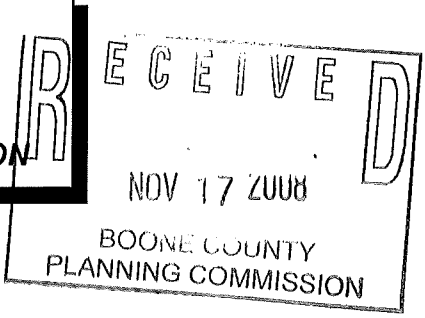


APPLICATION FORM

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) X Boone Florence Walton Union
2. (Check One) Conditional Use Permit X Variance Appeal
3. Applicant's Name Rob Keller, Bayer Becker
4. Description of Request: Requesting a variance to allow fence within front yard setback
5. Name of Development Park South at Richwood (Building E)
6. Location of Development Logistics Blvd.
7. Acreage Under Review 41,561 Acres
8. Lot Number and Name of Subdivision (if part of a subdivision) Proposed Lot 3 of Park South at Richwood Subdivision (Not yet recorded)
9. Owner of Property Industrial Property Sub IX, LLC
10. *c/o Industrial Developments Atlanta GA 30326 International Inc. City State Zip
11. Proposed Use(s) on Site Distribution and Warehousing
12. Total Square Footage of Existing and/or Proposed Buildings 678,363 s.f.
13. Current Zoning on Property I-1
14. Deed Book 934 Page No. 608 Group No. 2072
15. Is the site subject to a zone change? yes
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.

ORIGINAL Property Owner's Signature: (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

(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 11-17-08 Fee Received \$932.00 R# 57784
2. Is application complete? Yes No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
12/10/08 Approved
Approved with Conditions (See #6)
Denial (See #7)
6. Conditions of Approval: SEE 12/10/08 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: Bayer Becker
LOCATION: 60 Logistics Boulevard, Boone County, Kentucky
ZONING: Industrial One (I-1)
DATE: December 10, 2008

Proposal

The applicant is requesting a variance to allow 8 foot tall aluminum fencing to be installed in the 50' front yard setback. The submitted plan shows that the fencing is being proposed 13' from the Logistics Boulevard right-of-way line and will secure a 678,363 square foot office/warehouse which is located on the property.

Applicable Regulations

Section 3655 (4) of the Boone County Zoning Regulations states that fences shall be permitted within the front yard and corner side yard (Unincorporated Boone County, City of Union, and City of Walton only) according to the following standards:

- a. No fence can be taller than four (4) feet. The maximum height for fences in front yard and corner side yard areas in the I-1 and I-2 zones is eight (8) feet provided the fence meets the minimum required front yard or corner side yard building setback as applicable.
- b. Fences shall be of a decorative design, (chain link, barbed wire, stock wire, chicken wire and similar type fences are not permitted) and shall be designed to have an opacity of fifty (50) percent or less.
- c. No fence can be located within a public right-of-way nor can it be located in an area which will obstruct the sight triangle for any motorist or pedestrian as defined in Article 32.

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 41.561 acre parcel is located in Park South at Richwood Industrial Park and is zoned Industrial One (I-1). The site contains a 678,363 square foot office/warehouse which fronts on Logistics Boulevard. The rear of the property adjoins the I-71/75 and is screened with evergreen trees, deciduous trees, and berms.

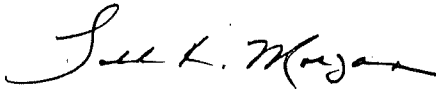
Staff Comments

1. The Boone County Board of Adjustment has approved similar requests in Park West International Industrial Subdivision.
2. Staff does not believe that the request to increase the fence height from 4 feet to 8 feet will alter the essential character of the general area if the following conditions are imposed:
 - A. The fencing shall be installed per the submitted plan and exhibit.
 - B. All chain link fencing shown on the plan shall have black vinyl coating.
 - C. The fencing shall be located behind all associated property lines and landscaping buffers.

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

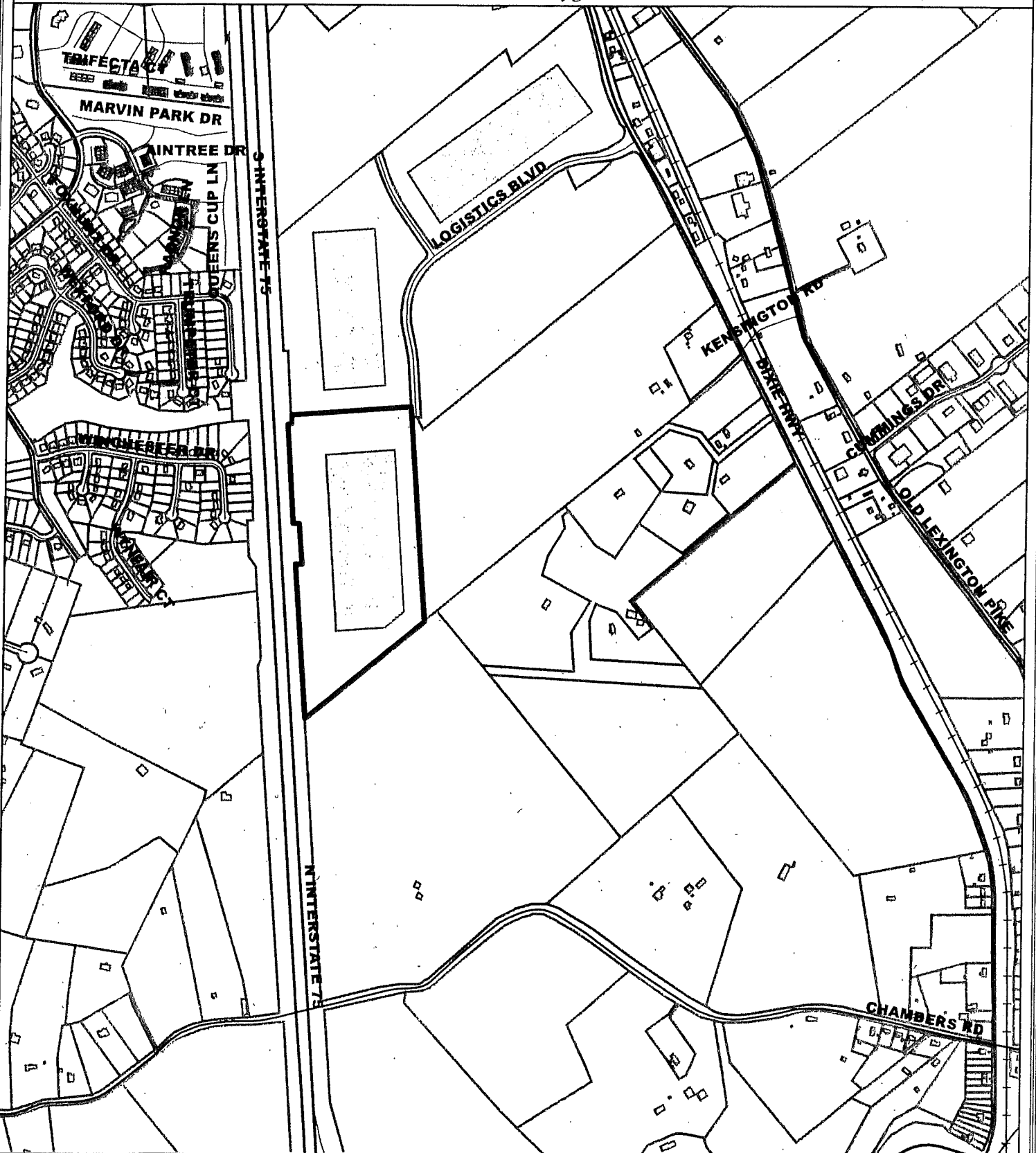
TKM/pr

Attachments

- *Site Vicinity Map
- *Site Plan
- *Fencing Detail
- *Zoning Map
- *Aerial Map
- *Application

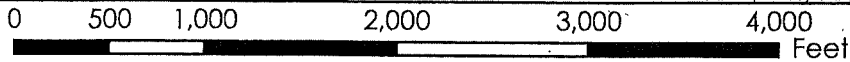
SITE VICINITY MAP

www.boonecountygis.com



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Boone County GIS - Putting Northern Kentucky on the Map

INTERSTATE 175/77

11181.87'

100' BUFFER / BERM, TREE PLANTINGS 'C'
& ORNAMENTAL GRASSES

275.67'

100' BUFFER / BERM, TREE PLANTINGS 'C'
& ORNAMENTAL GRASSES

Back Yard / Parking

271.12'

100' BUFFER / BERM, TREE PLANTINGS 'C'
& ORNAMENTAL GRASSES

271.12'

189.30'

1320'
22 BAYS @ 60'

BUILDING E PAD
ELEVATION 898
(678,368 S.F.)

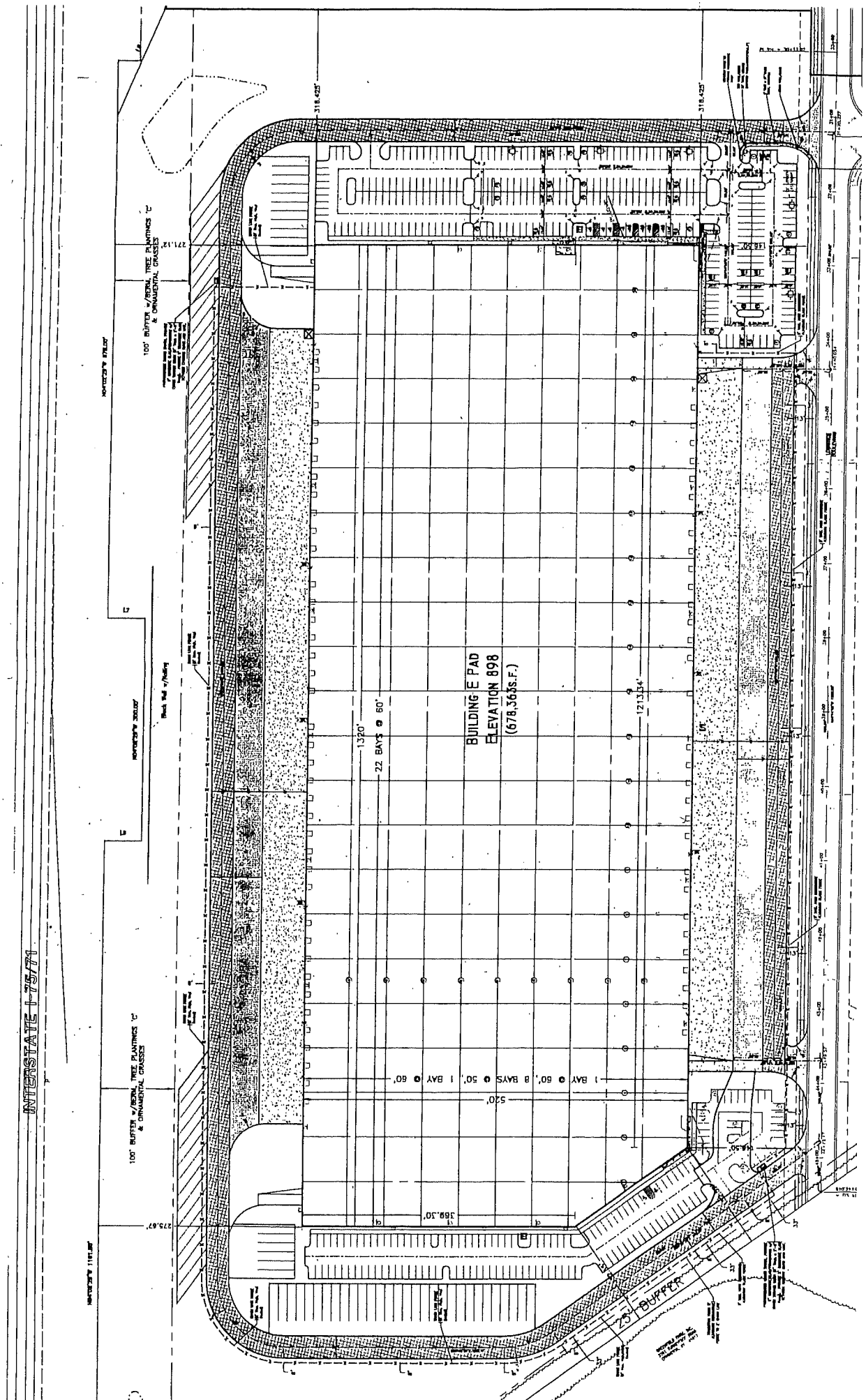
520'

1 BAY @ 60', 8 BAYS @ 50', 1 BAY @ 60'

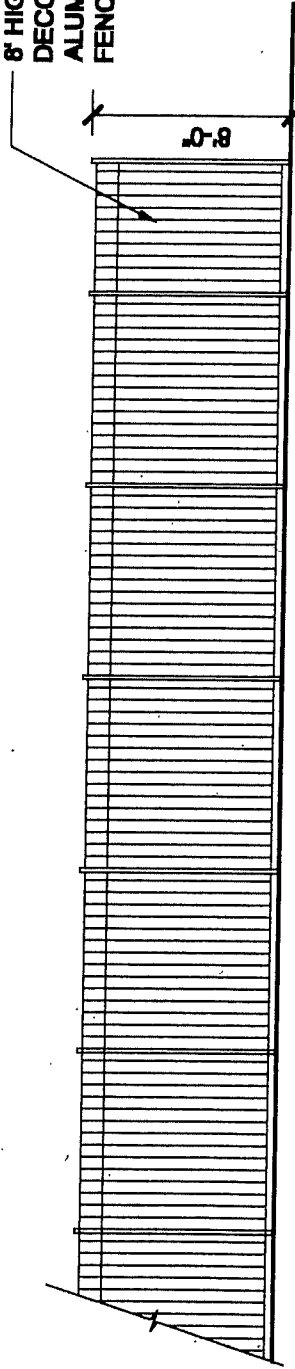
1213.54'

318.625'

318.625'



6' HIGH
DECORATIVE
ALUMINUM
FENCE



6'-0"

DECORATIVE FENCE

1/8" = 1'-0"



PLAN NORTH

IMPROVEMENTS FOR:
"E" Tenant
BUILDING "E" PARK SOUTH AT RICHWOOD
60 LOGISTICS BOULEVARD WALTON, KENTUCKY

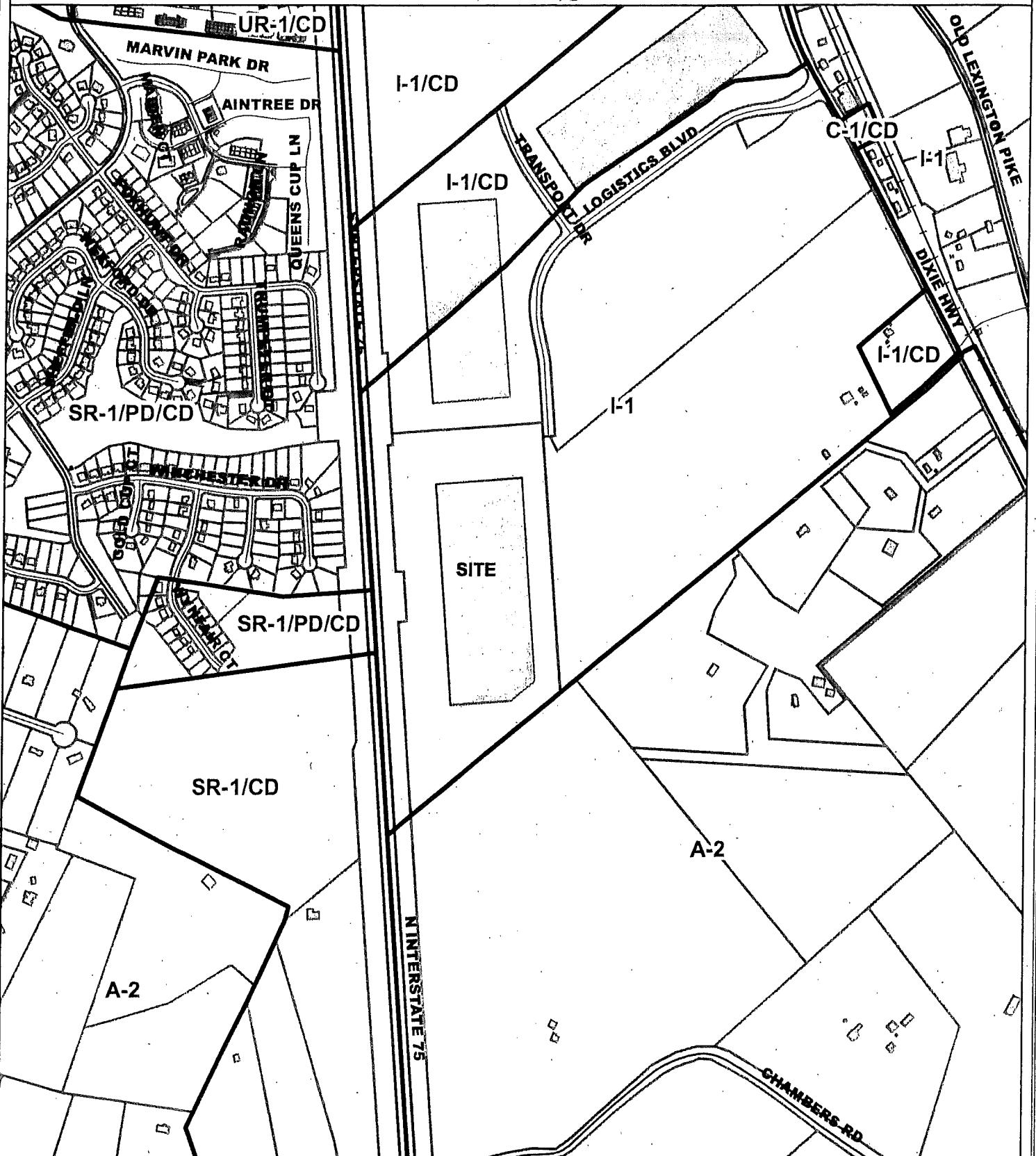


IDI
5400 W. 10th Street
Overland Park, KS 66211
Phone: 913-666-8800
Fax: 913-666-8800

CLARISEY FRANK
ARCHITECTURE LTD
2201 Montgomery St. Columbus, OH 43260
614-441-1000
1/17/2008

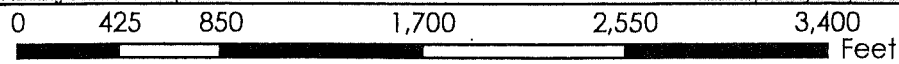
ZONING MAP

www.boonecountygis.com



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1 inch equals 800 feet

Boone County GIS - Putting Northern Kentucky on the Map



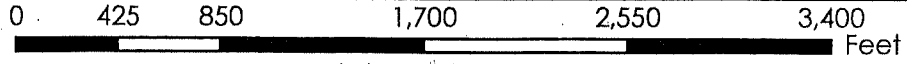
AERIAL MAP

www.boonecountygis.com



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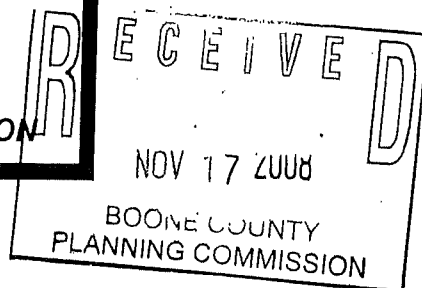
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Boone County GIS - Putting Northern Kentucky on the Map

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)

(Check One)

1. Boone Florence Walton Union

(Check One)

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

3. Applicant's Name Rob Keller, Bayer Becker
Phone Number 859-261-1113 Fax No. 859-261-1710
Applicant's Address 209 Grandview Drive
Ft. Mitchell KY 41017
City State Zip

4. Description of Request: Requesting a variance to allow fence within front yard setback

5. Name of Development Park South at Richwood (Building E)

6. Location of Development Logistics Blvd.

7. Acreage Under Review 41.561 Acres

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

Proposed Lot 3 of Park South at Richwood Subdivision (Not yet recorded)

9. Owner of Property Industrial Property Sub IX, LLC

Address of Property Owner *3424 Peachtree Road, Ste. 1500 Phone No. _____

10. *c/o Industrial Developments Atlanta GA 30326

International Inc. City State Zip

11. Proposed Use(s) on Site Distribution and Warehousing

12. Total Square Footage of Existing and/or Proposed Buildings 678,363 s.f.

13. Current Zoning on Property I-1

14. Deed Book 934 Page No. 608 Group No. 2072

15. Is the site subject to a zone change? yes

If yes, give date of approval 11/23/04 and 4/26/05

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.

ORIGINAL Property Owner's Signature: _____
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

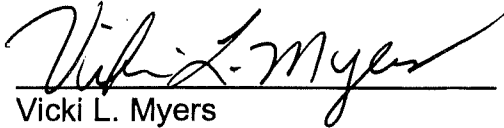
ORIGINAL Applicant's Signature: _____
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

(over)

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

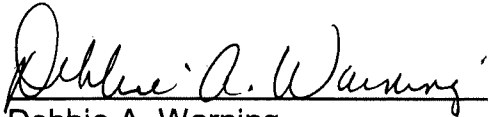
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 5 day of January, 2009.



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 December 10, 2008 Certificate of Land Use Restriction (#08-BCBOA-023-A), for IndustrialProperty Sub IX, LLC, Property Owner(s).

The following conditions will apply:

- 1) All chain link fencing shown on the plan shall have black vinyl coating.
- 2) The fencing shall be located no less than ten feet from the right-of-way line of Logistics Boulevard and behind all landscape plantings.

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

DEED BOOK 934 PAGE NO. 608 GROUP NO. 2072