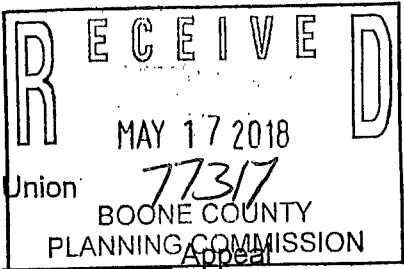


APPLICATION FORM

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)

- 1. (Check One) Boone Florence [checked] Walton
2. (Check One) Conditional Use Permit [checked] Variance Change in Non-Conforming Use
3. Applicant's Name BRIAN TAYLOR Applicant's Address 336 UNIVERSITY DRIVE, WALTON, KY 41094

4. City State Zip Phone Number 931 338 4375 Fax No. E-Mail BRHINO66@GMAIL.COM

Description of Request: REDUCE REAR-YARD SETBACK TO APPROXIMATELY 23 FEET

5. Name of Development NA
6. Location of Development 336 UNIVERSITY DR., WALTON, KY

7. Acreage Under Review ± 0.24

8. Lot Number and Name of Subdivision (if part of a subdivision) LOT 226, WILDCAT RUN

9. Owner of Property SAME AS APPLICANT Address of Property Owner SAME AS APPLICANT

10. City State Zip Phone Number Fax No. E-Mail

11. Proposed Use(s) on Site 12'x20' DECK

12. Total Square Footage of Existing and/or Proposed Buildings 240' SQ FT

13. Current Zoning on Property SR-1

14. Deed Book 1087 Page No. 29 Group No. 2078

15. Is the site subject to a zone change? YES 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)

**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 5-17-18 Fee Received \$ 631.00 Receipt # 72317
2. Is application complete? Yes No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
~~_____~~ Approved
6/21/18 Approved with Conditions (See #6)
Denial (See #7)
6. Conditions of Approval: SEE STAFF COMMENT 5A.,
MEETING MINUTES, AND CLUR

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: Brian Taylor

LOCATION: 336 University Drive

ZONING: Suburban Residential One (SR-1)

DATE: June 21, 2018

Proposal

The applicant is requesting a Variance so he can construct a 12' x 20' deck onto the rear of his house. The house was built 35.76' from the rear property line and contains an elevated rear sliding glass door that does not attach to a deck. The home builder didn't make the applicant aware that a deck would be subject to the 30' foot rear yard building setback requirement. The request is to reduce the rear yard building setback requirement from 30' to approximately 23'.

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 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 and Section 3121 of the Boone County Zoning Regulations list the minimum building setbacks for a single-family residential home on a corner lot in an SR-1 zone as 30' front yard, 30' rear yard, 15' corner side yard, and 5' side yard.

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.

Pertinent Site History

On November 22, 2000, Boone County Planning Commission approved the Preliminary Plat for the Subdivision. The Plat shows the preliminary layout for the subject lot and future sections of the subdivision to the north.

On November 15, 2016, Boone County Planning Commission approved a Zoning Permit to allow the construction of a house on the lot. It shows the house will have a 25' front yard setback and 35.76' rear yard setback. The 25' front yard setback was approved in error. A deck was not part of the proposal.

Site Characteristics

The approximate 0.24 acre property is located on the northeast side of the University Drive/Couch Court intersection and contains a two-story single-family residential dwelling with a basement. The rear of the house contains two sliding glass doors. The first is located at the basement level of the home and connects to a patio pad in the rear yard. The second is located on the first floor level of the home and does not connect to a deck. The rear yard is currently fenced. The property adjoins single-family residential lots and a future section of Wildcat Run Subdivision.

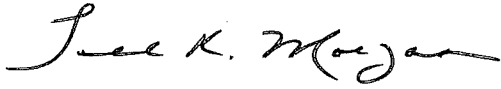
Staff Comments

1. The Board should analyze the Variance criteria before acting on the request.
2. Staff believes the applicant has a hardship because he could only build a 5' long deck without needing a Variance.
3. Staff would like the applicant to address if would be willing to reduce the deck to 10' x 20'?
4. Staff has attached the Zoning Permit for the adjoining property to the east for reference (332 University Drive). The plot plan shows the house and deck met all setback requirements.
5. Staff recommends that the Board should impose the following condition if the request is approved:
 - A. Two small trees from Plant List C (see Article 36 of the Boone County Zoning Regulations) shall be planted between the deck and rear property line.

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

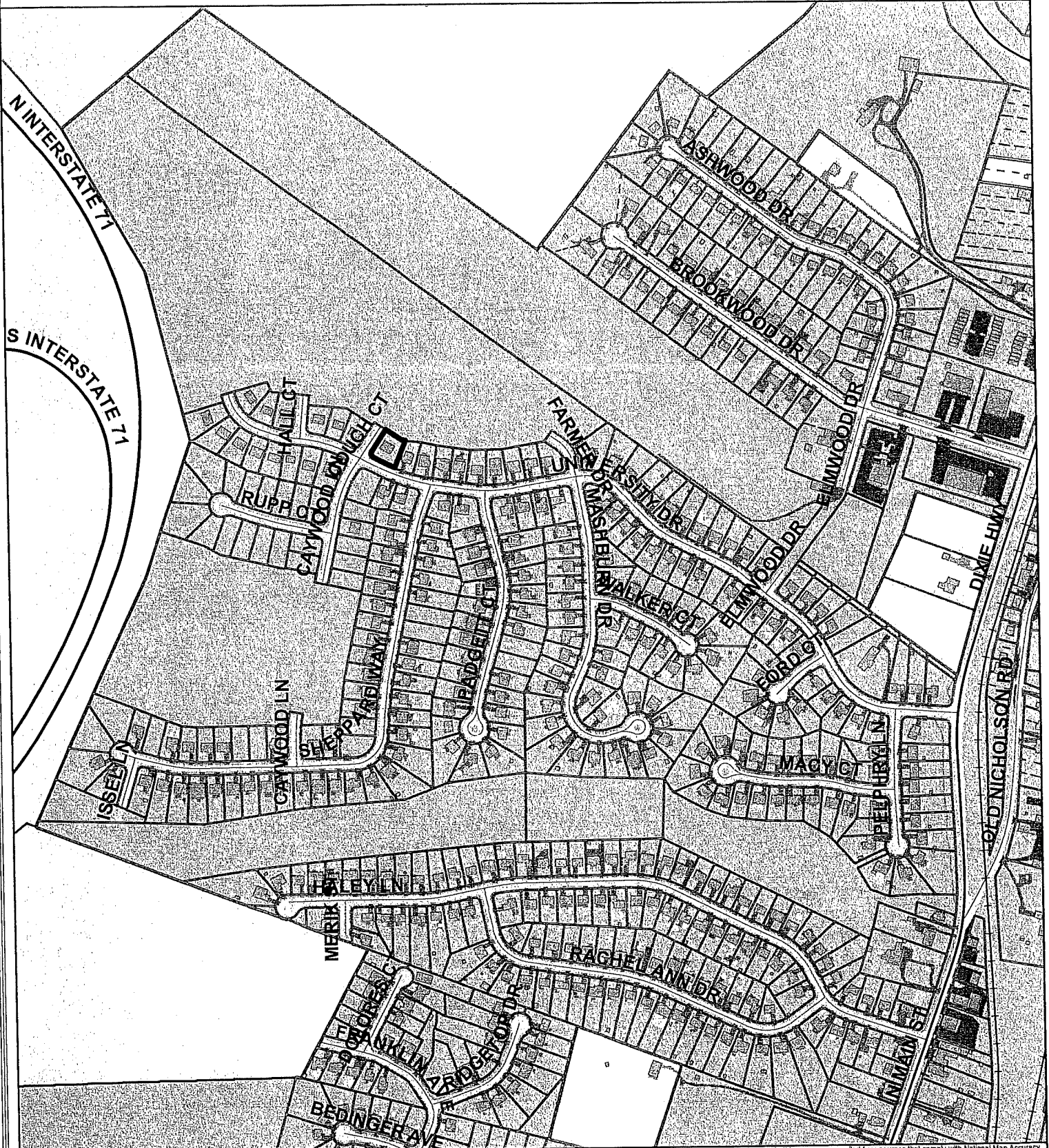
TKM/ss

Attachments

- *Site Vicinity Map
- *Proposed Plan
- *11/15/16 Zoning Permit for Subject House
- *11/29/07 Zoning Permit for Adjoining Property to East
- *11/22/00 Preliminary Plat for Wildcat Run Subdivision
- *Zoning Map
- *2016 Aerial Map
- *Application

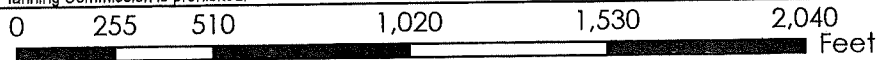
SITE VICINITY MAP

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Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 07/01/2013

Map File: BooneMap (file).mxd

BUILDING ADDRESS OR LOCATION: 336 ~~331~~ University Dr. Wildcat Run

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: Drees Homes/Barbara Williams
please print 211 Grandview Dr., Ft. Mitchell, KY 41017

SIGNATURE OF APPLICANT: *Barbara Williams*
 as authorized by property owner

DATE: 11/8/16 PHONE: 859-578-4243 E-MAIL: btwilliams@dreeshomes.com

Below this line to be completed by the Boone County Planning Commission

Zoning: <u>SR-1/CD</u>	Date: <u>11-15-16</u>	Fee: <input checked="" type="checkbox"/> \$90.00	Farm Exempt
<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Denied	<input type="checkbox"/> \$45.00	(No Fee)
Staff Reviewer: <u><i>[Signature]</i></u>	Address: <u>331 University Dr.</u>		
Subdivision: <u>Wildcat Run</u>			
Lot: <u>2000</u>	Section: <u>14</u>	Block/Phase: <u>/</u>	Group No.: <u>2078</u> Census: <u>706.06</u>

226

TYPE OF IMPROVEMENT:

<input checked="" type="checkbox"/> Single Family Residence (226)	Detached Garage
<input type="checkbox"/> Duplex	Garage Addition
<input type="checkbox"/> Mobile Home	Barn or Shed
<input type="checkbox"/> Residential Addition	Above Ground Pool
<input type="checkbox"/> Porch or Deck	In Ground Pool
<input type="checkbox"/> Other:	

JURISDICTION:

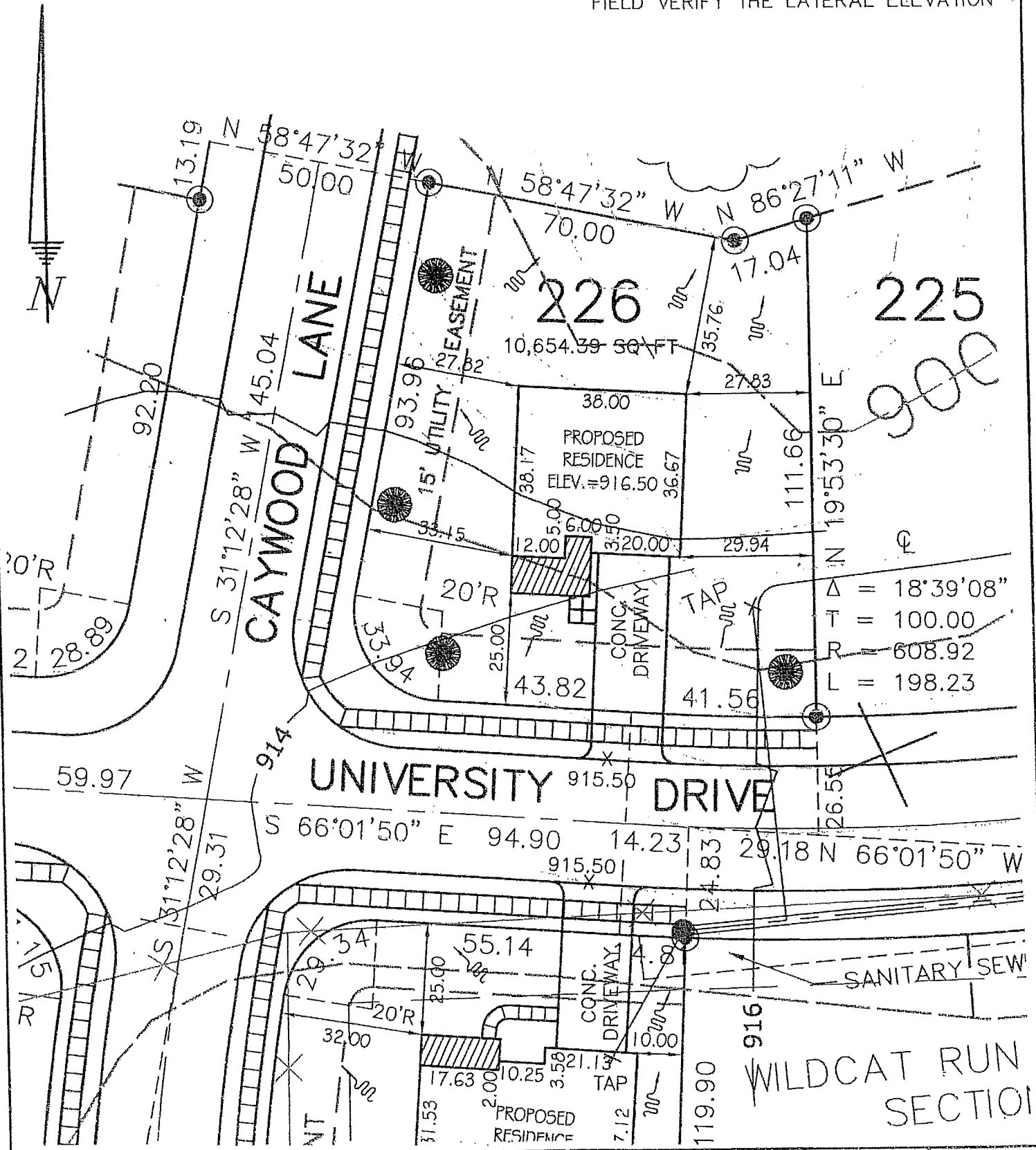
<input type="checkbox"/> Unincorporated Boone County	City of Florence
<input checked="" type="checkbox"/> City of Walton	City of Union

RECEIVED
 NOV 15 2016
 # 74517
 BOONE COUNTY
 PLANNING COMMISSION

POST OFFICE (ZIP CODE):


<input type="checkbox"/> Burlington (41005)	Florence (41042)
<input checked="" type="checkbox"/> Walton (41094)	Union (41091)
<input type="checkbox"/> Hebron (41048)	Verona (41092)
<input type="checkbox"/> Petersburg (41080)	Erlanger (41018)
<input type="checkbox"/> Crittenden (41030)	Independence (41051)

FIELD VERIFY THE LATERAL ELEVATION



225
900

Δ = 18°39'08"
T = 100.00
R = 608.92
L = 198.23

<p>BUILDER DREES HOMES</p>	<p>SUBDIVISION WILDCAT RUN SUBDIVISION 341 UNIVERSITY DRIVE WALTON KENTUCKY</p>	<p>SECTION 14</p>	<p>BLOCK</p>	<p>LOT NUMBER 226</p>
<p>OWNER THE DREES COMPANY 211 GRANDVIEW DRIVE FT. MITCHELL, KENTUCKY 41017 PHONE: (859) 578-4200</p>	<p>DATE 11/03/16 SCALE 1" = 30' IMPROVEMENT PLAN APPROVAL 2/06/04  = TREE TO BE PICKED FROM THE PLANT LIST "A"</p>	<p>PREPARED BY: CHRIS BERLING JAMES W. BERLING ENGINEERING 1671 PARK ROAD, SUITE ONE FT. WRIGHT, KENTUCKY 41011 OFFICE: (859) 331-9191</p>		

BUILDING ADDRESS OR LOCATION: 332 University Drive Walton, KY 41094

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): Charleston Signature Homes
5400 Dupont Circle Suite J Milford, Ohio 45150

APPLICANT'S SIGNATURE: [Signature] As
 Authorized by Property Owner

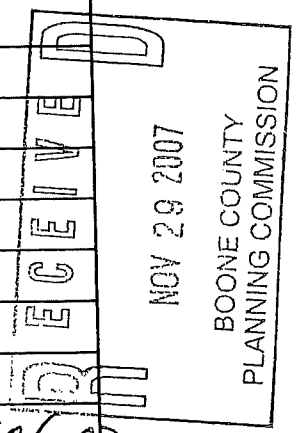
DATE 11/29/2007 PHONE NUMBER: 513-248-4428

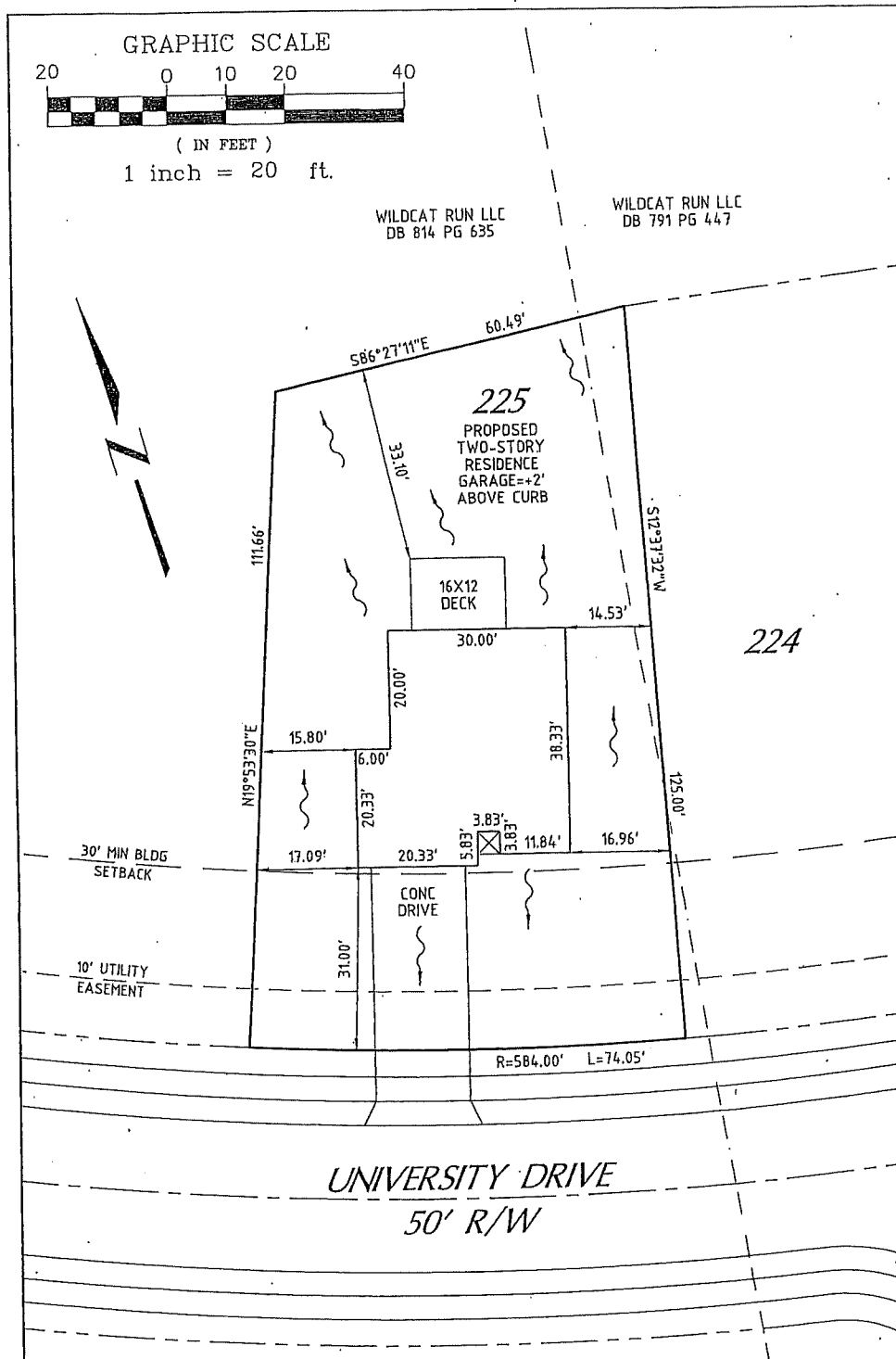
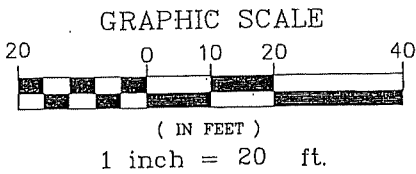
**This Portion of the Application to be Completed
 the Boone County Planning Commission**

Zoning District <u>SR1</u>	Date <u>11/29/07</u>	Fee <u>N</u>	\$75.00	Farm Exempt
Approved <u>X</u>	Denied	<u>[Signature]</u>	\$35.00	(No Fee)
Staff Reviewer <u>Ruby Cordell</u>	Address/Location <u>332 University Dr</u>			
Subdivision <u>Wildcat Run</u>				
Lot # <u>225</u>	Section # <u>11</u>	Block/Phase # <u>—</u>		

Type of Improvement	
<input checked="" type="checkbox"/> Single Family Residence	Detached Garage
<input type="checkbox"/> Duplex	Garage Addition
<input type="checkbox"/> Three Family	Porch or Deck
<input type="checkbox"/> Apartment (# units <u> </u>)	Barn or Shed
<input type="checkbox"/> Townhouse (# units <u> </u>)	Swimming Pool
<input type="checkbox"/> Mobile Home	Tenant Finish
<input type="checkbox"/> Residential Addition	Other:
Jurisdiction	
<input type="checkbox"/> Boone County	Florence
<input checked="" type="checkbox"/> Walton	Union
Post Office	
<input type="checkbox"/> Burlington	Florence
<input checked="" type="checkbox"/> Walton	Union
<input type="checkbox"/> Hebron	Verona
<input type="checkbox"/> Petersburg	Erlanger
<input type="checkbox"/> Crittenden	
Group # <u>2078</u>	Census Tract # <u>706.02</u>

55204





DRAWN BY:
MCRO

CHECKED BY:
DTRE

JOB #
V-07-128

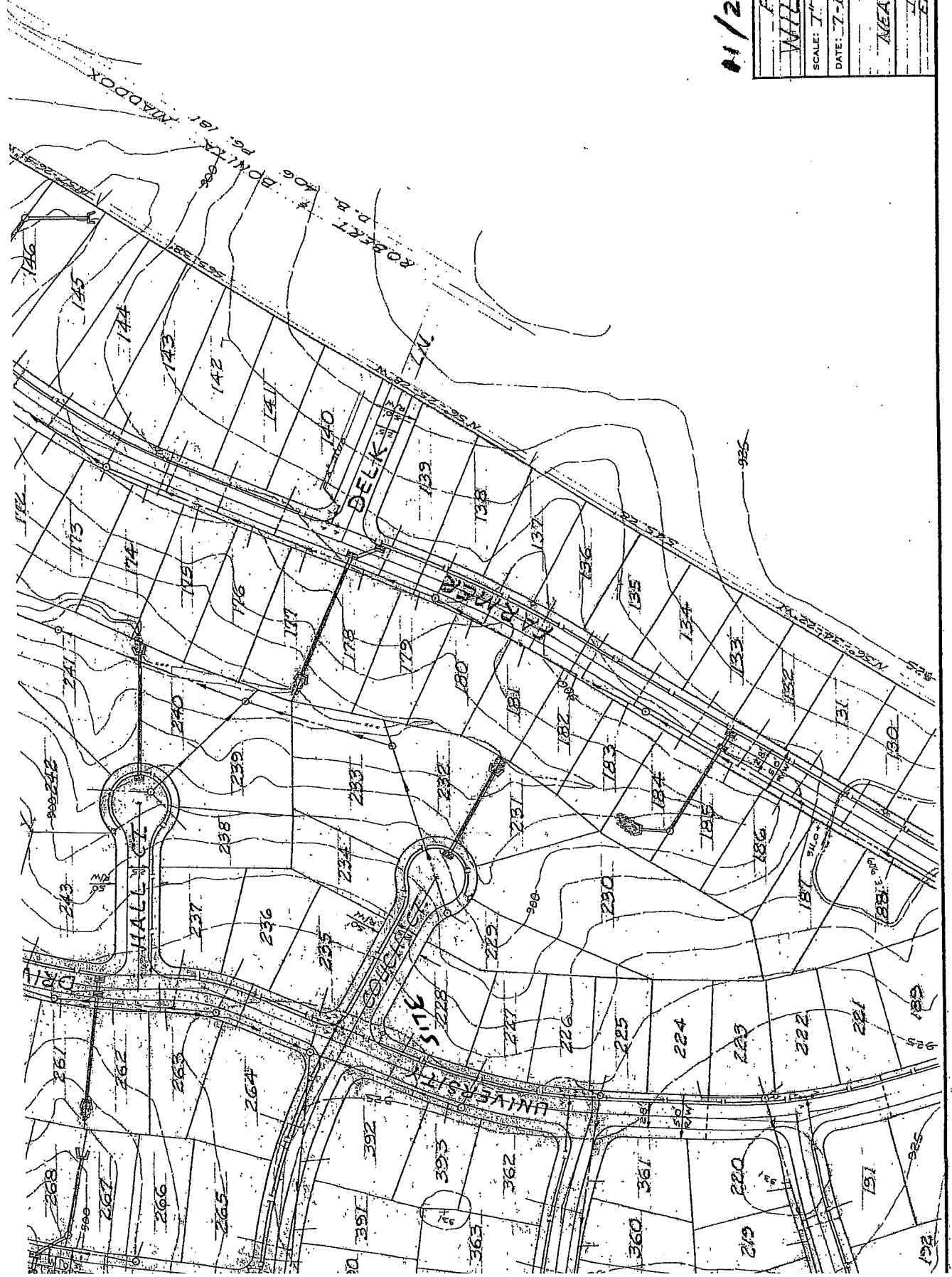
DATE:
11/12/07

**PLOT PLAN FOR
CHARLESTON SIGNATURE HOMES**
5400 DuPont Circle Suite J
Milford, OH 45150

WILDCAT RUN SUBDIVISION
SECTION 11, LOT 225
BOONE COUNTY, KENTUCKY

Engineering Surveying
Eleven

5294 Madison Pike
Independence, KY 41051
859 363-9125
Fax: 859 363-9125

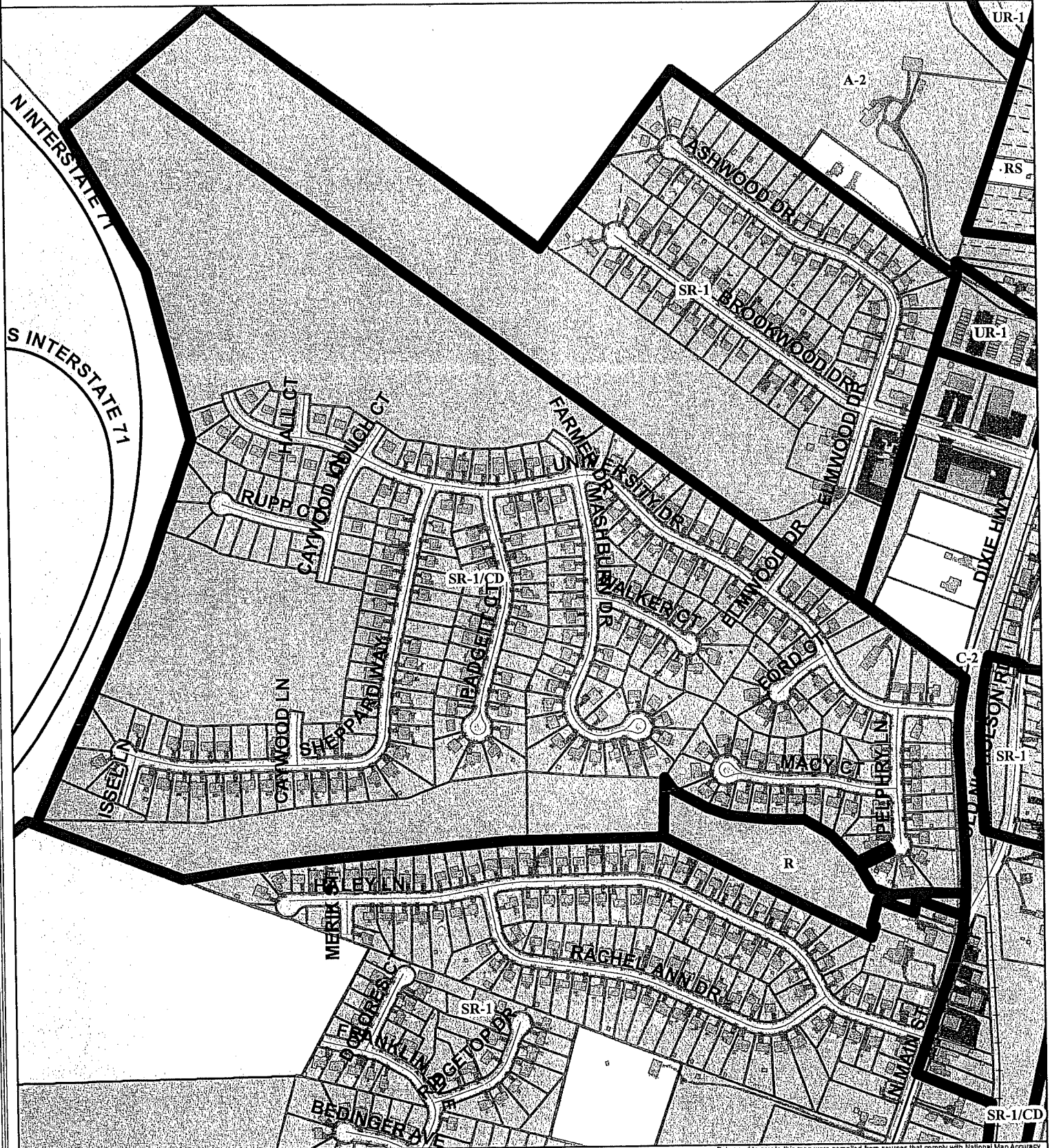


11/22/00

PRELIMINARY
 WILDCAT RUN
 APPROVED BY:
 SCALE: 1" = 100'
 DATE: 7-13-00
 U.S. HIGHWAY
 NEAR WALTON, BOO.
 JAMES W. BERLING
 ENGINEER, P.E. LICENSE 5245

ZONING MAP

www.boonecountygis.com



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0 255 510 1,020 1,530 2,040 Feet

1 inch = 500 feet



Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 07/01/2013

Map File: BooneMap (ite).mxd

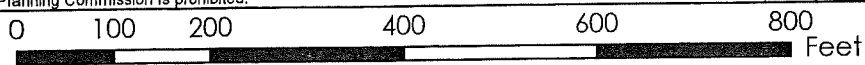
2016 AERIAL MAP WITH BUILDING FOOTPRINTS

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1 inch = 200 feet



Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 07/01/2013

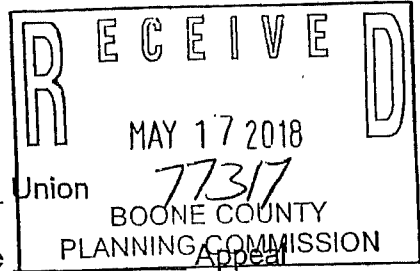
Boone County GIS
ArcMap Document: BooneMap (file).mxd

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)

- 1. (Check One)
 Boone Florence Walton Union
- 2. (Check One)
 Conditional Use Permit Variance
 Change in Non-Conforming Use
- 3. Applicant's Name BRIAN TAYLOR
 Applicant's Address 336 UNIVERSITY DRIVE, WALTON, KY 41094

City _____ State _____ Zip _____
 Phone Number 931 338 4375 Fax No. _____ E-Mail BRHINO66@GMAIL.COM

4. Description of Request: REDUCE REAR-YARD SETBACK TO APPROXIMATELY 23 FEET

5. Name of Development NA

6. Location of Development 336 UNIVERSITY DR., WALTON, KY

7. Acreage Under Review ± 0.24

8. Lot Number and Name of Subdivision (if part of a subdivision)
LOT 226, WILDCAT RUN

9. Owner of Property SAME AS APPLICANT

Address of Property Owner SAME AS APPLICANT

10. City _____ State _____ Zip _____
 Phone Number _____ Fax No. _____ E-Mail _____

11. Proposed Use(s) on Site 12'x20' DECK

12. Total Square Footage of Existing and/or Proposed Buildings 240' SQ FT

13. Current Zoning on Property SR-1

14. Deed Book 1087 Page No. 29 Group No. 2078

15. Is the site subject to a zone change? YES
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)

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Brian Taylor
336 University Drive
Walton, KY 41094

2. ADDRESS OF PROPERTY
336 University Drive
Walton, KY 41094

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

4. DEED BOOK 1087 PAGE NO. 29 GROUP NO. 2078

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, 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

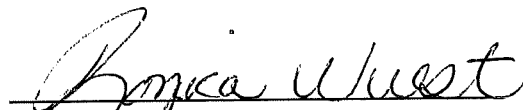
on behalf of the Boone County Planning Commission this 22 day of June, 2018.



Treva L. Beagle
Notary ID 588897
NOTARY PUBLIC, State at Large

My commission Expires:
November 12, 2021

This instrument was prepared for recording purposes only by:



Ronica Wuest
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 Adjustment and in accordance with the current zoning in effect as of June 21, 2018 Certificate of Land Use Restriction (#18- WBOA-002 -A), for Brian Taylor, Property Owner(s).

The following conditions will apply:

1. Two small trees from Plant List C (see Article 36 of the Boone County Zoning Regulations) shall be planted between the deck and rear property line.

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

DEED BOOK 1087

PAGE NO. 29

GROUP NO. 2078