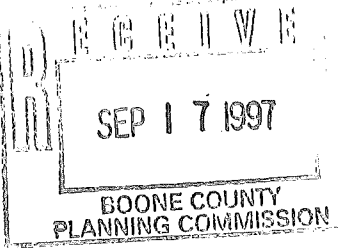


APPLICATION FORM



BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

See Boone County Zoning Regulations SECTION A (To be completed by applicant)

(Check One)

1. [X] Boone [] Florence [] Walton [] Union

(Check One)

2. [] Conditional Use Permit [X] Variance [] Appeal [] Change in Non-Conforming Use

3. Applicant's Name: Bexmec Corp; Phone Number: 655-8202; Fax No.: 655-8211; Applicant's Address: 4306 Baxon Drive, Covington, Ky 41011

4. Description of Request: Lot deminsion variance. Reduce lot width to a minimum of 50'. Reduce lot sidelines down to 5' on each side.

5. Name of Development: Ridgefield

6. Location of Development: Elijah's Creek Road, Hebron

7. Acreage Under Review: 21

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

9. Owner of Property: Tanner + Garnett

Phone Number of Owner: 689-4941

10. Address of Property Owner: 2962 Axiens Dr, Hebron, Ky 41048

11. Proposed Use(s) on Site: Single Family Detached Dwellings

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

13. Current Zoning on Property: SR-1

14. Deed Book: 634; Page No.: 293 - 296; Group No.: 2010

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. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

Applicant's Signature: Bexmec Corp by [Signature] Pres TANNER + GARNETT

Property Owner's Signature: Eddie Tanner

BOARD OF ADJUSTMENT AND
ZONING APPEALS ACTION
APPLICATION
PAGE 2

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

1. Date Received 9-17-97 Fee Received \$492.00 RA# 14721
2. Is application complete? Yes Yes _____ No _____
3. Staff Reviewer Ed Colman
4. Scheduled Board Action Date 10/8/97
5. Board Action:

 Approved
 Approved with Conditions (See #6)

 Denial (See #7)
6. Conditions of Approval: SEE 10/8/97 BPA MINUTES & CWR
7. Reasons for Denial: _____

Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005
(606) 334-2196 Phone
(606) 334-2264 Fax

NOTE: See Boone County Planning Commission Fee Schedule for Board of Adjustment Fees.

Site Plan Review is not granted by the appropriate Board of Adjustment.

An application consists of all fees paid in full, submitted drawings and a completed application form.

STAFF REPORT

APPLICANT: Bermec Corporation
LOCATION: Ridgefield Subdivision, Boone County, Kentucky
ZONING: Suburban Residential One (SR-1)
DATE: October 8, 1997

Proposal

The applicant is requesting a Variance to allow a reduction in the minimum road frontage and the minimum side yard setbacks for approximately 80 lots in a Suburban Residential One (SR-1) zoning district adjacent with the Ridgefield Subdivision. The 21 acre tract, which is scheduled to develop as part of the Ridgefield Subdivision, is to be extended north, west, and south of Asbury Way, between Ridgefield Drive and Russell Drive. The developed portion of Ridgefield Subdivision is zoned Urban Residential One (UR-1), and has different setback requirements than a Suburban Residential One (SR-1) zoning district. The applicant's request would enable the lots within the 21 acre tract to develop in the same manner as the existing phases of the Ridgefield Subdivision.

The minimum road frontage required in a Suburban Residential One (SR-1) zoning district is 65 feet. The applicant is requesting that the minimum road frontage required per lot be reduced to 50 feet, the same frontage required for a UR-1 zone. The minimum side yard setbacks required in a Suburban Residential One (SR-1) zoning district are a minimum of 5 feet on one side and minimum total of 15 feet combined. If a lot has a 5 foot setback on one side yard, the minimum setback for the other side yard would be 10 feet, for a 15 foot minimum total. An Urban Residential One (UR-1) zoning district has the same side yard setback requirements as a Suburban Residential One (SR-1) zoning district. The reduction of side yard setbacks from a total of 15 feet to 10 feet was agreed to by condition between the Planning Commission, Fiscal Court, and the applicant through the Zoning Map Amendment process in 1994.

The Board of Adjustment and Zoning Appeals shall have the power to hear and decide on applications for variances. A variance is defined as a departure from dimensional terms of the zoning regulation pertaining to the height, width, or location of structures, and the size of yards and open spaces where such departure meets the requirements of K.R.S. 100.241 to 100.47.

Variances are appropriate by reason of exceptional narrowness, shallowness, or unusual shape of a site on the effective date of the zoning regulations or amendment thereof or by reason of exceptional topographic conditions, or some other extraordinary situation or condition of the site. The literal enforcement of the above dimensional terms of the zoning regulation would deprive the applicant of reasonable capacity to make use of the land in a manner equivalent to the use permitted other landowners in the same zone. The dimensional terms pertaining to height, width and location involve such items as structures, parking space stalls, driveway aisles, and landscaped buffers and signs. Lot frontages, the size of yards and open spaces refer to minimum yard dimensions such as building setbacks.

Staff Comments

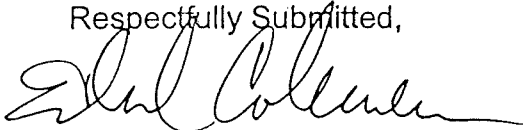
The minimum lot size in a Suburban Residential One (SR-1) zoning district is 8,000 square feet. If the Board approves the applicant's request for a Variance for the frontage and side yard setbacks, each lot must still be at least 8,000 square feet in area. The minimum lot size is a density requirement of the district, not a dimensional standard, and therefore cannot be reduced through the Board of Adjustment process. In order to achieve a minimum area of 8,000 square feet at 50 feet in width (road frontage), the minimum depth of each lot will have to be at least 160 feet.

The Board should evaluate the applicant's request as it relates to the criteria necessary for granting a Variance, stated in Article 2, Section 251 of the Boone County Zoning Regulations.

Conclusion

K.R.S. 100.241 gives the Boone County Board of Adjustment and Zoning Appeals the authority to grant the applicant's request for a Variance to reduce minimum frontage and side yard setbacks on the 21 acre tract of land that is adjacent with the Ridgefield Subdivision. It is Staff's opinion that the proposed 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 requirements of the zoning regulations. Staff believes that the Variance would enable the new phase of Ridgefield to develop with the same character as the existing phases while maintaining the minimum density requirements in a Suburban Residential One (SR-1) zoning district.

Respectfully Submitted,

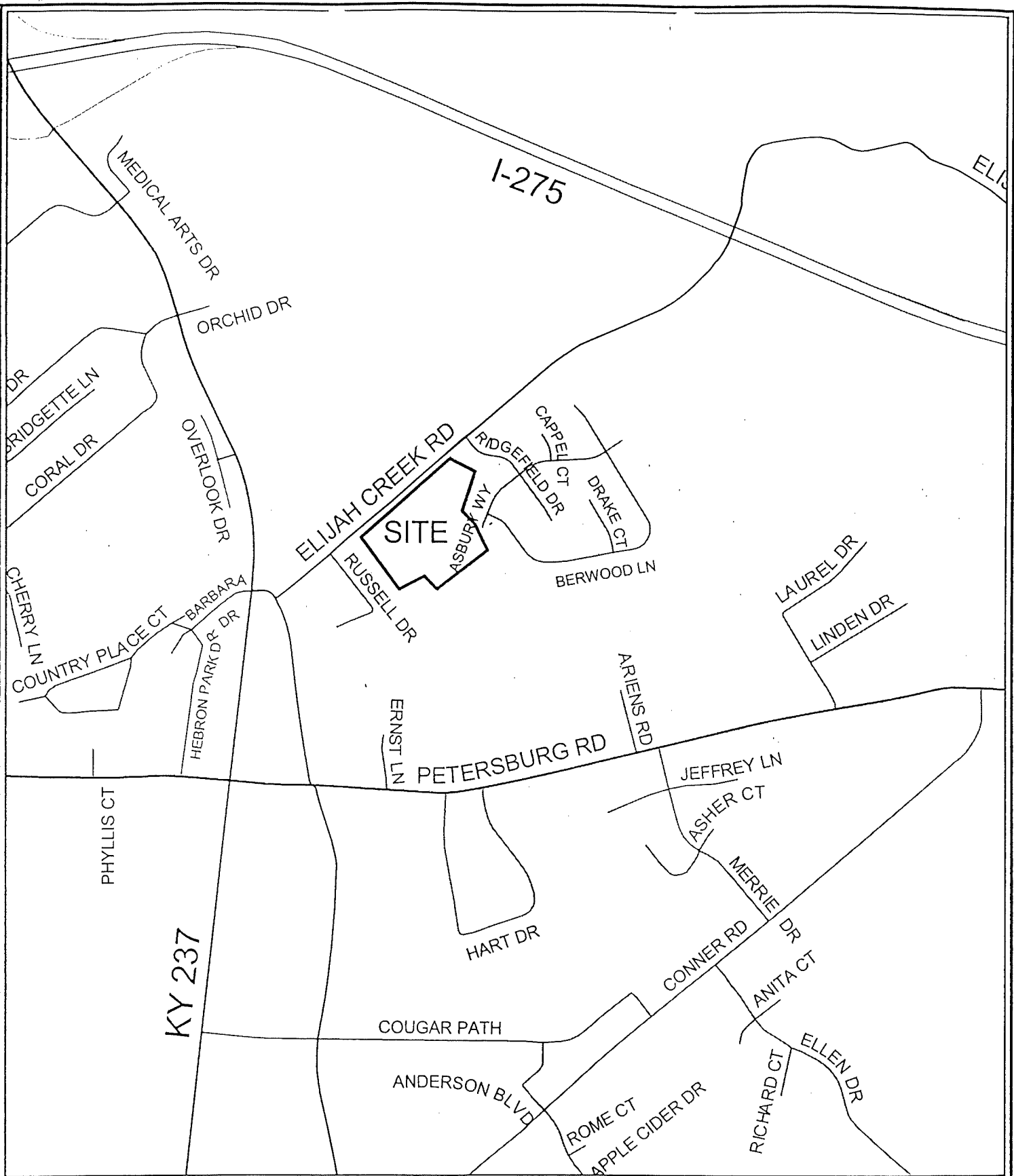


Edward Coleman
Planner

EC\pr

Attachments

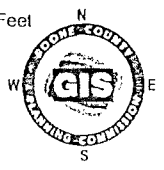
- Location Map
- Zoning Map
- Proposed Preliminary Plat

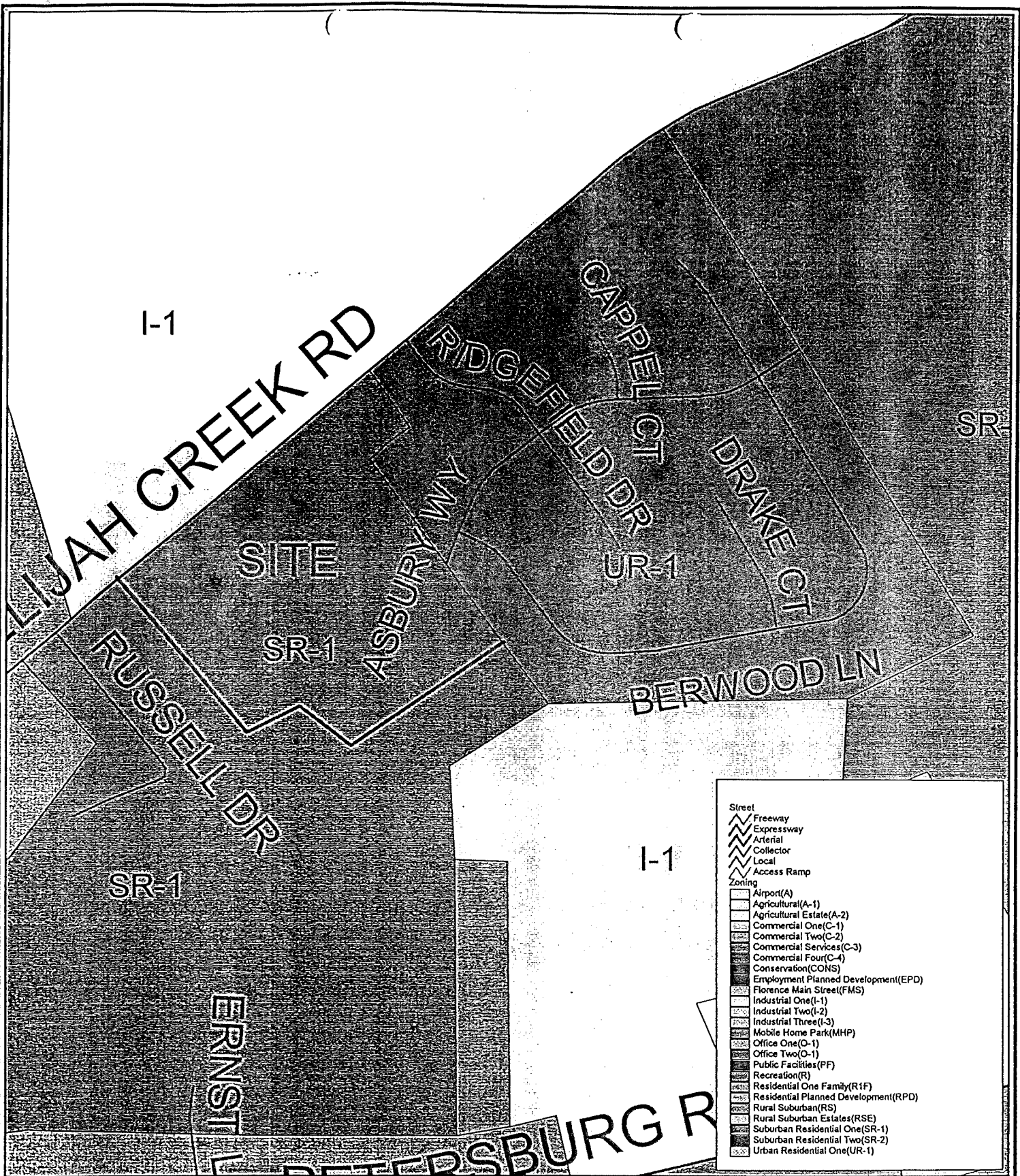


Ridgefield

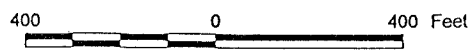


1 inch equals 1000 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 October 3, 1997





Street	
	Freeway
	Expressway
	Arterial
	Collector
	Local
	Access Ramp
Zoning	
	Airport(A)
	Agricultural(A-1)
	Agricultural Estate(A-2)
	Commercial One(C-1)
	Commercial Two(C-2)
	Commercial Services(C-3)
	Commercial Four(C-4)
	Conservation(CONS)
	Employment Planned Development(EPD)
	Florence Main Street(FMS)
	Industrial One(I-1)
	Industrial Two(I-2)
	Industrial Three(I-3)
	Mobile Home Park(MHP)
	Office One(O-1)
	Office Two(O-2)
	Public Facilities(PF)
	Recreation(R)
	Residential One Family(R1F)
	Residential Planned Development(RPD)
	Rural Suburban(RS)
	Rural Suburban Estates(RSE)
	Suburban Residential One(SR-1)
	Suburban Residential Two(SR-2)
	Urban Residential One(UR-1)



Ridgefield

1 inch equals 400 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 October 3, 1997



CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER (S)
Tanner and Garnett
2962 Ariens Drive
Hebron, Kentucky 41048

2. ADDRESS OF PROPERTY
Elijah Creek Road
Hebron, Kentucky

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Ridgefield Subdivision

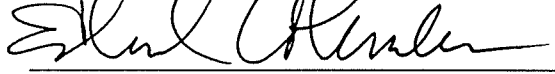
DEED BOOK: 634 PAGE NO.:293 GROUP NO.:2010

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

- Zoning Map Amendment: Conditional Use Permit
- From to
- Development Plan Conditional Zoning
- Subdivision Plat Other:
- (Unrecorded)
- 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



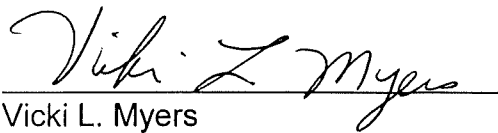
SIGNATURE OF COMPLETING OFFICIAL

Edward Coleman, Planner
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledge before me by Edward Coleman, on behalf of
the Boone County Planning Commission this 30th day of October 1997.

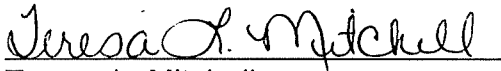


Vicki L. Myers
NOTARY PUBLIC, State at Large

My commission Expires:

April 17, 1999

This instrument was prepared for recording purposes only by:



Teresa L. Mitchell
Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005

NO TITLE EXAMINATION

(Legal Description and source of Title and Group Number furnished by the applicant.)

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the Variance approved by the Boone County Board of Adjustments and in accordance with the current zoning in effect as of October 8, 1997 Certificate of Land Use Restriction (# 97-BCBOA-011-A), for Tanner and Garnett, Property Owners

The following conditions will apply: 1). No Conditions

The approved Variance as well as the preceding conditions apply to the property described in:

DEED BOOK 634

PAGE NO. 293

Group No. 2010