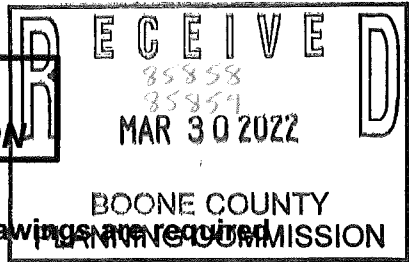


**BOARD OF ADJUSTMENT
BOONE COUNTY PLANNING COMMISSION**



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)

015

1. Check One Boone Florence Walton Union
2. Check One Conditional Use Permit Variance Appeal
 Change in Non-Conforming Use
Jason Terrell and Bradley Schnieders ; Tin Soldier Investments, LLC
3. Applicant: _____
Address: _____
3954 Decker Crane Lane
Covington KY 41017
City State Zip Code
Phone Number: 859-359-5068 (c) 859-801-6268 (c) Fax Number: _____
Admin@TinSoldierRacecars.com
Email: _____
4. Description of Request:
Conditional Use Approval for Automotive Repair Facility and RV Storage
5. Name of Development: _____
2134 Petersburg Road
6. Location of Development: _____
Hebron KY 41048
City State Zip Code
Approximately 2.0 acres
7. Acreage Under Review: _____
8. Lot Number and Name of Subdivision (if part of a subdivision):

9. Current Owner: _____
BH&G Inc ; Jack Berberich
Address: _____
9087 Alyssum Drive
Covington KY 41015
City State Zip Code
Phone Number: 859-760-8973 Fax Number: _____
NJBerberich@gmail.com
Email: _____

BCBOA Application

Jason Terrell & Bradley Schneiders

Addendum to Lease Item 4

Building A to be used for inventory storage, office, online auto parts sales, and future accessory auto parts manufacturing

Building B to initially be used as leased commercial space and then future 'automotive repair facility'

Jana Lull

Automotive repairs, auto parts retail, RV storage

10. Proposed Use(s) on Site: _____
11. Total Square Footage of Existing and/or Proposed Buildings: _____ 13,500
12. Current Zoning: _____ C2
13. _____ 272 _____ 272 _____ 2006
- 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: 3/30/22 Fee Received: \$1116 ^{\$1000} Receipt #: 85858
85859

2. Is application complete: ✓

3. Staff Reviewer: M. Schwartz

4. Scheduled Board Action Date: 4/20/2022

5. Board Action: 4/20/2022

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

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

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: Tin Soldiers Investments, LLC, per Jason Terrell and Bradley Schneiders, on behalf of BH and G, Inc., per Jack Berberich

LOCATION: 2134 Petersburg Road, Boone County, Kentucky

ZONING: Commercial Two (C-2)

DATE: April 20, 2022

1. There shall be no additional exterior lighting.
2. Storage of any kind, within the front yard, shall be prohibited.
3. Storage within the fenced area shall be limited to recreational vehicles, vehicles that are being worked on, and business vehicles.
4. No inoperable vehicle shall be parked or stored in the front yard.
5. The hours of operation of the automotive repair facility shall be limited to 8:00 am – 8:00 pm.
6. Any automotive repair work shall be conducted within a completely enclosed building with all doorways and windows shut.
7. A Site Plan shall be submitted to, and approved by, the Boone County Planning Commission prior to the operation of the business.

STAFF REPORT

#1

APPLICANT: Tin Soldiers Investments, LLC, per Jason Terrell and Bradley Schneiders, on behalf of BH and G, Inc., per Jack Berberich

LOCATION: 2134 Petersburg Road, Boone County, Kentucky

ZONING: Commercial Two (C-2)

DATE: April 20, 2022

PROPOSAL

- A. The applicant is requesting a Conditional Use Permit to allow an automotive repair facility within an existing building, along with recreational vehicle storage.

SITE HISTORY

- 1978 A 6,000 square foot building was constructed on the site for the purpose of housing the Berberich Home and Garden Center, which was discontinued in 1980.
- 1980 The 1980 Boone County Zoning Map identified the site as being zoned SR-2 and UR-2.
- 1981 An adolescent drug rehabilitation center (Kids Helping Kids) occupied the site.
- 1983 A 7,500 square foot building addition was constructed to allow the expansion of the Kids Helping Kids facility, which operated until April 1994.
- 1992 The 1992 Boone County Zoning Map identified the site as being zoned SR-2.
- 1994-1997 Based on information contained in the Boone County GIS, a parking expansion was constructed.
- 1995 On April 12, 1995, the Boone Board of Adjustment approved a request for a Change of Nonconforming Use from a counseling center to a restaurant, subject to three conditions (BCBOA 95-005).
- 1995 On July 27, 1995, the Boone Fiscal Court denied a request for a zoning map amendment, changing the site from C-2 to UR-1/PD (Resolution R-06-06-95-01-PZ/R-95-022-D).
- 1996 The 1996 Boone County Zoning Map identified the site as being zoned C-2.
- 1998 On August 26, 1998, the Boone County Planning Commission approved a Minor Site Plan for a 220 square foot office addition.
- 2021 On June 9, 2021, the Boone Board of Adjustment approved: (1) a Conditional Use Permit to allow a mini warehouse (self-storage) and recreational/boat

storage; and (2) a variance reducing the buffer yard width along a portion of the west property line from thirty (30) feet to ten (10) feet, subject to the following conditions: (1) there shall be no additional exterior lighting, except for motion sensitive security lighting; (2) storage of any kind, within the front yard, shall be prohibited; (3) storage within the fenced area shall be limited to recreational vehicles; (4) the required amount of landscaping shall be provided within the proposed buffer yards within the side and rear yards; and (5) a Site Plan shall be submitted to, and approved by, the Boone County Planning Commission prior to the operation of the business (BCBOA-21-019).

2021 On July 13, 2021, the Boone County Planning Commission staff approved a Minor Site Plan for a fence, boat storage, indoor storage, and lease space for a restaurant.

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 conditional uses permits as specified by the zoning order, with such additional safeguards as will uphold the intent of the zoning order.
- B. The Board should evaluate the request as it relates to the criteria necessary for granting a Conditional Use Permit as stated in Sections 262, and 1133 of the Boone County Zoning Regulations.
 - 1. Findings listed in Section 262 (Findings for all Conditional Uses):
 - a. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the County's Comprehensive Plan, a specific corridor plan and/or the zoning order;
 - b. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and shall not change the essential character of the same area;
 - c. Will not be hazardous to existing or future neighboring uses;
 - d. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately such services;
 - e. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;

- f. Will not involve uses, activities, process, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, dust, fumes, glare, or odors;
 - g. Will have vehicular approaches to the property which shall be so designated as not to create an interference with traffic on surrounding public thoroughfares.
- 2. Criteria listed in Section 1023 of the Boone County Zoning Regulations (C-2 District):
 - a. The activity is an integral and subordinate function of a permitted commercial use, professional or personal service; or
 - b. The activity will further add to, not detract from, the creation of a compact, multipurpose and pedestrian oriented commerce center; and
 - c. The arrangement of uses, buildings or structures will be mutually compatible with the organization of permitted and accessory uses to be protected in the district:
- C. Section 1020 of the Boone County Zoning Regulations states that “The purpose of the Commercial Two district is to provide comparable shopping goods, personal and professional services, and some convenience goods required for normal living needs as well as major purchase opportunities. Districts will be located on suitable lands primarily central to regional trade areas and to some extent the community as a whole and such districts have access from expressways or arterial roads. District facilities and plans will be organized to provide central and convenient collection of vehicles, pedestrians and multi-modal forms of transportation within the district's facilities and major shopping spaces.”
- D. Section 1021.33 of the Boone County Zoning Regulations identifies ‘auto parts and accessories store’ as a principally permitted use within the C-2 district.
- E. Section 1023.2 of the Boone County Zoning Regulations identifies ‘automotive repair facility’ as a conditional use within the C-2 district.
- F. Section 1023.4 of the Boone County Zoning Regulations identifies ‘small scale sales or leasing of new and used recreational vehicles requiring the storage of no more than fifty (50) vehicles on the premises’ as a conditional use within the C-2 district.
- G. Section 4000 of the Boone County Zoning Regulations defines auto parts and accessories store as “a retail establishment that sells parts, components and accessories for motor vehicles but that does not conduct automotive repair activities,

pursuant to the definition of “automotive repair facility,” and that does not conduct wholesaling or warehousing and distribution activities.

- H. Section 4000 of the Boone County Zoning Regulations defines automotive repair facility as “a business establishment that repairs, rebuilds, reconditions, or services automobiles or automotive parts, including but not limited to any of the following activities: body and paint work; engine repair or rebuilding; installation, repair, or reconditioning of tires, brakes, transmissions, mufflers, automotive electrical or air conditioning systems, automotive upholstery, or automotive glass, all on a individual vehicle basis; changing of oil, other fluids, and filters; emissions testing and vehicles inspections.”
- I. Section 4000 of the Boone County Zoning Regulations defines recreational vehicle as “a wheeled vehicle designed primarily for the purpose of personal recreation, pleasure, or travel, but not for permanent habitation. Examples of recreational vehicles pursuant to this definition include motor homes, camper trailers, boats, as well as dune buggies, stock cars, and motorcycles that are not street legal. Such wheeled vehicle may also be considered to be a trailer pursuant to the definition in this article.”

RELATIONSHIP TO THE COMPREHENSIVE PLAN

- A. The Our Boone County Plan 2040 Future Land Use Plan designates the site for “Commercial”, which 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).

The needs of an aging population (e.g., access to services, transportation, and support networks) shall be acknowledged and addressed (Demographics Goal A, Objective 2).

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).

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).

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).

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. Petersburg Road is a state maintained arterial street providing for two way traffic within two driving lanes. There are no sidewalks along the roadway.

SITE CHARACTERISTICS

- A. The approximate 2 acre site is located along the north side of Petersburg Road, approximately 450 feet west of Phyllis Court.
- B. The site has two hundred (200) feet of frontage along Petersburg Road.
- C. The site is currently occupied by an approximate 13,800 square foot commercial building, which is currently vacant, and a 156 off-street parking lot.
- D. Access to the site is provided by a curb cut onto Petersburg Road, approximately 535 feet west of Phyllis Court.
- E. The site is within the 55 day/night noise level of the Cincinnati/Northern Kentucky International Airport.
- F. The site slopes slightly upward, south to north, at an average grade of 4%.
- G. A 4-1/2 foot high, 3-rail, vinyl Kentucky Board fence is located along the west property line from the right-of-way to the front of the building. An 8 foot high wood privacy fence, on top of a 1-1/2 foot high retaining wall, is located along the west property line, from the Kentucky Board fence to the rear of the building. A 3-rail, Kentucky Board fence is located on the adjacent property to the north of the site.
- H. There are existing mature trees located along the north, east, and west property lines, to the rear and side of the existing building.

SURROUNDING LAND USES AND ZONING

- North: Summit Country Place Apartments (UR-1/PD)
South: Single family residential (SR-1)
East: Nor-Com (C-2)
West: Single family residential (SR-2)

PROPOSED DEVELOPMENT

- A. Conversion of Building A into an auto parts and accessories store (predominantly on-line), office space, inventory storage, and auto parts manufacturing (accessory use).
- B. Continued lease of Building B as commercial space (short term).
- B. Conversion of Building B into an automotive repair facility (building of racecars).
- C. Installation of a 6-foot high, solid wood fence in the side and rear yards.
- D. Continued use of the rear yard for recreational vehicle parking and storage.
- E. Provision for the following buffer yards:
 - 1. A 20 foot wide buffer along the rear property line.
 - 2. A 10 foot wide buffer along the east side property line
 - 3. A 10 foot wide buffer along the west side property line
- F. Retention of all other existing conditions.

STAFF COMMENTS

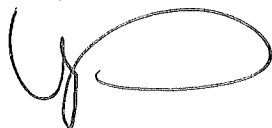
- A. The Boone Board of Adjustment has taken action on two requests within the vicinity of the site:
 - 1. On June 12, 1985, the Board approved Variances: (1) reducing the minimum required rear yard setback from fifty (50) feet to forty (40) feet; and (2) reducing the required number of parking spaces from twelve (12) to eight (8), for the property immediately to the east of the site in question (BCBOA 612852).
 - 2. On March 14, 2018, the Board approved: (1) a Conditional Use Permit to allow a self-storage facility; and (2) a Variance increasing the height of an ornamental fence in the front and corner side yard from four (4) feet to six (6) feet, subject to seven (7) conditions, for the property located at the northwest corner of Petersburg Road with Phyllis Court (BCBOA 18-004).

- B. Since the site is adjacent to residential zones to the north and west, the applicant should address the following:
1. Will any exterior lighting be installed.
 2. Will anything other than boats and recreational vehicles be stored within the fenced area.
 3. What are the hours of operation.
 4. What, if anything, is to occur within the front yard.
 5. How much noise will be produced from the site.
- C. Since the only change to the rear of the site is a change from a parking lot to recreational vehicle storage, and the installation of a fence, and given the existing mature tree growth that is to remain, additional landscaping may not be necessary.
- D. To better integrate the proposed use, the following conditions should be considered by the Board, if the action is to approve the submitted request:
1. There shall be no additional exterior lighting.
 2. Storage of any kind, within the front yard, shall be prohibited.
 3. Storage within the fenced area shall be limited to recreational vehicles, vehicles that are being worked on, and business vehicles.
 4. No inoperable vehicle shall be parked or stored in the front yard.
 5. The hours of operation of the automotive repair facility shall be limited to 8:00 am – 8:00 pm.
 6. Any automotive repair work shall be conducted within a completely enclosed building with all doorways and windows shut.
 7. A Site Plan shall be submitted to, and approved by, the Boone County Planning Commission prior to the operation of the business.

CONCLUSION

- A. KRS 100.237 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 Conditional Use Permit request.

Respectfully Submitted,



Michael D. Schwartz

Director, Zoning Services

MDS/ss

Attachments

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

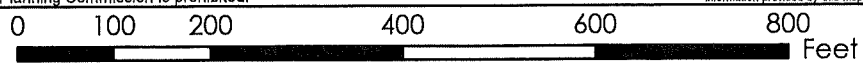
Vicinity Map

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 = 200 feet



Boone County GIS



Map Created: 01/01/2018

Boone County GIS
ArcMap Document: *.mxd

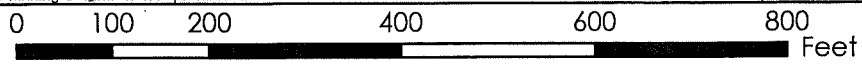
Aerial Map

www.boonecountygis.com



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1 inch = 200 feet



Boone County GIS

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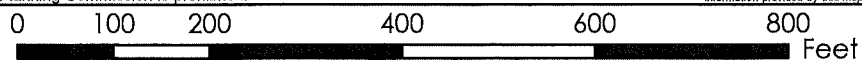
Topographical Map

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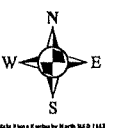
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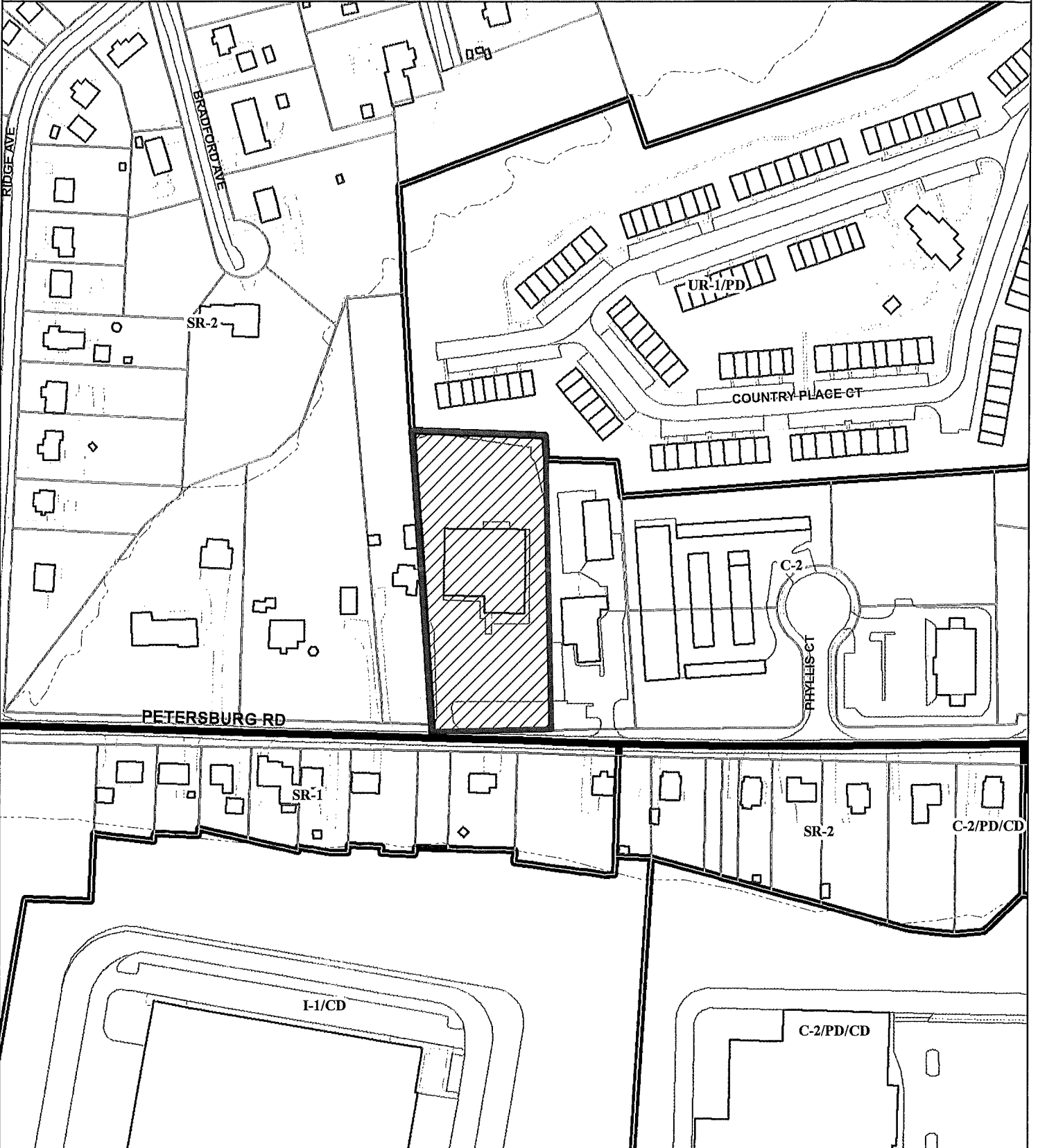


Boone County GIS - Putting Northern Kentucky on the Map



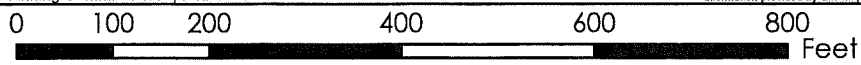
Zoning Map

www.boonecountygis.com



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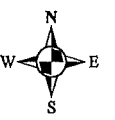
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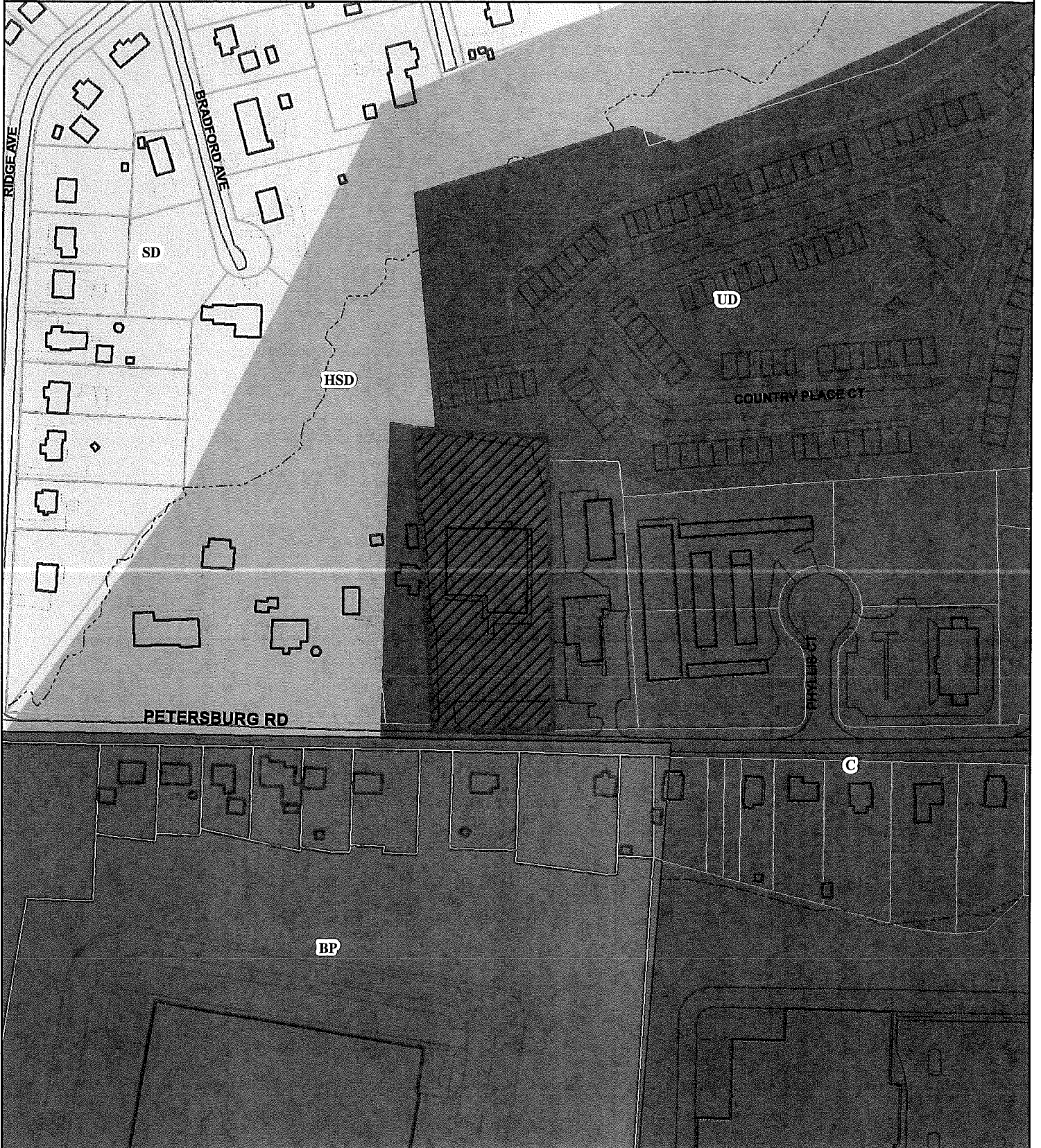


Boone County GIS



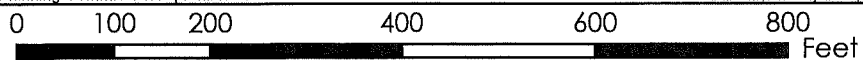
2040 Future land Use Map

www.boonecountygis.com



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1 inch = 200 feet



Boone County GIS - Putting Northern Kentucky on the Map

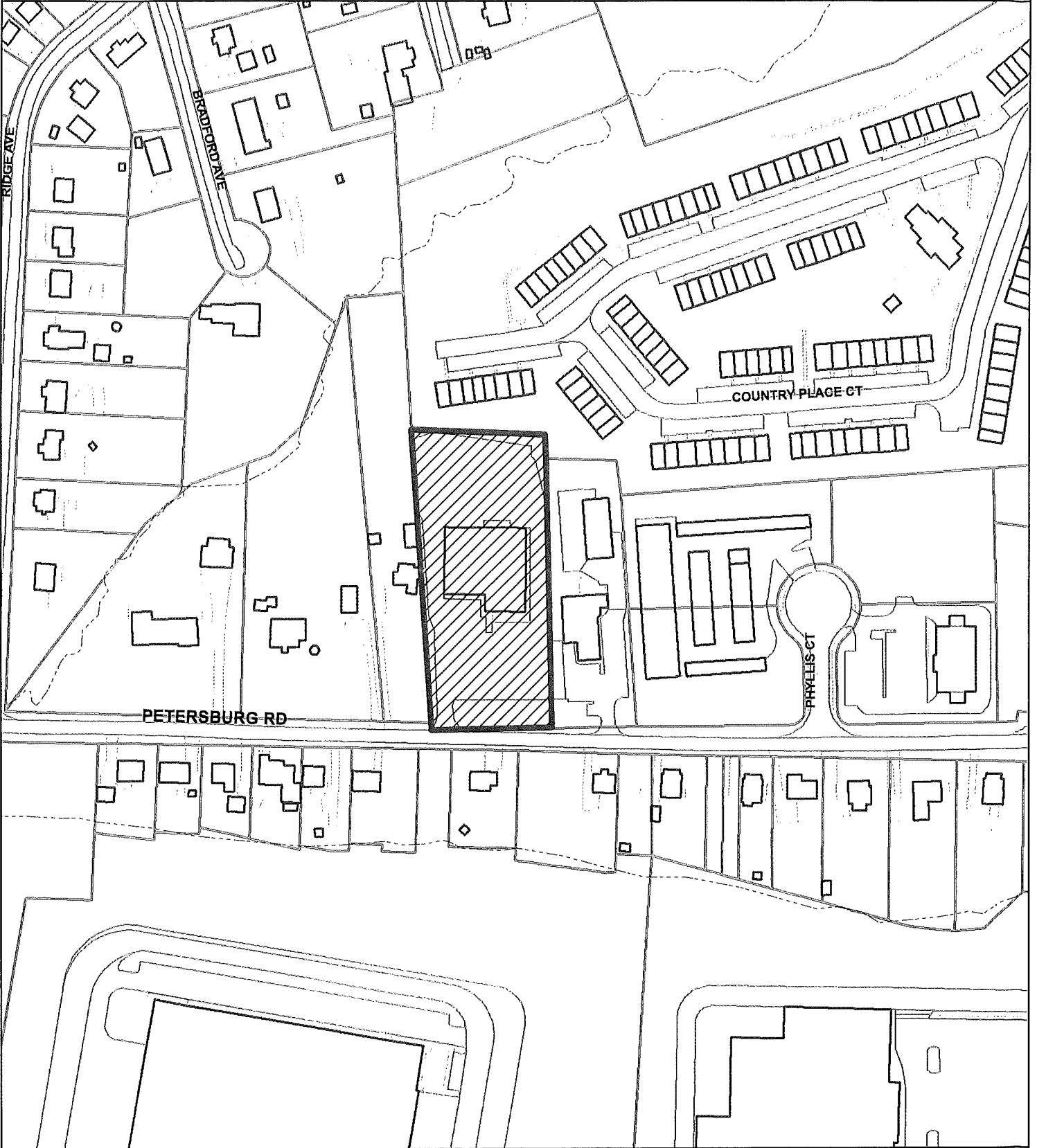


Map Created: 01/01/2018

Boone County GIS
ArcMap Document: *.mxd

Noise Contour Map

www.boonecountygis.com

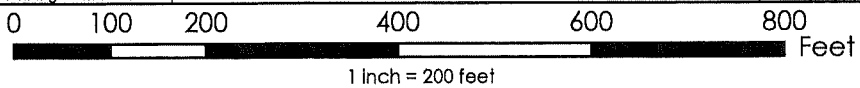


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Boone



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: Jason Terrell and Bradley Schnieders ; Tin Soldier Investments, LLC
Address: 3954 Decker Crane Lane
Covington KY 41017
City State Zip Code
Phone Number: 859-359-5068 (o) 859-801-6208 (c) Fax Number: _____
Email: Admin@TinSoldierRacecars.com

4. Description of Request: Conditional Use Approval for Automotive Repair Facility and RV Storage

5. Name of Development: 2134 Petersburg Road

6. Location of Development: Hebron KY 41048
City State Zip Code
Approximately 2.0 acres

7. Acreage Under Review: _____

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

BH&G Inc ; Jack Berberich

9. Current Owner: 9087 Alyssum Drive
Address: Covington KY 41015
City State Zip Code
Phone Number: 859-760-8973 Fax Number: _____
Email: NJBerberich@gmail.com

BCBA Application

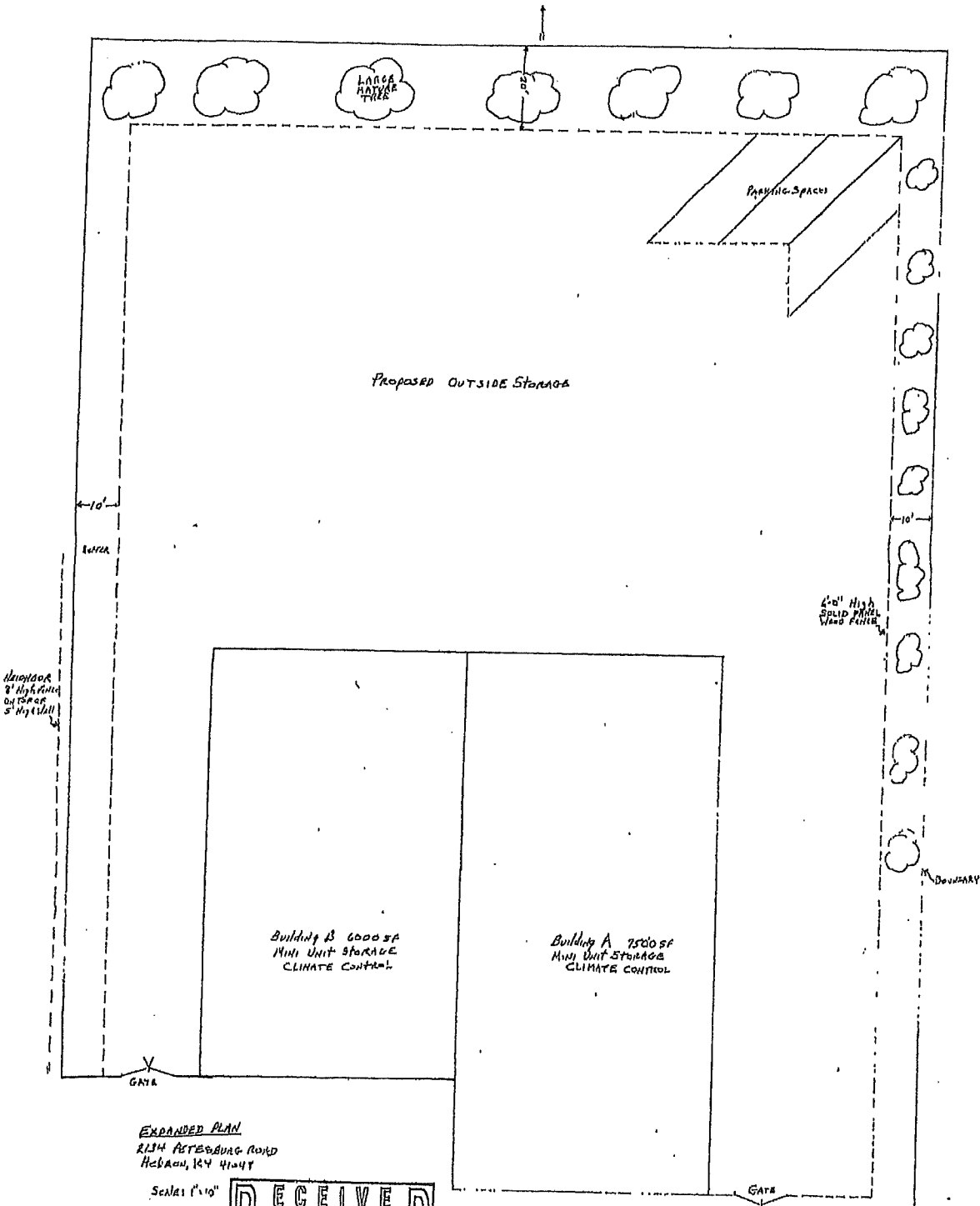
Jason Tenell & Bradley Schneiders

Addendum to Line Item 4

Building A to be used for inventory storage, office, online auto parts sales, and future accessory auto parts manufacturing.

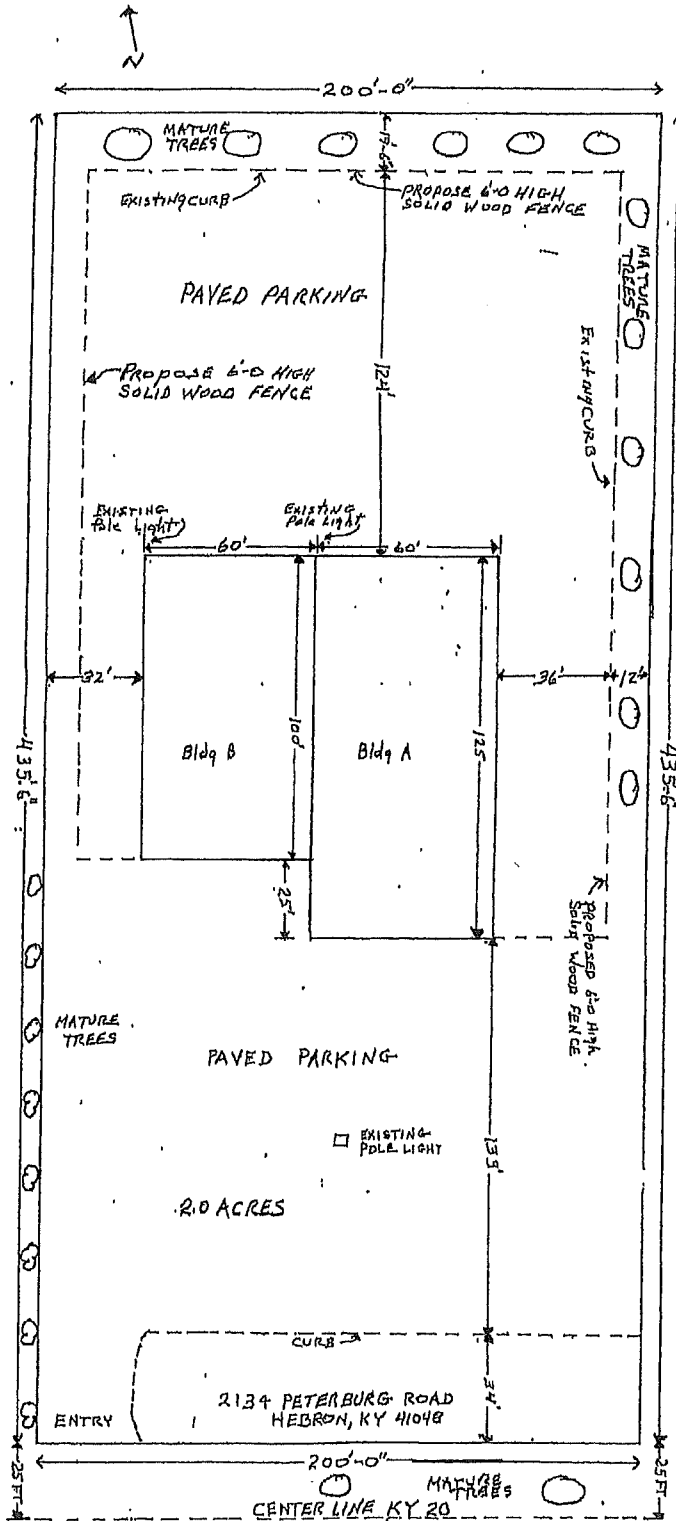
Building B to initially be used as leased commercial space and then future 'automotive repair facility'.

Jana Lull



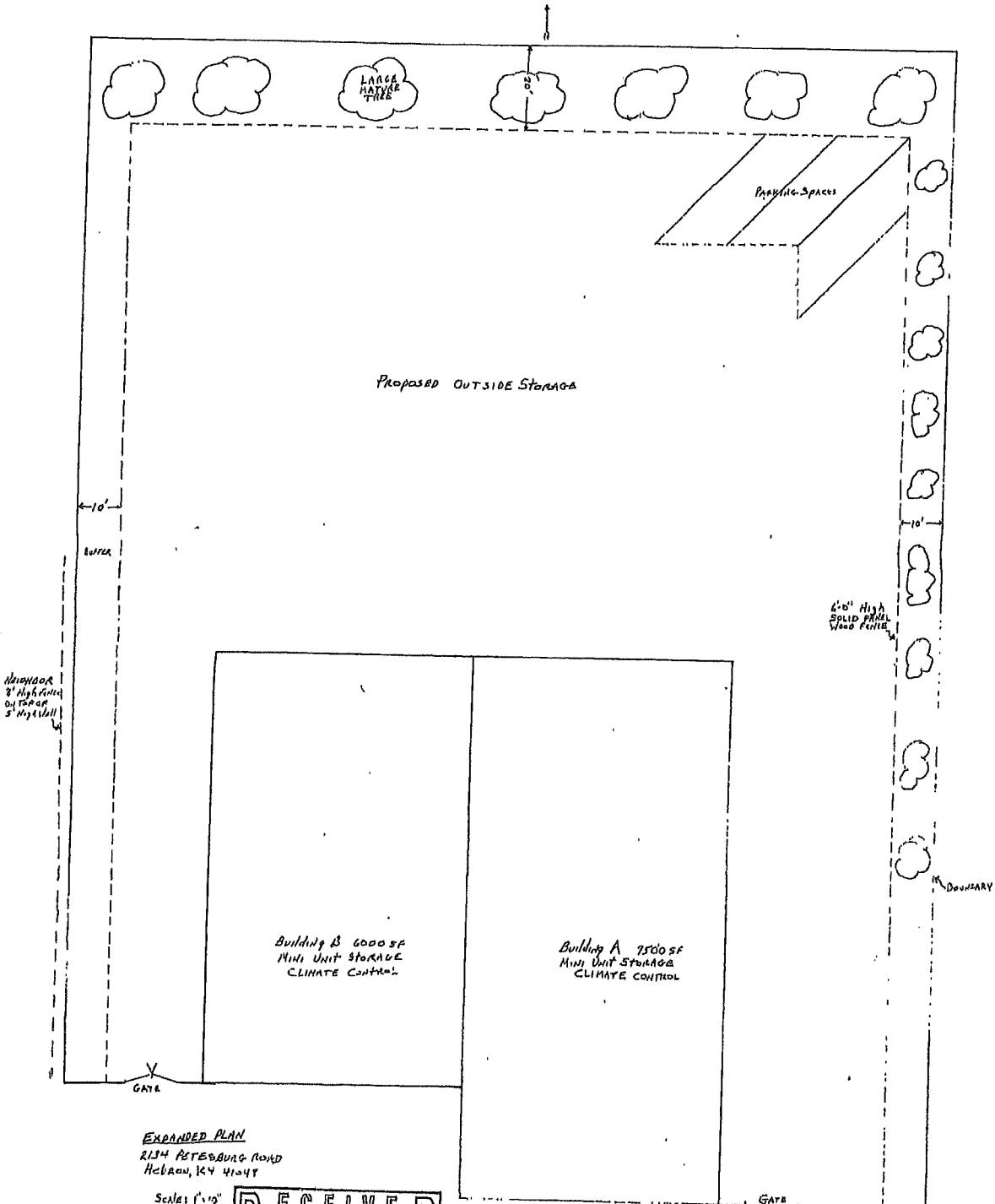
EXPANDED PLAN
 2134 PETERSBURG ROAD
 HEBAON, KY 41044
 Scale: 1"=10'

R E C E I V E D
 MAY 17 2021
 BOONE COUNTY
 PLANNING COMMISSION



RECEIVED
 MAY 17 2021
 BOONE COUNTY
 PLANNING COMMISSION

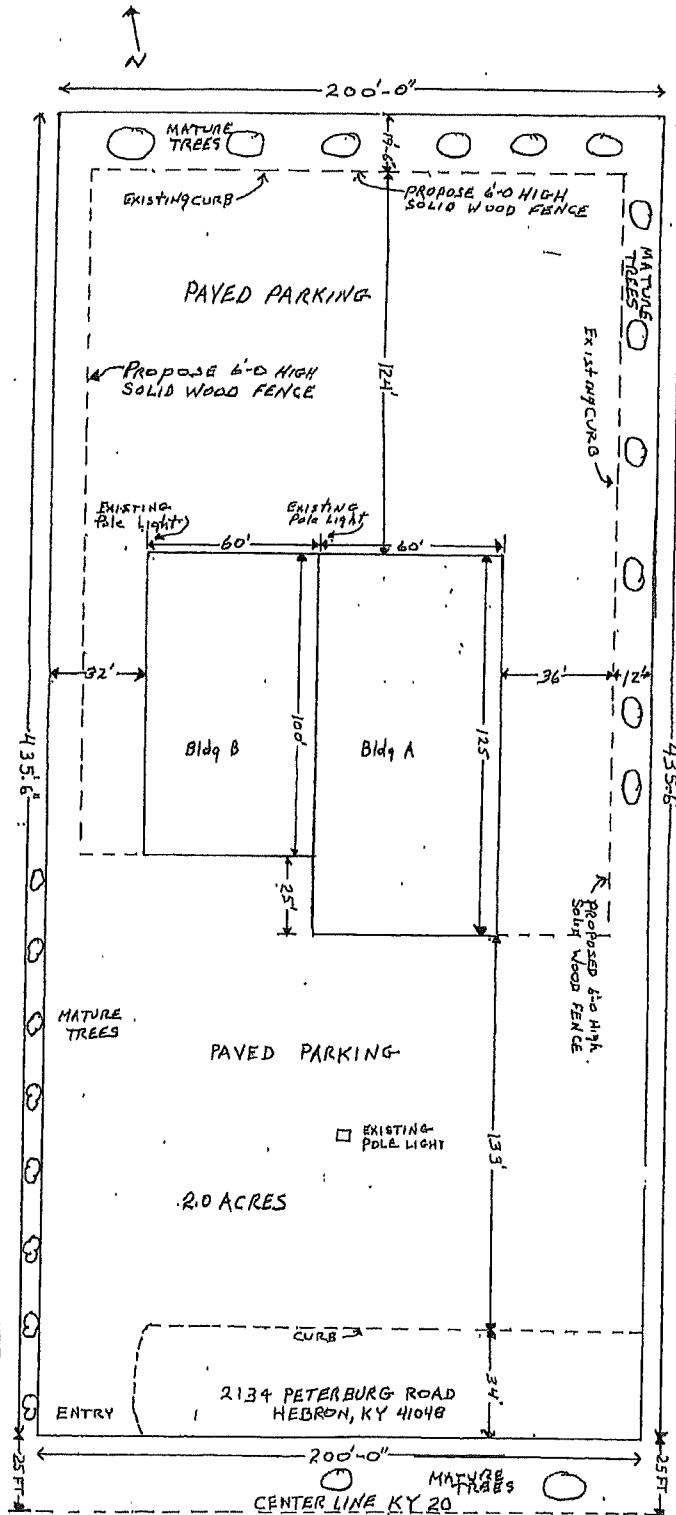
SCALE: 1" = 20'



EXPANDED PLAN
 2134 PETERSBURG ROAD
 HELAND, KY 41047

Scale: 1" = 10'

R E C E I V E D
 MAY 17 2021
 BOONE COUNTY
 PLANNING COMMISSION



RECEIVED
 MAY 17 2021
 BOONE COUNTY
 PLANNING COMMISSION

SCALE: 1" = 25'

CERTIFICATE OF LAND USE RESTRICTION

- 1. NAME AND ADDRESS OF PROPERTY OWNER(S)
BH&G Inc.
9087 Alyssum Dr
Covington, KY 41015
- 2. ADDRESS OF PROPERTY
2134 Petersburg Rd
Hebron, KY 41048
- 3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Tin Soldier Investments
- 4. DEED BOOK 272 PAGE NO. 271 GROUP NO. 2006
- 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, 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 22nd day of April, 2022.

Treva 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 Conditional Use Permit approved by the Boone County Board of Adjustment and in accordance with the current zoning in effect as of April 20, 2022, Certificate of Land Use Restriction (#22-BCBOA-015-A), for BH&G Inc., Property Owner(s).

The following conditions will apply:

1. There shall be no additional exterior lighting.
2. Storage of any kind, within the front yard, shall be prohibited.
3. Storage within the fenced area shall be limited to recreational vehicles, vehicles that are being worked on, and business vehicles.
4. No inoperable vehicle shall be parked or stored in the front yard.
5. The hours of operation of the automotive repair facility shall be limited to 8:00 am – 8:00 pm.
6. Any automotive repair work shall be conducted within a completely enclosed building with all doorways and windows shut.
7. A Site Plan shall be submitted to, or approved by, the Boone County Planning Commission prior to the operation of the business.

The approved Conditional Use Permit as well as the preceding conditions apply to the property described in:

DEED BOOK 271

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