

APPLICATION FOR ZONING ACTION

TO:

- Boone County Planning Commission
- City of Florence Board of Adjustment
- Boone County Board of Adjustment
- City of Union Board of Adjustment
- City of Walton Board of Adjustment
- Zoning Enforcement Officer

FOR:

- Zoning Text Amendment
- Comprehensive Plan Change
- Preliminary Plat Review
- Conditional Use Permit
- Concept Development Plan Change
- Preliminary Development Plan
- Change of Non-Conforming Use
- Design Review Board and Certificate of Appropriateness
- Zoning Map Amendment
- Planned Development Overlay Change
- Improvement Plat Review
- Final or Deed Plat Review
- Site Plan Review
- Historic District Overlay
- Appeal or Variance
- Sign or Zoning Permit

Applicant: Ryan Homes Inc. Owner

Address: 8347 TAMARACK DR. Agent

Florence Ky. Telephone: 874-4848

Location: LOT No. 28. Section 3 Evergreen Farms Subd.

Name of Property Owner: RYAN HOMES

Address of Property Owner: PLAT BOOK 19 PAGE 22 4722 A INTERSTATE DR. CINT. Ohio

Zoning District: _____ Area in Acres: _____

Deed Book: 291 Page Number: 282 Group Number: _____

Description of Request: FRONT OF GARAGE IS APPROXIMATELY 8" IN VIOLATION OF MINIMUM 30' SETBACK REQUIREMENT.

Applicant's Signature: Michael W. Swift

Property Owner's Signature: _____

FOR PLANNING COMMISSION USE ONLY

Application Fee: 100 Date Received: 5/22/85 By: RFEA

Referred To: _____ Meeting Date: _____

Action Taken: _____ Date of Action: _____

March 13, 1985

VARIANCE REPORT

Applicant: Ryan Homes, Inc.
Location: 8347 Tamarack Dr. (lot 78 of Section
3 of Evergreen Farms Subdivision)
Zoned: Suburban Residential One, SR-1


Remarks: The applicant is requesting a dimensional variance in the required front yard setback within the SR-1 zoning district for a single-family residence. The requirement is for a 30 foot front yard within the zone. The application is for a variance of 8 inches (0.7 feet) in the required front yard.

In review of the approved Improvement Plan and inspection of the property, I cannot find any unique conditions with this property that is not found on other land in the same zone.

Requiring the strict application of the requirements of the setbacks, would require the applicant to remove 8 inches (0.7 feet) from the front of the building that has been started on the property. As you can see by the attached copy of their plan, the attached garage is within the setback of the SR-1 zone.

The unique condition and circumstance of the construction of the residence within the setback is, in my opinion, the result of actions taken by the applicant after the adoption of the current zoning regulations.

I do not see how, by the granting of the variance, the public welfare would be preserved. Even though the variance is for 8 inches (0.7 feet), all other residences within this subdivision that are existing are conforming to the required front yard setbacks.



Alvin "Chip" Block
Planner

CITY OF FLORENCE BOARD OF ADJUSTMENT

MINUTES

March 13, 1985

8:00 P.M.

CITY OF FLORENCE MUNICIPAL BUILDING

The meeting was called to order by Chairman Holland at 8:15 P.M. Mr. Holland reconized that all members of the Board were present.

The minutes of the last meeting of March 6, 1985 were not considered and will be considered at the next meeting of the Board.

The first item on the agenda was the request of Ryan Homes, Inc. for a front yard variance of eight (8) inches from the required front yard setback of 30 feet for a residence located on lot 78 of Evergreen Farms Subdivision, 8347 Tamarack Drive, Florence in a Suburban Residential One, SR-1 zoning district. Mr. Block, Staff member for the Board, read the Staff report regarding this request and the findings of fact concerning Section 244 of the zoning regulations for findings of fact necessary for the granting of dimensional variances.

Chairman Holland questioned the representative of Ryan Homes, Inc. why this residence was constructed eight (8) inches into the required front yard setback. Mr. Mike Moore, representing Ryan Homes, Inc., explained that their Engineering firm of Viox & Viox had staked off the lot for the construction of the house. He went on to explain that the building plans given to Viox & Viox were different than what was constructed on the property. This resulted in the 8 inch error in the setback. this error was first discovered by Abercrombie Engineers, the engineering firm for the mortgage company for the people buying the property. Viox & Viox then resurveyed the property and agreed that the home was built 8 inches into the required setback. This encroachment, as explained by Mr. Moore, was an honest mistake in the switching of the building plans and their failure to tell their Engineers prior to construction.

Mr. Holland then reconized that there was no one in the audience in opposition to this request.

Chairman Holland then moved to grant the variance based upon the facts that to require the removal of the eight (8) inches from the front of the garage would create an eyesore to the neighborhood and that it would be an economic hardship to remove the eight (8) inches when it was an honest mistake in the switching of the plans. Mr. Wilder seconded the motion. Vote was five for, none against the motion passed.

Mr. Holland then presented to the Board information concerning fire hazards in highrise structures and suggested that each Board member review this information and further discussion on this

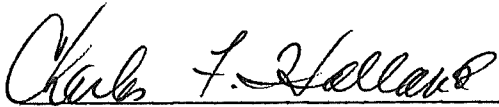
subject could occur at the next Board meeting. Mr. Wilder further explained that this was to inform the Board should other requests be made for variances in the future.

Further discussion followed with Mr. Hopper suggesting that conditions to Permits be limited as much as possible for enforcement purposes. Mr. Hopper suggested that the applicant be required to agree that some suggested conditions be made as a part of their application, thereby making them more enforceable.

Mr. Wilder agreed with this suggestion and recommended that the Staff, in their review of the applications, advise the applicants of problem areas and suggest that the applicants submit remedies to these problems as a part of their application rather than the Board granting the request with conditions.

Mr. Bolton then moved to adjourn the meeting. Mr. White seconded. the meeting closed at 8:42 P.M.

APPROVED: _____



Charles Holland, Chairman

ATTEST:

