

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 _____ Variances 2 Appeal
3. Applicant's Name Ken Riegler Benchmark Inc
Applicant's Address 19 Lincoln Drive Florence KY 41042
4. Description of Request 2 - Variances - Front setback for curved entry + 1 rear setback for side corner - see attached letter
5. Name of Development Ginneman Funeral Home Reconstruction
6. Location of Development 1840 Burlington Pike Burlington, KY
7. Acreage Under Review 1.94 Acres
8. Lot Number and Name of Subdivision (if part of a subdivision) N/A
9. Owner of Property Ginneman Funeral Home of Erlanger Inc
Address of Property Owner 36 Commonwealth Ave Erlanger KY
10. City Erlanger State KY Zip
Phone Number 859 743-6845 Fax No. E-Mail jrf@cfhmail.com
11. Proposed Use(s) on Site Funeral home
12. Total Square Footage of Existing and/or Proposed Buildings
13. Current Zoning on Property C-1
14. Deed Book 1028 Page No. 106 Group No. 2025
15. Is the site subject to a zone change?
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)

**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 12/17/13 Fee Received \$1864.00 Receipt # 68089
2. Is application complete? Yes No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
1/8/14 **Approved**
Approved with Conditions (See #6)
Denial (See #7)
6. Conditions of Approval: SEE 1/8/14 Meeting
MINUTES + CLR
7. Reasons for Denial: _____

14-BEBOA-004-A

**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: Len Riegler Blacktop, Inc. for Linnemann Funeral Home

LOCATION: 1940 Burlington Pike, Boone County, Kentucky

ZONING: Commercial One (C-1)

DATE: January 8, 2014

PROPOSAL

The applicant has submitted two (2) Variance applications so Linnemann Funeral Home can be reconstructed at 1940 Burlington Pike, Boone County, KY. The plans show that the following Variances are being sought:

1. Reduce the 25' front yard setback requirement to 4.29'.
2. Reduce the 20' rear yard setback to 18.62'.

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.

SURROUNDING LAND USES AND ZONING

North: Florence Pike, Single-Family Residential Dwellings, and Florence Baptist Temple (C-2)

South: KY 18, Boone County Cooperative Extension (PF), and Burger King (C-4/PD)

East: Blair Office Building (C-3 and O-1)

West: Florence Pike & KY 18 Right-of-Way

SITE CHARACTERISTICS

The 1.94 acre site is located to the north of KY 18 and south and east of Florence Pike. The former funeral home, which burned down last year, was 6,100 square feet in area. The structure was recently demolished and all the construction debris has been removed from site. Access to is property provided from three access points on Florence Pike. Seventy-two (72) striped parking spaces exist in the central and western portions of the site and the eastern portion of the site is grass. Six (6) street trees exist along KY 18 and overhead utilities exist along Florence Pike. Boone County GIS shows that the topography of the parcel falls from 866 feet above sea level to 854 feet above sea level at the southeast property line.

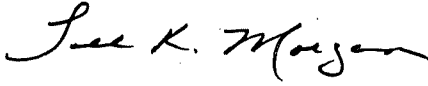
STAFF COMMENTS

1. Staff has pulled the following measurements from the KY 237 Project Plans.
 - A. Front Yard Setback of Former Building - Approximately 25'
 - B. Rear Yard Setback of Former Building - Approximately 21'
2. The Site Plan for the proposed funeral home shows that the center of the covered canopy will be located approximately 51' from the shoulder of newly constructed KY 18.
3. Staff has attached the building elevation drawings that were submitted by the applicant.
4. Staff contacted Carol Callan-Ramler, with Kentucky Transportation Cabinet regarding the plans to see if she had any comments regarding the request. She was still out on vacation at the time the Staff Report was finalized. Staff will update the Board on her comments at the meeting.
5. Staff recommends the following condition if the request is approved:
 - A. Construction of the building shall follow the submitted elevation drawings. Minor changes can be permitted by the Zoning Administrator.

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 requests.

Respectfully submitted,



Todd K. Morgan, AICP
Senior Planner, Zoning Services

TKM/vlm

Attachments

- *Site Vicinity Map
- *Letter From Applicant
- *Proposal
- *Building Elevation Drawings
- *Zoning Map
- *Topographical Map
- *2012 Aerial Map
- *KY 237 Project Plans
- *Application

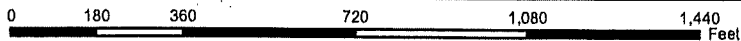
SITE VICINITY MAP

www.boonecountygis.com



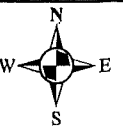
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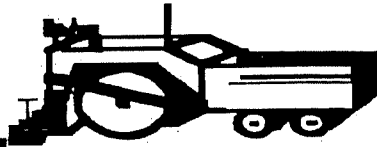
1 inch = 400 feet

Boone County GIS
"Putting Northern Kentucky on the Map"



Boone County GIS

LEN RIEGLER BLACKTOP, INC.



19 Lendale Drive, Florence, KY 41042 Phone (859) 371-8122 FAX (859) 371-8147

Boone County Planning Commission
Administration Building
2950 Washington St., Room 317
Burlington, KY 41005
Attn: Kevin Wall

December 16, 2013

Re: Board of Adjustment Application – Linnemann Funeral Home

Dear Kevin,

Please find the attached application for a variance request through the Boone County Board of Adjustment. As you are aware, the previously existing building was destroyed by a fire earlier in the year and the owner is planning to re-construct the building over the existing foundation. The proposed replacement building will improve upon the previous building with new features including (but not limited to) the addition of a garage and front covered entry and the overall building footprint will increase from 6,100 to 8,422 S.F. The attached "Site Plan for Variance" depicts this proposed building along with site improvements, including an increase in parking from the original 72 spaces to the required 92 spaces. Other site improvements include the relocation of an existing entry drive, improvements to the current parking layout, and a bio-swale adjacent to the proposed parking, which will be required to meet current stormwater requirements. Final construction details, including the proposed landscape plan and calculations for the proposed site construction will be provided via a separate submittal of a Major Site Plan, as required for final approval.

In the meantime, we are requesting the following variances that we understand will be required for the currently proposed improvements:

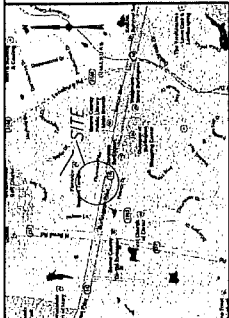
1. **Front Setback Variance:** The proposed covered canopy encroaches upon the front building setback of the property by no greater than 21 feet. Note that this canopy will assist the funeral services by sheltering the funeral procession from the weather, however the footprint of the actual proposed building will not encroach this setback.
2. **Rear Setback Variance:** The corner of the proposed building footprint will encroach upon the properties rear setback line by no greater than 1.5 feet. Note that the total footprint area encroaching upon this setback will be not greater than 10 square feet.

In closing, we appreciate the board's consideration of the requested variances above and believe the proposed improvements will allow for the owner to modernize their facility, while minimizing the impact to the existing site. If you have any questions or concerns regarding this request, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel M. Riegler", written over a horizontal line.

Daniel M. Riegler, P.E.
Len Riegler Blacktop, Inc.



VICINITY MAP
(N.T.S.)

PROPERTY INFORMATION
 LINDSEY FURNAL HOME
 19 LENDALE DRIVE
 FLORENCE, KY 41042
 ZONING: C-1
 OWNER: LINDSEY FURNAL HOME OF KENTUCKY, INC.
 1000 WASHINGTON ST.
 BURLINGTON, KY

OVERALL PARKING SUMMARY
 TOTAL REQUIRED SPACES: 14
 TOTAL PROVIDED SPACES: 14
 TOTAL EXISTING SPACES: 14
 TOTAL SPACES AFTER CONSTRUCTION: 14
 TOTAL SPACES AFTER CONSTRUCTION: 14
 TOTAL SPACES AFTER CONSTRUCTION: 14

PARCEL #A191-00-00220
 OF 191 AC 277
 COMPRISED OF 1 &
 1.14 AC
 ZONED C-1

PARCEL #A191-00-00220
 OF 191 AC 277
 COMPRISED OF 1 &
 1.14 AC
 ZONED C-1

PARCEL #A191-00-00220
 OF 191 AC 277
 COMPRISED OF 1 &
 1.14 AC
 ZONED C-1

DATE	BY	REVISION

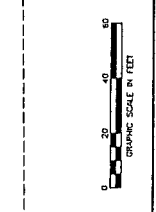
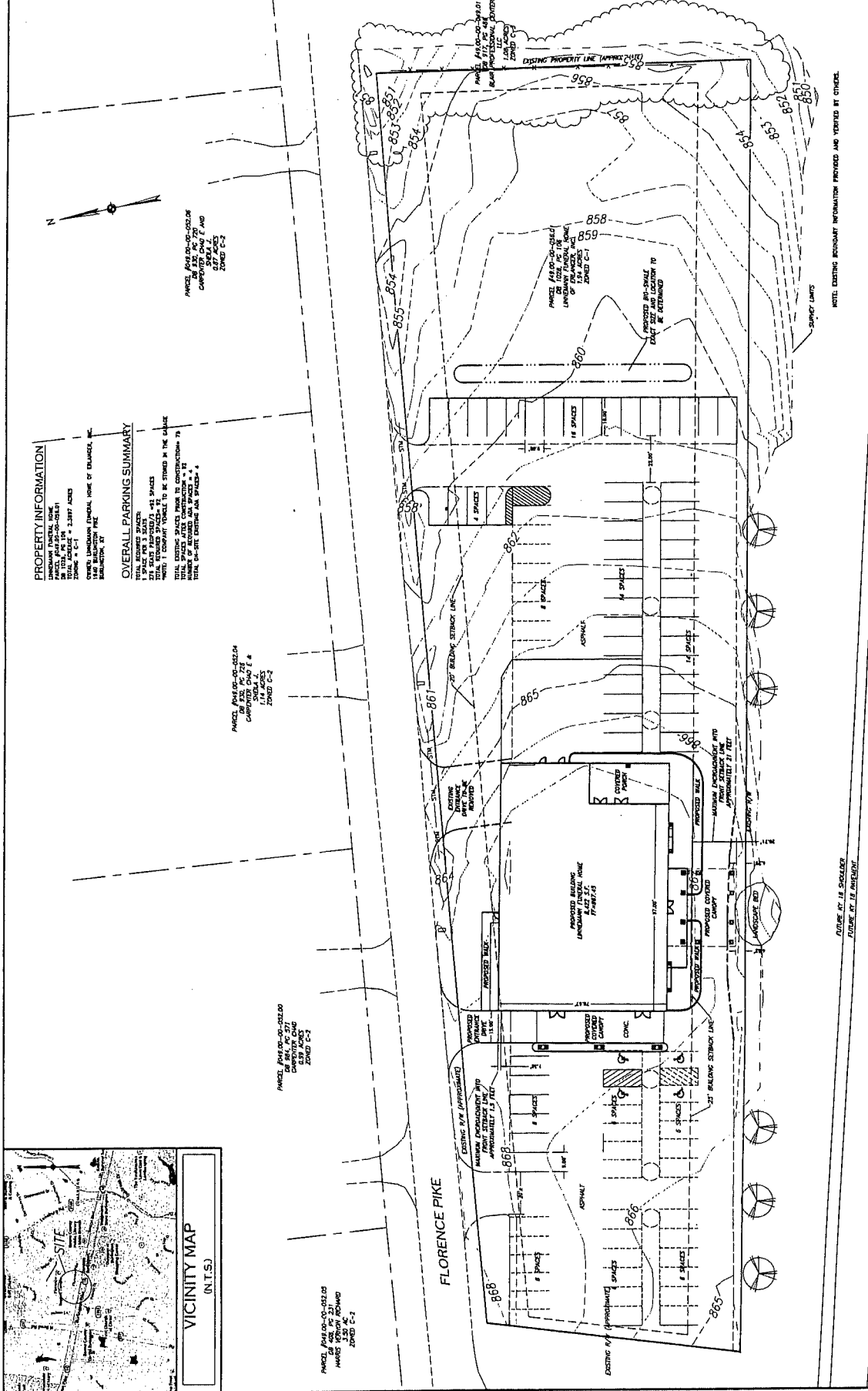
LEN RIEGLER BLACKTOP, INC.
 DESIGN BUILD SERVICES
 DANIEL M. RIEGLER, P.E.
 19 LENDALE DRIVE
 FLORENCE, KY 41042

LINNMANN FUNERAL HOME
 RECONSTRUCTION
 1940 BURLINGTON PIKE
 BURLINGTON, KY

DATE: 02/20/2018
 DESIGNED BY: NLE
 CHECKED BY: NLE
 1149
 PROJECT NO.

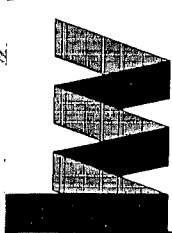
PRELIMINARY
 SITE PLAN
 FOR VARIANCE

SHEET NO.
C100



BURLINGTON PIKE
 (KY 18)

NOTE: EXISTING ELEVATION INFORMATION PROVIDED AND VERIFIED BY OTHERS.



Hub + Weber
Architects, PLC

200 West Pike Street
Covington, KY 41011
Ph: 859-491-3844
Fx: 859-695-3243
hw@hubweber.com

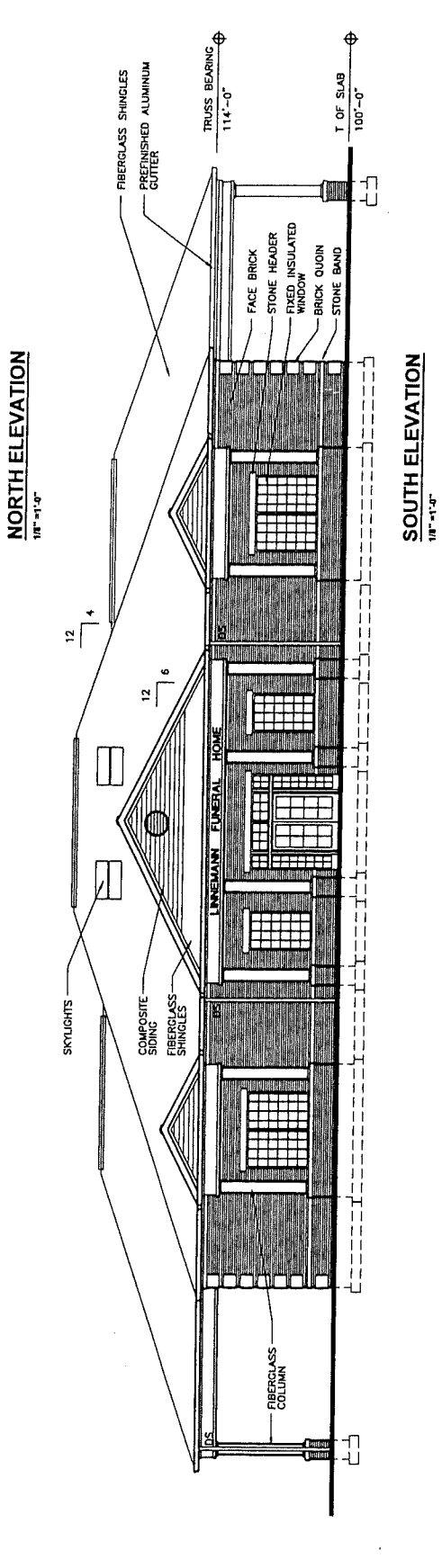
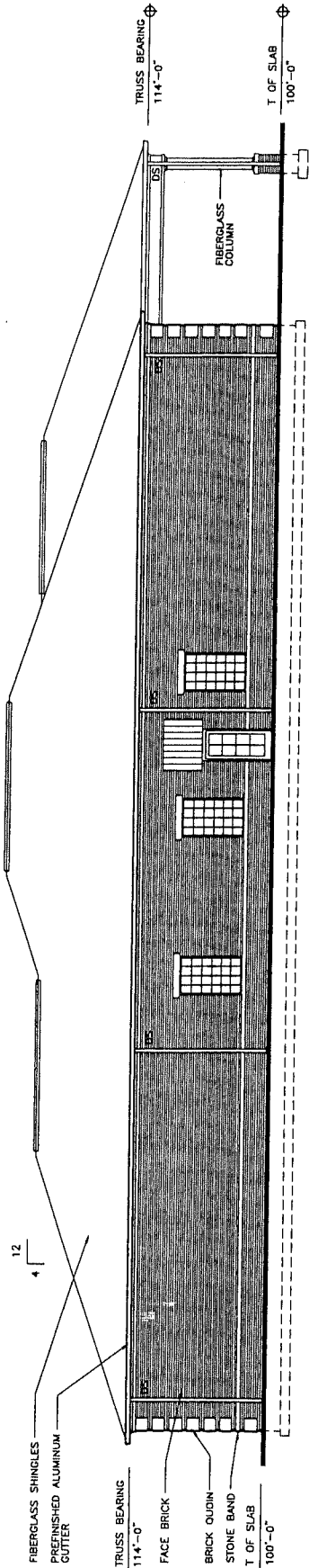
Issued: 12.16.13

Revised:

EXTERIOR
ELEVATIONS

A201

1309 069

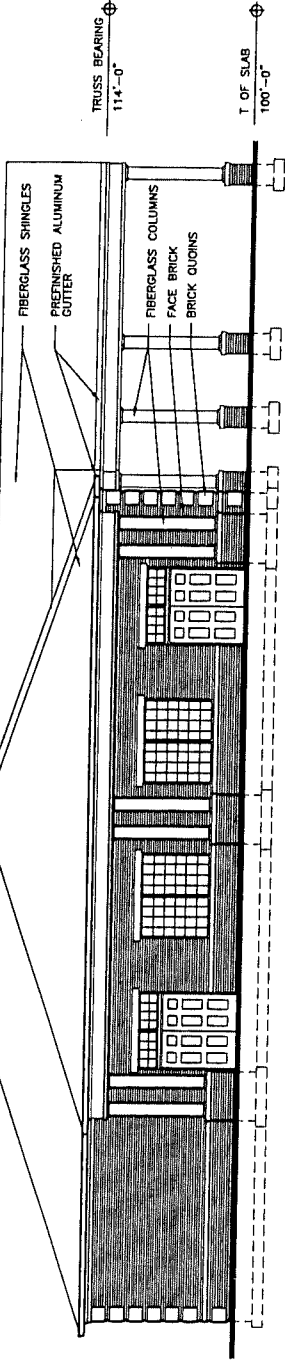


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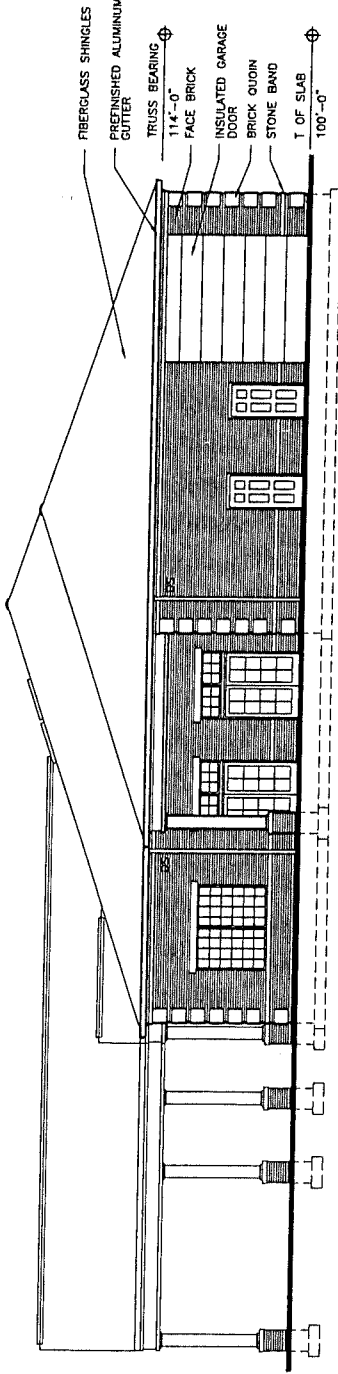
NEW FACILITY

**LINNEMANN
 FUNERAL HOME**

1940 BURLINGTON PIKE
 BURLINGTON, KENTUCKY



WEST ELEVATION
 1/8" = 1'-0"



EAST ELEVATION
 1/8" = 1'-0"

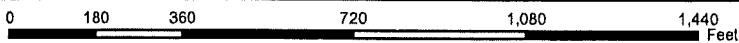
ZONING MAP

www.boonecountygis.com



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1 inch = 400 feet

Boone County GIS

"Putting Northern Kentucky on the Map"



Map by Plan Technology (MapInfo 2007)

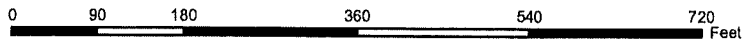
TOPOGRAPHICAL MAP

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1 inch = 200 feet

Boone County GIS

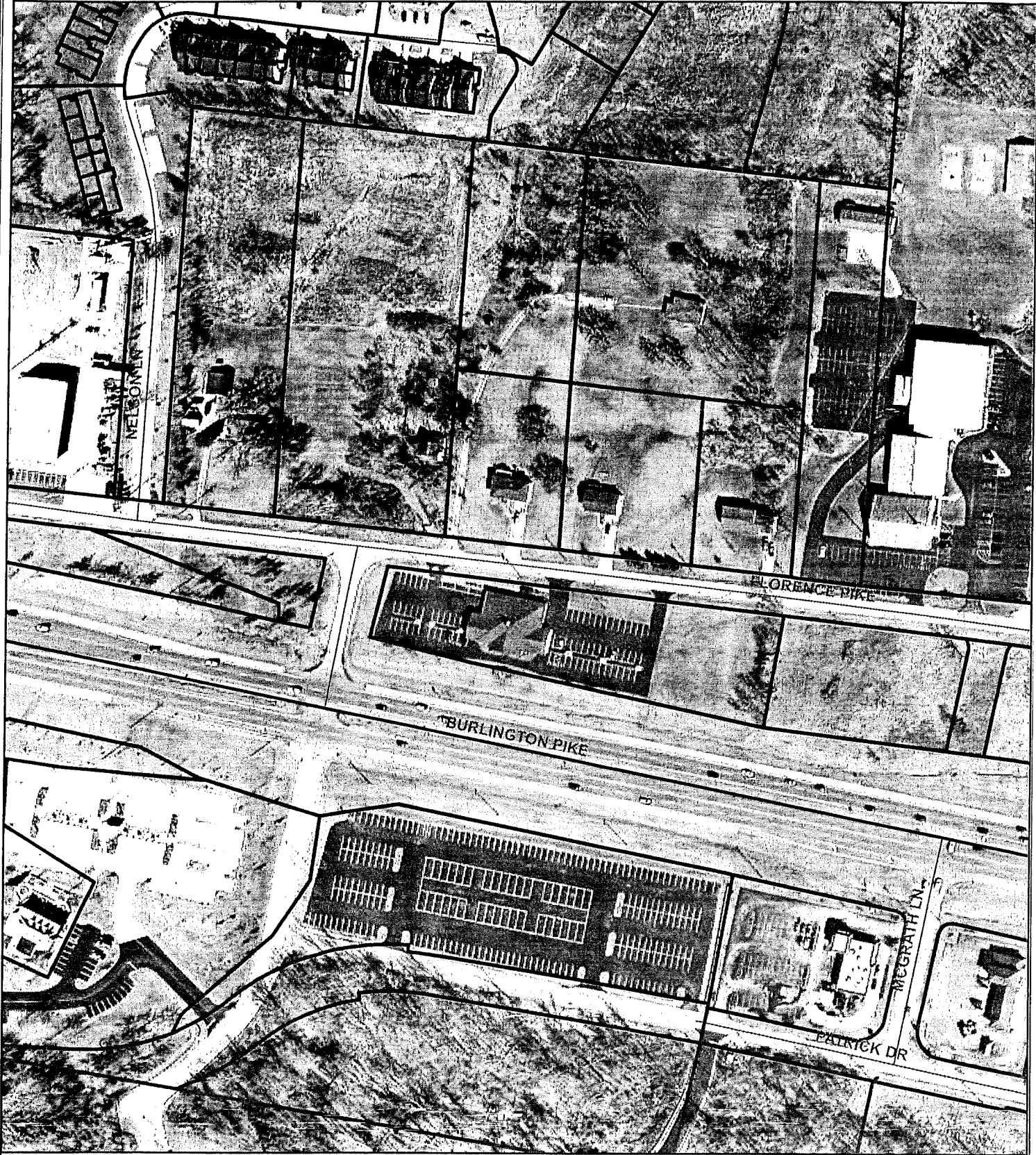
"Putting Northern Kentucky on the Map"



Map Data Source: Esri, DeLorme, NAVTEQ, Swisstopo, etc.

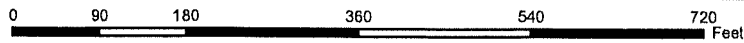
2012 AERIAL MAP

www.boonecountygis.com



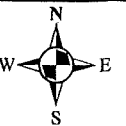
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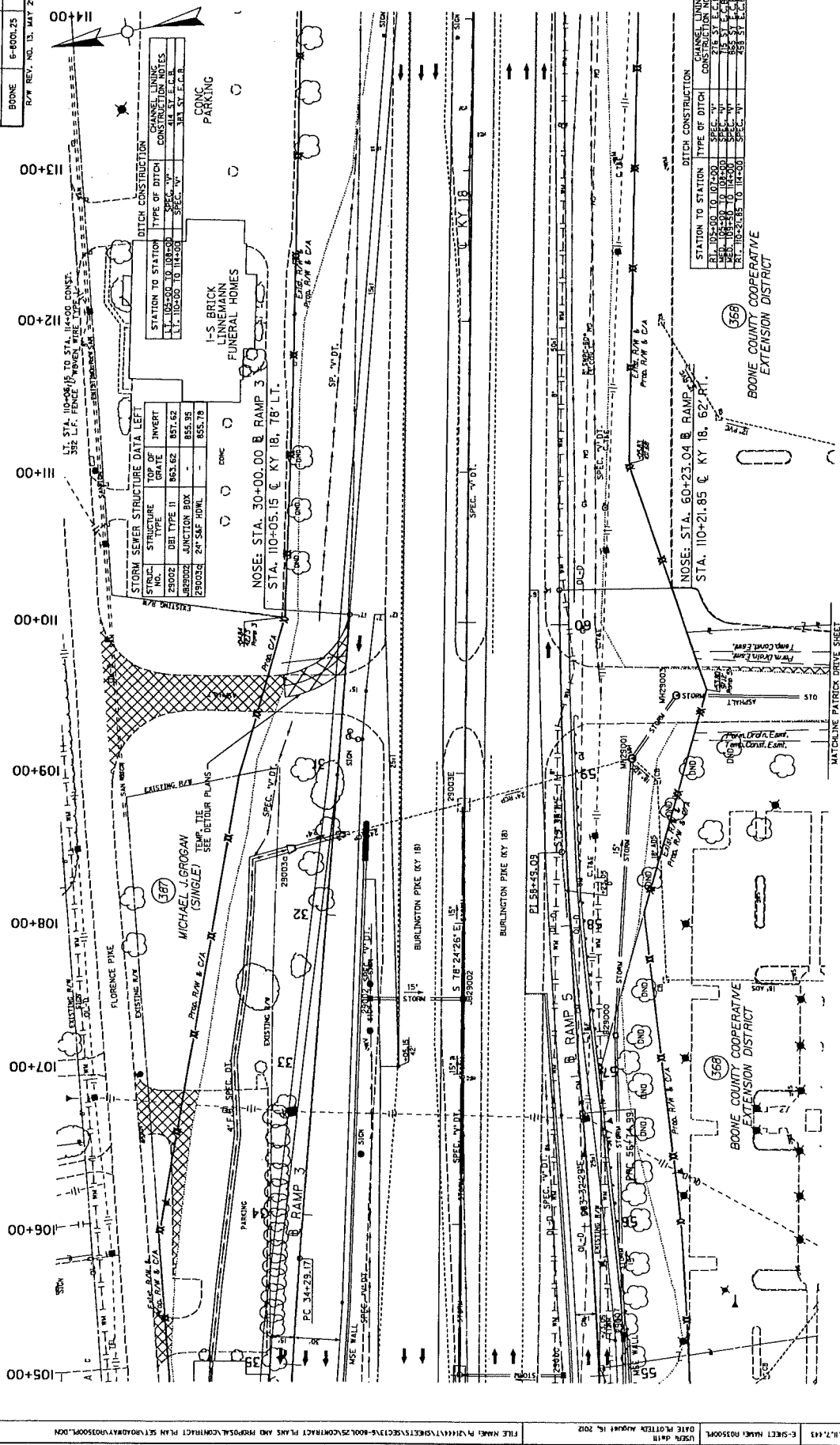
1 inch = 200 feet

Boone County GIS
"Putting Northern Kentucky on the Map"



Map & Photo Source: © 2012 ESRI

COUNTY OF	ITEM NO.	SHEET NO.
BOONE	F-000L25	R05
R/W REV. NO. 13, MAY 20, 2011		



STORM SEWER STRUCTURE DATA LEFT

STRICT. NO.	STRUCTURE TYPE	TOP OF GRATE	INVERT
280002	DBI TYPE II	853.62	851.62
4829002	JUNCTION BOX	-	855.95
280003	24" S&F H/M	-	855.78

STATION TO STATION TYPE OF DITCH CONSTRUCTION NOTES

STATION TO STATION	TYPE OF DITCH	CONSTRUCTION NOTES
STA. 105+00 TO 106+00	TYPE 1	24" S&F E.C.B.
STA. 106+00 TO 107+00	TYPE 1	24" S&F E.C.B.
STA. 107+00 TO 108+00	TYPE 1	24" S&F E.C.B.
STA. 108+00 TO 109+00	TYPE 1	24" S&F E.C.B.
STA. 109+00 TO 110+00	TYPE 1	24" S&F E.C.B.
STA. 110+00 TO 111+00	TYPE 1	24" S&F E.C.B.
STA. 111+00 TO 112+00	TYPE 1	24" S&F E.C.B.
STA. 112+00 TO 113+00	TYPE 1	24" S&F E.C.B.
STA. 113+00 TO 114+00	TYPE 1	24" S&F E.C.B.

STORM SEWER STRUCTURE DATA RIGHT

STRICT. NO.	STRUCTURE TYPE	TOP OF GRATE	INVERT
280002	DBI	-	853.70
4829000	MANHOLE TYPE B	854.81	847.23

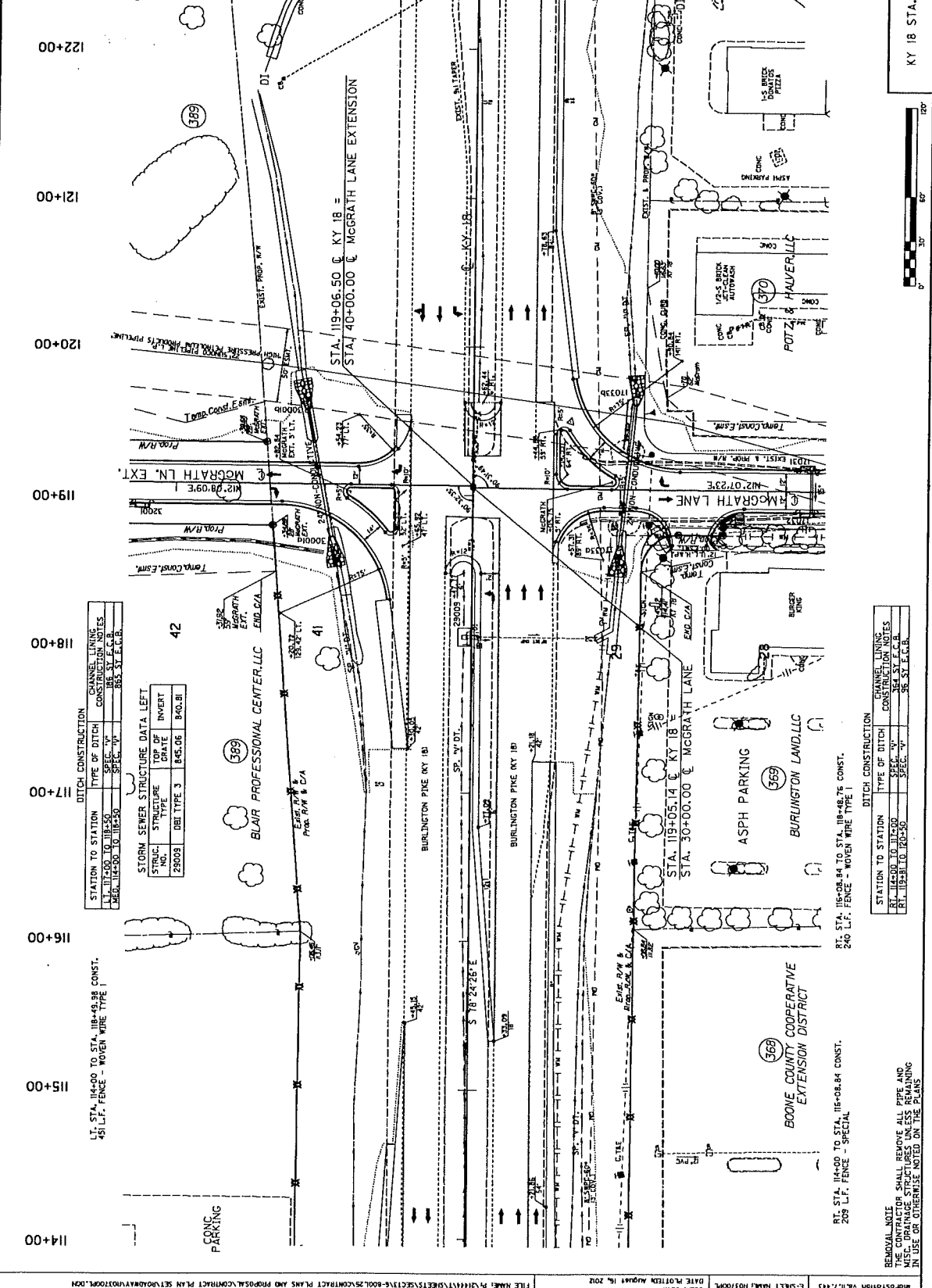
REMOVAL NOTE
THE CONTRACTOR SHALL REMOVE ALL PIPE AND
MISC. DRAINAGE STRUCTURES UNLESS REMAINING
IN USE OR OTHERWISE NOTED ON THE PLANS

RT. STA. 110+21.85 TO STA. 114+00 CONST.
24" S&F FENCE - SPECIAL W/ 1" ACCESS
GATE LOCATION DIRECTED BY THE COOP



BOONE COUNTY COOPERATIVE
EXTENSION DISTRICT

COUNTY OF	ITEM NO.	SHEET NO.
BOONE	6-R00L25	R01
P/W REV. NO. 13, MAY 20, 2011		



STATION TO STATION

STATION TO STATION	TYPE OF DITCH	CHANNEL LINING	CONSTRUCTION NOTES
114+00 TO 118+50	SPEC. 'V'		SEE ACTIVITY NOTES
118+50 TO 123+00	SPEC. 'V'		SEE ACTIVITY NOTES

STORM SEWER STRUCTURE DATA LEFT

STRUCT. NO.	STRUCTURE TYPE	TOP OF GRATE	INVERT
28008	DBI TYPE 3	845.06	840.81

DITCH CONSTRUCTION

STATION TO STATION	TYPE OF DITCH	CHANNEL LINING	CONSTRUCTION NOTES
RT. 118+00 TO 118+50	SPEC. 'V'		SEE ACTIVITY NOTES
RT. 118+50 TO 123+00	SPEC. 'V'		SEE ACTIVITY NOTES

LI- STA. 114+00 TO STA. 118+49.98 CONST.
451 L.F. FENCE - WOVEN WIRE TYPE I

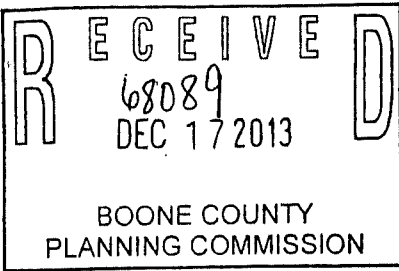
RT. STA. 118+08.84 TO STA. 118+48.76 CONST.
240 L.F. FENCE - WOVEN WIRE TYPE I

RT. STA. 114+00 TO STA. 115+08.84 CONST.
295 L.F. FENCE - SPECIAL

REMOVAL NOTE
SMALL REMOVE ALL TREE AND
MISC. DRUMS, STREETS, ETC. REMAINING
IN USE OR OTHERWISE NOTED ON THE PLANS



123+00
122+00
121+00
120+00
119+00
118+00
117+00
116+00
115+00
114+00



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 _____ Variances [checked] Appeal _____
3. Applicant's Name Len Riegler Bucktop, Inc
Applicant's Address 19 Lendale Drive Florence KY 41042
4. Description of Request: 2 - VARIANCES - FRONT SETBACK FOR CONCRETE ENTRY + 1 rear setback for side corner - see attached letter
5. Name of Development Linnemann Funeral Home Reconstruction
6. Location of Development 1940 Burlington Pike Burlington, KY
7. Acreage Under Review 1.94 ACRES
8. Lot Number and Name of Subdivision (if part of a subdivision) N/A
9. Owner of Property Linnemann Funeral Home of Erlanger, Inc
Address of Property Owner 30 Commonwealth Ave Erlanger KY
10. Phone Number 859 743-6845 Fax No. _____ E-Mail jay@lchmail.com
11. Proposed Use(s) on Site Funeral Home
12. Total Square Footage of Existing and/or Proposed Buildings _____
13. Current Zoning on Property C-1
14. Deed Book 1028 Page No. 106 Group No. 2025
15. Is the site subject to a zone change? _____
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: [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 #14-BCBOA-004-A

CERTIFICATE OF LAND USE RESTRICTION

- 1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Linnemann Funeral Homes of Erlanger, Inc.
30 Commonwealth Avenue
Erlanger, KY 41018

- 2. ADDRESS OF PROPERTY
1940 Burlington Pike
Burlington, KY

- 3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Linnemann Funeral Homes

- 4. DEED BOOK 1028 PAGE NO. 106 GROUP NO. 2025

- 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

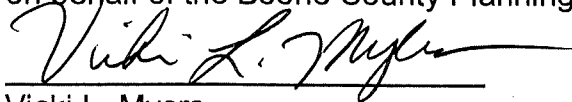
Todd K. Morgan, Senior Planner
Name and Title of Completing Official

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 14 day of January, 2014.



Vicki L. Myers

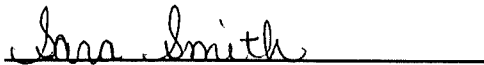
Notary ID 438411

NOTARY PUBLIC, State at Large

My commission Expires:

April 17, 2015

This instrument was prepared for recording purposes only by:



Sara Smith

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 January 8, 2014 Certificate of Land Use Restriction (#14-BCBOA-004-A), for Linnemann Funeral Homes, Property Owner(s).

The following conditions will apply:

1. Construction of the building shall follow the submitted elevation drawings. Minor changes can be permitted by the Zoning Administrator.

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

DEED BOOK 1028

PAGE NO. 106

GROUP NO. 2025