

08-BCB01-W ~~FLORIDA~~ DENIED

Deadline 3/18
Mtg. 4/9

APPLICATION FORM

BOARD OF ADJUSTMENT
AND
ZONING APPEALS ACTION
BOONE COUNTY PLANNING COMMISSION

RECEIVED
MAR 17 2008
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 DOUGLAS HOMES
Phone Number (513) 574-1726 Fax No. (513) 598-2343
Applicant's Address 6581 HARRISON AVE.
CINCINNATI OHIO 45247
City State Zip
- 4. Description of Request: OWNER REQUESTS CHANGE OF SETBACK AT
REAR YARD. HOUSE ENCRACHES ^{14'} INTO REAR YARD SETBACK
- 5. Name of Development SUNDANCE ESTATES
- 6. Location of Development SOUTHSIDE OF BULLLETTSVILLE RD. SEE ATTACHED
LOCATION MAP.
- 7. Acreage Under Review 0.3 AC
- 8. Lot Number and Name of Subdivision (if part of a subdivision)
SUNDANCE ESTATES Lot # 43
- 9. Owner of Property DOUGLAS HOMES
Address of Property Owner 6581 HARRISON AVE Phone No. (513) 574-1726
- 10. CINCINNATI OHIO 45247
City State Zip
- 11. Proposed Use(s) on Site SINGLE FAMILY HOME
- 12. Total Square Footage of Existing and/or Proposed Buildings 2842 SF.
- 13. Current Zoning on Property RESIDENTIAL SINGLE FAMILY
- 14. Deed Book 903 Page No. 359 Group No. ~~XXXXXXXXXXXX~~
- 15. Is the site subject to a zone change? NO
If yes, give date of approval _____ 2007
- 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] DOUGLAS H. MEYER

* Property Owner's Signature: [Signature] DOUGLAS H. MEYER

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 3-17-08 Fee Received \$ 571.00 PA 55807
2. Is application complete? _____ Yes _____ No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
_____ Approved
_____ Approved with Conditions (See #6)
4/9/08 Denial (See #7)
6. Conditions of Approval: SEE DENIAL

7. Reasons for Denial: SEE 4/9/08 BCBOA
MEETING MINUTES

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: Douglas Homes

LOCATION: Lot 43, Sundance Estates Subdivision (3103 Durango Court), Boone County, Kentucky

ZONING: Rural Suburban (RS)

DATE: April 9, 2008

Proposal

The applicant is requesting a Variance so a house can encroach into the rear yard setback. The submitted plan shows that the rear yard setback would be reduced from 40' to approximately 26' feet. The subject property is lot 43 of Sundance Estates Subdivision and fronts on Durango Court.

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.

Site History

2005 - The property is rezoned from Rural Suburban Estates (RSE) to Rural Suburban (RS). The approved plan shows a subdivision with 57 lots.

Site Characteristics

The approximate 0.29 acre property fronts on Durango Court. The property is fairly level and contains no trees or shrubs. A wire farm fence is located along the rear property line.

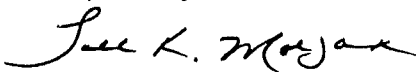
Staff Comments

1. The setback requirements in the Rural Suburban (RS) zoning district are 40' front, 40' rear, and 10' sides.
2. Staff would like the Applicant to address the following questions:
 - A. Could a smaller house be constructed on the lot which meets all the setback requirements?
 - B. Is the proposed house a market home or has someone agreed to purchase it?
 - C. Could this model be constructed on another lot and meet all the setback requirements?
3. Staff has the following concerns regarding the request:
 - A. The rear yard setback requirement is being reduced by 35%.
 - B. A farm field exists behind the subject property. It is possible that a residential subdivision could develop on this property in the future.
 - C. No hardships have been identified.
4. Staff recommends the following conditions if the request is approved:
 - A. The house shall be located on the 40' front yard setback line.
 - B. Four large trees shall be located in the rear 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

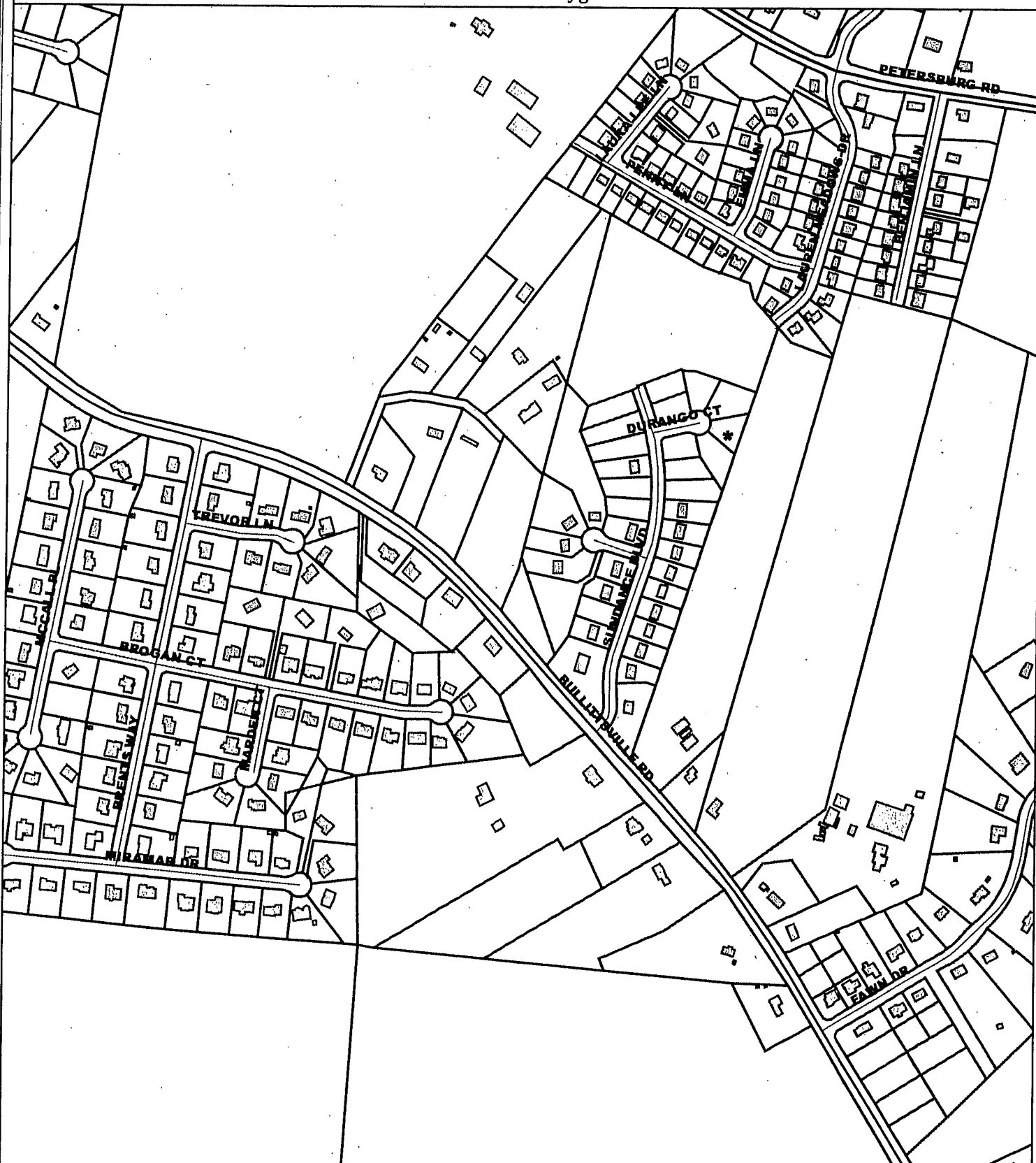
TKM/pr

Attachments

- *Site Vicinity Map
- *Plot Plan
- *Building Elevations
- *Floor Plans
- *Zoning Map
- *Topographical Map
- *Aerial Map
- *Application

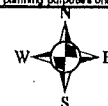
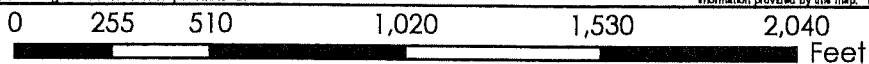
SITE VICINITY MAP

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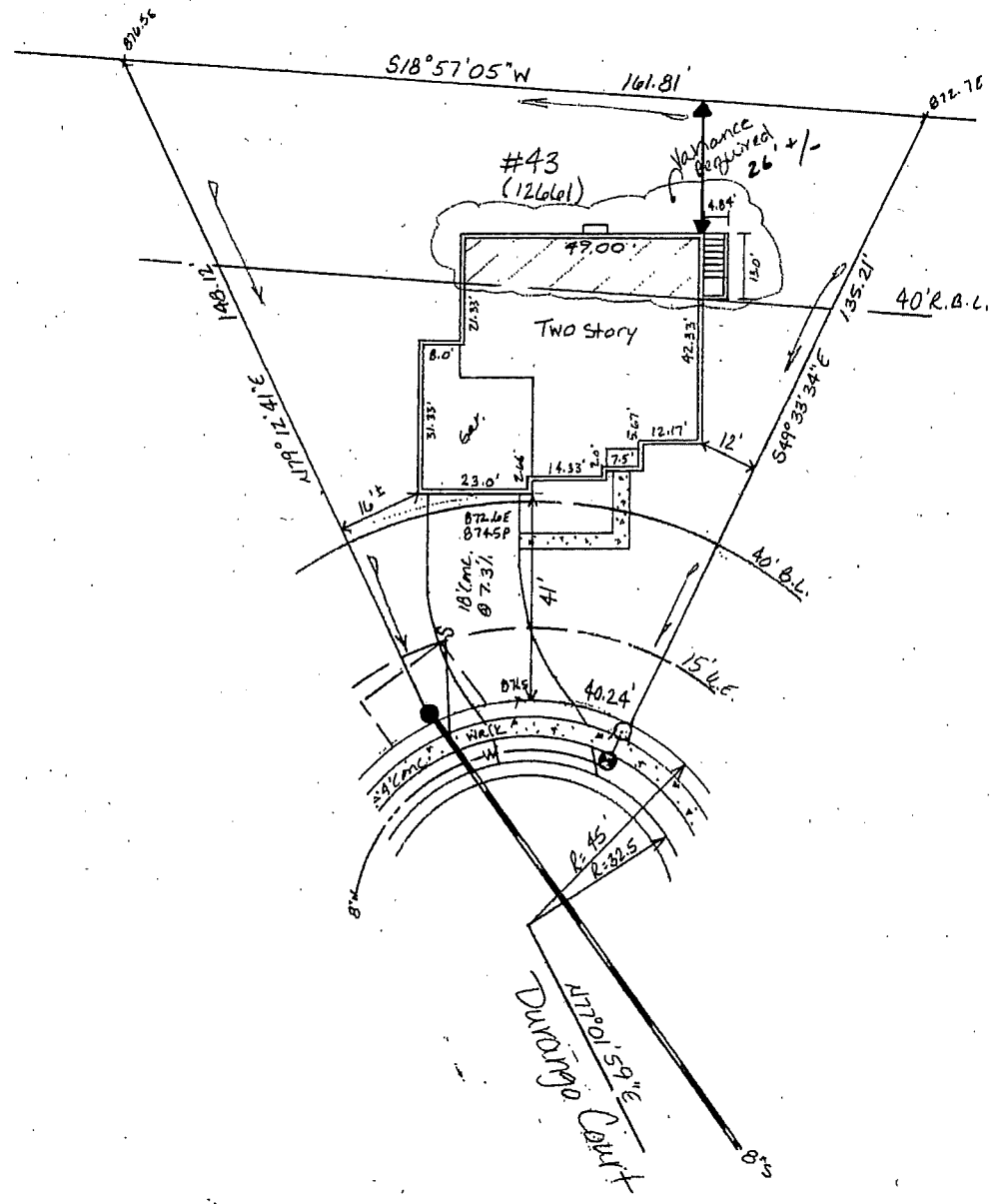
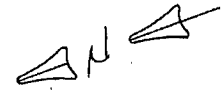


Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 01/01/2008

Boone County GIS
ArcMap Document: Unlitled

STATE OF KENTUCKY
 TODD K. TURNER
 3481
 LICENSE
 PROFESSIONAL
 LAND SURVEYOR



Note:
 11in Setbacks
 Front=40'
 Side=10'each
 Rear=40'

*This drawing was prepared for house permitting and staking only. It does not warrant any environmental or geo-technical conditions, and it does not represent a boundary or "As-Built" survey.

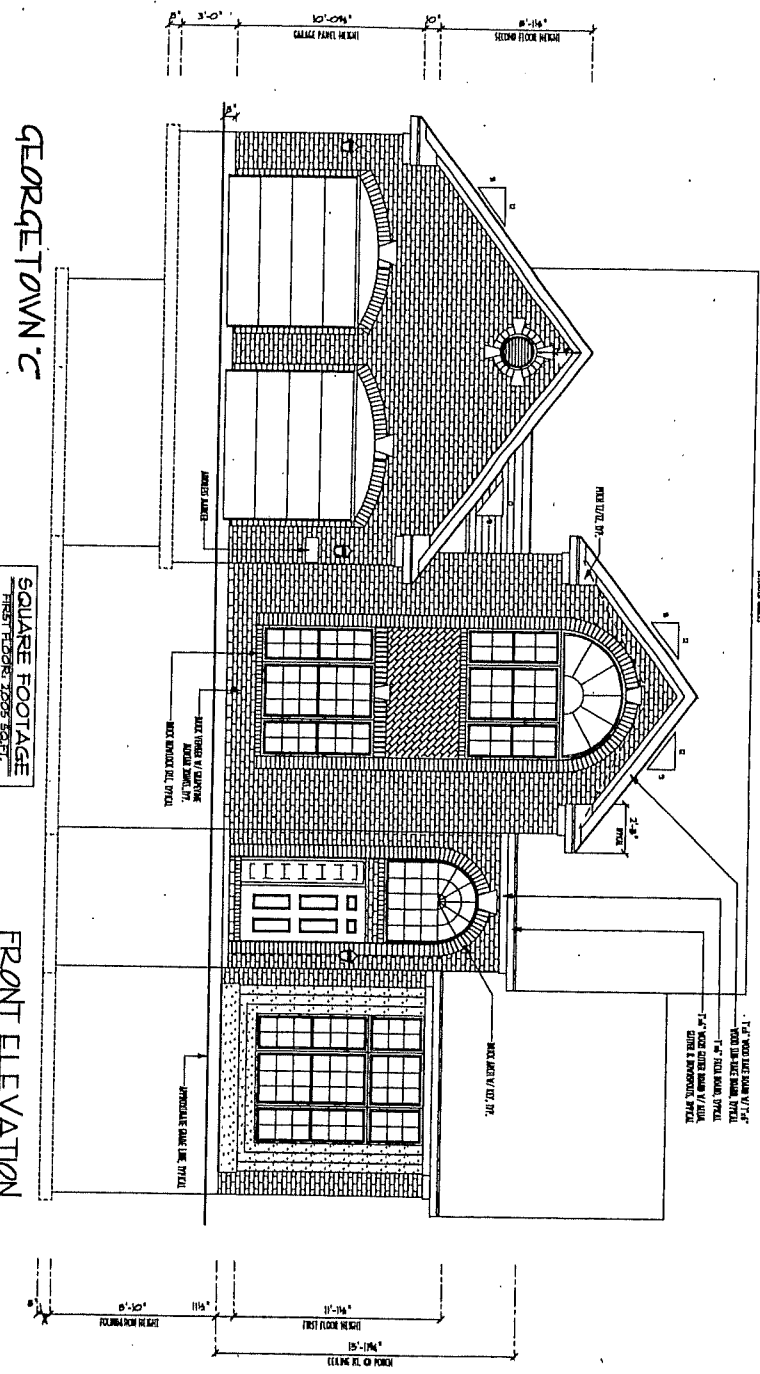
JOB Douglas Homes
 SCALE 1"=30'
 DATE 3-11-08
 DRAWN BY DTE



engineers
 planners
 architects
 surveyors

Plot Plan
 Lot #43
 Sundance Estates Sec. Two
 Unincorporated Boone County
 Kentucky


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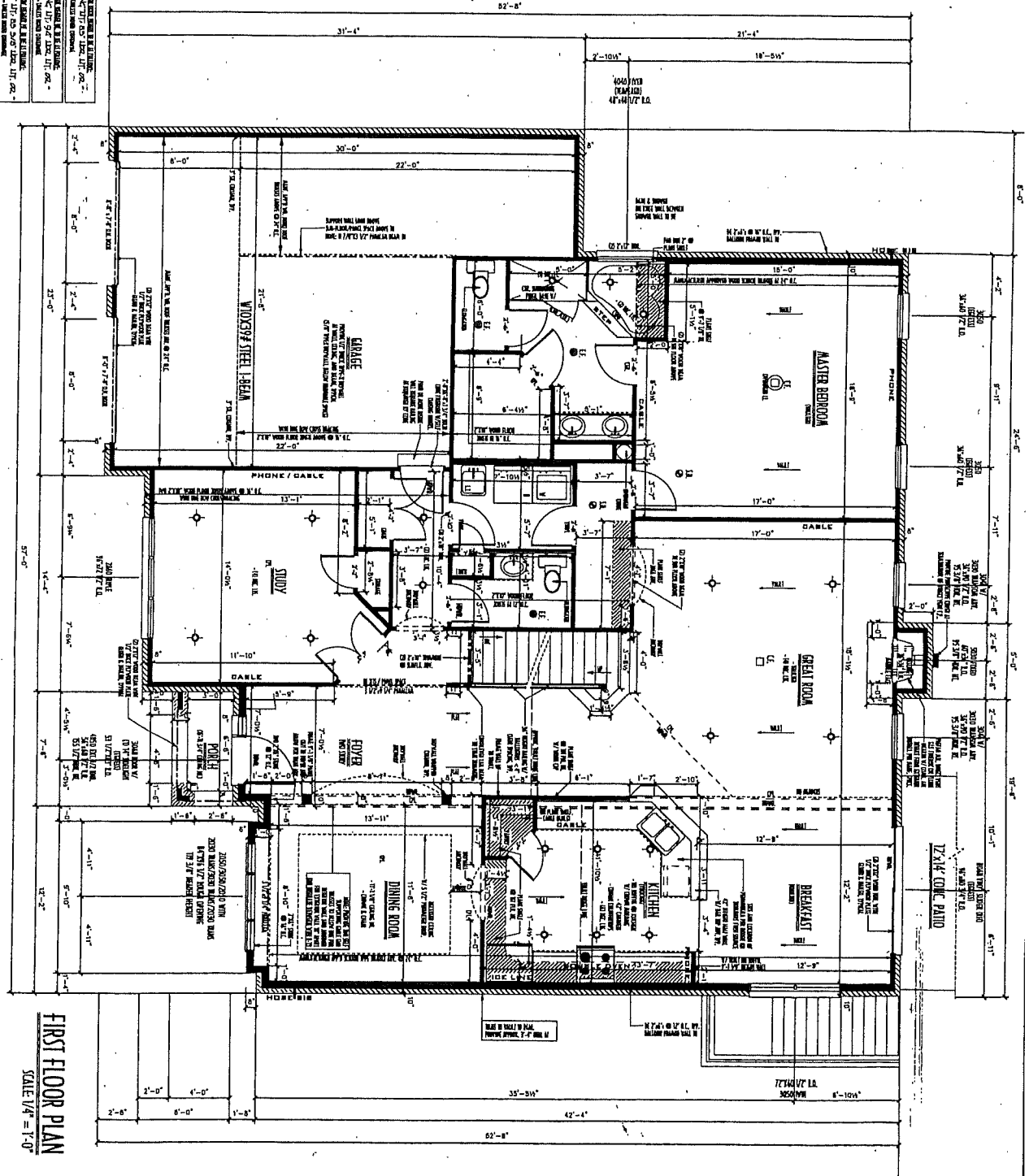
SQUARE FOOTAGE
 FIRST FLOOR: 7205 SQ. FT.
 SECOND FLOOR: 857 SQ. FT.
 TOTAL HOUSE AREA: 2442 SQ. FT.
 BASEMENT CONC.: 1453 SQ. FT.
 GARAGE CONC.: 339 SQ. FT.

FRONT ELEVATION
 SCALE: 1/4" = 1'-0"

GEORGETOWN - C

TITLE: FLR		PROJECT ADDRESS: LOT #43 SUNDANCE ESTATES DURANGO COURT BURLINGTON, KY 41005	DATE: 3/10/08	DRAWN BY:	MODEL:	OPTION:
DRAWING: A-1			APPROVED: XXXXXXX	RAG	GEORGETOWN	C
SHEET: 2	8581 HARRISON AVE., 3RD FLR. CINCINNATI, OHIO 45247 PHONE: (513) 874-1726 WWW.DOUGLAS-HOMES.COM		REV. DATE:	REVISED:		
			XXXXXX	ISSUE FOR PERMITS AND CONSTRUCTION.		

- 9. CHECK ALL DIMENSIONS AND LOCATIONS.
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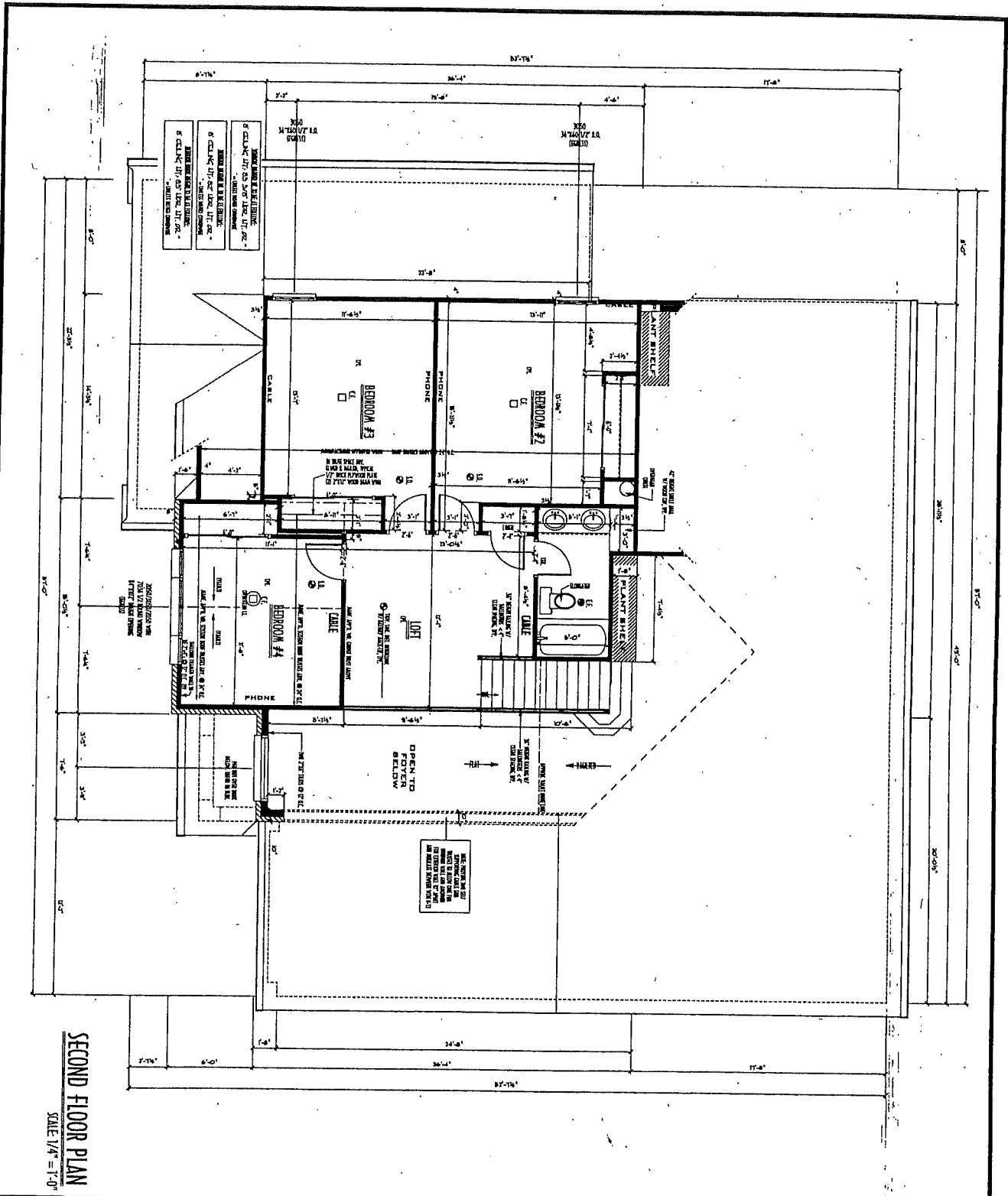
TITLE:
FLR
DRAWING:
A-4
SHEET:
5




8581 HARRISON AVE., 3RD FLR.
CINCINNATI, OHIO 45247
PHONE: (513) 574-1728 WWW.DOUGLASHOMES.COM

PROJECT ADDRESS:
LOT #43 SUNDANCE ESTATES
DURANGO COURT
BURLINGTON, KY 41005

DATE: 3/10/06	DRAWN BY: RAG	MODEL: GEORGETOWN	OPTION: C
APPROVED: XXXXXX	REVISED: MAKE FOR PERMITS AND CONSTRUCTION.		
REV. DATE: XXXXXX	REVISED: MAKE FOR PERMITS AND CONSTRUCTION.		

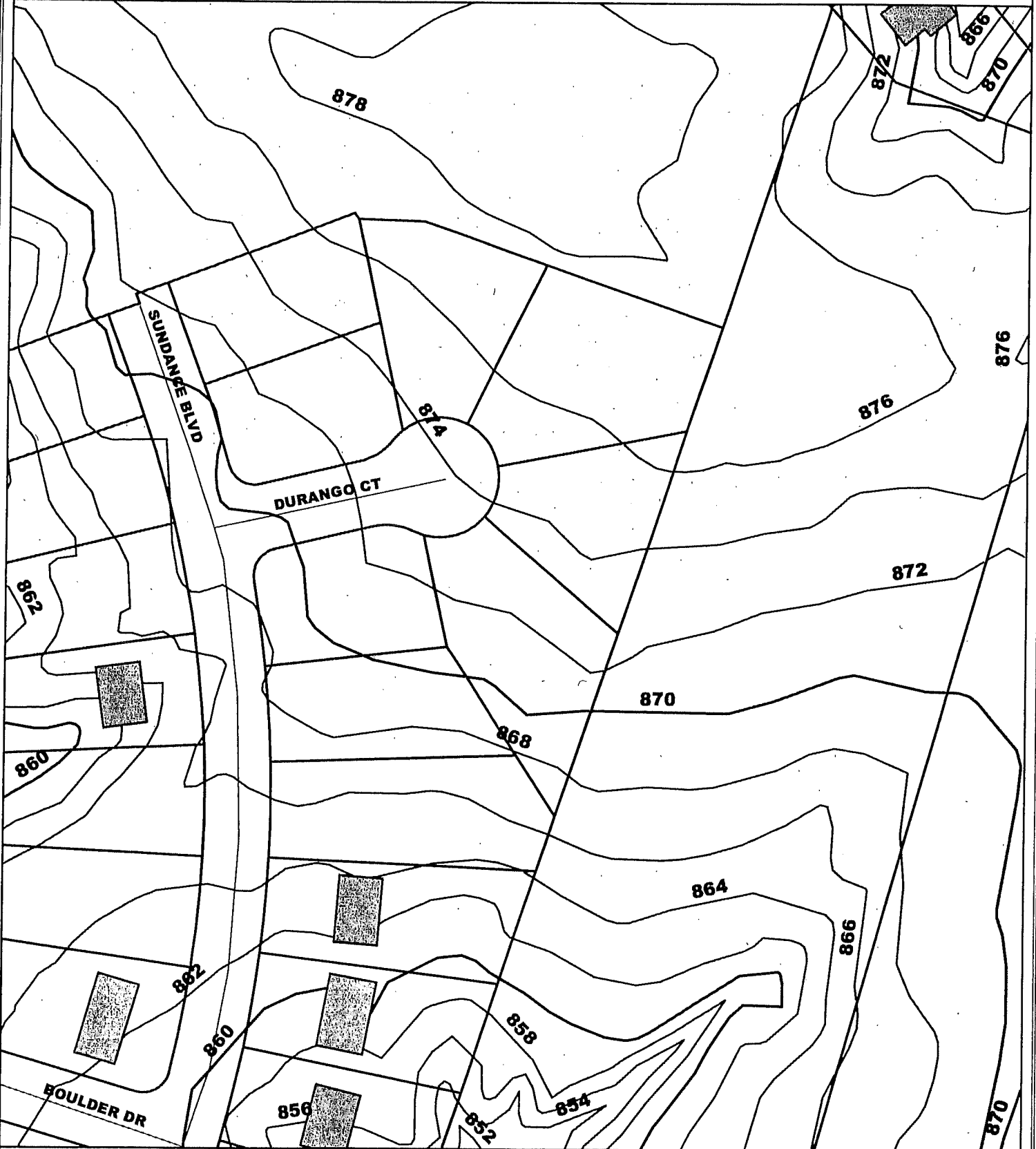


SECOND FLOOR PLAN
SCALE 1/4" = 1'-0"

TITLE:		PROJECT ADDRESS:	DATE: 3/10/08	DRAWN BY:	MODEL:	OPTION:
FLR		LOT #43 SUNDANCE ESTATES DURANGO COURT BURLINGTON, KY 41005	APPROVED: XXXXXX	RAG	GEORGETOWN	C
DRAWING:			REV. DATE:	REVISED:		
A-5			XXXXXX	ISSUE FOR PERMITS AND CONSTRUCTION.		
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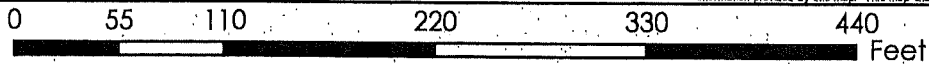
TOPOGRAPHICAL MAP

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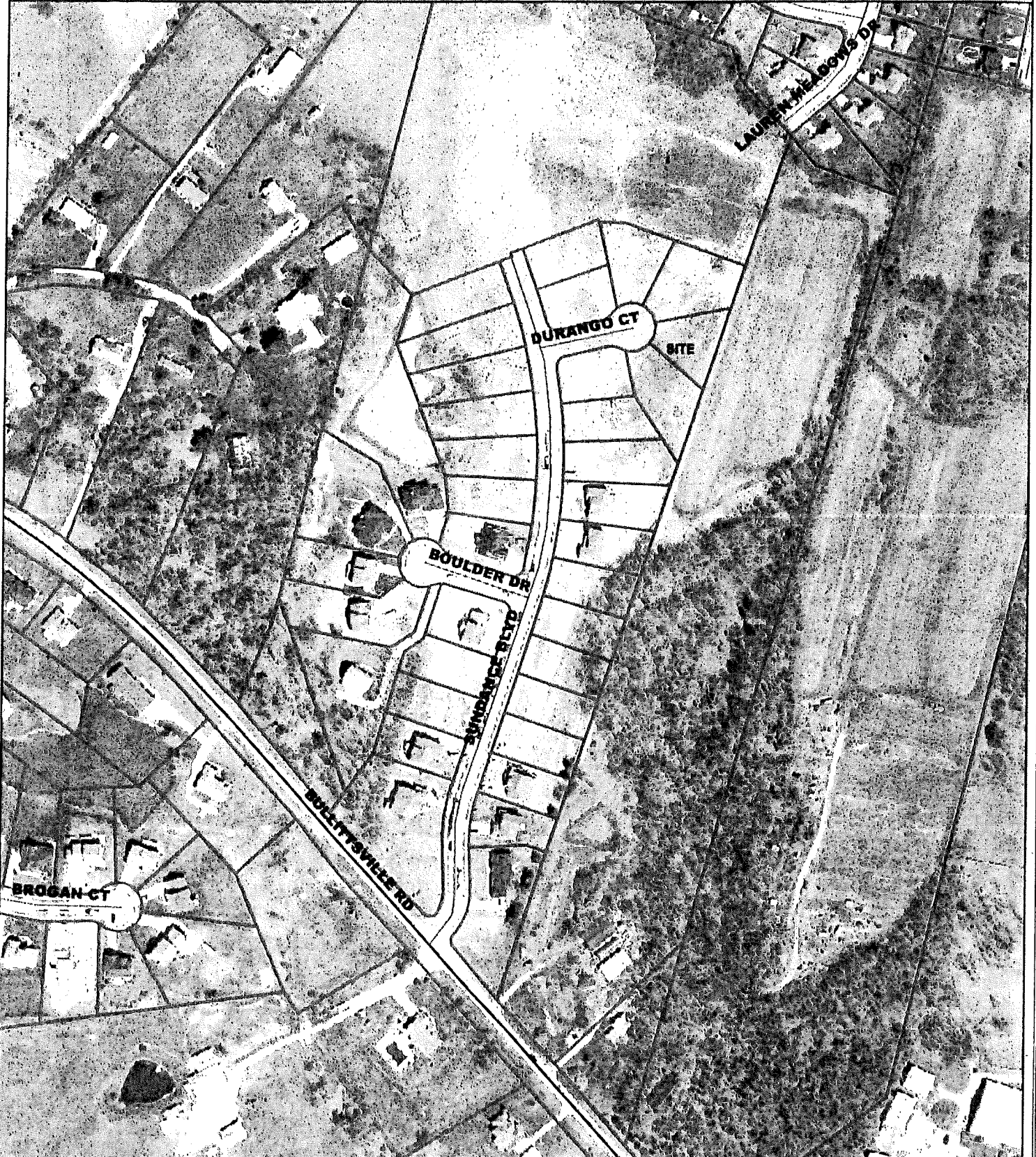
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Boone County GIS - Putting Northern Kentucky on the Map

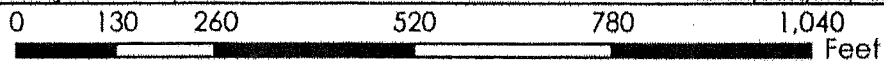
AERIAL MAP

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1 inch equals 250 feet



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- 15. Is the site subject to a zone change? NO
If yes, give date of approval _____
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Property Owner's Signature: _____

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