

# 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 20-01 Fee Amount: \$ 200<sup>00</sup> Date Fee Received: 1/29/20  
1. APPLICANT Brad Royse Owner (if different) \_\_\_\_\_

MAILING ADDRESS 715 Hume Bedford Rd Paris KY 40361

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

2. PLEASE CIRCLE: Paris / Bourbon County / Millersburg / North Middletown  
Location 229 KP Ave

3. SUBDIVISION Rosedale

4. EXISTING USE Empty lot ZONING DISTRICT \_\_\_\_\_

5. DESCRIPTION OF REQUEST variance for front yard setback to be reduced from 30' to 20' to match existing homes on KP Ave.

### 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

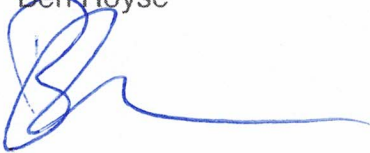
Applications under zoning regulations involve legal procedures and the satisfaction of legal requirements, often complex, based up the written information in your application and the facts presented at your hearing. If you fail to comply with the procedures, or to satisfy the requirements your application 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 20' of the front of the front property line to match existing homes of the rest of KY Ave. The current building line is a 30' setback which puts me about 10' behind all other homes on the street. Homes on either side are between 15' to 20' off of the front property line. In July of 2019 the board allowed side yards to be reduced to match other side yard on the street. The south side was reduced from 10' to 5' and the north side was reduced from 10' to 3'.

Thank you for your consideration,

Ben Royse

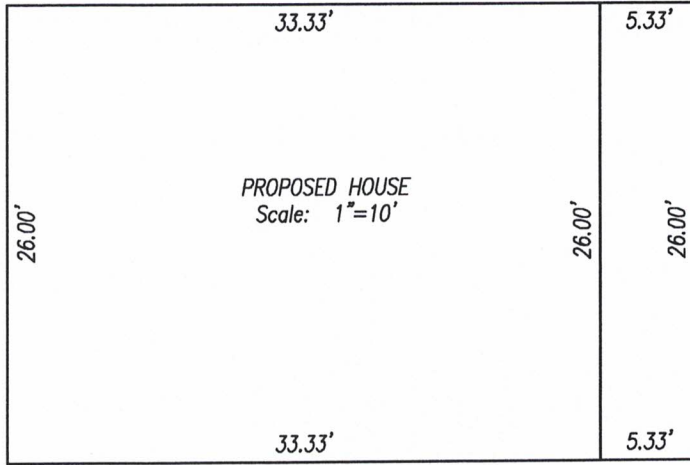
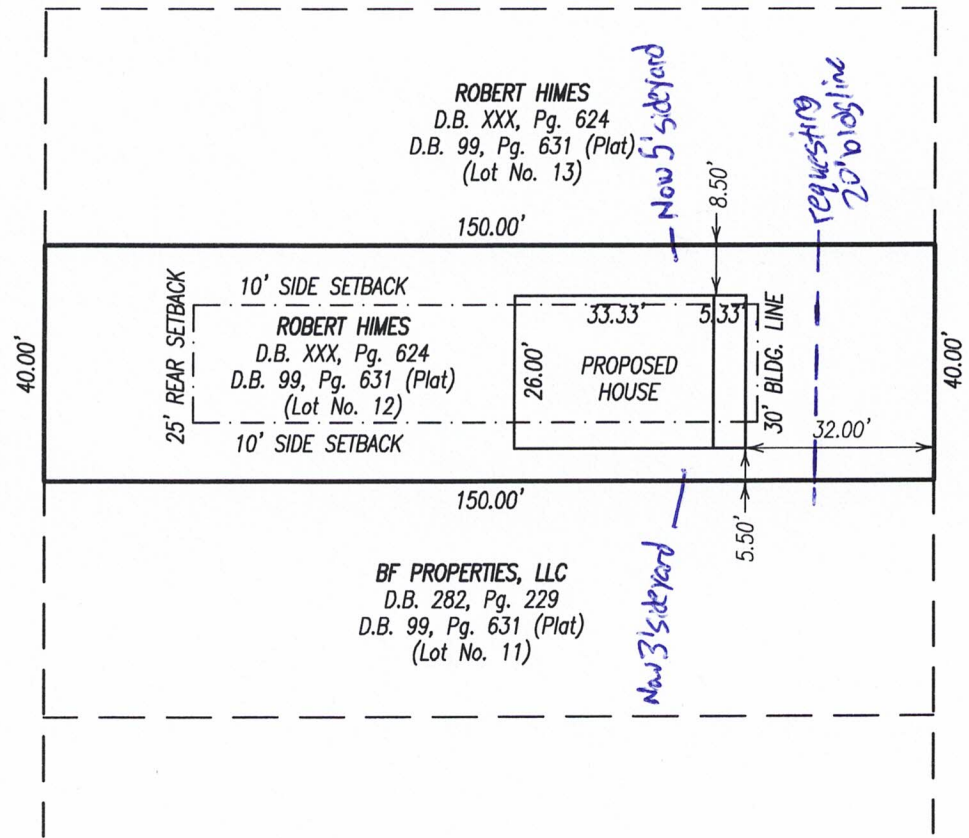
A handwritten signature in blue ink, appearing to be 'Ben Royse', with a long horizontal flourish extending to the right.

KENTUCKY AVENUE

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)



STATE of KENTUCKY  
 ALLEN PATRICK  
 DARNELL  
 3553  
 LICENSED  
 PROFESSIONAL  
 LAND SURVEYOR

BUILDING PERMIT PLAT  
 ROBERT HIMES  
 %BEN ROYCE  
 ROSEDALE SUBDIVISION  
 #233 KENTUCKY AVENUE  
 PARIS, KENTUCKY  
 PREPARED: MAY 27, 2019  
 BY: DARNELL ENGINEERING, INC.

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).
6. Dimensional sideyard variances were granted by the City of Paris Variance Board.

BOURBON COUNTY JOINT PLANNING OFFICE  
PARIS MUNICIPAL BUILDING  
525 HIGH STREET, Room 127  
PARIS, KENTUCKY 40361

PHONE # 859-987-2150

FAX #859-987-4640

**CERTIFICATE OF LAND USE RESTRICTION**

Bourbon County     City of Paris     Millersburg     North Middletown

Meeting: Tuesday, July 16, 2019

**NAME & ADDRESS OF PROPERTY  
OWNER(S)**

Ben Royse  
715 Hume Bedford Road  
Paris KY 40361

**NAME & ADDRESS OF APPLICANT  
(if different from owner)**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**ADDRESS OF PROPERTY**

229 Kentucky Avenue  
Paris KY 40361

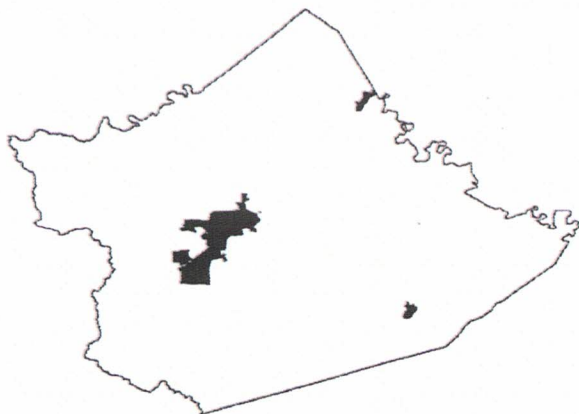
**NAME OF SUBDIVISION OR  
DEVELOPMENT (if applicable)**

\_\_\_\_\_  
\_\_\_\_\_

**TYPE OF RESTRICTION(S) (Check all that apply):**

Conditional Use Permit: \_\_\_\_\_  
 Variance    Type of Variance:    Side setbacks: 5' on south side, 3' on north side

*NAME & ADDRESS OF PLANNING COMMISSION, BOARD OF ADJUSTMENT, LEGISLATIVE BODY OR  
FISCAL COURT WHICH MAINTAINS THE ORIGINAL RECORDS CONTAINING THE RESTRICTION:*



Bourbon County Joint Planning Commission  
525 High Street, Room 127  
Paris, Kentucky 40361

\_\_\_\_\_  
Andrea Pompei Lacy, Planning Administrator  
*Name & Title of Completing Official*

SECOND FLOOR  
FINISHED CEILING

8'-0"

SECOND FLOOR  
FINISHED FLOOR

FIRST FLOOR  
FINISHED CEILING

9'-0"

FIRST FLOOR  
FINISHED FLOOR



**FRONT ELEVATION**  
SCALE: 1/4"=1'-0"

SECOND FLOOR  
FINISHED CEILING

8'-0"

SECOND FLOOR  
FINISHED FLOOR

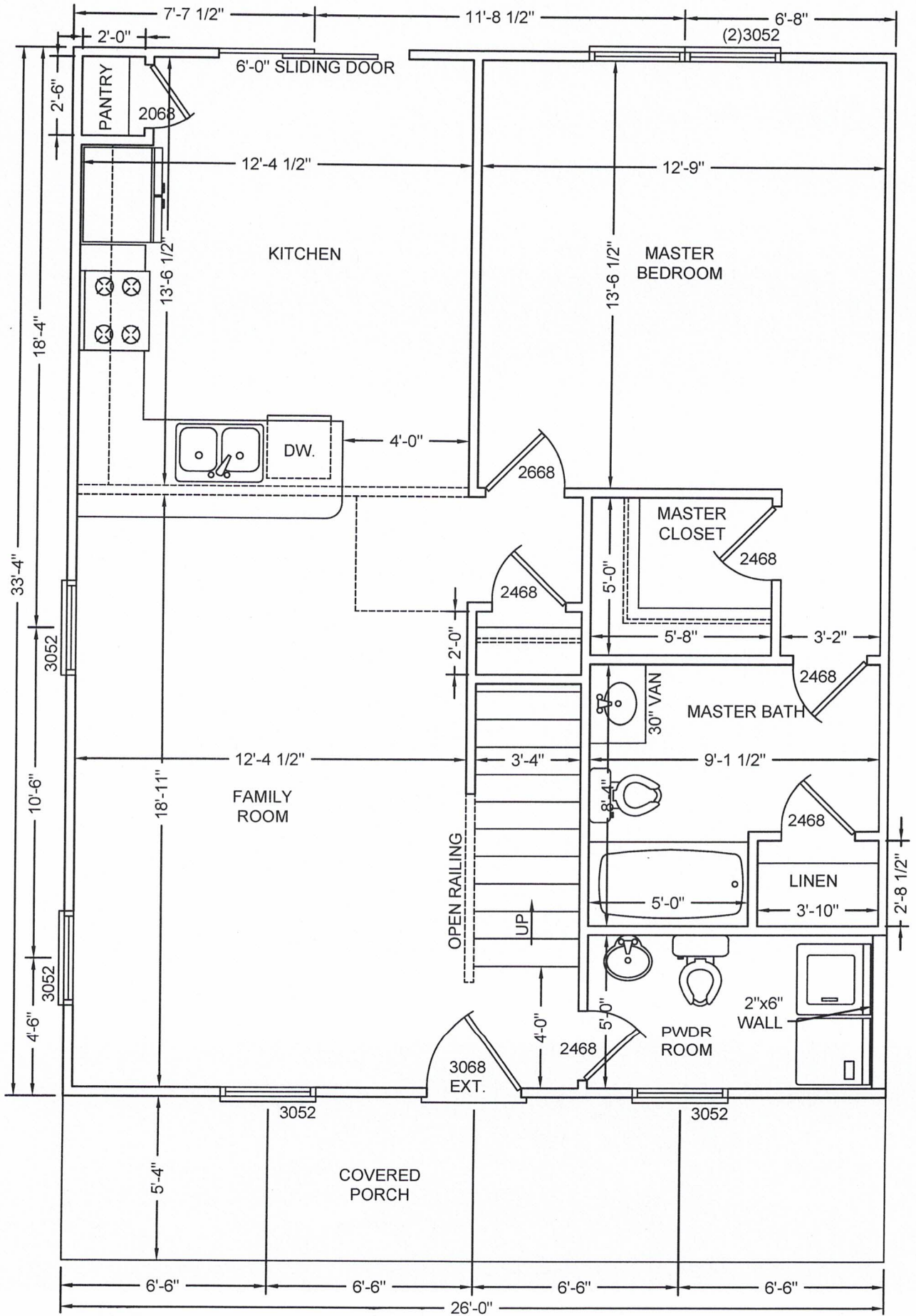
FIRST FLOOR  
FINISHED CEILING

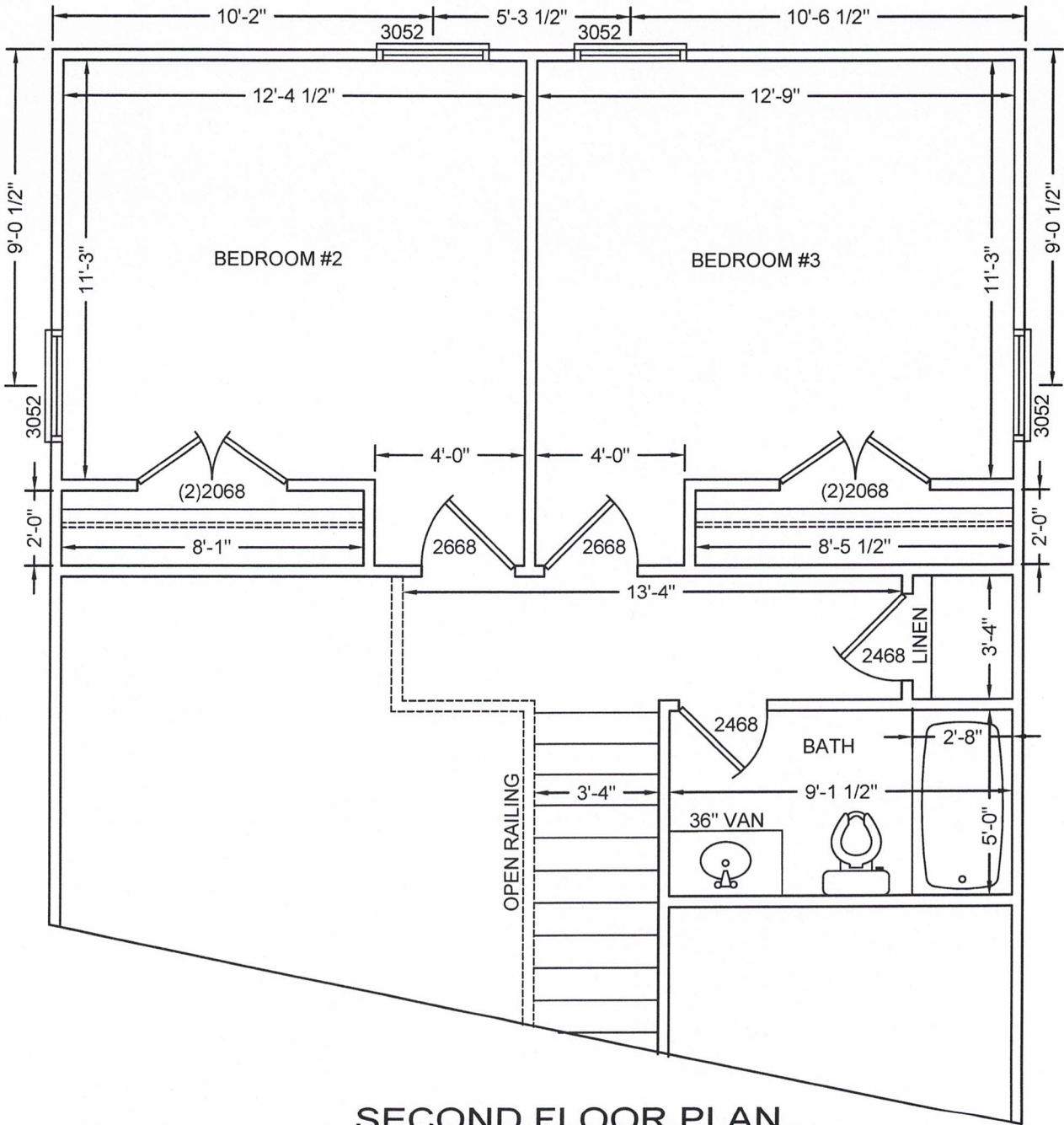
9'-0"

FIRST FLOOR  
FINISHED FLOOR



**REAR ELEVATION**  
SCALE: 1/4"=1'-0"





## SECOND FLOOR PLAN

SCALE: 1/4"=1'-0"

480 sq. ft. OUTSIDE STUDS

DEED

THIS DEED made and entered into this 14 day of May, 2019, by and between GLORIA HIMES, GUARDIAN FOR ROBERT HIMES, of 534 Meadowview Drive, Paris, Kentucky 40361, party of the first part, and BEN ROYSE, a married person, of 715 Hume Bedford Road, Paris, Kentucky 40361, party of the second part;

W I T N E S S E T H:

For and in consideration of the sum of FOURTEEN THOUSAND DOLLARS (\$14,000.00) paid to the party of the first part by the party of the second part, the receipt of all of which the party of the first part hereby acknowledges, the party of the first part hereby bargains, sells and conveys unto the party of the second part, in fee simple, his heirs and assigns forever, the following described real property located in Bourbon County, Kentucky:

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. Gloria Himes is

RECORDED FOR RECORD  
RICHARD STIPP EADS  
BOURBON COUNTY CLERK  
19 JUN 21 PM 4:24

authorized pursuant to authority set out in the Order of the Bourbon District Court entered in Action #11-H-52-001 on April 9, 2019 pursuant to KRS 389A.010. A certified copy of said Order is attached hereto.

TO HAVE AND TO HOLD the above described property together with all appurtenances and privileges thereunto belonging, unto the parties of the second part, in fee simple, his heirs and assigns forever, with Covenant of GENERAL WARRANTY subject, however, to easements and restrictions of record.

The property tax bills for the year 2019 should be sent in care of Ben Royse at 715 Hume Bedford Road, Paris, Kentucky 40361.

IN TESTIMONY WHEREOF the party of the first part has hereunto signed her hand on this date which is first above written.

*Gloria Himes Guardian For Robert Himes*  
 \_\_\_\_\_  
 GLORIA HIMES, GUARDIAN FOR  
 ROBERT HIMES

COMMONWEALTH OF KENTUCKY  
 COUNTY OF BOURBON

The foregoing instrument was acknowledged before me this the 14 day of May, 2019 by Gloria Himes, Guardian for Robert Himes, as first party herein.

*[Signature]*  
 \_\_\_\_\_  
 NOTARY PUBLIC-STATE AT LARGE, KY.  
 My Commission expires: 1/10/2020

CERTIFICATE OF CONSIDERATION

The undersigned, ROBERT HIMES, Grantor herein and BEN ROYSE, Grantee herein, do hereby certify, pursuant to K.R.S. 382, that the above stated consideration in the amount of \$14,000.00 is the true, correct and full consideration paid for the property herein conveyed.

Gloria Himes Guardian For Robert  
GLORIA HIMES, GUARDIAN FOR ~~Himes~~ BEN ROYSE, Grantee  
ROBERT HIMES, Grantor

COMMONWEALTH OF KENTUCKY  
COUNTY OF BOURBON

Subscribed and sworn to before me by Gloria Himes, Guardian for Robert Himes, on this the 14 day of May, 2019.

J M Lovell  
NOTARY PUBLIC-STATE AT LARGE, KY.  
My Commission expires: 1/10/2020

COMMONWEALTH OF KENTUCKY  
COUNTY OF BOURBON

Subscribed and sworn to before me by Ben Royse, a married person, on this the 14 day of May, 2019.

J M Lovell  
NOTARY PUBLIC-STATE AT LARGE, KY  
My Commission expires: 1/10/2020

THIS INSTRUMENT PREPARED BY:

J M Lovell  
JAMES M. LOVELL  
Attorney at Law  
P.O. Box 521  
509 Pleasant Street  
Paris, Kentucky 40362-0521  
(859) 987-7535

COMMONWEALTH OF KENTUCKY  
BOURBON DISTRICT COURT  
CASE NO. 11-H-52-001

ENTERED  
ATTEST: TRINA B. HUSTON, CLERK  
APR 10 2019  
BOURBON CIRCUIT/DISTRICT COURT  
BY                      DEPUTY

COMMONWEALTH OF KENTUCKY

PETITIONER

VS.

ORDER

ROBERT HIMES

RESPONDENT

\* \* \* \* \*

This matter coming on before the Court on the Motion of the Petitioner and Guardian, Gloria Himes, on behalf of Robert Himes, an Order having been entered herein on February 22, 2019 authorizing the sale of the Respondent's real property located at 233 Kentucky Avenue, Paris, Kentucky 40361, the Court having been advised by Counsel that a contract and sale was entered into by the Guardian for the sale of the above mentioned property of which Lot 13 of Rosedale Addition is to be sold for \$28,000.00 and Lot 12 of Rosedale Addition is to be sold for \$14,000.00 and the Court being sufficiently advise,

IT IS HEREBY ORDERED that pursuant to KRS 389A.010 the Guardian, Gloria Himes, on behalf of Robert Himes, be and is hereby granted the power to sell the real property identified as Lot 13 Rosedale Addition for the sum of \$28,000.00 and the real property identified as Lot 12 of Rosedale Addition for \$14,000.00, both of which lots composed the real property located at 233 Kentucky Avenue, Paris, Kentucky. Said real property is more fully

described in Exhibit A attached hereto and made a part hereof by reference.

This is a Final Order.

Witness my signature this 9 day of April, 2019.

*Mary Jane Phelps*

JUDGE BOURBON DISTRICT COURT

TENDERED BY:

*J M Lovell*  
HON. JAMES M. LOVELL

HAVE SEEN:

*G. Davis Wilson*  
HON. G. DAVIS WILSON  
Bourbon County Attorney

I, TRINA B. HUSTON, CLERK OF THE BOURBON  
CIRCUIT/DISTRICT COURT DO CERTIFY THAT THE  
FOLLOWING ARE TRUE AND CORRECT COPIES OF  
THE order to sell property  
AS RECORDED IN THE OFFICE OF THE CIRCUIT/  
DISTRICT CLERK OF BOURBON COUNTY. IN  
TESTIMONY WHEREOF WITNESS MY HAND AS  
CLERK AND FOR SAID THIS THE 13 DAY  
OF May 2019  
Trina B. Huston CLERK  
BY: Cuc D.C.

EXHIBIT "A" - PROPERTY DESCRIPTION

That certain lot, together with the four-room house thereon and all other improvements, situated on the west side of Kentucky Avenue, in the City of Paris, Kentucky, on which it fronts 40 feet and extends back 150 feet to a twelve foot alley and is designated as Lot No. 13 of the plat of Rosedale Addition to said city, to which plat reference is hereby made for a more particular description.

Also 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 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.

State of Kentucky, County of Bourbon, Sct.  
I, RICHARD STIPP EADS, Clerk of Bourbon County Court, do certify that the foregoing

*Marshall*  
was, on the 19 day of June, 2001  
at 3:53 P.M., lodged in my office for record,  
and that it has been duly recorded in my said office, together with this and the certificate thereon endorsed. Given under my hand.

*Richard Stipp Eads, BCC*

STATE OF KENTUCKY  
COUNTY OF BOURBON, Sct.  
I, RICHARD STIPP EADS, Clerk of Bourbon County Court,

do certify that the foregoing DEED  
was on 6/21/2019 lodged in my office for record,  
and that it has been duly recorded in my said office,  
together with this and the certificate thereon endorsed.

Given under my hand.  
RICHARD STIPP EADS, CLERK

*Richard Stipp Eads, BCC*



**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