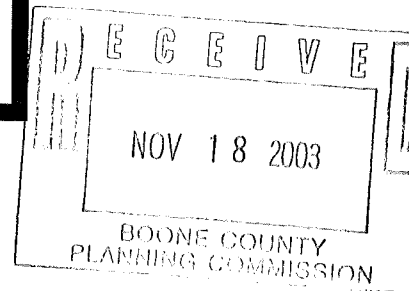


03-BCBOA-023-A

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) Boone [checked] Florence _____ Walton _____ Union _____
2. (Check One) Conditional Use Permit _____ Variance [checked] Appeal _____ Change in Non-Conforming Use _____
3. Applicant's Name Robert Ross, Preferred Surveying Company
Phone Number 513-942-9420 xt. 12 Fax No. 513-860-8220
Applicant's Address 10172 International BLVD
CINCINNATI OHIO 45246
City State Zip
4. Description of Request: VARIANCE TO LOT FRONTAGE (width) distance at Front Yard Setback Line
5. Name of Development U.S. Industrial Park Phase "B"
6. Location of Development Sam Neace drive And Aristocrat drive
370 ARISTOCRAT DRIVE, BOONE COUNTY, KY.
7. Acreage Under Review
8. Lot Number and Name of Subdivision (if part of a subdivision)
LOT NO. 7 OF U.S. INDUSTRIAL PARK Phase B
9. Owner of Property HMA Georgia, LLC - Bond. mg.
Phone Number of Owner 704-377-6224
10. Address of Property Owner 133 Cherokee drive, Charlotte NC, 28207
City State Zip
11. Proposed Use(s) on Site AS ZONED CURRENTLY (I-2)
12. Total Square Footage of Existing and/or Proposed Buildings 12575 # EXISTING
13. Current Zoning on Property I-2
14. Deed Book 832 Page No. 554 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? NO - NO CONCEPT PLAN ONLY
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: [Signature] Preferred Surveying Company, INC.

Property Owner's Signature: [Signature] HMA Georgia, LLC

(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 11-18-03 Fee Received \$835.00 RA 37203
- 2. Is application complete? _____ Yes _____ No
- 3. Staff Reviewer _____
- 4. Scheduled Board Action Date _____
- 5. Board Action:
12/10/03 **Approved**
_____ **Approved with Conditions (See #6)**
_____ **Denial (See #7)**
- 6. Conditions of Approval: NONE

- 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 - 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: Preferred Surveying Company

LOCATION: Eastern Side of Lot 7, U.S. 25 Industrial Park (370 Aristocrat Drive, Boone County, Kentucky).

ZONING: Industrial Two (I-2)

DATE: December 10, 2003

Proposal

The Applicant is requesting a Variance to reduce the minimum road frontage requirement, for a proposed parcel in U.S. 25 Industrial Park. The submitted Concept Development Plan shows that the applicant wants to subdivide lot 7 of U.S. 25 Industrial Park into two legal lots of record (lots 7A & 7B). Proposed Lot 7B does not meet the 250 foot frontage requirement for a buildable lot in the Industrial Two (I-2) zoning district. The proposal is to reduce the frontage of proposed lot 7B to 232.52 feet.

Applicable Regulations

Article 40, Section 4000 of the Boone County Zoning Regulations defines frontage as follows:

“the distance between the side property lines as measured across the required minimum front yard setback line (p. 40.13).”

Article 2, Section 250 of the Boone County Zoning Regulations states that the Board of Adjustment 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.

Surrounding Land Uses and Zoning

- North: Industrial facility on a 21.98-acre lot, zoned Industrial Two (I-2)
- South: Self-storage facility on an 8.35-acre lot, zoned Industrial Two (I-2)
- East: Single-family residence on a 0.62 acre lot, zoned Industrial Two (I-2)
- West: Vacant lot, 5.75 acres, zoned Industrial Two (I-2)
- Southeast: Industrial facility on a 3.65-acre lot, zoned Industrial Two (I-2)

Site Characteristics

The site's topography is varied. Elevations range from 878 feet above sea level, on the northwest corner of the site, to 922 feet above sea level, on the northeast corner. There is a natural drainage ditch located along the street frontage on Sam Neace Drive. A detention basin is located immediately to the east of the driveway on Aristocrat Drive.

Staff Comments

1. Staff believes that the Board can interpret the variance in two ways:
- A. The reduction of the road frontage requirement to 232.52 feet will be unnoticeable to the general public and will not adversely affect the public health, safety, or welfare. It will not affect the general character of the area, nor will it cause a nuisance in the area.
 - B. The variance arises from the property owners' desires to create two lots. Staff believes that the lots could be platted so that they would meet code (lot frontage). This could be accomplished by drawing the side property line through the 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 applicant's request for a reduction in the required frontage from 250 feet to 232.52 feet.

Respectfully submitted,

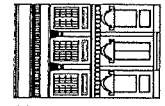
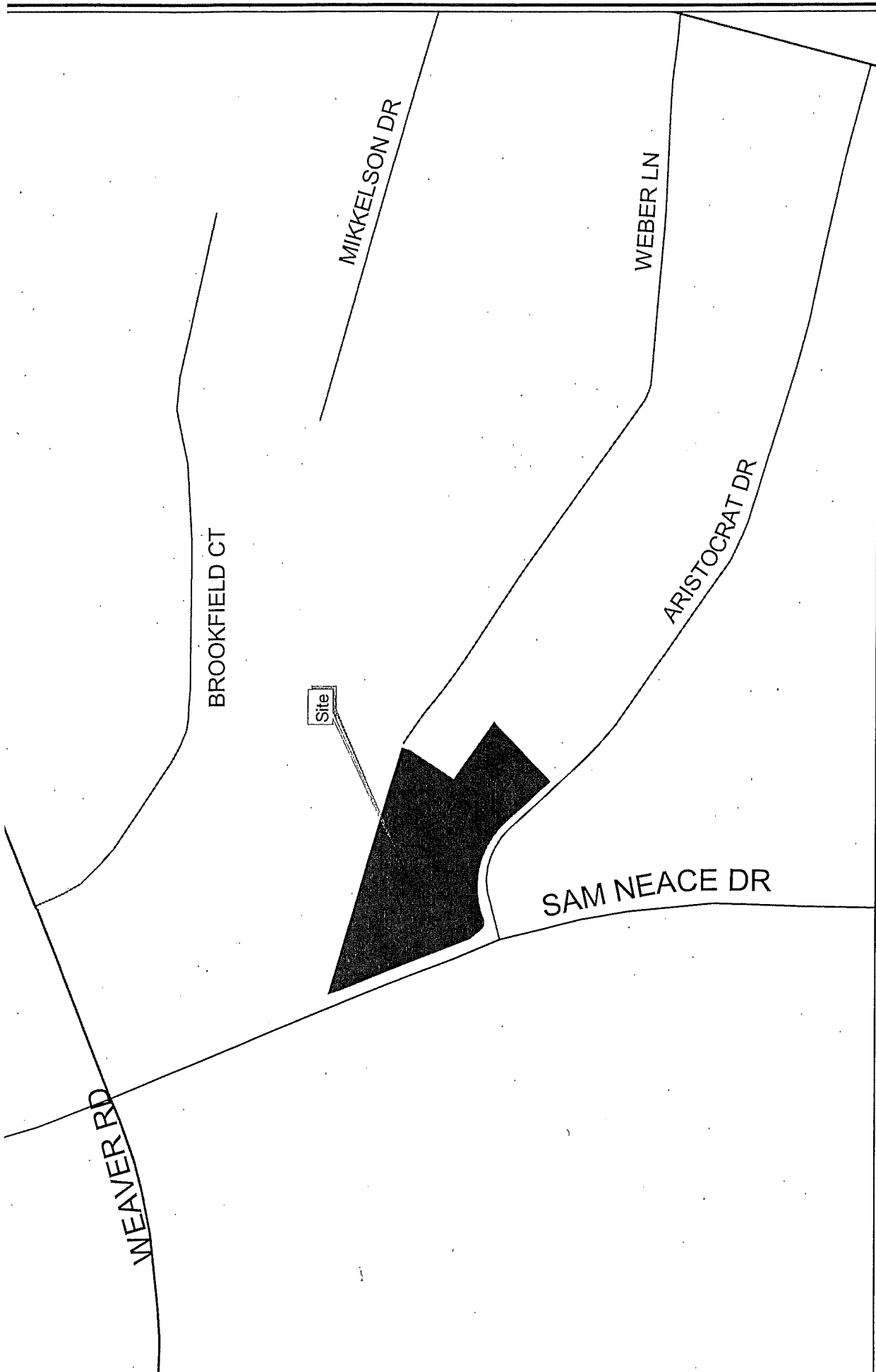


Patty Bachman
Planner, Zoning Services

MPB/pr

Attachments

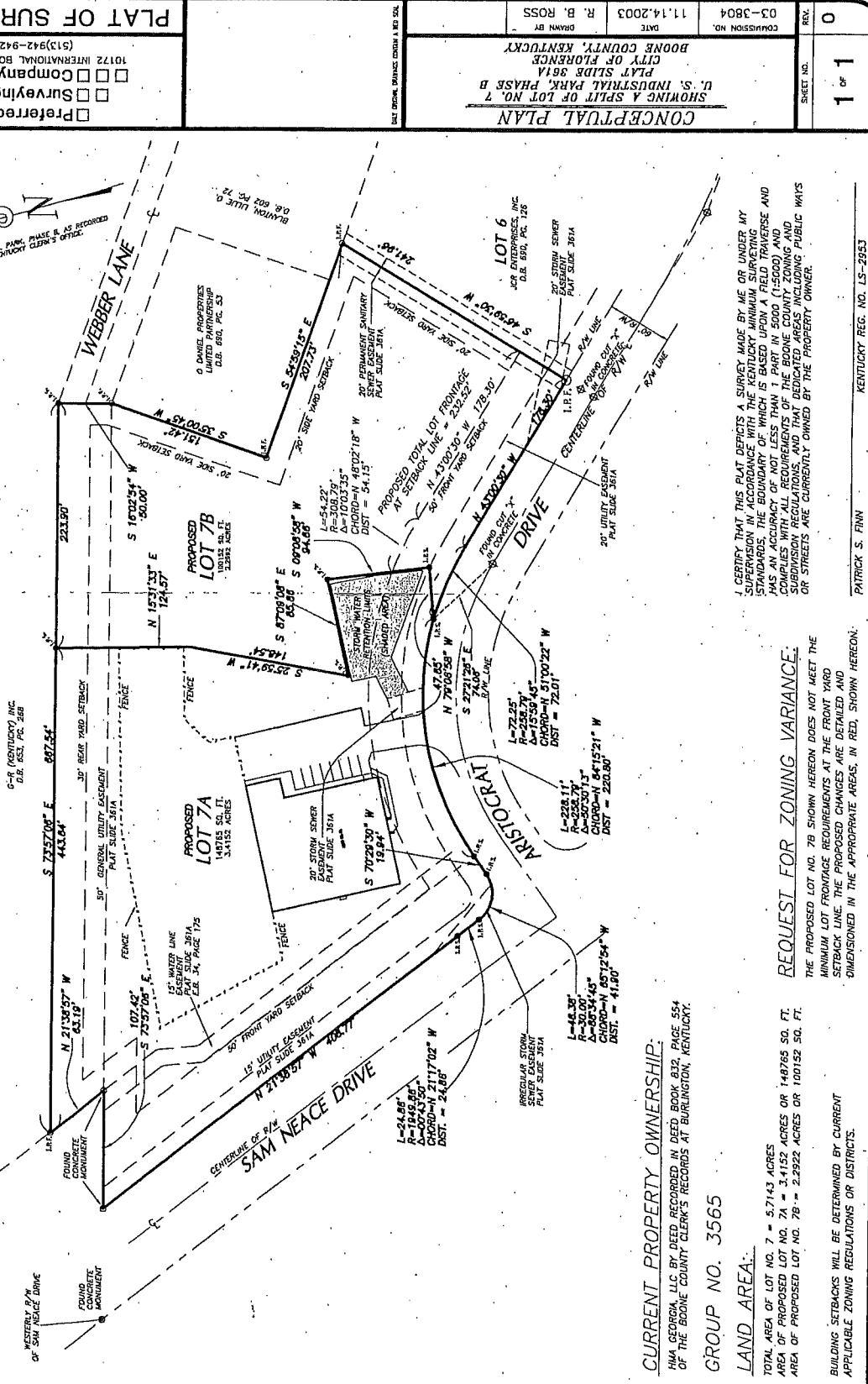
- Exhibit A – Site Vicinity Map
- Exhibit B – Concept Development Plan
- Exhibit C – Zoning Map
- Exhibit D – Aerial Map
- Exhibit E – Application



Produced by the
Boone County Planning Commission
GIS Services Division
December 2, 2003

Preferred Surveying-Vicinity

CONCEPTUAL PLAN
SHOWING A SPLIT OF LOT NO. 7
U. S. INDUSTRIAL PARK, PHASE B
PLAT SLIDE 361A
CITY OF FLORENCE
BOONE COUNTY, KENTUCKY



LEGEND
 I.P.F.O IRON PIN FOUND
 I.P.S. 5/8" IRON PIN SET

PLAT OF SURVEY
 Preferred
 Surveying
 Company, Inc.
 10172 INTERNATIONAL BOULEVARD, CINCINNATI, OH, 45246
 (513)942-9420 FAX (513)960-8220

CONCEPTUAL PLAN
 SHOWING A SPLIT OF LOT NO. 7
 U. S. INDUSTRIAL PARK, PHASE B
 PLAT SLIDE 361A
 CITY OF FLORENCE
 BOONE COUNTY, KENTUCKY
 DRAWN BY R. B. ROSS
 DATE 11.14.2003
 COMMISSION NO. 03-3804
 SHEET NO. 1 of 1

CURRENT PROPERTY OWNERSHIP:
 HMA GEORGIA, LLC BY DEED RECORDED IN DEED BOOK 832, PAGE 554
 OF THE BOONE COUNTY CLERK'S RECORDS AT BURLINGTON, KENTUCKY.
GROUP NO. 3565

LAND AREA:
 TOTAL AREA OF LOT NO. 7 = 5.7143 ACRES
 AREA OF PROPOSED LOT NO. 7A = 3.4152 ACRES OR 148765 SQ. FT.
 AREA OF PROPOSED LOT NO. 7B = 2.2922 ACRES OR 100152 SQ. FT.

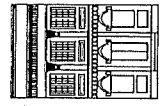
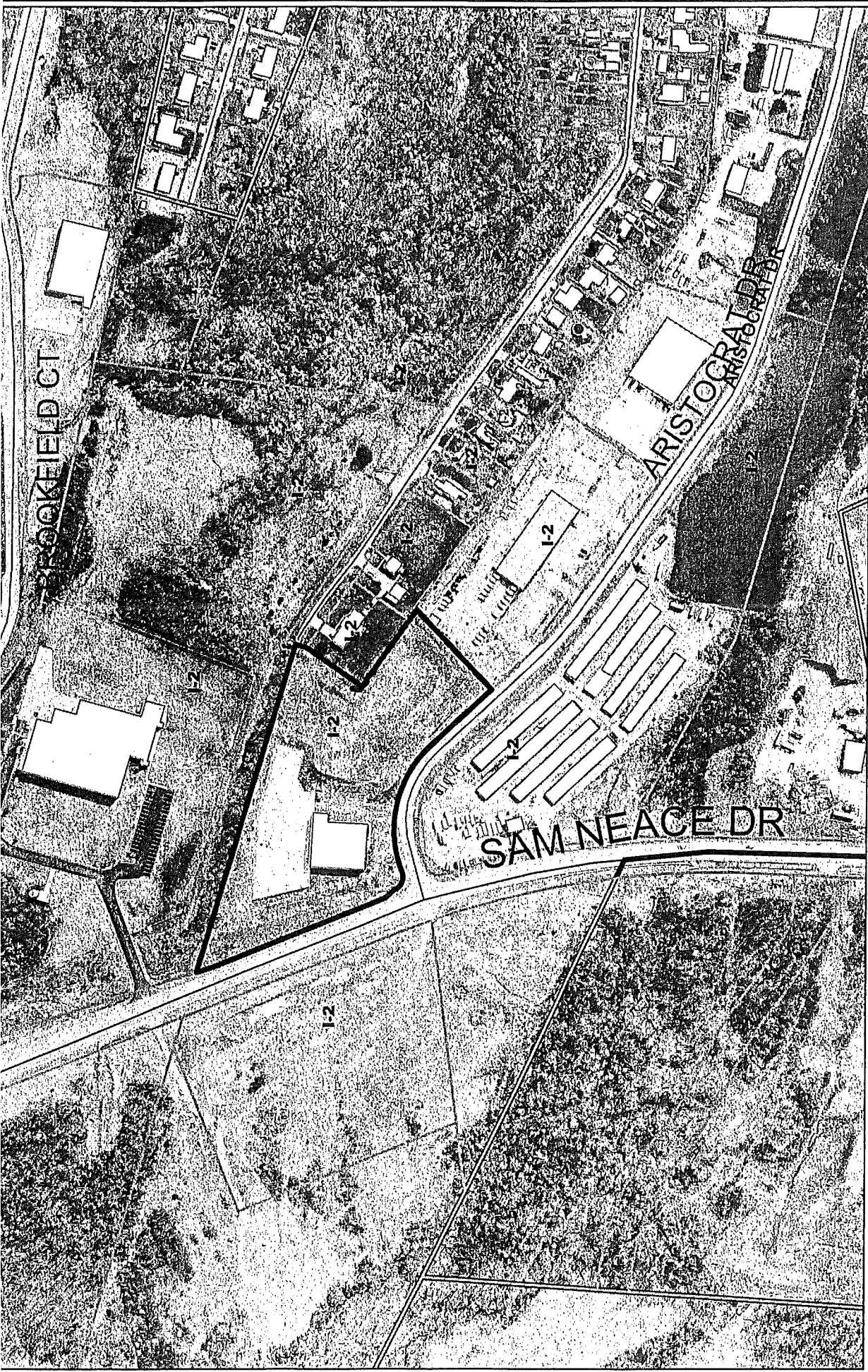
BUILDING SETBACKS WILL BE DETERMINED BY CURRENT APPLICABLE ZONING REGULATIONS OR DISTRICTS.

REQUEST FOR ZONING VARIANCE:
 THE PROPOSED LOT NO. 7B SHOWN HEREON DOES NOT MEET THE MINIMUM LOT FRONTAGE REQUIREMENTS AT THE FRONT YARD SETBACK LINE. THE PROPOSED CHANGES ARE DETAILLED AND DIMENSIONED IN THE APPROPRIATE AREAS, IN RED, SHOWING HEREON.

I CERTIFY THAT THIS PLAT DEPICTS A SURVEY MADE BY ME OR UNDER MY SUPERVISION IN ACCORDANCE WITH THE KENTUCKY MINIMUM SURVEYING STANDARDS, THE BOUNDARY OF WHICH IS BASED UPON A FIELD TRAVERSE AND WHICH IS LESS THAN 1 PART IN 5000 (1:5000) AND COMPLIES WITH ALL REQUIREMENTS OF THE SURVEYING AND SUBDIVISION REGULATIONS, AND THAT DESIGNATED AREAS INCLUDING PUBLIC WAYS OR STREETS ARE CURRENTLY OWNED BY THE PROPERTY OWNER.

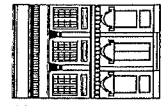
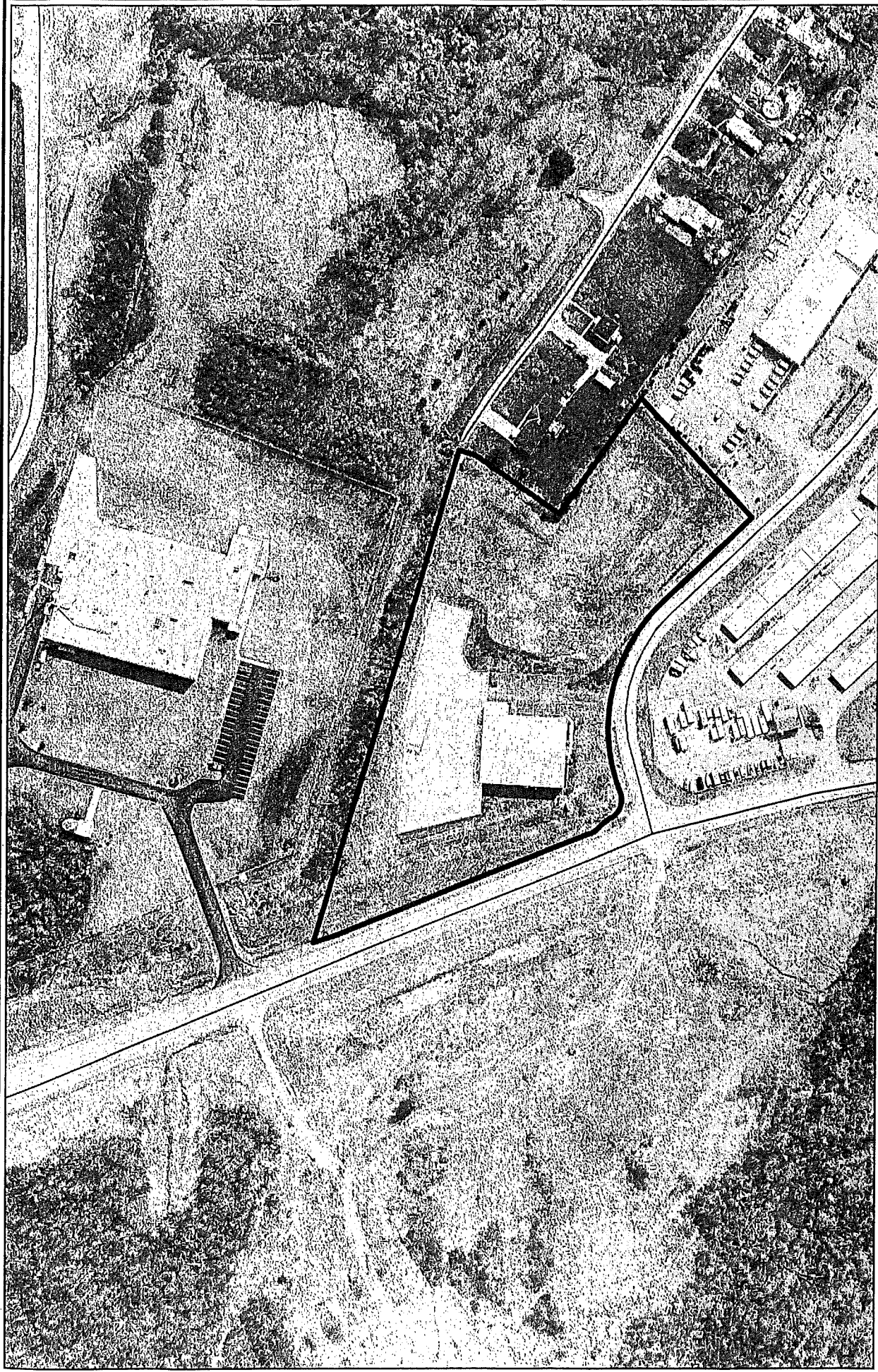
PATRICK S. FINN KENTUCKY REG. NO. LS-2953

BEARINGS BASED ON U.S. 24 INDUSTRIAL PARK, PHASE B AS RECORDED IN PLAT SLIDE 361A, BOONE COUNTY, KENTUCKY, CLERK'S OFFICE.



1 inch equals 300 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 December 2, 2003

Preferred Surveying-Zoning

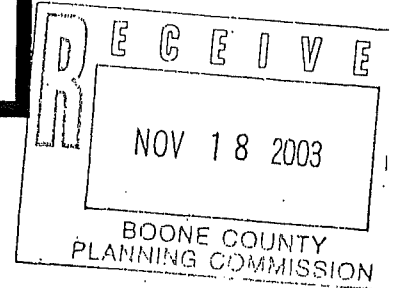


1 inch equals 200 feet
Produced by the
Boone County Planning Commission
GIS Services Division
December 2, 2003

Preferred Surveying-Aerial Map

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 [checked] Florence _____ Walton _____ Union _____
2. (Check One) _____ Conditional Use Permit [checked] Variance _____ Appeal _____
Change in Non-Conforming Use _____
3. Applicant's Name Robert Ross, Preferred Surveying Company
Phone Number 513-942-9420 xt. 12 Fax No. 513-860-8220
Applicant's Address 10172 International BLVD
CINCINNATI OHIO 45246
City State Zip
4. Description of Request: VARIANCE TO LOT FRONTAGE (width) distance at
Front yard setback line
5. Name of Development U.S. Industrial Park Phase "B"
6. Location of Development Sam Neace drive And Aristocrat drive
370 ARISTOCRAT DRIVE, Boone County, KY.
7. Acreage Under Review _____
8. Lot Number and Name of Subdivision (if part of a subdivision)
LOT No. 7 OF U.S. INDUSTRIAL PARK Phase B
9. Owner of Property HMA Georgia, LLC - Brad Muir
Phone Number of Owner 704-377-6224
10. Address of Property Owner 133 Cherokee drive, Charlotte NC. 28207
City State Zip
11. Proposed Use(s) on Site AS Zoned currently (I-2)
12. Total Square Footage of Existing and/or Proposed Buildings 12575 # EXISTING
13. Current Zoning on Property I-2
14. Deed Book 832 Page No. 554 Group No. 3565
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? NO - NO concept plan only
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: [Signature] Preferred Surveying Company, INC.

Property Owner's Signature: [Signature] HMA Georgia, LLC

(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 11-18-03 Fee Received \$835.00 RA 37203
- 2. Is application complete? _____ Yes _____ No
- 3. Staff Reviewer _____
- 4. Scheduled Board Action Date _____
- 5. Board Action:
 - _____ **Approved**
 - _____ **Approved with Conditions (See #6)**
 - _____ **Denial (See #7)**
- 6. Conditions of Approval: _____

- 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 - 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.

BCPC:8/2002

COPY

CLUR #03-BCBOA-023-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
HMA Georgia, LLC
133 Cherokee Drive
Charlotte, NC 28207
2. ADDRESS OF PROPERTY
370 Aristocrat Drive
Florence, KY 41042
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
U.S. 25 Industrial Park
4. DEED BOOK 832 PAGE NO. 554 GROUP NO. 2049B
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

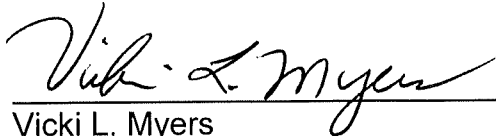

SIGNATURE OF COMPLETING OFFICIAL

Patty Bachman, Planner, Zoning Services
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

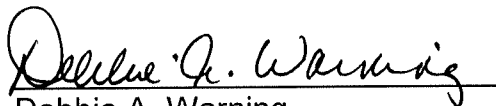
Subscribed, sworn to, and acknowledged before me by Patty Bachman on behalf of the
Boone County Planning Commission this 11 day of December, 2003.



Vicki L. Myers
NOTARY PUBLIC, State at Large

My commission Expires:
April 17, 2007

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 10, 2003 Certificate of Land Use Restriction (#03-BCBOA-023-A), for HMA Georgia, LLC, Property Owner(s).

The following conditions will apply:

No conditions.

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

DEED BOOK 832

PAGE NO. 554

GROUP NO. 2049B