

10. Proposed Use(s) on Site: Restaurant, Pickleball Courts, and Baseball Training Facility

11. Total Square Footage of Existing and/or Proposed Buildings: 18,259 sf

12. Current Zoning: R/PO

13. 1199 74 2042
Deed Book Page Group Number

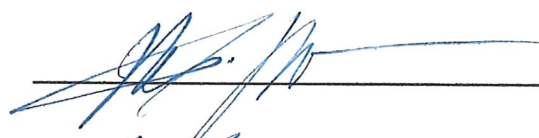
14. Is the site subject to a zone change: Yes No
If yes, date of approval: _____

15. Have you submitted a Site Plan with this request: Yes No

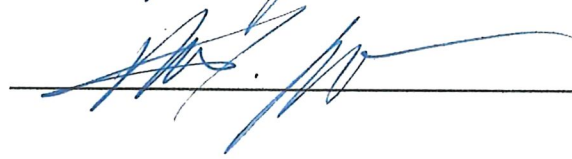
16. Have you submitted a list of adjoining property owners with this request: Yes No

17. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

Property Owner's Signature:



Applicant's Signature:


_____ *Chris Sabetta*

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

1. Date Received: 7/10/25 Fee Received: \$966 Receipt #: 92951

2. Is application complete: _____

3. Staff Reviewer: Stacy

4. Scheduled Board Action Date: 8/13/25

5. Board Action: 8/13/25

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

6. Conditions of Approval: _____

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
plancom@boonecountyky.org
www.boonecountyky.org

Description of Request: Request to increase the maximum front yard setback to 22 feet due to special circumstances which do not generally apply to land in the general vicinity, or in the same district. In the R/PO district there is a maximum front yard setback of 10 feet. This portion of Freedom Way along this property's street frontage has a public utility easement 15 feet beyond the public right-of-way. The location and width of the easement does not make it possible to meet the current front yard setback.

STAFF REPORT

#1

APPLICANT: Freedom Brewing Company, per Viox & Viox, Inc. (applicant)
LOCATION: 7999 Freedom Way, Florence, Kentucky
ZONING: Recreation/Parkway Corridor Study (R/PO)
DATE: August 13, 2025

PROPOSAL

- A. The applicant is requesting a single Variance to increase the maximum front yard setback from ten (10) feet to twenty-two (22) feet.

SITE HISTORY

2022 On December 9, 2022, the Boone County Planning Commission approved a Final Plat creating Lot 1 of Freedom Subdivision, Section 1 being approximately 3.951 acres.

APPLICABLE REGULATIONS

- A. Section 202.C 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 4000 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 204.D and 204.E of the Boone County Zoning Regulations.
1. Findings listed in Section 204.D and 204.E:
 - a. 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.
- b. 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 1804, Figure 18-1 of the Boone County Zoning Regulations identifies the site to be located within the Stadium District (Area 7).
- E. Section 1805 of the Boone County Zoning Regulations provides the design requirements to be applied to each of the districts. Area 7 – Stadium District has the following building location requirements:

Section 1805.1.2

Lots Fronting on Freedom Way and Safeway Drive

- 1. Front Yard – 10 foot maximum
- 2. Rear Yard – No setback required
- 3. Side Yards – Zero lot line required for interior side lines. This standard may be increased up to a 20-foot maximum side yard setback on one side of the property in cases where a driveway connects the street to the side and/or rear yard of the property.

SITE CHARACTERISTICS

- A. The approximate 4-acre site is located along the east side of Freedom Way and being approximately 1000 feet south of Safeway Drive.
- B. The site is currently vacant with an existing tree line along the eastern portion of the site.
- C. Topographically, the northern portion of the site is fairly flat, falling at approximately 3% grade in a northwesterly direction. The southwestern portion of the site slopes up from Freedom Way at approximately 33% grade.

SURROUNDING LAND USES AND ZONING

North & West: Florence Yall's R/PO
South & East: Residential Apartments (UR-2/PO)

STAFF COMMENTS

- A. The regulations require that buildings be set back no more than 10 feet from the public right-of-way. There is an existing 15-foot-wide utility easement that runs along Freedom

Way. It is not possible to comply with the front setback regulation considering the existing easement.

- B. The City of Florence did not have any comments and supports the application.

CONCLUSION

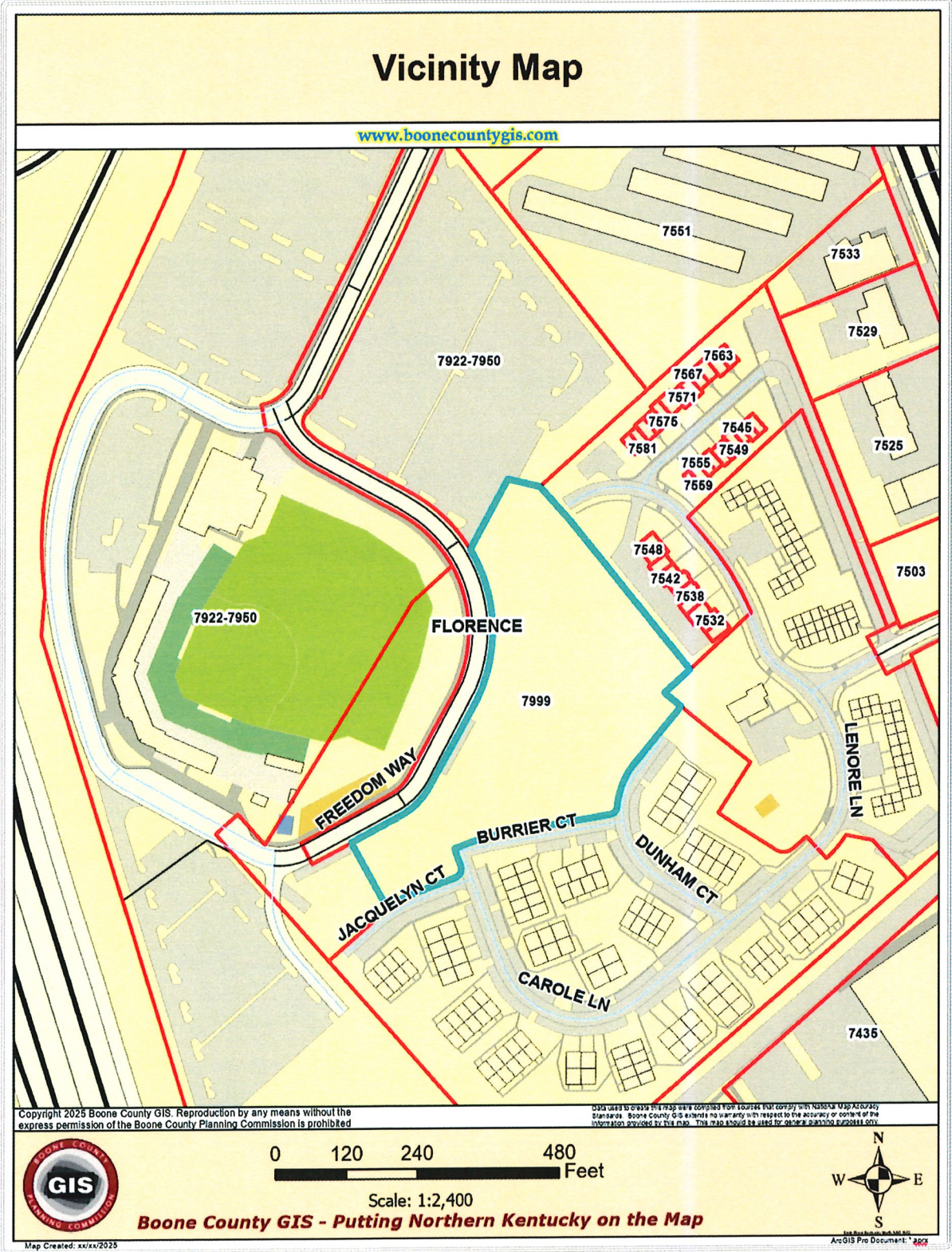
- A. KRS 100.241 and Section 220 of the Boone County Zoning Regulations give the Florence Board of Adjustment and Zoning Appeals the authority to act on the request.
- B. Sections 204.D and 204.E of the Boone County Zoning Regulations identifies criteria necessary for granting a Variance. The applicant needs to provide information as to how their application meets these criteria.

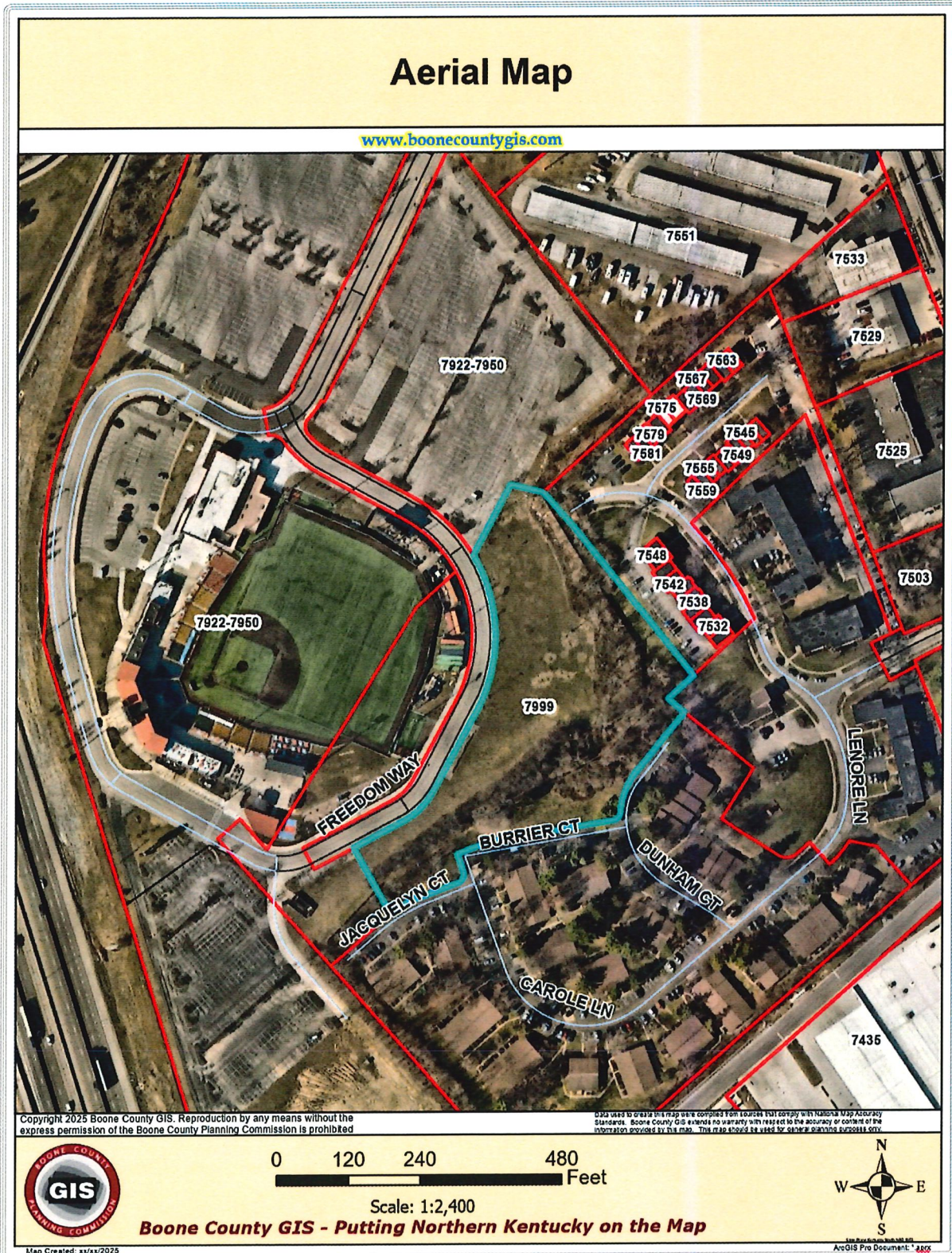
Respectfully submitted,

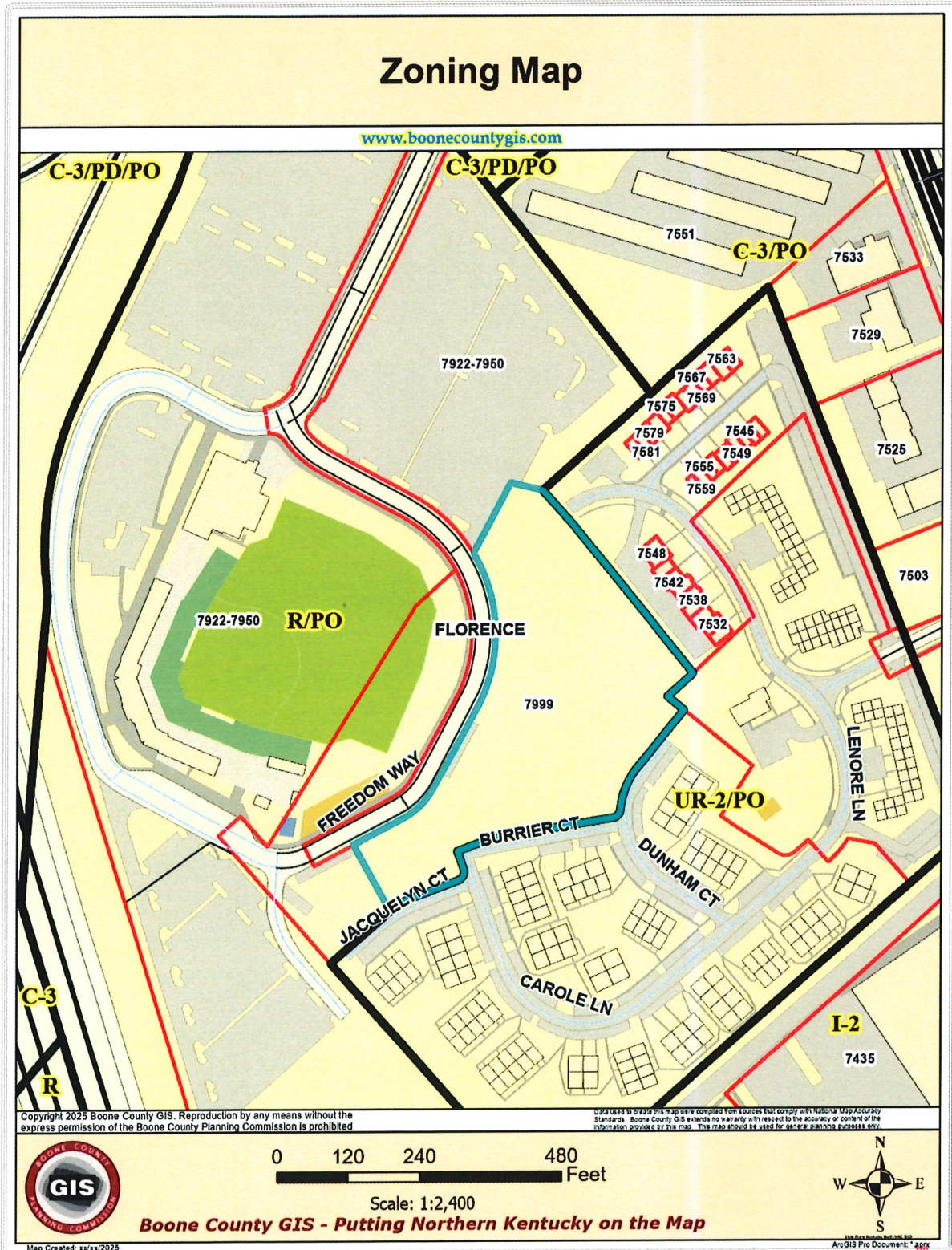


Steven C. Lilly, PLS
Planner, Zoning Services

SCL/ss







Board of Adjustment
Page 2

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<u>1199</u>	<u>74</u>	<u>2042</u>
Deed Book	Page	Group Number
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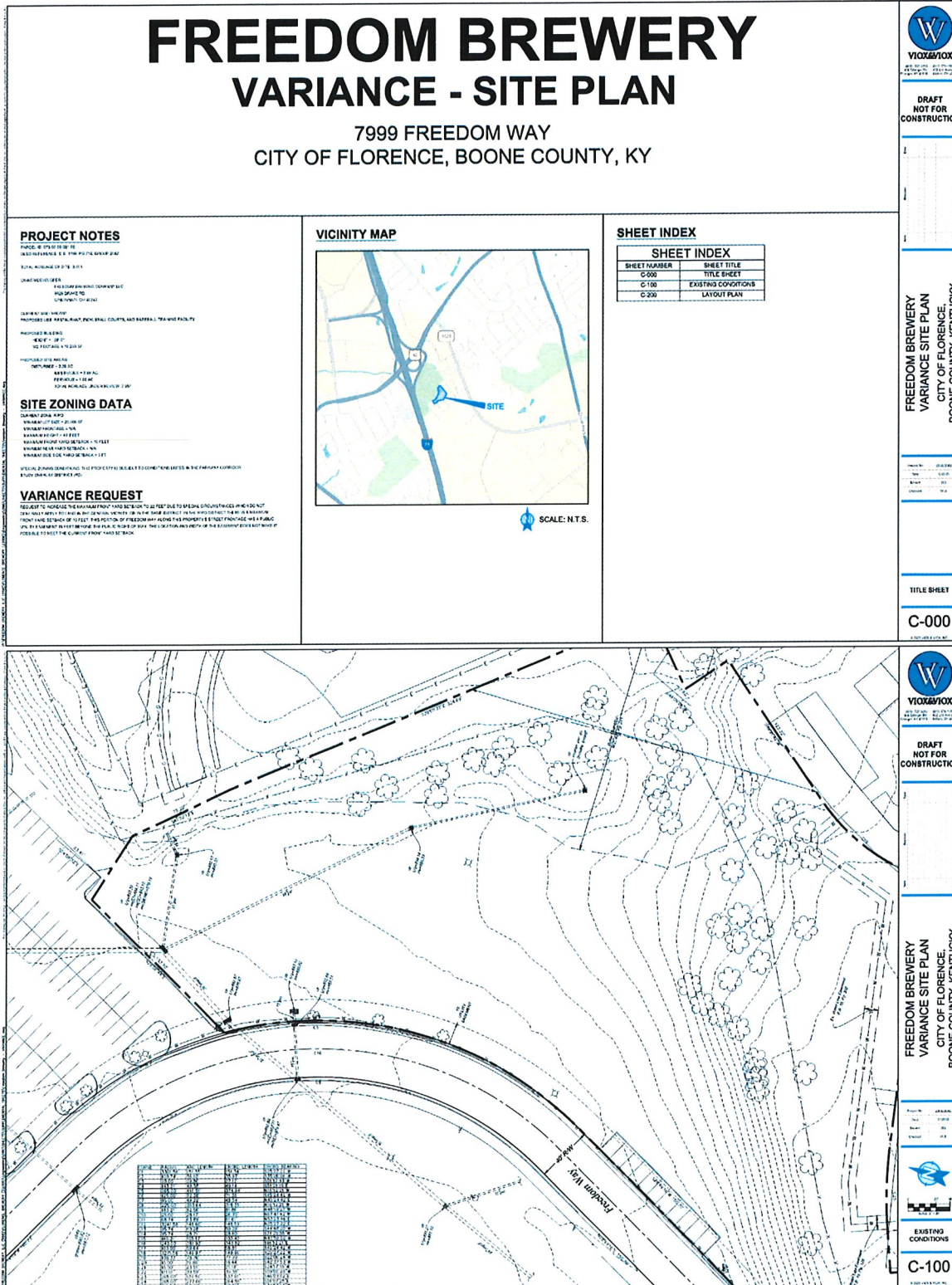


Applicant's Signature:

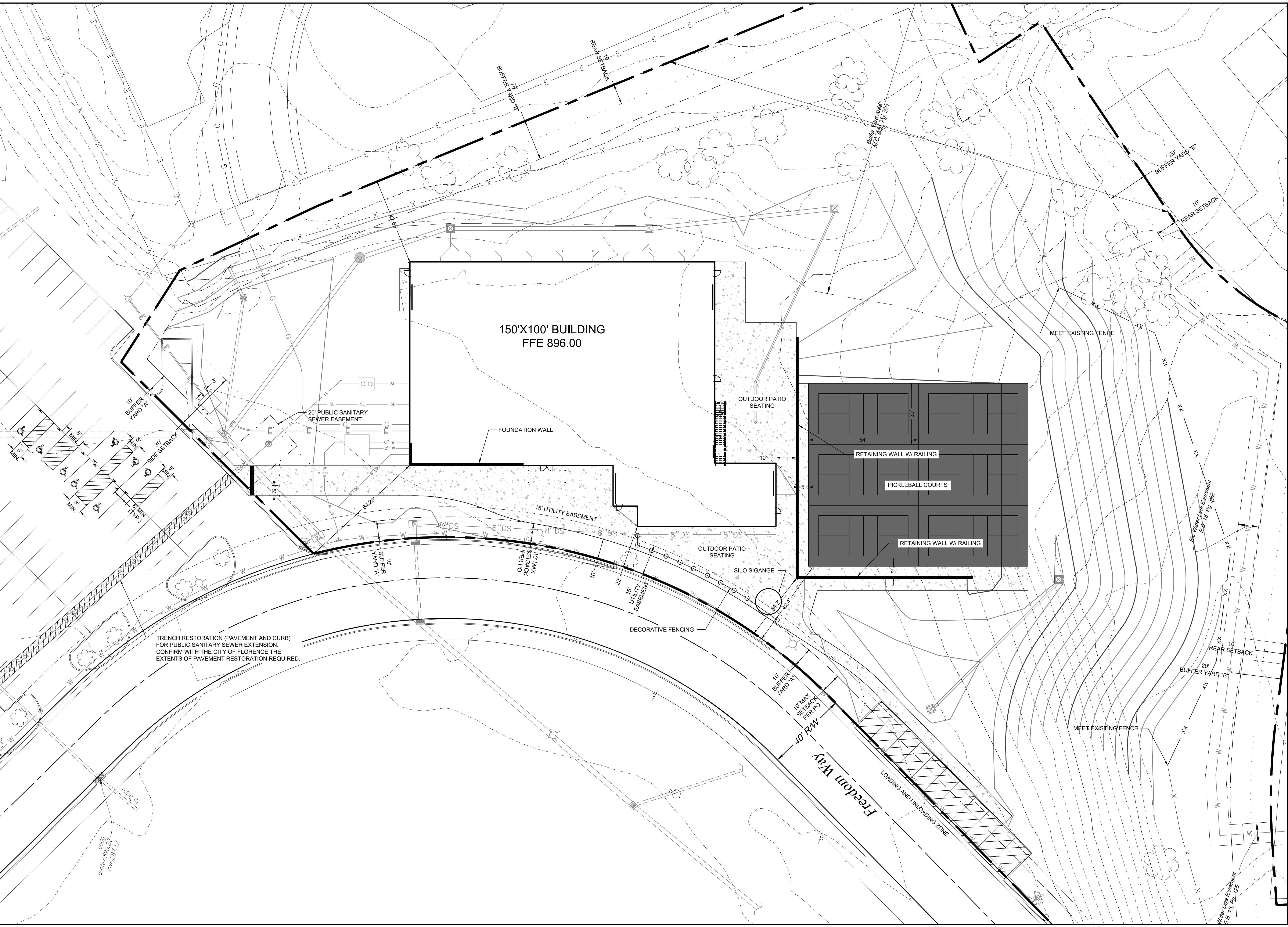


Chris Sabetta

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P:\FREEDOM BREWERY, LLC (558)\FLORENCE BREWERY (22001)\Engineering\DWG\SHEETS\SUPPLEMENTAL SHEETS\Freedom Brewery - VARIANCE.dwg

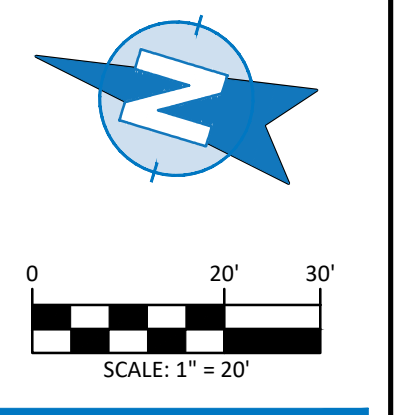


**DRAFT
NOT FOR
CONSTRUCTION**

Date	Revision	Item

**FREEDOM BREWERY
VARIANCE SITE PLAN
CITY OF FLORENCE,
BOONE COUNTY, KENTUCKY**

Project No:	155822001
Date:	7/10/25
Drawn:	CCS
Checked:	MLB



LAYOUT PLAN

C-200

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Freedom Brewing Company LLC
5925 Drake Rd
Cincinnati, OH 45243
2. ADDRESS OF PROPERTY
7999 Freedom Way
Florence, KY 41042
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Freedom Brewery
4. DEED BOOK 1199 PAGE NO. 74 GROUP NO. 2042
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

Steven C. Lilly, Planner

Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

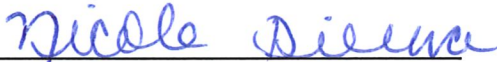
Subscribed, sworn to, and acknowledged before me by Steven C. Lilly on behalf of the Boone
County Planning Commission this 15th day of August, 2025.



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.)