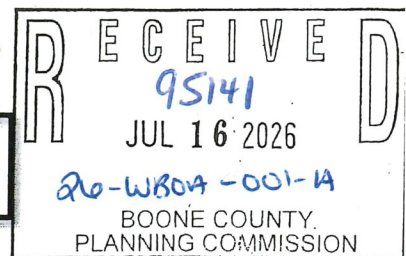


**BOARD OF ADJUSTMENT
BOONE COUNTY PLANNING COMMISSION**



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: Jeremey R. Booher
Address: 470 Merlot Ct.
Walton Kentucky 41094
City State Zip Code
Phone Number: 606 776 6444 Fax Number: _____
Email: hickster10@yahoo.com
4. Description of Request:
We are requesting a 5 foot variance to reduce the required rear yard setback from 30 feet to 25 feet to
allow for the construction of a residential deck.
5. Name of Development: Aosta Valley, Section 9
6. Location of Development: 470 Merlot Ct.
Walton Kentucky 41094
City State Zip Code
7. Acreage Under Review: .28
8. Lot Number and Name of Subdivision (if part of a subdivision):
LOT 153 SEC 9 AOSTA VALLEY
9. Current Owner: Jeremey R & Jessica N Booher
Address: 470 Merlot Ct.
Walton Kentucky 41094
City State Zip Code
Phone Number: 606 776 6444 Fax Number: _____
Email: hickster10@yahoo.com

Residential Deck

10. Proposed Use(s) on Site: _____
11. Total Square Footage of Existing and/or Proposed Buildings: _____ 144 sq/ft.
12. Current Zoning: _____
13. _____ 1134 _____ 377 _____ 2080
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:

JR Booher Jessica N. Booher

Applicant's Signature:

JR Booher Jessica N. Booher

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

1. Date Received: 7/14/26 Fee Received: \$666 Receipt #: 95141
2. Is application complete: ✓
3. Staff Reviewer: *Stan Giff*
4. Scheduled Board Action Date: 8-11-26
5. Board Action: 8-11-26
✓ 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@boonecountky.org
www.boonecountky.org

STAFF REPORT

#1

APPLICANT: Jeremey Booher

LOCATION: 470 Merlot Court

ZONING: Suburban Residential Two (SR-2)

DATE: August 11, 2026

PROPOSAL

- A. The submitted request is a Variance reducing the rear yard setback from thirty (30) feet to twenty-five (25) feet.

SITE HISTORY

- 2014 On August 12, 2014, the Boone County Planning Commission approved a Final Plat for Aosta Valley Subdivision, Section 9, creating the lot in question.
- 2014 On October 24, 2014, the Boone County Planning Commission approved a zoning permit to allow the construction of a single-family residence on the site.
- 2015 On May 1, 2015, the Boone County Planning Commission approved a zoning permit to allow the construction of a deck.

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 904.A of the Boone County Zoning Regulations states that the purpose of the Suburban Residential Two district is to provide a more compact, but essentially single-family residential environment. Such districts will be located on suitable lands within established or proposed urban entities 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-2 district is thirty (30) 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. Merlot Court is a county-maintained local street providing for two-way traffic within an approximate twenty-five (25) foot pavement width. There is sidewalk along both sides of the roadway.

SURROUNDING LAND USES AND ZONING

North: Single-family residential dwellings (SR-2)
South: Single-family residential dwellings (SR-2)
East: Single-family residential dwellings (R-1F, Kenton County)
West: Single-family residential dwellings (SR-2)

SITE CHARACTERISTICS

- A. The approximate 0.27-acre property is located on the north side of Merlot Court at the cul-de-sac.

- B. The site has approximately fifty-three (53) feet of frontage along Merlot Court.
- C. The site is currently occupied by a detached single-family residential structure.
- D. Topographically, the site has been graded for the residential home. There is an existing drainage swale that runs within an easement along the back portion of the lot.

STAFF COMMENTS

- A. The submitted plan indicates the construction of a 250-square-foot deck.
- B. The property to the rear of the site in question has a rear yard setback of approximately thirty (30) feet.
- C. If approved, the distance between the proposed deck and the nearest residential structure would be ninety-five (95) feet.

CONCLUSION

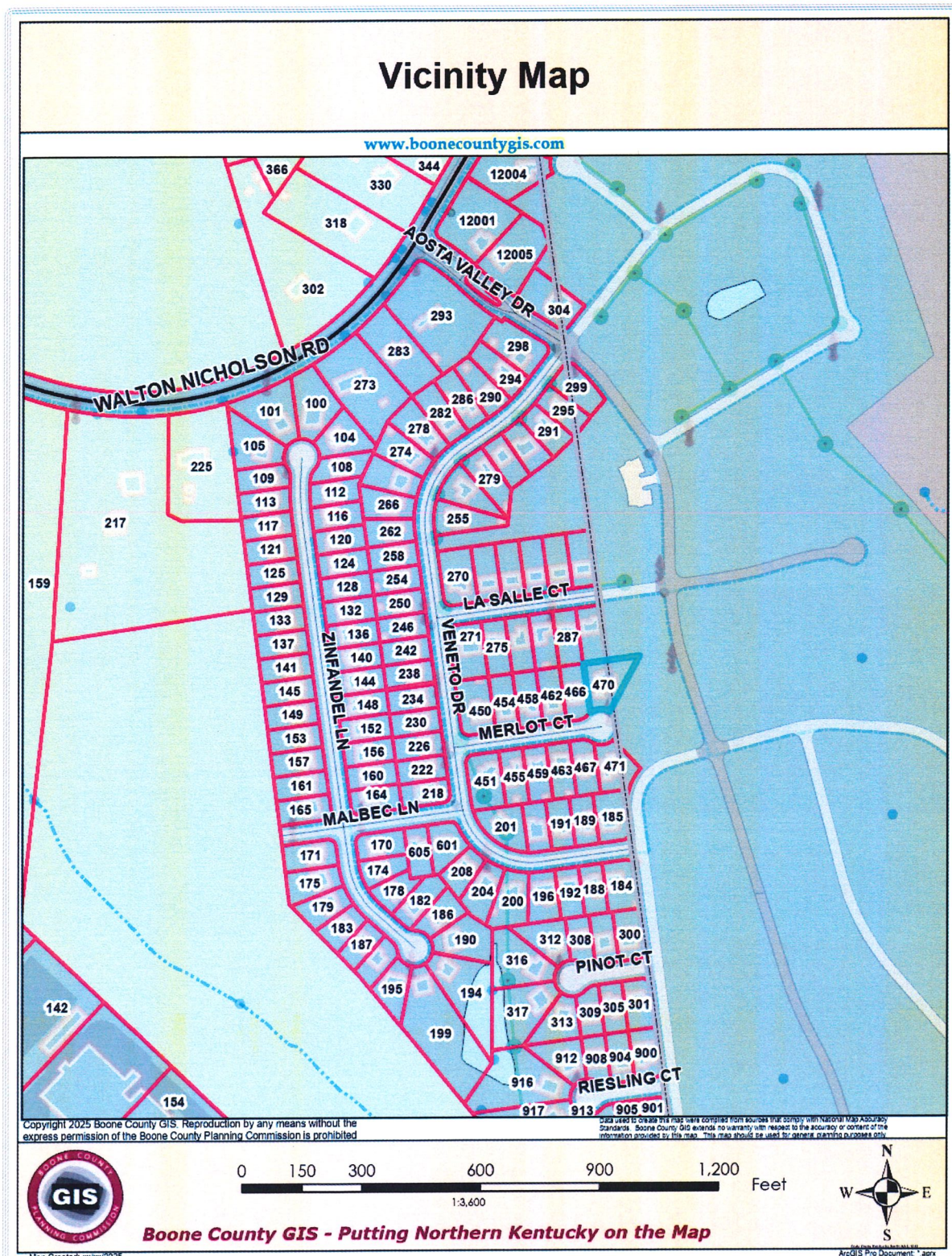
- A. KRS 100.241 and Section 220 of the Boone County Zoning Regulations give the Boone County Board of Adjustment and Zoning Appeals the authority to act on the request.
- B. Sections 204.D and 204.E of the Boone County Zoning Regulations identifies criteria necessary for granting a Variance. The applicant needs to provide information as to how their application meets these criteria.

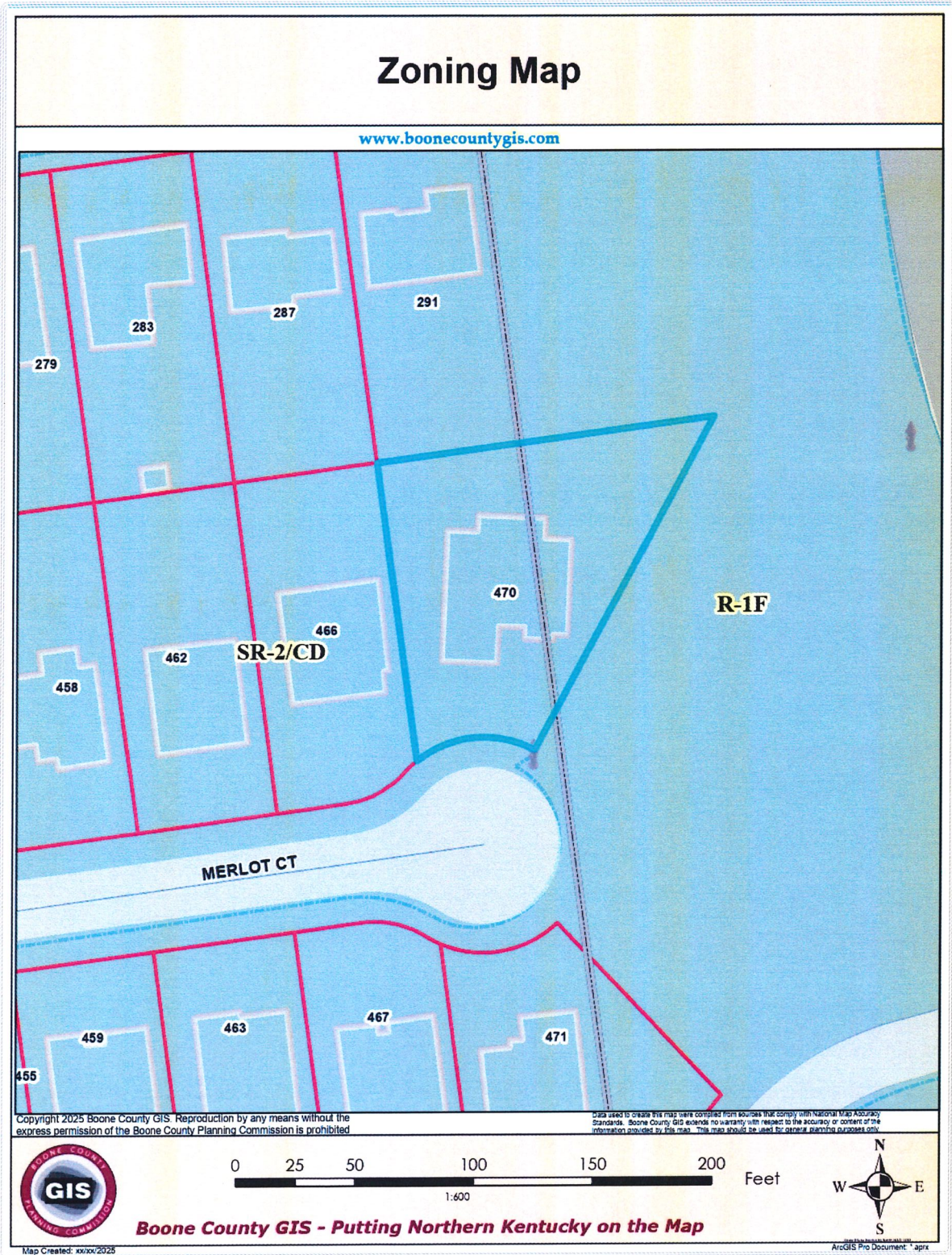
Respectfully submitted,

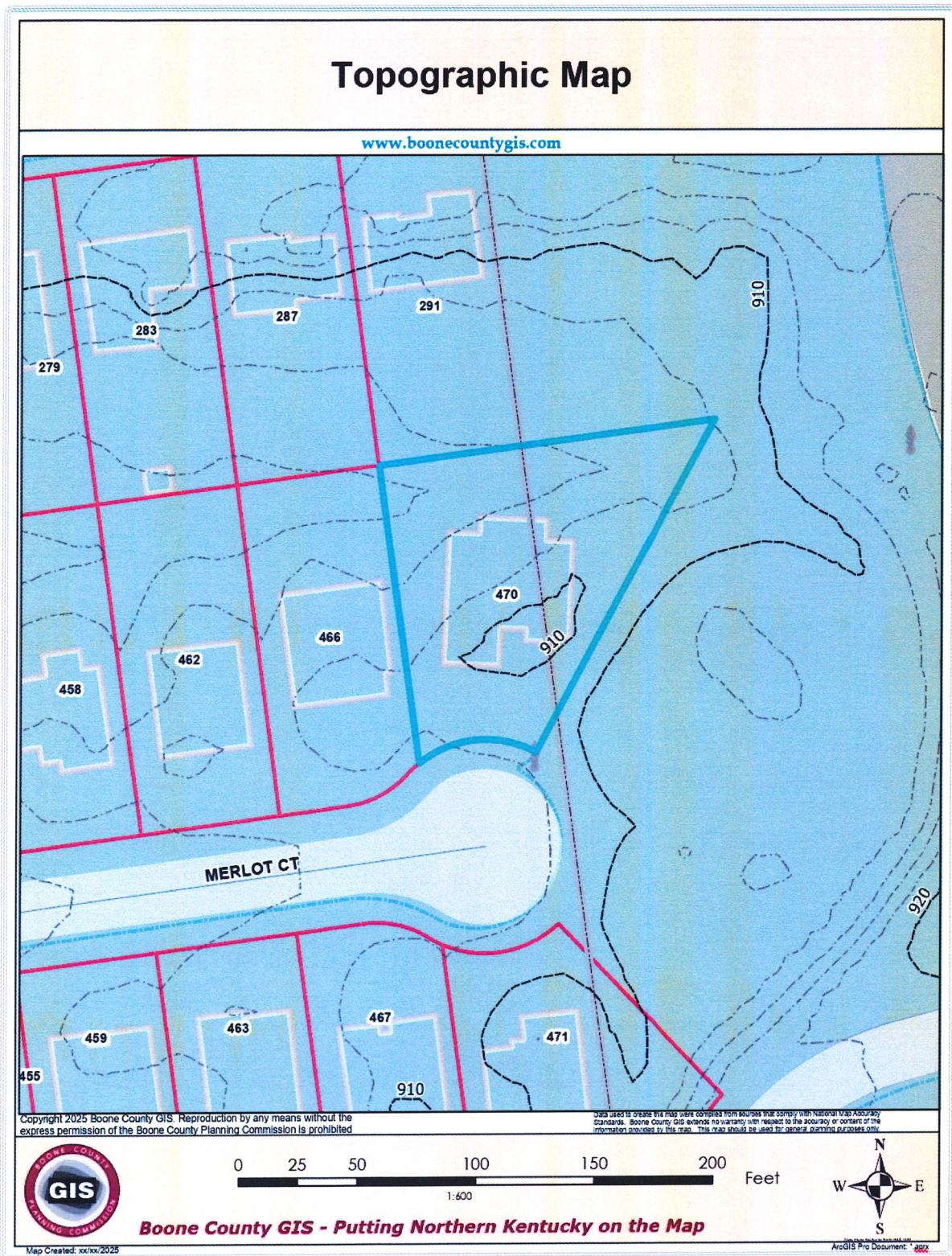


Steven C. Lilly, PLS
Planner, Zoning Services

scl/nd

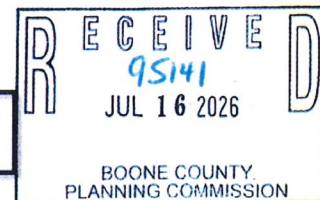








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Board of Adjustment
Page 2

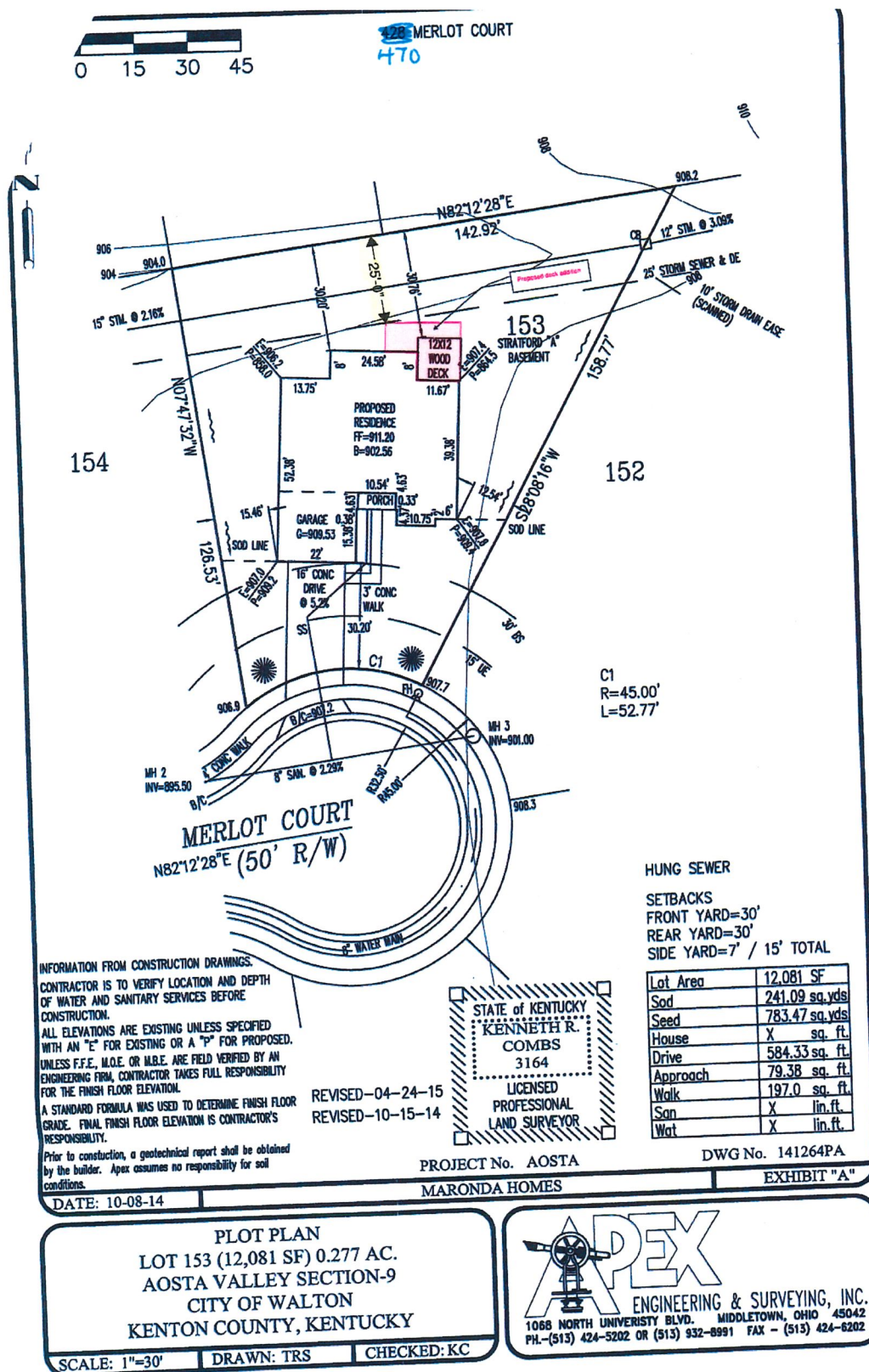
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11. Total Square Footage of Existing and/or Proposed Buildings: 144 sq/ft.
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13. 1134 377 _____
Deed Book Page Group Number
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JR Booher Jessica N. Booher

Applicant's Signature:

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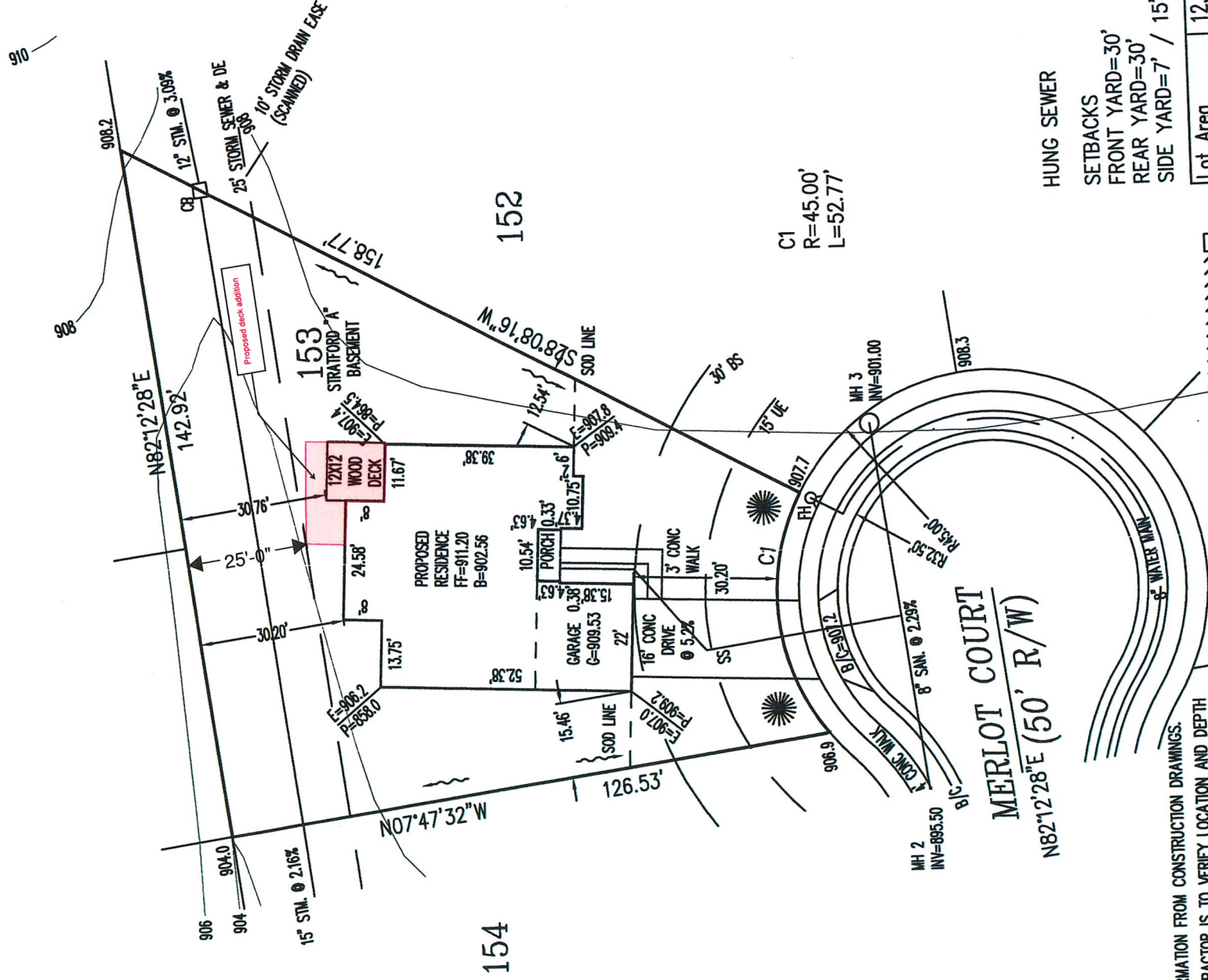


428 MERLOT COURT

470



0 15 30 45



C1
R=45.00'
L=52.77'

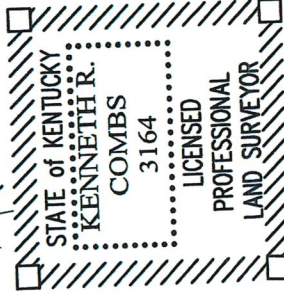
MERLOT COURT
N82°12'28"E (50' R/W)

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 F.F.E., M.O.E. OR M.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.

REVISED-04-24-15
REVISED-10-15-14

HUNG SEWER
SETBACKS
FRONT YARD=30'
REAR YARD=30'
SIDE YARD=7' / 15' TOTAL

Lot Area	12,081 SF
Sod	241.09 sq.yds
Seed	783.47 sq.yds
House	X sq. ft.
Drive	584.33 sq. ft.
Approach	79.38 sq. ft.
Walk	197.0 sq. ft.
San	X lin.ft.
Wat	X lin.ft.



DWG No. 141264PA

PROJECT No. AOSTA
MARONDA HOMES

EXHIBIT "A"

DATE: 10-08-14

PLOT PLAN

LOT 153 (12,081 SF) 0.277 AC.
AOSTA VALLEY SECTION-9
CITY OF WALTON
KENTON COUNTY, KENTUCKY

SCALE: 1"=30'

DRAWN: TRS

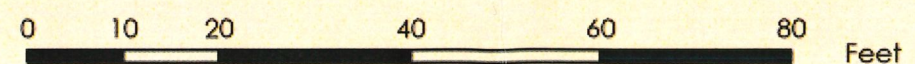
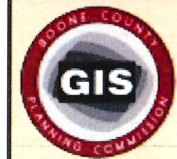
CHECKED: KC



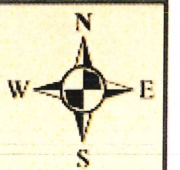
ENGINEERING & SURVEYING, INC.
1068 NORTH UNIVERSITY BLVD. MIDDLETOWN, OHIO 45042
PH.-(513) 424-5202 OR (513) 832-8991 FAX -(513) 424-6202

Boone County GIS Map

www.boonecountygis.com



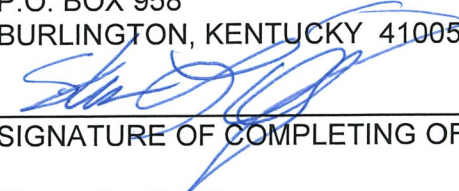
Boone County GIS - Putting Northern Kentucky on the Map



CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Jeremy & Jessica Booher
470 Merlot Ct
Walton, KY 41094
2. ADDRESS OF PROPERTY
470 Merlot Ct
Walton, KY 41094
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Booher Deck Variance
4. DEED BOOK 1134 PAGE NO. 377 GROUP NO. 2080
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

Steven C. Lilly, Planner

Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledged before me by Steven C. Lilly on behalf of the Boone
County Planning Commission this 12th day of August, 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:


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)