

APPLICATION FORM

BOARD OF ADJUSTMENT
AND
ZONING APPEALS ACTION
BOONE COUNTY PLANNING COMMISSION

RECEIVED
DEC 22 1999
BOONE COUNTY
PLANNING COMMISSION

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 _____ Appeal
_____ Change in Non-Conforming Use
- 3. Applicant's Name Zaring Homes
Phone Number 489-8849 Fax No. 489-4425
Applicant's Address 11300 Cornell Park Dr.
Cinti OH 45242
City State Zip
- 4. Description of Request: Variance to allow encroachment of structure on front setback by 3.92 feet.
- 5. Name of Development Cool Springs
- 6. Location of Development US 42 (across from Ryle High School)
1420 Meadowlake Way. 41091
- 7. Acreage Under Review .403 acres
- 8. Lot Number and Name of Subdivision (if part of a subdivision)
Lot #11 - Cool Springs
- 9. Owner of Property Zaring Homes
Phone Number of Owner 489-8849 10.
Address of Property Owner 11300 Cornell Park Dr. Cinti OH 45242
City State Zip
- 11. Proposed Use(s) on Site Residence - Single Family
- 12. Total Square Footage of Existing and/or Proposed Buildings approx 5600 sq ft.
- 13. Current Zoning on Property Residential
- 14. Deed Book 736 Page No. 54 Group No. 582, 2064
- 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? N/A - Zaring owns all adjoining lots
- 18. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

Applicant's Signature: Zaring Homes / Rhonda Nevets

Property Owner's Signature: Zaring Homes / Rhonda Nevets

(over)

Rhonda
cell # 237-3675

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 12-22-99 Fee Received \$ 4020 R# 22791
2. Is application complete? _____ Yes _____ No _____
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
 Approved
 Approved with Conditions (See #6)
 Denial (See #7)
6. Conditions of Approval: _____

7. Reasons for Denial: _____

Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005
(606) 334-2196 Phone
(606) 334-2264 Fax

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: Zaring Homes
LOCATION: 1420 Meadowlake Way
ZONING: Suburban Residential One (SR-1)
DATE: January 12, 2000

Proposal

The applicant is requesting a Variance to allow a reduction of the front yard setback for an approximate 5,600 square foot Single Family Dwelling at 1420 Meadowlake Way, Boone County, Kentucky. The Boone County Zoning Regulations require a minimum front yard setback of 30 feet for any structure in a Suburban Residential One (SR-1) zoning district. The single family detached residence is currently under construction, and was inadvertently constructed in violation of the 30 foot minimum setback requirement. The enclosed drawing presented by the applicant indicates that the front porch of the dwelling will be located 26.1 feet from the front property line, for an encroachment of 3.9 feet into the 30 foot minimum required front yard. If the variance is granted, the result will be a smaller front yard, and will not affect the side yard or rear yard setbacks.

Action by Board of Adjustment and Zoning Appeals

The board of Adjustment and Zoning Appeals has the power to hear and decide on applications for Variances. A Variance is defined as a departure from dimensional terms of the zoning regulation pertaining to height, width, or location of structures, and the size of open spaces where such departure meets the requirements of K.R.S. 100.241 to 100.247.

Variances are appropriate by reason of exceptional narrowness, shallowness, or unusual shape of a site on the effective date of the zoning regulations or amendment thereof or by reason of exceptional topographic conditions, or some other extraordinary situation or condition of the site. The literal enforcement of the above dimensional terms of the zoning regulation would deprive the applicant of a reasonable capacity to make use of the land in a manner equivalent to the use permitted other land owners in the same zone. The dimensional terms pertaining to height, width, and location involve such items as structures, parking space stalls, driveway aisles, and landscaped buffers and signs. Lot frontages, the size of yards, and open spaces refer to minimum yard dimensions such as building setbacks.

Staff Comments

1. The setback would be reduced by approximately 13%, which is a fairly marginal amount. Currently, there are no adjoining residences to the property in question; because the subdivision is largely undeveloped. The requested setback is a departure from SR-1 standard, but not from the adjoining properties because the adjoining lots are undeveloped.
2. If the encroachment is an open porch, it will not be as visually obtrusive as an enclosed structure.
3. Article 2, Section 251, Sub-Section 2 in the Boone County Zoning Regulations states "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."

Conclusion

K.R.S. 100.241 gives the Boone County Board of Adjustment and Zoning Appeals the authority to grant the applicant's request for a variance to reduce the front yard setback requirement for an approximate 5,600 square foot Single Family Dwelling at 1420 Meadowlake Way, Boone County, Kentucky. The applicant's proposal must be determined by the criteria listed in K.R.S. 100.241 to 100.247.

Respectfully Submitted,

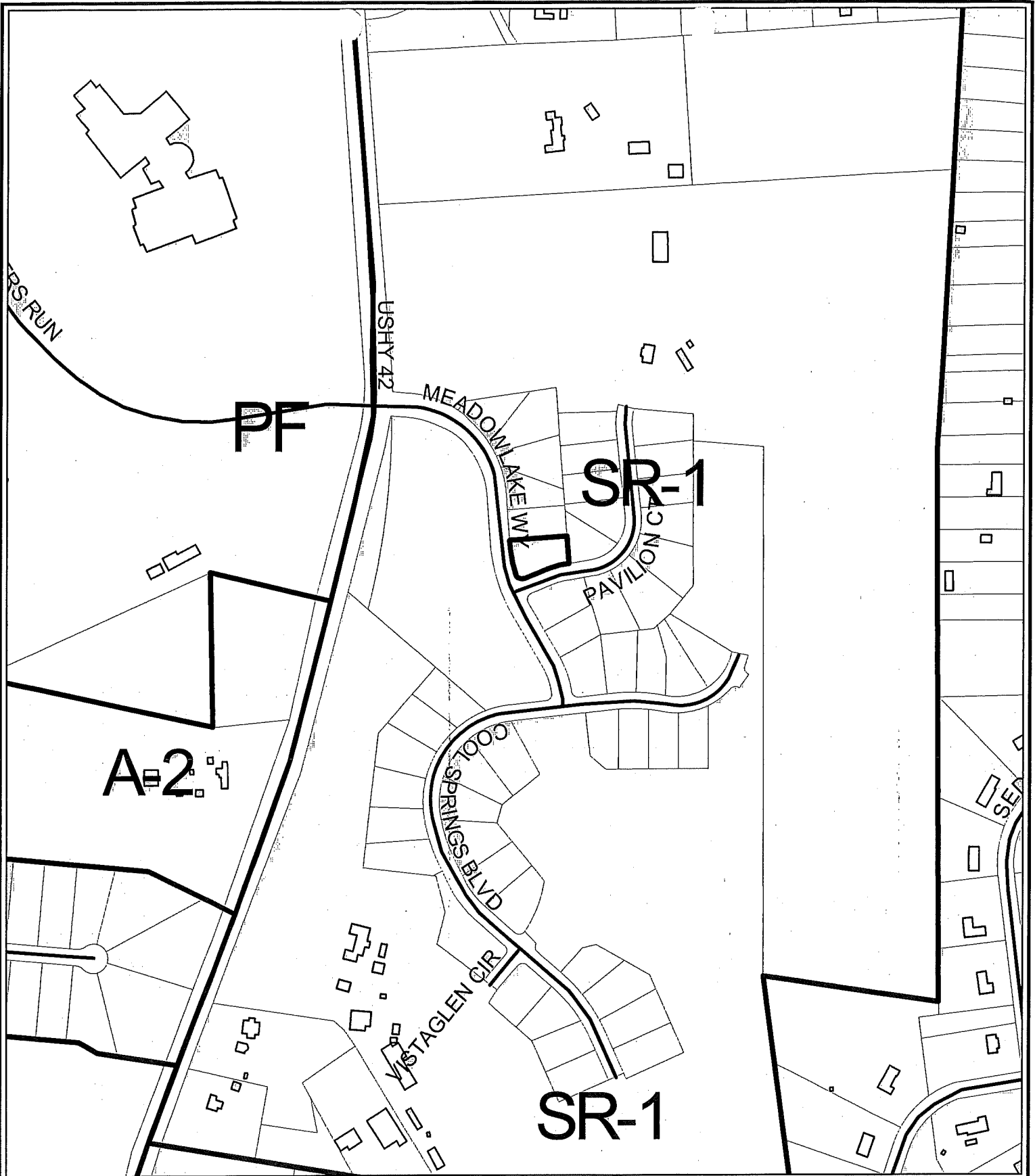


Mike Homer
Planner

MH\pr

Attachments

- Vicinity/Zoning Map
- Plot Plan
- Subdivision Development Map
- Variance Application Form

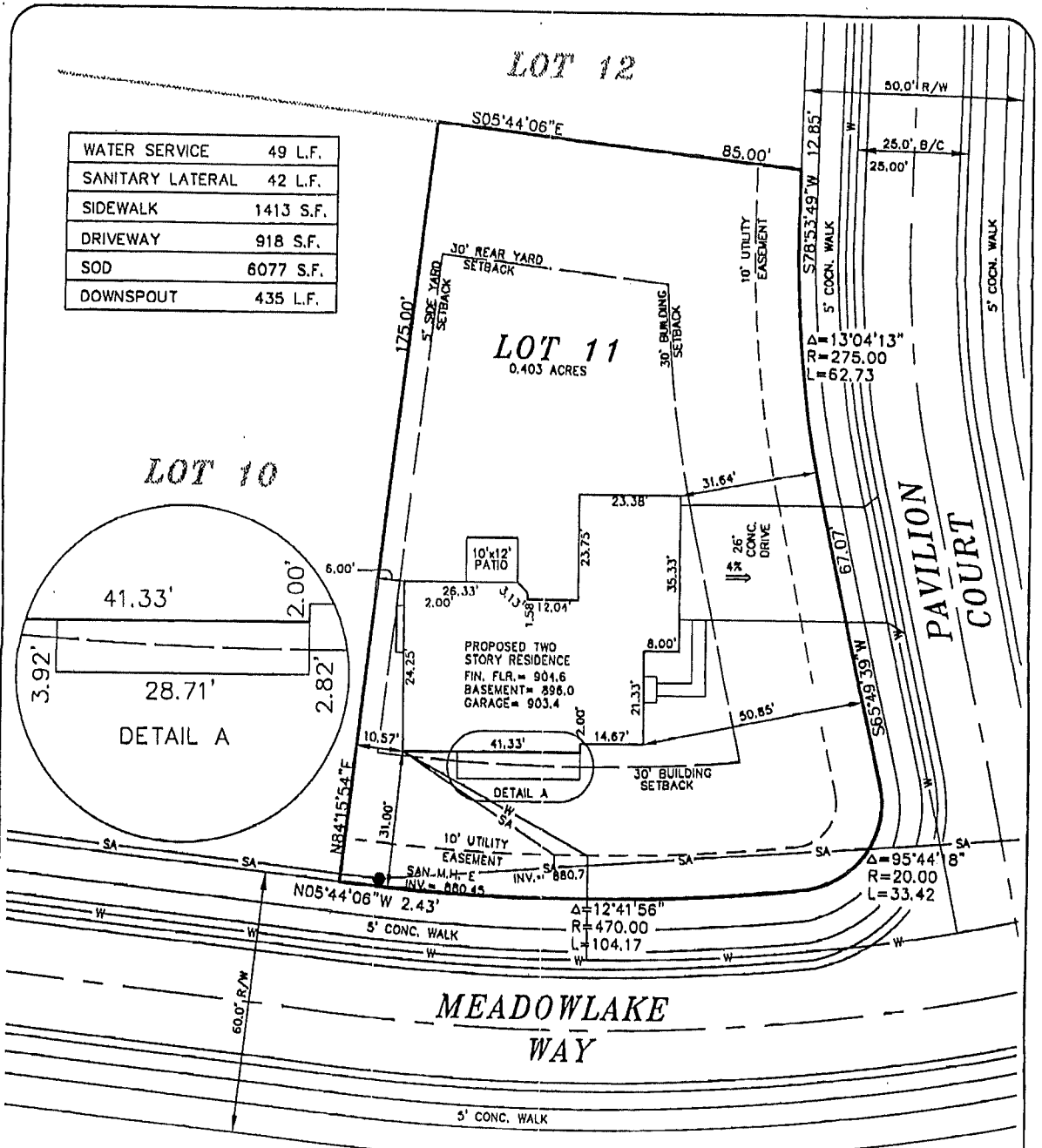


Vicinity/Zoning Map
1420 Meadowlake Way

400 0 400 Feet

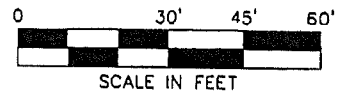
1 inch equals 400 feet
Produced by the
Boone County Planning Commission
GIS Services Division
January 5, 2000





NOTES:

- EXISTING INFORMATION SHOWN HEREON WAS TAKEN FROM THE APPROVED IMPROVEMENT PLANS FOR COOL SPRINGS SUBDIVISION SECTION 1.
- BOUNDARY DIMENSIONS ARE SHOWN PER PLAT UNLESS OTHERWISE NOTED - THOSE RELYING ON THIS DOCUMENT ARE ADVISED TO OBTAIN INDEPENDENT VERIFICATION OF ITS ACCURACY BEFORE USING IT FOR ANY PURPOSE.
- DOWNSPOUTS AND FOOTING FOUNDATION DRAINS ARE TO BE CONNECTED TO THE STORM SEWER OR DISCHARGED TO A CURB CUT OR DRAINAGE SWALE.



R.D. Zande & Associates
10560 ASHVIEW PLACS
SUITE 110
CINCINNATI, OHIO 45242
(513) 768-5008
FAX: (513) 769-5030

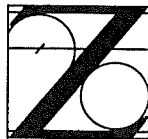
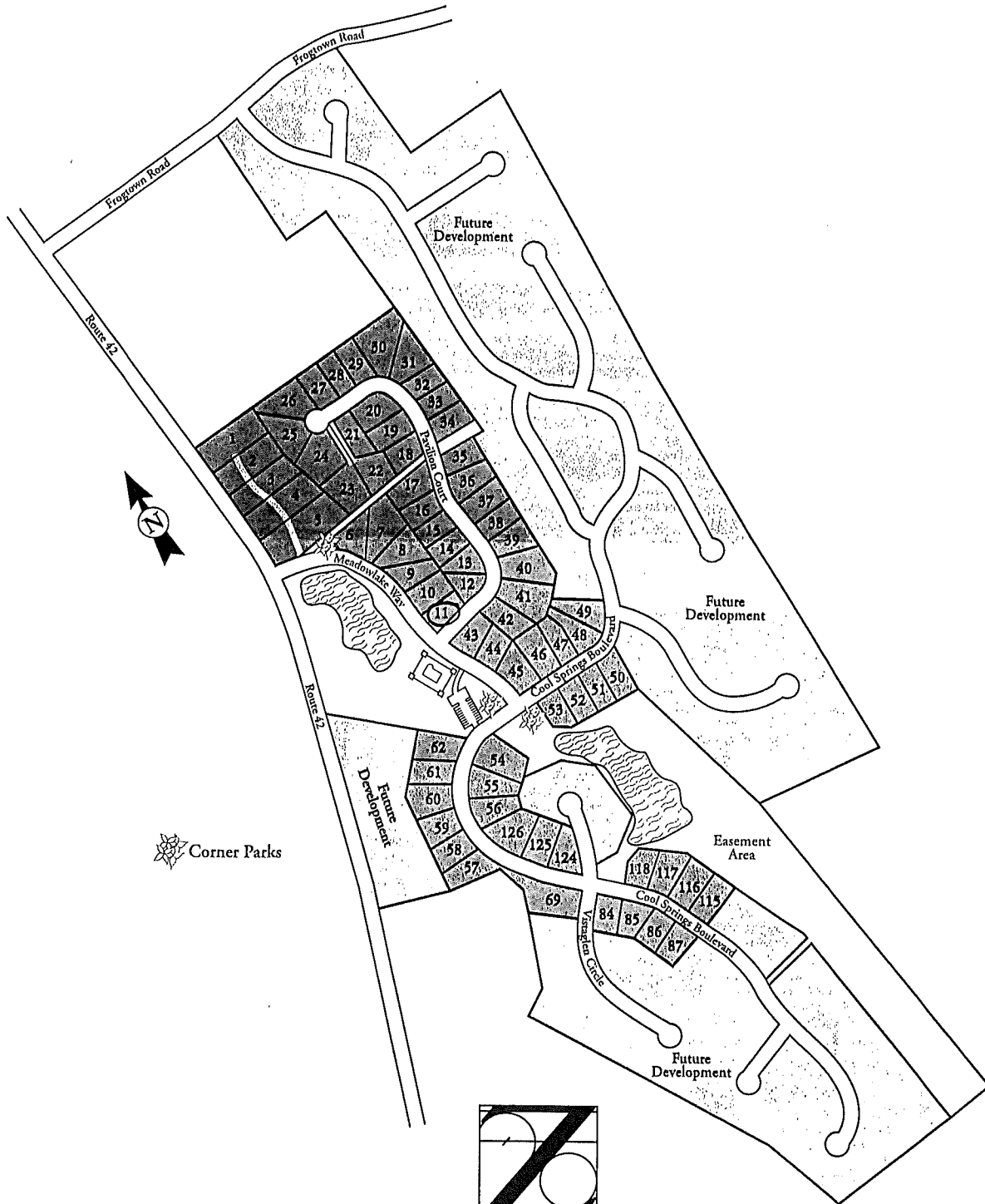
**PLOT PLAN FOR:
ZARING HOMES INC.**

DRAWN BY: TMW
CHECK BY:
DATE 7/29/99
JOB NO: C429
SCALE: 1" = 30'
COVERTY (E)

LOT 11
COOL SPRINGS
SECTION 1
BOONE COUNTY, KENTUCKY

COOL SPRINGS

Northern Kentucky's Premier Family Community by Zaring



the quality builder[®]

ZARING

This brochure is for illustrative purposes only and is not part of a legally binding contract. Lot dimensions and configurations are approximate and subject to change.

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www.zaring.com



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Applicant's Signature: Zaring Homes / Rhonda Newels

Property Owner's Signature: Zaring Homes / Rhonda Newels

(over)

Rhonda
cell # 237-3675

COPY

CLUR #00-BCBOA-002-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER (S)
Zaring Homes
11300 Cornell Park Drive
Cincinnati, OH 45242

2. ADDRESS OF PROPERTY
1420 Meadowlake Way
Union, KY 41091
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Cool Springs

4. DEED BOOK 736 PAGE NO. 54 GROUP NO. 2064

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
2995 WASHINGTON STREET
BURLINGTON, KENTUCKY 41005



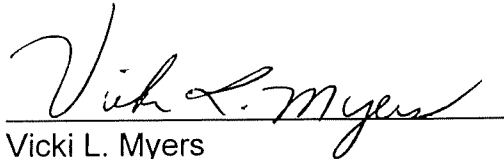
SIGNATURE OF COMPLETING OFFICIAL

Mike Homer, Planner, Zoning Services
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

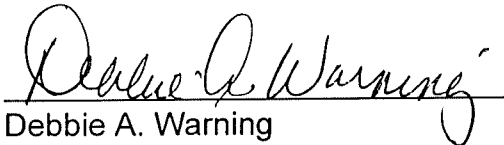
Subscribed, sworn to, and acknowledged before me by Mike Homer on behalf of the
Boone County Planning Commission this 25 day of January, 2000.



Vicki L. Myers
NOTARY PUBLIC, State at Large

My commission Expires:
April 17, 2003

This instrument was prepared for recording purposes only by:



Debbie A. Warning
Boone County Planning Commission
2995 Washington Street
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 Boone County Board of Adjustments and in accordance with the current zoning in effect as of January 12, 2000 Certificate of Land Use Restriction (#00-BCBOA-002-A), for Zaring Homes, Property Owner(s).

The following conditions will apply:

None.

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

DEED BOOK 736

PAGE NO. 54

Group NO. 2064