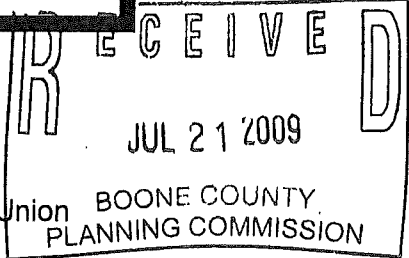


APPLICATION FORM

09-FBOA-007-1A

**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 Florence Walton Union BOONE COUNTY PLANNING COMMISSION
- (Check One)
 2. Conditional Use Permit Variance Appeal
 Change in Non-Conforming Use
3. Applicant's Name Stephen K. Dallas
 Phone Number 859-391-5273 (cell) Fax No. 859-525-6194
 Applicant's Address 223 main St. Florence, KY
office 525-0161
 City _____ State _____ Zip _____
4. Description of Request: Reduce 30' Front Yard Setback
to allowed a covered porch on an existing house
5. Name of Development _____
6. Location of Development 3 Lloyd Ave, Florence, KY
7. Acreage Under Review 0.15 ACRES +/-
8. Lot Number and Name of Subdivision (if part of a subdivision) _____
9. Owner of Property same as above
 Address of Property Owner _____ Phone No. _____
10. City _____ State _____ Zip _____
11. Proposed Use(s) on Site Covered Porch on Ex. House
12. Total Square Footage of Existing and/or Proposed Buildings _____
13. Current Zoning on Property SR-1
14. Deed Book 351 Page No. 71 Group No. 2034A
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? _____
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.

ORIGINAL Property Owner's Signature: _____
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: _____
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

**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 7/21/09 Fee Received \$632⁰⁰ RA# 59087
2. Is application complete? Yes No
3. Staff Reviewer _____
4. Scheduled Board Action Date 8/12/09
5. Board Action:
 Approved
 Approved with Conditions (See #6)
 Denial (See #7)
6. Conditions of Approval: 1.) THE SIZE AND DESIGN OF THE PORCH COVERING SHALL FOLLOW THE SUBMITTED DESIGN.
7. Reasons for Denial: _____

**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: Stephen A. Dallas
LOCATION: 3 Lloyd Avenue, Florence, Kentucky
ZONING: Suburban Residential One (SR-1)
DATE: August 12, 2009

Proposal

The applicant has requested a variance so he can cover a concrete porch located at 3 Lloyd Avenue. The single-family residence is a non-conforming structure because it is located 27.6 feet from the front property line and the front yard setback requirement is 30 feet. Covering the front porch with a roof will further reduce the front yard setback from 27.6 feet to 19.6 feet (see attached 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 2, Section 271 of the Boone County Zoning Regulations states that when an addition is proposed for a pre-existing structure that does not meet the current setback requirements, the addition may be located along the non-conforming building line established by the existing structure, but may not encroach into such non-conforming setback unless a variance is granted by the Board of Adjustment and Zoning Appeals.

Article 31, Section 3123 of the Boone County Zoning Regulations states that open structures such as porches and covered patios which occupy space three feet or more above the general ground level shall be considered parts of the building to which attached and shall not project into a required setback. Chimneys, overhangs, and gutters may extend up to two and one-half (2½) feet into a required front, side, or rear setback.

Surrounding Land Uses & Zoning

- Northeast: Single-Family Residential Dwelling (SR-1)
- Northwest: Price Pike, Single-Family Residential Dwellings, and Barber Shop (C-2)
- Southeast: Lloyd Avenue and Single-Family Residential Dwelling (SR-1)
- Southwest: Single-Family Residential Dwelling (SR-1)

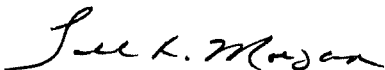
Staff Comments

1. The applicant informed Staff that the porch was covered with a roof about fifteen years ago. The roof was damaged, removed, and never replaced. Recovering the porch requires a Variance because the existing structure does not meet the 30 foot front yard setback requirement and the pre-existing condition has been abandoned at this point.
2. The applicant submitted elevation drawings of the covered porch. The drawings show that the roof will match the existing building and will slightly overhang the front steps. The zoning regulations allow overhangs to extend 2½ feet into a required front, side, or rear setback.
3. Staff does not believe that the Variance will alter the essential character of the area. The adjoining houses to the northeast and southwest have covered porches that are as close to the road as the proposal.

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 act on the request.

Respectfully submitted,



Todd K. Morgan, AICP
Senior Planner, Zoning Services

TKM/pr

Attachments

*Site Vicinity Map

*Survey

*Elevations

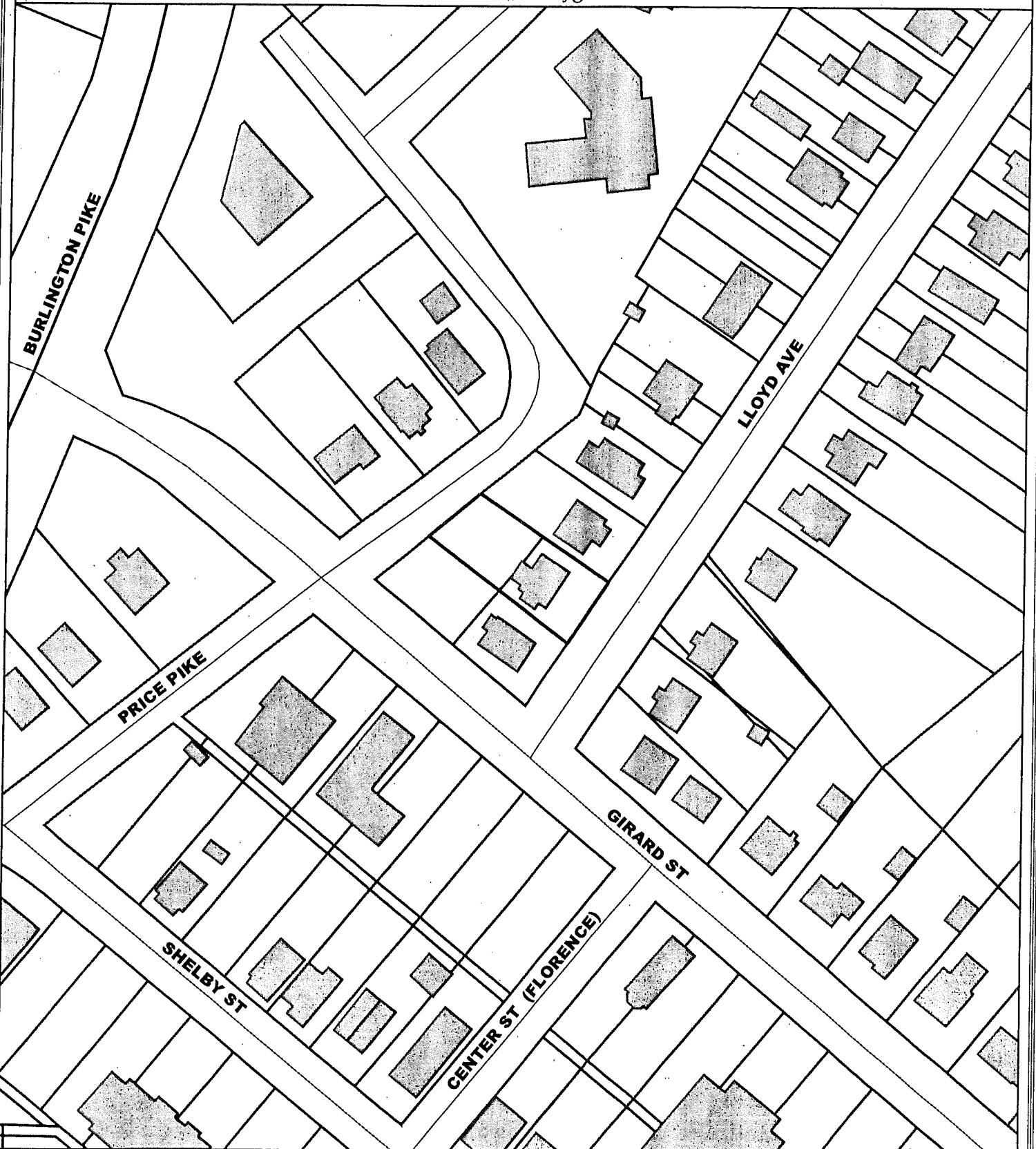
*Aerial Map

*Zoning Map

*Application

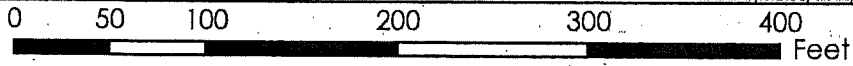
SITE VICINITY MAP

www.boonecountygis.com



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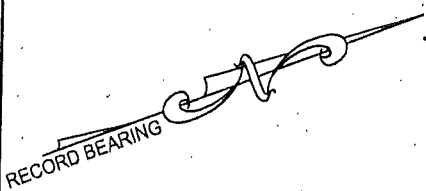
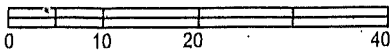
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Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 01/01/2008

Map File Name: 20080101.mxd
ArcMap Document: *.mxd



Price Pike

LOT #1

Stephen K. and
Jacqueline K. Dallas
DB 351 Page 71
Part of
Lot 1 & 2

25.0'

Exst. RW

Existing
Conc. Walk

Concrete
Drive

LOT #3

Wood Deck
9.50 x 15

6.5'

32.40'

Exst. Porch

#3
Existing House
1.5 Story

26.50'

LOT #2

2.4'

30' Setback Line

32.40'

6.5'

Exst.
Porch
8 x 10

10.4'

30.0'

Existing
Conc. Walk

19.6'

27.6'

Exst. RW

Concrete Walk

Curb

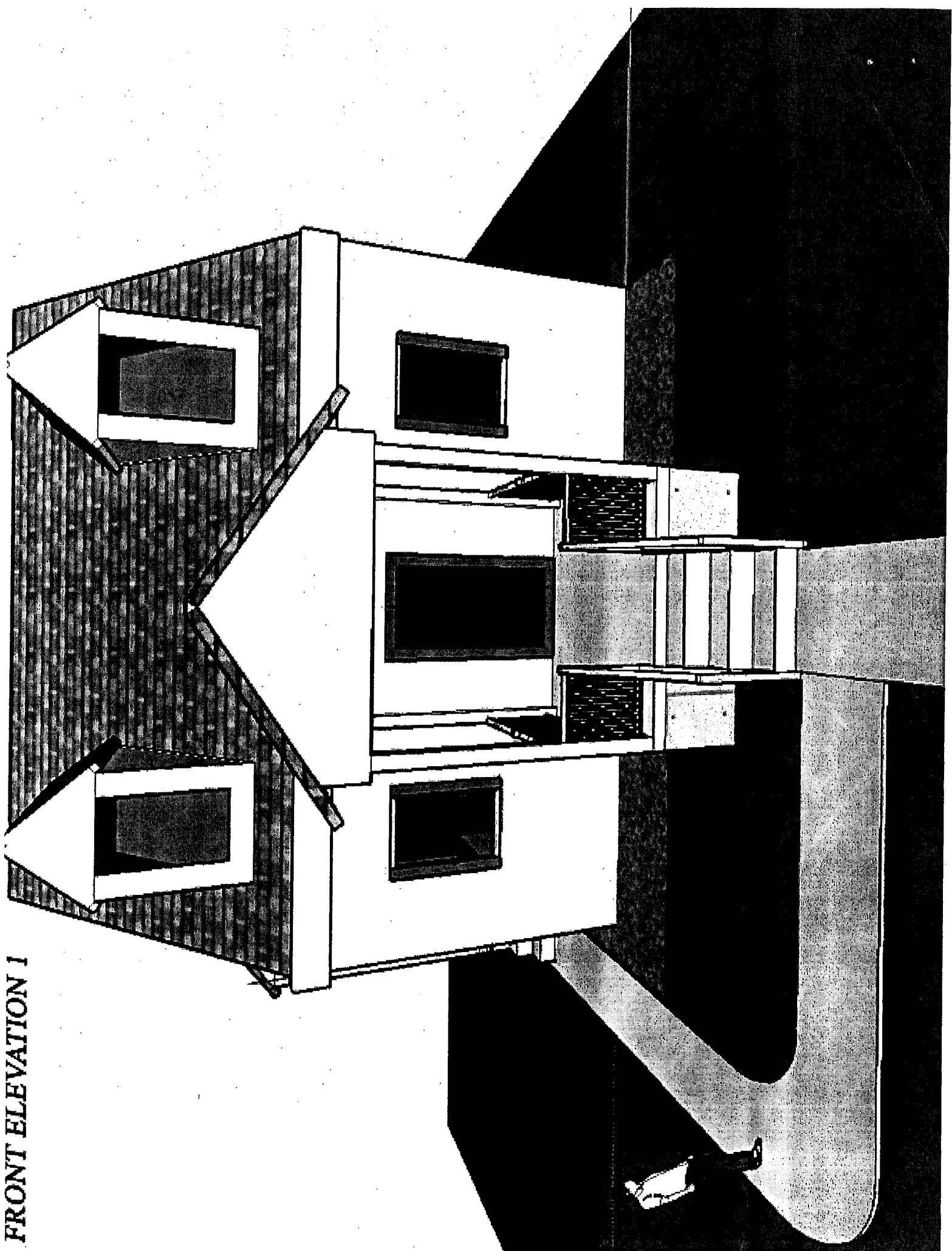
25.0'

Lloyd Avenue

Curb

EXHIBIT OF #3 LLOYD AVENUE

FRONT ELEVATION 1





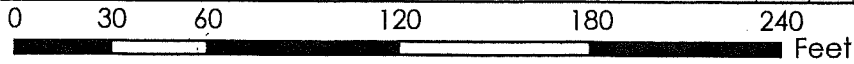
AERIAL MAP

www.boonecountygis.com



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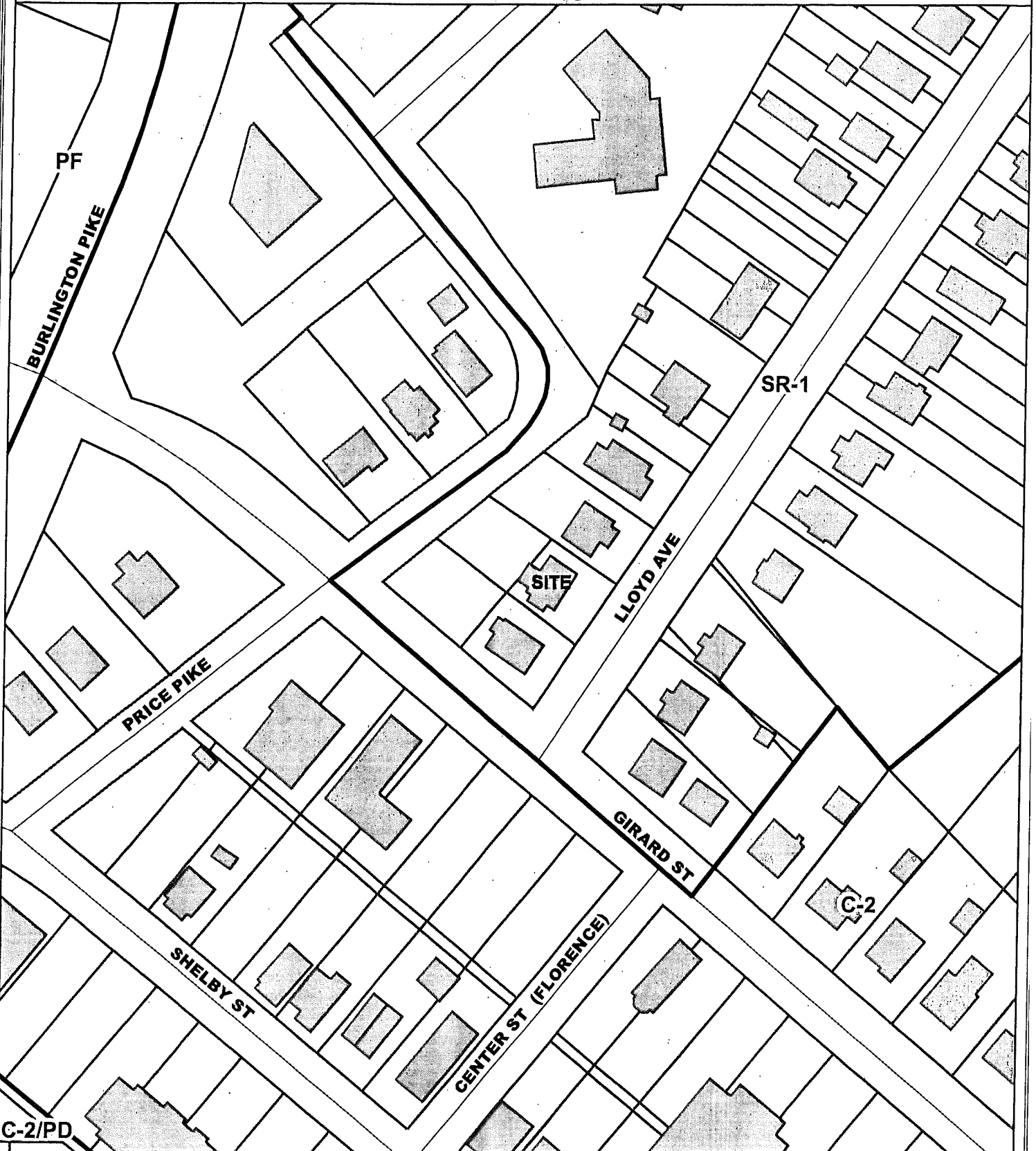
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Boone County GIS - Putting Northern Kentucky on the Map

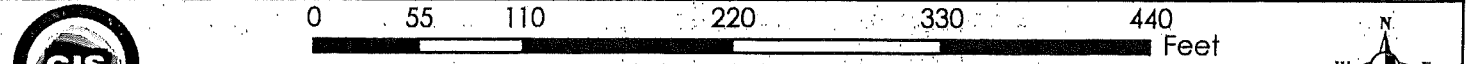
ZONING MAP

www.boonecountygis.com

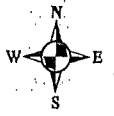


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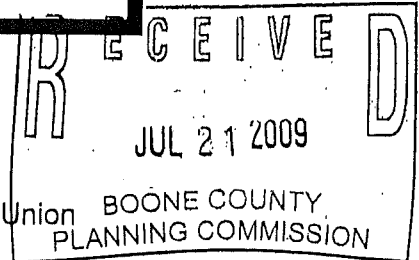


Boone County GIS - Putting Northern Kentucky on the Map



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 Florence Walton Union
- (Check One)
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3. Change in Non-Conforming Use
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Applicant's Address 223 main St. Florence, KY
office 525-0161
City _____ State _____ Zip _____
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to allowed a covered porch on an existing house
5. Name of Development _____
6. Location of Development 3 Lloyd Ave, Florence, KY
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9. Owner of Property same as above
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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? _____
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.

ORIGINAL Property Owner's Signature: _____
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: _____
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

COPY

CLUR #09-FBOA-007-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Stephen K. Dallas
223 Main Street
Florence, KY 41042
2. ADDRESS OF PROPERTY
3 Lloyd Avenue
Florence, KY 41042
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

4. DEED BOOK 351 PAGE NO. 71 GROUP NO. 2034A
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)
- X 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
2950 WASHINGTON STREET, ROOM 317
P.O. BOX 958
BURLINGTON, KENTUCKY 41005



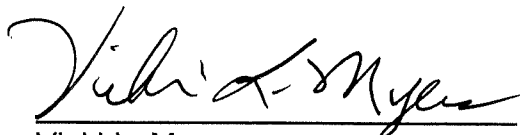
SIGNATURE OF COMPLETING OFFICIAL

Kevin T. Wall, Director, Zoning Services
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

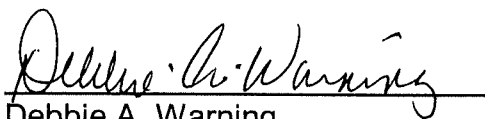
Subscribed, sworn to, and acknowledged before me by Kevin T. Wall on behalf of the
Boone County Planning Commission this 24 day of August, 2009.



Vicki L. Myers
NOTARY PUBLIC, State at Large

My commission Expires:
April 17, 2011

This instrument was prepared for recording purposes only by:



Debbie A. Warning
Boone County Planning Commission
2950 Washington Street, Room 317
P.O. Box 958
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 August 12, 2009 Certificate of Land Use Restriction (#09-FBOA-007-A), for Stephen K. Dallas, Property Owner(s).

The following conditions will apply:

- 1) The size and design of the porch shall be constructed as presented by the applicant.

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

DEED BOOK 351

PAGE NO. 71

GROUP NO. 2034A