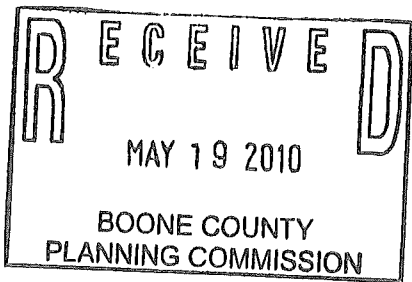


APPLICATION FORM



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 [checked] Walton Union
2. (Check One) Conditional Use Permit [checked] Variance Appeal
3. Applicant's Name: JAMES M. FERGUSON, Phone Number: 485-7895, Address: 44 Catalina DR., Walton, KY, 41094
4. Description of Request: Reduce 30' front yard set back to 23' to allow construction of front porch with roof.
5. Name of Development
6. Location of Development: 44 Catalina DR., Walton, KY, 41094
7. Acreage Under Review
8. Lot Number and Name of Subdivision
9. Owner of Property: James M. Ferguson Sr., Address: Same as above, Phone: 485-7895
10. City: Walton, State: KY, Zip: 41094
11. Proposed Use(s) on Site: Single family with front porch
12. Total Square Footage of Existing and/or Proposed Buildings: 120 sq ft
13. Current Zoning on Property: SR1
14. Deed Book: 241, Page No: 211, Group No: 2078
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?
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: James M. Ferguson Sr. (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: James M. Ferguson Sr. (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 5-19-10 Fee Received \$632.⁰⁰ R60799
2. Is application complete? Yes No
3. Staff Reviewer TODD MORGAN
4. Scheduled Board Action Date _____
5. Board Action:
 Approved 7/19/10
 Approved with Conditions (See #6)
 Denial (See #7)
6. Conditions of Approval: _____

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: James M. Ferguson
LOCATION: 44 Catalina Drive, Walton, Kentucky
ZONING: Suburban Residential One (SR-1)
DATE: July 19, 2010

Proposal

The applicant is requesting a variance to allow a 6' x 20' (180 square foot) covered porch to encroach into the 30 foot front yard setback. The submitted G.I.S. photo shows the porch would be located approximately 23 feet from the front property line (see attachments). The subject property is located at 44 Catalina Drive and is zoned Suburban Residential One (SR-1).

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.

Table 31.1 of the Boone County Zoning Regulations lists the setback requirements for a detached single-family residence in an SR-1 zone as 30' front, 30' rear, and 5' minimum/15' total sides.

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. Chimneys, overhangs and gutters may extend up to two and one-half (2½) feet into a required front, side, or rear yard. However, such extensions into a required yard shall not impede, disrupt, or interfere with storm water flow and may need to be cantilevered above grade or necessitate the construction of a storm pipe system with drainage structures or other improvements to provide adequate site drainage.

Site Characteristics

The applicant's property is 0.56 acres in area and is comprised of two lots of record (lots 30 and 31 of Klefken Estates). The subject house is located entirely on lot 31 and lot 30 is used as an extension of the yard. The house is a one-story brick ranch with a basement. A patio currently exists on the front of the house but is not covered with a roof. A wood deck is attached to the back of the house and an above ground pool and shed exist in the rear yard. Some large deciduous trees are located in the front and rear yards.

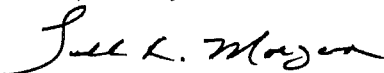
Staff Comments

1. Staff would like the applicant to address the proposed building materials. How will they correlate to the existing house?
2. The applicant submitted a signed petition from the six adjoining property owners. The petition indicates that they "agree" (are in favor) with the request.
3. Staff has provided a G.I.S. exhibit which shows the front yard setback of the subject property and adjoining properties on Catalina Drive. The subject house will be located closer to the street than any of the adjoining households if the Variance is approved.
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

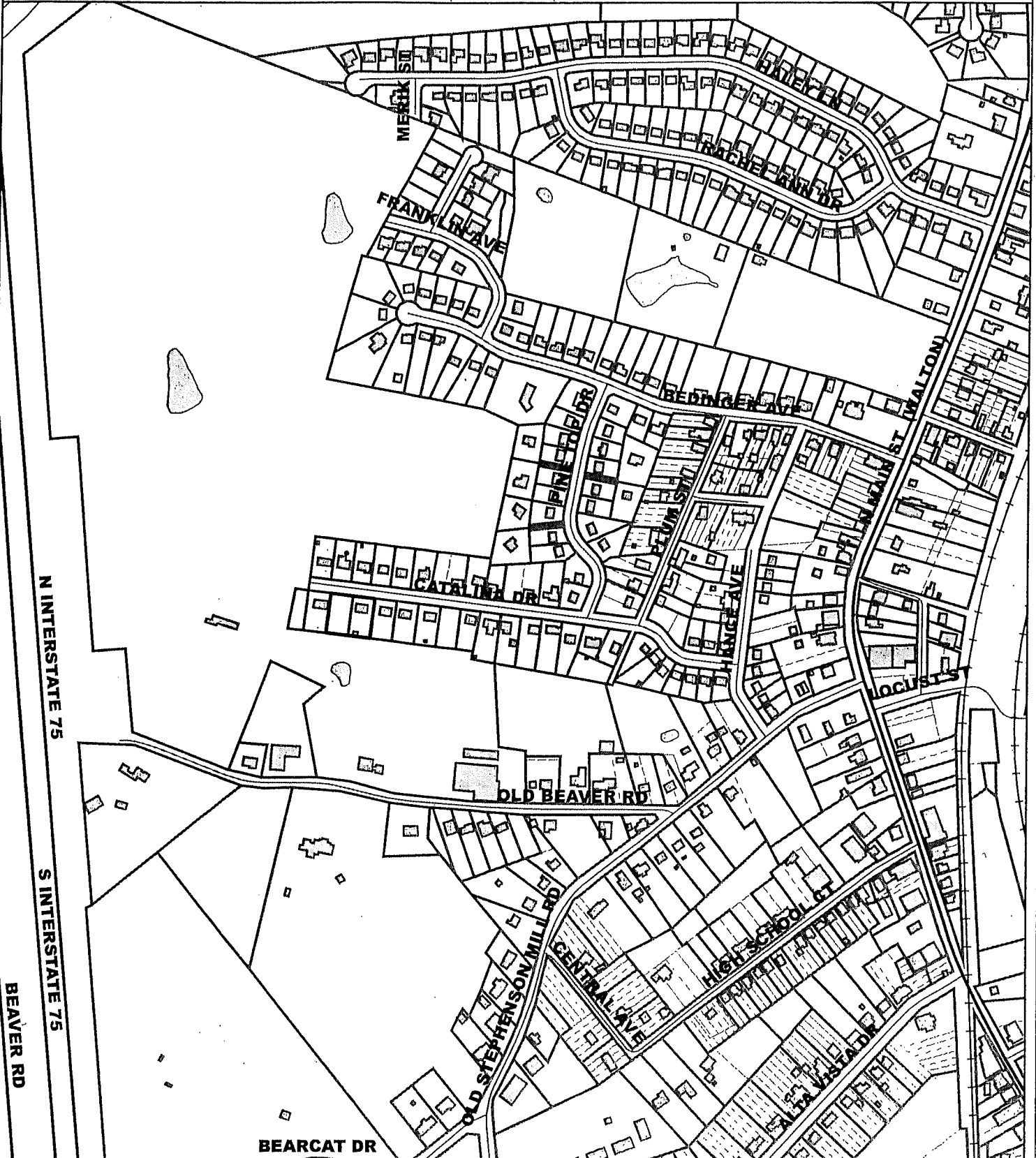
TKM/pr

Attachments

- *Site Vicinity Map
- *Proposal
- *Front Elevation
- *Side Elevation
- *2009 Aerial Map
- *Zoning Map
- *Front Yard Setback Comparison
- *Petition From Adjoining Property Owners
- *Application

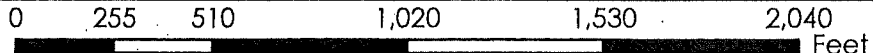
SITE VICINITY MAP

www.boonecountygis.com



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1 Inch = 500 feet



Boone County GIS - Putting Northern Kentucky on the Map



Map Created: 01/01/2008

Boone County GIS - Putting Northern Kentucky on the Map
Archive Document: 1.mxd

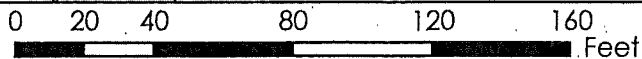
PROPOSAL

www.boonecountygis.com

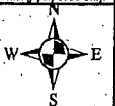


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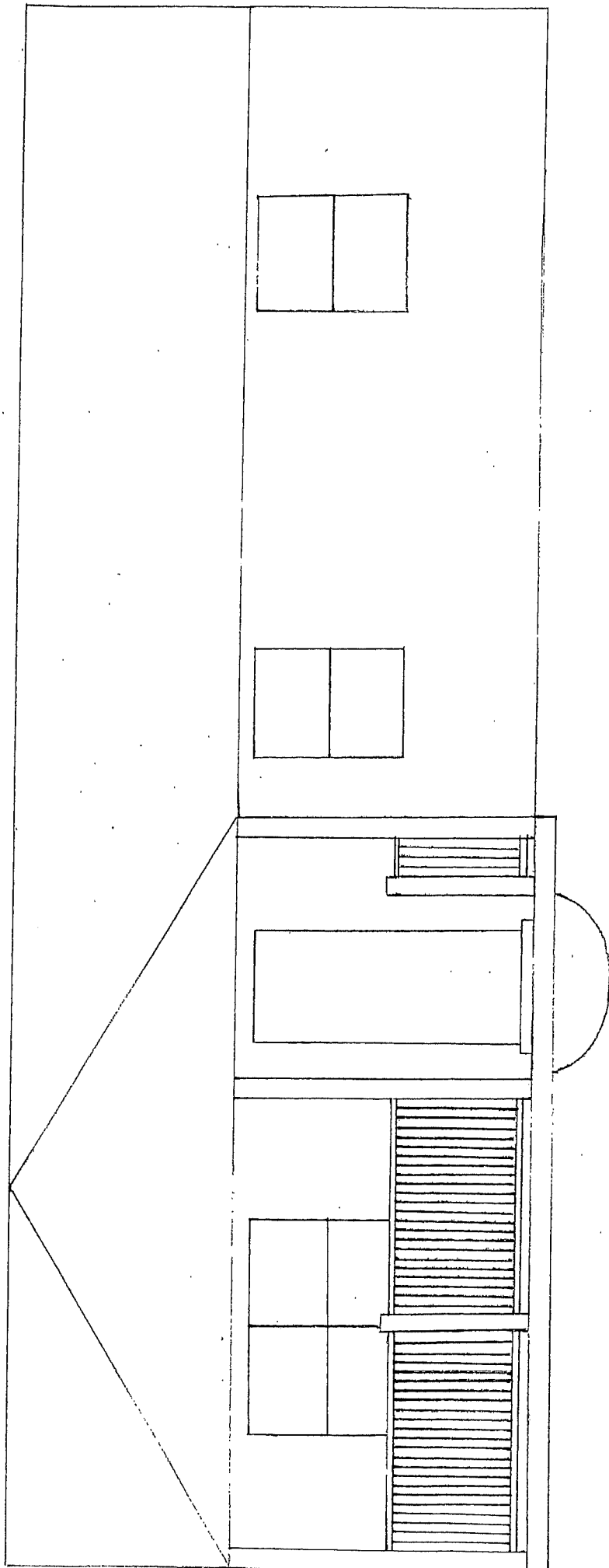
Boone County GIS - Putting Northern Kentucky on the Map



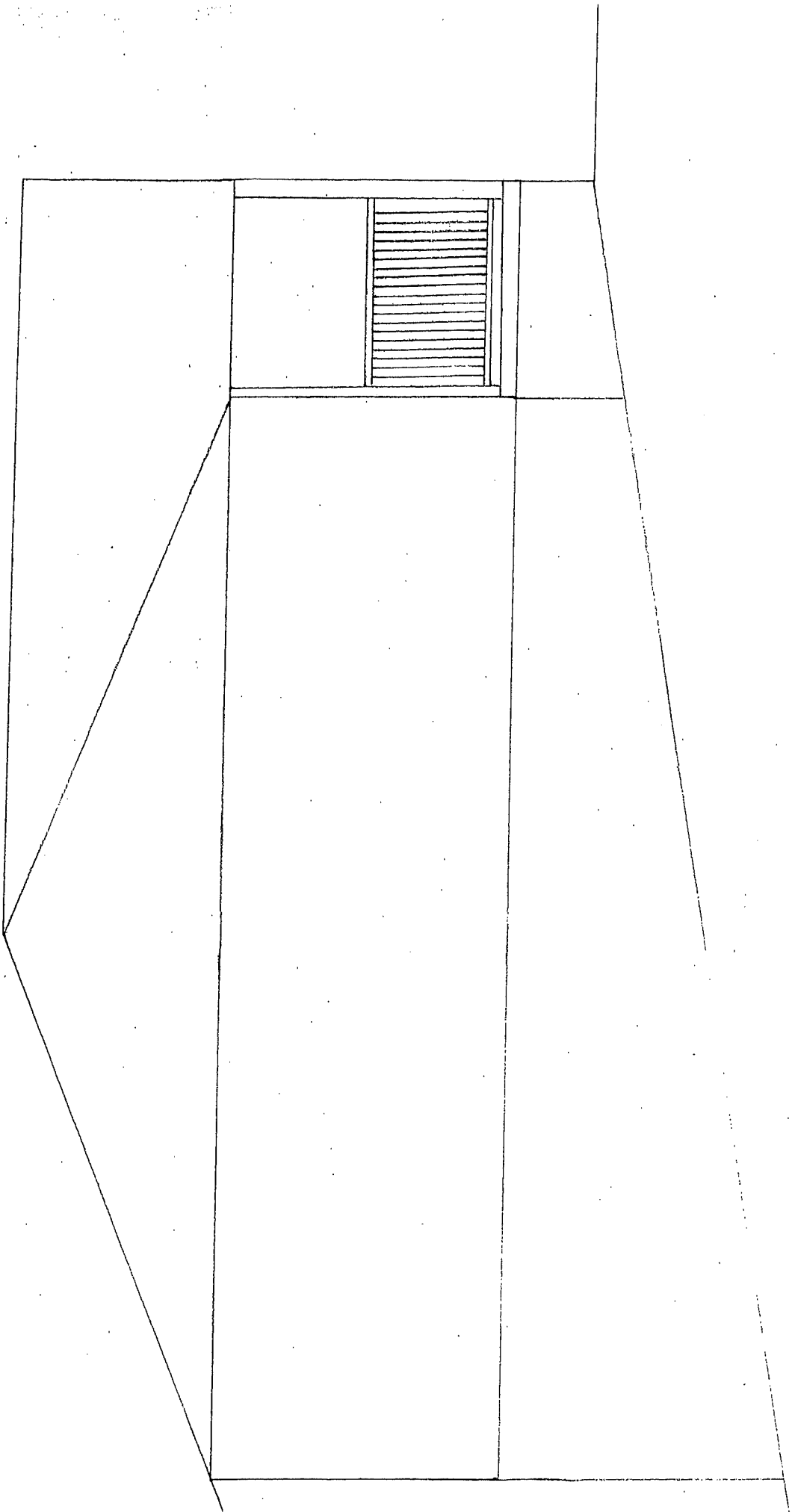
Map Created: 01/01/2008

Boone County GIS
ArcMap Document: 'xxxx'

Mike & Ann Ferguson
44 Catalina Dr.
Walton, KY 41094-1010

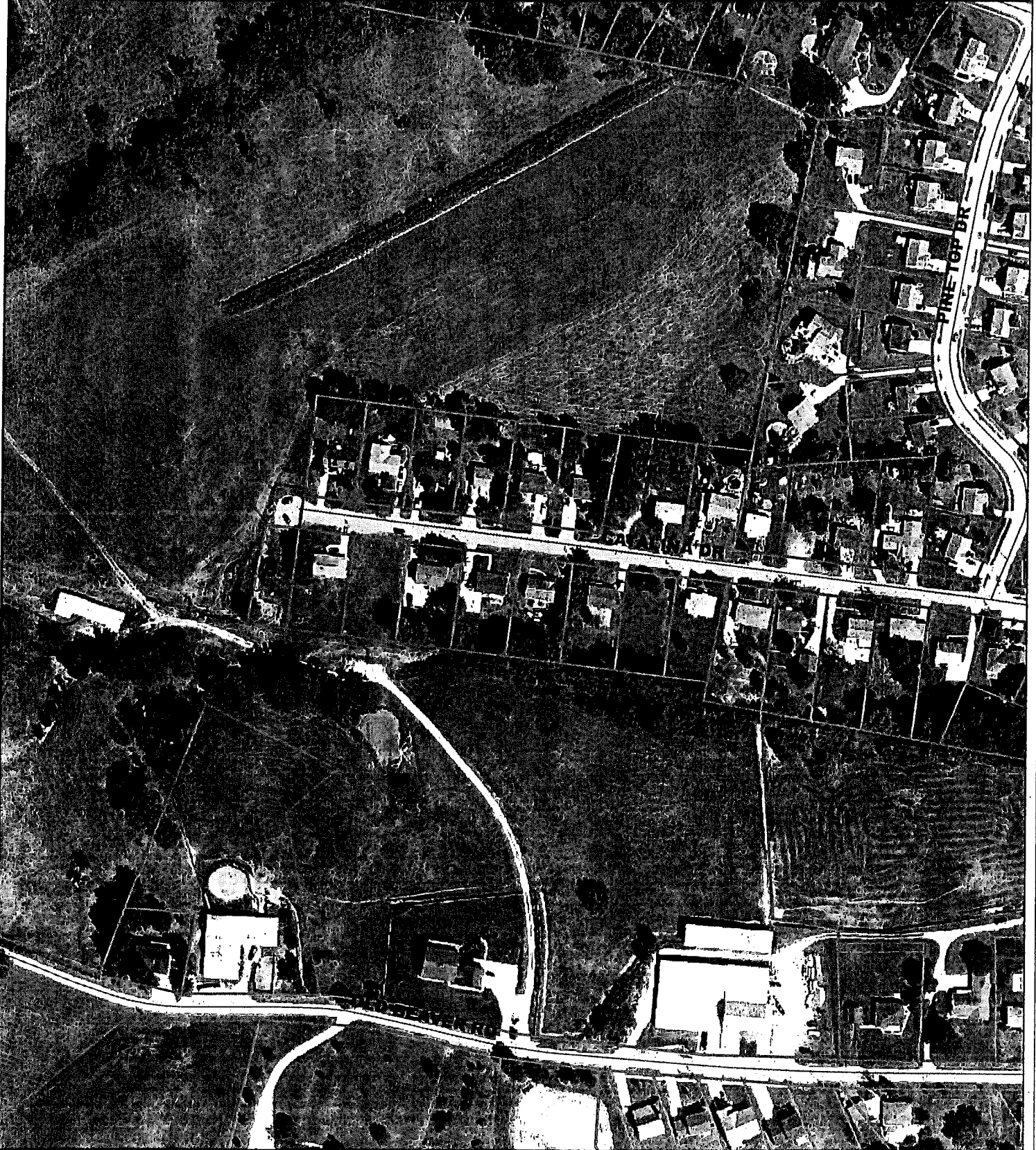


Mike & Ann Ferguson
44 Catalina Dr.
Walton, KY 41094-1010



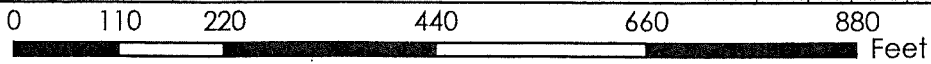
2009 AERIAL MAP

www.boonecountygis.com



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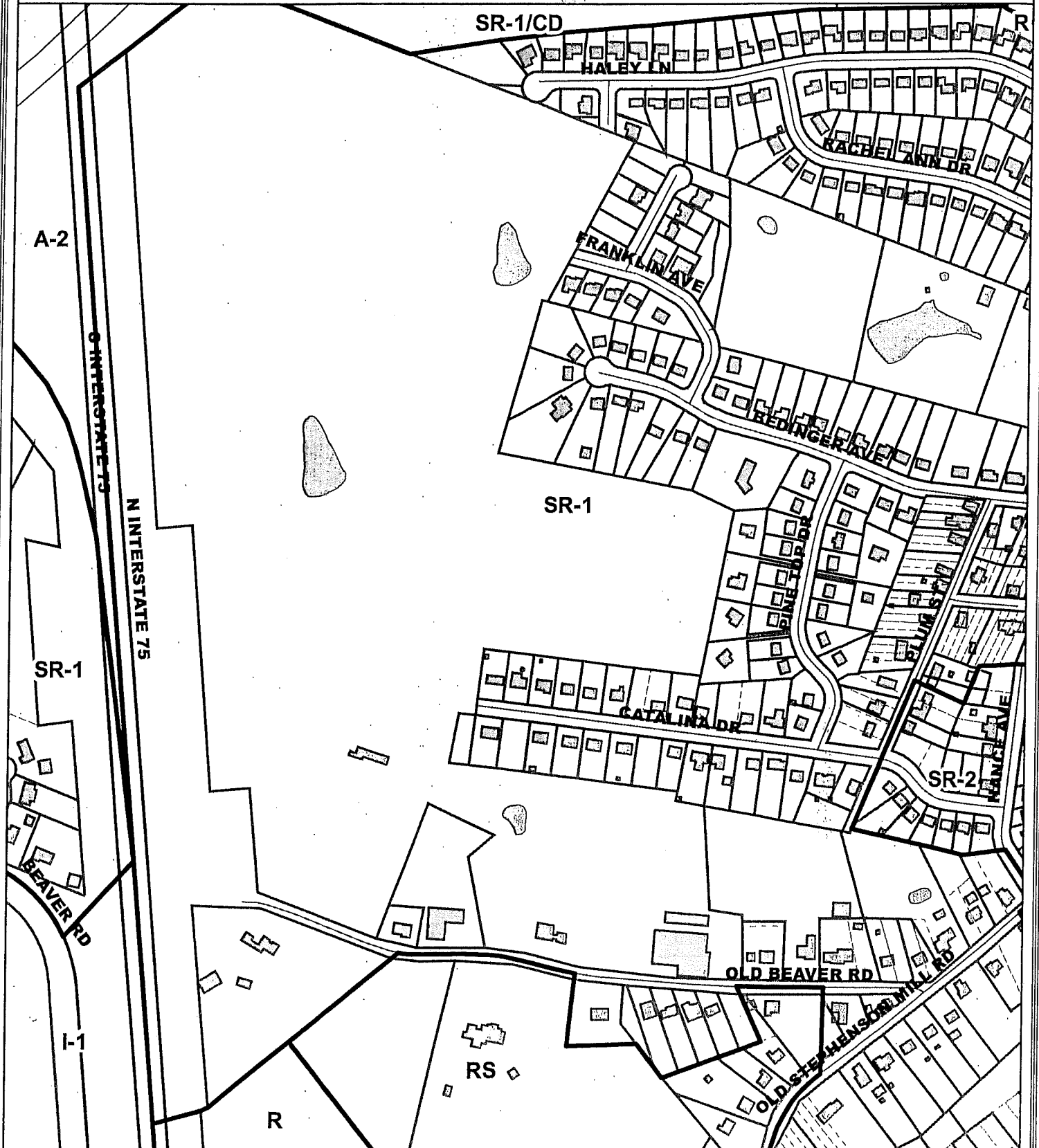
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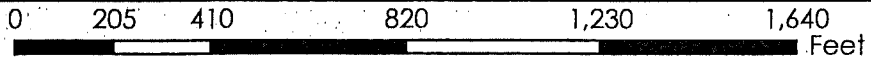
ZONING MAP

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Boone County GIS - Putting Northern Kentucky on the Map



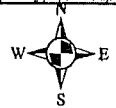
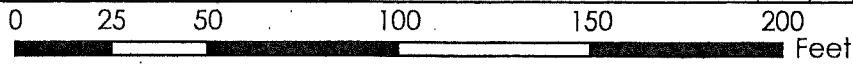
FRONT YARD SETBACK COMPARISON

www.boonecountygis.com



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Boone County GIS - Putting Northern Kentucky on the Map

Charles and Rhonda Herbol
48 Catalina Dr.
Walton, Ky 41094

YES agree

Bice & Beverly Freeman
42 Catalina Drive
Walton Ky 41094

agree

Jonathan Due
33 Catalina Drive
Walton Ky 41094

agree

Andy & Jerri Moffitt
35 CATALINA AVE.
Walton Ky. 41094

agree

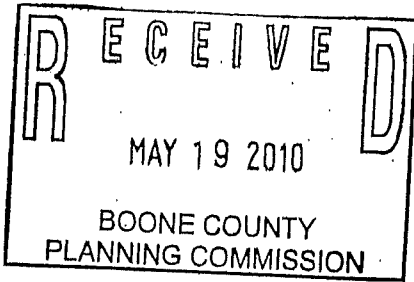
Jerry & Linda Hiner
37 Catalina Dr.
Walton, Ky. 41094

agree

Russell & Nancy Ryan
25 Old Beaver Road
Walton, Ky. 41094

agree

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 [checked] Walton Union
2. (Check One) Conditional Use Permit [checked] Variance Appeal
3. Applicant's Name, Phone Number, Applicant's Address, City, State, Zip
4. Description of Request: Reduce 30' front yard set back to 23' 0" - to allow construction of front porch with roof.
5. Name of Development
6. Location of Development
7. Acreage Under Review
8. Lot Number and Name of Subdivision (if part of a subdivision)
9. Owner of Property, Address of Property Owner, Phone No., City, State, Zip
10. Proposed Use(s) on Site
11. Total Square Footage of Existing and/or Proposed Buildings
12. Current Zoning on Property
13. Deed Book, Page No., Group No.
14. Is the site subject to a zone change?
15. If yes, give date of approval
16. Have you submitted a Site Plan with this request?
17. Have you submitted a list of adjoining property owners with this request?
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: James M. Ferguson Sr. (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: James M. Ferguson Sr. (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

COPY

CLUR #10-WBOA-002-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

James M. Ferguson, Sr.
44 Catalina Drive
Walton, KY 41094

2. ADDRESS OF PROPERTY

44 Catalina Drive
Walton, KY 41094

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

4. DEED BOOK 241

PAGE NO. 211

GROUP NO. 2078

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

___ Zoning Map Amendment:
From ___ To

___ Conditional Use Permit

___ Development Plan

___ Conditional Zoning

___ Subdivision Plat
(Not Recorded)

___ Other:

X 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

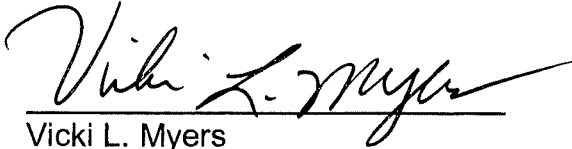
Todd K. Morgan
SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

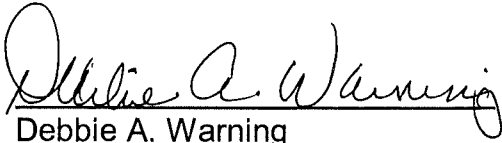
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 20 day of July, 2010.



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 July 19, 2010 Certificate of Land Use Restriction (#10-WBOA-002-A), for James M. Ferguson, 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 241 PAGE NO. 211 GROUP NO. 2078