

APPLICATION FORM

BOARD OF ADJUSTMENT
AND
ZONING APPEALS ACTION
BOONE COUNTY PLANNING COMMISSION

RECEIVED
79149
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 Florence _____ Walton _____ Union _____
2. (Check One) _____ Conditional Use Permit Variance _____ Appeal _____
_____ Change in Non-Conforming Use
3. Applicant's Name Michael COX
Applicant's Address 6 Smith ST
Florence ky 41042
City State Zip
4. Phone Number 859-802-4499 Fax No. _____ E-Mail _____
Description of Request: Further reduce front yard setback
To approx 19' To allow new front porch
5. Name of Development _____
6. Location of Development 6 Smith ST, Florence, ky
7. Acreage Under Review _____
8. Lot Number and Name of Subdivision (if part of a subdivision) _____
9. Owner of Property Michael COX
Address of Property Owner 6 Smith ST
Florence ky 41042
City State Zip
10. Phone Number 859-802-4499 Fax No. _____ E-Mail durmike@hotmail.com
11. Proposed Use(s) on Site FRONT Porch
12. Total Square Footage of Existing and/or Proposed Buildings 112 sq Porch
13. Current Zoning on Property SR-2
14. Deed Book 881 Page No. 788 Group No. 2012
15. Is the site subject to a zone change? NO
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: Michael D. Cox
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: Michael D. Cox
(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 4-5-19 Fee Received \$632.00 Receipt # 79149
2. Is application complete? 5 Yes No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
5/8/19 **Approved**
Approved with Conditions (See #6)
Denial (See #7)
6. Conditions of Approval: SEE 5/8/19 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: Michael Cox

LOCATION: 6 Smith Street Florence, Kentucky

ZONING: Suburban Residential Two (SR-2)

DATE: May 8, 2019

Proposal

The applicant has requested a variance so he can construct a 8' x 14' covered porch onto the front of his house. His previous covered porch was damaged by a storm and he decided to replace it with a larger structure. The house and porch were non-conforming because they were located +/- 23 feet from the front property line and the front yard setback requirement of the Suburban Residential Two (SR-2) zone is 30 feet. The applicant's request will further reduce the front yard setback from +/- 23 feet to +/- 19 feet (see attached aerial map).

Pertinent Site History

March 2019 – Boone County Building Department discovered a new porch was being constructed without permits and they issued a stop work order.

Applicable Regulations

Section 3123 of the Boone County Zoning Regulations indicates that open structures such as porches, decks, 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 front, side, or rear setback.

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.

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 needs to evaluate the 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.

Surrounding Land Uses and Zoning

North: Apartments and Visiting Angels Fronting on US 42 (C-2)

South: Single-Family Residential Dwellings Fronting on Smith Street (SR-2)

East: Single-Family Residential Dwelling Fronting on Smith Street (SR-2)

West: Single-Family Residential Dwelling Fronting on Smith Street (SR-2)

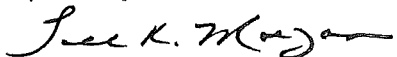
Staff Comments

- 1. As mentioned previously, the single-family residence and attached porch are non-conforming because they do not meet the 30 foot front yard setback. This request would further reduce the front yard setback from +/- 23 feet to +/- 19.
- 2. The adjoining house to the west has a covered front porch and it is located approximately 10' feet from the front property line per Boone County G.I.S. measurements.
- 3. Staff doesn't believe the request alters the essential character of the general vicinity.

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/ss

Attachments

- *Site Vicinity Map
- *Aerial Map Showing Proposed Porch
- *2016 Google Map Showing Previous Porch
- *2016 Aerial Map
- *Topographical Map
- *Zoning Map
- *Application

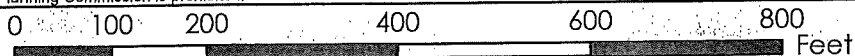
SITE VICINITY MAP

www.boonecountygis.com



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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.



1 inch = 200 feet



Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 07/01/2013

ArchMap Document: BooneMap (Rte).mxd

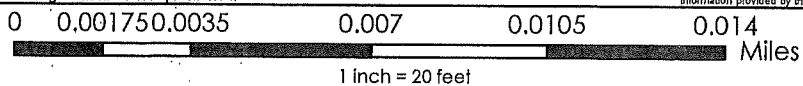
Boone County GIS Map

www.boonecountygis.com



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Boone County GIS - Putting Northern Kentucky on the Map

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ArcMap Document: BooneCounty (external).mxd

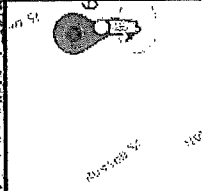


3 Smith St

Florence, Kentucky



Street View - Aug 2016



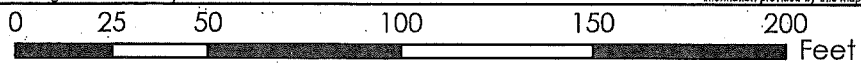
2016 AERIAL MAP

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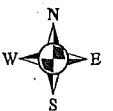


1 inch = 50 feet



Map Created: 07/01/2013

Boone County GIS - Putting Northern Kentucky on the Map



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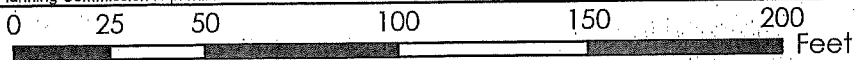
TOPOGRAPHICAL MAP

www.boonecountygis.com



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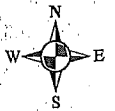


1 inch = 50 feet



Map Created: 07/01/2013

Boone County GIS - Putting Northern Kentucky on the Map



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ArcMap Document: BooneMap (file).mxd

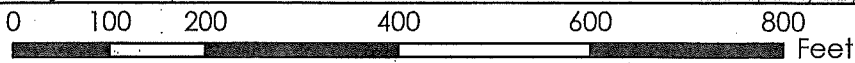
ZONING MAP

www.boonecountygis.com



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1 inch = 200 feet



Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 07/01/2013

World File: K:\gis\work\BooneMap (ite).mxd
ArcMap Document: BooneMap (ite).mxd

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13. Current Zoning on Property SR-2
14. Deed Book 881 Page No. 788 Group No. 2042
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If yes, give date of approval _____
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(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: Michael D. Cox
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

(Copy)

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Michael Cox
6 Smith Street
Florence, KY 41042

2. ADDRESS OF PROPERTY

6 Smith Street
Florence, KY 41042

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Michael Cox

4. DEED BOOK 881 PAGE NO. 788 GROUP NO. 2042

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

Zoning Map Amendment: Conditional Use Permit
From _____ To _____

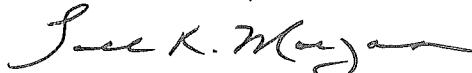
Development Plan Conditional Zoning

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

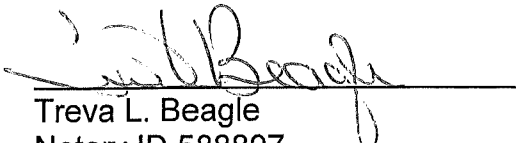
Todd K. Morgan, AICP – Senior Planner

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 13 day of May, 2019.



Treva L. Beagle
Notary ID 588897
NOTARY PUBLIC, State at Large

My commission Expires:
November 12, 2021

This instrument was prepared for recording purposes only by:



Ronica Wuest
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.)

(C-113-Y)

CLUR #19-FBOA-002-A

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the variance approved by the Florence Board of Adjustment and in accordance with the current zoning in effect as of May 8, 2019 Certificate of Land Use Restriction (#19-FBOA-002-A), for Michael Cox, Property Owner(s).

The following conditions will apply:

1. The covered porch will match the house as explained by the applicant.
 - A. The bottom of the deck will be finished with siding that matches the house.
 - B. Exposed poles will be wrapped in aluminum.
 - C. Polymer railings shall be used.

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

DEED BOOK 881

PAGE NO. 788

GROUP NO. 2042