

APPLICATION FORM

BOARD OF ADJUSTMENT
AND
ZONING APPEALS ACTION
BOONE COUNTY PLANNING COMMISSION

RECEIVED
MAY 19 1999
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 _____
_____ Change in Non-Conforming Use _____
- 3. Applicant's Name Fischer Homes, Mr. Don McDonough
Phone Number 344-5938 Fax No. 344-5900
Applicant's Address 2670 Chancellor Dr. Suite 300
Crestview Hills Ky 41017
City State Zip
- 4. Description of Request: Redefine front and rear building setbacks to provide homeowner better use of property.
- 5. Name of Development Pleasant Valley Meadows Sub. Block "I"
- 6. Location of Development Boone County, Ky
Lot 374 Pleasant Valley Meadows Block "I"
- 7. Acreage Under Review _____
- 8. Lot Number and Name of Subdivision (if part of a subdivision)
#374 Pleasant Valley Meadows Block "I"
- 9. Owner of Property Fischer Homes
Phone Number of Owner 341-4709
- 10. Address of Property Owner 2670 Chancellor Dr., Crestview Hills, Ky 41017
City State Zip
- 11. Proposed Use(s) on Site Residential Single Family detached.
- 12. Total Square Footage of Existing and/or Proposed Buildings 1888.50 S.F.
- 13. Current Zoning on Property SR-1
- X 14. Deed Book 377 Page No. 256 Group No. 1970, 1971, 2038 B
- 15. Is the site subject to a zone change? NO
If yes, give date of approval N/A
- 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: Aaron G. Neace / Don McDonough

X Property Owner's Signature: Fischer Homes, Don McDonough

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SECTION B (To be completed by the Boone County Planning Commission Staff)

1. Date Received 5-19-99 Fee Received \$420.00 RA 20578
2. Is application complete? Yes No
3. Staff Reviewer Mark Jordan
4. Scheduled Board Action Date 7/14/99
5. Board Action:
 Approved
 Approved with Conditions (See #6)
 Denial (See #7)
6. Conditions of Approval: _____

7. Reasons for Denial: See minutes when available

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: Don McDonough on behalf of Fischer Homes

LOCATION: Lot 374 of the Pleasant Valley Subdivision, Block "I", 1994 Morningside Drive, Boone County, Kentucky

ZONING: Suburban Residential One (SR-1)

DATE: June 9, 1999

Proposal

The applicant is requesting a Variance to allow a reduction of the front and rear yard setbacks on Lot 374 of the Pleasant Valley Meadows Subdivision, Block "I", Boone County, Kentucky. The Boone County Zoning Regulations require a minimum rear yard and front yard setback requirement of 30 feet from the property line for any detached Single Family Dwelling that is constructed in a Suburban Residential One (SR-1) zoning district. The subject property is defined as a Flag Lot under the Boone County Subdivision Regulations, and the enclosed plat shows an existing 25 foot easement from Morningside Drive, running parallel along Lot 375 to the property. Flag lots are permitted in locations where because of geometric, topographic, or other natural features, it would be impractical to extend a public street. Lot 374 has frontage along Morningside Drive, and as such, this portion is defined as the front yard, and the north portion of the property is defined as the rear yard. Due to the irregular property layout and location on a Flag Lot, the applicant is seeking the Variance to allow a more suitable building location, and to provide the homeowner better usage of the property.

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 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 front yard and rear yard setback for a proposed Single Family detached dwelling. Due to the irregular shape of the lot, and the requirements of the zoning regulations, 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 nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations.

Respectfully Submitted,

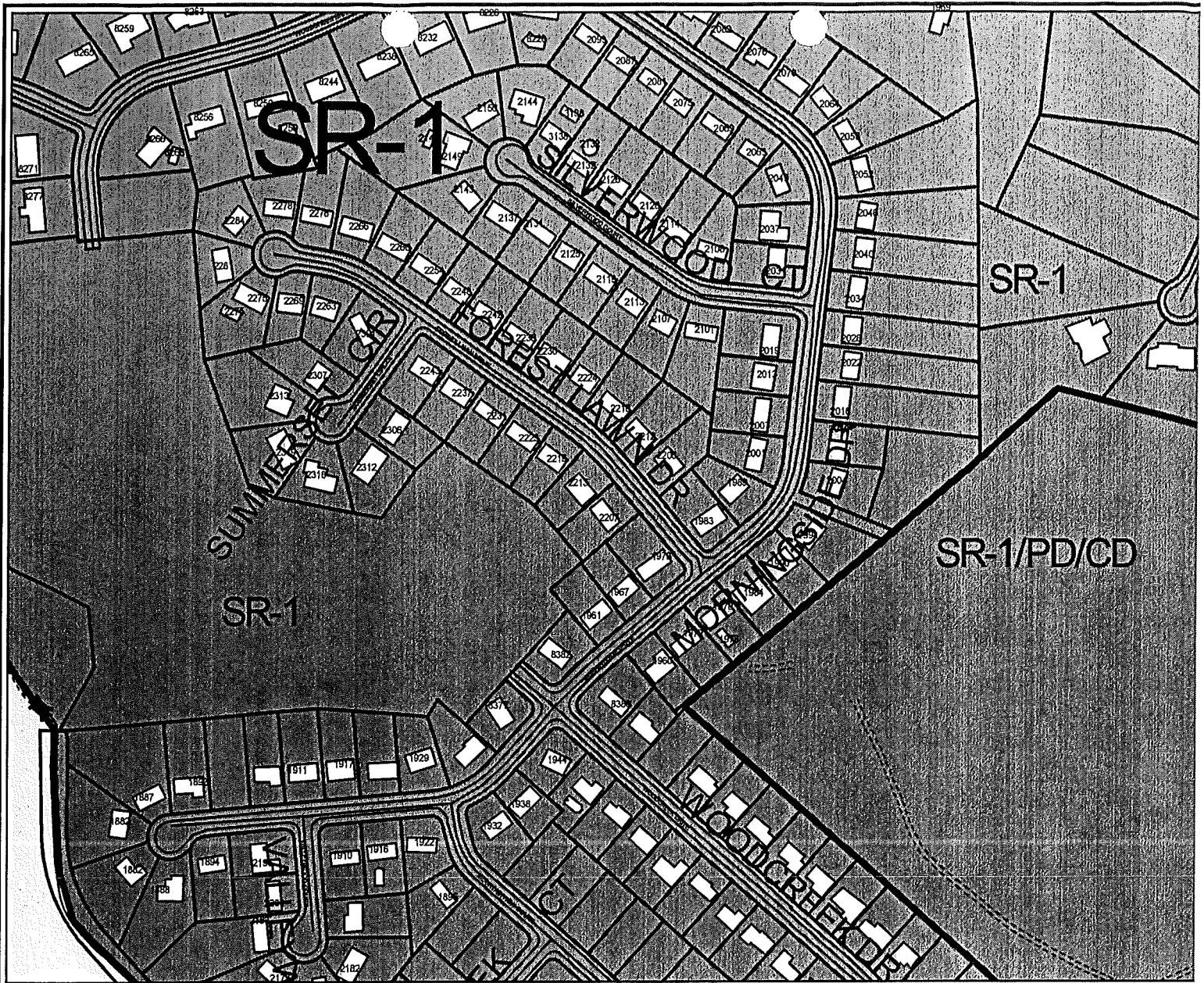


Mark E. Jordan
Planner

MEJ\pr

Attachments

- Zoning Map
- Location Map
- Plot plan with proposed Single Family detached dwelling



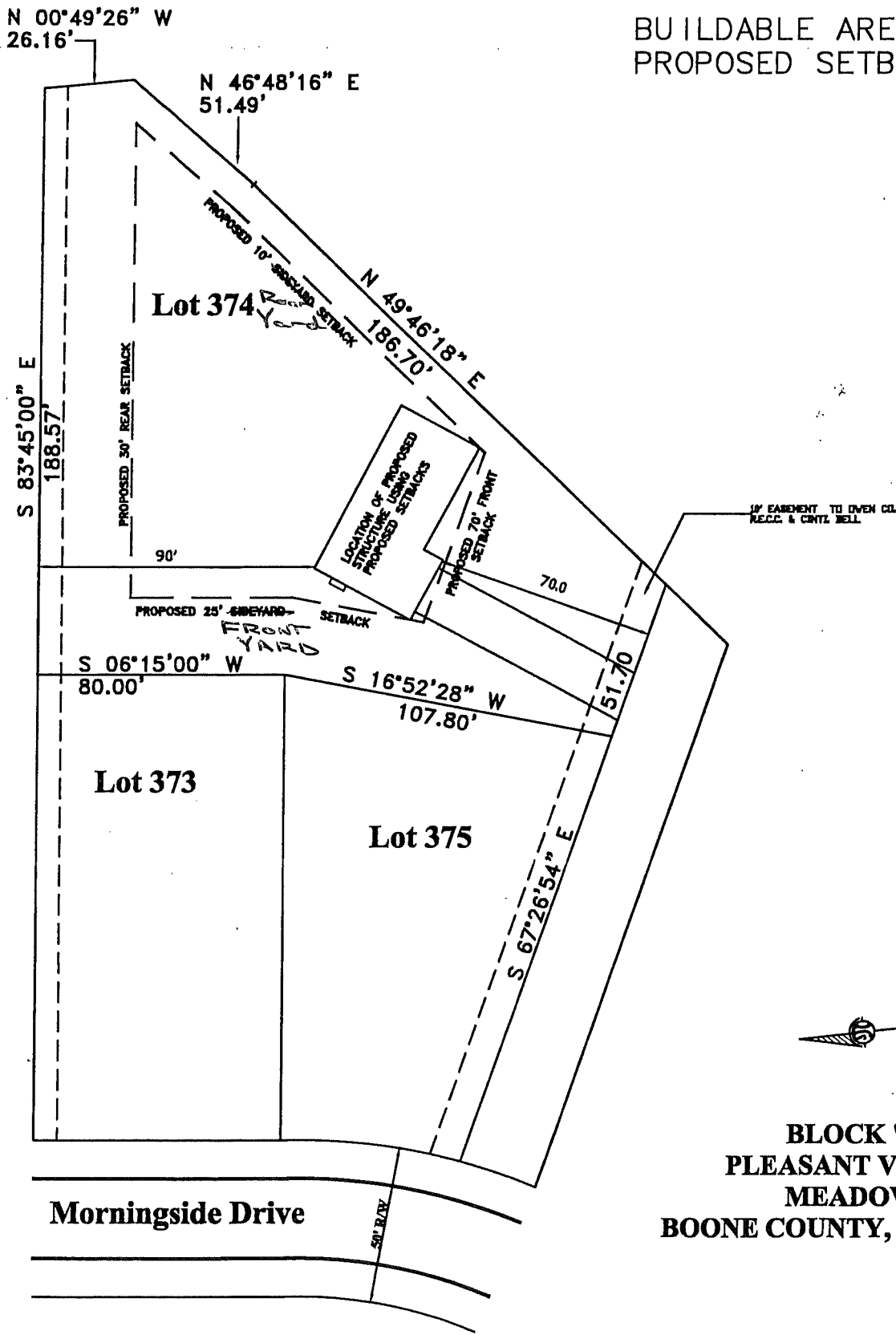
Zoning Map

1994 Morningside Drive



1 inch equals 300 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 June 4, 1999

BUILDABLE AREA USING PROPOSED SETBACKS.



BLOCK "I"
PLEASANT VALLEY
MEADOWS
BOONE COUNTY, KENTUCKY



SETBACK VARIANCE
1994 MORNINGSIDE DRIVE

FISCHER SINGLE FAMILY HOMES, LLC
 2870 CHANCELLOR DRIVE
 CHESTNUT HILLS, KY, 41017
 PH: (606) 341-4700

SCALE: 1" = 50'

DRAWN BY: KMB	REV. NO: 0000
DATE: 02-24-08	DATE: 08-08-08
APPROV: KMB	INITIALS: 0000