

APPLICATION FORM

11-FBOA-003-A

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)

2. \_\_\_\_\_ Conditional Use Permit \_\_\_\_\_ Variance \_\_\_\_\_ Appeal \_\_\_\_\_ Change in Non-Conforming Use

3. Applicant's Name Archie Searp Phone Number 859 647 7900 Fax No. 647 7999 Applicant's Address 71 Cavalier Blvd Florence Ky 41042

Archie Searp

4. Description of Request: Reduce 20ft set back for storage barn to 13.25

5. Name of Development Ashgrove Apts. 6. Location of Development 6700 Ashgrove Pl. Florence Ky

7. Acreage Under Review 8. Lot Number and Name of Subdivision (if part of a subdivision)

9. Owner of Property Archie Searp Address of Property Owner 6700 Ashgrove Pl. Phone No. 647-7900

11. Proposed Use(s) on Site Storage Barn

12. Total Square Footage of Existing and/or Proposed Buildings 276 13. Current Zoning on Property UR-2 14. Deed Book 929 Page No. 199 Group No. 2034B

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? 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.

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)



**STAFF REPORT**

APPLICANT: Archie Searp  
LOCATION: 6700 Ashgrove Place, Florence, Kentucky  
ZONING: Urban Residential Two (UR-2)  
DATE: May 11, 2011

**PROPOSAL**

This request is for a variance to reduce the side yard setback required by Section 3160 "Residential Townhouse and Multi-family Design Standards" of the Boone County Zoning Regulations, and the corresponding Buffer Yard B required by Section 3645. The Variance would reduce both requirements from 20 feet to 13.25 feet. This reduction would apply along the north/west property line for a 24 foot by 24 foot storage garage located in the northern point of the Ashgrove Apartments property, located in between Oakwood Drive and the rear parking area of the Kentaboo Baptist Church facility that fronts on Curtis Avenue. A variance is not necessary for the 12.88 foot setback proposed along the east property line near Oakwood Drive due to a nonconforming building line established by an existing shed.

The proposed storage garage is a one story, pitched roof structure with a two car wide overhead door on the south facade which faces into the Ashgrove development. The existing dumpster that is in the approximate garage location is proposed to be removed and placed within an existing enclosure on the other end of the development. Construction of the storage garage was initiated without any approvals. The partially finished building is not currently in the exact location proposed through this application, but will be moved if approved. The proposed location is further away from Oakwood Drive. The existing shed in this same area of the site is proposed to remain.

**APPLICABLE REGULATIONS**

Article 2, Section 220 of the Boone County Zoning Regulations states that one of the duties of the Board of Adjustment is to act on variance applications, as specified by the zoning order.

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 variance request in terms of the criteria listed 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.

Section 970 "Accessory Uses" (UR-2 zone) permits customary accessory structures such as garages and storage sheds.

Section 3160 "Residential Townhouse and Multi-family Design Standards" as it applies to the UR-2 zone requires all townhouse, multi-family, and accessory structures to "maintain a twenty (20) foot setback from all property lines of adjacent property not included as part of the townhouse or multi-family development as approved."

Section 3645 "Buffer Yards" requires Buffer Yard B (20' wide with specified plantings) to be provided between a UR-2 zoned development with less than eighty (80) attached units and the adjoining properties.

#### RELATIONSHIP TO THE COMPREHENSIVE PLAN

The 2005 Boone County Comprehensive Plan's "2030 Future Land Use Plan" designates the site in question for "Urban Density Residential" uses. This designation is defined as "attached housing, generally condominiums or apartments, of over 8 dwelling units per acre."

The following Goals and Objectives from the 2005 Boone County Comprehensive Plan apply to this application:

- A. Proper design principles shall be applied in development ("Overall," Objective 3).
- B. Existing vegetation shall be considered as both an important site characteristic and a community resource ("Environment," Social Objective 4).

#### ADJACENT LAND USES AND ZONING

- A. Several detached single family residences, two duplexes, and a church facility (Kentaboo Baptist Church) are located to the north, west, and northwest between the subject site and Curtis Avenue (SR-2).
- B. Several apartment buildings are located to the east, northeast, and southeast along Oakwood Drive (UR-2).

- C. A development of townhouse style condominiums (Countryside Condominiums) is located to the south and southwest (UR-2).

#### SITE CHARACTERISTICS

The overall site is located between Curtis Avenue and Oakwood Drive, and contains approximately 3 acres. It is accessed by a driveway (named "Ashgrove Place") that runs eastward from Curtis Avenue into the site. The development contains six single story buildings that contain attached dwelling units. Parking is located along the common drive at the building frontages. The previously mentioned shed is located in the northeast part of the site near Oakwood Drive. There is intermittent mature landscaping around the buildings and portions of the site's perimeter.

#### STAFF COMMENTS

1. As noted above, construction of the storage building was initiated without any approvals. Due to this fact, the Board should review subsection 2 of Section 251 of the zoning regulations as it may relate to this request. This subsection states "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."
2. Also as noted, the building is proposed to be moved further away from Oakwood Drive should the variance be approved. From a utility or "use-ability" standpoint, Staff is not opposed to the proposed building location. The building would be located further from Oakwood Drive than the existing shed to the east, and there is existing vegetation between the building and the rear parking area of the Kentaboo Baptist Church to the west.
3. Although the structure will be moved further from Oakwood Drive, it will still be clearly visible from the properties to the east. As such, consideration should be given to requiring the use of a "finished" appearing siding product, such as a true lap siding (such as hardiplank) or a vinyl product with comparable profile, versus metal siding or a utilitarian style of vinyl siding.

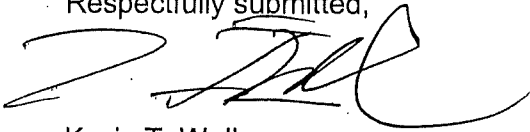
Additionally, due to the existing vegetation to the immediate west of the proposed structure, and the fact that the area further to the west is the rear portion of a commercial style parking lot, the required landscaping would be better served if it were placed along the east side of the structure where it would soften the view from Oakwood Drive.

4. Staff recommends the following conditions if the request is approved:
  - A. The siding product selected for all facades of the storage garage shall have a "finished" appearance, such as would be accomplished with a true lap siding or a vinyl product designed to have a three dimensional lap siding profile.
  - B. A continuous hedge of large shrubs or commensurate amount of columnar evergreen trees shall be provided in the landscape area shown on the plot plan that is between the east facade of the storage garage and the east property line.

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,



Kevin T. Wall  
Director, Zoning Services

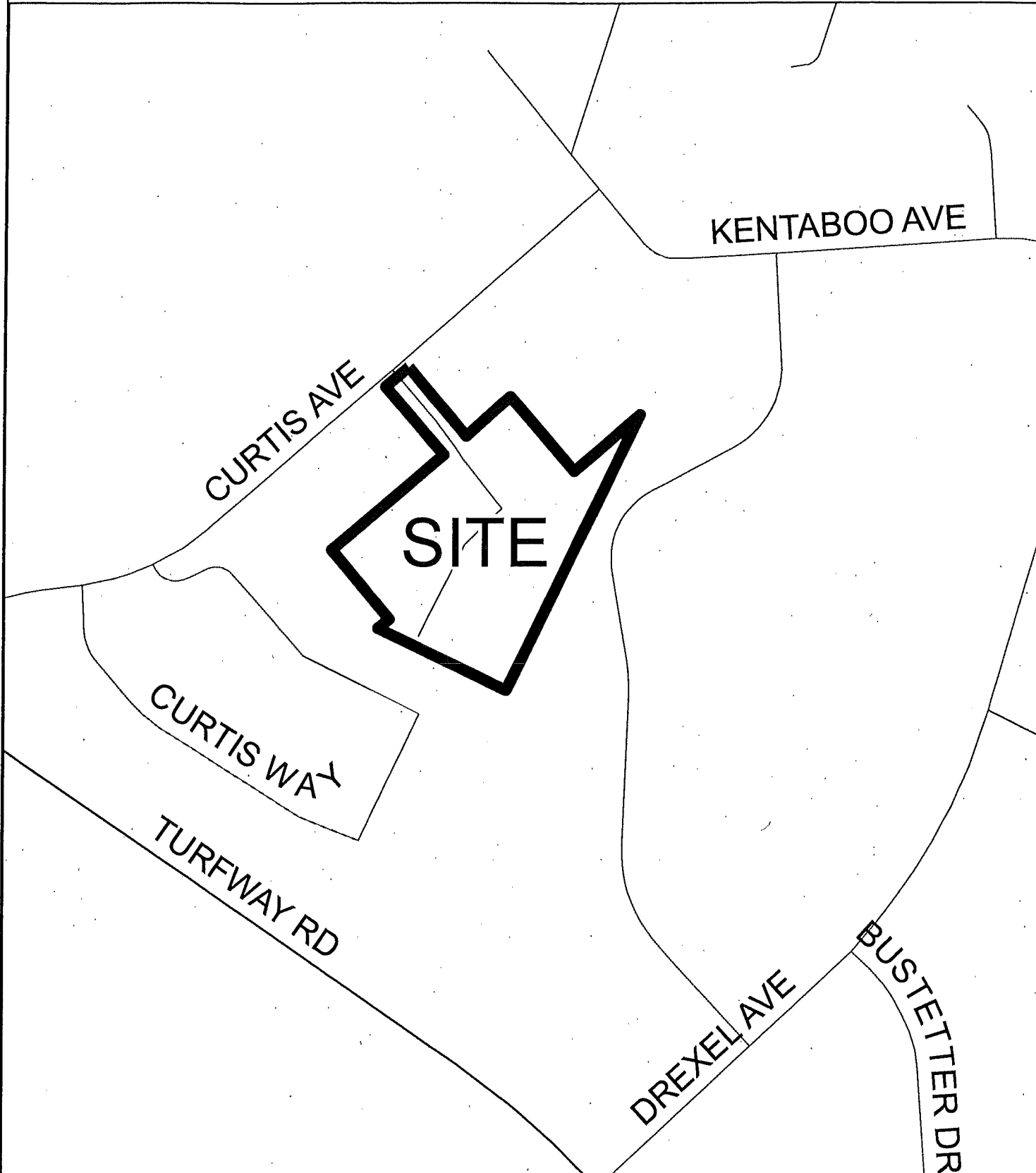
KTW/dw

attachments:

- \* location map
- \* aerial photo w/ zoning info
- \* Future Land Use Map excerpt
- \* application materials including plans

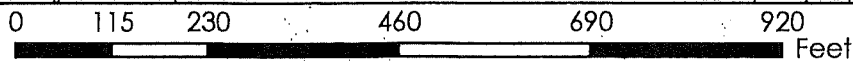
# Location

www.boonecountygis.com

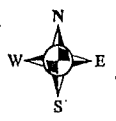


Copyright 2011 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

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.

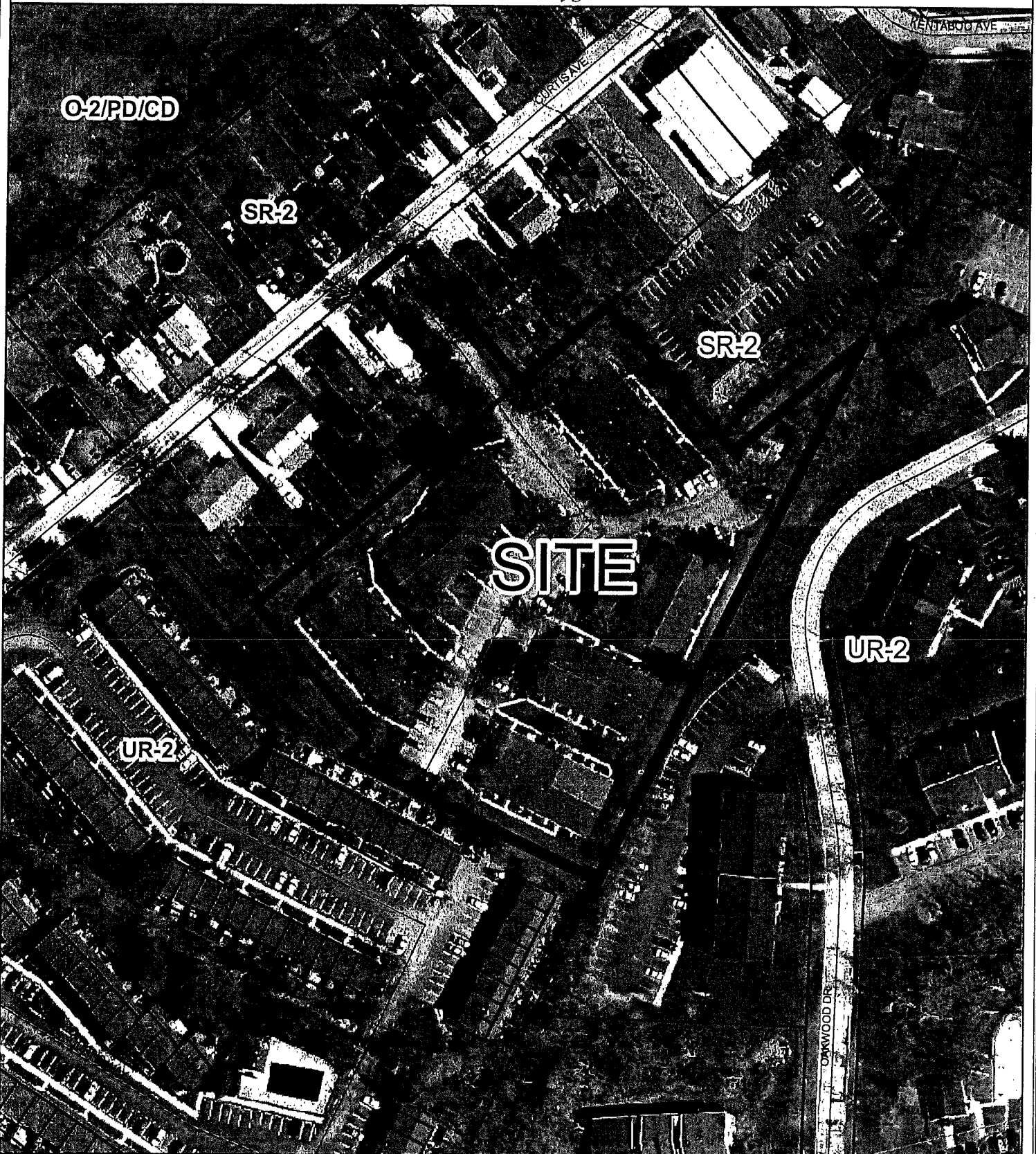


**Boone County GIS - Putting Northern Kentucky on the Map**



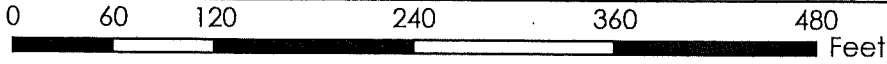
# Zoning

www.boonecountygis.com



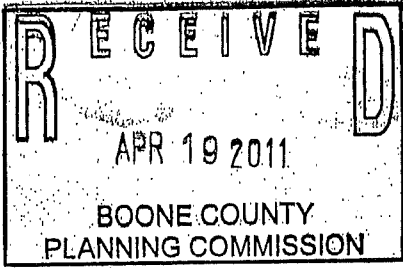
Copyright 2011 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

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**





APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

See Boone County Zoning Regulations

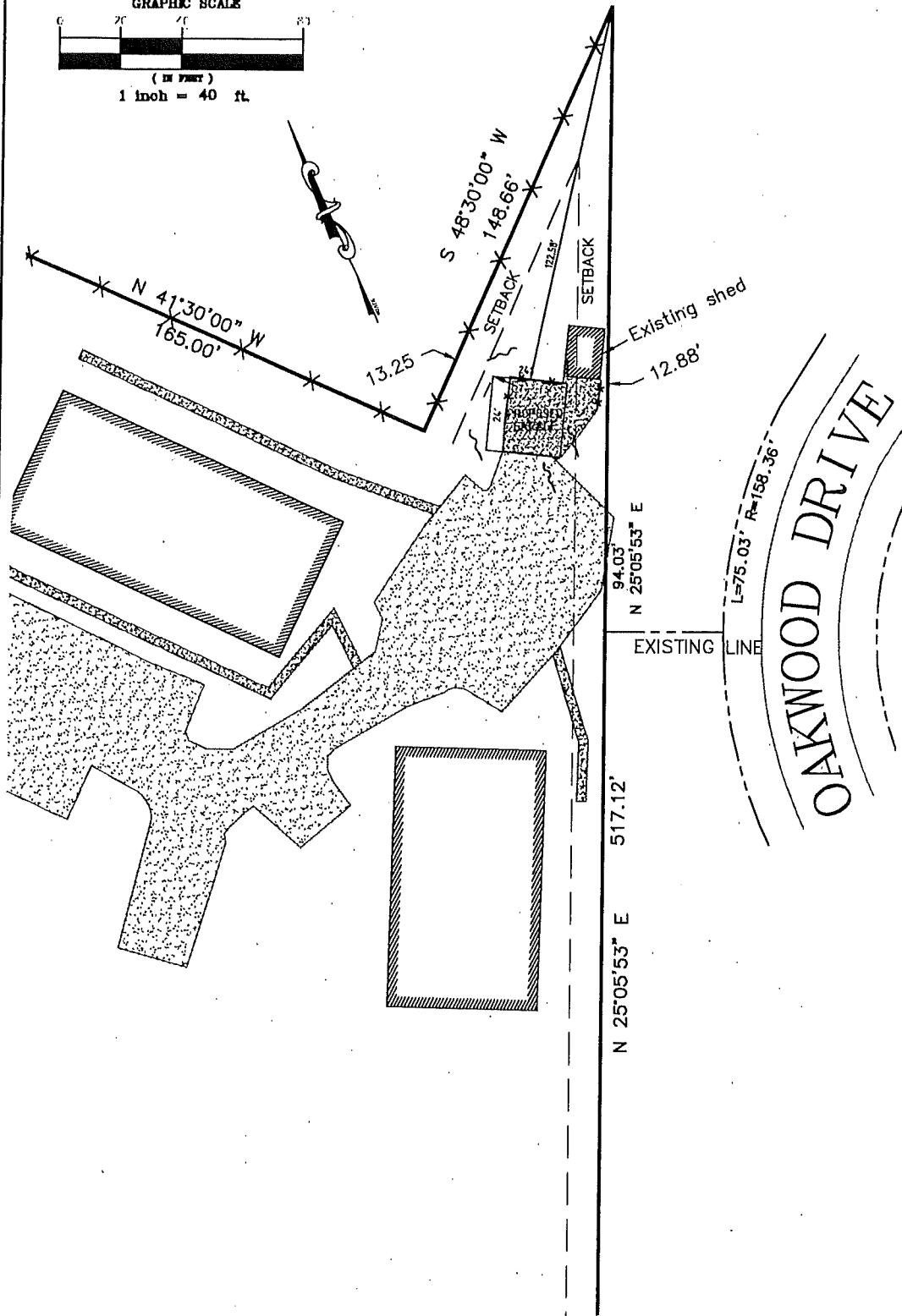
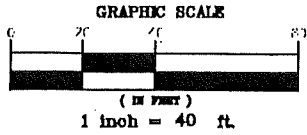
SECTION A (To be completed by applicant)

- 1. (Check One) Boone [checked] Florence Walton Union
2. (Check One) Conditional Use Permit [checked] Variance Appeal
3. Applicant's Name, Phone Number, Fax No, Applicant's Address
4. Description of Request: Reduce 20 FT set back for storage
5. Name of Development: Ashgrove Apts
6. Location of Development: 6700 Ashgrove Pl. Florence Ky
7. Acreage Under Review
8. Lot Number and Name of Subdivision
9. Owner of Property, Address of Property Owner, Phone No
10.
11. Proposed Use(s) on Site: STORAGE BARN
12. Total Square Footage of Existing and/or Proposed Buildings: 576
13. Current Zoning on Property: UR-2
14. Deed Book 929 Page No. 199 Group No. 2034B
15. Is the site subject to a zone change?
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.

archie eap

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)



**SITE PLAN FOR  
 QMS INVESTMENTS**  
 (859) 647-7900

ERLANGER HEIGHTS SUBDIVISION  
 BLOCK 11,13, LOTS 30-37, 24-29  
 BOONE COUNTY, KENTUCKY

4844 Huntington, P.O. Box  
 Lexington, Kentucky 40506  
 (606) 808-6000 / (770) 808-6000

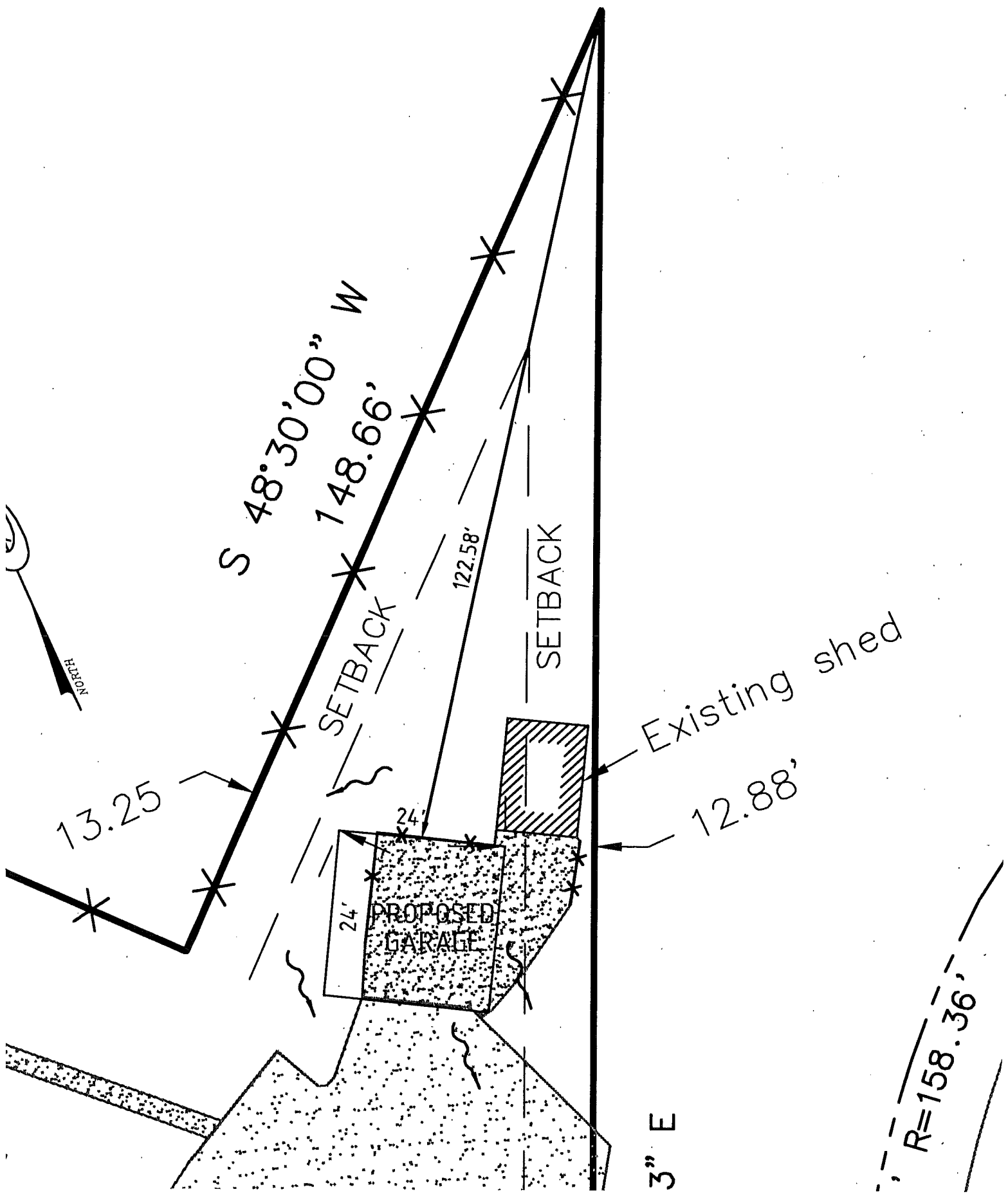
JOB #

S-11-014

DATE:

3/04/11





3" E

$R=158.36'$

13.25

S 48°30'00" W  
148.66'

SETBACK

122.58'

SETBACK

Existing shed

12.88'

PROPOSED GARAGE

24'

24'

NORTH

COPY

CLUR #11-FBOA-003-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Archie Searp  
6700 Ashgrove Place  
Florence, KY 41042

2. ADDRESS OF PROPERTY

6700 Ashgrove Place  
Florence, KY 41042

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Ashgrove Apartments

4. DEED BOOK 929

PAGE NO. 199

GROUP NO. 2034B

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

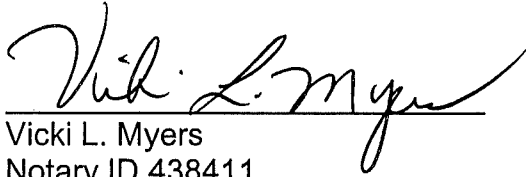
Kevin T. Wall, Director, Zoning Services

Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

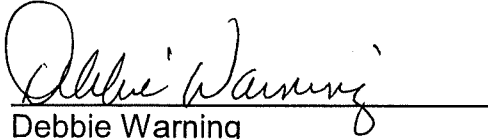
Subscribed, sworn to, and acknowledged before me by Kevin T. Wall on behalf of the  
Boone County Planning Commission this 31 day of May, 2011.



Vicki L. Myers  
Notary ID 438411  
NOTARY PUBLIC, State at Large

My commission Expires:  
April 17, 2015

This instrument was prepared for recording purposes only by:



Debbie 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 May 11, 2011 Certificate of Land Use Restriction (#11-FBOA-003-A), for Archie Searp, Property Owner(s).

The following conditions will apply:

- 1) The siding product selected for all facades of the storage garage shall have a "finished" appearance which is complimentary to the residential area, such as would be accomplished with true lap siding or a vinyl product designed to have a three dimensional lap siding profile.
- 2) A continuous hedge of large shrubs or commensurate amount of columnar evergreen trees shall be provided in the landscape area shown on the plot plan that is between the east façade of the storage garage and east property line.
- 3) There shall be no outside storage.

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

DEED BOOK 929 PAGE NO. 199 GROUP NO. 2034B