

APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

RECEIVED JAN 22 2013 BOONE COUNTY COMMISSION

FIVE (5) SCALED COPIES AND ONE (1) 11X17 REDUCTION OF 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 [checked] Variance ___ Appeal ___ Change in Non-Conforming Use ___
3. Applicant's Name JONATHAN LOHR
Applicant's Address 473 OLD ST RT 74 CINCINNATI, OHIO 45244
4. Description of Request: TO OBTAIN A VARIANCE FOR INSTALLING FENCING WITHIN THE 50' FRONT YARD SETBACK.
5. Name of Development PARK WEST (SANDVIK)
6. Location of Development 2360 & 2340 GLOBAL WAY HEBRON, KY 41048
7. Acreage Under Review 11.464
8. Lot Number and Name of Subdivision (if part of a subdivision) LOT #6 - PARK WEST
9. Owner of Property DCT PARK WEST, LLC
Address of Property Owner 4701 CREEK ROAD BLUE ASH, OHIO 45242
10. City State Zip
Phone Number 513-577-7160 Fax No. E-Mail
11. Proposed Use(s) on Site DISTRIBUTION CENTER/ WAREHOUSE
12. Total Square Footage of Existing and/or Proposed Buildings 160,947 SF
13. Current Zoning on Property I-1
14. Deed Book 866 Page No. 792 Group No. 2006
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: William Chester (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 1/22/13 Fee Received \$932.00 Receipt # 660212
2. Is application complete? Yes No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
Approved
3/12/13 Approved with Conditions (See #6)
Denial (See #7)
6. Conditions of Approval: The Fencing shall be constructed
per Hebron Fire Department's requirements
(SEE Exhibit 1).
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
_____ - 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: John Lohr

LOCATION: 2300/2340 Global Way, Boone County, Kentucky

ZONING: Industrial One (I-1)

DATE: March 13, 2013

Proposal

The applicant is requesting a variance to allow 8 foot tall decorative fencing to be installed in the front yard setback at 2300/2340 Global Way. The submitted plan shows that fencing is proposed 28 feet from the front property line. The request is to reduce the front yard fencing setback from 50 feet to 28 feet.

Applicable Regulations

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.

Section 3655 of the Boone County states the following regarding fences:

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 (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.
5. Fences shall be permitted within the front and corner side yard (City of Florence only) according to the following standards:
 - a. Fences in front yard or corner side yard areas may only be constructed on property located on a corner lot in an Industrial One (I-1) zone.
 - b. Fences shall be of a decorative design (solid fence, chain link, barbed wire, stock wire, chicken wire or other similar designs shall be prohibited) and shall be designed to have an opacity of fifty (50) percent or less.
 - c. Fences shall be a minimum of four (4) feet in height and shall not exceed a maximum of eight (8) feet in height.
 - d. Fences placed in a front or corner side yard shall be setback a minimum of ten (10) feet from the corner side and front property line.

- e. Landscape plantings as required by Section 3620 (Buffer Yard "A") shall be planted between the fence and corner side and/or front property line. The plantings will be required even if the site is already developed and the fencing is the only proposed improvement.
 - f. 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.
6. Fences for Agricultural purposes are exempt from the requirements of this section.

Site Characteristics

The 11.464 acre parcel is located in Park West International Subdivision and is zoned Industrial One (I-1). The approximate 161,000 square foot office/warehouse is occupied by Sandvik. Access to the property is provided from two curb cuts on Global Way.

Staff Comments

1. Staff does not believe that the request will alter the essential character of the general area.

On September 12, 2001, the Boone County Board of Adjustment approved variances which allowed 10 foot tall decorative fences to be installed in the front yards of lots 10, 14, and 15 of Park West International. All three lots front on Worldwide Boulevard.

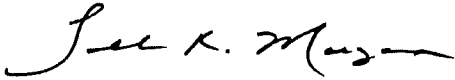
On November 9, 2005, the Boone County Board of Adjustment approved a variance which allowed an 8 foot tall decorative fence to be installed in the front yard at 1600 Worldwide Boulevard.

2. Staff would like the applicant to address if any trees will need to be relocated to install the fencing. If so, these trees should be replanted in the same general location because the site is subject to a landscaping plan.
3. Staff asked the applicant to contact Hebron Fire Department regarding the fencing plan.

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

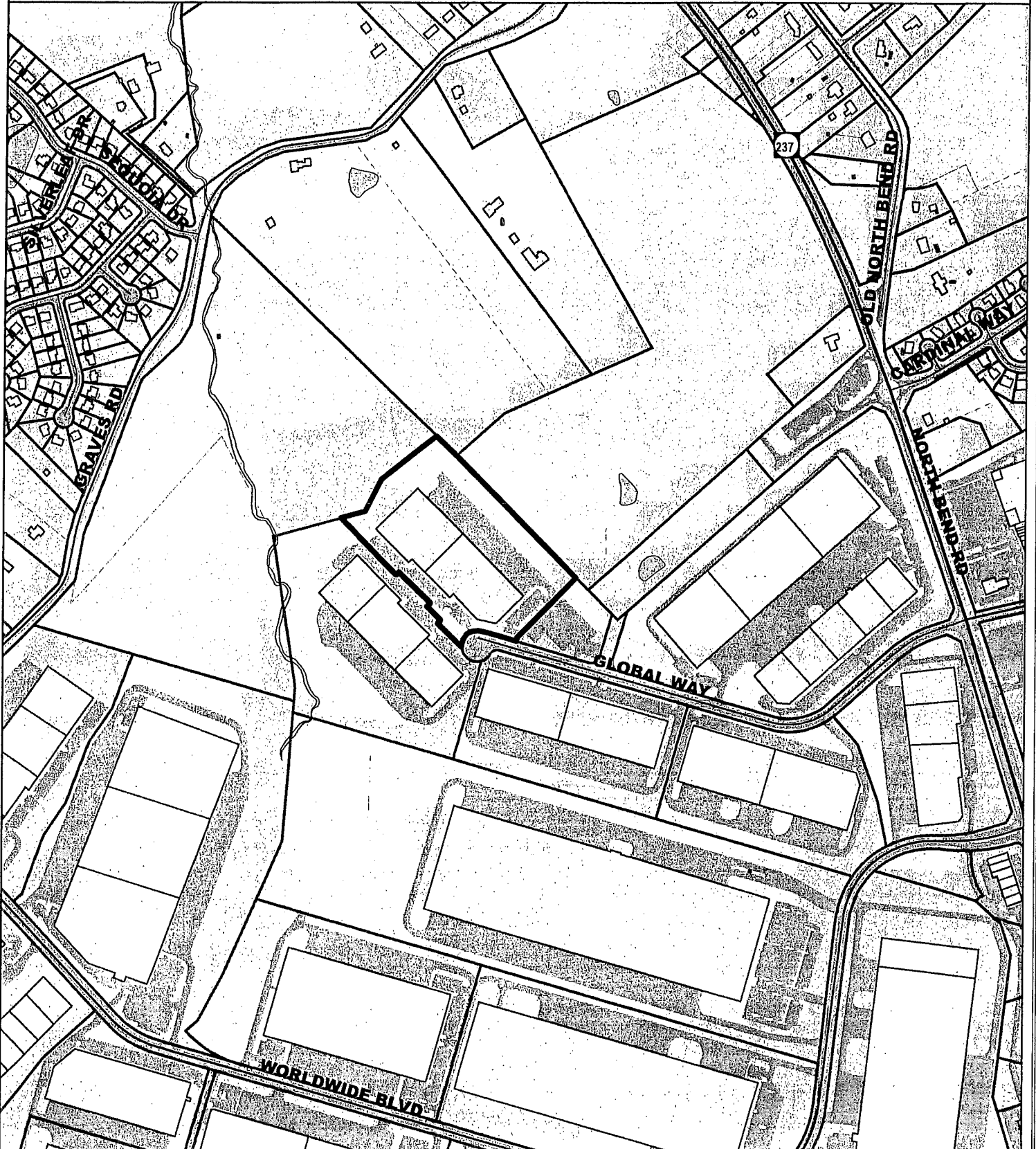
TKM/dw

Attachments

- *Site Vicinity Map
- *Fence Plan
- *Picture of Proposed Decorative Fence
- *Zoning Map
- *2009 Aerial Map
- *Application

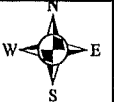
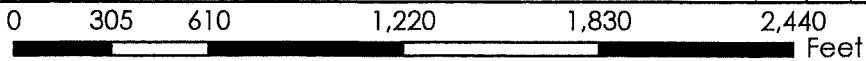
SITE VICINITY MAP

www.boonecountygis.com

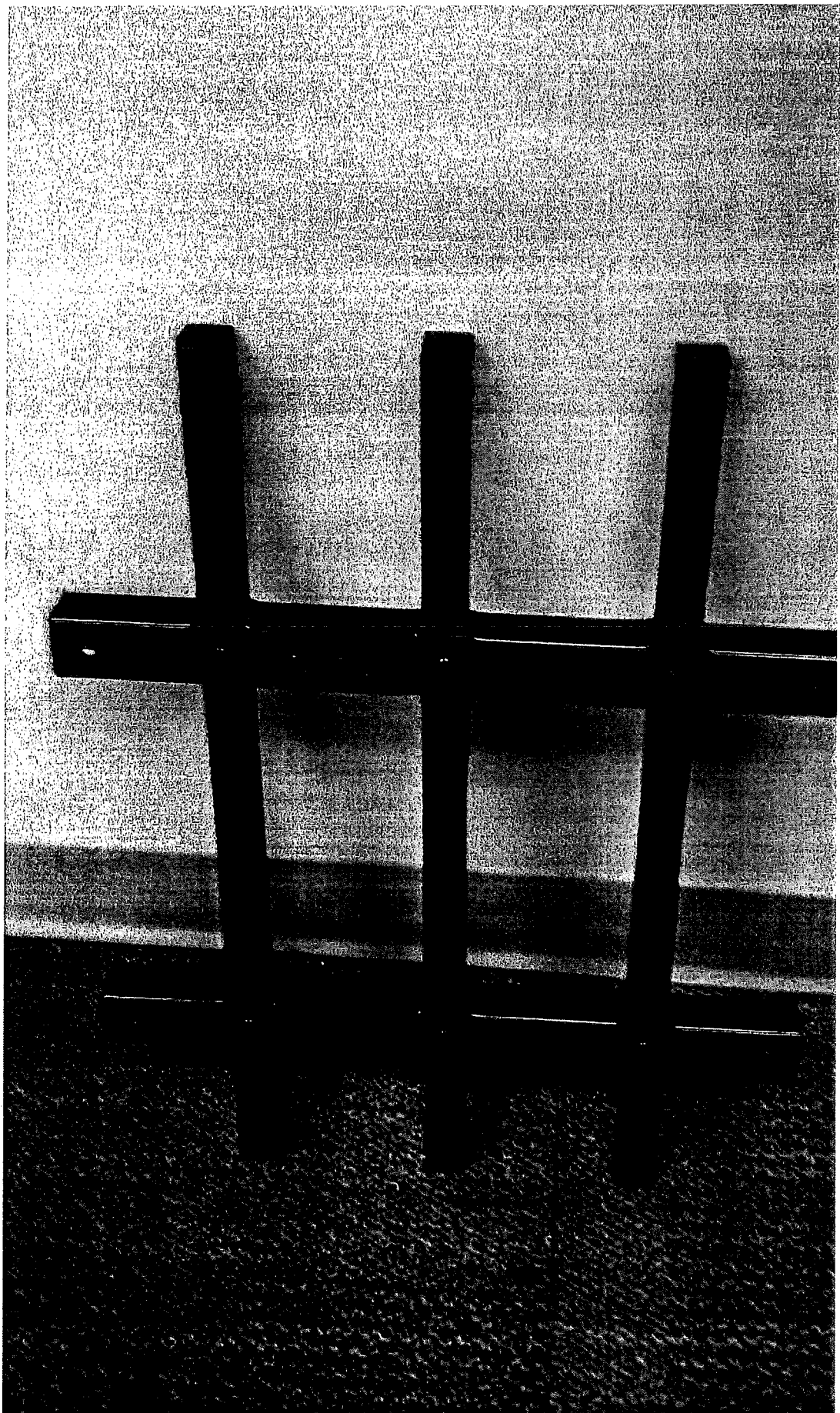


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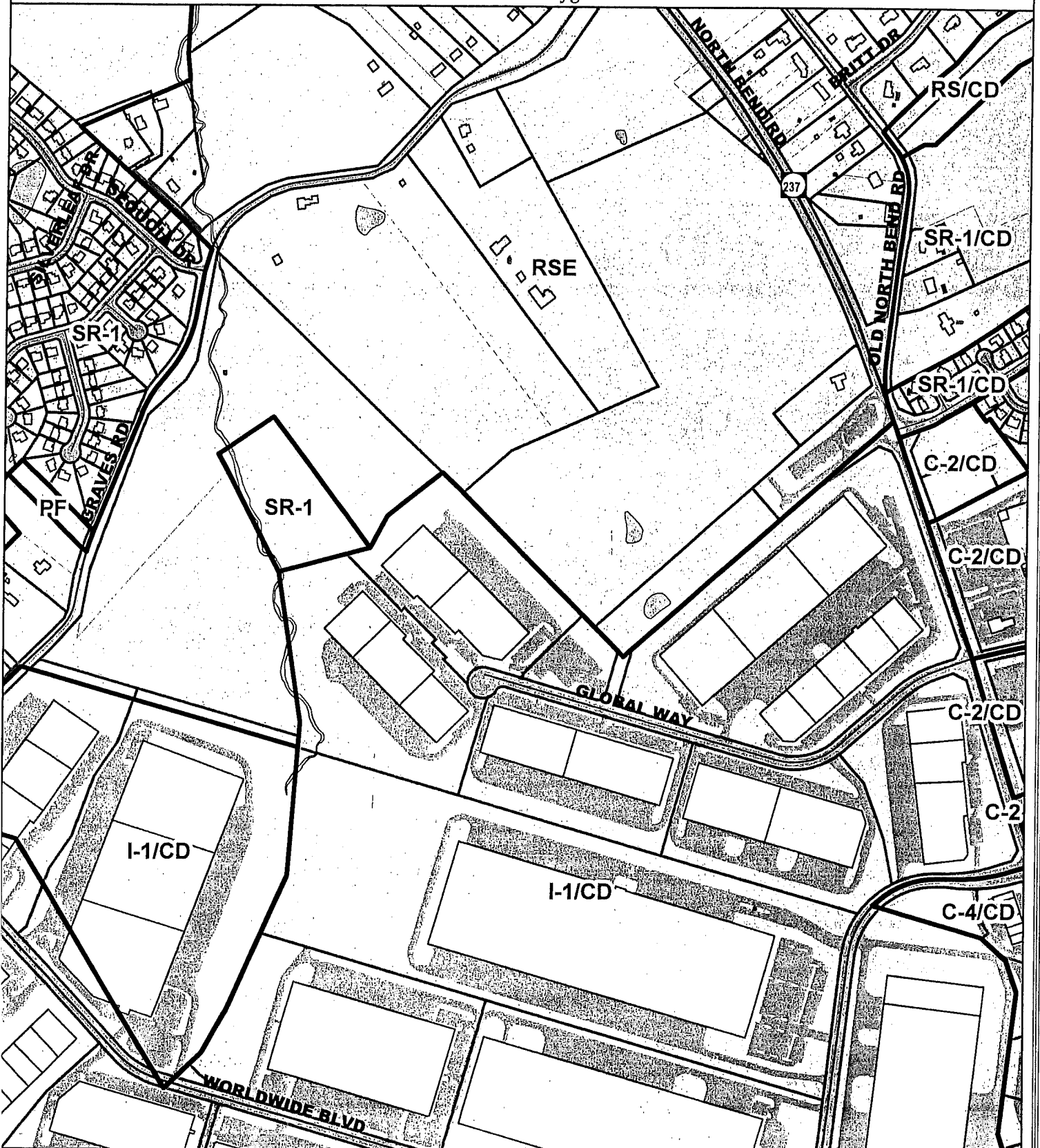


Boone County GIS - Putting Northern Kentucky on the Map



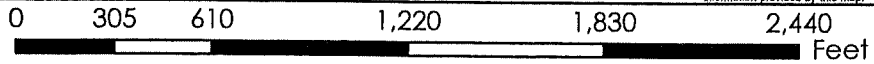
ZONING MAP

www.boonecountygis.com



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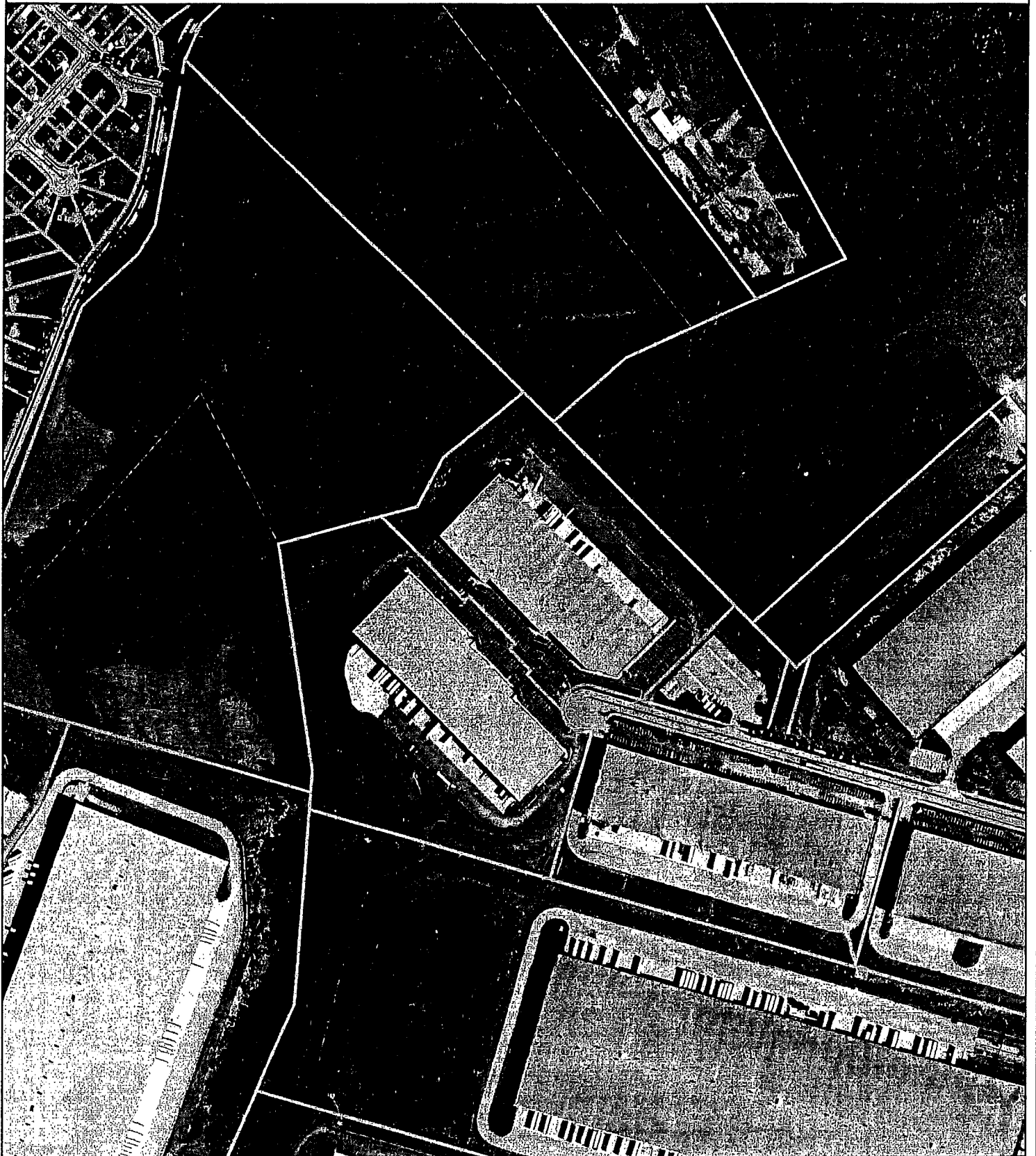
Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 01/01/2008

Multi File & Number by Name: 028 1102
ArcMap Document: *.mxd

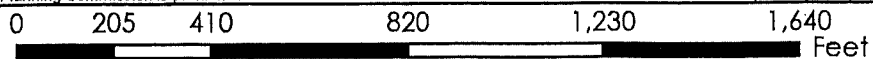
2009 AERIAL MAP

www.boonecountygis.com



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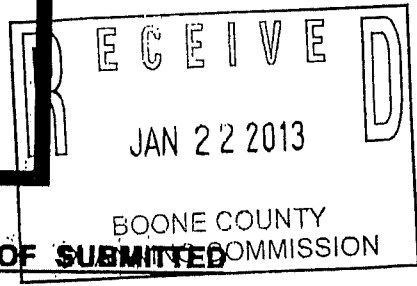


Boone County GIS - Putting Northern Kentucky on the Map



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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 JONATHAN LOHR

Applicant's Address 473 OLD ST RT 74

CINCINNATI, OHIO 45244

City State Zip

Phone Number 513-528-9000 Fax No. 513-528-1613 E-Mail jlohr@gardianconstruction.com

4. Description of Request: TO OBTAIN A VARIANCE FOR INSTALLING FENCING WITHIN THE 50' FRONT YARD SETBACK.

5. Name of Development PARK WEST (SANDVIK)

6. Location of Development 2300 & 2340 GLOBAL WAY

HEBRON, KY 41048

7. Acreage Under Review 11.464

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

LOT #6 - PARK WEST

9. Owner of Property DCI PARK WEST, LLC

Address of Property Owner 4701 CREEK ROAD

10. BLUE ASH, OHIO 45242

City State Zip

Phone Number 513-577-7100 Fax No. _____ E-Mail _____

11. Proposed Use(s) on Site DISTRIBUTION CENTER/ WAREHOUSE

12. Total Square Footage of Existing and/or Proposed Buildings 160,947 SF

13. Current Zoning on Property I-1

14. Deed Book 366 Page No. 792 Group No. 2000

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: William Chester

(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: [Signature]

(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

(over)

(Copy)

CERTIFICATE OF LAND USE RESTRICTION

- 1. NAME AND ADDRESS OF PROPERTY OWNER(S)
DCT Park West, LLC
4701 Creek Road
Blue Ash, OH 45242

- 2. ADDRESS OF PROPERTY
2300 & 2340 Global Way
Hebron, KY 41048

- 3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Park West

- 4. DEED BOOK 866 PAGE NO. 792 GROUP NO. 2006

- 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)
 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

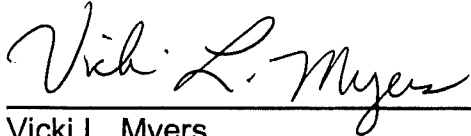
Todd K. Morgan, Senior Planner, Zoning Services
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledged before me by Todd K. Morgan

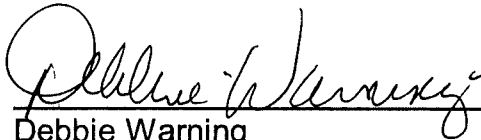
on behalf of the Boone County Planning Commission this 14th day of March, 2013.



Vicki L. Myers
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:



Debbie Warning
Debbie 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 March 13, 2013 Certificate of Land Use Restriction (#13-BCBOA-004-A), for DCT Park West, LLC, Property Owner(s).

The following conditions will apply:

1. The Fencing shall be constructed per Hebron Fire Department's requirements (see Exhibit 1).

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

DEED BOOK 866

PAGE NO. 792

GROUP NO. 2006