

00 - UBOA - 003 - A

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 Florence Walton Union

(Check One)

 2. Conditional Use Permit Variance Appeal
 3. Change in Non-Conforming Use
 3. Applicant's Name RYLAND HOMES
 Phone Number (513) 677-2400 Fax No. (513) 677-2405
 Applicant's Address 8600 GOVERNOR'S HILL DR.
SUITE 220
 City CINCINNATI State OH Zip 45249
 4. Description of Request: VARIANCE FOR FRONT SET BACK OF 26'
FROM 30'
 5. Name of Development LANCASHIRE - PLANTATION POINT
 6. Location of Development LOT 162 A OF LANCASHIRE AT
PLANTATION POINT
 7. Acreage Under Review 0.196
 8. Lot Number and Name of Subdivision (if part of a subdivision)
162 A LANCASHIRE
 9. Owner of Property RYLAND HOMES
 Phone Number of Owner (513) 677-2400 10.
 Address of Property Owner 8600 GOVERNOR'S HILL DR. SUITE 220
 City CINCINNATI State OH Zip 45249
 11. Proposed Use(s) on Site NEW HOME
 12. Total Square Footage of Existing and/or Proposed Buildings 2134
 13. Current Zoning on Property SR1
 14. Deed Book 581/393 Page No. 192/147 Group No. 2097
 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: _____

Property Owner's Signature: _____

(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 10-18-00 Fee Received \$420.00 R# 25816
- 2. Is application complete? Yes No
- 3. Staff Reviewer _____
- 4. Scheduled Board Action Date Nov. 8, 2000
- 5. Board Action: **Approved**
 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: 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

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;

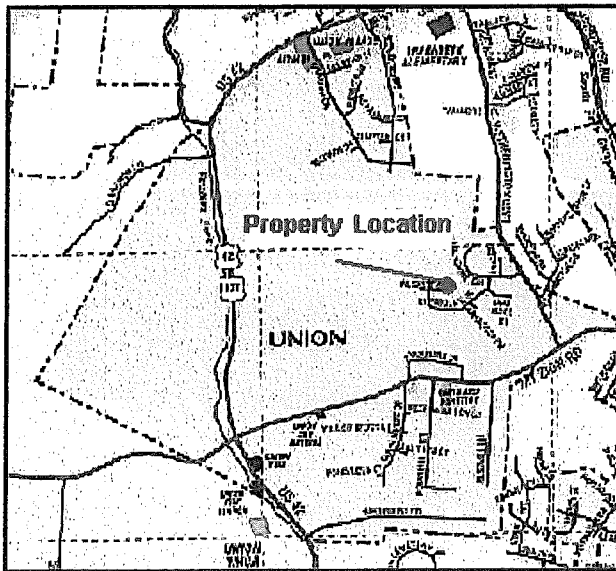
- b. The strict application of the provisions contained in the regulations would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant;
 - c. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the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

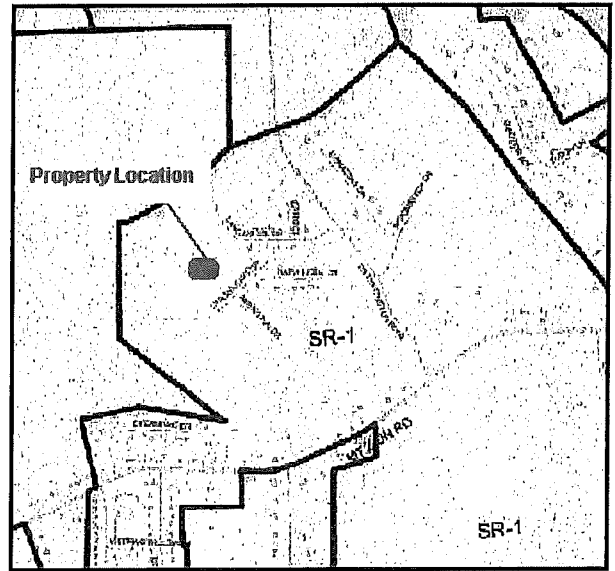
The property, Lot 162 at 1036 Wilshire Drive, is located in Lancashire Subdivision which is zoned Suburban Residential One (SR-1). Lots 161 and 163 to the east and west of the site are currently undeveloped. The parcel directly behind the property to the south is a common area containing a pond that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



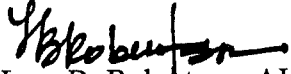
Staff Concerns/Comments

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 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

2 1 00

August 15, 2000

Boone County Planning Commission
2995 Washington Street
Burlington, KY 41005

Ohio Valley Division

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

513-677-2400 Office
513-677-2405 Fax

RE: Variance Request – Lot 162 in Lancashire

Dear Sir/Madam:

Ryland Homes is requesting that a variance to the rear yard setback for lot 162 in the Lancashire at plantation Pointe Subdivision be permitted. The buildable area resulting from current front and rear yard setbacks is not large enough to permit the proposed home to be constructed. In addition, Ryland's other homes currently offered in the subdivision do not fit on the lot as well.

Ryland is therefore requesting that a rear yard encroachment be permitted on lot 162 to allow for the home to be constructed. To the best of our knowledge none of the other lots pose a similar problem.

The area to the rear of the lot is a common area. This area is restricted from any type of residential dwelling being constructed on it.

I have enclosed with the Variance Request the following information:

- A preliminary plot plan showing how the house is to be configured on the lot.
- A copy of the recorded record plat showing the common space to the rear as well as the adjacent lots
- Owners of the adjacent properties
- Application fee check

If you have any questions, or need additional information, please call me at 513.677.2400.

Sincerely,

The Ryland Group, Inc.



Patrick J. Moone, PE
Land Resources Manager

Enclosures

ADJACENT PROPERTY OWNERS

Lot 161

The Ryland Group, inc.
8600 Governor's Hill Drive
Suite 220
Cincinnati, Ohio 45249

Lot 163

The Ryland Group, inc.
8600 Governor's Hill Drive
Suite 220
Cincinnati, Ohio 45249

Common Ground

Lancashire HOA
C/o Raymond Erpenbeck Engineers
4205 Dixie Highway
Elsmere, KY 41018

Lot 166

Raymond Erpenbeck Engineers
4205 Dixie Highway
Elsmere, KY 41018

Lot 165

Thomas Kisker
1307 Wilshire Court
Union, KY 45248

Group

00-0467

Sent 5/5/00

Warnerstone 122 Little Wayne Blvd
#600, Dover, KY 40304
Cite: 0445249

Group No. 4042 (all lots)
Plat Slide No. 556A

DEED

KNOW ALL MEN BY THESE PRESENTS:

That A & K Enterprise, Inc., a Kentucky corporation, for and in consideration of TWENTY - SEVEN THOUSAND TWO HUNDRED TEN DOLLARS AND 00/000 (\$27,210.00) to it paid by the Grantee herein, the receipt of which is hereby acknowledged, does hereby bargain, sell, and convey to the Grantee, **The Ryland Group, Inc., a Maryland corporation**, its successors and assigns forever, the following described Real Estate, in the County of **Boone** and Commonwealth of **Kentucky**, to-wit:

Group No.: 4042

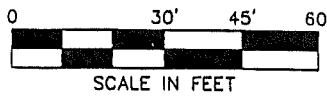
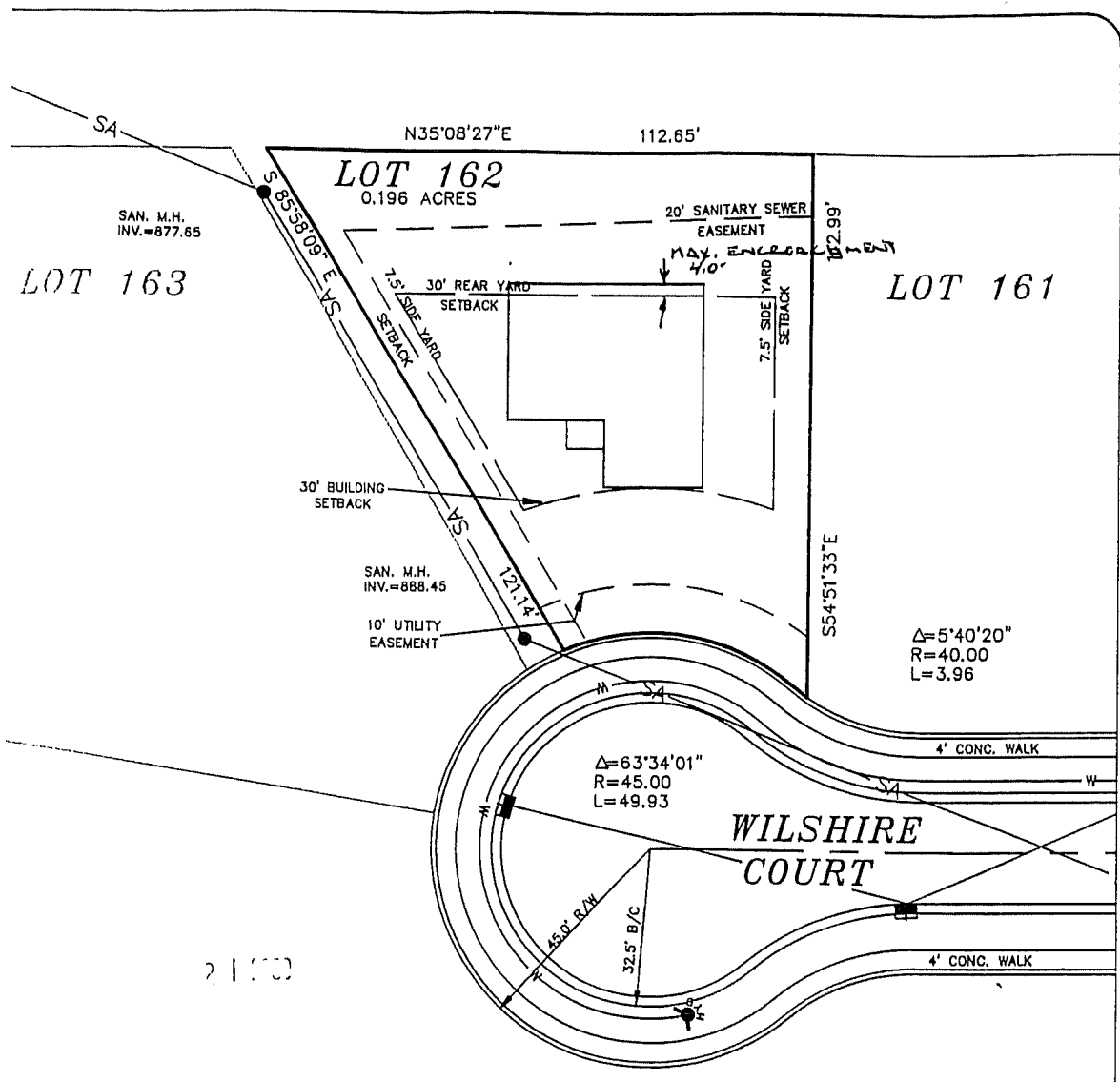
PROPERTY ADDRESS: 1306 Wilshire Court, Union, KY 41091

All of Lot No. 162, Section 5, Lancashire Subdivision at Plantation Pointe as recorded on subdivision plat therefor recorded in **Plat Slide No. 556A**, Boone County, Kentucky Clerk's records at Burlington, Kentucky.

Subject to covenants, conditions, restrictions and easements of record, including, but not limited to, those matters set forth on the above noted subdivision plat.

Further subject to the Declaration of Restrictive Covenants for Lancashire Subdivision, Section V, as recorded December 17, 1999 in **Miscellaneous Book 814, Page 42**, Boone County, Kentucky Clerk's records at Burlington, Kentucky.

Further subject to the Declaration of Covenants, Conditions and Restrictions and Reservation of Easements and Declaration for Homeowner's Association for Plantation Pointe as recorded **October 26, 1995**, in **Miscellaneous Book 521, Page 57**, Boone County, Kentucky Clerk's records at Burlington, Kentucky. And as amended by that certain First Amendment to Plantation Pointe Declaration of Covenants, Conditions and Restrictions and Reservation of Easements and



NOTES:

- EXISTING INFORMATION SHOWN HEREON WAS TAKEN FROM THE APPROVED IMPROVEMENT PLANS FOR LANCASHIRE SUBDIVISION SECTION FIVE.
- 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.
- DOWNSPOUTS AND FOOTING FOUNDATION DRAINS ARE TO BE CONNECTED TO THE STORM SEWER OR DISCHARGED TO A CURB CUT OR DRAINAGE SWALE.
- 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: TMW JOB NO: C475
 CHECK BY: SCALE: 1" = 30'
 DATE: 2/29/00 HANOVER (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	XX L.F.
SANITARY LATERAL	XX L.F.
SIDEWALK	XXX S.F.
DRIVEWAY	XXX S.F.
ROAD	XXXX S.F.
APPROACH	XXX S.F.

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

J. TODD HENWOOD, L.S., REG. SURVEYOR #3425

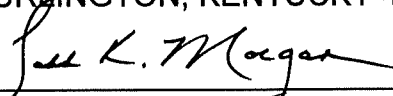
COPY

CLUR #00-UBOA-003-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Ryland Homes
8600 Governor's Hill Dr., Suite 220
Cincinnati, OH 45249
2. ADDRESS OF PROPERTY
Wilshire Ct.
Union, KY 41091
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Plantation Pointe
4. DEED BOOKS 581, 393 PAGES 192, 147 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)
- X Variances (2)
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



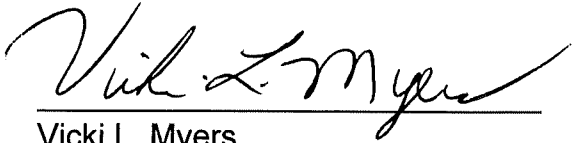
SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

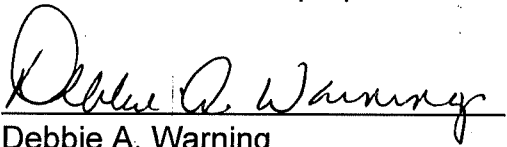
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 9 day of November, 2000.



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 Two (2) Variances approved by the Union Board of Adjustments and in accordance with the current zoning in effect as of November 8, 2000 Certificate of Land Use Restriction (#00-UBOA-003-A), for Ryland Homes, Property Owner(s).

The following conditions will apply:

No conditions.

The approved Two (2) Variances as well as the preceding conditions apply to the property described in:

DEED BOOKS 581, 393

PAGES 192, 147 GROUP NO. 2047