

**BOARD OF ADJUSTMENT
BOONE COUNTY PLANNING COMMISSION**

RECEIVED
83215
FEB 12 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: BILL & JANINE BRADBURY - THE BLACK GOOSE ANTIQUES
Address: 10829 US HWY. 42
UNION KY 41091
City State Zip Code
Phone Number: 513-652-0289 Fax Number: _____
Email: jb@bradburydesignsonline.com
4. Description of Request:
ANTIQUE STORE IN AGRICULTURAL ZONE WOULD LIKE TO SELL COFFEE. WOULD LIKE TO ADD "RESTAURANT" TO ZONING DESIGNATION
5. Name of Development: THE BLACK GOOSE ANTIQUES
6. Location of Development: 10829 US HWY 42
UNION KY 41091
City State Zip Code
7. Acreage Under Review: ENTIRE SITE IS 0.89 ACRES
8. Lot Number and Name of Subdivision (if part of a subdivision):
NA
9. Current Owner: BILL & JANINE BRADBURY
Address: 10829 US HWY 42
UNION KY 41091
City State Zip Code
Phone Number: 513-652-0289 Fax Number: _____
Email: jb@bradburydesignsonline.com

10. Proposed Use(s) on Site: RETAIL / MERCANTILE / RESTAURANT MIXED USE

11. Total Square Footage of Existing and/or Proposed Buildings: ~~4,500 SF~~ 3,600 SF

12. Current Zoning: A-2

13. 1139 522 2063
Deed Book Page Group Number

14. Is the site subject to a zone change: Yes No
If yes, date of approval: SEPT. 9, 2020 ANTIQUE STORE WAS APPROVED AS A NON-CONFORMING USE.

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: Janine Bradbury
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

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

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

1. Date Received: 2-12-21 Fee Received: \$666.00 Receipt #: 83251

2. Is application complete: ✓

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



HERMES
C O N S T R U C T I O N C O .

8 Girard Street
Florence, KY 41042
859-781-7198
Fax 859-781-7197

February 11, 2021

Boone County Planning Commission
3rd Floor, Administration Building
2950 Washington St, Rm 317
P.O. Box 958
Burlington, KY 41005

RE: Zoning Application
Narrative – 10829 US Hwy. 42

The following is a brief description of the proposed plan for 10829 US Hwy 42, Union, KY 41091:

SUMMARY

Janine and Bill Bradbury (Owners of Bradbury Design, LLC) purchased the former Reeve's Collision Center on US 42, near New Haven Elementary in Union (unincorporated Boone County). The building had been vacant for about 8 months when the Bradburys purchased it. Their intent was to convert the former auto-body repair and mechanic shop into an Antique Store called "The Black Goose". They received the approval to operate as an Antique Store in an A-2 zone on September 9, 2020, and proceeded to invest money in the renovation of the property. During the course of the work, they decided that they would also like to sell coffee from their store. This would require them to be a restaurant by Boone County's standards. The owners are asking to modify the designation of the non-conforming use to include "restaurant", so overall, the building would be a mixed-use retail and restaurant establishment.

SITE

The 0.89 acre parcel is currently zoned A-2 in Unincorporated Boone County. The former Reeves Collision Center was a non-conforming use in that zone. The Black Goose use is more of a retail and restoration function, and would like to add "restaurant" to be able to sell coffee.

The current paving is worn, and parking spaces are no longer visible, but it is thought that the collision center would have been able to park 15 to 20 cars in various stages of repair in the lot along the street. In the Spring, The Black Goose will be re-paving the lot to include seven (7) parking spots and one (1) handicap spot.

BUILDING

The structural CMU block perimeter and wood frame building is 3,600 s.f. The original portion of the building is single-story, slab on grade. At some point a two-story addition was built in the rear of the building with similar construction.

THE PLAN

The Owner has recently converted the service bays into a retail store where customers can buy antiques, gifts, crafts, and décor. Two (2) new ADA accessible restrooms have been added directly adjoining the gallery area. The existing front office was converted into a check-out area. The existing man-door entrance will remain the main entrance, with a commercial grade glass entrance. The overhead doors have been removed, and new aluminum storefront windows have been installed to maximize natural light in the gallery. Seven parking spaces (+ 1 ADA Accessible space and ramp) with parking bumpers are planned in front of the building. A 5' sidewalk will separate the parking from the building. The upper floor in the rear is intended for offices, back-of-store functions, and inventory. The lower level will serve as an area for restoration of antiques and furniture. The entire building is heated and cooled. Coffee would be sold in the gallery area. There is no plan for any type of drive-thru service.

SIGNAGE

The Owner does NOT desire a monument sign or freestanding sign. The previous building sign was 64 square feet, backlit, and mounted to the building face above the front entrance. The new building sign will not exceed 64 s.f., and is not backlit. A signage permit has been approved, but the sign has not yet been installed.

ADJOINING PROPERTY OWNERS:

1. BENNETT, DANIEL & JULIE ANN, 826 BOULDER CT., VILLA HILLS, KY 41017
2. ERPENBECK, RON & ROBIN, 10833 US 42 HWY., UNION, KY 41091
3. MOEVES, MICHAEL PAUL & SUSAN, 10814 US HIGHWAY 42, UNION, KY 41091
4. SPARKS, ALJEAN, 1982 NEW HAVEN SCHOOL RD., WALTON, KY 41094
5. BOONE COUNTY SCHOOL DISTRICT, 8330 US 42 HWY., FLORENCE, KY 41042

EMAIL ADDRESSES for continued zoning hearing updates:

1. Tyson Hermes: thermes@HermesConstructionCo.com
2. Janine Bradbury: jb@bradburydesignsonline.com
3. Rick Carr: rick.carr@fuse.net

Thank you for your time and consideration. We look forward to improving Boone County together!

Sincerely,



Tyson Hermes, Vice President
Hermes Construction Co.

STAFF REPORT

#3

APPLICANT: Janine Bradbury

LOCATION: 10829 US 42, Boone County, Kentucky

ZONING: Agricultural Estate (A-2)

DATE: March 10, 2021

PROPOSAL

The applicant is requesting a Change in Nonconforming Use, changing the use of a portion of the interior of the building from an antique and gift store to an eating and drinking establishment, specifically a coffee shop, on property located at 10829 US 42.

SITE HISTORY

- 1960 to
1969 Based on information contained in the Boone County GIS, the existing building on the site was constructed.
- 1988 The Boone County Occupational License office issued opened an account for Reeves Collision Center Inc.
- 1993 On May 20, 1993, the Boone County Planning Commission approved a Conveyance Plat for the site in question. The plat had the following notation: "This parcel is a pre-existing non-conforming lot of record created by the division of Parcel 1; 1.608 acs. Recorded in D.B. 262, P. 176, 7-12-79."
- 2015 On October 2, 2015, the Boone County Zoning Administrator determined that the Reeves Collision Center was a nonconforming use.
- 2020 On September 9, 2020, the Boone Board of Adjustment approved a Change of Nonconforming Use, changing the use of the site from an auto repair facility to an antique and gift shop with antique and furniture restoration (BCBOA-20-021).
- 2020 On September 30, 2020, the Boone County Planning Commission approved a Minor Site Plan for interior renovation and parking lot site work.
- 2021 On January 14, 2021, the Boone County Planning Commission approved a Sign Permit allowing the installation of a building mounted sign on the front of the building (SP-BC-003-2021).

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 6200 of the Boone County Zoning Regulations state that “the purpose of the Agricultural Estate district is to provide for low density residential development and on a limited basis agricultural uses or agricultural related uses in the context of a rural environment.”
- F. Section 4000 of the Boone County Zoning Regulations defines an eating and drinking establishment as a restaurant serving food and/or alcoholic beverages, along with music. Eating and drinking establishments do not include an adult cabaret or any other type of sexually oriented business.

RELATIONSHIP TO THE COMPREHENSIVE PLAN

- A. The Our Boone County Plan 2040 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.

- 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).

Provide appropriate services, housing, employment, and shopping opportunities in order to meet the needs of the population in all geographic areas of the County (Demographics Goal A, Objective 4).

Local agriculture, business products, and services shall be encouraged and supported (Economy Goal A, Objective 4).

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).

- C. US 42 is identified as an arterial street, providing for two-way traffic within two driving lanes (one lane in each direction). There are no sidewalks along the roadway.

SITE CHARACTERISTICS

- A. The approximate 0.9 acre property is located along the west side of US 42, approximately 300 feet north of New Haven School Road.
- B. The site is currently occupied by an approximate 3,600 square foot commercial structure. The ground level of the structure contains approximately 2,400 square feet. The rear lower level of the structure contains approximately 1,200 square feet.
- C. The approved site plan identifies the provision of eight (8) off-street parking spaces.
- D. Access to the site is from: (1) a U-shaped driveway with two curb cuts onto US 42, which accesses the upper ground floor of the structure; and (2) a gravel driveway, with a curb cut onto US 42, which access the lower level of the structure.
- E. The site drops 14 feet in elevation from US 42 to the rear property line at an average grade of approximately 8%.
- F. There are mature trees along the north and west property lines.

SURROUNDING LAND USES AND ZONING

North: Single-family residential (A-2)

South: Single-family residential (A-2)

East: Single-family residential (A-2)

West: Single-family residential (A-2)

PROPOSED DEVELOPMENT

- A. The applicant is proposing to convert an approximate 56 square foot (7' x 8') area, presently identified for retail use, to an area which will be used to sell coffee.
- B. The submitted plans indicate that there will be no seating as part of this request.

STAFF COMMENTS

- A. 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.
- B. 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.
- C. Should the Board take action to approve the submitted request, and prior to occupation of the premises, the property owner will need to submit a Site Plan to the Boone County Planning Commission.

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
- *Topographic Map
- *2040 Future Land Use Map

- *Application
- *Project Narrative
- *Concept Development Plan

Vicinity Map

www.boonecountygis.com

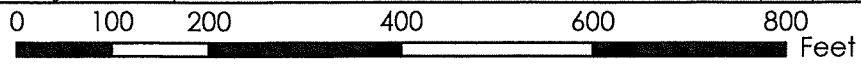


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Boone

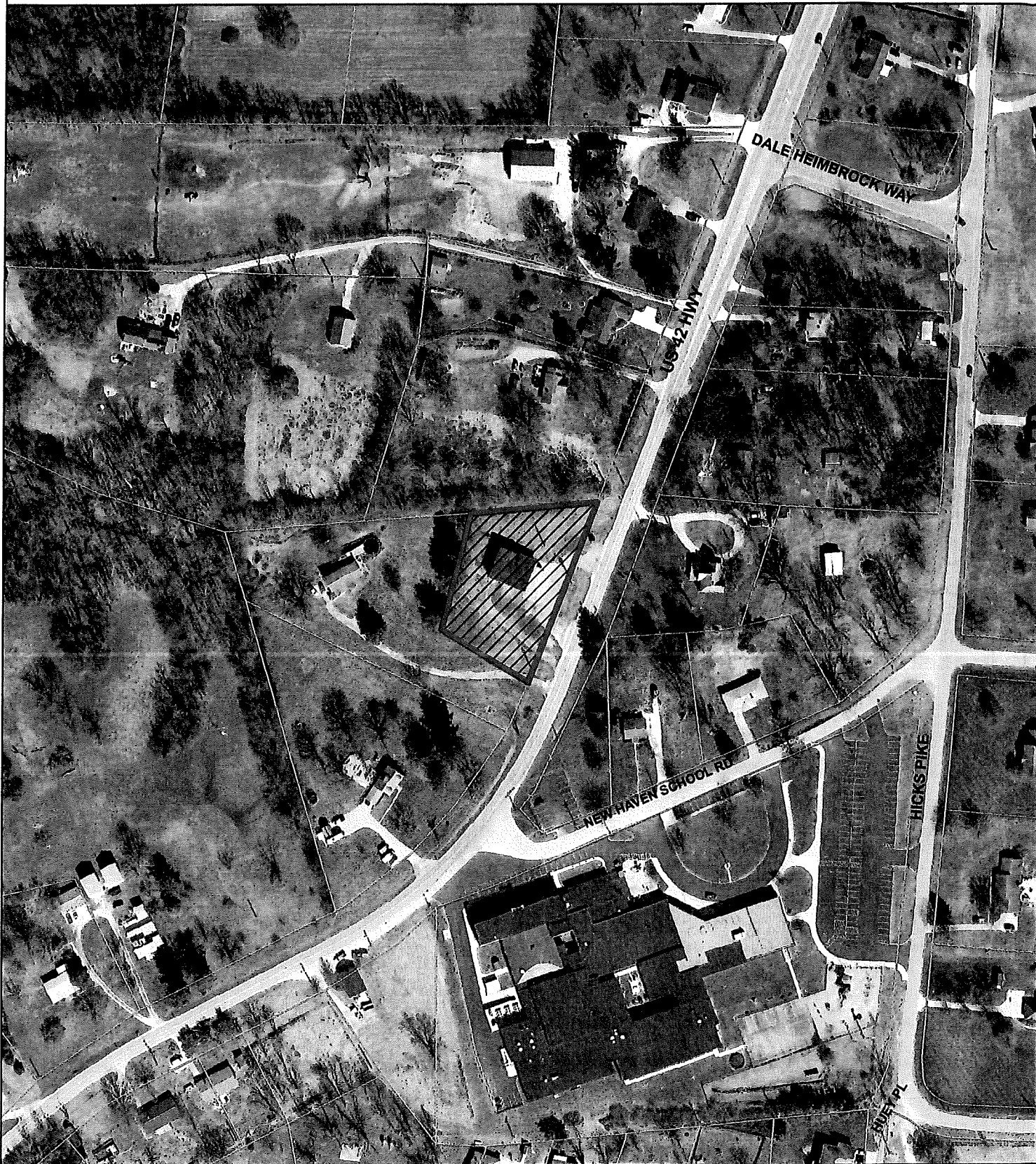


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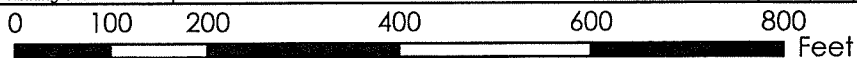
Aerial Map

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Boone County GIS - Putting Northern Kentucky on the Map



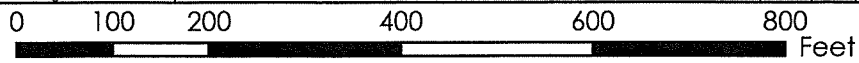
Zoning Map

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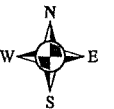
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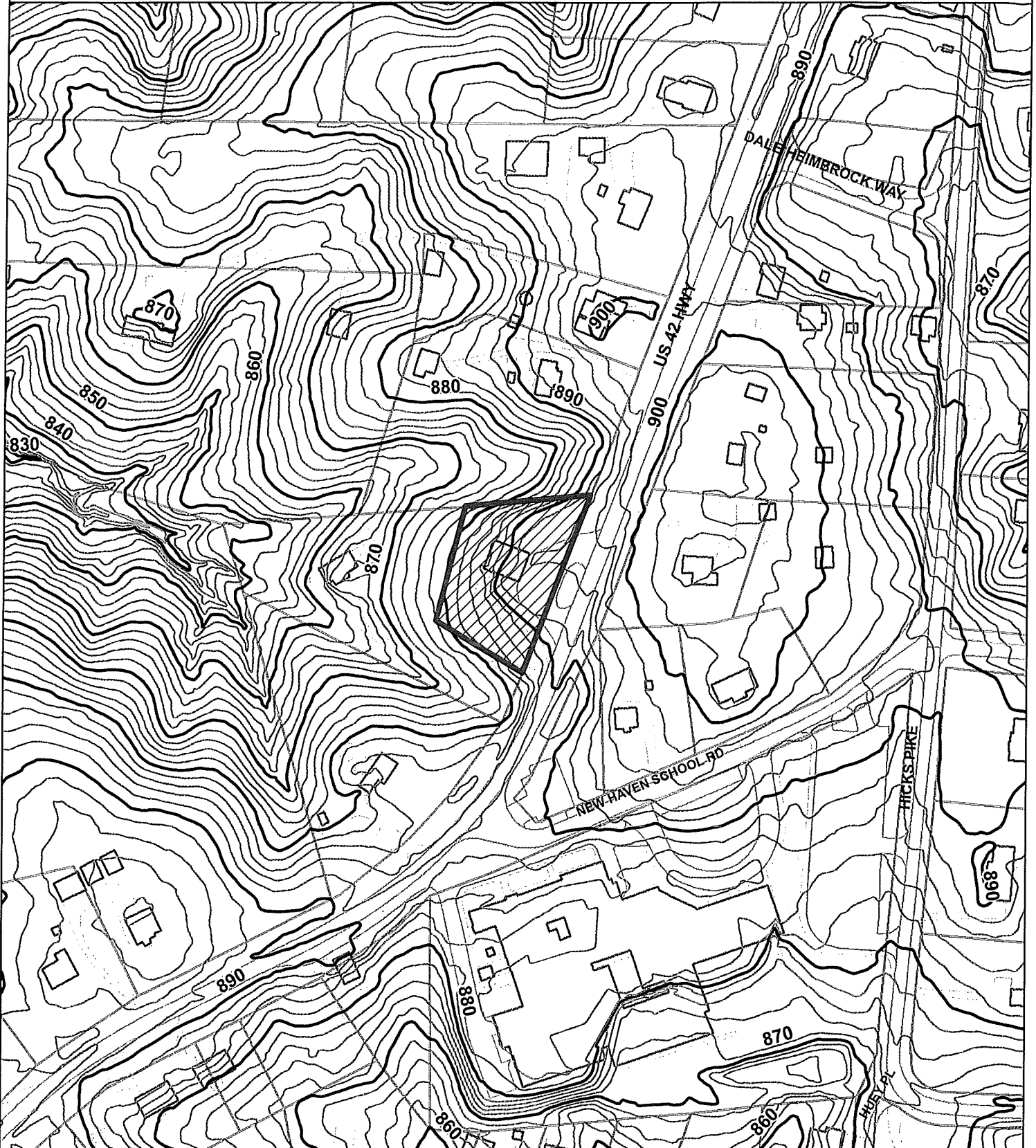


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Boone County GIS
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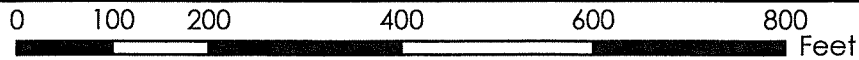
Topographical Map

www.boonecountygis.com



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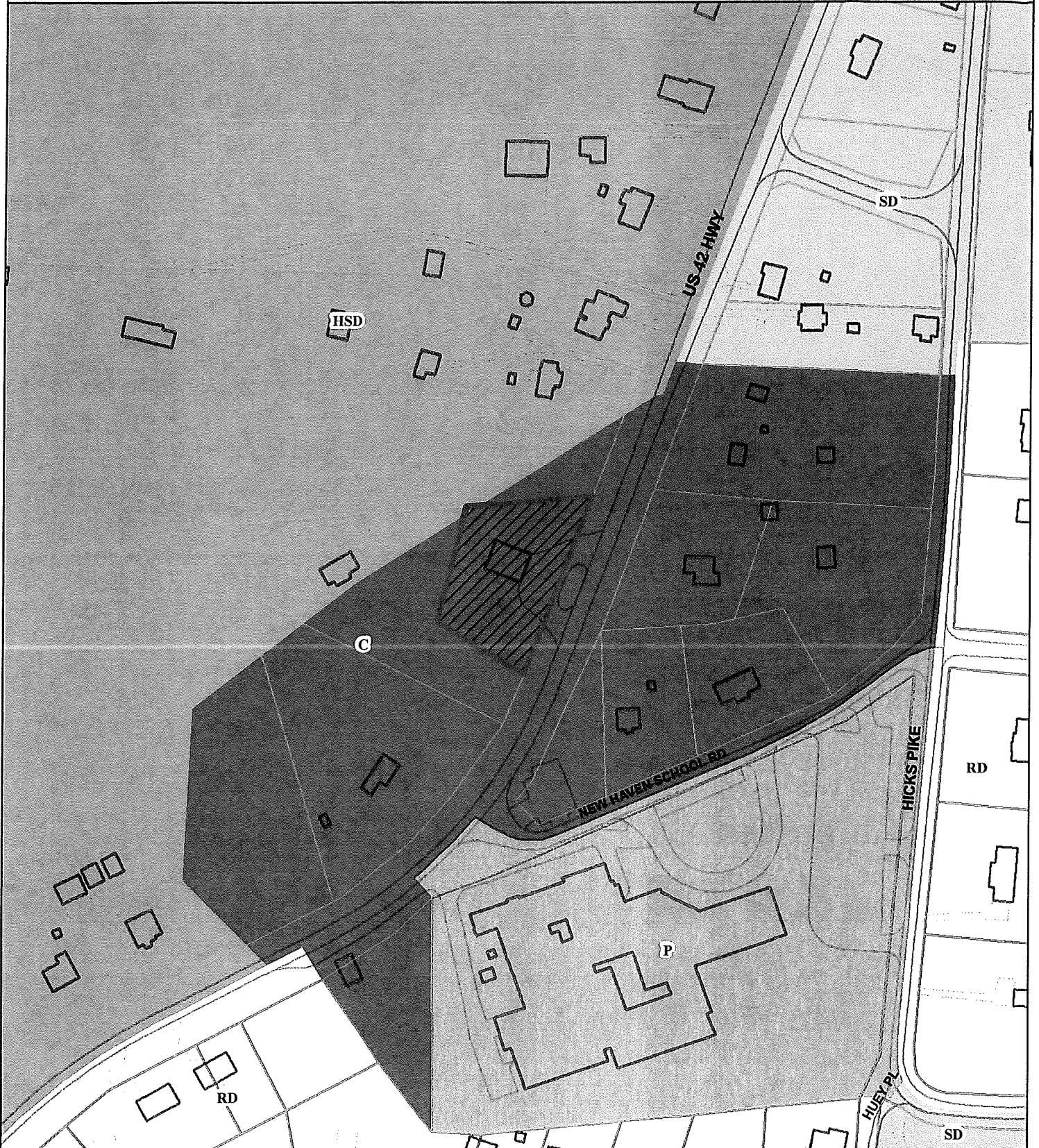
Boone County GIS - Putting Northern Kentucky on the Map

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ArcMap Document: *.mxd

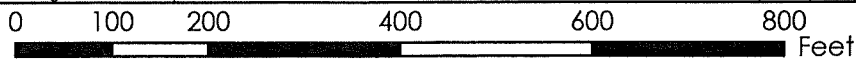
2040 Future Land Use Map

www.boonecountygis.com



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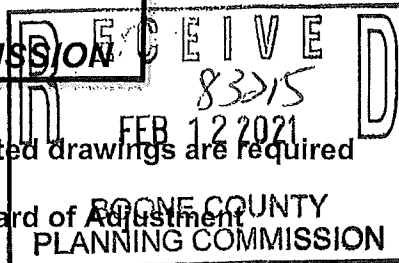
Boone County GIS



Map Created: 01/01/2018

Boone County GIS
ArcMap Document (*.mxd)

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BOONE COUNTY PLANNING COMMISSION**



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2. Is application complete:

3. Staff Reviewer: _____

4. Scheduled Board Action Date: _____

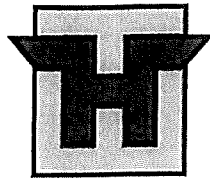
5. Board Action: _____

- _____ Approved
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HERMES

C O N S T R U C T I O N C O .

8 Girard Street
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859-781-7198
Fax 859-781-7197

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Sincerely,



Tyson Hermes, Vice President
Hermes Construction Co.

4/15/2020



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Florence, KY 41042
859-781-7198
859-781-7197 fax

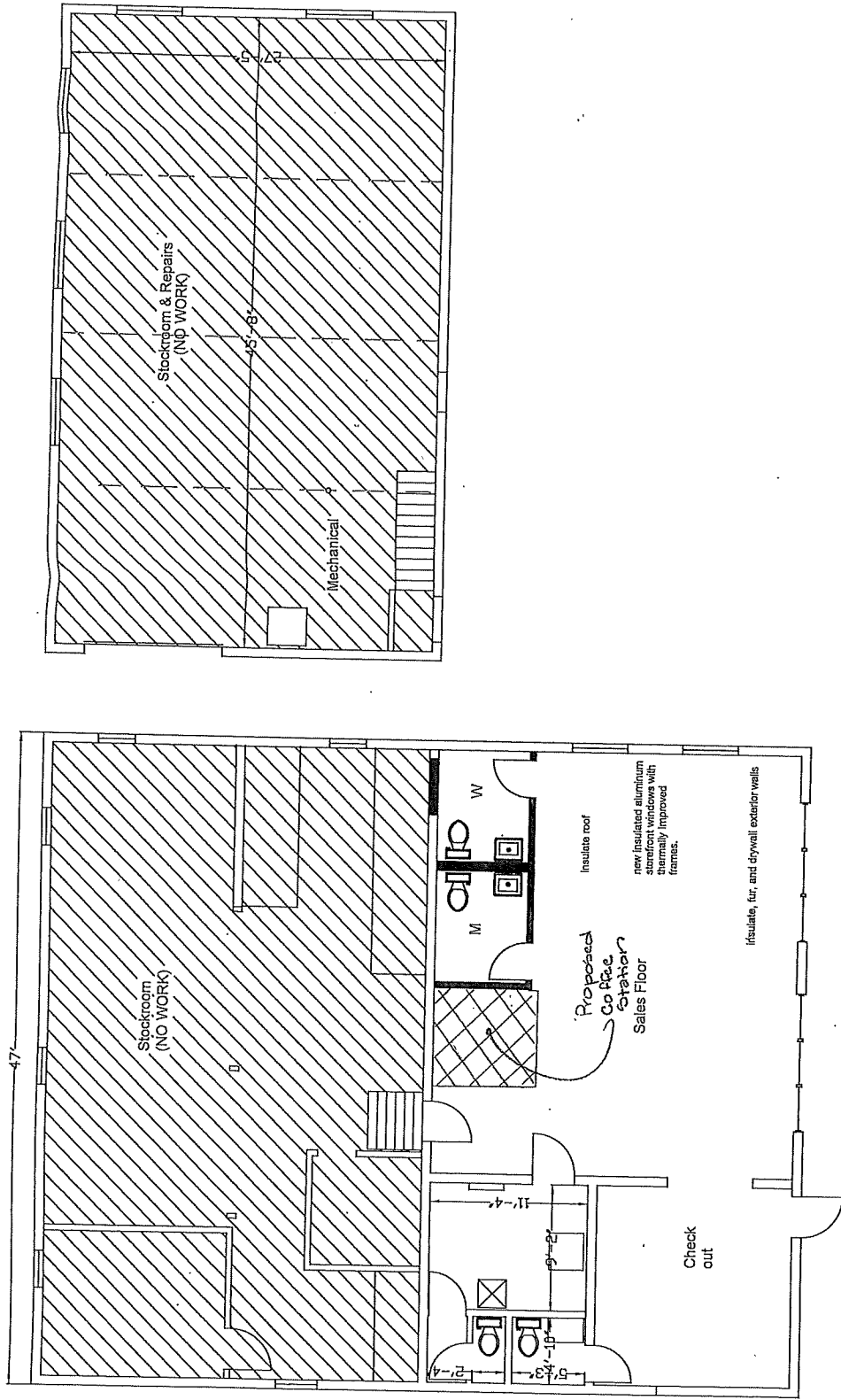
Project: **BLACK GOOSE**
Renovation

10829 US Hwy 42, Union, KY 41091

Drawing:

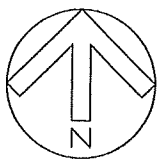
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Scale: As Noted



PROPOSED PLAN

Scale: 1/8" = 1' - 0"



4/15/2020

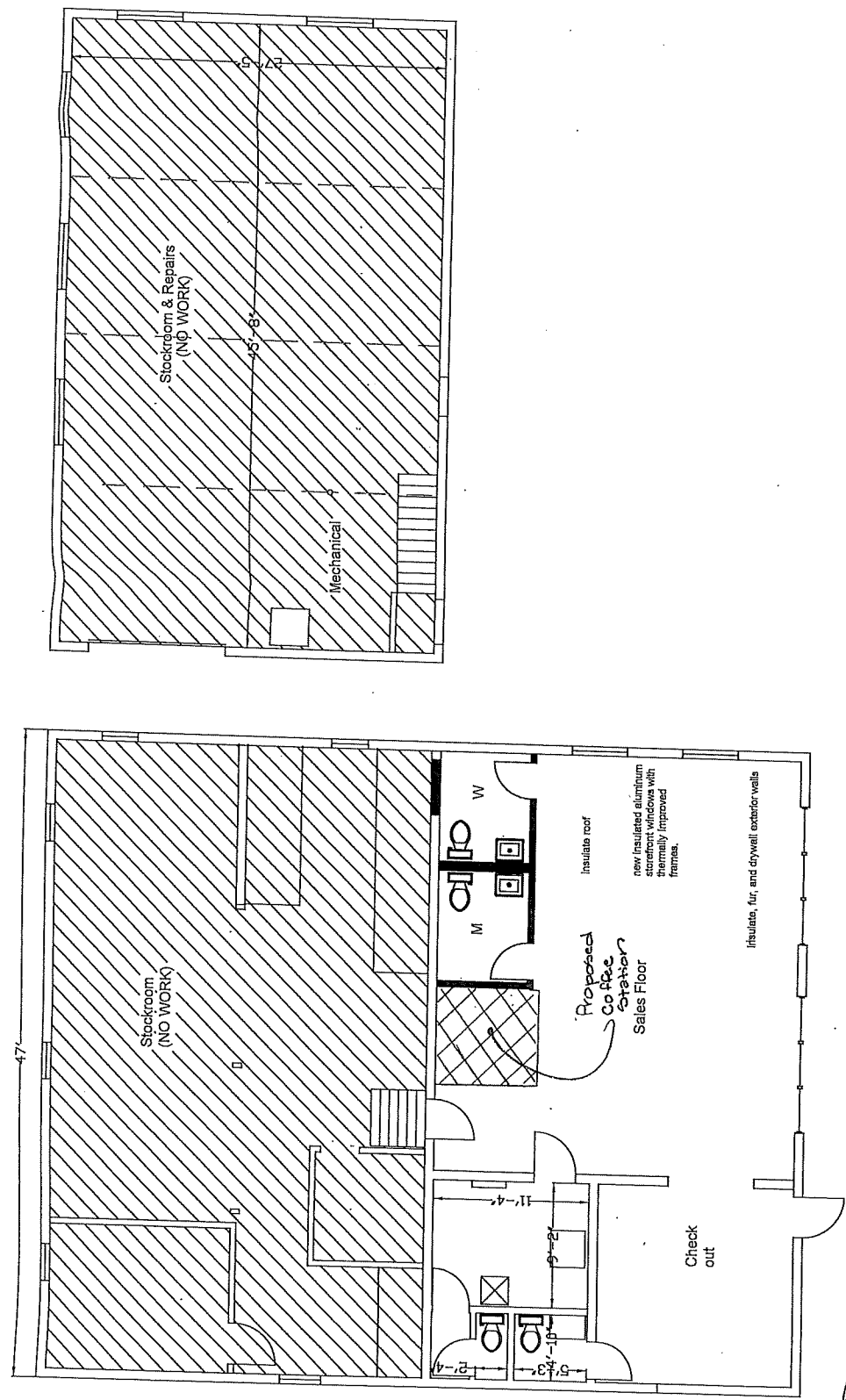


8 Girard St
Florence, KY 41042
859-781-7198
859-781-7197 fax

Project: **BLACK GOOSE**
Renovation
10829 US Hwy 42, Union, KY 41091

Drawing: **5**

Scale: As Noted



PROPOSED PLAN

Scale: 1/8" = 1' - 0"

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Bill & Janine Bradbury
10829 US Hwy 42
Union, KY 41091

2. ADDRESS OF PROPERTY

10829 US Hwy 42
Union, KY 41091

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

The Black Goose Antiques

4. DEED BOOK 1139

PAGE NO. 522

GROUP NO. 2063

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: Change in non-conforming use

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

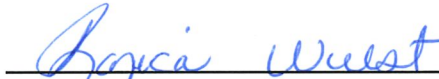
on behalf of the Boone County Planning Commission this 11 day of March, 2021.



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.)