

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 [checked] Appeal
3. Applicant's Name, Phone Number, Fax No., Applicant's Address
4. Description of Request: 30' minimum rear yard setback requirement to 6' for a variance of 24'
5. Name of Development: Browning Resubdivision
6. Location of Development: Florence, KY
7. Acreage Under Review: 10.17
8. Lot Number and Name of Subdivision
9. Owner of Property, Phone Number of Owner, Address of Property Owner
10. Proposed Use(s) on Site
11. Total Square Footage of Existing and/or Proposed Buildings
12. Current Zoning on Property: Suburban Residential Two (SR-2)
13. Deed Book, Page No., Group No.
14. Is the site subject to a zone change?
15. Have you submitted a Site Plan with this request?
16. Have you submitted a list of adjoining property owners with this request?
17. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

Applicant's Signature: [Signature]
Property Owner's Signature: [Signature]

BOARD OF ADJUSTMENT AND  
ZONING APPEALS ACTION  
APPLICATION  
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**SECTION B** (To be completed by the Boone County Planning Commission Staff)

1. Date Received 4-19-99 Fee Received \$420.00 R# 20176
2. Is application complete?  Yes  No
3. Staff Reviewer Mark E. Jordan
4. Scheduled Board Action Date May 12, 1999
5. Board Action:  
 Approved  
 Approved with Conditions (See #6)  
 Denial (See #7)
6. Conditions of Approval: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
7. Reasons for Denial: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Boone County Planning Commission  
2995 Washington Street  
Burlington, Kentucky 41005  
(606) 334-2196 Phone  
(606) 334-2264 Fax

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:** Robin Dale Short

**LOCATION:** Lot 3 of the Howell Re-Subdivision, 6312 Clark Street,  
Florence, Kentucky

**ZONING:** Suburban Residential Two (SR-2)

**DATE:** May 12, 1999

### Proposal

The applicant is requesting a variance to allow a reduction of the rear yard setback on Lot 3 of the Howell Re-Subdivision, Florence, Kentucky. The Boone County Zoning Regulations requires a minimum rear yard setback of 30 feet from the property line for any principally permitted structure (house), and any attached accessory structure (deck) that is constructed in a Suburban Residential Two (SR-2) zoning district. The existing house was built prior to the adoption of the current regulations, and does not meet the minimum rear yard setback requirement of 30'. Pursuant to Section 271 of the zoning regulations, an addition may be added to a pre-existing structure that does not meet the current setback requirements, as long as it is located along the nonconforming building line established by the existing structure, but may not encroach into such nonconforming setback unless a Variance is granted by the Board of Adjustment and Zoning Appeals. The request is for a reduction of 24', and the proposed deck is to be located 6' feet from the rear property line. The Variance will not affect the front or side yard setbacks or the appearance of the residence from Clark Street.

### Action by the Board of Adjustment and Zoning Appeals

The Board of Adjustment and Zoning Appeals has the power to hear and decide on applications for Variances. A variance is defined as a departure from dimensional terms of the zoning regulation pertaining to height, width, or location of structures, and the size of yards and open spaces where such departure meets the requirements of K.R.S. 100.241 to 100.247.

Variances are appropriate by reason of exceptional narrowness, shallowness, or unusual shape of a site on the effective date of the zoning regulations or amendment thereof or by reason of exceptional topographic conditions, or some other extraordinary situation or condition of the site. The literal enforcement of the above dimensional terms of the zoning regulation would deprive the applicant of reasonable capacity to make use of the land in a manner equivalent to the use permitted other landowners in the same zone. The dimensional terms pertaining to height, width and location involve such items as structures, parking space stalls, driveway aisles, and landscaped buffers and signs. Lot frontages, the size of yards, and opens spaces refer to minimum yard dimensions such as building setbacks.

Conclusion

K.R.S. 100.241 gives the Boone County Board of Adjustment and Zoning Appeals the authority to grant the Applicant's request for a Variance to reduce the rear yard setback for a proposed 12' x 16' attached deck on Lot 3 of the Howell Re-Subdivision, Florence, Kentucky. It is Staff's opinion that due to the shallowness of the lot, a variance is appropriate, and should be approved by the Board. Staff believes that this request 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 a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations.

Respectfully Submitted,

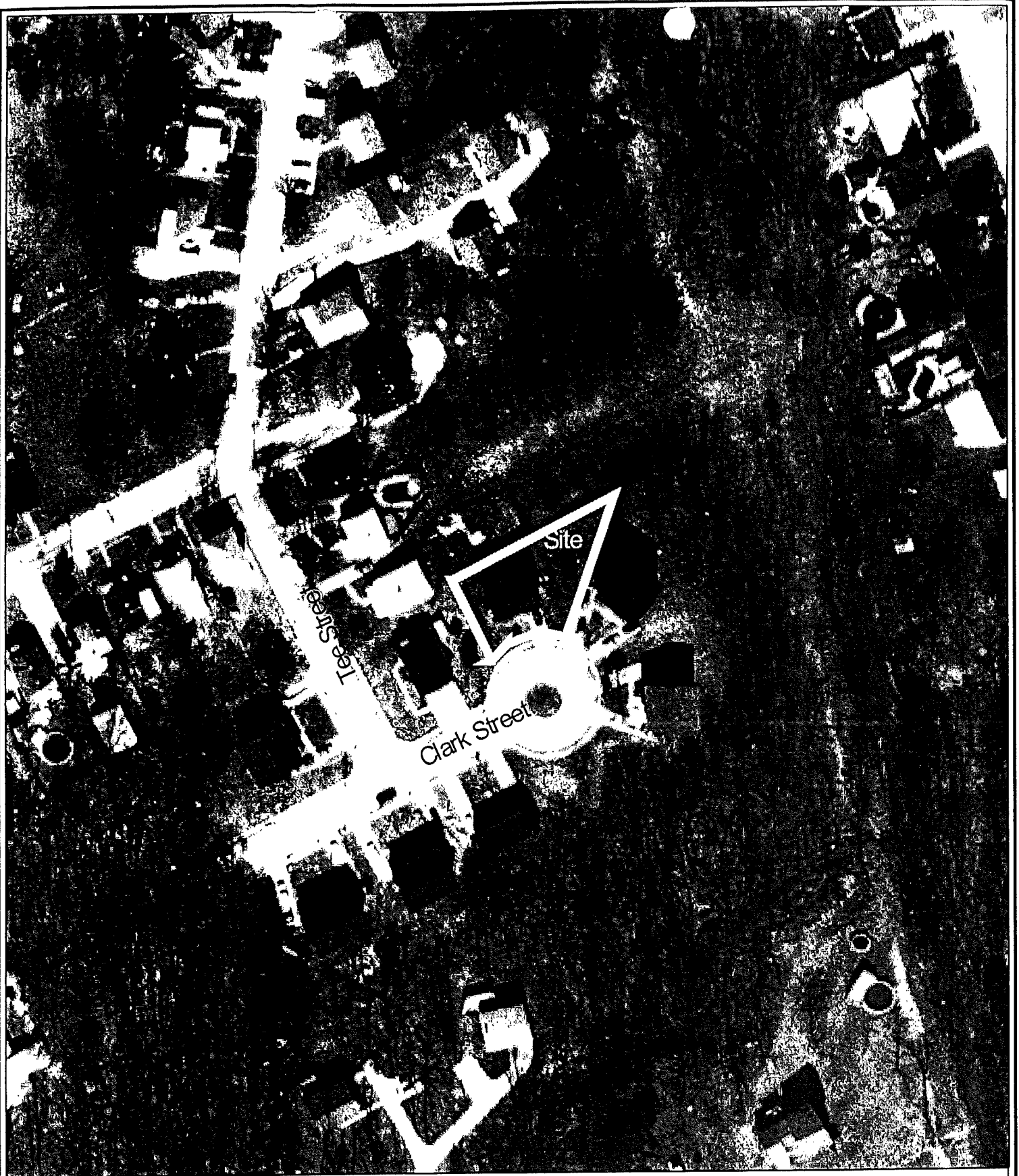


Mark Jordan  
Planner

MJ\pr

Attachments

- Location Map/Aerial Photo
- Proposed Plot Plan with 12' x 16' attached deck



# Location Map 6312 Clark Street



1 inch equals 100 feet  
Produced by the  
Boone County Planning Commission  
GIS Services Division  
May 7, 1999



COPY

CLUR # 99-FBOA-003-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER (S)  
Robin Dale Short  
6312 Clark Street  
Florence, Kentucky 41042

2. ADDRESS OF PROPERTY  
6312 Clark Street  
Florence, Kentucky

3. NAME OF SUBDIVISION OR  
DEVELOPMENT (if applicable)  
\_\_\_\_\_

DEED BK.:557

PAGE NO.:19

GROUP NO.:2034B

4. 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)

X Variance

5. 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  
2995 WASHINGTON STREET  
BURLINGTON, KENTUCKY 41005

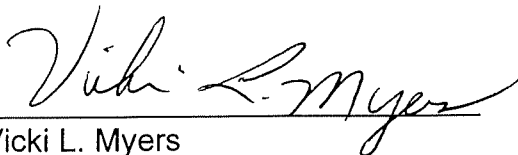
  
\_\_\_\_\_  
SIGNATURE OF COMPLETING OFFICIAL

Mark Jordan, Planner  
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

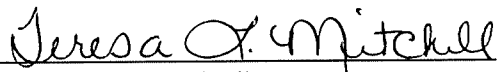
COUNTY OF BOONE

Subscribed, sworn to, and acknowledge before me by Mark Jordan, on behalf of the  
Boone County Planning Commission this 2nd day of June, 1999.

  
Vicki L. Myers  
NOTARY PUBLIC, State at Large

My commission Expires:  
April 17, 2003

This instrument was prepared for recording purposes only by:

  
Teresa L. Mitchell  
Boone County Planning Commission  
2995 Washington Street  
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 12, 1999 Certificate of Land Use Restriction (# 99-FBOA-003-A), for Robin Dale Short, Property Owners.

The following conditions will apply: NO CONDITIONS.

The approved Variance as well as the preceding conditions apply to the property described in: DEED BOOK 557 PAGE NO. 19 Group No. 2034B