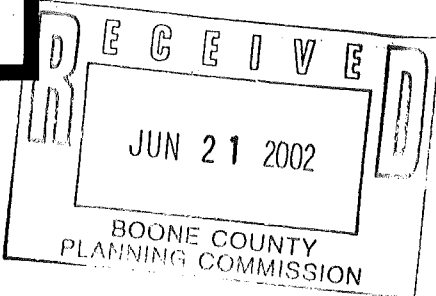


02-BCBA-OWA

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)

(Check One) 1. [X] Boone \_\_\_\_\_ Florence \_\_\_\_\_ Walton \_\_\_\_\_ Union \_\_\_\_\_

(Check One) 2. \_\_\_\_\_ Conditional Use Permit [X] Variance \_\_\_\_\_ Appeal \_\_\_\_\_ Change in Non-Conforming Use \_\_\_\_\_

3. Applicant's Name JCB Properties Inc Phone Number (513) 247-0020 Fax No. (513) 247-0244 Applicant's Address 8150 Corporate Park Dr. 202 Cincinnati Ohio 45242

4. Description of Request: Reduction of 15' Total Side Yard to 10' Due to lake in Rear we are trying to offer house w/ same sq. footage w/out Depth.

5. Name of Development FISTER PLACE

6. Location of Development Lot 36 Fister Haven / 1/2 @ West of Ky 20 off of 237

7. Acreage Under Review \_\_\_\_\_

8. Lot Number and Name of Subdivision (if part of a subdivision) Lot 36 Fister Place

9. Owner of Property JCB Properties Inc.

10. Phone Number of Owner (513) 247-0020

Address of Property Owner 8150 Corporate Park Dr Cincinnati, Oh. 45242

11. Proposed Use(s) on Site Single Family Residence

12. Total Square Footage of Existing and/or Proposed Buildings 1128

13. Current Zoning on Property SR-1 (CLUSTER)

14. Deed Book 775 Page No. 518 Group No. 2006

15. Is the site subject to a zone change? \_\_\_\_\_ 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? No / JCB Properties own

18. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations. ADJOINING PROPERTY

Applicant's Signature: [Signature]

Property Owner's Signature: [Signature] VP. Production Coordinator

**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 6-21-02 Fee Received 402.00 Ret 31804
- 2. Is application complete? \_\_\_\_\_ Yes \_\_\_\_\_ No
- 3. Staff Reviewer \_\_\_\_\_
- 4. Scheduled Board Action Date \_\_\_\_\_
- 5. Board Action:  
8-14-02 **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**  
**(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: JCB Properties, Inc.  
LOCATION: Lot 36, Fister Place Subdivision  
(2741 Fister Place Blvd., Boone County, Kentucky).  
ZONING: Suburban Residential One (SR-1)  
DATE: August 14, 2002

### PROPOSAL

JCB Properties, Inc. is requesting a variance to reduce the total side yard setback requirement from 15' to 10' for a single-family dwelling which is proposed on Lot 36 of Fister Place Subdivision. The attached Concept Plan indicates that the proposed dwelling would be 5' from each of the side property lines (see attachments).

### SUBDIVISION HISTORY

On November 10, 1999, the Boone County Board of Adjustment approved a variance to reduce the front yard setback requirement from 30' to 20' for all the lots within the subdivision.

On February 14, 2001, the Boone County Board of Adjustment approved a variance to reduce the rear yard setback requirement for lots 8-23 of Fister Place Subdivision. The approval allowed attached garages to be located 12' from the rear property line.

### APPLICABLE REGULATIONS

Article 2, Section 250 of the Boone County Zoning Regulations states that the Board of Adjustment 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.

#### SITE CHARACTERISTICS

The rear portion of the 0.1918 acre site contains some vegetation, a storm retention easement, and a lake. The retention easement is approximately 78' from the front property line. No part of any structure is permitted within this easement.

#### SURROUNDING LAND USES & ZONING

- North: Vacant lot within Fister Place Subdivision (SR-1)
- South: Vacant lot within Fister Place Subdivision (SR-1)
- East: Fister Place Blvd. and vacant lots within Fister Place Subdivision (SR-1)
- West: Single-family Residence on 12.5 acres (SR-1)

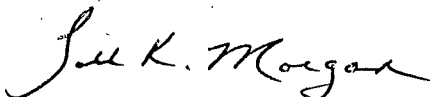
#### STAFF COMMENTS

1. The application states that the developer is proposing to reduce the total side yard setback so they can build a house that will be similar in square footage with other houses in the subdivision. The easement and lake in the rear portion of the property limits the depth of the house that can be constructed on the lot.
2. Fister Place was platted as a clustered subdivision. A clustered subdivision gives the developer the flexibility to reduce the size of lots beneath the normal standard. In return for the reduction, the developer must make up the reduced land area in the form of community open space. The side yard setback requirements in an SR-1 clustered subdivision is 0' minimum/15' total.

#### 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 total side yard setback variance from 15' to 10'.

Respectfully submitted,

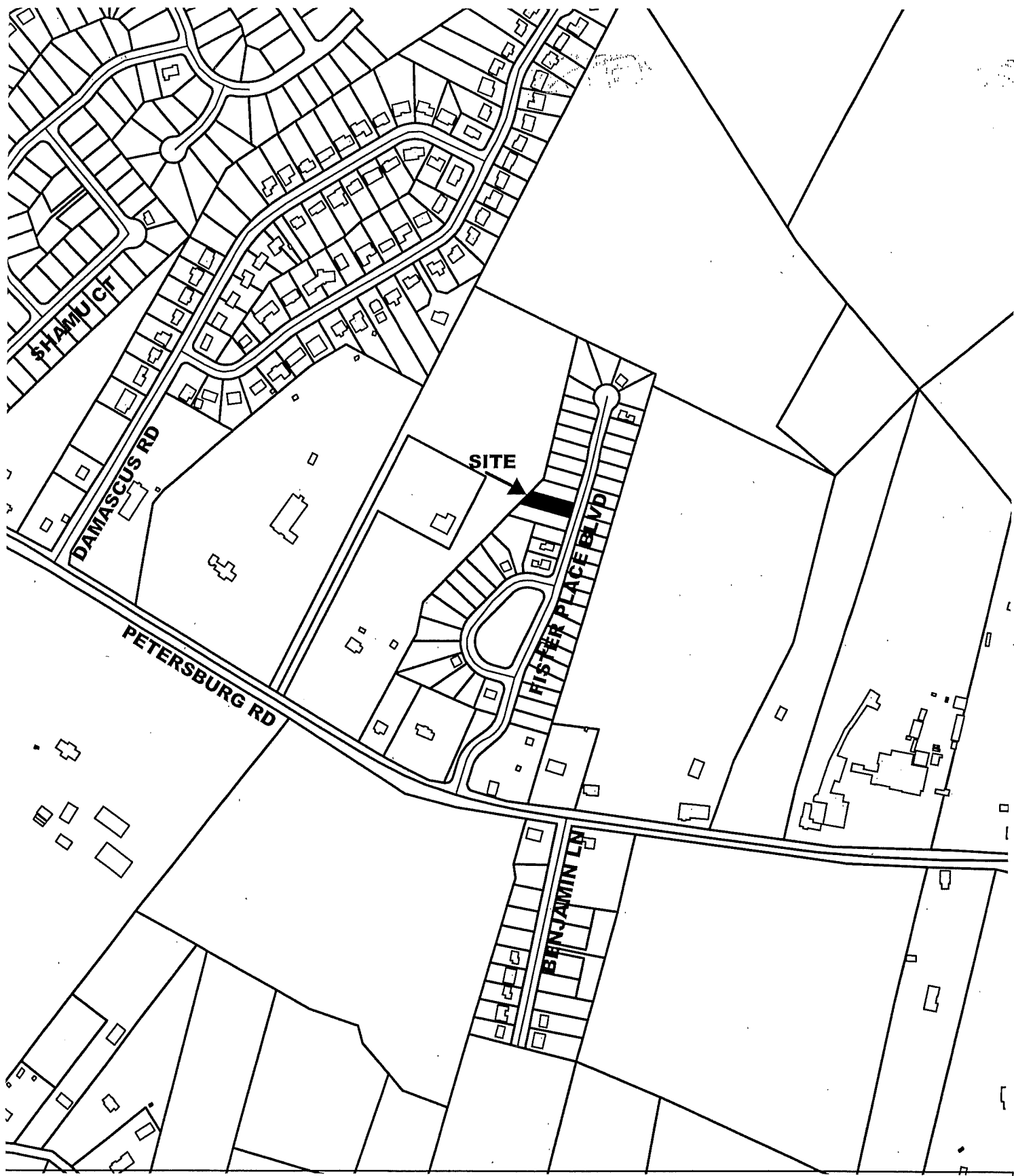


Todd K. Morgan, AICP  
Planner, Zoning Services

TKM/pr

Attachments

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

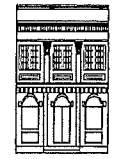


# Lot 36, Fister Place Site Vicinity Map

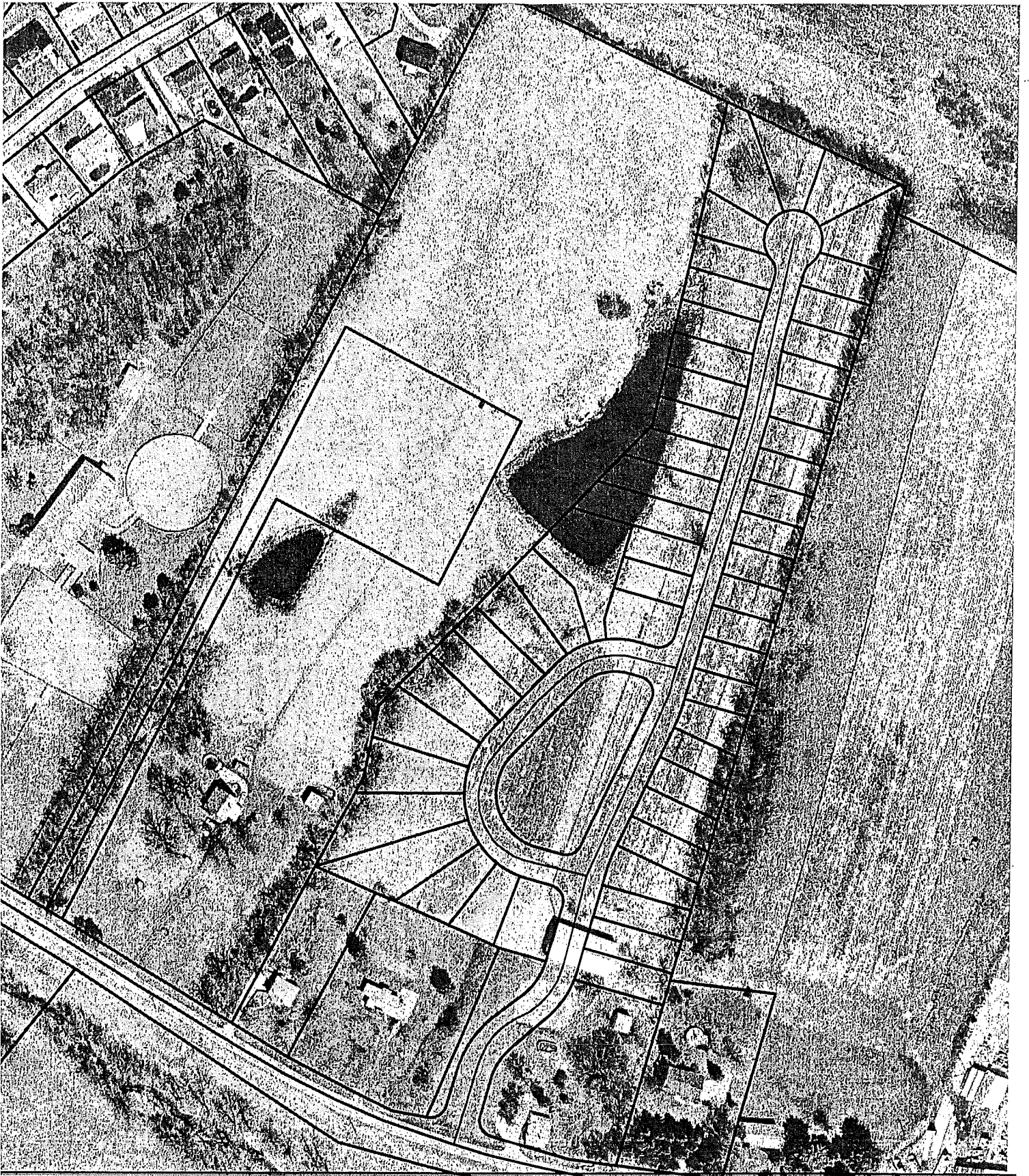
450 0 450 Feet

1 inch equals 450 feet

Produced by the  
Boone County Planning Commission  
GIS Services Division  
July 17, 2002







# Fister Place Aerial Map

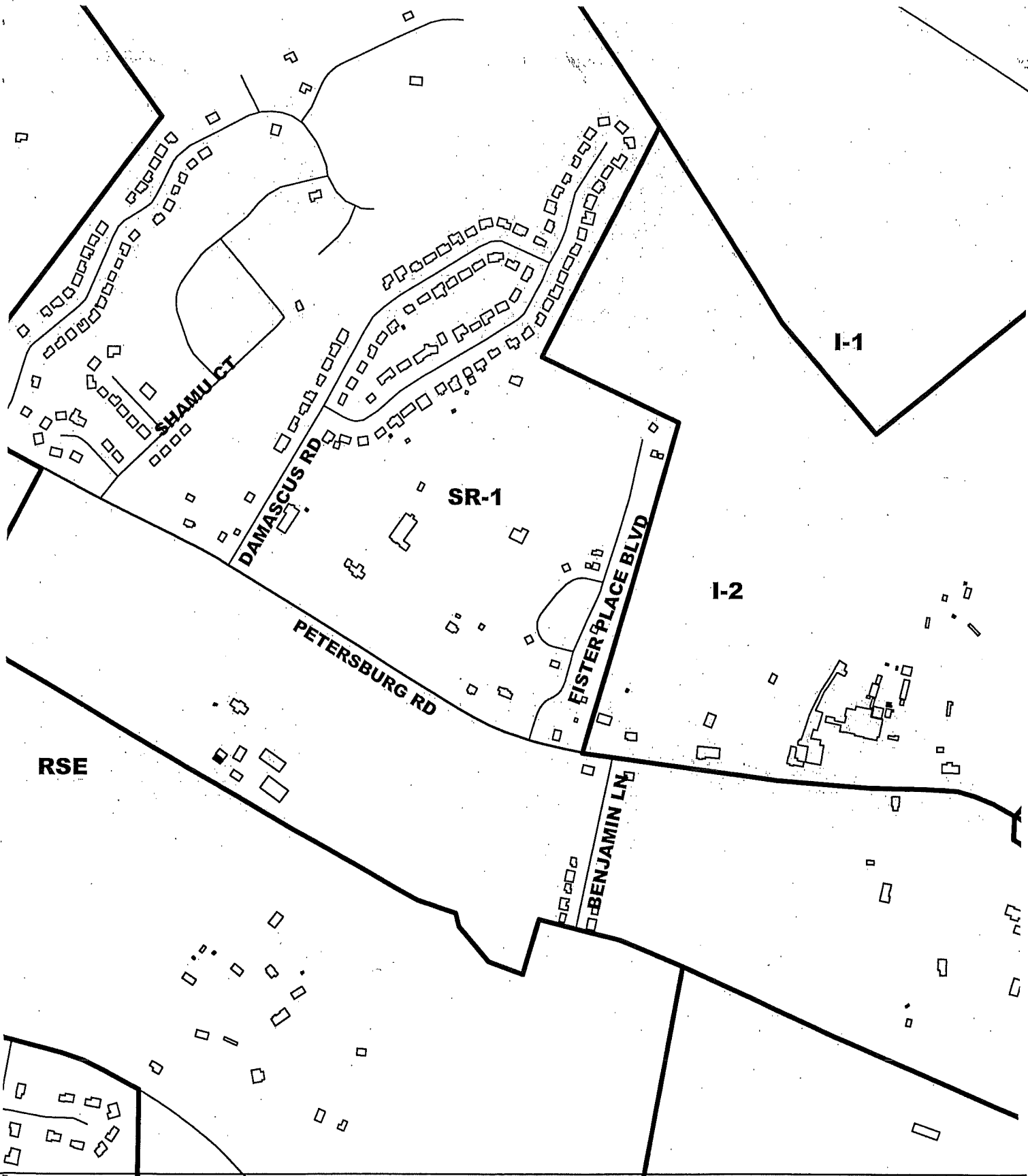
200 0 200 Feet



1 inch equals 200 feet

Produced by the  
Boone County Planning Commission  
GIS Services Division  
July 17, 2002





# Lot 36, Fister Place Zoning Map

600 0 600 Feet



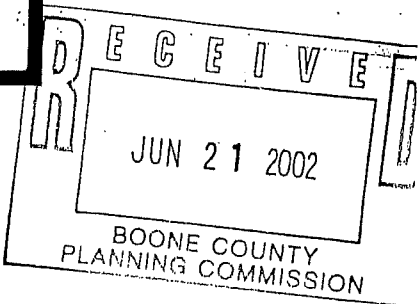
1 inch equals 600 feet

Produced by the  
Boone County Planning Commission  
GIS Services Division  
July 17, 2002



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)

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(Check One) 2. \_\_\_\_\_ Conditional Use Permit [X] Variance \_\_\_\_\_ Appeal \_\_\_\_\_ Change in Non-Conforming Use

3. Applicant's Name JCB Properties LLC Phone Number (513) 247-0020 Fax No. (513) 247-0244 Applicant's Address 8150 CORPORATE PARK DR 202 CINCINNATI Ohio 45242

4. Description of Request: REDUCTION OF 15' TOTAL SIDE YARD TO 10' ~~is~~ Due to lake in Rear we are trying to offer house w/ same sq. footage w/out Depth.

5. Name of Development FISTER PLACE

6. Location of Development ~~LOT 36 FISTER~~ HEWES / 1 1/2 @ West ON Ky 20 OR of 237

7. Acreage Under Review \_\_\_\_\_

8. Lot Number and Name of Subdivision (if part of a subdivision) LOT 36 Fister Place

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10. Phone Number of Owner (513) 247-0020

Address of Property Owner 8150 CORPORATE PARK DR CINTI, Oh. 45242

11. Proposed Use(s) on Site Single Family Residence

12. Total Square Footage of Existing and/or Proposed Buildings 1128

13. Current Zoning on Property \_\_\_\_\_

14. Deed Book 775 Page No. 518 Group No. \_\_\_\_\_

15. Is the site subject to a zone change? \_\_\_\_\_

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? NO / JCB Properties

18. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations. OWN PROPERTY

Applicant's Signature: [Signature]

Property Owner's Signature: [Signature] U.P. Production Coordinator

(over)

COPY

CLUR #02-BCBOA-011-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)  
JCB Properties, Inc.  
8150 Corporate Park  
Cincinnati, OH 45242
2. ADDRESS OF PROPERTY  
2741 Fister Place Blvd.  
Hebron, KY 41048
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)  
Fister Place, Lot 36
4. DEED BOOK 775                      PAGE NO. 518                      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

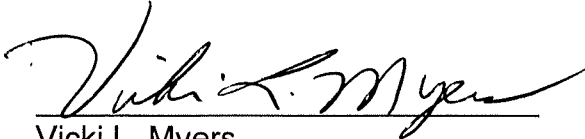
  
SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

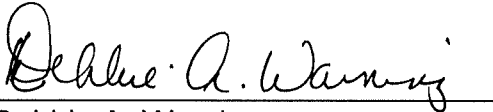
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the  
Boone County Planning Commission this 15 day of August, 2002.



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 August 14, 2002 Certificate of Land Use Restriction (#02-BCBOA-011-A), for JCB Properties, Inc., 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 775

PAGE NO. 518

GROUP NO. 2006