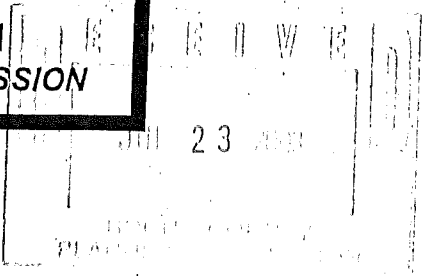


APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION



See Boone County Zoning Regulations SECTION A (To be completed by applicant)

- 1. (Check One) Boone [X] Florence _____ Walton _____ Union _____
2. (Check One) Conditional Use Permit [X] Variance _____ Appeal _____ Change in Non-Conforming Use _____
3. Applicant's Name CINCINNATI UNITED CONTRACTORS, INC. Phone Number 513-677-0060 Fax No. 513-677-1121 Applicant's Address P.O. Box 509 MASON OHIO 45040
4. Description of Request: PLEASE SEE ATTACHED LETTER
5. Name of Development KERRY OF FLORENCE
6. Location of Development 6149 & 6199 HOPEFUL CHURCH ROAD
7. Acreage Under Review 4.1013 ACRES
8. Lot Number and Name of Subdivision (if part of a subdivision) 061.00-00-107.00 & 061.00-00-114.00
9. Owner of Property BRUCE A. KRONE, TRUSTEE Phone Number of Owner 513-241-1234
10. Address of Property Owner CINCINNATI OHIO 45202
11. Proposed Use(s) on Site SALES, AUTOMOTIVE REPAIR, AND LEASE OF NEW AND USED MOTOR VEHICLES - PLEASE SEE ATTACHED LETTER
12. Total Square Footage of Existing and/or Proposed Buildings _____
13. Current Zoning on Property C-3
14. Deed Book 6304587 Page No. 1404265 Group No. 2040A
15. Is the site subject to a zone change? No
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: Jonathan R. Asthurd

Property Owner's Signature: [Signature]

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 7-24-03 Fee Received \$ 2175.00 ~~# 36019~~
2. Is application complete? _____ Yes _____ No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
_____ Approved
_____ Approved with Conditions (See #6)
9-10-03 Denial (See #7).
6. Conditions of Approval: _____

7. Reasons for Denial: SEE 9-10-03
FLORENCE BOARD OF
ADJUSTMENT MEETING MINUTES

Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005
(859) 334-2196 - Phone
(859) 334-2264 - Fax
plancom@boonecountyky.org - E-mail
www.boonecountyky.org - Web Page

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

APPLICANT: Cincinnati United Contractors
LOCATION: 8053 Burlington Pike, Boone County & Florence, Kentucky
ZONING: Commercial Services (C-3)
DATE: September 10, 2003

Proposal

Cincinnati United Contractors is requesting six variances on a vacant parcel of land which is becoming part of Kerry Nissan/Mazda/Hyundai dealership at 8053 Burlington Pike. The 4.1013 acre property fronts on the east side of Hopeful Church Road, across from Chancellor Court, and is located within Unincorporated Boone County and the City of Florence. The applicant is seeking the following variances in each jurisdiction:

Unincorporated Boone County

- (1) Allow a reduction in the 275 foot spacing requirement between adjacent driveways on an arterial street (Hopeful Church Road). The Concept Plan indicates that a new curb cut is proposed on the southwestern portion of the vacant lot. The proposed curb cut is located 88 feet from an existing curb cut that serves the Hopeful Lutheran Church Cemetery.
- (2) Allow the 1,500 foot road frontage requirement, which is required for a development to have four curb cuts, to be reduced to 980 feet. The submitted Concept Plan indicates that the development will have one curb cut in Unincorporated Boone County. The County G.I.S. System shows that the development has approximately 260 feet of road frontage along Hopeful Church Road, which is located in Unincorporated Boone County.
- (3) Allow reductions of the Vehicular Use Area (VUA) parking islands dimensions as follows:
 - A. Reduce overall square footage of four VUA islands from 600 square feet to 147, 336, 316, and 0 square feet respectively.
 - B. Reduce the width of the islands beneath the 9 foot standard.

City of Florence

- (1) Allow a reduction in the 275 foot spacing requirement between adjacent driveways on an arterial street (Hopeful Church Road). The Concept Plan indicates that a new curb cut is proposed on the northwestern portion of the vacant lot. The proposed curb cut is located 58 feet from an existing curb cut that serves the Kerry dealerships.
- (2) Allow the 1,500 foot road frontage requirement, which is required for a development to have four curb cuts, to be reduced to 980 feet. The submitted Concept Plan indicates that the development will have three curb cuts in the City of Florence. The County G.I.S. system shows that the development has approximately 720 feet of road frontage along Hopeful Church Road, which is located in the City of Florence.

- (3) Allow reductions of the Vehicular Use Area (VUA) parking islands dimensions as follows:
- A. Reduce overall square footage of four VUA islands from 600 square feet to 231, 237, 310 and 211 square feet respectively.
 - B. Reduce the width of two of the islands beneath the 10 foot standard.

Applicable Regulations

Section 3210 of the Boone County Zoning Regulations defines Hopeful Church Road as an arterial roadway.

~~Section 3215 and Table 32.1 of the Boone County Zoning Regulations states that adjacent driveways on an arterial roadway shall be spaced no less than 275 feet apart.~~

Section 3221 of the Boone County Zoning Regulations states that "where the frontage of a tract of land is greater than 500 feet, an additional access point is permitted for each additional 500 feet of frontage, provide all access points are otherwise in compliance with all applicable sections of these regulations.

Section 3222 of the Boone County Zoning Regulations states that access points on opposite sides of arterial and collector roadways shall be located opposite each other. If not so located, turning movements restrictions may be imposed as determined necessary by the Planning Commission.

Section 3223 of the Boone County Zoning Regulations states that "whenever the use of a parcel of land changes the existing access point(s) shall become void. The Planning Commission may require the reconstruction, relocation, or closure of the access point(s), based on the new property use. Any such new or reauthorized access point must be in compliance with all applicable sections of this regulation, and may require the submission of a traffic study in accordance with Section 3240 of this Order."

Section 3625 of the Boone County Zoning Regulations (City of Florence Landscaping Regulations) states that the minimum size of a VUA area shall be 10 feet in width and 200 square feet in area.

Section 3625 of the Boone County Zoning Regulations (City of Florence Landscaping Regulations) states that VUA areas that are a minimum of 600 square feet in area will be required if rows of parking are unbroken for 180 linear feet or more.

Section 3725 of the Boone County Zoning Regulations (Boone County Landscaping Regulations) states that the minimum size of a VUA area shall be 9 feet in width and 17 feet in length.

Section 3725 of the Boone County Zoning Regulations (Boone County Landscaping Regulations) states that VUA areas are required when parking adjoins each other at or near right angles.

Section 3725 of the Boone County Zoning Regulations (Boone County Landscaping Regulations) states that VUA areas that are a minimum of 600 square feet in area will be required if rows of parking are unbroken for 180 linear feet or more.

Article 2, Section 250 of the Boone County Zoning Regulations states that the Board of Adjustment and Zoning Appeals shall have the power to hear and decide on applications for variances. A variance is defined as a departure from the 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.

The Board should evaluate the applicant's request as it relates to the criteria necessary for granting a variance as stated in Section 251 of the Boone County Zoning Regulations:

1. 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 nuisance to the public, and will not allow an unreasonable circumvention of the requirements contained in the zoning regulations.
 - A. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;
 - B. The strict application of the provisions contained in the regulations would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant;
 - C. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.
2. 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.

Site Characteristics and Zoning

The 4.1013 acre lot is currently vacant and is zoned Commercial Services (C-3). The property has four existing access points that used to serve a mobile home park and concrete plant. The grade of the property is fairly level. However, there is an approximate 6 to 10 foot change in grade between the existing Kerry Dealership lots and the proposed lot.

Adjoining Land Uses and Zoning

North: Kerry Nissan, Mazda, Hyundai Dealerships (C-3)

South: Hopeful Lutheran Church Cemetery & Church (PF)

East: Willis Music & Fitworks/LaRosa's Strip Center (C-2)

West: Hopeful Church Rd, Chancellor Dr, Toyota Towne (C-3), and Single-Family Residential Dwellings (SR-1)

Staff Comments

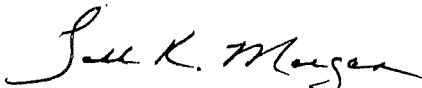
1. Staff wants to remind the Boards and the public that car dealerships are permitted in the Commercial Services (C-3) zone. The Boards are reviewing the requested variances and not the car dealership use.

2. Section 3223 of the Boone County Zoning Regulations states that four existing curb cuts on the 4.1013 acre property will become void when the property redevelops. Unless the Boards grant variances, the new or reauthorized curb cuts will need to be in compliance with the zoning regulations. In addition, encroachment permits will be required from the Kentucky Transportation Cabinet.
3. Staff talked with Ed Thompson, with the Kentucky Transportation Cabinet, in regard to the proposed curb cuts and their spacing from adjoining curb cuts. Mr. Thompson indicated that the Transportation Cabinet would probably approve encroachment permits for the curb cuts as they are shown on the plan. However, they will require some lane striping to ensure safe turning movements.
4. Staff is concerned that the curb cut which is proposed on the northern portion (City of Florence) of the 4.1013 acre property could impact public safety. This proposed curb cut is 58 feet from an existing curb cut that serves the Kerry dealerships. It is foreseeable that motorists will try to exit these two curb cuts at the same time and that their individual turning movements could conflict with one another. Staff believes that this spacing issue could be further compounded by the posted speed limit (40 mile per hour) on Hopeful Church Road, the presence of Chancellor Court and the Toyota Towne curb cut across the street (see Section 3222 of the zoning regulations), and the fact the Hopeful Church Road has multiple lane transitions between the subject property and the KY 18/Hopeful Church Road intersection. Staff believes that the applicant could grade the site and/or adjoining property, redesign the parking lot layout, and readily use the existing curb cut to better accommodate tractor trailer (car carrier) circulation. In addition to these technical factors, Staff has not identified that any hardship exists.
5. Staff is concerned that the applicant's request to reduce to the Vehicular Use Area (VUA) islands seems like an unreasonable circumvention of the zoning regulations. Staff does not see how the strict application of the provisions contained in the regulations would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant. In addition, it appears that all the landscaping regulations could be readily met.

Conclusion

KRS 100.241 and Section 250 of the Boone County Zoning Regulations gives the Boone County Board of Adjustment and Zoning Appeals and Florence Board of Adjustment and Zoning Appeals the authority to grant the requested variances.

Respectfully submitted,

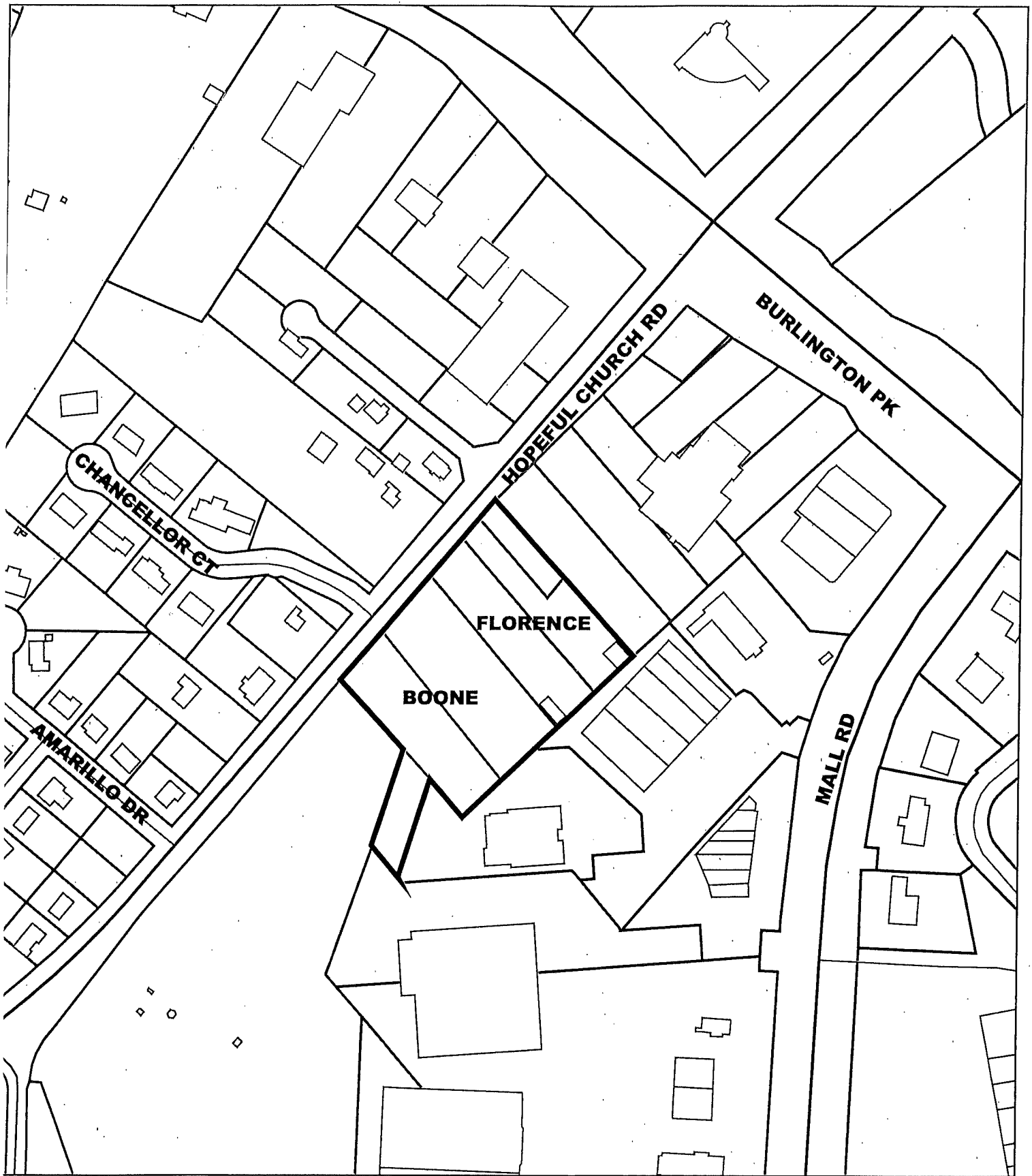


Todd K. Morgan, AICP
Planner, Zoning Services

TKM/dw

Attachments

- Exhibit A – Site Vicinity Map
- Exhibit B – Applications and Letters Describing Requests
- Exhibit C – Concept Plan
- Exhibit D – Zoning Map
- Exhibit E – Aerial Map
- Exhibit F – Topographical Map



250 0 250 Feet

1 inch equals 250 feet

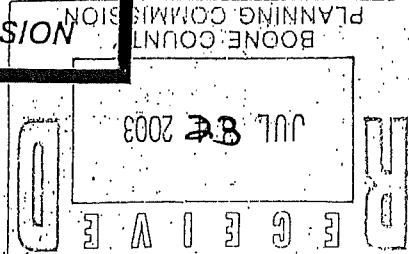


Cincinnati United Contractors Site Vicinity Map

Produced by the
Boone County Planning Commission
GIS Services Division
September 4, 2003

APPLICATION FORM

BOARD OF ADJUSTMENT
AND
ZONING APPEALS ACTION
BOONE COUNTY PLANNING COMMISSION



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 CINCINNATI UNITED CONTRACTORS, INC.
Phone Number 513-677-0060 Fax No. 513-677-1121
Applicant's Address P.O. Box 509
MASON OHIO 45040
City State Zip

4. Description of Request: PLEASE SEE ATTACHED LETTER

5. Name of Development: KERRY OF FLORENCE

6. Location of Development: 6149 & 6199 HOPEFUL CHURCH ROAD

7. Acreage Under Review 4.1013 ACRES

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

061.00-00-107.00 & 061.00-00-114.00

9. Owner of Property BRUCE A. KRONE, TRUSTEE

Phone Number of Owner 513-241-1234

10. Address of Property Owner CINCINNATI OHIO 45202
City State Zip

11. Proposed Use(s) on Site SALES, AUTOMOTIVE REPAIR, AND LEASE OF NEW AND USED MOTOR VEHICLES - PLEASE SEE ATTACHED LETTER

12. Total Square Footage of Existing and/or Proposed Buildings _____

13. Current Zoning on Property C-3

14. Deed Book 630 & 587 Page No. 140 & 265 Group No. _____

15. Is the site subject to a zone change? No

If yes, give date of approval _____

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.

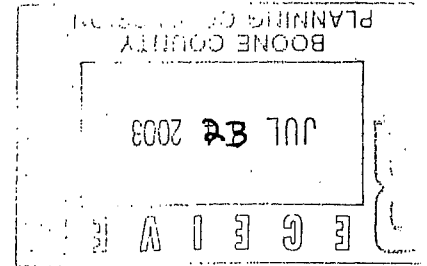
Applicant's Signature: Jonathan R. Bothard

Property Owner's Signature: _____



July 23, 2003

Boone County Board of Adjustment
C/o Mr. Todd K. Morgan, AICP
Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005



Re: Kerry of Florence Automotive
6149 and 6199 Hopeful Church Road
Florence, Kentucky

To Whom It May Concern:

Cincinnati United Contractors, Inc., on behalf of Kerry of Florence, requests inclusion on the agenda for the Boone County Board of Adjustment and Zoning Appeals meeting scheduled for August 13, 2003. At this time we are requesting the Board to grant the following variances to the Boone County Zoning Resolution:

- Variance A: Variance to Section 3215, Table 32.1 requiring a minimum spacing between adjacent driveways of 275 feet for an arterial roadway. The arterial roadway in question is Hopeful Church Road (KY 1018).
- Variance B: Variance to Section 3221.2 requiring 1,500 feet of street frontage to allow four (4) access points from the subject property and adjacent developed property onto Hopeful Church Road.
- Variance C: Variance to Section 3725.4 requiring "Planting areas that are a minimum of 600 square feet will be required if rows of parking are unbroken for 180 linear feet or more".

During discussions with Mr. Todd Morgan with the Boone County Planning Commission, the site being considered consists of an existing developed site and a site containing new development. The attached drawings denote the two (2) sites accordingly. The corporation line between the City of Florence and Boone County divides the site of new development. The portion of the site contained within Boone County meets the requirements of Section 3725.4 of the Boone County Zoning Resolution.

The aforementioned Variance A and Variance B would allow motor vehicle delivery trucks to access the site of new development in a circulation pattern to reduce traffic congestion and disruption on Hopeful Church Road. The topography between the site of new development and the existing adjacent developed site does not allow for ease of vehicular circulation between the sites, especially for vehicle delivery trucks, without major disruption to traffic circulation paths and usability of the site for motor vehicle sale or lease display.

The last variance, Variance C, is being requested to allow for effective motor vehicle display and to reduce the amount of trees on the property. The presence of trees contributes to undesired bird and leaf droppings onto the motor vehicles, which are being displayed for sale or lease. If the variance is granted, the resulting vehicular use area would not adversely affect the public health, safety or welfare. The character of the vehicular use area in the general vicinity containing other commercial, retail, and motor

vehicle sales and repair establishments is similar in configuration to the requested variance approval. The proposed interior landscaping area is 7.84 percent of the overall site vehicular use area, which exceeds the Boone County Zoning Regulation requirement of 5 percent minimum interior landscape area by 50 percent.

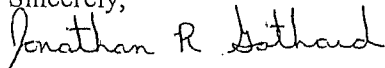
Attached please find the following items:

- One (1) completed Board of Adjustment and Zoning Appeal Action application.
- Three (3) copies of the Plat of Survey for the site of new development
- Three (3) copies of a 24" x 36" drawing of the Preliminary Site Plan indicating the proposed development/use of the property.
- Three (3) copies of an 11" x 17" drawing of the Preliminary Site Plan indicating the proposed development/use of the property.
- One (1) copy a typewritten list of all adjoining property owners including those located across any road, street, or highway.
- One (1) copy of the deeds for the site of new development – which is two (2) of the attached deeds denoted: "SITE OF NEW DEVELOPMENT"
- One (1) copy of the deed for the site of existing development – which is four (4) of the attached deeds
- One (1) check, number 18344, payable to the Boone County Planning Commission in the amount of \$2,071.00 for the Board of Adjustment variance fee. The following is the calculation used in determining the submitted fee:

(3) requested variances at \$650.00 per variance	=	\$	1,950.00
(1) legal ad publication	=	\$	100.00
(13) adjacent property owner notifications (this cost is shared with the City of Florence Board of Adjustment and was included with that application)			
<u>(1) CLUR</u>	=	\$	<u>21.00</u>
Total	=	\$	2,071.00

If you have any questions or concerns regarding the above, please contact me at your earliest convenience.

Sincerely,



Jonathan R. Gothard

Cincinnati United Contractors, Inc.

P.O. Box 509

Mason, Ohio 45040

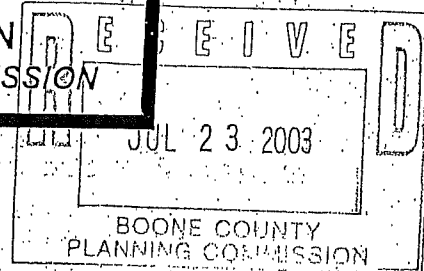
Encl.

Cc: Bruce A. Krone
Anne F. McBride, AICP
David Kubicki
Tom Lemmel
Dave Woodke
File #195-4739

Eichel & Krone Co. L.P.A.
McBride Dale Clarion
CUC
CUC
CUC

APPLICATION FORM

BOARD OF ADJUSTMENT
AND
ZONING APPEALS ACTION
BOONE COUNTY PLANNING COMMISSION



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 CINCINNATI UNITED CONTRACTORS, INC.
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13. Current Zoning on Property C-3

14. Deed Book 630 & 587 Page No. 140 & 265 Group No.

15. Is the site subject to a zone change? No

If yes, give date of approval

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: Jonathan R. Gothard

Property Owner's Signature: OBM

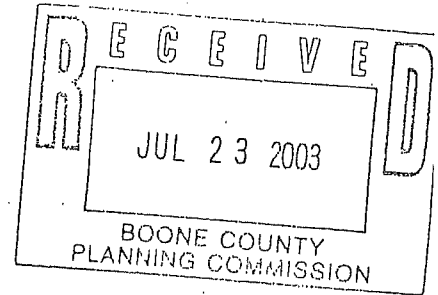


Cincinnati United Contractors, Inc.

Exceeding All Your Expectations

July 23, 2003

City of Florence Board of Adjustment
C/o Mr. Todd K. Morgan, AICP
Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005



Re: Kerry of Florence Automotive
6149 and 6199 Hopeful Church Road
Florence, Kentucky

To Whom It May Concern:

Cincinnati United Contractors, Inc. on behalf of Kerry of Florence requests inclusion on the agenda for the City of Florence Board of Adjustment and Zoning Appeals meeting scheduled for August 13, 2003. At this time we are requesting the Board to grant the following variances to the Boone County Zoning Resolution:

- Variance A: Variance to Section 3215, Table 32.1 requiring a minimum spacing between adjacent driveways of 275 feet for an arterial roadway. The arterial roadway in question is Hopeful Church Road (KY 1018).
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During discussions with Mr. Todd Morgan with the Boone County Planning Commission, the site being considered consists of an existing developed site and a site containing new development. The attached drawings denote the two (2) sites accordingly. The corporation line between the City of Florence and Boone County divides the site of new development. The portion of the site contained within the City of Florence meets the requirements of Section 3625.4 of the Boone County Zoning Resolution.

The aforementioned Variance A and Variance B would allow motor vehicle delivery trucks to access the site of new development in a circulation pattern to reduce traffic congestion and disruption on Hopeful Church Road. The topography between the site of new development and the existing adjacent developed site does not allow for ease of vehicular circulation between the sites, especially for vehicle delivery trucks, without major disruption to traffic circulation paths and usability of the site for motor vehicle sale or lease display.

The last variance, Variance C, is being requested to allow for effective motor vehicle display and to reduce the amount of trees on the property. The presence of trees contributes to undesired bird and leaf droppings onto the motor vehicles, which are being displayed for sale or lease. If the variance is granted, the resulting vehicular use area would not adversely affect the public health, safety or welfare. The character of the vehicular use area in the general vicinity containing other commercial, retail, and motor

CONTRACTORS • ARCHITECTS • DEVELOPERS

9501 Union Cemetery Road • Loveland, Ohio 45140 • Phone: (513) 677-0060 • Fax (513) 677-1121
www.cintiunited.com • info@cintiunited.com

1978 - 2003



vehicle sales and repair establishments is similar in configuration to the requested variance approval. The proposed interior landscaping area is 7.84 percent of the overall site vehicular use area, which exceeds the Boone County Zoning Regulation requirement of 5 percent minimum interior landscape area by 50 percent.

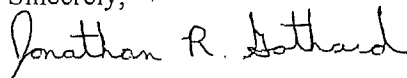
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(1) legal ad publication	=	\$	100.00
(13) adjacent property owner notifications	=	\$	104.00
The above is a shared cost with Boone County Board of Adjustment			
(1) CLUR	=	\$	21.00
Total	=	\$	2,175.00

If you have any questions or concerns regarding the above, please contact me at your earliest convenience.

Sincerely,

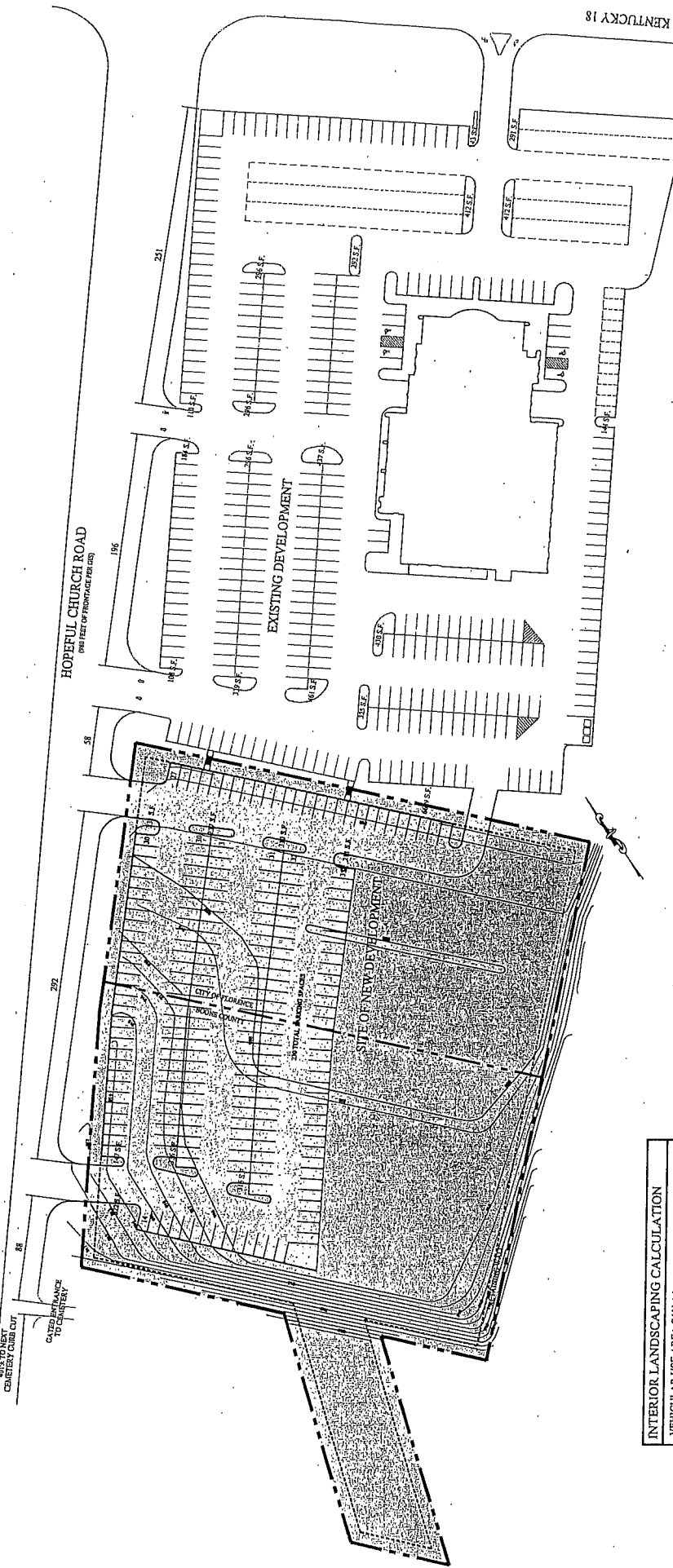


Jonathan R. Gothard

Cincinnati United Contractors, Inc.
P.O. Box 509
Mason, Ohio 45040

Encl.

Cc:	Bruce A. Krone	Eichel & Krone Co. L.P.A.
	Anne F. McBride, AICP	McBride Dale Clarion
	David Kubicki	CUC
	Tom Lemmel	CUC
	Dave Woodke	CUC
	File #195-4739	



PROPOSED FACILITY
FOR:

KERRY OF FLORENCE

IN FLORENCE, KY

INTERIOR LANDSCAPING CALCULATION

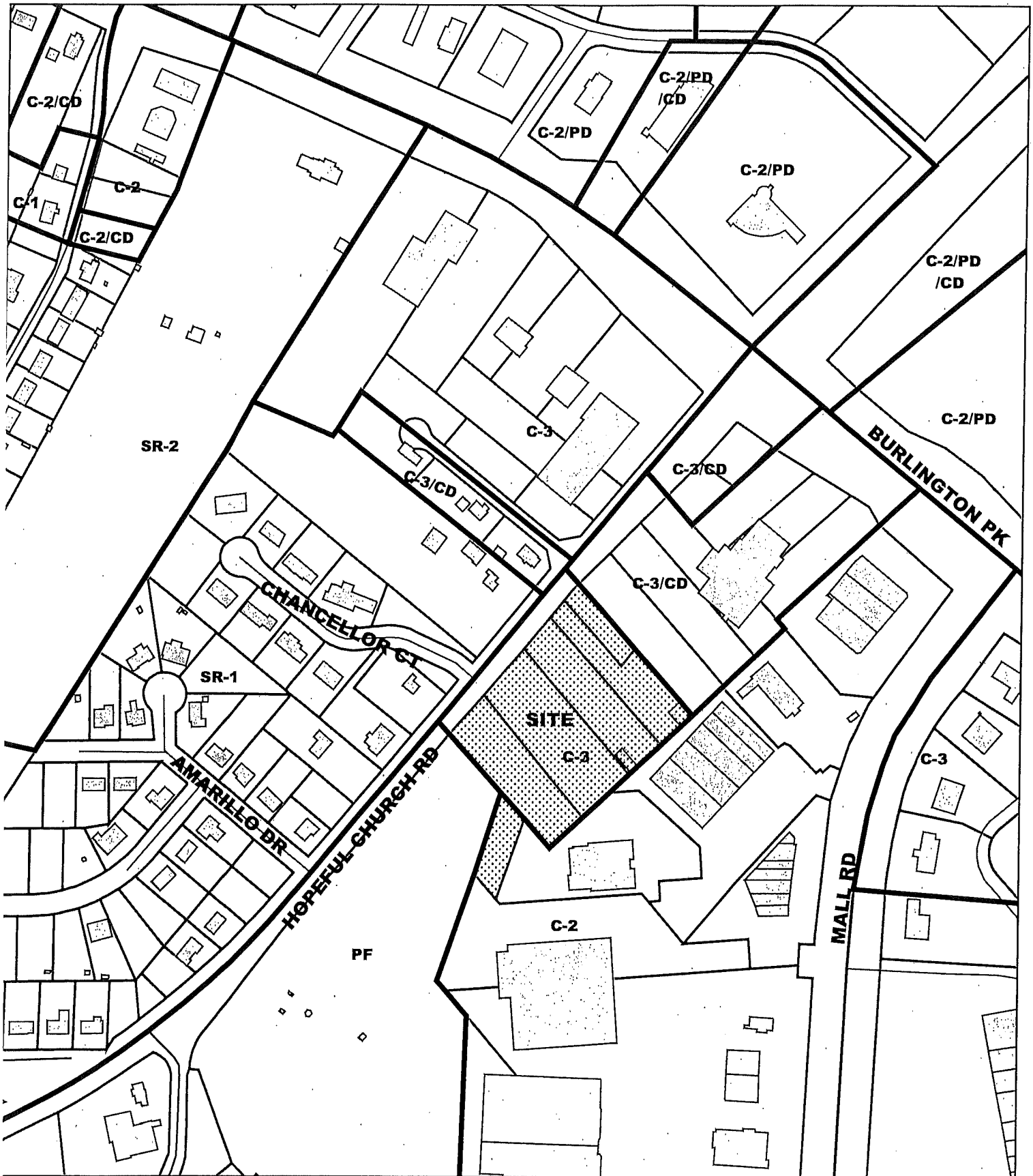
VEHICULAR USE AREA (V.U.A.)	= 168,467 S.F.
5% OF V.U.A.	= 8,423 S.F.
INTERIOR LANDSCAPE AREA PROVIDED	= 13,218 S.F.
THE AFOREMENTIONED AREA DOES NOT INCLUDE LANDSCAPE AREAS LESS THAN 200 SQUARE FEET	
ACTUAL PERCENTAGE OF V.U.A.	= 7.84%

PRELIMINARY SITE PLAN
SCALE: 1" = 40'-0"

DESIGNED BY:



Cincinnati United Contractors
4811 UNION CENTER RD. LOVELAND, OHIO 45156
TEL: 513.763.1111 FAX: 513.763.1111
CONTRACTORS • ARCHITECTS • DEVELOPERS • INVESTORS
ALL RIGHTS RESERVED AND THE LACK THEREOF, IN WHOLE OR IN PART, BY ANY OTHER CONTRACTOR OR ARCHITECT. THIS DRAWING IS THE PROPERTY OF HERSH AND IS NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF HERSH.



300 0 300 Feet

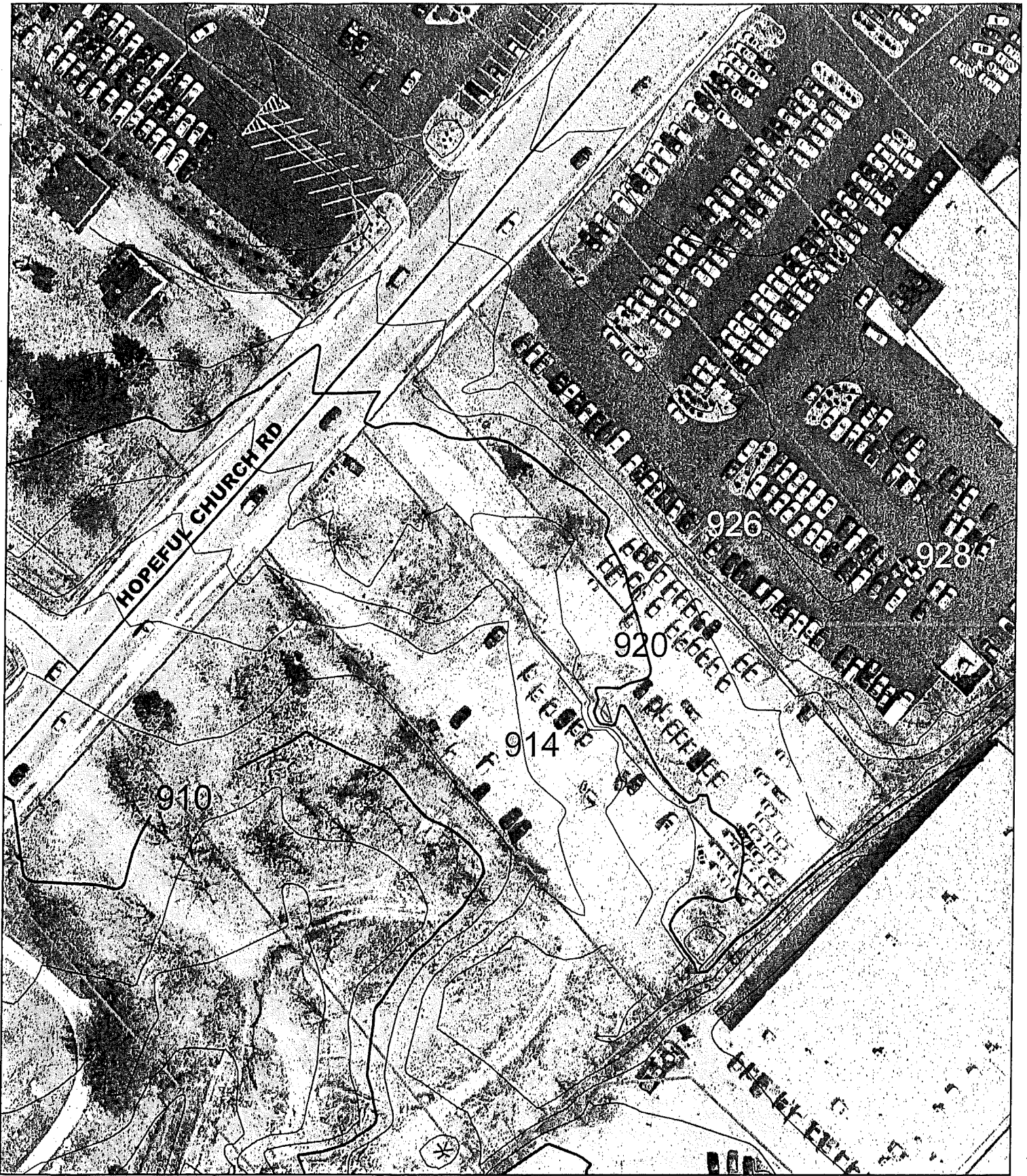
1 inch equals 300 feet

Cincinnati United Contractors

Zoning Map

Produced by the
Boone County Planning Commission
GIS Services Division
July 29, 2003



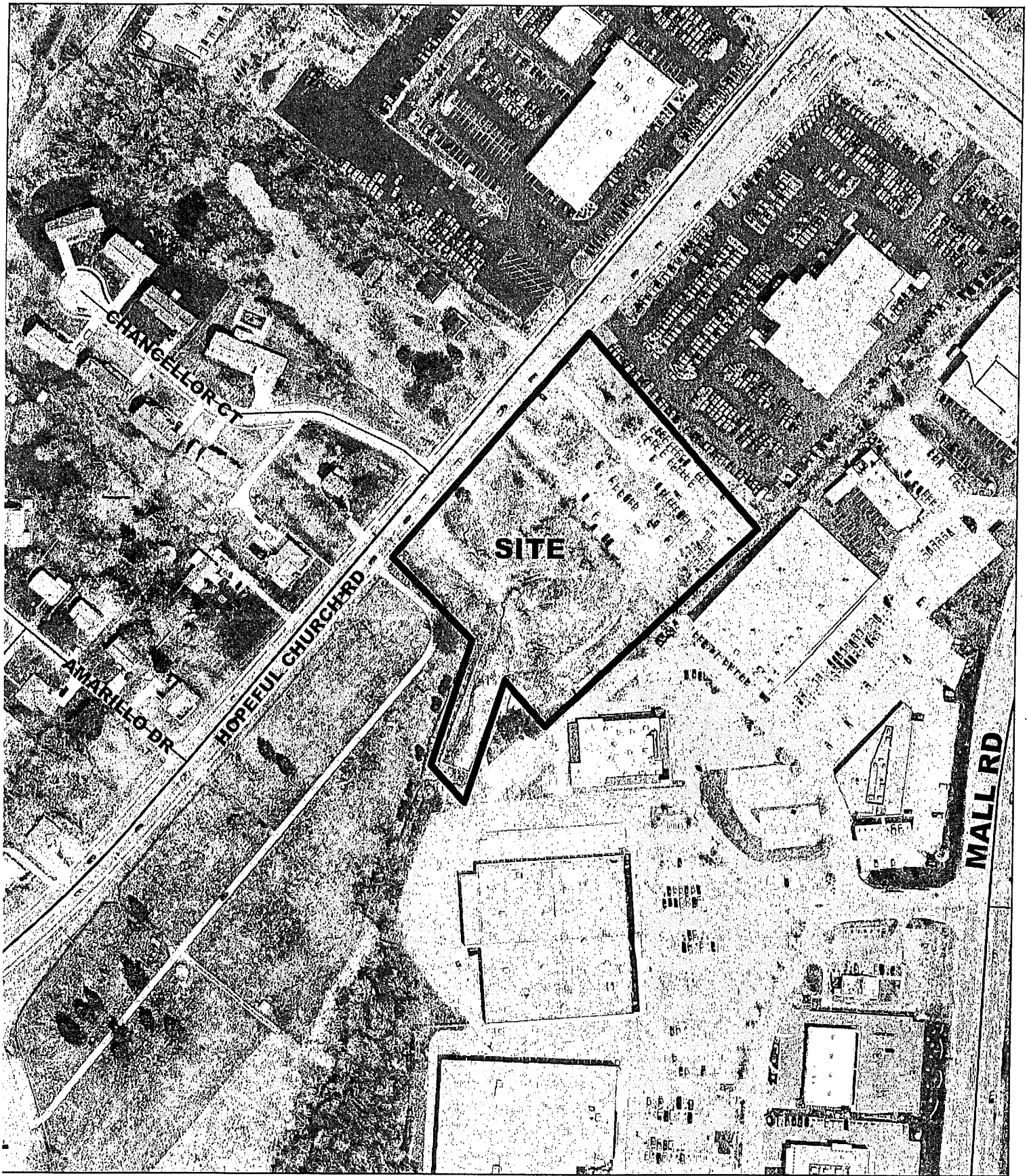


80 0 80 Feet

1 inch equals 80 feet
Produced by the
Boone County Planning Commission
GIS Services Division
September 4, 2003



Cincinnati United Contractors Topographical Map



200 0 200 Feet

1 inch equals 200 feet

Produced by the
Boone County Planning Commission
GIS Services Division
July 29, 2003



Cincinnati United Contractors Aerial Map