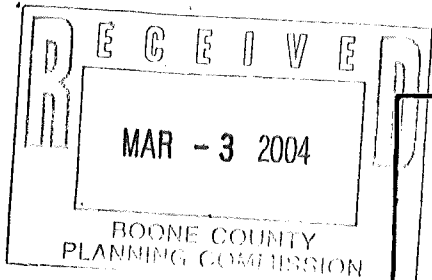


APPLICATION FORM

04-BCBA-008-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 Northern Kentucky Aggregates Phone Number 513-326-3689 Fax No. 513-326-6788 Applicant's Address 3743 Bellview Road Petersburg, KY 41080

4. Description of Request: Replace existing sand classifying system with a new system that exceeds height limitation

5. Name of Development N/A

6. Location of Development N/A

7. Acreage Under Review N/A

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

9. Owner of Property Northern Kentucky Aggregates

Phone Number of Owner 513-326-3689

10. Address of Property Owner 11641 Mosteller Road Cincinnati OH 45241

11. Proposed Use(s) on Site Sand/Gravel Mining & Processing

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

13. Current Zoning on Property I-3

14. Deed Book 467 Page No. 262 Group No. 2011

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: Andrew F. Haumesser, Operations Manager

Property Owner's Signature: Andrew F. Haumesser, Operations Manager

(over)

**BOARD OF ADJUSTMENT AND
ZONING APPEALS ACTION
APPLICATION
PAGE 2**

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

A 1920.00 R# 38024
R# 38002

1. Date Received 3-3-04 Fee Received \$867.00 R# 38002
2. Is application complete? Yes No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
 3/25/04 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: Northern Kentucky Aggregates
LOCATION: 3743 Belleview Road, Boone County, Kentucky
ZONING: Industrial Three (I-3)
DATE: March 25, 2004

Proposal

Northern Kentucky Aggregates is requesting a variance for the installation of an 80 foot tall sand classification system adjacent to their processing plant (see attached aerial map). The proposed sand classification system is replacing an approximate 42 foot tall structure. The Boone County Zoning Regulations states that the maximum building height for a mining operation is 50 feet from the original ground elevation.

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 proposed sand classification system is located on an 80.85 acre parcel which is part of the approximate 324 acre Northern Kentucky Aggregates site. The overall site contains a small office building, a processing plant, dredges, conveyors, and stockpile of sand and gravel. The property also contains a large electric tower. The proposed sand classification system is located approximately 3,200 feet from Belleview Road and 400 feet from the Ohio River.

Surrounding Land Uses and Zoning

North: Single-Family Dwellings on Old Horsley Ferry Road (I-3 & A-2)

South: Single-Family Dwelling and Farm (I-3 & RS)

East: Belleview Road, Single Family Dwellings and Farms (I-3 & RS)

West: Ohio River

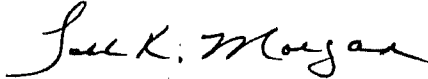
Staff Comments

1. The mining use has existed on the site since 1976 and is grand-fathered from the Surface Mining Special Use Permit application process that is defined in Section 1158 of the Boone County Zoning Regulations. However, a Variance is needed to construct the new sand classification system because the height of structure is being increased from 42 feet to 80 feet. The height limitation in the Industrial Three (I-3) zone is 50 feet from the original ground elevation.
2. The Applicant has submitted a letter (see attachments) that indicates that the new sand classification system utilizes the latest technology to produce sand products that are totally free of deleterious materials. The letter also explains that the increased height of the structure is needed to provide the necessary gravity to remove these lightweight particles.
3. The proposed sand classification system is approximately 1,400 feet from the nearest residential dwellings on Old Horsley Ferry Road. Staff would like to note that there is a stand of mature deciduous trees that are a minimum of 150 feet wide near the common property to the north (see aerial map).
4. The proposed sand classification system is in close proximity to an electrical tower that is approximately 180 feet tall.

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 variance.

Respectfully submitted,

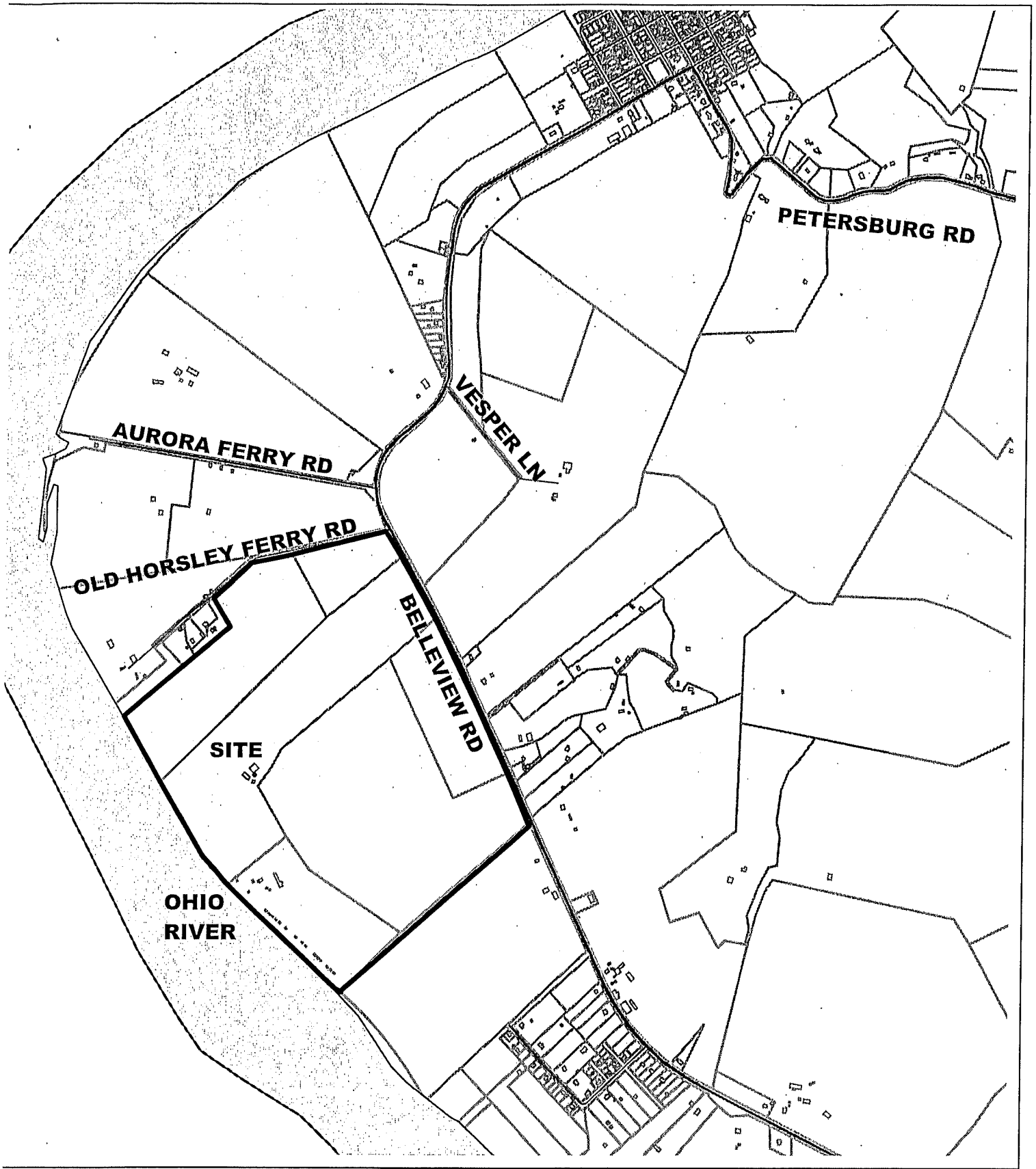


Todd K. Morgan, AICP
Planner, Zoning Services

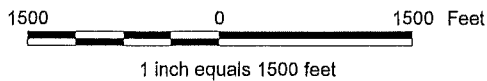
TKM/pr

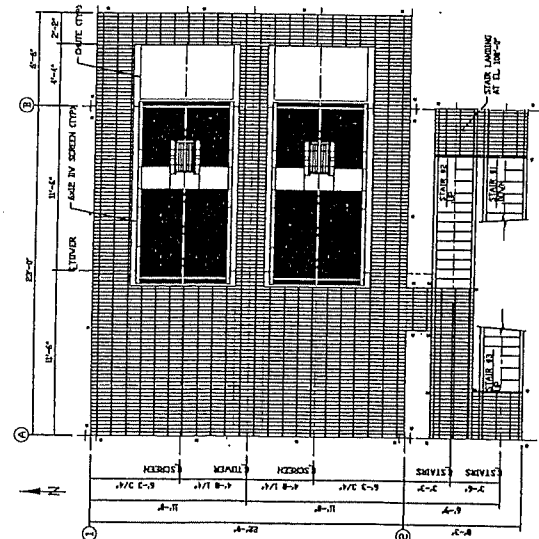
Attachments

- Exhibit A – Site Vicinity Map
- Exhibit B – Concept Plans
- Exhibit C – Letter from Applicant
- Exhibit D – Zoning Map
- Exhibit E – Aerial Map (Entire Property)
- Exhibit F – Aerial Map (Close up)
- Exhibit E – Application

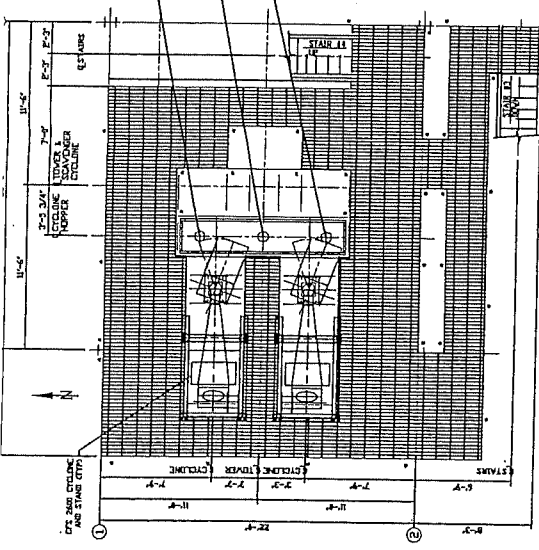


3743 Bellevue Road Site Vicinity Map

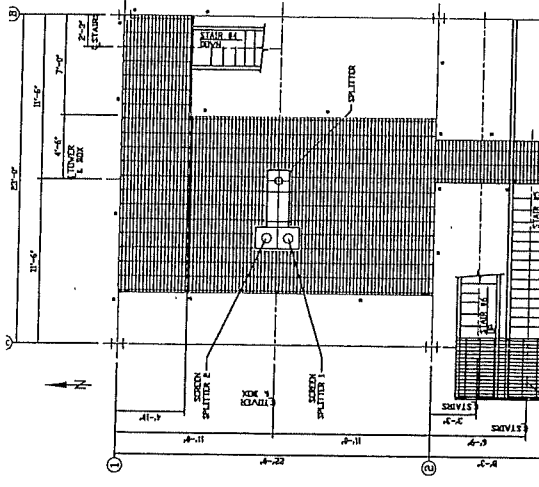




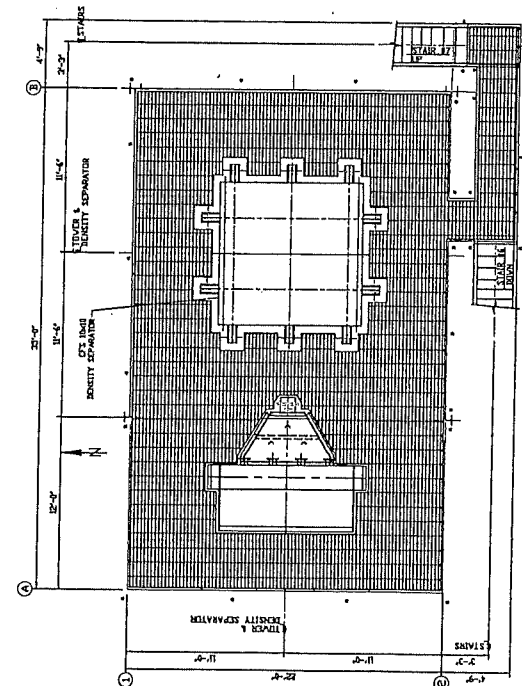
PLAN VIEW EL. 155'-0"



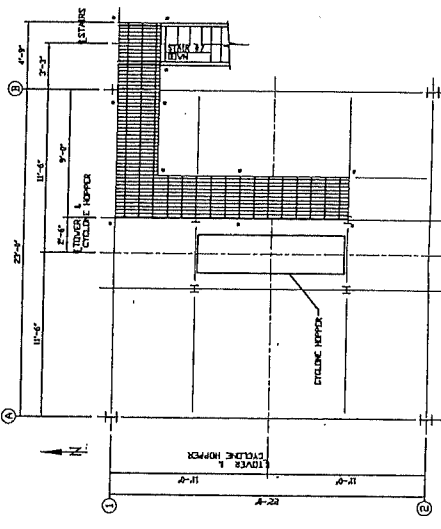
PLAN VIEW EL. 127'-0"



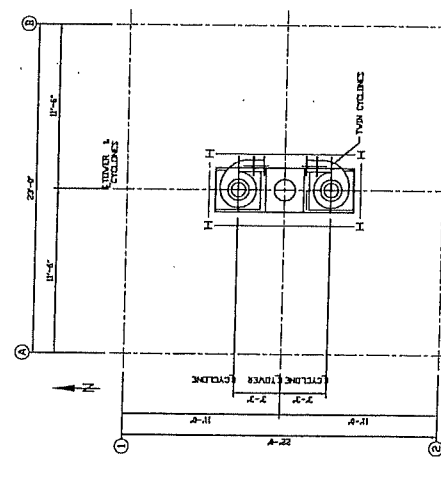
PLAN VIEW EL. 137'-0"



PLAN VIEW EL. 155'-0"



PLAN VIEW EL. 167'-6"



PLAN VIEW EL. 176'-6"

CF&S	
PACKAGING & FLUTATION SYSTEMS, INC.	
NORTHERN KENTUCKY AGGREGATES	
PRELIMINARY FLOW DIAGRAM	
DATE:	10/1/58
BY:	A. J.
CHECKED BY:	A. J.
SCALE:	AS SHOWN
PROJECT:	100-100-100
NO.:	100-100-100
GENERAL ARRANGEMENT	
100-100-100	

THIS DRAWING AND THE DESIGN IT COVERS ARE THE PROPERTY OF CF&S. ALL RIGHTS RESERVED. THIS DRAWING IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED BY THE DRAWING TITLE AND NUMBER. NO PART OF THIS DRAWING IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF CF&S.

**Addendum
Northern Kentucky Aggregates
Request for Variance**

In an effort to provide the Northern Kentucky Construction Industry with the highest quality raw materials, Northern Kentucky Aggregates (NKA) has designed a new sand classification system utilizing improved process technology. This new automated system will utilize the latest technology available to produce sand products totally free from deleterious materials. The existing sand processing system is in excess of twenty years old and in need of replacement.

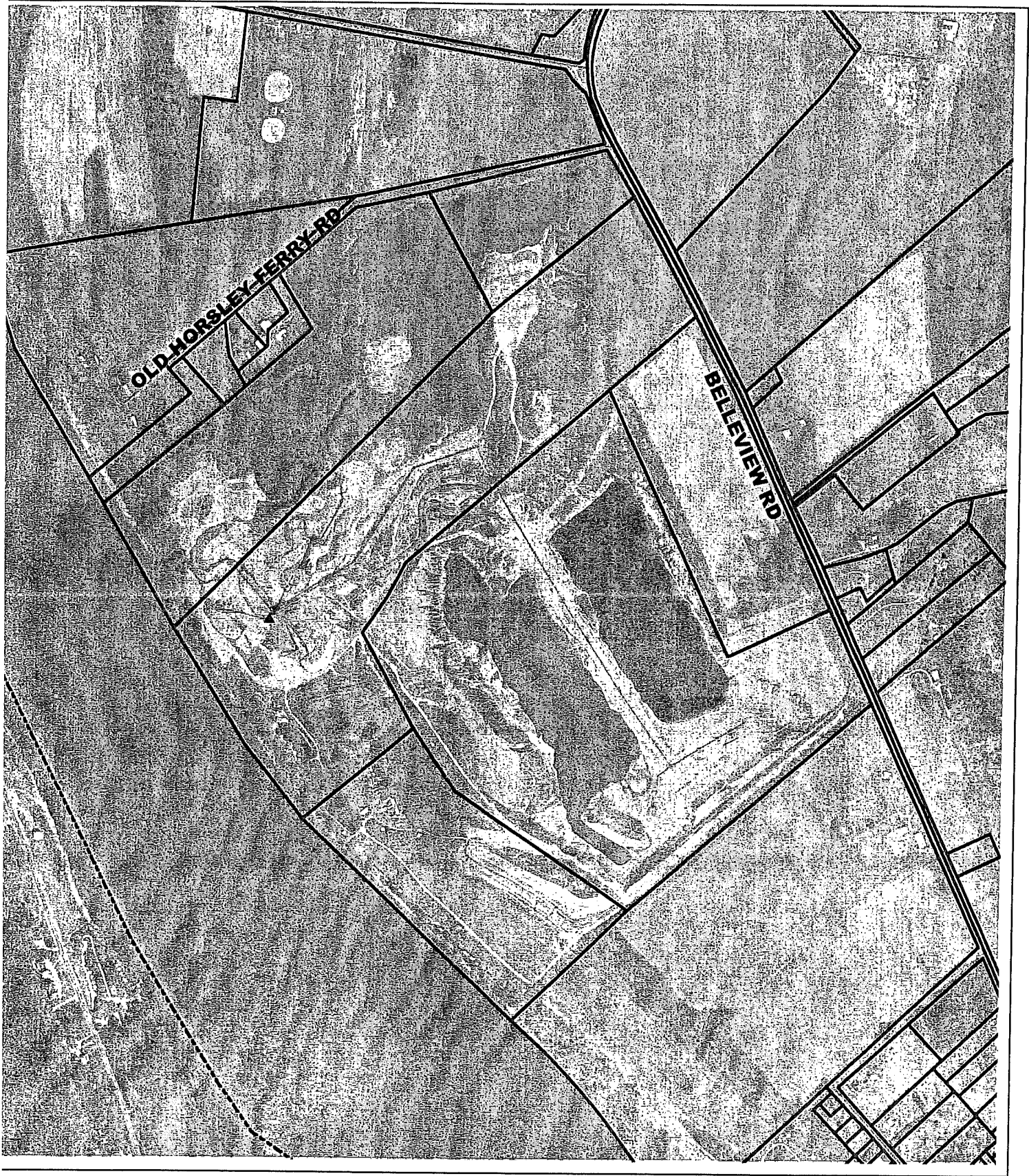
The newly designed system is totally automated and will utilize gravity cyclones in conjunction with density separators to produce several gradations of sand that will be blended to meet the customer's specifications. The process relies heavily on gravity flow to control the density and removal of lightweight particles from the finished products. The additional height of the plant structure provides the necessary gravity required to operate this new technology.

The structure will be constructed adjacent to the existing processing plant which is located 1,400 feet from the nearest residential structure and screened by a 150-foot wide stand of trees adjacent to the common property line. The new structure will be located 3,200 feet from Belleview Road and will be constructed of hot dipped galvanized steel to prevent deterioration from rust and weathering.

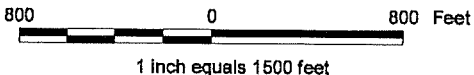
This new process requires no additional vibrating or crushing equipment and will not increase ambient noise levels. The sand classification system is a totally wet process that will eliminate any potential for fugitive dust from the new processing equipment.

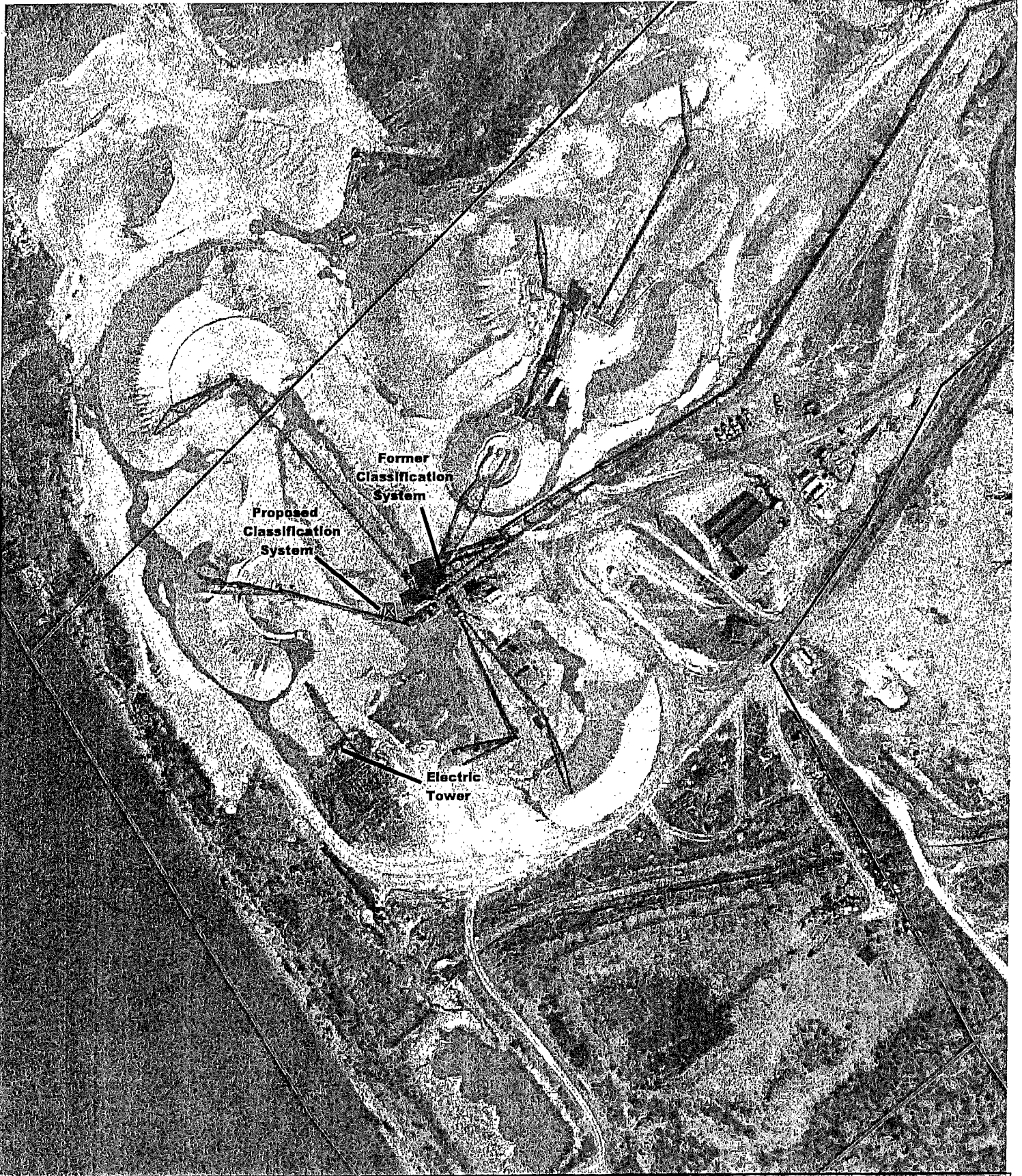
Attached is an aerial photograph of the sight at a scale of 1"=400' indicating the location of the proposed new plant addition with respect to the adjoining real estate. Also attached are plans for the actual structure. Several high voltage transmission towers already exist on the property that substantially exceed the height of the proposed structure.

This new process will not only improve the quality of the asphalt and concrete sand produced at NKA but it will add the capability of producing specialty sand products previously not available in the Northern Kentucky Area (filter sands, golf course sands, etc.).



3743 Belleview Road Aerial Map



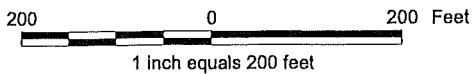


Former
Classification
System

Proposed
Classification
System

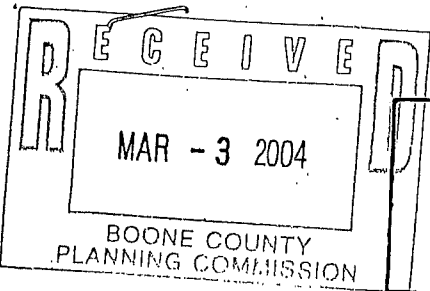
Electric
Tower

3743 Belleview Road 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)

(Check One)

1. Boone _____ Florence _____ Walton _____ Union _____

(Check One)

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

3. Applicant's Name Northern Kentucky Aggregates
Phone Number 513-326-3689 Fax No. 513-326-6788
Applicant's Address 3743 Bellview Road
Petersburg, KY 41080

4. Description of Request: Replace existing sand classifying system with a new system that exceeds height limitation

5. Name of Development N/A

6. Location of Development N/A

7. Acreage Under Review N/A

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

9. Owner of Property Northern Kentucky Aggregates

Phone Number of Owner 513-326-3689

10. Address of Property Owner 11641 Mosteller Road
Cincinnati OH 45241

11. Proposed Use(s) on Site Sand/Gravel Mining & Processing

12. Total Square Footage of Existing and/or Proposed Buildings _____

13. Current Zoning on Property T-3

14. Deed Book 467 Page No. 262 Group No. 2011

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: Andrew F. Haumesser
Andrew F. Haumesser, Operations Manager

Property Owner's Signature: Andrew F. Haumesser
Andrew F. Haumesser, Operations Manager

(over)

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Northern Kentucky Aggregates
11641 Mosteller Road
Cincinnati, OH 45241

2. ADDRESS OF PROPERTY

3743 Belleview Road
Petersburg, KY 41080

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Northern Kentucky Aggregates

4. DEED BOOK 467

PAGE NO. 262

GROUP NO. 2011

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



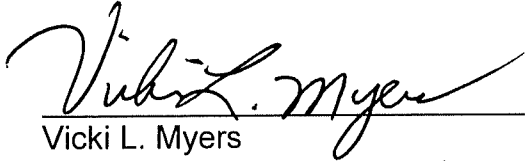
SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

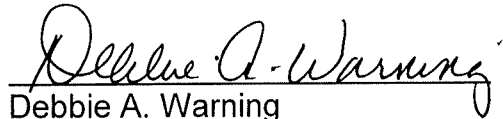
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 26 day of March, 2004.



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 March 26, 2004 Certificate of Land Use Restriction (#04-BCBOA-008-A), for Northern Kentucky Aggregates, 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 467

PAGE NO. 262

GROUP NO. 2011