

APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

RECEIVED JUL 24 2002 BOONE COUNTY PLANNING COMMISSION

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

(Check One) 1. [X] Boone [] Florence [] Walton [] Union

(Check One) 2. [] Conditional Use Permit [X] 2 Variances [] Appeal

3. Applicant's Name CENTER LINE ENGINEERING & SURVEYING PLLC Phone Number 859.578.8050 Fax No. 859.578.6632 Applicant's Address 519 ENTERPRISE DR, SUITE 103 CRESCENT SPRINGS KY 41017

REDUCTION OF 50' LOT FRONTEAGE REQUIREMENT FOR 2 PROPOSED LOTS

4. Description of Request: [REDACTED]

5. Name of Development WILLOW BEND SUBDIVISION

6. Location of Development SR18, TO CAMPERNST RD, LEFT ONTO BRIAR GATE DR INTO WILLOW BEND - 1740 HUNTERS TRACE

7. Acreage Under Review 31,700 SF - 0.73 AC

8. Lot Number and Name of Subdivision (if part of a subdivision) LOT 158 WILLOW BEND (SECTION 13)

9. Owner of Property TOM REESE 11253 Longden Way Phone Number 859.393.1293

10. Address of Property Owner UNION KY 41091

11. Proposed Use(s) on Site SINGLE-FAMILY RESIDENTIAL

12. Total Square Footage of Existing and/or Proposed Buildings 2 @ 1400 - 2800 TOTAL

13. Current Zoning on Property SR-2

14. Deed Book 642 Page No. 249 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? 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: [Signature]

Property Owner's Signature: [Signature]

**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 7-24-02 Fee Received 738.00 R# 32151
2. Is application complete? Yes No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
_____ **Approved**
_____ **Approved with Conditions** (See #6)
8-14-02 **Denial** (See #7)
6. Conditions of Approval: _____

7. Reasons for Denial: SEC 8/14/02 BCBOA
MEETING MINUTES

**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: Center Line Engineering & Surveying, PLLC

LOCATION: Section 13, Lot 158 of Willow Bend Subdivision, Boone County, Kentucky

ZONING: Suburban Residential Two (SR-2)

DATE: August 14, 2002

Proposal

Center Line Engineering & Surveying is requesting two variances to reduce the required lot frontages for two proposed parcels of land, which currently comprise all of Lot 158 of Willow Bend Subdivision.

The variances are required because the two proposed lots are not meeting the 50 foot frontage requirements at the front yard setback. The variance request for Lot 158A is to reduce the lot frontage requirement from 50 feet to 34.8 feet. The variance request for Lot 159B is to reduce the lot frontage requirement from 50 feet to 32.96 feet.

If the variances are approved, the approximate 0.73 acre parcel will be split into two legal lots of record, so two single-family dwelling units can be constructed (see Concept Plan)

Applicable Regulations

Article 40, Section 4000 of the Boone County Zoning Regulations defines that lot frontage is measured as "the distance between the side property lines as measured across the required minimum front yard setback line."

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 0.73 acre site contains an intermittent blue line stream and a large number of mature deciduous trees. The banks of the stream are severe in the panhandle portion of the property and there are areas where there is visible evidence of erosion. There appears to be two 36 inch diameter storm pipes in the stream bed which allows the storm water to outlet to a "utility lot" on the other side of Hunters Trace.

The Final Plat for Section 13 of Willow Bend Subdivision indicates that the panhandle portion of the property is a drainage and utility easement (see attachments).

Surrounding Land Uses

- North: Burgundy Hill Apartments (SR-2/PD/CD)
- South: Hunters Trace, Single-Family Residential Dwellings, & Utility Lot (SR-2)
- East: Single-Family Residential Dwelling (SR-2)
- West: Single-Family Residential Dwellings (SR-2)

Staff Comments

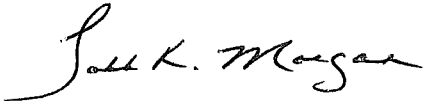
1. Staff is concerned that the requests could affect the public health, safety, and welfare. The subdivision was approved prior to the detention requirements and the site contains a drainage easement and intermittent blue stream which occasionally floods onto adjacent properties and the street. The construction of two dwellings on the lot will mean that there will be greater amounts of tree cover removed and more impervious surface runoff. Without the variance, one single-family dwelling can be constructed on the lot with the proper approvals (Division of Water, Public Works, Planning Commission, etc.).

2. Staff has verified that the applicant will need to file for a Stream Construction Permit from the Division of Water. The filing of this permit will involve public notice and may require the applicant to file for other permits.
3. The County Engineer has indicated that he will need to approve engineered drawings of the proposed culvert and review storm water calculations of the proposed pipe extension. The proposed pipe would be subject to Improvement Plan Review because it would be publically maintained.
4. The Board also needs to determine if the requests would alter the essential character of the area.

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 two lot frontage variances.

Respectfully submitted,

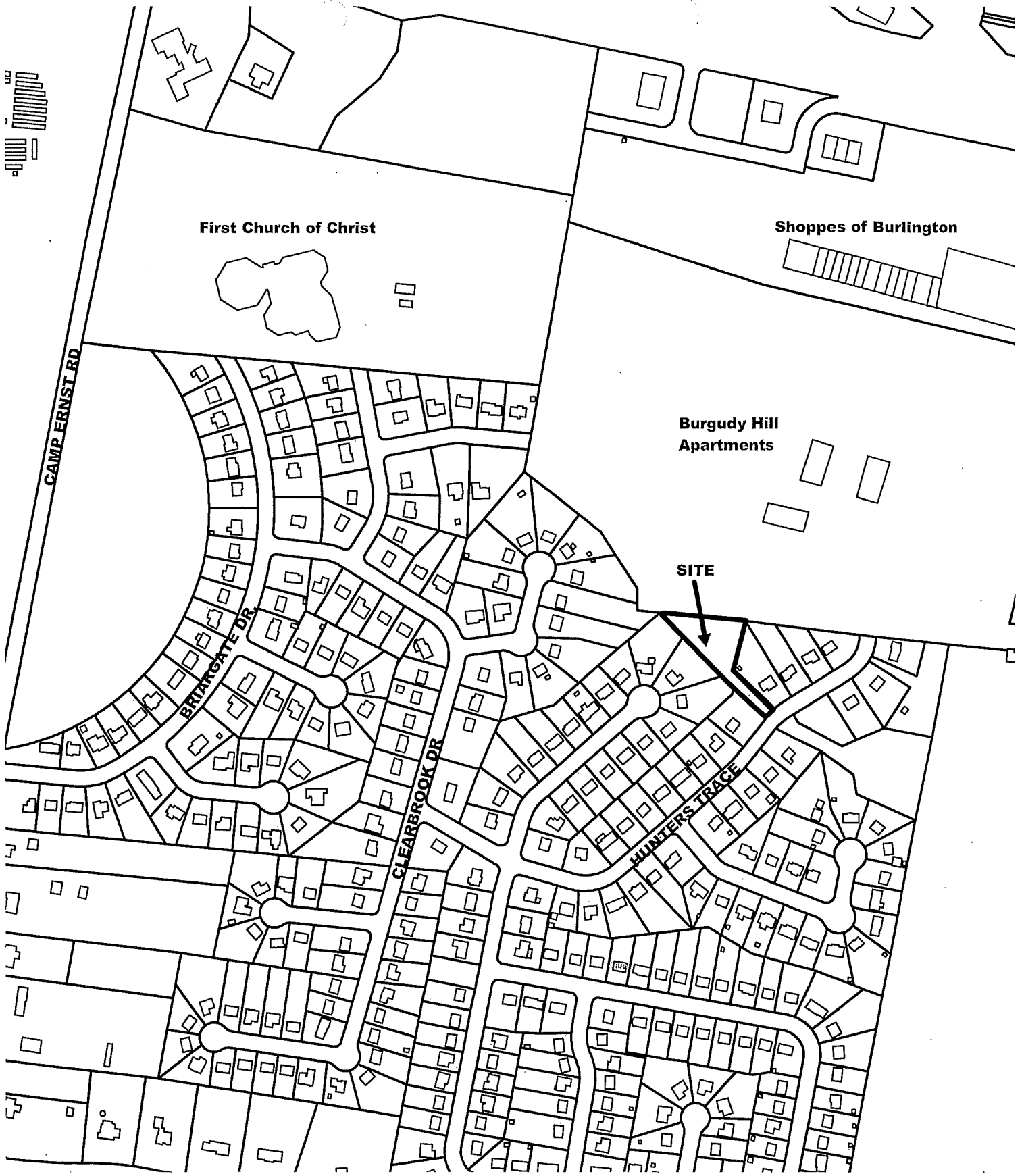


Todd K. Morgan, AICP
Planner, Zoning Services

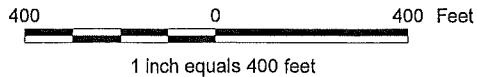
TKM/pr

Attachments

- Exhibit A – Site Vicinity Map
- Exhibit B – Concept Plan
- Exhibit C – Aerial Map
- Exhibit D – Zoning Map
- Exhibit E – Topographical Map
- Exhibit F – Final Plat of Willow Bend Subdivision
- Exhibit G – Application

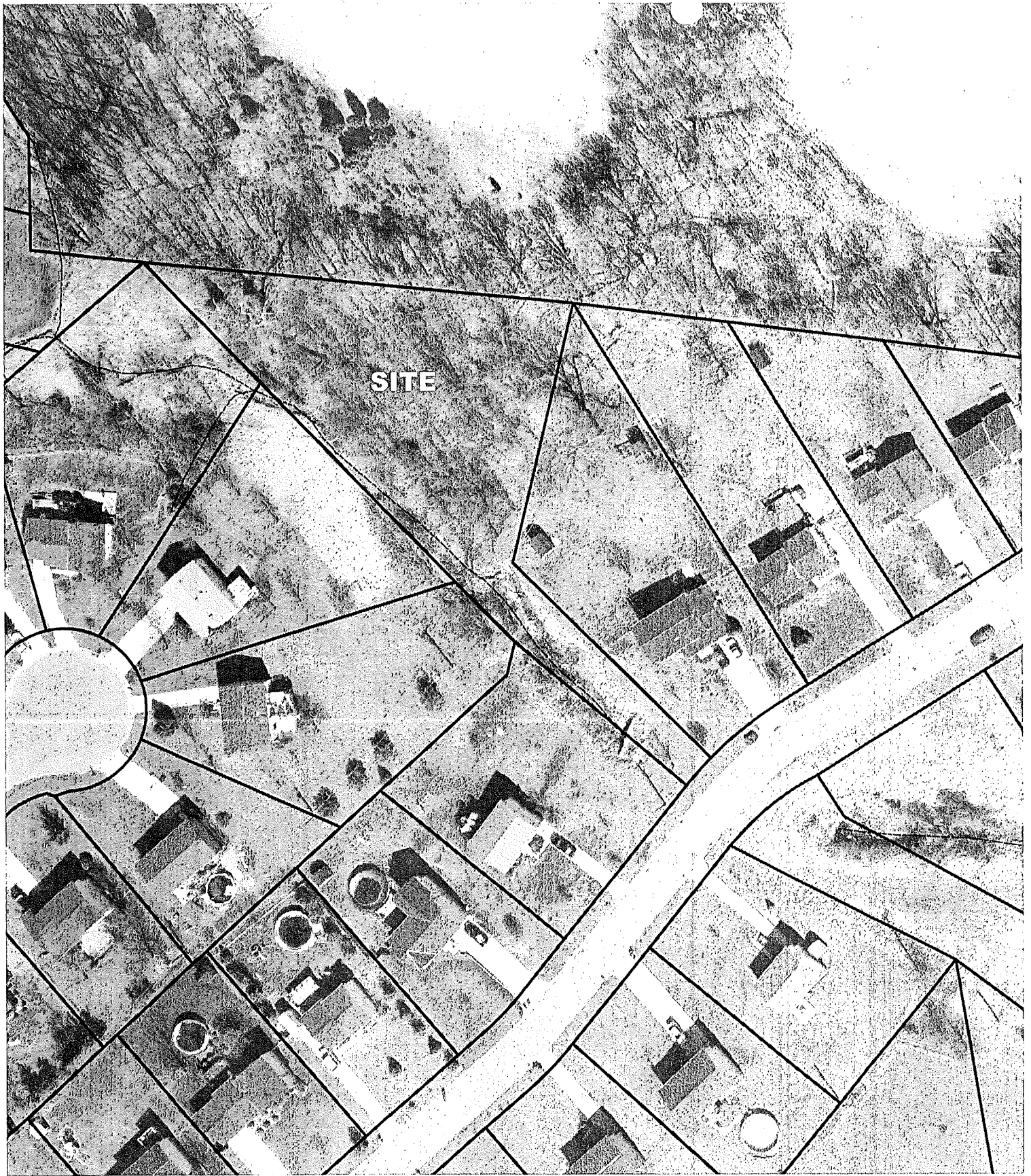


Lot 158 Willow Bend Site Vicinity Map

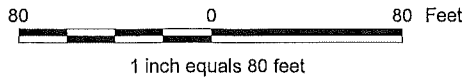


Produced by the
Boone County Planning Commission
GIS Services Division
August 2, 2002



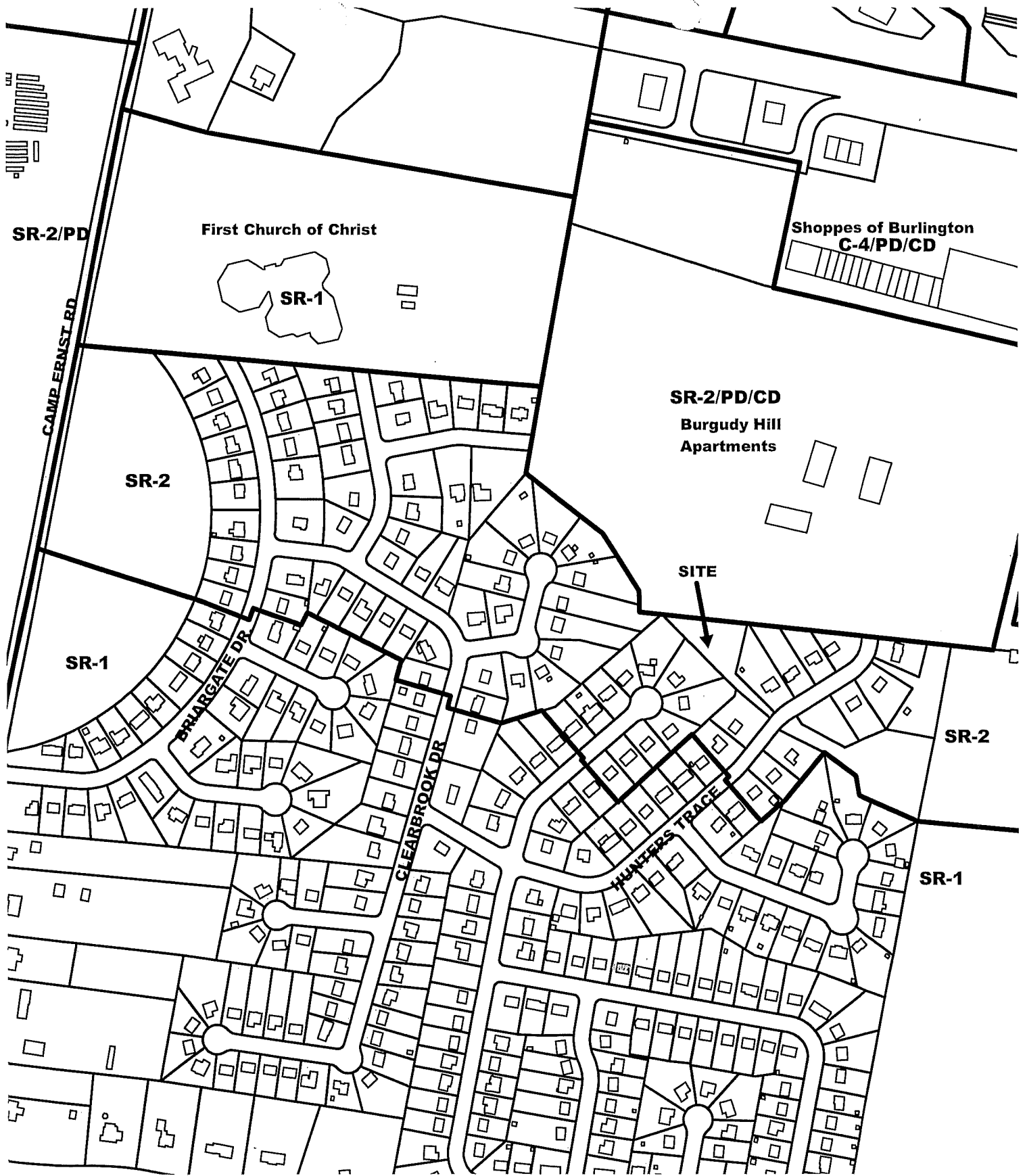


Lot 158 Willow Bend Aerial Map

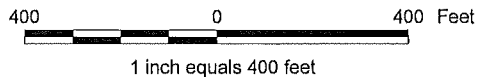


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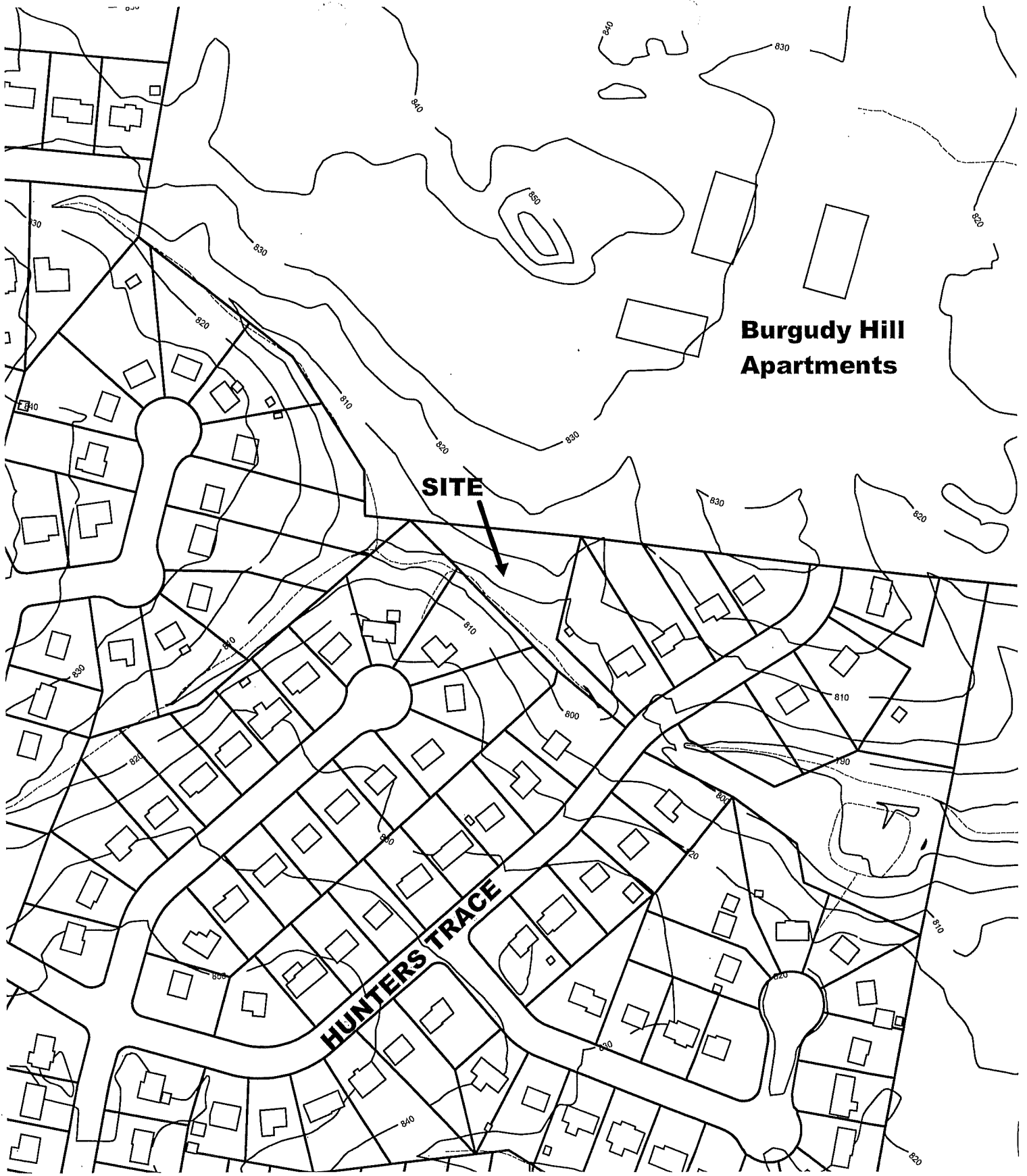


Lot 158 Willow Bend Zoning Map

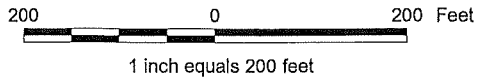


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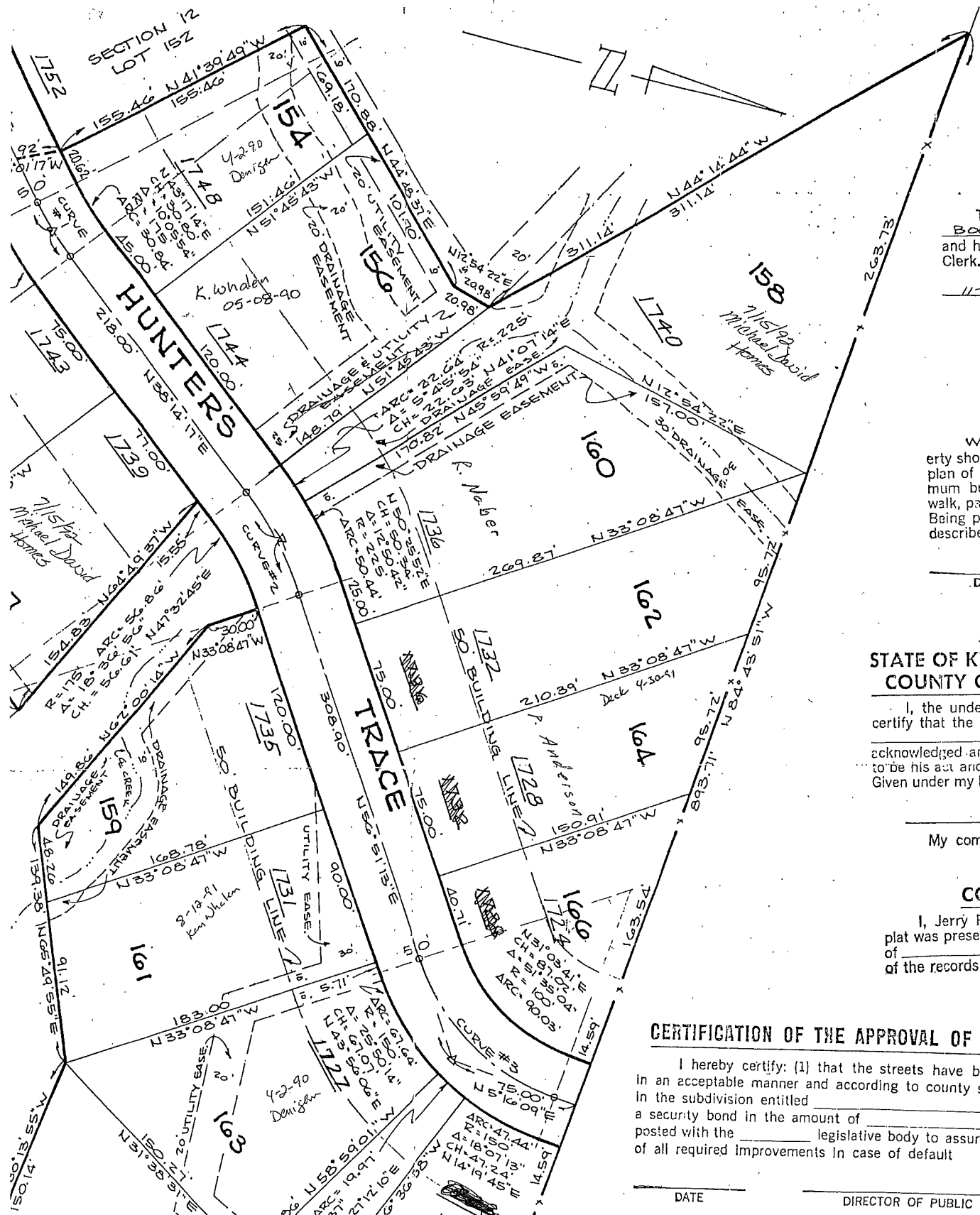


Lot 158 Willow Bend Topographical Map



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FIN
 This Plat
BOONE
 and has been
 Clerk.
 11-7-79
 DATE

We hereby
 certify that the
 plat of subdivision
 shown and
 plan of subdivi-
 sion, building
 walk, park, and
 Being part of
 described in De

 DATE

STATE OF KENTUCKY
 COUNTY OF BOONE
 I, the undersigned
 certify that the plat
 _____, 1
 acknowledged and deliv-
 ered to be his act and deed.
 Given under my hand th

My commission

COUNTY CLERK
 I, Jerry Rouse,
 plat was presented to
 of _____
 of the records of this

CERTIFICATION OF THE APPROVAL OF STREETS

I hereby certify: (1) that the streets have been improved
 in an acceptable manner and according to county specific
 in the subdivision entitled _____ or, (2)
 a security bond in the amount of _____ has
 been posted with the _____ legislative body to assure comp-
 of all required improvements in case of default

 DATE
 DIRECTOR OF PUBLIC WORKS

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_____ Change in Non-Conforming Use

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Phone Number 859.578.8050 Fax No. 859.578.6632
Applicant's Address 519 ENTERPRISE DR, SUITE 103
CRESCENT SPRINGS KY 41017
City State Zip

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REDUCTION
OF 50' LOT
FOOTAGE
EQUIVALENT
OR 2
PROPOSED
LOTS

JR
7/24/02