

**BOARD OF ADJUSTMENT
BOONE COUNTY PLANNING COMMISSION**

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88462
MAY 23 2023
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: Wayne Cunningham

Address: 5120 Taylor Mill Road, Suite 300

Taylor Mill KY 41015
City State Zip Code

Phone Number: 859-415-1775 Fax Number: _____

Email: pcunningham@hshholland.com

4. Description of Request:
Proposed new split of lot. Reduce one-way drive aisle with 60 degree parking from 20' to 15'. Reduce one-way drive aisle from 14' to 12.5'.

5. Name of Development: Dunkin' Donuts

6. Location of Development: 2652 North Bend Road

Hebron KY 41048
City State Zip Code

7. Acreage Under Review: 1.49

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

9. Current Owner: Hebron Deposit Bank

Address: 255 East 5th Street Suite 900

Cincinnati OH 45202
City State Zip Code

Phone Number: 859-414-1461 Fax Number: _____

Email: dholland@holland-dc.com

10. Proposed Use(s) on Site: Commercial
11. Total Square Footage of Existing and/or Proposed Buildings: 6988
12. Current Zoning: C2 and C4
13. 203 436 2008
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.

Property Owner's Signature: Charles Corwin

Applicant's Signature: Drew Holland

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

1. Date Received: 5/23/23 Fee Received: \$ 1616.00 Receipt #: 88462
2. Is application complete: _____
3. Staff Reviewer: M. Schwartz
4. Scheduled Board Action Date: 6/14/2023
5. Board Action: 6/14/2023
 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

#6

APPLICANT: HSH Holland Inc., per Wayne Cunningham, on behalf of Hebron Deposit Bank

LOCATION: 2652 North Bend Road, Boone County, Kentucky

ZONING: Commercial Two (C-2) and Commercial Four (C-4)

DATE: June 14, 2023

PROPOSAL

- A. The applicant is requesting Variances to: (1) reduce a one-way drive aisle width, with 60-degree angle parking, from twenty (20) feet to fifteen (15) feet; and (2) reduce a one-way drive aisle from fourteen (14) feet to 12.5 feet.

SITE HISTORY

- 1973 On May 2, 1973, the Boone County Planning Commission approved a Conveyance Plat creating the lot in question.
- 1969-1974 Based on information contained in the Boone County GIS, the site was developed.
- 1990 On September 5, 1990, the Boone County Planning Commission approved a Site Plan.
- 1992 On April 15, 1992, the Boone County Planning Commission approved a Site Plan for revisions to a previously approved site plan.

APPLICABLE REGULATIONS

- A. Section 202.C 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 4000 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 204.D and 204.E of the Boone County Zoning Regulations.
1. Findings listed in Section 204.D and 204.E:
 - 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 1002.A 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.
- E. Section 1004.A of the Boone County Zoning Regulations states that the purpose of the Commercial Four district is to provide locally oriented commercial services, either retail, recreational or office uses, in areas located near or adjacent to interstate highways and arterial roads. These areas are either currently or expected to experience rapid growth due to the population projections and recommended land uses in the Boone County Comprehensive Plan and in other land use studies. Such uses would serve to accommodate the service demands of an expanding local population that normally can't be met because of the limited type and scale of office, recreational or retail use in the immediate area. These types of uses are intended to serve the local population or community rather than regional interests. Districts will be located near or adjacent to interstate highways and along arterial roads whereby access and visibility are required to serve local residents. These districts shall be limited in size in order to provide maximum ingress and egress for the local population
- F. Section 3310.A of the Boone County Zoning Regulations requires one-way drive aisles that serve 60-degree angle parking to have a minimum width of twenty (20) feet.

- G. Section 3323.A of the Boone County Zoning Regulations states that interior vehicular circulation of one-way access roads that have no adjacent parking shall have a minimum width of fourteen (14) feet.

RELATIONSHIP TO THE COMPREHENSIVE PLAN

- A. The Our Boone County Plan 2040 Future Land Use Plan designates the site in question as “Business Park”, which is described as a mix of office warehouse, research, office, and light industrial uses in a park-like, office campus setting with large building setbacks, low floor area ratio, integrated pedestrian and recreation facilities, consistent architectural and signage theme, extensive landscaped areas, and attractive entrance treatment. This land use is recommended for high visibility areas and transition areas between industrial and residential land uses.
- 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. Industries shall be promoted in suitable locations to make the county a vital part of a strong regional economy (Economy Goal A, Objective 2).
 6. 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).
 7. 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).
 8. 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. North Bend Road is identified as a state maintained arterial street providing for two way traffic within four (4) driving lanes. Within the vicinity of the site in question, there is a raised median on North Bend Road. There are no sidewalks along the roadway.

SURROUNDING LAND USES AND ZONING

North: Single family residential and agricultural/undeveloped land (C-4 and I-1)

South: Agricultural/undeveloped land (C-2 and I-1)

East: Agricultural/undeveloped land (C-2, C-4, and I-1)

West: Single family residential (SR-2)

SITE CHARACTERISTICS

- A. The approximate 1.5 acre property is located along the east side of North Bend Road, approximately 1,400 feet south of Coral Drive/Orchid Drive.
- B. The site is currently occupied by a bank.
- C. Access to the site is from an unnamed access drive onto North Bend Road.
- D. The site slopes downward, south to north, at an average grade of 3%.
- E. A row of mature trees runs along the north property line.

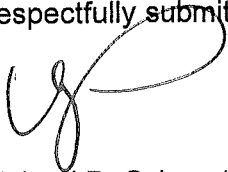
STAFF COMMENTS

- A. The submitted Concept Development Plan indicates the following:
 - 1. Division of the lot into two (2) separate lots.
 - 2. Retention of the existing 4,425 square foot bank building.
 - 3. Construction of a 2,380 square foot eating and drinking establishment, with drive-through service.
 - 4. Provision for fourteen (14) off-street parking spaces.
 - 5. Provision for a shared landscape buffer yard along the newly created joint property line.
- B. If the first requested variance is granted, it would allow the one-way drive aisle that serves the 60-degree angle parking to be fifteen (15) feet in width.
- C. If the second requested variance is granted, it would allow a small section of the one-way drive aisle to be 12.5 feet in width.

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. Sections 204.D and 204.E 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

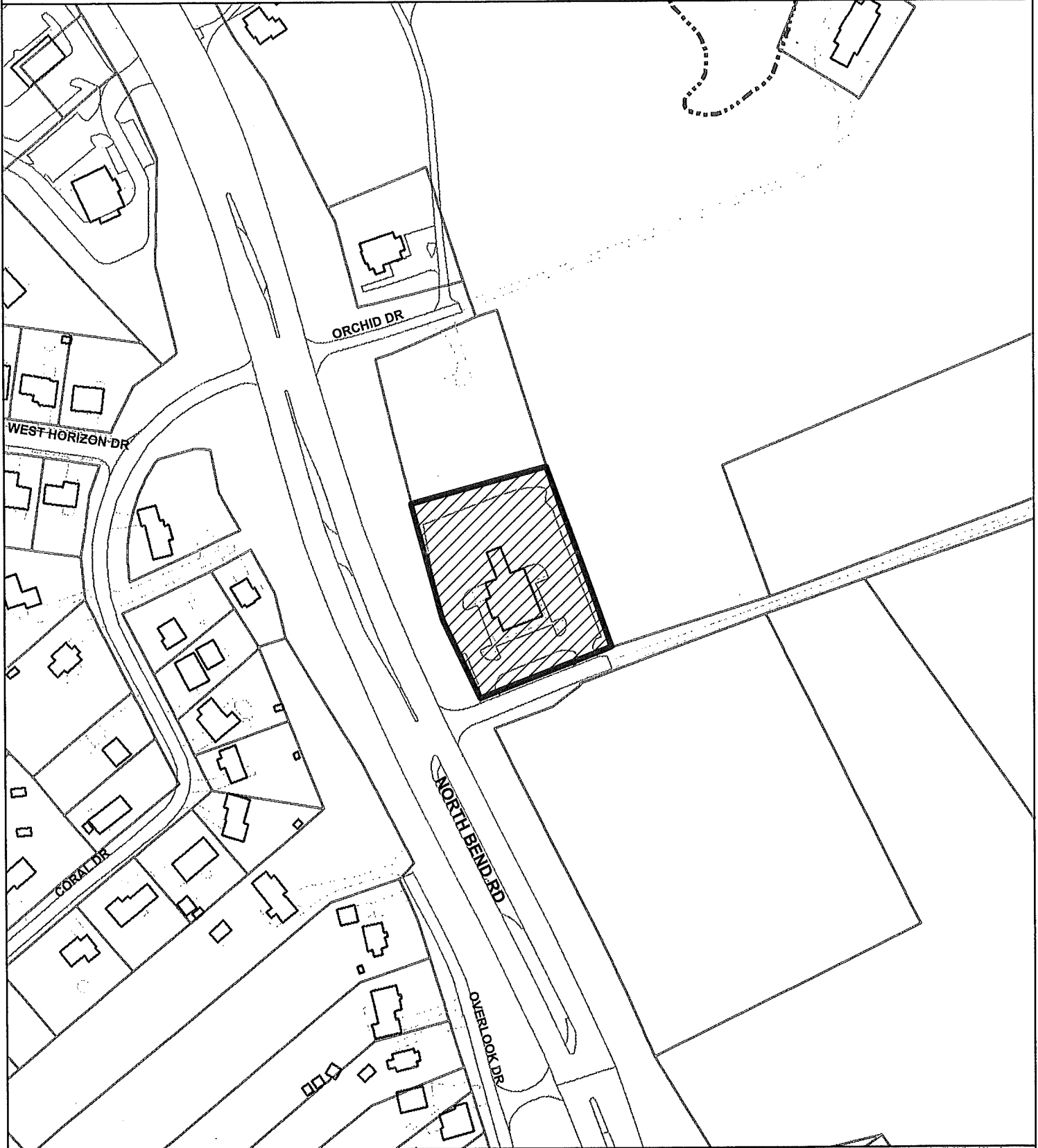
MDS/ss

Attachments

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

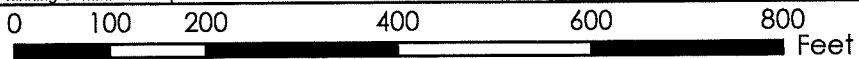
Vicinity Map

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 = 200 feet



Boone County GIS - Putting Northern Kentucky on the Map

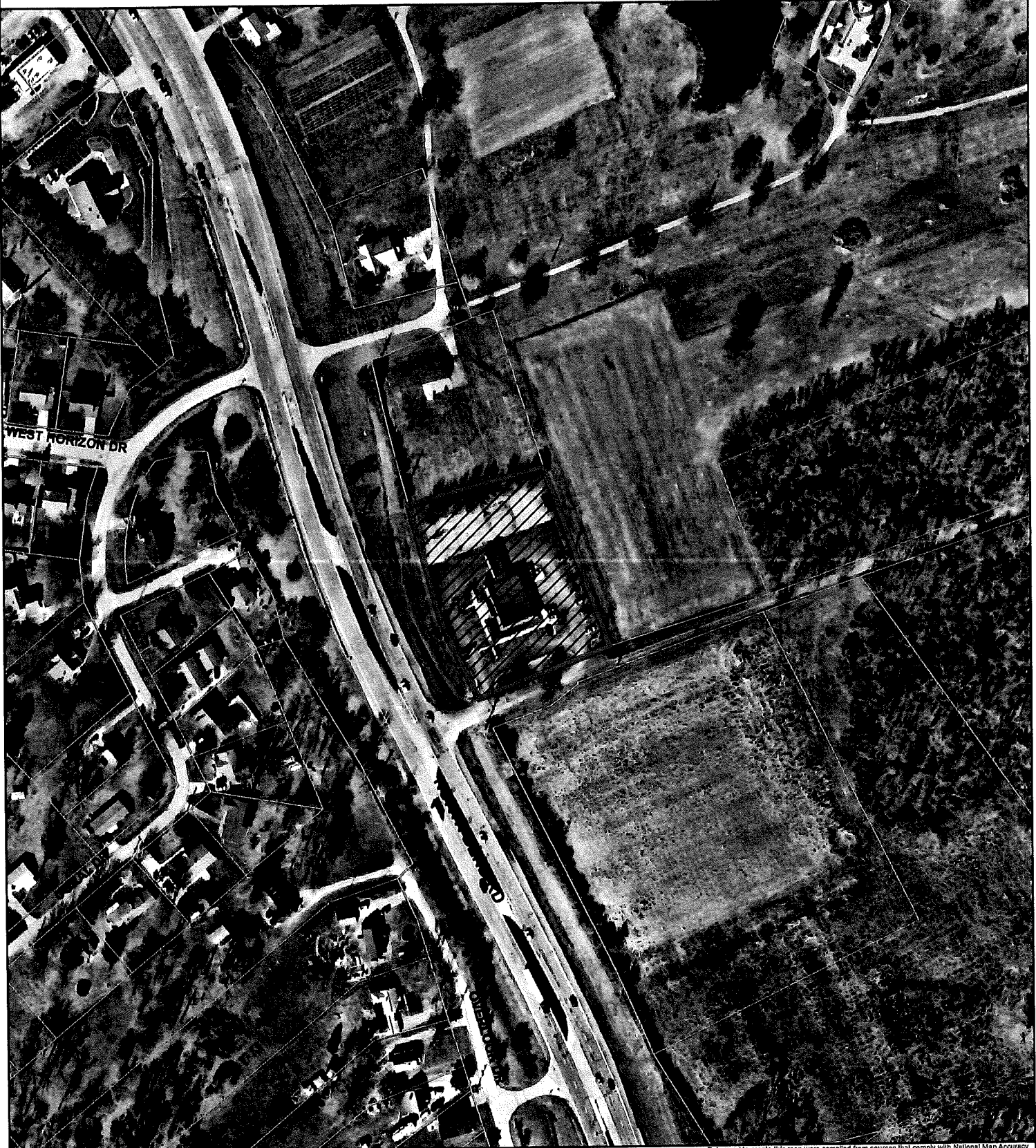


Map Created: xjbx/2022

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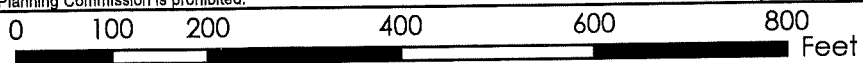
Aerial Map

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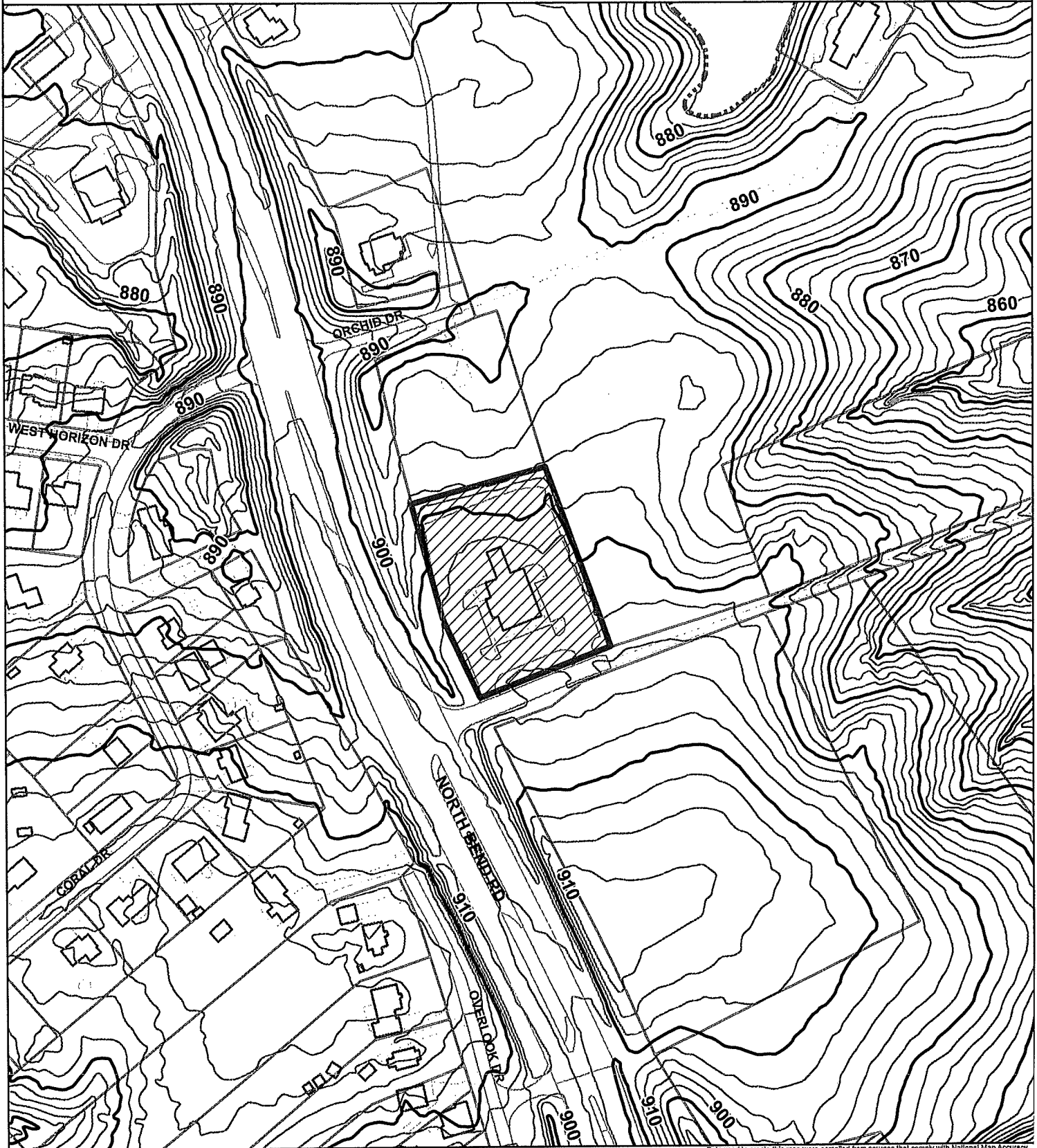


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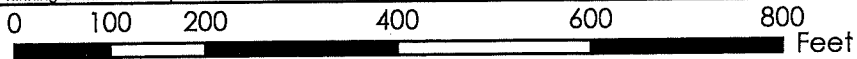
Topographic Map

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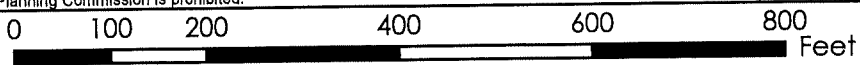
Zoning Map

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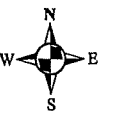
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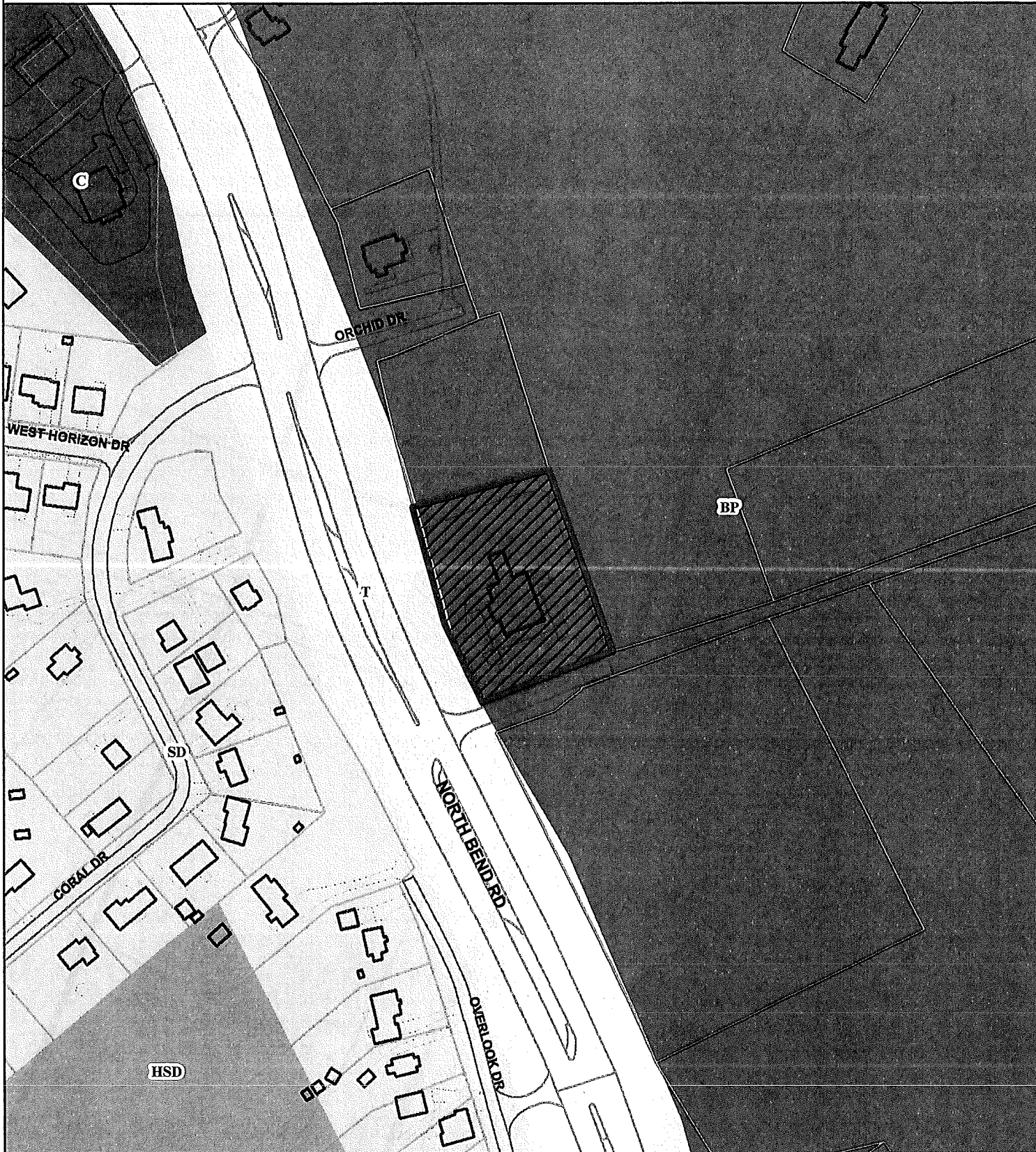


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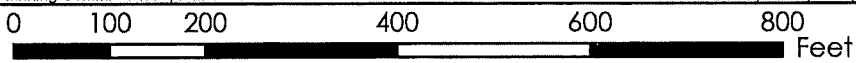
2040 Future Land Use Map

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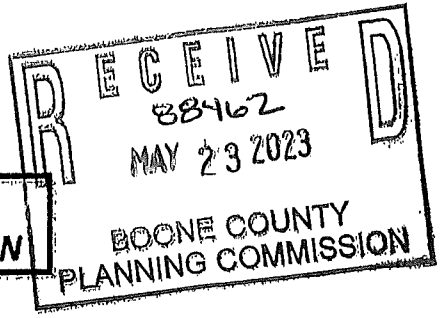


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**BOARD OF ADJUSTMENT
BOONE COUNTY PLANNING COMMISSION**



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1. Check One Boone Florence Walton Union
2. Check One Conditional Use Permit Variance Appeal
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3. Applicant: Wayne Cunningham
Address: 5120 Taylor Mill Road, Suite 300
Taylor Mill KY 41015
City State Zip Code
Phone Number: 859-415-1775 Fax Number: _____
Email: pcunningham@hshholland.com
4. Description of Request:
Proposed new split of lot. Reduce one-way drive aisle with 60 degree parking from 20' to 15'. Reduce one-way drive aisle from 14' to 12.5'.
5. Name of Development: Dunkin' Donuts
6. Location of Development: 2652 North Bend Road
Hebron KY 41048
City State Zip Code
7. Acreage Under Review: 1.49
8. Lot Number and Name of Subdivision (if part of a subdivision):

9. Current Owner: Hebron Deposit Bank
Address: 255 East 5th Street Suite 900
Cincinnati OH 45202
City State Zip Code
Phone Number: 859-414-1461 Fax Number: _____
Email: dholland@holland-dc.com

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12. Current Zoning: C2 and C4
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Deed Book Page Group Number
14. Is the site subject to a zone change: Yes No
If yes, date of approval: _____
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16. Have you submitted a list of adjoining property owners with this request: Yes No
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Property Owner's Signature:

Charley Bevin

Applicant's Signature:

Drew Holland

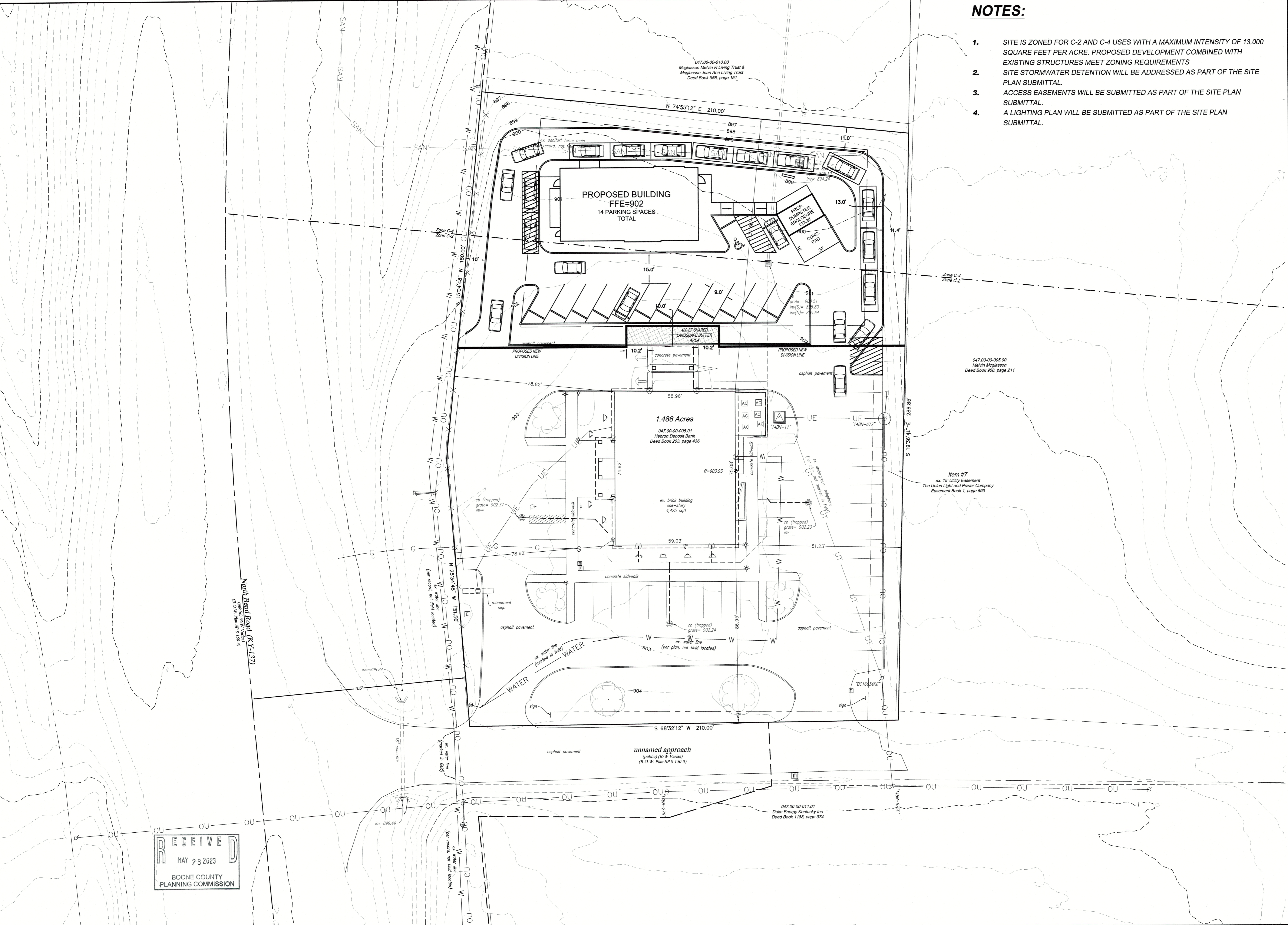
SECTION B: (To be completed by Planning Commission staff)

1. Date Received: 5/23/23 Fee Received: \$ 1616.00 Receipt #: 88462
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: _____

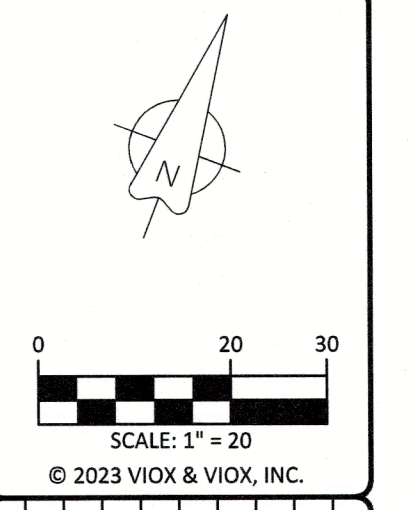
Boone County Planning Commission
Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
Burlington, Kentucky 41005
Phone: 859-334-2196 Fax: 859-334-2264
plancom@boonecountkyky.org
www.boonecountkyky.org

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NOTES:

1. SITE IS ZONED FOR C-2 AND C-4 USES WITH A MAXIMUM INTENSITY OF 13,000 SQUARE FEET PER ACRE. PROPOSED DEVELOPMENT COMBINED WITH EXISTING STRUCTURES MEET ZONING REQUIREMENTS
2. SITE STORMWATER DETENTION WILL BE ADDRESSED AS PART OF THE SITE PLAN SUBMITTAL.
3. ACCESS EASEMENTS WILL BE SUBMITTED AS PART OF THE SITE PLAN SUBMITTAL.
4. A LIGHTING PLAN WILL BE SUBMITTED AS PART OF THE SITE PLAN SUBMITTAL.

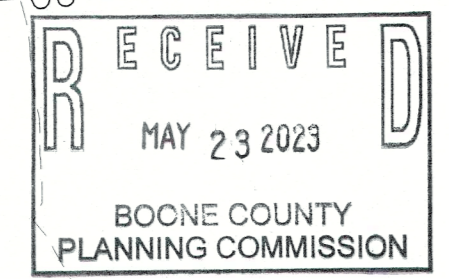


Item	Owner Changes	Revision	Date	By	CHK
1			03-22-23	MDC	

VIOX & VIOX
Civil Engineers, Surveyors, and Landscape Architects
466 Erlanger Road • Erlanger, Kentucky 41018
602 Lila Avenue • Milford, Ohio 45150
PH: Erlanger (859) 727-3293 • Ph. Milford (513) 576-1000
www.vioxinc.com

**HEBRON DUNKIN' DONUTS
CONCEPT PLAN**
HEBRON, BOONE COUNTY, KENTUCKY

Project No:	Checked:
Date:	Ref:
05-22-23	APR
Sheet:	
CONCEPT	



CERTIFICATE OF LAND USE RESTRICTION

- 1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Hebron Deposit Bank
255 East 5th St, Suite 900
Cincinnati, OH 45202

- 2. ADDRESS OF PROPERTY
2652 North Bend Rd
Hebron, KY 41048

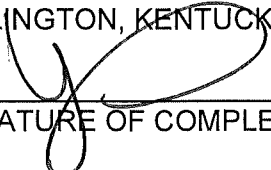
- 3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Dunkin' Donuts

- 4. DEED BOOK 203 PAGE NO. 436 GROUP NO. 2008

- 5. TYPE OF RESTRICTION(S) (Check all that apply)
 Zoning Map Amendment:
From _____ To _____ Conditional Use Permit
 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

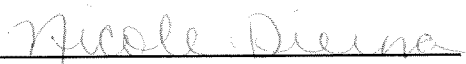
COUNTY OF BOONE

Subscribed, sworn to, and acknowledged before me by Michael D. Schwartz on behalf of the Boone
County Planning Commission this 15th day of June, 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.)