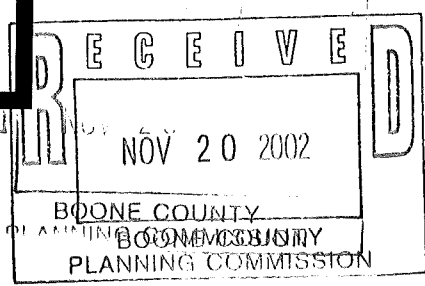


02-BCBA-026-A

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)

- 1. (Check One) Boone [checked] Florence _____ Walton _____ Union _____
2. (Check One) Conditional Use Permit [checked] Variance _____ Appeal _____
3. Applicant's Name Keene Land Homes
Phone Number 743-9836 Fax No. 586-4393
Applicant's Address 3848 Raspberry Ct Burlington Ky 41005
4. Description of Request: Want to place wood Deck in Rear yard set back
5. Name of Development Arborwood Sub. Section #4
6. Location of Development East Bend Road Burlington
7. Acreage Under Review 1/2 +/-
8. Lot Number and Name of Subdivision (if part of a subdivision) Lot # 83 Arborwood
9. Owner of Property Keene Land Homes
Phone Number of Owner 743-9836
10. Address of Property Owner Burlington Ky 41005
11. Proposed Use(s) on Site Single Family Res. wood Deck in Rear yard set back
12. Total Square Footage of Existing and/or Proposed Buildings 2500 S.F. 2-STORY
13. Current Zoning on Property RS/PO
14. Deed Book 825 Page No. 639 Group No. 2029
15. Is the site subject to a zone change? NO
16. Have you submitted a Site Plan with this request? YES
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: Greg Bruma (Keene Land Homes)
Property Owner's Signature: Greg Bruma

(over)

**ZONING APPEALS ACTION
APPLICATION
PAGE 2**

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

1. Date Received 11-20-02 Fee Received \$495.00 RA 33562
2. Is application complete? Yes No
3. Staff Reviewer
4. Scheduled Board Action Date
5. Board Action:
12-11-02 **Approved**
 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: Keeneland Homes

LOCATION: Section 4, Lot 83 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 83, Section 4 of Arborwood Subdivision. The subject parcel is 0.41 acres in area and is zoned Rural Suburban/Planned Development (RS/PD). The applicant has requested that the rear yard setback be reduced to 28.92 feet so that a 15' X 15' 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 Article 2, 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, with a stand of mature trees at its west property line.

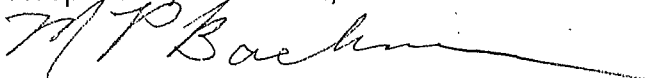
Surrounding Land Uses

- North: Lot 82, Section 4 of Arborwood Subdivision, zoned Rural Suburban/Planned Development (RS/PD). A single-family residence is currently under construction on the lot.
- South: Lot 66, Section 5 of Arborwood Subdivision, zoned Rural Suburban/Planned Development (RS/PD). The lot is vacant.
- East: Lot 84, Section 4 of Arborwood Subdivision, Rural Suburban/Planned Development (RS/PD).
- West: Agricultural land, 47.17 acres, zoned Agricultural Estates (A-2).

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 from 40 feet to 28.92 feet.

Respectfully submitted,

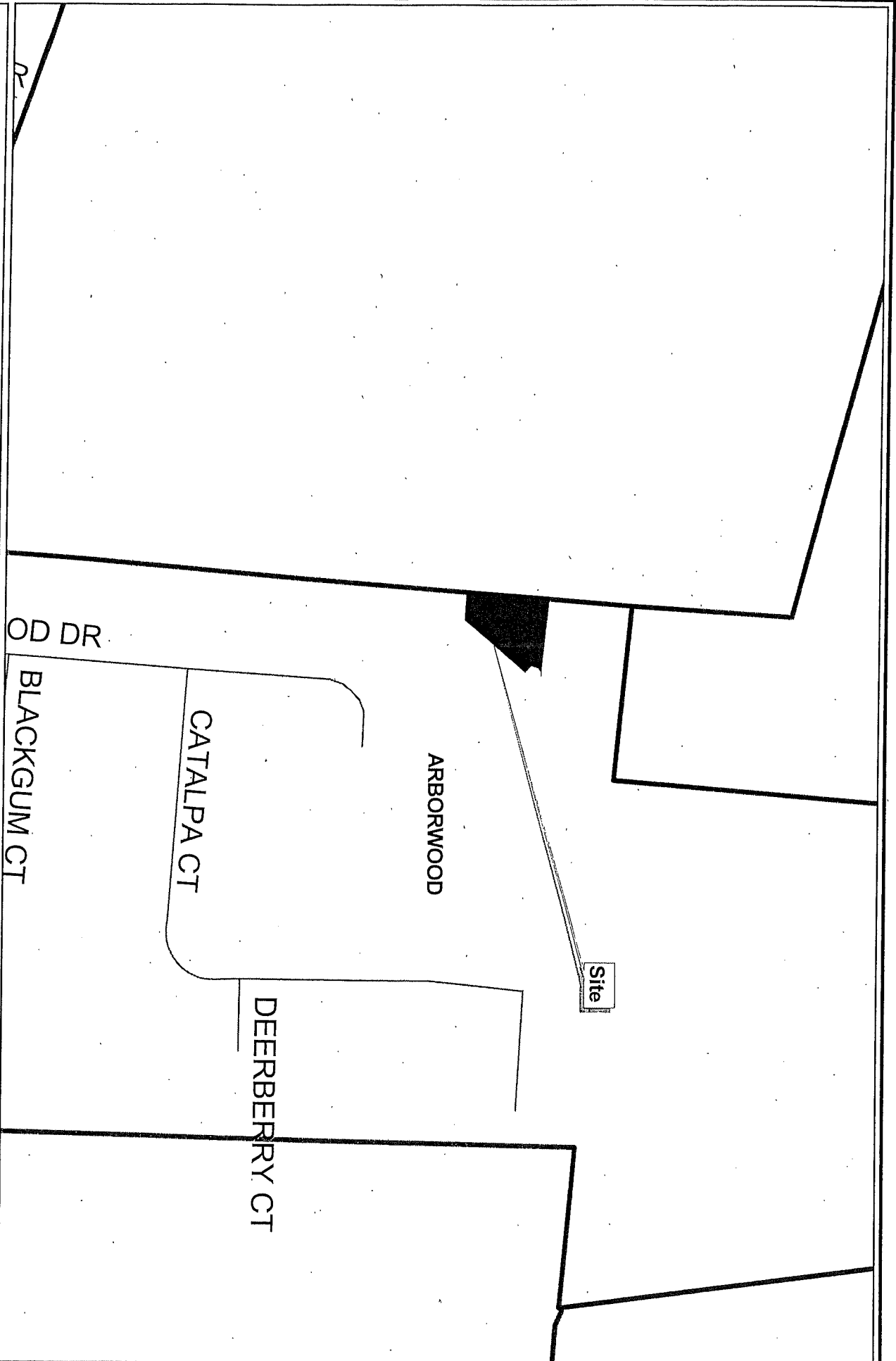


Patty Bachman
Planner, Zoning Services

MPB/pr

Attachments

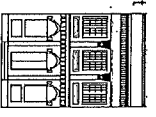
- Site Vicinity Map
- Concept Plan
- Zoning Map
- Aerial Map
- Application
- Letter from Scheben Group



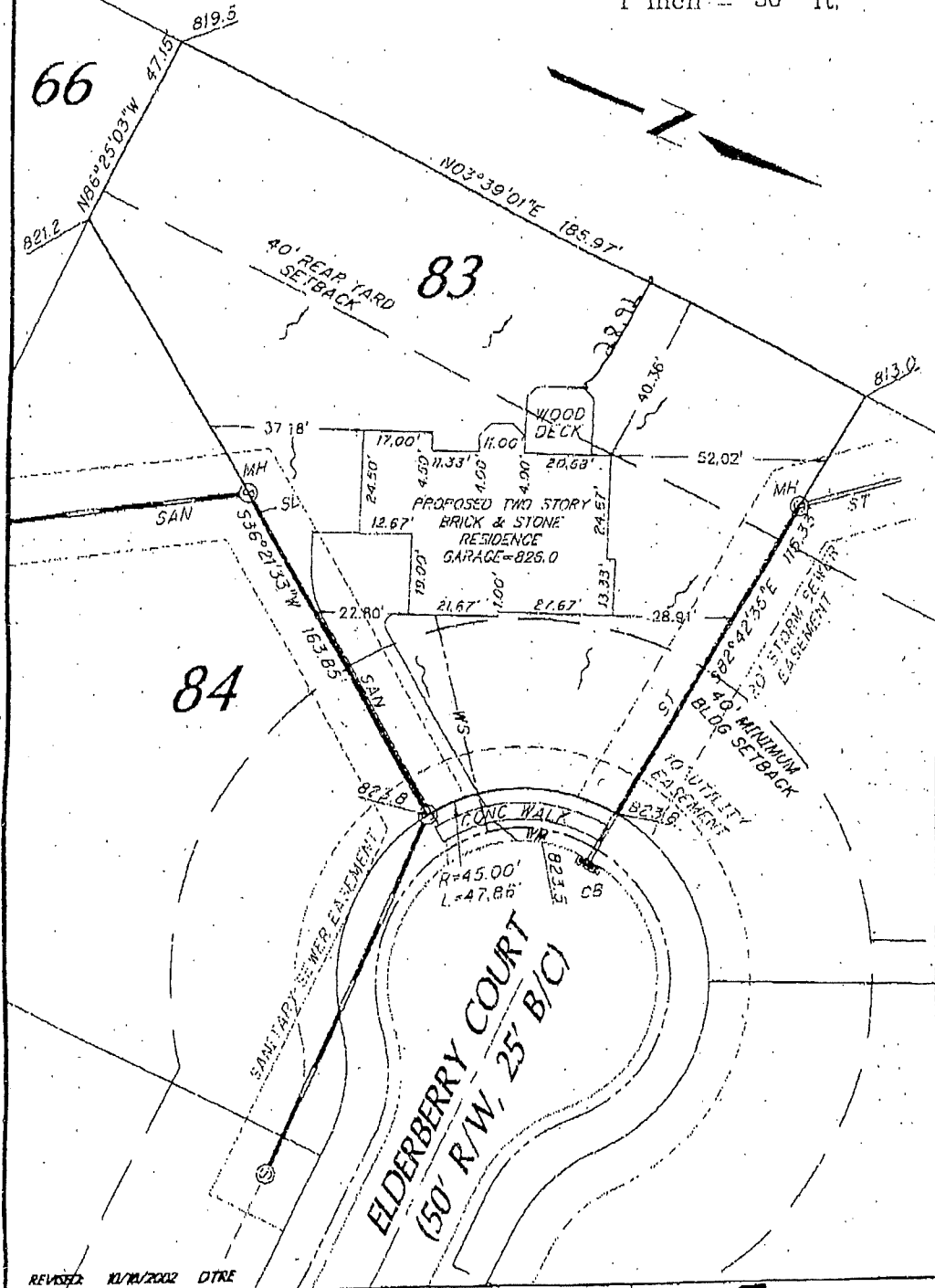
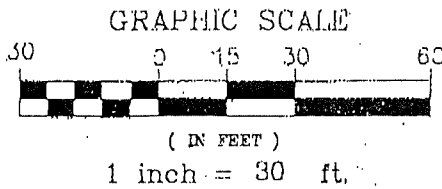
Lot 83-Arborwood: Vicinity Map



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



RECEIVED
 DEC - 2 2002
 BOONE COUNTY
 PLANNING COMMISSION



DRAWN BY:
 DTRE

CHECKED BY:
 JBSR

JOB #
 V-01-030

DATE
 08-27-02

PLOT PLAN FOR KEENELAND HOMES
 3948 RASPBERRY COURT
 BURLINGTON, KY 41005

ARBORWOOD, SECTION 4
LOT 83
BOONE COUNTY, KENTUCKY

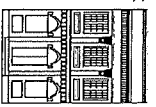
CENTER LINE
ENGINEERING & SURVEYING, PLLC
 533 Pike Street, Suite 205
 Covington, KY 41011
 Office 859.363.9025
 Fax 859.363.9125

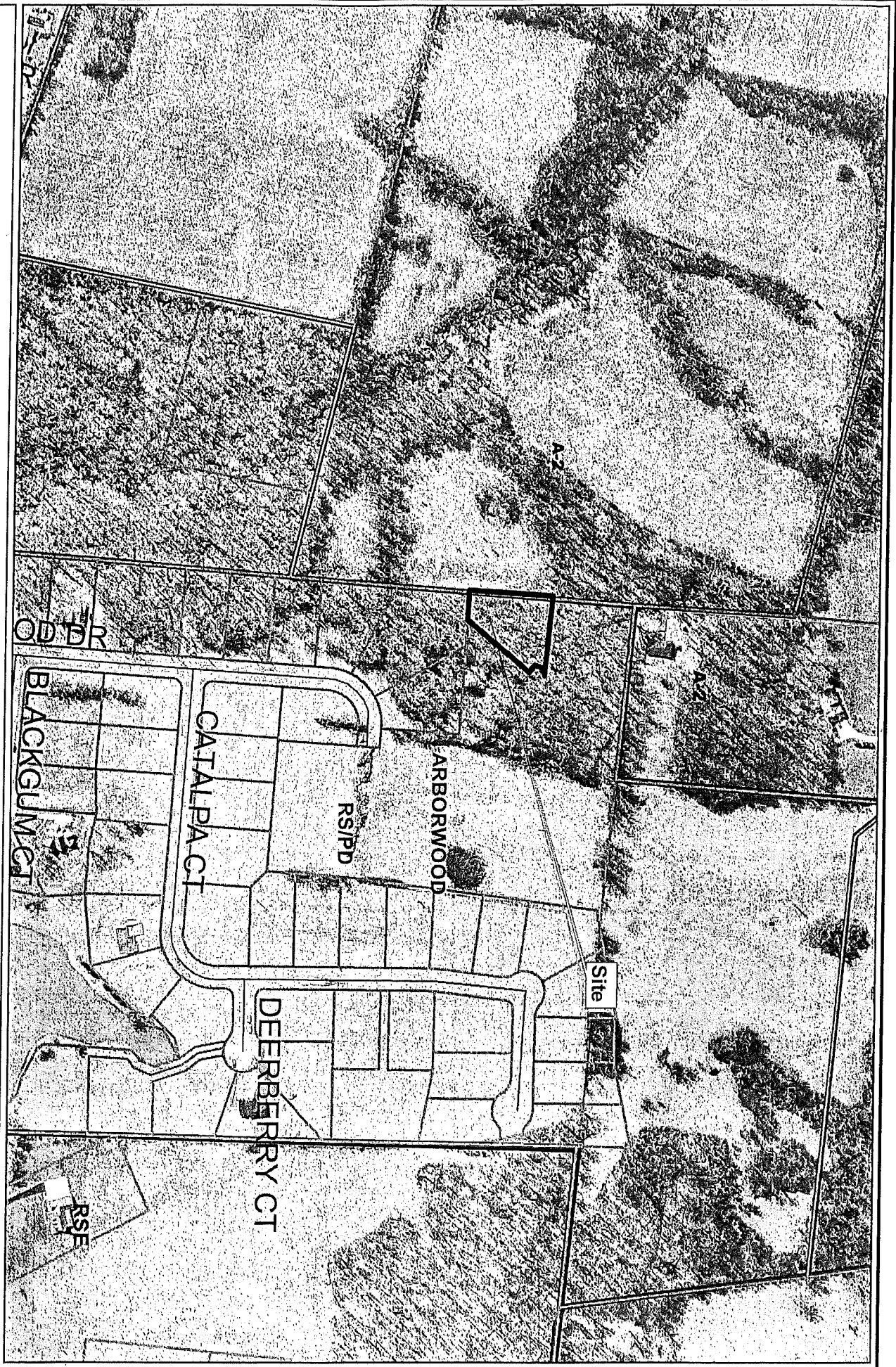


Lot 83-Arborwood: Zoning Map



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

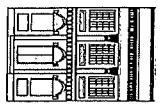




Lot 83-Arborwood: Aerial Map

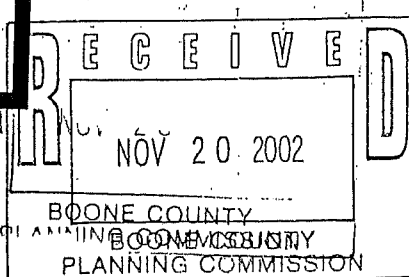


1 inch equals 300 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 December 4, 2002



APPLICATION FORM

BOARD OF ADJUSTMENT
AND
ZONING APPEALS ACTION
BOONE COUNTY PLANNING COMMISSION



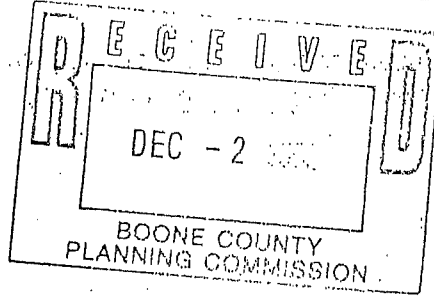
See Boone County Zoning Regulations
SECTION A (To be completed by applicant)

- 1. (Check One)
 Boone _____ Florence _____ Walton _____ Union _____
- 2. (Check One)
_____ Conditional Use Permit Variance _____ Appeal _____
_____ Change in Non-Conforming Use
- 3. Applicant's Name Keeneland Homes
Phone Number 743-9836 Fax No. 586-4393
Applicant's Address 3848 Raspberry Ct
Burkington Ky. 41005
City State Zip
- 4. Description of Request: Want To Place wood Deck IN
Rear yard set Back
- 5. Name of Development Arborwood Sub. Section #4
- 6. Location of Development East Bend Road Burkington
- 7. Acreage Under Review 1/2 +/-
- 8. Lot Number and Name of Subdivision (if part of a subdivision)
Lot# 83 Arborwood
- 9. Owner of Property Keeneland Homes
Phone Number of Owner 743-9836
- 10. Address of Property Owner Burkington Ky. 41005
City State Zip
- 11. Proposed Use(s) on Site Single Family Res. wood Deck IN
Rear yard set Back
- 12. Total Square Footage of Existing and/or Proposed Buildings 2500 SQ.F. 2-STORY
- 13. Current Zoning on Property RS/PO
- 14. Deed Book 825 Page No. 639 Group No. _____
- 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? 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: Greg Brumma (Keeneland Homes)

Property Owner's Signature: Greg Brumma

(over)



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-026-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
4550 Elderberry Court
Burlington, KY 41005
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Arborwood, Lot 83

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)

 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



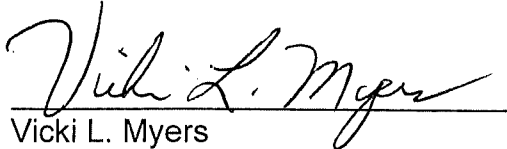
SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

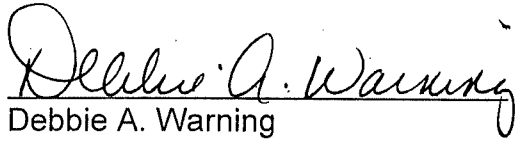
COUNTY OF BOONE

Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 12 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-026-A), for Keeneland Homes, 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 825

PAGE NO. 639

GROUP NO. 2029