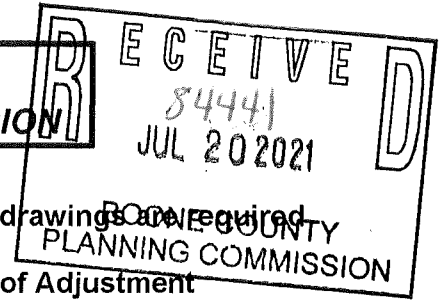


**BOARD OF ADJUSTMENT  
BOONE COUNTY PLANNING COMMISSION**



Five (5) scaled 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: Chris & Erin Saunders  
1302 Rivermeade Dr.

Address: Hebron KY 41048  
City State Zip Code

Phone Number: 859-760-7999 Fax Number: \_\_\_\_\_

Email: chrisdsauanders@yahoo.com

4. Description of Request:  
Portion of the covered porch is 4ft short of the variance of 25ft. The house goes at an angle.

5. Name of Development: Saunders porch  
1302 Rivermeade Dr

6. Location of Development: Hebron KY 41048  
City State Zip Code

7. Acreage Under Review: .42

8. Lot Number and Name of Subdivision (if part of a subdivision):  
035.00-07-286.00, Thornwilde

9. Current Owner: Chris & Erin Saunders  
1302 Rivermeade Dr.

Address: Hebron KY 41048  
City State Zip Code

Phone Number: 859-760-7999 Fax Number: \_\_\_\_\_

Email: chrisdsauanders@yahoo.com

Residential

10. Proposed Use(s) on Site: \_\_\_\_\_  
384 (24x16) Covered porch
11. Total Square Footage of Existing and/or Proposed Buildings: \_\_\_\_\_  
Residential
12. Current Zoning: \_\_\_\_\_  
995 439
13. \_\_\_\_\_  
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: C.D. Saum  
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

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

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

1. Date Received: 7/19/2021 Fee Received: 2666 Receipt #: 84441

2. Is application complete: \_\_\_\_\_

3. Staff Reviewer: M. Schwartz

4. Scheduled Board Action Date: 8/11/2021

5. Board Action: 8/11/2021

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

#6

APPLICANT: Chris and Erin Saunders  
LOCATION: 1302 Rivermeade Drive  
ZONING: Residential Planned Development (RPD)  
DATE: August 11, 2021

### PROPOSAL

- A. A variance reducing the rear yard setback from twenty-five (25) feet to twenty (20) feet in order to build a covered patio.

### SITE HISTORY

- 1991 The site was rezoned from A-1 to SR-1 as part of the 1991 Zoning Update.
- 1994 The Boone County Fiscal Court approved a Concept Development Plan for a 217 acre area located on the west side of North Bend Road.
- 1995 The Boone County Fiscal Court approved a zoning map amendment for an approximate 41 acre area adjoining Thornwilde Subdivision from A-1 to SR-1.
- 1997 The Boone County Fiscal Court approved a zoning map amendment for an approximate 30 acre area adjoining Thornwilde Subdivision from A-1 to SR-1.
- 2002 On August 21, 2002, the Boone County Planning Commission approved a Final Plat for Thornwilde Subdivision, Section 28, creating the lot in question.
- 2003 On February 19, 2003, the Boone County Planning Commission approved a Zoning Permit for the construction of a house on the site in question.
- 2003 On June 17, 2003, the Boone County Fiscal Court adopted Ordinance Number 03-14, approving: (1) a zoning map amendment from SR-1 to RPD; and (2) a Concept Development Plan, for an approximate 52 acre area located along the east side of Williams Road, including the site in question.

### 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 1600 of the Boone County Zoning Regulations states that the intent of the Residential Planned Development district "is to provide a more flexible and creative zoning procedure, which offers a variety of land uses only if they are properly designed and community impacts are addressed."

E. Section 1604 of the Boone County Zoning Regulations states that the minimum required setbacks of the RPD district shall be as approved in the Concept Development Plan. As it relates to the site in question, the following setbacks have been approved:

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 other side
4. Minimum Corner Side Yard Setback: Fifteen (15) feet

#### RELATIONSHIP TO THE COMPREHENSIVE PLAN

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

Residential developments shall be evaluated for impact on infrastructure, environment, health and safety considerations, buffering, and design with secondary consideration given to dwelling unit type and density (Demographics Goal B, Objective 4).

Residential developments shall be encouraged to plan and build in a manner compatible with the general housing density and design planned for the area, with the existing conditions of the site, and significant site features (Demographics Goal B, Objective 8).

- C. Rivermeade Drive and Lost Willow Court are county maintained local streets providing for two way traffic. Sidewalks are provided along both sides of these roadways.

#### SURROUNDING LAND USES AND ZONING

- North: Single-family residential (RPD)
- South: Single-family residential (RPD)
- East: Single-family residential (RPD)
- West: Single-family residential (RPD)

#### SITE CHARACTERISTICS

- A. The approximate 0.42 acre property is located at the northwest corner of the intersection of Rivermeade Drive with Lost Willow Court.
- B. The site is currently occupied by a detached single family residential dwelling with a deck and an at grade patio.
- C. A split rail fence encloses the rear yard of the site.
- D. Five mature trees are located in the southwest corner of the site.
- E. The site slopes downward from the northeast corner of the site to the southwest corner of the site, at an average grade of 7%.

#### PROPOSED DEVELOPMENT

- A. Enlargement of the existing 10' x 12' patio to 16' x 24'.
- B. Construction of a roof over the newly enlarged patio.

#### STAFF COMMENTS

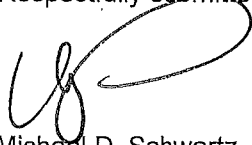
- A. The existing dwelling is set back approximately thirty-five (35) feet from the rear property line.
- B. The existing deck is set back approximately twenty-six (26) feet from the rear property line.

- C. A residential driveway is immediately adjacent to the rear property line of the site.
- D. If the variance is granted, the proposed covered patio will be located forty-nine (49) feet from the side wall of the house located at 2404 Lost Willow Court.
- E. The applicant has provided letters from the following adjoining property owners in support of the requested variance:
  - 1. Jared and Lisa Cobble, 1298 Rivermeade Drive
  - 2. Bryant and Christine Berry, 1306 Rivermeade Drive
  - 3. Christina and Daniel Disibio, 2404 Lost Willow Court

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

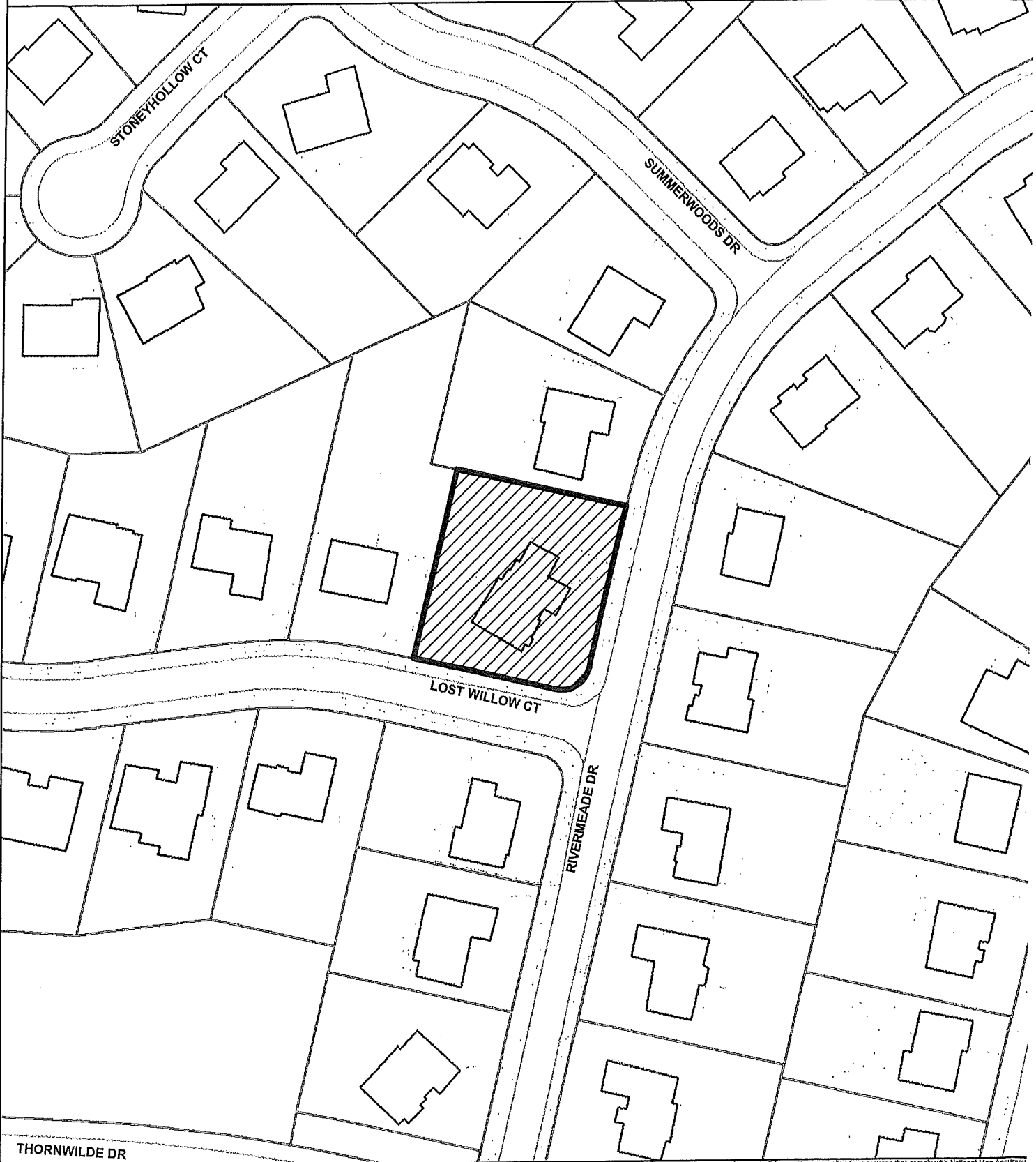
MDS/ss

Attachments

- \*Vicinity Map
- \*Aerial Map
- \*Topographical Map
- \*Zoning Map
- \*2040 Future Land Use Map
- \*Application
- \*Development Plan
- \*Letter from Jared and Lisa Cobble, 1298 Rivermeade Drive
- \*Letter from Bryant and Christine Berry, 1306 Rivermeade Drive
- \*Letter from Christina and Daniel Disibio, 2404 Lost Willow Court

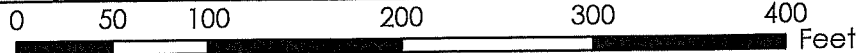
# Vicinity Map

www.boonecountygis.com

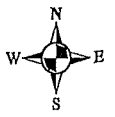


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1 inch = 100 feet



**Boone County GIS**

Map Created: 01/01/2018

Boone County GIS  
ArcMap Document: \*.mxd

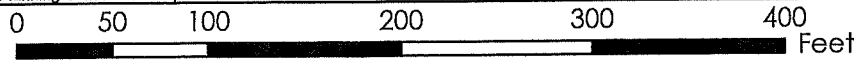
# Aerial Map

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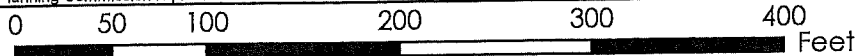
# Topographical Map

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1 inch = 100 feet



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

Map Created: 01/01/2018

ArchMap Document: 1.mxd

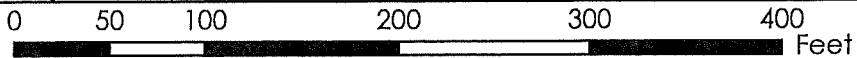
# Zoning Map

www.boonecountygis.com

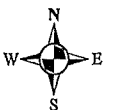


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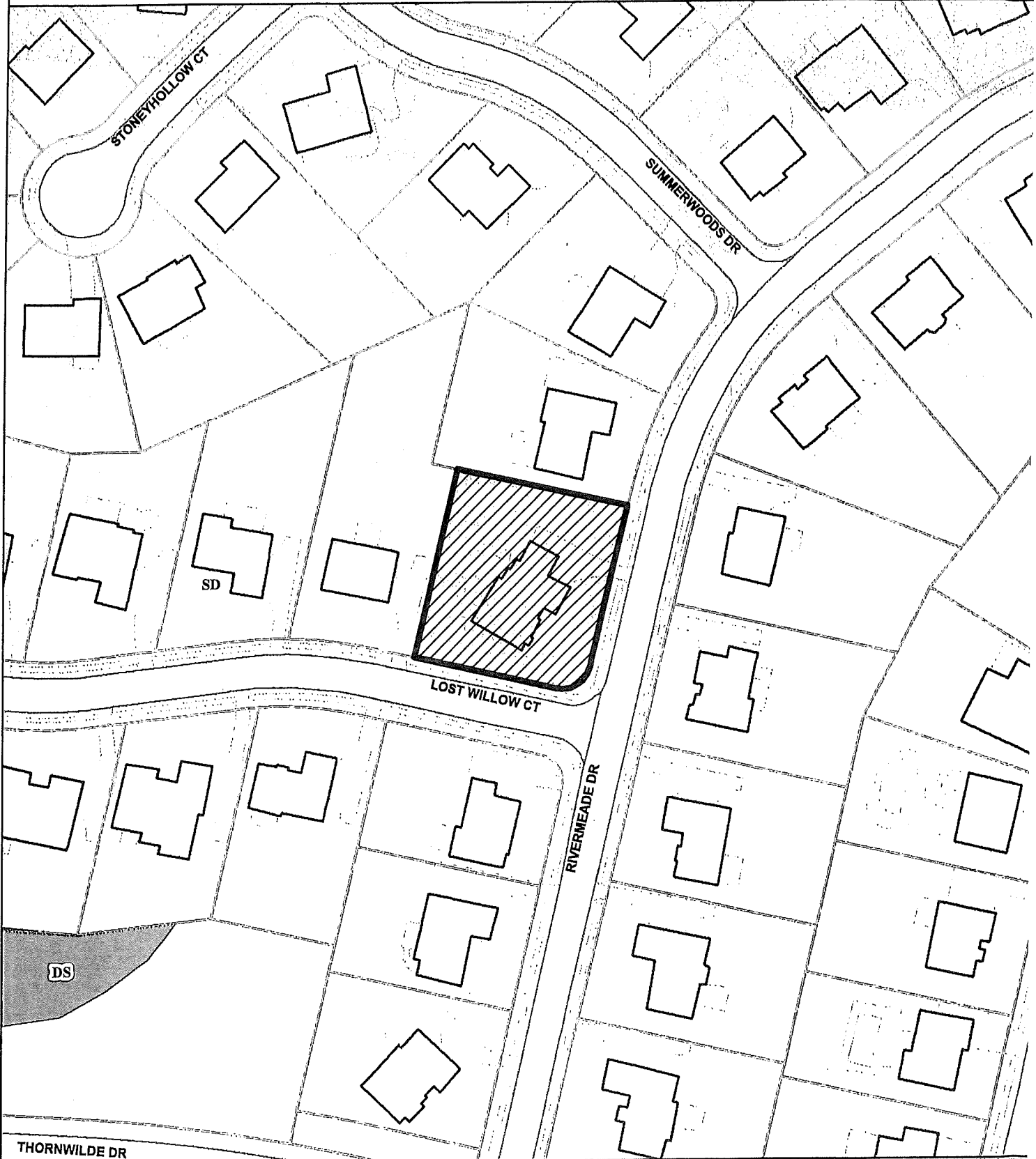
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Map Created: 01/01/2018

ArcMap Document: \*.mxd

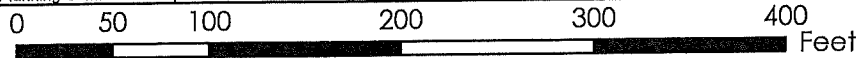
# 2040 Future Land Use Map

www.boonecountygis.com

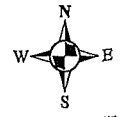


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**Boone County GIS**

Map Created: 01/01/2018

ArcMap Document \*.mxd



Residential

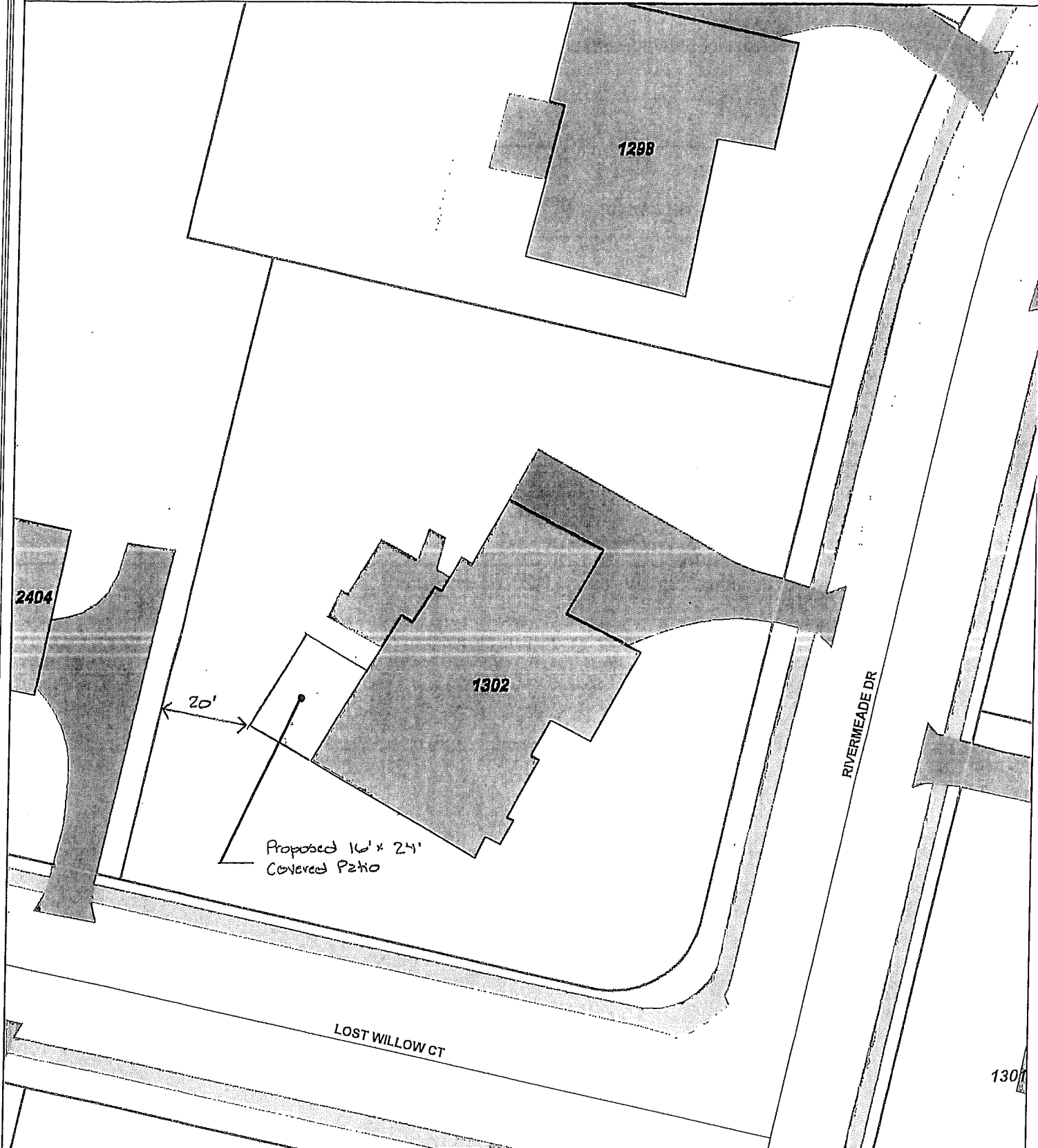
10. Proposed Use(s) on Site: \_\_\_\_\_  
384 (24x16) Covered porch
11. Total Square Footage of Existing and/or Proposed Buildings: \_\_\_\_\_  
Residential
12. Current Zoning: \_\_\_\_\_  
995 439
13. \_\_\_\_\_  
Deed Book Page Group Number
14. Is the site subject to a zone change:  Yes  No  
If yes, 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: C. D. Saum  
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

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

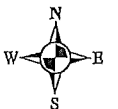
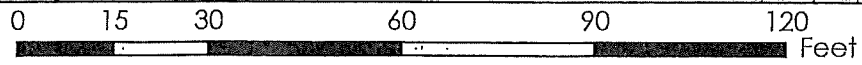
# Boone County GIS Map

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

Map Created: xx/xx/2021

Boone County GIS  
ArcMap Document: \*.mxd

July 17, 2021

Boone County Planning Commission  
2950 Washington Street, Room 317  
PO Box 958  
Burlington, KY 41005

To Whom It May Concern,

Our neighbors, Christopher and Erin Saunders, who live at 1302 Rivermeade Dr. Hebron, KY, request a variance to the building code that requires 25 feet from the property line to the covered patio they would like to build off their basement walkout. Only about four feet of the patio would be less than 25 feet from the property line with the shortest distance about 21 ½ feet from the back of their property line with the addition of the covered patio.

We want to express that we take no issue and support the Saunders' request for this variance. This proposed project would improve the neighborhood and granting the proposed variance will create a more pleasing visual harmony by the design of the structure and increase the property value.

Thank you for your consideration.

Respectfully submitted,

Handwritten signatures of Jared and Lisa Cobble in black ink. The signature for Jared is on top and Lisa's is below it.

Jared & Lisa Cobble  
1298 Rivermeade Dr.

July 17, 2021

Boone County Planning Commission  
2950 Washington Street, Room 317  
PO Box 958  
Burlington, KY 41005

To Whom It May Concern:

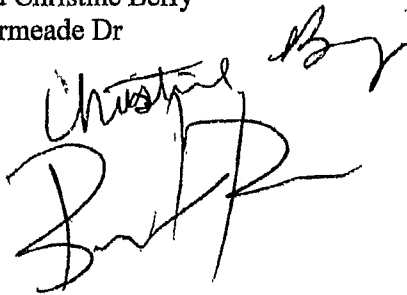
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Thank you for your consideration.

Respectfully submitted,

Bryant and Christine Berry  
1306 Rivermeade Dr

Handwritten signatures of Christopher and Christine Berry. The signature for Christopher is written above the signature for Christine. Both signatures are in cursive and appear to be in black ink.

July 17, 2021

Boone County Planning Commission  
2950 Washington Street, Room 317  
PO Box 958  
Burlington, KY 41006

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Respectfully submitted,

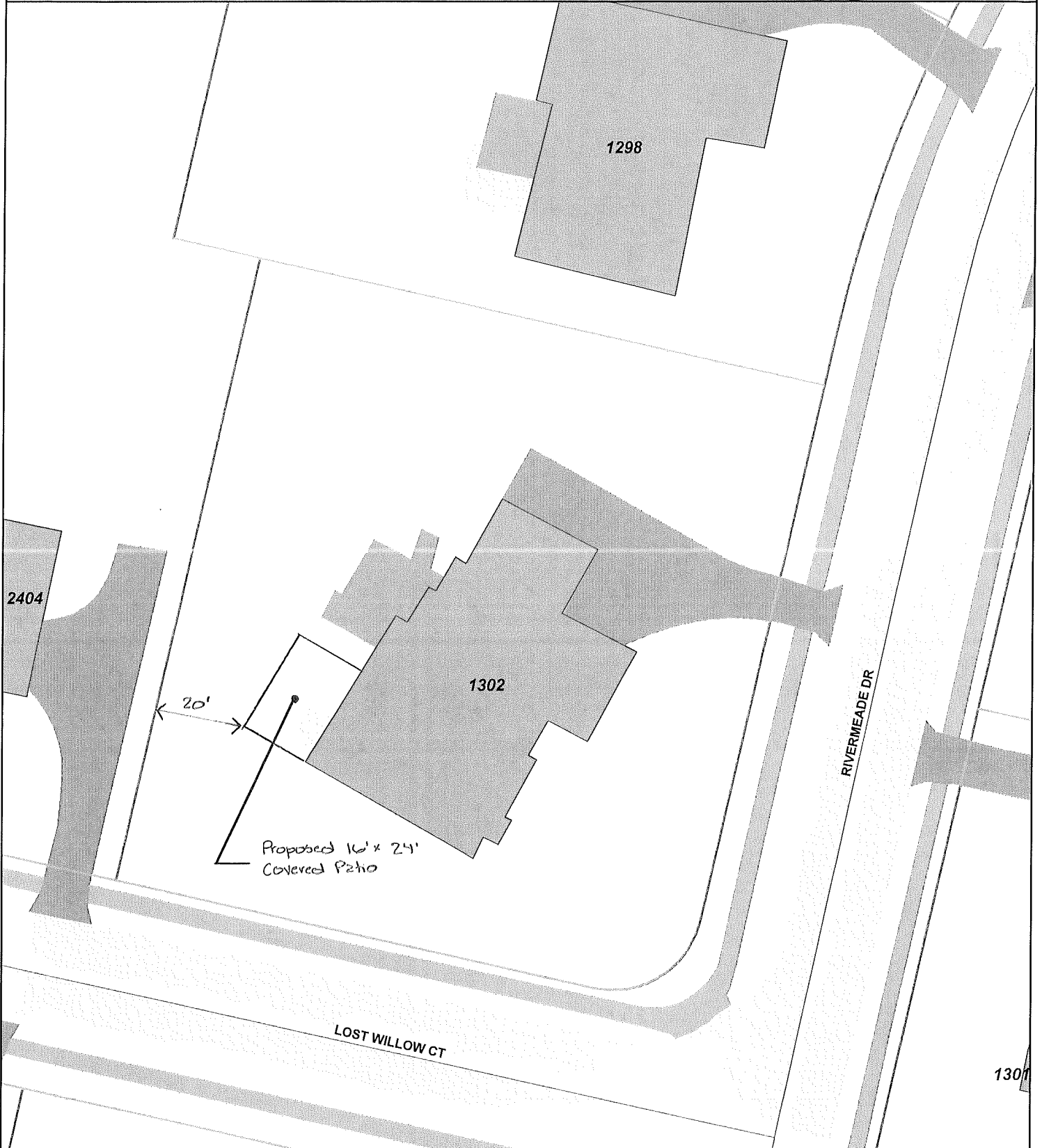
*Christina & Daniel Disibio*

Christina and Daniel Disibio  
2404 Lost Willow Ct

- find if it doesn't go over the property line, which it won't

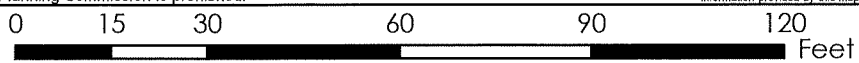
# Boone County GIS Map

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1 inch = 30 feet

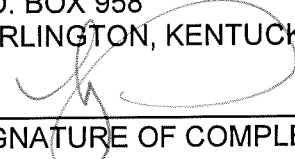
**Boone County GIS - Putting Northern Kentucky on the Map**



CERTIFICATE OF LAND USE RESTRICTION

- 1. NAME AND ADDRESS OF PROPERTY OWNER(S)  
Chris and Erin Saunders  
1302 Rivermeade Dr  
Hebron, KY 41048
- 2. ADDRESS OF PROPERTY  
1302 Rivermeade Dr  
Hebron, KY 41048
- 3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)  
Saunders Porch
- 4. DEED BOOK 995                      PAGE NO. 439                      GROUP NO. 2004
- 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<sup>th</sup> day of August, 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:

Nicole Dierna  
Nicole Dierna  
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.)