

APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

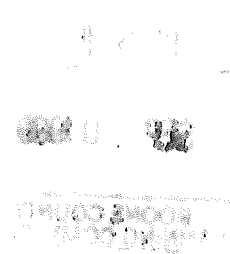
See Boone County Zoning Regulations SECTION A (To be completed by applicant)

- 1. (Check One) Boone [X] Florence _____ Walton _____ Union _____
2. (Check One) Conditional Use Permit _____ Variance [X] Appeal _____ Change in Non-Conforming Use _____
3. Applicant's Name Smith Builders 4039 Dixie Highway Elsmere, Ky 41018
Phone Number 727-1999 Fax No. 727-3444
Applicant's Address 4039 Dixie Highway Elsmere Ky 41018
4. Description of Request: Variance for a reduction of Rear Yard Set back - SR-1 reducing yard to 19' for a total reduction of 8'11"
5. Name of Development Ridgetield
6. Location of Development Elijah Creek Road, Hebron, Ky 41048 1819 Ashbury Way
7. Acreage Under Review 0.185 Acres
8. Lot Number and Name of Subdivision (if part of a subdivision) Ridgetield 231
9. Owner of Property Smith Builders
Phone Number of Owner 727-1999
Address of Property Owner 4039 Dixie Highway Elsmere, Ky 41018
11. Proposed Use(s) on Site 2 CAR Attached garage bi-level, Single Family Residential, along with 12x18' attached deck
12. Total Square Footage of Existing and/or Proposed Buildings 1746' Living Space / 460' Garage Space
13. Current Zoning on Property SR-1
14. Deed Book 724 Page No. 88 Group No. 2010
15. Is the site subject to a zone change? NO
16. Have you submitted a Site Plan with this request? Plot Plan
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: Richard Robbins

Property Owner's Signature: Richard Robbins, Sales Manager Smith Builders

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 SEPT 20, 99 Fee Received 432.00 R#21939
2. Is application complete? Yes No
3. Staff Reviewer Mark Jordan
4. Scheduled Board Action Date October 13, 1999
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: Richard Robbins on behalf of Smith Builders

LOCATION: Section 9, Lot 231 of the Ridgefield Subdivision,
1819 Asbury Way, Boone County, Kentucky

ZONING: Suburban Residential One (SR-1)

DATE: October 13, 1999

Proposal

The applicant is requesting a Variance to allow a reduction of the minimum rear yard setback requirement for a single family detached dwelling, along with a two (2) car attached garage, and an attached 12 x 10 (120 sq. ft.) deck at the left rear portion of the property on Lot 231 of the Ridgefield Subdivision, Boone County, Kentucky. The Boone County Zoning Regulations require a minimum rear yard setback of 30 feet for any detached single family dwelling, including any attached structures to the dwelling. The enclosed plat submitted by the applicant indicates that a 19' minimum setback is proposed at the right rear portion of the property (which is the location of the two (2) car attached garage), along with the 12 x 10 deck (which is located at the left rear portion of the property), for a total Variance of 11'. Because of the irregular shape of the lot, and the necessity of meeting the 30' minimum front yard setback requirement, the proposed dwelling must be located further back on the lot. If the Variance is granted, the result will be a smaller rear yard setback. The Variance will not affect the front or left side yard setbacks, or the appearance of the residence from Asbury Way.

Action by Board of Adjustment and Zoning Appeals

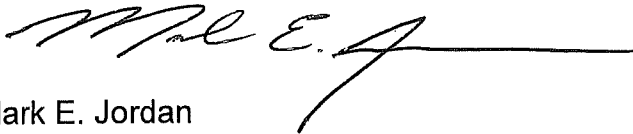
The Board of Adjustment and Zoning Appeals has the power to hear and decide on applications for Variances. A Variance is defined as a departure from dimensional terms of the zoning regulation pertaining to height, width, or location of structures, and the size of open spaces where such departure meets the requirements of K.R.S. 100.241 to 100.247.

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 a reasonable capacity to make use of the land in a manner equivalent to the use permitted other land owners 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 the single family detached dwelling, with the two (2) car attached garage, and 12 x 10 attached deck on Lot 231 of the Ridgefield Subdivision, Boone County, Kentucky. The applicant's proposal for the requested Variance must be determined by the criteria listed in K.R.S. 100.241 to 100.247.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'M.E. Jordan', with a long horizontal line extending to the right.

Mark E. Jordan
Planner

MEJ/pr

Attachments

- Site Vicinity Map
- Zoning Map
- Plot Plan with two (2) story 1,433 sq. ft. single family detached dwelling, with two (2) car attached garage, and 12 x 10 attached deck



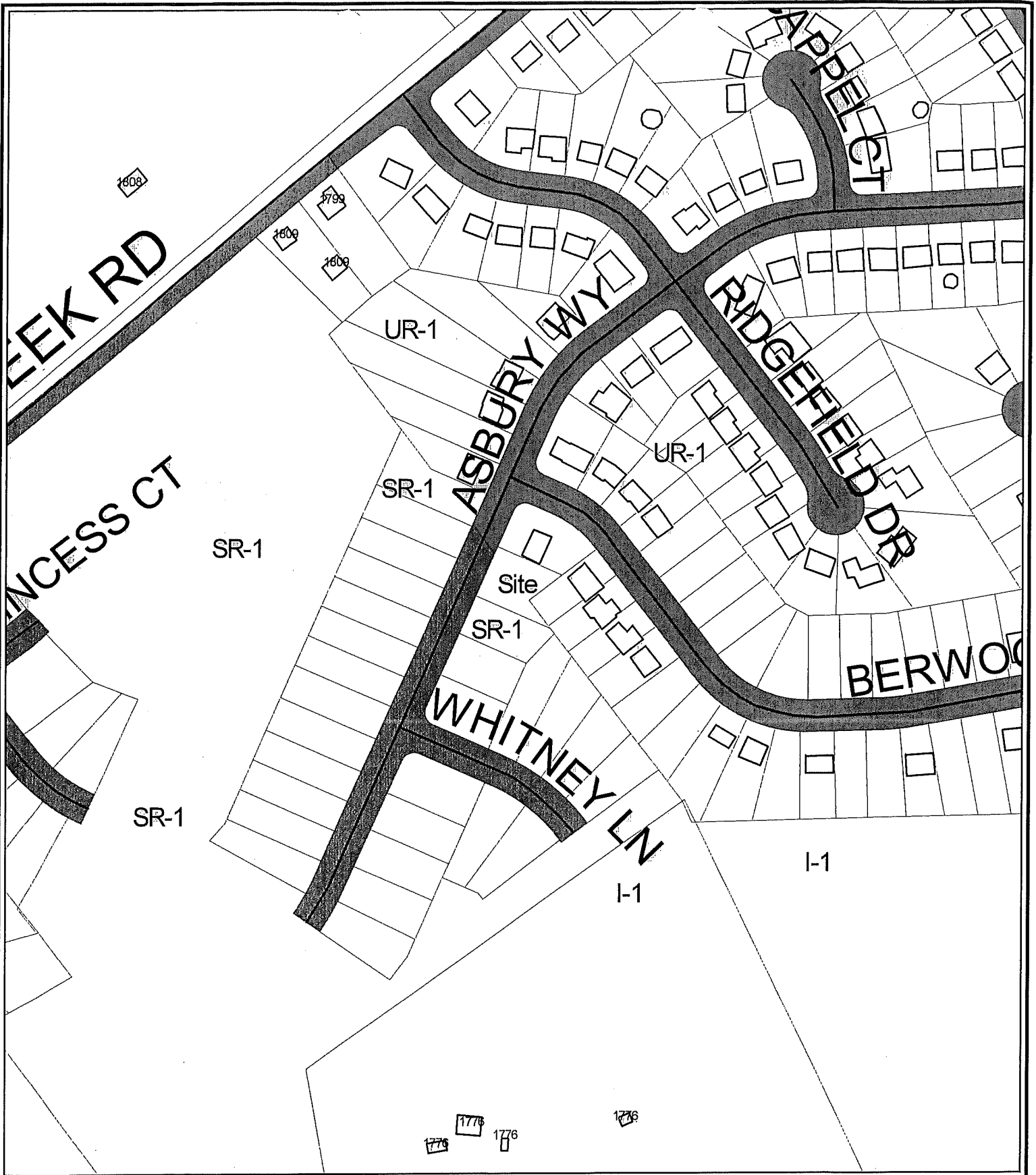
Site Vicinity Map

1819 Asbury Way

200 0 200 Feet

1 inch equals 200 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 October 5, 1999





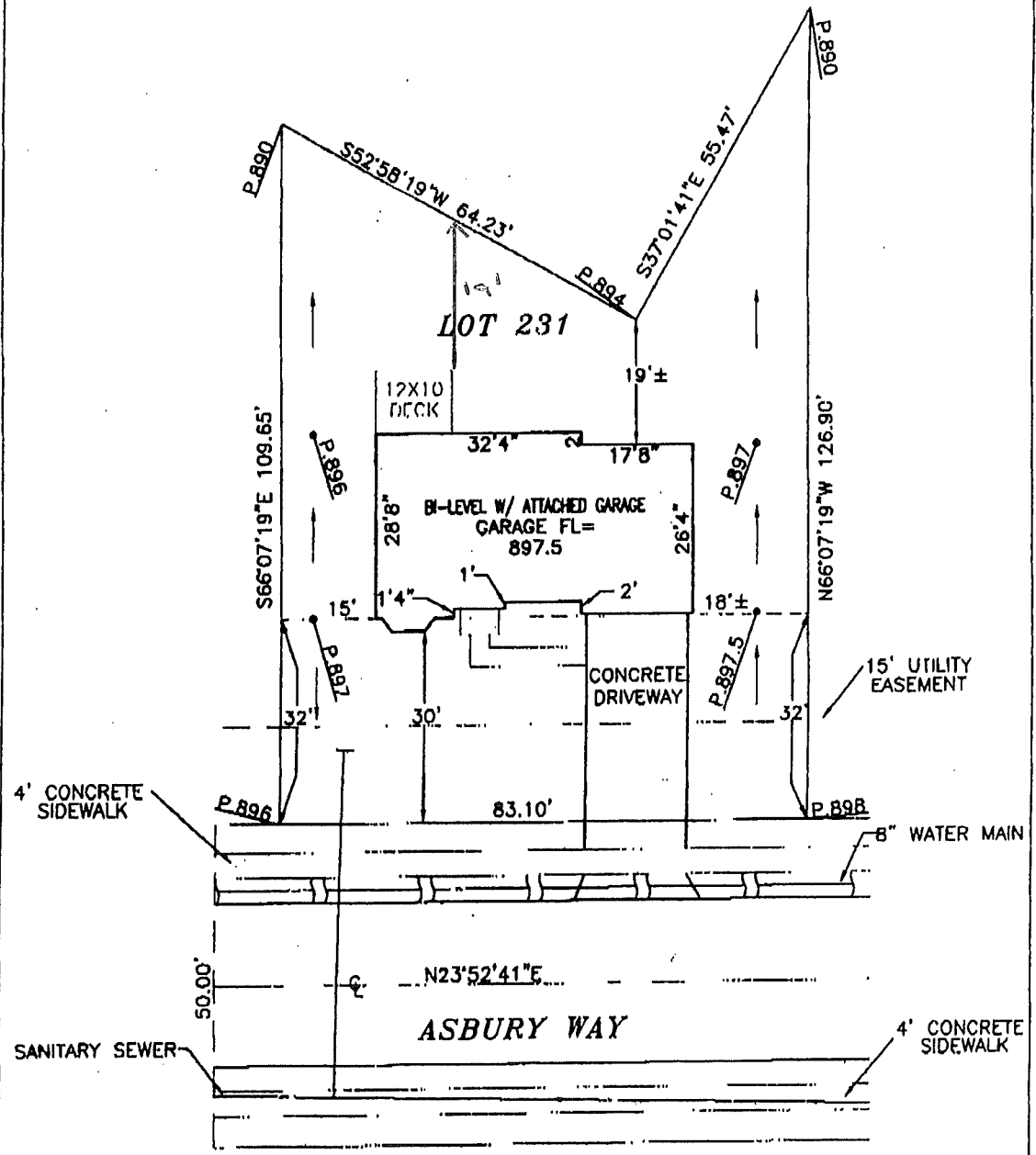
Zoning Map

1819 Asbury Way

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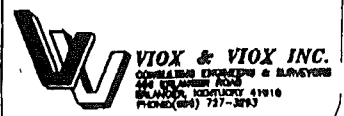


SEARCH CLASS
CHECKED BY
REF. INC. 28-22-115

DATE
09/02/99

PLOT PLAN FOR SMITH BUILDERS
 RIDGEFIELD SUBDIVISION SECTION 9
 LOT 231
 BOONE CO. KENTUCKY

SCALE:
1"=20'



COPY

CLUR #99-BCBOA-021-A ✓

CERTIFICATE OF LAND USE RESTRICTION

- 1. NAME AND ADDRESS OF PROPERTY OWNER (S)
Smith Builders
4039 Dixie Highway
Elsmere, Kentucky 41018

- 2. ADDRESS OF PROPERTY
1819 Asbury Way
Hebron, Kentucky 41048

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

- 4. DEED BOOK 724 PAGE NO. 88 GROUP NO. 2010

- 5. TYPE OF RESTRICTION(S) (Check all that apply)
 Zoning Map Amendment: Conditional Use Permit
From To
 Development Plan Conditional Zoning
 Subdivision Plat Other:
(Not Recorded)
X Variance

- 6. 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

Mark E. Jordan
SIGNATURE OF COMPLETING OFFICIAL

Mark Jordan, Planner, Zoning Services
Name and Title of Completing Official

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 13, 1999 Certificate of Land Use Restriction (#99-BCBOA-021-A), for Smith Builders, Property Owners.

The following conditions will apply:

No conditions.

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

DEED BOOK 724

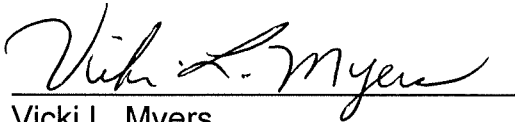
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GROUP NO. 2010

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

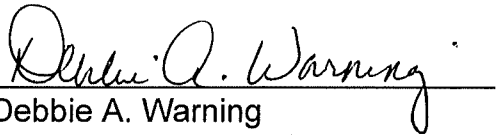
Subscribed, sworn to, and acknowledged before me by Mark Jordan on behalf of the
Boone County Planning Commission this 2 day of November, 1999.



Vicki L. Myers
NOTARY PUBLIC, State at Large

My commission Expires:
April 17, 2003

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.)