

**BOARD OF ADJUSTMENT
BOONE COUNTY PLANNING COMMISSION**

RECEIVED
89775
JAN 10 2024
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: Paola A. Sciaraffia
Address: 8783 Richmond Rd.
Union KY 41091
City State Zip Code

* 859-815-9592 Phone Number: 859-815-9592 Fax Number: _____
Email: Paola Sciaraffia@gmail.com paolasciaraffia@gmail.com

4. Description of Request: Reduce rear yard set back

5. Name of Development: Zhu Variance

6. Location of Development: 346 University Dr
Walton KY 41094
City State Zip Code

7. Acreage Under Review: +/- 0.21 Ac.

8. Lot Number and Name of Subdivision (if part of a subdivision): _____

9. Current Owner: Feng Zhu
Address: 346 University Dr.
Walton KY 41094
City State Zip Code

Phone Number: _____ Fax Number: _____
Email: _____

10. Proposed Use(s) on Site: Deck
11. Total Square Footage of Existing and/or Proposed Buildings: 14' x 20' deck
12. Current Zoning: SR-1
13. 1100 403 2078
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:

X Feng Zhu

Applicant's Signature:

X Zhen [Signature]

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

1. Date Received: 1/10/24 Fee Received: \$1000 Receipt #: 89775

2. Is application complete: _____

3. Staff Reviewer: Todd Morgan

4. Scheduled Board Action Date: 2/15/24

5. Board Action: _____

Approved

Approved with Conditions (see #6)

Denial (See #7)

6. Conditions of Approval: ① Two small trees from plant List C of the Boone County Zoning Regulations shall be planted between the deck and rear property line.

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@boonecountky.org
www.boonecountky.org

STAFF REPORT

#1

APPLICANT: Paola Sciaraffia for Feng Zhu

LOCATION: 346 University Drive, Walton, Kentucky

ZONING: Suburban Residential One (SR-1)

DATE: February 15, 2024

PROPOSAL

The applicant is requesting a Variance so a 14' x 20' deck can be constructed onto the back of the house located at 346 University Drive, Walton, Kentucky. The proposal is to reduce the rear yard building setback from thirty feet (30') to approximately twenty-one feet (21').

PERTINENT SITE HISTORY

In 2000, a 130-acre parcel was rezoned from Agricultural Estate (A-2) to Suburban Residential One (SR-1) to allow a detached single-family subdivision (became Wildcat Run). A condition limited the 130-acre parcel to a maximum of 425 dwelling units.

In 2017, a Zoning Permit application was approved allowing a single-family residential dwelling, with an attached 10' x 12' deck, to be constructed on the subject lot. The Staff reviewer erred when approving the permit because the deck would not have met the 30' rear yard setback. The plot plan shows the deck would have been located approximately 26.5' from the rear property line. The subject deck was never built and would be expanded under the current proposal.

APPLICABLE REGULATIONS

- A. Section 202 C. of the Boone County Zoning Regulations states one duty of the Board of Adjustment is to hear and decide on applications for variances.
- B. The Board should evaluate the request in terms of the following criteria:

Findings listed in Section 204 D. of the Boone County Zoning Regulations

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. of the Boone County Zoning Regulations

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.

- C. Table 31-1 and Section 3121 of the Boone County Zoning Regulations require the following minimum building setback requirements on a corner lot in a SR-1 zone:

Front Yard - 30'; Rear Yard – 30'; Corner Side Yard – 15'; Side – 5'

- 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.
- E. 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.

SURROUNDING LAND USES AND ZONING

North: Undeveloped lot fronting on Couch Court (SR-1)

South: Single family residential dwellings fronting on University Drive (SR-1)

East: Single family residential dwellings fronting on University Drive (SR-1)

West: Single family residential dwellings fronting on University Drive (SR-1)

SITE CHARACTERISTICS

- A. The 0.21-acre property is located at the northeast side of the University Drive/Couch Court intersection.
- B. The property contains a two-story detached single-family residential dwelling with a basement. The rear of the house was constructed with a first-floor level door, which was to access an elevated deck.

STAFF REPORT – Paola Sciaraffia for Feng Zhu/346 University Drive
February 15, 2024

- C. Public sidewalks exist along the University Drive and Couch Court frontages.
- D. Street trees exist along both street frontages. No trees exist along the rear property line.
- E. The approved 6/19/17 plot plan shows the finished floor elevation of the house would be 916 feet above sea level and that storm water would drain towards the rear property line.

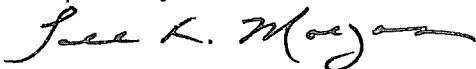
STAFF COMMENTS

- A. Staff pulled the plot plan for the adjoining property to the east (336 University Drive) and found the Walton Board of Adjustment had approved a rear yard setback Variance on June 21, 2018. The approval reduced the rear yard setback from 30' to approximately 23' so a 12' x 20' deck could be constructed on the back of the house. A condition was imposed which required two small trees from Plant List C to be planted between the deck and the rear property line.
- B. Staff does not believe the request will alter the essential character of the area since a similar Variance was approved on the adjoining property to the east. Staff recommends that the same landscaping condition be followed.

CONCLUSION

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

Respectfully submitted,



Todd K. Morgan, AICP
Senior Planner, Zoning Services

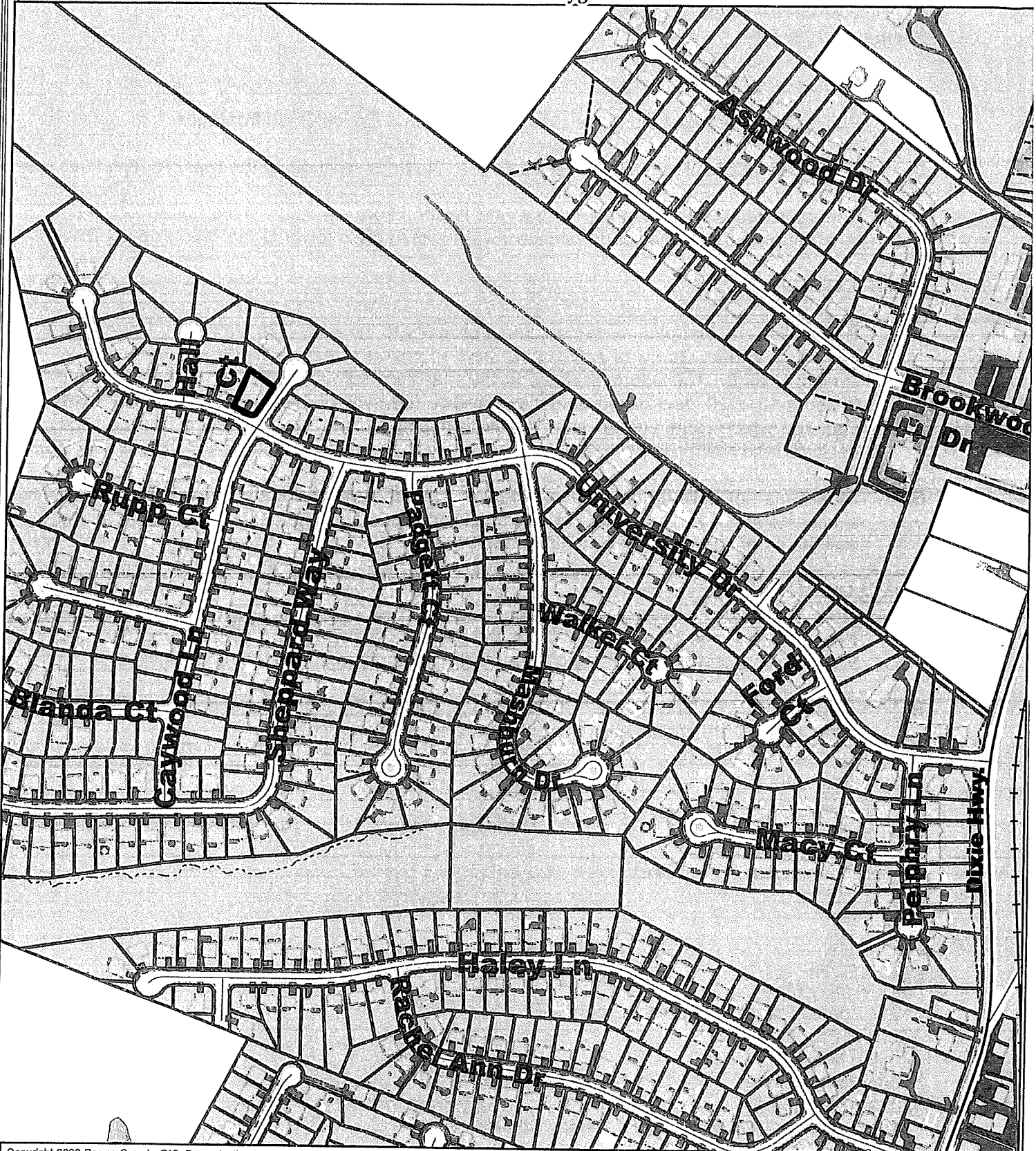
TKM/ss

Attachments

- *Site Vicinity Map
- *2017 Zoning Permit for Subject Property
- *Current Proposal
- *Zoning Map
- *Topographical Map
- *2023 Aerial Map
- *7/24/20 Zoning Permit for 336 University Drive
- *Application

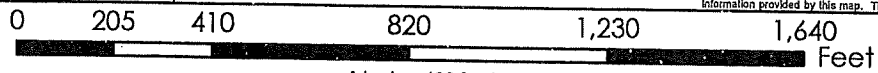
SITE VICINITY MAP

www.boonecountygis.com



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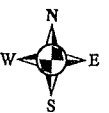


1 inch = 400 feet



Map Created: xx/xx/2020

Boone County GIS - Putting Northern Kentucky on the Map



Boone County GIS
ArcMap Document: *.mxd

BUILDING ADDRESS OR LOCATION: 346 University Dr.

NOTICE: I certify that what is submitted is true and accurate and I or we understand and agree that all construction work will be performed in accordance with this Zoning Permit Application, the Boone County Zoning Regulations and the Boone County Subdivision Regulations.

NAME AND ADDRESS OF APPLICANT: Drees Homes/Barbara Williams
please print 211 Grandview Dr., Ft. Mitchell, KY 41017

SIGNATURE OF APPLICANT: Barbara Williams
as authorized by property owner

DATE: 6/14/17 PHONE: 859-578-4243 E-MAIL: btwilliams@dreeshomes.com

Below this line to be completed by the Boone County Planning Commission

| | | | |
|--|------------------------------------|--|--|
| Zoning: <u>SR-1 / CD</u> | Date: <u>6-19-17</u> | Fee: <input checked="" type="checkbox"/> \$90.00 | <input type="checkbox"/> Farm Exempt |
| <input checked="" type="checkbox"/> Approved | <input type="checkbox"/> Denied | <input type="checkbox"/> \$45.00 | <input type="checkbox"/> (No Fee) |
| Staff Reviewer: <u>[Signature]</u> | Address: <u>346 University Dr.</u> | | |
| Subdivision: <u>Wildcat Run</u> | | | |
| Lot: <u>233</u> | Section: <u>14</u> | Block/Phase: <u>/</u> | Group No.: <u>2078</u> Census: <u>706.06</u> |

TYPE OF IMPROVEMENT:

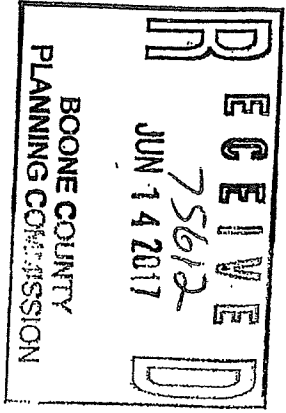
| | |
|---|--|
| <input checked="" type="checkbox"/> Single Family Residence | <input type="checkbox"/> Detached Garage |
| <input type="checkbox"/> Duplex | <input type="checkbox"/> Garage Addition |
| <input type="checkbox"/> Mobile Home | <input type="checkbox"/> Barn or Shed |
| <input type="checkbox"/> Residential Addition | <input type="checkbox"/> Above Ground Pool |
| <input checked="" type="checkbox"/> Porch or Deck | <input type="checkbox"/> In Ground Pool |
| <input type="checkbox"/> Other: | |

JURISDICTION:

| | |
|--|---|
| <input type="checkbox"/> Unincorporated Boone County | <input type="checkbox"/> City of Florence |
| <input checked="" type="checkbox"/> City of Walton | <input type="checkbox"/> City of Union |

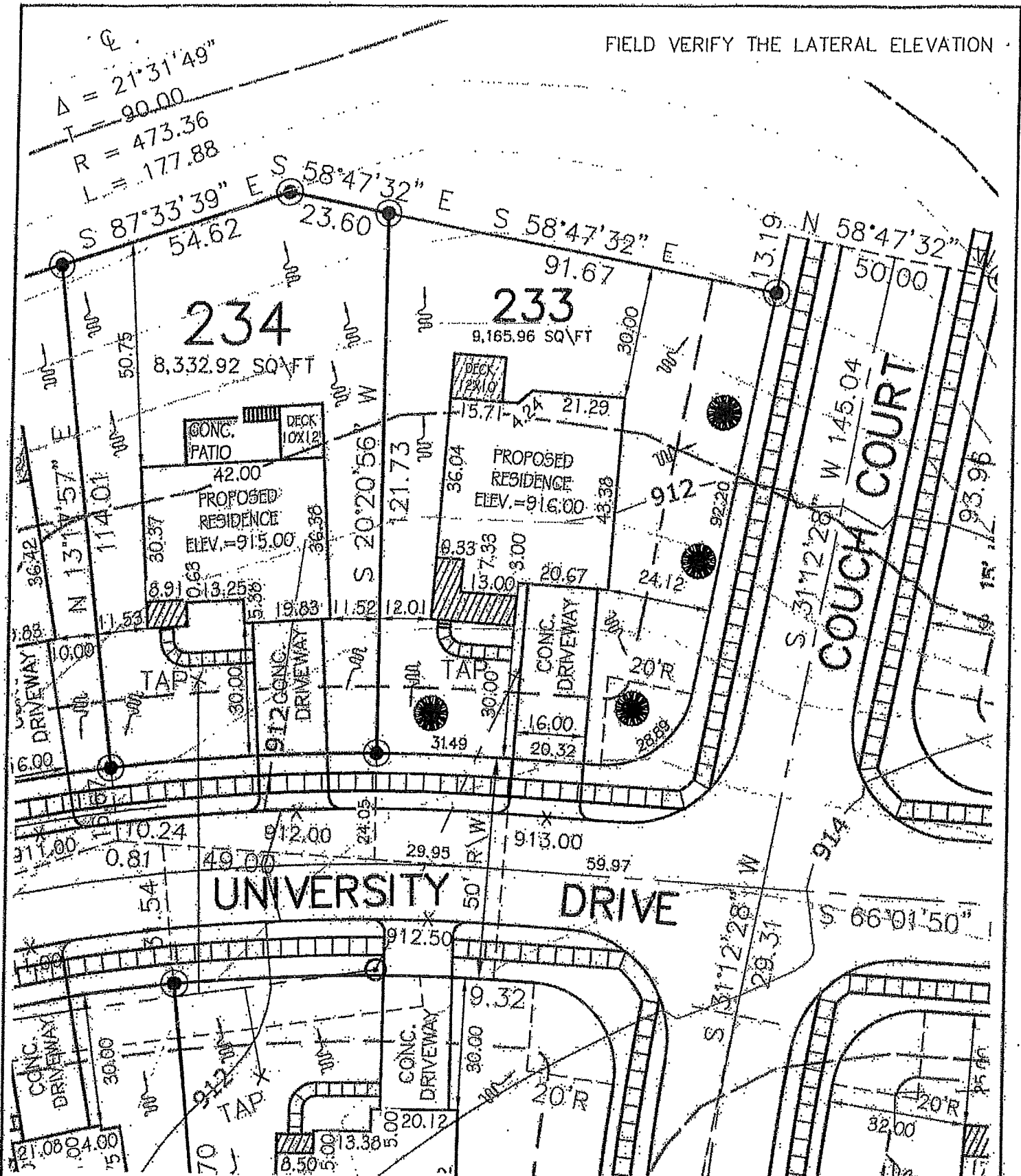
POST OFFICE (ZIP CODE):


| | |
|--|---|
| <input type="checkbox"/> Burlington (41005) | <input type="checkbox"/> Florence (41042) |
| <input checked="" type="checkbox"/> Walton (41094) | <input type="checkbox"/> Union (41091) |
| <input type="checkbox"/> Hebron (41048) | <input type="checkbox"/> Verona (41092) |
| <input type="checkbox"/> Petersburg (41080) | <input type="checkbox"/> Erlanger (41018) |
| <input type="checkbox"/> Crittenden (41030) | <input type="checkbox"/> Independence (41051) |



FIELD VERIFY THE LATERAL ELEVATION

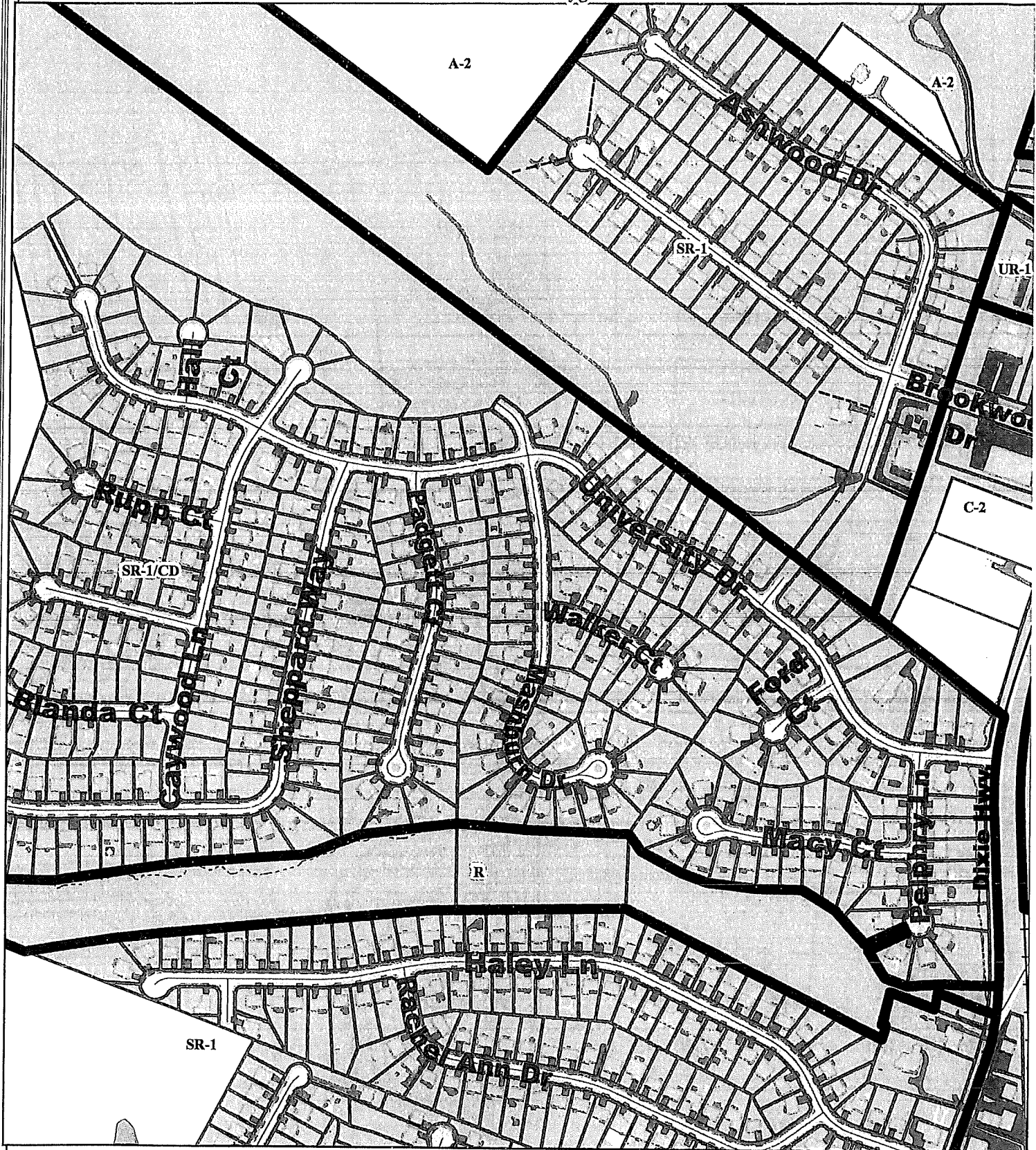
$\Delta = 21^{\circ}31'49''$
 $T = 90.00$
 $R = 473.36$
 $L = 177.88$



| | | | | |
|---|--|---|--------------|---------------------------------|
| BUILDER DREES HOMES | SUBDIVISION WILDCAT RUN SUBDIVISION 346 UNIVERSITY DRIVE WALTON KENTUCKY | SECTION 14 | BLOCK | LOT NUMBER 233 |
| OWNER THE DREES COMPANY 211 GRANDVIEW DRIVE FT. MITCHELL, KENTUCKY 41017 PHONE: (859) 578-4200 | DATE 5/23/17 SCALE 1" = 30' IMPROVEMENT PLAN APPROVAL 2/06/04  = TREE TO BE PICKED FROM THE PLANT LIST "A" | PREPARED BY CHRIS BERLING JAMES W. BERLING ENGINEERING 1671 PARK ROAD, SUITE ONE FT. WRIGHT, KENTUCKY 41011 OFFICE: (859) 331-9191 | | |

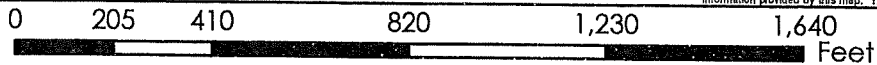
ZONING MAP

www.boonecountygis.com



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1 Inch = 400 feet



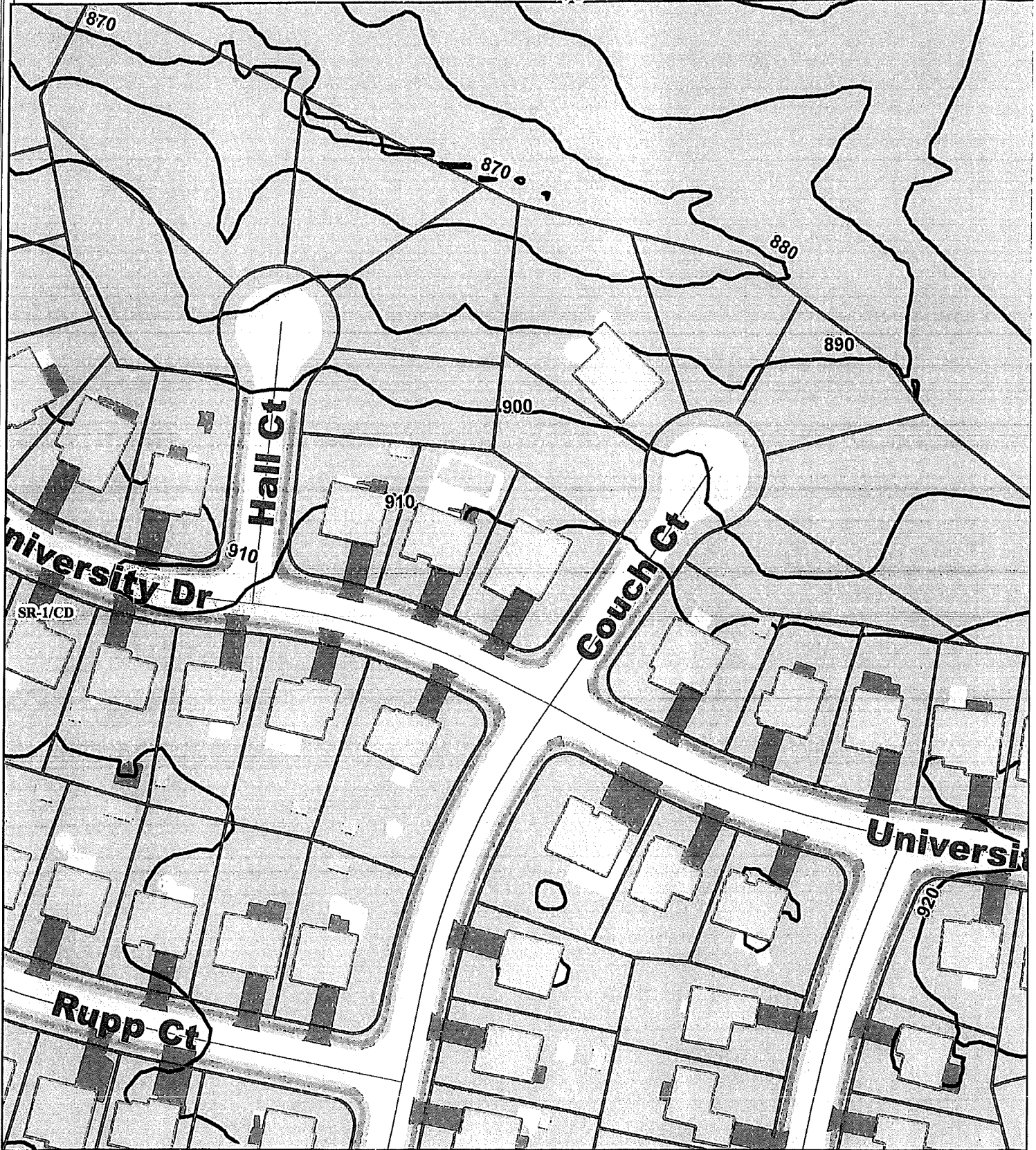
Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 12/09/2020

Map Data: 12/09/2020
ArcMap Document: *.mxd

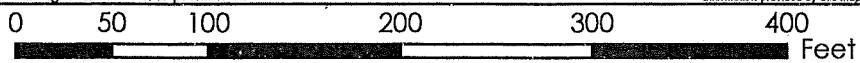
TOPOGRAPHICAL MAP

www.boonecountygis.com

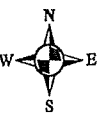


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1 inch = 100 feet



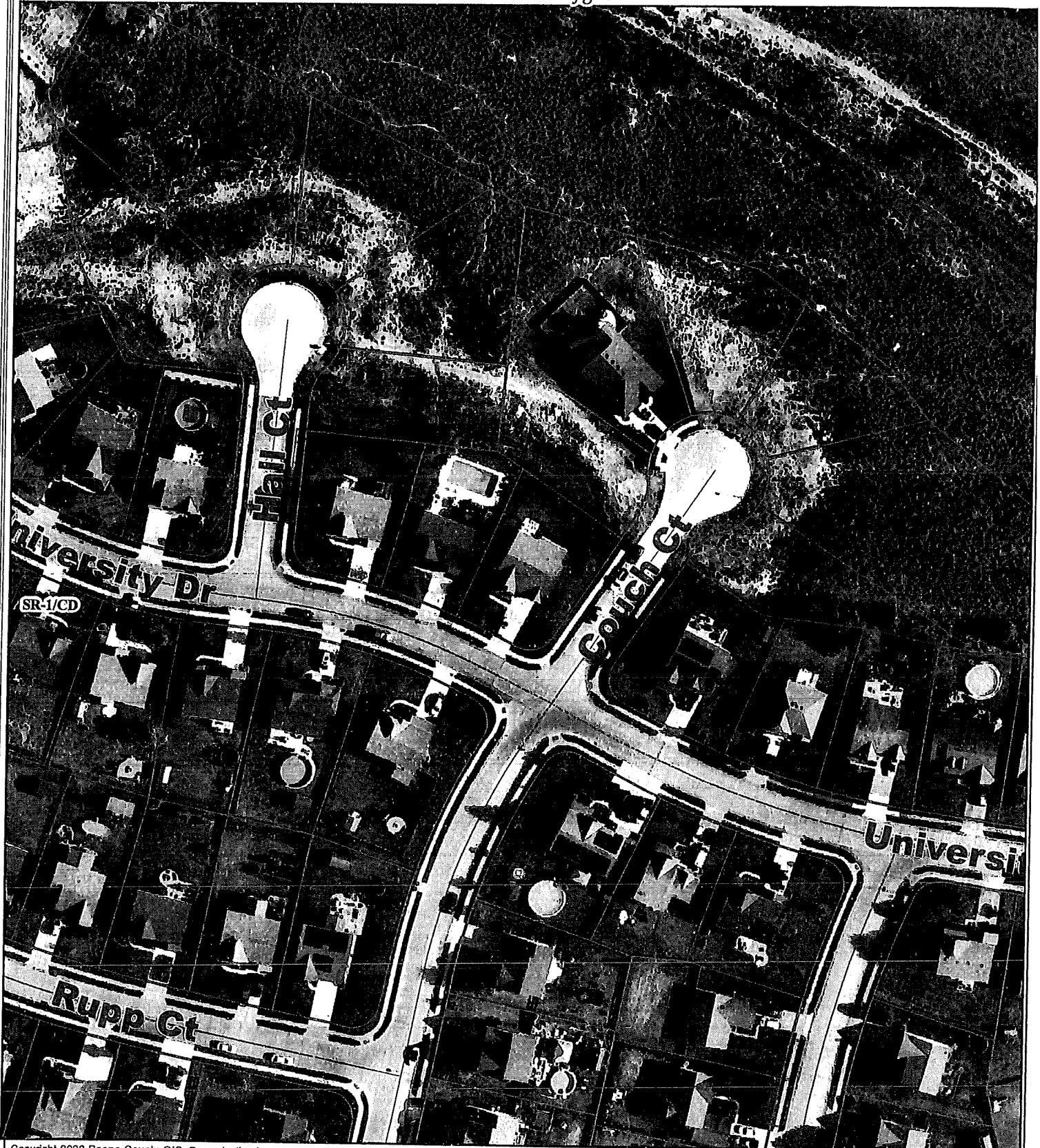
Boone County GIS - Putting Northern Kentucky on the Map

Map Created: xx/xx/2020

ArcMap Document: *.mxd

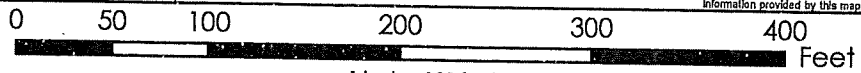
2023 AERIAL MAP

www.boonecountygis.com



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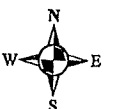


1 inch = 100 feet



Map Created: xx/xx/2020

Boone County GIS - Putting Northern Kentucky on the Map



Map File: 1.mxd
ArcMap Document: *.mxd

BUILDING ADDRESS OR LOCATION: 336 University Dr Walton

NOTICE: I certify that what is submitted is true and accurate and I or we understand and agree that all construction work will be performed in accordance with this Zoning Permit Application, the Boone County Zoning Regulations and the Boone County Subdivision Regulations.

NAME AND ADDRESS OF APPLICANT: Nichole Jackson
please print
336 University Dr Walton

SIGNATURE OF APPLICANT: Nichole Jackson
as authorized by property owner

DATE: 7/24/2020 PHONE: 937-416-0400 E-MAIL: njackson103@gmail.com

 Below this line to be completed by the Boone County Planning Commission

| | | | |
|--|--|--|--|
| Zoning: <u>SR-1/CO</u> | Date: <u>7/24/2020</u> | Fee: <input checked="" type="checkbox"/> \$90.00 | Farm Exempt |
| <input checked="" type="checkbox"/> Approved | <input type="checkbox"/> Denied | <input checked="" type="checkbox"/> \$45.00 | (No Fee) |
| Staff Reviewer: <u>[Signature]</u> | Address: <u>336 University Dr Walton</u> | | |
| Subdivision: <u>Wildcat Run</u> | | | |
| Lot: <u>276</u> | Section: <u>14</u> | Block/Phase: | Group No.: <u>2078</u> Census: <u>706-06</u> |

TYPE OF IMPROVEMENT:

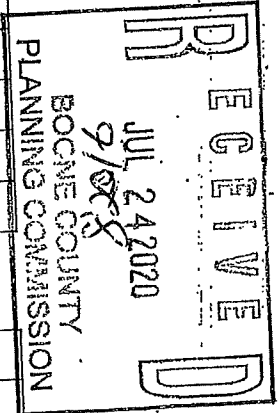
| | |
|---|--|
| <input checked="" type="checkbox"/> Single Family Residence | <input type="checkbox"/> Detached Garage |
| <input type="checkbox"/> Duplex | <input type="checkbox"/> Garage Addition |
| <input type="checkbox"/> Mobile Home | <input type="checkbox"/> Barn or Shed |
| <input type="checkbox"/> Residential Addition | <input type="checkbox"/> Above Ground Pool |
| <input checked="" type="checkbox"/> Porch or Deck | <input type="checkbox"/> In Ground Pool |
| <input type="checkbox"/> Other: | |

JURISDICTION:

| | |
|--|---|
| <input type="checkbox"/> Unincorporated Boone County | <input type="checkbox"/> City of Florence |
| <input checked="" type="checkbox"/> City of Walton | <input type="checkbox"/> City of Union |

POST OFFICE (ZIP CODE):

| | |
|--|---|
| <input type="checkbox"/> Burlington (41005) | <input type="checkbox"/> Florence (41042) |
| <input checked="" type="checkbox"/> Walton (41094) | <input type="checkbox"/> Union (41091) |
| <input type="checkbox"/> Hebron (41048) | <input type="checkbox"/> Verona (41092) |
| <input type="checkbox"/> Petersburg (41080) | <input type="checkbox"/> Erlanger (41018) |
| <input type="checkbox"/> Crittenden (41030) | <input type="checkbox"/> Independence (41051) |

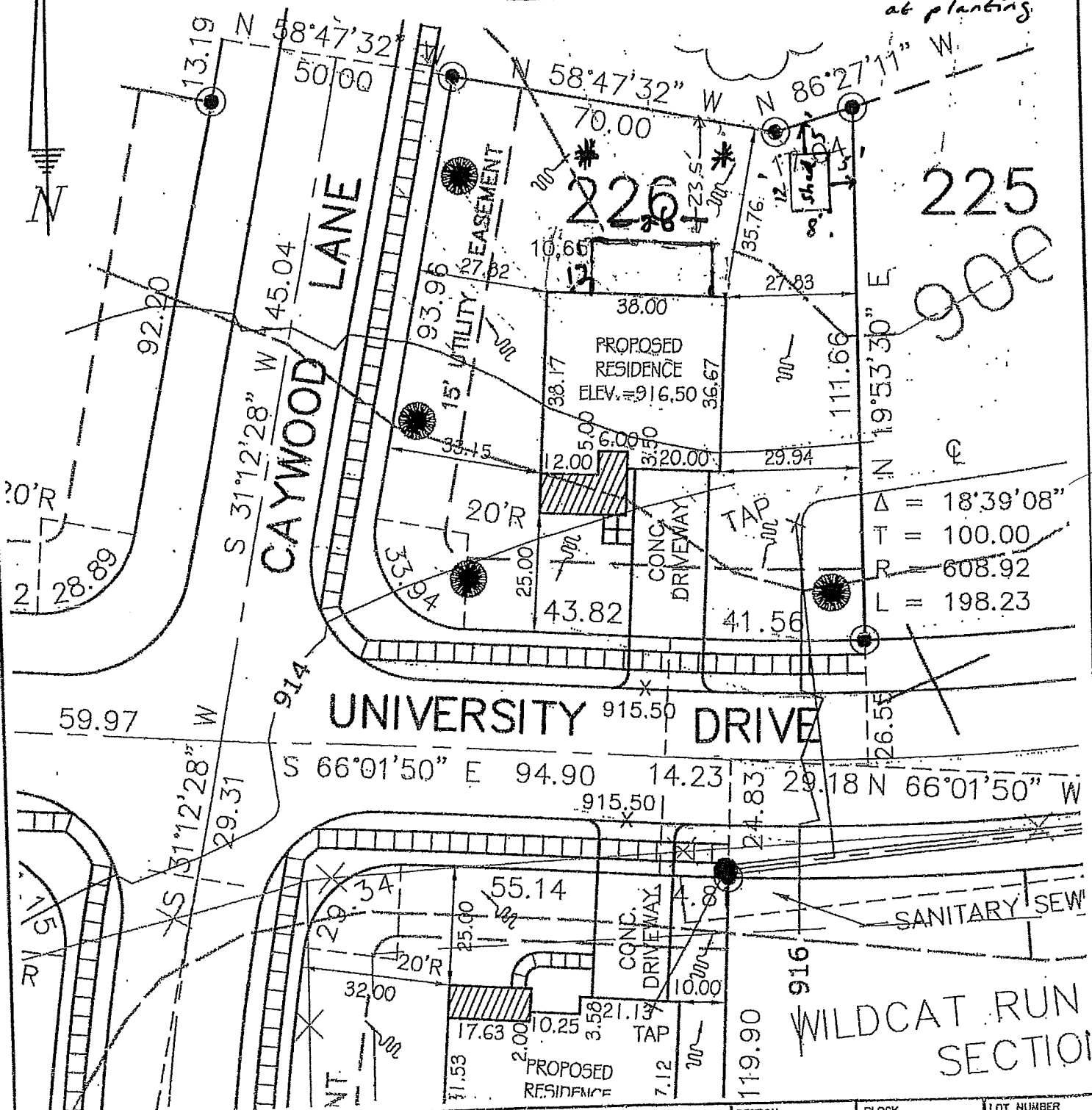


ON 6/21/18 a
 NOTE: VARIANCE WAS approved by the
 UBOA to reduce the rear yard
 setback to approximately 23'
 to allow deck

FIELD VERIFY THE LATERAL ELEVATION

* = Flowering
 Dogwood Tree
 1.5 inches in
 caliper size
 at planting

12 x 26' Deck



Δ = 18'39'08"
 T = 100.00
 R = 608.92
 L = 198.23

| | | | | |
|--|---|---|-------|--------------------------|
| BUILDER DREES HOMES | SUBMISSION WILDCAT RUN SUBDIVISION 341 UNIVERSITY DRIVE WALTON KENTUCKY | SECTION 14 | BLOCK | LOT NUMBER 226 |
| OWNER THE DREES COMPANY 211 GRANDVIEW DRIVE FT. MITCHELL, KENTUCKY 41017 PHONE: (859) 578-4200 | DATE 11/03/16 SCALE 1" = 30' IMPROVEMENT PLAN APPROVAL 2/06/04 * = TREE TO BE PICKED FROM THE PLANT LIST "A" | PREPARED BY: CHRIS BERLING JAMES W. BERLING ENGINEERING 1671 PARK ROAD, SUITE ONE FT. WRIGHT, KENTUCKY 41011 OFFICE: (859) 331-9191 | | |

**BOARD OF ADJUSTMENT
BOONE COUNTY PLANNING COMMISSION**

RECEIVED
89775
JAN 10 2024
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

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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: Paola A. Sciaraffia
Address: 8783 Richmond Rd.
Union KY 41091
City State Zip Code

* 859-815-9592 Phone Number: 859-815-9592 Fax Number: _____
Email: Paola Sciaraffia@gmail.com * paolasciaraffia@gmail.com

4. Description of Request: Reduce rear yard set back

5. Name of Development: Zhu Variance

6. Location of Development: 346 University Dr
Walton KY 41094
City State Zip Code

7. Acreage Under Review: +/- 0.21 Ac.

8. Lot Number and Name of Subdivision (if part of a subdivision): _____

9. Current Owner: Feng Zhu
Address: 346 University Dr.
Walton KY 41094
City State Zip Code

Phone Number: _____ Fax Number: _____

Email: _____

10. Proposed Use(s) on Site: Deck

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

12. Current Zoning: SR-1

13. 1100 403 2078
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

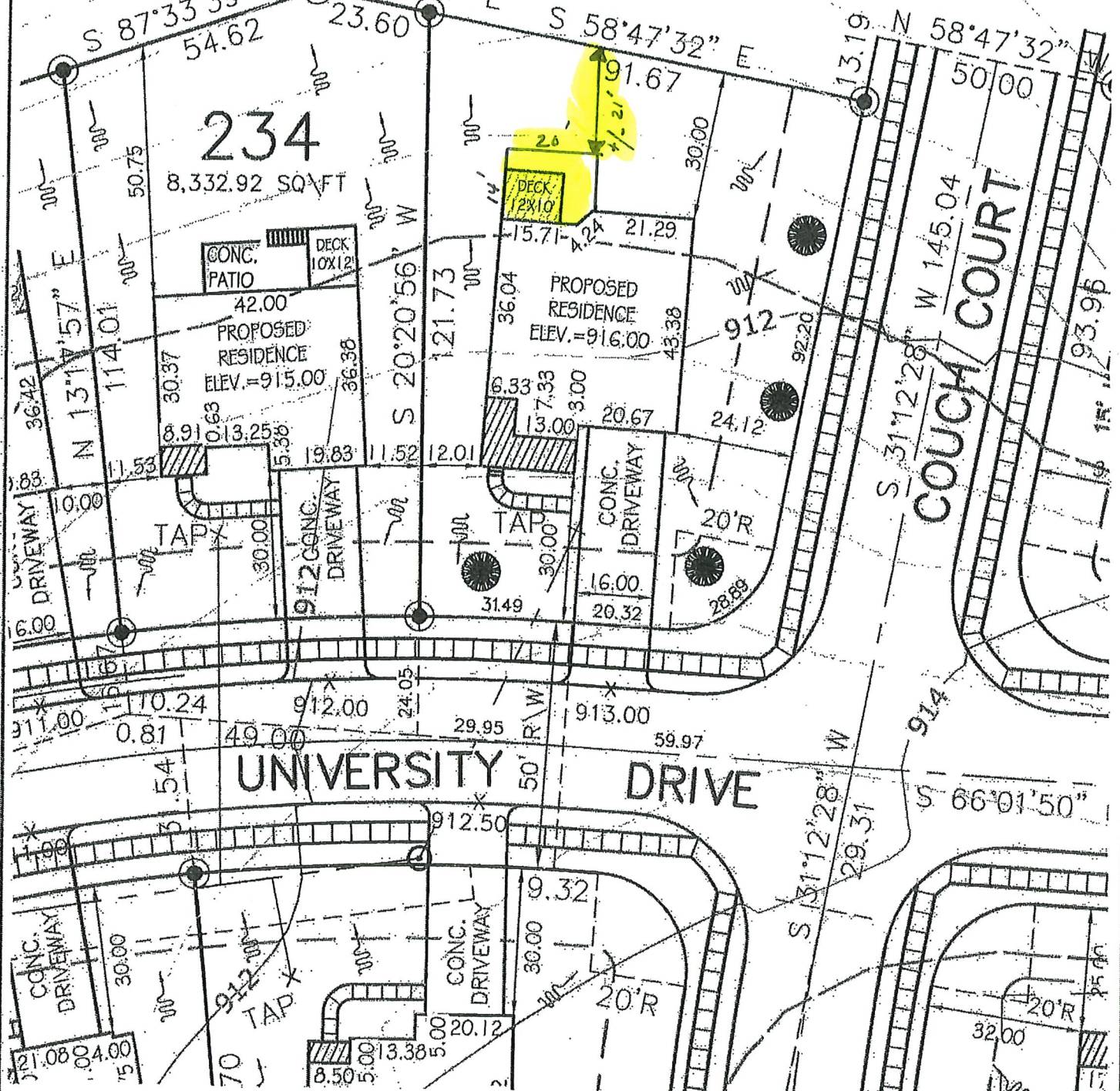
17. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.


Property Owner's Signature: X Feng Zhu

Applicant's Signature: X Zoltu [Signature]

FIELD VERIFY THE LATERAL ELEVATION

$\Delta = 21^{\circ}31'49''$
 $T = 90.00$
 $R = 473.36$
 $L = 177.88$



| | | | | |
|--|---|--------------------------|---|--------------------------|
| BUILDER DREES HOMES | SUBDIVISION WILDCAT RUN SUBDIVISION 346 UNIVERSITY DRIVE WALTON KENTUCKY | SECTION 14 | BLOCK | LOT NUMBER 233 |
| OWNER THE DREES COMPANY 211 GRANDVIEW DRIVE FT. MITCHELL, KENTUCKY 41017 PHONE: (859) 578-4200 | DATE 5/23/17 | SCALE 1" = 30' | PREPARED BY: CHRIS BERLING JAMES W. BERLING ENGINEERING 1671 PARK ROAD, SUITE ONE FT. WRIGHT, KENTUCKY 41011 OFFICE: (859) 331-9191 | |
| | IMPROVEMENT PLAN APPROVAL 2/06/04 | | | |
| |  = TREE TO BE PICKED FROM THE PLANT LIST "A" | | | |

CURRENT PROPOSAL

CERTIFICATE OF LAND USE RESTRICTION

- 1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Feng Zhu
346 University Dr
Walton, KY 41094

- 2. ADDRESS OF PROPERTY
346 University Dr
Walton, KY 41094

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

- 4. DEED BOOK 1100 PAGE NO. 403 GROUP NO. 2078

- 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

Todd K. Morgan
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

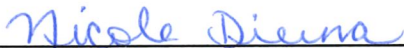
County Planning Commission this 16th day of February, 2024.



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.)

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the Variance approved by the Walton Board of Adjustment and in accordance with the current zoning in effect as of February 15, 2024, Certificate of Land Use Restriction (#24-WBOA-001-A), for Feng Zhu, Property Owner(s).

The following conditions will apply:

1. Two small trees from Plant List C of the Boone County Zoning Regulations shall be planted between the deck and rear property line.

The approved Variance as well as the preceding conditions apply to the property described in:

DEED BOOK 1100

PAGE NO. 403

GROUP NO. 2078