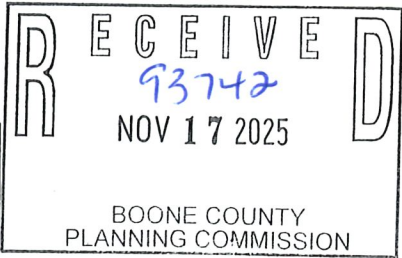


**BOARD OF ADJUSTMENT
BOONE COUNTY PLANNING COMMISSION**



One (1) scaled copy and one (1) 11 x 17 reduction of submitted drawings are required

001

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

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: Palmer Engineering Co. - Randy Harper / Brian Ward

Address: 400 Shoppers Drive

Winchester KY 40391
 City State Zip Code

Phone Number: 615-417-7175 (RH cell) Fax Number: 615-297-8913

Email: rharper2@palmernet.com

4. Description of Request:
Relief from Section 2505 (UNO zoning district) for Front yard (corner side yard, Section 3121) 50'
maximum setback from the ROW line due to existing stream and recorded drainage easement

5. Name of Development: Proposed Office Bldg.

6. Location of Development: SEC US 42 and Whispering TRL

Union KY 41091
 City State Zip Code

7. Acreage Under Review: 0.919 acres

8. Lot Number and Name of Subdivision (if part of a subdivision):
Lot 57 - Haven Manor Subdivision, Section II

9. Current Owner: Darshil Chokshi

Address: 168 Overlook Trl

Richmond KY 40475
 City State Zip Code

Phone Number: 513-532-8959(cell) Fax Number: _____

Email: wowcstores@gmail.com

10. Proposed Use(s) on Site: Office Bldg. (Prof./Medical/Dental/Optical)
11. Total Square Footage of Existing and/or Proposed Buildings: 4,200 sq. ft. proposed
12. Current Zoning: RS/UNO
13. 1194 305 2056
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: Danahil Chetani

Applicant's Signature: Randy Hays

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

1. Date Received: 11/17/25 Fee Received: \$966 Receipt #: 93742

2. Is application complete:

3. Staff Reviewer: Stacy

4. Scheduled Board Action Date: 12/29/25

5. Board Action: 12/29/25

- 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

STAFF REPORT

#1

APPLICANT: Palmer Engineering Co. (Randy Harper) on behalf of Darshil Chokshi (Owner)

LOCATION: Parcel (063.00-10-057.00), Union, Kentucky

ZONING: Rural Suburban/Union Neighborhood Office (RS/UNO)

DATE: December 29, 2025

PROPOSAL

- A. The applicant is requesting a Variance of Section 2505 requiring a maximum fifty (50) foot front yard setback to be increased to approximately one hundred and forty-five (145) feet.

SITE HISTORY

- 1980 Haven Manor Subdivision, Section 3, which included the subject site, was approved by the Boone County Planning Commission.
- 1995 The Union Board of Adjustment denied a conditional use request to allow for a proposed 5,552 square foot, daycare facility within the existing Rural Suburban (RS) Zone.
- 2000 The Union Town Plan was adopted.

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 903.A of the Boone County Zoning Regulations states that the purpose of the Suburban Residential One district is to provide a low density, residential environment whose dwelling types and densities are typical of a suburban character. It is also to provide limited or passive and active recreational uses that are appropriate to the permitted uses in the district. Suburban Residential One districts will be located on lands within established urban areas where adequate infrastructure facilities and services are available or proposed.

E. Section 2500 of the Boone County Zoning Regulations states that the potential for a shortened review process and the density represented in the Plan are the incentives for developers to develop according to the Plan recommendations. Property owners and developers have a choice to develop under existing zoning or to take advantage of the opportunity described in the Union Town Plan. If the developer provides the items defined in detail in SECTION 2509, Design Criteria, of the Plan, then the project can potentially develop to the densities shown on the Plan and bypass a public hearing process or zone change.

F. Section 2505.1 of the Boone County Zoning Regulations states that the setbacks for principally permitted structures are as follows:

1. Front Yard Minimum - ten (10) feet from the right-of-way line.
Front Yard Maximum - fifty (50) feet from the right-of-way line.
2. Rear Yard Minimum Setback - twenty (20) feet from property line.
3. Side Yard Minimum Setbacks - five (5) feet from property line.

G. Section 2504.1 of the Boone County Zoning Regulations lists Professional Offices, Medical, dental, or optical clinics as principally permitted uses of the

UNO zoning district.

RELATIONSHIP TO THE UNION TOWN PLAN

- A. The Union Town Plan Land Use Map designates the site in question for “Office” uses.
- B. Whispering Trail is identified as a city-maintained local street providing for two-way traffic within an approximate twenty-four (24) foot pavement width. There is an additional turn lane at the intersection with US Highway 42. US Highway 42 is a KYTC maintained arterial street providing two-way traffic. There are sidewalks along both sides of the roadways along the frontage of the site.

SURROUNDING LAND USES AND ZONING

North: Vacant Parcel (RS/UNO)
South: Vacant Parcel (UNO)
East: Single family residential (SR-1/UTO)
West: Vacant Parcel (UNO)

SITE CHARACTERISTICS

- A. The approximate 0.9-acre property is located on the south side of Whispering Trail and the east side of US Highway 42.
- B. The site has approximately one hundred and fifty (150) feet of frontage along Whispering Trail and two hundred (200) feet along US 42.
- C. The site is currently vacant.
- D. Access to the site is proposed from a single curb cut onto Whispering Trail. This access point was established as part of the Kentucky Transportation Cabinet – US 42 construction.
- E. Topographically, the site rises at a 2% grade from Whispering Trail for the first two hundred (200) feet. The southern sixty (60) feet rises at an approximate 33% slope.
- F. There is an existing culvert for the intermittent blue-line stream that runs parallel to Whispering Trail.
- G. There is an existing sanitary sewer and a water main along Whispering Trail.

CITY OF UNION COMMENTS

- A. The City of Union noted that that the drainage easement lines are missing in the schematic.

STAFF COMMENTS

- A. The application shows a 4,200 square foot office building. An office is a permitted use within the existing UNO zoning district.
- B. The site will be further reviewed as part of a Major Site Plan application and Design Review.
- C. This application review is only for relief from the maximum building setback. The applicant is seeking the variance due to an existing drainage easement for the benefit of the Kentucky Transportation Cabinet and the presence of an existing stream along and parallel to the lot frontage on Whispering Trail.

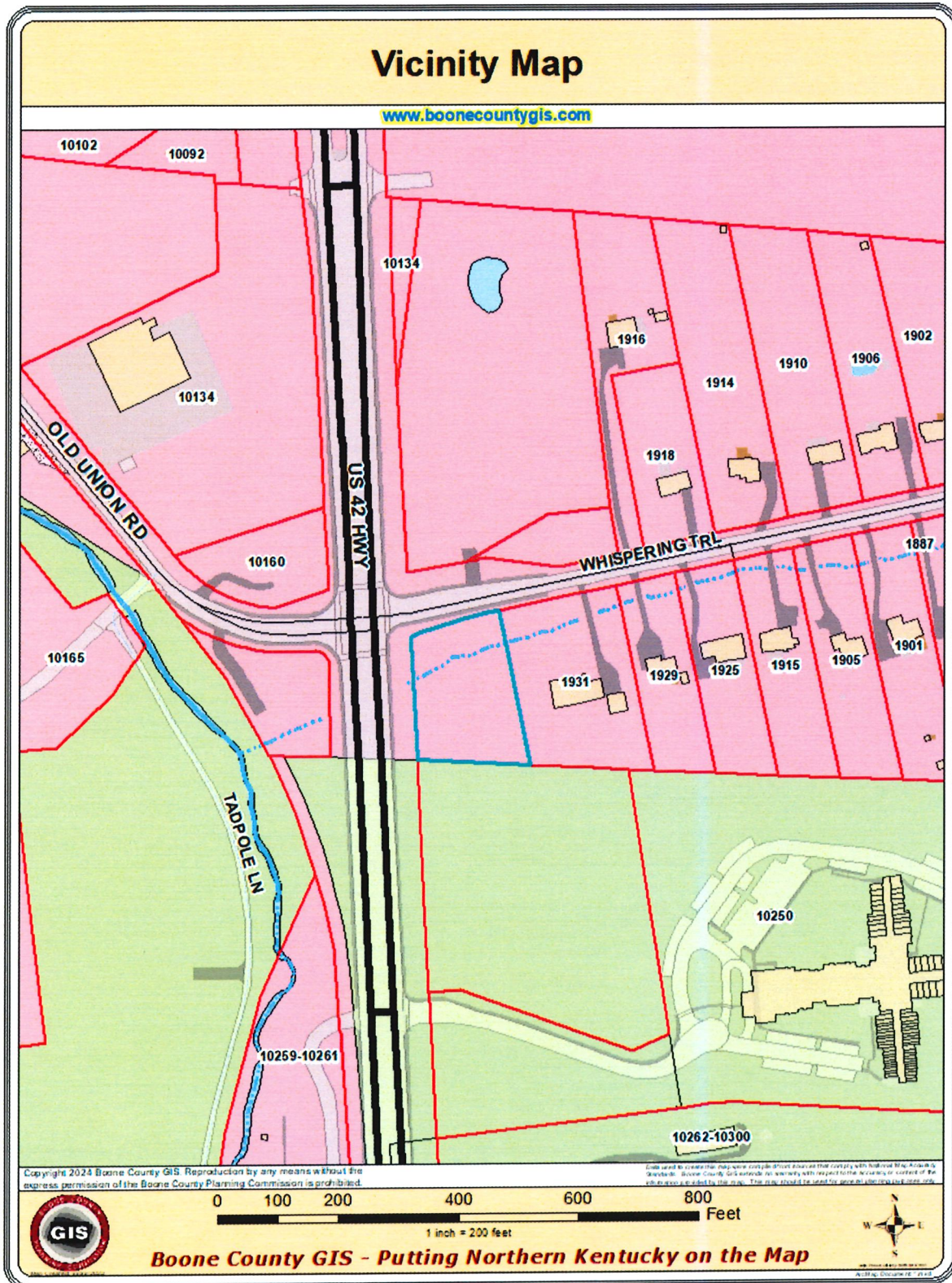
CONCLUSION

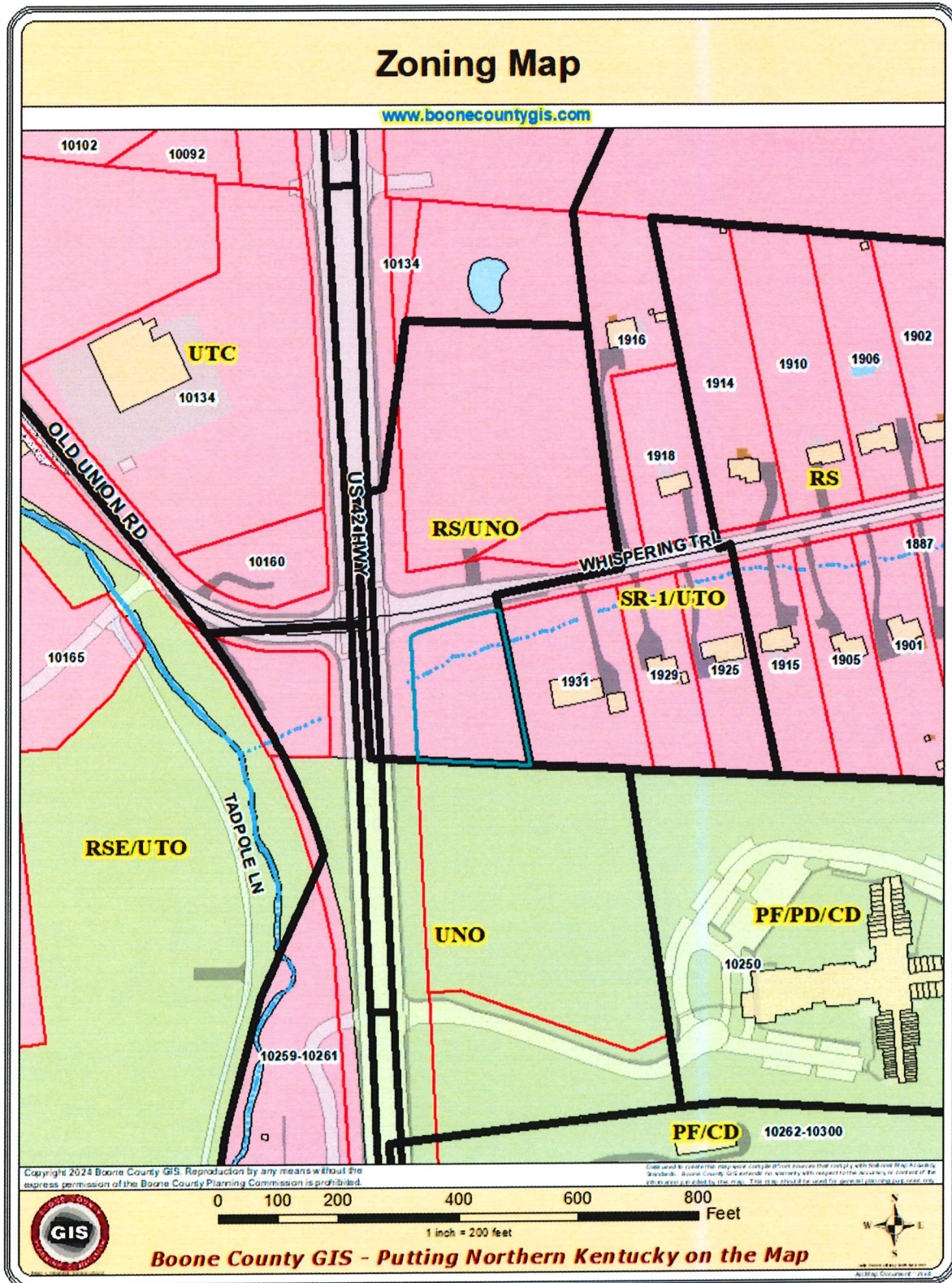
- A. KRS 100.241 and Section 202 of the Boone County Zoning Regulations give the Union Board of Adjustment and Zoning Appeals the authority to act on the request.
- B. Sections 204.D and 204.E of the Boone County Zoning Regulations identifies criteria necessary for granting a Variance.

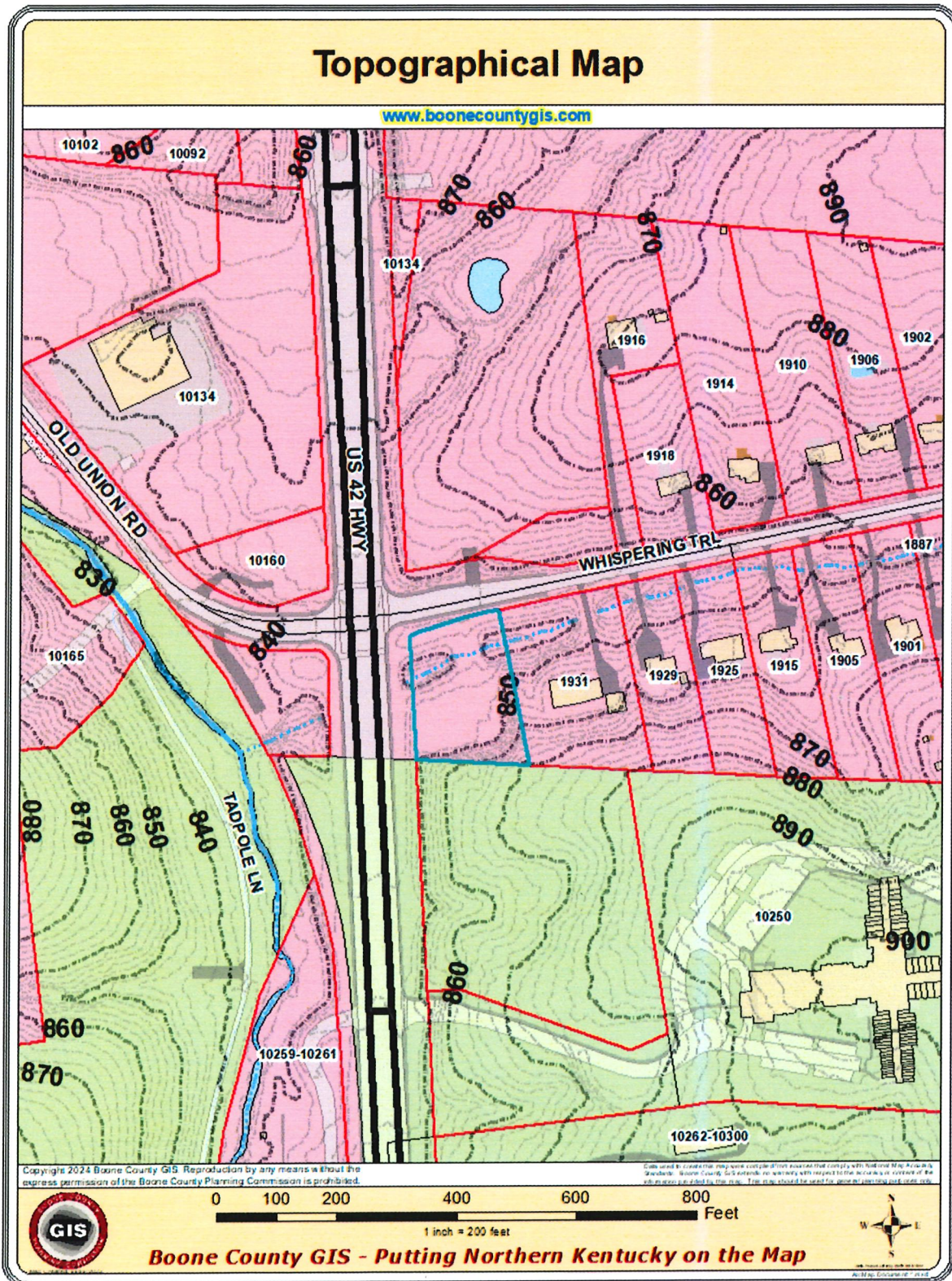
Respectfully submitted,



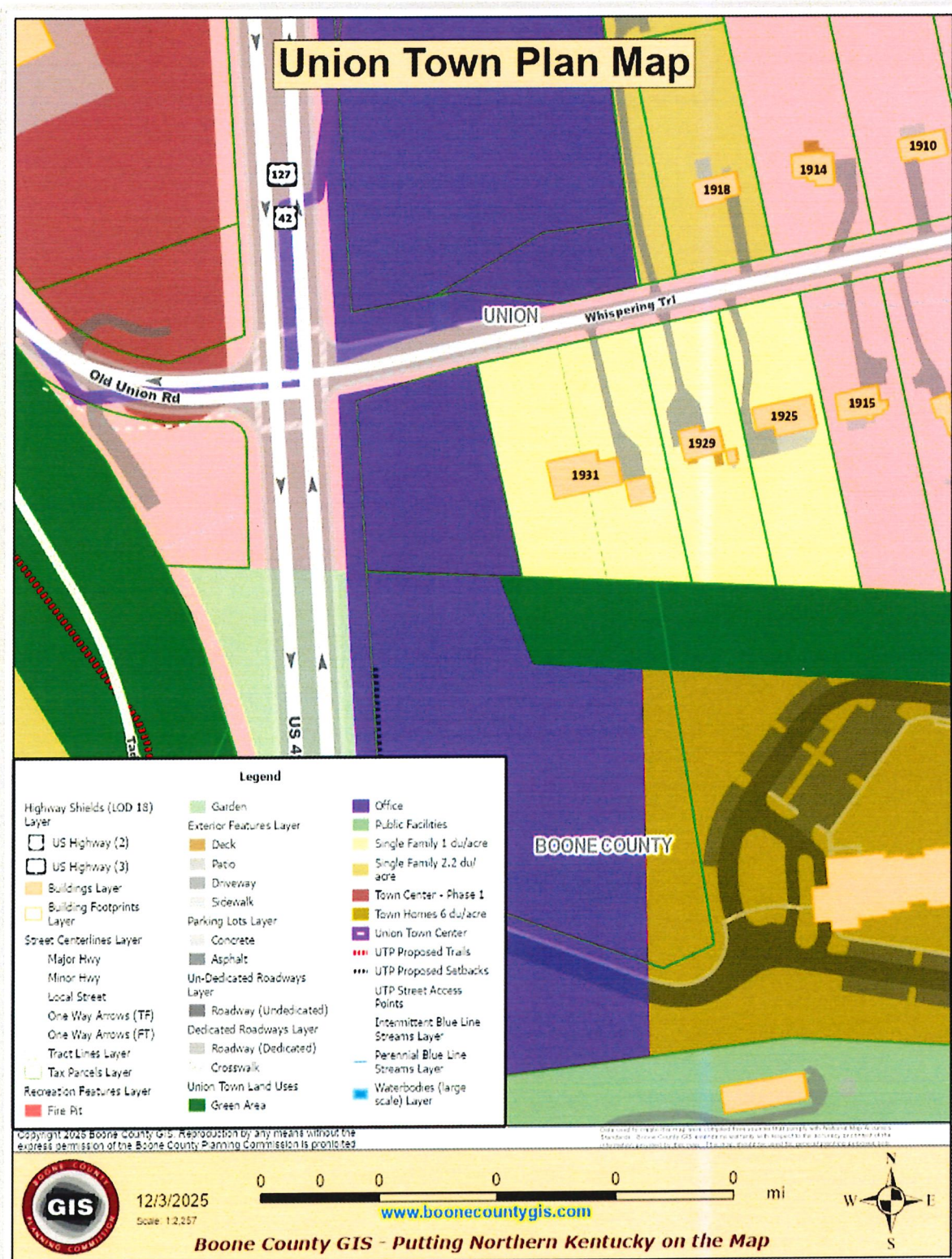
Steven C. Lilly, PLS
Planner, Zoning Services



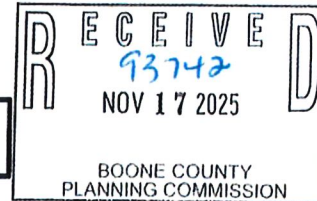








**BOARD OF ADJUSTMENT
BOONE COUNTY PLANNING COMMISSION**



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2. Check One Conditional Use Permit Variance Appeal
 Change in Non-Conforming Use
3. Applicant: Palmer Engineering Co. - Randy Harper / Brian Ward
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Winchester KY 40391
City State Zip Code
Phone Number: 615-417-7175 (RH cell) Fax Number: 615-297-8913
Email: rharper2@palmernet.com
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City State Zip Code
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8. Lot Number and Name of Subdivision (if part of a subdivision):
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9. Current Owner: Darshil Chokshi
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Richmond KY 40475
City State Zip Code
Phone Number: 513-532-8959(cell) Fax Number: _____
Email: wowcstores@gmail.com

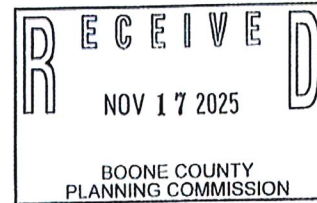
Board of Adjustment
Page 2

10. Proposed Use(s) on Site: Office Bldg. (Prof./Medical/Dental/Optical)
11. Total Square Footage of Existing and/or Proposed Buildings: 4,200 sq. ft. proposed
12. Current Zoning: RS/UNO
13.

<u>1194</u>	<u>305</u>	<u>2056</u>
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: *Danahil Chetani*

Applicant's Signature: *Randy Hays*



November 10, 2025

Mr. Steven Lilly, PLS
Boone County Planning Commission
2950 Washington St.
Burlington, KY 41005

**RE: Union Office Building
SEC of US 42 & Whispering Trail
Union, Boone County, Kentucky
Boone County Board of Adjustments submittal**

Dear Steven,

On behalf of the property owner, Mr. Darshil Chokshi, please find the following attached documents:

- Board of Adjustments Application
- (1) 24x36 full size color copy of the proposed site plan
- (1) 11x17 color copy of the proposed site plan
- A review fee check in the amount of \$966.00 will be delivered under separate cover

We are requesting relief from the 50' maximum building setback from the Right-of-way line, per Sections 2505 and 3121 of the Boone County Zoning Regulations. Relief from this requirement is due to existing natural conditions of an existing drainage easement for the benefit of the Kentucky Transportation Cabinet, recorded in book HD18, Page 312-315 in the Office of the Boone County Clerk, and the presence of an existing stream along and parallel to the entire lot frontage on Whispering Trail.

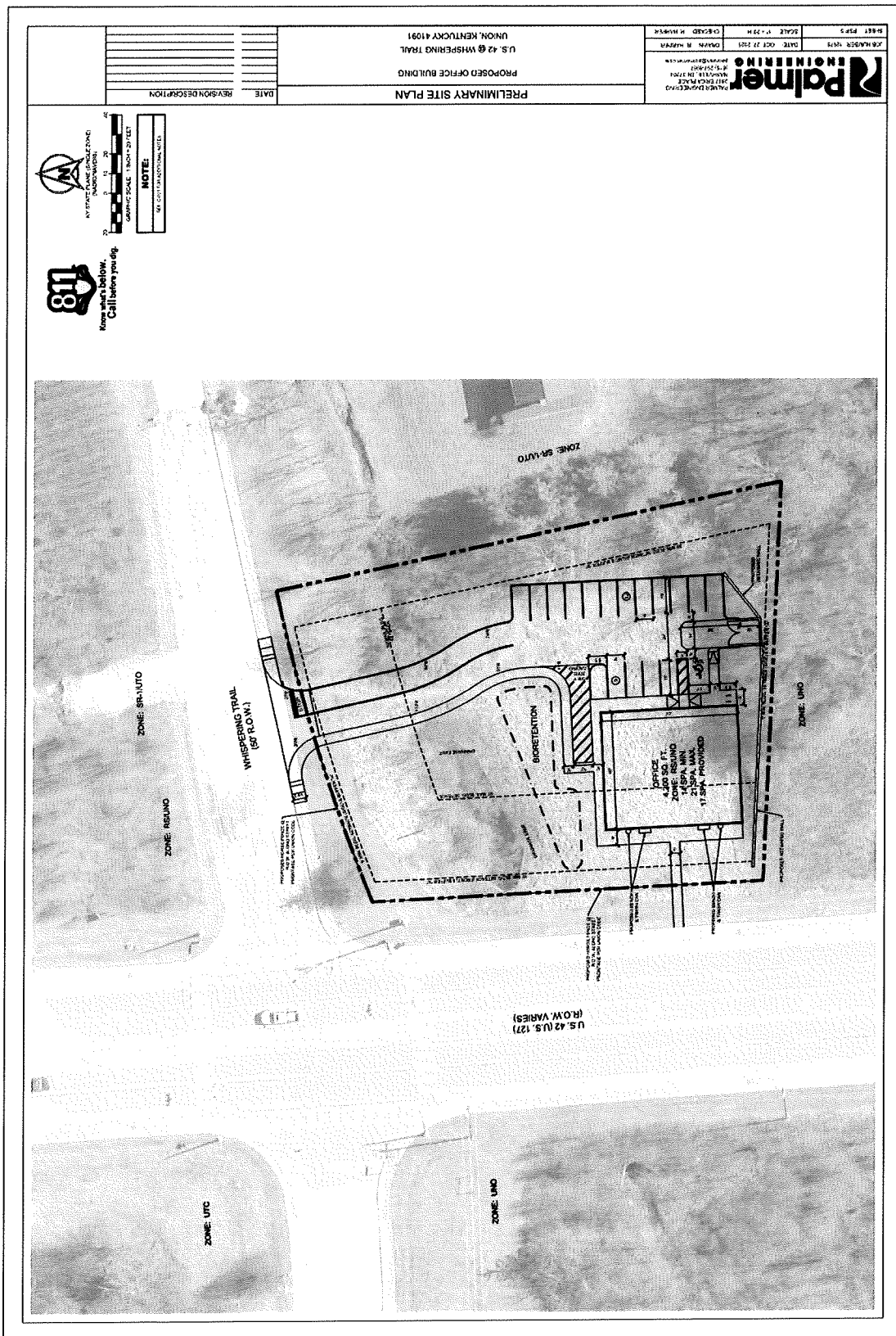
We respectfully request inclusion of this item on the next available Board of Adjustments agenda.

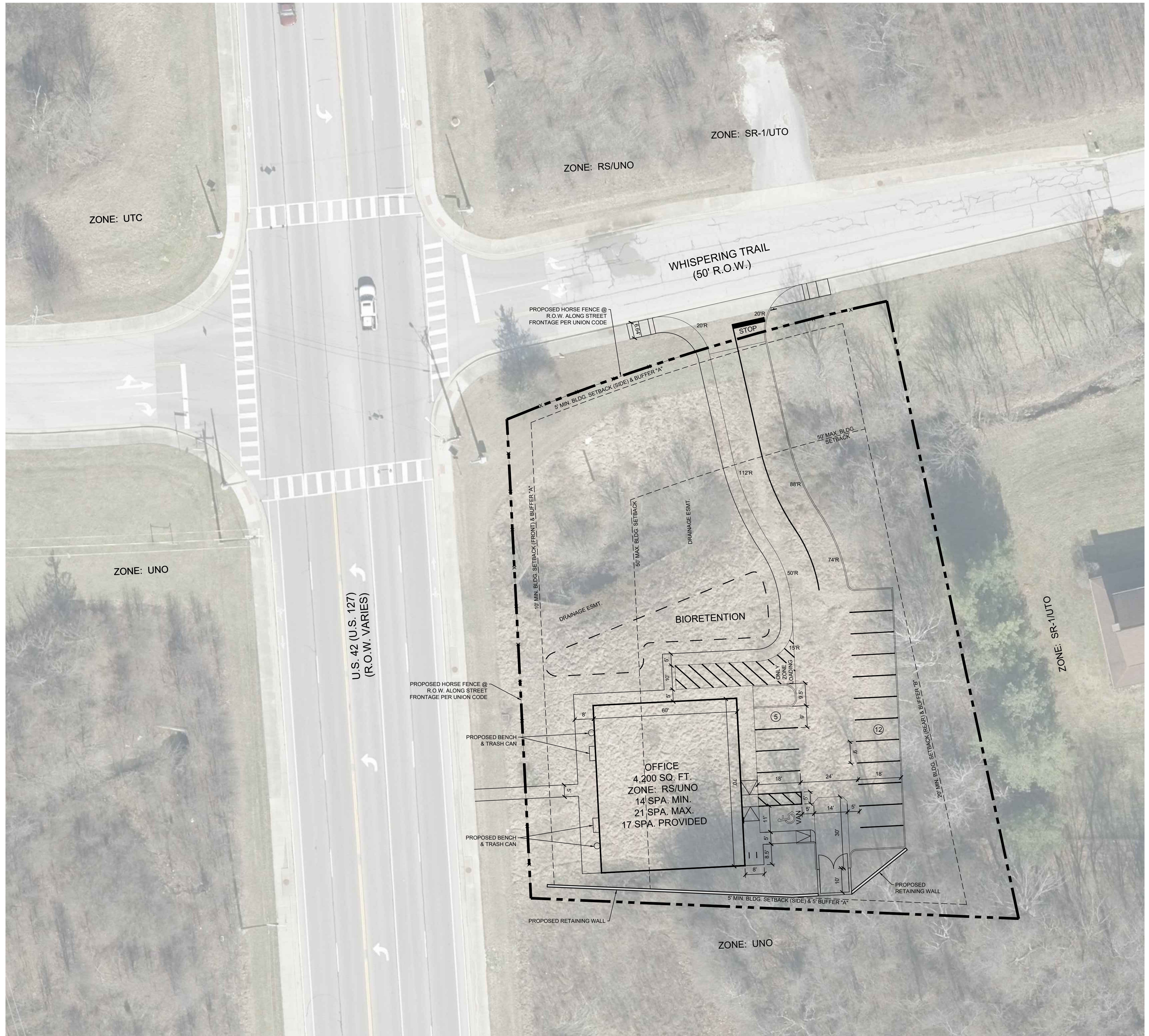
Please let me know if you have any questions.

Respectfully,

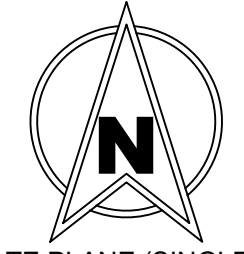
Randy Harper, PE, CPESC
Palmer Engineering Co.

cc: Mr. Darshil Chokshi (wowcstores@gmail.com)
Mr. Brian Ward, PE (bward@palmernet.com)





Know what's below.
Call before you dig.



KY STATE PLANE (SINGLE ZONE)
(NAD83/NAVD88)
GRAPHIC SCALE - 1 INCH = 20 FEET

NOTE:
REF. C-001 FOR ADDITIONAL NOTES.

PRELIMINARY SITE PLAN
 PROPOSED OFFICE BUILDING
 U.S. 42 @ WHISPERING TRAIL
 UNION, KENTUCKY 41091

DATE	REVISION DESCRIPTION

Palmer ENGINEERING
 PALMER ENGINEERING
 2817 ERICA PLACE
 NASHVILLE, TN 37204
 (615) 202-8627
 p.palmer@palmernet.com

JOB NUMBER: 12975
 SHEET: PSP-5

DATE: OCT. 27, 2025
 SCALE: 1" = 20' H

DRAWN: R. HARPER
 CHECKED: R. HARPER

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Darshil Chokshi
168 Overlook Trl
Richmond, KY 40475

2. ADDRESS OF PROPERTY
US Hwy 42/Whispering Trl
Union, KY 41091
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Union Proposed Office Building

4. DEED BOOK 1194 PAGE NO. 305 GROUP NO. 2056

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)

 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 30th day of December, 2025.



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

My commission Expires:
November 12, 2029

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)