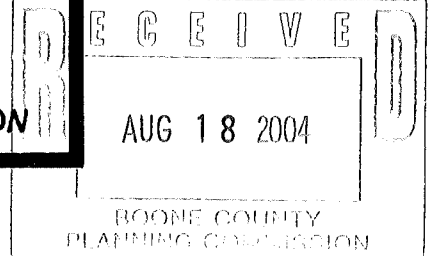


04-BCBOA-031-A

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 [checked] Variance _____ Appeal _____
3. Applicant's Name RAY GERDING, Phone Number (859) 393-6279, Fax No. (513) 528-1753, Applicant's Address 514 ARBOR PLACE, CINTI OH 45255
4. Description of Request: 50' FRONT SETBACK VARIANCE
5. Name of Development MIKKESEN DRIVE
6. Location of Development END OF MIKKESEN DRIVE
7. Acreage Under Review 1.84
8. Lot Number and Name of Subdivision (if part of a subdivision)
9. Owner of Property RAY GERDING, Phone Number of Owner (859) 393-6279
10. Address of Property Owner 514 ARBOR PLACE, CINTI OH 45255
11. Proposed Use(s) on Site STORAGE WAREHOUSE BUILDING w/ SMALL OFFICE ON 2ND FLOOR
12. Total Square Footage of Existing and/or Proposed Buildings 2,400 + 800 = 3,200 FT^2
13. Current Zoning on Property 1-2 ZONE
14. Deed Book 874 Page No. 672 Group No. 2049 B
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: [Signature] (RAY GERDING)

Property Owner's Signature: [Signature]

(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 8-18-04 Fee Received: \$819.00 R# 39920
2. Is application complete? Yes No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
 - Approved
 - 10/13/04 Approved with Conditions (See #6)
 - Denial (See #7).
6. Conditions of Approval: SEE 10/13/04 B.C.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@boonecountky.org - E-mail
www.boonecountky.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: Ray Gerding
LOCATION: Terminus of Mikkelsen Drive, Boone County, Kentucky
ZONING: Industrial Two (I-2)
DATE: September 8, 2004

Proposal

The Applicant has requested a variance so he can construct a 2,400 square foot warehouse within the 100 foot front yard setback. The subject property is located at the terminus of Mikkelsen Drive and is zoned Industrial Two (I-2). The submitted Concept Development Plan shows that the request is to reduce the 100 foot front yard setback requirement to 50 feet (see attachments).

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.

Surrounding Land Uses & Zoning

- North: A-1 Electric Fronting on Brookfield Court (I-2)
- South: Vacant 18 Acre Parcel Fronting on Mikkelsen Dr., Dixie Hwy., and Weber Ln.
- East: Single-Family Residential Dwellings Fronting on Mikkelsen Drive (SR-1)
- West: Givaudan Fronting on Sam Neace Blvd. (I-2)

Site Characteristics

The 1.84 acre site fronts on Mikkelsen Drive and is currently vacant. Public water and sanitary sewer mains exist on Mikkelsen Drive. The Concept Development also shows that a 20' wide sanitary sewer easement bisects the subject property. Although the property has been recently grubbed, it appears that there are still substantial deciduous tree lines along the north, south, and west property lines. The topography of the parcel ranges from approximately 910' at Mikkelsen Drive to 883' at the drainage swale near the rear property line.

Staff Comments

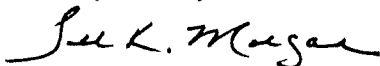
1. The proposed building is a storage warehouse for light construction equipment. The facility will be used to store bobcats, mini-trackhoes, and PVC pipe. Staff is concerned that the proposed Variance may alter the essential character of the area because the parcel immediately adjoins a single-family residential zoning district to the east. If the Variance is approved, the proposed warehouse will be allowed to be constructed 50 feet closer to the front property line.
2. The site does have moderate to severe topography (see Topographical Map). However, the Concept Development Plan shows the site will undergo substantial grading if the development is approved. The Concept Development Plan also shows that there will be a substantial terraced area behind the proposed gravel storage lot. As a result, Staff believes that the building, customer parking area, and storage area could be pushed further back on the site. Staff would like the applicant or applicant's engineer to explain if the building can be moved further away from Mikkelsen Drive. Based on this testimony, the Board should analyze if the strict application of the front yard setback deprives the applicant of the reasonable use of the land or creates an unnecessary hardship.
3. The Applicant has submitted elevation drawings of a building that is similar to the one that he proposes to use. Staff is concerned that the elevation drawings show a 1½ story building which is constructed entirely of metal siding. Staff does not believe the building design shown on the elevation drawings correlates well with the "brick ranch" character that is prevalent on Mikkelsen Drive.

4. Staff would like the Applicant to address the orientation of the building on the site. The submitted Concept Development Plan indicates that the rear of the building will face Mikkelsen Drive.
5. Staff would like to make the Board aware that Buffer Yard D will be required along the front property line if the development is approved. Buffer Yard D is 40 feet in width and contains 15 evergreen trees and 4 large or medium trees per 100 linear feet.
6. If the Board grants the request, Staff recommends the following conditions:
 - a. The building must be single-story construction.
 - b. The east elevation of the building (facing Mikkelsen Drive) shall be minimally constructed with windows and shall have the appearance of a front facade. The selected windows and/or doors shall have designs and construction materials which are consistent with the adjoining residential area.
 - c. The north and east elevations of the building shall be constructed with brick or stone.
 - d. The roof shall be constructed with asphalt shingles and shall be a hip roof design.
 - e. Any equipment (bobcats, mini trackhoes, pipe, etc.) kept in the gravel storage lot shall be located immediately behind the building and shall not be viewable from Mikkelsen Drive.
 - f. The required buffer yard along the front property line (Buffer Yard D) shall contain oblong, staggered berms which have at least a 5 foot minimum crest.
7. A Major Site Plan application will need to be approved by Staff before construction can proceed. This plan will need to address building setbacks, parking, lighting, storm water management, location of accessory structures, etc.

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 front yard setback variance.

Respectfully submitted,

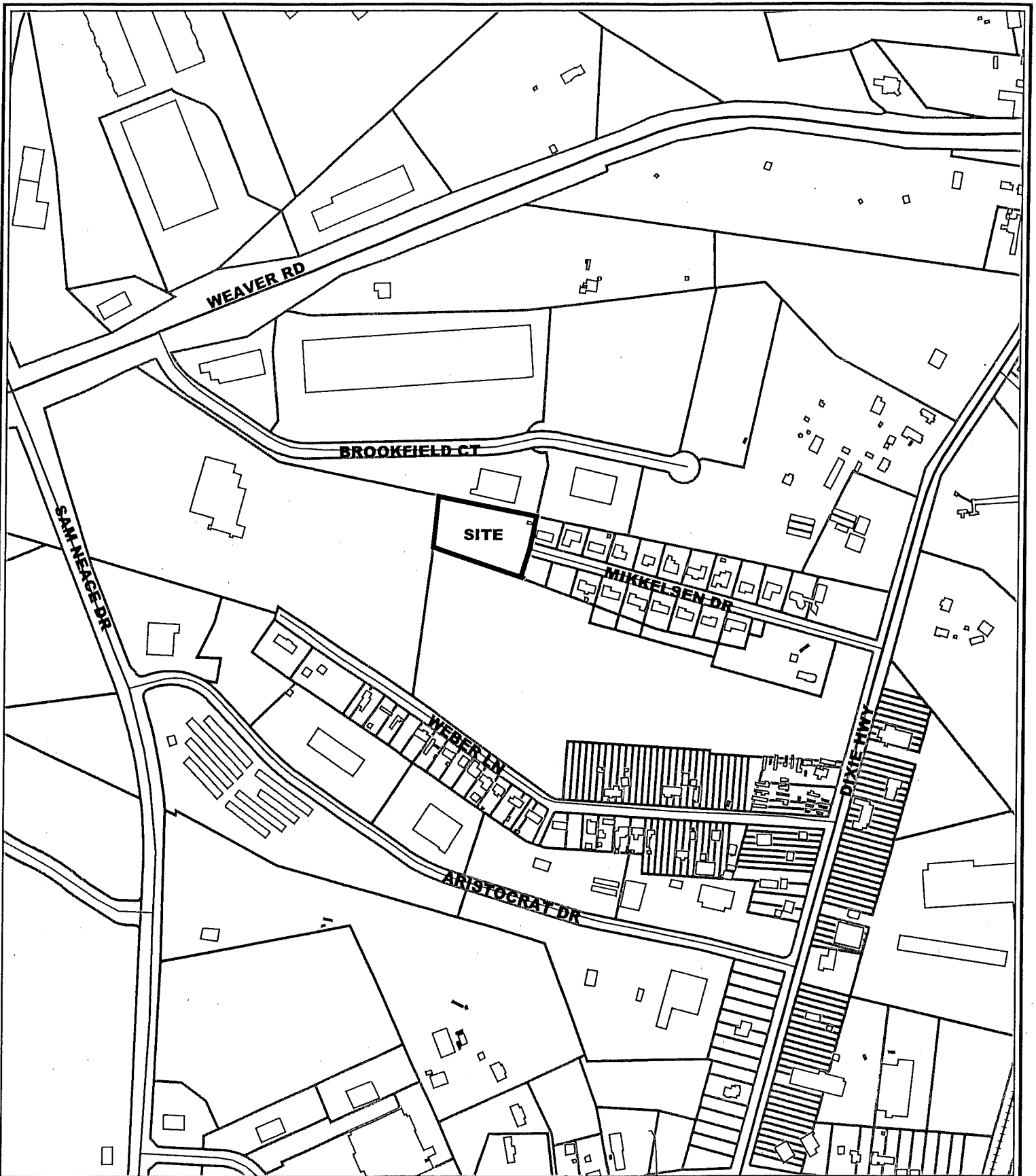


Todd K. Morgan, AICP
Planner, Zoning Services

TKM/pr

Attachments

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

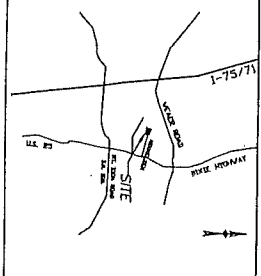


Ray Gerding Site Vicinity Map

500 0 500 Feet

1 inch equals 500 feet
Produced by the
Boone County Planning Commission
GIS Services Division
August 23, 2004

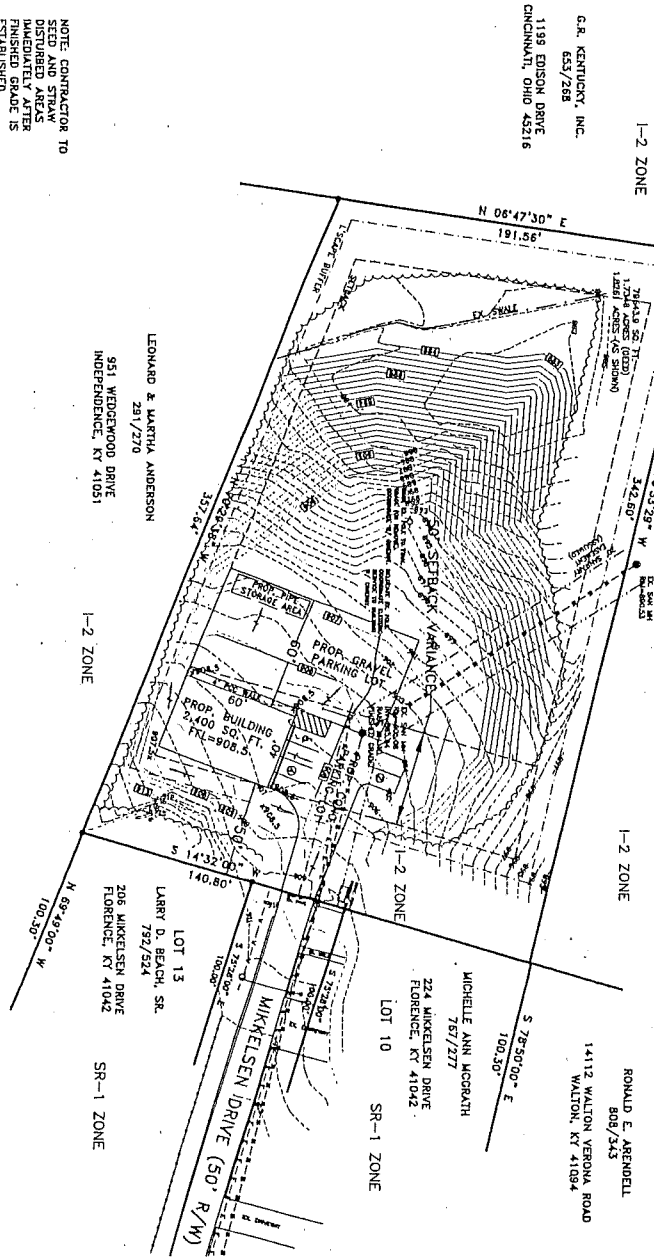




VICINITY MAP
N.T.S.

- LEGEND**
- DESIGN CONTOURS (1' INTERVAL)
 - PROPOSED CONTOURS (1' INTERVAL)
 - PROPOSED WAREHOUSE PARKING
 - PARKING STALL W/ CONCRETE WHEEL STOP
 - RAUOFF FLOW ARROWS
 - EXIST. SANITARY SEWER MAIN
 - EXIST. OVERHEAD ELECTRIC LINES
 - EXIST. WATER MAIN
 - EXIST. POWER POLE
 - EXIST. SANITARY MANHOLE
 - FOUND IRON PIP W/ CAP
 - EXIST. TREE LINE

NOTE: CONTRACTOR TO
SEED AND STRAW
DISTURBED AREAS
IMMEDIATELY AFTER
CONSTRUCTION. GRADE IS
ESTABLISHED.



LEONARD & MARTHA ANDERSON
281/270
951 WEDGEWOOD DRIVE
INDEPENDENCE, KY 41051

LARRY D. BEACH, SR.
792/524
206 MIKKELSEN DRIVE
FLORENCE, KY 41042

LOT 13
LARRY D. BEACH, SR.
792/524
206 MIKKELSEN DRIVE
FLORENCE, KY 41042

LOT 10
SR-1 ZONE

224 MIKKELSEN DRIVE
FLORENCE, KY 41042
767/277

14112 WALTON VERONA ROAD
WALTON, KY 41094

SCHUETZ PROPERTIES, LLC
795/402
1829 DIXIE HIGHWAY
PARK HILLS, KY 41011

SCHEDULE OF STATISTICS

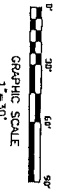
CURRENT USE: UNUSED LOT
CURRENT ZONE: I-2 - INDUSTRIAL TWO
PROPOSED USE: NEW WAREHOUSE BUILDING
ZONING REGULATIONS PER I-2:
PROPOSED
NO ZONE CHANGE REQUESTED.
LOT SIZE: 1.83 ACRES
RESTRICTIONS (I-2 ZONING REGULATIONS)
MAX. BLDG. HEIGHT: 50'
MAX. LOT COVERAGE: 30%
MAX. FRONT SETBACK: 30'
MAX. SIDE SETBACK: 20'
MAX. REAR SETBACK: 20'
TOTAL PROPOSED BLDG. AREA: 2,400 SQ. FT.
ENTRANCE DRIVE IS 16' WIDE (SAME AS MIKKELSEN DRIVE)
ACCESS DRIVES ARE 24' BETWEEN PARKING LINES.

PARKING REQUIREMENTS:

OFFICE BUILDING (800 SQ. FT. - 2ND FLOOR)
1 SPACES / 250 SQ. FT. GROSS FLOOR AREA (4)
WAREHOUSE SPACE (2,400 SQ. FT.)
1 SPACE / 2 EMPLOYEE ON LARGEST SHIFT (2)
REQUIRED PARKING: 6 SPACES
PARKING PROVIDED: 6 SPACES
HANDICAP PARKING:
REQUIRED: 1 (FOR 1-25 SPACES, PER ADA)
PROVIDED: 1
TOTAL PARKING PROVIDED: 6 SPACES
ALL PARKING STALLS ARE 9' X 18'
HANDICAP PARKING STALLS ARE 8' X 18'
HANDICAP ACCESS LAKE IS 9' X 18'

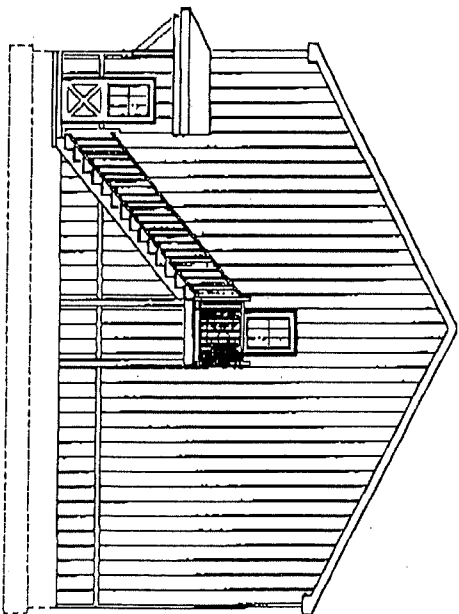
GENERAL NOTES:

- 1) THE NEW BUILDING IS TO BE USED AS A STORAGE WAREHOUSE FOR LIGHT CONSTRUCTION EQUIPMENT (i.e. BOLLARDS, MINI-TRACKHOES, ETC.) THE PROPOSED GRAVEL AREA IS FOR HANDICAP LOADING OF THE EQUIPMENT, WHICH MAY INCLUDE THE USE OF PALLETS, ETC. TO BE USED FOR STORAGE OF PVC PIPE, ETC.
- 2) REQUEST FOR DETENTION WAIVER TO BE REVIEWED WITH PUBLIC WORKS UPON SITE PLAN REVIEW.
- 3) BENCHMARK: VERTICAL DATUM REFERENCED TO EL. 906.65, SURVEY DISK LOCATED ON THE NORTH SIDE OF WEAVER ROAD.
- 4) ALL UTILITIES TO BE FIELD VERIFIED PRIOR TO CONSTRUCTION. CALL THE KENTUCKY UTILITIES PROTECTION SERVICE 48 HOURS BEFORE YOU DIG. 1-800-752-8007
- 5) ALL GRADES AND DESIGN SUBJECT TO GEOTECHNICAL ANALYSIS AND REVIEW BASED UPON ON-SITE SOIL CONDITIONS.



SHEET 1 OF 1

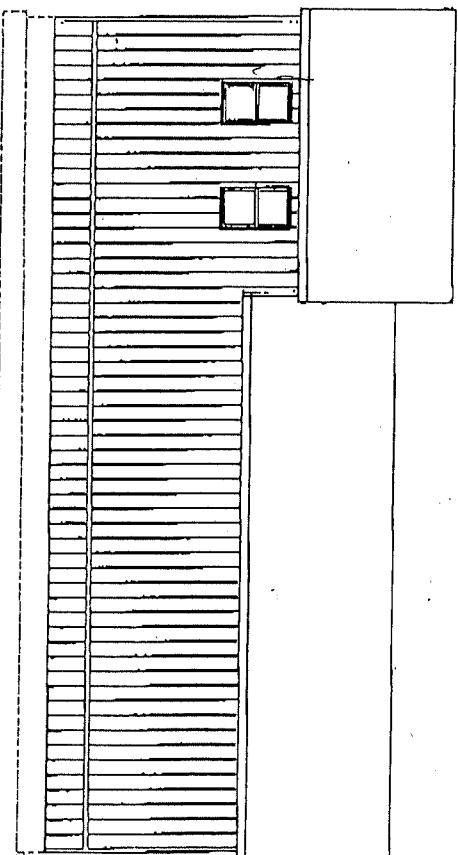
<p>PROP. BUILDING & PARKING LOT PRELIMINARY SITE/GRADING PLAN MIKKELSEN DRIVE BOONE COUNTY, KY</p>			
<p>DEVELOPER/OWNER RAY GERDING 514 ARBOR PLACE CINCINNATI, OH 45255 PH: (859)393-6279 FAX: (513)528-1753</p>			
<p>REVISIONS</p>		<p>CARTEC ENGINEERING CORP. CIVIL-ENVIRONMENTAL-SURVEYING SERVICES 2545 RITCHEE AVE. CRESCENT SPRINGS, KENTUCKY 41017 (859) 341-8006</p>	
PROJECT #	04-082	SCALE	1"=30'
DRAWN	LO	ENG'R	LJT
DATE	6/18/2	APPR'D	
DRAWING # 04-082_B.dwg			



03 RIGHT SIDE ELEVATION

SCALE:

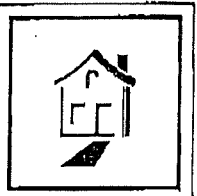
1/8" = 1'-0"



03 REAR ELEVATION

SCALE:

1/8" = 1'-0"



Ray Girding
BOONE COUNTY, KY

08/02/04

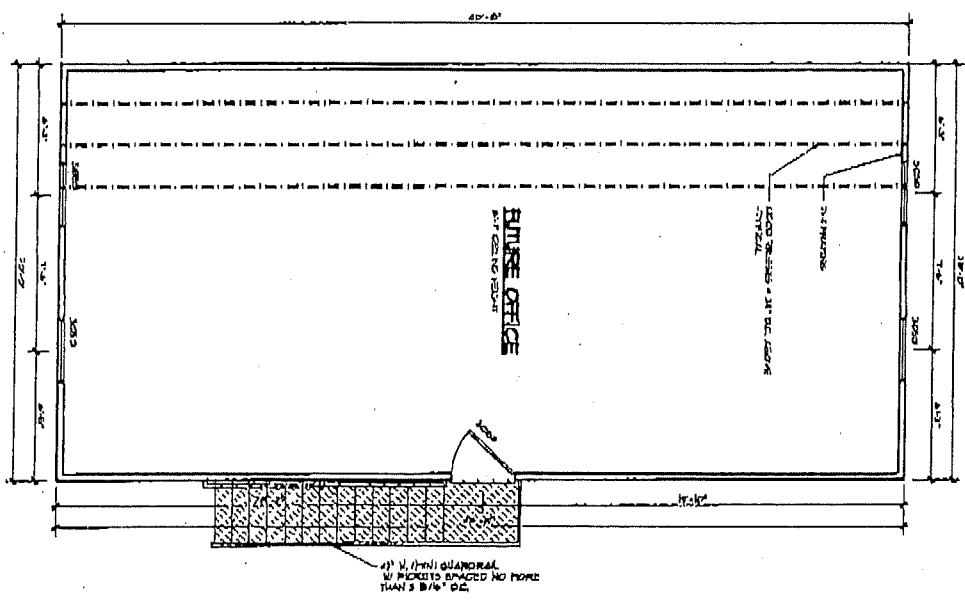
Job No.
GIRDING

Sheet No.
A

NOTE: DIMENSIONS SHOWN ARE BASED ON THE CENTERLINE OF THE GIRDS. ALL DIMENSIONS SHALL BE CHECKED ON THE FIELD.

NOTE: THE EXISTING STRUCTURE SUPPORTS SHALL NOT BE REMOVED OR COVERED.

02 2nd FLOOR PLAN

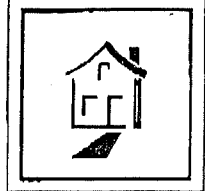


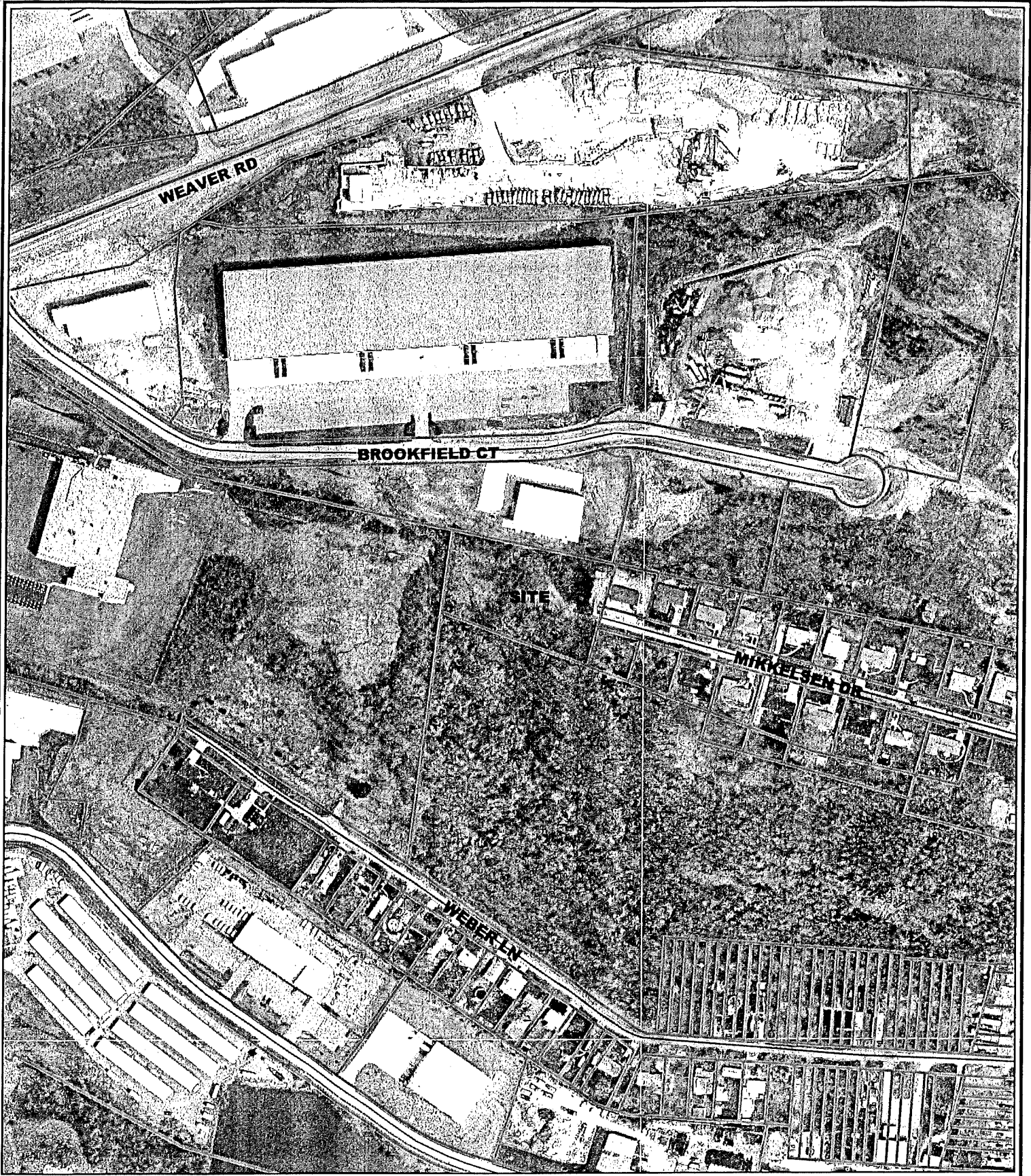
Sheet No. **A**

Job No. **GIRDING**

08/02/04

Ray Girding
BOONE COUNTY, KY





Ray Gerding Aerial Map

300 0 300 Feet



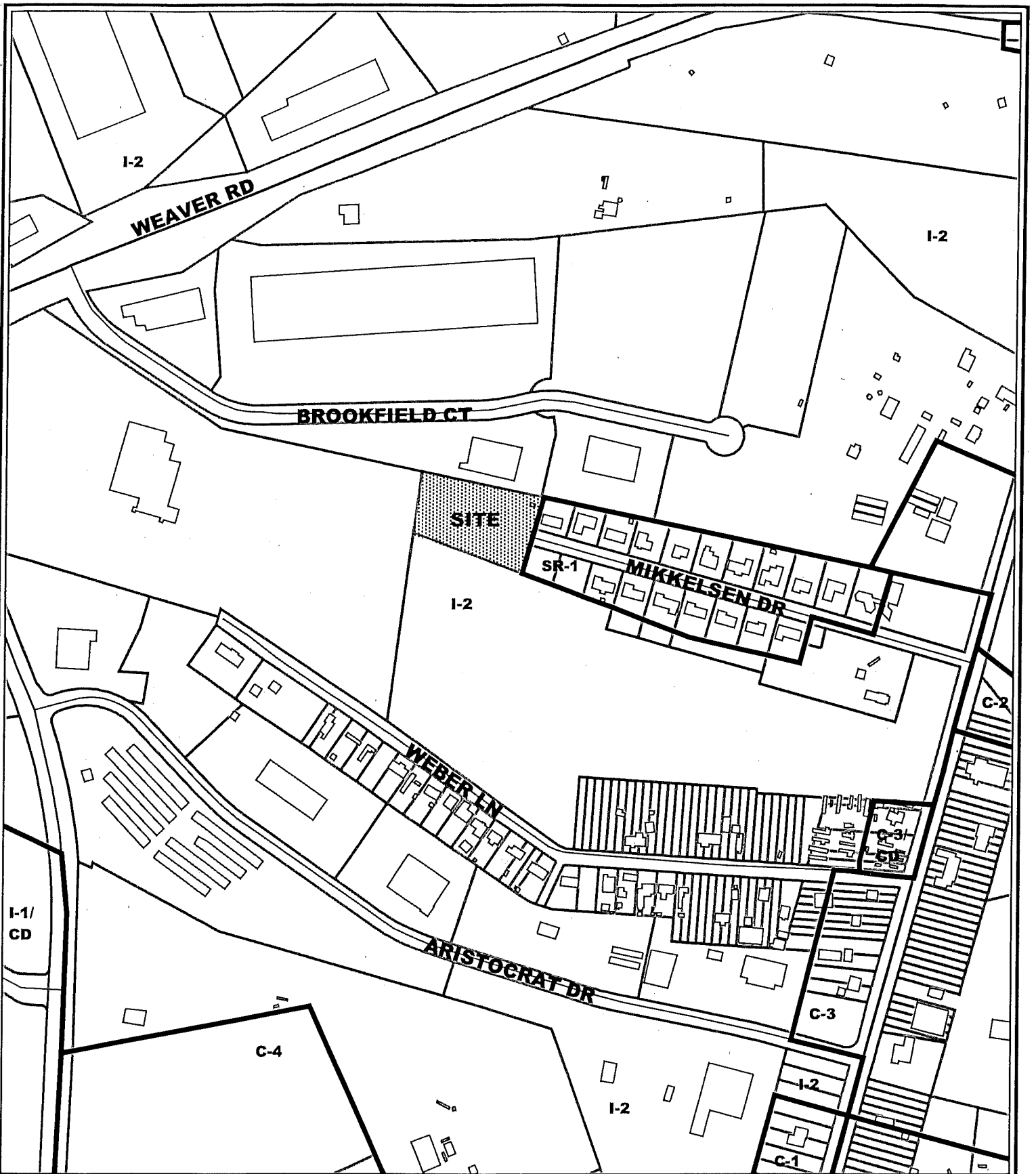
1 inch equals 300 feet

Produced by the
Boone County Planning Commission

GIS Services Division

August 23, 2004

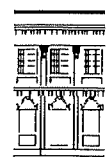


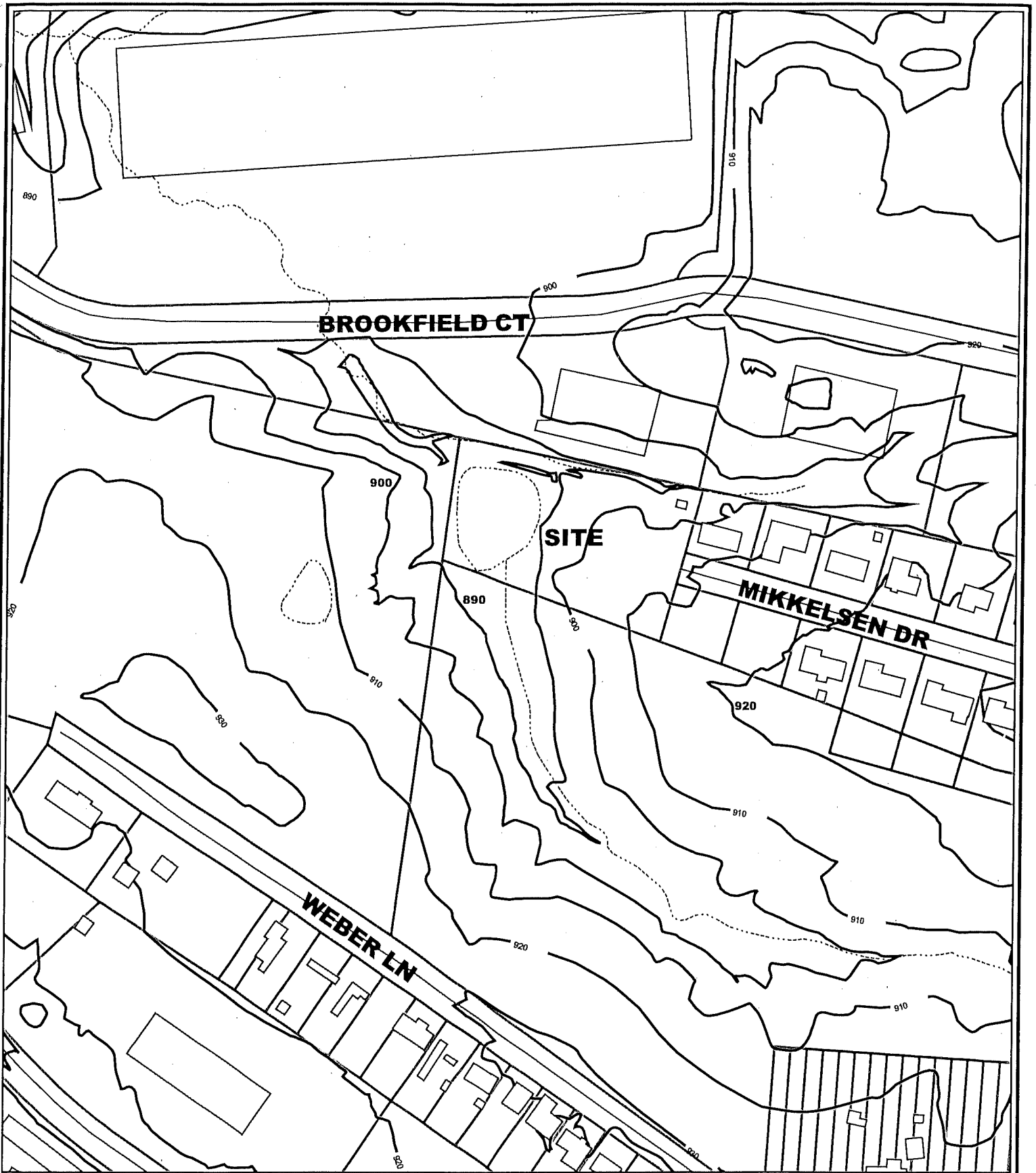


Ray Gerding Zoning Map

400 0 400 Feet

1 inch equals 400 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 August 23, 2004





Ray Gerding Topographical Map

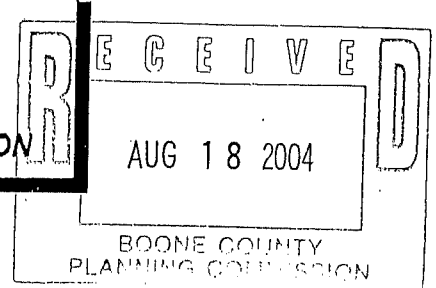
200 0 200 Feet

1 inch equals 200 feet
Produced by the
Boone County Planning Commission
GIS Services Division
August 23, 2004



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 _____
3. Applicant's Name RAY GERDING, Phone Number (859) 393-6279, Fax No. (513) 528-1753, Applicant's Address 514 ARBOR PLACE, CINTI OH 45255
4. Description of Request: 50' FRONT SETBACK VARIANCE
5. Name of Development MIKKELSEN DRIVE
6. Location of Development END OF MIKKELSEN DRIVE
7. Acreage Under Review 1.84
8. Lot Number and Name of Subdivision (if part of a subdivision)
9. Owner of Property RAY GERDING, Phone Number of Owner (859) 393-6279, Address of Property Owner 514 ARBOR PLACE, CINTI OH 45255
11. Proposed Use(s) on Site STORAGE WAREHOUSE BUILDING w/ SMALL OFFICE ON 2ND FLOOR
12. Total Square Footage of Existing and/or Proposed Buildings 2,400 + 800 = 3,200 FT^2
13. Current Zoning on Property 1-2 ZONE
14. Deed Book 874, Page No. 672, Group No. 2049 B
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: [Signature] (RAY GERDING)

Property Owner's Signature: [Signature]

COPY

CLUR #04-BCBOA-031-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Ray Gerding
514 Arbor Place
Cincinnati, OH 45255

2. ADDRESS OF PROPERTY

Mikkelsen Drive
Florence, KY 41042

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

4. DEED BOOK 874

PAGE NO. 672

GROUP NO. 2049B

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

___ Zoning Map Amendment:
From ___ To

___ Conditional Use Permit

___ Development Plan

___ Conditional Zoning

___ Subdivision Plat
(Not Recorded)

___ Other:

X 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

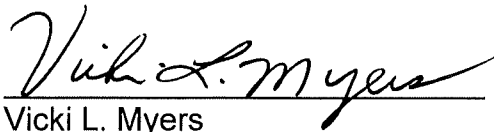
Todd K. Morgan
SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

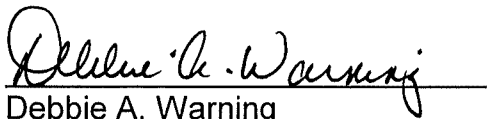
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 20 day of October, 2004.



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 October 13, 2004 Certificate of Land Use Restriction (#04-BCBOA-031-A), for Ray Gerding, Property Owner(s).

The following conditions will apply:

- 1) The east elevation of the building (facing Mikkelsen Drive) shall be minimally constructed with windows and shall have the appearance of a front façade. The selected windows and/or doors shall have designs and construction materials which are consistent with the adjoining residential area.
- 2) The north and east elevations of the building shall be constructed with brick or stone. The brick or stone shall be at least 4' tall.
- 3) The roof shall be constructed with asphalt shingles and shall be a hip roof design.
- 4) Any equipment (bobcats, mini trackhoes, pipe, etc.) kept in the gravel storage lot shall be located immediately behind the building and shall not be viewable from Mikkelsen Drive.
- 5) The required buffer yard along the front property line (Buffer Yard D) shall contain oblong, staggered berms which have at least a 5-foot minimum crest.

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

DEED BOOK 874

PAGE NO. 672

GROUP NO. 2049B