

APPLICATION TO BOARD OF ADJUSTMENT

Variance

Paris- Bourbon County Joint Planning Commission

301 Main Street, Paris, KY 40361 • (859) 987-2150 • Fax (859) 987-2136

Office Use only:

Application No. VAR 19-07 Fee Amount: \$ 200.00 Date Fee Received: 6/11/19

1. APPLICANT Ben Royse Owner (if different) _____

MAILING ADDRESS 715 Home Bedford Rd Paris KY

PHONE NO. 859 / 983 - 5682 (HOME) _____ (WORK)

2. PLEASE CIRCLE: Paris / Bourbon County / Millersburg / North Middletown

Location 29 Kentucky Avenue

3. SUBDIVISION Rosedale?

4. EXISTING USE Empty Lot ZONING DISTRICT R-3

5. DESCRIPTION OF REQUEST sideyard setback variance requesting 5' on both sides.

7. SUPPORTING INFORMATION:

VARIANCE - Attach plans drawn to scale showing the dimensions and shape of the lot or land, the size and locations of existing buildings, the locations and dimensions of proposed buildings or additions, and any natural or topographic peculiarities of the lot in question. In order for a variance to be granted, the applicant must prove to the Board that the

following items are true: (Please attach these comments on a separate sheet) Refer to section 4.28 (Dimensional Variance) in Zoning Ordinance.

- A. Special conditions exist peculiar to the lot, land or building(s) in question.
- B. That a literal interpretation of the zoning ordinance would deprive the applicant of the rights enjoyed by other property owners.
- C. That the special conditions do not result from previous actions of the applicant.
- D. That the requested variance is the minimum variance that will allow a reasonable use of the lot, land or building(s).

CHECKLIST:

- Attach a Legal Description of the Property
- Attach a plan of the proposed variance (as described above)
- Attach a separate statement describing A-D
- Attach a narrative describing any prior actions taken by the Board of Adjustment on this property
- Attach a list of adjoining property owners (name and address)

I hereby certify that the information contained in this application and supporting attachments is true and correct. I acknowledge that the paid fee will not be returned after legal notices have been submitted. The filing fee covers the cost of public notice and the recording of a Land Use Restriction at the County Clerk's Office.

APPLICANT SIGNATURE

DATE

Applications under zoning regulations involve legal procedures and the satisfaction of legal requirements, often complex, based up the written information in your application and the facts presented at your hearing. If you fail to comply with the procedures, or to satisfy the requirements your application will be subject to denial. Even if your application is approved it could be subject to a neighboring landowners appeal to the Circuit Court. You are not required to employ an attorney but you are encouraged to do so.

To The Paris Board of Adjustments,

I recently purchased a vacant lot on Ky Ave that is a non-conforming lot. The lot is #13 in the Rosedale subdivision. Lot dimensions are 40' wide and 150' deep. Front and rear setbacks won't be an issue but side yards won't allow me to construct a residence that will be attractive and fit in with existing neighborhood. Im requesting a variance that would allow me to build within 5' of side property line. According to section 80.301.B.3 The Board of Adjustments can grant a variance that would allow construction of a structure with similar setbacks as the homes around it. I'm looking to build a 30' wide house that would need to be 5' off each side property line.

Thank you for your consideration,
Ben Royse

A handwritten signature in blue ink, consisting of a stylized initial 'B' followed by a long, horizontal, slightly wavy line extending to the right.

The Law Office Of
James M. Lovell

P.O. Box 521
509 Pleasant Street
Paris, Kentucky 40362-0521

JAMES M. LOVELL
jlovell@lovelllaw.net

Phone (859) 987-7535
Fax (859) 987-7359

May 14, 2019

Ben Royse
715 Hume Bedford Road
Paris, Kentucky 40361

Re: Title opinion on property
owned by Robert Himes, an
unmarried person
Property address:
Vacant lot #12, Kentucky
Avenue, Paris, Bourbon
County, Kentucky

Dear Mr. Royse:

Pursuant to your request I have examined the records in the Bourbon County Court Clerk's Office concerning the following described real property:

A certain tract or parcel of land on the west side of Kentucky Avenue in said Addition to said city. This lot has a frontage of 40 feet on said Kentucky Avenue and extends back 150 feet more or less, to an alley. This lot is shown on the plat of Rosedale as Lot No. 12, reference being made to said plat for a more particular description.

Being Lot #12 of the same property conveyed to Robert Himes, unmarried, by deed dated November 12, 1981, and of record in the Office of the Bourbon County Court Clerk in Deed Book 186, at Page 624.

My examination disclosed the following:

PRESENT OWNERS: Robert Himes c/o Gloria Himes of 534 Meadowview Drive, Paris, Kentucky 40361.

STATUS OF TITLE: Subject to the matters noted below, Robert Himes has marketable title to the herein described real estate.

MORTGAGES: The following mortgages are recorded against this real property in the Bourbon County Court Clerk's Office:

Subject to a mortgage in favor of Fifth Third Bank, Kentucky, Inc., dated June 11, 2001, in the original principal amount of \$25,000.00, due June 11, 2021, and of record in the Office of the Bourbon County Court Clerk in Mortgage Book 320, at Page 214.

TAXES: 2019 Ad Valorem taxes are not yet due and payable but constitute a lien against said property.

2018 State/County tax bill #4222 in the amount of \$178.98 was paid on November 8, 2018.

2018 City tax bill #1999 in the amount of \$48.59 was paid on October 15, 2018.

2018 School tax bill #1186 in the amount of \$336.69 was paid on October 9, 2018.

EASEMENTS AND RESTRICTIONS: Subject to easements, restrictions, set backs, etc. as set forth on that Plat of record in Deed Book 99, at Page 631.

SPECIAL CIRCUMSTANCES: None of record.

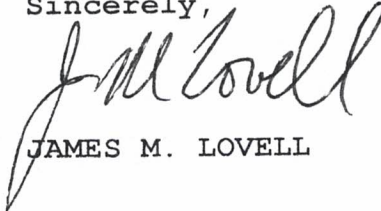
OTHER EXCEPTIONS: The opinion expressed herein that Robert Himes has marketable title to the herein described real estate excludes the following matters:

1. Planning and zoning regulations of the County of Bourbon, City of Paris, Kentucky.
2. Discrepancies which an accurate survey would reveal.

3. Circumstances which a visual inspection would disclose.

DATE OF EXAMINATION: This title examination report reflects the state of the Bourbon County Court Clerk's records for a period of thirty years to May 10, 2019 at 8:30 a.m.

Sincerely,

A handwritten signature in cursive script, appearing to read "J M Lovell". The signature is written in black ink and is positioned above the printed name.

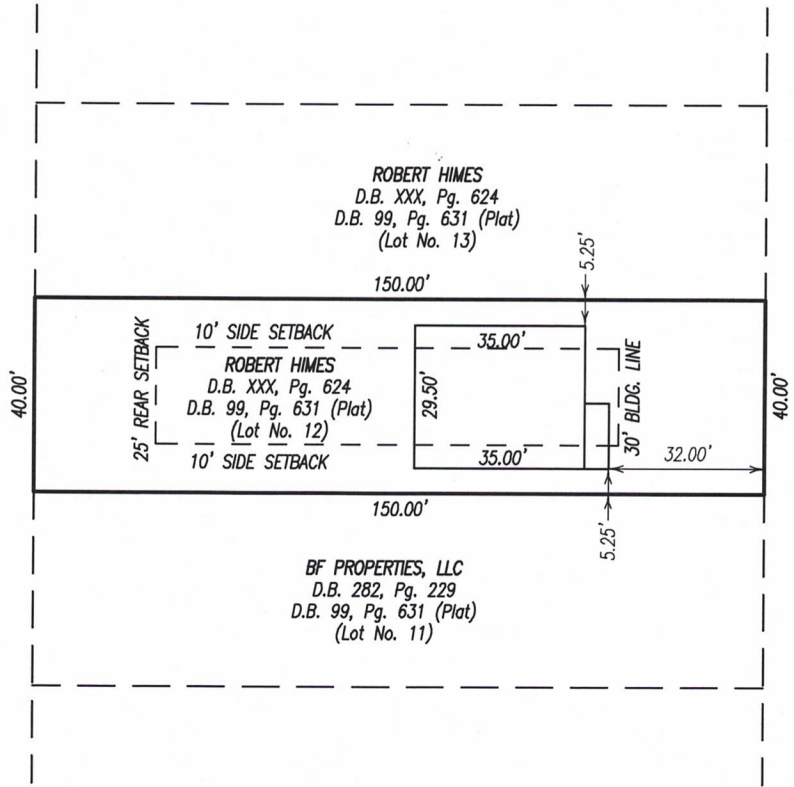
JAMES M. LOVELL

JML/tr

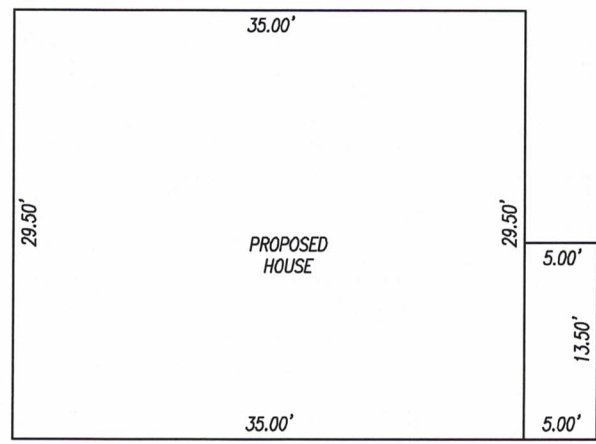
DONALD E. BROPHY
 BETTY J. BROPHY
 D.B. 174, Pg. 231
 D.B. 99, Pg. 631 (Plat)
 (Southerly 28' of Lot No. 46)

DONALD E. BROPHY
 BETTY J. BROPHY
 D.B. 174, Pg. 231
 D.B. 99, Pg. 631 (Plat)
 (Lot No. 45)

MAYE FRYER
 D.B. 299, Pg. 62
 D.B. 99, Pg. 631 (Plat)
 (Lot No. 44)



KENTUCKY AVENUE



STATE of KENTUCKY
 ALLEN PATRICK
 DARNELL
 3553
 LICENSED
 PROFESSIONAL
 LAND SURVEYOR

BUILDING PERMIT PLAT
 ROBERT HIMES
 %BEN ROYCE
 ROSEDALE SUBDIVISON
 #233 KENTUCKY AVENUE
 PARIS, KENTUCKY
 PREPARED: MAY 27, 2019
 BY: DARNELL ENGINEERING, INC.
 P.O. BOX 175
 CYNTHIANA, KENTUCKY 41031
 SCALE: 1" = 30'
 FILENAME: HIMESROYCE
 DRAWING NO: 19-4114

NOTES:

1. Property shown hereon is based on information of record in the Bourbon County Clerk's Office and does not reflect sufficient information necessary for a plat that is to be recorded.
2. Property shown here is the same as Lot 13 shown on plat of Rosedale Subdivision recorded at Deed Book 99, Page 631.
3. Property shown hereon is subject to any and all easements or right-of-way of record and in existence at the date of this drawing.
4. Property shown hereon is subject to those restrictions set forth by the Bourbon County Joint Planning Commission for its respective zoning classification.
5. Property is currently zoned Residential (R-3).



Physical Address 233 KENTUCKY AVE
Mailing Address HIMES ROBERT
231 E MAIN ST
PARIS KY 40362

Physical Address 227 KENTUCKY AVE
Mailing Address BF PROPERTIES LLC
PO BOX 149
PARIS KY 40362

Physical Address 220 CREEKVIEW DR
Mailing Address FRYER MAYE
220 CREEKVIEW DR
PARIS KY 40361

Physical Address 222 CREEKVIEW DR
Mailing Address BROPHY BETTY J
222 CREEKVIEW DR
PARIS KY 40361

Physical Address 226 KENTUCKY AVE
Mailing Address
POLLITT JACKIE D & SHARON L
236 KENTUCKY AVE
PARIS KY 40361