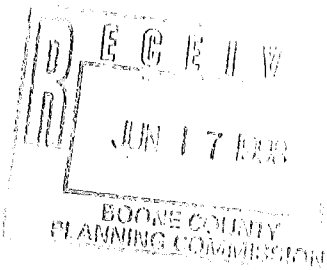


APPLICATION FORM



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. Boone [checked] Florence _____ Walton _____ Union _____
(Check One) 2. _____ Conditional Use Permit [checked] Variance _____ Appeal _____
Change in Non-Conforming Use _____
3. Applicant's Name GEORGE RIEGERT
Phone Number (606) 341-1477 Fax No. _____
Applicant's Address 3119 BALSAM CT
EDGEWOOD, KY 41017
City State Zip
4. Description of Request: SET BACK CHANGED FROM 60 SIXTY TO 40 FORTY FEET. FRONT OF GARAGE WOULD START AT 40 FEET. HOUSE WOULD START AT 60 FEET
5. Name of Development RIVERSHORE FARMS
6. Location of Development HEBRON, KY
7. Acreage Under Review APPROX 1-3/4
8. Lot Number and Name of Subdivision (if part of a subdivision) LOT # 56 RIVERSHORE FARMS
9. Owner of Property VIRGINIA & GEORGE RIEGERT
Phone Number of Owner (606) 341-1477 10.
Address of Property Owner 3119 BALSAM CT EDGEWOOD, KY 41017
City State Zip
11. Proposed Use(s) on Site RESIDENTIAL HOME
12. Total Square Footage of Existing and/or Proposed Buildings APPROX 3050 SQ FT
13. Current Zoning on Property _____
14. Deed Book 693 Page No. 78 Group No. 3708 2002
15. Is the site subject to a zone change? _____
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: [Signature]

Property Owner's Signature: [Signature]

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 6-17-98 Fee Received \$420.00 R# 17223
2. Is application complete? Yes _____ No _____
3. Staff Reviewer Ed Coleman
4. Scheduled Board Action Date 7/8/98
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: George Riegert

LOCATION: Rivershore Farms Subdivision, Boone County, Kentucky

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

DATE: July 8, 1998

Proposal

The applicant is requesting a Variance to allow a reduction in the minimum front yard setback for Lot 56 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 single family detached lot is required to have a minimum front yard setback of 60 feet from the street right-of-way/property line to the nearest side of a house.

The applicant has indicated that the garage would be located 40 feet from the property line and that the remaining portion of the house would meet the 60 foot setback requirement. The Boone County Board of Adjustment and Zoning Appeals approved the same request for a Variance for seven lots in the Rivershore Farms subdivision in November of 1997. Lot 56 has similar problems with severe topographic conditions as did Lots 57 and 58 along Arabian Court. Similar with Lots 57 and 58, if Lot 56 is constructed with a 60' front yard setback, an extensive sub foundations would be required in order to compensate for the severely sloping topography. Lot 56 remains undisturbed and wooded with moderately steep slopes that 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. Approving the Variance would also permit Lot 56 to have the same front yard setback as Lots 57 and 58.

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 Lot 56 of 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. Approving the Variance will actually allow all the lots within the cul-de-sac to conform to the same front yard setback.

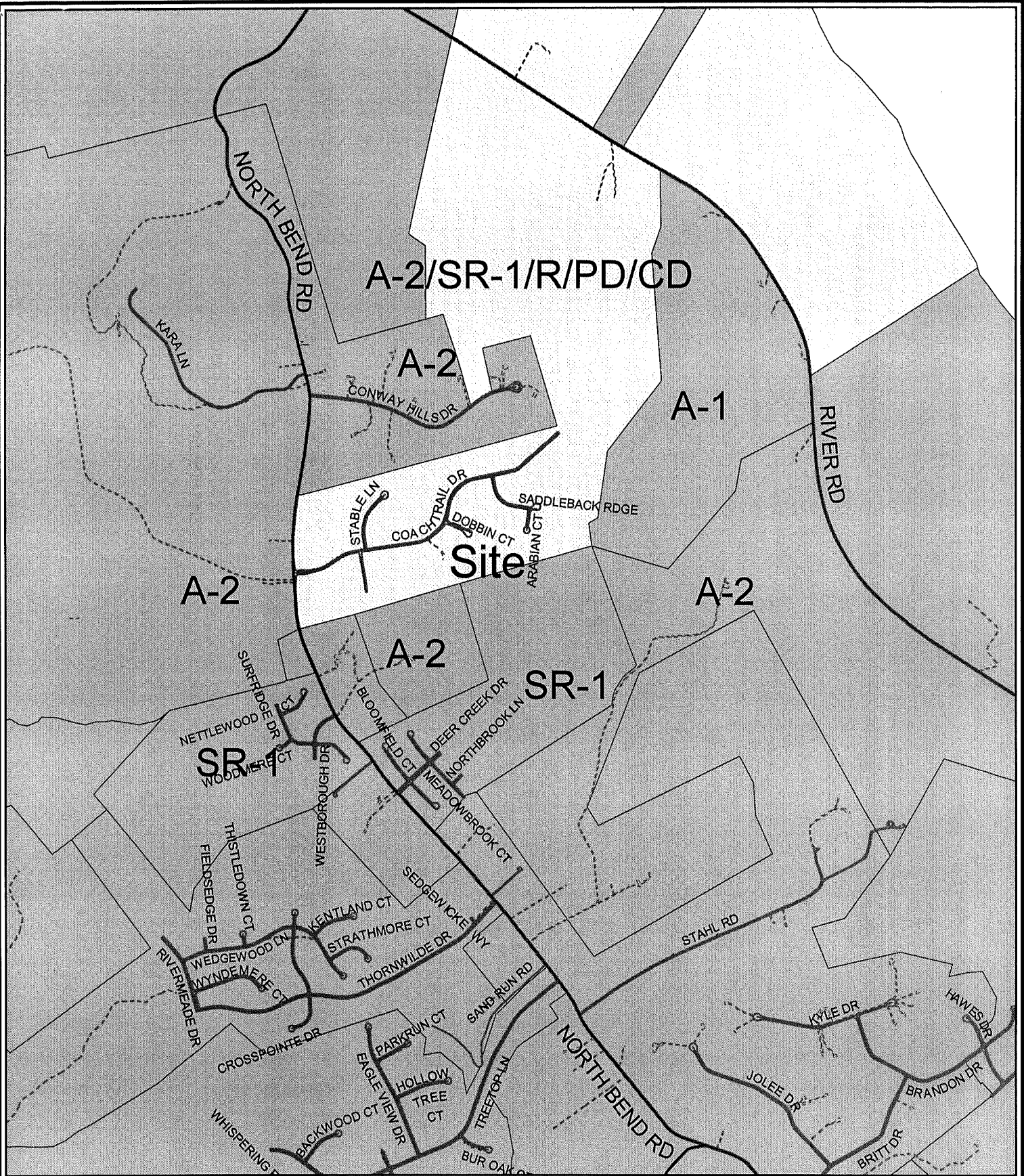
Respectfully Submitted,

Edward Coleman
Planner

EC\pr

Attachments

- Location Map
- Site Map
- Proposed Plat



Rivershore Farms

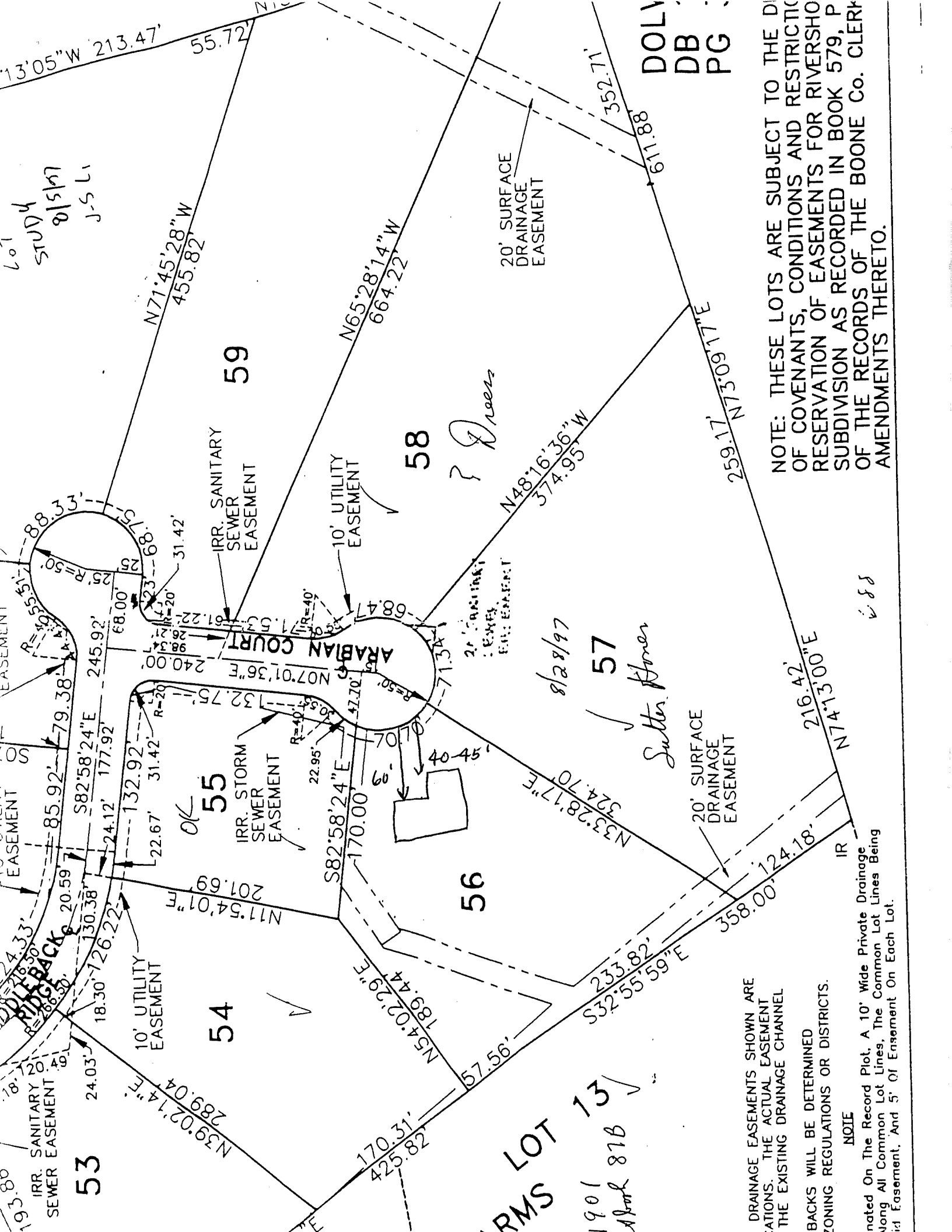
Lot 56-Arabian Court

1400 0 1400 Feet



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





Lot
STUDY
8/5/97
J-S L1

DOLV
DB
PG

NOTE: THESE LOTS ARE SUBJECT TO THE DETERMINATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF RESERVATION OF EASEMENTS FOR RIVERSHORE SUBDIVISION AS RECORDED IN BOOK 579, PAGE 1 OF THE RECORDS OF THE BOONE Co. CLERK OF RECORDS AMENDMENTS THERETO.

Drains

8/28/97

Sutter, Homer

688

DRAINAGE EASEMENTS SHOWN ARE BASED ON THE RECORDS OF THE DISTRICTS. THE ACTUAL EASEMENT LINES SHALL BE DETERMINED BY THE EXISTING DRAINAGE CHANNELS.

BACKS WILL BE DETERMINED BY THE DISTRICTS. CONSULT REGULATIONS OR DISTRICTS.

NOTE

As Determined On The Record Plot, A 10' Wide Private Drainage Easement Along All Common Lot Lines, The Common Lot Lines Being 5' Wide, And 5' Of Easement On Each Lot.

ARMS LOT 13
1901
Arabul 876 ✓

COPY

CLUR # 98-BCBOA-010-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER (S)

Virginia & George Riegert
3119 Balsam Ct.
Edgewood, KY 41017

ADDRESS OF PROPERTY

Lot 56
Boone County, Kentucky

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Rivershore Farms

DEED BOOK: 693

PAGE NO.:78

GROUP NO.: 2002

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



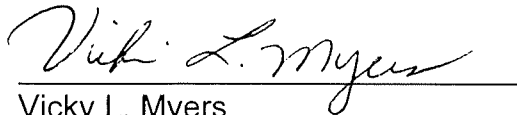
SIGNATURE OF COMPLETING OFFICIAL

Edward Coleman, Planner
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

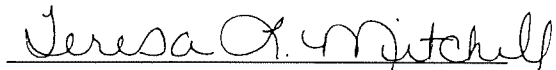
Subscribed, sworn to, and acknowledge before me by Edward Coleman on behalf of
the Boone County Planning Commission this 13th day of August 1998.



Vicky 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 July 8, 1998 Certificate of Land Use Restriction (# 98 BCBOA -010-A), for Virginia and George Riegert, 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 693 PAGE NO. 78 Group No. 2002