

APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

OCT 17 2005 PLANNING COMMISSION

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

- 1. (Check One) Boone [checked] Florence [checked] Walton [checked] Union [checked]
2. (Check One) Conditional Use Permit [checked] Variance [checked] Appeal [checked]
3. Applicant's Name: Julia Huang, Phone Number: 859-384-0355, Address: 2207 Bourbon St, Union, KY 41091
4. Description of Request: Variance to reduce rear yard setback from 30' to 22'
5. Name of Development: Fischer home
6. Location of Development: 2207 Bourbon St
7. Acreage Under Review
8. Lot Number and Name of Subdivision: #31 Orleans South
9. Owner of Property: Jian & Julia Huang, Phone Number: 859-384-0355
10. Address of Property Owner: Union, KY 41091
11. Proposed Use(s) on Site: House w/ deck
12. Total Square Footage of Existing and/or Proposed Buildings: 280 deck
13. Current Zoning on Property: RS/PP
14. Deed Book: 888, Page No.: 66, Group No.: 2046
15. Is the site subject to a zone change? yes
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: Julia R Huang
Property Owner's Signature: Julia R Huang

**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 10-17-05 Fee Received \$519.00 RA44079
2. Is application complete? Yes No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
Approved
11-9-05 Approved with Conditions (See #6)
Denial (See #7)
6. Conditions of Approval: SEE 11-9-05 F.B.O.A.
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 - 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: Julia Huang
LOCATION: 2207 Bourbon Street, Florence, Kentucky
ZONING: Rural Suburban/Planned Development (RS/PD)
DATE: November 9, 2005

Proposal

The applicant is requesting a variance to reduce the required 30 foot rear yard setback to 22 feet so she can keep a deck that was constructed without the proper zoning and building permits. The subject property is located at 2207 Bourbon Street, Florence, Kentucky.

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.

Site History

- 1999 – The subject property is rezoned from Rural Suburban Estates (RSE) to Rural Suburban/Planned Development. The submitted Concept Plan indicates that the building setbacks for Section C (see attachments) are 30 foot front, 30 foot rear, and 5' minimum/15' total side yards.
- 2004 – A Zoning Permit is issued for the subject property. The approved permit does not show that a deck is being constructed onto the rear of the single-family residence.

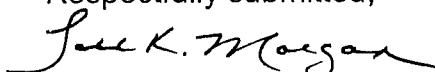
Staff Comments

1. A Boone County Building Inspector noticed that deck construction was occurring on the subject site and informed the applicant that zoning and building permits were needed. At the time the Zoning Permit was submitted it became apparent that the constructed deck did not meet the 30 foot rear yard setback requirement.
2. While taking pictures of the site, Staff noticed that the two households to the west had attached decks with similar rear yard setbacks. After checking the approved Zoning Permits, Staff determined that neither residence was approved with a deck. Staff has turned these matters over to the Florence Zoning Enforcement Officers.
3. Staff does not believe the request alters the essential character of the area because the adjoining properties to the west have decks with similar rear yard setbacks. However, these decks were not properly permitted and may need to go through the variance process for approval.
4. If the Board grants the requested Variance, Staff recommends a condition which requires three small trees from plant list C (see Boone County Zoning Regulations) to be installed along the rear property line.

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,

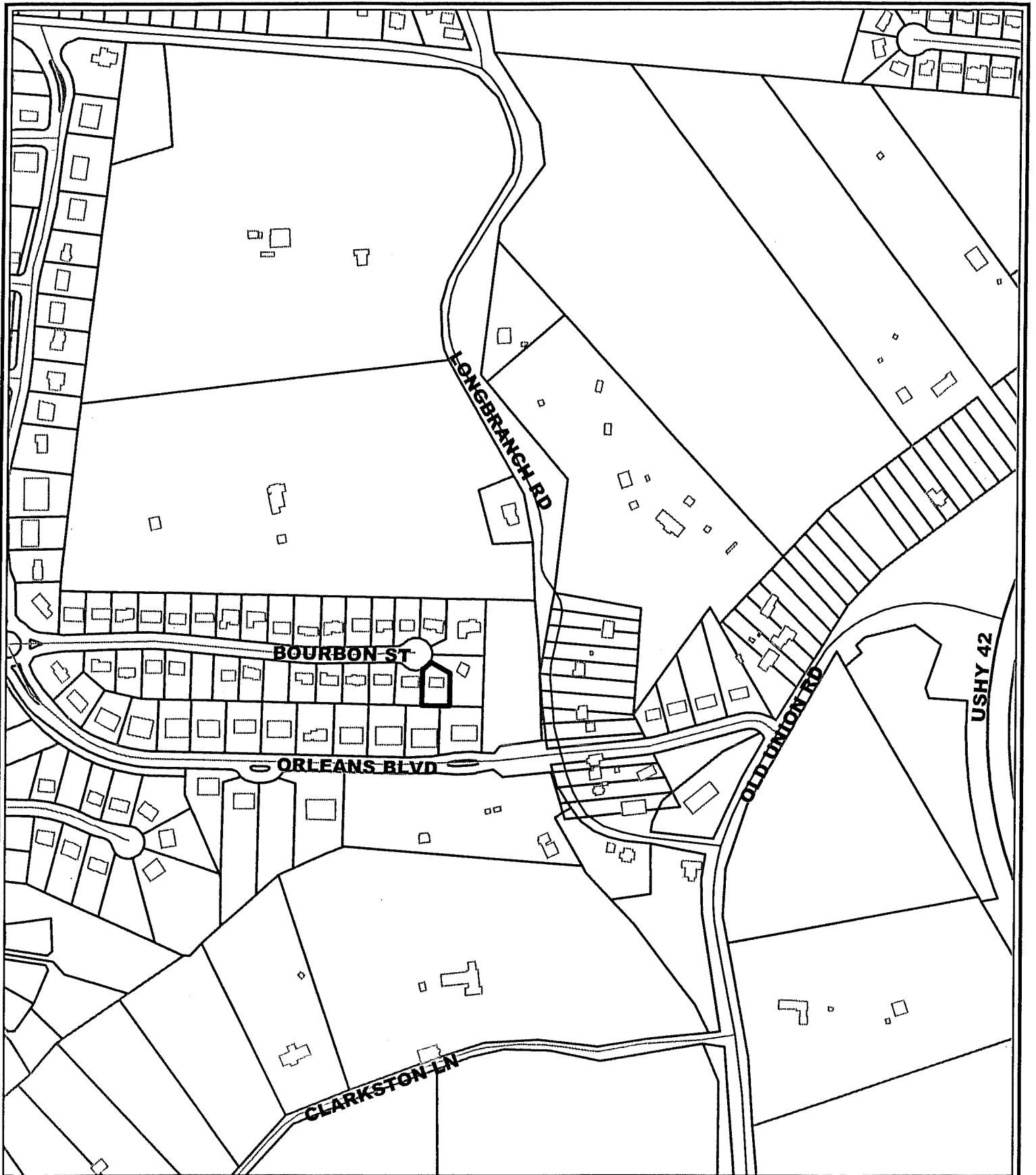


Todd K. Morgan, AICP
Planner, Zoning Services

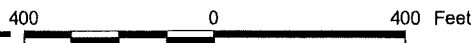
TKM/pr

Attachments

- Exhibit A – Site Vicinity Map
- Exhibit B – Concept Plans
- Exhibit C – Aerial Map
- Exhibit D – Topographical Map
- Exhibit E – Zoning Map
- Exhibit F – 1999 Concept Plan & Dimensional Requirements
- Exhibit G – Zoning Permit For Subject Property
- Exhibit H – Zoning Permit For 2211 Bourbon Street
- Exhibit I – Zoning Permit For 2215 Bourbon Street
- Exhibit J – Application



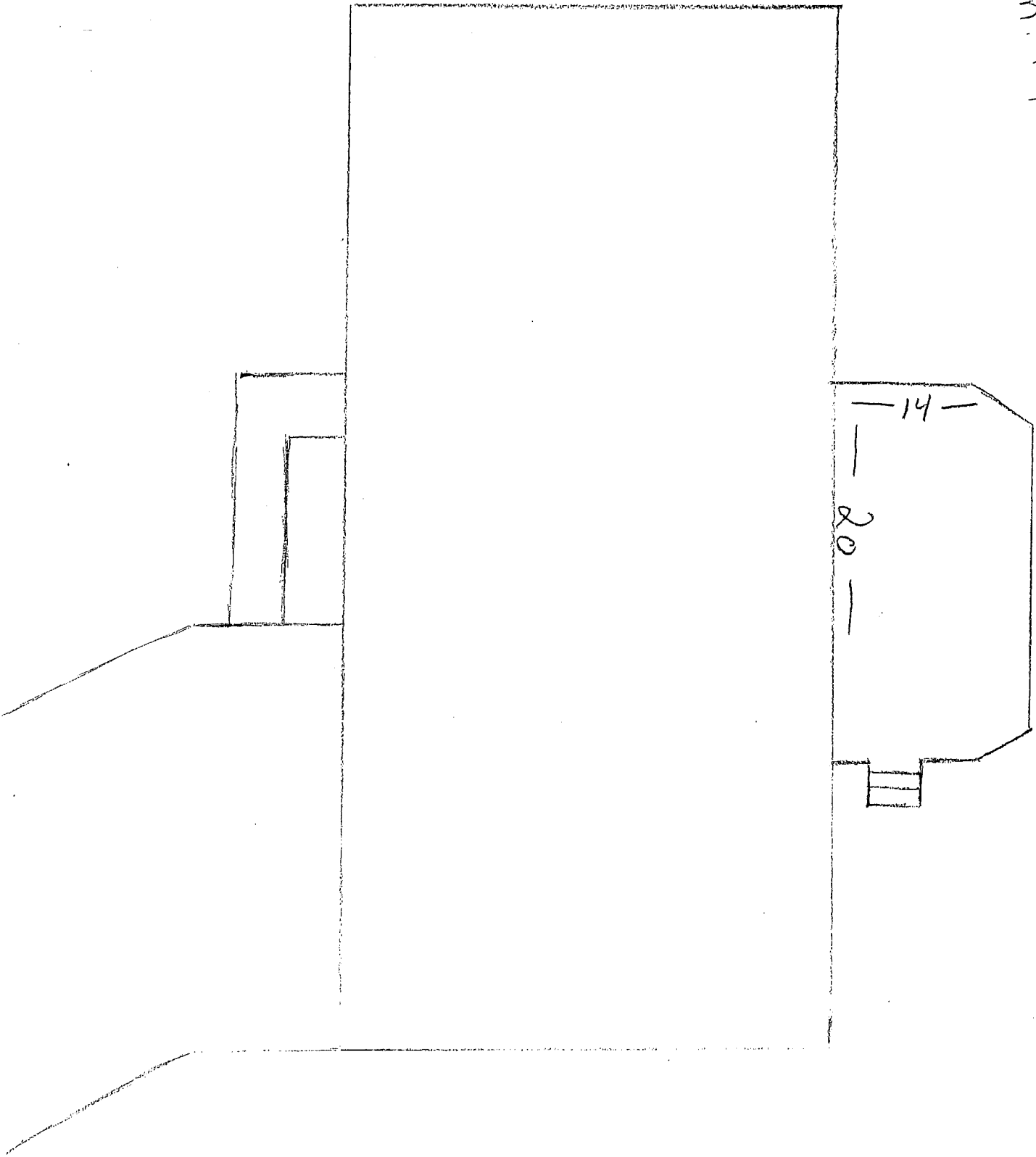
2207 Bourbon Street Site Vicinity Map



1 inch equals 400 feet
Produced by the
Boone County Planning Commission
GIS Services Division
October 24, 2005

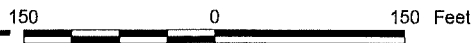


2207 Bourbon St
Union, KY 41091



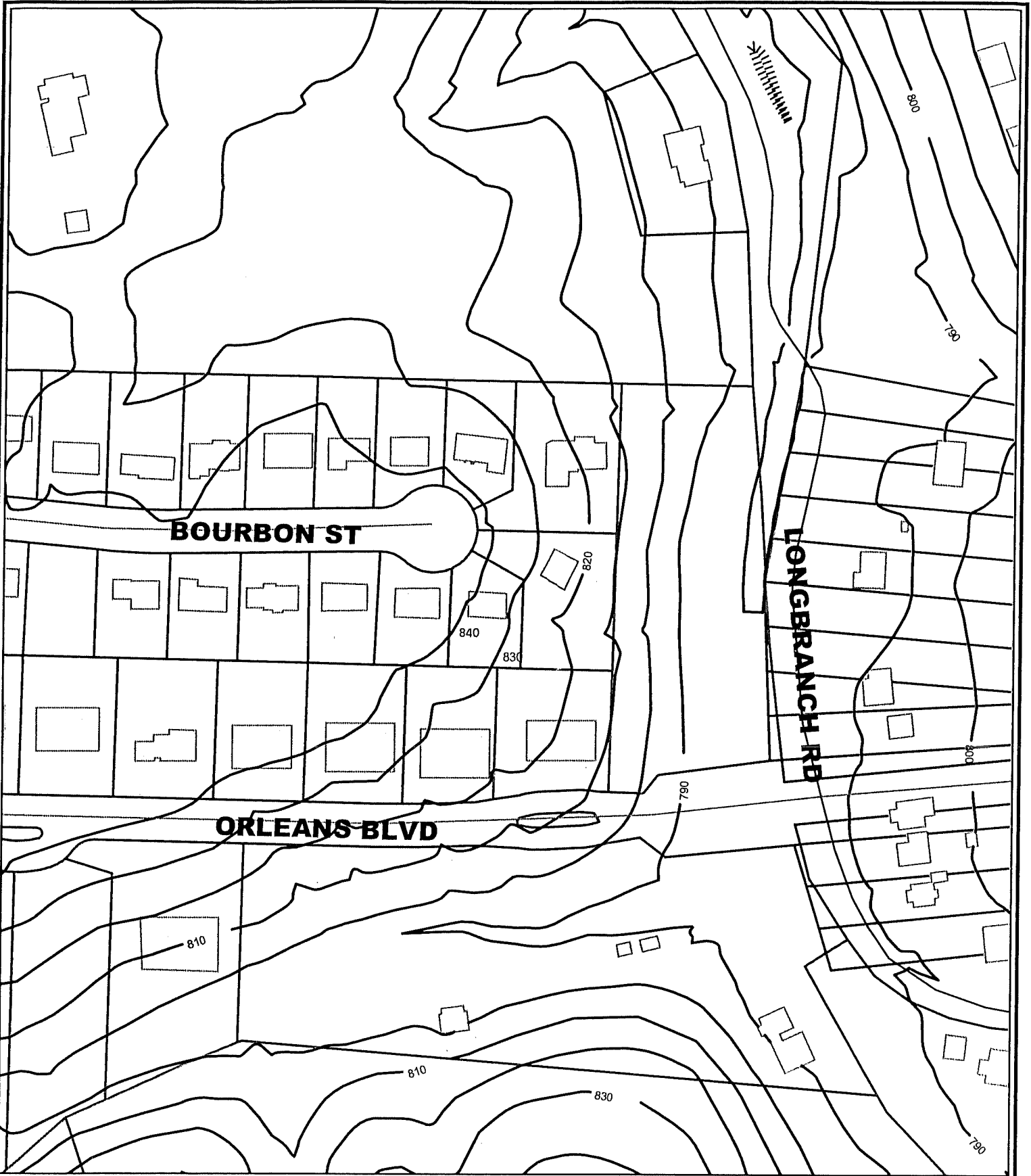


2207 Bourbon Street Aerial Map

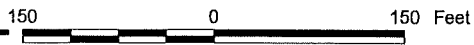


1 inch equals 150 feet
Produced by the
Boone County Planning Commission
GIS Services Division
October 24, 2005



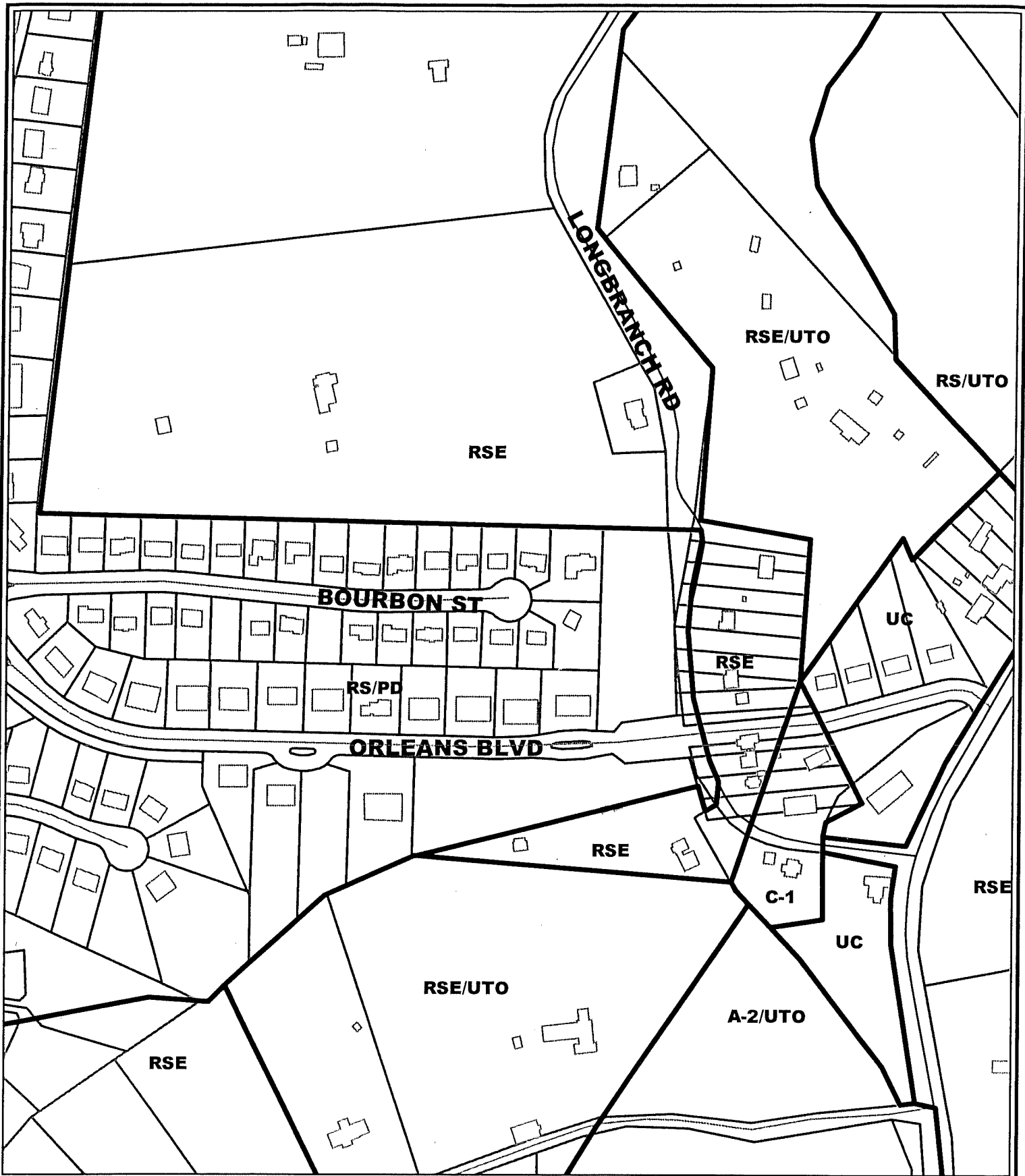


2207 Bourbon Street Topographical Map

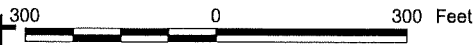


1 inch equals 150 feet
Produced by the
Boone County Planning Commission
GIS Services Division
October 24, 2005





2207 Bourbon Street Zoning Map

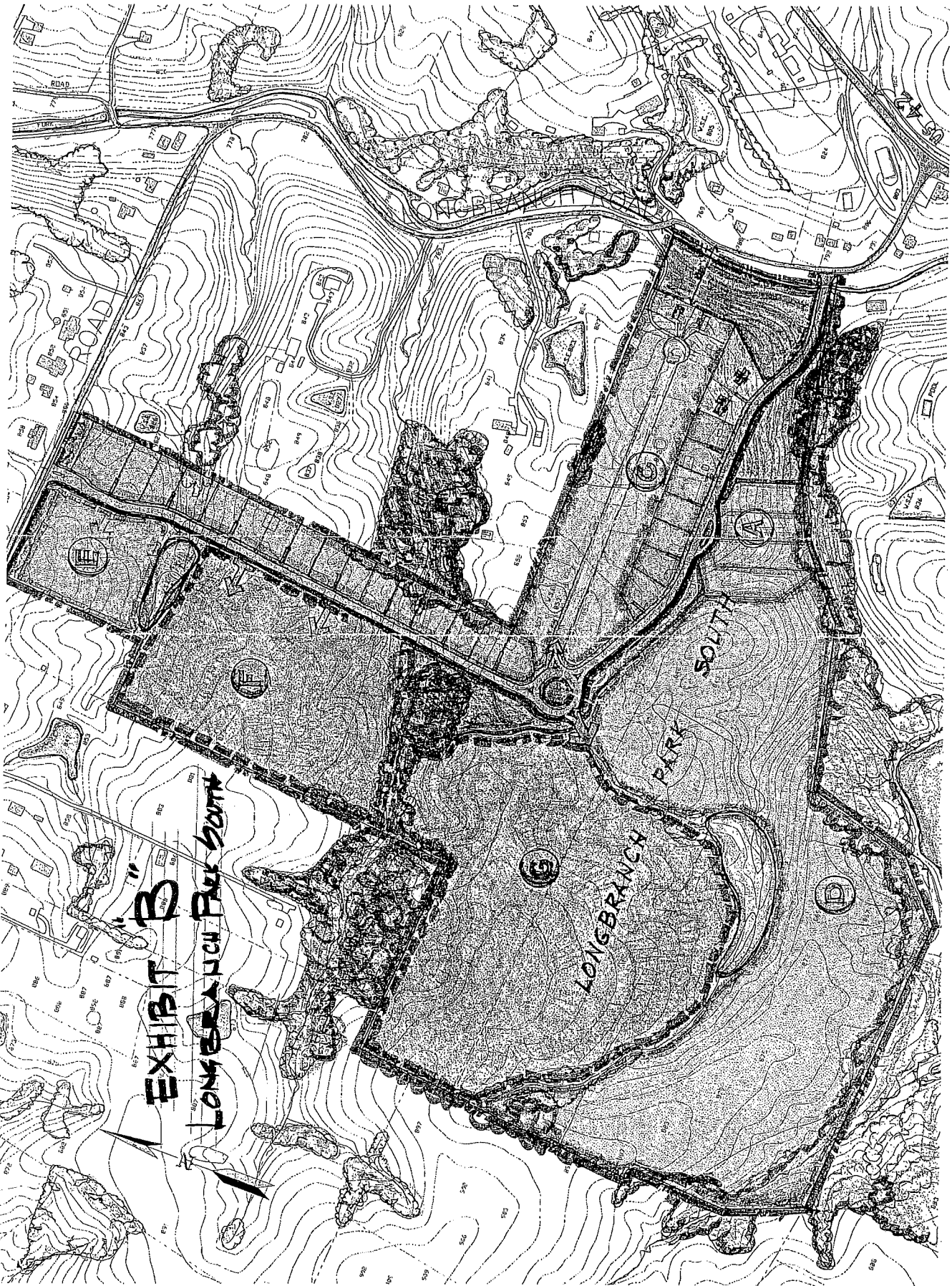


1 inch equals 300 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 October 25, 2005



MAY 18 2000

EXHIBIT B
LONGBRANCH PARK SOUTH



Dimensional Standards for Residential Areas

Areas	Minimum Lot Size	Minimum Frontage	Maximum Height	Front	Minimum Yard Setbacks	
					Rear	Side
A, B & H	12,000 s.f.	80 ft.	45 ft.	35 ft.	35 ft.	5 ft. min. - 15 ft. total
C, D & E	10,000 s.f.	70 ft.	45 ft.	30 ft.	30 ft.	5 ft. min. - 15 ft. total
F, G, I & J	4,000 s.f.*	50 ft.	45 ft.	20 ft.	20 ft.	0 ft. min. - 10 ft. total

*Minimum lot size for 50' minimum lot width areas targeted by Developer to be marketed toward entry level housing shall be 5,500 s.f. Entry level homes shall have a two-car garage.

Street Standards

The subcollector primary streets shown on the Concept Plan shall be constructed to the following minimum standards: right-of-way width, minimum of 50 ft. wide; pavement width, a minimum of 24 ft. wide with shoulder/ditch typical street section (no parking) or a minimum of 28 ft. wide with curb and gutter typical street section (parking limited to one side); maximum street grade, 10%. Lots fronting on subcollector streets will have a minimum of 80 foot frontage and a minimum front yard building setback of 40 feet. The number of building lots permitted direct driveway access to the subcollector street in Longbranch Park South shall be limited to 29 building lots. The bridge and subcollector street in Longbranch Park South shall be constructed prior to occupancy of homes in Longbranch Park North. Within the residential areas, local, cul-de-sac and court streets shall be permitted to be constructed to the following minimum standards:

Street Type	Right-of-way Width	Minimum Pavement Width	Maximum Street Grade
Local	50 ft.	25 ft.	12%
Cul-de-sac	50 ft.	25 ft.	12%
Court (service 6 lots or less)	42 ft.	22 ft.	12%

The proposed subcollector streets may be constructed with either a curb and gutter typical street section and/or shoulder/ditch typical street section. Local, cul-de-sac and court streets shall all be constructed with curb and gutter typical street section. Additional roadway system design features may include rotaries, eyebrows and landscaped medians. Sidewalk shall be required on both sides of proposed subcollector streets, except where such streets are constructed with bicycle pathways, which shall be limited to one side. Sidewalks shall be required on both sides of local streets and cul-de-sac streets with more than 25 lots and shall be required on one side of cul-de-sac streets and court streets. All sidewalks shall be constructed to a minimum width of 4 feet. All bicycle pathways shall be constructed to a minimum width of 8 feet, per County Subdivision Regulation standards. Local streets, cul-de-sac streets and court streets may be constructed as private streets. Court streets may utilize the turn-around details for dead-end streets shown on the attached Exhibit "A".

BUILDING ADDRESS OR LOCATION: _____

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): Fischer Single Family Homes II, LLC
2670 Chancellor Dr, Crestview Hills KY 41017

APPLICANT'S SIGNATURE: Jennifer Martin
 As Authorized by Property Owner

DATE: 9/15/04 PHONE NUMBER: 859-341-4709

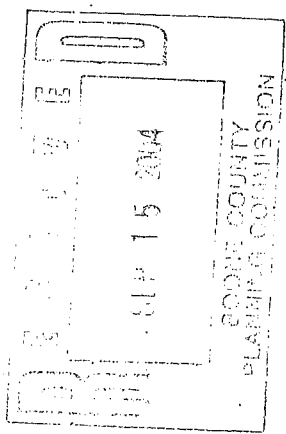
***** This Portion of the Application to be Completed the Boone County Planning Commission *****

Zoning District	Date	Fee	\$50.00	
Approved <input checked="" type="checkbox"/>	Denied <input type="checkbox"/>		\$20.00	None
Staff Reviewer	Address/Location			
<u>Rudy Corbell</u>	<u>2207 Bancroft St</u>			
Subdivision	PIDN			
<u>ORPANS - South</u>				
Lot #	Section #	Block/Phase #		
<u>3</u>	<u>2</u>	<u> </u>		

KCF # 40192

Re-Submit

Type of Improvement	
<input checked="" type="checkbox"/> Single Family Residence	Detached Garage
<input type="checkbox"/> Duplex	Garage Addition
<input type="checkbox"/> Three Family	Porch or Deck
<input type="checkbox"/> Apartment (# units _____)	Barn or Shed
<input type="checkbox"/> Townhouse (# units _____)	Swimming Pool
<input type="checkbox"/> Mobile Home	Tenant Finish
<input type="checkbox"/> Residential Addition	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 type="checkbox"/> Florence
<input type="checkbox"/> Walton	<input checked="" 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>2046</u>	Census Tract # <u>703.97</u>



FISCHER SINGLE FAMILY HOMES II, LLC

2670 Chancellor Drive, Suite 300
 Crestview Hills, KY 41017
 Phone: (859) 341-4709

HOME SITE # : 031

COMMUNITY: LeMeridian at Orleans (LM)

RECORDED: SECTION 2...Plat Cab.4, Plat Slide 90, Recorded:3/05/01

COUNTY/STATE: City of Florence, Boone County, Kentucky

ADDRESS: 2207 BOURBON STREET

DATE: 07/29/2004

DRAWN BY: K.A.M.

FILE NAME: Section2.dwg

DOCUMENT TYPE: Permit

SCALE OF DRAWING: 1" = 30'

09-14-04 KAM

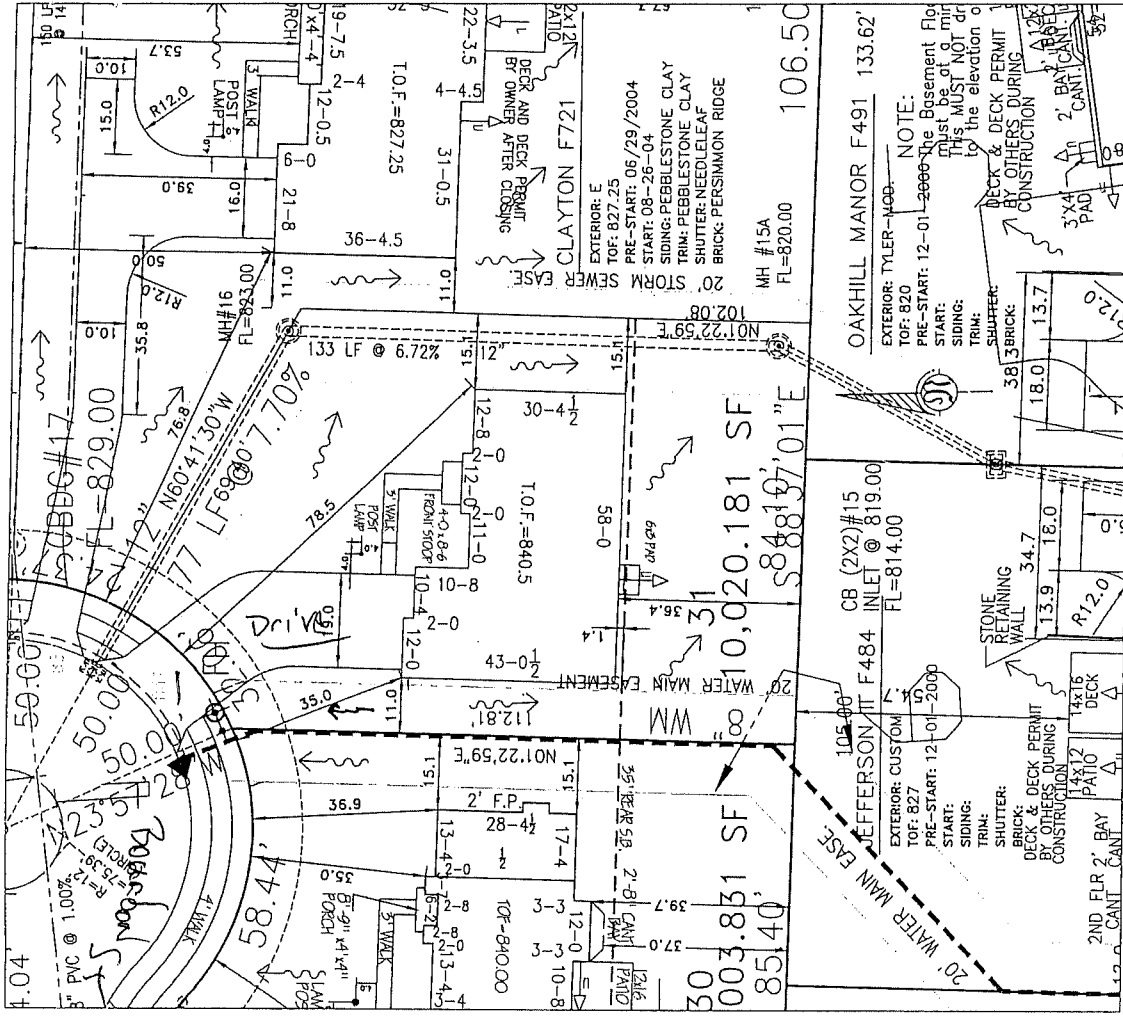
- REVISED TOF

PERMIT

Improvement Plan
 Approved: 08/25/2000

RECORDED

SETBACK REQUIREMENTS	ZONING	FISCHER
FRONT -	35'	35'
SIDE -	5' min, 15' Total	7.5' Min, 15' Total
REAR -	35'	40'
SIDEYARD CORNER LOT -	17.5'	
SIDEWALKS	4' Walk Both Sides of Bourbon Street	



216' 11" 9' E

BOONE COUNTY ZONING ADDRESS OR LOCATION: 2211 Bourbon Ct.

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): Fischer Single Family Homes/LLC
2670 Chancellor Dr. Crestview Hills KY 41017

APPLICANT'S SIGNATURE: [Signature]
 As Authorized by Property Owner

DATE 7/2/03 PHONE NUMBER: 859-341-4709

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

Zoning District	Date <u>7/7/03</u>	Fee <u>PD</u>	<input checked="" type="checkbox"/>	\$50.00		
Approved <input checked="" type="checkbox"/>	Denied			\$20.00		None
Staff Reviewer <u>Rudy Carwell</u>	Address/Location <u>2211 Bourbon St</u>					
Subdivision <u>Oaklands-South</u>	PIDN					
Lot # <u>30</u>	Section # <u>2</u>	Block/Phase # <u>—</u>				

Type of Improvement			
<input checked="" type="checkbox"/>	Single Family Residence		Detached Garage
	Duplex		Garage Addition
	Three Family	<input checked="" type="checkbox"/>	<u>P</u> Porch or Deck
	Apartment (# units _____)		Barn or Shed
	Townhouse (# units _____)		Swimming Pool
	Mobile Home		Tenant Finish
	Residential Addition		Other:
Jurisdiction			
	Boone County	<input checked="" type="checkbox"/>	Florence
	Walton		Union
Post Office			
	Burlington		Florence
	Walton	<input checked="" type="checkbox"/>	Union
	Hebron		Verona
	Petersburg		Erlanger
	Crittenden		
Group # <u>2046</u>		Census Tract # <u>703.97</u>	

R# 35767

RECEIVED
 JUL - 2 2003
 BOONE COUNTY
 PLANNING COMMISSION

FISCHER SINGLE FAMILY HOMES II, LLC

2670 Chancellor Drive, Suite 300
 Crestview Hills, KY 41017
 Phone: (859) 341-4709

HOME SITE # : 030

COMMUNITY: Le'Meridian at Orleans (LM)

RECORDED: SECTION 2... Plat Cab.4, Plat Slide 90, Recorded:3/05/01

COUNTY/STATE: City of Florence, Boone County, Kentucky

ADDRESS: 2211 Bourbon Street

DATE: 06/27/2003

FILE NAME: Section2.dwg

DOCUMENT TYPE: Permit

SCALE OF DRAWING: 1" = 30'

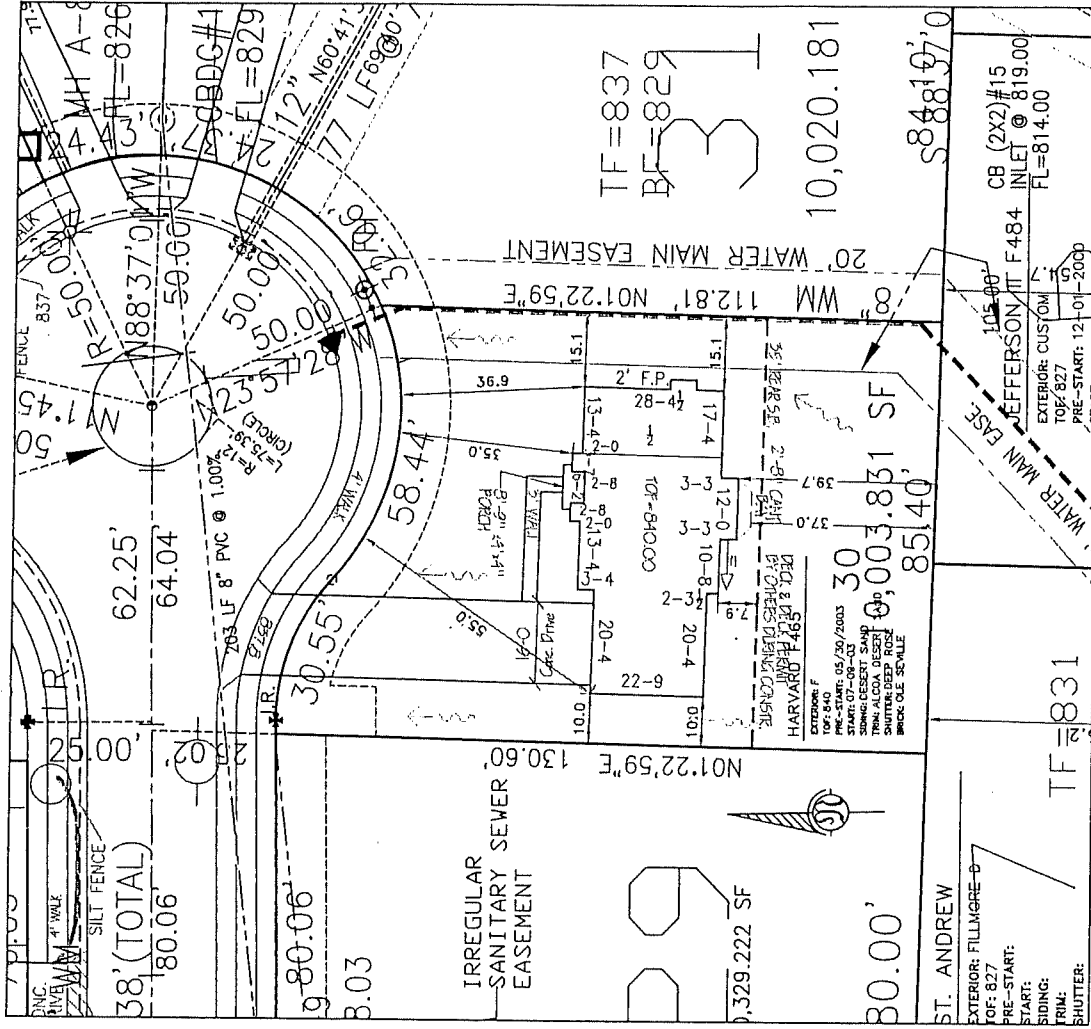
DRAWN BY: K.A.B.

PERMIT

Improvement Plan
 Approved: 08/25/2000

RECORDED

SETBACK REQUIREMENTS	ZONING	FISCHER
FRONT "	35'	35'
SIDE "	5 min. 15' Total	7.5' Min. 15' Total
REAR "	35'	40'
SIDEYARD CORNER LOT-	17.5'	
SIDEWALKS	4' Walk Both Sides of Four-Corner Street	



ST. ANDREW
 EXTERIOR: FILLMORE 0
 TOF: 827
 PRE-START:
 START:
 SIDING:
 FRIM:
 SHUTTER:
 SHUTTER: 12-01-2000

TF=831

JEFFERSON
 EXTERIOR: CUSTOM
 TOF: 827
 PRE-START: 12-01-2000

CB (2X2) #15
 INLET @ 819.00
 FL=814.00

TF=837
 BF=829
 10,020.181
 S84819'0

WM 112.81' N01.22'59"E
 20' WATER MAIN EASEMENT

N01.22'59"E 130.60'

IRREGULAR
 SANITARY SEWER
 EASEMENT

0.329.222 SF

80.00'

0.003.831 SF

85.40'

HARVARD #465
 EXTERIOR: F
 TOF: 827
 PRE-START: 05/30/2003
 START: 07-08-03
 SIDING: CESSY, SAND
 FRIM: SHUTTER, ROSE
 SHUTTER: BRICK, OLE SEVILLE

105.00'
 WATER MAIN EASE

BUILDING ADDRESS OR LOCATION: 2215 Bourbon St.

NOTICE

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2670 Chancellor Dr. Crestview Hills KY 41017

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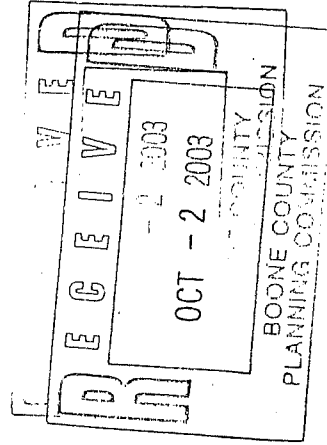
DATE 10/2/03 PHONE NUMBER: 859-341-4709

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

Zoning District	Date <u>10/6/03</u>	Fee	<input checked="" type="checkbox"/> \$50.00	
Approved <input checked="" type="checkbox"/>	Denied		\$20.00	None
Staff Reviewer <u>Rudy Cordell</u>	Address/Location <u>2215 Bourbon St.</u>			
Subdivision <u>ORPANS - South</u>	PIDN			
Lot # <u>29</u>	Section # <u>2</u>	Block/Phase # <u> </u>		

RH
36783

Type of Improvement	
<input checked="" type="checkbox"/> Single Family Residence	<input type="checkbox"/> Detached Garage
<input type="checkbox"/> Duplex	<input type="checkbox"/> Garage Addition
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<input type="checkbox"/> Hebron	<input type="checkbox"/> Verona
<input type="checkbox"/> Petersburg	<input type="checkbox"/> Erlanger
<input type="checkbox"/> Crittenden	
Group # <u>2090</u>	Census Tract # <u>703.97</u>



FISCHER SINGLE FAMILY HOMES II, LLC

2670 Chancellor Drive, Suite 300
 Crestview Hills, KY 41017
 Phone: (859) 341-4709

HOME SITE # : 029

COMMUNITY: LeMeridian at Orleans (LM)

RECORDED: SECTION 2, Plat Cab. 4, Plat Slide 90, Recorded: 3/05/01

COUNTY/STATE: City of Florence, Boone County, Kentucky

ADDRESS: 2215 Bourbon Street

DATE: 09/24/2003 DRAWN BY: K.A.M.

FILE NAME: Section2.dwg

DOCUMENT TYPE: Permit

SCALE OF DRAWING: 1" = 30'

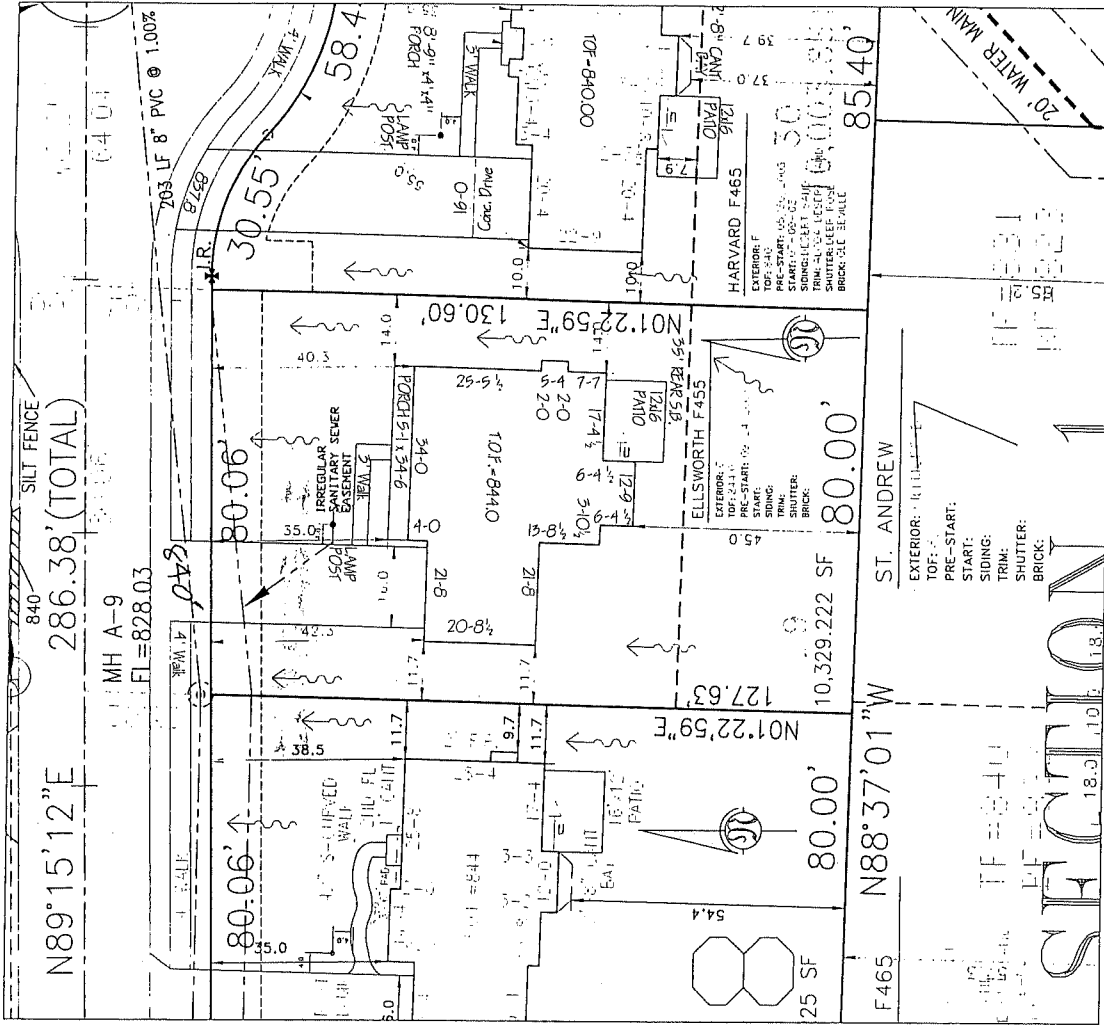
10-02-03 ASF

- ADJUSTED FOOTPRINT AND SETBACKS
 - ADDED STOOP SIZE

Improvement Plan
 Approved: 08/25/2000

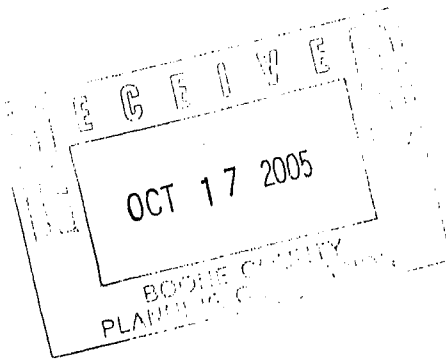
RECORDED

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SIDEWALKS		4' Walk Both Sides of Bourbon Street	



SECTION 2

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 [checked] Florence [checked] Walton [checked] Union [checked]
2. (Check One) Conditional Use Permit [checked] Variance [checked] Appeal [checked]
3. Applicant's Name Julia Huang, Phone Number 859-384-0355, Address 2207 Bourbon St, Union KY 41091
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5. Name of Development fischer home
6. Location of Development 2207 Bourbon St
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9. Owner of Property Jian & Julia Huang, Phone Number of Owner 859-384-0355
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11. Proposed Use(s) on Site House w/ deck
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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: Julia R Huang
Property Owner's Signature: Julia R Huang

COPY

CLUR #05-FBOA-010-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Jian & Julia Huang
2207 Bourbon Street
Union, KY 41091

2. ADDRESS OF PROPERTY

2207 Bourbon Street
Union, KY 41091

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Orleans South, Lot 31

4. DEED BOOK 888

PAGE NO. 66

GROUP NO. 2046

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

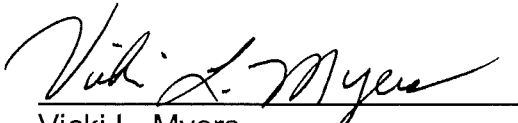
Todd K. Morgan
SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

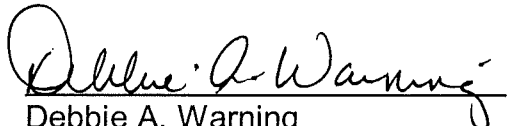
COUNTY OF BOONE

Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 15 day of November, 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 November 9, 2005 Certificate of Land Use Restriction (#05-FBOA-010-A), for Jian & Julia Huang, Property Owner(s).

The following conditions will apply:

- 1) Three small trees from Plant List C are to be installed along the rear property line.

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

DEED BOOK 888

PAGE NO. 661

GROUP NO. 2046

TRANSACTION REPORT

Transmission
Transaction(s) completed

NO.	TX DATE/TIME	DESTINATION	DURATION	PGS.	RESULT	MODE
367	NOV. 15 12:09	FLOR PUBLIC SVCS	0° 00' 50"	003	OK	N ECM

CLUR #05-FBOA-010-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Jlan & Julia Huang
2207 Bourbon Street
Union, KY 41091

2. ADDRESS OF PROPERTY

2207 Bourbon Street
Union, KY 41091

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Orleans South, Lot 31

4. DEED BOOK 888

PAGE NO. 66

GROUP NO. 2046

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