

APPLICATION FORM

**BOARD OF ADJUSTMENT  
AND  
ZONING APPEALS ACTION  
BOONE COUNTY PLANNING COMMISSION**

**FIVE (5) SCALED COPIES AND ONE (1) 11X17 REDUCTION OF SUBMITTED DRAWINGS ARE REQUIRED**

See Boone County Zoning Regulations

RECEIVED  
81964  
JUL 20 2020  
BOONE COUNTY  
PLANNING COMMISSION

**SECTION A (To be completed by applicant)**

- (Check One)  
 1. Boone  Florence  Walton   Union
- (Check One)  
 2.  Conditional Use Permit  Variance  Appeal  
 Change in Non-Conforming Use
3. Applicant's Name Phil Freihofer (PTF Property Management, LLC)  
 Applicant's Address 8449 Saint Louis BLVD  
Union KY 41091  
 City State Zip
4. Phone Number 859-743-3490 Fax No. \_\_\_\_\_ E-Mail p.freihofer@fuse.net  
 Description of Request: Rear set back variance of  $\approx$  8'6" to build a porch roof over existing concrete Pufros
5. Name of Development Wysteria Village  
 6. Location of Development 321/323 Wysteria Village Dr.  
Florence, KY 41042
7. Acreage Under Review \_\_\_\_\_  
 8. Lot Number and Name of Subdivision (if part of a subdivision)  
Lot 68 Wysteria Village
9. Owner of Property Phil Freihofer - PTF Property Management, LLC  
 Address of Property Owner 8449 Saint Louis BLVD Union KY 41091  
 City State Zip
10. Phone Number 859-743-3490 Fax No. \_\_\_\_\_ E-Mail p.freihofer@fuse.net  
 11. Proposed Use(s) on Site Duplex Community
12. Total Square Footage of Existing and/or Proposed Buildings \_\_\_\_\_  
 13. Current Zoning on Property \_\_\_\_\_  
 14. Deed Book 1079 Page No. 936 Group No. 2058  
 15. Is the site subject to a zone change? \_\_\_\_\_  
 If yes, give date of approval \_\_\_\_\_
16. Have you submitted a Site Plan with this request? w/ Zoning permit application  
 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.

**ORIGINAL Property Owner's Signature:** Phil Freihofer  
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

**ORIGINAL Applicant's Signature:** Phil Freihofer  
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

**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 7-20-20 Fee Received \$666.00 Receipt # 81964
2. Is application complete?  Yes  No
3. Staff Reviewer M. Schwartz
4. Scheduled Board Action Date 8/12/2020
5. Board Action:  
 **Approved**  
 **Approved with Conditions (See #6)**  
 **Denial (See #7)**
6. Conditions of Approval: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
7. Reasons for Denial: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Boone County Planning Commission  
Boone County Administration Building  
2950 Washington Street, Room 317  
P.O. Box 958  
Burlington, Kentucky 41005  
(859) 334-2196 - Phone  
(859) 334-2264 - Fax  
plancom@boonecountyky.org - E-mail  
[www.boonecountyky.org](http://www.boonecountyky.org) - Web Page**

**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

#5

APPLICANT: PTF Property Management LLC, per Phil Freihofer

LOCATION: 321-323 Wysteria Village Drive, Boone County, Kentucky

ZONING: Suburban Residential Two (SR-2)

DATE: August 12, 2020

### PROPOSAL

The applicant is requesting a Variance to reduce the minimum required rear yard setback from thirty (30) feet to twenty-one (21) feet to allow the construction of a roofs over the existing porches.

### SITE HISTORY

2009 On October 20, 2009, the Boone County Planning Commission approved a zoning permit to allow the construction of a duplex dwelling.

### APPLICABLE REGULATIONS

- A. Section 250 of the Boone County Zoning Regulations states that one of the duties of the Board of Adjustment is to hear and decide on applications for variances.
- B. Section 250 of the Boone County Zoning Regulations defines a variance 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 KRS 100.241 to 100.247.
- C. The Board should evaluate the request as it relates to the criteria necessary for granting a Variance as stated in Section 251 of the Boone County Zoning Regulations.
  1. Findings listed in Section 251:
    - a. 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 of the zoning regulations. In making these findings, the board shall consider whether:

- (1) The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;
  - (2) The strict application of the provisions of the regulations would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant;
  - (3) The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.
- b. 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.
- D. Section 3110 of the Boone County Zoning Regulations requires a minimum rear yard setback of thirty (30) feet in the SR-2 district.
- E. Section 3123 of the Boone County Zoning Regulations states that open structures such as porches which occupy space three (3) or more feet above the general ground level of the yard shall be considered part of the building to which attached and shall not project into the required minimum rear yard.
- F. Section 940 of the Boone County Zoning Regulations states that the “purpose of the Suburban Residential Two district is to provide a more compact, but essentially single family residential environment. Such districts will be located on suitable lands within established or proposed urban entities where adequate infrastructure facilities and services are available or proposed.”

#### RELATIONSHIP TO THE COMPREHENSIVE PLAN

- A. The Our Boone County Plan 2040 Future Land Use Plan designates the site in question for “Urban Density Residential” uses.
- Urban Density Residential is defined as attached housing, generally condominiums or apartments, of over 8 dwelling units per acre.
- B. The following Our Boone County Plan 2040 Goals and Objectives apply to this application:

Land uses and zoning decisions shall strive to balance the rights of landowners with the rights of neighbors and the community (Overall Goal A, Objective 4).

Development policies shall not discriminate against any person (Demographics Goal A, Objective 1).

Promote quality of life amenities to retain current residents and attract new residents in order to have a stable and diversified population (Demographics Goal A, Objective 3).

Maintenance of sound existing housing and rehabilitation of deteriorating housing shall be encouraged and incentivized (Demographics Goal B, Objective 2).

Home ownership shall be encouraged and incentivized as well as redevelopment and renovation of deteriorating housing stock (Demographics Goal B, Objective 3).

- C. Wysteria Village Drive is identified as a local street providing for two way traffic within two driving lanes. Sidewalks are provided along both sides of the roadway.

#### SURROUNDING LAND USES AND ZONING

North: Two family (SR-2)

South: Two family (SR-2)

East: Two family (SR-2)

West: Two family (SR-2)

#### PROPOSED DEVELOPMENT

- A. The applicant is proposing to construct a roof, eight (8) feet above grade, over the existing porches.

#### STAFF COMMENTS

- A. The existing uncovered porch measures approximately 10 feet by 12 feet.
- B. The existing uncovered porches are set back 21.69 feet from the rear property line.

- C. The existing house is set back approximately 31.69 feet from the rear property line.

CONCLUSION

- A. KRS 100.241 and Section 220 of the Boone County Zoning Regulations give the Boone County Board of Adjustment and Zoning Appeals the authority to act on the request.
- B. Section 251 of the Boone County Zoning Regulations identifies criteria necessary for granting a Variance. The applicant needs to provide information as to how their application meets this criteria.

Respectfully submitted,



Michael D. Schwartz  
Planner

MDS/ss

Attachments

- \*Vicinity Map
- \*Aerial Map
- \*Topographical Map
- \*Zoning Map
- \*2040 Future Land Use Map
- \*Application
- \*Development Plan

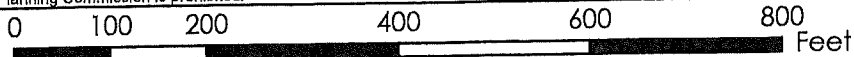
# Vicinity Map

www.boonecountygis.com



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1 Inch = 200 feet



**Boone County GIS - Putting Northern Kentucky on the Map**



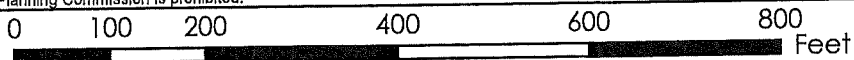
# Aerial Map

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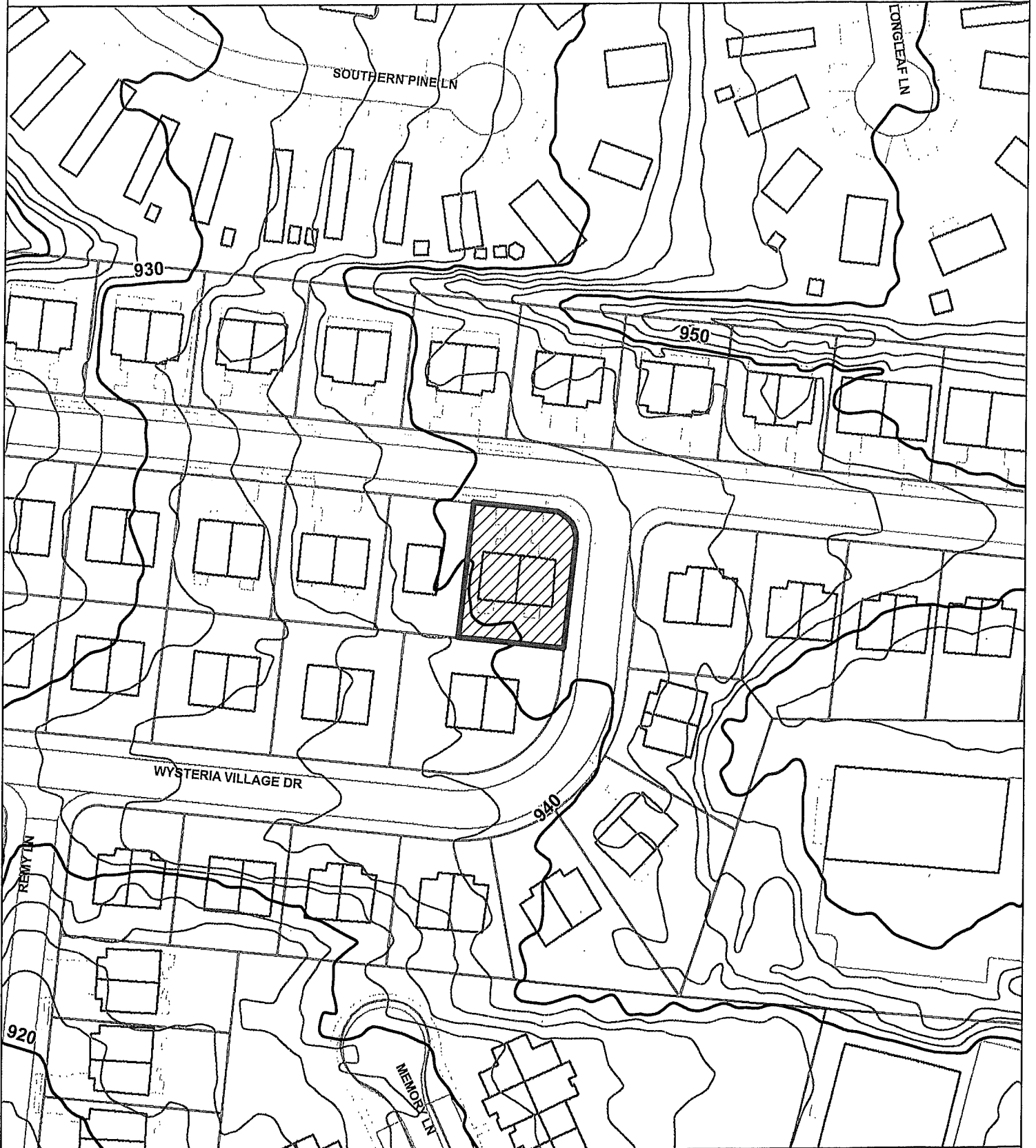


**Boone County GIS**



# Topographical Map

www.boonecountygis.com

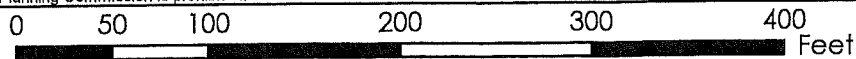


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**Boone County GIS**



1 inch = 100 feet



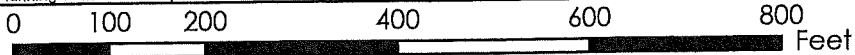
# Zoning Map

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1 inch = 200 feet



**Boone County GIS**



Boone County GIS  
ArcMap Document: \*.mxd

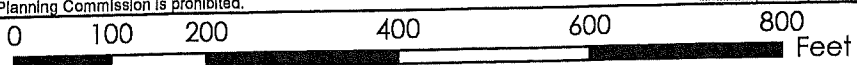
# 2040 Future Land Use Map

www.boonecountygis.com



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1 Inch = 200 feet



**Boone County GIS - Putting Northern Kentucky on the Map**



Map Created: 01/01/2018

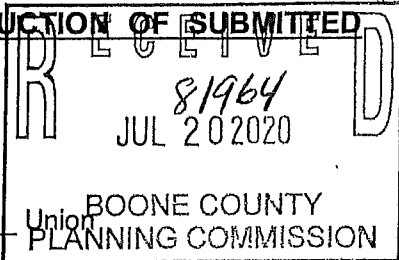
Map File: 8 - Future Land Use 2040.mxd  
ArcMap Document: \*.mxd

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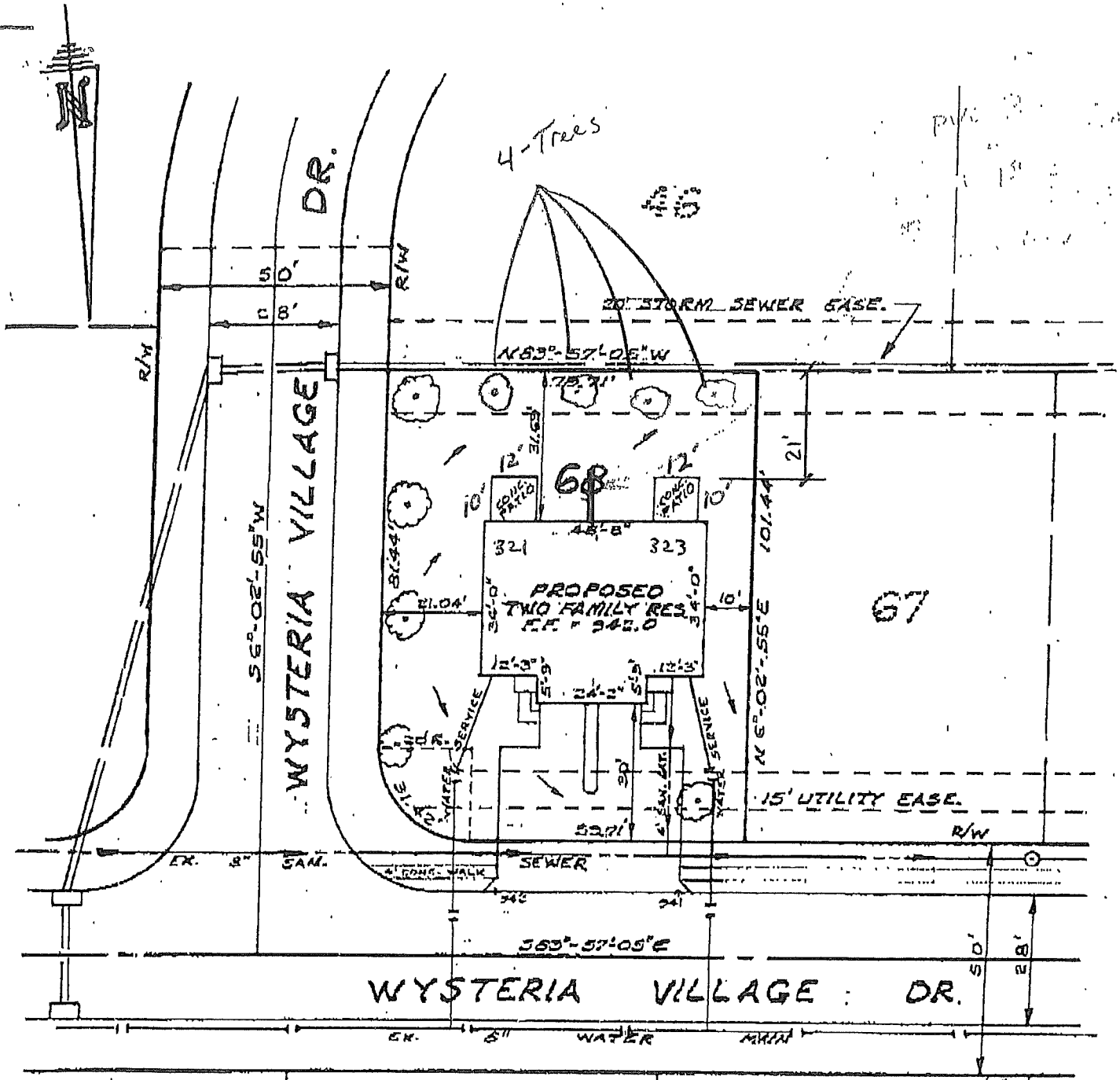


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(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)



Builder: Phil Freihofer  
 8449 St. Louis BLVD  
 Union, KY 41091

 INDICATES (RED SUNSET MAPLE)

**PLOT PLAN**  
**PHIL FRIEHOFFER**  
 WYSTERIA VILLAGE SUBD'N. SEC. No. 2  
 LOT 6B  
 DIXIE HWY. (U.S. -25) - BOONE COUNTY, KY.  
 SCALE: 1" = 30' OCT. 19, 2009

JAMES W. BERLING  
 KY. SURVEYOR Lic. No. 205

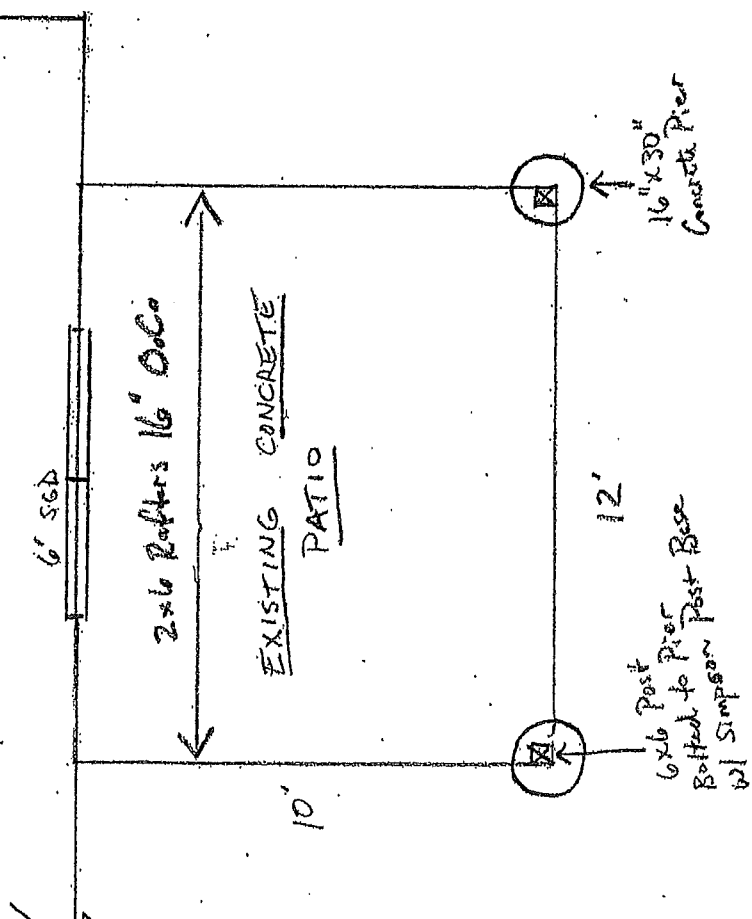
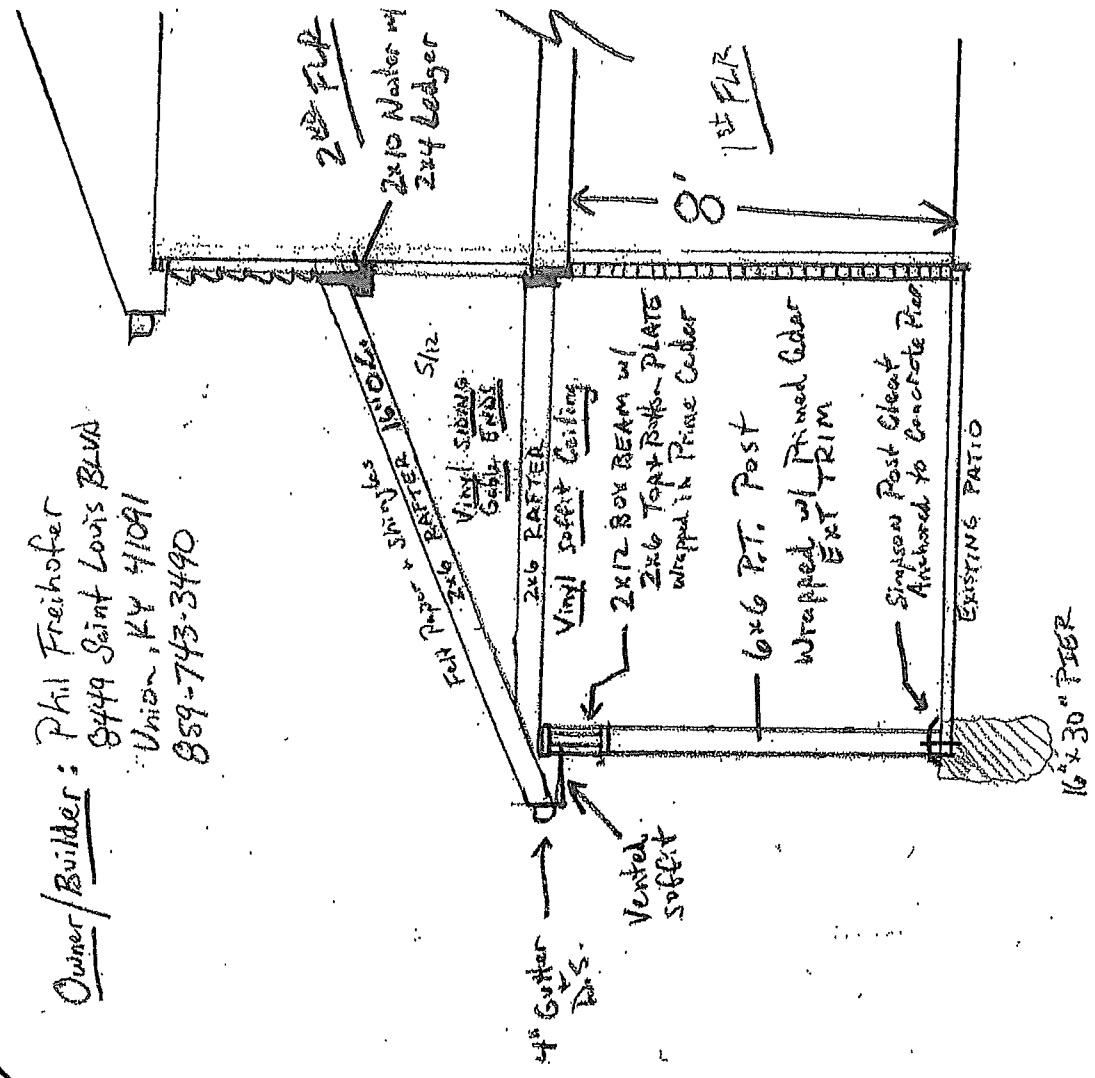
**RECEIVED**  
 JUL 20 2020  
 BOONE COUNTY  
 PLANNING COMMISSION

Proposed Porch Roofs

Locations: 321 Wysteria Village Drive  
456 Wysteria Village Drive

Owner/Builder: Phil Freihofar  
8449 Saint Louis Blvd  
Union, KY 41091  
859-743-3490

Duplex



SCALE: 1/4" = 1'

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)  
Phil Freihofer  
8449 St. Louis Blvd.  
Union, KY 41091
  
2. ADDRESS OF PROPERTY  
321/323 Wysteria Village Drive  
Florence, KY 41042
  
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)  
Phil Freihofer
  
4. DEED BOOK 1079                      PAGE NO. 936                      GROUP NO. 2058
  
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  
2950 WASHINGTON STREET, ROOM 317  
P.O. BOX 958  
BURLINGTON, KENTUCKY 41005

  
\_\_\_\_\_  
SIGNATURE OF COMPLETING OFFICIAL

Michael D. Schwartz, Planner  
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledged before me by Michael D. Schwartz

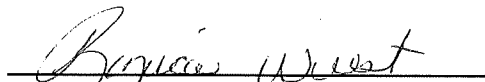
on behalf of the Boone County Planning Commission this 13 day of August, 2020.



Treva L. Beagle  
Notary ID 588897  
NOTARY PUBLIC, State at Large

My commission Expires:  
November 12, 2021

This instrument was prepared for recording purposes only by:



Ronica Wuest  
Boone County Planning Commission  
2950 Washington Street, Room 317  
P.O. Box 958  
Burlington, Kentucky 41005

NO TITLE EXAMINATION

(Legal Description and source of Title and Group Number furnished by the applicant.)