

## ORDINANCE 2023-03

**AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT, KENTUCKY APPROVING, A REQUEST OF VIOX AND VIOX, INC. PER MICHELLE BOLLMAN (APPLICANT) FOR DOMASCHKO PROPERTIES, LLC (OWNER) FOR A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN AND VARIANCE IN AN INDUSTRIAL ONE (I-1) DISTRICT FOR AN APPROXIMATE 6.7 ACRE AREA LOCATED AT 11061 DIXIE HIGHWAY, BOONE COUNTY, KENTUCKY. THE REQUESTS ARE: (1) A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN TO ALLOW THE CONSTRUCTION OF A 5,000 SQUARE FOOT BUILDING WITH OUTDOOR TRUCK/TRAILER PARKING AND AN EXPANSION OF THE OFF-STREET PARKING LOT AND (2) A VARIANCE TO REDUCE THE 50' FRONT YARD FENCE SETBACK TO ALLOW AN 8' TALL FENCE APPROXIMATELY 21' FROM THE DIXIE HIGHWAY RIGHT-OF-WAY LINE.**

**WHEREAS**, the Boone County Planning Commission received requests for a Change in an Approved Concept Development Plan and Variance in an Industrial One (I-1) district for an approximate 6.7 acre area located at 11061 Dixie Highway, Boone County, Kentucky. The requests are: (1) a Change in an Approved Concept Development Plan to allow the construction of a 5,000 square foot building with outdoor truck/trailer parking and an expansion of the off-street parking lot and (2) a Variance to reduce the 50' front yard fence setback to allow an 8' tall fence approximately 21' from the Dixie Highway right-of-way line, Boone County, Kentucky, which is more particularly described below; and

**WHEREAS**, the Boone County Planning Commission as the planning unit for the unincorporated areas of Boone County, Kentucky, was requested to and has conducted a Public Hearing serving as a due process trial-type hearing and made findings recommending approval for the Zoning Map Amendment and dimensional Variance.

**NOW, THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF COUNTY OF BOONE, COMMONWEALTH OF KENTUCKY:**

### Section One

That the requests for a Change in an Approved Concept Development Plan and Variance which is more particularly described below, shall be and is hereby recommended for approval, with conditions, in an Industrial One (I-1) district for an approximate 6.7 acre area located at 11061 Dixie Highway, Boone County, Kentucky. The requests are: (1) a Change in an Approved Concept Development Plan to allow the construction of a 5,000 square foot building with outdoor truck/trailer parking and an expansion of the off-street parking lot and (2) a Variance to reduce the 50' front yard fence setback to allow an 8' tall fence approximately 21' from the Dixie Highway right-of-way line, Boone County, Kentucky. The real estate which is the subject of this request for a Change in Approved Concept Development Plan and Variance is in an Industrial One (I-1) zone is more particularly described in DEED BOOK: 1122, PAGE NO: 64 (as supplied by the applicant) as recorded in the Boone County Clerk's office

### Section Two

That as a basis for the recommendation of approval for a Change in An Approved Concept Development Plan and dimensional Variance requests are the Findings of Fact and Conditions of the Boone County Planning Commission as set forth in its minutes and official records for this request shall be and are hereby incorporated by reference as if fully set out in this Ordinance and

marked as "Exhibit A."

The Boone County Planning Commission Committee recommended approval for this request based on the Findings of Fact and Conditions for the Change in an Approved Concept Development Plan and the request for a dimensional Variance as set forth in the Committee Report and marked as "Exhibit B."


**Section Three**

This Ordinance shall be in effect and in full force from and after its passage, publication and adoption, according to law.

**First Reading the 7<sup>th</sup> day of February, 2023**

**Second Reading the 21<sup>st</sup> day of February, 2023**

Adopted this 21<sup>st</sup> day of February, 2023      Yes 4      No 0

  
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Gary W. Moore, Judge/Executive  
Boone County Fiscal Court

**ATTEST:**

  
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Shona Schulkers,  
Fiscal Court Clerk