

08-BCBOA-003-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)

- (Check One) 1. [X] Boone ... Florence ... Walton ... Union (Check One) 2. ... Conditional Use Permit [X] Variance ... Appeal Change in Non-Conforming Use 3. Applicant's Name SPILLE Builders / TOM SPILLE Phone Number 859-341-8268 Office 393-6323 cell Fax No. 859-586-4132 Applicant's Address 2489 KREMER LN VILLA HILLS Ky 41017 City State Zip 4. Description of Request: Reduce front yard set back to 7' 5. Name of Development PLEASANT HILL SUBDIVISION 6. Location of Development ~~...~~ LOT 25 (1891 PLEASANT HILL DRIVE) 7. Acreage Under Review 8. Lot Number and Name of Subdivision (if part of a subdivision) PLEASANT HILL Lot 25 9. Owner of Property SPILL MOR Properties Address of Property Owner 2489 Kremer Ln Phone No. 341-8268 10. VILLA HILLS Ky 41017 City State Zip 11. Proposed Use(s) on Site Single Family Residence 12. Total Square Footage of Existing and/or Proposed Buildings 1500 13. Current Zoning on Property SR-1 14. Deed Book 587 Page No. 260 Group No. 2038A 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: Tom Spille

Property Owner's Signature: Tom Spille For Joe Spille - Spill Mor Properties

**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 1-17-08 Fee Received \$157100 R#55471
2. Is application complete? Yes No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:

2/13/08 **Approved**
Approved with Conditions (See #6)
Denial (See #7)
6. Conditions of Approval: SEE 2/13/08 BCBOA meeting
minutes and 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: Spille Builders
LOCATION: Lot 25, Pleasant Hill Subdivision, Boone County, Kentucky
ZONING: Suburban Residential One (SR-1)
DATE: February 13, 2008

Proposal

The Applicant is requesting a Variance to reduce the 30 foot front yard setback requirement of lot 25 of Pleasant Hill Subdivision. The submitted Plot Plan shows that a single-family dwelling will be constructed and that the front yard setback is being reduced from 30 feet to 7 feet.

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.

Site Characteristics

The flag lot is approximately 0.69 acres in area and has rolling to severe topography. Boone County GIS shows that the topography falls from approximately 808 above sea level at Pleasant Hill Drive to approximately 724 feet above sea level at the rear property line (Gunpowder Creek).

Surrounding Land Uses and Zoning

- North: Single-Family Dwelling Fronting on Pleasant Hill Drive (SR-1)
- South: Undeveloped Lots Fronting on Pleasant Hill Drive (SR-1)
- East: Gunpowder Creek & Carters Mill Subdivision Open Space (SR-1)
- West: Single-Family Dwellings & Undeveloped Lots Fronting on Pleasant Hill Drive (SR-1)

Staff Comments

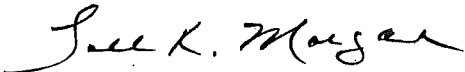
1. Staff would like to point out that Article 40 of the Boone County Zoning Regulations defines that the front yard of a flag lot "is measured from the rear lot line of the adjoining lot that is between the flag lot in question and the street." As a result, the orientation of a house on a flag lot is not used in determining the front, rear, or side yard setbacks.
2. As part of the Zoning Update, Staff is recommending that the front yard setback requirement for flag lots be reduced to the corner side yard standard (½ the required front yard) when the front of a house is oriented toward a side yard. If this change is adopted by Boone County Fiscal Court the front yard setback requirement in this case would change from 30 feet (current requirement) to 15 feet.

3. Staff asked the Applicant to look into the possibility of moving the house to the northeast (toward the driveway and rear property line) in an attempt to increase the front yard setback.
4. Staff believes that the strict application of the regulations would deprive the applicant of reasonable use of the land because of the topographical constraints of the lot.
5. If the Board approves the request, Staff recommends three small trees should be required in the front yard.

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 request.

Respectfully submitted,



Todd K. Morgan, AICP
Senior Planner, Zoning Services

TKM/pr

Attachments

- *Site Vicinity Map
- *Concept Plan (Plot Plan)
- *Concept Plan (Topography)
- *Zoning Map
- *Aerial Map
- *Application

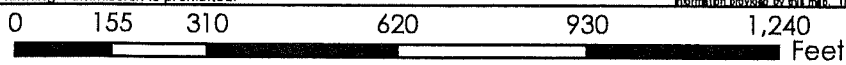
SITE VICINITY MAP

www.boonecountygis.com



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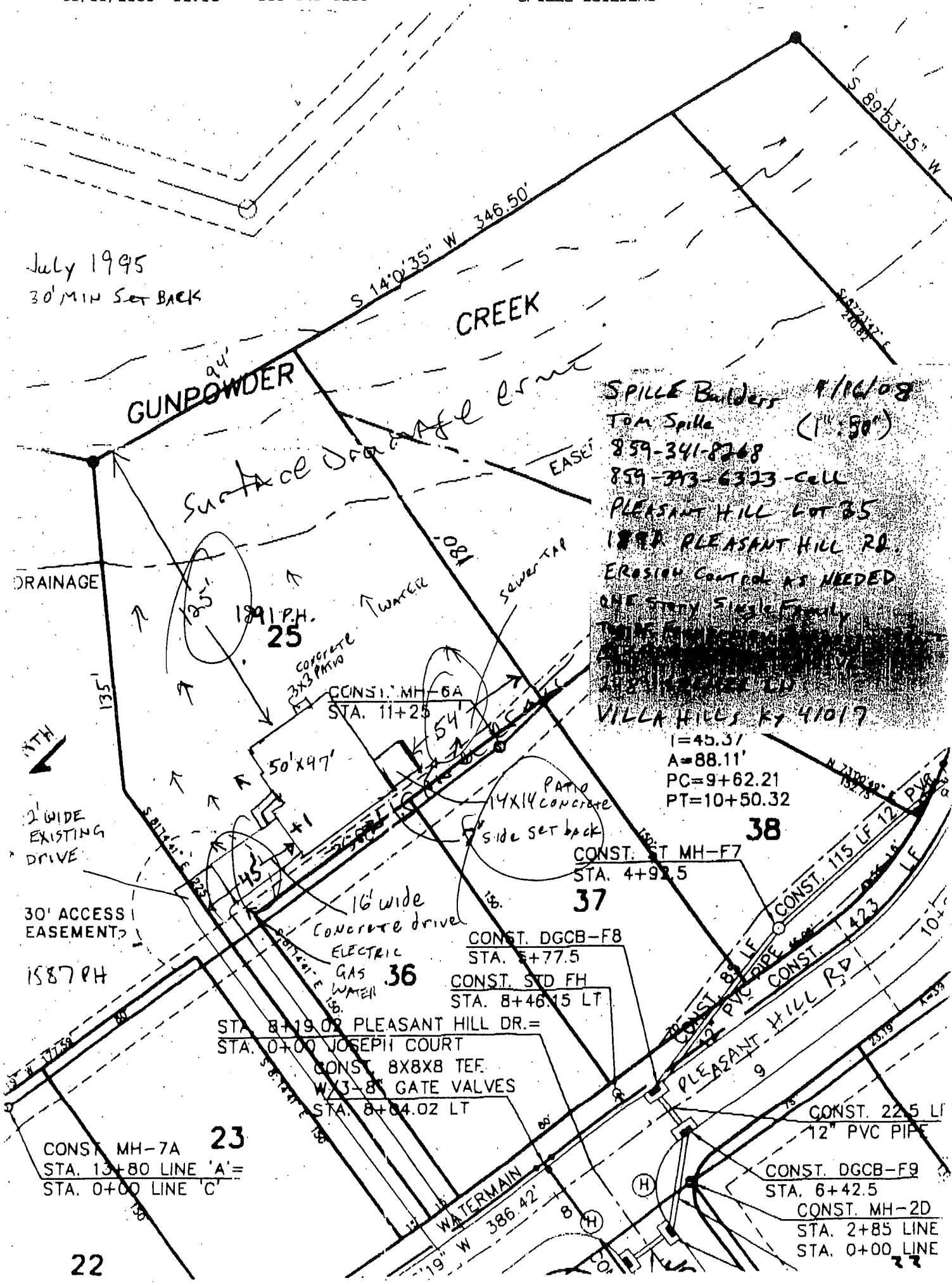
1 Inch equals 300 feet



Boone County GIS - Putting Northern Kentucky on the Map



July 1995
30' MIN SET BACK



SPILLE Builders 8/16/08
 Tom Spille (1"=50')

859-341-8268
 859-393-6323-cell
 PLEASANT HILL LOT 35
 1899 PLEASANT HILL RD.

EROSION CONTROL AS NEEDED
 ONE STORY SINGLE FAMILY
 TRAILER PERMITTED
 VILLA HILLS KY 41017

I=45.31'
 A=88.11'
 PC=9+62.21
 PT=10+50.32

38

CONST. ST MH-F7
 STA. 4+92.5

37

CONST. DGCB-F8
 STA. 5+77.5

CONST. STD FH
 STA. 8+46.15 LT

ELECTRIC
 GAS
 WATER

36

STA. 8+19.02 PLEASANT HILL DR.=
 STA. 0+00 JOSEPH COURT

CONST. 8X8X8 TEF.
 W/3-8" GATE VALVES
 STA. 8+04.02 LT

CONST. MH-7A
 STA. 13+80 LINE 'A'=
 STA. 0+00 LINE 'C'

23

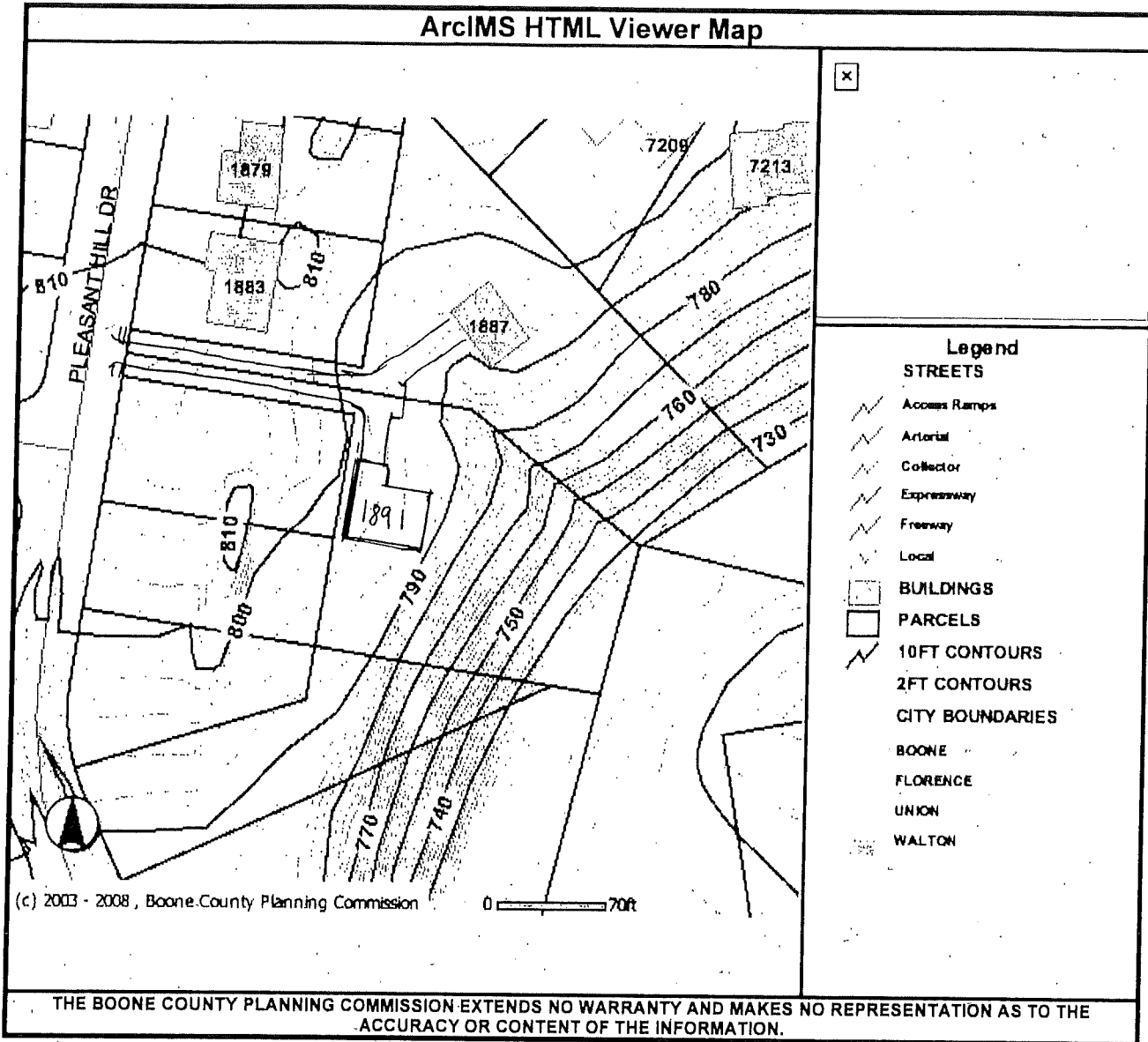
CONST. 22.5 LI
 12" PVC PIPE

CONST. DGCB-F9
 STA. 6+42.5

CONST. MH-2D
 STA. 2+85 LINE
 STA. 0+00 LINE

22

23



60 Vertical 100 Horizontal

H = 60

- 1/3 = 20

Spille Builders 1/16/08

Tom Spille (1" : 70')

859-341-8268

859-393-6323-cell

PLEASANT HILL LOT 25

1891 PLEASANT HILL RD.

EROSION CONTROL AS NEEDED

ONE STORY SINGLE FAMILY

TOP OF FOUNDATION 1' ABOVE
EXISTING FLAG LOT DRIVE

2489 KREMER LN

VILLA HILLS KY 41017

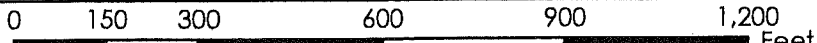
ZONING MAP

www.boonecountygis.com



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1 inch equals 300 feet



Boone County GIS - Putting Northern Kentucky on the Map



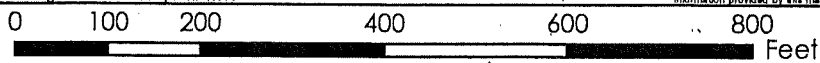
AERIAL MAP

www.boonecountygis.com



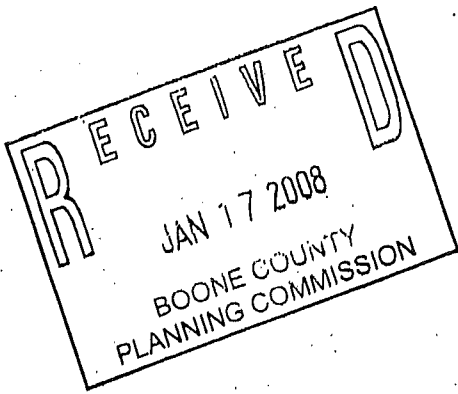
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Boone County GIS - Putting Northern Kentucky on the Map





APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

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Applicant's Signature: Tom Spille

Property Owner's Signature: Tom Spille For Joe Spille - Spill Mor Properties Joseph Spille

COPY

CLUR #08-BCBOA-003-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Spillmor Properties
2489 Kremer Lane
Villa Hills, KY 41017

2. ADDRESS OF PROPERTY
1891 Pleasant Hill Drive
Florence, KY 41042
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Lot 25, Pleasant Hill

4. DEED BOOK 587 PAGE NO. 260 GROUP NO. 2038A

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

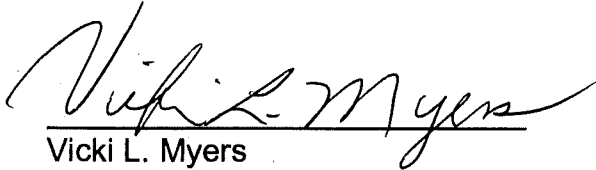
Todd K. Morgan
SIGNATURE OF COMPLETING OFFICIAL

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 22 day of February, 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 Board of Adjustments and in accordance with the current zoning in effect as of February 13, 2008 Certificate of Land Use Restriction (#08-BCBOA-003-A), for Spillmor Properties, Property Owner(s).

The following conditions will apply:

- 1) The front yard setback shall be a minimum of 10 feet.
- 2) Three small trees are to be planted in the front yard.

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

DEED BOOK 587 PAGE NO. 260 GROUP NO. 2038A