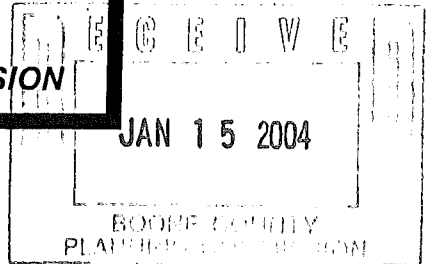


04-BCBA-004-A

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 _____ Variance [checked] Appeal _____ Change in Non-Conforming Use _____
3. Applicant's Name S.L. Williams Homes Inc. Phone Number 344-6410 Fax No. 344-6666 Applicant's Address 300 Buttermilk PK Suit 311 Ft Mitchell KY 41017
4. Description of Request: Rear Set Back need to adjust for larger deck (From 30' to 18.1')
5. Name of Development Carvers Mill
6. Location of Development Pleasant Valley Rd Burlington Runway Fox Ct
7. Acreage Under Review Less Than 1/2 Acre LOT # 27
8. Lot Number and Name of Subdivision (if part of a subdivision) 27 Carvers Mill
9. Owner of Property S.L. Williams Homes Inc. Phone Number of Owner same as above
10. Address of Property Owner
11. Proposed Use(s) on Site Residential Home Site
12. Total Square Footage of Existing and/or Proposed Buildings 2030
13. Current Zoning on Property SR1
14. Deed Book 829 Page No. 564 Group No. 2038A
15. Is the site subject to a zone change? unknown
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 1-15-04 Fee Received \$ 495.00 ~~RT~~ 375.88
2. Is application complete? _____ Yes _____ No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
2-11-04 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: S.L. Williams Homes, Inc.
LOCATION: Section 6, Lot 27, Carters Mill Subdivision
(7089 Running Fox Court, Boone County, Kentucky).
ZONING: Suburban Residential One (SR-1)
DATE: February 11, 2004

Proposal

S.L. Williams Homes is requesting a variance to allow a reduction in the 30 foot rear yard setback requirement, for a parcel located at Section 6, Lot 27 of Carters Mill Subdivision. The applicant has requested that the rear yard setback be reduced to 18.1 feet (see attached Concept Plan) so that a larger deck can be constructed onto the rear of a future single-family dwelling.

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. In making these findings, the Board shall consider whether:
 - 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.

Article 31, Section 3123 of the Boone County Zoning Regulations states that "open structures such as porches, canopies, balconies, platforms, carports, covered patios, and similar architectural projections which occupy space three (3) or more feet above the general ground level of the yard shall be considered parts of the building to which attached and shall not project into the minimum front, side, or rear yard."

Site Characteristics

The property is located in Carters Mill Subdivision and is zoned Suburban Residential One (SR-1). The subject lot and adjoining single-family residential lots to the north and east are currently undeveloped.

The rear third of the property falls off drastically toward a Carters Mill detention parcel and Pebble Creek Home Owners Association (H.O.A.) Parcel. The detention parcel and H.O.A. parcel are both heavily wooded and are bisected by Gunpowder Creek.

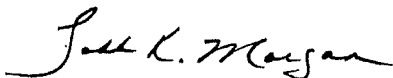
Staff Comments

1. The Board needs to determine the following: (1) if the requested variance arises from special circumstances which do not generally apply to land in the general vicinity or (2) if 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.

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 rear yard setback variance.

Respectfully submitted,

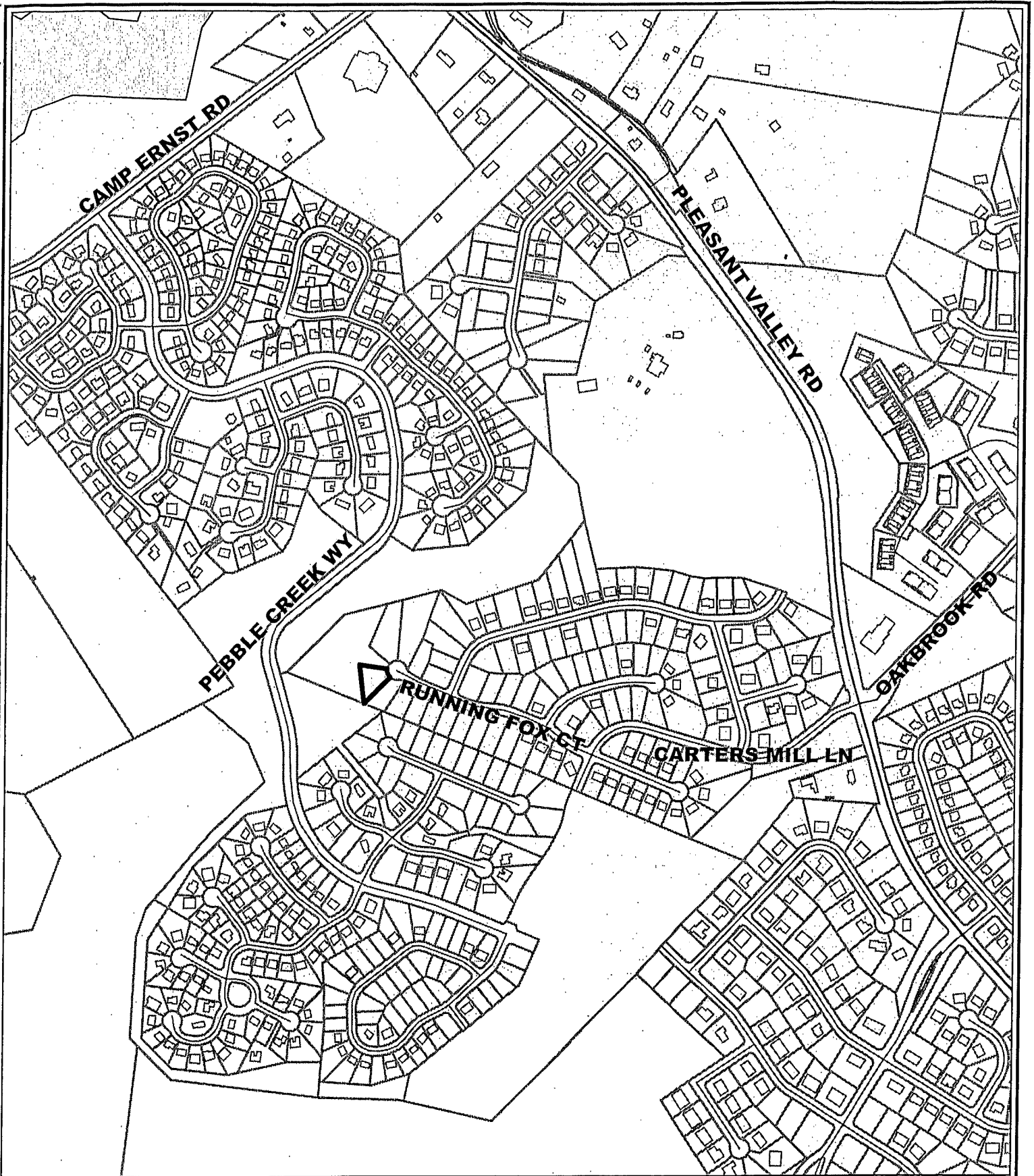


Todd K. Morgan, AICP
Planner, Zoning Services

TKM/pr

Attachments

- Exhibit A – Site Vicinity Map
- Exhibit B – Concept Plan
- Exhibit C – Final Plat, Section 6 of Carters Mill
- Exhibit D – Final Plat, Section 13 of Pebble Creek (Adjoining Property)
- Exhibit E – Aerial Map
- Exhibit F – Zoning Map
- Exhibit G – Topographical Map
- Exhibit H – Letter from Future Property Owner
- Exhibit I – Application



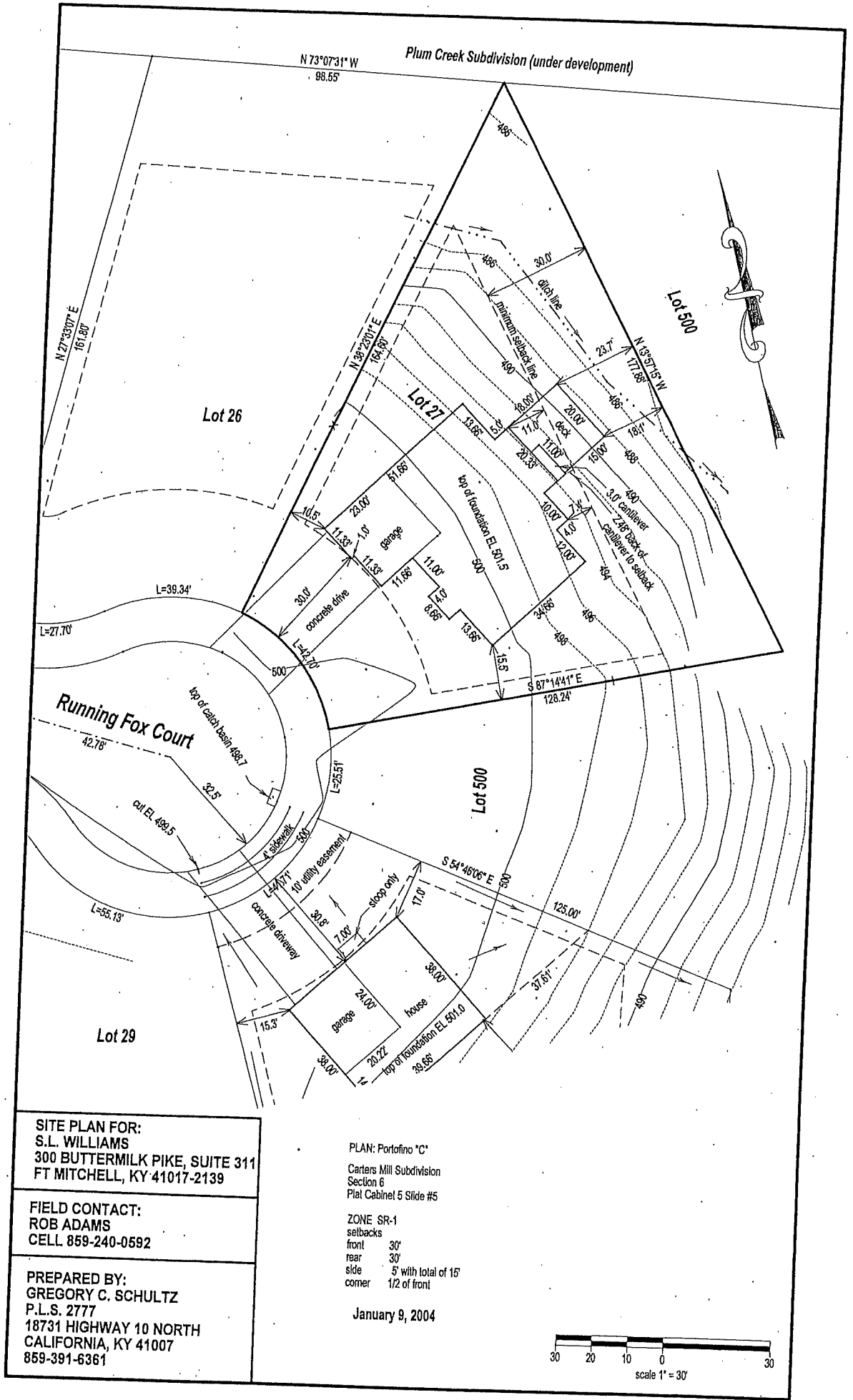
Lot 27, Carters Mill Site Vicinity Map

600 0 600 Feet

1 inch equals 600 feet

Produced by the
Boone County Planning Commission.
GIS Services Division
January 16, 2004





Plum Creek Subdivision (under development)

N 73°07'31" W
98.55'

N 27°30'07" E
161.80'

Lot 26

N 36°22'01" E
104.80'

Lot 27

Lot 500

Running Fox Court

L=27.70'

L=39.34'

Lot 29

Lot 500

SITE PLAN FOR:
S.L. WILLIAMS
300 BUTTERMILK PIKE, SUITE 311
FT MITCHELL, KY 41017-2139

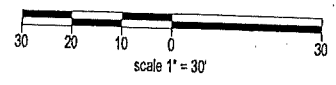
FIELD CONTACT:
ROB ADAMS
CELL 859-240-0592

PREPARED BY:
GREGORY C. SCHULTZ
P.L.S. 2777
18731 HIGHWAY 10 NORTH
CALIFORNIA, KY 41007
859-391-6361

PLAN: Portofino "C"
 Carters Mill Subdivision
 Section 6
 Plat Cabinet 5 Slide #5

ZONE SR-1
 setbacks
 front 30'
 rear 30'
 side 5' with total of 15'
 corner 1/2 of front

January 9, 2004



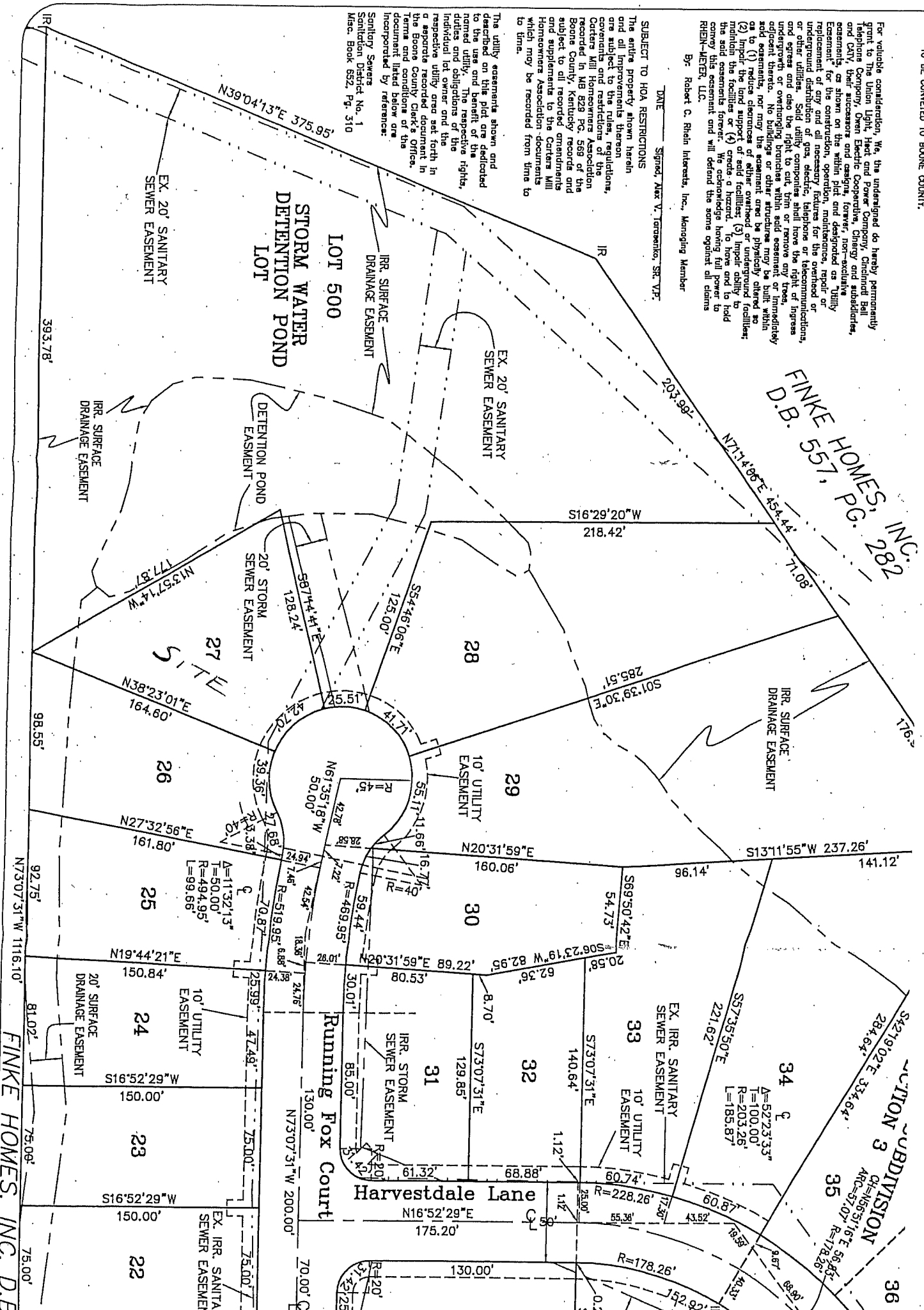
For valuable consideration, We, the undersigned do hereby permanently grant to The Union Light, Heat and Power Company, Cincinnati Bell Telephone Company, Owen Electric Cooperative, Chicago and subsidiaries, their successors and assigns, forever, nor shall our heirs, assigns, or assigns, as shown on the within plot and designated as Utility Easement for the construction, operation, maintenance, repair or replacement of any and all necessary features for the overhead or underground distribution of gas, electric, telephone or telecommunications or other utilities. Said utility companies shall have the right of ingress and egress and also the right to cut, trim or remove any trees, shrubs, or other vegetation or structures within said easement or immediately adjacent thereto. No buildings or other structures may be built within said easement, nor may the easement area be physically altered so as to (1) reduce clearance of either overhead or underground facilities; (2) impede the land support of said facilities; (3) impair ability to maintain the facilities; or (4) create a hazard. To have and to hold the said easement forever, his covenants having full power to convey this easement and will defend the same against all claims RHEIN-METZGER, LLC.

By: Robert C. Rhein Interests, Inc., Managing Member

DONE Signed, Alex V. Iarowenko, SR. VP.

SUBJECT TO HOA RESTRICTIONS
The entire property shown herein and all improvements thereon are subject to the rules, regulations, covenants and restrictions of the Carvers Mill Homeowners Association recorded in MG 829 PG. 568 of the Boone County, Kentucky records and subject to all recorded amendments and supplements to the Carvers Mill Homeowners Association documents which may be recorded from time to time.

The utility easements shown and described on this plot are dedicated to the use and benefit of the utility, the respective rights, duties and obligations of the individual lot owner and the respective utility area set forth in a separate recorded document in the Boone County Clerk's Office. Terms and conditions of the document listed below are incorporated by reference:
Sanitary Sewers Sanitation District No. 1 Mac. Book 652, Pg. 310



FINKE HOMES, INC. D.B. 557, PG. 282

FINKE HOMES, INC. D.B.

SECTION 3 SUBDIVISION 3
Q=146'51'16" E 56'63"
ARC=57'07" R=178.26'

Running Fox Court

Harvestdale Lane

LOT 500
STORM WATER DETENTION POND
EX. 20' SANITARY SEWER EASEMENT
IRR. SURFACE DRAINAGE EASEMENT

27 SITE
20' STORM SEWER EASEMENT
IRR. SURFACE DRAINAGE EASEMENT

26
10' UTILITY EASEMENT

25
10' UTILITY EASEMENT

24
10' UTILITY EASEMENT

23
EX. IRR. SANITARY SEWER EASEMENT

22
EX. IRR. SANITARY SEWER EASEMENT

28
EX. 20' SANITARY SEWER EASEMENT

29
10' UTILITY EASEMENT

30
EX. IRR. SANITARY SEWER EASEMENT

31
IRR. STORM SEWER EASEMENT

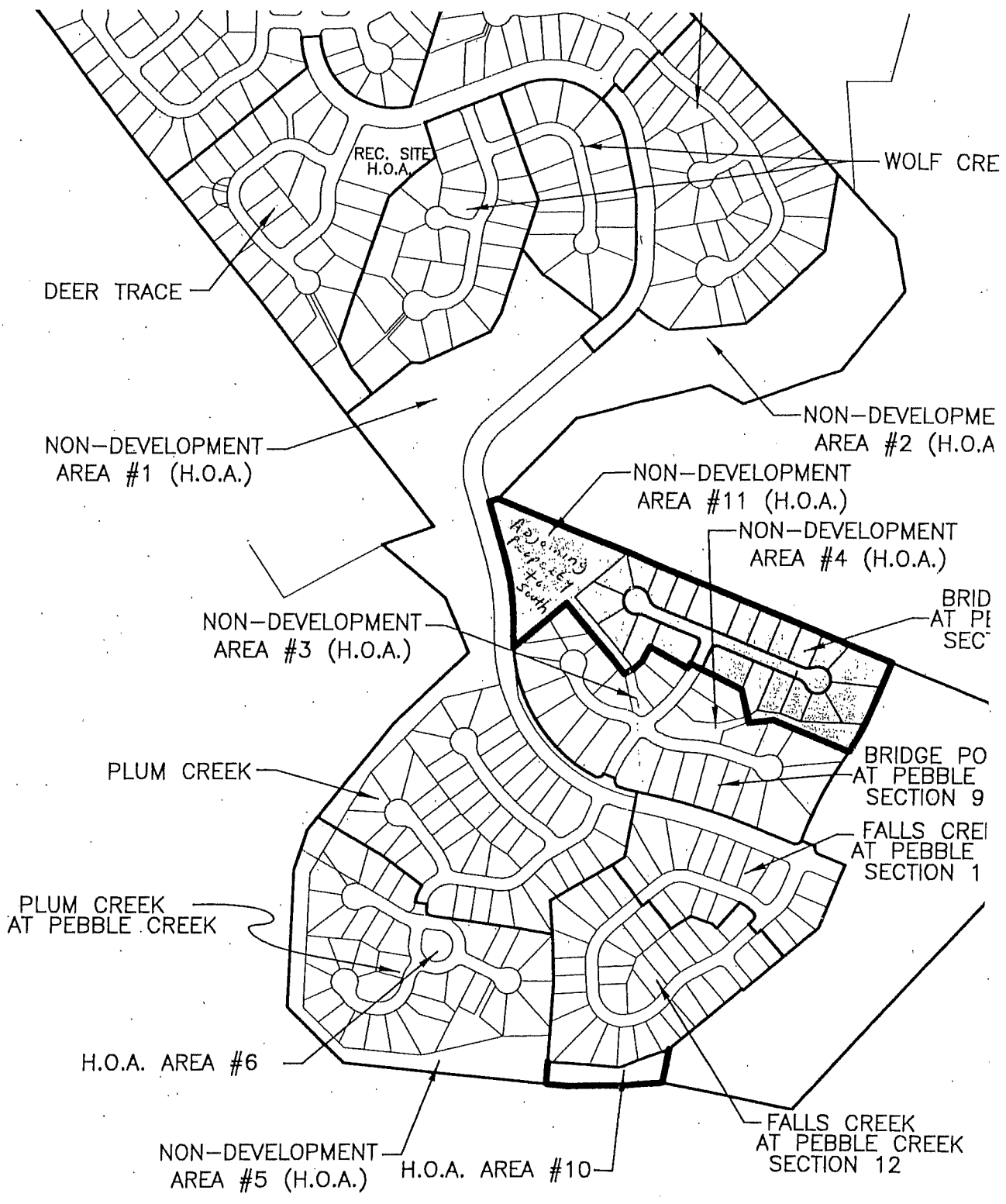
32
EX. IRR. SANITARY SEWER EASEMENT

33
10' UTILITY EASEMENT

34
A=52'23'33"
T=100.00'
R=203.26'
L=185.87'

35
A=146'51'16"
T=56'63"
R=178.26'

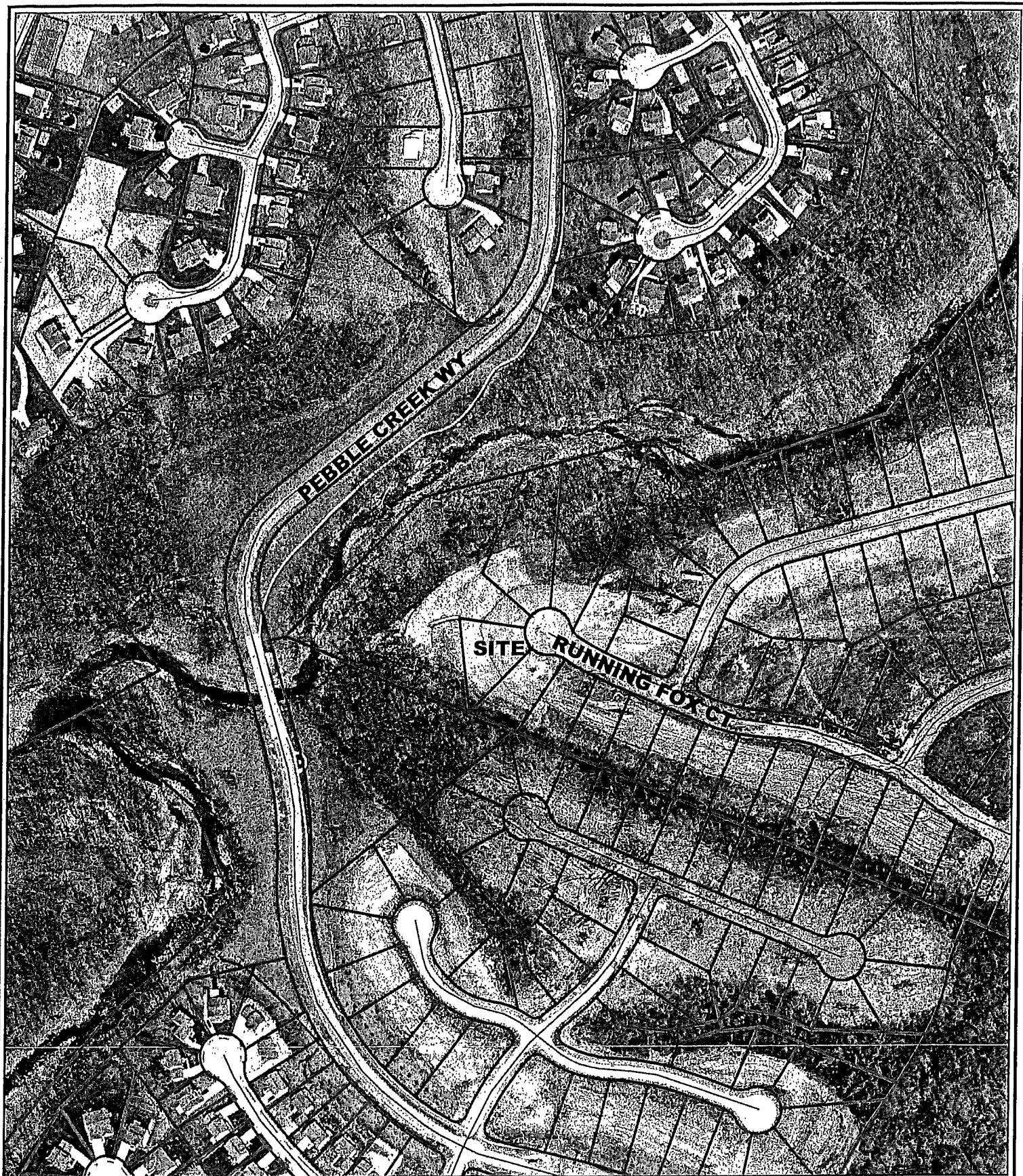
36



INDEX MAP

SCALE: 1" = 500'





Lot 27, Carters Mill Aerial Map

250 0 250 Feet

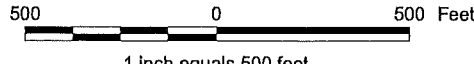
1 inch equals 250 feet

Produced by the
Boone County Planning Commission
GIS Services Division
January 16, 2004



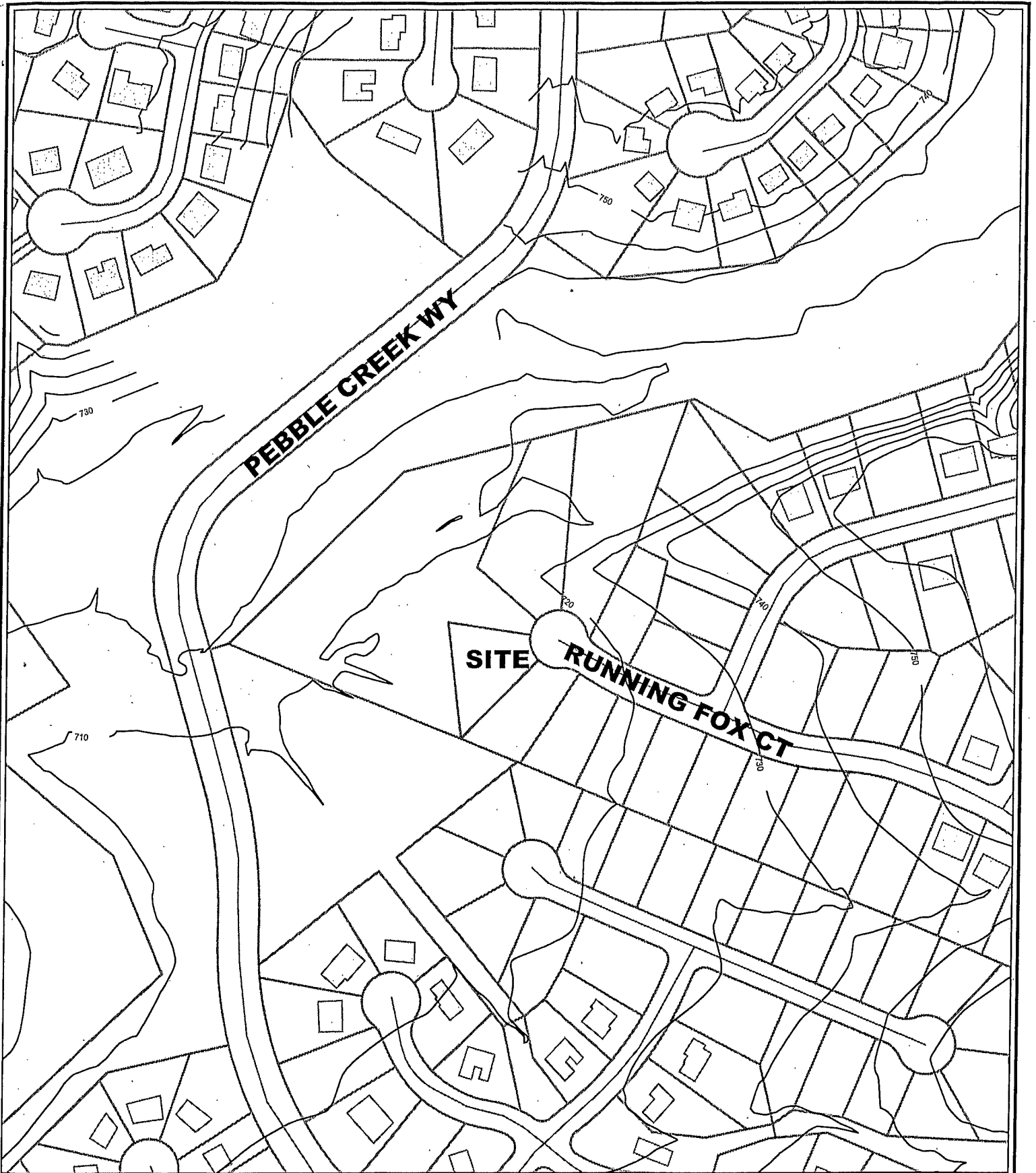


Lot 27, Carters Mill Zoning Map



1 inch equals 500 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 January 16, 2004





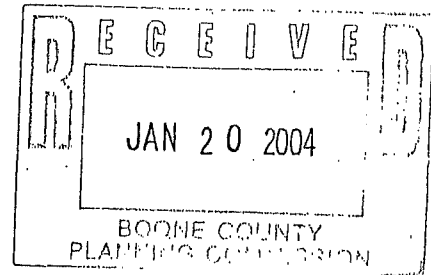
Lot 27, Carters Mill Topographical Map

200 0 200 Feet

1 inch equals 200 feet
Produced by the
Boone County Planning Commission
GIS Services Division
January 16, 2004



January 17, 2004



Linesch
5151 Christopher
Independence, Ky. 41051

To Whom It May Concern:

We would like to be considered for a variance for our future home, lot 27 in Carter's Mill.

Due to the dimensions of the house and lot with the required set back, we're unable to build a larger than standard deck.

We hope we can expand our deck so we can enjoy the beautiful, natural setting which we will have behind our new home.

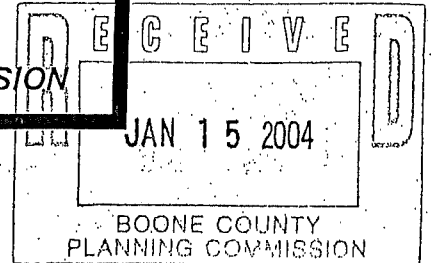
Thank you,

Handwritten signatures of Doug and Donna Linesch in cursive script.

Doug and Donna Linesch

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 S.L. Williams Homes Inc.
Phone Number 344-6410 Fax No. 344-6666
Applicant's Address 300 Buttermilk PK Suit 311
Fr Mitchell KY 40117
City State Zip

4. Description of Request: Rear Set Back need to adjust for larger deck

5. Name of Development Carters Mill

6. Location of Development Pleasant Valley Rd Burlington

7. Acreage Under Review less than 1/2 Acre LOT # 27

8. Lot Number and Name of Subdivision (if part of a subdivision)
27 Carters Mill

9. Owner of Property S.L. Williams Homes Inc.

- Phone Number of Owner same as above

10. Address of Property Owner
City State Zip

11. Proposed Use(s) on Site Residential Home Site

12. Total Square Footage of Existing and/or Proposed Buildings 2030

13. Current Zoning on Property SR 1

14. Deed Book 829 Page No. 569 Group No. 4526

15. Is the site subject to a zone change? Unknown

- 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]

COPY

CLUR #04-BCBOA-004-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

S.L. Williams Homes, Inc.
300 Buttermilk Pike, Suite 311
Ft. Mitchell, KY 41017

2. ADDRESS OF PROPERTY

Running Fox Court
Florence, KY 41042

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Lot 27, Carters Mill

4. DEED BOOK 829

PAGE NO. 569

GROUP NO. 2038A

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

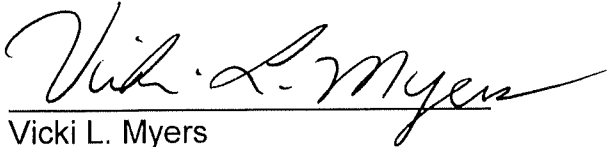
Todd K. Morgan
SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

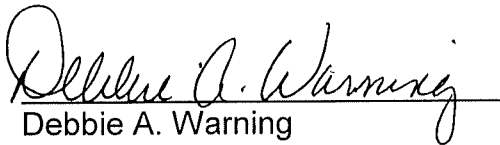
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 12 day of February, 2004.



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 February 11, 2004 Certificate of Land Use Restriction (#04-BCBOA-004-A), for S. L. Williams Homes, Inc., 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 829

PAGE NO. 569

GROUP NO. 2038A