

**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

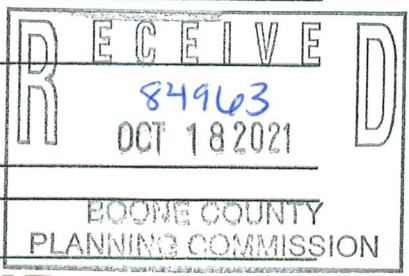
3. Applicant: Wessel Lawncare & Landscaping (Matt Wessel)

Address: PO BOX 830
Union Ky 41091
 City State Zip Code

Phone Number: 8592820114 Fax Number: _____

Email: wessellawncare@fuse.net

4. Description of Request: Requesting a variance for a pavillion to be built 2ft from property line.



5. Name of Development: Sundance Estates

6. Location of Development: 3100 DURANGO CT
Burlington Ky 41005
 City State Zip Code

7. Acreage Under Review: GIS Acreage 0.42

8. Lot Number and Name of Subdivision (if part of a subdivision):
LOT 42 SEC 2 SUNDANCE ESTATES (.42 AC) GROUP 4985

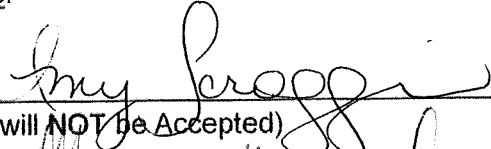
9. Current Owner: Amy Scroggins
 Address: 3100 DURANGO CT
Burlington Ky 41005
 City State Zip Code

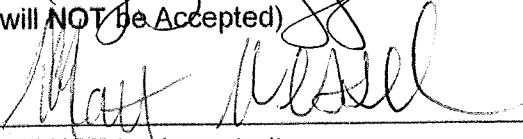
Phone Number: (859)466-6126 Fax Number: _____

Email: dscroggs4@yahoo.com

Pavillion

10. Proposed Use(s) on Site: _____
11. Total Square Footage of Existing and/or Proposed Buildings: _____
12. Current Zoning: RS/CD
13. 1118/800 952 2007
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: 
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

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

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

1. Date Received: 10/18/21 Fee Received: \$666 Receipt #: 84963

2. Is application complete:

3. Staff Reviewer: M. Schwartz

4. Scheduled Board Action Date: 11/10/2021

5. Board Action: 11/10/2021

- 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
www.boonecountyky.org

STAFF REPORT

#3

APPLICANT: Wessel Lawncare and Landscaping, per Matt Wessel, on behalf of Amy Scroggins

LOCATION: 3100 Durango Court

ZONING: Rural Suburban (RS)

DATE: November 10, 2021

PROPOSAL

- A. A variance reducing the side yard setback from five (5) feet to two (2) feet in order to construct a pavilion.

SITE HISTORY

- 2005 On March 15, 2005, the Boone County Fiscal Court adopted Ordinance Number 05-02, changing the zoning of the site, and its surrounding area, from RSE to RS, with several conditions, none of which impact the submitted request (R-05-002-A).
- 2008 On January 25, 2008, the Boone County Planning Commission staff approved a zoning permit for the construction of a single-family residence on the site in question.
- 2020 On August 5, 2020, the Boone County Planning Commission staff approved a zoning permit for the construction of a swimming pool.

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 920 of the Boone County Zoning Regulations states that the purpose of the Rural Suburban district “is to provide a residential environment whose dwelling types and densities are typical of a low density suburban character. Such districts will largely be located to preserve the established character of areas developed prior to the adoption of these regulations and where there is limited feasibility, desire, or need to provide or require installation or utilization of all infrastructure necessary to support a suburban or urban neighborhood.
- E. Section 3111 of the Boone County Zoning Regulations states that the minimum required setbacks of the RS district are:
1. Minimum Front Yard Setback: Forty (40) feet
 2. Minimum Rear Yard Setback: Forty (40) feet
 3. Minimum Side Yard Setback: Ten (10) feet
- F. Section 3153 of the Boone County Zoning Regulations states that accessory structures or uses shall be placed in the side or rear yard only, but not the corner side yard, and shall be no closer than five (5) feet to any property line.

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. Durango Court is a county maintained local cul-de-sac street providing for two way traffic. Sidewalks are provided along both sides of these roadways.

SURROUNDING LAND USES AND ZONING

- North: Single-family residential (RS)
South: Single-family residential (RS)
East: Vacant/agricultural (RSE)
West: Single-family residential (RS)

SITE CHARACTERISTICS

- A. The approximate 0.42 acre property is located at the terminus of the Durango Court cul-de-sac.
- B. The site is currently occupied by a detached single family residential dwelling with an at grade patio and a swimming pool.
- C. A split rail fence encloses the rear yard of the site.
- D. The site slopes upward from the southwest to northeast, at an average grade of 2%.
- E. The site is located within the 55 day/night noise level of the Cincinnati/Northern

Kentucky International Airport.

PROPOSED DEVELOPMENT

- A. Construction of a 324 square foot pavilion, having a maximum height of twelve (12) feet.

STAFF COMMENTS

- A. If the variance is granted, the proposed pavilion will be located approximately forty (40) feet from the side wall of the house located at 3103 Durango Court.
- B. On April 9, 2008, the Boone Board of Adjustment denied a variance reducing the rear yard setback from forty (40) feet to twenty-six (26) feet in order to construct a single-family residential dwelling at 3103 Durango Court (BCBOA-08-DE-1).
- C. On September 19, 2019, the Boone Board of Adjustment approved a variance reducing the rear yard setback from forty (40) feet to twenty-seven (27) feet in order to construct a covered patio at 3104 Durango Court (BCBOA-19-015).

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
- *Noise Contour Map
- *Application
- *Letter of Intent
- *Development Plan

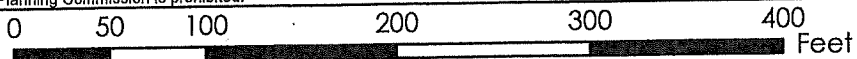
Vicinity Map

www.boonecountygis.com



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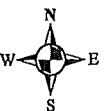
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1 inch = 100 feet



Boone County GIS

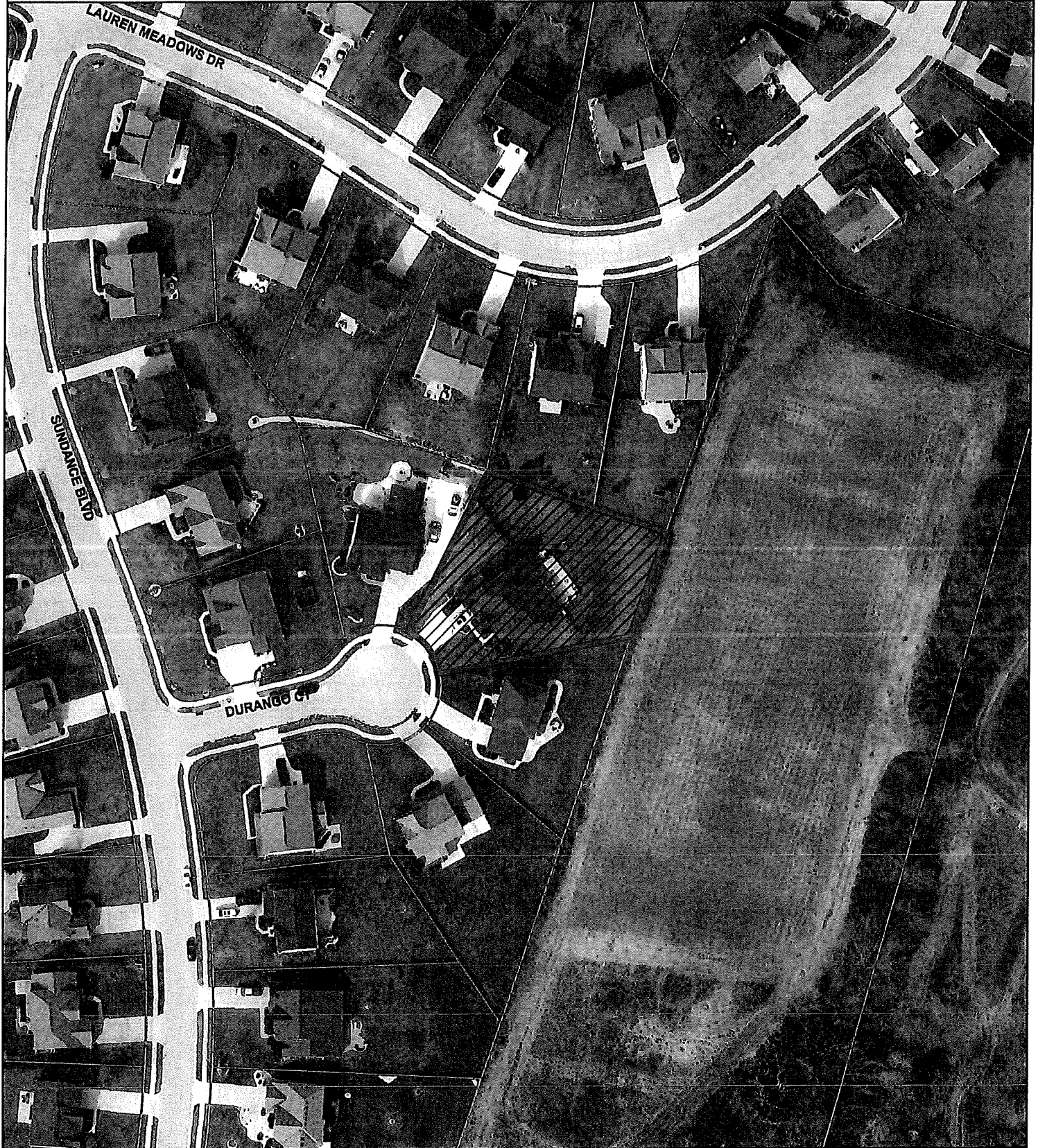


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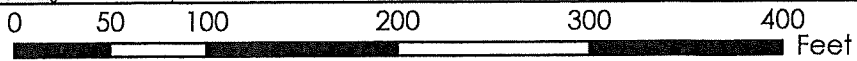
Aerial Map

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Boone County GIS - Putting Northern Kentucky on the Map

Map Created: xx/xx/2021

With Thanks to Esri for the ArcGIS
ArcMap Document: *.mxd

Zoning Map

www.boonecountygis.com

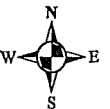
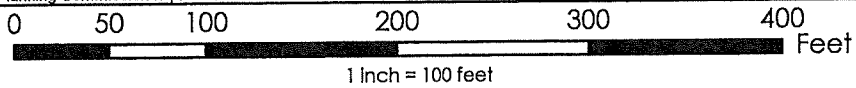


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Boone

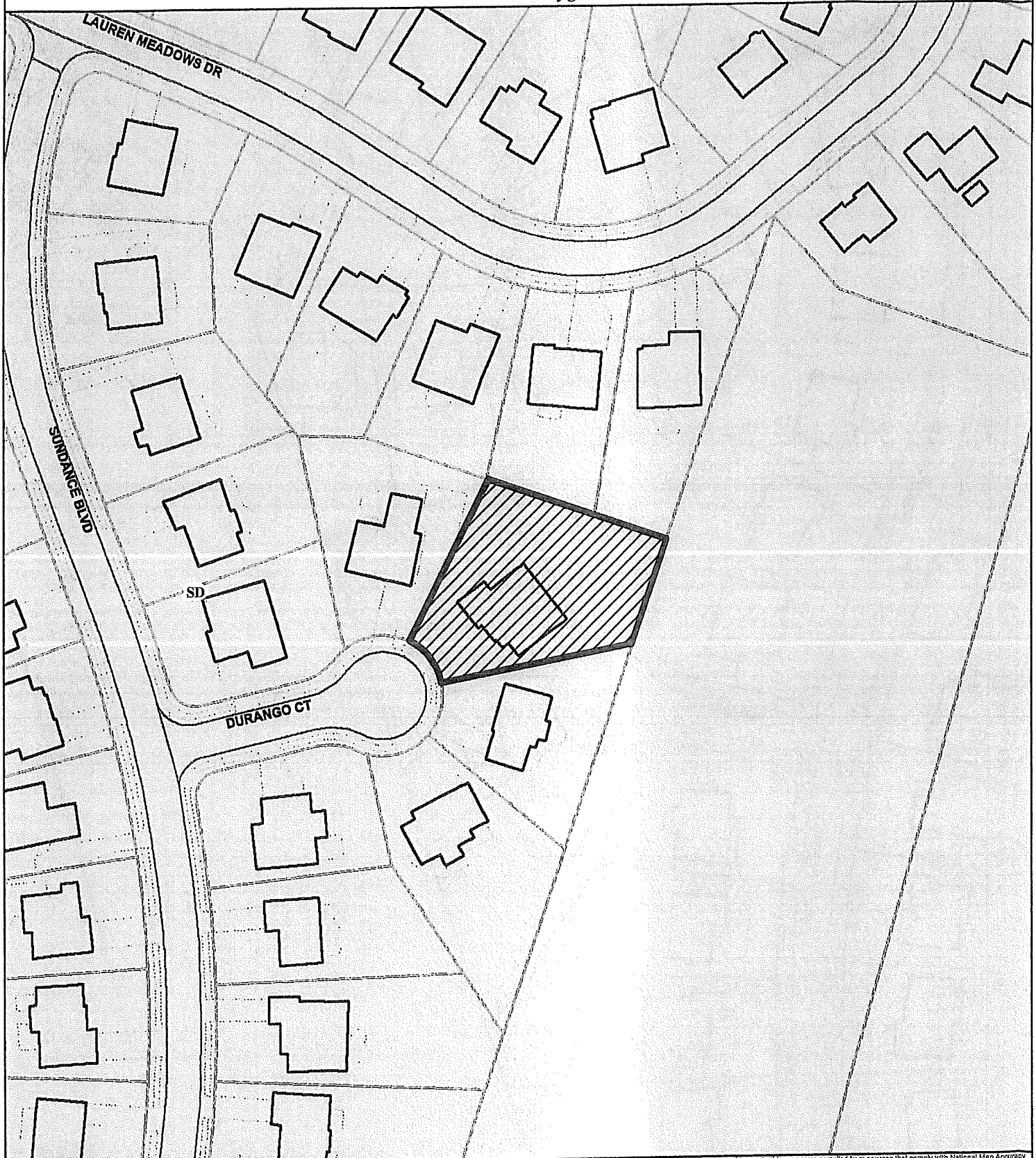


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Map File Created by: xx/xx/2021
ArcMap Document: *.mxd

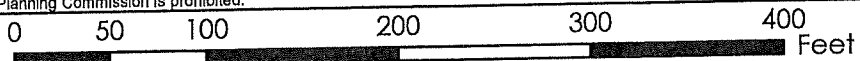
2040 Future Land Use Map

www.boonecountygis.com



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Boone



Map File: 1 - Future 2040 Land Use
ArcMap Document: *.mxd

Noise Contour Map

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0 50 100 200 300 400 Feet

1 inch = 100 feet



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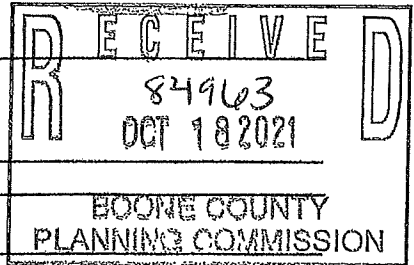
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Burlington Ky 41005
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LOT 42 SEC 2 SUNDANCE ESTATES (.42 AC) GROUP 4985

9. Current Owner: Amy Scroggins

Address: 3100 DURANGO CT

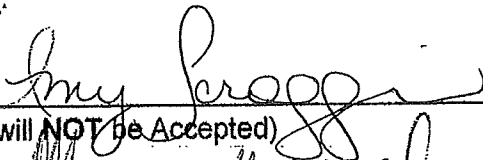
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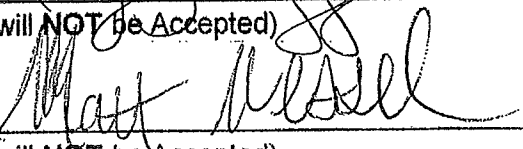
Phone Number: (859)466-6126 Fax Number: _____

Email: dscroggs4@yahoo.com

Pavillion

10. Proposed Use(s) on Site: _____
11. Total Square Footage of Existing and/or Proposed Buildings: _____
12. Current Zoning: RS/CD
13. 1118/600 952 2007
Deed Book Page Group Number
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ORIGINAL Applicant's Signature: 
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

Letter of Intent

In Support of Request for Variance

3100 Durango Ct Burlington Ky 41005

This Letter of Intent is in support of my request for a variance. The Variance requested is relatively minor, and as shown below in the attached plan clearly meets all the parameters set forth in the Boone County Zoning Regulations. Further, if granted, this Variance will not violate or circumvent any of the parameters set forth in these regulations. We are requesting a Side Yard Setback Variance to allow the construction of an 18*18 pavilion 2.0' from the side (East) property; a minimum side yard setback of 5' is required for this lot in an R-1, Single-Family Residential District.

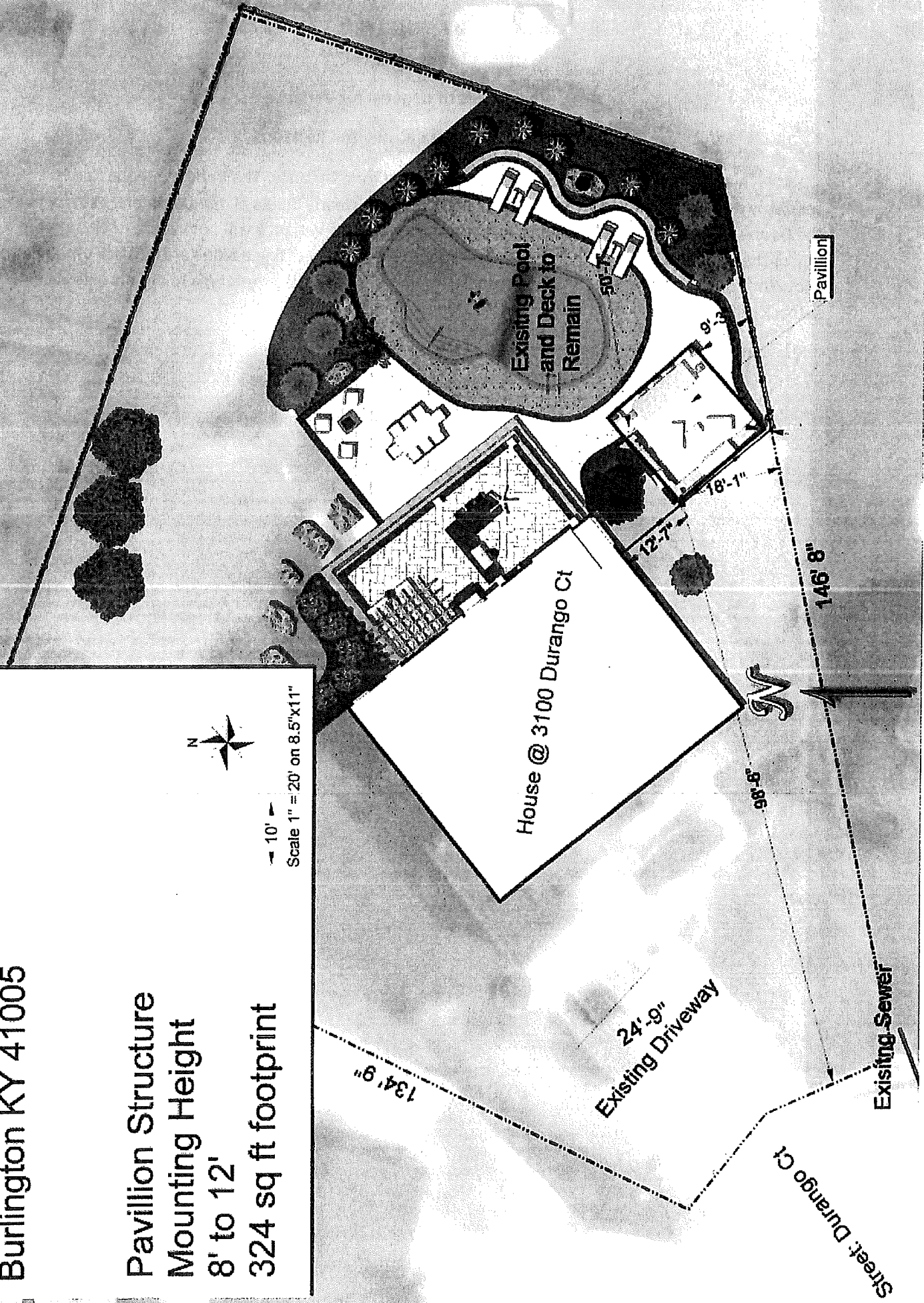
Scroggins Residence
3100 Durango Ct
Burlington KY 41005

Pavillion Structure
Mounting Height
8' to 12'
324 sq ft footprint



10'

Scale 1" = 20' on 8.5"x11"



CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Amy Scroggins
3100 Durango Ct
Burlington, KY 41005
2. ADDRESS OF PROPERTY
3100 Durango Ct
Burlington, KY 41005
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Sundance Estates
4. DEED BOOK 1118 PAGE NO. 952 GROUP NO. 2007
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, Director, Zoning Services
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 16th day of November, 2021.

Treva L. Beagle
Notary ID KYNP37603
NOTARY PUBLIC, State at Large

My commission Expires:
November 12, 2025

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.)

Letter of Intent

In Support of Request for Variance

3100 Durango Ct Burlington Ky 41005

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Scroggins Residence
3100 Durango Ct
Burlington KY 41005

Pavillion Structure
Mounting Height
8' to 12'
324 sq ft footprint



10' →

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