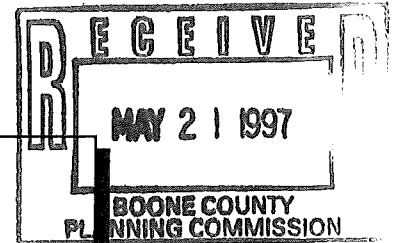


APPLICATION FORM



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 Union
2. (Check One) Conditional Use Permit Variance Appeal
3. Applicant's Name, Phone Number, Fax No., Applicant's Address
4. Description of Request: Variance of rear setback to 13' to allow addition of attached (elevated) deck.
5. Name of Development
6. Location of Development
7. Acreage Under Review
8. Lot Number and Name of Subdivision
9. Owner of Property, Phone Number of Owner
10. Address of Property Owner
11. Proposed Use(s) on Site
12. Total Square Footage of Existing and/or Proposed Buildings
13. Current Zoning on Property
14. Deed Book, Page No., Group No.
15. Is the site subject to a zone change?
16. Have you submitted a Site Plan with this request?
17. Have you submitted a list of adjoining property owners with this request?
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: David S Brown

Property Owner's Signature: David S Brown

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 May 21 1997 Fee Received 420.00 R# 13576
2. Is application complete? Yes Yes _____ No _____
3. Staff Reviewer [Signature]
4. Scheduled Board Action Date 6/30/97
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
(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: David & Tamra Brown
LOCATION: 9677 Capri Court, Union, Kentucky
ZONING: Suburban Residential One (SR-1)
DATE: June 30, 1997

Proposal

The applicant is requesting a Variance to allow a reduction in the rear yard setback on an approximate .3 acre tract, Lot 21, Lancashire at Plantation Pointe, Union, Kentucky. The Boone County Zoning Regulations requires a lot in an SR-1 zone to have at least a 30 foot rear yard setback between the structure and the property line. The applicant would like to construct a wooden deck on the back of the house. The construction of the deck as proposed would encroach the minimum rear yard setback by approximately 15 feet.

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 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 K.R.S. 100.241 to 100.47.

Variances are appropriate by reason of exceptional narrowness, shallowness, or unusual shape of a site on the effective date of the zoning regulations or amendment thereof or by reason of exceptional topographic conditions, or some other extraordinary situation or condition of the site. The literal enforcement of the above dimensional terms of the zoning regulation would deprive the applicant of reasonable capacity to make use of the land in a manner equivalent to the use permitted other landowners in the same zone. The dimensional terms pertaining to height, width and location involve such items as structures, parking space stalls, driveway aisles, and landscaped buffers and signs. Lot frontages, the size of yards and open spaces refer to minimum yard dimensions such as building setbacks.

Conclusion

K.R.S. 100.241 gives the Union Board of Adjustment and Zoning Appeals the authority to grant the applicant's request for a Variance to reduce the rear yard setback on the .3 acre tract of land, in order to construct a deck on the back of the applicant's house. It is Staff's opinion that the proposed 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. This opinion is based on the type of structure proposed by the applicant, the proposed location of the structure, and because the house was designed to have a raised deck.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Edward Coleman". The signature is stylized and cursive.

Edward Coleman
Planner

EC\par

Attachments

- Location Map
- Site Map
- Approved Zoning Permit
- Proposed Deck
- Letter from the Applicant
- Letters from Adjoining Property Owners

2047

U.S. 42

Union

Site

Plantation Pointe

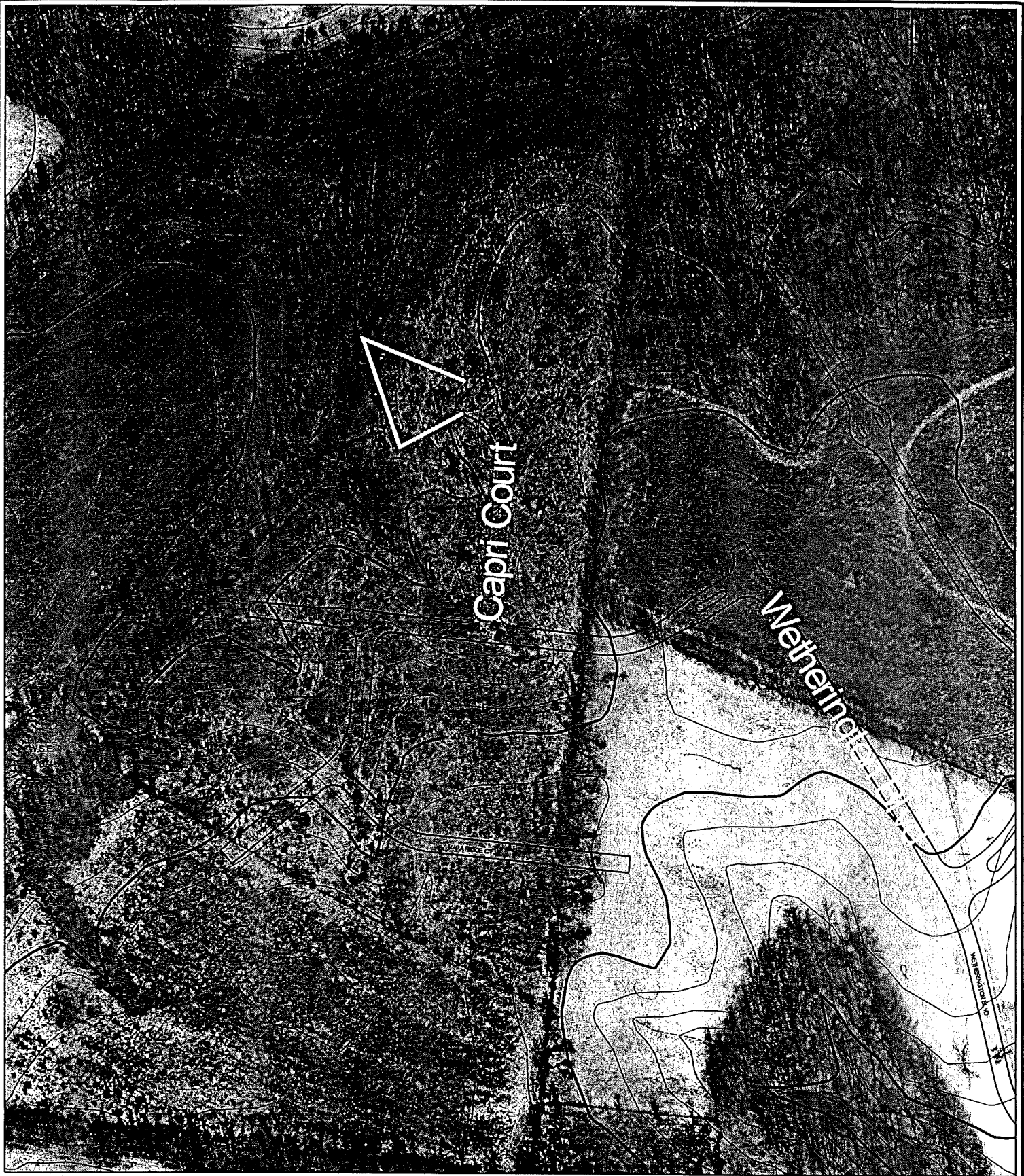
Mt Zion Road

Brown Property 9677 Capri Court

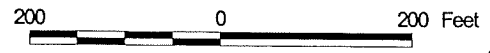
1200 0 1200 Feet

1 inch equals 1200 feet
Produced by the
Boone County Planning Commission
GIS Services Division
June 26, 1997





Brown Property 9677 Capri Court



1 inch equals 200 feet
Produced by the
Boone County Planning Commission
GIS Services Division
June 26, 1997



APPLICANT AND ADDRESS:

RYLAND HOMES

8600 GOVERNOR'S HILL DR. #220

PROPERTY OWNER AND ADDRESS:

CINCINNATI, OH 45249

I stand and agree that all construction work will be performed in accordance with this Zoning Permit and the Boone County Zoning Regulations and the Boone County Subdivision Regulations.

APPLICANT'S SIGNATURE:

Jusant. Crisco

DATE:

7-10-96

Phone Number:

679-2400

Review # _____

This Portion of the Application to be Completed
the Boone County Planning Commission

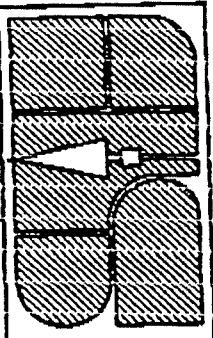
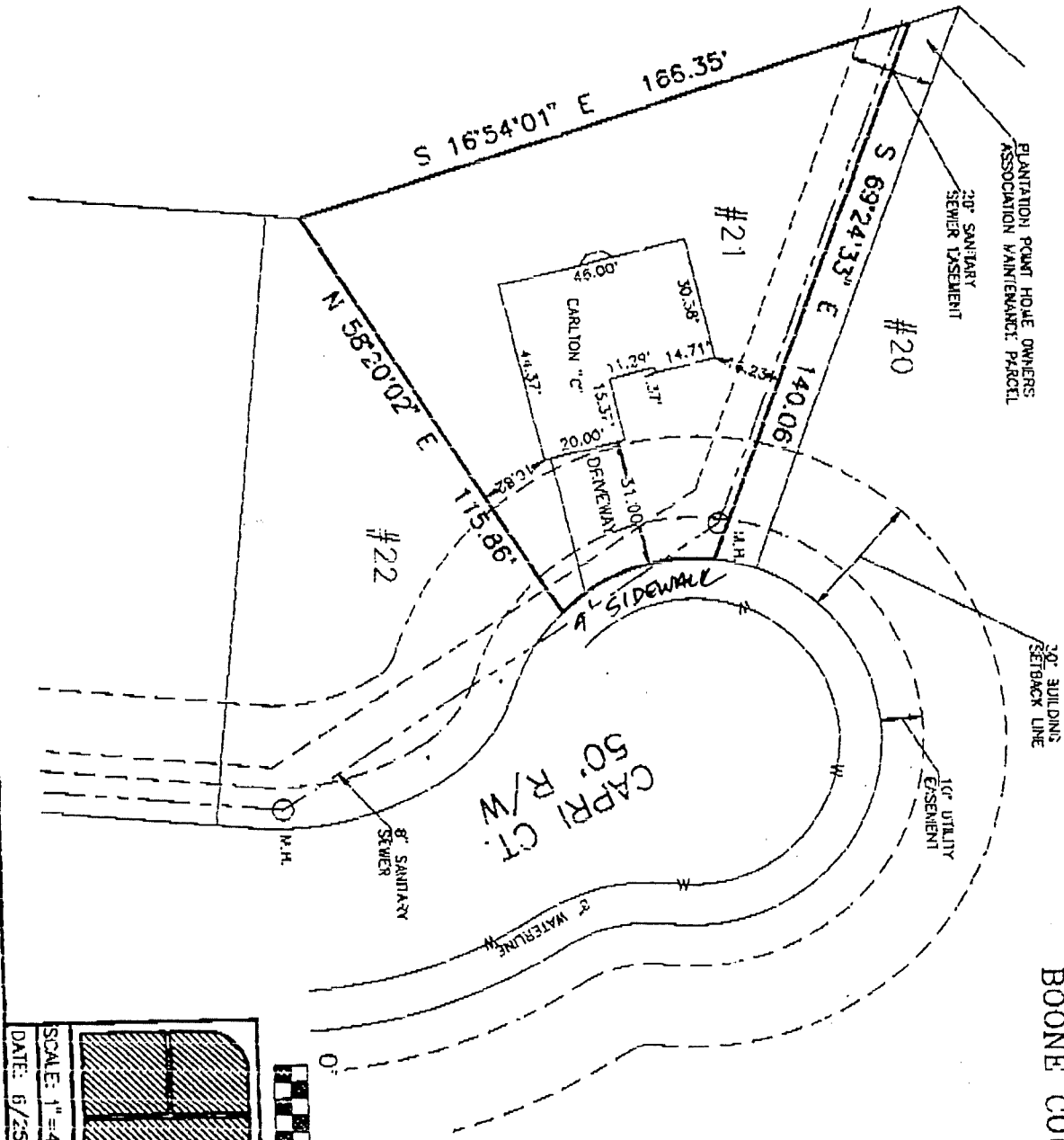
Zoning District	SR-1	Date	7/15/96	Fee	<input checked="" type="checkbox"/> \$30.00	<input type="checkbox"/> \$45.00
Approved	<input checked="" type="checkbox"/>	Denied	<input type="checkbox"/>	Paid	<input checked="" type="checkbox"/> \$10.00	<input type="checkbox"/> None
Staff Reviewer	<i>Edna Colburn</i>			Address/Location 9677 CAPRI CT.		
Subdivision LANCASTER AT PLANTATION POINTE						
Lot #	21	Section #		Block/Phase #		

RH
10712

Type of Improvement			
<input checked="" type="checkbox"/>	Single Family Residence	<input type="checkbox"/>	Detached Garage
<input type="checkbox"/>	Duplex	<input type="checkbox"/>	Garage Addition
<input type="checkbox"/>	Three Family	<input type="checkbox"/>	Porch or Deck
<input type="checkbox"/>	Apartment (# units ___)	<input type="checkbox"/>	Barn or Shed
<input type="checkbox"/>	Townhouse (# units ___)	<input type="checkbox"/>	Swimming Pool
<input type="checkbox"/>	Mobile Home	<input type="checkbox"/>	Tenant Finish
<input type="checkbox"/>	Residential Addition	<input type="checkbox"/>	Other _____
Jurisdiction			
<input type="checkbox"/>	Boone County	<input type="checkbox"/>	Florence
<input type="checkbox"/>	Walton	<input checked="" type="checkbox"/>	Union
Post Office			
<input type="checkbox"/>	Burlington	<input type="checkbox"/>	Florence
<input type="checkbox"/>	Walton	<input checked="" type="checkbox"/>	Union
<input type="checkbox"/>	Hebron	<input type="checkbox"/>	Verona
<input type="checkbox"/>	Petersburg	<input type="checkbox"/>	Erlanger
<input type="checkbox"/>	Crittenden	<input type="checkbox"/>	
Group # 2047 Reference Group # _____ Census Tract # 703.97			

RECEIVED
 JUL 12 1996
 BOONE COUNTY
 PLANNING COMMISSION

PLOT PLAN
 FOR
THE RYLAND GROUP
LANCASHIRE SECTION ONE
 LOT No. 21
 PLEASANT VALLEY ROAD
 BONE COUNTY, KENTUCKY



AMERICAN LAND SURVEYS
 6279 TRI-RIDGE BLVD.
 SUITE 310
 LOVELAND, OHIO 45140
 (513) 831-6080



REGISTERED PROFESSIONAL LAND SURVEYOR
 T. N. KOHLER
 2339

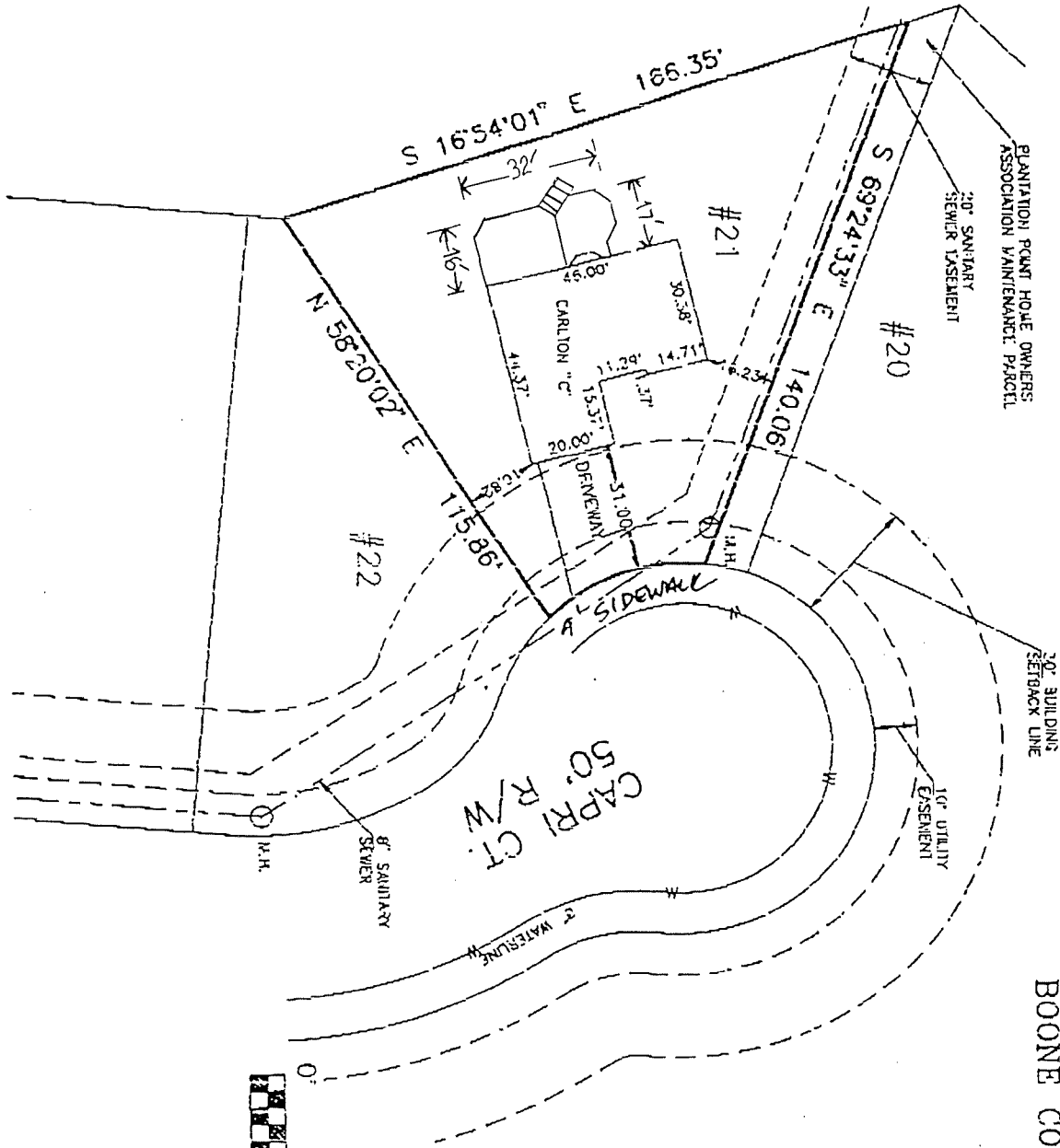


SCALE: 1"=40'
 DATE: 6/25/96
 DRAWN: DKY
 CHECKED: *[Signature]*
 JOB NO: 461421

Information on
 all use the lot
 be transferred
 1 "X" by items

TOTAL

PLOT PLAN
 FOR
 THE RYLAND GROUP
 LANCASHIRE, SECTION ONE
 LOT No. 21.
 PLEASANT VALLEY ROAD
 BOONE COUNTY, KENTUCKY



REGISTERED SURVEYOR
 STATE OF KENTUCKY
 T. N. KOHLER
 2339
 REGISTERED
 LAND SURVEYOR

June 25, 1997

Dear Mr. Coleman,

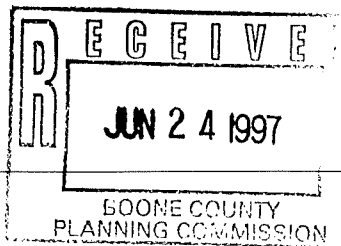
As previously discussed, we have had a family vacation planned for greater than six months and will not be able to attend the zoning appeals meeting on June 30, 1997.

We appreciate the assurance that we have received from you and Mr. Erpenbeck that this request for a variance in zoning should not be a problem. In addition, all adjoining property owners have verbalized their support in our seeking this variance of zoning in order to build our deck.

We appreciate your representing us in our absence on June 30, 1997. Please ask the board to make a decision on June 30, 1997 so that we may promptly continue the application process for obtaining a building permit.

Sincerely,

Jama and Paul Berry



RYLAND
HOMES

June 19, 1997

8600 Governor's Hill Drive
Suite 220
Cincinnati, Ohio 45249
513 677-2400 Tel
513 677-2405 Fax

Mr. Ed Coleman
Planner
Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005

RE: Variance Request by David and Mary Brown, 9677 Capri Court,
Union, Kentucky 41091

Dear Mr. Coleman:

We received your notice of the Variance Request filed by David and Mary Brown on the above referenced property. Please be advised that Ryland, as an adjacent property owner, has no objection to the granting of this variance and urges your approval of their request.

Please contact me at (513) 677-2400 if you have any questions or I can be of further service.

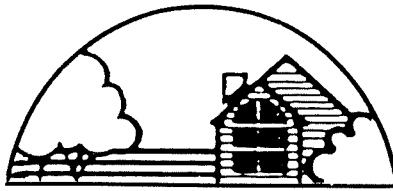
Respectfully yours,

A handwritten signature in cursive script, appearing to read "Gregg L. Hothem".

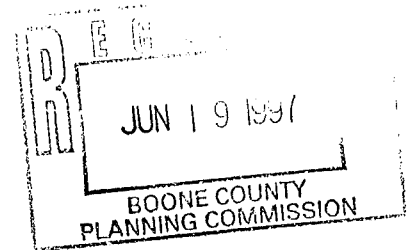
Gregg L. Hothem
Division President

cc: David and Mary Brown
Brian Moyer
Ann Cooper
Gary Howard

ERPS, INC.



dba ERPENBECK REAL PROPERTIES



June 18, 1997

Mr. Ed Coleman, Planner
Boone County Planning Commission
2995 Washington Street
Burlington, KY 41005

RE: Variance at 9677 Capri Court
Union, Kentucky

Dear Mr. Coleman:

This letter is to inform the City of Union's Board of Adjustment that, as an abutting property owner, we support David and Mary Brown in their request for a variance in the rear yard setback requirement and request that the variance be granted.

Sincerely,

Raymond Erpenbeck
Vice-President
ERPS, Inc.

COPY

CLUR # 97-UBOA-001-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER (S)

David S and Mary Tamra Brown
9677 Capri Court
Union Kentucky 41091

2. ADDRESS OF PROPERTY

9677 Capri Court
Union, Kentucky

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Lancashire at Plantation Pointe

DEED BOOK: 630

PAGE NO.: 169

GROUP NO.: 2047

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

Zoning Map Amendment:
From to

Conditional Use Permit

Development Plan

Conditional Zoning

Subdivision Plat
(Unrecorded)

Other: Site Plan

Variance

5. 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

Edward Coleman, Planner

Name and Title of Completing Official

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 June 30, 1997 Certificate of Land Use Restriction (# 97-UBOA-001-A), for David S. and Mary Tamra Brown. Property Owners

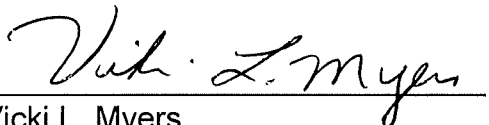
The following conditions will apply: 1).

The approved Variance as well as the preceding conditions apply to the property described in: DEED BOOK 630 PAGE NO. 169 Group No. 2047

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledge before me by Edward Coleman, on behalf of
the Boone County Planning Commission this 9th day of July 1997.

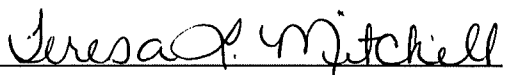


Vicki L. Myers
NOTARY PUBLIC, State at Large

My commission Expires:

April 17, 1999

This instrument was prepared for recording purposes only by:



Teresa L. Mitchell
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.)