

05-BCBOA-023-A

APPLICATION FORM

BOARD OF ADJUSTMENT
AND
ZONING APPEALS ACTION
BOONE COUNTY PLANNING COMMISSION

OCT 19 2005

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 BRUCE E. EMERSON
Phone Number 859-586-0157 Fax No. 859-586-5502
Applicant's Address 2230 GRAVES ROAD
HERRON KY 41049
City State Zip
4. Description of Request: REQUEST TO INSTALL AN 8 FOOT
TAIL FENCE IN THE FRONT YARD
5. Name of Development PARK WEST INTERNATIONAL
6. Location of Development 1155 WORLDWIDE BLVD HERRON KY 41049
7. Acreage Under Review 210.846
8. Lot Number and Name of Subdivision (if part of a subdivision)
8 PARK WEST INTERNATIONAL
9. Owner of Property PARK WEST INDUSTRIAL I, INC.
Phone Number of Owner NOT LISTED
10. Address of Property Owner 2235 FARADAY AVENUE CHILSPING, CA 92006
City State Zip
11. Proposed Use(s) on Site WAREHOUSE DISTRIBUTION FACILITY
12. Total Square Footage of Existing and/or Proposed Buildings 484,000
13. Current Zoning on Property I-1
14. Deed Book 772 Page No. 724 Group No. 2006
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: Bruce E. Emerson

Property Owner's Signature: [Signature]

**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 10-19-05 Fee Received \$ 835.00 RA 44116
2. Is application complete? _____ Yes _____ No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
_____ **Approved**
11/9/05 **Approved with Conditions** (See #6)
_____ **Denial** (See #7)
6. Conditions of Approval: SEE 11/9/05 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@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: Bruce E. Emerson

LOCATION: 1155 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 1155 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 the truck docks and an employee patio.

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 26.846 acre parcel is located in Park West International Subdivision and is zoned Industrial One (I-1). The 484,000 square foot office/warehouse building is currently occupied by Amazon.Com.

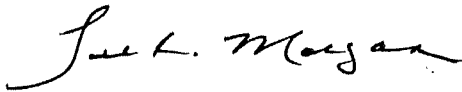
Staff Comments

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 showed the plan to Hebron Fire Department. Hebron Fire has asked that Knox locks be placed on all the gates. The locks will ensure that Hebron Fire has access to the building in case of a fire.
3. Staff recommends a condition which requires the 8' tall fencing to be located behind the Worldwide Boulevard street trees.

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,

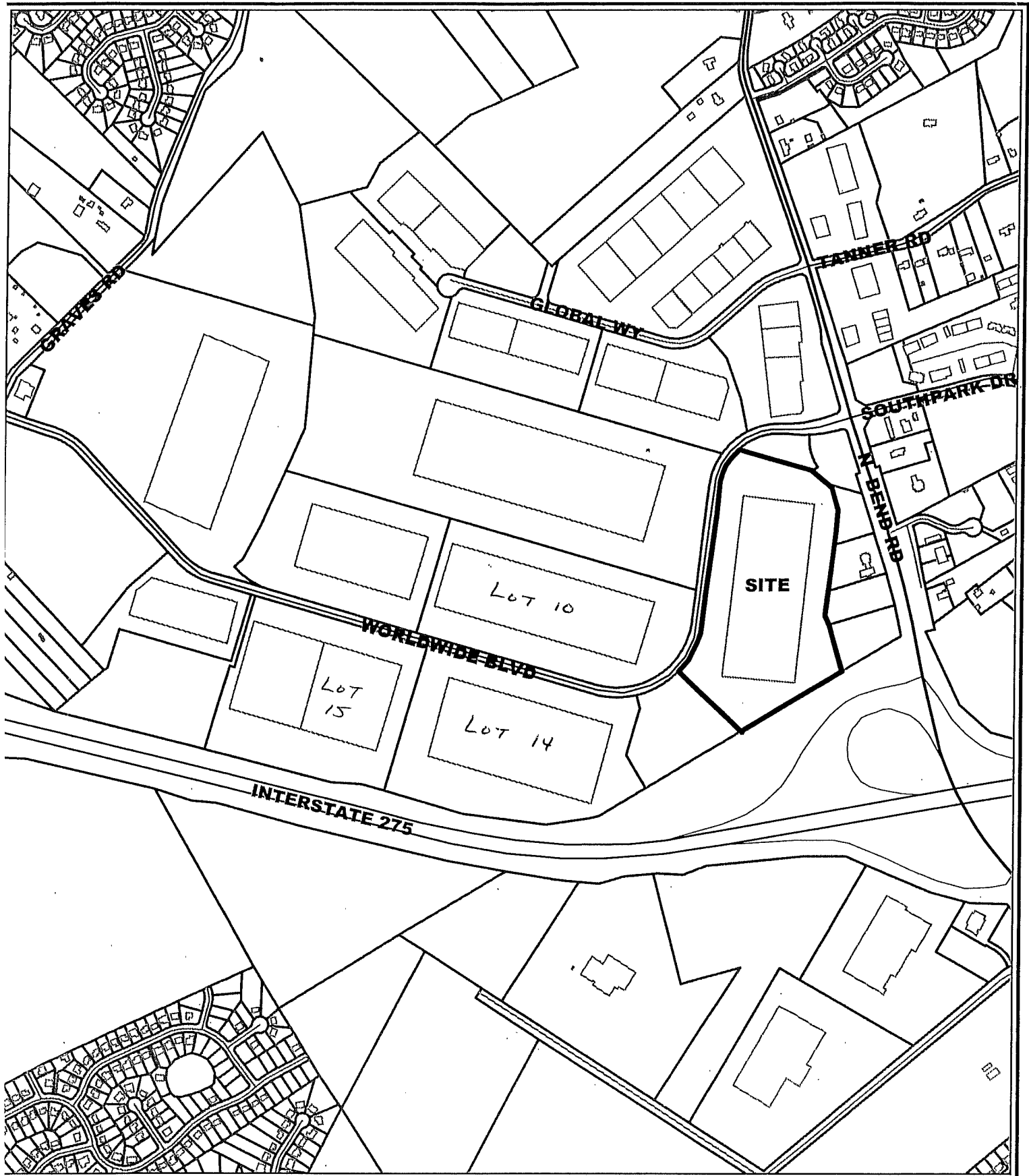
A handwritten signature in cursive script that reads "Todd K. Morgan".

Todd K. Morgan, AICP
Planner, Zoning Services

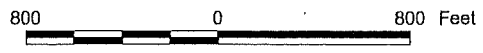
TKM/pr

Attachments

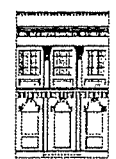
- Exhibit A – Site Vicinity Map
- Exhibit B – Concept Plans
- Exhibit C – Zoning Map
- Exhibit D – Aerial Map
- Exhibit E – Application



1155 Worldwide Blvd. Site Vicinity Map

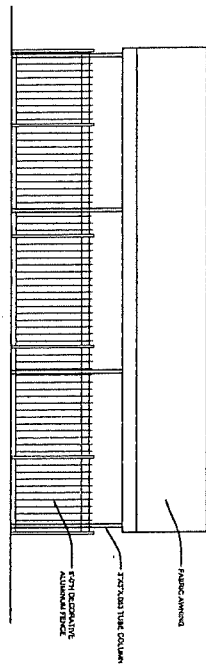


1 inch equals 800 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 October 27, 2005

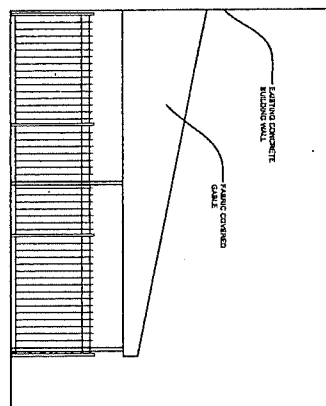


AWNING NOTES

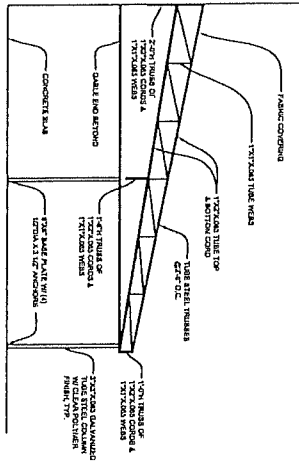
1. AWNING FABRICA REQUIRED BY PERMISSOR. PROVIDE THE FOLLOWING REQUIREMENTS:
 - GALVALUM 55K50 PER MANUFACT.
2. AWNING FRAME TO BE WELDED GALVANIZED 1" SQUARE CAP I-BEAM STEEL. TUBES UNLESS NOTED OTHERWISE TO BE 1/2" WALL THICKNESS. ALL STRUCTURE TO BE RUST-INHIBITED. GALVALUM 55K50 TO BE 1/2" WALL THICKNESS.
3. BOTTOM OF AWNING TO BE 8'-0" ABOVE FLOOR.
4. AWNING FRAME TO BE ATTACHED TO BUILDING ABOVE THE WALL WITH 3/4" x 1 1/2" WOOD ANCHORS.
5. DESIGN LOAD:
 - SHOW LOAD RATED FROM LOAD R-F-112 PER VARIOUS CODES. 30 PSF MINIMUM WIND SPEED. EXPOSURE CATEGORY II, S-112 PER



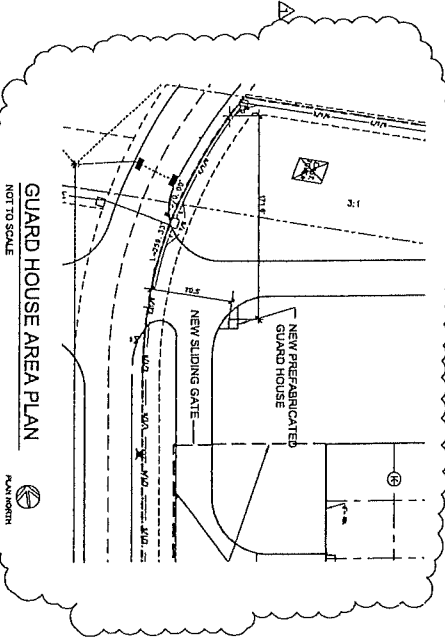
WEST ELEVATION
SCALE: 1/4" = 1'-0"



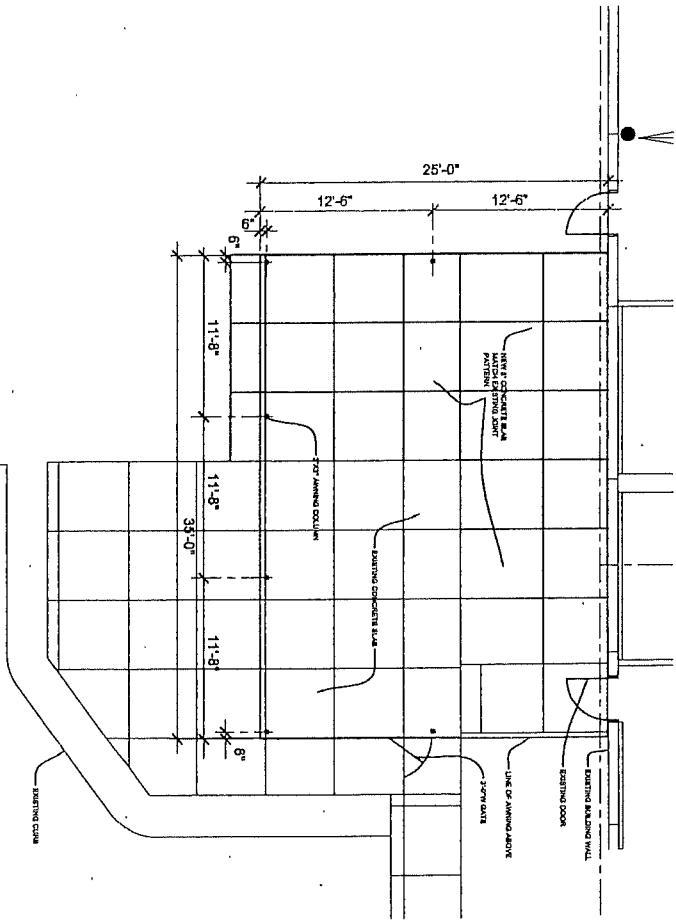
NORTH ELEVATION
SCALE: 1/4" = 1'-0"



AWNING SECTION
SCALE: 1/4" = 1'-0"



GUARD HOUSE AREA PLAN
NOT TO SCALE



PATIO & AWNING PLAN
SCALE: 1/4" = 1'-0"

A-2

SHEET

PAVILION AWNING PLAN
LANDSCAPE & SECTION

ISSUE DATE
DATE PREPARED
DRAWN BY
CHECKED BY

TENANT IMPROVEMENTS FOR:
AMAZON.COM

BUILDING "F" PARK WEST INTERNATIONAL
1155 WORLDWIDE BOULEVARD HEBRON, KENTUCKY

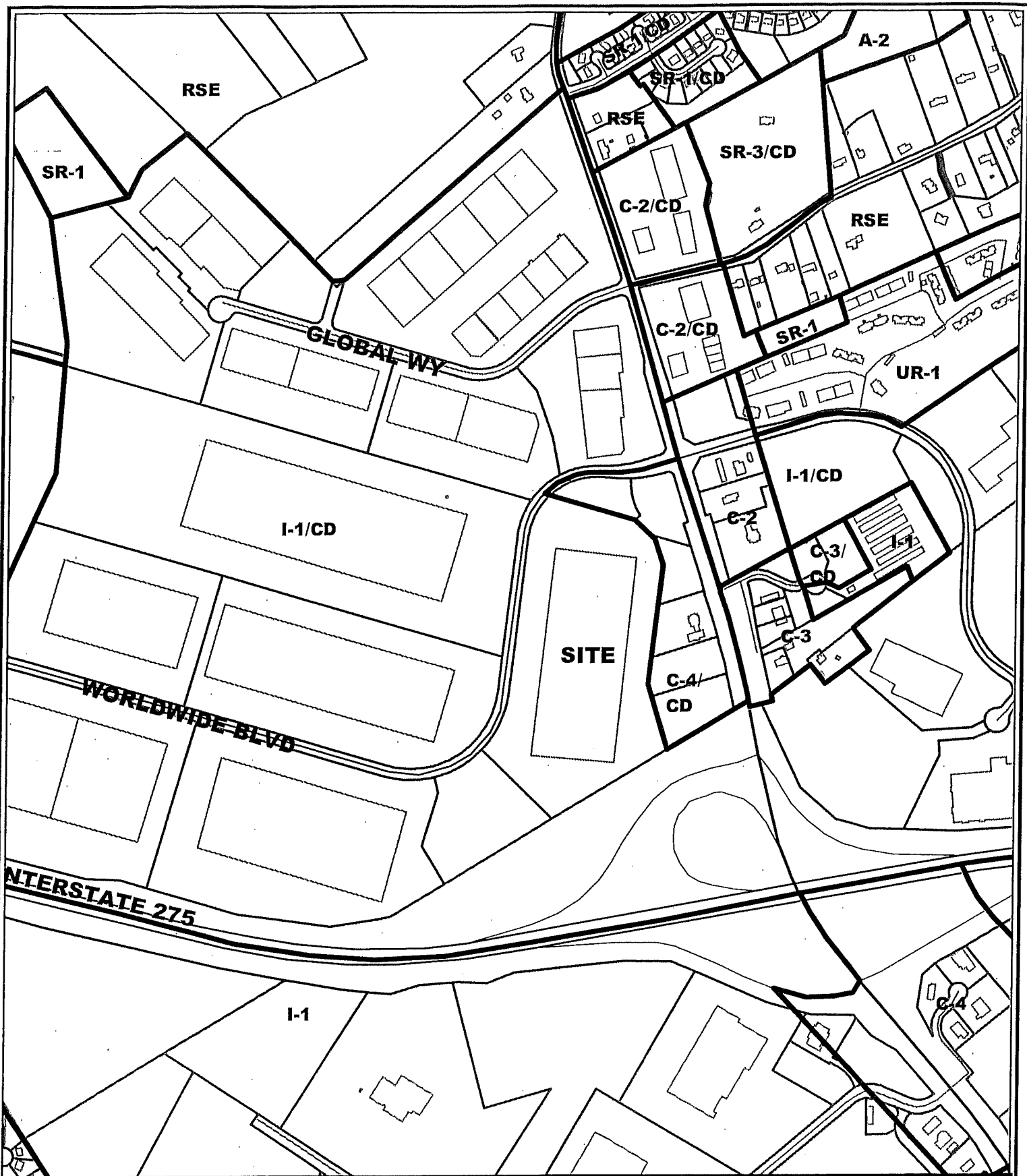
KAJIMA
CONSTRUCTION
SERVICES

2220 GRAVES RD., HEBRON, KY 40634
PH: 502-461-5111

CLARISEY FRANK
ARCHITECTURE LTD.

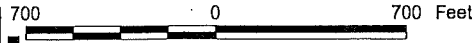
2220 GRAVES RD., HEBRON, KY 40634
PH: 502-461-5111





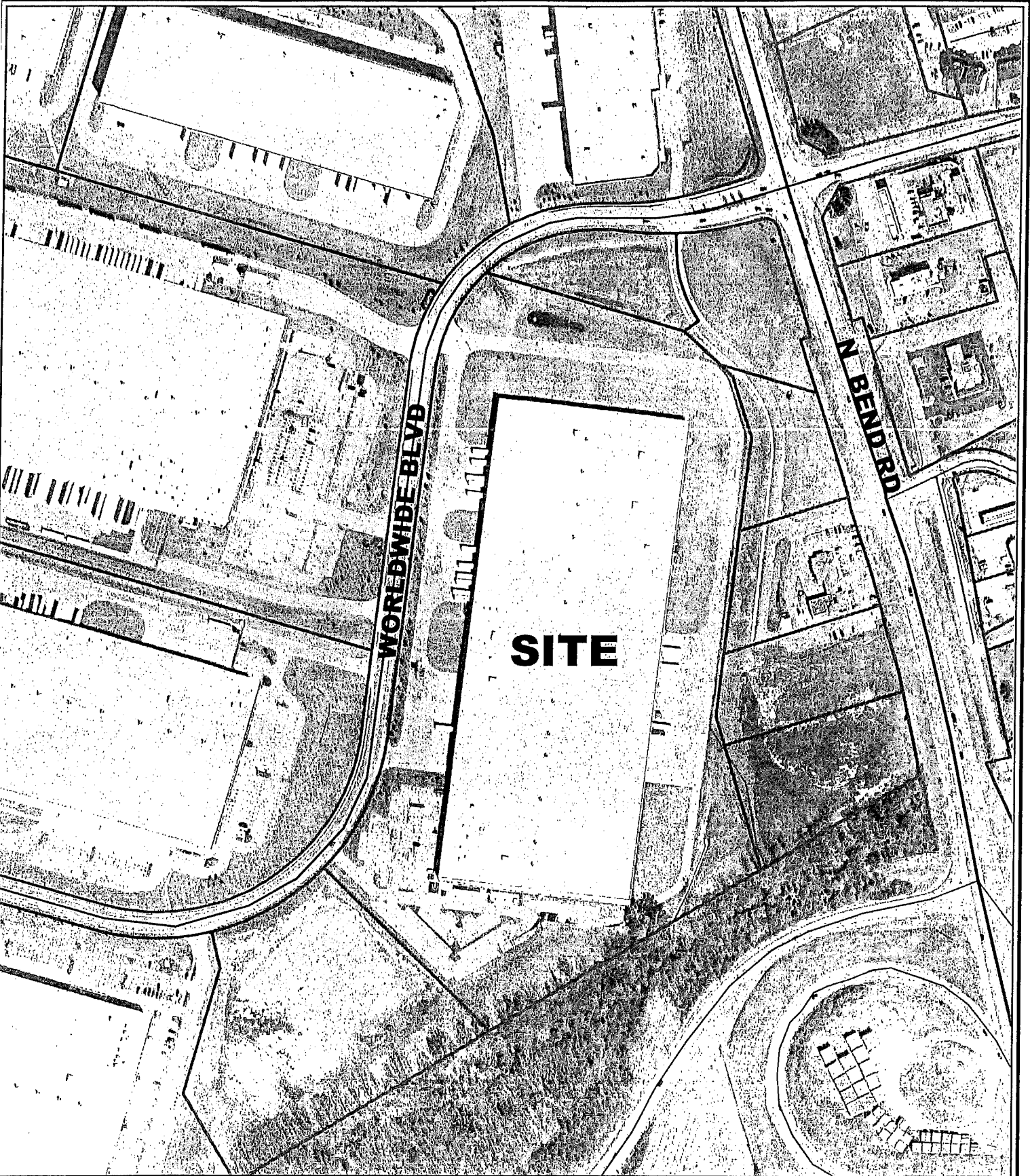
1155 Worldwide Blvd.

Zoning Map

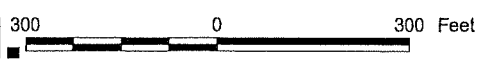


1 inch equals 700 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 October 28, 2005





1155 Worldwide Blvd. Aerial Map



1 inch equals 300 feet
Produced by the
Boone County Planning Commission
GIS Services Division
October 28, 2005



COPY

CLUR #05-BCBOA-023-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Park West Industrial I, Inc.
2235 Faraday Avenue
Carlsbad, CA 92008
2. ADDRESS OF PROPERTY
1155 Worldwide Blvd.
Hebron, KY 41048
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Park West International
4. DEED BOOK 772 PAGE NO. 724 GROUP NO. 2006
5. TYPE OF RESTRICTION(S) (Check all that apply)
- ___ Zoning Map Amendment: X 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

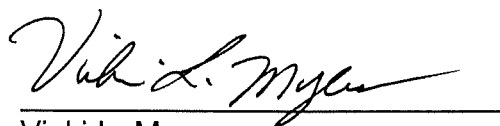
Todd K. Morgan
SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

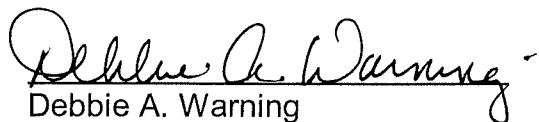
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 15 day of November, 2005.



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 Conditional Use Permit 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-023-A), for Park West Industrial 1, Inc., Property Owner(s).

The following conditions will apply:

- 1) Knox locks are to be placed on all gates to ensure that the Hebron Fire Department has access to the building in case of fire.
- 2) The proposed eight foot tall fencing is to be located behind the Worldwide Boulevard street trees.

The approved Conditional Use Permit as well as the preceding conditions apply to the property described in:

DEED BOOK 772

PAGE NO. 724

GROUP NO. 2006