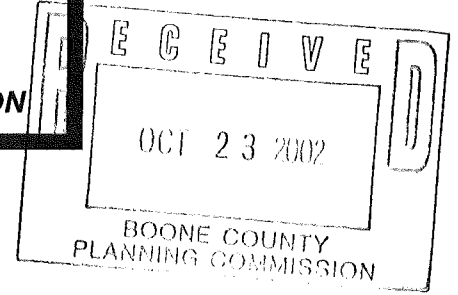


APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION



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

- 1. (Check One) Boone [x] Florence \_\_\_\_\_ Walton \_\_\_\_\_ Union \_\_\_\_\_
2. (Check One) Conditional Use Permit \_\_\_\_\_ Variance \_\_\_\_\_ Appeal \_\_\_\_\_
[x] Change in Non-Conforming Use
3. Applicant's Name Dan Schalck
Phone Number 513-742-2511 Fax No. 513-742-9038
Applicant's Address 204 Burgess Ln.
Florence KY 41042
City State Zip
4. Description of Request: Change in Non-Conforming use from Printing industries to Machine/Weld shop & other (see attachments).
5. Name of Development N/A
6. Location of Development 5906 Jefferson St., Burlington, KY 41005
7. Acreage Under Review Approx. 5/8
8. Lot Number and Name of Subdivision (if part of a subdivision) N/A
9. Owner of Property Hubert Lewis & Michael Lewis
Phone Number of Owner 859-586-5447
10. Address of Property Owner 45 Keswick Dr., Monroe, OH 45050
City State Zip
11. Proposed Use(s) on Site Machine/Weld shop & other consistent with I-1 zoning (see attachments).
12. Total Square Footage of Existing and/or Proposed Buildings 13,000
13. Current Zoning on Property SR-2/SC
14. Deed Book 356 Page No. 305 Group No. 2025
15. Is the site subject to a zone change? No
If yes, give date of approval N/A
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: [Handwritten Signature]

Property Owner's Signature: [Handwritten Signature]

(over)

**ZONING APPEALS ACTION  
APPLICATION  
PAGE 2**

**SECTION B** (To be completed by the Boone County Planning Commission Staff)

1. Date Received 10-23-02 Fee Received 666.00 RA#33291
2. Is application complete? \_\_\_\_\_ Yes \_\_\_\_\_ No
3. Staff Reviewer \_\_\_\_\_
4. Scheduled Board Action Date \_\_\_\_\_
5. Board Action:  
11/13/02 **Approved**  
**Approved with Conditions** (See #6)  
**Denial** (See #7)
6. Conditions of Approval: SEE 11/13/02  
BOONE COUNTY B.O.A. MEETING MINUTES
7. Reasons for Denial: \_\_\_\_\_

**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](http://www.boonecountyky.org) - Web Page

**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: Dan Schalck  
LOCATION: 5906 Jefferson Street, Boone County, KY  
ZONING: Suburban Residential Two/Small Community Overlay (SR-2/SC)  
DATE: November 13, 2002

### PROPOSAL

The request is for a Change in Non-Conforming Use to allow an approximate 13,000 square foot building, which is located at 5906 Jefferson Street, Boone County, Kentucky, to be occupied with a machine and welding shop business and other uses which are permitted in the Industrial One (I-1) zoning district. The building is currently vacant but the last legal uses in the building were an industrial printing business and antique furniture business. The approximate 0.69 acre site is zoned Suburban Residential Two/Small Community Overlay (SR-2/SC).

The Applicant has provided a letter (see attachments) which indicates that he wants the flexibility to allow the majority of principally permitted and conditional uses (subject to Board of Adjustment approval) listed in the Industrial One (I-1) zone to be permitted in the building. Exceptions to this are as follows:

1. Motor freight terminals, public warehousing, freight garaging and equipment maintenance (Principally Permitted Use #37);
2. Truck stops (Principally Permitted Use #44);
3. Recycling Centers (Principally Permitted Use #45); and
4. Gasoline filling stations and wash services (Conditional Use #5)

### ZONING ADMINISTRATOR DETERMINATION

After visiting the site and reviewing the documentation the Applicant provided (see attachments), the Zoning Administrator was able to determine that the antique furniture business and industrial printing business each occupied approximately one-third of the building. Accessory office space comprised approximately 8% of the building. Based on the information provided, the Zoning Administrator could not determine if the remaining 25% of the building had established pre-existing, non-conforming status or not.

These percentages are important because it means that at least 41% of building (33% antique business + 8% accessory office space) was in compliance with the principally permitted and conditional uses that are allowed in the Small Community Overlay (SC) district.

### APPLICABLE REGULATIONS

Article 2, Section 220 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 changes in non-conforming use.

Article 2, Section 270 of the Boone County Zoning Regulations states that it is the intent of the regulations to keep non-conforming lots, uses or structures from being "enlarged or extended beyond the scope and area of its operation at the time it became a legal non-conforming use, nor shall other uses or structures which are prohibited elsewhere in the same district be permitted on lots of non-conforming uses or structures."

Article 2, Section 272 of the Boone County Zoning Regulations states that where, at the time of adoption of this order, legally established, uses of land exist which would not be permitted by regulations imposed by this order, the uses may be continued so long as they remain otherwise lawful, provided the Board shall not allow the enlargement or extension of a non-conforming use beyond the scope and area of its operation at the time these regulations were adopted.

K.R.S. 100.253 allows the following:

1. The lawful use of a building or premises, existing at the time of the adoption of any zoning regulations affecting it may be continued; although such use does not conform to the provisions of such regulations, except as otherwise provided herein.
2. The board of adjustment shall not allow the enlargement or extension of a non-conforming use beyond the scope and area of its operation at the time the regulation which makes its use nonconforming was adopted, nor shall the board permit a change from one (1) nonconforming use to another unless the new nonconforming use is in the same or a more restrictive classification, provided, however, the board of adjustment may grant approval, effective to maintain nonconforming-use status, for enlargements or extensions, made or to be made, of the facilities of a nonconforming use, where the use consists of the presenting of a major public attraction or attractions, such as a sports event or events, which has been presented at the same site over such period of years and has such attributes and public acceptance as to have attained international prestige and to have achieved the status of a public tradition, contributing substantially to the economy of the community and state, of which prestige and status the site is an essential element, and where the enlargement or extension was or is designed to maintain the prestige and status by meeting the increasing demands of participants and patrons.
3. Any use which has existed illegally and does not conform to the provisions of the zoning regulations, and has been in continuous existence for a period of ten (10) years, and which has not been the subject of any adverse order or other adverse action by the administrative official during said period, shall be deemed a nonconforming use. Thereafter, such use shall be governed by the provisions of subsection (2) of this section.

Article 11, Section 1130 of the Boone County Zoning Regulations permits "printing industries" as a principally permitted use within the Industrial One (I-1) district.

Article 20, Section 2012 of the Boone County Zoning Regulations permits "furniture, home furnishings antiques and used merchandise including furniture repair and upholstery" as a conditional use within the Small Community Overlay (SC) district when the business is locating within an existing building that is larger than 2,500 square feet.

Article 30, Section 3007 of the Boone County Zoning Regulations states that "property involving a conditional use and/or variance shall be subject to the Boone County Planning Commission Site Plan review and approval if required by an individual zoning district."

Article 33, Section 3312 of the Boone County Zoning Regulations states that "all parking areas shall be stripped to facilitate movement into and out of the parking stalls."

Article 33, Section 3314 of the Boone County Zoning Regulations states that "all parking and loading areas set forth in Sections 3311 and 3325, including driveways, aisles, vehicle storage, outdoor storage, and vehicle circulation areas shall be improved with either asphalt concrete or portland cement concrete to provide a durable and dust free surface."

Article 33, Section 3325 of the Boone County Zoning Regulations requires one parking stall per 250 square feet of office space, 1 stall per company car, and 1 stall per every two employees on the largest warehouse shift.

#### RELATIONSHIP TO THE COMPREHENSIVE PLAN

The 2000 Boone County Comprehensive Plan's "2025 Future Land Use Plan" designates the site in question as a mixture of "Commercial" and "Suburban Residential" uses. These designations are described as follows:

Commercial – "Retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."

Suburban Residential – "single family housing of up to four units per acre. This classification also includes any low density or estate residential developed as a formal subdivision."

The Land Use Element (Burlington Area, p. 169) states the following regarding this area:

- A. "Central Burlington includes a National Register Historic District. Historically important structures should be protected from development pressures, or be subject to appropriate adaptive reuse to retain the character of central Burlington."

#### RELATIONSHIP TO THE BURLINGTON TOWN STRATEGIC PLAN

The Boone County Fiscal Court adopted the Burlington Town Strategic Plan in October of 2002. The purpose of this plan was to create a planning tool which would "energize the central town of Burlington into a healthy business and residential center of Boone County by using the public services, special events activity, and historical character of the town as a foundation.

While this plan didn't change the uses that are allowed in the Small Community Overlay (SC), it does recommend that several light industrial uses, including the fabrication of metal products should be analyzed as potential conditional uses at a future time. It should be noted that any future changes in the SC zone could affect numerous small town locations in Boone County, in addition to Burlington. The suggested future zoning changes to the SC zone include detailed site and building design requirements because of the potential impacts of industrial uses on adjacent land uses. The plan specifically proposes a sidewalk across the frontage of the site, streetscape landscaping, and improving the Jefferson Street/Temperate Street into a 3-way stop.

#### Surrounding Land Uses and Zoning

North: Temperate Street, Urb's Garage, and Advanced Broadcast Systems (I-1/CD)

South: Single Family Residential Dwelling (SR-2/SC)

East: Undeveloped Parcels (SR-2/SC)

West: Jefferson Street, Commercial/Residential Property (SR-2/SC)

#### Staff Comments

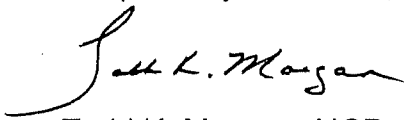
1. Staff and the Applicant had several discussions about this project. Staff's recommendation was that the Applicant go through the Zoning Map Amendment process because the Kentucky Revised Statutes states that the Board of Adjustment shall not allow the enlargement or extension of a non-conforming use. The request, if approved, would enlarge the percentage of the building that is non-conforming to 100%.
2. On May 10, 2002, Burlington Fire Department shut the building down due to electrical and structural problems. If the Change in Non-Conforming Use is approved, the Applicant will need to work with the Fire Department and Building Department to bring the building into compliance with the building code(s).
3. If the Change of Non-Conforming Use is approved, Staff recommends that the Board should analyze the Industrial One (I-1) uses to determine which are appropriate at this location. The applicant or any future property owner could convert the building into any I-1 use that is not specifically excluded by the application or conditions of approval.
4. If the Change of Non-Conforming Use were to be approved, Staff recommends the Board should impose conditions such as:
  - a. The parking lots and circulation areas will be paved and striped in accord with the zoning regulations;
  - b. The property owner will work with the Planning Commission and Fiscal Court to improve the Jefferson Street/Temperate Street/Idlewild Road intersection. This could include planting streetscape landscaping, dedicating right-of-way, installing curbs and sidewalks, and relocating access points.

- c. The building will be repainted within 6 months of occupancy. The property owner will work with the Rural Open/Space Planner in choosing the exterior colors.

Conclusion

KRS 100.237 and Sections 220 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 Conditional Use Permit. Staff's opinion is that proposal enlarges the pre-existing non-conformity.

Respectfully submitted,

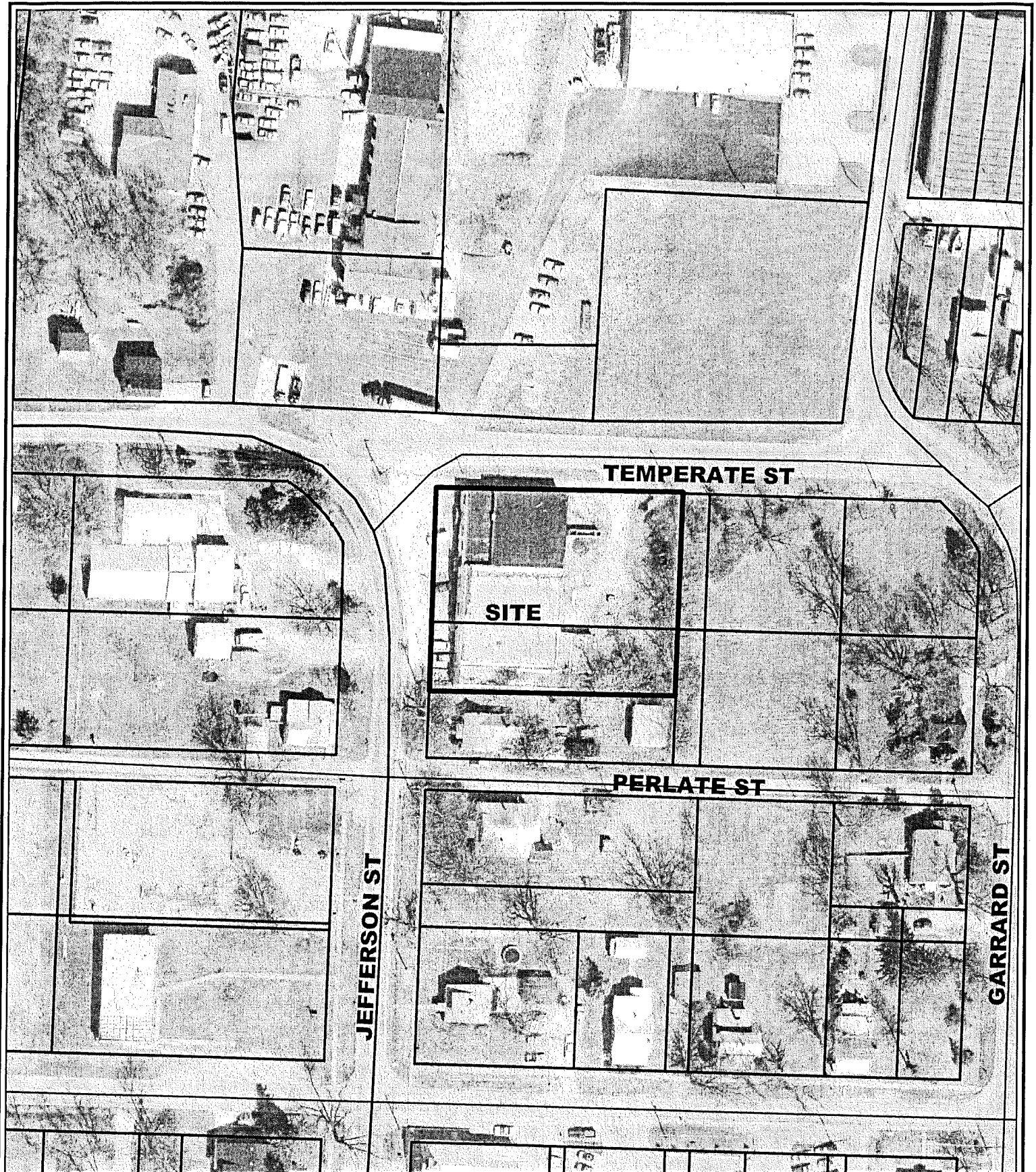


Todd K. Morgan, AICP  
Planner, Zoning Services

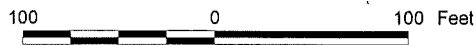
TKM/pr

Attachments

- Exhibit A – Site Vicinity Map
- Exhibit B – Letter From Applicant
- Exhibit C – Proposed Floor Plan
- Exhibit D – Past Floor Plans
- Exhibit E – Zoning Map
- Exhibit F – Future Land Use Map
- Exhibit G – Industrial One (I-1) Text
- Exhibit H – Application
- Exhibit I – Letter from Dan & Linda Whittenburg



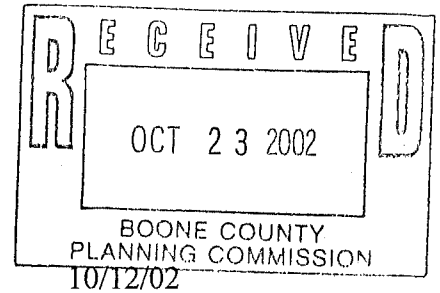
# 5906 Jefferson St. Site Vicinity Map



1 inch equals 100 feet  
 Produced by the  
 Boone County Planning Commission  
 GIS Services Division  
 November 4, 2002



5906 Jefferson St.  
Burlington, KY 41005  
Concept Development Plan



Submitted by: Dan Schalck

The property located at 5906 Jefferson St., Burlington, KY is approximately 5/8 acre, and has approximately 13,000 sq. ft. under roof. It is currently zoned SR-2/SC. It is situated on the corner of Temperate St. and Jefferson St., across Temperate St. from Urb's Garage, and adjacent to a residence to the south and a vacant lot to the east.

Legal Description: A tract of land lying and being in the City of Burlington, County of Boone, State of Kentucky and being more properly described as follows:

Beginning at a point in the east line of Jefferson Street, fifty-three and one-half (53-1/2) feet north of the northeast corner of Jefferson Street and Alley No.5 (Perlate St.); thence northwardly along the east line of Jefferson Street on hundred fifty-two (152) feet to the south line of Temperate Street; thence eastwardly along the south line of Temperate Street one hundred ninety (190) feet to a point in said south line; thence southwardly along a line at right angles to Temperate Street, parallel with Jefferson Street; and one hundred ninety (190) feet east of Jefferson Street, one hundred fifty-two (152) feet to a point; said point being fifty-three and one-half (53-1/2) feet north of the north line of alley No.5 (Perlate St.); thence westward along a line parallel with the south line of Temperate Street one hundred ninety (190) feet to the place of beginning and being part of lots eighty-eight (88) and ninety-six (96) as shown on the plat of Burlington, in the office of the Boone County Clerk of Burlington.

I have a contract to purchase this property contingent upon zoning regulations allowing uses consistent with Industrial One (I-1). I propose that this facility would be well suited for the principally permitted uses within I-1:

Permitted are the wholesale distribution, storage, manufacturing and assembly of industrial products. Exceptions are noted below:

- 37. Motor freight terminals, public warehousing, freight garaging and equipment maintenance;
- 44. Truck stops;
- 45. Recycling centers;

Other possible uses that fall under the Conditional Uses Criteria Section are as follows:

- 5. Gasoline filling stations and auto repair facilities;

I propose that all equipment, supplies, parts, etc. be kept inside the facility or additional facilities be added if inside storage is not feasible from a safety perspective (i.e. propane tanks for forklift, etc.).

No use would be permitted that would require handling of hazardous materials or hazardous by-products caused by manufacturing operations.

I currently operate a small business in the Cincinnati area (Industrial Flask, Inc.). This business would be the primary tenant in the building. Industrial Flask, Inc. (IFI) is primarily a machine shop that specializes in the repair of a specific type of machine used in the foundry industry (we are NOT a foundry). IFI was incorporated in 1974 and has occupied the same space since that time.

In addition to IFI, I may have some office and warehouse/manufacturing space available for rent. I will be looking for a small business to occupy this space.

I intend to essentially re-hab the facility: First priority will be to repair/replace the roof, then take care of safety concerns that have led to the 'lock-down' by the Burlington Fire Department. I will repair the mortar joints, repaint outside, remove unusable outside structures, re-grade the lot including removal of existing concrete slabs as necessary, pour new concrete to create parking and other usable lot space, remove underbrush and other debris around the property lines. I intend to use existing plantings and mature trees where feasible. The inside will be reconfigured to facilitate my manufacturing operation including large overhead doors to accommodate installation of equipment.

I would like to point out that when this building was constructed, the setback requirements were very different than today. In consideration of that, I ask that current setback/buffer requirements be waived.

I would like to note that this building was used in a manner consistent with I-1 zoning at various times throughout its' history:

1. (Conditional use 2) Poultry and small game dressing and packing;
2. (27) Refrigerated, household goods (mini-warehouses) and other refrigerated warehousing and storage.
3. (2) Food and kindred products, including the manufacture or processing of grain, sugar, oil, fat, glues, grease, tallow, lard gelatin, vinegar, yeast, starch, dextrin, glucose, and sauerkraut but excluding the primary manufacture of meat and fish, which includes the stocking and storing of live animals or garbage, offal or dead animal reduction or dumping of any tanning, curing or storage of rawhides or skins.
4. (6) Furniture and fixtures; (America's Yesterday)
5. (39) Blueprinting and photocopying services, stenographic services and other duplicating, mailing and delivering services;
6. (8) Printing industries; (Nationwide Printing. Printing equipment is present on the property today)

Nationwide Printing Company was in business continuously for 15 years until the recent 'lock-down' forced them out of the building.

I would also like to note that properties adjacent to the north are currently zoned I-1, although the parcel in question is less than 5 acres, I-1 zoning of this property would add to the current I-1 district.

Parking: I propose 20 parking spaces in front of the building and an additional 18 spaces along the rear property line. The building has approximately 1,500 sq. ft. of office space. This amount of office space would require 6 parking spaces. The 32 extra spaces would

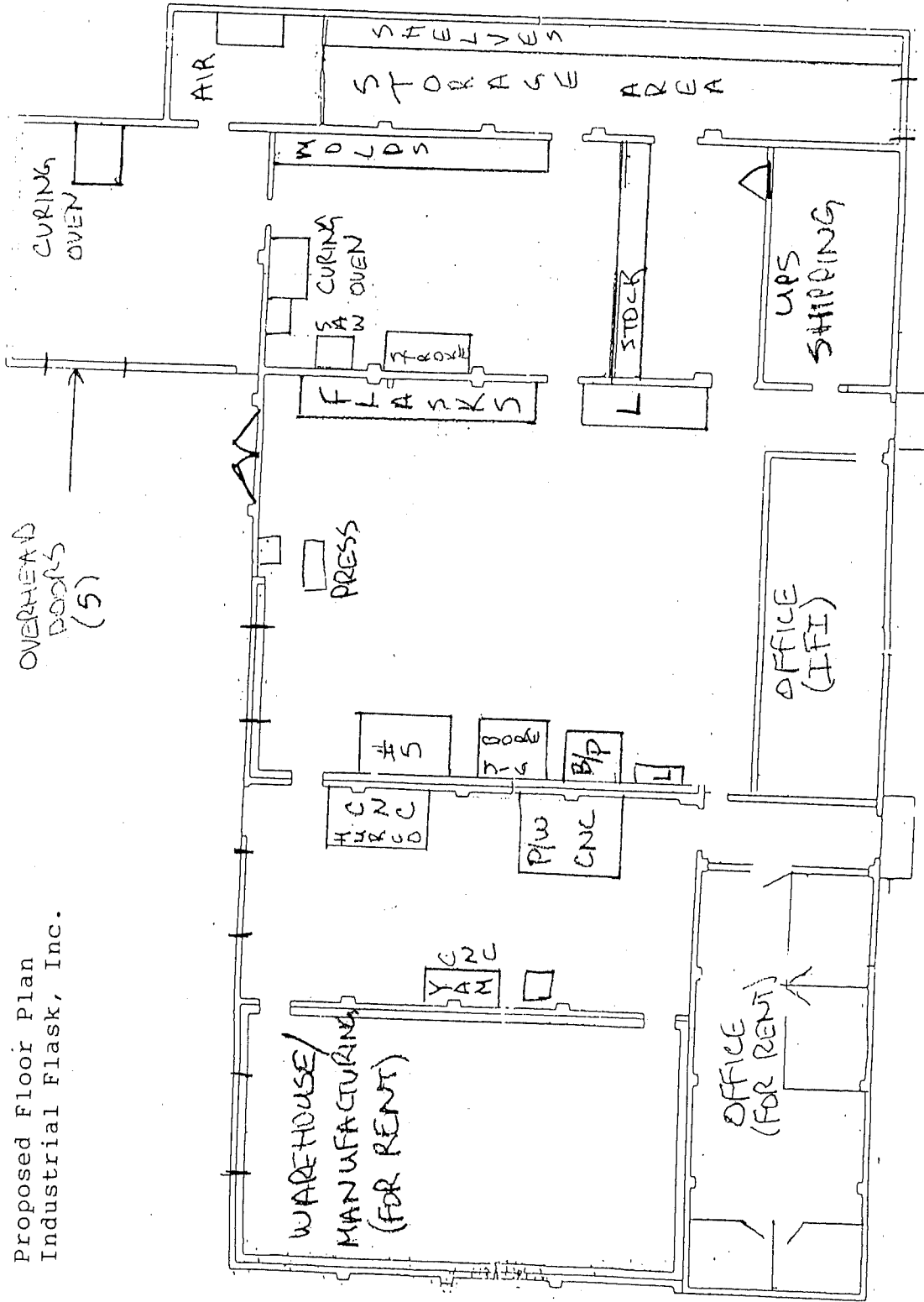
allow up to 64 employees at this location. IFI currently has 1 office and 4 non-office employees. In conclusion, I feel confident that parking will not present a problem.

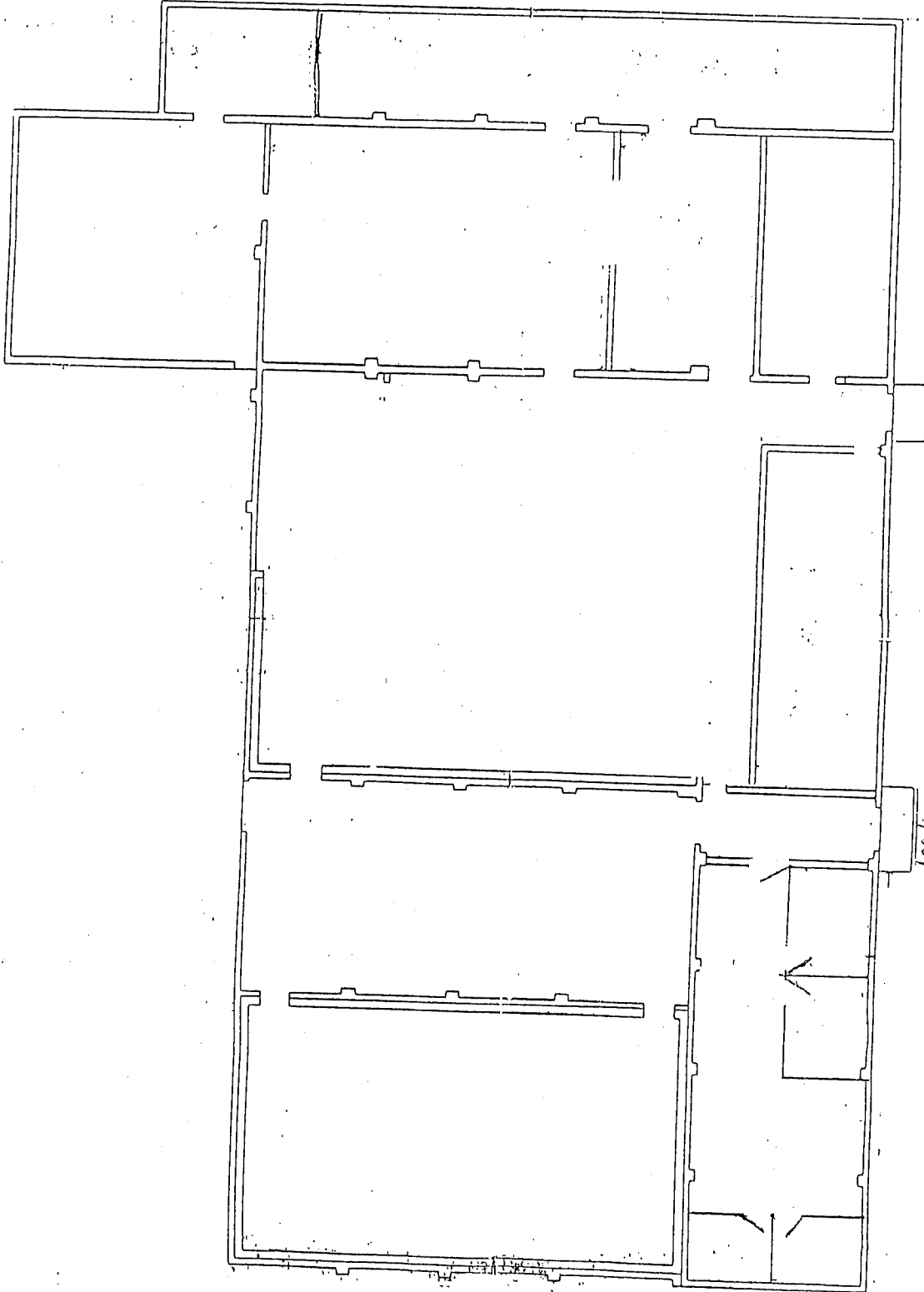
Additionally, the draft of the Burlington Town Strategic Plan (p.13-14) specifically addresses an effort to consider as a Conditional Use many of the primary uses outlined above (consistent with I-1). Especially if they are being considered for new use of an existing building. The plan also specifically addresses extra consideration if the truck traffic will be light (as is the case with IFI).

In the interest of time, I am asking for a Change in Non-Conforming Use. If granted, I will proceed with closing the purchase of the property, then I will apply for a Zoning Map Amendment to change the property permanently to I-1.

5906 Jefferson St.  
Burlington, KY 41005

Proposed Floor Plan  
Industrial Flask, Inc.

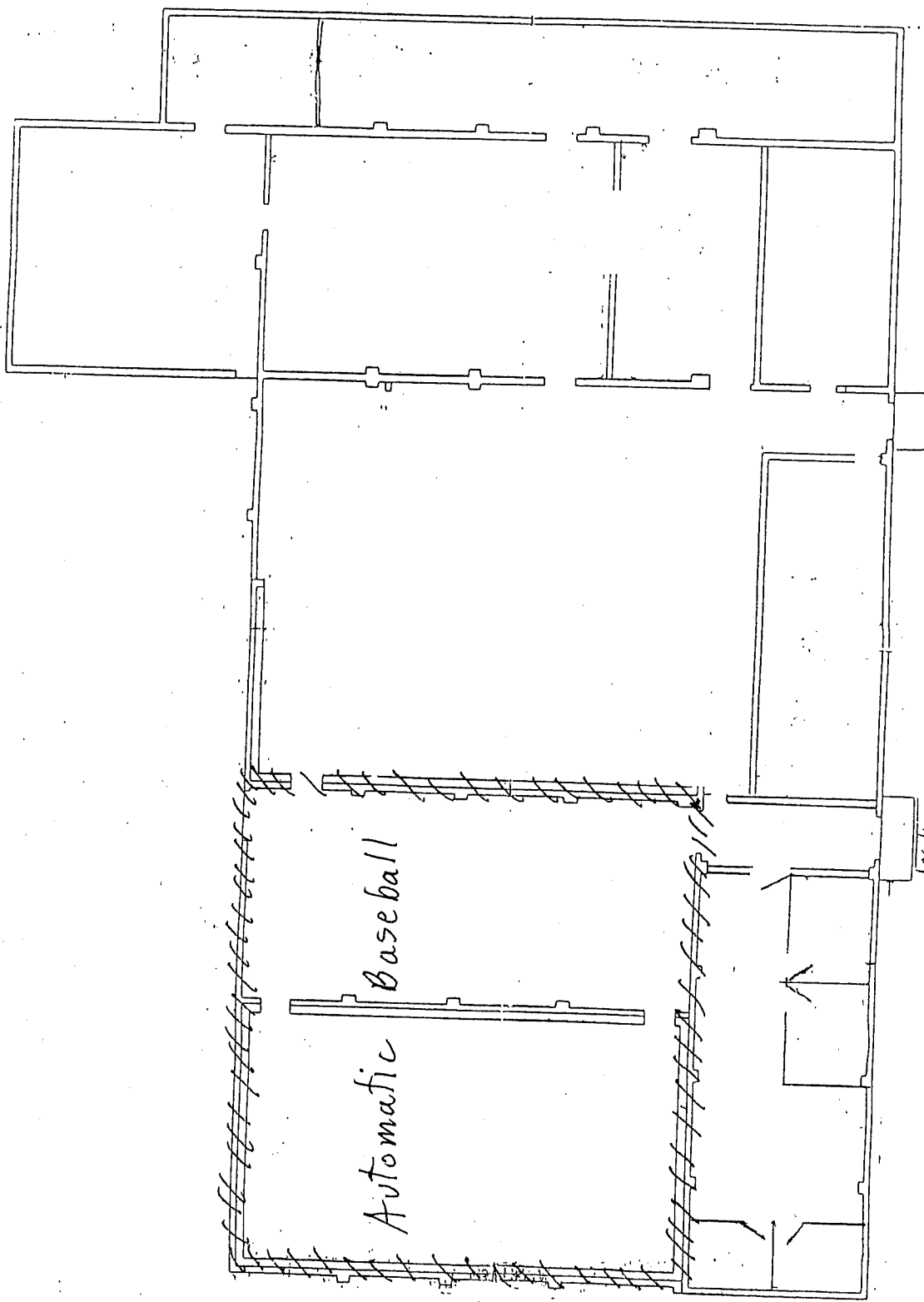




12-86 all  
To Nationwide Printing  
5-93

Exhibit "A"

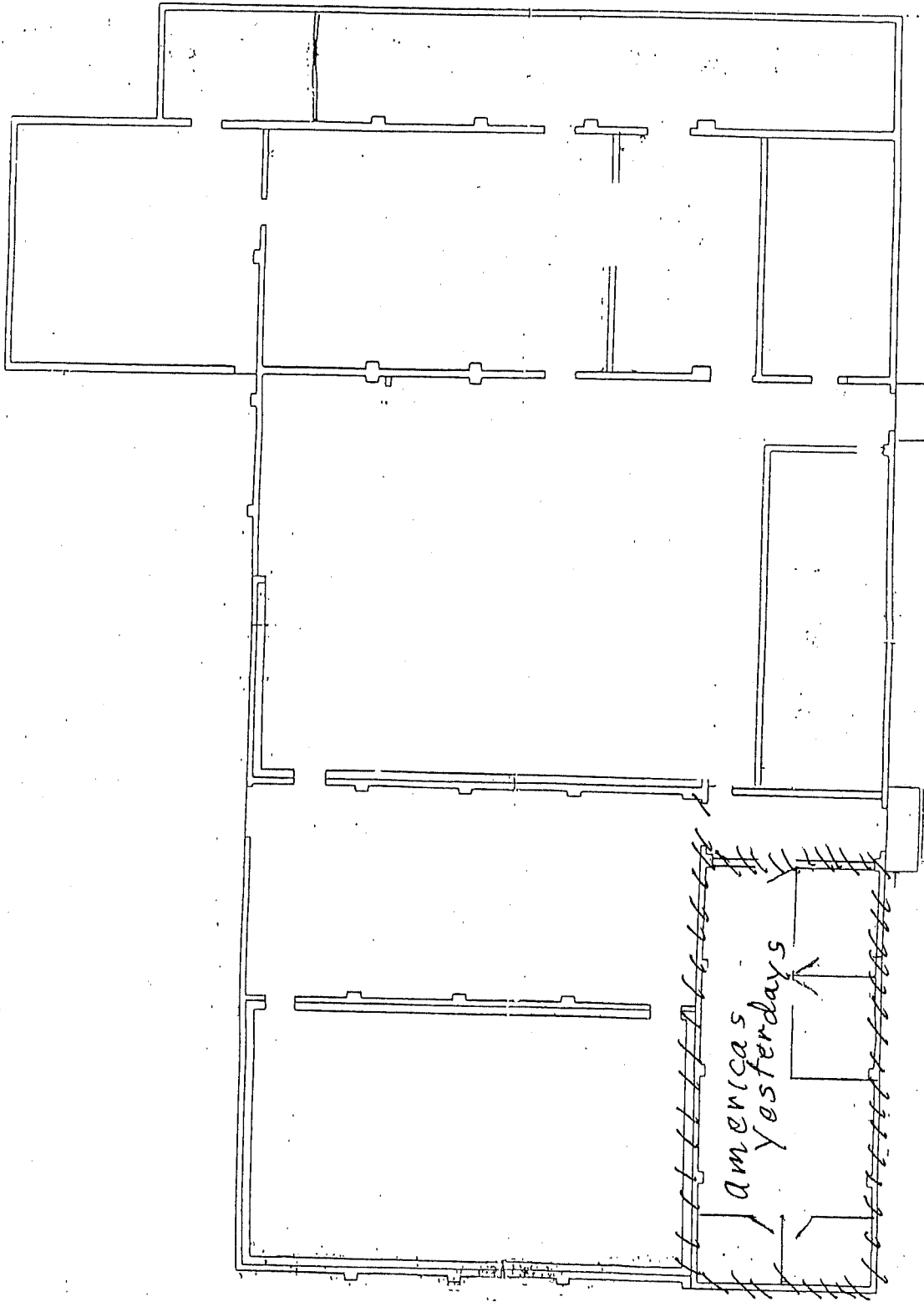
Loading dock  
common for all  
occupants



5-93 to 5-95  
Automatic Baseball Equipment  
makes batting cages  
Balance of space Nationwide  
Printing

Exhibit "A"

Loading dock  
common  
for all  
occupants



10-94 to 8-98

Americas Yesterdays  
Furniture Refinishing

Balance of space Nationwide Printing

Exhibit "A"

Loading dock common for all occupants

Americas Yesterdays



N. Ky. Antiques:  
Hobert Lewis +  
Michael Lewis

loading  
dock  
common  
for all  
occupants

6-95 to 9-99

N. Ky Antiques + Furniture Refinishing  
Balance of space Nationwide Printing

Exhibit "A"



Northern Kentucky  
Antiques  
Jennifer Louden

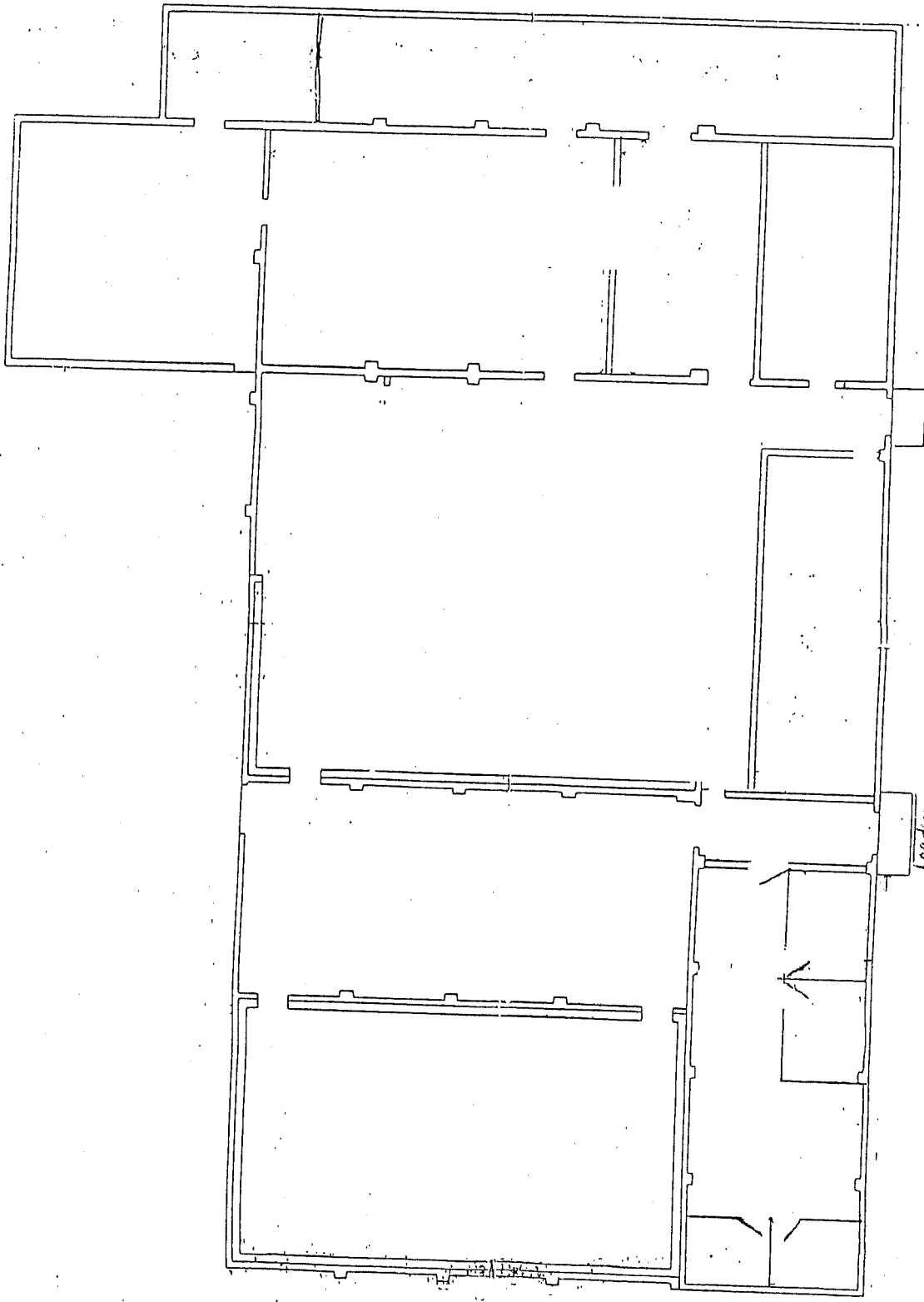
Loading  
dock  
common  
for all  
occupants

9-99 to 10-01

Northern Ky Antiques + Furniture  
Jennifer Louden Refinishing

Balance of space Nationwide Printing

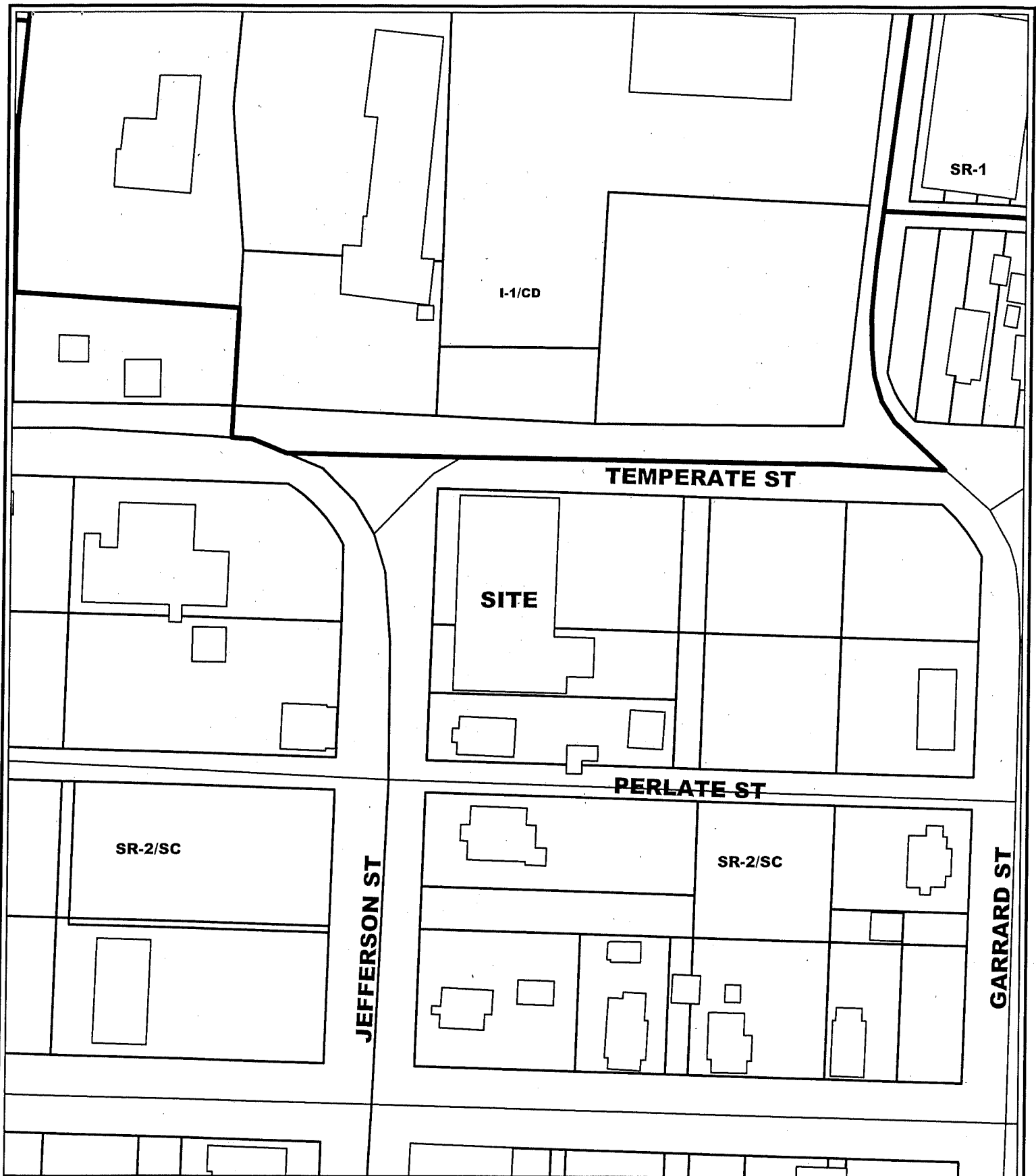
Exhibit "A"



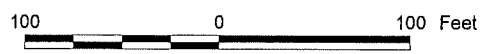
6-10-02 To present  
all Nationwide Printing

Exhibit "A"

Leads  
back  
common  
for all  
occupants

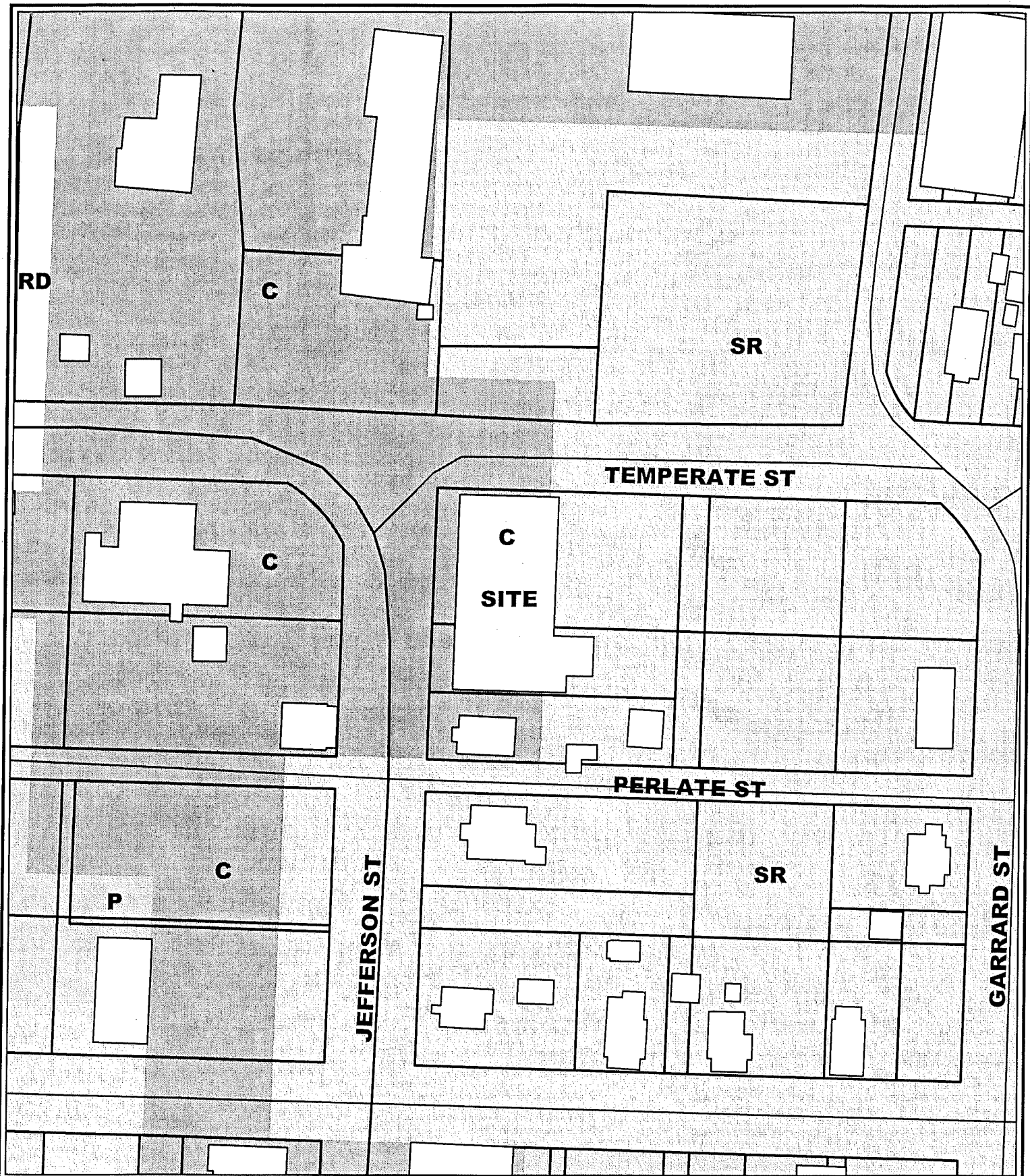


# 5906 Jefferson St. Zoning Map

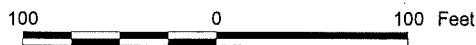


1 inch equals 100 feet  
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 Boone County Planning Commission  
 GIS Services Division  
 November 4, 2002





# 5906 Jefferson St. Future Land Use Map



1 inch equals 100 feet  
 Produced by the  
 Boone County Planning Commission  
 GIS Services Division  
 November 4, 2002



1. Hotels, tourist courts and motels only where the primary trade is of direct relation or support of the uses and purposes of the district;
2. The writing, publishing of newspapers, periodicals and books provided any printing operation is subservient to the writing and publishing activity and does not conflict with the purposes of permitted uses of the district;
3. Telephone, telegraph, radio and television relay, transmitting and receiving equipment provided the equipment is in direct support of the defined accessory use and does not physically or visually overpower, detract or conflict with the building design, scale or character proposed in this district;
4. Gasoline filling stations and auto repair facilities provided the use is in direct support of and primarily trades from the employees of the district;
5. Blueprinting and photocopying services;
6. Window cleaning, disinfecting and exterminating, dwelling and building services;
7. Automobile leasing or rental agencies (maximum storage of 50 vehicles);
8. Adult and child care centers.

#### **SECTION 1124**

##### **Intensity**

The maximum total intensity of all uses in an Office Two district shall not exceed 30,000 square feet of gross floor area per acre.

#### **SECTION 1125**

##### **Minimum Size**

The minimum size or extent required of an Office Two district is three (3) acres.

#### **SECTION 1126**

##### **Minimum Standards**

See Article 31 for dimensional standards. (Site Plan Review required for all permitted uses) (See Article 30)

#### **SECTION 1130**

##### **INDUSTRIAL ONE (I-1)**

The purpose of the Industrial One district is to allow different types of small to large scale light manufacturing, warehouse, distribution and related service uses, which require direct accessibility to a regional transportation system. Manufacturing operations in this district will generally not utilize unrefined raw materials, whose processing may potentially create undesirable noise, odors, dust, smoke, hazardous materials or waste or be delivered in large bulk transportation forms. Such districts are located in areas, which provide employment opportunities for community and regional labor markets. Districts will be located on suitable lands accessible from expressways and/or arterials. In addition, this zoning district allows for integrated office campus and/or industrial/warehouse developments with a business park setting, characterized by landscaped entrances, boulevard streets, large amounts of green space and low building coverage ratio, multi-level buildings, constant

architectural and signage theme, parking structures, and integrated pedestrian and recreation facilities. This district is also to provide for appropriate public facilities and/or services to the permitted uses identified in the district.

This zoning classification can range from a compact multi-level office development on several acres to an extensive mixed office/warehouse/distribution development that is located on many acres. This zoning classification often includes some limited commercial wholesale and retail uses intended to serve the district and constructed to blend in visually with the character of the area.

## **SECTION 1131**

### **Principally Permitted Uses**

Permitted are the wholesale distribution, storage, manufacturing and assembly of industrial products:

1. All principally permitted uses in an Office Two (O-2) zone;
2. Food and kindred products, including the manufacture or processing of grain, sugar, oil, fat, glues, grease, tallow, lard gelatin, vinegar, yeast, starch, dextrin, glucose and sauerkraut but excluding the primary manufacture of meat and fish, which includes the stocking and storing of live animals or garbage, offal or dead animal reduction or dumping of any tanning, curing or storage of rawhides or skins;
3. Textile mill products except primary manufacture of dyes, fibers, felt, rubber goods;
4. Apparel and other finished products made from fabrics, leather and similar materials except primary manufacture of rubber;
5. Fabricated wood products including containers, building components, structural members, but excluding the primary manufacture of wood or wood products;
6. Furniture and fixtures;
7. Paper products including envelopes, bags, boxes and containers, but excluding the primary manufacture of pulp, paper, paperboard or paper products;
8. Printing industries;
9. Pharmaceutical preparations, perfumes, cosmetics and other toiletry preparations;
10. Soaps and other detergents;
11. Fabrication of metal products except firearms and accessories, large scale machinery, and transportation vehicles;
12. Professional, scientific and controlling instruments, photographic and optical goods, watches and clocks;
13. Electric and electronic equipment;
14. Jewelry and precious metals, musical instruments and parts, toys, amusement, sporting and athletic goods, pens, pencils and other office and artists materials, brooms and brushes, lamp shades, signs and advertising displays, umbrellas, parasols and canes and other miscellaneous fabrication activities.

15. Technology and research centers including medical and hospital research establishments;
16. Educational and governmental institutions;
17. Wholesale trade of automobile accessories and parts;
18. Wholesale trade of drugs, drug proprietaries and sundries;
19. Wholesale trade of dry goods and apparel;
20. Wholesale trade of groceries and related products in enclosed facilities except animals or raw farm materials or products;
21. Wholesale trade of electrical and electronic parts;
22. Wholesale trade of hardware, plumbing, heating, equipment and supplies;
23. Wholesale trade of small machinery, equipment (light) and supplies except transportation or farm vehicles;
24. Other wholesale trade except non-containerized or bulk raw metals and minerals, petroleum products, scrap and waste materials;
25. Laundering, dry cleaning and dyeing services including rugs, linen supply and industrial laundry services;
26. Window cleaning, disinfecting, exterminating, grounds keeping, and other dwelling and building services;
27. Refrigerated, household goods (mini-warehouses) and other general refrigerated warehousing and storage;
28. Research, development and testing services;
29. Detective and protective services;
30. Photo finishing and other photographic laboratories;
31. Electrical repair and armature rewinding services;
32. Reupholstery and furniture repairing and refinishing services;
33. Scientific research services and laboratories;
34. Building construction, general contractor, plumbing, heating, air conditioning, painting, paper handling, decorating, electrical, masonry, stonework, tile setting, plastering, carpentry, wood flooring, roofing and sheetmetal, water-well drilling, septic and other special construction trade offices, supply, storage and related activities;
35. Postal services and related storage, distribution and transfer activities;

36. Agricultural contract sorting, grading and packaging services of fruits and vegetables;
37. Motor freight terminals, public warehousing, freight garaging and equipment maintenance;
38. Freight forwarding, packing and crating services;
39. Blueprinting and photocopying services, stenographic services and other duplicating, mailing and delivering services;
40. Equipment (light) rental and leasing services including automobiles and trucks;
41. Wholesale trade of containerized paints, varnishes, chemicals and allied products;
42. Manufacture of plastic products but not the primary manufacture of plastics;
43. Welding shops for the repair of industrial machinery and heavy equipment;
44. Truck stops;
45. Recycling centers;
46. Fire stations or fire related or protective services including rescue services;
47. Auto repair facilities, repair for tractor-trailers and other trucks, and towing and vehicle impound services excluding junkyards and wrecking;
48. Commercial recreational vehicle parking facilities;
49. Landscape contracting and wholesale nurseries.

## **SECTION 1132**

### **Accessory Uses**

Accessory uses, buildings and structures customarily incidental and subordinate to the purpose of the district including:

1. Recreational uses or spaces of integral relation to the purposes of the district defined to be:
  - a. Nature preserves, wildlife sanctuaries, open spaces and other natural areas;
  - b. Historic sites, structures, monuments and other exhibits available public viewing;
  - c. Auditoriums, exhibition halls and other public or miscellaneous assembly;
  - d. Golf course and tennis courts;
  - e. Swimming beaches and swimming pools;
  - f. Picnicking, hiking areas, exercise trails and other recreational uses;

- g. General, leisure, ornamental and other parks, spaces, trails, bikeway systems and similar uses;
  - h. Recreation/Health centers.
2. The administration management, stenographic reproductions, research, sales (including industrial retail sales, exhibit or display) and any related or integral office use or activity of the permitted use;
  3. Railroad right-of-way including switching and marshaling trackage and freight terminals;
  4. Marine freight terminals;
  5. Employment services;
  6. Signage (See Article 34);
  7. Parking (See Article 33);
  8. Outside storage, display, loading, uncrating or unpacking areas which are an integral function of a permitted use, and which are conducted in accordance with Section 3154;
  9. Food service for office, manufacturing or distribution uses;
  10. Drive-through facilities operated in conjunction with a permitted use, and which are conducted in accordance with Section 3155.

### **SECTION 1133**

#### **Conditional Uses and Criteria**

The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is provided primarily in support of and obtains its trade from the employees of the district; or b) the activity is of integral relation to the purpose of the district; c) the use, building or structure is subservient to and not of scale, nature, trade or other character which will compete, detract or conflict with the purpose and permitted uses of the district; and d) provided the arrangement of uses, buildings or structures is mutually compatible with the organization of permitted and accessory uses to be protected in the district:

1. Uses in which the primary business activity involves the following:
  - a. the storage of explosives or fireworks according to State law, gas, or petroleum;
  - b. bag cleaning;
  - c. blast furnaces, cupolas, rolling mills, coke ovens, forging, foundering, refining or smelting;
  - d. creosote treatment;
  - e. distillation of bones, coal or wood;

- f. enameling, japanning or lacquering;
- g. radium or radioactive elements;
- h. crushing or other reduction or waterproofing;
- l. the storage of chemicals;

The permission of such uses will be decided on an individual basis;

- 2. Poultry and small game dressing and packing;
- 3. Wholesale trade of non-containerized paints, varnishes, chemicals and allied products;
- 4. Telephone, telegraph, radio, television or other communication relay, transmitting and receiving uses, centers and equipment of a permitted use provided the structure does not physically or visually overpower, detract from or conflict with the building design, scale or character proposed in the district;
- 5. Gasoline filling stations and wash services;
- 6. Labor unions and similar labor associations;
- 7. Nursery and child care centers;
- 8. Hotels and motels;
- 9. Commercial recreation such as bowling centers, roller skating rinks, miniature golf courses, golf driving ranges, soccer fields and baseball fields;
- 10. Retail sales or leasing of new and used motor vehicles;
- 11. Wholesale vehicle sales or auctions;
- 12. Churches, synagogues, temples and other places of religious assembly for worship.

#### **SECTION 1134**

##### **Intensity**

The maximum intensity of all uses in an Industrial One district shall not exceed 25,000 square feet of gross floor area per acre.

#### **SECTION 1135**

##### **Minimum Size**

The minimum size and extent of an Industrial One district, including all the contiguous private property so designated, shall not be less than five (5) acres.

## **SECTION 1136**

### **Performance Standards**

Each development in the Industrial One district shall meet the following applicable performance standards pertaining to noise, vibration, air pollution, dust control, heat, lighting and landscaping (See Article 31):

General: No land or structure in an I-1 district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable condition which may affect any other property, including, but not limited to a) noise, b) vibration or shock, c) air pollution, d) dust control, e) heat, f) lighting, g) landscaping & buffering.

## **SECTION 1137**

### **Supplemental Zoning Map Amendment Standards**

Zoning Map Amendment applications which request the I-1 zone, and which involve sites that are located within areas designated as "Business Park" by the Boone County Comprehensive Plan's Future Land Use Map, shall be assessed relative to the standards in Section 1609 "Design Standards" in conjunction with the provisions of Article 3 "Amendment."

## **SECTION 1140**

### **INDUSTRIAL TWO (I-2)**

The purpose of the Industrial Two district is to provide for those types of heavy industrial uses, which are of a warehouse and manufacturing type and such uses are significant in size, which cannot be accommodated in an Industrial One district since they involve heavy equipment, machinery, or other products which requires sufficient infrastructure and results in a substantial economic impact. Such districts will be organized to provide employment opportunities for regional and extra regional labor markets. Districts will be located on lands with direct access to expressways and/or arterials.

## **SECTION 1141**

### **Principally Permitted Uses**

The following uses are permitted:

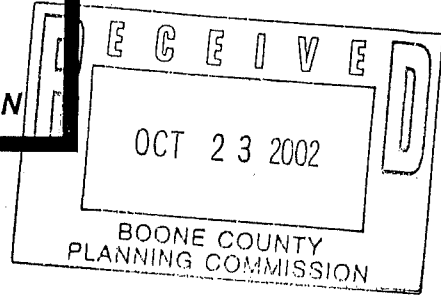
1. Any principally permitted use of an Industrial One (I-1) district.

Also permitted are uses which involve the manufacture, assembly, processing, treatment, or storage of the following:

2. Acids, creosote, or petroleum products;
3. Bag cleaning;
4. Blast furnaces, cupolas, rolling mill, coke oven, forging, foundries, refining, and smelting;
5. Corrosion of aluminum, copper, iron, tin, lead or zinc;
6. Distillation of alcohol, coal, or wood;
7. Electroplating;

APPLICATION FORM

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.  Boone  Florence  Walton  Union

(Check One)

2.  Conditional Use Permit  Variance  Appeal  
 Change in Non-Conforming Use

3. Applicant's Name Dan Schalck  
Phone Number 513-742-2511 Fax No. 513-742-9038  
Applicant's Address 204 Burgess Ln.  
Florence KY 41042  
City State Zip

4. Description of Request: Change in Non-Conforming use from Printing industries to Machine/Weld shop & other (see attachments)

5. Name of Development N/A

6. Location of Development 5906 Jefferson St., Burlington, KY 41005

7. Acreage Under Review Approx. 5/8

8. Lot Number and Name of Subdivision (if part of a subdivision)  
N/A

9. Owner of Property Hubert Lewis & Michael Lewis

Phone Number of Owner 859-586-5447

10. Address of Property Owner 45 Keswick Dr., Monroe, OH 45050  
City State Zip

11. Proposed Use(s) on Site Machine/Weld shop & other consistent with I-1 zoning (see attachments).

12. Total Square Footage of Existing and/or Proposed Buildings 13,000

13. Current Zoning on Property SR-2/SC

14. Deed Book 356 Page No. 305 Group No. 198 & 199

15. Is the site subject to a zone change? No  
If yes, give date of approval N/A

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.

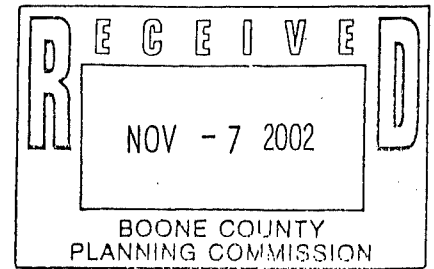
Applicant's Signature: D. Schalck

Property Owner's Signature: Michael Lewis

(over)

November 7, 2002

Todd Morgan, AICP  
Planner, Zoning Services  
Boone County Planning Commission  
2995 Washington St.  
Burlington, KY. 41005



To Whom it May Concern:

This letter is in regards to the proposed Change in Non-Conforming Use for the property at 5906 Jefferson Street. We understand that the site is currently zoned Suburban Residential Two/Small Community Overlay and that the request for change involves industrial uses.

As business and land owners of adjacent properties, we have been actively involved in restoration and preservation efforts on our properties. We have also been working for several months with a special committee of the Planning Commission and other concerned local citizens on the Burlington Town Strategic Plan to create a blueprint to preserve and improve the town's Historic District, important structures, and small town atmosphere. The goal is to restore and maintain the area as much as possible by using the historical character of the town as a foundation. Many guidelines were established for the treatment of structures and allowable uses. It is our concern that any business intended for the site in question follow the guidelines established and adopted by the Planning Commission and Fiscal Court. The work we and others have done has been a big step forward in addressing the needs of the town and community and it is our wish that future endeavors and businesses continue to serve these needs.

Thank you for your consideration of these concerns.

Sincerely yours,  
Dan and Linda Whittenburg  
5884 and 5878 Jefferson St.  
Burlington, KY.

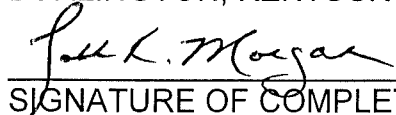
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CLUR #02-BCBOA-024-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)  
Hubert Lewis & Michael Lewis  
45 Keswick Drive  
Monroe, OH 45050
2. ADDRESS OF PROPERTY  
5906 Jefferson Street  
Burlington, KY 41005
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)  
\_\_\_\_\_
4. DEED BOOK 356      PAGE NO. 305      GROUP NO. 2025
5. TYPE OF RESTRICTION(S) (Check all that apply)
- Zoning Map Amendment:       Conditional Use Permit  
From    To
- Development Plan       Conditional Zoning
- Subdivision Plat       Other: Change in Non-Conforming Use  
(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  
2995 WASHINGTON STREET  
BURLINGTON, KENTUCKY 41005

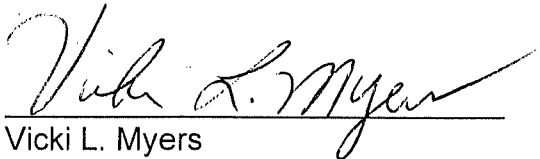
  
SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

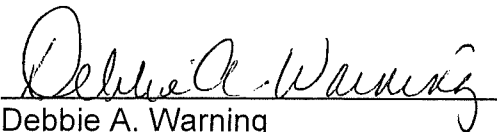
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the  
Boone County Planning Commission this 22 day of November, 2002.



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 Change in Non-Conforming Use approved by the Boone County Board of Adjustments and in accordance with the current zoning in effect as of November 13, 2002 Certificate of Land Use Restriction (#02-BCBOA-024-A), for Hubert Lewis & Michael Lewis, Property Owner(s).

The following conditions will apply:

- 1) The limits of the non-conformity remain unchanged.
- 2) The Applicant must work with the Fire Department and Building Department to bring the building into compliance with the building code(s).
- 3) The parking lots and circulation areas will be paved and striped in accord with the zoning regulations.
- 4) The property owner will work with the Planning Commission and Fiscal Court to improve the Jefferson Street/Temperate Street/Idlewild Road intersection. This could include planting streetscape landscaping, dedicating right-of-way, installing curbs and sidewalks, and relocating access points. This approval does not imply or suggest that the applicant is responsible for paying for any improvements deemed necessary.
- 5) The building will be repainted within 6 months of occupancy. The property owner will work with the Rural Open/Space Planner in choosing the exterior colors.

The approved Change in Non-Conforming Use as well as the preceding conditions apply to the property described in:

DEED BOOK 356

PAGE NO. 305

GROUP NO. 2025