

APPLICATION FORM

**BOARD OF ADJUSTMENT
AND
ZONING APPEALS ACTION
BOONE COUNTY PLANNING COMMISSION**

R	RECEIVED	D
	14 BOBDA-005	
	FEB 11 2016	
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)

1. (Check One)
☒ Boone _____ Florence _____ Walton _____ Union _____
2. (Check One)
 _____ Conditional Use Permit ☒ Variance _____ Appeal _____
 _____ Change in Non-Conforming Use _____
3. Applicant's Name Rivers Pointe Development, LLC
 Applicant's Address 541 Buttermilk Pike, Suite 104
Crescent Springs, KY 41017
 City _____ State _____ Zip _____
 Phone Number 859-331-1560 Fax No. 859-331-9702 E-Mail jburns@tdebba.com
4. Description of Request: Applicant seeks a variance from front setback requirements. See Exhibit A.
5. Name of Development The Reserve at Rivers Pointe
6. Location of Development Hebron, KY
7. Acreage Under Review 2.809 ACRES
8. Lot Number and Name of Subdivision (if part of a subdivision)
Lot 8 of The Reserve at Rivers Pointe
9. Owner of Property Rivers Pointe Development, LLC
 Address of Property Owner 541 Buttermilk Pike, Suite 104
Crescent Springs, KY 41017
 City _____ State _____ Zip _____
 Phone Number 859-331-1560 Fax No. 859-331-9702 E-Mail jburns@tdebba.com
10. Proposed Use(s) on Site Residential
11. Total Square Footage of Existing and/or Proposed Buildings 4530
12. Current Zoning on Property A-2
13. Deed Book 1048 Page No. 738 Group No. 2002
14. Is the site subject to a zone change? NO
 If yes, give date of approval N/A
15. Have you submitted a Site Plan with this request? yes
16. Have you submitted a list of adjoining property owners with this request? yes
17. 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: _____

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

ORIGINAL Applicant's 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 2-11-16 Fee Received 632.00 Receipt # 072791
2. Is application complete? _____ Yes _____ No _____
3. Staff Reviewer Kenneth
4. Scheduled Board Action Date 3/9/16
5. Board Action: ☒ **Approved**
_____ **Approved with Conditions** (See #6)
_____ **Denial** (See #7)
6. Conditions of Approval: _____

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@boonecountky.org - E-mail
www.boonecountky.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: Rivers Pointe Development, LLC

LOCATION: Future Lot 8, The Reserve At Rivers Pointe Subdivision. The property is a future 2.809 acre lot that is currently part of the 17.279 acre tract located on the southwest side of River Road and directly across from 7150 River Road, Boone County, Kentucky.

ZONING: Agricultural Estate (A-2)

DATE: March 9, 2016

PROPOSAL

The applicant has requested a variance so that a proposed detached single family residence can encroach into the front yard setback along Roundup Ridge, a private street. The request is to reduce the required 60' front yard setback to 37'. The request is only for Future Lot 8, and does not apply to any other part of the subdivision.

SITE HISTORY

On March 30, 2015, the Boone County Planning Commission approved a combination Preliminary Plat and Improvement Plan for The Reserve At Rivers Pointe Subdivision. This is an eight lot residential subdivision with two private roads. The private roads and water lines have been constructed.

APPLICABLE REGULATIONS

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 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.

Table 31.1 of the Boone County Zoning Regulations lists the setback requirements for a detached single-family residence in an A-2 zone as 60' front yard, 25' rear yard, and 10' side yards.

SITE CHARACTERISTICS

The future 2.809 acre lot is located on the east side of the southern cul-de-sac bulb of Roundup Ridge. The site is currently vacant. The topography of the future lot drops approximately 47 feet from the edge of the cul-de-sac's pavement to the east property line (approximate 176' horizontal distance), which results in an approximate 27 percent grade.

SURROUNDING LAND USES & ZONING

- A. The remainder of The Reserve at Rivers Pointe Subdivision is located to the immediate north, northeast, and west of the subject tract (A-2). A Final Plat for this subdivision has not been recorded as of this writing, and the subdivision does not currently contain any dwellings or other structures.
- B. A pasture is located to the immediate east, and a detached, single family residence and pasture are located further to the east across River Road (A-2).
- C. The future Rivers Pointe Estates development is located further to the west and to the immediate south (SR-3/C-1/O-1/PD). The tract to the west currently contains a detached, single family residence, and a stable is located to the south (the east part of the stable property that fronts along River Road is zoned A-2).

STAFF COMMENTS

The Board needs to analyze the variance criteria before acting on the request. Staff believes that the proposal effectively meets the statutory variance criteria due to the topography of the site. The approximate 27 percent grade presents a special circumstance that is unique to this property and also presents an unnecessary hardship. A statement from the applicant regarding hardship was included with the application materials ("Exhibit A").

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,



Kevin T. Wall
Director, Zoning Services

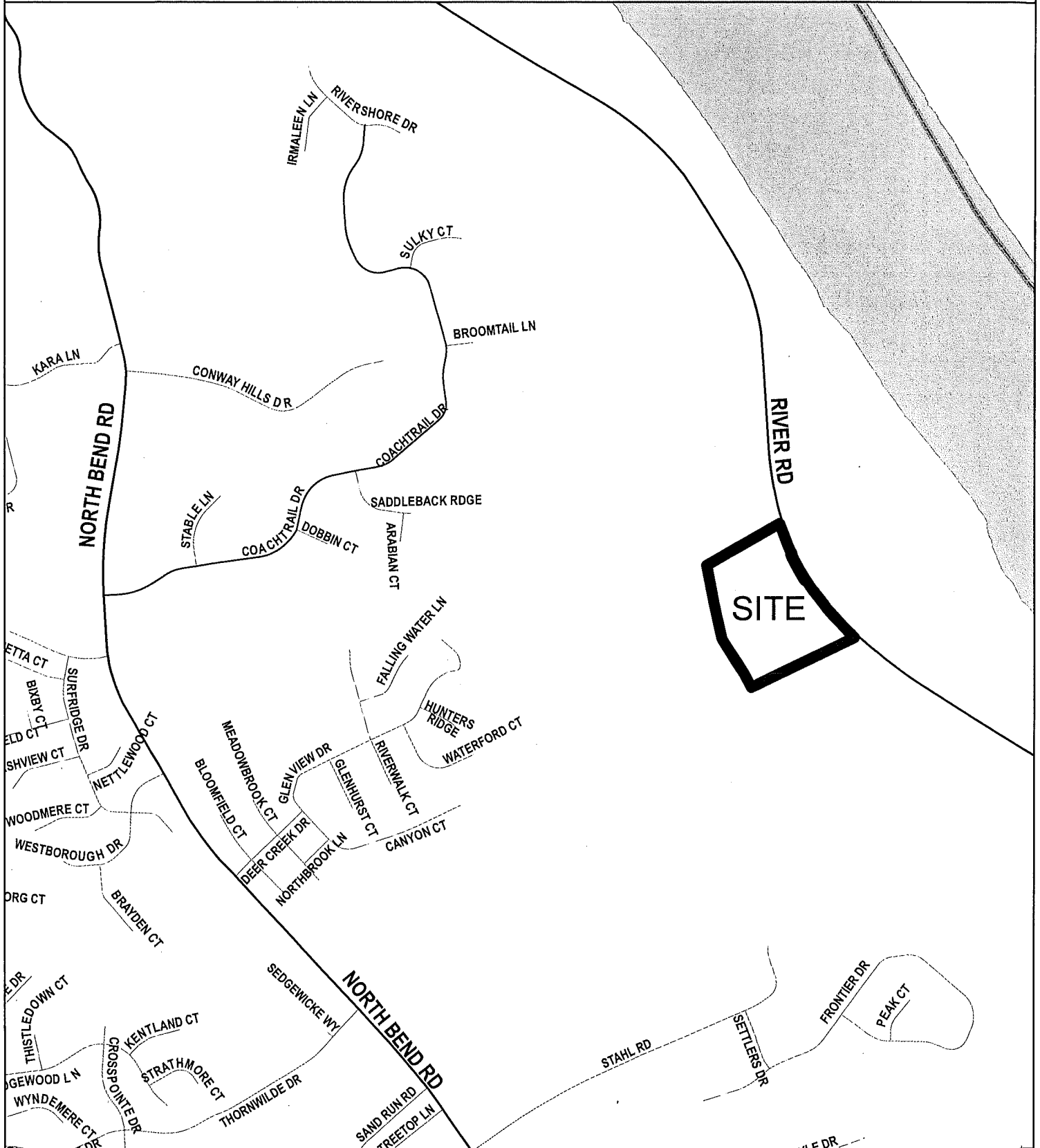
KTW/tlb

Attachments

- Location map
- Zoning map w/ aerial photograph
- Topography map
- Application materials including narrative, subdivision plan, and Lot 8 plot plan

Location

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.



0 550 1,100 2,200 3,300 4,400 Feet

1 inch = 1,132 feet



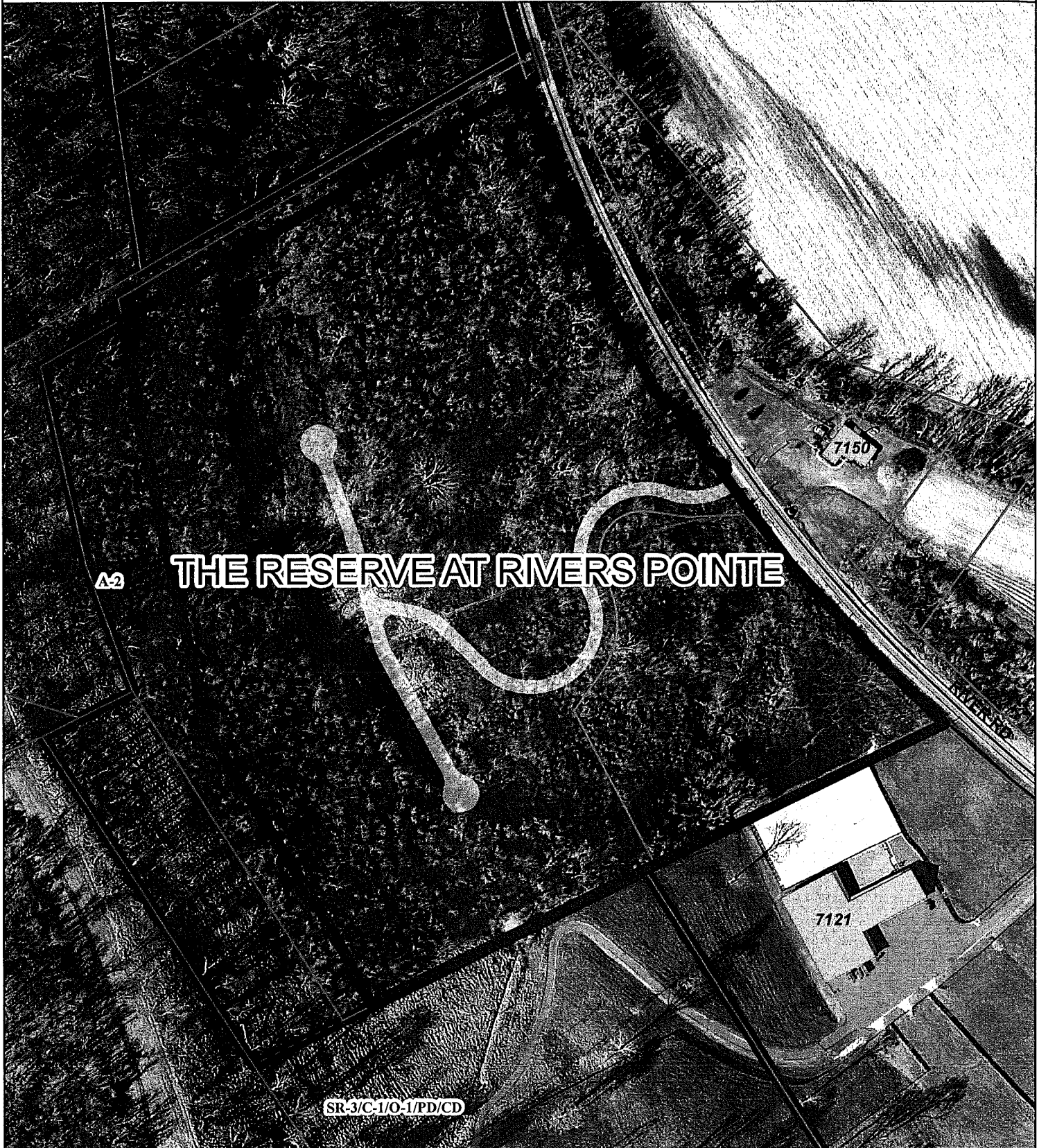
Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 01/01/2015

Map Document: BooneMap (file).mxd

Zoning

www.boonecountygis.com



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0 100 200 400 600 800 Feet
1 inch = 202 feet



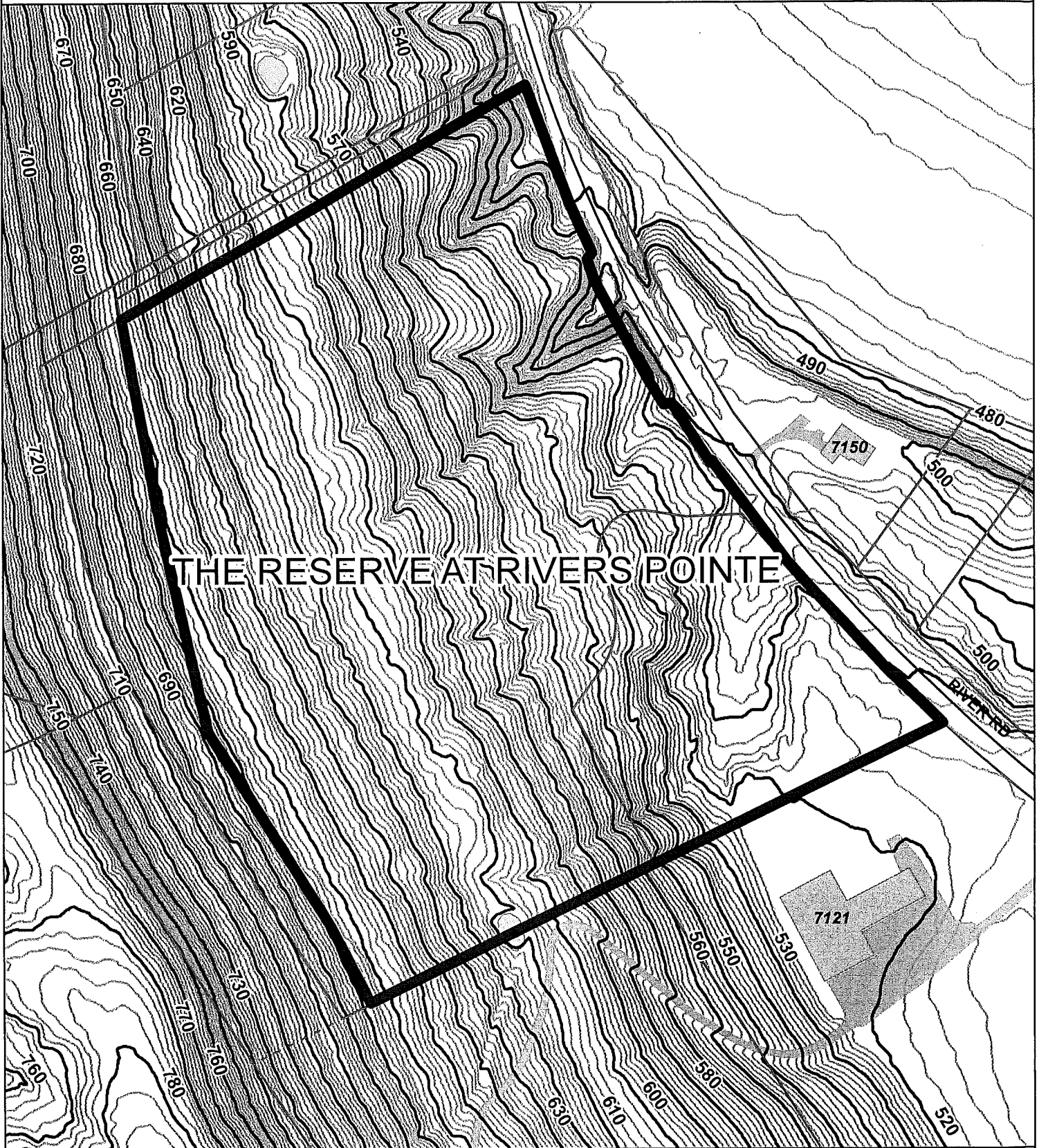
Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 01/01/2015

State Plane 8 datum by North NAD 83
ArcMap Document: BooneMap (lfe).mxd

Topography

www.boonecountygis.com



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Boone County GIS - Putting Northern Kentucky on the Map

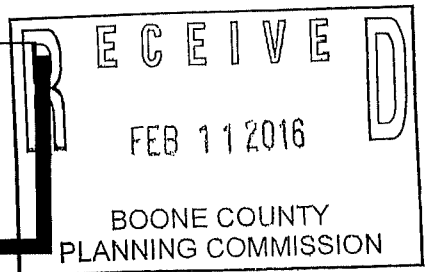


Map Created: 01/01/2015

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

APPLICATION FORM

**BOARD OF ADJUSTMENT
AND
ZONING APPEALS ACTION
BOONE COUNTY PLANNING COMMISSION**



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 City State Zip
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ORIGINAL Applicant's Signature: _____

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

(over)

SECTION B (To be completed by the Boone County Planning Commission Staff)

- 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@boonecountky.org - E-mail
www.boonecountky.org - Web Page

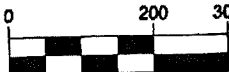
An application consists of all fees paid in full, submitted drawings and a completed application form.

Exhibit A

The applicant (the "Applicant") proposes to build a single-family home (the "Home") on Lot No. 8 (the "Subject Lot") of The Reserve at Rivers Pointe Subdivision (the "Development") in accordance with the attached preliminary plot plan (the "Preliminary Plan"). As shown on the Preliminary Plan, the Home will front on the internal subdivision street of Roundup Ridge. While the Boone County Zoning Regulations provide for a front setback requirement of 60 feet, Applicant is hereby seeking a variance that would allow for a front setback of 37 feet. Applicant is seeking a variance because the topography of the Subject Lot is such that Applicant would endure a hardship if required to comply with a 60-foot front setback. Specifically, the Subject Lot is situated on a rather steep grade, making it difficult – if not impossible – to comply with a 60-foot front setback without seriously impacting the elevation of the Home and the design grade as recommended by Applicant's geotechnical engineer.



Basis of Bearing:
State Plane NAD83 GPS Observations



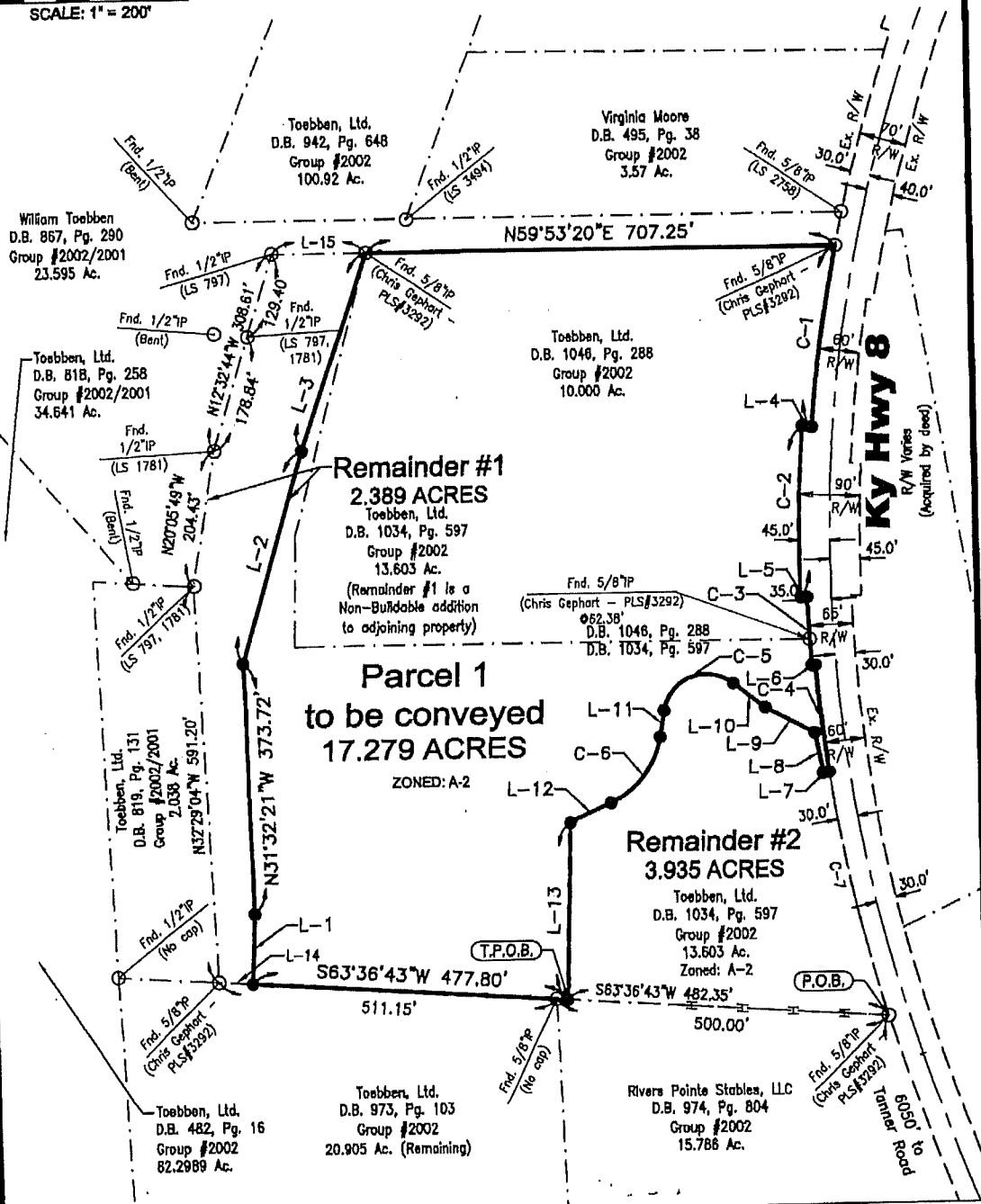
SCALE: 1" = 200'

NOTES:

- The reference meridian is based on NAD83 (CORS96) Kentucky State Plane Coordinates, North Zone (1601).
- The property shown hereon is subject to all easements and rights-of-ways of record.
- All references are to the Boone County Clerk's Records at Burlington, unless noted otherwise.
- See Sheet 2 of 2 for line and curve tables.

MONUMENTATION:

- Found 5/8" Iron Pin
- Set 5/8" Iron Pin ("Chris Gephart PLS#3292")



Boone County
D1048 PG 743

Owner/Client:
Toeppen, Ltd.
541 Buttermilk Pike, Suite 104
Crescent Springs, KY 41017

Note: This plat represents a
boundary survey and complies with
201 KAR 18:150.

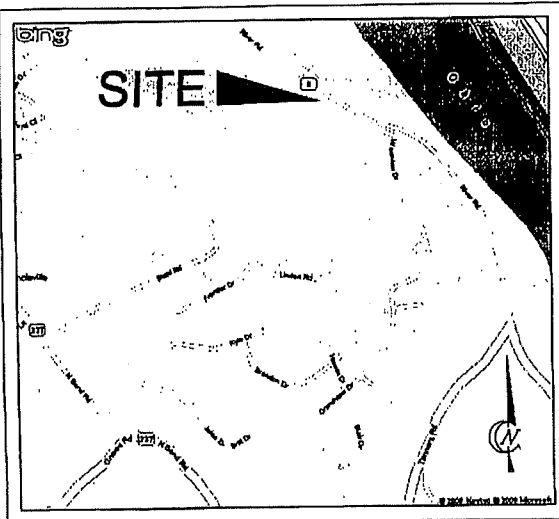
Drawing:
02K020-000 ID 10
Scale
1"=200'
Drawn by:
ARV
Checked By:
CRG
Issue Date:
1/21/15

TOEBBEN, LTD.
17.279 Acres

KENTUCKY HWY #8
BOONE COUNTY KENTUCKY
CONVEYANCE PLAT

**bayer
becker**

209 Grandview Drive
Fort Mitchell, KY 41017 - 859.261.1113



VICINITY MAP - NTS

LAND SURVEYOR'S CERTIFICATE

I, Chris R. Gephart, Licensed Professional Land Surveyor #3292 in the Commonwealth of Kentucky, do hereby certify to the best of my knowledge and belief that this plat represents an Urban class boundary survey and complies with 201 KAR 18:150. The completion date of the survey was January 20, 2015. Monuments were found or set as noted by method of random traverse with an unadjusted error of linear closure of 1:17,838. The traverse and sides shots have been adjusted for closure. The reference meridian is NAD83 (CORS96) Kentucky State Plane Coordinates, North Zone (1601).

I certify that I have examined the records of the Boone County Clerk and find that this is the first conveyance made under the present ownership of the parent tracts.

Remainder Parcel #1, as shown hereon, is a non-buildable parcel for attachment to adjoining property in the same ownership.

Chris R. Gephart Date 1-22-15

BOONE COUNTY PLANNING COMMISSION APPROVAL CERTIFICATE

Approved for recording the transfer of property only by the Boone County Planning Commission this 4th day of February, 2015.

Kim Boyer
Chairman's Signature
cc: Mr. Miller

P & Z Code No. 5154

LINE TABLE

Line	Direction	Dist.
L-1	N27°07'05"W	104.16'
L-2	N13°10'37"W	328.91'
L-3	N10°59'36"W	314.62'
L-4	S64°41'04"W	15.00'
L-5	N58°26'05"E	10.00'
L-6	N55°56'05"E	5.00'
L-7	S51°55'20"W	8.15'
L-8	N41°02'07"W	61.00'
L-9	S87°36'12"W	83.88'
L-10	N81°35'38"W	59.35'

L-11	S20°23'32"E	40.00'
L-12	S36°01'17"W	68.79'
L-13	S27°53'52"E	263.76'
L-14	S63°36'43"W	51.00'
L-15	N59°53'20"E	141.66'

Boone County
D1048 PG 744

CURVE TABLE

Curve	Delta	Radius	Length	Chord
C-1	6°48'18"	2321.90'	275.77'	S21°54'47"E 275.81'
C-2	6°14'59"	2336.90'	254.91'	S28°26'25"E 254.78'
C-3	2°30'00"	2326.90'	101.53'	S32°48'55"E 101.52'
C-4	3°59'10"	2321.90'	161.54'	S36°03'30"E 161.50'
C-5	118°47'53"	65.00'	134.77'	S39°00'25"W 111.90'
C-6	56°24'49"	130.00'	128.00'	S07°48'53"W 122.89'
C-7	9°13'03"	2321.90'	373.54'	S42°39'36"E 373.14'

Note:

This plat shall be void if not filed with the Boone County Clerk for recording purposes within two years of Planning Commission approval.

Owner/Client:

Toebben, Ltd.
541 Buttermilk Pike, Suite 104
Crescent Springs, KY 41017

Note:

This plat represents a boundary survey and complies with 201 KAR 18:150.

Drawing: 02K020-000 ID 10
Scale: as noted
Drawn by: ARV
Checked By: CRG
Issue Date: 1/21/15

TOEBBEN, LTD.
17.279 Acres

KENTUCKY HWY #8
BOONE COUNTY KENTUCKY
CONVEYANCE PLAT

bayer becker

209 Grandview Drive
Fort Mitchell, KY 41017 - 859.261.1113

NOTES:

- The reference meridian is based on NAD83 (CORS96) Kentucky State Plane Coordinates, North Zone (1601).
- The property shown hereon is subject to all easements and rights-of-ways of record.
- All references are to the Boone County Clerk's Records at Burlington, unless noted otherwise.
- See Sheet 2 of 2 for curve table information.

MONUMENTATION:

- Found 5/8" Iron Pin
- Set 5/8" Iron Pin ("Chris Gephart PLS#3292")

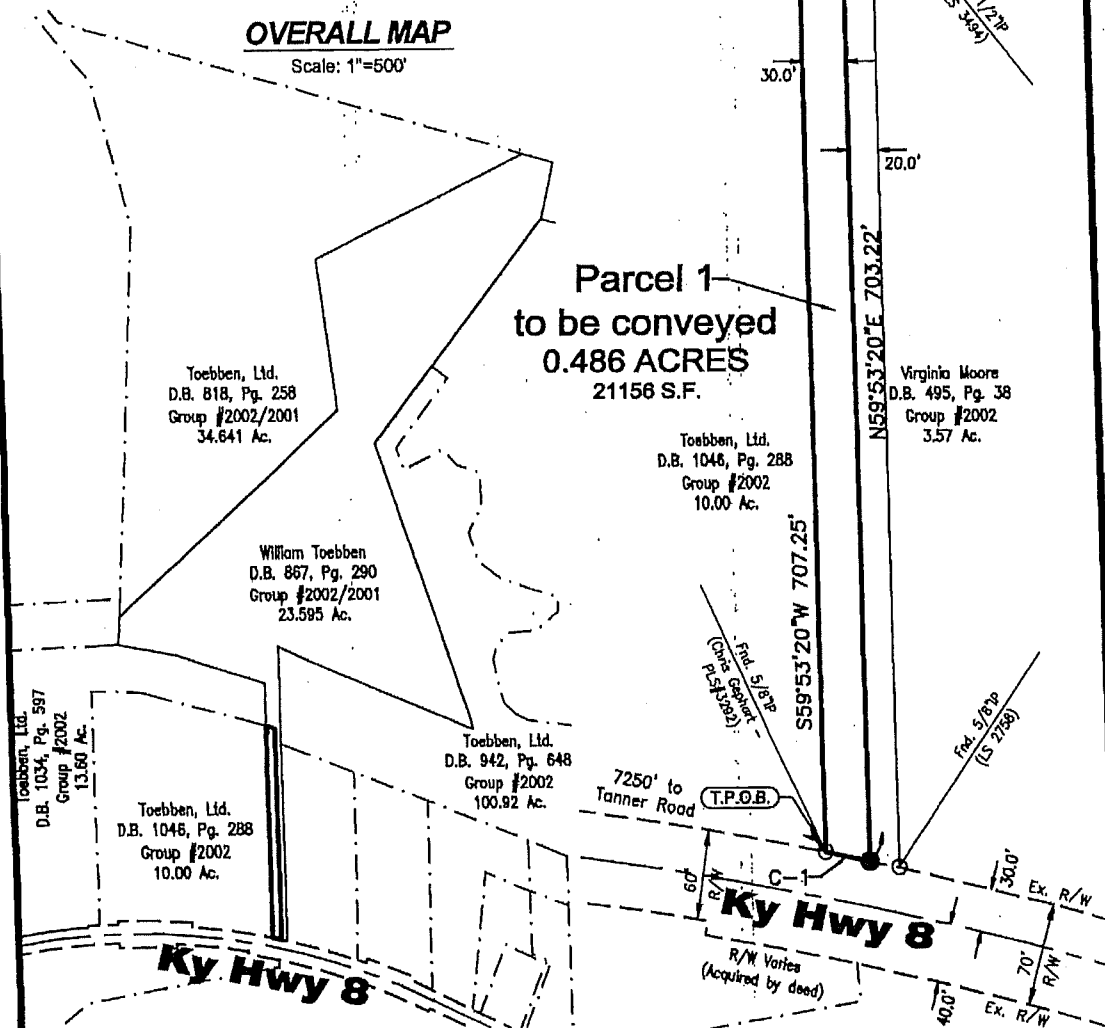
Basic of Bearing:
State Plane NAD83 GPS Observations

0 100 150

SCALE: 1" = 100'

OVERALL MAP

Scale: 1"=500'



Owner:
William Toebben
1302 North Bend Road
Hebron, KY 41048

Client:
Toebben, Ltd.
541 Buttermilk Pike, Suite 104
Crescent Springs, KY 41017

Boone County
D1048 PG 746

Note: This plat represents a boundary survey and complies with 201 KAR 18:150.

Drawing:
02K020-000 ID 11

Scale
1"=100'

Drawn by:
ARV

Checked By:
CRG

Issue Date:
1/21/15

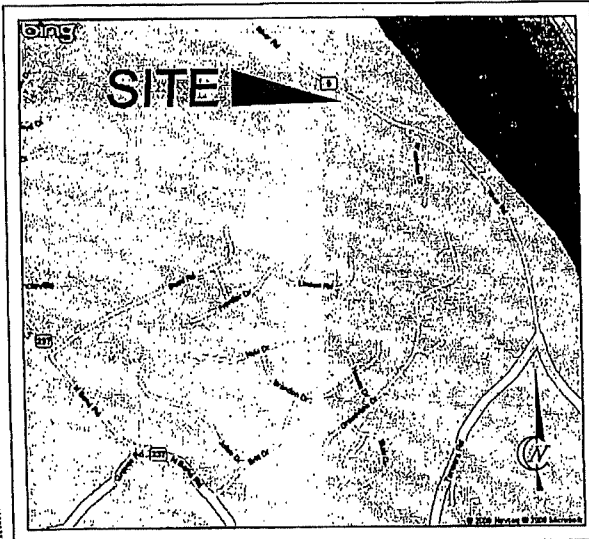
William Toebben
#1302 North Bend Road

KENTUCKY HWY #8
BOONE COUNTY KENTUCKY

CONVEYANCE PLAT

bayer
becker

209 Grandview Drive
Fort Mitchell, KY 41017 - 859.261.1113



VICINITY MAP - NTS

LAND SURVEYOR'S CERTIFICATE

I, Chris R. Gephart, Licensed Professional Land Surveyor #3292 in the Commonwealth of Kentucky, do hereby certify to the best of my knowledge and belief that this plat represents an Urban class boundary survey and complies with 201 KAR 18:150. The completion date of the survey was January 20, 2015. Monuments were found or set as noted by method of random traverse with an unadjusted error of linear closure of 1:17,838. The traverse and sides shots have been adjusted for closure. The reference meridian is NAD83 (CORS96) Kentucky State Plane Coordinates, North Zone (1601). Parcel 1, as shown hereon, is a non-buildable parcel for attachment to adjoining property.

Chris R. Gephart

1-22-15

Chris R. Gephart

Date

BOONE COUNTY PLANNING COMMISSION APPROVAL CERTIFICATE

Approved for recording the transfer of property only by the Boone County Planning Commission this 4th day of February, 2015.

Kim Burger
Chairman's Signature
S.E. Tinsley

DOCUMENT NO: 670135
RECORDED ON: FEBRUARY 18, 2015 03:40:55PM
TOTAL FEES: \$38.00
GROUP : 2002
COUNTY CLERK: KENNY BROWN
COUNTY: BOONE COUNTY CLERK
DEPUTY CLERK: BETH B.
BOOK D1048 PAGES 738 - 747

This parcel, in and of itself, does not meet the existing Boone County zoning regulations for use as a buildable site.

Date 2-4-15 Current Zoning A-2

P & Z Code No. 5157

Boone County
D1048 PG 747

JB
A-2
2-4-15

CURVE TABLE

Curve	Delta	Radius	Length	Chord
C-1	0°45'24"	2321.90'	30.67'	S18°07'55"E 30.67'

Drawing: 02K020-000 ID 11
Scale: as noted
Drawn by: ARV
Checked By: CRG
Issue Date: 1/21/15

William Toebben
#1302 North Bend Road

KENTUCKY HWY #8
BOONE COUNTY KENTUCKY

CONVEYANCE PLAT



209 Grandview Drive
Fort Mitchell, KY 41017 - 859.261.1113

THE RESERVE AT RIVERS POINTE
SUBDIVISION
SECTION ONE
17.765 ACRES
UNINCORPORATED BOONE COUNTY, KENTUCKY
BACK REFERENCE GROUP #2002
SEPTEMBER, 2015

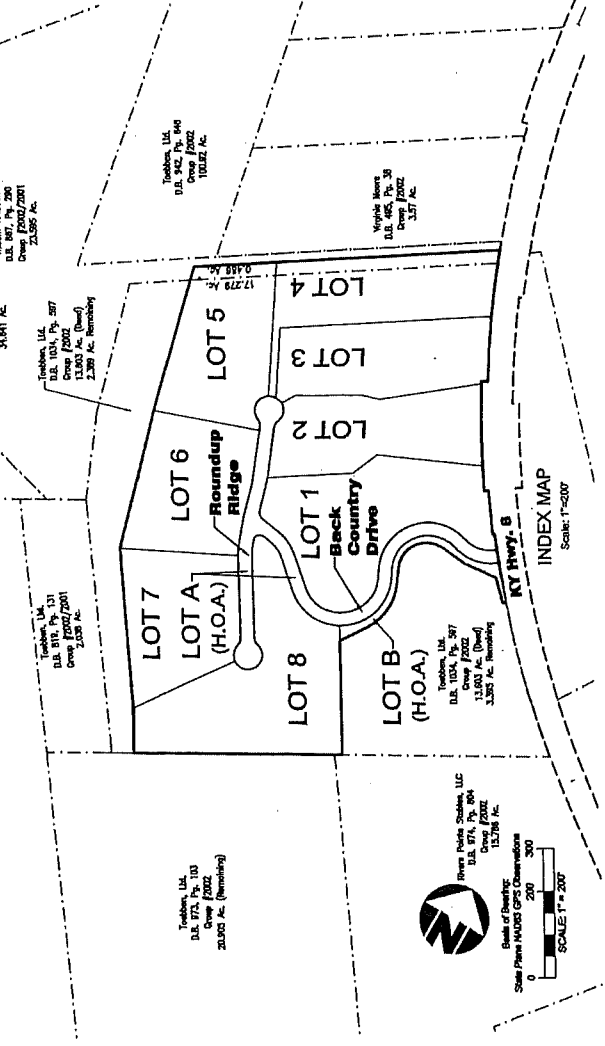
Plat No.
Group No.
Back Ref.
Group No.
SITE
VICINITY MAP - NTS
WATER LINE SYSTEM

LAND SURVEYOR'S CERTIFICATE
Chris R. Gephart
Chris R. Gephart
Land Surveyor #5352
Boone County Planning Commission Approval
COUNTY CLERK'S CERTIFICATE

CLIENT/OWNER DEVELOPER
THE RESERVE AT RIVERS POINTE
SUBDIVISION
SECTION ONE
BACK REFERENCE GROUP #2002
UNINCORPORATED BOONE COUNTY, KENTUCKY
RECORD PLAT

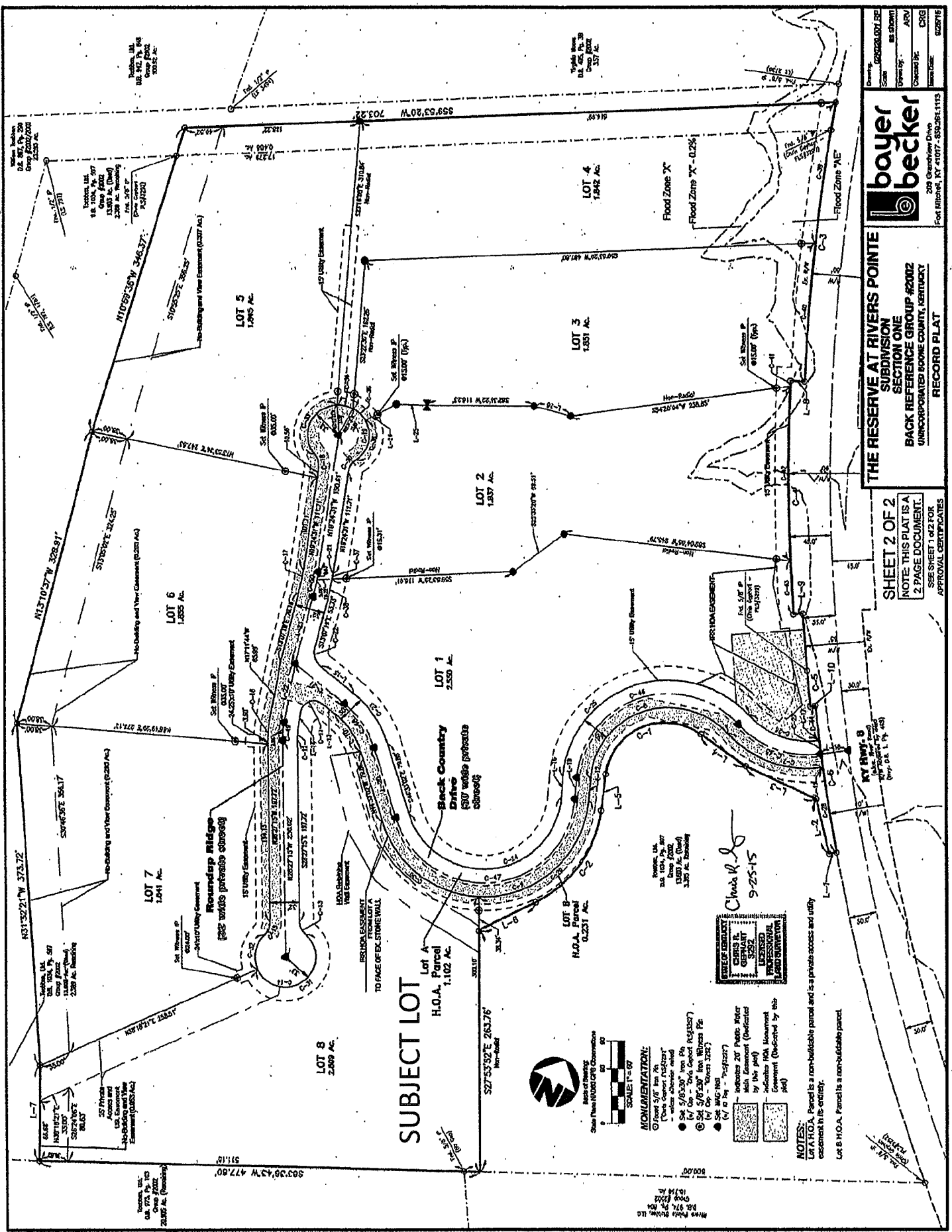
bayer
becker
209 Grandview Drive
Fort Mitchell, KY 41017 - 692.261.1113

ACREAGE SUMMARY
Lot 1 Area 2.550 Ac.
Lot 2 Area 1.851 Ac.
Lot 3 Area 1.842 Ac.
Lot 4 Area 1.846 Ac.
Lot 5 Area 1.855 Ac.
Lot 6 Area 1.841 Ac.
Lot 7 Area 2.809 Ac.
Lot 8 Area 1.104 Ac.
Lot 9 (H.O.A.) Area 0.231 Ac.
TOTAL SECTION AREA 17.765 AC.



LINE TABLE, CURVE TABLE, CURVE TABLE
Line Direction Dist. Chord
C-1 118°53' 8.00' 15.17' 58.90' 25.71' 11.06'

DEDICATION CERTIFICATE - OWNER/DEVELOPER
I hereby certify that I am the owner of the property shown on the attached map and that I hereby adopt this plat as a dedication of the property shown on the attached map to the public as a park, recreation area, or other public use.
GRANT OF EASEMENT
For valuable consideration, the undersigned (Grantor) do hereby grant to the undersigned (Grantee) the right to use the property shown on the attached map for the purpose of building and operating a water supply system.
NOTES
This plat shall be void if not filed with the Boone County Clerk for recording purposes within two (2) years of the date of this plat.



THE RESERVE AT RIVERS POINTE
SUBDIVISION
SECTION ONE
BACK REFERENCE GROUP #2002
UNINCORPORATED BOONE COUNTY, KENTUCKY
RECORD PLAT

SHEET 2 OF 2
NOTE: THIS PLAT IS A
2 PAGE DOCUMENT.
SEE SHEET 1 of 2 FOR
APPROVAL CERTIFICATES

Drawing: 20020401 BE
Scale: as shown
Owner: ARV
Contract No.: CRG
Record Date: 02/28/16

Charles R. De
9-25-15



NOTES:
Lot A H.O.A. Parcel is a non-bulkable parcel and is a private access and utility easement in fee interest.
Lot B H.O.A. Parcel is a non-bulkable parcel.

Monumentation:
① Found 3/17 Iron Pin
② Found 3/17 Iron Pin
③ Found 3/17 Iron Pin
④ Found 3/17 Iron Pin
⑤ Found 3/17 Iron Pin
⑥ Found 3/17 Iron Pin
⑦ Found 3/17 Iron Pin
⑧ Found 3/17 Iron Pin
⑨ Found 3/17 Iron Pin
⑩ Found 3/17 Iron Pin

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③ Found 3/17 Iron Pin
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⑥ Found 3/17 Iron Pin
⑦ Found 3/17 Iron Pin
⑧ Found 3/17 Iron Pin
⑨ Found 3/17 Iron Pin
⑩ Found 3/17 Iron Pin

1 of 1

SITE LAYOUT

TOPEKA, KY 41018

NORTH



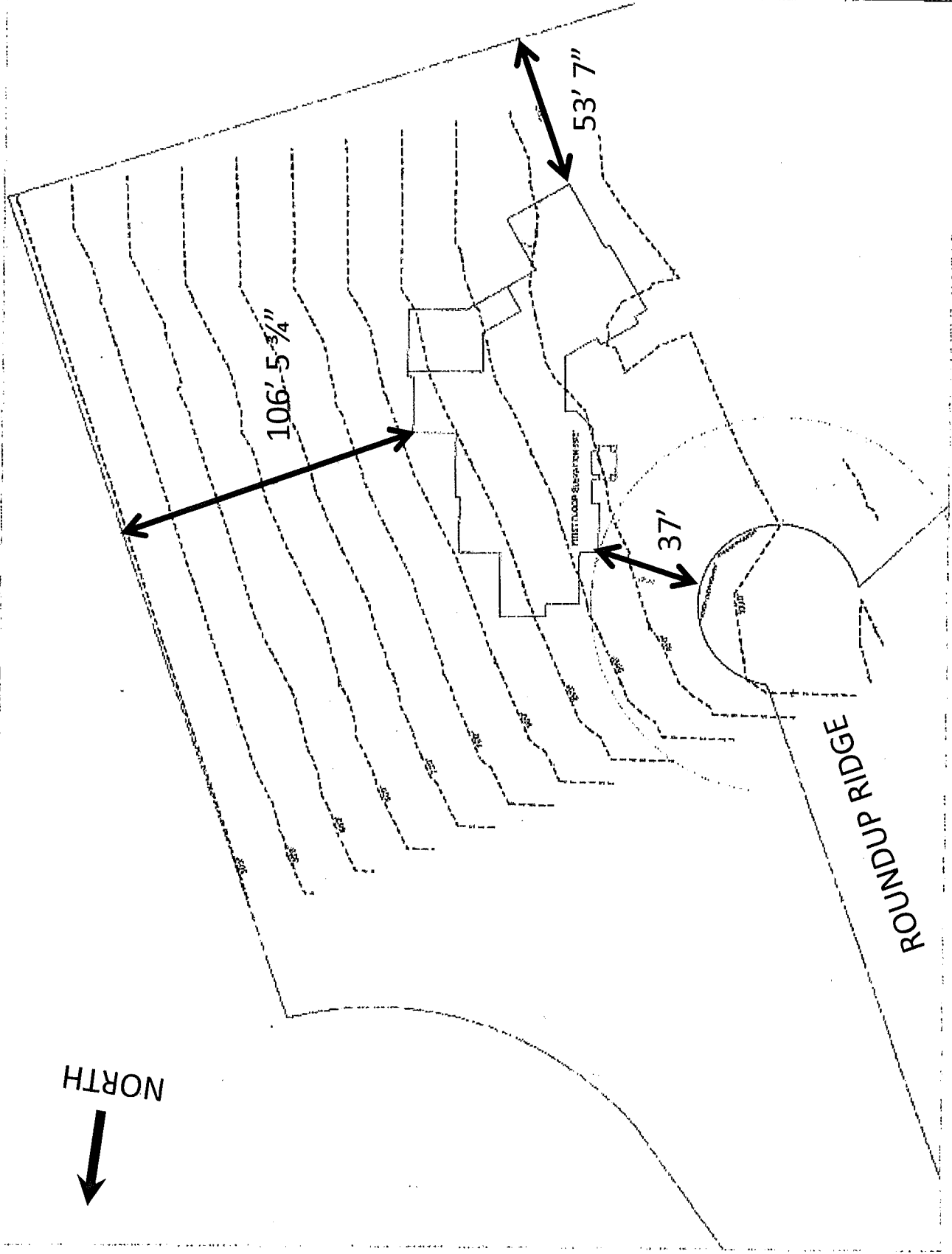
ROUNDUP RIDGE

53' 7"

106' 5 3/4"

37'

EXISTING ELEVATION 595'



CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Rivers Pointe Development, LLC
541 Buttermilk Pike, Ste 104
Crescent Springs, KY 41017
2. ADDRESS OF PROPERTY
Lot 8, Reserve at Rivers Pointe
Hebron, KY
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
The Reserve at Rivers Pointe
4. DEED BOOK 1048 PAGE NO. 738 GROUP NO. 2002
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)
- X 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



SIGNATURE OF COMPLETING OFFICIAL

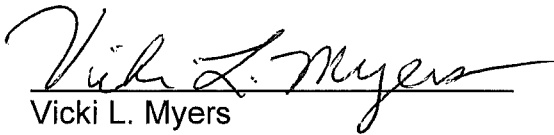
Kevin T. Wall, Director, Zoning Services
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledged before me by Kevin T. Wall

on behalf of the Boone County Planning Commission this 10 day of March, 2016.



Vicki L. Myers

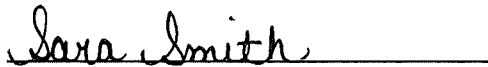
Notary ID 438411

NOTARY PUBLIC, State at Large

My commission Expires:

April 17, 2019

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.)