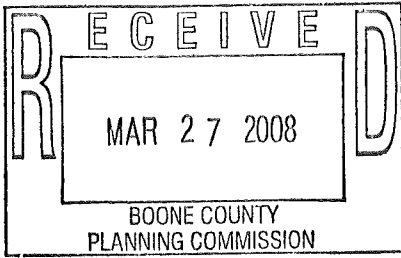


APPLICATION FORM



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 ___ Florence ___ Walton [X] Union ___
2. (Check One) Conditional Use Permit ___ [X] Variance ___ Appeal ___
3. Applicant's Name KEYSTONE HOME BUILDERS INC
Phone Number 859-384-2600 Fax No. 859-384-2335
Applicant's Address 9868 OLD UNION ROAD
UNION KY 41091
4. Description of Request: VARIANCE FOR SIDEYARD SET BACK
Building ENCROACHMENT +/- 1 FOOT
5. Name of Development SHOWALTER GREEN SUBDVN. SECTION 2
6. Location of Development 86 HIGH STREET, WALTON, KY 41094
7. Acreage Under Review ___
8. Lot Number and Name of Subdivision (if part of a subdivision)
LOT 22 SHOWALTER GREEN SUBDIVISION SECTION 2
9. Owner of Property AMY D. GREER AND RANDALL JASON GREER
Address of Property Owner 86 HIGH STREET Phone No. 859-547-2480
WALTON, KY 41094
10. City State Zip
11. Proposed Use(s) on Site SINGLE FAMILY HOUSE
12. Total Square Footage of Existing and/or Proposed Buildings 952 SF
13. Current Zoning on Property SR1
14. Deed Book 926 Page No. 164 Group No. 2081 B
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.

Applicant's Signature: [Signature]
Property Owner's Signature: [Signature]
Amy D. Greer
(over)

**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 3-28-08 Fee Received \$571.00 RA55913
- 2. Is application complete? _____ Yes _____ No
- 3. Staff Reviewer _____
- 4. Scheduled Board Action Date _____
- 5. Board Action:
 Approved
 Approved with Conditions (See #6)
 Denial (See #7)
- 6. Conditions of Approval: NONE

- 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: Keystone Home Builders, Inc.
LOCATION: 86 High Street, Walton, Kentucky
ZONING: Suburban Residential One (SR-1)
DATE: April 28, 2008

Proposal

The applicant is requesting a variance to allow an existing single-family residence to encroach into the 5 foot side yard setback. The submitted mortgage inspection survey shows that the northwest corner of the house was constructed approximately 3 feet from the side property line (see attachments). The subject property is located at 86 High Street and is zoned Suburban Residential One (SR-1).

Site History

6/26/07 – A Zoning Permit is issued for a single-family residence. The permit shows that the house will meet all building setback requirements (see attachments).

Applicable Regulations

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:

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.

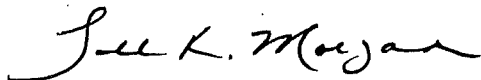
Staff Comments

1. The building setback requirements in the SR-1 zone are 30 foot front yard, 30 foot rear yard, and 5 foot minimum/15 foot total side yards.
2. Staff would like the applicant to explain how the error occurred.
3. Staff advised the applicant to contact the Boone County Building Department to see if a one hour fire-rated wall will be required. This is an issue because the building is located approximately 2 feet from the side property line.
4. Single-family residences already exist on the adjoining properties to the north and west. Staff believes that the approximate 2 foot side yard setback reduction is not discernable from these properties or the road and that the essential character of the area will not be altered.

Conclusion

KRS 100.241 and Section 250 of the Boone County Zoning Regulations gives the Walton Board of Adjustment and Zoning Appeals the authority to grant the request.

Respectfully submitted,



Todd K. Morgan, AICP
Senior Planner, Zoning Services

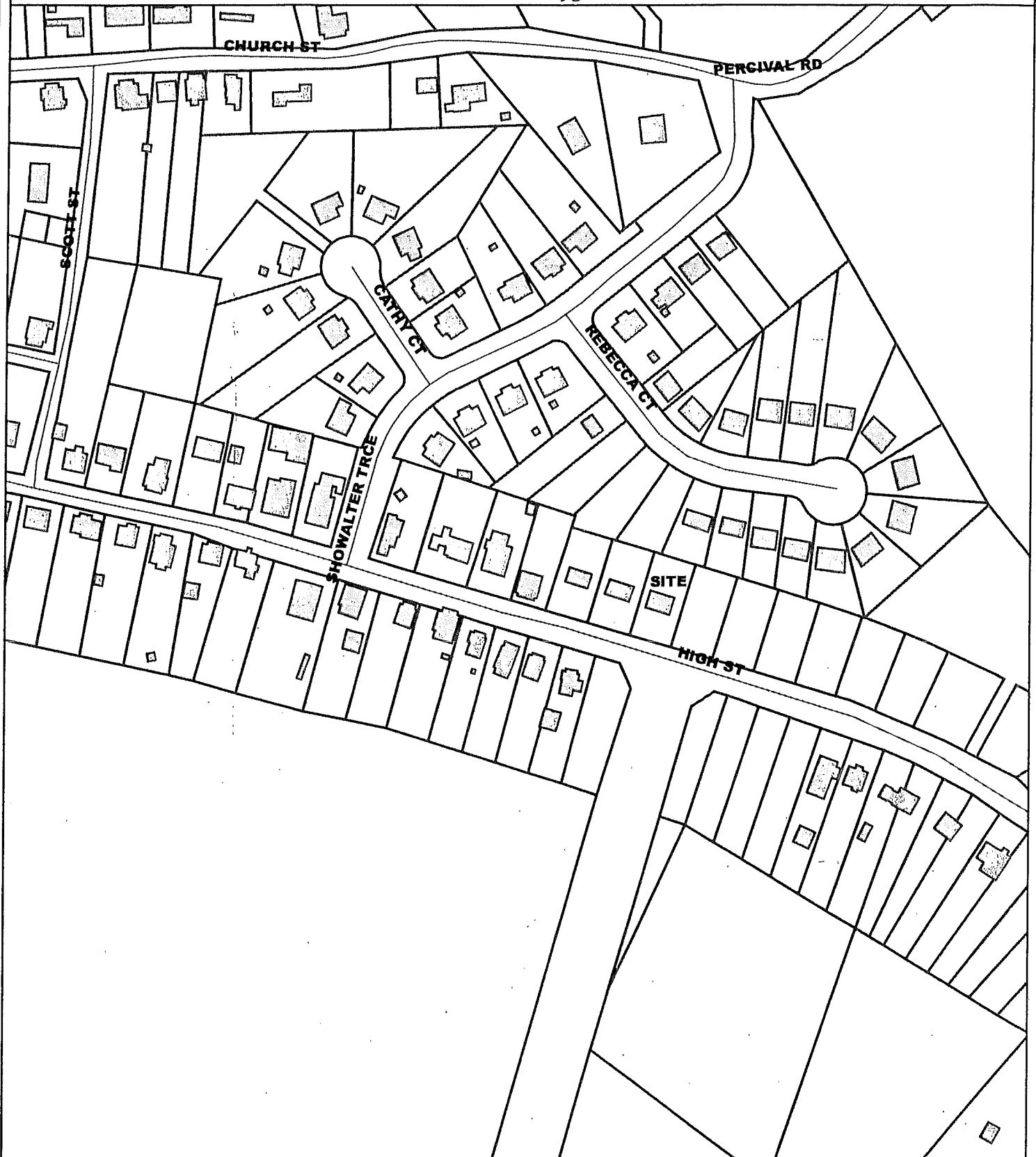
TKM/pr

Attachments

- *Site Vicinity Map
- *Mortgage Inspection Survey (Concept Plan)
- *6/26/07 Zoning Permit
- *Aerial Map
- *Zoning Map
- *Topographical Map
- *Application

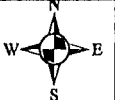
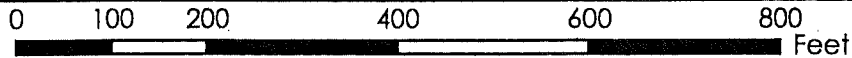
SITE VICINITY MAP

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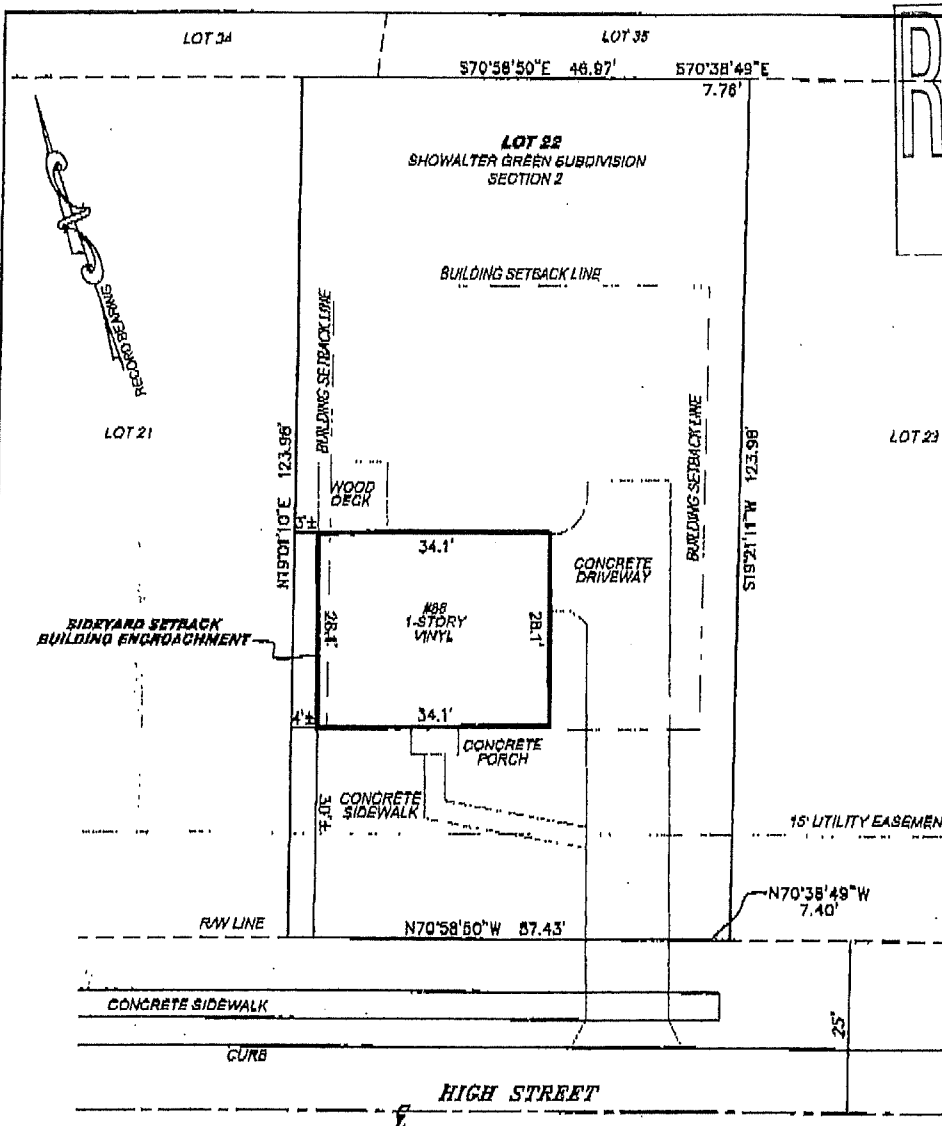
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Map Created: 01/18/2008

Small text at the bottom right corner, likely a file name or document ID.



R E C E I V E D
 MAR 27 2008
 BOONE COUNTY
 PLANNING COMMISSION

KENTUCKY LAND TITLE AGENCY, INC.
 FILE #47185
 BUYER: AMY & RANDALL GREER

STATE OF KENTUCKY
GREGORY A. LARSON
 8357
 LICENSED
 PROFESSIONAL
 LAND SURVEYOR

This inspection was performed for and at the instance of
 KENTUCKY LAND TITLE AGENCY, INC./
 U.S. BANK N.A.

MORTGAGE INSPECTION
 This does not constitute a boundary survey
 and is not a recordable document.

Note: Date of inspection was February 22, 2008

NOTE: This is a mortgage inspection and is not a recordable document and was prepared for identification purposes for the Mortgage in connection with a new mortgage, and is not intended or represented to be a land or property line survey. The mortgage inspection is subject to any inaccuracies that a subsequent boundary survey may disclose. No corners were set. Do not use for establishing fences or building lines. No responsibility is extended herein to the landowner or occupant. It DOES NOT MEET the minimum requirements for a survey using Kentucky Law (201 KAR 18:150)

Buyer Acknowledgement

I hereby certify, to the best of my knowledge, information and belief, and in my professional opinion that this Mortgage Inspection shows the improvement or improvements as located on the premises described, that the improvement or improvements are entirely within the lot lines and there are no encroachments upon the premises described by the improvement or improvements of any adjoining premises, except as indicated and that there are no record plat encumbrances affecting the tract hereon, except as noted.

[Signature] 2/25/08
 Date

PLAT OF MORTGAGE INSPECTION
FOR
86 HIGH STREET
WALTON, KY 41094

KENTON COUNTY KENTUCKY

FEBRUARY 22, 2008 SCALE 1"=20'



VIOX & VIOX
 Civil Engineers, Surveyors, and Landscape Architects
 464 Erlanger Road • Erlanger, Kentucky 41018
 Ph (859) 777-3293 • Fax (859) 727-8482 • www.vioxinc.com

BUILDING ADDRESS OR LOCATION: High Street, Walton, KY 41094
Lot 22, Showalter Green

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): Keystone Home Builders, Inc., 9868 Old Union Road, Union, Ky 41091

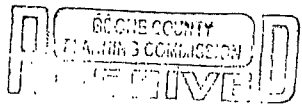
APPLICANTS SIGNATURE: Joni Meade
 As Authorized by Property Owner

DATE 6/21/07 PHONE NUMBER: 384-2600

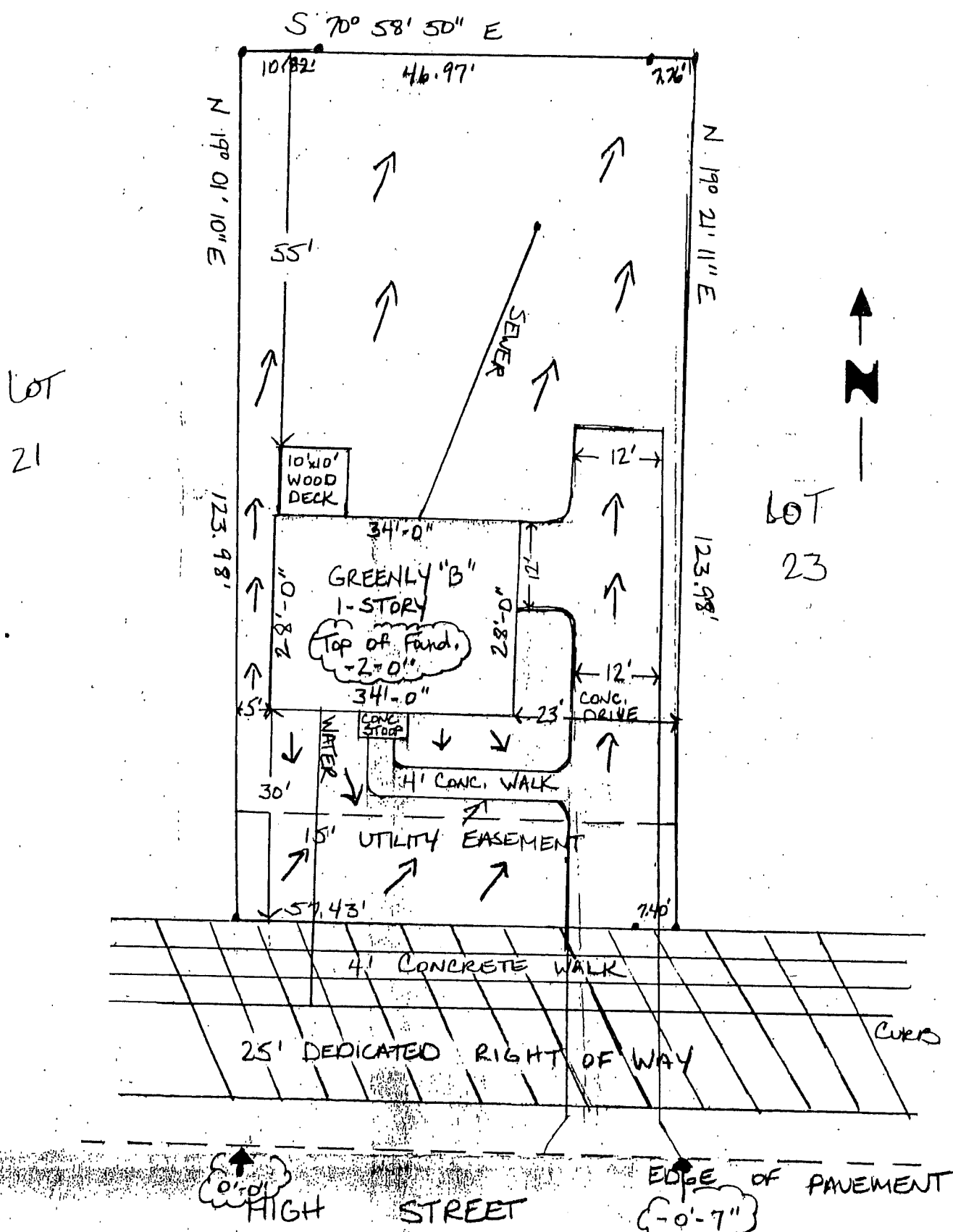
**This Portion of the Application to be Completed
 the Boone County Planning Commission**

Zoning District <u>SR</u>	Date <u>6/26/07</u>	Fee <input checked="" type="checkbox"/>	\$75.00	Farm Exempt
Approved <input checked="" type="checkbox"/>	Denied	<u>RD</u>	\$35.00	(No Fee)
Staff Reviewer <u>Rudy Cross</u>	Address/Location <u>86 High St</u>			
Subdivision <u>Showalter Green</u>				
Lot # <u>22</u>	Section # <u>2</u>	Block/Phase# <u>—</u>		

Type of Improvement			
<input checked="" type="checkbox"/>	Single Family Residence		Detached Garage
	Duplex		Garage Addition
	Three Family	<input checked="" type="checkbox"/>	Porch or Deck
	Apartments (#units)		Barn or Shed
	Townhouse (#units)		Swimming Pool
	Mobile Home		Tenant Finish
	Residential Addition		Other:
Jurisdiction			
	Boone County		Florence
<input checked="" type="checkbox"/>	Walton		Union
Post Office			
	Burlington		Florence
<input checked="" type="checkbox"/>	Walton		Union
	Hebron		Verona
	Petersburg		Erlanger
	Crittenden		
Group # <u>20813</u>		Census Tract# <u>700.02</u>	



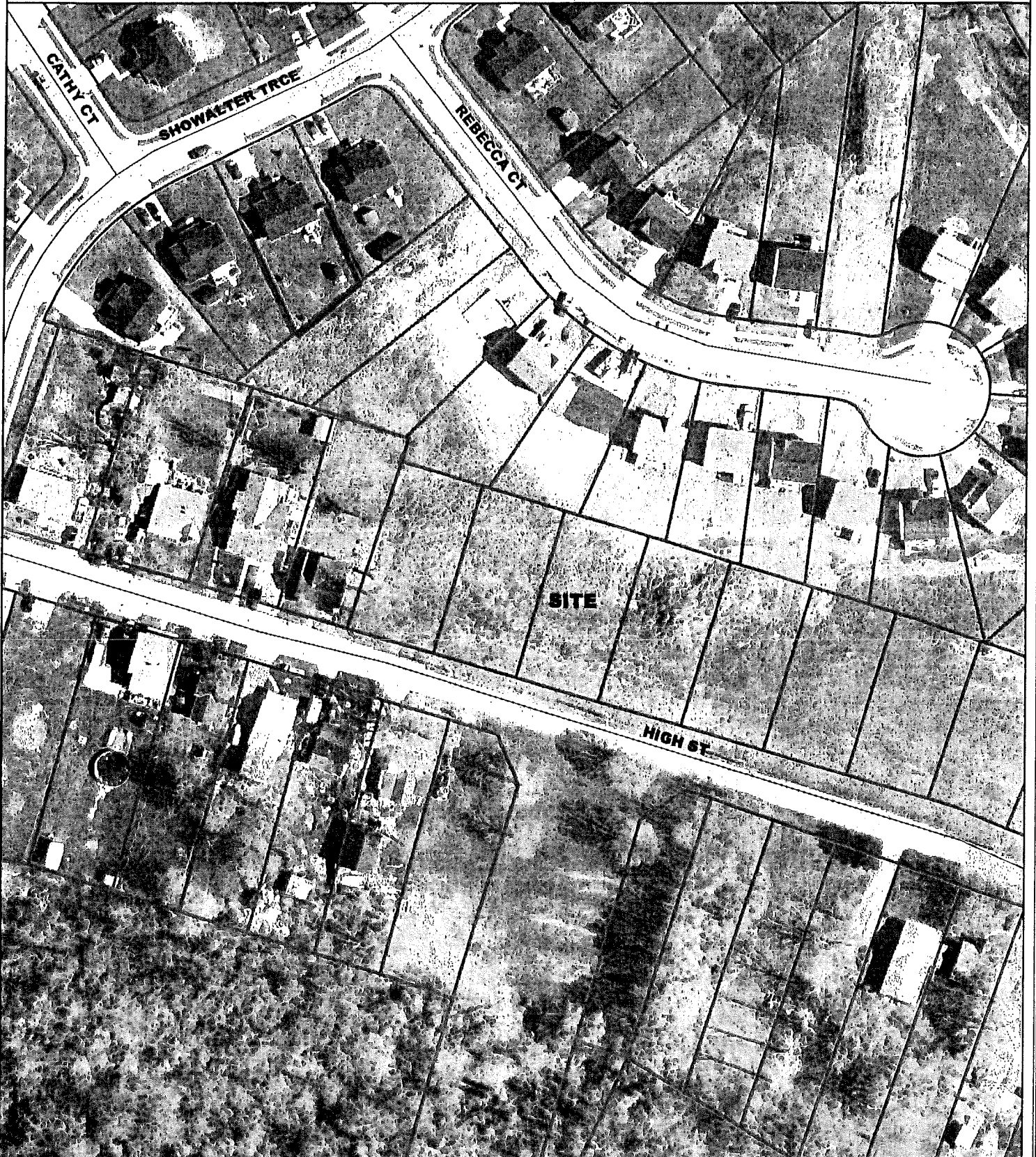
RF 53919
JUN 26 2007



LOT 22, SHOWALTER GREEN SUBD. SEC 2 SCALE: 1" = 20'

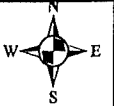
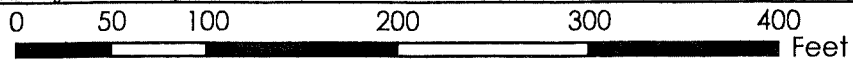
AERIAL MAP

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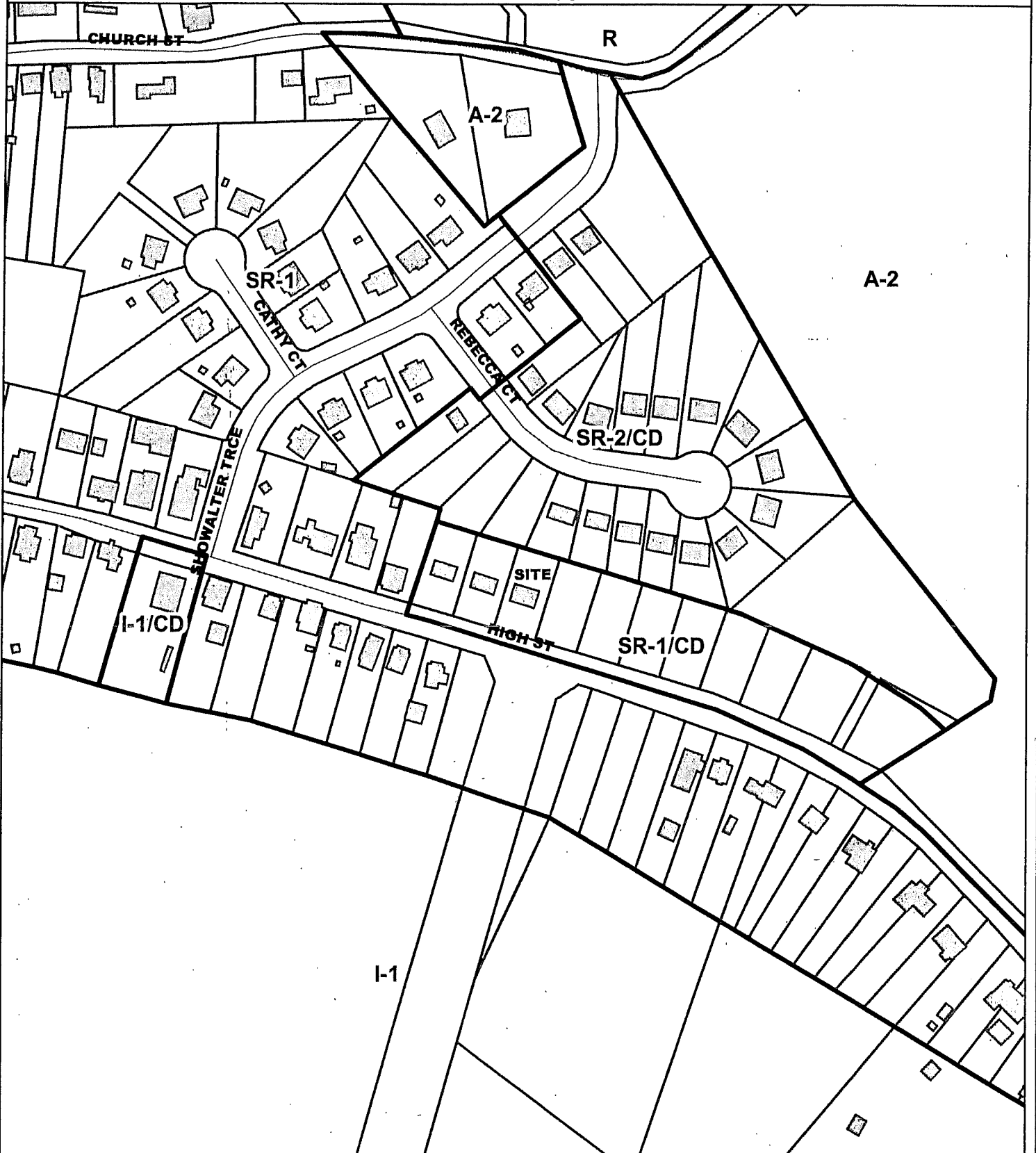
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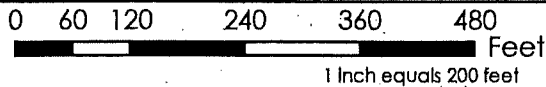
ZONING MAP

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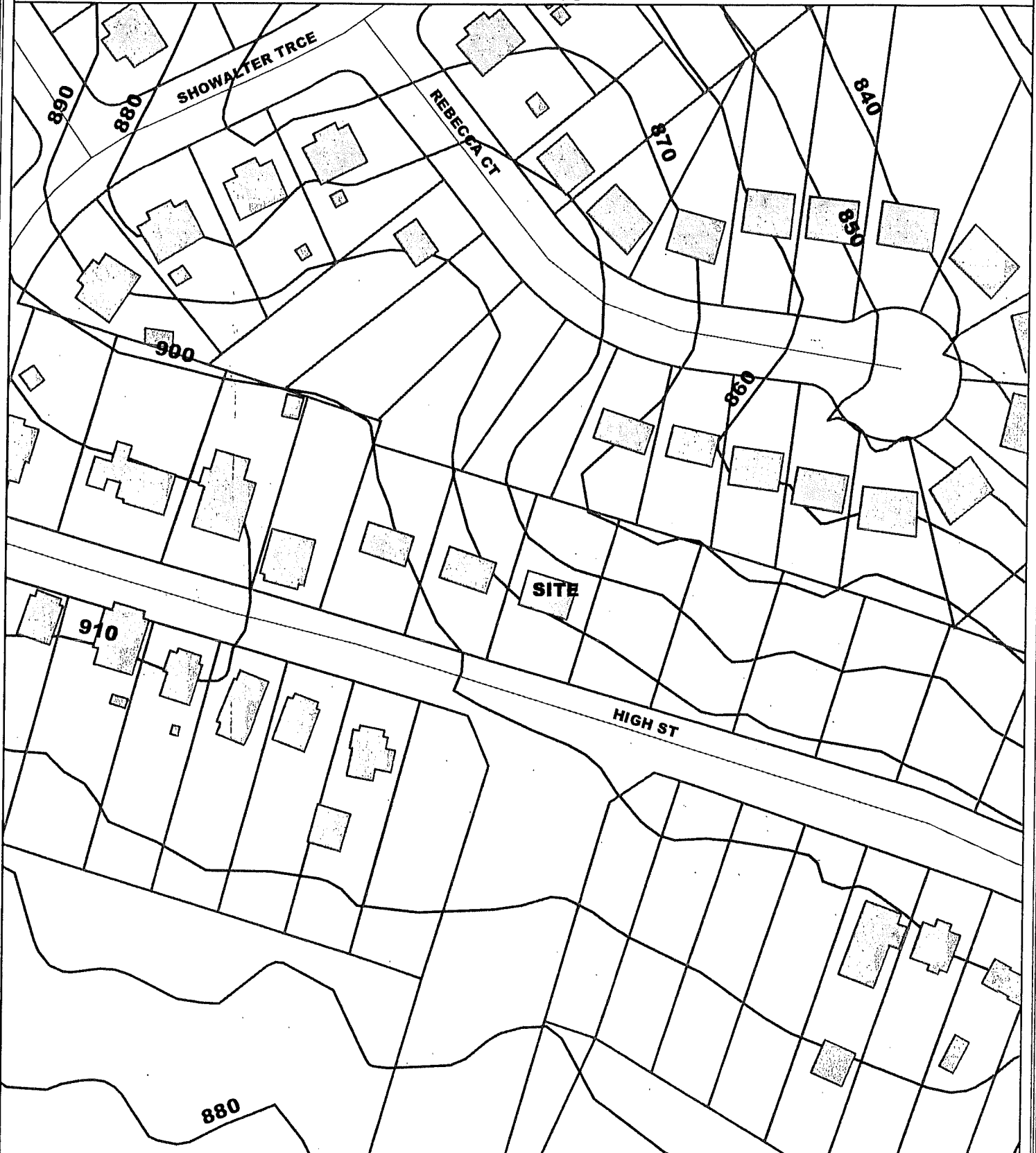
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Boone County GIS - Putting Northern Kentucky on the Map

TOPOGRAPHICAL MAP

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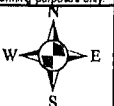
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0 50 100 200 300 400 Feet

1 Inch equals 100 feet

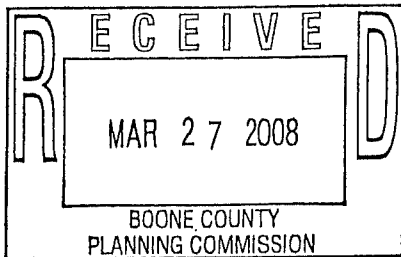


Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 01/13/2008

Apprentice: [unreadable]
Architect: [unreadable]

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 [checked] Walton Union

(Check One)

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

3. Applicant's Name KEYSTONE HOME BUILDERS INC Phone Number 859-384-2600 Fax No. 859-384-2335 Applicant's Address 9868 OLD UNION ROAD UNION KY 41091

4. Description of Request: VARIANCE FOR SIDEYARD SET BACK Building ENCROACHMENT 2 Feet

5. Name of Development SHOWALTER GREEN SUBDVN. SECTION 2

6. Location of Development 86 HIGH STREET, WALTON, KY 41094

7. Acreage Under Review

8. Lot Number and Name of Subdivision (if part of a subdivision) LOT 22 SHOWALTER GREEN SUBDIVISION SECTION 2

9. Owner of Property AMY D. GREER AND RANDALL JASON GREER

10. Address of Property Owner 86 HIGH STREET Phone No. 859-547-2480 WALTON, KY 41094

11. Proposed Use(s) on Site SINGLE FAMILY HOUSE

12. Total Square Footage of Existing and/or Proposed Buildings 952 SF

13. Current Zoning on Property SR1

14. Deed Book 948 Page No. 624 Group No. 20818

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.

Applicant's Signature: [Signature]

Property Owner's Signature: [Signature]

Amy D. Greer (over)

COPY

CLUR #08-WBOA-001-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Amy D. and Randall J. Greer
86 High Street
Walton, KY 41094

2. ADDRESS OF PROPERTY
86 High Street
Walton, KY 41094
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Showalter Green, Lot 22

4. DEED BOOK 926 PAGE NO. 164 GROUP NO. 2081B

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



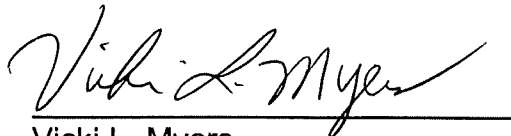
SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

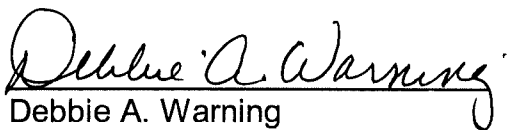
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 29 day of April, 2008.



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 Walton Board of Adjustments and in accordance with the current zoning in effect as of April 28, 2008 Certificate of Land Use Restriction (#08-WBOA-001-A), for Amy D. and Randall J. Greer, Property Owner(s).

The following conditions will apply:

No conditions.

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

DEED BOOK 926 PAGE NO. 164 GROUP NO. 2081B