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05-007-A

APPLICATION FORM

RECEIVED
MAR 17 2008
BOONE COUNTY
PLANNING COMMISSION

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 Florence Walton Union
- 2. (Check One)
 Conditional Use Permit Variance Appeal
 Change in Non-Conforming Use
- 3. Applicant's Name AUTOMOTIVE SERVICE PRODUCTS BUILDING/PARKING LOT EXPANSION (Gary Richardson)
Phone Number 859-525-2220 Fax No. (859) 525-1709
Applicant's Address 1574 PRODUCTION DRIVE
BURLINGTON KY 41005
City State Zip
- 4. Description of Request: 8' FRONT YARD SETBACK VARIANCE REQUEST IN ORDER TO MAXIMIZE STORAGE LAYOUT IN PROPOSED WAREHOUSE.
- 5. Name of Development AUTOMOTIVE SERVICE PRODUCTS
- 6. Location of Development SAME AS APPLICANT'S ADDRESS
- 7. Acreage Under Review 0.86 ACRE (TOTAL ACREAGE 1.24)
- 8. Lot Number and Name of Subdivision (if part of a subdivision)
LOT 26, COMMERCE PARK WEST SECTION 1
- 9. Owner of Property NORBERT AND CHARLENE F VATER
Address of Property Owner SAME AS APPLICANT Phone No. SAME AS APPLICANT
- 10. SAME AS APPLICANT
City State Zip
- 11. Proposed Use(s) on Site EXISTING SUPPLIER OF AUTOMOTIVE/TRUCK FORMS AND SUPPLIES EXPANDING WAREHOUSE AREA
- 12. Total Square Footage of Existing and/or Proposed Buildings EX. 8800 S.F., PROP ADD 8,947 S.F.
- 13. Current Zoning on Property I-1
- 14. Deed Book 575 Page No. 255 Group No. 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? PREVIOUSLY
- 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: Norbert F Vater

Property Owner's Signature: [Signature] 859 760 0441

(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 3-17-08 Fee Received \$871⁰⁰ RA#55826
2. Is application complete? Yes No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
4/9/08 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 - 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: Automotive Service Products
LOCATION: 1574 Production Drive, Boone County, Kentucky
ZONING: Industrial One (I-1)
DATE: April 9, 2008

Proposal

The property owner is requesting a Variance to allow an 8,947 square foot warehouse addition to encroach into the front yard setback. The submitted plan shows that the front yard setback would be reduced from 50' to 42' feet. The subject property is a lot located at 1574 Production Drive and is zoned Industrial One (I-1).

Applicable Regulations

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 History

3/08- A Site Plan application is approved for an 8,879 square foot warehouse addition. The plan shows that the addition will meet all setback requirements (see attachments).

Site Characteristics

The approximate 1.24 acre fronts on Production Drive and contains an 8,800 square foot office/warehouse, a 1,280 square foot storage shed, and accessory parking.

Adjoining Properties and Zoning

North: Office/Warehouse (I-1)

South: Production Dr., Jerry Wilson Trucking, Chalk Welding, and Vacant Office Warehouse (I-1)

East: Production Dr., Powder Coating Supply, Pickering Excavation, Capt. Tom's Ice Cream (I-1)

West: Taylor Made Express and Custom Paint and Powder (I-1)

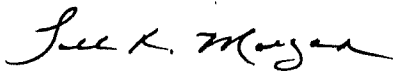
Staff Comments

1. The application has been submitted so the southwest corner of the building can be squared up.
2. The applicant submitted elevation drawings of the proposed warehouse. The drawings show that the addition will be constructed of metal siding. Staff would like to know if the metal will match the existing building.
3. The Board needs to analyze the criteria listed in Section 251 of the Boone County Zoning Regulations. Staff believes that the request will not alter the essential character of the area.

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

- *Site Vicinity Map
- *Conceptual Plan
- *Elevation Drawings
- *3/3/08 Approved Site Plan
- *Zoning Map
- *Aerial Map
- *Application

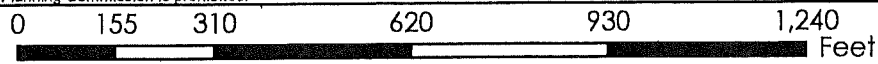
SITE VICINITY MAP

www.boonecountygis.com



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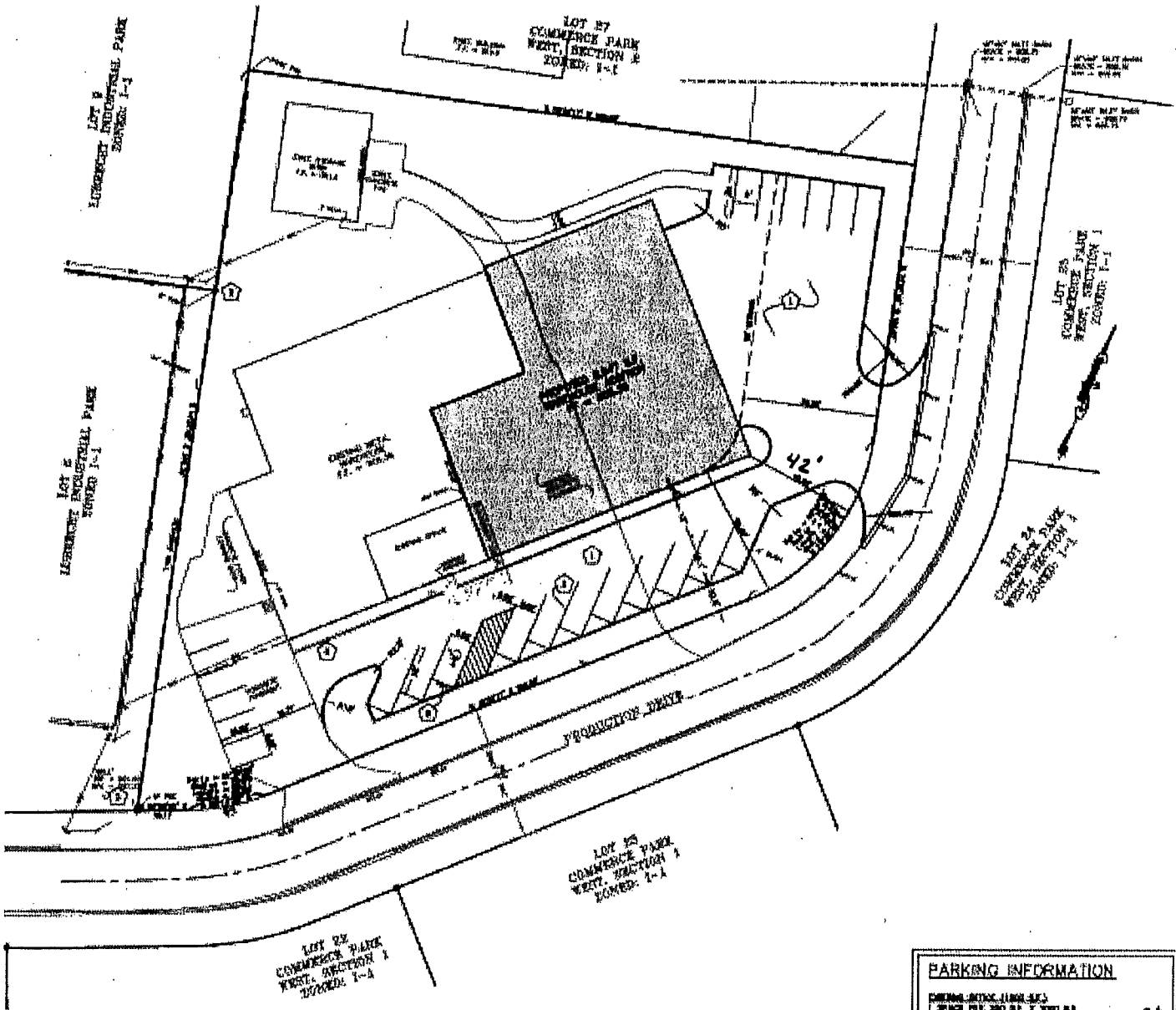


Boone County GIS - Putting Northern Kentucky on the Map

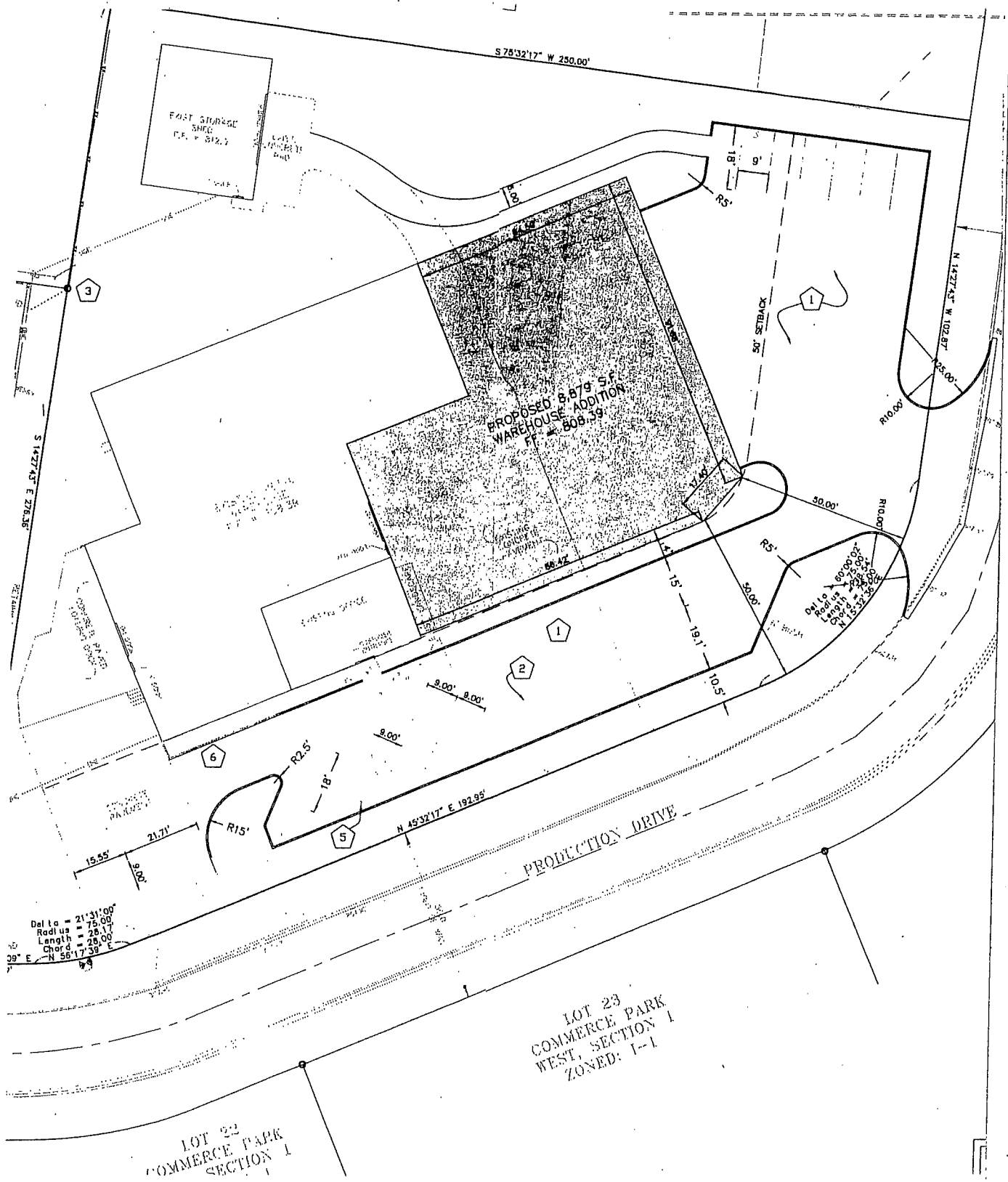


CONTINGENT SHALL DEVELOPER
 CONSTRUCTION AND EXPENSES SHALL BE
 COVERED BY THE CONTRACTOR'S CONTRACT AS
 PER STANDARD CONSTRUCTION PRACTICES.

THESE PLANS SHALL BE FOR THE
 DESIGN AND CONSTRUCTION OF THE
 PROJECT AS SHOWN HEREON. THE
 CONTRACTOR SHALL BE RESPONSIBLE FOR
 VERIFYING ALL DIMENSIONS AND
 LOCATIONS OF ALL UTILITIES.



PARKING INFORMATION	
COMMERCIAL (1,000 S.F.)	1
1 SPACE PER 500 S.F. X 1000 S.F.	2
OFFICE & BUSINESS (100,000 S.F.)	1
1 SPACE PER 2 EMPLOYEES X 80 EMPLOYEES	20
TOTAL PARKING REQUIRED	23
TOTAL PARKING PROVIDED	23



Delta = 21° 31' 00"
 Radius = 75.00'
 Length = 25.17'
 Chord = 25.00'
 39° E N 58° 17' 39" E

LOT 23
 COMMERCE PARK
 WEST, SECTION 1
 ZONED: I-1

LOT 23
 COMMERCE PARK
 SECTION 1

3/3/08
 Approved SITE plan

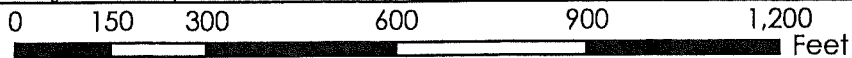
ZONING MAP

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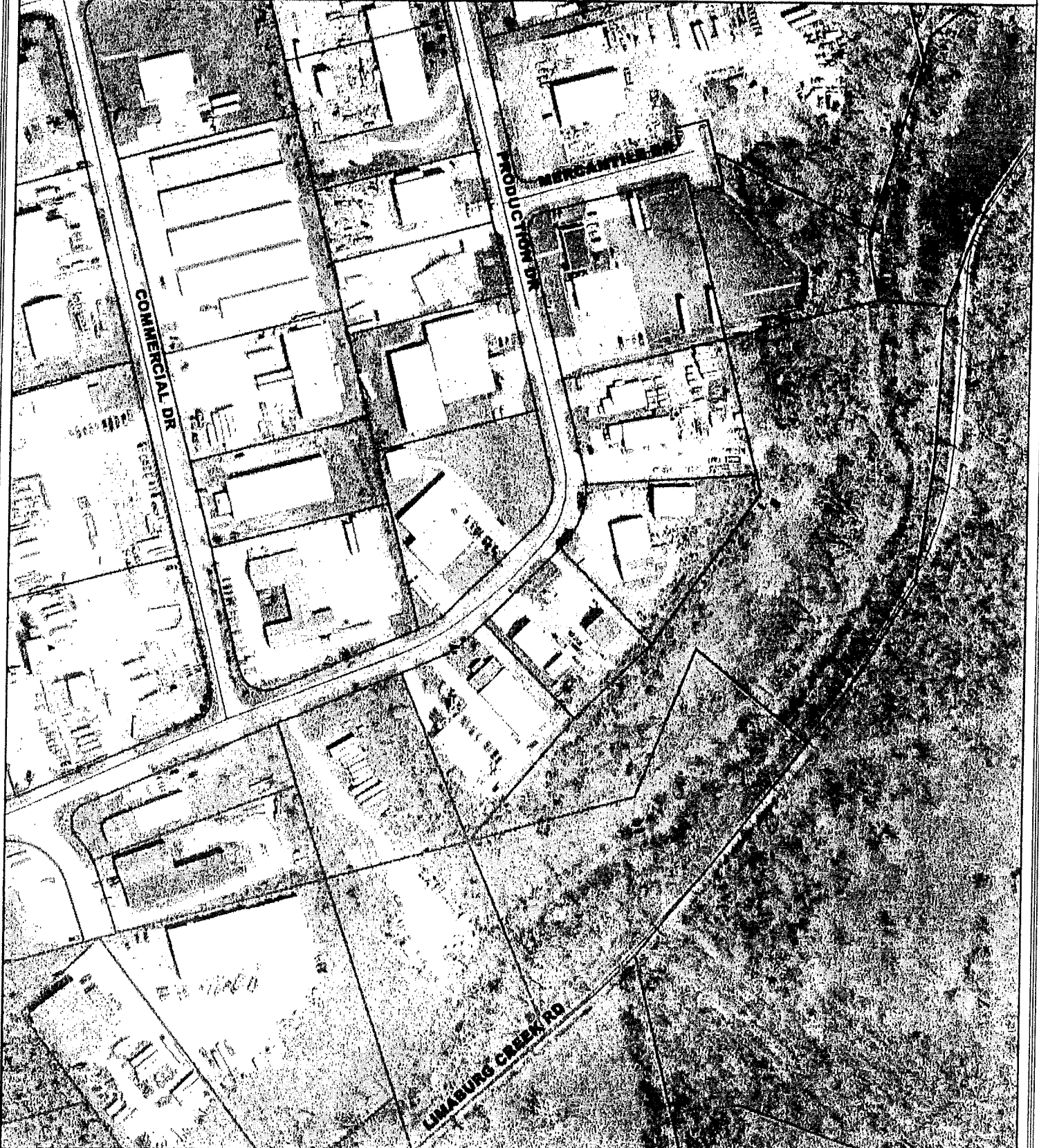
1 Inch equals 300 feet



Boone County GIS - Putting Northern Kentucky on the Map

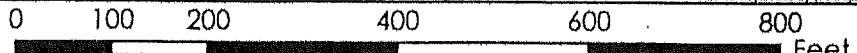
AERIAL MAP

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Boone County GIS - Putting Northern Kentucky on the Map

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Applicant's Signature: Norbert F Vater

Property Owner's Signature: [Signature] 859 760 0441

(over)

COPY

CLUR #08-BCBOA-007-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Norbert and Charlene F. Vater
1574 Production Drive
Burlington, KY 41005
2. ADDRESS OF PROPERTY
1574 Production Drive
Burlington, KY 41005
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Automotive Service Products
4. DEED BOOK 575 PAGE NO. 255 GROUP NO. 2026
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)
- X 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
2950 WASHINGTON STREET, ROOM 317
P.O. BOX 958
BURLINGTON, KENTUCKY 41005



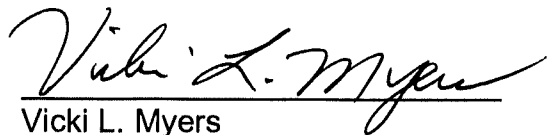
SIGNATURE OF COMPLETING OFFICIAL

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 Morgan on behalf of the
Boone County Planning Commission this 9 day of April, 2008.



Vicki L. Myers
NOTARY PUBLIC, State at Large

My commission Expires:
April 17, 2011

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 Variance approved by the Boone County Board of Adjustments and in accordance with the current zoning in effect as of April 9, 2008 Certificate of Land Use Restriction (#08-BCBOA-007-A), for Norbert and Charlene F. Vater, 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 575 PAGE NO. 255 GROUP NO. 2026