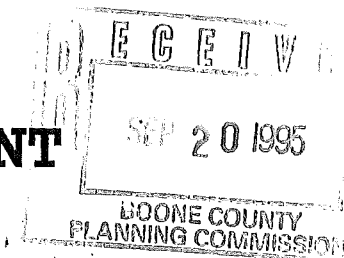


APPLICATION FORM
**BOARD OF ADJUSTMENT
AND
ZONING APPEALS ACTION**



(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

- (Check One)
1. Boone Florence Walton Union
(Check One)
2. Conditional Use Permit Variance Appeal
 Change in Non-Conforming Use
3. Applicant's Name Michael Brandy Sr.
Phone Number 513-232-2233 / Fax No. 513-232-3153
Applicant's Address 7346 Beechmont Ave
Cincinnati Ohio 45230
City State Zip
4. Description of Request: Variance on building set back
as shown on site plan
5. Name of Development Richwood Park Subdivision
6. Location of Development R-1338 at I 75
7. Acreage Under Review 1.3
8. Lot Number and Name of Subdivision (if part of a subdivision)
Lot 5 Richwood Park Subdivision 11/94
9. Owner of Property Michael T. Brandy
Phone Number of Owner 513-232-2233
10. Address of Property Owner 7346 Beechmont Ave
Cincinnati, Ohio
City State Zip
11. Proposed Use(s) on Site Holiday Inn Express
12. Total Square Footage of Existing and/or Proposed Buildings
36,405 SF
13. Current Zoning on Property C-3
14. Deed Book 561 Page No. 125 Group No. 2072
15. Is the site subject to a zone change? Yes
If yes, give date of approval 11/94
16. Have you submitted a Site Plan with this request? Yes
17. Have you submitted a list of adjoining property owners with this request? Yes
18. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.
Applicant's Signature: Michael Brandy
Property Owner's Signature: Michael Brandy

(over)

BOARD OF ADJUSTMENT AND
ZONING APPEALS ACTION
APPLICATION
PAGE 2

SECTION B (To be completed by the Boone County Planning
Commission Staff)

1. Date Received 9-20-95 Fee Received 526.⁰⁰ R#8016
2. Is application complete? X Yes No
3. Staff Reviewer Jeff Hayes
4. Scheduled Board Action Date Oct 11 95
5. Board Action:
X **Approved**
 Approved with Conditions (See #6)
 Denial (See #7)
6. Conditions of Approval: _____

7. Reasons for Denial: _____

Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005
(606) 334-2196 Phone
(606) 334-2264 Fax

NOTE: See Boone County Planning Commission Fee Schedule for Board
of Adjustment Fees.

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.

STAFF REPORT

DEVELOPMENT: **Holiday Inn Express**

APPLICANT: **Michael Brandy Sr.**

LOCATION: NE Corner of KY 338 and I-75, Boone County

ZONING: Commercial Services (C-3)

DATE: October 11, 1995

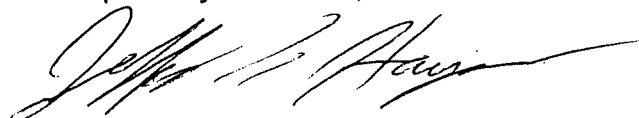
The applicant is requesting a variance in the rear yard setback in order to allow the development of a 60 unit motel. This development is proposed on lot 5 of the Richwood Commercial Park Subdivision on Winning Circle Drive (See Map #1). The three story building is required to be located 50 feet from the rear property line because it adjoins a residential zoning district. The applicant is requesting to reduce this setback from 50 feet to 34 feet (See Map #2).

The Rural Suburban (RS) zoning designation follows what use to be Old Richwood Road which has since been vacated (See Map #3). The property to the north of this road is zoned commercial but there is a residence which is located approximately 100 feet to the east. A buffer is also necessary to the north and east of this site of 25 feet because this site adjoins residential property in these areas. Staff believes that the design of the building could easily be changed to comply with the 50 foot building setback.

Conclusion

Staff believes that the proposed Variance will have little or no impact on the public health, safety, or welfare nor will it change the essential character of the area. However, staff believes that the Board should consider that the design of the building can easily be changed to comply with the setback requirements. Therefore Staff believes that the Board should examine this request and determine whether this is an unreasonable circumvention of the requirements of the Zoning Regulations. Staff believes that it is likely that the property to the north will change from residential to commercial in the future which would reduce the needed setback from 50 feet to 20 feet.

Respectfully submitted,



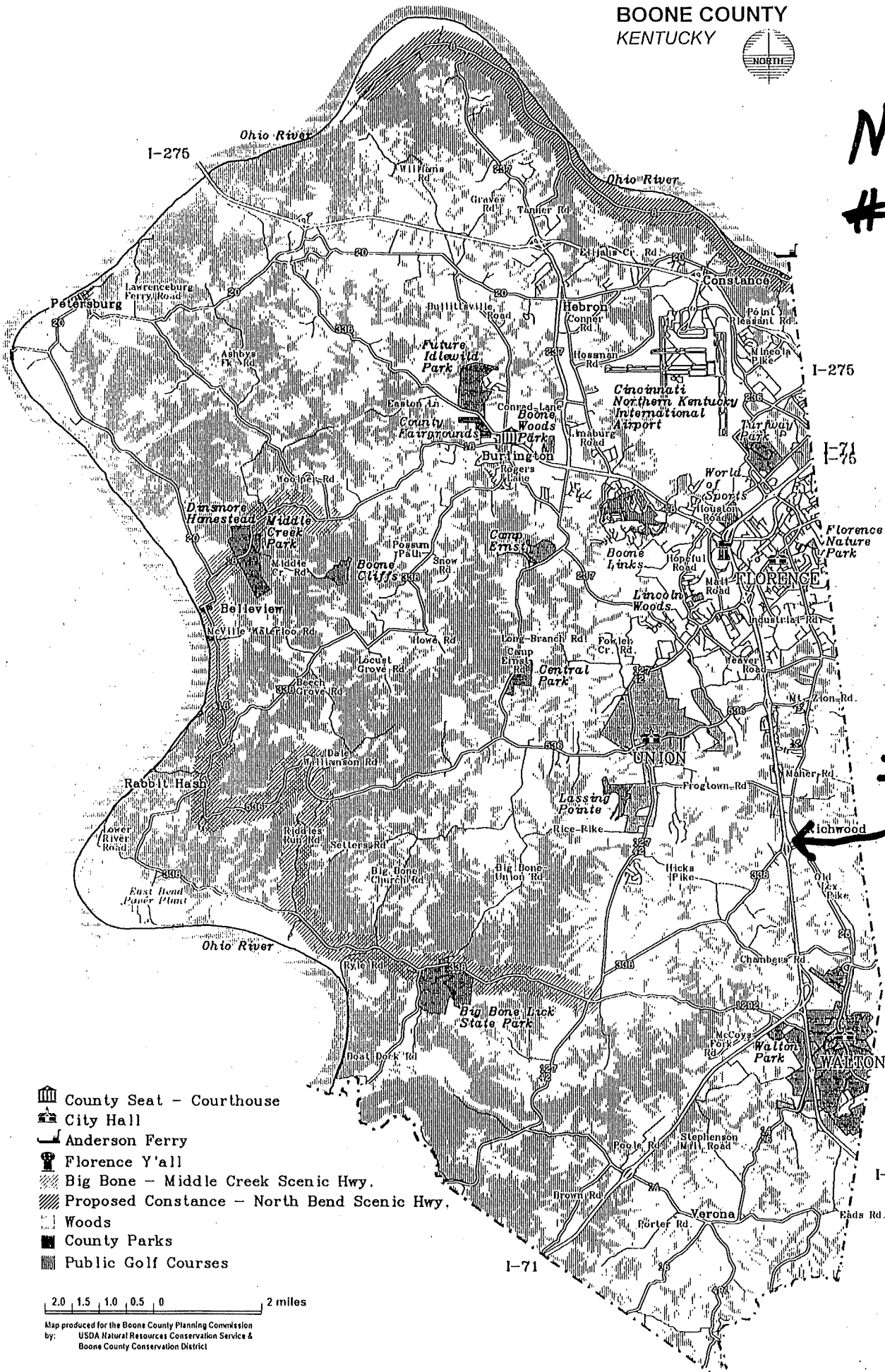
Jeffrey F. Hayes, AICP
Planner

JFH\par










BOONE COUNTY
KENTUCKY

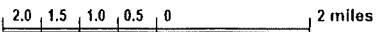


MAP
#1



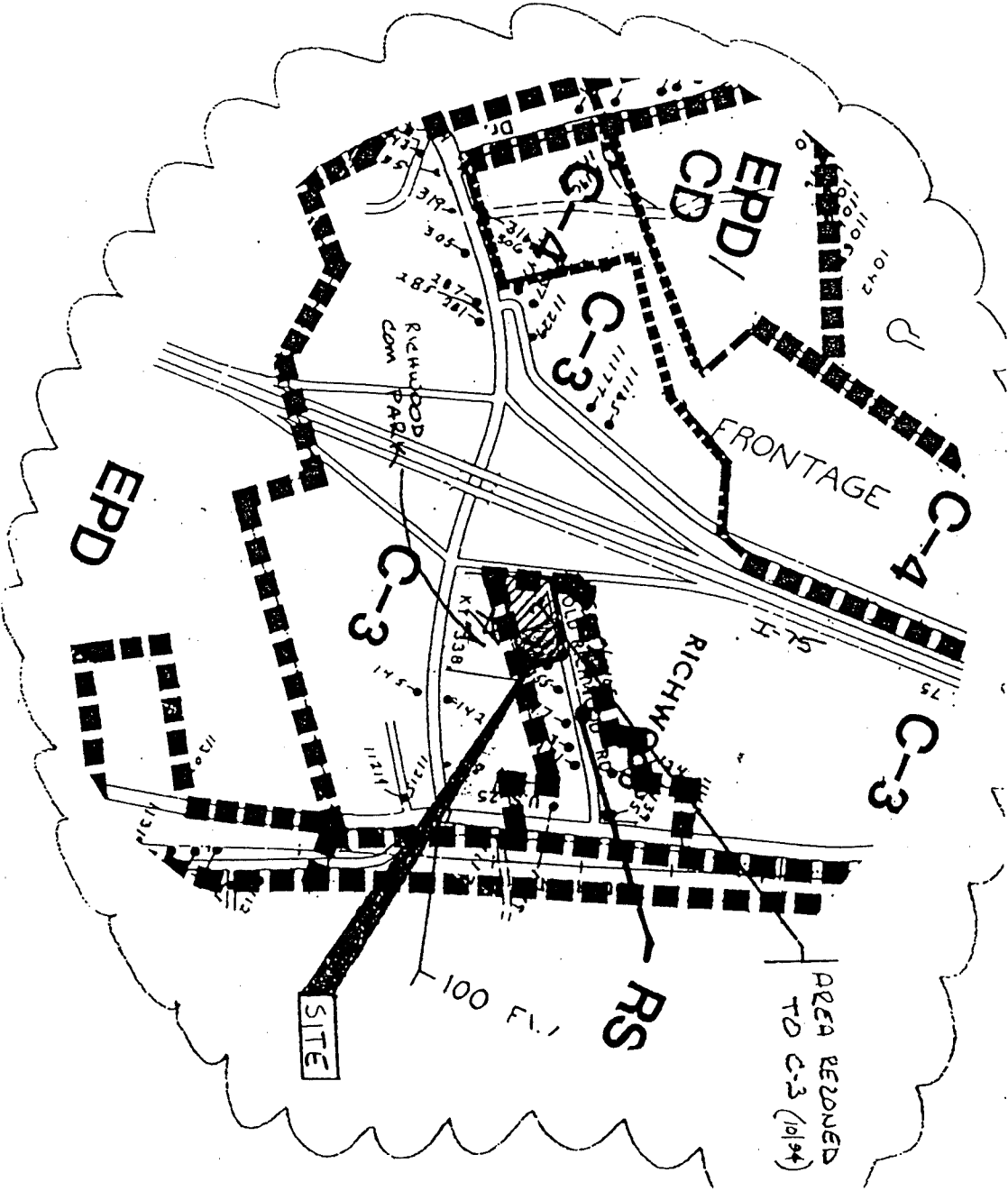
SITE

-  County Seat - Courthouse
-  City Hall
-  Anderson Ferry
-  Florence Y'all
-  Big Bone - Middle Creek Scenic Hwy.
-  Proposed Constance - North Bend Scenic Hwy.
-  Woods
-  County Parks
-  Public Golf Courses



Map produced for the Boone County Planning Commission
by: USDA Natural Resources Conservation Service &
Boone County Conservation District

MAP #3



ZONING SCHEMATIC

COPY

CLUR # 95-BCBOA-018-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER (S)

Michael T. Brandy
7346 Beechmont Ave
Cincinnati, Ohio 45230

2. ADDRESS OF PROPERTY

Richwood Park Subdivision
Boone County, Kentucky

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Richwood Park Subdivision

DEED BOOK: 561

PAGE NO.: 125

GROUP NO.: 2072

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

Zoning Map Amendment
from to

Conditional Use Permit

Development Plan
Change in Concept Development

Conditional Zoning


Subdivision Plat
(Unrecorded)

Other:

Variance

5. NAME AND ADDRESS OF PLANNING COMMISSION, BOARD OF ADJUSTMENT, LEGISLATIVE BODY OR FISCAL COURT WHICH MAINTAINS THE ORIGINAL RECORDS CONTAINING THE RESTRICTION

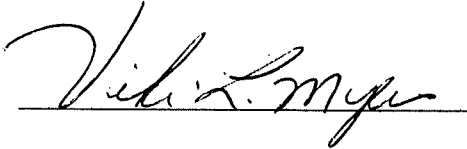
BOONE COUNTY PLANNING COMMISSION
2995 WASHINGTON STREET
BURLINGTON, KENTUCKY 41005


SIGNATURE OF COMPLETING OFFICIAL
Jeffrey Hayes, AICP Planner
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledge before me by Jeffrey Hayes on behalf of the Boone
County Planning Commission this 15th day of November 1995.

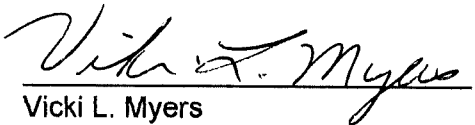


NOTARY PUBLIC, State at Large

My commission Expires:

April 17, 1999

This instrument was prepared for recording purposes only by:



Vicki L. Myers
Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005

NO TITLE EXAMINATION

(Legal Description and source of Title and Group Number furnished by the applicant.)

CLUR# 95-BCBOA-018-A

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the Variance as approved by the Boone County Board of Adjustments and in accordance with the current zoning in effect as of October 11, 1995 (Certificate of Land Use Restriction # 95-BCBOA-018-A), for Michael T. Brandy property owner.

The following conditions will apply: NO CONDITIONS

The approved Variance as well as the preceding conditions apply to the property described in: DEED BOOK 561 PAGE NO. 125 Group No. 2072