

APPLICATION FORM

**BOARD OF ADJUSTMENT
AND
ZONING APPEALS ACTION
BOONE COUNTY PLANNING COMMISSION**

RECEIVED

AUG 18 2008

BOONE COUNTY
PLANNING COMMISSIONSee 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 Barry Schuster
Phone Number (859) 586-6515 Fax No. (859) 586-6572
Applicant's Address 10645 Sedco Dr
Union Ky 41091
City State Zip
4. Description of Request: Reduction of the 25 ft landscape buffer requirement to 5 ft
5. Name of Development Boone Business Center
6. Location of Development 4465 Limaburg Rd
Hebron, Ky 41048
7. Acreage Under Review 1.17 acres
8. Lot Number and Name of Subdivision (if part of a subdivision) _____
9. Owner of Property Barry Schuster and Sandra Schuster
Address of Property Owner 10645 Sedco Dr Phone No. (859) 384-4123
Union Ky 41091
City State Zip
11. Proposed Use(s) on Site Building addition for Storage
12. Total Square Footage of Existing and/or Proposed Buildings 770 sq ft
13. Current Zoning on Property I-1
14. Deed Book 363 Page No. 11 Group No. 2019
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: _____

Property Owner's 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 8-18-08 Fee Received \$932⁰⁰ R#57221
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: Barry Schuster for Boone Business Center
LOCATION: 4465 Limaburg Road, Boone County, Kentucky
ZONING: Industrial One (I-1)
DATE: September 10, 2008

Proposal

The applicant has requested a Variance to allow a 24' x 32' (768 square foot) storage shed to encroach into a required 25' wide buffer yard. The submitted plan shows that the storage shed would be located behind a 12,000 square foot office/manufacturing building and 10' from the rear property line. The subject property is located at 4465 Limaburg Road and is zoned Industrial One (I-1).

Site History

09/16/87 – The Boone County Planning Commission approves a Site Plan to allow a 6,000 square foot addition onto an existing 6,000 square foot office/manufacturing building.

Applicable Regulations

Article 31, Section 3153 of the Boone County Zoning Regulations states that accessory structures or uses shall be placed in the side or rear yard only, but not the corner side yard, and shall be no closer than five (5) feet to any property line.

Article 37, Section 3705 of the Boone County Zoning Regulations states that improvements to an existing site (including building additions, vehicular use area expansions or load/unloading area expansion) shall be required to bring only the new improvements into compliance with the landscaping regulations.

Article 37, Section 3745 of the Boone County Zoning Regulations states that the required buffer between a developing Industrial One (I-1) use and adjoining Suburban Residential One (SR-1) use is Buffer Yard C. Buffer Yard C is 25' wide and contains 8 evergreen trees and 4 large, medium, or small trees per 100 linear feet of buffer area.

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 1.17 acre lot contains a 12,000 square foot office/manufacturing building and has road frontage along Anderson Boulevard and Limaburg Road. The site has 5 separate curb cuts (3 parking areas and 2 loading docks) along Anderson Boulevard that provide access to the building. The site contains mature evergreen trees along Anderson Boulevard and mature deciduous trees near the rear property boundary. The topography of the parcel is fairly flat.

Staff Comments

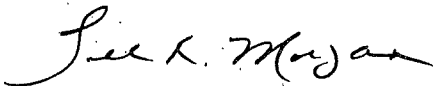
1. The applicant informed Staff of the following:
 - A. The storage building will be used to store metal products that are manufactured on site.
 - B. The leach field shown on the 9/16/87 Site Plan is no longer in use because the building is connected to public sanitary sewer.

2. On May 10, 1995, the Boone County Board of Adjustment approved variances to reduce the rear yard setback and rear buffer for Anderson Tool and Die (adjoining property to the west). The first variance reduced the rear setback requirement from 50' to 10' so a 7,200 square foot industrial building could be constructed on the lot. The second variance reduced the rear buffer yard from 25' to 10'. The Board imposed a condition requiring the existing trees to be preserved and additional evergreen trees to be planted.
3. Staff would like to point out that the adjoining properties to the north, south, and east are owned by the Kenton County Airport Board.
4. The Board needs to analyze Section 251 of the zoning regulations before acting on the request.
5. If the Board grants the request, Staff recommends that the existing trees along the southern and eastern property lines should be preserved.

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

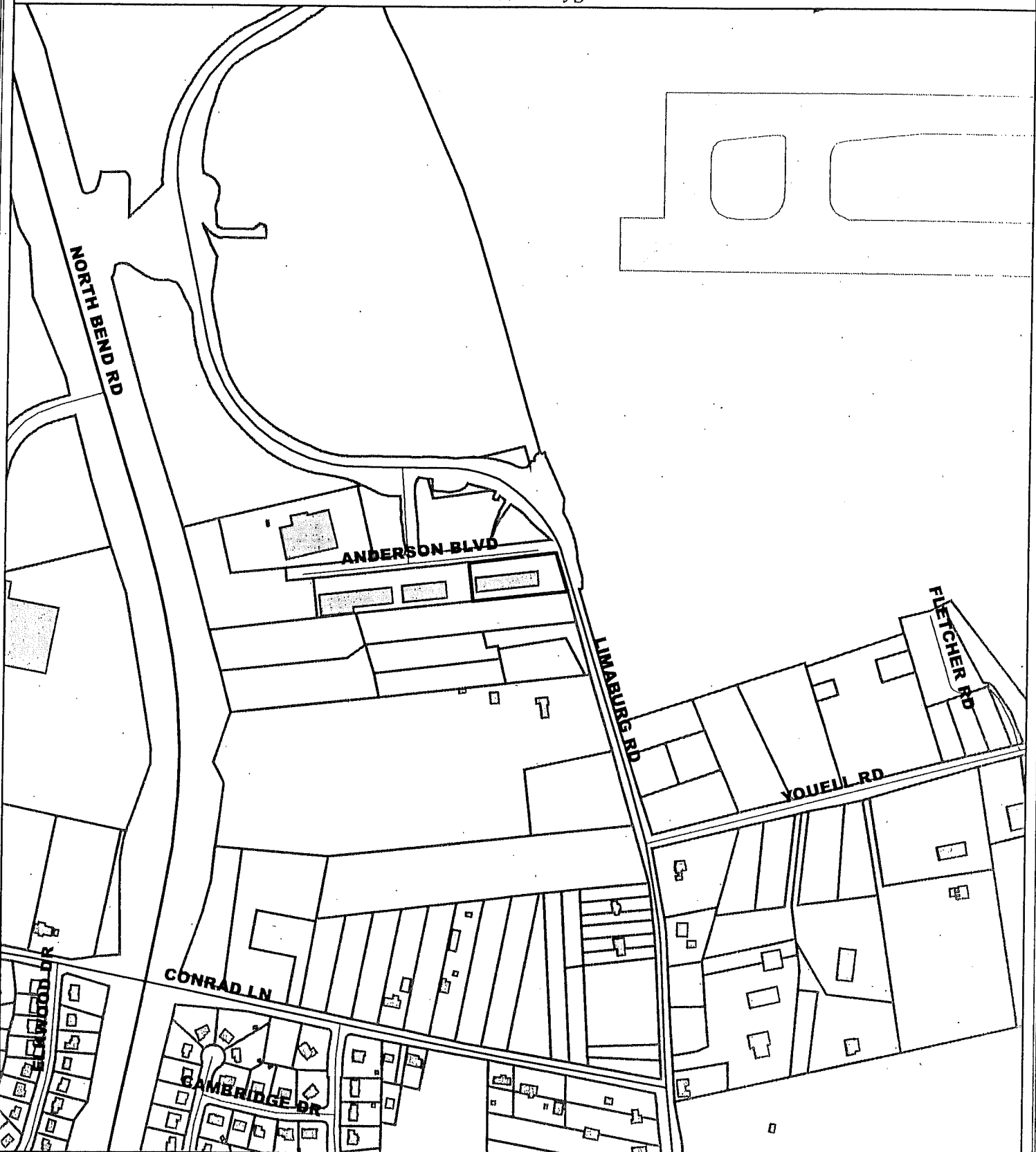
TKM/pr

Attachments

- *Site Vicinity Map
- *Concept Plan
- *Aerial Map
- *Zoning Map
- *Topographical Map
- *9/16/87 Site Plan
- *Application

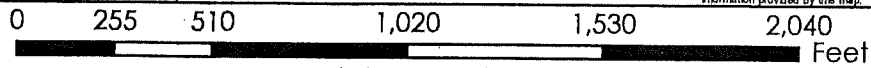
SITE VICINITY MAP

www.boonecountygis.com



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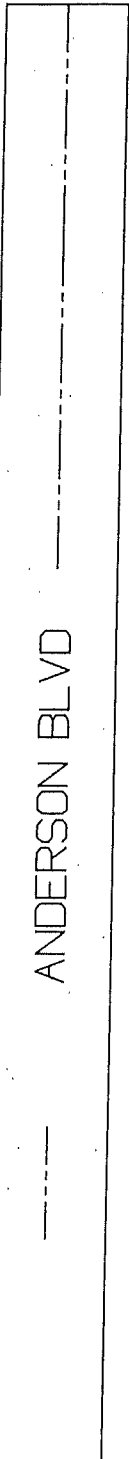
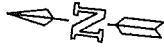
1 inch equals 500 feet



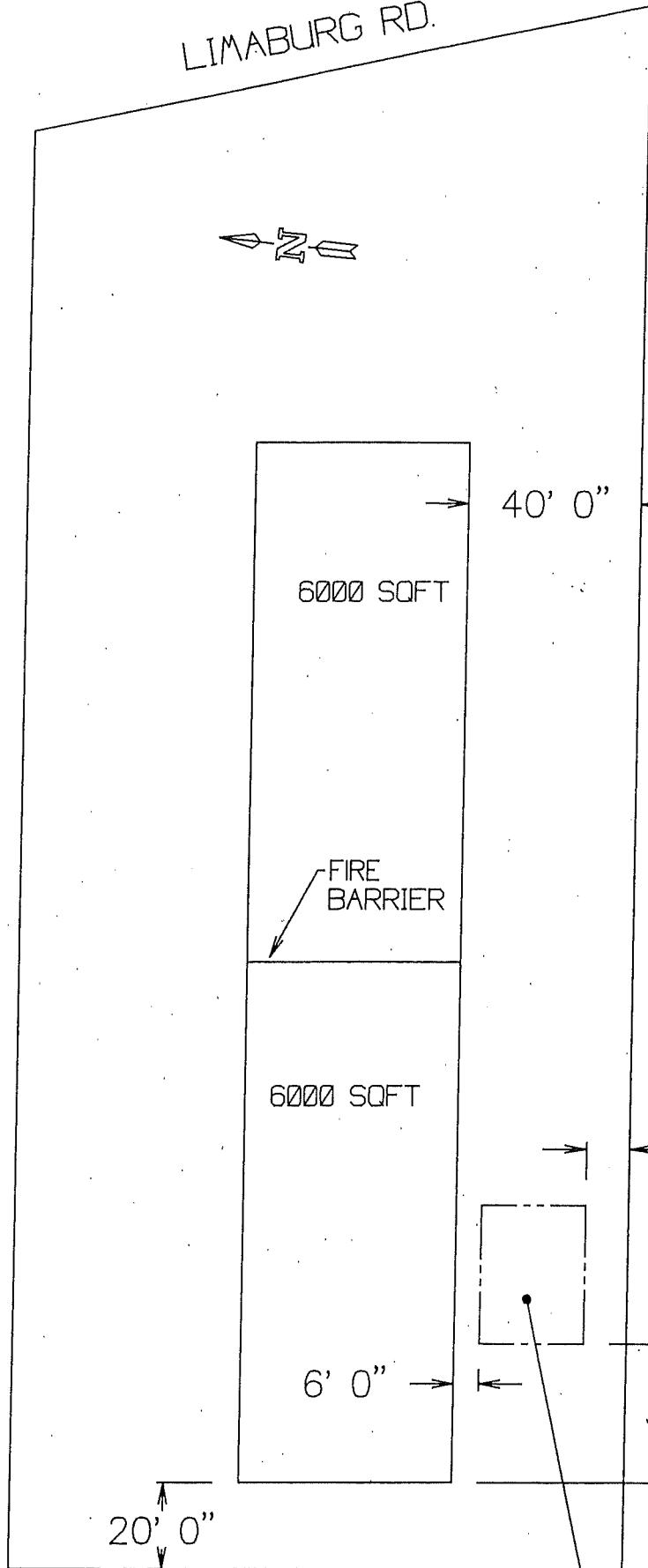
Boone County GIS - Putting Northern Kentucky on the Map



LIMABURG RD.



ANDERSON BLVD



6000 SQFT

40' 0"

FIRE BARRIER

6000 SQFT

AIRPORT PROPERTY

10' 0"

6' 0"

32' 0"

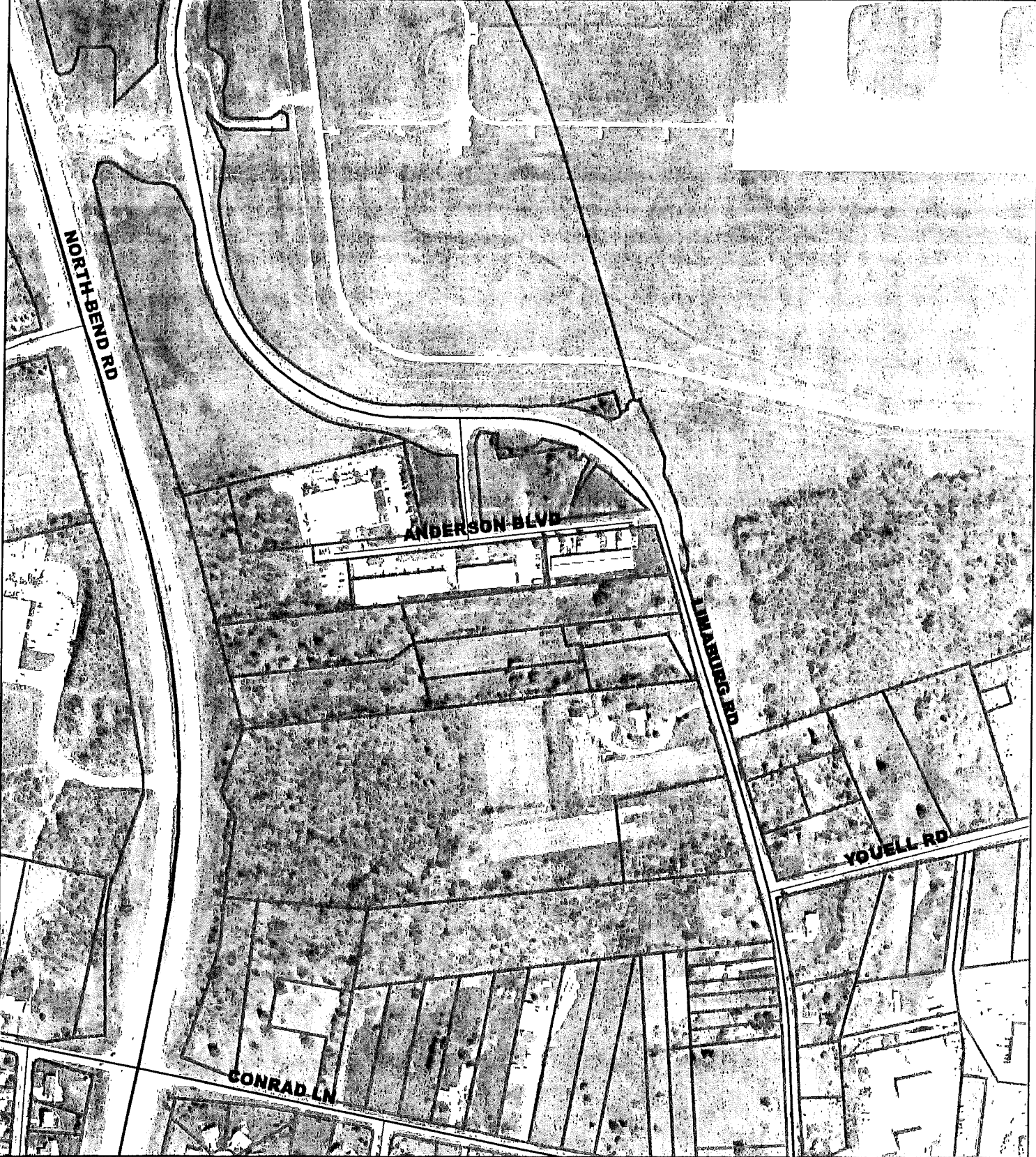
20' 0"

24' X 32' STORAGE ADDITION

ANDERSON MANUFACTURING

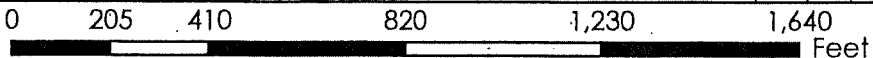
AERIAL MAP

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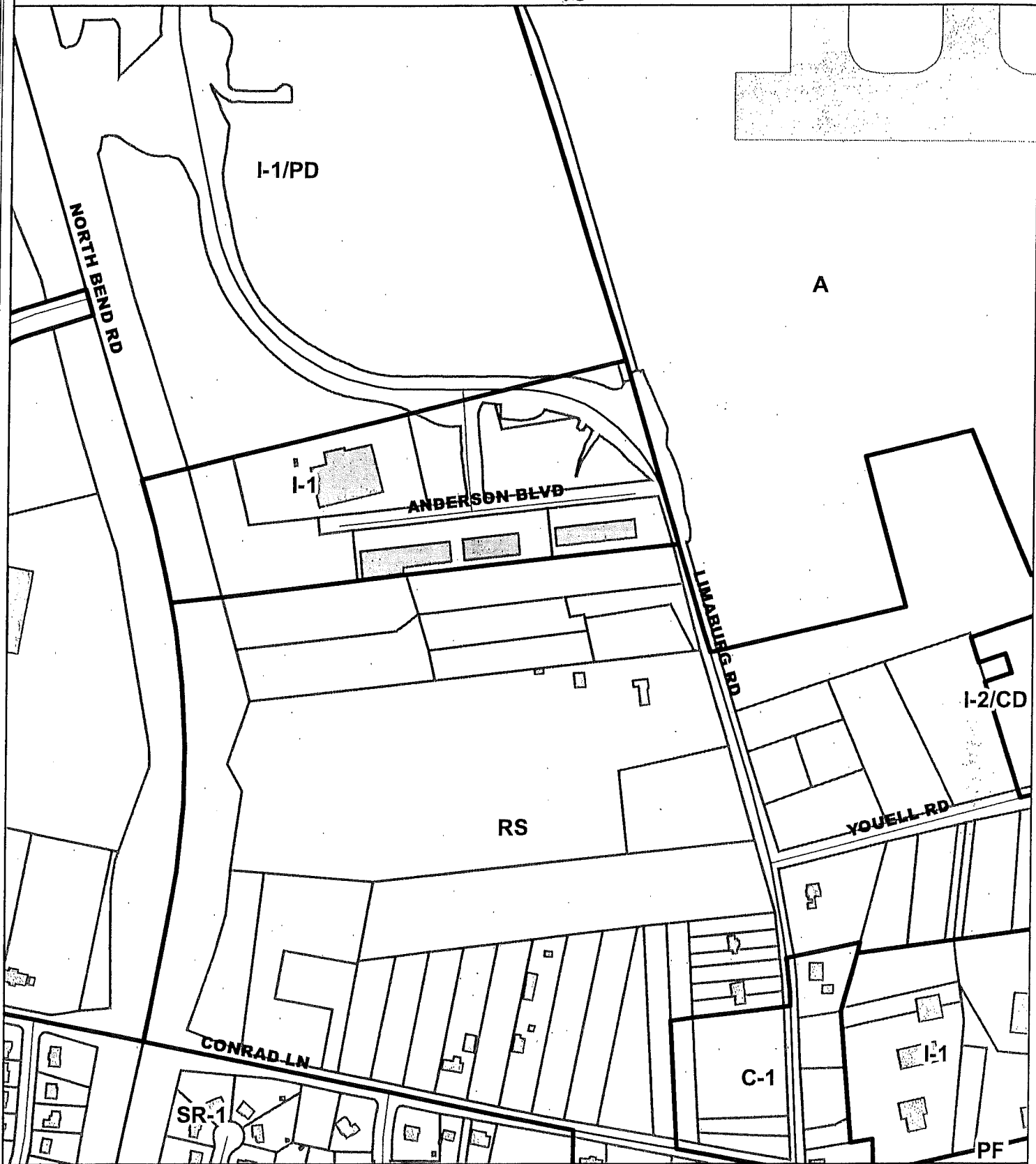
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Boone County GIS - Putting Northern Kentucky on the Map

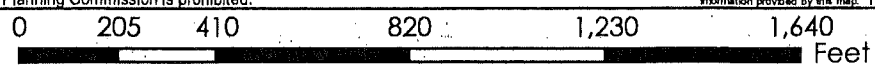
ZONING MAP

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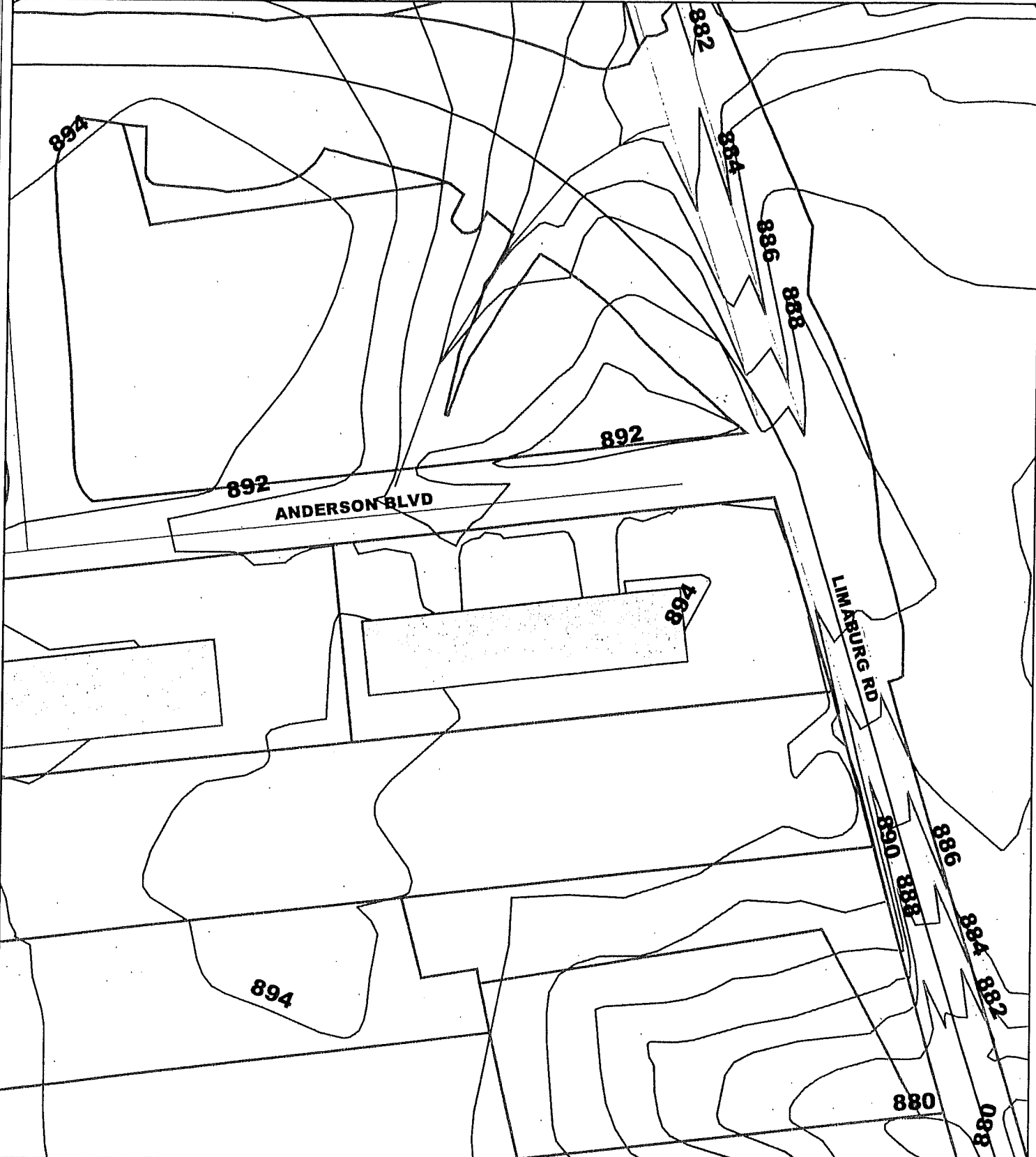


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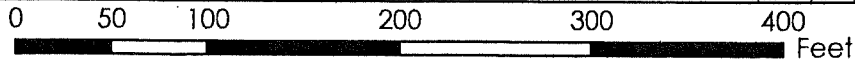
TOPOGRAPHICAL MAP

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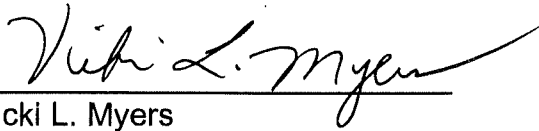
Applicant's Signature: [Signature]

Property Owner's Signature: [Signature] Sandra Schuster

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

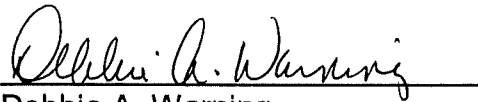
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 17 day of September, 2008.



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-018-A), for Barry and Sandra Schuster, Property Owner(s).

The following conditions will apply:

- 1) The existing trees along the southern and eastern property lines are to be preserved.

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

DEED BOOK 363 PAGE NO. 11 GROUP NO. 2019