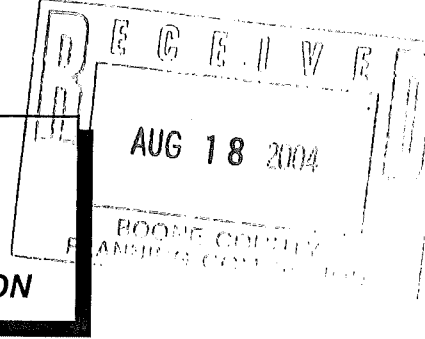


04-BCBOA-027-A

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 [checked] Variance _____ Appeal _____
Change in Non-Conforming Use _____
3. Applicant's Name KEYSTONE HOME BUILDERS INC
Phone Number 859-384-2600 Fax No. 859-384-2335
Applicant's Address 9868 HWY 42
UNION KY 41091
City State Zip
4. Description of Request: VARIANCE FOR FRONT AND REAR SET BACKS ON LOTS 141 AND 142 STEEPLECHASE SUBDN.
5. Name of Development STEEPLECHASE SUBDN
6. Location of Development RICHWOOD AREA OFF OF RICHWOOD ROAD
7. Acreage Under Review _____
8. Lot Number and Name of Subdivision (if part of a subdivision) LOTS 141 AND 142 STEEPLECHASE SUBDN
9. Owner of Property CHASE, REESE, CARLISLE, INC
Phone Number of Owner 859-578-8050
10. Address of Property Owner 519 ENTERPRISE DR., SUITE 103
CRESCENT SPRINGS, KY 41017
City State Zip
11. Proposed Use(s) on Site SINGLE FAMILY RESIDENCES
12. Total Square Footage of Existing and/or Proposed Buildings PROX 2000 SF living space
13. Current Zoning on Property SR1 / PD
14. Deed Book 863 Page No. 960 Group No. 2071
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: Cindy Hanger, President Keystone Home Builders

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 8-18-04 Fee Received \$ 1173.00 R# 39938
2. Is application complete? Yes No
3. Staff Reviewer [Signature]
4. Scheduled Board Action Date 9/8/04
5. Board Action:
 Approved
 Approved with Conditions (See #6)
 Denial (See #7).
6. Conditions of Approval: ~~See #6~~
*See 9/8/04 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: Keystone Home Builders, Inc.

LOCATION: Proposed Lots 141 & 142 of Steeplechase Subdivision, Boone County, Kentucky.

ZONING: Suburban Residential One/Planned Development (SR-1/PD)

DATE: September 8, 2004

Proposal

The Applicant is requesting variances to reduce the front yard and rear yard setback requirements of lots 141 & 142 of Steeplechase Subdivision. The request is to reduce the minimum front yard and rear yard setbacks of these flag lots from the required 30 feet. Lot 141 is requesting a front yard setback of 11 feet and a rear yard setback of 15 feet. Lot 142 is requesting a front yard setback of 10 feet and a rear yard setback of 20 feet. Copies of the Concept Plans are attached for your review.

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.

Surrounding Land Uses and Zoning

The approximate location of proposed lots 141 & 142 are located within Steeplechase Subdivision and are zoned Suburban Residential One (SR-1). The following land uses adjoin the proposed lots:

- North: Single-Family Residential Lots on Wexford Drive in Steeplechase Subdivision (SR-1/PD)
- South: Single-Family Residential Lots across retention pond on Winchester Drive in Steeplechase Subdivision (SR-1/PD)
- East: Proposed Single-Family Residential Lots on Trumpeter Court in Steeplechase Subdivision (SR-1/PD)
- West: Grand National Boulevard

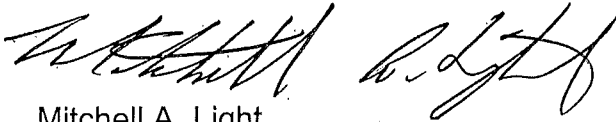
Staff Comments

1. Staff would like to point out that Article 40 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. As a result, the orientation of a house on a flag lot is not used in determining the front, rear, or side yard setbacks.
2. The BCBOA have heard similar requests in the previous months. Conditions on prior requests have included evergreen screening. This request is unique in that these lots back-up to a "lake." As Exhibit "E" shows, the existing home on lot 171 is located approximately 55 feet from the proposed home on lot 142. The setbacks within this section of Steeplechase are - Front: 30' minimum, Rear: 30' minimum, and Side: 5' minimum - 15' total.

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,

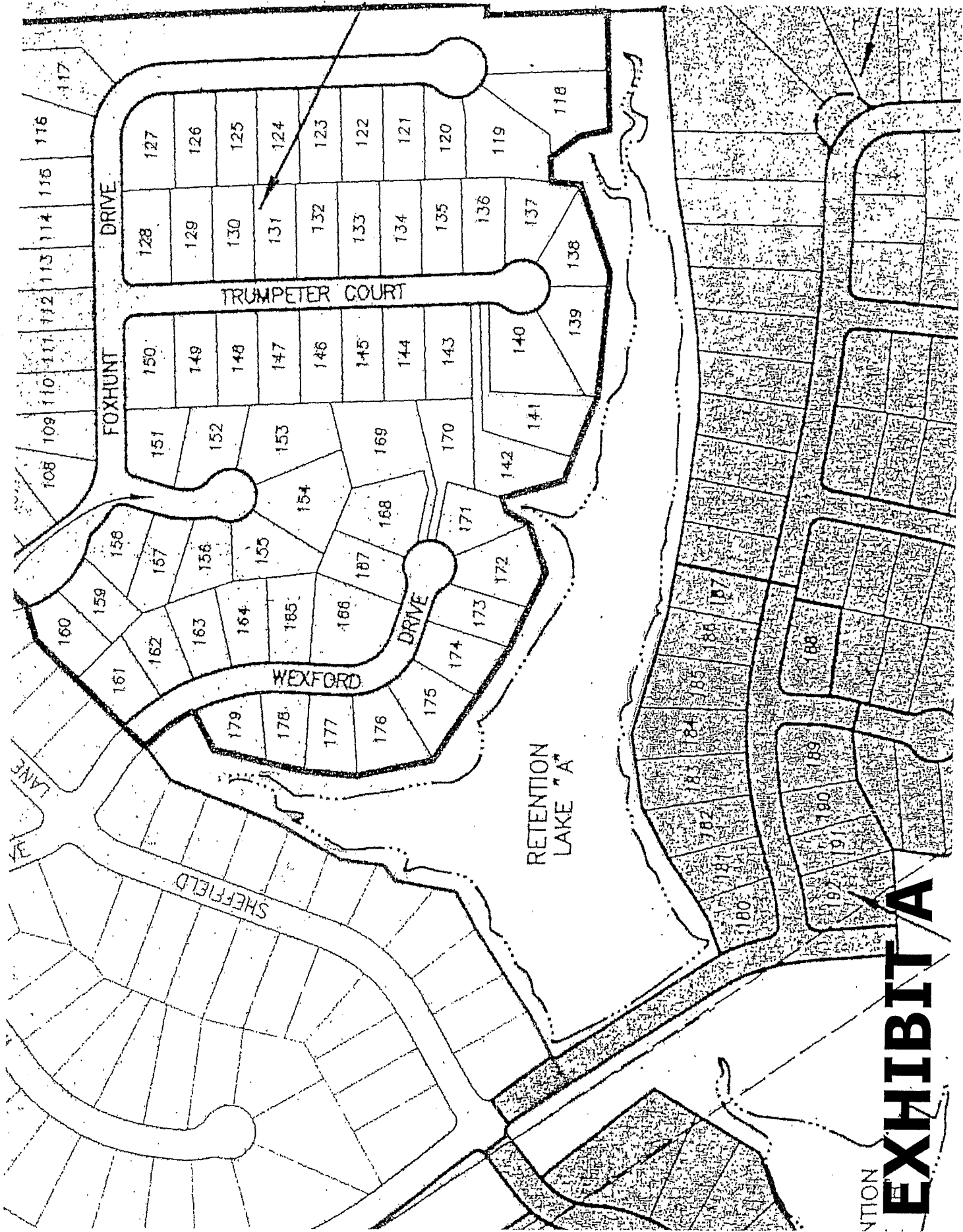


Mitchell A. Light
Asst. Zoning Administrator/Enforcement Officer

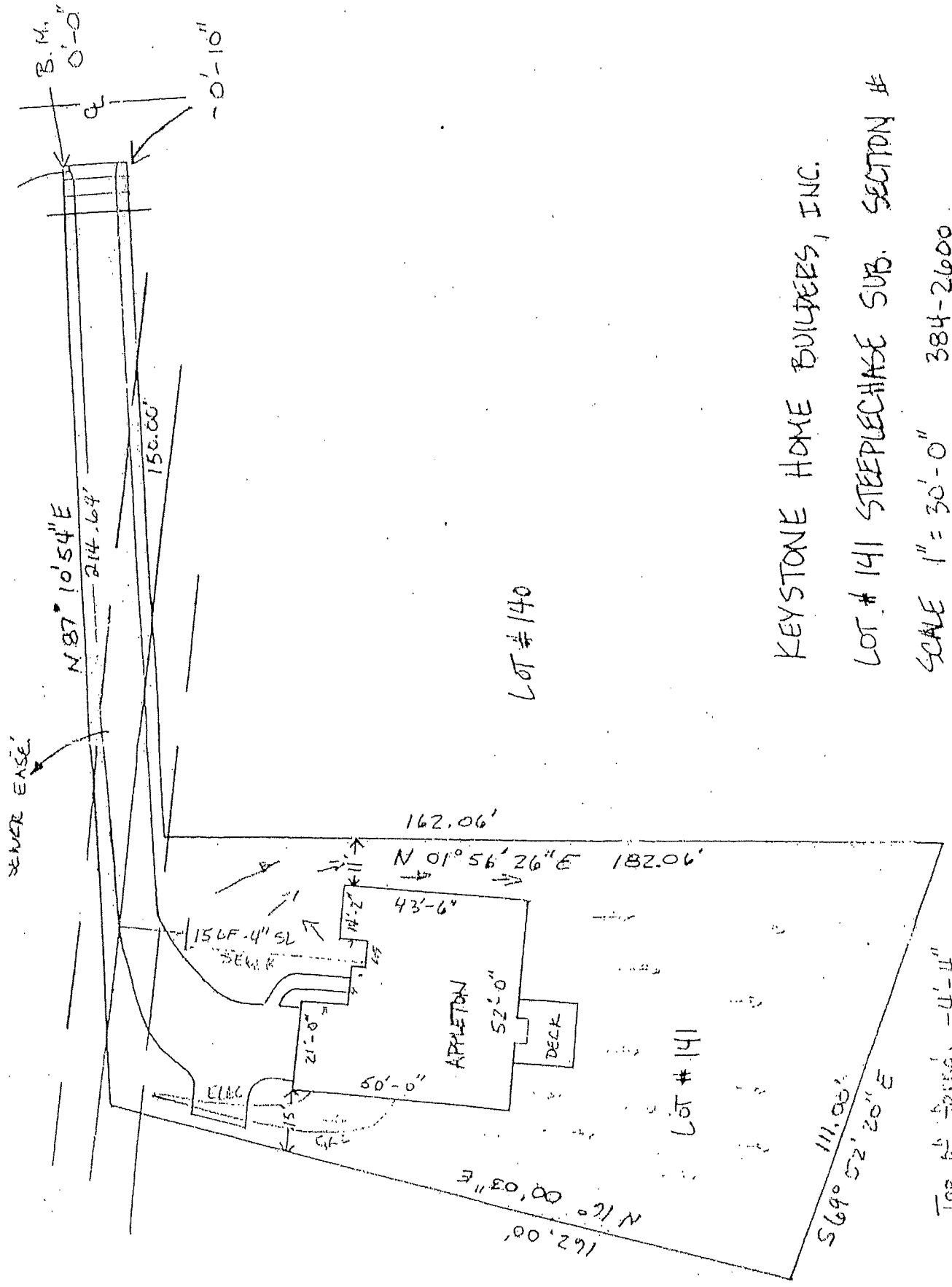
MAL\pr

Attachments

- Exhibit A – Site Vicinity Map
- Exhibit B – Improvement Plan
- Exhibit C – Concept Plan - Lot 141
- Exhibit D – Concept Plan - Lot 142
- Exhibit E – Concepts With Existing Homes
- Exhibit F – Zoning Map
- Exhibit G – 2002 Aerial Photography
- Exhibit H – Application



NATION
EXHIBIT A



LOT # 140

LOT # 141

KEYSTONE HOME BUILDERS, INC.

LOT # 141 STEEPLECHASE SUB. SECTION #

SCALE 1" = 30'-0" 384-2600

Top of foundation -4'-4"

EXHIBIT C

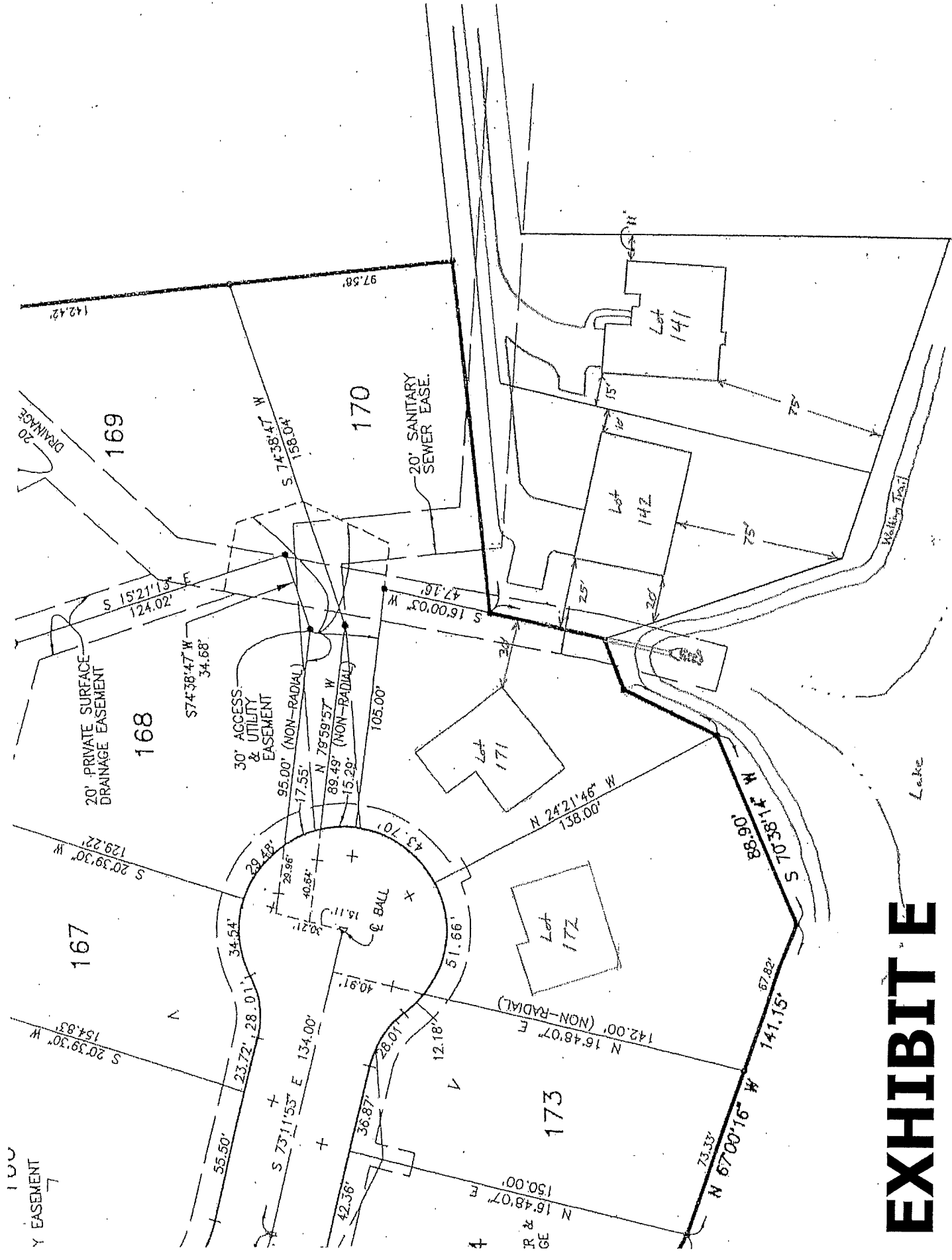


EXHIBIT E

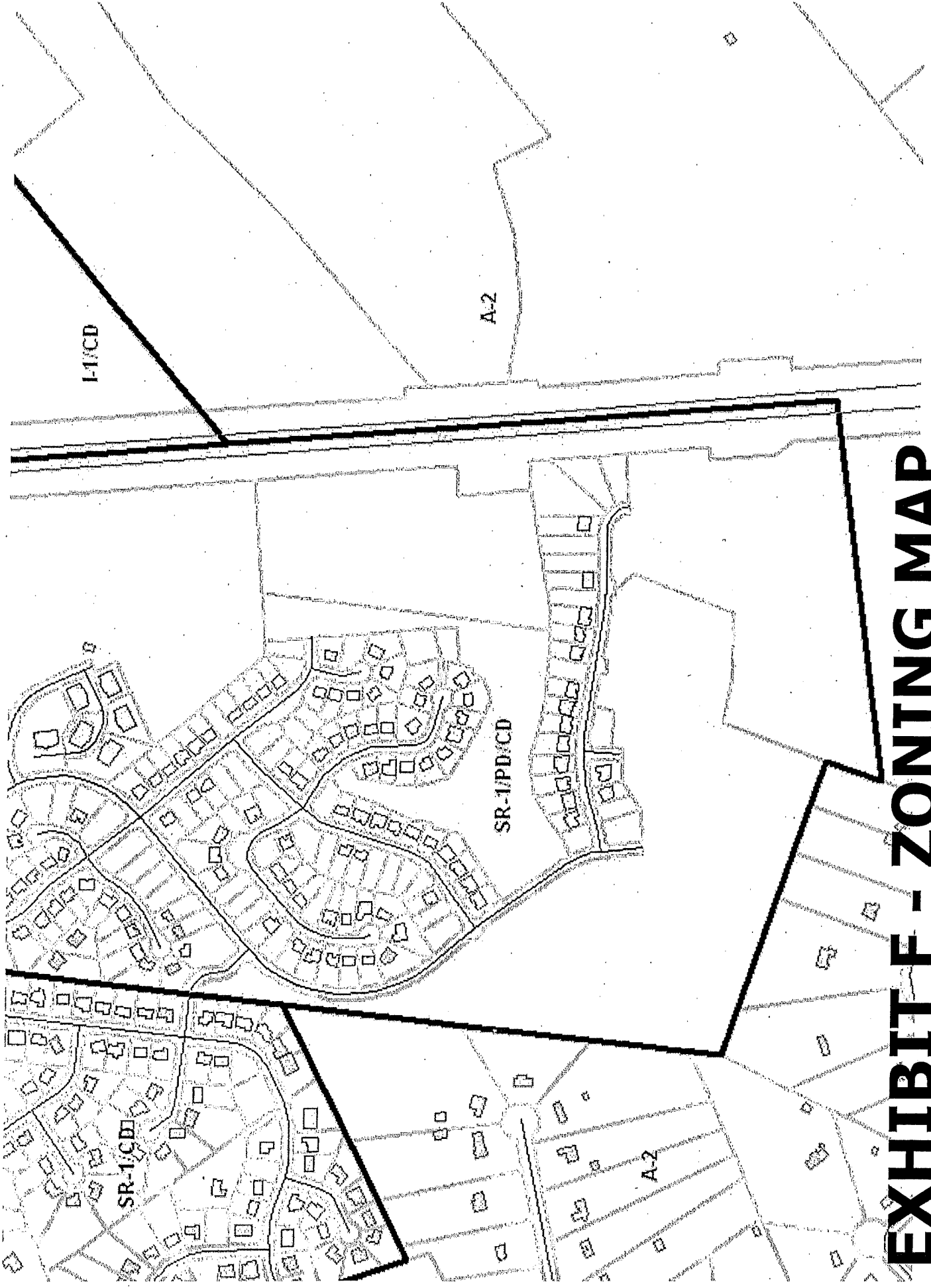


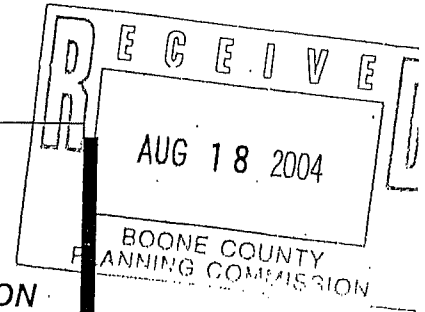
EXHIBIT F - ZONING MAP



EXHIBIT G - 2002 PHOTOGRAPHY

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 _____ Florence _____ Walton _____ Union _____
- 2. (Check One) _____ Conditional Use Permit Variance _____ Appeal _____
_____ Change in Non-Conforming Use
- 3. Applicant's Name KEYSTONE HOME BUILDERS INC
Phone Number 859-384-2600 Fax No. 859-384-2335
Applicant's Address 9868 HWY 42
UNION KY 41091
City State Zip
- 4. Description of Request: VARIANCE FOR FRONT AND REAR SET BACKS ON
LOTS 141 AND 142 STEEPLCHASE SUBDN.
- 5. Name of Development STEEPLCHASE SUBDN
- 6. Location of Development RICHWOOD AREA OFF OF RICHWOOD ROAD
- 7. Acreage Under Review _____
- 8. Lot Number and Name of Subdivision (if part of a subdivision)
LOTS 141 AND 142 STEEPLCHASE SUBDN
- 9. Owner of Property CHASE, REESE, CARLISLE, INC
Phone Number of Owner 859-578-8050
- 10. Address of Property Owner 519 ENTERPRISE DR., SUITE 103
CRESCENT SPRINGS, KY 41017
City State Zip
- 11. Proposed Use(s) on Site SINGLE FAMILY RESIDENCE
- 12. Total Square Footage of Existing and/or Proposed Buildings PROX 2000 SF LIVING SPACE
- 13. Current Zoning on Property SR1 / PD
- 14. Deed Book 863 Page No. 960 Group No. _____
- 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: Aindy Hanger, President Keystone Home Bldrs

Property Owner's Signature: [Signature]

COPY

CLUR #04-BCBOA-027-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Chase, Reese, Carlisle, Inc.
519 Enterprise Drive, Suite 103
Crescent Springs, KY 41017

2. ADDRESS OF PROPERTY

Grand National Blvd.
Walton, KY 41094

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Steeplechase, Lots 141 and 142

4. DEED BOOK 863

PAGE NO. 960

GROUP NO. 2071

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:

Variances

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

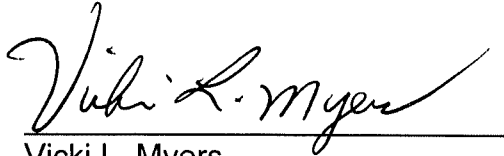

SIGNATURE OF COMPLETING OFFICIAL

Mitchell A. Light, Asst. Zoning Administrator
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

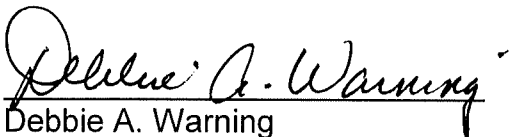
Subscribed, sworn to, and acknowledged before me by Mitchell A. Light on behalf of the
Boone County Planning Commission this 13 day of September, 2004.



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 September 8, 2004 Certificate of Land Use Restriction (#04-BCBOA-027-A), for Chase, Reese, Carlisle, Inc., Property Owner(s).

The following conditions will apply:

- 1) Two six-foot tall evergreen trees are to be planted in the 30-foot section on the left rear corner of Lot #42 closest to the walking trail.

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

DEED BOOK 863

PAGE NO. 960

GROUP NO. 2071