

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

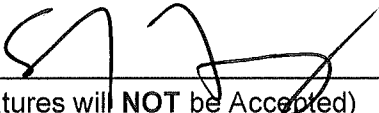
An application consists of all fees paid in full, submitted drawings, and a completed application form

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: Erik Frey
Address: 2041 Brantwood Dr.
Hebron Ky 41048
City State Zip Code
Phone Number: 859-533-1909 Fax Number: N/A
Email: erik@sec-usa.com
4. Description of Request:
Rear set back variance on lot #245. See site plan.
5. Name of Development: Frey Garage
6. Location of Development: PIDN #059.00-06-245.00
Erlanger Ky 41018
City State Zip Code
7. Acreage Under Review: GIS Acreage = 0.22
8. Lot Number and Name of Subdivision (if part of a subdivision):
Lot #245 Rolling Green Acres Subdivision
9. Current Owner: Christine Lynn Frey
Address: 2041 Brantwood Dr.
Hebron Ky 41048
City State Zip Code
Phone Number: 859-466-6473 Fax Number: N/A
Email: christyfrey@fuse.net

10. Proposed Use(s) on Site: Automotive repair/storage
11. Total Square Footage of Existing and/or Proposed Buildings: 2,352 sq ft.
12. Current Zoning: I-1
13. 1165 828 517
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)

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

1. Date Received: 7/19/2021 Fee Received: 2216⁰⁰ Receipt #: 84423

2. Is application complete: _____

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

#4

APPLICANT: Erik Frey, on behalf of Christine Lynn Frey

LOCATION: Vacant lot located along the south side of Cessna Place, approximately 800 feet east of American Avenue/Piedmont Court, having a Parcel Identification Number (PIDN) of 059.00-06-245.00, Boone County, Kentucky

ZONING: Industrial One (I-1)

DATE: August 11, 2021

PROPOSAL

- A. The first part of the submitted request is for a Variance reducing the minimum required rear yard setback from thirty (30) feet to twenty-three (23) feet.
- B. The second part of the submitted request is for a Variance reducing the minimum Buffer Yard A width, along the east side property line, from ten (10) feet to four (4) feet.

SITE HISTORY

1954 Rolling Green Acres Subdivision was approved, creating Lot 245.

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 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.
- C. 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.

D. Section 1130 of the Boone County Zoning Regulations states that “the purpose of the Industrial One district is to allow different types of small to large scale light manufacturing, warehouse, distribution and related service uses, which require direct accessibility to a regional transportation system. Manufacturing operations in this district will generally not utilize unrefined raw materials, whose processing may potentially create undesirable noise, odors, dust, smoke, hazardous materials or waste or be delivered in large bulk transportation forms. Such districts are located in areas which provide employment opportunities for community and regional labor markets. Districts will be located on suitable lands accessible from expressways and/or arterials. In addition, this zoning district allows for integrated office campus and/or industrial/warehouse developments with a business park setting, characterized by landscaped entrances, boulevard streets, large amounts of green space and low building coverage ratio, multi-level buildings, constant architectural and signage theme, parking structures, and integrated pedestrian and recreation facilities. This district is also to provide for appropriate public facilities and/or services to the permitted uses identified in the district. This zoning classification can range from a compact multi-level office development on several acres to an extensive mixed office/warehouse/distribution development that is located on many acres. This zoning classification often includes some limited commercial wholesale and retail uses intended to serve the district and constructed to blend in visually with the character of the area.”

E. Section 3110 of the Boone County Zoning Regulations requires structures within the I-1 district to be set back a minimum of thirty (30) feet from the rear property line.

F. Section 3645 of the Boone County Zoning Regulations requires a Buffer Yard A, having a minimum width of ten (10) feet, to be provided between developments within the I-1 district.

RELATIONSHIP TO THE COMPREHENSIVE PLAN

A. The Our Boone County Plan 2040 Future Land Use Plan designates the site in question for “Industrial” uses. This designation 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).

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).

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).

Industrial development shall be encouraged to locate near railroad lines, highways, the Ohio River, the Airport, and where infrastructure exists or is planned (Economy Goal B, Objective 5).

- C. Cessna Place is identified as a county maintained local cul-de-sac street. There are no sidewalks along the roadway. Cessna Place is an unimproved roadway that is intended to be maintained in its current state. Any improvement to the roadway would have to be undertaken by the applicant through an Improvement Plan submission.

SITE CHARACTERISTICS

- A. The approximate 0.2 acre area is located along the south side of Cessna Place, approximately 800 feet east of American Avenue/Piedmont Court.
- B. The site is currently vacant and heavily wooded.
- C. The site has approximately 70 feet of frontage along Cessna Place.

- D. The site slopes downward from north to south at an average grade of 9%.
- E. 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 (I-1)

South: Vacant (I-1)

East: Vacant (I-1)

West: Vacant (I-1)

PROPOSED DEVELOPMENT

- A. The applicant is proposing the following:
 - 1. Construction of a 2,352 square foot (42' x 56') warehouse building for automotive repair and storage.
 - 2. Provision for parking within the front yard.
 - 3. Provision for a thirty-three (33) foot wide curb cut onto Cessna Place.

STAFF COMMENTS

- A. Of the 221 lots within the Rolling Green Acres Subdivision, 171 lots are owned by the Kenton County Airport Board and the remaining 50 lots are owned by private entities. Of the 50 lots that are owned by private entities, 30 lots are currently vacant and 20 lots have been developed.
- B. All adjoining properties to the site are owned by the Kenton County Airport Board.
- C. The Board has approved three (3) variance requests within the Rolling Green Acres Subdivision. Two of the requests were variances reducing the front yard setback and one of the requests was a variance reducing the spacing between curb cuts.
- D. An inter-departmental email was sent to the Boone County Building Department, Boone County Public Works, the Kenton County Airport Board, and Point Pleasant Fire District requesting comments pertaining to the request.
 - 1. Jerry Noran, Boone County Building Department, replied that he had no comments.
 - 2. Rob Franxman, Boone County Public Works, had no comments.
- E. Staff has reviewed the submitted Concept Plan against the regulations of the zoning ordinance. The submitted plan meets the zoning requirements, except for the following

(these can be brought into compliance at the Site Plan stage of development):

1. Section 3110 prohibits structures within the I-1 district from exceeding fifty (50) feet in height. Insufficient information has been submitted to determine compliance.
2. Section 3325 provides for regulations to determine the required number of parking spaces. Insufficient information has been submitted to determine compliance:

CONCLUSION

- A. KRS 100.241 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.
- 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
Planner

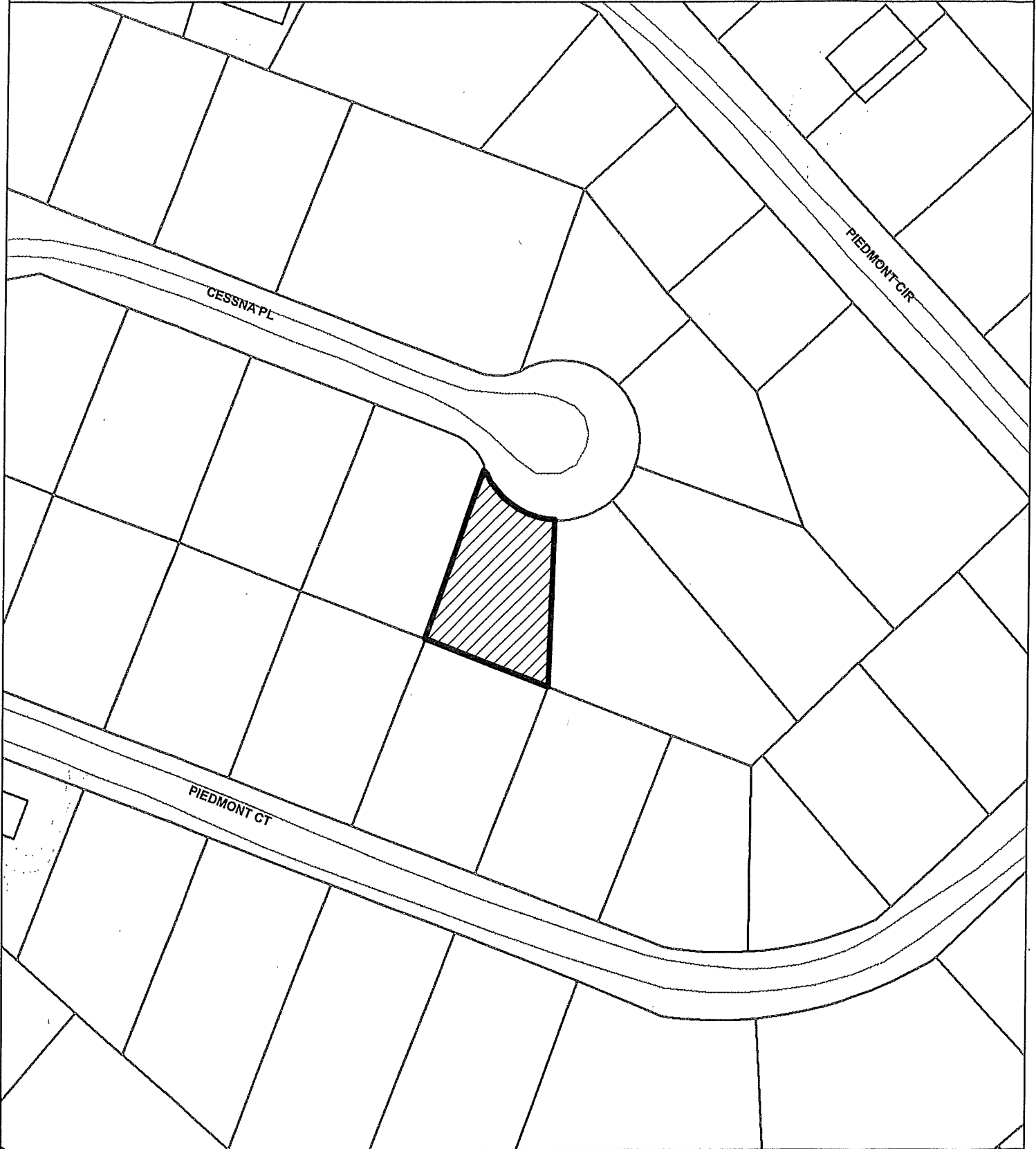
MDS/ss

Attachments

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

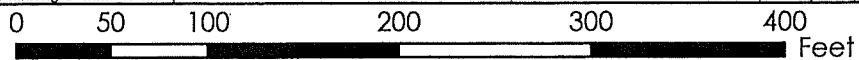
Vicinity Map

www.boonecountygis.com



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1 inch = 100 feet



Boone County GIS - Putting Northern Kentucky on the Map



Map Created: 01/01/2018

Boone County GIS
ArcMap Document: *.mxd

Aerial Map

www.boonecountygis.com



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1 inch = 100 feet



Boone County GIS - Putting Northern Kentucky on the Map



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ArcMap Document: *.mxd

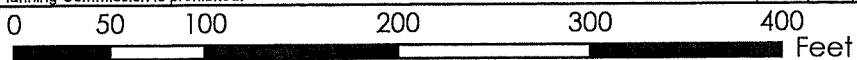
Topographical Map

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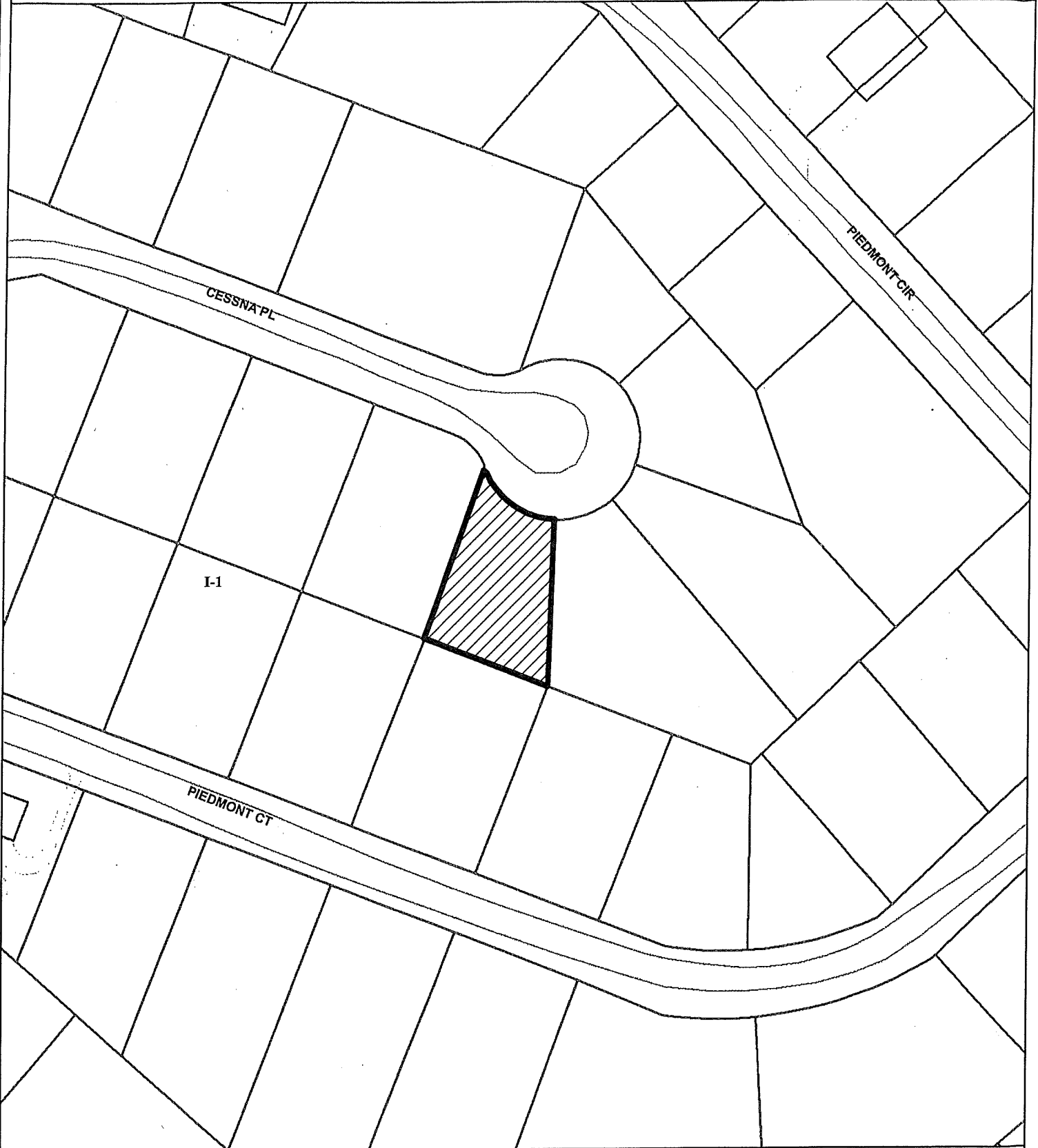


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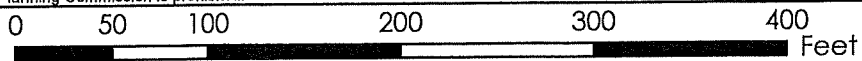
Zoning Map

www.boonecountygis.com



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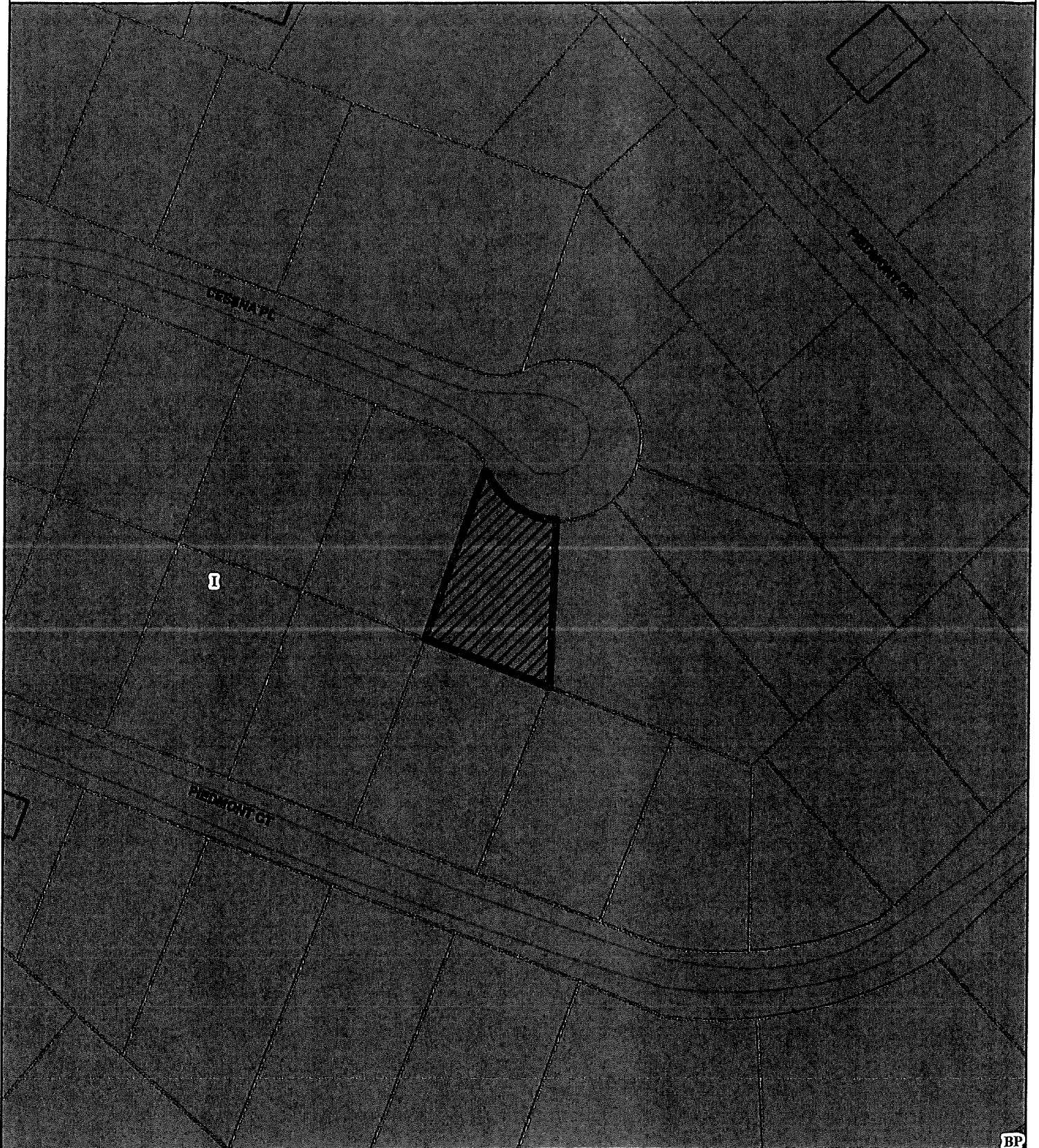


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ArcMap Document: *.mxd

2040 Future Land Use Map

www.boonecountygis.com



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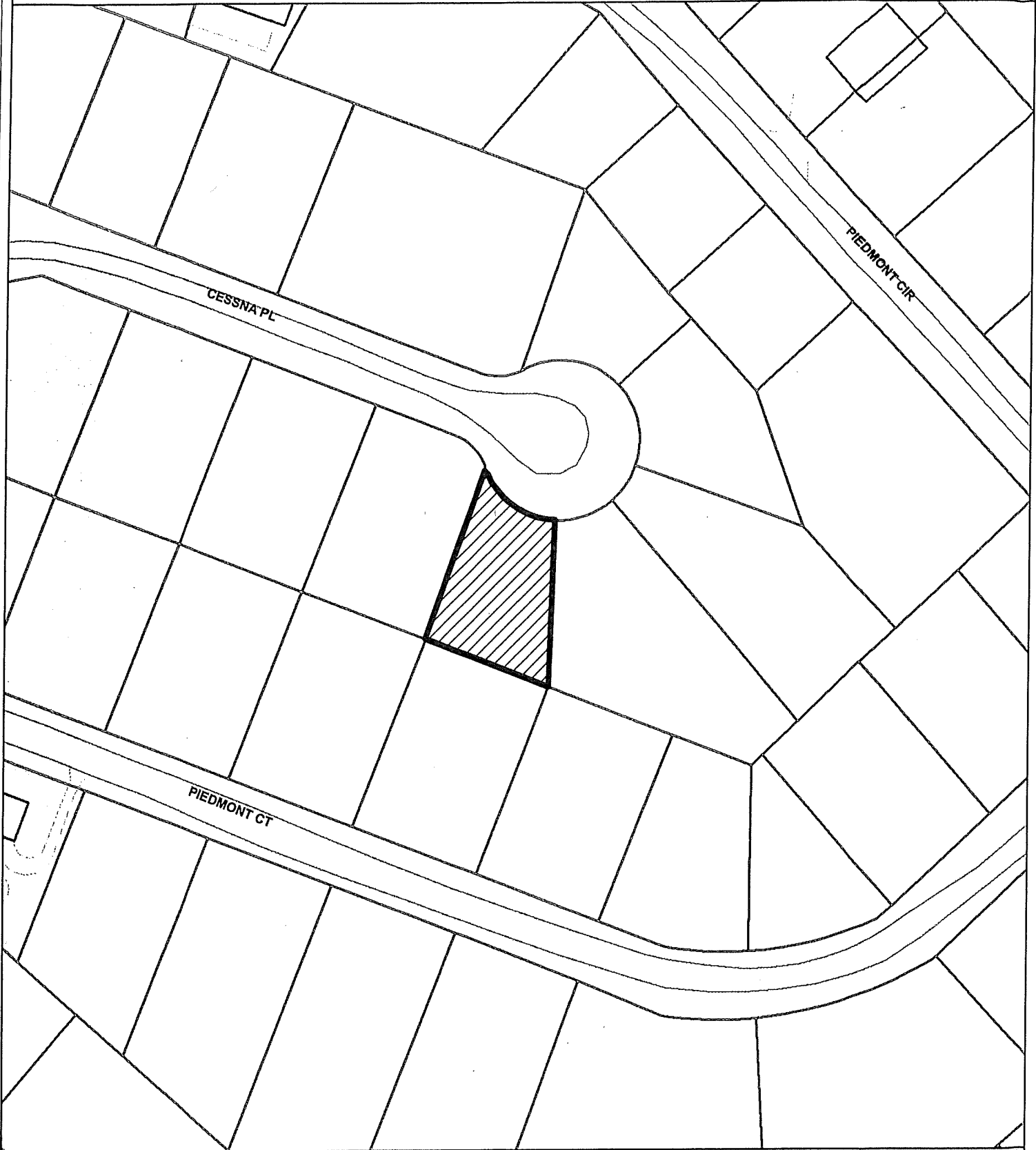


Map Created: 01/01/2018

Multi-Purpose Utility by Esri, 2018
ArcMap Document: *.mxd

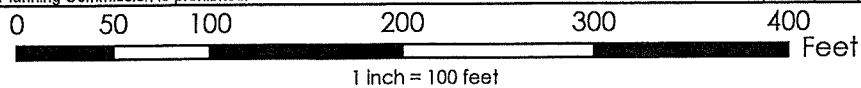
Noise Contour Map

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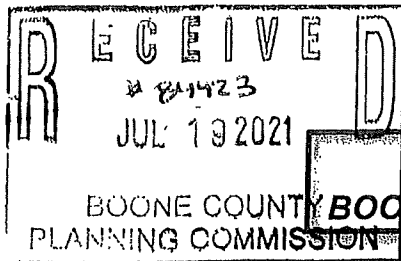


Map Created: 01/01/2018

Boone County GIS - Putting Northern Kentucky on the Map



Map Document *.mxd



BOARD OF ADJUSTMENT
BOONE COUNTY PLANNING COMMISSION

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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: Erik Frey

Address: 2041 Brantwood Dr.

Hebron Ky 41048
City State Zip Code

Phone Number: 859-533-1909 Fax Number: N/A

Email: erik@sec-usa.com

4. Description of Request:
Rear set back variance on lot #245. See site plan.

5. Name of Development: Frey Garage

6. Location of Development: PIDN #059.00-06-245.00

Erlanger Ky 41018
City State Zip Code

7. Acreage Under Review: GIS Acreage = 0.22

8. Lot Number and Name of Subdivision (if part of a subdivision):
Lot #245 Rolling Green Acres Subdivision

9. Current Owner: Christine Lynn Frey

Address: 2041 Brantwood Dr.

Hebron Ky 41048
City State Zip Code

Phone Number: 859-466-6473 Fax Number: N/A

Email: christyfrey@fuse.net

Automotive repair/storage

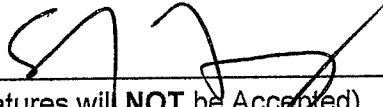
10. Proposed Use(s) on Site: _____
11. Total Square Footage of Existing and/or Proposed Buildings: 2,352 sq ft.
12. Current Zoning: I-1
13. 1165 828 517
Deed Book Page Group Number
14. Is the site subject to a zone change: Yes No
If yes, date of approval: _____
15. Have you submitted a Site Plan with 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: _____



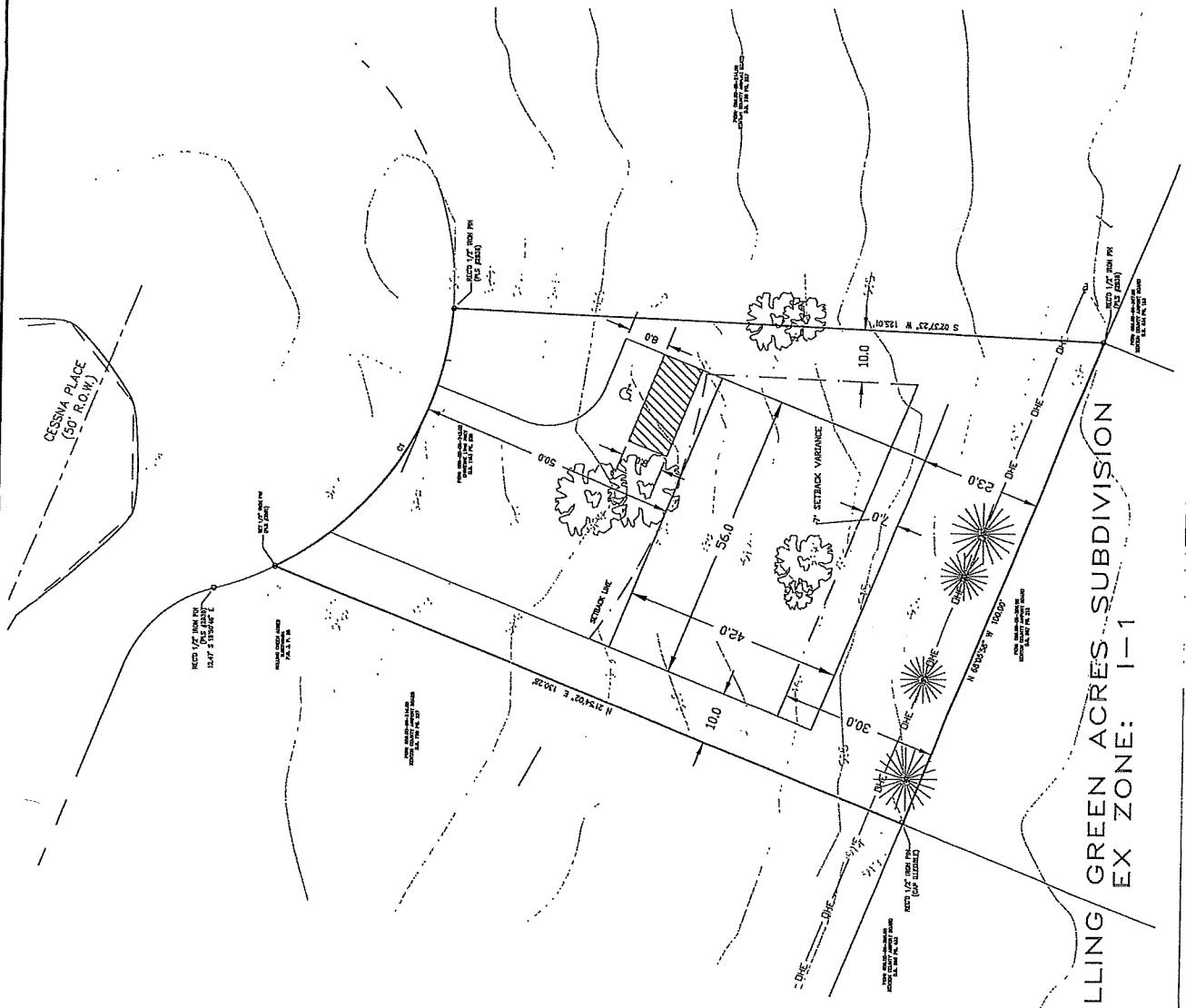
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CURVE TABLE
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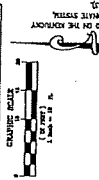


RECEIVED
 JUL 19 2021
 BOONE COUNTY
 PLANNING COMMISSION

ROLLING GREEN ACRES SUBDIVISION
 EX ZONE: 1-1

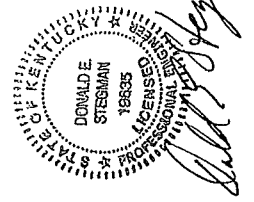


SYMBOL	DESCRIPTION
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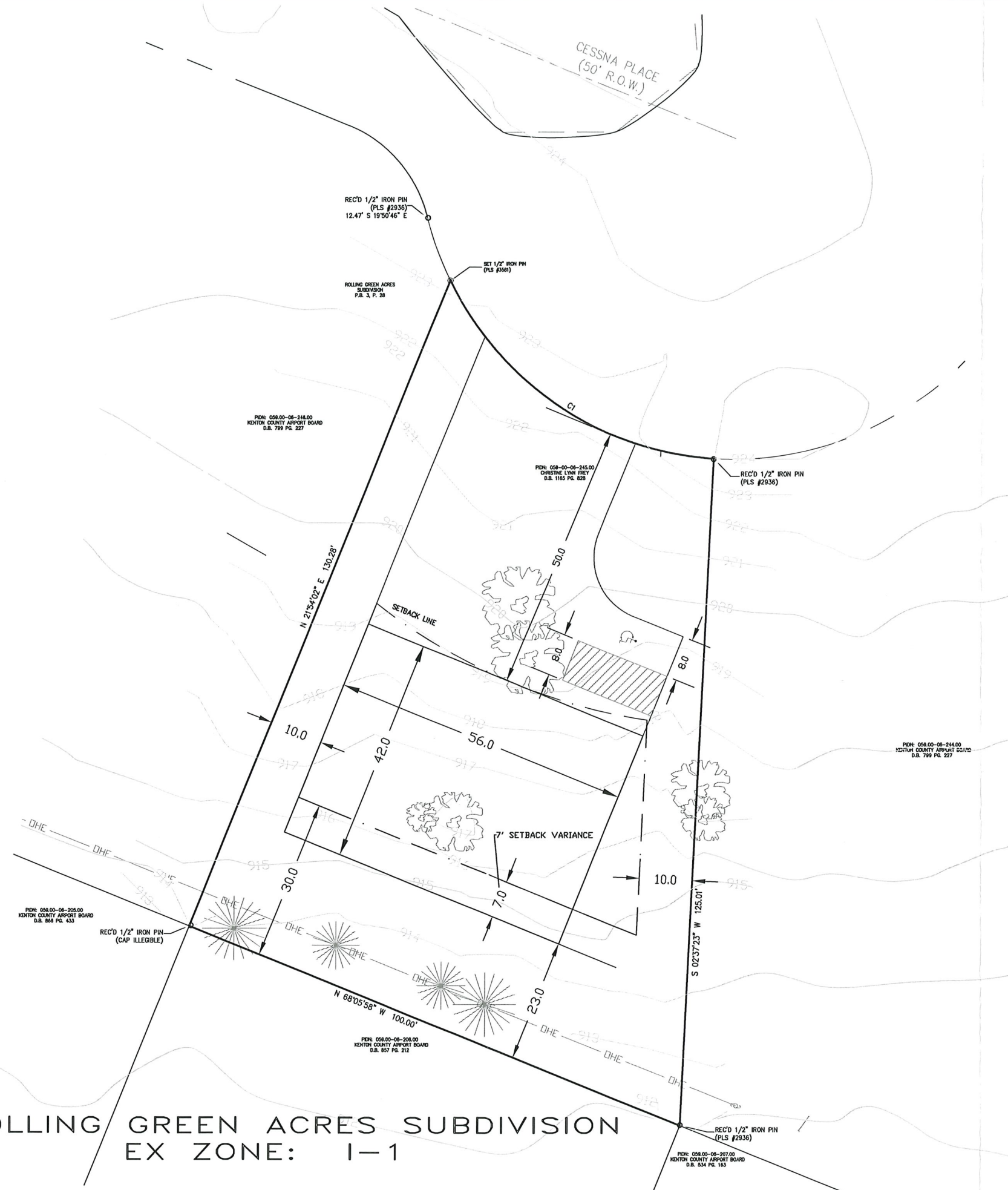


BRACKETS ARE BASED ON THE CENTER
 LINE UNLESS OTHERWISE NOTED

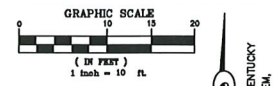
 CARDINAL ENGINEERING LAND SURVEYING 245 CESSNA PLACE BOONE COUNTY, KENTUCKY PHONE: 606-341-4600 FAX: 606-341-4604	PROJECTS: PARTIAL BOUNDARY AND TOPOGRAPHIC SURVEY 245 CESSNA PLACE BOONE COUNTY, KENTUCKY CLIENT NAME CLIENT CITY, STATE & ZIP CODE	CLIENTS:
	PROJECT NO. 21-059 SCALE 1" = 10' DATE 7/16/21 VARIANCE REQUEST PLAN	SHEET C-1.0



CURVE TABLE					
CURVE	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD
C1	59°59'57"	60.00'	62.83'	S 56°17'26" E	60.00'



LEGEND	
—○—	OVERHEAD ELECTRIC
—□—	UNDERGROUND ELECTRIC
—□—	ELECTRIC BOX
—(E)—	ELECTRIC MANHOLE
—○—	ANCHOR POLE
—○—	LIGHT POLE
—○—	UTILITY POLE
—○—	GROUND LIGHT
—○—	OVERHEAD TELEPHONE
—□—	UNDERGROUND TELEPHONE
—□—	TELEPHONE BOX
—(T)—	TELEPHONE MANHOLE
—○—	DOLLARDS
—○—	SOV
—○—	MAIL BOX
—○—	WATER LINE
—○—	WATER VALVE
—○—	FIRE HYDRANT
—○—	WATER METER
—○—	WATER VALVE BOX
—○—	WATER VALVE MANHOLE
—○—	POST INDICATOR VALVE
—○—	GAS LINE
—○—	GAS METER
—○—	GAS VALVE
—○—	GAS VALVE BOX
—○—	UTILITY MANHOLE
—○—	SEWER MANHOLE
—○—	STORM MANHOLE
—○—	DITCH OR CREEK
—○—	GUARDRAIL
—○—	FENCE LINE
—○—	R/W FENCE LINE



BEARINGS ARE BASED ON THE KENTUCKY STATE PLANE COORDINATE SYSTEM, NORTH ZONE (NAD 83).

REVISIONS	DATE	#	ITEM



CARDINAL
ENGINEERING
LAND SURVEYING
ONE MOOCK ROAD
WILDER, KENTUCKY 41071
PHONE: (859) 581-9600
FAX: (859) 581-9636

WEBSITE: <http://www.cardinalengineering.net>

PROJECT: PARTIAL BOUNDARY AND TOPOGRAPHIC SURVEY
245 CESSNA PLACE
BOONE COUNTY, KENTUCKY

CLIENT: CLIENT NAME
CLIENT STREET ADDRESS
CLIENT CITY, STATE & ZIP CODE



DRAWN BY:	SEAL
RZM	
CHECKED BY:	
DES	
PROJECT MANAGER:	
DES	

PROJECT NO. 21-099
SCALE 1" = 10'
DATE 7/16/21

VARIANCE REQUEST PLAN

SHEET
C-1.0



RECEIVED
JUL 19 2021
BOONE COUNTY
PLANNING COMMISSION

ROLLING GREEN ACRES SUBDIVISION
EX ZONE: 1-1

STATE OF KENTUCKY
DONALD E. STEGMAN
19835
LICENSED PROFESSIONAL ENGINEER
Donald E. Stegman

CERTIFICATE OF LAND USE RESTRICTION

- 1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Christine Frey
2041 Brantwood Dr
Hebron, KY 41048
- 2. ADDRESS OF PROPERTY
Cessna Place
Erlanger, KY 41018
- 3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Frey Garage
- 4. DEED BOOK 1165 PAGE NO. 828 GROUP NO. 517
- 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 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.)