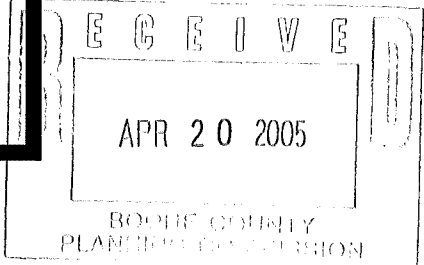


APPLICATION FORM

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 \_\_\_\_\_
3. Applicant's Name KEYSTONE HOME BUILDERS INC - CINDY HAUGER
Phone Number 859-384-2600 Fax No. 859-384-2335
Applicant's Address 9868 OLD UNION ROAD UNION KY 41091
4. Description of Request: REQUEST VARIANCE FOR FRONT YARD SETBACK REQUIREMENT ON GARAGE FRONT CORNER OF HOUSE
5. Name of Development STEEPCHASE SUBDIVISION
6. Location of Development LOT 73 STEEPCHASE 376 WEYFORD DRIVE, WALTON, KY 41094
7. Acreage Under Review
8. Lot Number and Name of Subdivision (if part of a subdivision) LOT #73 STEEPCHASE SUBDIVISION
9. Owner of Property KEYSTONE HOME BUILDERS INC
Phone Number of Owner 859-384-2600
10. Address of Property Owner UNION KY 41091
11. Proposed Use(s) on Site SINGLE FAMILY RESIDENCE 2 STORY HOUSE WITH 2-CAR ATTACHED GARAGE
12. Total Square Footage of Existing and/or Proposed Buildings 2440
13. Current Zoning on Property SR1 / PD
14. Deed Book 878 Page No. 626 Group No. 2071
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: Cindy Hauger Pres.
Property Owner's Signature: Cindy Hauger Pres.

**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 4-20-05 Fee Received \$536.00 RT#42134  
2. Is application complete?  Yes  No  
3. Staff Reviewer K. Costello  
4. Scheduled Board Action Date 5/11/05  
5. Board Action:  
 Approved  
 **Approved with Conditions** (See #6)  
 Denial (See #7)  
6. Conditions of Approval: The applicant shall be required to submit a revised zoning permit to the BCPC showing the revised building setbacks for the house and a landscape plan to mitigate the visual impact of the garage being closer to the road. The landscape plan shall be reviewed and approved by both the applicant and the staff of the BCPC.  
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: Keystone Homebuilders, Inc.

LOCATION: Lot #73 Steeplechase Subdivision (376 Wexford Drive)  
Boone County, Kentucky

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

DATE: May 11, 2005

### History & Proposal

The Applicant is requesting a variance to reduce the front yard building setback requirement on lot 73 in Steeplechase Subdivision. The request is to reduce the minimum front yard from 30 feet to 18 feet. Thus, the Applicant is requesting a 12 foot variance of the building setback. Lot 73 is located across the street from a landscaped island, which provides a buffer for lots 94, 95, 96 and 97 of the subdivision. The site was subject to a zone change request in 1997. The Preliminary Plat for the subdivision was also approved in 1997. On January 27, 2005 a Zoning Permit was approved by the Boone County Planning Commission to construct a two story house. The approved Zoning Permit showed the 30 foot front yard setback.

### 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

Lot 73 is located within Steeplechase Subdivision and is zoned Suburban Residential One/Planned Development (SR-1/PD). The following land uses adjoin the tract:

North: Single-Family Residential Lots in Steeplechase Subdivision (SR-1/PD)

South: Single-Family Residential Lots in Steeplechase Subdivision (SR-1/PD)

East: Single-Family Residential Lots in Steeplechase Subdivision (SR-1/PD)

West: Single Family Residential Lots in Steeplechase Subdivision (SR-1/PD)

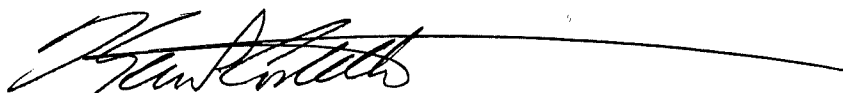
Staff Comments

1. Even though the Applicant has stated that a measuring error occurred on this corner lot, the staff recommends that if the Board should grant the Variance, that the Board consider requiring additional plantings to mitigate the visual impact as the house sits closer to the road. This can be done by placing these features in the front yard or in the landscaped island if permission is granted.

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,



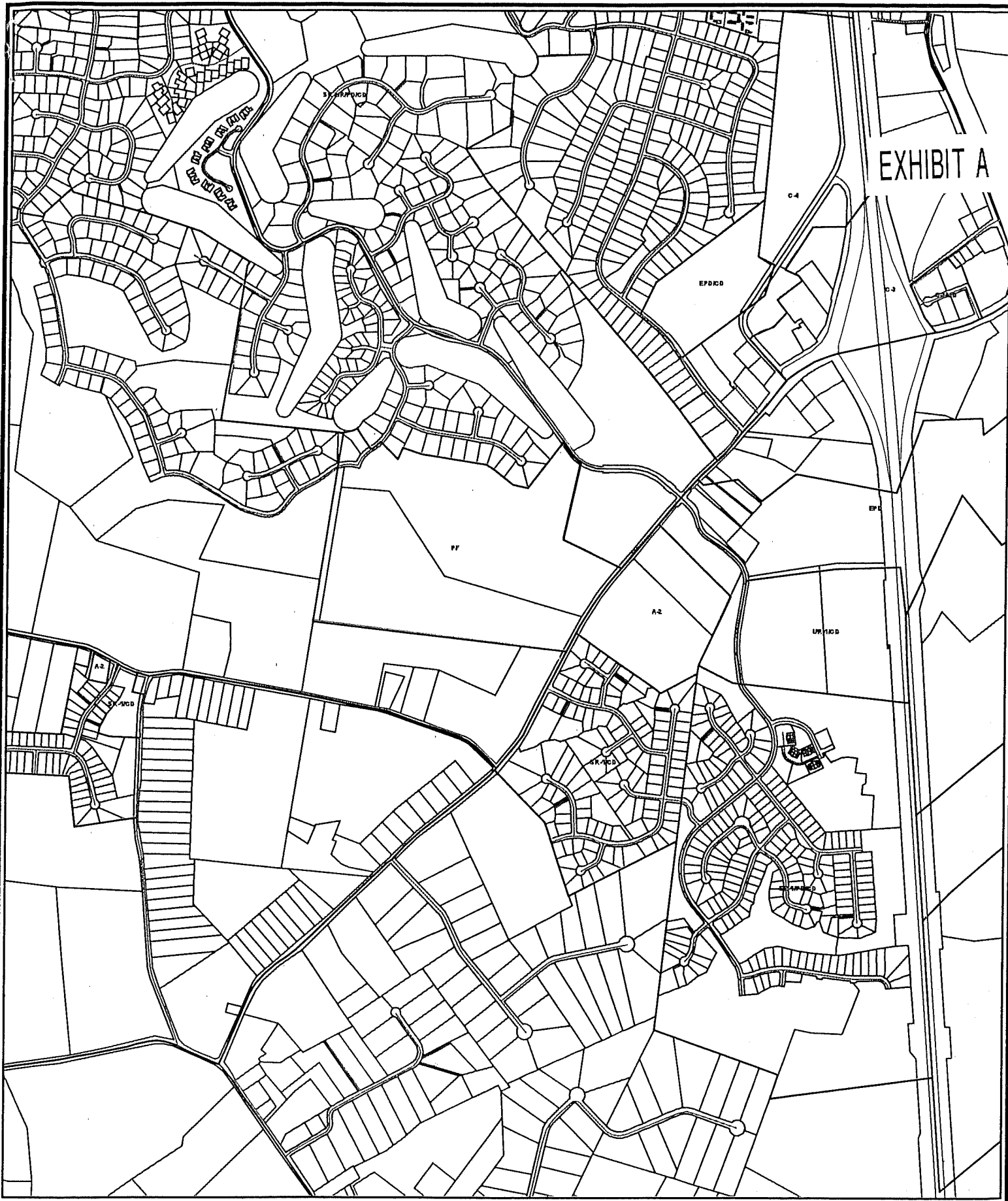
Kevin P. Costello, AICP  
Executive Director

KPC/pr

Attachments

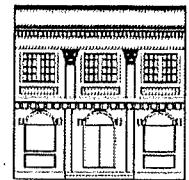
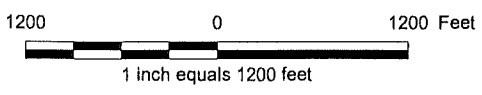
- Exhibit A – Vicinity Map
- Exhibit B – Aerial Map
- Exhibit C – Final Plat, Section 4 of Steeplechase
- Exhibit D – Approved Zoning Permit
- Exhibit E – Location Survey provided by Applicant
- Exhibit F – Application
- Exhibit G – Letter from Applicant

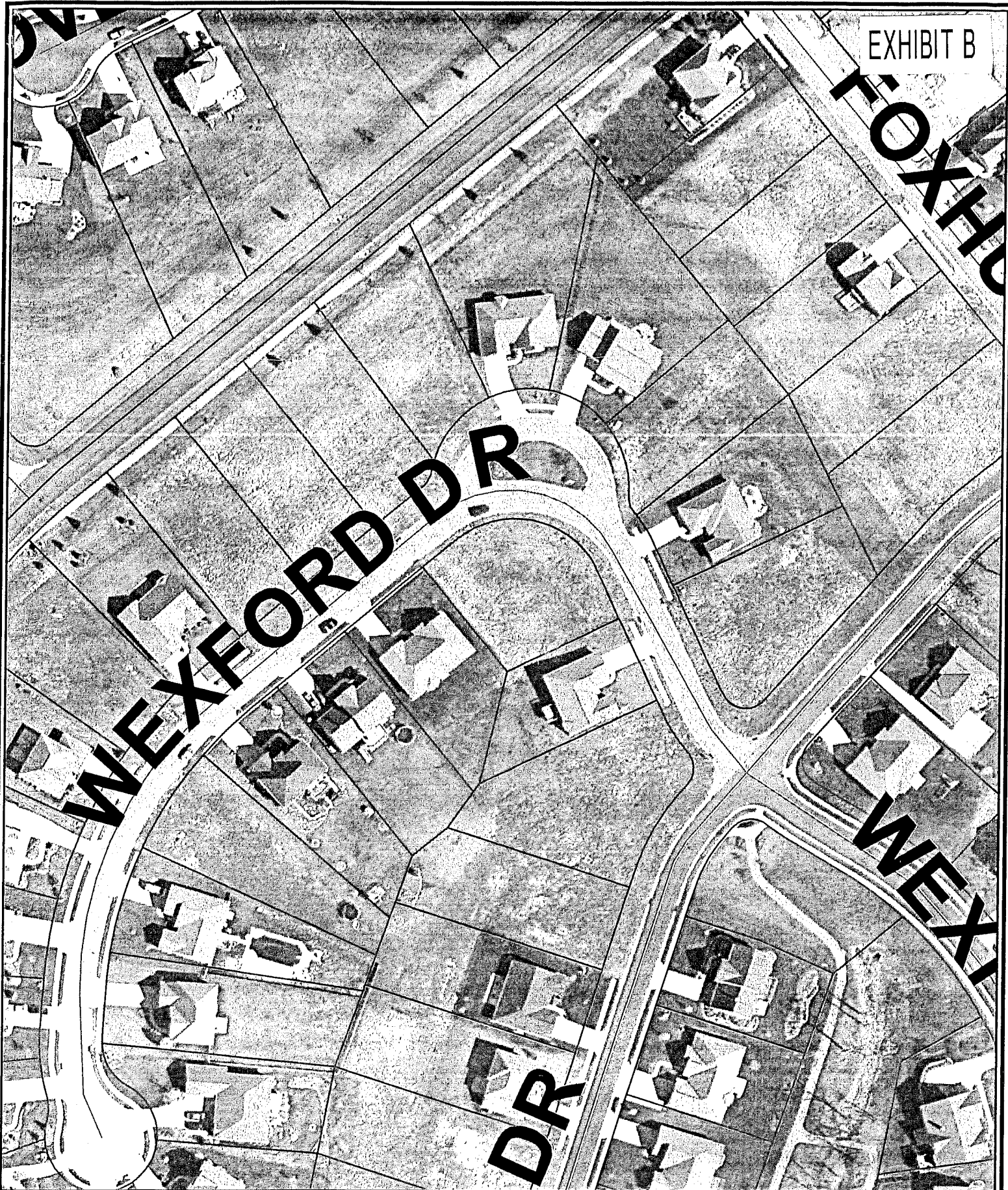
EXHIBIT A



**Vicinity Map - Steeplechase Subdivision**

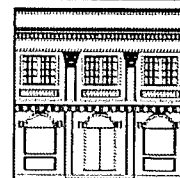
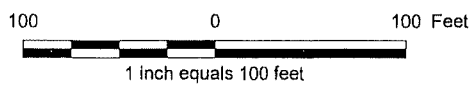
Produced by the  
Boone County Planning Commission  
May 05, 2005





# Lot 73, Steeplechase

Produced by the  
Boone County Planning Commission  
May 04, 2005





BUILDING ADDRESS OR LOCATION: Lot #73, Steeplechase  
Wexford Drive, Walton, KY 41094

**NOTICE**

I certify that what is submitted is true and accurate and I or we understand and agree that all construction work will be performed in accordance with this Zoning Permit Application, the Boone County Zoning Regulations and the Boone County Subdivision Regulations.

NAME AND ADDRESS OF APPLICANT (PLEASE PRINT): KEYSTONE HOME BUILDERS, INC.  
9868 US Hwy. 42, UNION, KY 41091

**EXHIBIT D**

APPLICANT'S SIGNATURE: [Signature]  
 As Authorized by Property Owner

DATE 1/26/05 PHONE NUMBER: 384-2600

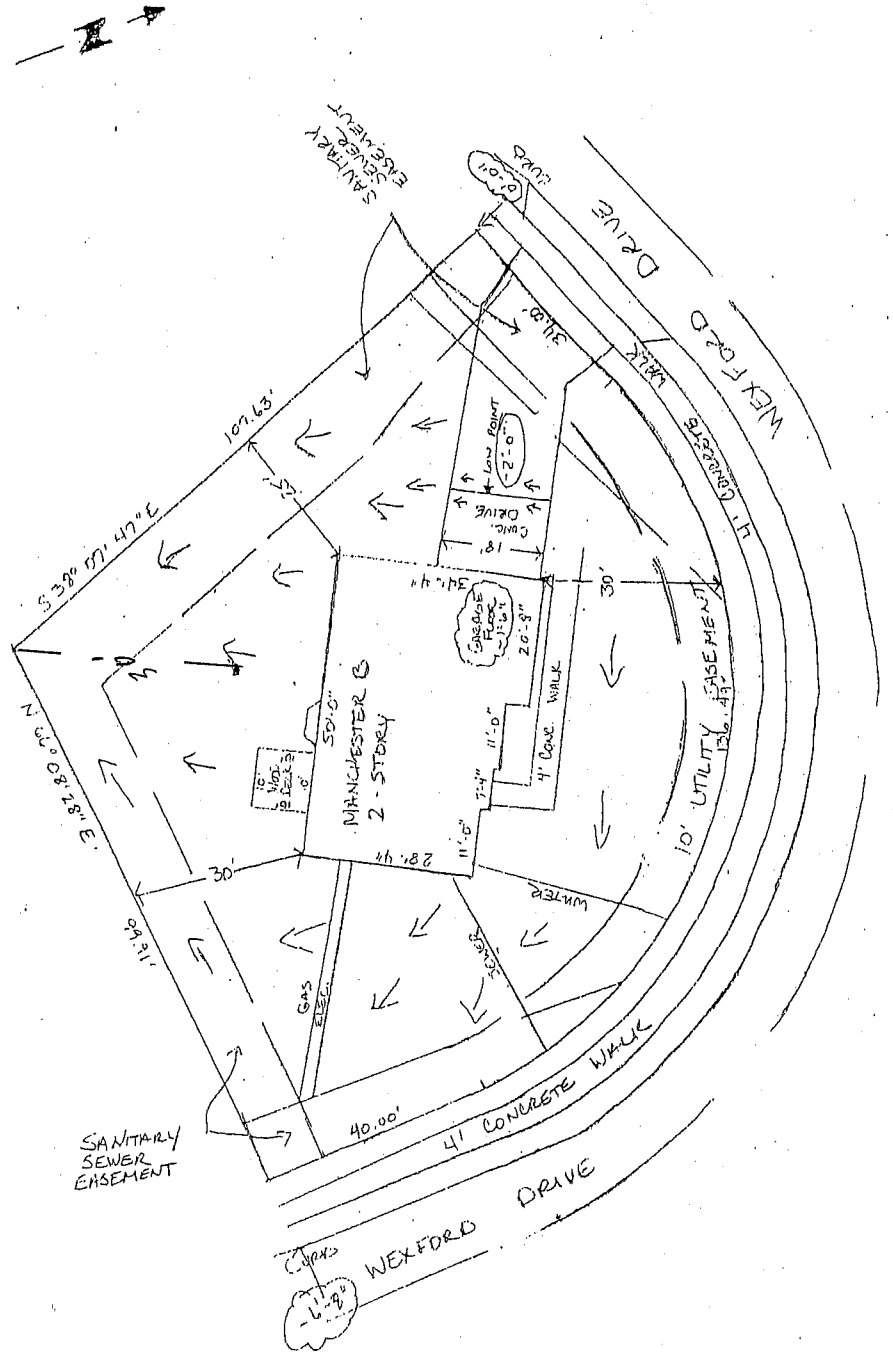
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This Portion of the Application to be Completed  
 the Boone County Planning Commission

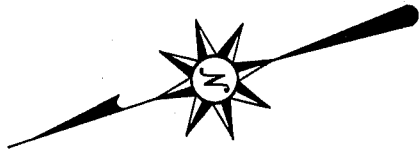
Zoning District	<u>SR-1/PD</u>	Date	<u>1/22/05</u>	Fee	<input checked="" type="checkbox"/>	\$50.00		
Approved	<input checked="" type="checkbox"/>	Denied			<input checked="" type="checkbox"/>	\$20.00		None
Staff Reviewer	<u>M</u>			Address/Location	<u>376 Wexford Dr.</u>			
Subdivision	<u>Steeplechase</u>			PIDN	<u>076.00-03-073.00</u>			
Lot #	<u>73</u>	Section #	<u>4</u>	Block/Phase #				

Type of Improvement	
<input checked="" type="checkbox"/> Single Family Residence	Detached Garage
Duplex	Garage Addition
Three Family	Porch or Deck
Apartment (# units _____)	Barn or Shed
Townhouse (# units _____)	Swimming Pool
Mobile Home	Tenant Finish
Residential Addition	Other:
Jurisdiction	
<input checked="" type="checkbox"/> Boone County	Florence
Walton	Union
Post Office	
Burlington	Florence
<input checked="" type="checkbox"/> Walton	Union
Hebron	Verona
Petersburg	Erlanger
Crittenden	
Group # <u>2071</u>	Census Tract # <u>706.02</u>

R#41302  
**RECEIVED**  
**JAN 26 2005**  
 BOONE COUNTY  
 PLANNING COMMISSION



LOT #73, STEEPLECHASE SUB. SECTION 4	SCALE: 1" = 20'
KEYSTONE HOME BUILDERS, INC. 9868 US. HWY. 42, UNION, KY, 41091	1/13/05



**PROJECT SUMMARY:**

**BUILDER:** KEYSTONE HOME BUILDERS, INC.  
9868 HIGHWAY 42  
UNION, KY 41091

**PROJECT LOCATION:** LOT #73 OF THE STEEPLECHASE SUBDIVISION  
WEXFORD DRIVE

**EXISTING ZONING:** SR1-PD-CD

**ZONING REQUIREMENTS:**

- MIN. LOT AREA: 8,000 S.F.
- MIN. FRONT YARD SETBACK: 30'
- MIN. LOT WIDTH @ FRONT SETBACK: 65'
- MIN. SIDE YARD SETBACK: 5' MIN. (15' TOTAL)
- MIN. REAR YARD SETBACK: 30'

**LOT AREA:** 11,722 S.F.  
**EXISTING USE:** SINGLE FAMILY RESIDENCE  
**PROPOSED USE:** SINGLE FAMILY RESIDENCE

**GENERAL NOTES:**

- 1) THE PROPERTY BOUNDARY SHOWN HEREON HAS BEEN TAKEN FROM THE FINAL PLAT FOR THE STEEPLECHASE SUBDIVISION.
- 2) THIS LOCATION SURVEY WAS PERFORMED ON APRIL 19, 2005 BY JERRY F. KEITH & ASSOCIATES.

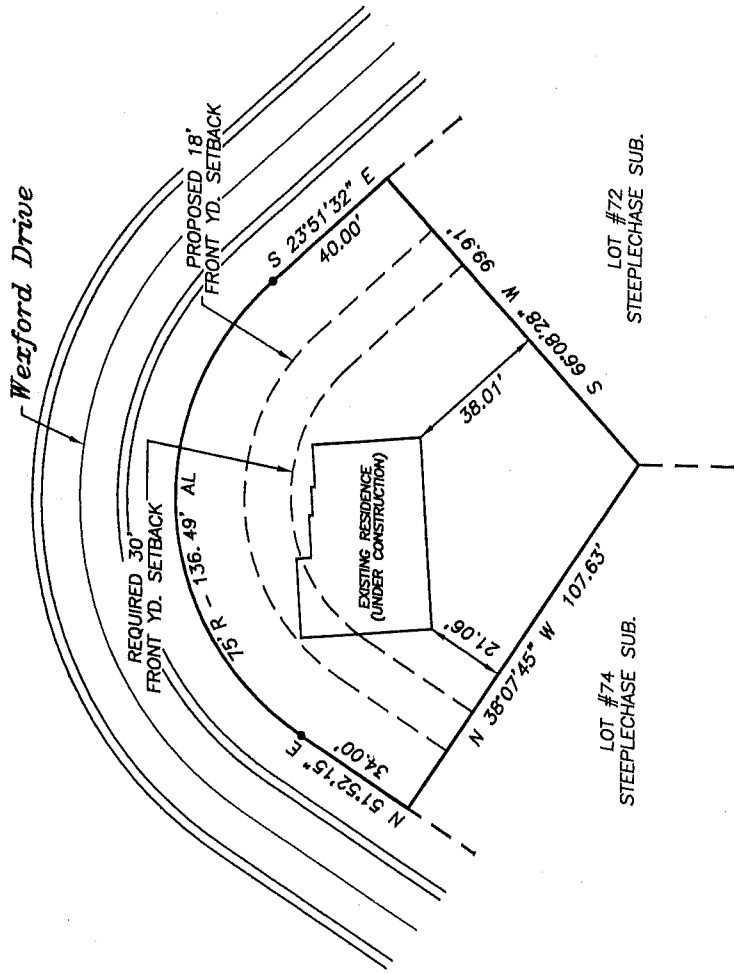


EXHIBIT E

**Location Survey**

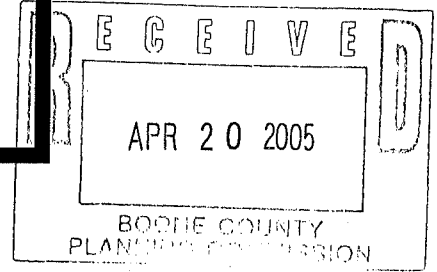
Prepared by:

**JFK**  
**JERRY F. KEITH AND ASSOCIATES, P.S.C.**  
 1245 Violet Road  
 Crittenden, KY 41030  
 Telephone: (859) 428-0068  
 Facsimile: (859) 428-0711  
 Jerry F. Keith, PE  
 KY. PE #: 21762  
 CIVIL ENGINEERING - CONSTRUCTION STAKING - CADD SERVICES

APPLICATION FORM

EXHIBIT F

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 \_\_\_\_\_
3. Applicant's Name KEYSTONE HOME BUILDERS INC - CINDY HAUGER
Phone Number 859-384-2600 Fax No. 859-384-2335
Applicant's Address 9868 OLD UNION ROAD
UNION KY 41091
4. Description of Request: REQUEST VARIANCE FOR FRONT YARD SETBACK REQUIREMENT ON GARAGE FRONT CORNER OF HOUSE
5. Name of Development STEEPLECHASE SUBDIVISION
6. Location of Development LOT 73 STEEPLECHASE
376 WEYFORD DRIVE, WALTON, KY 41094
7. Acreage Under Review
8. Lot Number and Name of Subdivision (if part of a subdivision)
LOT # 73 STEEPLECHASE SUBDIVISION
9. Owner of Property KEYSTONE HOME BUILDERS INC
Phone Number of Owner 859-384-2600
10. Address of Property Owner UNION KY 41091
11. Proposed Use(s) on Site SINGLE FAMILY RESIDENCE
2 STORY HOUSE WITH 2-CAR ATTACHED GARAGE
12. Total Square Footage of Existing and/or Proposed Buildings 2440
13. Current Zoning on Property SR1 / PD
14. Deed Book 878 Page No. 626 Group No. 2071
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: Cindy Hauger Pres.
Property Owner's Signature: Cindy Hauger Pres.

(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 4-20-05 Fee Received \$536.00 RA#42134  
2. Is application complete?  Yes  No  
3. Staff Reviewer K. Costello  
4. Scheduled Board Action Date 5/11/05  
5. Board Action:  
 **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.**



## KEYSTONE HOME BUILDERS, INC.

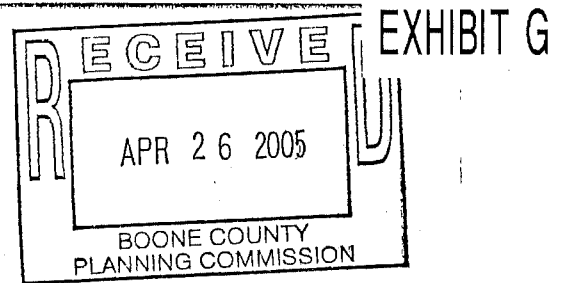
9868 Highway 42  
Union, KY 41091

www.keystonehomebuilders.com

phone (859) 384-2600

fax (859) 384-2335

April 26, 2005

Boone County Planning Commission  
Todd K. Morgan, AICP  
2995 Washington Street  
Burlington, KY 41005SUBJECT: Lot 73 Steeplechase, 376 Wexford Drive, Walton, KY 41094  
Board of Adjustment - Variance Request Application

In attempt to explain the need to obtain a variance for the home erected on lot 73 in Steeplechase - the house was accidentally set too close to the front right curb which resulted from a measuring error made by the job supervisor in the field.

When laying out the foundation dig the supervisor used the approved plot plan and pulled measurements to mark the corners for the dig. It seems that a measurement on the right side of the house was pulled from the curb (not the centerline) of Wexford Drive and then adjustment of the numbers was overlooked when the corners were marked thus resulting in an encroachment on the front set back on the right side of the house.

In normal lot situations this error would have been obvious and would have been corrected prior to construction, however, in this unique lot situation the encroachment is not obvious at all and was never noticed by anyone in the field. An anonymous party alerted the planning commission of a possible encroachment and thus this was pointed out to us. Unfortunately the structure is fully framed and enclosed at this time. We ceased any construction once the error was noted and we are hoping to obtain a variance to allow for the lesser set back requirement. We have over \$63,000. In hard construction costs tied up in the structure at this time.

Given the lots unique shape and its' 210 foot of frontage the house is visually appealing as it is currently set. The house does not hinder any other surrounding house and it looks normal as it is. The house is being built for a customer and the customer is happy with the house as it is set on the lot. Although the house is technically encroaching, we feel that the house poses no negative characteristics or qualities as it currently sits and we hope to be given a variance to allow for the structure to remain as is.

Thank you.

Cindy Hauger  
Keystone Home Builders, Inc.

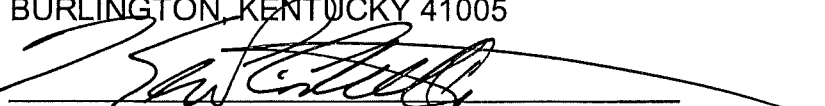
COPY

CLUR #05-BCBOA-008-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)  
Keystone Home Builders, Inc.  
9868 Old Union Road  
Union, KY 41091
  
2. ADDRESS OF PROPERTY  
376 Wexford Drive  
Walton, KY 41094
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)  
Steeplechase, Lot 73
  
4. DEED BOOK 878                      PAGE NO. 626                      GROUP NO. 2071
  
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

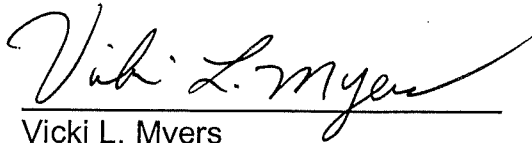
  
SIGNATURE OF COMPLETING OFFICIAL

Kevin P. Costello, AICP, Executive Director  
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

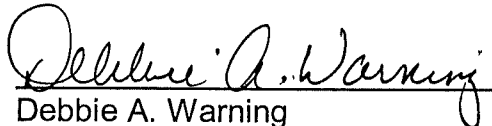
Subscribed, sworn to, and acknowledged before me by Kevin P. Costello on behalf of the  
Boone County Planning Commission this 17 day of May, 2005.



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 May 11, 2005 Certificate of Land Use Restriction (#05-BCBOA-008-A), for Keystone Home Builders, Inc., Property Owner(s).

The following conditions will apply:

- 1) A Landscaping Plan shall be submitted to Staff before a revised zoning permit is approved. The Landscape Plan shall mitigate the closeness of the house to the street and soften the impact. The Landscaping Plan is to be agreeable to the Planning Commission Staff and the applicant, or the request is to come back before the Board of Adjustment.

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

DEED BOOK 878

PAGE NO. 626

GROUP NO. 2071