

APPLICATION FORM

10-FEBOA-05-A

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 Union
2. (Check One) Conditional Use Permit [checked] Variance Appeal Change in Non-Conforming Use
3. Applicant's Name JAMES P & ELIZABETH ANN JONES Phone Number 859-371-7698 Fax No. 859-371-7698 Applicant's Address 8868 Valley Circle DR FLORENCE KY 41042
4. Description of Request: VARIANCE TO THE SETBACK LINE TO ALLOW (30' TO 21' +/-) CONSTRUCTION OF A 16' WIDE BY 6' DEEP COVERED PORCH
5. Name of Development
6. Location of Development 8868 Valley Circle Drive
7. Acreage Under Review .23
8. Lot Number and Name of Subdivision (if part of a subdivision) LOT 112 SEC 4 BOONE VALLEY ESTATES
9. Owner of Property JAMES P & ELIZABETH ANN JONES Address of Property Owner 8868 Valley Circle DR Phone No. 859-371-7698 FLORENCE KY 41042
10. City State Zip
11. Proposed Use(s) on Site COVERED PORCH
12. Total Square Footage of Existing and/or Proposed Buildings 96ft^2 (16'x6')
13. Current Zoning on Property SR-2
14. Deed Book 530 Page No. 109-111 Group No. 2039
15. Is the site subject to a zone change? DO NOT KNOW
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.

CELL 802-5382

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

ORIGINAL Applicant's Signature: [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 6/22/10 Fee Received \$1632⁰⁰ R#61035
2. Is application complete? Yes No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
 Approved
 7/14/10 Approved with Conditions (See #6)
 Denial (See #7)
6. Conditions of Approval: SEE 7/14/10 MEETING MINUTES +
C.L.U.R.
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: James & Elizabeth Ann Jones

LOCATION: 8868 Valley Circle Drive, Florence, Kentucky

ZONING: Suburban Residential Two (SR-2)

DATE: July 14, 2010

PROPOSAL

The applicants have requested a variance so they can construct a 6' x 16' covered porch onto the front of their house. The request is to reduce the front yard setback from 30' to approximately 21'.

APPLICABLE REGULATIONS

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.

Table 31.1 of the Boone County Zoning Regulations lists the setback requirements for a detached single-family residence in a SR-2 zone as 30' front, 30' rear, and 5' minimum/15' total sides.

Section 3123 of the Boone County Zoning Regulations states that "open structures such as porches, canopies, balconies, platforms, carports, covered patios, and similar architectural projections which occupy space three (3) or more feet above the general ground level of the yard shall be considered parts of the building to which attached and shall not project into the required

minimum front, side, or rear yard. Chimneys, overhangs and gutters may extend up to two and one-half (2½) feet into a required front, side, or rear yard. However, such extensions into a required yard shall not impede, disrupt, or interfere with storm water flow and may need to be cantilevered above grade or necessitate the construction of a storm pipe system with drainage structures or other improvements to provide adequate site drainage.

SITE CHARACTERISTICS

The approximate 0.23 acre site is located on the northeast side of Valley Circle Drive and contains a single-family residential dwelling. A large wood deck is attached to the rear of the household. The topography of the parcel falls from approximately 876' above seal level at the street to 864' above sea level at the rear property line. Mature deciduous trees and shrubs are located against the front of the house.

SURROUNDING LAND USES & ZONING

- Northeast: Single-Family Residential Dwelling Fronting on Valley Circle Drive and Boone Place (SR-2)
- Northwest: Single-Family Residential Dwelling Fronting on Valley Circle Drive (SR-2)
- Southeast: Single-Family Residential Dwelling Fronting on Valley Circle Drive (SR-2)
- Southwest: Valley Circle Drive and Single-Family Residential Dwellings Fronting on Valley Circle Drive (SR-2)

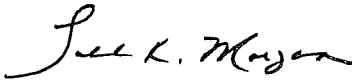
STAFF COMMENTS

1. The applicants have provided some renderings of the proposed porch. The renderings indicate that gable face will be constructed with masonry and the roof will match the house.
2. A copy of the Final Plat is attached to the back of the Staff Report. The Plat was recorded in 1977 and shows a 25' front yard setback requirement. It should be noted that county zoning prior to 1980 was deemed invalid. The 1980 Boone County Zoning Regulations list the setback requirements in SR-2 as ^{15'}_{30'} front, ^{15'}_{30'} rear, and 5' minimum/15' total sides.
3. Staff has provided some approximate front yard setback measurements houses on the subject street. The Boone County G.I.S. system indicates that these houses have front yard setbacks that range between 23 feet and 40 feet (see attachments).
4. The Board should analyze if the request will alter the essential character of the general vicinity or if the provisions of the regulations 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 act on the request.

Respectfully submitted,



Todd K. Morgan, AICP
Planner, Zoning Services

TKM/pr

Attachments

- *Site Vicinity Map
- *Plot Plan (Proposal)
- *Rendering (Side View)
- *Rendering (Front View)
- *Rendering (Front View)
- *Zoning Map
- *2009 Aerial Map
- *Boone Valley Estates Final Plat
- *Front Yard Setbacks of Subject Property & Other Houses
- *Signatures From Adjoining Property Owners
- *Application

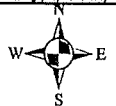
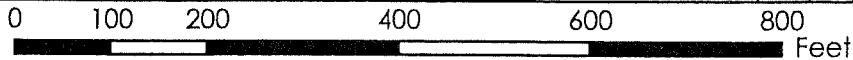
SITE VICINITY MAP

www.boonecountygis.com



Copyright 2008 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS accepts no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



Boone County GIS - Putting Northern Kentucky on the Map

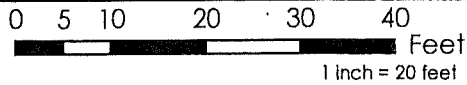
PLOT PLAN

www.boonecountygis.com

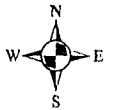


Copyright 2010 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

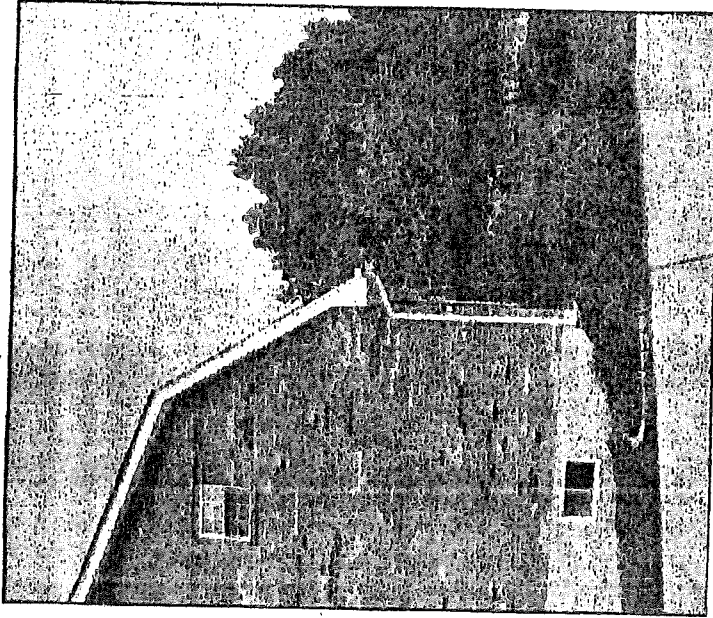
Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



Boone County GIS - Putting Northern Kentucky on the Map



James P. and Elizabeth A. Jones
8868 Valley Circle Drive
Florence, KY
June 22, 2010



Materials:

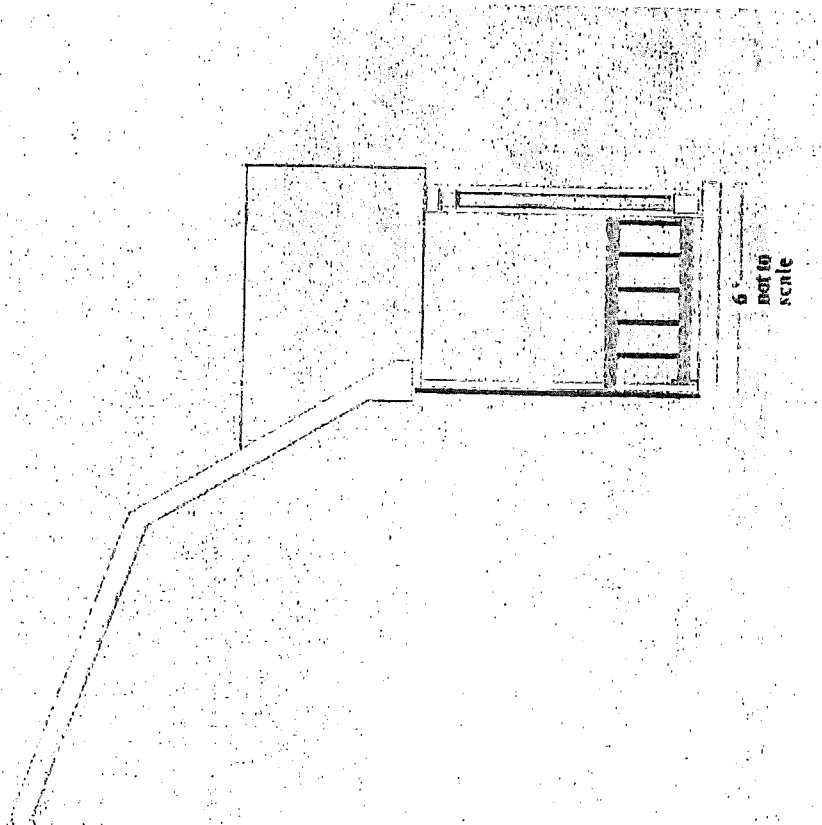
Pad: 16' x 6' concrete pad, at or exceeding code-rebar, 4000p.s.i., footer work to frost line.

Roof: Shingle, matching existing roof.

Posts: 6 x 6 pressure treated.

Trim: bead board ceiling, column trim, soffit trim.

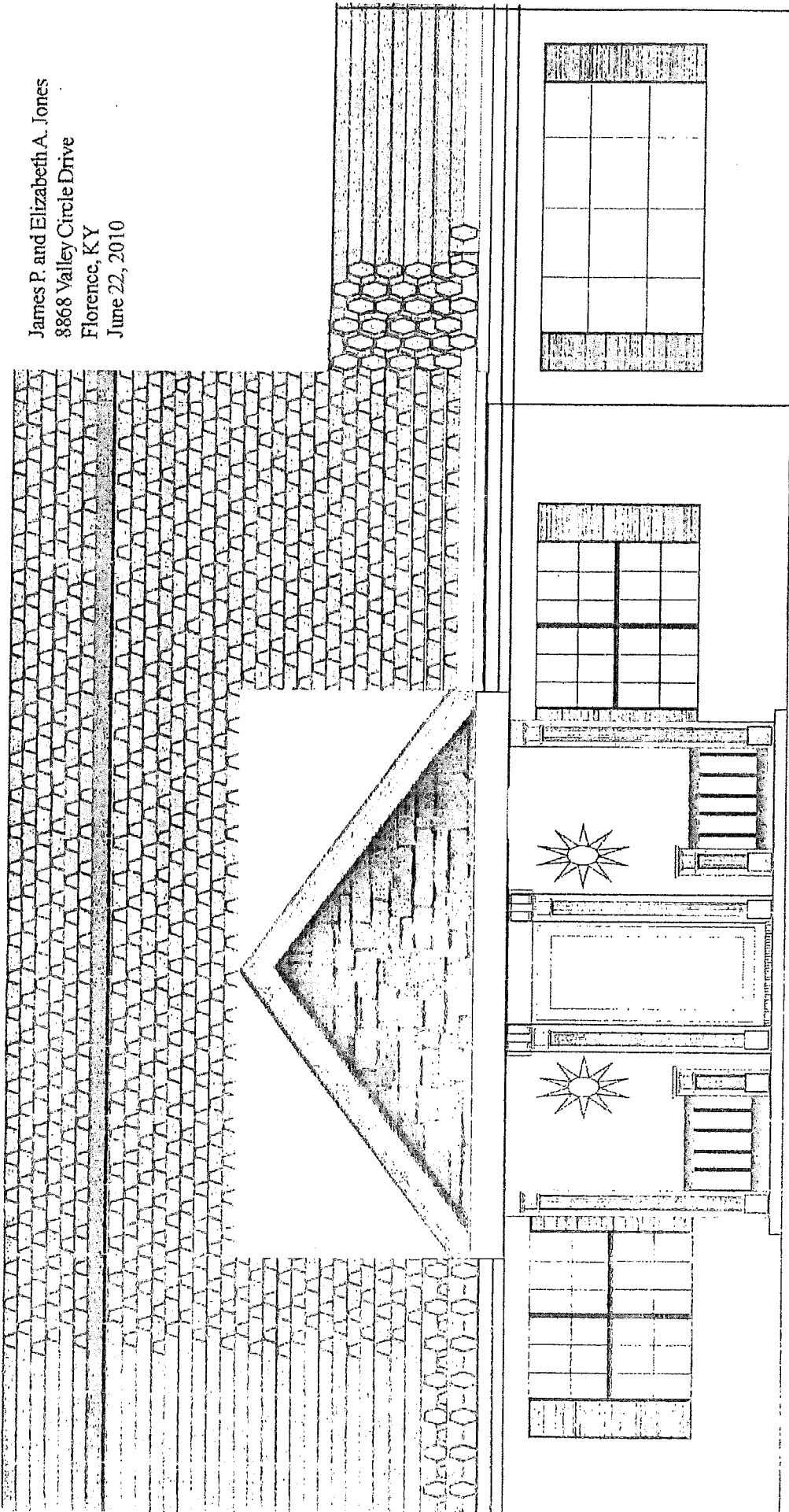
Rails: Wood rails, wood balusters (could upgrade to wrought iron or similar)



James P. and Elizabeth A. Jones
8868 Valley Circle Drive
Florence, KY
June 22, 2010



James P. and Elizabeth A. Jones
8868 Valley Circle Drive
Florence, KY
June 22, 2010



16'



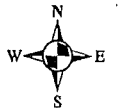
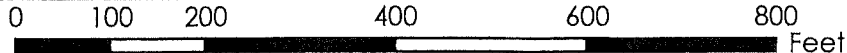
ZONING MAP

www.boonecountygis.com



Copyright 2010 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



Boone County GIS - Putting Northern Kentucky on the Map

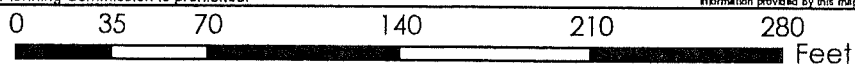
2009 AERIAL MAP

www.boonecountygis.com



Copyright 2010 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



Boone County GIS - Putting Northern Kentucky on the Map

DEDICATION

We the officers of the D.B.S. Corporation, a Kentucky corporation do hereby adopt and publish this plat of BOONE VALLEY ESTATES SECTION IV and dedicate the same to the use of the public the streets and easement shown hereon. Being part of that conveyed to us recorded in D.B. 204 Page 229 of the Boone County Court Clerks office at Burlington, Kentucky.

State of Kentucky
 County of Boone

I, the undersigned notary public in and for said county do certify that the plot shown hereon was on the 30 day of July 1977 produced to me in said county and delivered and acknowledged by D.B.S. Corporation and James E. Ransom, P.E. and James E. Ransom, P.E. to me their act and deed. Given under my hand this 30 day of July 1977.
 David A. ...
 My commission expires 1-17-80

ACKNOWLEDGMENT

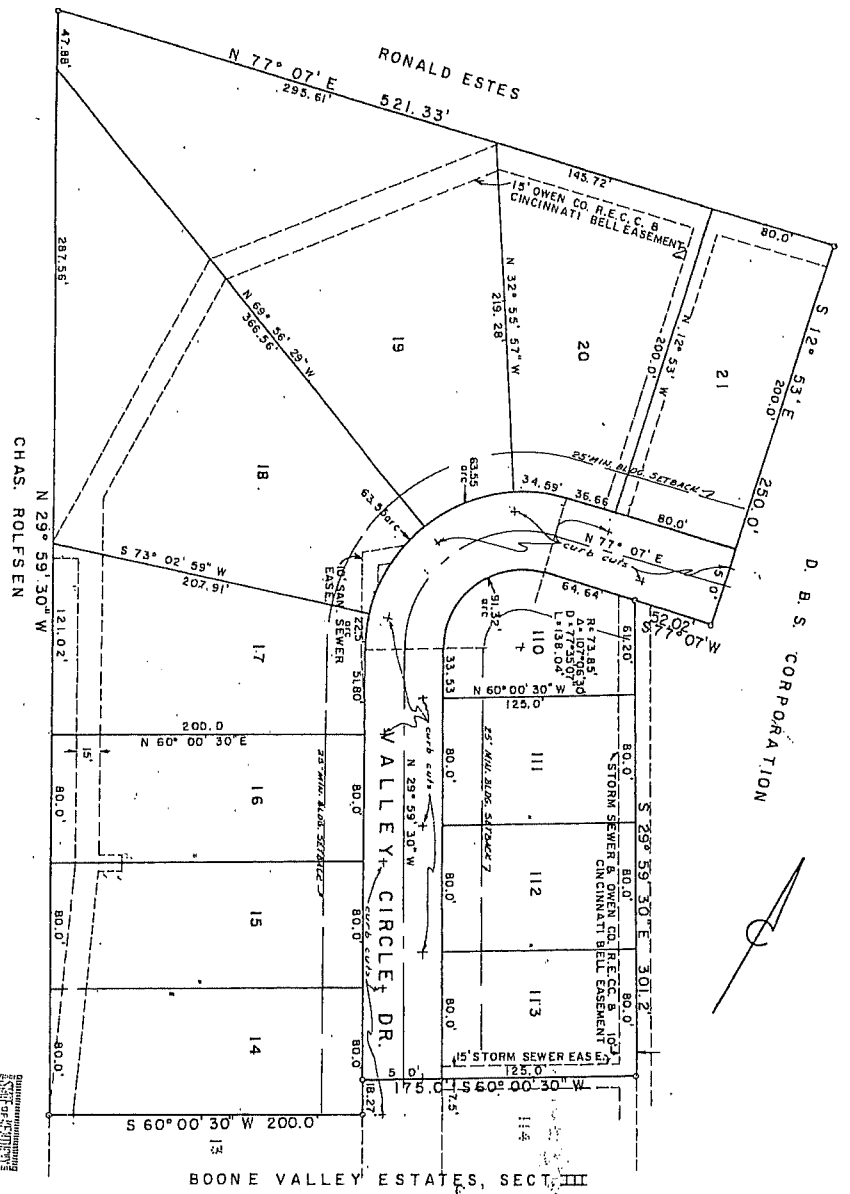
I, Jerry Rouse, Boone County Court Clerk, do certify that this plat was presented to me in Boone County this 4th day of July 1977, at 4:30 (PM) and made a part of the records of this office.
 Jerry Rouse
 JERRY ROUSE

I certify that this survey was made under my supervision and that the lineal and angular measurements are true and correct to the best of my knowledge and belief.
 James E. Ransom, P.E.
 I hereby certify that the subdivision plat shown hereon has been found to comply with the subdivision regulations for the City of Florence and it has been approved for recording in the office of the County Clerk for the day of July 1977.
 Chairman Boone County Planning Commission

I certify that the streets and storm sewers have been constructed according to the City of Florence specifications or sufficient bond posted.
 City Inspector

I certify that the sanitary sewer and water main have been constructed to the Florence Water and Sewer Commission, or sufficient bond posted.
 Chairman

* For Restrictive Covenants see basic ac 79 4 111



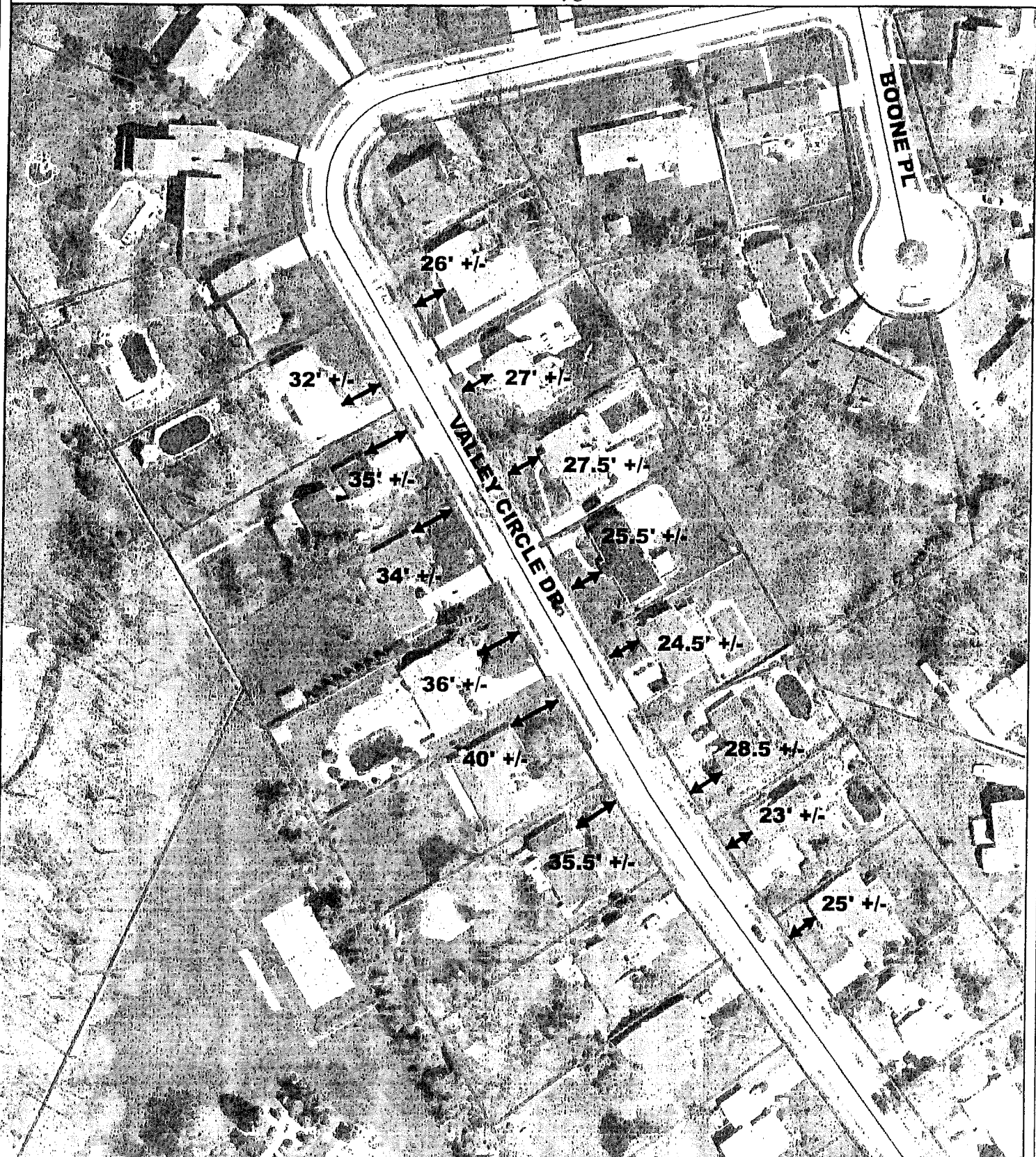
BOONE VALLEY ESTATES SUBDIVISION
 SECTION IV

FLORENCE KENTUCKY
 JULY 16, 1977
 D.B.S. CORPORATION
 CHAS. DUNCAN, PRES., 609 Oakridge Dr., Edgewood, Ky.
 DEVELOPER
 JAMES E. RANSOM, P.E.
 KY REG. C.E. 673, L.S. III

SCALE: 1" = 50'

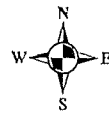
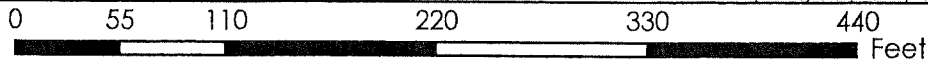
FRONT YARD SETBACKS

www.boonecountygis.com



Copyright 2010 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



Boone County GIS - Putting Northern Kentucky on the Map

I have seen the proposed changes to the house at 8868 Valley Circle Drive.

1. Joe and Carol Canady
8870 Valley Circle Drive
Florence, KY 41042

2. Keen and Carol Johnson
8878 Valley Circle Drive
Florence, KY 41042

Keen Johnson
Carol Johnson

3. Bob and Arleen Lakeman
8765 Boone Place
Florence, KY 41042

Bob + Arleen Lakeman

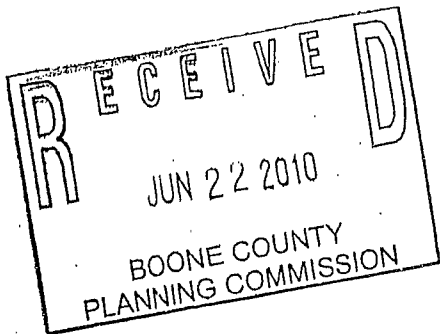
4. Jim and Nancy Higgins
8866 Valley Circle Drive
Florence, KY 41042

Nancy Higgins
Jim Higgins

5. Mike and Eileen Dunavan
8867 Valley Circle Drive
Florence, KY 41042

Eileen Dunavan
Mike A Dunavan

6. Greg and Tammy McDaniel
8869 Valley Circle Drive
Florence, KY 41042



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 Union
2. (Check One) Conditional Use Permit [checked] Variance Appeal Change in Non-Conforming Use
3. Applicant's Name JAMES P & ELIZABETH ANN JONES Phone Number 859-371-7698 Fax No. 859-371-7698 Applicant's Address 8868 VALLEY CIRCLE DR FLORENCE KY 41042
4. Description of Request: VARIANCE TO THE SETBACK LINE TO ALLOW (30' TO 22' +/-) CONSTRUCTION OF A 16' WIDE BY 6' DEEP COVERED PORCH
5. Name of Development
6. Location of Development 8868 VALLEY CIRCLE DRIVE
7. Acreage Under Review .23
8. Lot Number and Name of Subdivision (if part of a subdivision) LOT 112 SEC 4 BOONE VALLEY ESTATES
9. Owner of Property JAMES P & ELIZABETH ANN JONES Address of Property Owner 8868 VALLEY CIRCLE DR Phone No. 859-371-7698
10. City FLORENCE State KY Zip 41042
11. Proposed Use(s) on Site COVERED PORCH
12. Total Square Footage of Existing and/or Proposed Buildings 96ft^2 (16' x 6')
13. Current Zoning on Property SR-2
14. Deed Book 530 Page No. 109-111 Group No. 2039
15. Is the site subject to a zone change? DO NOT KNOW
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.

CELL 802-5382

ORIGINAL Property Owner's Signature: [Signature]

ORIGINAL Applicant's Signature: [Signature]

COPY

CLUR #10-FBOA-005-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

James P. & Elizabeth Ann Jones
8868 Valley Circle Drive
Florence, KY 41042

2. ADDRESS OF PROPERTY

8868 Valley Circle Drive
Florence, KY 41042

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Lot 112, Boone Valley Estates

4. DEED BOOK 530

PAGE NO. 109-111

GROUP NO. 2039

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

Zoning Map Amendment:
From To

Conditional Use Permit

Development Plan

Conditional Zoning

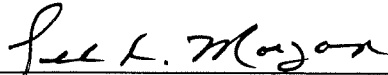
Subdivision Plat
(Not Recorded)

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
2950 WASHINGTON STREET, ROOM 317
P.O. BOX 958
BURLINGTON, KENTUCKY 41005



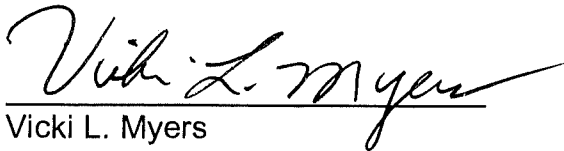
SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

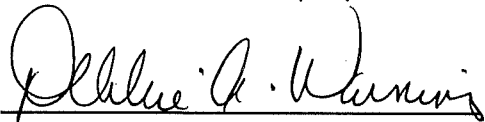
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 16 day of July, 2010.



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 July 14, 2010 Certificate of Land Use Restriction (#10-FBOA-005-A), for James P. & Elizabeth Ann Jones, Property Owner(s).

The following conditions will apply:

- 1) Elevation drawings and renderings shall be submitted when the Zoning Permit application is submitted for review. The elevations and renderings shall show that the covered porch will be constructed per the exhibits found in the Staff Report. The railings shown in the exhibits may be changed to wrought iron.

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

DEED BOOK 530

PAGE NO. 109-111

GROUP NO. 2039

MODE = MEMORY TRANSMISSION

START=JUL-28 11:30

END=JUL-28 11:31

FILE NO.=332

STN NO.	COMM.	ONE-TOUCH/ ABBR NO.	STATION NAME/EMAIL ADDRESS/TELEPHONE NO.	PAGES	DURATION
001	OK	<13↑>	CITY FLO FPS	003/003	00:00:31

-BOONE COUNTY PLANNING -

***** UF-8000 v2 ***** -

- ***** -

8593342264- *****

CLUR #10-FBOA-005-A

CERTIFICATE OF LAND USE RESTRICTION

- NAME AND ADDRESS OF PROPERTY OWNER(S)
James P. & Elizabeth Ann Jones
8868 Valley Circle Drive
Florence, KY 41042
- ADDRESS OF PROPERTY
8868 Valley Circle Drive
Florence, KY 41042
- NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Lot 112, Boone Valley Estates
- DEED BOOK 530 PAGE NO. 109-111 GROUP NO. 2039
- 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

RETURN TO:

BOONE COUNTY PLANNING COMMISSION
2950 WASHINGTON STREET, ROOM 317
P.O. BOX 958
BURLINGTON, KENTUCKY 41005

Todd K. Morgan

SIGNATURE OF COMPLETING OFFICIAL

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