

**BOARD OF ADJUSTMENT  
BOONE COUNTY PLANNING COMMISSION**

Five (5) scaled copies and one (1) 11 x 17 reduction of submitted drawings are required

Site Plan Review is not granted by the appropriate Board of Adjustment

An application consists of all fees paid in full, submitted drawings, and a completed application form

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

1. Check One  Boone  Florence  Walton  Union
2. Check One  Conditional Use Permit  Variance  Appeal  
 Change in Non-Conforming Use

3. Applicant: BURLINGTON STORAGE LLC  
6257 SPRINGDALE RD  
 Address: \_\_\_\_\_  
Cincinnati Ohio 45247  
 City State Zip Code  
 Phone Number: 513-741-1400 Fax Number: 513-741-4479  
 Email: kelvin@rjkassociates.net

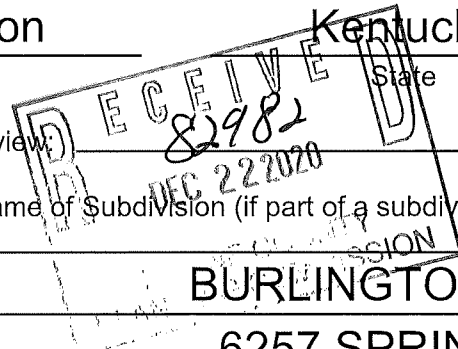
4. Description of Request:  
Request for variance to allow 6' high decorative fence in front yard

5. Name of Development: Burlington Storage  
5805 Kingsgate Drive  
 6. Location of Development: \_\_\_\_\_  
Burlington Kentucky 41005  
 City State Zip Code

7. Acreage Under Review: 9.3973

8. Lot Number and Name of Subdivision (if part of a subdivision): \_\_\_\_\_

9. Current Owner: BURLINGTON STORAGE LLC  
6257 SPRINGDALE RD  
 Address: \_\_\_\_\_  
Cincinnati Ohio 45247  
 City State Zip Code  
 Phone Number: 513-741-1400 Fax Number: 513-741-4457  
 Email: kelvin@rjkassociates.net



Self Storage - C-3

10. Proposed Use(s) on Site: \_\_\_\_\_

11. Total Square Footage of Existing and/or Proposed Buildings: \_\_\_\_\_

12. Current Zoning: C-3

13. 1127 573 2030  
Deed Book Page Group Number

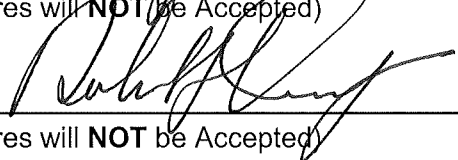
14. Is the site subject to a zone change:  Yes  No  
If yes, date of approval: \_\_\_\_\_

15. Have you submitted a Site Plan with this request:  Yes  No

16. Have you submitted a list of adjoining property owners with this request:  Yes  No

17. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

ORIGINAL Property Owner's Signature:  Robert J. KRUMDIECK  
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

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

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

1. Date Received: 12-22-20 Fee Received: \$966.00 Receipt #: 82982

2. Is application complete:

3. Staff Reviewer: M. Schwartz

4. Scheduled Board Action Date: 1/13/2021

5. Board Action: 1/13/2021

- Approved
- Approved with Conditions (see #6)
- Denial (See #7)

6. Conditions of Approval: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. Reasons for Denial: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

## STAFF REPORT

#3

APPLICANT: Burlington Storage, LLC, per Robert J. Krumdieck

LOCATION: Along the northwest side of Kingsgate Drive, approximately 400 feet southwest of Burlington Pike, and being immediately southwest of the property located at 2445 Burlington Pike (5805 Kingsgate Drive), Boone County, Kentucky

ZONING: Commercial Services (C-3)

DATE: January 13, 2021

### PROPOSAL

- A. The applicant is requesting a Variance to increase the height of an ornamental fence within the required front yard from four (4) feet to six (6) feet, on an approximate 10.8 acre area located along the northwest side of Kingsgate Drive, approximately 400 feet southwest of Burlington Pike, and being immediately southwest of the property located at 2445 Burlington Pike (5805 Kingsgate Drive), Boone County, Kentucky.

### SITE HISTORY

- 1980 Information contained in the Boone County GIS indicates that the site in question was zoned SR-2 and C-3
- 1992 As part of the 1992 Zoning Ordinance Update, the site was rezoned to the C-3 district
- 1997 A Conveyance Plat was approved by the Boone County Planning Commission, creating the site in question.
- 2019 On October 18, 2019, the Boone County Planning Commission approved a Site Plan for earthwork and grading
- 2020 On June 1, 2020, the Boone County Planning Commission approved a Site Plan for three storage buildings and an office

### APPLICABLE REGULATIONS

- A. Section 250 of the Boone County Zoning Regulations states that one of the duties of the Board of Adjustment is to hear and decide on applications for variances.
- B. Section 3655.4, of the Boone County Zoning Regulations reads as follows:
- "4. Fences shall be permitted within the front yard and corner side yard (Unincorporated Boone County, City of Union, and City of Walton only) according to the following standards:
- a. No fence can be taller than four (4) feet. The maximum height for fences in front yard and corner side yard areas in the I-1 and I-2 zones is eight (8) feet provided the fence meets the minimum required front yard or corner side yard building setback as applicable.
  - b. Fences shall be of a decorative design, (chain link, barbed wire, stock wire, chicken wire and similar type fences are not permitted) and shall be designed to have an opacity of fifty (50) percent or less.

- c. No fence can be located within a public right-of-way nor can it be located in an area which will obstruct the sight triangle for any motorist or pedestrian as defined in Article 32.”
- C. Section 250 of the Boone County Zoning Regulations defines a variance as a departure from dimensional terms of the zoning regulation pertaining to the height, width, or location of structures, and the size of yards and open spaces where such departure meets the requirements of KRS 100.241 to 100.247.
- D. The Board should evaluate the request as it relates to the criteria necessary for granting a Variance as stated in Section 251 of the Boone County Zoning Regulations.
  - 1. Findings listed in Section 251:
    - a. Before any variance is granted, the Board must find that the granting of the variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations. In making these findings, the board shall consider whether:
      - (1) The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;
      - (2) The strict application of the provisions of the regulations would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant;
      - (3) The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.
    - b. The Board shall deny any request for a variance arising from circumstances that are the result of willful violations of the zoning regulation by the applicant subsequent to the adoption of the zoning regulation from which relief is sought.
- E. Section 1030 of the Boone County Zoning Regulations states that “The purpose of the Commercial Services district is to provide, control and centralize those types of commercial activities which; a) depend on and generate high vehicular accessibility, visibility and traffic; and/or b) large outdoor single-purpose storage, display and parking areas and c) which do not fit the scale, character, trade area and general objectives of the other commercial districts in this article or the employment districts defined in Article 11. Such districts will generally be organized about regional or major community trade areas. Sites will be of suitable lands which can be appropriately buffered from surrounding urban uses. Districts will be located to have direct visibility from major arterials. District facilities and plans should be organized to accomplish as much clustering of compatible uses, sharing of parking and access, signage, lighting and other spaces and improvements as possible.”

RELATIONSHIP TO THE COMPREHENSIVE PLAN

- A. The Our Boone County Plan 2040 Future Land Use Plan designates the site in question for "Commercial", "High Suburban Density Residential", and "Suburban Density Residential".

Commercial is defined as retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc.

High Suburban Density Residential is defined as single-family and/or attached housing of up to 8 dwelling units per acre. This classification is typified by townhouse, condominium, and zero-lot line development, and also pertains to existing mobile home parks.

Suburban Density Residential 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:

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).

Industries shall be promoted in suitable locations to make the county a vital part of a strong regional economy (Economy Goal A, Objective 2).

Boone County shall evaluate and promote business and economic sectors of the future and explore ways to encourage existing industry to be competitive in a regional and global economy (Economy Goal A, Objective 3).

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).

Effective site placement, architectural design, and landscape design for industrial uses shall enable a favorable relationship with adjoining uses. Smoke, dust, noise, and odor impacts shall be kept at a minimum and site development and enforcement shall be carefully coordinated with regulatory agencies (Economy Goal B, Objective 7).

- C. Kingsgate Drive is identified as a local roadway, providing for two way traffic within two driving lanes. A sidewalk exists along the southeast side of the roadway and a sidewalk will be constructed along the frontage of the site as part of the overall site development.

SITE CHARACTERISTICS

- A. The approximate 10.8 acre property is located along the northwest side of Kingsgate Drive, approximately 400 feet southwest of Burlington Pike.
- B. The site is currently being developed for a self storage business.

SURROUNDING LAND USES AND ZONING

North: O'Reilley Auto Parts (C-3)

South: Single-family residential dwellings (SR-1)

East: Single-family residential dwellings (SR-2) and medical office, Public Defenders Office, and professional office uses (PF)

West: Boone County Water District Main Office and Garage (C-3)

PROPOSED DEVELOPMENT

- A. Installation of a six (6) foot high ornamental fence in the front yard, set back a minimum of thirty-two (32) feet from the front property line.
- B. The proposed fence will be attached to an existing privacy wood fence.

STAFF COMMENTS

- A. Other than the height of the fence, the proposal meets the requirements of Section 3655.4, of the Boone County Zoning Regulations.
- B. The approved site plan for the site includes landscaping along Kingsgate Drive. This landscaping will be installed between the street and the proposed fence.
- C. On February 13, 2019, the Boone Board of Adjustment approved a similar request for the property located at 8401 Dixie Highway (Florence Self Storage) (BCBOA-19-002).

CONCLUSION

- A. KRS 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 request.
- B. Section 251 of the Boone County Zoning Regulations identifies criteria necessary for granting a Variance. The applicant needs to provide information as to how their application meets this criteria.

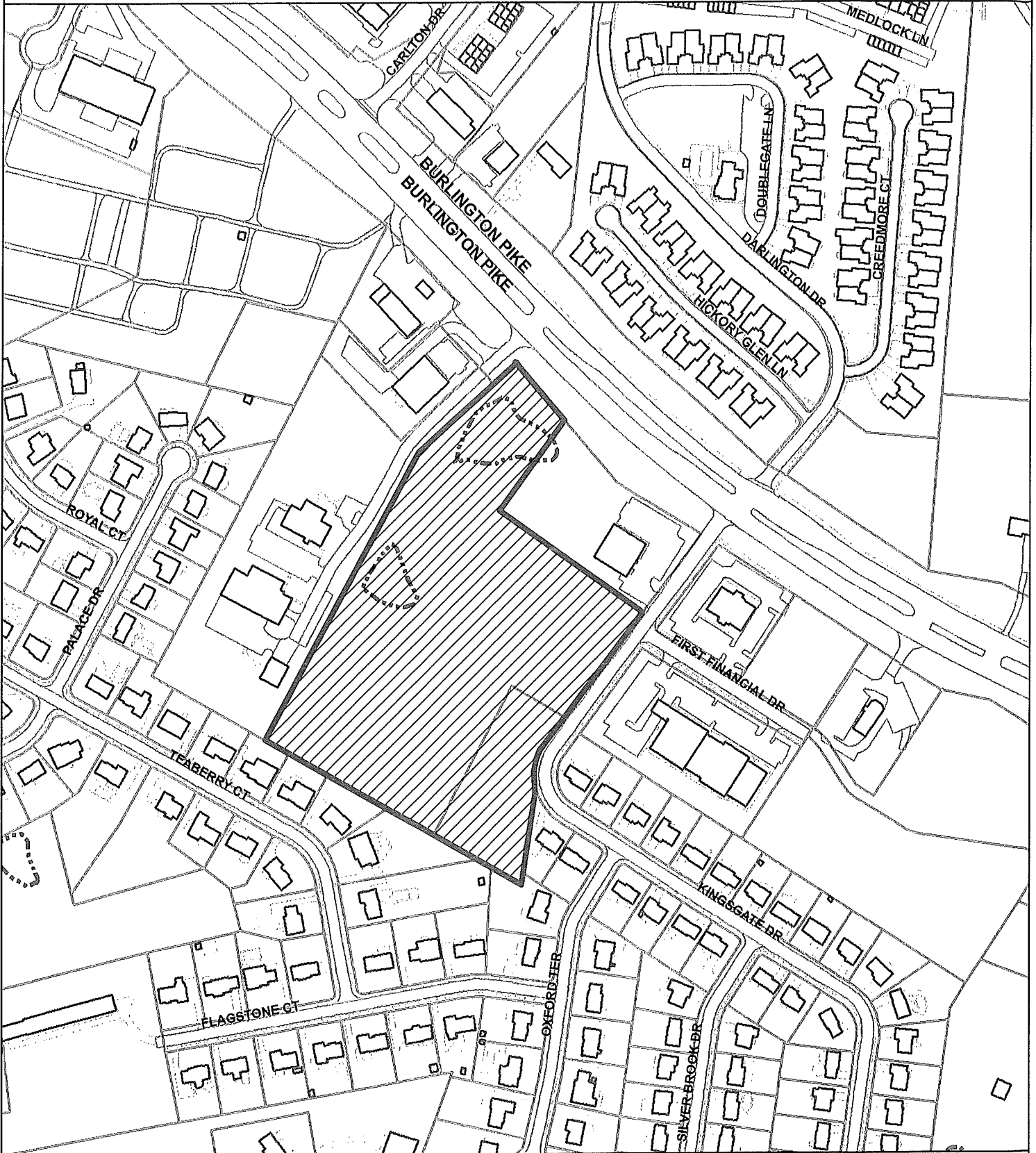
Respectfully submitted,



Michael D. Schwartz

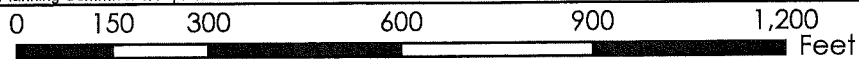
# Vicinity Map

www.boonecountygis.com



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Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



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

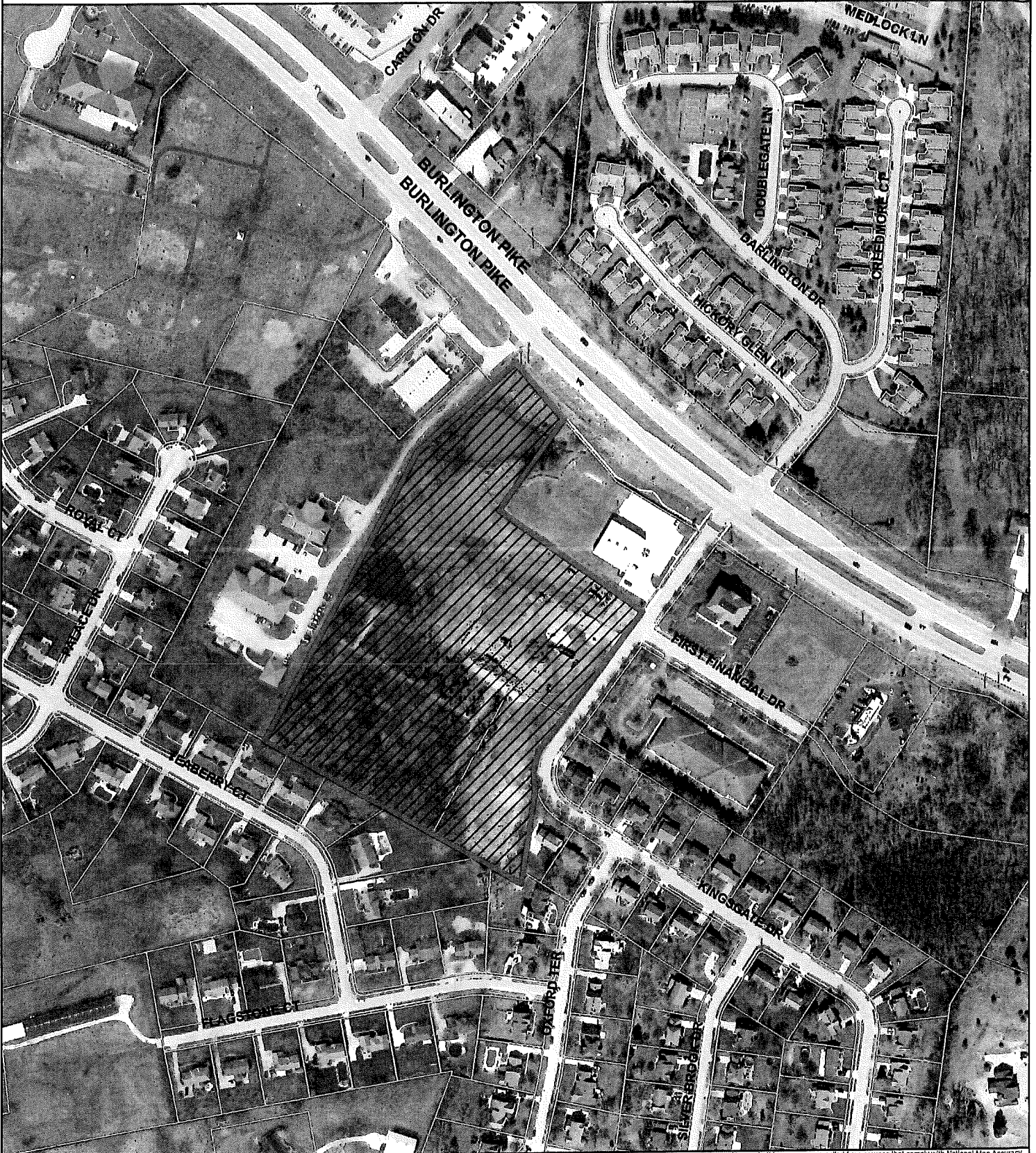


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2018 File: 1.mxd by: B.M. 1/1/18  
ArcMap Document: \*.mxd

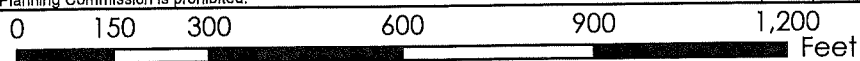
# Aerial Map

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**Boone County GIS**



# Topographical Map

www.boonecountygis.com

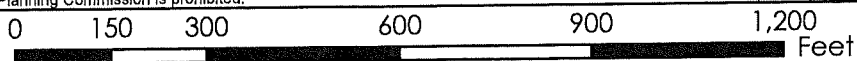


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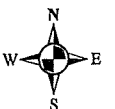
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**Boone**

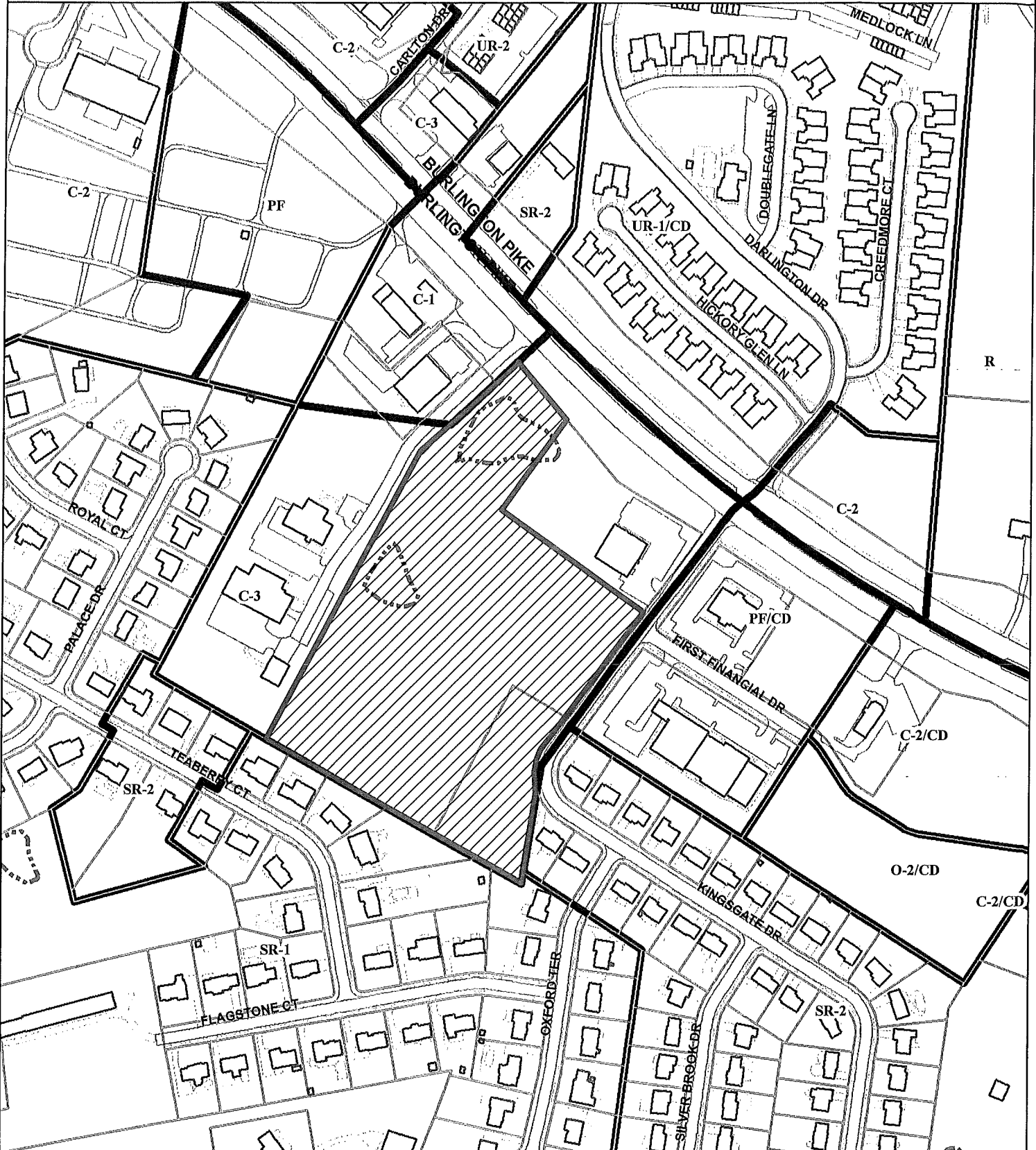


1 inch = 300 feet



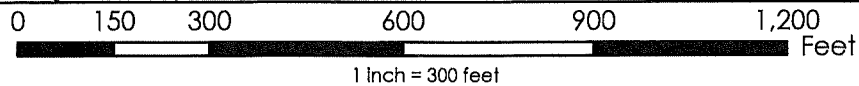
# Zoning Map

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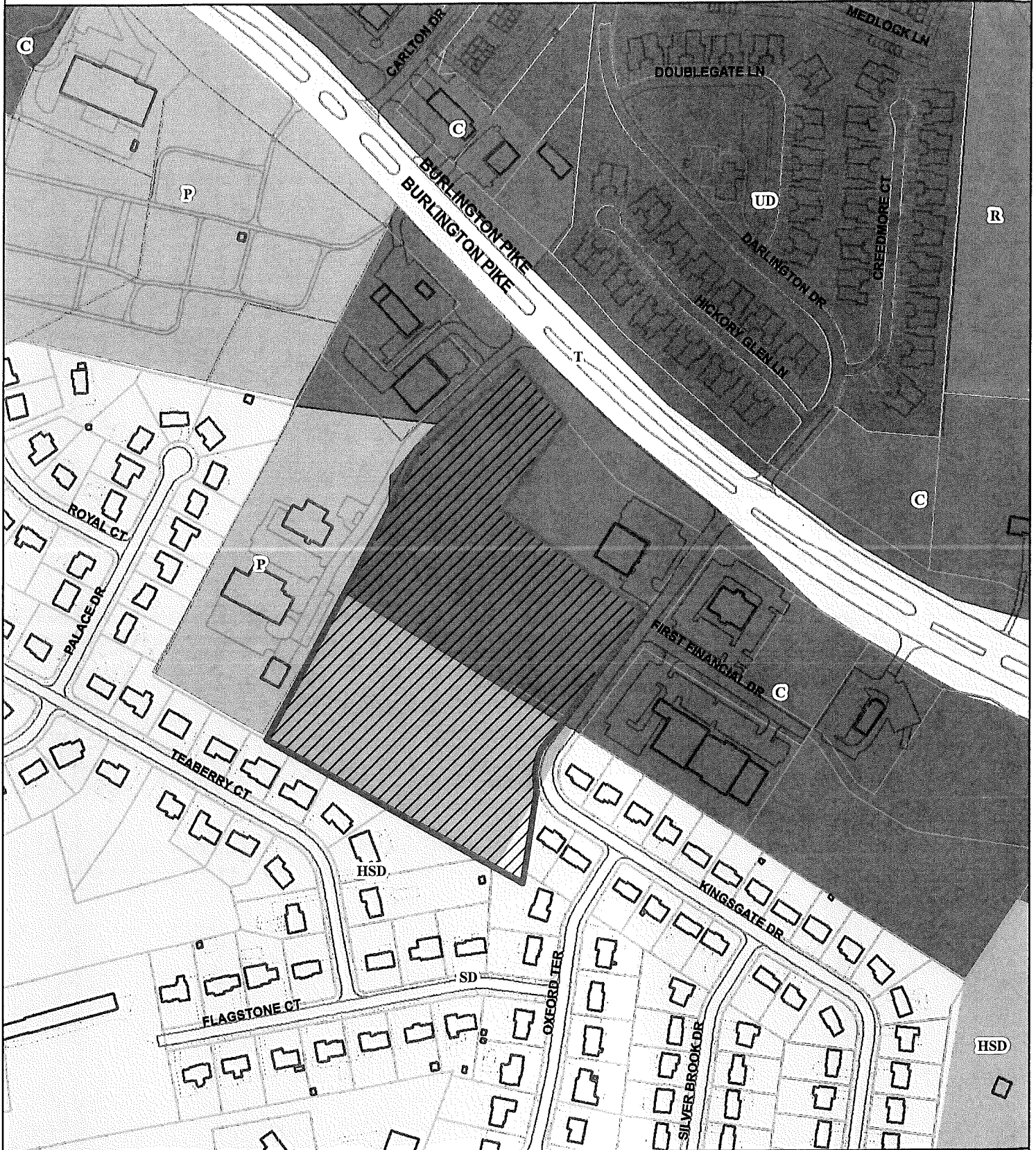
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ArcMap Document: \*.mxd

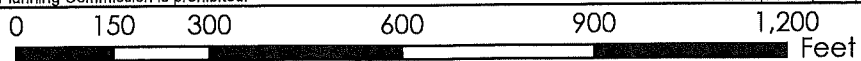
# 2040 Future Land Use Map

www.boonecountygis.com



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BOONE COUNTY PLANNING COMMISSION**

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2. Check One  Conditional Use Permit  Variance  Appeal  
 Change in Non-Conforming Use

3. Applicant: BURLINGTON STORAGE LLC

Address: 6257 SPRINGDALE RD

Cincinnati Ohio 45247  
City State Zip Code

Phone Number: 513-741-1400 Fax Number: 513-741-4479

Email: kelvin@rjkassociates.net

4. Description of Request: Request for variance to allow 6' high decorative fence in front yard

5. Name of Development: Burlington Storage

6. Location of Development: 5805 Kingsgate Drive

Burlington Kentucky 41005  
City State Zip Code

7. Acreage Under Review: 9.3973

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

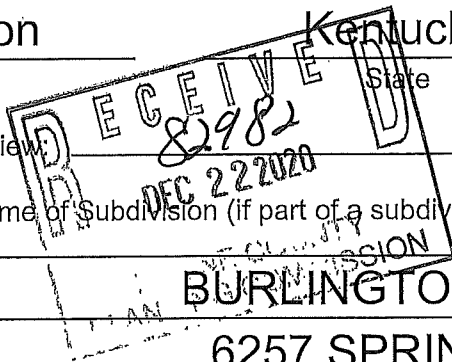
9. Current Owner: BURLINGTON STORAGE LLC

Address: 6257 SPRINGDALE RD

Cincinnati Ohio 45247  
City State Zip Code

Phone Number: 513-741-1400 Fax Number: 513-741-4457

Email: kelvin@rjkassociates.net



Self Storage - C-3

10. Proposed Use(s) on Site: \_\_\_\_\_

11. Total Square Footage of Existing and/or Proposed Buildings: \_\_\_\_\_

12. Current Zoning: C-3

13. 1127 573 2030  
Deed Book Page Group Number

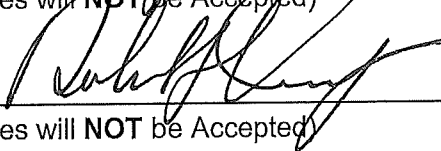
14. Is the site subject to a zone change:  Yes  No  
If yes, date of approval: \_\_\_\_\_

15. Have you submitted a Site Plan with this request:  Yes  No

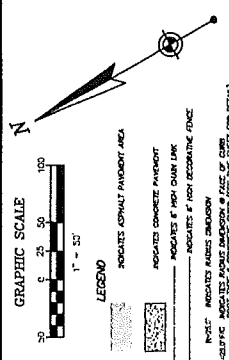
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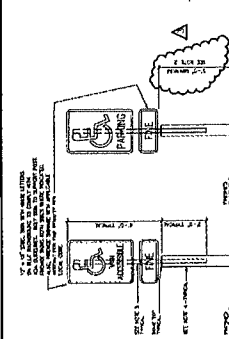
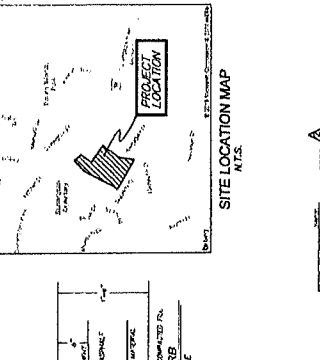
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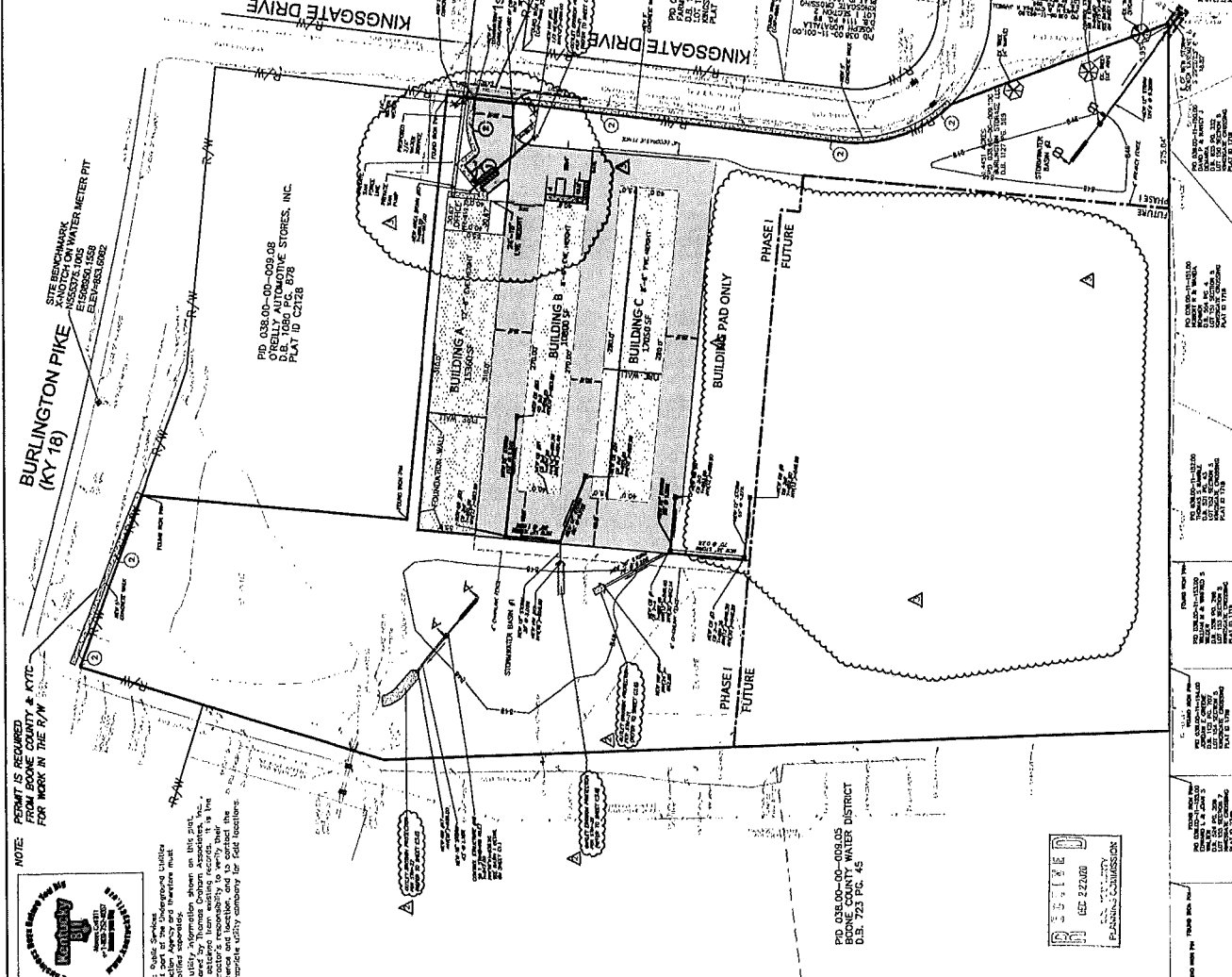
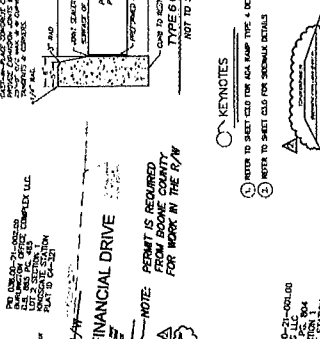
No.	Description
1	EXISTING PLANNING
2	PROPOSED PLANNING
3	EXISTING UTILITIES
4	PROPOSED UTILITIES
5	EXISTING CONSTRUCTION
6	PROPOSED CONSTRUCTION



**DOCUMENTATION OF PARKING**  
 1. PARKING SPACES SHALL BE PROVIDED IN ACCORDANCE WITH THE FOLLOWING:  
 - 1.5 SPACES PER 1,000 SF OF GROSS FLOOR AREA  
 - 1.5 SPACES PER 1,000 SF OF GROSS FLOOR AREA FOR RETAIL USE  
 - 1.5 SPACES PER 1,000 SF OF GROSS FLOOR AREA FOR OFFICE USE  
 - 1.5 SPACES PER 1,000 SF OF GROSS FLOOR AREA FOR RESIDENTIAL USE  
 - 1.5 SPACES PER 1,000 SF OF GROSS FLOOR AREA FOR PUBLIC USE  
 - 1.5 SPACES PER 1,000 SF OF GROSS FLOOR AREA FOR INDUSTRIAL USE  
 - 1.5 SPACES PER 1,000 SF OF GROSS FLOOR AREA FOR OTHER USE



**NOTES**  
 1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC) AND THE INTERNATIONAL PLUMBING CODE (IPC).  
 2. ALL UTILITIES SHALL BE DEPTH MARKED AND PROTECTED.  
 3. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE KENTUCKY CONSTRUCTION CODE (KCC) AND THE KENTUCKY PLUMBING CODE (KPC).



**NOTE: PERMIT IS REQUIRED FOR WORK IN THE R/W**  
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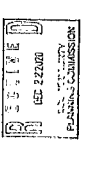
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CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)  
Burlington Storage LLC  
6257 Springdale Road  
Cincinnati, OH 45247
2. ADDRESS OF PROPERTY  
5805 Kingsgate Drive  
Burlington, KY 41005
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)  
Burlington Storage LLC
4. DEED BOOK 1127                      PAGE NO. 573                      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 14 day of January, 2020.



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.)