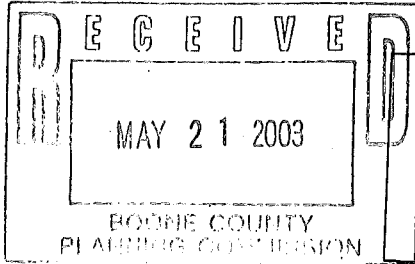


APPLICATION FORM



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 [checked] Florence \_\_\_\_\_ Walton \_\_\_\_\_ Union \_\_\_\_\_ (Check One) 2. Conditional Use Permit [checked] Variance \_\_\_\_\_ Appeal \_\_\_\_\_ Change in Non-Conforming Use \_\_\_\_\_ 3. Applicant's Name JOBE AND COMPANY Phone Number 859-342-9100 Fax No. 342-9112 Applicant's Address 463 ERLANGER ROAD Erlanger, Ky 41018 City State Zip 4. Description of Request: front yard setback to 25' on A FINE LOT 5. Name of Development RIVERSHORE FARMS 6. Location of Development RT 237 2 miles north of I-275 7. Acreage Under Review 2.210 ACRES 8. Lot Number and Name of Subdivision (if part of a subdivision) 102 RIVERSHORE FARMS 9. Owner of Property Timberlake Family Partnership Phone Number of Owner 859-586-6628 10. Address of Property Owner 1055 THORNWILLET City State Zip 11. Proposed Use(s) on Site NEW SINGLE FAMILY HOME 12. Total Square Footage of Existing and/or Proposed Buildings 4400 13. Current Zoning on Property A2-SRI-R-PD1C0 14. Deed Book 590 Page No. 316 Group No. 2002 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] JOBE COMPANY

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 5-21-03 Fee Received \$ 487.00 R# 35299
2. Is application complete?  Yes  No
3. Staff Reviewer \_\_\_\_\_
4. Scheduled Board Action Date \_\_\_\_\_
5. Board Action:  
6-11-03 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](http://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: Jobe & Company  
LOCATION: Future Lot 102 of Rivershore Farms Subdivision, Boone County, KY  
ZONING: Agricultural Estate/Suburban Residential One/Recreation/Planned Development (A-2/SR-1/R/PPD)  
DATE: June 11, 2003

### Proposal

Jobe & Company is requesting a variance to reduce the 40 foot front yard setback requirement for a proposed flag lot, which is located approximately 650 feet to the west of the Coachtrail Drive/Rivershore Drive intersection. The pending Final Plat indicates that parcel will be recorded as Section 7, Lot 102 of Rivershore Farms Subdivision. The applicant has requested that the front yard setback be reduced by 15 feet.

### Applicable Regulations

Article 40, Section 4000 of the Boone County Zoning Regulations defines that the front yard of a flag lot is "measured from the rear lot line of the adjoining lot that is between the flag lot in question and the street."

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 and Zoning

The future 2.21 acre lot is located in Rivershore Farms Subdivision and is zoned Agricultural Estate/Suburban Residential One/Recreation/Planned Development (A-2/SR-1/R/PD). The eastern property line adjoins an undeveloped, heavily wooded 120 acre parcel which is zoned Agriculture (A-1). The northern, southern, and western property lines adjoin other proposed single-family residential lots within Rivershore Farms Subdivision.

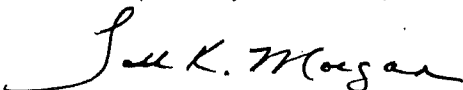
Staff Comments

1. The applicant provided a letter explaining why they are seeking the variance (see attachments).
2. The applicant also provided a letter from the Timberlake Family Partnership. They are the developers and current property owners of what will become Section 7 of Rivershore Farms Subdivision. The letter indicates that they do not object to the variance request.
3. Staff believes that the Board can view the variance in two ways:
  - A. That strict application provisions contained in the regulations would create an unnecessary hardship on the applicant. The applicant's letter explains that a 15' variance will allow them to orient the house towards the street and avoid the expense of doing sub basement work and installing retaining walls to hold grade.
  - B. As of May 30, 2003, Section 7 of Rivershore Farms had not been final platted. As a result, the hardship may have been self imposed by the developer because they could have laid out the lots in a different fashion after learning that a variance was required.

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 front yard setback variance.

Respectfully submitted,

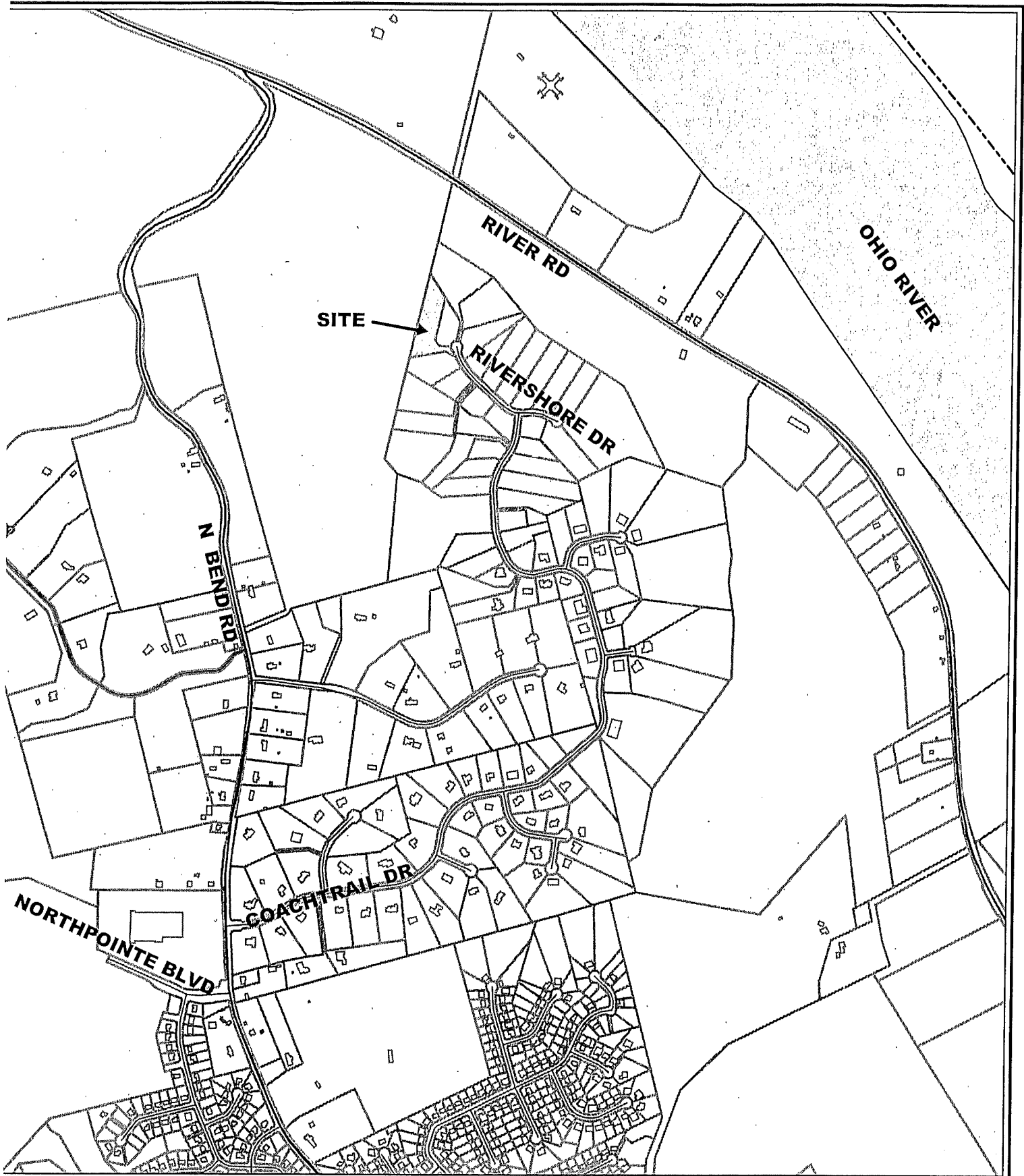


Todd K. Morgan, AICP  
Planner, Zoning Services

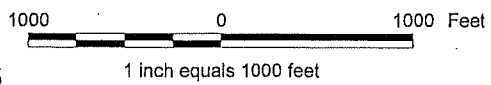
TKM/pr

Attachments

- Exhibit A – Site Vicinity Map
- Exhibit B – Concept Plan
- Exhibit C – Letter from Applicant
- Exhibit D – Letter from Developer
- Exhibit E – Zoning Map
- Exhibit F – Pending Final Plat
- Exhibit G – Application



**Lot 102, Rivershore Farms  
Site Vicinity Map**



Produced by the  
Boone County Planning Commission  
GIS Services Division  
May 29, 2003



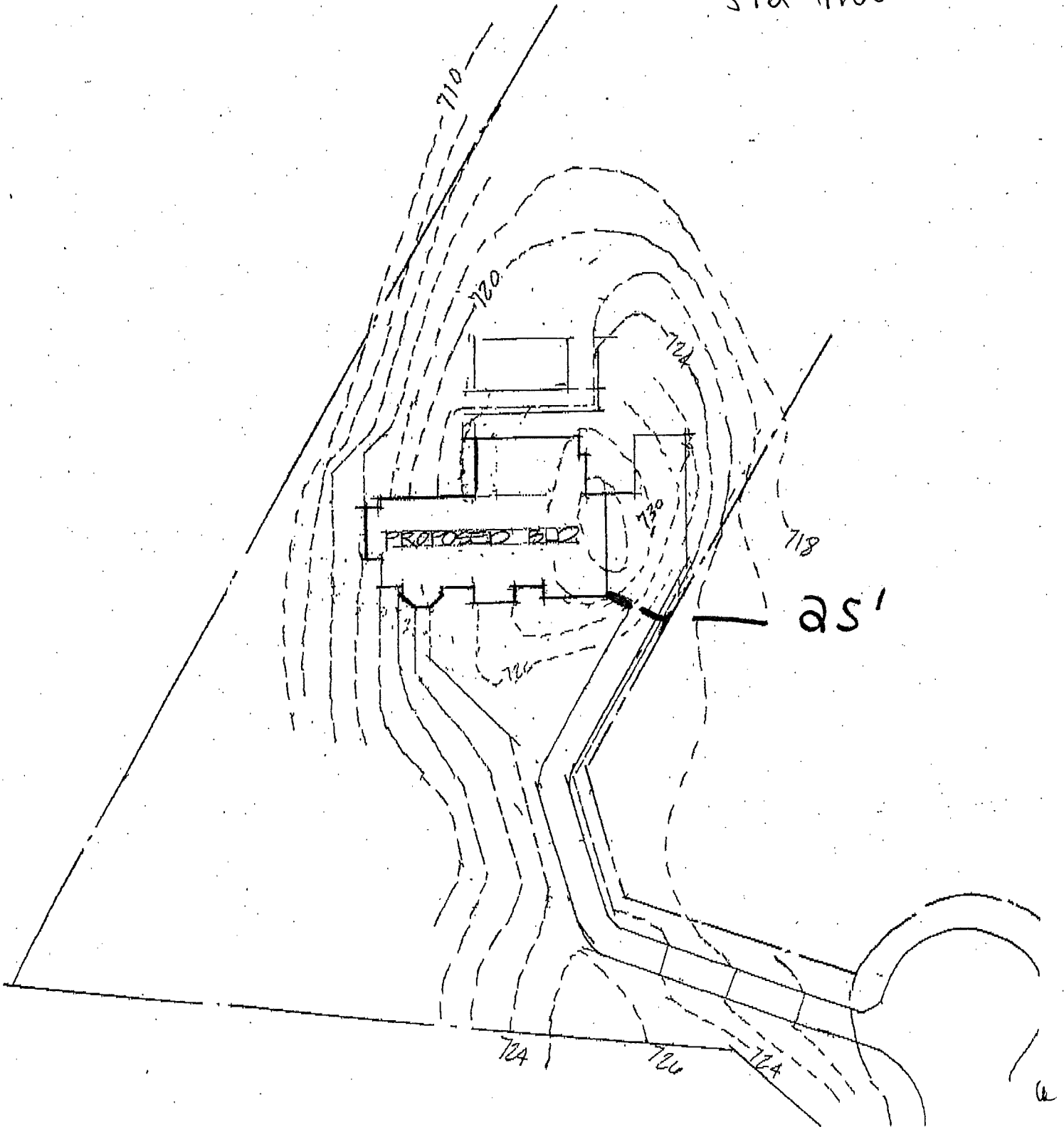
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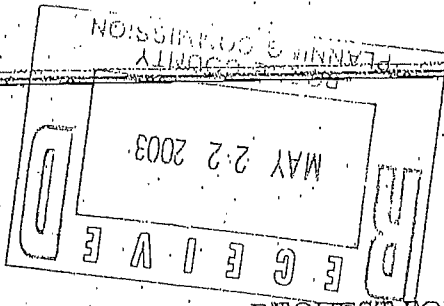
LOT # 102

Rivershore farms

JOBE Company

342-9100





REQUEST FOR VARIANCE ON LOT 102 RIVERSHORE FARMS

1. The setting of our home on Lot 102 is the most logical, economical and best use of the lot for this home.
2. The aesthetics of the street are improved because as you approach the cul-de-sac the home will be facing traffic, making a stronger curbside impression than if it was forced to be turned to accommodate a traditional front yard setting.
3. A 15' variance prevents undue expense for sub basement work and retaining walls to hold grade to accommodate a pool and usable rear yard.
4. The buyer of Lot 101 will feel more comfortable without the home on Lot 102 viewing directly into Lot 101's rear yard.
5. Because the lot is a flag lot, no homeowners on the street will feel the home is misplaced in relationship to traditional street settings.

ADJOINING PROPERTY OWNERS

Richard C. Crisler Jr.  
 8368 River Road  
 Boone County 41048  
 Parcel

Sutter Homes  
 1874 Arabian Ct  
 Hebron Ky 41048  
 Lot 114

Timberlake Family Partnership  
 Phillip Drees  
 1055 Thornwilde  
 Hebron, Ky 41048  
 Parcel, Lot 113, 112, 109, 94, 88

Drees Preimer Homes  
 211 Grandview Dr  
 Suite 150  
 Ft Mitchell Ky 41017  
 Lot 87

# RIVERSHORE



1055 Thornwilde Dr. Hebron, Kentucky 41048 Ph: 859 586-6628 Fax: 859 586-0833

May 20, 2003

Jobe & Co.  
463 Erlanger Road  
Erlanger, KY 41018

Attn: Mike Hastings

Dear Mike:

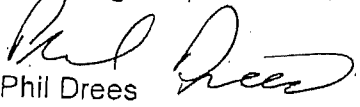
Thank you for submitting a set back variance request for Lot 102 in Rivershore Farms.

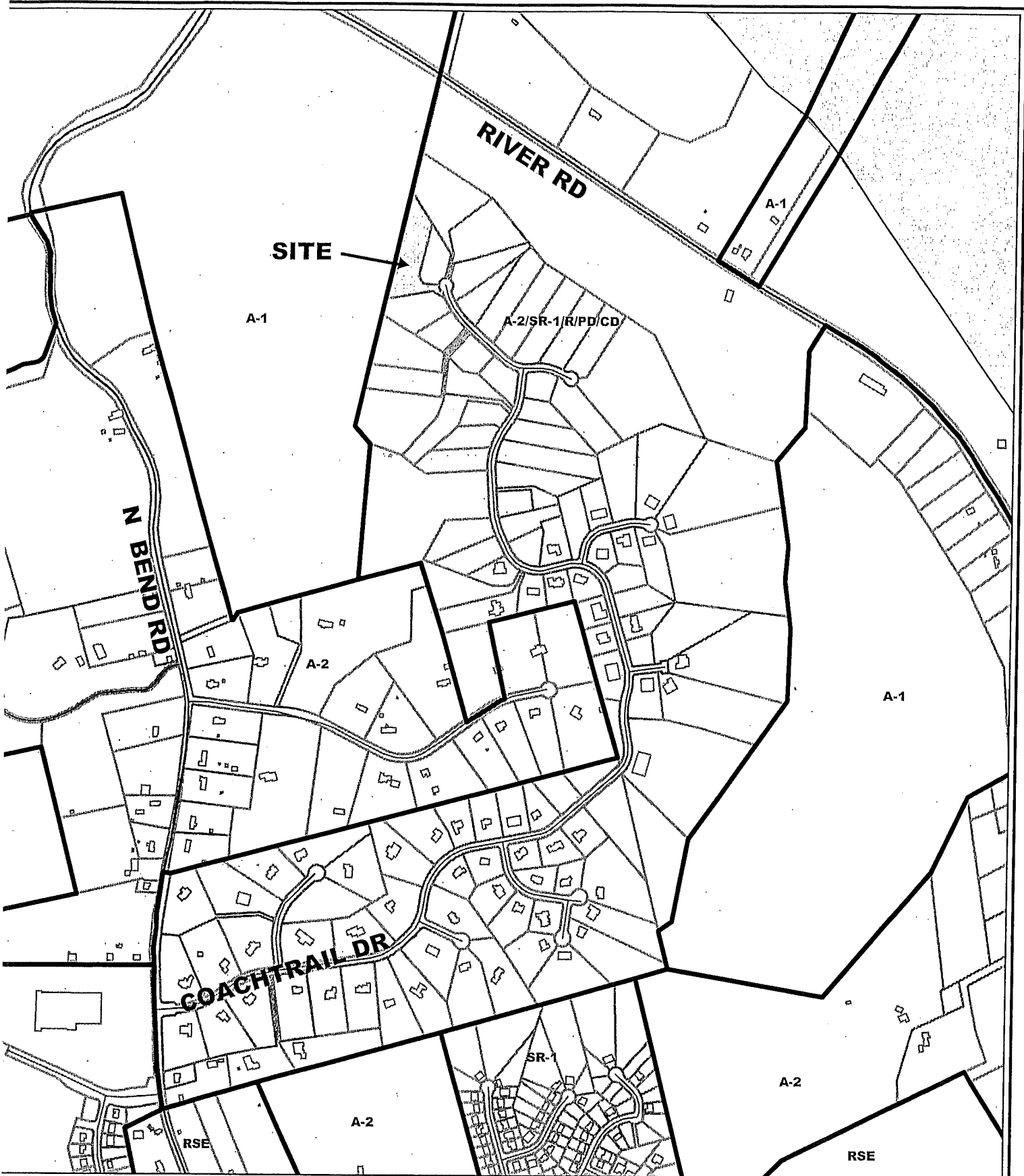
After careful review your variance is approved given the following reasons:

- The setback does not interfere with the adjoining Lot 101
- The setback request is a logical approach to the footprint of the house plans

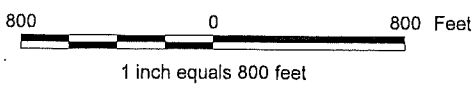
We wish you the best of luck during the construction process.

Kind Regards,

  
Phil Drees  
Timberlake Family Partnership



# Lot 102, Rivershore Farms Zoning Map



Produced by the  
Boone County Planning Commission  
GIS Services Division  
May 29, 2003



RIVERSHORE FARMS  
SUBDIVISION  
SECTION 6

94

S31°50'22"W 603.38'

95  
2.042 Ac.

N31°50'22"E  
580.12'

96  
2.012 Ac.

N31°50'22"E  
525.15'

98  
1.536 Ac.

N53°09'31"E 493.63'

\*\*  
99  
2.485 Ac.  
20' SANITARY  
SEWER EASEMENT

\*\*  
100  
3.004 Ac.  
20' WATER  
MAIN EASEMENT  
20' STORM  
SEWER EASEMENT

LOTTER  
PARTNERSHIP 590/316  
587°27'E 514.27'  
599.99'

RICHARD C. CRISLER JR.  
775/281

606

610

608

632

636

640

635

109

110\*

108  
0.879 Ac.

104\*  
0.890 Ac.

103  
1.594 Ac.

102  
2.210 Ac.

\*105  
2.166 Ac.

\*106  
1.700 Ac.

615

619

623

Δ=48°54'20"  
T=100.00'  
R=214.91'  
L=187.19'

Δ=17°30'15"  
T=75.00'  
R=487.16'  
L=148.83'

Δ=25°32'31"  
T=50.00'  
R=270.59'  
L=83.34'

Δ=12°26'05"  
T=100.00'  
R=270.59'  
L=83.34'

Δ=13°27'48"  
T=143.00'  
R=270.59'  
L=83.34'

Δ=13°25'47"  
T=219.12'  
R=270.59'  
L=83.34'

Δ=48°11'46"  
T=60.04'  
R=214.91'  
L=187.19'

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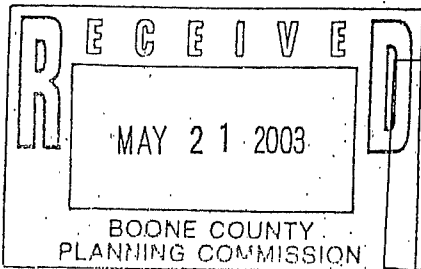
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T=60.04'  
R=214.91'  
L=187.19'

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. [X] Boone [ ] Florence [ ] Walton [ ] Union

(Check One)

2. [ ] Conditional Use Permit [X] Variance [ ] Appeal [ ] Change in Non-Conforming Use

3. Applicant's Name: JOBE AND COMPANY
Phone Number: 859-342-9100 Fax No: 342-9112
Applicant's Address: 463 EARLANGER ROAD
Earlander, Ky 41018

4. Description of Request: Front yard setback to 25' on A FIAC lot

5. Name of Development: Rivershore Farms

6. Location of Development: RT 237 2 miles north of 1-215

7. Acreage Under Review: 2.210 acres

8. Lot Number and Name of Subdivision (if part of a subdivision): 102 Rivershore Farms

9. Owner of Property: Timberlake Family Partnership

Phone Number of Owner: 859-586-6628

10. Address of Property Owner: 1055 Thornwood
City State Zip

11. Proposed Use(s) on Site: New single family home

12. Total Square Footage of Existing and/or Proposed Buildings: 4400

13. Current Zoning on Property: A2-SR1-R-PD1C0

14. Deed Book: 590 Page No: 316 Group No: 2002

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: Michael Harting Jobe Company

Property Owner's Signature: Phil Jones

COPY

CLUR #03-BCBOA-011-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)  
Timberlake Family Partnership  
1055 Thornwilde Drive  
Hebron, KY 41048
  
2. ADDRESS OF PROPERTY  
Rivershore Drive  
Hebron, KY 41048
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)  
Rivershore Farms, Lot 102
  
4. DEED BOOK 590                      PAGE NO. 316                      GROUP NO. 2002
  
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

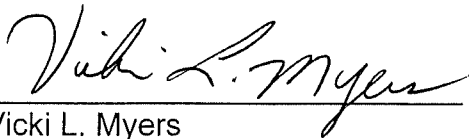
  
SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

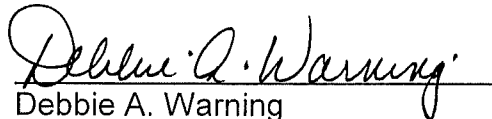
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the  
Boone County Planning Commission this 12 day of June, 2003.



Vicki L. Myers  
NOTARY PUBLIC, State at Large

My commission Expires:  
April 17, 2007

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 June 11, 2003 Certificate of Land Use Restriction (#03-BCBOA-011-A), for Timberlake Family Partnership, 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 590

PAGE NO. 316

GROUP NO. 2002