



**BOARD OF ADJUSTMENT
BOONE COUNTY PLANNING COMMISSION**

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

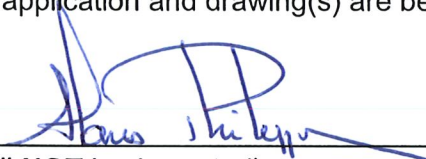
Site Plan Review is not granted by the appropriate Board of Adjustment

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: Aztec Properties
Address: 7450 Industrial Road
Florence City Ky State 41042 Zip Code
Phone Number: 859.308.0918 / 859.525.0887 Fax Number: _____
Email: gina.austin@hollandgroup.us.com
4. Description of Request: 1. change from barber shop to office space for portion of North building. 2. Change from Limo service to storage for Holland Roofing for SW building. 3. Change from storage for Holland Roofing to storage for Boone Maintenance for Southwest building.
5. Name of Development: _____ N/A
6. Location of Development: 2942 Park Street
Burlington City KY State 41003 Zip Code
7. Acreage Under Review: 103,750 sq. ft.
8. Lot Number and Name of Subdivision (if part of a subdivision): lots 1-7 of park addition block C & Lot 1-10 park addition block B.
9. Current Owner: Aztec, Properties
Address: 7450 Industrial Rd.
Florence City Ky State 41042 Zip Code
Phone Number: 859.525.0887 Fax Number: _____
Email: gina.austin@hollandgroup.us.com

10. Proposed Use(s) on Site: office & storage
11. Total Square Footage of Existing and/or Proposed Buildings: Approx. 14,000 sq. ft.
12. Current Zoning: SB-1
13. 537 109 2025
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: 
(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

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

Hans Philippo
Gina Smith
Gina Smith

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

1. Date Received: 7/16/21 Fee Received: \$6666 Receipt #: 84419

2. Is application complete: yes

3. Staff Reviewer: M. Schwartz

4. Scheduled Board Action Date: 8/11/2021

5. Board Action: 8/11/2021

- 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

STAFF REPORT

#2

APPLICANT: Aztec Properties, per Gina Smith, on behalf of Aztec Properties, per Hans Philippo

LOCATION: 2942 Park Street, Boone County, Kentucky

ZONING: Suburban Residential One (SR-1)

DATE: August 11, 2021

PROPOSAL

- A. The first part of the submitted request is for a Change of Nonconforming Use from a barbershop to office space, for a portion of Building A.
- B. The second part of the submitted request is a Change of Nonconforming Use from limo service storage to storage for a roofing contractor, for Building B.
- C. The third part of the submitted request is a Change of Nonconforming Use from storage for a roofing contractor to storage for a general contractor, for Building C.

SITE HISTORY

- 1949-
1954 Based on information contained in the Boone County GIS, building C was constructed.
- 1954-
1960 Based on information contained in the Boone County GIS, buildings A and B were constructed.
- 1987 On June 10, 1987, the Boone Board of Adjustment approved a Conditional Use Permit to allow the expansion of the Boone County Water District building located at 5825 Bullittsville Road (BCBOA-61087-1).
- 1990 On September 12, 1990, the Boone Board of Adjustment approved a Change of Nonconforming Use changing the site in question from the Hellman Lumber Company to an office use (building A), a limousine service (building B), and a residential construction contractor (building C) (BCBOA-90-024).
- 1991 On May 8, 1991, the Boone Board of Adjustment approved: (1) a Conditional Use Permit to allow the construction of a duplex dwelling unit; and (2) a Variance reducing the minimum required frontage from sixty-five (65) feet to fifty (50) feet, for property located at 2926 Park Street (BCBOA-91-015).
- 1993 On April 14, 1993, the Boone Board of Adjustment approved a Conditional Use Permit to allow an auto repair business to locate at 5825 Bullittsville Road (BCBOA-93-007).
- 2009 On November 16, 2009, the Boone Board of Adjustment approved a Change of Nonconforming Use changing the site in question from an office use to a reservation

only barber shop (portion of building A) (BCBOA-09-012).

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.
 3. 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.
- C. 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."
- D. Section 930 of the Boone County Zoning Regulations states that "the purpose of the Suburban Residential One district is to provide a low density, residential environment whose dwelling types and densities are typical of a suburban character. It is also to provide limited or passive and active recreational uses that are appropriate to the permitted uses in the district. Suburban Residential One districts will be located on lands within established urban areas where adequate infrastructure facilities and services are available or proposed."

RELATIONSHIP TO THE COMPREHENSIVE PLAN

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

1. Commercial uses are defined as retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc.
2. Suburban Density Residential uses are 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).

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).

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

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).

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. Bullittsville Road is identified as a county maintained collector street providing for two way traffic. Park Street is identified as a county maintained local street providing for two way traffic. There are no sidewalks along the roadways.

RELATIONSHIP TO THE BURLINGTON TOWN STRATEGIC PLAN

A. The site is located within the Burlington Town Strategic Plan area. There are no specific recommendations contained in the study that pertain to the site in question.

SITE CHARACTERISTICS

- A. The site is located at the northeast and southeast corners of the intersection of Bullittsville Road with Park Street.
 - 1. That portion of the site located at the northeast corner of the intersection of Bullittsville Road with Park Street contains Building A and has an area of 0.60 acres.
 - 2. That portion of the site located at the southeast corner of the intersection of Bullittsville Road with Park Street contains Buildings B and C and has an area of 0.86 acres.
- B. The site has frontage on Bullittsville Road and Park Street.
 - 1. That portion of the site located at the northeast corner of the intersection of Bullittsville Road with Park Street has 175 feet of frontage on Park Street and 150 feet of frontage on Bullittsville Road.
 - 2. That portion of the site located at the southeast corner of the intersection of Bullittsville Road with Park Street has 250 feet of frontage on Park Street and 150 feet of frontage on Bullittsville Road.
- C. The portion of the site located at the northeast corner of the intersection of Bullittsville Road with Park Street is currently occupied by a residential looking structure currently used for office uses.
- D. The portion of the site located at the southeast corner of the intersection of Bullittsville Road with Park Street is currently occupied by two commercial storage buildings, each with a bay door facing Park Street.
- E. Access to the site is provided by an undefined curb cut along Park Street.
- F. Topographically, the site is relatively flat with average grades of less than 2%.
- G. The site is located within the 55 day/night noise level of the Cincinnati/Northern Kentucky International Airport.

SURROUNDING LAND USES AND ZONING

North: Vacant/undeveloped land (SR-1)

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

East: Single family, two family, and multi-family residential dwellings (SR-1)

West: Burlington Cemetery (SR-1) and a commercial property (SR-1/SC)

PROPOSED DEVELOPMENT

- A. The applicant is proposing the following:
1. Use of a portion of Building A for office use.
 2. Use of Buildings B and C for storage for contractors.

STAFF COMMENTS

- A. The request for office use within Building A will bring the status of the building to the original 1990 Board of Adjustment request.
- B. The changes to Buildings B and C are for the specific businesses that would use those buildings for storage. The actual use of the building is not being altered.
- C. An inter-departmental email was sent to the Boone County Building Department and the Burlington Fire District requesting comments pertaining to the request.
1. Jerry Noran, Boone County Building Department, had no comments.
 2. Jeff Barlow, Burlington Fire, replied that the fire department sees no issue with proposed use changes.

CONCLUSION

- A. 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 Change of Nonconforming Use request.

Respectfully submitted,



Michael D. Schwartz
Planner

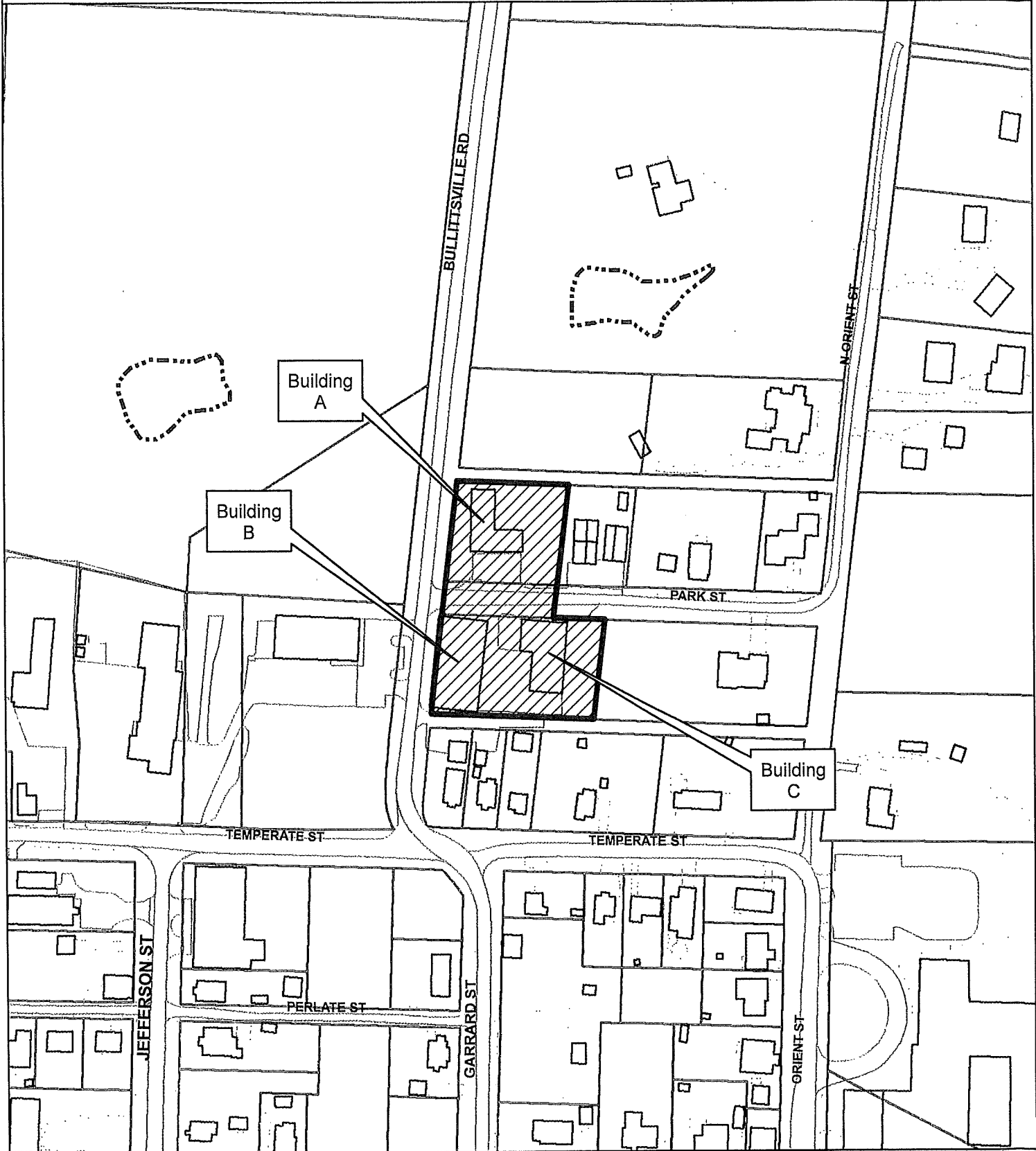
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Attachments

- *Vicinity Map
- *Aerial Map
- *Topographical Map
- *Zoning Map
- *2040 Future Land Use Map
- *Noise Contour Map
- *Application
- *Concept Development Plan
- *Email from Jeff Barlow, Burlington Fire, dated 7/29/21

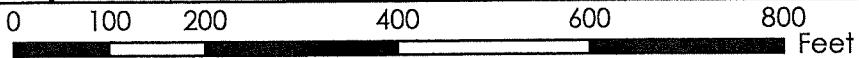
Vicinity Map

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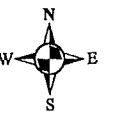
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1 inch = 200 feet

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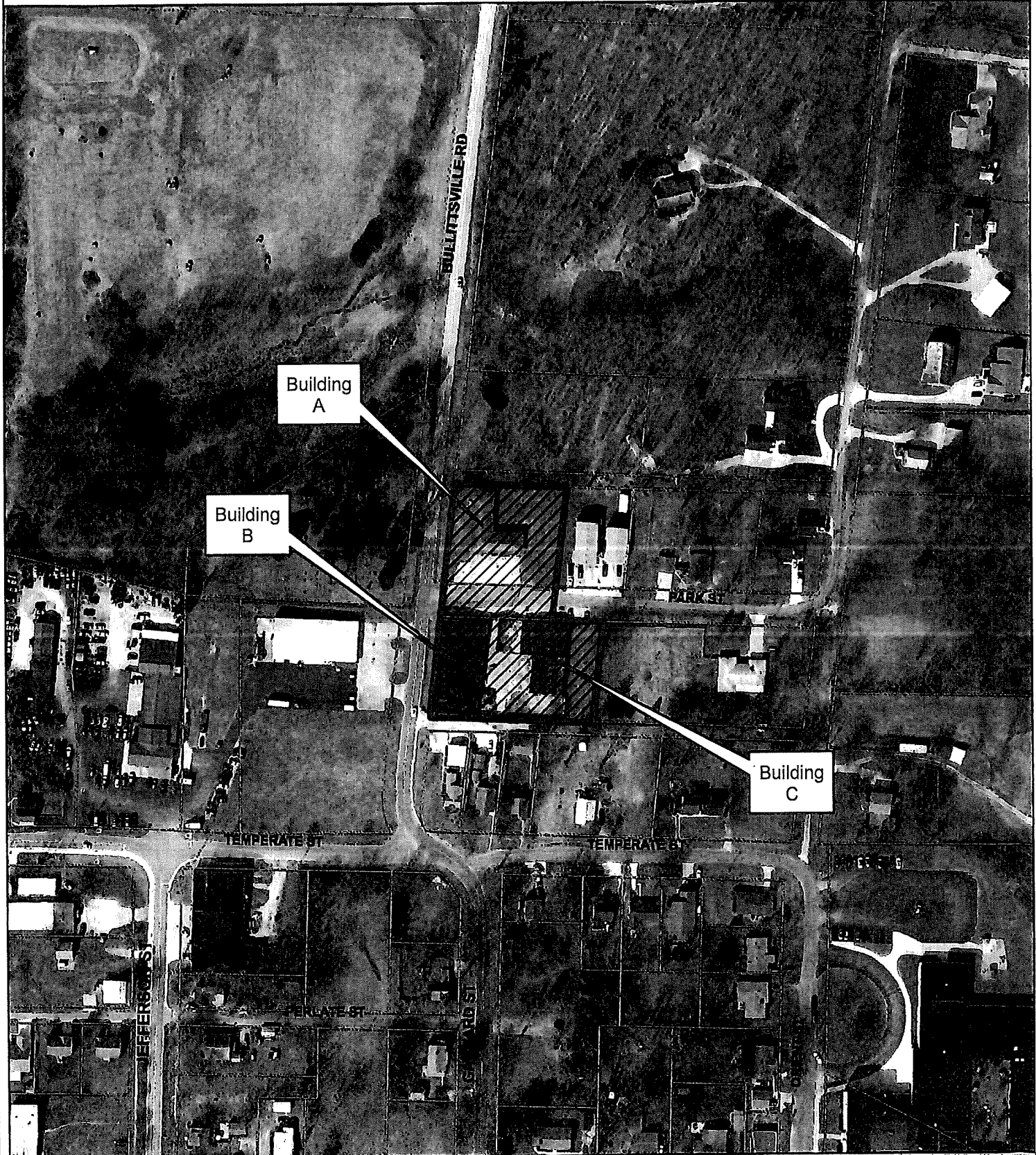


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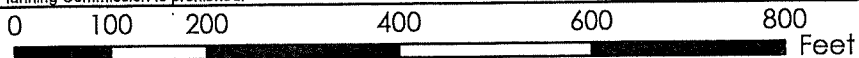
Aerial Map

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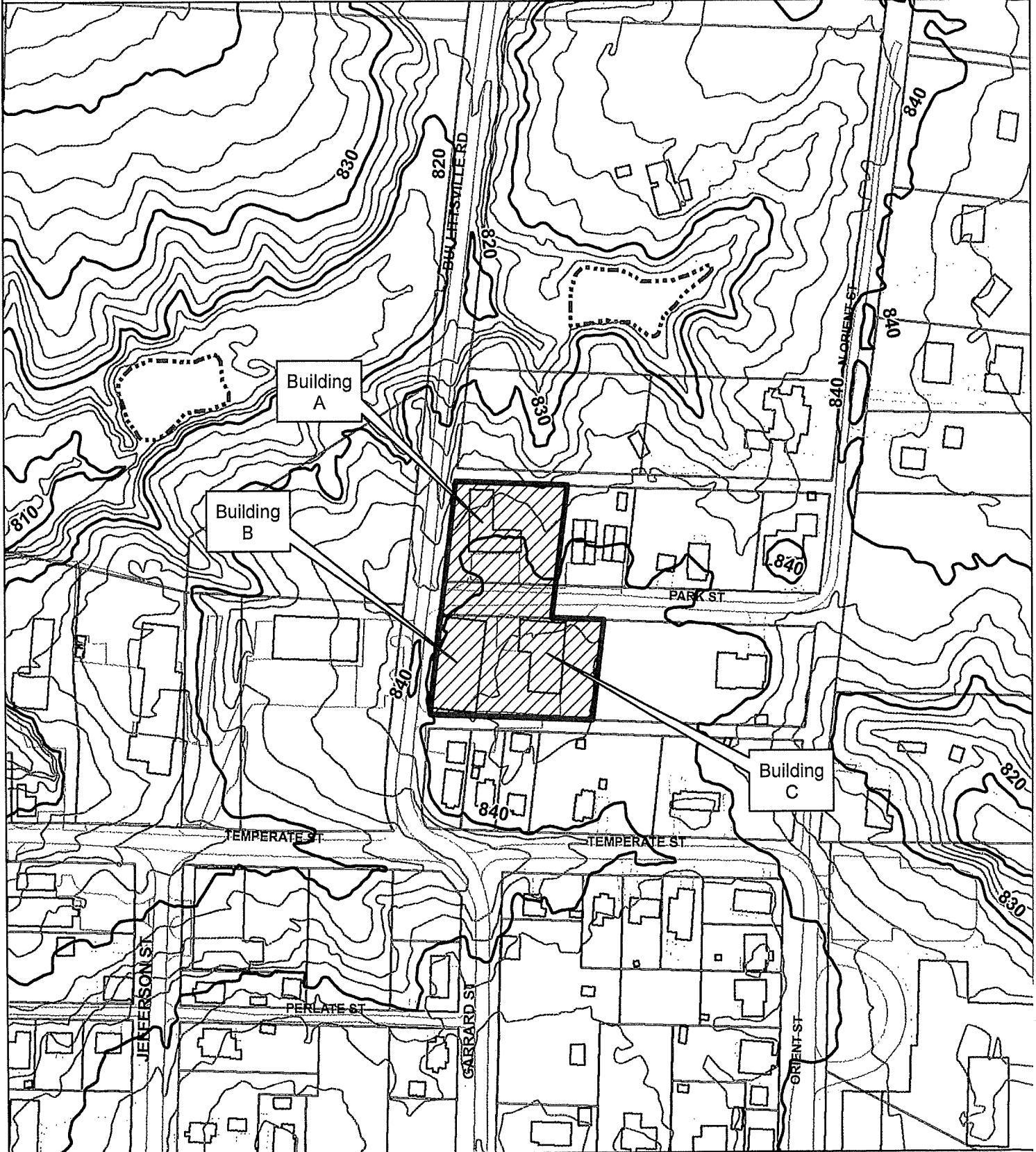
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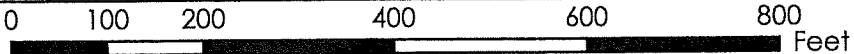
Topographical Map

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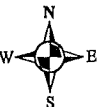


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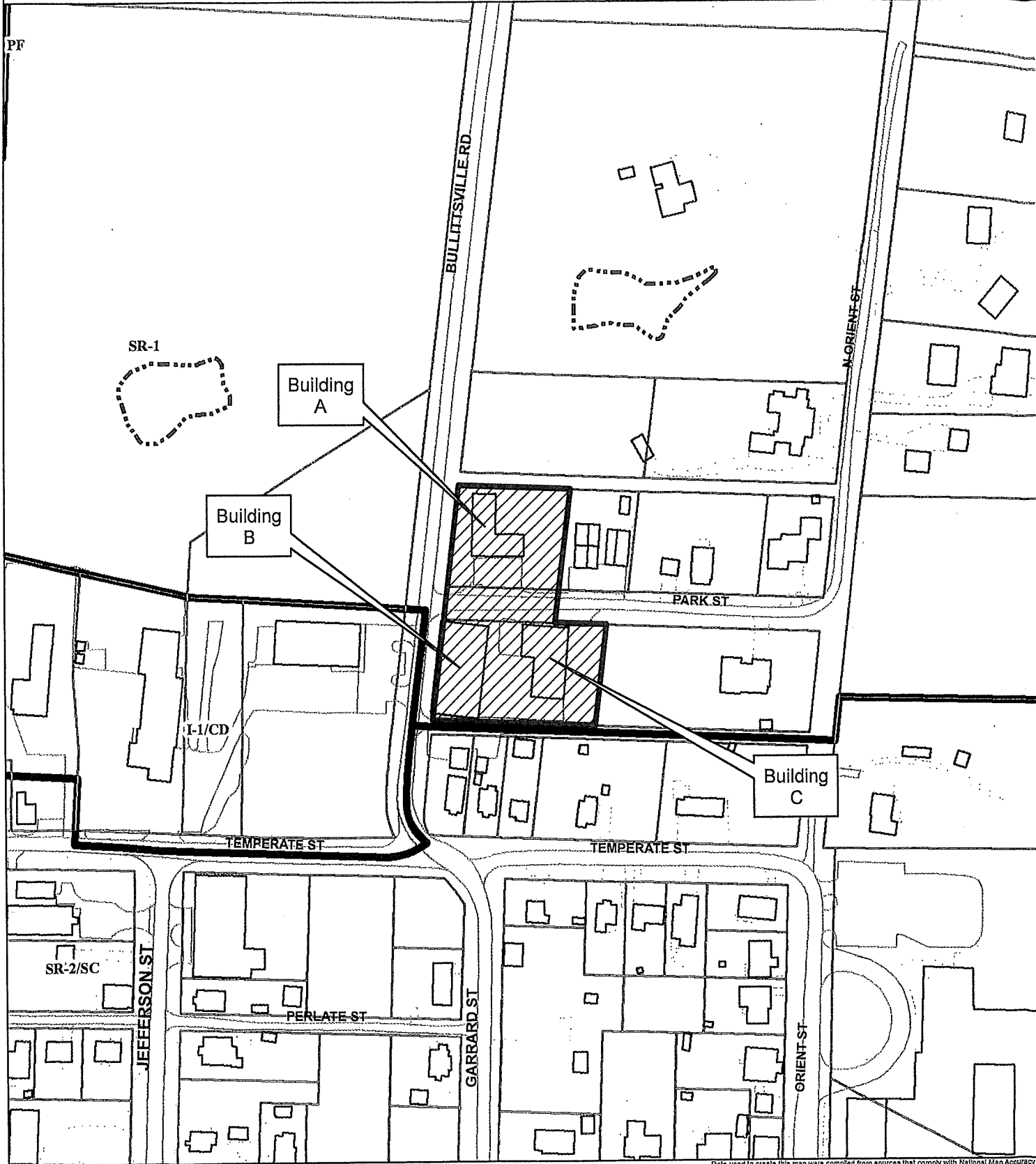
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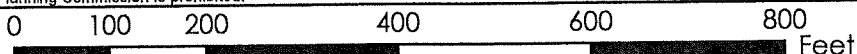
Zoning Map

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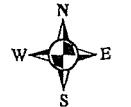


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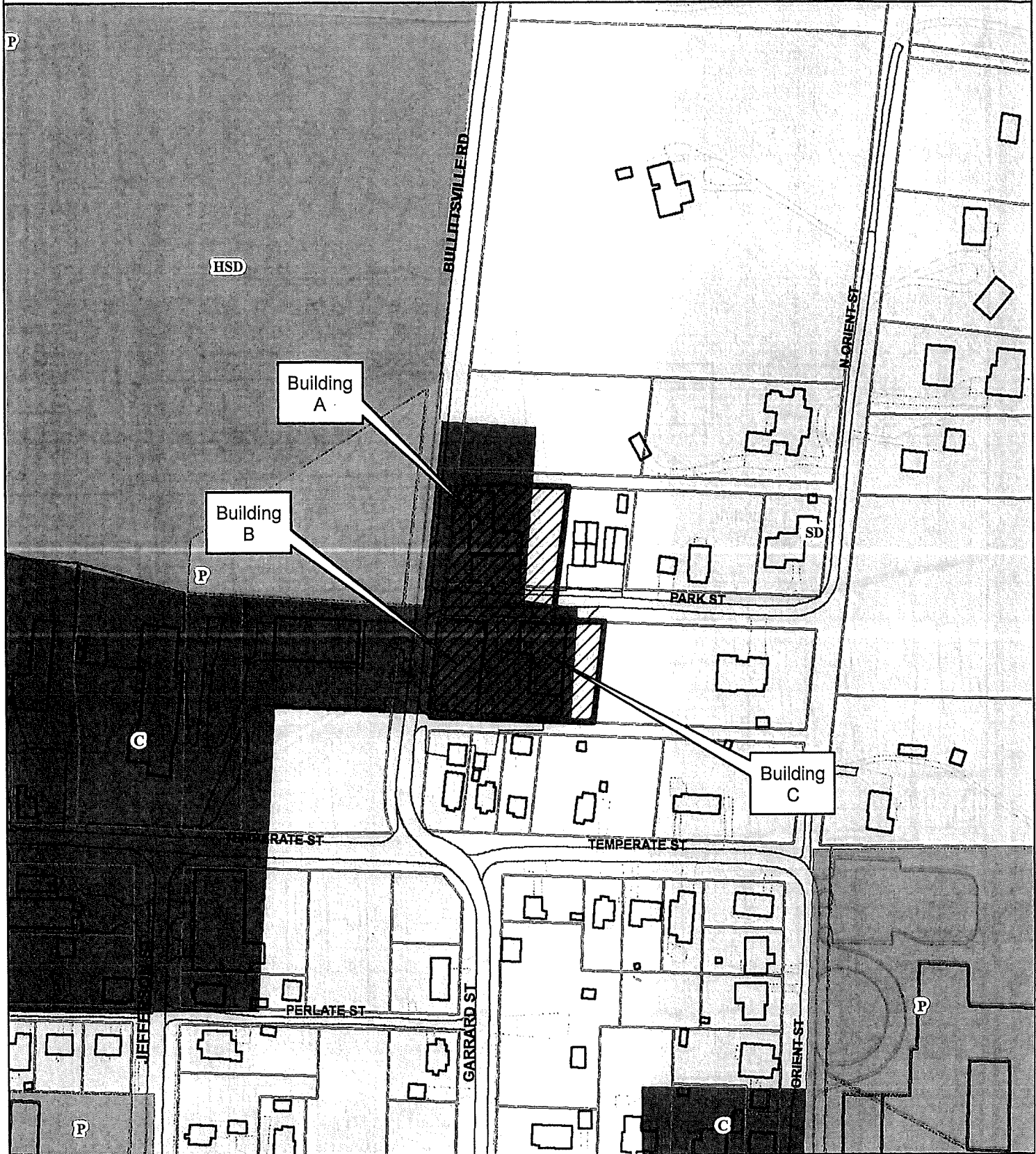
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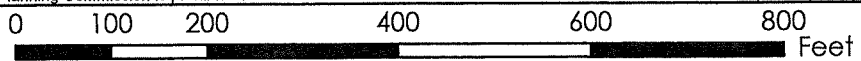
2040 Future Land Use Map

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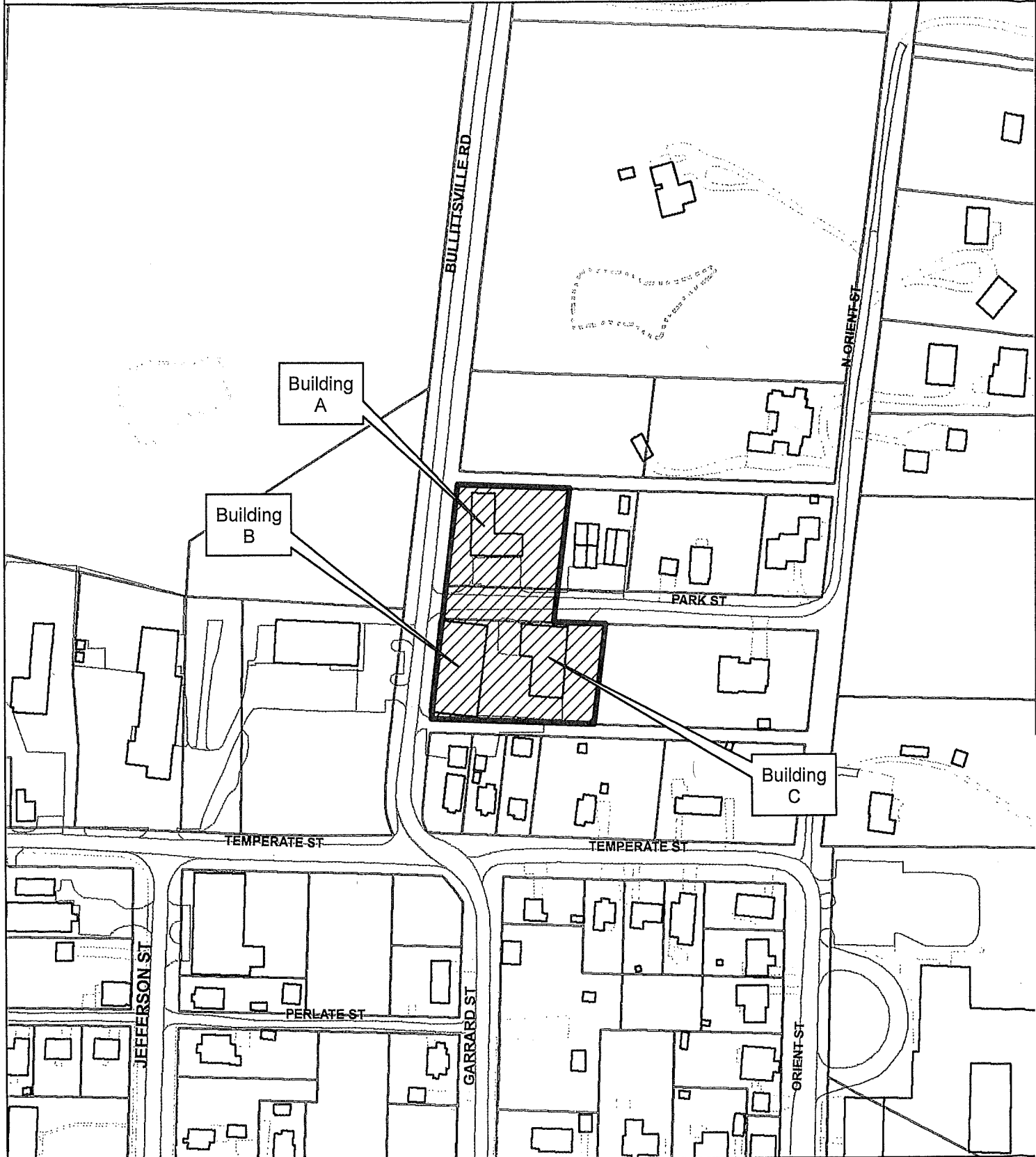
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Noise Contour Map

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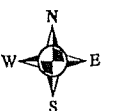
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R E C E I V E D
84419
JUL 16 2021
BOONE COUNTY
PLANNING COMMISSION

**BOARD OF ADJUSTMENT
BOONE COUNTY PLANNING COMMISSION**

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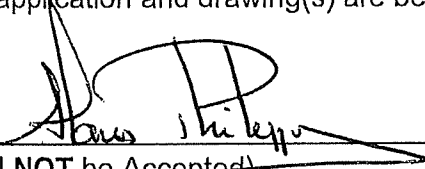
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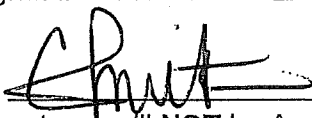
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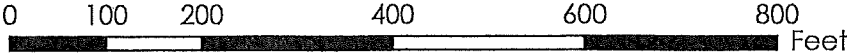
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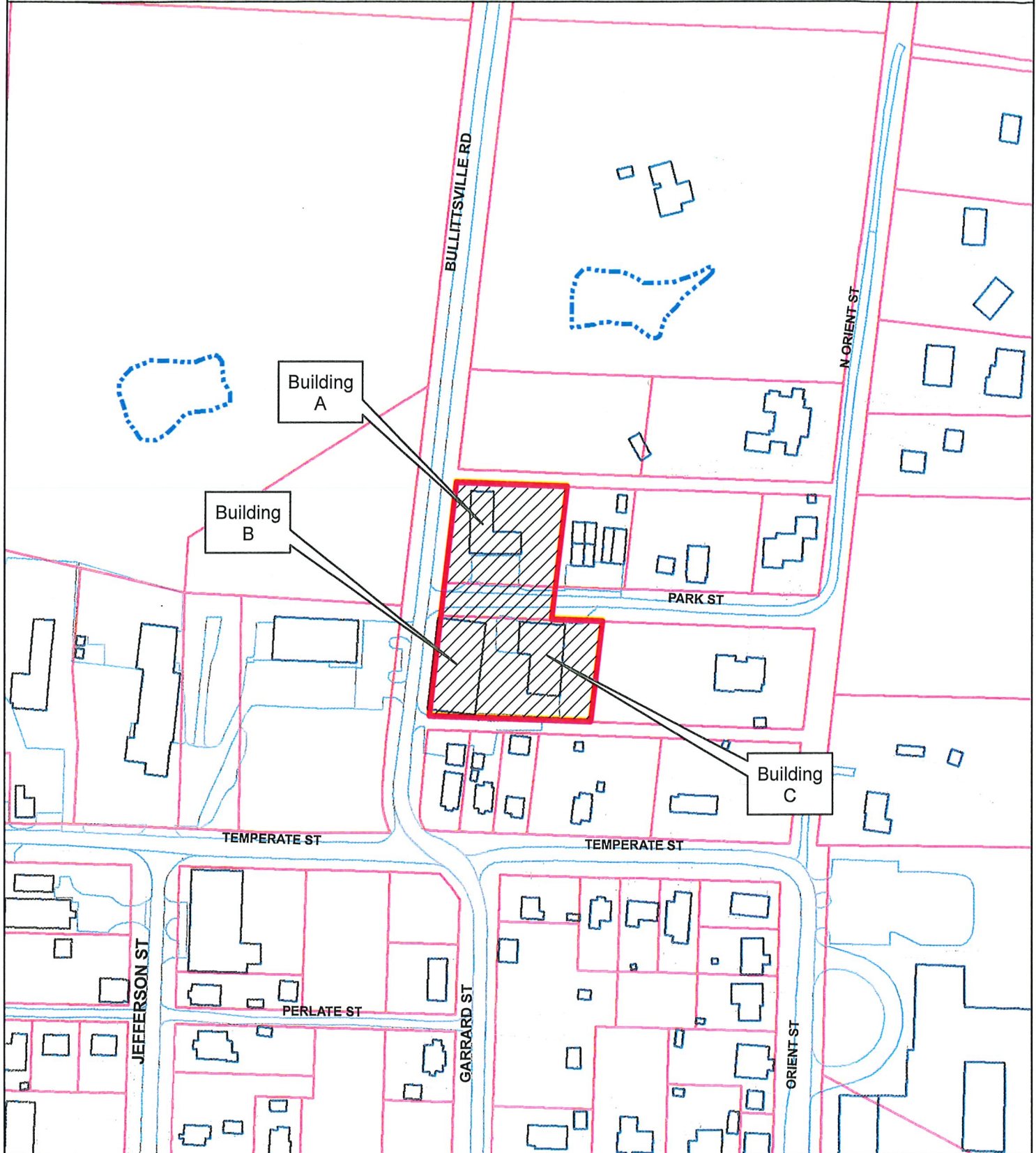
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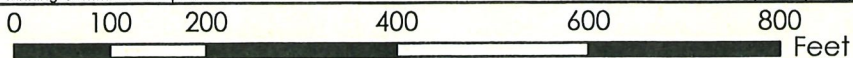
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CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Aztec Properties
7450 Industrial Rd
Florence, KY 41042
2. ADDRESS OF PROPERTY
2943 Park St
Burlington, KY 41005
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Aztec Properties
4. DEED BOOK 537 PAGE NO. 109 GROUP NO. 2025
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)
- X Change of Nonconforming Use
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 13th day of August, 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:

Nicole Dierna
Nicole Dierna
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.)