

BCBDA-001

**BOARD OF ADJUSTMENT  
AND  
ZONING APPEALS ACTION  
BOONE COUNTY PLANNING COMMISSION**

R

P F I V E

D

FEB 06 2012

BOONE COUNTY  
PLANNING COMMISSION

**FIVE (5) SCALED COPIES AND ONE (1) 11X17 REDUCTION OF SUBMITTED DRAWINGS ARE REQUIRED**

See Boone County Zoning Regulations

**SECTION A** (To be completed by applicant)

- (Check One)
1.  Boone \_\_\_\_\_ Florence \_\_\_\_\_ Walton \_\_\_\_\_ Union \_\_\_\_\_  
(Check One)
  2. \_\_\_\_\_ Conditional Use Permit  Variance \_\_\_\_\_ Appeal \_\_\_\_\_  
\_\_\_\_\_ Change in Non-Conforming Use
  3. Applicant's Name Jimmie Couch  
Phone Number 859-342-1462 Fax No. \_\_\_\_\_  
Applicant's Address 4745 Burlington Pike  
Burlington Ky 41005  
City State Zip
  4. Description of Request: Reduce 60' Front Yard Setback for a  
proposed barn.
  5. Name of Development \_\_\_\_\_
  6. Location of Development 4745 Burlington Pike, Burlington, Ky
  7. Acreage Under Review 4.66 ±
  8. Lot Number and Name of Subdivision (if part of a subdivision) \_\_\_\_\_
  9. Owner of Property same as above  
Address of Property Owner \_\_\_\_\_ Phone No. \_\_\_\_\_
  10. \_\_\_\_\_  
City State Zip
  11. Proposed Use(s) on Site A second barn
  12. Total Square Footage of Existing and/or Proposed Buildings 1600
  13. Current Zoning on Property A2 + RS
  14. Deed Book 432 + 796 Page No. 130 + 323 Group No. 2028
  15. Is the site subject to a zone change? \_\_\_\_\_  
If yes, give date of approval \_\_\_\_\_
  16. Have you submitted a Site Plan with this request? \_\_\_\_\_
  17. Have you submitted a list of adjoining property owners with this request? \_\_\_\_\_
  18. 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)

**BOARD OF ADJUSTMENT AND  
ZONING APPEALS ACTION  
APPLICATION  
PAGE 2**

**SECTION B** (To be completed by the Boone County Planning Commission Staff)

1. Date Received 2-4-12 Fee Received \$1032.00 Receipt # 64256
2. Is application complete?  Yes  No
3. Staff Reviewer KEVIN WALL
4. Scheduled Board Action Date 3/4/12
5. Board Action:  
 Approved  
 Approved with Conditions (See #6)  
 Denial (See #7)
6. Conditions of Approval: PROVIDE PLOT PLAN PREPARED BY  
PLS w/ ZONING PERMIT APPLICATION PER STAFF  
COMMENT # 2 IN 3/14/12 STAFF REPORT
7. Reasons for Denial: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Boone County Planning Commission  
Boone County Administration Building  
2950 Washington Street, Room 317  
P.O. Box 958  
Burlington, Kentucky 41005  
(859) 334-2196 - Phone  
(859) 334-2264 - Fax  
plancom@boonecountyky.org - E-mail  
[www.boonecountyky.org](http://www.boonecountyky.org) - Web Page

**NOTE:** See Boone County Planning Commission Fee Schedule for Board of Adjustment Fees.

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.

**STAFF REPORT**

APPLICANT: Jimmie Couch  
LOCATION: 4745 Burlington Pike (Rocky Springs Road), Boone County, Kentucky  
ZONING: Agricultural Estate (A-2) and Rural Suburban (RS)  
DATE: March 14, 2012

**PROPOSAL**

This proposal is for a variance to reduce the required front yard setback for a proposed pole barn from 60 feet to approximately zero (0) feet. Accessory structures are normally permitted to be placed in front yard or corner side yard areas in A-1 and A-2 zones provided the respective front or corner side yard setback is met (Section 3153). The proposed structure is to be placed in the A-2 zoned portion of the lot at the southeast corner along the Rocky Springs Road frontage. The new structure is 40 by 40 feet (1,600 sf), and is proposed to be separated from an existing pole barn by a 5 foot clear space. The existing barn is approximately 1,200 square feet (+-30' X 40'). The proposed barn is a metal structure with a 4/12 pitched roof that is gray with white trim to match the existing barn.

Based on a 25 foot right-of-way dedication from the centerline of Rocky Springs Road on a plat approved in 1990, the new structure is proposed to be placed approximately at the front property line/right-of-way line (existing structure is approximately 70' from the centerline; 70' minus 25' right-of-way width = 45' between the existing structure and right-of-way line; 40' new structure width plus 5' separation from the existing structure = 45'). Although the address of the property is from Burlington Pike, the property is physically located on Rocky Springs Road, and is the second lot to the south from the Burlington Pike/Rocky Springs Road intersection. The subject property contains approximately 4.66 acres.

**APPLICABLE REGULATIONS**

Article 2, Section 220 of the Boone County Zoning Regulations states that one of the duties of the Board of Adjustment is to act on variance applications, as specified by the zoning order.

Article 2, Section 250 of the Boone County Zoning Regulations states that the Board of Adjustment and Zoning Appeals shall have the power to hear and decide on applications for variances. A variance is defined as a departure from the 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.

The Board should evaluate the applicant's variance request in terms of the criteria listed in Section 251 of the Boone County Zoning Regulations:

1. 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 nuisance to the public, and will not allow an unreasonable circumvention of the requirements contained in the zoning regulations.

- A. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;
  - B. The strict application of the provisions contained in the regulations would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant;
  - C. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.
2. 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.

Section 622 "Accessory Uses" (A-2 zone) permits customary accessory structures such as garages and barns by reference to Section 612 (Accessory Uses for the A-1 zone).

Table 31.1 outlines the minimum required front yard setback for the A-2 zone as 60 feet.

Section 3153 "Location of Accessory Structures or Use" states in part "accessory structures or uses may be located in the front yard area or corner side yard area in Agricultural zones or for agricultural uses located in other zones provided the respective front yard or corner side yard setback is met."

#### RELATIONSHIP TO THE COMPREHENSIVE PLAN

The 2005 Boone County Comprehensive Plan's "2030 Future Land Use Plan" designates the site in question as "Rural Lands." This designation is defined as "wooded, agricultural, recreational, or low density residential uses of up to one dwelling unit per two acres for the 25 year land use plan. Residential construction in Rural Lands does not occur in a formal subdivision."

The adopted 2010 Boone County Comprehensive Plan Goals and Objectives state "proper design principles shall be applied in development" (Overall, Objective 3).

#### ADJACENT LAND USES AND ZONING

- A. Three detached single family residences that front on Burlington Pike, and that are each on lots which are slighter larger than one acre, are located to the north and northwest (RS).
- B. A wooded area is located to the immediate west (A-2 and RS).

- C. Two detached single family residences on acreage tracts are located to the south at or near the dead end of Rocky Springs Road (A-2).
- D. A cultivated field and a detached single family residence which is substantially set back from the road are located to the east across Rocky Springs Road (A-2 and RS).

### SITE CHARACTERISTICS

The overall site is composed of two tracts which total approximately 4.66 acres in area. The site has 430 feet of frontage along Rocky Springs Road. The site contains a detached single family residence that is setback approximately 275 feet from the Rocky Springs Road pavement, a lake in the northwest corner, and the previously mentioned metal barn in the southeast corner. There is existing tree cover along the south and west boundaries of the site. The topography of the site is relatively level. Rocky Springs Road is a public road that is surfaced with asphalt and is essentially one lane wide.

### STAFF COMMENTS

1. Based on the statutory criteria for the granting of Variances and conditions in the field, Staff does not have any philosophical opposition to the request. The structure is proposed to be sited at the corner of the lot near a wooded property line, and near the dead end of Rocky Springs Road which has a smaller scale due to the narrow pavement width. Due to these conditions, the road at this point almost looks more like a private driveway than a public road.

Without the requested Variance, the structure could (amongst other options) be placed in the middle of the front yard which would be visually obtrusive and out of character with the adjoining properties. It would also be contrary to the 2010 Comprehensive Plan Objective regarding the application of proper design principles in development.

2. Greg Sketch, P.E., PLS, Boone County Engineer, has reviewed the proposal due to the proximity of the structure to the right-of-way line. He has commented that given the straight road alignment and minimal number of residents beyond this site, he has no problem with a variance to the setback requirement. However, there shall not be any encroachment onto the public right-of-way.

Because the structure is proposed to be placed approximately at the front property line, Staff recommends that the Board consider a condition which would require the plot plan drawing submitted with the Zoning Permit application to be prepared by a Professional Land Surveyor (PLS) licensed in Kentucky to assure that the structure will not encroach into the public road right-of-way.

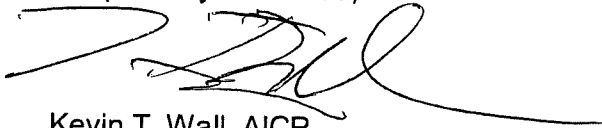
3. A representative of the Boone County Building Department has done a cursory review of the materials submitted with the Variance and has not identified any initial building code issues related to the reduced setback.

4. For the applicant's information, any use of the structure must comply with the applicable A-2 zone requirements.

CONCLUSION

KRS 100.241 and Section 250 of the Boone County Zoning Regulations gives the Boone County Board of Adjustment and Zoning Appeals the authority to act on the request.

Respectfully submitted,



Kevin T. Wall, AICP  
Director, Zoning Services

KTW/dw

attachments:

- location map
- aerial photo w/ zoning info
- application materials including plans
- conveyance plat for main 3.31 acre lot

# Couch Property - Location

www.boonecountygis.com

WOOLPER RD

BURLINGTON PIKE

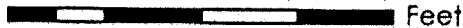
ROCKY SPRINGS RD

  
**SITE**

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0 8,750 17,500 35,000 52,500 70,000

 Feet

1 Inch = 83,333 feet



**Boone County GIS - Putting Northern Kentucky on the Map**



# Couch Property - Rocky Springs Road

www.boonecountygis.com



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0 8,750 17,500 35,000 52,500 70,000

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APPLICATION FORM

BOARD OF ADJUSTMENT  
AND  
ZONING APPEALS ACTION  
BOONE COUNTY PLANNING COMMISSION

RECEIVED  
FEB 06 2012  
BOONE COUNTY  
PLANNING COMMISSION

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\_\_\_\_\_ Change in Non-Conforming Use \_\_\_\_\_
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City State Zip
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- 13. Current Zoning on Property A2 + R5
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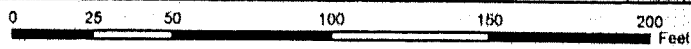
# 4745 Burlington Pike

www.boonecountygis.com



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1 inch = 60 feet

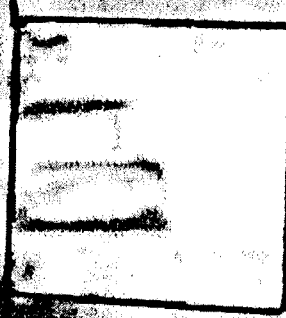
Boone County GIS

"Putting Northern Kentucky on the Map"



5' Separation

ROCKY SPRINGS RD



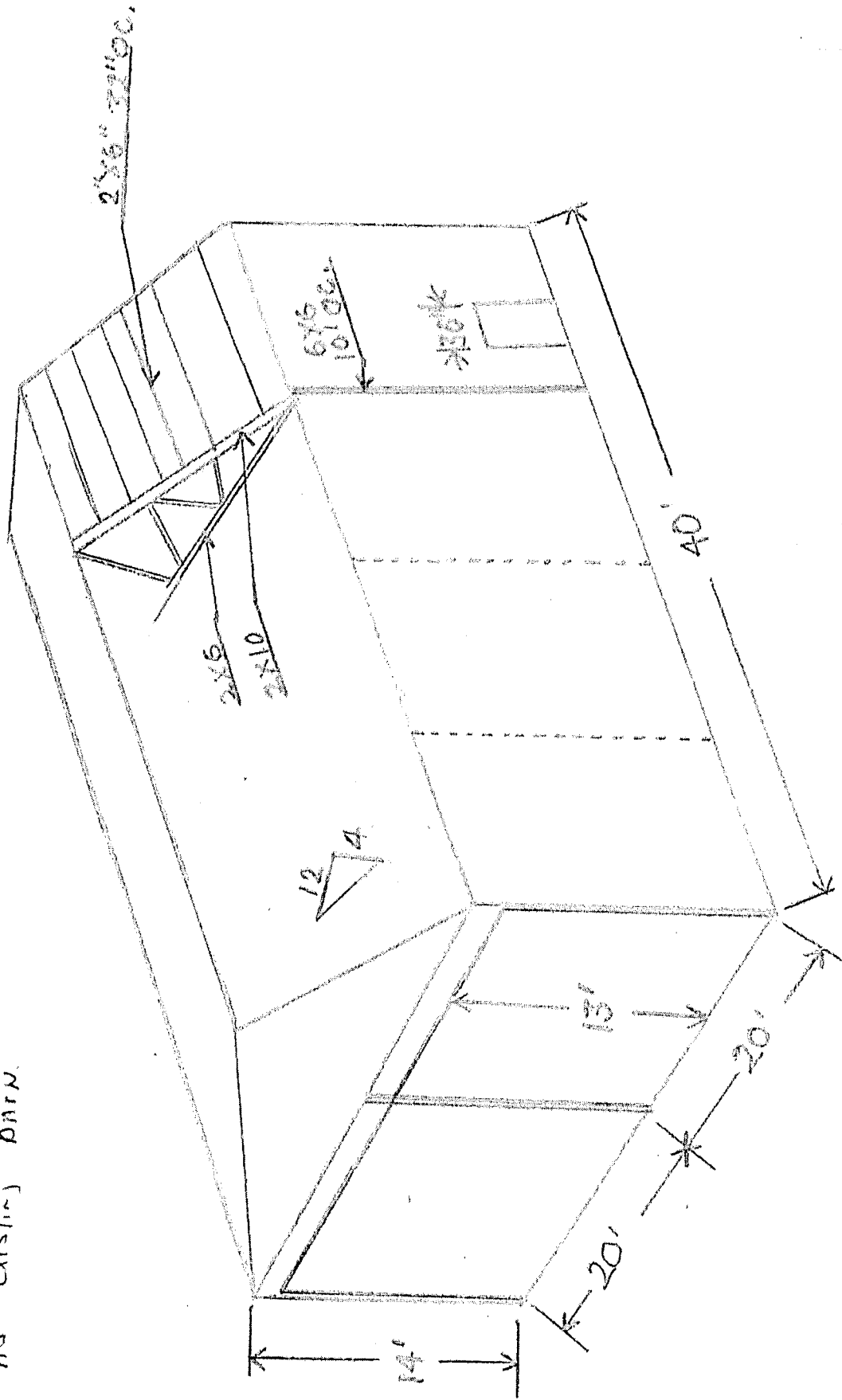
40'

40'

20'



Gray with white trim,  
 Same as existing barn.



**Van Key Building Systems**

George Abington, Owner

5456 N. State Road 56  
 Vevey, Indiana 47043

612-677-0256



I certify that this plat has been prepared by me or under my supervision in accordance with the Ky Min. Surveying Standards and complies with all requirements of the Boone Co. Zoning & S/D Regulations and that dedicated areas including public ways or streets are currently owned by the property owner.

I certify that I have examined the records of the Boone County Clerk and find that this is the first conveyance made under the present ownership and the parent tract since 1966 or from the adoption of KRS 100.

Noel Walton  
Ky. Reg. P.E. & L.S.

5/14/90  
Date

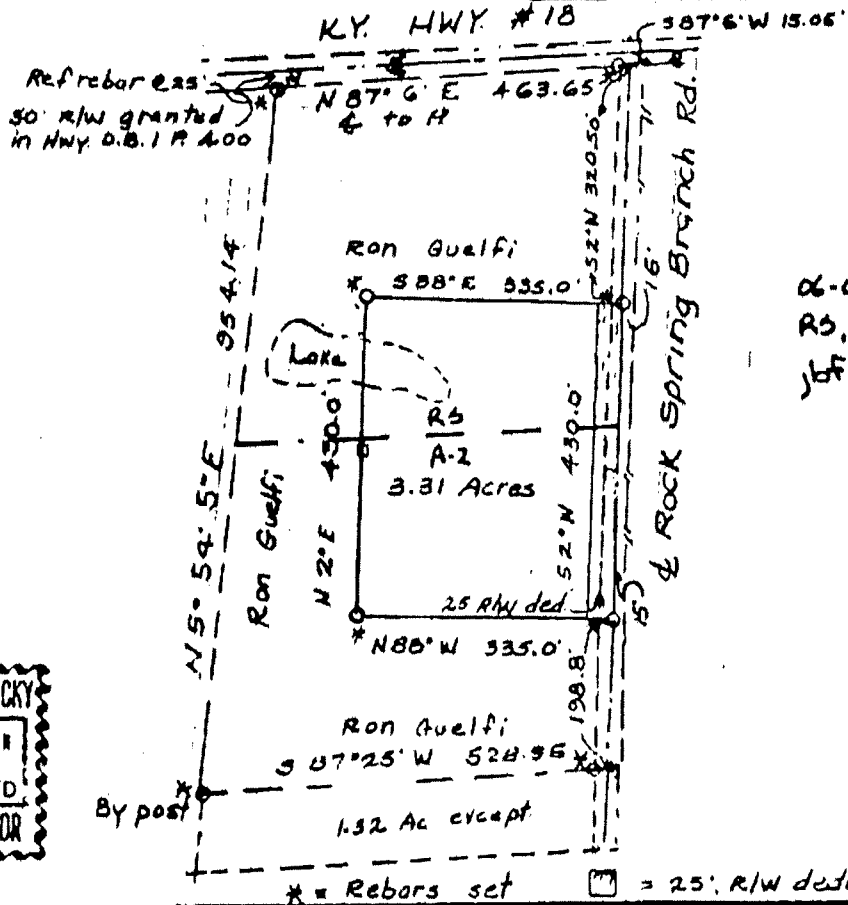
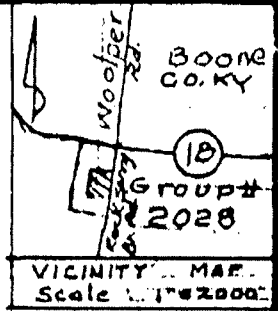
Closure: 1 in 7500

Approved for recording the transfer of property only by the Boone Co. Planning Commission this 6 day of June 1990.

Carol Smith, Dist. Chairman  
Chairman

We hereby certify that the proposed street right-of-way will be offered to the Boone County Fiscal Court for public dedication.

Ron J. Guelfi  
6-4-90



06-06-90  
RS, A-2  
JBF



PLAT-SURVEY OF 3.31 ACRES PARCEL, WEST SIDE OF ROCK SPRING BRANCH ROAD, TO BE CONVEYED BY RON J. GUELFI ETAL		
SCALE: 1" = 200'	APPROVED BY: F.B. 174/42	DATE: 5/14/90
See D.B. 150 pg. 417, Group #2028, Boone Co. Clerk's records		DRAWING NUMBER
Walton & Walton — Civil Engineers — Surveyors Burlington, KY 41003 ••• Phone 586-6517		

## STAFF REPORT

APPLICANT: KY Financial Holdings Inc. (d/b/a Midwest Auto Store)

LOCATION: 166 Weaver Road and an approximate 2.3 acre area currently located at 8300 Dixie Highway, Boone County, Kentucky

ZONING: Industrial Two (I-2)

DATE: March 14, 2012

### PROPOSAL

The applicant has submitted the following applications:

1. A Conditional Use Permit to allow the expansion of a used car sales facility onto a 2.3 acre area located at 8300 Dixie Highway, Boone County, Kentucky. The preliminary plan shows a 40' x 140' (5,600 square foot) car preparation building at the rear of the site and 217 new parking spaces. Access to the new building and parking area would be provided from the existing parking lot.
2. A Variance to eliminate the 10 foot wide street frontage buffer on the subject site. The preliminary plan shows that 19 parking spaces are proposed up to the front property line and that landscaping will be installed in the Weaver Road right-of-way.
3. A Variance to reduce the 20 foot wide landscaping buffer (Buffer Yard B) along the eastern property line to a 10 foot wide landscaping buffer (Buffer Yard A).

### PERTINENT SITE HISTORY (166 Weaver Road)

- 7/17/91 - The Boone County Planning Commission approves a Site Plan allowing a 3,100 square foot bank and 14 parking spaces.
- 5/13/09 - The Boone County Board of Adjustment approves a Conditional Use Permit allowing sales of used motor vehicles (automobiles, light trucks, and motorcycles) from the premises. The following conditions were imposed on the approval:
1. The parking lot striping shall remain unchanged and shall be repainted to make it visible.
  2. All vehicles for sale shall be located in striped parking places.
  3. No major vehicle repairs shall be conducted on site (engine work, transmission repair, auto glass, heating/air conditioning, upholstery, etc.).
  4. No auto parts shall be stored outside.
  5. The landscaping that was removed from the front parking lot shall be replanted along the front property line.

8/11/10 - The Boone County Board of Adjustment approved Conditional Use Permit and Variance applications so a used car sales facility could expand at 166 Weaver Road. The Conditional Use Permit allowed the former bank drive through (21'-2" x 32'-1") to be enclosed and additional parking to be constructed. The overall number of parking stalls shown on site was 46 stalls (39 inventory and 7 customer). The Variance allowed 10 foot wide perimeter landscaping buffers to be reduced where new parking lot improvements were proposed. The following conditions were imposed on the approval:

1. Staff Design Review shall occur when the Site Plan for the car prep area is submitted for review. The structure shall be constructed per the following guidelines:
  - A. Other than the garage bays, the front of the building shall be constructed predominately with brick which matches the existing building.
  - B. The side of the building shall be constructed predominately with brick which matches the existing building.
  - C. Any proposed garage bays on the front of the building shall be constructed with windows. Each garage door must be 20% see through.
  - D. The roof shall be constructed with asphalt shingles and shall match the rest of the building.
2. All vehicles for sale shall be located in striped parking places.
3. All driveway aisles and parking spaces shall meet code. The buffer along the eastern property line can be reduced to 8' to accomplish this.
4. There shall be a 10' wide street frontage buffer. The buffer can be located on site or in the right-of-way.
5. No auto parts shall be stored outside.

12/13/10 - Boone County Planning Commission approves a Major Site Plan for the car prep area (former bank drive through), additional parking, and landscaping.

11/23/11 - Boone County Planning Commission approves a Minor Site allowing a 20' x 41' storage building to be constructed in the rear parking lot.

#### APPLICABLE REGULATIONS

Section 220 of the Boone County Zoning Regulations states that two duties of the Board of Adjustment is to act on Conditional Use Permit and Variance requests.

Article 2, Section 250 of the Boone County Zoning Regulations states that the Board of Adjustment shall have the power to hear and decide on applications for Variances. A Variance is defined as a departure from the 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.

The Board should evaluate the applicant's request as it relates to the criteria necessary for granting a Variance as stated in Section 251 of the Boone County Zoning Regulations:

1. 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 nuisance to the public, and will not allow an unreasonable circumvention of the requirements contained in the zoning regulations.
  - A. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;
  - B. The strict application of the provisions contained in the regulations would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant;
  - C. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.
2. 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.

The Board should evaluate the applicant's Conditional Use Permit request as it relates to the criteria listed in Sections 262 & 1143 of the Boone County Zoning Regulations.

Findings listed in Section 262 (Findings for all Conditional Uses):

1. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the County's Comprehensive Plan, a specific corridor plan and/or the zoning order;
2. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and shall not change the essential character of the same area;
3. Will not be hazardous to existing or future neighboring uses;
4. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately such services;
5. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;

6. Will not involve uses, activities, process, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, dust, fumes, glare, or odors;
7. Will have vehicular approaches to the property which shall be so designated as not to create an interference with traffic on surrounding public thoroughfares.

Article 11, Section 1143 of the Boone County Zoning Regulations allows "retail sales and service of new and used motor vehicles including tires, batteries and accessories, auto body services including junkyards, wrecking or other storage" as Conditional Uses in the Industrial One (I-2) district provided that:

- a. the activity is provided primarily in support of and obtains its trade from the employees of the district; or
- b. the activity is of integral relation to the purpose of the district;
- c. the use, building or structure is subservient to and not of scale, nature, trade or other character which will compete, detract or conflict with the purpose and permitted uses of the district; and
- d. provided the arrangement of uses, buildings or structures is mutually compatible with the organization of permitted and accessory uses to be protected in the district.

Section 1141 of the Boone County Zoning Regulations allows auto repair facilities, repair for tractor trailers and other trucks, and towing and vehicle impound services excluding junkyards and wrecking.

Section 3154 of the Boone County Zoning Regulations states that sales area for vehicles are considered to be parking areas and are subject to all applicable Site Plan requirements.

Section 3312 of the Boone County Zoning Regulations requires all parking lots to be striped to facilitate the movement of vehicles into and out of parking lots.

Section 3311 of the Boone County Zoning Regulations requires a 24 foot wide driveway aisle when parking stalls are located on both sides of a driveway aisle.

Section 3314 of the Boone County Zoning Regulations requires all parking lots to be constructed with either asphalt - concrete or portland cement to provide a durable dust free surface.

Section 3605 of the Boone County Zoning Regulations states that landscaping is required when improvements are made to an existing site that is currently developed. The landscaping is required to align with any new improvements.

Section 3620 of the Boone County Zoning Regulations states that a minimum 10' wide street frontage buffer is required between the front property line and any proposed improvements.

Section 3625 of the Boone County Zoning Regulations requires Interior Landscaping for Vehicular Use Areas (VUAs) in the front yard of Industrial sites when there are more than 50 parking spaces. 5% of the total VUA shall be landscaped and the landscaping shall be dispersed throughout the paved area.

Section 3645 of the Boone County Zoning Regulations states that a 10 foot wide landscaping buffer (Buffer Yard A) is required when a developing I-2 site adjoins another I-2 site and that a 20 foot wide landscaping buffer (Buffer Yard B) is required when a developing I-2 site adjoins a property that is zoned Commercial Two (C-2).

### SITE CHARACTERISTICS

Midwest Auto Sales Property - The approximate 1.07 acre tract is located on the north side of Weaver Road and contains a 4,300 square foot brick building with two garage bays, an 820 square foot metal storage building, and 43 striped parking spaces. Access to the site is provided from a single curb cut on Weaver Road. Additional car parking is occurring near the entrance and in the 15' one-way drive that is located to the east of the building. A post and rail fence and overhead utilities are located in the Weaver Road right-of-way. The topography of the parcel falls from 938 feet above sea level at the entrance to 925 feet above sea level at the rear of the site.

Bi-County Farm Bureau Property - The approximate 2.3 acre area that Midwest Auto Sales is planning to acquire is located immediately to the east of Midwest Auto Sales and is currently undeveloped. Boone County G.I.S. shows that the topography of the parcel falls from 946 feet above sea level at the southeast property boundary to 924 feet above sea level at the northwest property boundary. Some mature deciduous trees are located in the rear portions of the site.

### SURROUNDING LAND USES & ZONING

North: Mubea (I-2)

South: Weaver Road, Chap's Lake (I-2), and Mary's Kitchen (C-2)

East: Dixie Highway, Mubea-under construction (I-2) and Wiseway Supply (C-3)

West: Mubea (I-2)

### RELATIONSHIP TO THE COMPREHENSIVE PLAN

The 2005 Boone County Comprehensive Plan's "2030 Future Land Use Plan" designates the site in question for "Industrial" and "Commercial" uses. These designations are defined as follows:

Industrial - "Manufacturing, wholesale, warehousing, distribution, assembly, mining, and terminal uses."

Commercial - "Retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."

The Land Use Element (Devon Area, pp. 147-148) makes the following statements regarding the general area:

"This section contains the Northern Kentucky Industrial Park, which is the largest park in the metropolitan region. Expansion and continued development of this employment center has slowed some, but is expected to continue over the study period of this Plan. The residential areas to the north of the Park prohibit any expansion in that direction, and industrial expansion should not occur west of the interstate. Development should occur along the east side of the interstate, however, this development should retain the existing tree line to buffer the uses from residential

development on the west side of the interstate and to hide the outside storage and parking areas from public view from the interstate. Industries should continue to locate and expand along Industrial Road into Kenton County, and along the length of Empire Drive. The Park should be encouraged to expand to the south along the Empire Road Connector, and the proposed Weaver Road to Sam Neace Boulevard. In addition, development should continue along U.S. 25 and Weaver Road, and near the railways. Tracts of developable land exist in the area and development depends only upon public utility expansion and an improved road network, including upgraded railroad crossings. The Park is now old and is experiencing building vacancies and other signs of being dated, however, the planned Industrial Road widening and reconstruction will give the area new life."

The 2010 Boone County Comprehensive Plan's Goals and Objectives include the following pertinent statements which relate to the proposal:

- A. "Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas" (Business Activity, Goal).
- B. "Commercial uses shall be designed and located to coordinate with the surrounding land uses and shall have safe and effective access and ample parking spaces" (Business Activity, Objective).

#### STAFF COMMENTS

1. The business clearly has outgrown the existing facility and the 8/11/10 condition which requires all vehicles for sale to be located in striped parking places is not being followed. Vehicle parking is now occurring near the entrance, in the one-way driveway to the east of the building, and in other non-striped parking areas.
2. The applicant has not submitted any building elevation drawings or brochures for the proposed building. The applicant informed Staff that the building would be a one-story steel structure and would have 8 to 10 bays on the front of the building.
3. The applicant informed Staff that they are doing car detailing and repair on cars that are not sold from the facility. Automotive repair facilities are a principally permitted use in the Industrial Two (I-2) zone. Staff would like the applicant to define what kinds of car repairs will be occurring on site. On 5/13/09, the Boone County Board of Adjustment imposed a condition indicating that no major vehicle repairs shall be conducted on the 1.06 acre site (engine work, transmission repair, auto glass, heating/air conditioning, upholstery, etc.).
4. Staff would like the applicant to be aware that the parking lot addition could not be approved as currently drawn because the driveway aisles do not meet code. Twenty-four (24) foot wide driveway aisles are required when rows of parking are double loaded (parking stalls on both sides of the driveway aisle).
5. Staff has the following comments regarding the Variance applications:
  - A. Staff does not object to the request to reduce the buffer requirement along the east property line from 20 feet (Buffer Yard B) to 10 feet (Buffer Yard A) because the proposal is to expand a commercial use. Buffer Yard A would be required if a developing commercial property adjoined another commercially zoned property.

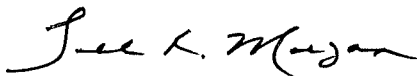
In return for this Variance, Staff believes that the entire 2.3 acre site should be subject to the Vehicular Use Area (VUA) landscaping requirements. VUA landscaping would be required on any commercially zoned property that has more than 50 parking stalls.

- B. The application to allow the street frontage buffer in the Weaver Road right-of-way needs to be analyzed by the Board of Adjustment and the Kentucky Transportation Cabinet.
6. Staff recommends the Board should analyze if the 5,600 square foot metal car preparation building will be harmonious and appropriate in appearance with the existing or intended character of the general vicinity before acting on the Conditional Use Permit application.
7. Staff recommends the following conditions if the applications are approved:
- A. The 5,600 square foot building shall be located behind the existing facility. The building shall be constructed with a two tone warm natural color scheme (browns, reds, yellow/greens, etc.) if it is constructed of metal.
  - B. All vehicles for sale shall be located in striped parking places.
  - C. All proposed driveway aisles and parking spaces shall meet code.
  - D. There shall be a 10' wide street frontage buffer. The buffer can be located on site or in the right-of-way (subject to Kentucky Transportation Cabinet approval).
  - E. No auto parts shall be stored outside.
  - F. No major vehicle repairs shall be conducted on site (engine work, transmission repair, auto glass, heating/air conditioning, upholstery, etc.).
  - G. The Vehicular Use Area (VUA) requirements found in Section 3625 of the Boone County Zoning Regulations shall be applied to the entire 2.3 acre site.

#### CONCLUSION

KRS 100.237 and 100.241 and Section 220 of the Boone County Zoning Regulations gives the Boone County Board of Adjustment and Zoning Appeals the authority to act on the requests.

Respectfully submitted,



Todd K. Morgan, AICP  
Senior Planner, Zoning Services

TKM/dw

Attachments

- \*Site Vicinity Map
- \*Preliminary Concept Plan
- \*2009 Aerial Map
- \*Zoning Map
- \*Topographical Map
- \*Future Land Use Map
- \*Section 3625 of the Boone County Zoning Regulations
- \*Buffer Yard Tables 1 and 2 from the Boone County Zoning Regulations
- \*Application

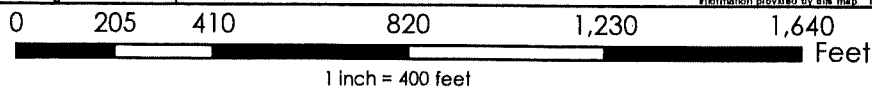
# SITE VICINITY MAP

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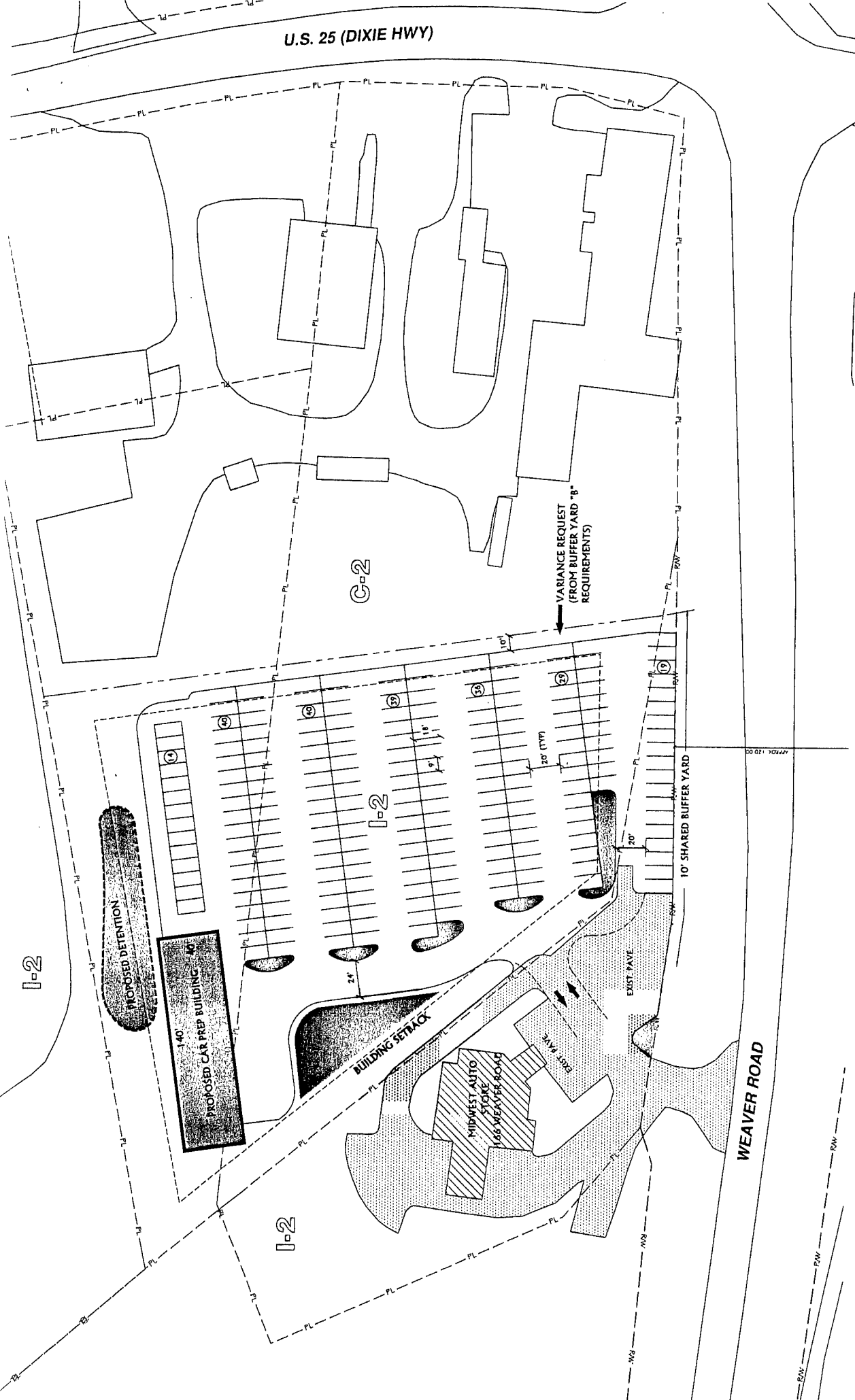
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U.S. 25 (DIXIE HWY)



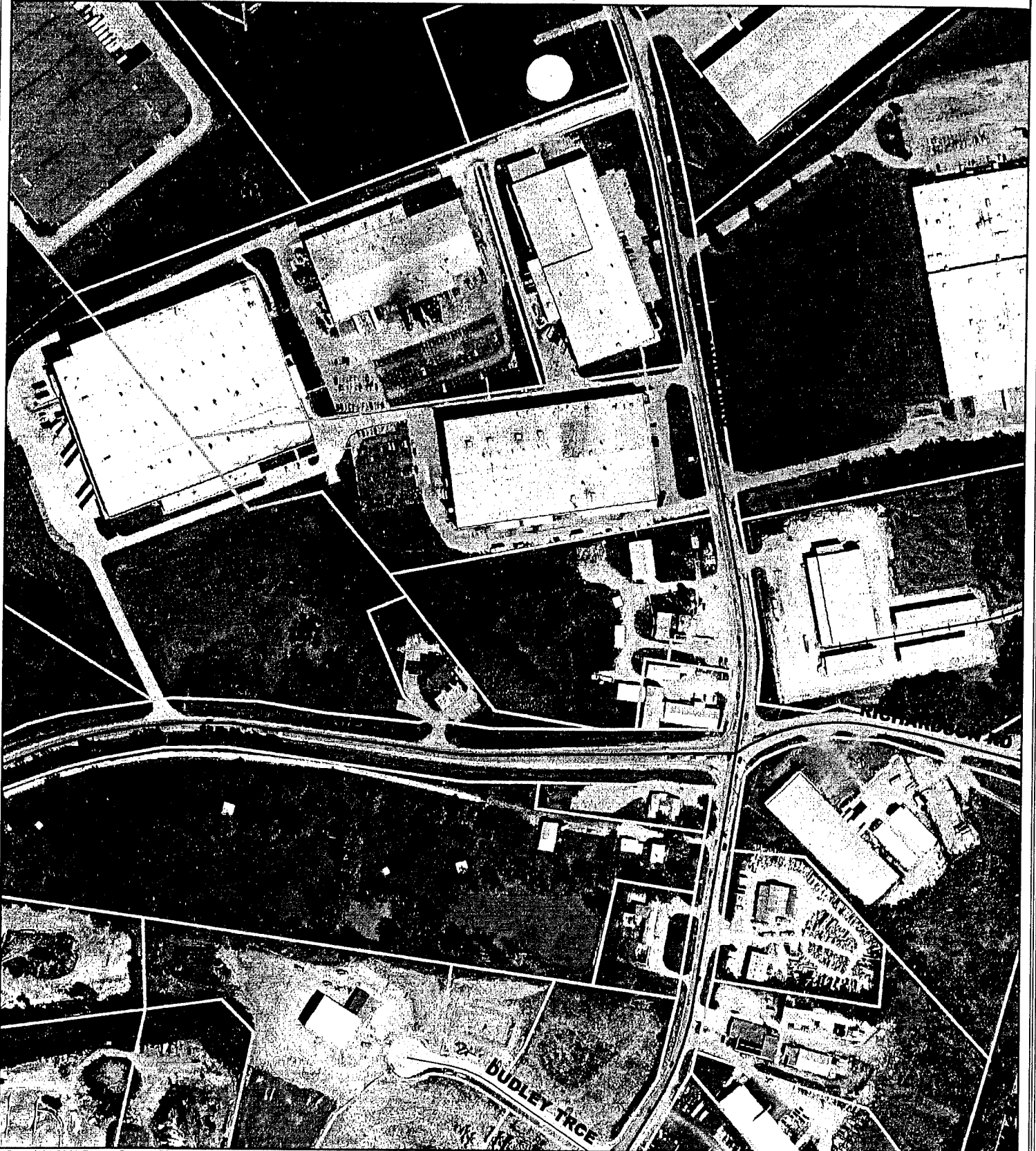
# PRELIMINARY CONCEPT

SCALE: 1" = 40'

INFORMATION	
1.	PRESENT ZONING OF SITE = I-2.
A.	MIN. SETBACK REQUIREMENTS
	FRONT = 30'
	REAR = 30'
	SIDE = 20'
2.	LANDSCAPING REQUIREMENTS
	BUFFER YARD "A" (NORTH, WEST & SOUTH)
	BUFFER YARD "B" (EAST)
3.	VARIANCE REQUEST FOR BUFFER YARD FOR EAST PROPERTY LINE.
4.	TOTAL NUMBER OF NEW FACING SPACES = 217.
5.	SHARED BUFFER YARD WITH ADJACENT FRONT PROPERTY LINE.
6.	LAYOUT AND DESIGN MAY CHANGE WITH FINAL PROPERTY LINE SURVEY.

# 2009 AERIAL MAP

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0 8,750 17,500 26,250 35,000 43,750 52,500 61,250 70,000

Feet

1 inch = 83,333 feet

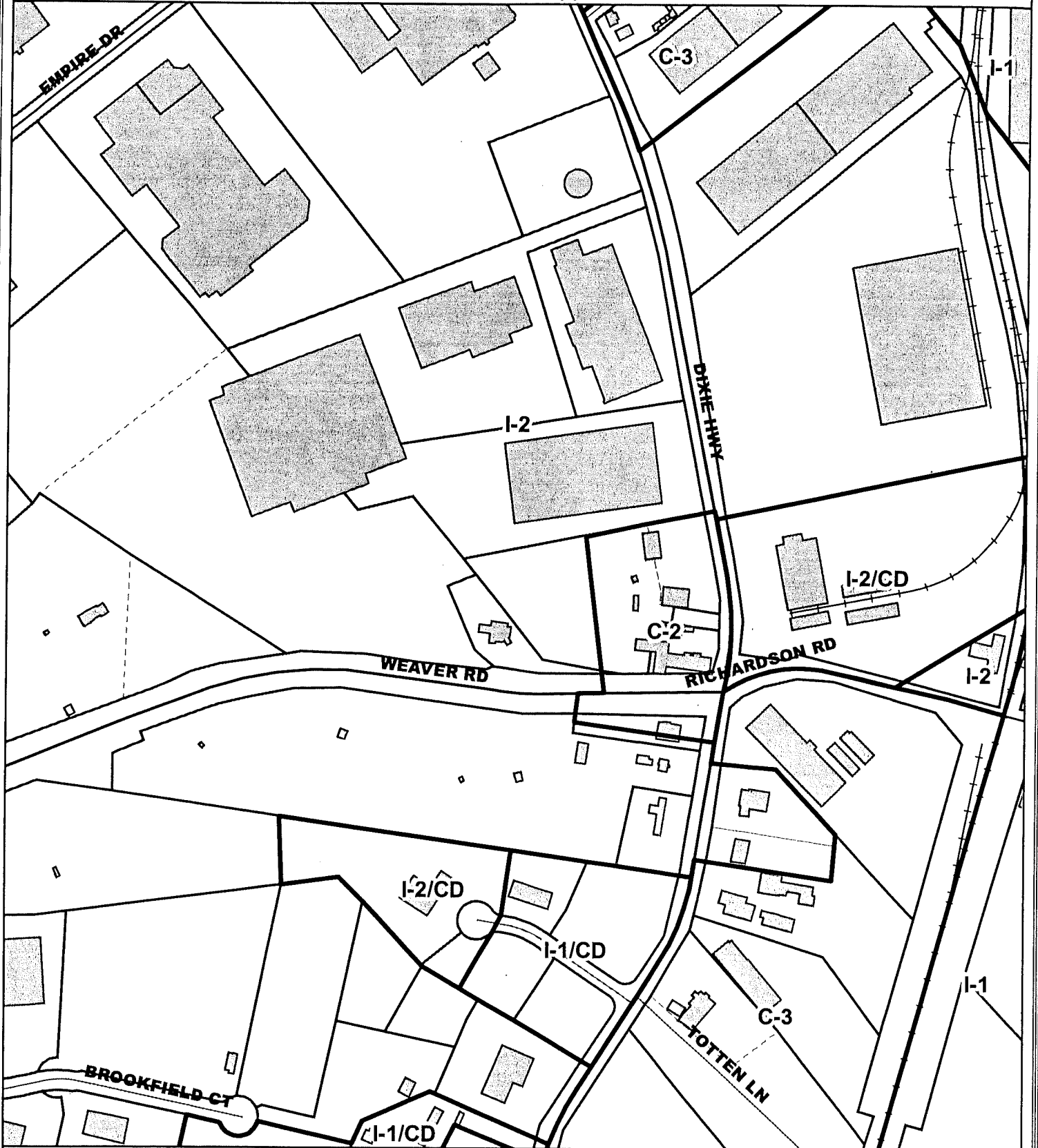


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# ZONING MAP

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Feet

1 inch = 83,333 feet

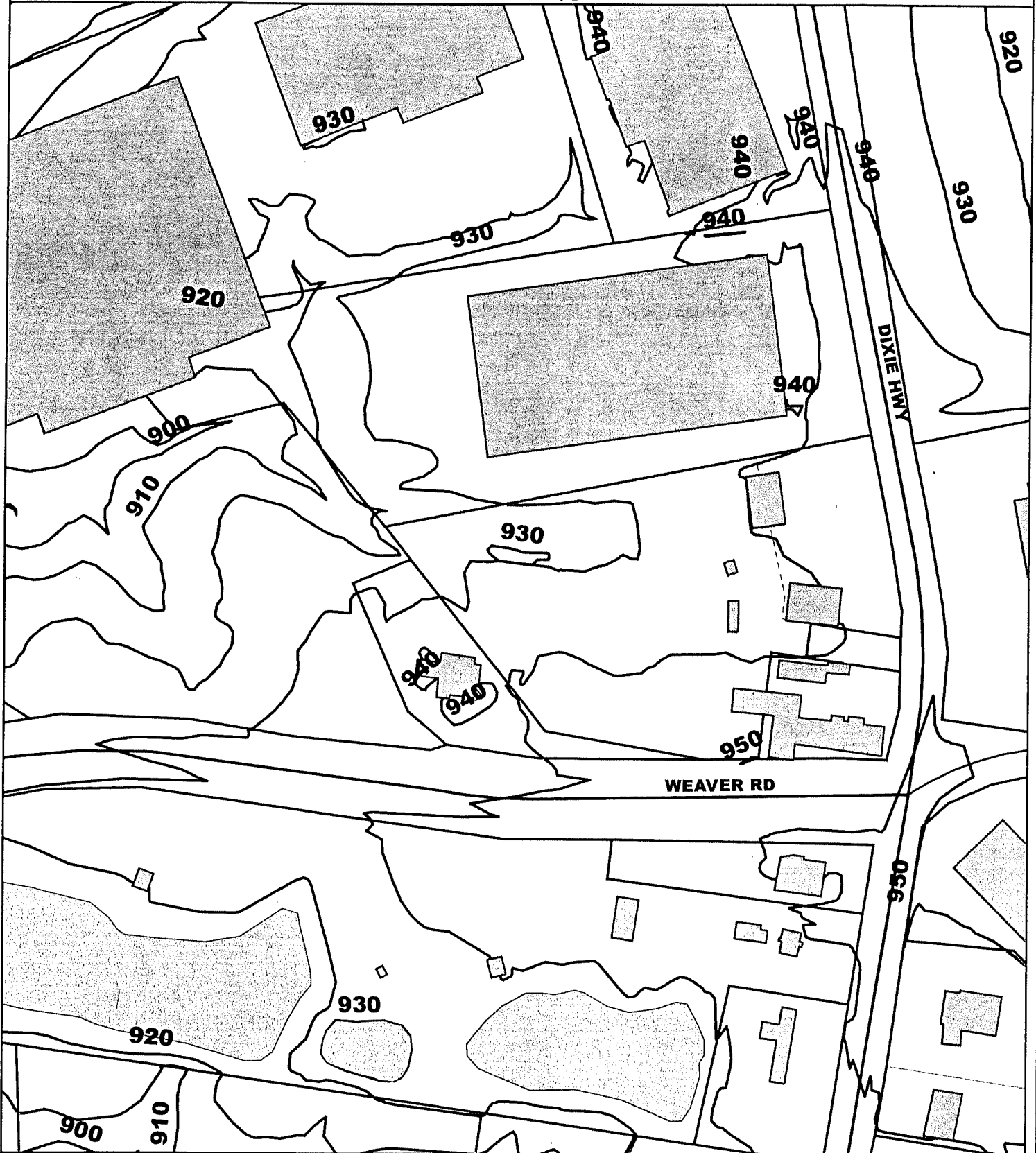


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# TOPOGRAPHICAL MAP

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0 8,750 17,500 35,000 52,500 70,000  
Feet

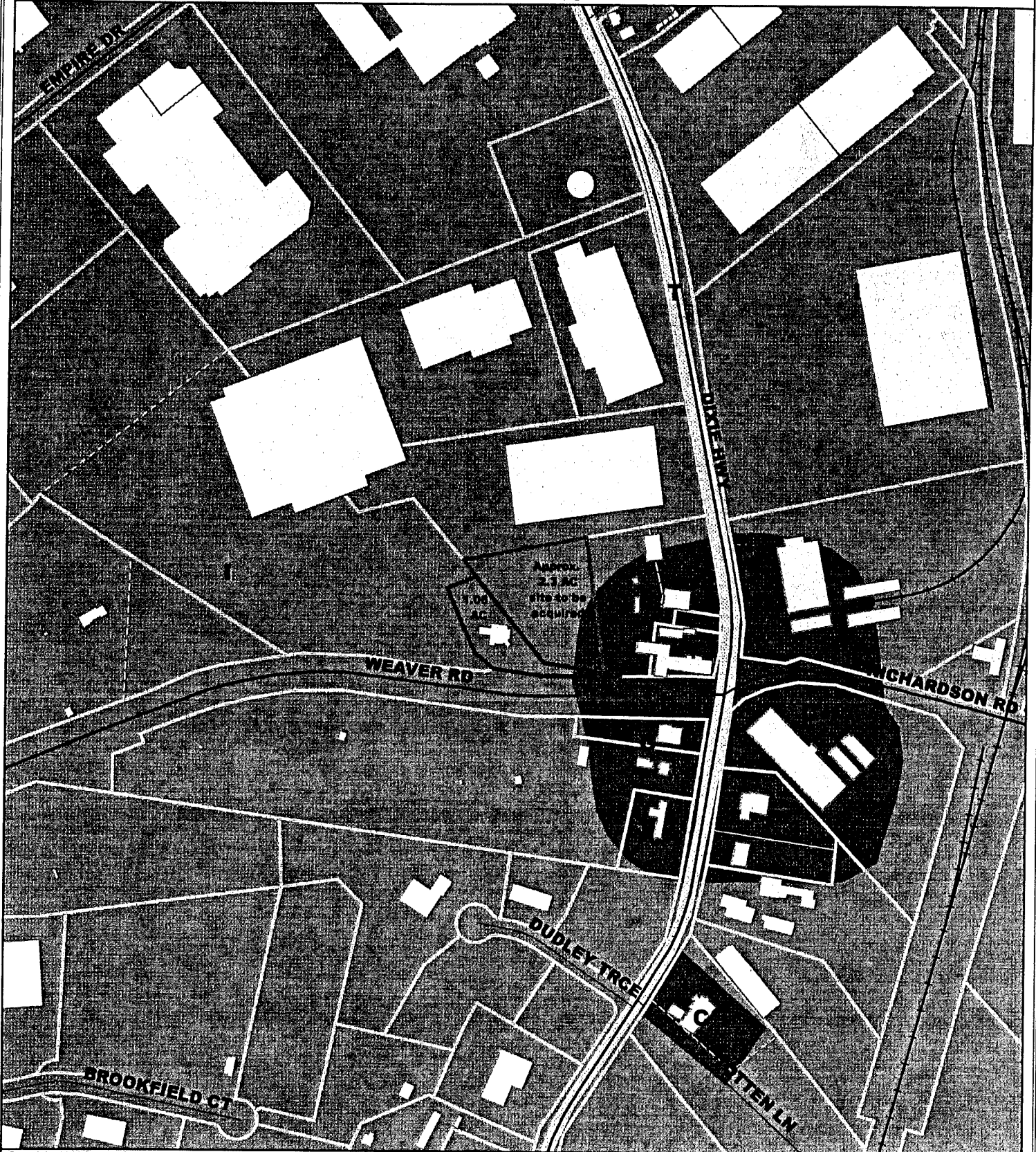
1 inch = 83,333 feet

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# FUTURE LAND USE MAP

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0 8,750 17,500 35,000 52,500 70,000

Feet

1 inch = 83,333 feet



**Boone County GIS - Putting Northern Kentucky on the Map**



## **SECTION 3625**

### **Interior Landscaping for Vehicular Use Areas (VUAs)**

Landscaping shall be provided for vehicular use areas, as defined in Article 40 in accordance with the following standards:

1. A minimum of 5 percent of the total VUA shall be landscaped and the landscaping shall be dispersed throughout the paved area (See Figure 36-1). This V.U.A. landscaping shall only be required for uses which have more than 50 parking spaces. This landscaped area cannot be combined into one large planting area, except as permitted by Items 4 and 5 of this section. No interior landscaping will be required within industrial zones if the V.U.A. is located outside of front yard and corner side yard areas. This interior landscaping shall be in addition to any other planting or landscaping required within this article.
2. The VUA landscaping shall contain a variety of trees listed from Plant List A and be dispersed in the form of islands or peninsulas throughout the VUA (See Figure 36-1). The minimum size of planting areas shall be 9 feet in width and 18 feet in length.
3. Planted areas will be required to have 1 tree from Plant List A per 162 square feet of area if designed as in (Figure 36-2.B) and 1 tree per 40 linear feet, ( or fraction thereof), if designed as in (Figure 36-2.A).
4. Planted areas shall be required at the end of every other parking row and when parking adjoins each other at or near right angles (See Figure 36-3). Planting areas that are a minimum of 600 square feet will be required if rows of parking are unbroken for 180 linear feet or more (See Figure 36-2.B).
5. Sites which have large uninterrupted circulation areas for tractor trailers and trucks, such as warehouses and distribution centers, can provide one or more large landscape islands in order to comply with the required 5% landscaped area within the large circulation areas.
6. All planting islands shall be planted with either grass, low ground cover, shrubs, flowers, mulch or any combination of these. Hard surfaces or gravel are not permitted. All planting islands shall have minimum 6 inch curbs installed to protect the planting area from vehicular traffic.
7. All plant material (other than grass or ground cover) located within landscape islands where vehicle overhangs are needed shall be setback a minimum of 2' 6" from the edge of pavement or face of curb (See Figure 36-4).

## **SECTION 3630**

### **Building Landscaping**

Any blank facade or portion of a facade of a building that is not used for outdoor display, storage or loading/unloading shall be required to provide the following landscaping if the wall is visible from a public right-of-way. Blank facades shall be classified as any wall or portion thereof which does not have windows used for display or entry doors for customers or the general public. Buildings which are 10,000 square feet or smaller shall be exempt from the requirement within this section.

1. Trees from Plant Lists A, B, C, and/or D shall be provided on an average of at least one tree per 40 linear feet of blank facade as defined above and shrubs from Plant List E shall be provided on an average of at least one shrub per 10 linear feet of blank facade; the minimum required amounts of trees and shrubs may be substituted for one another at a ratio of one tree for every four shrubs. This landscaping is not required to be placed in a linear design, but shall be required to be dispersed throughout the length of the building facade. If the required buffer yard can be used to adequately reduce the view of the facade from the public right-of-way no building landscaping shall be required. However, the determination of whether the required buffer yard can be used for building landscaping shall be determined by the Boone County Planning Commission Staff.

**Table #1  
BUFFER YARDS**

<u>ADJOINING ZONES</u>	<u>DEVELOPING USE ZONE</u>	<u>BUFFER YARD REQUIRED</u>
I-1, I-2, I-3	I-1, I-2, I-3	A
O-1, O-2, C-1 thru C-4, PF, R, FMS	I-1, I-2, I-3	B
UR-1 thru UR-3, MHP	I-1, I-1, I-3	C
All other residential & agricultural	I-1, I-2, I-3	D
I-1 thru I-3	O-1, O-2	B
O-1, O-2	O-1, O-2	A
C-1 thru C-4, PF, R, FMS	O-1, O-2	A
UR-1 thru UR-3, MHP	O-1, O-2	B
All other residential & agricultural	O-1, O-2	C
All other residential & agricultural	O-1, O-2 (if larger than 50,000 square feet)	D
I-1 thru I-3	C-1 - C-4, PF R, FMS	B
O-1, O-2	C-1 - C-4, PF, R, FMS	A
C-1, C-2, C-3, C-4, PF, R, FMS	C-1 - C-4, PF, R, FMS	A
UR-1, UR-2, UR-3, MHP	C-1 - C-4, PF, R	B
All other residential & agricultural	C-1 - C-4, PF, R	C
All other residential & agricultural	C-1 - C-4, PF, R (if larger than 50,000 square feet)	D
I-1 thru I-3	UR-1 - UR-3, MHP	C
O-1, O-2	UR-1 - UR-3, MHP	B
C-1, C-2, C-3, C-4, PF, R, FMS	UR-1 - UR-3, MHP	B
If over 50,000 sf.	UR-1 - UR-3, MHP	C
UR-1, UR-2, UR-3, MHP	UR-1 - UR-3, MHP, FMS	A
All other residential & agricultural	UR-1 - UR-3, MHP, FMS	B
All other residential & agricultural	UR-1 - UR-3, MHP (if more than 80 apartment units or 25 mobile home lots)	C

No buffer yard is required for single-family residential homes.

Attached or multi-family dwellings in developing use zones not listed above shall be the same as UR-1. O-1A for the purpose of this table shall be the same as O-1.

SC, WD, UC, UNO, and UTC for the purpose of this table shall be the same as FMS.

**TABLE # 2  
BUFFER YARD TYPES**

The numbers shown are the minimum quantities required for each plant type. Smaller trees may be replaced with larger varieties. Buffer yards are established in 100 foot increments with the number of plants specified. The number of plants required for a given buffer yard shall be determined by dividing the actual length of the buffer yard by 100 and multiply that number by the number of plants from each plant list required and rounding to the next whole number. Fences or walls which are used within buffer yards shall be located within the center of the buffer yard and the plants shall be installed on both sides of the fence or wall. Fences shall be solid and provide 100 percent opacity. Chain link fences with slats shall not be permitted.

**BUFFER YARD A - 10 FOOT WIDTH**

Landscaping required per 100 linear feet at 10 feet wide.

5 Small Trees - Plant List C, OR

3 Large Trees / 3 Medium Trees /or 3 Evergreen or any combination of 3 - Plant List A, B, or D, AND

30 Shrubs - Plant List E or 15 Shrubs - Plant List C

Ground Cover (Required in all areas not covered with grass)

Mulch (Temporary)

**BUFFER YARD B - 20 FOOT WIDTH**

Landscaping required per 100 linear feet at 20 feet wide.

5 Evergreens - Plant List D, AND

Any 6 Large Trees / Medium Trees / Small Trees / Additional Evergreen Trees or any combination thereof - Plant List A, B, C, or D, AND

30 Shrubs - Plant List E or 15 Shrubs - Plant List C

Mulch (Temporary)

Ground Cover (Required)

**BUFFER YARD C - 60 FOOT WIDTH**

Landscaping required per 100 linear feet at 30 and 60 feet wide.

10 Evergreen - Plant List D, AND

8 Large or Medium Trees - Plant List A or B, AND

35 shrubs - Plant List C

**30 FOOT WIDTH**

The same number of trees, are required as for the 60 feet width buffer yard, but the width may be reduced to 30 feet if a 6 foot high berm, fence, or masonry wall is used and the number of shrubs may be reduced to 15 from Plant List C. The maximum slope for the berm is 2.5 to 1.

**BUFFER YARD D - 80 FOOT WIDTH**

Landscaping required per 100 linear feet at 80 and 40 feet wide.

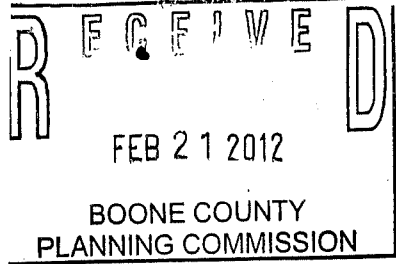
20 Evergreens - Plant List D Planted in a double row spaced 10 feet on center in an equal lateral triangle configuration, AND

11 Large Trees - Plant List A

40 shrubs - Plant List C

**40 FOOT WIDTH**

The same number of trees are required as for the 80' width buffer yard, but the width may be reduced to 40 feet if a 6 foot high berm, fence or masonry wall is used and the number of shrubs may be reduced to 20 from Plant List C. The maximum slope for the berm is 2.5 to 1.



BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

FIVE (5) SCALED COPIES AND ONE (1) 11X17 REDUCTION OF SUBMITTED DRAWINGS ARE REQUIRED

See Boone County Zoning Regulations

SECTION A (To be completed by applicant)

(Check One)

- 1. Boone [checked] Florence \_\_\_\_\_ Walton \_\_\_\_\_ Union \_\_\_\_\_

(Check One)

- 2. 1 Conditional Use Permit 2 Variance \_\_\_\_\_ Appeal \_\_\_\_\_ Change in Non-Conforming Use \_\_\_\_\_

- 3. Applicant's Name KY Financial Holdings Inc. Phone Number 859 466 2205 Fax No. \_\_\_\_\_ Applicant's Address 1166 Weaver Rd Florence KY 41042

- 4. Description of Request: CUP-Expand auto dealership onto adjoining lot.

- 5. Name of Development Midwest Auto Store

- 6. Location of Development 1166 Weaver Rd and 8300 Dixie Hwy. Florence KY 41042

- 7. Acreage Under Review +/- 3.36

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

- 9. Owner of Property Kentucky Financial Holdings Inc.

- 10. Address of Property Owner 9597 Gunpowder Phone No. 859 466 2205 Florence KY 41042

- 11. Proposed Use(s) on Site Auto dealership

- 12. Total Square Footage of Existing and/or Proposed Buildings

- 13. Current Zoning on Property I-2

- 14. Deed Book 997,136 Page No. 657,381 Group No. 2049A

- 15. Is the site subject to a zone change? If yes, give date of approval

- 16. Have you submitted a Site Plan with this request?

- 17. Have you submitted a list of adjoining property owners with this request?

- 18. 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: T. S. R. C. manager Farm Bureau Coop (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: \_\_\_\_\_ (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

9) bi-county Coop 8300 Dixie Hwy Florence, KY 41042

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)  
Jimmie Couch  
4745 Burlington Pike  
Burlington, Kentucky 41005
2. ADDRESS OF PROPERTY  
4745 Burlington Pike  
Burlington, Kentucky 41005
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)  
Jimmie Couch
4. DEED BOOK 432      PAGE NO. 130      GROUP NO. 2028
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

  
SIGNATURE OF COMPLETING OFFICIAL

Kevin T. Wall, AICP, Director, Zoning Services  
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledged before me by Kevin T. Wall

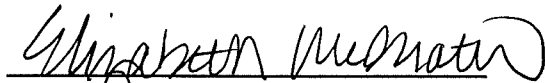
on behalf of the Boone County Planning Commission this 29th day of March, 2012.



Vicki L. Myers  
Notary ID 438411  
NOTARY PUBLIC, State at Large

My commission Expires:  
April 17, 2015

This instrument was prepared for recording purposes only by:



Elizabeth McGrath  
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 \_\_\_\_\_  
Boone Board of Adjustments and in accordance with the current zoning in effect as of  
March 14, 2012 Certificate of Land Use Restriction (#12-BCBOA-001-A), for \_\_\_\_\_  
Jimmie Couch \_\_\_\_\_, Property Owner(s).

The following conditions will apply:

1. The plot plan drawing for the Zoning Permit application shall be prepared by a Professional Land Surveyor (PLS) licensed in Kentucky to assure that the structure will not encroach into the public road right-of-way.

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

DEED BOOK 432

PAGE NO. 130

GROUP NO. 2028