

**BOARD OF ADJUSTMENT
BOONE COUNTY PLANNING COMMISSION**

One (1) scaled copy 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: Domain Development LLC, Daniel Biedenbender, CEO
Address: 4387 River Rd
Hebron KY 41048
City State Zip Code
Phone Number: 859-739-1713 Fax Number: _____
Email: ddcontactnky@gmail.com
4. Description of Request: Reduce rear yard setback from 30' to 27' to build a cover for a patio with out having to cut into the existing concrete
5. Name of Development: Outdoor Living Space
6. Location of Development: 3225 Chloe Court
Hebron KY 41048
City State Zip Code
7. Acreage Under Review: 0.21
8. Lot Number and Name of Subdivision (if part of a subdivision):
Lot 36 (Sec 5) Sawgrass
9. Current Owner: Allen P Byrnside & Susan L Byrnside
Address: 3225 Chloe Court
Hebron KY 41048
City State Zip Code
Phone Number: 513-502-1775 Fax Number: _____
Email: byrnsidea@fuse.net

10. Proposed Use(s) on Site: Covered Outdoor Living Space
11. Total Square Footage of Existing and/or Proposed Buildings: 340
12. Current Zoning: SR-1
13. 1174 961 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.

Property Owner's Signature:

Applicant's Signature:

Susan L. Bynum
Carl Blah

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

1. Date Received: 9/15/26 Fee Received: \$666 Receipt #: 95576
2. Is application complete: _____
3. Staff Reviewer: C Elliott
4. Scheduled Board Action Date: 10/14/26
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
plancom@boonecountyky.org
www.boonecountyky.org

STAFF REPORT

#6

APPLICANT: Domain Development LLC, per Daniel Biedenbender, on behalf of Allen and Susan Byrnside

LOCATION: 3225 Chloe Court, Boone County, Kentucky

ZONING: Suburban Residential One (SR-1)

DATE: October 14, 2026

PROPOSAL

- A. The submitted request is a Variance reducing the rear yard setback from thirty (30) feet to twenty-seven (27) feet.

SITE HISTORY

- 2020 On November 16, 2020, the Boone County Planning Commission approved a Final Plat for Sawgrass Section 5, creating the lot in question.
- 2021 On March 1, 2021, the Boone County Planning Commission approved a zoning permit to allow the construction of a single-family residence on the site.

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 903.A 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. Suburban Residential One districts will be located on lands within established urban areas where adequate infrastructure facilities and services are available or proposed.
- E. Section 3111 of the Boone County Zoning Regulations states that the minimum rear yard setback within the SR-1 district is thirty (30) feet.
- F. Section 3123 of the Boone County Zoning Regulations states that Open structures such as porches, decks, canopies, balconies, platforms, carports, covered patios, and similar architectural projections which occupy space three (3) or more feet above the general ground level of the yard shall be considered parts of the building to which attached and shall not project into the required minimum front, side, or rear yard.

RELATIONSHIP TO THE COMPREHENSIVE PLAN

- A. The Our Boone County Plan 2045 - 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. Chloe Court is a county-maintained local street, providing for two-way traffic within an approximate twenty (20) foot pavement width. There is a sidewalk along both sides of the roadway.

SURROUNDING LAND USES AND ZONING

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

SITE CHARACTERISTICS

- A. The approximate 0.25-acre property is located on the south side of Chloe Court.
- B. The site has approximately 65 feet of frontage along Chloe Court.

- C. The site is currently occupied by a detached single-family residential structure with a concrete patio.
- D. Access to the site is from a single driveway curb cut onto Chloe Court.

STAFF COMMENTS

- A. The submitted concept plan indicates the construction of a 340 square-foot structure over an existing patio.
- B. The existing patio meets the 30-foot rear yard setback, but in order to have the roof structure meet the setback requirements, the applicants would have to cut into the existing concrete.
- C. If approved, the distance between the proposed porch roof and the nearest residential structure would be approximately seventy-five (75) feet.

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 these criteria.

Respectfully submitted,



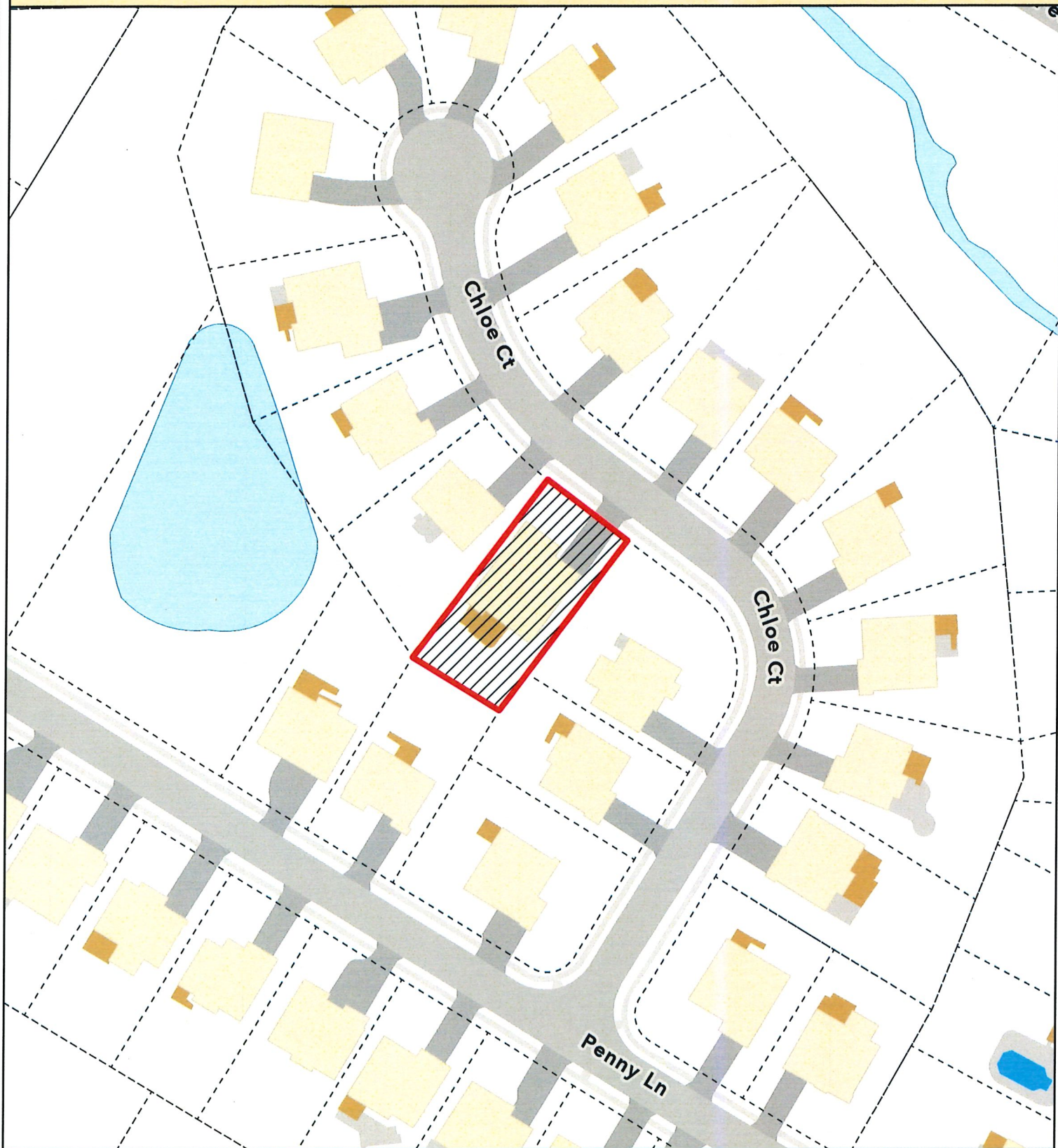
Lauren M. Elliott
Planner, Zoning Services

LME/nd

Attachments

- *Vicinity Map
- *Aerial Map
- *Zoning Map
- *2045 Future Land Use Map
- *Application
- *Concept Development Plan

Vicinity Map



0 45 90 180 270 360

Feet

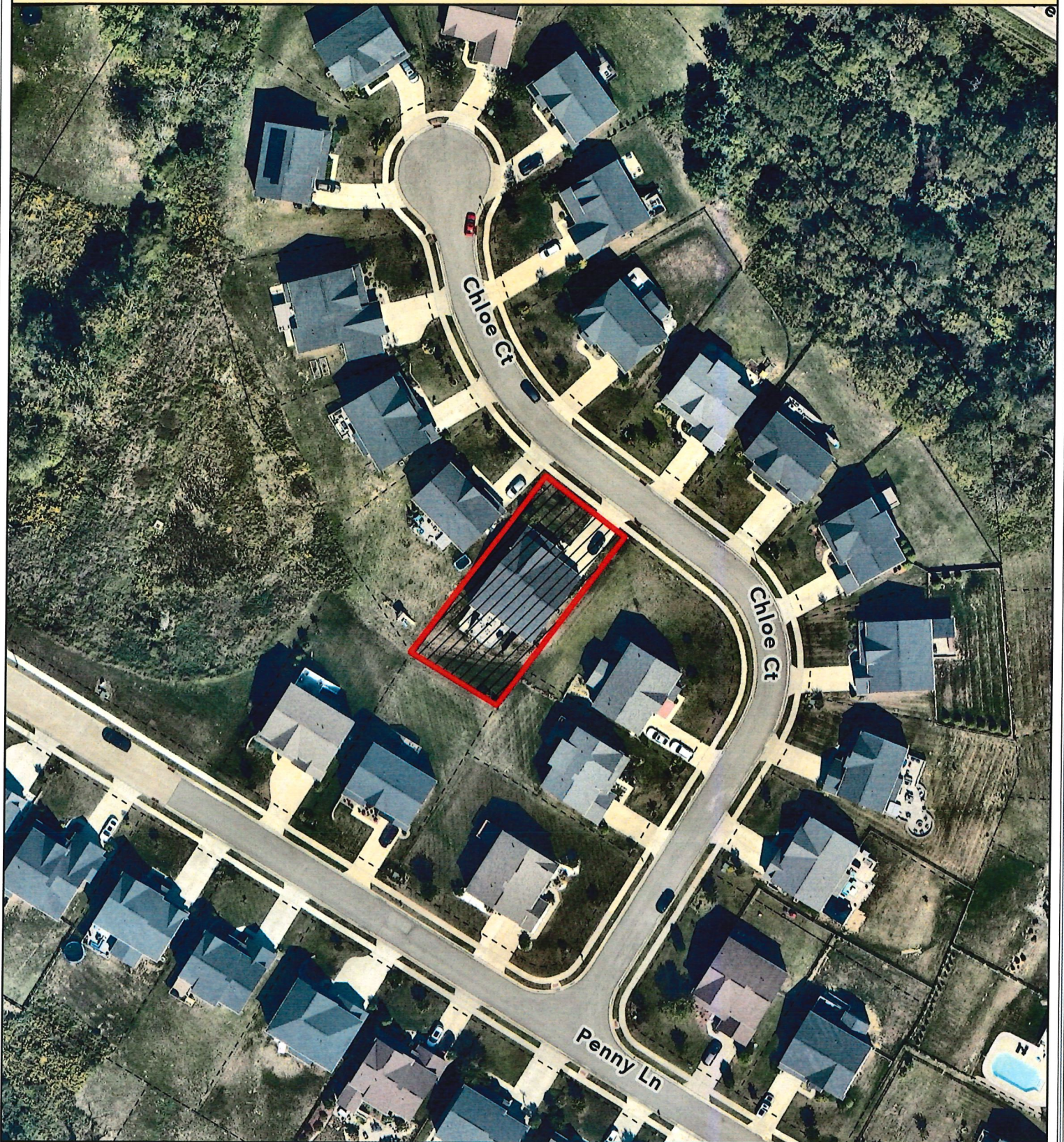


Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 10/7/2026

ArcGIS Pro Document: *.aprx

Aerial Map



0 45 90 180 270 360 Feet

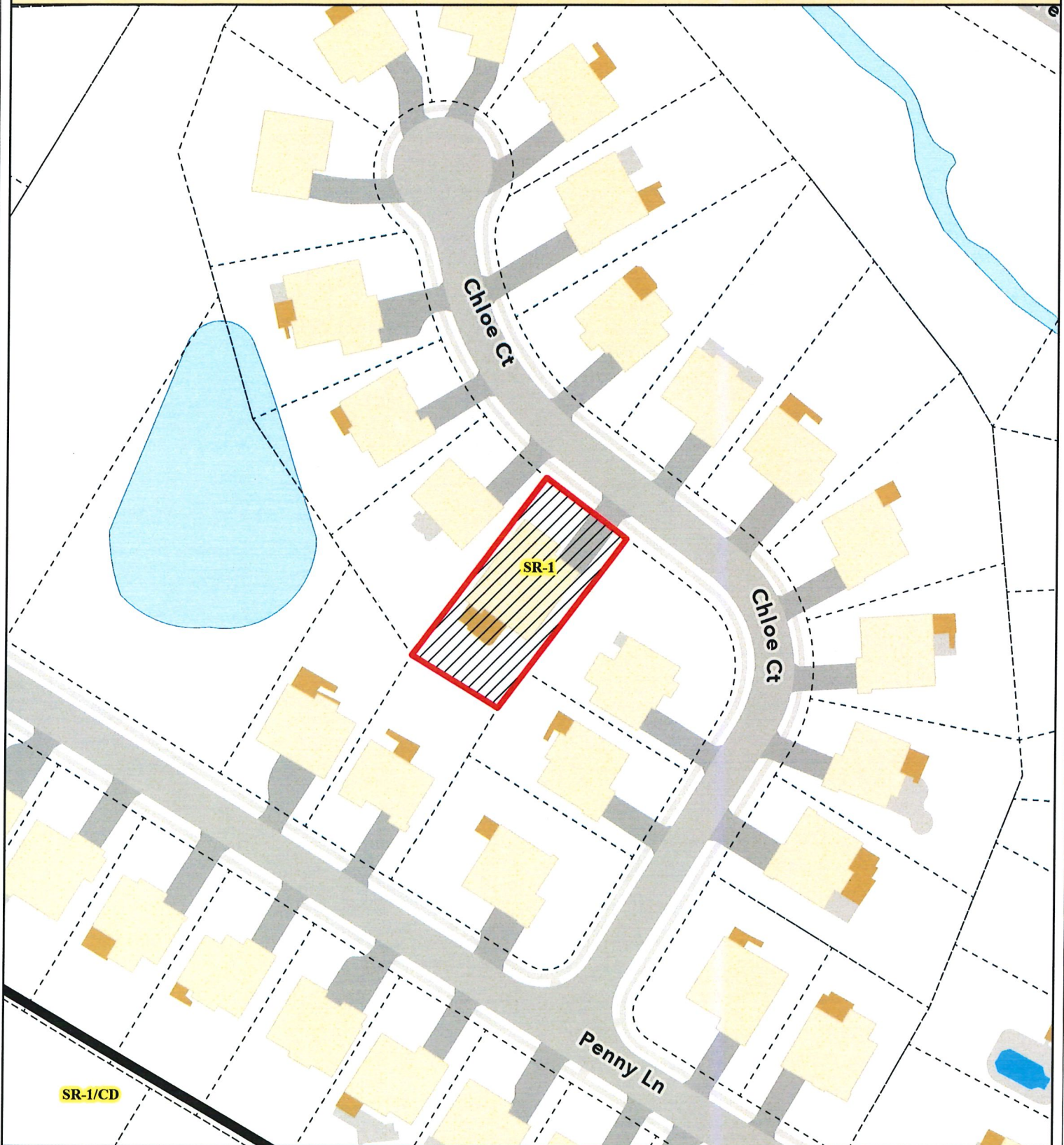


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Zoning Map



0 45 90 180 270 360 Feet

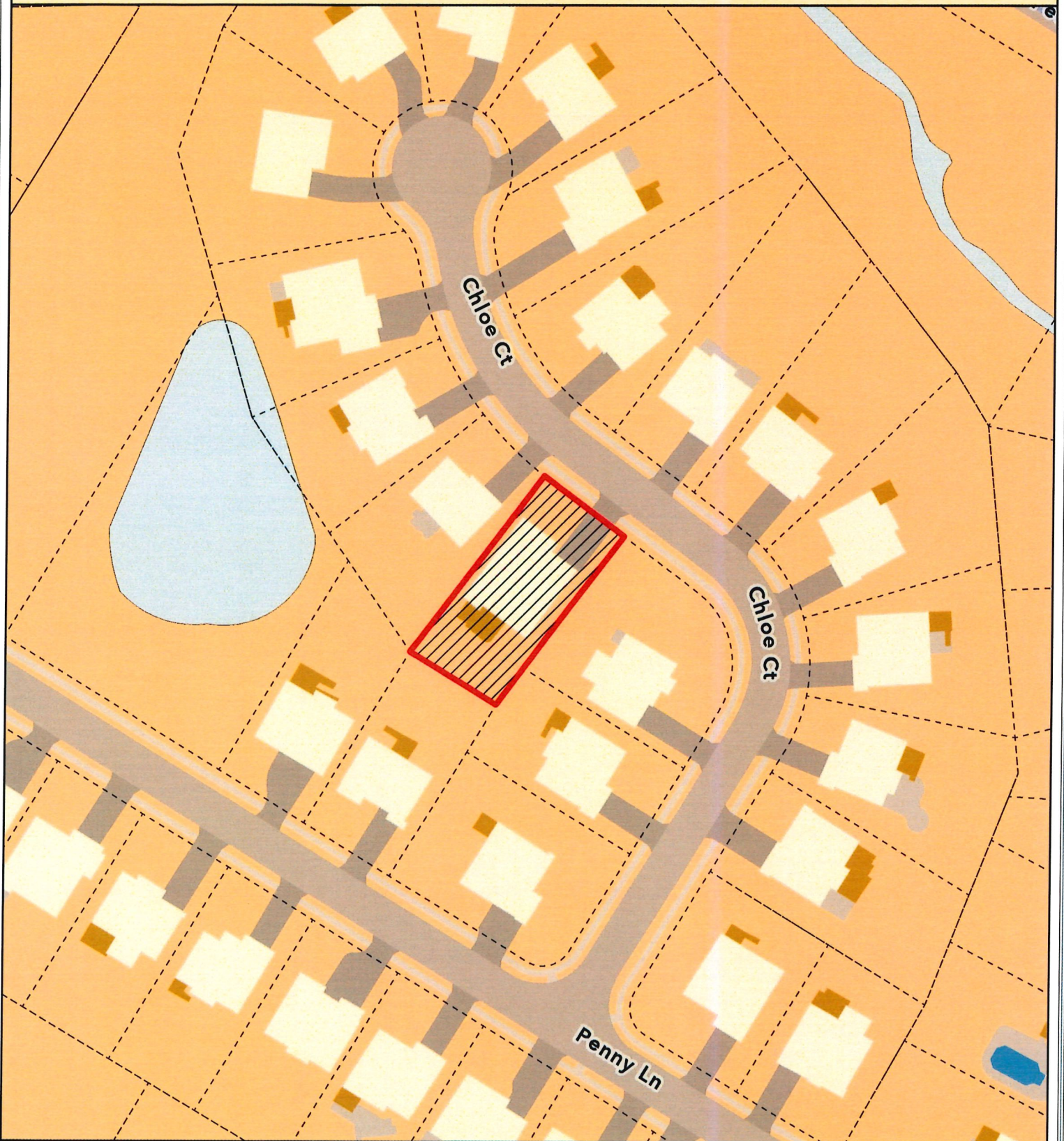


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2045 Future Land Use Map



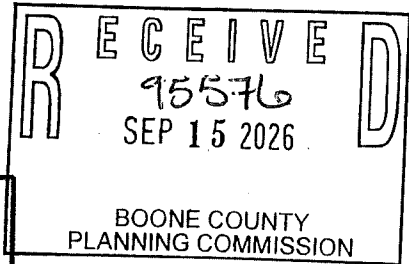
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Susan L. Byrns
Carl Blah

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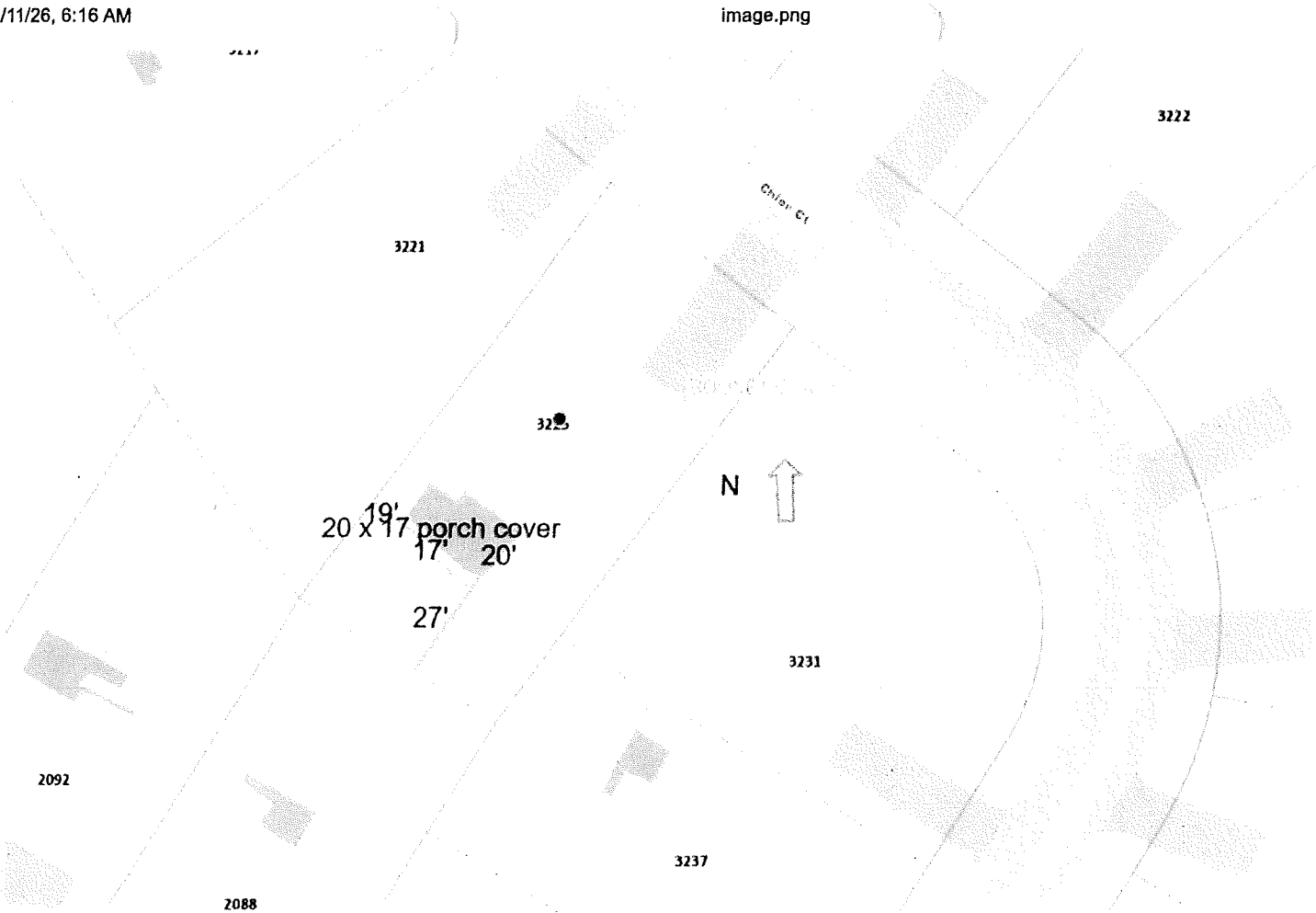
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_____ Denial (See #7)

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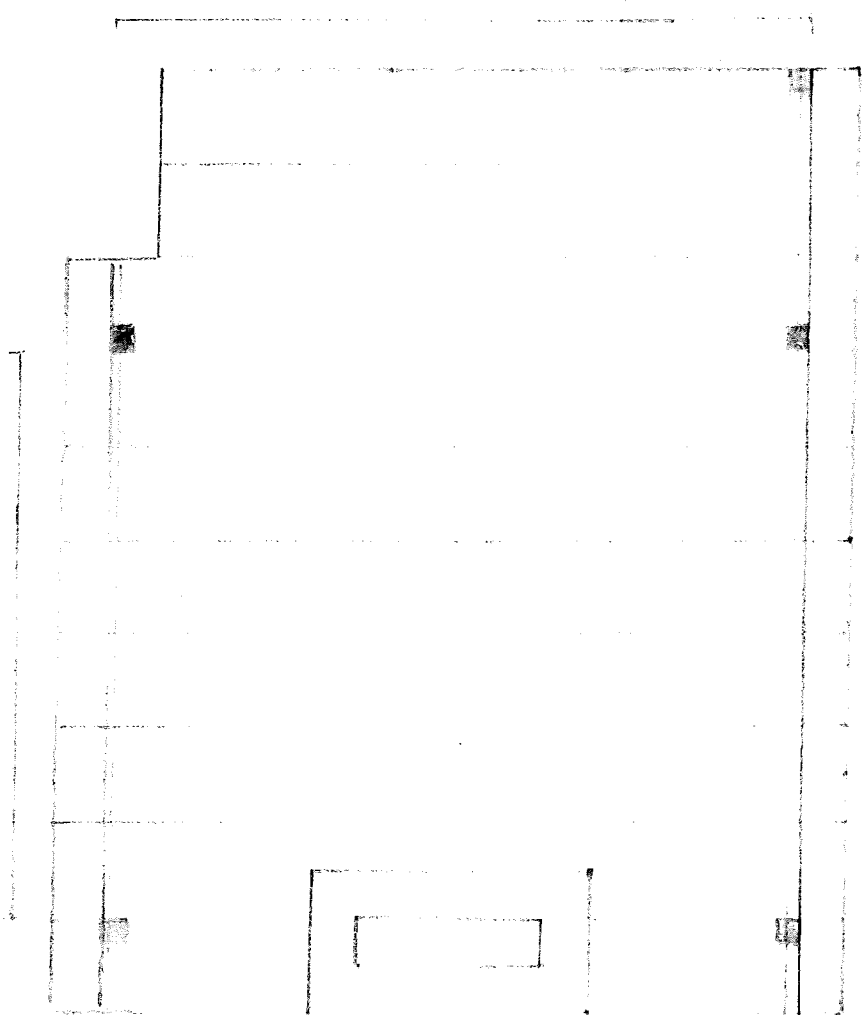
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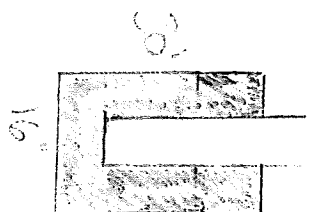
□ 40

6' 6"

20'



12' 9"

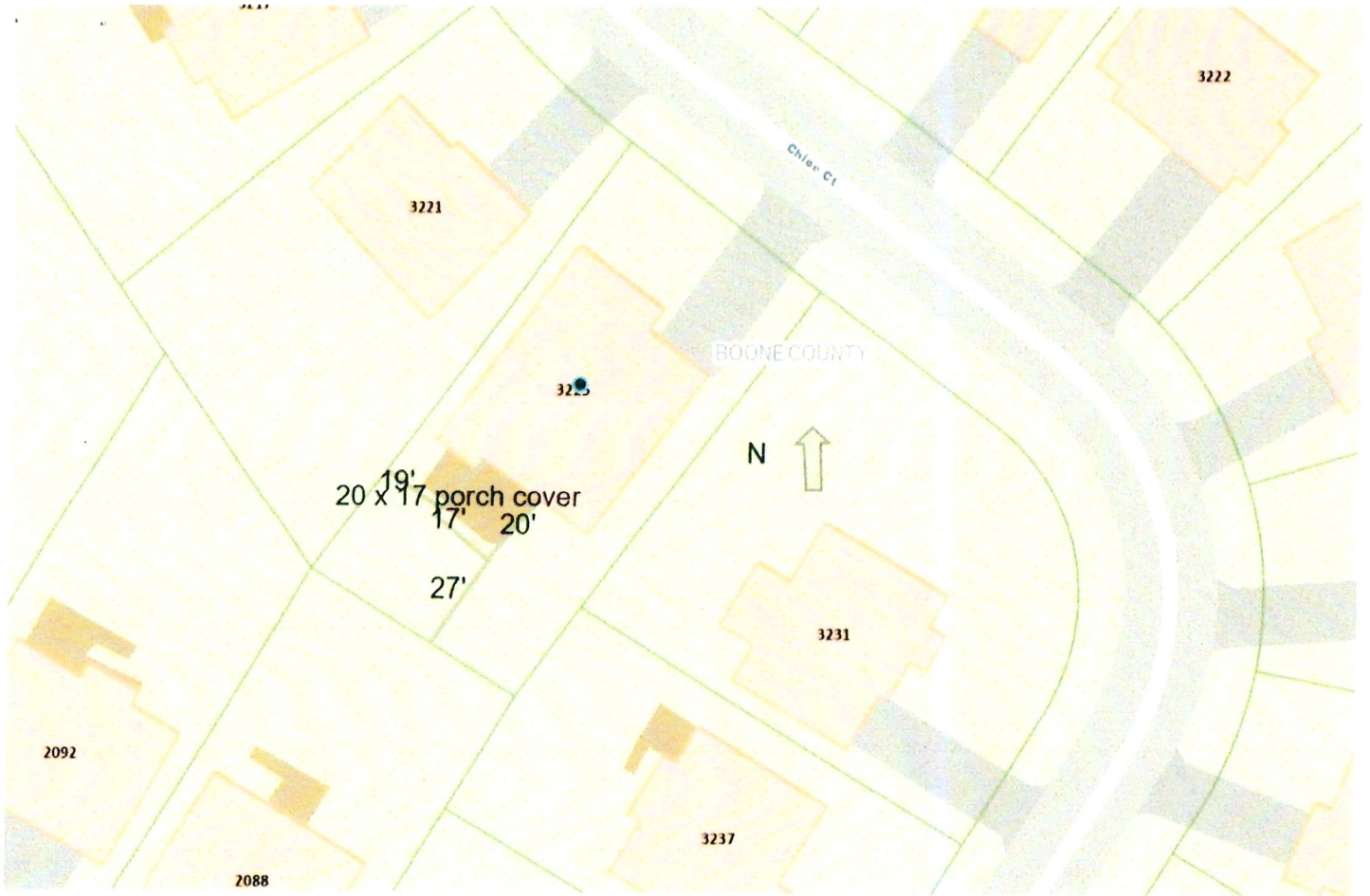


Footprint
with roof

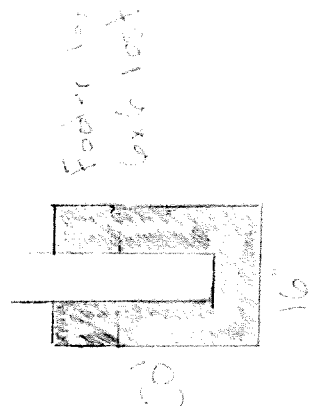
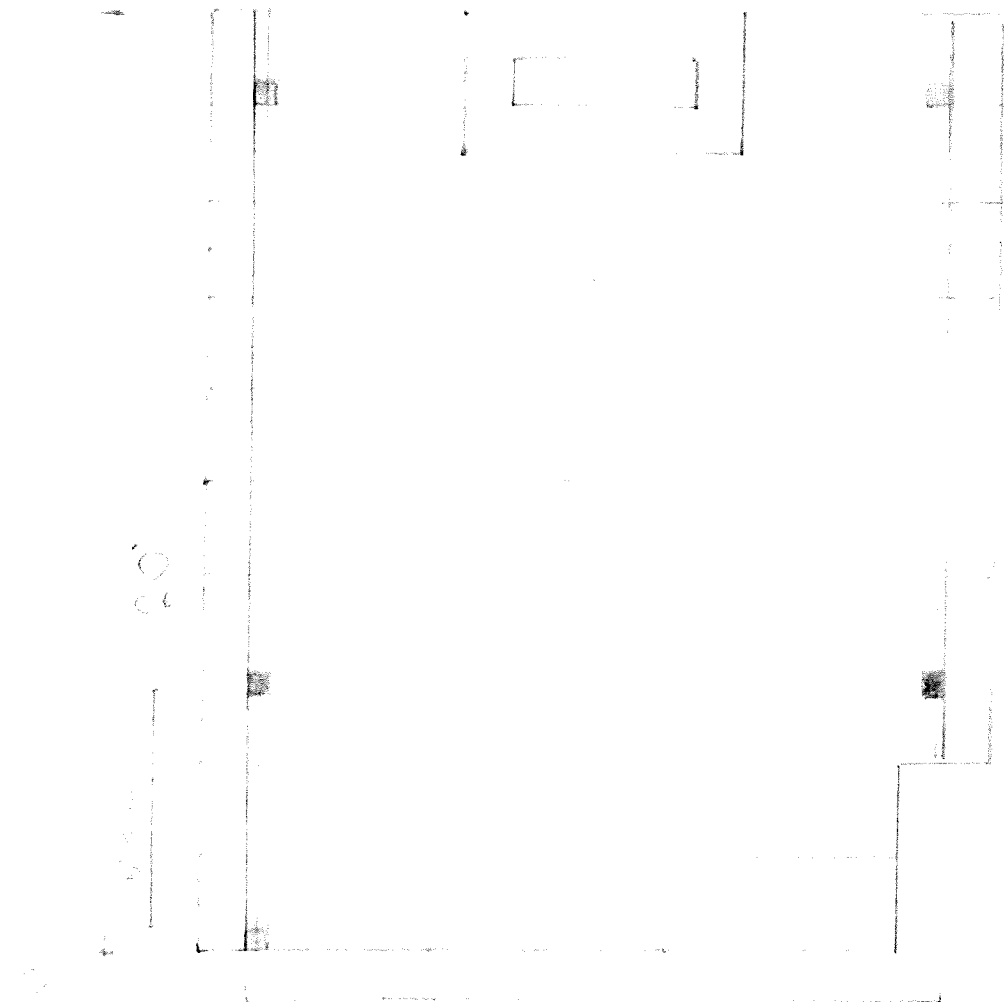
3' x 5' x 2' 6"

2' 10" x 1' 0"

13



10



2' Thick 12' x 12'



10' x 10'

12

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Allen P & Susan L Byrnside
3225 Chloe Ct
Hebron, KY 41048
2. ADDRESS OF PROPERTY
4387 River Rd
Hebron, KY 41048
3. NAME OF SUBDIVISION OR
DEVELOPMENT (if applicable)
Byrnside Rear Yard Variance
4. DEED BOOK 1174 PAGE NO. 961 GROUP NO. 2007
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)

__X__ 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

Lauren M. Elliott, Planner

Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledged before me by Lauren M. Elliott on behalf of the Boone County Planning Commission this 15th day of October, 2026.

Sara L. Smith
Notary ID KYNP52540
NOTARY PUBLIC, State at Large

My commission Expires:
May 27, 2030

This instrument was prepared for recording purposes only by:



Makayla Kerns
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)