

00-BCBOA-017-A

00-017

RECEIVED

MAY - 5 2000

BOONE COUNTY PLANNING COMMISSION

**BOARD OF ADJUSTMENT  
AND  
ZONING APPEALS ACTION  
BOONE COUNTY PLANNING COMMISSION**

See Boone County Zoning Regulations  
**SECTION A** (To be completed by applicant)

- (Check One)
1.  Boone  Florence  Walton  Union
- (Check One)
2.  Conditional Use Permit  Variance  Appeal  
 Change in Non-Conforming Use
3. Applicant's Name J. J. Miller  
Phone Number 606-384-2280 Fax No. 513-629-1050  
Applicant's Address 10847 OMAHA TRACE  
Union Ky 41091  
City State Zip
4. Description of Request: Interchange the front and back setback lines with the side lines given the topography in order to better position the houses to existing lake.
5. Name of Development BRENTWOOD SUBDIVISION
6. Location of Development BULLITTSVILLE ROAD  
BURLINGTON, KY 41005
7. Acreage Under Review 1.4872 acres
8. Lot Number and Name of Subdivision (if part of a subdivision)  
Proposed Lots 110 and 111 Brentwood Subdivision
9. Owner of Property MILLER DEVELOPERS  
Phone Number of Owner 606-384-2280  
Address of Property Owner 10847 OMAHA TRACE Union, Ky 41091  
City State Zip
10. 10.
11. Proposed Use(s) on Site Single Family Residence
12. Total Square Footage of Existing and/or Proposed Buildings N/A
13. Current Zoning on Property RS
14. Deed Book 603 Page No. 72 Group No. 2018
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: J. J. Miller

Property Owner's Signature: Miller Developers  
J. J. Miller, partner  
(over)

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 5/5/00 Fee Received \$ 420.00 / R 24095  
 2. Is application complete?  Yes  No  
 3. Staff Reviewer Mike Homer  
 4. Scheduled Board Action Date 6/14/00  
 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.

BCPC: 11/96

## STAFF REPORT

**APPLICANT:** J. J. Miller

**LOCATION:** Lots 110 and 111 of the Brentwood Subdivision  
Boone County, Kentucky

**ZONING:** Rural Suburban (RS)

**DATE:** June 14, 2000

### Proposal

The applicant is requesting a Variance to allow a reduction of the minimum front yard and rear yard setbacks on two undeveloped adjacent parcels on Bullittsville Road, Boone County, Kentucky. The Boone County Zoning Regulations require a minimum front yard setback of 40 feet and a minimum rear yard setback of 40 feet for any lot in a Rural Suburban (RS) zoning district. The request is to reduce the required front yard and rear yard setbacks by 30 feet to 10 feet to allow the rear of each of the houses to overlook the existing lake.

### 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.

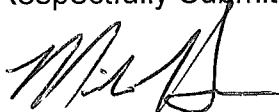
Staff Comments

1. If the Variance is approved, the front and rear yard setbacks would be reduced by 75%, a significant amount.
2. Until Lots 108 & 109 are developed, the view of the properties in question from Bullittsville Road will be of Lot 110's side yard, a less desirable view than that provided by the front yard.
3. This Variance does not need to be approved to give the applicant reasonable use of the land. The applicant is not experiencing exceptional narrowness, shallowness, or unusual shape with the property in question.
4. Should the Variance be approved, the resulting houses will face to the rear of the houses located at the end of Trevor Lane.

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 and rear yard setback requirements for Lots 110 & 111, Brentwood Subdivision, 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,

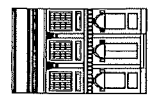
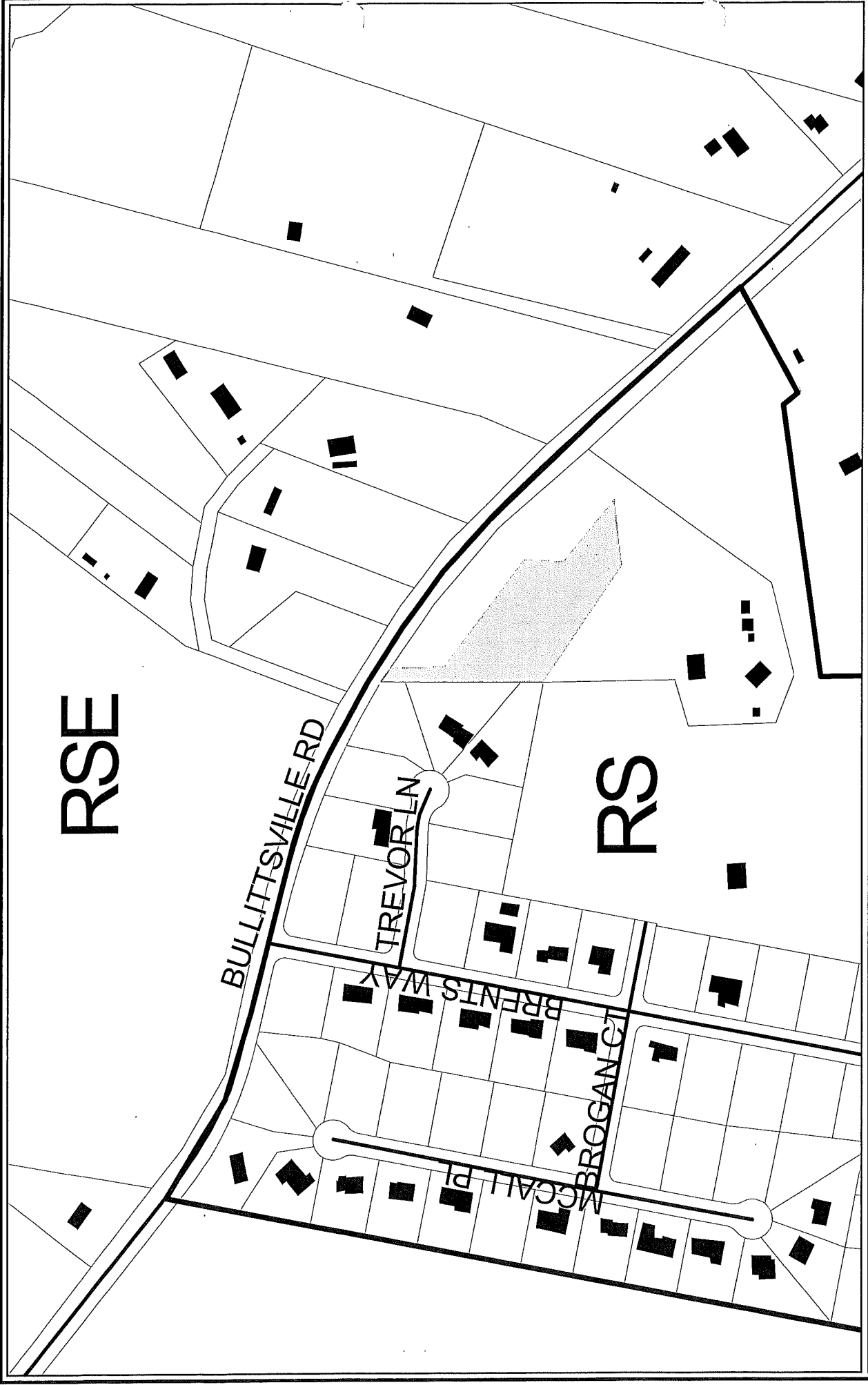


Mike Homer  
Planner

MH\pr

Attachments

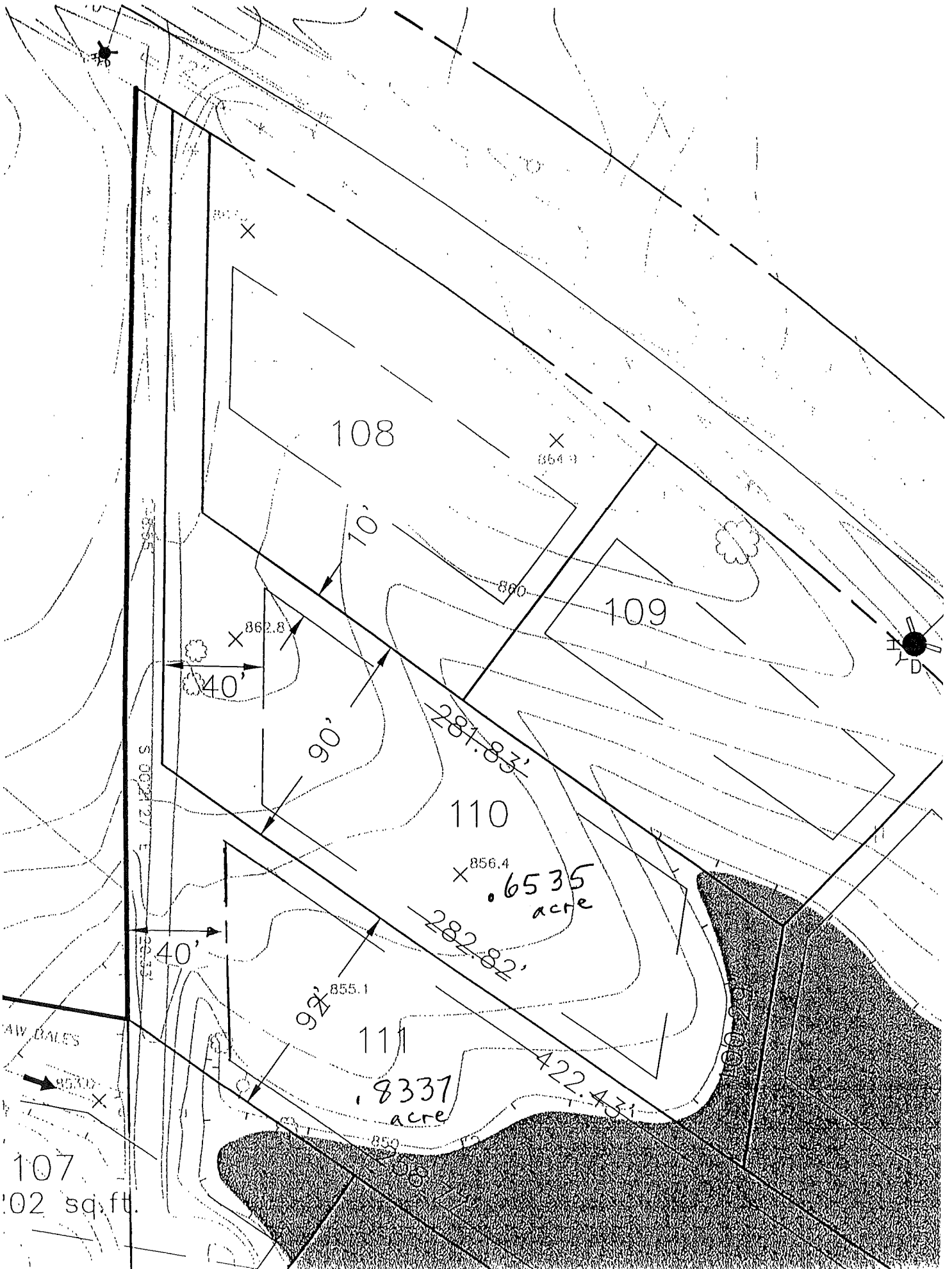
- Vicinity/Zoning Map
- Site Plan
- Variance Application Form



1 inch equals 300 feet  
 Produced by the  
 Boone County Planning Commission  
 GIS Services Division  
 June 7, 2000

# Zoning/Vicinity Map

## Lots 110 & 111 Brentwood Subdivision



APPLICATION FORM

RECEIVE

MAY - 5 2000

BOONE COUNTY PLANNING COMMISSION

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

See Boone County Zoning Regulations SECTION A (To be completed by applicant)

- 1. (Check One) Boone [checked] Florence \_\_\_\_\_ Walton \_\_\_\_\_ Union \_\_\_\_\_
2. (Check One) \_\_\_\_\_ Conditional Use Permit [checked] Variance \_\_\_\_\_ Appeal \_\_\_\_\_
Change in Non-Conforming Use \_\_\_\_\_
3. Applicant's Name J. J. Miller
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Applicant's Address 10847 OMAHA TRACE
Union Ky 41091
City State Zip
4. Description of Request: Interchange the front and back setback lines with the side lines given the topography in order to better position the houses to existing 1 1/2 mile.
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6. Location of Development BULLITTSVILLE ROAD
BURLINGTON, KY 41005
7. Acreage Under Review 1.4872 acres
8. Lot Number and Name of Subdivision (if part of a subdivision) Proposed Lots 110 and 111 Brentwood Subdivision
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14. Deed Book 603 Page No. 72 Group No. 2018
15. Is the site subject to a zone change? NO
If yes, give date of approval
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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: [Signature]

Property Owner's Signature: [Signature] Miller Developers, partner (over)

COPY

CLUR #00-BCBOA-017-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Miller Developers  
10847 Omaha Trace  
Union, KY 41091

2. ADDRESS OF PROPERTY

Bullittsville Road  
Burlington, KY 41005

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Brentwood

4. DEED BOOK 603

PAGE NO. 72

GROUP NO. 2018

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

Zoning Map Amendment:  
From    To   

Conditional Use Permit

Development Plan

Conditional Zoning


Subdivision Plat  
(Not Recorded)

Other:

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

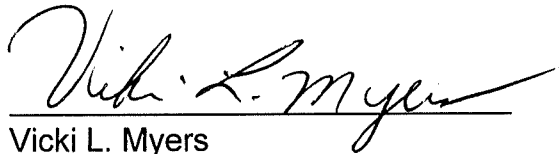
Mike Homer, Planner, Zoning Services  
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledged before me by Mike Homer on behalf of the

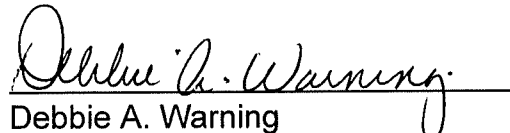
Boone County Planning Commission this 23 day of June, 2000.



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 June 14, 2000 Certificate of Land Use Restriction (#00-BCBOA-017-A), for Miller Developers, 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 603

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