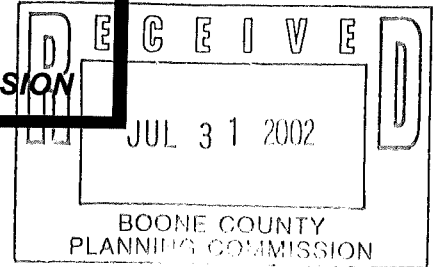


APPLICATION FORM

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 _____ Variance [X] Appeal _____
3. Applicant's Name HILLcrest Homes Inc, Phone Number 859 3936211, Fax No. 4930531, Applicant's Address 450 Withers Ln, Walton Ky 41091
4. Description of Request: Variance, REDUCE FRONT YARD FROM 30' TO 28'
5. Name of Development Shaker Run
6. Location of Development West of Oakbrook Rd, Burlington
7. Acreage Under Review Lot 334
8. Lot Number and Name of Subdivision (if part of a subdivision) 334 Shaker Run
9. Owner of Property BILL Hasenk Const Inc, Phone Number of Owner 371 8000, Address of Property Owner 5660 Lamberg Rd, 41005 Burlington
10. Proposed Use(s) on Site Single Family Home
11. Total Square Footage of Existing and/or Proposed Buildings 2000 inc Garage
12. Current Zoning on Property SR1
13. Deed Book 200 Page No. 661 Group No. 2031
14. Is the site subject to a zone change? NO
15. If yes, give date of approval
16. Have you submitted a Site Plan with this request? NO
17. Have you submitted a list of adjoining property owners with this request? NO
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]

**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 7-31-02 Fee Received \$ 414.00 R# 32039
2. Is application complete? Yes No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
 Approved 9-11-02
 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 - Web Page**

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: Hillcrest Homes, Inc.
LOCATION: Lot 33, Shaker Run Subdivision
(6521 Watson Lane, Boone County, Kentucky).
ZONING: Suburban Residential One (SR-1)
DATE: September 11, 2002

PROPOSAL

Hillcrest Homes, Inc. is requesting a variance to reduce the front yard setback requirement from 30' to 28' for a single-family dwelling which is proposed on Lot 33 of Shaker Run Subdivision (see attached Concept Plan).

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 0.14 acre site contains a 20' wide sanitary sewer easement that prohibits the proposed house from being moved further back on the lot. The site falls off drastically and contains a heavy deciduous tree line toward the rear of the property.

SURROUNDING LAND USES & ZONING

North: Watson Lane & Single-Family Residential Dwellings in Shaker Run (SR-1)
South: Open Space (Boone County Public Works Property) & Gunpowder Creek (SR-1)
East: Single-Family Residential Dwelling in Shaker Run (SR-1)
West: Single-Family Residential Lot (SR-1)

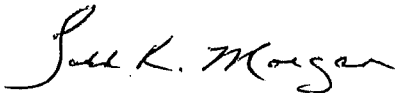
STAFF COMMENTS

1. Staff believes that the 20' wide sanitary sewer easement in the rear of the property is a special circumstance and that denying the 2' front yard setback variance would create an unnecessary hardship on the applicant.

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 front yard setback variance from 30' to 28'.

Respectfully submitted,

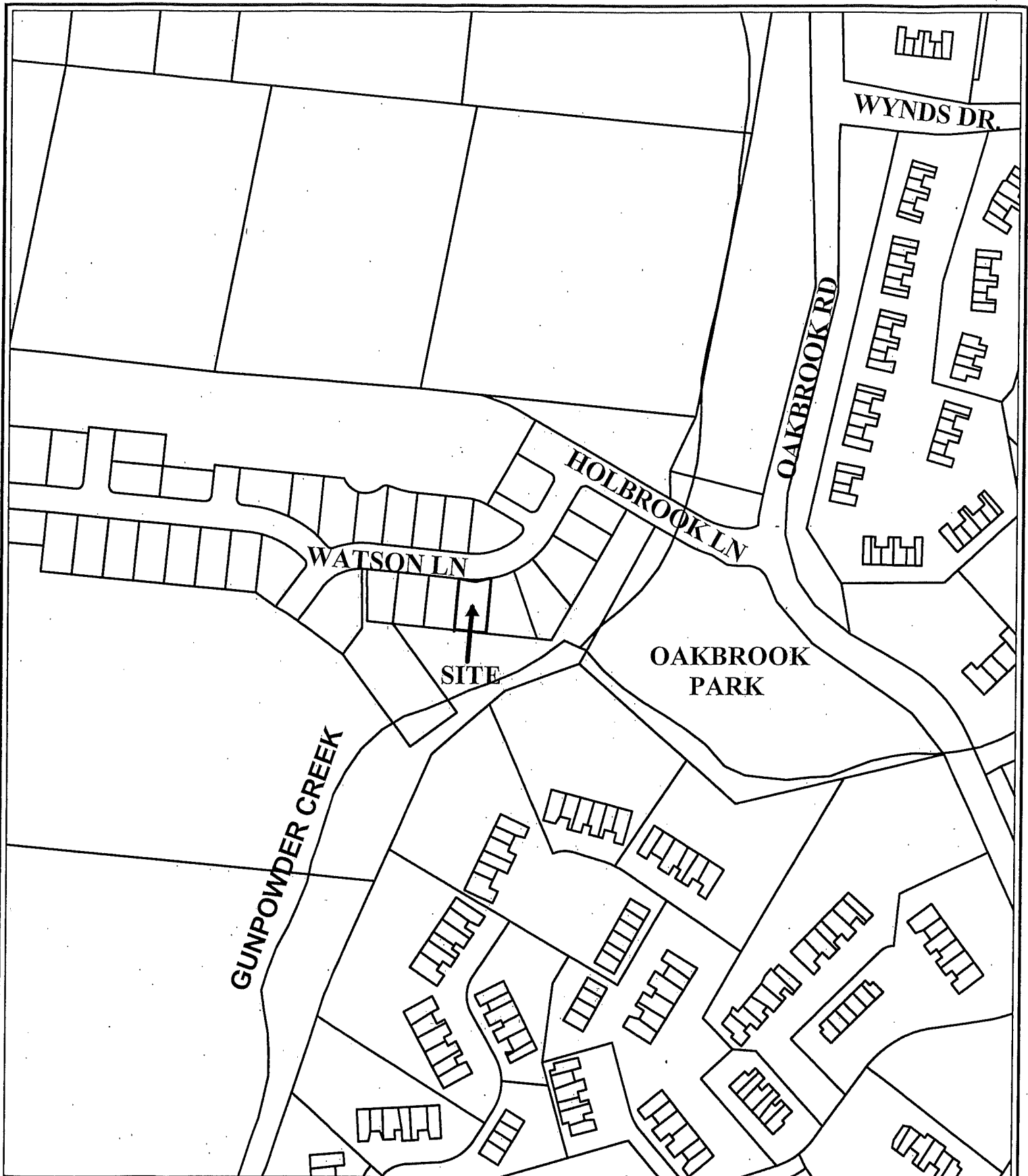


Todd K. Morgan, AICP
Planner, Zoning Services

TKM/pr

Attachments

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



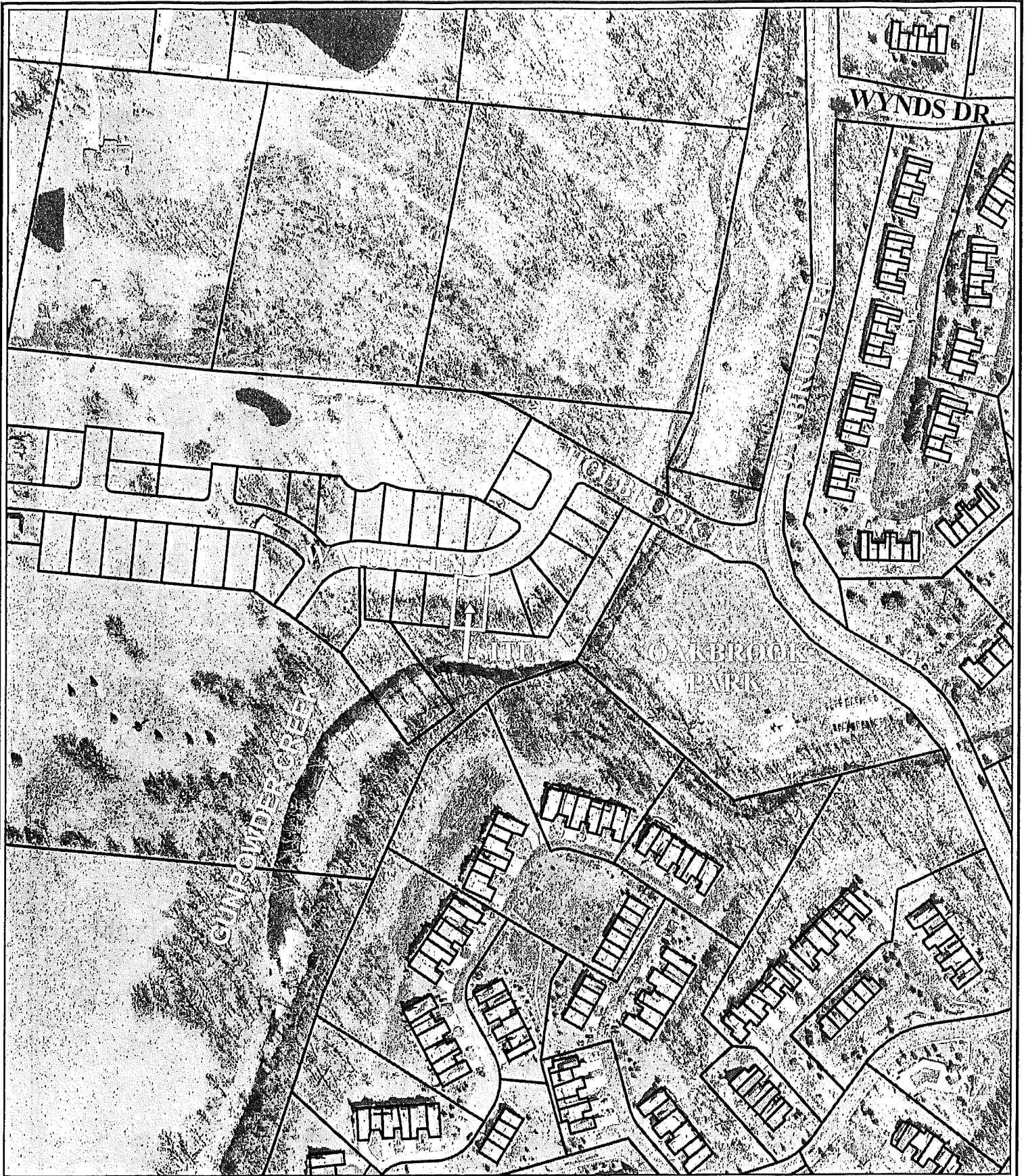
Lot 33, Shaker Run Site Vicinity Map

250 0 250 Feet

1 inch equals 250 feet

Produced by the
Boone County Planning Commission
GIS Services Division
August 30, 2002



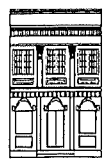


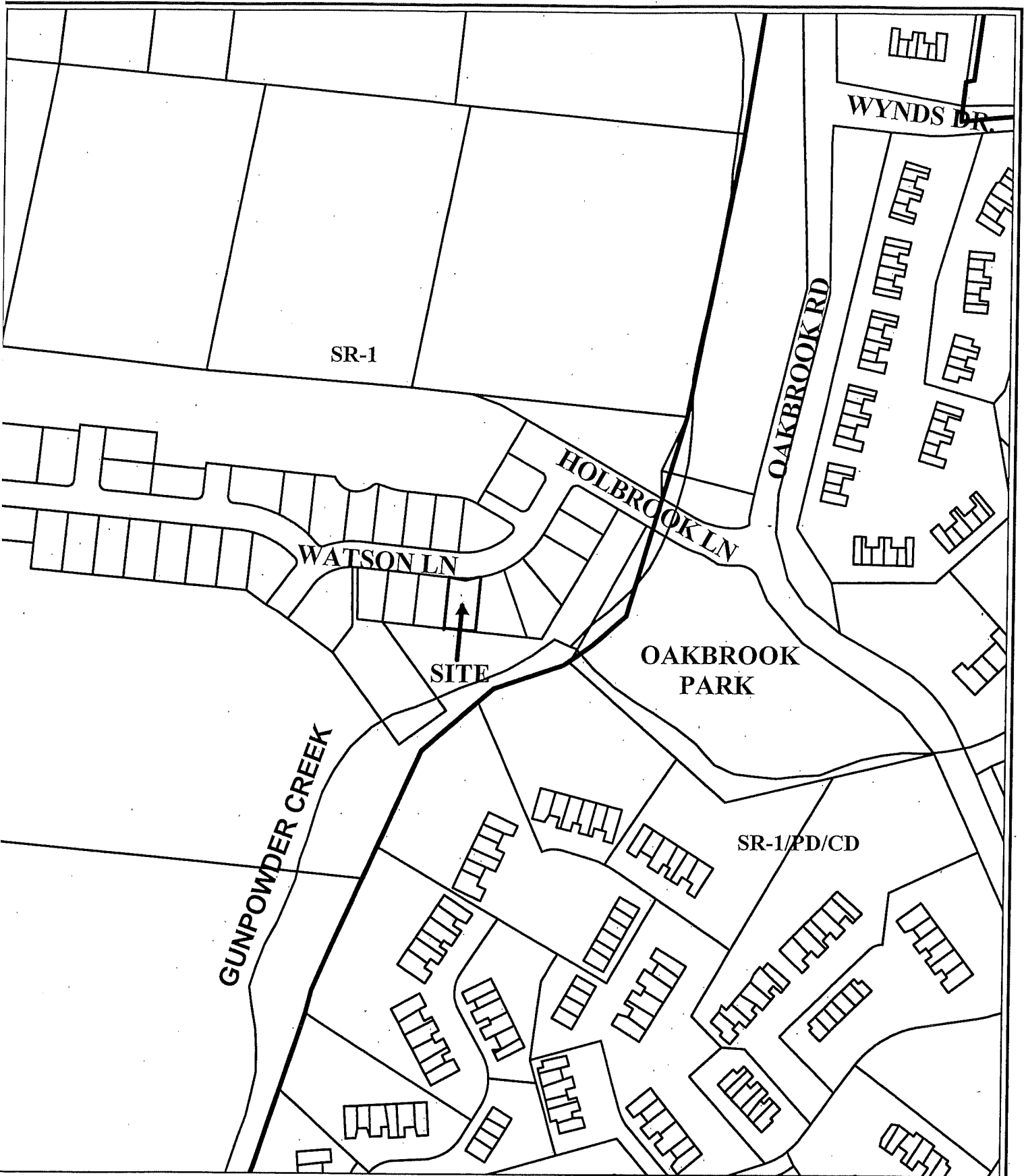
Lot 33, Shaker Run Aerial Map



1 inch equals 250 feet

Produced by the
Boone County Planning Commission
GIS Services Division
August 30, 2002





Lot 33, Shaker Run Zoning Map

250 0 250 Feet



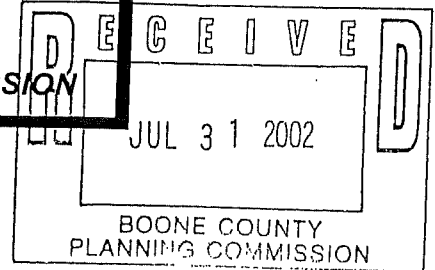
1 inch equals 250 feet

Produced by the
Boone County Planning Commission
GIS Services Division
August 30, 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 HILLcrest Homes Inc.
 Phone Number 859 393 1211 Fax No. 493 0531
 Applicant's Address 450 Withers Ln. Walton Ky 41091
4. Description of Request: Variance
5. Name of Development Shaker Run
6. Location of Development West of Oakbrook Rd
Burlington
7. Acreage Under Review LOT 33 + ~~34~~
8. Lot Number and Name of Subdivision (if part of a subdivision)
33 + ~~34~~ Shaker Run
9. Owner of Property BILL Hasank Const Inc.
10. Phone Number of Owner 371 8800
 Address of Property Owner 5660 Limaberg Rd 41005 Burlington
11. Proposed Use(s) on Site single Family Home
12. Total Square Footage of Existing and/or Proposed Buildings 2000 inc Garage
13. Current Zoning on Property SRI
14. Deed Book Cabinet 4 Page No. 232 Group No. 4355
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? NO
17. Have you submitted a list of adjoining property owners with this request? NO
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: _____

Property Owner's Signature: William Hasank

(over)

COPY

CLUR #02-BCBOA-015-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Bill Hasank Construction, Inc.
5660 Limaburg Road
Burlington, KY 41005
2. ADDRESS OF PROPERTY
6521 Watson Lane
Burlington, KY 41005
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Lot 33, Shaker Run
4. DEED BOOK 200 PAGE NO. 661 GROUP NO. 2031
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

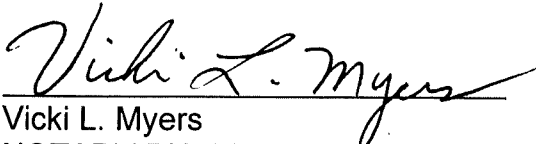

SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

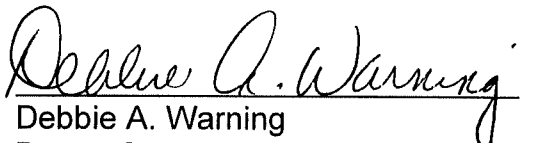
COUNTY OF BOONE

Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 16 day of September, 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 September 11, 2002 Certificate of Land Use Restriction (#02-BCBOA-015-A), for Bill Hasank Construction, 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 200

PAGE NO. 661

GROUP NO. 2031