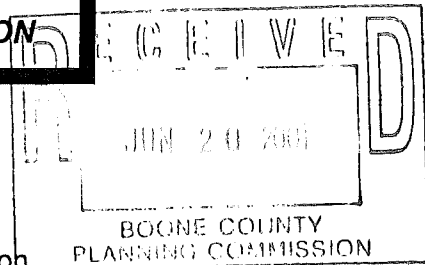


APPLICATION FORM

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 [checked] Florence _____ Walton _____ Union _____
2. (Check One) Conditional Use Permit [checked] Variance _____ Appeal _____
Change in Non-Conforming Use _____
3. Applicant's Name THE ERPENBECK COMPANY
Phone Number 331-8090 Fax No. 331-9158
Applicant's Address 130 DUDLEY RD
EDGEWOOD KY 4017
City State Zip
4. Description of Request: CONSTRUCT A 10'X14' WOODEN DECK, 10' INTO 25' REAR YARD SETBACK
5. Name of Development SAVANNAH LAKES @ PLANTATION POINTE
6. Location of Development FLORENCE, WEST OF I-75 ON USA2 OFF OF WETHERINGTON BLVD.
7. Acreage Under Review .21
8. Lot Number and Name of Subdivision (if part of a subdivision) LOT # 61 - SAVANNAH LAKES
9. Owner of Property The Erpenbeck Company
Phone Number of Owner 331-8090
Address of Property Owner EDGEWOOD KY 4017
City State Zip
10.
11. Proposed Use(s) on Site SINGLE FAMILY DWELLING
12. Total Square Footage of Existing and/or Proposed Buildings 140 sq ft (10'x14' DECK)
13. Current Zoning on Property RPD
14. Deed Book 782 Page No. 139 Group No. 2047
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?
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: Tom J. Jirman, 'The Erpenbeck Co.'

Property Owner's Signature: Tom J. Jirman, 'The Erpenbeck Co.'

**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 6-20-01 Fee Received \$400.00 RA 28169
2. Is application complete? _____ Yes _____ No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:

- 7-11-01 **Approved**
 Approved with Conditions (See #6)
 Denial (See #7)

6. Conditions of Approval: LANDSCAPING REQUIRED IN
REAR YARD (see meeting minutes)

7. Reasons for Denial: _____

**Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005
(859) 334-2196 - Phone
(859) 334-2264 - Fax
plancom@boonecountky.org - E-mail**

www.boonecountky.org

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: The Erpenbeck Company

LOCATION: Section 3, Lot 61, Savannah Lakes at Plantation Pointe
(9155 Tabor Court, Florence, Kentucky).

ZONING: Residential Planned Development

DATE: July 11, 2001

Proposal

The Erpenbeck Company is requesting a variance for a reduction in the required 25 foot rear yard setback, for a parcel located at Section 3, Lot 61 of Savannah Lakes at Plantation Pointe. The applicant has requested that the rear yard setback be reduced by 10' so that a 10' x 14' deck can be constructed onto the rear of a proposed single-family dwelling (see Exhibit A).

Applicable Regulations

Article 2, Section 250 of the Boone County Zoning Regulations states that 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 the 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 KRS 100.241 to 100.247.

Article 31, Section 3123 of the Boone County Zoning Regulations states, "open structures such as porches, canopies, balconies, platforms, carports, covered patios, and similar architectural projections which occupy space three (3) or more feet above the general ground level of the yard shall be considered parts of the building to which attached and shall not project into the required minimum front, side or rear yard."

The Board should evaluate the applicant's request as it relates to the criteria necessary for granting a variance as stated in Section 251 of the Boone County Zoning Regulations:

1. 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 nuisance to the public, and will not allow an unreasonable circumvention of the requirements contained in the zoning regulations.
 - 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 contained in 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 regulation from which relief is sought.

Surrounding Land Uses and Zoning

The property, lot 61 on Tabor Court, is located in Savannah Lakes at Plantation Pointe and is zoned Residential Planned Development (RPD). The .21 acre parcel is currently vacant but has been graded. Other single-family homes are currently under construction on Tabor Court. The rear of the property adjoins a future section of Savannah Lakes (see Exhibit B). A zoning map for the applicant's lot is provided as Exhibit C of the Staff Report.

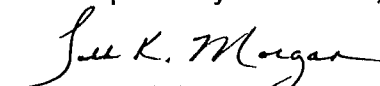
Staff Comments

The properties located to the rear of Lot 61 are planned to contain single-family homes in the future. The variance sought by the applicant is a 10-foot (or 40% reduction) departure from the required 25 foot rear yard setback. Staff believes that the request will not substantially alter the character of the neighborhood, if the applicant is willing to agree to a condition to plant 3 or 4 evergreen trees (minimum 6' at planting) along the rear property line.

Conclusion

KRS 100.241 and Section 250 of the Boone County Zoning Regulations gives the Florence Board of Adjustment and Zoning Appeals the authority to grant the applicant's request for a rear yard setback variance from 25 feet to 15 feet. It is Staff's opinion that granting 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. However, Staff suggests some 6-foot tall evergreen plantings should be installed near the rear property line to provide a feeling of separation.

Respectfully submitted,



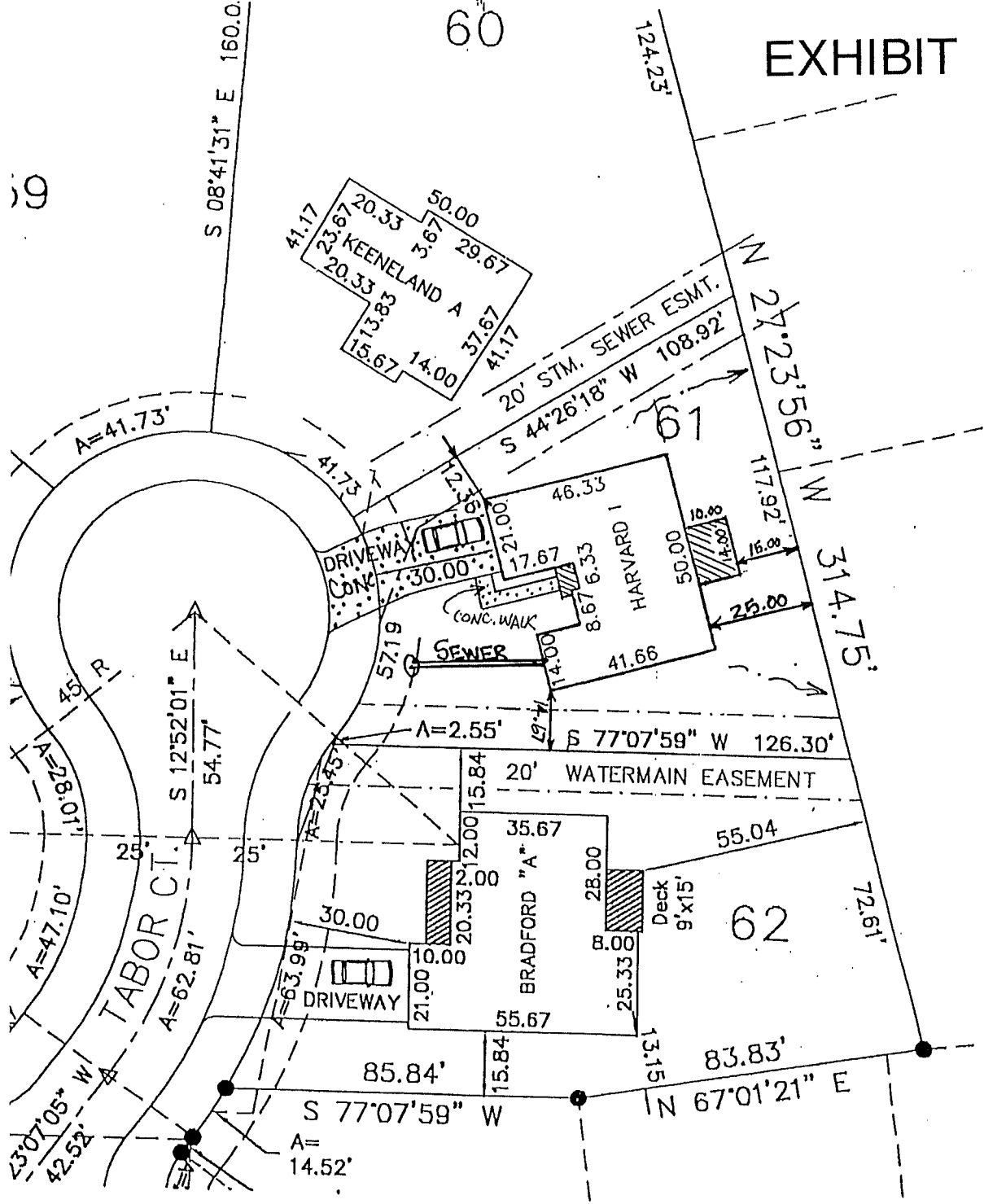
Todd K. Morgan
Planner, Zoning Services

TKM/pr

Attachments

- Exhibit A – Concept Plan
- Exhibit B – Savannah Lakes Final Plat
- Exhibit C – Zoning Map
- Exhibit D – Application

EXHIBIT A



PLOT PLAN
 LOT 61
 SAVANNAH LAKES
 AT PLANTATION POINTE

TABOR CT. — BOONE Co., KY
 SCALE 1" = 30' MAY 7th, 2001
 ERPENBECK & KENNEDY



EXHIBIT C

C-2/PD/CD



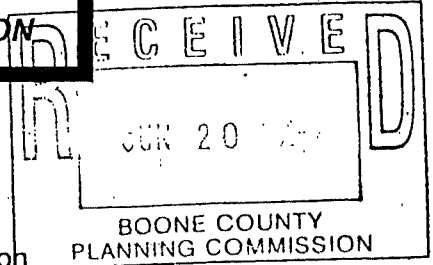
Lot 61 Tabor Court Zoning Map

200 0 200 Feet

1 inch equals 200 feet
Produced by the
Boone County Planning Commission
GIS Services Division
June 28, 2001



BOARD OF ADJUSTMENT
AND
ZONING APPEALS ACTION
BOONE COUNTY PLANNING COMMISSION



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

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 Boone Florence Walton Union
- 2. (Check One)
 Conditional Use Permit Variance Appeal
 Change in Non-Conforming Use
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City State Zip
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OFF OF WETHERINGTON BLVD.
- 7. Acreage Under Review 2.1
- 8. Lot Number and Name of Subdivision (if part of a subdivision)
LOT # 61 - SAVANNAH LAKES
- 9. Owner of Property The Erpenbeck Company
 Phone Number of Owner 331-8090 10.
 Address of Property Owner EDGEWOOD KY 41017
City State Zip
- 11. Proposed Use(s) on Site SINGLE FAMILY DWELLING
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- 14. Deed Book 782 Page No. 139 Group No. 2047
- 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? _____
- 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: Tom Deiman, "The Erpenbeck Co."

Property Owner's Signature: Tom Deiman, "The Erpenbeck Co."

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

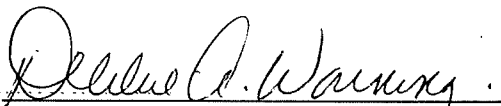
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on
behalf of the Boone County Planning Commission this 18 day of July, 2001.



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 Florence Board of Adjustments and in accordance with the current zoning in effect as of July 11, 2001 Certificate of Land Use Restriction (#01-FBOA-009-A), for The Erpenbeck Company, Property Owner(s).

The following conditions will apply:

- 1) Some sort of green - evergreens or whatever is suitable - in the rear to provide privacy and be nice looking is required.

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

DEED BOOK 782 PAGE NO. 139 GROUP NO. 2047