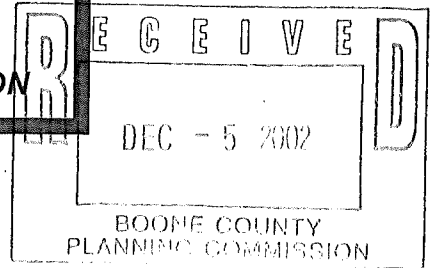


APPLICATION FORM

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 [X] Florence _____ Walton _____ Union _____
2. (Check One) Conditional Use Permit [X] Variance _____ Appeal _____
Change in Non-Conforming Use _____
3. Applicant's Name Joe KRAMER CARDINAL ENGINEERING
Phone Number 859-581-9000 Fax No. 859-581-9036
Applicant's Address ONE MOORE ROAD
Wilder KY 41071
City State Zip
4. Description of Request: VARIANCE ON SIDE Lot LINES FROM 0,15 to 5,5 (34 LOTS)
5. Name of Development SHAKER RUN
6. Location of Development OAKBROOK LANE
7. Acreage Under Review 4.22 AC
8. Lot Number and Name of Subdivision (if part of a subdivision) SHAKER RUN Lots 2, 14, 17, 37-44, 45A, 48-52 54-61, 65-73 & 90
9. Owner of Property Bill HASANK CONSTRUCTION
Phone Number of Owner 859-371-8823
10. Address of Property Owner 5760 LIMBURG ROAD BURLINGTON KY 41005
City State Zip
11. Proposed Use(s) on Site SINGLE FAMILY RESIDENTIAL
12. Total Square Footage of Existing and/or Proposed Buildings NONE
13. Current Zoning on Property SR-1
14. Deed Book 789 Page No. 40 Group No. 2031
15. Is the site subject to a zone change? NO
If yes, give date of approval N/A
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]

(over)

#450 #18/owner #21 CLUR 2 OWNERS #487 Fee #787

**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 _____ Fee Received _____
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: Cardinal Engineering

LOCATION: Lots 2, 14, 17, 37-44, 45A, 48-52, 54-61, 65-72 and 90 of Shaker Run Subdivision, Boone County, Kentucky.

ZONING: Suburban Residential One (SR-1)

DATE: January 8, 2003

Proposal

Cardinal Engineering is requesting 34 variances to allow a reduction in the required side yard setbacks for lots 2, 14, 17, 37-44, 45A, 48-52, 54-61, 65-72, and 90 of Shaker Run Subdivision. The zoning regulations require the side yard setbacks within a Suburban Residential One (SR-1) Clustered Subdivision to total at least fifteen feet, with the minimum on any side being zero. The applicant is seeking to change this requirement to allow the minimum total to be ten feet, with the minimum on any one side being five feet.

Applicable Regulations

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.

Surrounding Land Uses and Zoning

The 34 lots are scattered throughout Shaker Run Subdivision and are all zoned Suburban Residential One (SR-1). The following land uses are adjacent to the subdivision:

- North: Single-Family Lots and Dwellings Fronting on Perry Lane (SR-1)
- South: The Cliffs Condominiums (SR-1/PD) and a 50 Acre Tract of Land (SR-1)
- East: Oakbrook Road and the Fairways Condominiums (SR-1/PD)
- West: Single-Family Lots and Dwellings Fronting on Holbrook Lane (SR-1)

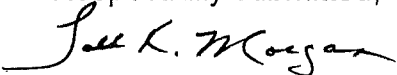
Staff Comments

1. Shaker Run was platted as a clustered subdivision. Clustered subdivisions allowed developers to reduce the square footage of individual lots within a subdivision. However, the developer had to make up for these reductions in the form of community open space.
2. The clustered subdivision regulations were taken out of the 2001/2002 Boone County Zoning Regulations. One of the reasons why they were removed was due to the fact that the community open space was often unuseable.
3. Staff is concerned that the request is not homogenous to the whole subdivision and could alter the character of the neighborhood.
4. The Board should analyze if the request will deprive the applicant of the reasonable use of the land or will create an unnecessary hardship on the applicant.

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 requests.

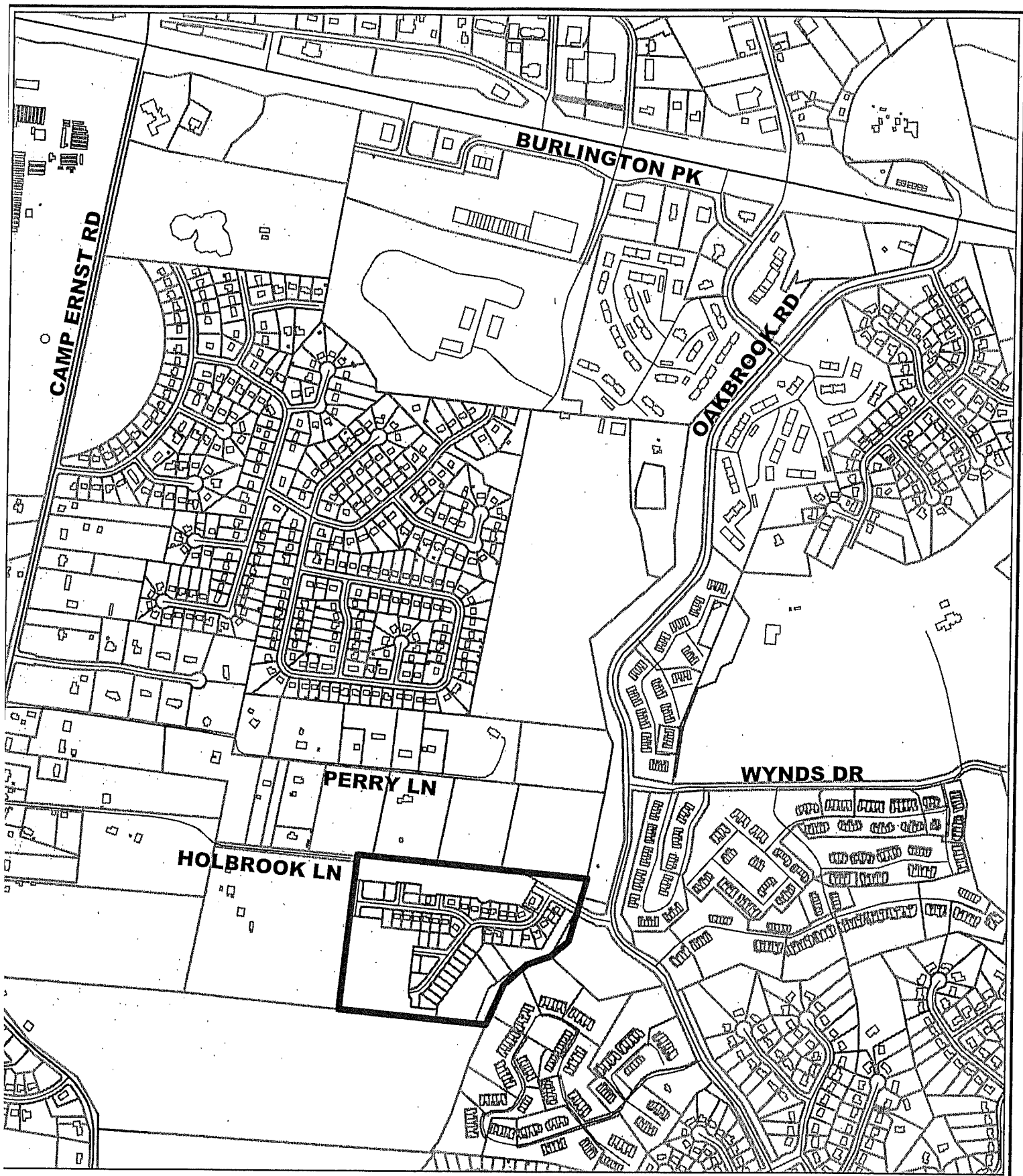
Respectfully submitted,



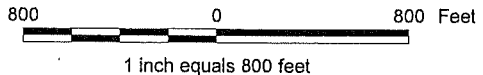
Todd K. Morgan, AICP
Planner, Zoning Services
TKM/pr

Attachments

- Exhibit A – Site Vicinity Map
- Exhibit B – Letter From Applicant
- Exhibit C – Concept Plan
- Exhibit D – Zoning Map
- Exhibit E – Application

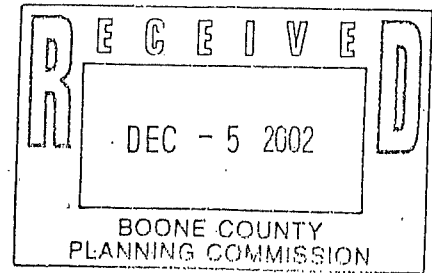
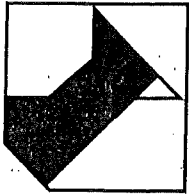


Shaker Run Site Vicinity Map



1 inch equals 800 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 January 2, 2003





CARDINAL

ENGINEERING
ARCHITECTURE
LAND SURVEYING

December 3, 2002

Todd Morgan, AICP
Planner
Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005

RE: Shaker Run Subdivision
Variance Request

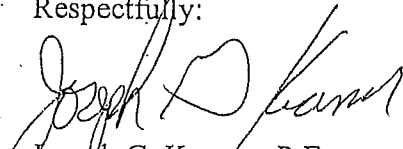
Dear Mr. Morgan:

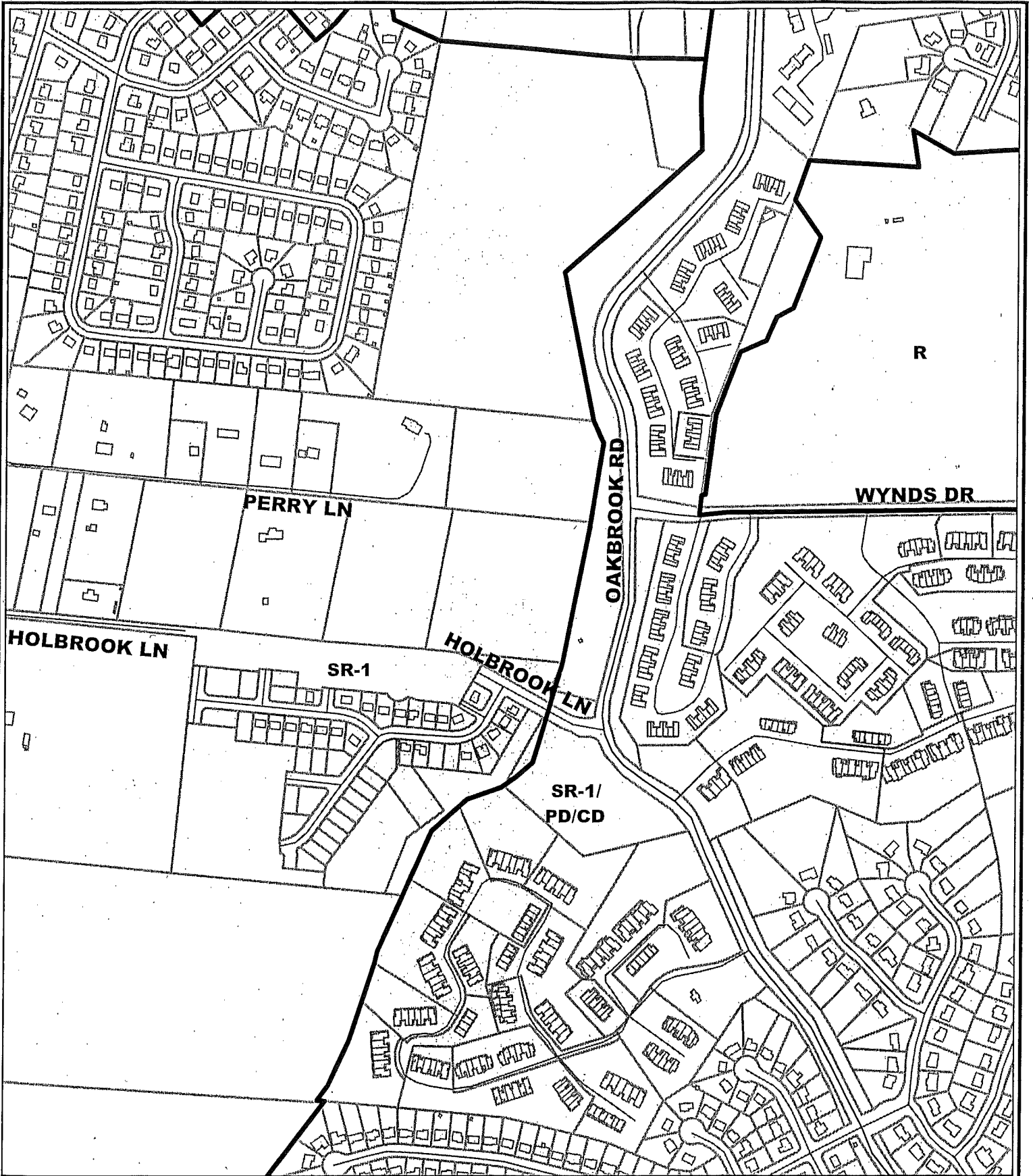
As we discussed, Bill Hasank is requesting a variance on 34 Lots of the Shaker Run Subdivision. The current setbacks under the old zoning (SR-1) for the cluster development allow for one zero side-yard setback and a total of 15 feet.

I believe that the builder (Mike Denigan) has already received a variance similar to this in the existing sections of Shaker Run. Granting this variance would allow the builder to offer a wider range of homes on these lots and would avoid building any houses at the zero setback. The new Boone County Zoning Ordinance allows for the 5/5 setback using the Open Space Development concept.

If you have any additional questions or comments, please feel free to call.

Respectfully:


Joseph G. Kramer, P.E.
Project Engineer



Shaker Run Zoning Map

500 0 500 Feet



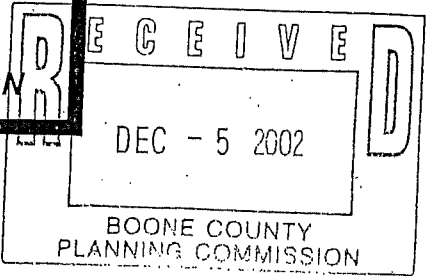
1 inch equals 500 feet

Produced by the
Boone County Planning Commission
GIS Services Division
January 2, 2003



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)

1. Boone _____ Florence _____ Walton _____ Union _____

(Check One)

2. _____ Conditional Use Permit Variance _____ Appeal _____
_____ Change in Non-Conforming Use

3. Applicant's Name Joe KRAMER CARDINAL ENGINEERING
Phone Number 859-581-9600 Fax No. 859-581-9636
Applicant's Address ONE MOCK ROAD
Wilder KY 41071
City State Zip

4. Description of Request: VARIANCE ON SIDE LOT LINES FROM 0,15 to 5,5
(34 LOTS)

5. Name of Development SHAKER RUN

6. Location of Development OAKBROOK LANE

7. Acreage Under Review 4.22 AC

8. Lot Number and Name of Subdivision (if part of a subdivision)
SHAKER RUN LOTS 2, 14, 17, 37-44, 45A, 48-52 54-61, 65-73 #90

9. Owner of Property BILL HASANK CONSTRUCTION
Phone Number of Owner 859-371-8823

10. Address of Property Owner 5660 LIMBURG ROAD BURLINGTON KY 41005
City State Zip

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

12. Total Square Footage of Existing and/or Proposed Buildings NONE

13. Current Zoning on Property JR-1

14. Deed Book 789 Page No. 040 Group No. 2031

15. Is the site subject to a zone change? NO
If yes, give date of approval N/A

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: Joseph William Hasank

Property Owner's Signature: _____

(over)

#458 #17/owner #21 CLUR 2 owners #487 Fee #487

COPY

CLUR #03-BCBOA-003-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Bill Hasank Construction
5660 Limaburg Road
Burlington, KY 41005
2. ADDRESS OF PROPERTY
Oakbrook Lane
Burlington, KY 41005
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Shaker Run, Lots 2, 14, 17, 37 - 44, 45A, 48 - 52, 54 - 61, 65 - 72, & 90
4. DEED BOOK 789 PAGE NO. 40 GROUP NO. 2031
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

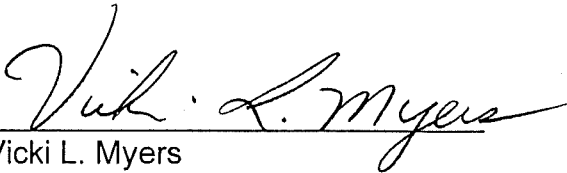

SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

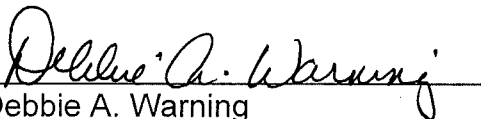
COUNTY OF BOONE

Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 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-003-A), for Bill Hasank Construction 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 789

PAGE NO. 40

GROUP NO. 2031