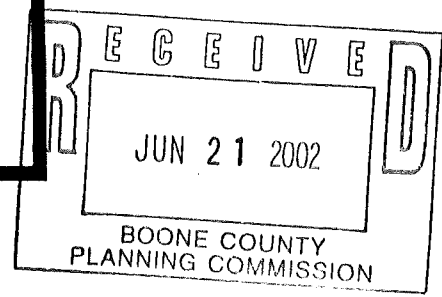


02-BCBOA-012-A

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 side yard from 15' to 10' due to lake in rear we are trying to clear name with same sq. footage without being so deep.

5. Name of Development Fister Place

6. Location of Development Hebron @ 1/2 miles west on Ky 20 off of 237

7. Acreage Under Review _____

8. Lot Number and Name of Subdivision (if part of a subdivision) Lot 37 Fister Place

9. Owner of Property JCB Properties

Phone Number of Owner (513) 247-0020

Address of Property Owner 8150 Corporate Park Dr. Cincinnati Ohio 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 275 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 is property owner

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]

Property Owner's Signature: [Signature] UP, 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 # 31807
- 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
2986 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 37, Fister Place Subdivision
(2745 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 37 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 0.2222 acre site contains some vegetation, a storm retention easement, and a lake. The retention easement is approximately 82' 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)

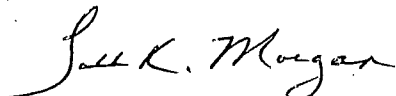
STAFF COMMENTS

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,

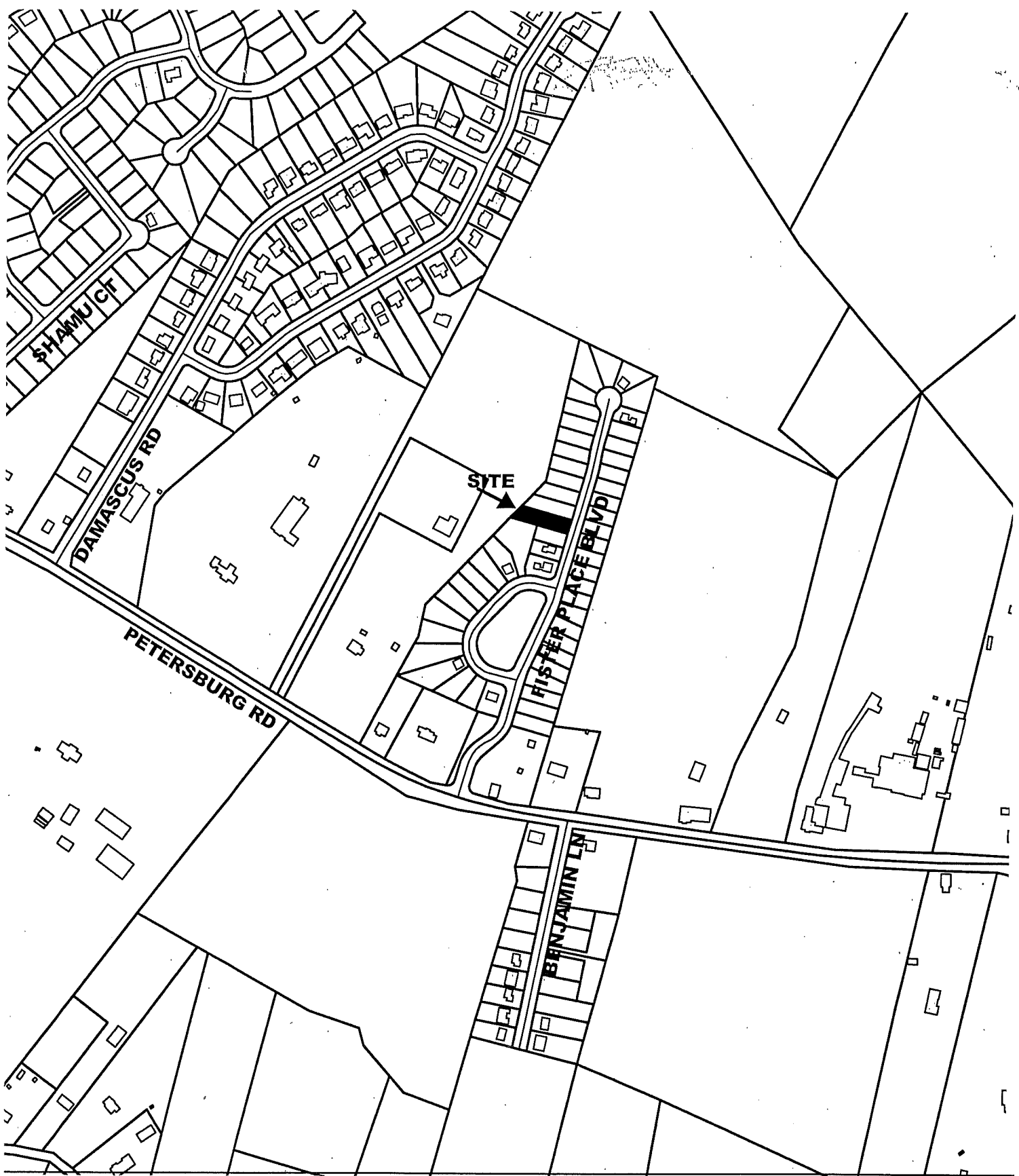


Todd K. Morgan, AICP
Planner, Zoning Services

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



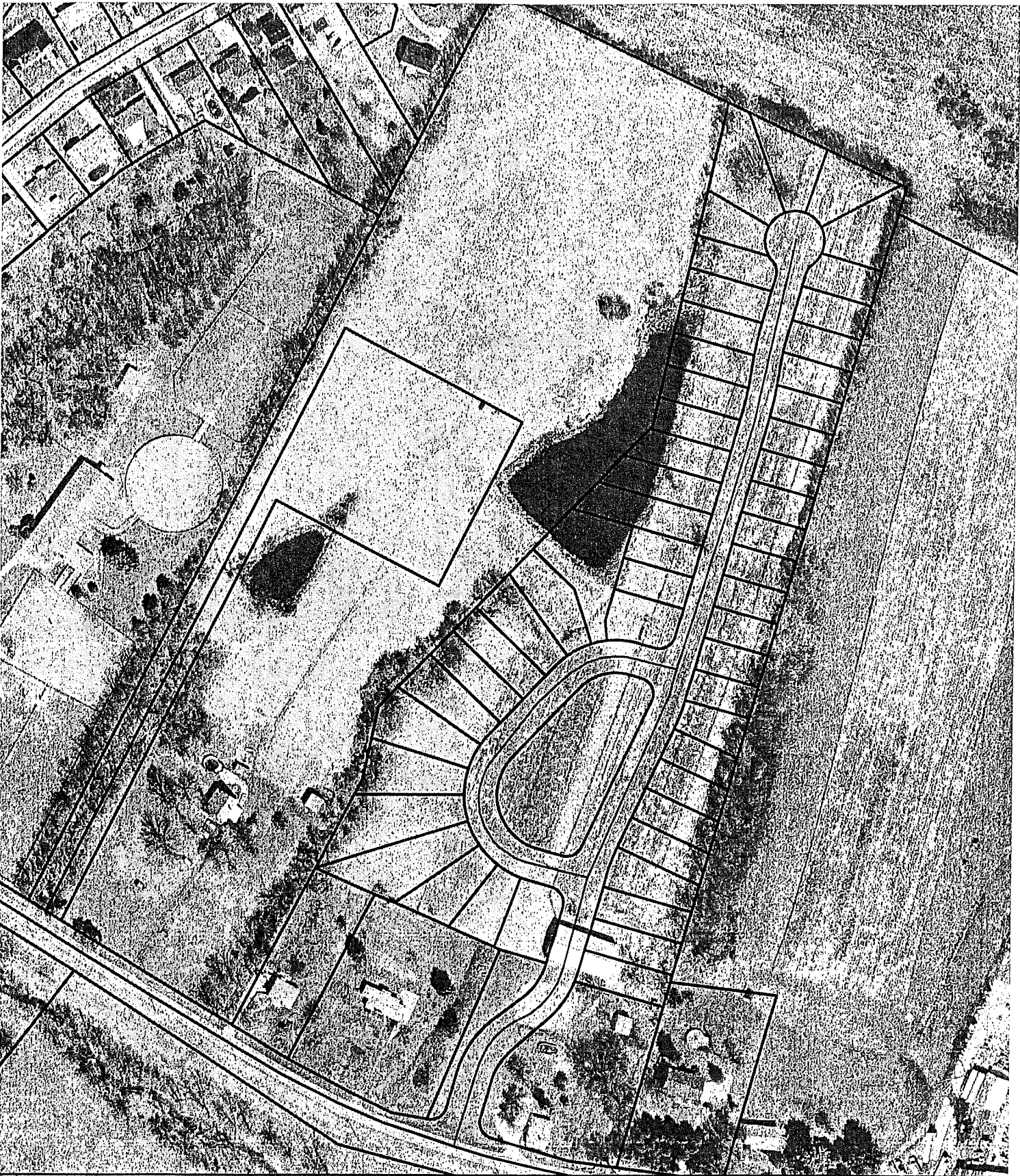
Lot 37, Fister Place Site Vicinity Map



1 inch equals 450 feet

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





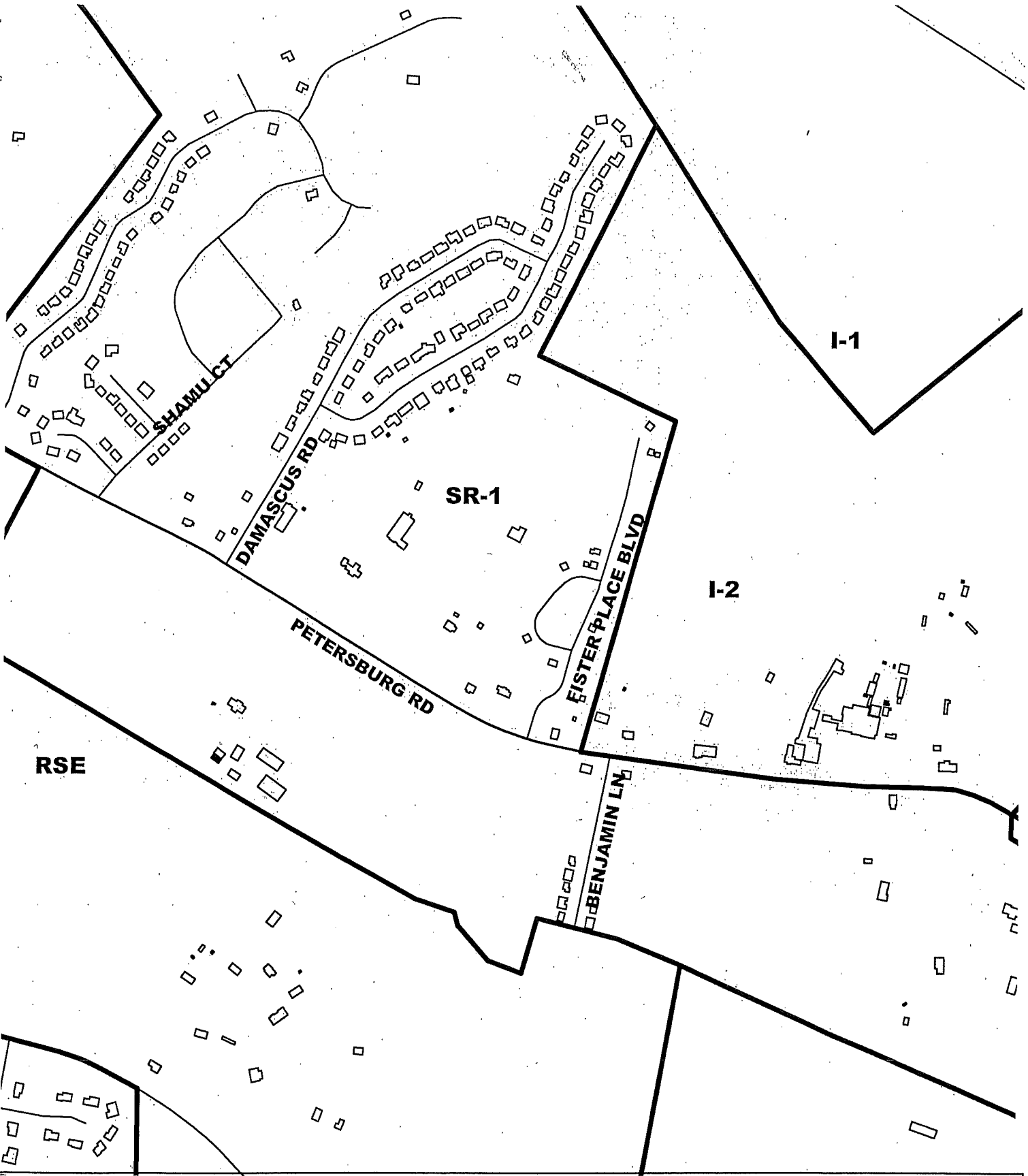
200 0 200 Feet

1 inch equals 200 feet

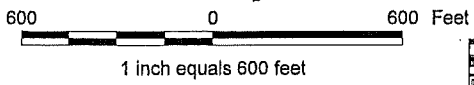
Produced by the
Boone County Planning Commission
GIS Services Division
July 17, 2002



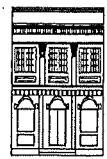
Fister Place Aerial Map



Lot 37, Fister Place Zoning Map

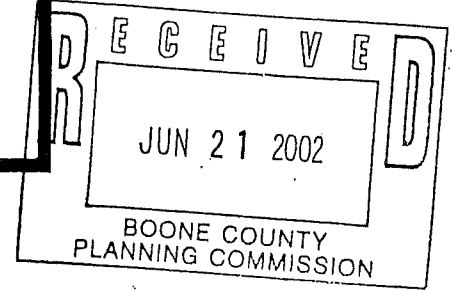


Produced by the
Boone County Planning Commission
GIS Services Division
July 17, 2002



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)

- 1. (Check One) Boone [X] Florence _____ Walton _____ Union _____
2. (Check One) _____ Conditional Use Permit [X] Variance _____ Appeal _____
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 side yard total from 15' to 10' due to lake in rear we are trying to offer home with same sq. footage without being so deep.
5. Name of Development Fister Place
6. Location of Development Hebrew @ 1/2 miles west on Ky 20 off of 237
7. Acreage Under Review _____
8. Lot Number and Name of Subdivision (if part of a subdivision) Lot 37 Fister Place
9. Owner of Property JCB Properties Phone Number of Owner (513) 247-0020 Address of Property Owner 8150 Corporate Park 202 Cincinnati Ohio 45242
10. Proposed Use(s) on Site Single Family Residence
11. Total Square Footage of Existing and/or Proposed Buildings 1128
12. Current Zoning on Property _____
13. Deed Book 775 Page No. 518 Group No. _____
14. Is the site subject to a zone change? _____
15. 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. 15 property owner

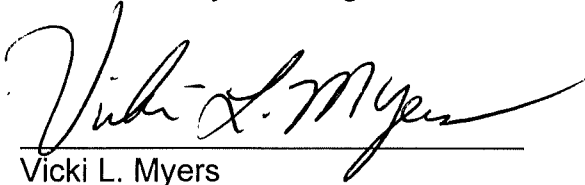
Applicant's Signature: [Handwritten Signature]

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

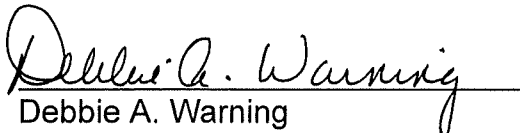
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 15 day of August, 2002.



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-012-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