

**BOARD OF ADJUSTMENT
BOONE COUNTY PLANNING COMMISSION**

Five (5) scaled copies and one (1) 11 x 17 reduction of submitted drawings are required

038

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: Whc OH, LLC DBA: ZTrip
Address: 1601 S. Preston St
Louisville Ky 40217
City State Zip Code
Phone Number: 502 649-9240 Fax Number: _____
Email: DWOODCOCK@ZTRIP.COM
4. Description of Request:
Request for Auto repair at this location, currently zoned C-2 which is conditional use.
5. Name of Development: _____
6. Location of Development: 2126 Petersburg Rd
Hebron Ky 41048
City State Zip Code
7. Acreage Under Review: .957 (.367 + .59)
8. Lot Number and Name of Subdivision (if part of a subdivision): _____
9. Current Owner: AGJ Property LLC
Address: 2162 Petersburg Rd
Hebron Ky 41048
City State Zip Code
Phone Number: Gerry Pizzano 631-682-1818 Fax Number: _____
Email: znmproperties@yahoo.com

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

1. Date Received: 11/3/23 Fee Received: \$1116⁰⁰ Receipt #: 89473

2. Is application complete:

3. Staff Reviewer: M. Schwartz

4. Scheduled Board Action Date: 12/13/2023

5. Board Action: 12/13/2023

- 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: WHC OH LLC, dba Ztrip, per William M. George, on behalf of AGJ Property LLC,
per Gerry Pizzano

LOCATION: 2126 Petersburg Road, Boone County, Kentucky

ZONING: Commercial Two (C-2)

DATE: December 13, 2023

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

STAFF REPORT

#2

APPLICANT: WHC OH LLC, dba Ztrip, per William M. George, on behalf of AGJ Property LLC, per Gerry Pizzano

LOCATION: 2126 Petersburg Road, Boone County, Kentucky

ZONING: Commercial Two (C-2)

DATE: December 13, 2023

PROPOSAL

- A. The applicant is requesting a Conditional Use Permit to allow automotive repair to be conducted within an existing building.

SITE HISTORY

- 1974-1981 Based on information contained in the Boone County GIS, the site was initially developed.
- 1985 On June 12, 1985, the Boone Board of Adjustment approved a Variance reducing the rear yard setback from fifty (50) feet to forty (40) feet and reducing the required number of parking spaces from 12 to 8 (BCBOA-612852).
- 1992 The 1992 Boone County Zoning Map identified the site as being zoned SR-2.
- 1992 On September 16, 1992, the Boone County Planning Commission approved a Site Plan for a building addition.
- 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).
- 2006 On September 8, 2006, the Boone County Planning Commission approved a Site Plan for a storage building.
- 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, on the property immediately to the west of the site in question, 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).

2022 On April 20, 2022, the Boone Board of Adjustment approved a Conditional Use Permit to allow an automobile repair facility within an existing building, on the property immediately to the west of the site in question, subject to the following conditions: (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; and (7) A Site Plan shall be submitted to, and approved by, the Boone County Planning Commission prior to the operation of the business (BCBOA-22-015).

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 grant conditional uses permits to allow the proper integration into the community of uses which are specifically named in the zoning regulations which may be suitable only if specific locations in the district and only if certain conditions are met.
- B. The Board should evaluate the request as it relates to the criteria necessary for granting a Conditional Use Permit as stated in Section 205.H of the Boone County Zoning Regulations.
1. Findings listed in Section 205.H (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 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 any such services.
 - e. Will create excessive additional requirements at public cost for public facilities and services and will be detrimental to the economic welfare of the community.
 - f. Will 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 designed as not to create an interference with traffic on surrounding public thoroughfares.
- C. Section 505.3 of the Boone County Zoning Regulations identifies 'Automotive Repair Facility' as a Conditional Use within the C-2 district.
- 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 4000 of the Boone County Zoning Regulations defines 'Automotive Repair Facility' 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 an individual vehicle basis; changing of oil, other fluids, and filters; emissions testing and vehicles inspections.

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 1 acre site is located along the north side of Petersburg Road, approximately 300 feet west of Phyllis Court.
- B. The site has approximately one hundred twenty-five (125) feet of frontage along Petersburg Road.
- C. The site is currently occupied by a two-story commercial building, an approximate 3,500 square foot storage building which is currently vacant, and provision for thirty-six (36) off-street parking spaces.
- D. Access to the site is provided by a curb cut onto Petersburg Road.
- E. The site is within the 55 day/night noise level of the Cincinnati/Northern Kentucky International Airport.
- F. The site slopes upward, south to north, at an average grade of 6%.
- G. Along the rear property line of the site in question, there is an approximate forty (40) foot wide grass area and the property to the north of the site lies approximately ten (10) feet higher than the site in question.

SURROUNDING LAND USES AND ZONING

- North: Summit Country Place Apartments (UR-1/PD)
South: Single family residential (SR-1)
East: A self-storage facility (C-2)
West: Tin Soldier Racecars and self-storage (C-2)

PROPOSED DEVELOPMENT

- A. Use of a portion of the existing building as an automotive repair facility for zTrip, which is a passenger ground transportation company.
B. Retention of all other existing conditions.

STAFF COMMENTS

- A. The Boone Board of Adjustment approved a Conditional Use Permit for a similar use for the property immediately to the west of the site in question.
B. Since there will be no change to the exterior of the site, additional landscaping may not be necessary.
C. The front building has one (1) bay door that opens facing east towards the self-storage facility.
D. The rear building has two (2) bay doors, one that opens facing east towards the self-storage facility and one that opens facing west towards the interior of the site.
E. 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. No inoperable vehicle shall be parked or stored in the front yard.
4. The hours of operation of the automotive repair facility shall be limited to 8:00 am – 8:00 pm.
5. Any automotive repair work shall be conducted within a completely enclosed building with all doorways and windows shut.
6. A Tenant Finish permit 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 202.C 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

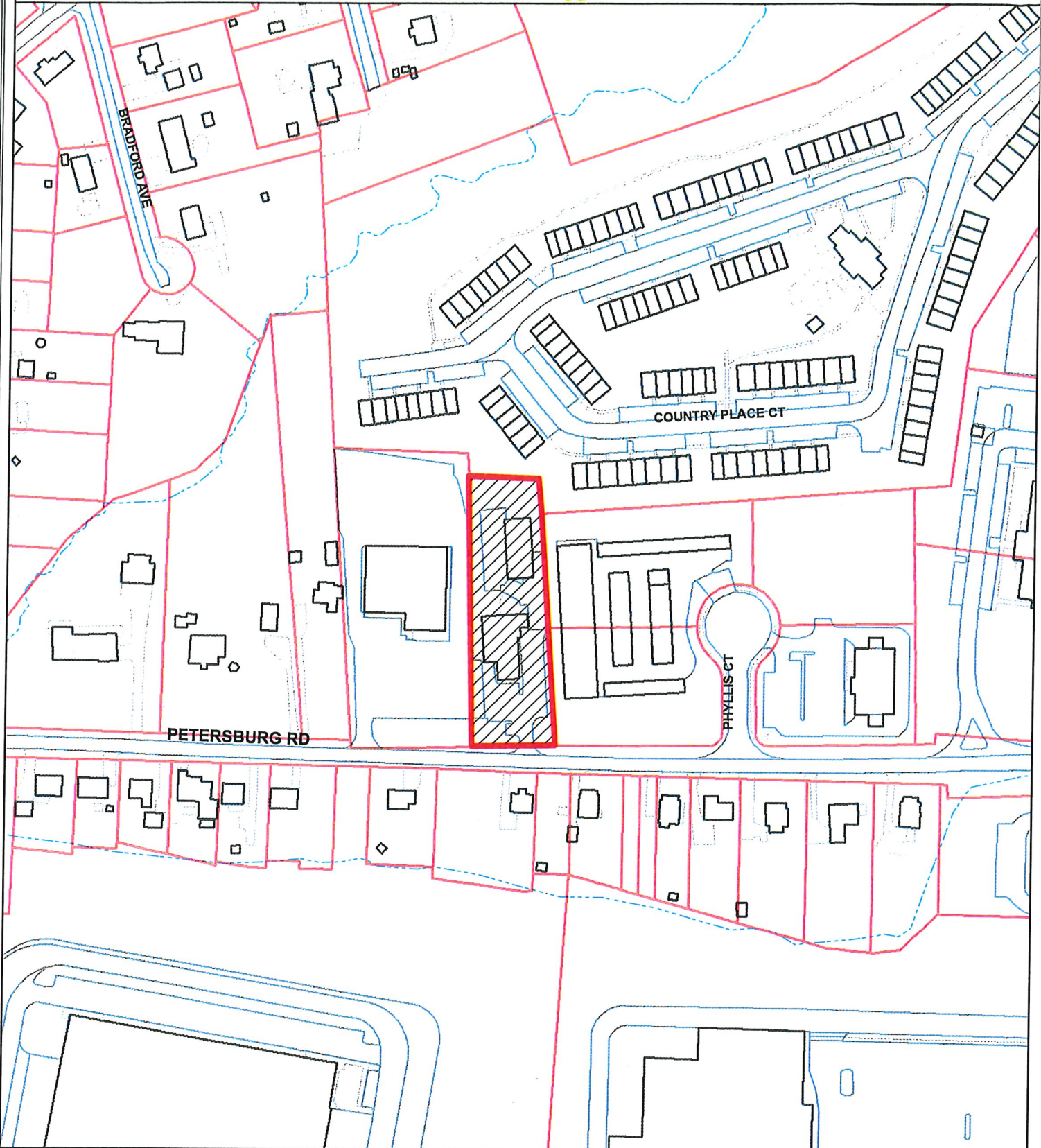
MDS/ss

Attachments

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

Vicinity Map

www.boonecountygis.com

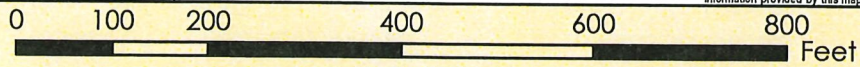


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Boone



1 inch = 200 feet



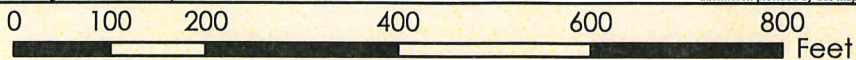
Aerial Map

www.boonecountygis.com



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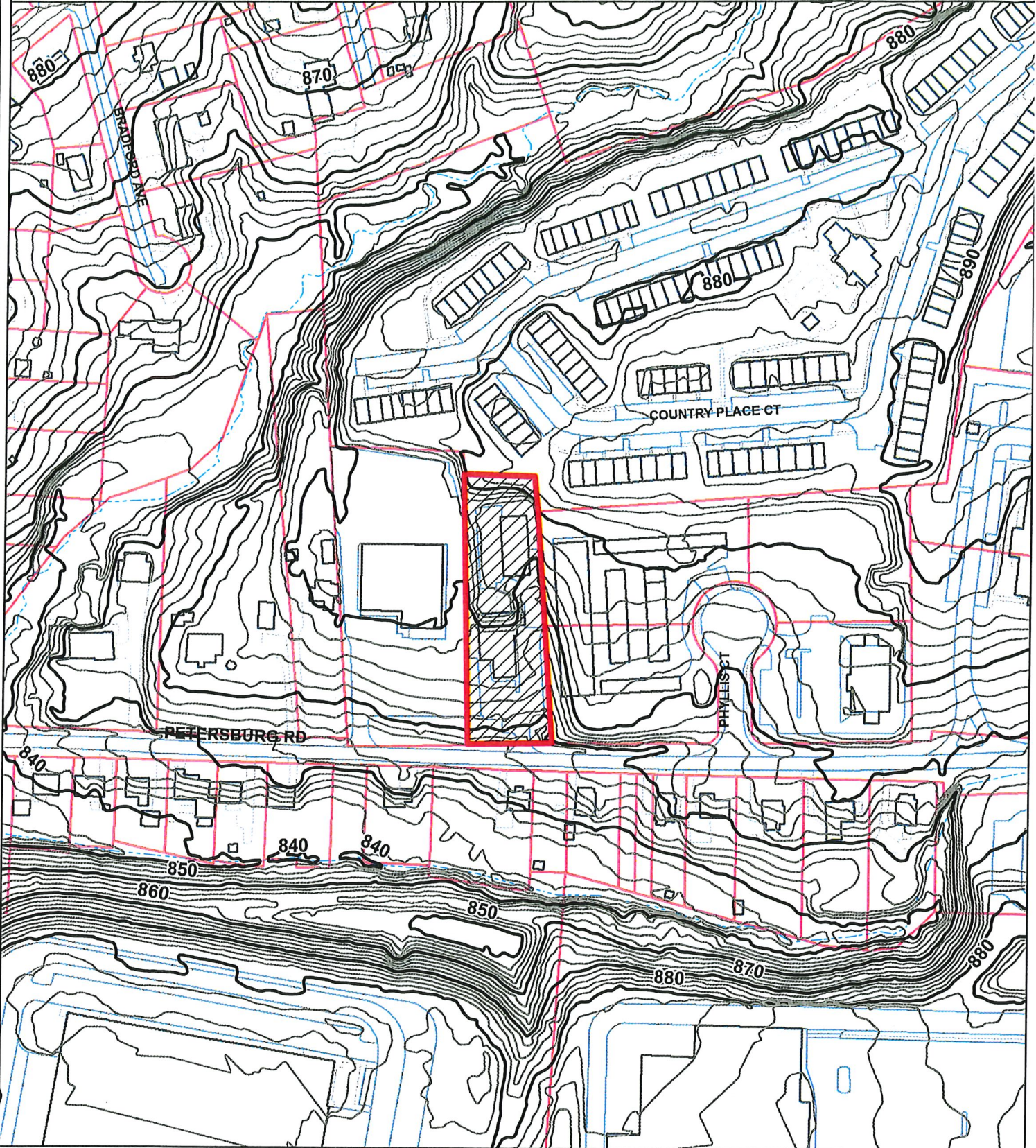


Boone County GIS - Putting Northern Kentucky on the Map



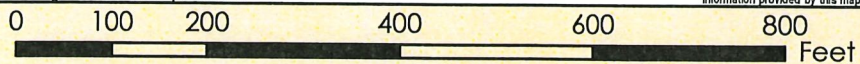
Topographic Map

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Map Created: xx/xx/2022



Multi File: F:\mky\North.kml
ArcMap Document: *.mxd

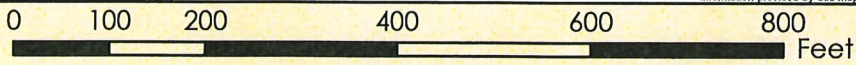
Zoning Map

www.boonecountygis.com



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Web Page: [www.boonecountygis.com](#)
ArcMap Document: *.mxd

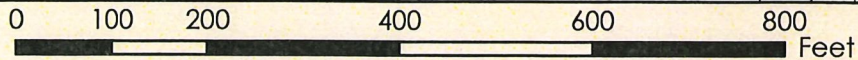
2040 Future Land Use Map

www.boonecountygis.com



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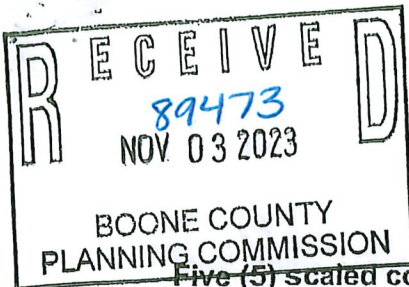


Boone County GIS - Putting Northern Kentucky on the Map



Map Created: xx/xx/2022

State Plane: Kentucky State Plane 5003 FIPS
ArcMap Document: *.mxd



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: Whc OH, LLC DBA: ZTrip

Address: 1601 S. Preston St

Louisville Ky 40217
City State Zip Code

Phone Number: 502 649-9240 Fax Number: _____

Email: DWOODCOCK@ZTRIP.COM

4. Description of Request: Request for Auto Repair at this location, currently zoned C-2 which is conditional use.

5. Name of Development: _____

6. Location of Development: 2126 Petersburg Rd

Hebron Ky 41048
City State Zip Code

7. Acreage Under Review: .957 (.367 + .59)

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

9. Current Owner: AGJ Property LLC

Address: 2162 Petersburg Rd

Hebron Ky 41048
City State Zip Code

Phone Number: Gerry Pizzano 631-682-1818 Fax Number: _____

Email: znmproperties@yahoo.com

10. Proposed Use(s) on Site: Auto Repair
11. Total Square Footage of Existing and/or Proposed Buildings: 7,842
12. Current Zoning: C-2
13. 1206 947 _____
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:

Gerry Pizzano

dotloop verified
11/02/23 6:42 PM EDT
BFVO-H60M-YK2Q-RCCM

Applicant's Signature:

William M. George

dotloop verified
11/03/23 1:49 AM
CDT
KYHP-J213-5JVR-3ZCJ

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

1. Date Received: 11/3/23 Fee Received: \$1,116⁰⁰ Receipt #: 89473

2. Is application complete:

3. Staff Reviewer: _____

4. Scheduled Board Action Date: _____

5. Board Action: _____

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

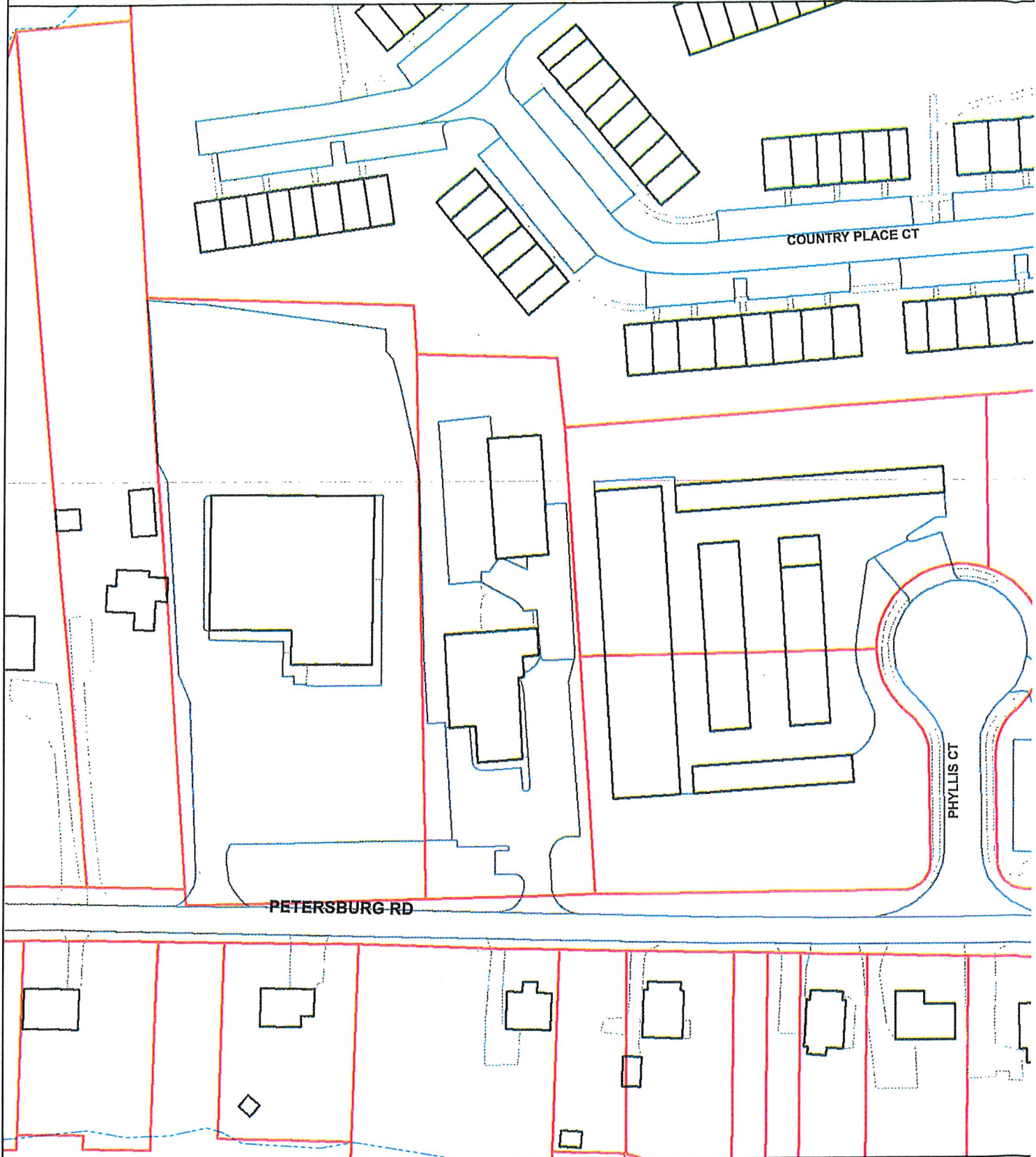
6. Conditions of Approval: _____

7. Reasons for Denial: _____

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Boone County Administration Building
2950 Washington Street, Room 317
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Phone: 859-334-2196 Fax: 859-334-2264
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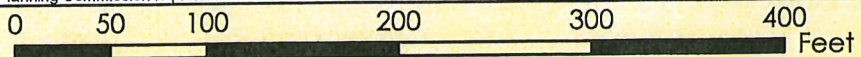
Boone County GIS Map

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1 inch = 100 feet



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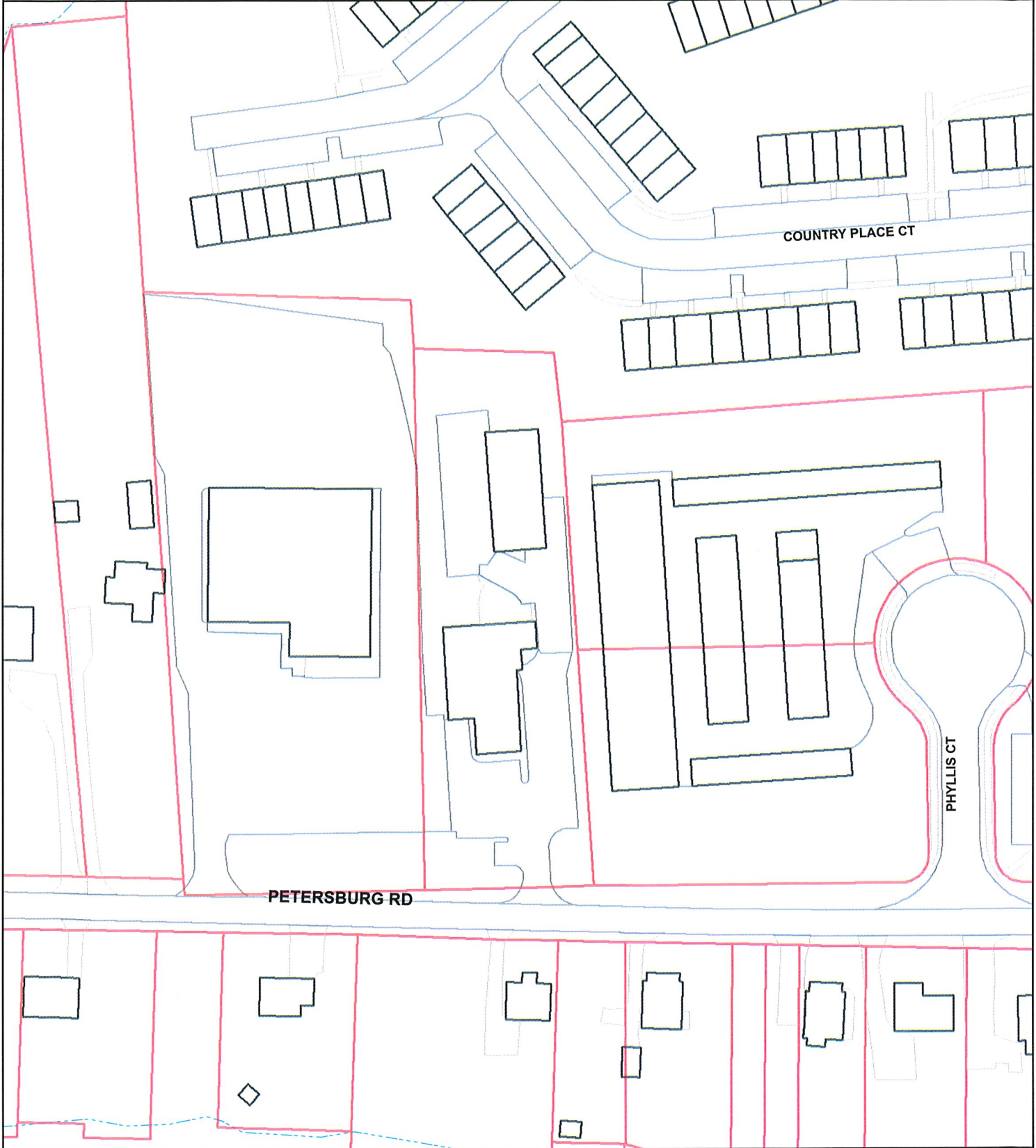
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Info Plan 1.mxd by xx/xx/2022
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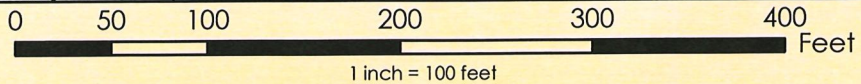
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Boone County GIS
ArcMap Document: *.mxd

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
AGJ Property LLC
2162 Petersburg Rd
Hebron, KY 41048

2. ADDRESS OF PROPERTY
2126 Petersburg Rd
Hebron, KY 41048
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
ZTrip Taxi

4. DEED BOOK 1206 PAGE NO. 947 GROUP NO. 2006

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 14th day of December, 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.)

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 December 13, 2023, Certificate of Land Use Restriction (#23-BCBOA-038-A), for AGJ Property LLC, 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. No inoperable vehicle shall be parked or stored in the front yard.
4. The hours of operation of the automotive repair facility shall be limited to 8:00 am—8:00 pm.
5. Any automotive repair work shall be conducted within a completely enclosed building with all doorways and windows shut.
6. A Tenant Finish permit shall be submitted to and 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 1206

PAGE NO. 947

GROUP NO. 2006