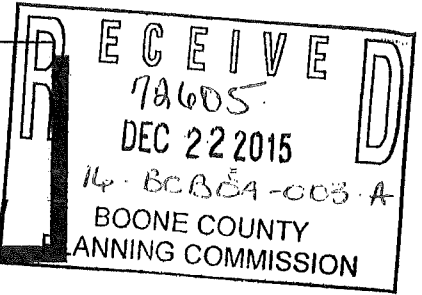


APPLICATION FORM

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)

1. (Check One)  Boone \_\_\_\_\_ Florence \_\_\_\_\_ Walton \_\_\_\_\_ Union \_\_\_\_\_
2. (Check One)  Conditional Use Permit \_\_\_\_\_ Variance \_\_\_\_\_ Appeal \_\_\_\_\_  
Change in Non-Conforming Use \_\_\_\_\_
3. Applicant's Name G & L Auto Sales / Jeremy Burch  
Applicant's Address 5938 Noel Creek Lane  
Burlington, Ky. 41005  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Phone Number 859-630-7372 Fax No. \_\_\_\_\_ E-Mail \_\_\_\_\_
4. Description of Request: park cars on the 70 X 30 ft. open gravel area located at 8477 US Hwy. 42  
or inside or in front of the building at 8505 (same parking lot & property) - Auto Sales
5. Name of Development ~~8477~~ - 8505 US 42 Florence, Ky. 41042
6. Location of Development ~~8477~~ - 8505 US 42 Florence, Ky. 41042
7. Acreage Under Review ~~8477~~ - 8505 US 42 Florence, Ky. 41042
8. Lot Number and Name of Subdivision (if part of a subdivision) \_\_\_\_\_
9. Owner of Property Sabino Baluyot  
Address of Property Owner 1550 Magnolia Drive  
Cincinnati, Ohio 45215  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Phone Number 513-531-1166 Fax No. \_\_\_\_\_ E-Mail \_\_\_\_\_
10. Proposed Use(s) on Site sell cars from Kentucky dealers license
12. Total Square Footage of Existing and/or Proposed Buildings 2000 square feet (30 ft. X 70 ft.)
13. Current Zoning on Property I-1
14. Deed Book 947 Page No. 318 Group No. 2048 A
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? YES
17. Have you submitted a list of adjoining property owners with this request? YES
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:** SEE ATTACHED ORIGINAL SIGNATURE  
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

**ORIGINAL Applicant's Signature:** SEE ATTACHED ORIGINAL 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 12/22/15 Fee Received \$1682.<sup>00</sup> Receipt # 72605
2. Is application complete?  Yes  No
3. Staff Reviewer \_\_\_\_\_
4. Scheduled Board Action Date \_\_\_\_\_
5. Board Action:  
1/13/16  **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  
(859) 334-2196 - Phone  
(859) 334-2264 - Fax  
plancom@boonecountyky.org - E-mail  
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: Jeremy Burch for G & L Auto Sales

LOCATION: 8477 and 8505 US 42, Boone County, Kentucky

ZONING: Industrial One (I-1)

DATE: January 13, 2016

### PROPOSAL

The applicant is requesting a Conditional Use Permit so he can sell used cars and light trucks at 8505 US 42. An email was submitted indicating that up 8 vehicles could be kept in the 80 foot wide concrete parking area that is located in front of the tenant space. Other vehicles could be stored inside the tenant space after improvements are made to the building. Low mile vehicles can be shipped in from other states and be advertised on the Internet.

### APPLICABLE REGULATIONS

Section 220 of the Boone County Zoning Regulations states that one of the duties of the Board of Adjustment is to grant conditional use permits as specified by the zoning order.

Section 1133 of the Boone County Zoning Regulations permits "retail sales or leasing of new and used motor vehicles" as a Conditional Use within the Industrial One (I-1) district.

The Board should evaluate the request as it relates to the criteria necessary for granting a Conditional Use Permit as stated in Sections 262 and 1133 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.

Section 1133 of the Boone County Zoning Regulations allows "retail sales or leasing of new and used motor vehicles" as a Conditional Use in the Industrial One (I-1) 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.

#### RELATIONSHIP TO THE COMPREHENSIVE PLAN

The 2010 Boone County Comprehensive Plan's "2035 Future Land Use Plan" designates the site in question for "Commercial" uses. This designation is defined as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."

The following Goals & Objectives from the 2010 Boone County Comprehensive Plan apply to the application:

- A. "Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas" (Business Activity, Goal).

The Land Use Element contains the following passage regarding the general area:

- A. The U.S. 42 corridor between the Weaver Road/Hopeful Church intersection and the newly rebuilt Pleasant Valley/Gunpowder intersection has developed commercially over the last decade. Vehicle stacking problems during rush hours and conflicting left turn movements have become significant problems on this section of roadway. Frontage road and interconnecting parking lots are necessary here to allow vehicles to access existing and future traffic signals. Through redevelopment of the former Boone Kenton Warehouse site and adjacent parcels, access to Weaver Road should be implemented, as well as well-planned access to U.S. 42. If improvements are made to Gunpowder Road from U.S. 42 to Mt. Zion Road, more intense land uses could be examined for the property behind Wentz Drive as well as the possibility of having access to Gunpowder Road. If commercial development occurs in this area, it should primarily be accessed from U.S. 42 (Gunpowder Area, pg. 169).

### SURROUNDING LAND USES & ZONING

North: B & K Leasing (C-2/PD and I-1)

South: Single-Family Residential Properties Fronting on Ridgeview Drive and Undeveloped Lot (SR-1)

East: Weaver Farms Apartments (UR-1)

West: Undeveloped Property Fronting on Gunpowder Road (SR-1)

### SITE CHARACTERISTICS

The approximate 14 acre tract contains three office/warehouse buildings. The buildings are completely hidden from US 42. The northernmost buildings are currently occupied by truck and/or truck repair businesses. The southernmost building is approximately 43,000 square feet in area and is currently unoccupied. The parking areas around the buildings are a mixture of gravel and concrete. The parking areas contain numerous tractor trailers, recreational vehicles, and junk motor vehicles. Access to the property is provided from an approximate 1,025 foot long gravel/asphalt driveway which connects to US 42. The driveway goes through B & K Leasing's property. Boone County GIS shows that the topography of the property falls from 870 feet above sea level at the northwest property corner to 810 feet above sea level at the southeast property corner. Aerial photography shows that scrubby vegetation exists along the southern, eastern, and western property lines.

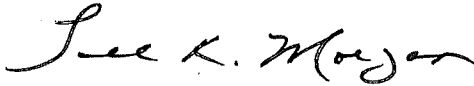
### STAFF COMMENTS

1. Staff would like the applicant to address the following questions:
  - A. How big is the tenant space that he is leasing?
  - B. Could any garage bays be added to the tenant space?
  - C. Would any vehicle repairs take place at the facility?
  - D. What is the maximum number of vehicles that he could have for sale at any given time?
  - E. What types of vehicles can be sold?
  - F. An off-premise sign currently advertises the existing businesses at the entrance on US 42. Does the applicant plan on advertising his business on this sign?
2. The Board needs to analyze the Conditional Use Permit criteria before acting on the request.
3. Staff does not believe the request will alter the essential character of the area.

CONCLUSION

KRS 100.237 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 request.

Respectfully submitted,



Todd K. Morgan, AICP  
Senior Planner, Zoning Services

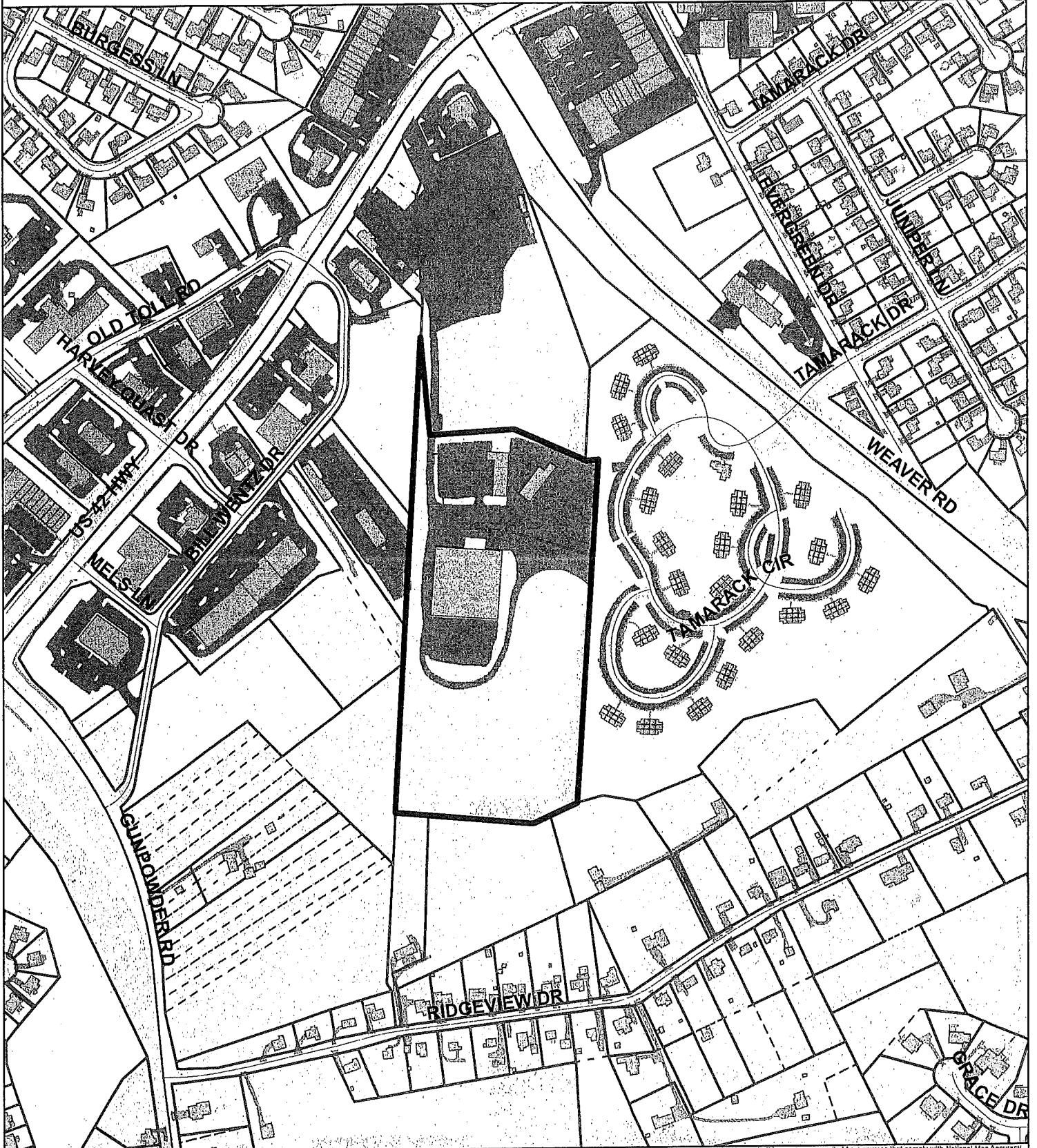
TKM/tlb

Attachments

- \*Site Vicinity Map
- \*Emails and Photos From Applicant
- \*2013 Aerial Map
- \*Zoning Map
- \*Topographical Map
- \*Future Land Use Map
- \*Application

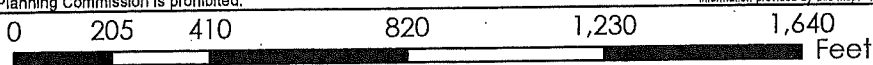
# SITE VICINITY MAP

www.boonecountygis.com



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

Map Created: 07/01/2013

ArcMap Document: BooneMap file.mxd

## Todd Morgan

---

**From:** Jeremy Burch <drivevws@hotmail.com>  
**Sent:** Wednesday, December 23, 2015 9:27 AM  
**To:** Todd Morgan  
**Subject:** 8505 US 42 parking area  
**Attachments:** 20151222\_170926.jpg; 20151222\_171330.jpg

Hi Todd,

I am Jeremy Burch who spoke with you yesterday about the conditional use permit for 8505 US 42. I went over and took a couple pictures yesterday after I talked to you and measured how wide the parking area is across. I am attaching 2 pictures from yesterday to this message. The parking area is about 80 feet wide so I'm figuring about 8 cars could fit parked across next to each other in a line. Yesterday there was semi trailers parked there.

On the phone yesterday you requested that I provide a summary about my business. My father started G & L Auto sales over 35 years ago and we were located in Erlanger at the same location on Dixie Highway for all those years until Family Dollar purchased over half the block to build a new store. (My father recently unexpectedly passed away)

G & L Auto Sales has always been very small and always will be kept small but we have a great reputation for selling very good cars, being honest, and giving the best prices around on used vehicles. I ship in cars from as far away as Florida, Texas, Kansas, New Jersey, and New York. I try to find and ship in cars with as low mileage as I can. I believe G & L is a great asset to the local community and often I have people travel from long distance to get some of my cars. Since we lost our location in Erlanger I've had some of my previous customers calling me saying they could not find a good deal on a van or car they needed. My customers like me to find the car for them and get it in to save them from having to go car shopping. If my customers get in a car accident they always come back and get another car and are happy about how much more they got paid by the insurance company above what they had paid me for the car. I support my 8 children with my job finding cars and it would be nice to be a little closer to my home in Burlington working in Florence. I have the repeat customers and then I get my new customers from listing the cars for sale on the internet instead of selling them from street view. I would like to keep some of my cars inside the building but the interior warehouse area needs some improvement before it would be presentable to customers.

A business has not been located in the building at 8505 US 42 in quite a few years so I believe G & L Auto sale will be an improvement to the overall appearance of the area. The landlord and I are planning to paint the building and clean up the surrounding area to improve the overall appearance. No one seems to care that

semi trailers park there so I don't think anyone would even notice my small car business being located there.

Thank you,

Jeremy Burch  
G & L Auto Sales  
859-630-7372

## Todd Morgan

---

**From:** Jeremy Burch <drivevws@hotmail.com>  
**Sent:** Wednesday, December 23, 2015 9:41 AM  
**To:** Todd Morgan  
**Subject:** trucking company

Hi Todd,

I forgot to mention that the trucking company that's been parking their trailers there in front of 8505 is moving across the parking lot to where the campers were parking since they will fit there better, and be safer over there out of the way, less chance of any accidental collisions. I realized that it might have seemed to you that I was trying to take someone's parking area, but that trucking company wants to move over across the parking lot.

Let me know if you have any questions for me.

Thank you,

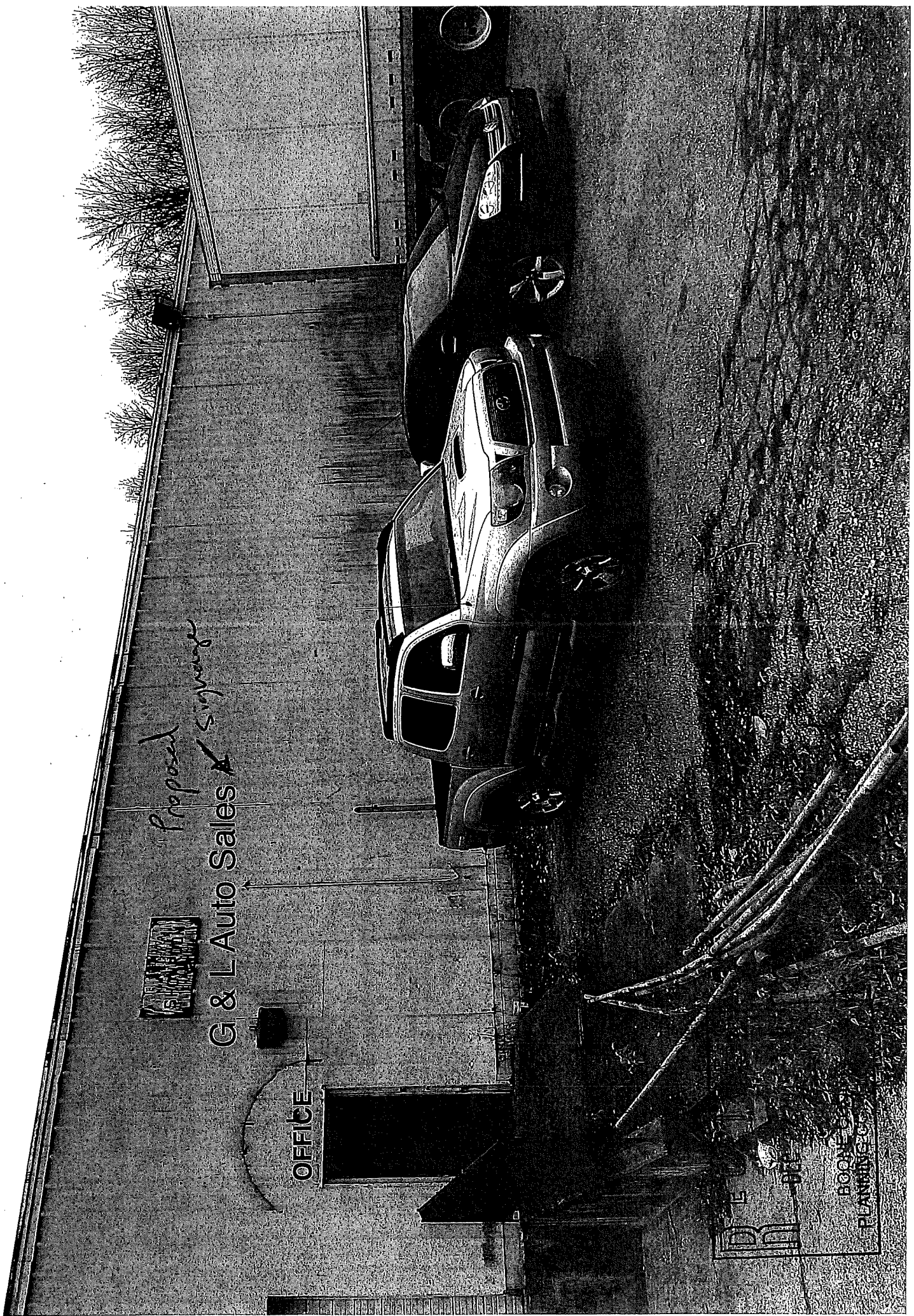
Jeremy Burch  
G & L Auto Sales  
859-630-7372

Bill Wentz Drive

CARS FOR SALE

IND  
G & L  
Auto  
Sales

RECEIVED  
DEC 22 2015  
BOONE COUNTY  
PLANNING COMMISSION



*Proposed*

G & L Auto Sales & Service

OFFICE

BLUE BIRD  
ROOPE  
PLANNING

FUTURE  
OFFICE



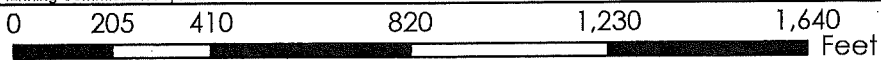
# 2013 AERIAL MAP

www.boonecountygis.com



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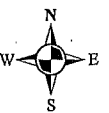
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1 inch = 400 feet



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

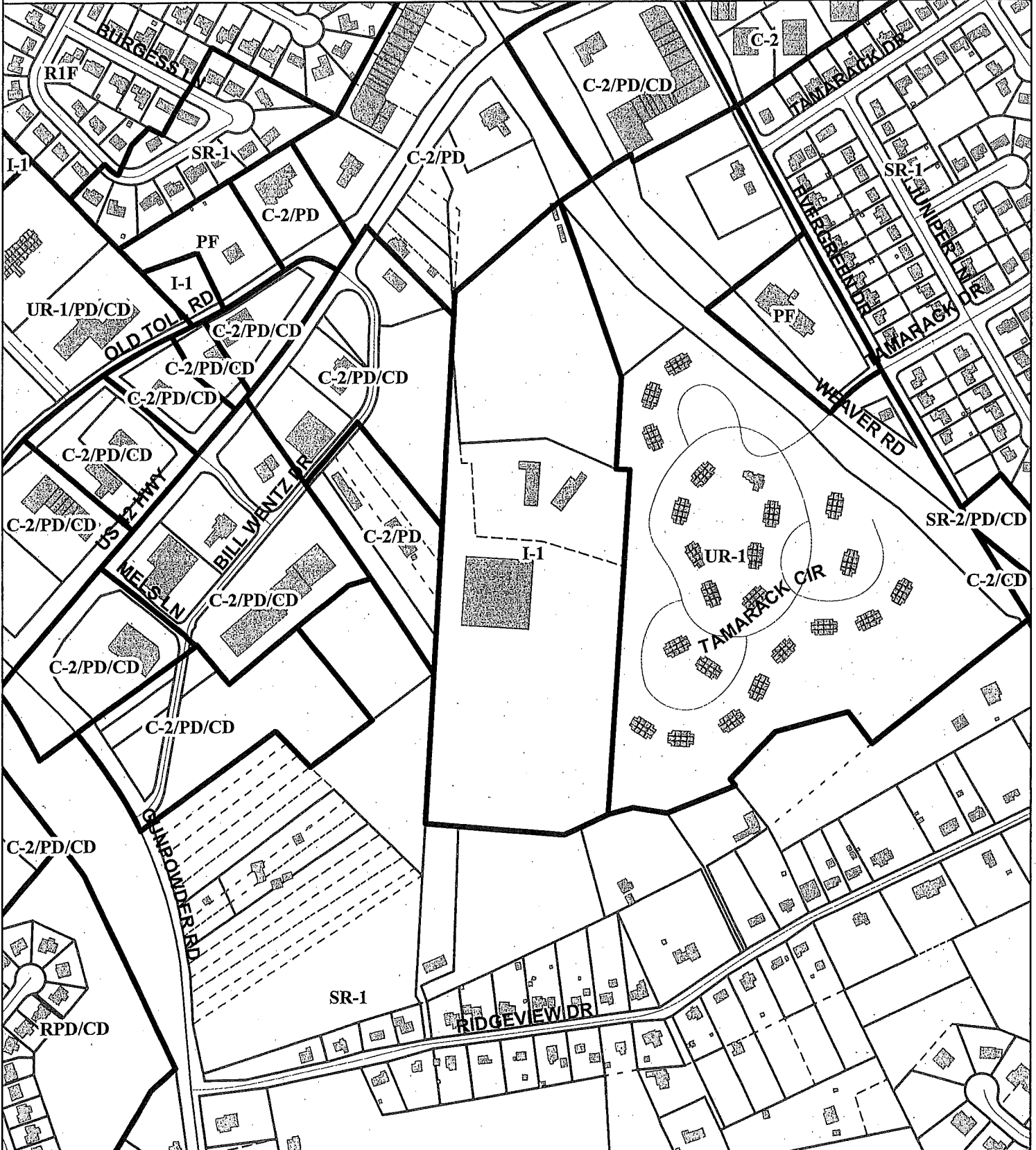


Map Created: 07/01/2013

Boone County GIS  
ArcMap Document: BooneMap (file).mxd

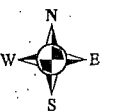
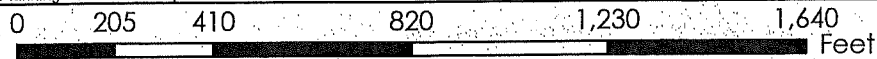
# ZONING MAP

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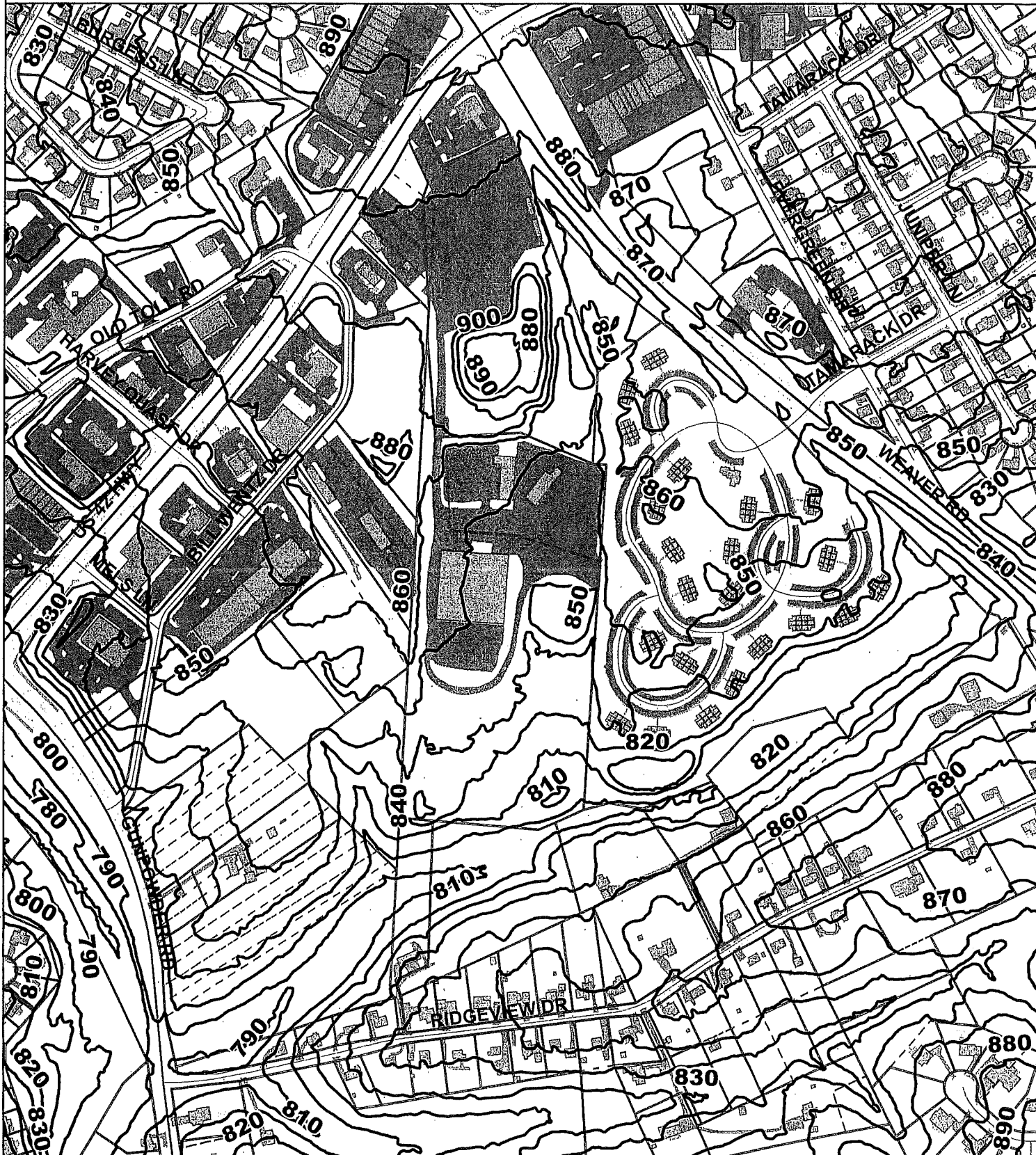
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**Boone County GIS - Putting Northern Kentucky on the Map**

# TOPOGRAPHICAL MAP

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0 205 410 820 1,230 1,640 Feet

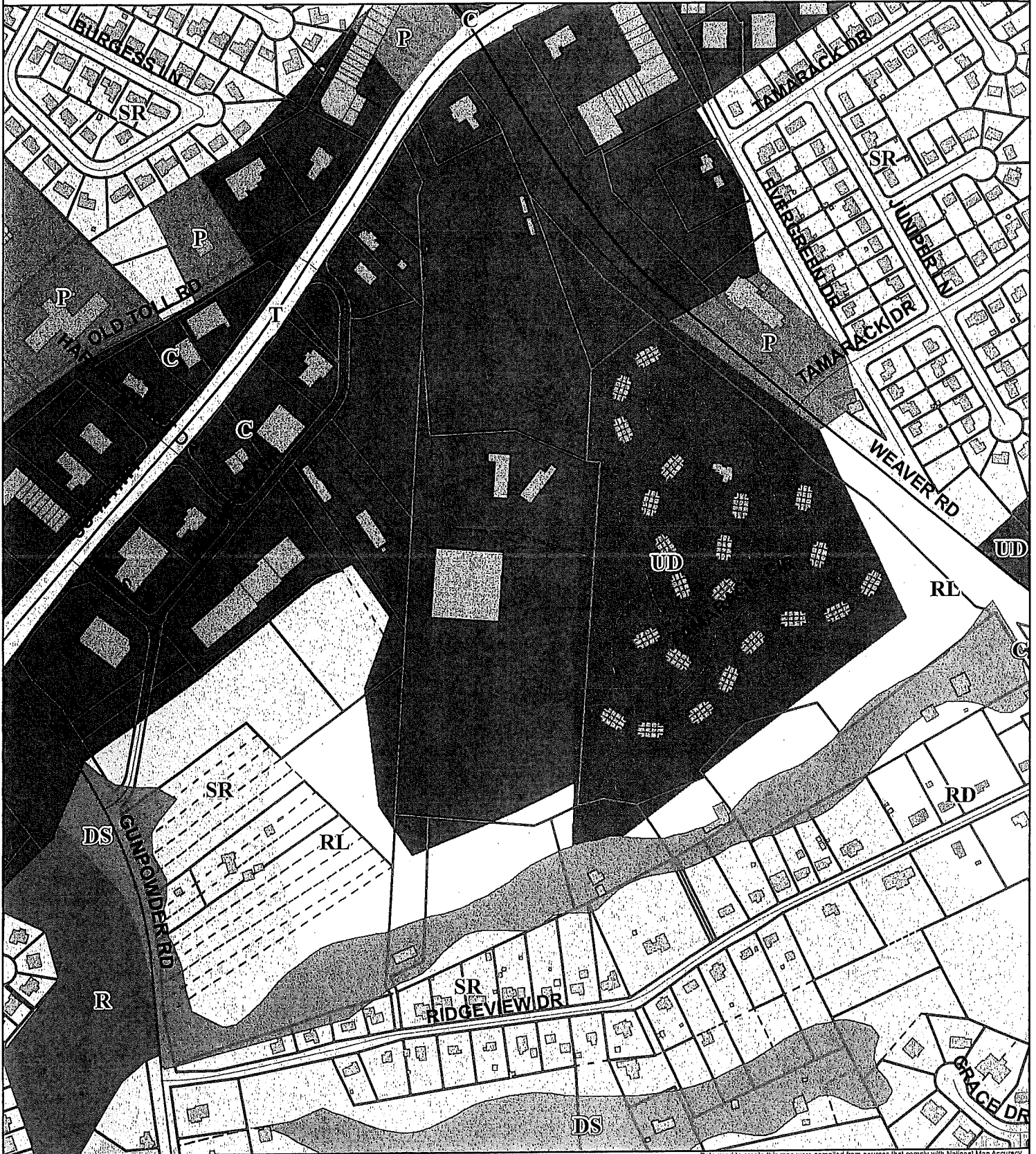
1 inch = 400 feet

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



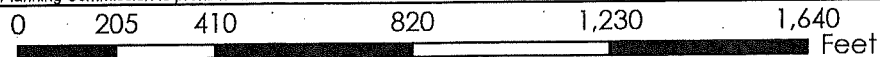
# 2035 FUTURE LAND USE MAP

www.boonecountygis.com



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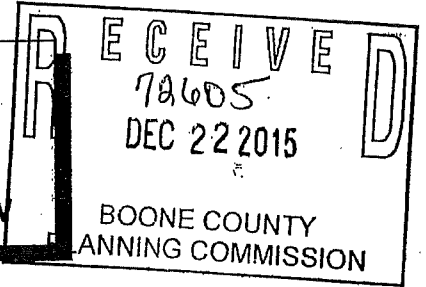


**Boone County GIS - Putting Northern Kentucky on the Map**



APPLICATION FORM

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)

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Applicant's Address 5938 Noel Creek Lane
Burlington, Ky. 41005
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8. Lot Number and Name of Subdivision (if part of a subdivision)
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Address of Property Owner 1550 Magnolia Drive
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10. City State Zip
Phone Number 513-531-1166 Fax No. E-Mail
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If yes, give date of approval
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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: SEE ATTACHED ORIGINAL SIGNATURE (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: SEE ATTACHED ORIGINAL SIGNATURE (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

COPY

CLUR #16-BCBOA-003-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Sabino Baluyot  
1550 Magnolia Drive  
Cincinnati, OH 45215

2. ADDRESS OF PROPERTY

8505 US 42  
Florence, KY

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

G & L Auto Sales

4. DEED BOOK 947      PAGE NO. 318      GROUP NO. 2048A

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

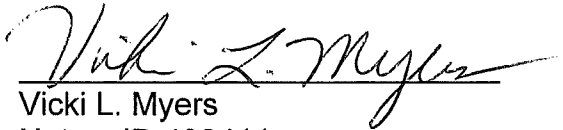
Todd K. Morgan, Senior Planner  
Name and Title of Completing Official

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 14 day of January, 2016.



Vicki L. Myers

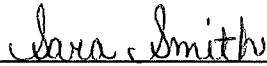
Notary ID 438411

NOTARY PUBLIC, State at Large

My commission Expires:

April 17, 2019

This instrument was prepared for recording purposes only by:



Sara Smith

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.)