

APPLICATION FORM

BOARD OF ADJUSTMENT
AND
ZONING APPEALS ACTION
BOONE COUNTY PLANNING COMMISSION

RECEIVED
MAY 9 2000

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 AFTON DEVELOPMENT, LLC
Phone Number 291-8077 Fax No. 291-8066
Applicant's Address P.O. Box 17635 Ft. Mitchell, Ky
- 4. Description of Request: CHANGE IN MINIMUM SIDE YARD DET BACK
FROM 0' MINIMUM 15' TOTAL TO 5' MINIMUM 10' TOTAL - THIS WILL
CONFORM WITH ORCHARD ESTATES PHASES A + B
- 5. Name of Development ORCHARD ESTATES PHASE C
- 6. Location of Development CONNOR RD.
- 7. Acreage Under Review 44.76 AC
- 8. Lot Number and Name of Subdivision (if part of a subdivision)
LOTS NUMBERED 146 THROUGH 320
- 9. Owner of Property PLEASE SEE ATTACHED LIST
Phone Number of Owner _____ 10.
Address of Property Owner _____
- 11. Proposed Use(s) on Site RESIDENTIAL SINGLE FAMILY HOMES
- 12. Total Square Footage of Existing and/or Proposed Buildings _____
- 13. Current Zoning on Property SR-1 CLUSTER
- 14. Deed Book PLEASE SEE Page No. ATTACHED LIST Group No. 2020
- 15. Is the site subject to a zone change? YES
If yes, give date of approval MAY 1999
- 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: [Signature] MEMBER
AFTON DEVELOPMENTS, LLC

Property Owner's Signature: _____

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 5-9-00 Fee Received \$ 528.00 RA# 24153
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: NONE
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: Afton Development, LLC
LOCATION: Lots 146 through 320 Orchard Estates Subdivision
ZONING: Suburban Residential One (SR-1)
DATE: July 12, 2000

Proposal

The applicant is requesting a Variance to allow a reduction of the required 15 foot total side yard setback to 10 feet and to increase the minimum 0 foot side yard setback to 5 feet, in Phase C of the Orchard Estates Subdivision. The reason for this request is so the developer can restrict the location of the house to exactly 5 feet from each side property line. The resulting development will have houses spaced exactly 10 feet from each other.

Site History

Phase C of the Orchard Estates Subdivision went through the Zoning Map Amendment process in 1999. The subject property was rezoned from Agricultural Estate (A-2) and Rural Suburban (RS) to Suburban Residential One (SR-1).

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. Restricting the side yard setbacks to 5 feet will limit the green space or separation between houses. However, the approval of the request would allow the developer to erect larger houses.
2. Staff questions whether the application meets the criteria for granting a Variance because there appears to be no extraordinary situations or conditions and the applicant would not be deprived of using the land in a reasonable manner if the request was denied. However, on June 14, 2000, an identical request was approved by the Boone County Board of Adjustment for lots 1 through 116 of Bradford Trace Subdivision.

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 allow a reduction of the required 15 foot total side yard setback to 10 feet, and increase the minimum 0 foot side yard setback to 5 feet. The applicant's proposal must be determined by the criteria listed in K.R.S. 100.241 to 100.247.

Respectfully Submitted,

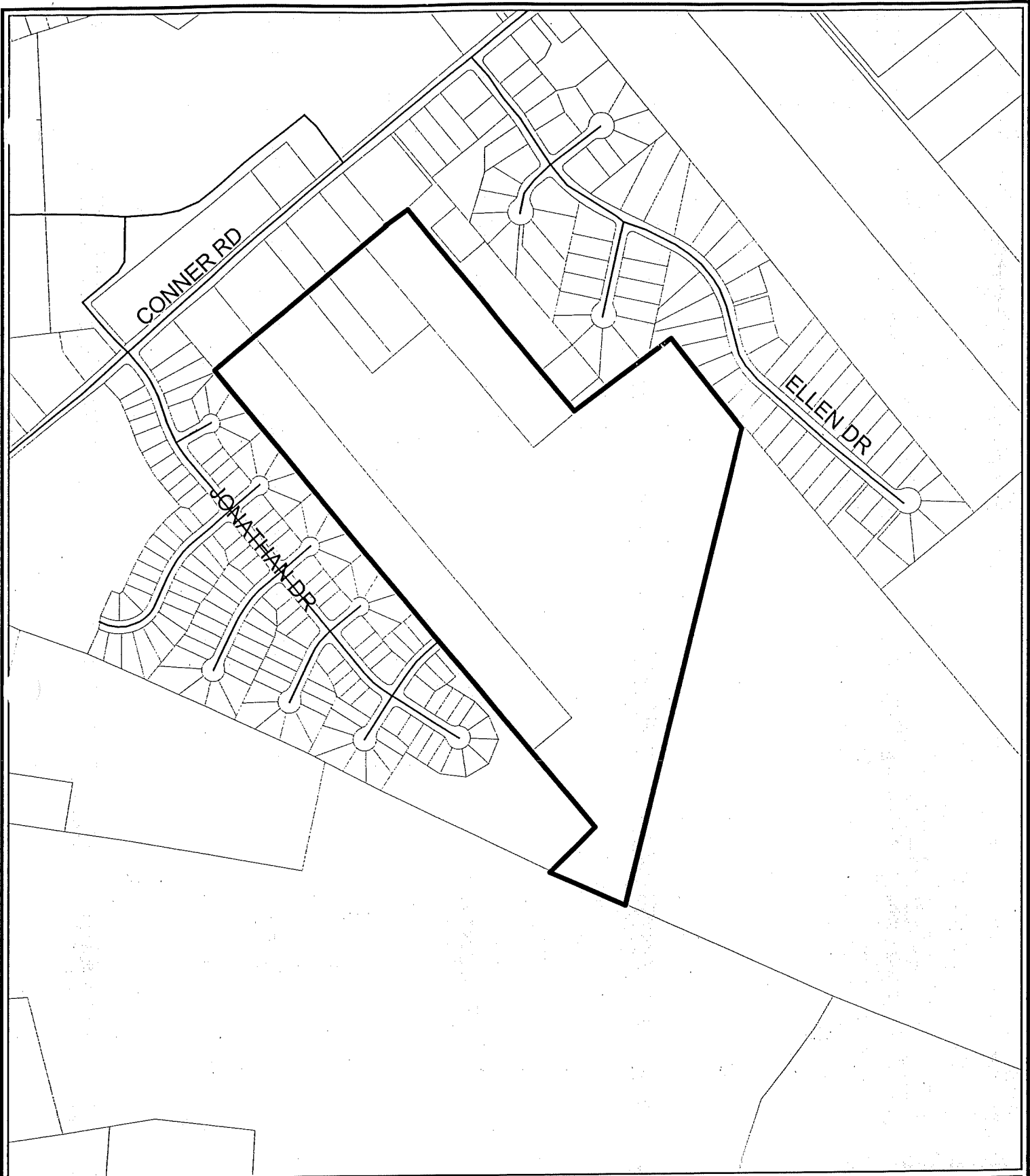


Todd K. Morgan
Planner

TKM\pr

Attachments

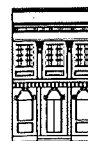
- Zoning/Vicinity Map
- Partial copy of the Preliminary Plat
- Variance Application Form



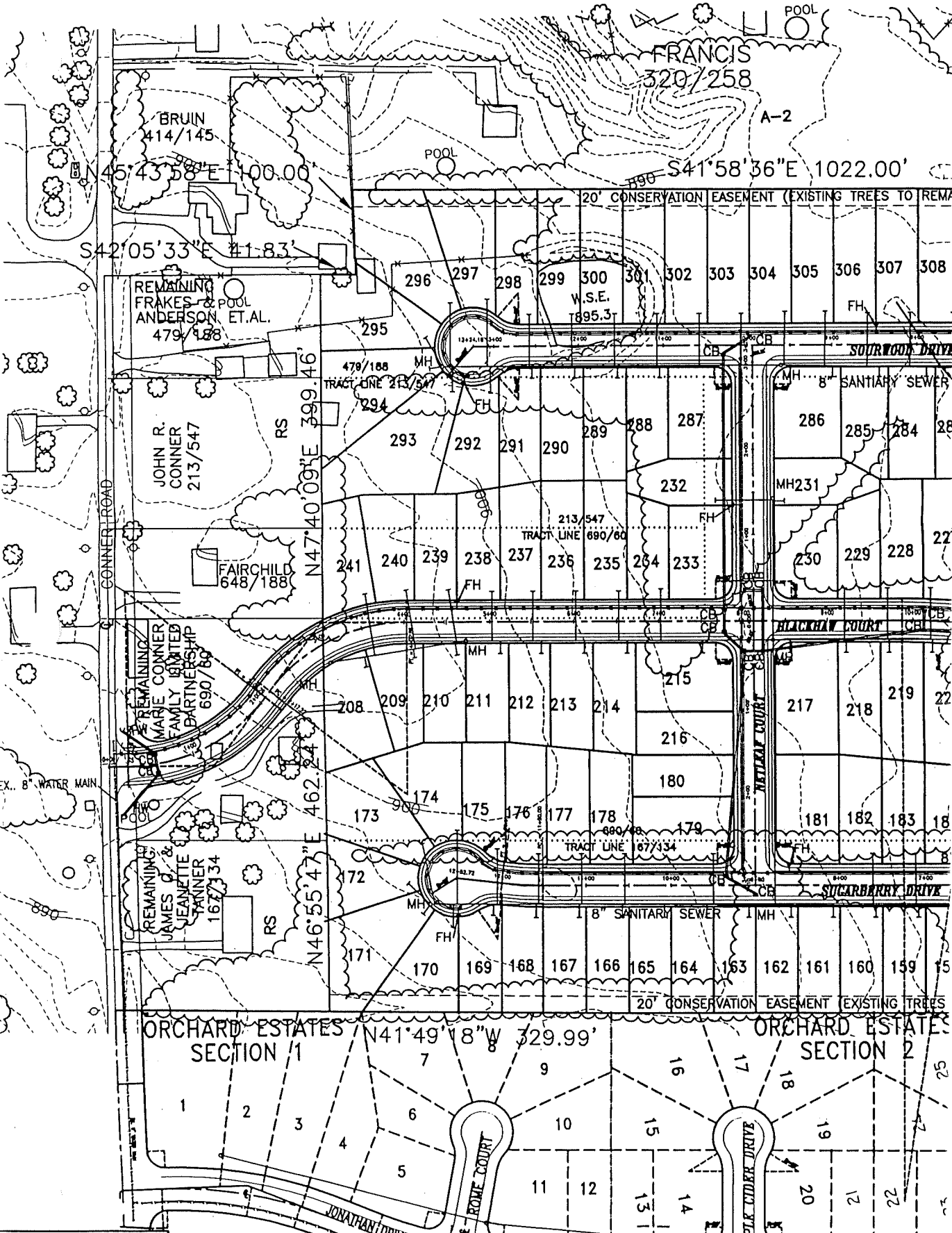
Orchard Estates Phase C

500 0 500 Feet

1 inch equals 500 feet
Produced by the
Boone County Planning Commission
GIS Services Division
July 5, 2000



WRELL S. & DENISE G. FRAKES 1/2 INTEREST
 DEED BOOK 479 PAGE 188
 1713 CONNER ROAD
 HEBRON, KY. 41048



AREA	AREA UNDER 8000 SQFT.
307	0
306	1750
305	1750
304	1750
303	1750
302	1750
301	1750
300	1750
299	1750
298	1750
297	1750
296	1750
295	1750
294	1750
293	1750
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257	1750
256	1750

LOT	LOT AREA	AREA UNDER 8000 SQFT.
172	6675	1026
173	9758	0
174	8422	0
175	8329	1470
176	7115	885
177	6900	1100
178	8440	1125

LOT	LOT AREA	AREA UNDER 8000 SQFT.
192	8780	2250
193	8780	2250
194	8780	2250
195	8780	2250
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304	8780	2250
305	8780	2250
306	8780	2250
307	8780	2250
308	8780	2250

LOT	LOT AREA	AREA UNDER 8000 SQFT.	LOT	LOT AREA	AREA UNDER 8000 SQFT.
213	8125	1675	231	5863	
214	8376	1825	232	8125	

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Applicant's Signature: Ronald A. McCall, MEMBER
AFTON DEVELOPMENTS, LLC

Property Owner's Signature: _____

COPY

CLUR #00-BCBOA-023-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

James G. Tanner

1761 Conner Road

Hebron, KY 41048

Deed Book 167, Page 134

Marie Conner Family Limited Partnership

1734 Conner Road

Hebron, KY 41048

Deed Book 690, Page 60

John R. Conner

1718 Conner Road

Hebron, KY 41048

Deed Book 213, Page 547 and Deed Book 603, Page 81

Denise G. Frakes

1713 Conner Road

Hebron, KY 41048

Deed Book 479, Page 188

Richard G. Anderson

5183 Limaburg Road

Burlington, KY 41005

Deed Book 479, Page 188

2. ADDRESS OF PROPERTY

Conner Road

Hebron, KY 41048

3. NAME OF SUBDIVISION OR
DEVELOPMENT (if applicable)

Orchard Estates, Phase C

4. GROUP NO. 2020

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

Todd Morgan, Planner, Zoning Services
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

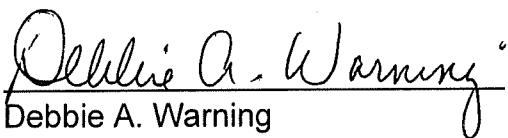
Subscribed, sworn to, and acknowledged before me by Todd Morgan on behalf of the
Boone County Planning Commission this 14 day of July, 2000.



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 July 12, 2000 Certificate of Land Use Restriction (#00-BCBOA-023-A), for James G. Tanner, Deed Book 167 Page 134, Marie Conner Family Limited Partnership, Deed Book 690, Page 60, John R. Conner, Deed Book 213, Page 547 and Deed Book 603, Page 81, Denise G. Frakes and Richard G. Anderson, Deed Book 479, Page 188 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 BOOKS 167, 690, 213, 603, 479 PAGES 134, 60, 547, 81, 188
GROUP NO. 2020