

APPLICATION FOR ZONING ACTION

TO:

- Boone County Planning Commission
- City of Florence Board of Adjustment
- Boone County Board of Adjustment
- City of Union Board of Adjustment
- City of Walton Board of Adjustment
- Zoning Enforcement Officer

FOR:

- Zoning Text Amendment
- Comprehensive Plan Change
- Preliminary Plat Review
- Conditional Use Permit
- Concept Development Plan Change
- Preliminary Development Plan
- Change of Non-Conforming Use
- Design Review Board and Certificate of Appropriateness
- Zoning Map Amendment
- Planned Development Overlay Change
- Improvement Plat Review
- Final or Deed Plat Review
- Site Plan Review
- Historic District Overlay
- Appeal or Variance
- Sign or Zoning Permit

Applicant: David B. Roberts, Architect

- Owner
- Agent

Address: 3126 Dixie Hwy., Erlanger, Ky. 41018

Telephone: 341-4000

Location: Two acre site situated on the South side of Anderson Blvd., 331.56± ft. West of the intersection of Anderson Blvd. & Limaburg Rd.

Name of Property Owner: Skilcraft Sheetmetal Inc.

Address of Property Owner: 5184 Limaburg Rd., Burlington, Ky. 41005

Zoning District: I-1 Area in Acres: 2.0

Deed Book: 261 Page Number: 297 Group Number: 2019

Description of Request: A variance to permit development of the property with a building rear yard setback of 30'-0" in lieu of the 50'-0" stipulated in the Boone County Zoning Regulations

(refer to the Site Plan, Sheet No. SP-1)

Applicant's Signature: David B. Roberts

Property Owner's Signature: [Signature]

Application Fee: \$181 FOR PLANNING COMMISSION USE ONLY Date Received: 12/22/86 By: TWB

Referred To: TWB Meeting Date: 1/14/87

Action Taken: _____ Date of Action: _____

STAFF REPORT

APPLICANT: David B. Roberts, agent for Skilcraft Sheetmetal, Inc. owner

LOCATION: south side of Anderson Boulevard, Boone County, Kentucky

ZONE: Industrial One (I-1)

DATE: January 14, 1987

REMARKS:

The applicant is requesting a Variance of 20 feet in the rear yard setback. The 2.0 acre site, located on the south side of Anderson Boulevard approximately 330 feet west of Limaburg Road, is currently owned by Skilcraft Sheetmetal, Inc. and is zoned I-1.

Article 17, Section 1711, Table 1 of the Boone County Zoning Regulations requires a 50 foot setback when construction in an I-1 zoning district abuts a residential zone. Section 1782 requires that 25 feet of this setback be landscaped. The submitted plan indicates a row of 4 feet high evergreens 10 feet on center to be planted behind the building. This buffer, which is not sufficient to meet the requirements of Article 17, will come under the review of the Boone County Planning Commission during Site Plan review should this Variance be granted.

Adjoining land uses include:

north: Hebron Garden Center and Landscaping Design

northwest: Ellison Surface Technology (industrial metal coating of aircraft engine parts)

east: Boone Commerce Center office building

west: vacant lot, KY 237

south: directly behind the proposed office/manufacturing building-mobile home used as residence (approximately 15 feet from property line)

southwest: 2 single family residences

The following reviews the specific findings of fact required in the review of all Variances:

1. The required front yard setback in the I-1 zone is 50 feet; the required rear yard is also 50 feet when adjoining a residential zoning district

- With a lot width of 147.21 feet, a building only 47.21 feet wide could be build. The specific circumstance of narrow lot width does not apply to industrially zoned land in the general vicinity.
2. Strict application of the zoning regulations would allow the construction of a 47 feet wide building only. With a building this size, the truck loading area, as designed, could not be utilized.
 3. The applicant argues that the location of Anderson Boulevard by the Kentucky Department of Transportation created a narrower lot than would otherwise have been developed; therefore, the special circumstance is not the result of action taken by the applicant.
 4. Since the applicant was unavailable for questioning at the time of this writing, the specific use of the "office/manufacturing" building has not been determined. Without knowledge of the processes, products or activities involved at this site, staff cannot determine whether or not a Variance will affect the public health, safety, and welfare or if the essential character of the vicinity will be altered, or if a hazard or a nuisance to the public will be created.

The applicant has supplied staff with their support of these four findings of fact. A copy of their letter is enclosed.

After the applicant supplies staff with more specific information regarding the proposed use, a supplementary report will be prepared and presented to the Board, either through the mail or at the January meeting. In this report, certain safeguards and conditions may be suggested.

Respectfully submitted,



Thomas W. Breidenstein
Zoning Enforcement Officer

BOONE BOARD OF ADJUSTMENT

MEETING MINUTES

JANUARY 14, 1987

6:30 P.M.

Chairman George D. Whitton called the meeting to order. Roll call was taken by staff member Dee Ann Brewer. 4 members present. Absent: Mr. Ryan. Staff members present were Tom Breidenstein, Gerald Newton, and Dee Ann Brewer. Atty. Dale Wilson was also present.

The Minutes of the December 10, 1986 Boone Board of Adjustment meeting were considered. Mr. Houston moved to approve the December 10, 1986 Boone Board of Adjustment Minutes as reviewed. The motion was seconded by Chairman Whitton. The motion carried unanimously.

Chairman Whitton proceeded to the items on the agenda.

Conditional Use Permit

A request of the Burlington Fire Protection District, Inc. for a Conditional Use Permit to allow the expansion of an existing fire station. The 0.5 acre (approximate) site is located at the intersection of Nicholas Street and Torrid Street, Burlington, and is zoned Suburban Residential Two/Small Community Overlay, SR-2/SC.

Staff member Tom Breidenstein presented a slide presentation of the proposed site and the surrounding area and he also presented the Staff Report. (See Staff Report)

Chairman Whitton inquired who would be speaking for the proposed request.

Atty. David Martin, representative for the applicant, addressed the Site Plan and explained that the Site Plan had not been completed in time for the Board's review. Atty. Martin stated the Burlington area had a small community overlay and that type of use required a Conditional Use Permit. Atty. Martin stated the applicant did not intend to conduct any major renovation and the use will remain the same. Mr. Martin stated the Conditional Use Permit was needed for the Burlington Fire Department to further better serve the community. Atty. Martin noted there were more people coming into the Burlington area and many more subdivisions were being built which required more fire protection. Atty. Martin requested waiver of fees for the

proposed request excluding all hard costs. Atty. Martin made himself available for any questions.

Mr. Archambault inquired if the Site Plan would be completed. Mr. Martin stated yes, if the Conditional Use Permit was approved, then the Site Plan would be presented to the Boone County Planning Commission for their review.

Chairman Whitton inquired of the audience's support, opposition or comments on the proposed request.

Mr. Jim Floyd, representing the Burlington Pentecostal Church, stated the Church had no objection to the proposed expansion of the Fire Department.

After further discussion, Mr. Archambault moved to approve the request of the Burlington Fire Protection District, Inc. for a Conditional Use Permit to allow the expansion of an existing fire station located at the intersection of Nicholas Street and Torrid Street, Burlington, Kentucky based upon the Staff Report, with the condition that the applicant agree to submit the Site Plan before the Boone County Planning Commission for their review and also that all fees be waived excluding the hard costs which would be determined by staff. The motion was seconded by Mr. Nevel. The motion carried unanimously.

Variance

A request of David B. Roberts, agent for Skilcraft Sheetmetal, Inc. (owner) for a rear yard Variance of 20 feet to allow the construction of an office/manufacturing facility 30 feet from the property line. The 2.0 acre site, located on the south side of Anderson Boulevard approximately 330 feet west of Limaburg Road, Boone County, is zoned Industrial One.

Staff member Tom Breidenstein presented a slide presentation of the proposed site and the surrounding area, he also presented the Staff Report. (See Staff Report)

Chairman Whitton inquired who would be representing the proposed request.

Mr. David Roberts, agent, described the history of the site and several reasons for needing the rear yard Variance of 20 feet.

Chairman Whitton inquired of any support, opposition or comments on the proposed request.

Mr. Chuck Kessler, an adjoining property owner, stated his house was located 35 feet from the property line of the proposed site and he requested that some type of earth mound barrier be

constructed and a row of trees planted on top of the earth mound to help eliminate some of the noise and light pollution that may come from the building. Mr. Kessler noted he had no objection to the building being 20 feet from the property line if the Variance was granted. Chairman Whitton referred to Mr. Roberts and inquired if screening was to be provided. Mr. Roberts stated yes they intended to leave the existing tree line between the building and Mr. Kessler's property. Mr. Kessler stated his main concern was the noise that would come from the building. Mr. Kessler stated he was willing to donate the pine trees to plant on top of the earth mound.

Mr. Breidenstein explained that under the new zoning regulations when an industrial zone abutted a residential zone a landscaped buffer of 25 feet would be required, however, the regulations do not specify an earthen berm. Mr. Breidenstein further explained that it would be the decision of the Board whether an earth mound was to be provided by the applicant.

After further discussion, Chairman Whitton inquired how long the 6 foot berm needed to be that Mr. Kessler was requesting that would extend across his property. Mr. Kessler stated 200 feet long and he further described the earth mound that he was requesting to be constructed.

Chairman Whitton inquired of the approximate distance between the proposed site and Mr. Kessler's house. Mr. Kessler stated approximately 300 feet. Chairman Whitton stated that since Mr. Kessler's house was 300 feet away from the proposed building, then he felt the best thing was for Mr. Kessler and Mr. Roberts to work together on constructing an earthen berm between the two properties.

After further discussion, Mr. Nevel moved to approve the request of David B. Roberts, agent for Skilcraft Sheetmetal, Inc. (owner) for a rear yard Variance of 20 feet to allow the construction of an office/manufacturing facility 30 feet from the property line located on the south side of Anderson Boulevard approximately 330 feet west of Limaburg Road, Boone County, Kentucky based upon the Staff Report. The motion was seconded by Mr. Houston. The motion carried unanimously.

Hearing no further questions or comments, Mr. Nevel moved the meeting adjourn. The motion was seconded by Chairman Whitton. The motion carried unanimously.

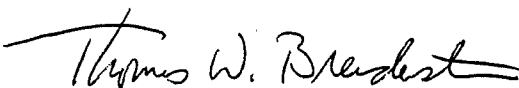
The meeting adjourned.

APPROVED:



GEORGE D. WHITTON
CHAIRMAN

ATTEST:



THOMAS W. BREIDENSTEIN