

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 [X] Florence _____ Walton _____ Union _____
2. (Check One) Conditional Use Permit [X] Variance _____ Appeal _____
Change in Non-Conforming Use _____
3. Applicant's Name Rager Hawkins / The Drees Co.
Phone Number (859) 426-2537 Fax No. (859) 331-9231
Applicant's Address 211 Grandview Dr
City Ft Mitchell KY State KY Zip 41017
4. Description of Request: Relief from the rear line of setback for left rear corner of house
5. Name of Development Settlers Point Subdivision
6. Location of Development 2532 Frontier Drive, Hebron, KY
7. Acreage Under Review 0.381 acres
8. Lot Number and Name of Subdivision (if part of a subdivision) Settlers Point - Lot 4
9. Owner of Property The Drees Co.
Phone Number of Owner (859) 578-4200
10. Address of Property Owner 211 Grandview Dr
City Ft Mitchell KY State KY Zip 41017
11. Proposed Use(s) on Site single family residence
12. Total Square Footage of Existing and/or Proposed Buildings 2260
13. Current Zoning on Property R3
14. Deed Book 891 Page No. 630-632 Group No. 4680 2002
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: [Signature]

Property Owner's Signature: The Drees Co.

BOARD OF ADJUSTMENT AND
ZONING APPEALS ACTION
APPLICATION
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SECTION B (To be completed by the Boone County Planning Commission Staff)

1. Date Received 8-23-05 Fee Received ~~\$~~ 543.00 ~~#~~ 43541
2. Is application complete? _____ Yes _____ No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
_____ Approved
 Approved with Conditions (See #6)
_____ Denial (See #7).
6. Conditions of Approval: 1. 25' undisturbed Area measured from the rear property line
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: The Drees Company
LOCATION: Lot 4 of Settlers Point Subdivision, Boone County, Kentucky
ZONING: Rural Suburban (RS)
DATE: September 14, 2005

Proposal

The Applicant is requesting a variance to reduce the rear yard setback requirements of Lot 4 of the Settlers Point Subdivision. The request is to reduce the minimum rear yard setback from the required 40 feet. The Concept Plan indicates that the left rear corner of the proposed home would encroach 3.9 feet into the rear yard setback. A copy of the Concept Plan is attached for your review.

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 4 is located within Settlers Point Subdivision and is zoned Rural Suburban (RS). The following land uses adjoin the proposed lots:

- North: Single-Family Residential Lots on Stahl Road zoned Rural Suburban Estate (RSE)
- South: Single-Family Residential Lots in the Parlor Grove Subdivision zoned Rural Suburban Estate (RSE)
- East: Existing Single-Family Residence (2528 Frontier Drive, Lot 3) within the Settlers Point Subdivision zoned Rural Suburban (RS)
- West: Lot 5 of the Settlers Point Subdivision zoned Rural Suburban (RS)

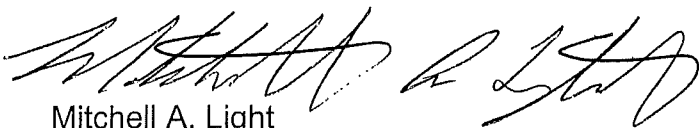
Staff Comments

1. Staff would like the applicant to address whether there is another home in their inventory that would meet the required setbacks.
2. The setbacks within the Rural Suburban (RS) zone are - Front: 40' minimum, Rear: 40' minimum, and Side: 10' each.

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

Vicinity Map

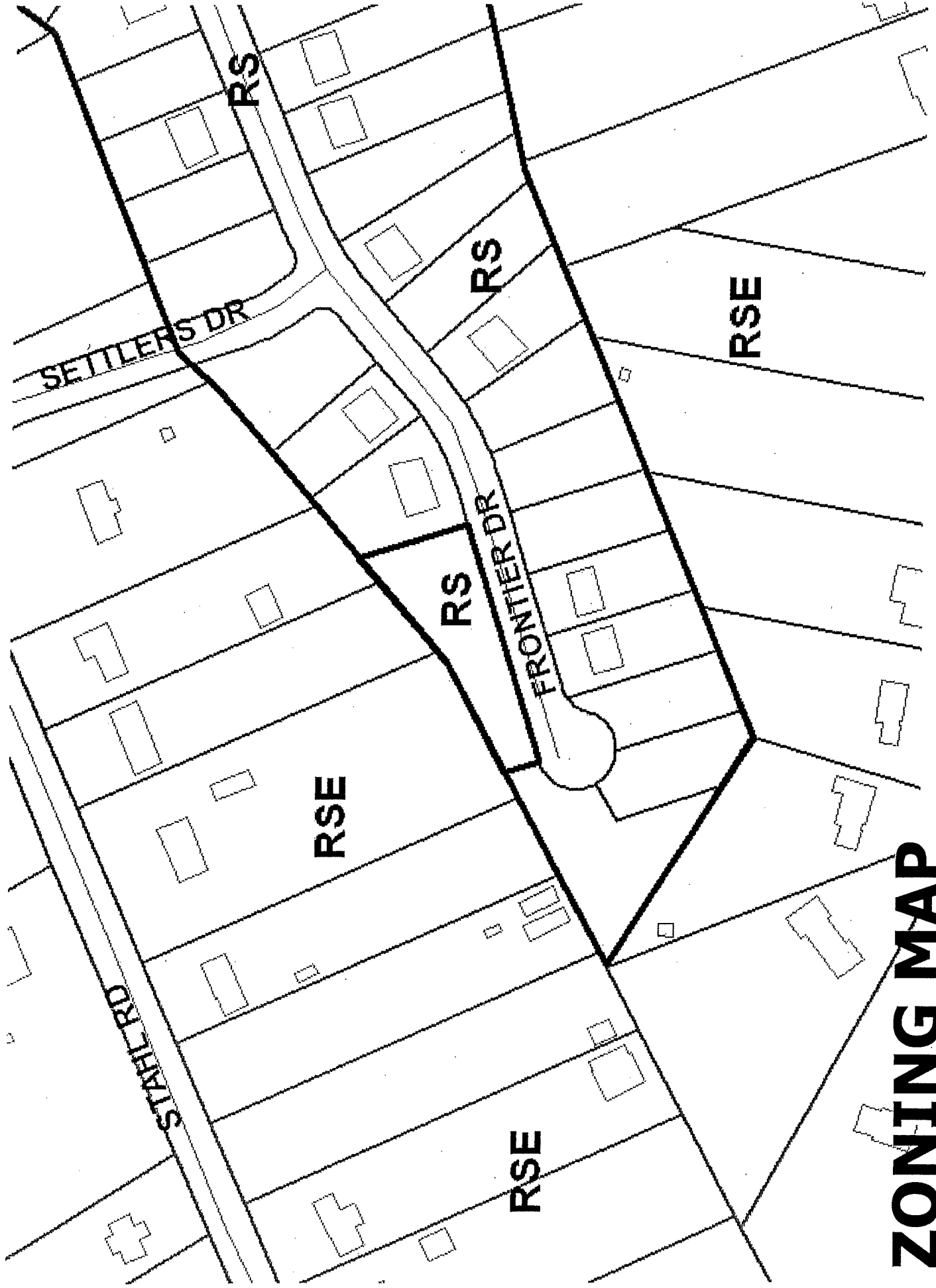
Zoning Map

Improvement Plan

2004 Aerial Photography

Lot 4 - Concept Plan

Application

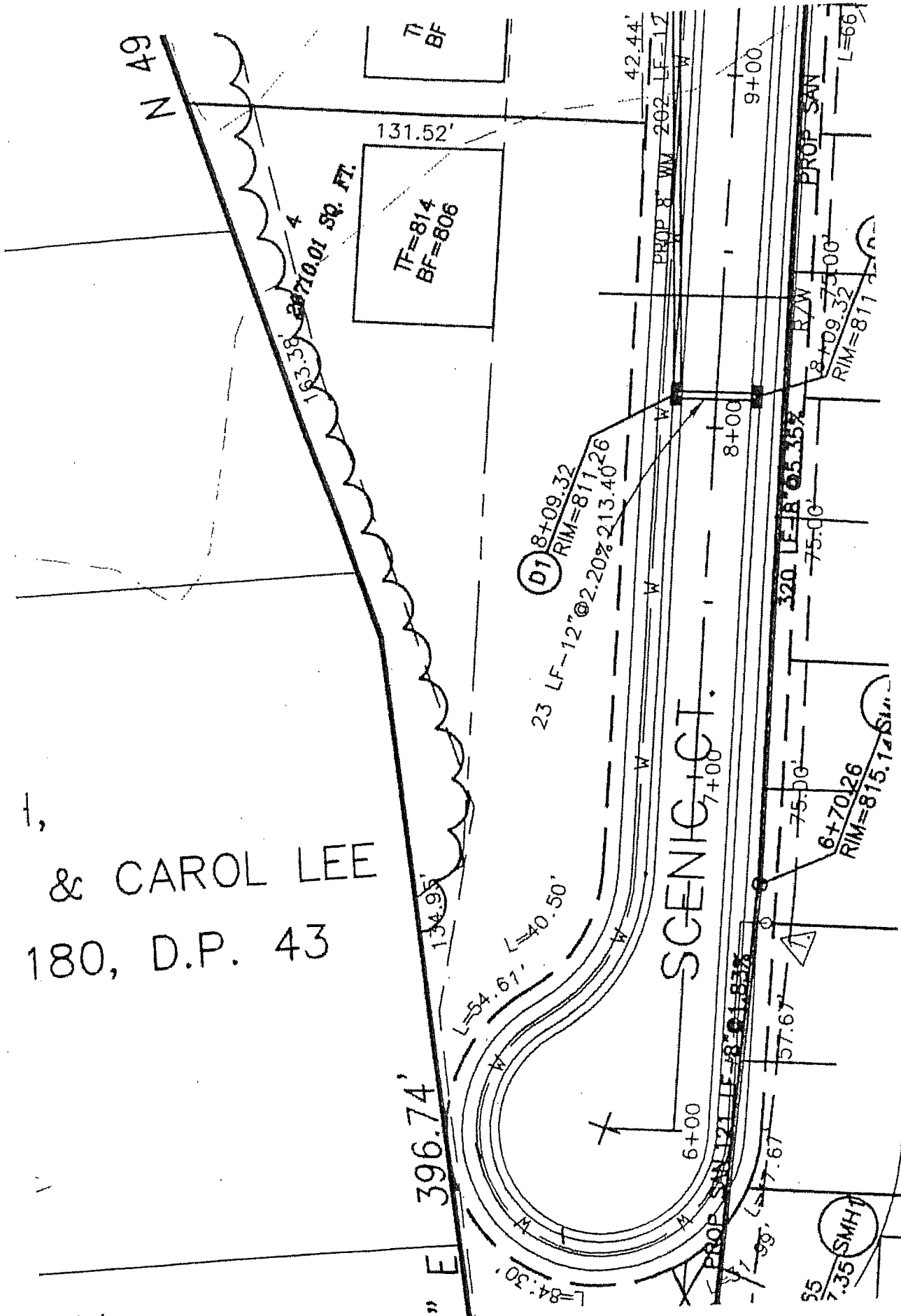


ZONING MAP

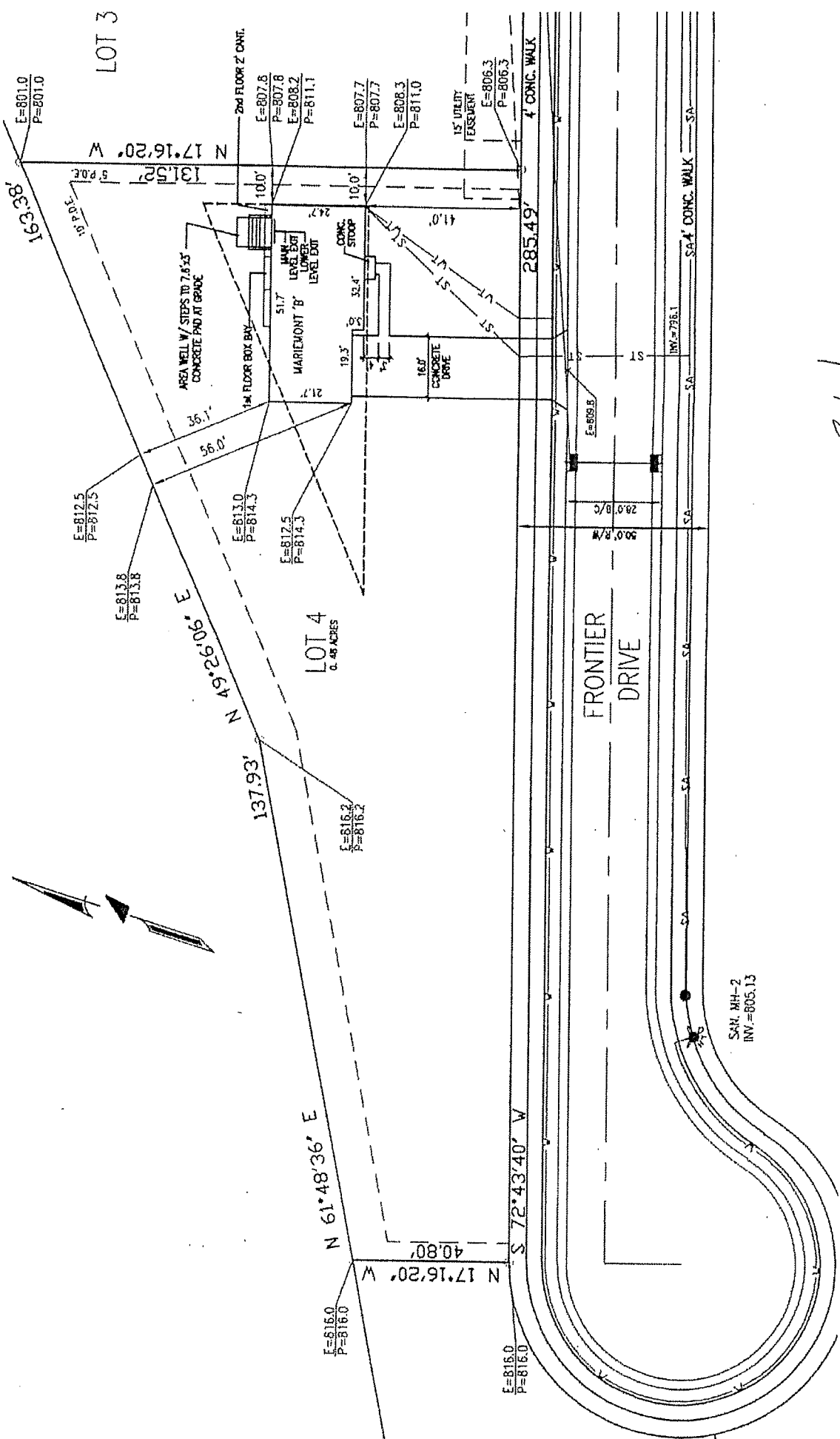


2004 AERIAL PHOTOGRAPHY

180, D.P. 43
& CAROL LEE



IMPROVEMENT PLAN



36.1
- 25.0
- 11.1

LOT 4 - CONCEPT PLAN

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)

AUG 23 2006

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1. Boone _____ Florence _____ Walton _____ Union _____
- (Check One)
2. _____ Conditional Use Permit Variance _____ Appeal _____
_____ Change in Non-Conforming Use _____
3. Applicant's Name Roger Hawks / The Drees Co.
Phone Number (859) 426-2537 Fax No. (859) 331-9231
Applicant's Address 211 Grandview Dr
Ft Mitchell KY 41017
City State Zip
4. Description of Request: Relief from the rear line of setback for
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12. Total Square Footage of Existing and/or Proposed Buildings 2260
13. Current Zoning on Property RS
14. Deed Book 891 Page No. 630-632 Group No. 4680
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
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Applicant's Signature: [Signature]

Property Owner's Signature: The Drees Co.

COPY

CLUR #05-BCBOA-016-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

The Drees Company
211 Grandview Drive
Ft. Mitchell, KY 41017

2. ADDRESS OF PROPERTY

2532 Frontier Drive
Hebron, KY 41048

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Settlers Point

4. DEED BOOK 891

PAGE NO. 630

GROUP NO. 2002

5. TYPE OF RESTRICTION(S) (Check all that apply)

Zoning Map Amendment:
From To

Conditional Use Permit

Development Plan

Conditional Zoning

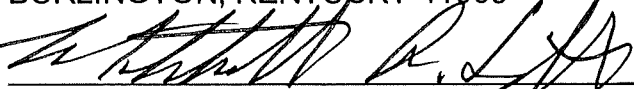
Subdivision Plat
(Not Recorded)

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

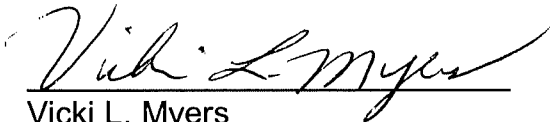

SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

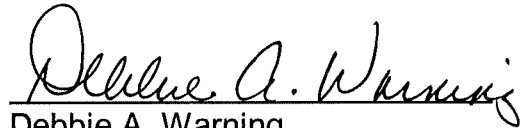
Subscribed, sworn to, and acknowledged before me by Mitchell A. Light on behalf of the
Boone County Planning Commission this 3 day of October, 2005.



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 September 14, 2005 Certificate of Land Use Restriction (#05-BCBOA-016-A), for The Drees Company, Property Owner(s).

The following condition will apply:

- 1) There is to be 25 feet of undisturbed area along the rear property line.

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

DEED BOOK 891

PAGE NO. 630

GROUP NO. 2002