

APPLICATION FORM



BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

FIVE (5) SCALED COPIES AND ONE (1) 11X17 REDUCTION OF SUBMITTED DRAWINGS ARE REQUIRED

See Boone County Zoning Regulations

SECTION A (To be completed by applicant)

- (Check One) 1. Boone [checked] Florence [] Walton [] Union []
(2) [] Conditional Use Permit [] Variance [] Appeal []
[checked] Change in Non-Conforming Use
3. Applicant's Name Mike Faehr
Applicant's Address 281 Rosetta Dr.
Florence Ky 41042
City State Zip
4. Description of Request: Change of Non Conforming Use to allow construction of 24' x 48' Garage
5. Name of Development
6. Location of Development 281 Rosetta Dr Florence Ky 41042
7. Acreage Under Review 0.95 +/-
8. Lot Number and Name of Subdivision (if part of a subdivision)
9. Owner of Property Mike Faehr
Address of Property Owner Same as above
10. City State Zip
Phone Number Fax No. E-Mail
11. Proposed Use(s) on Site Garage / Barn
12. Total Square Footage of Existing and/or Proposed Buildings 1152 sqft
13. Current Zoning on Property C-2
14. Deed Book 277 Page No. 181 Group No. 2040 A
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: Mike Faehr
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: Mike Faehr
(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 6-3-13 Fee Received \$9320 Receipt # 66999
- 2. Is application complete? _____ Yes _____ No
- 3. Staff Reviewer _____
- 4. Scheduled Board Action Date _____
- 5. Board Action:
7/10/13 **Approved**
Approved with Conditions (See #6)
Denial (See #7)
- 6. Conditions of Approval: SEE 7/10/13 FBOA
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: Mike Faehr

LOCATION: 281 Rosetta Drive, Florence, Kentucky

ZONING: Commercial Two (C-2)

DATE: July 10, 2013

PROPOSAL

The property owner is requesting a Change in Non-Conforming Use so a 48.5' x 24.5' (1,188 square foot) pole barn/three bay garage can be constructed on his property. The property currently contains two single family residential dwellings and is zoned Commercial Two (C-2).

The preliminary plan (see attachments) shows the barn/garage is proposed in front of the smaller house. A portion of the driveway which serves this house will need to be relocated to allow for the construction. The barn/garage is being located so it will not be any closer to Rosetta Drive than the smaller house and no closer to the southern property line than the larger house.

APPLICABLE REGULATIONS

Section 220 of the Boone County Zoning Regulations states that one of the duties of the Board of Adjustment and Zoning Appeals is to act on applications for changes in non-conforming use.

Section 270 of the Boone County Zoning Regulations states that it is the intent of the regulations to keep non-conforming lots, uses or structures from being "enlarged or extended beyond the scope and area of its operation at the time it became a legal non-conforming use, nor shall other uses or structures which are prohibited elsewhere in the same district be permitted on lots of non-conforming uses or structures."

Section 272 of the Boone County Zoning Regulations states "where, at the time of the adoption of this order, legally established, uses of land exist which would not be permitted by regulations imposed by this order, the uses may be continued so long as they remain otherwise lawful, provided the Board shall not allow the enlargement or extension of a non-conforming use beyond the scope and area of its operation at the time these regulations were adopted."

KRS 100.253 allows the following:

1. The lawful use of a building or premises, existing at the time of the adoption of any zoning regulations affecting it, may be continued, although such use does not conform to the provisions of such regulations, except as otherwise provided herein.
2. The board of adjustment shall not allow the enlargement or extension of a non-conforming use beyond the scope and area of its operation at the time the regulation which makes its use nonconforming was adopted, nor shall the board permit a change from one (1) nonconforming use to another unless the new nonconforming use is in the same or a more restrictive classification, provided, however, the board of adjustment may grant approval, effective to maintain nonconforming-use status, for enlargements or extensions, made or to be made, of the facilities of a nonconforming use, where the use consists of the presenting of a major public attraction or attractions, such as a sports event or events, which has been presented at the same site over such period of years and has such attributes and

public acceptance as to have attained international prestige and to have achieved the status of a public tradition, contributing substantially to the economy of the community and state, of which prestige and status the site is an essential element, and where the enlargement or extension was or is designed to maintain the prestige and status by meeting the increasing demands of participants and patrons.

3. Any use which has existed illegally and does not conform to the provisions of the zoning regulations, and has been in continuous existence for a period of ten (10) years, and which has not been the subject of any adverse order or other adverse action by the administrative official during said period, shall be deemed a nonconforming use. Thereafter, such use shall be governed by the provisions of subsection (2) of this section.

Sections 1021 and 1023 of the Boone County Zoning Regulations do not list detached single-family residences as principally permitted or conditional uses in the Commercial Two (C-2) zone.

Section 3153 of the Boone County Zoning Regulations states that accessory structures or uses, as defined in Article 40 of this order (ordinance), shall be placed in the side or rear yard only, but not the corner side yard, and shall be no closer than five (5) feet to any property line in all zoning districts.

SITE CHARACTERISTICS

The approximate 0.9 acre site contains two single-family residential dwelling units. The parcel has frontage on Rosetta Drive, Preakness Drive, and a non-maintained right-of-way. Access to both houses is provided from an asphalt driveway that is located in the non-maintained right-of-way. Boone County GIS shows that the topography of the property falls from 830 feet above sea level at the northern property line to 816 feet above sea level at the southern property line. The property is well landscaped with deciduous trees.

SITE HISTORY

The property has been zoned Commercial Two (C-2) since 1980.

SURROUNDING LAND USES & ZONING

North: Paddock Club Apartments (UR-1)

South: Non-Maintained City Right-of-Way, Rosetta Creek, Ockermann School Campus (PF)

East: Non-Maintained City Right-of-Way, Preakness Drive, Florence Antique Mall (C-3/PD/MR)

West: Rosetta Drive and City of Florence Maintenance Garage and Pump Station (PF)

STAFF COMMENTS

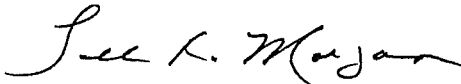
1. The application is required because the property is zoned Commercial Two (C-2). Single-family residences are not principally permitted or conditional uses in this zoning district. The proposal to construct an accessory structure (barn/garage) is an expansion of the pre-existing, nonconforming use.

2. The property owner has also put in a request to rezone his property to Suburban Residential Two (SR-2) or Urban Residential One (UR-1) through the Zoning Update (update of the zoning regulations and zoning map). The Planning Commission will hold a public hearing in the coming months and will eventually make a recommendation to the legislative bodies. Each legislative body will take final action on the zoning regulations and map amendments within their jurisdiction.
3. Staff made the applicant aware that he would not have to submit a change in nonconforming use application if the property was rezoned to SR-2 or UR-1 through the Zoning Update. Single-family residential dwellings are principally permitted uses in both zones. Garages are permitted accessory uses as long as they are not located in the front or corner side yard (see Section 3153 of the Zoning Regulations).
4. Staff would like the applicant to address the following:
 - A. Is the garage/barn shown in the brochure the exact structure that will be constructed on site?
 - B. What will be stored in the structure?
5. The Board needs to analyze the request in terms of Sections 270 and 272 of the Boone County Zoning Regulations. Other cases dealing with Changes in Non-Conforming Use have analyzed if the proposed change is more objectionable than the existing condition.

CONCLUSION

KRS 100.253 and Section 220 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

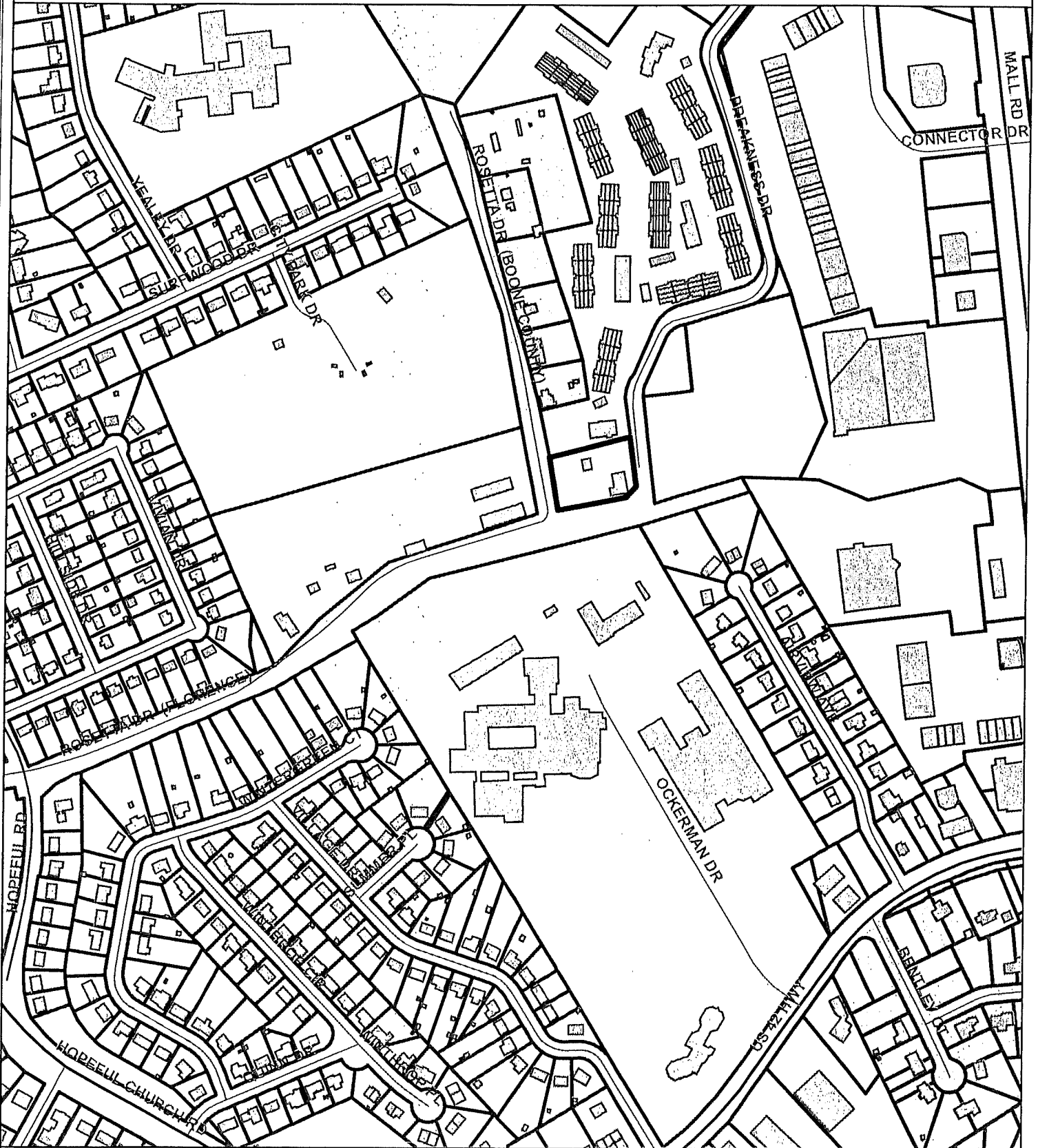
TKM/dw

Attachments

- *Site Vicinity Map
- *2012 Aerial Map With Proposed Barn/Garage
- *Pole Barn/Three-Bay Garage Brochure
- *Zoning Map
- *2012 Aerial Map
- *Application

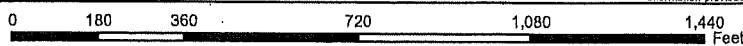
SITE VICINITY MAP

www.boonecountygis.com



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1 inch = 400 feet

Boone County GIS

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Boone County GIS 2012

2012 AERIAL MAP

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0 20 40 80 120 160 Feet

1 inch = 50 feet

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Boone County GIS 2012

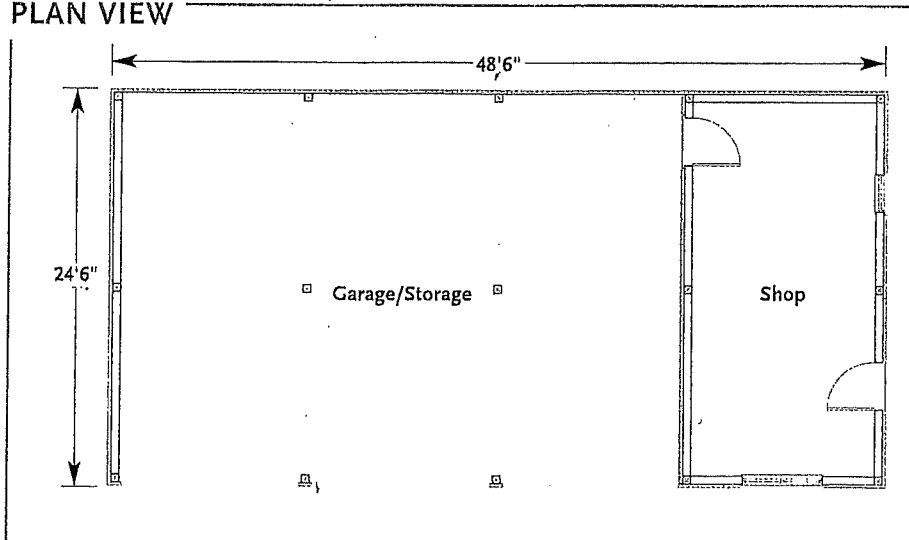


8 POLE FRAMING **Three-Bay Garage**

HIS LARGE THREE-BAY GARAGE provides ample storage for a variety of vehicles, from automobiles to farm equipment such as tractors and trucks. The structure also includes an insulated room that can serve as a carpenter's or machinist's shop. The saltbox-style roof can be framed with trusses or dimensional timbers.

Framing. The framed structure that supports this garage consists of a grid of 6x6 pressure-treated timbers embedded in 2,000-psi concrete to below the local-area frost depth. There are 15 posts in all. The posts that define the back exterior walls rise 8 feet above grade to the top wall plates. The posts that define the front wall and the posts that support the

PLAN VIEW



Outbuilding Designs

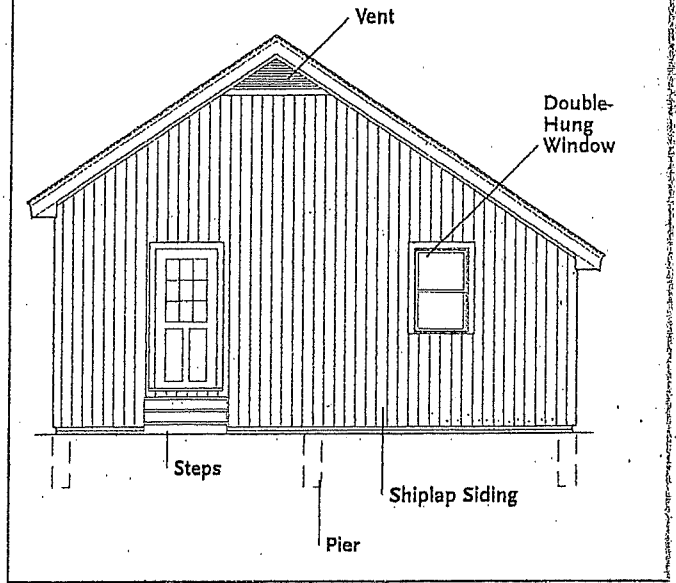
center beam rise to a height of 10 feet above grade.

Girts. Set the skeleton posts, and tie the tops of the front and back exterior walls together using two 2x10 girts bolted to each side at the top of the posts. Bolt the girts to the posts with 8-inch threaded rod. Nail a 2x8 top plate over the tops of the posts, aligned with the outside of the exterior 2x10 girt. Cut 2x6 knee braces with a 45-degree angle to stabilize each post. Nail these knee braces near the top of each post to the underside of the 2x8 top plate. Run vertical 2x6s along the length of the front posts that section off each bay of the garage, and box in the remaining two sides of each post with vertical 1x10s.

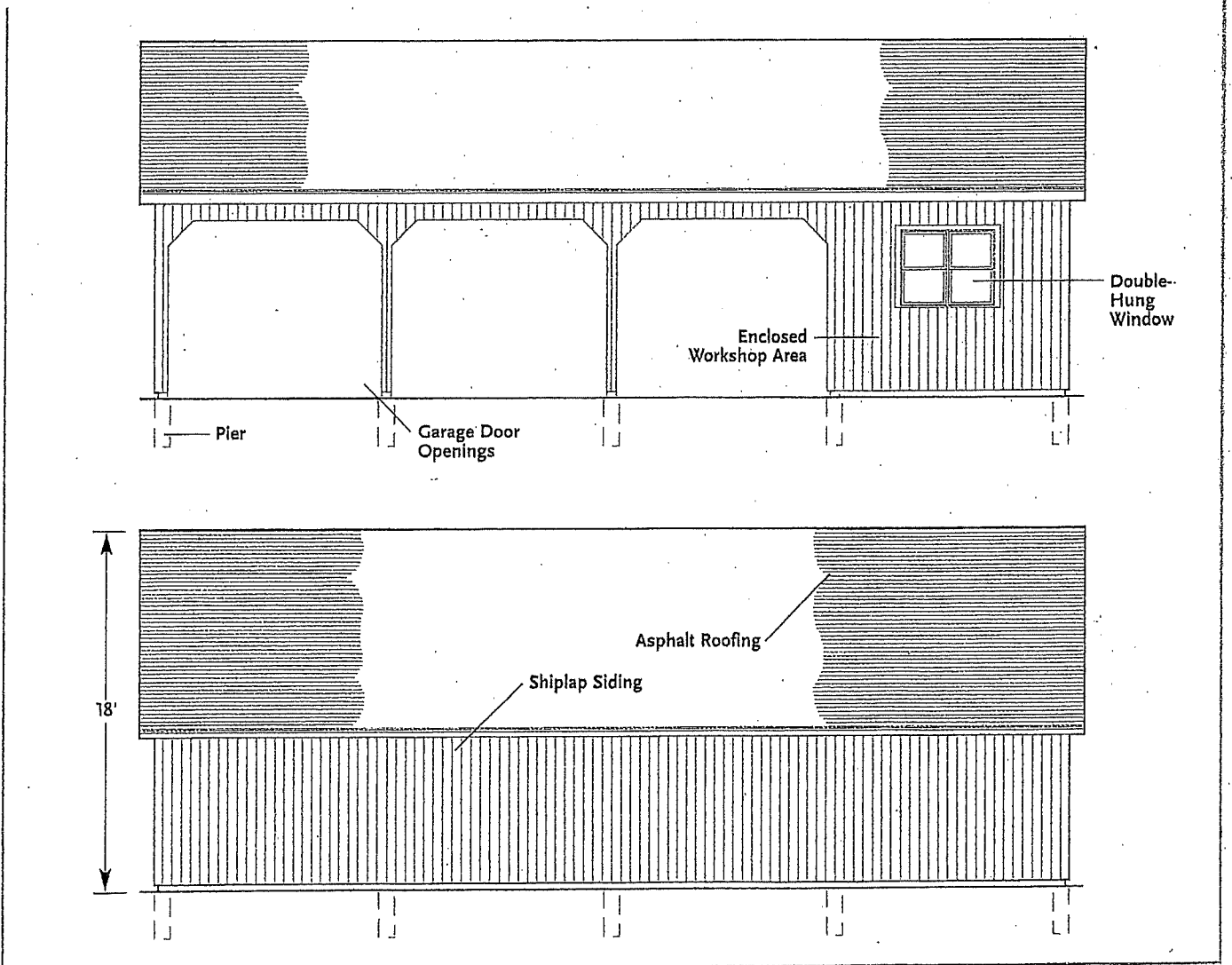
Next, install the center beam, which is made of a pair of 2x10s bolted to either side of the center posts with 8-inch threaded rods. Brace the skeleton posts with diagonal 2x4s, and run horizontal 2x4s every 2 feet on center on the outside of the exterior walls.

Roof Structure. There are two ways to frame the roof of this building. You can certainly do the work using traditional framing techniques and dimensional lumber. The easiest approach is to carefully measure the span; calculate the roof angles; allow for the overhangs;

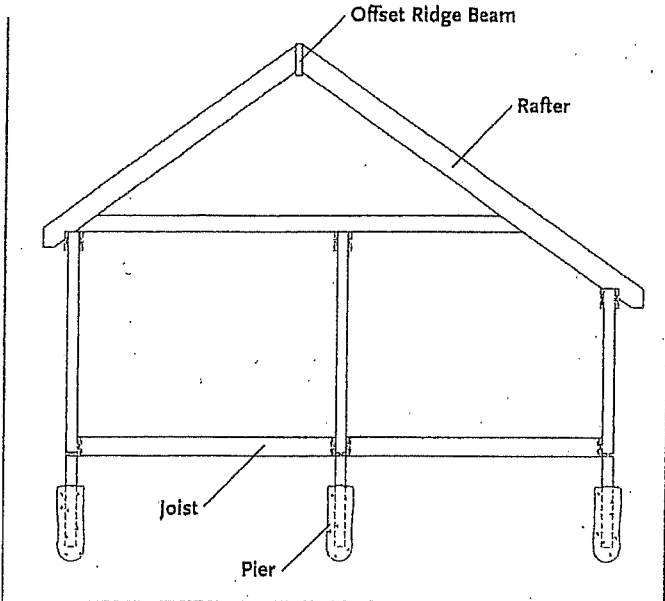
SIDE ELEVATION



FRONT & BACK ELEVATIONS



FRAMING SECTION



and order trusses. Notice that the front and back walls rise to different heights, so the peak of the roof actually rises forward of the center beam. Such a detail does not present any difficulty for most truss fabricators, although the offset design may cost a bit more to execute.

If you do order trusses, it's wise to do it before construction on your garage begins, to allow time for them to be made and delivered to the site.

The illustration above shows a custom-framed roof. You can frame this roofline using 2x6 rafters. The high end of each rafter is connected to a 2x8 ridge beam. The lower end of each rafter intersects the top plate of the wall in a bird's-mouth cut. Sheath the roof with $\frac{5}{8}$ -inch CDX plywood.

Insulated Shop Area. The right-hand quarter of the garage has been enclosed to create an insulated shop area. Begin by framing an elevated floor, as shown in the Framing Section, below right. Secure 2x10s to the base of the skeleton posts about 22 inches above grade as a rim joist for the floor framing. Fill in with 2x10 joists, and deck the joists with $\frac{3}{4}$ -inch plywood. Use joist anchors at the connections. Insulate the floor with at least R-22 fiberglass batts, and sheathe the underside of the joists with $\frac{1}{4}$ -inch luan plywood. Lay down 6-mil polyethylene sheeting, and weight it down with gravel to prevent the tarpness from rising.

Frame the wall sections with 2x6 studs spaced 24 inches on center. Nail these walls to the skeleton posts so that the bottom plate lines up with the bottom edge of the 2x10 rim joist. Insulate these walls with R-19 fiberglass batts, and install $\frac{1}{2}$ -inch drywall on the interior faces.

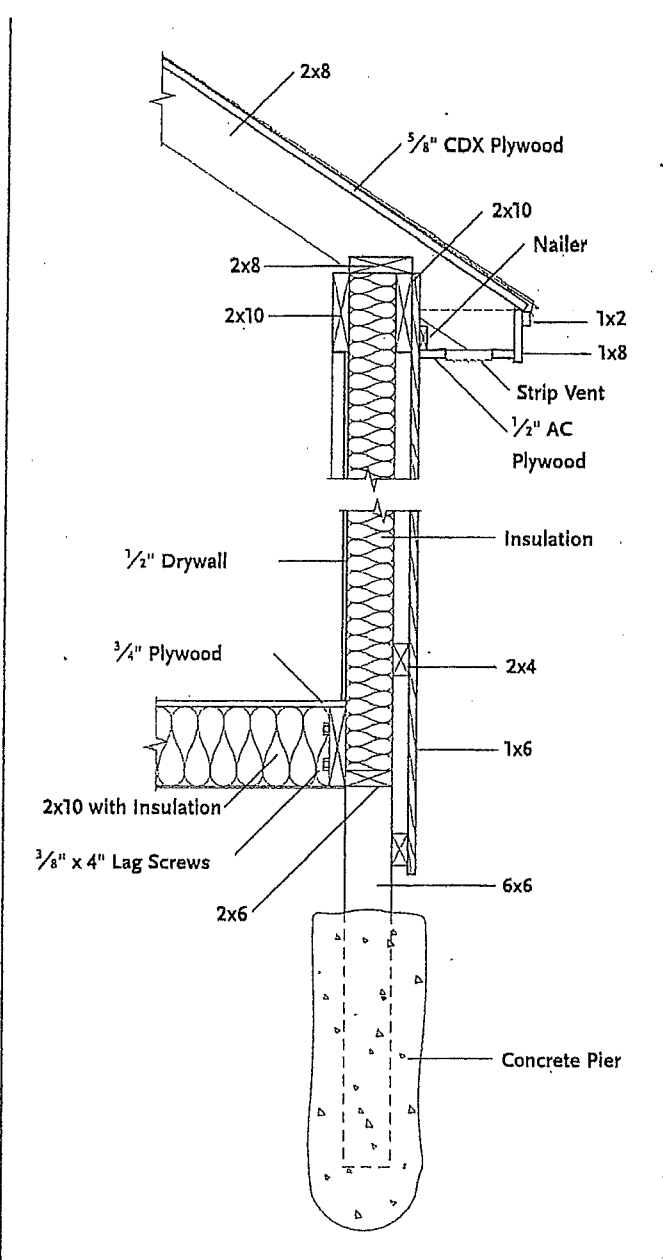
Siding & Roofing. This structure was sided with vertical 1x6 shiplap material. Nail this siding to the horizontal 2x4s of the lumber-braced walls. (Note that walls of the shop area have 2x4 in-fill walls covered by lumber-braced exterior walls for a consistent exterior.)

Because part of this structure is an insulated, heated space, this section of the roof must be ventilated. This means installing gable vents and building a ventilated soffit. Before installing the siding, run

short lengths of 2x4 from the lower edges of each rafter to a nailer on the siding. Then install vent channel, and piece in $\frac{1}{2}$ -inch AC plywood as a soffit. Install 1x8 fascia to the ends of the rafters, allowing it to hang down slightly below the soffit, and then nail up a 1x2 drip fascia. Run metal drip edge around the entire perimeter of the roof; tack down building felt; and complete with asphalt shingles, as described in Chapter 6, pages 128 to 129.

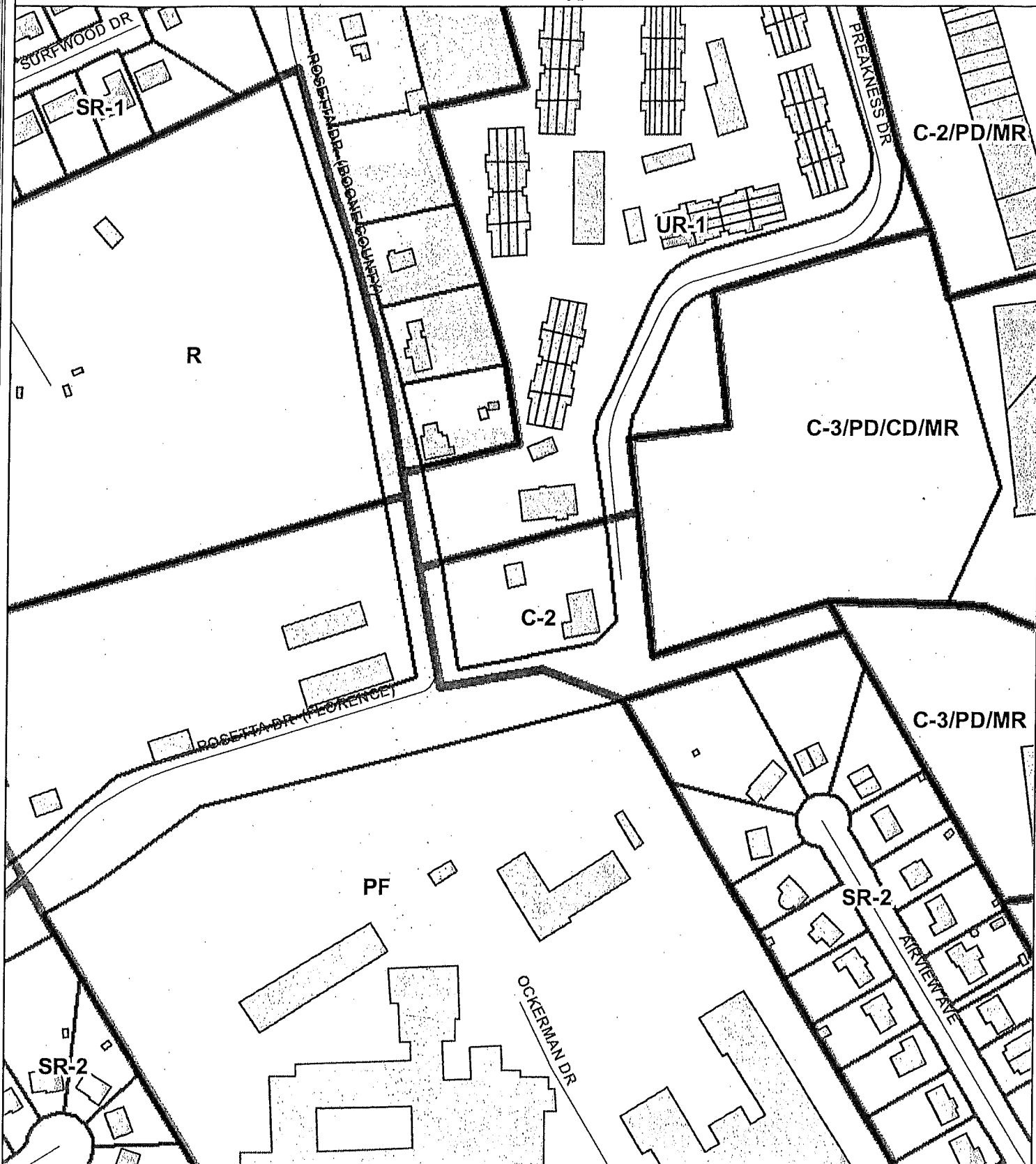
Windows & Doors. The door into the shop area is a standard prehung insulated steel entry unit. (You can order it with a lockset already installed.) The windows are double-hung units. The window openings do not require headers because the roof loads are supported by the pole skeleton.

FRAMING SECTION



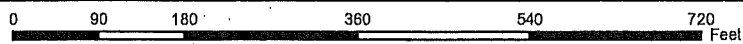
ZONING MAP

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1 inch = 200 feet

Boone County GIS

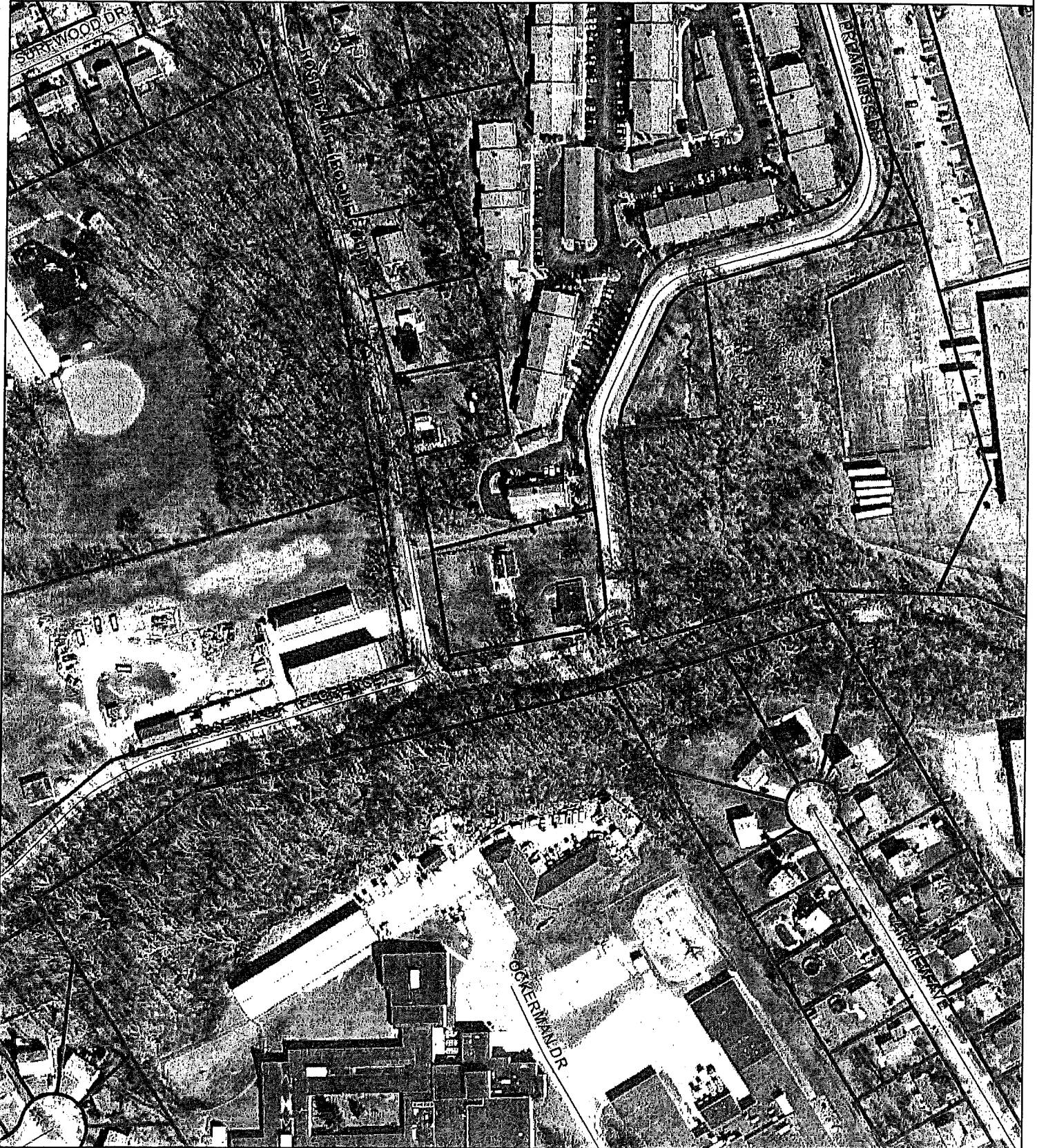
"Putting Northern Kentucky on the Map"



Map & Photo Source: March 2012, 2013

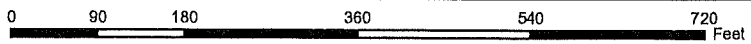
2012 AERIAL MAP

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Boone County GIS 2012

APPLICATION FORM



BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

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See Boone County Zoning Regulations

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(Check One)

- 2. [checked] Conditional Use Permit _____ Variance _____ Appeal _____
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- City State Zip

- 4. Phone Number 859-757-3447 Fax No. _____ E-Mail _____

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- 13. Current Zoning on Property C-2

- 14. Deed Book 277 Page No. 181 Group No. 2040 A

- 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: Mike Faehr
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

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

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Mike Faehr
281 Rosetta Drive
Florence, KY 41042

2. ADDRESS OF PROPERTY

281 Rosetta Drive
Florence, KY 41042

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Mike Faehr

4. DEED BOOK 277 PAGE NO. 181 GROUP NO. 2040A

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

Zoning Map Amendment: Conditional Use Permit
From To

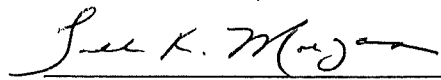
Development Plan Conditional Zoning

Subdivision Plat Other:
(Not Recorded)

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

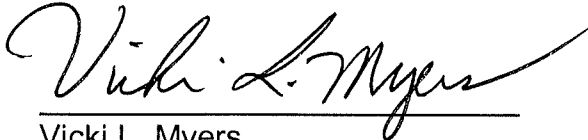
Todd K. Morgan, AICP, Senior Planner, Zoning Services
Name and Title of Completing Official

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 16th day of July, 2013.



Vicki L. Myers

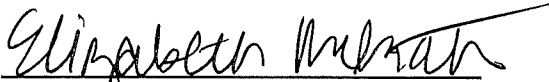
Notary ID 438411

NOTARY PUBLIC, State at Large

My commission Expires:

April 17, 2015

This instrument was prepared for recording purposes only by:



Elizabeth McGrath

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 Change in Non-Conforming Use approved by the Florence Board of Adjustments and in accordance with the current zoning in effect as of July 10, 2013 Certificate of Land Use Restriction (#13-FBOA-007-A), for Mike Faehr, Property Owner(s).

The following conditions will apply:

1. The garage shall be constructed as presented.
2. The garage shall not be used for business purposes.

The approved Change in Non-Conforming Use as well as the preceding conditions apply to the property described in:

DEED BOOK 277

PAGE NO. 181

GROUP NO. 2040A