APPLICATION FORM

11-WBOA-006-A

# 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 Ramona Roberts
   Phone Number 859-240-7544 Fax No. _____
   Applicant's Address 18 Hance Ave
   Walton (City) Ky (State) 41094 (Zip)

4. Description of Request: reduce 30ft. front yard set back to allow a covered porch

5. Name of Development _____

6. Location of Development 18 Hance Ave

7. Acreage Under Review _____

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

9. Owner of Property Nell Roberts Benton
   Address of Property Owner 18 Hance Ave Phone No. _____
   Walton (City) Ky (State) 41094 (Zip)

10.

11. Proposed Use(s) on Site Single family resident with proposed covered porch

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

13. Current Zoning on Property SR-2

14. Deed Book 976 Page No. 313 Group No. 2078

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:** Nell Roberts Benton
(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

**ORIGINAL Applicant's Signature:** Ramona Roberts
(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

**(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 6/9/11 Fee Received 632.00
2. Is application complete? ✓ Yes _____ No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
   7/28/11 **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**


62973

RECEIVED
JUN - 9 2011
BOONE COUNTY
PLANNING COMMISSION

**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: Ramona Roberts

LOCATION: 18 Hance Avenue, Walton, Kentucky

ZONING: Suburban Residential Two (SR-2)

DATE: July 28, 2011

## PROPOSAL

The applicant has requested a variance so an 8' x 32' covered porch can be constructed onto the front of her house. The request is to reduce the front yard setback from 30 feet to approximately 20 feet.

## APPLICABLE REGULATIONS

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-2 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 approximate 0.34 acre site is located on the west side of Hance Avenue and contains a single-family residential dwelling. The front entrance of the house contains an elevated patio pad which isn't covered by a roof. A white picket fence and some mature deciduous trees are located in the front yard.

## SURROUNDING LAND USES & ZONING

North: Single-Family Residential Dwellings Fronting on Plum Street & John Street (SR-1 & SR-2)

South: Single-Family Residential Dwelling Fronting on Hance Avenue (SR-2)

East: Single-Family Residential Dwelling Fronting on Hance Avenue (SR-2)

West: Single-Family Residential Dwellings Fronting on Plum Street (SR-2)

## STAFF COMMENTS

1. The existing and proposed front yard setbacks are approximate measurements because a survey has not been provided. The Section Four, Kirby's Resubdivision of Vest Height Final Plat was recorded in 1990 (see attachments). This Plat shows that the front property of the subject site is located 20.01 from the centerline of Hance Avenue. The existing house is located approximately 30 feet from the front property line and the proposed covered porch would extend another 8 feet into the front yard. The applicant is asking for an approximate 20 foot front yard setback to provide for some margin of error. Staff would like to note that the Boone County G.I.S. exhibits do not accurately show the Hance Avenue right-of-way.

2. The property owner informed Staff that a green asphalt shingle roof has been placed on the front of the garage. The entire roof will be reshingled with green asphalt shingle once the project is completed.

3. The applicant has provided a petition from six adjoining property owners. The adjoining property owners have no objections to the request.

4. The Board should analyze if the request will alter the essential character of the general vicinity or if the provisions of the regulations will deprive the applicant of the reasonable use of the land.

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,

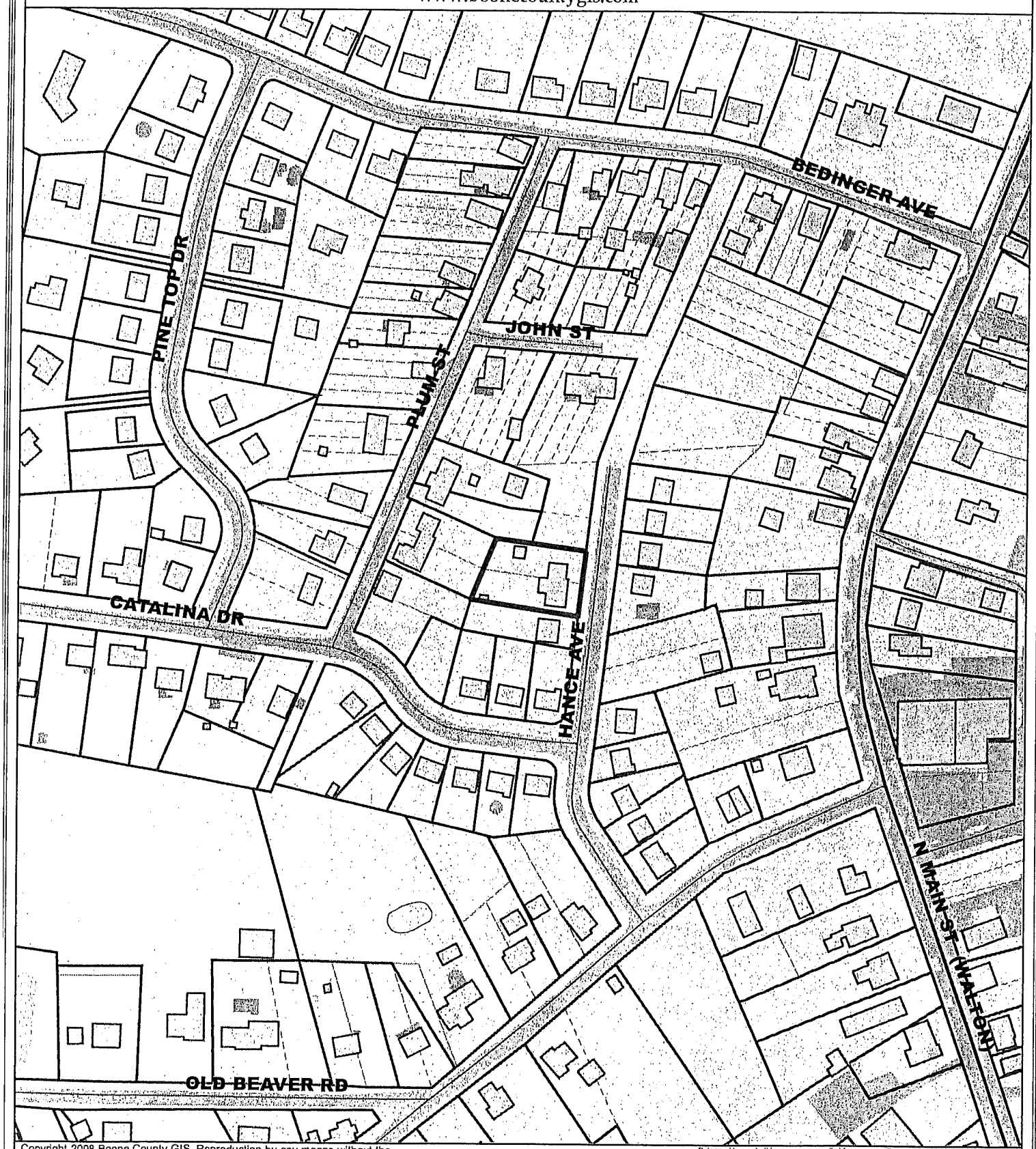
Todd K. Morgan, AICP
Senior Planner, Zoning Services

TKM/dw

Attachments
*Site Vicinity Map
*2007 Aerial Map with Proposed Porch
*Porch Plan
*2007 Aerial Map
*Zoning Map
*Section 4, Kirby's Resubdivision of Vest Heights Final Plat
*Petition Signed by Adjoining Property Owners
*Application

# SITE VICINITY MAP

www.boonecountygis.com

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0 100 200 400 600 800 Feet

1 Inch = 200 feet

N W E S

**Boone County GIS - Putting Northern Kentucky on the Map**

Map Created: 01/01/2008

ArcMap Document: *.mxd

# PROPOSAL

www.boonecountygis.com

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0 15 30 60 90 120 Feet

1 inch = 30 feet

N W E S

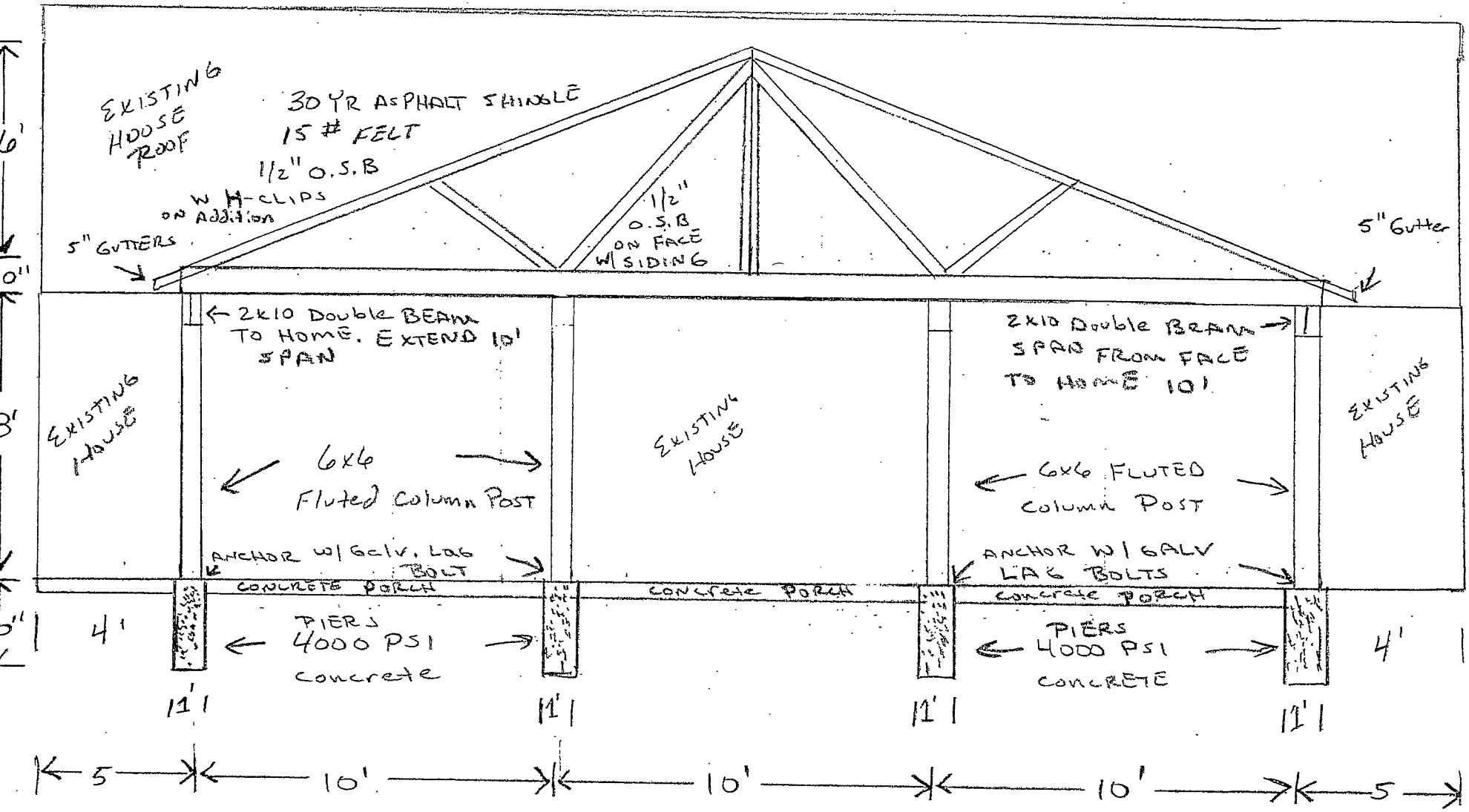
**Boone County GIS - Putting Northern Kentucky on the Map**

Map Created: 01/01/2008

ArcMap Document: *.mxd

18 HANCE AVE
WALTON KY 41094

674 James LN.
WALTON KY 41094
(859) 485-9122



# 2007 AERIAL MAP

www.boonecountygis.com

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0 35 70 140 210 280 Feet

1 Inch = 70 feet

N W E S

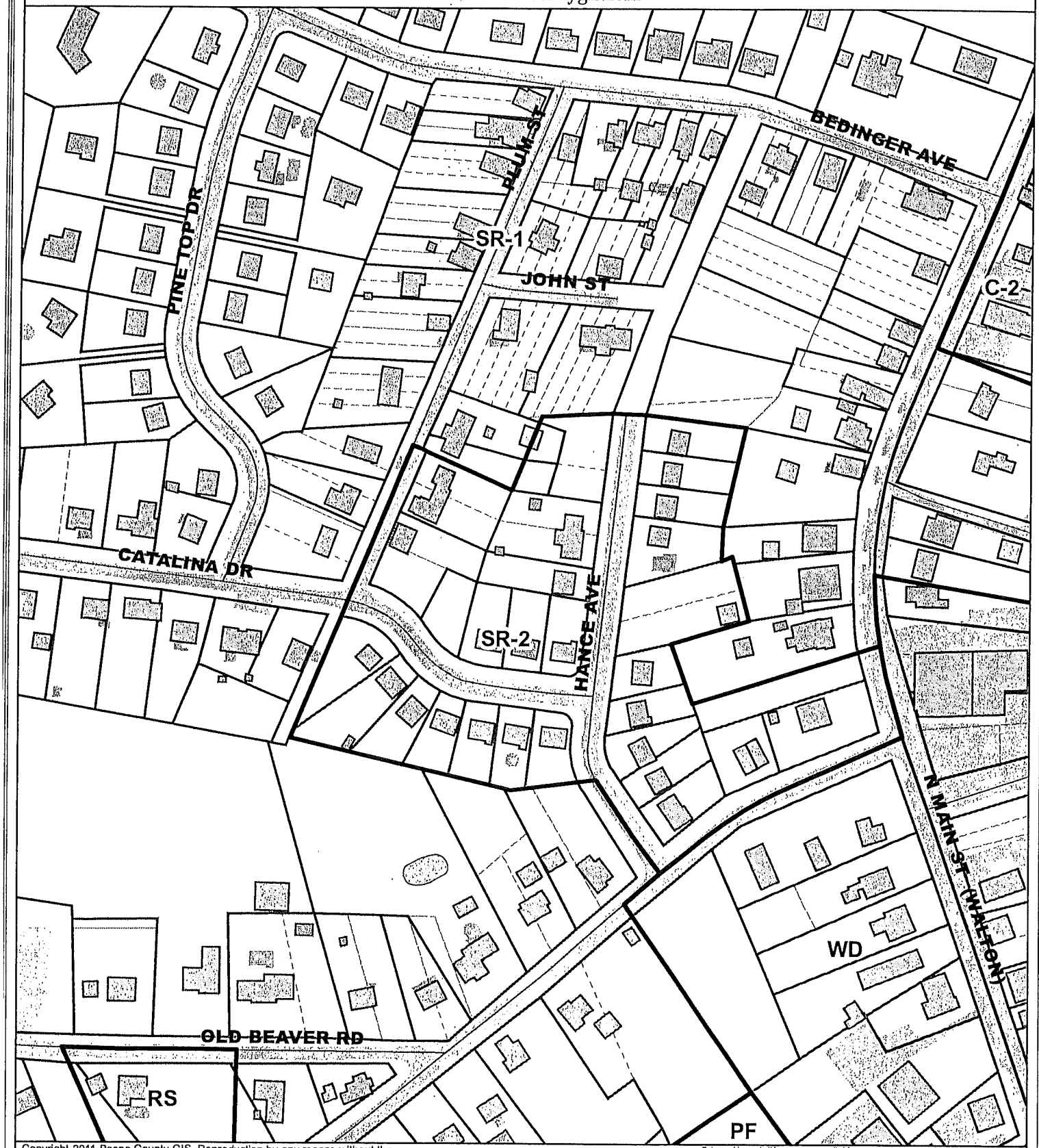
**Boone County GIS - Putting Northern Kentucky on the Map**

Map Created: 07/11/2011 at 15:40:11

ArcMap Document: Untitled

# ZONING MAP

www.boonecountygis.com

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Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.

0 100 200 400 600 800 Feet

1 inch = 200 feet

**Boone County GIS - Putting Northern Kentucky on the Map**

Map Created: 07/11/2011 at 15:49:11

ArcMap Document: Untitled

Plat 143 B
Group 3029
Back Ref. 250 & 251

FOR VALUABLE CONSIDERATION, WE THE UNDERSIGNED DO HEREBY PERMANENTLY GRANT TO THE UNION LIGHT, HEAT AND POWER COMPANY, CINCINNATI BELL TELEPHONE COMPANY, THEIR SUCCESSORS AND ASSIGNS, FOREVER, NON-EXCLUSIVE EASEMENTS, AS SHOWN ON THE WITHIN PLAT AND DESIGNATED AS "UTILITY EASEMENT" FOR THE CONSTRUCTION, OPERATION, MAINTENANCE, REPAIR OR REPLACEMENT OF ANY AND ALL NECESSARY FIXTURES FOR THE OVERHEAD OR UNDERGROUND DISTRIBUTION OF GAS, ELECTRIC, TELEPHONE OR TELECOMMUNICATION, OR OTHER UTILITIES. SAID UTILITY COMPANIES SHALL HAVE THE RIGHT OF INGRESS AND EGRESS AND ALSO THE RIGHT TO CUT, TRIM OR REMOVE ANY TREES, UNDERGROWTH OR OVERHANGING BRANCHES WITHIN SAID EASEMENT OR IMMEDIATELY ADJACENT THERETO. NO BUILDINGS OR OTHER STRUCTURES MAY BE BUILT WITHIN SAID EASEMENTS, NOR MAY THE EASEMENT AREA BE PHYSICALLY ALTERED SO AS TO (1) REDUCE CLEARANCES OF EITHER OVERHEAD OR UNDERGROUND FACILITIES; (2) IMPAIR THE LAND SUPPORT OF SAID FACILITIES; (3) IMPAIR ABILITY TO MAINTAIN THE FACILITIES, OR; (4) CREATE HAZARD. TO HAVE AND TO HOLD THE SAID EASEMENTS FOREVER. WE ACKNOWLEDGE HAVING FULL POWER TO CONVEY THIS EASEMENT AND WILL DEFEND THE SAME AGAINST ALL CLAIMS.

9/21/90 John R. Kirby & Martha Kirby

I HEREBY CERTIFY (1) THAT THE STREETS AND STORM SEWERS HAVE BEEN INSTALLED IN ACCORDANCE WITH APPLICABLE SPECIFICATIONS OF THE BOONE COUNTY SUBDIVISION REGULATIONS IN THE SUBDIVISION ENTITLED KIRBY'S RESUBDIVISION OF VEST HEIGHTS OR (2) A SECURITY BOND IN THE AMOUNT OF $ N/A HAS BEEN POSTED WITH THE CITY OF WALTON TO ASSURE COMPLETION OF ALL REQUIRED PUBLIC IMPROVEMENTS IN CASE OF DEFAULT. THE APPLICANT MAY THEN PETITION THE ~~FISCAL COURT~~ FOR ACCEPTANCE OF CONTINUOUS MAINTENANCE ACCORDING TO THE REQUIREMENTS OF THE ~~FISCAL COURT~~ City of Walton

9/27/90
DATE

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT WE HEREBY ADOPT THIS PLAT OF SUBDIVISION WITH OUR FREE CONSENT, ESTABLISH THE MINIMUM BUILDING RESTRICTION LINES AND DEDICATE ALL STREETS. WE FURTHER CERTIFY THAT TITLE TO THE PROPERTY SHOWN HEREON WAS ACQUIRED BY DEED RECORDED IN ~~D.B. 267, PG. 188~~ AND D.B. 267, PG 198 OF THE BOONE COUNTY CLERK'S OFFICE. WE UNDERSTAND THAT FOR ACCEPTANCE OF CONTINUOUS MAINTENANCE WE MUST PETITION THE APPROPRIATE LEGISLATIVE BODY AFTER A CERTAIN TIME PERIOD.

9/21/90 John R. Kirby & Martha Kirby
DATE

I, JERRY W. ROUSE, BOONE COUNTY COUPT CLERK, CERTIFY THAT THIS PLAT WAS PRESENTED TO ME IN BOONE COUNTY ON THIS 28 DAY OF September, 1990 AND MADE A PART OF THIS OFFICE. at 2:21 p.m.

Jerry W. Rouse
JERRY W. ROUSE
BOONE COUNTY COURT CLERK

STATE OF KENTUCKY COUNTY OF BOONE
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 21st DAY OF September, 1990 BY John Kirby & Martha Kirby

Raymond Erpenbeck
NOTARY PUBLIC
MY COMMISSION EXPIRES March 25, 1992

THIS PLAT HAS BEEN FOUND TO BE IN COMPLIANCE WITH THE BOONE COUNTY ZONING AND SUBDIVISION REGULATIONS AND IS BEING SUBMITTED FOR RECORDING IN THE OFFICE OF THE BOONE COUNTY COURT CLERK.

Sept. 13, 1990 ____
DATE CHAIRMAN

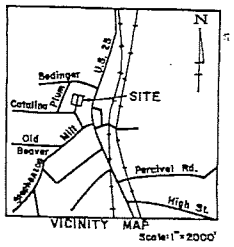
I HEREBY CERTIFY THAT THIS PLAT HAS BEEN PREPARED BY ME OR UNDER MY SUPERVISION IN ACCORDANCE WITH THE KENTUCKY MINIMUM SURVEYING STANDARDS, AND COMPLIES WITH ALL REQUIREMENTS OF THE BOONE COUNTY ZONING AND SUBDIVISION REGULATIONS AND THAT DEDICATED AREAS INCLUDING PUBLIC WAYS OR STREETS ARE CURRENTLY OWNED BY THE PROPERTY OWNER.

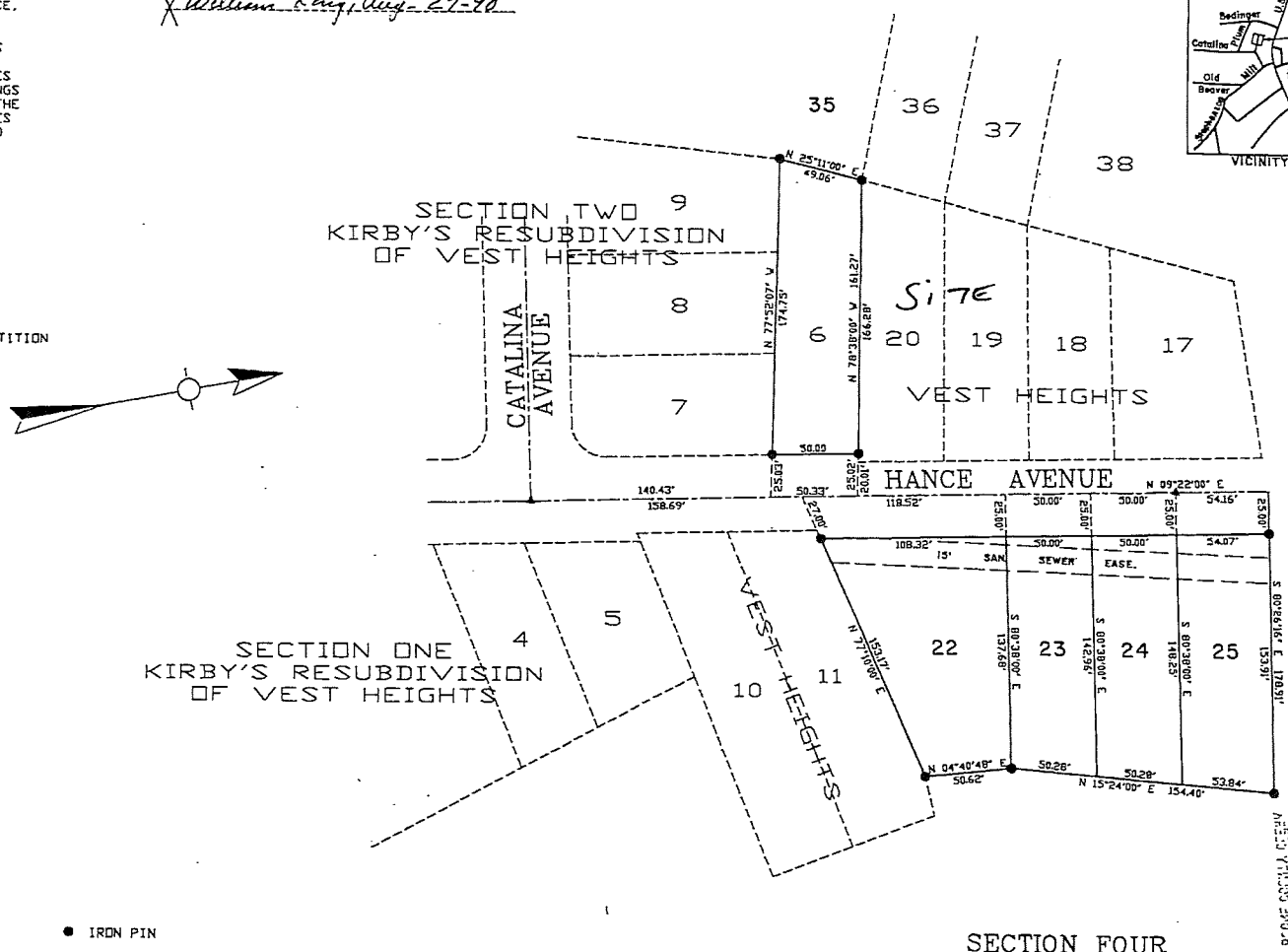
Raymond Erpenbeck

STATE OF KENTUCKY
R. R. ERPENBECK
240
REGISTERED
LAND SURVEYOR

THE DESIGN, INSTALLATION, AND INSPECTION OF THE WATER AND SANITARY SEWER LINES IN THIS SUBDIVISION MEET THE MINIMUM SANITARY SEWER AND WATER SPECIFICATIONS AS SET FORTH IN THE BOONE COUNTY SUBDIVISION REGULATIONS.

William King, Aug. 27-90




● IRON PIN
△ CUT NOTCH

TOTAL AREA: 1.14 ACRES

GROUP NO. ~~253~~
BK. REF. ~~D.B. 267, PG. 188~~ AND D.B. 267, PG. 198

0 50 100 150

BUILDING SETBACKS WILL BE DETERMINED BY CURRENT APPLICABLE ZONING REGULATIONS OR DISTRICTS

SR-2
9/19/90
ASM

# SECTION FOUR
# KIRBY'S RESUBDIVISION
# OF
# VEST HEIGHTS

CITY OF WALTON BOONE COUNTY KENTUCKY

DEVELOPER
JOHN KIRBY

ENGINEER:
RAYMOND ERPENBECK
CONSULTING ENGINEERS
4205 DIXIE HIGHWAY
ELSMERE, KENTUCKY 41018

AUGUST, 1990 SCALE: 1" = 50'

158

June 7, 2011

Lowes has been contracted to build a roof over the front porch at 18 Hance Avenue, Walton, Ky. 41094. It will set out 8 ft. from the front of house, which is the same distance of the pre-existing concrete slab of 16 years. We are seeking the approval of the Walton Board of Adjustments. The adjoining property owners have signed below.

John Roberts + Carla Roberts — Agree ✓
26 Plum Street — Disagree ____

John + Carla Roberts — Agree ✓
20 Plum Street — Disagree ____

Roger Centers — Agree ✓
14 Hance Ave. — Disagree ____

Brian + Darlene Hendricks — Agree ✓
15 Hance Ave. — Disagree ____

Richard + Carey Poynter — Agree ✓
17 Hance Ave. — Disagree ____

Gerald Harbaugh — Agree ✓
2 John Street — Disagree ____

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 Ramona Roberts
   Phone Number 859-240-7544 Fax No. ____
   Applicant's Address 18 Hance Ave
   Walton (City) Ky (State) 41094 (Zip)

4. Description of Request: reduce 30ft. front yard set back to allow a covered porch

5. Name of Development ____

6. Location of Development 18 Hance Ave

7. Acreage Under Review ____

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

9. Owner of Property Nell Roberts Benton
   Address of Property Owner 18 Hance Ave Phone No. ____

10. Walton (City) Ky (State) 41094 (Zip)

11. Proposed Use(s) on Site Single family resident with proposed covered porch

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

13. Current Zoning on Property SR-2

14. Deed Book 976 Page No. 313 Group No. 2078

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:** Nell Roberts Benton
(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

**ORIGINAL Applicant's Signature:** Ramona Roberts
(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

(over)

COPY

CLUR #11-WBOA-006-A

# CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
   Nell Roberts Benton
   18 Hance Avenue
   Walton, KY 41094

2. ADDRESS OF PROPERTY
   18 Hance Avenue
   Walton, KY 41094

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
   _____

4. DEED BOOK 976 PAGE NO. 313 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, AICP, Senior Planner
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 2 day of August, 2011.

Vicki L. Myers
Notary ID 438411
NOTARY PUBLIC, State at Large

My commission Expires:
April 17, 2015

This instrument was prepared for recording purposes only by:

Debbie 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.)

CLUR #11-WBOA-006-A

## 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 28, 2011 Certificate of Land Use Restriction (#11-WBOA-006-A), for Nell Roberts Benton, 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 976 PAGE NO. 313 GROUP NO. 2078