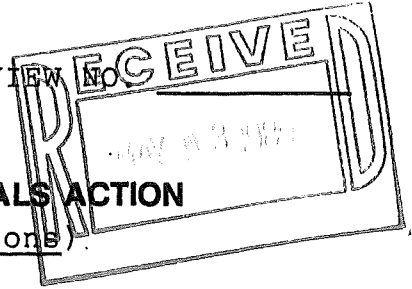


REVIEW NO.



APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION

(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 Williamsburg Properties, Inc.

Phone Number 371-4448

Applicant's Address 7900 Tanner's Gate Lane

Florence, KY 41042

City State Zip

4. Description of Request: Variance for 4' shortage on side yard  
for existing house and 2 1/2' shortage on the front yard set-back

5. Name of Development Lot #18 Arlington Station Subdivision

6. Location of Development 1478 Arlington Drive

Florence, KY 41042

7. Acreage Under Review 0.26 Acres (11436.49 square feet)

8. Lot Number and Name of Subdivision (if part of a subdivision)

#18 Arlington Station Subdivision

9. Owner of Property Williamsburg Properties, Inc.

Phone Number 371-4448

10. Address of Property Owner 7900 Tanner's Gate Lane

Florence, KY 41042

City State Zip

11. Proposed Use(s) On Site Existing residence

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

2,276

13. Current Zoning on Property SR-1

14. Deed Book 370 Page No. 139 Group No. 1730

15. Is the site subject to a zone change?

If yes, give date of approval \_\_\_\_\_

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. Applicant's Signature: Alexander M. [Signature]

19. Property Owner's Signature: [Signature]

SECTION B

(To be completed by Boone County Planning Commission Staff)

1. Date Received 5-24-89
2. Fee Received \$144.00 R# ~~799899~~ 801253 \$74.00 FOR VAR. #2
3. Is application complete? ✓ Yes        No R# 799899
4. Staff Reviewer PAUL R. MILLER
5. Scheduled Board Action Date 6-14-89
6. Board Action:  
  X   Approval  
       Approved With Conditions (See #7)  
       Disapproved (See #8)
7. Conditions: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
8. Reasons For Disapproval: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

STAFF REPORT

#2

DEVELOPMENT: single-family residence  
APPLICANT: Williamsburg Properties, Inc.  
LOCATION: 1478 Arlington Drive, Florence, KY  
ZONING: Suburban Residential One (SR-1)  
DATE: June 14, 1989

REMARKS:

The applicant is seeking Variances to allow a reduction in the side yard and front yard building setbacks for an existing house. The 0.26 acre site is located on the northwest corner of the Arlington Drive and Sandridge Drive intersection in Arlington Station subdivision, Boone County, Kentucky. The property is zoned Suburban Residential One (SR-1) and is owned by Williamsburg Properties, Inc.

A single-family residence was constructed on the site in July of 1987 after the appropriate zoning and building permits had been obtained. The house was constructed, however, within both the side and front yard setbacks. The regulations require a 15 foot side yard setback for corner lots; the corner of the house is only 12.1 feet from the property line, so the applicant is requesting a Variance of 2.9 feet. The established front yard setback is 30 feet; the front of the house is only 27.72 feet from the property line, so the applicant is requesting a Variance of 2.28 feet.

The Board must make certain considerations in determining the findings necessary for granting Variances in Boone County. These considerations are addressed below.

1. The requested Variance must arise from special circumstances that do not generally apply to the general vicinity or the same zone. The house has been constructed within the side and front yard setbacks required by the regulations, and the violation has gone undetected until this time. The Staff can determine no special circumstances that apply to this lot and not to the surrounding area.
2. The strict application of the regulations would require the applicant to tear down a portion or all of the existing house and rebuild behind the setback lines. This would create an unnecessary hardship on the applicant.
3. The circumstances of this requested Variance are the result of the actions of the applicant taken after the adoption of the regulations.

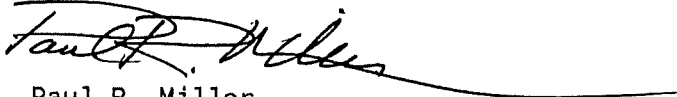
Granting the requested Variances will not adversely affect the public health, safety, or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public since the house does not block the view of traffic on the road and is not constructed on any public easements, and will not allow an unreasonable circumvention of the requirements of the zoning regulations.

STAFF REPORT - WILLIAMSBURG PROPERTIES, INC.  
JUNE 14, 1989

PAGE 2

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Attached to this report is a copy of a Plot Plan showing the relationship of the existing house to the required setbacks, and a copy of a letter expressing the applicant's position regarding the requested Variances. Both items have been supplied by the applicant.

Respectfully submitted,



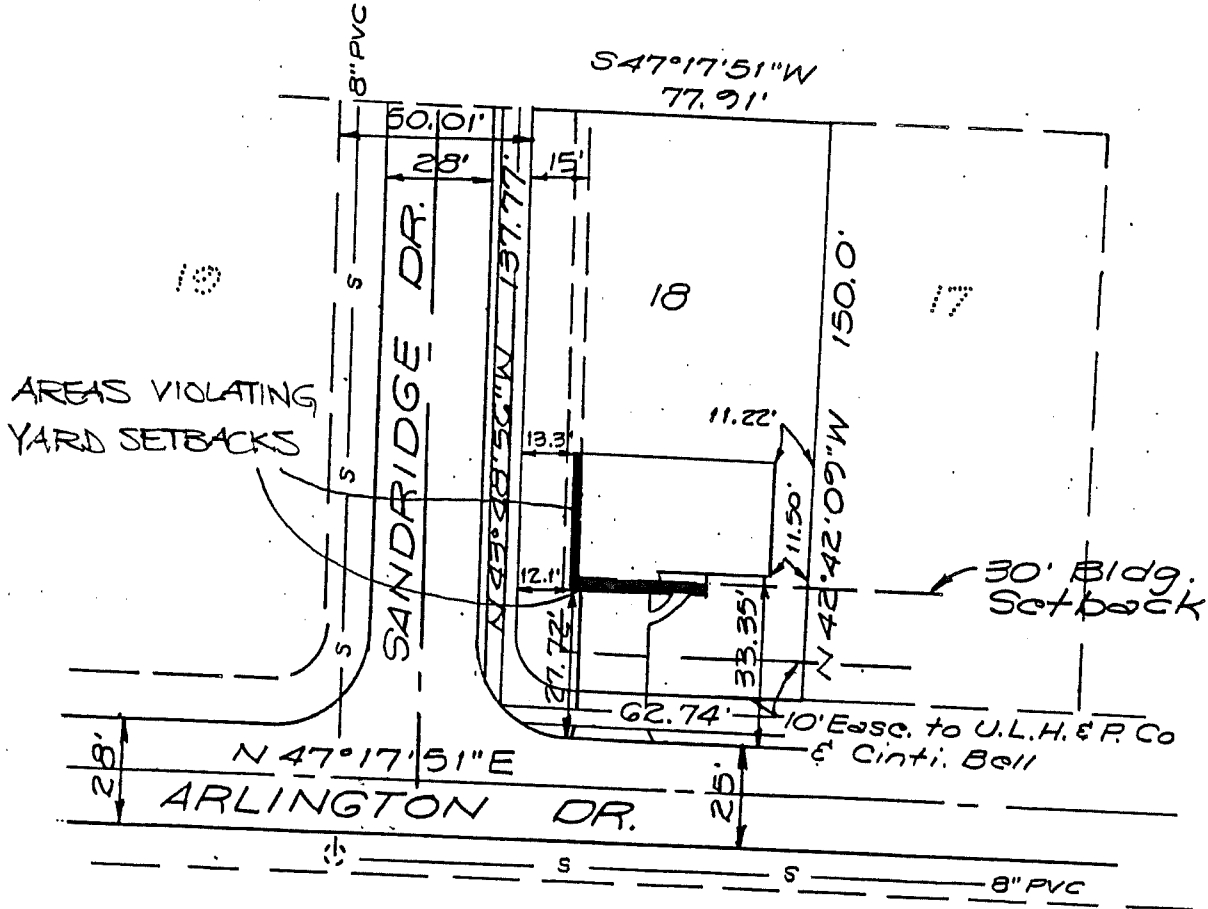
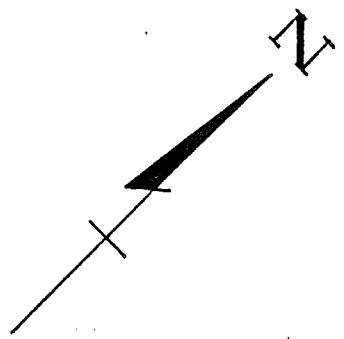
Paul R. Miller  
Plans Examiner/Planner

PRM:hs

WILLIAMSBURG PROPERTIES VARIANCES

PLOT PLAN

6-14-87





May 24, 1989

WILLIAMSBURG PROPERTIES  
VARIANCES

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6-14-89

Mr. Paul Miller  
Boone County Planning Commission  
P.O. Box 900  
Burlington, KY 41005

Re: Lot #18 Arlington Station Subdivision - Variance

Dear Mr. Miller:

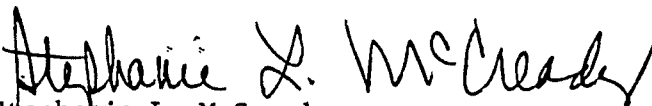
Williamsburg Properties, Inc. would like to file for a variance for the above referenced property. This variance is necessary for the following reasons:

1. The house was inadvertently built encroaching into the front setback line and the side lot, as established by the Boone County Zoning Department.
2. There has been no objection to the location of the house since its construction in July, 1987.
3. We do not feel that the location of the house is a detriment to public interest, health, or safety.
4. It would create an extreme hardship to rectify the location of the building to comply with the setback and side yard requirements, as the house is complete and there is a pending mortgage closing, with the subsequent relocation of buyers.

For the reasons stated above, haste is essential in this matter. We would appreciate any consideration that you can afford us.

Sincerely,

WILLIAMSBURG PROPERTIES, INC.

  
Stephanie L. McCreedy  
Sales Administrator

/slm

BOONE COUNTY  
BOARD OF ADJUSTMENT

June 14, 1989 - 6:30 P.M.

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BOARD MEMBERS PRESENT:

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

BOARD MEMBERS NOT PRESENT:

None.

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

The meeting was called to order by Chairman Whitton at 6:30 P.M..

The Chairman noted that each member had received a copy of the Minutes of the Boone County Board of Adjustment Meeting of May 10, 1989 and asked if there were any comments or corrections.

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

AGENDA ITEMS:

The following request was withdrawn by the applicant:

1. The request of Chelsea Moore Corporation and Glenn F. Baird for an Appeal of the Zoning Administrator's decision regarding the location of a zoning line on a portion of the applicant's property. The less than one acre parcel is located between Utterbach Road and Connector Road, Boone County, Kentucky.

2. The request of Williamsburg Properties, Inc. for a Variance to allow a reduction in the side and front yard building setbacks for an existing house. The 0.26-acre site is located at 1478 Arlington Drive, Boone County, Kentucky. The property is zoned Suburban Residential One (SR-1) and is owned by Williamsburg Properties, Inc..

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

The Chairman asked if there was anyone present who wished to speak in regard to this request.

Mr. Bill Ryan, representing Williamsburg Properties, stated that this problem was caused by an error on their part when the house was constructed. It would create an undue hardship to move the house.

There being no one else present who wished to speak and no discussion from the Board, Mr. Archambault moved that the Variance be granted as the purchaser was unaware of the circumstances and it would create a hardship to correct the problem. Mr. Nevel seconded the motion.

Counselor Wilson advised that the encroachments are on the street side and to the front of the house, which is not damaging to a structure on an adjacent lot. This may be a special circumstance.

Mr. Archambault included the comments made by Counselor Wilson in his motion, which was again seconded by Mr. Nevel. The Chairman asked for a vote on the motion and it carried unanimously.

3. The request of Eugene R. Weber (agent) for a Conditional Use Permit to allow the establishment of a church in a residential zone. The subject property is an approximate 15-acre parcel of a 120-acre tract located at the northeast corner of U.S. 42 and KY 536, Boone County, Kentucky. The property is zoned Rural Suburban Estates (RSE) and is owned by the Diocese of Covington.

Staff Member, Paul Miller, presented the Staff Report which included a slide presentation (see Staff Report). He noted that the applicant had provided a legal description of the property just prior to the meeting which could be used to describe the property in a motion.

In response to questions from Chairman Whitton, Mr. Miller stated that the Transportation Planner feels that this structure will not be the formal church, but will become an accessory structure. The provision of a left turn lane for southbound traffic will become necessary for future expansion.

Mr. Gene Weber stated that they will maintain as many of the trees as possible. They are an asset to the facility. In regard to the deceleration lane, he stated that they have indicated another access in the future off Frogtown Road at the rise of the hill. He stated that the facility will be basically a church used once a week, not a school. There is a provision for approximately seventy parking spaces. In the initial stage, there will be only one access into the site, which is the curb cut off U.S. 42. When the site develops with the addition of the main church, they will use the access off Frogtown Road.

Mr. Miller stated that the Staff did not do a thorough analysis of the future drive on Frogtown Road. He stated that that portion of the road dips and there may be a sight distance problem. He stated that a northbound deceleration lane should be constructed for this level of development.

The Chairman asked if there was anyone else present who wished to speak at this time.

Mr. Leeland Bentle stated that he was an adjoining property owner and in favor of this request.

Mr. Quinn stated that his mother owns the property and is in favor of the request. He is also in favor.

Chairman Whitton questioned if the deceleration lane would cause undue hardship.

Mr. Weber replied that there is a consideration of the budget.

Mr. Ryan stated that within a 15-minute span there would be a maximum of seventy cars going in and out of the site.

In response to a question from the Chairman, Father Broadnick stated that they have 196 families registered in the parish at this time.

Mr. Archambault commented that the parish will grow and within a few years there will probably be a school.

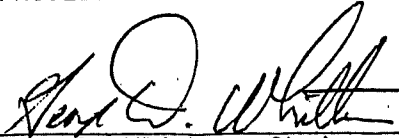
Mr. Houston moved that the Conditional Use Permit be granted subject to the conditions that the trees be retained and the deceleration lane provided as recommended in the Staff Report.

Mr. Ryan suggested that the drive off of Frogtown Road may be more cost effective than the deceleration lane. Mr. Weber advised that, if they have a choice, they prefer the deceleration lane.

Mr. Nevel seconded the vote made by Mr. Houston. The Chairman asked for a vote on the motion and it carried unanimously.

There being no further business to come before the Board, the meeting was adjourned by unanimous consent at 7:00 P.M..

APPROVED:

  
George D. Whitton, Chairman

Attest:

  
Jan Hancock, Recording Secretary