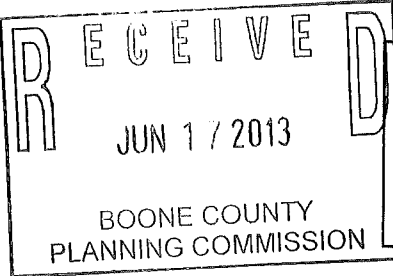


APPLICATION FORM



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)

- 1. (Check One) Boone [checked] Florence _____ Walton _____ Union _____
2. (Check One) Conditional Use Permit [checked] Variance _____ Appeal _____
3. Applicant's Name Jason Catanzaro
Applicant's Address 1314 Waverly Dr.
Florence KY 41042
4. Description of Request: Reduce 25ft rear yard set back to allow construction of a covered patio
5. Name of Development
6. Location of Development 1314 Waverly Dr.
7. Acreage Under Review
8. Lot Number and Name of Subdivision (if part of a subdivision) Sect. 6 Lot 49 Savannah Lakes @ Plantation Pointe
9. Owner of Property Lori & Jason Catanzaro
Address of Property Owner 1314 Waverly Dr.
10. Florence KY KY 41042
11. Proposed Use(s) on Site
12. Total Square Footage of Existing and/or Proposed Buildings
13. Current Zoning on Property RPD
14. Deed Book 977 Page No. 367 Group No. 2047
15. Is the site subject to a zone change?
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: [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 6/17/13 Fee Received \$132.00 Receipt # 67072
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: Jason Cantanzaro

LOCATION: 1814 Waverly Drive, Florence, Kentucky

ZONING: Residential Planned Development (RPD)

DATE: July 10, 2013

PROPOSAL

The applicant has requested a variance so a covered porch can encroach into the 25' rear yard setback. The submitted plans show that the patio will contain stamped and stained concrete, wood and stone veneer columns, a stone veneer fireplace, and an asphalt shingle roof. The covered patio is shown 15'-10" from the rear property line.

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.

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 HISTORY

1996 - A Zoning Map Amendment application is approved which rezones portions of Plantation Pointe from Suburban Residential One (SR-1) to Residential Planned Development (RPD), Commercial Two/Planned Development (C-2/PD), and Office One/Planned Development.

2004 - A Zoning Permit is approved to allow the construction of a house on the lot. The house is shown 26.54' feet from the rear property line.

SITE CHARACTERISTICS

The 0.2568 acre site is located on the north side of Waverly Drive and contains a two-story home which is constructed of brick and vinyl siding. Boone County GIS shows that the topography of the parcel falls from approximately 886' above sea level at the street to 880' above sea level at the northeast property line. Mature deciduous trees and shrubs are located against the front of the house.

SURROUNDING LAND USES & ZONING

North: Undeveloped Commercial Property Fronting on Cavalry Drive (C-2/PD)

South: Waverly Drive and Single-Family Residential Dwellings (RPD)

East: Single-Family Residential Dwelling Fronting on Waverly Drive (RPD)

West: Single-Family Residential Dwelling Fronting on Waverly Drive (RPD)

STAFF COMMENTS

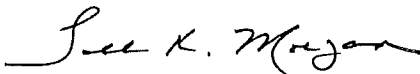
1. Staff would like the applicant to address the following questions:
 - A. A 25' wide landscaping easement exists along the rear property line. Has the Home Owners Association granted approval for the covered patio to encroach into this easement?
 - B. The plans show that the covered patio is 18' long (measured from the house to the back of the fireplace wall) and 32'-6½" wide. Could the covered patio be made smaller so it better meets the 25' rear yard setback requirement?
 - C. Is any landscaping being proposed along the rear or side property lines?
2. Staff would like to note that the adjoining property to the north is undeveloped and is zoned Commercial Two/Planned Development (C-2/PD). Per a 1996 zone change condition, a 25' wide landscaping buffer will be required on this property at the time it develops. The buffer will contain a minimum of one 6' tall evergreen tree every 25' on center.

3. The Board needs to analyze the Variance criteria before acting on the request.

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

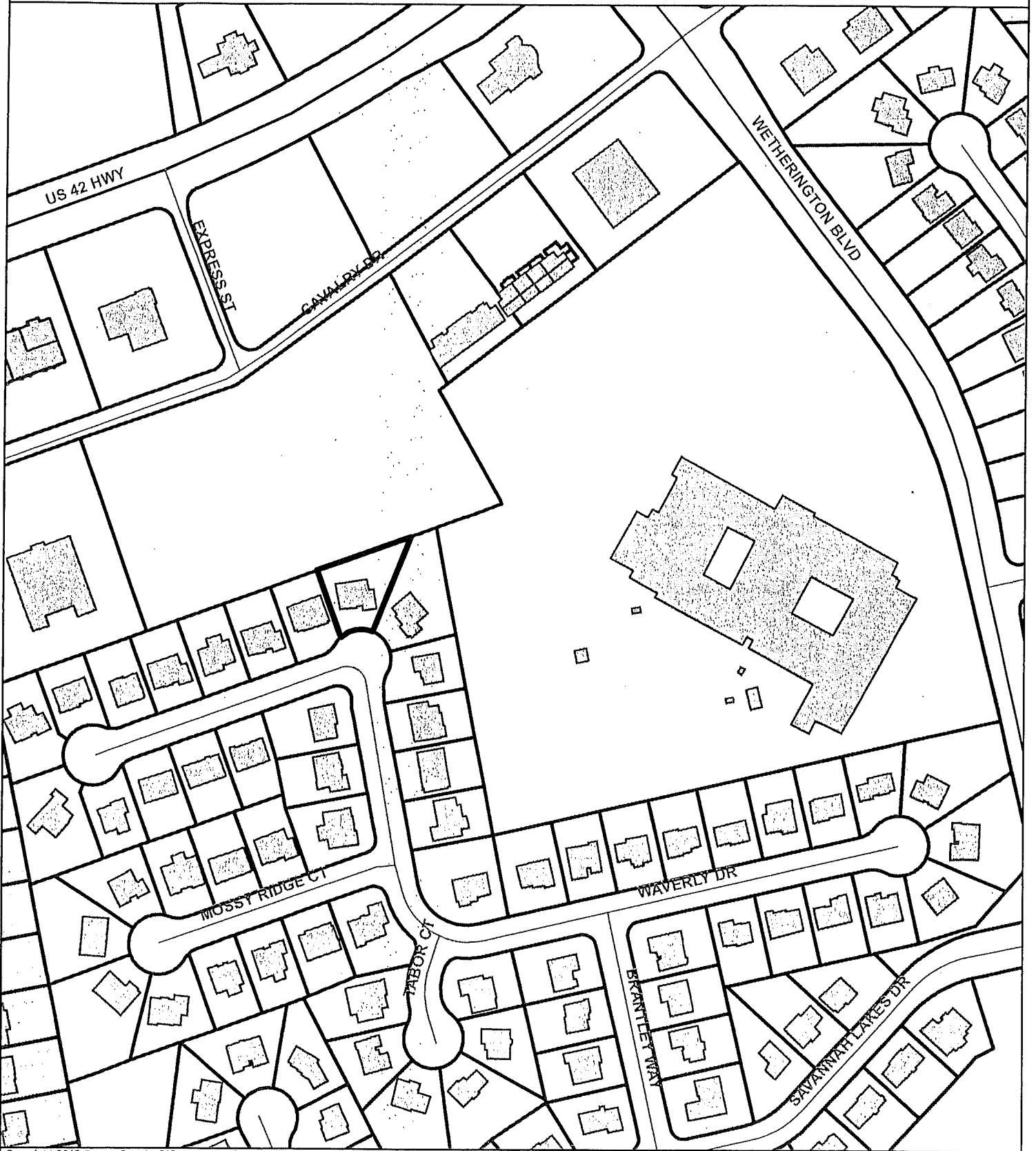
TKM/dw

Attachments

- *Site Vicinity Map
- *2013 Aerial Map
- *2004 Zoning Permit
- *Boundary Survey
- *Plot Plan with Proposed Covered Patio
- *Patio Plan
- *Roof Framing Plan
- *Section Plans
- *Zoning Map
- *Topographical Map
- *Application

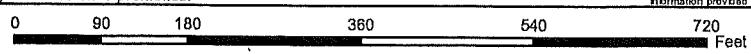
SITE VICINITY MAP

www.boonecountygis.com



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Boone County GIS

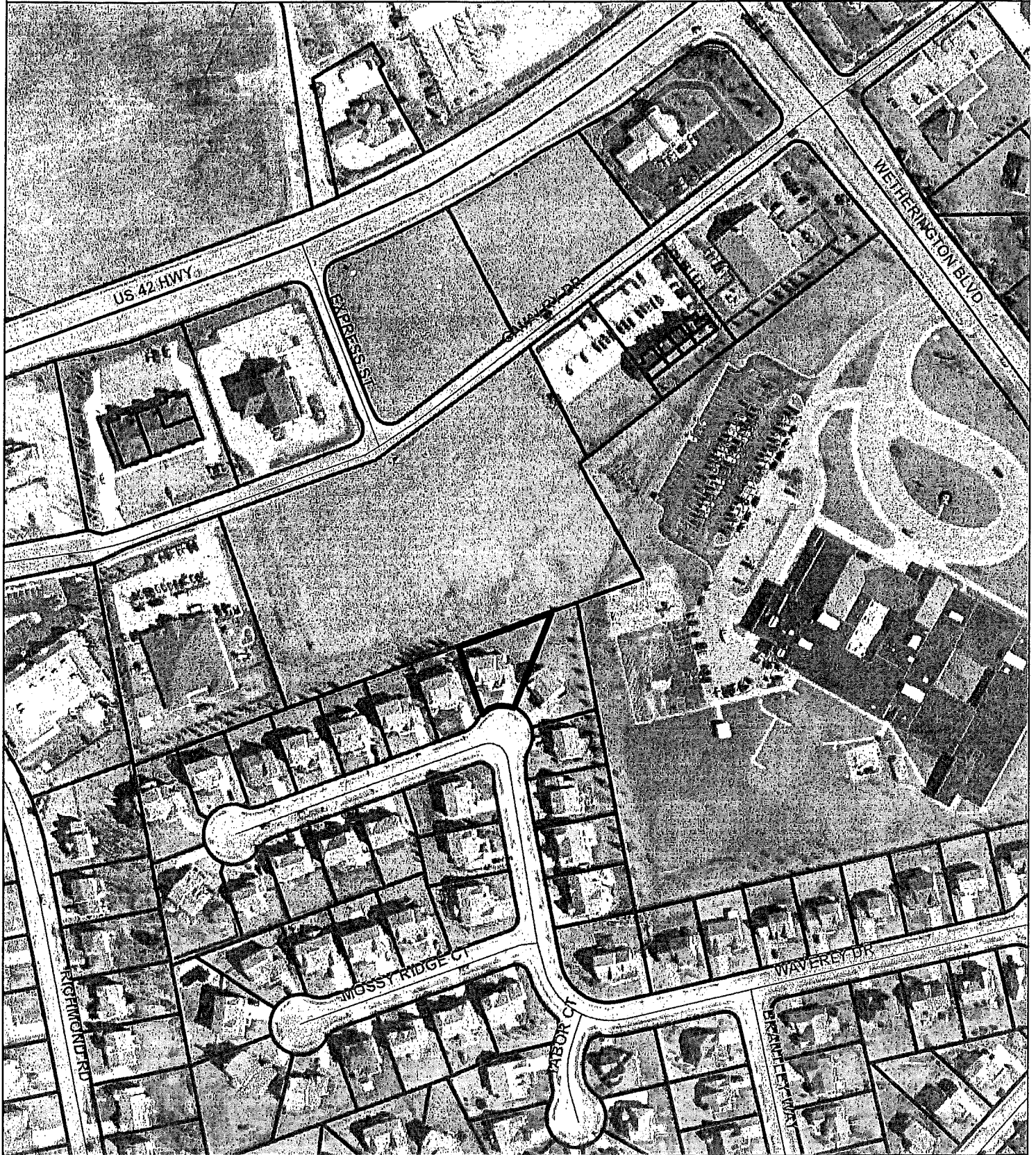
"Putting Northern Kentucky on the Map"



Boone County GIS 2012

2013 AERIAL MAP

www.boonecountygis.com



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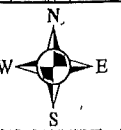


0 90 180 360 540 720 Feet

1 inch = 200 feet

Boone County GIS

"Putting Northern Kentucky on the Map"



Boone County GIS 2012

BUILDING ADDRESS OR LOCATION: 89 Savannah Lakes

NOTICE

I certify that what is submitted is true and accurate and I or we understand and agree that all construction work will be performed in accordance with this Zoning Permit Application, the Boone County Zoning Regulations and the Boone County Subdivision Regulations.

NAME AND ADDRESS OF APPLICANT (PLEASE PRINT): Rufand Homes
4660 Dike Dr. Ste 100 Mason, OH 45040

APPLICANT'S SIGNATURE: Vic Gregory As
 Authorized by Property Owner

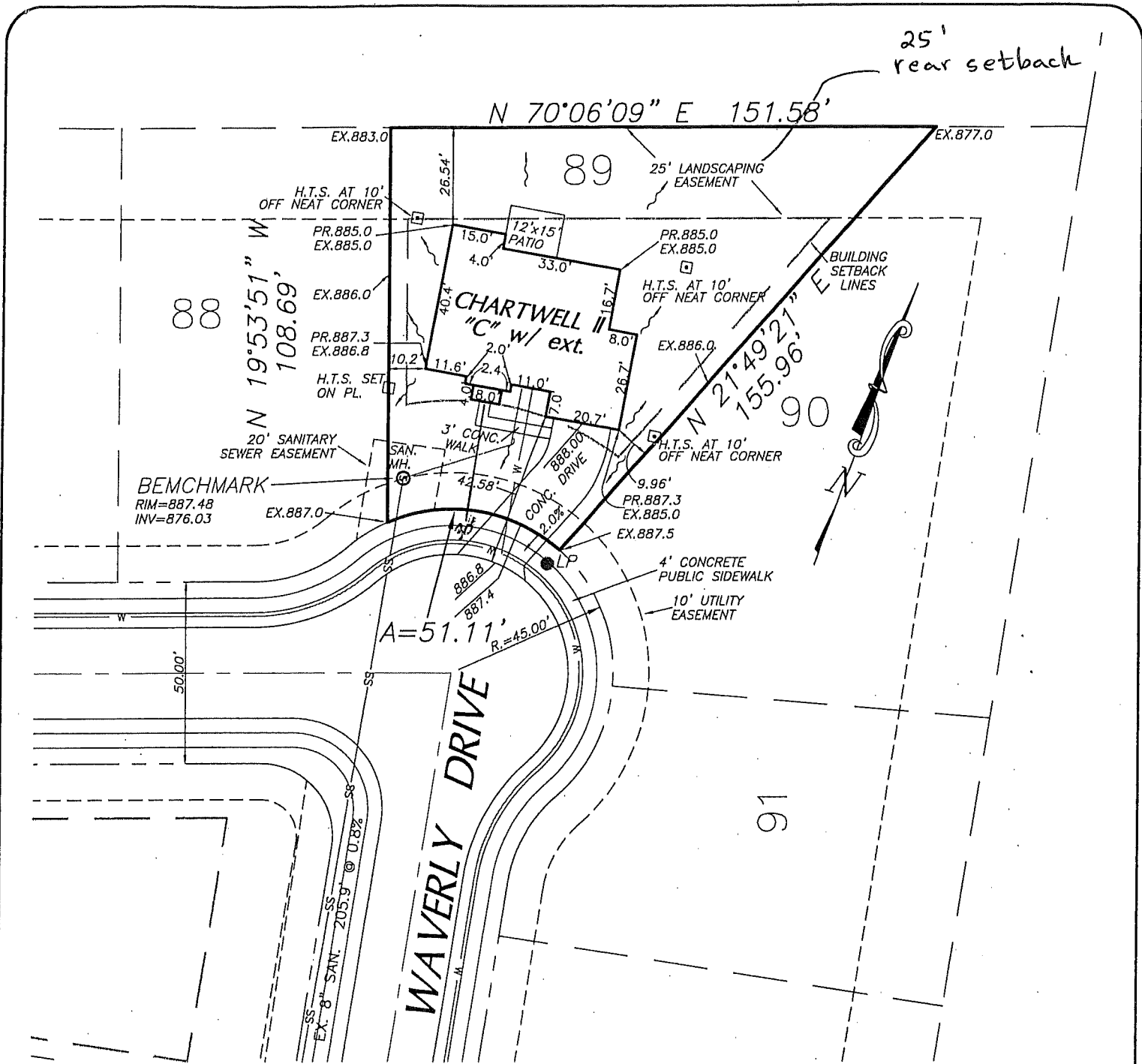
DATE 2/25/04 PHONE NUMBER: 513-617-3350

RPD/CD This Portion of the Application to be Completed
 the Boone County Planning Commission

Zoning District	Date <u>3/11/04</u>	Fee <u>PG</u>	\$50.00	Farm Exempt
Approved <input checked="" type="checkbox"/>	Denied		\$20.00	(No Fee)
Staff Reviewer <u>Rudy Cordell</u>	Address/Location <u>1814 Waverly Dr.</u>			
Subdivision <u>PLANTATION POINTE - SAVANNAH LAKES</u>				
Lot # <u>89</u>	Section # <u>6</u>	Block/Phase # <u>—</u>		

Type of Improvement	
<input checked="" type="checkbox"/> Single Family Residence	Detached Garage
Duplex	Garage Addition
Three Family	Porch or Deck
Apartment (# units)	Barn or Shed
Townhouse (# units)	Swimming Pool
Mobile Home	Tenant Finish
Residential Addition	Other:
Jurisdiction	
Boone County	<input checked="" type="checkbox"/> Florence
Walton	Union
Post Office	
Burlington	<input checked="" type="checkbox"/> Florence
Walton	Union
Hebron	Verona
Petersburg	Erlanger
Crittenden	
Group # <u>2047</u>	Census Tract # <u>703.90</u>

R# 38068
RECEIVED
 MAR 10 2004
 BOONE COUNTY PLANNING COMMISSION



1. EXISTING INFORMATION SHOWN HEREON IS BASED ON APPROVED IMPROVEMENT PLANS PROVIDED BY OTHERS.

2. LOT DIMENSIONS CAN BE SUBJECT TO CHANGE WITHOUT THE KNOWLEDGE OF PREFERRED SURVEYING COMPANY, INC., AND ARE SHOWN HEREON PER COPY OF THE RECORD PLAT UNLESS OTHERWISE NOTED. PROPERTY LINE DIMENSION VERIFICATION SHOULD BE PERFORMED BEFORE RELYING ON DIMENSION SHOWN HEREON.

3. THIS PLOT PLAN WAS PREPARED AT THE REQUEST OF RYLAND HOMES TO ACQUIRE A BUILDING PERMIT AND IS TO BE USED SOLELY FOR SUCH PURPOSE.

4. PROPOSED BASEMENT FLOOR ELEVATION BASED UPON MINIMUM 4 FOOT DISTANCE ABOVE THE SANITARY LATERAL TAP INVERT ELEVATION.

3/11/04
Zoning permit

MINIMUM SETBACKS	
FRONT YARD	30 FEET
SIDE YARD	5 FEET
REAR YARD	25 FEET

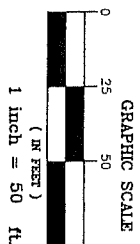
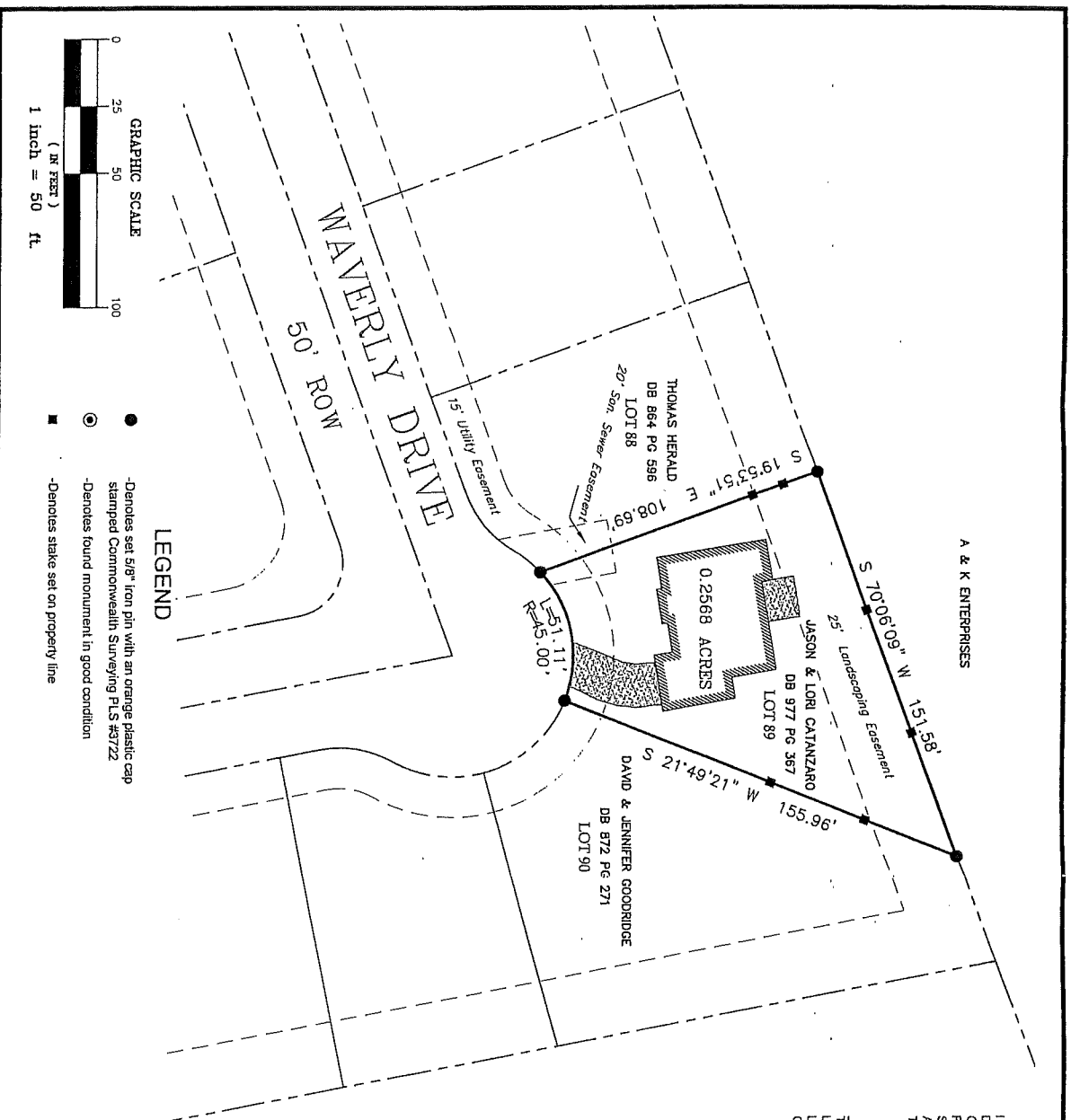
QUANTITIES	
LOT	11188 SQ. FT.
DRIVEWAY	794 SQ. FT.
DRIVEWAY APPROACH	74 SQ. FT.
WALK	186 SQ. FT.
SOD	3446 SQ. FT.
SEEDED	4783 SQ. FT.
SANITARY TAP	48 FEET
WATER TAP	46 FEET

BUILDING INFORMATION:

PLOT PLAN FOR:
RYLAND HOMES
4660 DUKE DRIVE
SUITE 100
MADISON, OHIO 45010

2 STORY
CHARTWELL II C
BRICK WRAP
F.F.F. = 889.52

A & K ENTERPRISES



- LEGEND**
- -Denotes set 5/8" iron pin with an orange plastic cap stamped Commonwealth Surveying PLS #3722
 - -Denotes found monument in good condition
 - -Denotes stake set on property line

LAND SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE SURVEY DEPICTED BY THIS PLAT WAS DONE BY PERSONS UNDER MY DIRECT SUPERVISION BY THE METHOD OF RANDOM TRAVERSE WITH SIDE SHOTS. THE UNADJUSTED PRECISION RATIO WAS 1:21,122 AND WAS NOT ADJUSTED. THE SURVEY SHOWN HEREON IS AN URBAN SURVEY AND THE ACCURACY AND PRECISION OF SAID SURVEY MEETS ALL THE SPECIFICATIONS OF THIS CLASS.

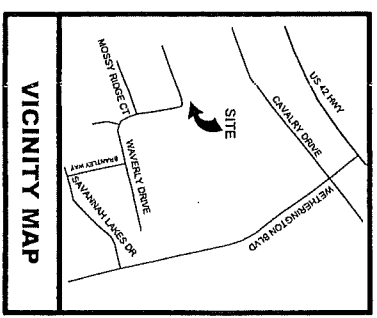
TH H. Bushelman Jr.
 THOMAS H. BUSHELMAN JR.
 LICENSED PROFESSIONAL
 LAND SURVEYOR #3722 IN THE
 COMMONWEALTH OF KENTUCKY
 DATE 05/08/2013



LAND SURVEYOR'S NOTES

1. ALL FOUND MONUMENTATION IN GOOD CONDITION UNLESS OTHERWISE NOTED.
2. DATA SOURCES FOR THIS SURVEY INCLUDE DOCUMENTS CITED HEREON.
3. NO ENCROACHMENTS UNLESS OTHERWISE NOTED.
4. NO EVIDENCE OF A CEMETERY FOUND ON SUBJECT PROPERTY.

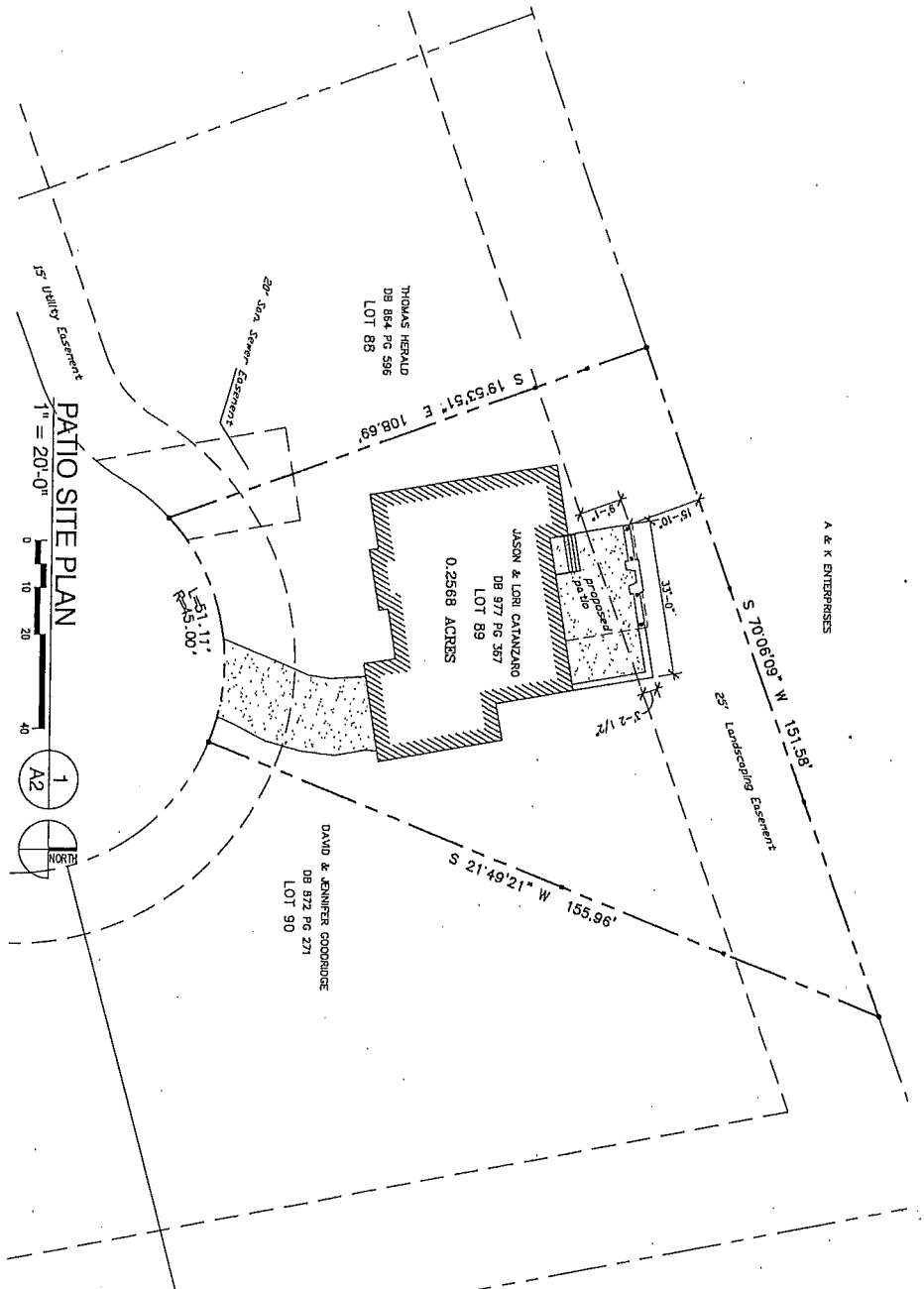
NORTH & BEARING SYSTEM BASED ON SEC. 6, SAVANNAH LAKES AT PLANTATION POINTE, PLAT CABINET 4, PAGE 380



1814 Burlington Pike
 Burlington, Kentucky 41005
 (859) 889-5811 (7985)

CLIENT
 JASON & LORI CATANZARO
 1814 WAVERLY DRIVE
 FLORENCE, KENTUCKY 41042
 PLAT CAB. 4, PAGE 380
 PIDN 062.00-36-089.100

BOUNDARY SURVEY	
DRAWING TITLE	PROJECT TITLE
	LOT 89, SEC. 6, SAVANNAH LAKES AT PLANTATION POINTE
1814 WAVERLY DRIVE	
FLORENCE, KENTUCKY 41042	
SCALE	DATE
1" = 50'	05/08/2013
PROJECT NO.	REV
S-13-048	
SHEET 1	OF 1



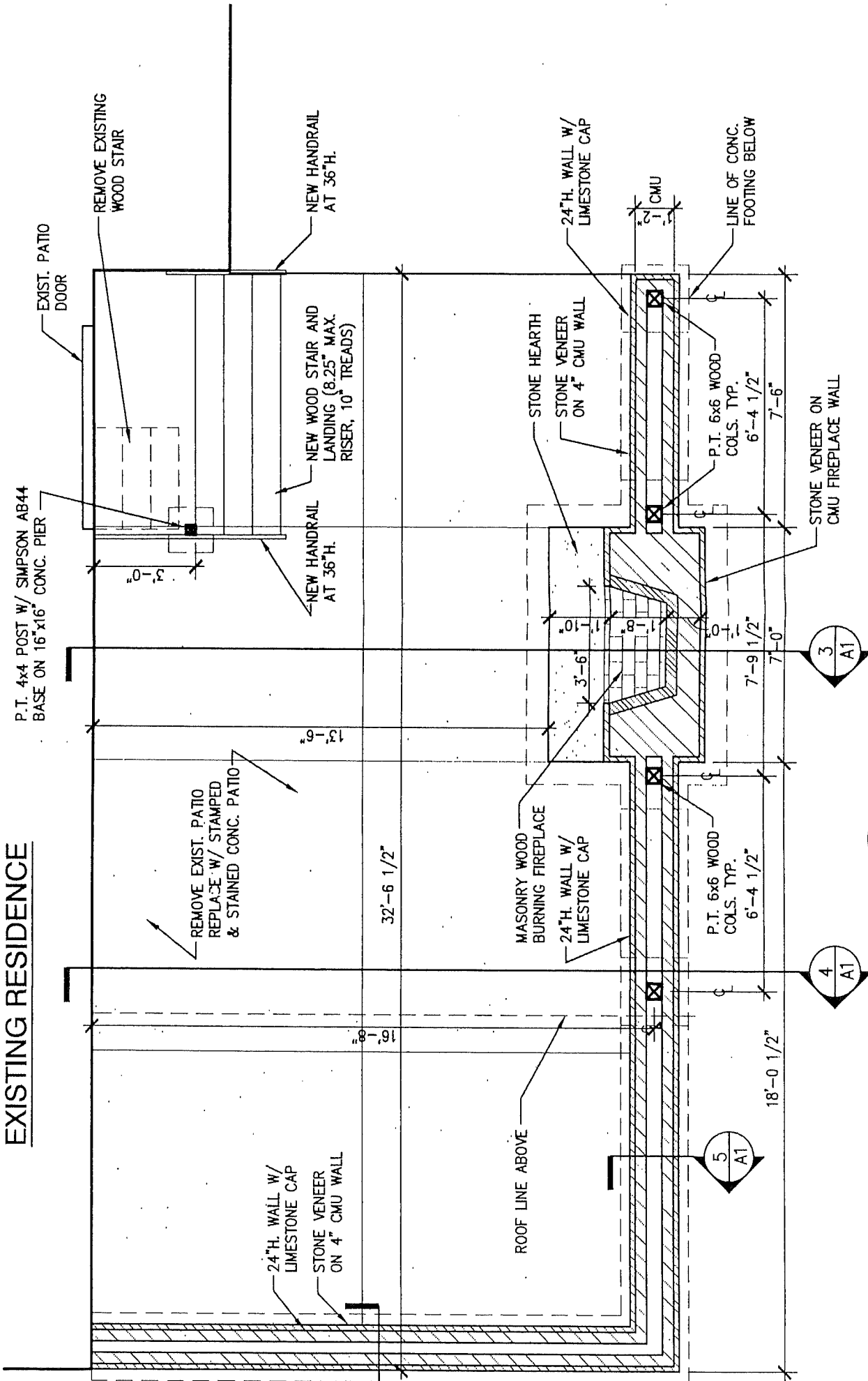
PATIO SITE PLAN
 1" = 20'-0"
 0 10 20 40
 1
 A2
 NORTH

d(5)d
 design + development
 3623 Birch Ave
 Cincinnati, OH 45226
 T: (513) 975-2243

New Covered Patio and Fireplace:
Catanzaro Residence
 1814 Waverly Drive
 Florence, KY 41042

ISSUED 08/12/13
 A2

EXISTING RESIDENCE



PATIO PLAN

1/4" = 1'-0"



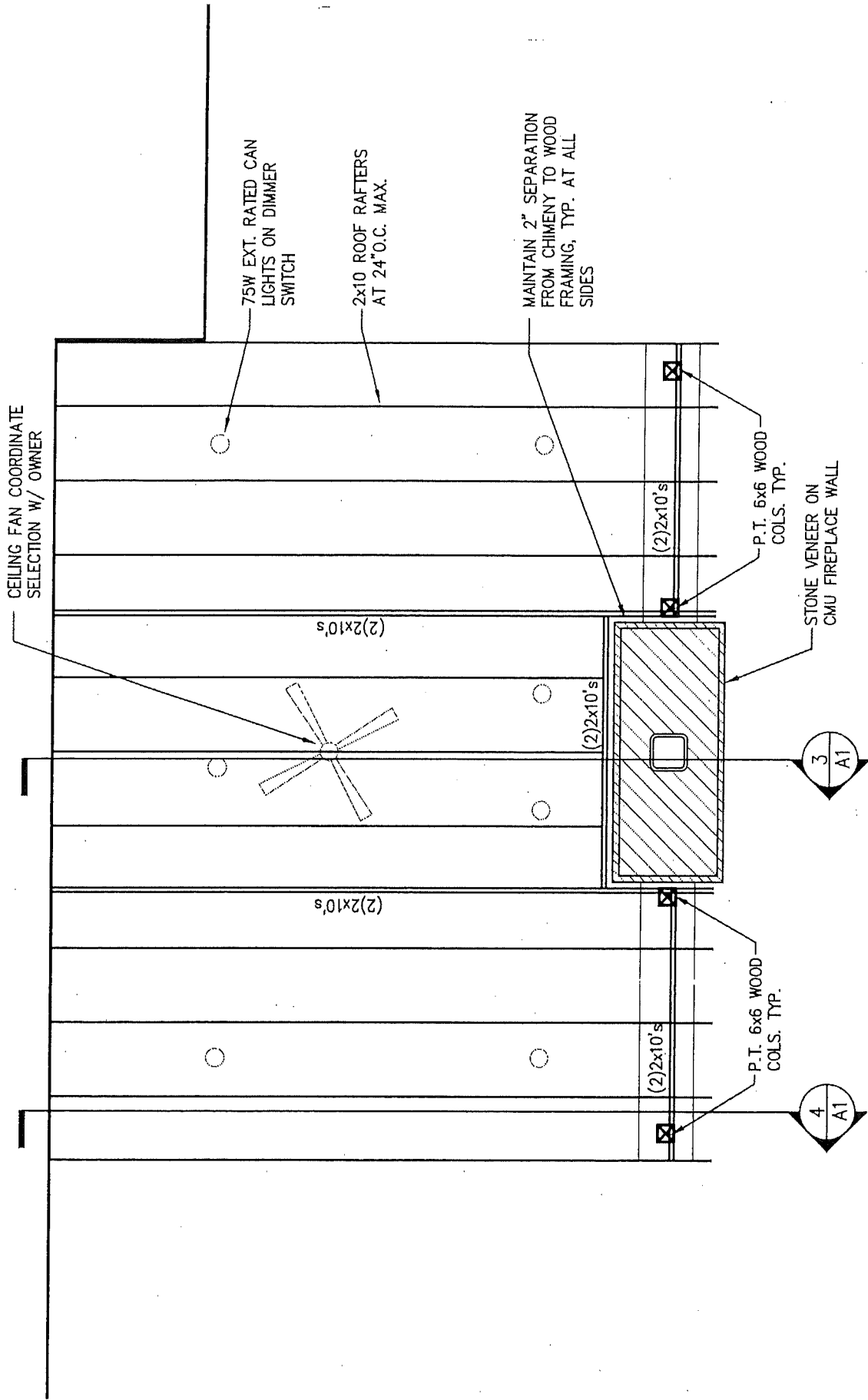
1
A1

4
A1

3
A1

5
A1

EXISTING RESIDENCE

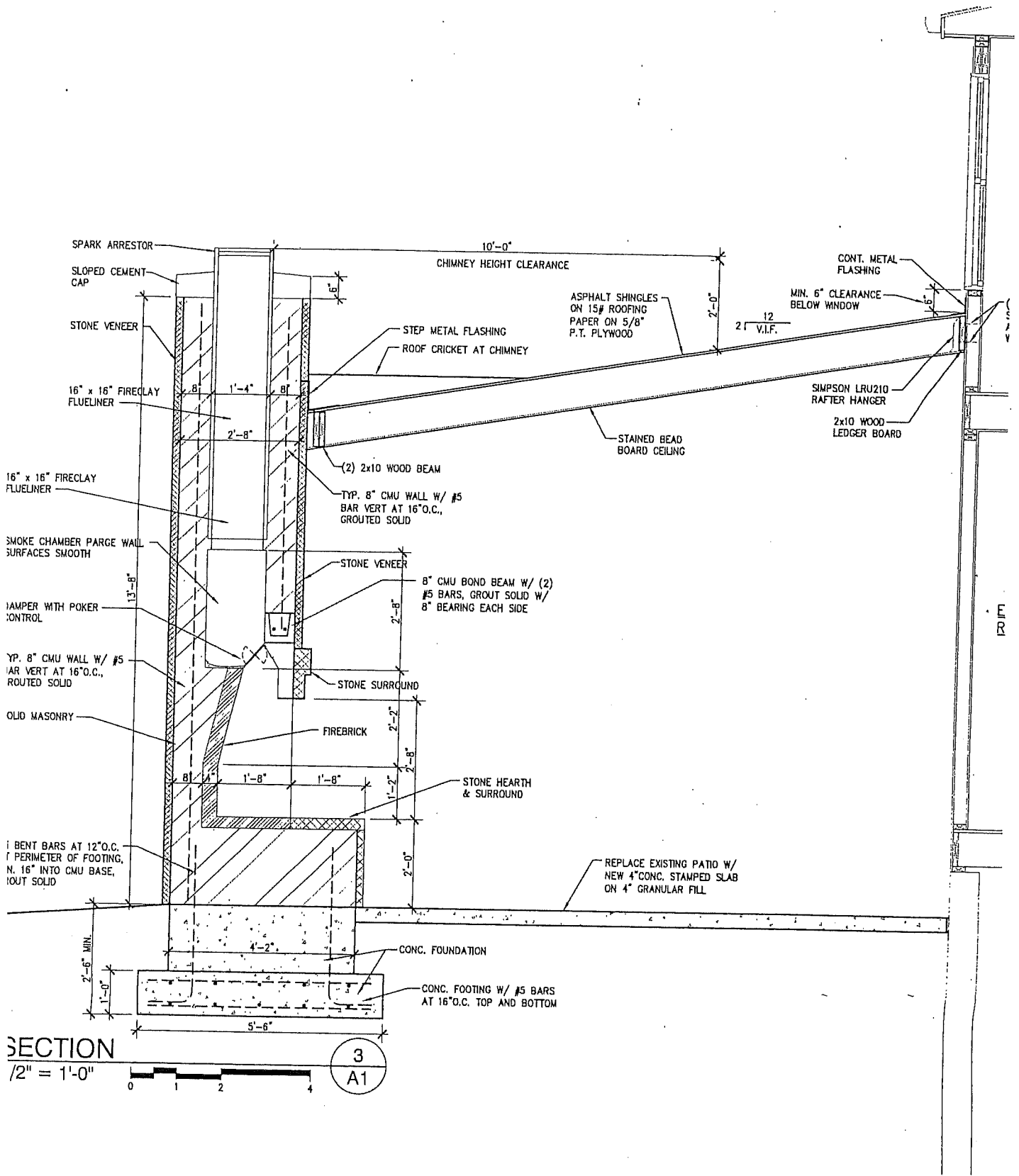


ROOF FRAMING PLAN

1/4" = 1'-0"

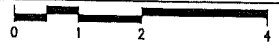


2
A1

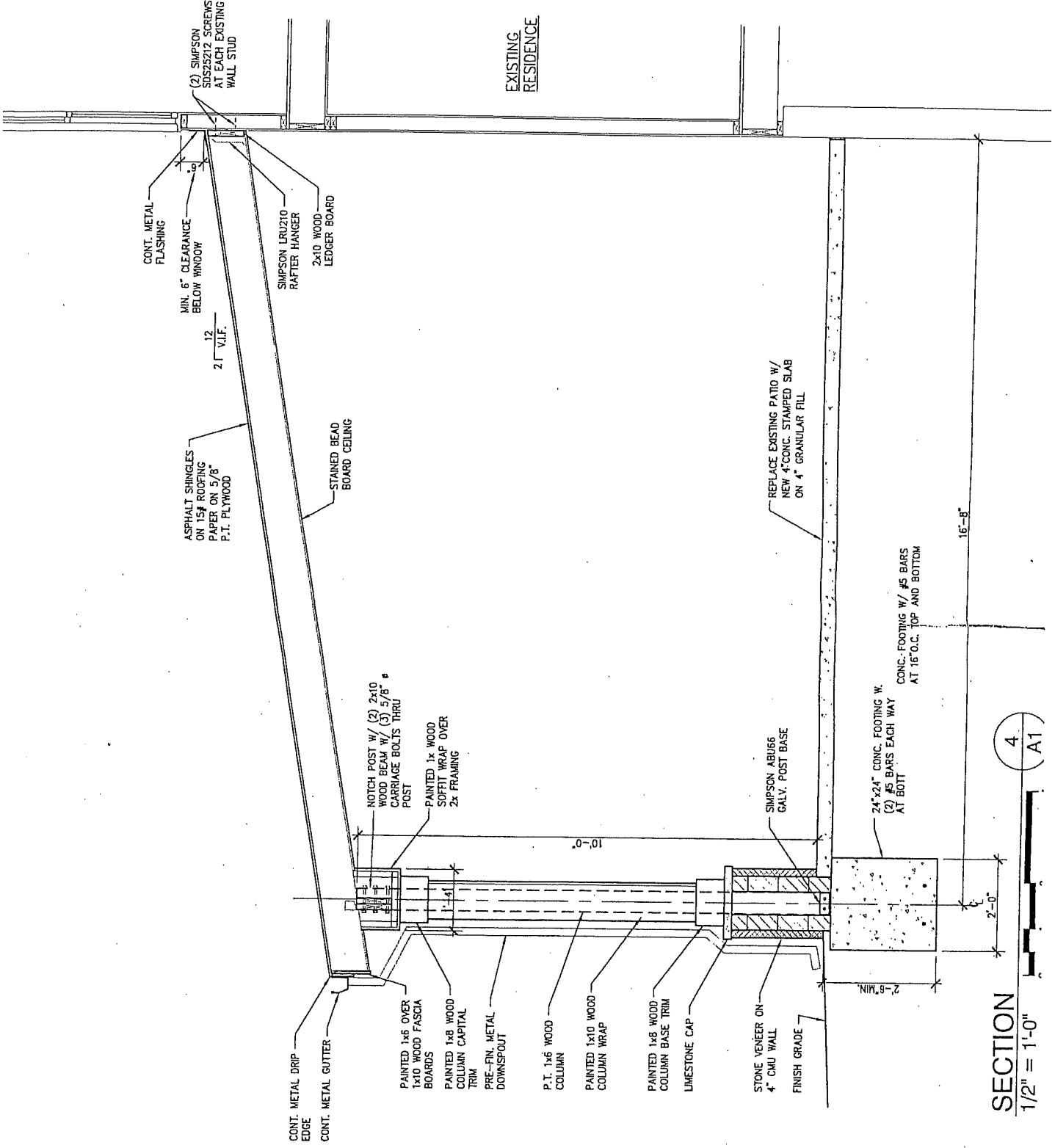


SECTION

1/2" = 1'-0"



3
A1



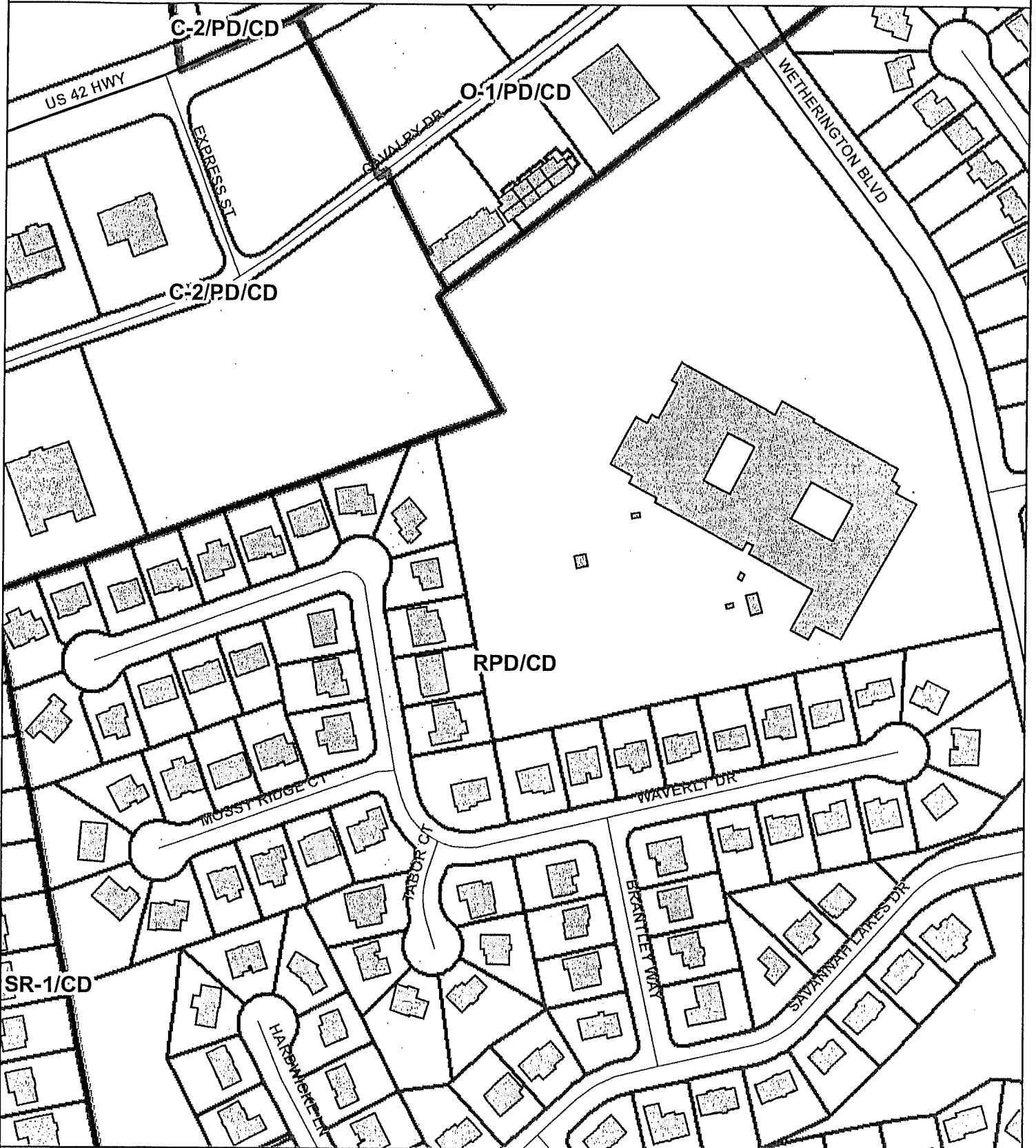
SECTION
1/2" = 1'-0"

4
A1



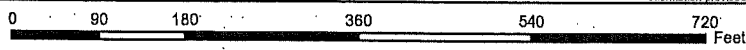
ZONING MAP

www.boonecountygis.com



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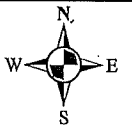
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1 Inch = 200 feet

Boone County GIS

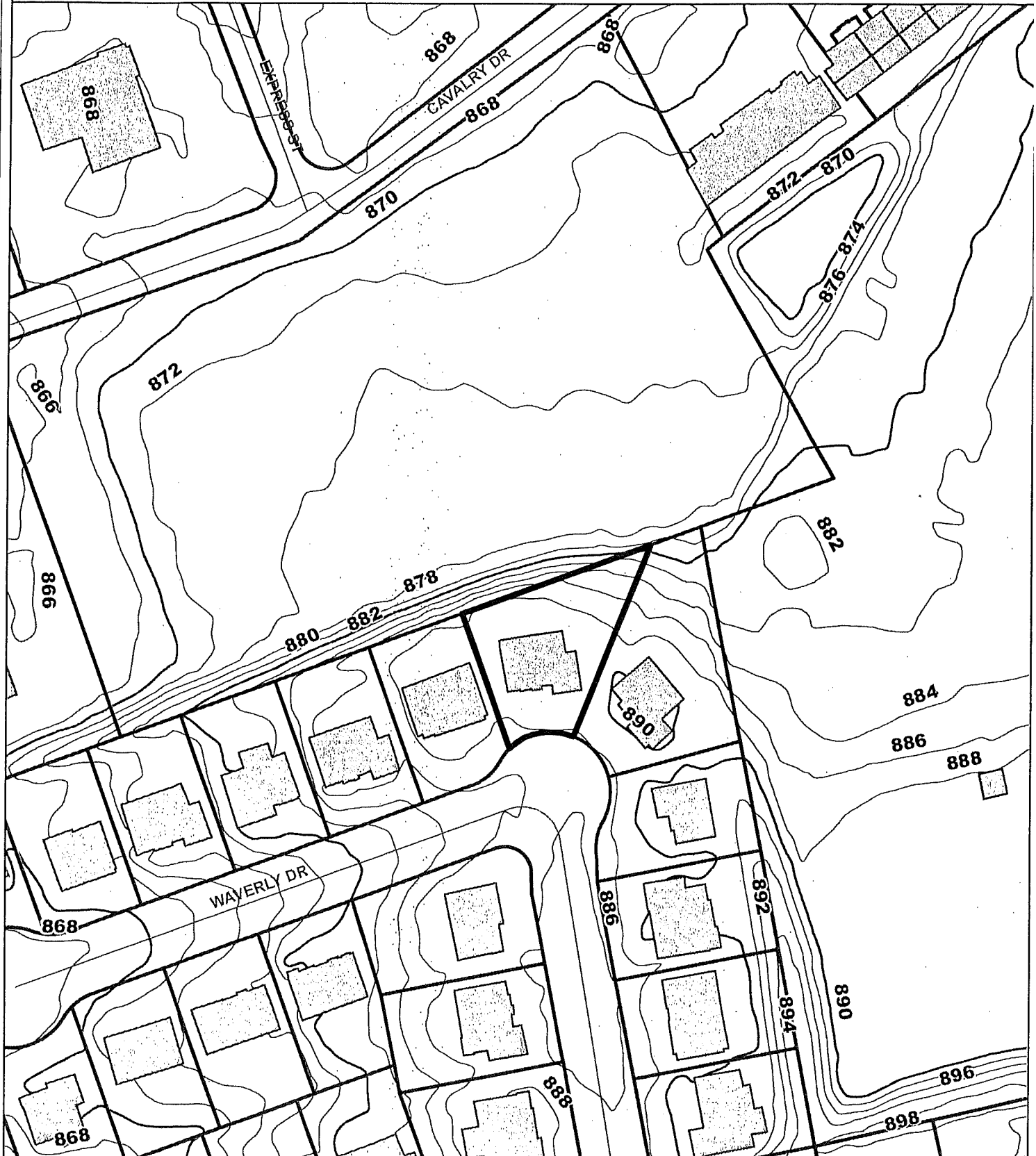
"Putting Northern Kentucky on the Map"



Map Data Source: 11/20/10

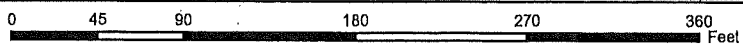
TOPOGRAPHICAL MAP

www.boonecountygis.com



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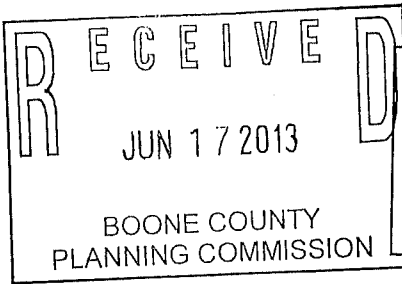
1 inch = 100 feet

Boone County GIS

"Putting Northern Kentucky on the Map"



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 _____

(Check One)

- 2. Conditional Use Permit [checked] Variance _____ Appeal _____ Change in Non-Conforming Use _____

- 3. Applicant's Name Jason Catanzaro Applicant's Address 1414 Waverly Dr. Florence KY 41042

- 4. Phone Number 659 630 0479 Fax No. _____ E-Mail JasonCatanzaro@gmail.com Description of Request: Reduce 25ft rear yard set back to allow construction of a covered patio

- 5. Name of Development _____

- 6. Location of Development 1414 Waverly Dr.

- 7. Acreage Under Review _____

- 8. Lot Number and Name of Subdivision (if part of a subdivision) Sect. 6 Lot 49 Savannah Lakes @ Plantation Pointe

- 9. Owner of Property Lori & Jason Catanzaro Address of Property Owner 1414 Waverly Dr.

- 10. Florence KY KY 41042

- Phone Number 659 630 0479 Fax No. _____ E-Mail _____

- 11. Proposed Use(s) on Site _____

- 12. Total Square Footage of Existing and/or Proposed Buildings _____

- 13. Current Zoning on Property RPD

- 14. Deed Book 977 Page No. 367 Group No. 2047

- 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: [Signature] (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

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

COPY

CLUR #13-FBOA-008-A

CERTIFICATE OF LAND USE RESTRICTION

- 1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Jason & Lori Catanzaro
1814 Waverly Drive
Florence, KY 41042

- 2. ADDRESS OF PROPERTY
1814 Waverly Drive
Florence, KY 41042

- 3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Jason Catanzaro

- 4. DEED BOOK 977 PAGE NO. 367 GROUP NO. 2047

- 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

Todd K. Morgan

SIGNATURE OF COMPLETING OFFICIAL

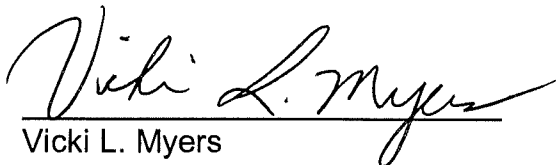
Todd K. Morgan, AICP, Senior Planner, Zoning Services
Name and Title of Completing Official

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 Variance 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-008-A), for Jason & Lori Catanzaro, Property Owner(s).

The following conditions will apply:

1. The covered patio shall be constructed as presented.

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

DEED BOOK 977

PAGE NO. 367

GROUP NO. 2047