

APPLICATION FORM

15 16 17 18 19 20

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

AUG 18 2004

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 CANTERING HILLS LLC
Phone Number (859) 578-4261 Fax No (859) 578-0480
Applicant's Address % DREES CO. 211 GRANDVIEW DR
FT MITCHELL KY 41017
4. Description of Request: VARIANCE FROM FRONT YARD SETBACK AND REAR YARD SETBACK
5. Name of Development CANTERING HILLS @ STEEPLECHASE
6. Location of Development OFF CANTERING HILLS DR AT STEEPLECHASE SUBDIVISION
7. Acreage Under Review 27.7 ac.
8. Lot Number and Name of Subdivision (if part of a subdivision) NA
9. Owner of Property PERFECTA PROPERTIES LLC
Phone Number of Owner (859) 655-2300 ATTN DOUG LANGE
10. Address of Property Owner 7450 INDUSTRIAL RD
FLORENCE KY 41042
11. Proposed Use(s) on Site ATTACHED SINGLE FAMILY (CONDOMINIUM) HOMES, GARAGES-DETACHED & COMMUNITY BLDG.
12. Total Square Footage of Existing and/or Proposed Buildings -
13. Current Zoning on Property SR-1/PD
14. Deed Book 802 Page No. 538 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: Michael Schuetzlbatt THE DREES CO MANAGING MEMBER

Property Owner's Signature: Jeffrey W. Langer M. member

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 \$599.00 R# 39934
2. Is application complete? _____ Yes NO \$350.00 R#39955
3. Staff Reviewer KEVIN WALL
4. Scheduled Board Action Date _____
5. Board Action:
 Approved
 Approved with Conditions (See #6) 10/13/04
 Denial (See #7).
6. Conditions of Approval: PLANTINGS FROM BUFFER YARD C
SHALL BE PROVIDED AROUND THE T TURN-AROUNDS
7. Reasons for Denial: _____

Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005
(859) 334-2196 - Phone
(859) 334-2264 - Fax
plancom@boonecountky.org - E-mail
www.boonecountky.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: Canterring Hills LLC

LOCATION: North and East of Cantoring Hills Way, East of Grand National Boulevard and to the West of I-71/75 (Steeplechase Subdivision), Boone County, Kentucky.

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

DATE: September 8, 2004

Proposal

The Applicant has requested a variance for twenty seven proposed townhouse style condominium structures, five detached garage buildings, and a community clubhouse from the thirty foot (30') required front yard setback. The proposed front yard setbacks for the condominium structures for which the front yard variance is requested (requested for most, but not all condo buildings) range from 18.03 feet to 28.88 feet, between 8.21 feet to 9.0 feet for the detached garages, and 24.25 feet for the community building. The Applicant has also requested a variance for four of the proposed condominium buildings from the thirty foot (30') required rear yard setback. The proposed rear yard setbacks for these structures ranges from 21.0 feet to 24.45 feet. The specific setbacks requested are outlined on the attached Concept Development Plan.

Site History

The Zoning Map Amendment/Concept Development Plan approval from A-2 and EPD to SR-1/PD for the overall 189 acre Steeplechase development was granted in 1997. The approval was for 311 detached single family residences and 372 attached/condominium style units. The condominium section of the development is now comprised of the original "Reserves at Steeplechase" phase (48 units at full build out) and the remaining "Cantering Hills" phase which is the subject of this application (227 units at full build out; 275 total for the entire condominium section of Steeplechase which is 97 units less than permitted under the approved Concept Development Plan). Although setback reductions can be approved through the Concept Development Plan process, the approved Concept Development Plan indicated that the condominium section would have private streets, where the setbacks are measured around the perimeter of the entire phase. The current proposal is to have public streets and rights-of-way throughout the Canterring Hills portion of the condominium section, therefore creating multiple lots where the setbacks are measured on a "lot by lot" basis. For the Board's information, the Zoning Administrator has determined that the change from private to public streets and the general building arrangement are minor changes in the approved Concept Development Plan, however, the Zoning Administrator is not empowered to alter setback requirements. All of the proposed reduced setbacks are within the interior of the Canterring Hills phase itself (i.e., no reduced setbacks are proposed along the perimeter adjoining any other phase or development).

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 adjoining land uses and zoning include the following

- North: Vacant area that is approved for an apartment development (UR-1).
- South: A partially developed detached single family phase of Steeplechase Subdivision (SR-1/PD).

East: I-71/75.

West:: The partially developed "Reserves at Steeplechase" condominium phase is located immediately west of the central part of the subject site along the east side of Grand National Boulevard, and a detached single family phase of Steeplechase Subdivision and community clubhouse/pool facility are located further to the west along the west side of Grand National Boulevard (all are SR-1/PD).

Staff Comments

In staff's view, the variance requests are somewhat of an academic exercise. The same basic building layout is permitted under the approved Concept Development Plan provided private streets are utilized and thereby not creating multiple lots. This proposal has substantially less units than are approved for the phase, which at least theoretically attests to some difficulty in creating a viable project with public streets under the normal SR-1 setbacks, and none of the reduced setbacks would adjoin properties that are not part of these variance requests. However, the Board should analyze if the request will deprive the applicant of the reasonable use of the land or will 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 requests.

Respectfully submitted,

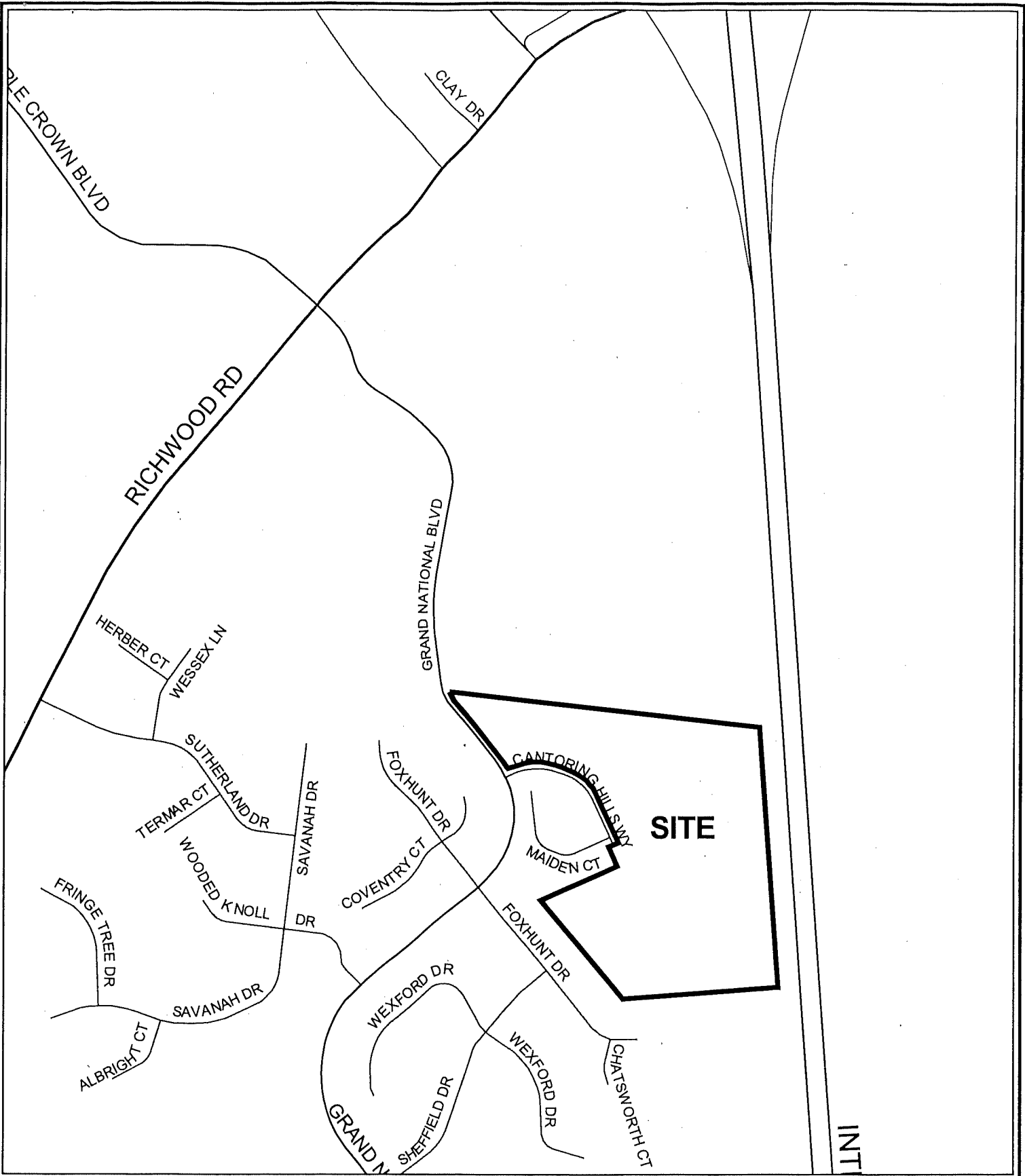


Kevin T. Wall, AICP
Director, Zoning Services

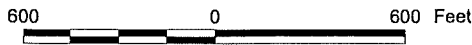
KTW/pr

Attachments

- * vicinity map
- * aerial photo w/ zoning boundaries
- * application form and Concept Development Plan

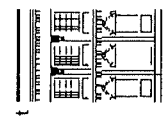


Vicinity



1 inch equals 600 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 August 23, 2004

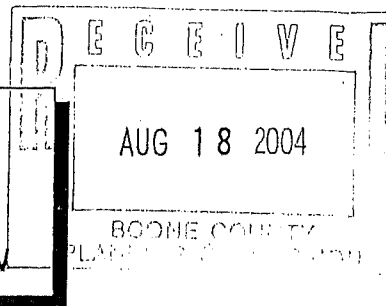




1 inch equals 300 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 August 23, 2004

Zoning

APPLICATION FORM



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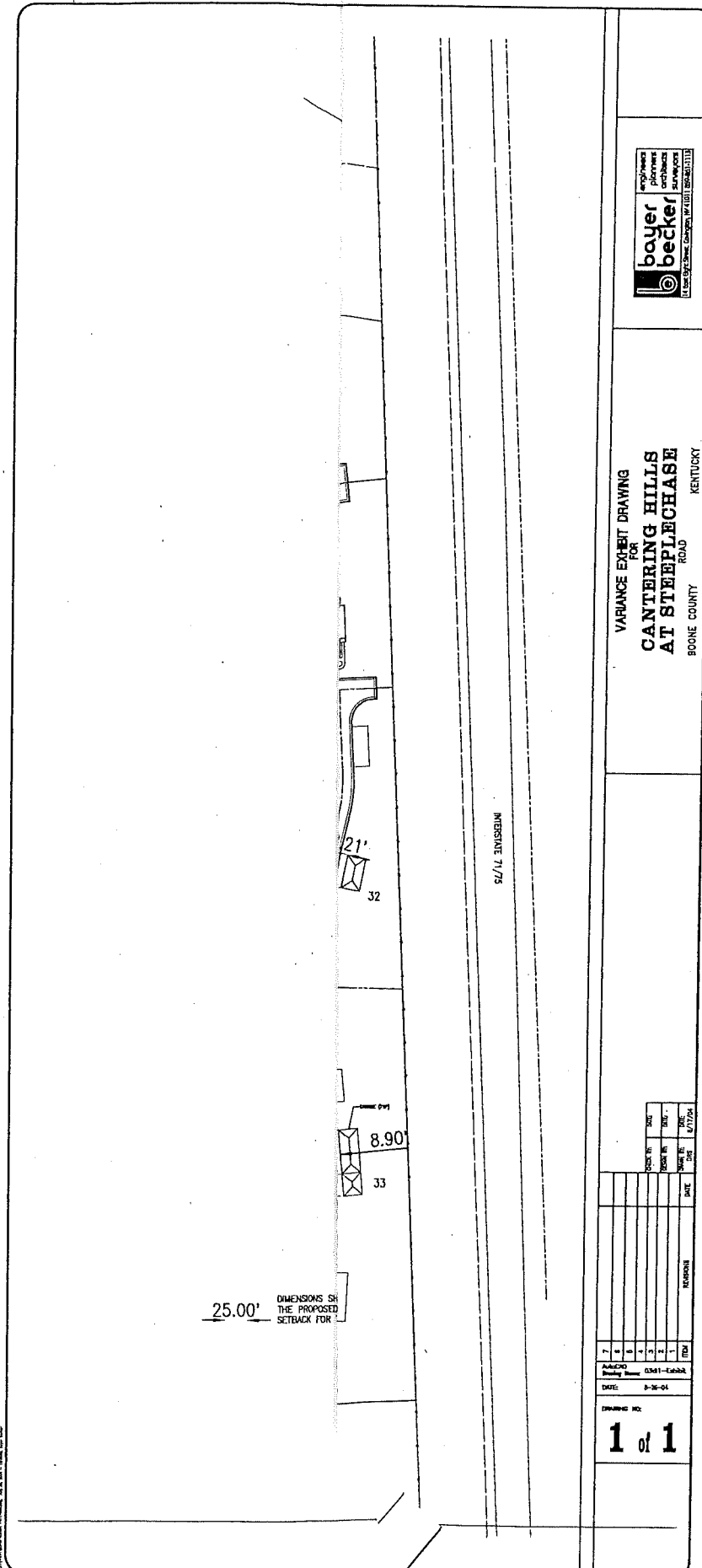
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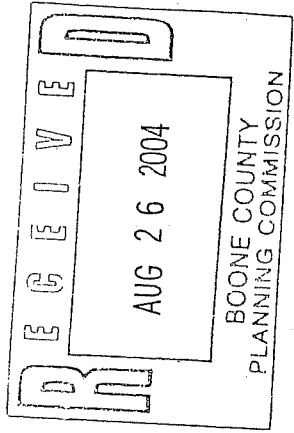
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VARIANCE EXHIBIT DRAWING
FOR
**CANTERING HILLS
AT STEEPLECHASE**
ROAD
BOONE COUNTY KENTUCKY

NO.	REVISION	DATE
1		
2		
3		
4		
5		
6		
7		

APPROVED: _____ DATE: 8-26-04
 DRAWING NO: **1 of 1**



COPY

CLUR #04-BCBOA-030-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Perfecta Properties LLC
7450 Industrial Road
Florence, KY 41042

2. ADDRESS OF PROPERTY

Cantering Hills Drive
Walton, KY 41094

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Cantering Hills @ Steeplechase

4. DEED BOOK 862

PAGE NO. 538

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:

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

Kevin T. Wall, Director, Zoning Services
Name and Title of Completing Official

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 October 14, 2004 Certificate of Land Use Restriction (#04-BCBOA-030-A), for Perfecta Properties LLC, Property Owner(s).

The following conditions will apply:

- 1) Buffer Yard C landscaping is required around the three turnarounds as shown on the drawing attached to the Staff Report and as discussed at the September 8, 2004 Public Hearing.

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

DEED BOOK 862

PAGE NO. 538

GROUP NO. 2071

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

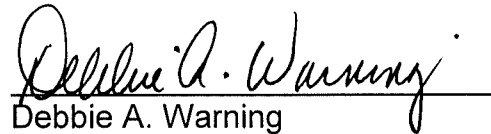
Subscribed, sworn to, and acknowledged before me by Kevin T. Wall on behalf of the
Boone County Planning Commission this 20 day of October, 2004.



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.)