

APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

FIVE (5) SCALED COPIES AND ONE (1) 11X17 REDUCTION OF SUBMITTED DRAWINGS ARE REQUIRED

See Boone County Zoning Regulations

SECTION A (To be completed by applicant)

- (Check One) Boone Florence [X] Walton Union
(Conditional Use Permit [X] Variance Appeal)
Applicant's Name William Code
Applicant's Address 32 Alta Vista, Walton, KY 41094
Phone Number 859-485-4035 Fax No. E-Mail
Description of Request: GARAGE Addition, to be 347' from side property line
Name of Development
Location of Development 32 Alta Vista, Walton, KY
Acreage Under Review
Lot Number and Name of Subdivision (if part of a subdivision)
Owner of Property William Code
Address of Property Owner 32 Alta Vista, Walton, KY 41094
Phone Number 859-485-4035 Fax No. E-Mail
Proposed Use(s) on Site Home with garage
Total Square Footage of Existing and/or Proposed Buildings 11'2" x 31'4"
Current Zoning on Property RS
Deed Book 606 Page No. 205 Group No. 2079
Is the site subject to a zone change?
Have you submitted a Site Plan with this request? SURVEY
Have you submitted a list of adjoining property owners with this request? YES
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: William Code (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: William Code (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 7/2/14 Fee Received \$632⁰⁰ Receipt # 69115
2. Is application complete? Yes No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
7/24/14 Approved
 Approved with Conditions (See #6)
 Denial (See #7)
6. Conditions of Approval: STAFF COMMENT 4A
IN STAFF REPORT
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: William Code

LOCATION: 32 Alta Vista Drive

ZONING: Rural Suburban (RS)

DATE: July 24, 2014

Proposal

The applicant is requesting a Variance so he can construct a 31'-4" x 11'-2" garage addition on the southwestern side of his house. A survey was submitted showing that the house is currently located 14.2' from the side property line. The request is to reduce to side yard building setback from 10' to 3'.

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 minimum building setbacks for single-family residential homes in the RS zone as 40' front yard, 40' rear yard, and 10' side yards.

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 0.3444 acre property is located on the southeast side of Alta Vista Drive and contains a ranch home with a one car garage and basement. The house is constructed with brick and asphalt shingles. Boone County GIS shows that the topography of the parcel falls from approximately 926' above sea level at the front property line to 910' above sea level at the rear property line. The subject property adjoins other single-family residential lots in Alta Vista Subdivision and an undeveloped portion of the Chambers and Grubbs Funeral Home lot..

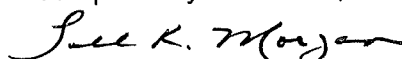
Staff Comments

1. The Board should analyze the Variance criteria before acting on the request.
2. The applicant made Staff aware of the following:
 - A. The brick, asphalt shingles, and garage door on the addition will match the existing house.
 - B. The southwest side of the garage addition will not have any windows or doors.
3. Staff conducted some field measurements and found that the adjoining household to the southwest was currently located 52'-8" feet from the subject household. The distance between the homes will be reduced to 41'-6" if the request is approved
4. Staff recommends that the Board should impose the following condition if the request is approved:
 - A. The brick, asphalt shingles, and garage door on the addition will match the existing house.

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/tlb

Attachments

- *Site Vicinity Map
- *Site Survey
- *2012 Aerial Map
- *Zoning Map
- *Topographical Map
- *Application

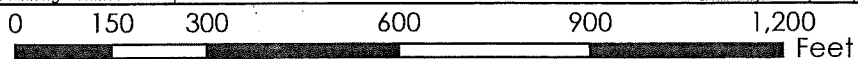
SITE VICINITY MAP

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.



1 inch = 300 feet



Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 07/01/2013

ArcMap Document: BooneMap (file).mxd



P.O. Box 125
 195 Jenni Lane
 Dry Ridge, KY 41035
 859-823-0496
 Fax: 859-823-0795

**SURVEY FOR
 RETRACEMENT**

**William Code
 Property**

ON THE SOUTH SIDE
 OF ALTA - VISTA
 DRIVE, BEING LOTS
 71 - 73 IN ALTA -
 VISTA SUBDIVISION
 P.B. #1, PAGE 69 IN
 THE CITY OF WALTON
 BOONE COUNTY,
 KENTUCKY

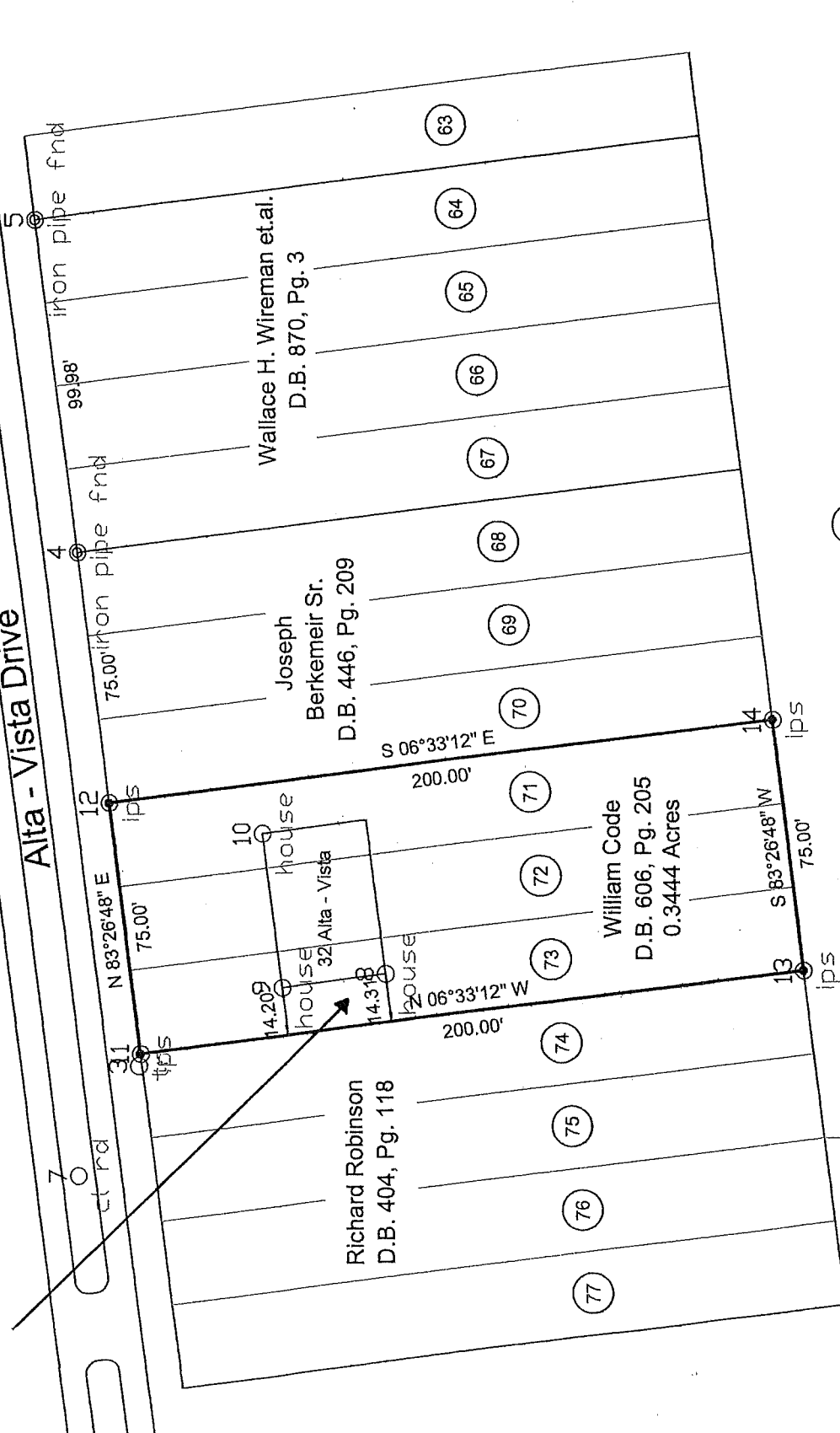
SCALE: 1" = 50'



STATE OF KENTUCKY
 W. THOMAS LEACH
 3407
 LICENSED
 PROFESSIONAL
 LAND SURVEYOR

Date: 06/25/14
Dwn By: W.T.L.
Job No.: 14-052
Surveyed: 06/25/14
Filename: 14052WC

*Proposed Garage Addition
 31'-4" x 11'-2"
 3' Side Yard Setback Proposed*



LEGEND

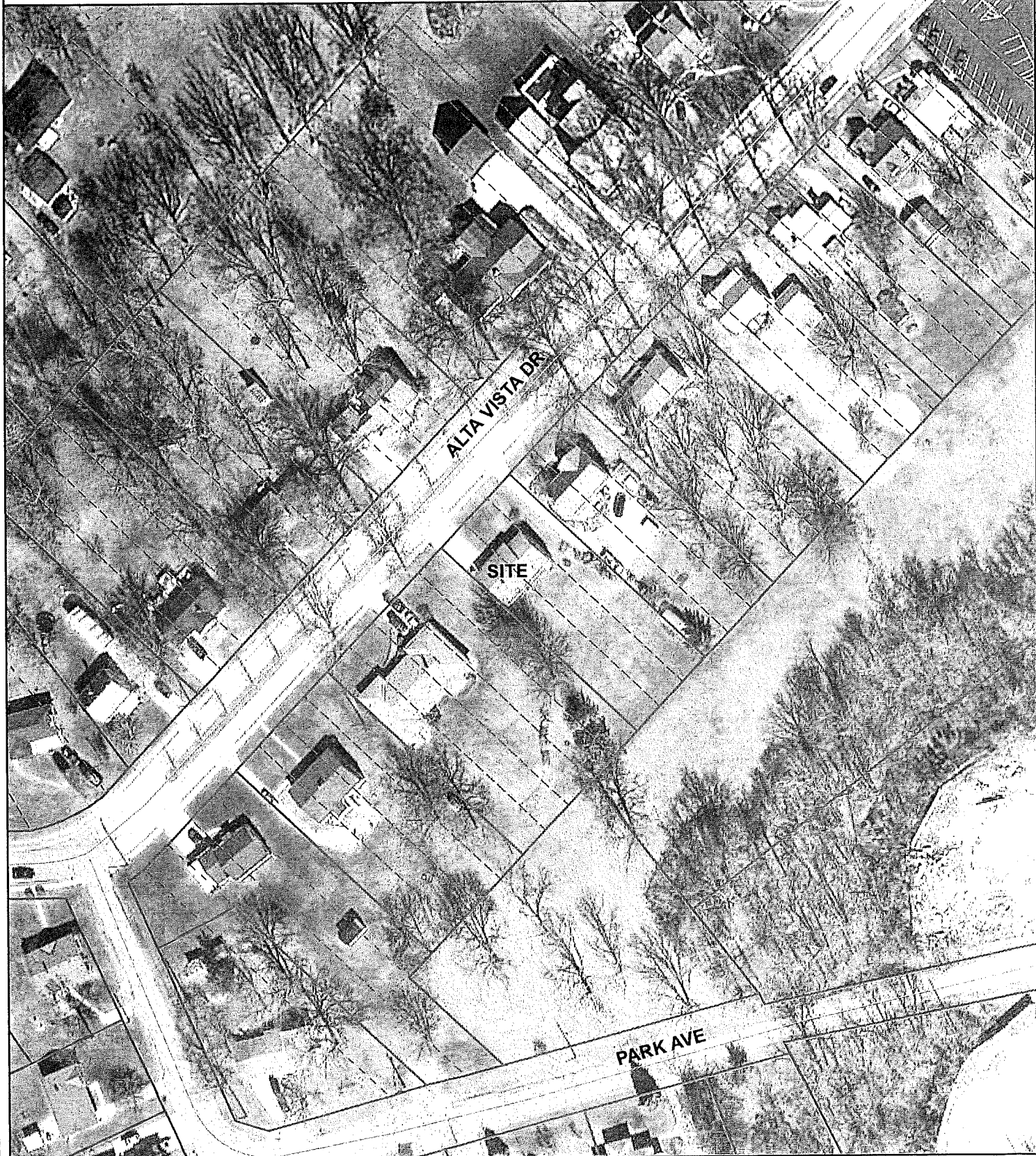
- These standard symbols will be found in the drawing.
- IRON PIN SET (5/8" X 18" REBAR WITH YELLOW CAP STAMPED LEACH 3407)
- 1/2" IRON PIPE FOUND
- POINT
- POST
- RIGHT OF WAY TO BE DEDICATED

I hereby certify that the BOUNDARY SURVEY depicted on this plat was done by persons under my direct supervision by the method of random traverse with sideshots. The unadjusted precision ratio of the traverse exceeds 1:19,640 and was not adjusted. The survey shown hereon is a Urban Survey and that it complies with 201 KAR 18:15.

W. Thomas Leach P.L.S. #3407
 Date

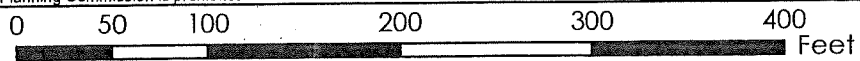
2012 AERIAL MAP

www.boonecountygis.com



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1 inch = 100 feet



Boone County GIS - Putting Northern Kentucky on the Map



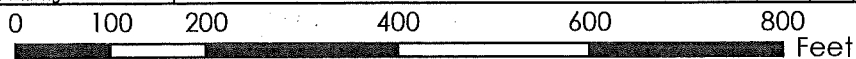
ZONING MAP

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1 inch = 200 feet



Boone County GIS - Putting Northern Kentucky on the Map

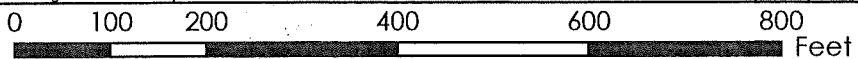
TOPOGRAPHICAL MAP

www.boonecountygis.com



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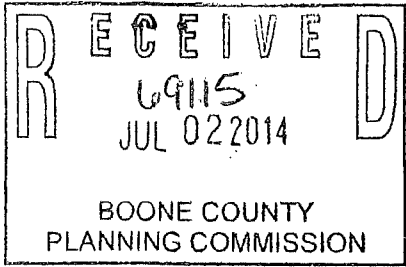
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1 inch = 200 feet



Boone County GIS - Putting Northern Kentucky on the Map



APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

FIVE (5) SCALED COPIES AND ONE (1) 11X17 REDUCTION OF SUBMITTED DRAWINGS ARE REQUIRED

See Boone County Zoning Regulations

SECTION A (To be completed by applicant)

- (Check One) 1. Boone Florence [X] Walton Union
(Check One) 2. Conditional Use Permit [X] Variance Appeal
Change in Non-Conforming Use
3. Applicant's Name William Code
Applicant's Address 32 Alta Vista, Walton, KY 41099
City State Zip
Phone Number 859-485-4035 Fax No. E-Mail
4. Description of Request: GARAGE Addition, to be 3 ft. from side property line
5. Name of Development
6. Location of Development 32 Alta Vista, Walton, KY
7. Acreage Under Review
8. Lot Number and Name of Subdivision (if part of a subdivision)
9. Owner of Property William Code
Address of Property Owner 32 Alta Vista
10. Walton, KY 41099
City State Zip
Phone Number 859-485-4035 Fax No. E-Mail
11. Proposed Use(s) on Site House with garage
12. Total Square Footage of Existing and/or Proposed Buildings 11'2" x 31'4"
13. Current Zoning on Property RS
14. Deed Book 606 Page No. 205 Group No. 2079
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? SURVEY
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: William Code
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

[COPY]

CLUR #14-WBOA-002-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

William Code
32 Alta Vista
Walton, KY 41094

2. ADDRESS OF PROPERTY

32 Alta Vista
Walton, KY

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Alta Vista

4. DEED BOOK 606 PAGE NO. 205 GROUP NO. 2079

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

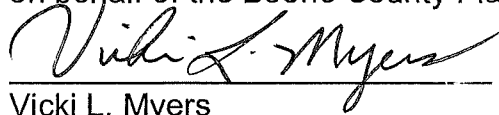
Todd K. Morgan, Senior Planner
Name and Title of Completing Official

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 6 day of August, 2014.



Vicki L. Myers

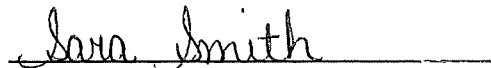
Notary ID 438411

NOTARY PUBLIC, State at Large

My commission Expires:

April 17, 2015

This instrument was prepared for recording purposes only by:



Sara Smith

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.)

CONDITION OF APPROVAL

The following Condition of Approval applies to the variance approved by the Walton Board of Adjustment and in accordance with the current zoning in effect as of July 24, 2014 Certificate of Land Use Restriction (#14-WBOA-002-A), for William Code, Property Owner(s).

The following condition will apply:

1. The brick, asphalt shingles, and garage door on the addition shall match the existing house.

The approved variance as well as the preceding condition applies to the property described in:

DEED BOOK 606

PAGE NO. 205

GROUP NO. 2079