

APPLICATION FORM

OCT 18 2005

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 Bayer Becker Phone Number 859.261.1113 Fax No. 859.261.1710 Applicant's Address 14 East 8th St. Covington KY 41011 4. Description of Request: Variance for a fence around employee smoking area in front yard of Bldg. M 5. Name of Development Park West International 6. Location of Development Graves Rd & Worldwide Blvd. 1600 Worldwide Blvd. 7. Acreage Under Review 31.789 8. Lot Number and Name of Subdivision (if part of a subdivision) Lot 12 B of Park West International Resub of Lot 7 (P.C. 5, Pg. 234) 9. Owner of Property Industrial Development International Phone Number of Owner 859.663.2886 10. Address of Property Owner 100 E. Rivercenter Blvd, Ste. 550 Covington KY 41011 11. Proposed Use(s) on Site Distribution & Warehousing 12. Total Square Footage of Existing and/or Proposed Buildings 542,960 13. Current Zoning on Property I-1/CD 14. Deed Book 783 see below Page No. 257 see below Group No. 43 2006 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: [Signature]

Property Owner's Signature: Benjamin L. Christ IDT

DB 783 pg 25 DB 714 pg 57 DB 736 pg 304 DB 750 pg 203

**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 10-18-05 Fee Received \$879.00 R#140830
2. Is application complete?  Yes  No
3. Staff Reviewer \_\_\_\_\_
4. Scheduled Board Action Date \_\_\_\_\_
5. Board Action:  
11/9/05  **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: Bayer Becker  
LOCATION: 1600 Worldwide Boulevard, Boone County, Kentucky  
ZONING: Industrial One (I-1)  
DATE: November 9, 2005

### Proposal

The applicant is requesting a variance to allow 8 foot tall fencing to be installed in the front yard of 1600 Worldwide Boulevard, Boone County, Kentucky. The submitted Concept Development Plan shows that 8 foot tall fencing is proposed between the building and Worldwide Boulevard right-of-way. The fencing will secure a 1,100 square foot (22' x 50') employee smoking area.

### Applicable Regulations

Article 37, Section 3755 of the Boone County Zoning Regulations states that fencing shall be permitted within the front yard and corner side yard according to the following standards:

- a. No fence can be taller than four (4) feet;
- b. Fence shall be of a decorative design, (chain link, barbed wire, stock wire, chicken wire and similar type fences are not permitted) and shall be designed to have an opacity of fifty (50) percent or less;
- c. No fence can be located within a public right-of-way nor can it be located in an area which will obstruct the sight triangle for any motorist or pedestrian as defined in Article 32.

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 31.789 acre parcel is located in Park West International Subdivision and is zoned Industrial One (I-1). The 542,960 square foot office/warehouse will be occupied by Amazon.Com.

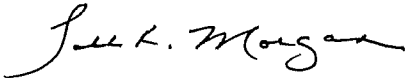
#### Staff Comments

1. On September 12, 2001, the Boone County Board of Adjustment approved variances which allowed 10 foot tall fences in the front yards of lots 10, 14, and 15 of Park West International.
2. Staff does not believe that the request will alter the essential character of the general area.
3. Staff will be considering changes to the fencing regulations during the next zoning update. The maximum height of industrial fencing will be a topic that is addressed.

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.

Respectfully submitted,

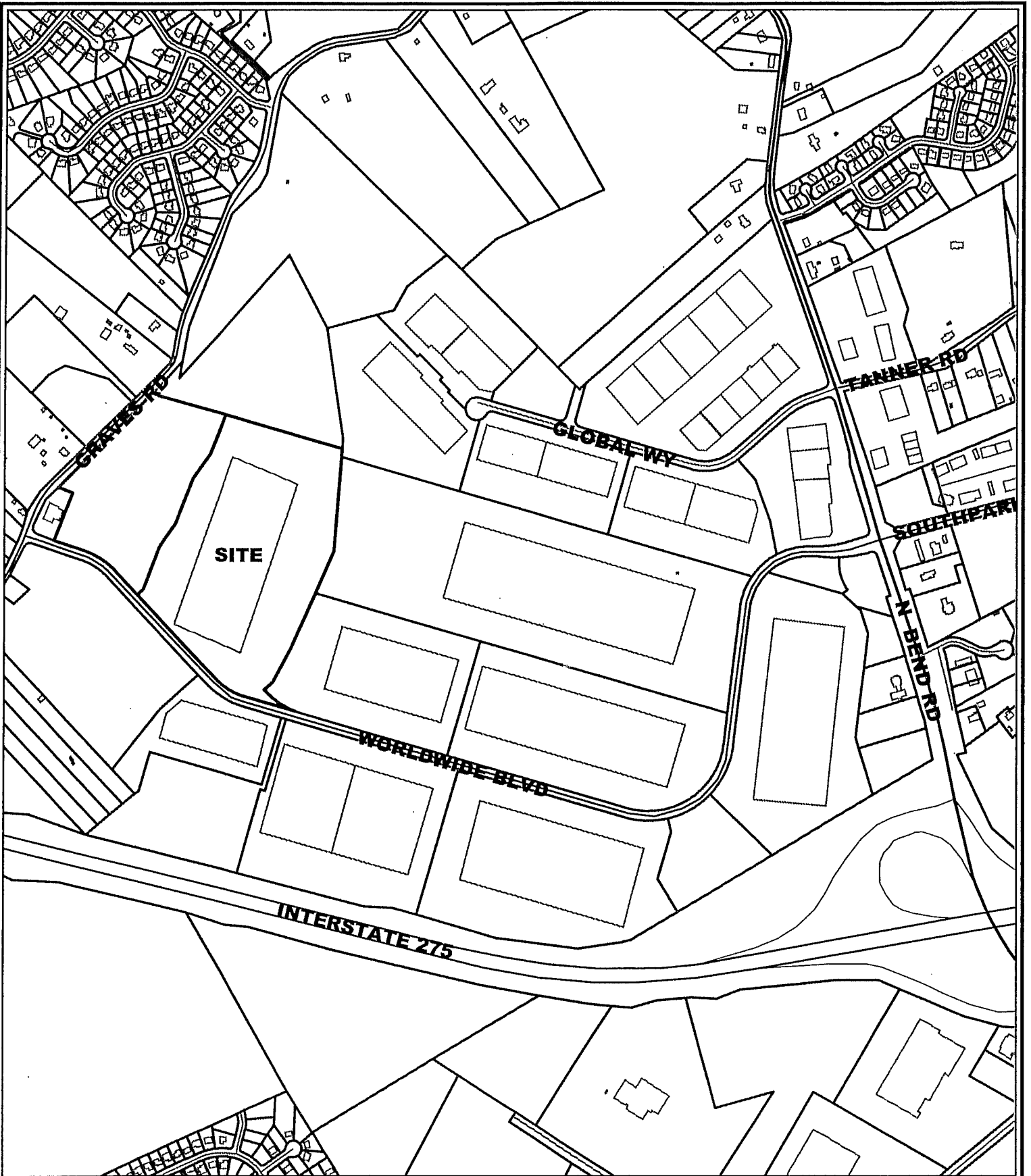


Todd K. Morgan, AICP  
Planner, Zoning Services

TKM/pr

Attachments

- Exhibit A – Site Vicinity Map
- Exhibit B – Concept Plans
- Exhibit C – Zoning Map
- Exhibit D – Application

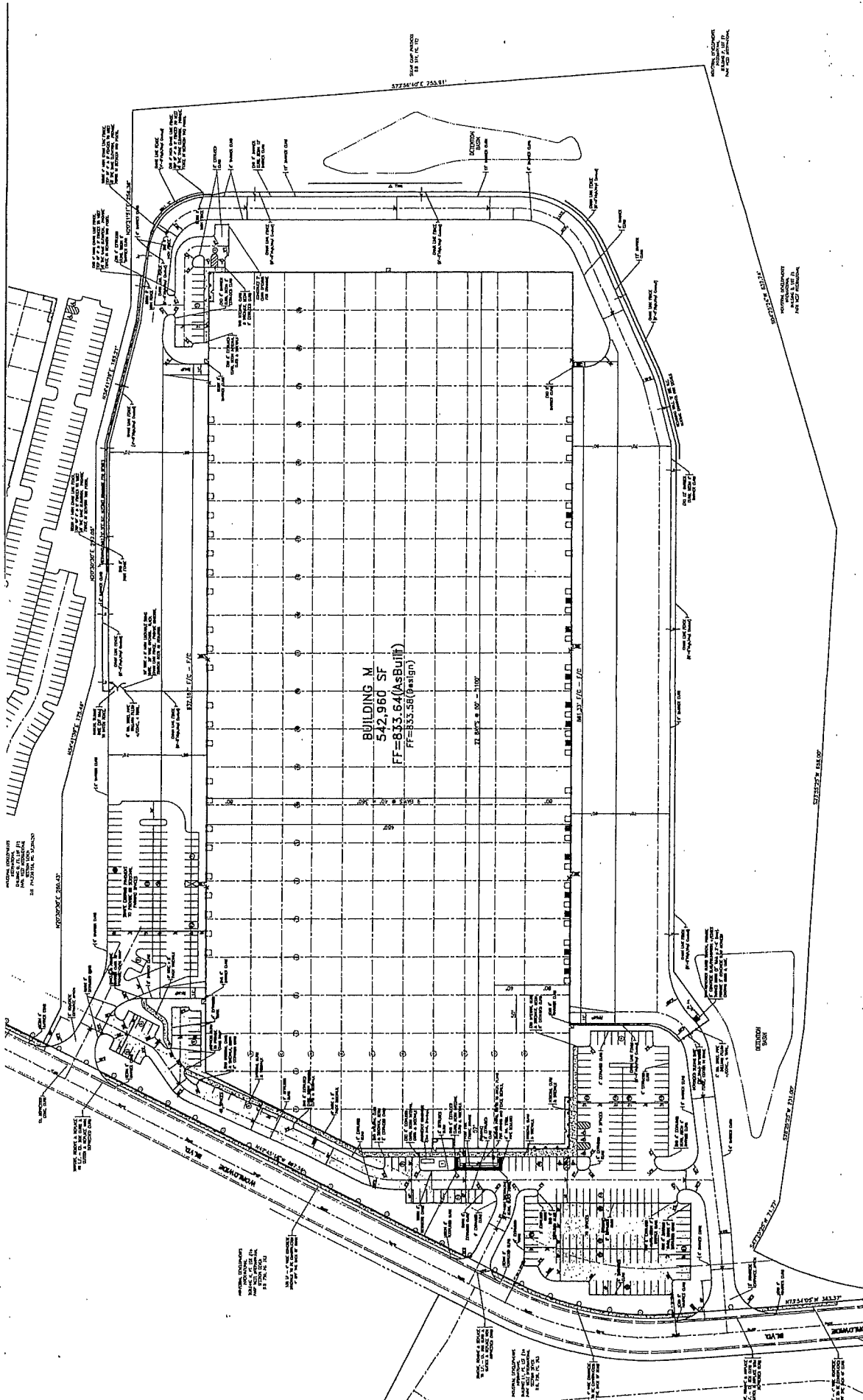


# 1600 Worldwide Blvd. Site Vicinity Map

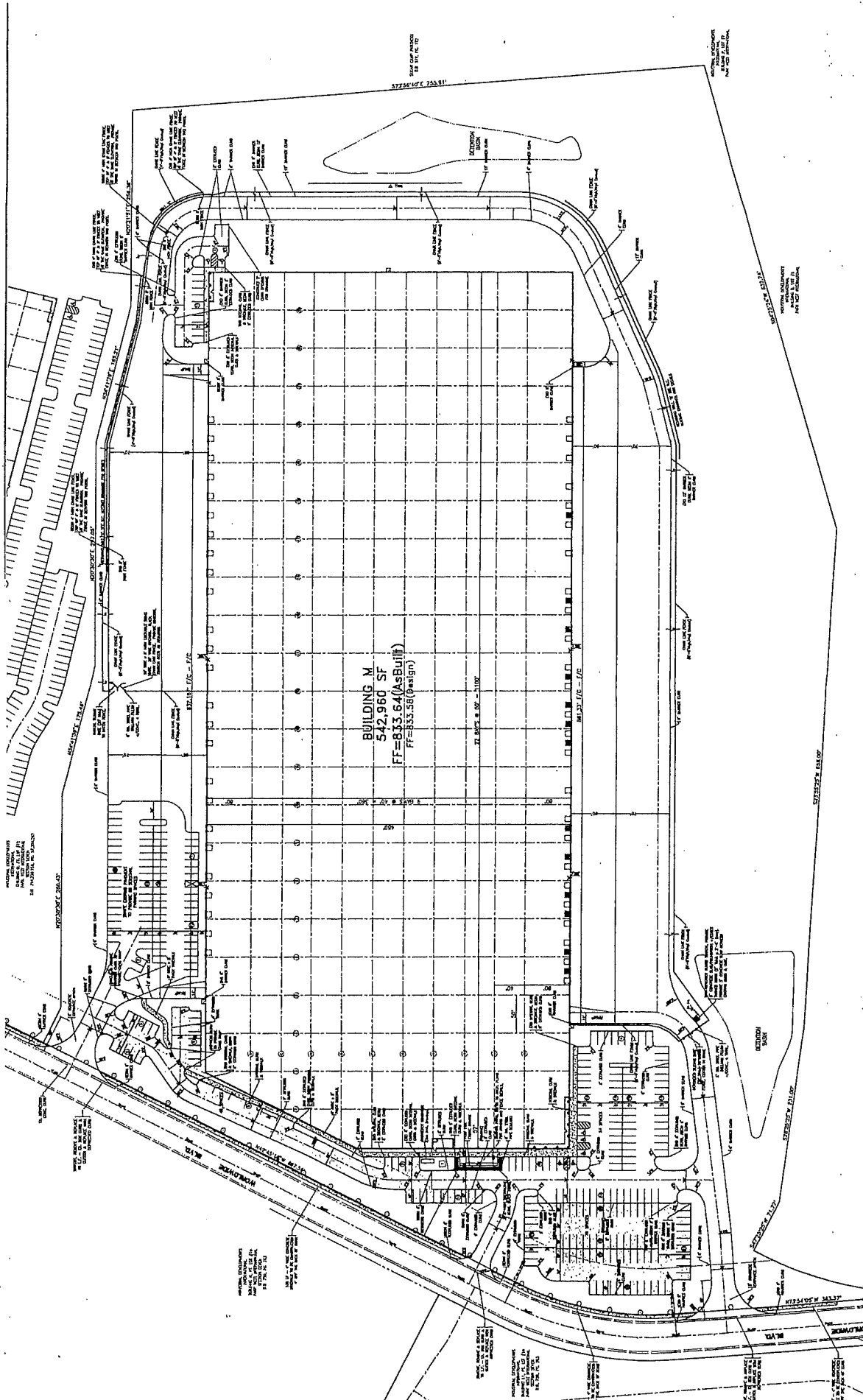
800 0 800 Feet

1 inch equals 800 feet  
Produced by the  
Boone County Planning Commission  
GIS Services Division  
October 28, 2005

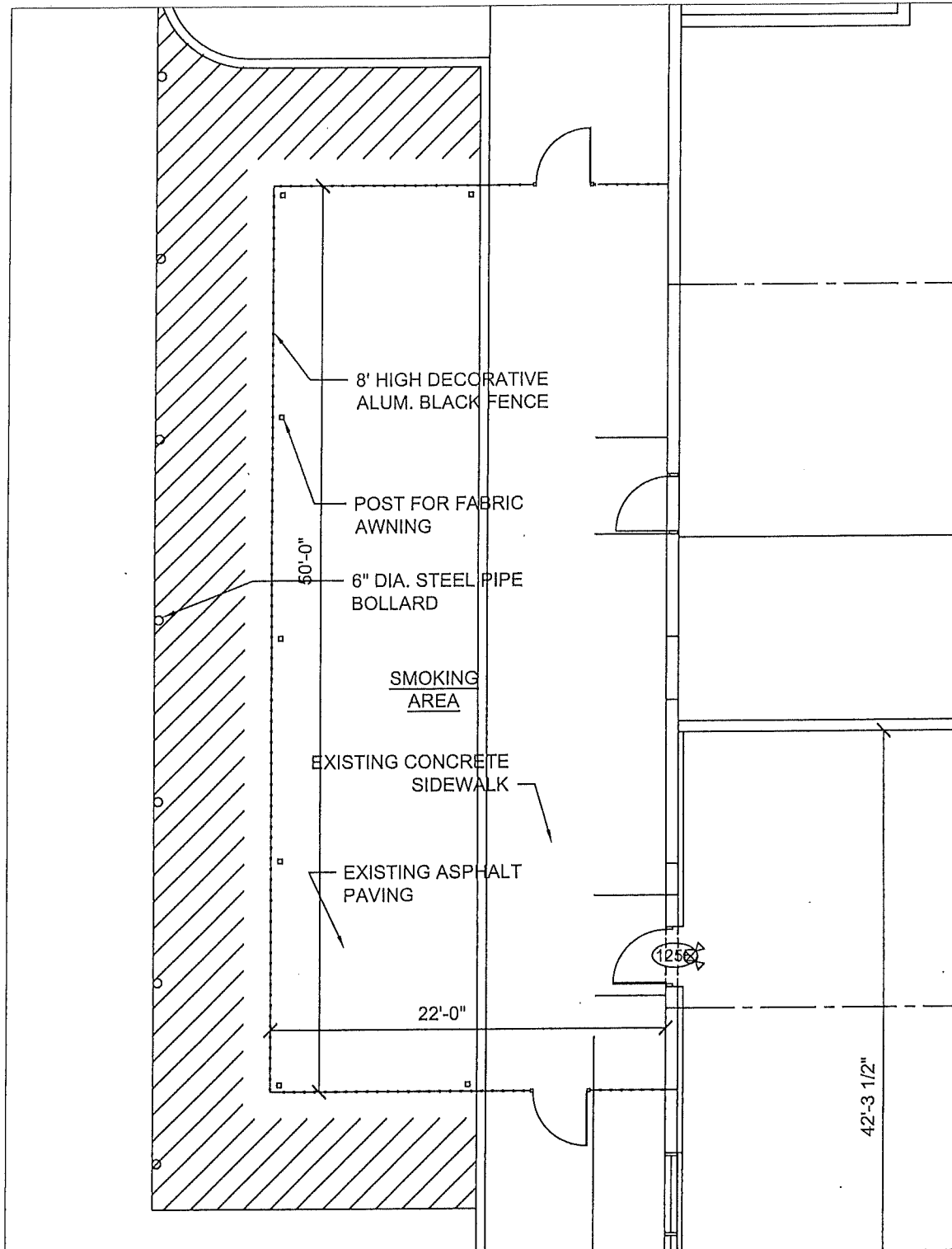




BUILDING M  
542,960 SF  
FF=833.64 (As Built)  
FF=833.58 (Original)



BUILDING N  
542,960 SF  
FF=833.64 (As Built)  
FF=833.58 (Original)



SMOKER PATIO PLAN

1/8" = 1'-0"



TENANT OFFICE IMPROVEMENTS FOR:

**amazon.com**

BUILDING "M" PARK WEST INTERNATIONAL  
1600 WORLDWIDE BOULEVARD HEBRON, KENTUCKY

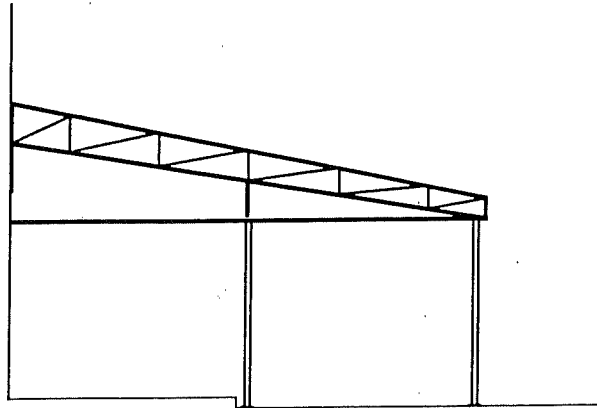


IDI  
Suite 550  
100 East RiverCenter Blvd.  
Covington, KY 41011  
Phone: 859-663-2880  
Fax: 859-663-2890

**CLARISEY FRANK**  
ARCHITECTURE LTD.

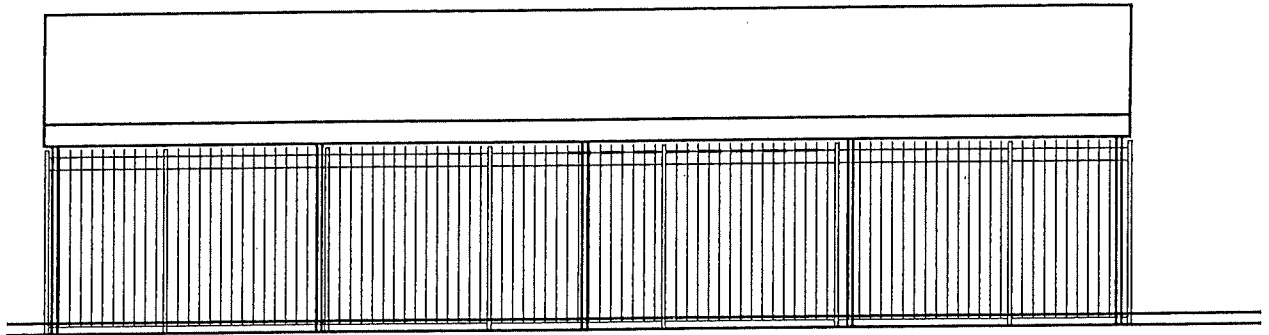
7321 Montgomery Rd. Cincinnati, OH 45236  
891-4556 fax: 891-4532

B/27/05



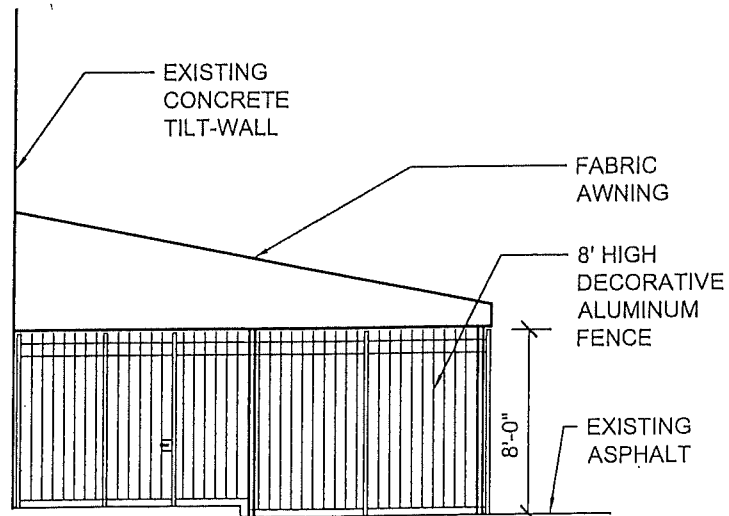
AWNING SECTION

1/8" = 1'-0"



SOUTH ELEVATION

1/8" = 1'-0"



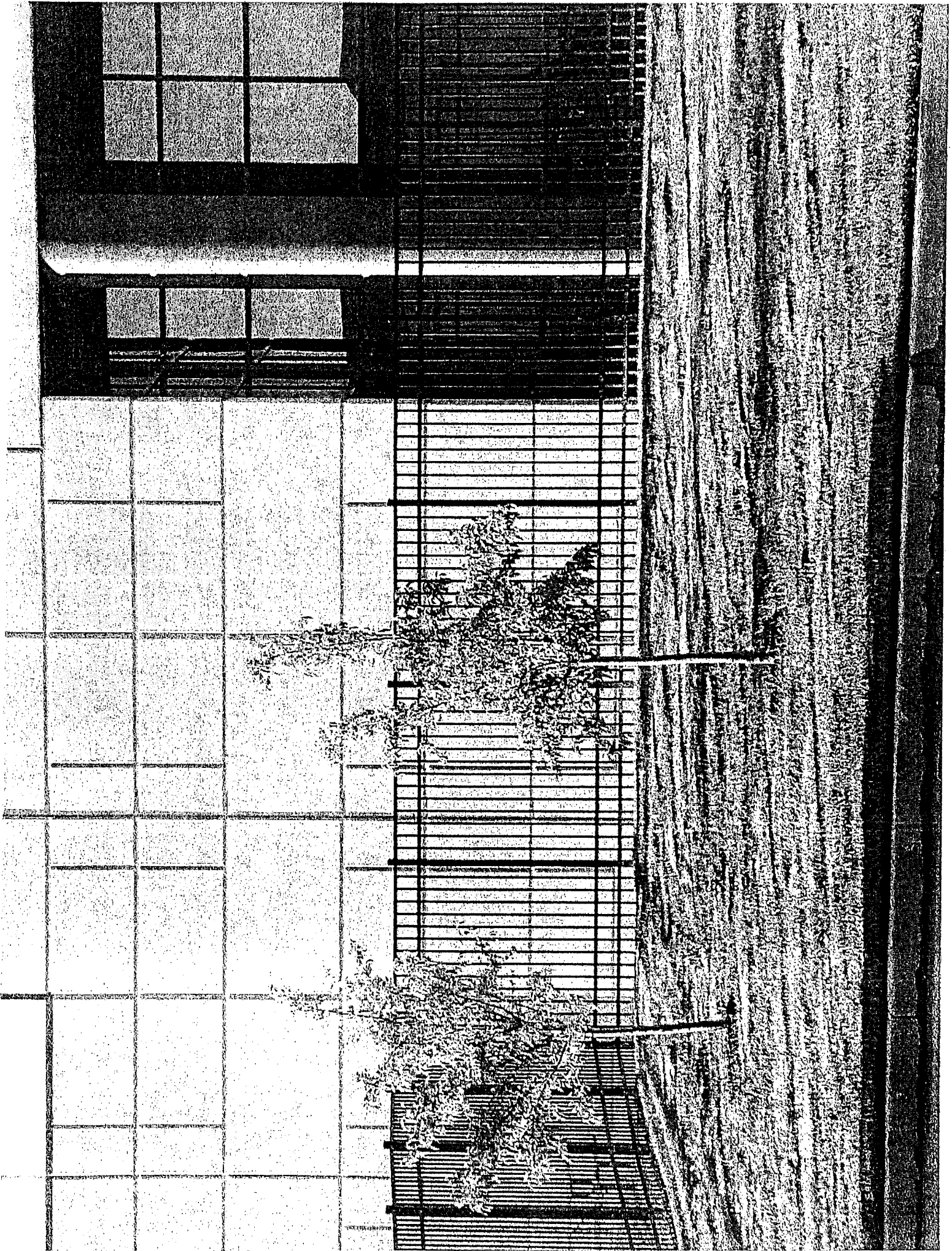
WEST ELEVATION

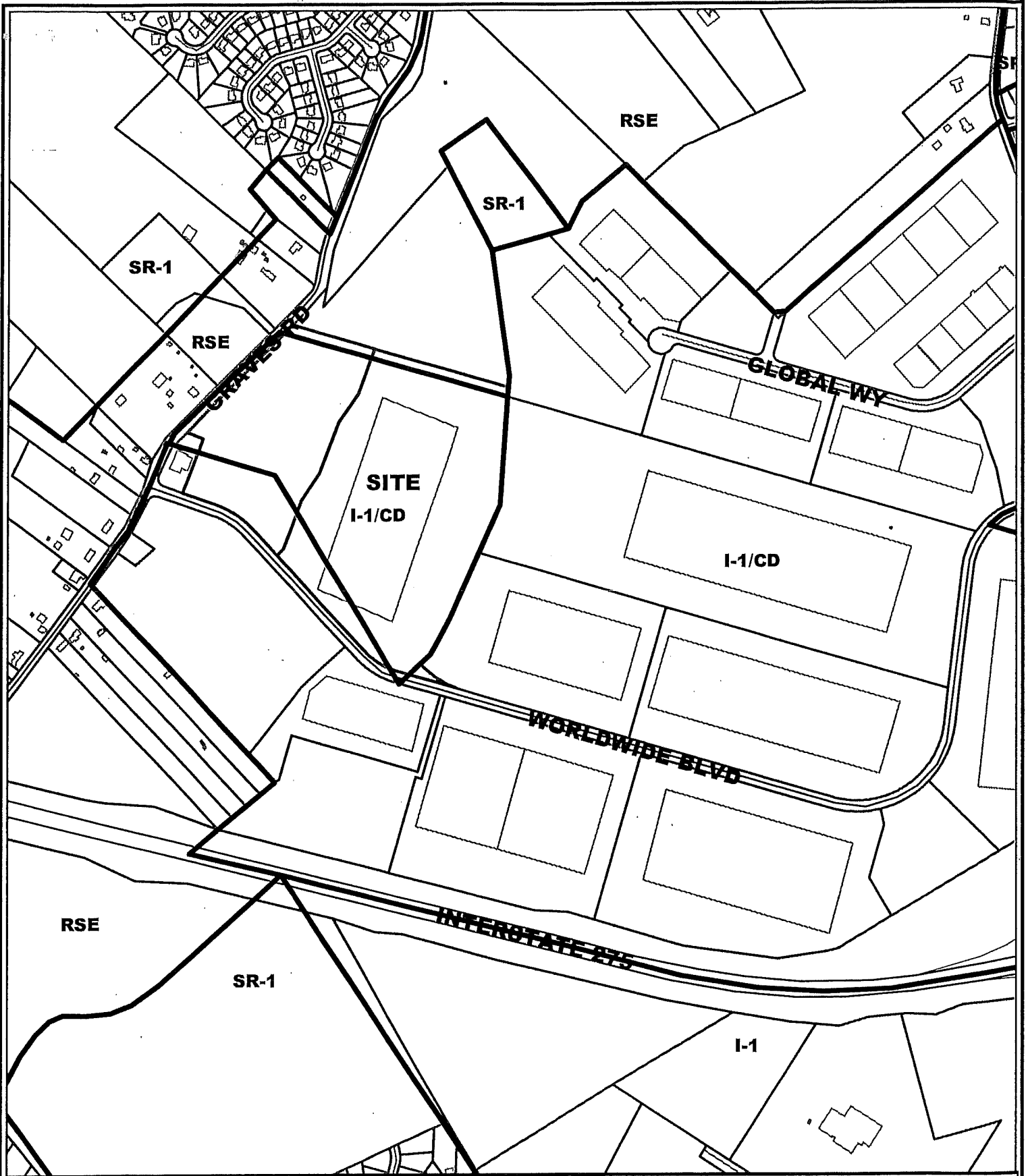
1/8" = 1'-0"

TENANT OFFICE IMPROVEMENTS FOR:  
**amazon.com**  
 BUILDING "M" PARK WEST INTERNATIONAL  
 1600 WORLDWIDE BOULEVARD HEBRON, KENTUCKY

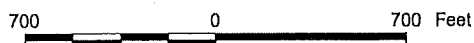
**IDI**  
 Suite 650  
 100 East RiverCenter Blvd.  
 Covington, KY 41011  
 Phone: 859-663-2880  
 Fax: 859-663-2890

**CLARISEY FRANK**  
 ARCHITECTURE LTD.  
 7321 Montgomery Rd. Cincinnati, OH 45236  
 891-4356 Fax: 891-4332  
 9/27/05

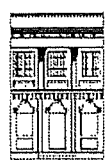


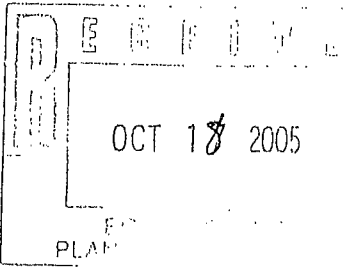


# 1600 Worldwide Blvd. Zoning Map



1 inch equals 700 feet  
 Produced by the  
 Boone County Planning Commission  
 GIS Services Division  
 October 28, 2005





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. [x] Boone [ ] Florence [ ] Walton [ ] Union

(Check One)

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

3. Applicant's Name: Bayer Becker
Phone Number: 859-261-1113 Fax No: 859-261-1710
Applicant's Address: 14 East 8th St.
Covington KY 41011

4. Description of Request: Variance for a fence around employee smoking area in front yard of Bldg. M

5. Name of Development: Park West International

6. Location of Development: Graves Rd & Worldwide Blvd.

7. Acreage Under Review: 31.789

8. Lot Number and Name of Subdivision (if part of a subdivision): Lot 12 B of Park West International Replat of Lot 7 (P.C. 5, Pg. 234)

9. Owner of Property: Industrial Development International

10. Address of Property Owner: 100 E. Rivercenter Blvd, Ste. 550 Covington KY 41011

11. Proposed Use(s) on Site: Distribution & Warehousing

12. Total Square Footage of Existing and/or Proposed Buildings: 542,960

13. Current Zoning on Property: I-1/CD

14. Deed Book: 783 see below Page No. 257 see below Group No. 4752

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]

Property Owner's Signature: Benjamin L. Orrin IDT

3B 714, Pg. 57
3B 736, Pg. 304
B 750, Pg. 203

COPY

CLUR #05-BCBOA-022-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Industrial Developments International  
100 E. Rivercenter Blvd., Ste. 550  
Covington, KY 41011

2. ADDRESS OF PROPERTY

1600 Worldwide Blvd.  
Hebron, KY 41048

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Park West International

4. DEED BOO K 783

PAGE NO. 25

GROUP NO. 2006

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

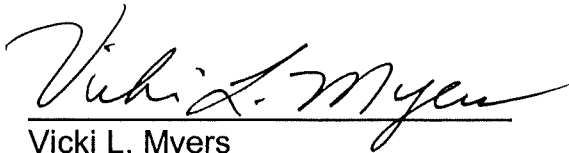
*Todd K. Morgan*  
SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

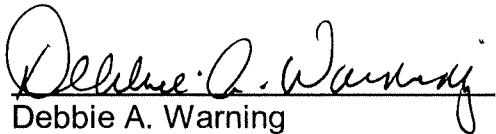
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the  
Boone County Planning Commission this 14 day of November, 2005.



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 November 9, 2005 Certificate of Land Use Restriction (#05-BCBOA-022-A), for Industrial Developments International, 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 783

PAGE NO. 25

GROUP NO. 2006