

**BOARD OF ADJUSTMENT
BOONE COUNTY PLANNING COMMISSION**

R E C E I V E D
89936
FEB 14 2024
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)

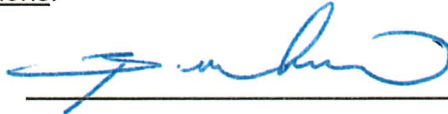
1. Check One Boone Florence Walton Union
2. Check One Conditional Use Permit Variance Appeal
 Change in Non-Conforming Use
3. Applicant: BRG Realty Group, LLC attn: Brent Van Lieu
Address: 7265 Kenwood Road, Suite 111
Cincinnati OH 45236
City State Zip Code
Phone Number: 513-200-4261 Fax Number: _____
Email: bvanlieu@brgapartments.com
4. Description of Request:
Allowance to construct pad for maintenance shed within 30' buffer yard. The adjoiner is an industrial use, and their site sits +- 15' above the proposed pad elevation. An existing slope, landscape trees and privacy fence provides screening.
5. Name of Development: Parkway Trails - BRG Apartments
6. Location of Development: 4951-5005 Aero Parkway (corner of Aero Parkway & KY 18)
Unincorporated Boone County KY 41042
City State Zip Code
7. Acreage Under Review: Total site - 11.2 acres, proposed area +-900 sf
8. Lot Number and Name of Subdivision (if part of a subdivision):
n/a
9. Current Owner: BRG PARKWAY TRAILS LLC attn: Brent Van Lieu
Address: 7265 Kenwood Road, Suite 111
Cincinnati OH 45236
City State Zip Code
Phone Number: 513-200-4261 Fax Number: _____
Email: bvanlieu@brgapartments.com

011

Multi Family Apartments

10. Proposed Use(s) on Site: _____
11. Total Square Footage of Existing and/or Proposed Buildings: 9 existing bldgs (90,212 sf total)
12. Current Zoning: UR-3/CD
13. 1125 416 2026
Deed Book Page Group Number
14. Is the site subject to a zone change: Yes No
If yes, date of approval: _____ approved on 12/20/18
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:



Applicant's Signature:



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

1. Date Received: 2/14/24 Fee Received: \$666 Receipt #: 89936

2. Is application complete: _____

3. Staff Reviewer: M. Schwartz

4. Scheduled Board Action Date: 3/13/2024

5. Board Action: 3/13/2024

- 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: BRG Realty Group, LLC, per Brent Van Lieu, on behalf of BRG Parkway Trails, LLC, per Brent Van Lieu

LOCATION: 4951-5005 Aero Parkway, Boone County, Kentucky

ZONING: Urban Residential Three (UR-3)

DATE: March 13, 2024

PROPOSAL

- A. The applicant is requesting a Variance reducing the Buffer Yard width from thirty (30) feet to fifteen (15) feet along a portion of the east property line.

SITE HISTORY

- 2018 On October 9, 2018, the Boone County Fiscal Court adopted Ordinance Number 2018-15, changing the zoning of a portion of the site in question from C-4 to UR-3, to allow the development of an apartment complex (R-18-007-A).
- 2019 On March 26, 2019, the Boone County Fiscal Court adopted Ordinance Number 2019-06, changing the zoning of a portion of the site in question from C-4 to UR-3, to allow the development of an apartment complex (R-19-001-A).
- 2019 On April 30, 2019, the Boone County Planning Commission approved a Major Site Plan for grading and stormwater improvements for a future multi-family and industrial development.
- 2020 On September 23, 2020, the Boone County planning Commission approved a Major Site Plan for a multi-family apartment complex.
- 2020 On October 7, 2020, the Boone County Planning Commission approved a Design Review for the site in question.

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 908.A of the Boone County Zoning Regulations states that the purpose of the Urban Residential Three district is to provide the most urban, compactly organized residential environment for individuals who desire or require close proximity to major institutional facilities or urban centers.
- E. Section 3645.B.8 of the Boone County Zoning Regulations states that a Buffer Yard C is required where property within the UR-3 district abuts property within the I-1 district.
- F. Section 3645.B.8 of the Boone County Zoning Regulations states that a Buffer Yard C shall have a minimum width of sixty (60) feet, with a thirty (30) foot option.

RELATIONSHIP TO THE COMPREHENSIVE PLAN

- A. The Our Boone County Plan 2040 Future Land Use Plan designates the site in question as “Urban Density Residential”, which are described as Attached housing, generally condominiums or apartments, of over 8 dwelling 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. 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).

SURROUNDING LAND USES AND ZONING

North: Airport property (A)
South: Single-family residential (SR-2)
East: Industrial warehouse (I-1)
West: Utility substation (O-1)

SITE CHARACTERISTICS

- A. The approximate 11 acre property is located at the northeast corner of the intersection of Burlington Pike with Aero Parkway.
- B. The site is currently occupied by multi-building, multi-family apartment complex.
- C. Access to the site is from a Burlington Pike and Aero Parkway.
- D. Within the area of the proposed Variance, there exists a landscaped berm and privacy fence.
- E. The site has been graded for the existing development.
- F. The site is located within the 55 day/night noise level of the airport.

STAFF COMMENTS

- A. The proposal is to construct a pad for a maintenance shed.
- B. The proposed shed will encroach fifteen (15) feet into the required buffer yard.
- C. To install the pad and maintenance shed, minimal grading will need to occur and no existing landscaping will be removed.
- D. Within the area of the proposed Variance, the site sits approximately fifteen (15) feet lower than the adjacent property.
- E. Landscaping on the adjacent property includes trees and a privacy fence.

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

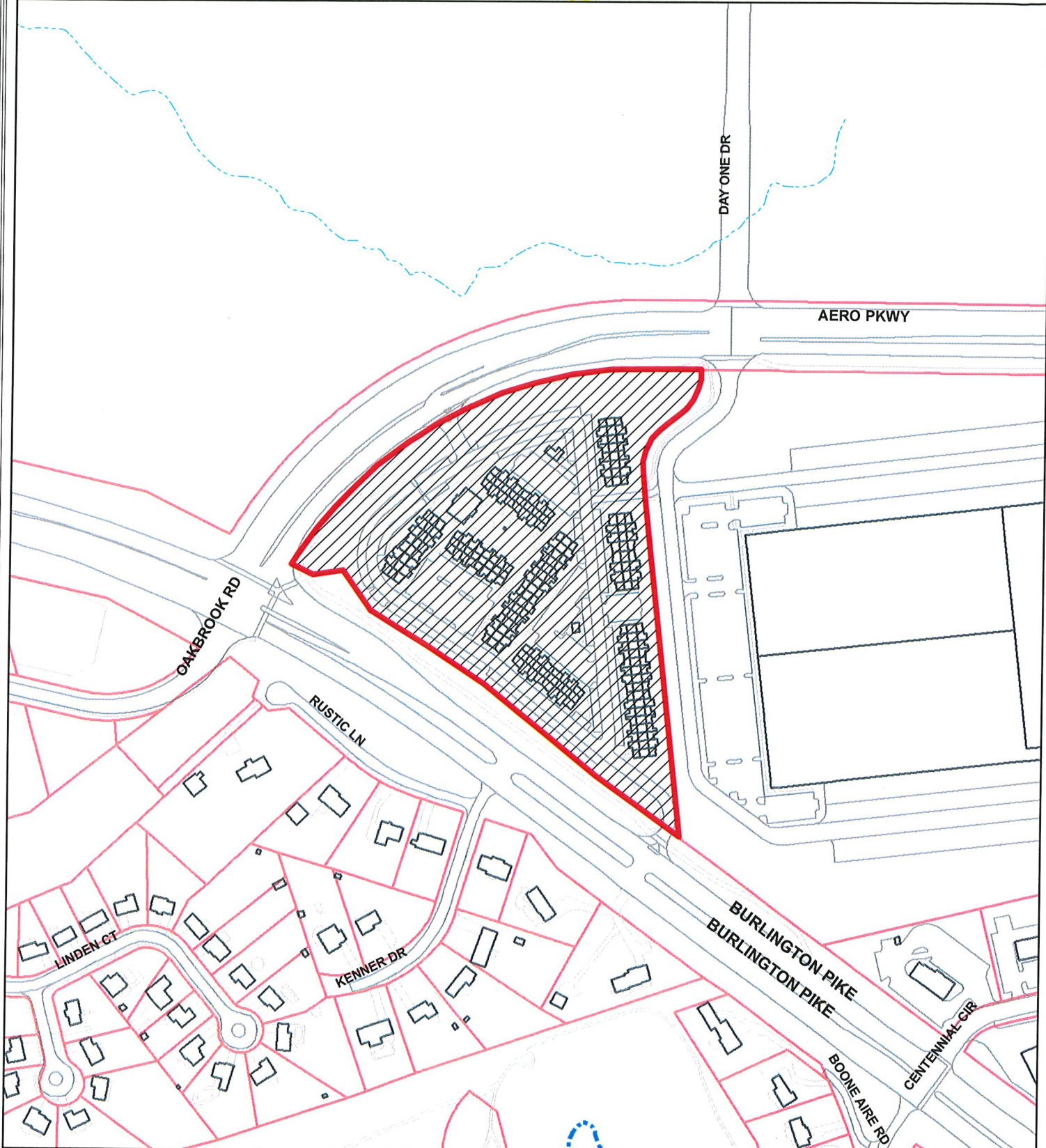
MDS/ss

Attachments

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

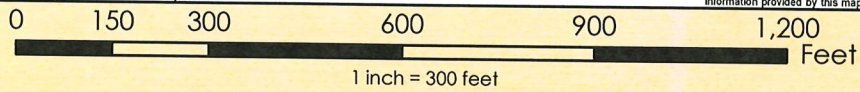
Vicinity Map

www.boonecountygis.com



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Boone County GIS - Putting Northern Kentucky on the Map

Map Created: xx/xx/2022

File Path: \\boone\gis\work\2022\1123
ArcMap Document: *.mxd

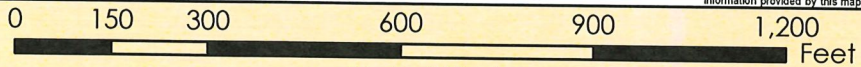
Aerial Map

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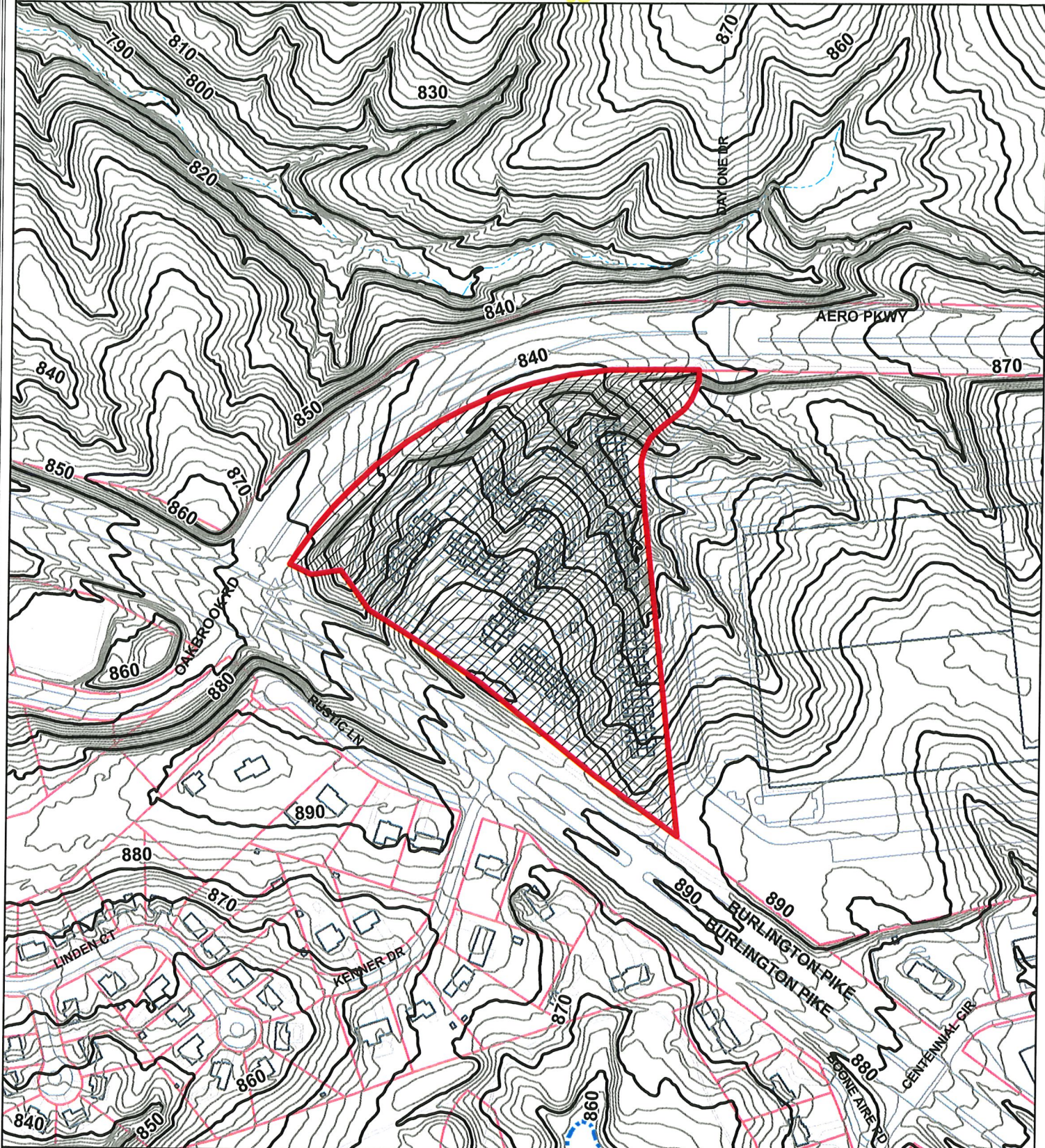
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Boone County GIS
ArcMap Document: *.mxd

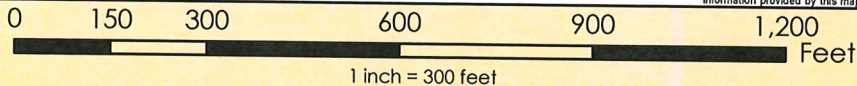
Topographic Map

www.boonecountygis.com



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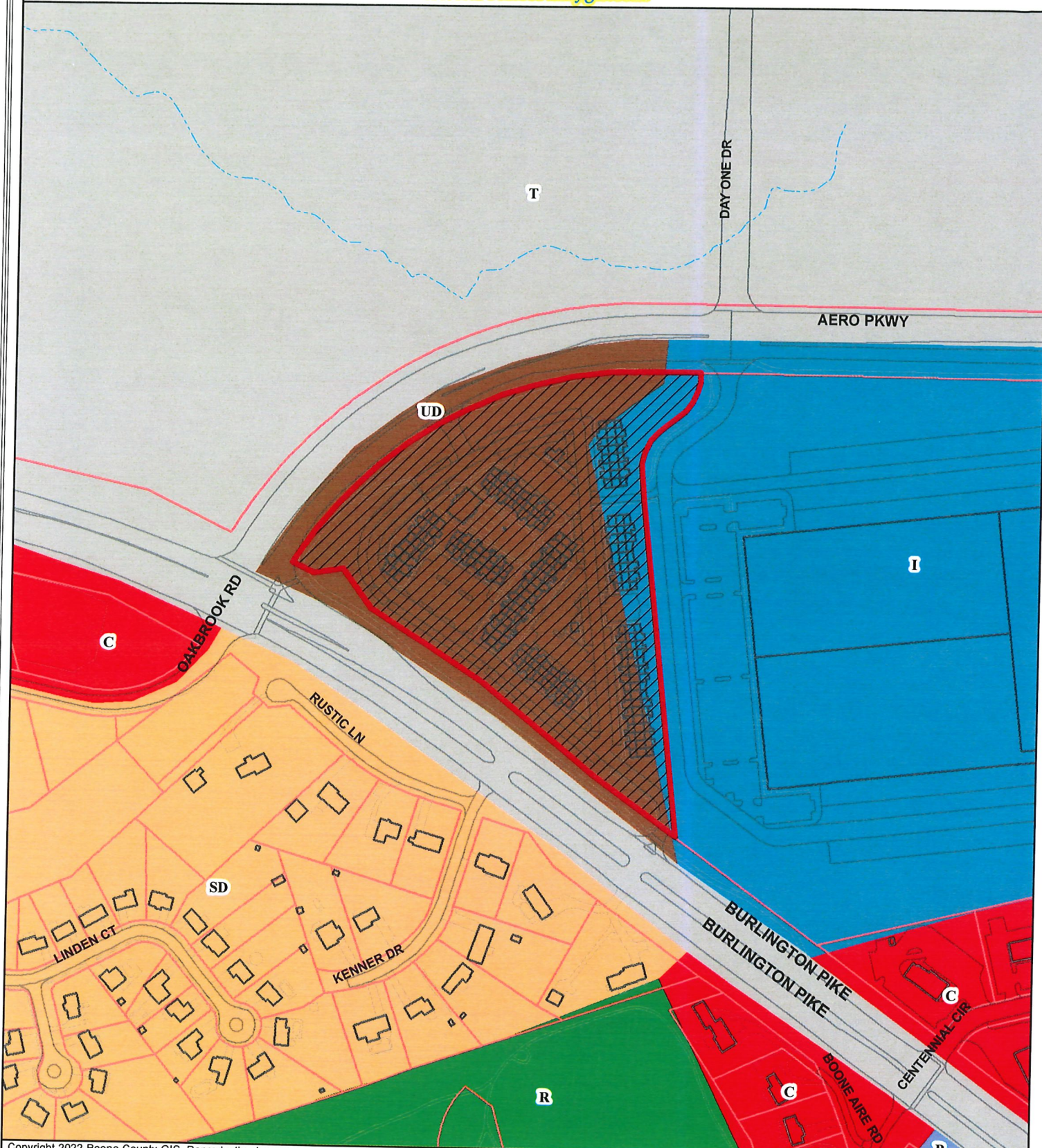
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Boone County GIS
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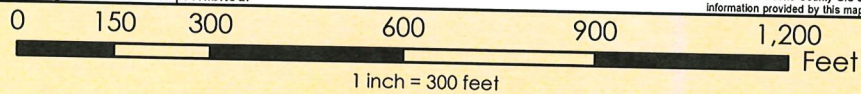
2040 Future Land Use Map

www.boonecountygis.com



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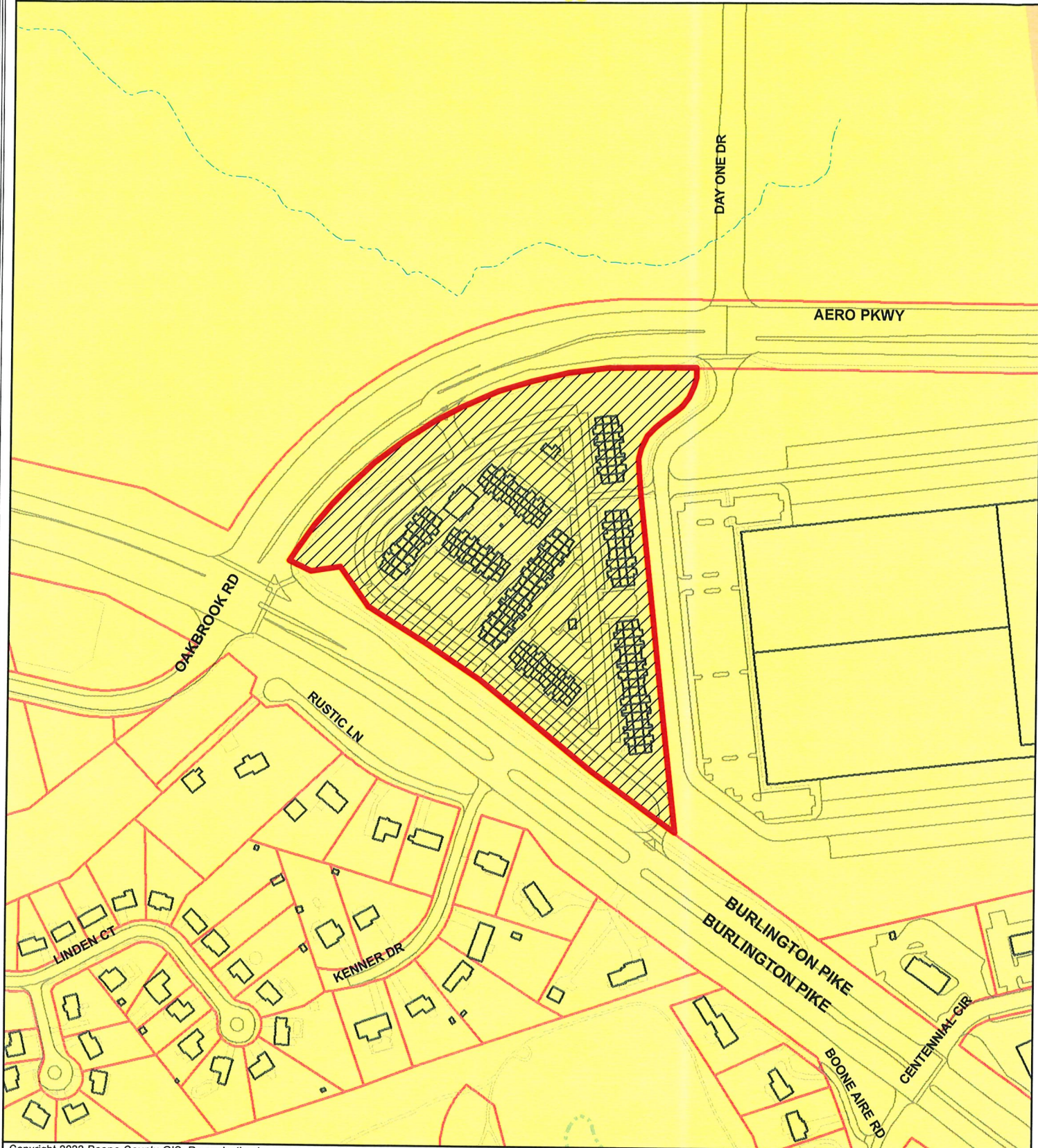
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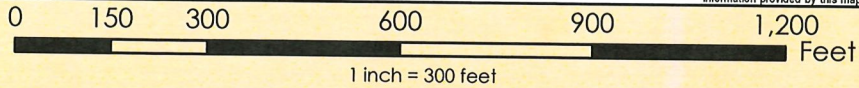
Noise Contour Map

www.boonecountygis.com



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Boone County GIS - Putting Northern Kentucky on the Map

Map Created: xx/xx/2022

Boone County GIS
ArcMap Document: *.mxd

SITE INFORMATION:

1. ZONE: UR-3 (URBAN RESIDENTIAL THREE) ZONE
2. EXISTING USE: VACANT FARM LAND
3. PROPOSED USE: MULTI-FAMILY HOUSING
4. PARCEL ADJACENT AN INDUSTRIAL ZONE

PARKING SUMMARY:

240 MULTI-FAMILY RESIDENTIAL UNITS
1.87 RATIO OF PARKING SPACES PER UNIT

PROPOSED PARKING:
435 REGULAR PARKING SPACES (9'x18')
13 HANDICAP PARKING SPACES (8'x18')
449 TOTAL PARKING SPACES

REQUIRED PARKING:

1.5 STALLS PER 1 BEDROOM UNIT
2.0 STALLS PER 2+ BEDROOM UNIT

PROPOSED 168 2 BEDROOM UNITS & 72 1 BEDROOM UNITS

168*2.0 + 72*1.5 = 444 REQUIRED STALLS

444 / 240 UNITS = 1.85 RATIO REQUIRED

BIKE PARKING REQUIRED: 2 BIKE SPOTS PER 25 PARKING STALLS


444 / 25 = 18 * 2 = 36 BIKE SPOTS REQUIRED

36 BIKE SPOTS PROVIDED.

BIKE RACKS WILL BE TREE TOP PRODUCTS
MODEL "PARK-IT-2-BIKE RACK" (SKU: TBR-15)

BIKE RACKS PROVIDE 6 PARKING SPOTS AT 6 LOCATIONS THROUGHOUT SITE

 CONCRETE SIDEWALK

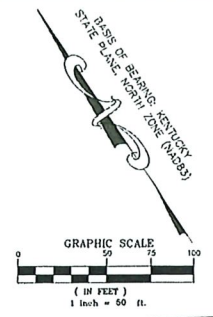
 LIGHT DUTY ASPHALT PAVEMENT

 HEAVY DUTY ASPHALT PAVEMENT

PAVEMENT NOTE:

1. THE GEOTECHNICAL ENGINEER HAS REVIEWED PAVEMENT RECOMMENDATIONS AND STATES THAT PAVEMENT AS SHOWN IS SUFFICIENT FOR 69,000 LB FIRE TRUCK.

REVISIONS DATE #	ITEM
01-24-24	1 Board Of Adjustments Exhibit




CARDINAL
ENGINEERING
LAND SURVEYING
ONE WOODOCK ROAD
VALDEN, KENTUCKY 41071
PHONE: (859) 581-9600
FAX: (859) 581-9636

WEBSITE: <http://www.cardinalengineering.net>

PROJECT:
SITE PLAN
BRG APARTMENTS - PARKWAY TRAILS
AERO PARKWAY & BURLINGTON PIKE

CLIENT:
BRG REALTY GROUP, LLC
7265 KENWOOD ROAD, SUITE 111
CINCINNATI, OHIO 45236

DRAWN BY: SPM
CHECKED BY: JCK
PROJECT MANAGER: SPM

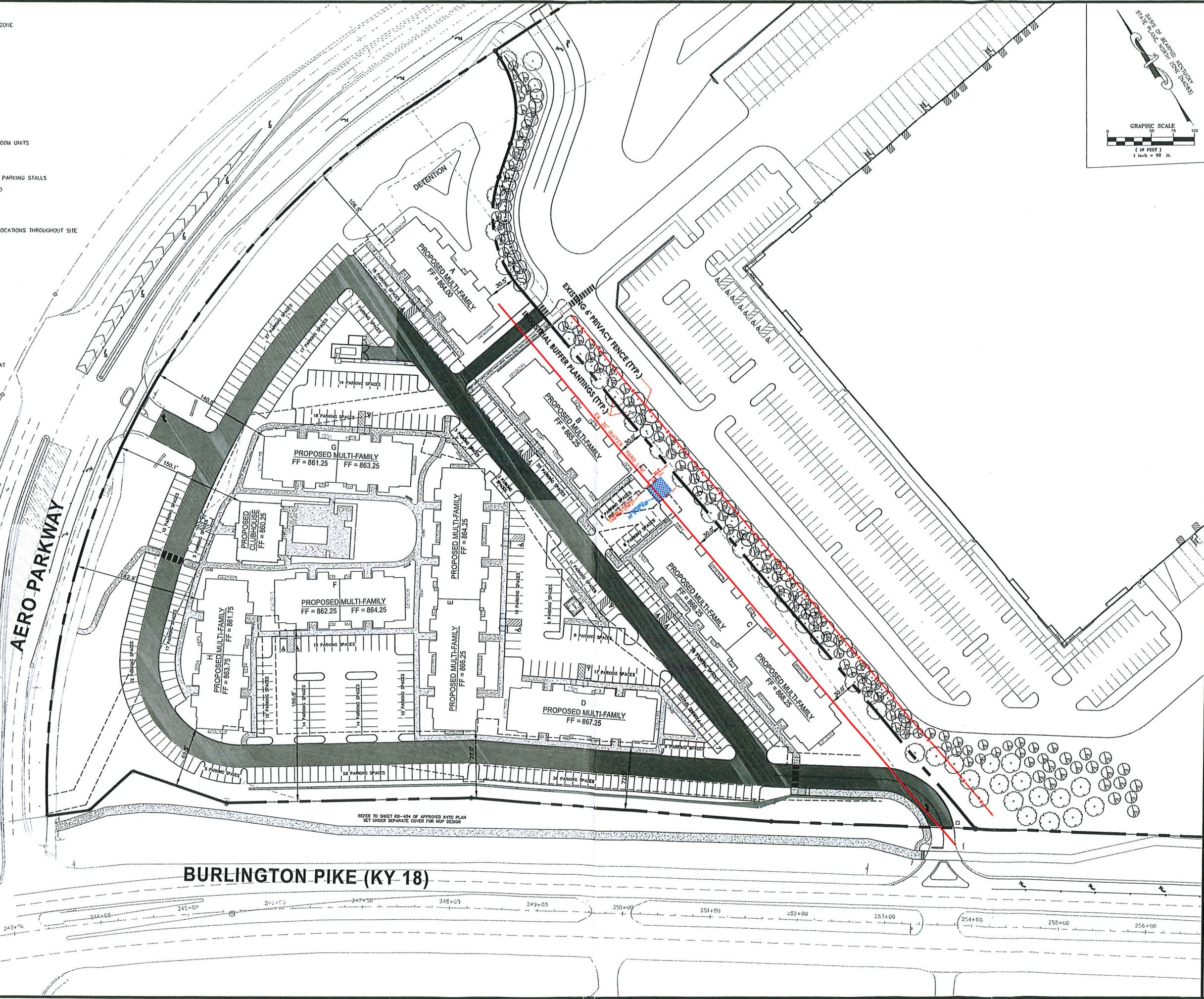
SEAL

PROJECT NO. 19-060
SCALE 1" = 50'
DATE 08-03-2020

OVERALL SITE PLAN
SHEET C-600

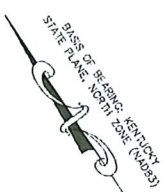
AERO PARKWAY

BURLINGTON PIKE (KY 18)



REFER TO SHEET RD-604 OF APPROVED KYIC PLAN
SET UNDER SEPARATE COVER FOR MAP DESIGN

REVISIONS		ITEM
DATE	#	
01-24-24	1	Board of Adjustments Exhibit



CARDINAL
ENGINEERING
LAND SURVEYING
ONE MOORE ROAD
WILDER, KENTUCKY 41071
PHONE: (859) 581-0600
FAX: (859) 581-0636

WEBSITE: <http://www.cardinalengineering.net>

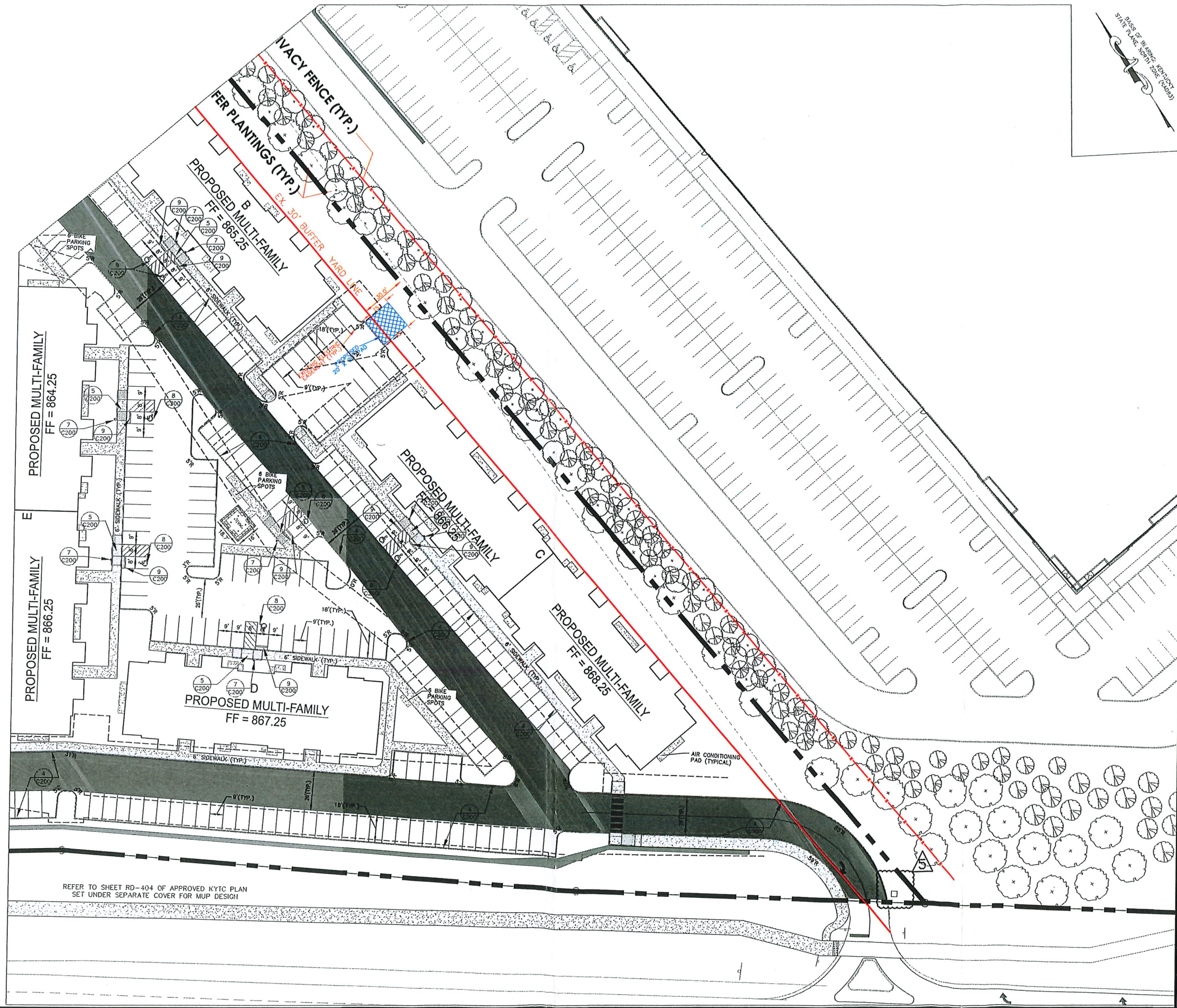
SITE PLAN
BRG APARTMENTS - PARKWAY TRAILS
AERO PARKWAY & BURLINGTON PIKE

CLIENT:
BRG REALTY GROUP, LLC
7265 KENWOOD ROAD, SUITE 111
CINCINNATI, OHIO 45236

DRAWN BY: SEAL
SPM
CHECKED BY: JCK
PROJECT MANAGER: SPM

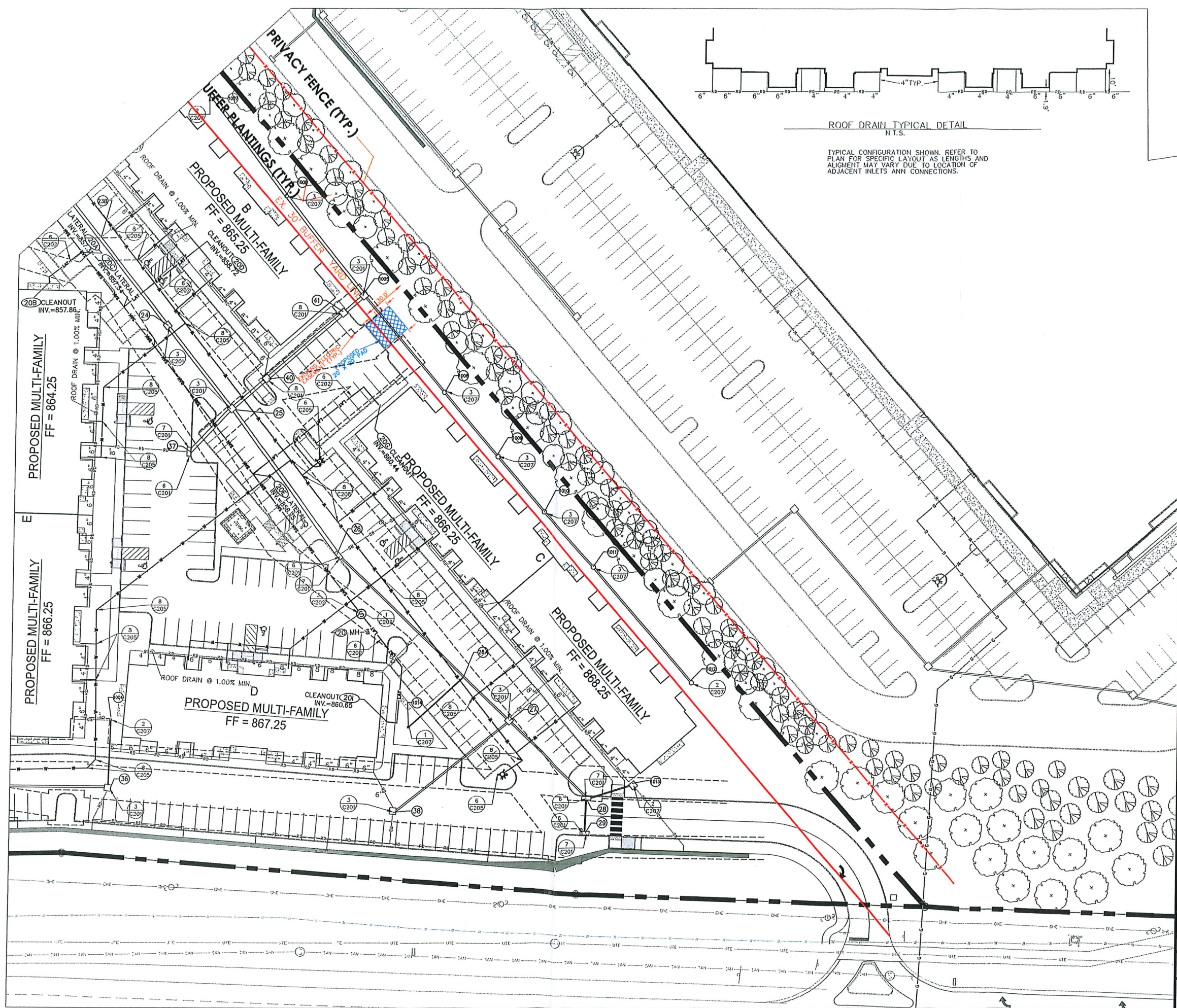
PROJECT NO. 19-060
SCALE 1" = 30'
DATE 08-03-2020

LAYOUT PLAN
SHEET **C-601**



CONCRETE SIDEWALK
LIGHT DUTY ASPHALT PAVEMENT
HEAVY DUTY ASPHALT PAVEMENT

GRAPHIC SCALE
0 10 20 30 40 50 60
(IN FEET)
1 inch = 30 ft.



REVISIONS	DATE	#	ITEM
01-24-24		1	Board of Adjustments Exhibit

CARDINAL
 ENGINEERING
 LAND SURVEYING
 ONE MCKEE ROAD
 WILDER, KENTUCKY 41071
 PHONE: (859) 581-9600
 FAX: (859) 581-2636

WEBSITE: <http://www.cardinalengineering.net>

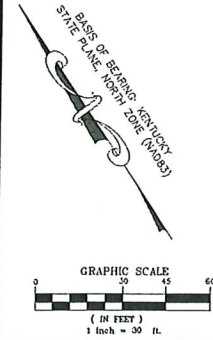
PROJECT:
 SITE PLAN
 BRG APARTMENTS - PARKWAY TRAILS
 AERO PARKWAY & BURLINGTON PIKE

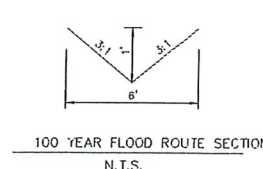
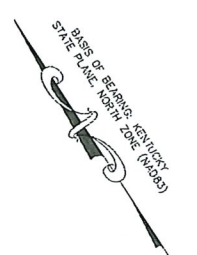
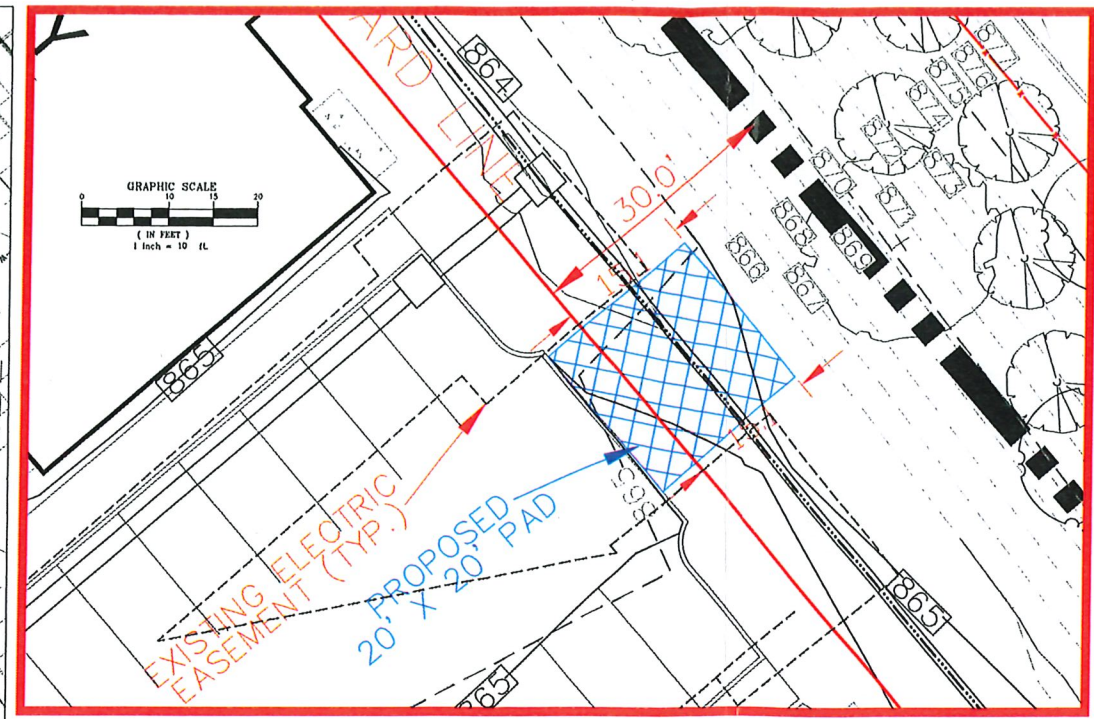
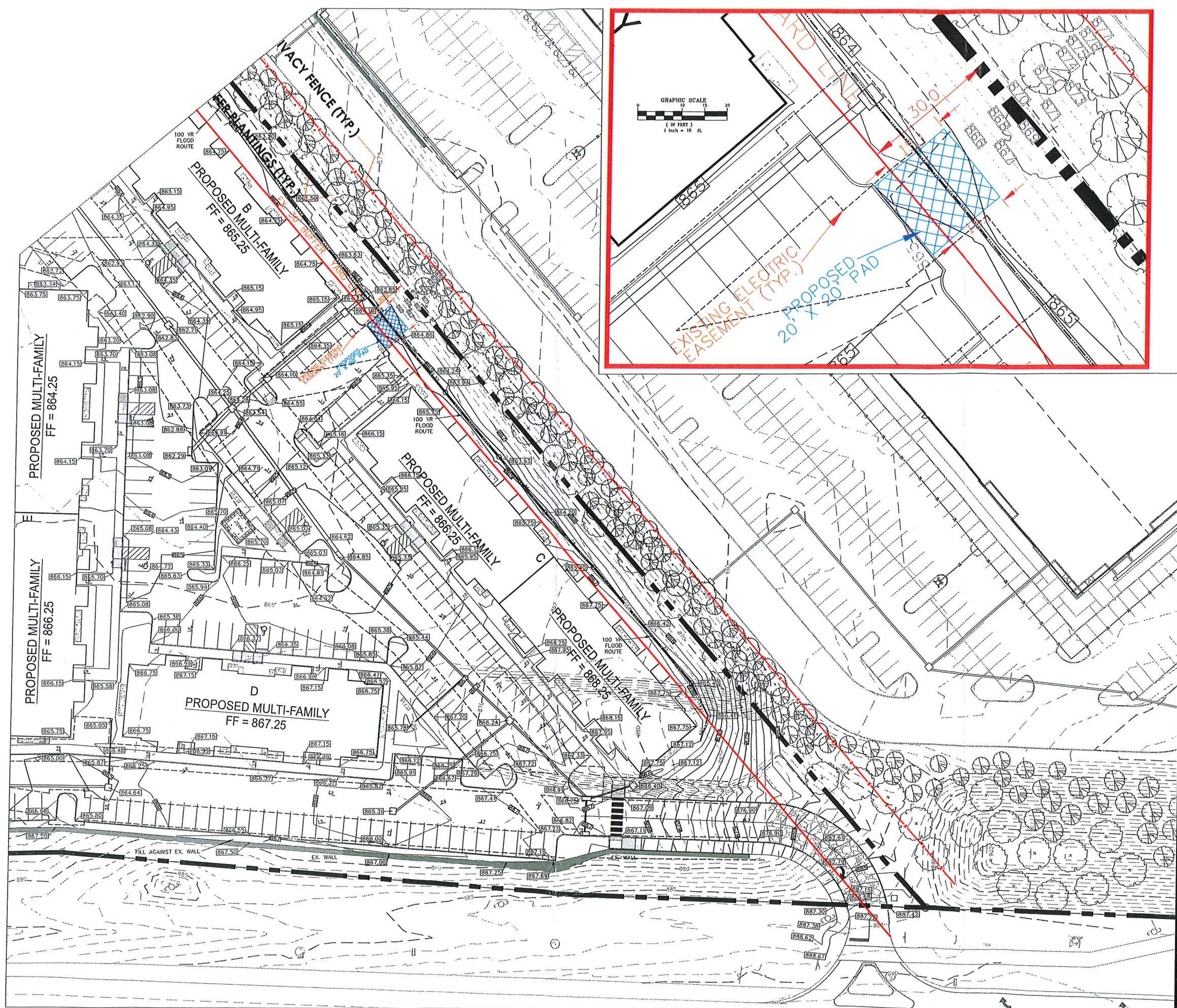
CLIENT:
 BRG REALTY GROUP, LLC
 7265 KENWOOD ROAD, SUITE 111
 CINCINNATI, OHIO 45236

DRAWN BY:	SEAL
SPM	
CHECKED BY:	
JGK	
PROJECT MANAGER:	
SPM	

PROJECT NO. 19-060
 SCALE 1" = 30'
 DATE 08-03-2020

UTILITY PLAN
 SHEET **C-701**

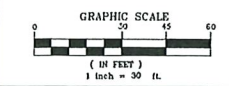




GRADING NOTE:

1. REFER TO SHEETS C-804, C-805 AND C-806 FOR ADDITIONAL GRADING DETAIL.
2. ALL SPOT ELEVATIONS ARE TO FINISH PAVEMENT UNLESS OTHERWISE NOTED.
3. ALL PROPOSED STORM SEWER WILL BE PRIVATELY OWNED AND MAINTAINED.

PROPOSED GRADE
AS BUILT EXISTING GROUND



REVISIONS DATE	#	ITEM
01-24-24	1	Board Of Adjustments Exhibit

CARDINAL
ENGINEERING
LAND SURVEYING
ONE WOODOCK ROAD
WILDER, KENTON, KY 41071
PHONE: (859) 581-9600
FAX: (859) 581-9636

WEBSITE: <http://www.cardinalengineering.net>

SITE PLAN
BRG APARTMENTS - PARKWAY TRAILS
AERO PARKWAY & BURLINGTON PIKE
BRG REALTY GROUP, LLC
7265 KENWOOD ROAD, SUITE 111
CINCINNATI, OHIO 45236

PROJECT:	SEAL
DRAWN BY:	SPM
CHECKED BY:	JGK
PROJECT MANAGER:	SPM

PROJECT NO. 19-060
SCALE 1" = 30'
DATE 08-03-2020

GRADING PLAN
SHEET **C-801**

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
BRG Parkway Trails LLC
7265 Kenwood Rd, Suite 111
Cincinnati, OH 45236
2. ADDRESS OF PROPERTY
4591-5005 Aero Pkwy
Burlington, KY 41005
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Parkway Trails
4. DEED BOOK 1125 PAGE NO. 416 GROUP NO. 2026
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 14th day of March, 2024.

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.)