

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: STEPHEN J SALLEE  Owner

Address: 8468 PARTINGE CIRCLE  Agent

FLORENCE KY 41042 Telephone: 525-0331

Location: CORNER OF BRANDY WINE & LOGAN RUN

Name of Property Owner: GARRY RAMSEY

Address of Property Owner: ERLANGER KY

Zoning District: SR1 Area in Acres: 0.35

Deed Book: 14329 Page Number: 12<sup>293</sup> Group Number: 1228<sup>1264</sup>

Description of Request: APPLYING FOR A VARIANCE OF THE BACK PROPERTY LINE FROM 30' TO 24' ON LOT #60 ETHANS GLEN

Applicant's Signature: *Stephen J Sallee*

Property Owner's Signature: *Garry L. Ramsey*

Application Fee: \$135 FOR PLANNING COMMISSION USE ONLY Date Received: 5-8-88 By: TWB

Referred To: \_\_\_\_\_ Meeting Date: \_\_\_\_\_

Action Taken: \_\_\_\_\_ Date of Action: \_\_\_\_\_

STAFF REPORT

APPLICANT: Stephen J. Sallee  
DEVELOPMENT: single-family residence  
LOCATION: corner of Brandywine and Logans Run  
ZONE: Suburban Residential One (SR-1)  
DATE: June 8, 1988

REMARKS:

The applicant is requesting a rear yard Variance of six (6) feet in order to place a single-family residence twenty-four (24) feet from the rear property line. The 0.35 acre site is located on the corner of Brandywine and Logans Run in the Ethans Glen subdivision and is zoned Suburban Residential One (SR-1). The property is owned by Garry Ramsey.

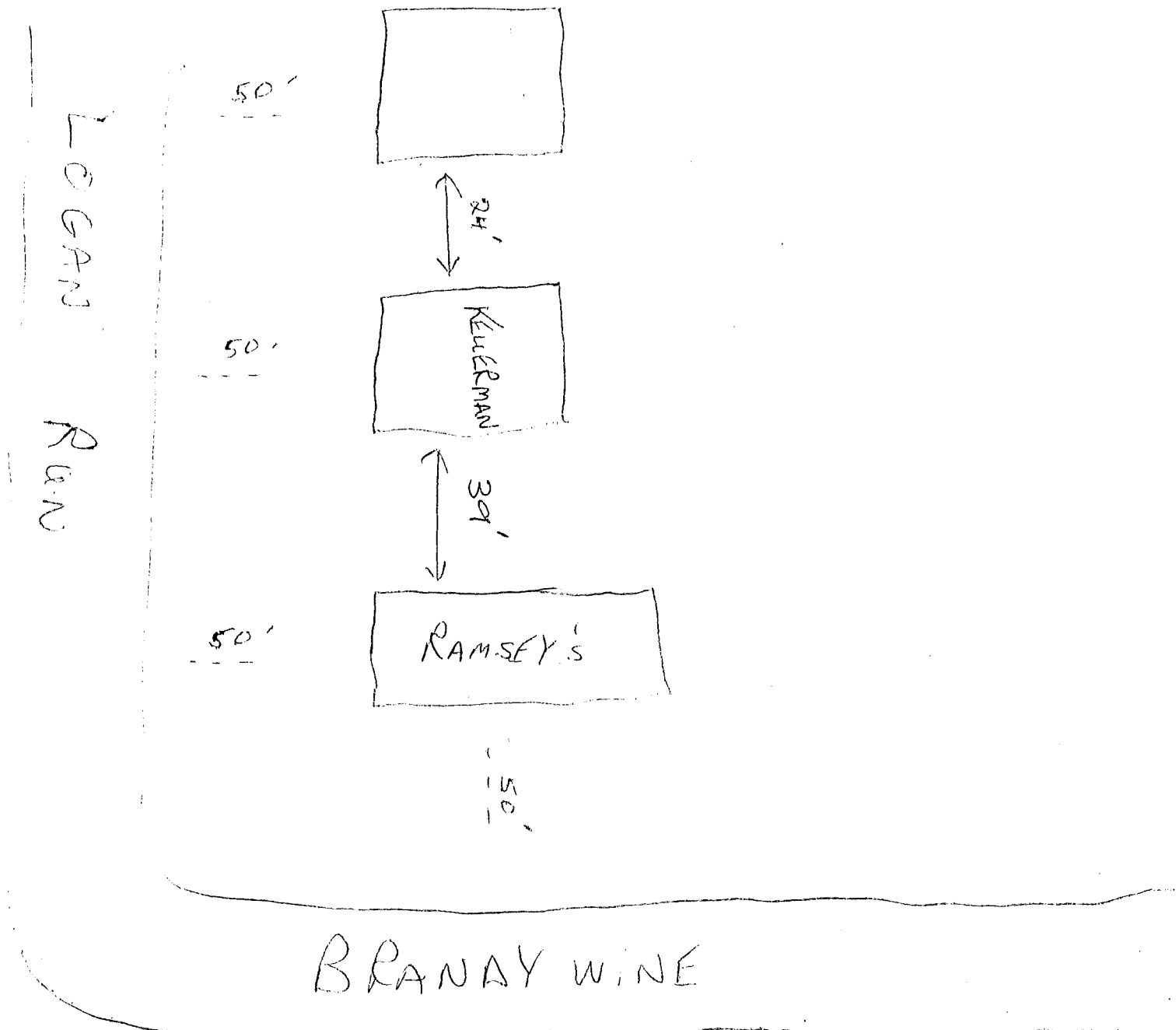
The following reviews the criteria which the Board must apply to Variance requests:

1. The special circumstance involved is the shape of this corner lot, lot #60, of the Ethans Glen subdivision, and the subdivision requirement of a fifty (50) foot front yard. The front yard setback limits the space where the applicant can place an attractive, salable house. Other SR-1 districts require only a 30 foot front yard.
2. The strict application of the Boone County Zoning Regulations would prohibit the applicant from placing the proposed single-family residence on the property.
3. The above special circumstance is not the result of the actions of the applicant.
4. Staff can find no reason why, if granted, the Variance would adversely affect the public health, safety, and welfare, or would alter the essential character of the general vicinity.

A copy of the Final Plat for the Ethans Glen subdivision, showing the 50 foot front yard set back line, is attached.

Respectfully submitted,

Paul R. Miller  
Plans Examiner/ Planner

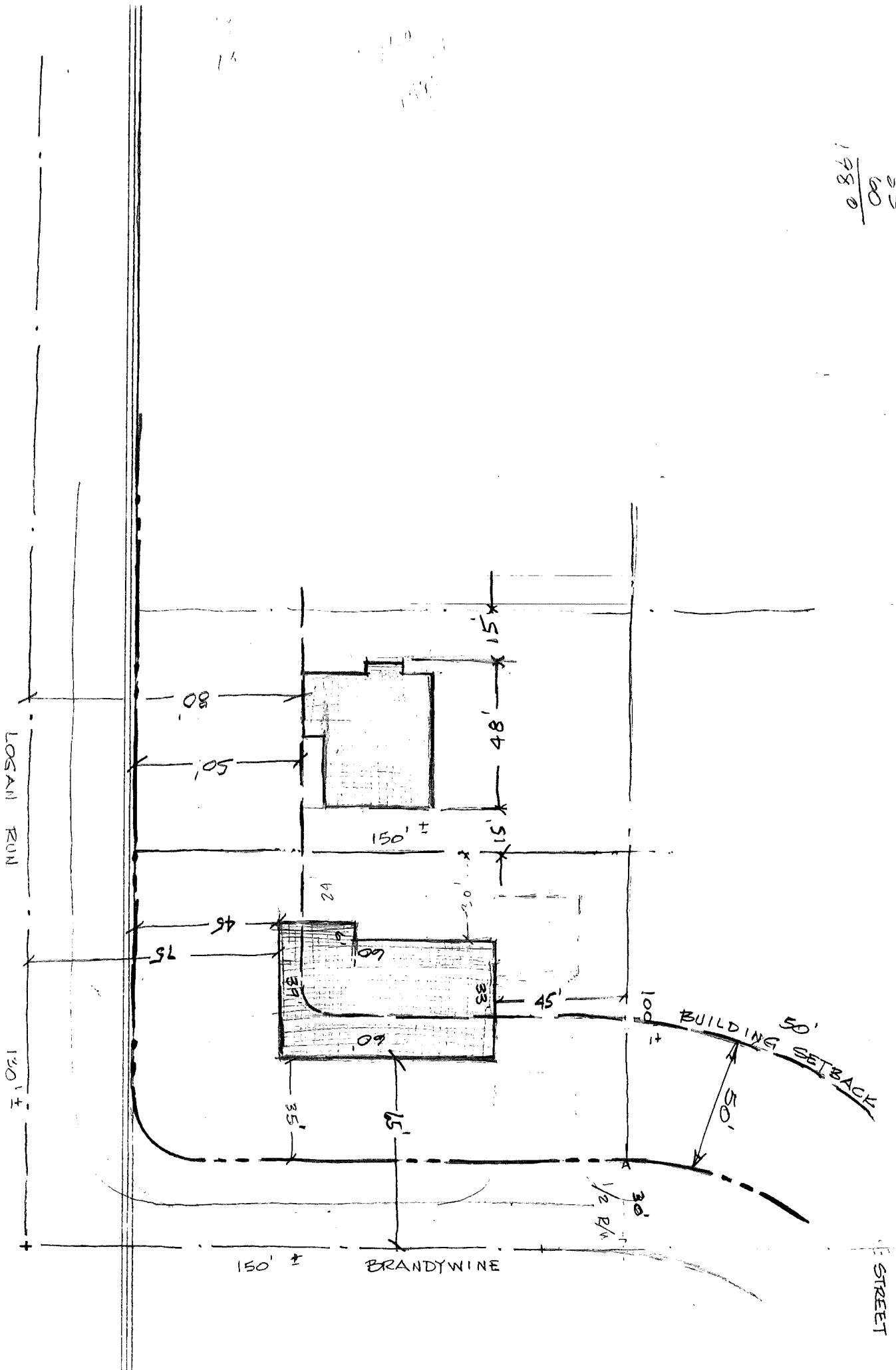


BOONE CO. BOARD OF ADJUSTMENT :

AS YOU CAN SEE BY MY ROUGH MAP OF THE SITUATION INVOLVING THE RAMSEY'S, IF WE ARE ALLOWED THE 6' BACK LINE ADJUSTMENT, WE WILL STILL HAVE 15 MORE FEET THAN THE KELLERMANS HAVE ON THE OTHER SIDE OF THEIR HOME. THEREFORE I REALLY DON'T SEE WHERE OUR REQUEST IS UNREASONABLE.

THANK YOU FOR YOUR UNDERSTANDING

Steve Kalla - Builder.



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1900  
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BOONE COUNTY  
BOARD OF ADJUSTMENT

June 8, 1988 - 6:30 P.M.

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BOARD MEMBERS PRESENT:

Mr. I. A. Archambault  
Mr. Dan Houston  
Mr. Walt Ryan  
Mr. George Whitton, Chairman

BOARD MEMBERS NOT PRESENT:

Mr. Fred Nevel

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Chairman Whitton called the meeting to order at 6:30 P.M. and noted that each member had received a copy of the Minutes of the Boone County Board of Adjustment Meeting of May 11, 1988 and asked if there were any comments or corrections.

There being no changes to the Minutes, Mr. Ryan moved that they be approved as mailed. Mr. Houston seconded the motion and it carried unanimously.

Chairman Whitton advised that Agenda Item #3, the request of Sign Systems and Services for Huntington Bank had been withdrawn.

AGENDA ITEMS:

1. The request of Pam Hartman and Bonita Buckler for a Conditional Use Permit to convert an existing single-family residence into a day care center. The 1.91-acre site, located on the west side of Limaburg Road across from the Mid Valley Pipeline holding tanks, is zoned Rural Suburban (RS). The property is owned by Gary and Barbara Swinford.

Staff Member, Paul Miller, presented the Staff Report which included a slide presentation (see Staff Report).

Celeste Gunther of Huff Realty, representing the sellers, Gary and Barbara Swinford, stated that they have contacted the Fort Mitchell Sewage Division and have obtained a written report recommending that they add thirty feet to the leach line to correct the sewage problem on the site. She submitted a copy of this letter to the Chairman.

Chairman Whitton reviewed the letter and asked if the Sewage Department had been advised that the use of the property was being changed from residential to a day care center. The agent stated that the Sewage Department had been advised.

Counselor Wilson stated that he believed a State agency must license day care centers. Mr. Breidenstein advised that the Department of Economic Resources must license the people who operate the facility, as well as the facility itself.

Chairman Whitton noted that the letter from the Sewage Department does not indicate that the facility will be used for a day care center.

Chairman Whitton asked if there was anyone else present who wished to speak in regard to this request. He noted that there is a problem with debris on the site.

Mr. Swinford stated that the debris is old roofing and gutters and will be removed. Bonita Buckler stated that her fiance will remove the debris.

There being no further comments, Chairman Whitton asked if there were any questions of the Board.

Mr. Archambault questioned the parking situation.

Mr. Paul Miller stated that Staff would recommend that parking be provided. He recommended that the driveway be paved, as well as sufficient area to turn around.

Ms. Buckler questioned why the paving was needed.

Mr. Breidenstein stated that Article 18 of the Zoning Regulations indicates that whenever there is a change in use, all the requirements of Article 18 must be met. It is a minimum requirement that the parking area be paved.

Chairman Whitton asked if there was anyone present in opposition to the request. There was no one present in opposition.

There being no further discussion, Mr. Ryan moved that the request be approved subject to Conditions #1 - #4 of the Staff Report. Mr. Archambault seconded the motion and it carried unanimously.

2. The request of Stephen J. Sallee for a rear yard Variance of six feet in order to place a single-family residence twenty-four (24) feet from the rear property line. The 0.35-acre site is located on the corner of Brandywine and Logans Run in the Ethans Glen subdivision and is zoned Suburban Residential One (SR-1). The property is owned by Garry Ramsey.

Staff Member, Paul Miller, presented the Staff Report which included a slide presentation (see Staff Report).

Chairman Whitton asked if there was anyone present in behalf of the request.

Mr. Sallee was present and stated that he had nothing to add to the Staff Report.

Chairman Whitton then asked if there was anyone present in opposition to the request or if there were any questions.

Mrs. Kathy Kellerman, an adjoining property owner, stated that she had recently moved to the subdivision and was attracted by the openness of the homes. She stated that if it is the builder's error that the home is too large, then it should be redone. Mrs. Kellerman stated that the Ramsey's knew there were setbacks when purchasing the property. She stated that the Ramsey's should build a smaller home.

Mr. Sallee stated that the home is too large to be moved on the lot and that a 50-foot setback is required. He stated that both he and the Ramsey's would be agreeable to requesting a front yard setback Variance, but all of the homes on Brandywine line up.

Mrs. Kellerman noted that the road curves and suggested that possibly the house could be moved so that there would be a three-foot Variance in the front and in the back. She stated that the adjoining homeowners should not have to absorb this problem. Mrs. Kellerman stated that they are putting in a bay window and the house would interfere with the view from the window. She then suggested that the six-foot Variance be in the front.

Mr. Sallee advised that the lot is elevated and if the house is moved forward six feet, it may cause the house to be too high.

Counselor Wilson stated that if the subdivision has private deed restrictions that say the front yard has to be 50', the Board does not have the authority to vary such restrictions.

Chairman Whitton asked if there were private deed restrictions applicable to the front yard. Mr. Sallee stated that he did not know.

Counselor Wilson stated that if the Variance is granted, it would be the applicant's responsibility to check the deed restrictions and if they exist, the applicant would need to come back to the Board. Counselor Wilson noted that this request was not advertised as a front yard Variance.

Mr. Breidenstein advised that it would take a month to readvertise the request as a front yard Variance and to notify the adjoining property owners.

Mr. Ryan questioned whether the house could be built to be six feet smaller.

Mr. Sallee stated that they had not considered building a smaller house and noted that this is probably the largest lot in the subdivision.


Mr. Breidenstein suggested that the house may be able to be turned on the lot and noted the side yard requirements. He cautioned that there may also be deed restrictions in regard to side yard setbacks.

Chairman Whitton stated that if the Board is unable to determine whether this request represents an encumbrance on the neighborhood without seeing the site, then the Board may want to table the request and visit the site.

Mr. Ryan moved that the request be tabled to allow for the Board to visit the site and that the Board meet again on Wednesday, June 15, 1988 at 7:30 P.M. in regard to this issue. Mr. Archambault seconded the motion and it carried unanimously.

There being no further business to come before the Board, the meeting was adjourned by unanimous consent at 7:30 P.M..

APPROVED:

  
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George D. Whitton, Chairman

ATTEST:

  
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Jan Hancock, Recording Secretary

BOONE COUNTY  
BOARD OF ADJUSTMENT

June 15, 1988 - 7:30 P.M.

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BOARD MEMBERS PRESENT:

Mr. I. A. Archambault  
Mr. Dan Houston  
Mr. Fred Nevel  
Mr. George Whitton, Chairman

BOARD MEMBERS NOT PRESENT:

Mr. Walt Ryan

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Chairman Whitton called the meeting to order at 7:30 P.M..

Mr. Archambault moved that the request of Stephen J. Sallee be brought back before the Board. Mr. Houston seconded the motion and it carried unanimously.

Chairman Whitton advised that the Board visited the site at 6:30 P.M. this evening. He stated that the Board has received two documents in regard to this request: 1) from Mr. Sallee, the builder, indicating the measurements between houses, and 2) from Mr. Kellerman showing the location of his house in regard to other setbacks. These documents have been reviewed by the Board.

Chairman Whitton asked if there was any new information anyone would like to submit in regard to this request. There was no response.

Chairman Whitton then asked if there was any discussion of the Board members.

There being no discussion, Mr. Archambault moved that the request for a six-foot rear yard Variance be granted. Mr. Nevel seconded the motion and it carried unanimously.

There being no further business to come before the Board, the meeting was adjourned by unanimous consent at 7:40 P.M..

APPROVED:

  
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George D. Whitton, Chairman

ATTEST:

  
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Jan Hancock, Recording Secretary