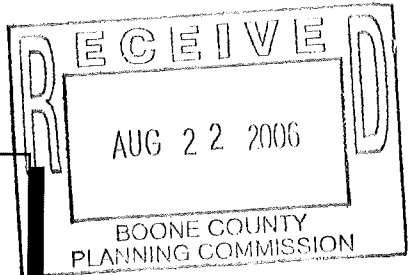


APPLICATION FORM



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 \_\_\_\_\_ Variance [checked] Appeal \_\_\_\_\_
3. Applicant's Name Lackner Sign, Phone Number (513) 779-8686, Fax No. (513) 755-5050, Applicant's Address P.O. Box 219, West Chester, Ohio 45071
4. Description of Request: Variance for [redacted] ground sign. Increase square footage from 7.5 FE2 to 26.25 FE2
5. Name of Development Hanser Music Group
6. Location of Development Riverview Business Park, 2395 ARBOR TECH DRIVE
7. Acreage Under Review 18.989
8. Lot Number and Name of Subdivision (if part of a subdivision) [redacted] Riverview Business Park
9. Owner of Property [redacted] D & H Enterprises of Ohio, LLC, Phone Number of Owner 2395 [redacted] (859) 802-7358
10. Address of Property Owner [redacted] Arbor Tech Dr. Hebron, KY
11. Proposed Use(s) on Site [redacted] - whole sale dis. of Music box.
12. Total Square Footage of Existing and/or Proposed Buildings \_\_\_\_\_
13. Current Zoning on Property I-1 / CD
14. Deed Book 917 Page No. 72 Group No. 2014B
15. Is the site subject to a zone change? \_\_\_\_\_
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: [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 8-22-06 Fee Received \$ 871.00 RAS 1145
2. Is application complete? \_\_\_\_\_ Yes \_\_\_\_\_ No
3. Staff Reviewer \_\_\_\_\_
4. Scheduled Board Action Date \_\_\_\_\_
5. Board Action:  
9-13-06 **Approved**  
\_\_\_\_\_ **Approved with Conditions** (See #6)  
\_\_\_\_\_ **Denial** (See #7)
6. Conditions of Approval: NONE  
\_\_\_\_\_  
\_\_\_\_\_
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**

871.00

**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: Lackner Signs  
LOCATION: 2395 Arbor Tech Drive, Boone County, Kentucky  
ZONING: Industrial One (I-1)  
DATE: September 13, 2006

### Proposal

The applicant has submitted a Variance application to allow the permitted area of a monument sign to be increased from 7½ square feet to 26.25 square feet. The subject property is located at 2395 Arbor Tech Drive and is zoned Industrial One (I-1).

The submitted Concept Development Plans show that monument sign is 5 feet tall and 26.25 square feet in area and will be located between the front of the building and a long driveway which connects to Arbor Tech Drive.

### Applicable Regulations

Article 34, Section 3413 (3) of the Boone County Zoning Regulations states that office and industrial establishments located within an Industrial One (I-1) zoning district shall be permitted a density of one (1) on-premise monument sign per parcel of land. The maximum size of the monument sign shall not exceed one-half (½) square foot of area per lineal foot of road frontage along the street frontage where the entrance sign is to be located with a maximum allowable size of one-hundred (100) square feet. The maximum height of a monument sign is ten (10) feet.

Article 40, Section 4000 of the Boone County Zoning Regulations defines a monument sign as a freestanding sign that is composed of a solid structure between finished grade and the top of the sign.

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.

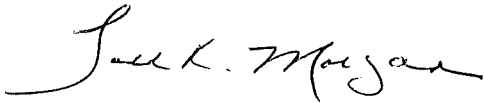
The Board should evaluate the applicant's request as it relates to the criteria necessary for granting a variance as stated in Section 251 of the Boone County Zoning Regulations:

2. The developer of the subdivision has informed Staff that they may replat the flag lot panhandles of lots 5 & 6 and portions of the adjoining lots into a public street (50 foot wide right-of-way). If this done, the subject lot (lot 5) will have more frontage along a public street and lot 6 could be subdivided into more buildable lots.
3. Staff was surprised to see that a monument sign had already been constructed on the lot because no sign permits have been approved. Staff would like the applicant to address if the proposed sign will replace the existing sign.
4. The Board needs to consider if the strict application of the zoning regulations would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship.

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 Vicinity Map on Final Plat
- Exhibit C – Final Plat, Lot 5, Riverview Business Park
- Exhibit D – Concept Plan (Sign Location)
- Exhibit E – Concept Plan (Sign Dimensions)
- Exhibit F – Zoning Map
- Exhibit G – Application

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 18.989 acre site is located within Riverview Business Park and is zoned Industrial One (I-1). The lot is currently platted as a flag lot and only has 15 feet of road frontage along Arbor Tech Drive. An 86,400 square foot office warehouse building, which is occupied by Hanser Music Group and Nuvo, was constructed on the site earlier this year.

#### Surrounding Land Uses and Zoning

- North: 15 Acre Parcel Fronting on River Road (SR-1/SC & A-2)
- South: Arbor Tech Drive & Opera Office/Warehouse (I-1)
- East: Undeveloped Lot 6, Riverview Business Park (I-1)
- West: Airport Property (A & A-2)

#### Staff Comments

1. A Variance is needed to construct the 26.25 square foot monument sign because the subject lot only has 15 feet of road frontage along Arbor Tech Drive. The zoning regulations state the maximum size of a monument sign in an I-1 zone shall not exceed one-half ( $\frac{1}{2}$ ) square foot of area per lineal foot of road frontage along the street frontage where the sign is to be located. The maximum allowable size of a monument sign in the I-1 zoning district is 100 square feet.

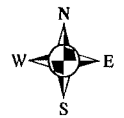


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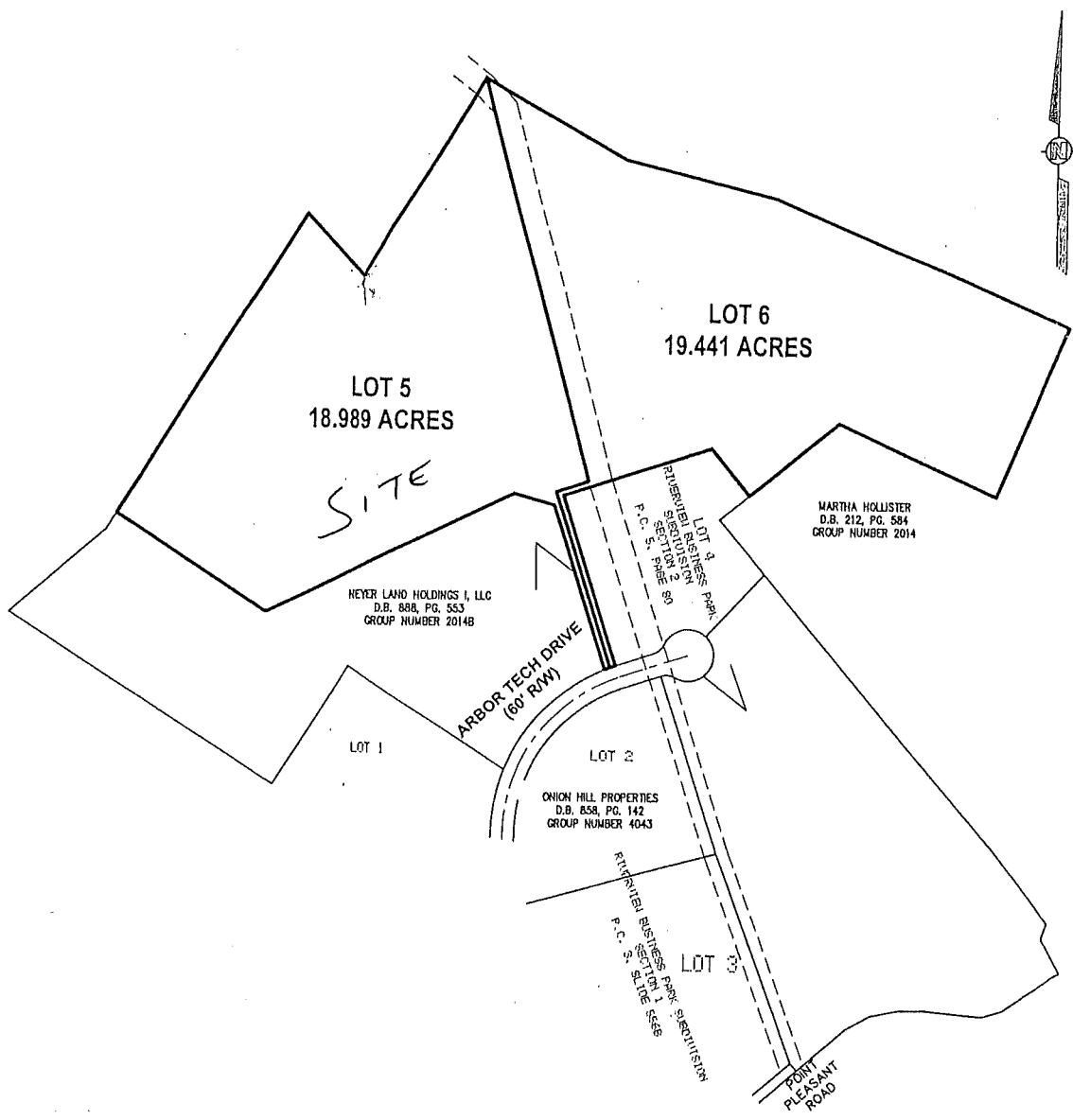
0 175 350 700 1050 1400 Feet

1 inch equals 803 feet

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State Plane Kentucky North NAD 1983



LOT 5  
18.989 ACRES

LOT 6  
19.441 ACRES

SITE

MEYER LAND HOLDINGS I, LLC  
D.B. 888, PG. 553  
GROUP NUMBER 20148

MARTHA HOLLISTER  
D.B. 212, PG. 584  
GROUP NUMBER 2014

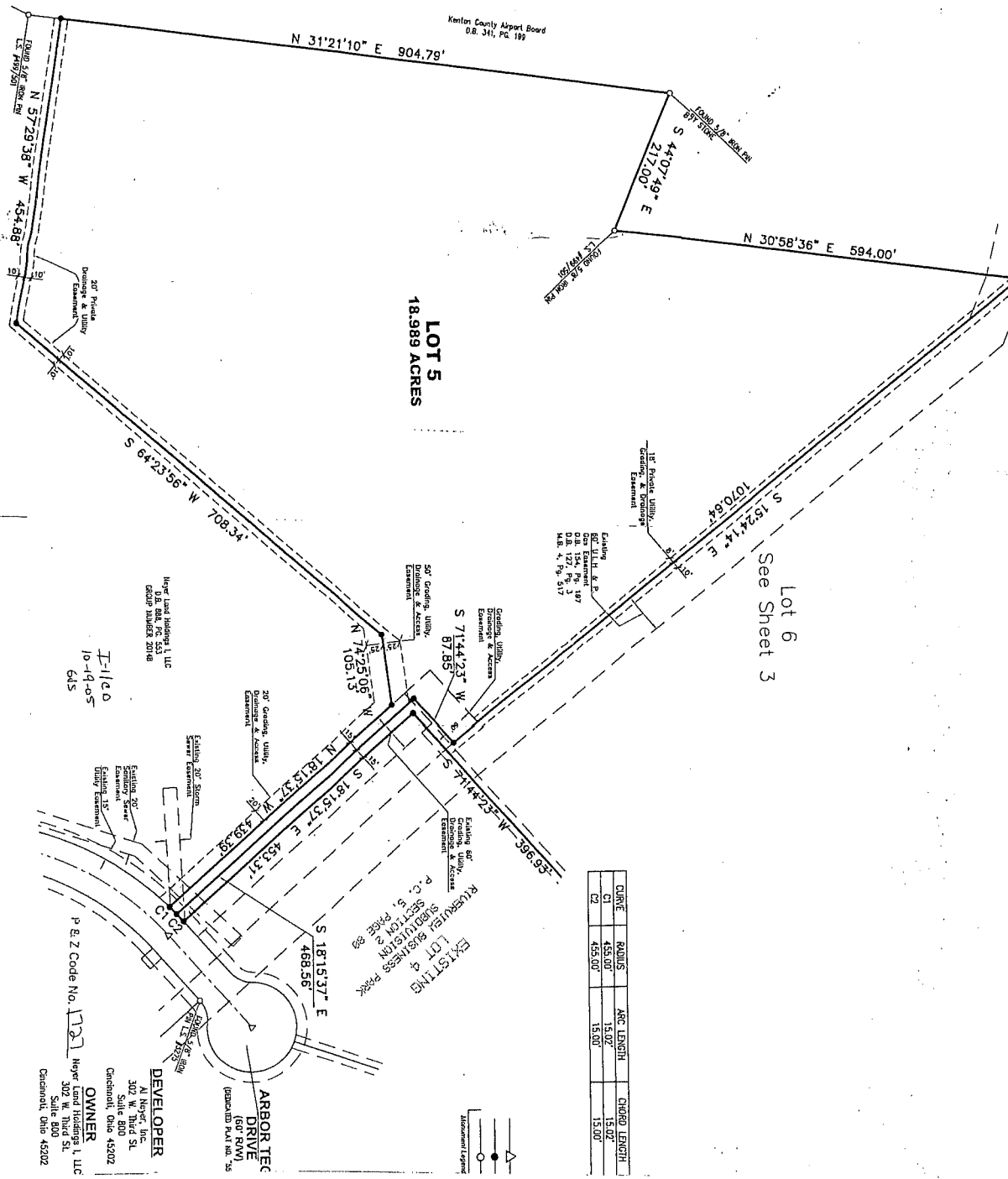
ARBOR TECH DRIVE  
(60' RW)

LOT 2  
ORION HILL PROPERTIES  
D.B. 858, PG. 142  
GROUP NUMBER 4043

RIVERVIEW BUSINESS PARK  
SECTION 1 & 2  
P.C. 5, PAGE 88

POINT PLEASANT ROAD





Kenton County Airport Board  
O.B. 341, P.C. 189

**LOT 5**  
18.989 ACRES

Lot 6  
See Sheet 3

CHORD	RADIUS	ARC LENGTH	CHORD LENGTH
C1	455.00'	15.00'	15.00'
C2	455.00'	15.00'	15.00'

EXISTING  
LOT 4  
SUBDIVISION  
P.C. 51, PAGE 82

**ARBOR TECH DRIVE**  
(60' ROW)  
(DEMOGRAPHIC PLAN NO. 55)

**DEVELOPER**  
Al Neeyer, Inc.  
302 W. Third St.  
Suite 300  
Cincinnati, Ohio 45202

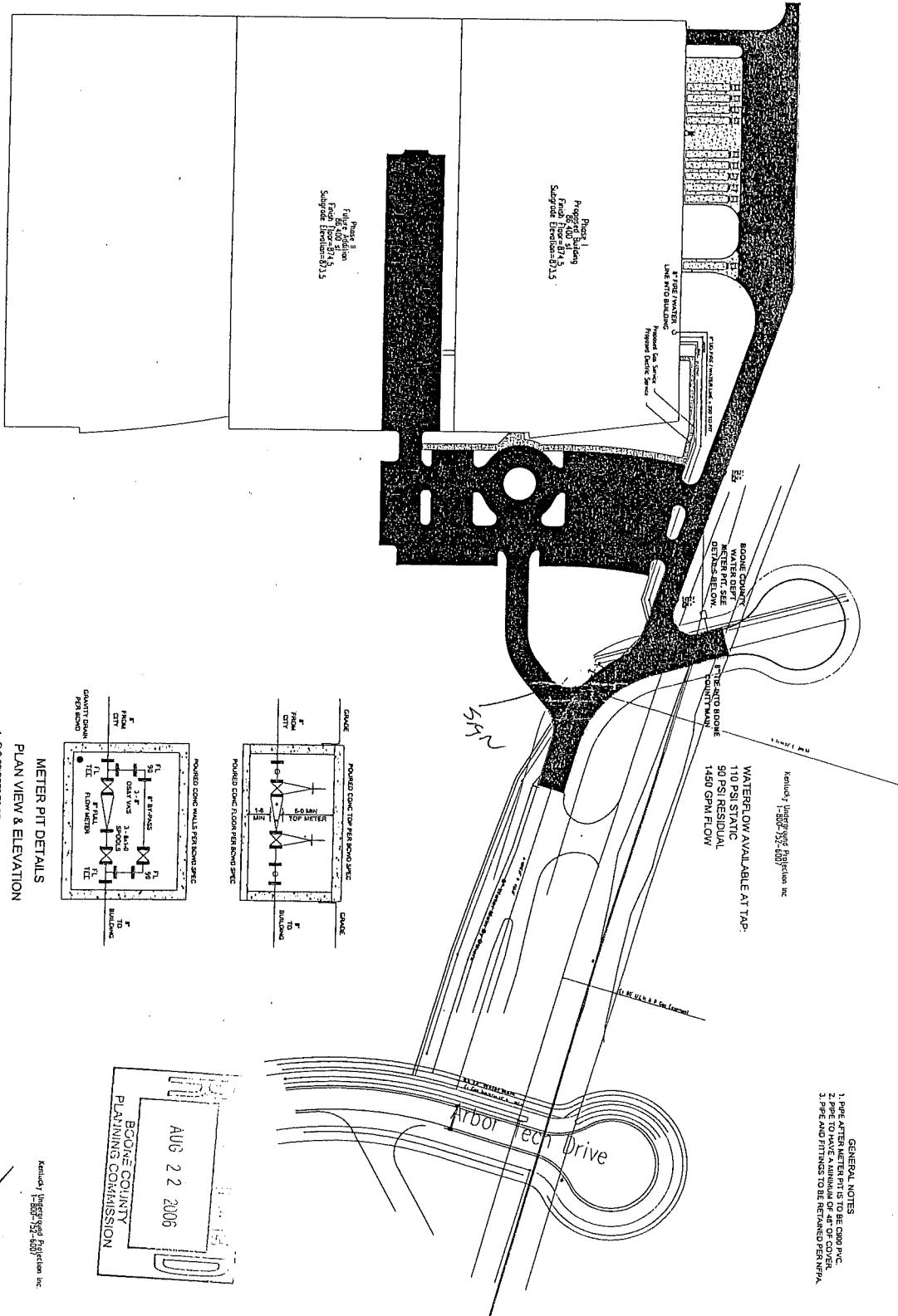
**OWNER**  
Neeyer Land Holdings 1, LLC  
302 W. Third St.  
Suite 300  
Cincinnati, Ohio 45202

Neeyer Land Holdings 1, LLC  
O.B. 888, P.C. 553  
CINCOY PARADES 20140

FILED  
10-19-05  
6415

P & Z Code No. 1723

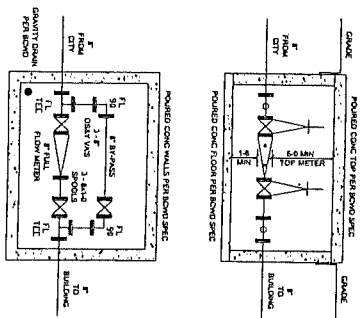




Waterflow Available at Tap:  
 110 PSI STATIC  
 90 PSI RESIDUAL  
 1450 GPM FLOW

GENERAL NOTES  
 1. PIPE AFTER METER PIT IS TO BE 6000 P.C.  
 2. PIPE TO HAVE A MINIMUM OF 4" OF COVER  
 3. PIPE AND FITTINGS TO BE RENEWED PER NFPA

- METER PIT DETAILS**
- PLAN VIEW & ELEVATION**
1. P.C. SPRIGS TO BE MIN. 6" INSIDE PIT WALL
  2. 24" MIN. SIDE TO SIDE OF PIPE AND SIDE OF PIPE TO INSIDE OF PIT WALL
  3. 24" MIN. SIDE TO SIDE OF PIT WALL AND 4" MIN. FROM PIT WALL TO METER PIT
  4. ALL PIPE IN THE PIT, INCLUDING SPOCK, TO BE CLASS 20 DUCTILE IRON
  5. PROVIDE TO BE CLASS 20 DUCTILE IRON UNDER O.V.T.'S BY-PASS PIPE BY-PASS SYS.

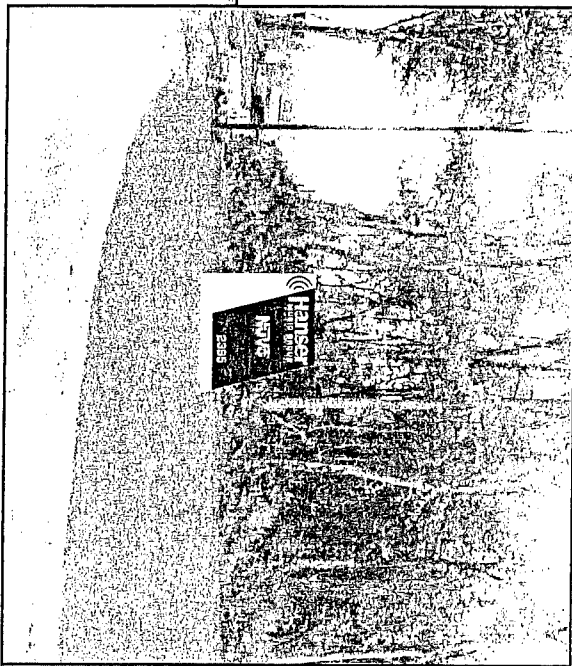
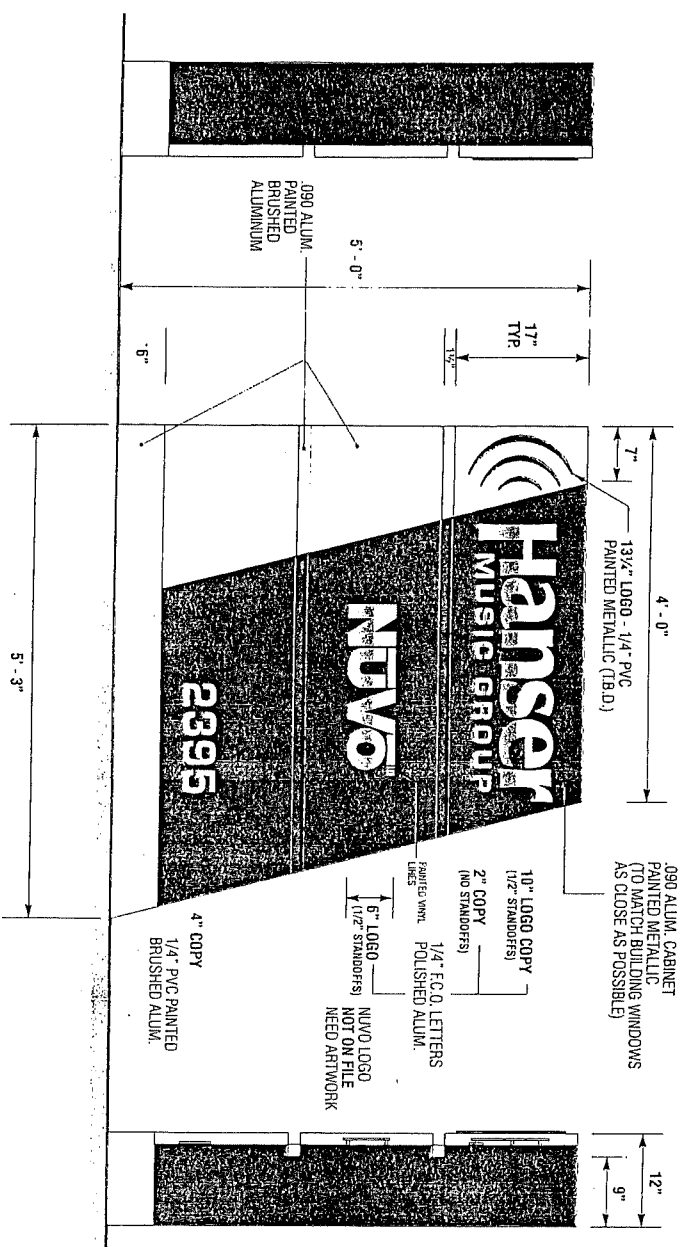


AUG 22 2006  
 BOONE COUNTY  
 PLANNING COMMISSION



<p>302 West Third Street, Suite 800        Cincinnati, Ohio 45202        Phone (513) 271-6400 Fax 271-1350</p>		<p>Site Fire Line Plan        for  <b>Hanser Holdings</b>        Riverview Business Park        Boone County, Kentucky</p>		<table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> <th>BY</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>2/14/06</td> <td>ISSUE 1 - PROPOSED METER PIT &amp; BOND SPACE</td> <td>J. HAY</td> </tr> <tr> <td>2</td> <td>2/14/06</td> <td>ISSUE 1 - PLAN FOR PERMIT AND CONSTRUCTION</td> <td>J. HAY</td> </tr> <tr> <td>NO.</td> <td>DATE</td> <td>DESCRIPTION</td> <td>BY</td> </tr> </tbody> </table>	NO.	DATE	DESCRIPTION	BY	1	2/14/06	ISSUE 1 - PROPOSED METER PIT & BOND SPACE	J. HAY	2	2/14/06	ISSUE 1 - PLAN FOR PERMIT AND CONSTRUCTION	J. HAY	NO.	DATE	DESCRIPTION	BY
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NO.	DATE	DESCRIPTION	BY																	

RECEIVED  
 AUG 22 2006  
 BOONE COUNTY  
 PLANNING COMMISSION



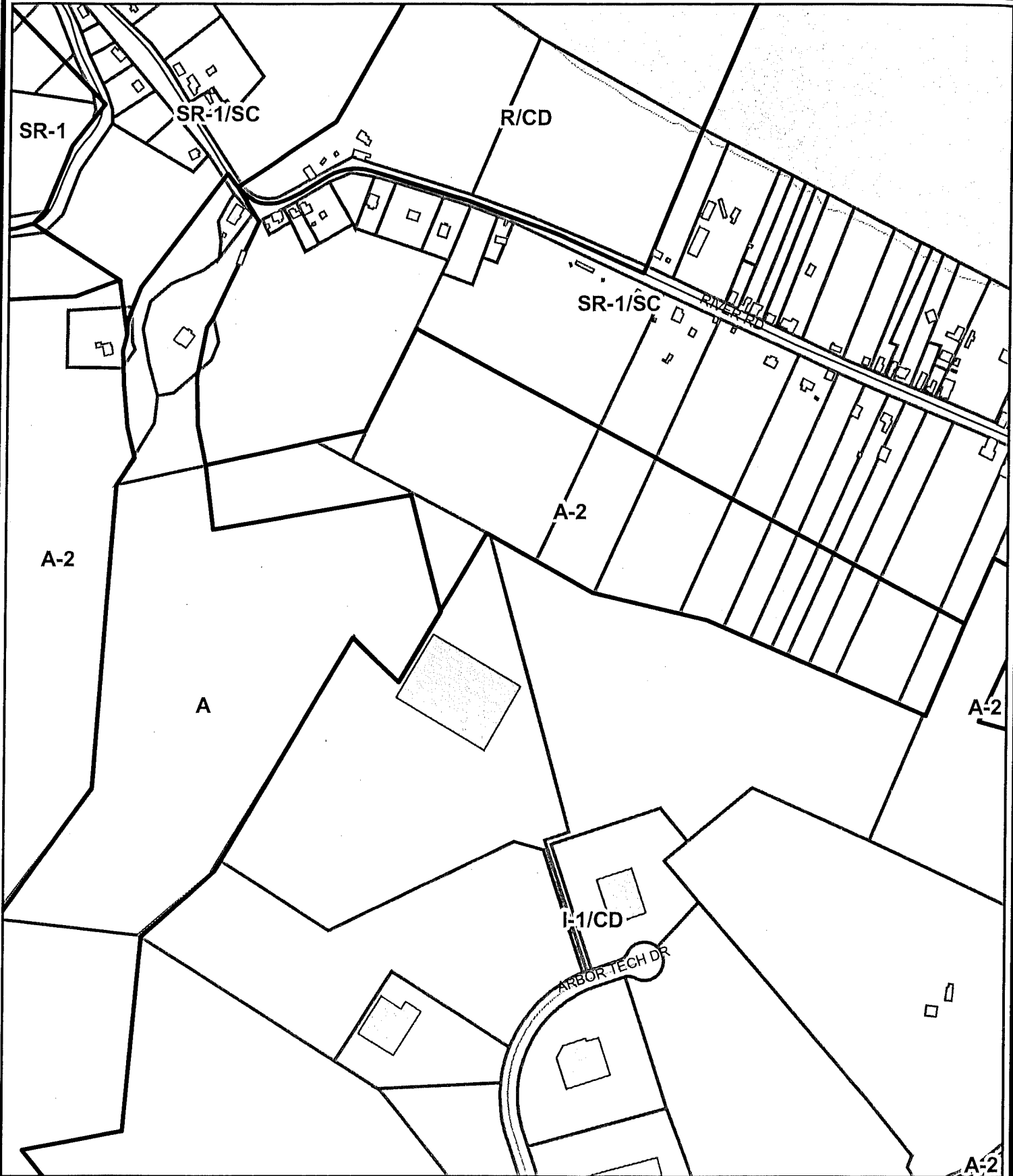
Colors may not be exact as shown because of printer limitations. Refer to actual material color charts for true color representation.

S/F Externally illuminated ground sign  
 DATE: 7/11/06 SCALE: 3/4" = 1'-0" BY: SB MEP:SD SK. NO: 07-28-H3  
 CLIENT: Hanser Holdings LOC: Riverview Business Park FILE: Hanser018

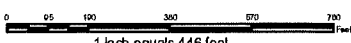
**LACKNER**  
 SIGNS  
 (513) 779-8686

CLIENT APPROVAL: CLIENT SIGNATURE INSURES THAT ALL SPELLING, COLORS, AND SPECIFICATIONS FOR SIGNAGE REFERRED ON THIS SHEET MEET CLIENT'S SATISFACTION.  
 DATE: 7/13/06 APPROVED BY: [Signature]  
 LACKNER SIGNS  
 This is a legal and all-around, valid license for the use of the name of Lackner Signs, Inc. for the purpose of manufacturing and installing signs.

Notes:



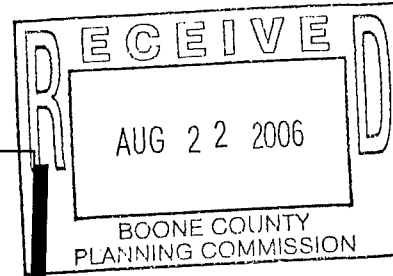
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APPLICATION FORM



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 \_\_\_\_\_ Variance [checked] Appeal \_\_\_\_\_
3. Applicant's Name Lackner Sign
Phone Number (513) 779-8680 Fax No. (513) 755-5050
Applicant's Address P.O. Box 219 West Chester Ohio 45071
4. Description of Request: Variance FOR [redacted] ground Sign. INCREASE SQUARE FOOTAGE FROM 7.5 FE2 TO 26.25 FE2
5. Name of Development HANSEN MUSIC GROUP
6. Location of Development RIVERVIEW BUSINESS PARK 2395 ARBOR TECH DRIVE
7. Acreage Under Review 18.989
8. Lot Number and Name of Subdivision (if part of a subdivision) [redacted] Riverview Business Park
9. Owner of Property [redacted] D & H Enterprises of Ohio, LLC
Phone Number of Owner 2395 [redacted] (859) 802-7358
10. Address of Property Owner [redacted] ARBOR TECH DR. HEBRON, KY
11. Proposed Use(s) on Site [redacted] - Whole Sale Dis. of Music box.
12. Total Square Footage of Existing and/or Proposed Buildings
13. Current Zoning on Property I-1 / CD
14. Deed Book 917 Page No. 72 Group No.
15. Is the site subject to a zone change?
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: [Signature]

(over)

COPY

CLUR #06-BCBOA-015-A

CERTIFICATE OF LAND USE RESTRICTION

- 1. NAME AND ADDRESS OF PROPERTY OWNER(S)  
D & H Enterprises of Ohio, LLC  
2395 Arbor Tech Drive  
Hebron, KY 41048
  
- 2. ADDRESS OF PROPERTY  
2395 Arbor Tech Drive  
Hebron, KY 41048
  
- 3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)  
Hanser Music Group
  
- 4. DEED BOOK 917                      PAGE NO. 72                      GROUP NO. 2014B
  
- 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

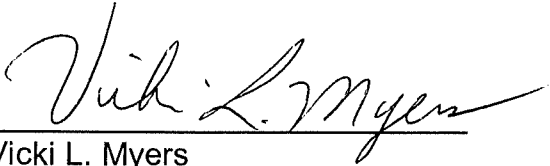
Todd K. Morgan  
SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

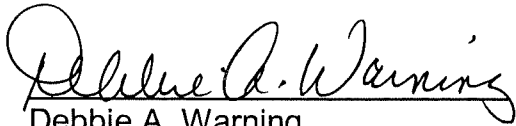
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the  
Boone County Planning Commission this 18 day of September, 2006.



Vicki L. Myers  
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  
Debbie A. Warning  
Boone County Planning Commission  
2950 Washington Street, Room 317  
P.O. Box 958  
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 September 13, 2006 Certificate of Land Use Restriction (#06-BCBOA-015-A), for D & H Enterprises of Ohio, LLC, 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 917 PAGE NO. 72 GROUP NO. 2014B