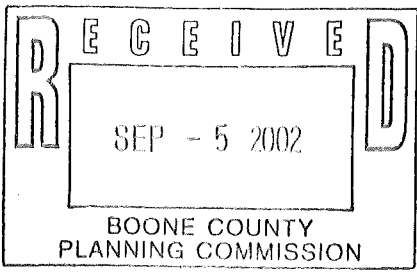


02-BCBOA-018-A



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. Boone _____ Florence _____ Walton _____ Union _____
 2. (Check One)
 Conditional Use Permit _____ Variance _____ Appeal _____
 Change in Non-Conforming Use _____
 3. Applicant's Name AFTON DEVELOPMENT, LLC by RONALD D. MECHLIN MEMBER
 Phone Number 859-750-9066 Fax No. 859-344-5300
 Applicant's Address P. O. Box 17635
FT. MITCHELL KY 41017
 City State Zip
 4. Description of Request: CHANGE IN MINIMUM SIDE YARD VARIANCE FROM 5 FT. MINIMUM 15 FT. TOTAL TO 5 FT. MINIMUM 10' TOTAL
 5. Name of Development ADDITION TO CHERRY HILL SUBDIVISION
 6. Location of Development SPRUCE TREE LN.
 7. Acreage Under Review 2.1 ACRES - 13 SINGLE FAMILY LOTS
 8. Lot Number and Name of Subdivision (if part of a subdivision)
1, 2, 3, 4, 5, 6, 7, 79, 80, 81, 82, 83, 84, ADDITION TO CHERRY HILL SUB.
 9. Owner of Property AFTON DEVELOPMENT, LLC
 Phone Number of Owner 859-750-9066 10.
 Address of Property Owner P.O. Box 17635, Ft. Mitchell, Ky 41017
 City State Zip
 11. Proposed Use(s) on Site SINGLE FAMILY RESIDENTIAL LOTS
 12. Total Square Footage of Existing and/or Proposed Buildings N/A
 13. Current Zoning on Property SR-2
 14. Deed Book 180 Page No. 574 Group No. 2022
 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? YES
 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: Ronald D. Mechlin

Property Owner's Signature: Ronald D. Mechlin, MEMBER AFTON DEVELOP. LLC

(over)

**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 9-5-02 Fee Received \$599.00 R# 32747
- 2. Is application complete? Yes No
- 3. Staff Reviewer _____
- 4. Scheduled Board Action Date _____
- 5. Board Action:
 10-9-02 **Approved**
 Approved with Conditions (See #6)
 Denial (See #7)
- 6. Conditions of Approval: NONE
- 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: Afton Development, LLC

LOCATION: Lots 1-7 & 79-84 of Addition to Cherry Hill Subdivision, Boone County, Kentucky.

ZONING: Suburban Residential Two (SR-2)

DATE: October 9, 2002

Proposal

Afton Development is requesting a variance to allow a reduction in the required side yard setbacks for lots 1-7 and 79-84 of the Addition to Cherry Hill Subdivision. The zoning regulations require the side yard setbacks within a Suburban Residential Two (SR-2) zone to total at least fifteen feet, with the minimum on any one side being five feet. The applicant is seeking to change this requirement to allow the minimum total to be ten feet, with the minimum on any one side being five feet.

Applicable Regulations

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 properties, lots 1-7 and 79-84 are zoned Suburban Residential Two (SR-2). The following land uses are adjacent to the 2.1 acre site:

- North: Single-Family Dwellings Fronting on Fir Tree Lane (SR-2)
- South: Single-Family Dwellings Fronting on Cedar Tree Lane (SR-2)
- East: Single-Family Dwellings Fronting on Spruce Tree Lane (SR-1)
- West: Undeveloped Section of Addition to Cherry Hill Subdivision (Kenton County)

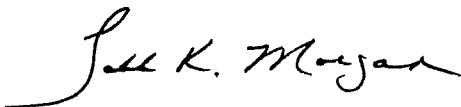
Staff Comments

1. The Preliminary Plat for Addition to Cherry Hill Subdivision contains eighty-four lots. Thirteen lots are within Boone County and seventy-one lots are located in the City of Erlanger.
2. Staff contacted David Hahn, Zoning Administrator for the City of Erlanger, in regard to the project. Mr. Hahn indicated that the 71 lots in Erlanger's limits are zoned RCD Overlay and that the side yard setback requirement is 5 feet per side.

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 side yard setback variance. It is Staff's opinion that granting 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 a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations.

Respectfully submitted,

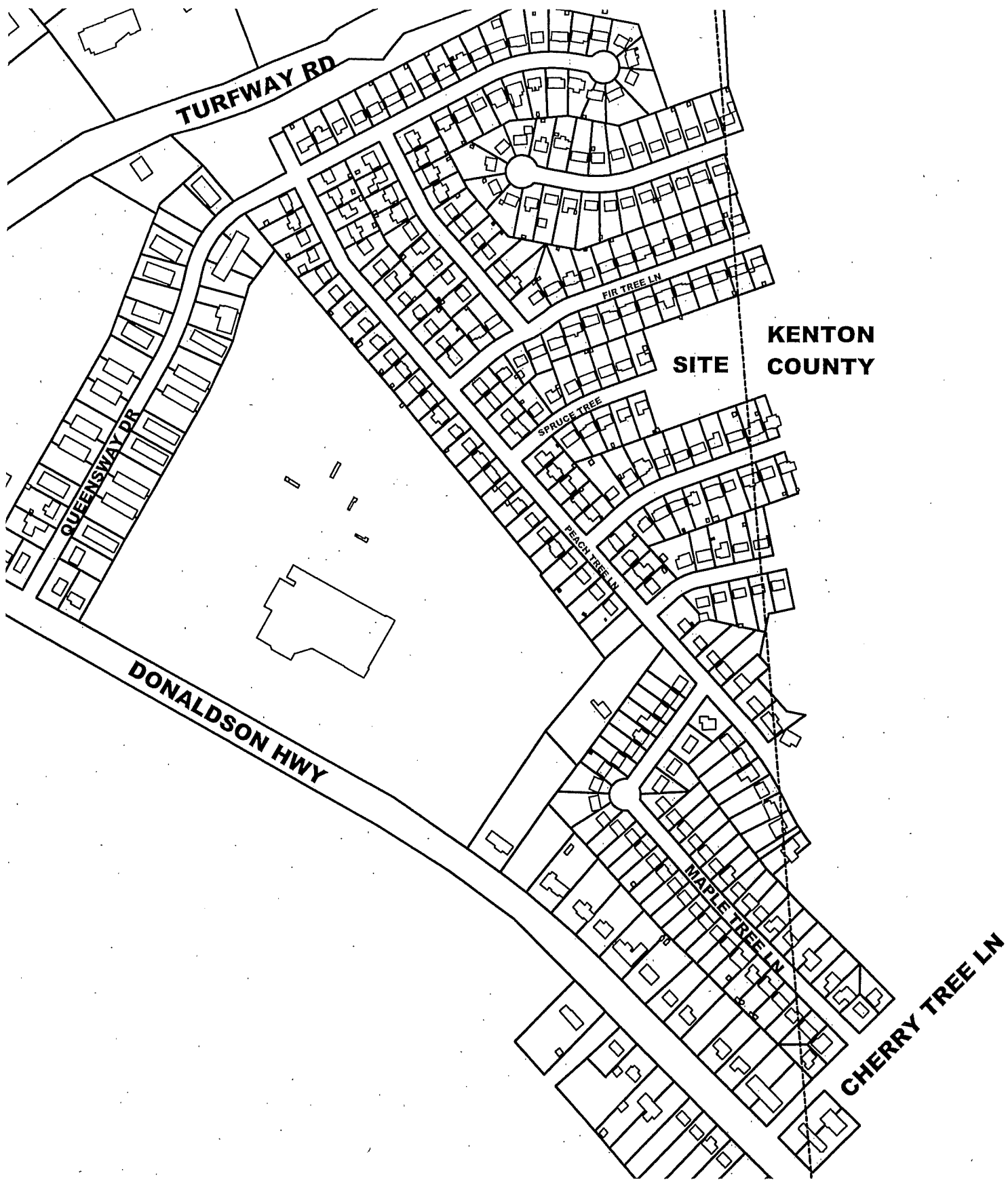


Todd K. Morgan, AICP
Planner, Zoning Services

TKM/pr

Attachments

- Exhibit A – Site Vicinity Map
- Exhibit B – Zoning Map
- Exhibit C – Aerial Map
- Exhibit D – Topographical Map
- Exhibit E – Preliminary Plat
- Exhibit F – Application



KENTON COUNTY

SITE

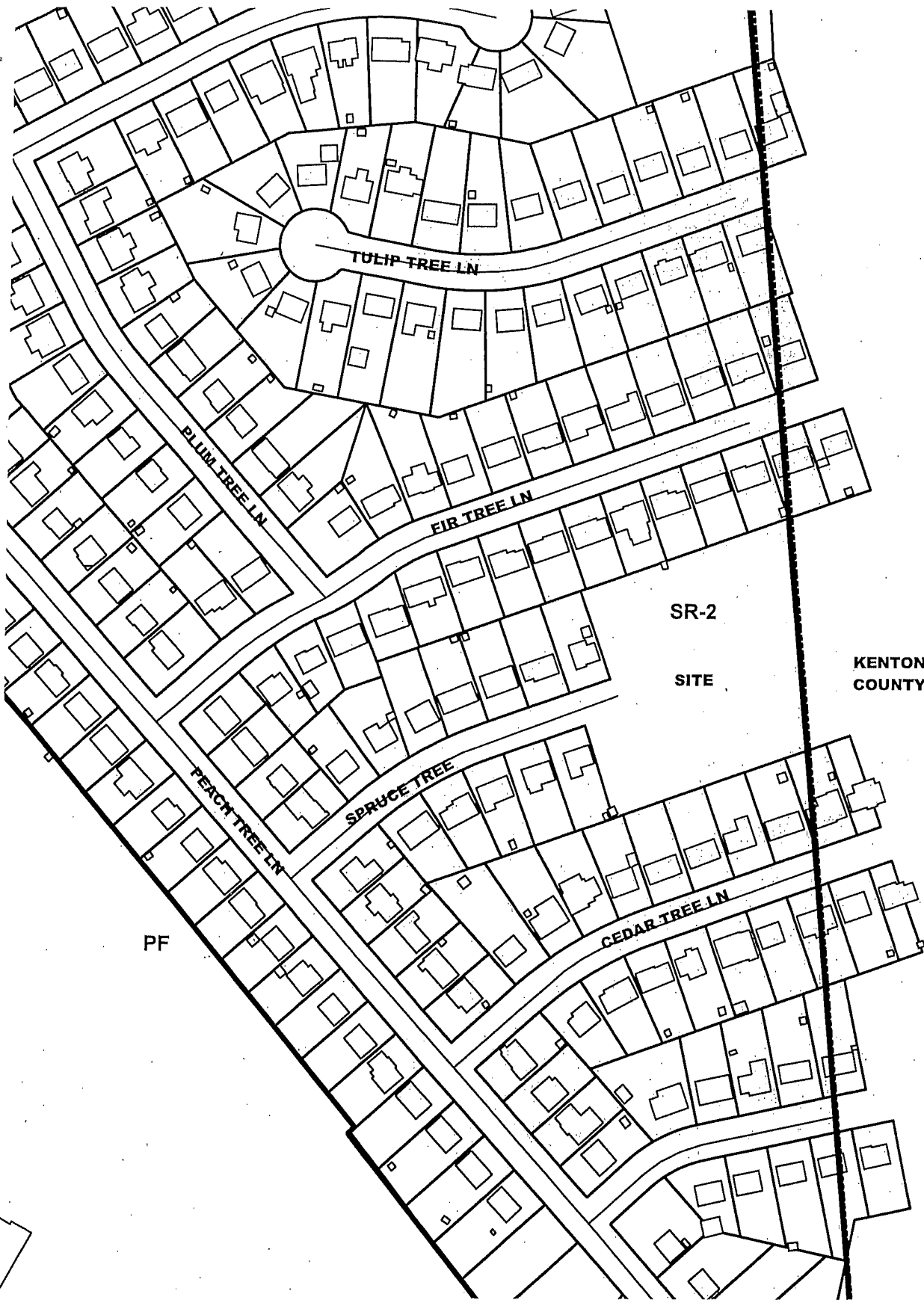
**ADDITION TO CHERRY HILL
SITE VICINITY MAP**

400 0 400 Feet

1 inch equals 400 feet

Produced by the
Boone County Planning Commission
GIS Services Division
September 26, 2002





ADDITION TO CHERRY HILL ZONING MAP

200 0 200 Feet

1 inch equals 200 feet

Produced by the
Boone County Planning Commission
GIS Services Division
September 26, 2002



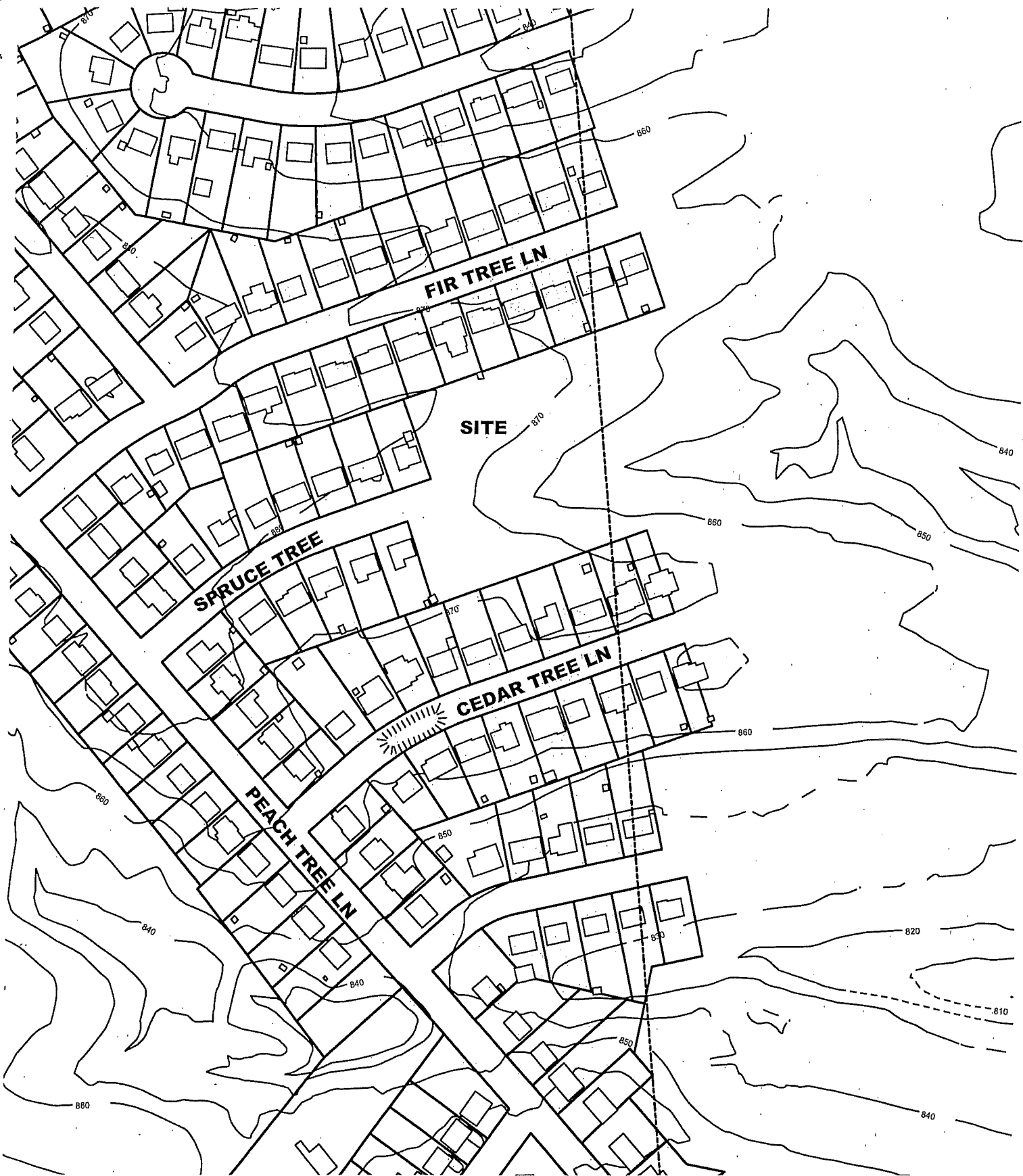


ADDITION TO CHERRY HILL AERIAL MAP

200 0 200 Feet

1 inch equals 200 feet
Produced by the
Boone County Planning Commission
GIS Services Division
September 26, 2002





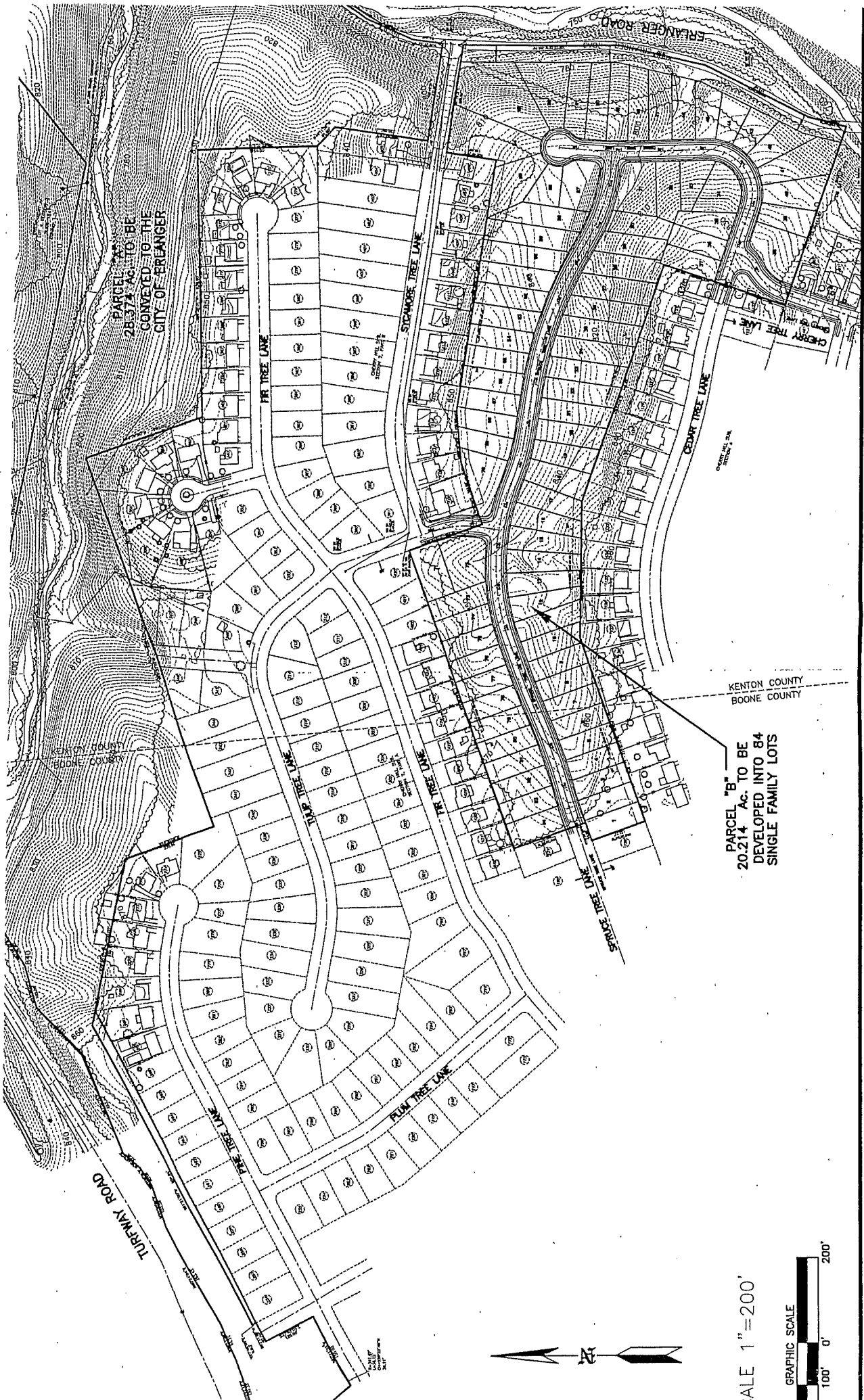
ADDITION TO CHERRY HILL TOPOGRAPHICAL MAP

200 0 200 Feet

1 inch equals 200 feet

Produced by the
Boone County Planning Commission
GIS Services Division
September 26, 2002

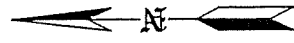
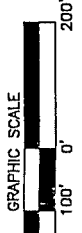


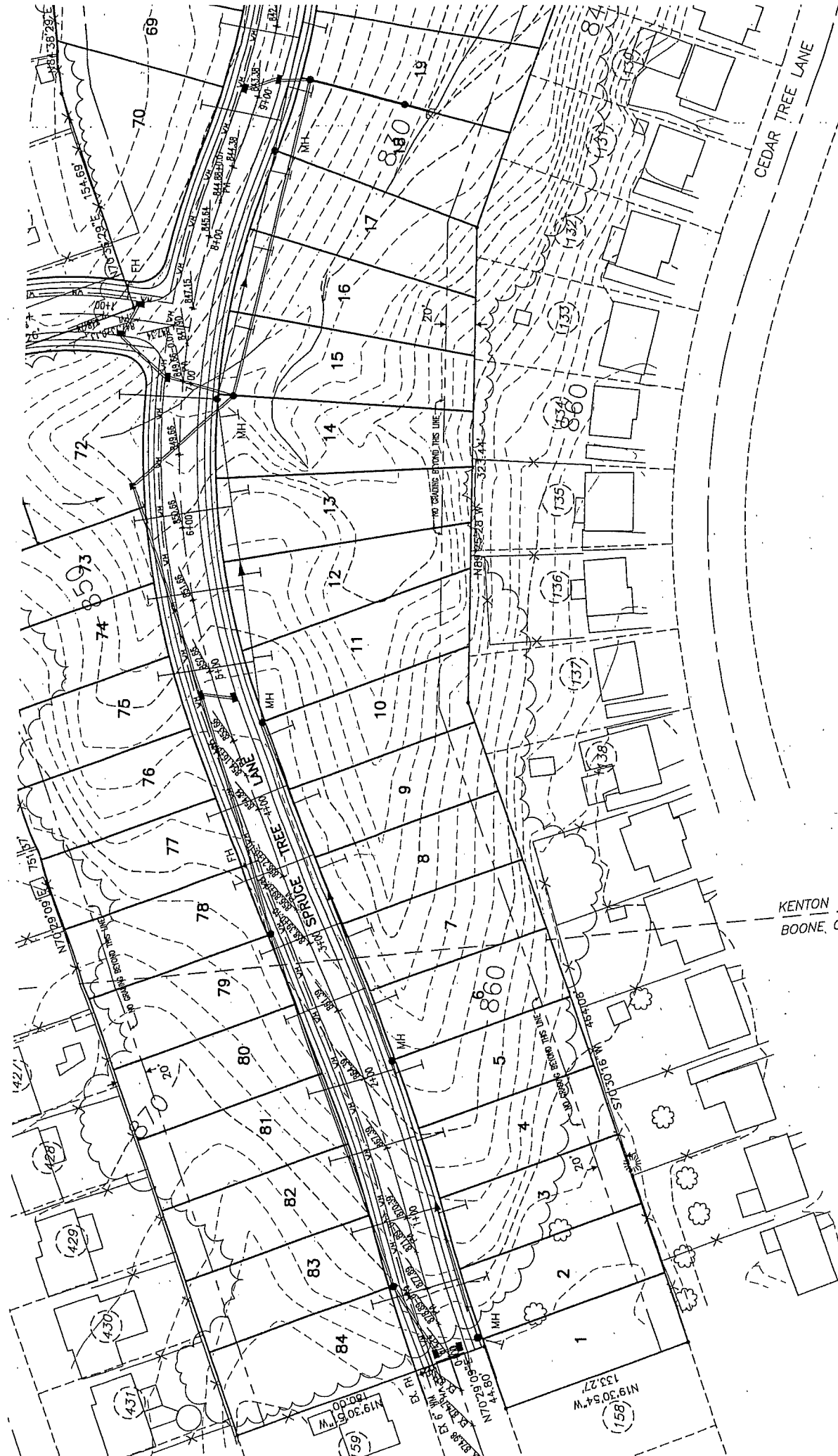


PARCEL "A" TO BE
CONVEYED TO THE
CITY OF ERLANGER

PARCEL "B"
20.214 AC. TO BE
DEVELOPED INTO 84
SINGLE FAMILY LOTS

SCALE 1" = 200'

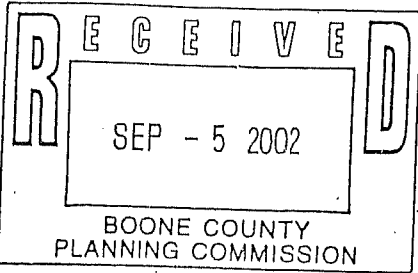




KENTON COUNTY
BOONE COUNTY

STAGE I & PRELIMINARY PLAN FOR
ADDITION TO CHERRY HILL SUBDIVISION
PARCEL "B"

KENTON CO. & BOONE CO., KENTUCKY



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 AFTON DEVELOPMENT, LLC by RONALD D. MECHLIN MEMBER
Phone Number 859-750-9066 Fax No. 859-344-5300
Applicant's Address P.O. Box 17635
Ft. MITCHELL Ky 41017
City State Zip
 4. Description of Request: CHANGE IN MINIMUM SIDE YARD VARIANCE
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 7. Acreage Under Review 2.1 ACRES - 13 SINGLE FAMILY LOTS
 8. Lot Number and Name of Subdivision (if part of a subdivision)
1, 2, 3, 4, 5, 6, 7, 29, 80, 81, 82, 83, 84, ADDITION TO CHERRY HILL SUB.
 9. Owner of Property AFTON DEVELOPMENT LLC
Phone Number of Owner 859-250-9066 10.
Address of Property Owner P.O. Box 17635, Ft. MITCHELL, Ky 41017
City State Zip
 11. Proposed Use(s) on Site SINGLE FAMILY RESIDENTIAL LOTS
 12. Total Square Footage of Existing and/or Proposed Buildings N/A
 13. Current Zoning on Property SR-2
 14. Deed Book 180 Page No. 574 Group No. _____
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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? YES
 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: Ronald D. Mechlin

Property Owner's Signature: Ronald D. Mechlin, MEMBER AFTON DEVEL. LLC

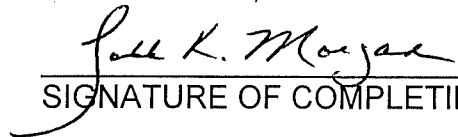
COPY

CLUR #02-BCBOA-018-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Afton Development LLC
P.O. Box 17635
Ft. Mitchell, KY 41017
2. ADDRESS OF PROPERTY
Spruce Tree Lane
Erlanger, KY 41018
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Addition to Cherry Hill
4. DEED BOOK 180 PAGE NO. 574 GROUP NO. 2022
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

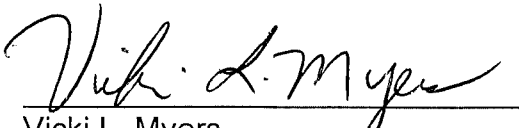

SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

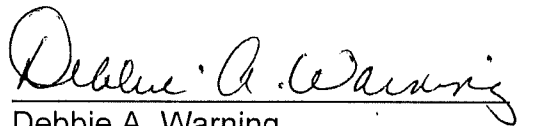
COUNTY OF BOONE

Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 10 day of October, 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 October 9, 2002 Certificate of Land Use Restriction (#02-BCBOA-018-A), for Afton Development LLC, 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 180

PAGE NO. 574

GROUP NO. 2022