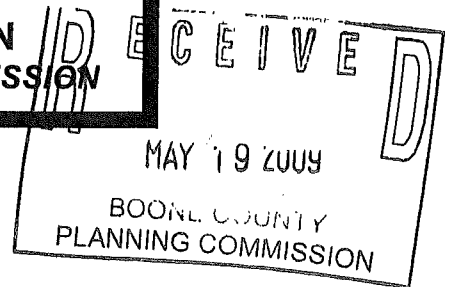


APPLICATION FORM

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 3 X Variance _____ Appeal _____ Change in Non-Conforming Use _____
3. Applicant's Name Greg Wright (gregwright@msn.com) Phone Number 859-743-1196 Fax No. 859-371-3833 Applicant's Address 1709 Stewart Drive Florence KY 41042
4. Description of Request: SIDE + REAR YARD ENCROACHMENT FOR NEW LOT DIVISION TO BE CREATED
5. Name of Development LUBRECHT INDUSTRIAL PARK
6. Location of Development 5661 COMMERCIAL DRIVE
7. Acreage Under Review 29,542 SQ FT. DIVISION
8. Lot Number and Name of Subdivision (if part of a subdivision) LUBRECHT SUBD. SECTION 1 LOT 13
9. Owner of Property Precision Construction Address of Property Owner 5660 Commercial Burlington KY 41045 Phone No. 859-371-3800
10. City State Zip
11. Proposed Use(s) on Site MACHINE/FABRICATION WAREHOUSE
12. Total Square Footage of Existing and/or Proposed Buildings 9355 SQ FT.
13. Current Zoning on Property I-1
14. Deed Book 251 Page No. 163 Group No. 2026
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 - SEE PLAT
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: Greg Wright Precision Const. President (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: Greg Wright Precision Const. President (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

**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 5/19/09 Fee Received \$2,232.00
2. Is application complete? Yes No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
6/10/09 **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.

STAFF REPORT

APPLICANT: Greg Wright

LOCATION: 5661 Commercial Drive, Boone County, Kentucky

ZONING: Industrial One (I-1)

DATE: June 10, 2009

Proposal

The applicant is requesting three (3) variances so lot 13 of Lubrecht Industrial Park can be re-subdivided into two (2) lots of record.

The submitted plan shows that the 2.63 acre lot will be re-subdivided into a 25,542 square foot lot (0.586 acres) and an 89,208 square foot lot (2.048 acres). The 25,542 square foot lot contains a 9,355 square foot office/warehouse, which is currently occupied by Concept Machine & Design. The 89,208 square foot lot contains a 5,305 square foot metal pole barn (currently occupied by Idealease Truck Rental and Leasing and Aerocrete Precast) and a 4,935 square foot fabrication building (currently occupied by Aerocrete Precast).

The following variances are needed before the re-subdivision can occur:

25,542 Square Foot Lot	89,208 Square Foot Lot
1. Reduce the side yard setback requirement from 10 feet to 2.25 feet.	1. Reduce the side yard setback requirement from 10 feet to 2.38 feet.
2. Reduce the rear yard setback requirement from 30 feet to 20 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.

Table 31.1 of the Boone County Zoning Regulations indicates that the setback requirements in an Industrial One (I-1) zone are 50' front, 30' rear, and 10' sides when the subject property adjoins other industrially zoned properties.

Table 31.1 of the Boone County Zoning Regulations indicates that a buildable lot in Industrial One (I-1) zone shall be a minimum of 20,000 square feet in area and have at least 150 feet of road frontage.

Site Characteristics

The approximate 2.63 acre lot fronts on Commercial Drive and contains a 9,355 square foot fabrication building, 5,305 square foot pole barn, and a 4,935 square foot fabrication building. Four curb cuts provide access to the site and concrete or gravel parking areas are located in front of each building. The rear of the property is a large gravel storage yard which is being used by Aerocrete Precast. The topography of the parcel falls from approximately 826' above sea level at the northwest property corner to approximately 808' above sea level at the southeast property corner.

Adjoining Properties and Zoning

North: Spartan Construction and Sherwin Inc. (I-1)

South: Boone Ready Mix (I-1)

East: Commercial Drive, A & B Heating & Air, Hold Self Storage, and Able Recycling (I-1)

West: Advantage Concrete, J. Robertson Plumbing, Street Rods, Balloon Creations, Aerocrete Precast, Line X Spray on Bed Liners, Karate School, Impact Life Ministries (I-1)

Staff Comments

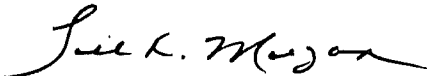
1. Aerocrete Precast is a legal non-conforming use on the site. Cement, lime, and gypsum businesses are not principally permitted or conditional uses in the I-1 zone.
2. Aerial photography from 1997 shows all three buildings in their present locations. The 1.11 foot side yard setback for the pole barn is pre-existing non-conforming because it has existed for more than 10 years.
3. Staff would like the applicant to address the following questions:

- A. Why can't the proposed property boundary be redrawn so the 9,355 square foot building meets the 30' rear yard setback?
 - B. Explain the trucking operation in the metal pole barn. How long has the business existed on-site? Does the business involve on-site sales or leasing or is it solely a repair shop? Is there sufficient parking? The parking area for this building is currently located on the 25,542 square foot lot.
3. Staff does not believe the request will alter the essential character of the area because the buildings and uses already exist on site and the proposed property boundaries will not be discernable to the public.
 4. Staff informed the applicant to contact Boone County Building Department regarding building separation and the fire rated wall requirements.

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 Plan
- *Zoning Map
- *Aerial Map
- *Application

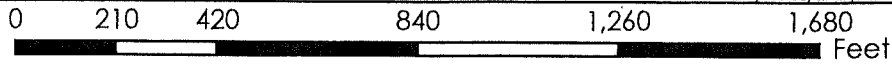
SITE VICINITY MAP

www.boonecountygis.com



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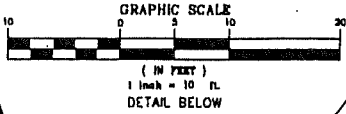


Boone County GIS - Putting Northern Kentucky on the Map



Map Created: 01/11/2008

Boone County GIS
ArcMap Document: *.mxd



DISTRIBUTION DR.

LOT 15

LUBRECHT INDUSTRIAL PARK AND RESUBDIVISION
OF LOTS 1 THRU 14 OF THE LUBRECHT SUBD.
SECTION 1 PLAT BOOK 11, PAGE 30

LOT 16

24' UTILITY EASE. TO THE UNION
LIGHT, HEAT AND POWER CO.
GROUP BK. 10 PG. 179

LOT 17

ASPHALT DRIVE

S 75°31'21" W 247.75'

EX. METAL POLE BARN
5,305 SQ.FT.

24' UTILITY EASE. TO THE UNION
LIGHT, HEAT AND POWER CO.
BK. EA61 PG. 540

CONCRETE

CONCRETE

CONCRETE

CONCRETE PARKING AREA

EX. METAL/STEEL
FABRICATION BLDG.
9,355 SQ.FT.

OUTSALE LOT
25,542 sq.ft.

CONCRETE

COMMERCIAL DR.

LOT 13

5661
COMMERCIAL DRIVE

GRAVEL/BROKEN CONCRETE

EX. METAL/STEEL
FABRICATION BLDG.
4,935 SQ.FT.

GRAVEL

LOT 14

REMAINDER LOT
89,208 sq.ft.

16' UTILITY EASE. TO THE UNION
LIGHT, HEAT AND POWER CO.
GROUP BK. 20 PG. 176

20' UTILITY EASEMENT

7.5' UTILITY EASE. TO THE UNION
LIGHT, HEAT AND POWER CO.
GROUP BK. 5 PG. 268

50' BUILDING SETBACK LINE
AND UTILITY EASEMENT

LOT 10

LOT 11

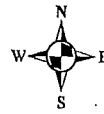
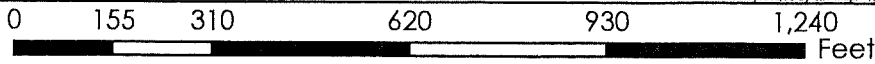
ZONING MAP

www.boonecountygis.com



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Boone County GIS - Putting Northern Kentucky on the Map

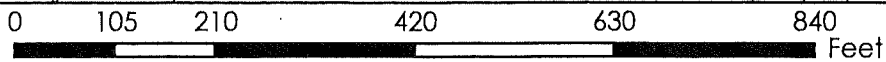
AERIAL MAP

www.boonecountygis.com



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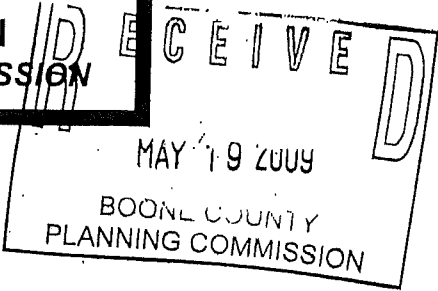


Boone County GIS - Putting Northern Kentucky on the Map



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 _____ Walton _____ Union _____
2. (Check One) Conditional Use Permit 3 [X] Variance _____ Appeal _____
3. Applicant's Name Greg Wright Genconstat msn.com
Phone Number 859-743-1196 Fax No. 859-371-8333
Applicant's Address 1709 Stewart Drive
Florence Ky 41042
City State Zip
4. Description of Request: SIDE + REAR YARD ENCROACHMENT
FOR NEW LOT DIVISION TO BE CREATED
5. Name of Development LUBRECHT INDUSTRIAL PARK
6. Location of Development 5661 COMMERCIAL DRIVE
7. Acreage Under Review 23,542 SQ FT. DIVISION
8. Lot Number and Name of Subdivision (if part of a subdivision)
LUBRECHT SUBD. SECTION 1 LOT 13
9. Owner of Property Precision Construction
Address of Property Owner 5660 LAMAR BLVD Phone No. 859-371-8800
10. Burlington Ky 41005
City State Zip
11. Proposed Use(s) on Site MACHINE/FABRICATION WAREHOUSE
12. Total Square Footage of Existing and/or Proposed Buildings 9355 SQ FT.
13. Current Zoning on Property I-1
14. Deed Book 251 Page No. 163 Group No. 2026
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 - SEE PLAT
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: Greg Wright Precision Const President (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: Greg Wright Precision Const President (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

COPY

CLUR #09-BCBOA-007-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Precision Construction
5660 Limaburg Road
Burlington, KY 41005

2. ADDRESS OF PROPERTY

5661 Commercial Drive
Burlington, KY 41005

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Lubrecht Industrial Park, Lot 13

4. DEED BOOK 251

PAGE NO. 163

GROUP NO. 2026

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

Zoning Map Amendment:
From To

Conditional Use Permit

Development Plan

Conditional Zoning

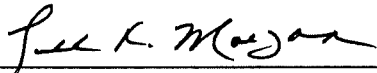
Subdivision Plat
(Not Recorded)

Other:

Variances (3)

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



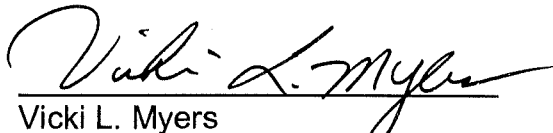
SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

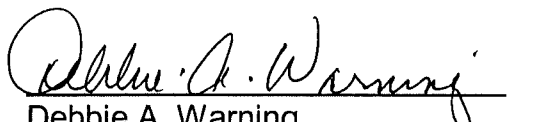
COUNTY OF BOONE

Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 11 day of June, 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 Variances (3) approved by the Boone County Board of Adjustments and in accordance with the current zoning in effect as of June 10, 2009 Certificate of Land Use Restriction (#09-BCBOA-007-A), for Precision Construction, Property Owner(s).

The following conditions will apply:

No conditions.

The approved Variances (3) as well as the preceding conditions apply to the property described in:

DEED BOOK 251 PAGE NO. 163 GROUP NO. 2026