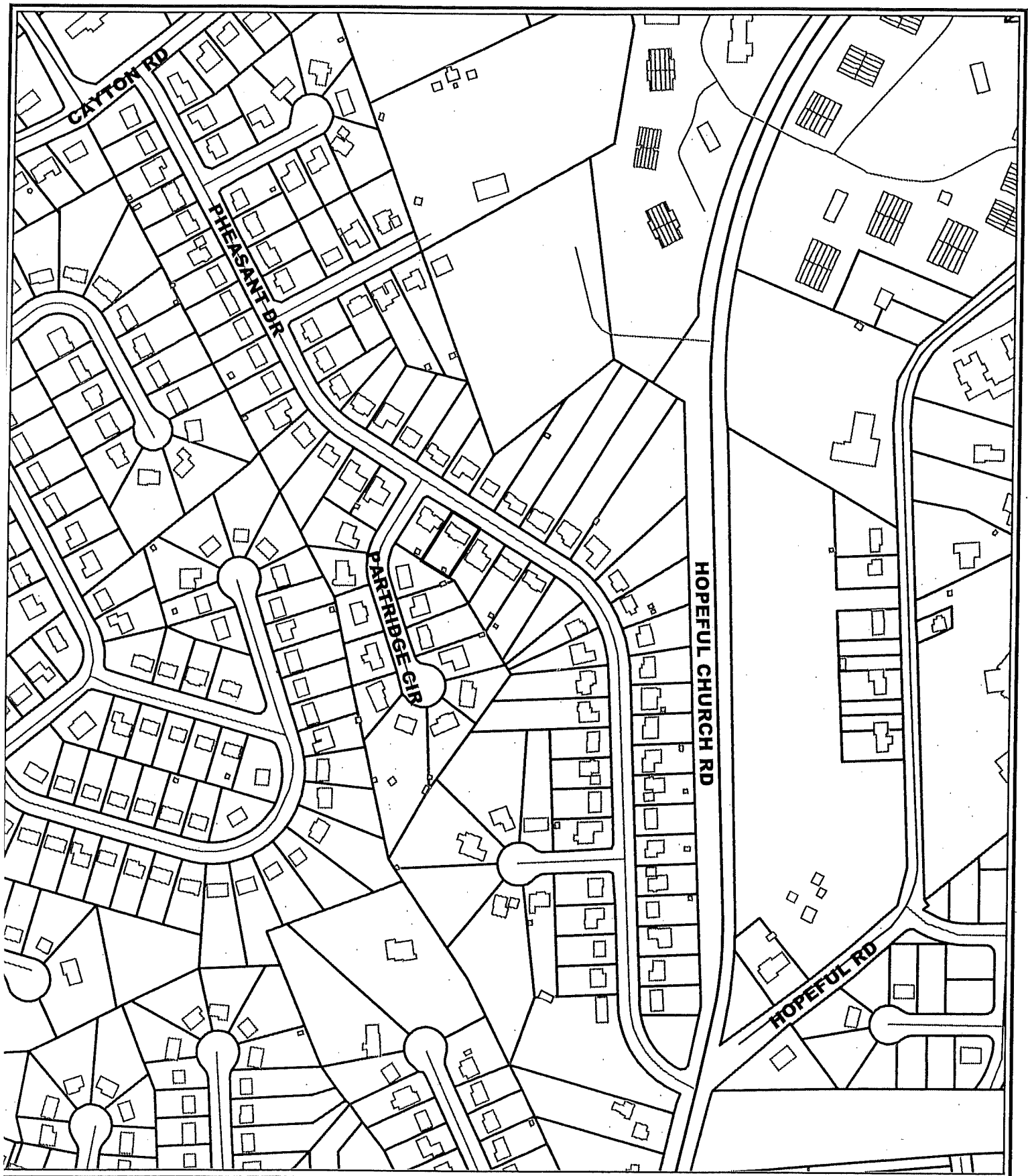


Todd K. Morgan, AICP  
Planner, Zoning Services

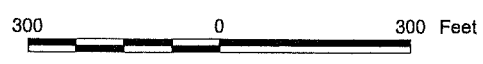
TKM/pr

Attachments

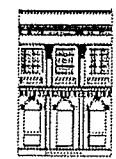
- Exhibit A – Site Vicinity Map
- Exhibit B – Concept Plan
- Exhibit C – Front & Side Elevation Drawings
- Exhibit D – Aerial Map
- Exhibit E – Zoning Map
- Exhibit F – 09/29/04 Zoning Permit
- Exhibit G – Petition
- Exhibit H – Application



# 8481 Pheasant Drive Site Vicinity Map



1 inch equals 300 feet  
Produced by the  
Boone County Planning Commission  
GIS Services Division  
May 3, 2005

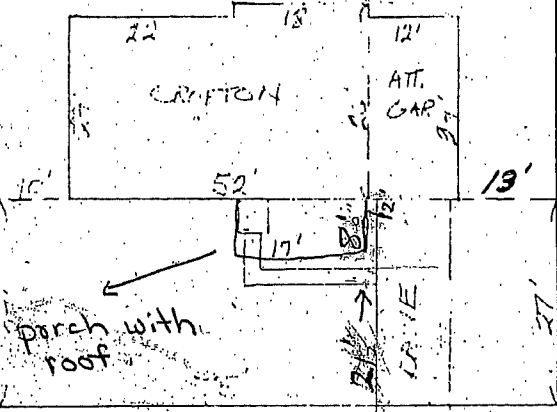


205

N 58° 35' 17" W 75'

15' ELEC. EASE

LOT 84 (990012)  
PHEASANT RUN SUB. SECT. 2



N 31° 24' 33" E 134'

N 58° 35' 17" W

PHEASANT RUN

*Zoning Permit Approval*  
Alum Chip Block  
Permit # 43  
November 8, 1982

Plot Plan  
FOR

RYAN HOMES, INC.

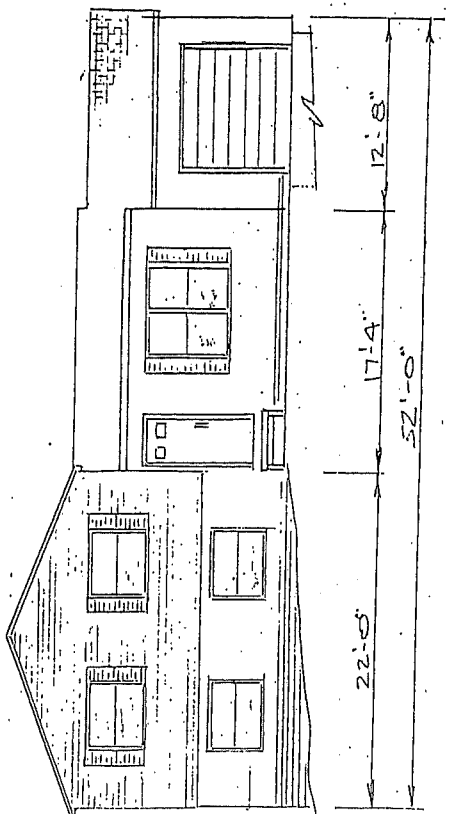
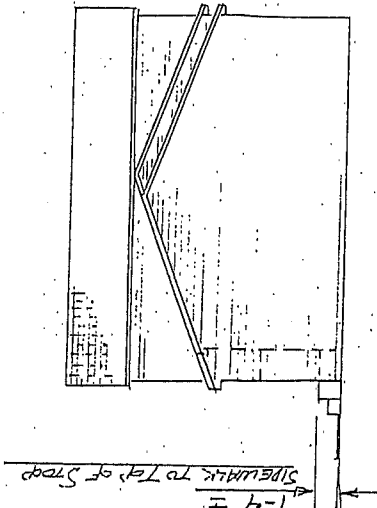
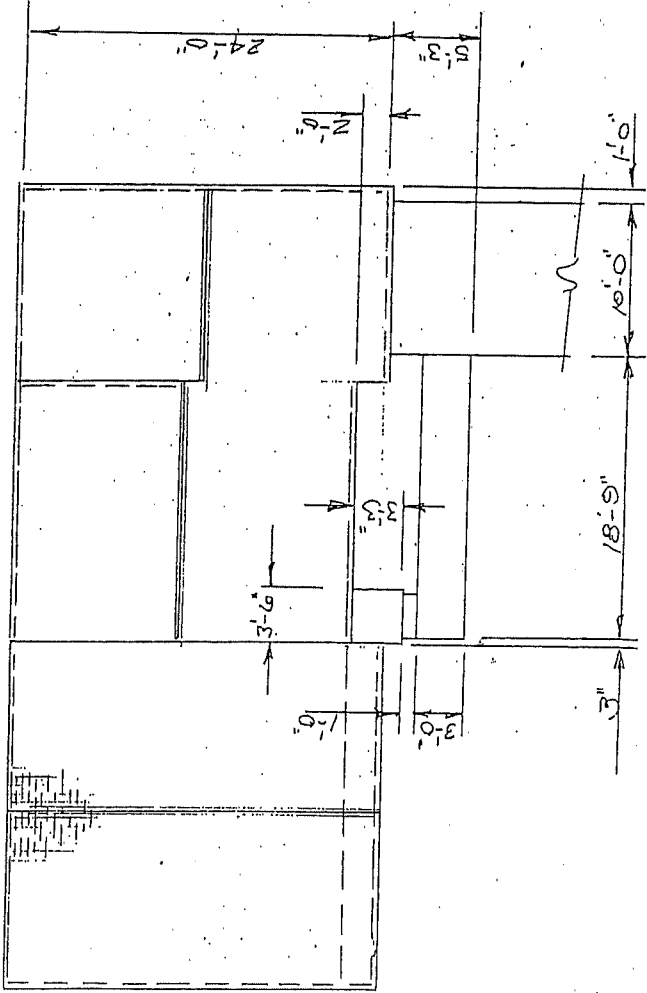
LOT 84 PHEASANT RUN SUBDIVISION  
SECTION No. 6, FLORENCE, BOONE CO., KY.  
SCALE 1" = 30' NOVEMBER 1, 1982

RECEIVED  
APR 12 2005  
BOONE COUNTY  
PLANNING COMMISSION

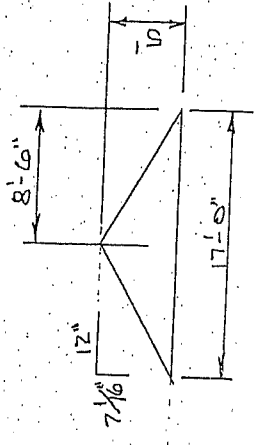
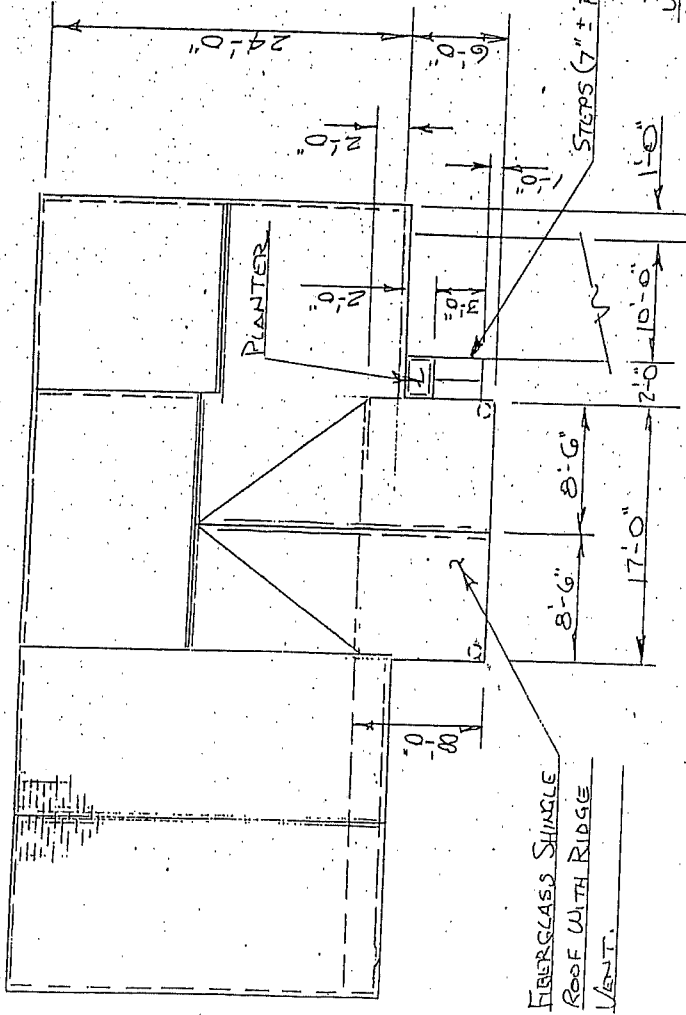
VIA + VIOX P.S.C.  
CIV. ENGINEERS & LAND SURVEYORS  
ERLANGER, KENTUCKY

RECEIVED  
 APR 12 2005  
 BOONE COUNTY  
 PLANNING COMMISSION

EXISTING PROPERTY AT  
 8481 PLEASANT DR.

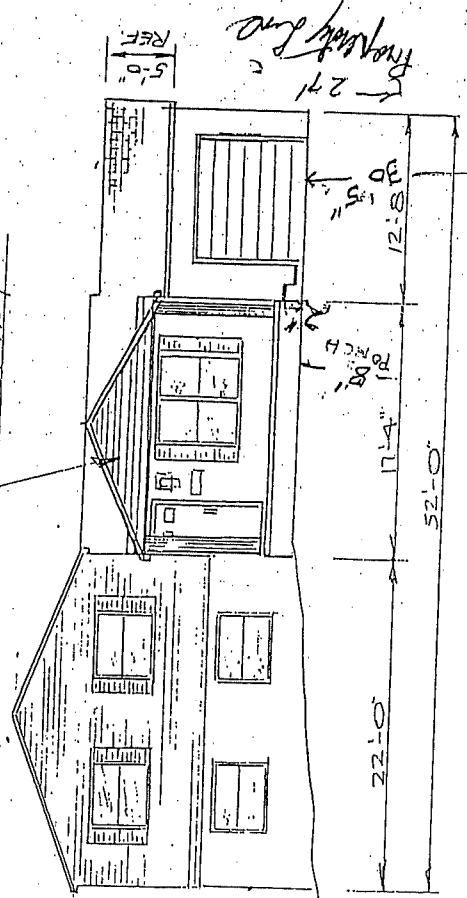
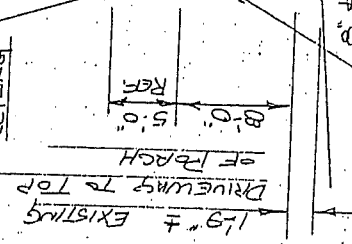
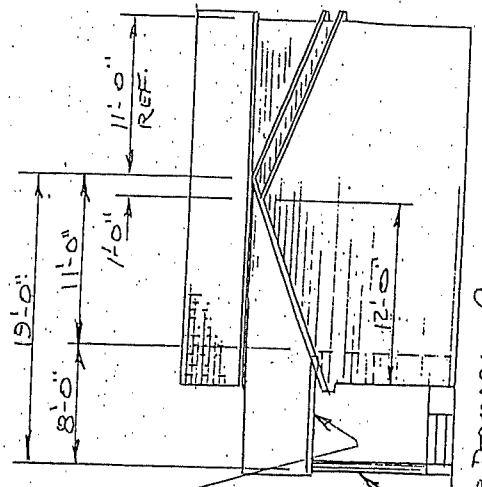


DATE 8-20-04	FOR Wilson Flynn
SCALE 1/8"	FLORENCE, KY.
DWY. BY <i>WTC</i>	DWN NO 0820041
Ken Brooks Contractors, Inc. 5660 Commercial Dr. Burlington, Kentucky 41005	

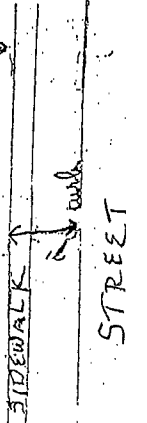


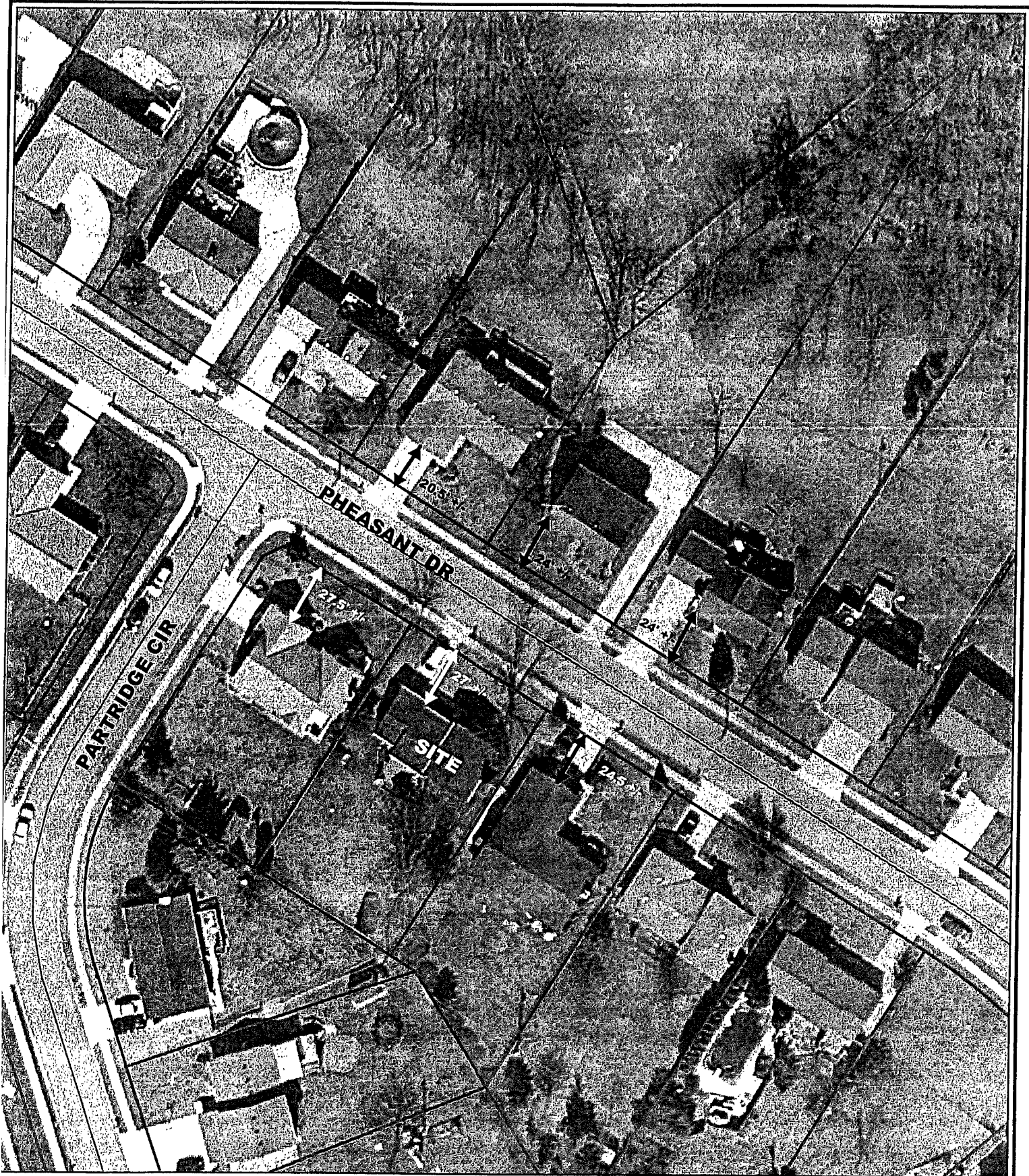
ROOF PITCH DETAIL

PROPOSED FRONT PORCH ADDITION  
 AT 8481 PHEASANT DR.



DATE 8-20-04	FOR WILSONS FLYING
SCALE 1/8"	FLORENCE, KY
DWGN. BY JAC	PWN NO 0820042
Ken Brooks Contractors, Inc. 5660 Commercial Dr. Burlington, Kentucky 41005	





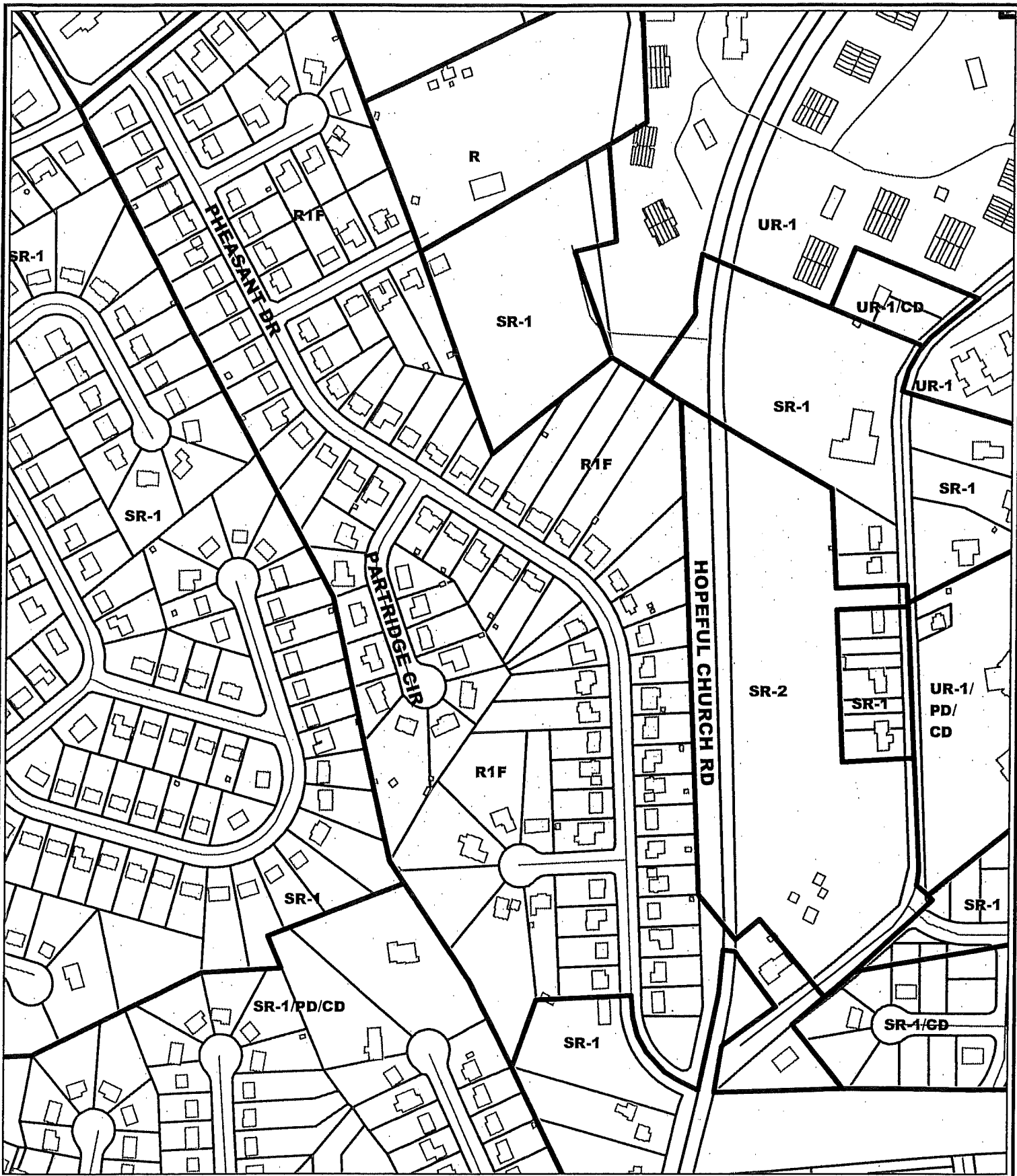
# 8481 Pheasant Drive Aerial Map

60 0 60 Feet

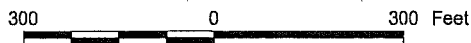
1 inch equals 60 feet

Produced by the  
Boone County Planning Commission  
GIS Services Division  
May 3, 2005



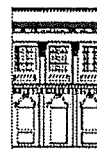


# 8481 Pheasant Drive Zoning Map



1 inch equals 300 feet

Produced by the  
Boone County Planning Commission  
GIS Services Division  
May 3, 2005



BUILDING ADDRESS OR LOCATION: 8481 PHEASANT DR, FLORENCE, KY 41042

**NOTICE**

I certify that what is submitted is true and accurate and 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.

NAME AND ADDRESS OF APPLICANT (PLEASE PRINT): WILSON E. FLYNN  
8481 PHEASANT DR, FLORENCE, KY 41042

APPLICANT'S SIGNATURE: Wilson E. Flynn As  
 Authorized by Property Owner

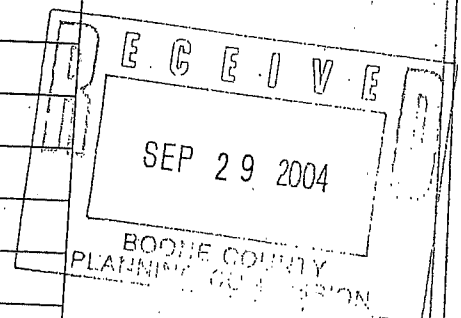
DATE 9/29/04 PHONE NUMBER: (859) 371-7667

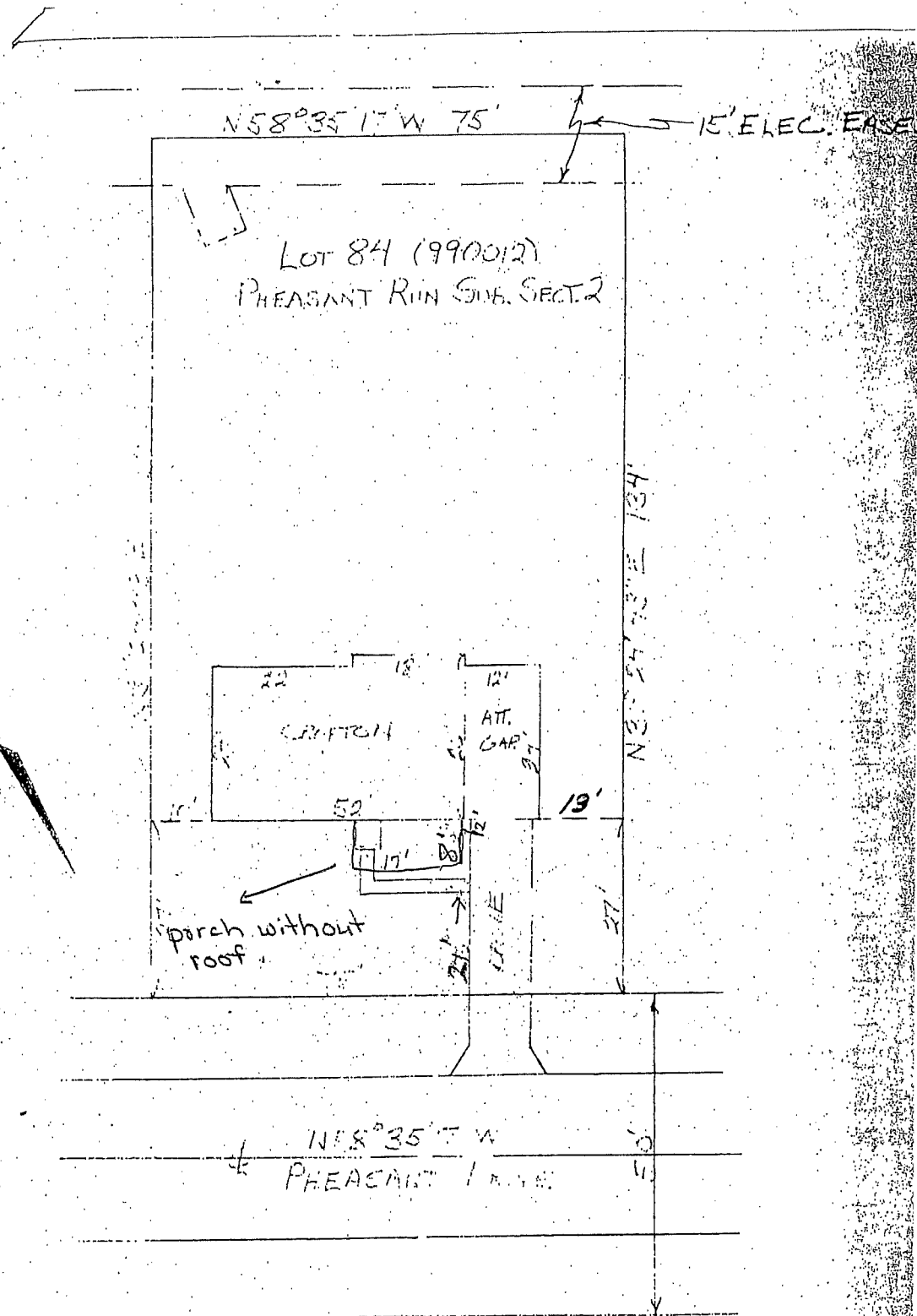
This Portion of the Application to be Completed  
 the Boone County Planning Commission

Zoning District	<u>R1F</u>	Date	<u>9/29/04</u>	Fee	<input checked="" type="checkbox"/> \$50.00	Farm Exempt	<input type="checkbox"/>
Approved	<input checked="" type="checkbox"/>	Denied	<input type="checkbox"/>	<u>Ad</u>	<input checked="" type="checkbox"/> \$20.00	(No Fee)	<input type="checkbox"/>
Staff Reviewer	<u>KEVIN WALL</u>		Address/Location <u>8481 PHEASANT</u>				
Subdivision	<u>PHEASANT RUN</u>						
Lot #	<u>84</u>	Section #	<u>2</u>	Block/Phase #			

Type of Improvement	
<input 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 checked="" 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 type="checkbox"/> Boone County	<input checked="" type="checkbox"/> Florence
<input type="checkbox"/> Walton	<input type="checkbox"/> Union
Post Office	
<input type="checkbox"/> Burlington	<input checked="" type="checkbox"/> Florence
<input type="checkbox"/> Walton	<input type="checkbox"/> Union
<input type="checkbox"/> Hebron	<input type="checkbox"/> Verona
<input type="checkbox"/> Petersburg	<input type="checkbox"/> Erlanger
<input type="checkbox"/> Crittenden	
Group # <u>2039</u>	Census Tract # <u>703.06</u>

RA 40351





Zoning Permit Approval  
 Alvin "Chip" Block  
 Permit # 43  
 November 8, 1982

NOT PLAN FOR  
 NEW HOUSE BLDG.  
 LOT 84 PLEASANT RUN SUBDIVISION  
 SECTION NO. 6 EDENBURG, EDENBURG CO., KY.  
 SCALE 1" = 30' NOVEMBER 1982

VIN & VIOX P.S.C.  
 CIVIL ENGINEERS & LAND SURVEYORS  
 FARMINGER INDUSTRIAL

I have no objections to the proposed addition of a porch with a roof, to the house at 8481 Pheasant Drive, Florence, KY 41042, the home of Wilson Elmo and Iona Christine Flynn.

Allen C. Bouck 8485 Pheasant Dr. Florence 41042

Carl D. Bouck " " " " 4-13-05

Jon Winburn 8480 Pheasant Dr. Florence 4-14-05

R.G. WHITE 8477 Pheasant Dr. Florence 4-14-05

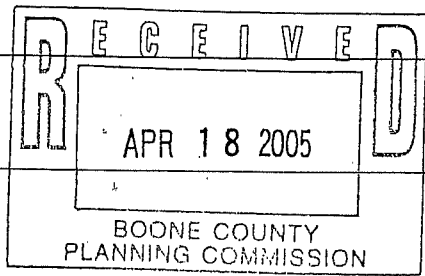
Jeff Phillips 8484 Pheasant Dr. Florence 4/14/05

M. Beth Phillips 8484 Pheasant Dr. Florence 4/14/05

Janie Winburn 8480 Pheasant Dr. Florence, Ky 4-17-05

Carol Justice 8482 Pheasant Dr. Florence Ky 4-18-05

John Jacobs 8467 Parkside Circle Florence Ky 4-18-05



APPLICATION FORM

BOARD OF ADJUSTMENT  
AND  
ZONING APPEALS ACTION  
BOONE COUNTY PLANNING COMMISSION

APR 12 2005  
BOONE COUNTY  
PLANNING COMMISSION

See Boone County Zoning Regulations  
**SECTION A** (To be completed by applicant)

- 1. (Check One)  Boone  Florence  Walton
- 2. (Check One)  Conditional Use Permit  Variance  Appeal
- 3.  Change in Non-Conforming Use
- 3. Applicant's Name WILSON E. FLYNN
- Phone Number 859-371-7667 Fax No. \_\_\_\_\_
- Applicant's Address 8481 PNEASANT DR.
- FLORENCE KY. 41042
- City State Zip
- 4. Description of Request: TO ALLOW AN ATTACHED PORCH TO BE LOCATED 21' FRONT THE FRONT PROPERTY LINE.
- 5. Name of Development \_\_\_\_\_
- 6. Location of Development 8481 PNEASANT DR.
- FLORENCE, KY. 41042
- 7. Acreage Under Review 0.23
- 8. Lot Number and Name of Subdivision (if part of a subdivision) \_\_\_\_\_
- 9. Owner of Property WILSON E. & JONA C. FLYNN
- Phone Number of Owner 859-371-7667
- 10. Address of Property Owner 8481 PNEASANT DR.
- FLORENCE KY. 41042
- City State Zip
- 11. Proposed Use(s) on Site SINGLE FAMILY RESIDENCE WITH PORCH
- 12. Total Square Footage of Existing and/or Proposed Buildings \_\_\_\_\_
- 13. Current Zoning on Property R1F
- 14. Deed Book 828 Page No. 675 Group No. 2039
- 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? \_\_\_\_\_
- 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: Wilson E. Flynn

Property Owner's Signature: Wilson E. Flynn

COPY

CLUR #05-FBOA-004-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Wilson E. & Iona C. Flynn  
8481 Pheasant Drive  
Florence, KY 41042

2. ADDRESS OF PROPERTY

8481 Pheasant Drive  
Florence, KY 41042

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

\_\_\_\_\_

4. DEED BOOK 828

PAGE NO. 675

GROUP NO. 2039

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:

X 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

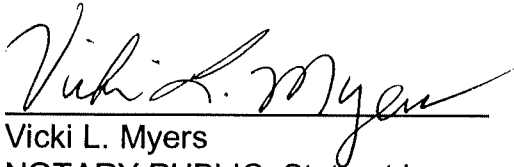
  
\_\_\_\_\_  
SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

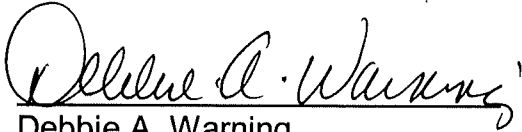
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the  
Boone County Planning Commission this 16 day of May, 2005.



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 May 11, 2005 Certificate of Land Use Restriction (#05-FBOA-004-A), for Wilson E & Iona Flynn property Owner(s).

The following conditions will apply:

- 1) The porch shingles are to match the existing roof shingles on the house.
- 2) The size of the porch is to be eight feet deep by seventeen feet wide.

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

DEED BOOK 828

PAGE NO. 675

GROUP NO. 2039

TRANSACTION REPORT

Transmission

Transaction(s) completed

NO.	TX DATE/TIME	DESTINATION	DURATION	PGS.	RESULT	MODE
157	MAY. 17 08:08	FLOR PUBLIC SVCS	0° 00' 51"	003	OK	N ECM

COPY

CLUR #05-FBOA-004-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Wilson E. & Iona C. Flynn  
8481 Pheasant Drive  
Florence, KY 41042

2. ADDRESS OF PROPERTY

8481 Pheasant Drive  
Florence, KY 41042

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

\_\_\_\_\_

4. DEED BOOK 828

PAGE NO. 675

GROUP NO. 2039

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:

X Variance

6. NAME AND ADDRESS OF PLANNING COMMISSION, BOARD OF ADJUSTMENT, LEGISLATIVE BODY OR FISCAL COURT WHICH MAINTAINS THE ORIGINAL RECORDS CONTAINING THE RESTRICTION

TRANSACTION REPORT

Transmission  
Transaction(s) completed

NO.	TX DATE/TIME	DESTINATION	DURATION	PGS.	RESULT	MODE
286	MAY. 26 15:57	FLOR PUBLIC SVCS	0° 00' 54"	003	OK	N ECM

3  
9

CLUR #05-FBOA-004-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Wilson E. & Iona C. Flynn  
8481 Pheasant Drive  
Florence, KY 41042

2. ADDRESS OF PROPERTY

8481 Pheasant Drive  
Florence, KY 41042

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

\_\_\_\_\_

4. DEED BOOK 828

PAGE NO. 675

GROUP NO. 2039

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\_\_\_ Development Plan

\_\_\_ Conditional Zoning

\_\_\_ Subdivision Plat  
(Not Recorded)

\_\_\_ Other:

X Variance

6. NAME AND ADDRESS OF PLANNING COMMISSION, BOARD OF ADJUSTMENT, LEGISLATIVE BODY OR FISCAL COURT WHICH MAINTAINS THE ORIGINAL RECORDS CONTAINING THE RESTRICTION