

06-FBOA-DENIED

FEB 14 2006

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 _____ Walton _____ Union _____
2. (Check One) Conditional Use Permit [checked] Variance _____ Appeal _____
3. Applicant's Name Kevin Bond, Phone Number 859-743-7114, Fax No. 859-586-4246, Applicant's Address 7660 EAST BOND RD., BURLINGTON Ky. 41005
4. Description of Request: Reduce CORNER SIDE SETBACK FROM 15' TO 7' 1"
5. Name of Development Williamsburg East Subdivision Mums House
6. Location of Development WINTHROP CIRCLE LOT 19
7. Acreage Under Review 7540 S.F.
8. Lot Number and Name of Subdivision (if part of a subdivision) #19 WILLIAMSBURG EAST SUB.
9. Owner of Property K & T Properties, Phone Number of Owner 859-743-7114
10. Address of Property Owner [redacted] Ky 41005, City Burlington State
11. Proposed Use(s) on Site SINGLE FAMILY HOUSE
12. Total Square Footage of Existing and/or Proposed Buildings 1441
13. Current Zoning on Property SR 2
14. Deed Book 899 Page No. 469 Group No. 2040A
15. Is the site subject to a zone change? NO
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: [Signature]

Property Owner's Signature: [Signature]

**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 2-14-06 Fee Received \$527.00 R#44954
2. Is application complete? Yes No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
_____ **Approved**
_____ **Approved with Conditions** (See #6)
5/10/06 **Denial** (See #7)
6. Conditions of Approval: _____

7. Reasons for Denial: SEE 5/10/06 FBOA MEETING
MINUTES

**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: Kevin Bond

LOCATION: Lot 19 Williamsburg East Subdivision. Southeast Corner of the Wintergreen Court/Winthrop Circle Intersection, Florence, Kentucky

ZONING: Suburban Residential Two (SR-2)

DATE: March 8, 2006

Proposal

The applicant is requesting a variance to reduce the 15 foot corner side yard setback requirement of lot 19 of Williamsburg East Subdivision. Approval of the request will allow a proposed single-family residential dwelling to be located 7' 1" from the Wintergreen Court right-of-way (see Concept Development 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 3121 of the Boone County Zoning Regulations states that "on a corner lot, the front yard setback shall be determined by the orientation of the building located on the site. The corner side yard setback from the side yard right-of-way shall be a minimum of one half ($\frac{1}{2}$) the required front yard setback. This corner side yard setback requirement regulates the location of the principal building and any associated accessory structures."

Site Characteristics

The subject site is approximately 0.17 acres in area and is located in Williamsburg East Subdivision. The site has rolling topography which falls from 862' above sea level near the property line to 856' above sea level near the Wintergreen Court right-of-way. The site contains four large deciduous trees near the Wintergreen Court right-of-way. A 15' wide overhead utility easement exists on the northeastern portion of the site.

Staff Comments

1. The required minimum building setbacks for the site are as follows:

Front Yard (Winthrop Circle) = 30 feet

Rear Yard = 30 feet

Corner Side Yard (Wintergreen Court) = 15 feet

Side Yard = 5 feet

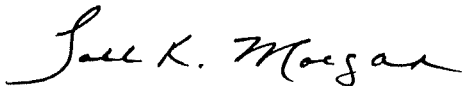
2. Staff compared the proposed setbacks of the subject site with other corner side lots in the general vicinity by using Boone County GIS (see attachments). The house located across Winthrop Circle has a front yard setback of approximately 29 feet and a corner side yard setback of approximately 37.5 feet. The house located at the northeast side of the Wintergreen Court and Village Drive intersection has a front yard setback of approximately 22 feet and a corner side yard setback of approximately 19 feet.
3. Staff has asked the applicant to analyze whether a smaller house could be built on the lot which would meet all the setback requirements.
4. Staff would like the applicant to address the square footage and interior floor plan (number of bedrooms, basement, etc.) of the proposed home.

5. Staff would like the applicant to address which trees on site could be saved. Staff is most concerned about four large deciduous trees which are located near the Wintergreen Court right-of-way.
6. Staff recommends that the Board should analyze whether the request will alter the essential character of the general vicinity or will 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 applicant's request for a corner side yard setback variance.

Respectfully submitted,



Todd K. Morgan, AICP
Planner, Zoning Services

TKM/pr

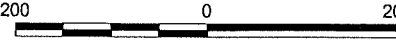
Attachments

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



Kevin Bond
Site Vicinity Map

200 0 200 Feet



1 inch equals 200 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 February 21, 2006



PROJECT SUMMARY:

BUILDER: K&T PROPERTIES, LLC
ADDRESS
ADDRESS

PROJECT LOCATION: LOT #19 OF THE WILLIAMSBURG EAST SUB.
WINTHROP CIRCLE/WINTERGREEN CT.
FLORENCE, KENTUCKY

EXISTING ZONING: SR2

ZONING REQUIREMENTS:

MIN. LOT AREA: 6,500 S.F.
MIN. FRONT YARD SETBACK: 30'
MIN. LOT WIDTH @ FRONT SETBACK: 50'
MIN. SIDE YARD SETBACK: 5' MIN. (15' TOTAL)
MIN. REAR YARD SETBACK: 30'

LOT AREA: 7,540 S.F.
EXISTING USE: VACANT
PROPOSED USE: SINGLE FAMILY RESIDENTIAL

GENERAL NOTES:

- 1) THE PROPERTY BOUNDARY SHOWN HEREON HAS BEEN TAKEN FROM THE FINAL PLAT FOR THE WILLIAMSBURG EAST SUB.
- 2) EROSION CONTROL FOR THIS PROJECT IS TO BE INSTALLED AND MAINTAINED BY THE BUILDER.
- 3) ALL UTILITIES ARE TO BE INSTALLED IN A LOCATION AS SPECIFIED BY THE LOCAL UTILITY DISTRICT AND/OR THE OWNER/BUILDER.

Site Plan for Building Permit

Prepared by:

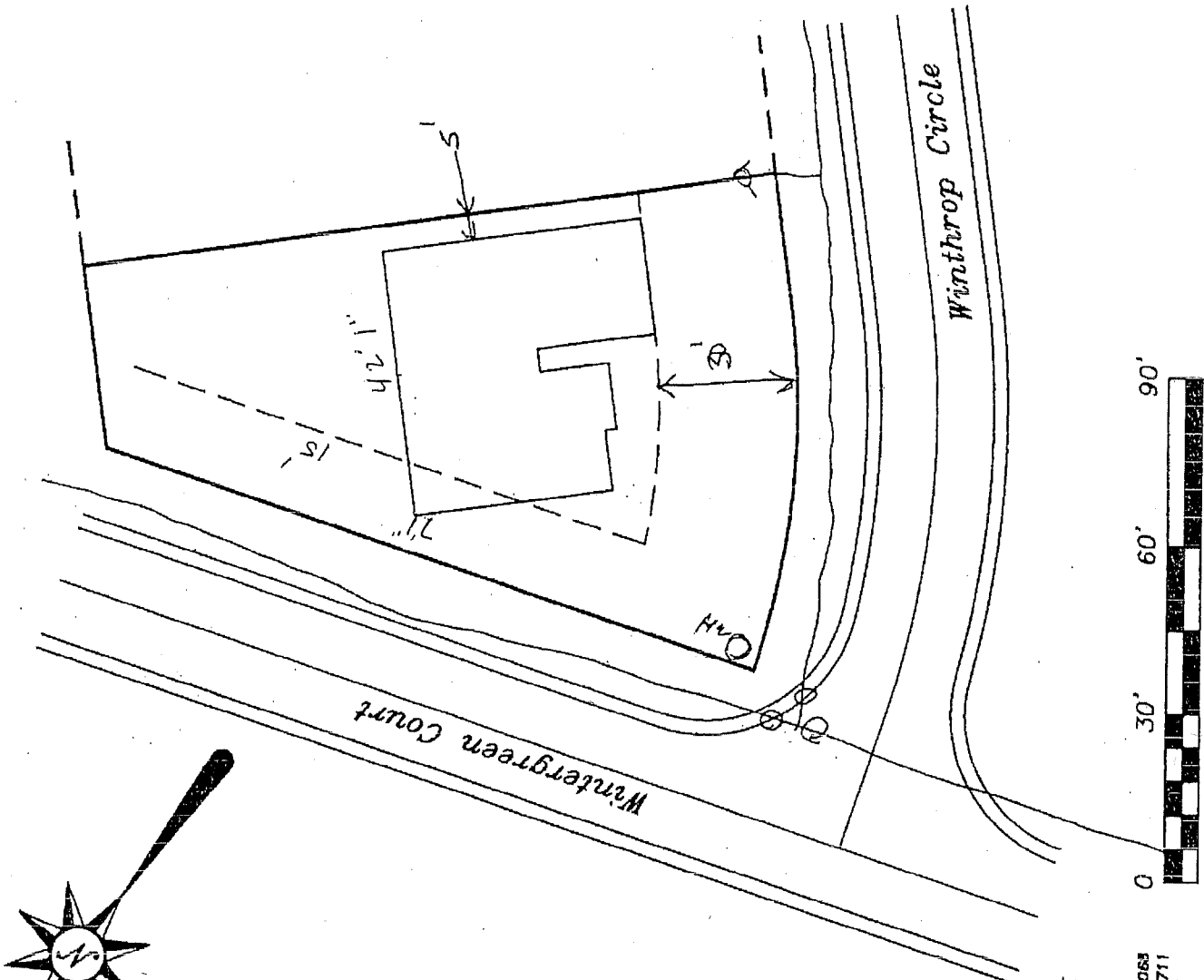
JFK
JERRY F. KEITH AND
ASSOCIATES, P.C.

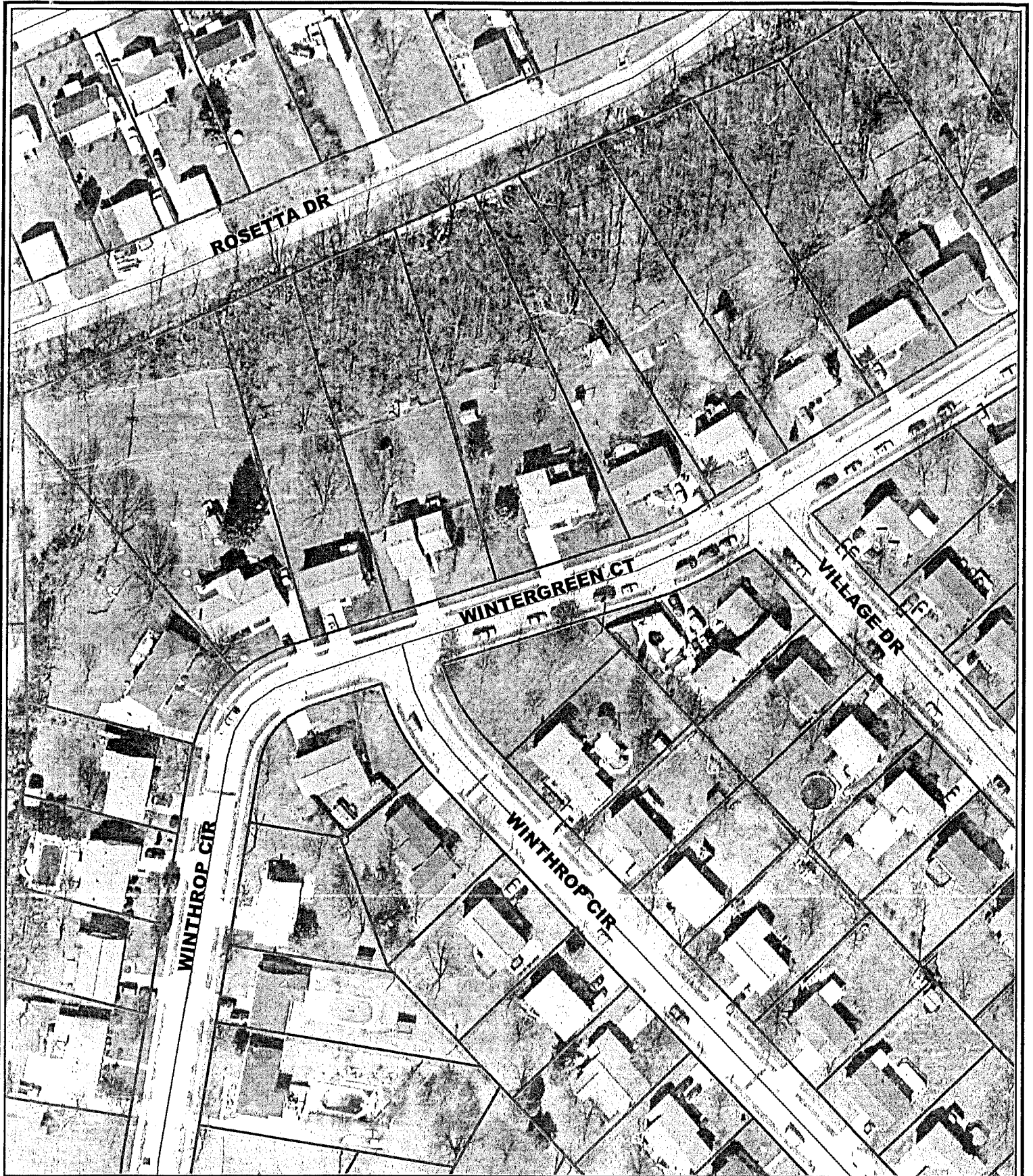
Jerry F. Keith, PE
KY. PE #. 21762

1245 Violet Road
Crittenden, KY 41030

Telephone: (859) 428-0063
Facsimile: (859) 428-0711

CIVIL ENGINEERING - CONSTRUCTION STAKING - CAD/D SERVICES



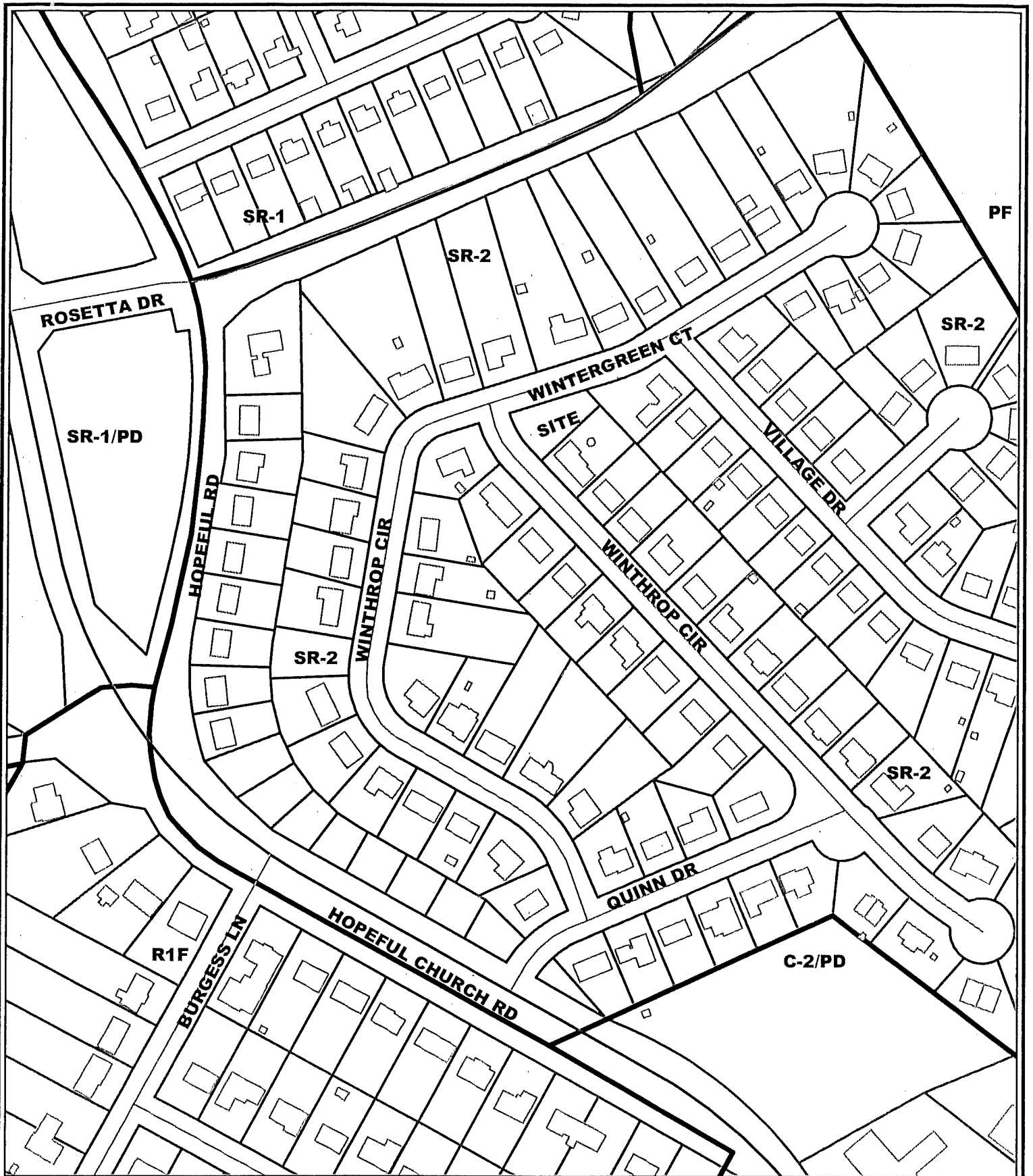


Kevin Bond Aerial Map



1 inch equals 100 feet
Produced by the
Boone County Planning Commission
GIS Services Division
February 21, 2006



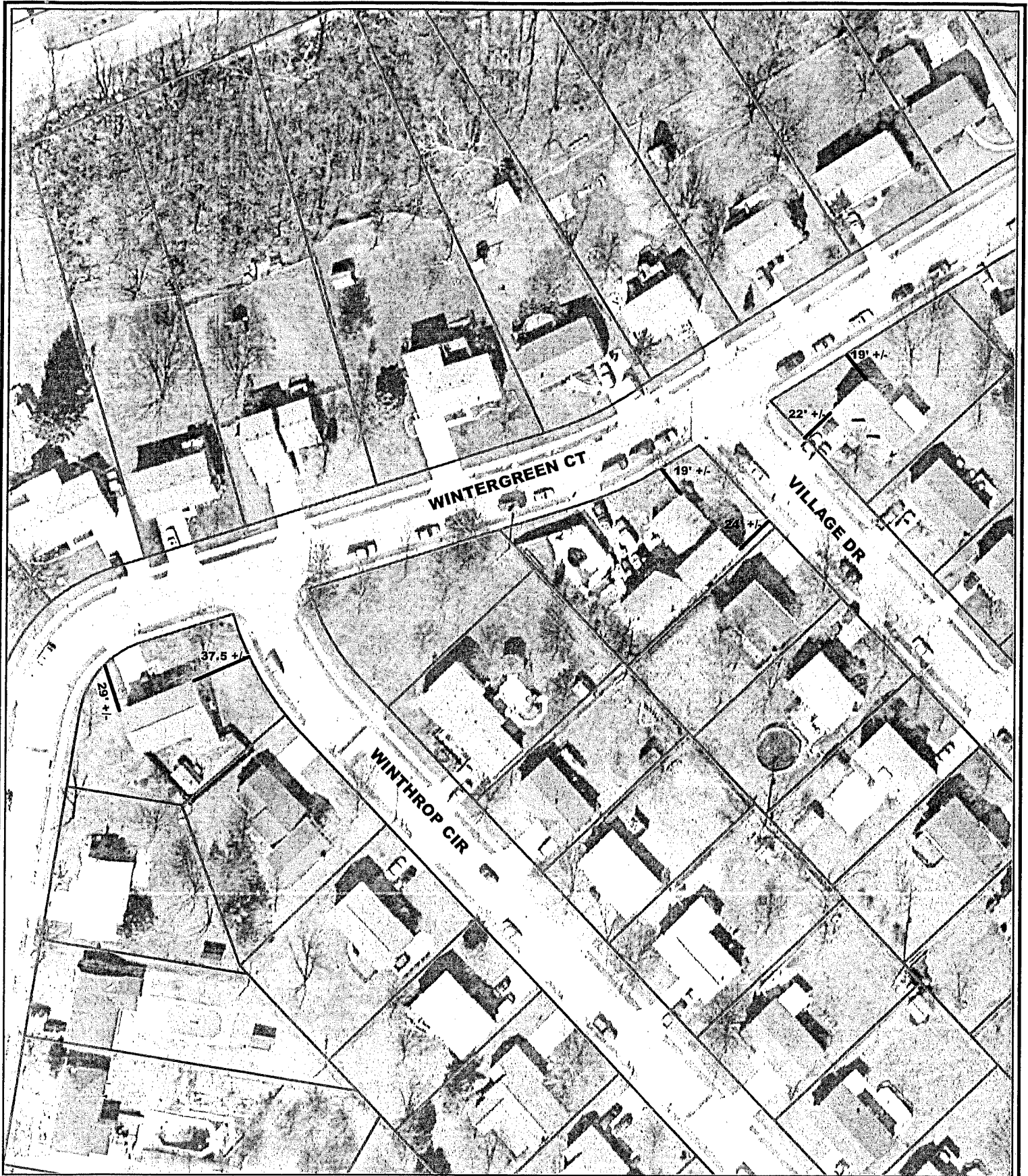


Kevin Bond Zoning Map

200 0 200 Feet

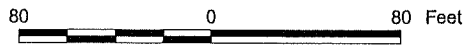
1 inch equals 200 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 February 21, 2006





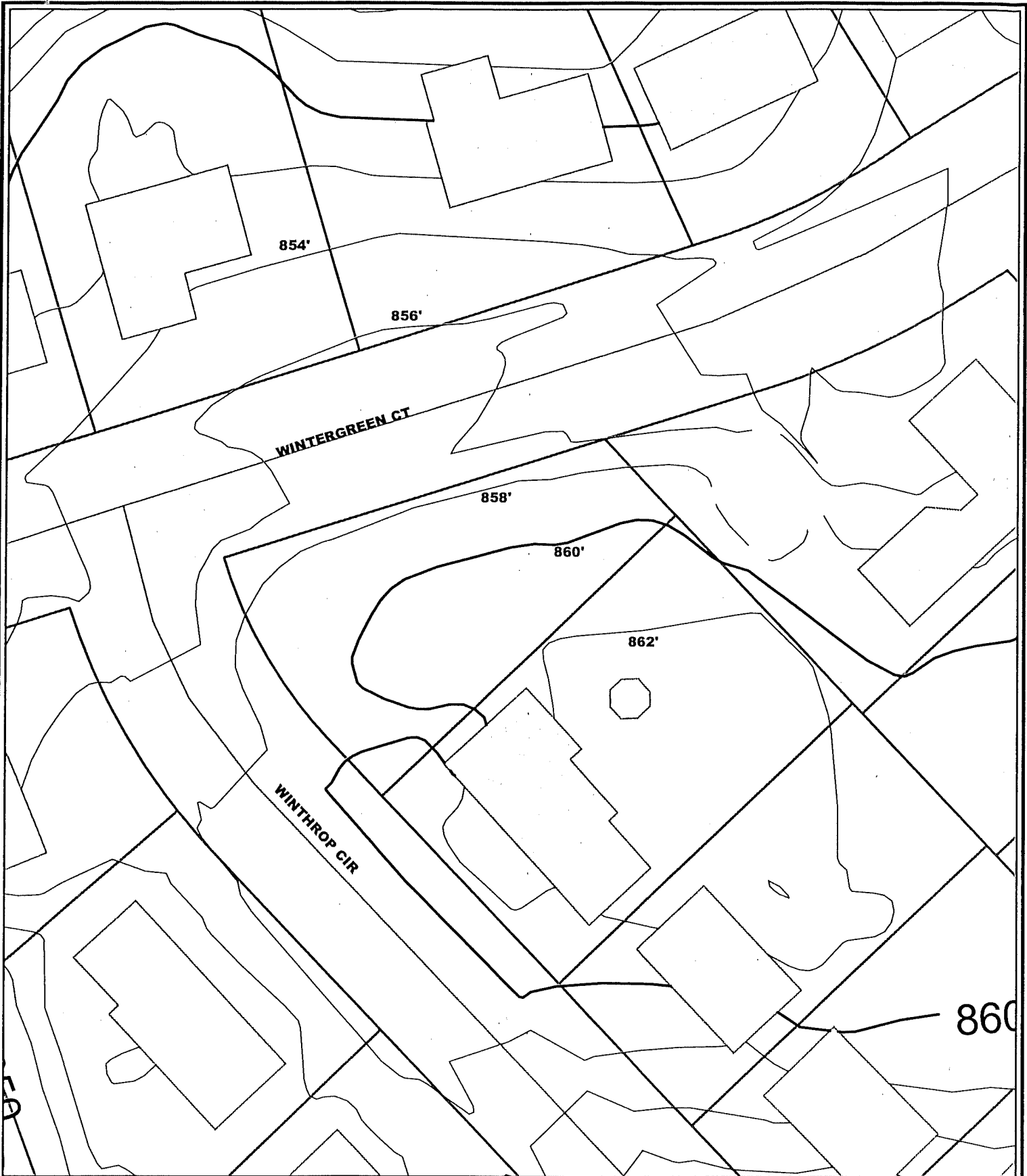
Kevin Bond

Corner Side Comparison



1 inch equals 80 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 February 27, 2006





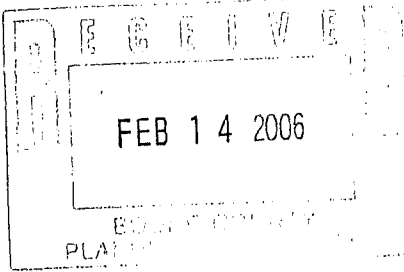
Kevin Bond Topographical Map

40 0 40 Feet



1 inch equals 40 feet
Produced by the
Boone County Planning Commission
GIS Services Division
February 27, 2006





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 [checked] Florence _____ Walton _____ Union _____

(Check One)

2. Conditional Use Permit [checked] Variance _____ Appeal _____

Change in Non-Conforming Use _____

3. Applicant's Name Kavin Bond

Phone Number 859-743-7114 Fax No. 859-586-4246

Applicant's Address 7660 EAST BEND RD.

Burlington Ky. 41005

City State Zip

4. Description of Request: Reduce corner side setback from 15' to 7' 1"

5. Name of Development Williamsburg East Subdivision Moms House

6. Location of Development Winthrop Circle lot 19

7. Acreage Under Review 7540 S.F.

8. Lot Number and Name of Subdivision (if part of a subdivision) #19 Williamsburg East Sub.

9. Owner of Property K & T Properties

Phone Number of Owner 859-743-7114

10. Address of Property Owner [crossed out] Ky. 41005

City Burlington State Zip

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

12. Total Square Footage of Existing and/or Proposed Buildings 1441

13. Current Zoning on Property SR 2

14. Deed Book 899 Page No. 469 Group No. 2040A

15. Is the site subject to a zone change? No 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: [Signature]

Property Owner's Signature: [Signature]