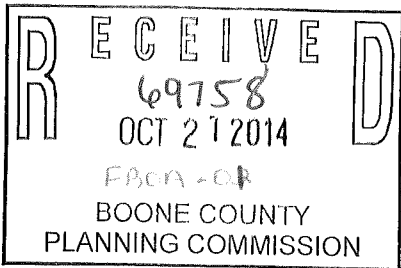


APPLICATION FORM



BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION 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) Boone x Florence Walton Union
(1) Conditional Use Permit x Variance Appeal
(2) Change in Non-Conforming Use
Applicant's Name Len Riegler Blacktop, Inc.
Applicant's Address 19 Lendale Drive Florence KY 41042
City State Zip
Phone Number 859.371.8122 Fax No. 859.371.8147 E-Mail dan.riegler@fuse.net
Description of Request: variance request for buffer yard B requirement at rear of site
Name of Development Mai Thai Building and Parking Expansion
Location of Development 7710 US 42, Florence, KY 41042
Acreage Under Review 0.61
Lot Number and Name of Subdivision (if part of a subdivision) Lots 1 + 3A The Market Place Subdivision
Owner of Property Vongbumru Holdings, LLC
Address of Property Owner 7710 US 42 Florence KY 41042
City State Zip
Phone Number 859.282.1888 Fax No. E-Mail themaithai@hotmail.com
Proposed Use(s) on Site Restaurant
Total Square Footage of Existing and/or Proposed Buildings 3050 sf +/-
Current Zoning on Property O-2/UR-1/PD/PO
Deed Book 992 / 1036 Page No. 521 / 638 Group No. 2041B
Is the site subject to a zone change? NO
If yes, give date of approval
Have you submitted a Site Plan with this request? yes
Have you submitted a list of adjoining property owners with this request? yes
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: [Signature]
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: [Signature]
(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 10/21/14 Fee Received 932.⁰⁰ Receipt # 69758
2. Is application complete? Yes No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
11/12/14 **Approved**
Approved with Conditions (See #6)
Denial (See #7)
6. Conditions of Approval: SEE 11/12/14 Meeting Minutes
AND CLK
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 - 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: Len Riegler Blacktop, Inc. for Mai Thai

LOCATION: 7710 US 42, Florence, Kentucky

ZONING: Office Two/Urban Residential One/Planned Development/Parkway Corridor Study Overlay (O-2/UR-1/PD/PO)

DATE: November 12, 2014

PROPOSAL

The applicant has submitted a variance so Mai Thai restaurant can construct a parking lot addition within the required rear yard landscaping buffer. The submitted plan shows that Mai Thai will be constructing a building and parking additions. The building addition will increase the number of restaurant seats from 72 to 90 and the parking addition will increase the number of parking stalls from 35 to 45. The proposal is to reduce the width of the required landscaping buffer along the rear property line from 20 feet in width (Buffer Yard B) to 10 feet in width (Buffer Yard A).

APPLICABLE REGULATIONS

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 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.

Section 3325 of the Boone County Zoning Regulations requires a restaurant to provide 1 parking space for every 2 seats (including waiting areas).

Buffer Yard Table 1 in the Boone County Zoning Regulations requires Buffer Yard B to be installed between a developing Office Two (O-2) use and adjoining Urban Residential One (UR-1) use.

Buffer Yard Table 2 in the Boone County Zoning Regulations indicates that Buffer Yard A shall be a minimum of 10' in width and contain the following plantings per 100 linear feet:

- 3 large, medium, or evergreen trees from Plant Lists A, B, or D or 5 small trees from Plant List C.
- 30 small shrubs from Plant List E or 15 large shrubs from Plant List C.

Buffer Yard Table 2 in the Boone County Zoning Regulations indicates that Buffer Yard B shall be a minimum of 20' in width and contain the following plantings per 100 linear feet:

- 5 evergreen trees from Plant List D.
- Any 6 large, medium, small, or additional evergreen trees from Plant Lists A, B, C, or D.
- 30 small shrubs from Plant List E or 15 large shrubs from Plant List C.

PERTINENT SITE HISTORY

On May 1, 2014, Vongbumru Holdings (Mai Thai) acquired Lot 3A of Market Place Subdivision from Griffith Holdings, LLC so they could construct the building and parking additions. Lot 3A is approximately 0.1 acres in area.

On October 1, 2014, the Zoning Administrator determined that the proposed building and parking additions followed the recommendations of the Central Florence Strategic Plan and could proceed to Site Plan review. The determination also notes that a Variance would need to be approved to reduce the width of the required buffer along the rear property line.

SITE CHARACTERISTICS

The subject site is 0.607 acres in area and has 110 feet of road frontage on the northwest side of US 42. The front part of the property contains an approximate 2,400 square foot restaurant, storage shed, and 35 parking stalls. The rear 0.1 acres of the property was purchased earlier and is comprised with grass and some scrubby vegetation. Boone County GIS shows that the topography of the parcel falls from 914 feet above sea level at US 42 to 892 feet above sea level at the northwest property corner. Access to the site is provided from a shared driveway on the neighboring property to the southwest. A freestanding sign and public sidewalks exist along the US 42 frontage.

STAFF COMMENTS

1. Staff believes that denying the request would deprive the owner of the reasonable use of the land. The entire rear row of parking that is being proposed will need to be removed if a 20' wide landscaping buffer is required.
2. Staff does not believe alter the essential character of the area will be altered if the request is approved.

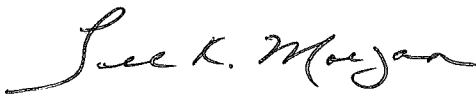
The closest apartment building in the Vineyard Apartment complex is located more than 300' feet from the rear property line. The rear of the apartment complex contains a large pond and significant deciduous tree cover.

The adjoining property to the northeast is a single-family residential dwelling and the new parking lot addition will not be located any closer to the side property line than the existing parking lot. In addition, Buffer Yard A plantings will be required between the new improvements and the side property line.

CONCLUSION

KRS 100.241 and Section 250 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

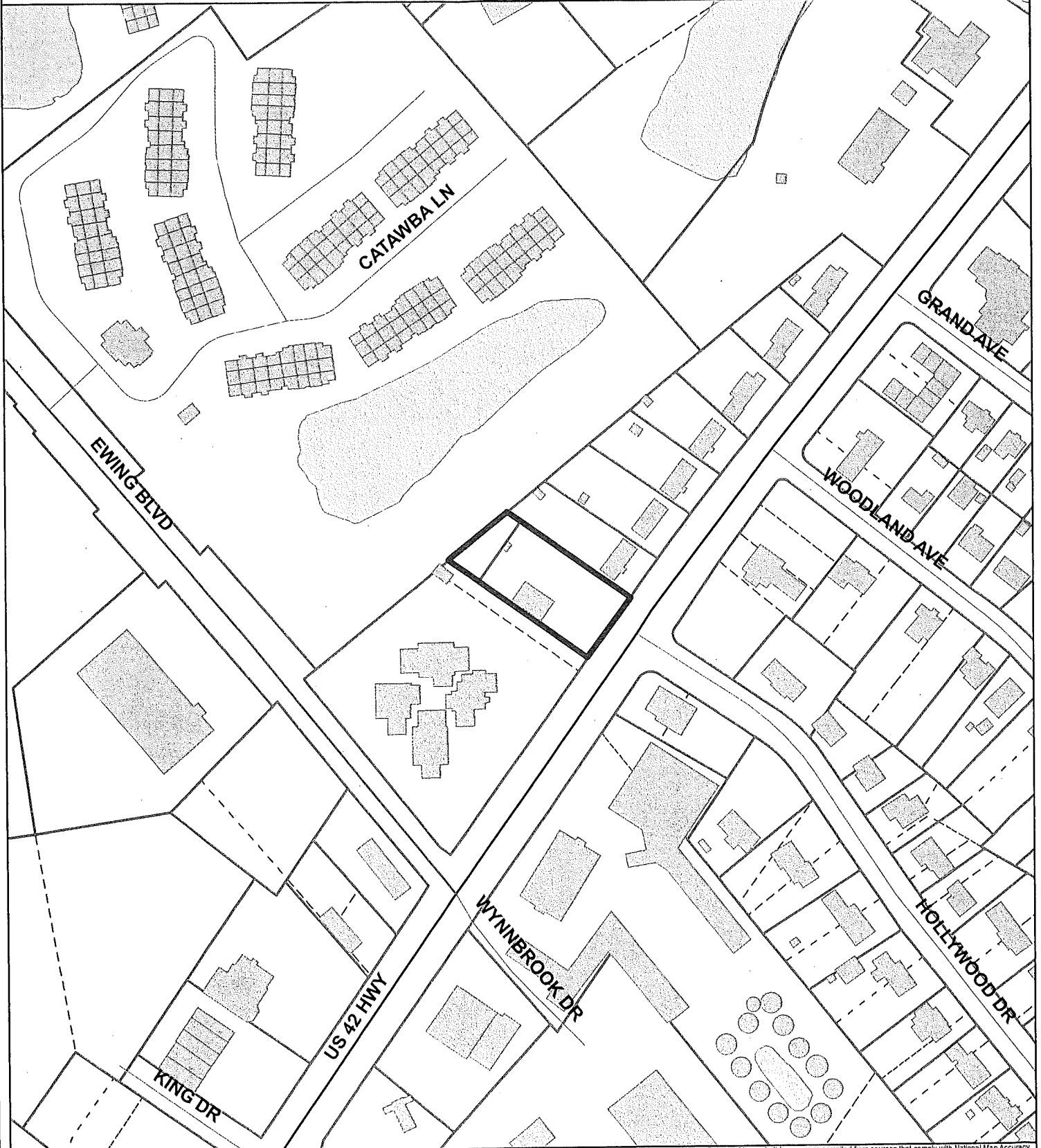
TKM/tlb

Attachments:

- *Site Vicinity Map
- *Letter From Applicant
- *Proposed Plan
- *Zoning Map
- *Topographical Map
- *2013 Aerial
- *10/1/14 Determination
- *Application

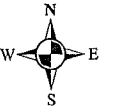
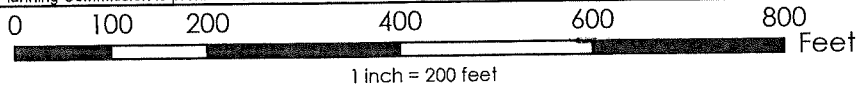
SITE VICINITY MAP

www.boonecountygis.com



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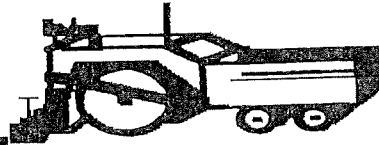


Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 07/01/2013

Map Document: BooneMap (lfe).mxd

LEN RIEGLER BLACKTOP, INC.



19 Lendale Drive, Florence, KY 41042 Phone (859) 371-8122 FAX (859) 371-8147

Boone County Planning Commission
Administration Building
2950 Washington St., Room 317
Burlington, KY 41005
Attn: Kevin Wall

October 17, 2014

Re: Board of Adjustment Application – Mai Thai Expansion

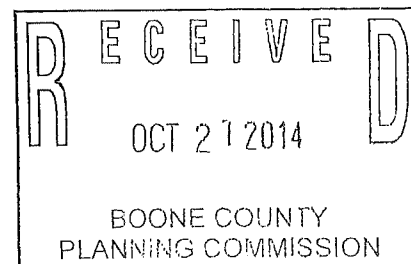
Dear Kevin,

Please find the attached application for a variance request through the City of Florence Board of Adjustment. As you are aware, the Mai Thai restaurant intends to expand their current building by 600 SF (12'x 52') and expand their parking area by 10 spaces to accommodate the recent growth they have experienced since their opening. To achieve this increase in parking, the proposed parking lot is proposed to expand to the rear of the property and encroach upon the required landscape buffer yard "B", which requires a 20' width. The resulting layout provides a 10' wide buffer yard, however we believe we have provided adequate landscaping within the remaining yard area to provide the screening required. We therefore request a dimensional variance to this buffer yard width requirement from 20' to a 10' width, provided that the landscaping proposed on the submitted plan is installed as shown. Final construction details will be provided via a separate submittal of a Minor Site Plan, as required for final zoning approval.

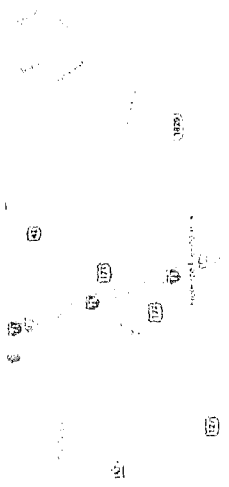
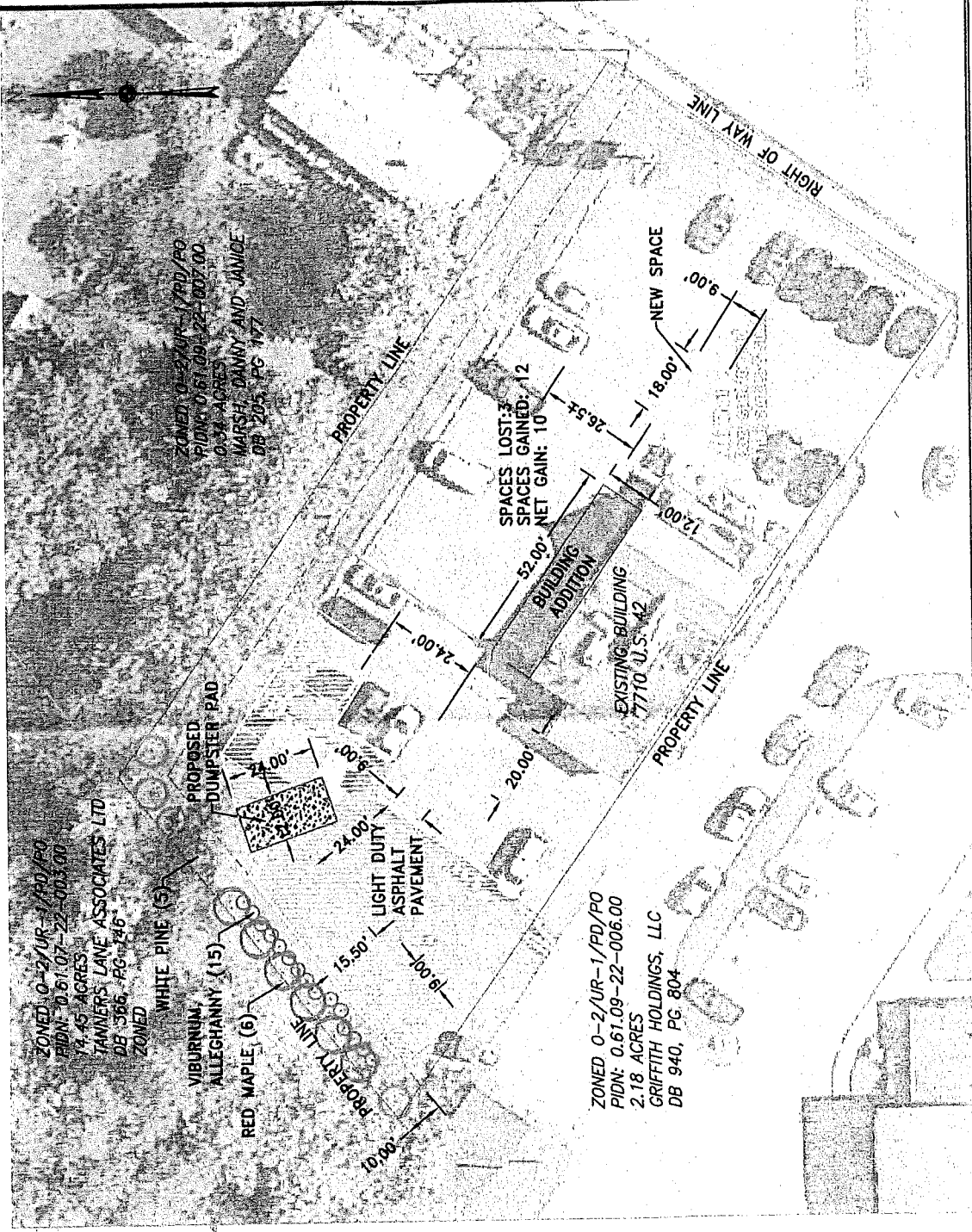
In closing, we appreciate the board's consideration of the requested variance. If you have any questions or concerns regarding this request, please do not hesitate to contact me.

Sincerely,

Daniel M. Riegler, P.E.
Len Riegler Blacktop, Inc.



PROPOSAL



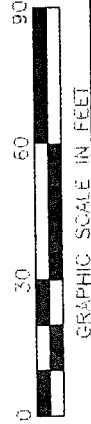
VICINITY MAP (N.T.S.)

REQUIRED PARKING INFO:

EXISTING SEATS=72
 PROPOSED SEATS PER BUILDING EXPANSION =18
 TOTAL PROPOSED=90 SEATS
 EXISTING PARKING SPACES=35
 NET PARKING GAIN = 10 SPACES
 TOTAL PARKING SPACES PROVIDED=45
 TOTAL PARKING REQUIRED=45

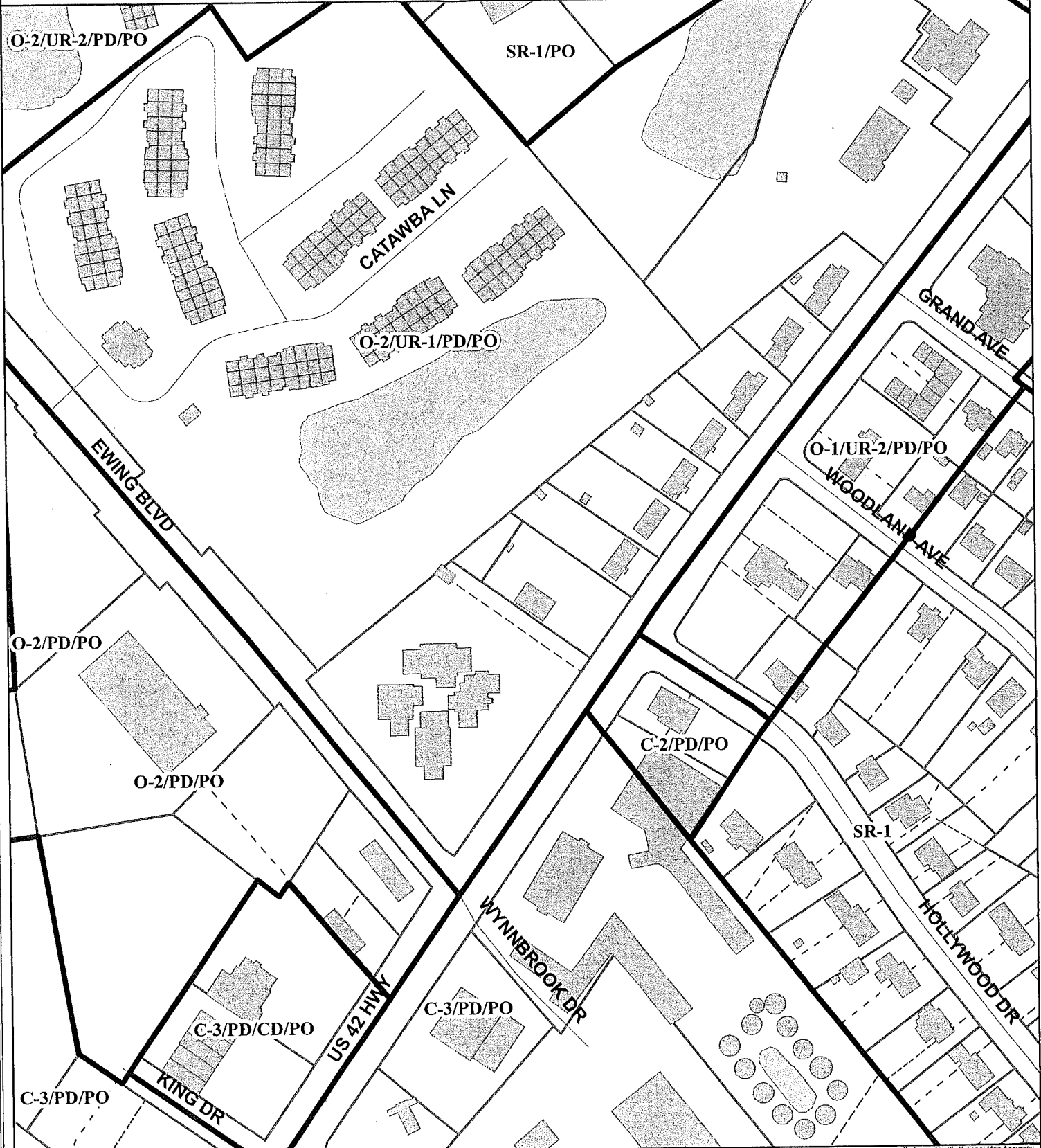
PROPERTY INFORMATION

PIDN: 061.09-22-006.02
 OWNER: YONGBUMRU HOLDINGS LLC
 ADDRESS: 7710 US 42
 FLORENCE, KY 41042
 TOTAL ACREAGE = 0.607
 ZONED: O-2/UR-1/PD/P0



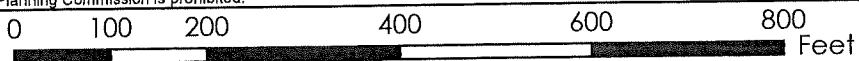
ZONING MAP

www.boonecountygis.com



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1 inch = 200 feet



Map Created: 07/01/2013

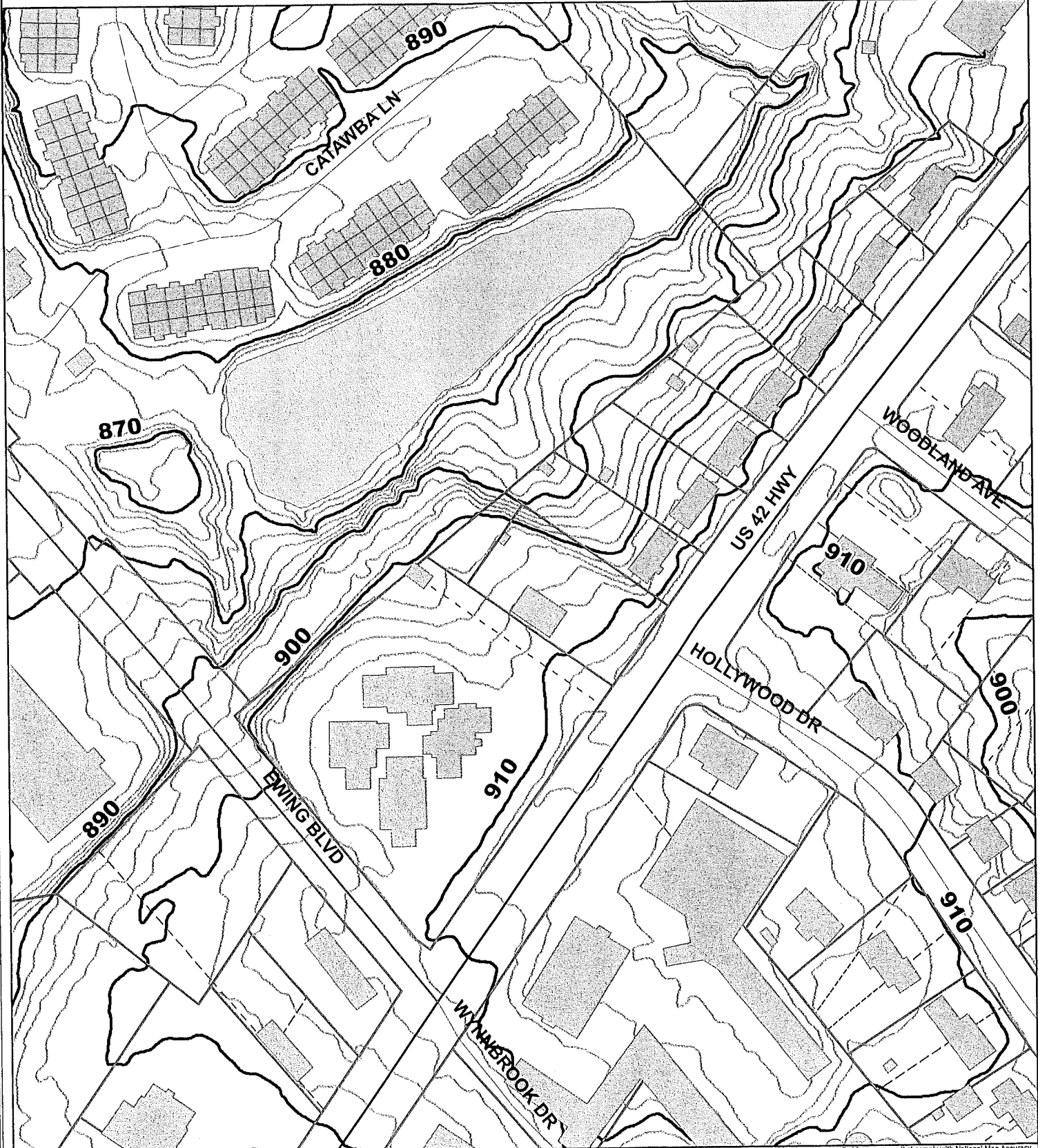
Boone County GIS - Putting Northern Kentucky on the Map



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ArcMap Document: BooneMap (Site).mxd

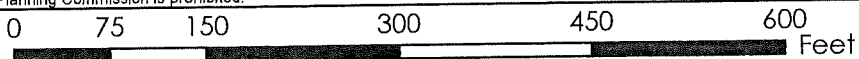
TOPOGRAPHICAL MAP

www.boonecountygis.com



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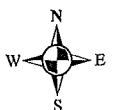
Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



1 inch = 150 feet



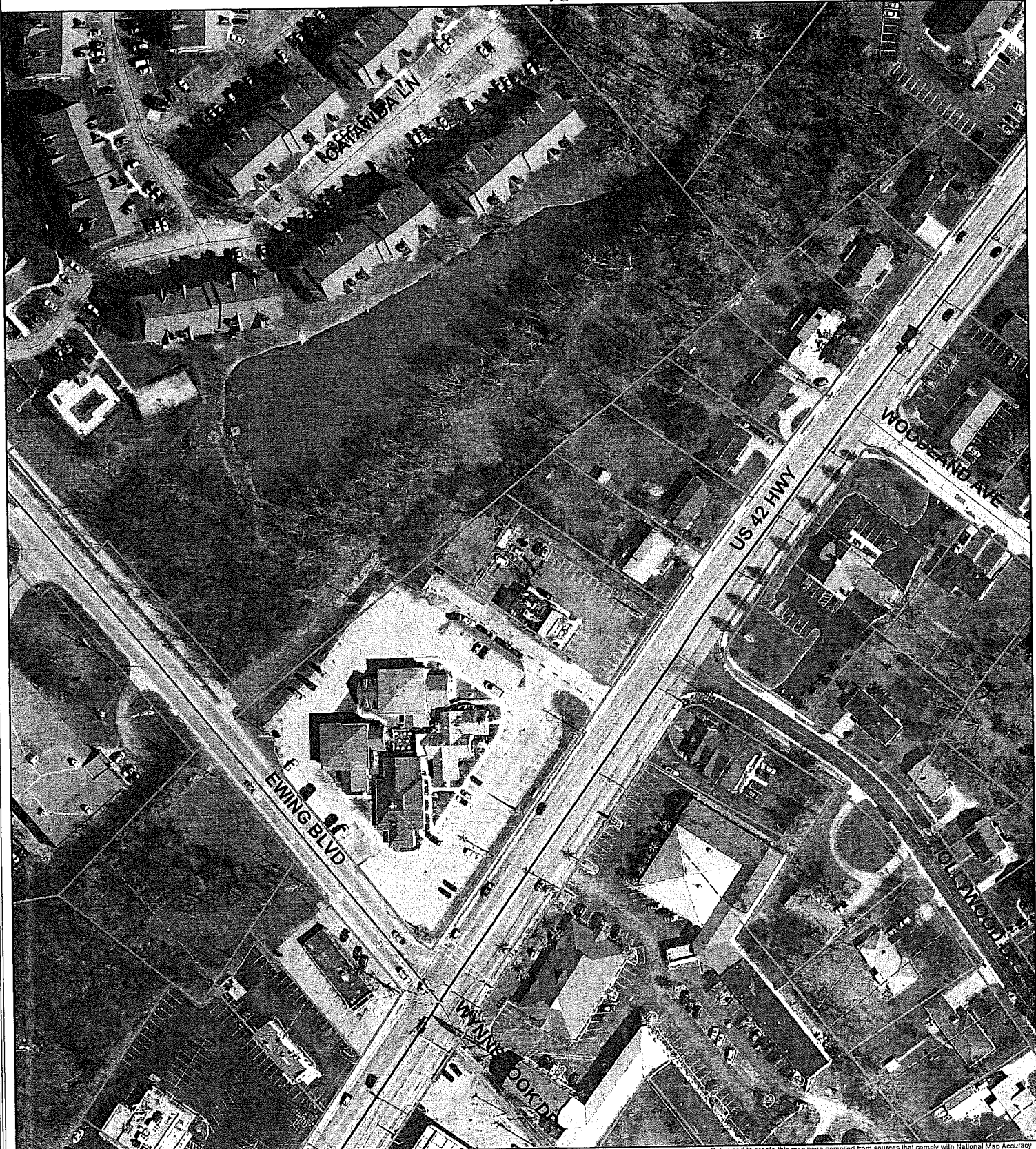
Boone County GIS - Putting Northern Kentucky on the Map



Map Created: 07/01/2013
ArcMap Document: BooneMap (lite).mxd

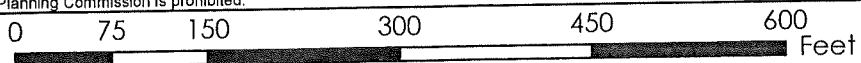
2013 AERIAL MAP

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1 inch = 150 feet



Boone County GIS - Putting Northern Kentucky on the Map



Map Created: 07/01/2013

Small Print text: BooneMap (file).mxd
ArcMap Document: BooneMap (file).mxd



BOONE COUNTY PLANNING COMMISSION

www.boonecountyky.org/pc
www.boonecountygis.com

Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
Burlington, KY 41005

Phone (859) 334-2196; Fax (859) 334-2264
plancom@boonecountyky.org

October 1, 2014

Mr. Dan Riegler, P.E.
Len Riegler Blacktop, Inc.
19 Lendale Drive
Florence, KY 41042

FAX: 371-8147

RE: Zoning Administrator Determination of Review Process in Central Florence Strategic Plan Area (Parkway Corridor Study Overlay District) for Mai Thai Restaurant Building and Parking Expansions, 7710 US 42, Florence, Kentucky; Office Two/Urban Residential One/Planned Development/Parkway Corridor Study Overlay (O-2/UR-1/PD/PO) Zone

Dear Mr. Riegler:

The purpose of this letter is to inform you that I have determined that the above referenced proposal fulfills the "Zoning Administrator Criteria for Determining Review Process" (Subsection 3) for the short review process as outlined in the Central Florence Strategic Plan. Thus, the project may now proceed to the Board of Adjustment for a Variance as explained below and then the Minor Site Plan review. An application for a Concept Development Plan approval through the multi-step public hearing process is not necessary. The Minor Site Plan application needs to include the detailed landscape plan, architectural elevations, and updated parking calculations to assure that the parking requirements in Article 33 of the Boone County Zoning Regulations are met.

Specifically, I have determined that the proposal follows the recommendations of the "Plan Concepts" and "Zoning for Plan Sub-Areas" sections, and the plan maps, as the proposal involves minor building and parking additions to an existing restaurant which is part of the complex on the northeast corner of the U.S. 42/Ewing Boulevard intersection (i.e., the "local consumer services" stated in the Plan for this area). Additionally, the proposal reasonably complies with the applicable standards in the "Office, Commercial, and Industrial Project Design Requirements" chapter of the document.

The second paragraph in Chapter 8 "Office, Commercial, and Industrial Project Design Requirements" states "for additions or exterior modifications to existing buildings, these design requirements shall be followed to the extent that they will produce a cohesive overall design in which the new improvements and original structure are compatible with one another when viewed from public vantage points." While the building addition does

Mr. Dan Riegler, P.E.
October 1, 2014
Page 2

not follow the letter of the specific design requirements for Area 6, the proposal does produce a cohesive overall design which better integrates the addition with the existing building.

The proposal does not present unknown or undue impacts on infrastructure or public services. The "Master Sign District" and "Transportation Improvements" sections which are also stated in the review criteria do not apply to this specific site.

A reduced buffer yard is proposed along the rear property line of the site. This reduction is needed for the proposed parking addition. Based on the nature of the proposal (expansion of an existing commercial use adjoining a multi-family residential development which could at least theoretically expand in the future), a formal Variance application through the Board of Adjustment is the most appropriate forum for seeking relief to the buffer yard requirements. Thus, while I have determined that both the building and parking additions meet the criteria for the short review process under the Central Florence Strategic Plan, this determination does not authorize a dimensional reduction to the required buffer yard along the rear property line. Please call me if you have any questions.

Sincerely,

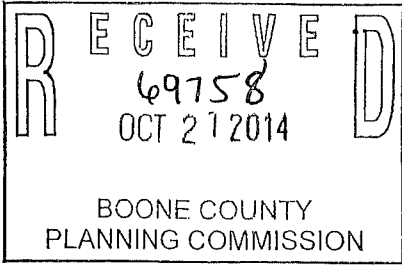


Kevin T. Wall
Zoning Administrator
City of Florence

KTW/vlm

cc: Todd Morgan, Senior Planner
Josh Wice, Business & Community Development Director

APPLICATION FORM



BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION 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)

- 1. (Check One) Boone x Florence Walton Union
2. (Check One) Conditional Use Permit x Variance Appeal
3. Applicant's Name Len Riegler Blacktop, Inc.
Applicant's Address 19 Lendale Drive
4. Description of Request: variance request for buffer yard B requirement at rear of site
5. Name of Development Mai Thai Building and Parking Expansion
6. Location of Development 7710 US 42, Florence, KY 41042
7. Acreage Under Review 0.61
8. Lot Number and Name of Subdivision (if part of a subdivision) Lots 1 + 3A The Market Place Subdivision
9. Owner of Property Vongbumru Holdings, LLC
Address of Property Owner 7710 US 42
10. Proposed Use(s) on Site Restaurant
11. Total Square Footage of Existing and/or Proposed Buildings 3050 sf +/-
12. Current Zoning on Property O-2/UR-1/PD/PO
13. Deed Book 992 / 1036 Page No. 521 / 638 Group No. 2041B
14. Is the site subject to a zone change? NO
15. 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.

ORIGINAL Property Owner's Signature: [Signature]
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

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

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Vongbumru Holdings, LLC
7710 US 41
Florence, KY 41042

2. ADDRESS OF PROPERTY

7710 US 42
Florence, KY

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Mai Thai Restaurant

4. DEED BOOK 992

PAGE NO. 521

GROUP NO. 2041B

DEED BOOK 1036

PAGE NO. 638

GROUP NO. 2041B

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

Zoning Map Amendment:
From To

Conditional Use Permit

Development Plan

Conditional Zoning

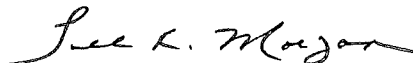
Subdivision Plat
(Not Recorded)

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

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 18 day of November, 2014.



Vicki L. Myers

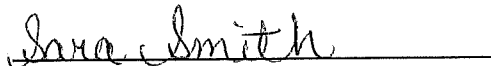
Notary ID 438411

NOTARY PUBLIC, State at Large

My commission Expires:

April 17, 2015

This instrument was prepared for recording purposes only by:



Sara Smith

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 variance approved by the Florence Board of Adjustments and in accordance with the current zoning in effect as of November 12, 2014 Certificate of Land Use Restriction (#14-FBOA-01-A), for Vongbumru Holdings, LLC, Property Owner(s).

The following conditions will apply:

1. Buffer Yard A plantings shall be installed along the rear and northeast property lines for the length of the new improvements.
2. New light pole fixtures shall not be oriented or impact the adjoining single family residential dwelling to the northeast.

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

DEED BOOK 992
DEED BOOK 1036

PAGE NO. 521
PAGE NO. 638

GROUP NO. 2041B
GROUP NO. 2041B