

APPLICATION FORM

01-BCB01A-030-A

**BOARD OF ADJUSTMENT
AND
ZONING APPEALS ACTION
BOONE COUNTY PLANNING COMMISSION**

See Boone County Zoning Regulations**SECTION A** (To be completed by applicant)

- (Check One)
1. X Boone _____ Florence _____ Walton _____ Union _____
- (Check One)
2. _____ Conditional Use Permit X Variance _____ Appeal _____
_____ Change in Non-Conforming Use _____
3. Applicant's Name RADIUS Construction Co. Inc. Matt Tobler
Phone Number 859-291-8812 Fax No. 859-655-8974
Applicant's Address 409 West 35th St.
Covington KY 41015
City State Zip
4. Description of Request: CUT THE REAR SET BACK TO 15' FROM THE
STANDARD OF 30'
5. Name of Development ART'S RENTAL EQUIPMENT
6. Location of Development 140 ARISTOCRAT DR
7. Acreage Under Review Approximate 3.55
8. Lot Number and Name of Subdivision (if part of a subdivision) _____
9. Owner of Property ART'S RENTAL MARK ARLINGHAUS
Phone Number of Owner 859-431-4519 10.
Address of Property Owner 215 EAST 6th ST. Newport, Ky 41071
City State Zip
11. Proposed Use(s) on Site Maintenance Building
12. Total Square Footage of Existing and/or Proposed Buildings Existing 6800# Proposed 5100#
13. Current Zoning on Property I-2
14. Deed Book 763 / 787 Page No. 72 / 55 Group No. 2049B
15. Is the site subject to a zone change? NO
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.

Applicant's Signature: Matt Tobler RADIUS Const.Property Owner's Signature: Mark Arlinghaus

(over)

**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 11-16-01 Fee Received \$ 556.00 R# 29678
2. Is application complete? _____ Yes _____ No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
12-12-01 **Approved**
Approved with Conditions (See #6)
Denial (See #7)
6. Conditions of Approval: ① Trees must be planted according to Concept Development Plan
② No LIGHTING is allowed to be aimed towards the residential dwellings
③ No Garage Doors are permitted
7. ~~Reasons for Denial:~~ to Face the residential dwellings

**Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005
(859) 334-2196 - Phone
(859) 334-2264 - Fax
plancom@boonecountyky.org - E-mail**

www.boonecountyky.org

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: Radius Construction Company, Inc.
LOCATION: 140 Aristocrat Drive, Boone County, Kentucky
ZONING: Industrial Two (I-2)
DATE: December 12, 2001

Proposal

Radius Construction Company is requesting a variance to allow a proposed building addition to encroach into the required 30 foot rear yard setback. The property in question is owned by Art's Rental Equipment and is located at 140 Aristocrat Drive, Boone County, Kentucky. The request is to reduce the rear yard setback from 30 feet to 15 feet.

The Applicants Concept Development Plan also indicates that they are proposing to install 31 evergreen trees along the rear and side property lines, if the request is approved. These trees are shown to be a minimum of 6 feet tall and will serve to buffer the proposed building addition from the residences that are located to the northwest of the site.

Site History

On August 23, 1999, the Boone County Planning Commission approved a Major Site Plan for a 6,800 square foot repair shop and parking lot. This is the same building on which the 4,828 square foot addition is proposed.

On August 17, 2000, Art's Rental purchased lots 107, 108, 109, and 110 of Weber Place Subdivision.

Applicable Regulations

Article 2, 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 applicant's 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.

Site Characteristics

The approximate 3.55 acre site is located on Aristocrat Drive and is zoned Industrial Two (I-2). The site contains an office building, a repair shop, and a large amount of rental equipment. The building addition is proposed in an area which is currently used for parking and storage.

Surrounding Land Uses and Zoning

North: Single-Family Residential Uses & Northern Kentucky Machine (I-2)
South: Aristocrat Drive & All-Rite Ready Mix (I-2)
East: Art's Rental Equipment Storage Lot (C-3) & Dixie Highway
West: Egbers Land Design & Single-Family Residential (I-2)

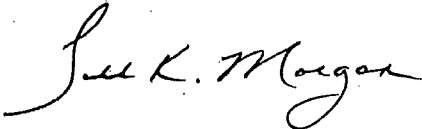
Staff Comments

Although the variance could have a noise impact on the adjoining residences to the northwest, it is Staff's opinion that the request will make the business more aesthetically pleasing to these property owners. The proposal, if approved, will add thirty-one evergreen trees along the rear and side property lines and will eliminate a parking and storage area that is visible from the backyards of these two homes.

Conclusion

KRS 100.241 and Section 250 of the Boone County Zoning Regulations gives the Boone County Board of Adjustment and Zoning Appeals the authority to grant the applicant's request for a rear yard setback variance from 30 feet to 15 feet. It is Staff's opinion that granting the variance will not alter the essential character of the general vicinity and will not adversely affect the public health, safety or welfare.

Respectfully submitted,

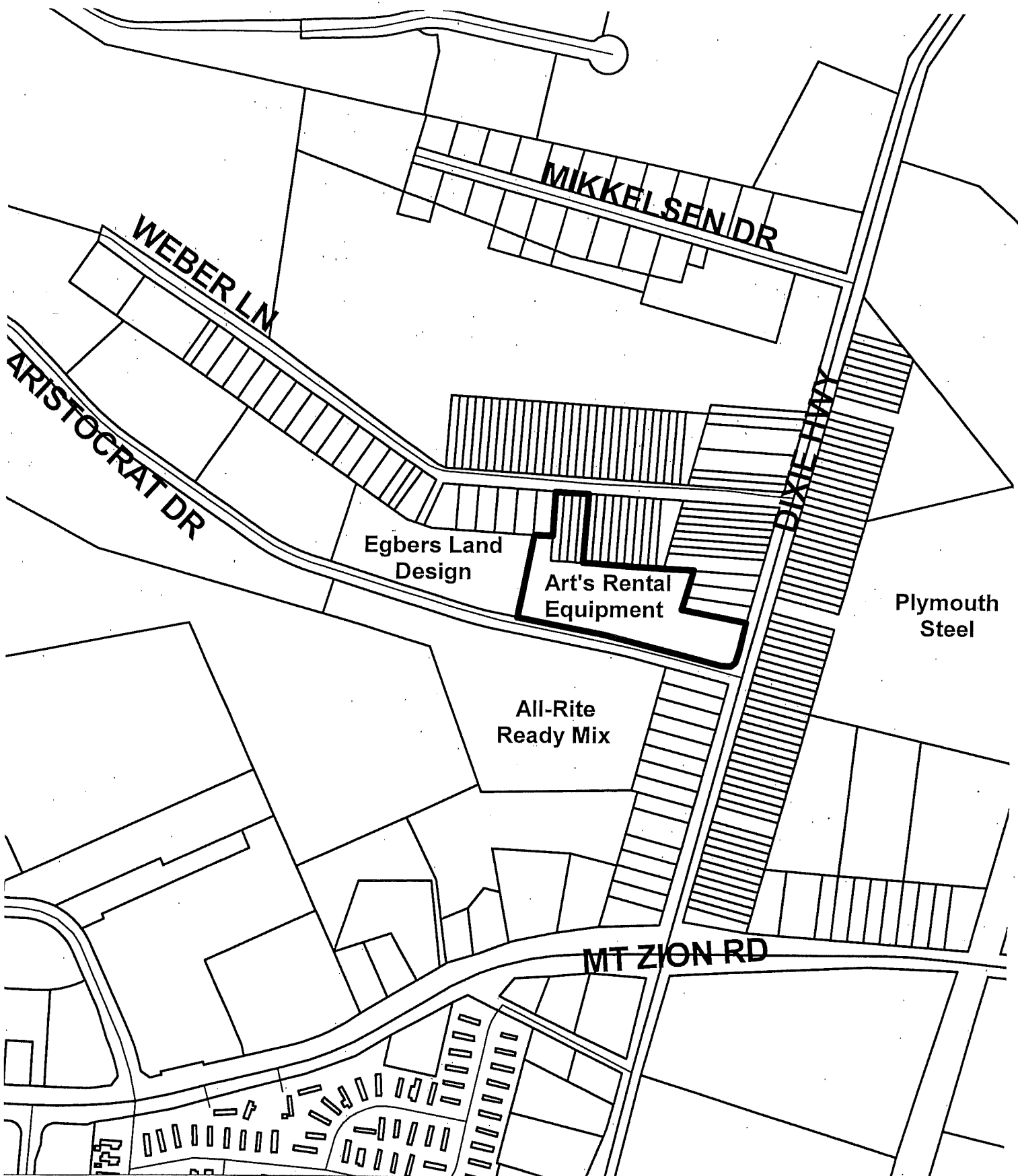
A handwritten signature in cursive script that reads "Todd K. Morgan".

Todd K. Morgan, AICP
Planner, Zoning Services

TKM/pr

Attachments

- Exhibit A – Site Vicinity Map
- Exhibit B – Concept Plan
- Exhibit C – Concept Plan (Landscaping)
- Exhibit D – Zoning Map
- Exhibit E – Application

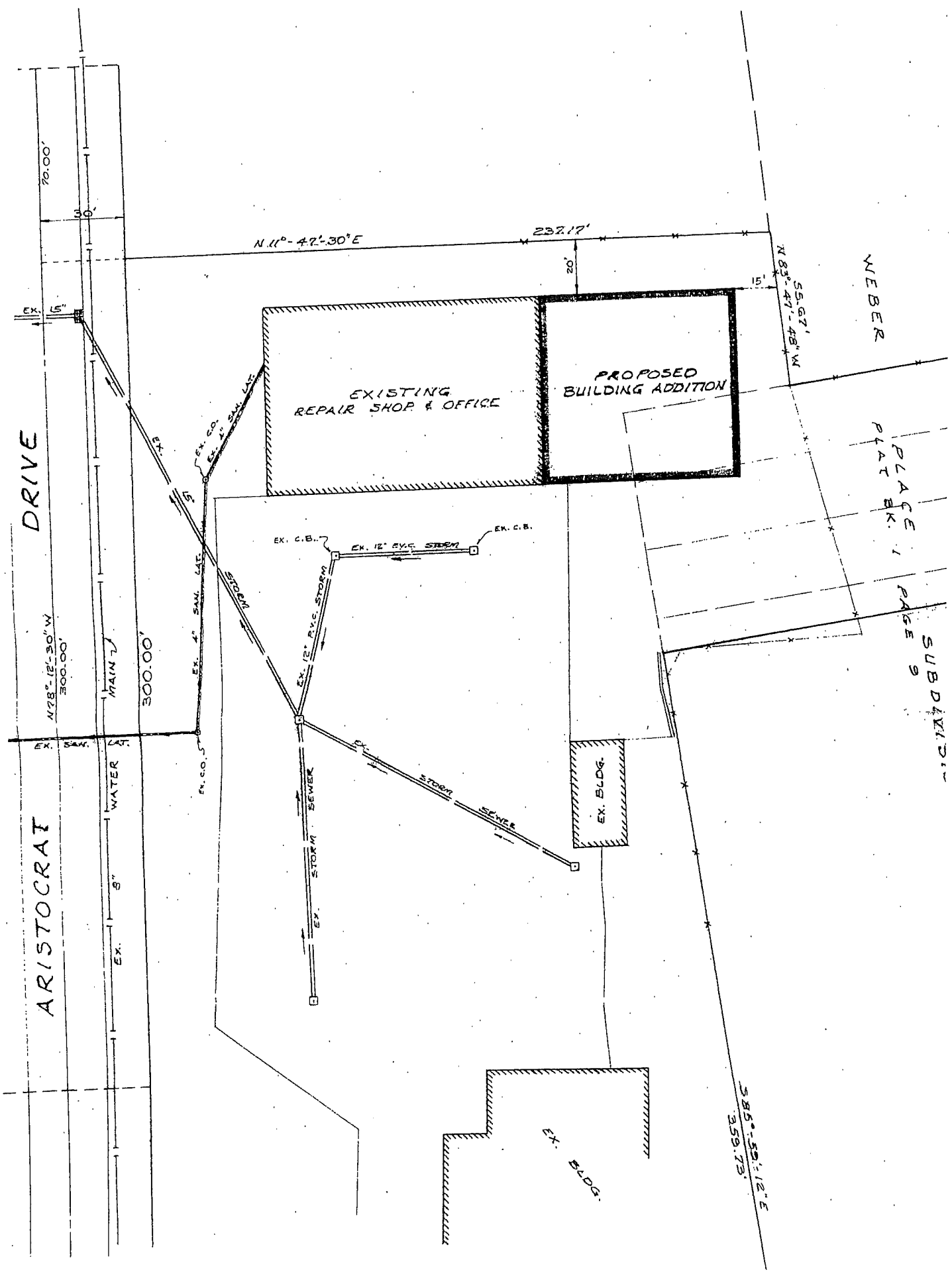


Art's Rental Equipment Site Vicinity Map

1 inch equals 400 feet

Produced by the
Boone County Planning Commission
GIS Services Division
December 4, 2001



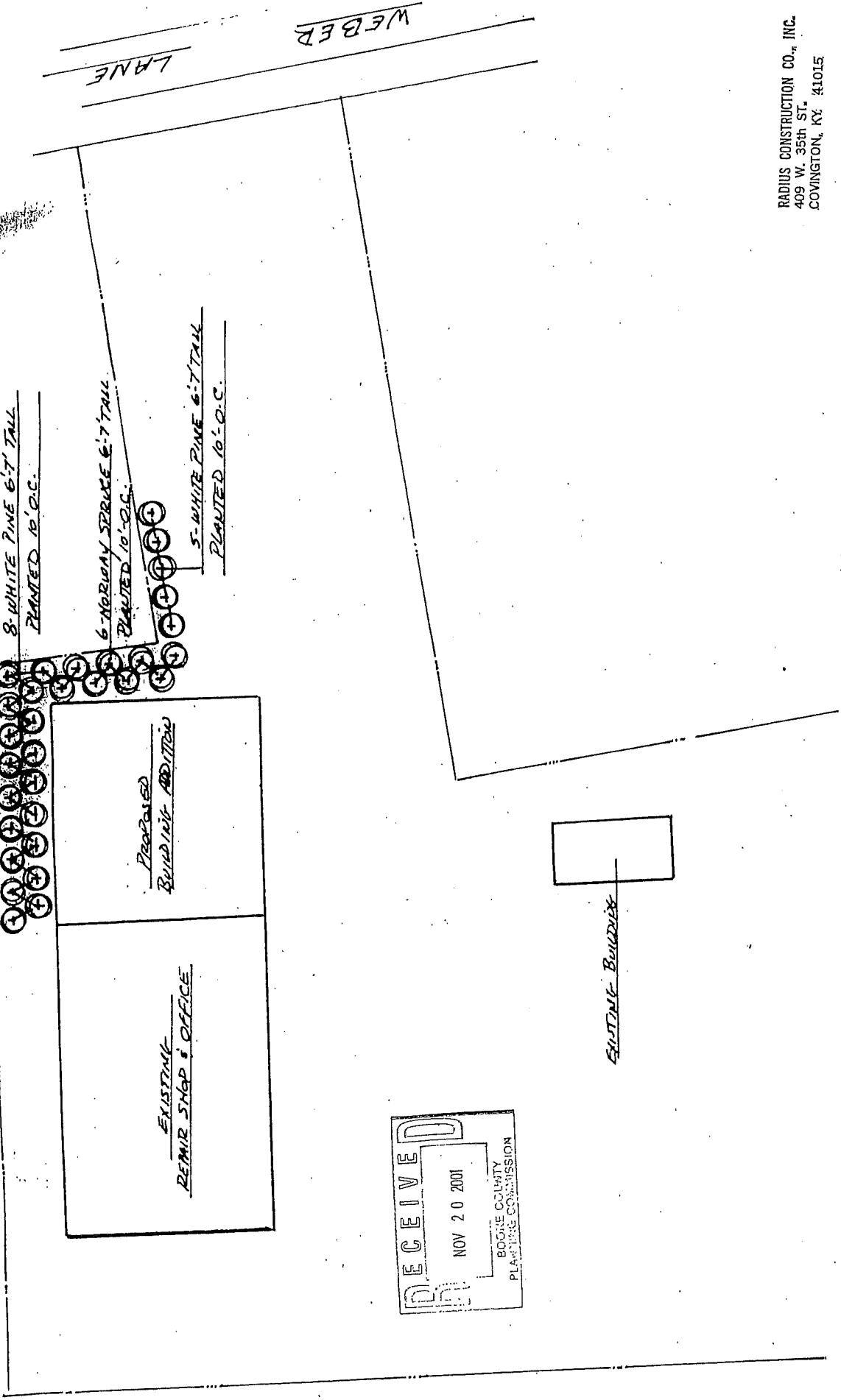


WEBER

PLATE 1

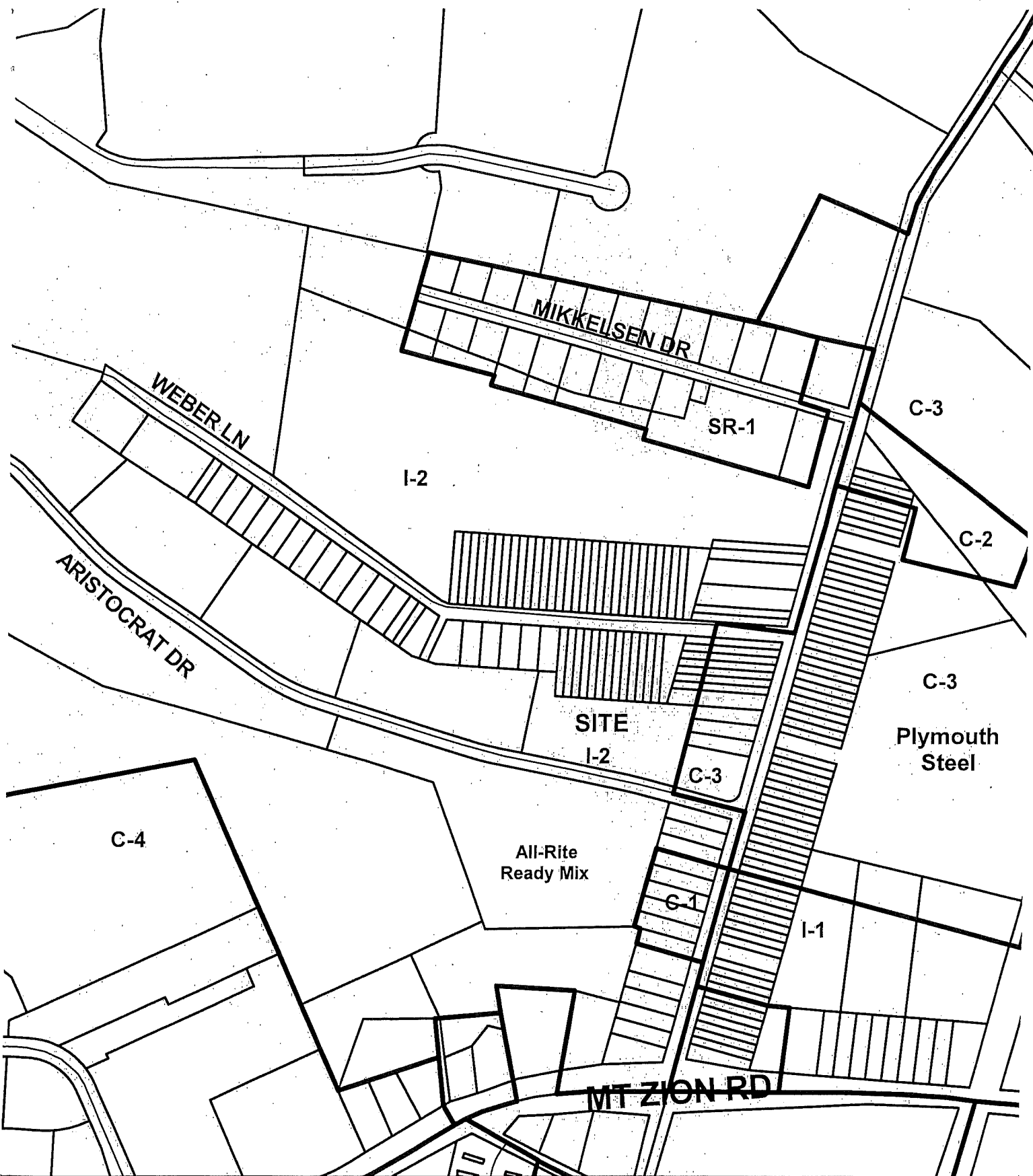
PAGE 9

SUBDIVISION



RECEIVED
NOV 20 2001
BOONE COUNTY
PLANNING COMMISSION

RADIUS CONSTRUCTION CO., INC.
409 W. 35th ST.
COVINGTON, KY 40115



Art's Rental Equipment Zoning Map

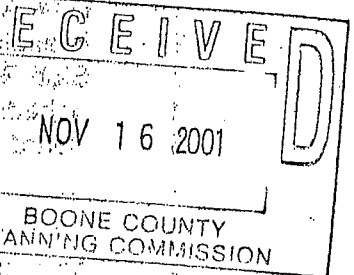
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GIS Services Division
December 4, 2001



APPLICATION FORM

**BOARD OF ADJUSTMENT
AND
ZONING APPEALS ACTION
BOONE COUNTY PLANNING COMMISSION**



See Boone County Zoning Regulations

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- (Check One)
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☐ Change in Non-Conforming Use
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COUNTINGTON KY 41015
City State Zip
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12. Total Square Footage of Existing and/or Proposed Buildings Existing 6800# Proposed 5100#
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Applicant's Signature:

Property Owner's Signature:

(over)

12/12/01

COPY

CLUR #01-BCBOA-030-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Art's Rental
215 East 6th Street
Newport, KY 41071

2. ADDRESS OF PROPERTY

140 Aristocrat Drive
Florence, KY 41042

3. NAME OF SUBDIVISION OR
DEVELOPMENT (if applicable)

Art's Rental Equipment

4. DEED BOOKS & PAGES 763/72 787/55

GROUP NO. 2049B

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

☐ Zoning Map Amendment:
From To

☐ Conditional Use Permit

☐ Development Plan

☐ Conditional Zoning

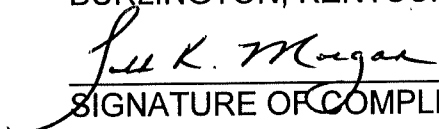
☐ Subdivision Plat
(Not Recorded)

☐ 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
2995 WASHINGTON STREET
BURLINGTON, KENTUCKY 41005


SIGNATURE OF COMPLETING OFFICIAL

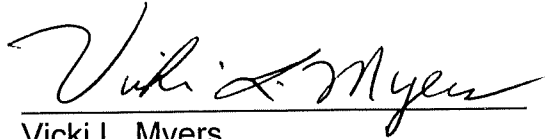
Todd K. Morgan, Planner, Zoning Services
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the

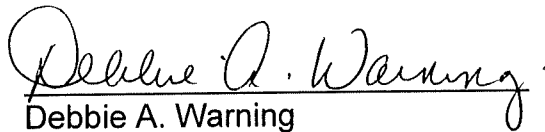
Boone County Planning Commission this 17 day of December, 2001.



Vicki L. Myers
NOTARY PUBLIC, State at Large

My commission Expires:
April 17, 2003

This instrument was prepared for recording purposes only by:



Debbie A. Warning
Boone County Planning Commission
2995 Washington Street
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 Boone County Board of Adjustments and in accordance with the current zoning in effect as of December 12, 2001 Certificate of Land Use Restriction #01-BCBOA-030-A, for Art's Rental, Property Owner(s).

The following conditions will apply:

- 1) Trees must be planted according to the Concept Development Plan.
- 2) No lighting is allowed to be aimed towards the residential dwellings.
- 3) No garage doors are permitted to face the residential dwellings.

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

DEED BOOKS & PAGES 763/72 787/55

GROUP NO. 2049B