02-BCBOA-022-A

APPLICATION FORM

RECEIVED
OCT - 7 2002
BOONE COUNTY PLANNING COMMISSION

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 Keystone Home Builders, Inc.
   Phone Number 384-2600 Fax No. 384-2335
   Applicant's Address 9868 Hwy 42
   Union (City) Ky (State) 41091 (Zip)
4. Description of Request: Allow construction of single family residence that encroaches 3' into rear setback.
5. Name of Development Brookstone
6. Location of Development OFF Hicks Pike, next to Richwood Church Rd.
7. Acreage Under Review _____
8. Lot Number and Name of Subdivision (if part of a subdivision)
   70 Brookstone
9. Owner of Property Keystone Home Builders, Inc.
   Phone Number of Owner 384-2600
10. Address of Property Owner 9868 Hwy 42, Union, Ky 41091
    City State Zip
11. Proposed Use(s) on Site construct single family residence.
12. Total Square Footage of Existing and/or Proposed Buildings _____
13. Current Zoning on Property Residential (SR-1)
14. Deed Book 647 Page No. 162 Group No. [redacted] 2069
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: Cindy Hunger

Property Owner's Signature: Cindy Hunger

(over)

BOARD OF ADJUSTMENT AND

SECTION B (To be completed by the Boone County Planning Commission Staff)

1. Date Received 10-1-02 Fee Received $479.00 R# 33119
2. Is application complete? ✓ Yes _____ No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. *Board Action:*
   11/13/02 **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 - 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

APPLICANTS: Keystone Home Builders, Inc.

LOCATION: Section 8, Lot 70 of Brookstone Subdivision (11181 Misty Wood Court), Boone County, Kentucky

ZONING: Suburban Residential One (SR-1)

DATE: November 13, 2002

Proposal

The Applicant has requested a variance to reduce the rear yard setback requirement for a single-family dwelling from 30 feet to 27 feet (see Concept Plan). The dwelling is being proposed on lot 70 of Brookstone Subdivision (11181 Misty Wood Court, Boone County, Kentucky).

ApplicableRegulations

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.

Site Characteristics

The 0.25 acre site is currently vacant. The topography of the site is relatively flat toward Misty Wood Court and gradually rolls downward toward the rear of the site. The detention parcel which is located immediately to the rear of the site contains a mature deciduous tree line that will buffer the rear property line from a future section of Brookstone that is planned to the west.

Surrounding Land Uses & Zoning

North: Vacant Lot in Brookstone Subdivision (SR-1)

South: Storm Water Detention Lot (SR-1)

East: Misty Wood Court and Storm Water Detention Lot (SR-1)

West: Storm Water Detention Lot (SR-1)

Staff Comments

1. The requested variance would reduce the required 30' rear yard setback requirement by 10%. The Board needs to determine if the request arises from special circumstances, would change the essential character of the area, or would be an unreasonable circumvention of the zoning regulations.

Conclusion

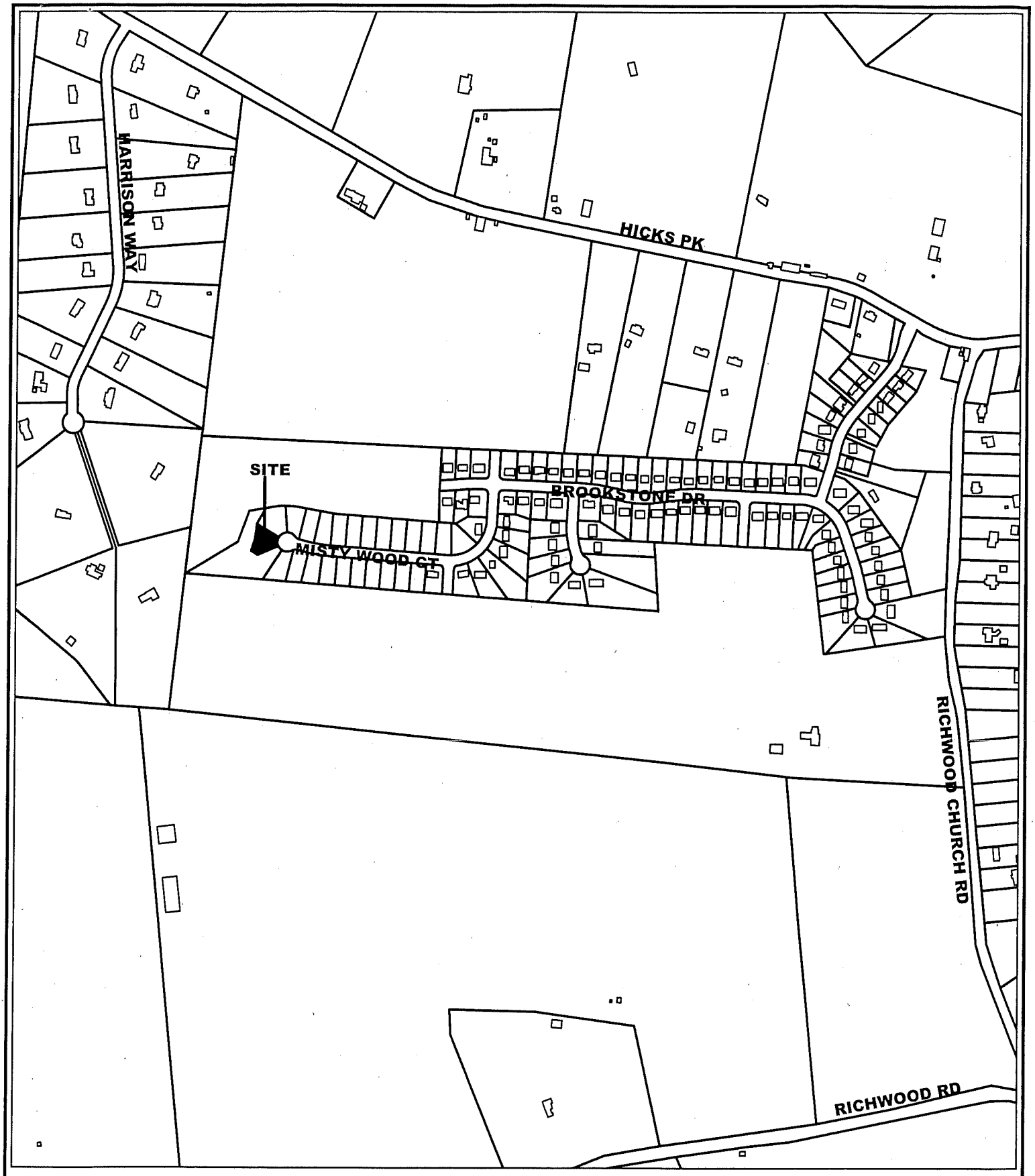
KRS 100.241 and Section 250 of the Boone County Zoning Regulations gives the Boone County Board of Adjustment and Zoning Appeals the authority to grant the applicant's request for a rear yard setback variance.

Respectfully submitted,

Todd K. Morgan, AICP
Planner, Zoning Services

TKM/pr

Attachments
Exhibit A – Site Vicinity Map
Exhibit B – Concept Plan
Exhibit C – Brookstone Subdivision Final Plat
Exhibit D – Zoning Map
Exhibit E – Application
Exhibit F – Letter from Scheben Group, Inc.



LOT 70 BROOKSTONE SITE VICINITY MAP

600 0 600 Feet

1 inch equals 600 feet

Produced by the
Boone County Planning Commission
GIS Services Division
October 28, 2002

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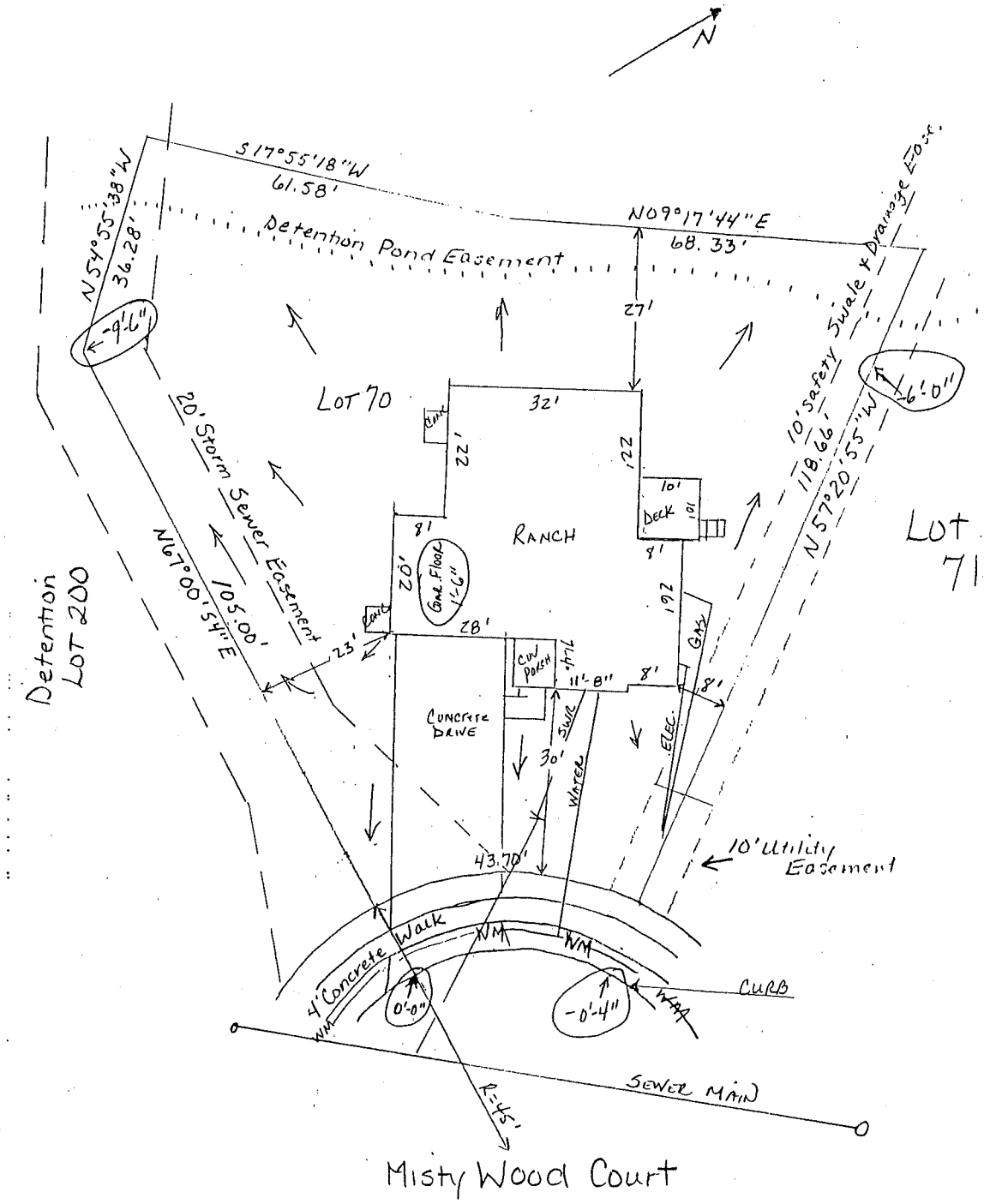
BOONE COUNTY GIS PLANNING COMMISSION



Section 8

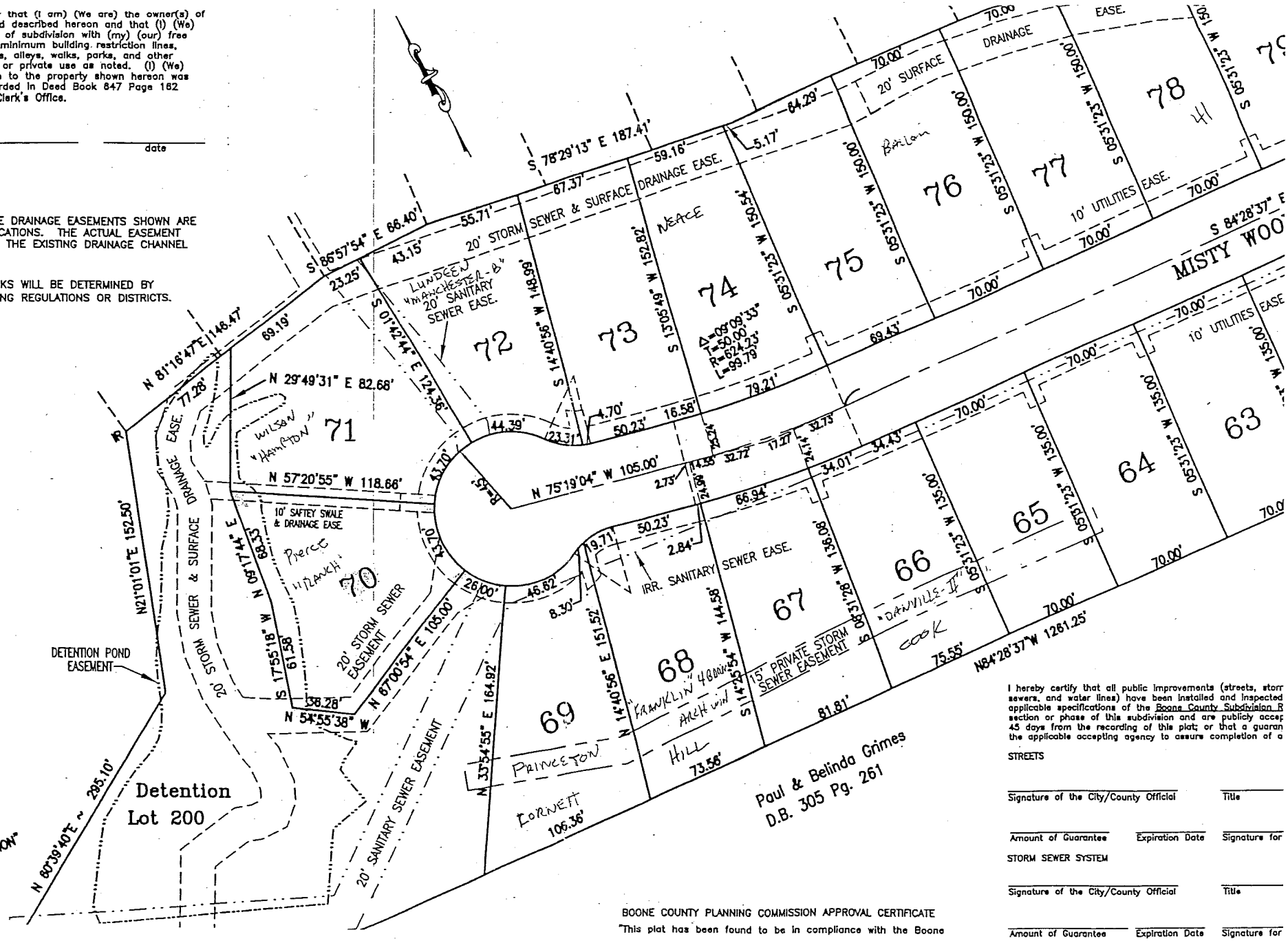
LOT 70 BROOKSTONE SUBVN.	Scale 1" = 20'
KEYSTONE HOME BUILDERS 9868 U.S. 42, UNION, KY 41091 384-2600	5-24-02 JGB

"(I) (We) hereby certify that (I am) (We are) the owner(s) of the property shown and described hereon and that (I) (We) hereby adopt this plan of subdivision with (my) (our) free consent, establish the minimum building restriction lines, and dedicate all streets, alleys, walks, parks, and other open spaces to public or private use as noted. (I) (We) further certify that title to the property shown hereon was acquired by Deed recorded in Deed Book 847 Page 162 of the Boone County Clerk's Office.

Signed _____ date _____

*NOTE: SURFACE DRAINAGE EASEMENTS SHOWN ARE APPROXIMATE LOCATIONS. THE ACTUAL EASEMENT IS CENTERED ON THE EXISTING DRAINAGE CHANNEL

BUILDING SETBACKS WILL BE DETERMINED BY APPLICABLE ZONING REGULATIONS OR DISTRICTS.



I hereby certify that all public improvements (streets, storm sewers, and water lines) have been installed and inspected applicable specifications of the Boone County Subdivision R section or phase of this subdivision and are publicly accep 45 days from the recording of this plat; or that a guaran the applicable accepting agency to assure completion of a

STREETS

Signature of the City/County Official _____ Title _____

Amount of Guarantee _____ Expiration Date _____ Signature for _____

STORM SEWER SYSTEM

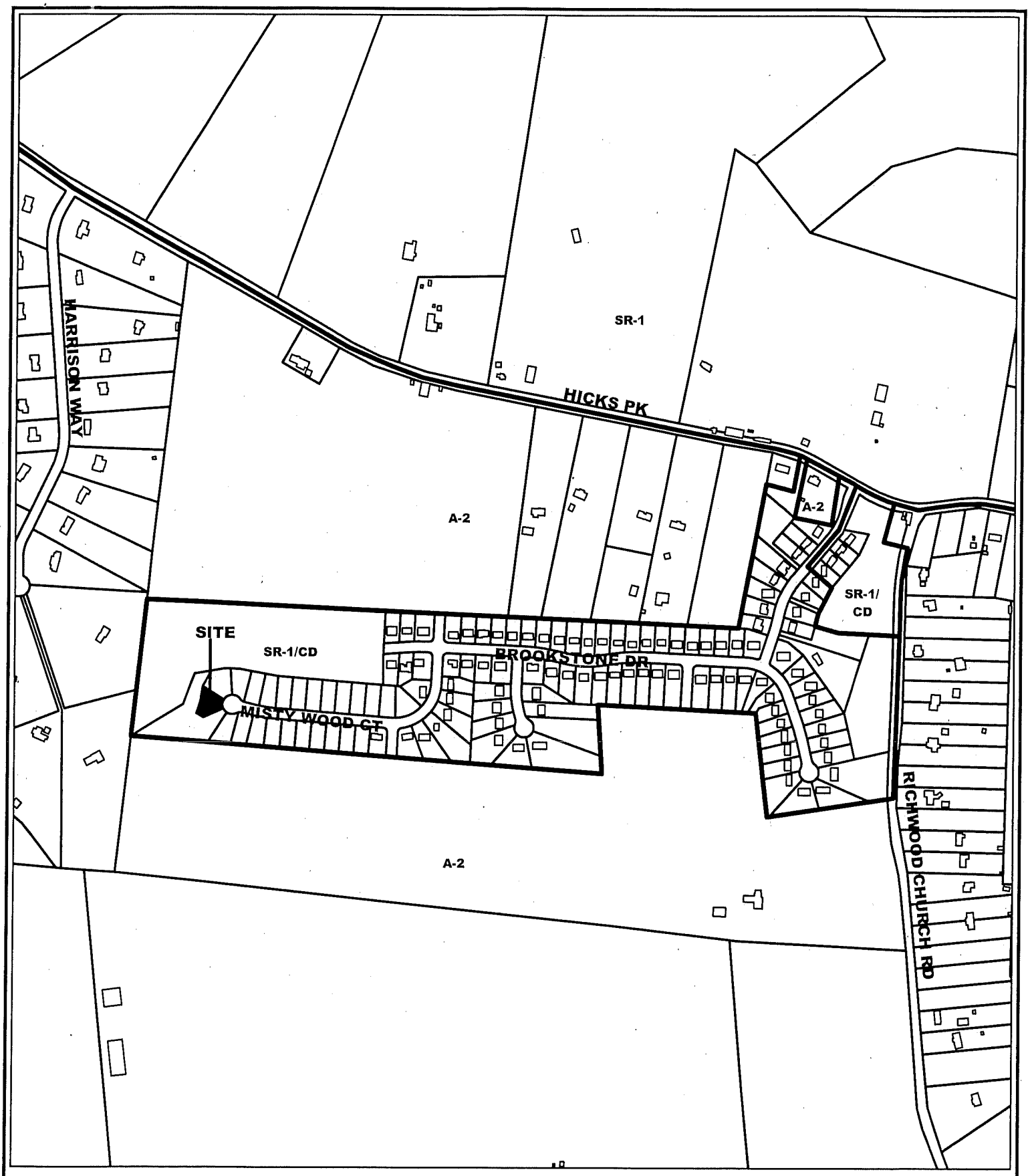
Signature of the City/County Official _____ Title _____

Amount of Guarantee _____ Expiration Date _____ Signature for _____

BOONE COUNTY PLANNING COMMISSION APPROVAL CERTIFICATE

"This plat has been found to be in compliance with the Boone

dwg, 07/25/2002 02:05:28 PM



LOT 70 BROOKSTONE ZONING MAP

600 0 600 Feet

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Produced by the
Boone County Planning Commission
GIS Services Division
October 28, 2002

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11. Proposed Use(s) on Site construct single family residence.
12. Total Square Footage of Existing and/or Proposed Buildings _____
13. Current Zoning on Property Residential
14. Deed Book 647 Page No. 162 Group No. 4394
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: Andy Hunsen

Property Owner's Signature: Andy Hunsen

(over)

BOARD OF ADJUSTMENT AND

Scheben Group, Inc.
8080 Steilen Drive, Florence, Kentucky 41042
Office (859) 282-6900 • Fax (859) 282-6901

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OCT 31 2002
BOONE COUNTY
PLANNING COMMISSION

October 29, 2002

Todd K. Morgan
Planner, Zoning Services
Boone County Planning Commission
2995 Washington St.
Burlington, KY 41005

RE: Variance
Lot 70 Brookstone Subdivision

Dear Mr. Morgan:

As the developer of Brookstone Subdivision, we support the request by Keystone Home Builders, Inc. for a Variance to reduce the rear yard setback. We feel these changes will not hurt the concept of the development.

Sincerely,

James B. Wenstrup
Vice President

COPY

CLUR #02-BCBOA-022-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
   Keystone Home Builders, Inc.
   9868 U.S. 42
   Union, KY 41091

2. ADDRESS OF PROPERTY
   11181 Misty Wood Ct.
   Walton, KY 41094

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
   Brookstone, Lot 70

4. DEED BOOK 647 PAGE NO. 162 GROUP NO. 2069

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:

   _X_ 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

Todd K. Morgan

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 14 day of November, 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.)

CLUR #02-BCBOA-022-A

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 November 13, 2002 Certificate of Land Use Restriction (#02-BCBOA-022-A), for Keystone Home Builders, 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 647 PAGE NO. 162 GROUP NO. 2069