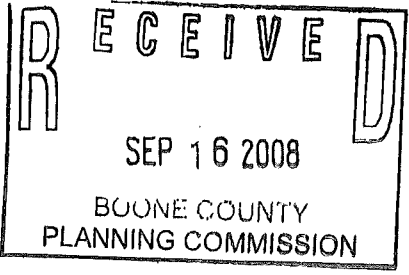


08-BOA-021-A

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 [X] Florence _____ Walton _____ Union _____
2. (Check One) Conditional Use Permit [X] Variance _____ Appeal _____
3. Applicant's Name Quast Properties
Phone Number 859-493-0560 Fax No. 859-493-0562
Applicant's Address 67 Cummings Dr, Walton Ky 41094
4. Description of Request: Reduce 50' Front Set Back
5. Name of Development
6. Location of Development 67 & 65 Cummings Dr, Walton, Ky 41094
7. Acreage Under Review 1.747
8. Lot Number and Name of Subdivision (if part of a subdivision)
9. Owner of Property Quast Properties
Address of Property Owner 67 Cummings Dr, Phone No. 859-493-0560
10. City Walton State Ky Zip 41094
11. Proposed Use(s) on Site
12. Total Square Footage of Existing and/or Proposed Buildings
13. Current Zoning on Property I-1
14. Deed Book 731 Page No. 181 Group No. 2073
15. Is the site subject to a zone change?
16. Have you submitted a Site Plan with this request?
17. Have you submitted a list of adjoining property owners with this request?
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: [Signature]
Property Owner's Signature: [Signature]

(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 9-16-08 Fee Received \$932.00 R57402
2. Is application complete? Yes No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
10/8/08 **Approved**
Approved with Conditions (See #6)
Denial (See #7)
6. Conditions of Approval: SEE 10/8/08 Meeting Minutes
AND 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: Quast Properties
LOCATION: 67 Cummings Drive, Boone County, Kentucky
ZONING: Industrial One (I-1)
DATE: October 8, 2008

Proposal

The applicant is requesting a variance to reduce the 50' front yard setback of an existing building located at 67 Cummings Drive, Boone County, Kentucky. The Conceptual Plat shows the applicant wants to subdivide lot 16 of Cummings Subdivision into two legal lots of record (Lots 16A & 16B). Proposed lot 16B is a flag lot and the existing building does not meet the front yard setback requirement. The front yard setback is proposed to be reduced from 50' to 16.37'.

Applicable Regulations

Section 4000 of the Boone County Zoning Regulations defines that the front yard of a flag lot "is measured from the rear lot line of the adjoining lot that is between the flag lot in question and the street."

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 3.047 acre lot is located on the south side of Cummings Drive and contains a 11,680 square foot office warehouse (occupied by Tom Sexton Associates - Furniture and Equipment), a 4,800 square foot office warehouse (occupied by Quast Paving), and a pole barn, which is used to cover Quast Paving's vehicles and equipment. A shared driveway provides access to the buildings.

Surrounding Land Uses and Zoning

- North: Cummings Drive, Scott Jones Companies, Atlas Electric Motor, Holton Machine Company, Worldwide Inc. (I-1)
- South: Farm Fronting on Old Lexington Pike (I-1)
- East: Vacant Industrial Building (I-1)
- West: Scott Jones Companies and First in Trailer Service (I-1)

Staff Comments

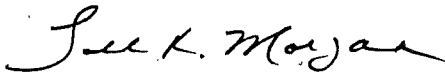
1. The subject property line (138.50') was considered a side yard when the property developed. The side yard setback requirement when an Industrial One (I-1) property adjoins another I-1 property is 10'. The proposed subdivision of the property into two lots of record requires that both lots meet the current zoning requirements (lot area, lot frontage, building intensity, building setbacks, etc.).
2. Section 4000 of the Boone County Zoning Regulations defines that the front yard of a flag lot "is measured from the rear lot line of the adjoining lot that is between the flag lot in question and the street.
3. The Zoning Administrator has indicated that he will grant a Waiver to allow the flag lot to have 52.8' feet of street frontage if the Board approves the front yard setback variance request. Section 315 d. of the Boone County Subdivision Regulations states that an industrial flag lot shall have a maximum street frontage of 50 feet.

4. Staff found that the applicant had constructed a pole barn near the southwest property line when visiting the site. Site plans and building permits were not issued to construct this building.
5. Staff believes that the request will not adversely affect the public health, safety or welfare and will not alter the essential character of the general vicinity. The request will not alter any of the existing buildings and only involves splitting the lot into two lots of record.
6. Staff recommends the following conditions if the Board grants the request:
 - A. A Minor Site Plan application will be submitted to the Boone County Commission so the pole barn can be reviewed.

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

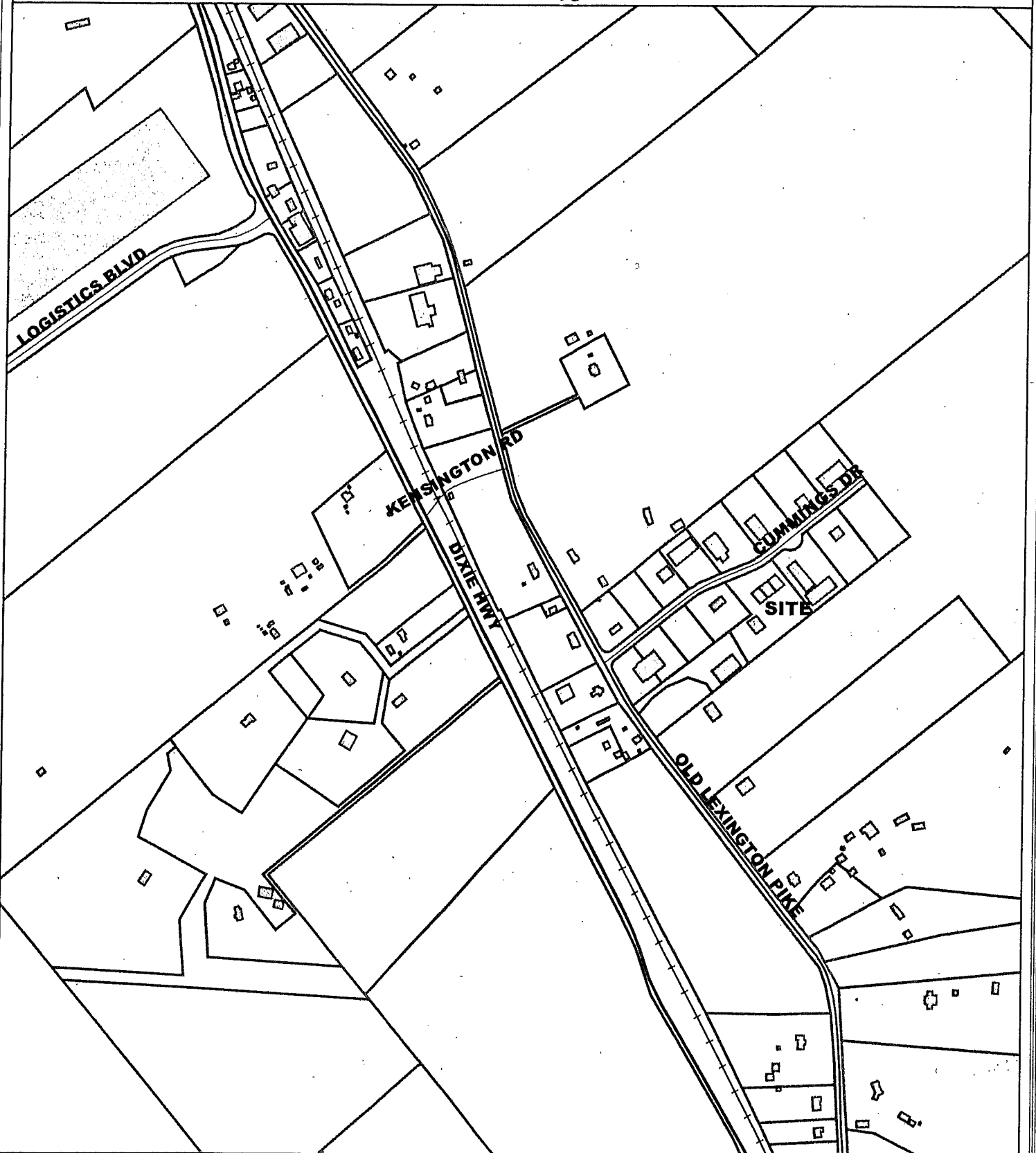
TKM/pr

Attachments

- *Site Vicinity Map
- *Conceptual Plat
- *Aerial Map
- *Zoning Map
- *Application

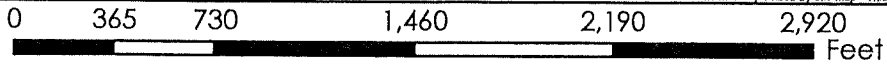
SITE VICINITY MAP

www.boonecountygis.com



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Boone County GIS - Putting Northern Kentucky on the Map



JACOBS FINLEY JR &
BONNIE GLASS, ET AL.
D.B. 671, Pg. 243

S45°23'43"W 440.30'

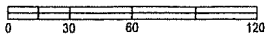
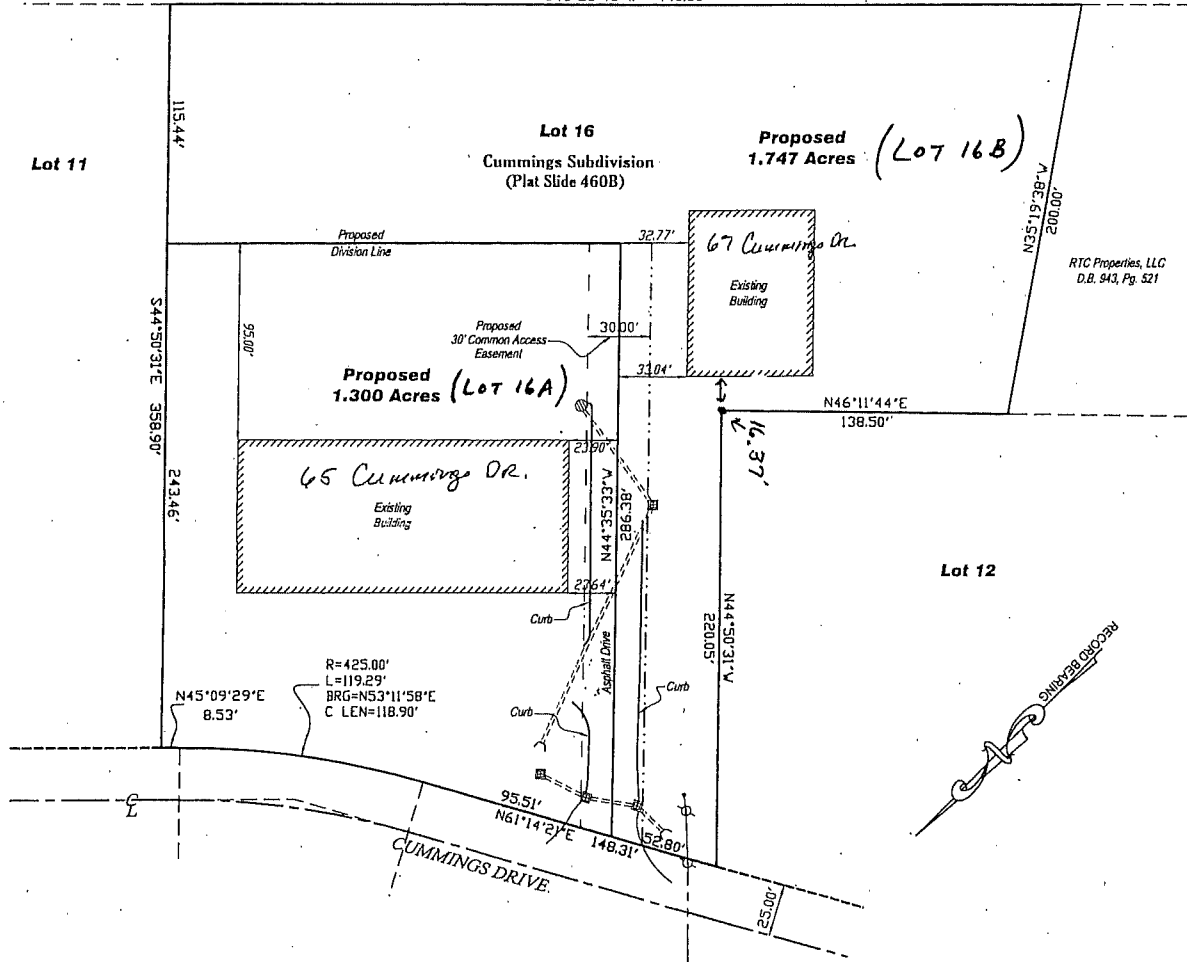
Lot 11

Lot 16
Cummings Subdivision
(Plat Slide 460B)

Proposed
1.747 Acres (Lot 16B)

Proposed
1.300 Acres (Lot 16A)

RTC Properties, LLC
D.B. 943, Pg. 521



PROPOSED DIVISION OF
LOT 16 OF
CUMMINGS SUBDIVISION

BOONE COUNTY KENTUCKY

SOUTHEAST SIDE OF CUMMINGS DRIVE
NORTHEAST OF OLD LEXINGTON PIKE

SEPTEMBER 9, 2008 SCALE: 1"=60'

Client:
John Quast
67 Cummings Drive
Wallon, KY 41094

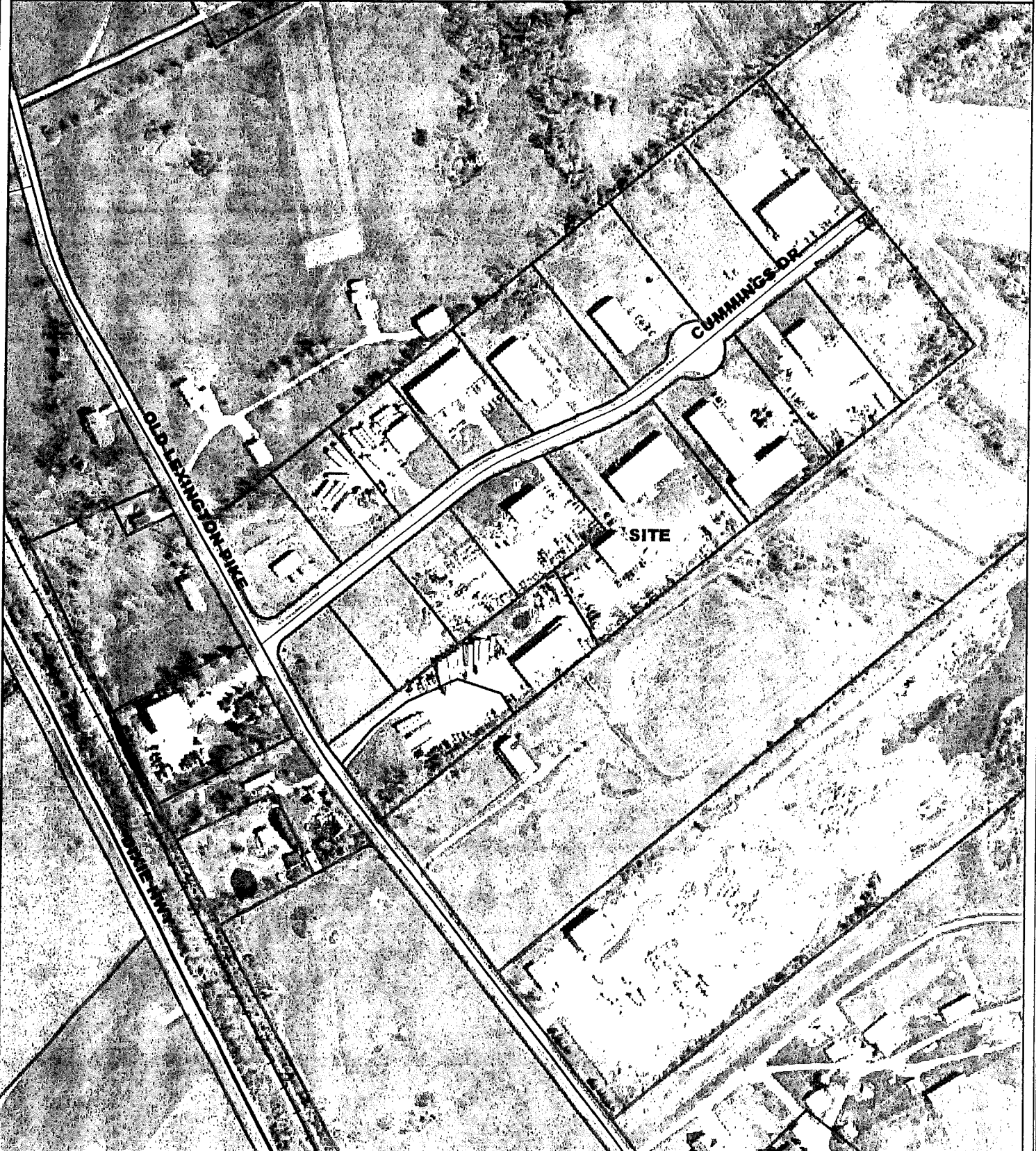


VIOX & VIOX
Civil Engineers, Surveyors, and Landscape Architects

466 Erlanger Road • Erlanger, Kentucky 41018
Ph (859) 727-3293 • Fax (859) 727-8452 • www.vioxinc.com

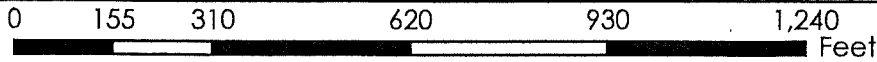
AERIAL MAP

www.boonecountygis.com



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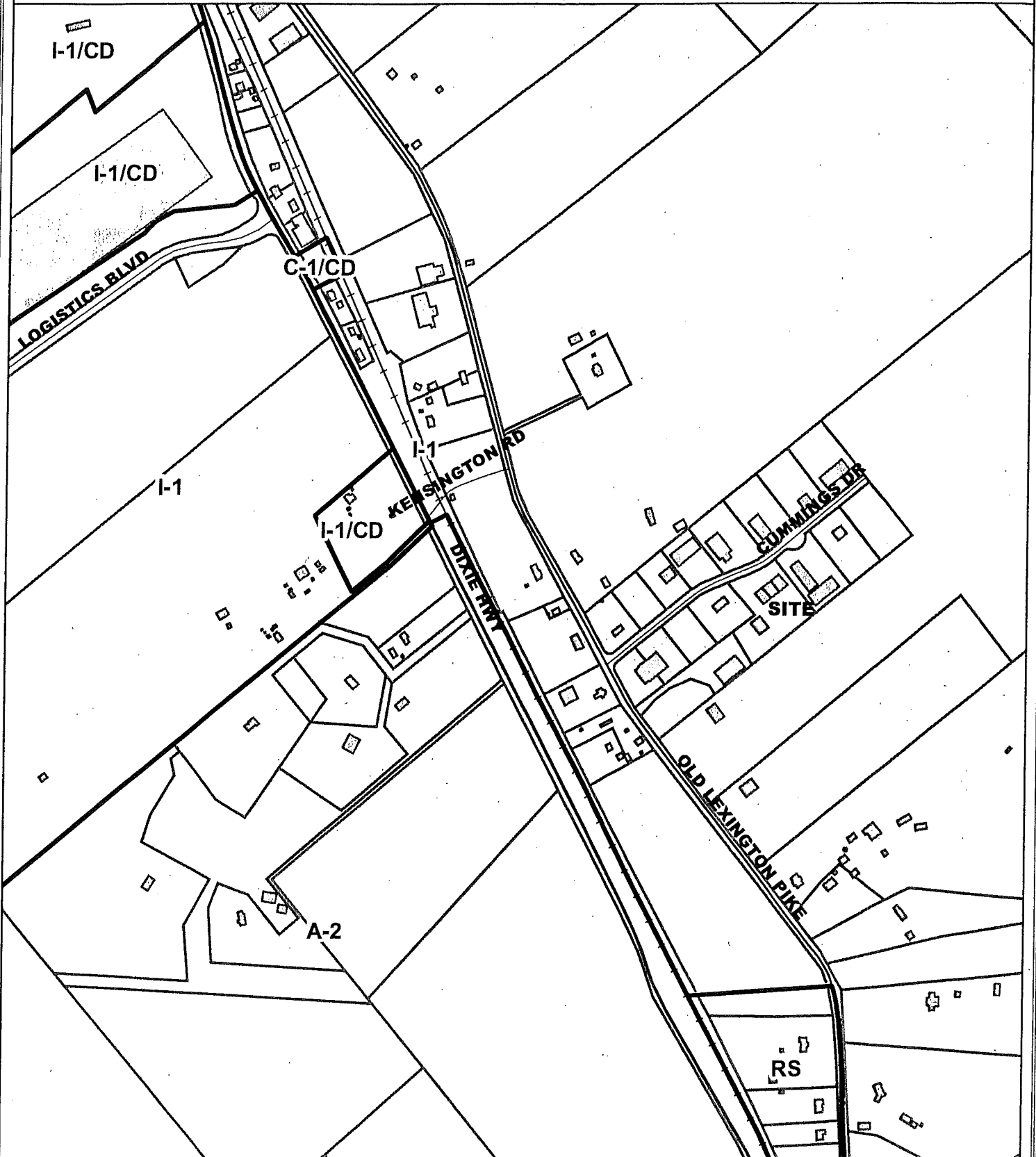


Boone County GIS - Putting Northern Kentucky on the Map



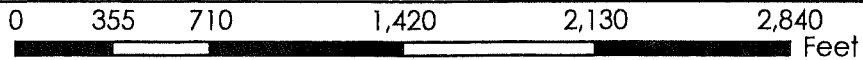
ZONING MAP

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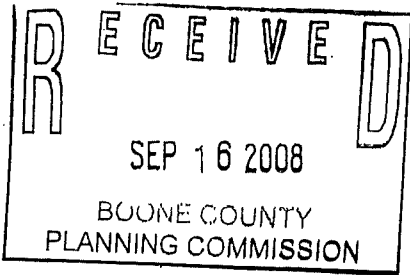
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Boone County GIS - Putting Northern Kentucky on the Map



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)

- 1. (Check One) Boone [X] Florence Union
2. (Check One) Conditional Use Permit [X] Variance Appeal
3. Applicant's Name Quast Properties, Phone Number 859-493-0560, Fax No. 859-493-0562, Applicant's Address 67 Cummings Dr, Walton Ky 41094
4. Description of Request: Reduce 50' Front Set Back
5. Name of Development
6. Location of Development 67 & 65 Cummings Dr, Walton, Ky 41094
7. Acreage Under Review 1.747
8. Lot Number and Name of Subdivision
9. Owner of Property Quast Properties, Address of Property Owner 67 Cummings Dr, Phone No. 859-493-0560
10. City Walton, State Ky, Zip 41094
11. Proposed Use(s) on Site
12. Total Square Footage of Existing and/or Proposed Buildings
13. Current Zoning on Property I-1
14. Deed Book 731, Page No. 181, Group No. 2073
15. Is the site subject to a zone change?
16. Have you submitted a Site Plan with this request?
17. Have you submitted a list of adjoining property owners with this request?
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: [Signature]

Property Owner's Signature: [Signature]

COPY

CLUR #08-BCBOA-021-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Quast Properties
67 Cummings Drive
Walton, KY 41094

2. ADDRESS OF PROPERTY

67 Cummings Drive
Walton, KY 41094

3. NAME OF SUBDIVISION OR
DEVELOPMENT (if applicable)

Quast Properties

4. DEED BOOK 731

PAGE NO. 181

GROUP NO. 2073

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

Zoning Map Amendment:
From To

Conditional Use Permit

Development Plan

Conditional Zoning

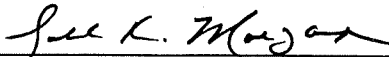
Subdivision Plat
(Not Recorded)

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



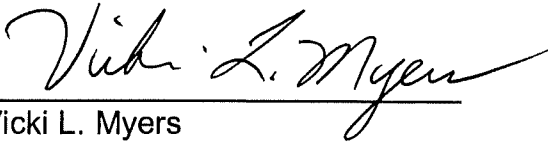
SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

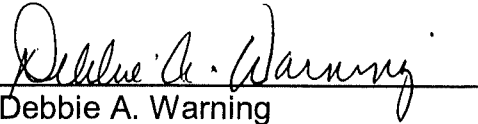
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 14 day of October, 2008.



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 October 8, 2008 Certificate of Land Use Restriction (#08-BCBOA-021-A), for Quast Properties, Property Owner(s).

The following condition will apply:

- 1) An application for a Minor Site Plan Review is to be submitted so that the pole barn can be reviewed.

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

DEED BOOK 731 PAGE NO. 181 GROUP NO. 2073