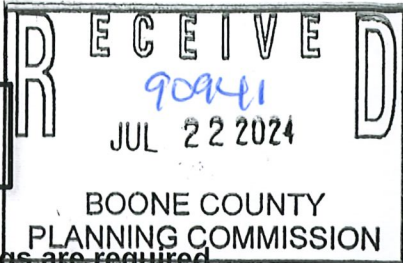


**BOARD OF ADJUSTMENT
BOONE COUNTY PLANNING COMMISSION**



One (1) scaled copy and one (1) 11 x 17 reduction of submitted drawings ~~are required~~

Site Plan Review is not granted by the appropriate Board of Adjustment

027

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: TRADEMARK PROPERTIES, LLC
Address: PO BOX 124
FLORENCE KENTUCKY 41022
City State Zip Code
Phone Number: 859.393.4117 Fax Number: _____
Email: MARKHENDY@TRADEMARKPROPERTIES.US
4. Description of Request:
VARIANCE REDUCING THE FRONT YARD SETBACK FROM 50' TO 25' ALONG DIXIE HIGHWAY AND REDUCING A BUFFERYARD FROM 20 FEET TO 15 FEET ALONG THE I-1 ZONE
5. Name of Development: OLD RICHARDSON ROAD BOAT AND RV STORAGE
6. Location of Development: 11139 DIXIE HIGHWAY
FLORENCE KENTUCKY 41042
City State Zip Code
7. Acreage Under Review: 1.29 ACRES
8. Lot Number and Name of Subdivision (if part of a subdivision):

9. Current Owner: TRADEMARK PROPERTIES LLC
Address: PO BOX 124
FLORENCE KENTUCKY 41022
City State Zip Code
Phone Number: 859.393.4117 Fax Number: _____
Email: MARKHENDY@TRADEMARKPROPERTIES.US

BOAT AND RV STORAGE

10. Proposed Use(s) on Site: _____

11. Total Square Footage of Existing and/or Proposed Buildings: 17125.50

12. Current Zoning: C-3

13. 1218 485 2065
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: *Maury member of Trademark properties*

Applicant's Signature: *Maury member of Trademark properties*

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

1. Date Received: 7/22/24 Fee Received: \$1,616 Receipt #: 90941

2. Is application complete: _____

3. Staff Reviewer: M. Schwartz

4. Scheduled Board Action Date: 8/14/2024

5. Board Action: 8/14/2024

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
plancom@boonecountyky.org
www.boonecountyky.org

STAFF REPORT

#4

APPLICANT: Trademark Properties, LLC, per Mark Hendy

LOCATION: 11135 and 11139 Dixie Highway, Boone County, Kentucky

ZONING: Commercial Services (C-3)

DATE: August 14, 2024

PROPOSAL

- A. The applicant is requesting two (2) Variances: (1) reducing the corner side yard setback along Dixie Highway from fifty (50) feet to twenty-five (25) feet; and (2) reducing the Buffer Yard B width along a portion of the west property line from twenty (20) feet to fifteen (15) feet in order to develop a boat and RV storage facility.

SITE HISTORY

- Pre-1938 Based on information contained in the Boone County GIS, a house existed on the property located at 11135 Dixie Highway and a grocery store existed on the property located at 11139 Dixie Highway.
- 1997 On August 7, 1997, the Boone County Planning Commission approved a zoning permit for a canopy.
- 2013 On June 11, 2013, the Boone County Planning Commission approved a Minor Site Plan for parking lot signage.
- 2020-2023 Based on information contained in the Boone County GIS, the house was demolished.
- 2023-2024 KYTC completed the Richwood Road Interchange Project.

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 1003.A of the Boone County Zoning Regulations states that the purpose of the Commercial Services district is to provide, control, and centralize those types of commercial activities which; a) depend on and generate high vehicular accessibility, visibility and traffic; and/or b) large outdoor single-purpose storage, display, and parking areas and c) which do not fit the scale, character, trade area and general objectives of the other commercial districts in this article or the employment districts defined in ARTICLE 11. Such districts will generally be organized around regional or major community trade areas. Sites will be of suitable lands which can be appropriately buffered from surrounding urban uses. Districts will be located to have direct visibility from arterial roads. District facilities and plans should be organized to accomplish as much clustering of compatible uses, sharing of parking and access, signage, lighting, and other spaces and improvements as possible.
- E. Section 3111 of the Boone County Zoning Regulations states that the minimum front yard setback within the C-3 district is fifty (50) feet.
- F. Section 3121.A of the Boone County Zoning Regulations states that on a corner lot, the front yard shall be determined by the orientation of the building located on the site. The corner side yard setback from the side yard right-of-way shall be a minimum of one-half (½) the required front yard setback.
- G. Section 3122.A of the Boone County Zoning Regulations states that the setback for a rear yard or corner side yard which adjoins a freeway, expressway, arterial, or collector

road, as classified in ARTICLE 32, shall be a minimum of fifty (50) feet for principal structures.

- H. Section 3645.B of the Boone County Zoning Regulations states that a Buffer Yard B, having a minimum width of twenty (20) feet, shall be provided where development in a C-3 district adjoins an I-1 district.

RELATIONSHIP TO THE COMPREHENSIVE PLAN

- A. The Our Boone County Plan 2040 Future Land Use Plan designates the site in question as “Commercial” and “Developmentally Sensitive”, which are 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. 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. Dixie Highway is identified as a State maintained arterial street providing for two-way traffic within four (4) driving lanes. Old Richwood Road is identified as a County maintained subcollector cul-de-sac street.

SURROUNDING LAND USES AND ZONING

North: Vacant lot (C-3) and industrial uses (I-1)
South: Vacant land and a truck stop/gas station (C-3)
East: Industrial uses (I-1)
West: Duplex dwelling unit (C-3 and industrial use (I-1)


SITE CHARACTERISTICS

- A. The approximate 1.3 acre property is located along the west side of Dixie Highway, at the terminus of Old Richwood Road.
- B. The site has approximately three hundred one (301) feet of frontage along Dixie Highway and approximately one hundred sixty-seven (167) feet of frontage along Old Richwood Road.
- C. The site is currently vacant.
- D. The site is accessed via a single curb cut onto Old Richwood Road.
- E. Topographically, the site slopes upward, west to east, at an average grade of five (5) percent.

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

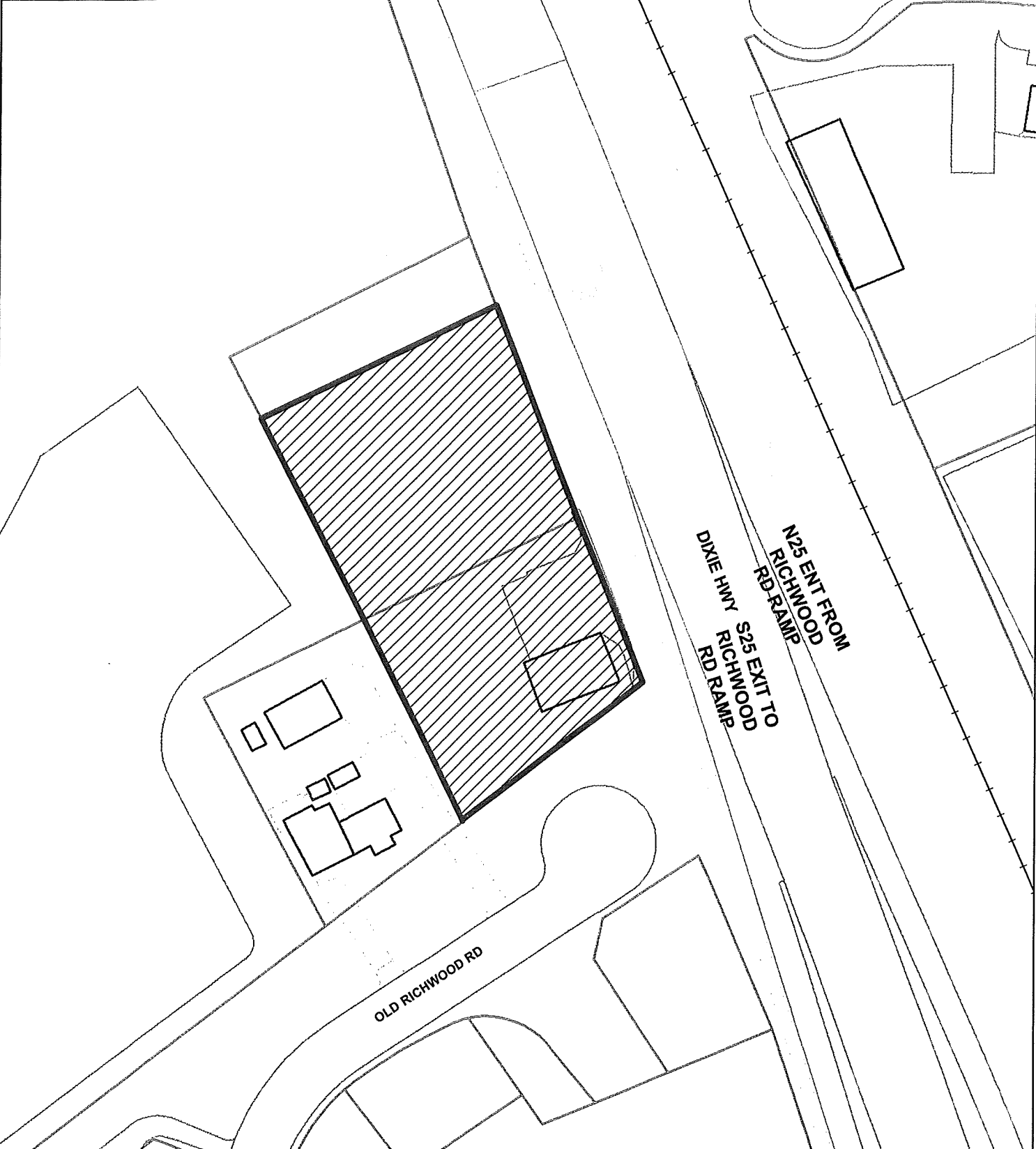
MDS/ss

Attachments

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

Vicinity Map

www.boonecountygis.com

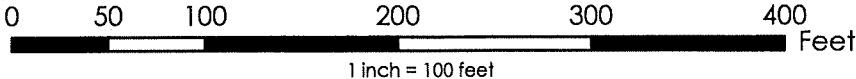


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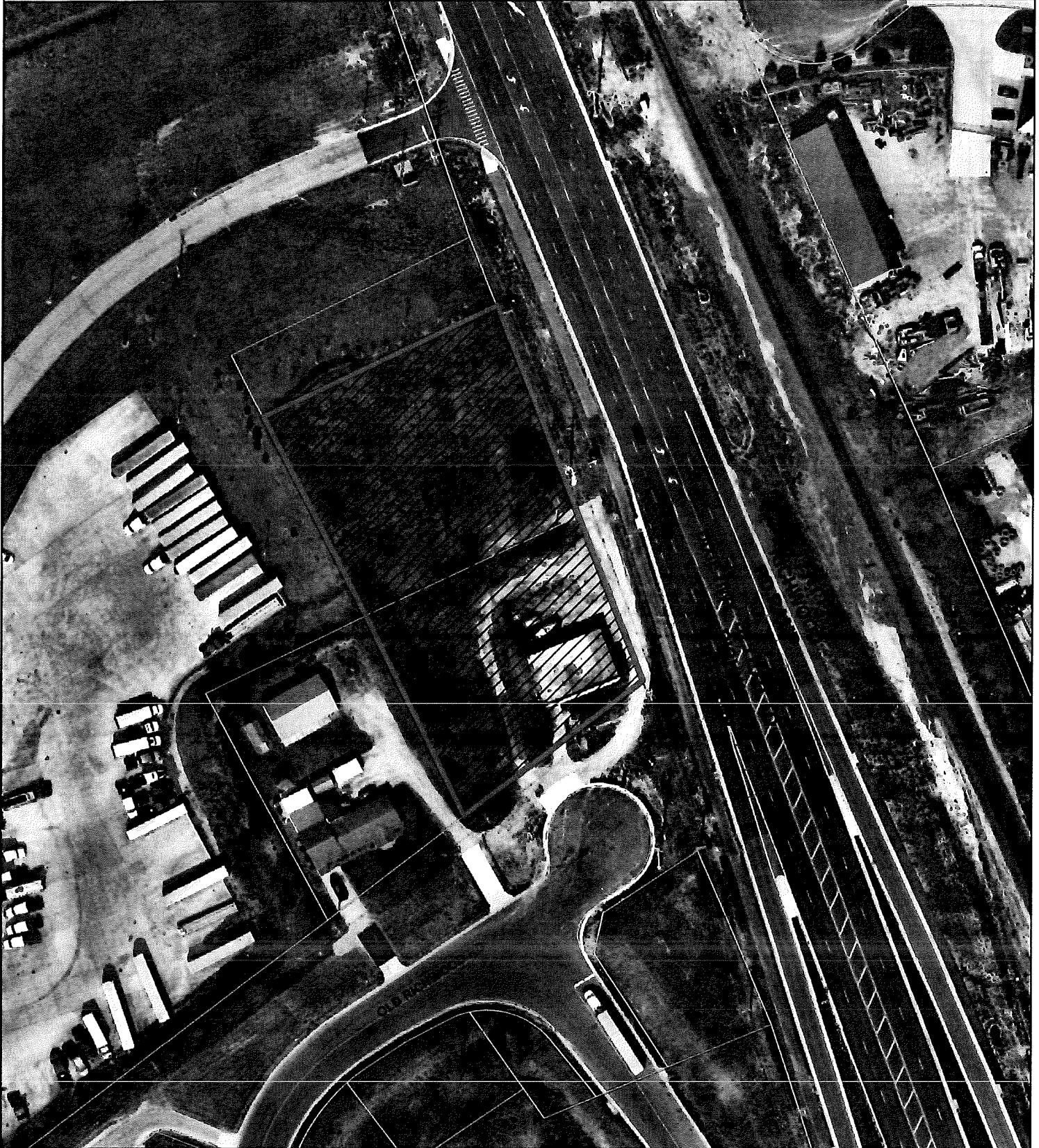


Boone



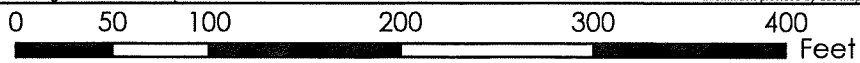
Aerial Map

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

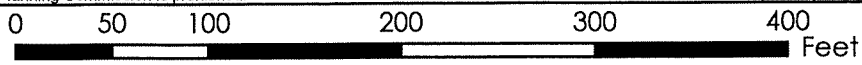
Topographic Map

www.boonecountygis.com



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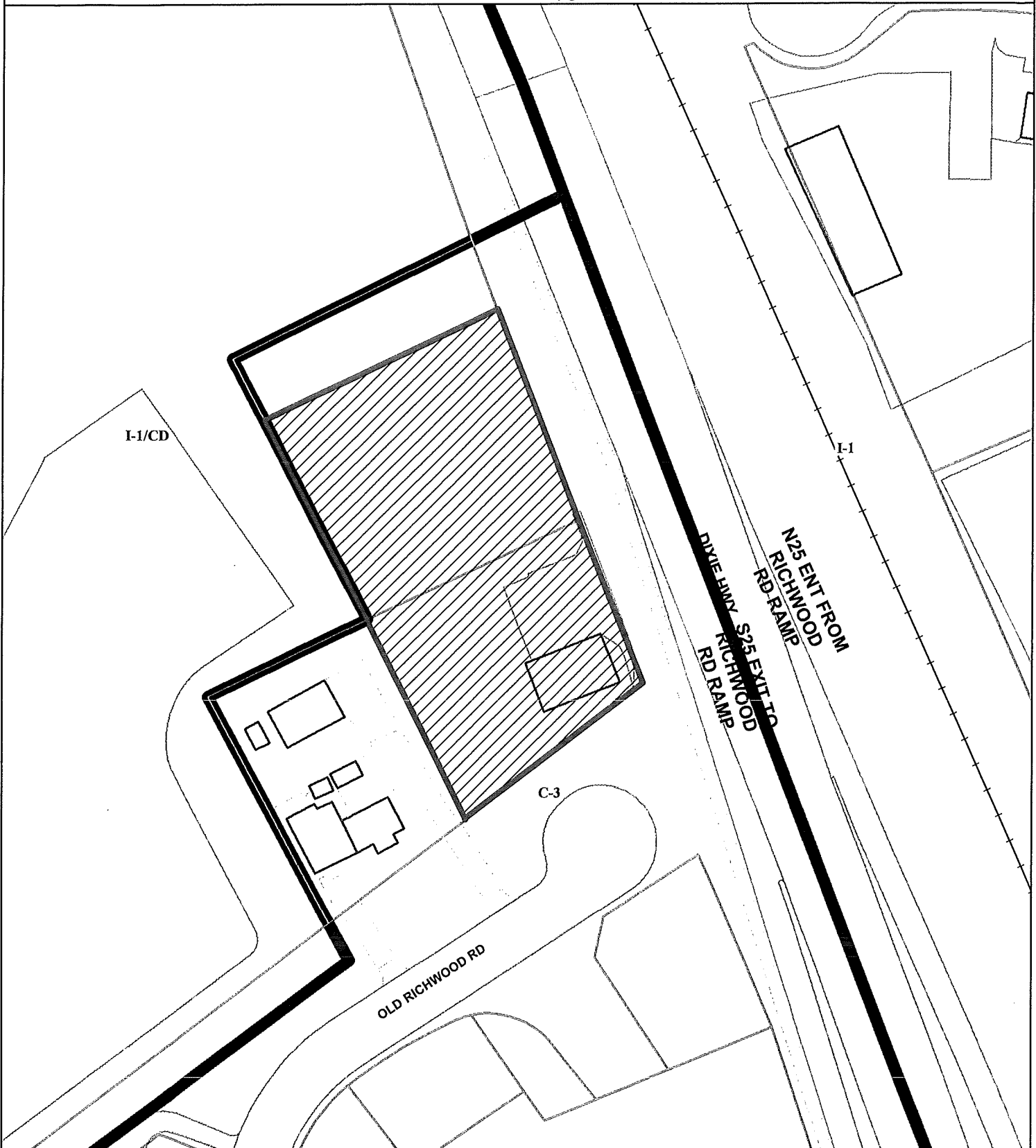


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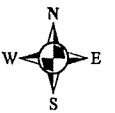
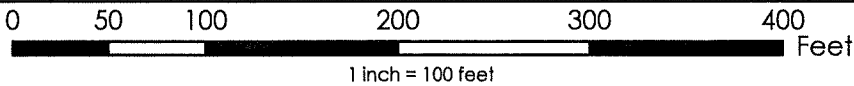
Zoning Map

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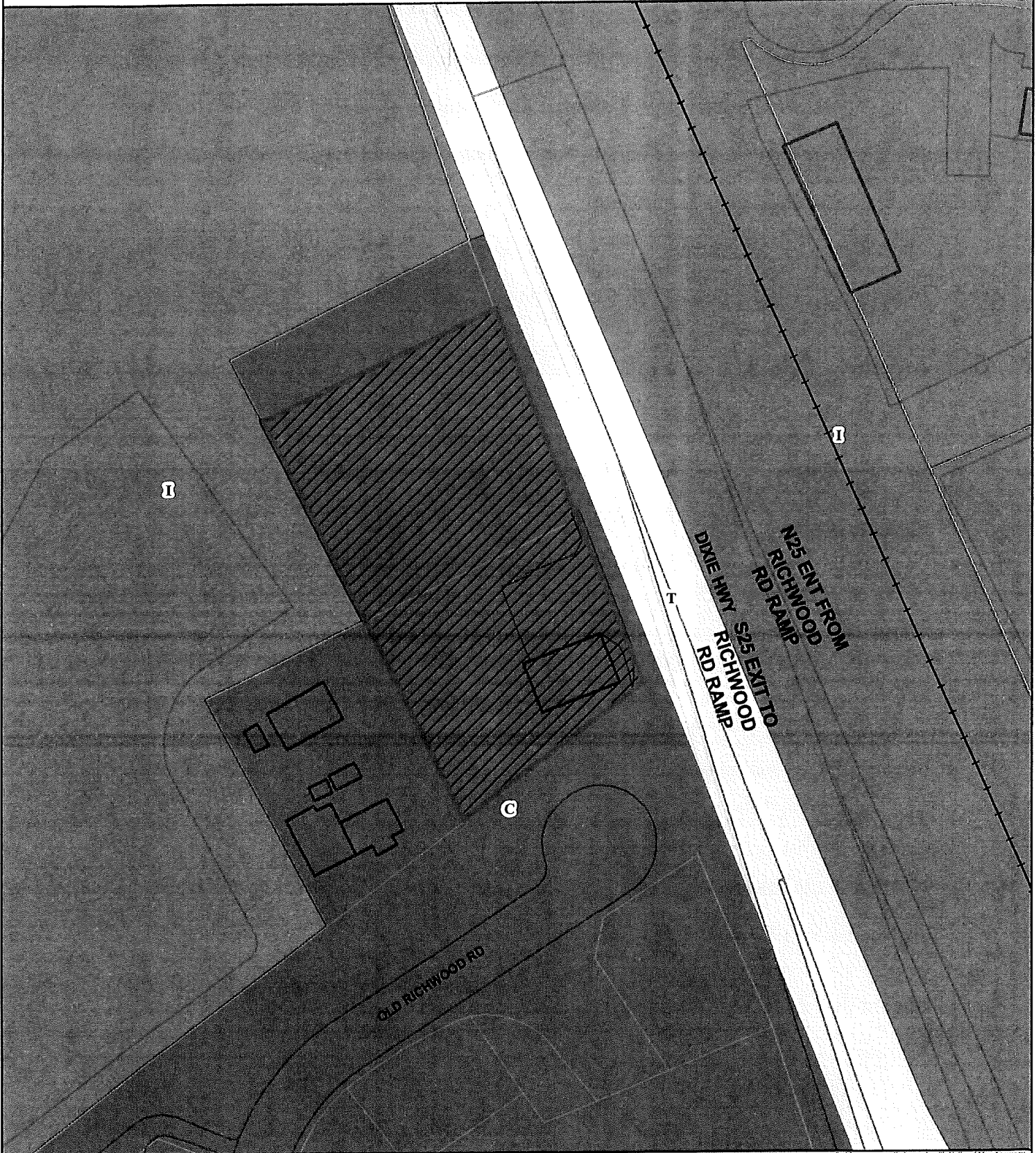
Boone County GIS - Putting Northern Kentucky on the Map

Map Created: xx/xx/2022

ArcMap Document: *.mxd

2040 Future Land Use Map

www.boonecountygis.com

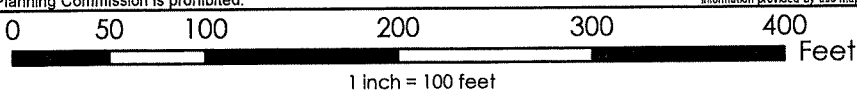


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Boone



Map Created: xx/xx/2022

Boone County GIS
ArcMap Document: *.mxd

**BOARD OF ADJUSTMENT
BOONE COUNTY PLANNING COMMISSION**

RECEIVED
90941
JUL 22 2024
BOONE COUNTY
PLANNING COMMISSION

One (1) scaled copy 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

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1. Check One Boone Florence Walton Union

2. Check One Conditional Use Permit Variance Appeal
 Change in Non-Conforming Use

3. Applicant: TRADEMARK PROPERTIES, LLC

Address: PO BOX 124
FLORENCE KENTUCKY 41022
City State Zip Code

Phone Number: 859.393.4117 Fax Number: _____

Email: MARKHENDY@TRADEMARKPROPERTIES.US

4. Description of Request: VARIANCE REDUCING THE FRONT YARD SETBACK FROM 50' TO 25' ALONG DIXIE HIGHWAY AND REDUCING A BUFFER YARD FROM 20 FEET TO 15 FEET ALONG THE I-1 ZONE

5. Name of Development: OLD RICHARDSON ROAD BOAT AND RV STORAGE

6. Location of Development: 11139 DIXIE HIGHWAY
FLORENCE KENTUCKY 41042
City State Zip Code

7. Acreage Under Review: 1.29 ACRES

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

9. Current Owner: TRADEMARK PROPERTIES LLC

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City State Zip Code

Phone Number: 859.393.4117 Fax Number: _____

Email: MARKHENDY@TRADEMARKPROPERTIES.US

BOAT AND RV STORAGE

10. Proposed Use(s) on Site: _____
11. Total Square Footage of Existing and/or Proposed Buildings: 17125.50
12. Current Zoning: C-3
13.

<u>1218</u>	<u>485</u>	<u>2065</u>
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:

Mandy member of Trademark properties

Applicant's Signature:

Mandy member of Trademark properties

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

1. Date Received: 7/22/24 Fee Received: \$1,616 Receipt #: 90941

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
plancom@boonecountyky.org
www.boonecountyky.org

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Trademark Properties LLC
P.O. Box 124
Florence, KY 41042

2. ADDRESS OF PROPERTY
11139 Dixie Hwy
Florence, KY 41042

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Old Richardson Boat & RV Storage

4. DEED BOOK 1218 PAGE NO. 485 GROUP NO. 2065

5. TYPE OF RESTRICTION(S) (Check all that apply)

Zoning Map Amendment: From _____ To _____ Conditional Use Permit

Development Plan Conditional Zoning

Subdivision Plat (Not Recorded) Other:

Variances (2)

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 August, 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.)