

APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION

(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 ASTONIA CONSTRUCTION CO.
Phone Number 431-6677
Applicant's Address 234 Scott St
Covington Ky 41011
City State Zip
- 4. Description of Request: To change the setback
From 30' to 20' For Building 15' For Decks
- 5. Name of Development THE FAREWINDS
- 6. Location of Development West side of Ligonburg Rd.
approx 3/4 mile from KY 18
- 7. Acreage Under Review 3.346
- 8. Lot Number and Name of Subdivision (if part of a subdivision)
N/A
- 9. Owner of Property Astoria Construction (BY OFFER)
Phone Number _____
- 10. Address of Property Owner _____
City State Zip
- 11. Proposed Use(s) On Site To Construct 35 Townhomes
- 12. Total Square Footage of Existing and/or Proposed Buildings
1910 S.F + 1605 S.F BUILDINGS
- 13. Current Zoning on Property UR-1
- 14. Deed Book 320, 311, 327 Page No. 63, 31, 124 Group No. 2025
- 15. Is the site subject to a zone change? NO.
If yes, give date of approval N/A
- 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: _____
- 19. Property Owner's Signature: _____

SECTION B

(To be completed by Boone County Planning Commission Staff)

- 1. Date Received 9-20-89
- 2. Fee Received 135.00 2# 800388
- 3. Is application complete? Yes No
- 4. Staff Reviewer Paul R. Miller
- 5. Scheduled Board Action Date 10-11-89
- 6. Board Action:

- Approval
- Approved With Conditions (See #7)
- Disapproved (See #8)

7. Conditions: 1) APPLICANT MUST IMPROVE AND MAINTAIN ROW OF VEGETATION ALONG REAR PROPERTY LINE

8. Reasons For Disapproval: _____

STAFF REPORT

#1

DEVELOPMENT: The Fairwinds, Phase B
APPLICANT: Astoria Construction Company
LOCATION: west side of Limaburg Road, approximately 3/4 mile from KY 18, Boone County, Kentucky
ZONING: Urban Residential One (UR-1)
DATE: October 11, 1989

REMARKS:

The applicant is seeking a Variance in the rear yard building setback line for the construction of 35 townhomes as part of the Fairwinds residential development. The 3.3 acre site is located at Limaburg Road and Val Court, approximately 3/4 mile north of KY 18, Boone County, Kentucky. The property is zoned Urban Residential One (UR-1) and is owned by Astoria Construction Company (owner by option).

Specifically, the applicant is seeking a Variance in the required 30 foot rear yard building setback line required in UR-1 districts to 15 feet. The applicant is requesting this Variance in order to allow the placement of a specific number of units in general agreement with a number established by an approved Preliminary Plat for Phase B of the Fairwinds. This Plat, approved on April 2, 1986, has expired, and the applicant desires to reapply for subdivision review. Prior to this application to the Boone County Planning Commission, the applicant is seeking the requested Variance.

The following reviews the considerations the Board must make in determining the findings of fact necessary for granting Variances.

1. The requested Variance must arise from special circumstances which do not generally apply to land in the general vicinity, or in the same zone. The special circumstances of this request relate to the previously approved, and now expired, Preliminary Plan for this phase of the Fairwinds development. The approved Preliminary Plan was for the construction of three, 12 unit townhouse structures. This Plan also indicated a 15 foot rear yard building setback line. The applicant desires to maintain the building setback established in the approved plan as part of the new Preliminary Plan for the development. Further, there is insufficient space to allow the number of units sought by the applicant, and meet the required 30 foot building setback line.
2. The strict application of the zoning regulations would require the applicant maintain a 30 rear yard building setback line. This would not deprive the applicant of the reasonable use of the land, and would not create an unnecessary hardship on the applicant.
3. The special circumstances discussed above are the result of the applicant's desire to locate the number of units on the property in the proposed arrangement. This action is subsequent to the adoption of the standards of the zoning regulations.

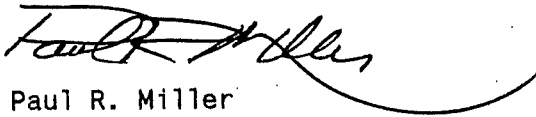
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Granting this Variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the zoning regulations.

Should the Board approve this Variance, the Staff recommends the following condition:

1. The applicant shall improve and maintain the row of vegetation along the rear property line.

This will insure that potential visual impacts from the proposed structures will be screened from the adjoining residential uses.

Respectfully submitted,



Paul R. Miller
Plans Examiner/Planner II

PRM:hs

BOONE COUNTY
BOARD OF ADJUSTMENT

October 11, 1989 - 6:30 P.M.

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

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

Approval of the Minutes:

Chairman Whitton noted that each member had received a copy of the Minutes of the Boone County Board of Adjustment Meeting of September 13, 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. Archambault seconded the motion and it carried unanimously.

AGENDA ITEMS:

1. The request of Astoria Construction Company for a Variance in the rear yard building setback line for a proposed townhouse development. The 3.3-acre site is located at Limaburg Road and Val Court, Boone County, Kentucky. The property is zoned Urban Residential One (UR-1) and is owned by Astoria Construction Company (owner by option).

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. Ray Erpenbeck and Mr. Mike Burkhart were present.

Mr. Ray Erpenbeck reviewed larger scale drawings with the Board members. He stated that one of the problems of the site is the 50-foot Mill Valley piepline easement for an oil line at the front of the site. Their buildings must be kept clear of that easement. He stated that the 15 feet would be from the corner of one of the decks. He stated that there are two 15' distances and the others are 20' and 25'. He stated that they intent to maintain the line of vegetation along the back of the property.

Chairman Whitton asked if anyone else wished to speak or if there were any questions.

There being no further comments, Mr. Nevel moved that the Variance be granted and that the row of vegetation be maintained and improved along the property line. Mr. Houston seconded the motion and it carried unanimously.

2. The request of McBee and Ruttle for a Conditional Use Permit to allow the conversion of a single-family residence into a law office. The 0.31-acre site is located at 2909 Washington Street, Burlington, Kentucky. The property is zoned Suburban Residential Two/Small Community (SR-2/SC) and is owned by Julia Ryle.

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

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

Ann McBee stated that a closing had taken place since the application was filed and the owner is Terrarius, Inc.. She added that the small block building shown in the slide presentation is not a utility building at this time but is owned by Miss McBee and used as a gym.

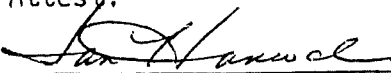
Mr. Archambault asked if they could save some of the trees. Ann McBee stated that the requirements of the regulations will cause them to remove some of the trees and put them back again.

There being no further comments, Mr. Houston moved that the Conditional Use Permit be granted. 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 7:00 P.M..

APPROVED:

Attest:


Jan Hancock, Recording Sec'y


George D. Whitton, Chairman