

**BOARD OF ADJUSTMENT
BOONE COUNTY PLANNING COMMISSION**

RECEIVED
83241
FEB 11 2021
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: Jimmy Patterson
Address: 8147 Dixie Hwy.
Florence Kentucky 41042
City State Zip Code
Phone Number: (859) 444-0425 Fax Number: _____
Email: _____
4. Description of Request: 2 storage garages 20ft MAX. HT.
5. Name of Development: Private residence (non-subdivision)
6. Location of Development: City limits
Florence Kentucky 41042
City State Zip Code
7. Acreage Under Review: 1.12 acres
8. Lot Number and Name of Subdivision (if part of a subdivision):
House number 8147 No lot #/non-subdivision
9. Current Owner: Jimmy Patterson
Address: 8147 Dixie Hwy.
Florence Kentucky 41042
City State Zip Code
Phone Number: (859) 444-0425 Fax Number: _____
Email: _____

10. Proposed Use(s) on Site: personal vehicle storage

11. Total Square Footage of Existing and/or Proposed Buildings: 2,994

12. Current Zoning: C3

13. D 1035 679 74 + 23
Deed Book Page Group Number 2050

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: Jimmy Patterson
(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

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

- Legal Description (Deed)
- Names & Mailing Addresses of the adjoining property owners
- Concept Plan
- Fee: \$966.00

⇒ DEADLINE: TUE, FEB 16, 2021

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

1. Date Received: 2-11-21 Fee Received: \$966.00 Receipt #: 83241

2. Is application complete: 3

3. Staff Reviewer: M. Schwartz

4. Scheduled Board Action Date: March 10, 2021

5. Board Action: March 10, 2021

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

6. Conditions of Approval: _____

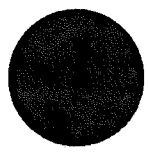
7. Reasons for Denial: _____

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
www.boonecountyky.org

3
MA

24

Send Tax Bills to:
8147 Dixie Highway, Florence, KY 41042-3233



GENERAL WARRANTY DEED

THIS DEED is between Ronnie W. Helton, unmarried, (herein "Seller") whose mailing address is 6553 Sugar Tree Ln Independence KY 41051 and Jimmy D. Patterson, unmarried, (herein "Buyer"), whose mailing address is 8147 Dixie Highway, Florence, KY 41042-3233.

In consideration of \$100,000.00, which the parties hereto certify is the full consideration paid for the property, the receipt of which is hereby acknowledged, the seller hereby conveys to the Buyer in fee simple with Covenant of GENERAL WARRANTY, the following described property located in Boone County, KY, to-wit:

The following described property located in the County of Boone, State of Kentucky, to wit:
See Attached Exhibit "A"

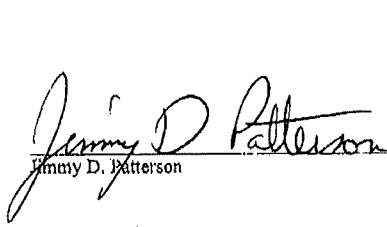
Parcel#073.00-00-017.00 Address: 8147 Dixie Highway, Florence, KY 41042-3233

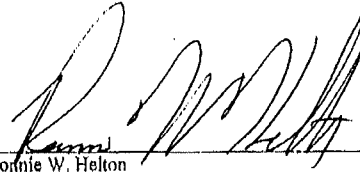
Said estate is free from all encumbrances except restrictions and easements of record, zoning regulations and state, county and school and city real estate taxes due and payable in 2014 and thereafter, which Buyer assumes and agrees to pay.

The Buyer executes this Deed for the sole purpose of certifying the consideration pursuant to KRS Chapter 382; and IN AFFIRMATION of this conveyance, witness the signature of the Seller, on 3/25/2014.

RETURN TO: PG. 2

**Boone County
D1035 PG 679**

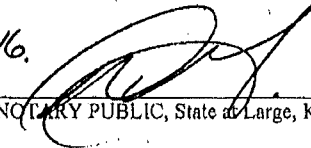

Jimmy D. Patterson

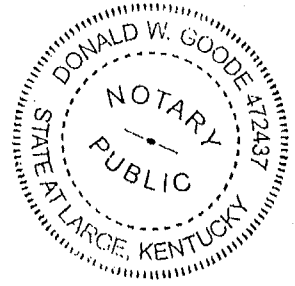

Ronnie W. Helton

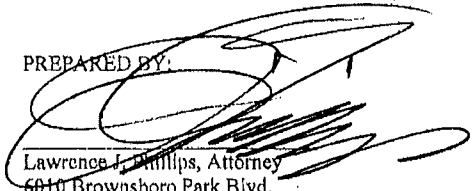
STATE OF KENTUCKY
COUNTY OF Boone

The foregoing Deed and Consideration Certificate was acknowledged and sworn to before me on 3/25/2014, by Ronnie W. Helton, unmarried, Seller; and by Jimmy D. Patterson, unmarried, Buyer.

My Commission Expires: 8-9-2016.


NOTARY PUBLIC, State at Large, Kentucky



PREPARED BY:


Lawrence J. Phillips, Attorney
6010 Brownsboro Park Blvd.
Suite H
Louisville, Kentucky 40207
(502) 899-3119
File No.:20140061

RETURN TO:

Boone County
D1035 PG 680

END OF DOCUMENT

EXHIBIT "A"

LEGAL DESCRIPTION

PARCEL I:

BEGINNING AT THE COMMON CORNER OF LOTS 175 AND 176 OF SAID SUBDIVISION IN THE SOUTHEAST LINE OF FIRST STREET; THENCE ALONG SAID LINE OF FIRST STREET N. 50 DEG. 35' E., 100 FEET TO A POINT, SAID POINT BEING THE NORTHEAST CORNER OF SAID LOT 179, AS SHOWN ON A PLAT OF SAID SUBDIVISION; THENCE S. 40 DEG. 18' E., 200 FEET TO A POINT IN THE NORTHEAST LINE OF LOT 129; THENCE ON A LINE THROUGH LOTS 129 AND 132, INCLUSIVE, S. 50 DEG. 35' W., 100 FEET TO A POINT IN THE COMMON LINE BETWEEN LOTS 132 AND 133; THENCE WITH SAID LINE AND THE COMMON LINE OF LOTS 175 AND 176, N. 40 DEG. 18' W., 200 FEET TO THE BEGINNING. THE FOREGOING DESCRIBED TRACT OF LAND, 100 X 200 FEET, CONSISTS OF LOTS 176 TO 179, EACH FRONTING 25 FEET ON FIRST STREET, AND PARTS OF LOTS 129 TO 132, INCLUSIVE.

BEING THE SAME PROPERTY CONVEYED TO GRANTORS BY DEED DATED NOVEMBER 12, 1988 AND RECORDED IN DEED BOOK 396, PAGE 249, BOONE COUNTY CLERK'S RECORDS AT BURLINGTON, KENTUCKY.

PARCEL II:

ALL OF LOTS NUMBERS 170, 171, 172, 173, 174, 175 AND THE ADJACENT NORTH TEN (10) FEET OF LOT No. 169, OF DEVON HEIGHTS SUBDIVISION AS SHOWN IN PLAT BOOK 1, PAGE 54, OF THE BOONE COUNTY CLERK'S RECORDS AT BURLINGTON, KENTUCKY.

BEING THE SAME PROPERTY CONVEYED TO THE GRANTORS HERBIN BY DEED DATED NOVEMBER 12, 1988 AND RECORDED IN DEED BOOK 396, PAGE 249, OF THE BOONE COUNTY CLERK'S RECORDS AT BURLINGTON, KENTUCKY.

PARCEL ID#: 073.00-00-017.00

GROUP #: 74 & 73

COMMONLY KNOWN AS: 8147 DIXIE HIGHWAY, FLORENCE, KENTUCKY 41042

COMMONLY KNOWN AS: 8147 DIXIE HIGHWAY
FLORENCE, KY 41042

PARCEL IDENTIFICATION NUMBER: 073.00-00-017.00

BEING the same property conveyed to Ronnie W. Helton by Deed dated February 8, 2005, of record in Deed Book 893, Page 707, in the Office of the Court Clerk of Boone County, Kentucky.

Boone County
D1035 PG 681

DOCUMENT NO: 651223
RECORDED ON: APRIL 14, 2014 01:18:38PM
TOTAL FEES: \$17.00
TRANSFER TAX: \$100.00
GROUP : 74
COUNTY CLERK: KENNY BROWN
COUNTY: BOONE COUNTY CLERK
DEPUTY CLERK: NICHELLE E
BOOK 01035 PAGES 679 - 681

STAFF REPORT

#2

APPLICANT: Jimmy Patterson

LOCATION: 8147 Dixie Highway, Boone County, Kentucky

ZONING: Commercial Services (C-3)

DATE: March 10, 2021

PROPOSAL

- A. The submitted request is for a Change of Nonconforming Use to allow the construction of a 1,530 square foot storage building and a 1,464 square foot storage building.

SITE HISTORY

- 1980 The 1980 Boone County zoning map identified the site as being zoned C-3.
- 2002 On March 5, 2002, the Boone County Planning Commission approved a Minor Site Plan to allow a car dealer at 8149 Dixie Highway.

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 changes in nonconforming uses as specified in this order.
- B. Section 273 of the Boone County Zoning Regulations states that the Board of Adjustment shall have the power to hear and decide on applications to permit a change from one nonconforming use to another. In reviewing such applications, the Board:
1. Shall not permit such a change unless the new nonconforming use is as equally or more compatible with permitted uses in the district in which it is located as the existing nonconforming use.
 2. Shall not allow any changed nonconforming use to be increased or enlarged, nor extended to occupy a greater area of land than was occupied by the original nonconforming use.
- C. In permitting such change in nonconforming use, the Board may require appropriate conditions and safeguards in accord with other provisions of this order, such as the provision of landscaping and buffering, the improvement of parking areas, and restrictions on the hours of operation.
- D. Kentucky Revised Statute (KRS) 100.253 (2), reads as follows: "The board of adjustment shall not allow the enlargement or extension of a nonconforming use beyond the scope and area of its operation at the time the regulation which makes its use nonconforming was adopted, nor shall the board permit a change from one (1) nonconforming use to another unless the new nonconforming use is in the same or a more restrictive classification, provided, however, the board of adjustment may grant approval, effective

to maintain nonconforming-use status, for enlargements or extensions, made or to be made, of the facilities of a nonconforming use, where the use consists of the presenting of a major public attraction or attractions, such as a sports event or events, which has been presented at the same site over such period of years and has such attributes and public acceptance as to have attained international prestige and to have achieved the status of a public tradition, contributing substantially to the economy of the community and state, of which prestige and status the site is an essential element, and where the enlargement or extension was or is designed to maintain the prestige and status by meeting the increasing demands of participants and patrons.”

- 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.”
- F. Residential dwellings are not identified as a principally permitted use within the C-1 district.
- G. Section 3110 of the Boone County Zoning Regulations requires a minimum front yard setback of fifty (50) feet, a minimum rear yard setback of twenty (20) feet, and a minimum side yard setback of ten (10) feet within the C-3 district.
- H. Section 3110 of the Boone County Zoning Regulations states that the maximum intensity within the C-3 district is 18,000 square feet per acre.
- I. Section 3153 of the Boone County Zoning Regulations states that accessory structures or uses shall be placed in the side or rear yard in all zoning districts.
- J. Section 4000 of the Boone County Zoning Regulations defines an accessory use or structure as a use or structure on the same lot as the principal use or structure and is subordinate and secondary in area, extent and purpose to the principal use or structure in which it serves. An accessory use or structure contributes to the comfort, convenience, and/or necessity for the occupants of the principal use or structure.

RELATIONSHIP TO THE COMPREHENSIVE PLAN

- A. The Our Boone County Plan 2040 Future Land Use Plan designates the site in question for “Industrial” uses, which is defined as manufacturing, wholesale, warehousing, distribution, assembly, mining, and terminal uses.
- 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).

Development policies shall not discriminate against any person (Demographics Goal A, Objective 1).

Promote quality of life amenities to retain current residents and attract new residents in order to have a stable and diversified population (Demographics Goal A, Objective 3).

Maintenance of sound existing housing and rehabilitation of deteriorating housing shall be encouraged and incentivized (Demographics Goal B, Objective 2).

Home ownership shall be encouraged and incentivized as well as redevelopment and renovation of deteriorating housing stock (Demographics Goal B, Objective 3).

- C. First Street (Florence) is identified as a local street, providing for two-way traffic within an approximate 12 foot pavement width and an approximate 36 right-of-way width. There are no sidewalks along the roadway.

SITE CHARACTERISTICS

- A. The approximate 1.1 acre property is located along the southeast side of First Street (Florence), approximately 600 feet northeast of Dixie Highway.
- B. The site is currently occupied by an approximate 1,400 square foot, one story, single-family residential dwelling and an approximate 2,700 square foot accessory structure.
- C. The site slopes upward 8 feet from northeast to southwest at an average grade of approximately 3%.
- D. Access to the site is from an existing curb cut onto First Street (Florence).

SURROUNDING LAND USES AND ZONING

- Northeast: Vacant/undeveloped wooded land (I-1)
- Northwest: Nucor Grating (I-1)
- Southeast: Vacant/undeveloped wooded land (C-3 and I-1)
- Southwest: Ollies Skate Park and Tasharna Corp (C-3)

PROPOSED DEVELOPMENT

- A. The applicant is proposing the following:
 - 1. Construction of a 24' x 61' accessory structure (1,464 square feet) for personal storage.
 - 2. Construction of a 30' x 51' accessory structure (1,530 square feet) for personal storage.

3. The proposed buildings will have:
 - a. A front yard setback of 50 feet.
 - b. A side yard setback of 80 feet.
 - c. A rear yard setback of 37.
4. The proposed building intensity will be approximately 7,100 square feet.

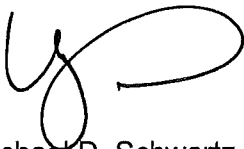
STAFF COMMENTS

- A. There are no other residential uses within the vicinity of the site.
- B. The site is surrounded by industrial and commercial zoning.
- C. The C-3 district identifies commercial parking facilities, commercial recreational vehicle parking facilities, and mini warehouses (self storage) as principally permitted uses within the C-3 district.
- D. In reviewing the submitted application, the applicant should address, and the Board must find, that the new nonconforming use is as equally or more compatible with permitted uses in the district in which it is located as the previous nonconforming use.
- E. The Board must find that the new nonconforming use is not an increase or enlargement over the previous nonconforming use and that the new nonconforming use is not occupying a greater land area than was occupied by the previous nonconforming use.

CONCLUSION

KRS 100.253 and Section 273 of the Boone County Zoning Regulations gives the Boone Board of Adjustment and Zoning Appeals the authority to act on the request.

Respectfully submitted,



Michael D. Schwartz
Planner

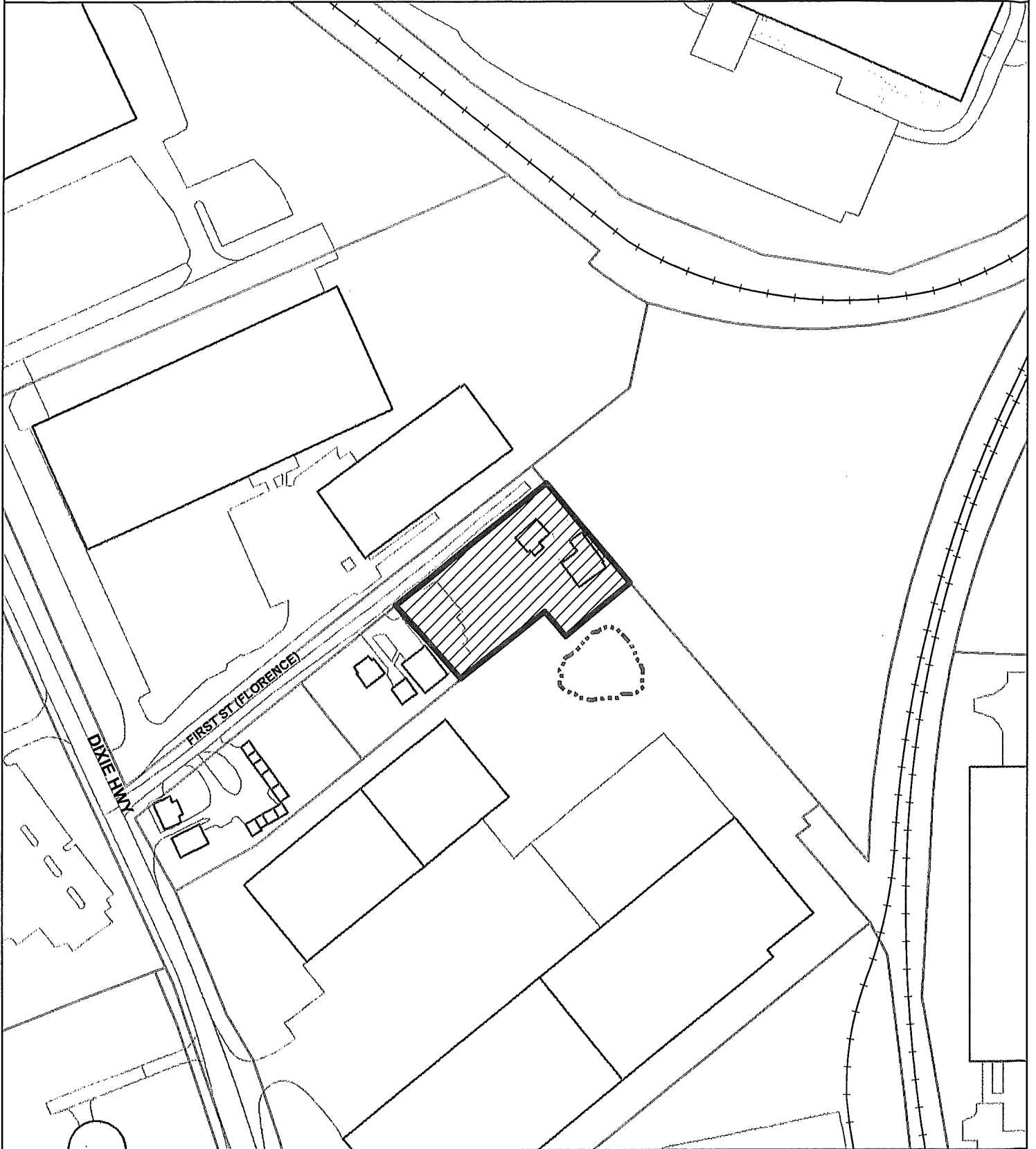
MDS/ss

Attachments

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

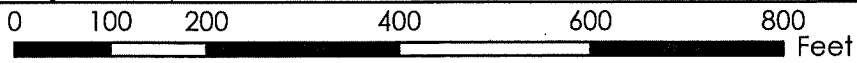
Vicinity Map

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1 inch = 200 feet



Boone

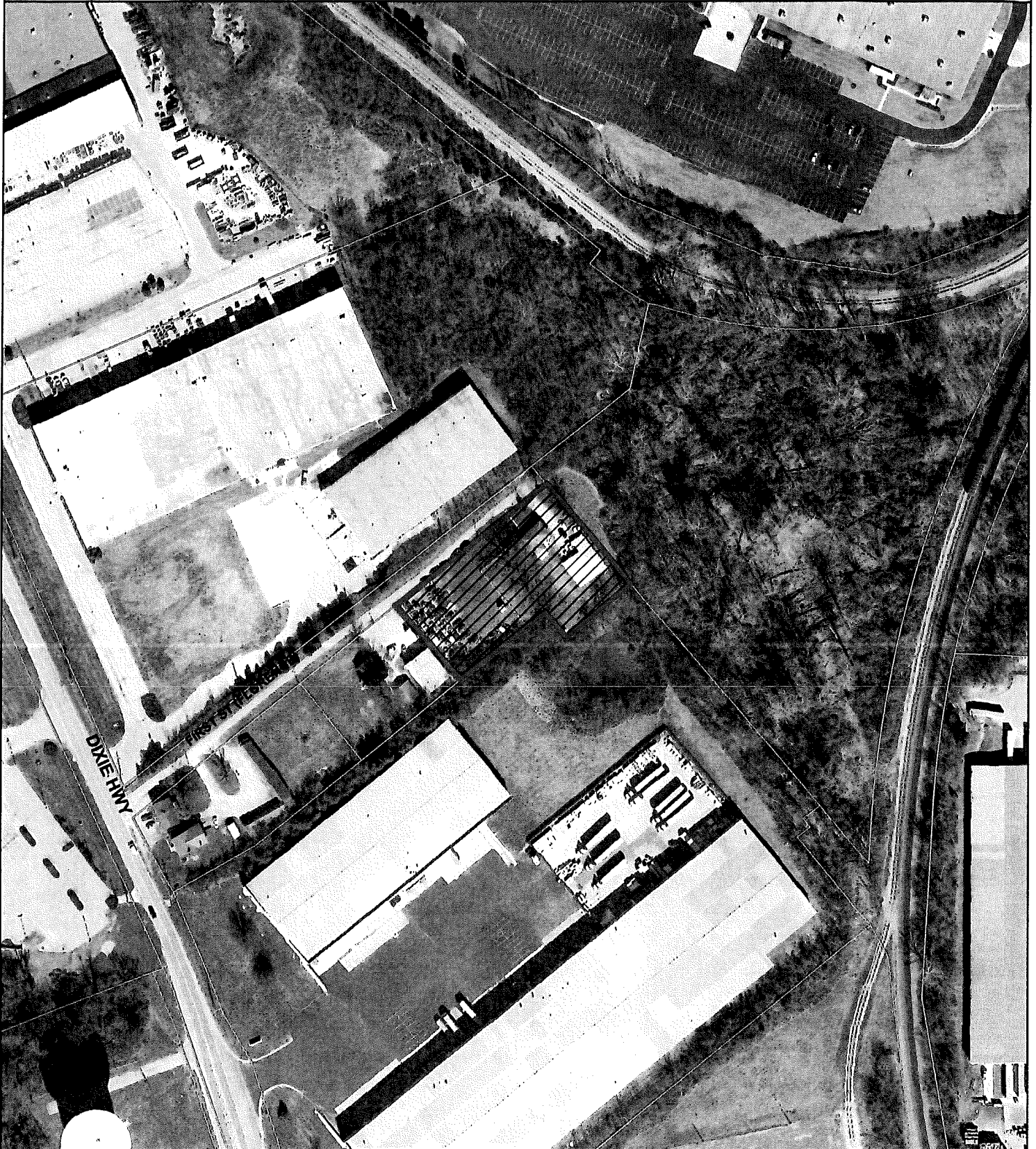


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Boone County GIS
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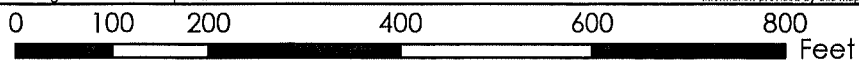
Aerial Map

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Boone County GIS - Putting Northern Kentucky on the Map

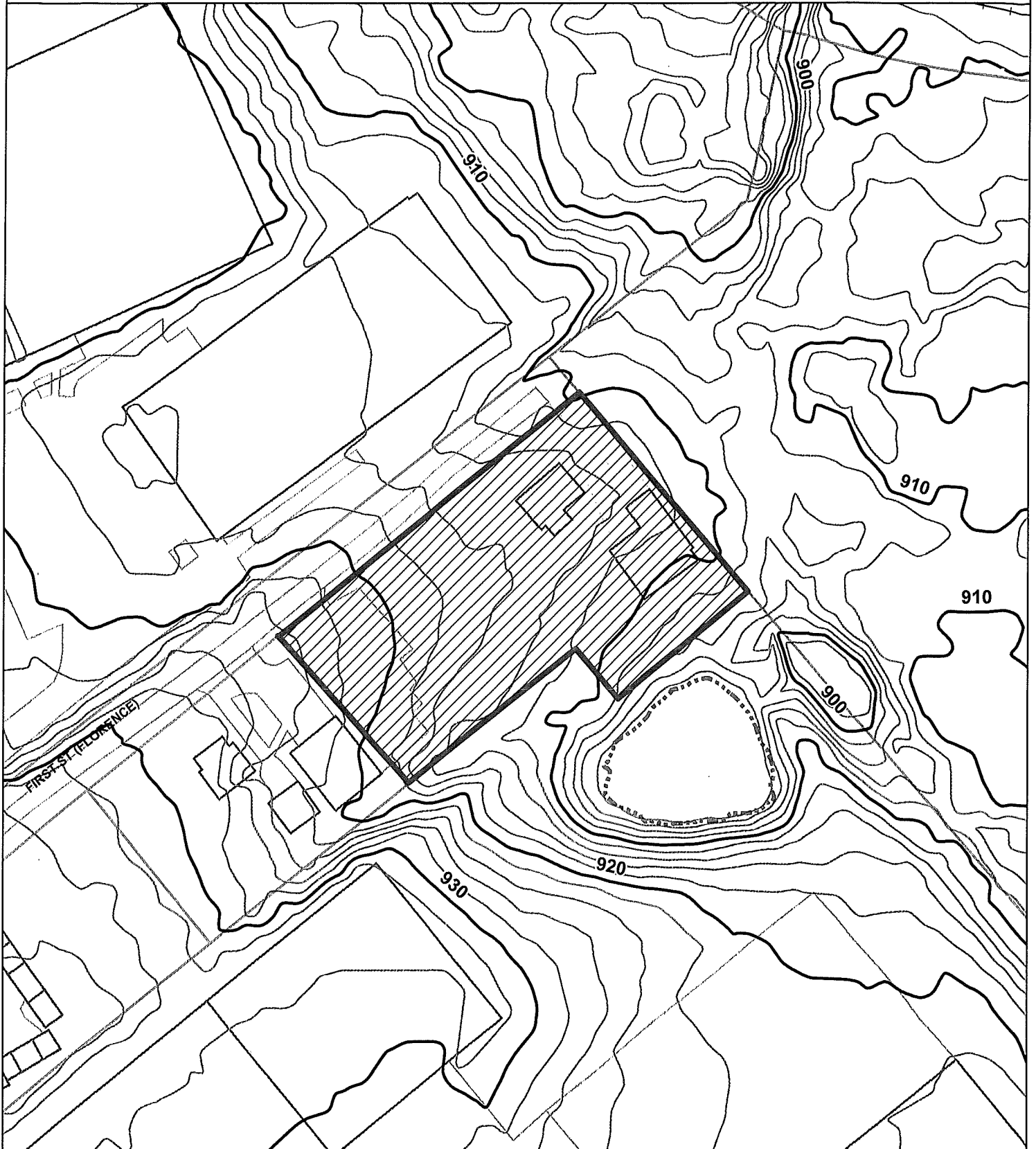


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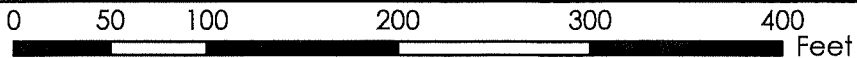
Topographical Map

www.boonecountygis.com



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1 inch = 100 feet

Boone Cou

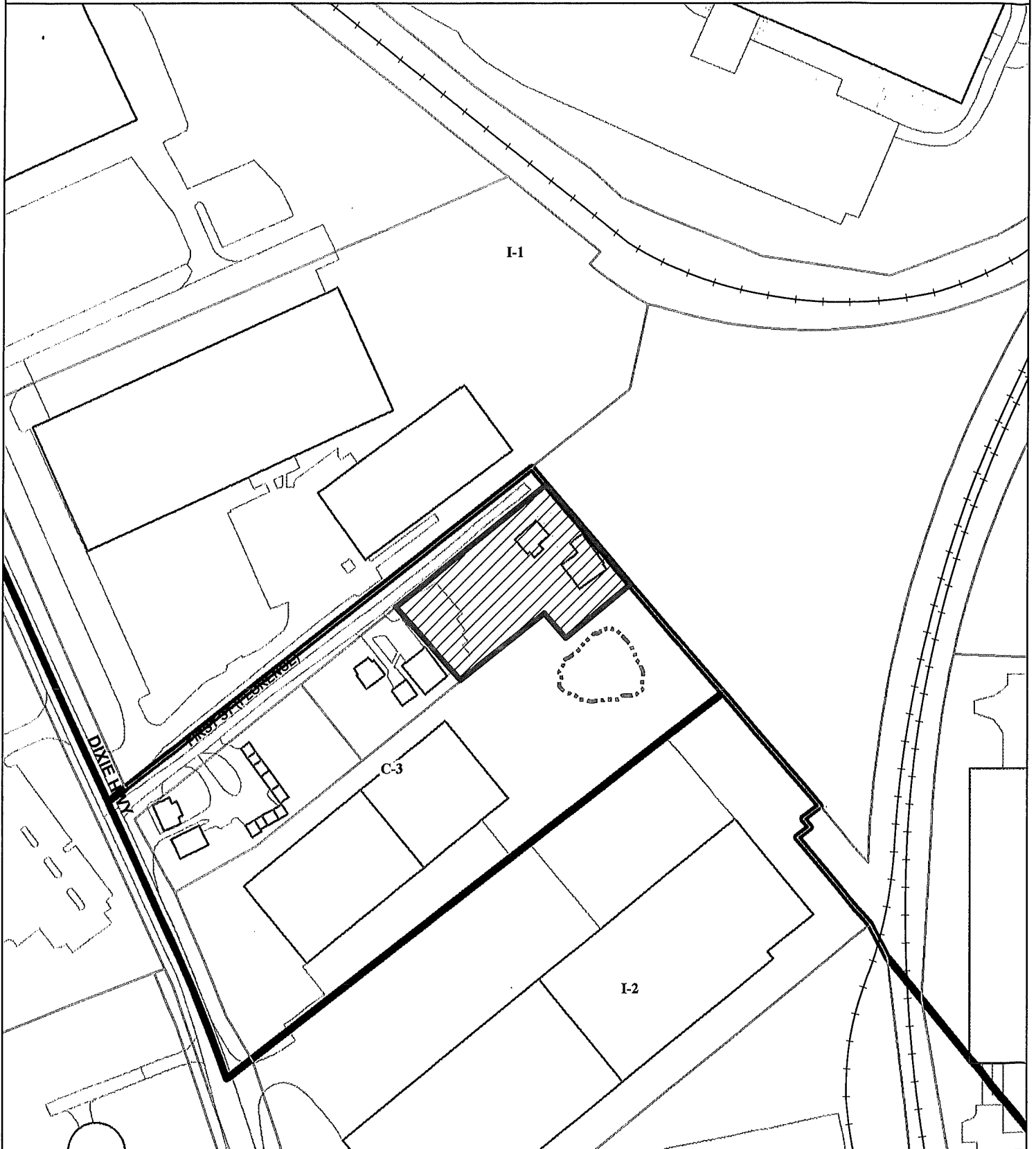


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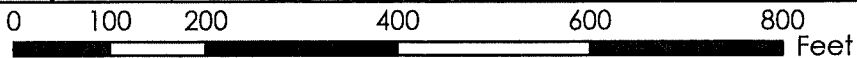
Topographical Map

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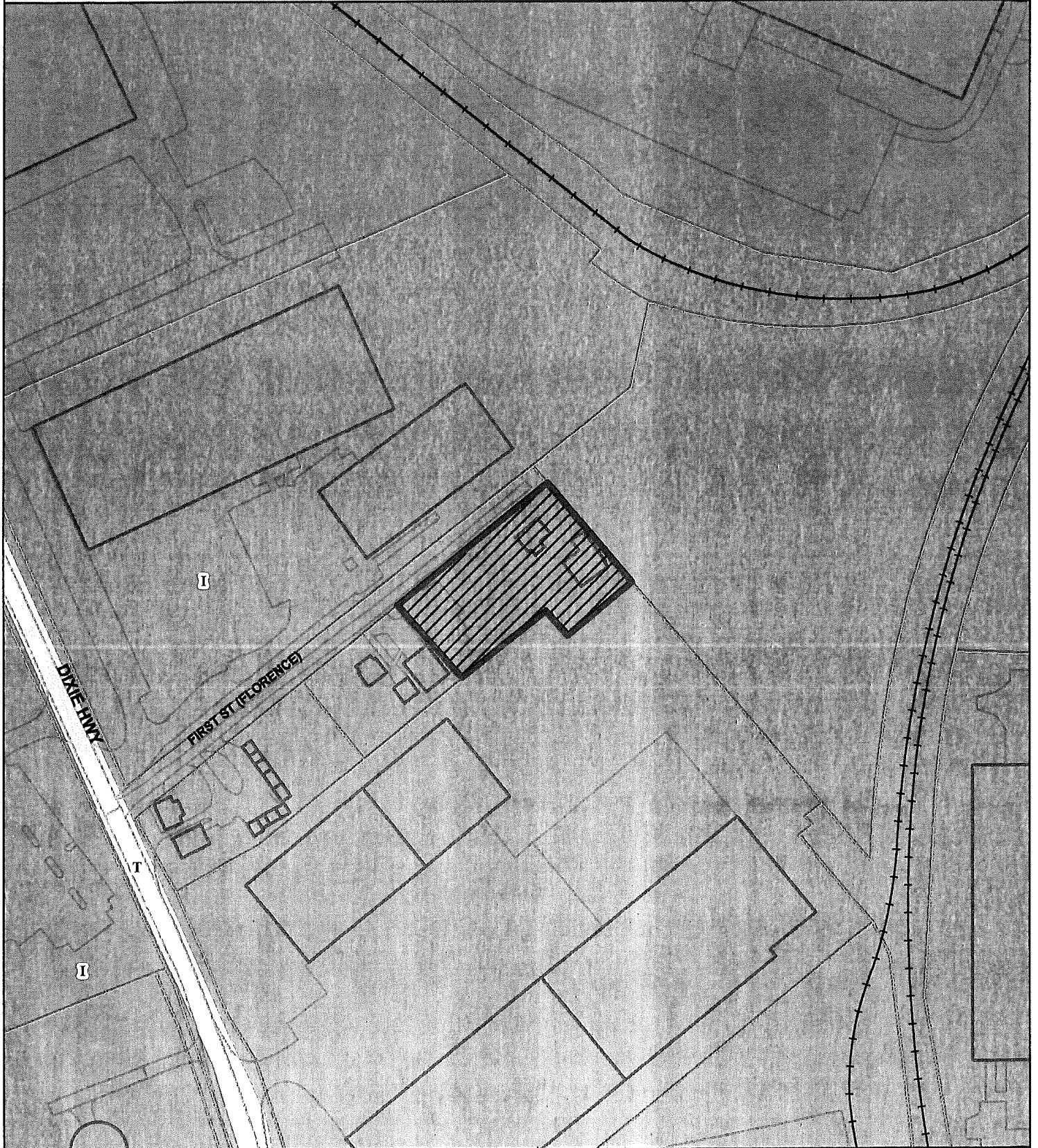


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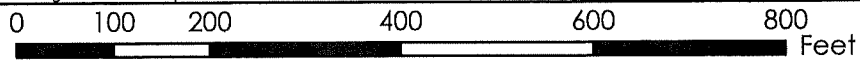
2040 Future Land Use Map

www.boonecountygis.com



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Boone



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**BOARD OF ADJUSTMENT
BOONE COUNTY PLANNING COMMISSION**

RECEIVED
83241
FEB 11 2021
BOONE COUNTY
PLANNING COMMISSION

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 Change in Non-Conforming Use
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City State Zip Code
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12. Current Zoning: C3
13. D 1035 679 74 + 73
Deed Book Page Group Number
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- Names & Mailing Addresses of the adjoining property owners
- Concept Plan
- Fee \$966.00

⇒ **DEADLINE: TUE, FEB 16, 2021**

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

1. Date Received: 2-11-21 Fee Received: \$966.00 Receipt #: 83241

2. Is application complete: 3

3. Staff Reviewer: _____

4. Scheduled Board Action Date: _____

5. Board Action: _____

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

6. Conditions of Approval: _____

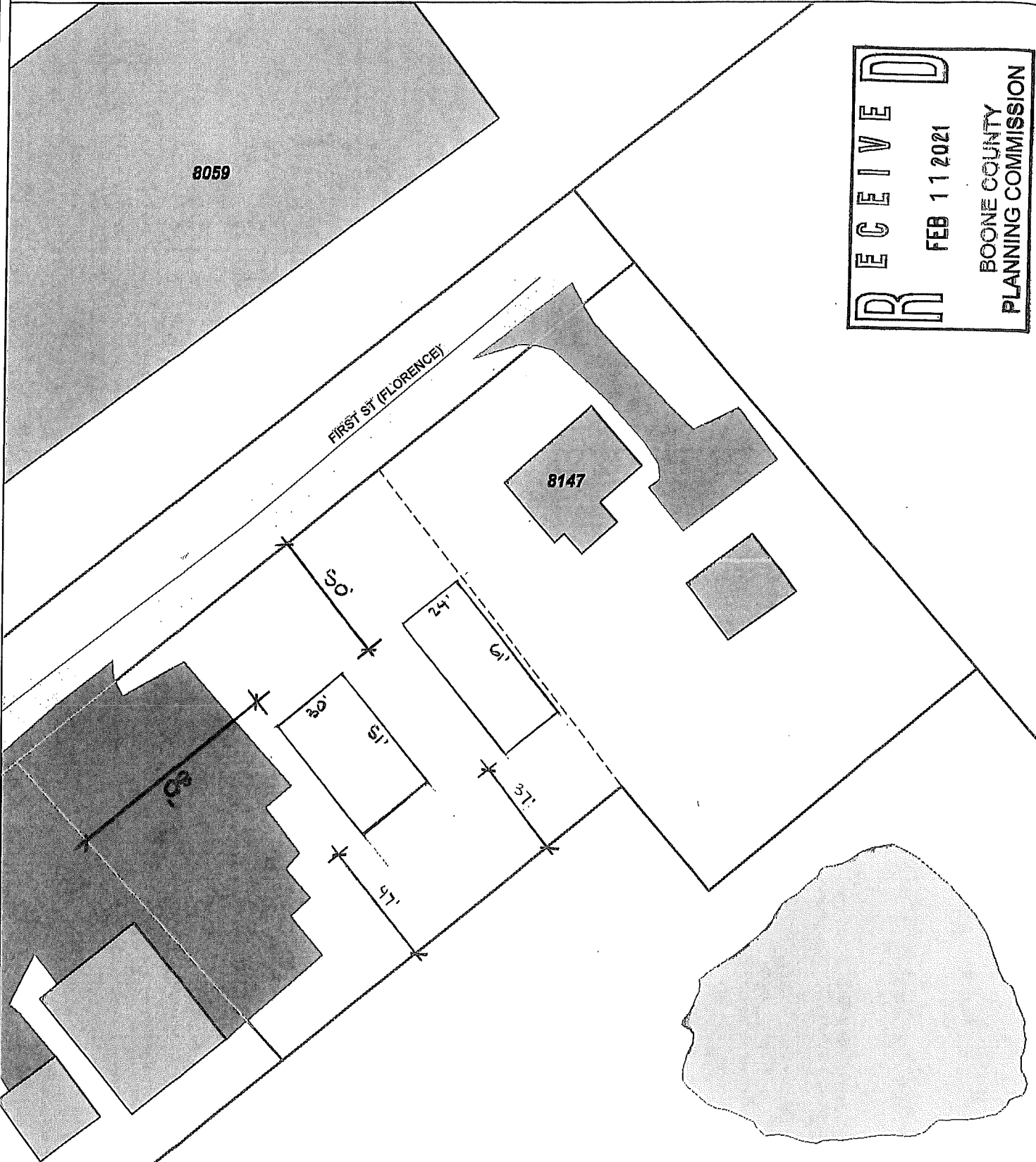
7. Reasons for Denial: _____

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

Boone County GIS Map

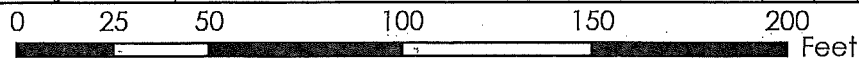
www.boonecountygis.com

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BOONE COUNTY
PLANNING COMMISSION



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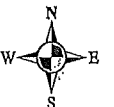
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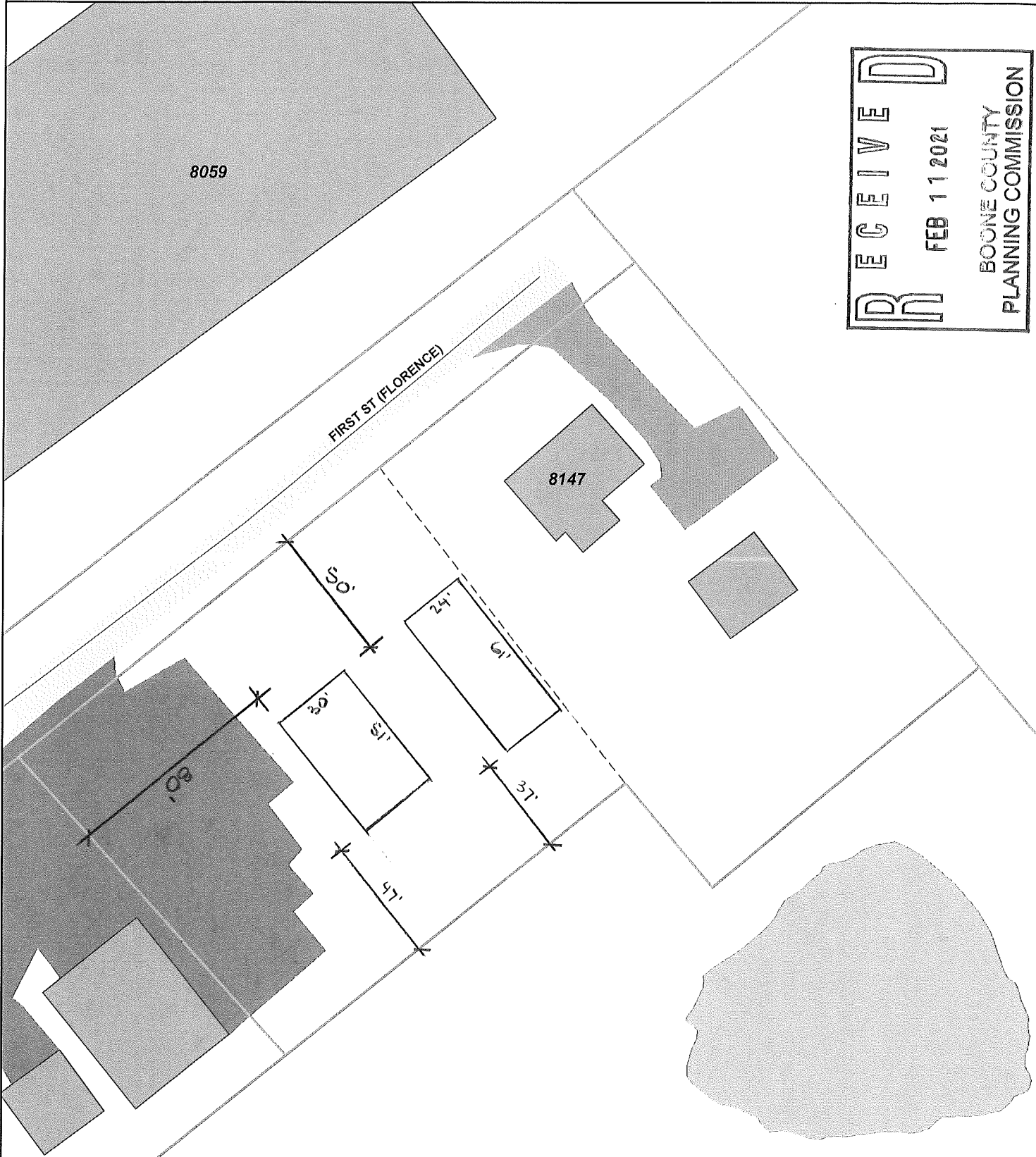
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Boone County GIS Map

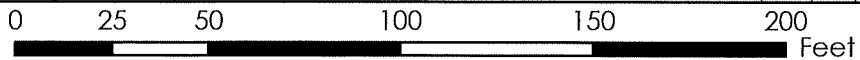
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1 inch = 50 feet



Boone County GIS - Putting Northern Kentucky on the Map



CERTIFICATE OF LAND USE RESTRICTION

- 1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Jimmy Patterson
8147 Dixie Hwy
Florence, KY 41042

- 2. ADDRESS OF PROPERTY
8147 Dixie Hwy
Florence, KY 41042

- 3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Jimmy Patterson

- 4. DEED BOOK 1035 PAGE NO. 679 GROUP NO. 2050

- 5. TYPE OF RESTRICTION(S) (Check all that apply)
 Zoning Map Amendment: Conditional Use Permit
From To
 Development Plan Conditional Zoning
 Subdivision Plat Other: Change in non-conforming use
(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

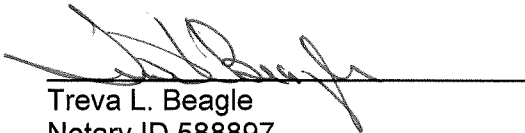
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

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

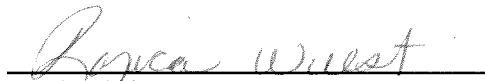
on behalf of the Boone County Planning Commission this 11 day of March, 2021.



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.)