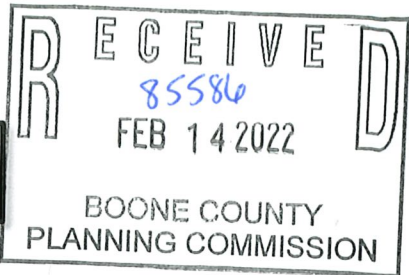


**BOARD OF ADJUSTMENT
BOONE COUNTY PLANNING COMMISSION**



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: Lee Rickey
Address: 189 Weber Lane
Florence KY 41042
City State Zip Code
Phone Number: 859-384-2006 Fax Number: _____
Email: lee@potterhousegroup.com
4. Description of Request: SINGLE story climate control storage building
5. Name of Development: _____
6. Location of Development: 8512 Old Toll Road
Florence KY 41042
City State Zip Code
7. Acreage Under Review: 0.58
8. Lot Number and Name of Subdivision (if part of a subdivision): _____
9. Current Owner: BCBC LLC
Address: 1073 INDUSTRIAL RD
Cold Spring KY 41076
City State Zip Code
Phone Number: _____ Fax Number: _____
Email: _____

10. Proposed Use(s) on Site: storage
11. Total Square Footage of Existing and/or Proposed Buildings: 6000
12. Current Zoning: I-1
13. 987 652 2039
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: 2/14/22 Fee Received: \$ 3566 Receipt #: 85586

2. Is application complete:

3. Staff Reviewer: M. Schuytz

4. Scheduled Board Action Date: 3/19/2022

5. Board Action: 3/19/2022

Approved

Approved with Conditions (see #6)

Denial (See #7)

6. Conditions of Approval: See Attached, CLR, & Minutes

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

CONDITIONS OF APPROVAL

APPLICANT: Lee Rickey on behalf of BCBC, LLC, per Joseph M. Heil

LOCATION: Along the north side of Old Toll Road, between US 42 and Aldersgate Street, approximately 400 feet west of US 42, having a Parcel Identification Number (PIDN) of 062.00-00-020.01 and being immediately west of the property located at 8500 Old Toll Road, Boone County, Kentucky

ZONING: Industrial One (I-1)

DATE: March 9, 2022

1. Outside storage of any kind shall be prohibited.
2. As many as the existing trees on the site shall be retained.

STAFF REPORT

#1

APPLICANT: Lee Rickey on behalf of BCBC, LLC, per Joseph M. Heil

LOCATION: Along the north side of Old Toll Road, between US 42 and Aldersgate Street, approximately 400 feet west of US 42, having a Parcel Identification Number (PIDN) of 062.00-00-020.01 and being immediately west of the property located at 8500 Old Toll Road, Boone County, Kentucky

ZONING: Industrial One (I-1)

DATE: March 9, 2022

PROPOSAL

A. The request is to:

1. Reduce the minimum required rear yard setback from thirty (30) feet to twenty (20) feet.
2. Reduce the minimum required side yard setback, along the west property line, from fifty (50) feet to twenty (20) feet.
3. Reduce the minimum required buffer yard width and planting material, along the north property line, from a Buffer Yard B (twenty (20) foot width) to a Buffer Yard A (ten (10) foot width).
4. Reduce the minimum required buffer yard width and planting material, along the east property line, from a Buffer Yard B (twenty (20) foot width) to a Buffer Yard A (ten (10) foot width).
5. Reduce the minimum required buffer yard width and planting material, along the west property line from a Buffer Yard C (sixty (60) foot width to a Buffer Yard A (ten (10) foot width).

SITE HISTORY

1974 On February 6, 1974, the Boone County Planning Commission approved a Conveyance Plat, creating the lot in question.

2010-2012 based on information contained in the Boone County GIS, the house that was previously on the site in question was demolished.

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 1131.27 of the Boone County Zoning Regulations identifies mini warehouses as a principally permitted use within the I-1 district.
- F. Section 3110 of the Boone County Zoning Regulations requires developments within the I-1 district to have a minimum rear yard setback of thirty (30) feet, when adjacent to a PF district.
- G. Section 3110 of the Boone County Zoning Regulations requires developments within the I-1 district to have a minimum side yard setback of fifty (50) feet, when adjacent to a UR-1 district.
- H. Section 3654 of the Boone County Zoning Regulations requires developments within the I-1 district to provide for a Buffer Yard B, having a minimum width of twenty (20) feet, when adjacent to a PF district.
- I. Section 3654 of the Boone County Zoning Regulations requires developments within the I-1 district to provide for a Buffer Yard C, having a minimum width of sixty (60) feet, when adjacent to a UR-1 district.

RELATIONSHIP TO THE COMPREHENSIVE PLAN

- A. The Our Boone County Plan 2040 Future Land Use Plan designates the site in question for “Suburban Density Residential”, which 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:
 - 1. 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).
 - 2. Development policies shall not discriminate against any person (Demographics Goal A, Objective 1).
 - 3. 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).
 - 4. 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).

5. Development shall attempt to utilize existing topography and vegetation (including mature trees where possible) and preserve the existing character of the land where practical (Environment Goal A, Objective 7).
 6. Industries shall be promoted in suitable locations to make the county a vital part of a strong regional economy (Economy Goal A, Objective 2).
 7. Local agriculture, business products, and services shall be encouraged and supported (Economy Goal A, Objective 4).
 8. 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).
 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).
 10. 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).
 11. 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. Old Toll Road is identified as a city (Florence) maintained local street providing for two way traffic within an approximate eighteen (18) foot pavement width. A sidewalk exists along the south side of the roadway.

SURROUNDING LAND USES AND ZONING

- North: Vacant wooded land (PF)
- South: AutoZone and Sherwin Williams (C-2/PD)
- East: Public service utility building (PF)
- West: Panorama Plus Apartments (UR-1/PD)

SITE CHARACTERISTICS

- A. The approximate 0.6 acre property is located along the north side of Old Toll Road, approximately 400 feet west of US 42.
- B. The site is currently vacant and is heavily wooded, with the exception of the approximate center of the site.
- C. The site is relatively flat, with the northern half of the site sloping downward at an average grade of approximately 9%

PROPOSED DEVELOPMENT

- A. The applicant is proposing the following:
 - 1. Construction of a one story, 6,000 square foot, climate controlled self-storage building.
 - 2. Provision for six (6) off-street parking spaces.
 - 3. Provision for a stormwater detention facility.
 - 4. Access from a single curb cut onto Old Toll Road.

STAFF COMMENTS

- A. The site is totally surrounded by properties within the City of Florence.
- B. A self-storage facility is currently located approximate 1,500 feet west of the site in question, on Pleasant Valley Road.
- C. While an apartment complex is located to the west of the site, the area immediately to the west of site is the side yard and access drive of the apartment complex. The apartment building is located approximately eighty (80) feet from the west property line of the site in question.
- D. An inter-departmental email was sent to the City of Florence and the Florence Fire Department requesting comments pertaining to the request.
 - 1. Randy Childress, Florence Fire Department, replied that he had no comments.
 - 2. Josh Hunt, City of Florence, replied with the following:
 - a. The applicant will not be permitted to connect to the City's stormwater utility until the annexation process has been started.
 - b. The curb cut access is denied.
 - c. The city strongly recommends to the Boone County BOA that the variance request is denied because their plans do not meet the basic requirements for a site plan.
- E. Should the Board take action to approve the submitted request, Staff is suggesting the following conditions to be considered as part of that action:

1. Outside storage of any kind shall be prohibited.
2. As many as the existing trees on the site shall be retained.

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
Director, Zoning Services

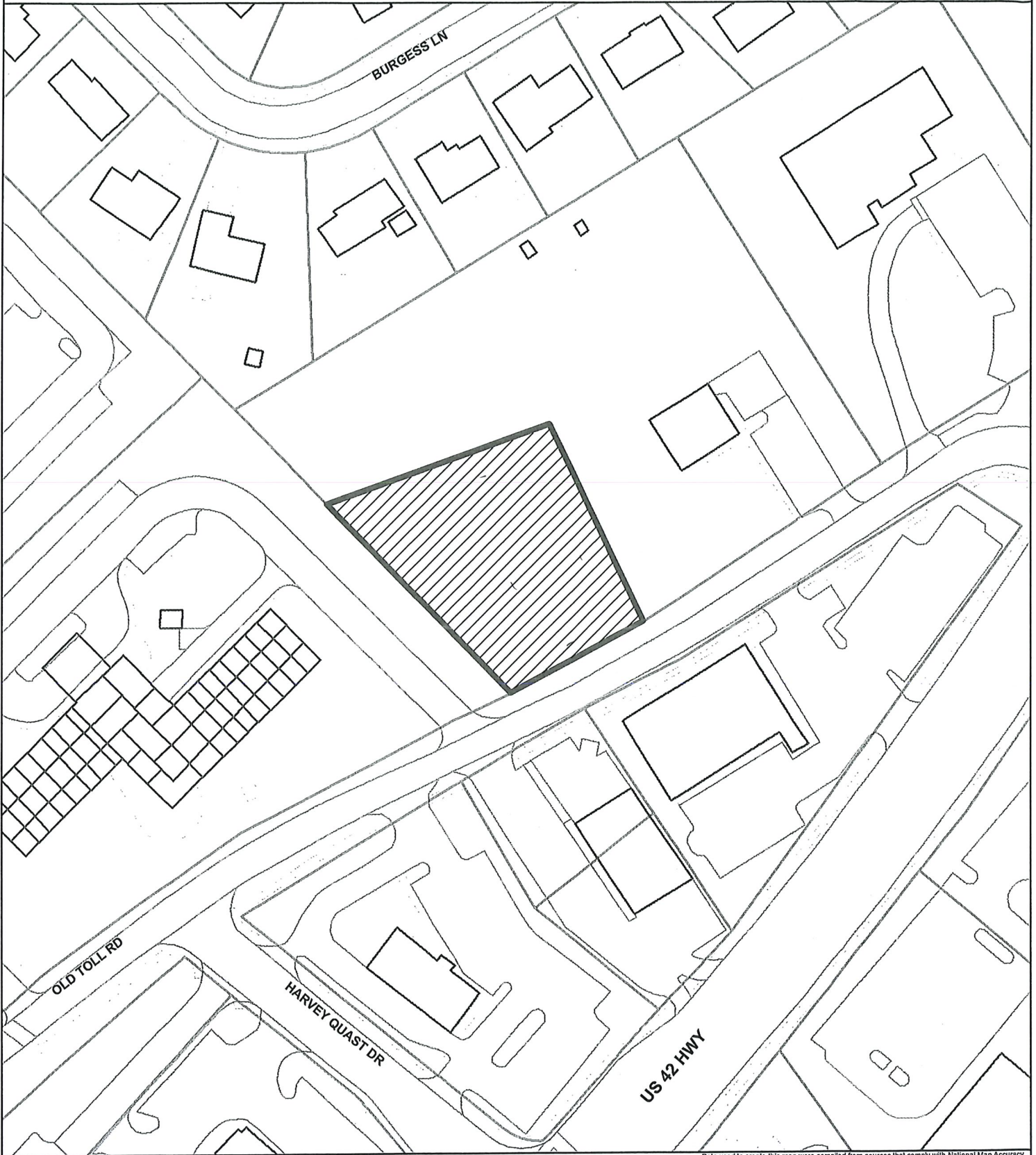
MDS/ss

Attachments

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

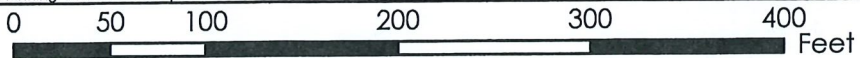
Vicinity Map

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.



1 inch = 100 feet



Map Created: xx/xx/2021

Boone County GIS - Putting Northern Kentucky on the Map



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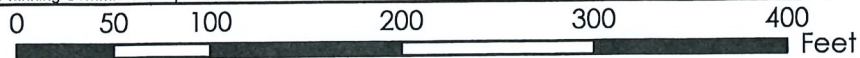
Aerial Map

www.boonecountygis.com



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Boone County GIS - Putting Northern Kentucky on the Map

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ArcMap Document: *.mxd

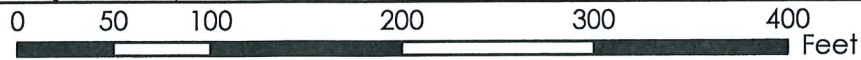
Topographical Map

www.boonecountygis.com



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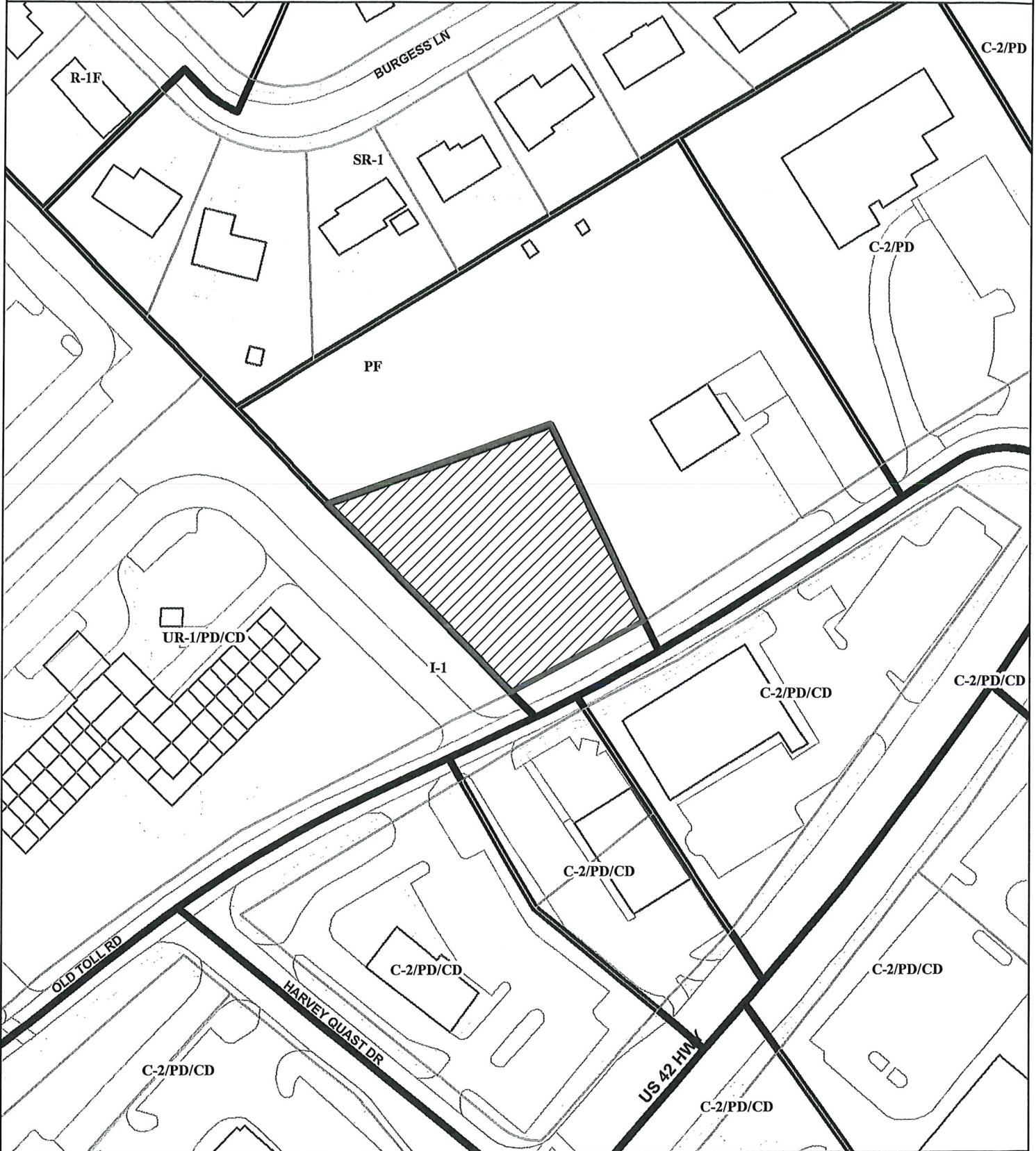
Boone County GIS - Putting Northern Kentucky on the Map



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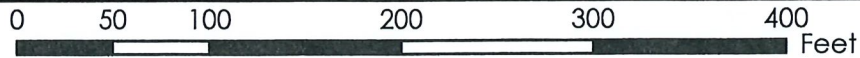
Zoning Map

www.boonecountygis.com



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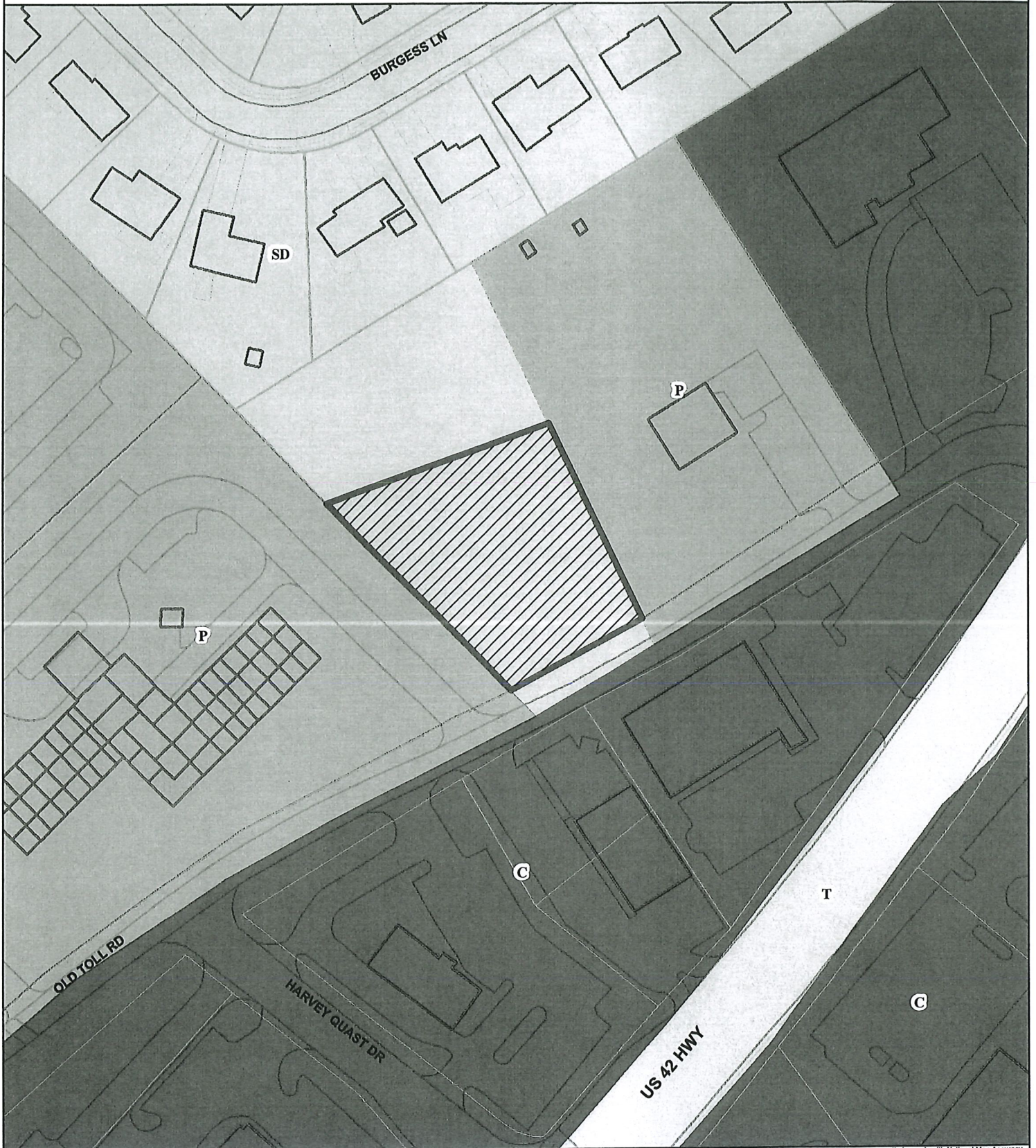
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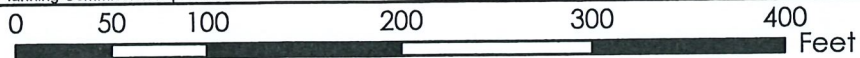
2040 Future Land Use Map

www.boonecountygis.com



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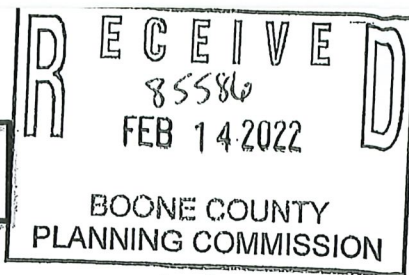
1 inch = 100 feet



Boone County GIS - Putting Northern Kentucky on the Map



**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: Lee Rickey

Address: 189 Weber Lane

Florence KY 41042
City State Zip Code

Phone Number: 859-384-2006 Fax Number: _____

Email: lee@potterhousegroup.com

4. Description of Request: SINGLE story climate control storage building

5. Name of Development: _____

6. Location of Development: 8512 Old Toll Road

Florence KY 41042
City State Zip Code

7. Acreage Under Review: 0.58

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

9. Current Owner: BCBC LLC

Address: 1073 INDUSTRIAL RD

Cold Spring KY 41076
City State Zip Code

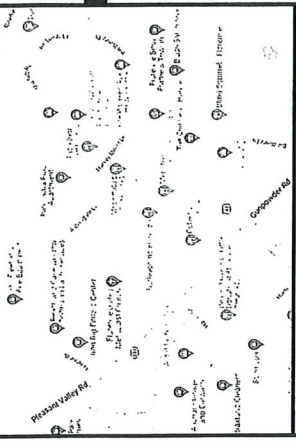
Phone Number: _____ Fax Number: _____

Email: _____

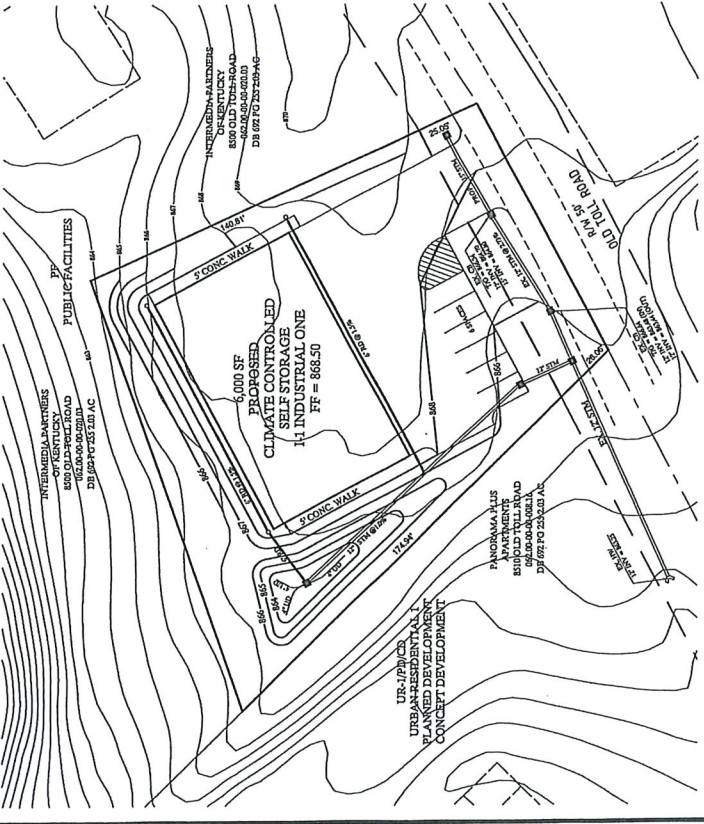
10. Proposed Use(s) on Site: storage
11. Total Square Footage of Existing and/or Proposed Buildings: 6000
12. Current Zoning: I-1
13. 987 652 2039
Deed Book Page Group Number
14. Is the site subject to a zone change: Yes No
If yes, date of approval: _____
15. Have you submitted a Site Plan with this 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)



VICINITY MAP



GRADING PLAN
SCALE: 1" = 30'

- NOTES**
1. PROPERTY WAS CONVEYED TO RBCCLLC BY DEED RECORDED IN DEED BOOK D987 PAGE 632 OF THE BOONE COUNTY PUBLIC RECORDS.
 2. THIS TRACT IS PART OF GROUP NUMBER 2890808.
 3. THIS DRAWING IS NOT RELEASED FOR CONSTRUCTION, AND IS NOT INTENDED TO BE USED AS FINAL SITE PLAN AND SHOULD ONLY BE USED FOR AN EXHIBIT FOR THE REQUESTED VARIANCES.
 4. THE PROPOSED USE OF SELF STORAGE IS A PERMITTED USE IN THE INDUSTRIAL - ONE ZONE.
 5. VERTICAL DATUM IS NAVD83.

CLIENT
NKY STORAGE LLC
WEBER LANE FLORENCE,
KENTUCKY 41042
859-384-2006

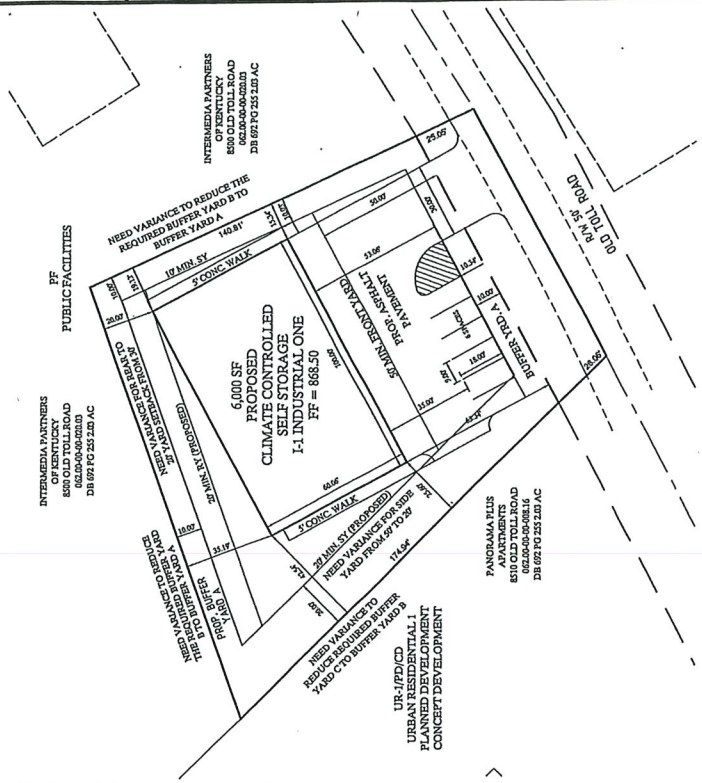
OWNER
RBCCLLC
1073 INDUSTRIAL ROAD
COLD SPRING, KENTUCKY 41076

PROPERTY ADDRESS
8512 OLD TOLL ROAD
FLORENCE, KENTUCKY 41042



SCALE: 1" = 30'-0"
0' 30' 60' 90'

PROPOSED OVERALL SITE PLAN



SITE LAYOUT PLAN
SCALE: 1" = 50'

HREZO Engineering, Inc.
Engineering, Consulting
Construction Management
Full Architectural Services
Construction Management

GREENDALE
1023 Ridge Avenue
Florence, KY 41042
Tel: 812.537.4700
Office@hrezoeengineering.com

MADISON
448 Meadow Lane
Madison, IN 47250
Tel: 317.264.1111
Contact.Madison@hrezoeengineering.com

Public Facilities

INTERMEDIA PARTNERS OF KENTUCKY
850 OLD TOLL ROAD
66200-00-0200
D8 697 PG 233 230 AC

INTERMEDIA PARTNERS OF KENTUCKY
850 OLD TOLL ROAD
66200-00-0200
D8 697 PG 233 230 AC

INTERMEDIA PARTNERS OF KENTUCKY
850 OLD TOLL ROAD
66200-00-0200
D8 697 PG 233 230 AC

PANORAMA PLUS APARTMENTS
8510 OLD TOLL ROAD
66200-00-0200
D8 697 PG 233 230 AC

VARIANCE EXHIBIT

NKY STORAGE LLC

8512 OLD TOLL ROAD
BOONE COUNTY KENTUCKY
062.00-00-020.01

DATE: 2/14/2022
DRAWN BY: JBER
CHECKED BY: JBER
APPROVED BY: PBR
PROJECT #: ENG2123

PAGE: 1 OF 1

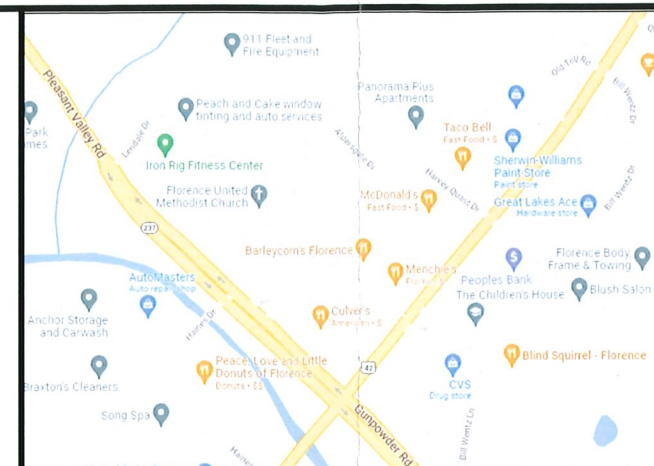


HREZO Engineering, Inc.

Engineering Certification
Engineering Consulting
Full Engineering Services
Full Architectural Services
Construction Management
Surveying Services

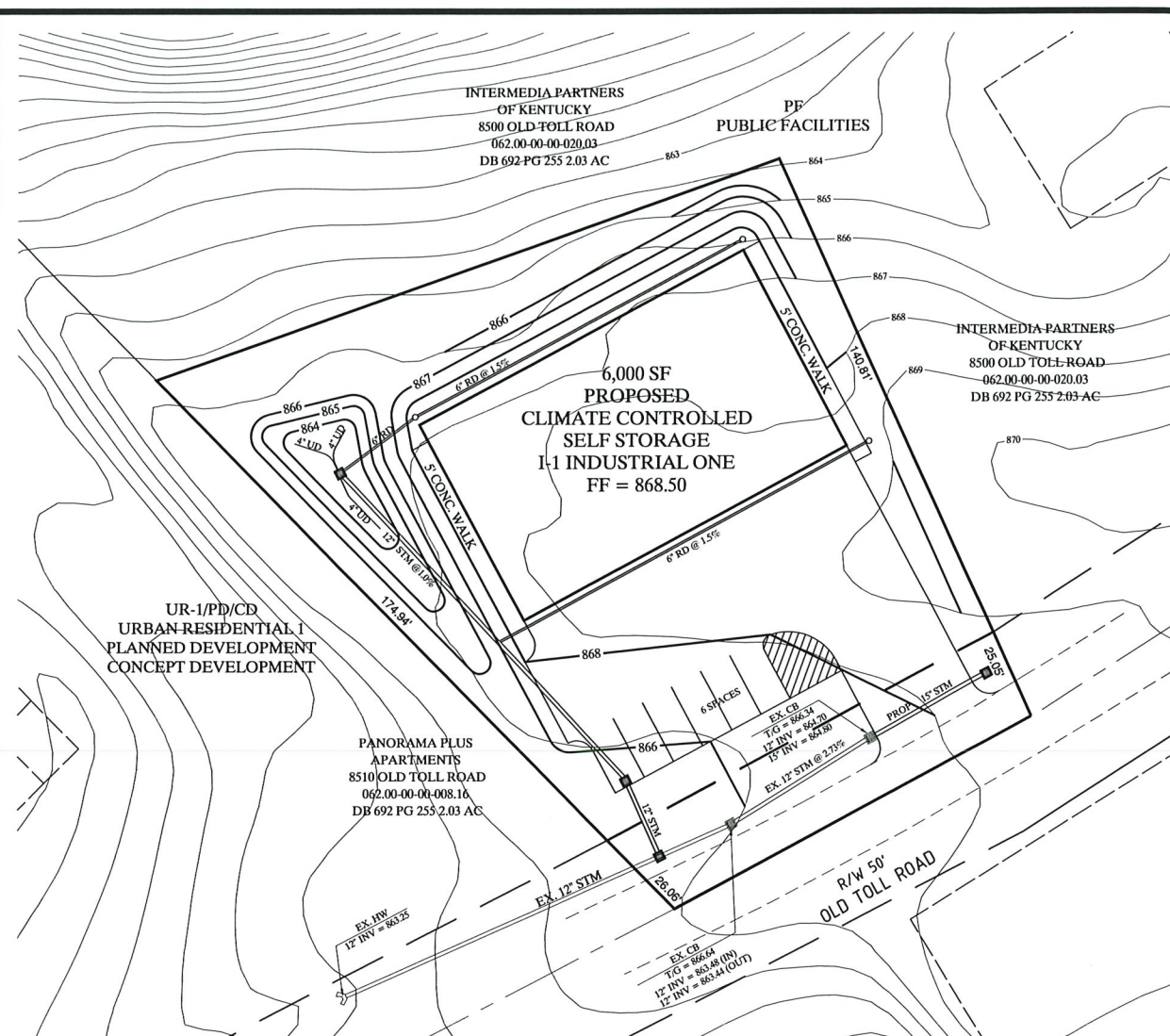
GREENDALE
1025 Ridge Avenue
Greendale, IN 47025
T 812.537.4700
Office@HrezoEngineering.com

MADISON
448 Meadow Lane
Madison, IN 47250
T 812.273.2644
Contact.Madison@HrezoEngineering.com



VICINITY MAP

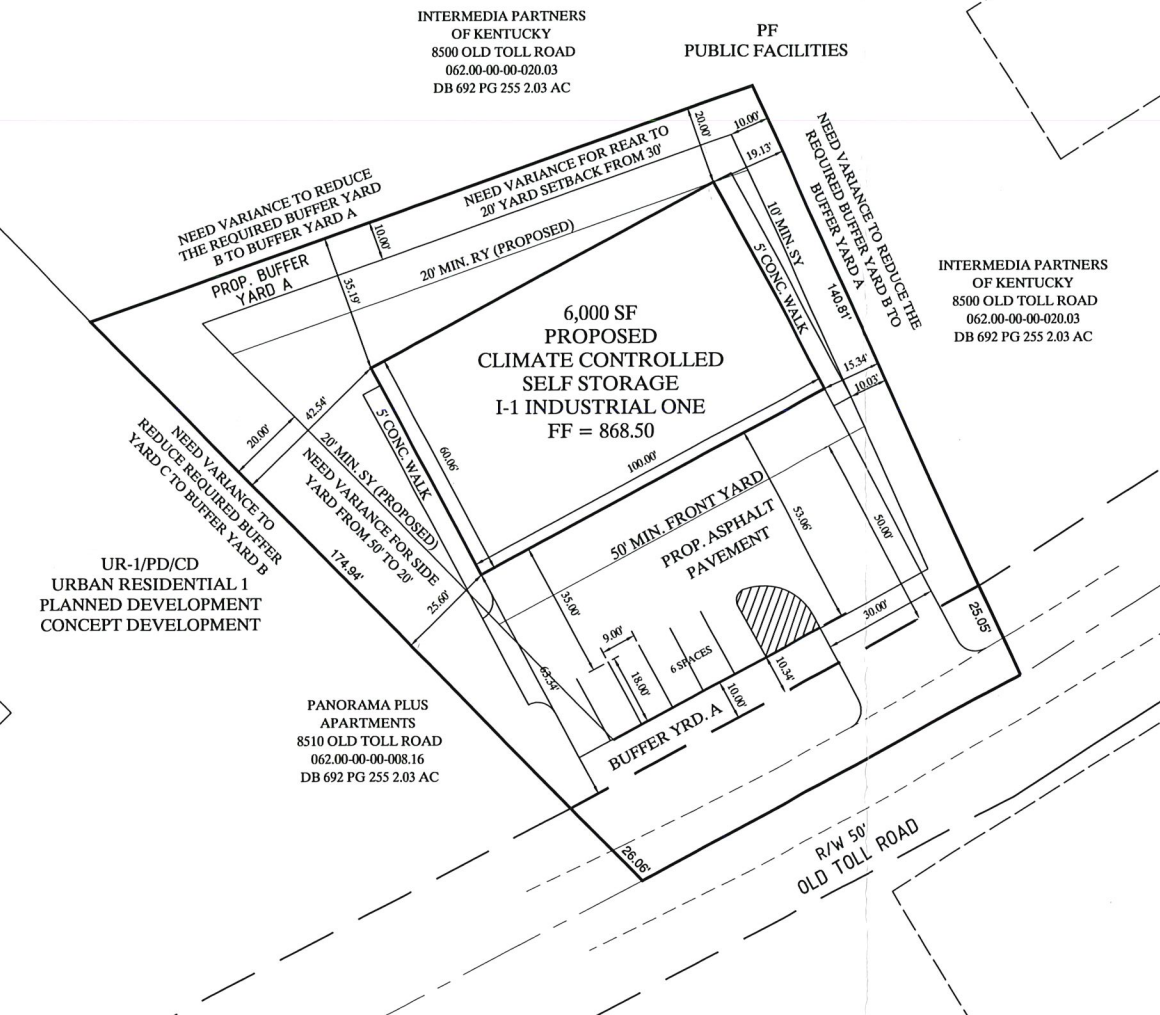
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GRADING PLAN

SCALE: 1" = 30'

- NOTES**
1. PROPERTY WAS CONVEYED TO BCBC LLC BY DEED RECORDED IN DEED BOOK D987 PAGE 652 OF THE BOONE COUNTY DEED RECORDS ON FILE IN BURLINGTON KENTUCKY.
 2. SUBJECT TRACT IS PART OF GROUP NUMBER 2039/BOONE.
 3. THIS DRAWING IS NOT RELEASED FOR CONSTRUCTION, AND IS NOT INTENDED TO BE USED AS FINAL SITE PLAN AND SHOULD ONLY BE USED FOR AN EXHIBIT FOR THE REQUESTED VARIANCES.
 4. THE PROPOSED USE OF SELF STORAGE IS A PERMITTED USE IN THE INDUSTRIAL - ONE ZONE.
 5. NORTH AND BEARING SYSTEM BASED ON KENTUCKY STATE PLANE, NORTH ZONE, NAD83, US SURVEY FOOT, AND VERTICAL DATUM IS NAVD88.



SITE LAYOUT PLAN

SCALE: 1" = 30'

CLIENT

NKY STORAGE LLC 189
WEBER LANE FLORENCE,
KENTUCKY 41042
859-384-2006

OWNER

BCBC LLC
1073 INDUSTRIAL ROAD
COLD SPRING, KENTUCKY 41076

PROPERTY ADDRESS

8512 OLD TOLL ROAD
FLORENCE, KENTUCKY 41042

PROPOSED OVERALL SITE PLAN

SCALE: 1" = 30'-0"
0' 30' 60' 90'



PROJECT NAME: **VARIANCE EXHIBIT**
CLIENT: **NKY STORAGE LLC**
DESC: **8512 OLD TOLL ROAD
BOONE COUNTY KENTUCKY
062.00-00-020.01**

DATE: 2/14/2022
DRAWN BY: JBER
CHECKED BY: JBER
APPROVED BY: PDR
PROJECT #: ENG2125

PAGE: 1 OF 1

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
BCBC LLC
1073 Industrial Rd
Cold Spring, KY 41076
2. ADDRESS OF PROPERTY
8383 US 42
Florence, KY 41042
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Old Toll Road Storage Building
4. DEED BOOK 987 PAGE NO. 652 GROUP NO. 2039
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 Variances
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, Director, Zoning Services
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 11th day of March, 2022.

Trevia L. Beagle
Notary ID KYNP37603
NOTARY PUBLIC, State at Large

My commission Expires:
November 12, 2025

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.)

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the Variations approved by the Boone County Board of Adjustment and in accordance with the current zoning in effect as of March 9, 2022, Certificate of Land Use Restriction (#22-BCBOA-010-A), for BCBC LLC, Property Owner(s).

The following conditions will apply:

1. Outside storage of any kind shall be prohibited.
2. As many as the existing trees on the site shall be retained.

The approved Variations as well as the preceding conditions apply to the property described in:

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