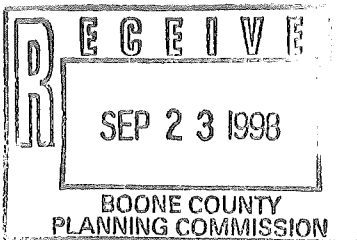


APPLICATION FORM



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 Florence Walton Union 2. Conditional Use Permit Variance Appeal Change in Non-Conforming Use 3. Applicant's Name BOB TOERNER Phone Number 384-7712 Fax No. Applicant's Address 1234 EDINBURGH LN UNION KENTUCKY 41091 City State Zip 4. Description of Request: PLACEMENT OF HOME APPROX 6' FROM SOUTH LOT LINE - AND 26' FROM EAST LOT LINE - ADJOINING SOUTH AND EAST LOTS ARE LAND ONLY - NO RESIDENCES EXIST. Name of Development RIVER VISTA SUBDIVISION 5. Location of Development RYLE ROAD - BOONE COUNTY 0.1 MILE SE OF RYLAND 6. Acreage Under Review LOT 4A AND B 1.8695AC + .0784AC 7. Lot Number and Name of Subdivision (if part of a subdivision) LOT 4A AND 4B RIVER VISTA SUBDIVISION 8. Owner of Property ROBERT C TOERNER Phone Number of Owner (606) 384-7712 10. Address of Property Owner 1234 EDINBURGH LANE UNION KY 41091 City State Zip 11. Proposed Use(s) on Site SINGLE FAMILY RESIDENCE 12. Total Square Footage of Existing and/or Proposed Buildings 2029 sq ft 13. Current Zoning on Property RSE 14. Deed Book 357 Page No. 223 Group No. 3460 (SLIDE 318A) 2066 B 15. Is the site subject to a zone change? NO ALSO 563 - PG 179 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 SEPT 23, 1998 Fee Received 732.00 R# 18251
2. Is application complete? Yes No
3. Staff Reviewer Yand R. Cooper
4. Scheduled Board Action Date _____
5. Board Action:
 Approved
 11/12/99 Approved with Conditions (See #6)
 Denial (See #7)
6. Conditions of Approval: Variances for a Rear Yard setback of 10' and a Front Yard Setback of 15' min with the condition that the Side Yard Setback on the East Property line be a minimum of 40'
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: Bob Toerner

DEVELOPMENT: River Vista Subdivision

LOCATION: Lot 4A and 4B of the River Vista Subdivision, River Bluff Road, Ryle Road, Boone County, Kentucky

ZONING: Rural Suburban Estates (RSE)

DATE: October 14, 1998

Proposal

The applicant is requesting a Variance to allow a reduction in the 40' front and rear yard setbacks on a lot in an RSE zoning district.

Boone County Zoning Regulations

The Boone County Zoning Regulations requires a minimum 40' front yard setback and a minimum 40' rear yard setback for any principally permitted structure (house) built in a Rural Suburban Estates (RSE) zoning district. The applicant is requesting a Variance to reduce the front yard setback from 40 to 15 feet and the rear yard setback from 40 to 5 feet. The site is generally flat where the Applicant would prefer to build the house. The lot begins to slope severely away from River Bluff Road where the house would have to be placed on the site in order to meet the required front and rear yard setbacks.

Dimensional Variance

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.

Variations 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, 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 front yard and rear yard setbacks for the proposed house on lot 4A and 4B of the River Vista Subdivision, River Bluff Road.

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.

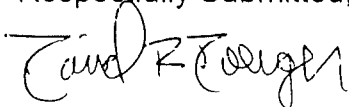
Before any Variance is granted, the Board must find that the granting of the Variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations. In making these findings, the Board shall consider whether:

- a. The requested Variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;
- b. 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;
- c. the circumstances are 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 regulation by the applicant subsequent to the adoption of the zoning regulation from which relief is sought.

It is Staff's opinion that due to topographic conditions of the site, the applicant's request for a Variance is appropriate. 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,

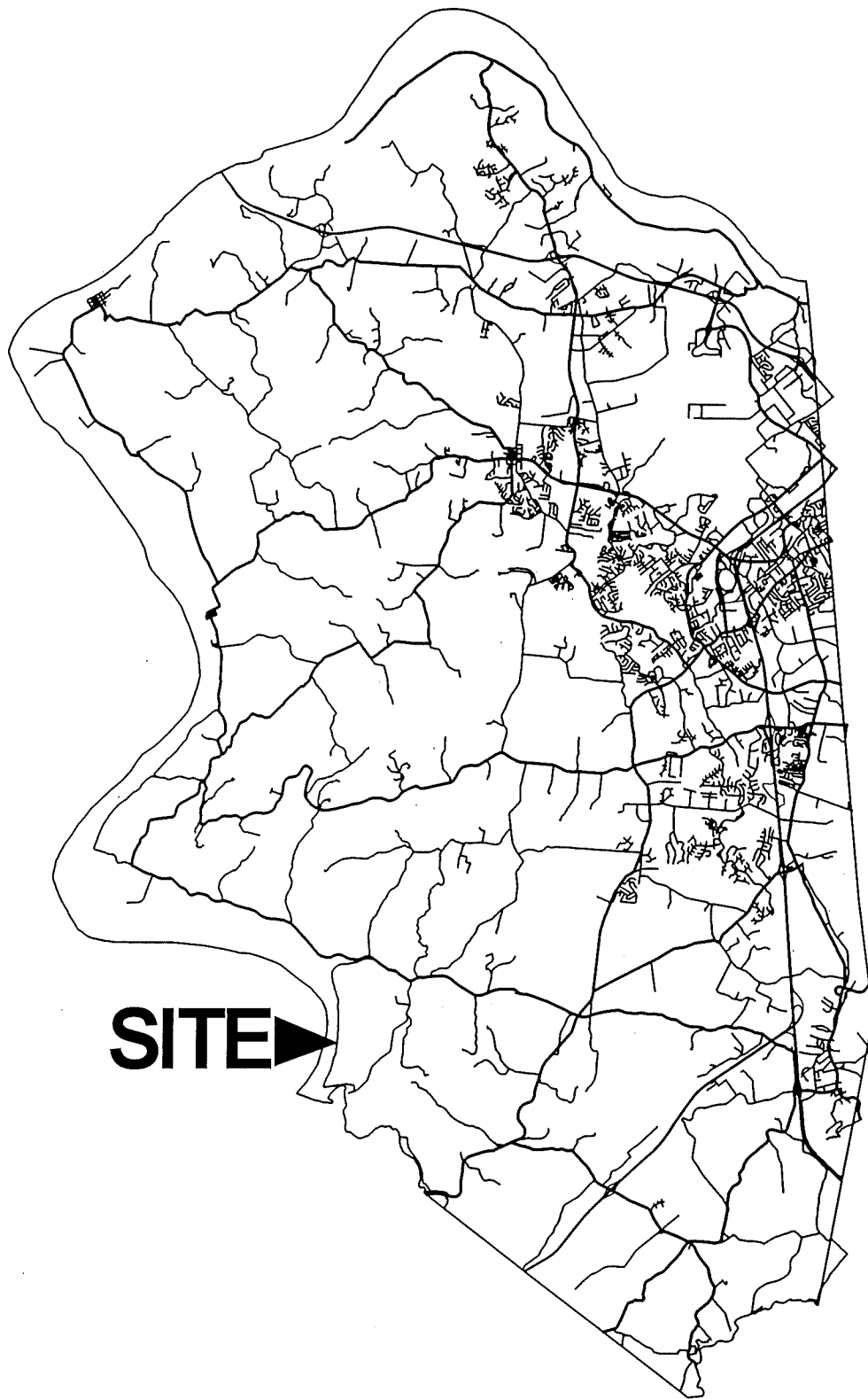


David R. Doerger
Planner

DRD\pr

Attachments

- Location Map
- Site Plan/Location
- Plot Plan



SITE ▶

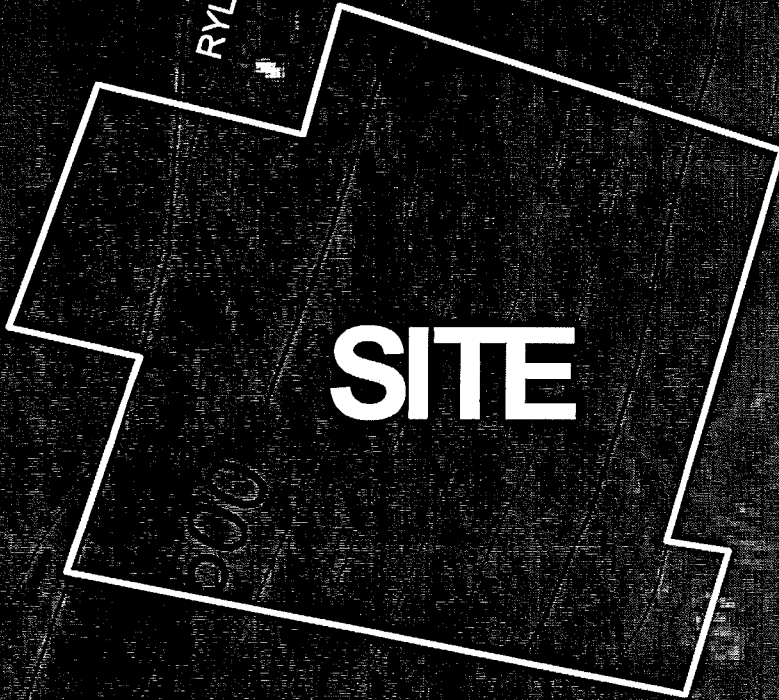


1 inch equals 16500 feet
Produced by the
Boone County Planning Commission
GIS Services Division
October 6, 1998



Location Map

RYLE ROAD

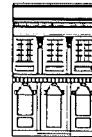


SITE

100 0 100 Feet



1 inch equals 100 feet
Produced by the
Boone County Planning Commission
GIS Services Division
October 6, 1998



Site Plan

COPY

CLUR # 98-BCBOA-023-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER (S)

Robert C. Toerner
1234 Edinburgh Lane
Union, Kentucky 41091

2. ADDRESS OF PROPERTY

Lots 4A and 4B River Vista
Boone County, Kentucky

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

River Vista Subdivision

DEED BOOK: 357 PAGE NO.: 223 GROUP NO.: 2066B

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

Zoning Map Amendment: Conditional Use Permit
From To

Development Plan Conditional Zoning

Subdivision Plat Other: Site Plan Review
(Not Recorded)

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

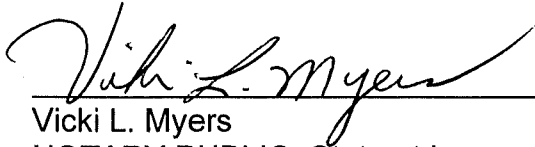
David R. Doerger
SIGNATURE OF COMPLETING OFFICIAL

David R. Doerger, Planner
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

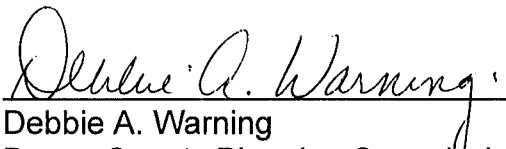
Subscribed, sworn to, and acknowledge before me by David R. Doerger on behalf of
the Boone County Planning Commission this 10th day of December, 1998.



Vicki L. Myers
NOTARY PUBLIC, State at Large

My commission Expires:
April 17, 1999

This instrument was prepared for recording purposes only by:



Debbie A. Warning
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, 1998 Certificate of Land Use Restriction (# 98 BCBOA -023-A), for Robert Toerner, Property Owners.

The following conditions will apply: that the building be 1). a minimum of forty feet from the east lot line, 2) ten feet from the south property line which borders the Lightner property, and 3) no less than fifteen feet from the River Bluff Road right-of-way.

The approved Variance as well as the preceding conditions apply to the property described in: DEED BOOK 357 PAGE NO. 223 Group No. 2066B