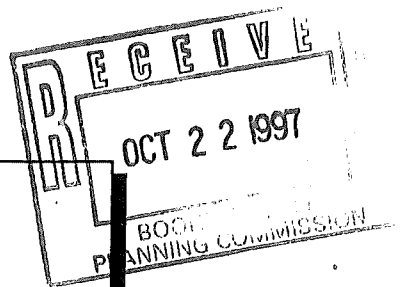


APPLICATION FORM



BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

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

- 1. (Check One) Boone [X] Florence _____ Walton _____ Union _____
2. (Check One) Conditional Use Permit [X] Variance _____ Appeal _____ Change in Non-Conforming Use _____
3. Applicant's Name The Drees Company % Michael Schoettelkotte
Phone Number 578-4261 Fax No. 341-5480
Applicant's Address 211 Grandview Dr Ft Mitchell KY 41017
4. Description of Request: Variance from front yard setback of 60' for various lots - See attachment
5. Name of Development Riverside Farms
6. Location of Development Off SR 237 to Coachtrail @ Saddleback Ridge and Arabian Ct
7. Acreage Under Review Various Lots
8. Lot Number and Name of Subdivision (if part of a subdivision) Riverside Farms Lot # 46, 50, 51, 57, 58, 61 & 62
9. Owner of Property The Drees Company & Sutter Homes Inc.
Phone Number of Owner See attached
10. Address of Property Owner
11. Proposed Use(s) on Site Single family homes
12. Total Square Footage of Existing and/or Proposed Buildings Unknown
13. Current Zoning on Property A-2/SR-1/PD
14. Deed Book 626 Page No. 168 Group No. 2002
15. Is the site subject to a zone change? No
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: Michael Schoettelkotte

Property Owner's Signature: Thomas J. Sutter

Michael Schoettelkotte (over)

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 10-23-97 Fee Received \$ 438.00 R# 15041
2. Is application complete? Yes _____ No _____
3. Staff Reviewer Edward C. Kenan
4. Scheduled Board Action Date 11/12/97
5. Board Action:
 Approved
 Approved with Conditions (See #6)
 Denial (See #7)
6. Conditions of Approval: None
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: The Drees Company/Mike Schoettelkotte

LOCATION: Rivershore Farms Subdivision, Boone County, Kentucky

ZONING: Agricultural Estates/Suburban Residential One/
Recreation/Planned Development (A-2/SR-1/R/PD)

DATE: November 12, 1997

Proposal

The applicant is requesting a Variance to allow a reduction in the minimum front yard setback for seven (7) lots within the Rivershore Farms subdivision. The subdivision is approximately one mile south of Hwy 8 on the east side of North Bend Road (237). The property is zoned Agricultural Estates/Suburban Residential One/Recreation/Planned Development (A-2/SR-1/R/PD) as a result of a Zoning Map Amendment that was approved by the Boone County Fiscal Court in August of 1988. Each of the single family detached lots is required to have a minimum front yard setback of 60 feet from the street right-of-way/property line.

Specific to each lot, the applicant is requesting the following:

Minimum setback requirement of 60 feet for Lots 46, 50, 51, 57, 61, and 62 be reduced to a minimum setback of 40 feet.

Minimum setback requirement of 60 feet for Lot 58 be reduced to 40 feet along the parallel right-of-way and 25 feet along the radial right-of-way of Arabian Court.

The applicant has indicated that due to the severe topographic conditions and larger home designs, the rear portion of each house, if constructed with a 60' front yard setback, would require extensive sub foundations in order to compensate for the downhill slopes that fall away from Coachtrail Drive, Saddleback Ridge, and Arabian Court.

Each of the 7 lots has been graded relatively flat within 100 feet of the edge of pavement. The remaining back portion of each lot has been left undisturbed. These undisturbed areas are wooded and do contain moderate to moderately steep slopes which comprise part of a drainage basin that flows directly into the Ohio River.

Action by the Board of Adjustment and Zoning Appeals

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 60 foot front yard setback required for the single family detached lots within Rivershore Farms is based on the minimum setback required for lots in an Agricultural Estates (A-2) zoning district. Rivershore Farms is zoned A-2/SR-1/R/PD. The Suburban Residential One (SR-1) zoning classification requires a minimum front yard setback of 30 feet. Although the front yard setback is based on the A-2 zoning district, the lot sizes are not. The minimum lot size required in an A-2 zoning district is 80,000 square feet, or approximately 2 acres. The average lot size within this development is approximately 1 acre, which happens to be the minimum permitted size of a lot within a Rural Suburban Estates (RSE) zoning district. The minimum front yard setback in an RSE zoning district is 40 feet.

It is Staffs' opinion that reducing the 60 foot front yard setback to 40 feet would be less of an impact on this site than maintaining a 60 foot setback and disturbing what the 1995 Boone County Comprehensive Plan considers to be developmentally sensitive hillsides.

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 allow a reduction in the minimum front yard setback for seven (7) lots within the Rivershore Farms subdivision. Staff has concluded 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.

Respectfully Submitted,

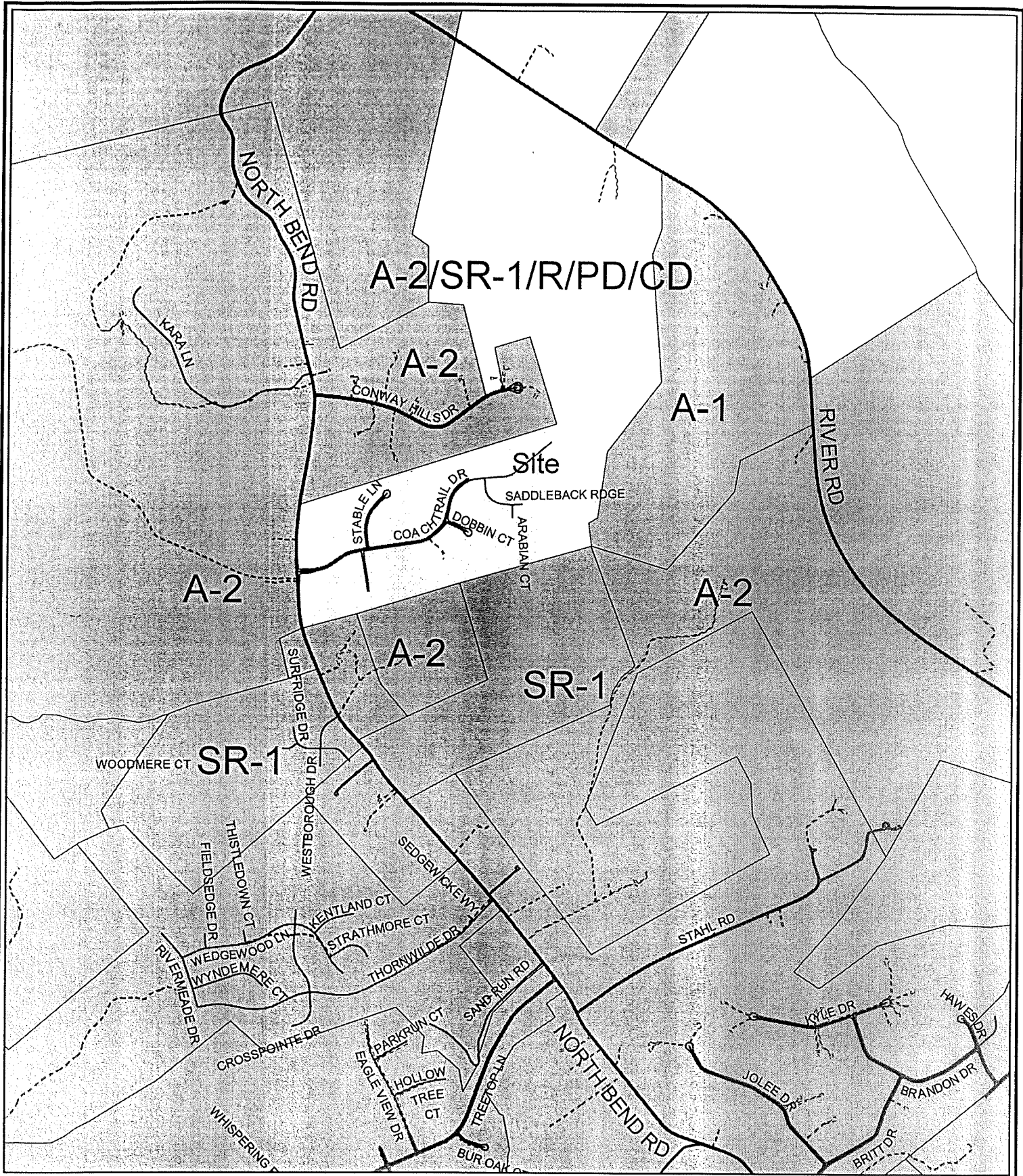


Edward Coleman
Planner

EC\pr

Attachments

- Location Map
- Site Map
- Approved Final Plats
- Applicant's written request



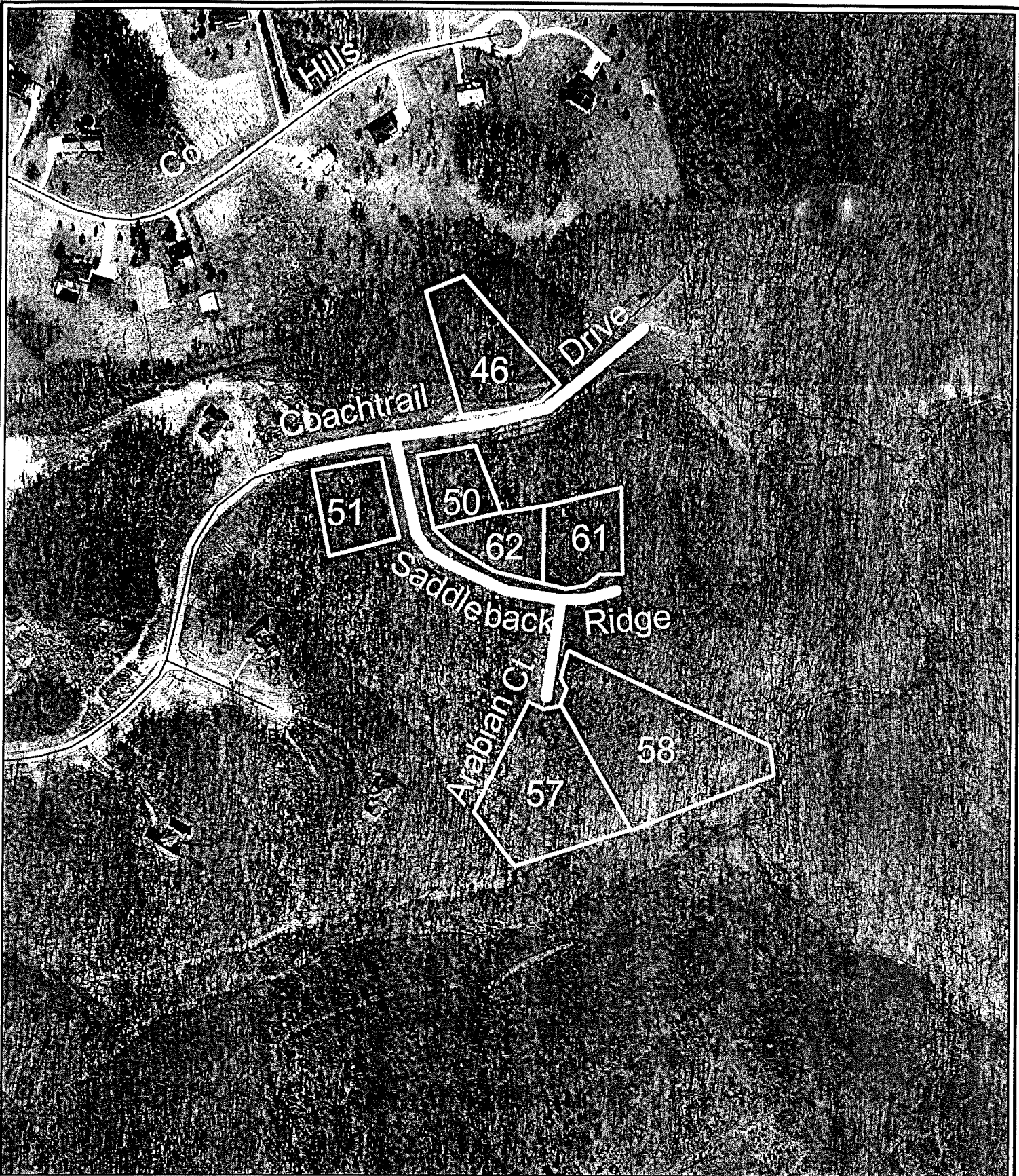
Rivershore Farms

1400 0 1400 Feet

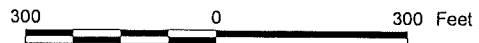


1 inch equals 1400 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 November 5, 1997



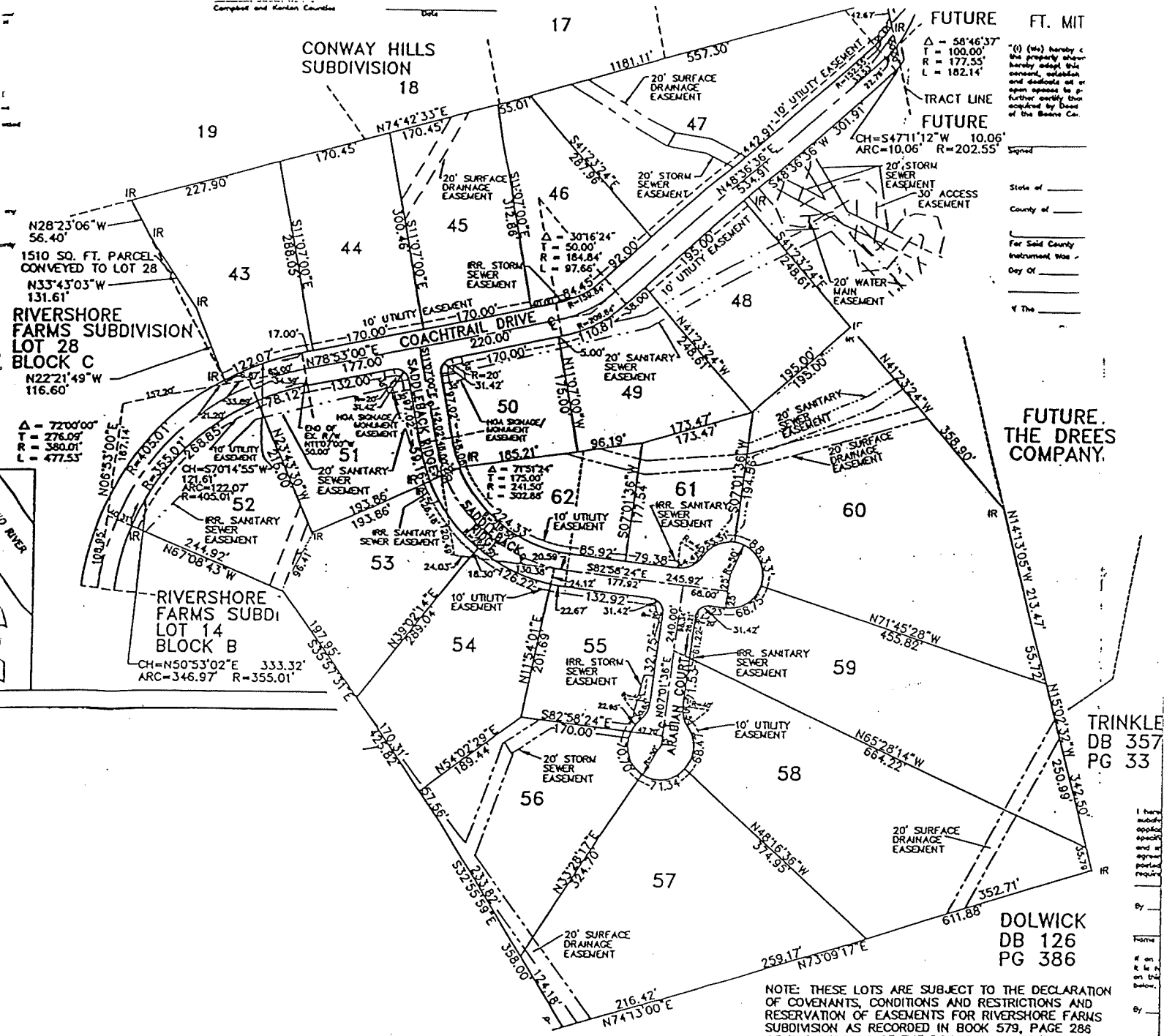


Rivershore Farms



1 inch equals 300 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 November 4, 1997





1510 SQ. FT. PARCEL
CONVEYED TO LOT 28
N33°43'03"W
131.61'
RIVERSHORE
FARMS SUBDIVISION
LOT 28
BLOCK C
N22°21'49"W
116.60'

Δ = 7200'00"
T = 276.09'
R = 380.01'
L = 477.53'

RIVERSHORE FARMS SUBDI
LOT 14
BLOCK B
CH=N50°53'02"E 333.32'
ARC=346.97' R=355.01'

FUTURE FT. MIT
Δ = 58°46'37"
T = 100.00'
R = 177.55'
L = 182.14'
TRACT LINE
FUTURE
CH=S47°11'12"W 10.06'
ARC=10.06' R=202.55'

(1) (We) hereby c
the property shou
herby adopt the
accord, unless
and shall be o
open space to
further earth
acquired by Dea
of the Boone Co.

State of _____
County of _____
For Said County
Instrument No. _____
Day of _____
19____

FUTURE
THE DREES
COMPANY.

TRINKLE
DB 357
PG 33

DOLWICK
DB 126
PG 386

NOTE: THESE LOTS ARE SUBJECT TO THE DECLARATION
OF COVENANTS, CONDITIONS AND RESTRICTIONS AND
RESERVATION OF EASEMENTS FOR RIVERSHORE FARMS
SUBDIVISION AS RECORDED IN BOOK 579, PAGE 288
OF THE RECORDS OF THE BOONE Co. CLERK INCLUDING

I have
made
applied
and
agreed
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require
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Form
of
on
the
below
By
Form

**VARIANCE APPLICATION ATTACHMENT
THE DREES COMPANY - RIVERSHORE FARMS**

The Drees Company purchased the existing Rivershore Farms Subdivision in the fall of 1996. Development of the subdivision had been abandoned by the prior developer and improvements, including water, storm and sanitary sewer, treatment plant and roadway had been only partially completed. The Drees Company completed all public improvements, including those in the existing developed portions of the subdivision already occupied by a number of Rivershore Farms homeowners.

The street location design and lot layout, including lot zoning dimensional setback requirements had been determined by the prior developer. The Drees Company attempted to work within these established criteria in the "redevelopment" of the partially developed Block "C" of Rivershore Farms Subdivision.

The variance requested is for reduction of the front yard setback on lots 46, 50, 51, 57, 58, 61 and 62, which is currently established at 60 feet. Due to the severe topographic conditions and larger home designs, the rear of the homes, especially those designs with a three car side entry garage, are pushed too far over the hill requiring extensive subfoundation.

It is proposed that the front yard setback be reduced to a minimum of 40 feet on Lots 46, 50, 51, 57 61 and 62; and that the front yard setback on lot 58 be reduced to 40 feet along the parallel right-of-way and 25 feet along the radial right-of-way of Arabian Court.

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 21st day of November 1997.

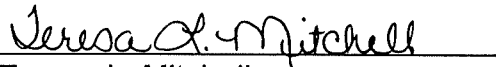


Vicki L. Myers
NOTARY PUBLIC, State at Large

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 November 12, 1997 Certificate of Land Use Restriction (# 97-BCBOA-015-A), for The Drees Company and Sutter Homes, property Owners

The following conditions will apply:

The approved Variance as well as the preceding conditions apply to the property

described in: DEED BOOK 626

PAGE NO. 295/462

Group No. 2002