

APPLICATION FORM

RECEIVED
BOONE DISA
NOV 14 2014
69925
BOONE COUNTY
PLANNING COMMISSION

BOARD OF ADJUSTMENT
AND
ZONING APPEALS ACTION
BOONE COUNTY PLANNING COMMISSION

FIVE (5) SCALED COPIES AND ONE (1) 11X17 REDUCTION OF SUBMITTED DRAWINGS ARE REQUIRED

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 Grand Communities LTD
Applicant's Address 3940 Olympic Blvd. Suite 100
Erlanger Kentucky 41018
City State Zip

4. Phone Number (859)-341-4709 Fax No. _____ E-Mail jwisniewski@fischerhomes.com
Description of Request: Variance for 2 lots that fall short of the 65 foot minimum lot frontage standard at the minimum 30 foot front yard setback.

5. Name of Development The Greens of Brigadoon

6. Location of Development Intersection of Cardigan Dr. and Farmcrest Dr. in Union KY.

7. Acreage Under Review 0.45 (Future 0.24 + 0.21 ACRE lots)

8. Lot Number and Name of Subdivision (if part of a subdivision)
The Greens of Brigadoon - Lots 26 and 28

9. Owner of Property Kenneth R. Estes
Address of Property Owner 7443 Hopeful Church Road

10. Florence Kentucky 41042
City State Zip

11. Phone Number _____ Fax No. _____ E-Mail _____

11. Proposed Use(s) on Site Subdivision

12. Total Square Footage of Existing and/or Proposed Buildings 4,000

13. Current Zoning on Property SR-1

14. Deed Book 899 Page No. 302 Group No. 2056

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? No, Preliminary Plat

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.

ORIGINAL Property Owner's Signature: [Signature]
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: [Signature]
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

(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 11/14/14 Fee Received \$632⁰⁰ Receipt # 69925
2. Is application complete? Yes No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
12/10/14 **Approved**
Approved with Conditions (See #6)
Denial (See #7)
6. Conditions of Approval: SEE 12/10/14 MEETING MINUTES
AND CUR
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: Grand Communities LTD

LOCATION: 18.26 Acre Tract at the Terminus of Cardigan Drive, Boone County, Kentucky.

ZONING: Suburban Residential One (SR-1)

DATE: December 10, 2014



PROPOSAL

The applicant is requesting a Variance to reduce the minimum road frontage requirement for two future lots in the Greens of Brigadoon Subdivision. The Preliminary Plat shows the subdivision will have 56 detached single-family residential dwellings on 18.26 acres of land (3.07 dwelling units per acre). The Boone County Zoning Regulations requires conventional lots, which are zoned Suburban Residential (SR-1), to have 65' of road frontage at the 30' front yard setback. The request is to reduce the road frontage requirements of future lots 26 and 28 from 65' to 59.8' and 55.6' respectively.

APPLICABLE REGULATIONS

Table 31.1 of the Boone County Zoning Regulations indicates that detached single-family residential lots in the SR-1 zone need to have a minimum of 65' of road frontage.

Section 4000 of the Boone County Zoning Regulations defines lot frontage as the distance between the side property lines as measured across the required minimum front yard setback line.

Section 250 of the Boone County Zoning Regulations states the Board of Adjustment 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 needs to evaluate the request as it relates to the following variance criteria:

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 subject 18.26 acre property is located at the terminus of Cardigan Drive. Boone County GIS shows that the topography of the parcel ranges from 950' above sea level along the southern property line to 930' above sea level at the terminus of Cardigan Drive, to 890' above sea level at the southeast property line. The site is heavily with deciduous trees. The site will be cleared and graded when construction of the subdivision begins.

ADJOINING LAND USES AND ZONING

North: Single-Family Residential Dwellings Fronting on Cedarwood Drive (SR-1)

South: Single-Family Residential Dwellings Fronting on Farmcrest Drive (SR-1)

East: Single-Family Residential Dwellings Fronting on Deepwood Court (SR-1)

West: Single-Family Residential Dwellings Fronting on Bayswater Drive (SR-1)

STAFF COMMENTS

1. Denying the application will probably cause the applicant to lose one buildable lot. The Board needs to determine if the loss of the lot will deprive the applicant of the reasonable use of the land or cause an unnecessary hardship.
2. Staff believes the request to reduce the 65' lot frontage requirement to 59.8' and 55.6' will not be discernable in the field. However, Staff believes that the shape of the lots and the 30' front yard setback could cause the houses on these lots to have strange building orientations towards the street. Staff recommends the following:
 - A. The Board could impose a condition requiring the houses on lots 25, 26, 28, and 29 to be constructed per the conceptual house orientation and driveway configuration plan; or
 - B. The applicant should analyze reducing the size of lot 27 and providing more acreage to lots 26 and 28.
3. The Board needs to analyze the Variance criteria before acting on the request.

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 act on the request.

Respectfully submitted,



Todd K. Morgan, AICP
Senior Planner, Zoning Services

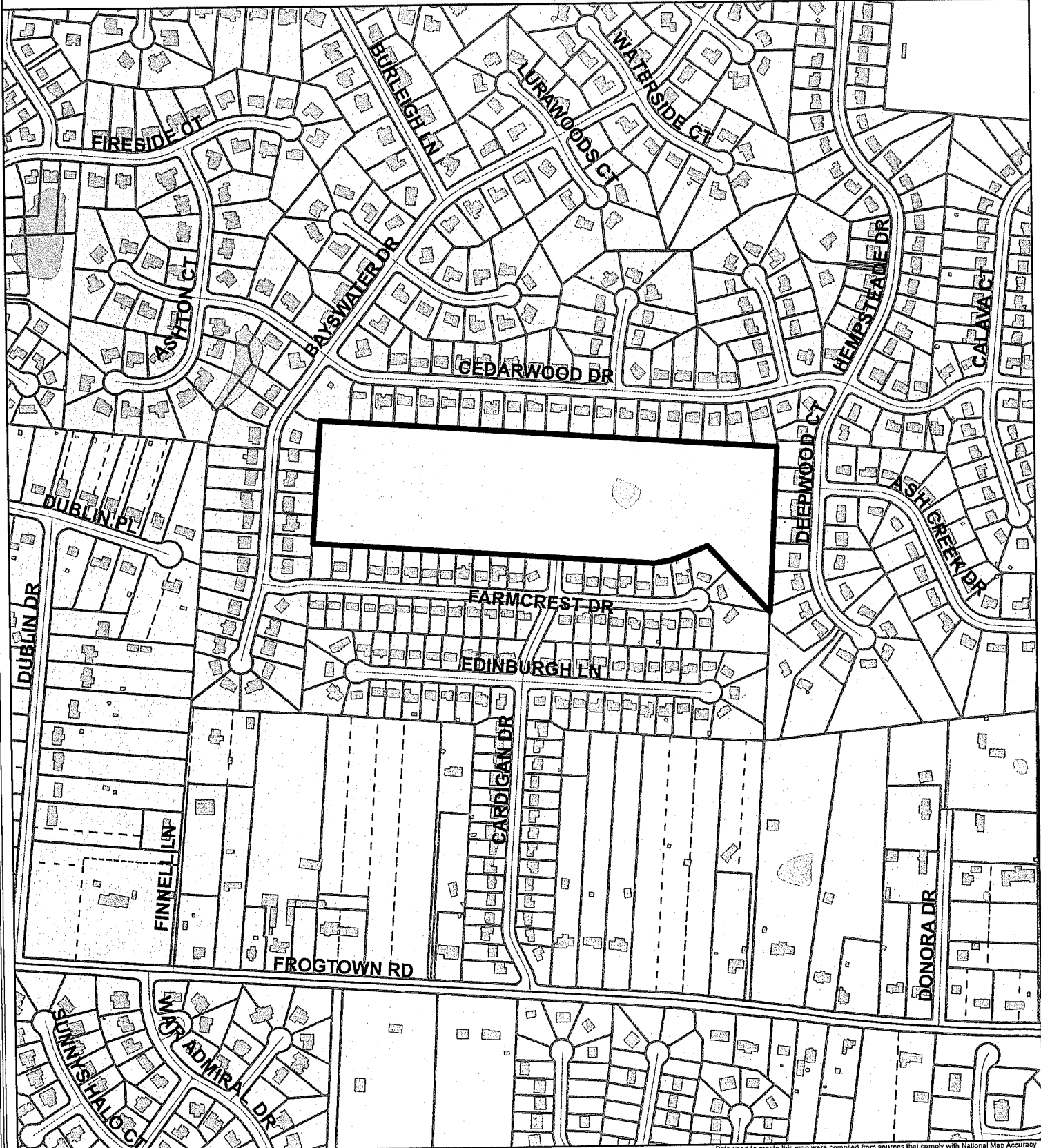
TKM/tlb

Attachments

- *Site Vicinity Map
- *Greens of Brigadoon Preliminary Plat (Has not been approved by Boone County Planning Commission)
- *Conceptual House Orientation and Driveway Configuration Plan
- *11/17/14 Email from Adrian Yanes (Viox & Viox)
- *Statement From Applicant Indicating why the request should be approved.
- *2012 Aerial Map
- *Zoning Map
- *Topographical Map
- *Application

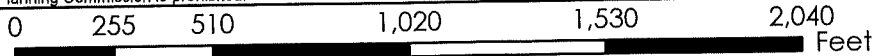
SITE VICINITY MAP

www.boonecountygis.com



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Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



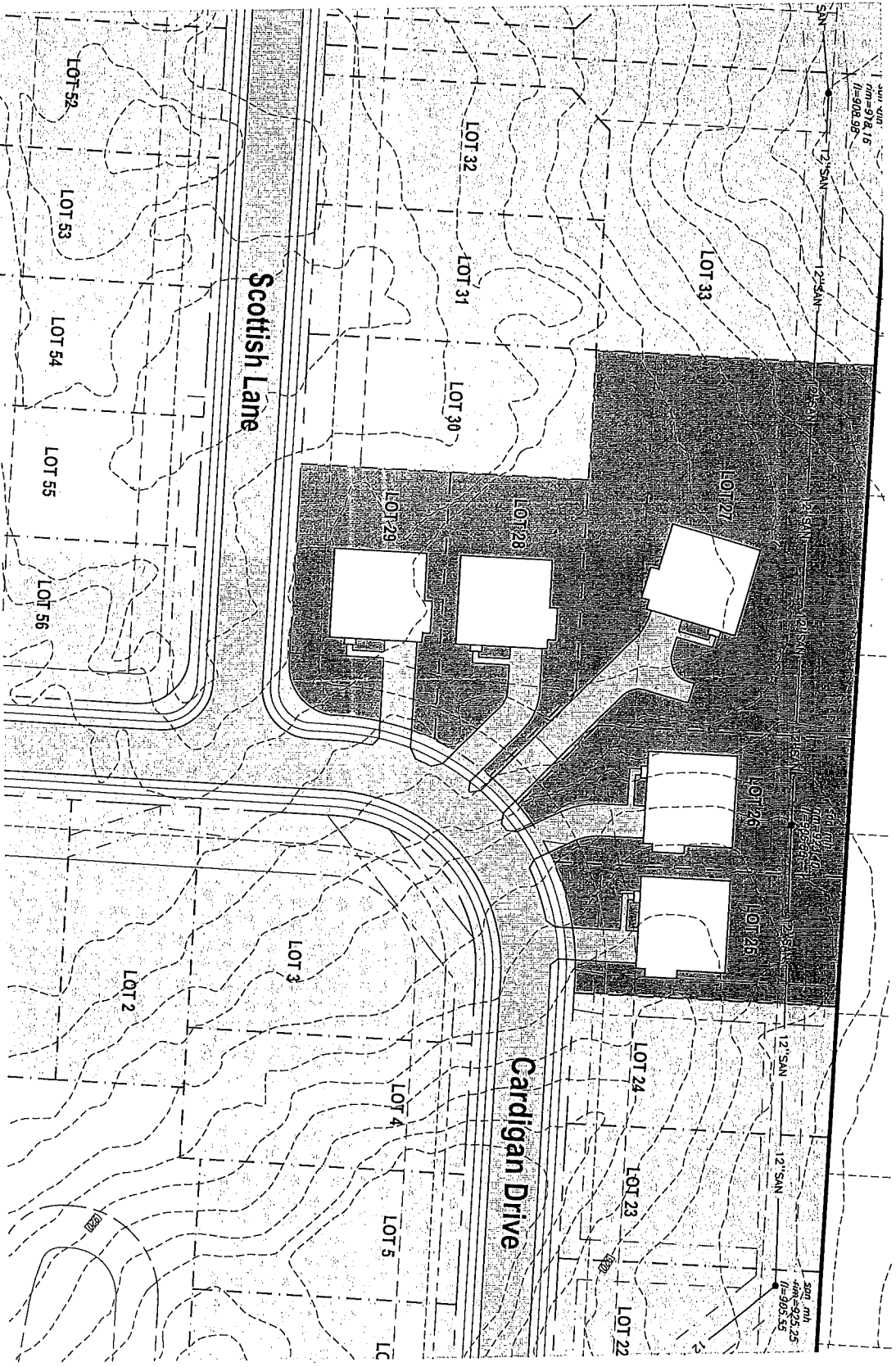
1 inch = 500 feet



Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 07/01/2013

Scale: 1:50000
ArcMap Document: BooneMap (ftr).mxd



Grand Communities, Ltd.

The Greens of Brigadoon Boone County, Kentucky

Conceptual House Orientation and Driveway Configuration Exhibit



November 12, 2014

Todd Morgan

From: Adrian Yanes <ayanes@vioxinc.com>
Sent: Monday, November 17, 2014 2:28 PM
To: Todd Morgan
Cc: Michelle Bollman
Subject: Greens of Brigadoon

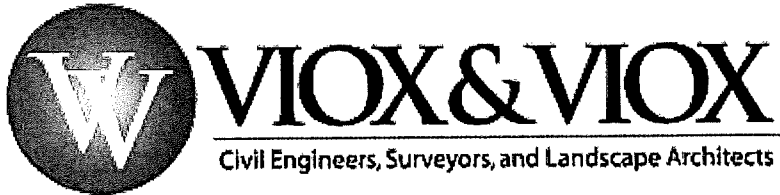
Todd,

Here is the information you are requesting:

Lot 26=0.24 Acres with a lot frontage of 59.80 feet at the 30 foot front yard setback.
Lot 28=0.21 Acres with a lot frontage of 55.60 feet at the 30 foot front yard setback.

Adrian Yanes

Viox&Viox, Inc
466 Erlanger Rd.
Erlanger, Kentucky 41018
Office: 859-727-3293 ext. 43



Variance Request - Greens of Brigadoon Lots 26 & 28

A variance is being requested for lot width at the front yard setback for lots 26 and 28.

KRS100.243 specifies three criteria to consider when evaluating a variance. Due to current regulations, existing utilities, and topographic concerns we believe the following criteria applies to this application: "The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant". A detailed presentation outlining these factors will be given as part of the presentation to the Board of Adjustment.

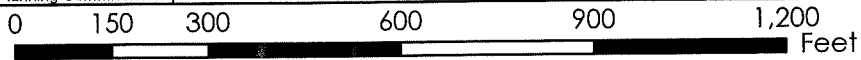
2012 AERIAL MAP

www.boonecountygis.com



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1 inch = 300 feet



Boone County GIS - Putting Northern Kentucky on the Map

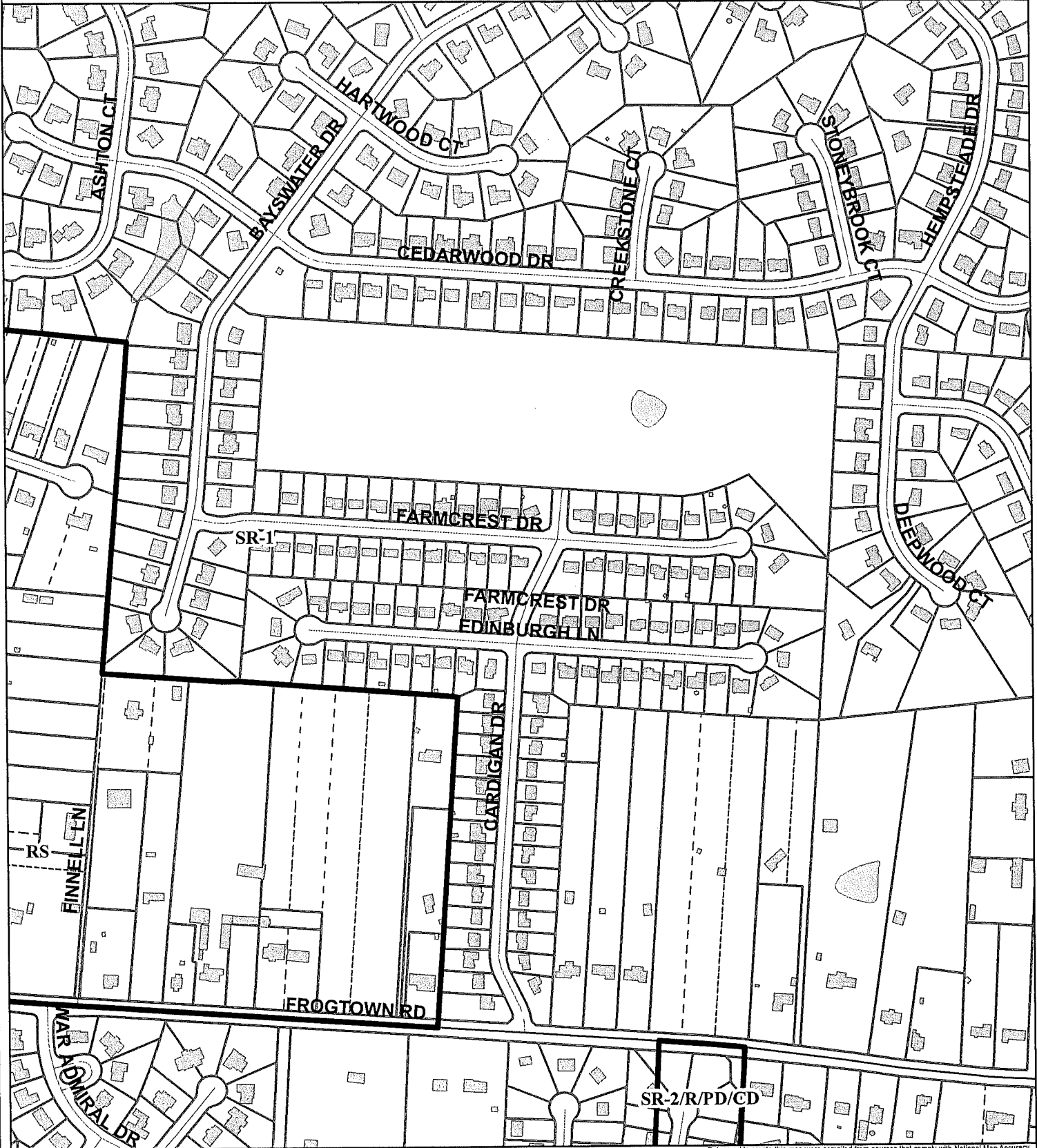


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World File: 2.mxd by 2:00pm 7/1/13
ArcMap Document: BooneMap (lite).mxd

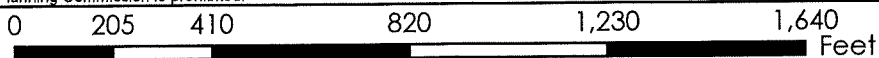
ZONING MAP

www.boonecountygis.com

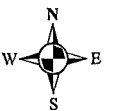


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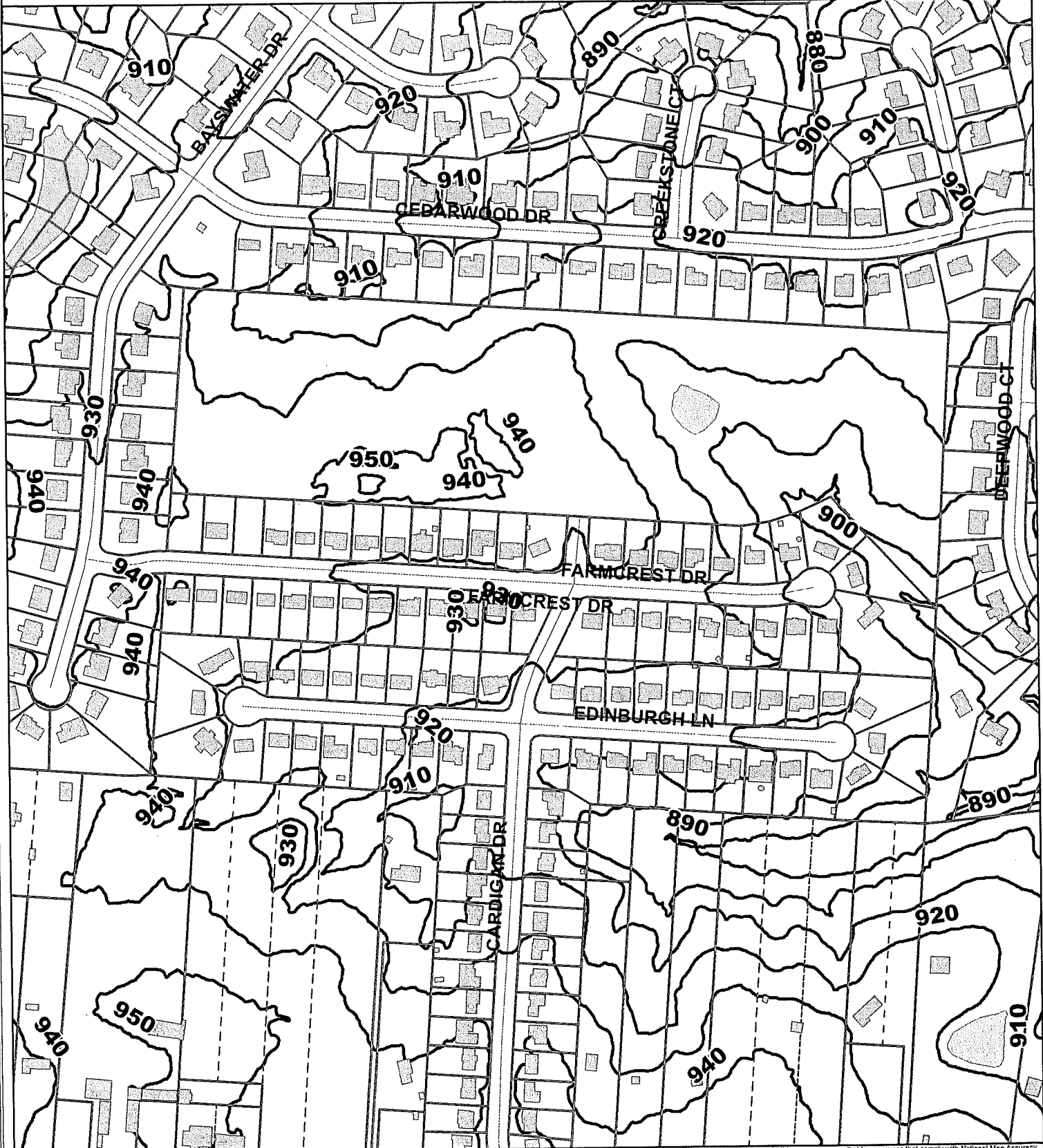
1 Inch = 400 feet



Boone County GIS - Putting Northern Kentucky on the Map

TOPOGRAPHICAL MAP

www.boonecountygis.com



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0 150 300 600 900 1,200 Feet

1 inch = 300 feet

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Map Created: 07/01/2013



Boone County GIS
ArcMap Document: BooneMap (fita).mxd

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City State Zip

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(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: [Signature]
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(over)

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Kenneth R. Estes
7443 Hopeful Church Road
Florence, KY 41042

2. ADDRESS OF PROPERTY

Cardigan Drive
Union, KY

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

The Greens of Brigadoon

4. DEED BOOK 899

PAGE NO. 302

GROUP NO. 2056

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
2950 WASHINGTON STREET, ROOM 317
P.O. BOX 958
BURLINGTON, KENTUCKY 41005

Todd K. Morgan
SIGNATURE OF COMPLETING OFFICIAL

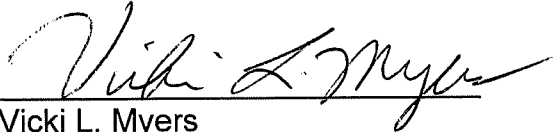
Todd K. Morgan, Senior Planner
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledged before me by Todd K. Morgan

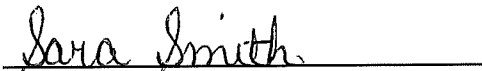
on behalf of the Boone County Planning Commission this 11 day of December, 2014.



Vicki L. Myers
Notary ID 438411
NOTARY PUBLIC, State at Large

My commission Expires:
April 17, 2015

This instrument was prepared for recording purposes only by:



Sara Smith
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 Condition of Approval applies to the variance approved by the Boone County Board of Adjustment and in accordance with the current zoning in effect as of December 10, 2014 Certificate of Land Use Restriction (#14-BCBOA-015-A), for Kenneth R. Estes Property Owner(s).

The following condition will apply:

1. The future houses on lots 25-29 shall be built as close as possible to the "conceptual house and driveway configuration" plan that was submitted with the application and shall comply with the Suburban Residential One (SR-1) building setback requirements.

The approved variance as well as the preceding condition applies to the property described in:

DEED BOOK 899

PAGE NO. 302

GROUP NO. 2056