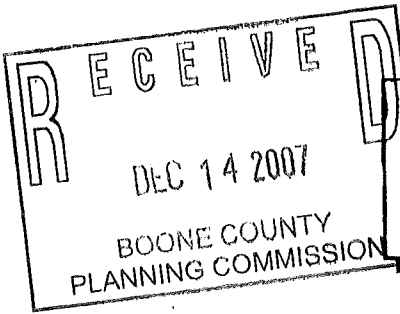


08-BCBA-001-A



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 Florence Walton Union
- 2. (Check One)
 Conditional Use Permit Variance Appeal
 Change in Non-Conforming Use
- 3. Applicant's Name Alumni Development, LLC
Phone Number 859-393-3794 Fax No. 859-493-0065
Applicant's Address 11900 Oxford Hills Drive
Walton KY 41094
City State Zip
- 4. Description of Request: Reduce the front setback from 60' to 47'
- 5. Name of Development Oxford Hills Subdivision
- 6. Location of Development 11916 Oxford Hills Drive
Walton, KY 41094
- 7. Acreage Under Review 2.159 acres
- 8. Lot Number and Name of Subdivision (if part of a subdivision)
Lot 4 Oxford Hills Subdivision
- 9. Owner of Property ~~Subdivisor~~ JEFF RADEMACHER
Address of Property Owner 11916 Oxford Hills Dr Phone No. _____
Walton KY 41094
City State Zip
- 11. Proposed Use(s) on Site Single Family Residential
- 12. Total Square Footage of Existing and/or Proposed Buildings _____
- 13. Current Zoning on Property A-2
- 14. Deed Book 854 Page No. 634 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: _____
 Property Owner's Signature: _____
 Janice Rademacher
 (over)
 Jeff Rademacher

**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 12-14-07 Fee Received \$571.00 RA#55316
2. Is application complete? _____ Yes _____ No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
 Approved
1/9/08 Approved with Conditions (See #6)
Denial (See #7)
6. Conditions of Approval: SEE 1/9/08 BC BOA Meeting
MINUTES + C.L.U.R.
7. Reasons for Denial: _____

**Boone County Planning Commission
Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
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: Alumni Development, LLC

LOCATION: 11916 Oxford Hills Drive, Boone County, Kentucky

ZONING: Agricultural Estate (A-2)

DATE: January 9, 2008

Proposal

The applicant is requesting a variance to allow an existing single-family residence to encroach into the 60 foot front yard setback. The submitted mortgage inspection plat shows that the house was constructed approximately 48 feet from the front property line (see attachments). The subject property is located at 11916 Oxford Hills Drive and is zoned Agricultural Estate (A-2).

Site History

7/27/06– A Zoning Permit is issued for a single-family residence. The permit shows that the house will meet all building setback requirements (see attachments).

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.

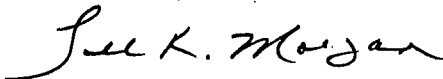
Staff Comments

1. The builder informed Staff that they measured the setback requirement from the center of Oxford Hills Drive when they constructed the house.
2. A single-family residence has been constructed on the adjoining property to the northeast. It is hard to visualize the setback difference between the subject property and adjoining property unless you stand right along the front building lines. As a result, Staff believes that the request will not alter the essential character of the area.

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 request.

Respectfully submitted,



Todd K. Morgan, AICP
Senior Planner, Zoning Services

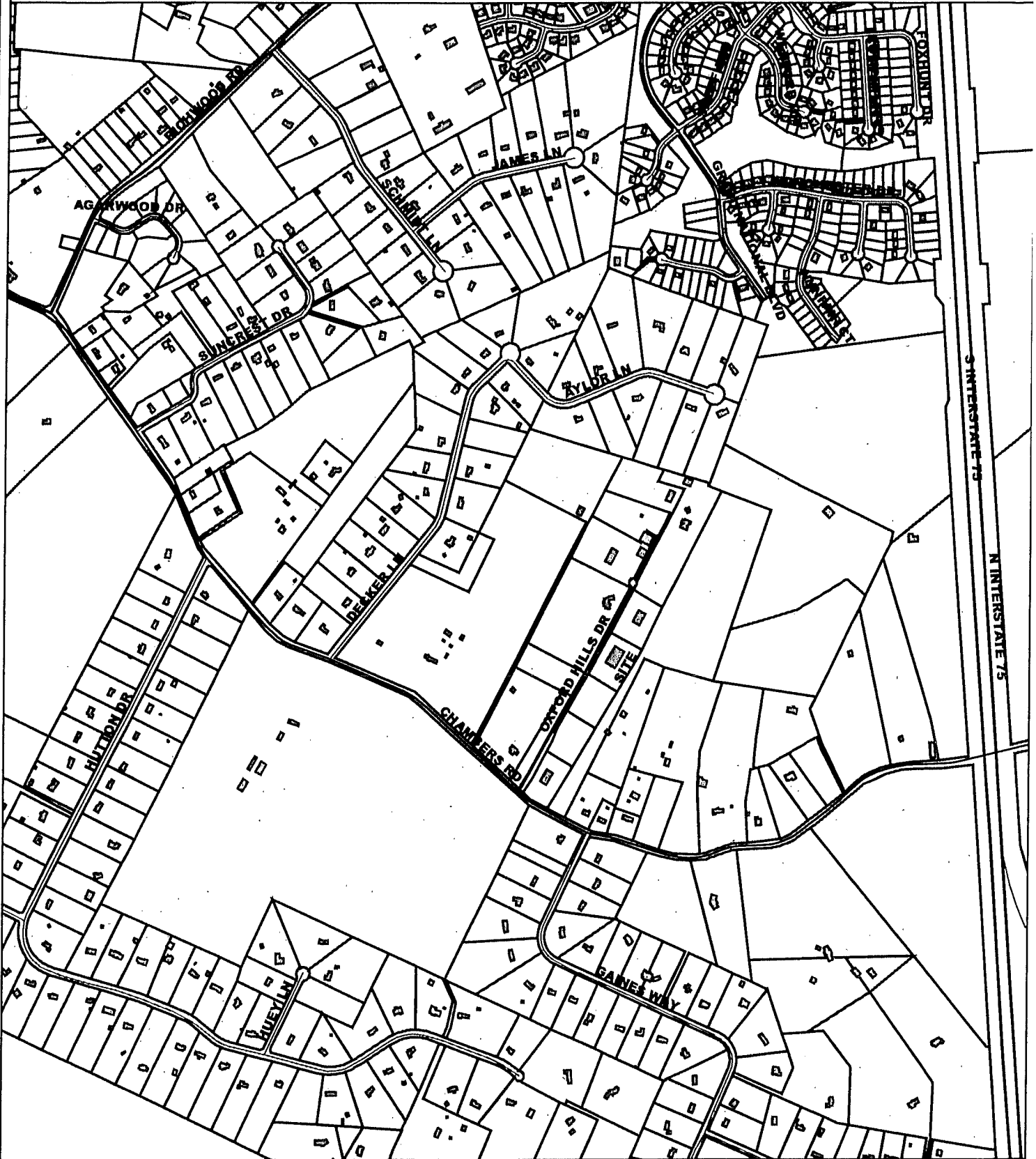
TKM/pr

Attachments

- *Site Vicinity Map
- *Mortgage Inspection Plat (Concept Plan)
- *7/27/06 Zoning Permit
- *Aerial Map
- *Zoning Map
- *Application

SITE VICINITY MAP

www.boonecountygis.com



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0 500 1,000 2,000 3,000 4,000 Feet

1 inch equals 1,000 feet

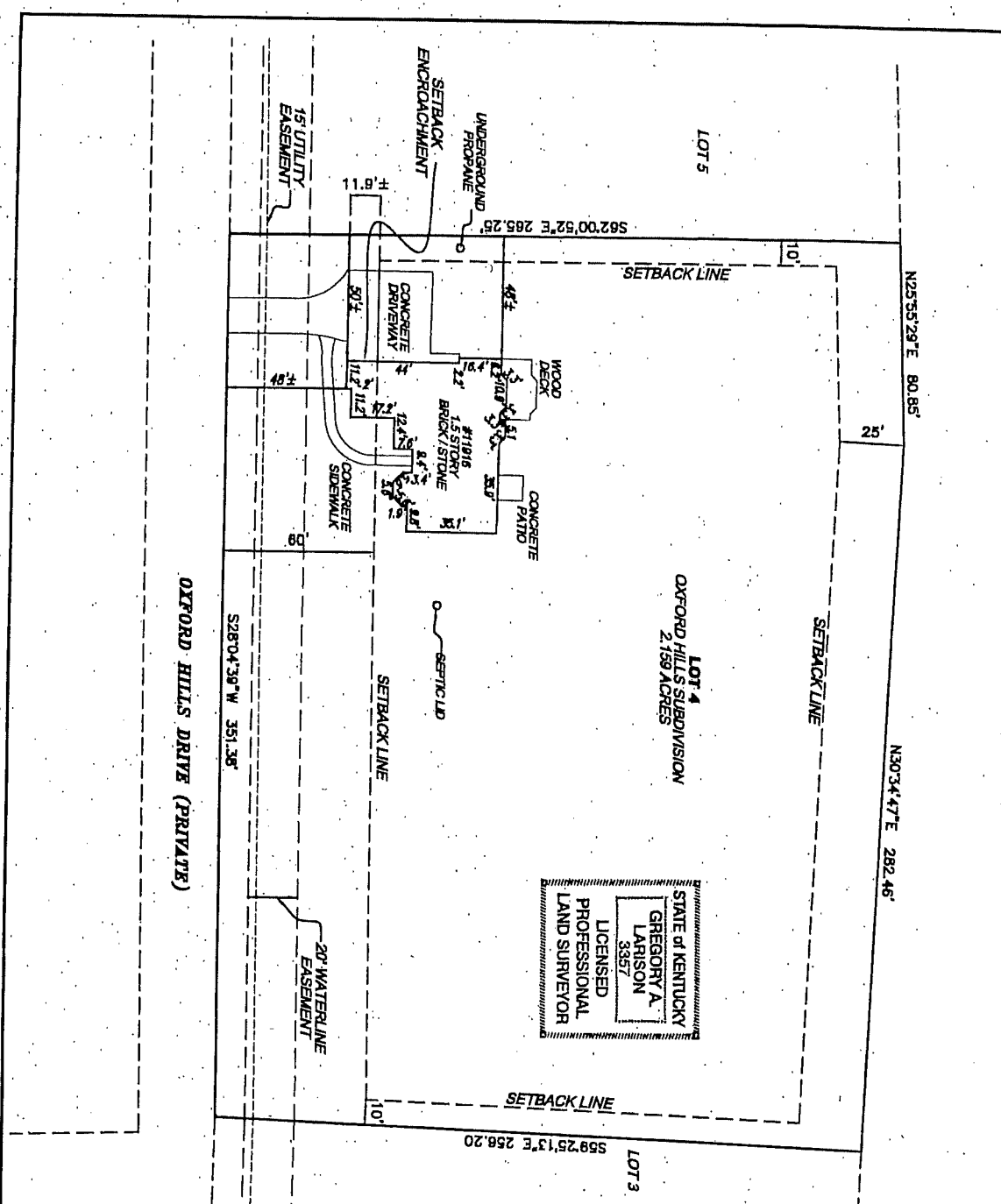


Boone County GIS - Putting Northern Kentucky on the Map

Map Created at 09:53:03 on 12/17/2007

ArchMap Document: Unfilled





STATE OF KENTUCKY
 LICENSED PROFESSIONAL LAND SURVEYOR
 GREGORY A. LARSON
 3387

N25°55'29"E 80.85'
 N30°34'47"E 282.45'

OXFORD HILLS DRIVE (PRIVATE)

LOT 4
 OXFORD HILLS SUBDIVISION
 2.159 ACRES

LOT 5

LOT 3

KENTUCKY LAND TITLE AGENCY, INC.
 FILE # 48797
 BUYER: JEFFREY RADEMACHER
 This inspection was performed for and at the instance of KENTUCKY LAND TITLE AGENCY, INC.

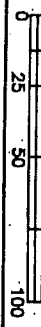
MORTGAGE INSPECTION
 This does not constitute a boundary survey and is not a recordable document.
 Note: Date of inspection was December 13, 2007
 I hereby certify, to the best of my knowledge, information and belief, and in my professional opinion that the Mortgage Inspection shows the improvement of improvements as located on the premises described, that the improvements or improvements are as they exist and there are no encroachments upon the premises described by the improvement or improvements or any adjoining premises, except as indicated hereon, except as noted.

Gregory A. Larson
 Date 12/13/07

NOTES: This is a mortgage inspection and is not a recordable document and was prepared for identification purposes for the Mortgage in connection with a new mortgage, and is not intended or represented to be a land or property line survey. The mortgage inspection is subject to any inaccuracies that a subsequent boundary survey may disclose. No corners were set. Do not use for establishing fence or building lines. No responsibility is assumed herein by the landowner or occupant. It DOES NOT MEET the minimum requirements for a survey using Kentucky Law (201 KAR 18:150).

Buyer Acknowledgment
PLAT OF MORTGAGE INSPECTION
 FOR

11916 OXFORD HILLS DRIVE
 WALTON, KY 41094
 BOONE COUNTY KENTUCKY
 DECEMBER 13, 2007 SCALE: 1" = 50'



VOXX & VOXX
 Civil Engineers, Surveyors, and Landscape Architects
 468 Elmer Road • Elmer, Kentucky 41018
 Ph (502) 727-5583 • Fax (502) 727-4482 • www.vvdx.com

BUILDING ADDRESS OR LOCATION: Lot # 4 Oxford Hills Drive

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): Alumni Development
690 Chambers Rd. Walton, KY 41094

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

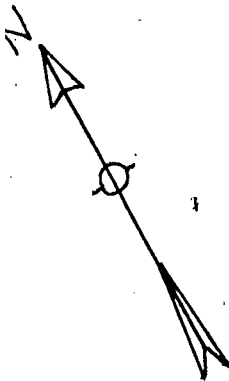
DATE 7-27-06 PHONE NUMBER: 859-743-0230

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

Zoning District <u>A2</u>	Date <u>7/27/06</u>	Fee <u>N</u>	\$75.00	Farm Exempt
Approved <input checked="" type="checkbox"/>	Denied <input type="checkbox"/>	<u>NA</u>	\$35.00	(No Fee)
Staff Reviewer <u>Rudy Corbett</u>	Address/Location <u>11916 Oxford Hills Dr.</u>			
Subdivision <u>Oxford Hills</u>				
Lot # <u>4</u>	Section # <u>—</u>	Block/Phase # <u>—</u>		

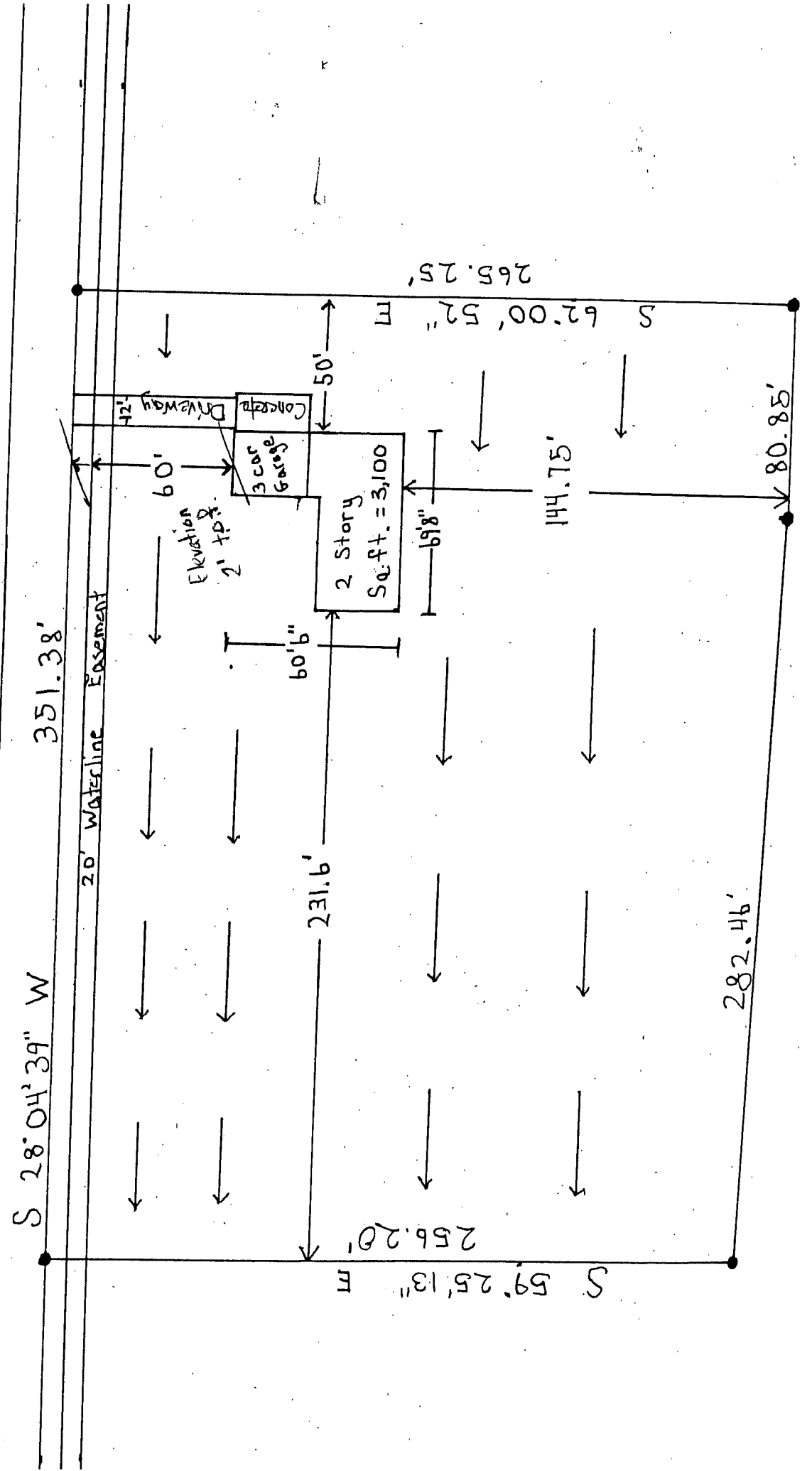
Type of Improvement	
<input checked="" type="checkbox"/> Single Family Residence	Detached Garage
<input type="checkbox"/> Duplex	Garage Addition
<input type="checkbox"/> Three Family	Porch or Deck
<input type="checkbox"/> Apartment (# units _____)	Barn or Shed
<input type="checkbox"/> Townhouse (# units _____)	Swimming Pool
<input type="checkbox"/> Mobile Home	Tenant Finish
<input type="checkbox"/> Residential Addition	Other: _____
Jurisdiction	
<input checked="" type="checkbox"/> Boone County	Florence
<input type="checkbox"/> Walton	Union
Post Office	
<input type="checkbox"/> Burlington	Florence
<input checked="" type="checkbox"/> Walton	Union
<input type="checkbox"/> Hebron	Verona
<input type="checkbox"/> Petersburg	Erlanger
<input type="checkbox"/> Crittenden	
Group # <u>2071</u>	Census Tract # <u>706.03</u>

NA 5089d
RECEIVED
 JUL 27 2006
 BOONE COUNTY
 PLANNING COMMISSION



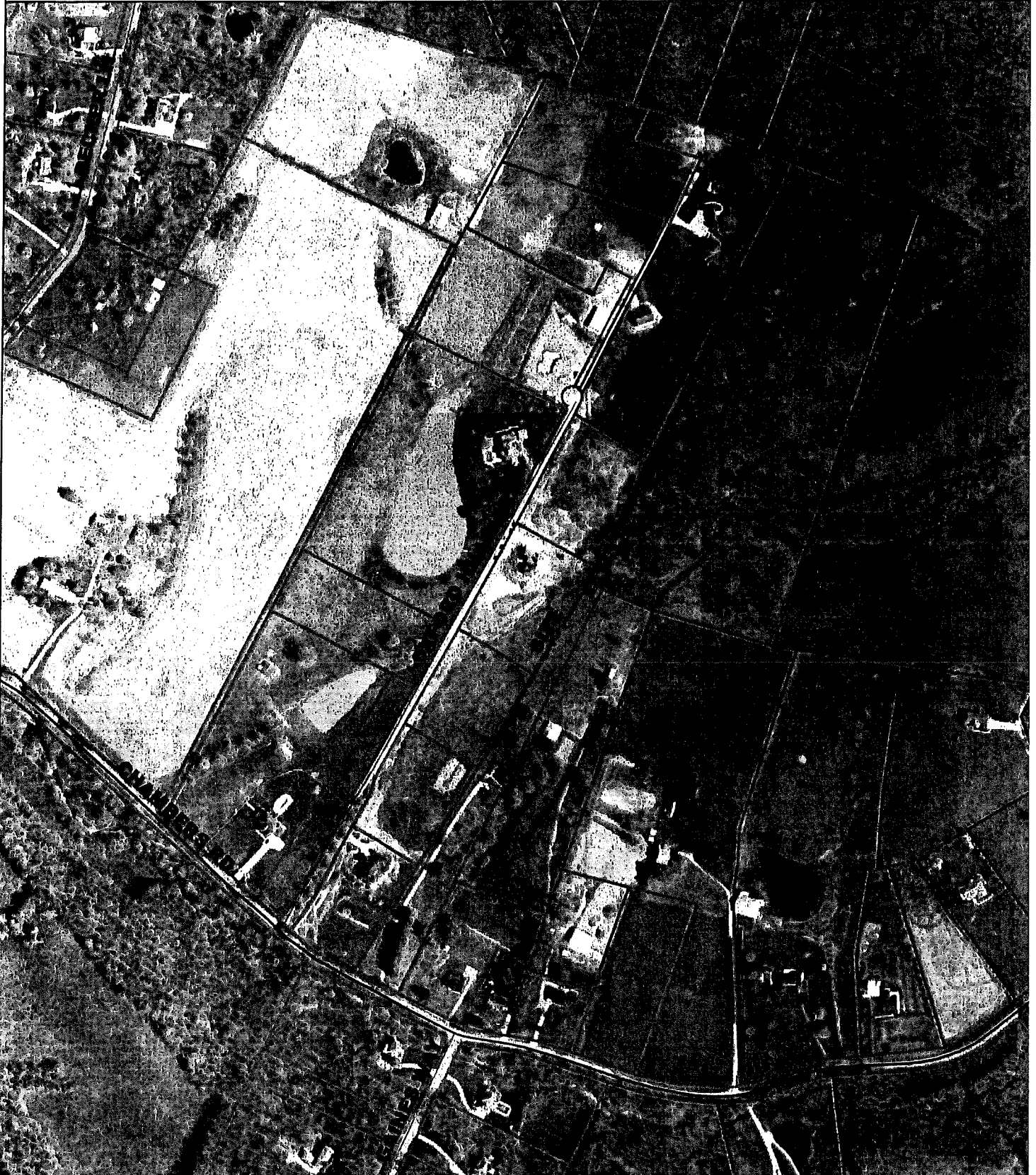
690 Chambers Rd. Walton, KY 41094	Alumni Development LLC	Williamstown, KY
7-17-06	Oxford Hills Lot # 4 Walton, KY 41094	Boone Kentucky
		SCALE 1" = 50'

Oxford Hills Drive



2007 AERIAL MAP

www.boonecountygis.com



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0 200 400 800 1,200 1,600 Feet

1 inch equals 400 feet

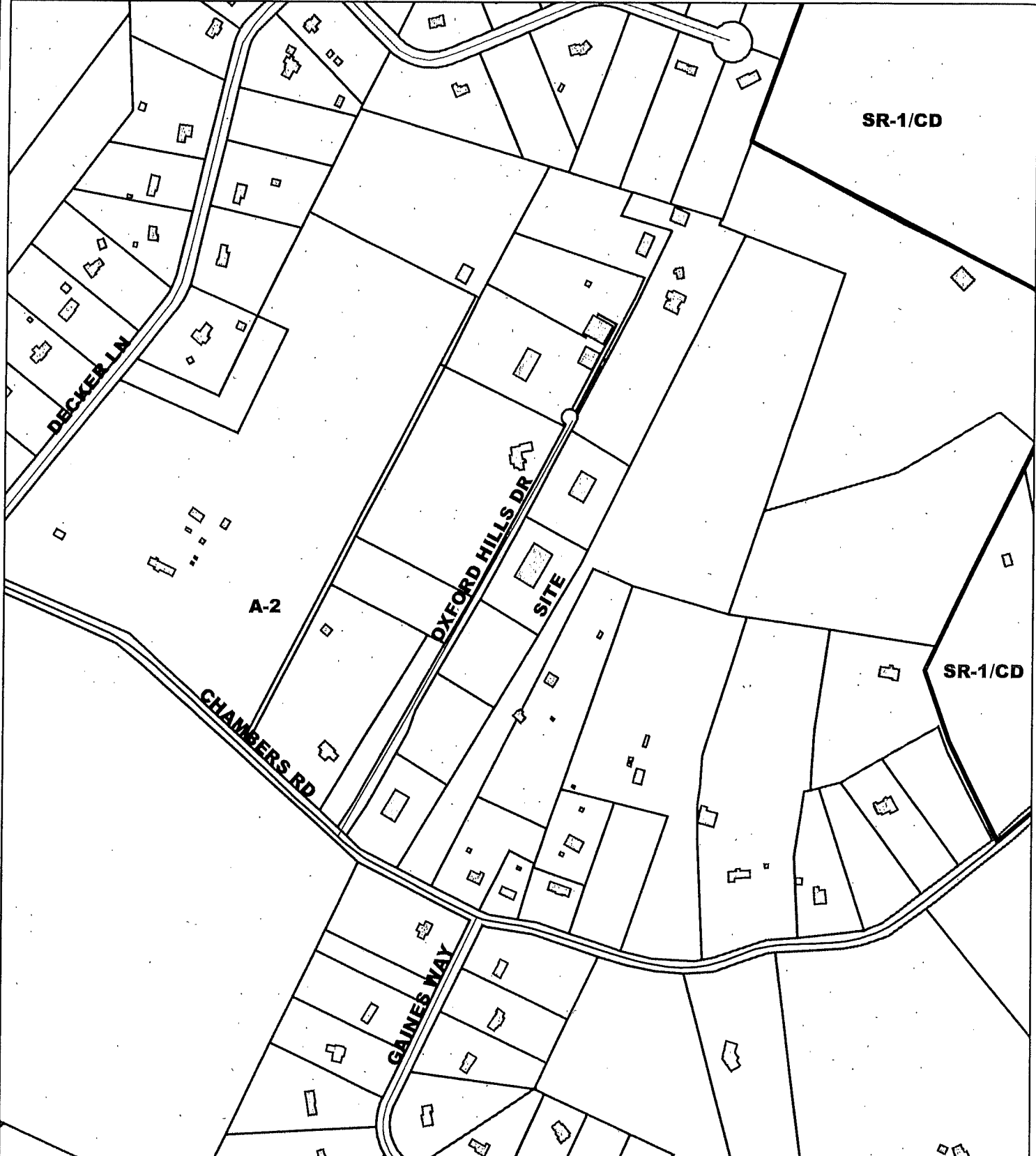


Boone County GIS - Putting Northern Kentucky on the Map



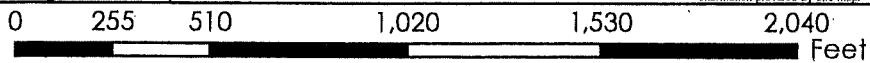
ZONING MAP

www.boonecountygis.com



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1 inch equals 500 feet



Boone County GIS - Putting Northern Kentucky on the Map



RECEIVED
 DEC 14 2007
 BOONE COUNTY
 PLANNING COMMISSION

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)

(Check One)

1. Boone _____ Florence _____ Walton _____ Union _____

(Check One)

2. _____ Conditional Use Permit Variance _____ Appeal _____
 _____ Change in Non-Conforming Use

3. Applicant's Name Alumni Development, LLC

Phone Number 859-393-3794 Fax No. 859-493-0065

Applicant's Address 11900 Oxford Hills Drive
Walton KY 41094

4. Description of Request: Reduce the Front Setback From 60' to 47'
 City State Zip

5. Name of Development Oxford Hills Subdivision

6. Location of Development 11916 Oxford Hills Drive
Walton, KY 41094

7. Acreage Under Review 2.159 ACRES

8. Lot Number and Name of Subdivision (if part of a subdivision)
Lot 4 Oxford Hills Subdivision

9. Owner of Property ~~XXXXXXXXXX~~ JEFF Bademacher

Address of Property Owner 11916 Oxford Hills Dr Phone No. _____
Walton KY 41094

10. City State Zip

11. Proposed Use(s) on Site Single Family Residential

12. Total Square Footage of Existing and/or Proposed Buildings _____

13. Current Zoning on Property A-2

14. Deed Book 854 Page No. 634 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: _____

Property Owner's Signature: _____

Janice Bademacher
 (over)
Jeff Bademacher

COPY

CLUR #08-BCBOA-001-A

CERTIFICATE OF LAND USE RESTRICTION

- 1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Jeff & Janice Rademacher
11916 Oxford Hills Drive
Walton, KY 41094
- 2. ADDRESS OF PROPERTY
11916 Oxford Hills Drive
Walton, KY 41094
- 3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Oxford Hills

4. DEED BOOK 854 PAGE NO. 634 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
 2950 WASHINGTON STREET, ROOM 317
 P.O. BOX 958
 BURLINGTON, KENTUCKY 41005

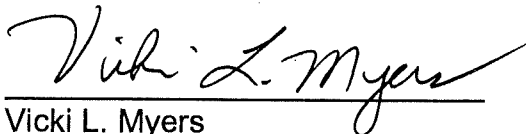
Todd K. Morgan
 SIGNATURE OF COMPLETING OFFICIAL

Todd K. Morgan, Senior Planner, Zoning Services
 Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

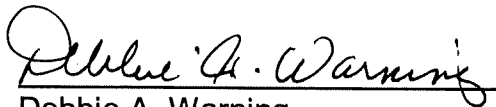
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 16 day of January, 2008.



Vicki L. Myers
NOTARY PUBLIC, State at Large

My commission Expires:
April 17, 2011

This instrument was prepared for recording purposes only by:



Debbie A. Warning
Boone County Planning Commission
2950 Washington Street, Room 317
P.O. Box 958
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 January 9, 2008 Certificate of Land Use Restriction (#08-BCBOA-001-A), for Jeff & Janice Rademacher, Property Owner(s).

The following conditions will apply:

- 1) The variance is to be approximately 13 feet (a reduction from 60 feet to approximately 47 feet).

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

DEED BOOK 854 PAGE NO. 634 GROUP NO. 2071