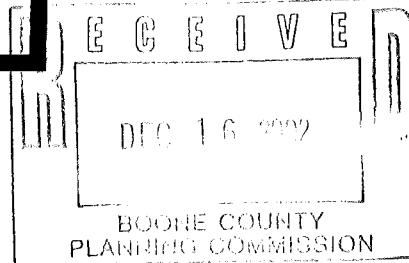


03-BeBoA-001-A

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 _____
Change in Non-Conforming Use _____
3. Applicant's Name THE DREES COMPANY
Phone Number 859-578-4200 Fax No. 859-331-9231
Applicant's Address 211 GRANDVIEW DRIVE
FT. Mitchell KY 41017
City State Zip
4. Description of Request: SIDE YARD VARIANCE TO ENCRoACH MINIMUM SIDE YARD OF 5'.
5. Name of Development THORNWILDE
6. Location of Development HEBRON KY.
7. Acreage Under Review .3575 AC
8. Lot Number and Name of Subdivision (if part of a subdivision)
LOT # 308 THORNWILDE SUBDIVISION
9. Owner of Property THE DREES COMPANY
Phone Number of Owner 859-578-4200
10. Address of Property Owner FT. Mitchell KY 41017
City State Zip
11. Proposed Use(s) on Site RESIDENTIAL DWELLING
12. Total Square Footage of Existing and/or Proposed Buildings 1846 S.F.
13. Current Zoning on Property RPD
14. Deed Book 613 Page No. 230 Group No. 2004
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: David D. Horburn

Property Owner's Signature: David D. Drees Co.

**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 12-16-02 Fee Received \$487.00 #33751
- 2. Is application complete? Yes No
- 3. Staff Reviewer _____
- 4. Scheduled Board Action Date _____
- 5. Board Action:
1-8-03 **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

APPLICANT: The Drees Company

LOCATION: Section 27, Lot 308 of Thornwilde Subdivision
(1028 Rivermeade Drive, Boone County, Kentucky).

ZONING: Residential Planned Development (RPD)

DATE: January 8, 2003

Proposal

The Drees Company is requesting a variance to reduce the side yard setback requirement from 5 feet to 2.42 feet for a single-family dwelling which has been constructed on Section 27, Lot 308 of Thornwilde Subdivision. The request, if approved, will allow the existing structure to remain where it has been constructed.

Site History

On July 31, 2002, a zoning permit was issued to construct the single-family residence on the subject lot. The zoning permit showed the proposed house meeting the 5' minimum side yard setback requirements (see attachments).

Applicable Regulations

Article 2, Section 250 of the Boone County Zoning Regulations states that the Board of Adjustment 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 subject property is located in Thornwilde Subdivision and is zoned Residential Planned Development (RPD). The adjoining properties to the north, east, and west are platted single-family residential lots. The property to the south is owned by the Drees Company and is labeled as future development on the final plat (see attachments).

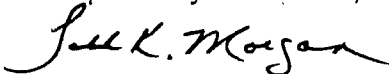
Staff Comments

1. Staff believes that the foundation was poured too close to the property line unintentionally and should not be viewed as a willful violation.
2. Staff received letters from the future owners of lots 308 (subject lot) and 309 (adjoining property to the east). These letters indicate that both of the future owners are not opposed to the request (see attachments).

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 from 5' to 2.42'.

Respectfully submitted,



Todd K. Morgan, AICP
Planner, Zoning Services

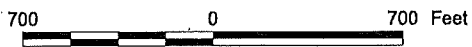
TKM/pr

Attachments

- Exhibit A – Site Vicinity Map
- Exhibit B – Letter from the Drees Company
- Exhibit C – Letter from Future Owner of Lot 308
- Exhibit D – Letter from Future Owner of Lot 309
- Exhibit E – Concept Plan
- Exhibit F – July 31, 2002 Zoning Permit
- Exhibit G – Zoning Map
- Exhibit H – Thornwilde, Section 27, Final Plat
- Exhibit I – Application



DREES COMPANY SITE VICINITY MAP



1 inch equals 700 feet
Produced by the
Boone County Planning Commission
GIS Services Division
December 30, 2002



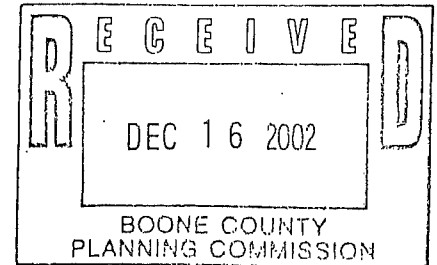


Creating Better Homes and Communities

Drees Homes • Drees Custom Homes • Zaring Premier Homes • Marquis Homes • Apartments • Commercial Construction • First Equity Mortgage

December 16, 2002

Bone County Planning Commission
Board of Adjustments and Zoning Appeals



RE: Side Yard Variance Request

The Drees Company's request for a variance of the left side yard of lot 308 is required due to the left front corner encroachment into the required side yard setback.

The Drees Company noticed a potential encroachment during a construction review on Wednesday December 4, 2002. The encroachment was confirmed on Tuesday December 10, 2002 from our request to Viox and Viox, Inc. to provide an engineering survey of the house in relation to the side yard setback.

The encroachment occurred as a result of an error of The Drees Company to re-stake the house corners following the home being changed from a garage right to a garage left. This change in garage handing occurred in an effort to improve the relationship of the rear grade conditions in relation to the homes lower level exit. Reversing the plan was made at the time of final plan review which occurred after permitting and house stake-out. We failed at this time to identify the change and re-permit and re-stake.

Upon confirming the encroachment by engineering survey we have discussed the matter with the purchasers of lot 308, Wayne and Darlene Wolke and the purchaser of lot 309, Richard Sykes. During our discussions with Mr. Sykes and Mr. and Mrs. Wolke they expressed their support of the variance and will submit this support in writing.

While clearly this occurrence is due to error by The Drees Company we do request an approval based on the support of the affected future owners of the affected lots as well as eliminating unnecessary hardship to all affected parties.

Respectfully Submitted,

Larry Snyder
South Division President

December 19, 2002

We have purchased a home from The Drees Company on lot 308 in Thornwilde. The property address is 1028 Rivermeade, Hebron, Kentucky. The home is currently under construction and nearing completion for a mid to late January closing.

The Drees Company has made us aware of the side yard encroachment of our home. Drees has also explained that they are in the process of applying for a variance through Boone County Planning and Zoning.

This correspondence is to give our support of approval of the variance and to go on record that we are in no way opposed to the existing placement of our home on the lot.

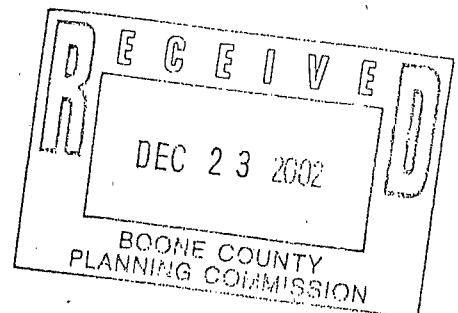
Wayne A. Wolke

Wayne A. Wolke

Darlene M. Wolke

Darlene M. Wolke

1028 Rivermeade Drive
Hebron, Kentucky 41048

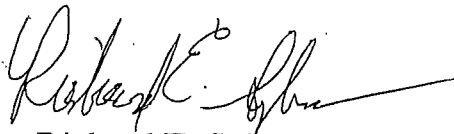


December 17, 2002

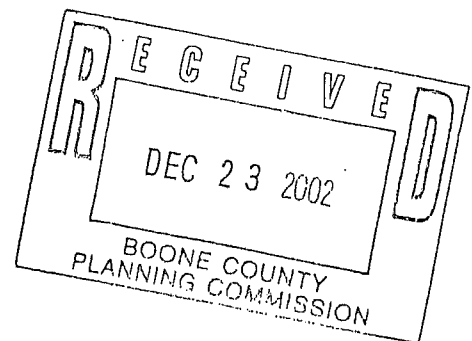
On December 17, 2002 I closed on a new Drees home in Thornwilde. The home is on lot 309 at 1032 Rivermeade Drive in Hebron, Kentucky.

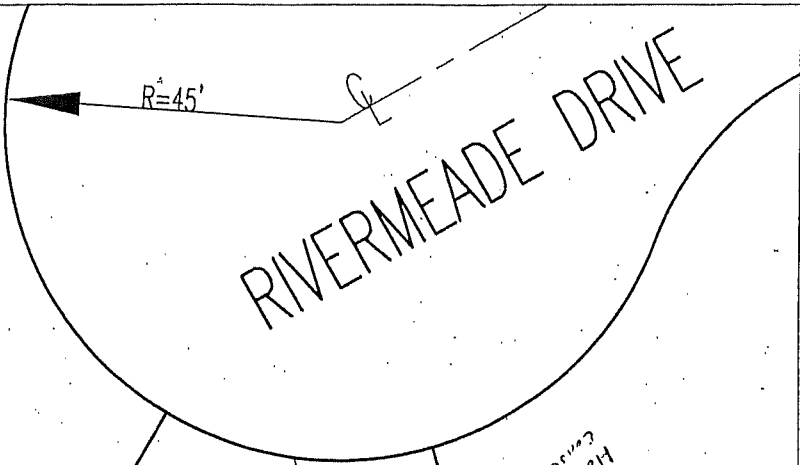
Prior to the closing The Drees Company made me aware of the side yard encroachment of the home adjacent to mine. As explained to me The Drees Company will apply for a variance through Boone County Planning and Zoning.

I would like this correspondence to state my support of the variance and have it understood that I am in no way opposed to the existing placement of the home on lot 308.



Richard E. Sykes
1032 Rivermeade Drive
Hebron, Kentucky 41048





RIVERMEADE DRIVE

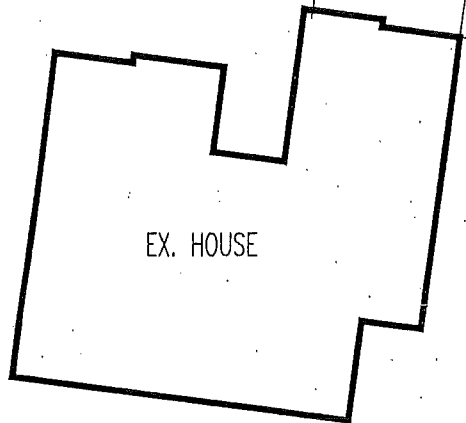
R=45'



LOT 307

LOT 309

Home Constructed



EX. HOUSE

2.42'

P

S 16°09'47" E 167.56'

LOT 308

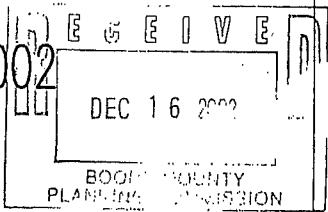
AS BUILT SURVEY FOR
 LOT 308 THORNWILDE SUBDIVISION
 SECTION 27

BOONE COUNTY, KENTUCKY

SCALE: 1"=20' DECEMBER 13, 2002

W VIOX & VIOX, INC.
 Engineers • Surveyors • Landscape Architects

466 Erlanger Road
 Erlanger, Kentucky 41018
 Tel: 859-727-3293
 Fax: 859-727-8452
 e-mail: viox@nkol.net



EASE-TWDEL0308

BUILDING ADDRESS OR LOCATION: 1028 Riverview

NOTICE

I certify that what is submitted is true and accurate and I or we understand and agree that all construction work will be performed in accordance with this Zoning Permit Application, the Boone County Zoning Regulations and the Boone County Subdivision Regulations.

NAME AND ADDRESS OF APPLICANT (PLEASE PRINT): Amanda Stewart
 The Drees Company
 211 Grandview Drive
 Ft. Mitchell, KY 41017
 (859) 578-4200

APPLICANT'S SIGNATURE: Amanda Stewart
 As Authorized by Property Owner

DATE: 7-29-02 Phone Number: 578-4247

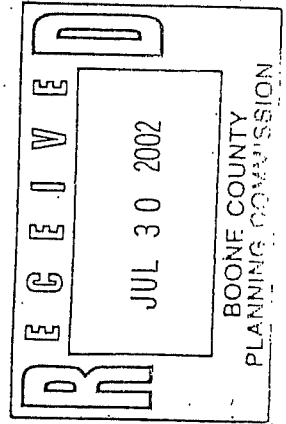
This Portion of the Application to be Completed
 the Boone County Planning Commission

RPD/CD

Zoning District	Date <u>7/31/02</u>	Fees	<input checked="" type="checkbox"/> \$40.00	<input type="checkbox"/> \$35.00
Approved <input checked="" type="checkbox"/>	Denied <input type="checkbox"/>	<i>RD</i>	\$15.00	None
Staff Reviewer <u>Roy Corse</u>	Address/Location <u>1028 Riverview Dr</u>			
Subdivision <u>Thornwild</u>				
Lot # <u>308</u>	Section # <u>27</u>	Block/Phase # <u>---</u>		

RTH 32215

Type of Improvement	
<input checked="" type="checkbox"/> Single Family Residence	<input type="checkbox"/> Detached Garage
<input type="checkbox"/> Duplex	<input type="checkbox"/> Garage Addition
<input type="checkbox"/> Three Family	<input checked="" type="checkbox"/> Porch or Deck
<input type="checkbox"/> Apartment (# units <u> </u>)	<input type="checkbox"/> Barn or Shed
<input type="checkbox"/> Townhouse (# units <u> </u>)	<input type="checkbox"/> Swimming Pool
<input type="checkbox"/> Mobile Home	<input type="checkbox"/> Tenant Finish
<input type="checkbox"/> Residential Addition	<input type="checkbox"/> Other: <u> </u>
Jurisdiction	
<input checked="" type="checkbox"/> Boone County	<input type="checkbox"/> Florence
<input type="checkbox"/> Walton	<input type="checkbox"/> Union
Post Office	
<input type="checkbox"/> Burlington	<input type="checkbox"/> Florence
<input type="checkbox"/> Walton	<input type="checkbox"/> Union
<input checked="" type="checkbox"/> Hebron	<input type="checkbox"/> Verona
<input type="checkbox"/> Petersburg	<input type="checkbox"/> Erlanger
<input type="checkbox"/> Crittenden	<input type="checkbox"/> <u> </u>
Group # <u>2004</u>	Census Tract # <u>704</u>



DESCRIPTION

LOT #308
THORNWILDE SUBDIVISION
SECTION 27

BOONE COUNTY
KENTUCKY



SUBDIVISION NOTES

- EXTERIOR STEPS WITH CONCRETE PAD IF/AS REQUIRED BY GRADE
- THE LANDING (MINIMUM 3'-0" X 3'-0") AT THE EXTERIOR OF AN EXTERIOR DOORWAY SHALL BE NOT MORE THAN 8 1/4" BELOW THE TOP OF THE THRESHOLD.
- EXTERIOR CONCRETE FLOORWORK LOCATED AT THE REAR OF THE HOUSE TO BE PER CONTRACT SELECTION SHEETS.
- FIELD DETERMINE EXACT POINTS AND LOCATION OF CURVES AT HOUSE SIDEWALK.

CONTRACT BY:	THE DREES CO	CUSTOMER:	WOLKE	SHEET NO.	P.1
PHONE NO.:	(859) 578-5555	JOB #:	TWV-0308-00		
CONTRACT DATE:	07-23-02				
TWV-308.dwg	73302	125851			

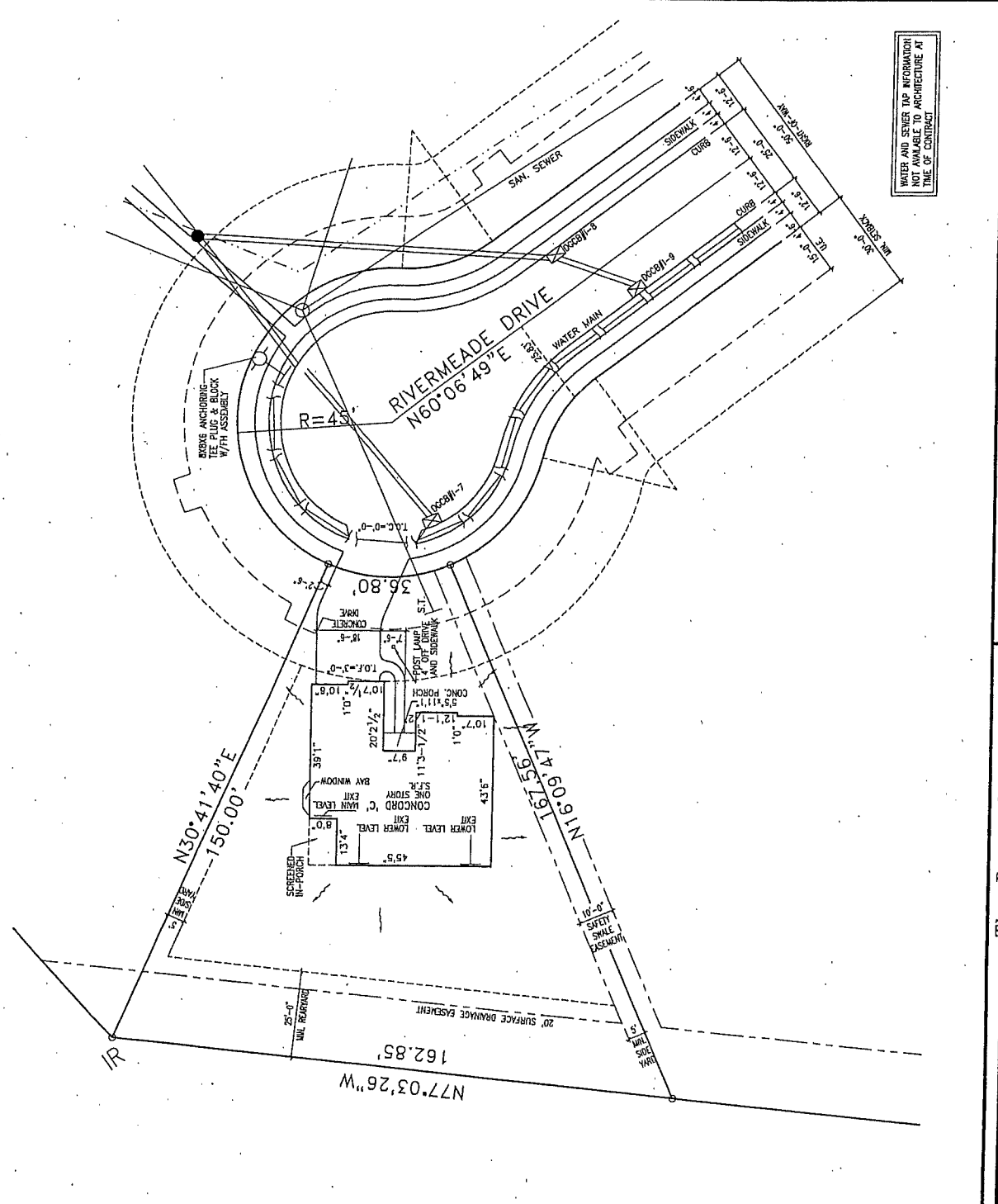
REV. NO.	REV. DATE	REV. BY	REV. DESCRIPTION



CONTRACT REVISIONS:

WATER AND SEWER TAP INFORMATION NOT AVAILABLE TO ARCHITECTURE AT TIME OF CONTRACT

WEST SHEET DESCRIPTION:
PLOT PLAN
SCALE: 1" = 30'-0"

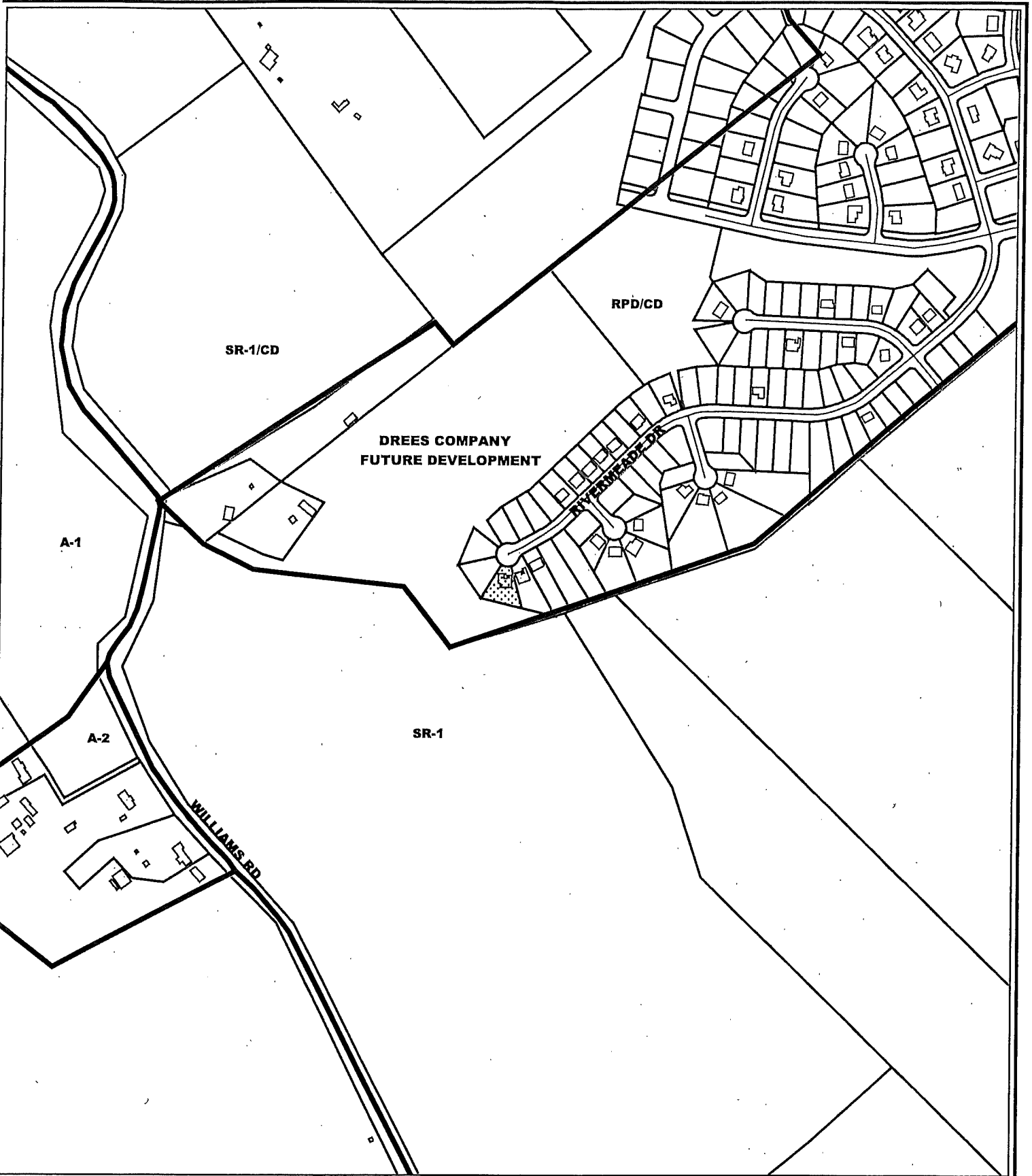


PER ITEM #1 OF DREES CO. GENERAL SPECS:
THIS IS NOT A LEGAL SURVEY FOR PERMIT PURPOSES ONLY.
HOUSE MAY BE RELOCATED WITHIN LEGAL SETBACKS & SETBACKS OF LOCAL ZONING.

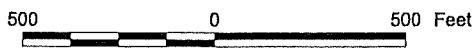
PLANT PLAN BY: WEST
PHONE EXT. NO.: 2575
PLOT PLAN DATE: 07-19-02

The Drees Company
211 Gravelley Drive Fort Mitchell, Kentucky 41017 P.O. Box (859) 578-0300
Copyright 2000 The Drees Company. All rights reserved. These plans are protected by Copyright. No part of these plans may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, including photocopying, without the written permission from the copyright owner.

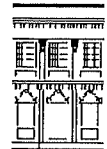


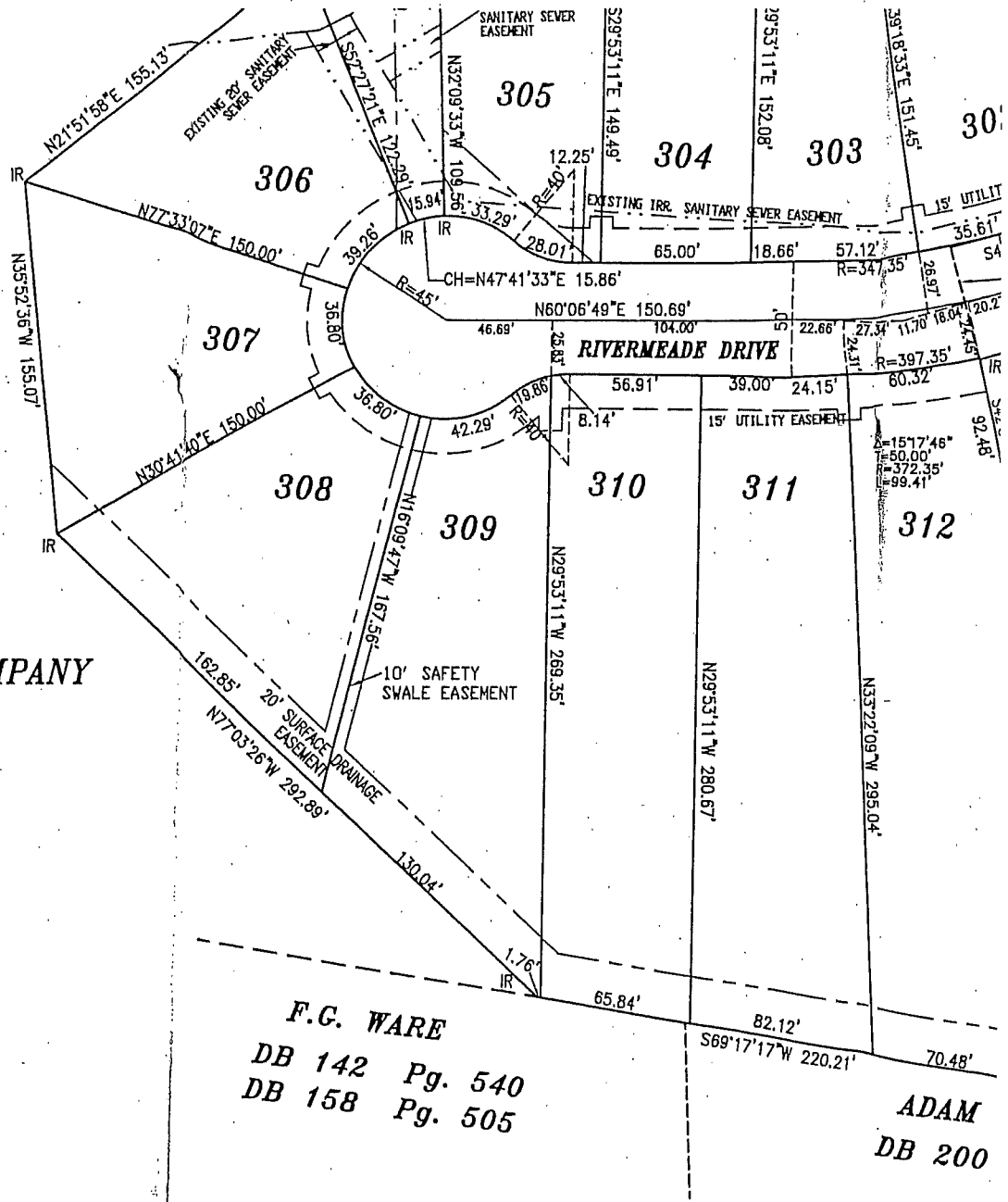


DRES COMPANY ZONING MAP



1 inch equals 500 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 December 30, 2002



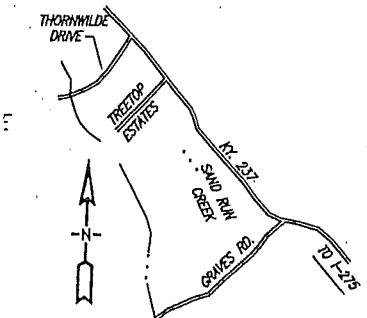


**FUTURE
THE DREES COMPANY**
DB 613 PAGE 230

F.G. WARE
DB 142 Pg. 540
DB 158 Pg. 505

ADAM
DB 200

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



Vicinity Map
Scale: 1"=2000'

NOTE
Unless Otherwise Designated On The Record Plat, A 10' Wide Private Drainage Easement Shall Exist Along All Common Building Lot Lines, The Common Building Lot Line Being The Center Line Of Said Easement. The Drees Company Reserves The Right To Enter Upon All Lots To Establish Or Re-Establish Drainage Swales Within Said Easements For The Purpose Of Controlling And Directing Storm Water To Collection Facilities.

The utility easements shown and described on and benefit of the named utility. The resper the individual lot owner and the respective ul recorded document in the Boone County Cler the document listed below are incorporated t Sanitary Sewers Sanitation District No.

APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

RECEIVED DEC 16 2002 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 _____ Change in Non-Conforming Use _____
3. Applicant's Name THE DREES COMPANY Phone Number 859-578-4200 Fax No. 859-331-9231 Applicant's Address 211 GRANDVIEW DRIVE FT. Mitchell KY 41017
4. Description of Request: SIDE YARD VARIANCE TO ENCRACH MINIMUM SIDE YARD OF 5'
5. Name of Development THORNWILDE
6. Location of Development HEBRON KY
7. Acreage Under Review .3575 AC
8. Lot Number and Name of Subdivision (if part of a subdivision) LOT # 308 THORNWILDE SUBDIVISION
9. Owner of Property THE DREES COMPANY Phone Number of Owner 859-578-4200
10. Address of Property Owner FT. Mitchell KY 41017
11. Proposed Use(s) on Site RESIDENTIAL DWELLING
12. Total Square Footage of Existing and/or Proposed Buildings 1846 S.F.
13. Current Zoning on Property RPD
14. Deed Book 613 Page No. 230 Group No. 2004
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? 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: David D. Thorburn

Property Owner's Signature: Dale D. Drees Co.


COPY

CLUR #03-BCBOA-001-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
The Drees Company
211 Grandview Drive
Ft. Mitchell, KY 41017
2. ADDRESS OF PROPERTY
1028 Rivermeade Drive
Hebron, KY 41048
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Thornwilde, Section 27, Lot 308
4. DEED BOOK 613 PAGE NO. 230 GROUP NO. 2004
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:
- 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

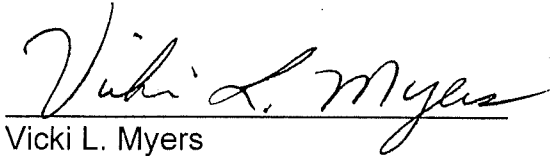

SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

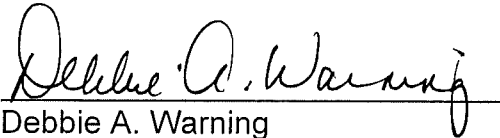
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 9 day of January, 2003.



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 January 8, 2003 Certificate of Land Use Restriction (#03-BCBOA-001-A), for The Drees Company, 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 613

PAGE NO. 230

GROUP NO. 2004