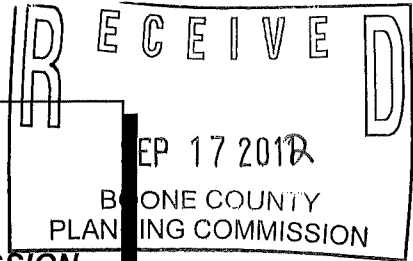


APPLICATION FORM



BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

FIVE (5) SCALED COPIES AND ONE (1) 11X17 REDUCTION OF SUBMITTED DRAWINGS ARE REQUIRED

See Boone County Zoning Regulations

SECTION A (To be completed by applicant)

- 1. (Check One) Boone [checked] Florence [] Walton [] Union []
2. (Check One) Conditional Use Permit [] Variance [checked] Appeal [] Change in Non-Conforming Use []
3. Applicant's Name Building Management Partners (David Dringenberg)
Phone Number 859-342-3200 Fax No. 859-341-6817
Applicant's Address 250 Grandview Dr. Ft. Mitchell KY 41017
4. Description of Request: Increase permitted fence height in front side and rear yards
5. Name of Development Childrens Home of N Ky
6. Location of Development 4836 Edgewood Road Burlington Ky 41005
7. Acreage Under Review
8. Lot Number and Name of Subdivision (if part of a subdivision)
9. Owner of Property Childrens Home of N Ky
Address of Property Owner 200 Home Road Phone No.
10. Covington Ky 41011
11. Proposed Use(s) on Site Fencing of Childrens Home
12. Total Square Footage of Existing and/or Proposed Buildings
13. Current Zoning on Property [redacted] PE/R/PD
14. Deed Book 974 Page No. 445 Group No. 2018
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? NO
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**

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

1. Date Received 9/17/12 Fee Received \$932.00 Receipt # 05635
2. Is application complete? Yes No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
10/10/12 **Approved**
Approved with Conditions (See #6)
Denial (See #7)
6. Conditions of Approval: SEE 10/10/12 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@boonecountky.org - E-mail
www.boonecountky.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: Building Management Partners for Children's Home of Northern Kentucky

LOCATION: 4836 Idlewild Road, Boone County, Kentucky

ZONING: Public Facilities/Recreation/Planned Development (PF/R/PD)

DATE: October 10, 2012

Proposal

The applicant is requesting a variance to allow 12 foot tall aluminum and chainlink fencing to be installed in the front, side, and rear yards of the subject property. The submitted plan shows that 12 foot tall fencing is proposed in two locations. The first location is an approximate 5 acre area around the Children's Home. The second location is an approximate 7 acre area around the Pavilion and baseball field. The request is to increase the permitted fence height from 4 feet to 12 feet in the front yard and from 8 feet to 12 feet in the side and rear yards.

Applicable Regulations

Section 3655 of the Boone County Zoning Regulations states that fencing is permitted per the following standards:

1. All fences shall have the finished side facing out. No structural supports shall be visible from adjoining properties or right-of-way unless fence is designed so that such supports are visible from both sides.
2. Fences shall be permitted within all districts. The maximum height for fences within residential zones is six (6) feet and fences shall be required to be located within the side or rear yards. Fences within commercial and office zones shall be permitted at a maximum height of eight (8) feet while fences within industrial zones shall be permitted a maximum height of 12 feet.
3. All fences shall be constructed of durable materials and shall be installed to withstand the elements. Fences shall be maintained in good repair at all times.
4. Fences shall be permitted within the front yard and corner side yard in Unincorporated Boone County 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.

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 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 History

- 1990 Boone County Planning Commission and Boone County Fiscal Court approve a Zoning Map Amendment request from Agriculture (A-1) and Agricultural Estate (A-2) to Public Facilities/Recreation/Planned Development (PF/R/PD) for an approximate 58 acre site. The approval allows Northern Kentucky Association for the Retarded to use the property as a residence/retreat/recreational center. The approved Concept Plan shows a lodge/administration building, chapel, garden/greenhouse, equestrian center, ballfields, nature trails, a treatment facility, and four residential structures which would house a total of 20 residents and 4 house parents. No conditions were imposed on the approval.
- 2009 Children's Home of Northern Kentucky inquires if they can use the property. They propose:
- A. Operate a 24 bed residential treatment facility for adolescent boys (ages 8 to 17) that are abused, neglected, and moderately to severely behavior disordered but not products of the criminal justice system. The residential program is served by approximately 25 employees;

- B. Provide office or home based functions for two community based programs whose services are delivered in the field.

The Zoning Administrator determines that Children's Home of Northern Kentucky can occupy the property because their proposal does not involve changes in the development concept, uses, intensity, supplemental conditions of approval, or other plan elements of substantive effect as stated in Section 1522 of the Boone County Zoning Regulations. The determination adds that future proposals for building additions, new building construction or program additions/expansions will need to be evaluated on their own merits and may be required to go through the formal Change in Concept Development Plan process (four to six month public hearing process where Boone County Planning Commission makes a recommendation to Boone County Fiscal Court).

Site Characteristics

The approximate 58 acre parcel is located on the north side of Idlewild Road and contains Children's Home of Northern Kentucky. An approximate 2,570 foot asphalt driveway goes back to the Children's Home, offices, and parking lot. An approximate 1,150 gravel driveway extends to the rear of the property with the baseball field and picnic pavilion. The perimeter of the property is screened with large deciduous trees.

Staff Comments

1. Children's Home of Northern Kentucky is proposing the fencing because some children have gotten away from the facility and have trespassed onto neighboring properties. Workers at the facility will be able to restrain children attempting to climb the fencing because the 12 foot height will pose a safety issue to them.
2. The first set of submitted drawings show that 12 foot tall aluminum fencing is being proposed in the front yard because Section 3655 of the Boone County Zoning Regulations does not permit chainlink fencing in this area.

The Zoning Administrator has since reviewed an alternative proposal by the applicant to limit the 12 foot tall aluminum fencing to an approximate 250 foot section at the front gate. The Zoning Administrator determined that the alternative fence proposal will be in compliance with the 1990 Concept Development Plan, provided that the dimensional variance is granted by the Board of Adjustment. This conclusion is based on the multi-building plan, codes in effect at that time and presently, and flexibility permitted by the Planned Development (PD) overlay zone. This conclusion also acknowledges that should the site be built out per the Concept Development Plan, the fence as proposed would no longer be in the front yard.

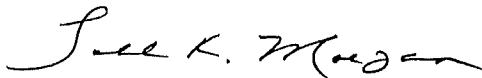
3. Staff does not believe that the request will alter the essential character of the general area for the following reasons:
 - A. The fencing will not be visible from Idlewild Road.

- B. The perimeter of the property is buffered with mature deciduous trees.

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

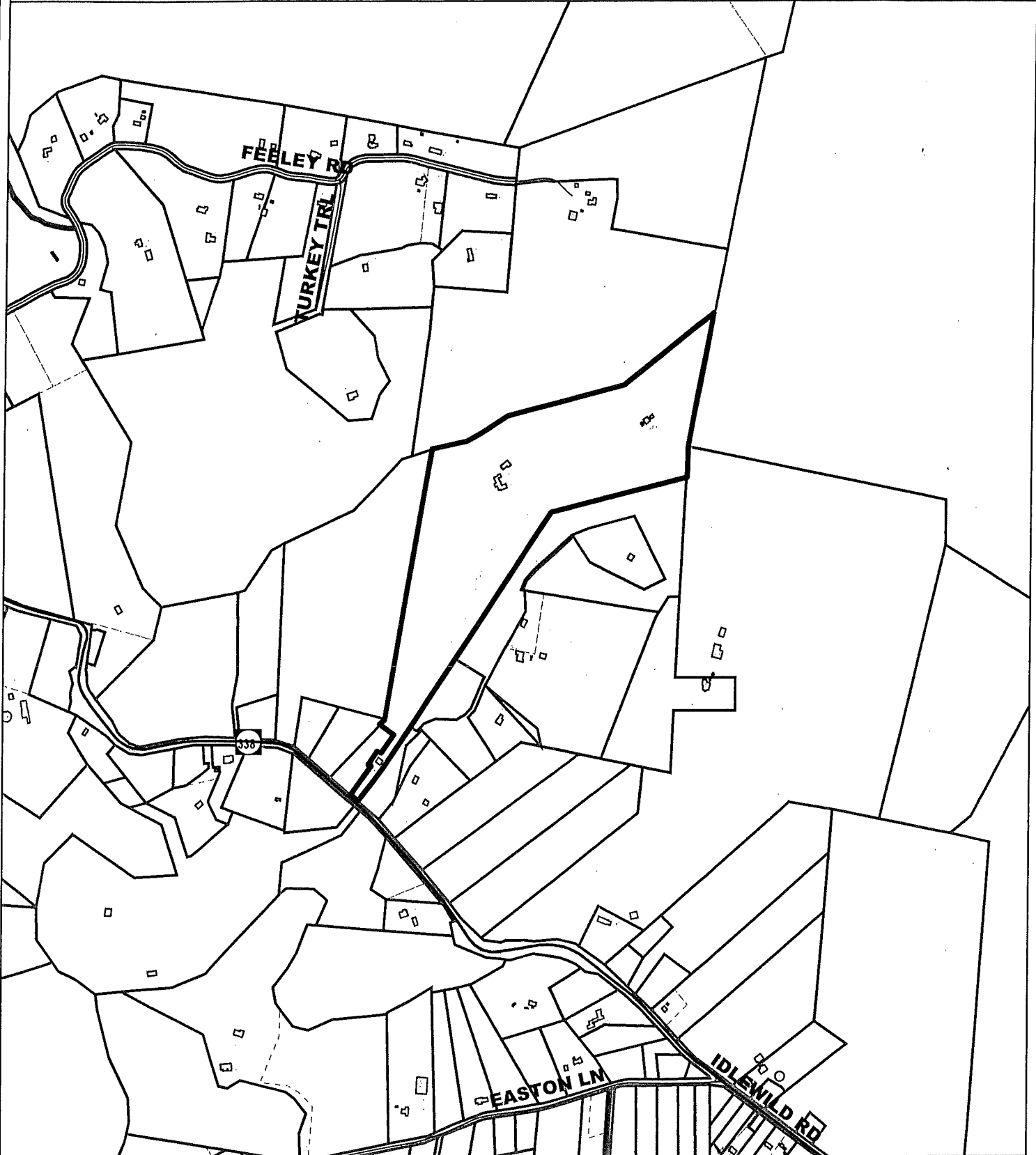
TKM/dw

Attachments

- *Site Vicinity Map
- *Proposed Fence Location and Design
- *Alternative Fence Design
- *Fence Details
- *2007 Aerial Map
- *Zoning Map
- *1990 Approved Concept Development Plan
- *Application

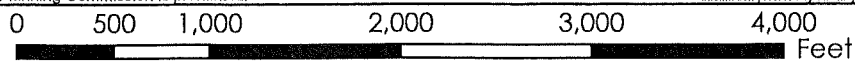
SITE VICINITY MAP

www.boonecountygis.com

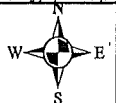


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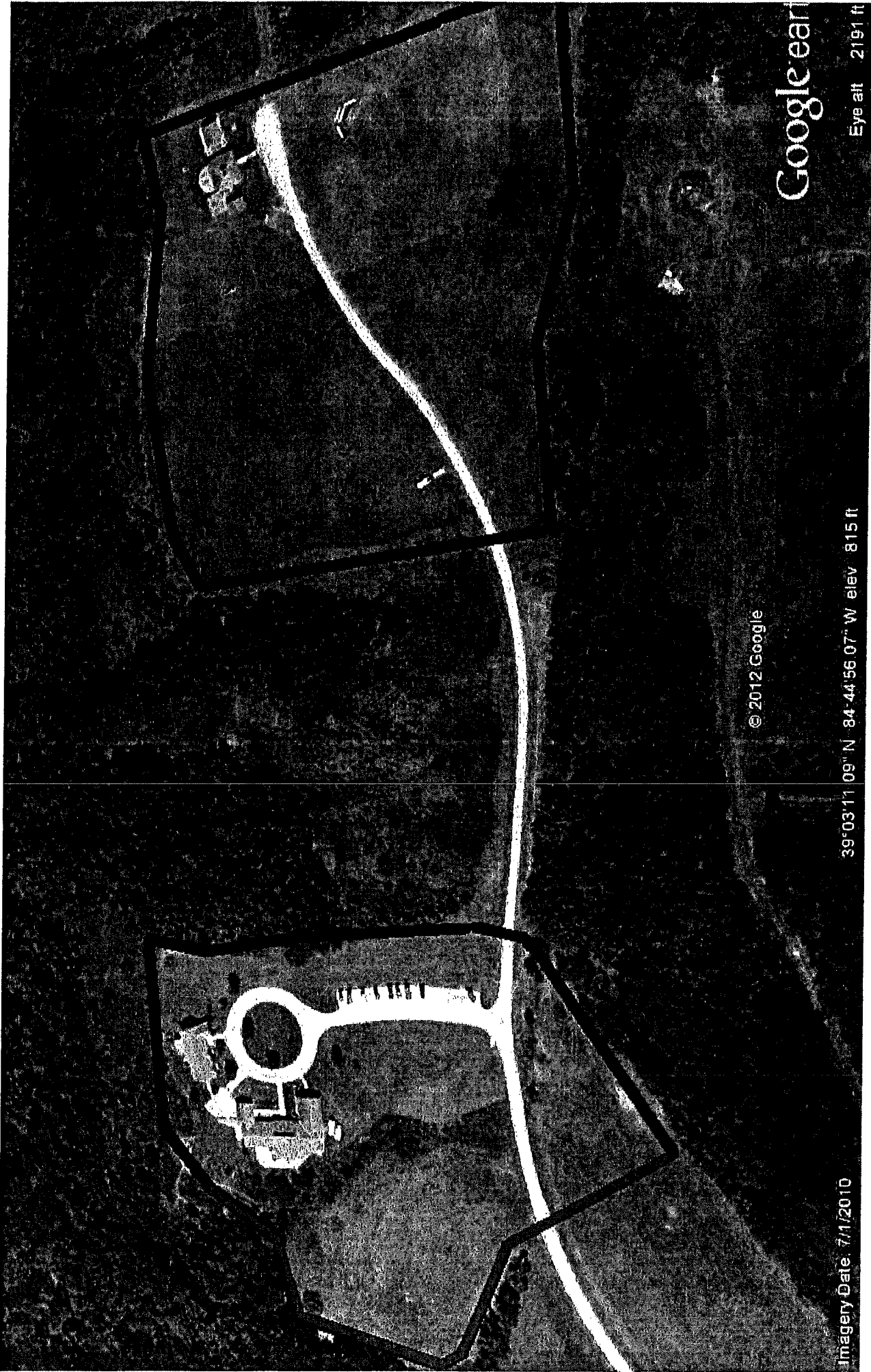
1 Inch = 1,000 feet



Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 01/01/2008

Boone County GIS
ArcMap Document: *.mxd



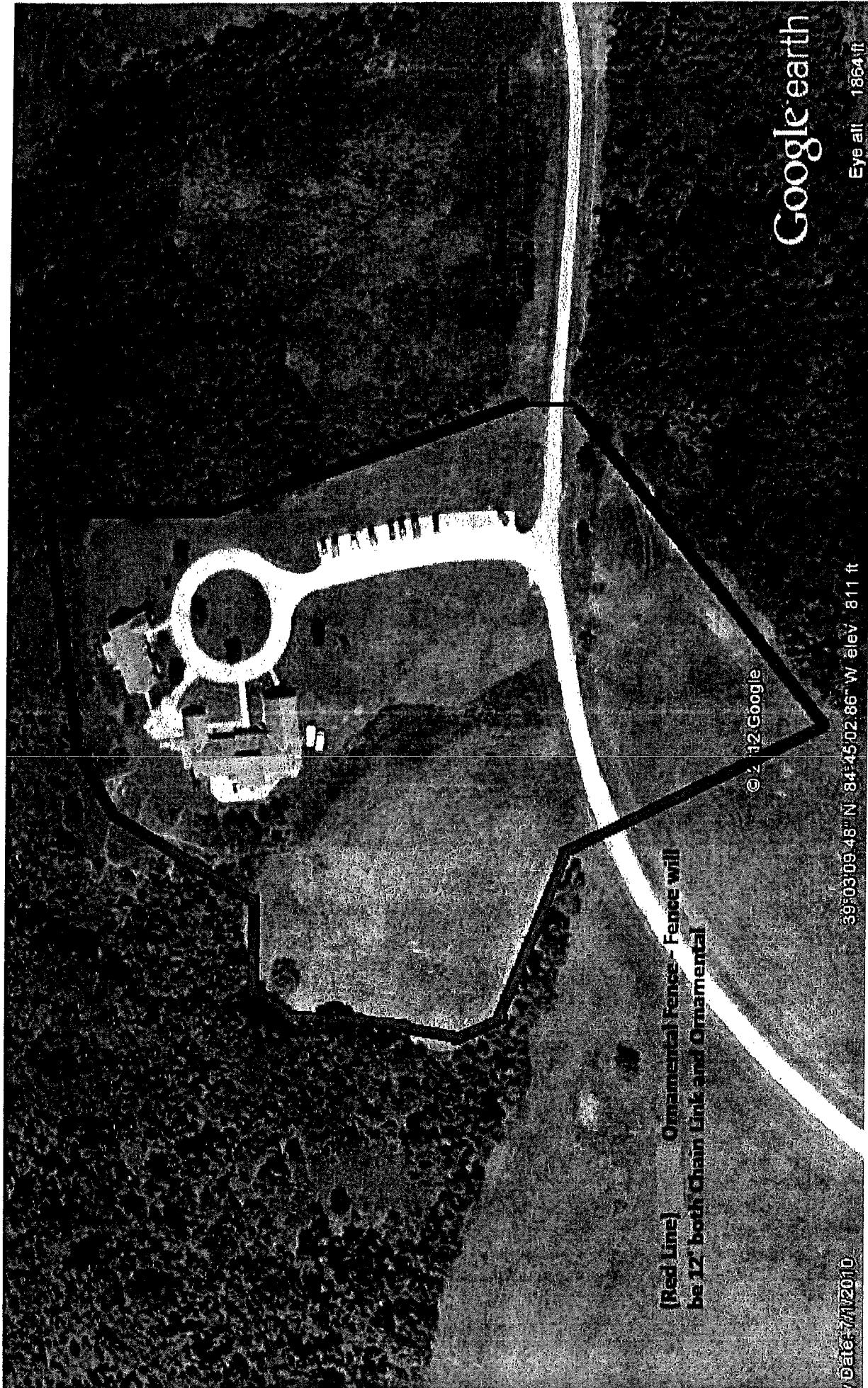
Google earth

Eye alt 2191 ft

© 2012 Google

39° 03' 11.09" N 84° 44' 56.07" W elev 815 ft

Imagery Date: 7/1/2010



[Red Line] Ornamental Fence - Fence will be 12' both Chain Link and Ornamental

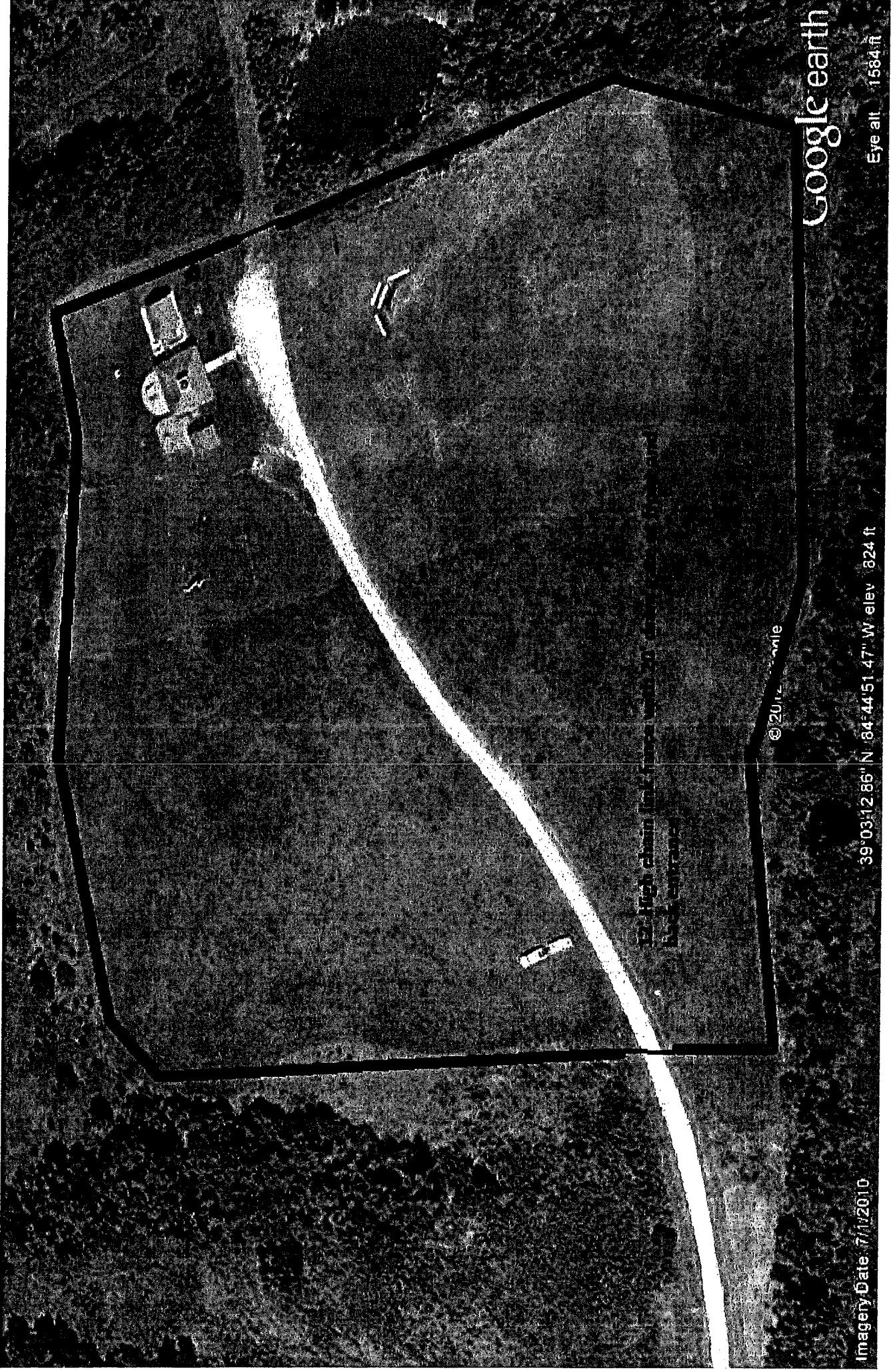
© 2012 Google

Google earth

Date: 7/1/2010

39°03'09.48" N 84°45'02.86" W elev 811 ft

Eye alt 1854 ft



Google earth

Eye alt 1584 ft

El. High chain (at base) with a 100' tower
Rock entrance

© 2010 Google

39° 03' 12.86" N 84° 44' 51.47" W elev 824 ft

Imagery Date 7/1/2010

TURKEY TRAIL

A-1

PF/R/PD

250' →
OF ORNAMENTAL
FENCE
12' High with
Columns
(stone)

A-2

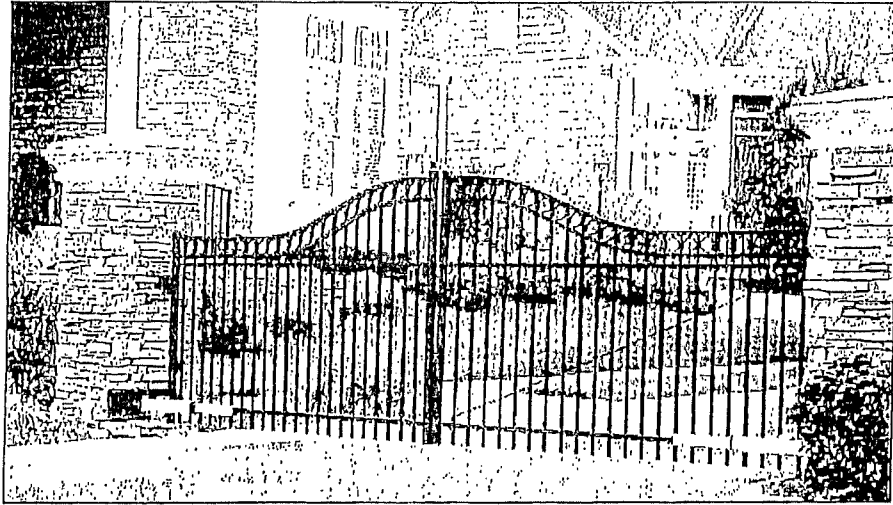
RSE

SECTION 3655 - FENCES
ART. 40 - DEFINITION OF "YARDS"

~~Alternative~~ Proposal
Doesn't meet Decorative
Fence standards in Farm Yard

- Ornamental
- PVC Vinyl
- Wood
- Chain Link & Sports Complex
- Gate Operator & Accessories
- Railings
- Temporary Construction Fencing
- Dumpster & Generator Enclosures
- Guardrail
- Specialty Products

Photo Gallery : Gate Operator & Accessories

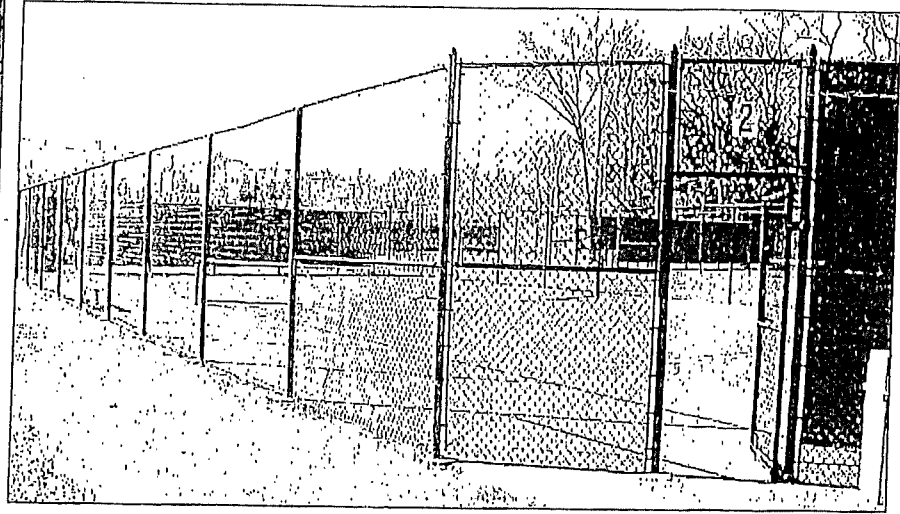


Details:

Mills Fence Company supplies and installs a wide variety of gate control options. Swing and slide gate operators, with a choice of digital entry, card readers, keyless remotes, or telephone entry systems. From the household needing to remotes to the storage facility needing hundreds of codes we have excellent options for any application.

- Ornamental
- PVC Vinyl
- Wood
- Chain Link & Sports Complex
- Gate Operator & Accessories
- Rollings
- Temporary Construction Fencing
- Dumpster & Generator Enclosures
- Guatrail
- Specialty Products

Photo Gallery : Chain Link & Sports Complex

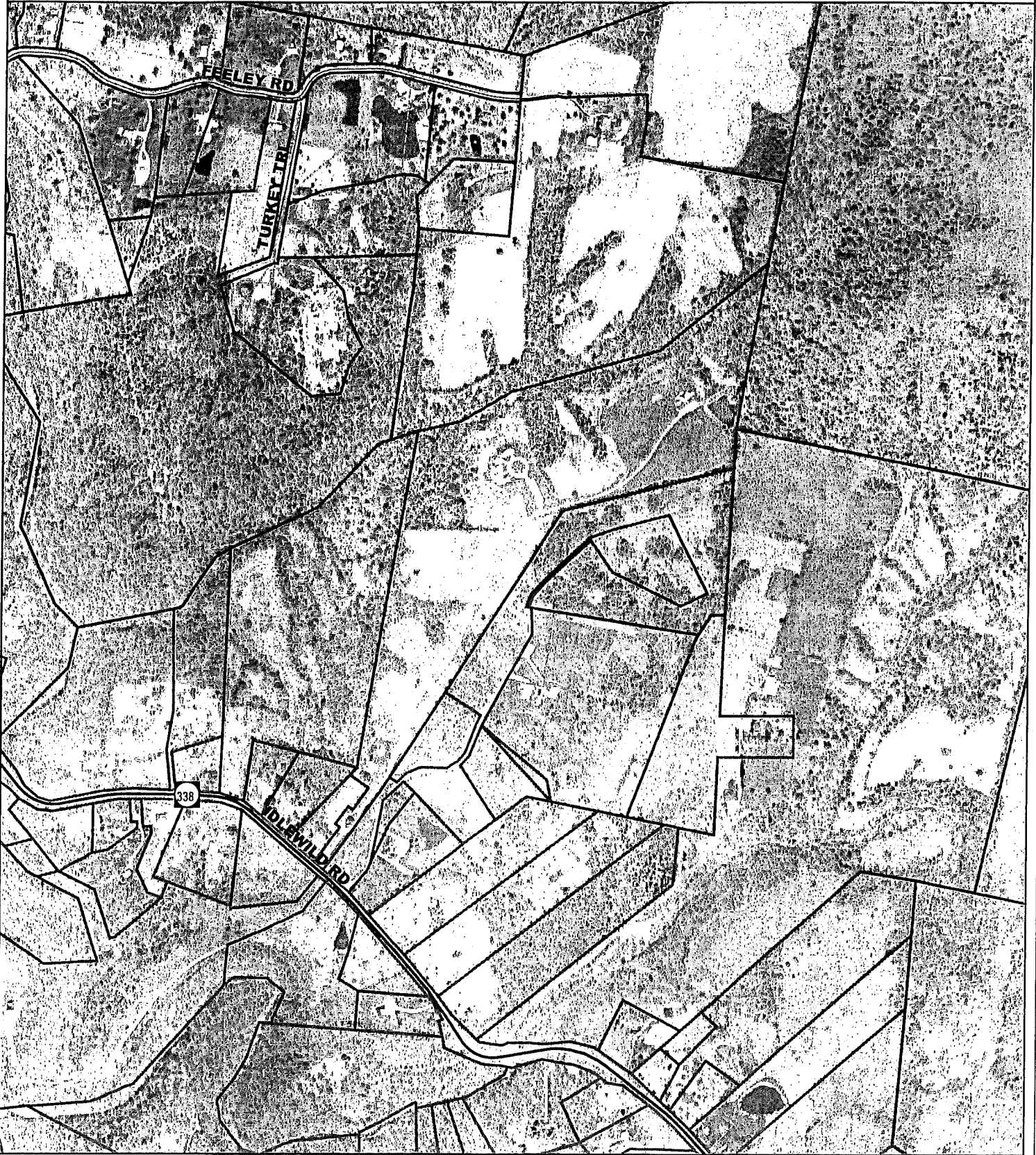


Details:

Chain link fencing provides exceptional security and protection in commercial, industrial, recreational, and residential fencing applications. Mills Fence Company offers a wide variety of options, with an array of fabric gauges and pipe sizes to fit any job, large or small. We use hot dipped galvanized pipe and wire, and also carry vinyl coated pipe and wire to offer security as well as a pleasing aesthetic look. Privacy slats are available in many colors. Contact us today to plan your chain link fence installation.

2007 AERIAL MAP

www.boonecountygis.com



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0 8,750 17,500 35,000 52,500 70,000
Feet

1 inch = 83,333 feet

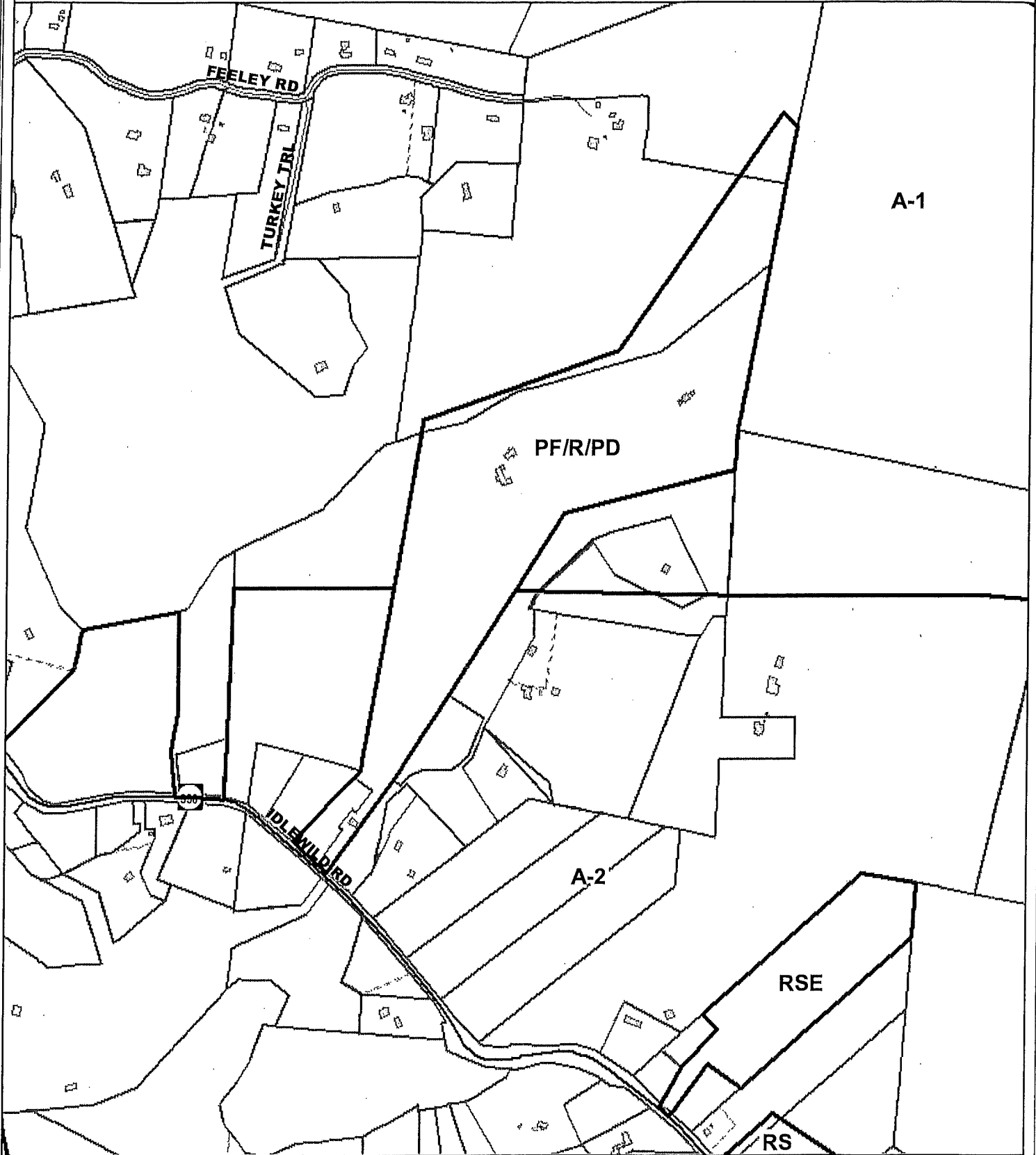


Boone County GIS - Putting Northern Kentucky on the Map



ZONING MAP

www.boonecountygis.com



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0 8,750 17,500 35,000 52,500 70,000

Feet

1 inch = 83,333 feet



Boone County GIS - Putting Northern Kentucky on the Map



APPLICATION FORM

RECEIVED
SEP 17 2012
BOONE COUNTY
PLANNING COMMISSION

BOARD OF ADJUSTMENT
AND
ZONING APPEALS ACTION
BOONE COUNTY PLANNING COMMISSION

FIVE (5) SCALED COPIES AND ONE (1) 11X17 REDUCTION OF SUBMITTED DRAWINGS ARE REQUIRED

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 Building Management Partners (David Dringenburg)
Phone Number 859-342-3200 Fax No. 859-341-6817
Applicant's Address 250 Grandview Dr.
Ft. Mitchell Ky 41017
City State Zip
4. Description of Request: Increase permitted fence height in front
Side and rear yards
5. Name of Development Childrens Home of N Ky
6. Location of Development 4836 Edgewood Road
Burlington Ky 41005
7. Acreage Under Review _____
8. Lot Number and Name of Subdivision (if part of a subdivision) _____
9. Owner of Property Childrens Home of N Ky
Address of Property Owner 200 Home Road Phone No. _____
Covington Ky 41011
City State Zip
10. Proposed Use(s) on Site Fencing of Childrens Home
11. Total Square Footage of Existing and/or Proposed Buildings _____
12. Current Zoning on Property ~~_____~~ PF/R/PD
13. Deed Book 974 Page No. 445 Group No. 208
14. Is the site subject to a zone change? NO
If yes, give date of approval _____
15. Have you submitted a Site Plan with this request? YES
16. Have you submitted a list of adjoining property owners with this request? NO
17. 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)

COPY

CLUR #12-BCBOA-006-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Childrens Home of NKY
200 Home Road
Covington, KY 41011

2. ADDRESS OF PROPERTY

4836 Idlewild Road
Burlington, KY 41005

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Childrens Home of NKY

4. DEED BOOK 974

PAGE NO. 445

GROUP NO. 2018

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

Todd K. Morgan
SIGNATURE OF COMPLETING OFFICIAL

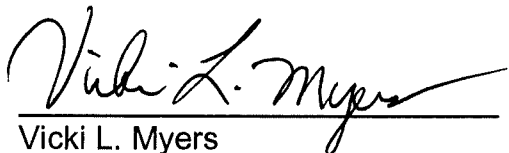
Todd K. Morgan, Senior Planner, Zoning Services
Name and Title of Completing Official

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 23rd day of October, 2012.



Vicki L. Myers

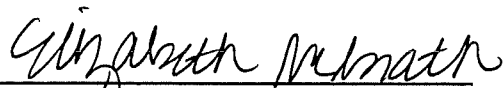
Notary ID 438411

NOTARY PUBLIC, State at Large

My commission Expires:

April 17, 2015

This instrument was prepared for recording purposes only by:



Elizabeth McGrath

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 10, 2012 Certificate of Land Use Restriction (#12-BCBOA-006-A), for Childrens Home of NKY, Property Owner(s).

The following conditions will apply:

- 1. The two fence areas must be connected together with equally tall fencing; and
- 2. The connector fencing must be a minimum of 150 feet wide (measured north to south)
- 3. A fence plan be submitted to Boone County Planning Commission before the fence is constructed so Staff can verify the connector fence is 150 feet wide

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

DEED BOOK 974 PAGE NO. 445 GROUP NO. 2018