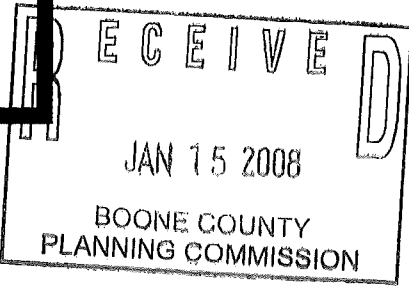


571.0

08-K-BOA-DEVID

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 Lyneva Cimaglio
Phone Number 859 517 9290 Fax No. _____
Applicant's Address 10154 Lapalco Ct.
Union KY 41091
City State Zip
4. Description of Request: 461 Sq Ft Deck on rear of house reduced 35' set back
5. Name of Development Orleans North
6. Location of Development French Quarter - Orleans
Union KY
7. Acreage Under Review _____
8. Lot Number and Name of Subdivision (if part of a subdivision)
Lot # 500 French Quarter - Orleans
9. Owner of Property Lyneva Cimaglio
Address of Property Owner _____ Phone No. _____
10. _____
City State Zip
11. Proposed Use(s) on Site Ex. HOUSE / Proposed Deck
12. Total Square Footage of Existing and/or Proposed Buildings 4,000 sq ft.
13. Current Zoning on Property residential (SR-1/PO)
14. Deed Book 943 Page No. 773 Group No. 2038A
15. Is the site subject to a zone change? YES
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: Lyneva Cimaglio
Property Owner's Signature: Lyneva Cimaglio
Lyneva Cimaglio
(over)

Table with 3 columns containing neighbor information: 1) owner Lot #499 Brian + Crystal Emmett 10157 Lapalco Ct Union, KY 41091; 2) LOT 501 Ryland Group 4660 DUKE DRIVE MASON, OH 45040; 3) JMG Development 8344 Pleasant Valley Road Florence, KY 41042

**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 1-15-08 Fee Received \$571.00 RG# 55454
2. Is application complete? Yes No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
_____ **Approved**
_____ **Approved with Conditions (See #6)**
2/13/08 **Denial (See #7)**
6. Conditions of Approval: _____

7. Reasons for Denial: SEE 2/13/08 FBOA MEETING
MINUTES

**Boone County Planning Commission
Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
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: Lyneva Cimaglio
LOCATION: 10156 Lapalco Court, Florence, Kentucky
ZONING: Suburban Residential One/Planned Development (SR-1/PD)
DATE: February 13, 2008

Proposal

The applicant is requesting a rear yard setback Variance so she can have a deck constructed onto the rear of her house. The submitted plans show that the rear yard setback would be reduced from 35 feet to approximately 27 feet if the deck is constructed (see attachments). The subject property is located at 10156 Lapalco Court and is zoned Suburban Residential One/Planned Development (SR-1/PD).

Site History

- 1999 - A Zoning Map Amendment request is approved to change the zoning of a 227 acre tract (Orleans-North) from Rural Suburban Estates (RSE) to Suburban Residential One/Planned Development (SR-1/PD). The approved Concept Development Plan indicates that the houses in area "H" (French Quarter at Orleans) will have 35' front and rear yard setbacks (see attachments).
- 06/07 - The Boone County Planning Commission approves a Zoning Permit for the subject household. The Zoning Permit shows that the house meets the 35' front yard and rear yard setback requirements.

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 Characteristics

The 0.33 acre property fronts on Lapalco Court. The property falls from approximately 808' above sea level at the front property line to approximately 780' at the rear property line (see attachments). The property immediately adjoins community open space in Orleans Subdivision.

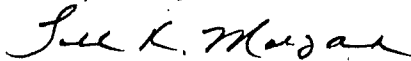
Staff Comments

1. The approved June 11, 2007 Zoning Permit shows that the house is setback 35.17 feet from the front property line and 35 feet from the rear property line. As a result, the house could not have been moved forwards or backwards on the lot.
2. The house was constructed with three French doors on the first floor of the rear facade. These doors were constructed to provide access to a future deck. Staff would like the property owner to address if she was aware of the 35' rear yard setback requirement when she bought the house.
3. Any deck extending past the rear building line will be subject to a Variance. The southern extreme of the deck will be limited to 6 feet in length if a Variance is not approved.
4. Staff does not believe the request will alter the essential character of the area because the rear yard immediately adjoins community open space in Orleans Subdivision.

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.

Respectfully submitted,



Todd K. Morgan, AICP
Senior Planner, Zoning Services

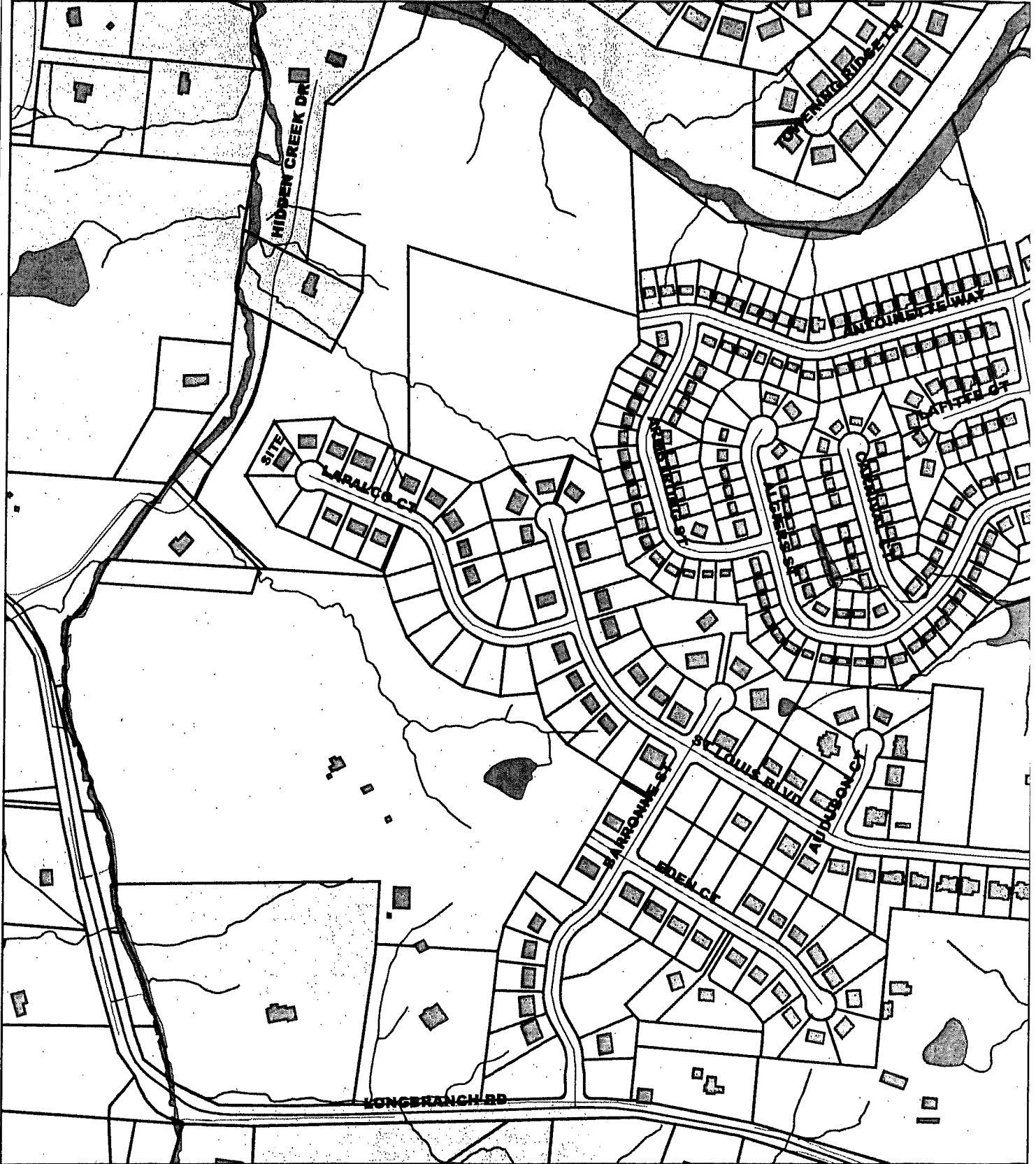
TKM/pr

Attachments

Site Vicinity Map
Conceptual Plan
Deck Plan
Aerial Map
Topographical Map
Zoning Map
1999 Concept Plan & Dimensional Requirements
Application

SITE VICINITY MAP

www.boonecountygis.com



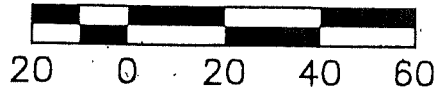
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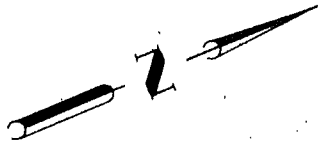
Boone County GIS - Putting Northern Kentucky on the Map





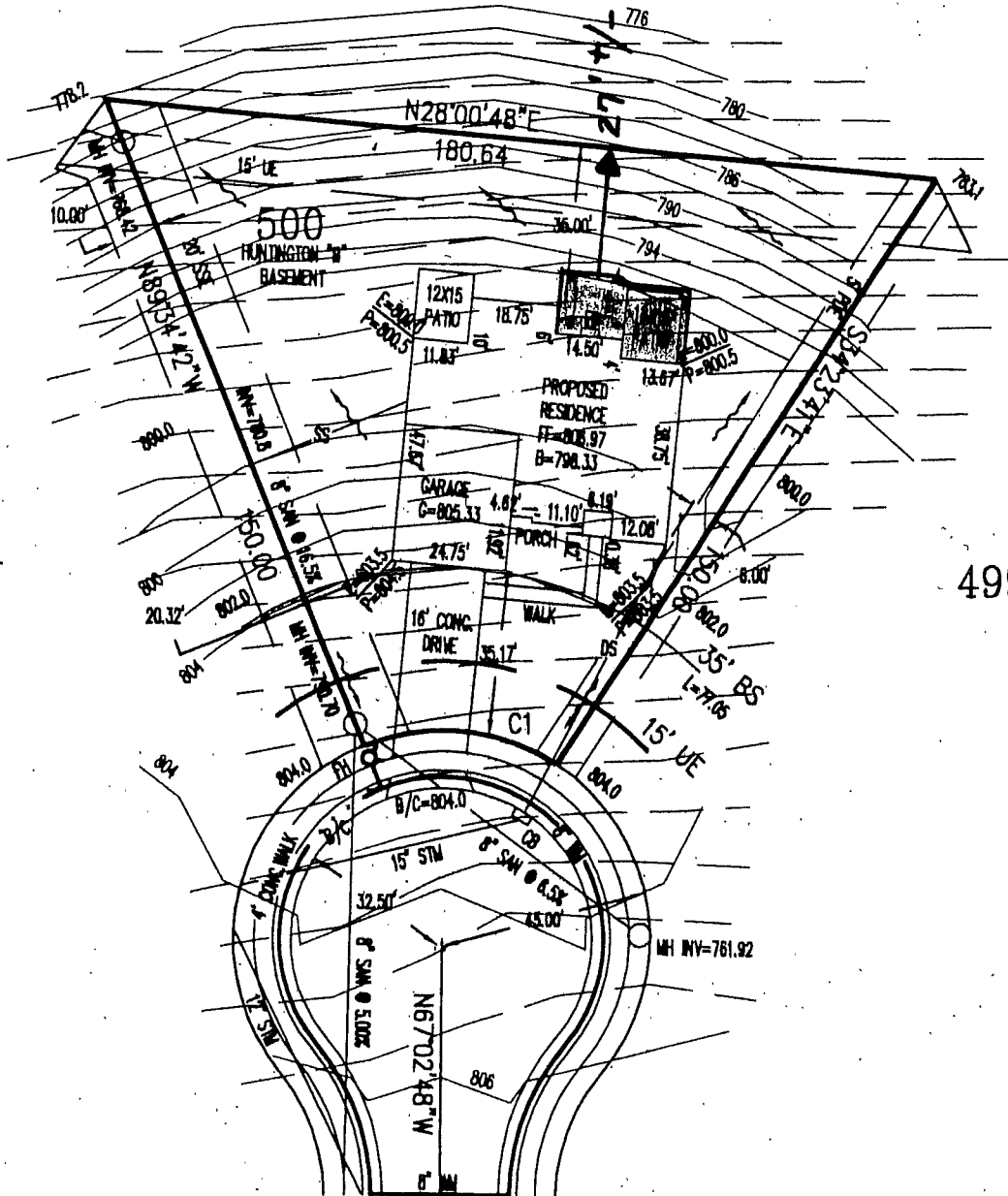
SETBACKS
 REAR YARD=35'
 SIDE YARD=5' MIN.-15' TOTAL

| | | |
|------------------|---------|---------|
| Water Service | X | ft. |
| Sanitary Service | 36.0 | ft. |
| Sidewalk | 148.3 | sq. ft. |
| Driveway | 647.5 | sq. ft. |
| Approach | 71.9 | sq. ft. |
| Seed | 5,202.1 | sq. ft. |
| Sod | 5,598.8 | sq. ft. |



501

499



LAPALCO COURT
 (50' R/W)

THIS PLOT PLAN WAS PREPARED AT THE REQUEST OF RYLAND HOMES AND IS TO BE USED SOLELY FOR THEIR PURPOSES AND INTENT ONLY.

INFORMATION FROM CONSTRUCTION DRAWINGS.
 CONTRACTOR IS TO VERIFY LOCATION AND DEPTH

C1
 L=43.34
 R=15.00

UNLESS OTHERWISE SHOWN ALL DIMENSIONS ARE IN FEET

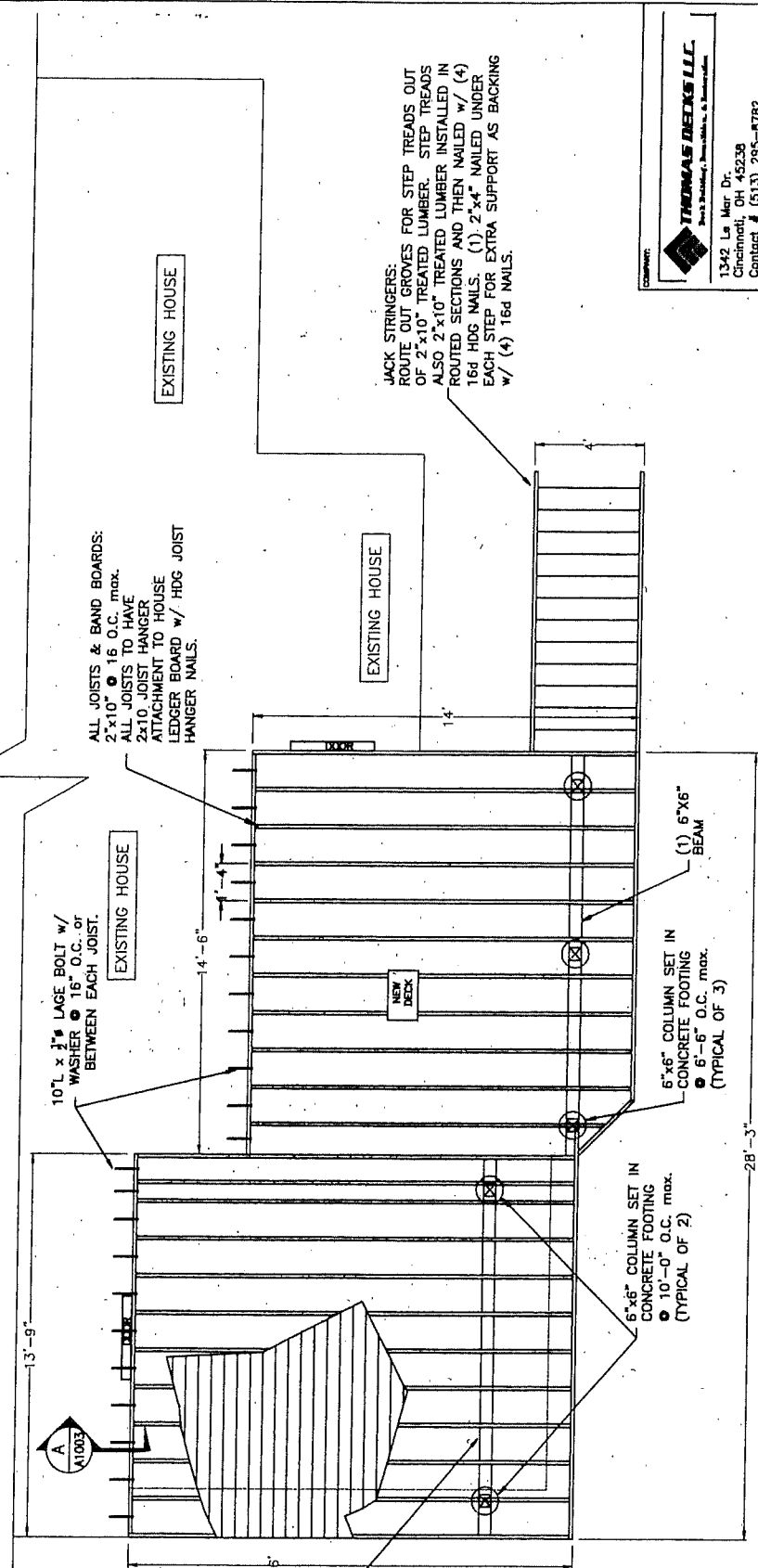
UNIVERSITY OF HOUSTON
 LYNEVA CIMAGLIO
 110156 Lyneva Court
 UHien, KY 41091

DATE: 1/29/08
 (859) 452-0902
 TYPE OF PROJECT: SINGLE FAMILY
 SOURCE OF FUNDING: NEW BIDS
 421 SQ. FT.
 TYPE OF NEW BLDG.: SINGLE LEVEL

THOMAS DECKS LLC
 Deck & Railing, Banquet, & Maintenance

1342 La Mer Dr.
 Cincinnati, OH 45238
 Contact # (513) 295-8782

DESIGNED BY: MATT COOPER
 DATE: 1/29/08
 TITLE: DECK PLAN
 SHEET NO.: A1001
 REVISIONS: AS SHOWN



DECK PLAN
 NO SCALE: 1/4" = 1'-0"

AERIAL MAP

www.boonecountygis.com



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0 100 200 400 600 800 Feet

1 inch equals 200 feet

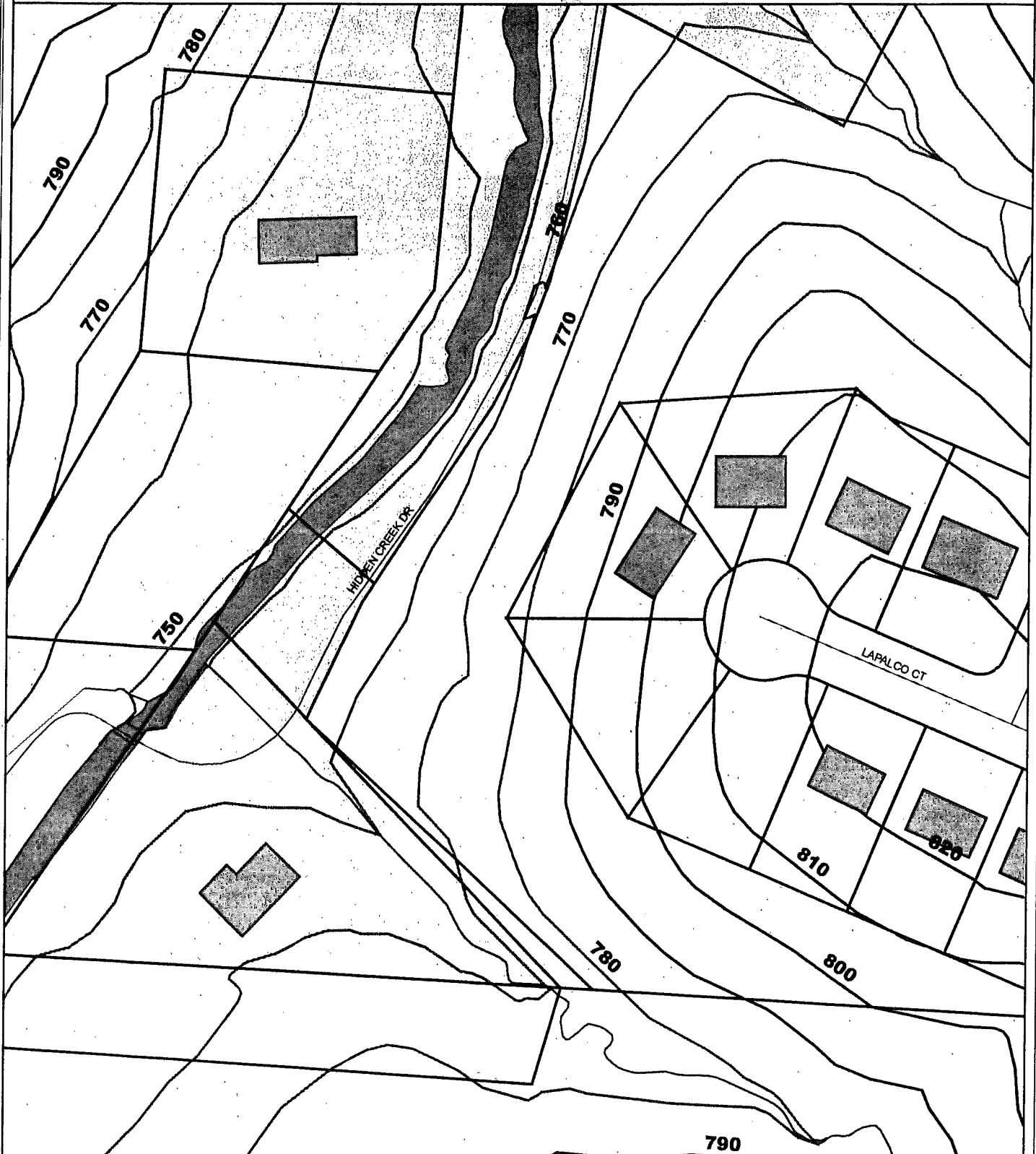


Boone County GIS - Putting Northern Kentucky on the Map



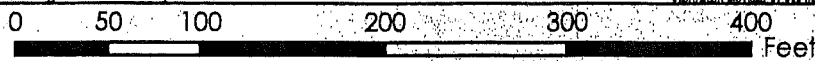
TOPOGRAPHICAL MAP

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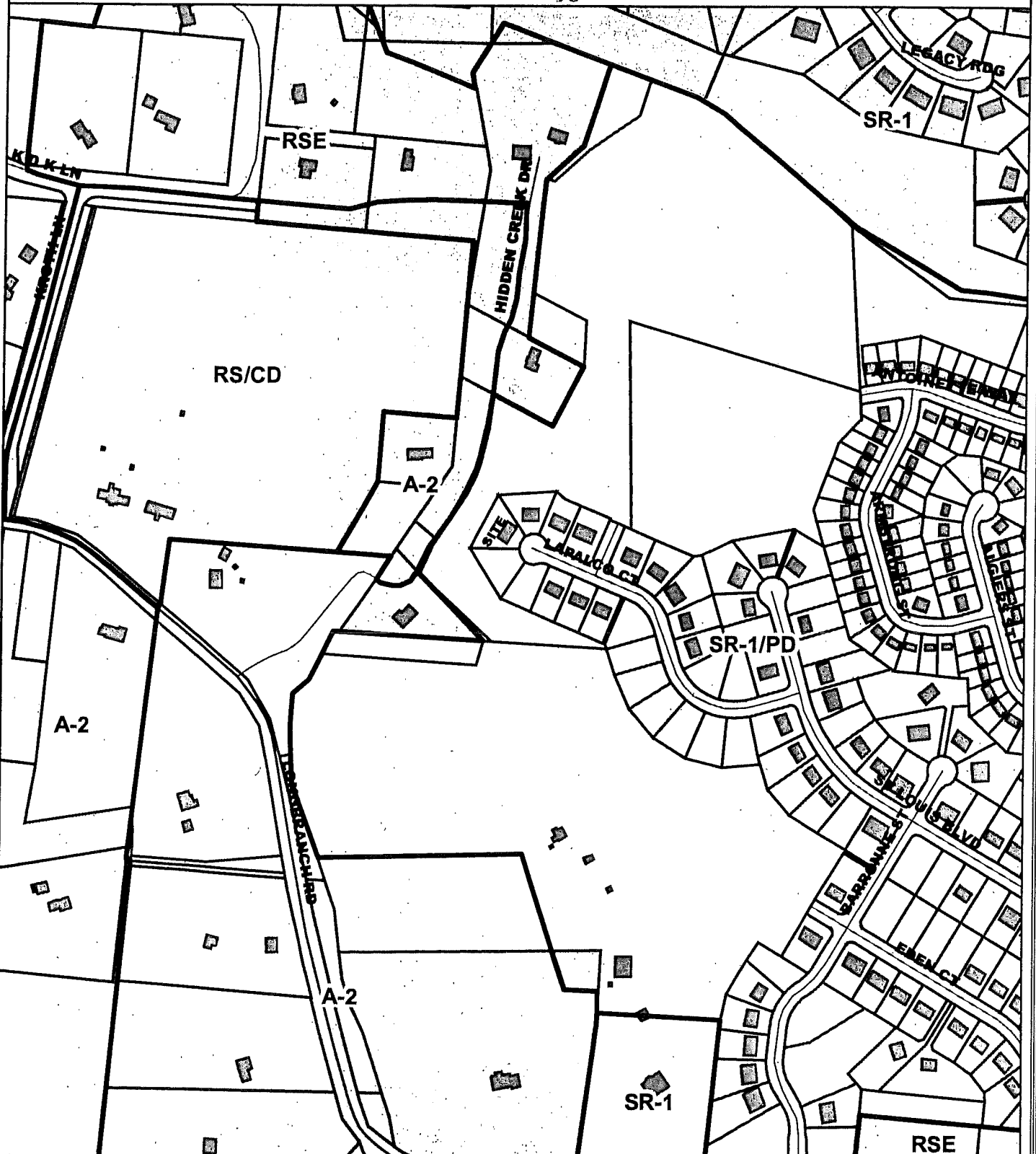


Boone County GIS - Putting Northern Kentucky on the Map



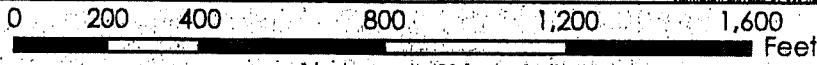
ZONING MAP

www.boonecountygis.com



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Boone County GIS - Putting Northern Kentucky on the Map



Map Created at 10:43:24 on 01/26/2006

AutoMap Document, Unlinked

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:

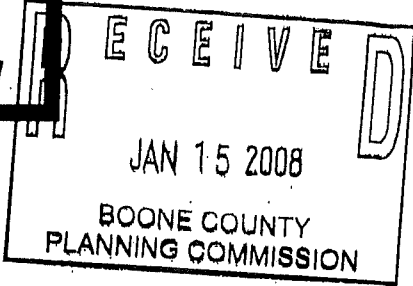
| Street Type | Right-of-way Width | Minimum Pavement Width | Maximum Street Grade |
|--------------------------------|--------------------|------------------------|----------------------|
| Local | 50 ft. | 25 ft. | 12% |
| Cul-de-sac | 50 ft. | 25 ft. | 12% |
| Court (service 6 lots or less) | 42 ft.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

571.0

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 Lyneva Cimaglio
Phone Number 857 817 9290 Fax No.
Applicant's Address 10156 Lapalco Ct.
Union Ky 41091
City State Zip
4. Description of Request: 461 Sq Ft Deck on rear of house
reduced 35' set back
5. Name of Development Orleans North
6. Location of Development French Quarter - Orleans
Union Ky
7. Acreage Under Review
8. Lot Number and Name of Subdivision (if part of a subdivision)
Lot # 500 French Quarter - Orleans
9. Owner of Property Lyneva Cimaglio
Address of Property Owner Phone No.
10.
11. Proposed Use(s) on Site City State Zip
Ex. House / Proposed Deck
12. Total Square Footage of Existing and/or Proposed Buildings 4,000 sq ft.
13. Current Zoning on Property residential (SR-1/PO)
14. Deed Book 943 Page No. 773 Group No. 2038A
15. Is the site subject to a zone change? YES
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: Lyneva Cimaglio

Property Owner's Signature: Lyneva Cimaglio
Lyneva Cimaglio
(over)

1 owner Lot # 499
Brian + Crystal Emmett
10152 Lapalco Ct
Union, KY 41091

2 LOT 501
Ryland Group
4660 DUKE DRIVE
MASON, OH 45040

3 JMG Development
8344 Pleasant
Valley Road
Florence, KY
41042