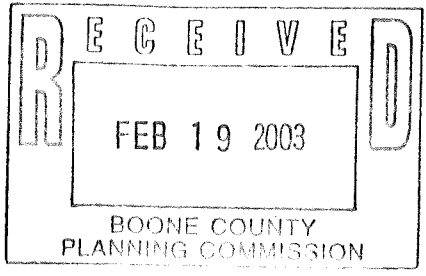


03-BOBA-009-A

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) X Boone ... Florence ... Walton ... Union
2. (Check One) Conditional Use Permit X Variance Appeal
3. Applicant's Name PAUL HEMMER CONSTRUCTION CO. Phone Number 341-8300 Fax No. 341-6817 Applicant's Address 250 GRANDVIEW DRIVE FORT MITCHELL, KY 41017
4. Description of Request: FRONT YARD SETBACK VARIANCE TO REDUCE DISTANCE TO 30' +/- DUE TO SITE CONSTRAINTS OF GAS EASEMENTS AND EXISTING CREEK SLOPE.
5. Name of Development NEW FACILITY FOR LIBERTY TRANSPORTATION
6. Location of Development LOT 25B MINEOLA INDUSTRIAL PARK, JAMIKE AVENUE BOONE COUNTY, KENTUCKY
7. Acreage Under Review 6.2 ACRES
8. Lot Number and Name of Subdivision (if part of a subdivision) LOT 25B, MIEOLA INDUSTRIAL PARK
9. Owner of Property MINEOLA INDUSTRIAL PARK CO. Phone Number of Owner 341-8300
10. Address of Property Owner FORT MITCHELL KY 41017
11. Proposed Use(s) on Site NEW FACILITY FOR LIBERTY TRANSPORTATION
12. Total Square Footage of Existing and/or Proposed Buildings
13. Current Zoning on Property I-1
14. Deed Book 321 & 364 Page No. 281 & 220 Group No. 2022
15. Is the site subject to a zone change? NO
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: Matthew Blankenship

Property Owner's Signature: Michael Hemmer

STAFF REPORT

APPLICANT: Paul Hemmer Construction Company

LOCATION: Between and immediately to the northeast of 1346 and 1350 Jamike Avenue, Boone County, Kentucky

ZONING: Industrial One (I-1)

DATE: March 12, 2003

Proposal

Paul Hemmer Construction Company is requesting a variance to allow a proposed office/warehouse building to encroach into the required 50 foot front yard setback. The property in question is located between and immediately to the northeast of 1346 and 1350 Jamike Avenue. The request is to reduce the front yard setback requirement from 50 feet to 30 feet.

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 6.2 acre flag lot is located on Jamike Avenue and is zoned Industrial One (I-1). The panhandle portion of the lot is flat and contains no vegetation. The remainder of the lot is heavily wooded and contains an intermittent blueline stream. The topography of the lot falls off from 880' above sea level at Jamike Avenue to 820' above sea level near the northeast property line. The submitted Concept Development Plan (see attachments) also indicates that there is a 50' wide gas easement behind the proposed building.

Surrounding Land Uses and Zoning

Northeast: Pepsi Warehouse, Owens & Minor Warehouse (I-1)

Southeast: Pt. Pleasant Fire, Steinkamp Mold, and Office/Warehouse Buildings (I-1)

Northwest: Parkway Products (I-1)

Southwest: Obara Corp., Envelope House, & Portman Equipment (I-1)

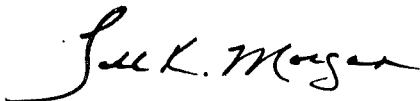
Staff Comments

1. If the Board grants approval of the variance, Staff recommends a condition which will require a 10' wide buffer yard (Buffer Yard A) to be installed between the property line and the building, parking lot, and detention area.

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 request for a variance. Staff believes that strictly applying the 50' front yard setback creates an unnecessary hardship on the applicant because there is severe topography and a gas easement in the rear portion of the lot.

Respectfully submitted,

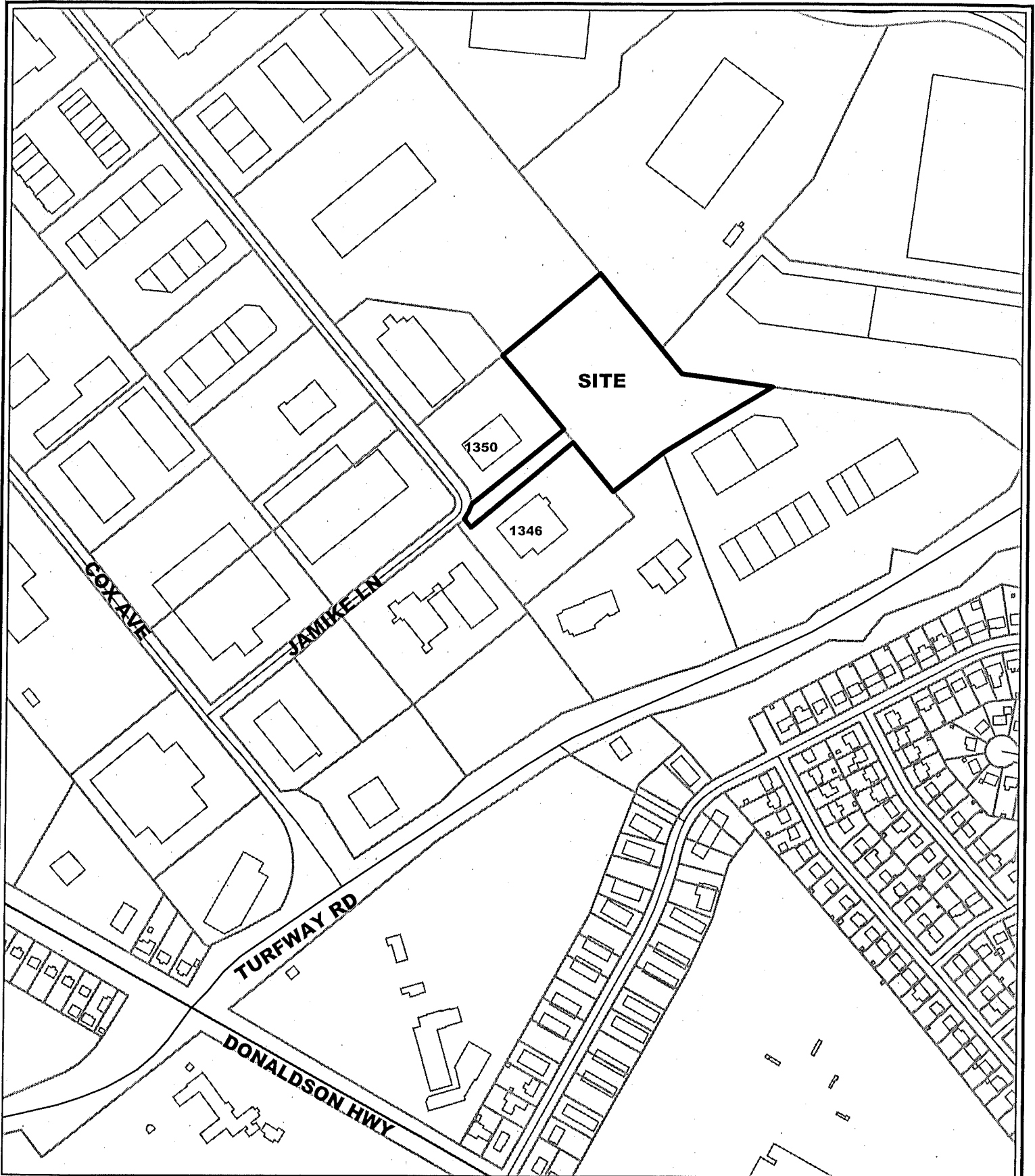


Todd K. Morgan, AICP
Planner, Zoning Services

TKM/pr

Attachments

- Exhibit A – Site Vicinity Map
- Exhibit B – Concept Plan
- Exhibit C – Aerial Map
- Exhibit D – Zoning Map
- Exhibit E – Topographical Map
- Exhibit F – Application



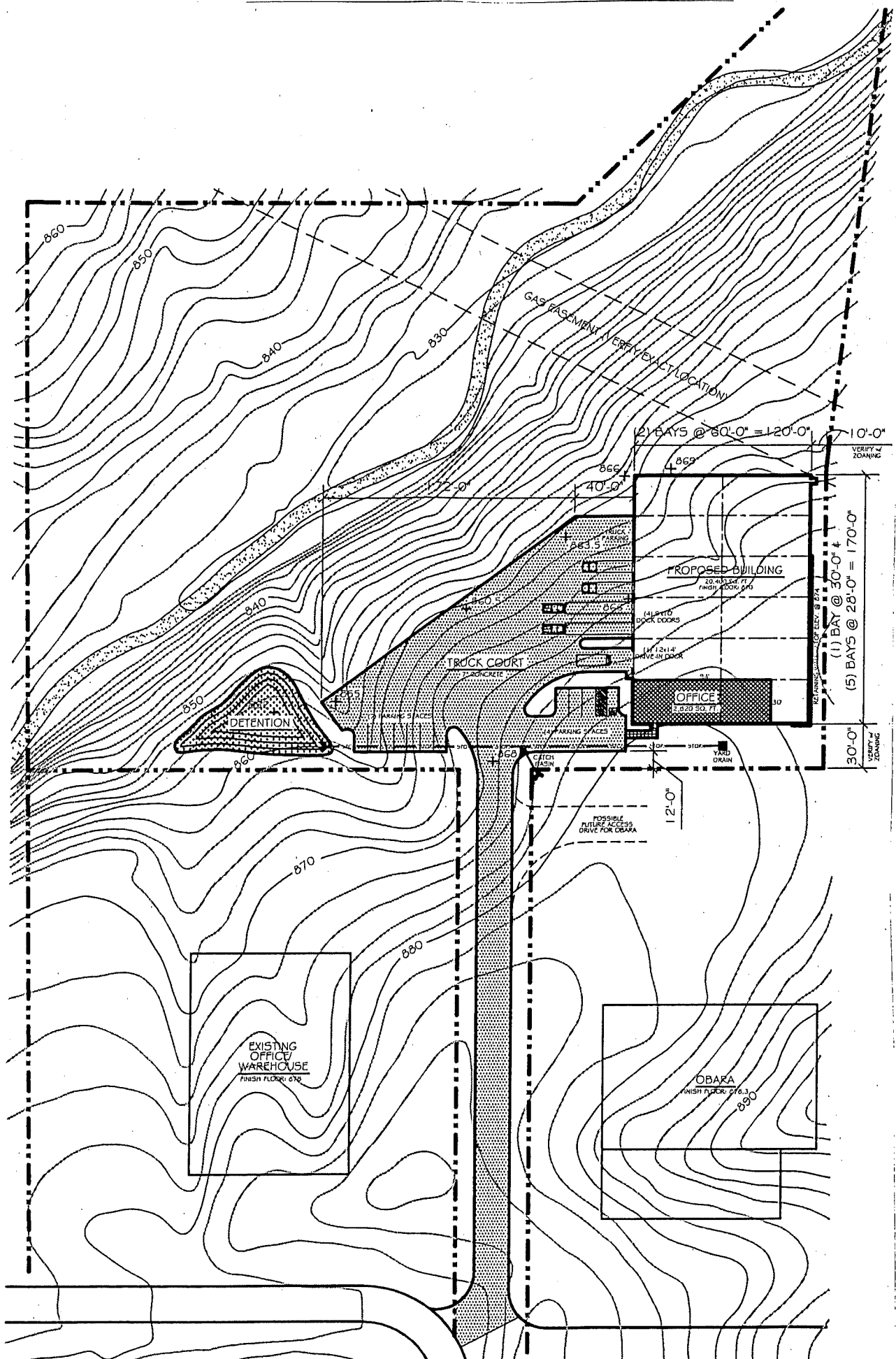
Liberty Transportation Site Vicinity Map

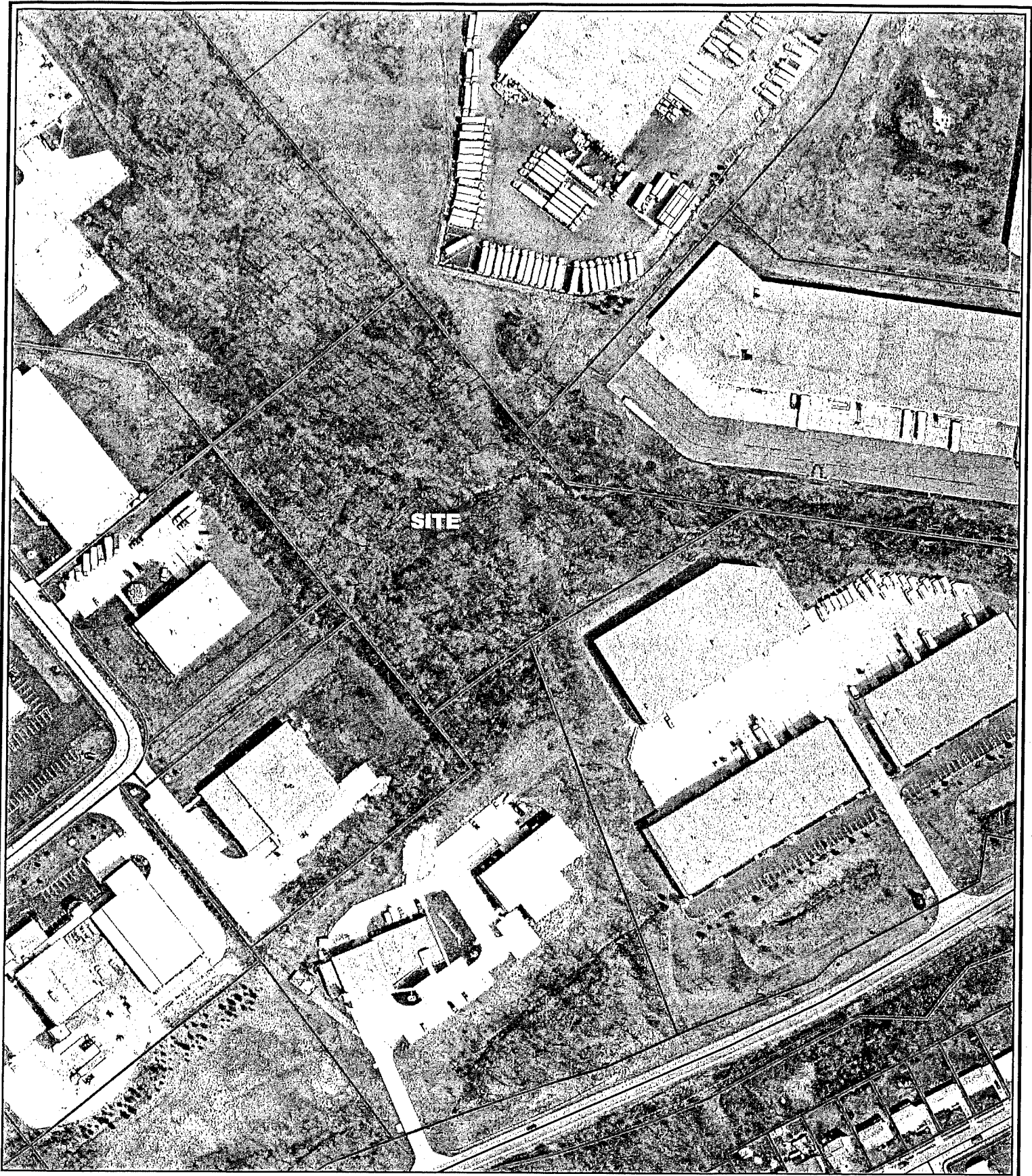


1 inch equals 400 feet

Produced by the
Boone County Planning Commission
GIS Services Division
February 27, 2003







SITE

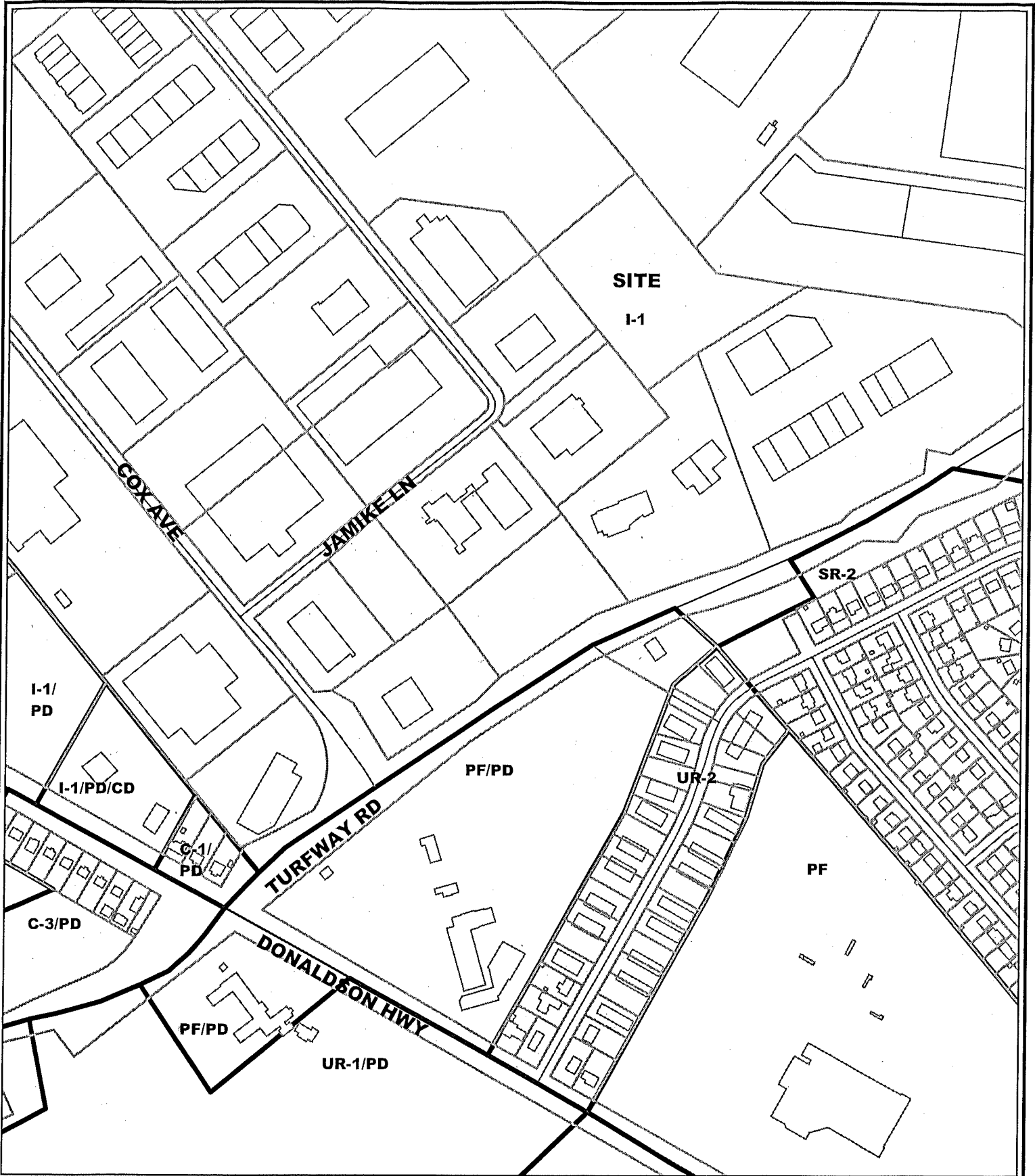
Liberty Transportation Aerial Map

200 0 200 Feet

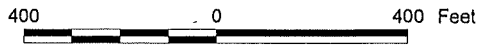
1 inch equals 200 feet

Produced by the
Boone County Planning Commission
GIS Services Division
February 27, 2003





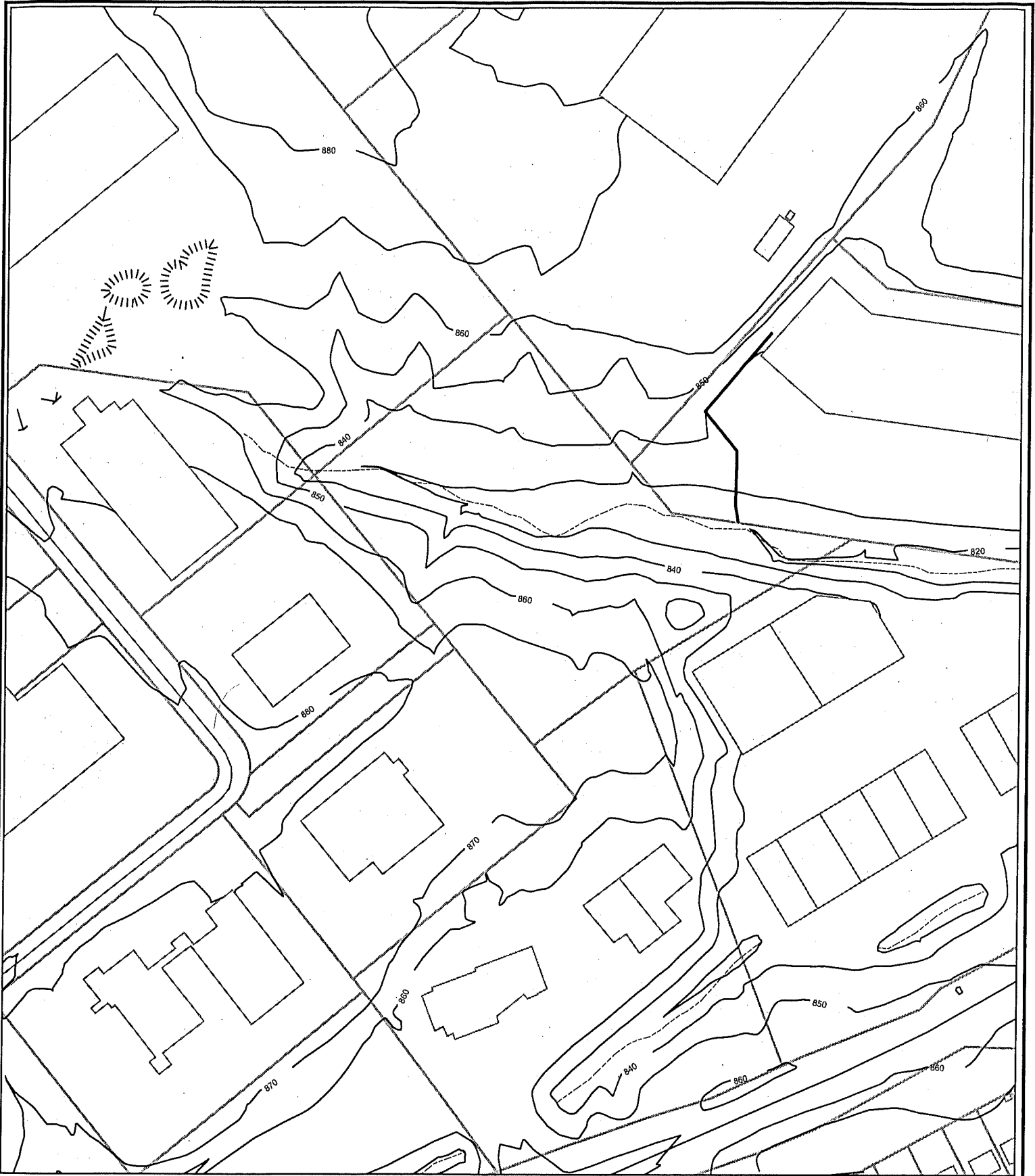
Liberty Transportation Zoning Map



1 inch equals 400 feet

Produced by the
Boone County Planning Commission
GIS Services Division
February 27, 2003



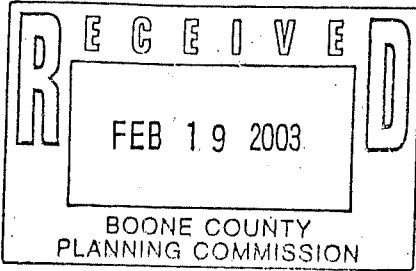


Liberty Transportation Topographical Map

200 0 200 Feet

1 inch equals 200 feet
Produced by the
Boone County Planning Commission
GIS Services Division
March 3, 2003





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 [X] Appeal [] Change in Non-Conforming Use []
3. Applicant's Name PAUL HEMMER CONSTRUCTION CO. Phone Number 341-8300 Fax No. 341-6817 Applicant's Address 250 GRANDVIEW DRIVE FORT MITCHELL, KY 41017
4. Description of Request: FRONT YARD SETBACK VARIANCE TO REDUCE DISTANCE TO 30' +/- DUE TO SITE CONSTRAINTS OF GAS EASEMENTS AND EXISTING CREEK SLOPE.
5. Name of Development NEW FACILITY FOR LIBERTY TRANSPORTATION
6. Location of Development LOT 25B MINEOLA INDUSTRIAL PARK, JAMIKE AVENUE BOONE COUNTY, KENTUCKY
7. Acreage Under Review 6.2 ACRES
8. Lot Number and Name of Subdivision (if part of a subdivision) LOT 25B, MIEOLA INDUSTRIAL PARK
9. Owner of Property MINEOLA INDUSTRIAL PARK CO. Phone Number of Owner 341-8300
10. Address of Property Owner FORT MITCHELL KY 41017
11. Proposed Use(s) on Site NEW FACILITY FOR LIBERTY TRANSPORTATION
12. Total Square Footage of Existing and/or Proposed Buildings
13. Current Zoning on Property I-1
14. Deed Book 321 & 364 Page No. 281 & 220 Group No. 2022
15. Is the site subject to a zone change? NO
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]

COPY

CLUR #03-BCBOA-009-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Mineola Industrial Park Co.
250 Grandview Drive
Ft. Mitchell, KY 41017
2. ADDRESS OF PROPERTY
Jamike Ave.
Erlanger, KY 41018
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Mineola Industrial Park, Lot 25B
4. DEED BOOKS & PAGES 321/281, 364/220 GROUP NO. 2022
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
2995 WASHINGTON STREET
BURLINGTON, KENTUCKY 41005

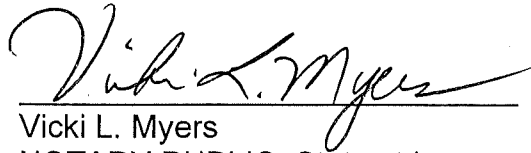

SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

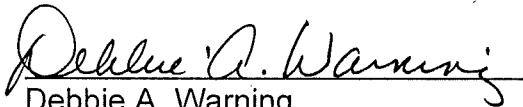
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 21 day of March, 2003.



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 March 12, 2003 Certificate of Land Use Restriction (#03-BCBOA-009-A), for Mineola Industrial Park Co., Property Owner(s).

The following conditions will apply:

- 1) Front yard setback reduced from 50 feet to 28 feet.
- 2) A 10-foot wide buffer yard (Buffer Yard A) is required between the property line and the building, parking lot, and detention area.

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

DEED BOOKS & PAGES 321/281, 364/220

GROUP NO. 2022