

APPLICATION FORM

**BOARD OF ADJUSTMENT  
AND  
ZONING APPEALS ACTION  
BOONE COUNTY PLANNING COMMISSION**

R E C E I V E D

NOV - 5 2012

BOONE COUNTY  
PLANNING COMMISSION

**FIVE (5) SCALED COPIES AND ONE (1) 11X17 REDUCTION OF SUBMITTED DRAWINGS ARE REQUIRED**  
 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 Connie Mattioli  
 Applicant's Address 122 Idlewood Dr @  
Covington KY 41017  
 City State Zip  
 Phone Number 859-907-3166 Fax No. \_\_\_\_\_ E-Mail CXCsalon@yahoo.com
  4. Description of Request: allow a Beauty Salon on the first floor (lower level) of the building
  5. Name of Development CXC Salon & Spa
  6. Location of Development 7309 US Hwy 42  
Florence KY 41042
  7. Acreage Under Review \_\_\_\_\_
  8. Lot Number and Name of Subdivision (if part of a subdivision) \_\_\_\_\_
  9. Owner of Property John K King and Richard M Pence  
 Address of Property Owner 2417 Dixie Hwy Florence  
KY 41042  
 City State Zip  
 Phone Number 525-1213 Fax No. 525-4016 E-Mail JPHN002@fuse.net
  10. Proposed Use(s) on Site Beauty Salon
  11. Total Square Footage of Existing and/or Proposed Buildings \_\_\_\_\_
  12. Current Zoning on Property O-1
  13. Deed Book 865 Page No. 938 Group No. 2042
  14. Is the site subject to a zone change? NO  
 If yes, give date of approval \_\_\_\_\_
  15. Have you submitted a Site Plan with this request? NO
  16. Have you submitted a list of adjoining property owners with this request? \_\_\_\_\_
  17. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

**ORIGINAL Property Owner's Signature:** John K King Richard M Pence  
 (Faxed, Photocopied or Scanned Signatures will NOT be Accepted) *By John K King POA*

**ORIGINAL Applicant's Signature:** Connie Mattioli  
 (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

**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 11/5/12 Fee Received \$1,082.00 Receipt # 105876
2. Is application complete?  Yes  No
3. Staff Reviewer \_\_\_\_\_
4. Scheduled Board Action Date \_\_\_\_\_
5. Board Action:  
12/12/12 **Approved**  
\_\_\_\_\_ **Approved with Conditions (See #6)**  
\_\_\_\_\_ **Denial (See #7)**
6. Conditions of Approval: NONE  
\_\_\_\_\_  
\_\_\_\_\_
7. Reasons for Denial: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Boone County Planning Commission  
Boone County Administration Building  
2950 Washington Street, Room 317  
P.O. Box 958  
Burlington, Kentucky 41005  
(859) 334-2196 - Phone  
(859) 334-2264 - Fax  
plancom@boonecountyky.org - E-mail  
[www.boonecountyky.org](http://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: Connie Mattioli

LOCATION: 7309 US 42, Florence, Kentucky

ZONING: Office One (O-1)

DATE: December 12, 2012

### PROPOSAL

The applicant has submitted a Conditional Use Permit application to allow a beauty salon to occupy the first floor of an office building located at 7309 US 42, Florence, Kentucky. The lease space is approximately 3,872 square feet in area.

### APPLICABLE REGULATIONS

Section 220 of the Boone County Zoning Regulations states that one of the duties of the Board of Adjustment is to grant conditional uses permits as specified by the zoning order.

Section 1113 of the Boone County Zoning Regulations permits beauty and barber services and tanning salons as Conditional Uses within the Office One (O-1) zoning district.

The Board should evaluate the applicant's request as it relates to the criteria necessary for granting a Conditional Use Permit as stated in Sections 262 & 1113 of the Boone County Zoning Regulations.

Findings listed in Section 262 (Findings for all Conditional Uses):

1. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the County's Comprehensive Plan, a specific corridor plan and/or the zoning order;
2. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and shall not change the essential character of the same area;
3. Will not be hazardous to existing or future neighboring uses;
4. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately such services;
5. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
6. Will not involve uses, activities, process, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, dust, fumes, glare, or odors;

7. Will have vehicular approaches to the property which shall be so designated as not to create an interference with traffic on surrounding public thoroughfares.

Section 1113 of the Boone County Zoning Regulations allows beauty and barber services and tanning salons as Conditional Uses in the O-1 district provided that:

- a. the activity is an integral and subordinate function of a permitted office use; or
- b. the arrangement of uses, buildings, or structures will be compatible with the organization of permitted and accessory uses to be protected in the district.

### RELATIONSHIP TO THE COMPREHENSIVE PLAN

The 2010 Boone County Comprehensive Plan's "2035 Future Land Use Plan" designates the site in question for "Commercial" and "Suburban Residential" uses. These designations are defined as follows:

Commercial - "Retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."

Suburban Residential - "Single family housing of up to four units per acre. This classification does not preclude low density or estate residential developed as a formal subdivision."

The following Goals & Objectives from the 2005 Boone County Comprehensive Plan apply to the application:

- A. "Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas" (Business Activity, Goal).

### SITE CHARACTERISTICS

The approximate 1 acre site is located on the south side of US 42 and is located between New Uri Avenue and Gibbons Street. The property contains a two story office building which is 7,744 square feet in area (44' x 88' x 2 floors) and contains 48 parking stalls. Access to the parking lot is provided from two curb cuts on US 42. Two monument signs are located along the US 42 frontage.

### SURROUNDING LAND USES & ZONING

North: US 42, Heritage Academy and Heritage Assembly of God (O-1 & SR-2), Office Building with Chiropractor and Salon (O-1), and Office Building with OB/GYN and Dentist (O-1)

South: Single-Family Residential Dwellings Fronting on Gibbons Street (O-1 and SR-2)

East: Single-Family Residential Dwelling Fronting on US 42 (O-1)

West: Single-Family Residential Dwelling Fronting on US 42 (O-1)

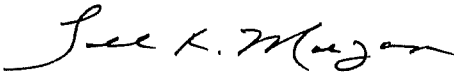
STAFF COMMENTS

1. The Site Plan for the building was approved by the Boone County Planning Commission on December 6, 1989 (see attachment).
2. The site has adequate parking. The site has approximately 48 parking stalls and the Boone County Zoning Regulations currently require 31 stalls (7,747/250) for a 7,747 square foot office building.
3. Staff believes that the proposed use meets the findings for granting a Conditional Use Permit:
  - A. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and shall not change the essential character of the same area.
  - B. The arrangement of uses, buildings, or structures will be compatible with the organization of permitted and accessory uses to be protected in the district.

Conclusion

KRS 100.237 and Section 220 of the Boone County Zoning Regulations gives the Florence Board of Adjustment and Zoning Appeals the authority to act on the request.

Respectfully submitted,



Todd K. Morgan, AICP  
Senior Planner, Zoning Services

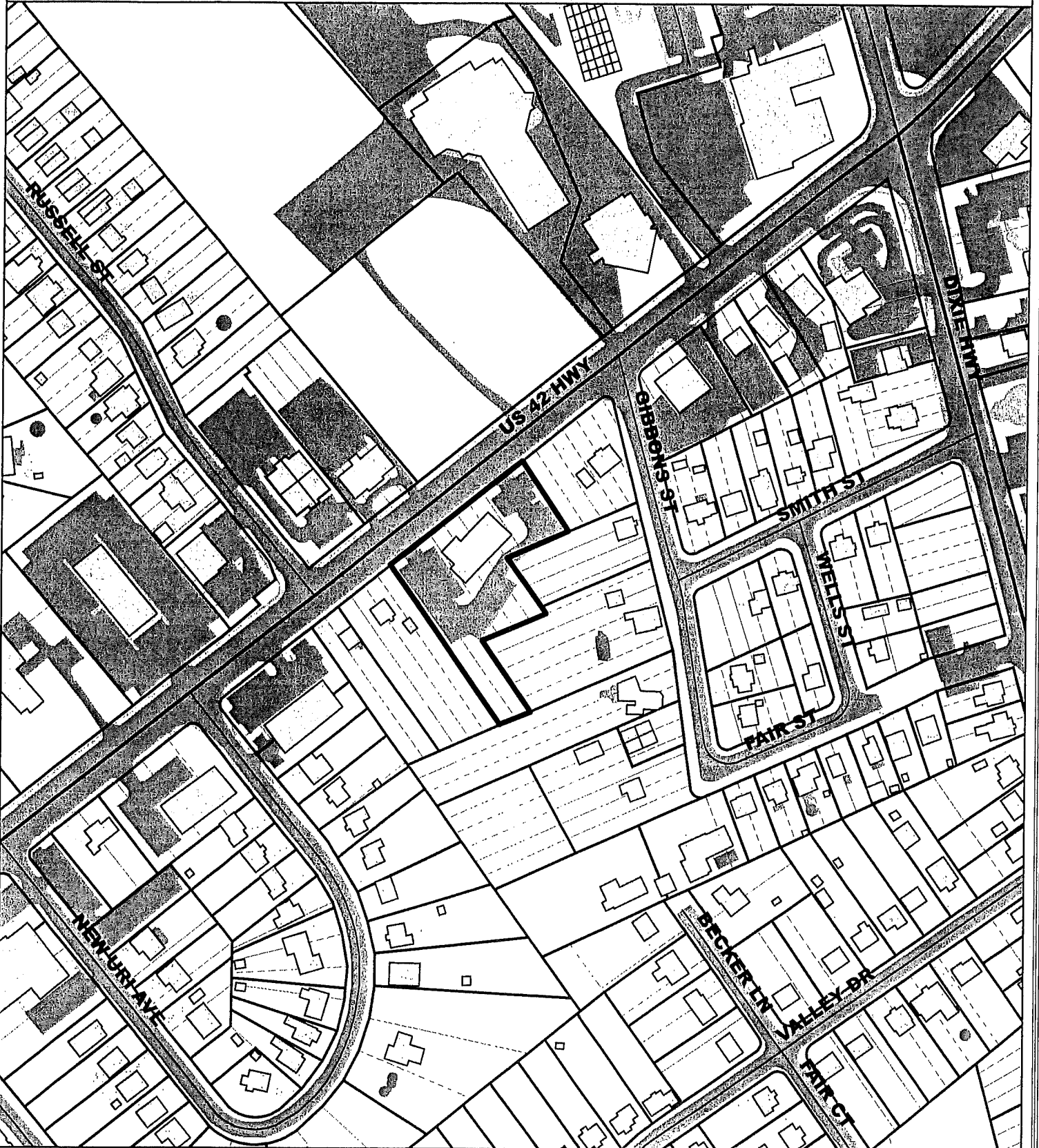
TKM/dw

Attachments

- \*Site Vicinity Map
- \*12/6/89 Site Plan
- \*2009 Aerial Map
- \*Zoning Map
- \*Future Land Use Map
- \*Application

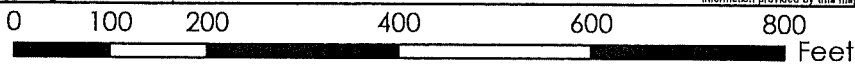
# SITE VICINITY MAP

www.boonecountygis.com



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1 inch = 200 feet



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



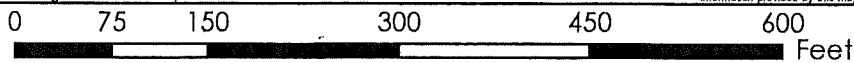
# 2009 AERIAL MAP

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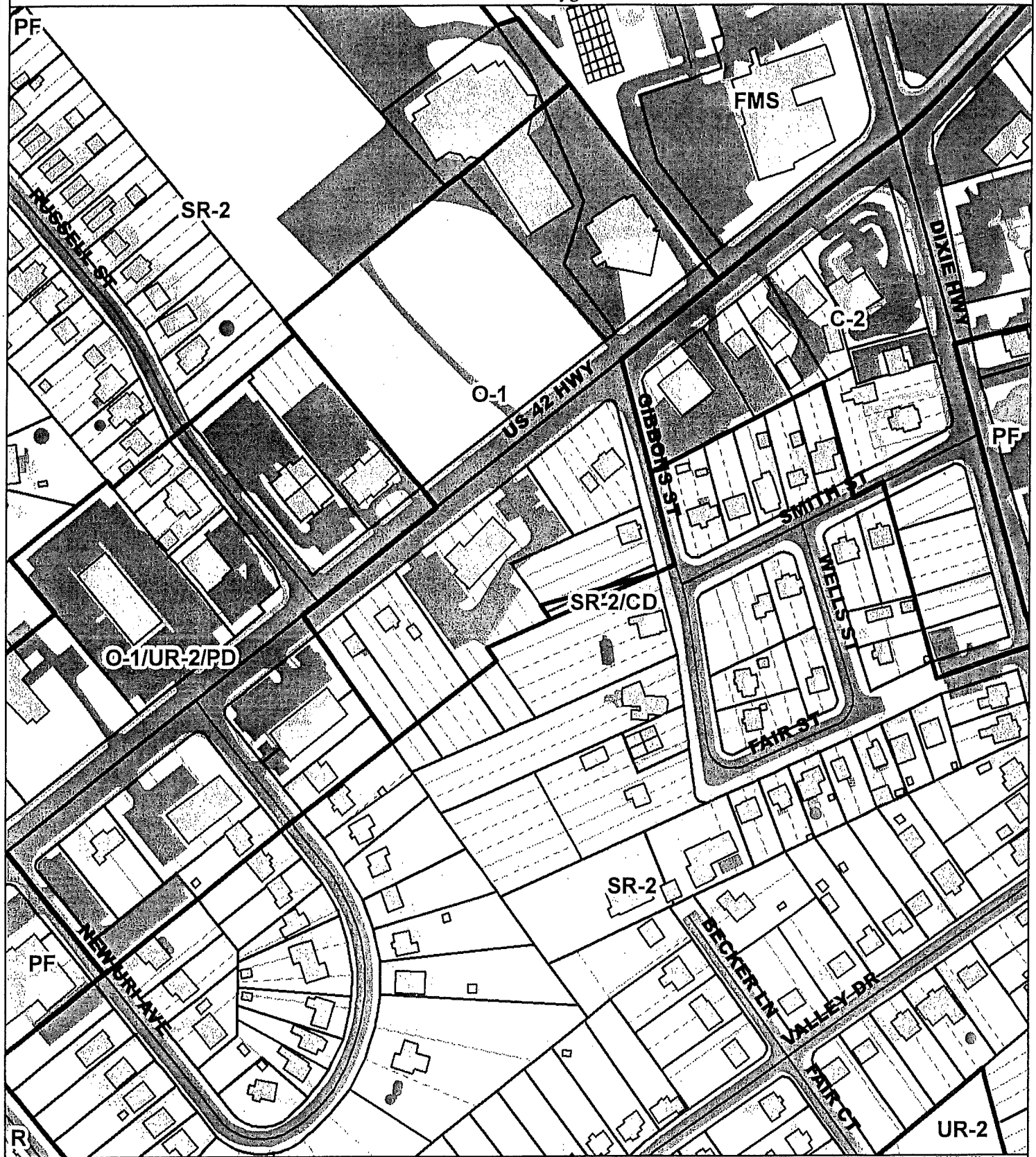
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**Boone County GIS - Putting Northern Kentucky on the Map**

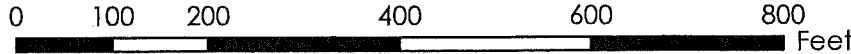
# ZONING MAP

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



Map Created: 01/01/2008

Map File: C:\gis\mxd\Boone GIS.mxd  
ArcMap Document: \*.mxd

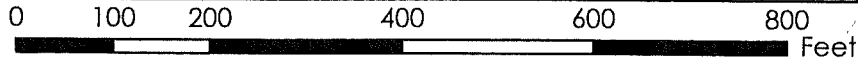
# FUTURE LAND USE MAP

www.boonecountygis.com

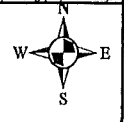


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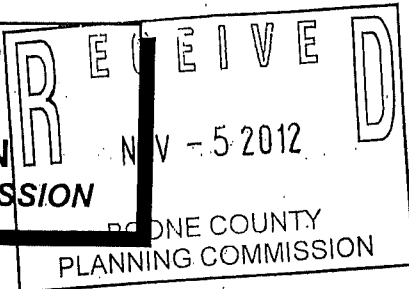
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Map Created: 01/01/2008

ArchMap Document: \*.mxd

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14. Deed Book 865 Page No. 938 Group No. 2042

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ORIGINAL Applicant's Signature: Connie Mattioli  
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

John K. King & Richard Peace  
7417 Dixie Hwy  
Florence, KY 41042

2. ADDRESS OF PROPERTY

7309 US Hwy 42  
Florence, KY 41042

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

CXC Salon & Spa

4. DEED BOOK 865

PAGE NO. 938

GROUP NO. 2042

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

Zoning Map Amendment:  
From  To

Conditional Use Permit

Development Plan

Conditional Zoning

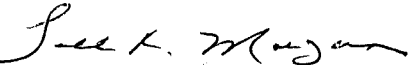
Subdivision Plat  
(Not Recorded)

Other:

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

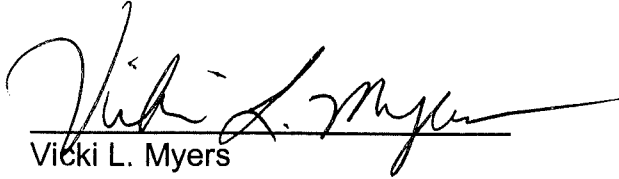
Todd K. Morgan, Senior Planner, Zoning Services  
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledged before me by Todd K. Morgan

on behalf of the Boone County Planning Commission this 13th day of December, 2012.



Vicki L. Myers

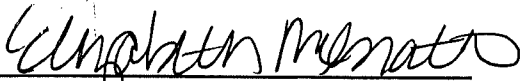
Notary ID 438411

NOTARY PUBLIC, State at Large

My commission Expires:

April 17, 2015

This instrument was prepared for recording purposes only by:



Elizabeth McGrath

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.)