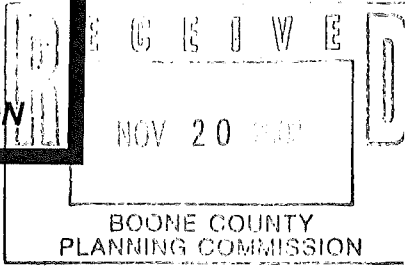


02. B CBA-025-A

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)
- Boone _____ Florence _____ Walton _____ Union _____
 - (Check One)
 Conditional Use Permit _____ Variance _____ Appeal _____
 Change in Non-Conforming Use _____
 - Applicant's Name Keene Land Homes
 Phone Number 743-9836 Fax No. 576-4393
 Applicant's Address 3848 Raspberry Ct
Burlington Ky 41005
 City State Zip
 - Description of Request: Want to Place Wood Deck IN
Rear Yard SET Back
 - Name of Development Arbwood Sub Sec #4
 - Location of Development East Bend Road Burlington
 - Acreage Under Review 1/2 ACR +/-
 - Lot Number and Name of Subdivision (if part of a subdivision)
LOT# 22 Arbwood Sub
 - Owner of Property Keene Land Homes
 Phone Number of Owner 743-9836
 - Address of Property Owner Burlington Ky 41005
 City State Zip
 - Proposed Use(s) on Site Single Family Res. Wood Deck
IN Rearyard SET Back
 - Total Square Footage of Existing and/or Proposed Buildings 3100 SQ FT 2-Story
 - Current Zoning on Property RS/PO
 - Deed Book 825 Page No. 639 Group No. 2029
 - Is the site subject to a zone change? NO
 If yes, give date of approval _____
 - Have you submitted a Site Plan with this request? Yes
 - Have you submitted a list of adjoining property owners with this request? _____
 - 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: Greg Brunner (Keene Land Homes)

Property Owner's Signature: Greg Brunner

STAFF REPORT

APPLICANT: Keeneland Homes

LOCATION: Section 4, Lot 82 of Arborwood Subdivision (Elderberry Court), Boone County, Kentucky

ZONING: Rural Suburban/Planned Development

DATE: December 11, 2002

Proposal

Keeneland Homes is requesting a variance for a reduction in the required 40 foot rear yard setback requirement for Lot 82, Section 4 of Arborwood Subdivision. The subject parcel is 0.45 acres in area and is zoned Rural Suburban/Planned Development (RS/PD). The applicant has requested that the rear yard setback be reduced to thirty feet so that a 12' x 12' deck can be constructed onto the rear of a proposed single-family residence.

Applicable Regulations

The Boone County Board of Adjustment and Zoning Appeals has the power to hear and decide on applications for variances, as stated in Section 250 of the Boone County Zoning Regulations. The Zoning Regulations define a variance 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 (p. 2.4)." Variances may be granted by reason of exceptional narrowness, shallowness, or unusual shape of a site on the date when the Zoning Regulations were adopted. They may also be granted for exceptional topographic situations or exceptional conditions to site, such that developing the site according to the established dimensional requirements for the site's zoning district would deprive the applicant landowner from using the land in the same manner as other landowners in the same zone.

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.

Section 3123 of the Boone County Zoning Regulations stipulates 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.

Site Characteristics

The site is level, adjoining the Saddle Ridge Subdivision on the north. A stand of mature trees bounds the site at the north property line.

Surrounding Land Uses

- North: Lot 17 of the Saddle Ridge Subdivision, zoned Agricultural Estates (A-2). There is a single-family residence on the lot.
- South: Lot 83, Section 4 of Arborwood Subdivision, zoned Rural Suburban/Planned Development (RS/PD). There is a single-family residence currently under construction on the lot.
- East: Lot 81, Section 4 of Arborwood Subdivision, zoned Rural Suburban/Planned Development (RS/PD). This lot is vacant.
- West: Agricultural land, 47.17 acres, zoned Agricultural Estates (A-2).

Staff Comments

1. The requested variance, if approved, will impact the view of the adjoining property owner to the north (Lot 17 of Saddle Ridge Subdivision). While there are a significant number of mature trees on the north property line, Staff recommends that the Board add a condition requiring the applicant to plant evergreen trees at the north property line to provide screening. These trees should be 6' tall at the time of

planting. Adding these trees at a rate of 1 tree per 35 linear feet would require the applicant to add a total of five trees.

Conclusion

KRS 100.241 and Section 250 of the Boone County Zoning Regulations give the Boone County Board of Adjustment and Zoning Appeals the authority to grant the applicant's request for a rear yard setback variance from 40 feet to 30 feet.

Respectfully submitted,

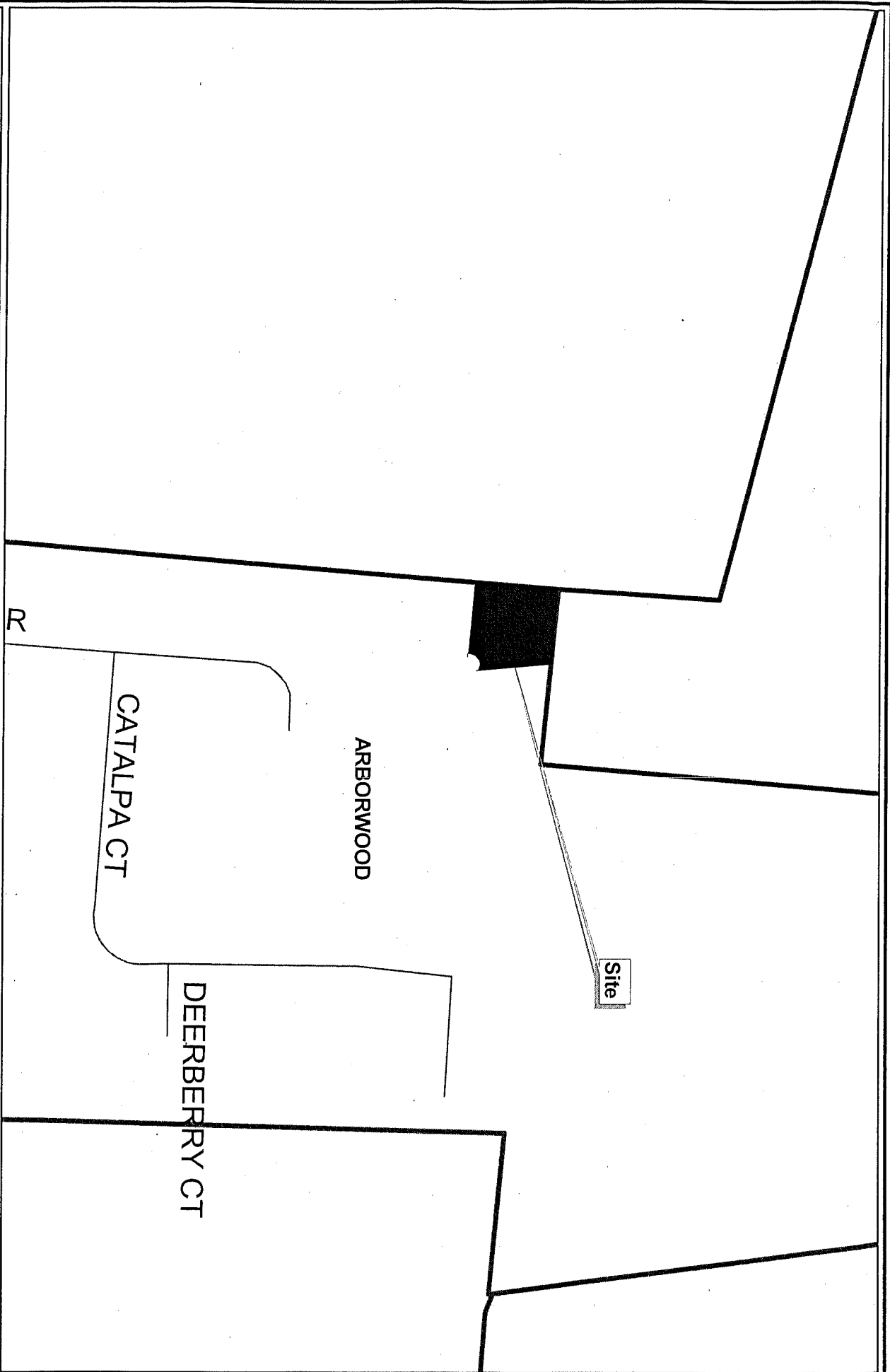


Patty Bachman
Planner, Zoning Services

MPB/pr

Attachments

- Site Vicinity Map
- Concept Plan
- Zoning Map
- Aerial Map
- Application
- Letter from Scheben Group

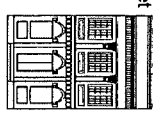


Lot 82-Arborwood: Vicinity Map

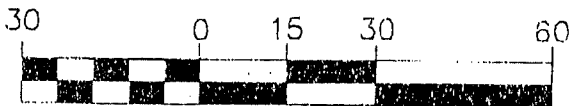


1 inch equals 300 feet

Produced by the
Boone County Planning Commission
GIS Services Division
December 4, 2002

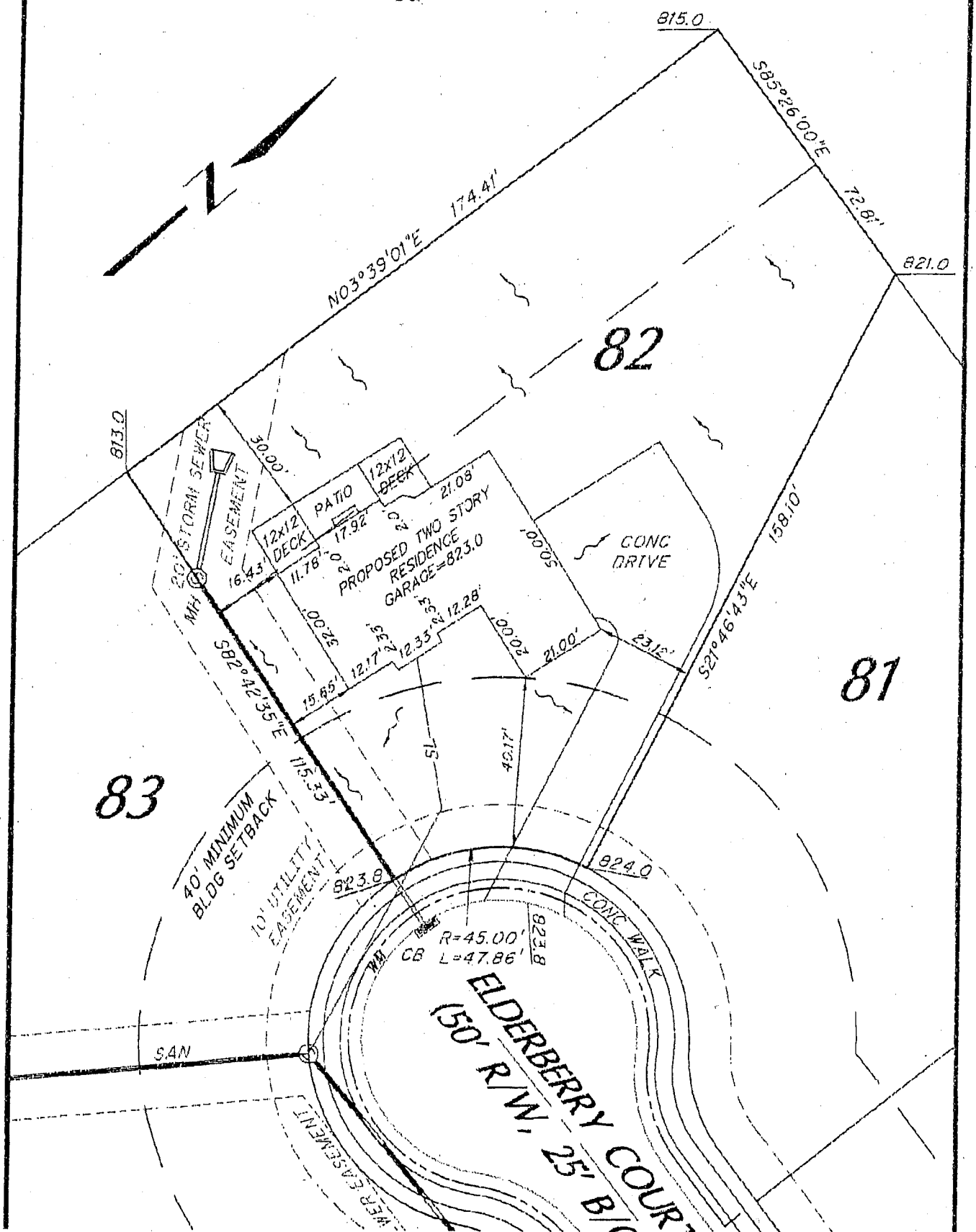
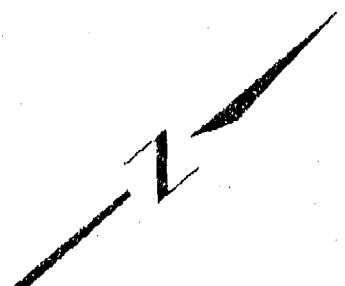


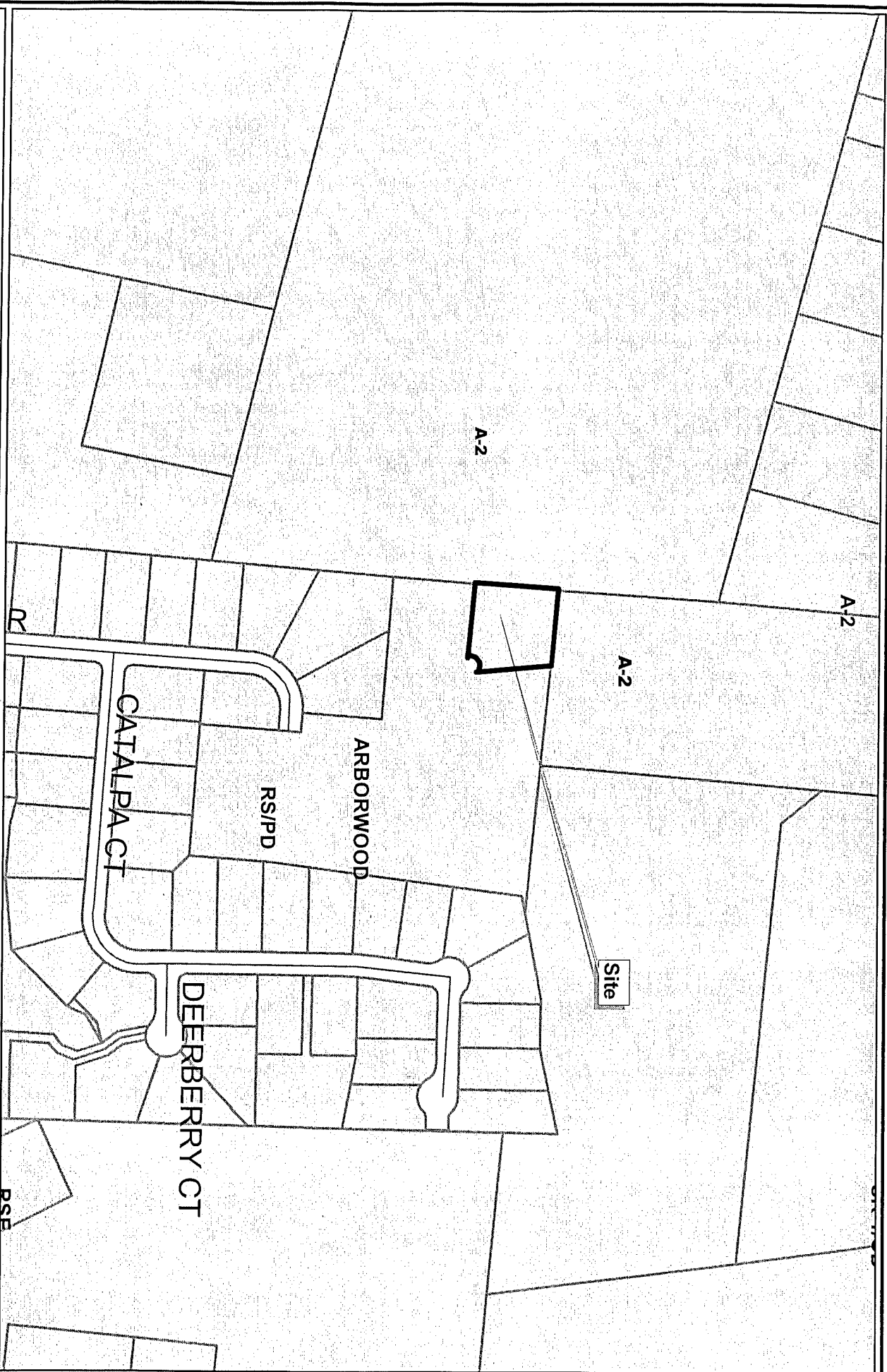
GRAPHIC SCALE



(IN FEET)

1 inch = 30 ft.

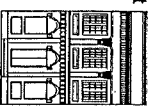


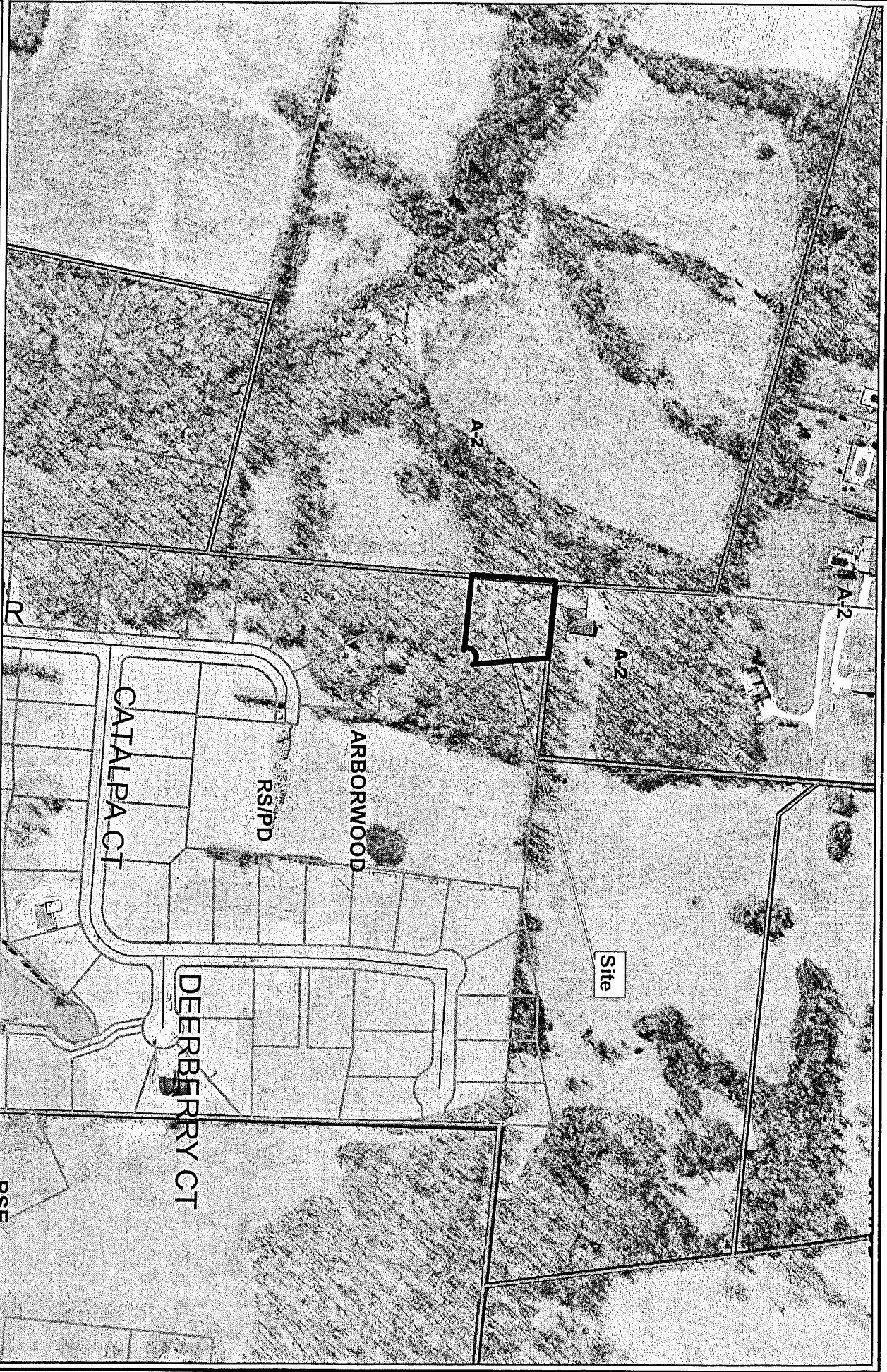


Lot 82-Arborwood: Zoning Map



1 inch equals 300 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 December 4, 2002

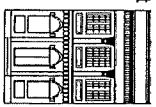




Lot 82-Arborwood: Aerial Map



1 inch equals 300 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 December 4, 2002



APPLICATION FORM

BOARD OF ADJUSTMENT
AND
ZONING APPEALS ACTION
BOONE COUNTY PLANNING COMMISSION

RECEIVED
NOV 20 2002
SECTION 8
BOONE COUNTY
PLANNING COMMISSION

See Boone County Zoning Regulations

SECTION A (To be completed by applicant)

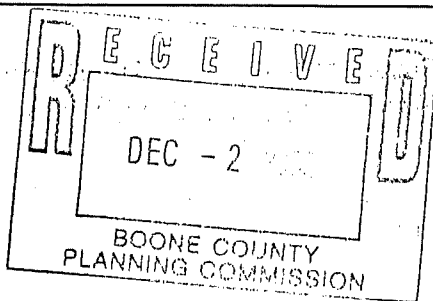
- (Check One)
- Boone Florence Walton Union
 - (Check One)
 Conditional Use Permit Variance Appeal
 Change in Non-Conforming Use
 - Applicant's Name Keeneland Homes
Phone Number 743-5836 Fax No. 586-4393
Applicant's Address 3848 Raspberry Ct
Burlington Ky 41005
City State Zip
 - Description of Request: want to place wood deck IN
Rear yard set back
 - Name of Development: Abrahamson Sub Sec #4
 - Location of Development: East Bend Road Burlington
 - Acreage Under Review 1/2 ACR +/-
 - Lot Number and Name of Subdivision (if part of a subdivision)
LOT# 82 Abrahamson Sub
 - Owner of Property Keeneland Homes
Phone Number of Owner 743-5836
 - Address of Property Owner Burlington Ky 41005
City State Zip
 - Proposed Use(s) on Site Single Family Res, wood Deck
IN Rear yard set back
 - Total Square Footage of Existing and/or Proposed Buildings 3100 SFT 2-STORY
 - Current Zoning on Property RS/PO
 - Deed Book Page No. Group No.
 - Is the site subject to a zone change? NO
If yes, give date of approval _____
 - Have you submitted a Site Plan with this request? Yes
 - Have you submitted a list of adjoining property owners with this request? _____
 - 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: Greg Brunner (Keeneland Homes)

Property Owner's Signature: Greg Brunner

Scheben
Group, Inc.

8080 Stellen Drive, Florence, Kentucky 41042
Office (859) 282-6900 • Fax (859) 282-6901



November 26, 2002

Todd Morgan
Boone County Planning Commission
2995 Washington ST
Burlington, KY 41005

**RE: Variance Permit
Lot 82 & 83 Arborwood Subdivision**

Dear Mr. Morgan:

As the developer of Arborwood Subdivision, we support the request of the Variance Permit by Keeneland Homes. We feel these changes will not hurt the concept of the development.

Sincerely,


James B. Wenstrup
Vice President

COPY

CLUR #02-BCBOA-025-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Keeneland Homes
3848 Raspberry Court
Burlington, KY 41005
2. ADDRESS OF PROPERTY
4551 Elderberry Court
Burlington, KY 41005
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Arborwood, Lot 82
4. DEED BOOK 825 PAGE NO. 639 GROUP NO. 2029
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)
- 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

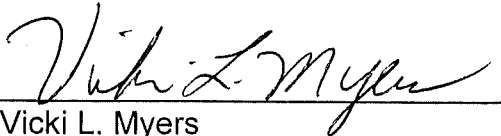
Todd K. Morgan
SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

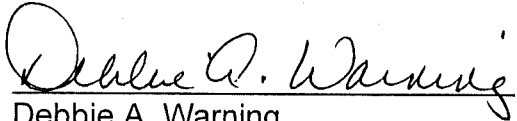
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 18 day of December, 2002.



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 December 11, 2002 Certificate of Land Use Restriction (#02-BCBOA-025-A), for Keeneland Homes, Property Owner(s).

The following conditions will apply:

- 1) The applicant is required to plant evergreen trees at the north property line to provide screening. The trees are to be six feet tall at the time of planting and planted at a rate of one tree per 35 linear feet for a total of two trees.

The approved Variance as well as the preceding conditions apply to the property described in:

DEED BOOK 825

PAGE NO. 639

GROUP NO. 2029