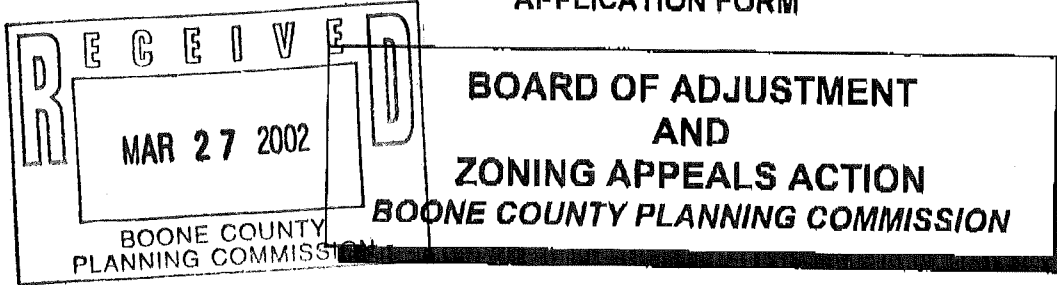


02-BCBOA-009-A

APPLICATION FORM



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

- (Check One)
1.  Boone \_\_\_\_\_ Florence \_\_\_\_\_ Walton \_\_\_\_\_ Union \_\_\_\_\_
  2. \_\_\_\_\_ Conditional Use Permit  Variance \_\_\_\_\_ Appeal \_\_\_\_\_  
Change in Non-Conforming Use
  3. Applicant's Name FREEDOM HOMES, LTD.  
Phone Number 513-575-7676 Fax No. 513-575-7658  
Applicant's Address 1852 GOSHEN PIKE  
MILFORD OHIO 45150  
City State Zip
  4. Description of Request: ENCROACHMENT TO REAR YARD SETBACK
  5. Name of Development LIBERTY CROSSING
  6. Location of Development ROUTE 20, PETERBURG ROAD  
HEBRON, KY 41048
  7. Acreage Under Review LESS THAN 1/2 ACRE
  8. Lot Number and Name of Subdivision (if part of a subdivision)  
LOT NUMBER 65, LIBERTY CROSSING SUBDIVISION
  9. Owner of Property FREEDOM HOMES, LTD.  
Phone Number of Owner 513-575-7676 10.  
Address of Property Owner MILFORD OHIO 45150  
City State Zip
  11. Proposed Use(s) on Site CONSTRUCT SINGLE FAMILY DWELLING
  12. Total Square Footage of Existing and/or Proposed Buildings 1562 sq.ft.
  13. Current Zoning on Property RESIDENTIAL
  14. Deed Book D809 Page No. 673-674 Group No. 2006
  15. Is the site subject to a zone change? NO  
If yes, give date of approval N/A
  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: Krista Schulz, FREEDOM HOMES, LTD.

Property Owner's Signature: Krista Schulz, FREEDOM HOMES, LTD.

(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 3-27-02 Fee Received \$408.00 R#30839
- 2. Is application complete?  Yes  No
- 3. Staff Reviewer \_\_\_\_\_
- 4. Scheduled Board Action Date \_\_\_\_\_
- 5. Board Action:
  - Approved
  - 5-8-02 Approved with Conditions (See #6)
  - Denial (See #7)
- 6. Conditions of Approval: THE EXISTING EASE LINE ON THE  
NORTHERN PROPERTY LINE MUST BE PRESERVED
- 7. Reasons for Denial: \_\_\_\_\_

Boone County Planning Commission  
 2995 Washington Street  
 Burlington, Kentucky 41006  
 (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: Freedom Homes, Ltd.

LOCATION: Section 2, Lot 65 of Liberty Crossing Subdivision (3254 Campaign Drive), Boone County, Kentucky

ZONING: Suburban Residential One (SR-1)

DATE: May 8, 2002

### Proposal

Freedom Homes is requesting a variance for a reduction in the required 30 foot rear yard setback requirement, for a parcel located at Section 2, Lot 65 of Liberty Crossing Subdivision. The subject parcel is 0.28 acres in area and is zoned Suburban Residential One (SR-1). The applicant has requested that the rear yard setback be reduced to 18½ feet so that a 10' x 12' deck can be constructed onto the rear of a proposed single-family residence.

### 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.

Article 31, Section 3123 of the Boone County Zoning Regulations states that 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.

#### Site Characteristics

The 0.28 acre parcel adjoins future sections of Liberty Crossing Subdivision to the north and east. A deciduous tree line exists on the northern property line (see attachment).

#### Surrounding Land Uses

- North: Future Section of Liberty Crossing Subdivision (SR-1)
- South: Single-Family Residential Dwellings (SR-1)
- East: Future Section of Liberty Crossing Subdivision (SR-1)
- West: Single-Family Residential Dwelling (SR-1)

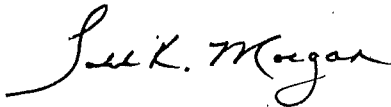
#### Staff Comments

1. The requested variance, if approved, will have the greatest impact on the future property owner to the north. As a result, Staff would recommend a condition that requires the applicant to preserve the existing trees that are located on the northern property line.

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 18½ feet. It is Staff's opinion that granting the variance will not adversely affect the public health, safety or welfare, and will not alter the essential character of the general vicinity if the existing tree line is preserved.

Respectfully submitted,



Todd K. Morgan, AICP  
Planner, Zoning Services

TKM/pr

Attachments

- Exhibit A – Site Vicinity Map
- Exhibit B – Concept Plan
- Exhibit C – Zoning Map
- Exhibit D – Aerial Map
- Exhibit E – Application



SITE

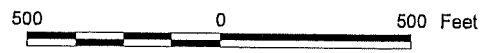
Campaign Dr

Shannon Ct

Damascus Rd

KY 20

# Freedom Homes Site Vicinity Map



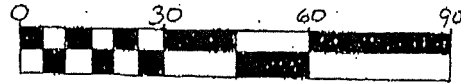
1 inch equals 500 feet

Produced by the  
Boone County Planning Commission  
GIS Services Division  
April 22, 2002



DEVELOPER

FREEDOM HOMES  
 1252 GOSHEN PIKE  
 MILFORD, OH 45150

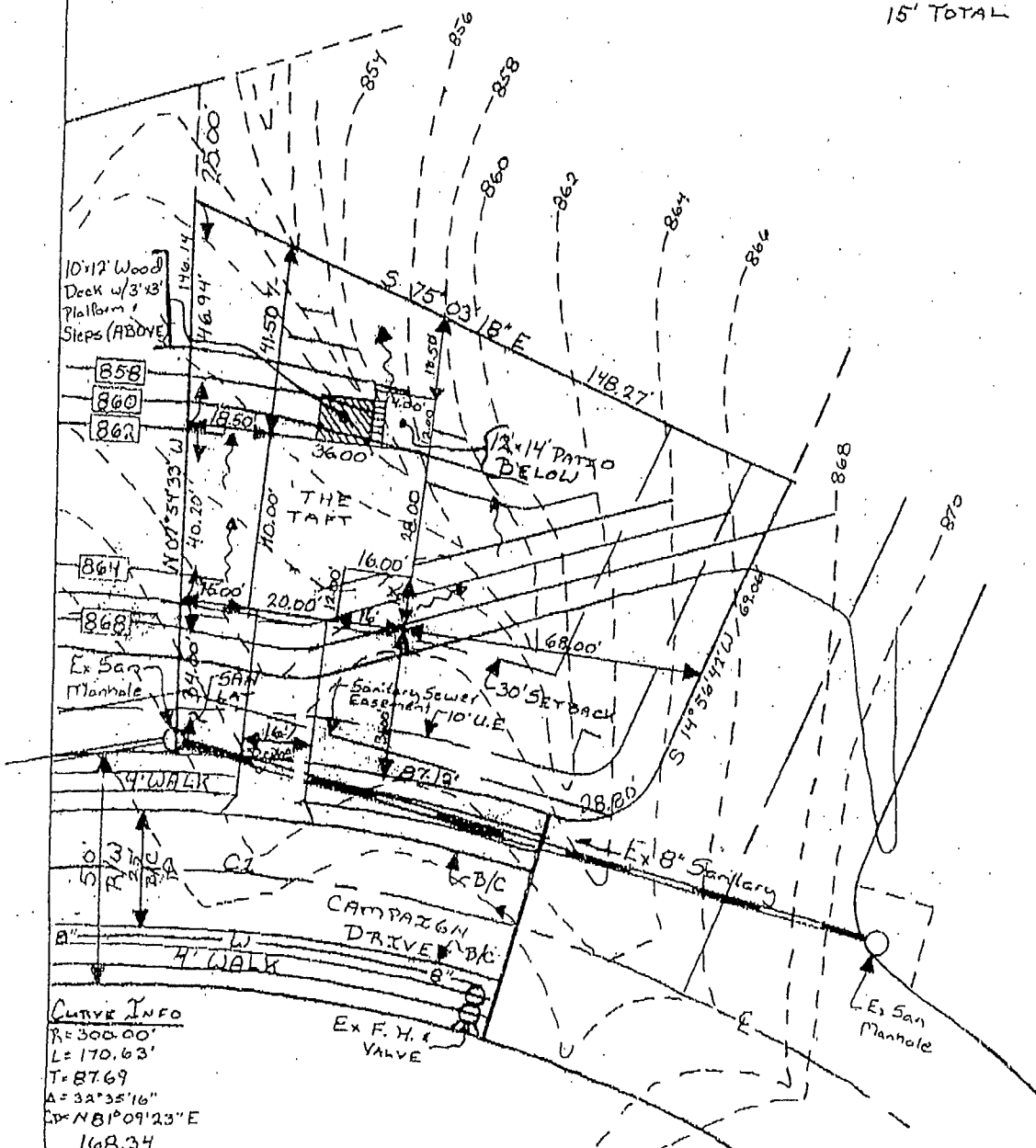


This Drawing Was Prepared For House  
 Staking & Permitting Only And Does Not  
 Warrant Any Environmental Or Geo-  
 Technical Conditions.

ZONE : SR-1

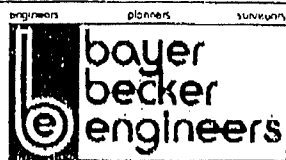
SETBACKS:

Front = 30'  
 Rear = 30'  
 Side = 5' Min  
 15' TOTAL



CURVE INFO  
 R=300.00'  
 L=170.63'  
 T=87.69  
 Δ=32°35'16"  
 CD=N81°09'23"E  
 168.34

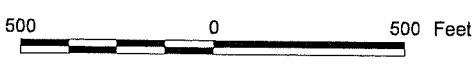
JOB D1104-Lot 65  
 SCALE 1" = 30'  
 DATE 3/15/02  
 DRAWN BY B.C.C.  
 REVISED 3/26/02



PLOT PLAN  
 LIBERTY CROSSING II  
 SECTION II - LOT 65  
 BOONE COUNTY, KENTUCKY

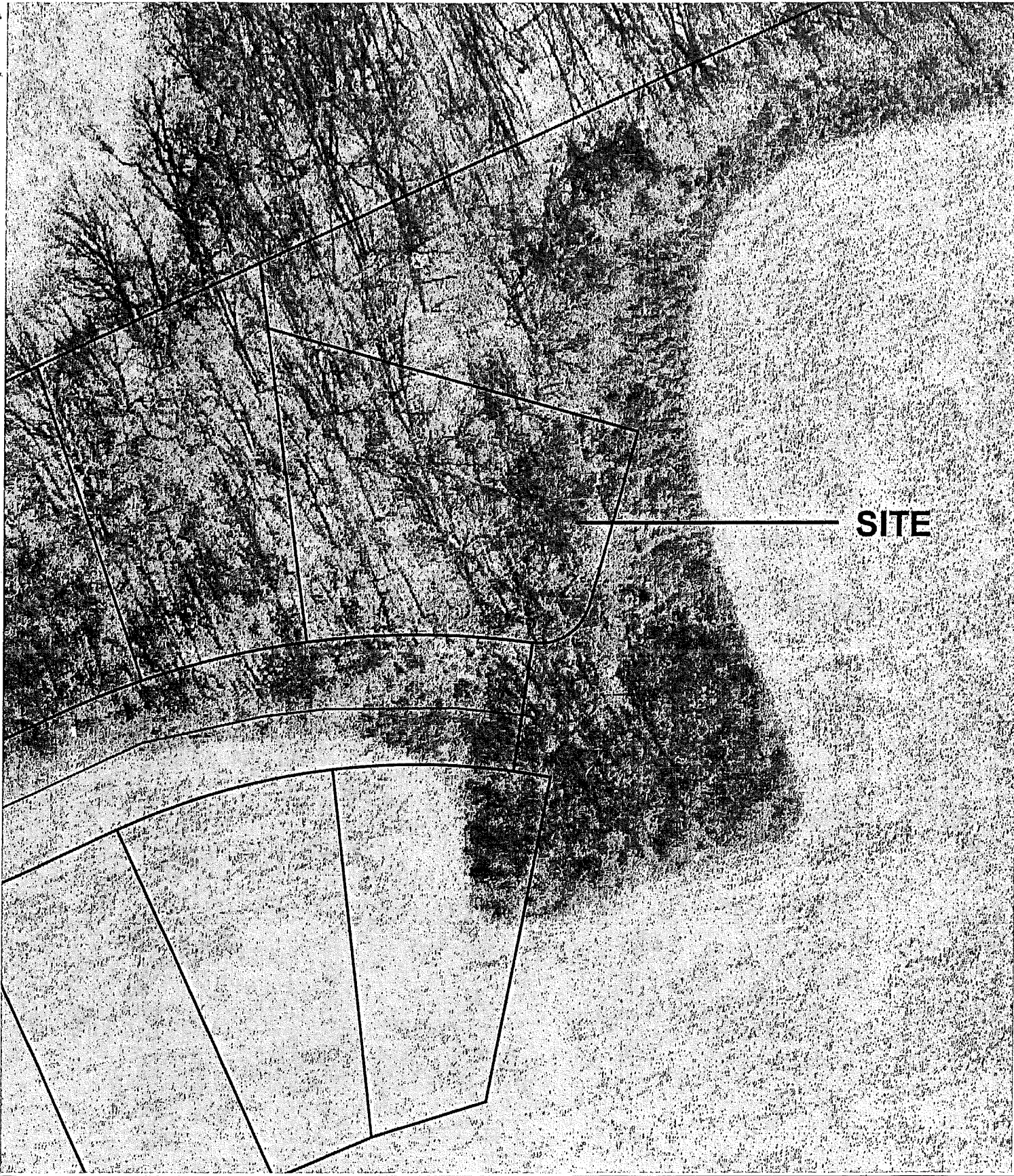


# Freedom Homes Zoning Map



1 Inch equals 500 feet  
 Produced by the  
 Boone County Planning Commission  
 GIS Services Division  
 April 22, 2002





**SITE**

# **Freedom Homes Aerial Map**

50 0 50 Feet



1 inch equals 50 feet  
Produced by the  
Boone County Planning Commission  
GIS Services Division  
April 22, 2002



APPLICATION FORM

RECEIVED	MAR 27 2002
	<b>BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION</b> <b>BOONE COUNTY PLANNING COMMISSION</b>

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 FREEDOM HOMES, LTD.  
 Phone Number 513-575-7676 Fax No. 513-575-7658  
 Applicant's Address 1852 GOSHEN PIKE  
MILFORD OHIO 45150  
 City State Zip

4. Description of Request: ENCROACHMENT TO REAR YARD SETBACK

5. Name of Development LIBERTY CROSSING

6. Location of Development ROUTE 20, PETERBURG ROAD  
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7. Acreage Under Review LESS THAN 1/2 ACRE

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9. Owner of Property FREEDOM HOMES, LTD.

Phone Number of Owner 513-575-7676

Address of Property Owner MILFORD OHIO 45150  
 City State Zip

11. Proposed Use(s) on Site CONSTRUCT SINGLE FAMILY DWELLING

12. Total Square Footage of Existing and/or Proposed Buildings 1562 sq. ft.

13. Current Zoning on Property RESIDENTIAL

14. Deed Book D809 Page No. 673-674 Group No. 4070

15. Is the site subject to a zone change? NO

If yes, give date of approval N/A

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 Krista Schulz, FREEDOM HOMES, LTD.

Property Owner's Signature Krista Schulz, FREEDOM HOMES, LTD.

COPY

CLUR #02-BCBOA-007-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)  
Freedom Homes, Ltd.  
1252 Goshen Pike  
Milford, OH 45150
2. ADDRESS OF PROPERTY  
Campaign Drive  
Hebron, KY 41048
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)  
Liberty Crossing, Lot 65
4. DEED BOOK 809      PAGE NOS. 673 - 674      GROUP NO. 2006
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

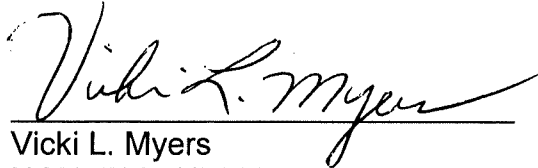
  
SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

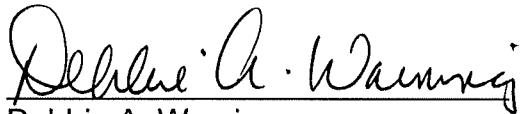
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the  
Boone County Planning Commission this 14 day of May, 2002.



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 May 8, 2002 Certificate of Land Use Restriction (#02-BCBOA-007-A), for Freedom Homes, Ltd., Property Owner(s).

The following condition will apply:

The existing tree line on the northern property line must be preserved.

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

DEED BOOK 809

PAGE NOS. 673 - 674

GROUP NO. 2006