

03-004-FBOA-A

APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

RECEIVED SEP 17 2003 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 [X] Variance _____ Appeal _____ Change in Non-Conforming Use _____
3. Applicant's Name S.L. Williams Homes Inc. Phone Number 344-6410 Fax No. 344-6666 Applicant's Address 300 Butternut Hill Pk Suite 311 Fr Mitchell KY 41017
4. Description of Request: Back Yard Set Back For Deck need to need 12' outside of normal set back
5. Name of Development Savannah Lakes
6. Location of Development Florence, Plantation Point
7. Acreage Under Review 125' x 85'
8. Lot Number and Name of Subdivision (if part of a subdivision) 109 Savannah Lakes
9. Owner of Property S.L. Williams Homes Inc. Phone Number of Owner 344-6410
10. Address of Property Owner Same as above City State Zip
11. Proposed Use(s) on Site Single Family Residence
12. Total Square Footage of Existing and/or Proposed Buildings 2030
13. Current Zoning on Property RPD - CD
14. Deed Book 738 Page No. 492 Group No. 2047
15. Is the site subject to a zone change? no
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 9-17-03 Fee Received \$ 495.00 36615
2. Is application complete? _____ Yes _____ No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
10/8/03 **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
(859) 334-2196 - Phone
(859) 334-2264 - Fax
plancom@boonecountyky.org - E-mail
www.boonecountyky.org - Web Page**

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: S.L. Williams Homes, Inc.

LOCATION: Section 4, Lot 109, Savannah Lakes at Plantation Pointe
(9287 Hardwicke Lane, Florence, Kentucky).

ZONING: Residential Planned Development (RPD)

DATE: October 8, 2003

Proposal

S.L. Williams Homes is requesting a variance for a reduction in the 25 foot rear yard setback requirement, for a parcel located at Section 4, Lot 109 of Savannah Lakes at Plantation Pointe. The applicant has requested that the rear yard setback be reduced by 12 feet (see attached Concept Plan) so that an elevated deck can be constructed onto the rear of a single-family dwelling.

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.

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.

2. 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.

Article 31, Section 3123 of the Boone County Zoning Regulations states that "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 minimum front, side, or rear yard."

Site Characteristics and Zoning

The property is located in Savannah Lakes at Plantation Pointe and is zoned Residential Planned Development (RPD). The rear property line adjoins a Home Owners Association parcel which is heavily wooded and contains a large retention pond.

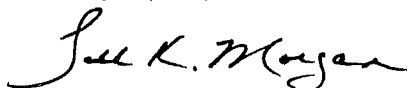
Staff Comments

1. The applicant has informed Staff that the future property owner wants to construct his deck so that it will overlook the retention pond to the southwest. The applicant can only construct a deck that is eleven (11) feet long without obtaining a variance. Staff believes that the request will not alter the essential character of the area because the rear lot line adjoins a heavily wooded H.O.A. parcel instead of a buildable lot.

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.

Respectfully submitted,

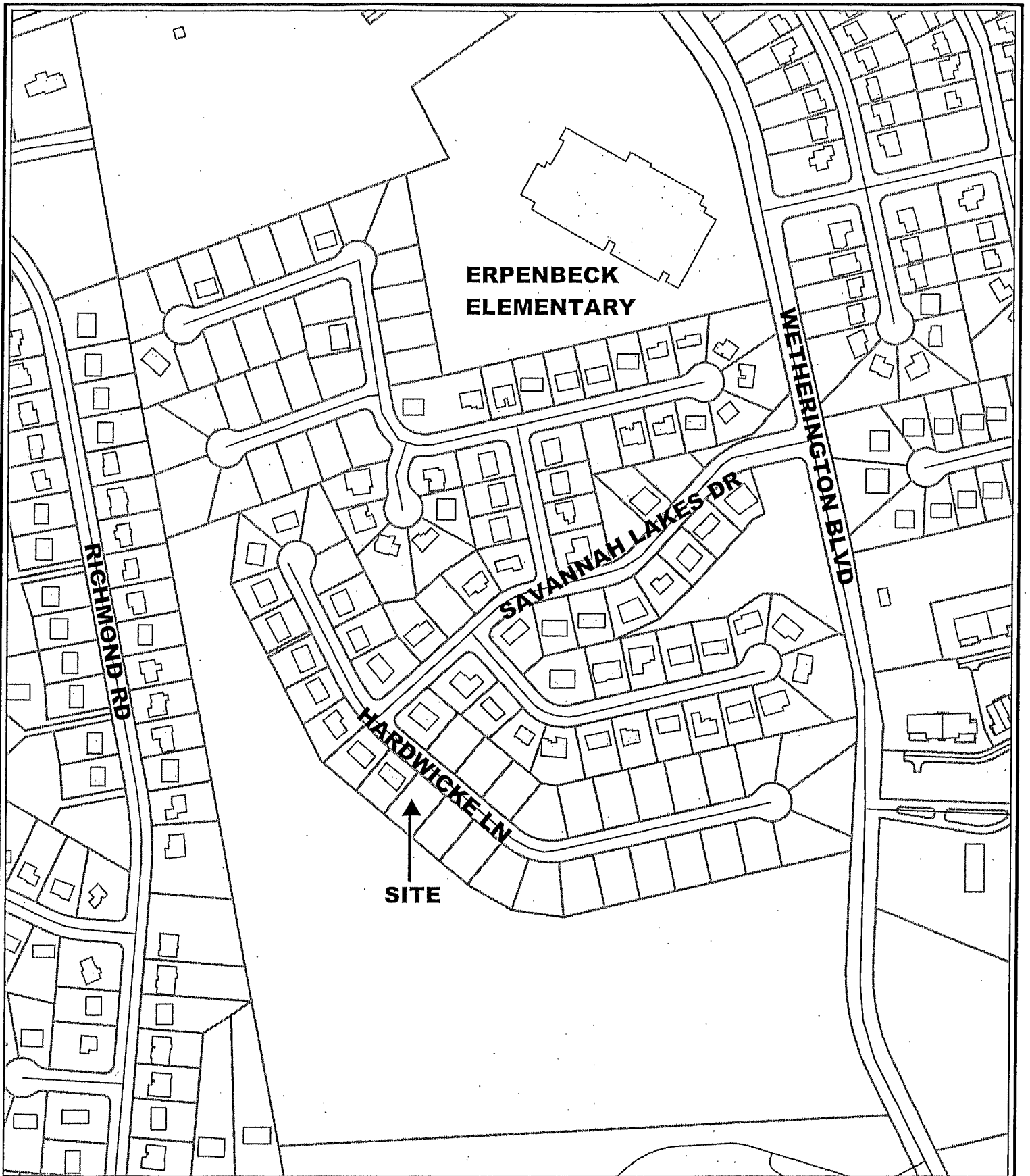


Todd K. Morgan, AICP
Planner, Zoning Services

TKM/pr

Attachments

- Exhibit A – Site Vicinity Map
- Exhibit B – Concept Plans
- Exhibit C – Final Plat, Section 4 of Savannah Lakes
- Exhibit D – Aerial Map
- Exhibit E – Zoning Map
- Exhibit F – Letter from Future Property Owner
- Exhibit G – Application



300 0 300 Feet

1 inch equals 300 feet

LOT 109, SAVANNAH LAKES
SITE VICINITY MAP

Produced by the
 Boone County Planning Commission
 GIS Services Division
 September 18, 2003

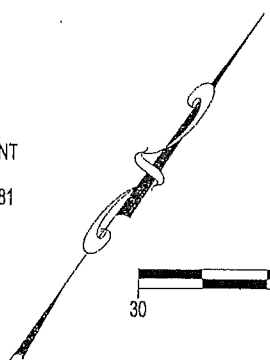




Variance Request

ZONE RPD-CD
setbacks
front 30'
rear 25'
side 5'
corner 1/2 of front

PLAN: Portofino "C"
SAVANNAH LAKES
AT PLANTATION POINT
SECTION FOUR
PLAT Cabinet 4 Plat 281



Elevations are assumed



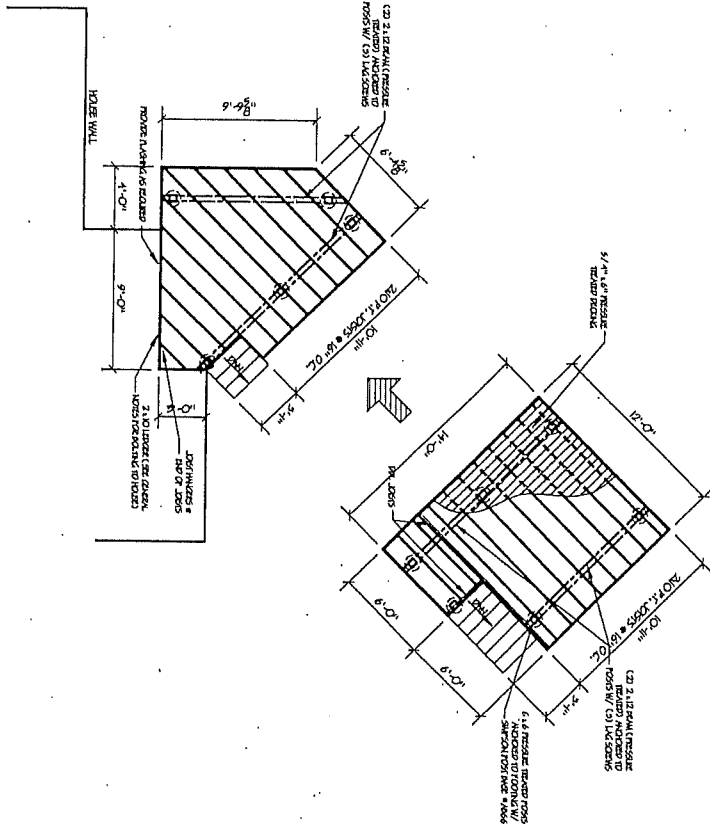
scale 1" = 30'

September 3, 2003

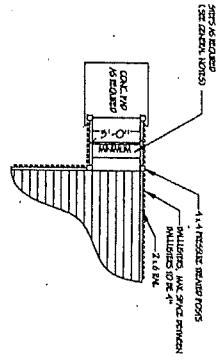
<p>SITE PLAN FOR: S.L. WILLIAMS 300 Buttermilk Pike Suite 300 Ft Mitchell, KY 41017-2139</p>
<p>FIELD CONTACT: ROB ADAMS CELL 859-240-0592</p>
<p>PREPARED BY: GREGORY C. SCHULTZ P.L.S. 2777 18731 HIGHWAY 10 NORTH CALIFORNIA, KY 41007 859-391-6361</p>

DECK LAYOUTS
 - MAXIMUM DECK - 8' 1/2"
 - MAXIMUM DECK - 8' 1/2"
 - HATCH TO BE CONSIDERED FROM BOTTOM TO TOP OF 20K
 - ONE-WAY JOIST SPACING
 - MAXIMUM JOIST SPACING TO BE 2'-0"
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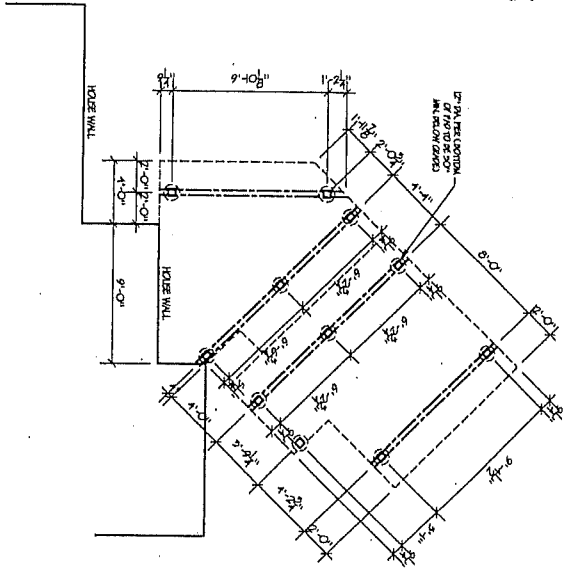
DECK DETAILS



DECK STEPS



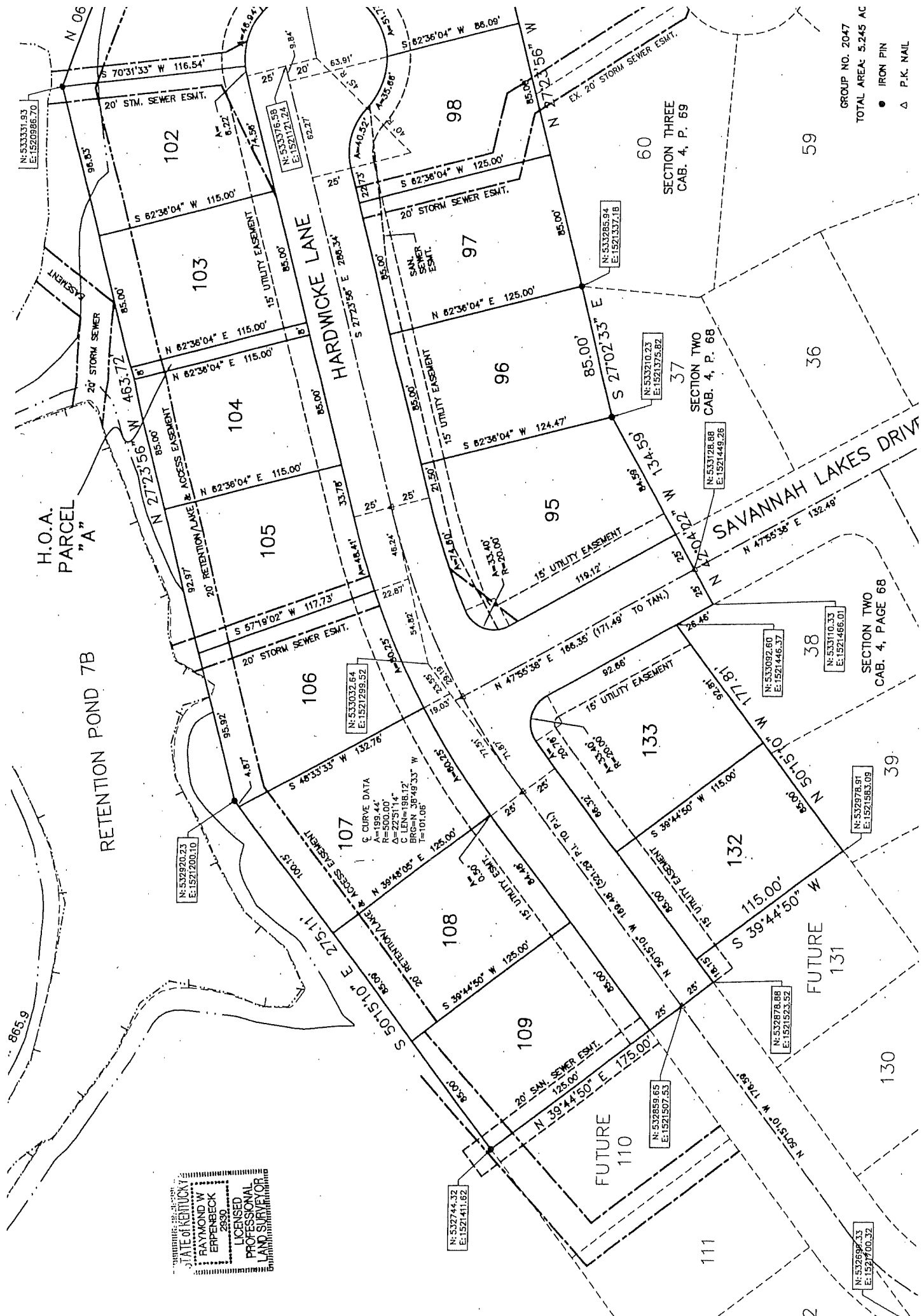
COLUMN PAD LOCATIONS



Sheet 4 Deck Plan	Designed By: Assoc's & Enzweiler	Builder: S. L. Williams
	Proposed Residence For: Portofino	Customer: FISHER
	Location: Savannah Lakes Lot #109	

	Date
Issued for Construction	01-01-00
Issued for Review	05-21-00

ASSOCIATES & ENZWEILER
 ARCHITECTS
 1000 N. W. 10th Street
 Ft. Lauderdale, FL 33304
 Phone: (561) 533-1100
 Fax: (561) 533-1101
 Email: info@enzweiler.com



N: 533331.83
E: 1520986.70

H.O.A. PARCEL "A"

RETENTION POND 7B

HARDWICKE LANE

SAVANNAH LAKES DRIVE

STATE OF KENTUCKY
RAYMOND W. ERPERBECK
2025
LICENSED PROFESSIONAL LAND SURVEYOR

GROUP NO. 2047
TOTAL AREA: 5.245 AC
● IRON PIN
△ P.K. NAIL

865.9

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S 70°31'33" W 116.54'

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20' STORM SEWER ESMT.

S 62°36'04" W 115.00'

103

15' UTILITY EASEMENT

N 62°36'04" E 115.00'

104

20' RETENTION LAKE & ACCESS EASEMENT

N 27°23'56" W 463.72'

105

20' RETENTION LAKE & ACCESS EASEMENT

N 62°36'04" E 115.00'

106

20' STORM SEWER ESMT.

S 57°19'02" W 117.73'

107

20' RETENTION LAKE & ACCESS EASEMENT

S 48°33'33" W 132.76'

108

15' UTILITY EASEMENT

N 39°44'50" E 125.00'

109

20' SAN. SEWER ESMT.

N 39°44'50" W 125.00'

FUTURE 110

N 39°44'50" E 175.00'

111

N 39°44'50" W 174.99'

112

N 50°15'10" E 275.11'

113

15' UTILITY EASEMENT

S 39°44'50" W 115.00'

131

FUTURE 131

N 50°15'10" W 115.00'

132

15' UTILITY EASEMENT

N 50°15'10" W 109.45' (321.73' P.L. TO P.P.)

133

15' UTILITY EASEMENT

N 47°55'38" E 166.35' (171.49' TO TAN.)

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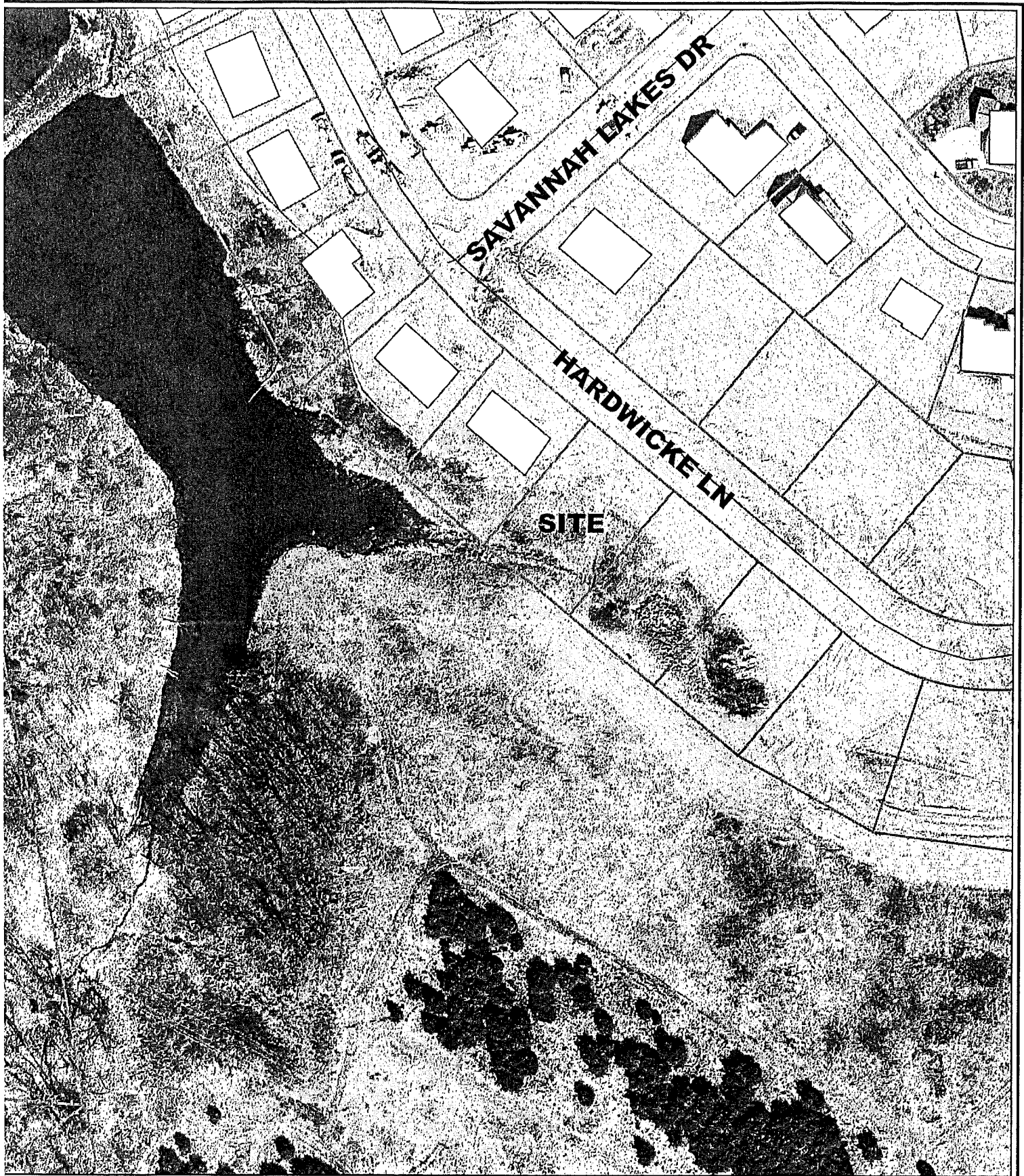
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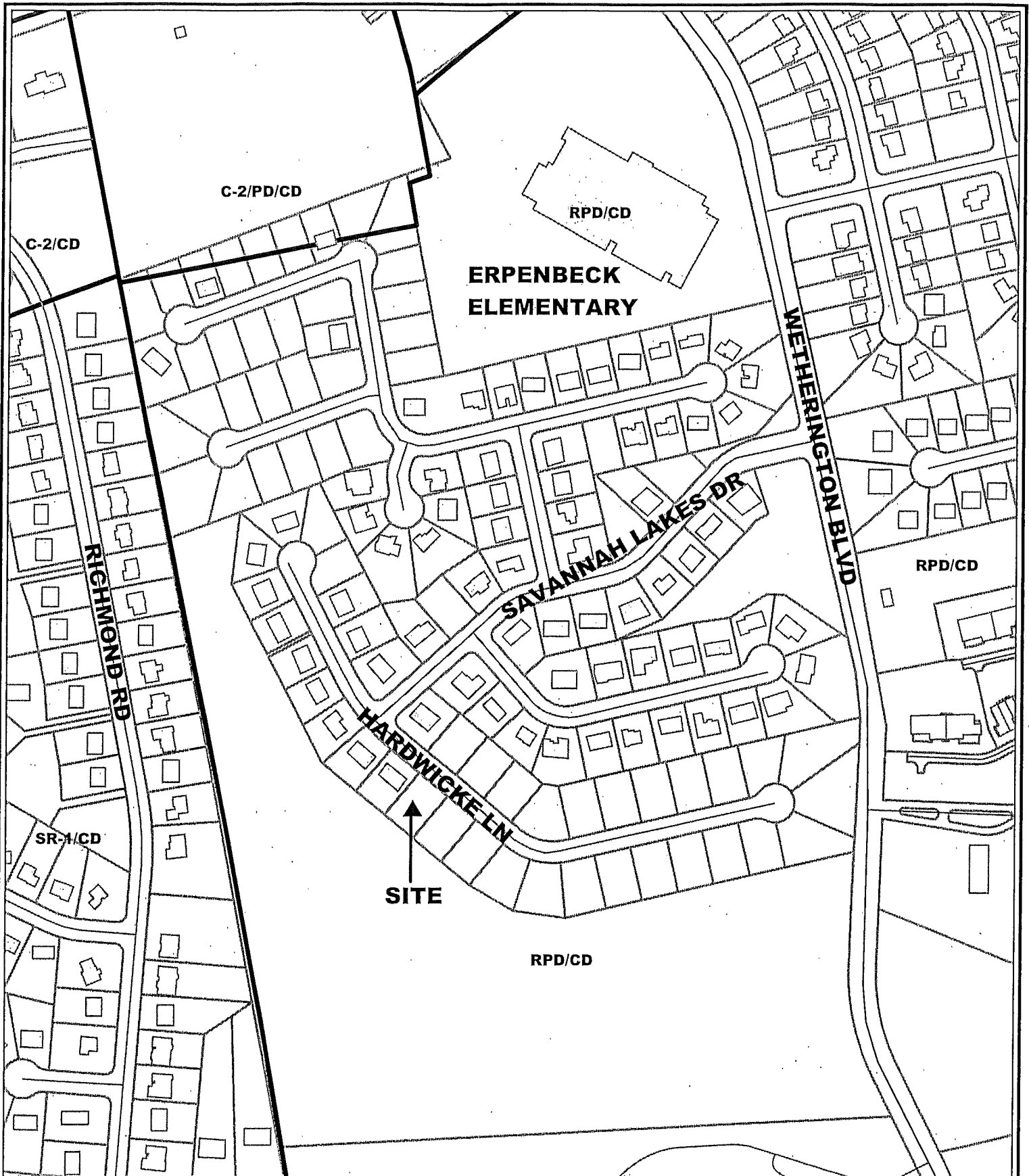
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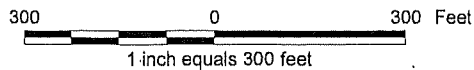


LOT 109, SAVANNAH LAKES AERIAL MAP

Produced by the
Boone County Planning Commission
GIS Services Division
September 22, 2003



LOT 109, SAVANNAH LAKES ZONING MAP



Produced by the
Boone County Planning Commission
GIS Services Division
September 18, 2003



TEAM WORLDWIDE

S.L Williams Homes Inc.
300 Buttermilk Pike
Suite #311
Ft. Mitchell, KY 41017-2139

844:6666

To: Mr. Robert L. Adams
RE: Variance Request on Deck

Sept.23rd, 2003

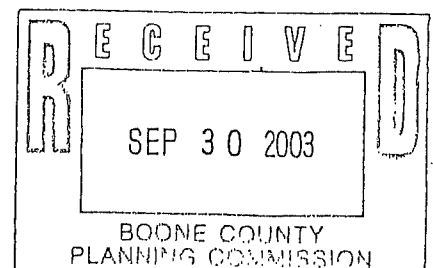
It was a pleasure speaking with you yesterday afternoon. As promised, here is the statement you requested.

We respectfully request the variance approval for our back deck so we may better enjoy the view of the lake to our northwest corner of our lot.

Should you need further explanation or details please advise.

Thank you for your consideration,
Joseph Fisher
And
Connie Fisher
Lot #109 Savannah Lakes Sub-Division
Plantation Point

Current Address:
1763 Timber Lane
Burlington, KY 41005
Home Phone: 859-525-1181
Cell Phone: 859-393-2457
Office Phone: 859-282-0505 / fax. 859-282-1656
joe.fisher@teamworldwide.net



APPLICATION FORM

BOARD OF ADJUSTMENT
AND
ZONING APPEALS ACTION
BOONE COUNTY PLANNING COMMISSION

RECEIVED

SEP 17 2003

BOONE COUNTY
PLANNING COMMISSION

See Boone County Zoning Regulations
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- 2. (Check One) Conditional Use Permit Variance Appeal
 Change in Non-Conforming Use
- 3. Applicant's Name S. L. Williams Homes Inc.
Phone Number 344-6410 Fax No. 344-6666
Applicant's Address 300 Buttermill Pk Suite 311
F. Mitchell KY 41017
City State Zip
- 4. Description of Request: Back Yard Set Back For Deck
Need 12' outside of normal set back
- 5. Name of Development Savannah Lakes
- 6. Location of Development Florence, Plantation Point
- 7. Acreage Under Review ~~0.25~~ 125' x 85'
- 8. Lot Number and Name of Subdivision (if part of a subdivision)
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- 9. Owner of Property S. L. Williams Homes Inc.
Phone Number of Owner 344-6410
- 10. Address of Property Owner Same as above
City State Zip
- 11. Proposed Use(s) on Site Single Family Residence
- 12. Total Square Footage of Existing and/or Proposed Buildings 2030
- 13. Current Zoning on Property RPD - CD
- 14. Deed Book 738 Page No. 492 Group No. 4403
- 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: [Signature]

Property Owner's Signature: [Signature]

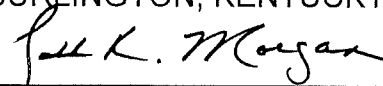
COPY

CLUR #03-004-FBOA-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
S. L. Williams Homes, Inc.
300 Buttermilk Pike, Suite 311
Ft. Mitchell, KY 41017
2. ADDRESS OF PROPERTY
Lot 109, Savannah Lakes
Florence, KY 41042
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Plantation Pointe
4. DEED BOOK 738 PAGE NO. 738 GROUP NO. 2047
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)
- 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



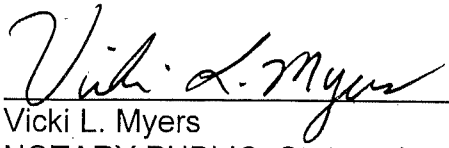
SIGNATURE OF COMPLETING OFFICIAL

Todd K. Morgan, Planner
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

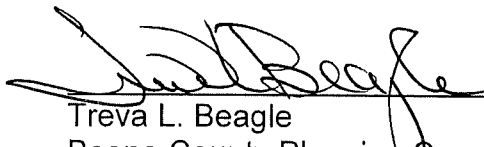
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 10 day of October, 2003.



Vicki L. Myers
NOTARY PUBLIC, State at Large

My commission Expires:
April 17, 2007

This instrument was prepared for recording purposes only by:



Treva L. Beagle
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 October 10, 2003 Certificate of Land Use Restriction (#03-004 FBOA-A), for S. L. Williams Homes, Inc., Property Owner(s).

The following conditions will apply:

No conditions

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

DEED BOOK 738

PAGE NO. 492

GROUP NO. 2047