

**BOARD OF ADJUSTMENT  
BOONE COUNTY PLANNING COMMISSION**

Five (5) copies and one (1) 11 x 17 reduction of submitted drawings are required

**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**

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

1. Check One  Boone  Florence  Walton  Union
2. Check One  Conditional Use Permit  Variance  Appeal  
 Change in Non-Conforming Use
3. Applicant: Justin Snow  
Address: 3396 Ashby Fork Road  
Petersburg Kentucky 41080  
City State Zip Code  
Phone Number: 859.991.5890 Fax Number: N/A  
Email: justinsnow1972@yahoo.com
4. Description of Request:  
Removal of an existing accessory structure (shed) by previous owner upon sale of the property with the intention/understanding that we would replace it with a larger accessory structure (garage).  
Snow Garage
5. Name of Development: Snow Garage
6. Location of Development: 3396 Ashby Fork Road  
Petersburg Kentucky 41080  
City State Zip Code
7. Acreage Under Review: 1.73
8. Lot Number and Name of Subdivision (if part of a subdivision):  
N/A
9. Current Owner: Mary (Wainscott) Snow  
Address: 3396 Ashby Fork Road  
Petersburg Kentucky 41080  
City State Zip Code  
Phone Number: 859.640.9994 Fax Number: N/A  
Email: EllyWainscott@gmail.com

Garage & Storage

10. Proposed Use(s) on Site: \_\_\_\_\_
11. Total Square Footage of Existing and/or Proposed Buildings: Existing: 200 sqft.; Proposed: 3120 sqft. \_\_\_\_\_
12. Current Zoning: \_\_\_\_\_ A-2 - Agricultural Estate \_\_\_\_\_
13. \_\_\_\_\_ 1128 \_\_\_\_\_ 558 \_\_\_\_\_ 2012 \_\_\_\_\_  
Deed Book Page Group Number
14. Is the site subject to a zone change:  Yes  No  
If yes, date of approval: \_\_\_\_\_
15. Have you submitted a Site Plan with this request:  Yes  No
16. Have you submitted a list of adjoining property owners with this request:  Yes  No
17. 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:** Mary E. Snow  
(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

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

**SECTION B:** (To be completed by Planning Commission staff)

1. Date Received: 3-23-21 Fee Received: \$666.00 Receipt #: 83536

2. Is application complete: 5

3. Staff Reviewer: M. Schwartz

4. Scheduled Board Action Date: April 14, 2021

5. Board Action: April 14, 2021

- 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  
Phone: 859-334-2196 Fax: 859-334-2264  
[plancom@boonecountyky.org](mailto:plancom@boonecountyky.org)  
[www.boonecountyky.org](http://www.boonecountyky.org)

## STAFF REPORT

#8

APPLICANT: Justin Snow, on behalf of Mary (Wainscott) Snow

LOCATION: 3396 Ashby Fork Road, Boone County, Kentucky

ZONING: Agricultural Estate (A-2)

DATE: April 14, 2021

### PROPOSAL

- A. The submitted request is for a Change of Nonconforming Use/Structure to allow the construction of a 3,120 square foot accessory structure to replace a nonconforming 232 square foot accessory structure.

### SITE HISTORY

Prior to

1949 Based on information contained in the Boone County GIS, the original house was built on the site.

1954-

1960 Based on information contained in the Boone County GIS, the original house was demolished.

1985-

1990 Based on information contained in the Boone County GIS, the second house was built on the site.

2004-

2006 Based on information contained in the Boone County GIS, the second house was demolished and the current house was built on the site.

2004

On June 9, 2004, the Boone Board of Adjustment approved, with one condition, a variance reducing the minimum front yard setback from sixty (60) feet to ten (10) feet in order to demolish an existing 625 square foot house and build a new 2,057 square foot house (BCBOA 04-016).

2004

On June 14, 2004, the Boone County Planning Commission approved a zoning permit for a 2,057 square foot single family residential dwelling.

2006-

2007

Based on information contained in the Boone County GIS, a 232 square foot accessory structure and a 638 square foot accessory structure were built on

the site.

2020-  
2021

Based on information contained in the Boone County GIS, the accessory structures were demolished.

### APPLICABLE REGULATIONS

- A. Section 220 of the Boone County Zoning Regulations states that one of the duties of the Board of Adjustment is to grant changes in nonconforming uses as specified in this order.
- B. Section 273 of the Boone County Zoning Regulations states that the Board of Adjustment shall have the power to hear and decide on applications to permit a change from one nonconforming use to another. In reviewing such applications, the Board:
  - 1. Shall not permit such a change unless the new nonconforming use is as equally or more compatible with permitted uses in the district in which it is located as the existing nonconforming use.
  - 2. Shall not allow any changed nonconforming use to be increased or enlarged, nor extended to occupy a greater area of land than was occupied by the original nonconforming use.
- C. In permitting such change in nonconforming use, the Board may require appropriate conditions and safeguards in accord with other provisions of this order, such as the provision of landscaping and buffering, the improvement of parking areas, and restrictions on the hours of operation.
- D. Kentucky Revised Statute (KRS) 100.253 (2), reads as follows: "The board of adjustment shall not allow the enlargement or extension of a nonconforming use beyond the scope and area of its operation at the time the regulation which makes its use nonconforming was adopted, nor shall the board permit a change from one (1) nonconforming use to another unless the new nonconforming use is in the same or a more restrictive classification, provided, however, the board of adjustment may grant approval, effective to maintain nonconforming-use status, for enlargements or extensions, made or to be made, of the facilities of a nonconforming use, where the use consists of the presenting of a major public attraction or attractions, such as a sports event or events, which has been presented at the same site over such period of years and has such attributes and public acceptance as to have attained international prestige and to have achieved the status of a public tradition, contributing substantially to the economy of the community and state, of which prestige and status the site is an essential element, and where the enlargement or extension was or is designed to maintain the prestige and status by meeting the increasing demands of participants and

patrons.”

- E. Section 6200 of the Boone County Zoning Regulations state that “the purpose of the Agricultural Estate district is to provide for low density residential development and on a limited basis agricultural uses or agricultural related uses in the context of a rural environment.”
- F. Section 3153 of the Boone County Zoning Regulations allows accessory structures to be located within the front yard in Agricultural districts, provided that the minimum front yard setback is maintained.
- G. Section 3110 of the Boone County Zoning Regulations requires a minimum front yard setback of sixty (60) feet within the A-2 district.
- H. Section 4000 of the Boone County Zoning Regulations defines an accessory use or structure as a use or structure on the same lot as the principal use or structure and is subordinate and secondary in area, extent and purpose to the principal use or structure in which it serves. An accessory use or structure contributes to the comfort, convenience, and/or necessity for the occupants of the principal use or structure.

#### RELATIONSHIP TO THE COMPREHENSIVE PLAN

- A. The Our Boone County Plan 2040 Future Land Use Plan designates the site in question as “Developmentally Sensitive”, which is defined as areas that have an existing slope of twenty percent or greater for a height of 20 meters (67.6 feet), or have unique soil or flooding characteristics which limit the ability of an area to support urban development, or contain significant wooded areas, creeks, wildlife habitat, or other natural features that are important to a site's stability and visual character.

- 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. Ashby Fork Road is identified as a county maintained local street, providing for two-way traffic within an approximate 15 foot pavement width. There are no sidewalks along the roadway.

#### SITE CHARACTERISTICS

- A. The approximate 1.7 acre property is located along the north and east sides of Ashby Fork Road, approximately 0.6 miles southeast of its intersection with Petersburg Road.
- B. The site is comprised of three separate lots, under common ownership.
- C. The site is currently occupied by an approximate 2,000 square foot single-family residential dwelling and a small accessory structure located behind the house.
- D. The front portion of the site slopes downward 20 feet from west to east at an average grade of approximately 48%. The remainder of the site slopes downward 10 feet west to east at an average grade of approximately 5%.
- E. The site is located within the 55 day/night noise level of the Cincinnati/Northern Kentucky International Airport.
- F. Access to the site is from an existing curb cut onto Ashby Fork Road.

#### SURROUNDING LAND USES AND ZONING

- North: Vacant wooded land (A-2)
- South: Single-family residential (A-2)
- East: Vacant wooded land (A-2)
- West: Single-family residential (A-1)

#### PROPOSED DEVELOPMENT

- A. The applicant is proposing to construct a 3,120 square foot (60' x 52') accessory structure (pole barn) in the same location as the two previous accessory structures.

#### STAFF COMMENTS

- A. The proposed structure will meet the minimum sixty (60) foot front yard setback requirement.
- B. The location of the proposed building sits approximately twenty-five (25) feet below the grade of Ashby Fork Road.
- C. If approved, the applicant intends to acquire property from the adjoining property owner to the north in order to meet the minimum twenty-five (25) foot rear yard setback requirement.
- D. Except for where the house and the driveway are located, and the location of the proposed structure, the remainder of the site is heavily wooded.
- E. In reviewing the submitted application, the applicant should address, and the Board must find, that the new nonconforming use is as equally or more compatible with permitted uses in the district in which it is located as the previous nonconforming use.
- F. The Board must find that the new nonconforming use is not an increase or enlargement over the previous nonconforming use and that the new nonconforming use is not occupying a greater land area than was occupied by the previous nonconforming use.

### CONCLUSION

KRS 100.253 and Section 273 of the Boone County Zoning Regulations gives the Boone Board of Adjustment and Zoning Appeals the authority to act on the request.

Respectfully submitted,



Michael D. Schwartz  
Planner

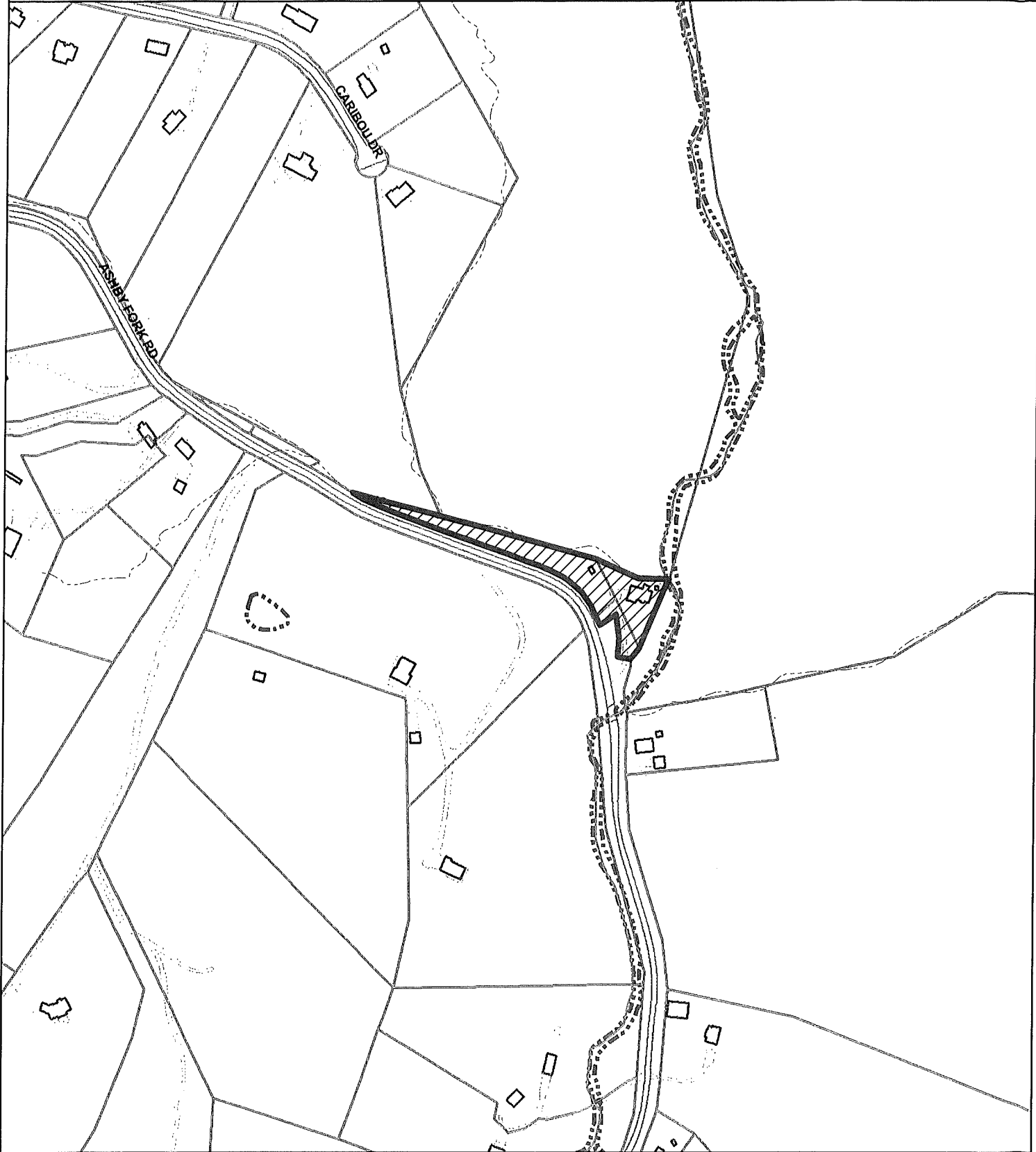
MDS/ss

### Attachments

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

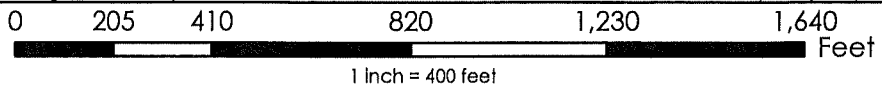
# Vicinity Map

www.boonecountygis.com

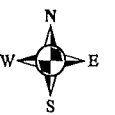


Copyright 2018 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



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



Map Created: 01/01/2018

With Permission of Boone County GIS  
ArcMap Document: \*.mxd

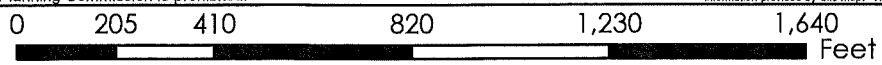
# Aerial Map

www.boonecountygis.com



Copyright 2018 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



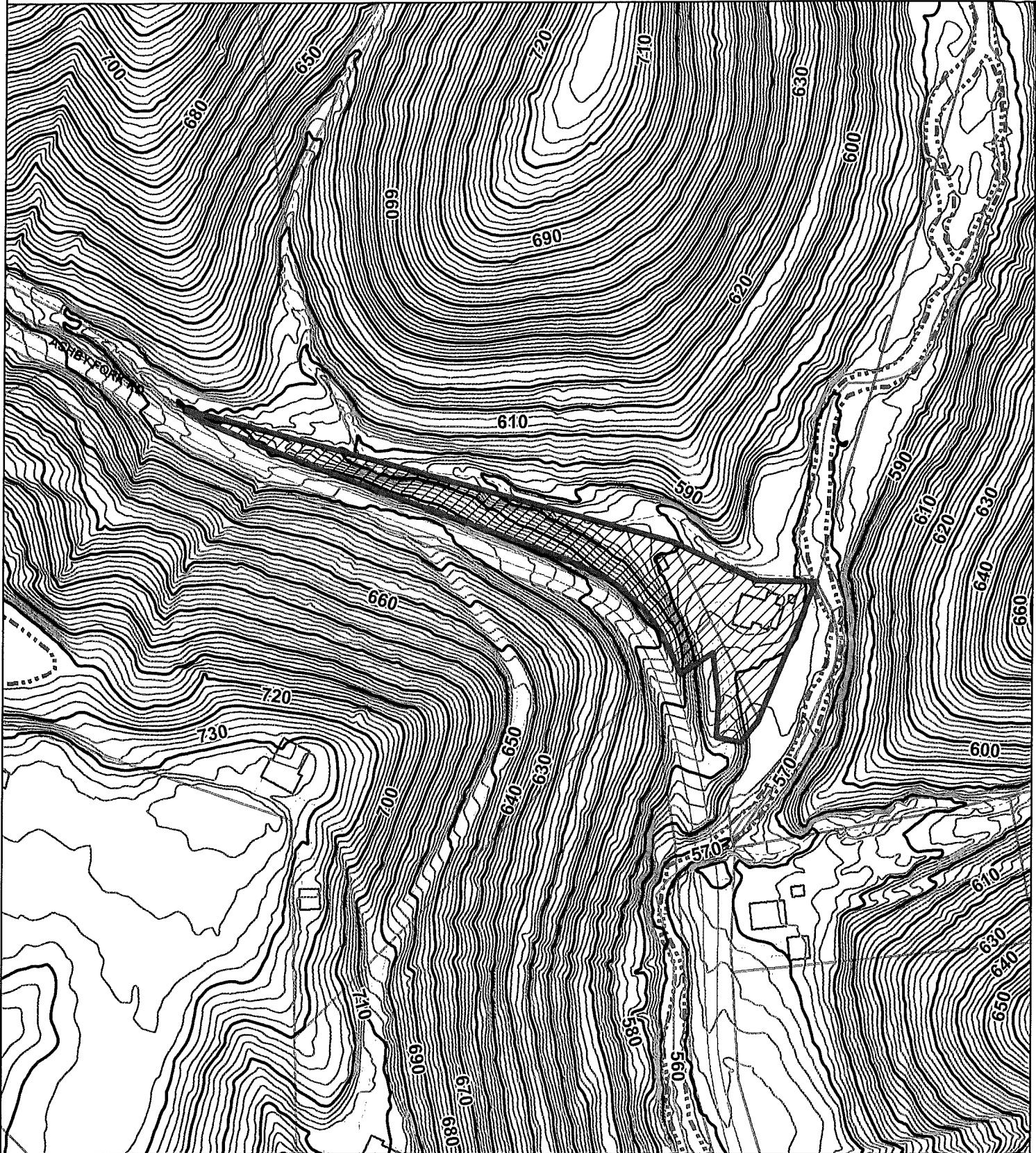
**Boone County GIS - Putting Northern Kentucky on the Map**

Map Created: 01/01/2018

Boone County GIS  
ArcMap Document: \*.mxd

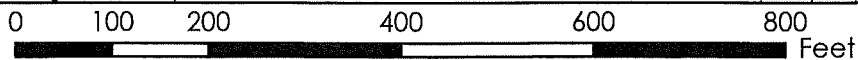
# Topographical Map

www.boonecountygis.com



Copyright 2018 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

Details used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



1 inch = 200 feet



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

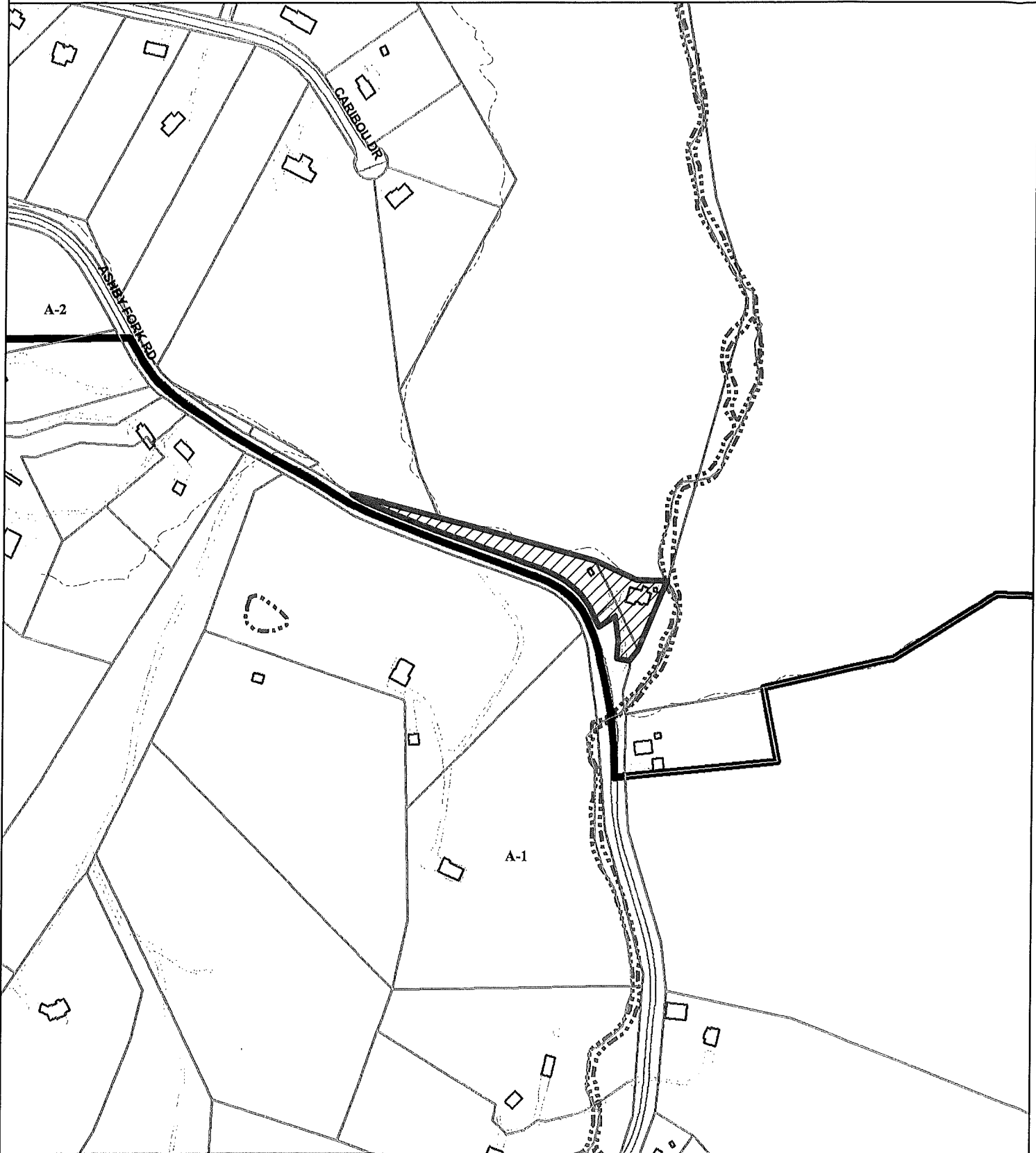


Map Created: 01/01/2018

Map File: E:\maps\Boone GIS 1018  
ArcMap Document: \*.mxd

# Zoning Map

www.boonecountygis.com



Copyright 2018 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.

0 205 410 820 1,230 1,640 Feet

1 inch = 400 feet



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

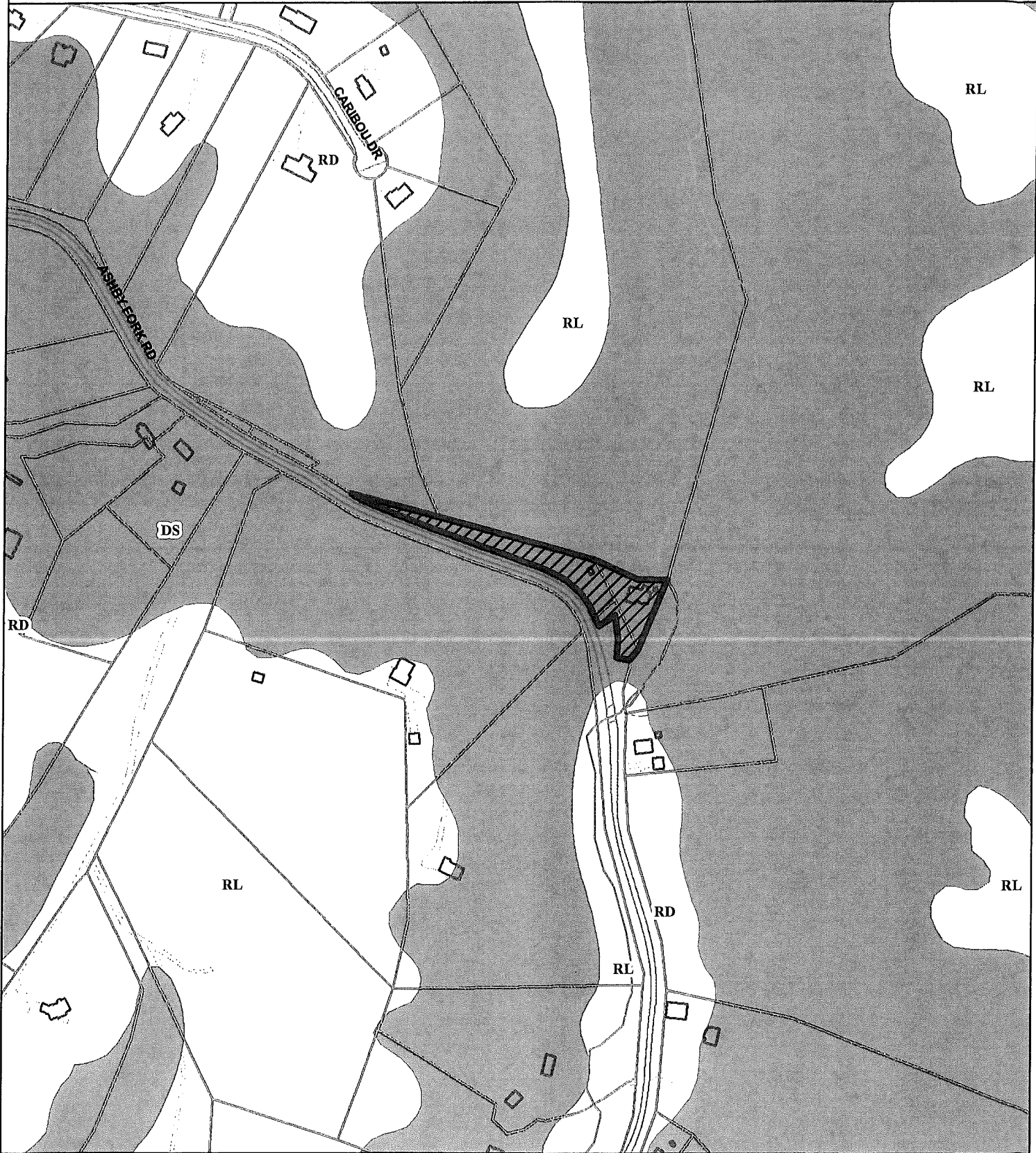


Map Created: 01/01/2018

Boone County GIS  
ArchMap Document: \*.mxd

# 2040 Future Land Use Map

www.boonecountygis.com



Copyright 2018 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.

0 205 410 820 1,230 1,640 Feet

1 inch = 400 feet



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



Map Created: 01/01/2018

Boone County GIS  
ArcMap Document: \*.mxd

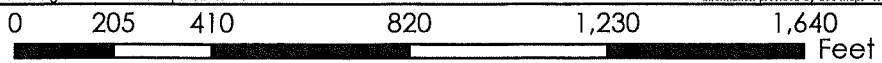
# Noise Contour Map

www.boonecountygis.com



Copyright 2018 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



1 inch = 400 feet

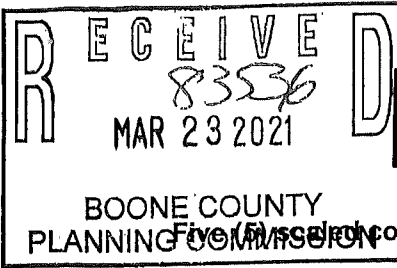


**Boone County GIS - Putting Northern Kentucky on the Map**



Map Created: 01/01/2018

ArcMap Document: \*.mxd



**BOARD OF ADJUSTMENT  
BOONE COUNTY PLANNING COMMISSION**

Five (5) photocopies and one (1) 11 x 17 reduction of submitted drawings are required

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

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

1. Check One  Boone  Florence  Walton  Union

2. Check One  Conditional Use Permit  Variance  Appeal  
 Change in Non-Conforming Use

3. Applicant: Justin Snow

Address: 3396 Ashby Fork Road

Petersburg Kentucky 41080  
City State Zip Code

Phone Number: 859.991.5890 Fax Number: N/A

Email: justinsnow1972@yahoo.com

4. Description of Request:

Removal of an existing accessory structure (shed) by previous owner upon sale of the property with the intention/understanding that we would replace it with a larger accessory structure (garage).

5. Name of Development: Snow Garage

6. Location of Development: 3396 Ashby Fork Road

Petersburg Kentucky 41080  
City State Zip Code

7. Acreage Under Review: 1.73

8. Lot Number and Name of Subdivision (if part of a subdivision):  
N/A

9. Current Owner: Mary (Wainscott) Snow

Address: 3396 Ashby Fork Road

Petersburg Kentucky 41080  
City State Zip Code

Phone Number: 859.640.9994 Fax Number: N/A

Email: EllyWainscott@gmail.com

Garage & Storage

10. Proposed Use(s) on Site: \_\_\_\_\_
11. Total Square Footage of Existing and/or Proposed Buildings: Existing: 200 sqft.; Proposed: 3120 sqft. \_\_\_\_\_
12. Current Zoning: \_\_\_\_\_ A-2 - Agricultural Estate \_\_\_\_\_
13. \_\_\_\_\_ 1128 \_\_\_\_\_ 558 \_\_\_\_\_ 2012 \_\_\_\_\_  
Deed Book Page Group Number
14. Is the site subject to a zone change:  Yes  No  
If yes, date of approval: \_\_\_\_\_
15. Have you submitted a Site Plan with this request:  Yes  No
16. Have you submitted a list of adjoining property owners with this request:  Yes  No
17. 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:** Mary E. Snow  
(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

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

**SECTION B:** (To be completed by Planning Commission staff)

1. Date Received: 3-23-21 Fee Received: \$1666.00 Receipt #: 83536

2. Is application complete: 5

3. Staff Reviewer: \_\_\_\_\_

4. Scheduled Board Action Date: \_\_\_\_\_

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  
Phone: 859-334-2196 Fax: 859-334-2264  
[plancom@boonecountky.org](mailto:plancom@boonecountky.org)  
[www.boonecountky.org](http://www.boonecountky.org)

C1

PLOT PLAN

PROJECT:

DATE:

BY:

CHECKED:

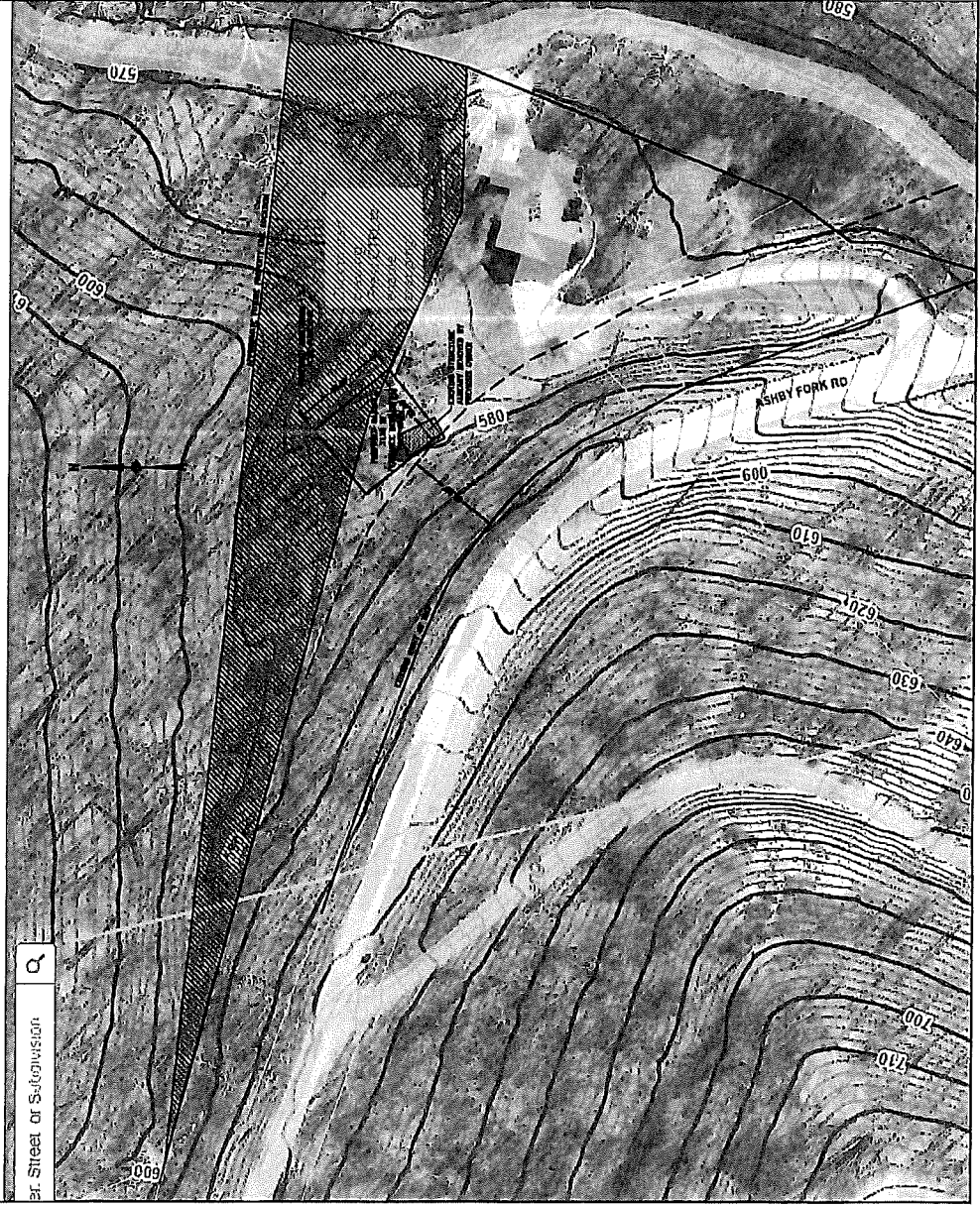
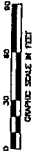
SCALE:

PLOT PLAN FOR JUSTIN SNOW  
UNINCORPORATED  
3396 ASHBY FORK  
BOONE COUNTY, KY

RIEGLER BLACKTOP, INC.  
DESIGN BUILD SERVICES  
DANIEL M. RIEGLER, P.E.  
165 WEAVER ROAD  
FLORENCE, KY 41042

DATE	NO.	REVISION DESCRIPTION

PROPOSED LAND ACQUISITION BY THIS PLANNING PURPOSES ONLY. LOT LINES SHOWN ARE BASED ON THE RECORD PLAT AND SURVEY. THE PLANNING AND SURVEYING WILL BE PROVIDED BY THE CLIENT.

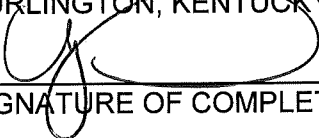


of Street or Subdivision

CERTIFICATE OF LAND USE RESTRICTION

- 1. NAME AND ADDRESS OF PROPERTY OWNER(S)  
Mary (Wainscott) Snow  
3396 Ashby Fork Road  
Petersburg, KY 41080
  
- 2. ADDRESS OF PROPERTY  
3396 Ashby Fork Road  
Petersburg, KY 41080
  
- 3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)  
Snow Garage
  
- 4. DEED BOOK 1128                      PAGE NO. 558                      GROUP NO. 2012
  
- 5. TYPE OF RESTRICTION(S) (Check all that apply)  
 Zoning Map Amendment:                       Conditional Use Permit  
From  To  
 Development Plan                                       Conditional Zoning  
 Subdivision Plat                                       Other: CNCU  
(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

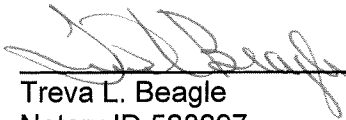
Michael D. Schwartz, Planner  
Name and Title of Completing Official

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 15 day of April, 2021.

  
\_\_\_\_\_  
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.)