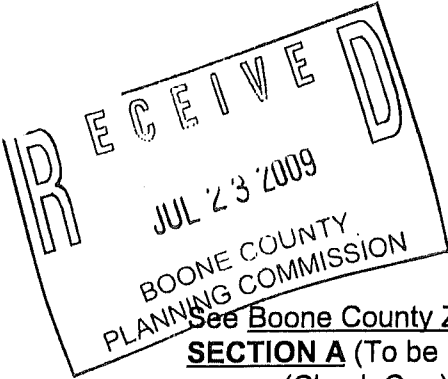


APPLICATION FORM



BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

See Boone County Zoning Regulations

SECTION A (To be completed by applicant)

(Check One)

1. Boone Florence Walton Union

(Check One)

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

3. Applicant's Name Thomas E + Dorrinda Hopkins Phone Number 859-384-4387 Applicant's Address 9748 Cobalt Way Union KY 41091

4. Description of Request: Add a 14'x14' deck to existing 9'x14'

5. Name of Development Covered Deck. Deck will be of the ground (Reduce setback to 13'±) Harmony Place Location of Development Back New Union Fire Station on US 42.

7. Acreage Under Review .2 A/c

8. Lot Number and Name of Subdivision (if part of a subdivision) Lot 13 Harmony Place

9. Owner of Property Thomas E + Dorrinda D. Hopkins Address of Property Owner 9748 Cobalt way Phone No. 859-384-4387 Union KY 41091

11. Proposed Use(s) on Site single family private home with deck

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

13. Current Zoning on Property RSE/UTO

14. Deed Book 959 Page No. 419 Group No. 2047

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: Thomas E Hopkins (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: Thomas E. Hopkins (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 7-23-09 Fee Received \$632.00 R 59109
2. Is application complete? Yes No
3. Staff Reviewer _____
4. Scheduled Board Action Date 8/24/03
5. Board Action:
 Approved
 Approved with Conditions (See #6)
 Denial (See #7)
6. Conditions of Approval: STAFF COMMENTS 5A. + 5B.

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: Thomas & Donrita Hopkins
LOCATION: 9748 Cobalt Way, Union, Kentucky
ZONING: Rural Suburban Estates/Union Town Overlay (RSE/UTO)
DATE: August 24, 2009

Proposal

The applicants are requesting a variance to reduce the rear yard setback requirement from 25 feet to approximately 13 feet so an attached deck can be constructed onto the rear of their house. The submitted plans show the following improvements:

- A. A 14' x 14' deck addition will be constructed onto an existing 9' x 14' covered deck. The existing covered deck will be converted to a screened in deck; and;
- B. The area beneath the 9' x 14' covered deck will be converted into an enclosed workshop.

Site History

On June 7, 2006, the Boone County Planning Commission approved a request to allow 44 patio homes and 4 single-family dwellings on approximately 16 acres of land (Harmony Place Subdivision). The building setbacks for the patio homes were approved at 25 foot front, 20 foot rear, 12.5 foot corner side, and 5 sides.

On June 6, 2007, the Boone County Planning Commission signed off on the Final Plat for Section 1 of Harmony Place Subdivision. The plat calls out that the setback requirements for the patio homes are 25 foot front, 25 foot rear, and 5 foot sides.

Applicable Regulations

Article 31, 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.

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 request as it relates to the criteria necessary for granting a variance as stated in Section 251 of the Boone County Zoning Regulations:

- A. 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.
 - B. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;
 - C. 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;
 - D. 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.

Site Characteristics

The approximate 0.19 acre tract fronts on Cobalt Way and contains a patio home with a basement. The patio home is currently 27 feet from the rear property line. The topography of the parcels falls approximately 838' above sea level at Cobalt Way to 822' above sea level at the rear property line. The property owners have planted several trees and shrubs in the front, side, and rear yards.

Surrounding Land Uses and Zoning

North: Vacant lot fronting on Cobalt Way (RSE/UTO)

South: Single-family residential dwelling fronting on Cobalt Way (RSE/UTO)

East: Cobalt Way and vacant lot (RSE/UTO)

West: Single-family residential dwelling fronting and vacant lot fronting on Old Union Road (RSE/UTO)

Staff Comments

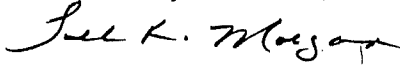
1. Staff would like the applicant to address if the deck could be scaled back to better meet the 25' rear yard setback requirement.
2. The applicant has provided signed petitions from the adjoining property owners. The petitions indicate that the adjoining property owners have no objections to the request.
3. The applicant has provided a proposed landscaping plan for the rear and side yards.
4. The Board needs to analyze the criteria for granting a Variance as outlined in Section 251 of the Boone County Zoning Regulations.

5. Staff recommends the following conditions if the request is approved:
- A. The 6 large and small trees shown on the landscaping plan shall be required plantings when the deck addition is constructed; and
 - B. The deck shall be constructed and the required landscaping shall be installed within one year of the Board of Adjustment approval.

Conclusion

KRS 100.241 and Section 250 of the Boone County Zoning Regulations gives the Union Board of Adjustment and Zoning Appeals the authority to grant the applicant's request for a rear yard setback variance.

Respectfully submitted,



Todd K. Morgan, AICP
Senior Planner, Zoning Services

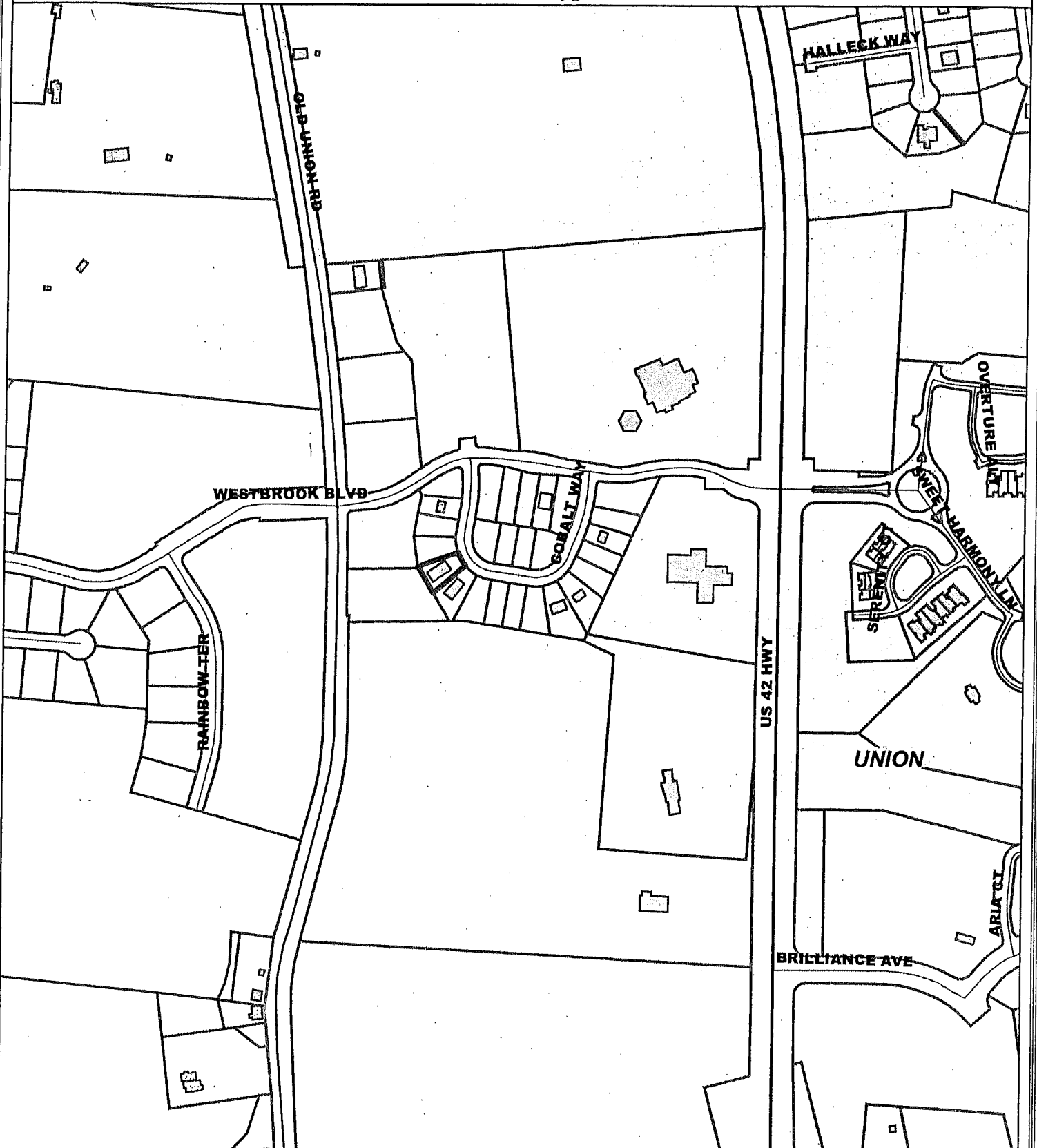
TKM/pr

Attachments

- *Site Vicinity Map
- *Plot Plan
- *Deck Design
- *Rear Elevation Drawing
- *Top View
- *Side View
- *Workshop Under Deck
- *Proposed Landscaping Plan
- *Zoning Map
- *Topographical Map
- *Aerial Map
- *Petitions From Adjoining Property Owners
- *Application

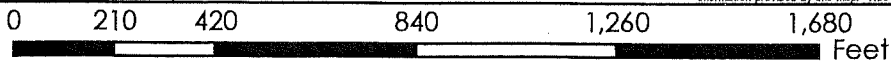
SITE VICINITY MAP

www.boonecountygis.com



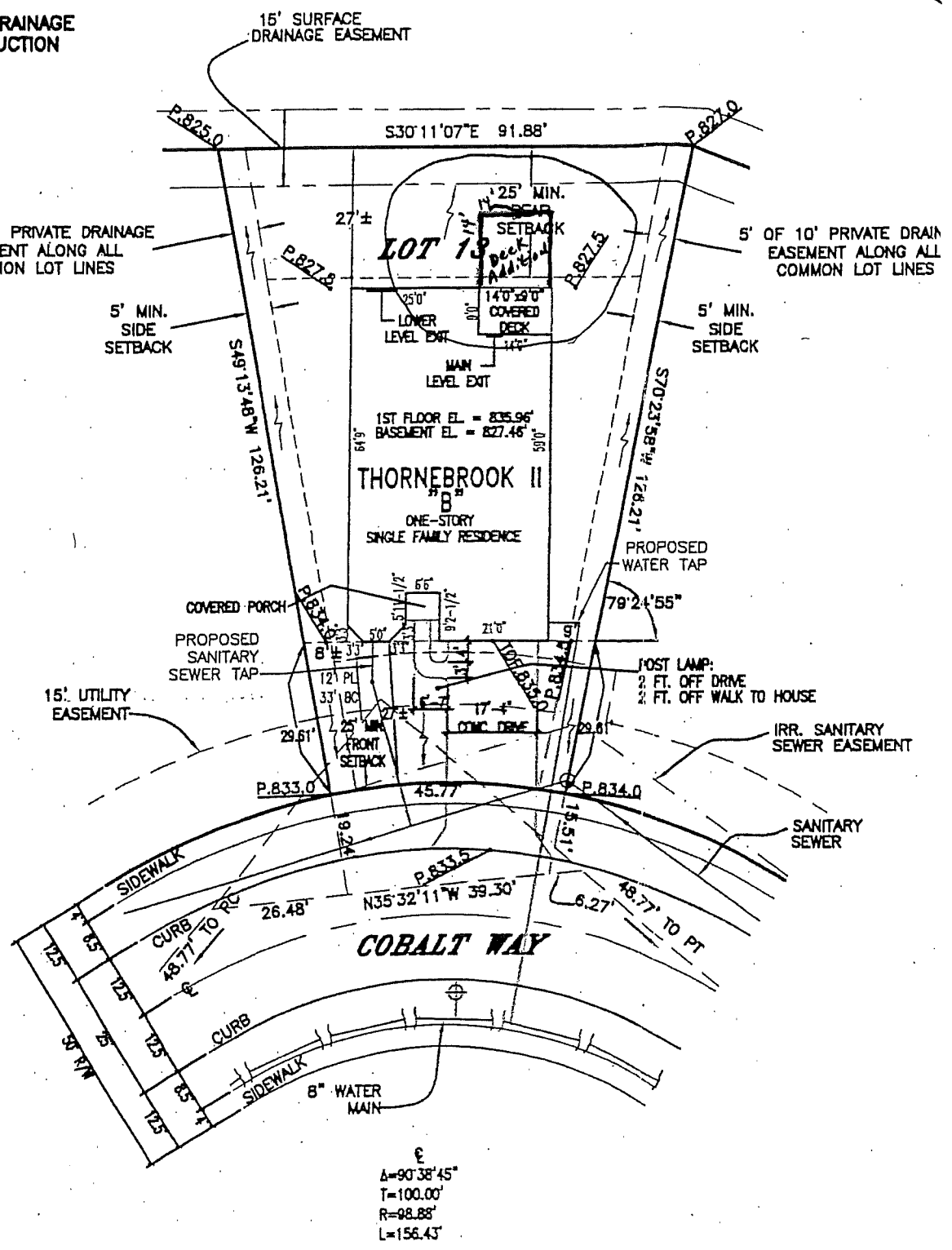
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Boone County GIS - Putting Northern Kentucky on the Map

VERIFY 15' SURFACE DRAINAGE EASEMENT PRIOR TO CONSTRUCTION



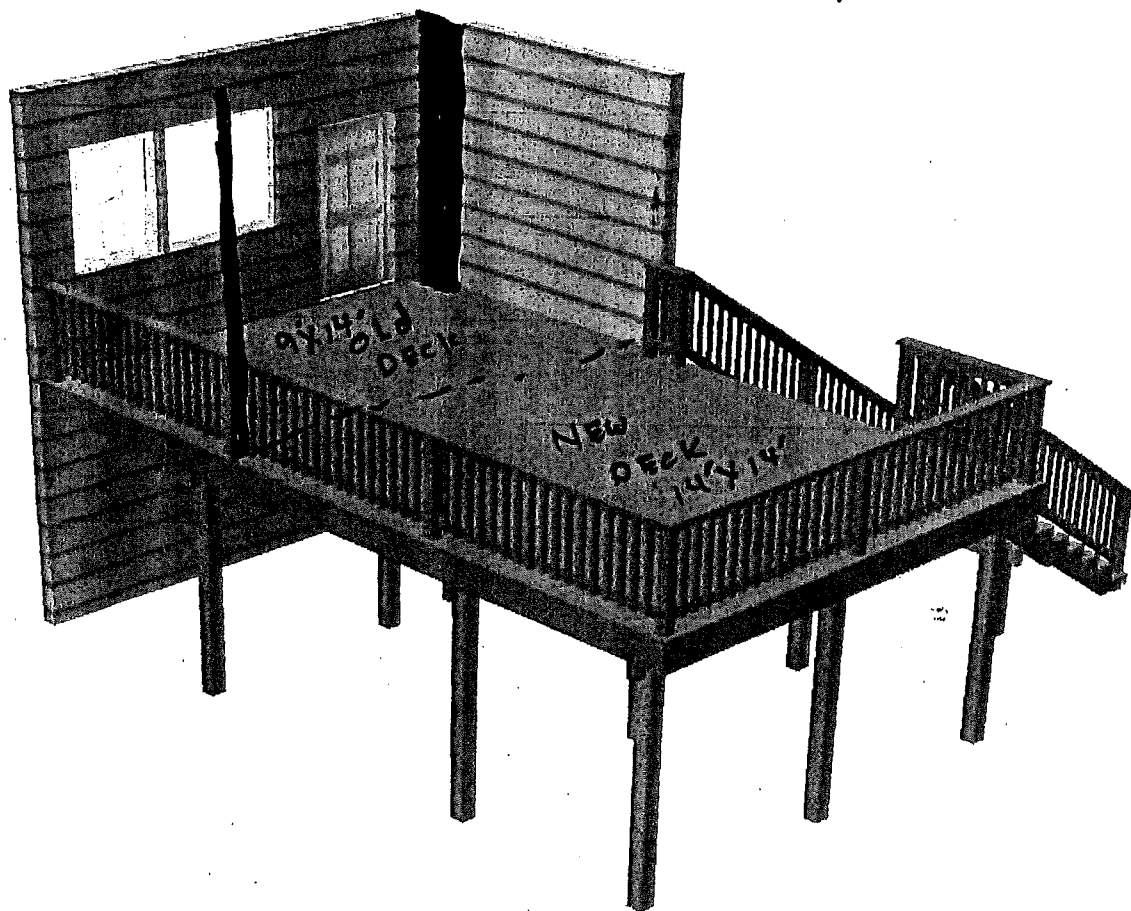
$\Delta = 90^{\circ}38'45''$
 $T = 100.00'$
 $R = 98.88'$
 $L = 156.43'$

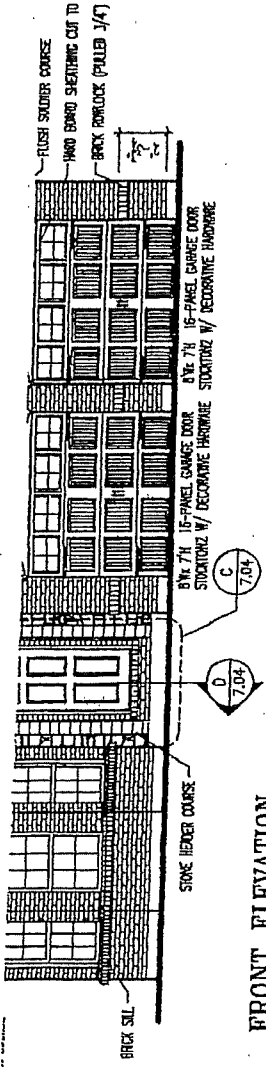
Copyright ©, 2007 The Dress Company. All rights reserved. These plans are protected by Copyright. No part of these plans may be reproduced in any form or by any means, including photocopying, without the written permission from the Copyright owner.	PER ITEM #1 OF DRESSES CO. GENERAL SPECS:	Sht. Drawn By: AM	Sheet Description:
	THIS IS NOT A LEGAL SURVEY. FOR PERMIT PURPOSES ONLY. HOUSE MAY BE FIELD ADJUSTED FOR LOT CONDITIONS WITHIN LEGAL SIDEYARDS & SETBACKS OF LOCAL ZONING.	Sht. Chk. By: MD/AB	PLOT PLAN SCALE: 1" = 30'-0"
		Sht. Date: 10/5/07	
		Date of Last Rev: REV DATE	

Thomas' Deck Design 2013152

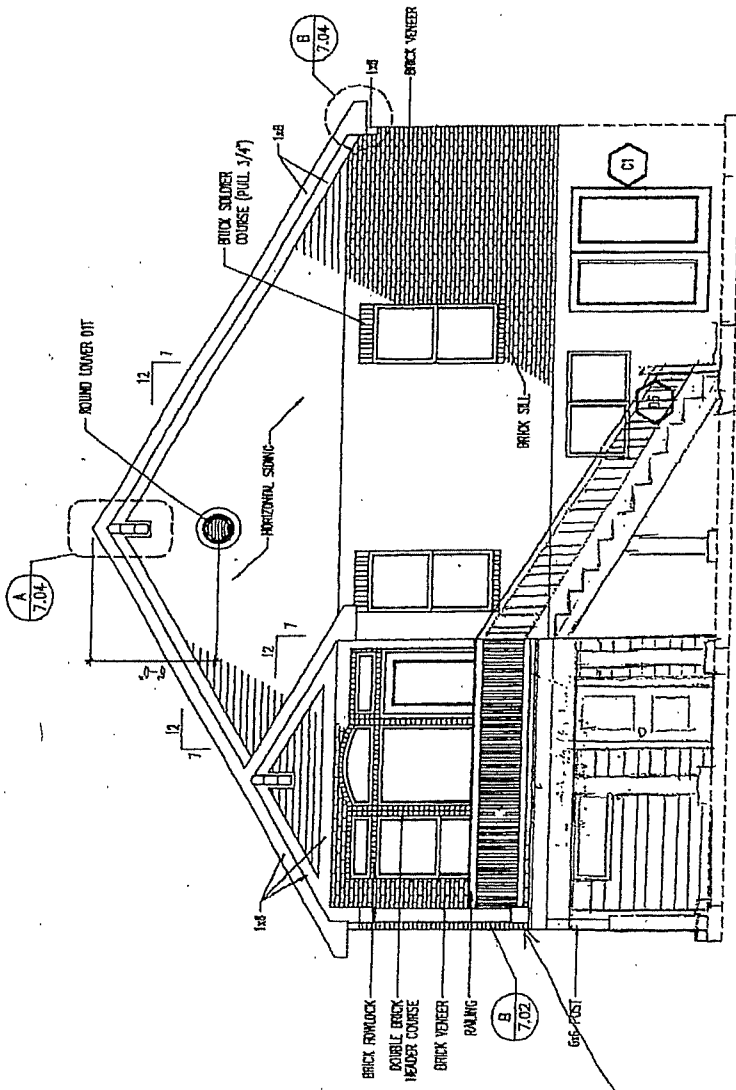
Congratulations! You just completed your Trex deck design. This report will provide the following information:

- Deck Layout Diagrams
- Deck Parts Descriptions
- Tool & Installation Tips
- Beam Layout
- Materials Cut-List
- Component Description
- Shopping List





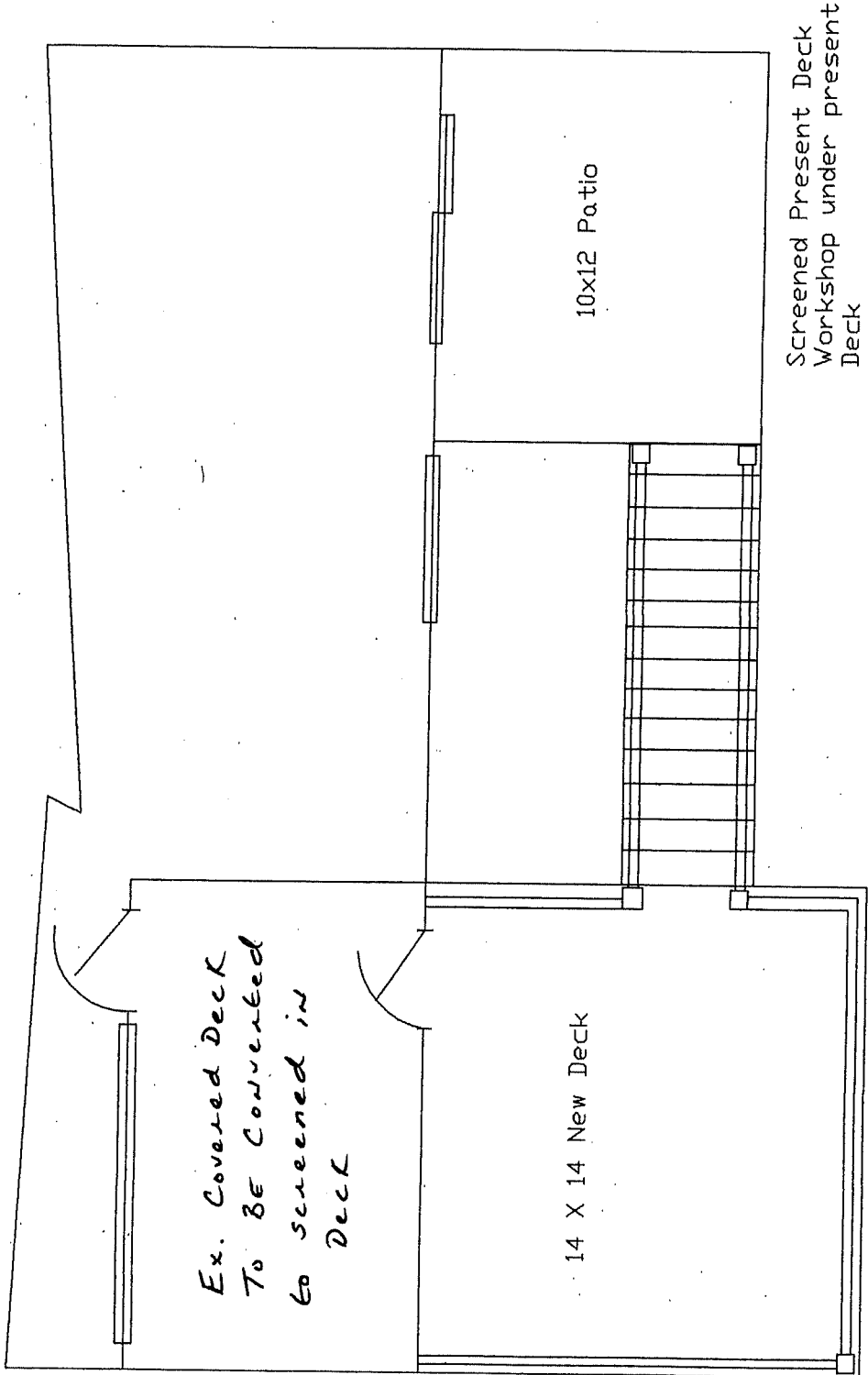
FRONT ELEVATION
SCALE: 1/8" = 1'-0"



REAR ELEVATION
SCALE: 1/8" = 1'-0"

OLD DECK
SCREEN IN
DECK

Drees HOMES The Drees Company 211 Commerce Drive Fort Mitchell, Kentucky 41017 PH(609) 578-4200 Copyright © 2008 The Drees Company. All rights reserved. These plans are published by Copyright. No part of these plans may be reproduced in any form or by any means, including photocopying, without the written permission from the copyright owner.	THORNEBROOK II DRESSES	Plan No. 0469	SHEET DESCRIPTION FRONT & REAR ELEVATIONS ELEVATION B OPT. BRICKWRAP STD. 9' CEILING
	Scale: 1/8" = 1'-0"	S.D. Drawn By: JSW S.D. Chk. By: ARC S.D. Date: 07/17/06 Date of last Rev: 05/20/07 JSW	S.D. Description:



*Ex. Covered Deck
To BE Converted
to screened in
Deck*

14 X 14 New Deck

10x12 Patio

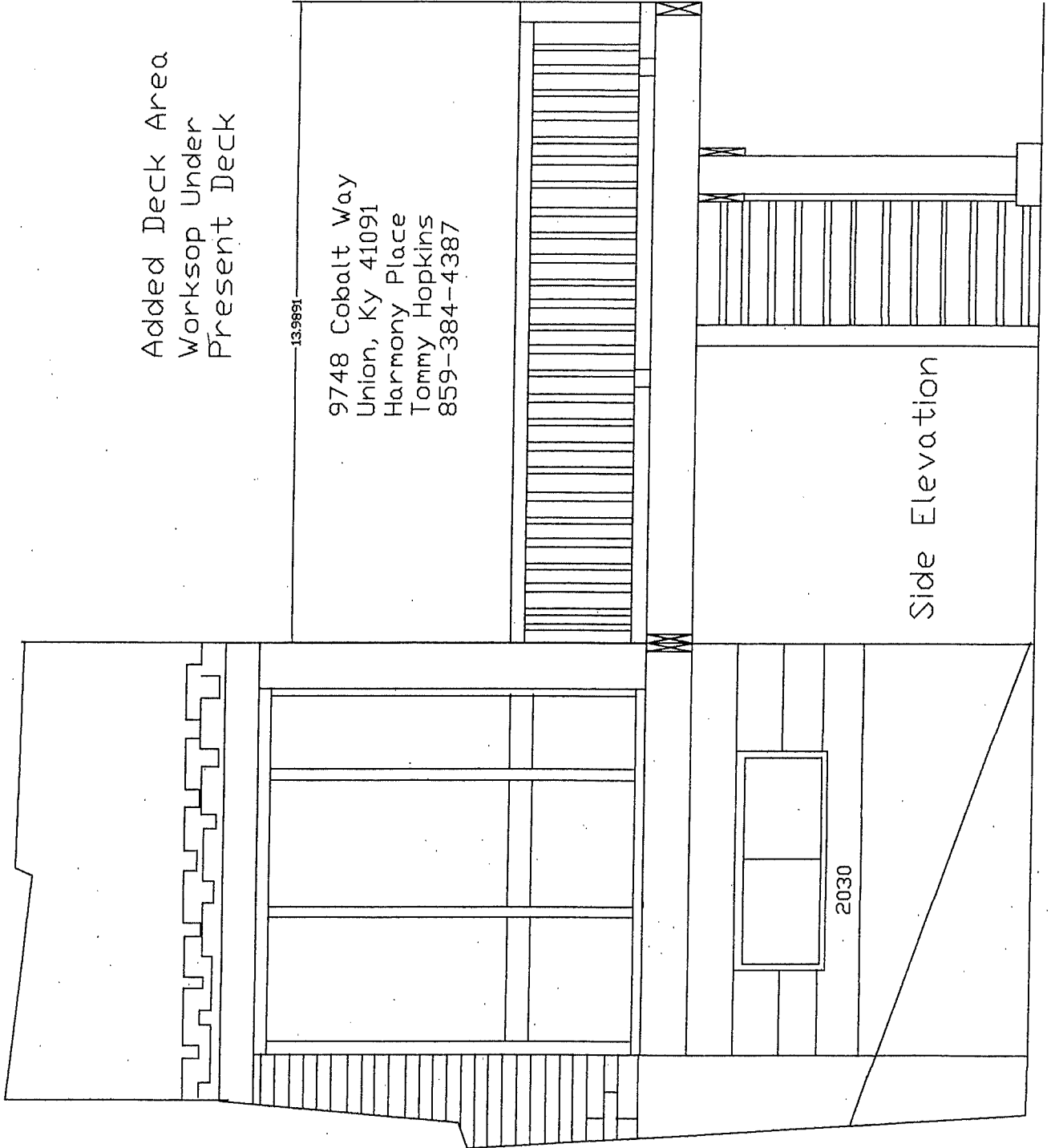
Screened Present Deck
Workshop under present
Deck

Top View

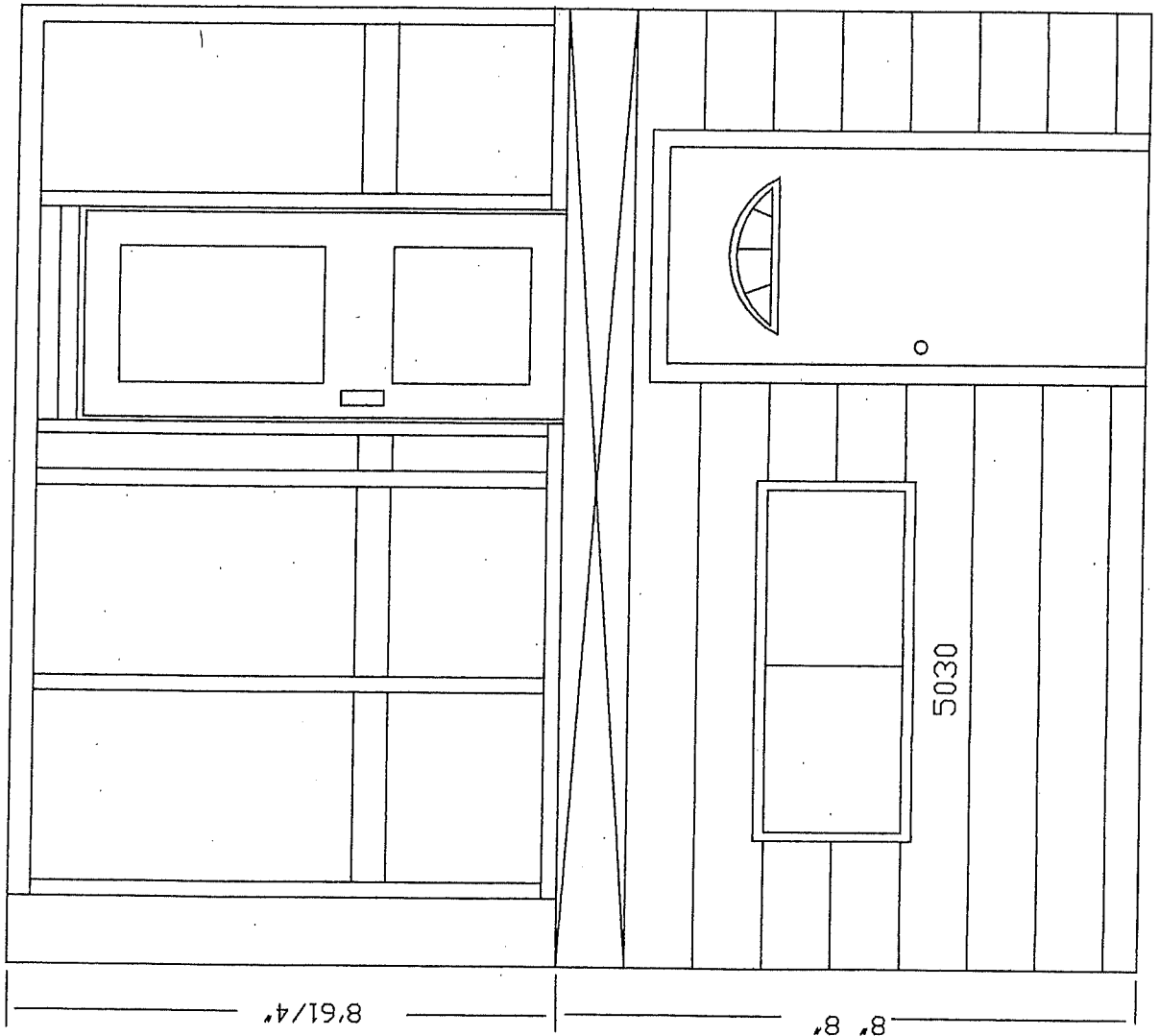
Added Deck Area
Workshop Under
Present Deck

13.9891

9748 Cobalt Way
Union, Ky 41091
Harmony Place
Tommy Hopkins
859-384-4387



Side Elevation



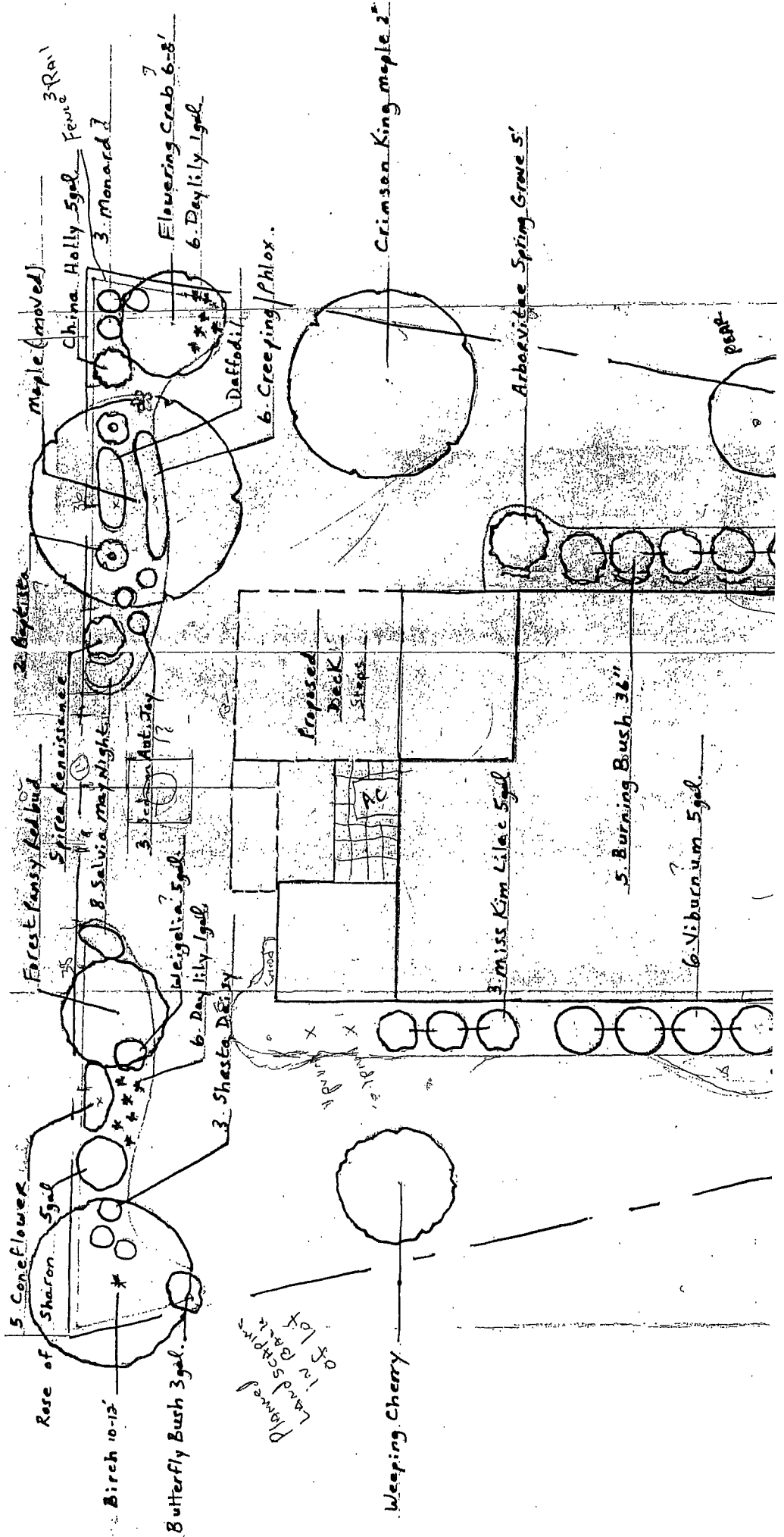
Workshop Under
Present Deck

9748 Cobalt Way
Union, Ky 41091
Harmony Place
Tommy Hopkins
859-384-4387

5030

8' 6 1/4"

8' 8"



5. Coneflower

Rose of Sharon 5 gal

Birch 10-12'

Butterfly Bush 3 gal

Placed in back of lot

Weeping Cherry

Forest Pussy Willow

Spirea Kenaiensis

8. Salvia May Night

3. Yellow Anemone

6. Day Lily 1 gal

3. Shasta Daisy

2. Bayberry

Maple (moved)

China Holly 5 gal

3. Monardella

7. Flowering Crab 6-8'

6. Day Lily 1 gal

Daffodil

6. Creeping Phlox

Proposed Deck Steps

Shed

3. Miss Kim Lilac 5 gal

5. Burning Bush 36"

6. Viburnum 5 gal

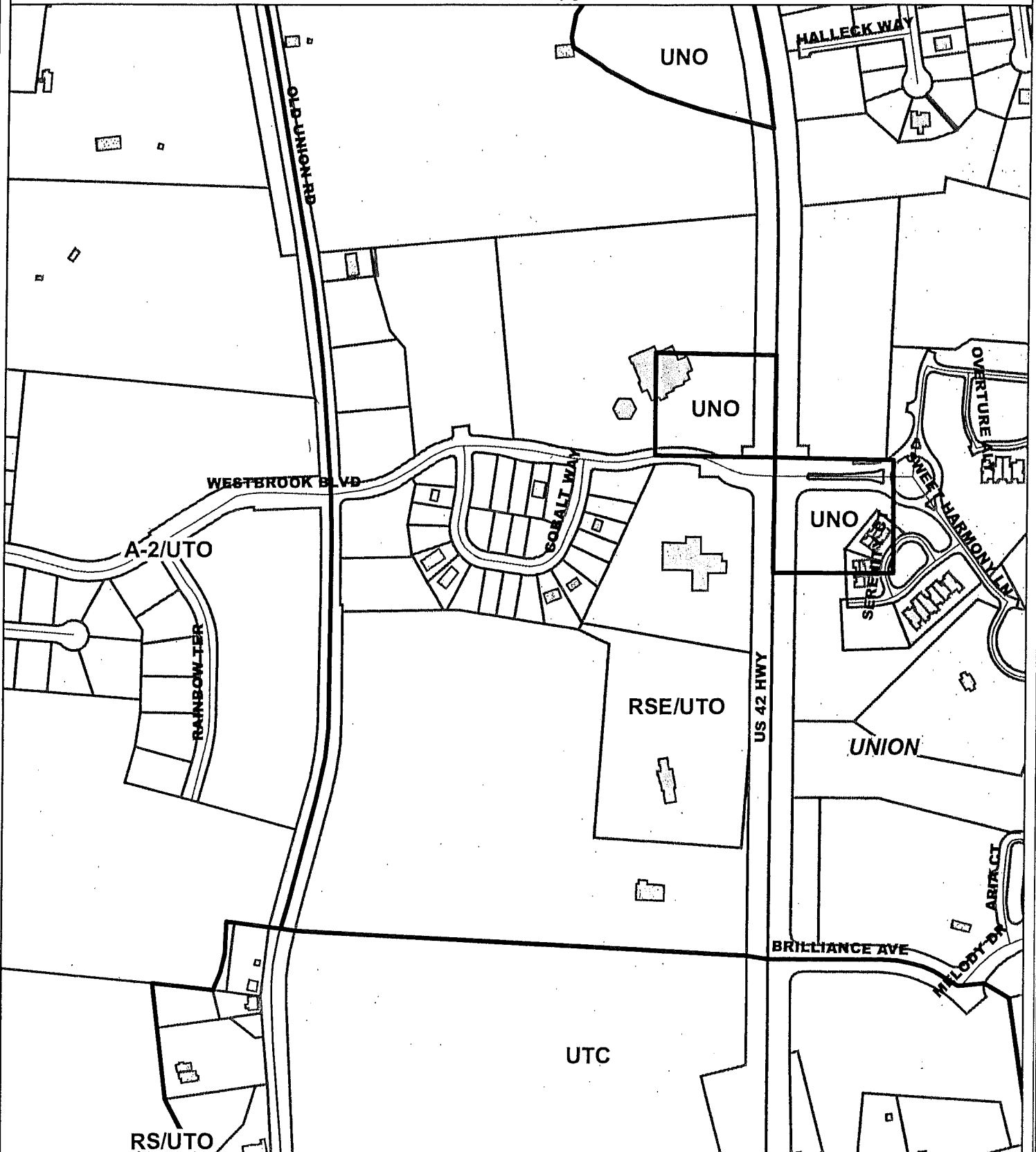
Crimson King maple 2'

Arbovitae Spring Grove 5'

pear

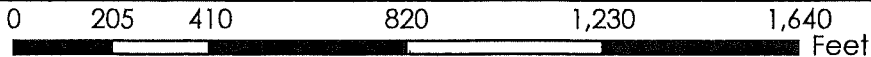
ZONING MAP

www.boonecountygis.com



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1 Inch = 400 feet

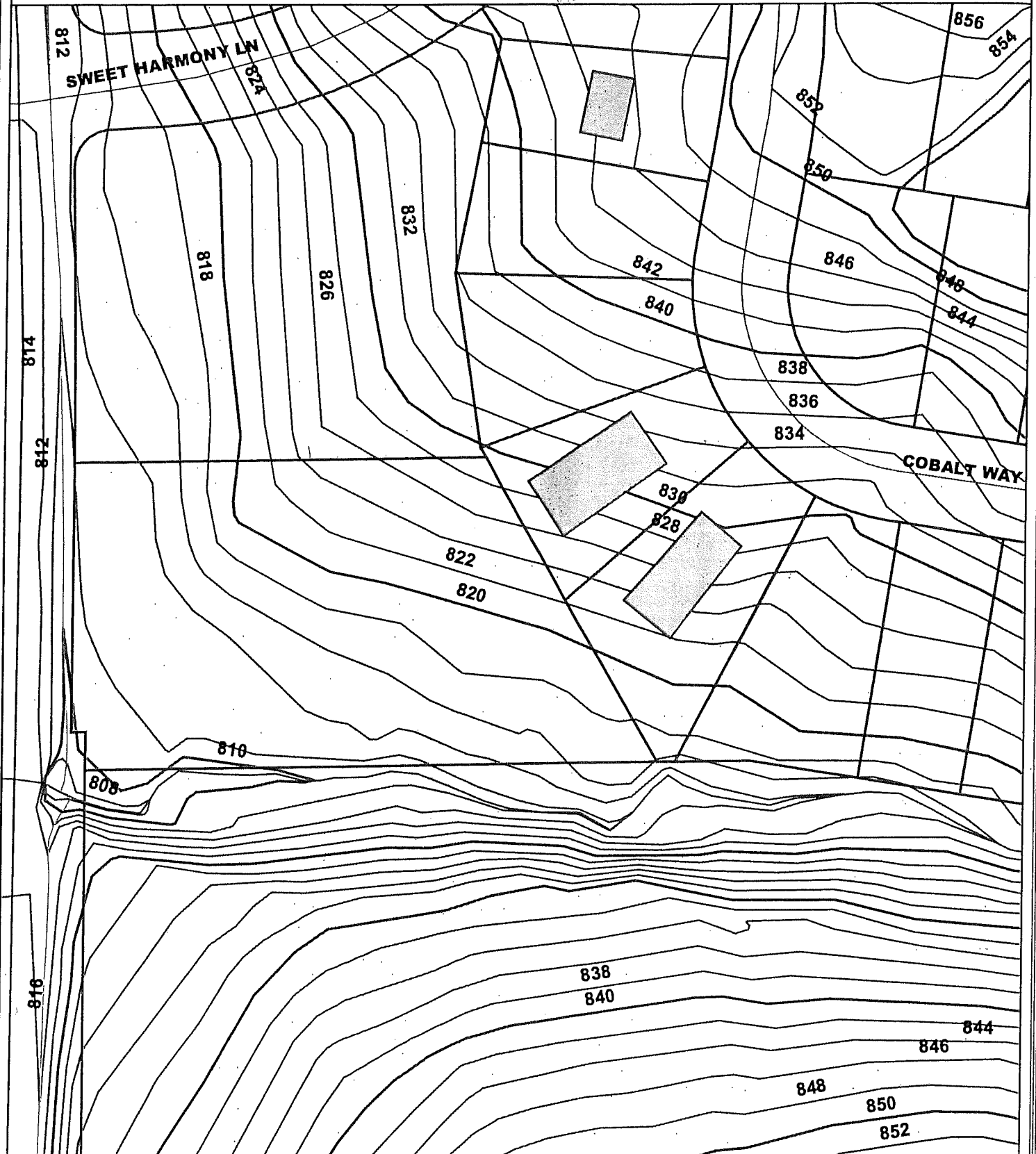


Boone County GIS - Putting Northern Kentucky on the Map



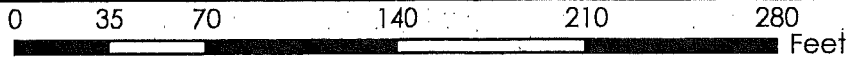
TOPOGRAPHICAL MAP

www.boonecountygis.com



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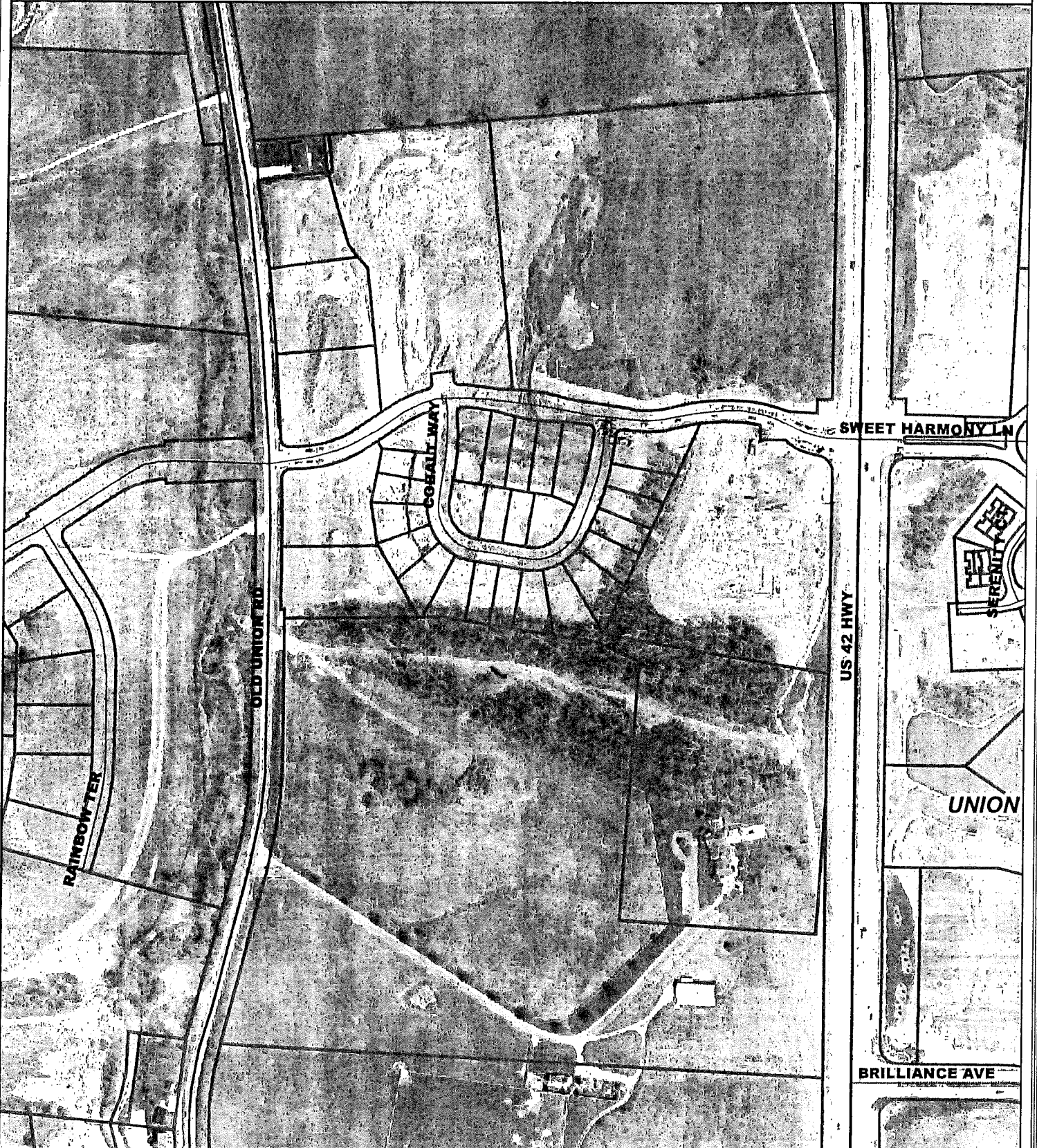


Boone County GIS - Putting Northern Kentucky on the Map



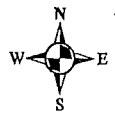
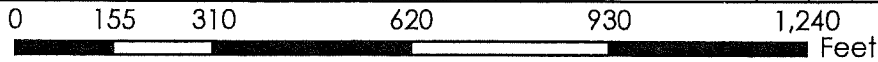
2007 AERIAL MAP

www.boonecountygis.com



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Boone County GIS - Putting Northern Kentucky on the Map

Petition for Set Back Variance

Thomas E. and Donrita D. Hopkins at 9748 Cobalt Way in Harmony Place lot 13 want to add a 14ft x14ft deck to the existing 9ft x 14ft deck. The new deck will be located in the 25ft set back from the property line required by Boone County Planning Commission. In order to obtain the 14' variance the property owners of the surrounding lots 12, 14, 47, 48 and 25 must approve of the deck addition.

The Drees Company the property owner's of lots 14, 25, and 48 in Harmony Place have seen the plans and approve/disapprove the addition of the deck to 9748 Cobalt Way.

Please mark Approve/Disapprove, sign, and date this Petition for the Set Back Variance.

Approve X Disapprove

Authorized Signature:

James R Keller Date 6-16-09
CINCINNATI DIVISION LAND MANAGER

Printed Name:

JAMES R KELLER

Petition for Set Back Variance

Thomas E. and Donrita D. Hopkins at 9748 Cobalt Way in Harmony Place lot 13 want to add a 14ft x14ft deck to the existing 9ft X14ft deck. The new deck will be located in the 25ft set back from the property line required by Boone County Planning Commission. In order to obtain the 14' variance the property owners of the surrounding lots 12,14, 47,48 and 25 must approve of the deck addition.

Donald and Jill Morris certify the property owner of lot 12, 9744 Cobalt Way in Harmony Place have seen the plans and approve/disapprove the addition of the deck to 9748 Cobalt Way

Please mark Approve/Disapprove, sign and date this Petition for Set Back Variance.

Approve ✓ Disapprove _____

Signature:

Donald Morris Donald Morris Date 5/3/09

Jill Morris Jill Morris Date 5-3-09

Petition for Set Back Variance

Thomas E. and Donrita D. Hopkins at 9748 Cobalt Way in Harmony Place lot 13 want to add a 14ft x14ft deck to the existing 9ft X14ft deck. The new deck will be located in the 25ft set back from the property line required by Boone County Planning Commission. In order to obtain the 14' variance the property owners of the surrounding lots 12,14, 47,48 and 25 must approve of the deck addition.

Jerry and Jackie Peterson certify the property owner of lot 47, 9533 Old Union Road in Harmony Place have seen the plans and approve/disapprove the addition of the deck to 9748 Cobalt Way

Please mark Approve/Disapprove, sign and date this Petition for Set Back Variance.

Approve _____ Disapprove _____

Signature:

Jerry Peterson Jerry Peterson Date 6/21/09

Jackie Peterson Jackie Peterson Date 6/21/09

APPLICATION FORM

RECEIVED
JUL 23 2009
BOONE COUNTY
PLANNING COMMISSION

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 Florence Walton Union
- 2. (Check One)
 Conditional Use Permit Variance Appeal
 Change in Non-Conforming Use
- 3. Applicant's Name Thomas E + Donrita Hopkins
 Phone Number 859-384-4387 Fax No. _____
 Applicant's Address 9748 Cobalt Way
Union Ky 41091
 City State Zip
- 4. Description of Request: Add a 14'x14' deck to existing 9'x14'
Covered Deck. Deck will be _____ of the ground (Reduce setback to 13' ±)
- 5. Name of Development Harmony Place
- 6. Location of Development Back New Union Fire Station on US 42.
- 7. Acreage Under Review .2 Ac
- 8. Lot Number and Name of Subdivision (if part of a subdivision)
Lot 13 Harmony Place
- 9. Owner of Property Thomas E + Donrita P. Hopkins
 Address of Property Owner 9748 Cobalt Way Phone No. 859-384-4387
Union Ky 41091
 City State Zip
- 10. Proposed Use(s) on Site single family private home with deck
- 12. Total Square Footage of Existing and/or Proposed Buildings _____
- 13. Current Zoning on Property RSE/UTO
- 14. Deed Book 959 Page No. 419 Group No. 2047
- 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: Thomas E Hopkins
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: Thomas E Hopkins
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

COPY

CLUR #09-UBOA-001-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Thomas E. & Donrita D. Hopkins
9748 Cobalt Way
Union, KY 41091

2. ADDRESS OF PROPERTY
9748 Cobalt Way
Union, KY 41091
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Lot 13, Harmony Place

4. DEED BOOK 959 PAGE NO. 419 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

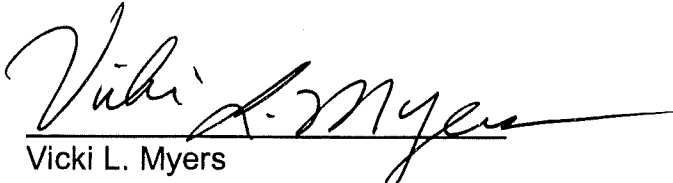
Todd K. Morgan
SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

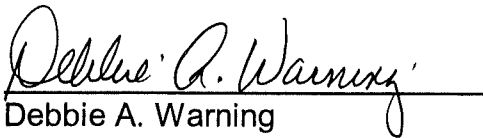
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 25 day of August, 2009.



Vicki L. Myers
NOTARY PUBLIC, State at Large

My commission Expires:
April 17, 2011

This instrument was prepared for recording purposes only by:



Debbie A. 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 Union Board of Adjustments and in accordance with the current zoning in effect as of August 24, 2009 Certificate of Land Use Restriction (#09-UBOA-001-A), for Thomas E. and Donrita D. Hopkins, Property Owner(s).

The following conditions will apply:

- 1) The 6 large and small trees shown on the landscaping plan shall be required plantings when the deck addition is constructed.
- 2) The deck shall be constructed and the required landscaping shall be installed within one year of the Board of Adjustment approval.

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

DEED BOOK 959 PAGE NO. 419 GROUP NO. 2047