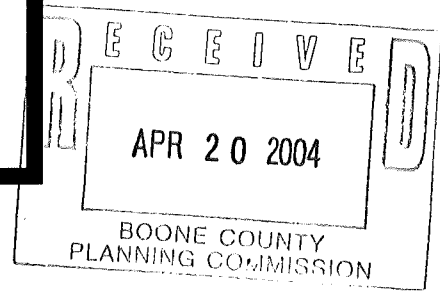


APPLICATION FORM

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 ONE ELEVEN ENGINEERING & SURVEYING PLLC
Phone Number 859 363 9025 Fax No. 859 363 9125
Applicant's Address 5294 MADISON PIKE
INDEPENDENCE KY 41051
City State Zip
4. Description of Request: REDUCE FRONT & REAR YARD SETBACKS TO 24' MINIMUM.
5. Name of Development HAVEN HILL SUBDIVISION
6. Location of Development LOTS 48 & 49, DANBURY DR. FLORENCE, KY 41042
7. Acreage Under Review 0.82
8. Lot Number and Name of Subdivision (if part of a subdivision) LOTS 48 & 49 HAVEN HILL SUBD., SECTIONS 8 & 7
9. Owner of Property SMITH BUILDERS 4039 Dixie Hwy.
Phone Number of Owner 859 727 1999 4018
10. Address of Property Owner ELSMERE KY 41018
City State Zip
11. Proposed Use(s) on Site SINGLE-FAMILY RESIDENCES
12. Total Square Footage of Existing and/or Proposed Buildings 3,500
13. Current Zoning on Property SR-1
14. Deed Book 872 Page No. 692 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: [Signature]

Property Owner's Signature: [Signature]

(over)

**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 4-20-04 Fee Received 853.00 *LA# 38519*
2. Is application complete? _____ Yes _____ No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
5/12/04 **Approved**
Approved with Conditions (See #6)
Denial (See #7)
6. Conditions of Approval: SEE 5/12/04 B.C.B.O.A.
MEETING MINUTES
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: One Eleven Engineering & Surveying
LOCATION: Lot 48 & 49 of Haven Hill Subdivision, Boone County, Kentucky.
ZONING: Suburban Residential One (SR-1)
DATE: May 12, 2004

Proposal

The Applicant is requesting variances to reduce the front yard and rear yard setback requirements of lots 48 & 49 of Haven Hill Subdivision. The request is to reduce the minimum front yard and rear yard setbacks of these flag lots from 30 feet to 24 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.

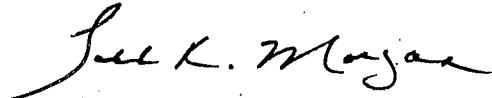
The Board should evaluate the applicant's request as it relates to the criteria necessary for granting a variance as stated in Section 251 of the Boone County Zoning Regulations:

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.

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 requests.

Respectfully submitted,

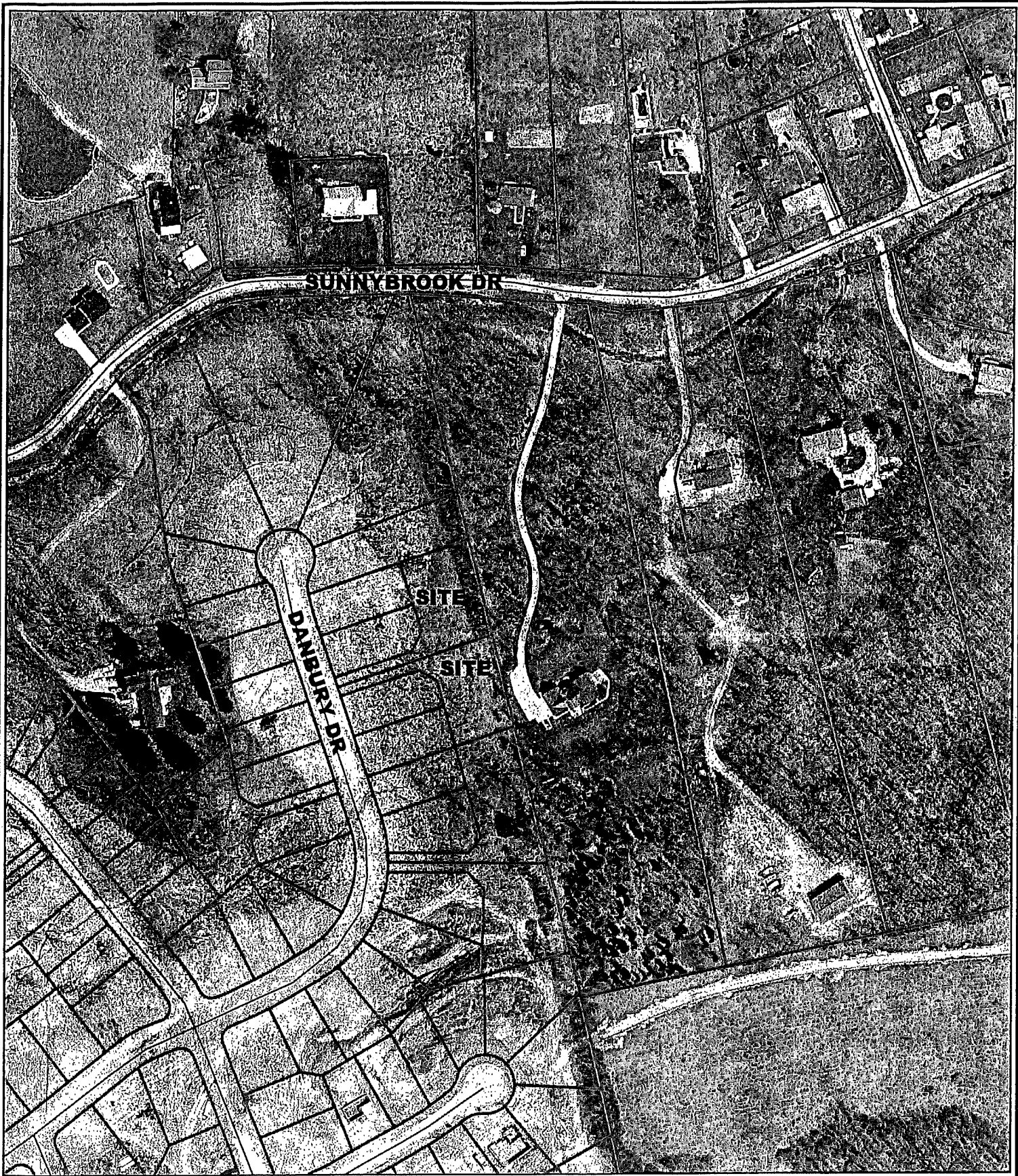


Todd K. Morgan, AICP
Planner, Zoning Services

TKM/pr

Attachments

- Exhibit A – Site Vicinity Map
- Exhibit B – Concept Plan
- Exhibit C – Zoning Map
- Exhibit D – Aerial Map
- Exhibit E – Final Plat, Section 7 of Haven Hill
- Exhibit F – Final Plat, Section 8 of Haven Hill
- Exhibit G – Application



Lots 48 & 49 Haven Hill Aerial Map

200 0 200 Feet

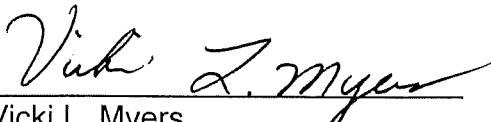
1 inch equals 200 feet
Produced by the
Boone County Planning Commission
GIS Services Division
April 30, 2004



COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

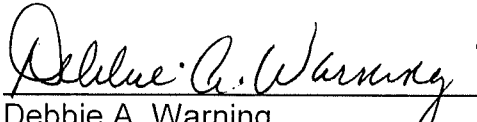
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 17 day of May, 2004.



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 Variances approved by the Boone County Board of Adjustments and in accordance with the current zoning in effect as of May 12, 2004 Certificate of Land Use Restriction (#04-BCBOA-011-A), for Smith Builders, Property Owner(s).

The following conditions will apply:

- 1) The front yards of Lots 48 and 49 are to be screened with three deciduous or evergreen trees per 100 linear feet. The trees are to be selected from Plant List A, B, C or D of the *Boone County Zoning Regulations*. All trees will need to meet the minimum installation size requirements.
- 2) A continuous two hundred foot section of the rear yards of Lots 48 and 49 (145.54' for Lot 48 and 54.46' for Lot 49) will be screened with 9 evergreen trees from Plant List D of the *Boone County Zoning Regulations*. All trees will need to meet the minimum installation size requirements.

The approved Variances as well as the preceding conditions apply to the property described in:

DEED BOOKS & PAGES 872/692, 872/695

GROUP NO. 2057