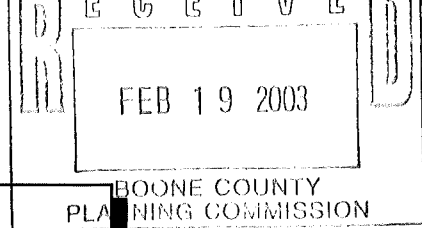


APPLICATION FORM



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 The Drees Co (Blake Stanley) Phone Number (859) 578-4349 Fax No. (859) 331-9231 Applicant's Address 211 Grandview Dr Ft Mitchell KY 41017
4. Description of Request: Request variance on sideyard - left + right side each to be 6' ft for a total variance of 12' 0" 2.9' ft.
5. Name of Development Horseshoe Trails
6. Location of Development _____
7. Acreage Under Review 9024 sq ft
8. Lot Number and Name of Subdivision (if part of a subdivision) Lot 26 Horseshoe Trails
9. Owner of Property Horseshoe Trails, LLC Phone Number of Owner (859) 578-8050
10. Address of Property Owner 519 Enterprise Dr Crescent Springs KY City State Zip
11. Proposed Use(s) on Site new single family residential construction
12. Total Square Footage of Existing and/or Proposed Buildings _____
13. Current Zoning on Property SR-1
14. Deed Book 823 Page No. 315 Group No. 2057
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: Blake Stanley

Property Owner's Signature: Dan Drees

**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 2-19-03 Fee Received \$487.00 R# 34245
2. Is application complete? _____ Yes _____ No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
3/12/03 **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 2, Lot 26, Horseshoe Trails Subdivision
(10415 Blacksmith Place, Boone County, Kentucky).

ZONING: Suburban Residential One (SR-1)

DATE: March 12, 2003

Proposal

The Drees Company is requesting a variance to allow the side yard setback requirements of a single-family residence to be reduced from a 5' minimum/15' total to a 5' minimum/12.09' total. The dwelling is being proposed on Section 2, Lot 26 of Horseshoe Trails Subdivision. The 0.207 acre parcel is zoned Suburban Residential One (SR-1).

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.

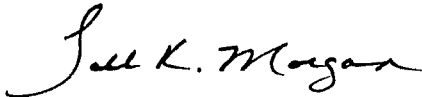
Surrounding Land Uses and Zoning

The subject parcel and adjacent lots are in Horseshoe Trails Subdivision and are zoned SR-1. The rear of the lot drops off drastically and contains a storm detention easement and tree preservation easement. The lots across the street and to the sides of the property have not been developed.

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.

Respectfully submitted,



Todd K. Morgan, AICP
Planner, Zoning Services

TKM/pr

Attachments

Exhibit A – Site Vicinity Map

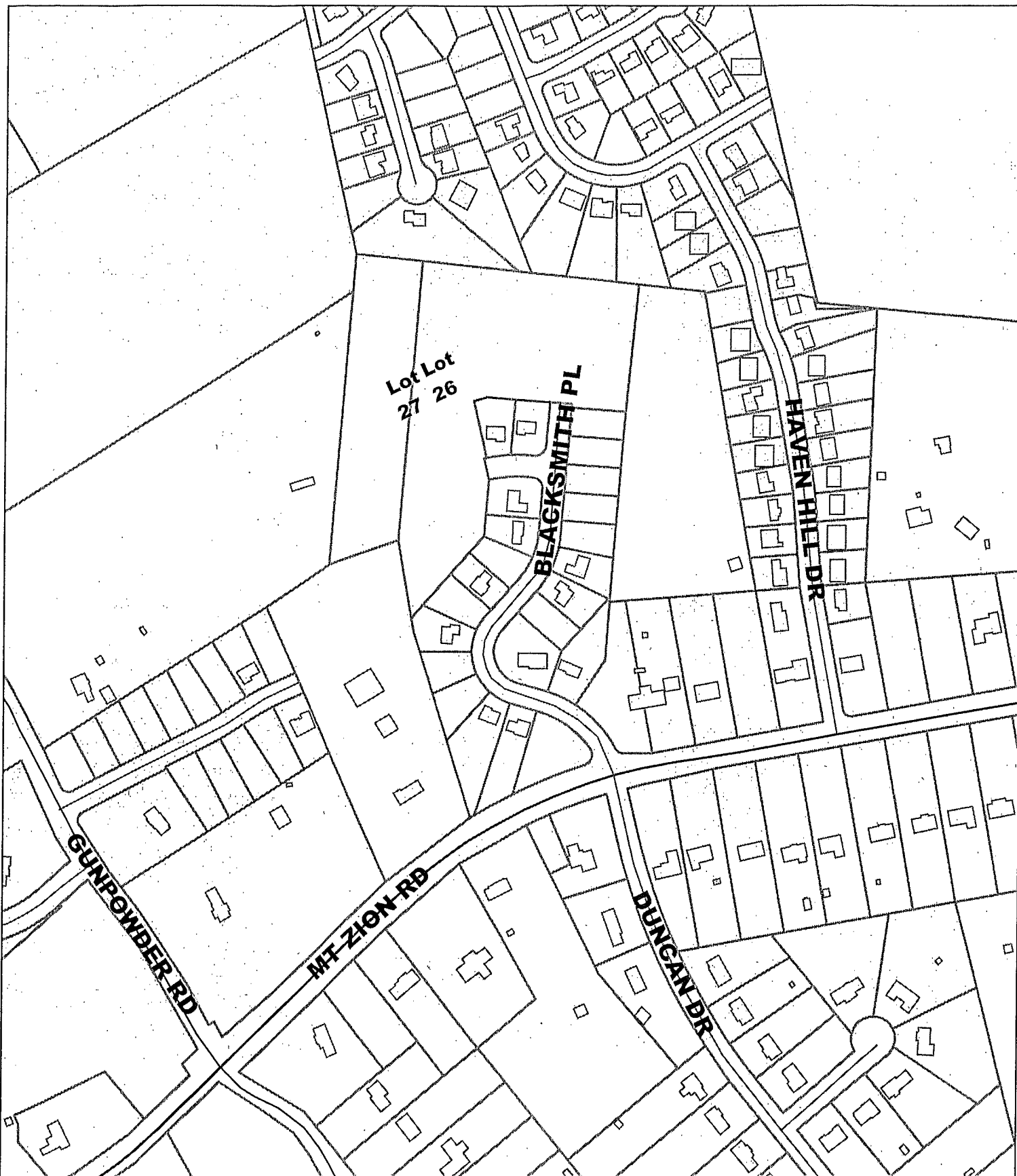
Exhibit B – Concept Plan

Exhibit C – Final Plat for Section 2 of Horseshoe Trails Subdivision

Exhibit D – Aerial Map

Exhibit E – Zoning Map

Exhibit F – Application

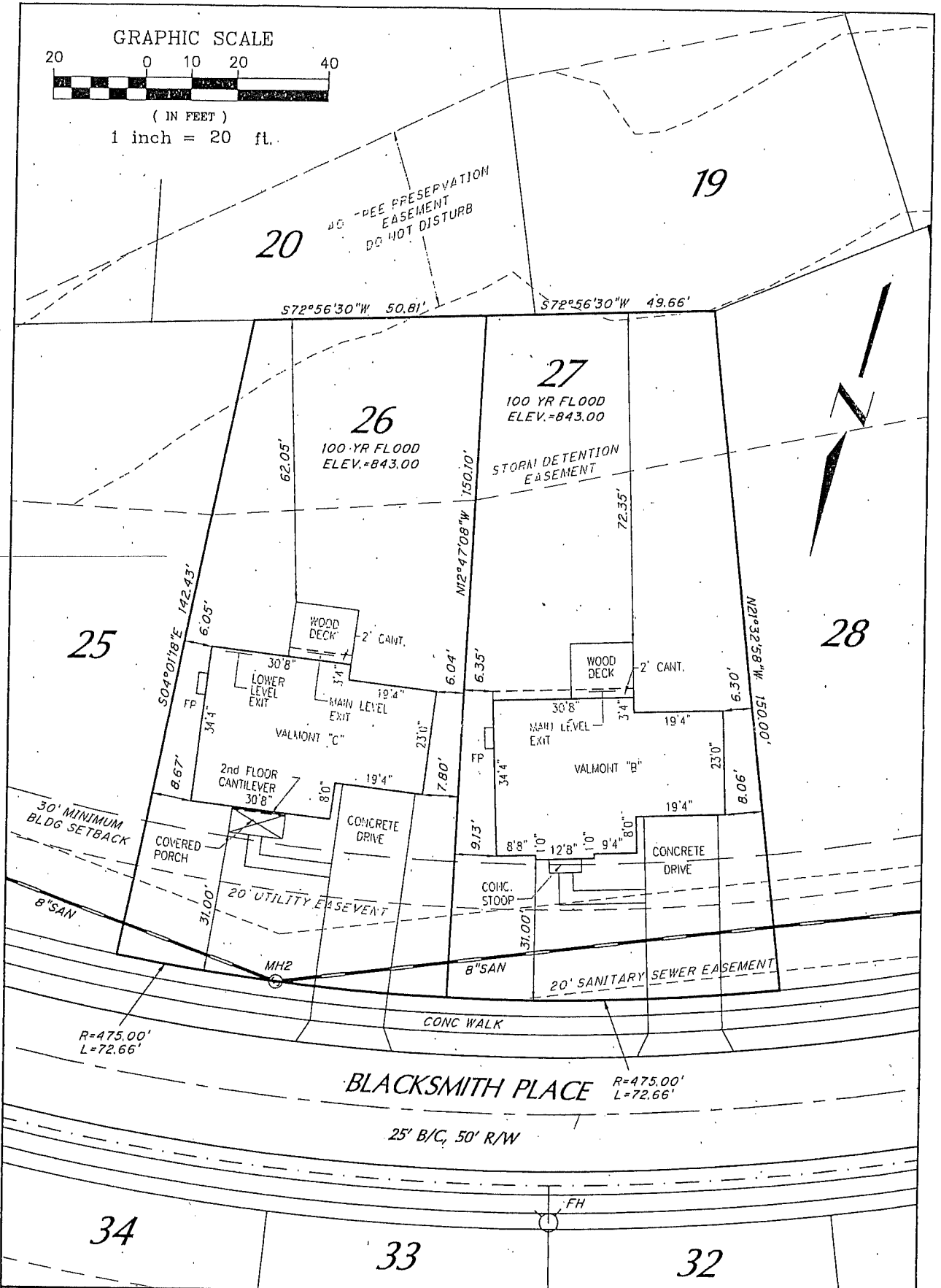
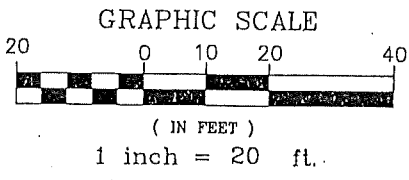


300 0 300 Feet

Lots 26 & 27 Horseshoe Trails Site Vicinity Map

1 inch equals 300 feet
Produced by the
Boone County Planning Commission
GIS Services Division
February 26, 2003





DRAWN BY:
D TRE

CHECKED BY:
J BER

JOB #
V-02-068

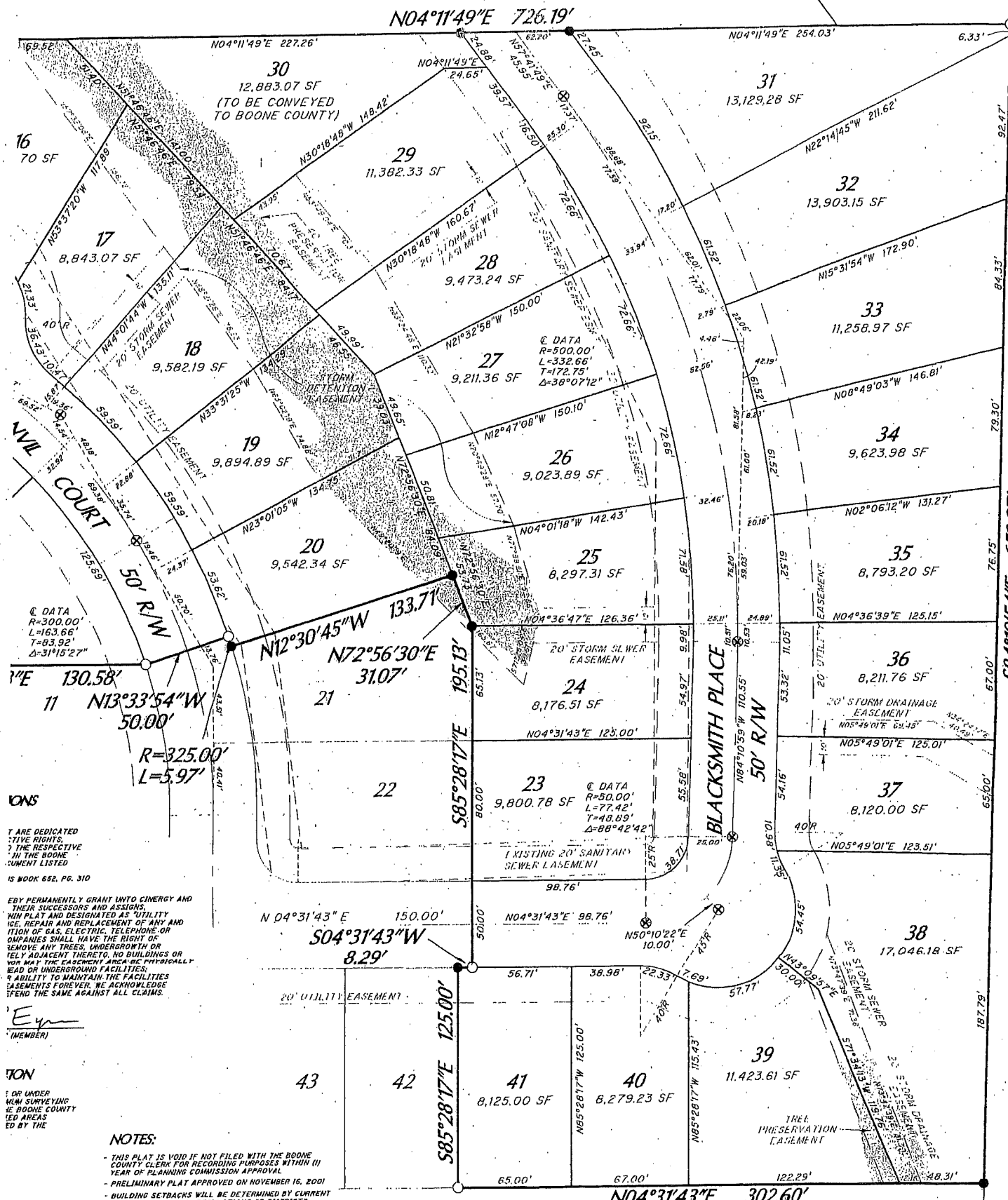
DATE:
02-17-03

VARIANCE EXHIBIT FOR
MARQUIS HOMES
211 GRANDVIEW DRIVE, SUITE 100
FORT MITCHELL, KY 41017-2790

HORSESHOE TRAILS SUBDIVISION
SECTION TWO, LOTS 26 & 27
BOONE COUNTY, KENTUCKY

CENTER LINE
ENGINEERING & SURVEYING, PLLC

533 Pike Street, Suite 205
Covington, KY 41011
Office 859.363.9025
Fax 859.363.9125



© DATA
R=300.00'
L=163.66'
T=83.92'
Δ=31°15'27"

© DATA
R=500.00'
L=332.66'
T=172.75'
Δ=38°07'12"

© DATA
R=50.00'
L=77.42'
T=48.89'
Δ=88°42'42"

THE RIGHTS
RESPECTIVE
BOONE
LISTED
BOOK 652, PG. 310

BY PERMANENTLY GRANT INTO CHARGE AND
THEIR SUCCESSORS AND ASSIGNS
PLAY AND DESIGNATED AS "UTILITY
ICE, REPAIR AND REPLACEMENT OF ANY AND
TION OF GAS, ELECTRIC, TELEPHONE OR
COMPANIES SHALL HAVE THE RIGHT OF
REMOVE ANY TREES, UNDERGROWTH OR
ELY ADJACENT THERETO, NO BUILDINGS OR
FOR ANY OF THE EASEMENT AREA OR PROPERLY
EAD OF UNDERGROUND FACILITIES;
R ABILITY TO MAINTAIN THE FACILITIES
EASEMENTS FOREVER, WE ACKNOWLEDGE
IFEND THE SAME AGAINST ALL CLAIMS.

Eyn
(MEMBER)

OR UNDER
SURVEYING
BOONE COUNTY
ED AREA
ED BY THE

NOTES:

- THIS PLAT IS VOID IF NOT FILED WITH THE BOONE COUNTY CLERK FOR RECORDING PURPOSES WITHIN (1) YEAR OF PLANNING COMMISSION APPROVAL
- PRELIMINARY PLAT APPROVED ON NOVEMBER 16, 2001
- BUILDING SETBACKS WILL BE DETERMINED BY CURRENT APPLICABLE ZONING REGULATIONS OR DISTRICTS.
- SECTION TWO AREA - 7.2186 ACRES GROUP NUMBER 4384
- UNLESS OTHERWISE DESIGNATED ON THE RECORD PLAT, A 10' WIDE PRIVATE DRAINAGE EASEMENT SHALL EXIST ALONG ALL COMMON LOT LINES, THE COMMON LOT LINES BEING THE CENTER LINE OF SAID EASEMENT.
- NO EVIDENCE OF CEMETERY FOUND ON THIS SITE.
- BEING PART OF THE PROPERTY CONVEYED TO HORSESHOE TRAILS LLC BY DEED BOOK 019, PAGE 126, AND ALL OF THE PROPERTY CONVEYED TO HORSESHOE TRAILS LLC BY DEED BOOK 023, PAGE 315.
- HORSESHOE TRAILS SUBDIVISION SUBJECT TO RESTRICTIVE COVENANTS
- AS PART OF MITIGATION PROCESS WITH THE US ARMY CORPS OF ENGINEERS, THE SHADDED TREE PRESERVATION EASEMENT SHALL NOT BE DISTURBED IN ANY MANNER. THIS INCLUDES, BUT IS NOT LIMITED TO, EARTHMOVING OR CLEARING

SURVEYOR
OF KENTUCKY

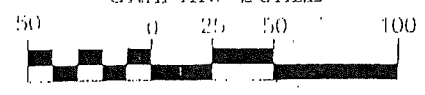
TE
THAT THIS PLAT
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E RECORDS

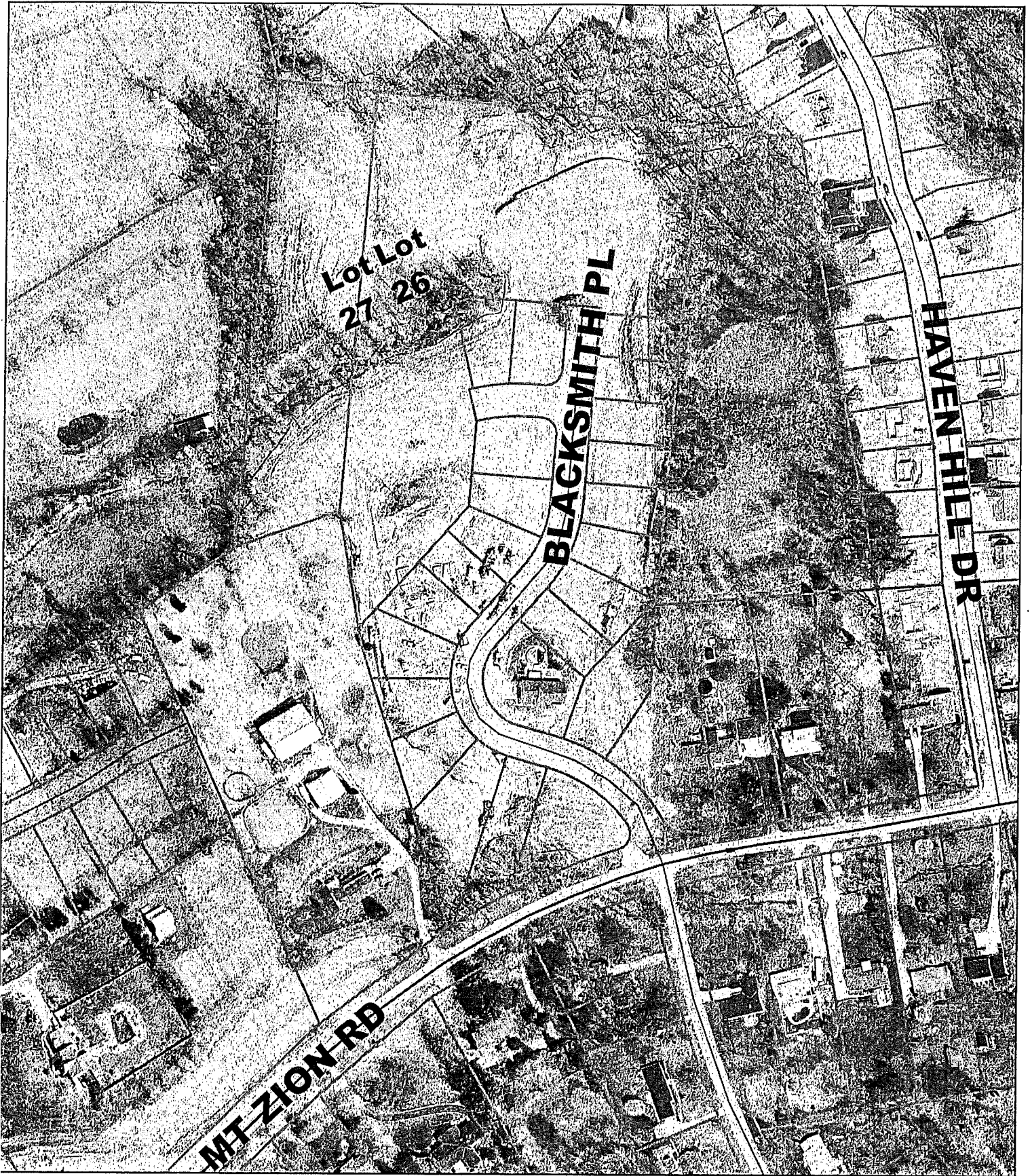


NORTH AND BEARING SYSTEM BASED
ON THE WESTERN BOUNDARY LINE
OF DAN KREST SUBDIVISION AS
RECORDED ON PLAT BOOK 0, PAGE 5
OF THE BOONE COUNTY PLAT
RECORDS ON FILE IN BURLINGTON,
KENTUCKY.

MARTHA BROWN
DB 201, PG 333

GRAPHIC SCALE



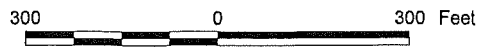
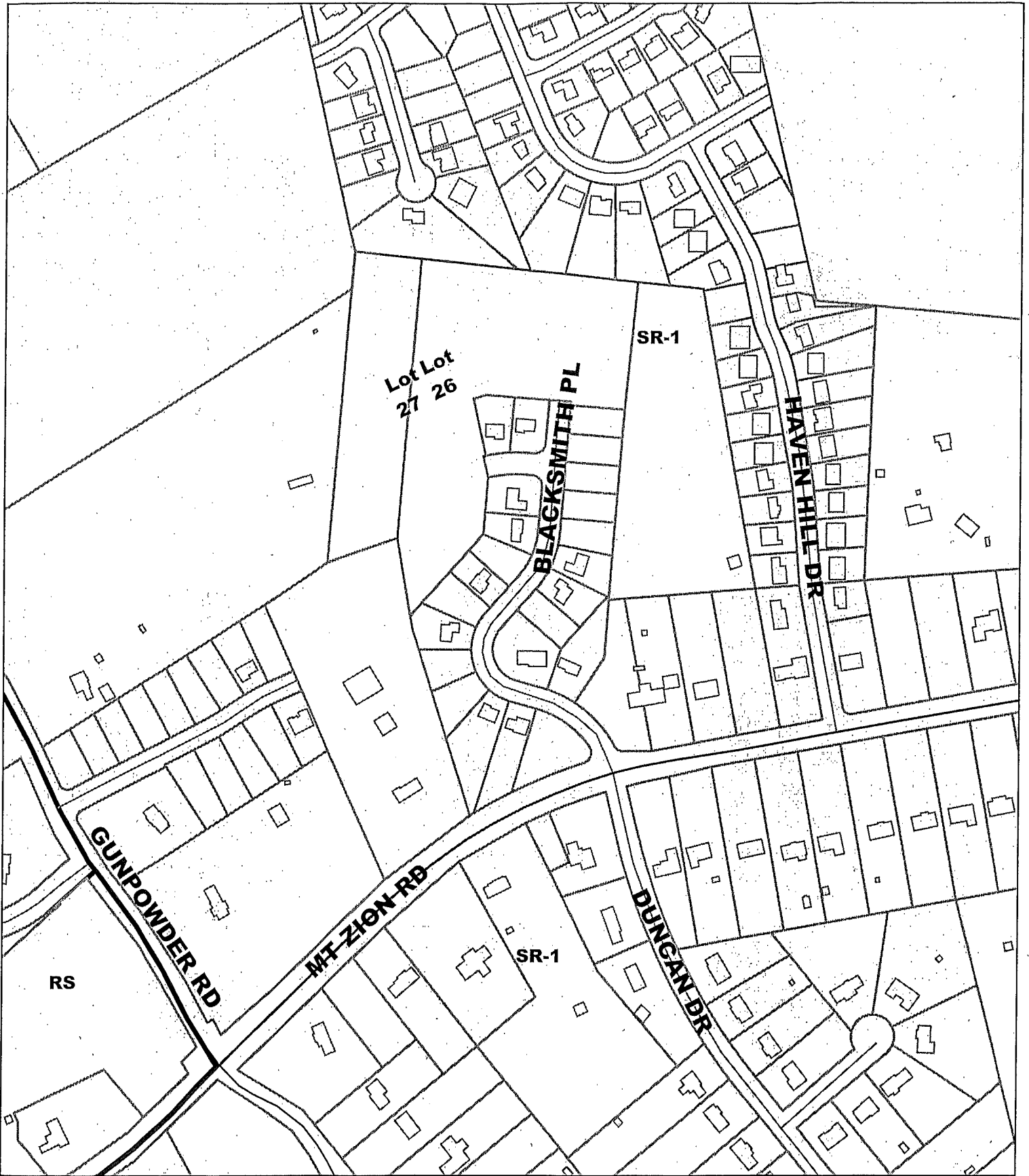


200 0 200 Feet

Lots 26 & 27 Horseshoe Trails Aerial Map

1 inch equals 200 feet
Produced by the
Boone County Planning Commission
GIS Services Division
February 26, 2003





**Lots 26 & 27 Horseshoe Trails
Zoning Map**

1 inch equals 300 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 February 26, 2003



APPLICATION FORM

FEB 19 2003

BOARD OF ADJUSTMENT
AND
ZONING APPEALS ACTION
BOONE COUNTY PLANNING COMMISSION

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 The Drees Co (Blake Stanley)
Phone Number (859) 578-4349 Fax No. (859) 331-9231
Applicant's Address 211 Grandview Dr
Ft Mitchell KY 41017
City State Zip

4. Description of Request: Request variance on sideyard - left + right
side each to be 6ft for a total variance of 2.92 ft.

5. Name of Development Horseshoe Trails

6. Location of Development _____

7. Acreage Under Review 9024 sq ft

8. Lot Number and Name of Subdivision (if part of a subdivision)
Lot 26 Horseshoe Trails

9. Owner of Property Horseshoe Trails, LLC
Phone Number of Owner (859) 578-8050

10. Address of Property Owner 519 Enterprise Dr Crescent Springs, KY
City State Zip

11. Proposed Use(s) on Site new single family residential
Construction

12. Total Square Footage of Existing and/or Proposed Buildings _____

13. Current Zoning on Property SR-1

14. Deed Book 823 Page No. 315 Group No. 4384

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: Blake Stanley

Property Owner's Signature: Dan JRB

COPY

CLUR #03-BCBOA-007-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Horseshoe Trails, LLC
519 Enterprise Drive
Crescent Springs, KY 41017

2. ADDRESS OF PROPERTY
10415 Blacksmith Place
Florence, KY 41042
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Horseshoe Trails, Lot 26

4. DEED BOOK 823 PAGE NO. 315 GROUP NO. 2057

5. TYPE OF RESTRICTION(S) (Check all that apply)

 Zoning Map Amendment: Conditional Use Permit
 From To

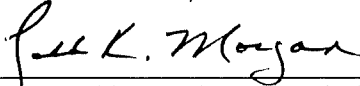
 Development Plan Conditional Zoning

 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

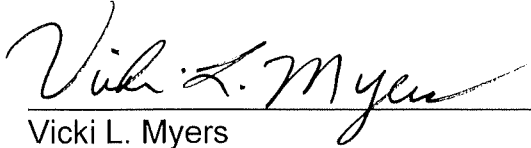
Todd K. Morgan, Planner, Zoning Services
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the

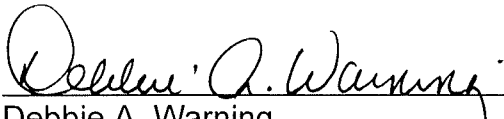
Boone County Planning Commission this 19 day of March, 2003.



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 March 12, 2003 Certificate of Land Use Restriction (#03-BCBOA-007-A), for Horseshoe Trails, LLC, 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 823

PAGE NO. 315

GROUP NO. 2057