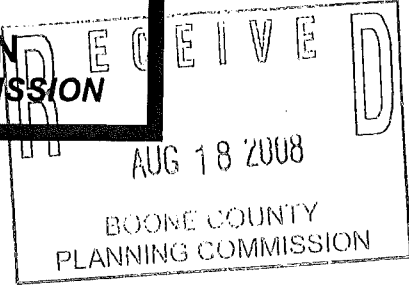


APPLICATION FORM

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 _____
Change in Non-Conforming Use _____
3. Applicant's Name Michael J. Paul Truck and Trailer Supply
Phone Number 859-485-8800 Fax No. 859-485-8806
Applicant's Address 11617 old Lexington Pike
Walton Ky 41094
City State Zip
4. Description of Request: Variance for 50 FT. Set Back on Building Addition.
5. Name of Development Truck and Trailer Supply
6. Location of Development 11617 old Lexington Pike
Walton Ky 41099
7. Acreage Under Review 3.6 Acres
8. Lot Number and Name of Subdivision (if part of a subdivision)
9. Owner of Property Michael J. Paul
Address of Property Owner 11931 US 42 Phone No. 859-485-7429
Union Ky. 41091
City State Zip
11. Proposed Use(s) on Site Heavy Duty Parts Warehouse + distribution
12. Total Square Footage of Existing and/or Proposed Buildings 24,000 Proposed
13. Current Zoning on Property I 1
14. Deed Book D915 Page No. 591 Group No. 2073
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: Michael J. Paul

Property Owner's Signature: Michael J. Paul

**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 8-18-08 Fee Received \$932⁰⁰ R# 57219
2. Is application complete? Yes No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
9/10/08 **Approved**
Approved with Conditions (See #6)
Denial (See #7)
6. Conditions of Approval: SEE 9/10/08 BCBOA Meeting
MINUTES + C.L.U.R.
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: Michael J. Paul for Truck and Trailer Supply
LOCATION: 11617 Old Lexington Pike, Boone County, Kentucky
ZONING: Industrial One (I-1)
DATE: September 10, 2008

Proposal

The applicant has requested a variance to allow an office/warehouse addition to further encroach into the 50 foot front yard setback. The existing office/warehouse is legally non-conforming because it is located approximately 46 feet from the front property line. The 24,000 square addition will be located approximately 38 feet from the front property line.

Applicable Regulations

Article 2, Section 271 of the Boone County Zoning Regulations states that when an addition is proposed for a pre-existing structure that does not meet the current setback requirements, the addition may be located along the non-conforming building line established by the existing structure, but may not encroach into such non-conforming setback unless a variance is granted by the Board of Adjustment and Zoning Appeals.

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 approximate 3.6 acre lot is located on the west side of Old Lexington Pike and east of a railroad right-of-way and contains an approximate 11,080 square foot office/warehouse. Access is provided from a shared access point on the neighboring lot (Fasig Construction). The side and rear circulation areas are constructed of concrete and there is a gravel storage lot near the rear of the site. There are some mature deciduous and evergreen trees located in front of the existing building and near the rear property line. The topography of the lot falls from approximately 930 feet above sea level at the rear property line to approximately 890 feet above seal level at the southeast property corner.

Site History

- 6/2/98 - The Boone County Planning Commission approves a Site Plan for a 11,080 square foot office/warehouse for Fasig Construction. The Site Plan shows that the building will meet the 50 foot front yard setback.
- 7/9/98 - The Boone County Building Department inspects the foundation.
- 1/6/99 - The Boone County Planning Commission approves a Conveyance Plat for the 3.5929 acre lot. The lot and building are later sold to the applicant.

Surrounding Land Uses & Zoning

- North: Undeveloped Industrial Lot (I-1)
- South: Fasig Construction (I-1)
- East: Old Lexington Pike and a Single-Family Residential Dwelling (I-1)
- West: Railroad Right-of-Way and a Single-Family Residential Dwelling (I-1)

Staff Comments

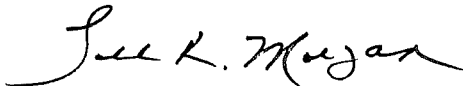
1. The 46 foot front building setback is legally non-conforming because it has existed for more than 10 years.

2. Staff made the applicant aware that a variance would not be needed if the building addition was located 46 feet or more from the front property line. The applicant indicated that he wanted to square the addition up with the existing building and that the curve in the road was causing the variance request.
3. The submitted elevation drawings show that the addition will be constructed with metal siding and a standing seam metal roof. Staff would like the applicant to explain if the materials will match the existing building.
4. The Board should analyze if the request will alter the essential character of the general vicinity or if the provisions of the regulations deprive the applicant of the reasonable use of the land.
5. The applicant has started work on the project without any of the required permits. Staff wants to make the applicant aware that no further work (grading, utility work, driveway encroachments, etc.) shall be conducted until Site Plan approval is granted by the Boone County Planning Commission.

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 request.

Respectfully submitted,



Todd K. Morgan, AICP
Senior Planner, Zoning Services

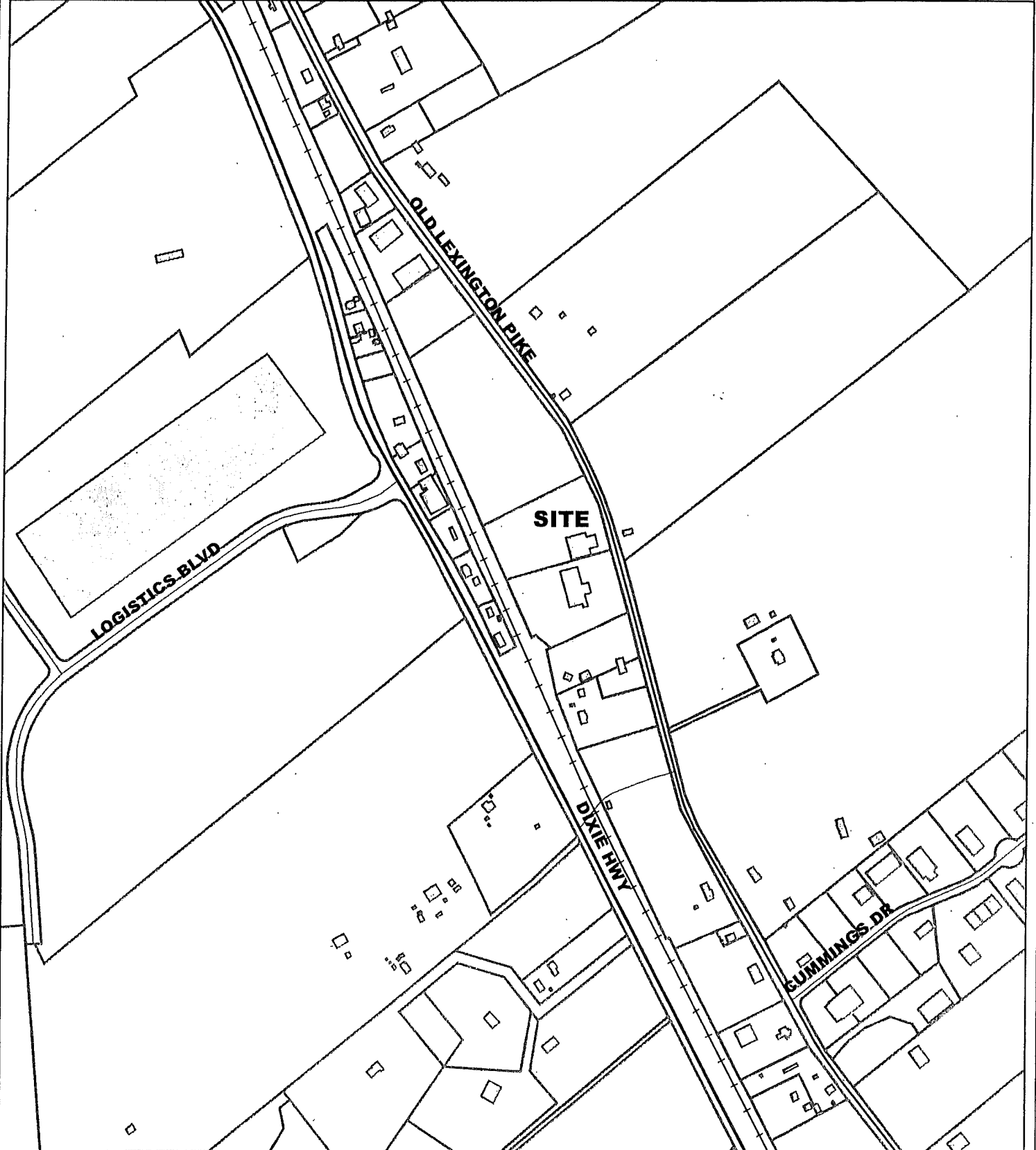
TKM/pr

Attachments

- *Site Vicinity Map
- *Conceptual Site Plan
- *Elevation Drawings
- *Aerial Map
- *Zoning Map
- *Topographical Map
- *6/2/98 Site Plan
- *1/6/99 Conveyance Plat
- *Application

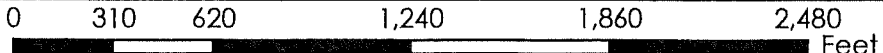
SITE VICINITY MAP

www.boonecountygis.com



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1 Inch equals 600 feet



Boone County GIS - Putting Northern Kentucky on the Map

S 85°04'30" W 417.92'
(APPROX. PROPERTY LINE)

10' SIDE YD. SETBACK

Prop. Inlet Pipe
102
Loc. = 958.24
50' Inv. = 987.40

Prop. Detention Structure
103
Located 128' 2"-6"
Scale = 856.00
50' Inv. = 987.00

Prop. Underground Detention
80" Dia. 240.00' @ 0.50%

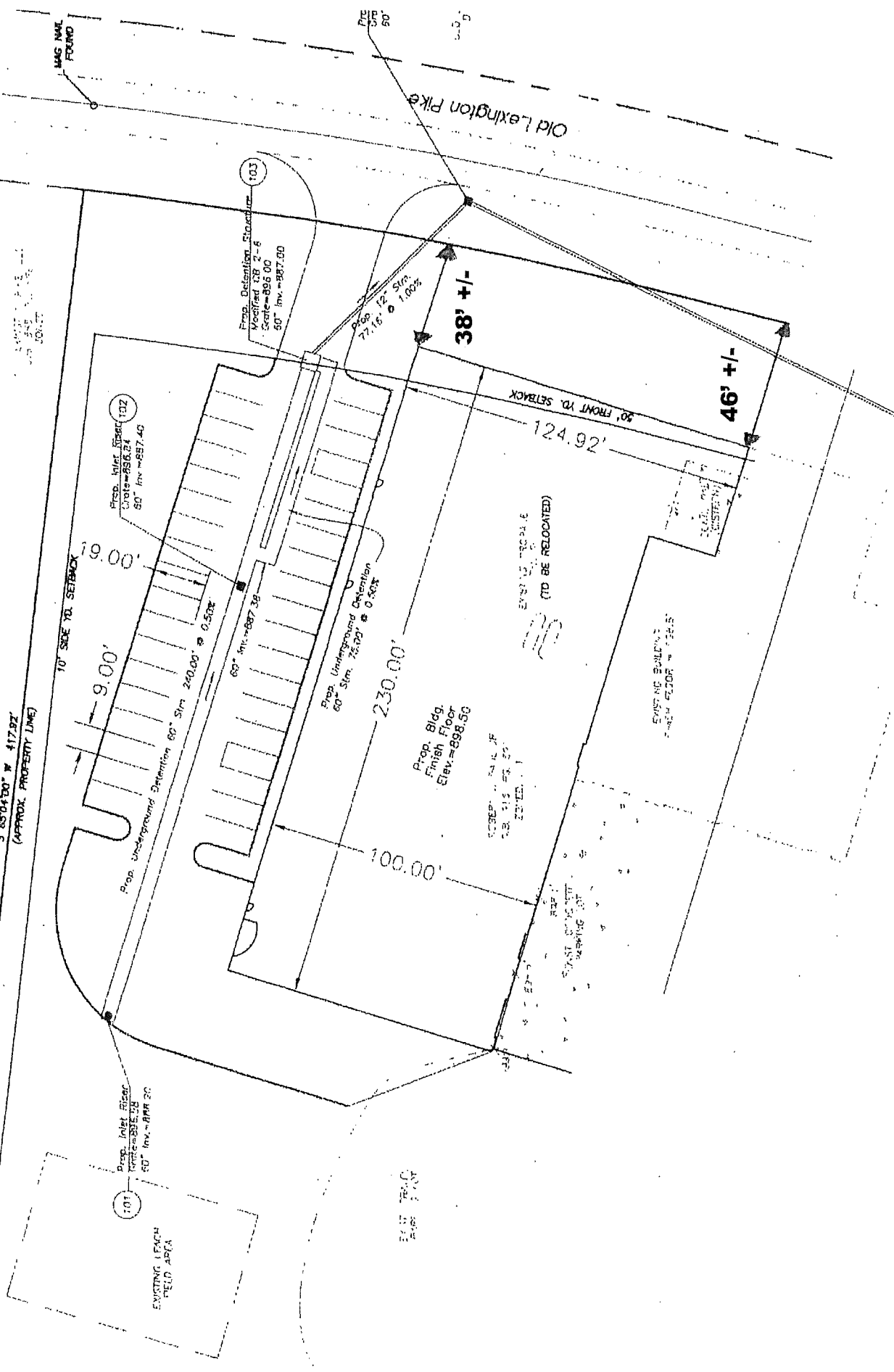
Prop. Underground Detention
80" Dia. 240.00' @ 0.50%

Prop. Bldg.
Finish Floor
Elev. = 898.50

EXIST' NG. TRUCK PILE
(TO BE RELOCATED)

EXIST' NG. BUILDING
FIRST FLOOR = 1225'

EXIST' NG. TRUCK PILE



Old Lexington Pike

38' +/-

46' +/-

124.92'

230.00'

100.00'

9.00'

1.90'

50' FRONT YD. SETBACK

77.16' @ 1.00%

77.16' @ 1.00%

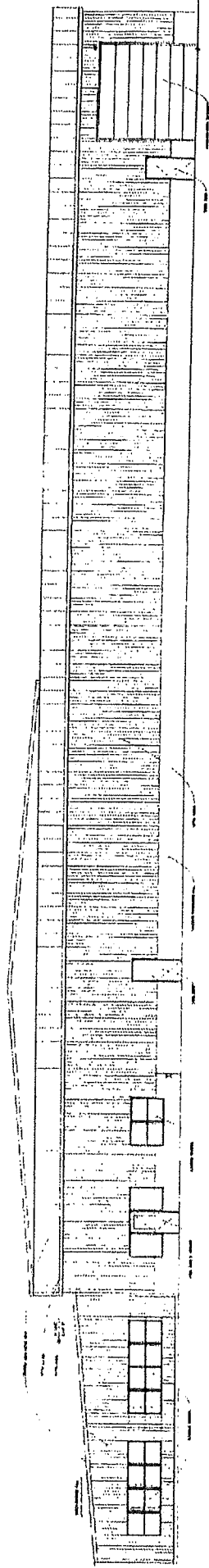
50' 50'

101

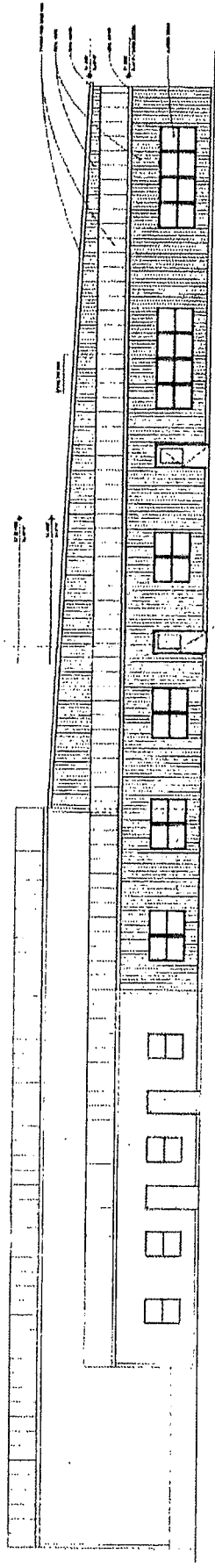
EXISTING LEACH FIELD AREA

EXIST' NG. TRUCK PILE
(TO BE RELOCATED)

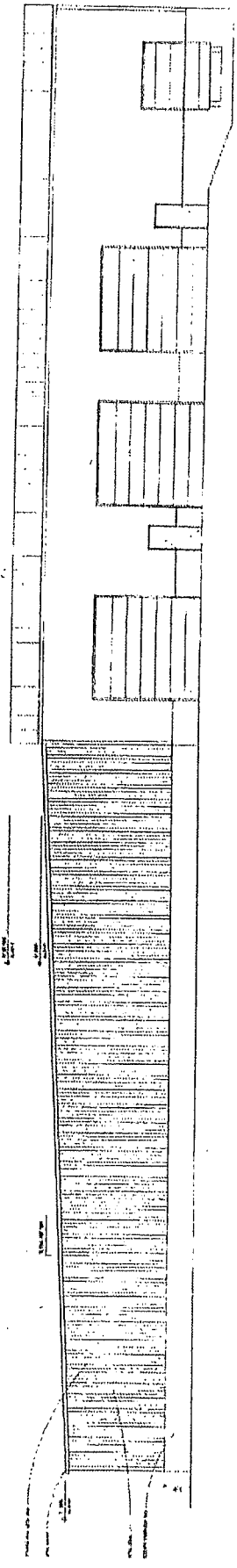
EXIST' NG. BUILDING
FIRST FLOOR = 1225'



NORTH ELEVATION



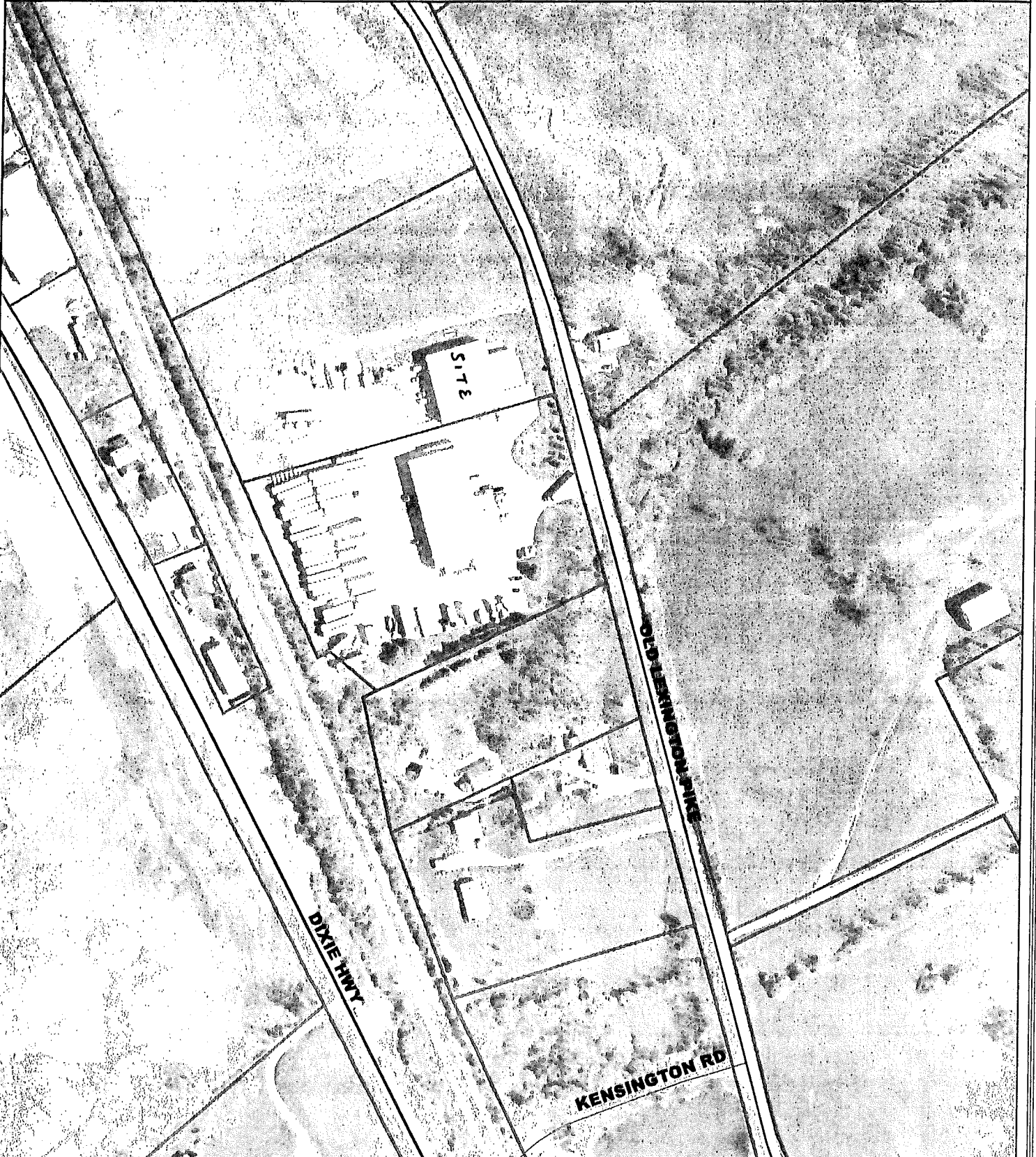
EAST ELEVATION



WEST ELEVATION

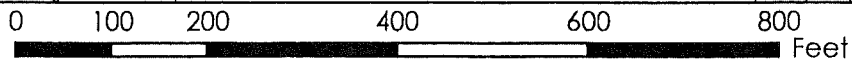
AERIAL MAP

www.boonecountygis.com



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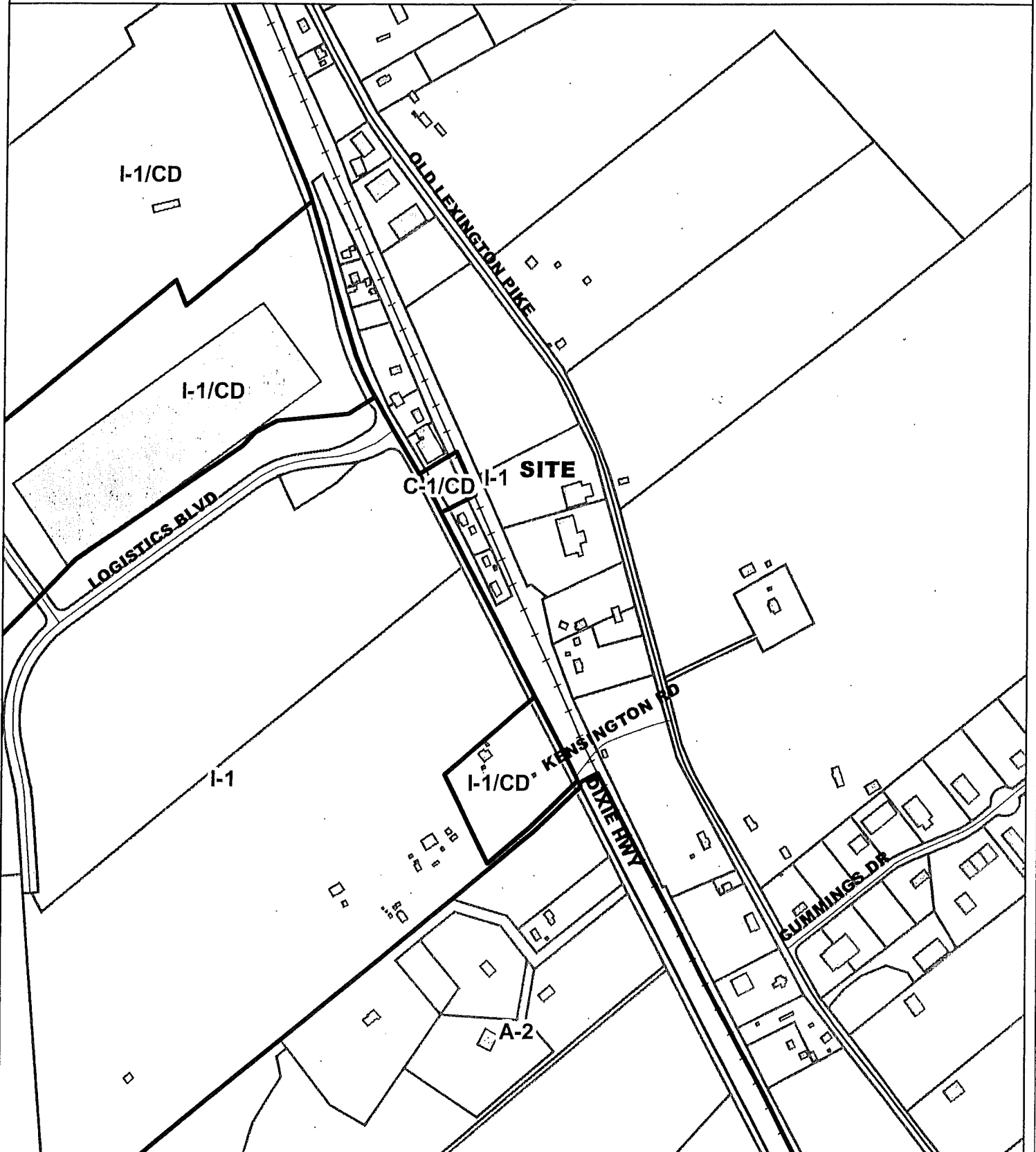
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Boone County GIS - Putting Northern Kentucky on the Map

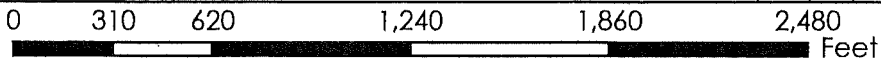
ZONING MAP

www.boonecountygis.com



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1 inch equals 600 feet



Boone County GIS - Putting Northern Kentucky on the Map



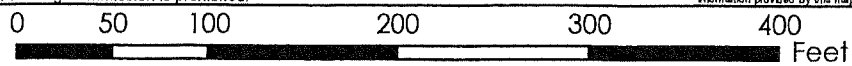
TOPOGRAPHICAL MAP

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Boone County GIS - Putting Northern Kentucky on the Map

SOUTHERN RAILROAD

N 49° 44' W 91.15'
S 67° 09' W 20.00'

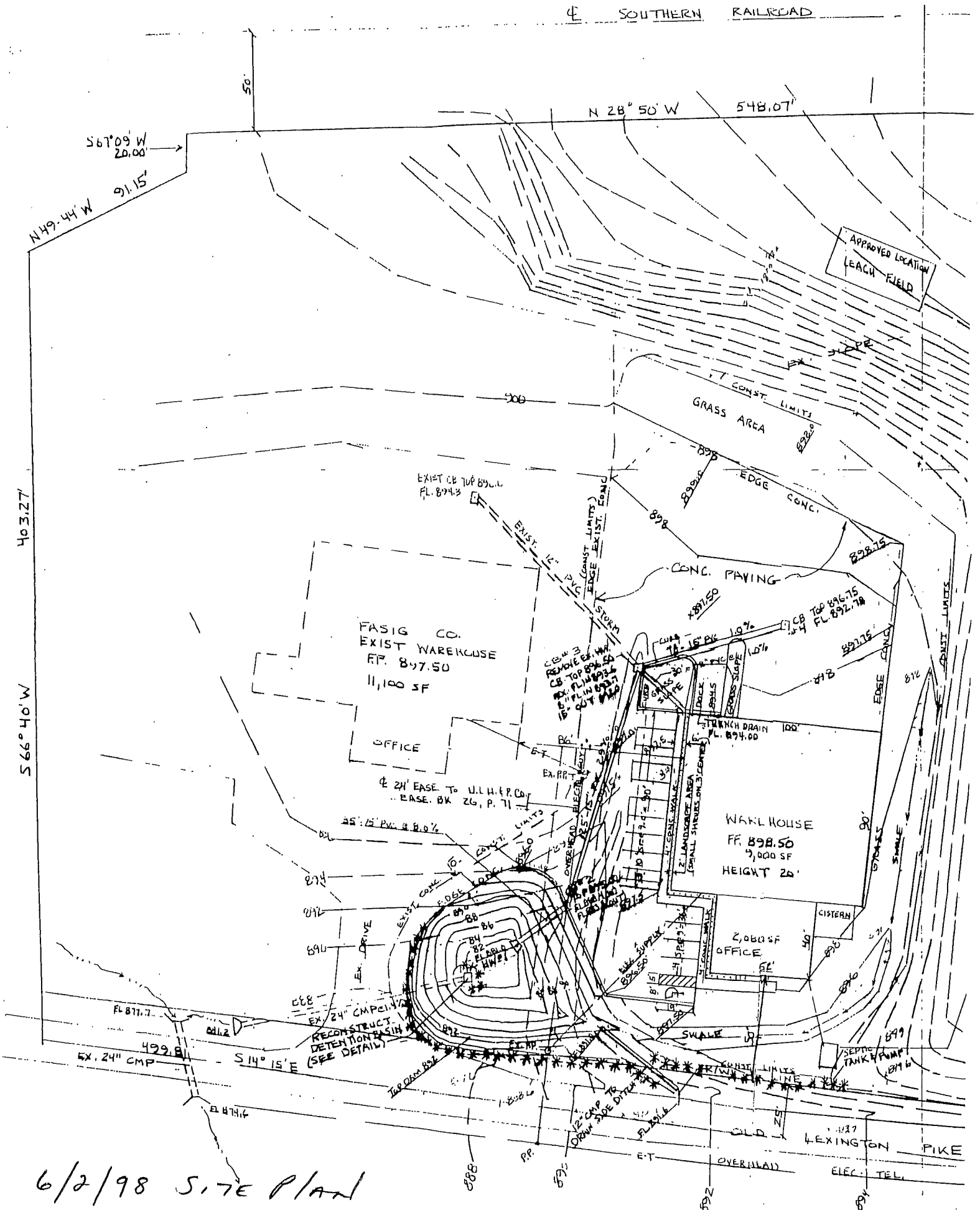
N 28° 50' W 548.07'

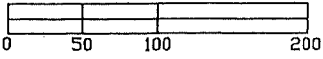
APPROVED LOCATION
LEACH FIELD

403.27'

566° 40' W

6/2/98 SITE PLAN





● SET 1/2" REBAR AND CAP
STAMPED *PLS 2030 & 3357*

FRANK DIXON
D.B. 682, PG. 198

N65°04'35"E
508.97'

3.5929 ACRES

EX. 25' R/W

S24°53'25"E
148.90'

S14°15'10"E
206.79'



N62°50'20"W
292.32'

SOUTHERN RAILROAD (C.N.D. & T.P.C.)

20' WIDE ACCESS EASEMENT
TO BE RETAINED BY GRANTOR

EXISTING BUILDING

S 75°50'00" W 488.46'

10' STORM SEWER
EASEMENT

EXISTING BUILDING

3.4137 ACRES

TERRY FASIG
REMAINING PROPERTY
D.B. 433, PG. 257

POINT 'A'

OLD LEXINGTON PIKE

12' WIDE
UTILITY EASE

IRREGULAR
ACCESS EASEMENT

STATE OF KENTUCKY
G. A. LARISON
3357
REGISTERED
LAND SURVEYOR

PLAT OF 3.5929 ACRES TO BE CONVEYED BY
TERRY FASIG

BOONE COUNTY KENTUCKY

SOUTHWEST SIDE OF OLD LEXINGTON PIKE
0.10 MILE NORTH OF KENSINGTON

DECEMBER 29, 1998 SCALE: 1" = 100'

McNEELY SURVEYING, INC.
6256 MAIN STREET, BURLINGTON, KY 41005
(606) 586-6497

F-1
1-6-99
GVS

P & Z Code No. 3278

APPLICATION FORM

BOARD OF ADJUSTMENT
AND
ZONING APPEALS ACTION
BOONE COUNTY PLANNING COMMISSION

RECEIVED
AUG 18 2008
BOONE COUNTY
PLANNING COMMISSION

See Boone County Zoning Regulations
SECTION A (To be completed by applicant)

(Check One)

1. Boone _____ Florence _____ Walton _____ Union _____

(Check One)

2. _____ Conditional Use Permit Variance _____ Appeal _____
_____ Change in Non-Conforming Use _____

3. Applicant's Name Michael J. Paul Truck and Trailer Supply
Phone Number 859-485-8800 Fax No. 859-485-8806
Applicant's Address 11617 old Lexington Pike
Walton Ky 41094
City State Zip

4. Description of Request: Variance for 50 FT. Set Back
on Building Addition.

5. Name of Development Truck and Trailer Supply

6. Location of Development 11617 old Lexington Pike
Walton Ky 41099

7. Acreage Under Review 3.6 Acres

8. Lot Number and Name of Subdivision (if part of a subdivision) _____

9. Owner of Property Michael J. Paul

Address of Property Owner 11931 US 42 Phone No. 859-485-7429
Union Ky. 41091
City State Zip

11. Proposed Use(s) on Site Heavy Duty Parts Warehouse +
distribution

12. Total Square Footage of Existing and/or Proposed Buildings 34,000

13. Current Zoning on Property I 1

14. Deed Book D915 Page No. 591 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: Michael J. Paul

Property Owner's Signature: Michael J. Paul

COPY

CLUR #08-BCBOA-017-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Michael J. Paul
11931 U.S. 42
Union, KY 41091

2. ADDRESS OF PROPERTY

11617 Old Lexington Pike
Walton, KY 41094

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Truck and Trailer Supply

4. DEED BOOK 915

PAGE NO. 591

GROUP NO. 2073

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

Zoning Map Amendment:
From To

Conditional Use Permit

Development Plan

Conditional Zoning

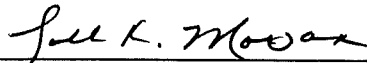
Subdivision Plat
(Not Recorded)

Other:

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



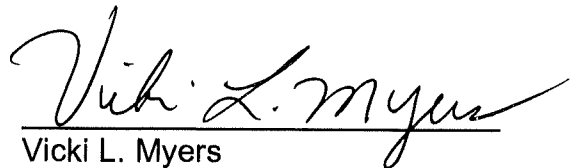
SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

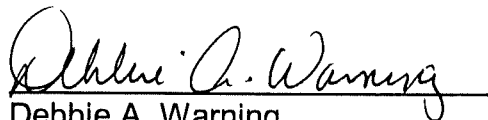
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 17 day of September, 2008.



Vicki L. Myers
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
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 10, 2008 Certificate of Land Use Restriction (#08-BCBOA-017-A), for Michael J. Paul, Property Owner(s).

The following conditions will apply:

- 1) The siding and roof on the addition are to be consistent with the existing building materials (metal siding and standing seam metal roof).
- 2) No further work shall be conducted on the site (grading, utility work, driveway encroachments, etc.) until Site Plan approval is granted by the Boone County Planning Commission and appropriate permits are obtained.

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

DEED BOOK 915

PAGE NO. 591

GROUP NO. 2073