

APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

98-008

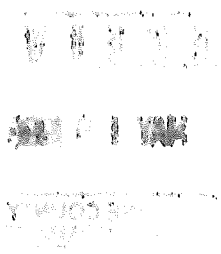
See Boone County Zoning Regulations SECTION A (To be completed by applicant)

- 1. (Check One) [X] Boone [] Florence [] Walton [] Union
2. (Check One) [] Conditional Use Permit [X] Variance [] Appeal
3. Applicant's Name ALAN SCHMIOT CONST INC
Phone Number 283-2874 Fax No. 283-9293
Applicant's Address 8111 US RT 42 FLORENCE KY 41042
4. Description of Request: OBTAIN VARIANCE OF REAR YARD MINIMUM TO ALLOW A MORE AESTHETIC PLACEMENT OF OUR HOME ON THE LOT + ENTRY INTO THE SUBDIVISION.
5. Name of Development SUMMERSET FARMS
6. Location of Development CORNER LOT CAMDEN RD + BLUEGRAMA DR.
7. Acreage Under Review
8. Lot Number and Name of Subdivision (if part of a subdivision) LOT 1 - SUMMERSET FARMS
9. Owner of Property ALAN SCHMIOT CONST INC
Phone Number of Owner 283-2874
Address of Property Owner 8111 US RT 42 FL. KY 41042
10.
11. Proposed Use(s) on Site SINGLE FAMILY RESIDENCE
12. Total Square Footage of Existing and/or Proposed Buildings 2280 +/-
13. Current Zoning on Property SR-1
14. Deed Book 585 Page No. 148 Group No.
15. Is the site subject to a zone change? 20.30
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: Douglas DeLoe ASST Secy. Cobblestone Daffin LLC, Ltd.

Property Owner's Signature: By: Donald R. Misrach, President Managing Member

BOARD OF ADJUSTMENT AND
ZONING APPEALS ACTION
APPLICATION
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SECTION B (To be completed by the Boone County Planning Commission Staff)

1. Date Received May 19, 1998 Fee Received 414.00 R# 16932
2. Is application complete? Yes _____ No _____
3. Staff Reviewer [Signature] _____
4. Scheduled Board Action Date 6/10/98 _____
5. Board Action:
 Approved
 Approved with Conditions (See #6)
 Denial (See #7)
6. Conditions of Approval: _____

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: Alan Schmidt Construction, Inc.
LOCATION: Lot 1, Summerset Farm, Boone County, Kentucky
ZONING: Suburban Residential One (SR-1)
DATE: June 10, 1998

Proposal

The applicant is requesting a Variance to allow a reduction of the rear yard setback on Lot 1 of Summerset Farm Subdivision, Boone County, Kentucky. The Boone County Zoning Regulations requires a minimum rear yard setback of 30 feet from the property line for any principally permitted structure (house) built in a Suburban Residential One (SR-1) zoning district. The Applicant is requesting a Variance to reduce the rear yard setback from 30 feet to 22 feet. Lot 1 is somewhat shallow in depth in part because Lot 2 wraps around Lot 1. Lot 2 wraps around Lot 1 in order to obtain access onto Bluegrama Drive. Neither Lot 1 or 2 is allowed direct access onto Camp Ernst Road. Both lots are also impacted by a Midvalley 100' pipeline easement. The Variance will not affect the front yard setback or the appearance of the residence from Bluegrama Drive. If the Variance is granted, the result will be a smaller rear yard for Lot 1.

Action by the Board of Adjustment and Zoning Appeals

The Board of Adjustment and Zoning Appeals has 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.

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 the rear yard setback for a proposed residence on Lot 1 of Summerset Farm Subdivision, Boone County, Kentucky. It is Staffs' opinion that due to the shallowness of Lot 1, which was approved by the Boone County Planning Commission, the Applicant's request for a Variance is appropriate and should be approved by the Board. Staff believes that this request 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,

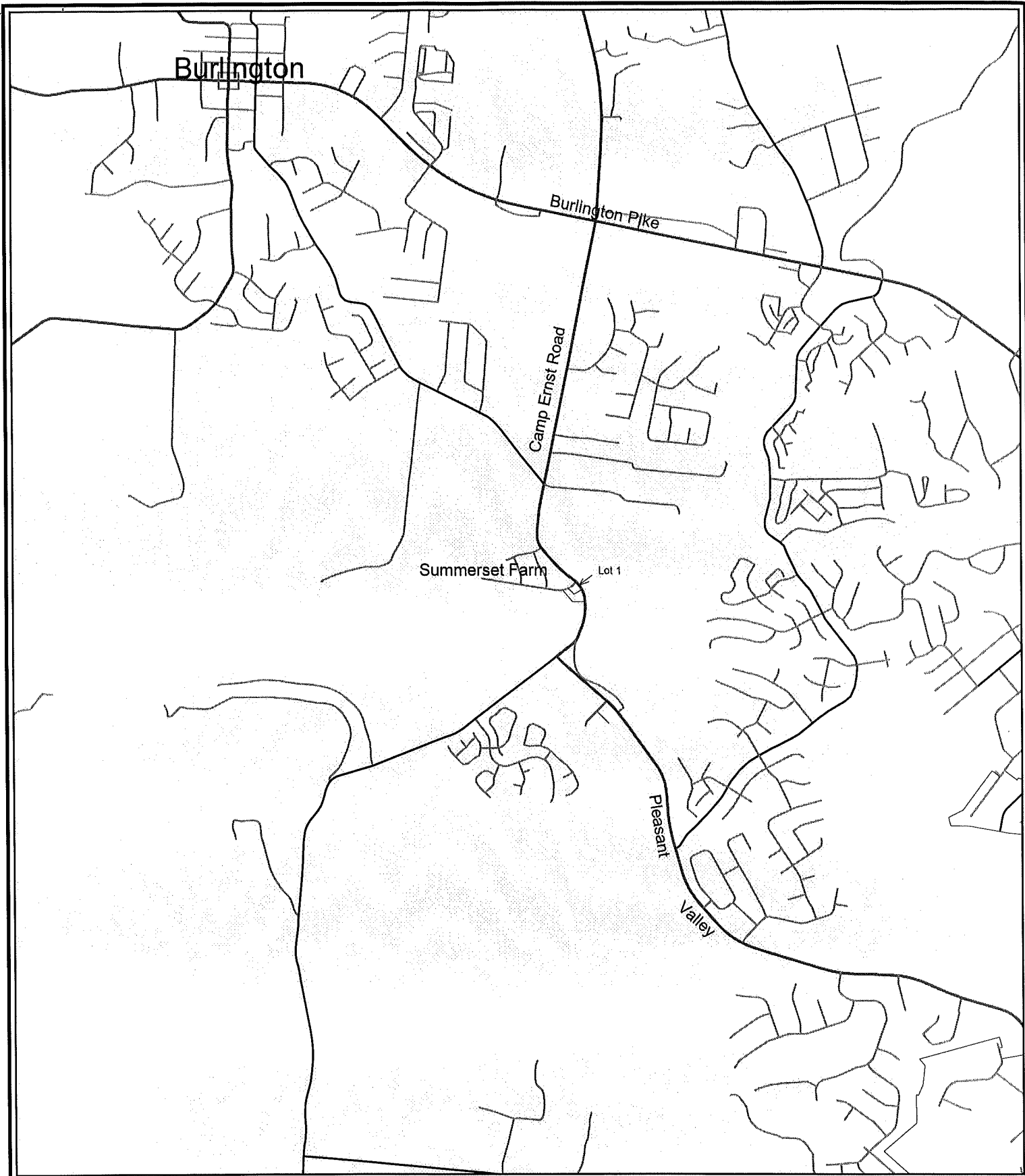


Edward Coleman
Planner

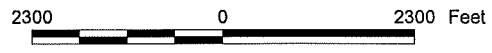
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Attachments

- Location Map
- Aerial Photo
- Proposed Plot Plan

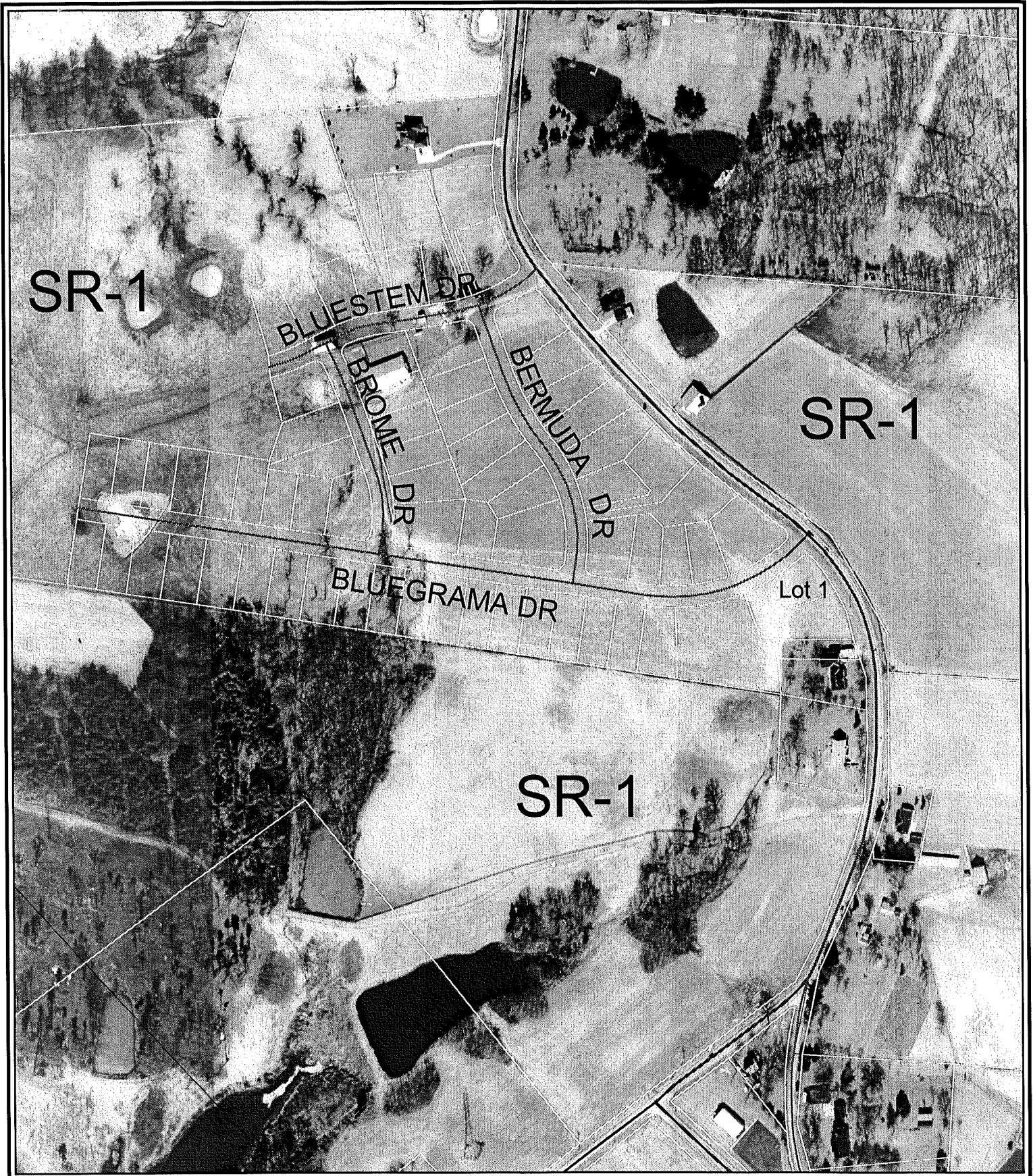


Summerset Farm Subdivision



1 inch equals 2300 feet
Produced by the
Boone County Planning Commission
GIS Services Division
June 5, 1998





Map Title

300 0 300 Feet



1 inch equals 300 feet
Produced by the
Boone County Planning Commission
GIS Services Division
June 5, 1998



1781
REGISTERED
LAND SURVEYOR

...
 further certify that this is the property shown hereon was
 acquired by deed recorded in Deed Book 585 Page 148
 of the Boone County Clerk's Office.

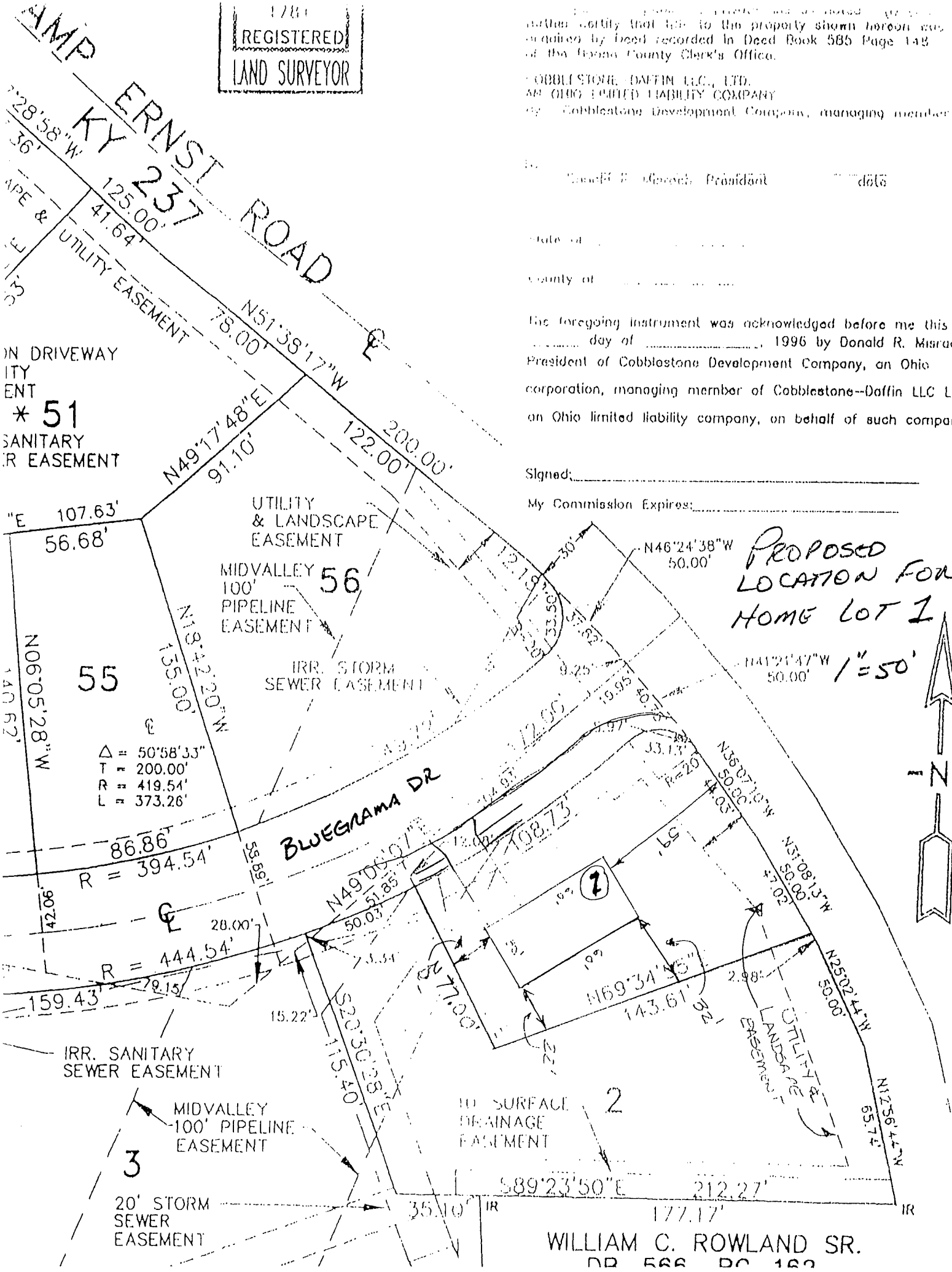
Cobblestone Daffin LLC, LTD.
 AN OHIO LIMITED LIABILITY COMPANY
 by Cobblestone Development Company, managing member

By _____
 President

State of _____
 County of _____

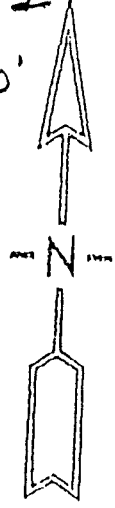
The foregoing instrument was acknowledged before me this _____ day of _____, 1996 by Donald R. Misch, President of Cobblestone Development Company, an Ohio corporation, managing member of Cobblestone--Daffin LLC Ltd, an Ohio limited liability company, on behalf of such company.

Signed: _____
 My Commission Expires: _____



PROPOSED LOCATION FOR HOME LOT 1

1" = 50'



WILLIAM C. ROWLAND SR.
 DR. 566 DC 162

COPY

CLUR # 98-BCBOA-008-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER (S)

Alan Schmidt Construction Inc.
8111 U.S. Rt 42
Florence, Kentucky 41042

ADDRESS OF PROPERTY

8111 U.S. Rt. 42
Florence, Kentucky

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Summerset Farms Lot #1

DEED BOOK: 585

PAGE NO.:148

GROUP NO.: 2030

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

Zoning Map Amendment: From To Conditional Use Permit

Development Plan Conditional Zoning

Subdivision Plat (Not Recorded) Other:

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 9th day of July 1998.

Patricia Russ

Patricia Russ
NOTARY PUBLIC, State at Large

My commission Expires:
October 4, 2001

This instrument was prepared for recording purposes only by:

Teresa L. Mitchell

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 June 10, 1998 Certificate of Land Use Restriction (# 98 BCBOA -008-A), for Alan Schmidt, 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 585 PAGE NO. 148 Group No. 2030