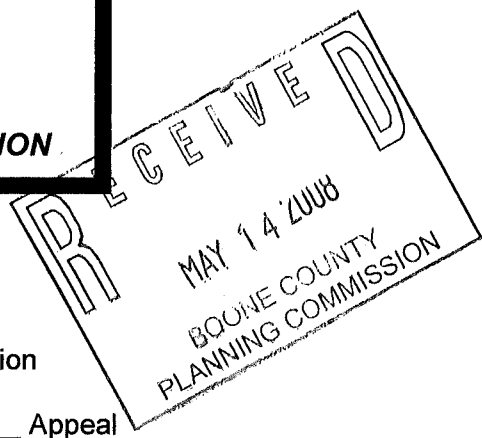


APPLICATION FORM

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 [checked] Variance _____ Appeal _____
Change in Non-Conforming Use _____
3. Applicant's Name COMPUTEK OF KENTUCKY, INC.
Phone Number 468-6946 Fax No. 344-6946
Applicant's Address 196 CLOVERIDGE FT. THOMAS KY 41075
4. Description of Request: REDUCE FRONT YARD SETBACK FROM 50 TO 25
5. Name of Development COMPUTEK - LOT 190
6. Location of Development LOT 190 OF THE ROLLING GREEN ACRES SUB. (DELTA PLACE)
7. Acreage Under Review 11,997 S.F.
8. Lot Number and Name of Subdivision (if part of a subdivision) 190 - ROLLING GREEN ACRES SUB.
9. Owner of Property [S.A.] COMPUTEK
Address of Property Owner [S.A.] COMPUTEK Phone No.
10. City State Zip
11. Proposed Use(s) on Site STORAGE BUILDING
12. Total Square Footage of Existing and/or Proposed Buildings 3,000 S.F. (PROPOSED)
13. Current Zoning on Property I-1
14. Deed Book 949 Page No. 831 Group No. 2022
15. Is the site subject to a zone change? NO
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: Computek of Ky. Inc. Ron King

Property Owner's Signature: Computek of Ky. Inc. Ron King

(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 _____ Fee Received _____
2. Is application complete? _____ Yes _____ No _____
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
7-9-08 **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.

**Adjoining Property Owners
Comutek of Kentucky, Inc. Variance Request**

- 1) Kenton County Airport Board
P.O. Box 752000
Cincinnati, OH 45275-2000

- 2) Wm. C. Aebi
312 Garvey Avenue
Elsmere, KY 41018

STAFF REPORT

APPLICANT: Computek of Kentucky, Inc.

LOCATION: Lot 190, Rolling Green Acres Subdivision, Boone County, Kentucky

ZONING: Industrial One (I-1)

DATE: June 11, 2008

Proposal

The applicant is requesting a Variance to allow a 3,000 square foot industrial/storage building to encroach into the front yard setback. The submitted plan shows that the front yard setback would be reduced from 50' to 25' feet.

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

1991- Rolling Green Acres was rezoned from Suburban Residential One (SR-1) to Industrial One (I-1) during the 1991 Zoning Update.

Site Characteristics

The approximate 0.275 acre lot fronts on Delta Place (a 10' wide asphalt road) and is currently undeveloped. The topography of the parcel falls from approximately 908' above sea level at the rear property line to approximately 900' feet above sea level at the Delta Place right-of-way. The parcel is heavily wooded with deciduous trees. There are no public water or sanitary sewer mains located in the subdivision.

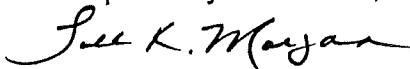
Staff Comments

1. Seven undeveloped lots adjoin the subject property. Six of the lots are owned by the Kenton County Airport Board.
2. Site Plans have been submitted to construct identical buildings on three other lots in the subdivision (lots 111, 122, and 226). The other three buildings meet the setback requirements and are currently being reviewed by Staff. Point Pleasant Fire District commented that the buildings must be accessible from a Fire Department access road (minimum 20' wide, all weather driving surface, and vertical clearance of 13'-6" in height) and that they have concerns about no hydrants being present in the subdivision (see attached letter). The applicant will need to work these issues out when Commercial Building Permit applications are submitted to the Boone County Building Department.
3. Staff would like the applicant to address if a smaller building could be constructed on a lot which better meets the setback requirements.
4. The Board needs to analyze the criteria listed in Section 251 of the Boone County Zoning Regulations.

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 act on the applicant's request.

Respectfully submitted,



Todd K. Morgan, AICP
Senior Planner, Zoning Services

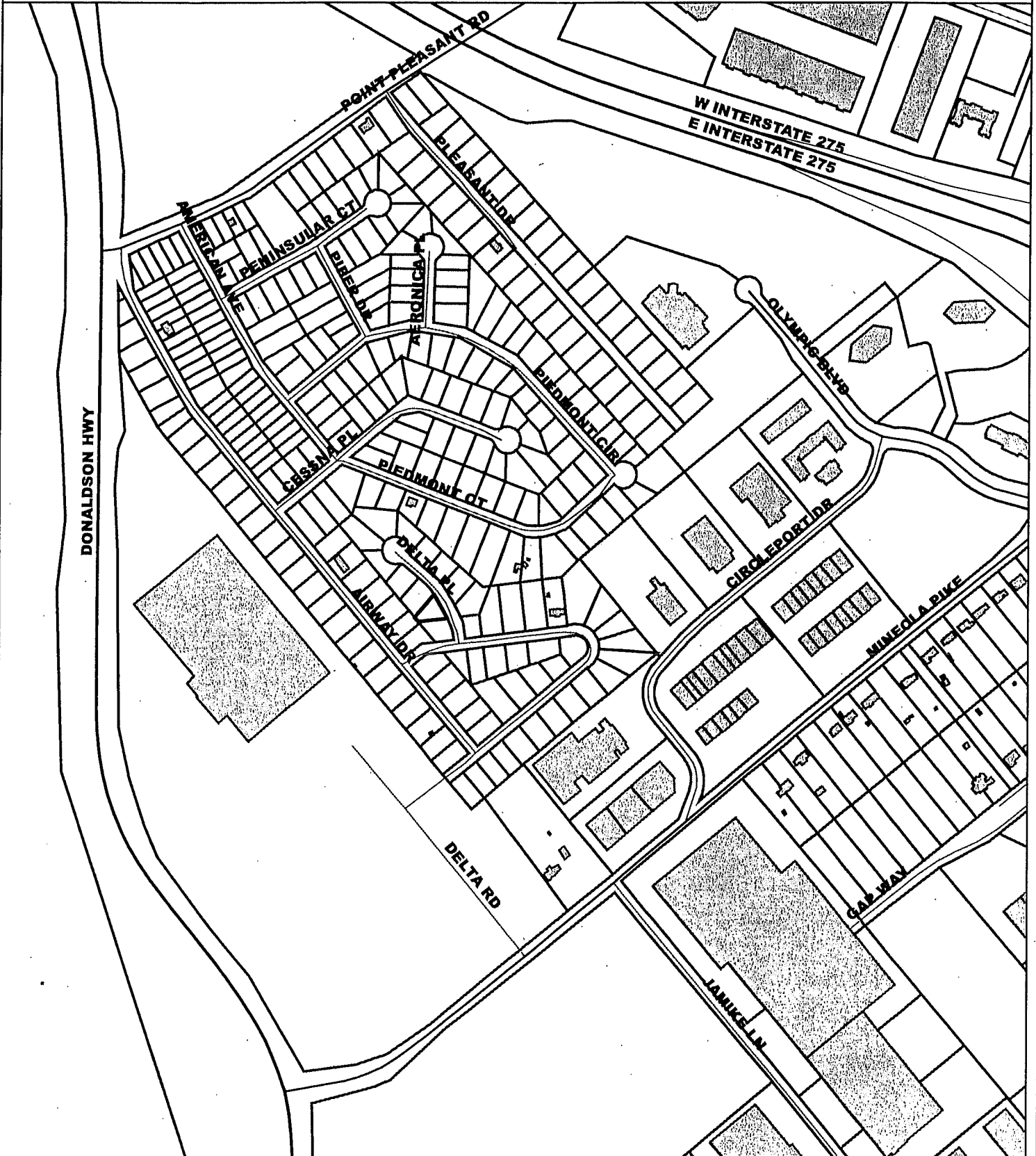
TKM/pr

Attachments

- *Site Vicinity Map
- *Conceptual Site Plan
- *Zoning Map
- *Topographical Map
- *Aerial Map
- *Letter From Point Pleasant Fire District
- *Application

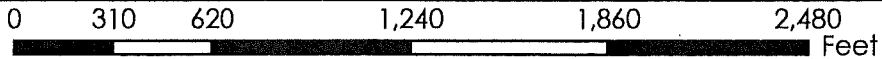
SITE VICINITY MAP

www.boonecountygis.com



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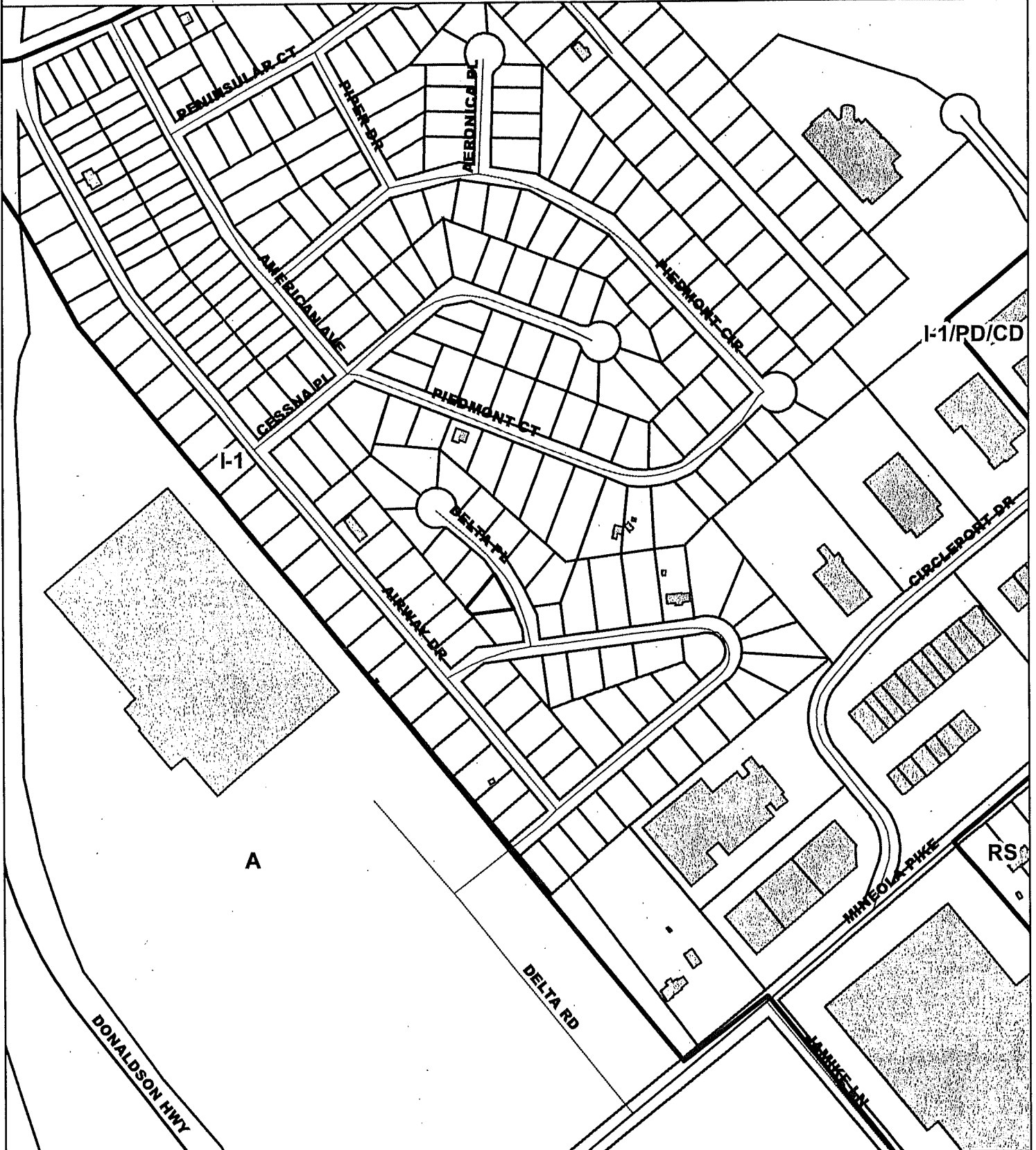
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Boone County GIS - Putting Northern Kentucky on the Map

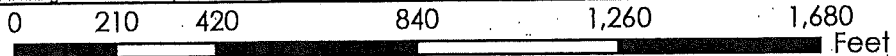
ZONING MAP

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1 inch equals 400 feet



Boone County GIS - Putting Northern Kentucky on the Map

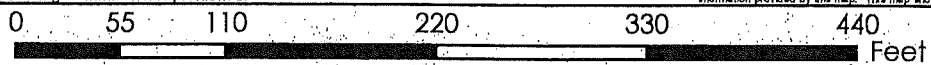
TOPOGRAPHICAL MAP

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1 inch equals 100 feet



Boone County GIS - Putting Northern Kentucky on the Map

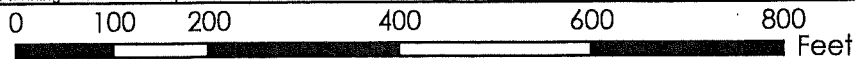
AERIAL MAP

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Boone County GIS - Putting Northern Kentucky on the Map



POINT PLEASANT FIRE PROTECTION DISTRICT

3444 Turfway Road • Boone County, KY 41018

(859) 283-2798 • Fax (859) 283-2104

May 19, 2008

Mr. Kevin Wall
Boone County Planning Commission

Re: Storage Buildings on Piedmont Circle and Aeronca Place

Dear Kevin,

I have reviewed the plans for the above projects. The three buildings are being built from basically the same plans. The plans appear to have only one exit door for the building. The KBC 1019.2 allows one exit in this type of building as long as the distance to the exit is not greater than 75 feet. I believe when the stock is put into the building; the distance will be greater than 75 feet to the exit. A second exit should be required.

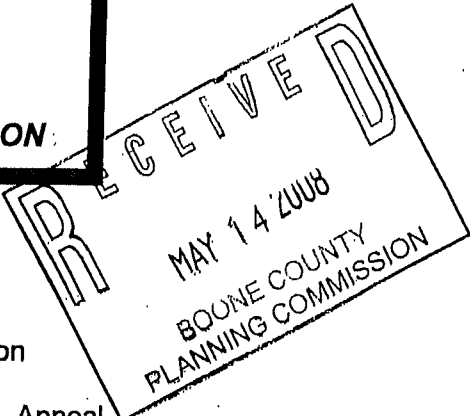
The International Fire Code Section 503 and NFPA 1 Section 18.2.3 require that all new building be accessible from a Fire Department access road(s). The Fire Department Access Road has to be a minimum of 20 feet wide and have a vertical clearance of 13 feet 6 inches in height. The surface of the Fire Department access road has to be designed and maintained to support the imposed loads of fire apparatus and has to be provided with an all weather driving surface. These buildings are being built on gravel roads which have not been maintained and do not meet the above requirements. The Point Pleasant Fire Department's position is that before the above buildings are built, the Fire Department access roads have to meet the above minimum requirements.

Although the Kentucky Building Code and Fire Code allow these building to be built in an area without a hydrant system, the Point Pleasant Fire Department's position is that no new building should go into this area without a water system.

Respectfully,
Bill Engel

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 _____ Florence _____ Walton _____ Union _____
- 2. (Check One) _____ Conditional Use Permit Variance _____ Appeal _____
_____ Change in Non-Conforming Use
- 3. Applicant's Name COMPUTEK OF KENTUCKY, INC.
Phone Number 468-6946 Fax No. 344-6946
Applicant's Address 196 CLOVERIDGE
FT. THOMAS KY 41075
City State Zip
- 4. Description of Request: REDUCE FRONT YARD SETBACK FROM 50' TO 25'
- 5. Name of Development COMPUTEK - LOT 190
- 6. Location of Development LOT 190 OF THE ROLLING GREEN ACRES SUB. (DELTA PLACE)
- 7. Acreage Under Review 11,997 S.F.
- 8. Lot Number and Name of Subdivision (if part of a subdivision)
190 - ROLLING GREEN ACRES SUB.
- 9. Owner of Property _____
Address of Property Owner <S.A.> COMPUTEK Phone No. _____
- 10. _____
City State Zip
- 11. Proposed Use(s) on Site STORAGE BUILDING
- 12. Total Square Footage of Existing and/or Proposed Buildings 3,000 S.F. (PROPOSED)
- 13. Current Zoning on Property I-1
- 14. Deed Book 899 949 Page No. 208 831 Group No. _____
- 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: Computek of Ky. Inc. Ron King

Property Owner's Signature: Computek of Ky. Inc. Ron King

(over)

COPY

CLUR #08-BCBOA-012-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Computek of Kentucky, Inc.
196 Cloveridge
Ft. Thomas, KY 41075

2. ADDRESS OF PROPERTY
Delta Place
Boone County, KY


3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Computek

4. DEED BOOK 949 PAGE NO. 831 GROUP NO. 2022

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
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

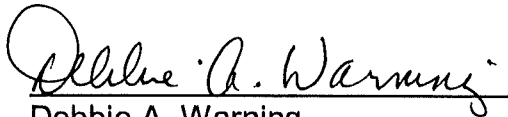
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 10 day of July, 2008.



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 July 9, 2008 Certificate of Land Use Restriction (#08-BCBOA-012-A), for Computek of Kentucky, Inc., 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 949 PAGE NO. 831 GROUP NO. 2022