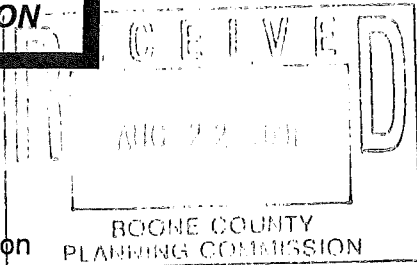


**BOARD OF ADJUSTMENT
AND
ZONING APPEALS ACTION
BOONE COUNTY PLANNING COMMISSION**



See Boone County Zoning Regulations

SECTION A (To be completed by applicant)

- 1. (Check One) Boone Florence Walton Union
- 2. (Check One) Conditional Use Permit Variance Appeal
 Change in Non-Conforming Use
- 3. Applicant's Name THE DREES CO.
Phone Number 578-4200 Fax No. (859) 331-9231
Applicant's Address 211 GRANDVIEW DR.
FT. MITCHELL KY 41017
City State Zip
- 4. Description of Request: ALLOW CONSTRUCTION OF SINGLE FAMILY RESIDENCE TO ENCRACH 12' INTO THE REAR YARD SETBACK REQUIREMENT.
- 5. Name of Development STEEPLECHASE
- 6. Location of Development OFF OF RICHMOND ROAD 1 MI. WEST OF I-75
- 7. Acreage Under Review APPROX 9.980 S.F. .217 AC.
- 8. Lot Number and Name of Subdivision (if part of a subdivision)
STEEPLECHASE #179, SECTION 5
- 9. Owner of Property STEEPLECHASE BUILDERS LLC
Phone Number of Owner (859) 331-8090 10.
Address of Property Owner 130 DUDLEY RD EDGEWOOD KY 41017
City State Zip
- 11. Proposed Use(s) on Site CONSTRUCTION OF SINGLE FAMILY RESIDENCE
- 12. Total Square Footage of Existing and/or Proposed Buildings 2,800 SF
- 13. Current Zoning on Property SRE1/PD
- 14. Deed Book 800 Page No. 362 Group No. 2071
- 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: Byron Reed

Property Owner's Signature: [Signature]

360.00
75.00
21.00
18.00
\$ 474.00
414.00

**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 8-22-01 Fee Received \$426.00 R# 28835
2. Is application complete? _____ Yes _____ No
3. Staff Reviewer _____
4. Scheduled Board Action Date 9-12-01
5. Board Action:
 Approved
 Approved with Conditions (See #6)
 Denial (See #7)
6. Conditions of Approval: The Deciduous Trees located immediately behind lot 179 (on the H.O.A. Property) must be preserved
7. Reasons for Denial: _____

**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.

STAFF REPORT

APPLICANT: The Drees Company

LOCATION: Section 5, Lot 179, Steeplechase Subdivision
(330 Wexford Drive, Boone County, Kentucky).

ZONING: Suburban Residential One/Planned Development (SR-1/PD)

DATE: September 12, 2001

Proposal

The Drees Company is requesting a variance for a reduction in the required 30 foot rear yard setback, for a parcel located at Section 5, Lot 179 of Steeplechase Subdivision. The applicant has requested that the rear yard setback be reduced by 12'.

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.

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 nuisance to the public, and will not allow an unreasonable circumvention of the requirements contained in the zoning regulations.
 - 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 regulation 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 179 on Wexford Drive, is located in Steeplechase Subdivision and is zoned Suburban Residential One/Planned Development (SR-1/PD). The rear and northern side of the parcel are adjacent to a Home Owners Association (H.O.A.) parcel which contains a bicycle trail and pond. Mature deciduous trees exist on the H.O.A. parcel which will screen the rear of the proposed home. Single-family homes (SR-1/PD) are to the south and east of the site. A zoning map of the immediate area has been attached to the Staff Report.

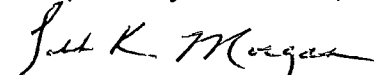
Staff Comments

While the variance sought by the applicant is a 12 foot (or 40% reduction) departure from the required 30 foot rear yard setback, Staff believes that the request will not alter the character of the neighborhood. The adjoining H.O.A. property contains a bicycle trail, pond, and mature deciduous trees which will buffer the rear of the proposed home.

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 setback variance from 30 feet to 18 feet. It is 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.

Respectfully submitted,



Todd K. Morgan, AICP
Planner, Zoning Services

TKM/pr

Attachments

- Exhibit A – Concept Plan
- Exhibit B – Letter from Applicant
- Exhibit C – Steeplechase Subdivision Final Plat
- Exhibit D – Zoning Map
- Exhibit E – Application



The way better homes are built.SM

Boone County Planning Commission
Board of Adjustment
2995 Washington Street
Burlington, KY 41005

August 22, 2001

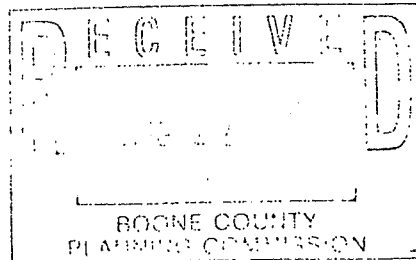
Dear Board of Adjustment Members:

The Drees Company is requesting a zoning variance for the construction of a single family home to be located at 330 Wexford Drive in Walton, KY (lot #179). Due to the layout of this lot, the proposed home's right, rear area would encroach into the rear yard setback requirement by up to twelve feet. As the property directly behind the subject property is held by the Homeowner's Association and contains a lake, The Drees Company feels that this variance would not inhibit any other homeowner's use and enjoyment of the common area. We believe that this creates a special circumstance which would not generally apply to the land in the vicinity as another home will not be built behind the subject property.

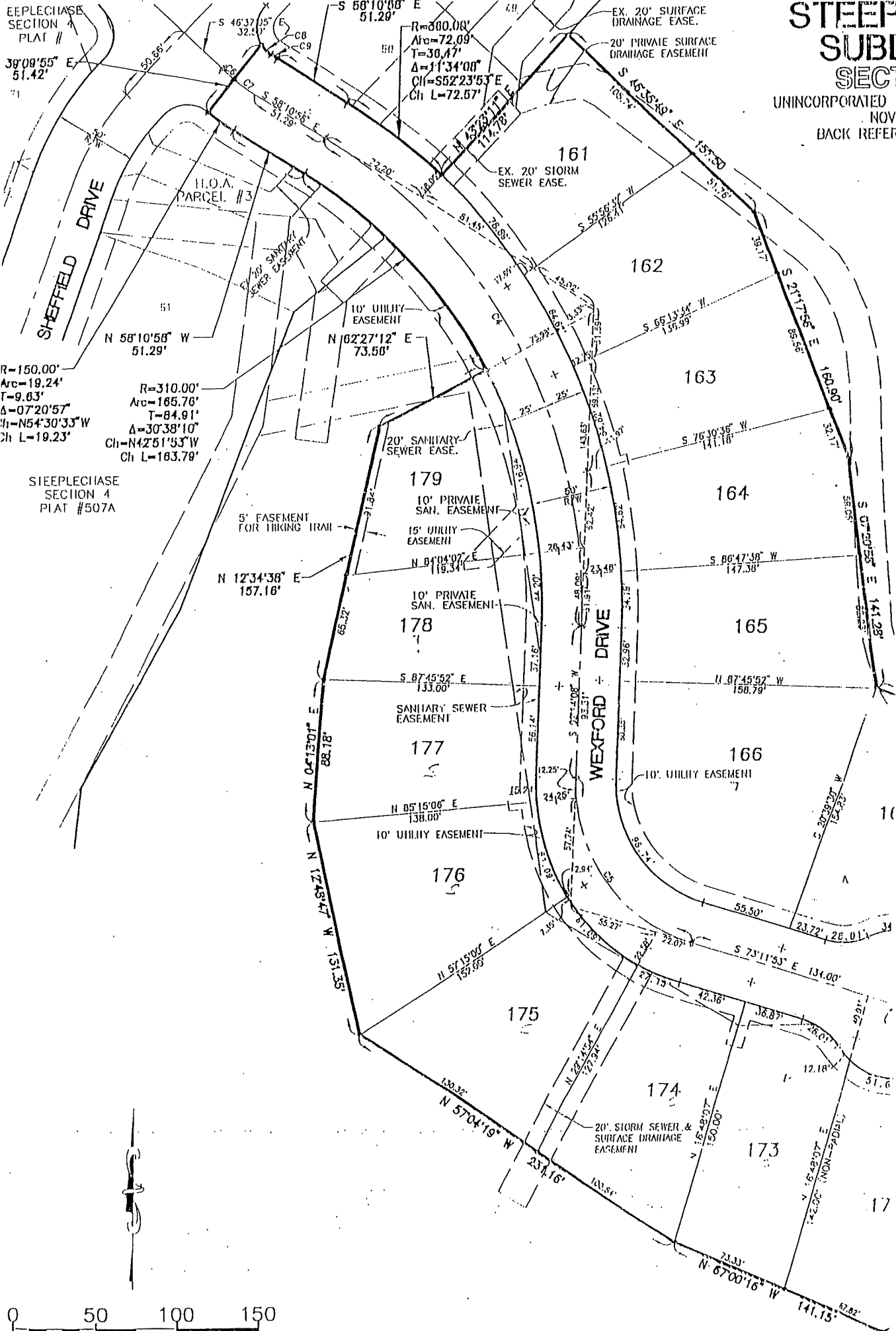
Your consideration of this request is greatly appreciated. Should you need any additional information, please contact me at the number below.

Respectfully Submitted,

Bryan Reed
South Division Sales Manager
(859) 578-4262
(859) 331-9231 (Fax)



**STEEP
SUBI
SECT**
UNINCORPORATED I
NOVI
BACK REFER

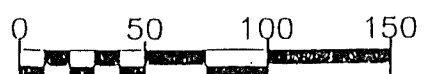


EEPLECHASE
SECTION
PLAT #

39°08'55" E
51.42'

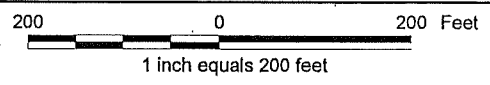
R=150.00'
Arc=19.24'
T=9.83'
Δ=07°20'57"
Ch L=19.23'

SIEEPLECHASE
SECTION 4
PLAT #507A

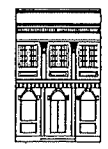




Drees Company Zoning Map

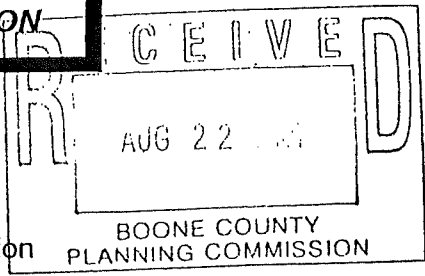


Produced by the
Boone County Planning Commission
GIS Services Division
August 27, 2001



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 Florence Walton Union
- 2. (Check One)
 Conditional Use Permit Variance Appeal
 Change in Non-Conforming Use
- 3. Applicant's Name THE DREES CO.
Phone Number 578-4200 Fax No. (859) 331-9231
Applicant's Address 211 GRANDVIEW DR.
FT. MITCHELL KY 41017
City State Zip
- 4. Description of Request: ALLOW CONSTRUCTION OF SINGLE FAMILY RESIDENCE TO ENCRACH 12' INTO THE REAR YARD SETBACK REQUIREMENT.
- 5. Name of Development STEEPLECHASE
- 6. Location of Development OFF OF RICHWOOD ROAD 1 MI. WEST OF I-75
- 7. Acreage Under Review APPROX 9.450 S.F. .217 AC.
- 8. Lot Number and Name of Subdivision (if part of a subdivision)
STEEPLECHASE #179, SECTION 5
- 9. Owner of Property STEEPLECHASE BUILDERS LLC
Phone Number of Owner (859) 331-8090 10.
Address of Property Owner 130 DUDLEY RD EDGEWOOD KY 41017
City State Zip
- 11. Proposed Use(s) on Site CONSTRUCTION OF SINGLE FAMILY RESIDENCE
- 12. Total Square Footage of Existing and/or Proposed Buildings 2,800±
- 13. Current Zoning on Property SRI/PD
- 14. Deed Book 800 Page No. 362 Group No. 2071
- 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.

360.00
75.00
21.00
18.00

\$ 474.00
414.00

Applicant's Signature: Byron Reed

Property Owners Signature: [Signature]

COPY

CLUR #01-BCBOA-021-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Steeplechase Builders, L.L.C.
130 Dudley Road
Edgewood, KY 41017
2. ADDRESS OF PROPERTY
Wexford Drive
Richwood, KY 41094
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Lot 179, Steeplechase
4. DEED BOOK 800 PAGE NO. 362 GROUP NO. 2071
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



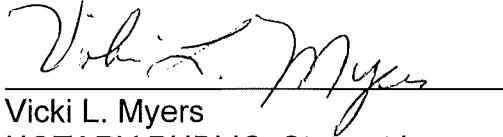
SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

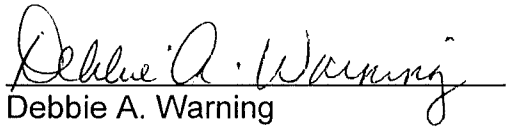
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the Boone County Planning Commission this 25 day of September, 2001.



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 September 12, 2001 Certificate of Land Use Restriction (#01-BCBOA-021-A), for Steepelchase Builders, L.L.C., Property Owner(s).

The following conditions will apply:

- 1) Applicant must maintain the mature deciduous trees that are directly behind the proposed home.

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

DEED BOOK 800

PAGE NO. 362

GROUP NO. 2071