

APPLICATION FORM

09-WBOA-001-A

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 [checked] Walton Union
2. (Check One) Conditional Use Permit [checked] Variance Appeal
3. Applicant's Name DAN J. SIMPSON, Phone Number 859-912-4928, Applicant's Address 236 Old Nicholson Rd, Walton Ky, 40994
4. Description of Request: Reduce Rear Yard Setback from 30' to 26'-4" to allow a [redacted] Room Addition
5. Name of Development
6. Location of Development 236 Old Nicholson Rd Walton, Ky 40994
7. Acreage Under Review
8. Lot Number and Name of Subdivision (if part of a subdivision) #15 & 16 of Bert Parker Subdivision
9. Owner of Property DAN & VONDA SIMPSON, Address of Property Owner 236 Old Nicholson Rd, Walton Ky, 40994, Phone No. 859-912-4928
10.
11. Proposed Use(s) on Site Single Family Residence
12. Total Square Footage of Existing and/or Proposed Buildings 16.5' x 13'
13. Current Zoning on Property SR-1 & C2
14. Deed Book 632 Page No. 242 Group No. 2080
15. Is the site subject to a zone change?
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: [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 10/9/09 Fee Received \$632.00 R# 59585
2. Is application complete? Yes No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
11/10/09 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: Dan Simpson

LOCATION: 236 Old Nicholson Road, Walton, Kentucky

ZONING: Suburban Residential One (SR-1) and Commercial Two (C-2)

DATE: November 10, 2009

Proposal

The applicant is requesting a variance to allow a 16.5' x 13' (214.5 square foot) single-family residential room addition to encroach into the 30 foot rear yard setback. The submitted G.I.S. photo shows the proposed addition would be approximately 26 feet from the rear property line (see attachments). The subject property is located at 236 Old Nicholson Road and is zoned Suburban Residential One (SR-1) and Commercial Two (C-2).

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.

Site Characteristics

The approximate 0.22 acre site fronts on Old Nicholson Road and also adjoins the Norfolk-Southern Railroad right-of-way to the rear. The lot contains a single-family residential dwelling that is constructed of siding and asphalt shingles. A concrete patio has been poured between the house and the rear property line. The rear property line contains a landscaped area and solid fence to block the view of the railroad right-of-way.

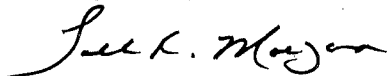
Staff Comments

1. Staff would like the applicant to address the following questions:
 - A. How will the room addition be used?
 - B. What is the proposed height of the addition?
 - C. What are the proposed building materials? How will they correlate to the existing house?
2. The property is split zoned Suburban Residential One (SR-1) and Commercial Two (C-2). The proposed addition is located entirely within the SR-1 zone and is subject to a 30 foot rear yard setback.
3. The 2007 Aerial Map shows that several of the applicant's neighbors have accessory dwellings that are located in close proximity to the railroad right-of-way.
4. The Board needs to determine if denying the variance would deprive the applicant of reasonable use of the land or would create an unnecessary hardship.

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 act on the request.

Respectfully submitted,



Todd K. Morgan, AICP
Senior Planner, Zoning Services

TKM/pr

Attachments

- *Site Vicinity Map
- *Aerial Map (Concept Plan)
- *Aerial Map
- *Zoning Map
- *Topographical Map
- *Application

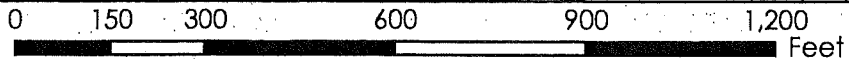
SITE VICINITY MAP

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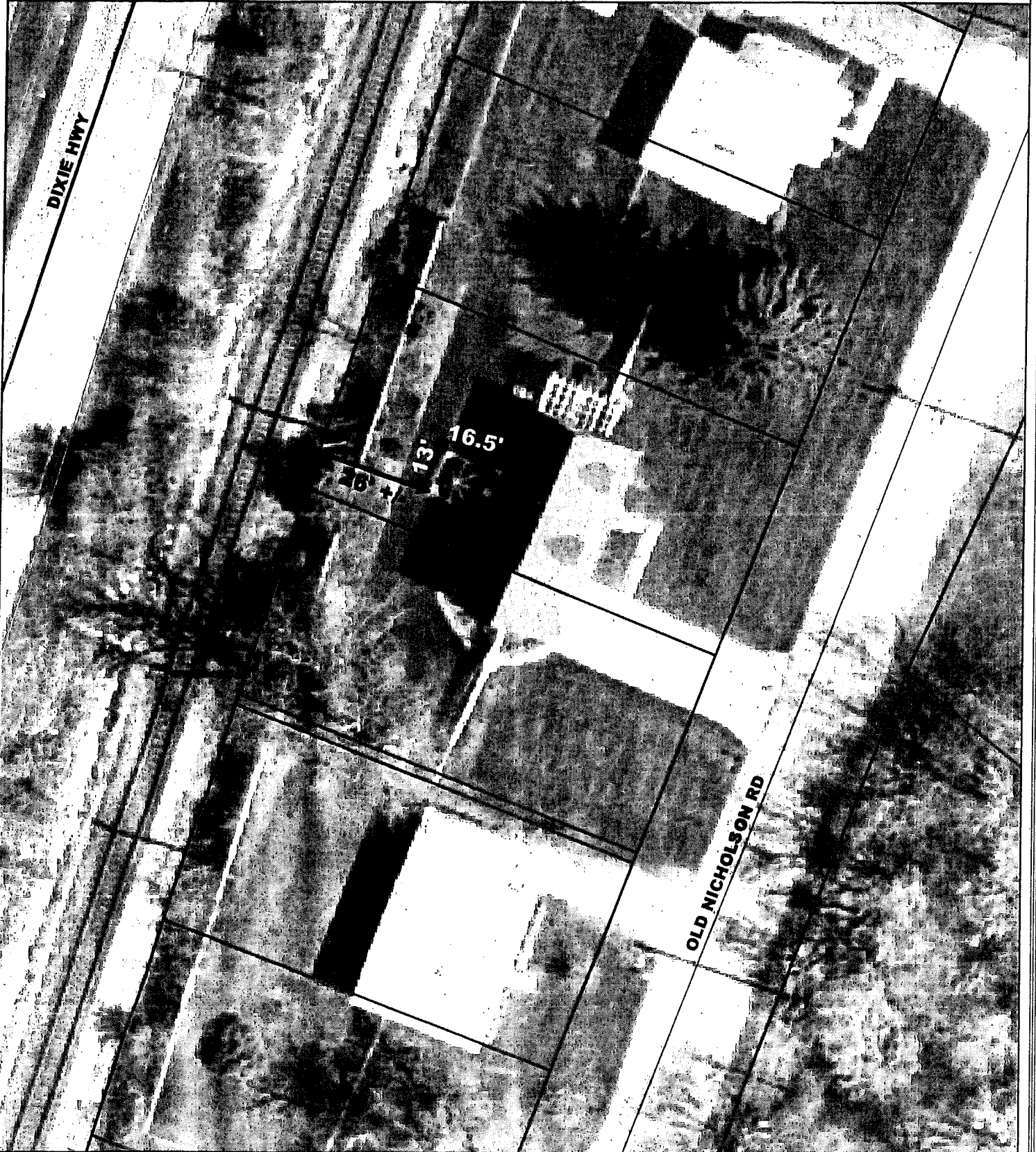


Boone County GIS - Putting Northern Kentucky on the Map



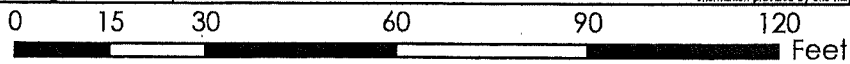
CONCEPT PLAN

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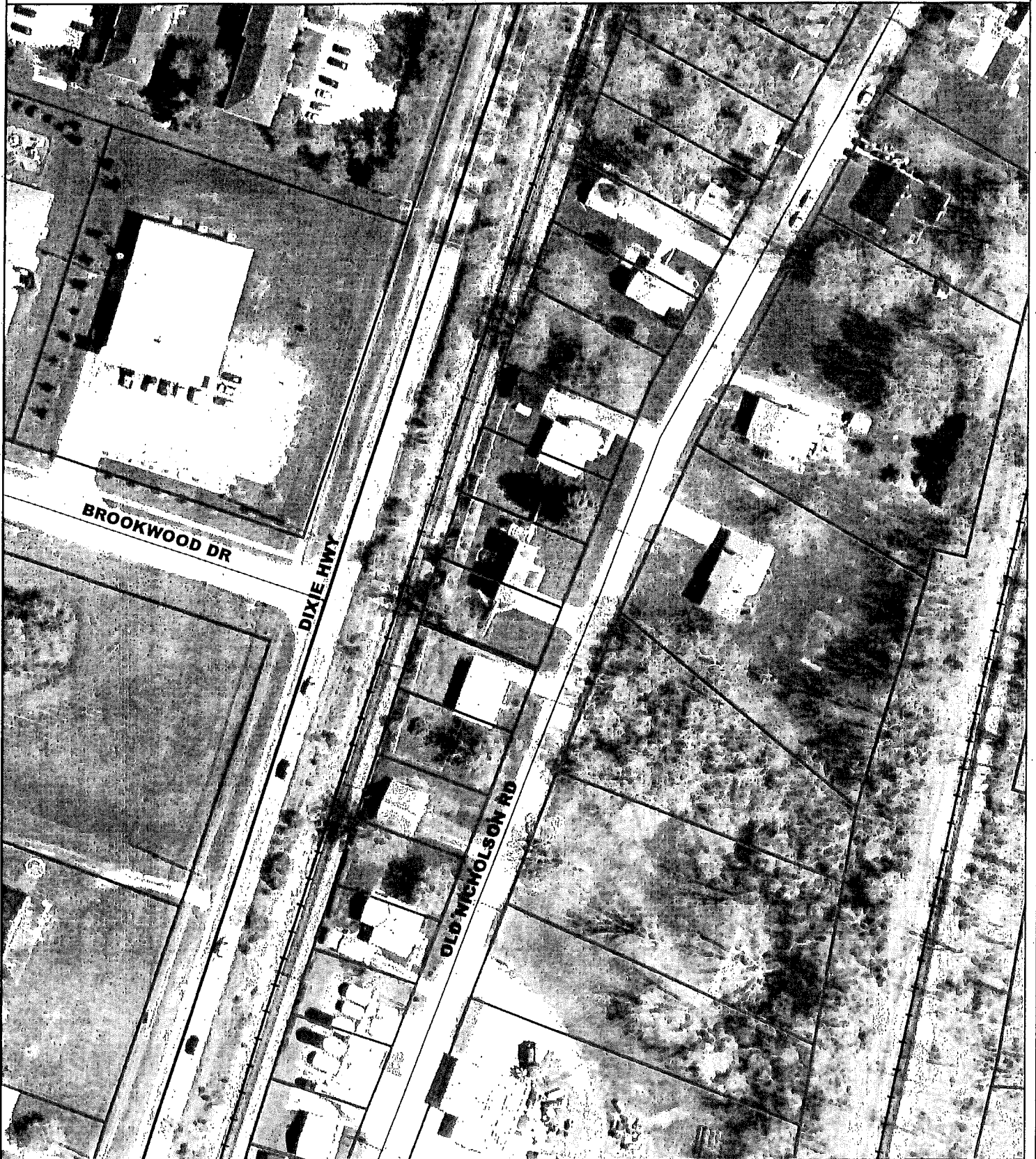
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Boone County GIS - Putting Northern Kentucky on the Map

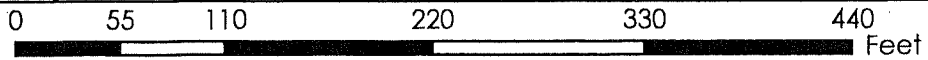
2007 AERIAL MAP

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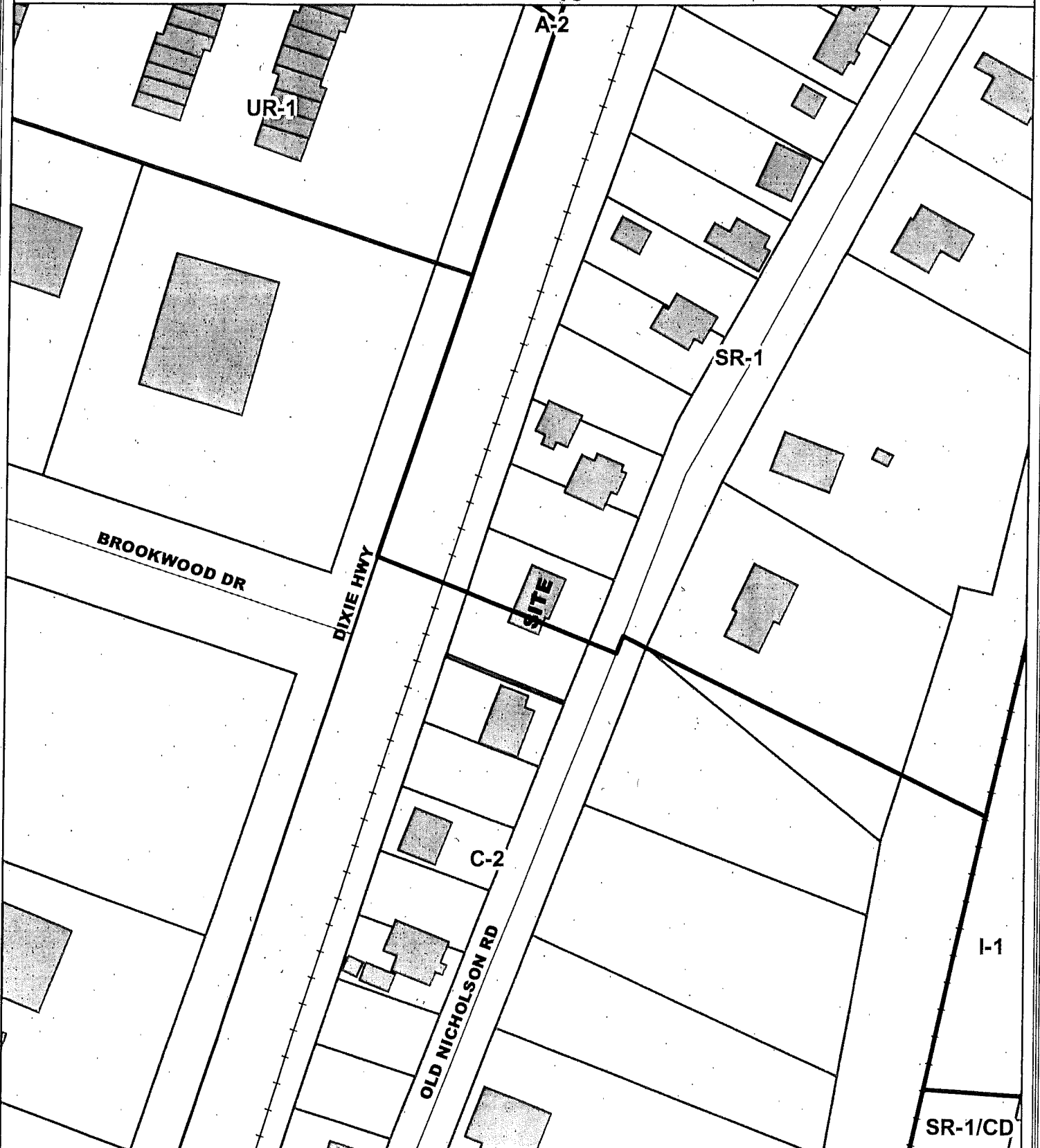


Boone County GIS - Putting Northern Kentucky on the Map



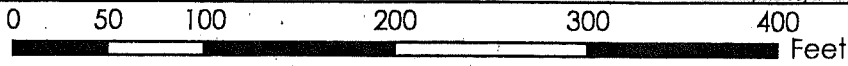
ZONING MAP

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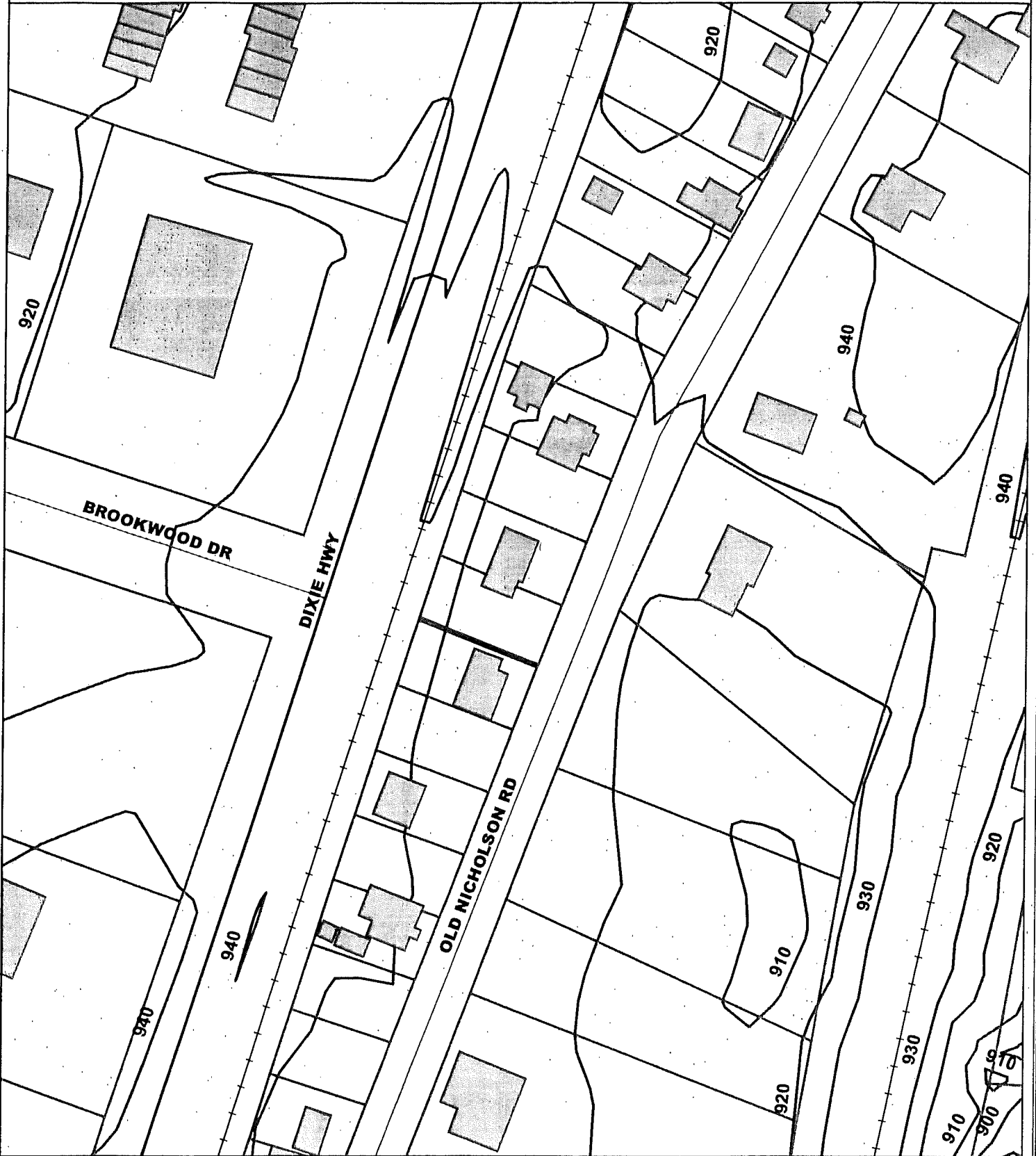
1 inch = 100 feet



Boone County GIS - Putting Northern Kentucky on the Map

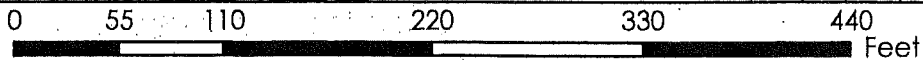
TOPOGRAPHICAL MAP

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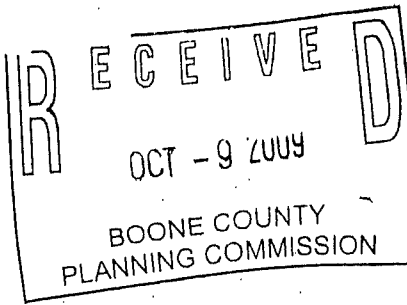
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APPLICATION FORM



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 DAN J. SIMPSON Phone Number 859-912-4928 Fax No. Applicant's Address 236 Old Nicholson Rd, Walton, Ky 40394

4. Description of Request: Reduce Rear Yard Setback from 30' to 26' +/- to allow a [redacted] Room Addition

5. Name of Development

6. Location of Development 236 Old Nicholson Rd Walton, Ky 40394

7. Acreage Under Review

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

#15 & 16 of Bent Park Subdivision

9. Owner of Property DAN & JONDA SIMPSON

10. Address of Property Owner 236 Old Nicholson Rd, Walton, Ky 40394 Phone No. 859-912-4928

11. Proposed Use(s) on Site Single Family Residence

12. Total Square Footage of Existing and/or Proposed Buildings 16.5' x 13'

13. Current Zoning on Property SR-1-C2

14. Deed Book 632 Page No. 242 Group No. 2080

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? 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: [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 #09-WBOA-001-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Dan and Vonda Simpson
236 Old Nicholson Road
Walton, KY 41094

2. ADDRESS OF PROPERTY
236 Old Nicholson Road
Walton, KY 41094

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
236 Old Nicholson Road

4. DEED BOOK 632 PAGE NO. 242 GROUP NO. 2080

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

<input type="checkbox"/> Zoning Map Amendment: From _____ To _____	<input type="checkbox"/> Conditional Use Permit
<input type="checkbox"/> Development Plan	<input type="checkbox"/> Conditional Zoning
<input type="checkbox"/> Subdivision Plat (Not Recorded)	<input type="checkbox"/> Other:
<input checked="" type="checkbox"/> 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

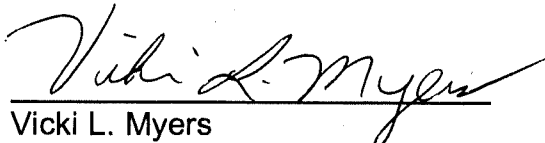
Todd K. Morgan
 SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

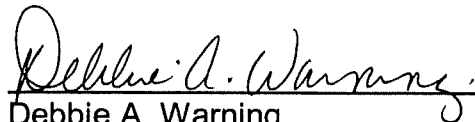
COUNTY OF BOONE

Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 12 day of November, 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 Walton Board of Adjustments and in accordance with the current zoning in effect as of November 10, 2009 Certificate of Land Use Restriction (#09-WBOA-001-A), for Dan and Vonda Simpson, 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 632 PAGE NO. 242 GROUP NO. 2080