

APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

BOONE COUNTY PLANNING COMMISSION RECEIVED

JAN 24 2007

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 (2) [checked] Variance _____ Appeal _____ Change in Non-Conforming Use _____
3. Applicant's Name GUY WITTE
Phone Number 859-283-9500 Fax No. 859-283-9042
Applicant's Address 1575 DISTRIBUTION DRIVE
BURLINGTON KY 41005
City State Zip
4. Description of Request: VARIANCE ON REAR YARD SETBACK FROM 30' TO 15'
VARIANCE ON SIDE YARD SETBACK FROM 25' TO 10'
5. Name of Development BLUEGRASS RECYCLING EXPANSION
6. Location of Development 1575 DISTRIBUTION DRIVE
7. Acreage Under Review 2.21 ACRES
8. Lot Number and Name of Subdivision (if part of a subdivision)
COMMERCE PARK WEST, SECTION 2 LOTS 29 AND 32
9. Owner of Property BLUEGRASS RECYCLING, INC.
Phone Number of Owner 859-283-9500
10. Address of Property Owner 1575 DISTRIBUTION DRIVE BURLINGTON, KY 41005
City State Zip
11. Proposed Use(s) on Site RECYCLING CENTER - PROPOSED NEW STORAGE BUILDING AND OFFICE BUILDING
12. Total Square Footage of Existing and/or Proposed Buildings EX-15,250.5 SF PROP-7750 SF
13. Current Zoning on Property I-1
14. Deed Book 506 Page No. 155 Group No. 19, 2026
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: Guy F. Witte

Property Owner's Signature: Guy F. Witte

(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 1-24-07 Fee Received \$1,521.00 R#52337
2. Is application complete? Yes No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
2/14/07 **Approved**
Approved with Conditions (See #6)
Denial (See #7)
6. Conditions of Approval: SEE 2/14/07 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@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: Guy Witte for Bluegrass Recycling

LOCATION: 1575 Distribution Drive, Boone County, Kentucky

ZONING: Industrial One (I-1)

DATE: February 14, 2007

Proposal

The proposal consists of the following requests:

1. Reduce the corner side yard setback requirement from 25 feet to 10 feet to allow a 2,250 square foot (50' x 45') office addition to be constructed onto the northern building facade; and
2. Reduce the rear yard setback requirement from 30 feet to 15 feet to allow a 5,500 square foot (50' x 110') storage building to be constructed near the southwestern corner of the property.

Applicable Regulations

Table 31.1 of the Boone County Zoning Regulations lists the front yard setback in an Industrial One (I-1) zone as 50 feet.

Table 31.1 of the Boone County Zoning Regulations lists the rear yard setback in an Industrial One (I-1) zone as 30 feet.

Section 3121 of the Boone County Zoning Regulations states that "on a corner lot, the front yard shall be determined by the orientation of the building located on the site. The corner side yard setback from the side yard right-of-way shall be a minimum of one-half ($\frac{1}{2}$) the required front yard setback. This corner side yard setback requirement regulates the location of the principal building and any associated accessory structures."

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 requests as they relate to the criteria necessary for granting variances 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: Distribution Drive and Ferrell Gas (I-1)

South: Quality Signs (I-1)

East: Production Drive and Bluegrass Electrical Contractors (I-1)

West: A & B Heating and Cooling (I-1)

Site Characteristics

The subject property is 2.21 acres in area and contains a recycling business which is run out of an approximate 14,400 square foot building. The rear of the property contains scrap metal, pallets, and an approximate 800 square foot crushing building which is used to breakdown and bundle recycled material. The property contains one curb cut on Production Drive (one-way out) and two curb cuts on Distribution Drive.

Staff Comments

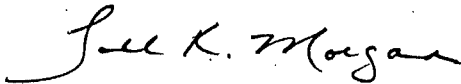
1. Staff believes that there could be an aesthetic impact of reducing the corner side yard setback from 25 feet to 10 feet. The building and structures on the opposite corners (see attachments) are setback at least 50 feet from their respective corner side property line. As a result, Staff questions if the applicant's operation has outgrown the respective site.

2. Staff would like the applicant to provide an explanation to the following questions:
 - A. What will be stored in the storage building?
 - B. What are the proposed building materials? Will the building addition and storage building match the existing building?
 - C. Are any new employees being hired? If so, where will they park?
3. The applicant's engineer informed Staff that the proposed storage building will be accessed through the rear of the site and that the illegal gravel driveway that connects to Production Drive will be removed.
4. The Board needs to consider if 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.

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 requested variances.

Respectfully submitted,



Todd K. Morgan, AICP
Senior Planner, Zoning Services

TKM/pr

Attachments

- *Site Vicinity Map/Zoning Map
- *Concept Development Plan
- *Aerial Map
- *Corner Side Yard Comparison
- *Application

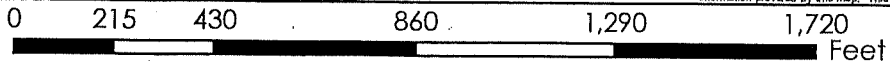
1575 Distribution Drive

www.boonecountygis.com



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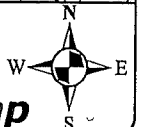
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1 inch equals 411 feet



Boone County GIS - Putting Northern Kentucky on the Map



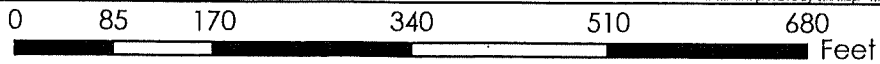
1575 Distribution Drive

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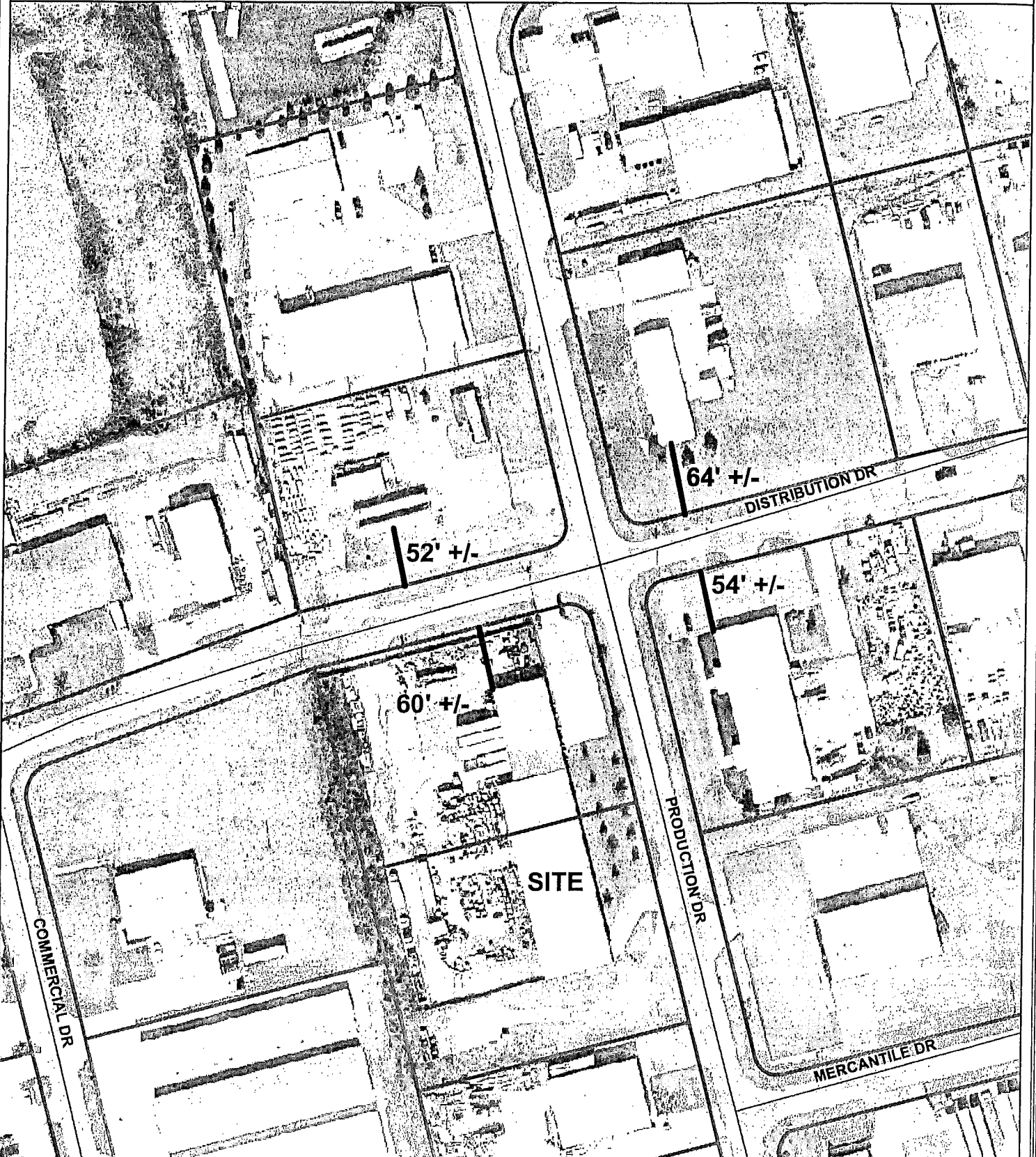


Boone County GIS - Putting Northern Kentucky on the Map



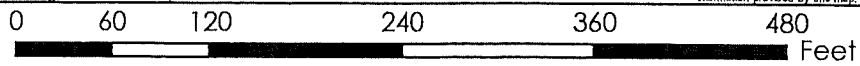
1575 Distribution drive

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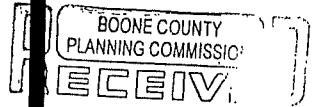
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Boone County GIS - Putting Northern Kentucky on the Map

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)

JAN. 24. 2007

- 1. (Check One) Boone _____ Florence _____ Walton _____ Union _____
- 2. (Check One) _____ Conditional Use Permit (2) Variance _____ Appeal _____
_____ Change in Non-Conforming Use
- 3. Applicant's Name GUY WITTE
Phone Number 859-283-9500 Fax No. 859-283-9042
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City State Zip
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COMMERCE PARK WEST, SECTION 2 LOTS 29 AND 32
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City State Zip
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BUILDING AND OFFICE BUILDING
- 12. Total Square Footage of Existing and/or Proposed Buildings EX-15,250.5 SF ADD-7750 SF
- 13. Current Zoning on Property I-1
- 14. Deed Book 506 Page No. 155 Group No. 1475, 1475
- 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: Guy T. Witte
Property Owner's Signature: Guy T. Witte

(over)

COPY

CLUR #07-BCBOA-001-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Bluegrass Recycling, Inc.
1575 Distribution Drive
Burlington, KY 41005

2. ADDRESS OF PROPERTY
1575 Distribution Drive
Burlington, KY 41005

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Bluegrass Recycling, Inc.

4. DEED BOOK 506 PAGE NO. 155 GROUP NO. 2026

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

<input type="checkbox"/> Zoning Map Amendment: From _____ To _____	<input type="checkbox"/> Conditional Use Permit
<input type="checkbox"/> Development Plan	<input type="checkbox"/> Conditional Zoning
<input type="checkbox"/> Subdivision Plat (Not Recorded)	<input type="checkbox"/> Other:

 Variances (2)

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
 2950 WASHINGTON STREET, ROOM 317
 P.O. BOX 958
 BURLINGTON, KENTUCKY 41005

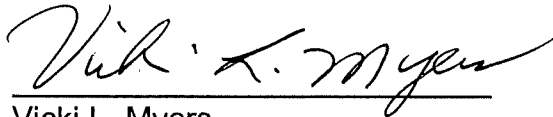
Todd K. Morgan
 SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

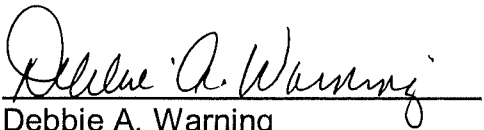
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 27 day of February, 2007.



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
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 Variances (2) approved by the Boone County Board of Adjustments and in accordance with the current zoning in effect as of February 14, 2007 Certificate of Land Use Restriction (#07-BCBOA-001-A), for Bluegrass Recycling, Inc., Property Owner(s).

The following conditions will apply:

- 1) The proposed building will be accessed through the rear of the site and the illegal driveway that connects to Production Drive will be removed.

The approved Variances (2) as well as the preceding conditions apply to the property described in:

DEED BOOK 506 PAGE NO. 155 GROUP NO. 2026