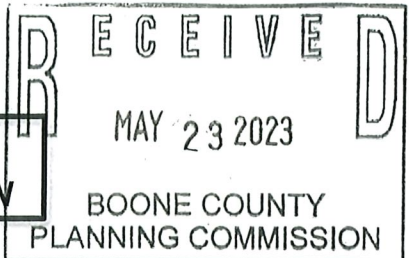


**BOARD OF ADJUSTMENT
BOONE COUNTY PLANNING COMMISSION**



Five (5) scaled copies and one (1) 11 x 17 reduction of submitted drawings are required 007

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: Brian Fertschler
Address: 2080 Antoinette Way
Union Ky 41091
City State Zip Code
Phone Number: 859-466-2649 Fax Number: _____
Email: brian@rentschlers.com
4. Description of Request:
Reduce Rear yard setback to approx. 25' to allow covered patio
5. Name of Development: _____
6. Location of Development: 2080 Antoinette Way
Union Ky 41091
City State Zip Code
7. Acreage Under Review: Half Acre
8. Lot Number and Name of Subdivision (if part of a subdivision): _____
9. Current Owner: Same as above
Address: same as above

City State Zip Code
Phone Number: _____ Fax Number: _____
Email: _____

10. Proposed Use(s) on Site: Covered Porch

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

12. Current Zoning: SR-1/PD

13. 1161 289 2038A
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: 5-23-23 Fee Received: 4666.00 Receipt #: 88464

2. Is application complete: Yes

3. Staff Reviewer: Todd Morgan

4. Scheduled Board Action Date: 6/12/23

5. Board Action: _____

- Approved
- Approved with Conditions (see #6)
- Denial (See #7)

6. Conditions of Approval: None

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

#1

APPLICANT: Brian Rentschler

LOCATION: 2080 Antoinette Way, Florence, Kentucky

ZONING: Suburban Residential One/Planned Development (SR-1/PD)

DATE: June 12, 2023

PROPOSAL

The applicant is requesting a Variance to reduce the rear yard building setback from thirty-five (35) feet to approximately twenty-five (25) feet so a covered patio that was constructed without permits can remain.

PERTINENT SITE HISTORY

1999 - The City of Florence approved Zoning Map Amendments for approximately 367 acres of land. The first request rezoned a 227-acre area from Rural Suburban Estates (RSE) to Suburban Residential One/Planned Development (SR-1/PD) for land that was located on the north side of Longbranch Road. Different development standards were approved throughout the subdivision. Areas with 12,000 square foot minimum lots were to have 35' front yard, 35' rear yard, and 5' minimum/15' total side yard building setbacks.

January 2011 – Boone County Planning Commission approves a Zoning Permit allowing a house to be constructed on the subject lot. The submitted plans show the house will meet the 35' front yard, 35' rear yard, and 5' minimum/15' total side yard setbacks.

May 2023 - City of Florence Code Enforcement made the property owner aware that he constructed building additions on his house without approvals and permits needed to be obtained. Boone County Planning Commission Staff determined the covered porch did not meet the 35 rear yard building setback when he tried to submit a Zoning Permit.

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.

Findings listed in Section 204.D

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.

Finding listed in Section 204.E.

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 3123.A 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. Chimneys, steps and staircases, and overhangs and gutters may extend up to two and one-half (2 ½) feet into a required front, side, or rear yard.

SURROUNDING LAND USES AND ZONING

North: Single family residential dwellings fronting on Dauphine Drive and Antoinette Way (SR-1/PD)

South: Single family residential dwelling fronting on Antoinette Way (SR-1/PD)

East: Single family residential dwellings fronting on Armstrong Street (SR-1/PD)

West: Single family residential dwellings fronting on Antoinette Way (SR-1/PD)

SITE CHARACTERISTICS

- A. The 0.5-acre property is located at on the south side of Antoinette Way and is located directly across from Dauphine Drive.

- B. The site contains a detached single-family residential dwelling.
- C. Access to the site is provided from Antoinette Way.
- D. Boone County G.I.S. shows the topography of the site falls 836 feet above sea level at the southeast property corner to 822 feet above sea level at the northeast property corner. The rear of the site contains a berm and a three board fence.
- E. Street trees exist along the Antoinette Way frontage. No trees exist along the rear property line.

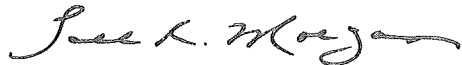
STAFF COMMENTS

- A. The 2023 aerial map shows the concrete patio and walls but does not show the roof that was constructed. G.I.S. measurements show the outer wall is about 24.3' from the rear property line.
- B. Staff does not believe the request alters the essential character of the area. The covered patio is attractive and the subject house does not appear any closer to the rear property line than the adjoining house to the south.
- C. The Board could consider a condition to require landscaping along the rear property line if the application is approved.

CONCLUSION

- A. KRS 100.241 and Section 220 of the Boone County Zoning Regulations give the Florence 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 Board should evaluate these criteria before acting on the application.

Respectfully submitted,



Todd K. Morgan, AICP
Senior Planner, Zoning Services

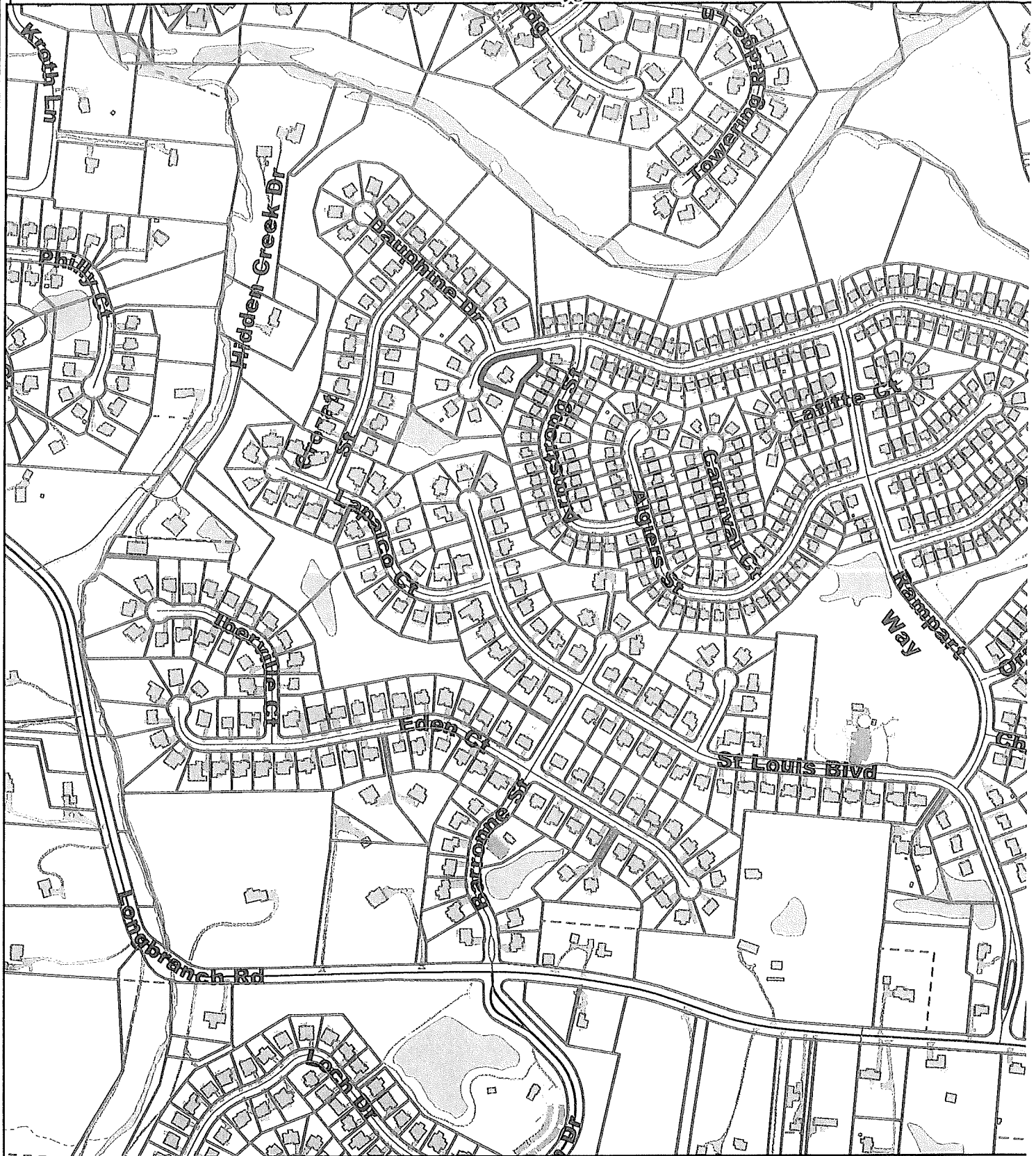
TKM/ss

Attachments

- *Site Vicinity Map
- *Submitted Plan Showing Existing House, Covered Porch and Attached Shed
- *Zoning Map
- *2023 Aerial Map
- *Topographical Map
- *Application

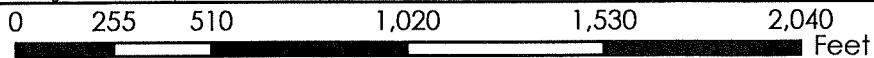
SITE VICINITY MAP

www.boonecountygis.com



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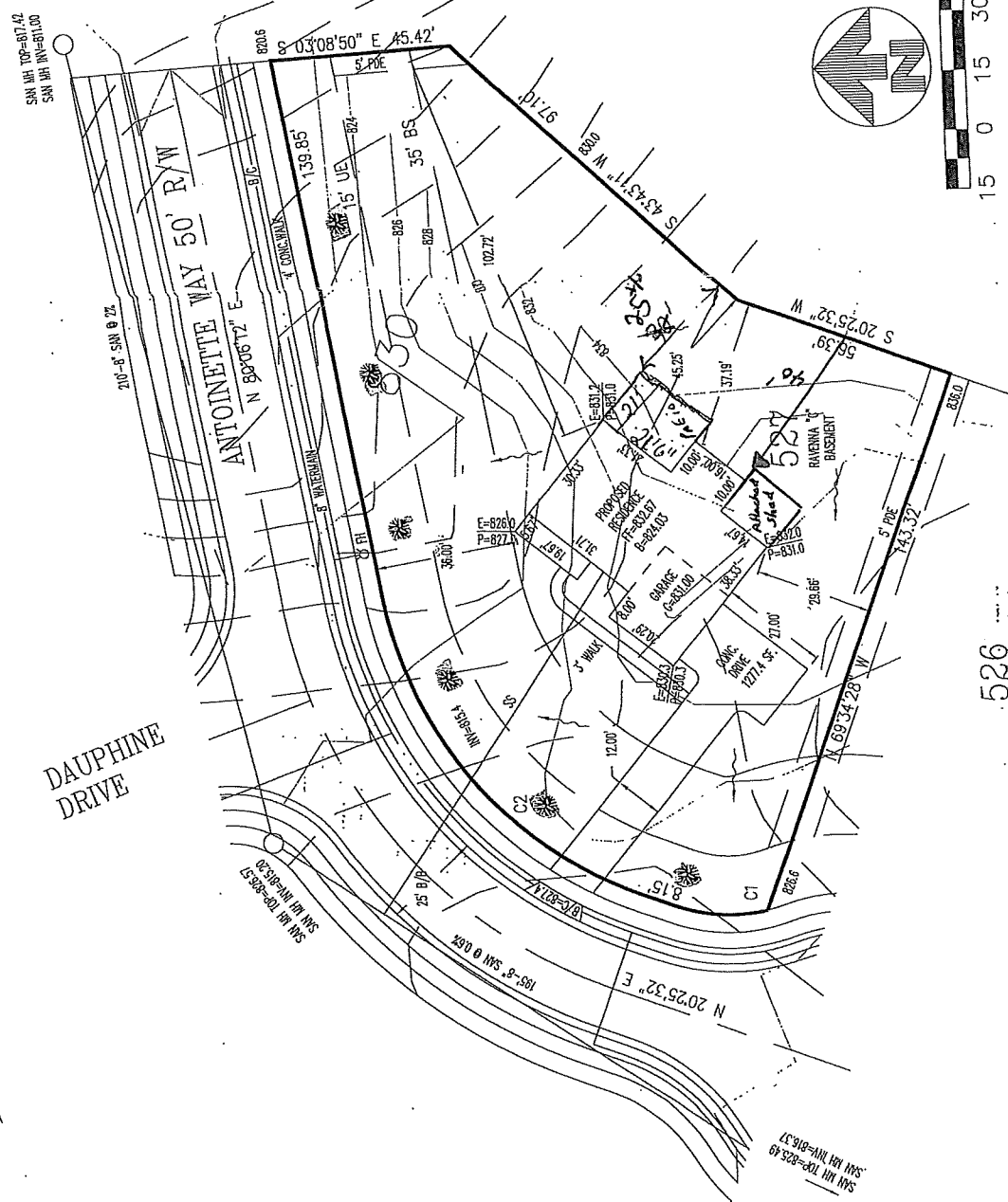


Boone County GIS - Putting Northern Kentucky on the Map

Map Created: xx/xx/2020

Boone County GIS
ArcMap Document: *.mxd

PLOT PLAN
LOT 527 (21,966 SF)
THE FRENCH QUARTER AT ORLEANS SEC.-7
CITY OF FLORENCE
BOONE COUNTY, KENTUCKY
FOR: RYAN HOMES



DAUPHINE DRIVE

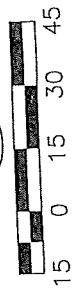
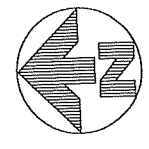
to exist on lot.
ter, electric,

STATE OF KENTUCKY
 KENNETH R.
 COMBS
 31164
 LICENSED
 PROFESSIONAL
 LAND SURVEYOR

C1
L=23.45
R=40.00

C2
L=104.16
R=100.00

SETBACKS
 FRONT YARD=35'
 REAR YARD=35'
 SIDE YARD=5'/15' total



INFORMATION FROM CONSTRUCTION DRAWINGS.
 CONTRACTOR IS TO VERIFY LOCATION AND DEPTH
 OF WATER AND SANITARY SERVICES BEFORE
 CONSTRUCTION.
 ALL ELEVATIONS ARE EXISTING UNLESS SPECIFIED
 WITH AN 'E' FOR EXISTING OR A 'P' FOR PROPOSED.
 UNLESS FEE, H.O.E. OR L.B.E. ARE FIELD VERIFIED BY AN
 ENGINEERING FIRM, CONTRACTOR TAKES FULL RESPONSIBILITY
 FOR THE FINISH FLOOR ELEVATION.
 A STANDARD FORMULA WAS USED TO DETERMINE FINISH FLOOR
 GRADE. FINAL FINISH FLOOR ELEVATION IS CONTRACTOR'S
 RESPONSIBILITY.
 Prior to construction, a geotechnical report shall be obtained
 by the builder. Apex assumes no responsibility for soil
 conditions.

REVISIONS:
 1.
 2.
 3.
 4.

PROJECT: FRENCH
 DRAWING: 110627PA
 SHEET 1 OF 1

ENGINEERING & SURVEYING, INC.
 1068 N. UNIVERSITY BLVD., 2ND FLOOR, SUITE 202
 MIDDLETOWN, OHIO 45042
 TEL: (513) 424-6202 FAX: (513) 424-6202

SCALE: 1"=30'
 DATE: 08-15-11
 DRAWN: JWC
 DESIGNED: X

526

Driveway	1220.9 sq. ft.
Adjoin	56.7 sq. ft.
Schwerk-Private	1446. sq. ft.

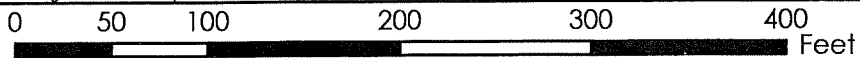
2023 AERIAL MAP

www.boonecountygis.com



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1 inch = 100 feet



Boone County GIS - Putting Northern Kentucky on the Map

Map Created: xx/xx/2020

Boone County GIS
ArchMap Document: *.mxd

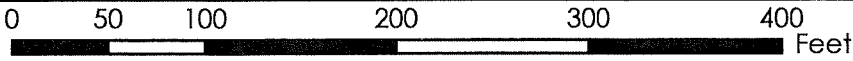
TOPOGRAPHICAL MAP

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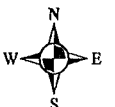
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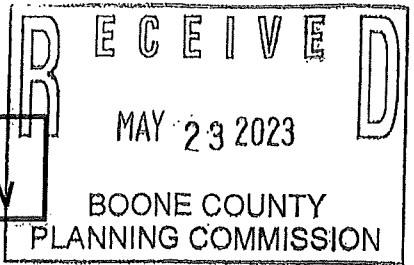
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Boone County GIS - Putting Northern Kentucky on the Map



**BOARD OF ADJUSTMENT
BOONE COUNTY PLANNING COMMISSION**



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2. Check One Conditional Use Permit Variance Appeal
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3. Applicant: Brian Fertschler
Address: 2080 Antoinette Way
Union Ky 41091
City State Zip Code
Phone Number: 859-466-2649 Fax Number: _____
Email: brian@fertschlers.com
4. Description of Request:
Reduce Rear yard setback to approx. 25' to allow covered patio
5. Name of Development: _____
6. Location of Development: 2080 Antoinette Way
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City State Zip Code
7. Acreage Under Review: Half Acre
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9. Current Owner: Same as above
Address: Same as above

City State Zip Code
Phone Number: _____ Fax Number: _____
Email: _____

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

12. Current Zoning: SR-1/PD

13. 1161 289 2038A
Deed Book Page Group Number

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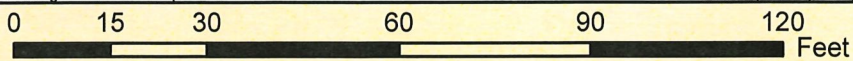
Boone County GIS Map

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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)

Brian Rentschler
2080 Antoinette Way
Florence, KY 41042

2. ADDRESS OF PROPERTY

2080 Antoinette Way
Florence, KY 41042

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Rentschler Variance

4. DEED BOOK 1161

PAGE NO. 289

GROUP NO. 2038A

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

Todd K. Morgan, AICP, Senior Planner

Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the Boone
County Planning Commission this 13th day of June, 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.)