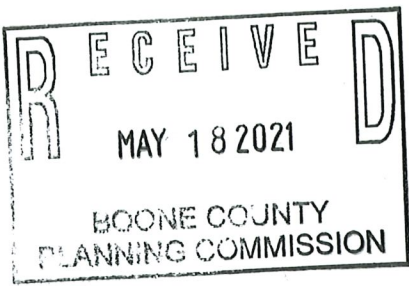


APPLICATION FORM



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

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's Name Gregory and Linda Dorning  
Applicant's Address 1266 Strathmore Ct.  
Hebron City Ky. State 41048 Zip
- 4. Phone Number (859) 534-5634 Fax No. \_\_\_\_\_ E-Mail gdorning.1@fiopics.com  
Description of Request: ST
- 5. Name of Development Thornewilde
- 6. Location of Development \_\_\_\_\_
- 7. Acreage Under Review \_\_\_\_\_
- 8. Lot Number and Name of Subdivision (if part of a subdivision) \_\_\_\_\_ 48
- 9. Owner of Property Gregory and Linda Dorning  
Address of Property Owner 1266 Strathmore Ct.
- 10. Hebron City Ky. State 41048 Zip  
Phone Number (859) 534-5634 Fax No. \_\_\_\_\_ E-Mail \_\_\_\_\_
- 11. Proposed Use(s) on Site \_\_\_\_\_
- 12. Total Square Footage of Existing and/or Proposed Buildings 144 (SF)
- 13. Current Zoning on Property RPD
- 14. Deed Book D1123 Page No. 329-331 Group No. 3447
- 15. Is the site subject to a zone change? NO Yes  
If yes, give date of approval 1124 25, 1994
- 16. Have you submitted a Site Plan with this request? Yes
- 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: Gregory H. Dorning Linda Dorning  
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: Gregory H. Dorning Linda Dorning  
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

(over)

**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 5/18/2021 Fee Received 666.00 Receipt # 84014
2. Is application complete?  Yes  No
3. Staff Reviewer M. Schwartz
4. Scheduled Board Action Date June 9, 2021
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

#4

APPLICANT: Gregory and Linda Dorning

LOCATION: 1266 Strathmore Court, Boone County, Kentucky

ZONING: Residential Planned Development (RPD)

DATE: June 9, 2021

### PROPOSAL

The applicant is requesting a Variance to reduce the minimum required rear yard setback from twenty-five (25) feet to twenty-three (23) feet in order to build a deck and sunroom.

### SITE HISTORY

- 1994 On May 25, 1994, the Boone Fiscal Court adopted Ordinance Number 920.271, approving a Concept Development Plan for an approximate 217 acre area, including the site in question, for the Thornwilde Subdivision with carriage homes, single family homes, retail, and community facilities within the existing RPD district (R-94-004-A).
- 1995 On July 5, 1995, the Boone County Planning Commission staff approved a zoning permit for a new single family dwelling on property addressed as 2047 Wedgewood Lane, having a rear yard setback of 44.07 feet.
- 1999 On December 2, 1999, the Boone County Planning Commission staff approved a zoning permit for a new single family dwelling on the site in question, addressed as 1266 Strathmore Court, having a rear yard setback of 30'-2".
- 2003 On September 15, 2003, the Boone County Planning Commission staff denied a zoning permit for a deck on the site in question, addressed as 1266 Strathmore Court, on the basis that the deck did not meet the minimum twenty-five (25) foot rear yard setback.

### 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 1604 of the Boone County Zoning Regulations provides that setbacks within the RPD district shall be as established in the approved Concept Development Plan.

E. The approved Concept Development Plan, adopted by the Boone Fiscal Court on May 25, 1994 (Ordinance Number 920.271), provides for the following setbacks for the site in question:

- 1. Minimum Front Yard Setback: Thirty (30) feet
- 2. Minimum Rear yard Setback: Twenty-five (25) feet
- 3. Minimum Side Yard Setback: Five (5) feet one side/Ten (10) feet total

F. Section 3123 of the Boone County Zoning Regulations states that open structures such as decks 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.

#### RELATIONSHIP TO THE COMPREHENSIVE PLAN

A. The Our Boone County Plan 2040 Future Land Use Plan designates the site in question for "Suburban Density Residential".

Suburban Density Residential is defined as single family housing of up to four 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).

Provide appropriate services, housing, employment, and shopping opportunities in order to meet the needs of the population in all geographic areas of the County (Demographics Goal A, Objective 4).

A broad range of housing opportunities shall be provided to meet the needs and desires of all household types and shall be balanced with affordability, employment centers, commercial areas, and educational needs (Demographics Goal B, Objective 1).

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

- C. Strathmore Court is identified as a county maintained local cul-de-sac street providing for two way traffic within two driving lanes. A sidewalk is provided along the north side of the roadway.

#### SURROUNDING LAND USES AND ZONING

North: Single family (RPD)

South: Single family (RPD)

East: Single family (RPD)

West: Single family (RPD)

#### PROPOSED DEVELOPMENT

- A. The applicant is proposing to construct an approximate 12' x 12' deck and sunroom onto the rear of the existing house.
- B. The proposed deck will be set back twenty-three (23) feet from the rear property line.

#### STAFF COMMENTS

- A. The site in question, containing approximately 0.3 acres, is located along the southwest side of Strathmore Court, approximately 350 feet southeast of Wedgewood Lane.

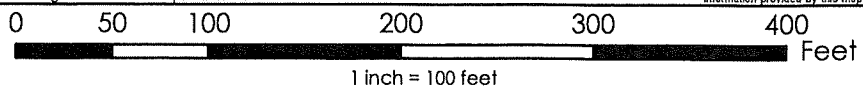
# Vicinity Map

www.boonecountygis.com



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



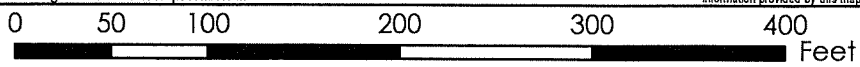
# Aerial Map

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1 inch = 100 feet



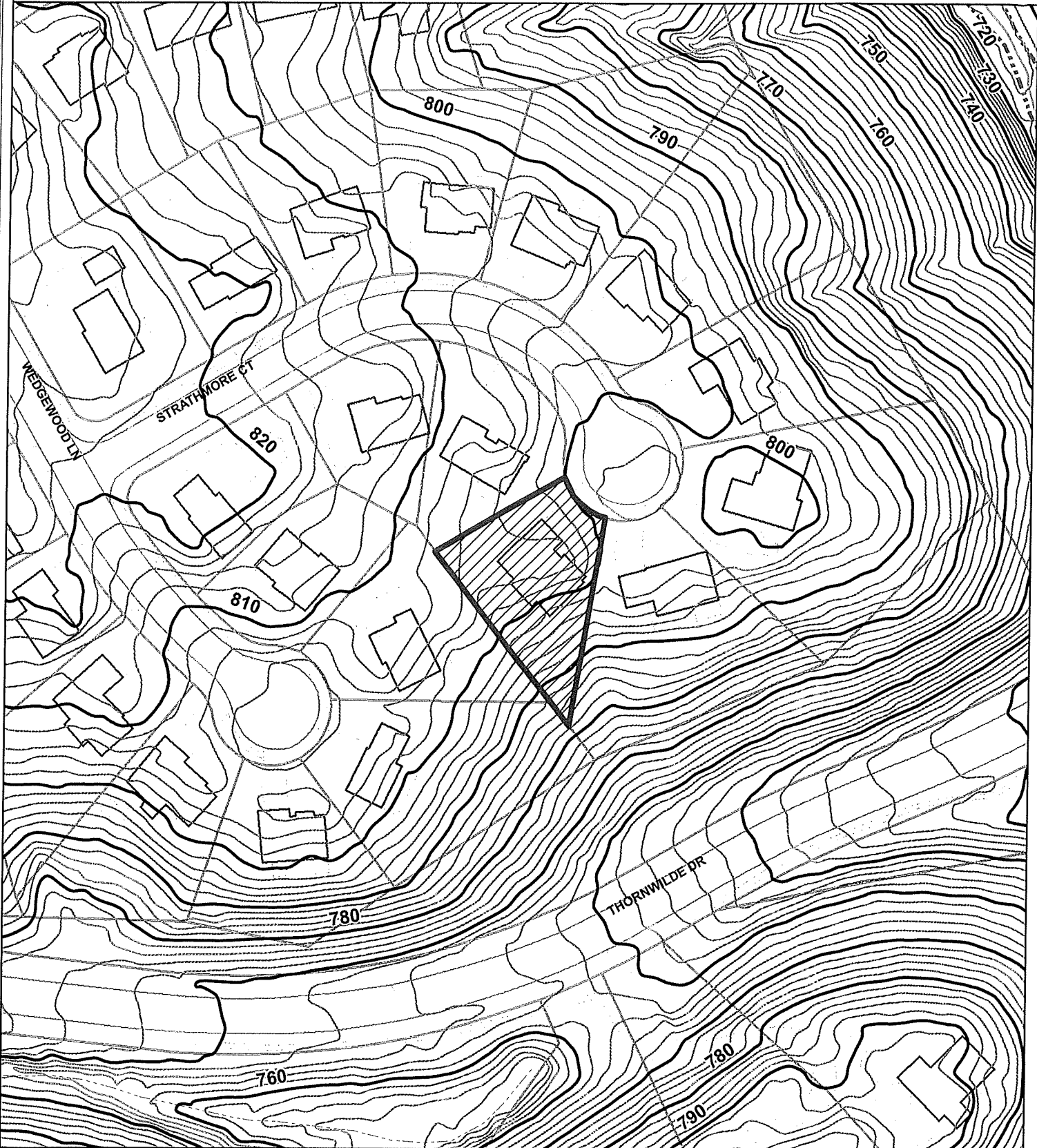
**Boone County GIS - Putting Northern Kentucky on the Map**

Map Created: 01/01/2018

Map Document: \*.mxd

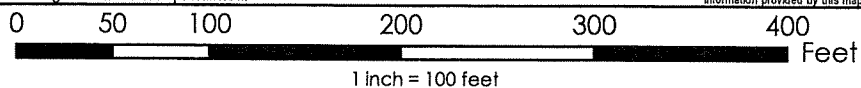
# Topographical Map

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Photo File: 2 - Boone County GIS 01/01/2018  
ArcMap Document: \*.mxd

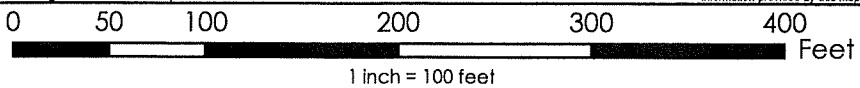
# Zoning Map

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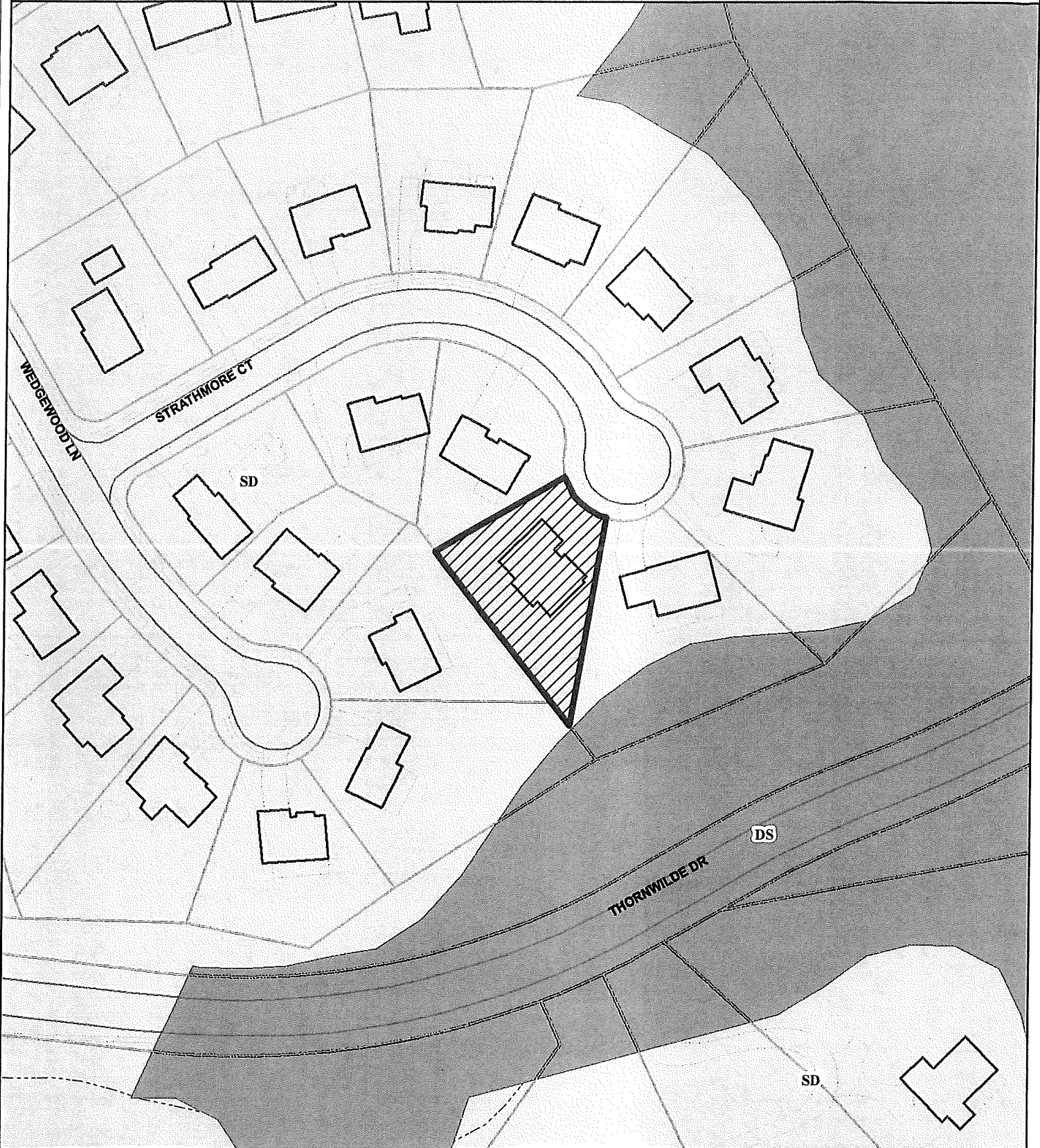
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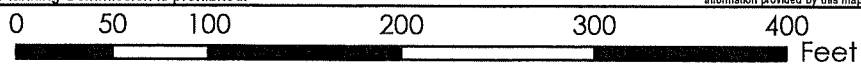
# 2040 Future Land Use Map

www.boonecountygis.com



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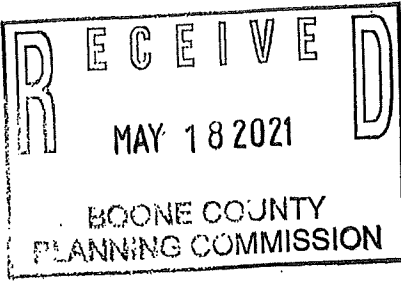


1 inch = 100 feet



**Boone Coun**





APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

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If yes, give date of approval 1124 25, 1994
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**BOARD OF ADJUSTMENT AND  
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4. Scheduled Board Action Date \_\_\_\_\_
5. Board Action:  
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 **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.**



CERTIFICATE OF LAND USE RESTRICTION

- 1. NAME AND ADDRESS OF PROPERTY OWNER(S)  
Gregory & Linda Dorning  
1266 Strathmore Court  
Hebron, KY 41048
  
- 2. ADDRESS OF PROPERTY  
1266 Strathmore Court  
Hebron, KY
  
- 3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)  
Thornewilde
  
- 4. DEED BOOK 1123                      PAGE NO. 329                      GROUP NO. 3447
  
- 5. TYPE OF RESTRICTION(S) (Check all that apply)  
 Zoning Map Amendment: From \_\_\_\_\_ To \_\_\_\_\_                       Conditional Use Permit  
 Development Plan                       Conditional Zoning  
 Subdivision Plat (Not Recorded)                       Other:  
 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 10th day of June, 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:

Sara Smith  
Sara Smith  
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.)

