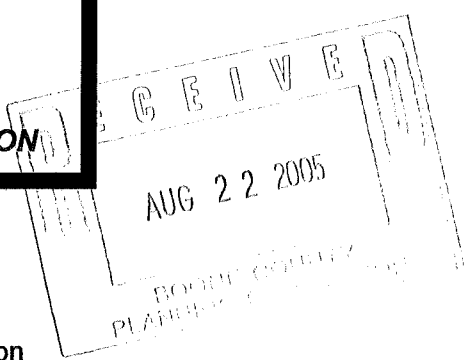


05-1460A-007-A

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 _____ Change in Non-Conforming Use _____
3. Applicant's Name Wilson, Dale & Mary Jo Phone Number 859-525-1931 Fax No. _____ Applicant's Address 8844 Valley Circle Dr. Florence, KY 41042
4. Description of Request: Remove existing wood deck, replace wood deck and add Aluminum roof and screen room.
5. Name of Development Boone Valley Estates
6. Location of Development _____
7. Acreage Under Review _____
8. Lot Number and Name of Subdivision (if part of a subdivision) _____
9. Owner of Property Wilson Phone Number of Owner 859-525-1931
10. Address of Property Owner 8844 VALLEY CIRCLE DR City FLORENCE State KY. Zip 41042
11. Proposed Use(s) on Site Single Family
12. Total Square Footage of Existing and/or Proposed Buildings add 270 sq.ft.
13. Current Zoning on Property _____
14. Deed Book 383 Page No. 14 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? 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.

Reduce Rear Yard Setback From 30' to 26'

Applicant's Signature: Jack Penson Property Owner's Signature: Dale T. Wilson

(over)

**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 8-22-05 Fee Received \$535.00 R#43526
2. Is application complete? Yes No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
9-14-05 **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: Dale & Mary Jo Wilson
LOCATION: 8844 Valley Circle Drive, Florence, Kentucky
ZONING: Suburban Residential Two (SR-2)
DATE: September 14, 2005

Proposal

The applicants have requested a variance so they can construct a 15' x 18' screened room addition onto the back of their single-family residence. The screened room addition will replace an existing deck which is less than 3 feet above grade. The applicants request is to reduce the rear yard setback from 30 feet to 26 feet (see attached Concept Plan).

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."

Surrounding Land Uses & Zoning

Northeast: Single-Family Residential Dwellings Fronting on Heritage Drive (SR-2)

Northwest: Single-Family Residential Dwelling Fronting on Valley Circle Drive (SR-2)

Southeast: Single-Family Residential Dwellings Fronting on Valley Circle Drive (SR-2)

Southwest: Single-Family Residential Dwellings Fronting on Valley Circle Drive (SR-2)

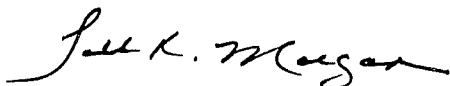
Staff Comments

1. The existing deck, which is being removed, is approximately 23 feet from the rear property line. This deck did not have to meet the rear yard setback requirement because it is less than 3 feet above grade.
2. The applicants have provided a rear elevation photo of a similar screened room addition.
3. Staff received an e-mail (see attachments) from an adjoining property owner, Andrew M. Garner, III. Mr. Garner's e-mail indicates no objection to the subject request (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 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

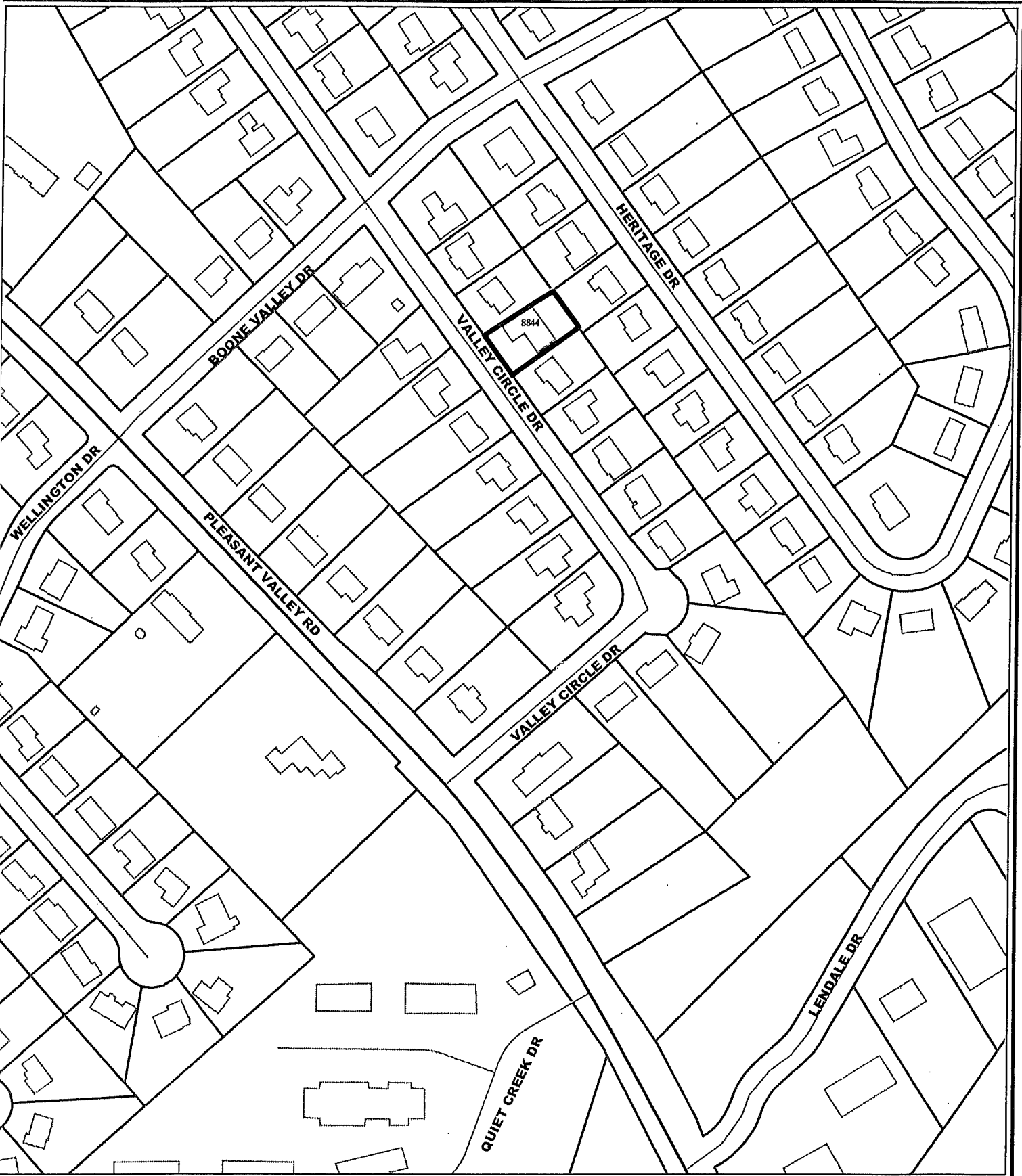
Exhibit C – Photo of a Similar Structure

Exhibit D – Aerial Map

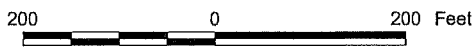
Exhibit E – Zoning Map

Exhibit F – Letter From Andrew M. Garner, III

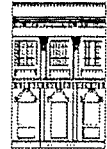
Exhibit G – Application

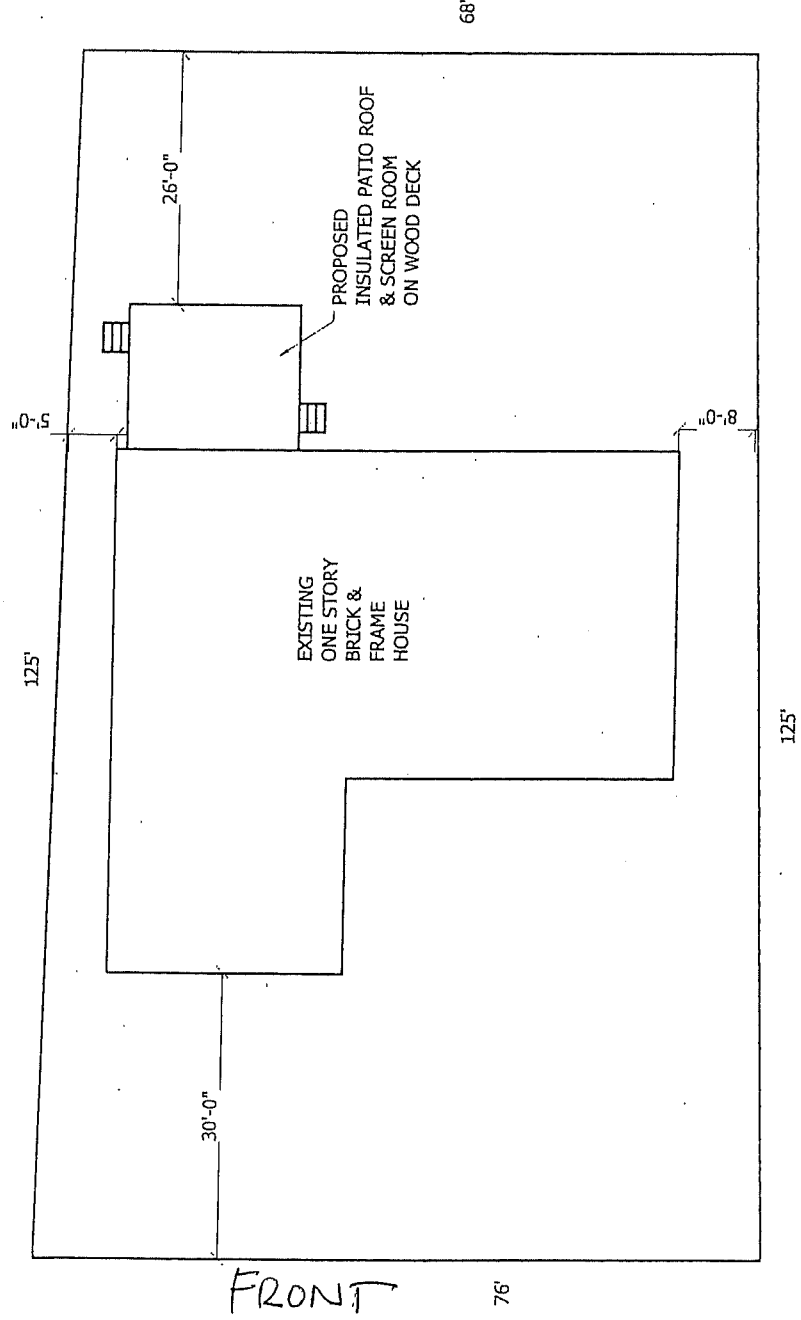


8844 Valley Circle Drive Site Vicinity Map



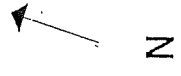
1 inch equals 200 feet
Produced by the
Boone County Planning Commission
GIS Services Division
August 31, 2005

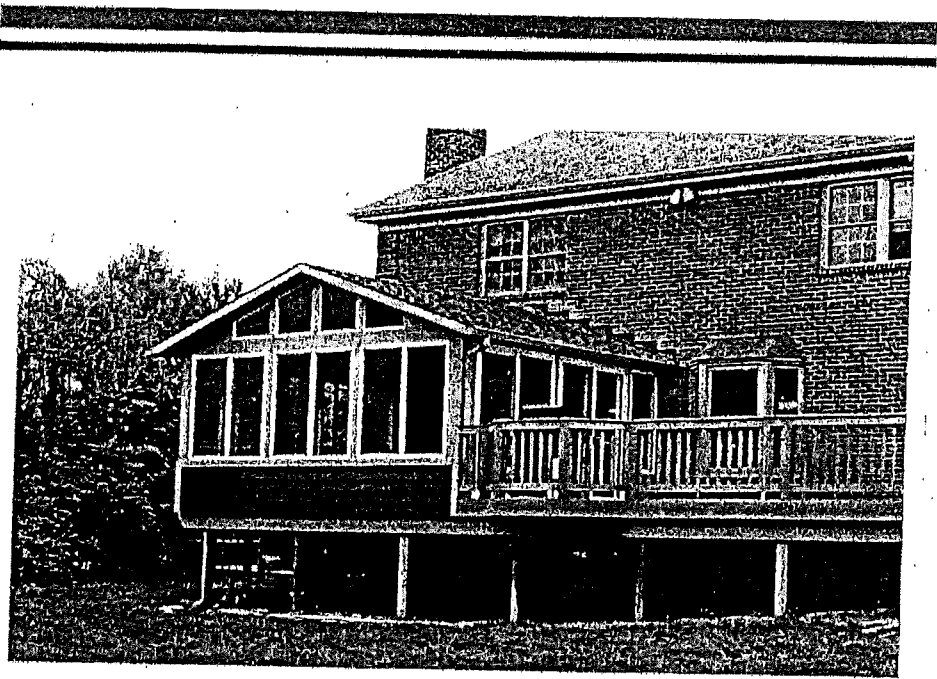


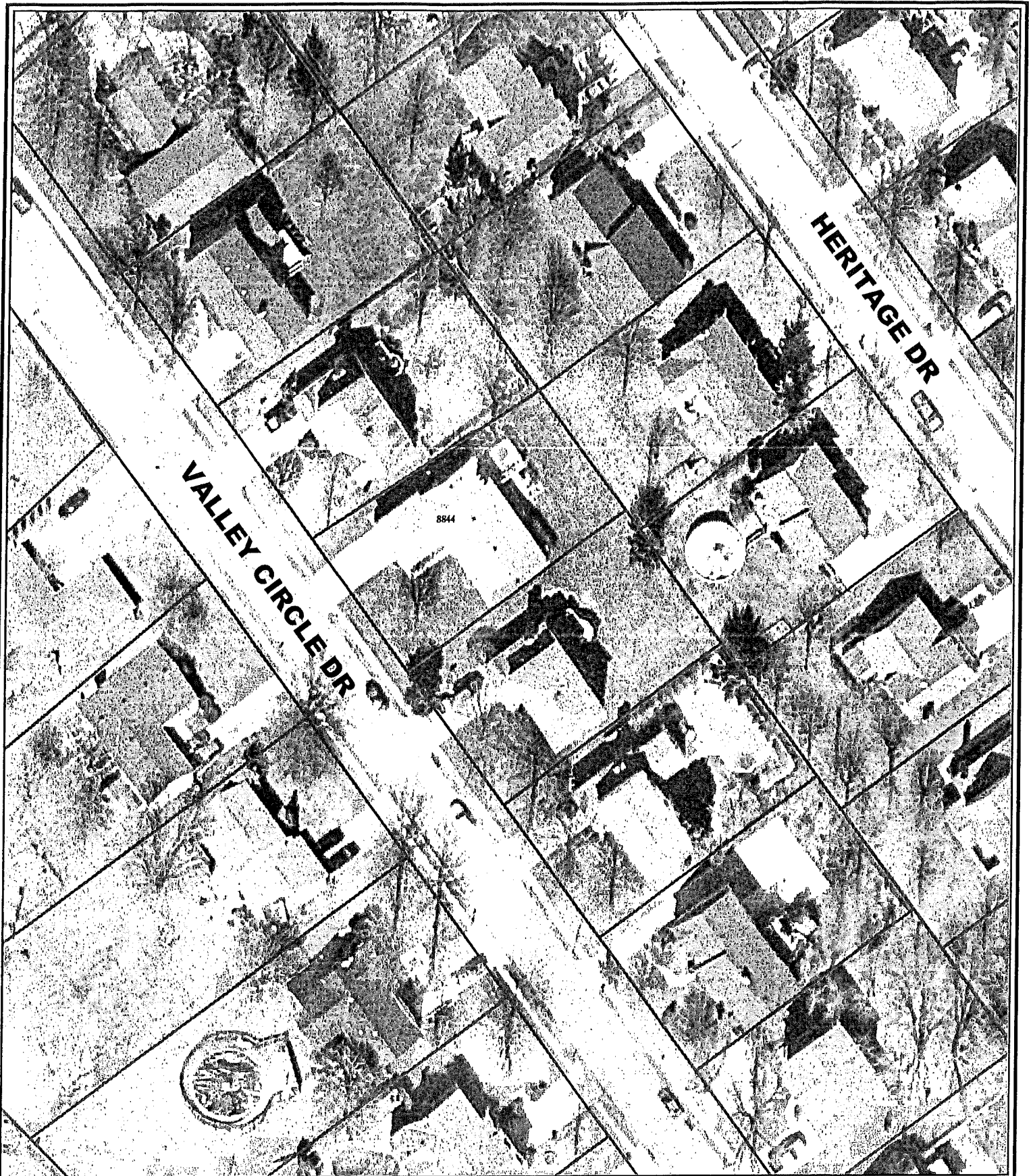


PLOT PLAN
1" = 20'

VALLEY CIRCLE DRIVE



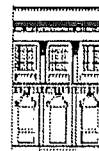


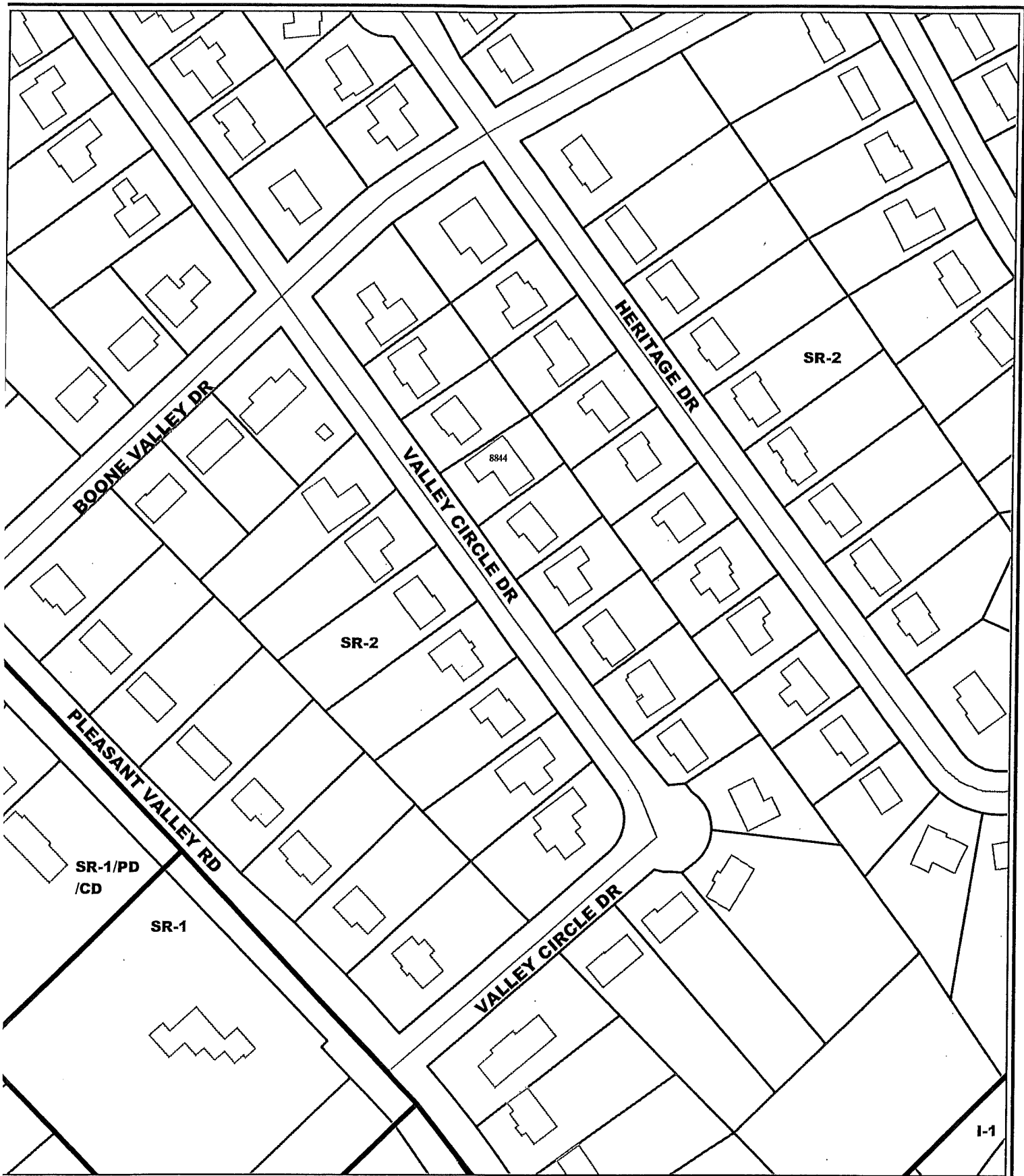


8844 Valley Circle Drive Aerial Map

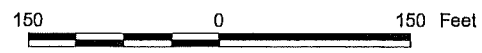
60 0 60 Feet

1 inch equals 60 feet
Produced by the
Boone County Planning Commission
GIS Services Division
August 31, 2005

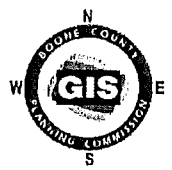




8844 Valley Circle Drive Zoning Map

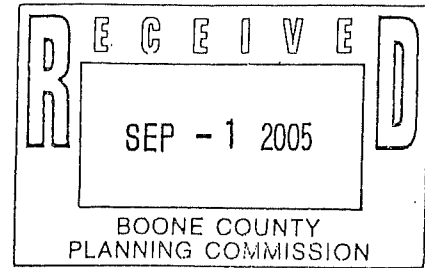


1 inch equals 150 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 August 31, 2005



Todd Morgan

From: Jim Garner [amgarneriii@insightbb.com]
Sent: Thursday, September 01, 2005 9:41 AM
To: Todd Morgan
Cc: 'Dale & Mary Jo Wilson'
Subject: Dale and Mary Jo Wilson Variance Request



Todd,

Per our conversation of today, I will not be in town on Wednesday, September 14th, and unable to attend your meeting. I wanted to let you know that neither I nor my wife, Christine A. Garner, who reside at 8842 Valley Circle Drive, Florence, KY have any objection to the Variance Request of Dale and Mary Jo Wilson for their property at 8844 Valley Circle Drive, Florence, KY 41042. The Wilson's are very considerate neighbors and I am sure that what ever changes they make to their property will be done in accordance with neighborhood standards and in good taste.

It is my recommendation that the Board approve the variance without delay.

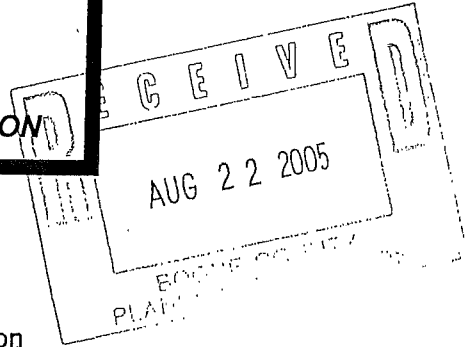
Sincerely,

Andrew M. Garner, III

8842 Valley Circle Drive
Florence, KY 41042
(859) 283-0765

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
 (Check One)
- 2. Conditional Use Permit Variance Appeal
 Change in Non-Conforming Use
- 3. Applicant's Name Wilson, Dale & Mary Jo
 Phone Number 859-525-1931 Fax No. _____
 Applicant's Address 8844 Valley Circle Dr.
Florence, KY 41042
 City State Zip
- 4. Description of Request: Remove existing wood deck, replace wood deck and add Aluminum roof and screen room.
- 5. Name of Development Boone Valley Estates
- 6. Location of Development _____
- 7. Acreage Under Review _____
- 8. Lot Number and Name of Subdivision (if part of a subdivision)
Williamsburg West - on map Boone Valley Estates
- 9. Owner of Property Wilson
 Phone Number of Owner 859-525-1931
- 10. Address of Property Owner 8844 VALLEY CIRCLE DR
 City FLORENCE State KY. Zip 41042
- 11. Proposed Use(s) on Site Single Family
- 12. Total Square Footage of Existing and/or Proposed Buildings add 270 sq.ft.
- 13. Current Zoning on Property _____
- 14. Deed Book 383 Page No. 14 Group No. 1194
- 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: Jack Penson
Property Owner's Signature: Dale T. Wilson

(over)

COPY

CLUR #05-FBOA-007-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Dale and Mary Jo Wilson
8844 Valley Circle Drive
Florence, KY 41042
2. ADDRESS OF PROPERTY
8844 Valley Circle Drive
Florence, KY 41042
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Boone Valley Estates
4. DEED BOOK 383 PAGE NO. 14 GROUP NO. 2039
5. 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
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



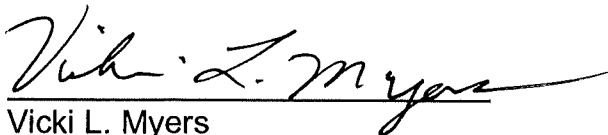
SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

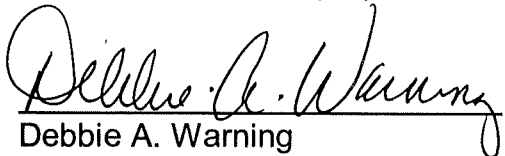
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the Boone
County Planning Commission this 15 day of September, 2005.



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 September 14, 2005 Certificate of Land Use Restriction (#05-FBOA-007-A), for Dale and Mary Jo Wilson, 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 383

PAGE NO. 14

GROUP NO. 2039

TRANSACTION REPORT

Transmission
Transaction(s) completed

NO.	TX DATE/TIME	DESTINATION	DURATION	PGS.	RESULT	MODE
669	SEP. 15 15:55	FLOR PUBLIC SVCS	0° 00' 50"	003	OK	N ECM

CLUR #05-FBOA-007-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Dale and Mary Jo Wilson
8844 Valley Circle Drive
Florence, KY 41042

2. ADDRESS OF PROPERTY

8844 Valley Circle Drive
Florence, KY 41042

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Boone Valley Estates

4. DEED BOOK 383

PAGE NO. 14

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:

Variance

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