

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 1-17-09 Fee Received \$511.00 R# 44715
2. Is application complete? Yes No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
 Approved
 Approved with Conditions (See #6)
 Denial (See #7).
6. Conditions of Approval: Three small trees from Plant
List "C" will be installed at the
rear of the deck property 100
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: Dan Lindeman
LOCATION: 2211 Bourbon Street, Florence, Kentucky
ZONING: Rural Suburban/Planned Development (RS/PD)
DATE: February 8, 2006

Proposal

The applicant is requesting a variance to reduce the required 30 foot rear yard setback to 22 feet so he can keep a deck that was constructed without the proper zoning and building permits. The subject property is located at 2211 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 Florence City Council approved a Zoning Map Amendment from Rural Suburban Estates (RSE) to Rural Suburban/Planned Development (RS/PD). 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.
- 2003- The Boone County Planning Commission issued a Zoning Permit for the residence at 2211 Bourbon Street. No deck was shown on the subject property.
- 2004- The Florence Board of Adjustment granted a variance, with conditions for the property at 2207 Bourbon Street to reduce the required 30 foot rear yard setback to 22 feet allow a deck to remain on the subject property. The deck was constructed without the proper building and zoning permits (See attached Condition of Approval).

Staff Comments

1. A Boone County Building Inspector noticed that deck construction was occurring on the property at 2207 Bourbon Street and informed the property owner at that address that zoning and building permits were needed. At the time the Zoning Permit for the deck was submitted, it became apparent that the constructed deck did not meet the 30 foot rear yard setback requirement.
2. In taking pictures for the variance request at 2207 Bourbon Street, Staff noticed that the houses located at 2211 and 2215 Bourbon Street 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 turned these matters over to the Florence Zoning Enforcement Officers, who issued the property owners at 2211 and 2215 Bourbon Street notice of zoning violation.
3. Staff does not believe the request alters the essential character of the area as the adjoining properties to both the east and the west have decks with a similar rear yard setbacks. As was mentioned above, the deck at 2207 Bourbon Street, which adjoins the subject property to the east, was not properly permitted and went through the Florence Board of Adjustment variance process for approval. The adjoining property to the west (2215 Bourbon Street) also has a deck with a decreased rear yard setback. Likewise, this deck is currently going through the variance process.
4. If the Board grants the requested Variance, Staff recommends a condition which requires three small trees from plant list "C" to be installed along the rear property line (see Boone County Zoning Regulations).

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,

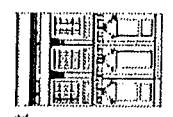
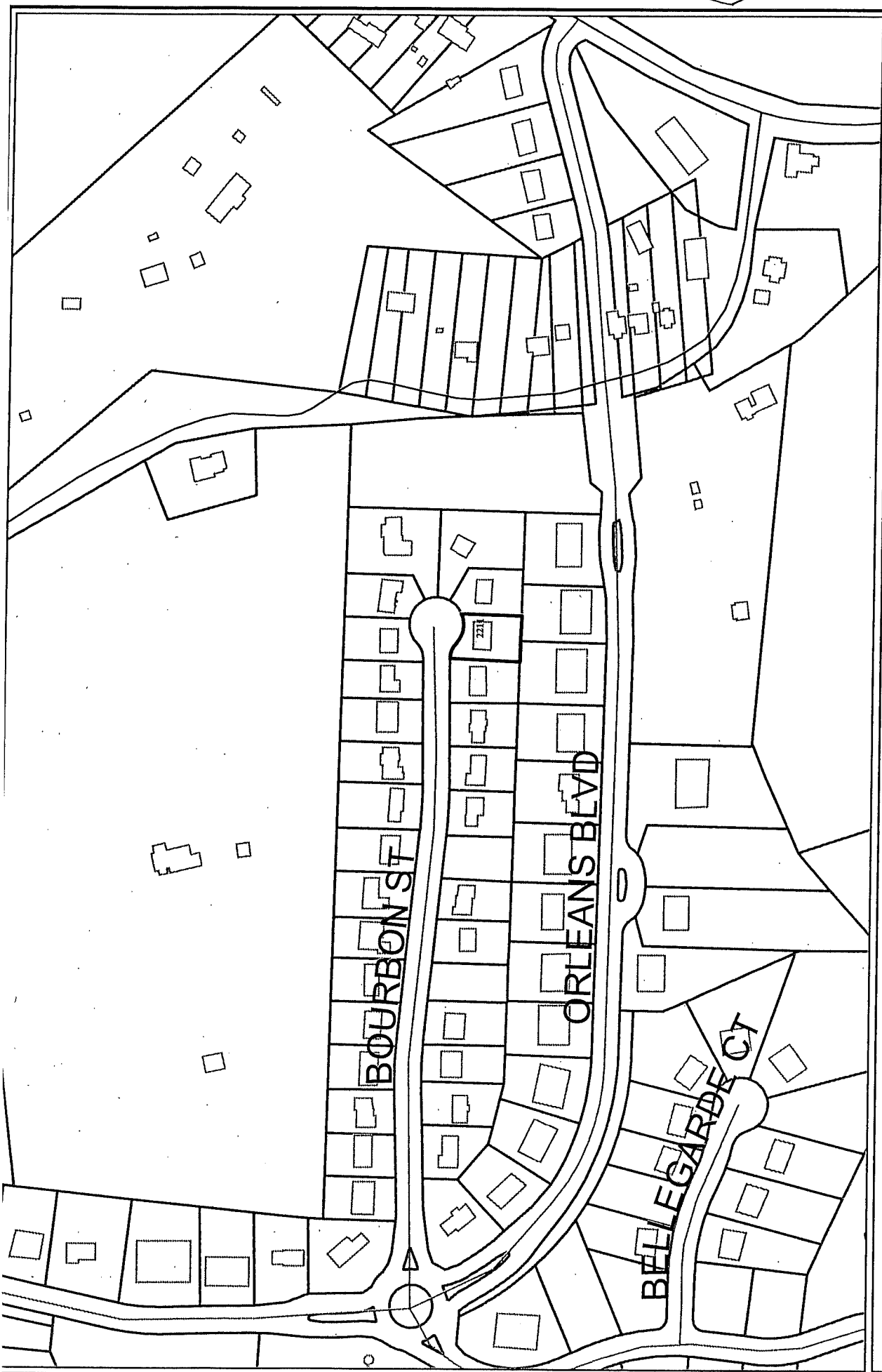


Patty Bachman
Planner, Zoning Services

MPB/pr

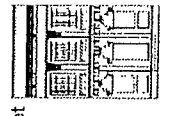
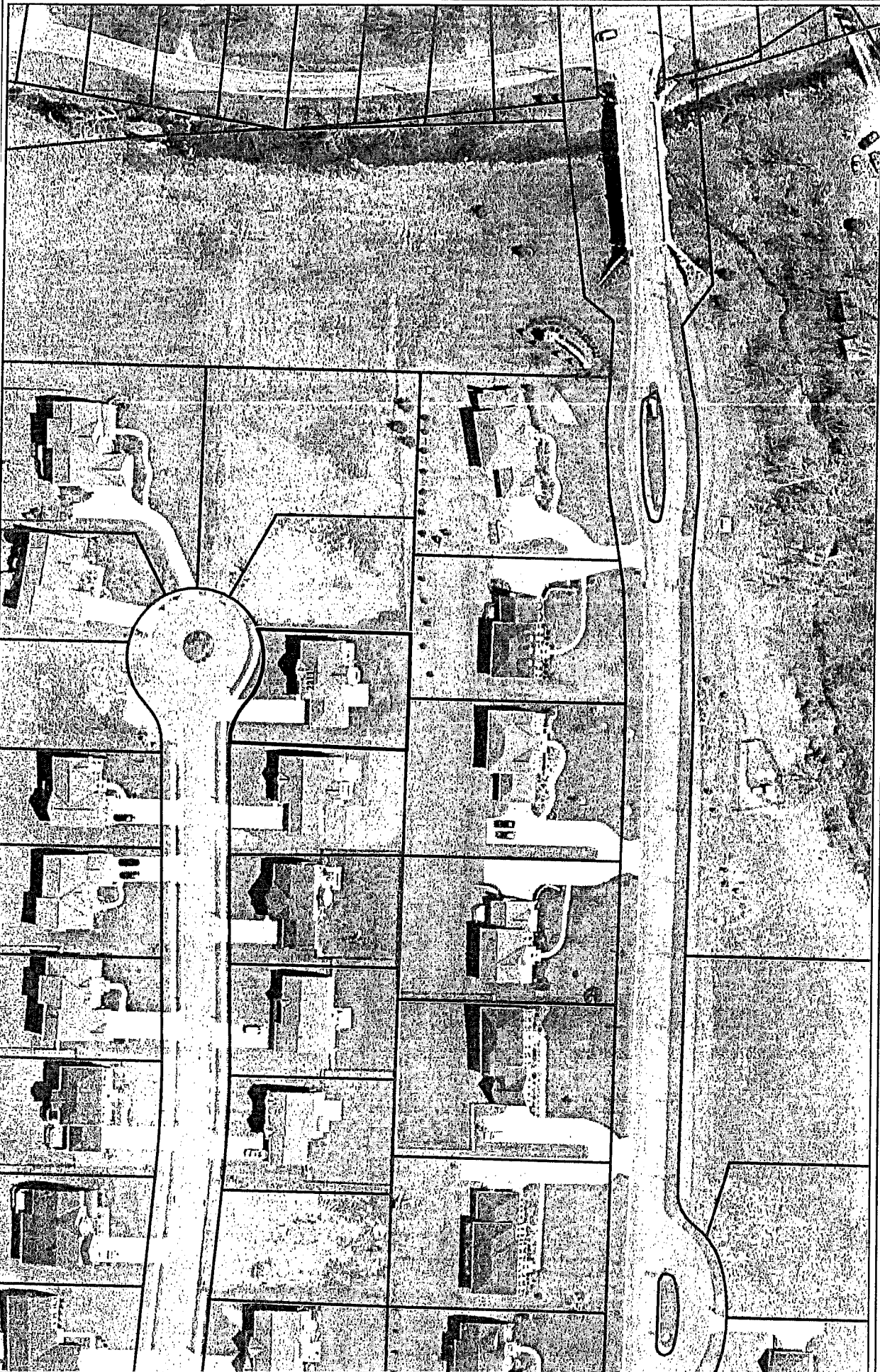
Attachments

- 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 2207 Bourbon Street
- Exhibit I – Zoning Permit For 2215 Bourbon Street
- Exhibit J – Copy of Certificate of Land Use Restriction for Variance for property at 2207 Bourbon Street
- Exhibit K – Application



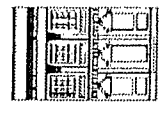
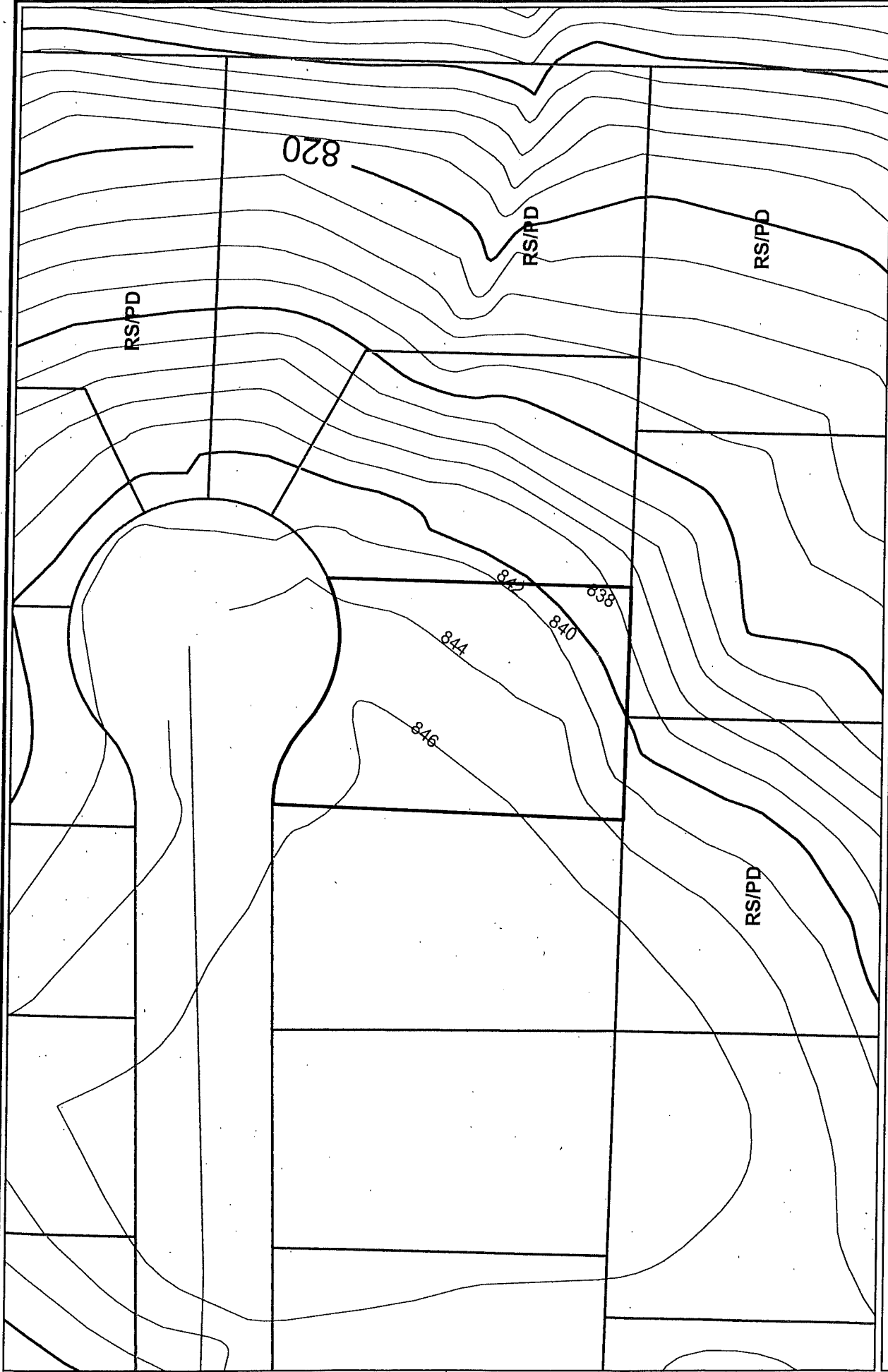
1 inch equals 250 feet
Produced by the
Boone County Planning Commission
GIS Services Division
February 1, 2006

2211 Bourbon St - Vicinity



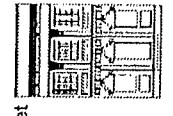
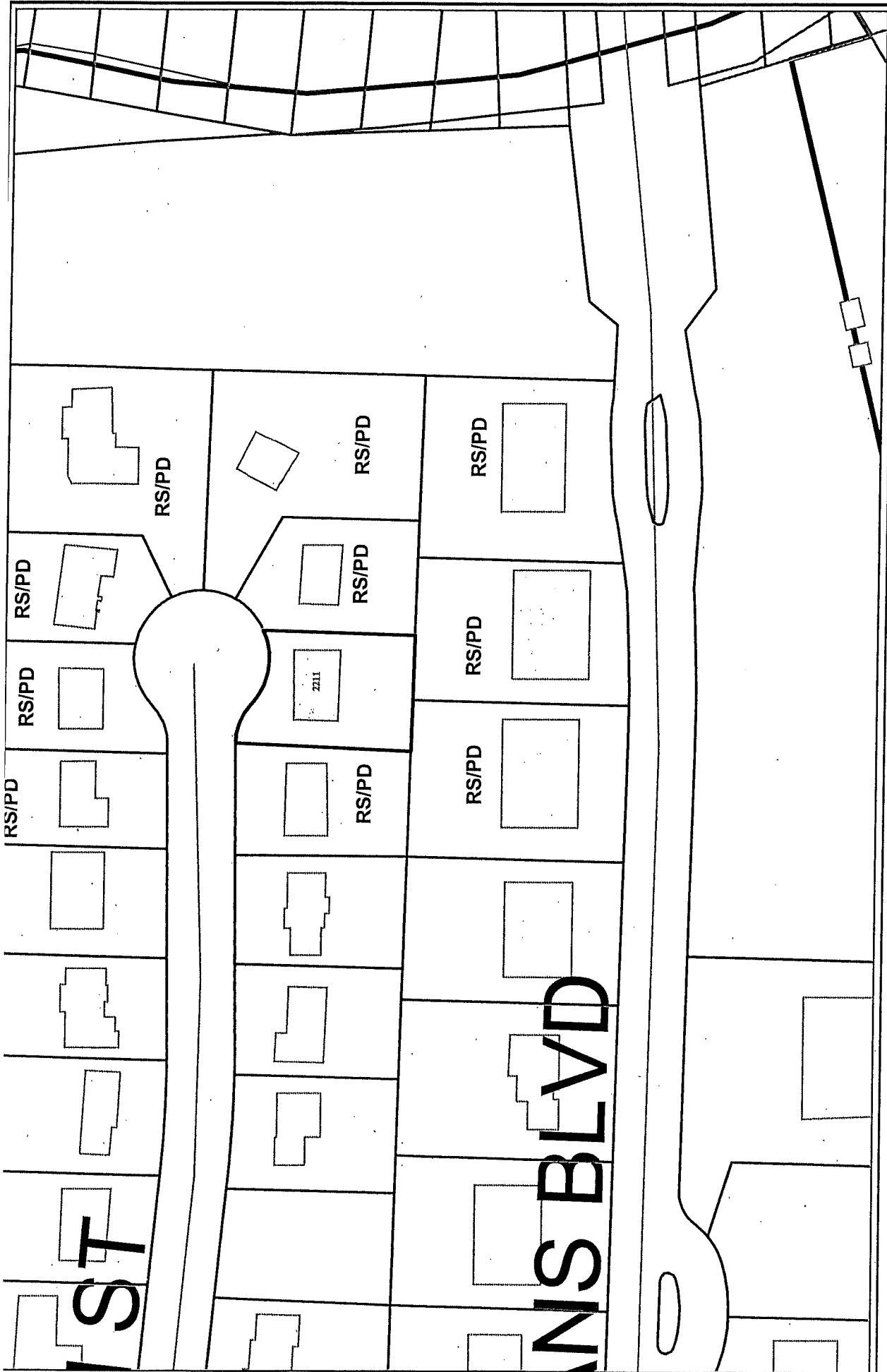
1 inch equals 100 feet
Produced by the
Boone County Planning Commission
GIS Services Division
February 1, 2006

2211 Bourbon Street-Aerial



1 inch equals 50 feet
Produced by the
Boone County Planning Commission
GIS Services Division
February 1, 2006

2211 Bourbon-Topography



1 inch equals 100 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 February 1, 2006

2211 Bourbon St Zoning

MAY 18 2000

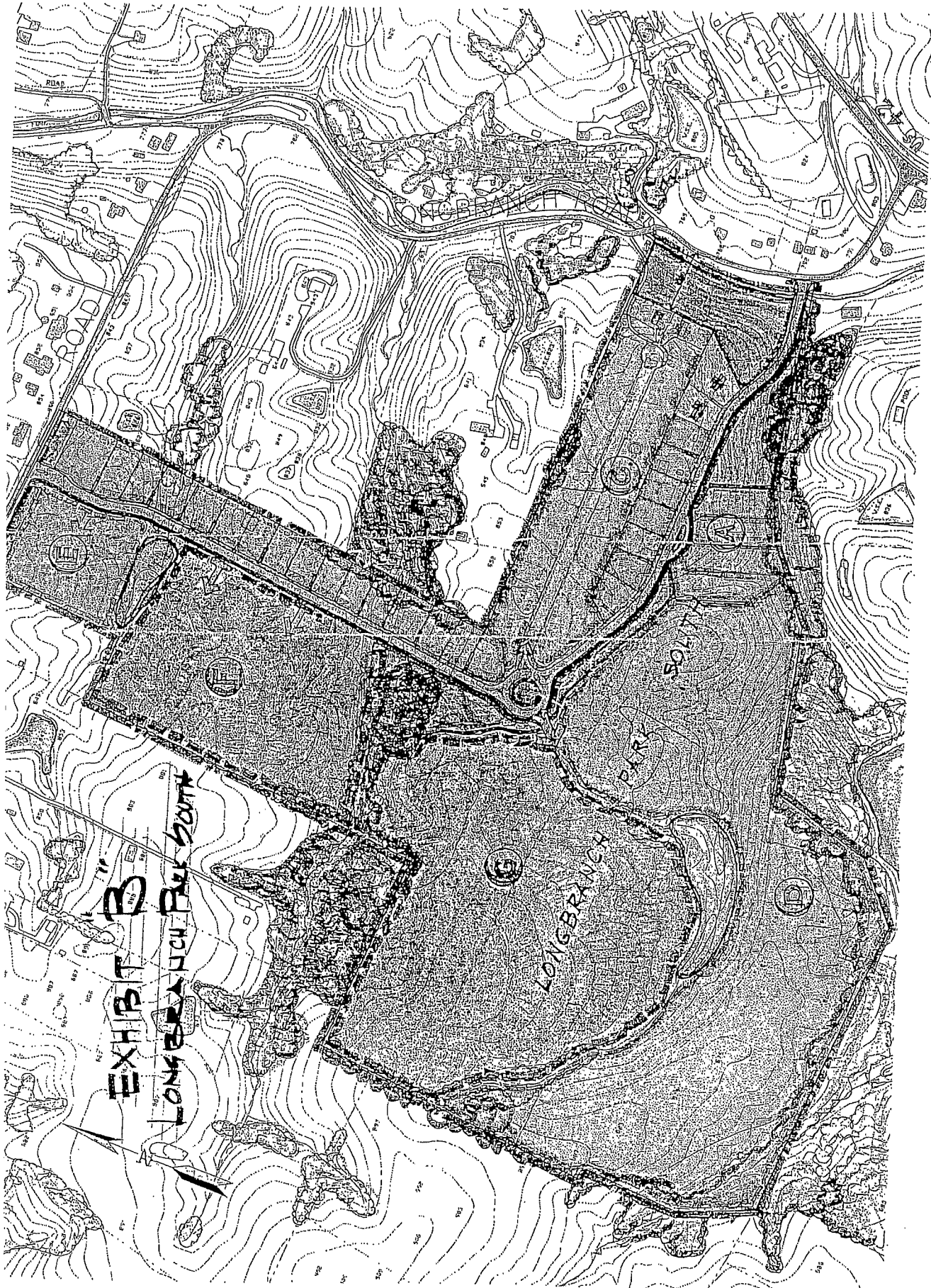


EXHIBIT B
LONG BRANCH PARK SOUTH

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: 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 II, LLC
2670 Chancellor Dr. Crestview Hills KY 41017

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

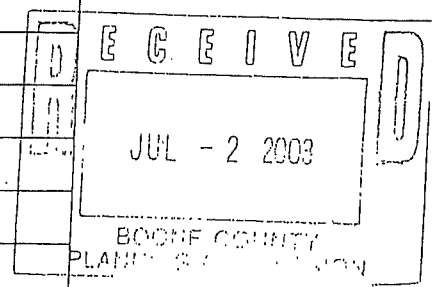
DATE 7/2/03 PHONE NUMBER: 859-341-4709

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>Oceans-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"/> Porch or Deck
Apartment (# units _____)	Barn or Shed
Townhouse (# units _____)	Swimming Pool
Mobile Home	Tenant Finish
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>

R# 35767



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: (Signature)
 As Authorized by Property Owner

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

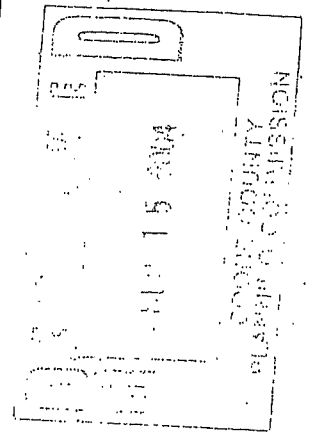
RSPD
 This Portion of the Application to be Completed
 the Boone County Planning Commission

Zoning District	Date <u>9/15/04</u>	Fee <input checked="" type="checkbox"/>	\$50.00	
Approved <input checked="" type="checkbox"/>	Denied	<input checked="" type="checkbox"/>	\$20.00	None
Staff Reviewer <u>Rudy Cordell</u>	Address/Location <u>2207 Bancroft St</u>			
Subdivision <u>ORANS - South</u>	PIDN			
Lot # <u>3</u>	Section # <u>2</u>	Block/Phase # <u> </u>		

RK# 60192

30-Submitt

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 <u> </u>)	Barn or Shed
<input type="checkbox"/> Townhouse (# units <u> </u>)	Swimming Pool
<input type="checkbox"/> Mobile Home	Tenant Finish
<input type="checkbox"/> Residential Addition	Other: <u> </u>
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>



BUILDING ADDRESS OR LOCATION: 2215 Bourbon St.

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

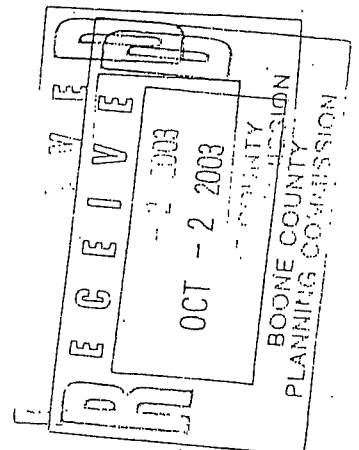
DATE: 10/2/03 PHONE NUMBER: 859-341-4709

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		<input type="checkbox"/> \$20.00	None
Staff Reviewer <u>Rudy Cordell</u>	Address/Location <u>2215 Bourbon St.</u>			
Subdivision <u>OLPANS - South</u>	PIDN			
Lot # <u>29</u>	Section # <u>2</u>	Block/Phase #		

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
<input type="checkbox"/> Three Family	<input checked="" type="checkbox"/> Porch or Deck
Apartment (# units _____)	<input type="checkbox"/> Barn or Shed
Townhouse (# units _____)	<input type="checkbox"/> Swimming Pool
Mobile Home	<input type="checkbox"/> Tenant Finish
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>2040</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
 FILE NAME: Section2.dwg
 DOCUMENT TYPE: Permit
 SCALE OF DRAWING: 1" = 30'

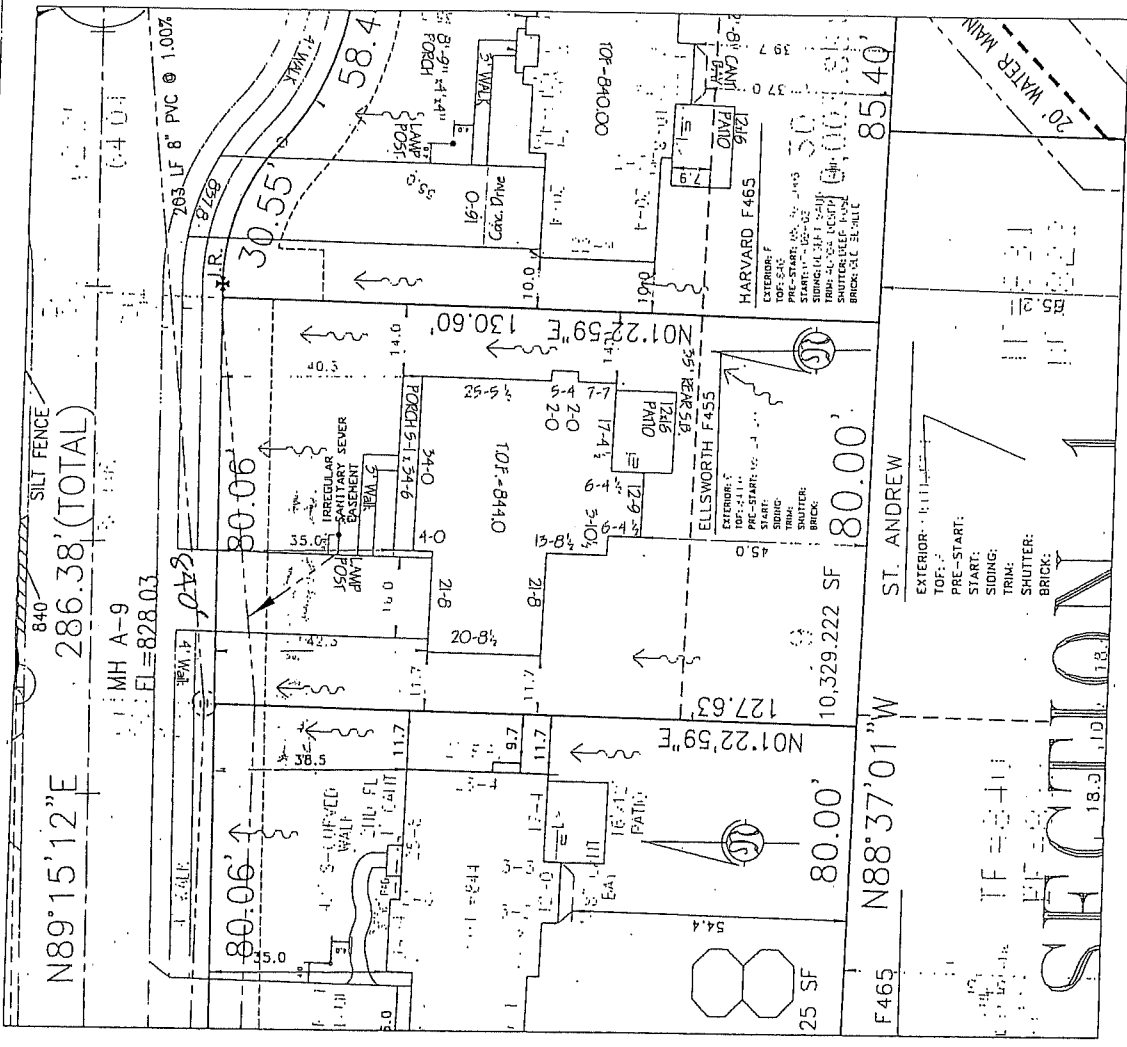
DRAWN BY: K.A.M.

- 10-02-03 A-SF
- ADJUSTED FOOTPRINT AND SETBACKS
- ADDED STOOP SIZE

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		7.5'	
SIDEWALKS		4' Well Both Sides of Bourbon Street	



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: 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

Todd K. Morgan
SIGNATURE OF COMPLETING OFFICIAL

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

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

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 1-17-09 Fee Received \$511.00 R# 44715
2. Is application complete? Yes No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
_____ Approved
_____ Approved with Conditions (See #6)
_____ Denial (See #7).
6. Conditions of Approval: _____

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.

COPY

CLUR #06-FBOA-003-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Dan B. Lindeman
2211 Bourbon Street
Union, KY 41042

2. ADDRESS OF PROPERTY

2211 Bourbon Street
Florence, KY 41042

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Orleans South

4. DEED BOOK 869

PAGE NO. 476

GROUP NO. 2046

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

Zoning Map Amendment:
From To

Conditional Use Permit

Development Plan

Conditional Zoning

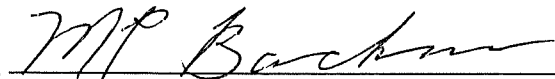
Subdivision Plat
(Not Recorded)

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



SIGNATURE OF COMPLETING OFFICIAL

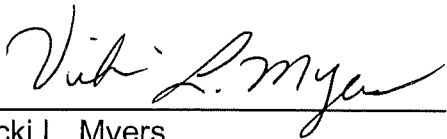
Patty Bachman, Planner, Zoning Services

Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

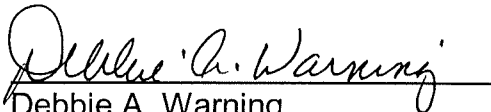
Subscribed, sworn to, and acknowledged before me by Patty Bachman on behalf of the
Boone County Planning Commission this 13th day of February, 2006.



Vicki L. Myers
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
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 February 8, 2006 Certificate of Land Use Restriction (#06-FBOA-003-A), for Dan B. Lindeman, 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 869

PAGE NO. 476

GROUP NO. 2046

TRANSACTION REPORT

Transmission
Transaction(s) completed

NO.	TX DATE/TIME	DESTINATION	DURATION	PGS.	RESULT	MODE
312	FEB. 17 16:36	FLOR PUBLIC SVCS	0° 01' 36"	006	OK	N ECM

3
BM

CLJR #06-FBOA-003-A

CERTIFICATE OF LAND USE RESTRICTION

- NAME AND ADDRESS OF PROPERTY OWNER(S)
Dan B. Lindeman
2211 Bourbon Street
Union, KY 41042
- ADDRESS OF PROPERTY
2211 Bourbon Street
Florence, KY 41042
- NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Orleans South
- DEED BOOK 869 PAGE NO. 476 GROUP NO. 2046
- 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
- NAME AND ADDRESS OF PLANNING COMMISSION, BOARD OF ADJUSTMENT, LEGISLATIVE BODY OR FISCAL COURT WHICH MAINTAINS THE ORIGINAL RECORDS CONTAINING THE RESTRICTION