

**BOARD OF ADJUSTMENT
BOONE COUNTY PLANNING COMMISSION**

RECEIVED
87527
DEC 20 2022
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

003

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: HSH Holland Inc.
 Address: 5120 Taylor Mill Dr., Suite 300
Taylor Mill Kentucky 41015
 City State Zip Code
 Phone Number: 859-371-3040 Fax Number: _____
 Email: pcunningham@hshholland.com

4. Description of Request:
Reduction of driveway setback along Richwood Rd.

5. Name of Development: Dunkin' Donuts
 6. Location of Development: 320 Richwood Rd.
Walton Kentucky 41094
 City State Zip Code

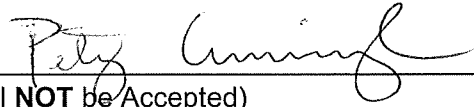
7. Acreage Under Review: 1.086 Ac.

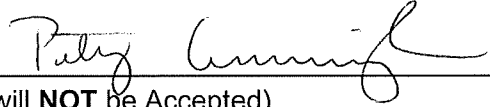
8. Lot Number and Name of Subdivision (if part of a subdivision):
N/A

9. Current Owner: HSH Holland Inc.
 Address: 5120 Taylor Mill Dr., Suite 300
Taylor Mill Kentucky 41015
 City State Zip Code
 Phone Number: 859-371-3040 Fax Number: _____
 Email: pcunningham@hshholland.com

Dunkin' Donuts

10. Proposed Use(s) on Site: _____
11. Total Square Footage of Existing and/or Proposed Buildings: 2,500 SF
12. Current Zoning: C-4 (Commercial)
13. 1173 21 2064
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: 12/20/2022 Fee Received: \$ 1116 - Receipt #: 87527

2. Is application complete: _____

3. Staff Reviewer: M. Schwartz

4. Scheduled Board Action Date: 1/11/2023

5. Board Action: 1/11/2023

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: HSH Holland Inc.

LOCATION: 320 Richwood Road

ZONING: Commercial Four (C-4)

DATE: January 11, 2023

PROPOSAL

1. The applicant is requesting a Variance reducing the minimum corner clearance of a driveway from an intersecting street, being Richwood Road, from two hundred thirty (230) feet to one hundred four (104) feet and from seventy-five (75) feet to seventy (70).

SITE HISTORY

- 1999 On October 9, 1999, the Boone County Planning Commission approved a Conveyance Plat creating the lot in question.
- 1999 on October 28, 1999, the Boone County Planning Commission approved a Major Site Plan for the development of a new branch bank on the site in question.
- 2020- Present The Kentucky Transportation Cabinet has been making roadway improvements to Richwood Road.

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 3216 of the Boone County Zoning Regulations requires driveways to be set back a minimum distance of two hundred thirty (230) feet from a signalized intersection with an arterial street.
- E. Section 3216 of the Boone County Zoning Regulations requires driveways to be set back a minimum distance of seventy-five (75) feet from an unsignalized intersection with an arterial street.

RELATIONSHIP TO THE COMPREHENSIVE PLAN

- A. The Our Boone County Plan 2040 Future Land Use Plan designates the site in question as "Commercial", which is described 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:
 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. 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).
 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).

5. 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).
 6. 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).
 7. 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).
 8. Priority shall be given towards maintaining, protecting, and improving the capacity and safety of the existing road system across jurisdictions (Transportation Goal A, Objective 1).
 9. Roadway capacity shall be preserved by utilizing access management policies and guidelines (Transportation Goal B, Objective 4).
 10. Proper vehicular and pedestrian access to adjoining property shall be provided and/or retained when a property develops or redevelops (Transportation Goal B, Objective 6).
- C. Richwood Road is identified as a county maintained arterial street and is currently being widened to provide for additional lanes.

SURROUNDING LAND USES AND ZONING

- North: Retail strip center (C-4)
- South: Wendy's and Skyline Chili (C-3)
- East: McDonald's (C-4)
- West: Fifth Third Bank and Huntington Bank (C-3)

SITE CHARACTERISTICS

- A. The approximate 1.1 acre area is located at the northeast corner of the intersection of Paddock Drive with Richwood Road.
- B. The site had been occupied by a bank but is to be redeveloped with a Dunkin Donuts.
- C. The site is adjacent to Clay Drive, a private street.

PROPOSED DEVELOPMENT

- A. The site is to be redeveloped with a new Dunkin Donuts facility.
- B. The proposed traffic pattern will be a one-way in from Paddock Drive and both in and out movements to/from Clay Drive.
- C. The proposed access point onto Paddock Drive will be one hundred four (104) feet from the edge of pavement of Richwood Road.
- D. The proposed access point onto Clay Drive will be seventy (70) feet from the edge of pavement of Richwood Road.

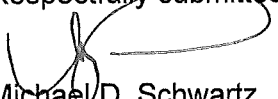
STAFF COMMENTS

- A. As part of the Richwood Road improvements, the intersection of Paddock Drive will be a full access with a new traffic light and the intersection of Clay Drive will become a right-turn-in/right-turn-out only.
- B. The location of the proposed curb cut onto Clay Drive currently exists in the same location.
- C. If the widening of Richwood Road were not taking place, the proposed access drives would meet the corner clearance requirements.

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

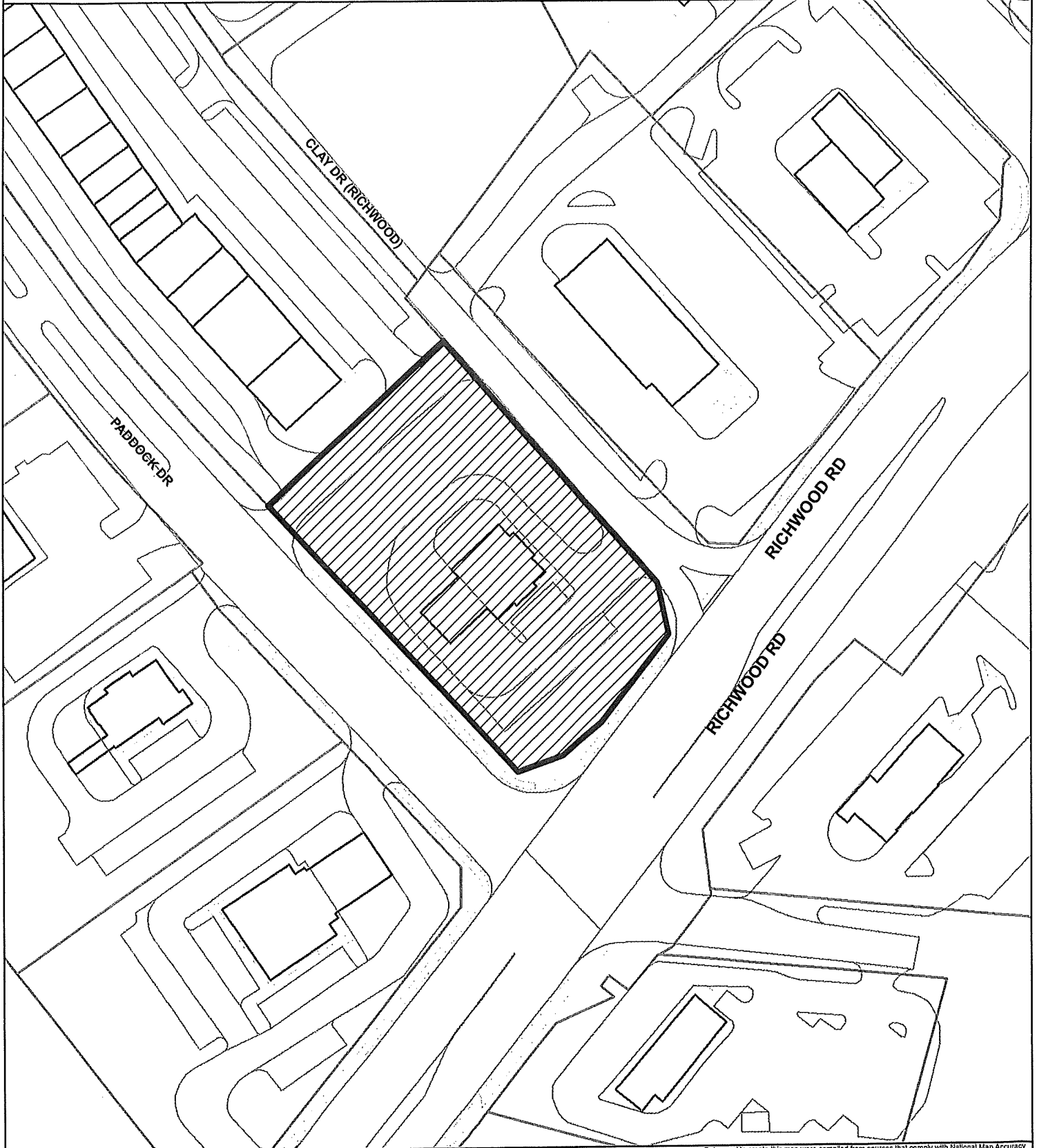
MDS/ss

Attachments

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

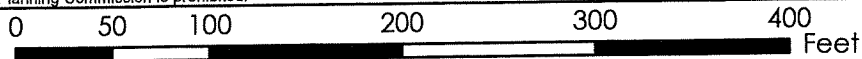
Vicinity Map

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

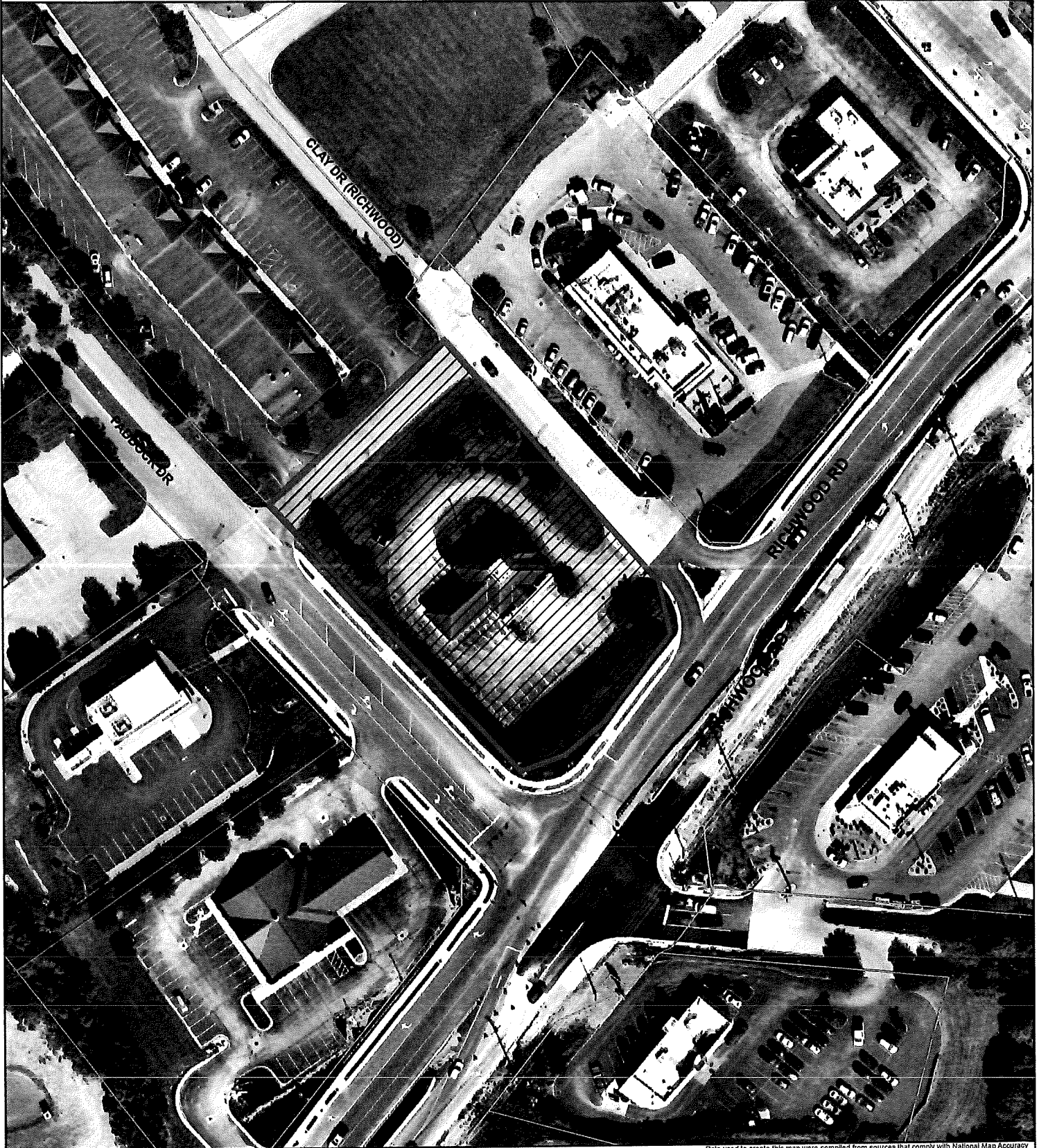


Boone County GIS - Putting Northern Kentucky on the Map



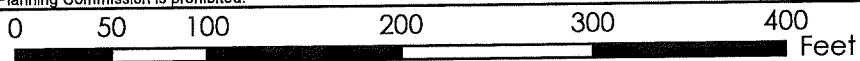
Aerial Map

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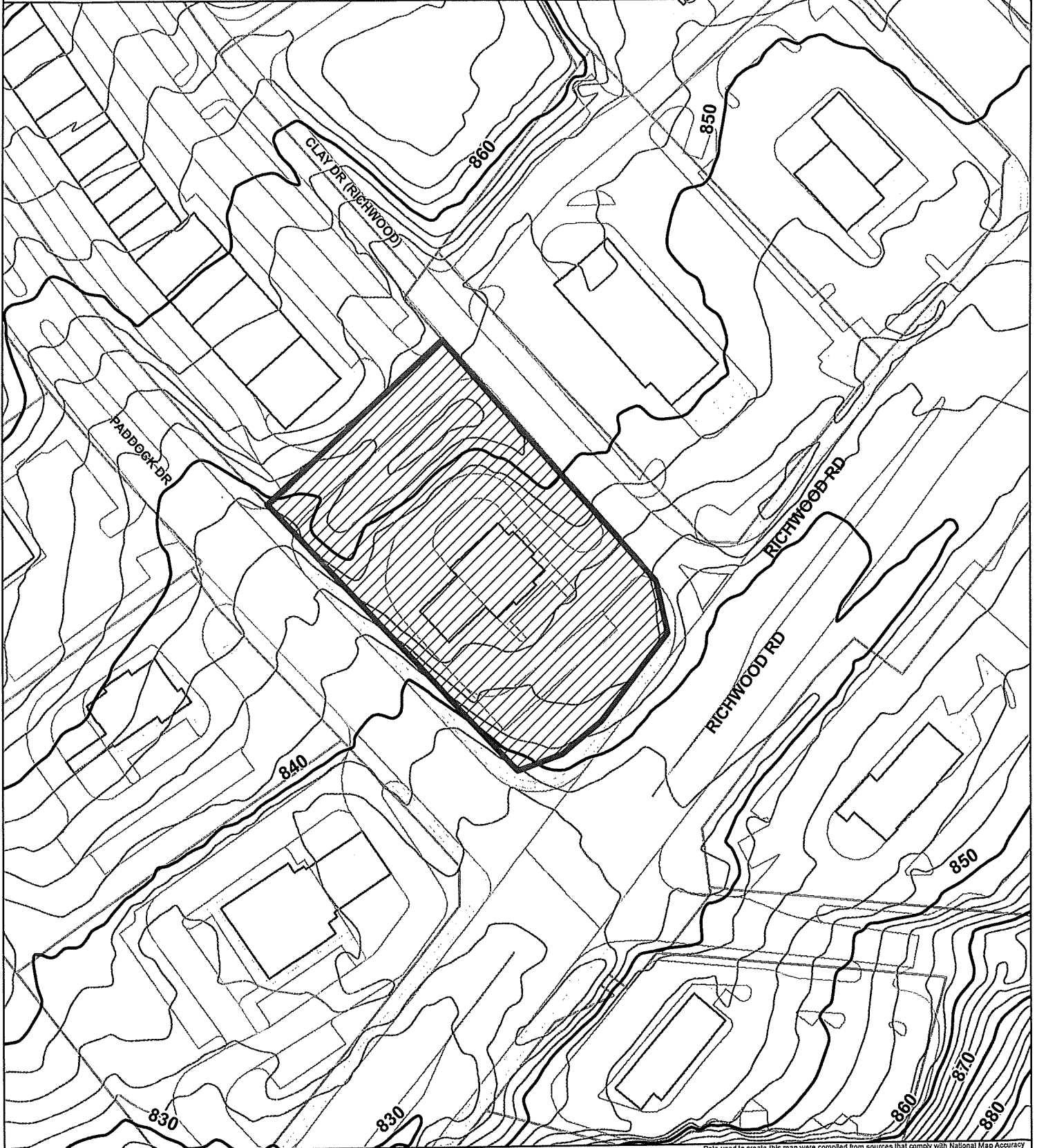
Boone County GIS - Putting Northern Kentucky on the Map

Map Created: xzbx/2021

Map File: C:\GIS\MapDocs\Boone GIS 2021
ArcMap Document: *.mxd

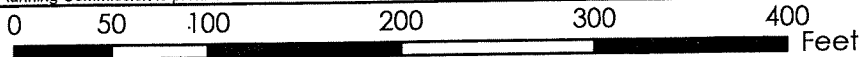
Topographical Map

www.boonecountygis.com



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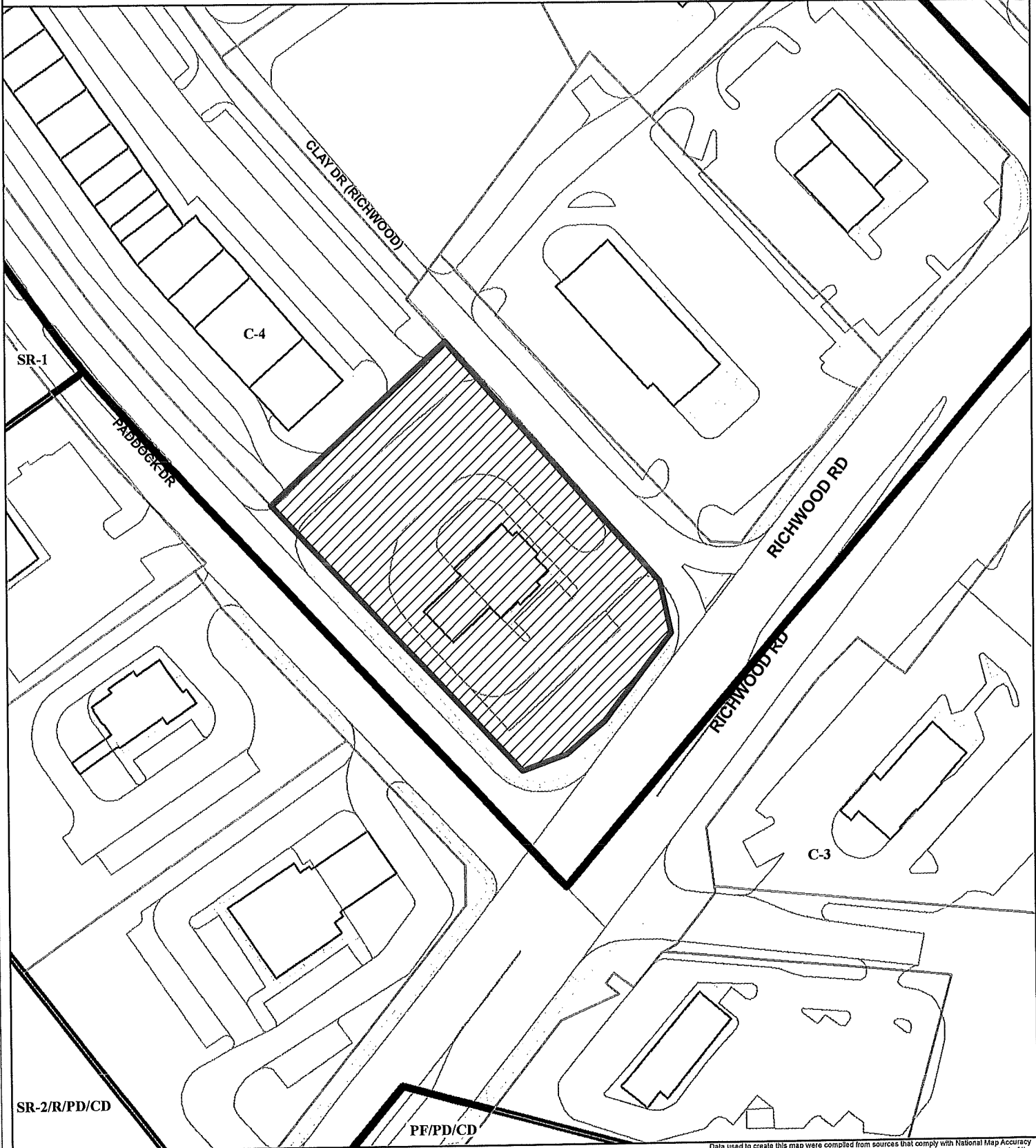


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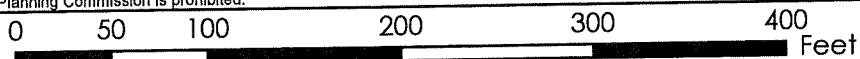
Zoning Map

www.boonecountygis.com



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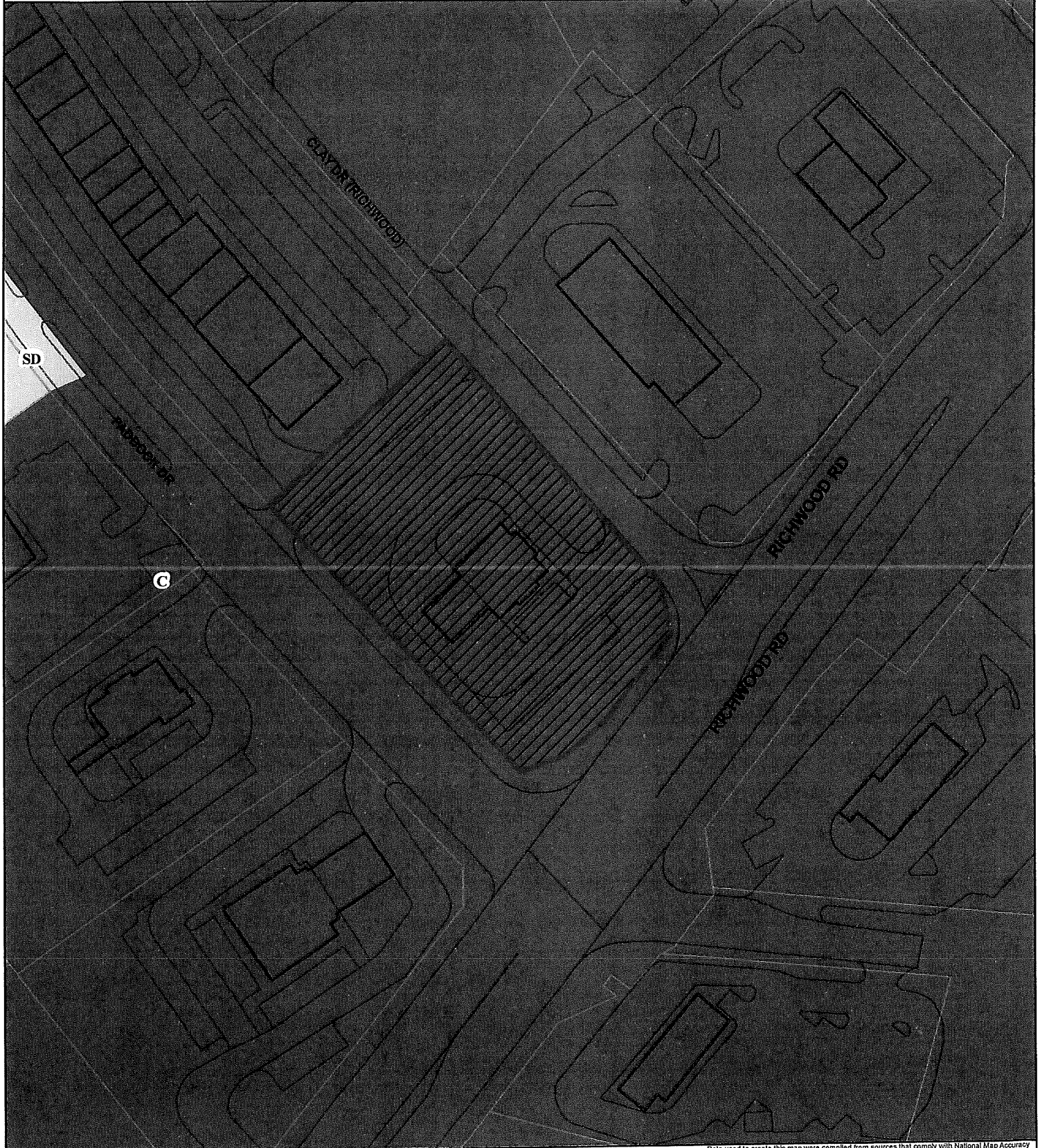
Boone County GIS - Putting Northern Kentucky on the Map



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ArcMap Document: *.mxd

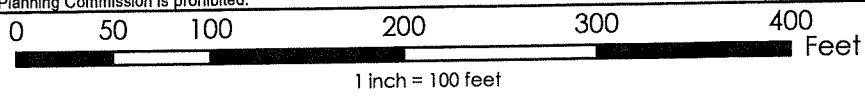
2040 Future Land Use Map

www.boonecountygis.com



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Boone



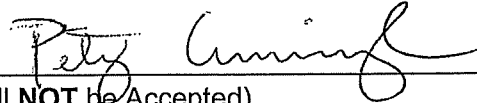
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Boone County GIS
ArcMap Document: *.mxd

Dunkin' Donuts

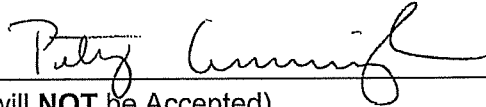
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13. 1173 21 2064
Deed Book Page Group Number
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ORIGINAL Property Owner's Signature: _____



(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: 12/20/2022 Fee Received: \$ 1116 Receipt #: 87527

2. Is application complete: _____

3. Staff Reviewer: _____

4. Scheduled Board Action Date: _____

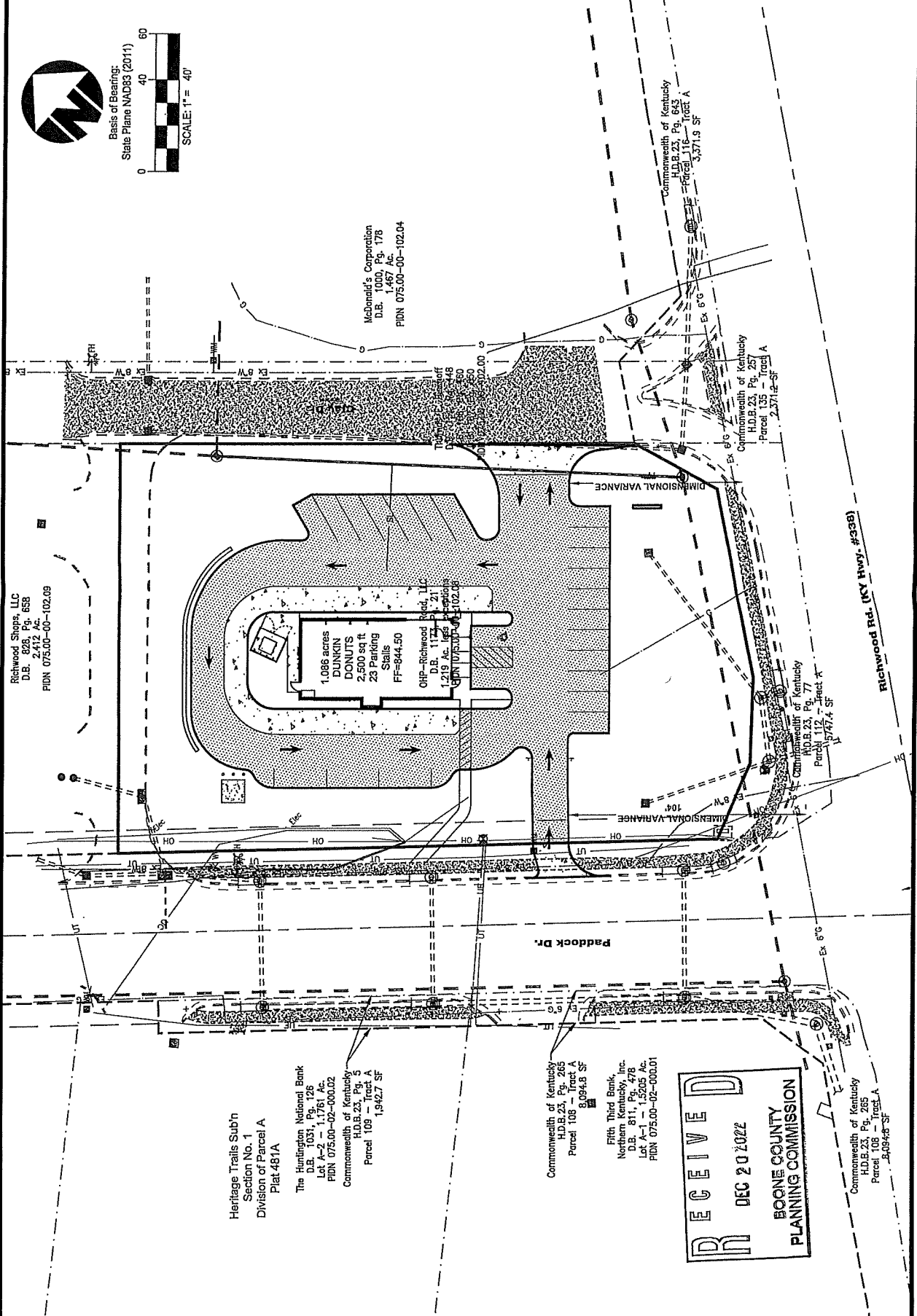
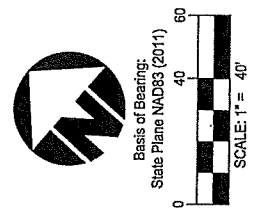
5. Board Action: _____

- _____ 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



McDonald's Corporation

 D.B. 1000, Pg. 178

 1,467 Ac.

 PIDN 075.00-00-102.04

Richwood Shops, LLC

 D.B. 999, Pg. 655

 2,417 Ac.

 PIDN 075.00-00-102.09

1,086 acres

DUNKIN'

DONUTS

 2,500 sq ft

 253 Parking

 Stalls

 FF=844.50

 OHP - Richwood Shop, LLC

 D.B. 1124, Pg. 211

 1,219 Ac.

 PIDN 075.00-00-102.08

Heritage Trails Sub'n

 Section No. 1

 Division of Parcel A

 Plat 481A

The Huntington National Bank

 D.B. 1031, Pg. 126

 Lot A-2 - 1,1761 Ac.

 PIDN 075.00-02-000.02

 Commonwealth of Kentucky

 H.D.B. 23, Pg. 5

 Parcel 109 - Tract A

 1,942.7 SF

Commonwealth of Kentucky

 H.D.B. 23, Pg. 265

 Parcel 108 - Tract A

 8,094.8 SF

Fifth Third Bank,

 Northern Kentucky, Inc.

 Lot 2 - 9.11, 1,520.5 Ac.

 PIDN 075.00-02-000.01

RECEIVED

DEC 20 2022

BOONE COUNTY

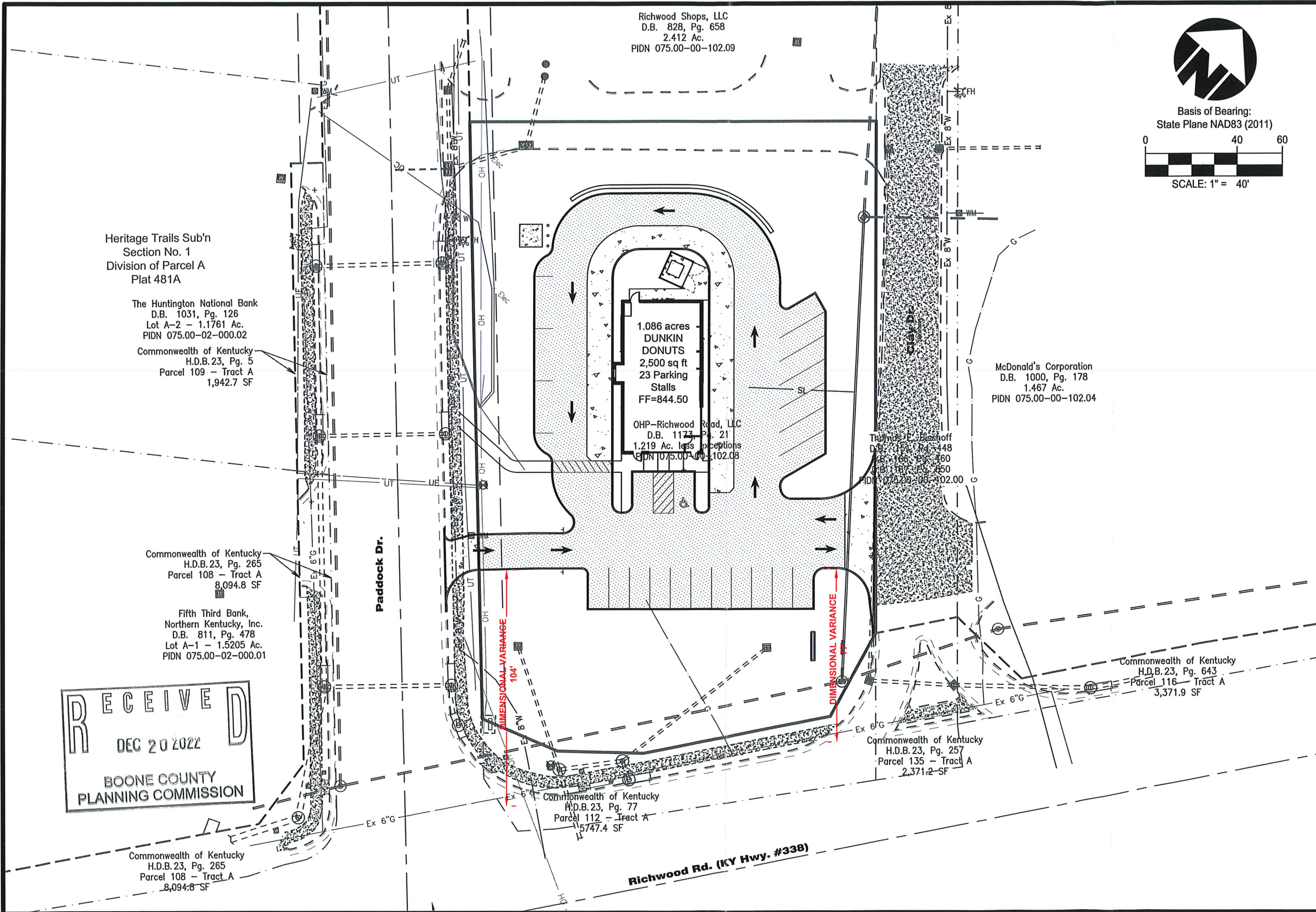
PLANNING COMMISSION

Commonwealth of Kentucky

 H.D.B. 23, Pg. 265

 Parcel 106 - Tract A

 8,494.8 SF



Basis of Bearing:
State Plane NAD83 (2011)

SCALE: 1" = 40'

**bayer
becker**

209 Grandview Drive
Fort Mitchell, KY 41017 - 859.261.1113

DUNKIN' DONUTS
320 RICHWOOD ROAD
BOONE COUNTY, KENTUCKY
OCTOBER 2022

Drawing: 22-0037 CD
Scale: 1" = 40'
Drawn by: MLT

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
HSH Holland Inc.
5120 Taylor Mill Dr, Suite 300
Taylor Mill, KY 41015
2. ADDRESS OF PROPERTY
320 Richwood Rd
Walton, KY 41094
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Dunkin' Donuts
4. DEED BOOK 1173 PAGE NO. 21 GROUP NO. 2064
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 12th day of January, 2023.

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
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.)