

RECEIVED  
JUL 31 2002  
BOONE COUNTY  
PLANNING COMMISSION

APPLICATION FORM

BOARD OF ADJUSTMENT  
AND  
ZONING APPEALS ACTION  
BOONE COUNTY PLANNING COMMISSION

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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 6211 Fax No. 493 0531  
Applicant's Address 450 Withers Ln Walton Ky 41091  
City State Zip

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 # 34

8. Lot Number and Name of Subdivision (if part of a subdivision)  
#34 Shaker Run

9. Owner of Property Bill Hasank Const Inc.

- Phone Number of Owner 371 8800

10. Address of Property Owner 5660 Limaburg Rd 41005 Burlington  
City State Zip

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 SR1

14. Deed Book 200 Page No. 661 Group No. 2031

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

**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 \$408.00 RA 32229
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](http://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 34, Shaker Run Subdivision  
(6525 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 34 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 0.137 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: Framed Single-Family Residential Dwelling (SR-1)

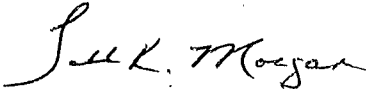
STAFF COMMENTS

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,

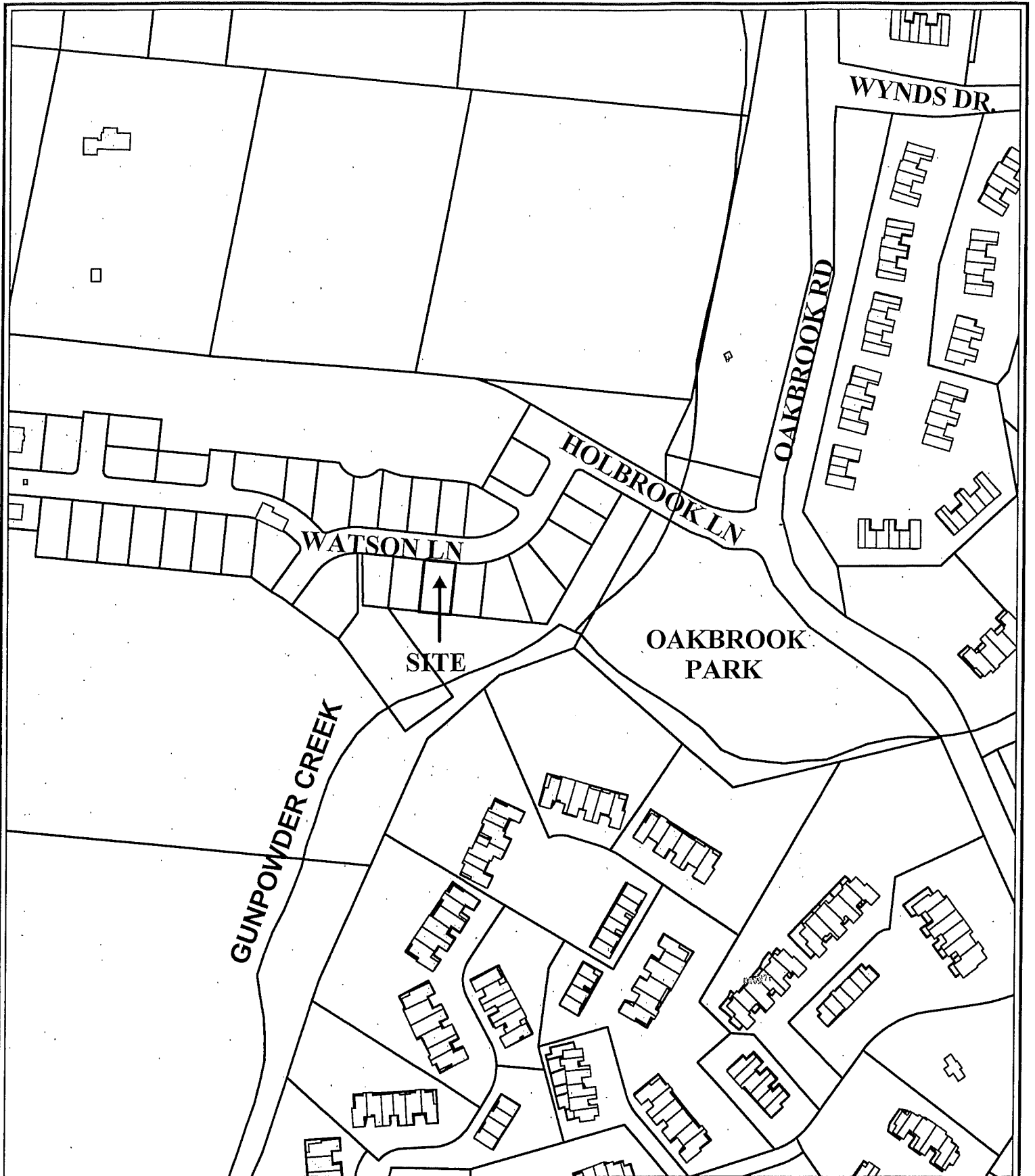


Todd K. Morgan, AICP  
Planner, Zoning Services

TKM/pr

Attachments

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



# Lot 34, Shaker Run Site Vicinity Map

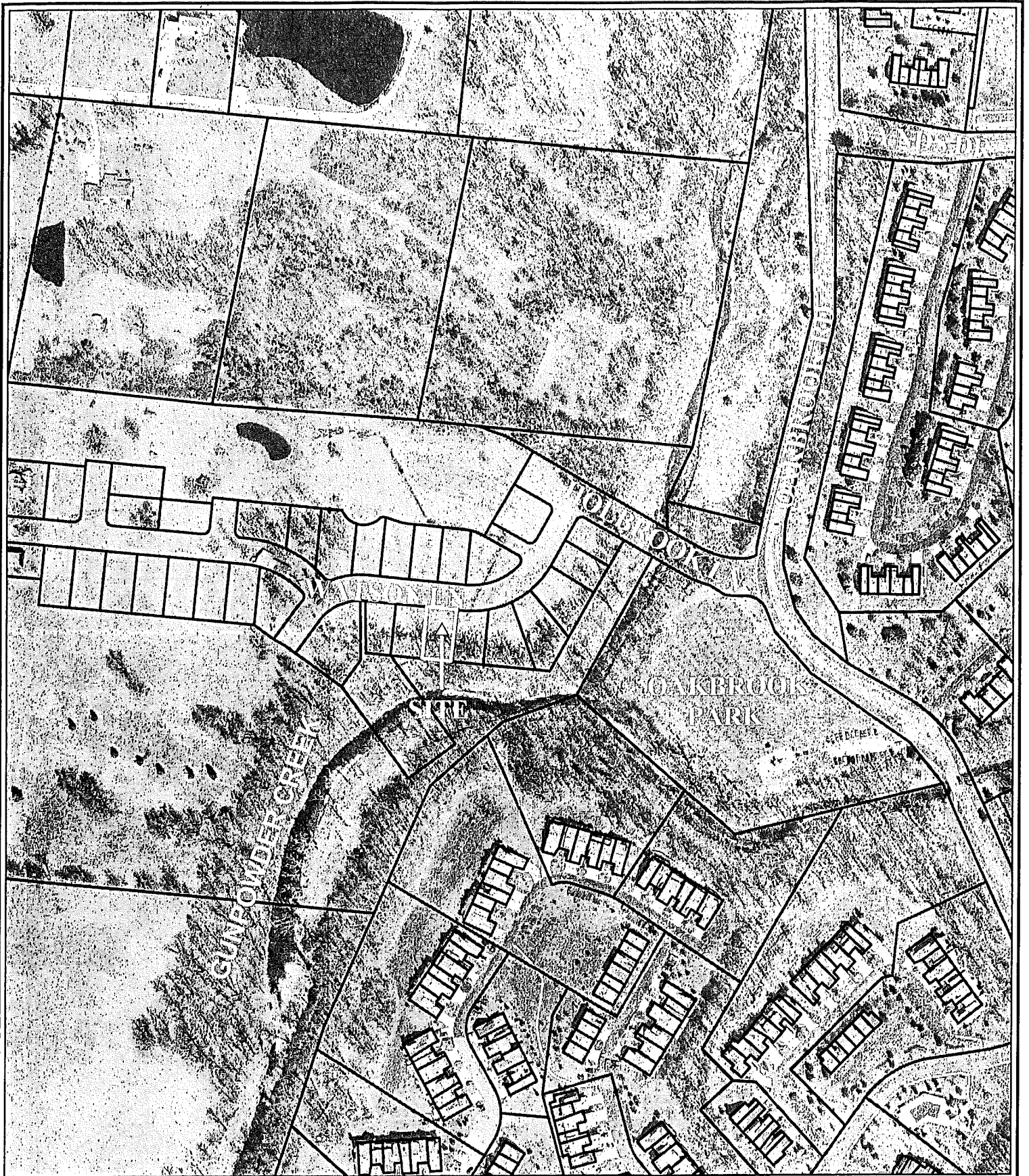
250 0 250 Feet

1 inch equals 250 feet

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







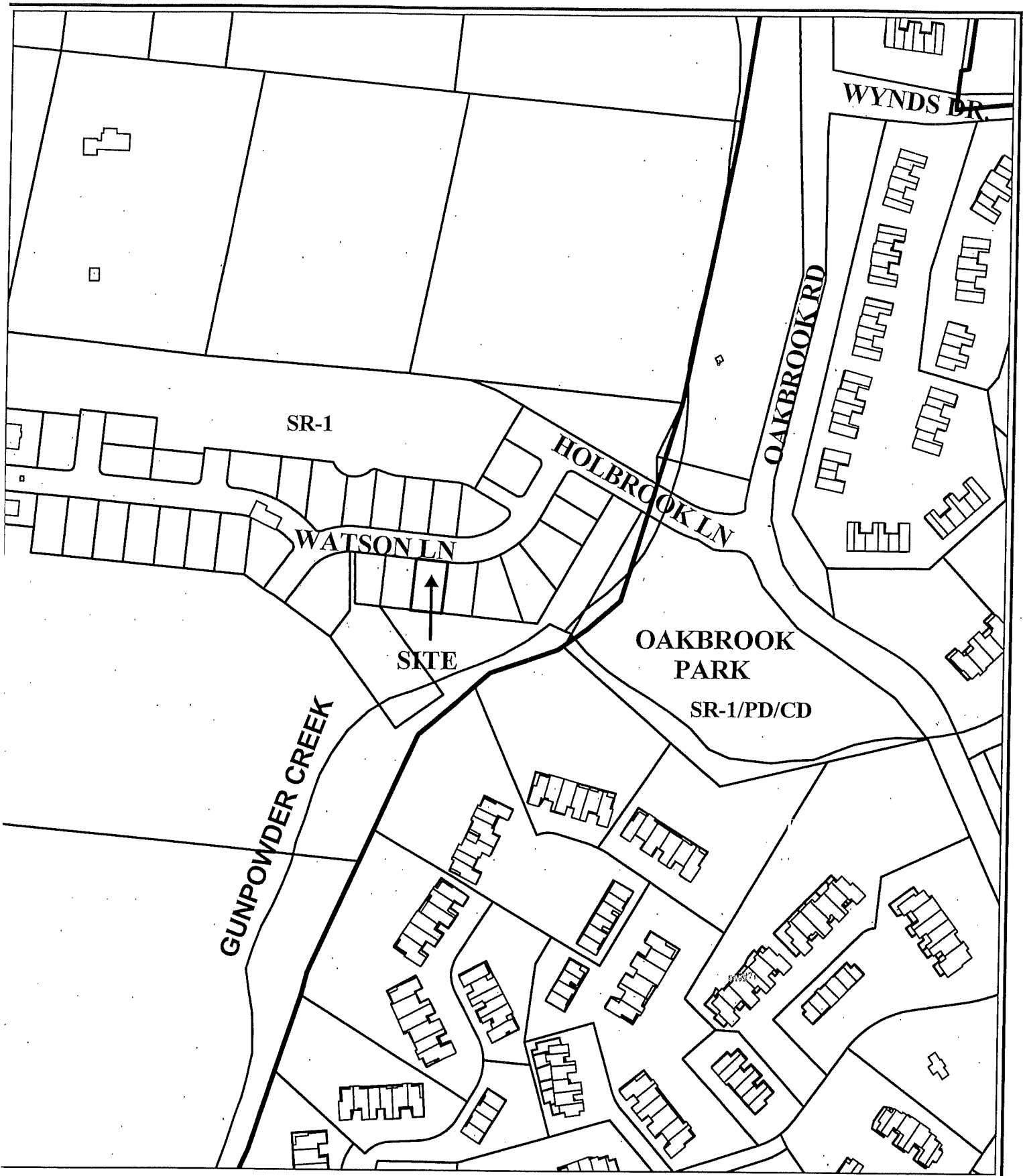
# Lot 34, Shaker Run Aerial Map



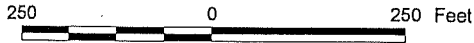
1 inch equals 250 feet

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





# Lot 34, Shaker Run Zoning Map



1 inch equals 250 feet

Produced by the  
Boone County Planning Commission  
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**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 3936211 Fax No. 4930531  
Applicant's Address 450 Withers La Walton Ky 41091  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
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 # 34  
8. Lot Number and Name of Subdivision (if part of a subdivision)  
#34 Shaker Run  
9. Owner of Property BILL Hasank Const Inc.  
Phone Number of Owner 371 8200  
10. Address of Property Owner 5660 Linaburg Rd 41005 Burlington  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
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 Case 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

COPY

CLUR #02-BCBOA-016-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  
6525 Watson Lane  
Burlington, KY 41005
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)  
Shaker Run, Lot 34
4. DEED BOOK 200 PAGE NO. 661 GROUP NO. 2031
5. TYPE OF RESTRICTION(S) (Check all that apply)
- Zoning Map Amendment: From      To            Conditional Use Permit
- Development Plan       Conditional Zoning
- Subdivision Plat (Not Recorded)       Other:
- 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

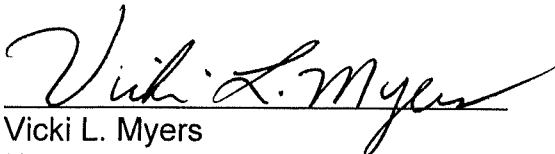
  
SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

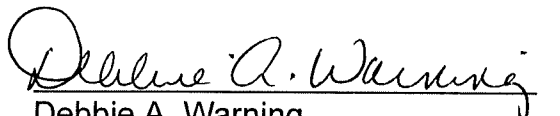
COUNTY OF BOONE

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-016-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