JUN 16 1992

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 FINKE HOMES INC.
Phone Number 606 586 7583
Applicant's Address 3180 BURLINGTON PIKE
BURLINGTON KY 41005
City State Zip

4. Description of Request: REQUESTING A DIMENSIONAL VARIANCE FOR AN EXISTING HOUSE ON LOT 28 BURLINGTON MEADOWS 6065 TOSHA DRIVE BURLINGTON KY. VARIANCE TO BE .70 FT AT FRONT RT. SIDE OF HOME AND .90 FT AT REAR OF HOME

5. Name of Development BURLINGTON MEADOWS SUBDIVISION
6. Location of Development TOSHA DRIVE AND KY RT. 18
7. Acreage Under Review LOT 28 SECTION VI
8. Lot Number and Name of Subdivision (if part of a subdivision)
LOT # 28 BURLINGTON MEADOWS SUBDIVISION
9. Owner of Property FINKE HOMES INC.
Phone Number 606 586 7583
10. Address of Property Owner 3180 BURLINGTON PIKE
BURLINGTON KY 41005
City State Zip
11. Proposed Use(s) On Site SINGLE FAMILY RESIDENTIAL LOT
12. Total Square Footage of Existing and/or Proposed Buildings
1547 SQ FT INCLUDING GARAGE
13. Current Zoning on Property
14. Deed Book 230 ~~Page No.~~ PLAT # 72-A Group No. ~~1866~~ 2029
15. Is the site subject to a zone change? NO
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: Ted Sexton, Vice President
19. Property Owner's Signature: Ted Sexton Vice President

APPLICATION FORM
BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION

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

1. Date Received 6-16-92
2. Fee Received $235.00 R 754
3. Is application complete? ✓ Yes _____ No
4. Staff Reviewer Amy Moore
5. Scheduled Board Action Date July 8, 1992
6. Board Action:
   ✓ Approval
   _____ Approved with Conditions (See #7)
   _____ Disapproved (See #8)
7. Conditions: none

8. Reasons for Disapproval: _____

BCPC:7/11/88

STAFF REPORT

DEVELOPMENT: Burlington Meadows Subdivision

APPLICANT: Finke Homes, Inc.

LOCATION: lot #28 of Burlington Meadows Subdivision, Boone County, Kentucky

ZONING: Suburban Residential One (SR-1)

DATE: July 8, 1992

REMARKS:

The applicant is requesting a Variance to reduce the minimum sideyard setback requirement for an existing structure. The approximately 0.25 acre site is located on lot #28 of Burlington Meadows Subdivision, Boone County, Kentucky. The property is zoned Suburban Residential One (SR-1) and is owned by Finke Homes, Inc.

On March 10, 1992, the Boone County Planning Commission issued a Zoning Permit for this site. The permit allowed a single-family dwelling unit to be constructed on the lot with 10 feet and 5 feet sideyard setbacks. When the building was constructed, it was constructed with sideyard setbacks of 10.73 feet and 4.10 feet.

Table 31.1, Dimensional Standards, of the 1991 Boone County Zoning Regulations indicates that the minimum sideyard setback is 5 feet and both sideyard setbacks must total at least 15 feet. (p. 158)

The following reviews the criteria the Board must use to judge each Variance request:

1. If the Variance is granted, it would not adversely affect the public health, safety or welfare.

2. The Variance will not alter the essential character of the general vicinity.

3. The Variance will not cause a hazard or a nuisance to the public.

4. The Variance will not allow an unreasonable circumvention of the requirements of the zoning regulations.

The Board shall also consider in making these findings whether:

5. The requested Variance does not arise from special circumstances which do not generally apply to land in the general vicinity, or in the same zone.

6. The Board should decide if the strict application of the provisions of the regulations would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

7. The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulations from which relief is sought.

The Board shall deny any request for a Variance arising from circumstances that are the result of willful violations of the zoning regulations by the applicant subsequent to the adoption of the zoning regulations from which relief is sought.

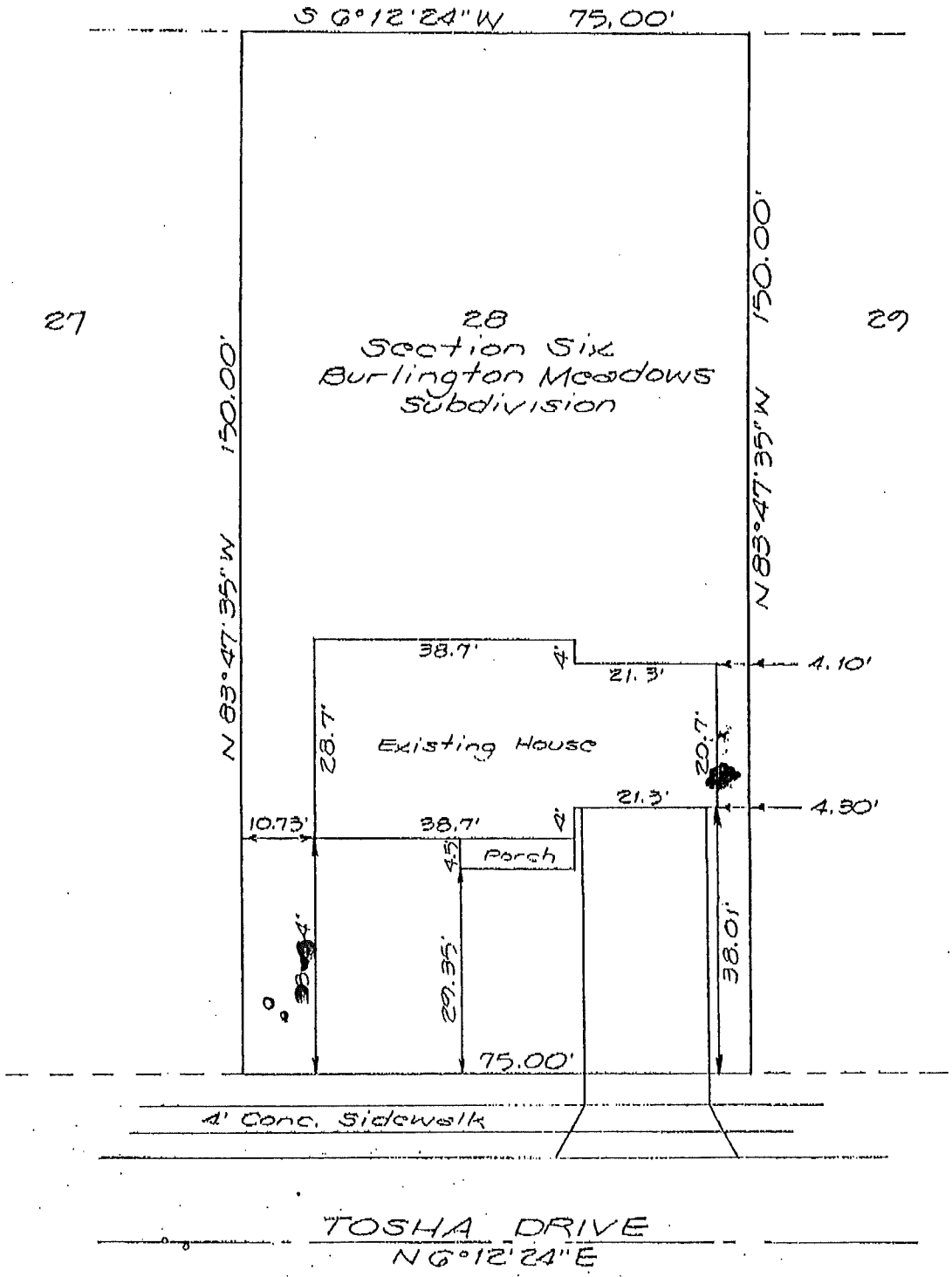
Attached to the Staff Report is a drawing of the site illustrating the location of the single-family dwelling unit and its existing setbacks.

Respectfully submitted,

Amy S. Moore

Amy S. Moore
Planner II

ASM:kat



DIMENSIONAL VARIANCE FOR

LOT 28
BURLINGTON MEADOWS SUBDIVISION

DEVELOPER
BURLINGTON ESTATES
3180 BURLINGTON PIKE
BURLINGTON, KY 41005

ENGINEER
RAYMOND ERPENBECK
CONSULTING ENGRS.
4205 DIXIE HIGHWAY

FINKE HOMES
586-2583

COPY

NO. 92-BCBOA-011-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER (S)
Finke Homes, Inc.
3180 Burlington Pike
Burlington, KY 41005

2. ADDRESS OF PROPERTY
Lot #28 Burlington Meadows
Burlington, KY 41005

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Burlington Meadows

DEED BOOK: 236 PAGE NO.: 287 GROUP NO.: 2029

4. TYPE OF RESTRICTION (S) (Check all that apply)

_____	Zoning Map Amendment from _____ to _____	_____	Conditional Use Permit
_____	Development Plan	_____	Conditional Zoning Condition
_____	Subdivision Plat (unrecorded)	_____	Other: (Specify)
X	Variance		

5. 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
2995 WASHINGTON STREET
BURLINGTON, KENTUCKY 41005

Amy S. Moore
SIGNATURE OF COMPLETING OFFICIAL

Amy S. Moore, Planner I
NAME AND TITLE OF COMPLETING OFFICIAL
(type or print)

BCPC:Revised 9/90

CLUR# 92-BCBOA-011-A

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the Variance as approved by the Boone County Board of Adjustments and in accordance with the current zoning in effect as of July 8, 1992, (Certificate of Land Use Restriction # 92-BCBOA-011-A), for Finke Homes, Inc., property owner.

NO CONDITIONS

The approved Variance as well as the preceding conditions apply to the property described in: DEED BOOK 236 PAGE NO. 287 Group No. 2029

NO. 92-BCBOA-011-A

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   Burlington, KY 41005

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SIGNATURE OF COMPLETING OFFICIAL

Amy S. Moore, Planner I
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BCPC:Revised 9/90