

APPLICATION FORM

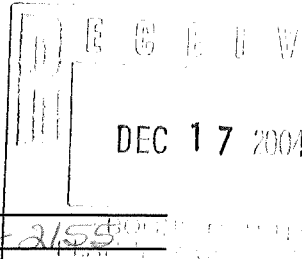
BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

See Boone County Zoning Regulations

SECTION A (To be completed by applicant)

(Check One) 1. Boone [X] Florence \_\_\_\_\_ Walton \_\_\_\_\_ Union \_\_\_\_\_

(Check One) 2. \_\_\_\_\_ Conditional Use Permit [X] Variance \_\_\_\_\_ Appeal \_\_\_\_\_ Change in Non-Conforming Use \_\_\_\_\_



3. Applicant's Name The Ryland Group, Inc. Phone Number 513-339-2101 Fax No. 513-339-2155 Applicant's Address 4660 Duke Dr. Ste. 100 Mason Ohio 45040

4. Description of Request: Allow [redacted] union, 35' front + rear setbacks to be waived [redacted] of Lot 423

5. Name of Development French Qtr @ Orleans

6. Location of Development Longbranch Road Florence, Ky

7. Acreage Under Review 0.87 acres

8. Lot Number and Name of Subdivision (if part of a subdivision) 423 French Qtr. @ Orleans

9. Owner of Property The Ryland Group, Inc.

Phone Number of Owner 513-339-2101

10. Address of Property Owner Mason Ohio 45040 City State Zip

11. Proposed Use(s) on Site Single family home

12. Total Square Footage of Existing and/or Proposed Buildings 3291

13. Current Zoning on Property SR-1/PD

14. Deed Book 852 Page No. 206 Group No. [redacted] 2038A

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: Jennifer L. Bruggeman - The Ryland Group, Inc.

Property Owner's Signature: Jennifer L. Bruggeman - The Ryland Group, Inc.

**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 12-17-04 Fee Received \$837.00 RA# 41074  
2. Is application complete? Yes No  
3. Staff Reviewer [Signature]  
4. Scheduled Board Action Date [Signature]  
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  
(859) 334-2196 - Phone  
(859) 334-2264 - Fax  
plancom@boonecountyky.org - E-mail  
[www.boonecountyky.org](http://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: The Ryland Group, Inc.

LOCATION: Section 4, Lot 423, French Quarter at Orleans  
(10025 Barronne Street), Florence, Kentucky

ZONING: Suburban Residential One/Planned Development (SR-1/PD)

DATE: January 12, 2005

Proposal

The Ryland Group is requesting a variance for a reduction in the required 35 foot front and rear yard setbacks, for a parcel located at Section 4, Lot 423 of French Quarter at Orleans. The applicant has requested that the front yard setback be reduced by 23.37 feet and the rear yard setback be reduced by 25.09 feet (see attached Concept Plan) so that a single-family dwelling can be constructed on the flag lot.

Applicable Regulations

Article 40, Section 4000 of the Boone County Zoning Regulations defines that the front yard of a flag lot "is measured from the rear lot line of the adjoining lot that is between the flag lot in question and the street."

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.

#### Site Characteristics and Zoning

The approximate 0.87 acre flag lot is located within the French Quarter at Orleans and is zoned Suburban Residential One/Planned Development (SR-1/PD) and adjoins the following land uses:

North: Orleans - North (SR-1/PD)

South: French Quarter at Orleans (SR-1/PD)

East: 14.77 acres owned by Grand Communities being developed as part of Orleans - North (SR-1/PD)

West: 49.01 acres owned by JMG Development LLC being developed as part of Orleans - North (SR-1/PD)

#### Staff Comments

1. Staff would like to point out that Article 40 of the Boone County Zoning Regulations defines that the front yard of a flag lot "is measured from the rear lot line of the adjoining lot that is between the flag lot in question and the street. As a result, the orientation of a house on a flag lot is not used in determining the front, rear, or side yard setbacks.
2. The setback requirements for the proposed single-family dwelling are as follows:  
Front Yard: 35 feet  
Rear Yard: 35 feet  
Side Yards: 5 foot min., 15 foot total

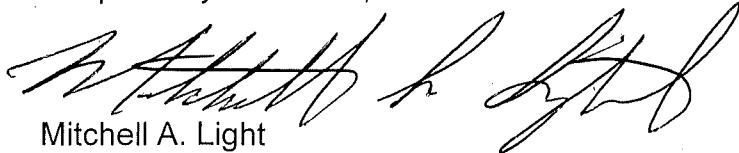
Based on the flag lot definition listed above, the submitted Concept Development Plan shows that the front and rear facades of the proposed dwelling are oriented toward the side property lines.

While the zoning regulations require the side yard setbacks to be 5' min/15' total, the submitted Concept Plan shows that the front of the proposed house is 77.63' from the east side property line and that the rear of the proposed house is 163.02' from the west side property line. Staff believes the Board should consider these increased side yard setbacks when analyzing the request.

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 front and rear yard setback variance.

Respectfully submitted,

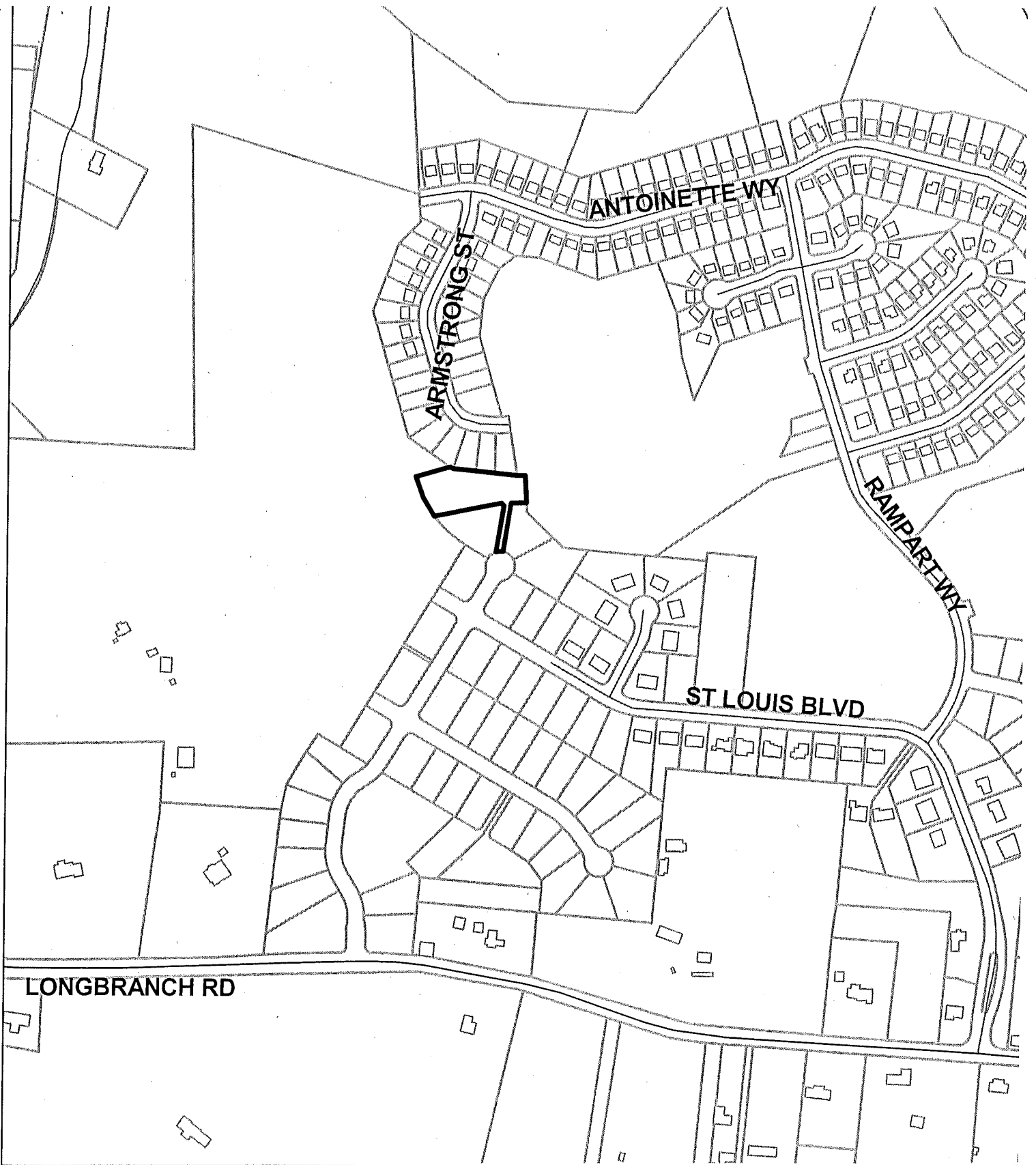


Mitchell A. Light  
Asst. Zoning Administrator/Enforcement Officer

MAL/pr

Attachments

- Exhibit A – Site Vicinity Map
- Exhibit B – Zoning Map
- Exhibit C – Concept Plan
- Exhibit D – Final Plat
- Exhibit E – Aerial Map
- Exhibit F – Topographical Map Application
- Exhibit G – Application



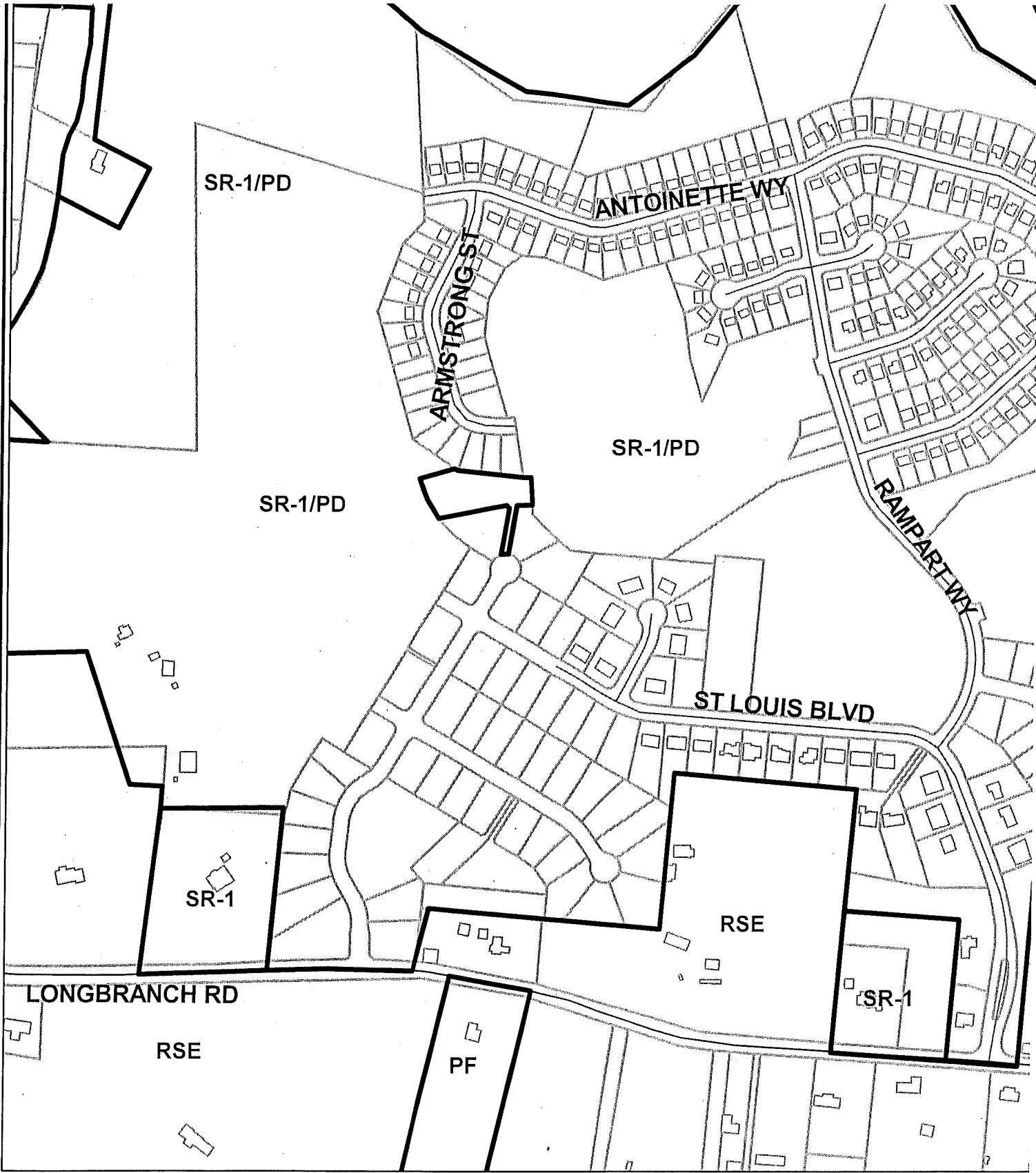
LONGBRANCH RD



# SITE VICINITY MAP

1 inch equals 400 feet  
Produced by the  
Boone County Planning Commission  
GIS Services Division  
January 4, 2005

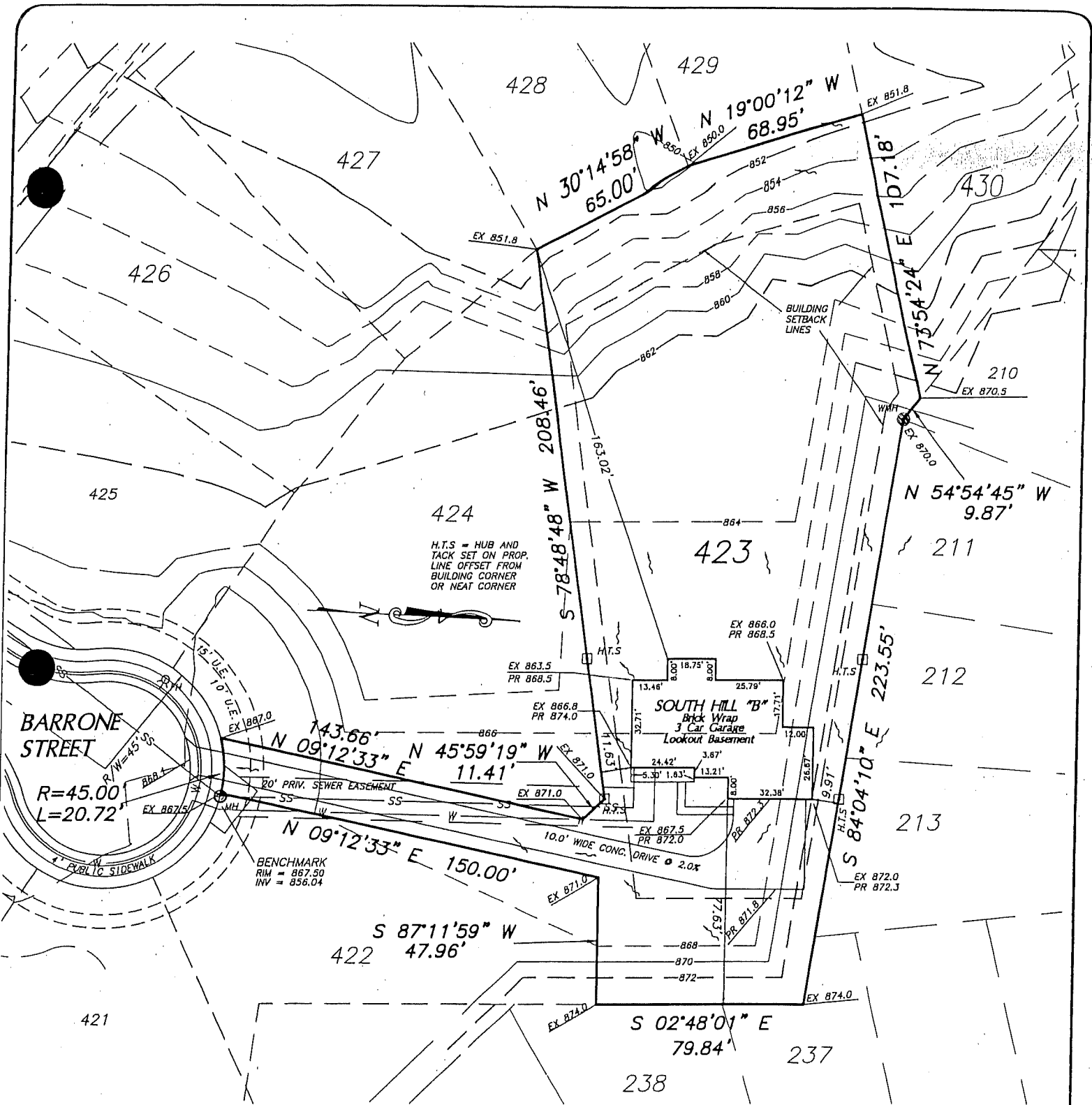




# ZONING MAP

1 inch equals 400 feet  
 Produced by the  
 Boone County Planning Commission  
 GIS Services Division  
 January 4, 2005





H.T.S. = HUB AND TACK SET ON PROP. LINE OFFSET FROM BUILDING CORNER OR NEAT CORNER

BARRONE STREET

R=45.00  
L=20.72'

BENCHMARK  
RIM = 867.50  
INV = 856.04

SOUTH HILL "B"  
Brick Wrap  
3 Car Garage  
Lookout Basement

EXISTING INFORMATION SHOWN HEREON IS BASED ON APPROVED IMPROVEMENT PLANS PROVIDED BY OTHERS.

2. LOT DIMENSIONS CAN BE SUBJECT TO CHANGE WITHOUT THE KNOWLEDGE OF PREFERRED SURVEYING COMPANY, INC., AND ARE SHOWN HEREON PER COPY OF THE RECORD PLAT UNLESS OTHERWISE NOTED. PROPERTY LINE DIMENSION VERIFICATION SHOULD BE PERFORMED BEFORE RELYING ON DIMENSION SHOWN HEREON.

3. THIS PLOT PLAN WAS PREPARED AT THE REQUEST OF RYLAND HOMES TO ACQUIRE A BUILDING PERMIT AND IS TO BE USED SOLELY FOR SUCH PURPOSE.

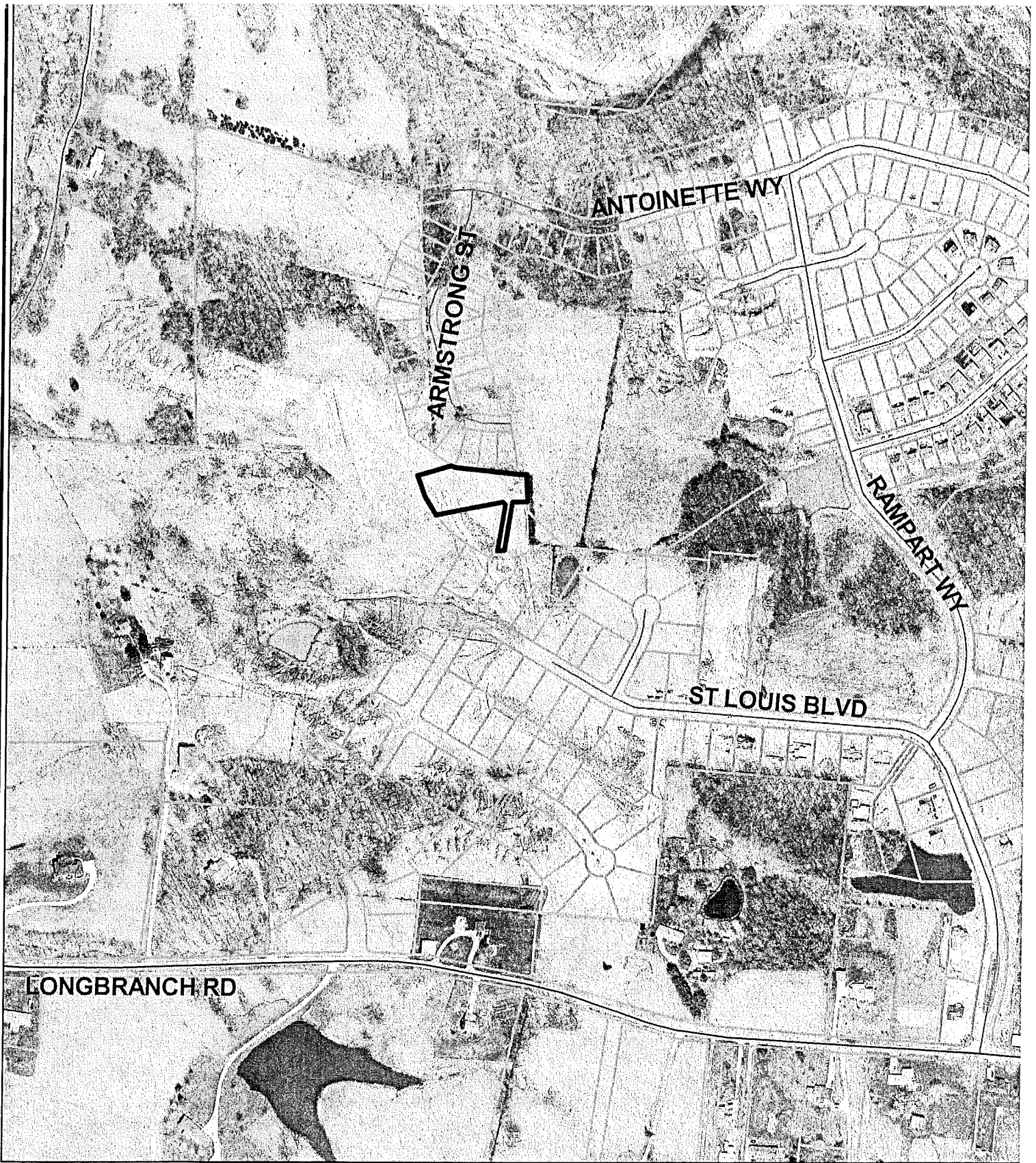
PLOT PLAN FOR:  
RYLAND HOMES  
4660 DUKE DRIVE

BUILDING INFORMATION:  
2 STORY  
SOUTH HILL "B"

QUANTITIES	
LOT	38,113 SQ. FT.
CONCRETE	3,080 SQ. FT.
DRIVEWAY APPROACH	50 SQ. FT.
PUBLIC WALK	85 SQ. FT.
SOD	7,583 SQ. FT.
SEED	24,579 SQ. FT.
SANITARY TAP	175 LINEAR FEET
WATER TAP	199 LINEAR FEET

MINIMUM SETBACKS	
FRONT YARD	40'
SIDE YARD	5' MIN., 15' TOTAL
REAR YARD	35'





400 0 400 Feet

# AERIAL MAP

1 inch equals 400 feet  
Produced by the  
Boone County Planning Commission  
GIS Services Division  
January 4, 2005





# TOPO MAP

50 0 50 Feet

1 inch equals 50 feet  
Produced by the  
Boone County Planning Commission  
GIS Services Division  
January 4, 2005

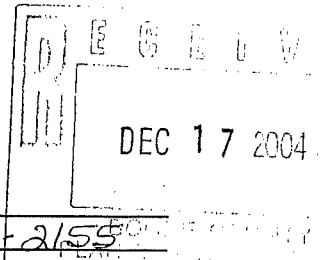


APPLICATION FORM

BOARD OF ADJUSTMENT  
AND  
ZONING APPEALS ACTION  
BOONE COUNTY PLANNING COMMISSION

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

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1.        Boone  Florence        Walton        Union
- (Check One)
2.        Conditional Use Permit  Variance        Appeal         
       Change in Non-Conforming Use



3. Applicant's Name The Ryland Group, INC.  
 Phone Number 513-339-2101 Fax No. 513-339-2155  
 Applicant's Address 4660 Duke Dr. Ste. 100  
Mason Ohio 45040  
 City State Zip

4. Description of Request: Allow ~~the~~ <sup>35'</sup> front + rear setbacks to be waived ~~on the~~ <sup>of</sup> Lot 423
5. Name of Development French Qtr @ Orleans
6. Location of Development Longbranch Road Florence, Ky

7. Acreage Under Review 0.87 acres
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13. Current Zoning on Property SR-1/PD
14. Deed Book 852 Page No. 206 Group No. ~~4~~ 2038A
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: Jennifer L. Bruggeman - The Ryland Group, Inc

Property Owner's Signature: Jennifer L. Bruggeman - The Ryland Group, Inc

(over)

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

The Ryland Group, Inc.  
4660 Duke Drive, Suite 100  
Mason, OH 45040

2. ADDRESS OF PROPERTY

10025 Barronne Street  
Florence, KY 41042

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Lot 423, The French Quarter at Orleans

4. DEED BOOK 852

PAGE NO. 206

GROUP NO. 2038A

5. TYPE OF RESTRICTION(S) (Check all that apply)

Zoning Map Amendment:  
From  To

Conditional Use Permit

Development Plan

Conditional Zoning

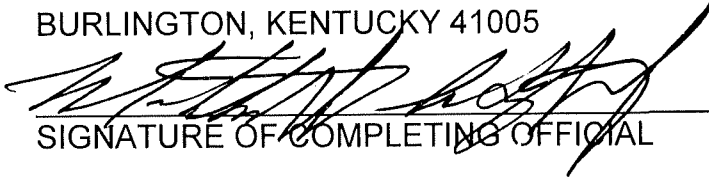
Subdivision Plat  
(Not Recorded)

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

Mitchell A. Light, Asst. Zoning Administrator  
Name and Title of Completing Official

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 January 12, 2005 Certificate of Land Use Restriction (#05-FBOA-001-A), for The Ryland Group, 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 852

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GROUP NO. 2038A