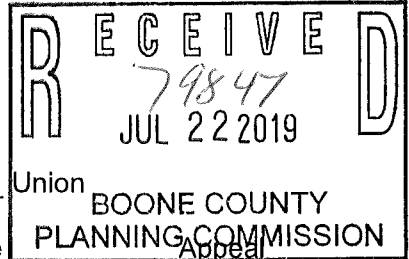


APPLICATION FORM

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 [X] Florence \_\_\_\_\_ Walton \_\_\_\_\_
2. (Check One) Conditional Use Permit [X] Variance \_\_\_\_\_ Change in Non-Conforming Use \_\_\_\_\_
3. Applicant's Name DFW Investments, LLC
Applicant's Address 6111 B Burgundy Hill Dr. Burlington KY 41005
4. Description of Request: Permit Use as law office / title co.
5. Name of Development \_\_\_\_\_
6. Location of Development 6024 Rogers Ln. Burlington, KY 41005
7. Acreage Under Review .49
8. Lot Number and Name of Subdivision (if part of a subdivision) Plat lots 53 + 54 Burlington
9. Owner of Property Learning Zone Preschool, Inc.
Address of Property Owner 10108 Golden Pond Dr.
10. Union KY 41041
11. Proposed Use(s) on Site law office / title co.
12. Total Square Footage of Existing and/or Proposed Buildings 4,000
13. Current Zoning on Property SR2 - SC
14. Deed Book 1011 Page No. 16 Group No. 196 2030
15. Is the site subject to a zone change?
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: [Signature] Pres. (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: [Signature] member (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 7-22-19 Fee Received \$782.00 Receipt # 79847
2. Is application complete?  Yes  No
3. Staff Reviewer M. Schwartz
4. Scheduled Board Action Date 9/11/19
5. Board Action:  
 **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  
(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

#2

APPLICANT: DFW Investments, LLC, per Jeremy Deters, on behalf of Learning Zone Preschool, Inc., per Travis Fryman

LOCATION: 6024 Rogers Lane, Boone County, Kentucky

ZONING: Suburban Residential Two/Small Community Overlay (SR-2/SC)

DATE: September 11, 2019

### PROPOSAL

- A. The applicant is requesting a Conditional Use Permit to allow an office use to occupy the existing structure on an approximate 0.5 acre property located at 6024 Rogers Lane.

### SITE HISTORY

- Prior To  
1938 Based upon Boone County GIS data, a residential structure occupied the site in question.
- 1985 –  
1990 Based upon Boone County GIS data, the existing structure was built.
- 1988 On May 11, 1988, the Boone Board of Adjustment approved a Conditional Use Permit to allow a two story office building to be constructed on the site in question (BCBOA 88-015).
- 2003 On November 12, 2003, the Boone Board of Adjustment approved a Conditional Use Permit allowing a day care center on the site in question, subject to the following conditions: (1) there will be at least four new parking spaces when the use expands beyond 1,000 square feet; (2) that the proposed play area must be minimally enclosed with vinyl coated chain link fencing at a maximum height of six feet; (3) that the play area cannot extend into the corner side yard; and (4) that the striped pedestrian aisles in the parking lot must remain and must be as wide as the sidewalks (BCBOA 03-022).
- 2004 On July 14, 2004, the Boone Board of Adjustment approved a modification to the previously approved Conditional Use Permit from 2003, by removing Condition 1 (BCBOA 04-023).

### APPLICABLE REGULATIONS

- A. 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, with such additional safeguards as will uphold the intent of the zoning order.
- B. 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 2012 of the Boone County Zoning Regulations.

1. Findings listed in Section 262 (Findings for all Conditional Uses):
  - a. 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;
  - b. 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;
  - c. Will not be hazardous to existing or future neighboring uses;
  - d. 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;
  - e. 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;
  - f. 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;
  - g. Will have vehicular approaches to the property which shall be so designated as not to create an interference with traffic on surrounding public thoroughfares.
  
2. Criteria listed in Section 2012 of the Boone County Zoning Regulations (SC Overlay District):
  - a. The activity is an integral part of the area's function as a small community center, and is not of scale, nature, or character which will detract from or conflict with the principal purpose and continued well-being of the center;
  - b. The arrangement of use, building, or structure is compatible with the arrangement or organization of permitted and accessory uses which are to be protected in the district; and
  - c. Historical and architectural characteristics are protected from inappropriate alteration to existing structures and new buildings are sensitive to the established character of the SC overlay. Additions and structural alterations will be reviewed for conformance with the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating

Historic Buildings.

- C. Section 2010 of the Boone County Zoning Regulations identifies professional services and professional offices to include legal, architecture, engineering, real estate, insurance, accounting, financial, travel agencies and similar type uses eating and as a permitted use within the SC Zone, provided that the use is located within an existing building which is 2,500 square feet or smaller and requires ten or less parking spaces. Section 2012 of the Boone County Zoning Regulations states that the above use shall be a conditional use if it is located within an existing building greater than 2,500 square feet or requires more than ten parking spaces.
- D. Section 2000 of the Boone County Zoning Regulations states that “The intent of this article is to provide for the maintenance and development of small community centers where an integrated variety of land uses are essential to the vitality, viability, and well-being of the community. These circumstances are most prevalent in the many small, traditional community centers and town sites of Boone County, and may be appropriate to meet the needs of new community development in the County as well. The integration and variety of land uses found in small community centers often cannot practically be accommodated by the other basic zoning districts established by this order. This article creates an overlay district which may be established in areas appropriate for use as small community centers.”

RELATIONSHIP TO THE COMPREHENSIVE PLAN

- A. The Our Boone County Plan 2040 Future Land Use Plan designates the site in question for “Suburban Density Residential” uses, which is defined as single-family housing of up to four units per acre.
- B. The following Our Boone County Plan 2040 Goals and Objectives apply to this application:

Mixing of residential and other land uses shall be encouraged where appropriate (Overall Goal A, Objective 2).

Land uses and zoning decisions shall strive to balance the rights of landowners with the rights of neighbors and the community (Overall Goal A, Objective 4).

Employment opportunities for a highly skilled and educated workforce shall be encouraged and promoted for the residents and businesses of Boone County (Economy Goal A, Objective 1).

Boone County shall seek a combination of land uses that balances revenues generated from those uses with the expenditures required to support them (Economy Goal A, Objective 8).

The establishment of small business and incubator business assistance shall be encouraged (Economy Goal A, Objective 9).

Compact, efficient development patterns shall be encouraged for industrial, commercial,

and office uses with appropriately sized and well maintained buffer spaces between the business use and other land uses (Economy Goal B, Objective 1).

Mixing of commercial and non-commercial uses shall occur in areas where consideration has been given to assure compatibility with surrounding land uses and natural systems (Economy Goal B, Objective 2).

Commercial uses shall be designed and located to coordinate with the surrounding land uses and shall have safe access and adequate parking (Economy Goal B, Objective 3).

- C. Rogers Lane is identified as a collector roadway providing for two-way traffic within two driving lanes (one lane in each direction). Sidewalks are provided along both sides of Rogers Lane, between Washington Street and Metts Lane, and along the east side of Rogers Lane, fronting the site in question. Metts Lane is identified as a local street providing for two-way traffic within two driving lanes (one lane in each direction). There are no sidewalks along Metts Lane.

#### SITE CHARACTERISTICS

- A. The approximate 0.5 acre property is located at the southeast corner of the intersection of Rogers Lane with Metts Lane.
- B. The site is currently occupied by an approximate 4,000 square foot commercial building and a 17 space off-street parking lot.
- C. Topographically, the site slopes from an elevation of 822 MSL south to an elevation of 816 MSL.
- D. The site is located within the 55 Day/Night noise level of the Cincinnati/Northern Kentucky International Airport.
- E. A mature tree area, within a 55 foot wide right-of-way, forms the southern boundary of the site in question.
- F. Access to the site is provided by a curb cut onto Rogers Lane, approximately 160 feet south of Metts Lane and approximately 100 feet north of Torrid Street.

#### SURROUNDING LAND USES AND ZONING

- North: Single family residential, vacant commercial structure, and commercial business (Poston Brothers Heating and Cooling/Burlington Custom Picture Framing) (SR-2/SC)
- South: Single family residential (SR-2/SC)
- East: Detached accessory structures and vacant land (SR-2/SC)
- West: Institutional uses (Boone County Justice Center/Courthouse) (SR-2/SC)

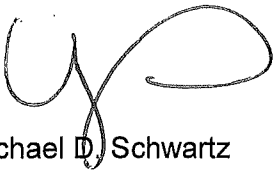
STAFF COMMENTS

- A. The submitted site plan indicates that there will be no changes to the site, except for the removal of the outdoor children's play area/equipment.

CONCLUSION

KRS 100.237 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.

Respectfully Submitted,



Michael D. Schwartz  
Planner

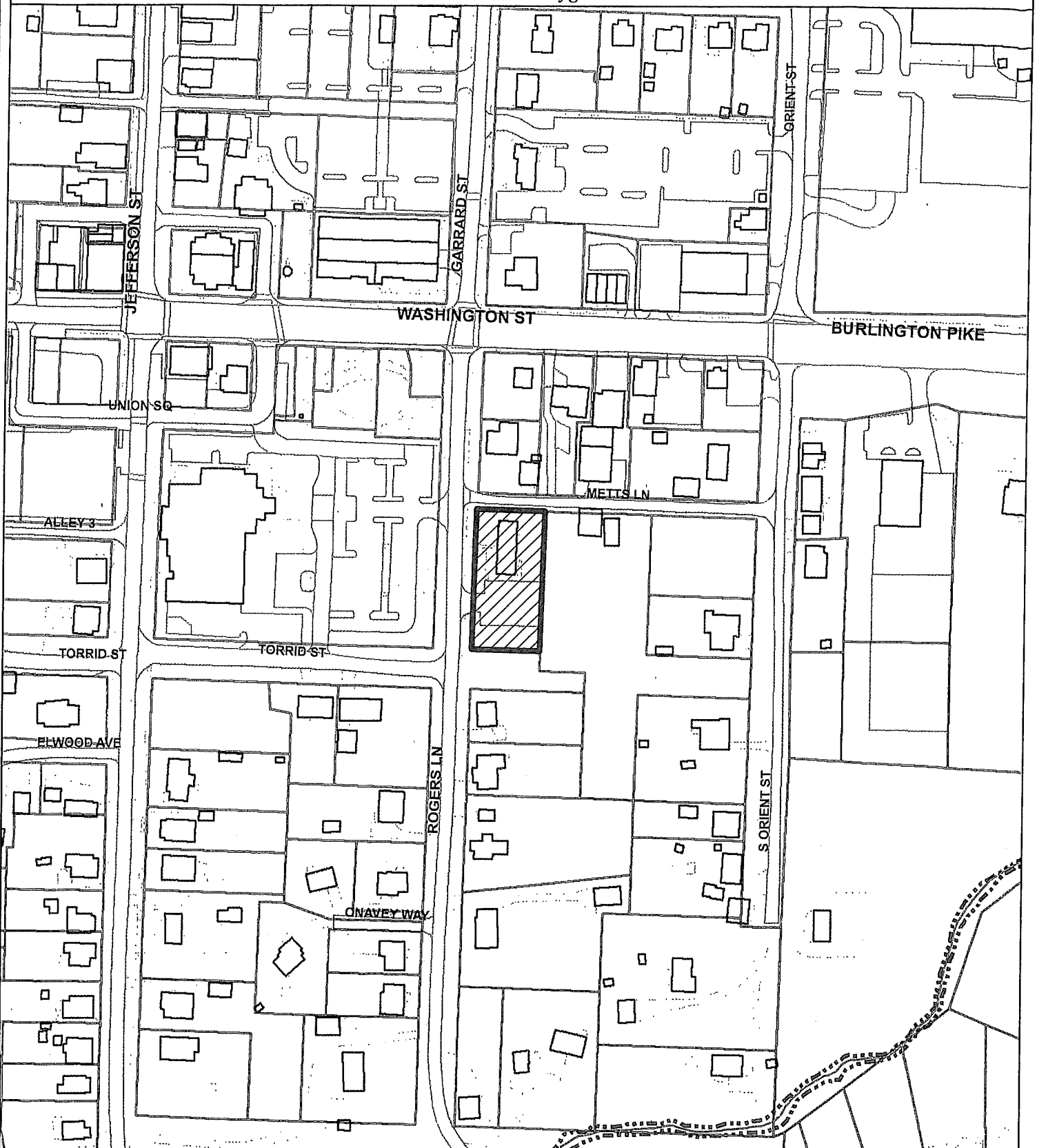
MDS/ss

Attachments

- \*Vicinity Map
- \*Aerial Map
- \*Topographical Map
- \*Zoning Map
- \*2040 Future Land Use Map
- \*Noise Contour Map
- \*Application
- \*Concept Development Plan

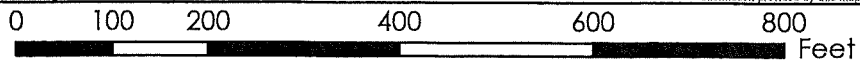
# Vicinity Map

www.boonecountygis.com



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

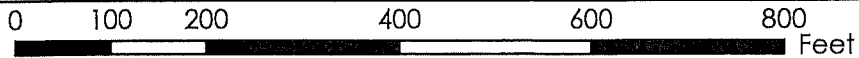
# Aerial Map

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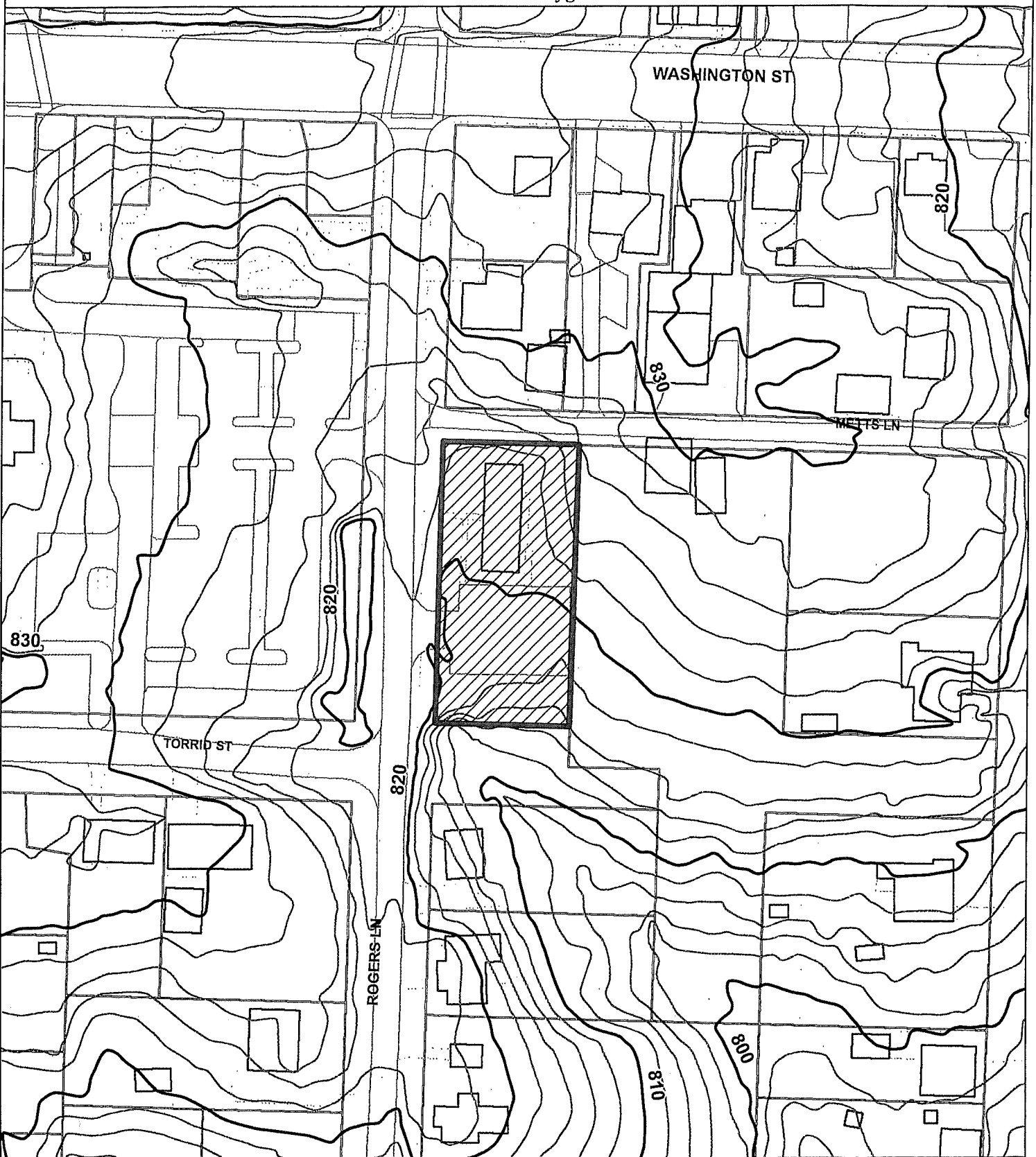


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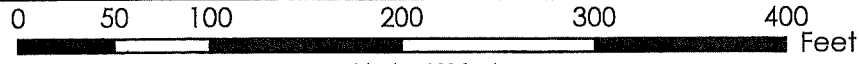
# Topographical Map

www.boonecountygis.com

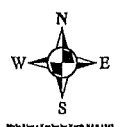


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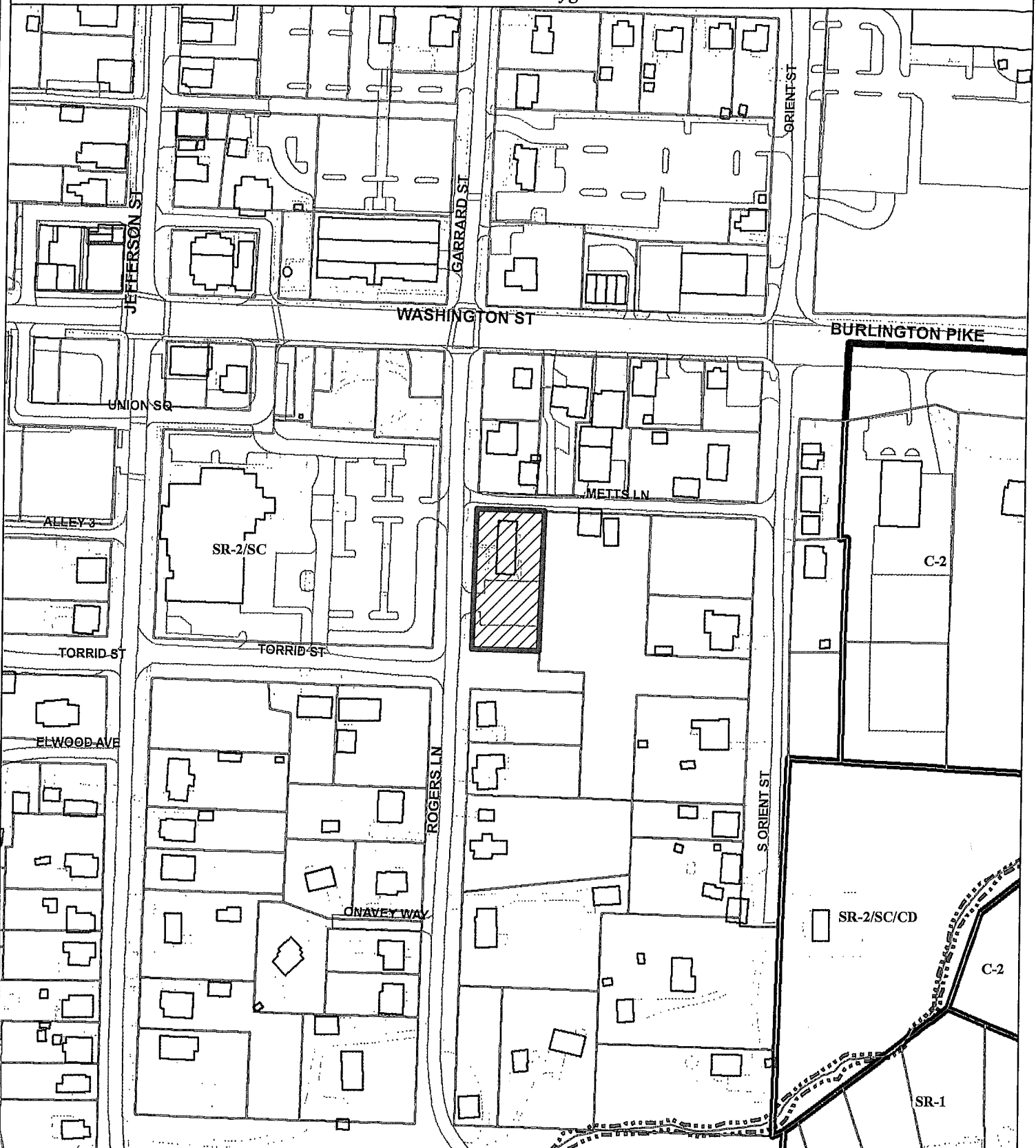


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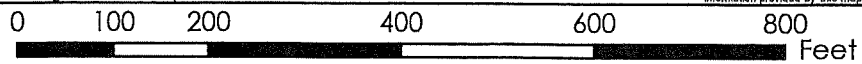
# Zoning Map

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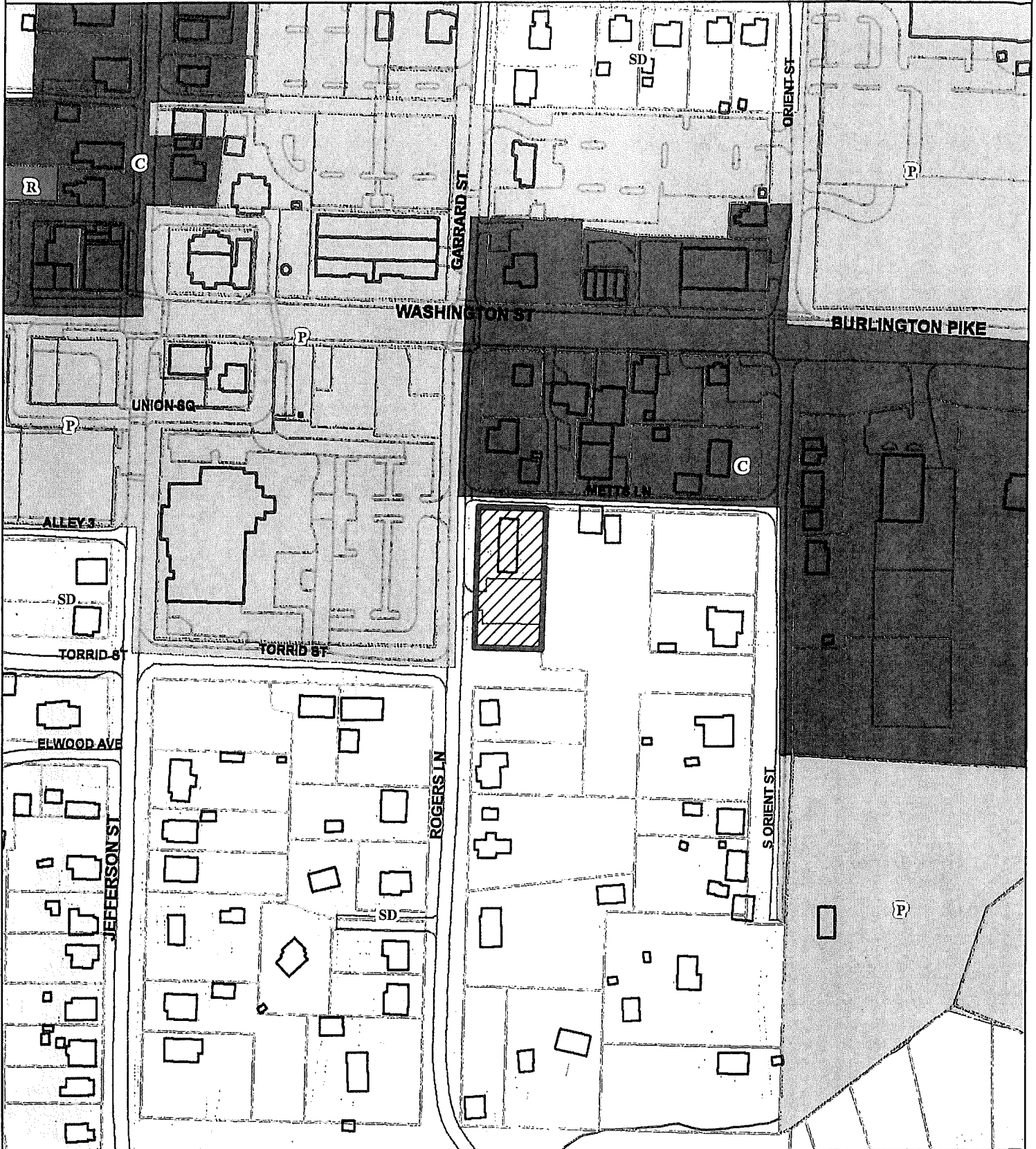
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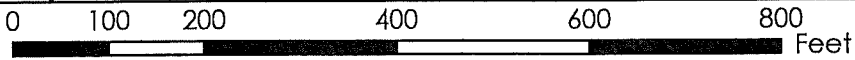
# 2040 Future Land Use Map

www.boonecountygis.com

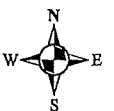


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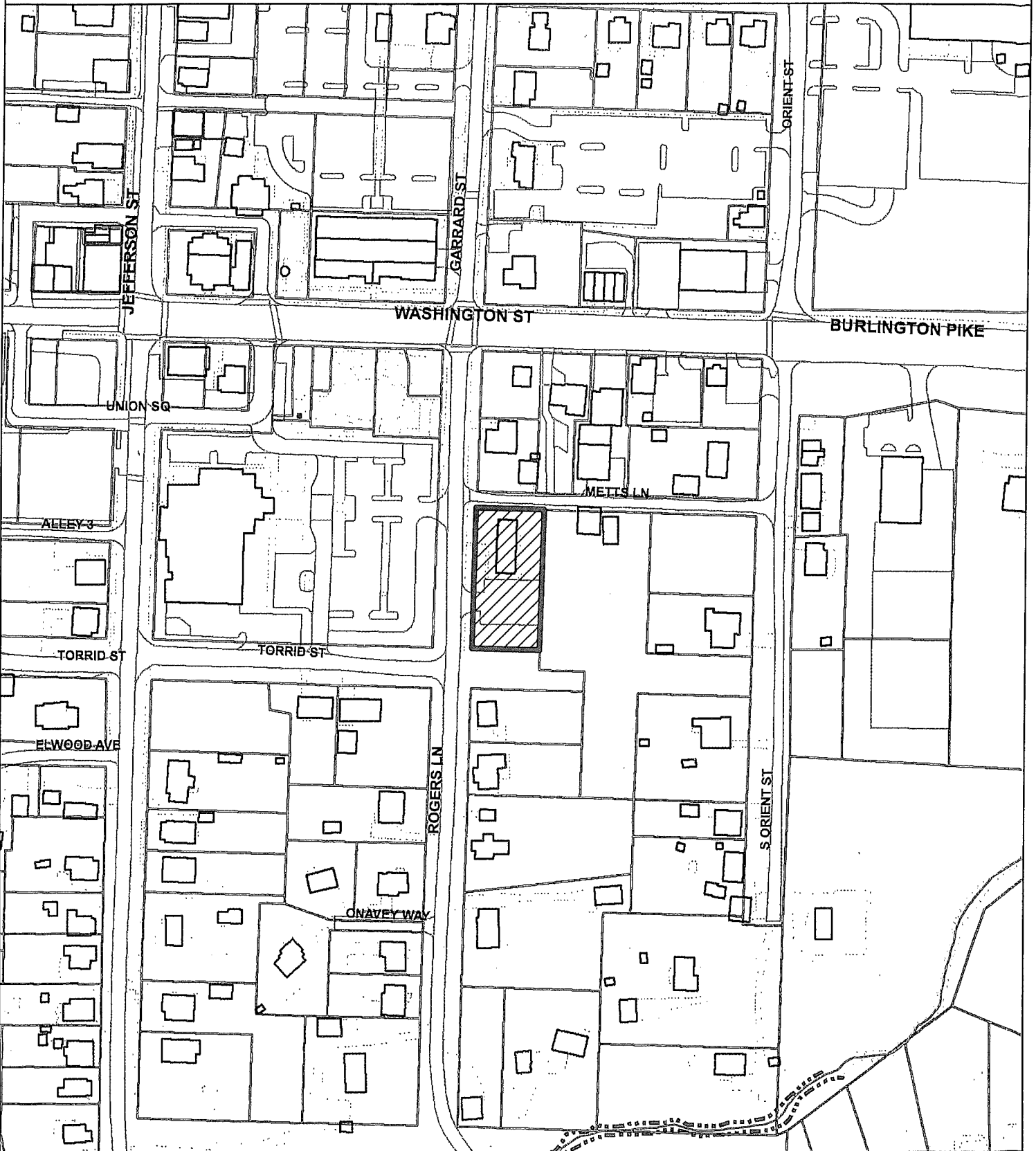
1 inch = 200 feet



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

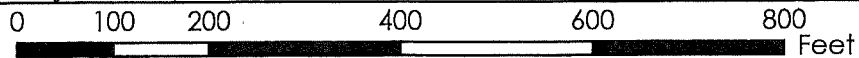
# Noise Contour Map

www.boonecountygis.com



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1 Inch = 200 feet



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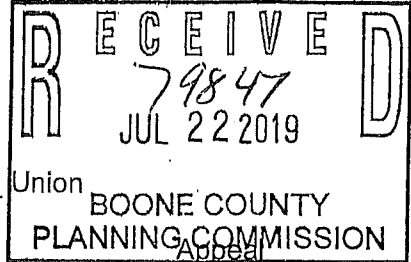


APPLICATION FORM

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



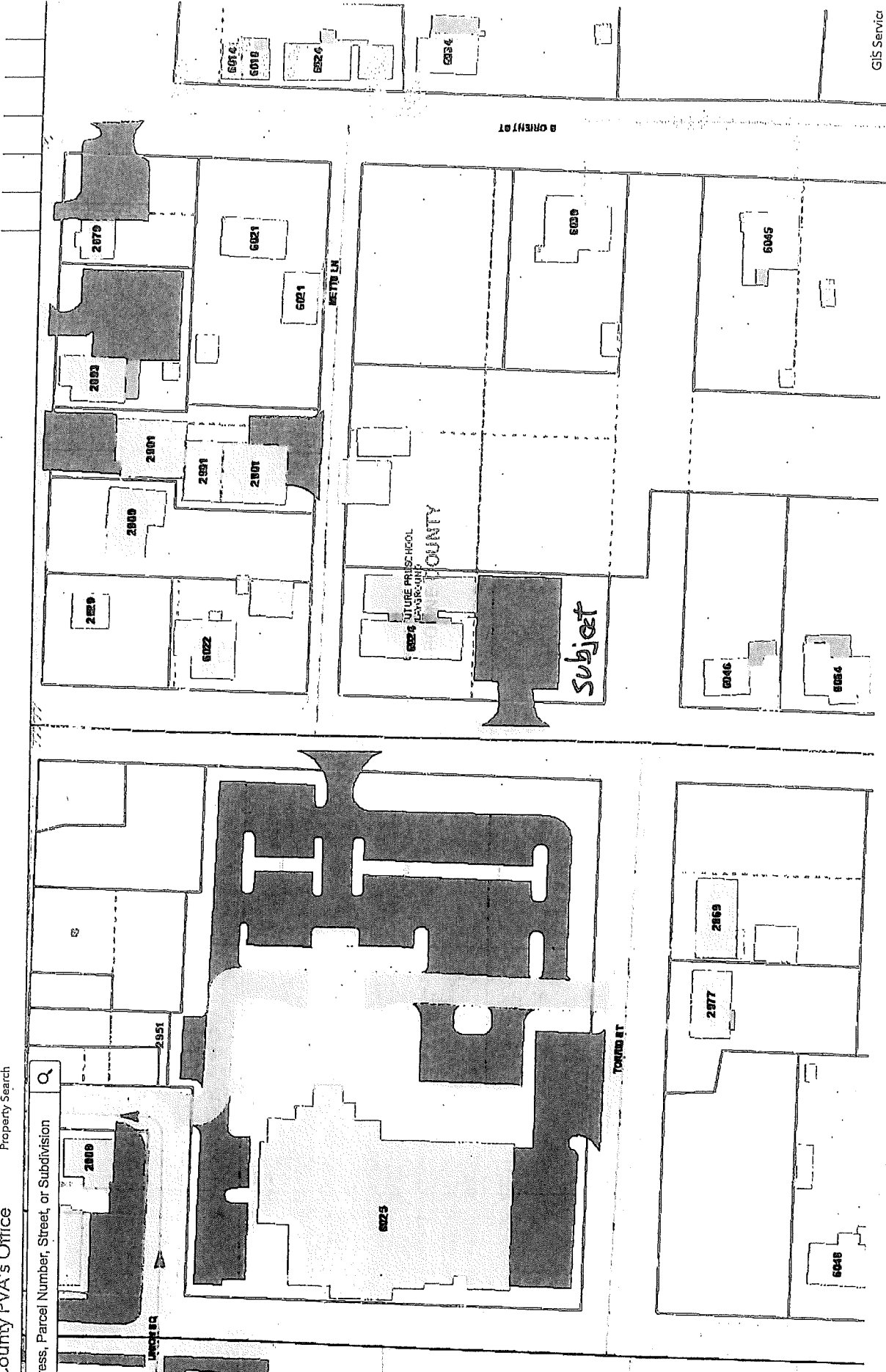
**SECTION A** (To be completed by applicant)

- 1. (Check One)  Boone \_\_\_\_\_ Florence \_\_\_\_\_ Walton \_\_\_\_\_ Union \_\_\_\_\_
- 2. (Check One)  Conditional Use Permit \_\_\_\_\_ Variance \_\_\_\_\_  
Change in Non-Conforming Use \_\_\_\_\_
- 3. Applicant's Name DFW Investments, LLC  
Applicant's Address 611 B. Burgundy Hill Dr.  
Burlington KY 41005  
City State Zip
- 4. Phone Number 586-1900 Fax No. 586-1925 E-Mail jeremy@dfwfirm.com  
Description of Request: Permit use as law office / title co.
- 5. Name of Development \_\_\_\_\_
- 6. Location of Development 6024 Rogers Ln.  
Burlington, KY 41005
- 7. Acreage Under Review .49
- 8. Lot Number and Name of Subdivision (if part of a subdivision)  
pt of lots 53 + 54 Burlington
- 9. Owner of Property Learning Zone Preschool, Inc.  
Address of Property Owner 10108 Golden Pond Dr.
- 10. Union KY 41001  
City State Zip
- 11. Phone Number \_\_\_\_\_ Fax No. \_\_\_\_\_ E-Mail \_\_\_\_\_  
Proposed Use(s) on Site law office / title co.
- 12. Total Square Footage of Existing and/or Proposed Buildings 4,000
- 13. Current Zoning on Property SR2-SC
- 14. Deed Book 1011 Page No. 16 Group No. 196
- 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: Trans Fee Pres.  
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: Jeremy Ditt, member  
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

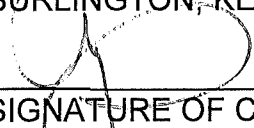
▼ Address, Parcel Number, Street, or Subdivision



CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)  
Learning Zone Preschool, Inc.  
10108 Golden Pond Drive  
Union, KY 41091
  
2. ADDRESS OF PROPERTY  
6024 Rogers Lane  
Burlington, KY 41005
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)  
Jeremy Deters
  
4. DEED BOOK 1011                      PAGE NO. 16                      GROUP NO. 2030
  
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

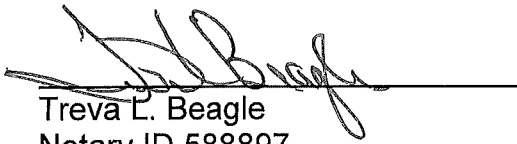
Michael D. Schwartz - Planner  
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE


Subscribed, sworn to, and acknowledged before me by Michael D. Schwartz

on behalf of the Boone County Planning Commission this 12 day of September, 2019.

  
Treva L. Beagle  
Notary ID 588897  
NOTARY PUBLIC, State at Large

My commission Expires:  
November 12, 2021

This instrument was prepared for recording purposes only by:

  
Ronica Wuest  
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.)