

APPLICATION FOR ZONING ACTION

TO:

- Boone County Planning Commission
- City of Florence Board of Adjustment
- Boone County Board of Adjustment
- City of Union Board of Adjustment
- City of Walton Board of Adjustment
- Zoning Enforcement Officer

FOR:

- Zoning Text Amendment
- Comprehensive Plan Change
- Preliminary Plat Review
- Conditional Use Permit
- Concept Development Plan Change
- Preliminary Development Plan
- Change of Non-Conforming Use
- Design Review Board and Certificate of Appropriateness
- Zoning Map Amendment
- Planned Development Overlay Change
- Improvement Plat Review
- Final or Deed Plat Review
- Site Plan Review
- Historic District Overlay
- Appeal or Variance
- Sign or Zoning Permit

Applicant: Ryland Homes Inc. Owner
 Address: 10200 Alliance Rd. Agent

Cinti. Ohio 45242 Telephone: 791-9320

Location: LOT # 28 IN SUB. # 505 HICKORY GLEN II

Name of Property Owner: Ryland Homes Inc.

Address of Property Owner: 10200 Alliance Rd. Cinti. Ohio 45242

Zoning District: _____ Area in Acres: _____

Deed Book: 310 Page Number: 178 Group Number: 1592

Description of Request: Variance because of a 6 1/2' encroachment on the rear yard restriction because of an unusually small lot.

Applicant's Signature: [Signature]

Property Owner's Signature: Ryland Homes Inc.

FOR PLANNING COMMISSION USE ONLY

Application Fee: 115.00 Date Received: 5-23 By: [Signature]

Referred To: Tom Breidenstein Meeting Date: _____

Action Taken: _____ Date of Action: _____

Staff Report

APPLICANT: Ryland Homes, Inc.
LOCATION: 5052 Merrie Drive, Hebron
ZONE: Suburban Residential One, SR-1
DATE: June 11, 1986

REMARKS:

The applicant is requesting a rear yard setback Variance of 6 feet, 8 inches in order to build 23 feet, 4 inches from the property line. Zoning regulations require a rear yard of 30 feet in the SR-1 district.

The following reviews the 4 standards for variances in Article 2, Section 244 of the Boone County Zoning Regulation that must be found in order to grant a variance.

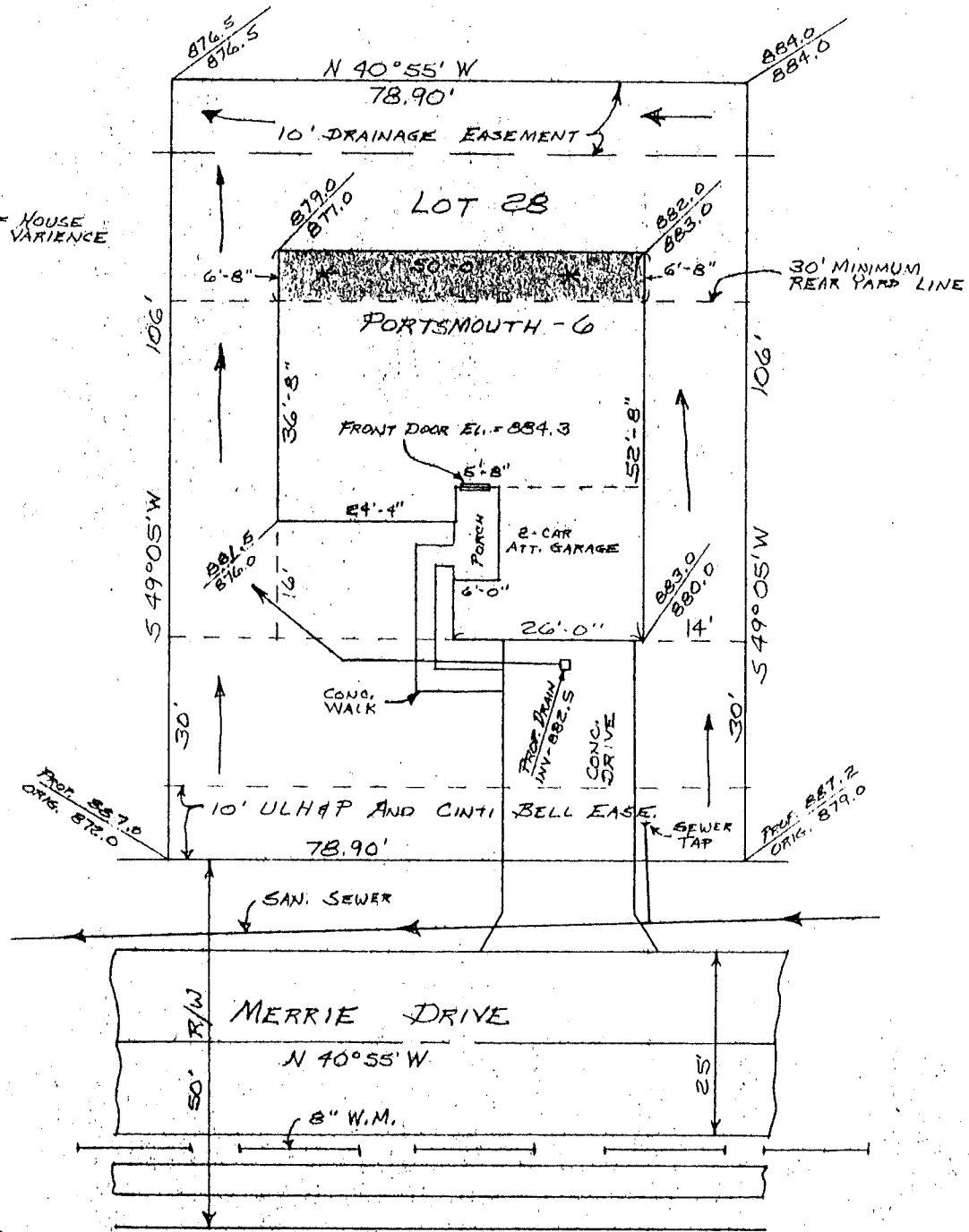
1. The specific condition of lot depth is not unique to the applicant's land. A review of the surrounding lots shows that the six lots south of lot 28 share the same 106 feet in depth, and have slightly less area. Three lots directly across Merrie Drive have even less depth.
2. Ryland Homes argues that none of their ranch style homes will fit on the lot and thus strict application of the zoning provisions would deprive them of a reasonable use of their land. Adjoining landowners have found it possible to build on similar property while meeting all setbacks.
3. Lot depth is not the result of the applicant's actions since they were not responsible for the arrangement and dimensions of lots. However, the applicant is responsible for choosing a home style for the site.
4. Granting of the Variance will not harm the public safety and welfare and will not alter the essential character of the neighborhood.

Respectfully submitted,

Tom Breidenstein
Zoning Enforcement Officer

TB/db

* PORTION OF HOUSE
NEEDED FOR VARIANCE



PLOT PLAN
 FOR
 RYLAND HOMES
 LOT 28, HICKORY GLEN II SUB., SECT. 9
 HERRON, BOONE COUNTY, KENTUCKY
 SCALE = 1" = 20' MAY 6, 1986

VIOX & VIOX, P.S.C.
 CIVIL ENGINEERS & LAND SURVEYORS
 ERLANGER, KENTUCKY

BOONE COUNTY BOARD OF ADJUSTMENT

June 11, 1986

6:30 P.M.

Chairman Whitton called the meeting to order. Roll call was taken by staff member Dee Ann Brewer. 3 members present. Absent: Messrs. Archambault and Nevel. Staff members Tom Breidenstein, Gerald Newton and Dee Ann Brewer were present. Atty. Dale Wilson was also present.

The Minutes of the May 14, 1986 Boone Board of Adjustment were considered. Mr. Ryan moved the May 14, 1986 Boone Board of Adjustment Minutes be approved as reviewed. The motion was seconded by Mr. Nevel. After further discussion, the motion carried unanimously.

Chairman Whitton proceeded to the items on the agenda.

Conditional Use Permit

A request of Robert Lickliter for a Conditional Use Permit to allow a mobile home on a 5.89 acre tract located along East Bend Road near Lower River Road. The property is zoned Agricultural One, A-1.

Staff member Tom Breidenstein presented a slide presentation of the proposed request and the surrounding area. Mr. Breidenstein presented the Staff Report. (See Staff Report)

Chairman Whitton inquired if Mr. Lickliter (applicant) had any comment. Mr. Lickliter stated no.

Chairman Whitton explained to Mr. Lickliter that the Board needed a registered surveyor's plat showing the location of the mobile home on the plat. Chairman Whitton stated the purpose for the plat was if the applicant was granted the Conditional Use Permit the Board could be sure all the setback requirements were met.

Atty. Dale Wilson pointed out that the Board might want to make as conditions, if the request was approved, a time limit to remove the mobile home once the applicant's house was finished being built and also that the applicant be required to submit a registered surveyor's plat of the proposed site showing the location of the mobile home.

Mr. Ryan inquired of other mobile homes in the proposed area. Mr. Lickliter stated there were other mobile homes in the area approximately $\frac{1}{2}$ mile up the road.

Chairman Whitton inquired how close Mr. Lickliter's mobile home would be from the church. Mr. Lickliter stated approximately 500-600 feet down the road.

Chairman Whitton inquired of the audience's support or opposition on the proposed request.

Mr. Ryan inquired of the time frame that the applicant would need to build a home on the proposed property. Mr. Lickliter stated it would probably be 2-3 years before his home would be completely finished.

Chairman Whitton noted that Staff was recommending that when the applicant did complete the construction of his home that he remove the mobile home from the property. Mr. Lickliter responded affirmatively.

---Mr. Archambault entered the meeting---

Mr. Ryan moved to approve the request of Robert Lickliter for a Conditional Use Permit to allow a mobile home on a 5.89 acre tract located along East Bend Road near Lower River Road with the conditions that the applicant obtain and submit a registered surveyor's plat showing the location of the mobile home on the parcel and also that there be a four year time limit to remove the mobile home. The motion was seconded by Mr. Houston. After further discussion, the motion carried unanimously.

Variance

A request of Ryland Homes for a rear yard Variance of 6 feet, 8 inches in order to build 23 feet, 4 inches from the property line. Zoning Regulations in this Suburban Residential One, SR-1 district require a rear yard of 30 feet.

Staff member Tom Breidenstein presented a slide presentation of the proposed request and the surrounding area. Mr. Breidenstein presented the Staff Report. (See Staff Report)

Mr. Bruce King, representative for the proposed request, explained Ryland's need for the Variance was because ranch-style home's depth was a little larger than the normal two-story home. Mr. King pointed out that the proposed lot was the last lot that Ryland Homes owned in that subdivision and he noted the Variance would allow the front of the proposed house to align up with the other homes.

Mr. Ryan inquired if the area behind the proposed lot was all wooded. Mr. King stated yes.

Chairman Whitton inquired of the audience's support or opposition of the proposed request. Hearing no comments, Mr. Ryan moved to approve the request of Ryland Homes for a rear yard Variance of 6 feet, 8 inches in order to build 23 feet, 4 inches from the property line. The motion was seconded by Mr. Archambault. After further discussion, the motion carried unanimously.

Conditional Use Permit

A request of Terry Mahan for a Conditional Use Permit to allow a mobile home on a 30 acre tract located on the northwest side of Botts Lane approximately 1.1 mile north of Ky 18. The property is zoned Agricultural One, A-1.

Staff member Tom Breidenstein presented a slide presentation of the proposed request and surrounding area. Mr. Breidenstein presented the Staff Report. (See Staff Report)

Mr. Ryan inquired if the proposed request was necessary if the land was being farmed. Mr. Breidenstein stated no it would not be necessary if the land was being farmed but he stated that he was unaware that the property was a farm and that upon inspection of the site it appeared that the land was not being used as a farm.

Mr. Terry Mahan, applicant, stated he was presently raising tobacco and had horses on the property.

Chairman Whitton inquired if the applicant had a plat showing the location of the farm. Mr. Mahan submitted a plat to the Board and pointed out the location of the farm.

Atty. Wilson pointed out that the questions was whether the farm was a bonified farm or not and if it was a bonified farm it could have a mobile home without obtaining a Conditional Use Permit. Atty. Wilson quoted Section 1712 of the Boone County Zoning Regulations.

Mr. Archambault moved to approve the request of Terry Mahan for a Conditional Use Permit to allow a mobile home on a 30 acre tract located on the northwest side of Botts Lane approximately 1.1 mile north of KY 19. The motion was seconded by Mr. Ryan. After further discussion, the motion carried unanimously.

Other Items:

Atty Wilson informed the Board that a brief had been filed on behalf of the Boone County Planning Commission and the Boone Board of Adjustment on the Gravel Pit. Atty. Wilson

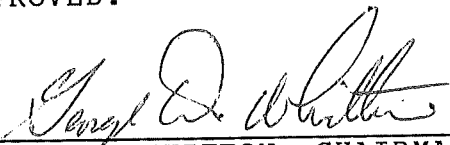
further stated the brief was in the U.S. Court of Appeals in Cincinnati, Ohio.

Mr. Archambault inquired when the brief was to be heard by the U.S. Court of Appeals. Atty. Wilson stated he was not sure but noted it would depend on the Court's docket.

Hearing no further questions or comments, Chairman Whitton moved the meeting adjourn. The motion was seconded by Mr. Ryan. After further discussion, the motion carried unanimously.

The meeting adjourned.

APPROVED:



GOERGE D. WHITTON, CHAIRMAN

ATTEST:



DEE ANN BREWER, ADMINISTRATIVE ASST.