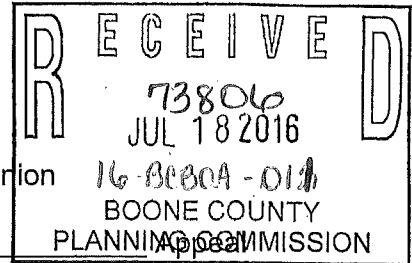


APPLICATION FORM

**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 \_\_\_\_\_  
\_\_\_\_\_ Change in Non-Conforming Use \_\_\_\_\_
- 3. Applicant's Name JON MARLEY  
Applicant's Address 1584 LINDEN CT.  
FLORENCE KY 41042  
City State Zip
- 4. Phone Number (859) 910-3309 Fax No. \_\_\_\_\_ E-Mail JMARLEY29@GMAIL.COM
- 4. Description of Request: RETAIL SALES OF USED MOTOR VEHICLES
- 5. Name of Development MARLEY AUTO SALES
- 6. Location of Development 1561 PRODUCTION DR. BURLINGTON KY 41005
- 7. Acreage Under Review 1.07
- 8. Lot Number and Name of Subdivision (if part of a subdivision)  
LOT 25 COMMERCE PARK WEST
- 9. Owner of Property BOB W. & GLORIA PHILLIPS  
Address of Property Owner 3059 WINDING TRAIL EDGEWOOD, KY 41017
- 10. City State Zip
- 10. Phone Number (859) 802-9404 Fax No. \_\_\_\_\_ E-Mail \_\_\_\_\_
- 11. Proposed Use(s) on Site RETAIL SALES OF USED MOTOR VEHICLES
- 12. Total Square Footage of Existing and/or Proposed Buildings 2300 sq. ft.
- 13. Current Zoning on Property I-1
- 14. Deed Book 332 Page No. 107 Group No. 2006 2026
- 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? AERIAL MAP
- 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:** [Signature]  
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

**ORIGINAL Applicant's Signature:** [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 7/18/16 Fee Received \$1,082<sup>00</sup> Receipt # 73806
2. Is application complete?  Yes  No
3. Staff Reviewer \_\_\_\_\_
4. Scheduled Board Action Date \_\_\_\_\_
5. Board Action:  
9/14/16 **Approved**  
**Approved with Conditions** (See #6)  
**Denial** (See #7)
6. Conditions of Approval: SEE 9/14/16 Meeting Minutes  
AND CLR
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: Jon Marley

LOCATION: 1561 Production Drive, Boone County, Kentucky

ZONING: Industrial One (I-1)

DATE: September 14, 2016

### PROPOSAL

The applicant is requesting a Conditional Use Permit so he can sell used motor vehicles from 1561 Production Drive. He included a letter which outlines the proposed business operation. It indicates that all of the vehicles bought for resale come from local franchise dealer trade-ins, via auto auctions. The majority of his sales are internet based. The business will not perform any major automobile repairs on site.

### 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 uses permits as specified by the zoning order.

The Board should evaluate the applicant's request as it relates to the criteria necessary for granting a Conditional Use Permit as stated in Sections 262 & 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 "gasoline filling stations and wash services for 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 "Industrial" uses. This designation as "manufacturing, wholesale, warehousing, distribution, assembly, mining, and terminal uses."

The following goals and objectives relate to the proposal:

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

#### SURROUNDING LAND USES & ZONING

North: B&B Transportation (I-1)

South: Industrial Parts and Edges (I-1)

East: Undeveloped Parcel (I-1)

West: Production Drive, Office Warehouse, Automotive Service Products (I-1)

#### SITE CHARACTERISTICS

The subject property is 1.06 acres in area and is located in Commerce Park West Subdivision. The property has approximately 162 feet of frontage on the east side of Production Drive. The property contains two office/warehouse buildings which are accessed from separate curb cuts on Production Drive. The northernmost building is approximately 2,300 square foot in area (300 square foot office and 2,000 square foot warehouse) and is currently vacant. A fence has been installed to differentiate the office parking area from the warehouse/storage area. The rear parking lot contains several metal plates overtop of broken/missing concrete.

The southernmost building is occupied by Pickering Excavation. The on-site freestanding sign is located in front of this building.

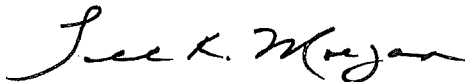
STAFF COMMENTS

1. Staff has the following questions for the applicant:
  - A. How many employees will the business have?
  - B. Are vehicles sales limited to automobiles, light trucks, vans, and SUV's?
  - C. What is the maximum number of vehicles that could be stored outside.
2. Staff recommends the following conditions if the request is approved:
  - A. The business shall be operated per the applicant's description.
  - B. The parking lot shall be striped in accordance with Article 33 of the Boone County Zoning Regulations.
3. The Board needs to analyze the Conditional Use Permit criteria before acting on the request.

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

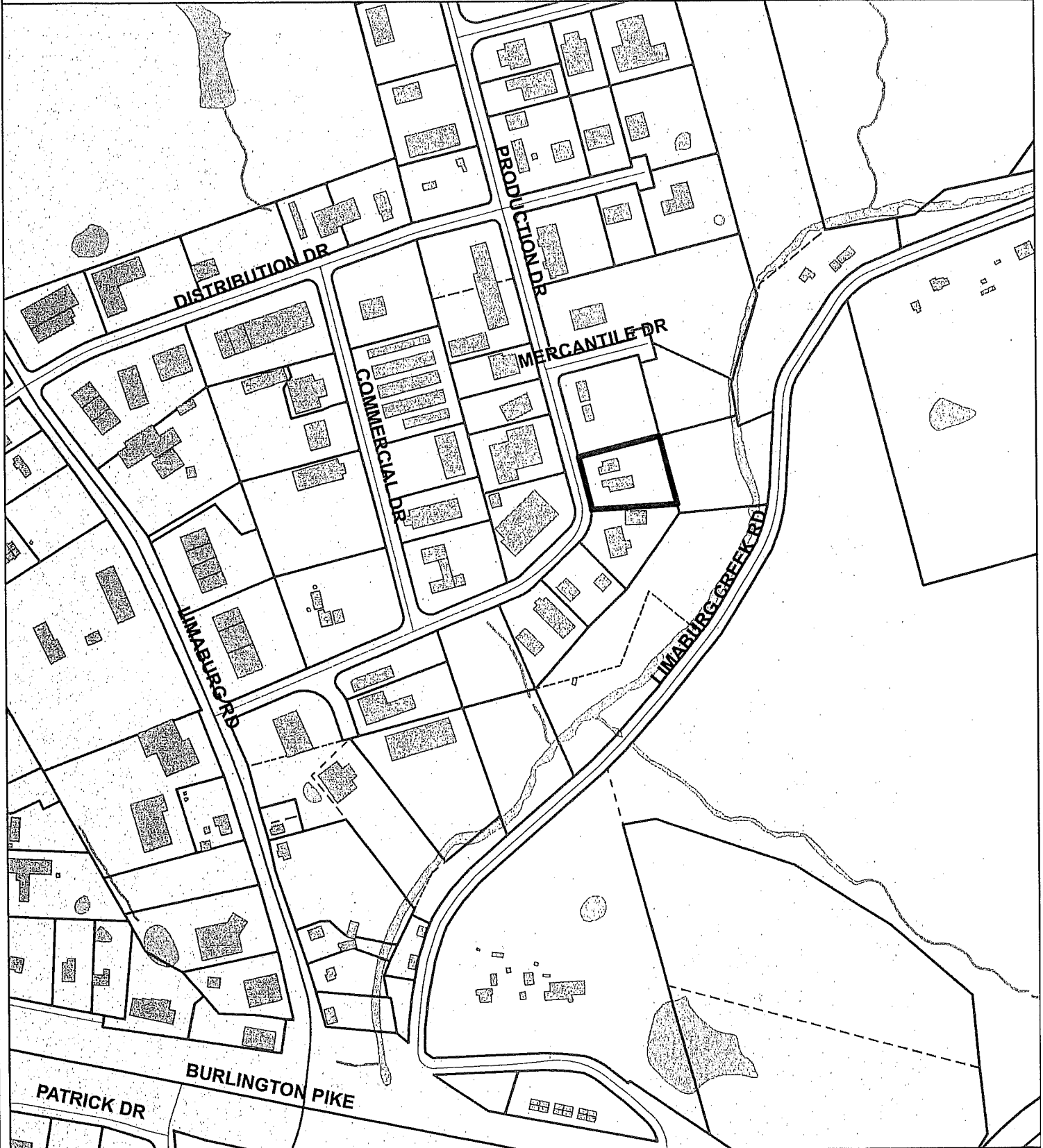
TKM/tlb

Attachments

- \*Site Vicinity Map
- \*Letter From Applicant
- \*Zoning Map
- \*Future Land Use Map
- \*Topographical Map
- \*2012 Aerial Map
- \*Application

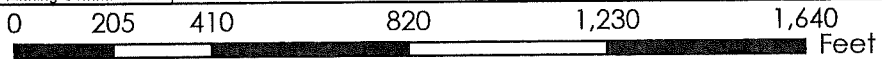
# SITE VICINITY MAP

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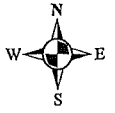
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1 inch = 400 feet

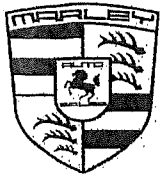


**Boone County GIS - Putting Northern Kentucky on the Map**



Map Created: 07/01/2013

ArctMap Document: BooneMap (116).mxd



# MARLEY AUTO SALES LLC.

2962 ARIENS DRIVE HEBRON, KY 41048 (859) 912-3309

Date: 07/07/16

Marley Auto Sales, LLC  
2962 Ariens Dr.  
Hebron, KY 41048  
(859)912-3309

Conditional Use Permit – 1561 Production Dr. Burlington, KY 41005

## Description of Use:

We propose to use the property located at 1561 Production Dr. Burlington, KY 41005, for Retail Sales of Used Motor Vehicles. We plan on using the property to clean, repair and make ready and available Used Motor Vehicles for sale. Sales of the Motor Vehicles are primarily internet based. All of the Vehicles we buy for resale come from local franchise dealer trade-ins, via auto auctions through out the Cincinnati area. The average sale price of each Vehicle, according to our records from over the past four years, is \$5000.00 to \$6000.00. The majority of our sales are cash, check, or credit card, with very few Vehicles being financed. We do offer bank financing, but we do not offer any Buy Here Pay Here or On the Lot financing of any kind. We do not perform any major automobile repairs, on our own Vehicles for resale, or on customers Vehicles as a service. We do not buy Vehicles for resale that need major mechanical or structural repair. We have not sold any rebuilt automobiles in the four years we have been in business and do not plan on selling any in the future.

The property has .5 acres paved, 40'x50' garage, 14'x20' office, 2 restrooms 2 10x10 overhead access doors, 1 in front and 1 in back. It has a 15'x20' employee parking area in front of office. It has a 15'x25' area for customer parking. It has 20,000 sq ft area for the display of Used Motor Vehicles for sale, located in front of building, along side of building and in rear of building, all paved, as well as the 40'x50' garage area, that also will be used for the display of Motor Vehicles. The property meets all the requirements set forth by the Motor Vehicle Commission. There will be no exterior improvements to the property, other than, 4 shutters, 1 business sign on front of building required by the Motor Vehicle Commission, and 2 pieces of trim around the front 10x10 door.

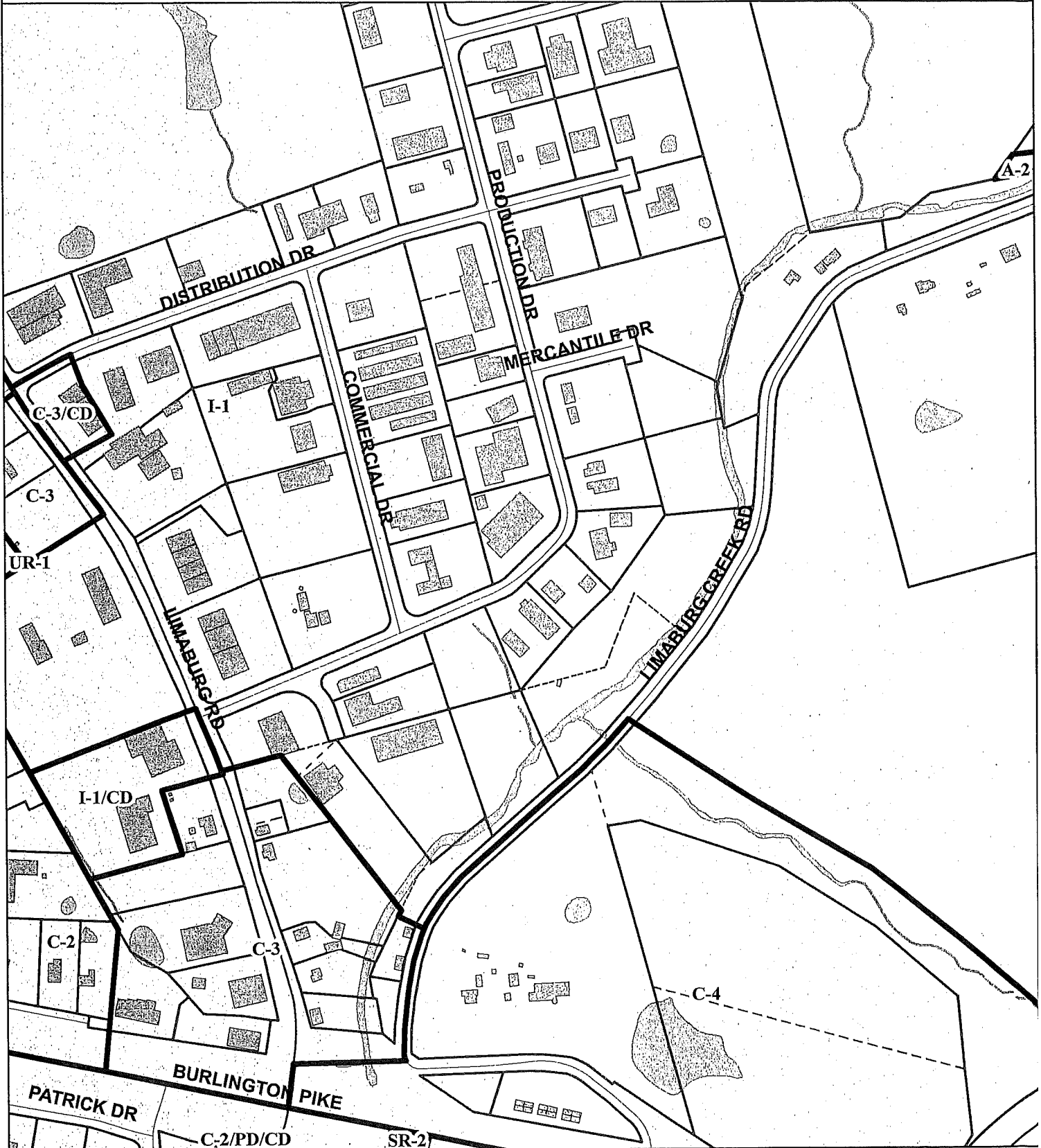
We do not plan on using the property for any other use.

Sincerely,

Jon Marley  
Owner/Manager

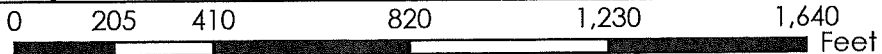
# ZONING MAP

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1 Inch = 400 feet

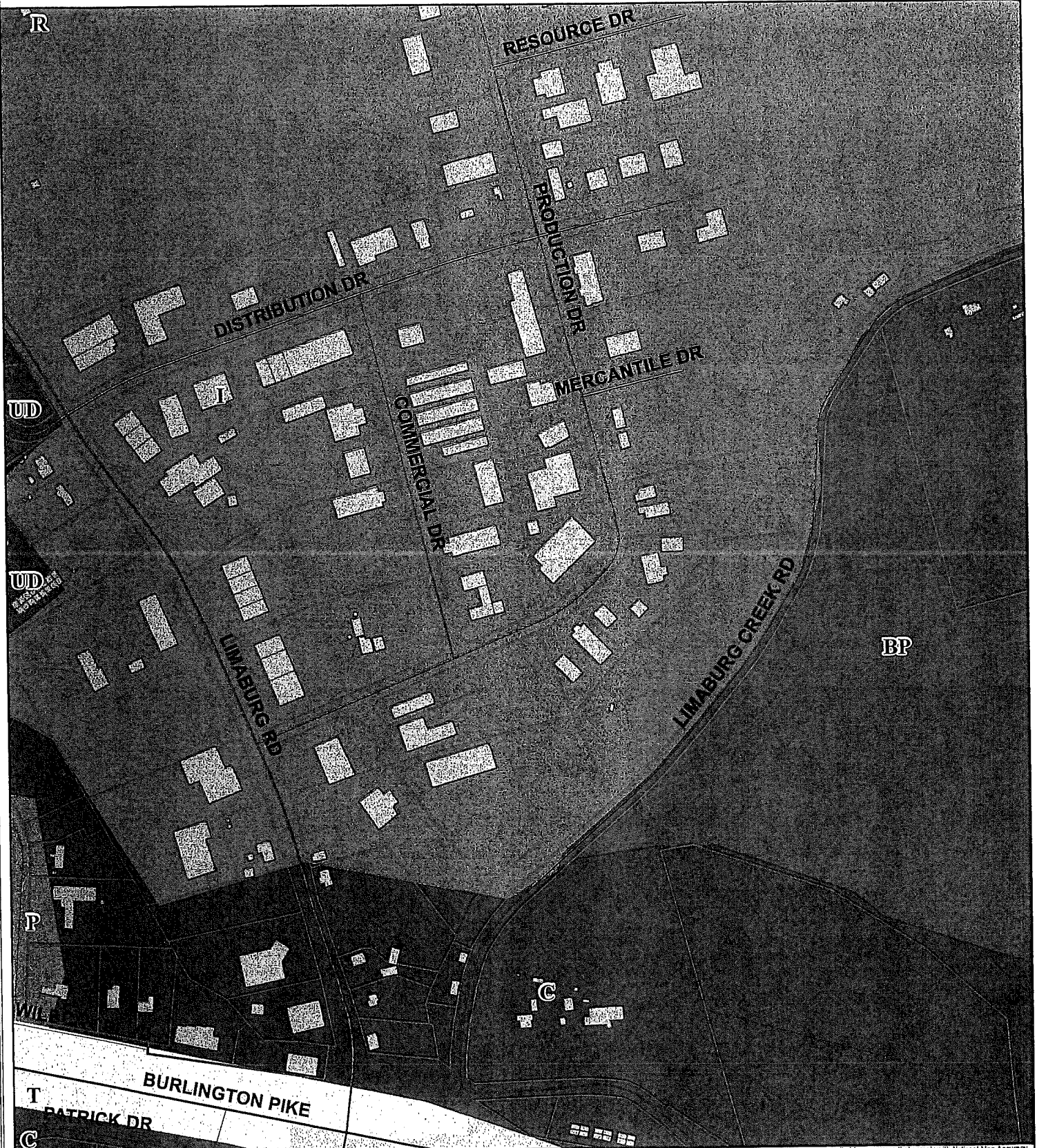


**Boone County GIS - Putting Northern Kentucky on the Map**



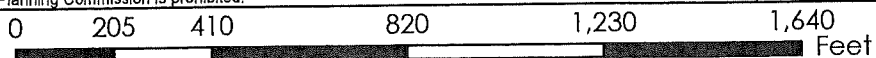
# 2035 FUTURE LAND USE MAP

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1 inch = 400 feet



Map Created: 07/01/2013

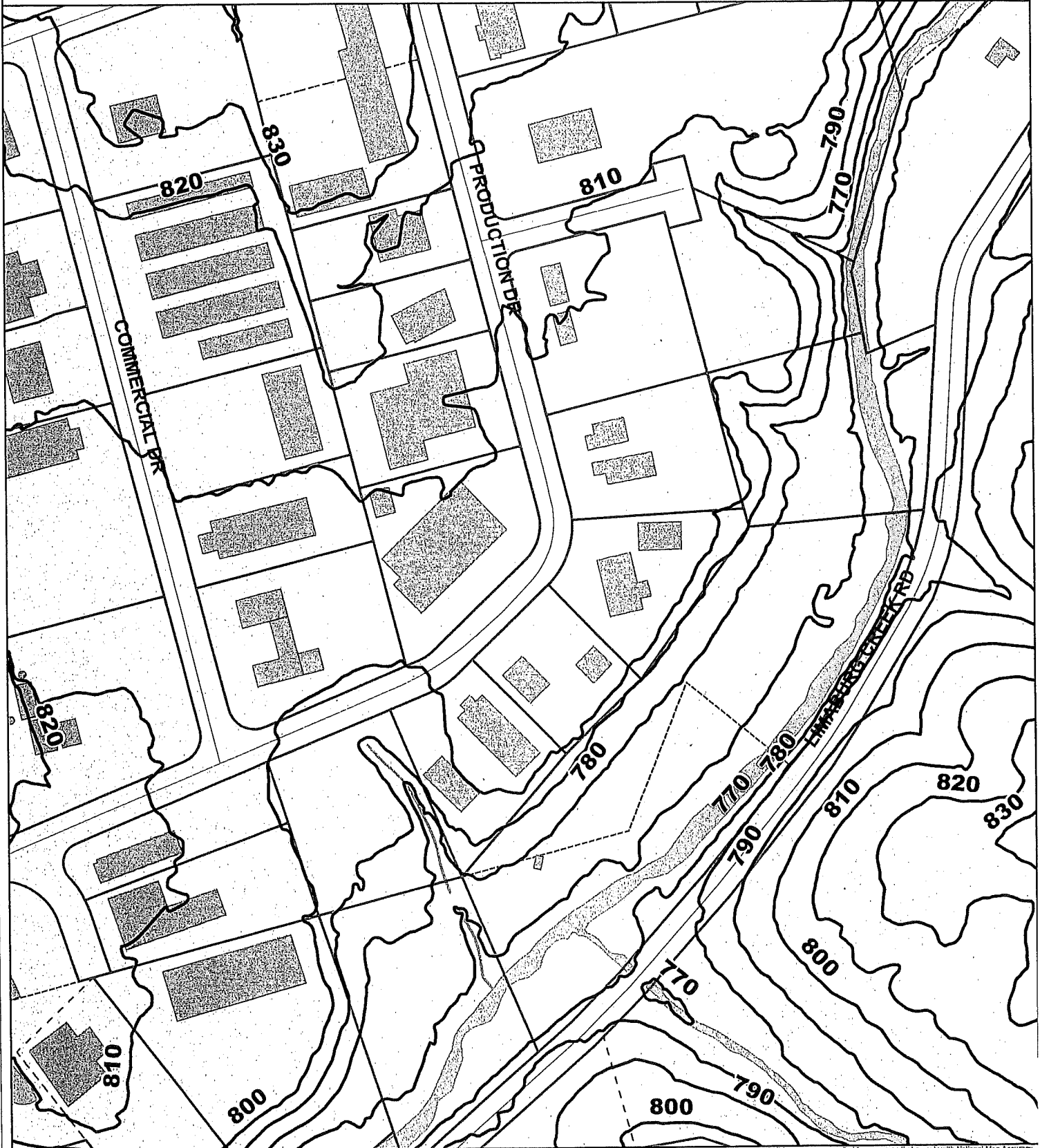
**Boone County GIS - Putting Northern Kentucky on the Map**



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# TOPOGRAPHICAL MAP

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0 100 200 400 600 800 Feet

1 inch = 200 feet

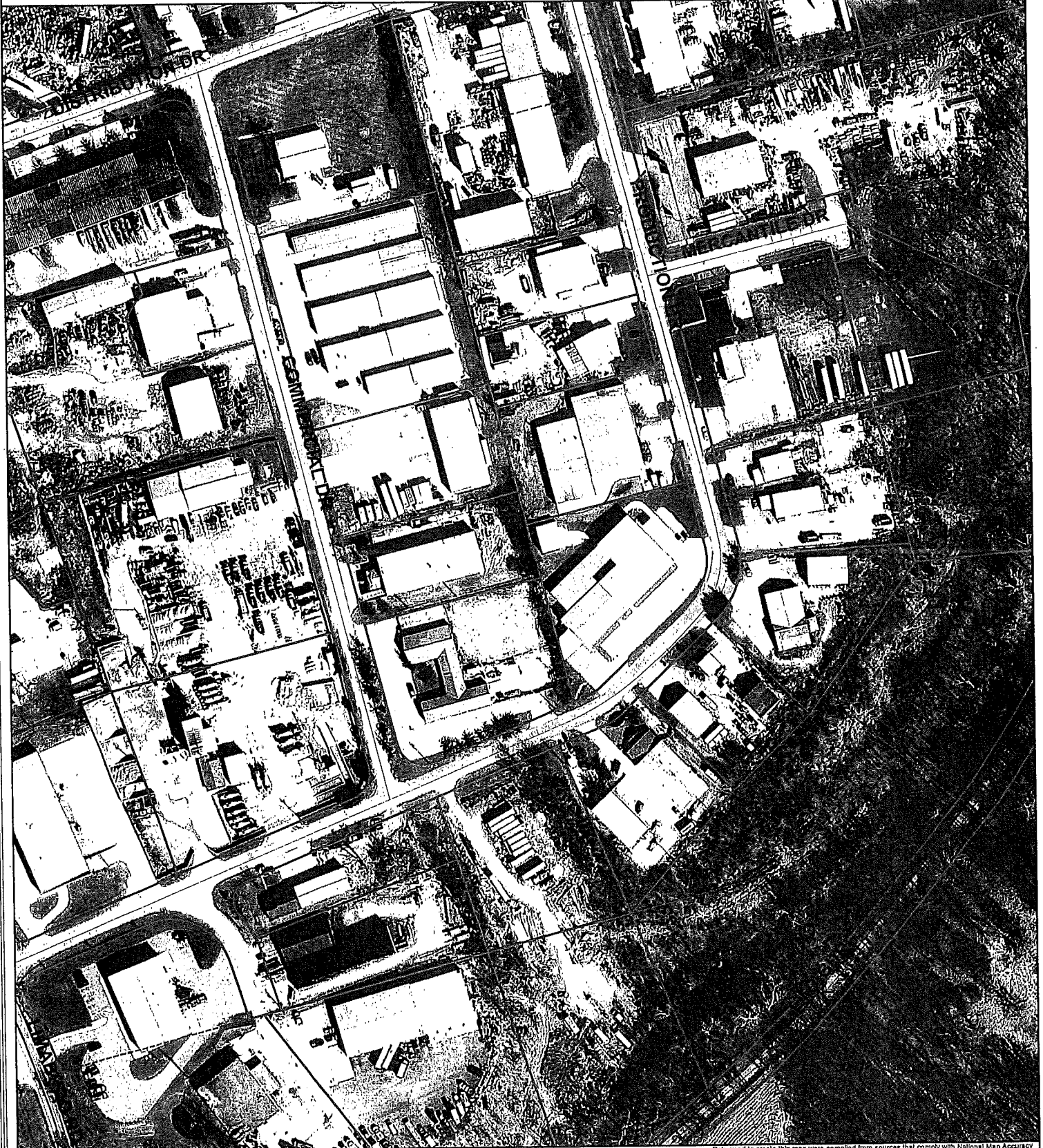


**Boone County GIS - Putting Northern Kentucky on the Map**



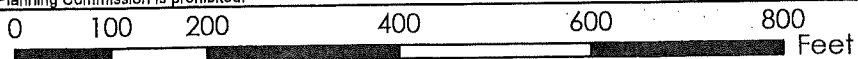
# 2012 AERIAL MAP

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1 inch = 200 feet



Map Created: 07/01/2013

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



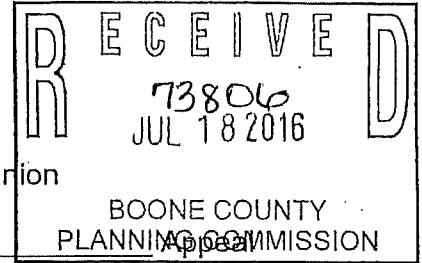
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ArcMap Document: BooneMap (file).mxd

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 [checked] Florence \_\_\_\_\_ Walton \_\_\_\_\_ Union \_\_\_\_\_
2. (Check One) Conditional Use Permit [checked] Variance \_\_\_\_\_ Change in Non-Conforming Use \_\_\_\_\_
3. Applicant's Name JON MARLEY
Applicant's Address 1584 LINDEN Ct. FLORENCE Ky 41042
Phone Number (859) 918-3309 Fax No. \_\_\_\_\_ E-Mail JMARLEY29@GMAIL.CO
4. Description of Request: RETAIL SALES OF USED MOTOR VEHICLES
5. Name of Development MARLEY AUTO SALES
6. Location of Development 1561 PRODUCTION DR. BURLINGTON Ky 41005
7. Acreage Under Review 1.07
8. Lot Number and Name of Subdivision (if part of a subdivision) LOT 25 COMMERCE PARK WEST
9. Owner of Property BOB W. & GIORIA PHILLIPS
Address of Property Owner 3059 WINDING TRAIL EDGEWOOD, Ky 41017
10. City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_
Phone Number (859) 802-9404 Fax No. \_\_\_\_\_ E-Mail \_\_\_\_\_
11. Proposed Use(s) on Site RETAIL SALES OF USED MOTOR VEHICLES
12. Total Square Footage of Existing and/or Proposed Buildings 2300 sq. ft.
13. Current Zoning on Property I-1
14. Deed Book 332 Page No. 107 Group No. 2026 2026
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? AERIAL MAP
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: [Signature] (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

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

COPY

CLUR #16-BCBOA-011-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Bob & Gloria Phillips  
3059 Winding Trail  
Edgewood, KY 41017

2. ADDRESS OF PROPERTY

1561 Production Drive  
Burlington, KY

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Marley Auto Sales

4. DEED BOOK 332

PAGE NO. 107

GROUP NO. 2026

5. TYPE OF RESTRICTION(S) (Check all that apply)

Zoning Map Amendment:  
From \_\_\_\_\_ To \_\_\_\_\_

Conditional Use Permit

Development Plan

Conditional Zoning

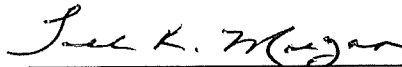
Subdivision Plat  
(Not Recorded)

Other:

Variance

6. NAME AND ADDRESS OF PLANNING COMMISSION, BOARD OF ADJUSTMENT, LEGISLATIVE BODY OR FISCAL COURT WHICH MAINTAINS THE ORIGINAL RECORDS CONTAINING THE RESTRICTION

BOONE COUNTY PLANNING COMMISSION  
2950 WASHINGTON STREET, ROOM 317  
P.O. BOX 958  
BURLINGTON, KENTUCKY 41005



\_\_\_\_\_  
SIGNATURE OF COMPLETING OFFICIAL

Todd K. Morgan, Senior Planner

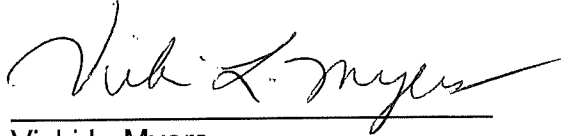
\_\_\_\_\_  
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledged before me by Todd K. Morgan

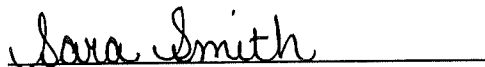
on behalf of the Boone County Planning Commission this 15 day of September, 2016.



Vicki L. Myers  
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  
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.)

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the conditional use permit approved by the Boone Board of Adjustment and in accordance with the current zoning in effect as of September 14, 2016 Certificate of Land Use Restriction (#16-BCBOA-011-A), for Bob and Gloria Phillips, Property Owner(s).

The following conditions will apply:

1. **The business shall be operated per the applicant's description.**
2. **The parking lot shall be striped in accordance with Article 33 of the Boone County Zoning Regulations.**

The approved conditional use permit as well as the preceding conditions apply to the property described in:

DEED BOOK 332

PAGE NO. 107

GROUP NO. 2026