

**BOARD OF ADJUSTMENT
BOONE COUNTY PLANNING COMMISSION**

RECEIVED
87684
JAN 27 2023
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: Paul Mehler
Address: 6044 Tosha Dr.
Burlington Ky. 41005
City State Zip Code
Phone Number: (859) 638-2572 Fax Number: _____
Email: pmehler@fuse.net
4. Description of Request:
Adding a sunroom to rear of home. Same location as existing deck.
5. Name of Development: Burlington Meadows
6. Location of Development: 6044 Tosha Dr
Burlington Ky 41005
City State Zip Code
7. Acreage Under Review: .2300
8. Lot Number and Name of Subdivision (if part of a subdivision):
LOT # 43 Sec. 6 Burlington Meadows (38 G - 63)
9. Current Owner: Paul Mehler
Address: 6044 Tosha Dr.
Burlington Ky 41005
City State Zip Code
Phone Number: (859) 638-2572 Fax Number: _____
Email: pmehler@fuse.net

10. Proposed Use(s) on Site: Residential
11. Total Square Footage of Existing and/or Proposed Buildings: 182 (SF)
12. Current Zoning: _____
13. 1039 407 2029
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: Paul D. Melki
(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

ORIGINAL Applicant's Signature: Paul D. Melki
(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

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

1. Date Received: 1/27/23 Fee Received: \$666 Receipt #: 87684

2. Is application complete: _____

3. Staff Reviewer: M. Schwartz

4. Scheduled Board Action Date: 3/18/2023

5. Board Action: 3/18/2023

- 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: Paul Mehler

LOCATION: 6044 Tosha Drive, Boone County, Kentucky

ZONING: Suburban Residential One (SR-1)

DATE: March 8, 2023

PROPOSAL

1. The applicant is requesting a Variance reducing the rear yard setback from thirty (30) feet to twenty (20) feet to allow for a sunroom addition.

SITE HISTORY

1988 On November 9, 1988, the Boone County Planning Commission approved a Final Plat for Burlington Meadows, Section 6.

1985-1990 Based on information contained in the Boone County GIS, the house was built.

2009 On September 2, 2009, a Conveyance Plat was approved for the transfer of 0.01 acres from the site in question to the adjacent property to the north.

APPLICABLE REGULATIONS

- A. Section 202.C 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 4000 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 204.D and 204.E of the Boone County Zoning Regulations.
 1. Findings listed in Section 204.D and 204.E:
 - 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 within the SR-1 district.
- E. Section 930 of the Boone County Zoning Regulations states that the “purpose of the Suburban Residential One district is to provide a low density, residential environment, whose dwelling types and densities are typical of a suburban character. It is also to provide limited or passive and active recreational uses that are appropriate to the permitted uses in the district.”

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 described 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:
 - 1. 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).
 - 2. Development policies shall not discriminate against any person (Demographics Goal A, Objective 1).
 - 3. 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).
 - 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).

5. Home ownership shall be encouraged and incentivized as well as redevelopment and renovation of deteriorating housing stock (Demographics Goal B, Objective 3).
 6. 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).
 7. 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. Tosha Drive is identified as a County maintained local street providing for two way traffic within an approximate twenty-five (25) foot pavement width. Sidewalks are provided along both sides of the roadway.

SURROUNDING LAND USES AND ZONING

- North: Single family residential (SR-1)
- South: Single family residential (SR-1)
- East: Single family residential (SR-1)
- West: Single family residential (SR-1)

SITE CHARACTERISTICS

- A. The approximate 0.23 acre property is located along the east side of Tosha Drive, approximately 250 feet south of Burlington Pike.
- B. The site is currently occupied by a two-story, detached single-family residential dwelling.
- C. Access to the site is from Tosha Drive.
- D. The site is relatively flat.
- E. The site is located within the 55 day/night noise level of the Cincinnati/Northern Kentucky International Airport.
- F. The proposed addition will be set back no less that twenty (20) feet from the rear property line.

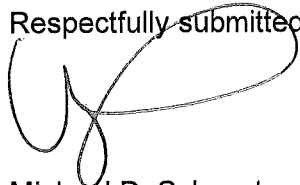
STAFF COMMENTS

- A. On January 10, 1991, the Boone Board of Adjustment approved a Variance reducing the front yard setback for the property located at 3134 Kirkpatrick Court (BCBOA-91-001).
- B. On July 8, 1992, the Boone Board of Adjustment approved a Variance reducing the side yard setback for the property located at 6065 Tosha Drive (BCBOA-92-011).

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. Sections 204.D and 204.E 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
Director, Zoning Services

MDS/ss

Attachments

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

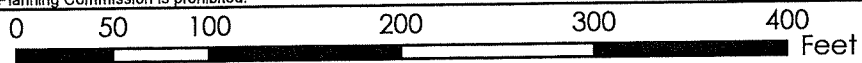
Vicinity Map

www.boonecountygis.com



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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 = 100 feet

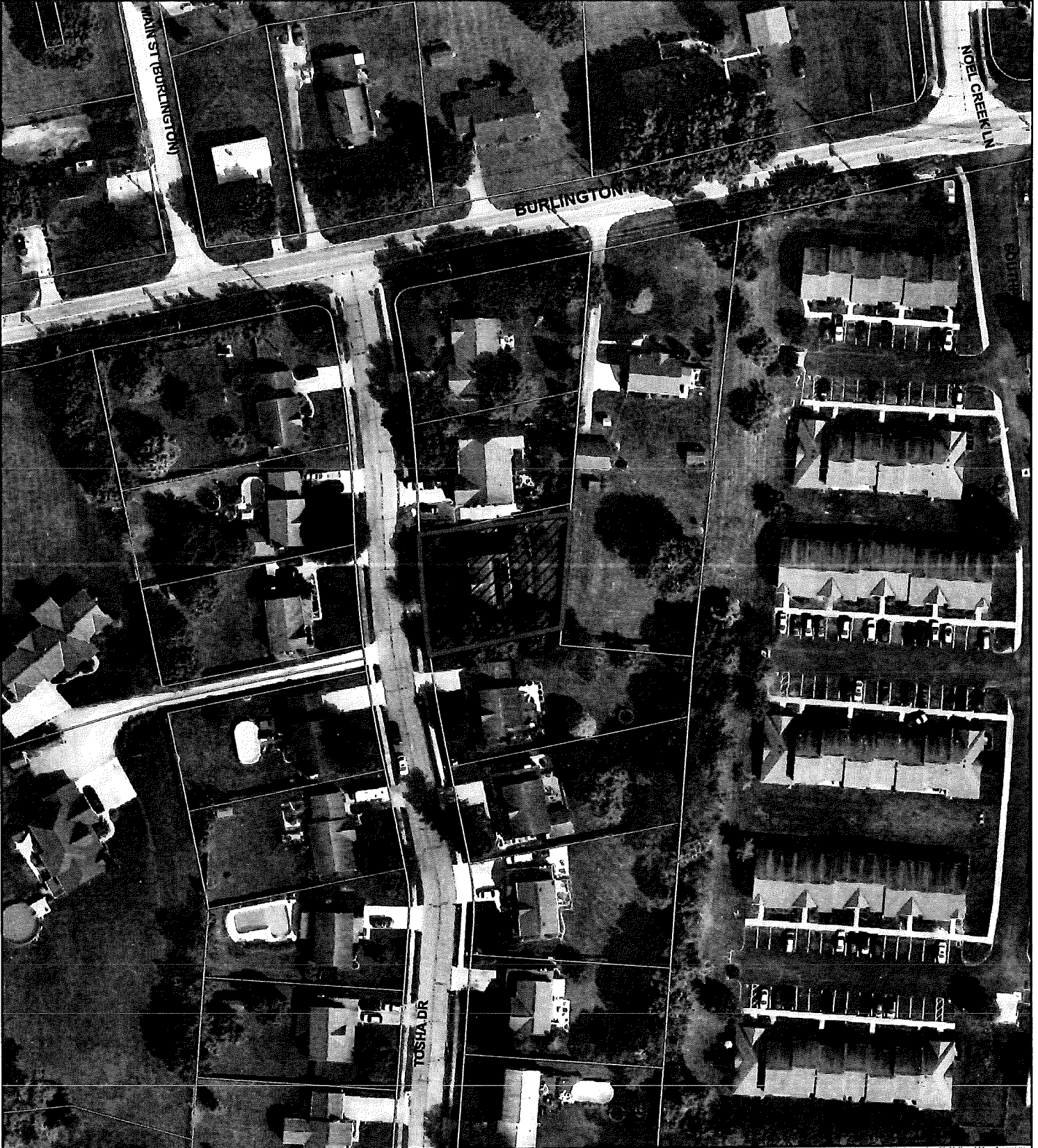


Boone County GIS - Putting Northern Kentucky on the Map



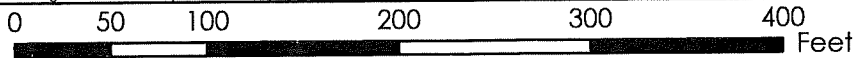
Aerial Map

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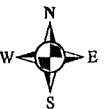
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Boone



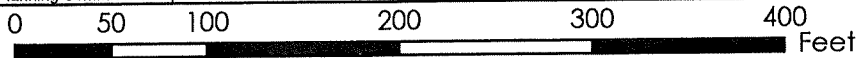
Topographical Map

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Boone County GIS - Putting Northern Kentucky on the Map

Map Created: xx/xx/2021

Made with ArcGIS Online by Esri, 9/8/2018
ArcMap Document: *.mxd

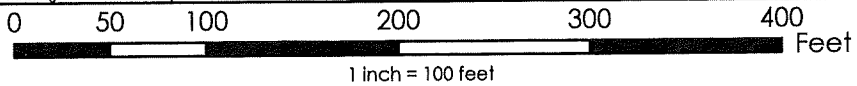
Zoning Map

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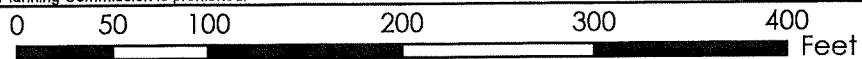
Noise Contour Map

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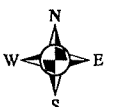
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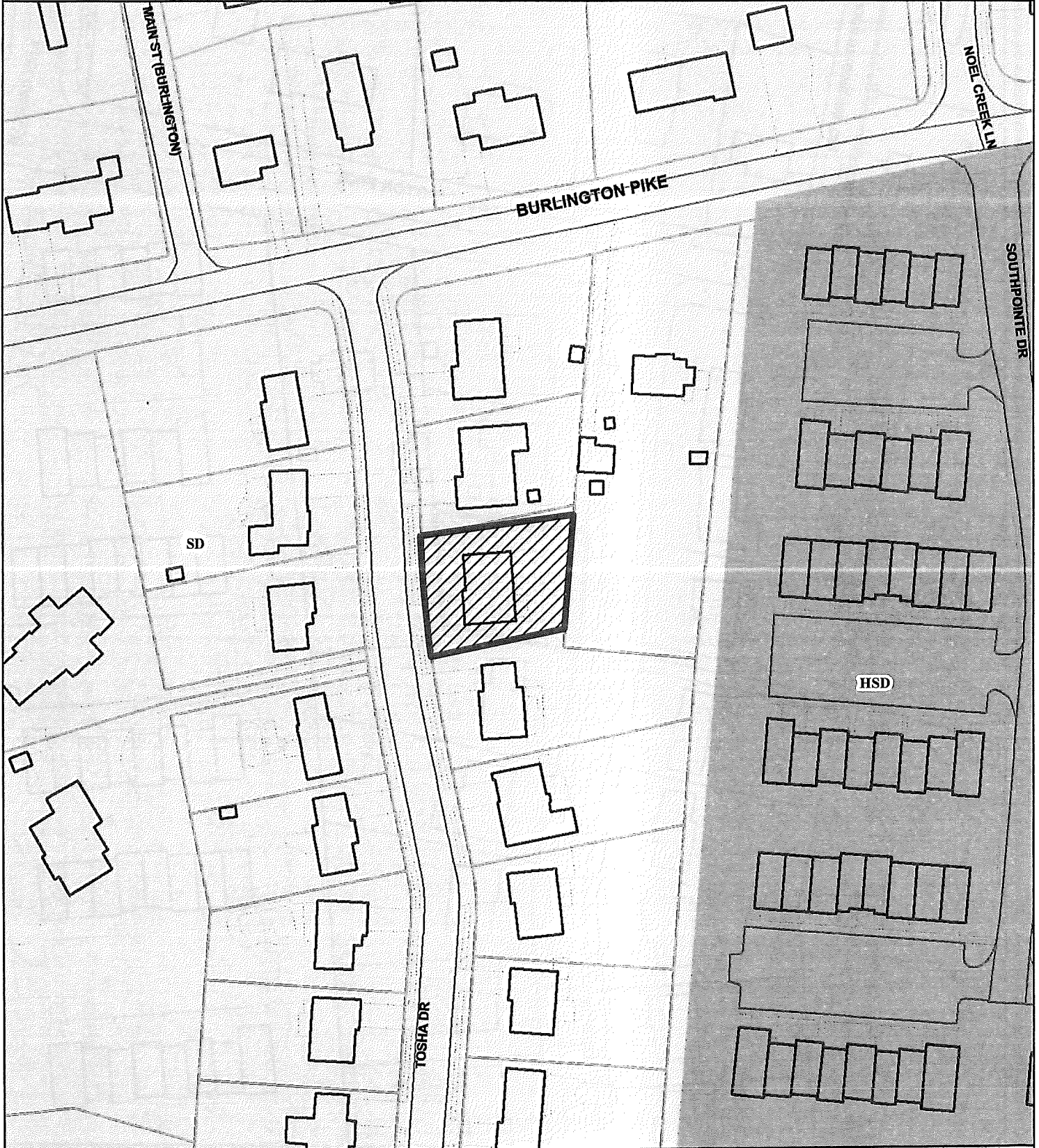


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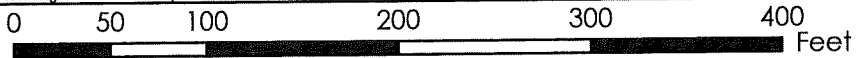
2040 Future Land Use Map

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3. Staff Reviewer: _____

4. Scheduled Board Action Date: _____

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_____ Approved

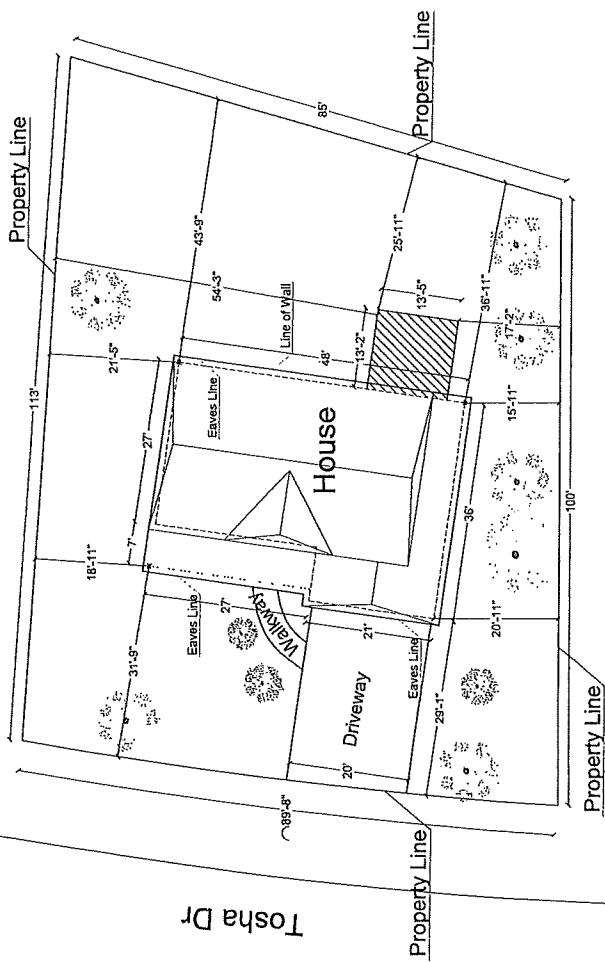
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_____ Denial (See #7)

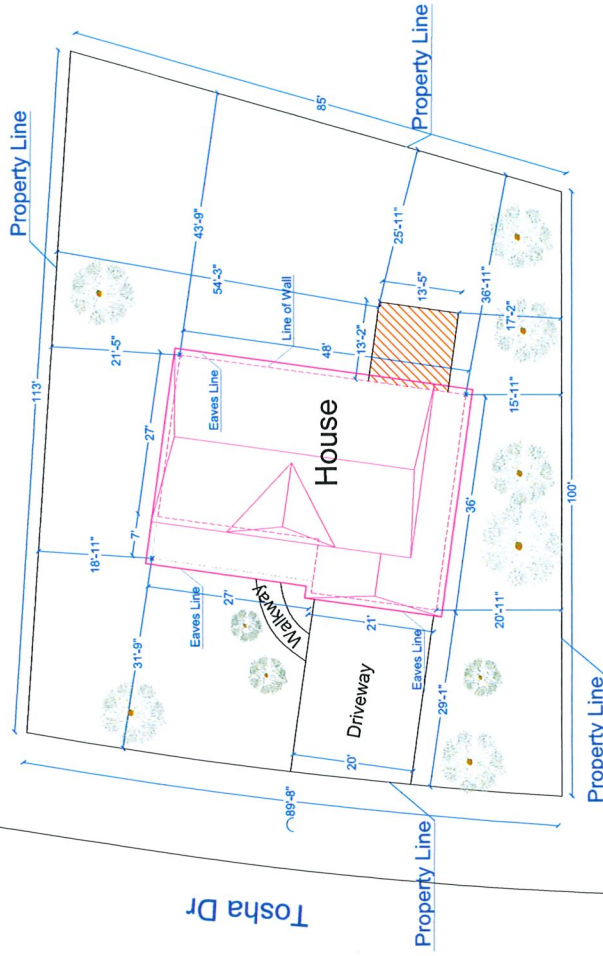
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7. Reasons for Denial: _____

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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



Plot Plan for:	Owner: Mehler Paul D	Lot: 43 Scale: 1"=20'
	Address: 6044 Tosha Dr	
	Subdivision: Burlington Meadows	
Submitted by:	Parcel/Locator: 038.00-07-043.00	Additional Information: Mehler_3100002815_Cincinnati



Plot Plan for:	Owner: Mehler Paul D Address: 6044 Tosha Dr	Lot:43 Scale: 1"=20'
Submitted by:	Subdivision: Burlington Meadows Parcel/Locator: 038.00-07-043.00	Additional Information: Mehler_3100002815_Cincinnati

CERTIFICATE OF LAND USE RESTRICTION

- 1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Paul Mehler
6044 Tosha Dr
Burlington, KY 41005

- 2. ADDRESS OF PROPERTY
6044 Tosha Dr
Burlington, KY 41005

- 3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Mehler Variance

- 4. DEED BOOK 1039 PAGE NO. 407 GROUP NO. 2029

- 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, 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 10th day of March, 2023.

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
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.)