

APPLICATION FORM

BOARD OF ADJUSTMENT  
AND  
ZONING APPEALS ACTION  
BOONE COUNTY PLANNING COMMISSION

AUG 21 1999

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 The Ryland Group, Inc.  
Phone Number 513-677-2400 Fax No. 513-677-2405  
Applicant's Address 8600 Lombard's Hill Dr. Suite 220  
Cincinnati Ohio 45249  
City State Zip
- 4. Description of Request: Permit building encroachment into the rear property setback. Compreh ground about the rear of lot 162 - no lots are adjacent to the rear property line.
- 5. Name of Development Lancashire at Plantation Pointe
- 6. Location of Development Lot 162
- 7. Acreage Under Review 0.156 AC
- 8. Lot Number and Name of Subdivision (if part of a subdivision)  
lot 162 of Lancashire
- 9. Owner of Property The Ryland Group  
Phone Number of Owner 513-677-2400  
Address of Property Owner Cincinnati Ohio 45249  
City State Zip
- 10. Proposed Use(s) on Site Residential - Single Family
- 12. Total Square Footage of Existing and/or Proposed Buildings 2134 living space / 3547 total
- 13. Current Zoning on Property Residential
- 14. Deed Book 779 Page No. 331 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? 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] , The Ryland Group

Property Owner's Signature: [Signature] , The Ryland Group

(over)

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 8-21-00 Fee Received \$414.00 R# 05290  
2. Is application complete? \_\_\_\_\_ Yes \_\_\_\_\_ No  
3. Staff Reviewer \_\_\_\_\_  
4. Scheduled Board Action Date \_\_\_\_\_  
5. Board Action:  
     **Approved** 9-13-2000  
    \_\_\_\_\_ **Approved with Conditions (See #6)**  
    \_\_\_\_\_ **Denial (See #7)**  
6. Conditions of Approval: NONE  
\_\_\_\_\_  
\_\_\_\_\_  
7. Reasons for Denial: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**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: The Ryland Group

LOCATION: Lot 162 Lancashire Subdivision at Plantation Pointe  
1036 Wilshire Court, Union, Kentucky 41091

ZONING: Suburban Residential One (SR-1)

DATE: November 8, 2000

### Proposal

The applicant is requesting variances for reduction in the required 30 foot front and rear yard setbacks for Lot 162 located in Lancashire Subdivision at Plantation Pointe. The .196 acre lot, located on a cul-de-sac on Wilshire Drive, is slightly pie shaped and is zoned Suburban Residential One (SR-1). The applicant desires to build a 3,547 square foot (2,134 sq. ft. of living space) single-family home on the property and requests that the front yard setback be reduced to 26 feet and the rear yard be reduced to 18 feet in order to accommodate the construction of a house with a deck. On September 13, 2000 the applicant requested a rear yard variance of four (4) feet for the construction of the home. This request was approved by the City of Union Board of Adjustment on this date.

The applicant submitted the following exhibits with the application:

- Exhibit A - Site plan for Lot 162.
- Exhibit B - Site plan for Lots 161, 162, and 163
- Exhibit C - List of adjacent property owners.

### Variance 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 a nuisance to the public, and will not allow an unreasonable circumvention of the requirements contained in the zoning regulations. In making these findings, the Board shall consider whether:

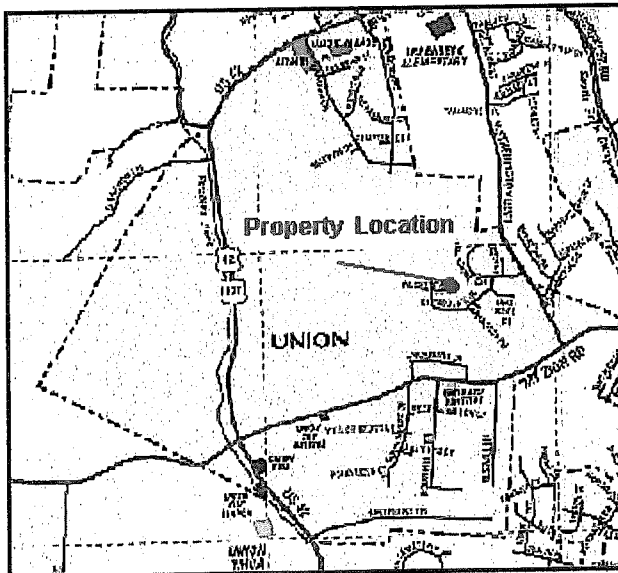
- a. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;
  - b. The strict application of the provisions contained in the regulations would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant;
  - c. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulations 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.

### Surrounding Land Uses and Zoning

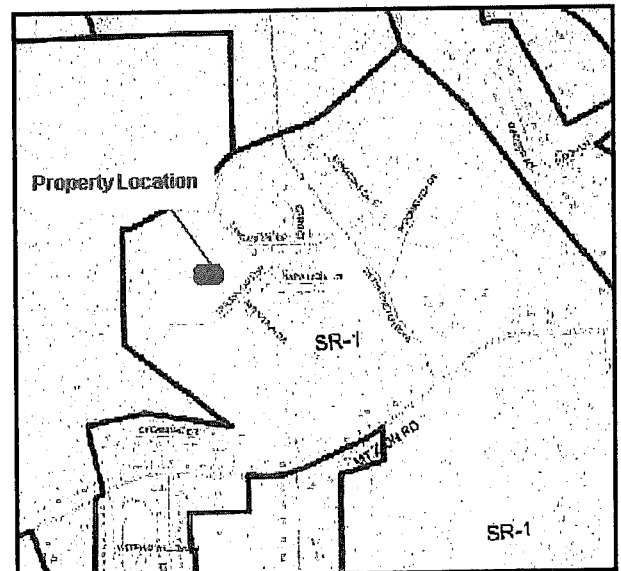
The property, Lot 162 at 1036 Wilshire Drive, is located in Lancashire Subdivision which is zoned Suburban Residential One (SR-1). Lots 161 and 163 to the east and west of the site are currently undeveloped. The parcel directly behind the property to the south is a common area containing a pond that will remain undeveloped. To the north of the site are several undeveloped lots and two newer single-family homes.

Location and zoning maps for Lot 162 (1036 Wilshire Drive) are provided below:

**Location Map**



**Zoning Map**



### Staff Concerns/Comments

1. The property located to the rear (south) of Lot 162 is a common area containing a pond. As this site will not be developed in the future, it is not anticipated that a twelve foot (12') or 40% departure from the regulations will adversely impact the character of the neighborhood or common area.

2. In some cases, front yard variances in residential neighborhoods may be detrimental to existing or future homes where consistent setbacks reinforce the character of a subdivision. For this reason, the applicant has provided a layout of Lots 161, 162, and 163 showing the future placement of homes upon these sites. The drawing shows that the placement of the home on Lot 162 is consistent with future adjacent structures and appears to be setback slightly more than the home on Lot 161 because of its location within a cul-de-sac. Therefore, it is not anticipated that a four foot (4') or 13% reduction of the front yard setback will adversely affect the character of the area.
3. The applicant has stated that none of the other home plans currently offered by the Ryland Group in the Lancashire subdivision will fit on Lot 162.

### Conclusion

KRS 100.241 and Section 250 of the Boone County Zoning Regulations gives the City of Union Board of Adjustment and Zoning Appeals the authority to grant the applicant's request for front and rear yard variances. It is the staff's opinion that granting the variances 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.

Respectfully submitted,

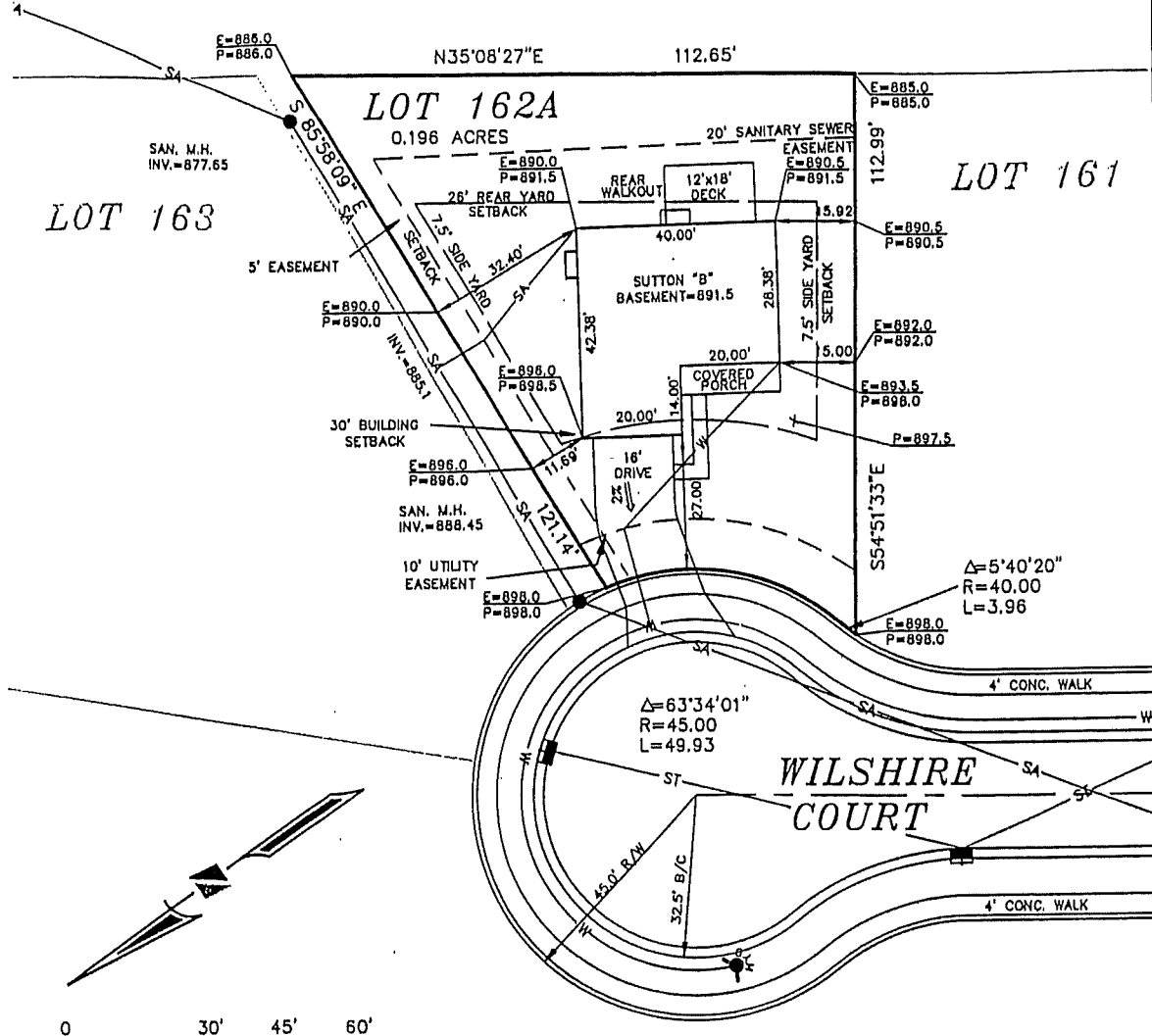


Lara B. Robertson, AICP

### Attachments

- Exhibit A - Site plan for Lot 162.
- Exhibit B - Site plan for Lots 161, 162, and 163
- Exhibit C - List of adjacent property owners.
- Exhibit D - Staff report from September 13, 2000 meeting.

OPEN SPACE



1. REVISION 10/9/00 CHANGED DECK SIZE.
2. REVISION 10/13/00 MOVED HOUSE UP 4' AND MOVED DECK.

NOTES:

1. EXISTING INFORMATION SHOWN HEREON WAS TAKEN FROM THE APPROVED IMPROVEMENT PLANS FOR LANCASHIRE SUBDIVISION SECTION FIVE.
2. BOUNDARY DIMENSIONS ARE SHOWN PER PLAT UNLESS OTHERWISE NOTED - THOSE RELYING ON THIS DOCUMENT ARE ADVISED TO OBTAIN INDEPENDENT VERIFICATION OF ITS ACCURACY BEFORE USING IT FOR ANY PURPOSE.
3. DOWNSPOUTS AND FOOTING FOUNDATION DRAINS ARE TO BE CONNECTED TO THE STORM SEWER OR DISCHARGED TO A CURB CUT OR DRAINAGE SWALE.
4. THIS PLOT PLAN WAS PREPARED AT THE REQUEST OF RYLAND HOMES AND IS TO BE USED SOLELY FOR THEIR PURPOSE AND INTENT ONLY.

DRAWN BY: JLT      JOB NO: C475  
 CHECK BY: \_\_\_\_\_      SCALE: 1" = 30'  
 DATE: 8/2/00      SUTTON (B)

**R.D. Zande & Associates**  
 10660 ASHVIEW PLACE  
 SUITE 110  
 CINCINNATI, OHIO 45242  
 (513)769-6009  
 FAX: (513)769-6030

PLOT PLAN FOR:  
**RYLAND HOMES INC.**

WATER SERVICE	46 L.F.
SANITARY LATERAL	29 L.F.
SIDEWALK	216 S.F.
DRIVEWAY	452 S.F.
SOD	3720 S.F.
APPROACH	162 S.F.

LOT 162A  
 LANCASHIRE  
 SECTION FIVE  
 CITY OF UNION  
 BOONE COUNTY, KENTUCKY

STATE OF KENTUCKY  
 J. TODD HENWOOD  
 3425  
 REGISTERED  
 LAND SURVEYOR

*J. Todd Henwood*  
 J. TODD HENWOOD, L.S., REG. SURVEYOR #3425

PREPARED BY:  
**R.D. Zande & Associates**

10660 ASHVIEW PLACE  
 SUITE 110  
 CINCINNATI, OHIO 45242  
 (513)769-5009  
 FAX: (513)769-5030

STATE OF KENTUCKY  
 TODD HENWOOD  
 3425  
 REGISTERED  
 LAND SURVEYOR

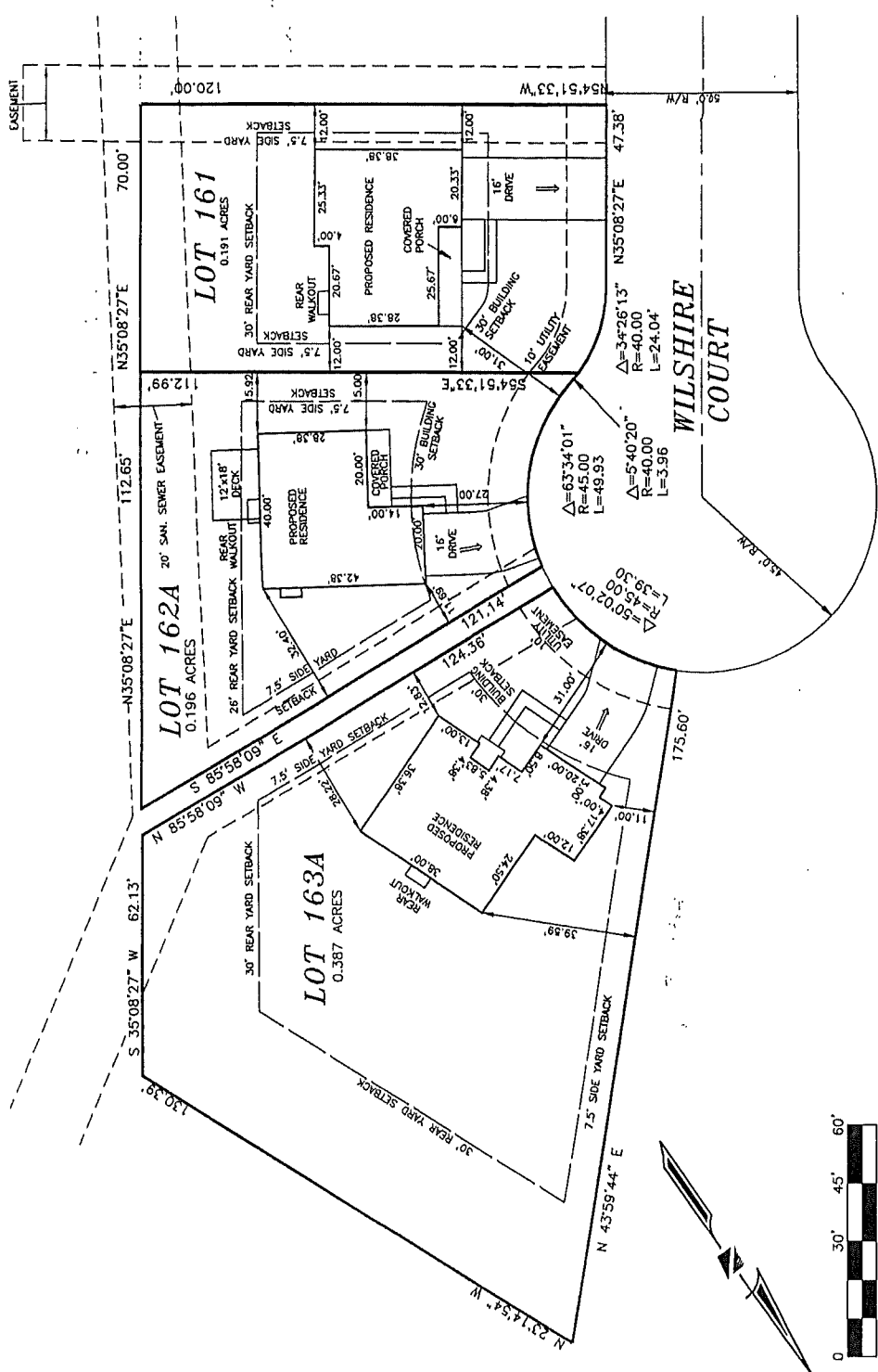


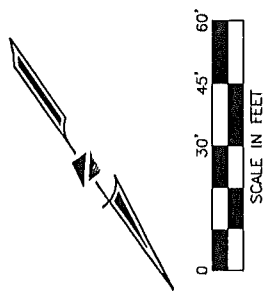
Exhibit of:

LOT 161  
 LANCASHIRE AT PLANTATION POINTE  
 & LOTS 162A & 163A  
 RESUBDIVISION LOTS 162, 163 &  
 B.O.A. PARCEL "A" SECTION FIVE  
 LANCASHIRE AT PLANTATION POINTE  
 PLAT SLIDE 556A  
 SECTION FIVE  
 CITY OF UNION  
 BOONE COUNTY, KENTUCKY

*J. Todd Henwood*  
 J. TODD HENWOOD, L.S., REC. SURVEYOR #3425

NOTE:  
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DRAWN BY: TLMW  
 CHECK BY: JK  
 DATE: 10/16/00  
 JOB NO: C4755  
 SCALE: 1" = 30'



**LIST OF ADJOINING PROPERTY OWNERS**

LOT 161 RYLAND HOMES

LOT 163A RYLAND HOMES

LOT 164 Wolfgang & Ingrid Funken 1303 Wilshire Ct.  
Union, KT 41091

LOT 165 Thomas A. Kisker 1307 Wilshire Ct.  
Union, KT 41091

LOT 166 A & K Enterprise, Inc. 1174 Mt. Zion Rd.  
Union, KT 41091 Attn: Raymond Erpenbeck

**STAFF REPORT**

APPLICANT: The Ryland Group

LOCATION: Lot 162 Lancashire Subdivision at Plantation Pointe  
1036 Wilshire Court, Union, Kentucky 41091

ZONING: Suburban Residential One (SR-1)

DATE: September 13, 2000

Proposal

The applicant is requesting a variance for a reduction in the required 30 foot rear yard setback for Lot 162 located in Lancashire Subdivision at Plantation Pointe. The .196 acre lot, located on a cul-de-sac on Wilshire Drive, is slightly pie shaped and is zoned Suburban Residential One (SR-1). The applicant desires to build a 3,547 square foot (2,134 sq. ft. of living space) single-family home on the property and requests that the rear yard setback be reduced to 26 feet.

The applicant submitted the following exhibits with the application:

- Exhibit A - Letter from Ryland Homes.
- Exhibit B - List of adjacent property owners.
- Exhibit C - Property deed.
- Exhibit D - Site plan for Lot 162.

Variance Regulations

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  - a. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;

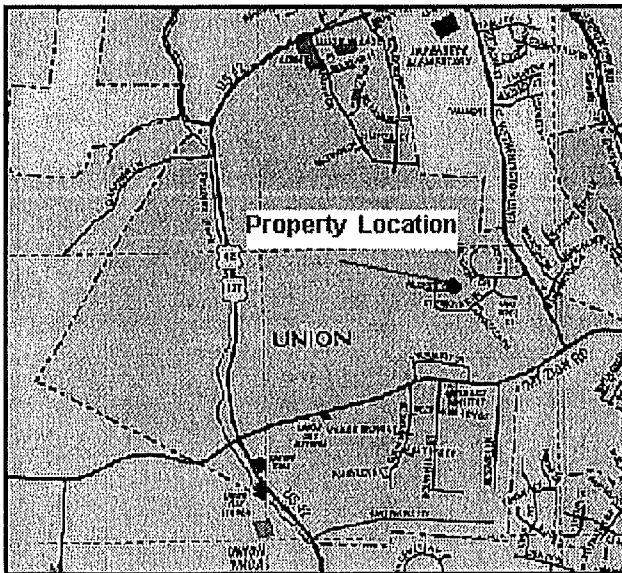
- b. The strict application of the provisions contained in the regulations would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant;
  - c. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulations 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.

**Surrounding Land Uses and Zoning**

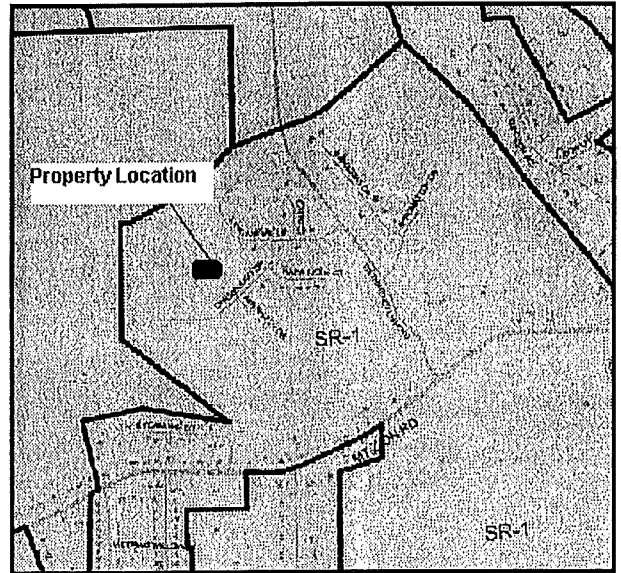
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**Location Map**



**Zoning Map**



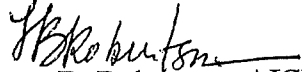
**Staff Concerns/Comments**

1. The property located to the rear (south) of Lot 162 is a common area containing a pond. As this site will not be developed in the future, it is not anticipated that the variance will adversely impact the character of the neighborhood or common area as the variance sought by the applicant is a minimal (4') departure from the required 30 foot rear yard setback.
2. The applicant has stated that none of the other homes offered by The Ryland Group will fit on Lot 162. Without a variance, the site cannot be developed given the number of house plans that Ryland currently offers.

## Conclusion

KRS 100.241 and Section 250 of the Boone County Zoning Regulations gives the Boone County Board of Adjustment and Zoning Appeals the authority to grant the applicant's request for a rear yard variance. The requested variance is to reduce the required rear yard setback from 30 feet to 26 feet. It is the 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.

Respectfully submitted,



Lara B. Robertson, AICP

## Attachments

- Exhibit A
- Exhibit B
- Exhibit C
- Exhibit D

COPY

CLUR #00-UBOA-002-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

The Ryland Group  
8600 Governor's Hill Dr., Suite 220  
Cincinnati, OH 45249

2. ADDRESS OF PROPERTY

Lot 162  
Union, KY 41091

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Plantation Pointe - Lancashire

4. DEED BOOK 779

PAGE NO. 331

GROUP NO. 2047

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

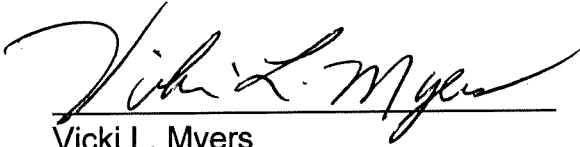
  
SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

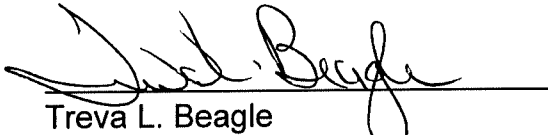
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the  
Boone County Planning Commission this 19 day of September, 2000.



Vicki L. Myers  
NOTARY PUBLIC, State at Large

My commission Expires:  
April 17, 2003

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 Union Board of Adjustments and in accordance with the current zoning in effect as of September 13, 2000 Certificate of Land Use Restriction (#00-UBOA-002-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 779

PAGE NO. 331

GROUP NO. 2047