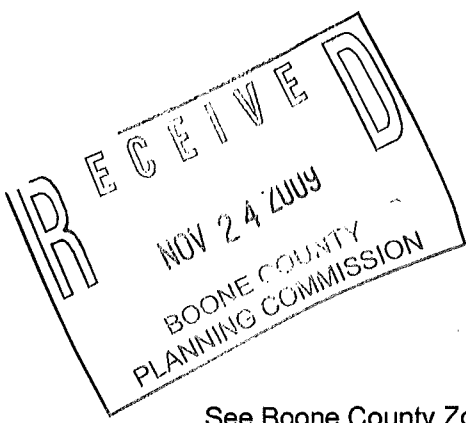


09-BCBOA-015A



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 Change in Non-Conforming Use
3. Applicant's Name Greg Wright Phone Number 859-743-1196 Fax No. 859-371-8333 Applicant's Address 1729 Stewart Drive Florence KY 41042
4. Description of Request: Lot frontage variance
5. Name of Development Commerce Park West
6. Location of Development 1447 & 1435 Production Drive
7. Acreage Under Review 1.31 Ac
8. Lot Number and Name of Subdivision (if part of a subdivision) Commerce Park West, Section 5, Lot 43
9. Owner of Property Bill Hasank Construction, Inc Address of Property Owner 5660 Limaburg Road Phone No.
10. Burlington KY 41005 City State Zip
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 672 Page No. 158 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
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: [Signature] (Faxed, Photocopied or Scanned Signatures will NOT be Accepted) ORIGINAL Applicant's Signature: [Signature] (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

(over)

**BOARD OF ADJUSTMENT AND
ZONING APPEALS ACTION
APPLICATION
PAGE 2**

*Special Meeting
Fee
\$1,000.00 R#59832*

11/25/09

SECTION B (To be completed by the Boone County Planning Commission Staff)

1. Date Received 11/25/09 Fee Received \$932.00 R#59814
2. Is application complete? Yes No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
Approved
12/21/09 Approved with Conditions (See #6)
Denial (See #7)
6. Conditions of Approval: SEE 12/21/09 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: Greg Wright

LOCATION: 1435 and 1447 Production Drive, Boone County, Kentucky

ZONING: Industrial One (I-1)

DATE: December 21, 2009

Proposal

The applicant is requesting a variance so lot 43 of Commerce Park West Subdivision can be re-subdivided into two (2) lots of record. The submitted plan shows that the 1.3077 acre lot would be re-subdivided into a 0.7223 acre parcel (lot 43A) and a 0.5854 acre parcel (lot 43B). An existing 6,104 square foot office/warehouse is shown on lot 43A and an existing 8,377 square foot office/warehouse is shown on lot 43B. A variance is needed because lot 43B does not meet the minimum street frontage requirement along Production Drive. The proposal is to reduce the street frontage requirement of lot 43B from 150 feet to 102 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.

Section 3325 of the Boone County Zoning Regulations requires an industrial use to provide one parking space for 250 square feet of office, one space for every employee on the largest warehouse shift, and one space per company vehicle that is kept on site.

Site Characteristics

The 1.3077 acre lot is located on the southeast corner of Production Drive and Resource Drive and contains two metal office/warehouse buildings. Access to the 6,104 square foot building is provided from curb cuts on Production Drive and Resource Drive and parking is located to the front and rear of the building. Access to the 8,377 square foot building is provided from a single curb cut on Production Drive and a parking/loading area exists in front of the building. None of the parking lots are striped. The topography of the parcel falls from approximately 848' above sea level at the northwest property corner to approximately 830' above sea level at the southeast property corner.

Adjoining Properties and Zoning

North: Resource Drive and Ryder Logistics (I-1)

South: Morris Heating & Cooling and Mid America Door Company (I-1)

East: Burdine/Anderson Inc. (I-1)

West: Production Drive, Schwan's, N. Kentucky Transit Authority, and a vacant office/warehouse (I-1)

Staff Comments

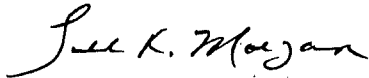
1. Staff does not believe the request will alter the essential character of the area because the buildings already exist on site and the proposed property boundary will not be discernable to the public.
2. Staff has the following concerns regarding the proposal:
 - A. Lot 43B will only be able to accommodate 3 or 4 vehicles if a future tenant uses the dock and garage doors that are located on front of the building.
 - B. The plan shows that the storm basin for the existing lot is located entirely on lot 43B.
3. Staff recommends the following conditions if the request is approved:
 - A. Shared parking and shared storm water agreements shall be recorded at the time the lot is subdivided.

- B. The parking lots shall be striped in accordance with the zoning regulations. A Minor Site Plan application shall be approved by the Boone County Planning Commission before the lots are striped off.

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
- *2007 Aerial Map
- *Zoning Map
- *Application

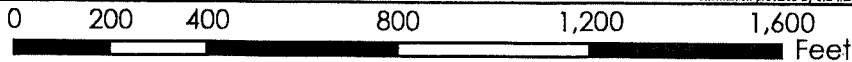
SITE VICINITY MAP

www.boonecountygis.com



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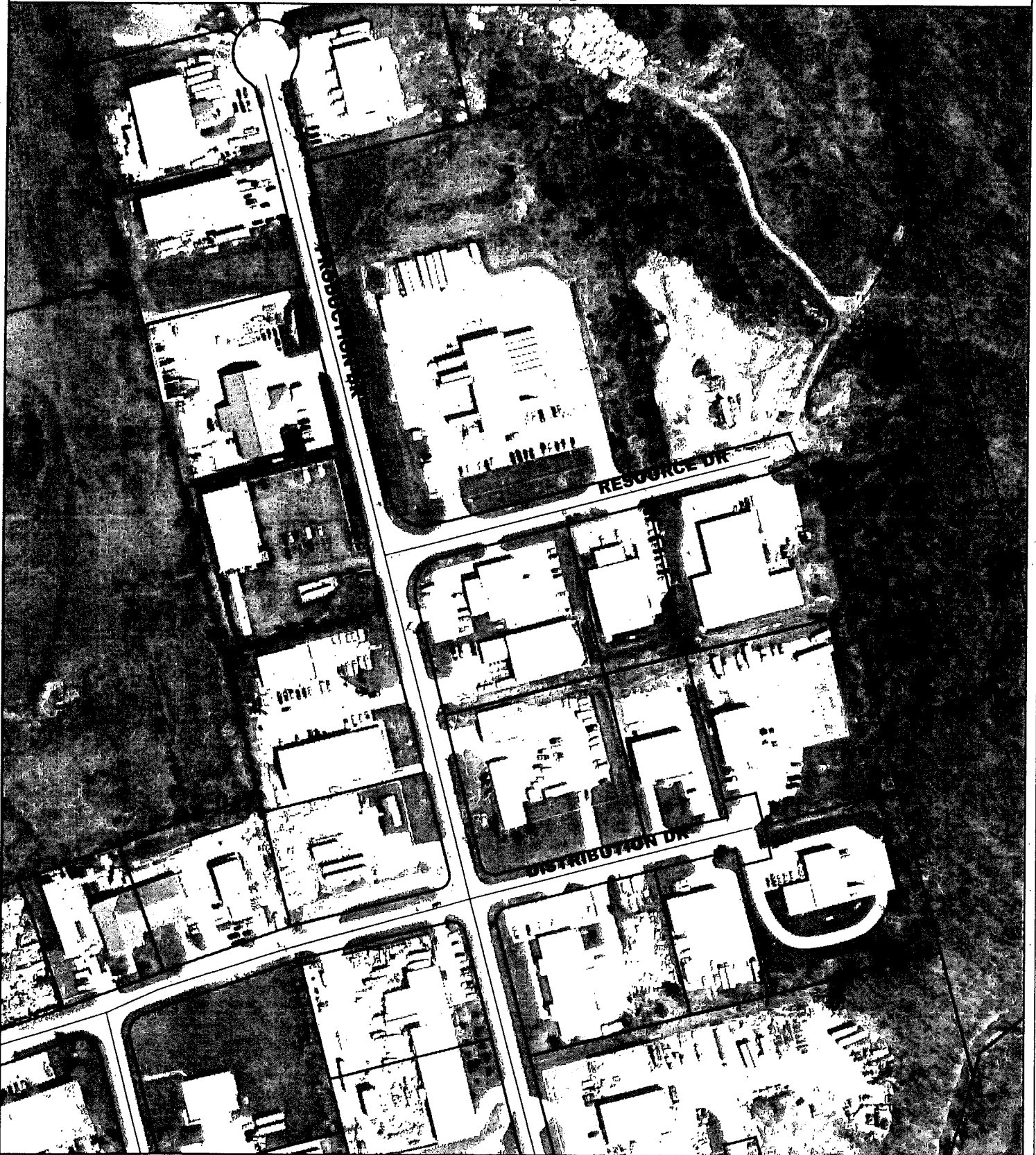
Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS does not warrant with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



Boone County GIS - Putting Northern Kentucky on the Map

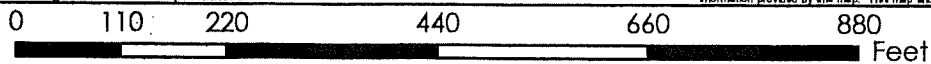
2007 AERIAL MAP

www.boonecountygis.com



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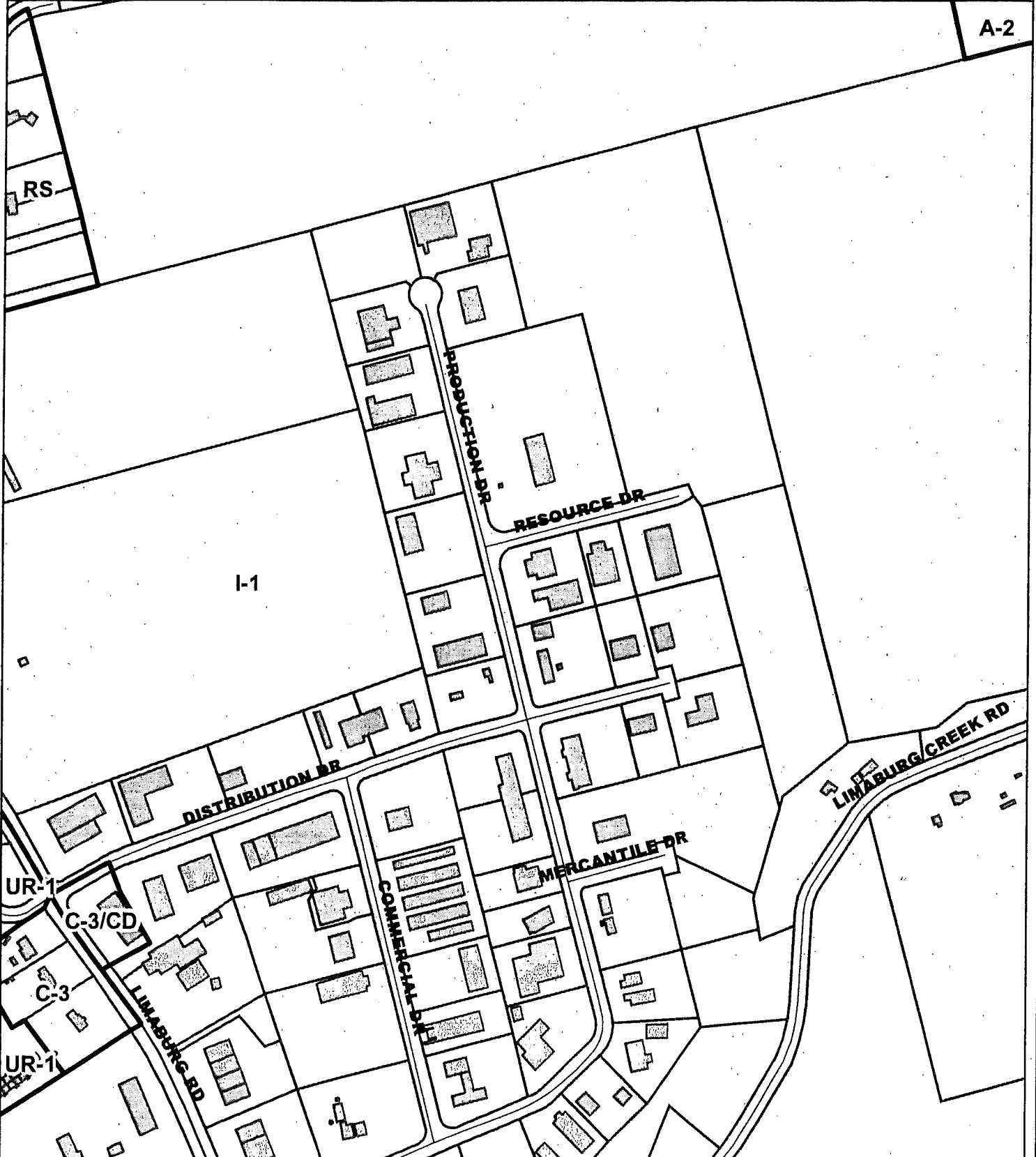


Boone County GIS - Putting Northern Kentucky on the Map

ZONING MAP

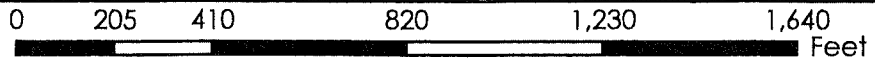
www.boonecountygis.com

A-2

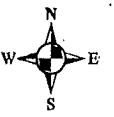


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Boone County GIS - Putting Northern Kentucky on the Map



RECEIVED
NOV 24 2009
BOONE COUNTY
PLANNING COMMISSION

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 Greg Wright
Phone Number 859-743-1196 Fax No. 859-371-8333
Applicant's Address 1729 Stewart Drive
Florence KY 41042
City State Zip
4. Description of Request: Lot frontage variance
5. Name of Development Commerce Park West
6. Location of Development 1447 & 1435 Production Drive
7. Acreage Under Review 1.31 Ac
8. Lot Number and Name of Subdivision (if part of a subdivision)
Commerce Park West, Section 5, Lot 43
9. Owner of Property Bill Hasank Construction, Inc
Address of Property Owner 5660 Limaburg Road Phone No. _____
10. Burlington KY 41005
City State Zip
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 672 Page No. 158 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
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 President
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

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

(over)

COPY

CLUR #09-BCBOA-015-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Bill Hasank Construction, Inc.
5660 Limaburg Road
Burlington, KY 41005
2. ADDRESS OF PROPERTY
1435 & 1447 Production Drive
Burlington, KY 41005
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Commerce Park West
4. DEED BOOK 672 PAGE NO. 158 GROUP NO. 2026
5. TYPE OF RESTRICTION(S) (Check all that apply)
- ___ Zoning Map Amendment: ___ Conditional Use Permit
 From ___ To
- ___ Development Plan ___ Conditional Zoning
- ___ Subdivision Plat ___ Other:
 (Not Recorded)
- X 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

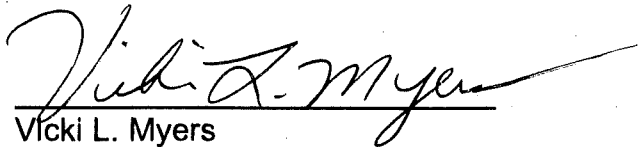
Todd K. Morgan
SIGNATURE OF COMPLETING OFFICIAL

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 7 day of January, 2010.



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 21, 2009 Certificate of Land Use Restriction (#09-BCBOA-015-A), for Bill Hasank Construction, Inc., Property Owner(s).

The following conditions will apply:

- 1) A shared storm water agreement shall be recorded at the time the lot is subdivided.
- 2) The property owner shall provide additional parking on lot 43B or record a shared parking agreement which allows lot 43B to use the parking on lot 43A.
- 3) The parking lots (lots 43A and 43B) shall be striped in accordance with the zoning regulations. A Minor Site Plan application shall be approved by the Boone County Planning Commission before the lots are striped off.

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

DEED BOOK 672 PAGE NO. 158 GROUP NO. 2026