

**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: Thomas W. Breidenstein, Esq (for owner Ahn Phi)
Address: 855 Greenville Ave., Suite 300
Cincinnati OH 45246
City State Zip Code
Phone Number: (513) 607-3452 Fax Number: _____
Email: tom@breidenstein.legal
4. Description of Request:
front yard variance of 11.3 feet (40.0' required front yard setback to a requested 28.7' front yard)
PLUS, side yard variance of 0.6 feet (10' required side yard setback to a requested 9.4' side yard)
5. Name of Development: Verona Commons
6. Location of Development: 2513 Peppermill Ct. (Parcel ID 067.00-02-076.00)
Verona KY 41092
City State Zip Code
7. Acreage Under Review: 0.51 ac.
8. Lot Number and Name of Subdivision (if part of a subdivision):
Lot 76, Section 5, Verona Commons
9. Current Owner: Ahn Phi
Address: 7388 Maybury Ct.
Florence KY 41042
City State Zip Code
Phone Number: (502) 650-4489 Fax Number: _____
Email: cocobakery@yahoo.com

10. Proposed Use(s) on Site: single-family residence
11. Total Square Footage of Existing and/or Proposed Buildings: (see site plan)
12. Current Zoning: RS
13. 1237 239 2085
Deed Book Page Group Number
14. Is the site subject to a zone change: ☒ Yes ☐ No
If yes, date of approval: June 21, 1988 (ordinance # 920.152)
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: _____

/s/ Thomas W. Breidenstein

Applicant's Signature: _____

10. Proposed Use(s) on Site: _____

11. Total Square Footage of Existing and/or Proposed Buildings: _____

12. Current Zoning: _____

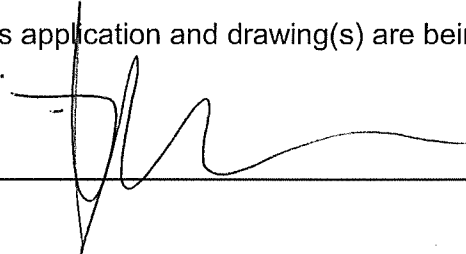
13. _____
Deed Book Page Group Number

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.

Property Owner's Signature: _____


Applicant's Signature: _____

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

1. Date Received: 7/21/24 Fee Received: \$1016⁰⁰ Receipt #: 95178
2. Is application complete: ✓
3. Staff Reviewer: L Elight
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: The variance request is significant, and the proposed solutions do not concretely solve the stated concerns. The Board does not feel confident that granting the variance will not have adverse effects on surrounding properties, per Section 204.D of the Zoning regulations

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@boonecountkyky.org
www.boonecountkyky.org

STAFF REPORT

#1

APPLICANT: Thomas Breidenstein on behalf of Anh Phi

LOCATION: 2513 Peppermill Court, Boone County, Kentucky

ZONING: Rural Suburban (RS)

DATE: October 14, 2026

PROPOSAL

1. The applicant is requesting two Variances to allow for the construction of a detached single-family dwelling unit:
 - a. To reduce the front yard setback from 40 feet to 28.7 feet;
 - b. To reduce the south side yard setback from 10 feet to 9.4 feet.

SITE HISTORY

- | | |
|------|--|
| 1988 | On June 21, 1988, the Boone County Fiscal Court approved a Zoning Map Amendment to rezone a 99-acre tract including the subject site from A-2 to RS. |
| 1999 | One December 1, 1999, the Boone County Planning Commission approved a Final Plat for Verona Commons, Section 5, creating the lot in question. |
| 2025 | On May 21, 2025, The Boone County Planning Commission approved a zoning permit to allow the construction of a single-family residence on the site. |
| 2026 | On May 14, 2026, The Boone County Planning Commission approved a zoning permit to allow the construction of a retaining wall. |

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 902.A 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 front yard setback within the RS district is forty (40) feet.
- F. Section 3111 of the Boone County Zoning Regulations states that the minimum side yard setback within the RS district is ten (10) feet.

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. Peppermill Court is identified as a county-maintained local street, providing for two-way traffic within an approximate twenty-five (25) foot wide pavement width. There are no sidewalks along the roadway.

SURROUNDING LAND USES AND ZONING

North:	Single family residential (RS)
South:	Single family residential (RS)
East:	Single family residential (RS)
West:	Single family residential (RS)

SITE CHARACTERISTICS

- A. The approximate 0.5-acre property is located along the west side of Peppermill Court, approximately 500 feet northeast of Verona Mudlick Road.
- B. The site has approximately ninety (90) feet of frontage along Peppermill Court.
- C. The site is currently occupied by a partially constructed detached single-family residential dwelling.
- D. Topographically, the site slopes upward from north to south at an average grade of approximately 11%.

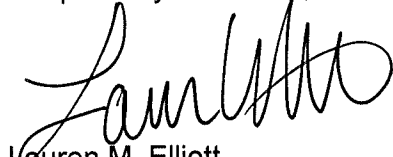
STAFF COMMENTS

- A. The original approved zoning permit for this property showed a minimum front setback of 42 feet and a minimum side yard setback of 10 feet.
- B. Since the previous submission, a formal survey was conducted. That survey found that the front setback is slightly greater than previously thought, but that the south side yard setback is less than what is required by the zoning regulations. The north side property line was confirmed to not be in violation of the zoning regulations.
- C. This request was deferred from the August 12, 2026 meeting of the Board to allow the applicant's team to produce concrete plans for resolving the issues expressed by their neighbors.
 - 1. Since that August meeting, the applicant has provided plans for an engineered retaining wall to replace the previously approved un-engineered wall.

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,

A handwritten signature in black ink, appearing to read 'Lauren M. Elliott', written in a cursive style.

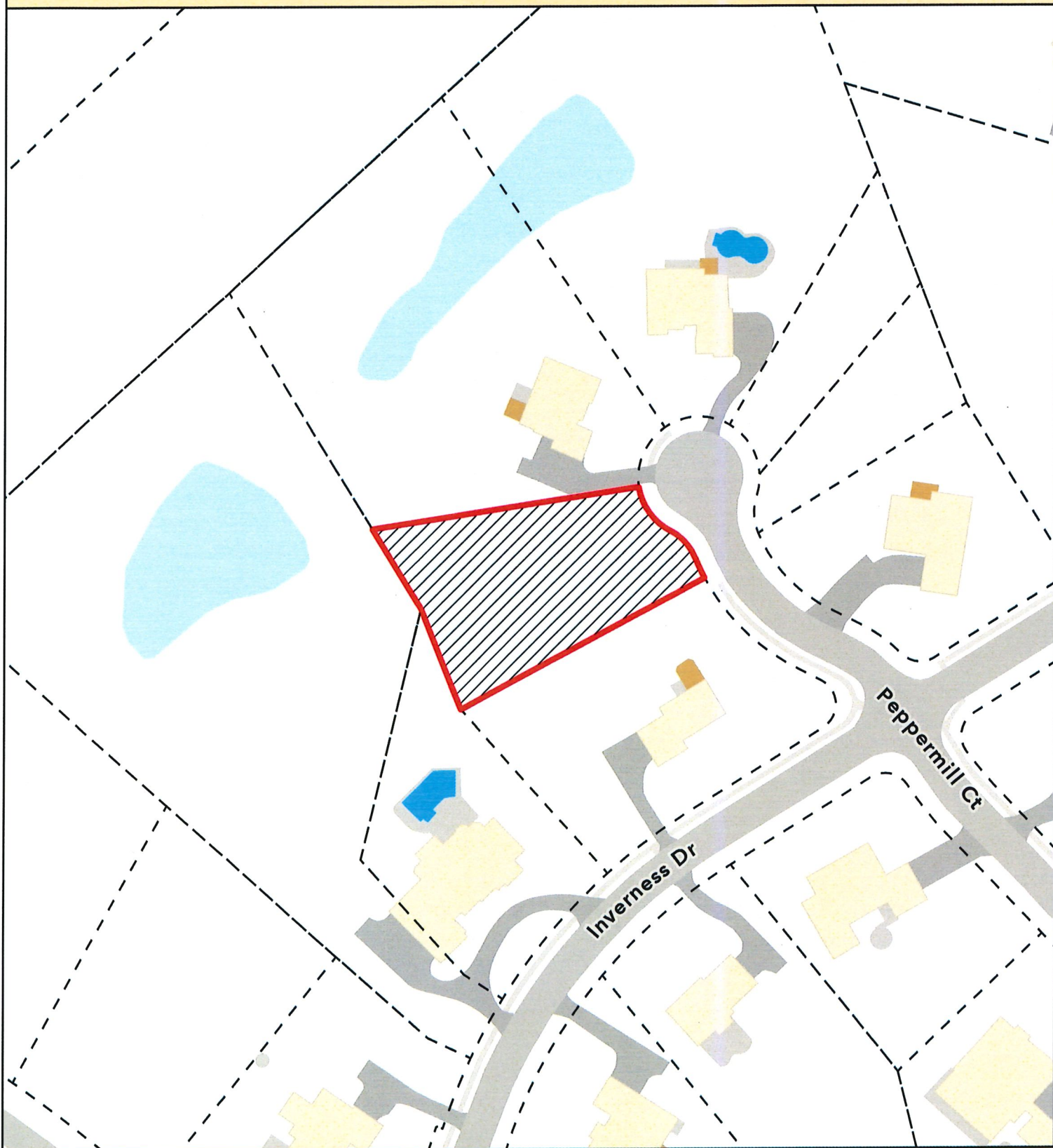
Lauren M. Elliott
Planner, Zoning Services

LME/nd

Attachments

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

Boone County GIS Map



0 55 110 220 330 440

Feet



Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 5/7/2026

ArcGIS Pro Document: *.aprx

Boone County GIS Map



0 55 110 220 330 440

Feet

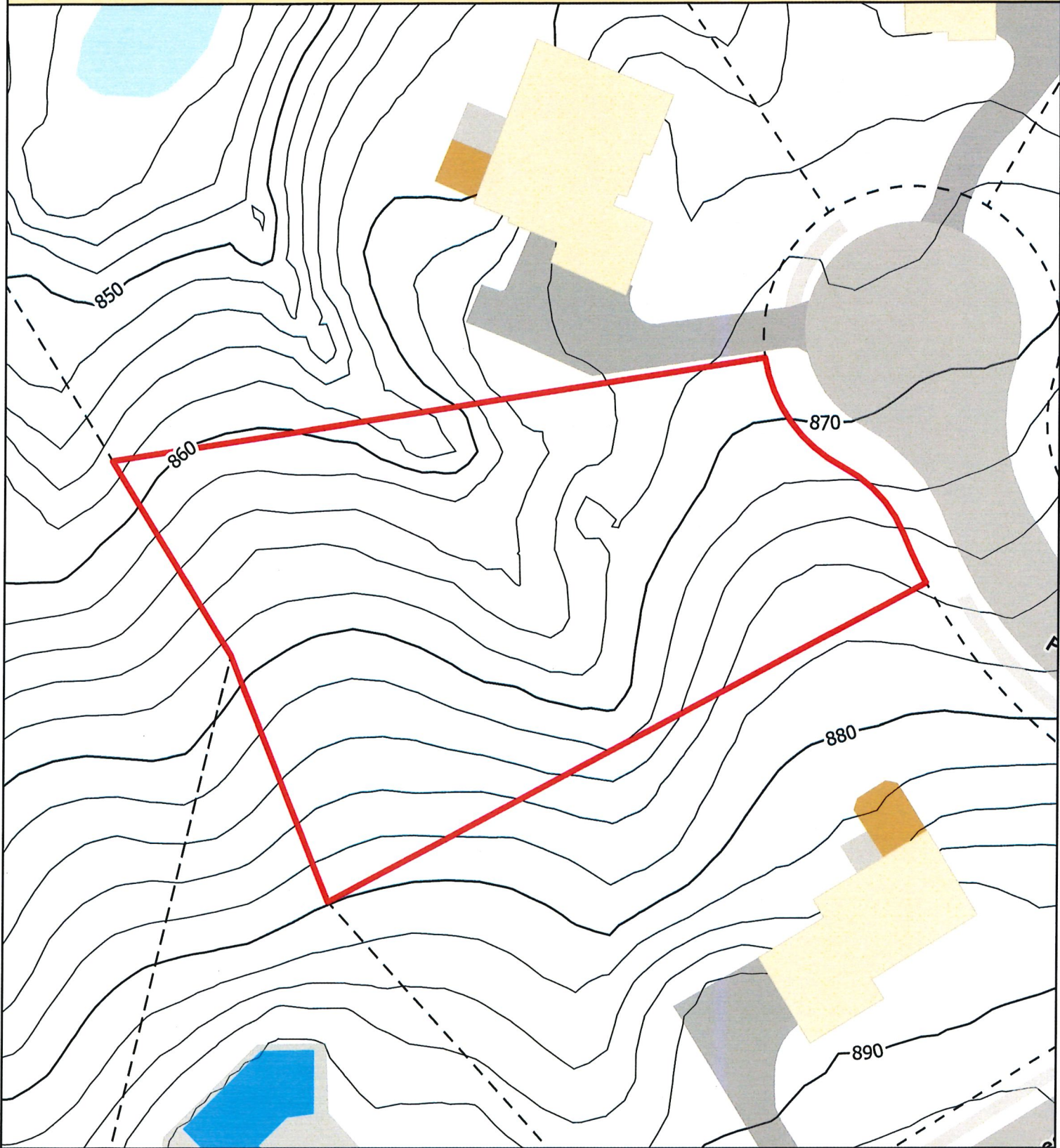


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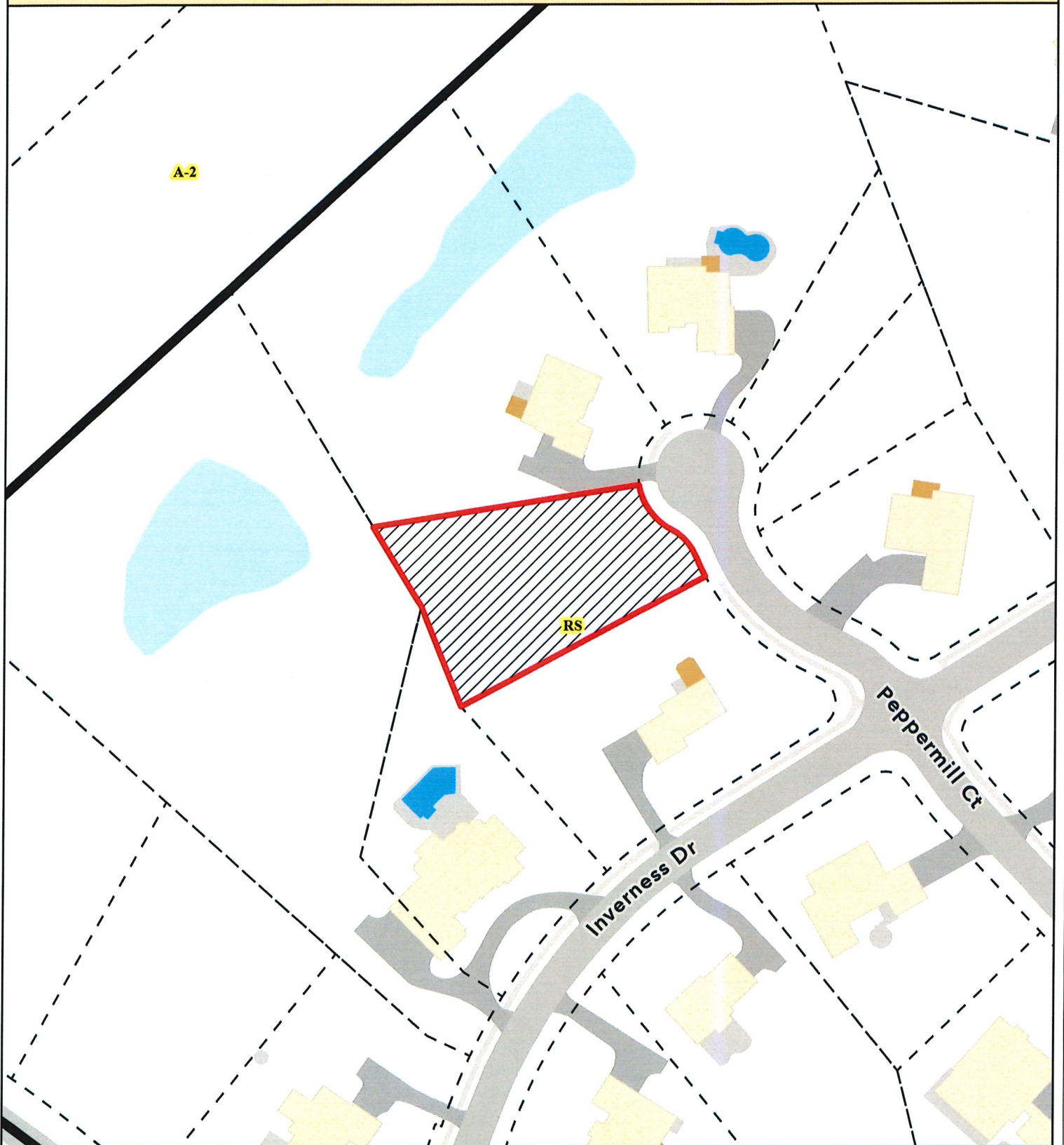


0 20 40 80 120 160 Feet



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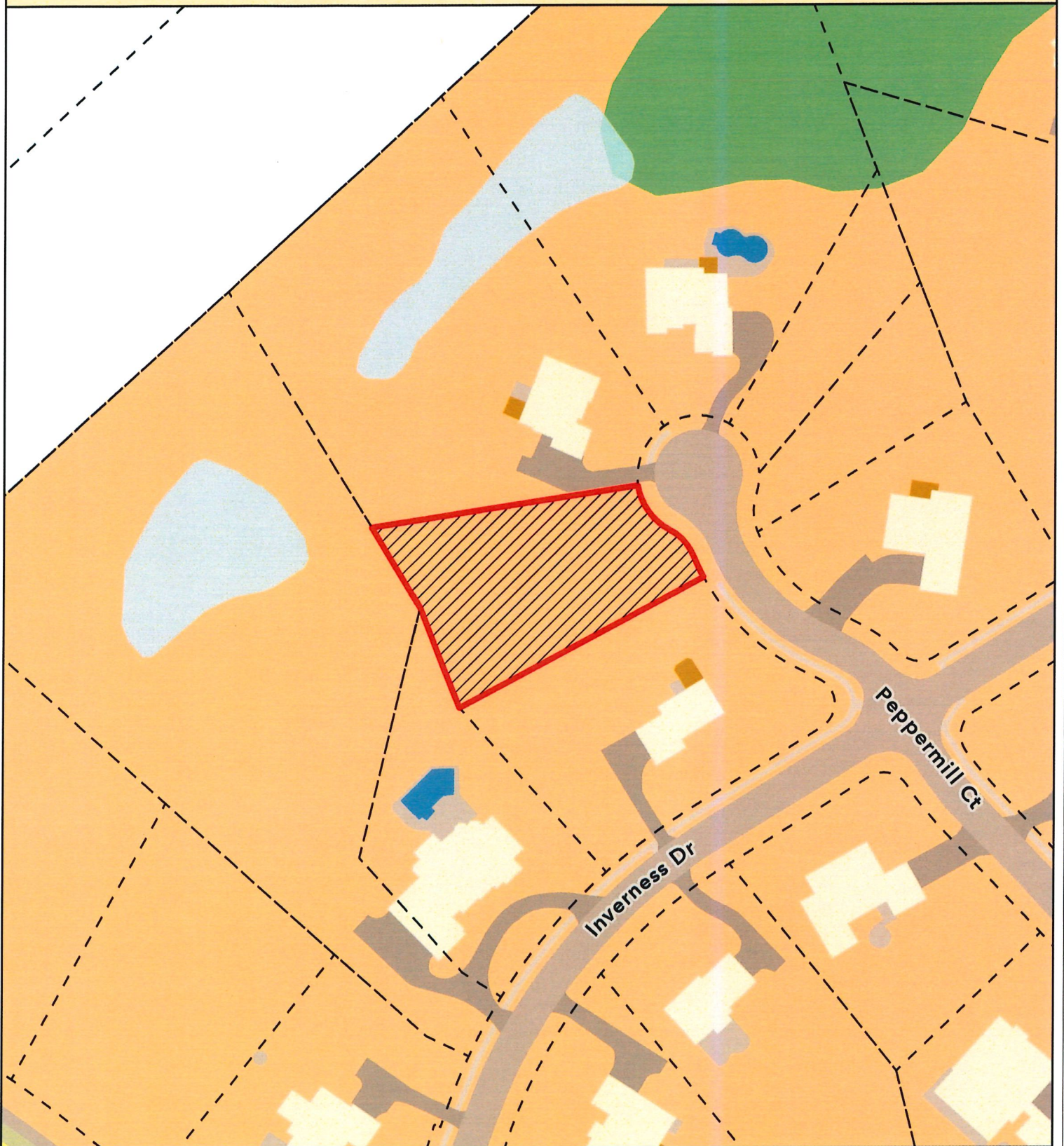


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/s/ Thomas W. Breidenstein

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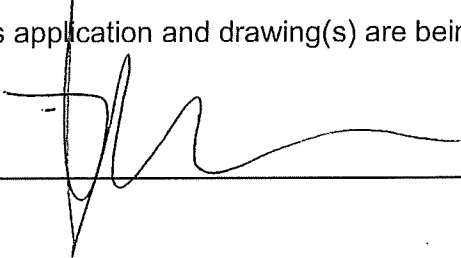
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SECTION B: (To be completed by Planning Commission staff)

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2. Is application complete: ✓
3. Staff Reviewer: _____
4. Scheduled Board Action Date: _____
5. Board Action: _____

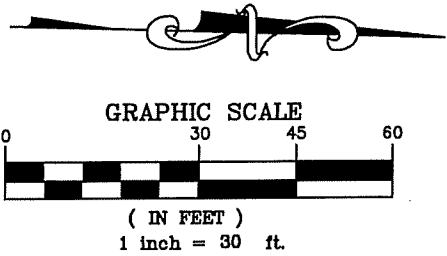
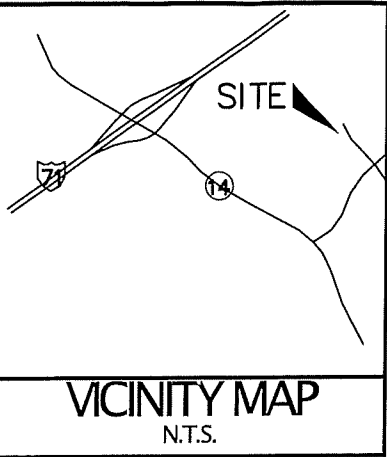
Approved

Approved with Conditions (see #6)

Denial (See #7)
6. Conditions of Approval: _____

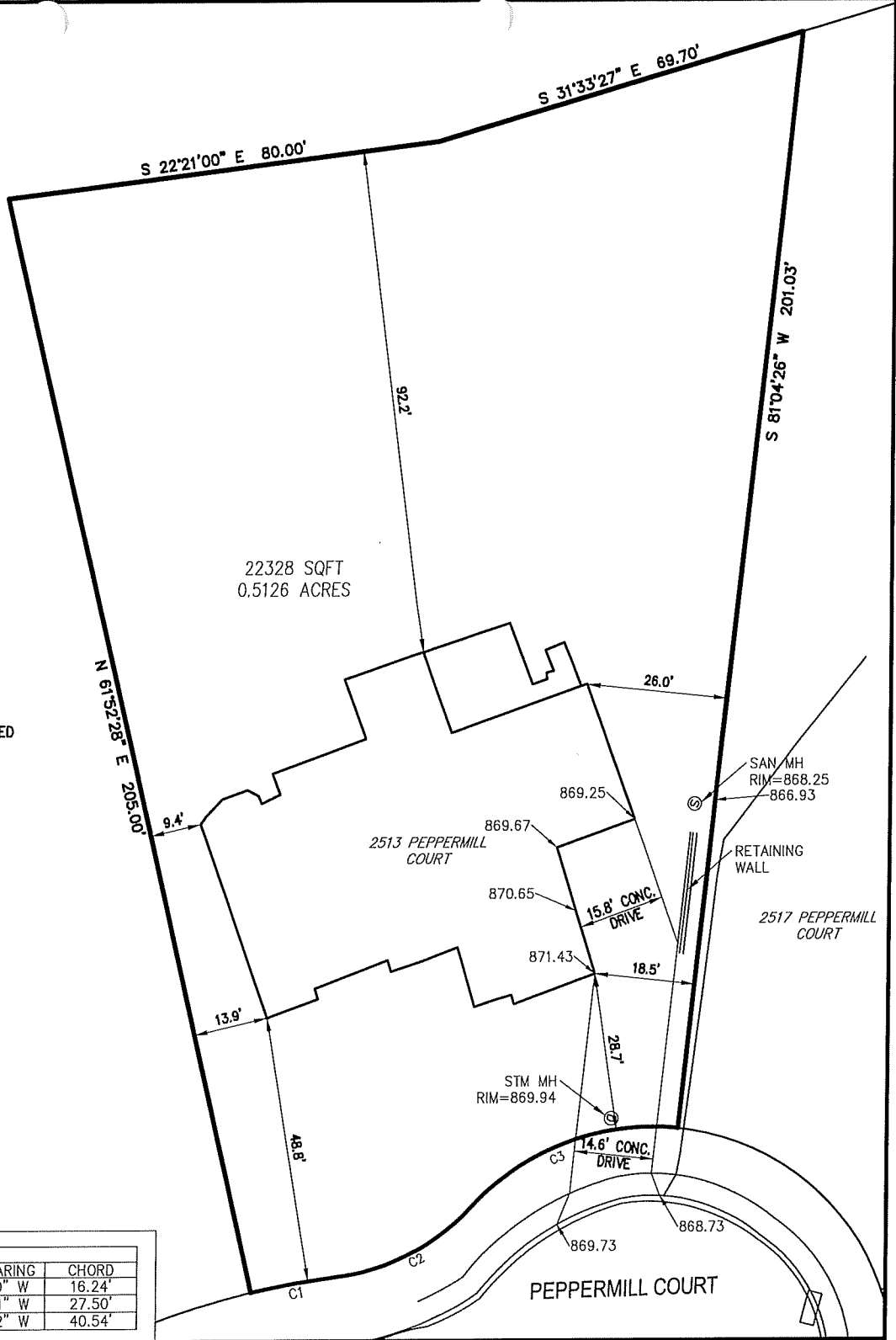
7. Reasons for Denial: _____

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

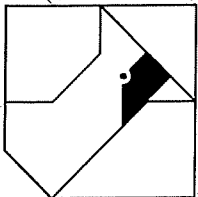


NOTES:

1.) TOPOGRAPHIC AND UTILITY INFORMATION IS OBTAINED FROM CARDINAL ENGINEERING SURVEY CONDUCTED ON 5/26/27.



CURVE TABLE					
CURVE	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD
C1	5°51'57"	158.73'	16.25'	N 25°11'50" W	16.24'
C2	40°12'19"	40.00'	28.07'	N 42°22'01" W	27.50'
C3	53°32'36"	45.00'	42.05'	N 35°41'52" W	40.54'

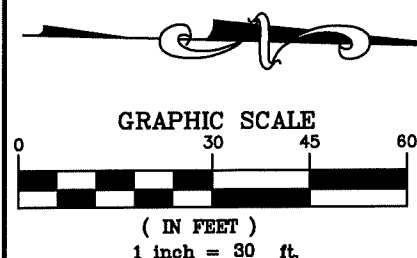
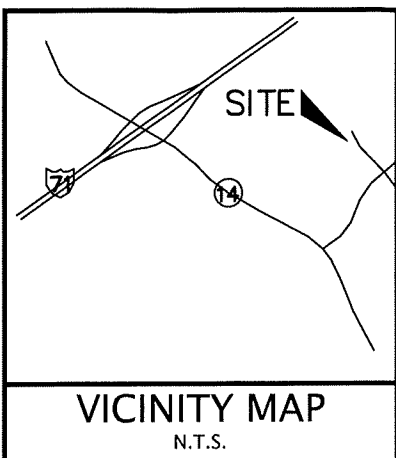


CARDINAL
ENGINEERING
LAND SURVEYING

PLOT PLAN
for
2513 Peppermill Court
Verona, KENTUCKY 41092

ONE MOOCK ROAD
WILDER, KENTUCKY
41071 (859) 581-9600

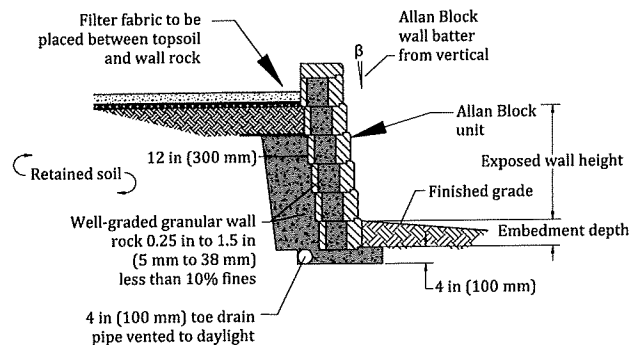
PROJECT MANAGER:
MEB
DRAWN BY:
SAS
DATE:
07-21-2026
SCALE:
1" = 30'
FILE NO.
26-074



NOTES:

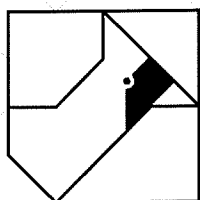
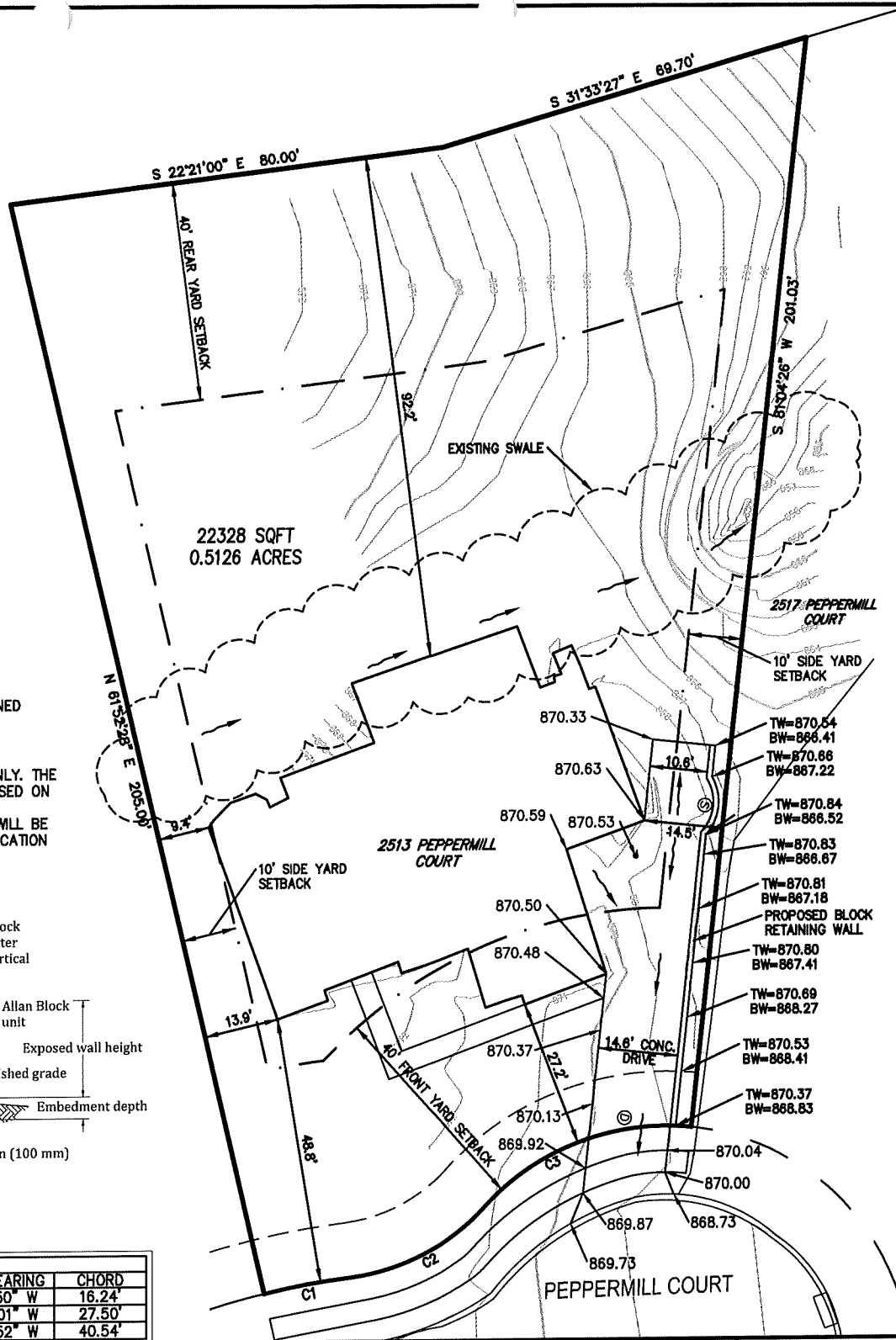
1.) TOPOGRAPHIC AND UTILITY INFORMATION IS OBTAINED FROM CARDINAL ENGINEERING SURVEY CONDUCTED ON 5/26/27.

2.) WALL DETAIL IS FOR INFORMATIONAL PURPOSES ONLY. THE ACTUAL WALL DESIGN AND CALCULATIONS WILL BE BASED ON SITE SPECIFIC GEOTECHNICAL CONDITIONS AND SITE TOPOGRAPHY. THE PERMIT TO CONSTRUCT THE WALL WILL BE OBTAINED UNDER A SEPARATE BUILDING PERMIT APPLICATION



GRAVITY WALL DETAIL
N.T.S.

CURVE TABLE					
CURVE	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD
C1	5°51'57"	158.73'	16.25'	N 25°11'50" W	16.24'
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CARDINAL
ENGINEERING
LAND SURVEYING

RETAINING WALL EXHIBIT

for
2513 Peppermill Court
Verona, KENTUCKY 41092

ONE MOOCK ROAD
WILDER, KENTUCKY
41071 (859) 581-9600

PROJECT MANAGER:

MEB

DRAWN BY:

SAS

DATE:

10-07-2026

SCALE:

1" = 30'

FILE NO.

26-074

FINDINGS OF FACT, CONCLUSIONS OF LAW AND CONDITIONS OF APPROVAL

Proposed by Applicant and Property Owner – October 14, 2026

The Application of Thomas Breidenstein on behalf of Anh Phi for two Variances – reducing the front yard setback from 40 feet to 28.7 feet, and reducing the south side yard setback from 10 feet to 9.4 feet – is approved based upon the following Findings of Fact and Conclusions of Law, and subject to the following Conditions of Approval:

I. Findings of Fact

- a. The Board finds that the topography and storm water drainage patterns of the subject property make construction of an appropriately-sized single-family residence on the subject property difficult without the requested Variances. The combined special circumstances of the subject property's topography and storm water drainage patterns do not generally apply to land in the general vicinity, or in the same zone. These special circumstances are natural, and are not the result of actions of the owner taken subsequent to the adoption of the zoning regulations from which relief is sought.
- b. The Board finds that the property owner's construction of the house with non-conforming front and side yard setbacks resulted from the owner's misunderstanding of the County's setback requirements, and such construction was not the result of willful violations of the zoning regulations by the property owner.

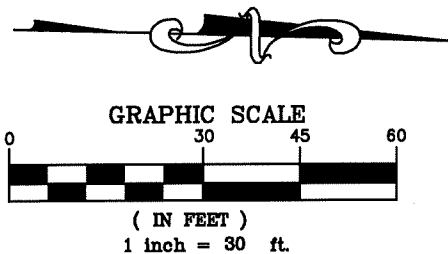
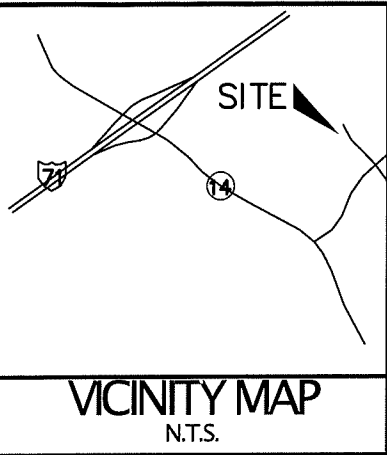
II. Conclusions of Law

- a. The reduced setbacks 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.
 - i. With the conditions set forth below, the Board finds that the public health, safety and welfare are protected, particularly the safety and welfare of the neighboring Massey property. Without the protections from these conditions, the Massey property may face challenges from the final development of the subject property.

- ii. The reduced setbacks will allow completion of construction of a house that is entirely in keeping with the essential character of the Verona Commons subdivision.
 - iii. Additionally, as is demonstrated by Applicant's Exhibit 3, it appears that as many as five (5) other houses in the Verona Commons subdivision were built closer than forty (40) feet to the street right-of-way.
 - iv. Finally, the Board concludes that the side yard Variance of 7.2 inches and the front yard Variance of 12.8 feet are not unreasonable circumventions of the minimum setback requirements from the *Boone County Zoning Regulations*.
- b. The strict application of the provisions of the setback regulations would require the property owner to demolish part of the house in a way that will be of no benefit to anyone, but instead will create an unnecessary hardship on the property owner.
- i. Additionally, without the conditions of approval listed below, the concerns of neighboring property owners will not be addressed by demolition of part of the subject house.

III. Conditions of Approval

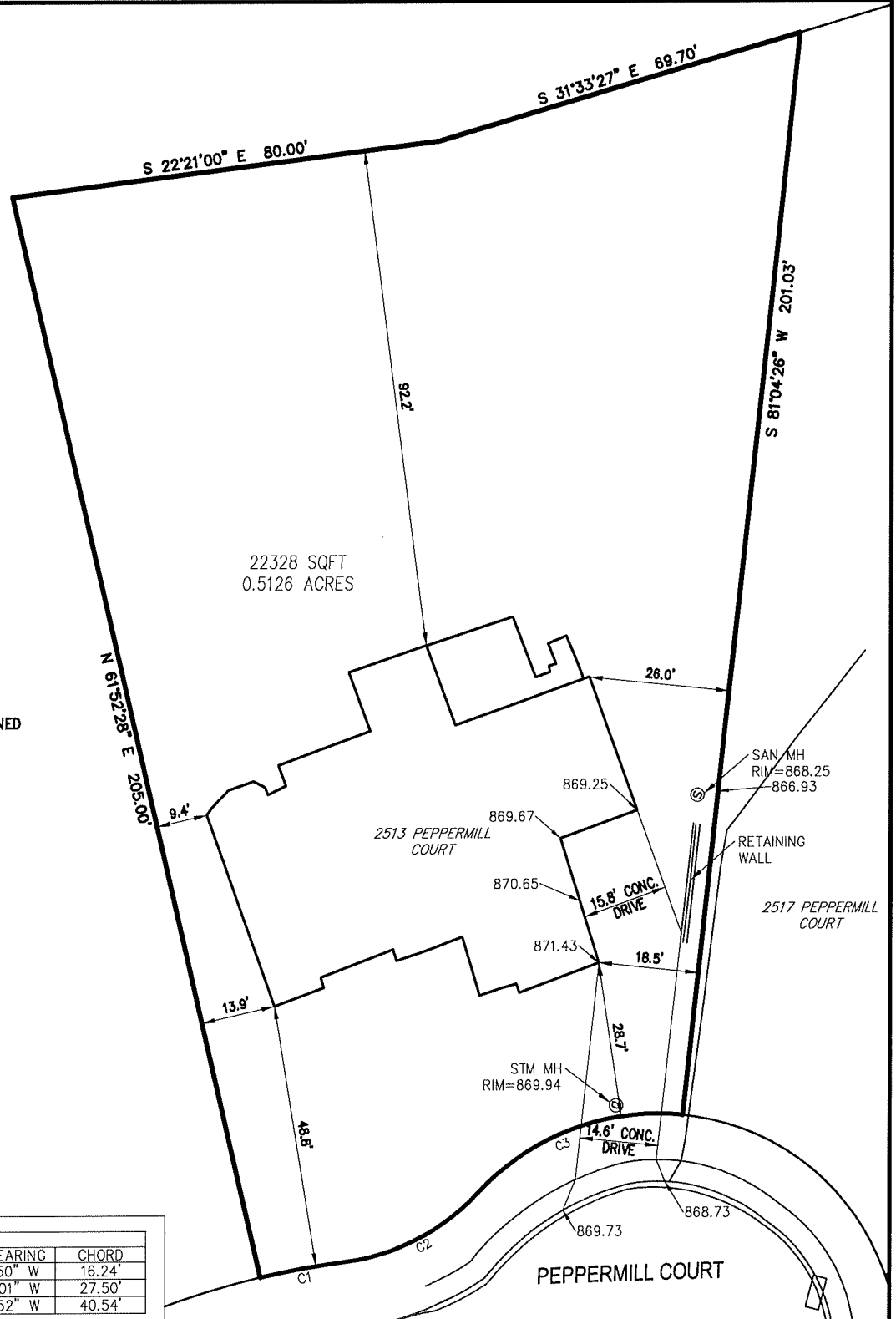
- a. The property owner shall install the driveway and engineered retaining wall in accordance with plans prepared by Cardinal Engineering, dated October 7, 2026, as amended on October 14, 2026, and as may be amended per further reviews and approvals described below.
- b. Before construction of the driveway and retaining wall, the final design of the retaining wall with driveway shall be subject to review and approval of the County Engineer and the County Building Inspector. The driveway and retaining wall shall be constructed in accordance with these approvals.
- c. The property owner shall install a guardrail, fence or other safety feature at the top of the retaining wall to prevent vehicles from going over the wall, consistent with the plan presented at the October 14, 2026, hearing of this Board. Such guardrail, fence or other safety feature shall be approved by the County Engineer and County Building Inspector, as set forth above.



NOTES:

1.) TOPOGRAPHIC AND UTILITY INFORMATION IS OBTAINED FROM CARDINAL ENGINEERING SURVEY CONDUCTED ON 5/26/27.

14465 INVERNESS DR



CURVE TABLE					
CURVE	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD
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PLOT PLAN
for
2513 Peppermill Court
Verona, KENTUCKY 41092

ONE MOOCK ROAD
WILDER, KENTUCKY
41071 (859) 581-9600

PROJECT MANAGER:	MEB
DRAWN BY:	SAS
DATE:	07-21-2026
SCALE:	1" = 30'
FILE NO.	26-074