

APPLICATION FORM

BOARD OF ADJUSTMENT
AND
ZONING APPEALS ACTION
BOONE COUNTY PLANNING COMMISSION

RECEIVED
FEB 15 2000
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 ARLINGHAUS BUILDERS INC.
Phone Number 341-8766 Fax No. 344-7983
Applicant's Address 142 BARNWOOD
EDGEWOOD KY 41017
- 4. Description of Request: REQUEST TO REDUCE WIDTH OF
LOTS 140 + 146 FROM 65' TO 62'
- 5. Name of Development SILVER CREEK SUBDIVISION
- 6. Location of Development 8845 SENTRY DRIVE
+ 8849 SENTRY DRIVE
- 7. Acreage Under Review 18,200 SQ. FT.
- 8. Lot Number and Name of Subdivision (if part of a subdivision)
LOTS 140 + 146 SECTION 6 SILVER CREEK SUBD.
- 9. Owner of Property ARLINGHAUS BUILDERS INC
Phone Number of Owner 341-8766 10.
Address of Property Owner 142 BARNWOOD EDGEWOOD KY 41017
- 11. Proposed Use(s) on Site SINGLE FAMILY RESIDENTIAL
- 12. Total Square Footage of Existing and/or Proposed Buildings (2) 1700 + 50 FT 2 STORY HOMES.
- 13. Current Zoning on Property SR 1
- 14. Deed Book 470 Page No. 245 Group No. 3736 2039
- 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.

Applicant's Signature: Robert Edrucker V.P. **ARLINGHAUS BUILDERS**

Property Owner's Signature: Robert Edrucker V.P. **142 BARNWOOD
EDGEWOOD, KENTUCKY 41017**

BOARD OF ADJUSTMENT AND
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APPLICATION
PAGE 2

SECTION B (To be completed by the Boone County Planning Commission Staff)

1. Date Received 2-15-00 Fee Received \$744.00 (#23191)
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: Arlinghaus Builders Inc.
LOCATION: Lots 140 & 146 Sentry Drive, Boone County, Kentucky 41042
ZONING: Suburban Residential One (SR-1)
DATE: March 8, 2000

Proposal

The applicant is requesting a Variance to allow a reduction of the minimum lot frontage on two undeveloped adjacent parcels on Sentry Drive, Boone County, Kentucky. The Boone County Zoning Regulations require a minimum lot frontage of 65 feet for any lot in a Suburban Residential One (SR-1) zoning district. The reason for this request is due to a mistake made by the surveyor in placing a curb cut marker. The attached letter outlines the history of the mistake and future plans to develop the lots.

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 two lots in question are the only lots left on the street that are undeveloped. Finishing the development would enhance the overall character of the neighborhood.

2. If the Variance is approved, the new development should reflect the established character of the street created by the developer.

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 lot frontage requirement at Lot 140 & 146, Sentry Drive, 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,

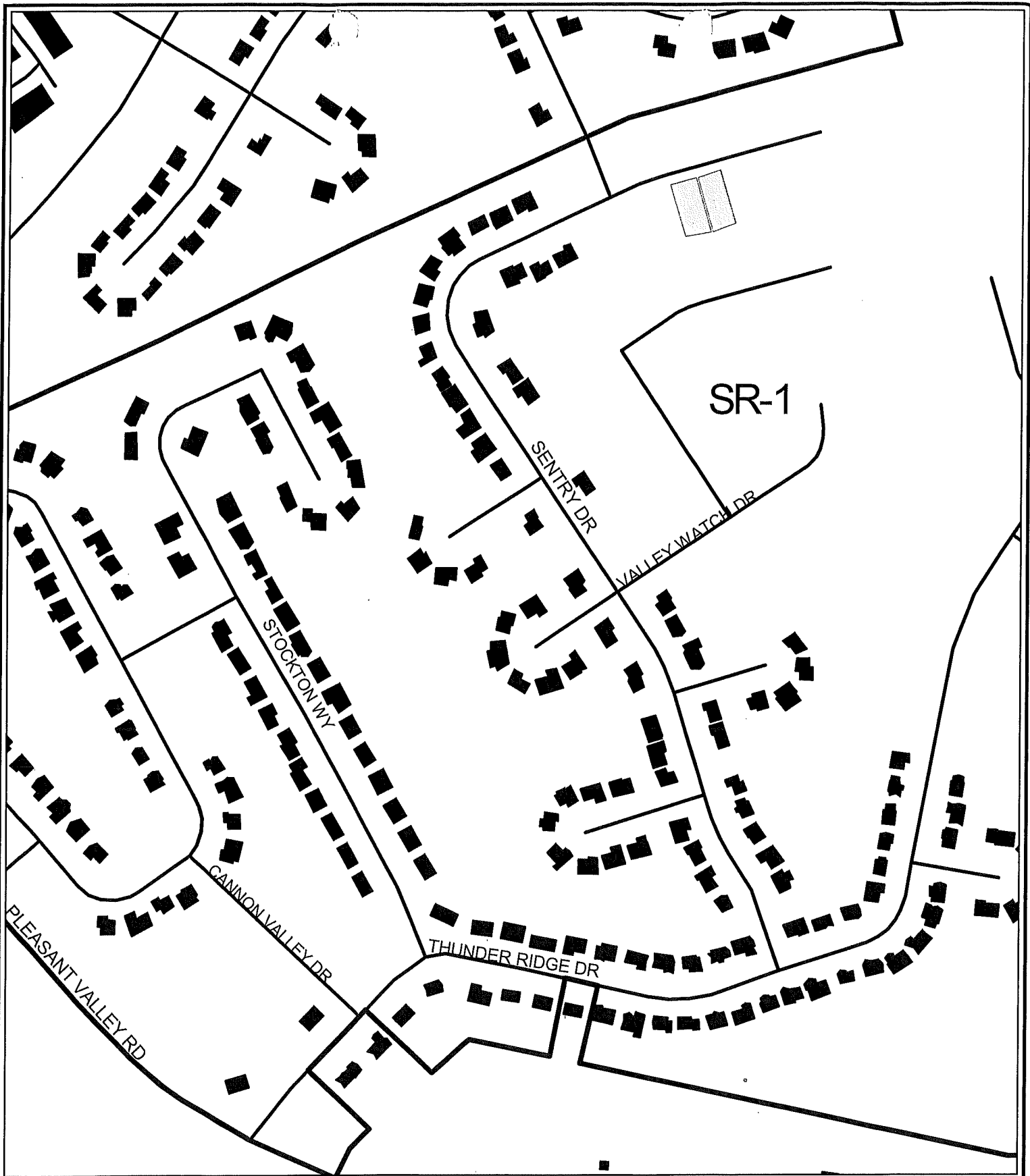


Mike Homer
Planner

MH\pr

Attachments

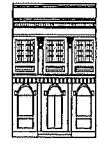
- Vicinity/Zoning Map
- Plot Plan
- Letter from Arlinghaus Builders, Inc.
- Variance Application Form



Vicinity/Zoning Map
 Lot
 140 & 146, Sentry Drive



1 inch equals 325 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 February 25, 2000



37' A=32.98' 35.09' 65.00' 65.00' 70.00'

10.26' 21.45' N 68°53'14" E 40'

SENTRY

TOP 15' 13.13'

62'

62'

70.00'

8841

8845

8849

8853

UTILITY

D=09.40 31"
 Dc=11'27.33"
 R=500.00'
 T=42.32'
 A=84.43'

139

140

146

147

Russell

S 21°06'46" E 140.00'

S 21°06'46" E 140.00'

S 21°06'46" E 140.00'

139.85'

18.28' 41.48'

75.92'

65.00'

70.00'

65.00'

RECEIVED
 FEB 15 2010

BOONE COUNTY
 ZONING COMMISSION

ARLINGHAUS BUILDERS INC
142 BARNWOOD DRIVE
EDGEWOOD, KY 41017
606-341-8766
FAX 344-7983

February 25, 2000

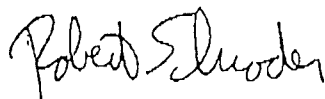
BOONE COUNTY PLANNING COMMISSION
MIKE HOMER
FAX 334-2264

Re: 8845 & 8849 Sentry, Florence, Ky
Lots 140 & 146 Silver Creek Subdivision

Arlinghaus Builders has filed an application for a variance to reduce the front dimensions from 65 feet to 62 feet for the above 2 lots located in Boone County, Kentucky. The reason for this request is that our surveyor made a mistake and marked the curb cut dividing Lot 139 & Lot 140 in the wrong location. We built a home on Lot 139 based on that curb cut, and that home is now about 2 feet from the property line. After that house was built and sold, we made plans to build on Lot 140. When we staked out Lot 140, we discovered the mistake. Rather than have only a 2 foot side yard on Lot 139, we would prefer to move the Lot lines, have a normal side yard for Lot 139, and still have reasonable sized Lots at # 140 and # 146. The revised Lots would each be 62 feet wide by 140 feet deep, or 8680 square feet which is greater than the minimum permitted lot size. After the lots are reduced in width, we would plan to build a home on each lot which would be 44 feet wide, still allowing a nice size side yard for all 3 affected lots.

Let me know if you have any other questions.

Sincerely,



ARLINGHAUS BUILDERS INC.

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Applicant's Signature: Robert Edwards VP. **ARLINGHAUS BUILDERS**

Property Owner's Signature: Robert Edwards VP. **142 BARNWOOD
EDGEWOOD, KENTUCKY 41017**

COPY

CLUR #00-BCBOA-011-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Arlinghaus Builders, Inc.
142 Barnwood Drive
Edgewood, KY 41017

2. ADDRESS OF PROPERTY
8845 & 8849 Sentry Drive
Florence, KY 41042
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Silver Creek

4. DEED BOOK 470 PAGE NO. 245 GROUP NO. 2039

5. TYPE OF RESTRICTION(S) (Check all that apply)

 Zoning Map Amendment: Conditional Use Permit
 From To

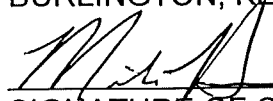
 Development Plan Conditional Zoning

 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



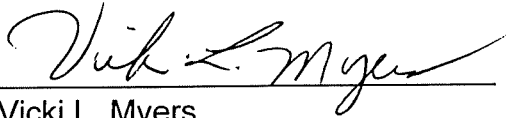
SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

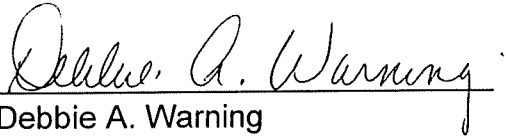
Subscribed, sworn to, and acknowledged before me by Mike Homer on behalf of the Boone County Planning Commission this 16 day of March, 2000.



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 March 8, 2000 Certificate of Land Use Restriction (#00-BCBOA-011-A), for Arlinghaus Builders, Inc.,
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 470

PAGE NO. 245

GROUP NO. 2039