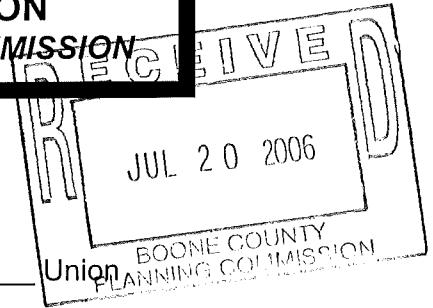


APPLICATION FORM

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) [x] Boone [ ] Florence [ ] Walton [ ]
2. (Check One) [ ] Conditional Use Permit [x] Variance [ ] Appeal [ ]
3. Applicant's Name Bayer Becker, Phone Number 859-261-1113, Fax No. 859-261-1710, Applicant's Address 14 East 8th Street, Covington KY 41011
4. Description of Request: Variance for a fence around employee smoking area in front yard of Bldg. 9 - 4' to 8' tall fence
5. Name of Development Park South at Richwood Industrial Park
6. Location of Development Dixie Hwy (US 25)
7. Acreage Under Review 36.305 ac.
8. Lot Number and Name of Subdivision Lot 1 of Park South at Richwood Subdivision (not yet recorded)
9. Owner of Property Industrial Developments International, Inc., Phone Number of Owner 859-643-2880
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 602,800 SF
13. Current Zoning on Property F-1
14. Deed Book See Below Page No. Group No. 2072
15. Is the site subject to a zone change? Yes
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: Allison K Voller

Property Owner's Signature:

DEEDS: D.B. 892, Pg. 854 D.B. 896, Pg. 679 D.B. 897, Pg. 200 889 761

(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 7-20-06 Fee Received \$871.00 R# 50808
2. Is application complete?  Yes  No
3. Staff Reviewer \_\_\_\_\_
4. Scheduled Board Action Date \_\_\_\_\_
5. Board Action:  
 Approved  
 8/9/06 Approved with Conditions (See #6)  
 Denial (See #7)
6. Conditions of Approval: SEE 8/9/06 B.C.B.O.A.  
MEETING MINUTES
7. Reasons for Denial: \_\_\_\_\_

**Boone County Planning Commission  
Boone County Administration Building  
2950 Washington Street, Room 317  
P.O. Box 958  
Burlington, Kentucky 41005  
(859) 334-2196 - Phone  
(859) 334-2264 - Fax  
plancom@boonecountyky.org - E-mail  
[www.boonecountyky.org](http://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: 20 Opportunity Boulevard, Boone County, Kentucky  
ZONING: Industrial One (I-1)  
DATE: August 9, 2006

### Proposal

The applicant is requesting a variance to allow 8 foot tall fencing to be installed in the corner side yard of an office/warehouse building located at 20 Opportunity Boulevard, Boone County, Kentucky. The submitted Concept Development Plans show that 8 foot tall privacy fencing is being proposed between the 602,800 square foot office/warehouse and Freedom Way right-of-way line. The fencing will secure a 400 square foot (20' x 20') employee smoking area which will be covered with a fabric awning.

### 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 future 36.33 acre parcel is located in Park South at Richwood Industrial Park and is zoned Industrial One (I-1). The 602,800 square foot office/warehouse is currently under construction. The building when completed will have road frontage along Dixie Highway, Opportunity Boulevard, and Freedom Way.

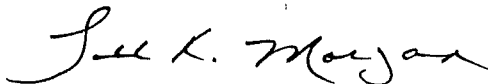
#### Staff Comments

1. Staff has made the applicant aware that a solid fence cannot be approved in the corner side yard. Section 3755 of the Boone County Zoning Regulations indicates that fences in the corner side yard shall have a decorative design and should have an opacity of 50% or less.
2. Staff does not believe that the request to increase the fence height from 4 feet in height to 8 feet in height will alter the essential character of the general area. The proposed smoking area will not be visible from Dixie Highway or Interstate 71/75.

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  
Senior Planner, Zoning Services

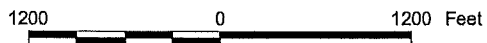
TKM/pr

Attachments

- Exhibit A – Site Vicinity Map
- Exhibit B – Site Plan Showing Road Frontages
- Exhibit C – Concept Plan Showing Smoking Area
- Exhibit D – Close Up of Smoking Area
- Exhibit E – Awning & Fencing Details
- Exhibit F – Zoning Map
- Exhibit G – Application

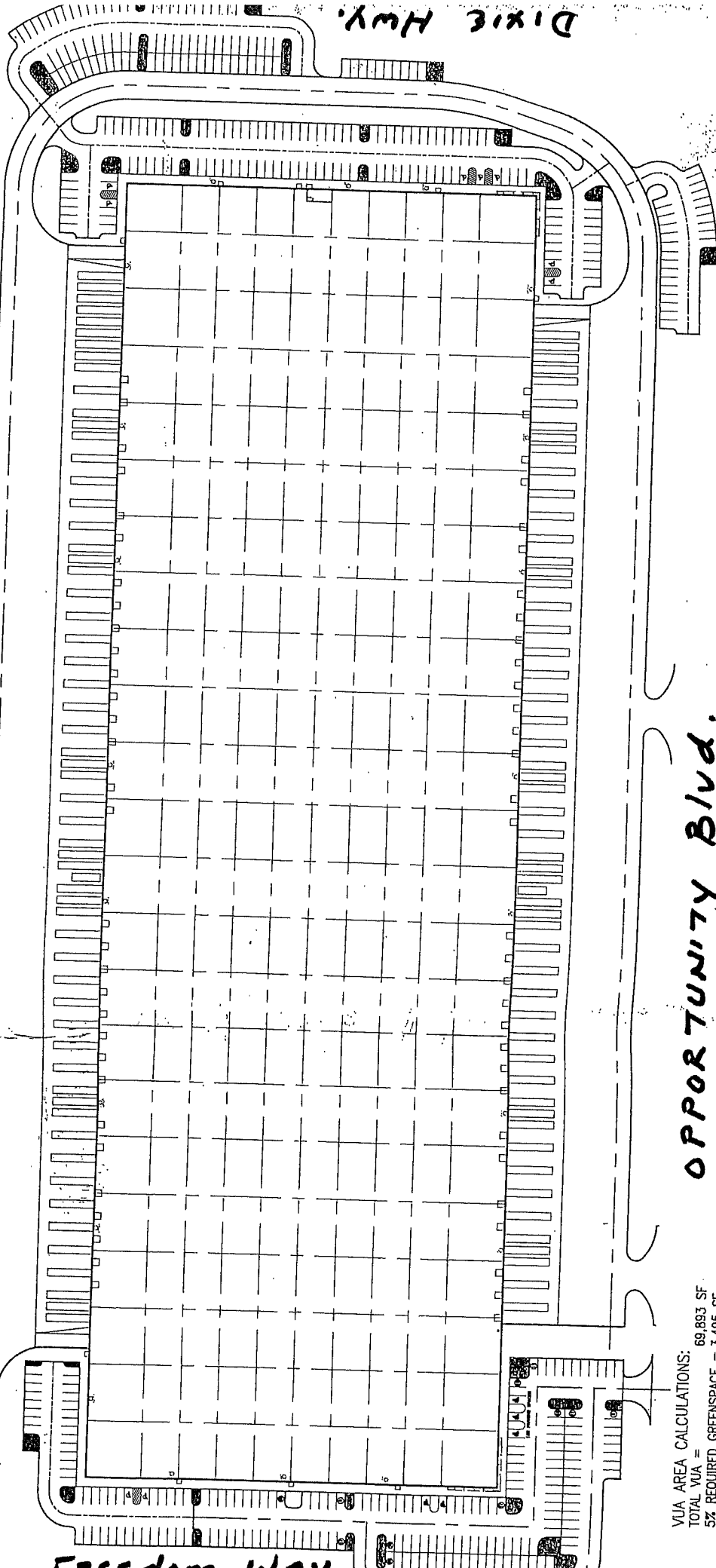


# Park South Bldg. G Site Vicinity Map



1 inch equals 1200 feet  
Produced by the  
Boone County Planning Commission  
GIS Services Division  
July 26, 2006





DIXIE HWY.

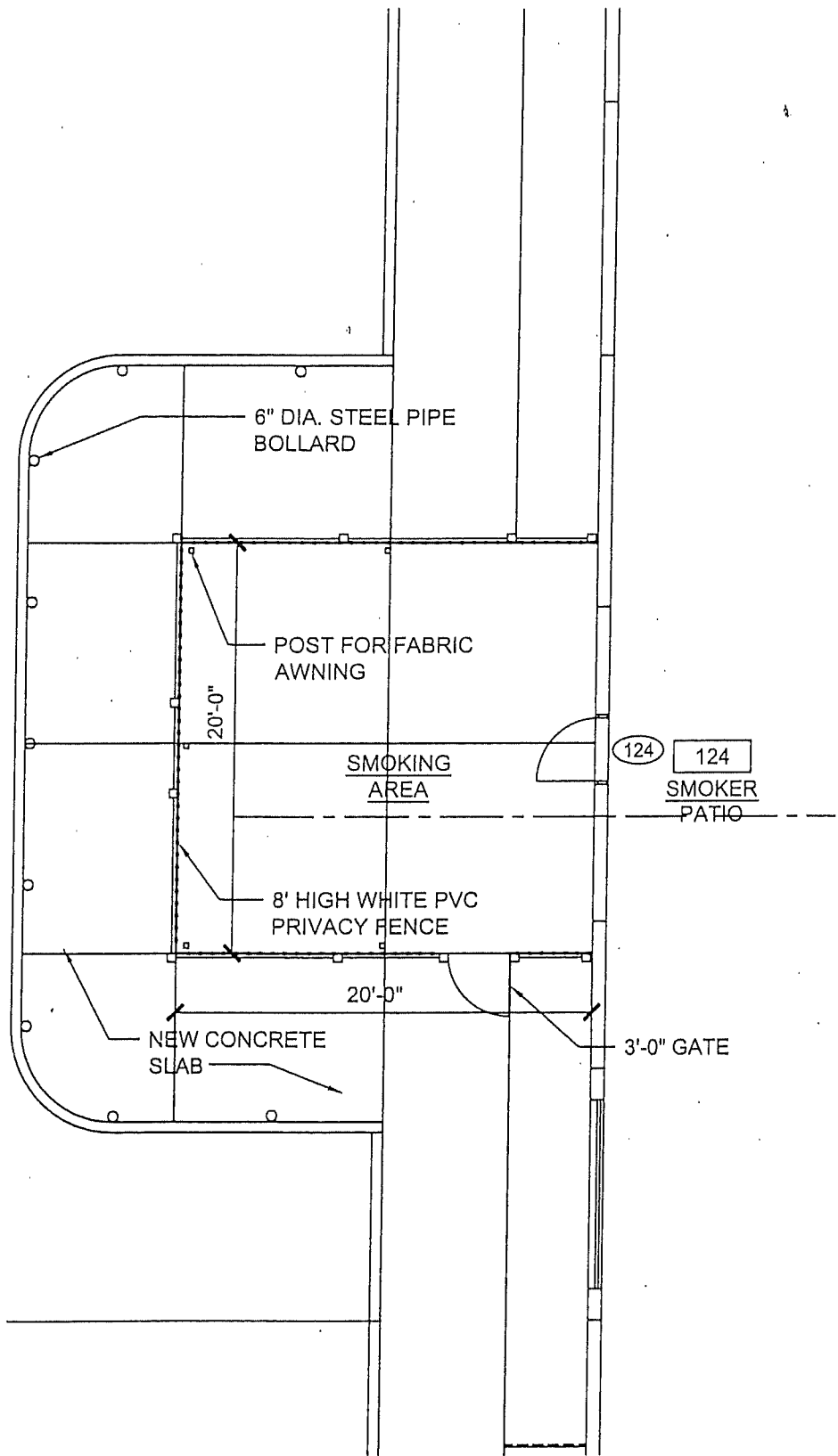
FREEDOM WAY

VUA AREA CALCULATIONS:  
 TOTAL VUA = 69,893 SF  
 5% REQUIRED GREENSPACE = 3,495 SF  
 PROVIDED GREENSPACE = 3,634 SF (5.20%)

OPPORTUNITY Blvd.

VUA AREA CALCULATIONS:  
 TOTAL VUA = 79,447 SF  
 5% REQUIRED GREENSPACE = 3,972 SF  
 PROVIDED GREENSPACE = 4,747 SF (5.98%)





**SMOKER PATIO PLAN**

1/8" = 1'-0"



PLAN NORTH

TENANT OFFICE IMPROVEMENTS FOR:

**Building G Tenant**

Building "G", Park South at Richwood  
20 Opportunity Blvd. Richwood, Boone County, Kentucky



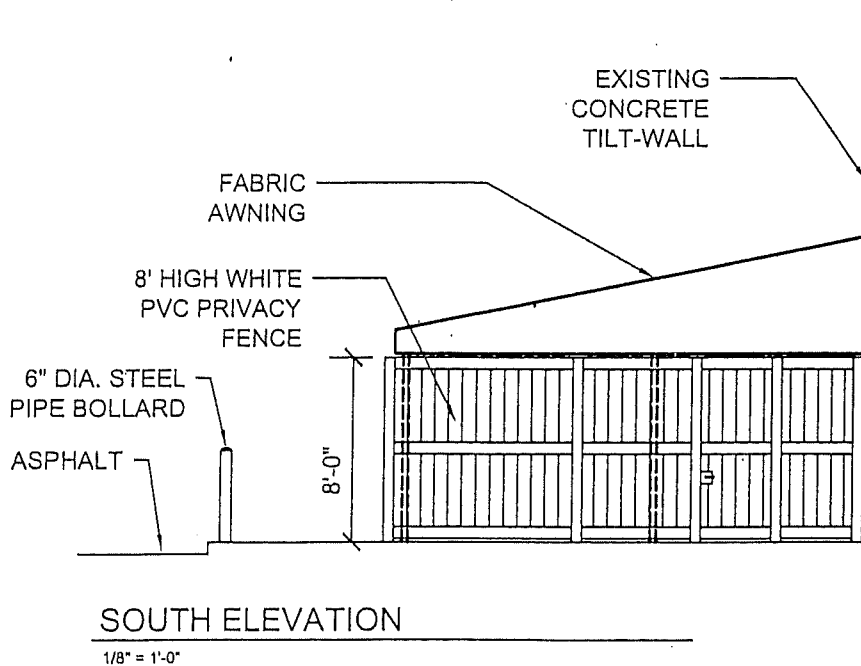
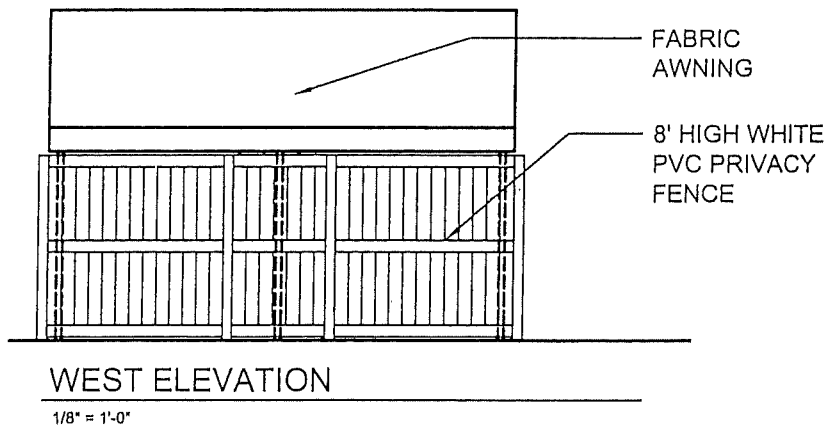
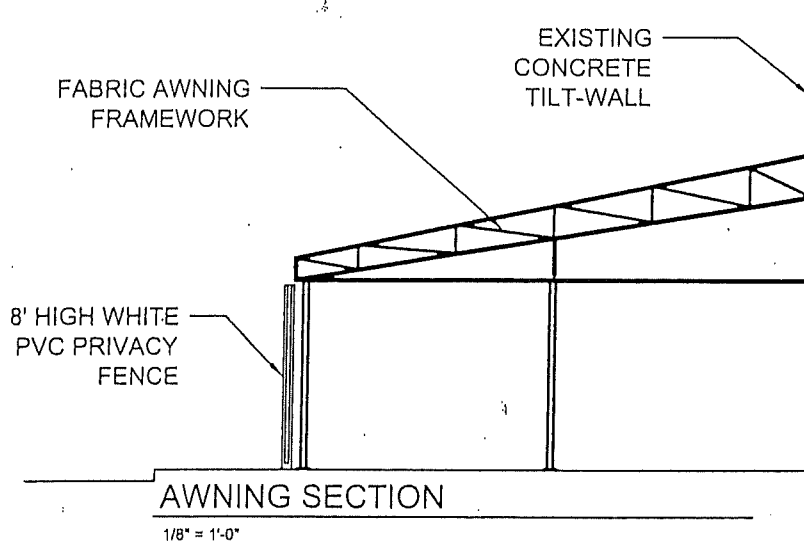
IDI  
Suite 650  
100 East RiverCenter Blvd.  
Covington, KY 41011  
Phone: 859-683-2880  
Fax: 859-683-2890

**CLARISEY FRANK**  
ARCHITECTURE LTD

7321 Montgomery Rd. Cincinnati, OH 45236  
891-4336 Fax: 891-4532

7/14/06

CF-1



TENANT OFFICE IMPROVEMENTS FOR:

**Building G Tenant**

Building "G", Park South at Richwood  
20 Opportunity Blvd. Richwood, Boone County, Kentucky



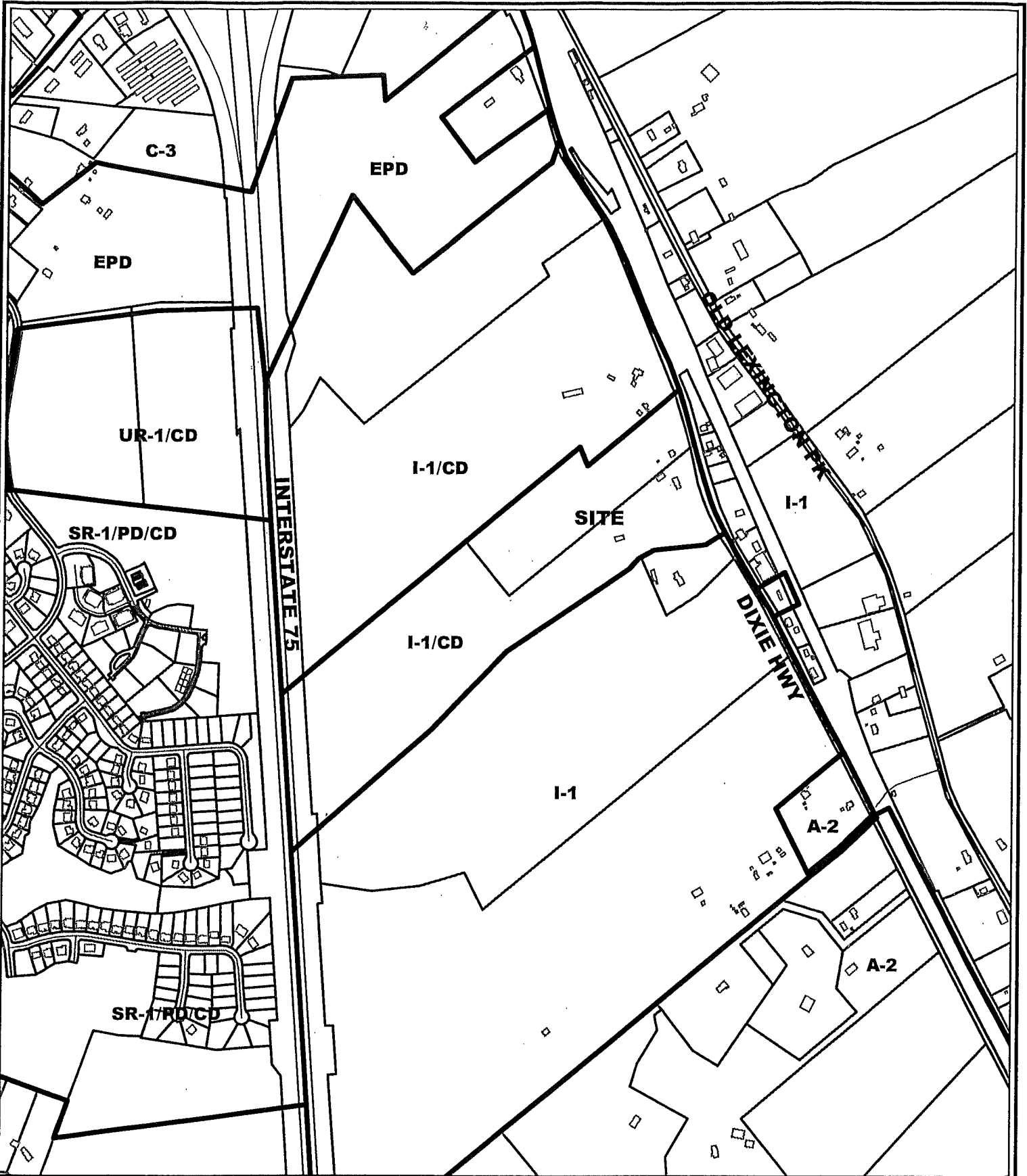
IDI  
Suite 550  
100 East RiverCenter Blvd.  
Covington, KY 41011  
Phone: 859-683-2880  
Fax: 859-663-2890

**CLARISEY FRANK**  
ARCHITECTURE LTD.

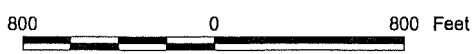
7321 Montgomery Rd. Cincinnati, OH 45236  
891-4536 fax: 891-4532

7/14/08

CF-2



**Park South Building G  
Zoning Map**

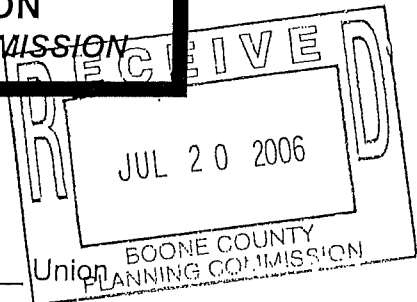


1 inch equals 800 feet  
Produced by the  
Boone County Planning Commission  
GIS Services Division  
July 24, 2006



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 \_\_\_\_\_  
(Check One)
  2. \_\_\_\_\_ Conditional Use Permit  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 Street  
Covington KY 41011  
City State Zip
  4. Description of Request: Variance for a fence around employee smoking area in front yard of Bldg. 9. - 4' to 8' tall fence
  5. Name of Development Park South at Richwood Industrial Park
  6. Location of Development Dixie Hwy (US 25)
  7. Acreage Under Review 36.305 ac.
  8. Lot Number and Name of Subdivision (if part of a subdivision)  
Lot 1 of Park South at Richwood Subdivision (not yet recorded)
  9. Owner of Property Industrial Developments International, Inc.  
Phone Number of Owner 859.663.2880
  10. Address of Property Owner 100 E. Rivercenter Blvd., Ste 550, Covington KY 41011  
City State Zip
  11. Proposed Use(s) on Site Distribution & Warehousing
  12. Total Square Footage of Existing and/or Proposed Buildings 602,800 SF
  13. Current Zoning on Property F-1
  14. Deed Book See Below Page No. \_\_\_\_\_ Group No. 2072
  15. Is the site subject to a zone change? Yes  
If yes, give date of approval 4/26/05 and 11/23/04
  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: Alison R Voller

Property Owner's Signature: \_\_\_\_\_

(over)

DEEDS:  
D.B. 892, Pg. 854  
D.B. 896, Pg. 679  
D.B. 897, Pg. 200

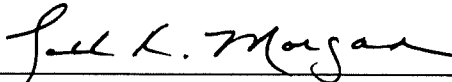
COPY

CLUR #06-BCBOA-010-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)  
Industrial Developments International, Inc.  
100 E. Rivercenter Blvd., Ste. 550  
Covington, KY 41011
  
2. ADDRESS OF PROPERTY  
20 Opportunity Blvd.  
Boone County, KY
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)  
Park South at Richwood Industrial Park
  
4. DEED BOOKS & PAGES 892/854, 896/679, 897/200, 889/761      GROUP NO. 2072
  
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



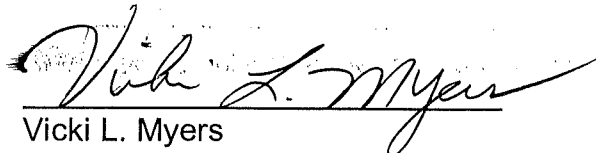
\_\_\_\_\_  
SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

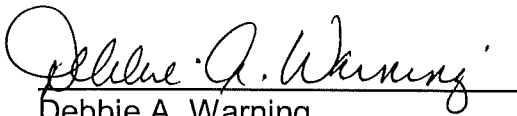
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the  
Boone County Planning Commission this 25 day of August, 2006.



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 Adjustment and in accordance with the current zoning in effect as of August 9, 2006 Certificate of Land Use Restriction (#06-BCBOA-010-A), for Industrial Developments International, Inc., Property Owner(s).

The following conditions will apply:

- 1) The fence shall have a decorative design and have an opacity of 50% or less.
- 2) The proposed smoking area shall not be visible from Dixie Highway or Interstate 71/75.

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

DEED BOOKS & PAGES 892/854, 896/679, 897/200, 889/761      GROUP NO. 2072