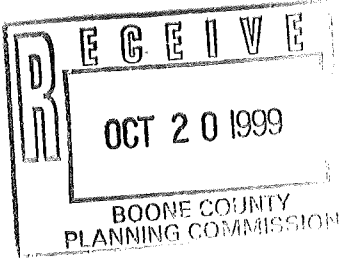


432.00

99-025



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 _____ Florence _____ Walton _____ Union _____
- 2. (Check One) _____ Conditional Use Permit Variance _____ Appeal _____
 No Change in Non-Conforming Use
- 3. Applicant's Name JAMES Lusk / Tom Reese
 Phone Number 525-5783 Fax No. _____
 Applicant's Address 60 Cavalier Blvd
 Hebron Florence, Ky 41042
 City State Zip
- 4. Description of Request: Variance to change min. front setback
 from 30' to 20'
- 5. Name of Development Fister Place
- 6. Location of Development 2532 Petersburg Road
- 7. Acreage Under Review 15
- 8. Lot Number and Name of Subdivision (if part of a subdivision)
 51 Lots TOTAL Subdivision
- 9. Owner of Property Jenny Ashcraft
 Phone Number of Owner 502-586-9713 10.
 Address of Property Owner Hebron Ky 410
 City State Zip
- 11. Proposed Use(s) on Site Single Family Residence
- 12. Total Square Footage of Existing and/or Proposed Buildings _____
- 13. Current Zoning on Property SF7
- 14. Deed Book 36 Page No. 260 Group No. 2006
- 15. Is the site subject to a zone change? No
 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: James E. Lusk / Tom Reese

Property Owner's Signature: Jenny Ashcraft

(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 10-20-99 Fee Received \$432.00 R# 22254
- 2. Is application complete? Yes No
- 3. Staff Reviewer Mark Jordan
- 4. Scheduled Board Action Date November 10, 1999
- 5. Board Action:
 - Approved** 12/8/99
 - 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

DEVELOPMENT: Fister Place Subdivision

APPLICANT: James Lusk/Tom Reese on behalf of Jenny Ashcraft

LOCATION: 2532 Petersburg Road, Boone County, Kentucky

ZONING: Suburban Residential One (SR-1)

DATE: November 10, 1999

Proposal

The applicant is requesting a Variance to allow a reduction of the minimum front yard setback requirement for 51 lots in the proposed Fister Place Subdivision at 2532 Petersburg Road, Boone County, Kentucky. A preliminary plat for the proposed subdivision has been submitted, and is currently under review by the Planning Commission's staff. The applicant is proposing a subdivision which will consist of 51 Single Family detached dwellings in a Suburban Residential One (SR-1) clustered subdivision on a tract of 15 acres. The minimum front yard setback requirement in a Suburban Residential One (SR-1) clustered subdivision is 30 feet. If the Variance is granted, the result will be a smaller front yard for each lot. The Variance will not affect the rear or side yard setbacks.

Application and Standards for Variances

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.

Action by the board of Adjustment and Zoning Appeals

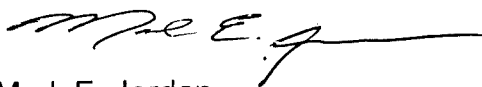
The Board of Adjustment and Zoning Appeals has the power to hear and decide on applications for variances. A variance is defined as a departure from the dimensional terms of the zoning regulation pertaining to height, width, or location of structures, and the size of yards and open spaces where such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

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 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 minimum front yard setback for 51 lots in the proposed Fister Place subdivision. 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.

Respectfully Submitted,

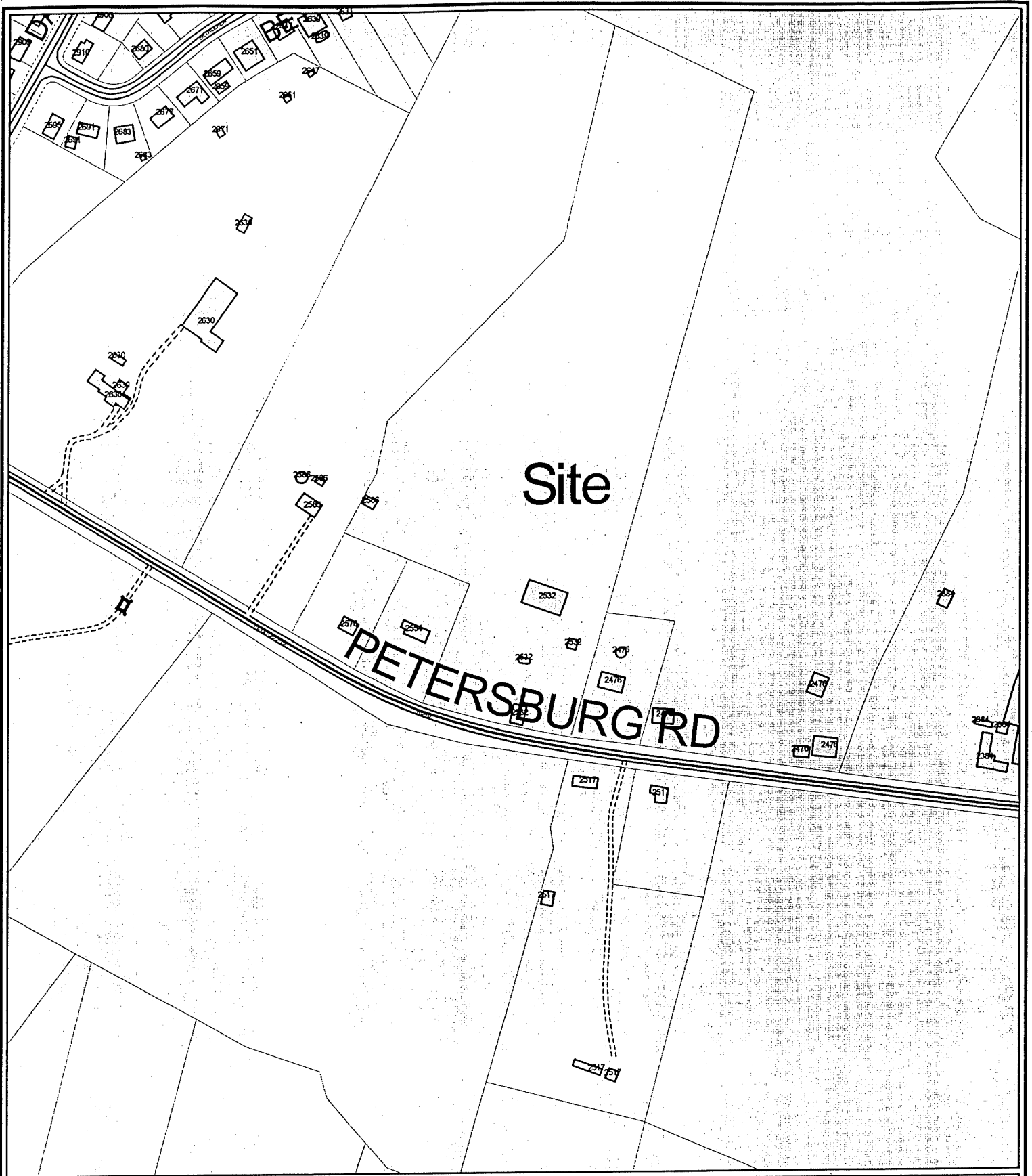


Mark E. Jordan
Planner

MEJ\pr

Attachments

- Site Vicinity Map
- Zoning Map
- Proposed Preliminary Plat

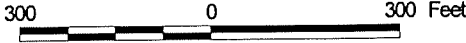


Site

PETERSBURG RD

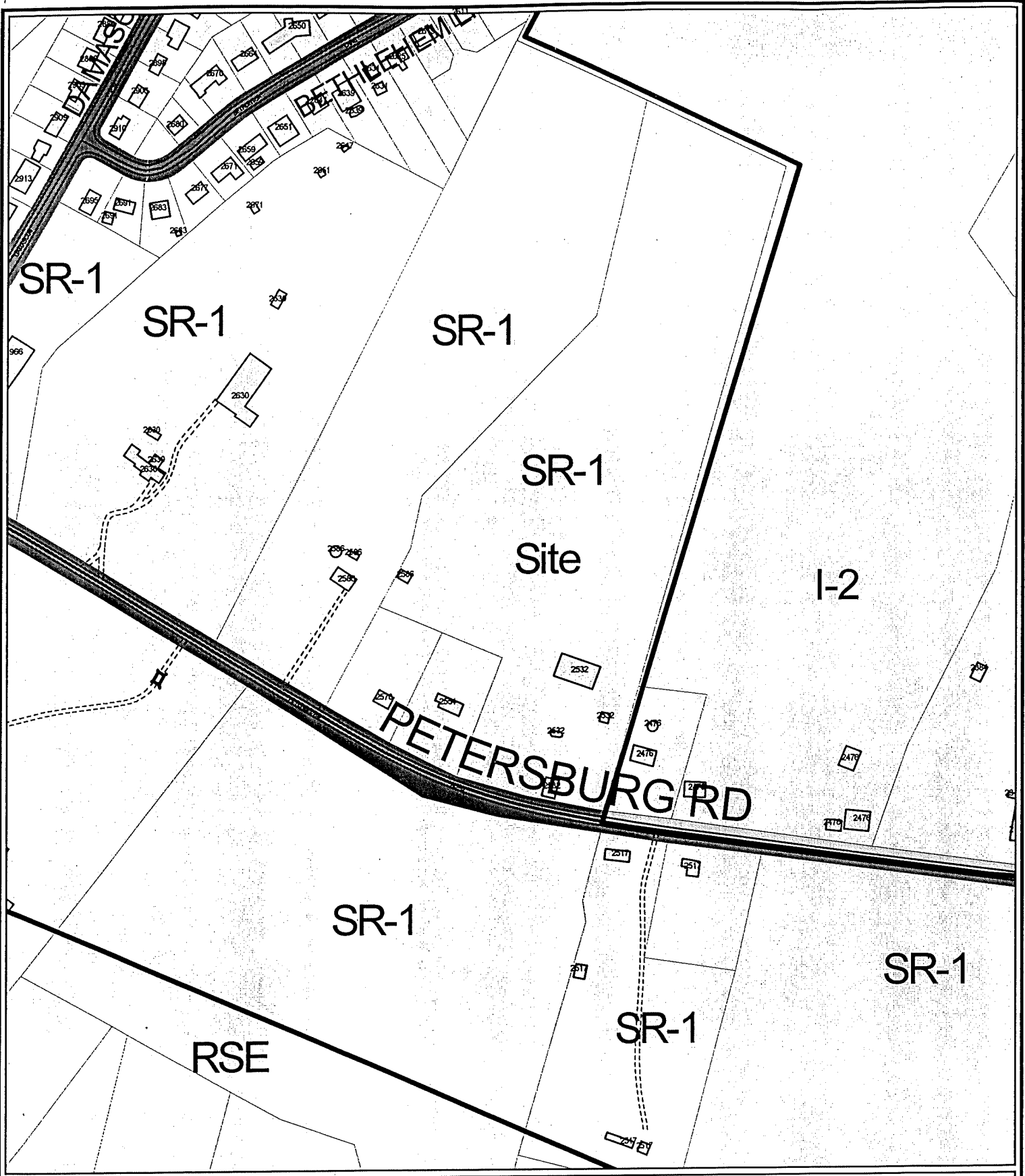
Site Vicinity Map

2532 Petersburg Road



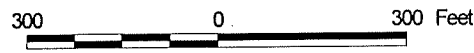
1 inch equals 300 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 November 3, 1999



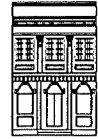


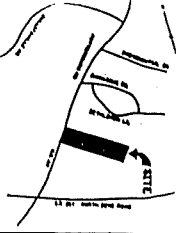
Zoning Map

2532 Petersburg Road



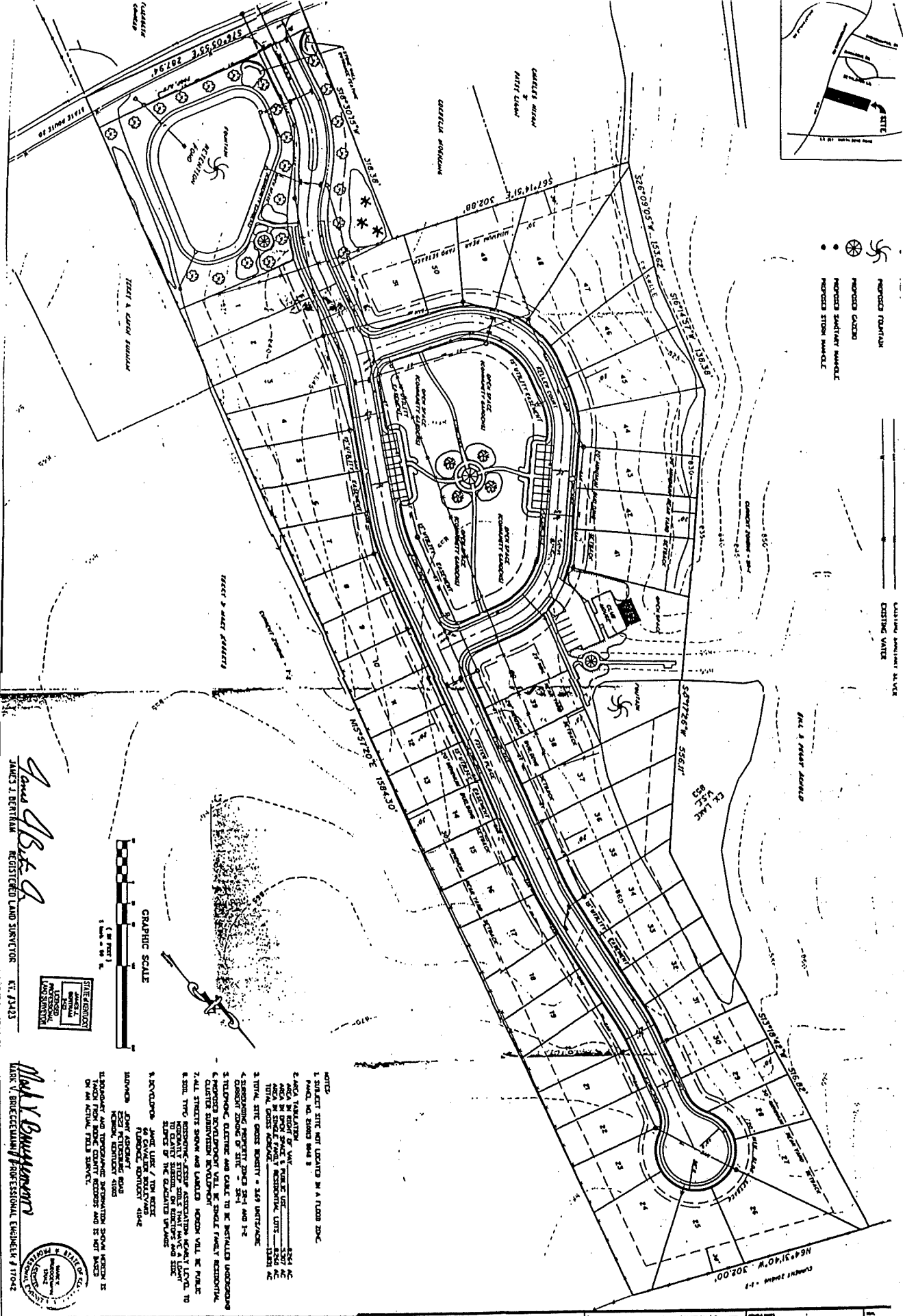
1 inch equals 300 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 November 3, 1999





- PROPOSED PLANTING
- PROPOSED CATCH BASIN
- PROPOSED SWATHWAY IMPROVEMENT
- PROPOSED STORM MANHOLE

DATE: 10/15/2010
 DRAWN BY: JAMES T. BERTHIAUM
 CHECKED BY: JAMES T. BERTHIAUM



James T. Berthiaum
 JAMES T. BERTHIAUM
 REGISTERED LAND SURVEYOR
 KY. 13423



- Molly Bingham*
 MOLLY BINGHAM
 PROFESSIONAL ENGINEER #17042
- NOTES:**
1. SUBJECT SITE NOT LOCATED IN A FLOOD ZONE.
 2. LAND VALUE OF 1000 PER ACRE.
 3. TOTAL SITE GROSS AREA = 349 ACRES.
 4. DISSEMINATING PROPERTY TO 20-40 AND 1-2 ACRE ZONES OF SITE.
 5. TELEPHONE, CABLE AND GAS TO BE INSTALLED UNDERGROUND.
 6. IMPROVED DEVELOPMENT SHALL BE SMALL FAMILY RESIDENTIAL.
 7. ALL STREET SHOW AND LABELS WOODEN SHALL BE PAINTED TO MATCH EXISTING.
 8. SOIL TYPE: RESIDUAL CLAY SANDSTONE, LOCAL LAYERS OF CLAY SAND, IN EXPOSURE AND SOIL SAMPLES BY THE CONTRACTOR.
 9. RECYCLED ASPHALT PAVEMENT TO BE USED FOR DRIVEWAYS AND PARKING AREAS.
 10. LANDSCAPE AND TOPGRAPHIC INFORMATION SHOWN HEREON IS TAKEN FROM BOUNDARY RECORDS AND IS NOT BASED ON AN ACTUAL FIELD SURVEY.

NO.	DATE	REVISIONS
1	10-19-10	PRELIMINARY PLAT
2	10-19-10	REVISIONS
3	10-19-10	REVISIONS
4	10-19-10	REVISIONS
5	10-19-10	REVISIONS
6	10-19-10	REVISIONS
7	10-19-10	REVISIONS
8	10-19-10	REVISIONS
9	10-19-10	REVISIONS
10	10-19-10	REVISIONS

PRELIMINARY PLAT
FISTER PLACE
BOONE COUNTY, KENTUCKY

CBS
 CONSULTING & ENGINEERING, INC.
 1000 W. MAIN STREET, SUITE 100
 BOONE COUNTY, KY 40306
 PHONE: 606-335-1111
 FAX: 606-335-1112
 WWW.CBS-ENGINEERING.COM

PRE
 10/15/2010
 13423

COPY

CLUR #99-BCBOA-025-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER (S)
Jenny Ashcraft
2532 Petersburg Road
Hebron, Kentucky 41048
2. ADDRESS OF PROPERTY
2532 Petersburg Road
Hebron, Kentucky 41048
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Fister Place
4. DEED BOOK 36 PAGE NO. 260 GROUP NO. 2006
5. 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
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

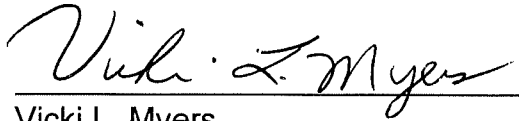

SIGNATURE OF COMPLETING OFFICIAL

Kevin T. Wall, Director, Zoning Services
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

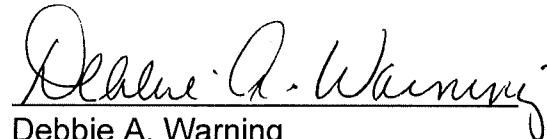
Subscribed, sworn to, and acknowledged before me by Kevin T. Wall on behalf of the
Boone County Planning Commission this 9 day of December, 1999.



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.)

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 December 8, 1999 Certificate of Land Use Restriction (#99-BCBOA-025-A), for Jenny Ashcraft, Property Owner.

The following conditions will apply:

No conditions.

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

DEED BOOK 36

PAGE NO. 260

Group NO. 2006