

APPLICATION TO BOURBON COUNTY JOINT BOARD OF ADJUSTMENT

Variance

Bourbon County Joint Planning Commission

525 High Street Office 127, Paris, KY 40361 • (859) 987-2150

Office Use only:

Application No. VAR 21-05 Fee Amount: \$ 200 Date Fee Received: 4/13/21

1. APPLICANT Jeff & Kara Cowan Owner (if different) _____

MAILING ADDRESS 224 Monson Rd

PHONE NO. 859-361-0666 (HOME) ^{EMAIL} kbrose@mail.com (WORK)

2. PLEASE CIRCLE: Paris (Bourbon County) North Middletown

Location 224 Monson Rd.

3. SUBDIVISION _____

4. EXISTING USE _____ ZONING DISTRICT A1

5. DESCRIPTION OF REQUEST Permission to build fifty ~~xxx~~ feet from the edge of
Monson Rd.

7. SUPPORTING INFORMATION:

VARIANCE - Attach plans drawn to scale showing the dimensions and shape of the lot or land, the size and locations of existing buildings, the locations and dimensions of proposed buildings or additions, and any natural or topographic peculiarities of the lot in question. In order for a variance to be granted, the applicant must prove to the Board that the following items are true: (Please attach these comments on a separate sheet) Refer to section 4.28 (Dimensional Variance) in Zoning Ordinance.

- A. Special conditions exist peculiar to the lot, land or building(s) in question.
- B. That a literal interpretation of the zoning ordinance would deprive the applicant of the rights enjoyed by other property owners.
- C. That the special conditions do not result from previous actions of the applicant.
- D. That the requested variance is the minimum variance that will allow a reasonable use of the lot, land or building(s).

CHECKLIST:

- Attach a Legal Description of the Property
- Attach a plan of the proposed variance (as described above)
- Attach a separate statement describing A-D
- Attach a narrative describing any prior actions taken by the Board of Adjustment on this property
- Attach a list of adjoining property owners (name and address)

I hereby certify that the information contained in this application and supporting attachments is true and correct. I acknowledge that the paid fee will not be returned after legal notices have been submitted. The filing fee covers the cost of public notice and the recording of a Land Use Restriction at the County Clerk's Office.

 4-12-21
APPLICANT SIGNATURE DATE

Applications under zoning regulations involve legal procedures and the satisfaction of legal requirements, often complex, based up the written information in your application and the facts presented at your hearing. If you fail to comply with the procedures, or to satisfy the requirements your application will be subject to denial. Even if your application is approved it could be subject to a neighboring landowners appeal to the Circuit Court. Individuals are not required to employ an attorney, but you are encouraged to do so. All business entities require legal representation.

Jeff & Kara Cowan
224 Monson Rd
Cynthiana, KY 41031

April 13, 2021

Bourbon County Joint Planning Commission
525 High Street, Office 127
Paris, KY 40361

RE: Variance Requested

Dear Commission Members,

In an effort to create much-needed vehicle storage and shop space, we are requesting a variance to the building code. This variance approval will allow us to avoid the leach field area in the building process and maintain the current level of agricultural usage of the property beyond the leach field and fence. Erecting this new building at a distance of one hundred twenty-five feet from the edge of the roadway would put the building on top of the leach field.

We are requesting a variance that would allow us to place a 42x64x16 building fifty feet from the edge Monson Road. This would allow a small cushion, from what is our best guess, to the edge of the leach field. Its exact location is unknown, but there are visible features in the ground that allow for a safe estimation. The front of the property is roughly a one acre area defined by a fence along two sides and rear. The remainder of the acreage is used for hay and corn silage production. We would like to avoid creating a financial disruption that would come with decreasing the crop in order to free up building area. Building beyond the leach field would also raise the cost of construction considerably. Electricity, water and driveway would need to be routed a considerable distance around the leach field at an increased cost.

Included are satellite images of properties in our immediate vicinity that are similar in size, usage, appearance and nearer the roads edge than is currently allowed in the building code. Also included are depictions of the idea we currently have of how this new structure will appear. In addition, we have met face-to-face with all of our adjacent neighbors who are supportive of our proposal.

Thank you for your time and consideration.

Sincerely,



Jeff & Kara Cowan

To my knowledge there have been no prior actions taken by the Board of Adjustments on this property
KRC

DEED OF CONVEYANCE

THIS DEED OF CONVEYANCE, made and entered into, this the 5th day of March 2021, by and between **KENNETH A. ROSE and KATHY H. ROSE**, his wife, whose mailing address is 434 Lake Road, Cynthiana, Kentucky 41031; parties of the first part, Grantors; and **KARA ROSE COWAN**, married, whose mailing address is 224 Monson Road, Cynthiana, Kentucky 41031, said address furthermore being the in-care-of-address for which the current year's property tax bill may be sent; party of the second part, Grantee, and in the manner hereinafter set out.

WITNESSETH:

THAT the parties of the first part, for the love and affection they have for the party of the second part, said party of the second part being their daughter, do by these presents grants, bargains, conveys and confirms unto the party of the second part, in fee simple, her heirs and assigns forever, the following described tract of land lying and being in Bourbon County, Kentucky and more particularly described as follows, to-wit:

PARCEL 1 (5.000 Acres)

All that certain tract or parcel of land, lying and being located in Bourbon County, Kentucky: and situated on the east side of Monson Road (KY 1771); and more particularly described as follows:

Unless stated otherwise, any monument referred to herein as an "iron pin" is a set #4 rebar, eighteen (18") inches in length, with an orange cap stamped "Darnell 3553." All bearings stated herein are referenced to Deed Book 303, Page 545. All deed and plat references stated herein are found in the office of the Bourbon County Clerk, unless otherwise stated.

Beginning at a point in the east right-of-way of Monson Road (KY 1771), a corner to Parcel 2, a new division of Kenneth A. Rose & Kathy H. Rose (D.B. 178, Pg. 300); said point being located N.00°15'59"W. 1,374.19 feet from an iron pin in said right-of-way, a corner to Chad P. Conley & Elizabeth T. Conley (D.B. 303, Pg.

545); thence with the said east right-of-way of said Monson Road (KY 1771) N.00°29'53"W. 63.72 feet to a point and with a curve to the right having a radius of 1,402.50 feet, an arc length of 240.84 feet, and a chord bearing N.04°25'17"E. 240.54 feet to a point, a corner to D.B. Ritchie, T.A. Ritchie, & R.R. Gum (D.B. 213, Pg. 491; W.B. NN, Pg. 443); thence in part with said Ritchie, Ritchie, & Gum; Tony J. Ward & Carol Ward (D.B. 221, Pg. 161); & Clarence A. McNees & Linda L. McNees (D.B. 239, Pg. 672) N.89°49'12"E. 773.35 feet to an iron pin, a corner to Parcel 2, a new division of Kenneth A. Rose & Kathy H. Rose (D.B. 178, Pg. 300); thence with said Rose S.13°41'33"E. 235.26 feet to an iron pin and S.84°46'44"W. passing an iron pin bearing "Witness 3553" at 839.04 feet, in all 850.55 feet to the point of beginning containing an area of 5.000 acres more or less, and being subject to any and all easements or right-of-way of record and in existence and in accordance with a survey and plat by Darnell Engineering, Inc. on October 22, 2020. See Plat recorded in Plat Cabinet _____, Sheet _____.

Said property being a portion of that property deeded Kenneth A. Rose and Kathy H. Rose, his wife, by Goldie Harney by deed dated March 16, 1978 and recorded in Deed Book 178, Page 300.

All references are to the records of the Bourbon County Clerk's Office.

The parties of the first part and second part are parent and child and this conveyance is exempt from the transfer tax imposed by KRS 142.050(7)(I) by reason of said relationship.

The parties' state that the full estimated fair cash value of the above-described property herein conveyed is \$30,000.00.

TO HAVE AND TO HOLD the above-described property together with all and singular its privileges and appurtenances thereunto belonging unto the party of the second part, in fee simple, her heirs and assigns forever and with covenants of General Warranty.

The parties hereto state the consideration reflected in this deed is the full consideration paid for the property. The party of the second part signs this deed for the sole purpose of certifying the consideration pursuant to Chapter 382 of the Kentucky Revised Statutes.

PROVIDED, HOWEVER, there is excepted from the foregoing warranty and covenants of title the following:

1. Any restrictions, easements and agreements of record in the aforesaid Clerk's Office.

2. Zoning and building restrictions, regulations and ordinances, if any.

IN TESTIMONY, WHEREOF, the said parties have hereunto set their hands, ~~this the~~ day and year first above written.

Kenneth A. Rose
Kenneth A. Rose
Grantor

Kathy H. Rose
Kathy H. Rose
Grantor

Kara Rose Cowan
Kara Rose Cowan
Grantee

COMMONWEALTH OF KENTUCKY
SCT.
COUNTY OF HARRISON

The foregoing Deed and statement of consideration was acknowledged, subscribed and sworn to, before me by Kenneth A. Rose and Kathy H. Rose, his wife, this the 5th day of March, 2021.

My Commission expires:



Mary Kay Hendricks
NOTARY PUBLIC
State at Large, Kentucky
ID # 635970
My Commission Expires
December 21, 2023

Mary Kay Hendricks
Notary Public
ID# _____

COMMONWEALTH OF KENTUCKY
SCT.
COUNTY OF HARRISON

The statement of consideration was acknowledged, subscribed and sworn to before me by Kara Rose Cowan, married, this the 5th day of March, 2021.

My Commission expires:

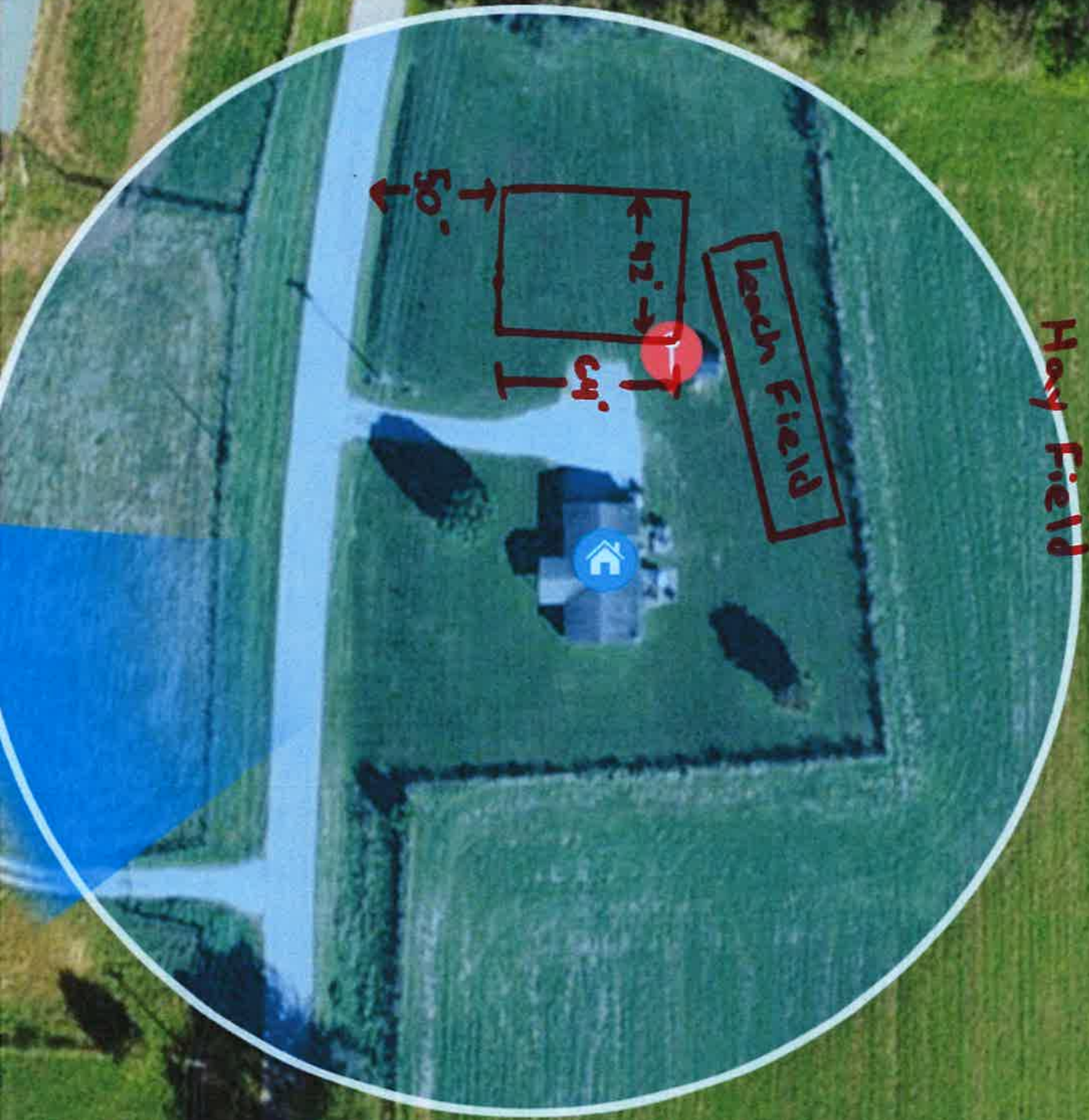


Mary Kay Hendricks
NOTARY PUBLIC
State at Large, Kentucky
ID # 635970
My Commission Expires
December 21, 2023

Mary Kay Hendricks
Notary Public
ID# _____

Corn Field

Hay Field



411'

Leach Field

412'

50'

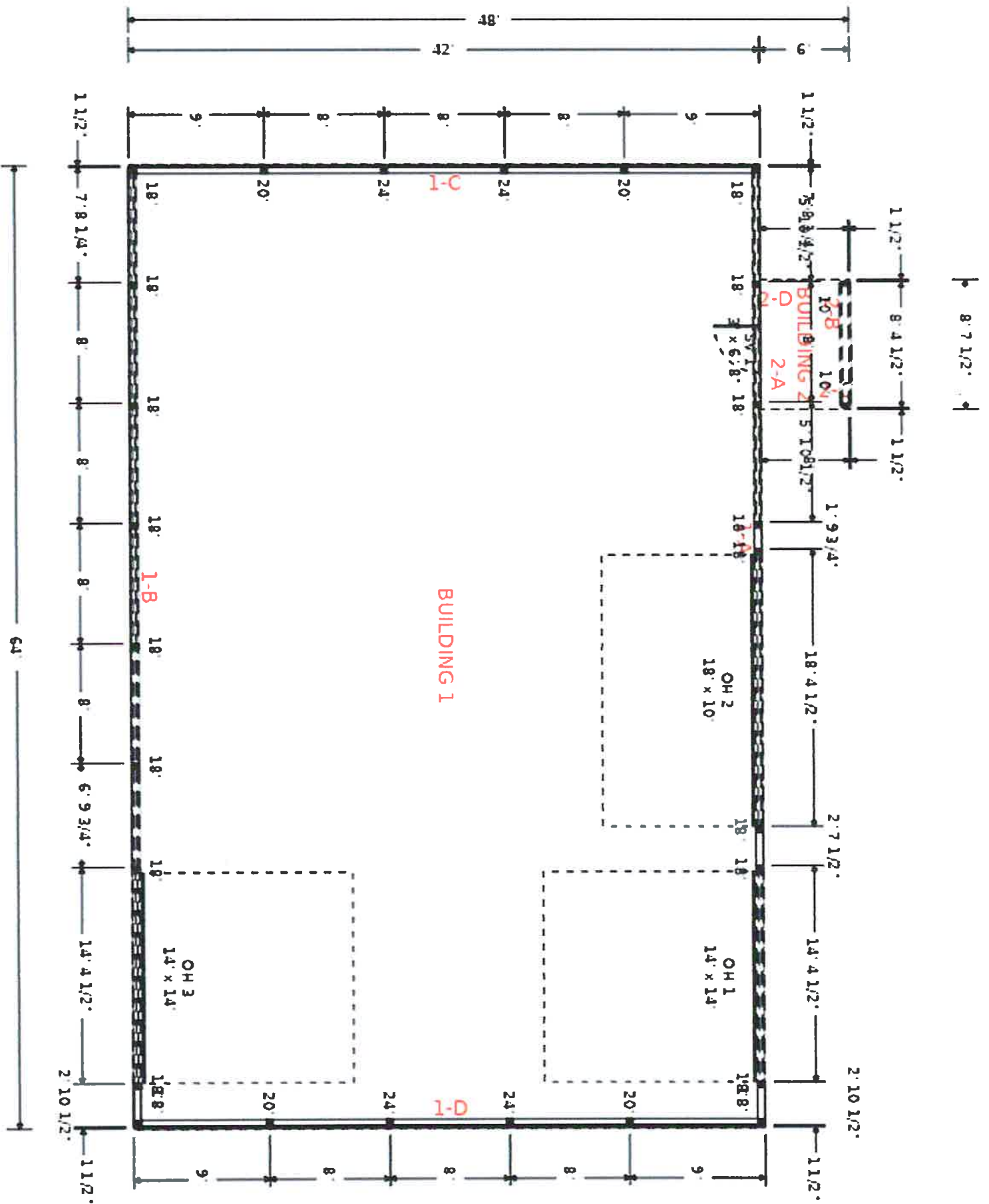
Design #: 335958030898
Store: FLORENCE



Post Frame Building Estimate
Date: Apr 11, 2021 9:09:35 AM

Elevation Views





Sender: jdcowan@live.com
Sent Date/Time: Wed, 23 Dec 2020 17:04:14 +0000
Received Date/Time: 2020.12.23 09:04:38
Subject:
Attached files:



*This property is
next door to us.*

HK hi-tech firms' rapid response helps detect signs of Covid-19

OPEN



Enter address or place Cancel

27.779 m 0.028 km **91.138 ft**
30.379 yd 0.017 mi



Visit Site for Info
X

OPEN

270 yds North
of us.



Enter address or place

5.281 m 0.005 km **17.326 ft**
5.775 yd 0.003 mi



300 yds North
of us.

Speak with a Healthcare Provider On-Demand
to Discuss Your Migraine Symptoms on Our Site [OPEN](#)



Enter address or place Cancel

5.618 m 0.006 km **18.432 ft**
6.144 yd 0.003 mi



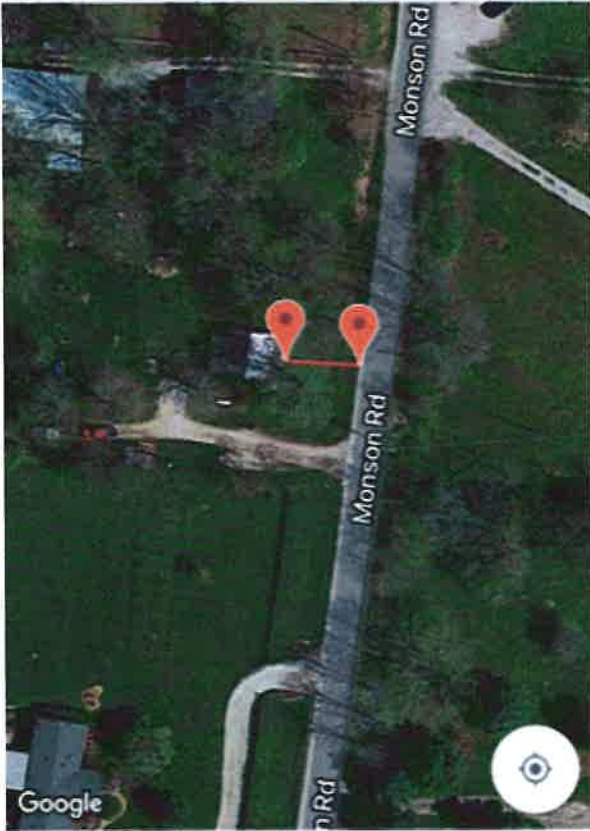
336 yds North
of us.

[Speak with a Healthcare Provider On-Demand to Discuss Your Migraine Symptoms on Our Site](#) **OPEN**



Q Enter address or place Cancel

12.479 m 0.012 km **40.942 ft**
13.647 yd 0.008 mi



490 yds North
of us.

More About a Migraine Treatment
Visit Our Site for More Details Today **OPEN**



Q Enter address or place Cancel

26.41 m 0.026 km **86.647 ft**
28.882 yd 0.016 mi



Visit Site for info X

OPEN

0.5 miles South of us.



Enter address or place Cancel

20.836 m 0.021 km **68.36 ft**
22.786 yd 0.013 mi



0.7 miles South of us.

Migraine Relief Medication

OPEN



0.9 miles Southeast
of us.

Speak with a Healthcare Provider On-Demand
to Discuss Your Migraine Symptoms on Our App [OPEN](#)

12:02
Clear Undo **Distance** Area

Enter address or place

19.752 m 0.02 km **64.803 ft**
21.601 yd 0.012 mi



1.4 miles Southeast
of us.

Speak with a Healthcare Provider On-Demand
to Discuss Your Migraine Symptoms on Our Site **OPEN**

- B. Granting of a conditional use permit does not exempt the applicant from complying with all of the requirements of building, housing, and other regulations.
- C. In any case where a conditional use permit has not been exercised within the time limit set by the Board, or within one year, if no specific time limit has been set, such conditional use permit shall expire. Expired, as set forth in this section, shall mean that binding contracts for the construction of the main building or other improvement have been let; or in the absence of contracts for the main building or other improvements is under construction involving substantial investment shall be under contract, in development, or completed. When construction is not a part of the use, exercised shall mean that the use is in operation in compliance with the conditions as set forth in the permit.
- D. The Administrative Official shall review all conditional use permits, except those for which all conditions have been permanently satisfied, at least once annually and shall have the power to inspect that land or structure where the conditional use is located in order to ascertain that the landowner is complying with all of the conditions which are listed on the conditional use permit. If the landowner is not complying with all of the conditions listed on the conditional use permit, the Administrative Official shall report the face in writing to the chairman of the Board of Adjustment. The report shall state specifically the manner in which the landowner is not complying with the conditions of the conditional use permit, and a copy of the report shall be furnished to the landowner at the same time that it is furnished to the chairman of the Board of Adjustment. The Board shall hold a hearing on the report within a reasonable time, and notice of the time and place of the hearing shall be furnished to the landowner at least one week prior to the hearing. If the Board of Adjustment finds that the fact(s) alleged in the report of the Administrative Official are true and that the landowner has taken no steps to comply with them between the date of the report and the date of the hearing, the Board of Adjustment may authorize the Administrative Official to revoke the conditional use permit and take the necessary legal action to cause the termination of the activity on the land which the conditional use permit authorizes.
- E. Once the Board of Adjustment has completed a conditional use permit and all the conditions required are of such type that they can be completely and permanently satisfied, the Administrative Official, upon request of the applicant, may if the facts warrant, make a determination that the conditions have been satisfied, and enter the facts which indicate that the conditions have been satisfied and the conclusion in the margin of the copy of the conditional use permit which is on file with the county clerk, as is required in KRS 100.344. Therefore said use, if it continues to meet the other requirements, will be treated as a permitted use.

X 4.28 Dimensional Variance

- A. The Board shall have the power to hear and decide on applications for dimensional variances where, by reasons of the exceptional narrowness, shallowness, or unusual shape of a site on the effective date of the zoning regulation or by reason of exceptional topographic conditions or some other extraordinary situation or condition of that site, the literal enforcement of the dimensional requirements (height or width of building or size of yards, but not population density) of the zoning regulation would deprive the applicant of reasonable capacity to make use of the land in a manner equivalent to the use

permitted other landowners in the same zone. The board may impose any reasonable conditions or restrictions on any variance it decides to grant.

When a proposed development requires a subdivision and one (1) or more variances, the planning commission may hear and finally decide applications for variances at the same hearing. The applicant for a subdivision at the time of the filing of the application for the subdivision may elect in writing to be heard and finally decided by the planning commission at the same public hearing set for the subdivision.

- B. Findings necessary for granting variances – 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 a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations. In making these findings, the board shall consider whether:
 - 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 of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant; and
 - 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.
 - D. 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.
- C. Lot of Record: Where the owner of a lot of official record which lot at the time of the adoption on this regulation does not include sufficient land to conform to the yard and other regulation does not include sufficient land to conform to the yard and other requirements of this regulation, an application may be submitted to the Board of Adjustment for a variance from the terms of this regulation. Such lot may be used as a building site; provided, however, that the yard and other requirements of the district are complied with as closely as is possible in the opinion of the Board of Adjustment.
- D. Variance cannot contradict zoning regulation. The board shall not possess the power to grant a variance to permit a use of any land, building, or structure which is not permitted by the zoning regulation in the district in question, or to alter density requirements in the district in question.