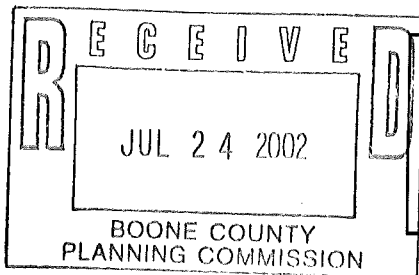


02-BCBOA-013-A

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)

- 1. (Check One) Boone [checked] Florence _____ Walton _____ Union _____
2. (Check One) Conditional Use Permit [checked] Variance _____ Appeal _____
3. Applicant's Name Drees Premier Homes
Phone Number 859-426-2523 Fax No. 859-341-1215
Applicant's Address 211 Grandview Dr. Ft Mitchell KY 41017
4. Description of Request: screened porch on deck encroaches rear yard setbacks
5. Name of Development Hearthstone
6. Location of Development Pleasant Valley Rd.
7. Acreage Under Review 0.353
8. Lot Number and Name of Subdivision (if part of a subdivision) 1st Hearthstone Harvest Home Dr.
9. Owner of Property Drees Premier Homes
Phone Number of Owner 859-426-2523
Address of Property Owner 211 Grandview Dr. Ft Mitchell KY 41017
10.
11. Proposed Use(s) on Site single family dwelling w/ deck
12. Total Square Footage of Existing and/or Proposed Buildings N/A
13. Current Zoning on Property SR-1
14. Deed Book 832 Page No. 682 Group No. 415 2038A
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? vacant lots
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: M Whitaker / Drees Premier Homes

Property Owner's Signature: Drees Premier Homes

**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 7-26-02 Fee Received \$6.00 *R# 32172*
- 2. Is application complete? Yes No *R# 32153*
- 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: Drees Premier Homes

LOCATION: Section 4, Lot 61, Hearthstone Subdivision
(7492 Harvesthome Drive, Boone County, Kentucky).

ZONING: Suburban Residential One (SR-1)

DATE: August 14, 2002

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 4, Lot 61 of Hearthstone Subdivision. The applicant has requested that the rear yard setback be reduced by 3.71 feet so that a screened porch can be constructed onto the back of a proposed single-family dwelling.

Applicable Regulations

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.

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 is located in Hearthstone Subdivision and is zoned Suburban Residential One (SR-1). The front and side property lines adjoin other single-family residential lots within Hearthstone Subdivision. The rear property line is heavily wooded and is adjacent to a future section of Pebble Creek Subdivision (SR-1/PD).

Staff Comments

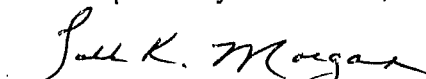
1. While Staff believes that the request will not adversely affect the public health, will not alter the essential character of the general vicinity, and will not cause a hazard or nuisance to the public, there is a concern that the variance request could have been avoided.

The submitted Concept Development Plan indicates that the house will be 41 feet from the front property line, while the minimum required front yard setback is 30 feet. The house could be placed 3.71 feet closer to the front property line so that all the setback requirements will be met. Staff believes that moving the house up 3.71 feet will not be noticeable from the street and will not change the essential character of the area. Staff does not believe that denying the variance would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship.

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.

Respectfully submitted,


Todd K. Morgan, AICP
Planner, Zoning Services

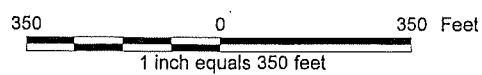
TKM/pr

Attachments

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

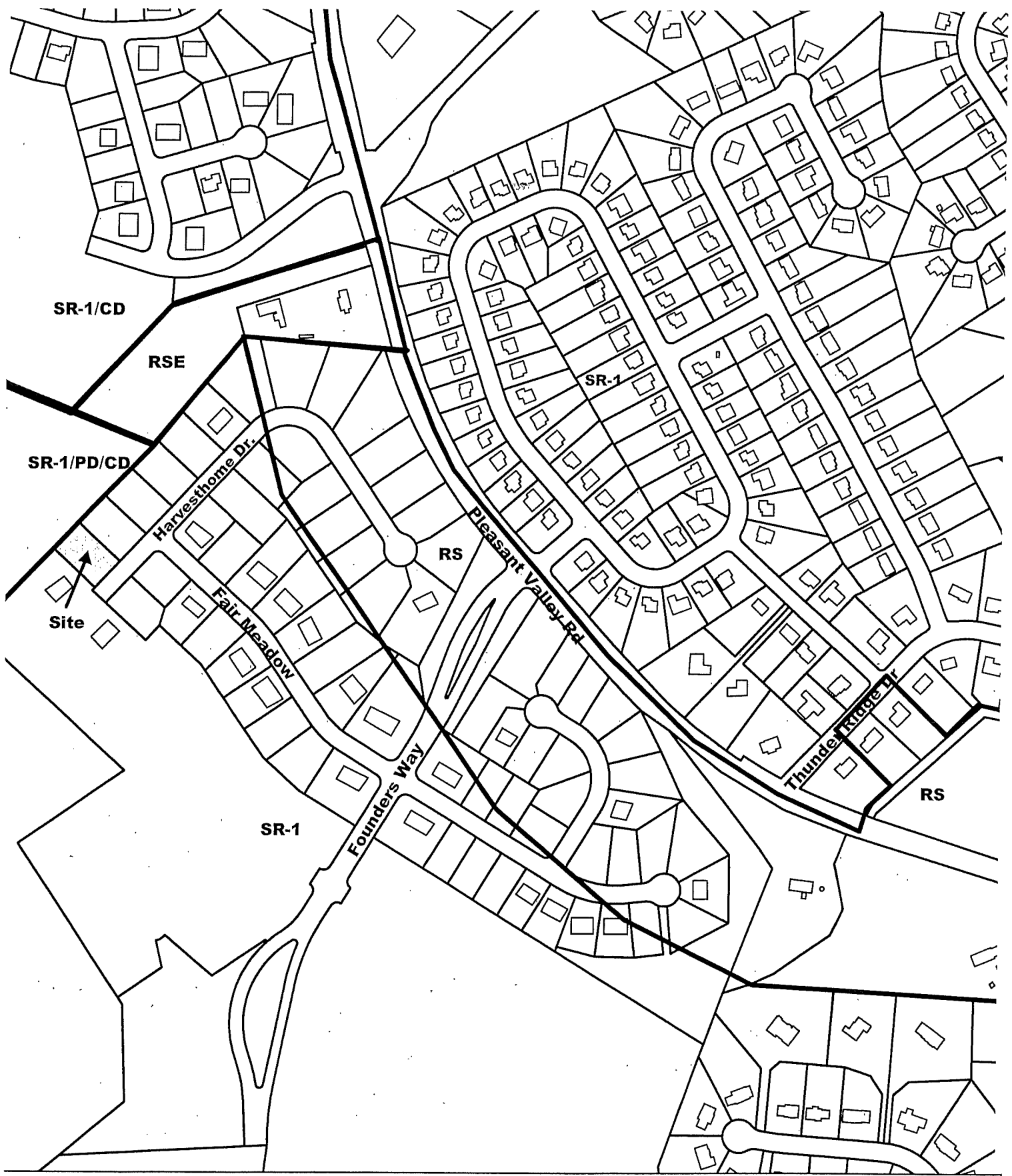


Lot 61, Hearthstone Site Vicinity Map

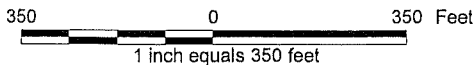


Produced by the
Boone County Planning Commission
GIS Services Division
July 29, 2002





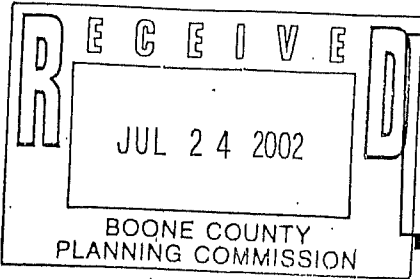
Lot 61, Hearthstone Zoning Map



Produced by the
Boone County Planning Commission
GIS Services Division
July 29, 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)

(Check One)

1. Boone Florence Walton Union

(Check One)

2. Conditional Use Permit Variance Appeal Change in Non-Conforming Use

3. Applicant's Name Drees Premier Homes
Phone Number 859-426-2523 Fax No. 859-341-1215
Applicant's Address 211 Grandview Dr.
Ft Mitchell KY 40177

4. Description of Request: screened porch on deck encroaches rear yard setbacks
City State Zip

5. Name of Development Hearthstone

6. Location of Development Pleasant Valley Rd.

7. Acreage Under Review 0.353

8. Lot Number and Name of Subdivision (if part of a subdivision)
111 Hearthstone

9. Owner of Property Drees Premier Homes

Phone Number of Owner 859-426-2523
Address of Property Owner 211 Grandview Dr. Ft Mitchell KY 40177

10. City State Zip
Proposed Use(s) on Site single family dwelling w/ deck

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

13. Current Zoning on Property SR-1

14. Deed Book 832 Page No. 682 Group No. 410 2038A

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? Vacant lots - Drees Premier owned.

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: M Whitaker / Drees Premier Homes

Property Owner's Signature: Drees Premier Homes

COPY

CLUR #02-BCBOA-013-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Drees Premier Homes
211 Grandview Drive
Ft. Mitchell, KY 41017

2. ADDRESS OF PROPERTY
Harvesthome Drive
Florence, KY 41042
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Hearthstone, Lot 61

4. DEED BOOK 832 PAGE NO. 682 GROUP NO. 2038A

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

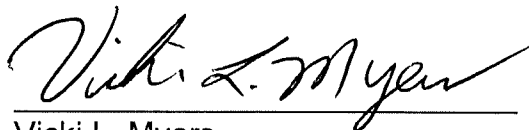

SIGNATURE OF COMPLETING OFFICIAL

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-013-A), for Drees Premier Homes, 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 832

PAGE NO. 682

GROUP NO. 2038A