

**BOARD OF ADJUSTMENT  
BOONE COUNTY PLANNING COMMISSION**

**RECEIVED**  
# 93885  
DEC 16 2025  
BOONE COUNTY  
PLANNING COMMISSION

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

003

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: Tom Breidenstein / Brigid Schwartz  
Address: 855 Greenville Ave. Suite 300  
Cincinnati Ohio 45246  
City State Zip Code  
Phone Number: 513-607-3452 Fax Number: \_\_\_\_\_  
Email: tom@breidenstein.legal
4. Description of Request:  
variances in setbacks and buffer yards  
to allow canopies for inventory storage
5. Name of Development: Mt Zion Tires
6. Location of Development: ~~10053~~ dixie Highway  
Florence Ky. 41042  
City State Zip Code
7. Acreage Under Review: .7 acres
8. Lot Number and Name of Subdivision (if part of a subdivision):  
na
9. Current Owner: Brigid Schwartz - JAKKS, LLC  
Address: 9028 Fort Henry Drive  
Union Ky 41091  
City State Zip Code  
Phone Number: 859-393-8959 Fax Number: \_\_\_\_\_  
Email: brigidschwartz@gmail.com

10. Proposed Use(s) on Site: automotive repair facility
11. Total Square Footage of Existing and/or Proposed Buildings: 3784 sq. ft.
12. Current Zoning: C-1
13. 1203 757 2058  
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: Brigit Swartz

Applicant's Signature: Brigit Swartz

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

1. Date Received: 12/16/2025 Fee Received: \$1616.00 Receipt #: 93885
2. Is application complete: \_\_\_\_\_
3. Staff Reviewer: M. Schwartz
4. Scheduled Board Action Date: 1/14/2026
5. Board Action: 1/14/2026  
\_\_\_\_\_  
Approved  
 Approved with Conditions (see #6)  
\_\_\_\_\_  
Denial (See #7)
6. Conditions of Approval: See Attached Minutes, & CLUR  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
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](mailto:plancom@boonecountyky.org)  
[www.boonecountyky.org](http://www.boonecountyky.org)

## CONDITIONS OF APPROVAL

APPLICANT: Jakks LLC, per Brigid Schwartz

LOCATION: 10051-10053 Dixie Highway

ZONING: Commercial One (C-1)

DATE: January 14, 2026

1. A maximum six (6) foot high privacy fence shall be installed along the south and west property lines, fronting the proposed canopy/awning location.
2. Any materials stored under the proposed canopy/awning shall not exceed five (5) feet in height.
3. Rainwater shall be directed onto the site in question and not onto any adjacent property.

## STAFF REPORT

#3

APPLICANT: Jakks LLC, per Brigid Schwartz

LOCATION: 10051-10053 Dixie Highway

ZONING: Commercial One (C-1)

DATE: January 14, 2026

### PROPOSAL

1. The first part of the submitted request is a Variance reducing the rear yard setback and Buffer Yard A width from ten (10) feet to two (2) feet to allow for a canopy/awning.
2. The second part of the submitted request is a Variance reducing the side yard Buffer Yard C width from thirty (30) feet to four (4) feet to allow for a canopy/awning.
3. The third part of the submitted request is a Variance reducing the side yard setback from twenty (20) feet to four (4) feet to allow for a canopy/awning.

### SITE HISTORY

- 1969-  
1974           Based on information contained in the Boone County GIS, the building at 10051 Dixie Highway was built.
- 2002-  
2004           Based on information contained in the Boone County GIS, the building at 10053 Dixie Highway was built.
- 2000           On November 8, 2000, the Boone Board of Adjustment approved a Conditional Use Permit for the construction and operation of a 2,520 square foot automotive repair facility.
- 2000           On December 4, 2000, an application was submitted to the Boone Board of Adjustment for a Variance to reduce the required rear yard setback from twenty (20) feet to five (5) feet in order to construct a 2,880 square foot automotive repair facility. On December 4, 2000, the Boone Board of Adjustment approved the Variance request, subject to the following conditions: (1) that the rear yard setback variance be approved from twenty (20) feet to ten (10) feet; and (2) a site plan showing the approximate buffer yards, landscaping, parking signage, etc. must be reviewed and approved by the staff of the Boone County Planning Commission.

2023 On May 10, 2023, the Boone Board of Adjustment approved a Variance reducing the rear yard setback from ten (10) feet to zero (0) feet to allow for the construction of a building addition.

#### 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 1001.A of the Boone County Zoning Regulations states that the “purpose of the Commercial One district is to provide the convenience goods and personal services required for daily living needs. Districts will be located on suitable lands central to the neighborhood trade area with direct access from neighborhood collector 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 3111 of the Boone County Zoning Regulations requires a minimum rear yard setback of twenty (20) feet and a side yard setback of twenty (20) feet, when adjacent to a residential district, within the C-1 district.
  
- F. Section 3123.A of the Boone County Zoning Regulations states that open structures such as porches, decks, canopies, balconies, platforms, carports, covered patios, and similar architectural projections which occupy space three (3) or more feet above the general ground level of the yard shall be considered parts of the building to which attached and shall not project into the required minimum front yard.
  
- G. Section 3645 of the Boone County Zoning Regulations requires a perimeter Buffer Yard A, having a minimum width of ten (10) feet between developments in a C-1 district.
  
- H. Section 3645 of the Boone County Zoning Regulations requires a perimeter Buffer Yard C, having a minimum width of thirty (30) feet along with a six (6) foot high berm, fence, or masonry wall, between developments in a C-1 district and an adjacent residential district.

#### 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. Dixie Highway is a state maintained arterial street providing for two-way traffic. Old Mt. Zion Road is identified as a county maintained subcollector street

providing for two-way traffic with an approximate twenty (20) foot pavement width.

### SURROUNDING LAND USES AND ZONING

North: Shehan Pools and Shining Star's Learning Center (C-3)  
South: Rider's Automotive (C-1)  
East: Carter Lumber Company (C-3)  
West: Mobile home park (MHP)

### SITE CHARACTERISTICS

- A. The approximate 0.70 acre property is located at the southwest corner of the intersection of Dixie Highway with Old Mt. Zion Road.
- B. The site has approximately one hundred (100) feet of frontage along Dixie Highway and approximately three hundred (300) feet of frontage along Old Mt. Zion Road.
- C. The site is currently occupied by: (1) an approximate 2,300 square foot liquor store (10051 Dixie Highway); and (2) an approximate 3,800 square foot auto service facility (10053 Dixie Highway).
- D. The site has two curb cuts onto Old Mt. Zion Road.
- E. There is an existing tree line and an old fence along the south and west property lines.

### STAFF COMMENTS

- A. The proposal is to install a canopy/awning onto the rear and side of the existing auto service building so that tires can be stored.
- B. Due to the layout of the site, the proposed canopy/awning will be setback:
  - 1. Between two (2) and six (6) feet from the rear (south) property line.
  - 2. Between four (4) and thirteen (13) feet from the side (west) property line.
- C. Should the Board take action to approve the submitted request, Staff is suggesting the following conditions be considered as part of that action:
  - 1. A maximum six (6) foot high privacy fence shall be installed along the south and west property lines, fronting the proposed canopy/awning location.

2. Any materials stored under the proposed canopy/awning shall not exceed five (5) feet in height.

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

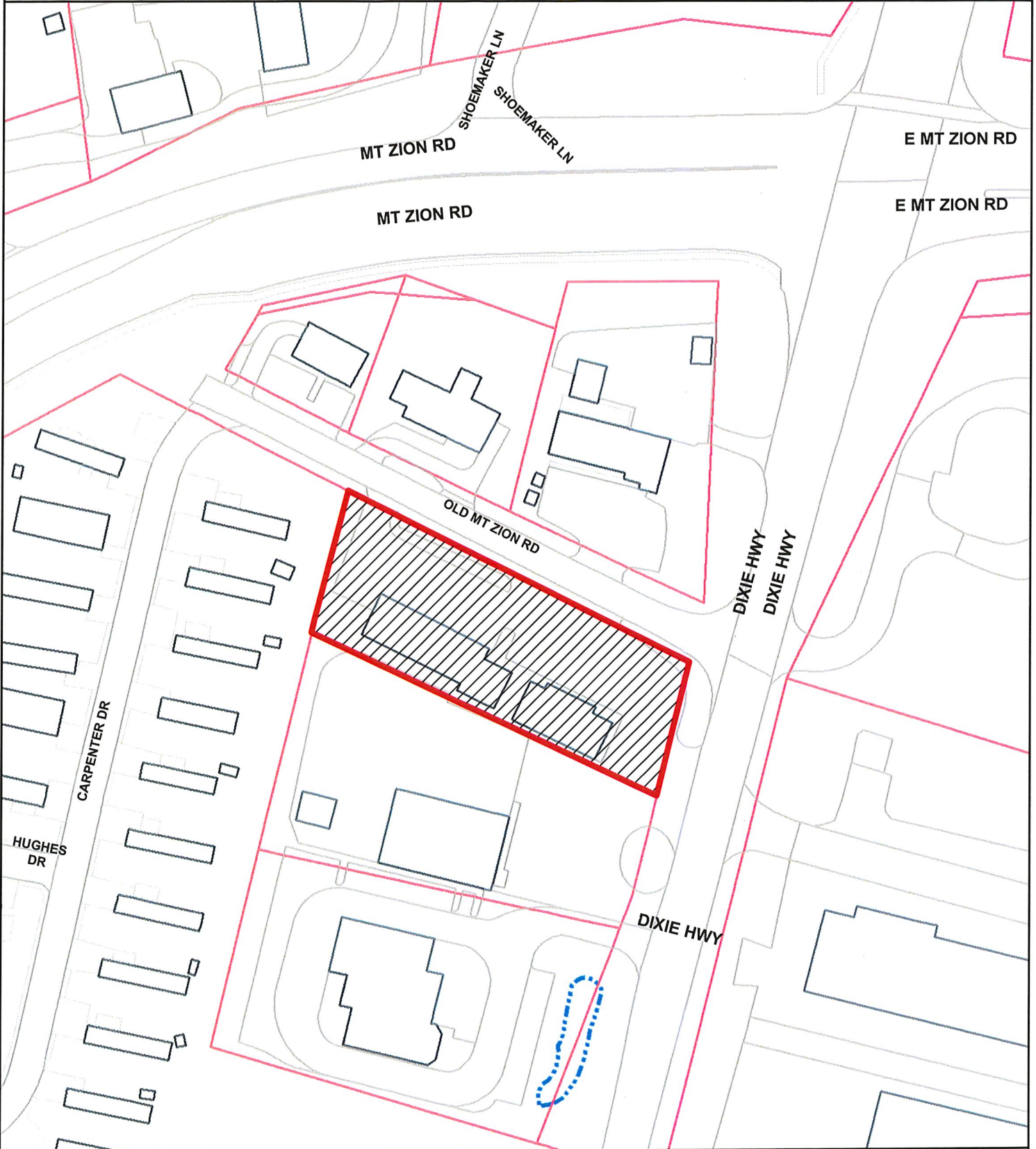
MDS/ss

Attachments

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

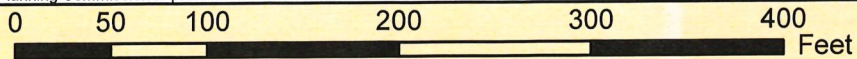
# Vicinity Map

[www.boonecountygis.com](http://www.boonecountygis.com)



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1 inch = 100 feet

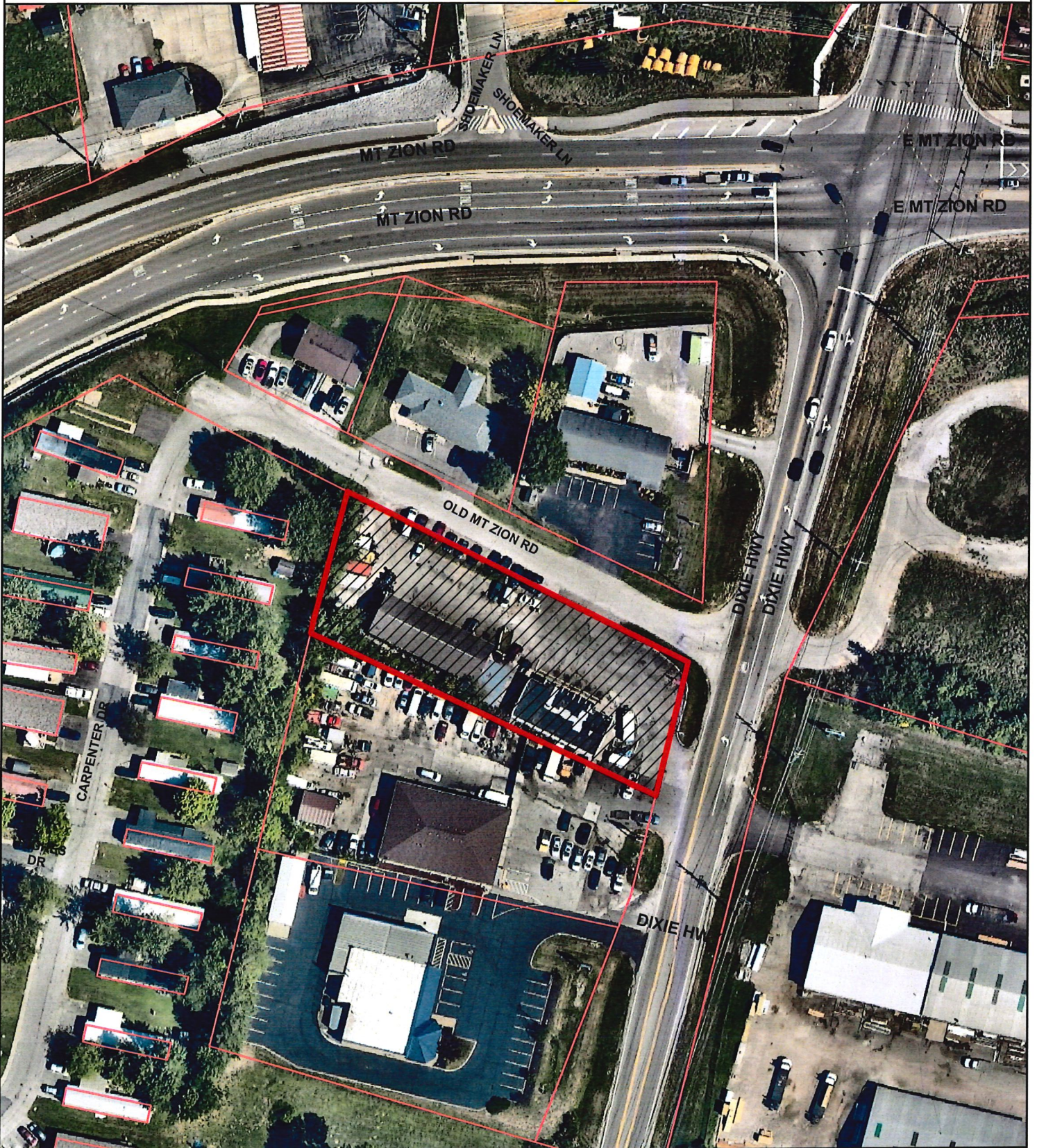


**Boone County GIS - Putting Northern Kentucky on the Map**

Map File Path: \\gis\mxd\101  
ArcMap Document: \*.mxd

# Aerial Map

[www.boonecountygis.com](http://www.boonecountygis.com)



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0 50 100 200 300 400 Feet

1 inch = 100 feet



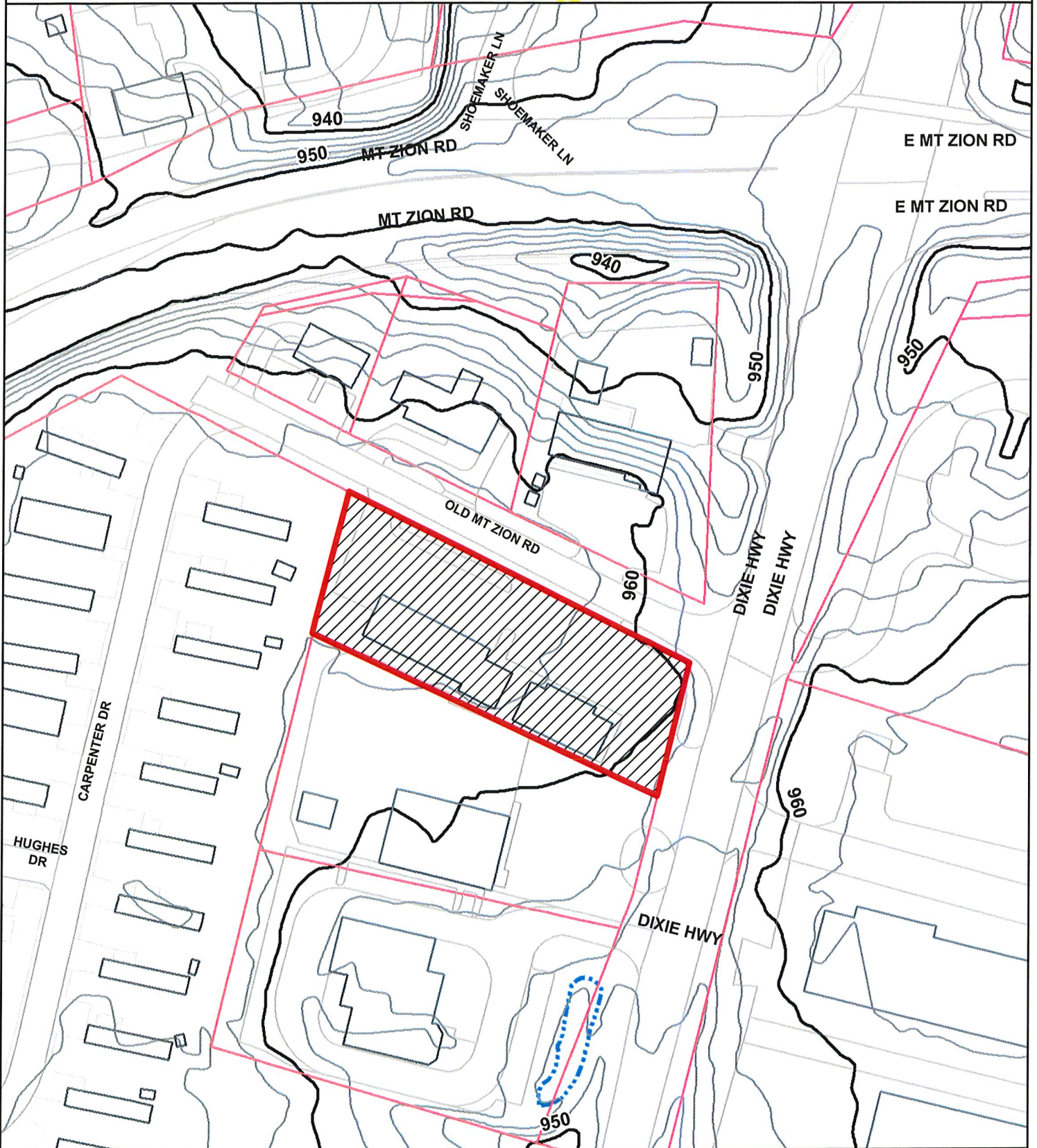
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With Plan & Utility North NAD 83 1101  
ArcMap Document: \*.mxd

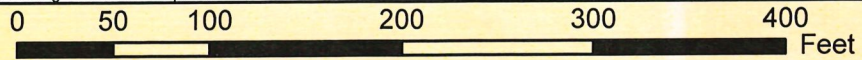
# Topographic Map

[www.boonecountygis.com](http://www.boonecountygis.com)



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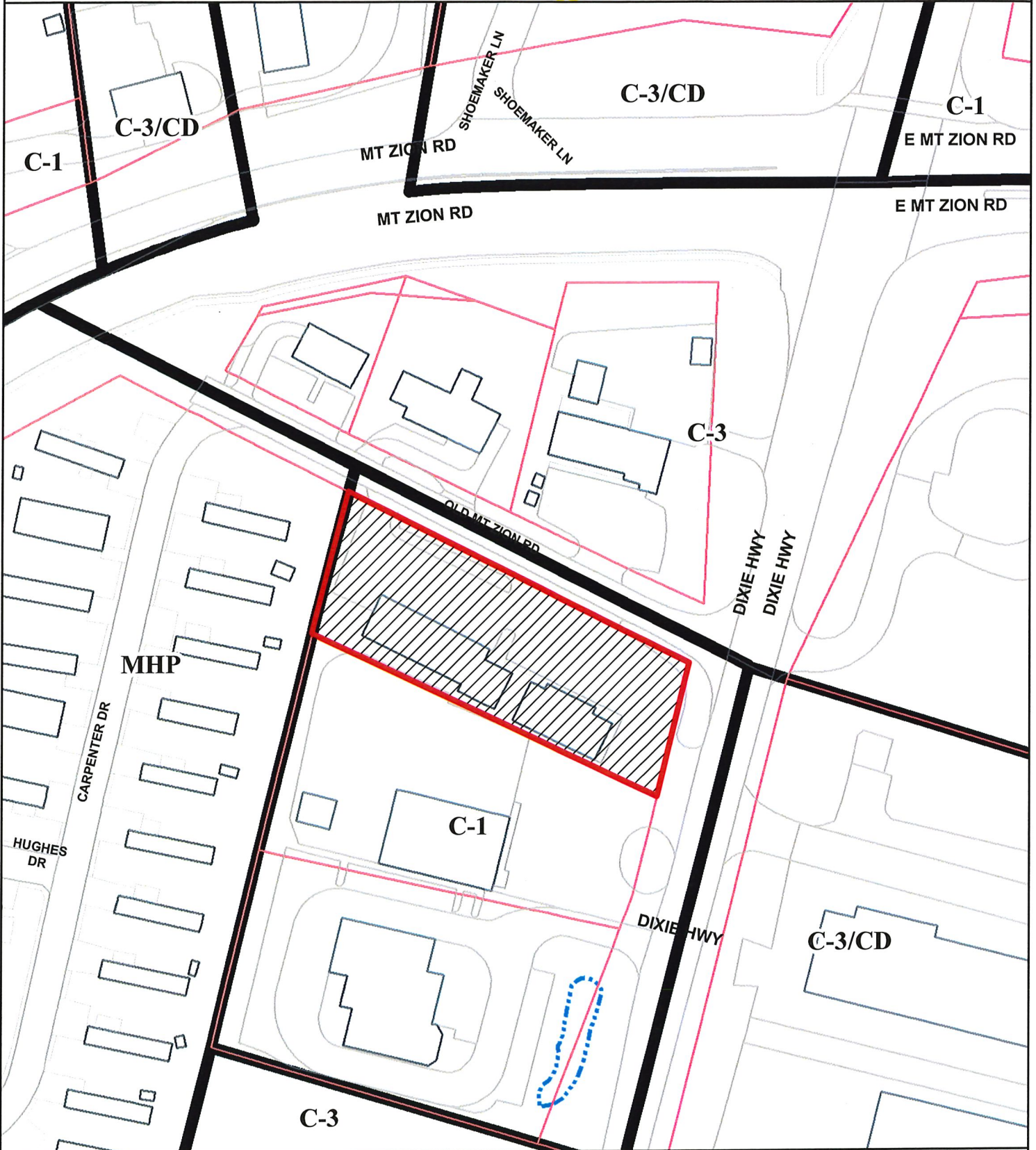
**Boone County GIS - Putting Northern Kentucky on the Map**



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ArcMap Document: \*.mxd

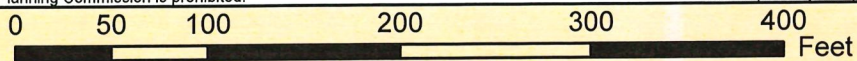
# Zoning Map

[www.boonecountygis.com](http://www.boonecountygis.com)



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1 inch = 100 feet



**Boone County GIS - Putting Northern Kentucky on the Map**



Scale: 1 inch = 100 feet  
ArcMap Document: \*.mxd

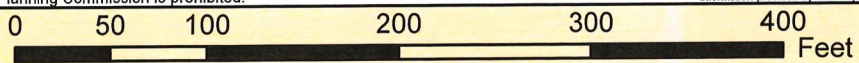
# 2040 Future Land Use Map

[www.boonecountygis.com](http://www.boonecountygis.com)



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1 inch = 100 feet

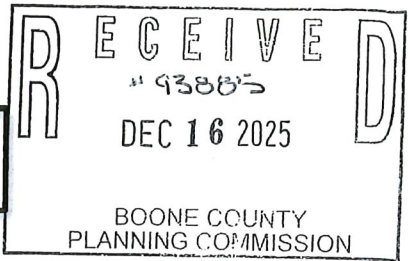


**Boone County GIS - Putting Northern Kentucky on the Map**



State Plane 12 datum by North NAD 1983  
ArcMap Document: \*.mxd

**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

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
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 Change in Non-Conforming Use
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City State Zip Code  
Phone Number: 513-607-3452 Fax Number: \_\_\_\_\_  
Email: tom@breidenstein.legal
4. Description of Request: variances in setbacks and buffer yards to allow canopies for inventory storage
5. Name of Development: Mt Zion Tires
6. Location of Development: ~~10053~~ dixie Highway  
Florence Ky. 41042  
City State Zip Code
7. Acreage Under Review: .7 acres
8. Lot Number and Name of Subdivision (if part of a subdivision):  
ala
9. Current Owner: Brigid Schwartz - JAKKS, LLC  
Address: 9028 Fort Henry Drive  
Union Ky 41091  
City State Zip Code  
Phone Number: 859-393-8959 Fax Number: \_\_\_\_\_  
Email: brigidschwartz@gmail.com

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11. Total Square Footage of Existing and/or Proposed Buildings: 3784 sq. ft.
12. Current Zoning: C-1
13. 1203 757 2058  
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: Brigit Swartz

Applicant's Signature: Brigit Swartz

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

1. Date Received: 12/16/2025 Fee Received: \$ 1616.00 Receipt #: 93885

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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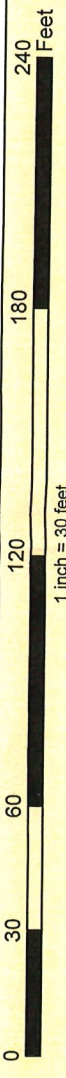
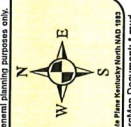
Boone County Planning Commission  
Boone County Administration Building  
2950 Washington Street, Room 317  
P.O. Box 958  
Burlington, Kentucky 41005  
Phone: 859-334-2196  
[plancom@boonecountky.org](mailto:plancom@boonecountky.org)  
[www.boonecountky.org](http://www.boonecountky.org)

# Boone County GIS Map

[www.boonecountygis.com](http://www.boonecountygis.com)



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**Boone County GIS - Putting Northern Kentucky on the Map**



Map Created: xx/xx/2024



CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)  
JAKKS LLC  
9028 Fort Henry Dr  
Union, KY 41091
2. ADDRESS OF PROPERTY  
10053 Dixie Hwy  
Florence, KY 41042
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)  
Mount Zion Tires
4. DEED BOOK 1203                      PAGE NO. 757                      GROUP NO. 2058
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)
- X 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

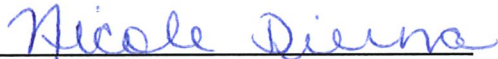
County Planning Commission this 15<sup>th</sup> day of January, 2026.

---

Treva L. Beagle  
Notary ID KYNP37603  
NOTARY PUBLIC, State at Large

My commission Expires:  
November 12, 2029

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 Variations approved by the Boone County Board of Adjustment and in accordance with the current zoning in effect as of January 14, 2026, Certificate of Land Use Restriction (#26-BCBOA-003-A), for JAKKS LLC, Property Owner(s).

The following conditions will apply:

1. A maximum six (6) foot high privacy fence shall be installed along the south and west property lines, fronting the proposed canopy/awning location.
2. Any materials stored under the proposed canopy/awning shall not exceed five (5) feet in height.
3. Rainwater shall be directed onto the site in question and not onto any adjacent property.

The approved Variations as well as the preceding conditions apply to the property described in:

DEED BOOK 1203

PAGE NO. 757

GROUP NO. 2058