

**BOARD OF ADJUSTMENT
BOONE COUNTY PLANNING COMMISSION**

RECEIVED
87047
SEP 20 2022
BOONE COUNTY
PLANNING COMMISSION

Five (5) scaled copies and one (1) 11 x 17 reduction of submitted drawings are required

Site Plan Review is not granted by the appropriate Board of Adjustment

005

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: Tasurbek Samedjanov

Address: 6553 Cannondale dr

Burlington Ky 41005
City State Zip Code

Phone Number: (859) 916-4481 Fax Number: _____

Email: Tasurbek.Samedjanov@gmail.com

4. Description of Request:
Reduce buffer yard requirement along northern property line from 60 ft to 6.39 ft

5. Name of Development: New Gold Mine / Turfway Food Mart

6. Location of Development: 7124 Turfway rd

Florence KY 41042
City State Zip Code

7. Acreage Under Review: _____

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

9. Current Owner: KRIDHA LLC

Address: 2310 Kenyon ct

Hebron KY 41048
City State Zip Code

Phone Number: (859) 630-2221 Fax Number: _____

Email: _____

10. Proposed Use(s) on Site: gas station and liquor store
11. Total Square Footage of Existing and/or Proposed Buildings: _____
12. Current Zoning: C-1
13. 1161 111 2034B
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.

ORIGINAL Property Owner's Signature: Jasurbek Somidjanov
(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

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

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

1. Date Received: 9/20/22 Fee Received: \$966 Receipt #: 87047

2. Is application complete:

3. Staff Reviewer: Todd Morgan

4. Scheduled Board Action Date: 10/20/22

5. Board Action: _____

- Approved
- Approved with Conditions (see #6)
- Denial (See #7)

6. Conditions of Approval: SEE STAFF Comment c.1.
AND C.C.U.R.

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 Fax: 859-334-2264
plancom@boonecountyky.org
www.boonecountyky.org

STAFF REPORT

#2

APPLICANT: Jasurbek Samedjanov for Turfway Food Mart

LOCATION: 7124 Turfway Road, Florence, Kentucky

ZONING: Commercial One (C-1)

DATE: October 20, 2022

PROPOSAL

The applicant is requesting a Variance to reduce the perimeter landscaping buffer yard requirement along the north property line from 10' to 6.39'.

The submitted plan shows the car wash that is currently attached to the Turfway Food Mart convenience store will be demolished to make room for building and parking additions. The building addition to the north of the convenience store will be occupied by a liquor store.

PERTINENT SITE HISTORY

7/10/85 – The Florence Board of Adjustment approved a Conditional Use Permit allowing a convenience store with gasoline filling station and car wash. A condition required the trees at the rear of the site to remain.

7/17/85 – Boone County Planning Commission approved a Major Site Plan allowing the construction of the convenience store, gas pumps, and canopy. The plan also showed a future car wash.

APPLICABLE REGULATIONS

- A. Section 250 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 250 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 251 of the Boone County Zoning Regulations.

Findings listed in Section 251:

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.

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 3605 of the Boone County Zoning Regulations states that improvements to an existing site that include building additions, vehicular use area expansions or load/unloading area expansions shall be required only to bring the new improvements into compliance with this article.
- E. Buffer Yard Tables 1 and 2 found in Section 3645 of the Boone County Zoning Regulations state that Buffer Yard A is required when a developing property is zoned C-1 and adjoins another property that is zoned C-1. Buffer Yard A needs to be a minimum of 10' wide and contain the following plantings per 100 linear feet:
 1. Five (5) small trees from Plant List C or three (3) large/medium/evergreen trees from Plant List A, B, or D.
 2. Thirty (30) small shrubs from Plant List E or fifteen (15) large shrubs from Plant List C.

SURROUNDING LAND USES AND ZONING

North: Mr. Car Wash (C-1)

South: Undeveloped Parcel Owned by KY Transportation Cabinet (C-1)

East: Single-Family Residential Dwellings Fronting on Bustetter Drive (SR-2)

West: Multi-Tenant Strip Center (C-1)

SITE CHARACTERISTICS

- A. The approximate 1.18 acre site is located on the east side of Turfway Road and has 200 feet of street frontage.
- B. The property contains a convenience store, attached car wash (3 self service bays and an enclosed automated bay), a vacuum, a detached gas canopy with 6 fuel pumps, 12 parking stalls, light poles, and a freestanding sign.
- C. Access to the site is provided from two curb cuts on Turfway Road.
- D. A one-way driveway exists behind the building to provide access to the car wash.

- E. The rear of the site is heavily wooded with deciduous trees and a chain link fence exists between the rear parking lot and the tree line.
- F. The topography of the site falls from 900' above sea level at the northwest property corner to 882' in the southeast portion of the site.

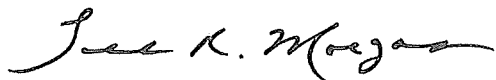
STAFF COMMENTS

- A. The existing buffer yard along the north property line is 6.39' wide. Section 3605 of the Boone County Zoning Regulations requires the buffer yard to be brought into compliance with code because building and parking additions are proposed near this property line.
- B. Staff believes the strict application of the regulations would create an unnecessary hardship on the property owner. In addition, the replacement of the car wash bays with new building additions will improve the aesthetics of the site. Staff will review the proposed building additions subject to design standards that can be found in Section 3199 of the Boone County Zoning Regulations.
- C. Staff recommends the following condition if the request is approved:
 - 1. A continuous evergreen hedge shall be planted along the northern property line. The hedge shall be required between the front property line and the rear parking lot and be planted with Buffer Yard C plantings from the Boone County Zoning Regulations.

CONCLUSION

- A. KRS 100.241 and Section 220 of the Boone County Zoning Regulations give the Florence Board of Adjustment and Zoning Appeals the authority to act on the request.
- B. Section 251 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,



Todd K. Morgan, AICP
Senior Planner, Zoning Services

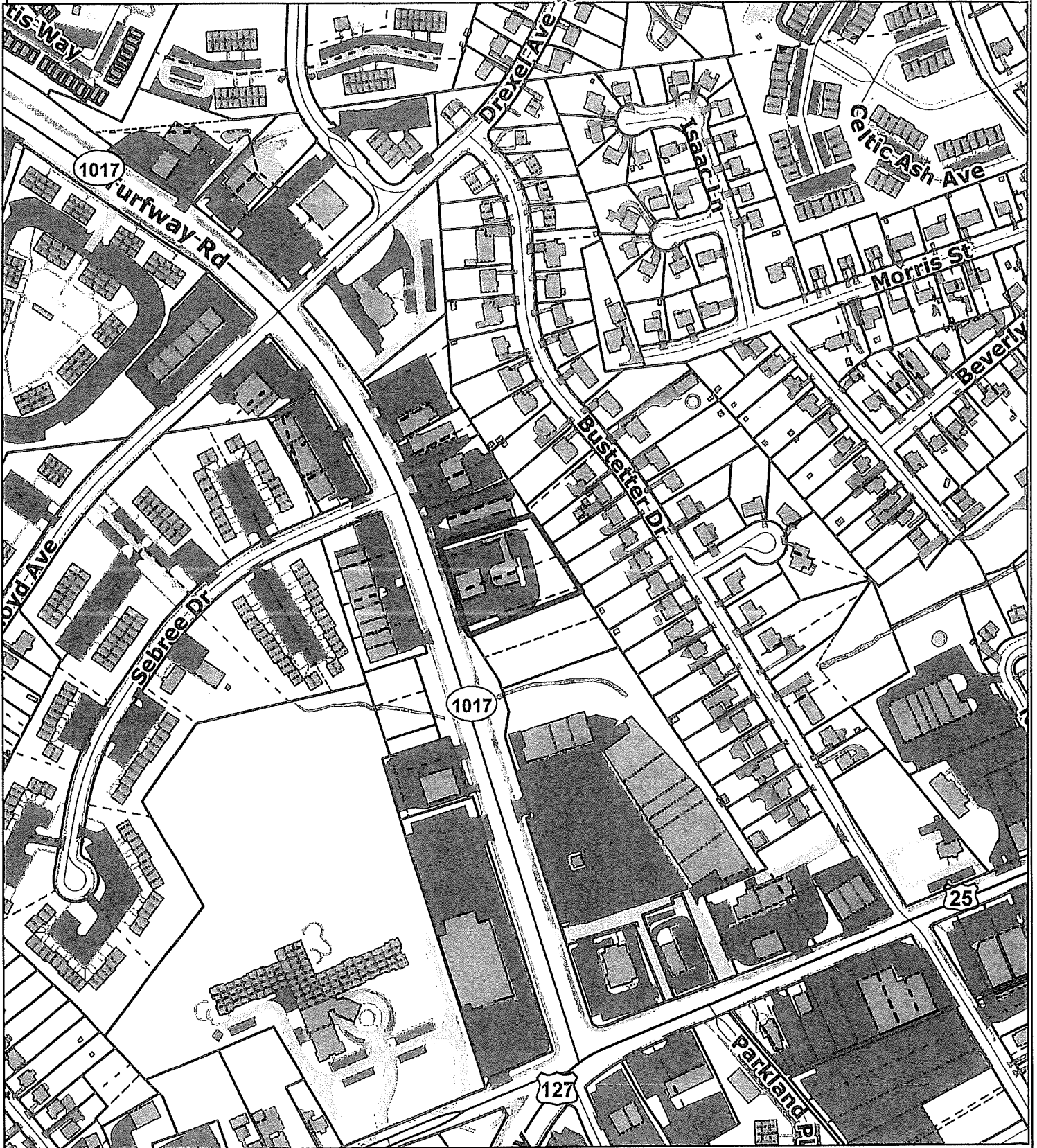
TKM/ss

Attachments

- *Site Vicinity Map
- *Demolition Plan
- *Proposed Plan
- *Zoning Map
- *Topographical Map
- *2020 Aerial Map
- *Application

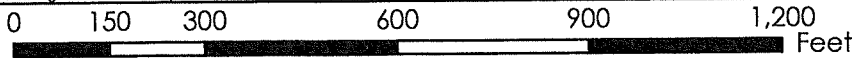
SITE VICINITY MAP

www.boonecountygis.com



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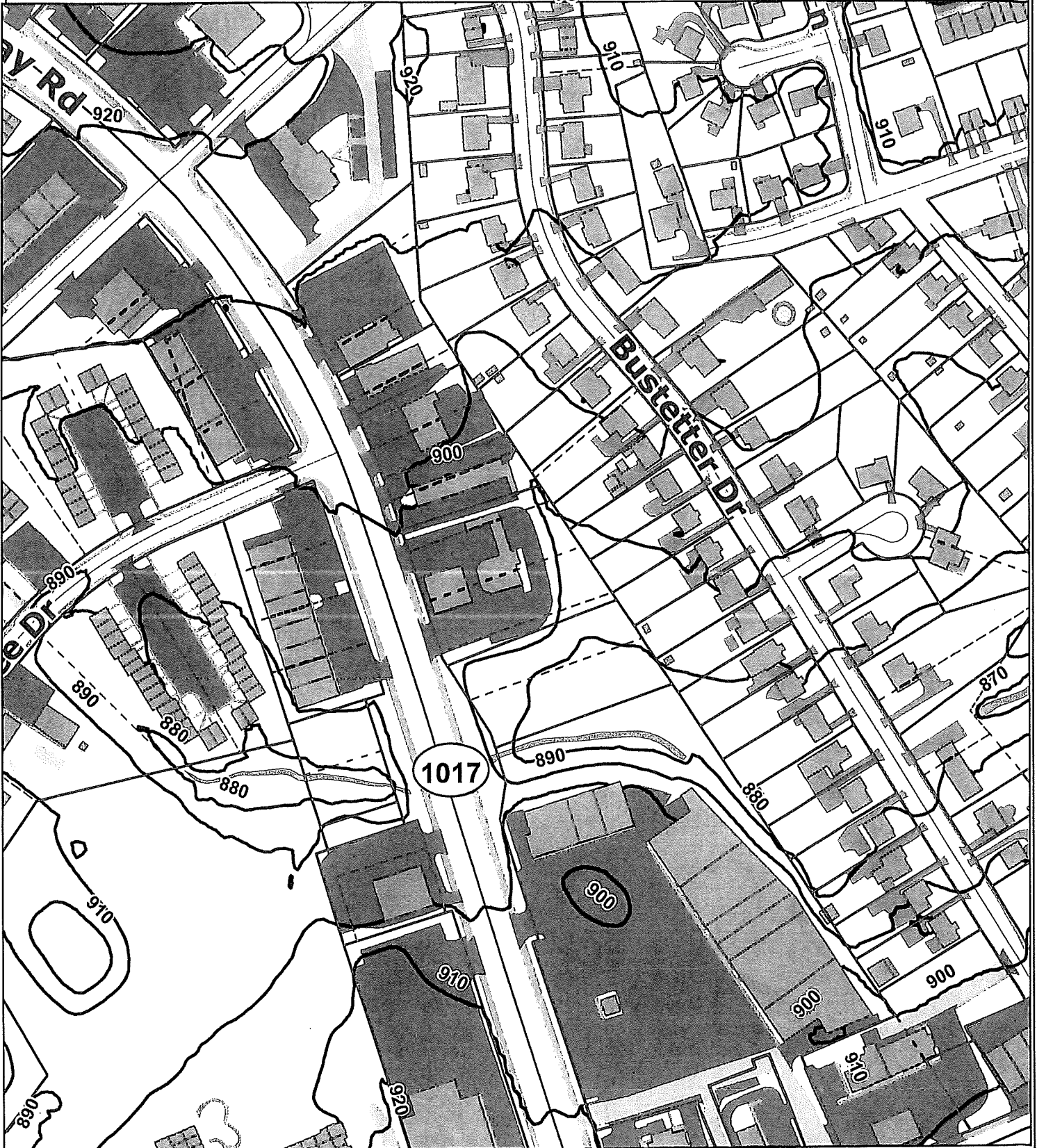
1 inch = 300 feet



Boone County GIS - Putting Northern Kentucky on the Map

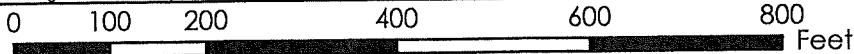
TOPOGRAPHICAL MAP

www.boonecountygis.com

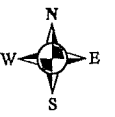


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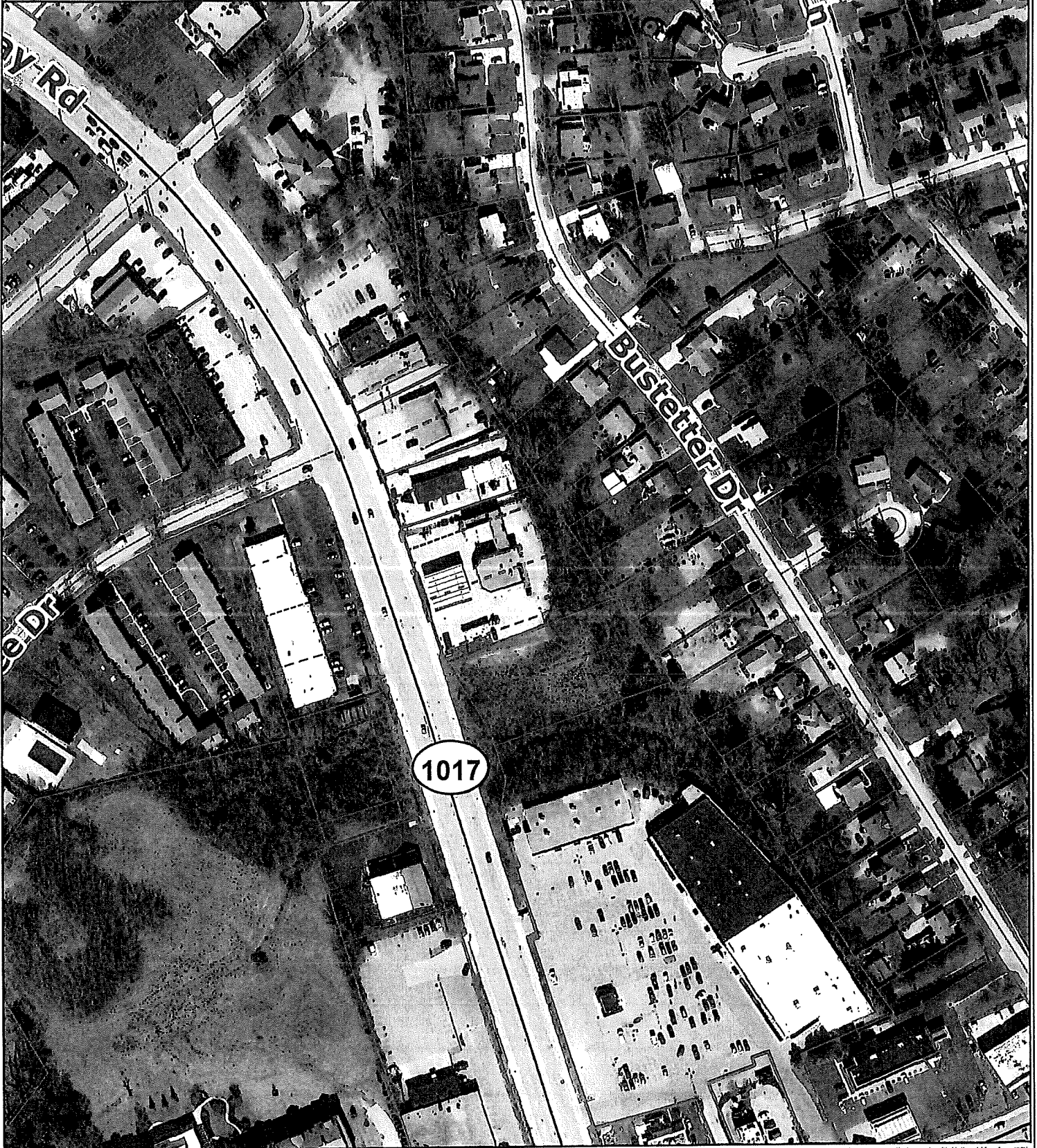
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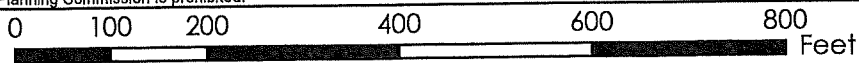
2020 AERIAL MAP

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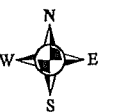
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9. Current Owner: KRIDHA LLC
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Hebron Ky 41048
City State Zip Code

Phone Number: (859) 630-2221 Fax Number: _____

Email: _____

REVISIONS	
02/22	PERMIT SET
02/22	EXISTING SET

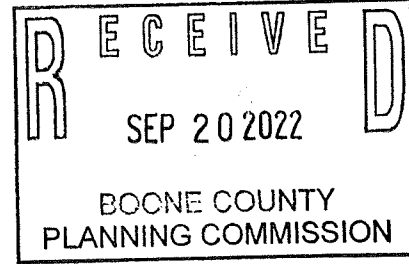
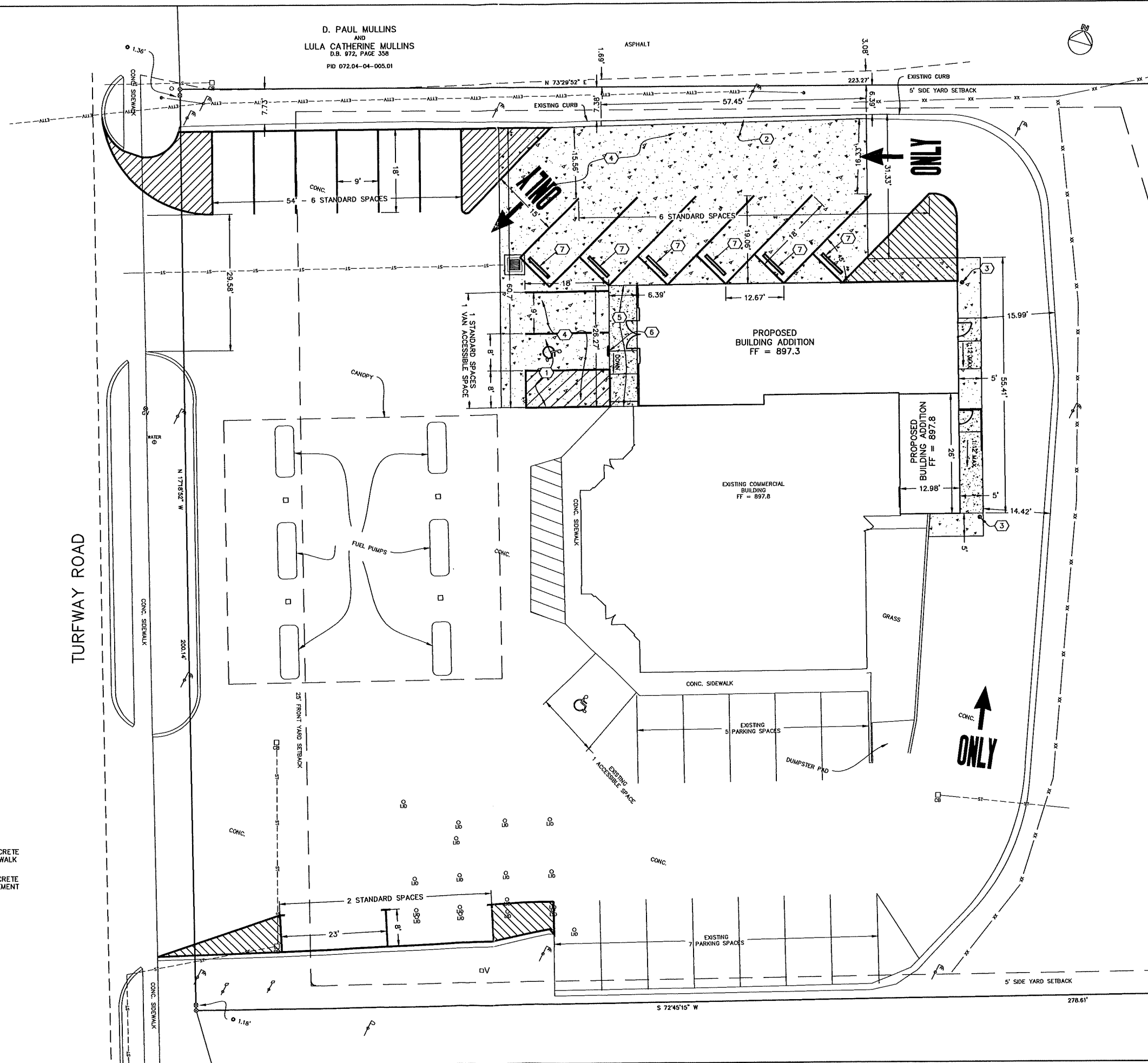


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MCCARTY ASSOCIATES, LLC
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213 N. HIGH ST., HILLBORO, OHIO 43131 | P: 614-939-9971 | F: 614-939-2480
1515 ST. RT. 28 SUITE 200, BOONE, OHIO 44604 | T: 413-722-0300 | F: 413-722-0500
www.mccartyassociates.com

RENOVATION OF AND ADDITION TO
TURFWAY FOODMART
7124 TURFWAY ROAD
FLORENCE, KY 41042
BOONE COUNTY

PROJECT NUMBER	20-228
SITE DIMENSION PLAN	
DRAWING NUMBER	C101



PARKING SUMMARY
 TOTAL BUILDING SQUARE FOOTAGE = 5,558 S.F./250 = 23 SPACES
 TOTAL EX. GAS PUMPS = 12 PUMPS/2 = 6 SPACES
 TOTAL REQUIRED SPACES = 29 SPACES
 SPACES PROVIDED
 EX. STANDARD SPACES = 12 SPACES
 EX. ACCESSIBLE SPACES = 1 SPACE
 PROPOSED STANDARD SPACES = 15 SPACES
 PROPOSED ACCESSIBLE SPACES = 1 SPACE
 TOTAL STANDARD SPACES = 27 SPACES
 TOTAL ACCESSIBLE SPACES = 2 SPACES
 TOTAL PARKING SPACES = 29 SPACES

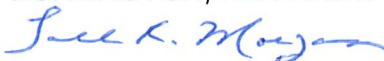
- DIMENSION PLAN KEYNOTES**
- 1 VAN ACCESSIBLE PARKING - (SEE 5/C301).
 - 2 CONCRETE CURB - (SEE 3/C301)
 - 3 BOLLARD - (SEE 4/C301).
 - 4 CONCRETE PAVEMENT - (SEE 1/C301)
 - 5 CONCRETE SIDEWALK - (SEE 2/C301)
 - 6 VAN ACCESSIBLE SIGNAGE - (SEE 6/C301)
 - 7 PARKING BLOCK - (SEE 7/C301)
- CONCRETE SIDEWALK
 CONCRETE PAVEMENT



CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
KRIDHA LLC
2310 Kenyon Ct
Hebron, KY 41048
2. ADDRESS OF PROPERTY
7124 Turfway Rd
Florence, KY 41042
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Turfway Food Mart
4. DEED BOOK 1161 PAGE NO. 111 GROUP NO. 2034B
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 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, AICP, Senior Planner
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

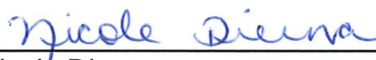
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the Boone
County Planning Commission this 21st day of October, 2022.



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

My commission Expires:
November 12, 2025

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 Variance approved by the Florence Board of Adjustment and in accordance with the current zoning in effect as of October 20, 2022, Certificate of Land Use Restriction (#22-FBOA-005-A), for KRIDHA LLC, Property Owner(s).

The following conditions will apply:

- 1.) A continuous evergreen hedge shall be planted along the northern property line. The hedge shall be required between the front property line and the rear parking lot and be planted with Buffer Yard C plantings from the Boone County Zoning Regulations.

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

DEED BOOK 1161

PAGE NO. 111

GROUP NO. 2034B