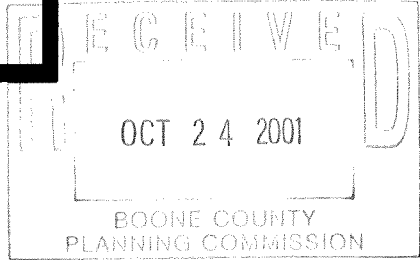


01-UBOA-001-A

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)

- 1. (Check One) Boone Florence Walton X Union
2. (Check One) Conditional Use Permit X Variance Appeal Change in Non-Conforming Use
3. Applicant's Name Mark Burgess Phone Number (513) 769-5009 Fax No. (513) 769-5030 Applicant's Address 11500 Northlake Drive, Suite 150 Cincinnati Ohio 45249
4. Description of Request: Building setback variance
5. Name of Development Lancashire
6. Location of Development City of Union
7. Acreage Under Review 0.225
8. Lot Number and Name of Subdivision (if part of a subdivision) Lot 137, Lancashire
9. Owner of Property Ryland Group, Inc. Phone Number of Owner (513) 677-2400 Address of Property Owner Cincinnati Ohio 45249
11. Proposed Use(s) on Site Residential
12. Total Square Footage of Existing and/or Proposed Buildings 1768 S.F.
13. Current Zoning on Property SR-1
14. Deed Book 798 Page No. 71 - 74 Group No. 2077
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: Mark Burgess

Property Owner's Signature: John Appelle Ryland Homes

(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 10-24-01 Fee Received \$432.00 12# 29479
- 2. Is application complete? _____ Yes _____ No
- 3. Staff Reviewer _____
- 4. Scheduled Board Action Date _____
- 5. Board Action:
12-5-01 **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
(859) 334-2196 - Phone
(859) 334-2264 - Fax
plancom@boonecountky.org - E-mail

www.boonecountky.org

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: Mark Burgess

LOCATION: Section 5, Lot 137, Lancashire at Plantation Pointe
(9789 Cherbourg Drive, Union, Kentucky)

ZONING: Suburban Residential One (SR-1)

DATE: December 5, 2001

Proposal

Mark Burgess is requesting a variance to reduce the required 30 foot front yard setback, for a parcel located at Section 5, Lot 137 of Lancashire at Plantation Pointe. The applicant has requested that the front yard setback be reduced by 5' so that a covered porch can be constructed onto the front of a single-family dwelling (see attachments).

Applicable Regulations

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

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.

Surrounding Land Uses and Zoning

The property, lot 137 on Cherbourg Drive, is located in Lancashire at Plantation Pointe and is zoned Suburban Residential One (SR-1). The proposed house is currently under construction. The property adjoins other single-family residential lots within the subdivision. A zoning map of the immediate area has been attached to the Staff Report.

Staff Comments

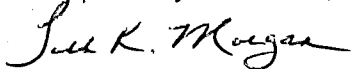
Ryland Homes received a Zoning Permit from the Planning Commission on September 6, 2001, to construct a house on the subject lot. The submitted plot plan indicated that the 30' front yard setback would be met. A covered porch was not shown on the submitted plot plan (see attachments).

Ryland Homes will need to take down the framing of the porch if the Variance is not approved.

Conclusion

KRS 100.241 and Section 250 of the Boone County Zoning Regulations gives the Union Board of Adjustment and Zoning Appeals the authority to grant the applicant's request for a front yard setback variance from 30 feet to 25 feet. It is Staff's opinion that granting the variance request would not adversely affect the public health, safety or welfare, would not alter the essential character of the general vicinity, and would not cause a hazard or a nuisance to the public.

Respectfully submitted,

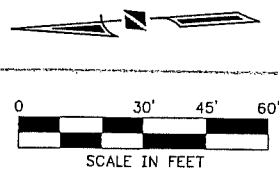
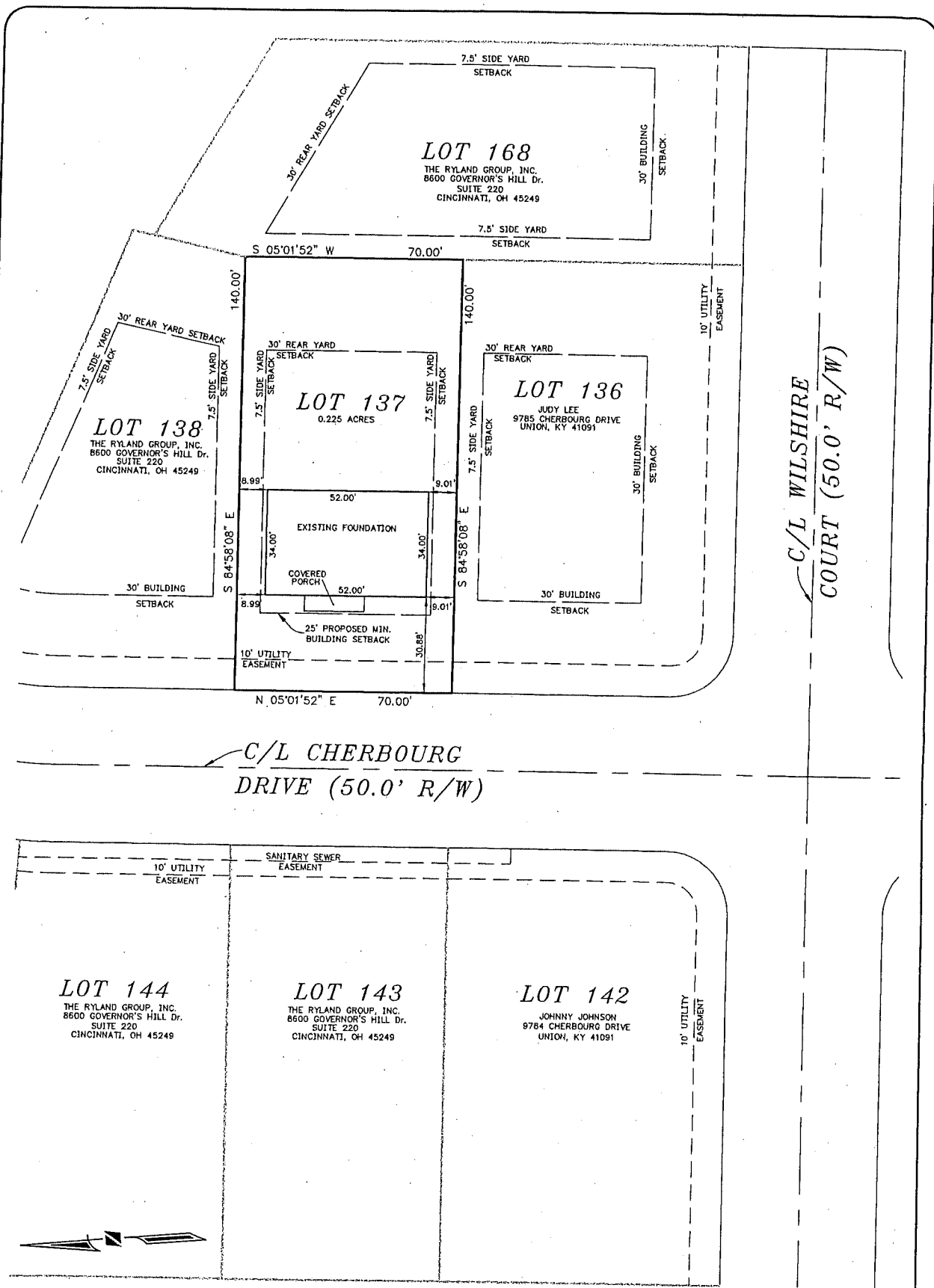


Todd K. Morgan, AICP
Planner, Zoning Services

TKM/pr

Attachments

- Exhibit A – Concept Plan
- Exhibit B – Zoning Map
- Exhibit C – Approved 9/6/01 Zoning Permit
- Exhibit D – Photos
- Exhibit E – Photos
- Exhibit F – Application



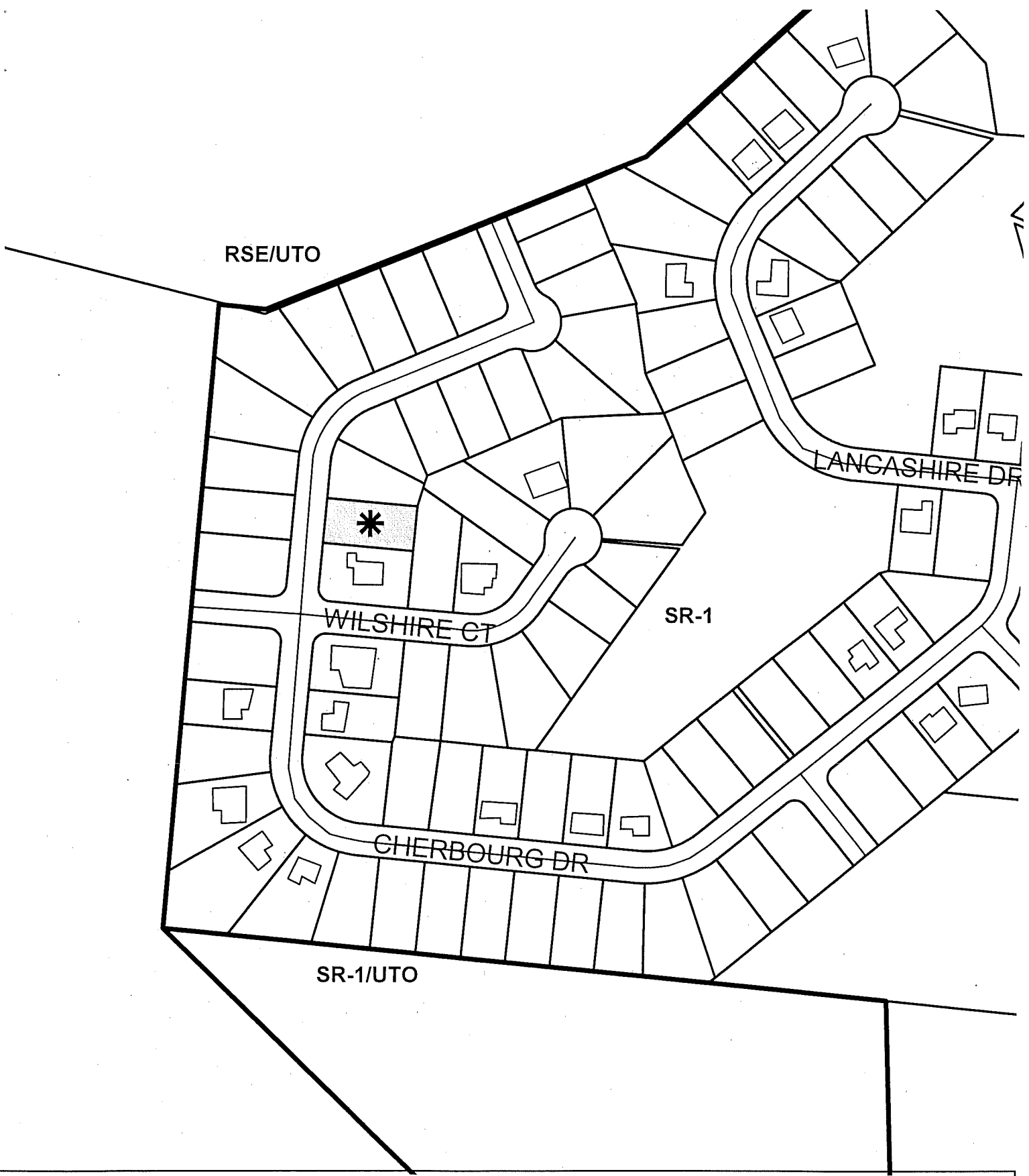
RECEIVED
 OCT 24 2001
 BOONE COUNTY
 PLANNING COMMISSION

**VARIANCE OF
 BUILDING SETBACK**

LOT 137
 LANCASHIRE SUBDIVISION
 SECTION 5
 CITY OF UNION
 BOONE COUNTY, KENTUCKY

DRAWN BY: TMW
 CHECK BY:
 DATE: 10/22/01
 JOB NO: C475
 SCALE: 1" = 30'
 LAKELAND (A)

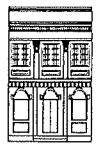
R.D. Zande
& Associates
 11500 NORTHLAKE DRIVE
 SUITE 150
 CINCINNATI, OHIO 45249
 (613)769-5009
 FAX: (613)769-6030

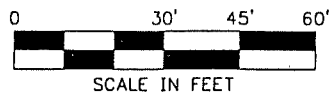


Mark Burgess Zoning Map

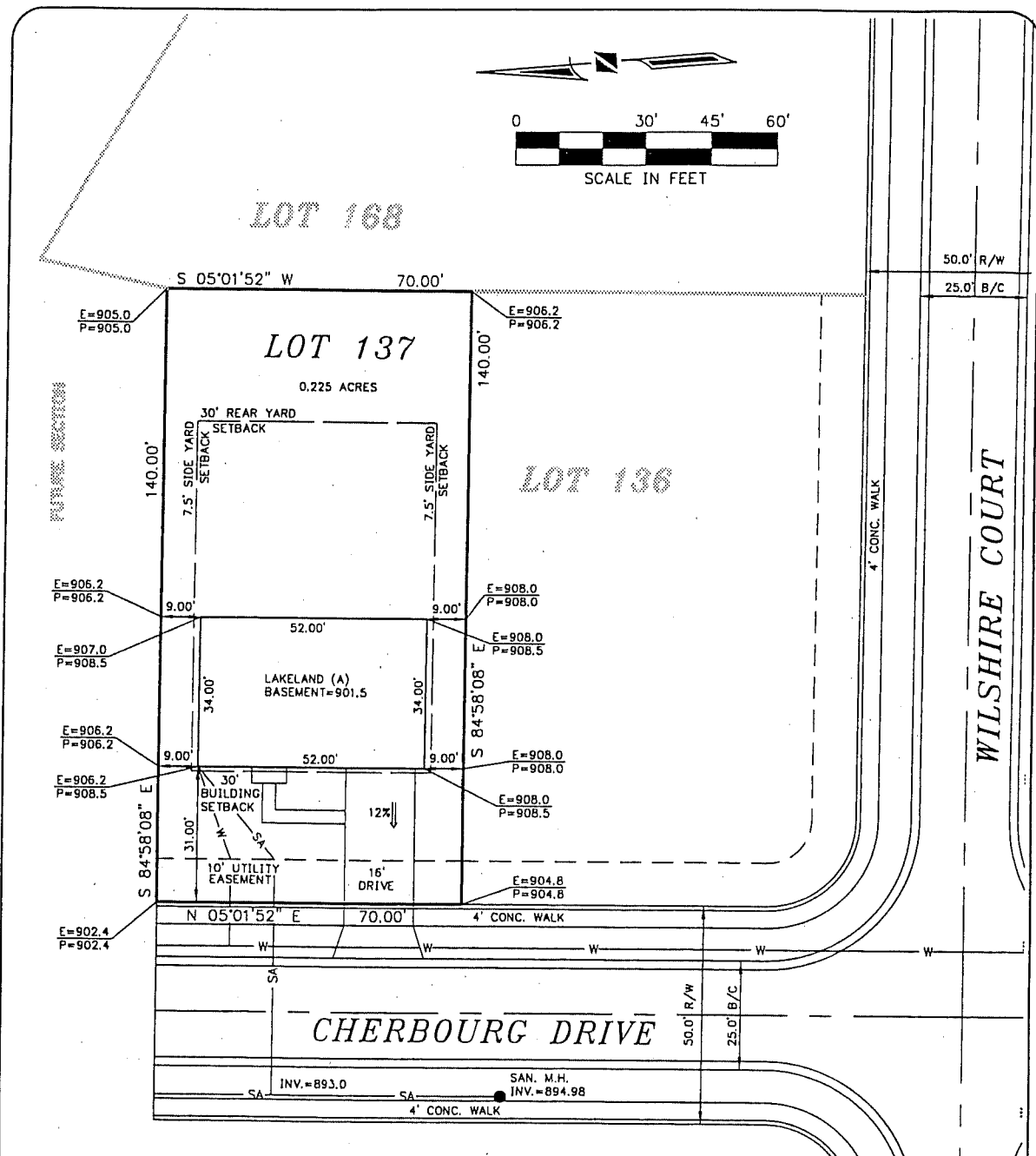
200 0 200 Feet

1 inch equals 200 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 November 13, 2001





LOT 168



NOTES:

1. EXISTING INFORMATION SHOWN HEREON WAS TAKEN FROM THE APPROVED IMPROVEMENT PLANS FOR LANCASHIRE SUBDIVISION SECTION 5.
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: DMC
 CHECK BY:
 DATE 08/23/01

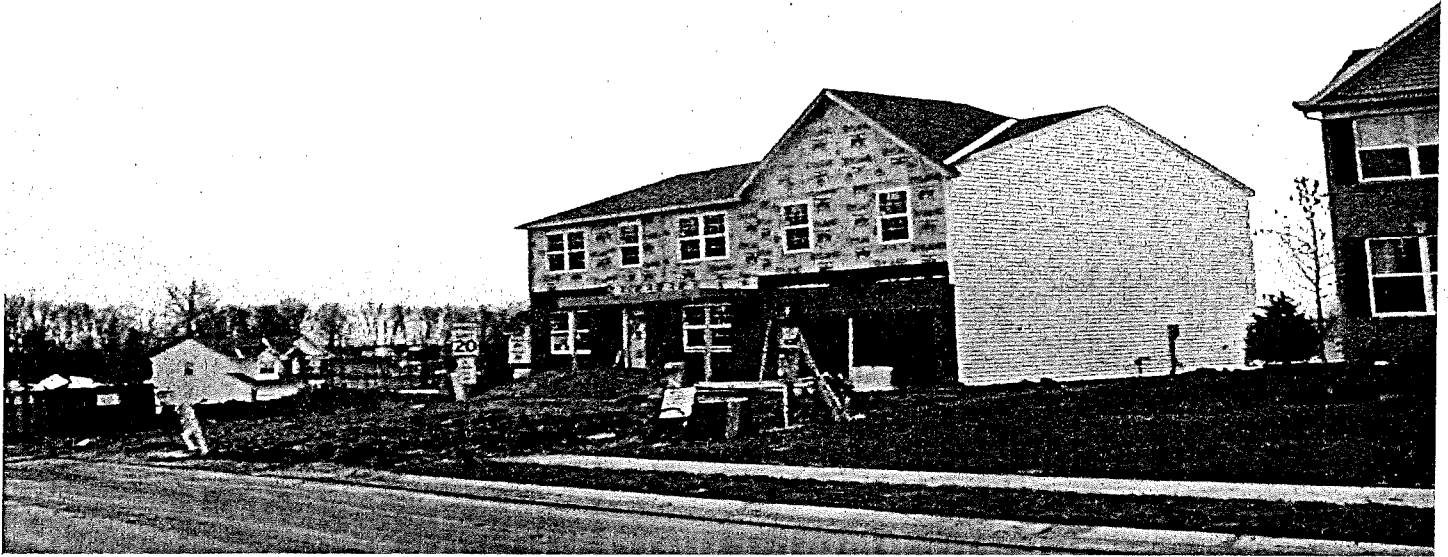
JOB NO: C475
 SCALE: 1" = 30'
 LAKELAND (A)

R.D. Zande & Associates
 11500 NORTHLAKE DRIVE
 SUITE 150
 CINCINNATI, OHIO 45249
 (513)769-5008
 FAX: (513)769-5030

WATER SERVICE	22 L.F.
SANITARY LATERAL	27 L.F.
SIDEWALK	280 S.F.
DRIVEWAY	496 S.F.
SOD	2181 S.F.
REAR SOD	5170 S.F.
APPROACH	162 S.F.

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

LOT 137
 LANCASHIRE SUBDIVISION
 SECTION 5
 CITY OF UNION
 BOONE COUNTY, KENTUCKY



View of Site from Cherbourg Drive



View of Site from Cherbourg Drive & Wilshire Court



View Across Cherbourg Drive



View Across Cherbourg Drive

APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

RECEIVED OCT 24 2001 BOONE COUNTY PLANNING COMMISSION

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

- (Check One) Boone Florence Walton Union
(Conditional Use Permit Variance Appeal)
Applicant's Name Mark Burgess
Phone Number (513) 769-5009 Fax No. (513) 769-5030
Applicant's Address 11500 Northlake Drive, Suite 150 Cincinnati Ohio 45249
Description of Request: Building setback variance
Name of Development Lancashire
Location of Development City of Union
Acreage Under Review 0.225
Lot Number and Name of Subdivision (if part of a subdivision) Lot 137, Lancashire
Owner of Property Ryland Group, Inc.
Phone Number of Owner (513) 677-2400
Address of Property Owner Cincinnati Ohio 45249
Proposed Use(s) on Site Residential
Total Square Footage of Existing and/or Proposed Buildings 1768 S.F.
Current Zoning on Property SR-1
Deed Book 798 Page No. 71 - 74 Group No. 4042
Is the site subject to a zone change? No
Have you submitted a Site Plan with this request? Yes
Have you submitted a list of adjoining property owners with this request? Yes
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: Mark Burgess

PROPERTY OWNER'S SIGNATURE: John Appelle Ryland Homes (over)

COPY

CLUR #01-UBOA-001-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Ryland Group, Inc.
8600 Governor's Hill Dr., Suite 220
Cincinnati, OH 45249

2. ADDRESS OF PROPERTY
Cherbourg Drive
Union, KY 41091
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Lot 137, Lancashire @ Plantation Pointe

4. DEED BOOK 798 PAGE NO. 71 - 74 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

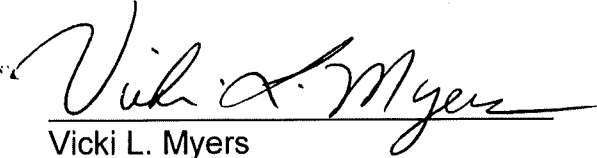

SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

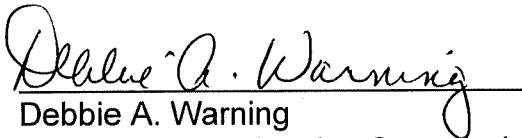
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 6 day of December, 2001.



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 Variance approved by the Union Board of Adjustments and in accordance with the current zoning in effect as of December 5, 2001 Certificate of Land Use Restriction (#01-UBOA-001-A), for 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 798

PAGE NO. 71 - 74

GROUP NO. 2047