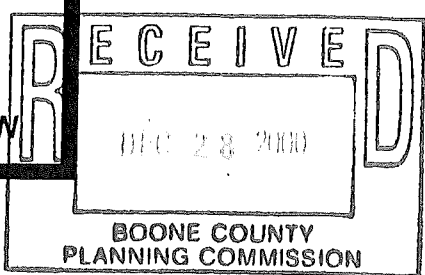


01-162304-008A

APPLICATION FORM

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 _____
3. Applicant's Name WILLIAM R. NEU
Phone Number 371-0221 Fax No. SAME
Applicant's Address 6957 GLEN ARBOR DRIVE FLORENCE, KENTUCKY 41042
4. Description of Request: VARIANCE FOR 16 FT FOR DECK INSTEAD OF 30 FT. GOLF COURSE IS BEHIND HOME. BOONE LINKS, RIDGEVIEW HOLE #2
5. Name of Development OAKBROOK THE LINKS
6. Location of Development OAKBROOK, THE LINKS
7. Acreage Under Review TL-46
8. Lot Number and Name of Subdivision (if part of a subdivision) LINKS TL-46
9. Owner of Property WILLIAM R. NEU
Phone Number of Owner SAME
Address of Property Owner SAME
11. Proposed Use(s) on Site VARIANCE FOR DECK
12. Total Square Footage of Existing and/or Proposed Buildings
13. Current Zoning on Property SRI
14. Deed Book 788 Page No. 545 Group No. 2032
15. Is the site subject to a zone change? NO
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: [Handwritten Signature]

Property Owner's Signature: [Handwritten 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 12-28-00 Fee Received \$420.00 RA 26370
2. Is application complete? _____ Yes _____ No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:

- 2-14-01 **Approved**
 Approved with Conditions (See #6)
 Denial (See #7)

6. Conditions of Approval: THE EXISTING VEGETATION SHOULD BE MAINTAINED TO THE GREATEST EXTENT POSSIBLE IN ORDER TO PRESERVE THE HOME AND NEIGHBORS WITH A NATURAL SCREEN

7. ~~Reasons for Denial:~~ against stray golf balls.

**Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005
(859) 334-2196 - Phone
(859) 334-2264 - Fax
plancom@boonecountyky.org - E-mail**

www.boonecountyky.org

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: 12/00

STAFF REPORT

APPLICANT: William R. Neu

LOCATION: 6957 Glen Arbor Drive
Boone County, Kentucky

ZONING: Suburban Residential One (SR-1)

DATE: February 14, 2001

Proposal

The applicant is requesting a variance for a reduction in the required 30 foot rear yard setback for a lot, zoned Suburban Residential One (SR-1), located at 6957 Glen Arbor Drive in Oakbrook Subdivision – The Links. The applicant desires to build a deck to the side and rear of the property and requests that the rear yard setback be reduced to 12 feet.

The applicant submitted the following exhibits with the application:

Exhibit A – List of adjacent property owners

Exhibit B – Property deed.

Exhibit C – Drees resolution.

Exhibit D - Site plan for deck

Applicable Regulations

Article 2, Section 250 of the Boone County Zoning Regulations states that the Board of Adjustment and Zoning Appeals shall have the power to hear and decide on applications for variances. A variance is defined as a departure from the dimensional terms of the zoning regulation pertaining to the height, width, or location of structures, and the size of yards and open spaces where such departure meets the requirements of KRS 100.241 to 100.247.

Article 31, Section 3123 of the Boone County Zoning Regulations states, “*Open structures such as porches, canopies, balconies, platforms, carports, covered patios, and similar architectural projections which occupy space three (3) or more feet above the general ground level of the yard shall be considered parts of the building to which attached and shall not project into the required minimum front, side or rear yard. Chimneys, overhangs, and gutters may extend up to two and one half feet (2 ½’) into a required front, side, or rear yard.*”

The Board should evaluate the applicant’s request as it relates to the criteria necessary for granting a variance as stated in Section 251 of the Boone County Zoning Regulations:

1. 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 contained in 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 contained in the regulations would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant;
 - c. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulations from which relief is sought.
2. 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.

Surrounding Land Uses and Zoning

The property, Lot 46 at 6957 Glen Arbor Drive, is located in Oakbrook Subdivision – The Links which is zoned Suburban Residential One (SR-1). Lots located to the north and west of the home contain single-family dwellings. The lot located to the east is vacant. The parcel directly behind the property to the south is a golf course that will remain undeveloped with the exception of the fairway and cart path. The golf course is zoned Recreation (R). A zoning map for the applicant's lot is provided as Exhibit E of the staff report.

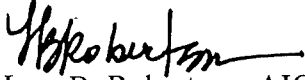
Staff Concerns/Comments

The property located to the rear (south) of Lot 46 is a common area containing a golf course fairway and cart path. Although, the variance sought by the applicant is a eighteen foot (18' or 60%) departure from the required 30 foot rear yard setback, it is not anticipated that the variance will adversely impact the character of the neighborhood or common area. However, the removal of existing vegetation to accommodate the construction of the deck should be minimized to the greatest extent possible.

Conclusion

KRS 100.241 and Section 250 of the Boone County Zoning Regulations gives the Boone County Board of Adjustment and Zoning Appeals the authority to grant the applicant's request for a rear yard from 30 feet to 12 feet. It is the staff's opinion that granting 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. However, existing vegetation should be maintained to the greatest extent possible in order to preserve the natural treeline located along either side of the fairway and to provide the home (including deck), and adjacent neighbors with a natural screen against stray golf balls.

Respectfully submitted,



Lara B. Robertson, AICP

Attachments

- Exhibit A
- Exhibit B
- Exhibit C
- Exhibit D
- Exhibit E

Adjoining Property Owners

- 1) WALTER + LEANNE
6953 McCABE
525-8224
GLEN ARBOR DR.
- 2) DREES CO. TL-47 - 211 Mainline
- 3) BOONE COUNTY
FISCAL COURT - P.O. Box 900
- 4) KATHY GRATOWSKI
6956 GLEN
ARBOR DR.

371-5636

COPY

Exhibit B

GENERAL WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS:

That THE DREES COMPANY, a Kentucky Corporation, pursuant to a resolution duly adopted by its Board of Directors (Articles of Incorporation recorded in Articles of Incorporation Book 22, Page 298 and Amended Articles recorded in Articles of Incorporation Book 27, Page 543 of the Kenton County Clerk's Records at Covington, Kentucky) for and in consideration of

\$ _____

to it paid by the Grantee(s) herein, the receipt of which is hereby acknowledged, does bargain, sell and convey to

WILLIAM R. NEU and SHERI L. NEU, husband and wife, jointly for and during their lives with the remainder in fee simple to the survivor of them, his or her

heirs and assigns, forever, the following described real estate located in Boone County, Commonwealth of KENTUCKY, to wit:

RETURN TO:
Property Address 6957 Glen Arbor Drive
And Mailing Address: Florence, KY 41042

GROUP NO: 1853 PLAT SLIDE 65-B

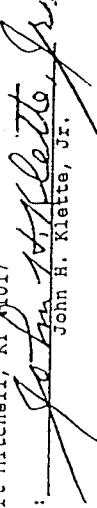
Being all of Lot No. FORTY SIX (46), THE LINKS, Section 5, as shown on Plat Slide 65-B, of the Boone County Clerk's Records at Burlington, Kentucky.

SUBJECT to Declaration of Covenants, Conditions and Restrictions as set out in Misc. Book 243, Page 226, Boone County Clerk's Records at Burlington, Kentucky. SUBJECT FURTHER to easements of record and as shown on plat

Being part of the same property conveyed to THE DREES COMPANY, a Kentucky Corporation, by deed from the Drees-Arlinghaus Joint Venture, dated November 16, 1988, and recorded in Deed Book 398, Page 165 of the Boone County Clerk's Records at Burlington, Kentucky.

Together with all the PRIVILEGES and APPURTENANCES to the same belonging.

TO HAVE and TO HOLD the same to the said

I heroby certify that the within instrument has been drafted by KLETTE & KLETTE, Attorneys, 250 Grandview Drive, Suite 250 Fort Mitchell, KY 41017
By:  John H. Klette, Jr.

WILLIAM R. NEU and SHERI L. NEU, husband and wife, jointly for and during their lives with the remainder in fee simple to the survivor of them, his or her,

Heirs and assigns, forever, the Grantor, its successors and assigns, HEREBY COVENANTING with the Grantees, his heirs and assigns, that the TITLE so conveyed is CLEAR, FREE and UNINCUMBERED, and that it will WARRANT and DEFEND the same against all legal claims whatsoever.

IN WITNESS WHEREOF, the said Grantor, THE DREES COMPANY, a Kentucky Corporation, hereunto sets its hand this 11th day of August 2000.

THE DREES COMPANY, a
Kentucky Corporation

By _____
TERRY P. SIEVERS
President, Midwest Region

By _____
DIANNE M. WALTER,
Asst. Corporate Secretary

STATE OF KENTUCKY
COUNTY OF KENTON

The foregoing instrument was acknowledged before me this 11th day of August 2000, by TERRY P. SIEVERS, President, Midwest Region, and DIANNE M. WALTER, Asst. Corporate Secretary of THE DREES COMPANY, a Kentucky Corporation, on behalf of said corporation.

NOTARY PUBLIC

My Commission Expires: _____

THE DREES COMPANY
CERTIFIED COPY OF RESOLUTION

The undersigned, Ralph A. Drees, CEO/Chairman of the Board, hereby certifies that he is a duly elected, qualified and acting officer of The Drees Company, a Kentucky corporation; that he is duly authorized to make this certification; and that by valid action of the Board of Directors of said Corporation on the 19th day of June, 2000, effective January 12, 1998, the following resolution was adopted, pursuant to the authority duly conferred upon and exercised by them:

WHEREAS, The Drees Company is in the business of developing land and constructing residential and commercial property for the market, and acts appurtenant thereto, and,


WHEREAS, it is necessary for the Corporation to execute deeds of conveyance and appurtenant documents to deliver title to persons or companies who have contracted to purchase finished products, now thereto,

BE IT RESOLVED, that any two (2) of the following officers are hereby empowered and authorized to execute, acknowledge and deliver, on behalf of the Corporation, deeds of conveyance and appurtenant documents in connection with the sale of the Corporation's properties:

Ralph A. Drees, Chairman of the Board
David G. Drees, President / Chief Executive Officer
Lawrence G. Herbst, Secretary / Treasurer
Terry P. Sievers, President / Midwest Region
Dianne M. Walter, Asst. Corporate Secretary

The undersigned further certifies that the above proceedings were in compliance with the law and with the Articles of Incorporation and By-Laws of said Corporation, that said resolution has not since been revoked, modified or amended in any respect, and that it remains in full force and effect.

IN WITNESS WHEREOF, the undersigned has hereunto set his hand, this 19th day of June, 2000.



Ralph A. Drees
Chairman of the Board

I hereby certify that the foregoing is a true and correct copy of a Resolution duly adopted by the Board of Directors at a meeting held on the 19th day of June, 2000.

Dianne M. Walter
Asst. Corporate Secretary

K.R.S. 382.135

CERTIFICATION

SELLERS STATEMENT

Comes THE DREES COMPANY, a Kentucky Corporation, whose address is 211 Grandview Drive, Ft. Mitchell, Kentucky 41017, and states that the full consideration paid by WILLIAM R. NEU and SHERI L. NEU, husband and wife, for real estate located at 6957 Glen Arbor Drive, Florence, Kentucky 41042 is \$ _____.

THE DREES COMPANY, a
Kentucky Corporation

By _____
DIANNE M. WALTER,
Asst. Corporate Secretary

STATE OF KENTUCKY
COUNTY OF KENTON

Subscribed and sworn to before me by DIANNE M. WALTER, Assistant Corporate Secretary of THE DREES COMPANY, a Kentucky Corporation, on behalf of said corporation, this 11th day of August 2000.

NOTARY PUBLIC

My Commission Expires: _____

BUYERS STATEMENT

Comes WILLIAM R. NEU and SHERI L. NEU, husband and wife, and state that their mailing address is 6957 Glen Arbor Drive, Florence, KY 41042, and that the full consideration paid to The Drees Company is \$ _____.

WILLIAM R. NEU, Grantee

SHERI L. NEU, Grantee

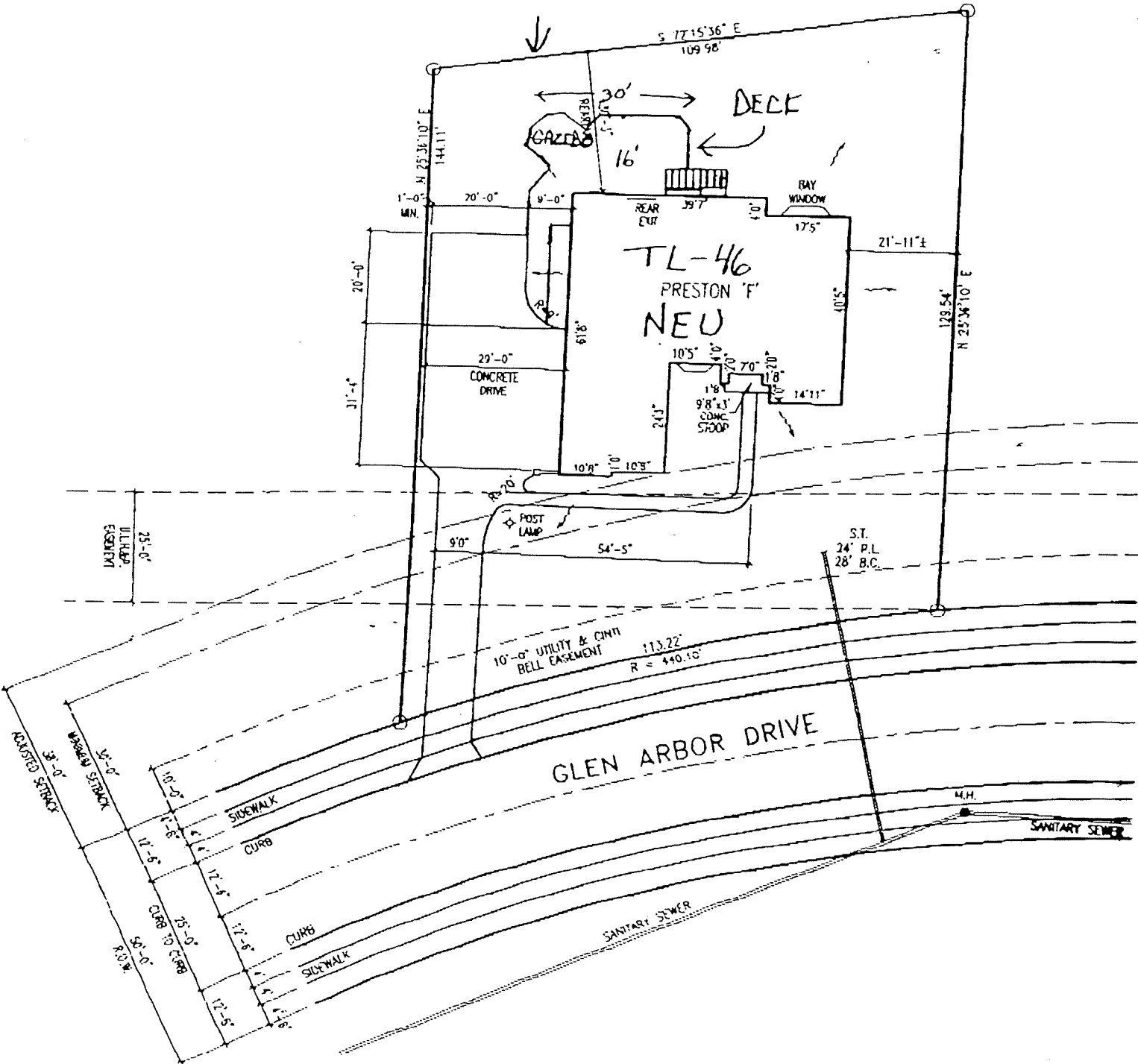
STATE OF KENTUCKY
COUNTY OF KENTON

Subscribed and sworn to before me by WILLIAM R. NEU and SHERI L. NEU, husband and wife, this _____ day of _____ 2000.

NOTARY PUBLIC

My Commission Expires: _____

CORNER 14 FT FROM PROPERTY LINE



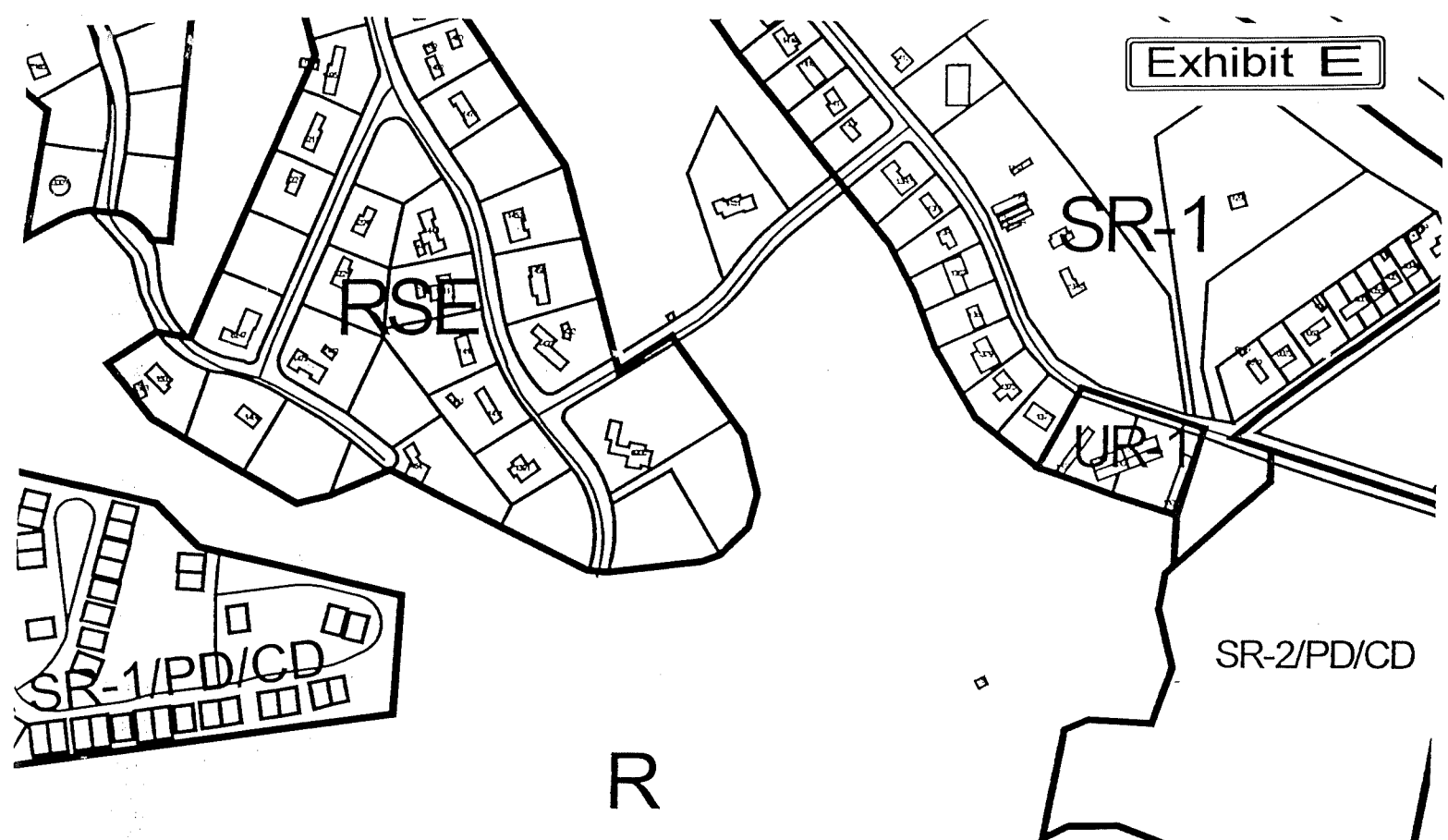
The Drees Company

211 Grundview Drive Fort Mitchell, Kentucky 41017 Tel(606) 578-4200
 Copyright © 1998 The Drees Company. All rights reserved. These plans are protected by Copyright. No part of these plans may be reproduced in any form or by any means, including photocopying, without the written permission from the copyright owner.

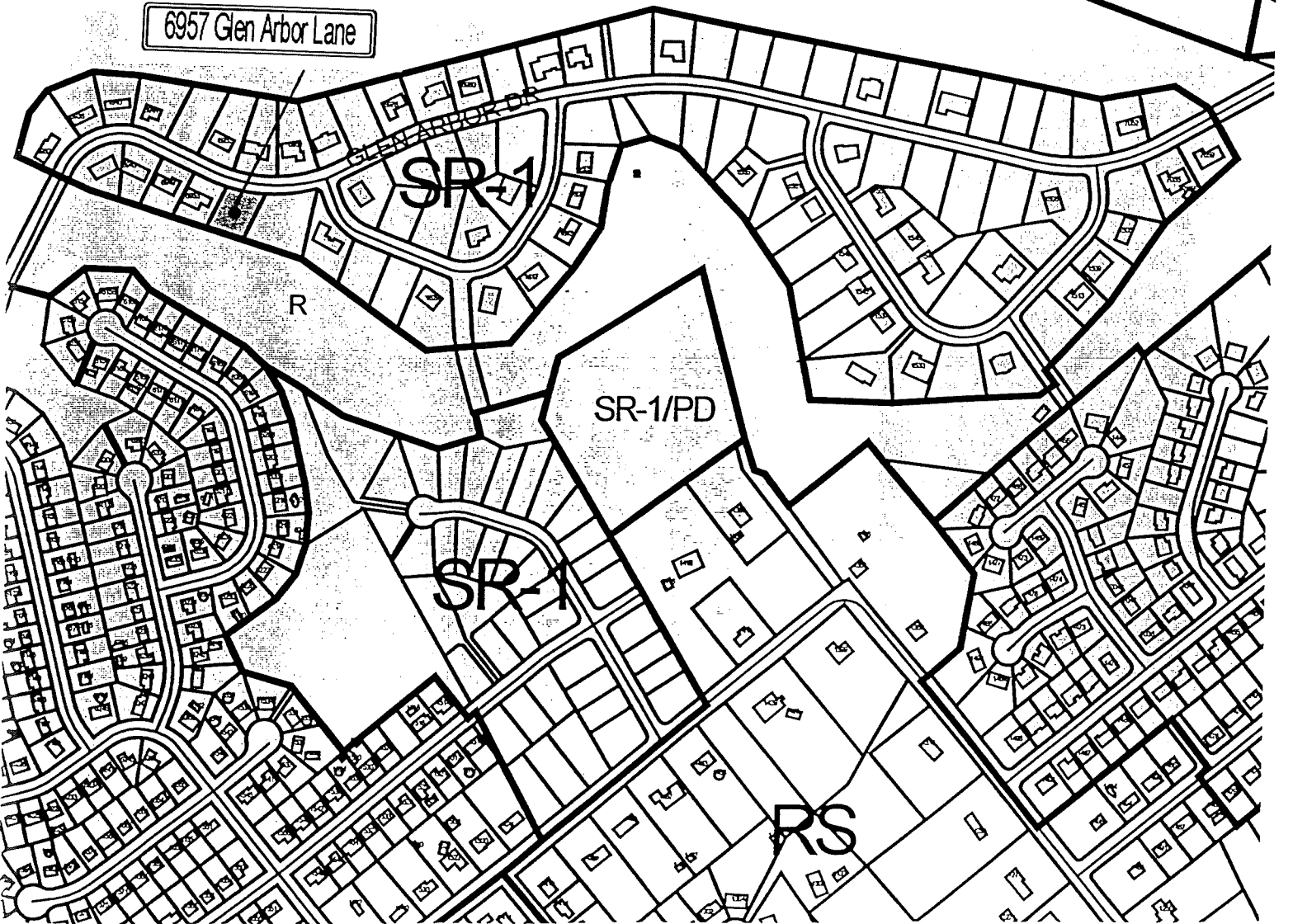
PER ITEM #1 IN DREES CO. GENERAL SPECS:

THIS IS NOT A LEGAL SURVEY. FOR PERMIT PURPOSES ONLY. HOUSE MAY BE FIELD ADJUSTED FOR LOT CORNERING PER LOCAL SIDEYARDS & SETBACKS OF LOCAL ZONING.

PLOT FROM	
PHONE NO.	
PLOT FROM	



6957 Glen Arbor Lane



COPY

CLUR #01-BCBOA-008-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
William R. Neu
6957 Glen Arbor Drive
Florence, KY 41042

2. ADDRESS OF PROPERTY
6957 Glen Arbor Drive
Florence, KY 41042
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

4. DEED BOOK 788 PAGE NO. 545 GROUP NO. 2032

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

 Zoning Map Amendment: Conditional Use Permit
 From To

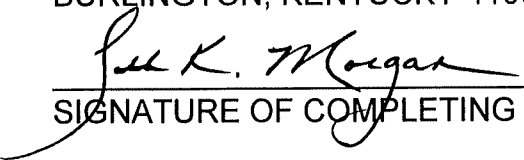
 Development Plan Conditional Zoning

 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

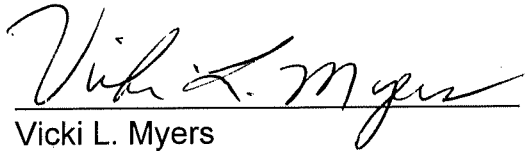

SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

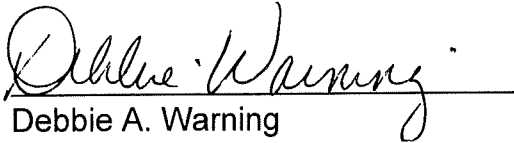
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of
the Boone County Planning Commission this 27 day of February, 2001.



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 February 14, 2001 Certificate of Land Use Restriction (#01-BCBOA-008-A), for William R. Neu, Property Owner(s).

The following conditions will apply:

1. The existing trees must remain.

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

DEED BOOK 788

PAGE NO. 545

GROUP NO. 2032