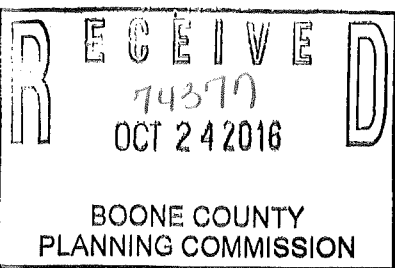


APPLICATION FORM



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)

(Check One)

- 1. [x] Boone [ ] Florence [ ] Walton [ ] Union

(Check One)

- 2. [ ] Conditional Use Permit [ ] Variance [ ] Appeal [ ] Change in Non-Conforming Use

- 3. Applicant's Name Ticona Polymers, Inc. Applicant's Address 8040 Dixie Hwy Florence KY 41042

- 4. Description of Request: variance to allow 8' fence in corner side yard

- 5. Name of Development Ticona Polymers, Inc. "Celanese"

- 6. Location of Development 8040 Dixie Hwy Florence, KY 41042

- 7. Acreage Under Review 22.592

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

- 9. Owner of Property Ticona Polymers, Inc. Address of Property Owner 8040 Dixie Hwy Florence KY 41042

- 10. Phone Number 859-525-4740 Fax No. 214-258-9352 E-Mail kassie.hatton@celanese.com

- 11. Proposed Use(s) on Site general security & safety of Celanese employees potential liability of persons on Celanese property, safety of pedestrians

- 12. Total Square Footage of Existing and/or Proposed Buildings

- 13. Current Zoning on Property

- 14. Deed Book 342 Page No. 37, 38 & 39 Group No. 2049A

- 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?

- 17. Have you submitted a list of adjoining property owners with this request?

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

ORIGINAL Applicant's Signature: [Signature] Secretary (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 10-24-16 Fee Received \$932<sup>00</sup> Receipt # 74377
2. Is application complete?  Yes  No
3. Staff Reviewer \_\_\_\_\_
4. Scheduled Board Action Date \_\_\_\_\_
5. Board Action:  
12/14/16 **Approved**  
**Approved with Conditions** (See #6)  
**Denial** (See #7)
6. Conditions of Approval: SEE 12/14/16 Meeting Minutes  
AND CLUR
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](http://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: Ticona Polymers, Inc. (Celanese)  
LOCATION: 8040 Dixie Highway, Boone County, Kentucky  
ZONING: Industrial Two (I-2)  
DATE: December 14, 2016

### Proposal

The applicant is requesting a variance to allow 6 foot tall aluminum fencing to be installed in the corner side yard of the Celanese facility, located at 8040 Dixie Highway, Boone County, Kentucky. The request is to reduce the setback requirement from 25' to approximately 19.5'.

It should be noted that the same fencing is being proposed in the front yard. This fencing is not subject to the Variance request because it meets the 50 foot front yard setback requirement. See the applicable regulations, applicant's fencing plan, and December 17, 2003 Major Site Plan.

### Site History

On June 13, 2007, the Boone County Board of Adjustment approved a variance allowing 8' tall fencing to be installed in the corner side so Ticona could secure their loading and receiving area. The following conditions were imposed on the approval:

1. The fence design is to be as submitted at the 7/11/07 meeting.
2. The applicant shall plant shrubs and trees along Empire Drive where none exist.
3. All street frontage landscaping is to be located in front of the fence.

### Applicable Regulations

Section 3655 of the Boone County Zoning Regulations states that fencing shall be permitted within the front yard and corner side yard 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.

Table 31.1 of the Boone County Zoning Regulations lists the minimum front yard setback requirement in an I-2 zone as 50'.

Section 3121 of the Boone County Zoning Regulations states the corner side yard setback from the side right-of-way shall be a minimum of one-half ( $\frac{1}{2}$ ) the required front yard setback.

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 Characteristics

The approximate 22.59 acre parcel contains a 272,000 square foot manufacturing and office facility. The facility contains one access point on Dixie Highway and two access points on Empire Drive.

#### Staff Comments

1. The facility is located within the limits of the Northern Kentucky Industrial Park and is subject to private deed restrictions. The applicant needs to verify the fencing complies with the private restrictions.
2. The applicant informed Staff that the proposed fencing will match the fencing that exists along Empire Drive. Staff believes the existing fencing and landscaping is aesthetically pleasing.
3. Staff recommends the following conditions if the request is approved:
  - A. The proposed fencing shall meet the 50' front yard setback requirement from Dixie Highway.

- B. Street frontage landscaping, which complies with Sections 3610 and 3620 of the Boone County Zoning Regulations, shall be installed between the fence and right-of-way lines.
- C. The proposed fencing shall match the existing fencing along the Empire Drive frontage.

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

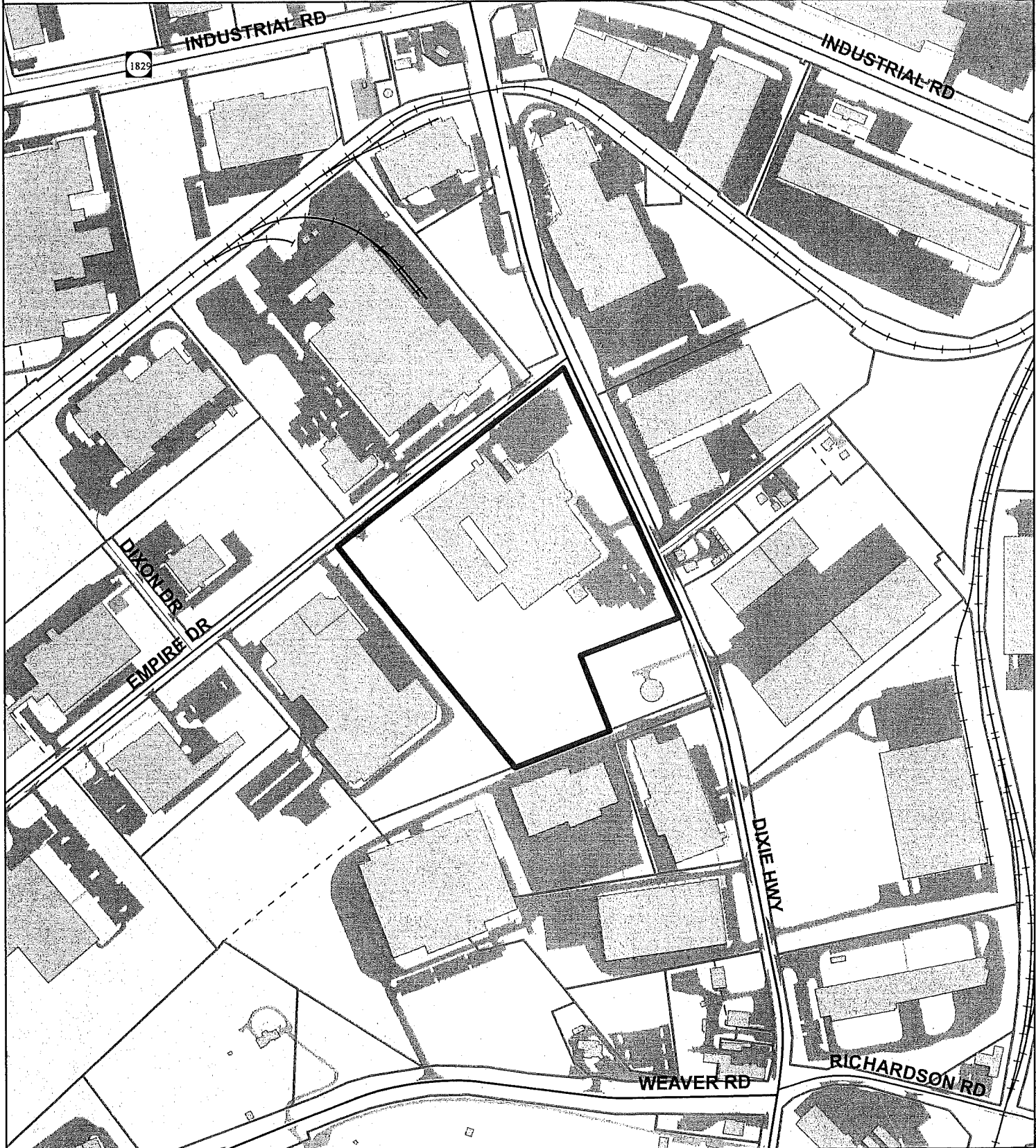
TKM/ss

Attachments

- \*Site Vicinity Map
- \*Proposed Plan
- \*Existing and Proposed Fencing Pictures
- \*December 13, 2003 Major Site Plan
- \*Zoning Map
- \*2016 Aerial Map
- \*Application

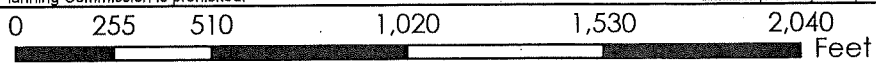
# SITE VICINITY MAP

www.boonecountygis.com



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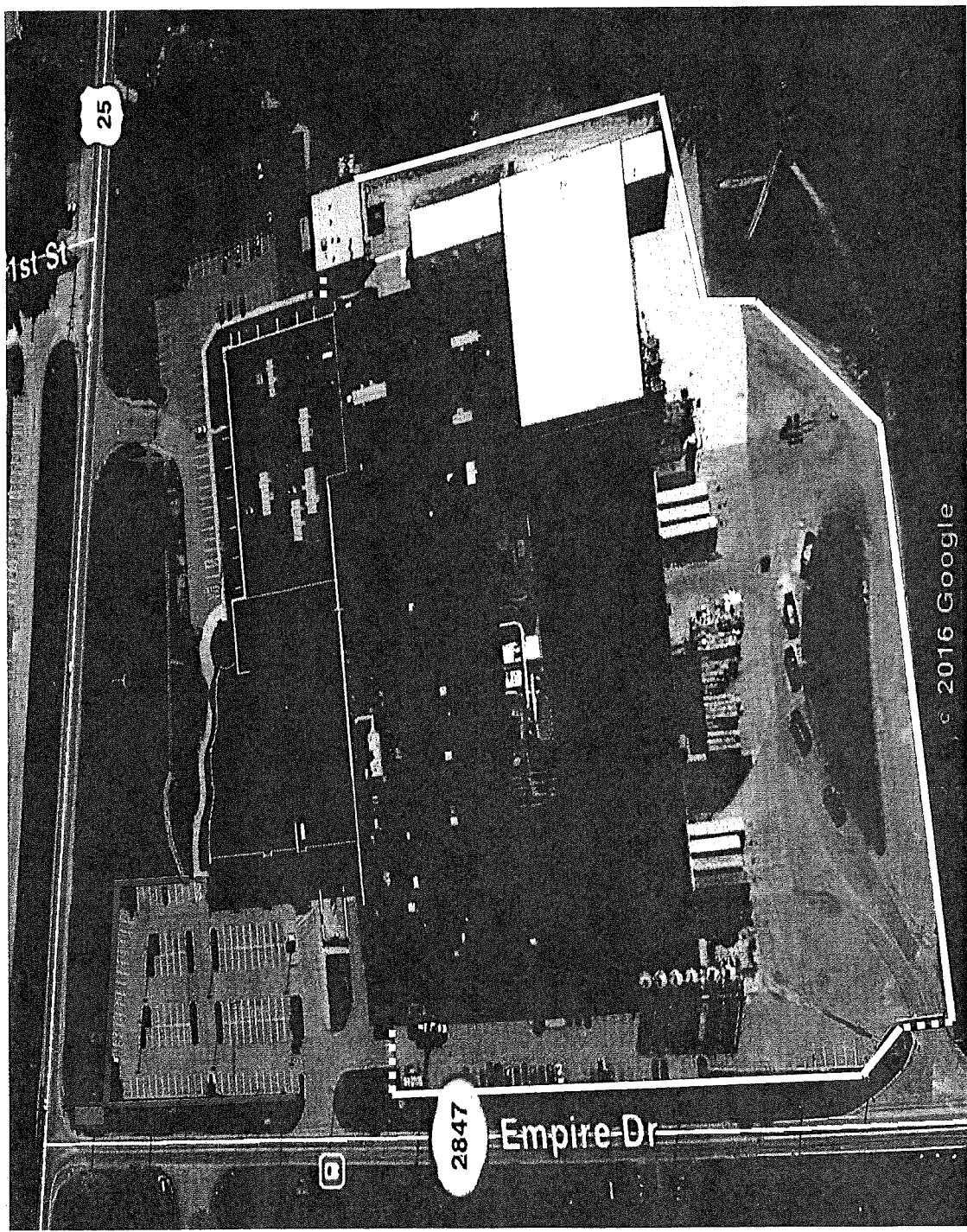
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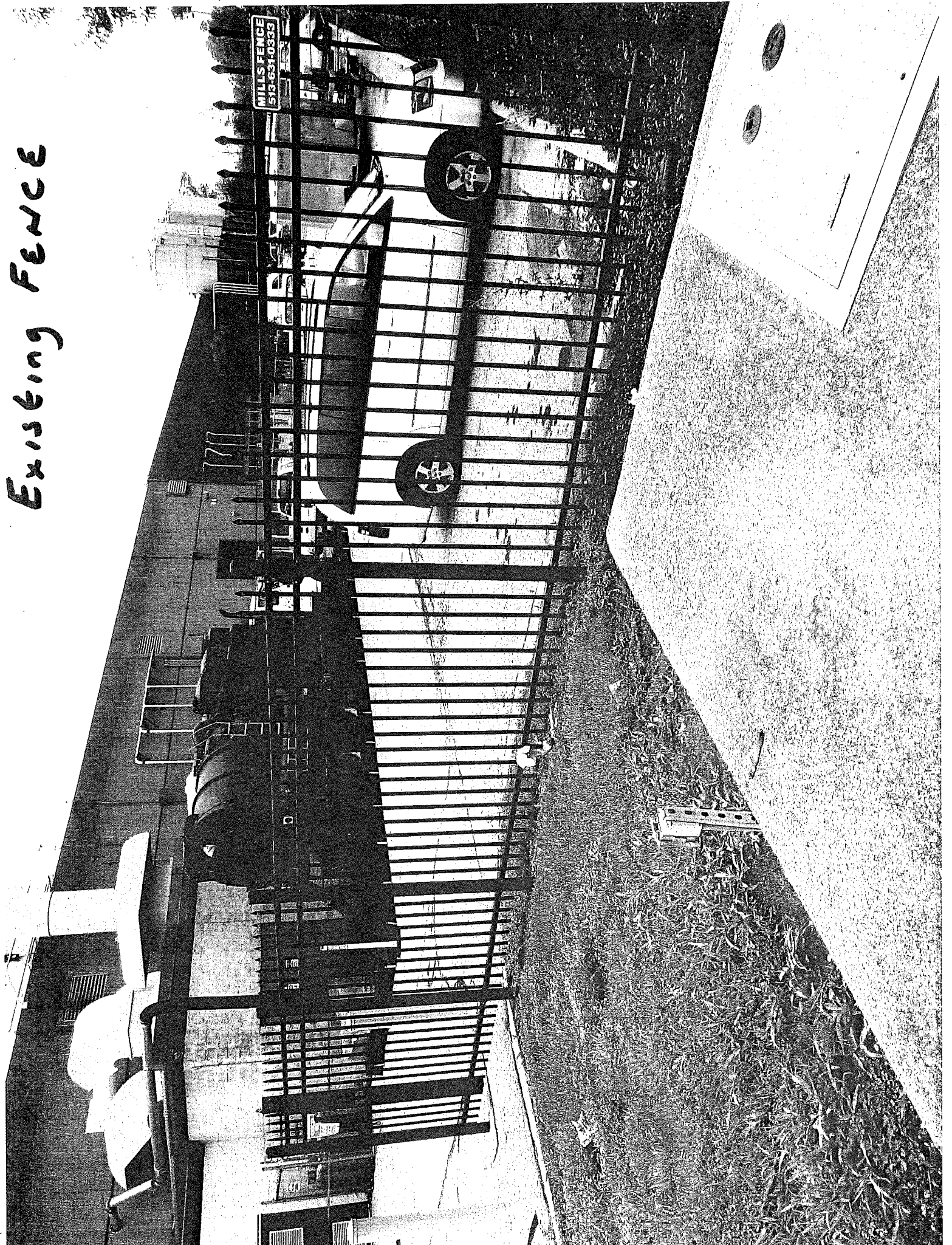
**Boone County GIS - Putting Northern Kentucky on the Map**



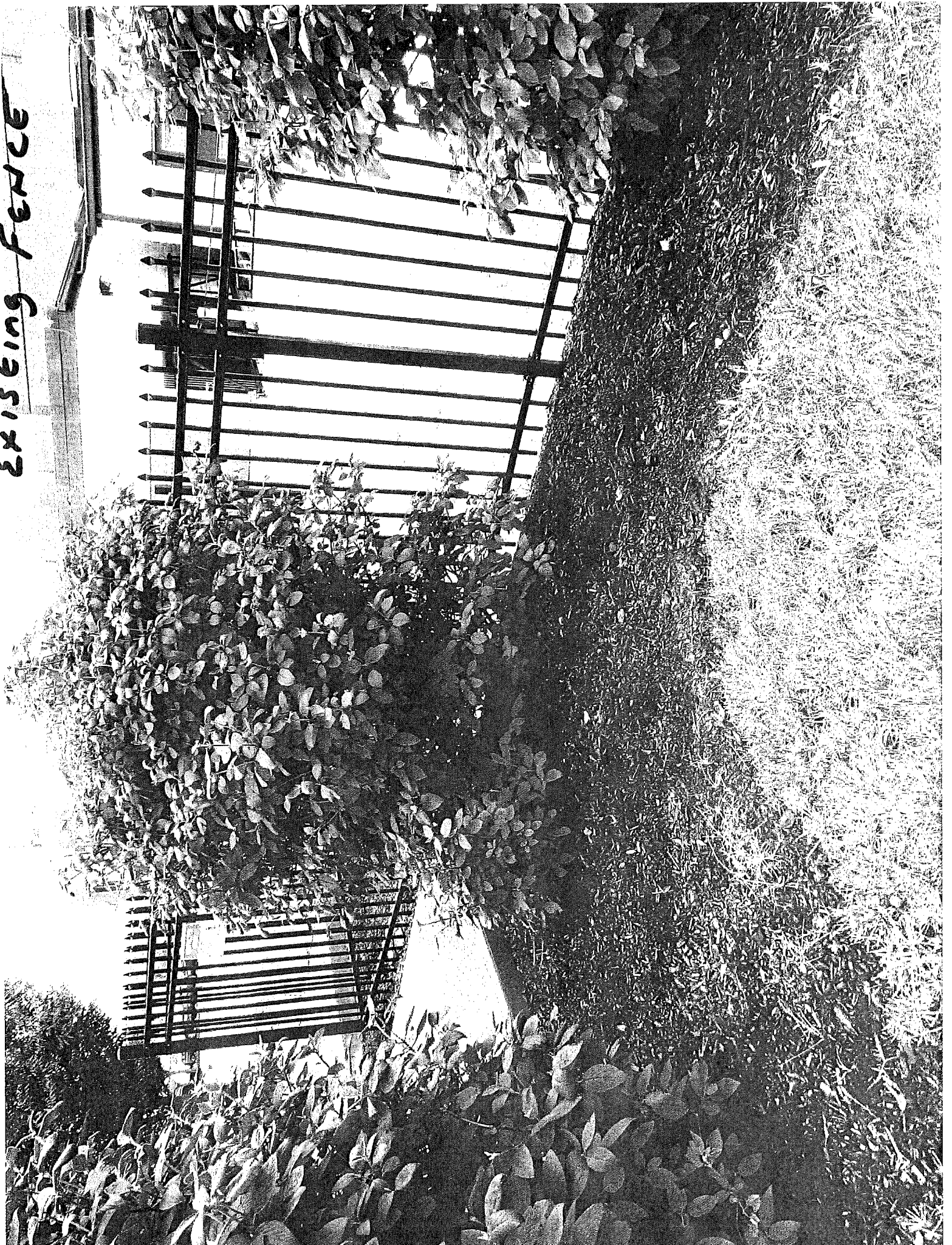
- Current Fence
- No Trespassing Signs
- Proposed Fence (to be same design as existing fence).
- Bus Stop



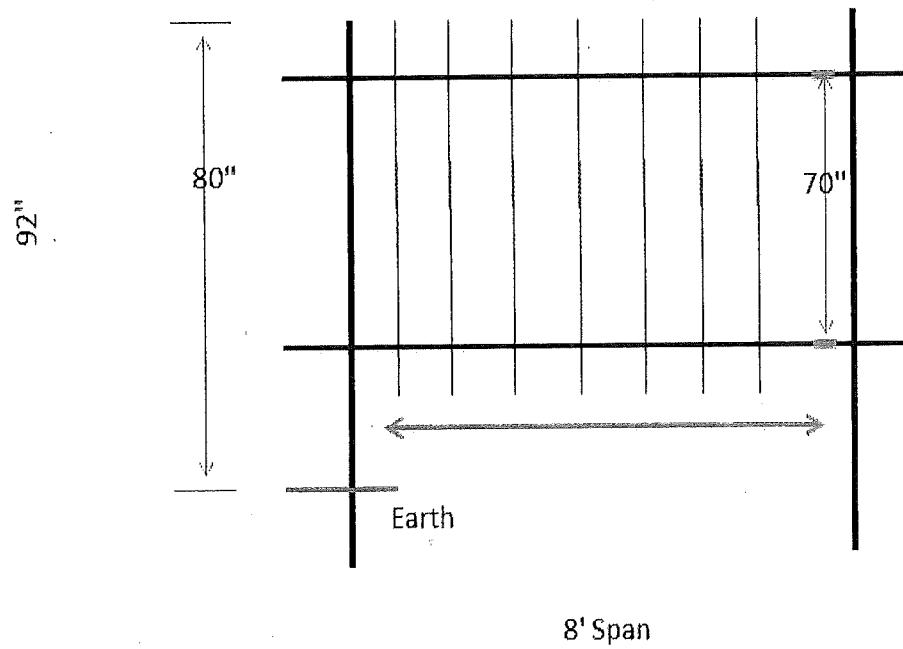
Existing Fence



EXISTING FENCE



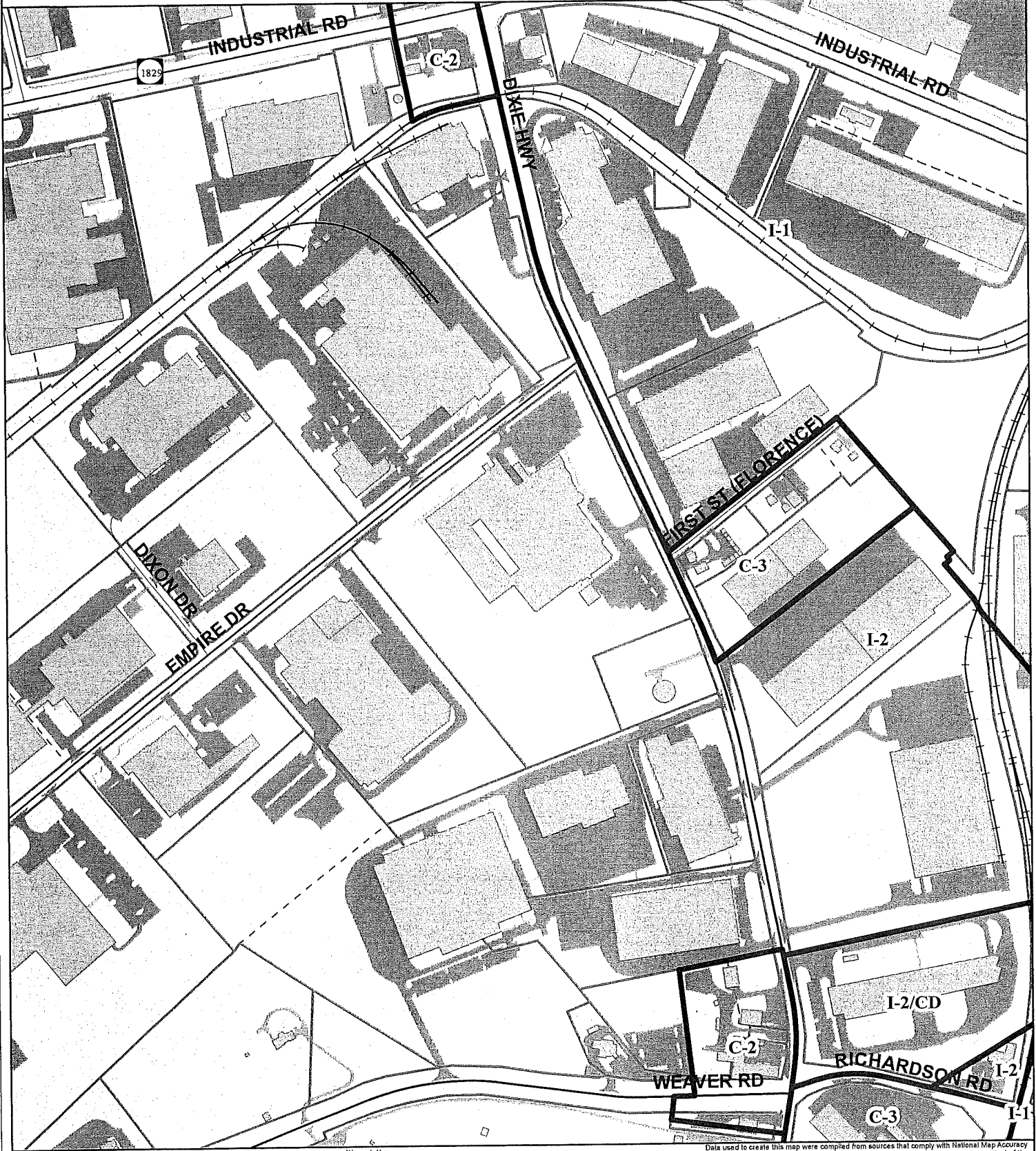
# Current Fence Measurements





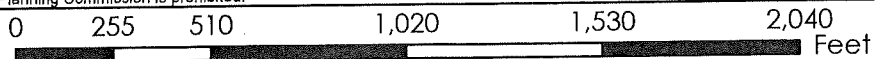
# ZONING MAP

www.boonecountygis.com



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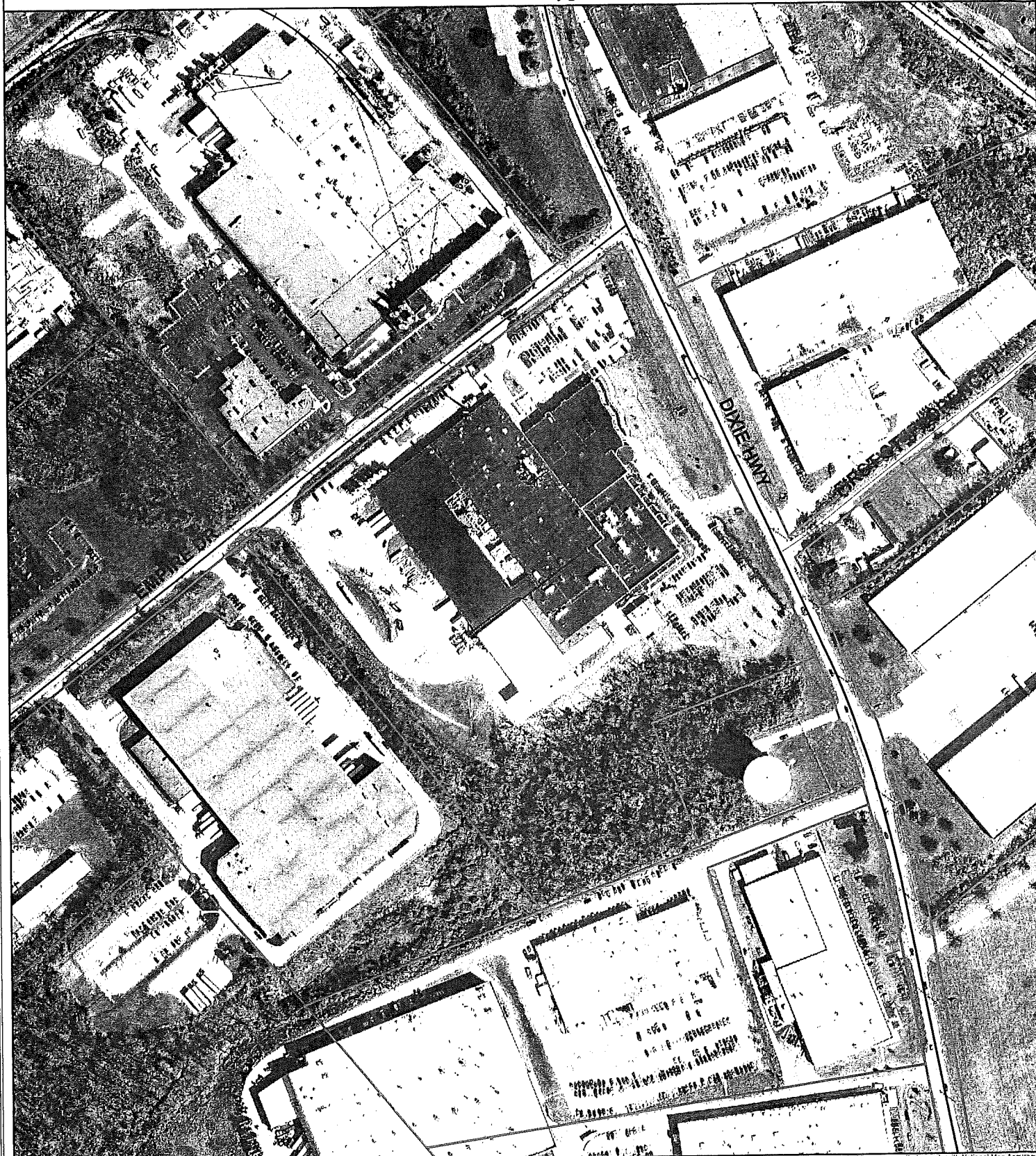
1 inch = 500 feet



**Boone County GIS - Putting Northern Kentucky on the Map**

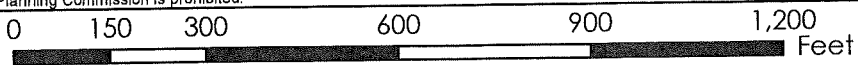
# 2016 AERIAL MAP

www.boonecountygis.com



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1 inch = 300 feet

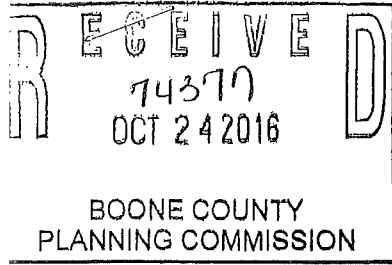


**Boone County GIS - Putting Northern Kentucky on the Map**

Map Created: 07/01/2013

File Path: \\gis\work\2013\061513\061513.mxd  
ArcMap Document: BooneMap (146).mxd

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)

- (Check One)
1. [x] Boone [ ] Florence [ ] Walton [ ] Union
2. [ ] Conditional Use Permit [ ] Variance [ ] Appeal
3. Applicant's Name Ticona Polymers, Inc.
Applicant's Address 8040 Dixie Hwy
Florence KY 41042
4. Description of Request: variance to allow 8' fence in corner side yard
5. Name of Development Ticona Polymers, Inc. "Celanese"
6. Location of Development 8040 Dixie Hwy
Florence, KY 41042
7. Acreage Under Review 22.592
8. Lot Number and Name of Subdivision (if part of a subdivision)
9. Owner of Property Ticona Polymers, Inc.
Address of Property Owner 8040 Dixie Hwy
Florence KY 41042
10. Phone Number 859-525-4740 Fax No. 214-258-9352 E-Mail kassie.hatton@celanese.com
11. Proposed Use(s) on Site general security & safety of Celanese employees
potential liability of persons on Celanese property, safety of pedestrians
12. Total Square Footage of Existing and/or Proposed Buildings
13. Current Zoning on Property
14. Deed Book 342 Page No. 37, 38 & 39 Group No. 2049A
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?
17. Have you submitted a list of adjoining property owners with this request?
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] Secretary
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)
ORIGINAL Applicant's Signature: [Signature] Secretary
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

COPY

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Ticona Polymers, Inc.  
8040 Dixie Hwy  
Florence, Ky. 41042

2. ADDRESS OF PROPERTY

8040 Dixie Hwy  
Florence, Ky. 41042

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Ticona Polymers, Inc. "Celanese"

4. DEED BOOK 342

PAGE NO. 37

GROUP NO. 2049A

5. TYPE OF RESTRICTION(S) (Check all that apply)

Zoning Map Amendment:  
From  To

Conditional Use Permit

Development Plan

Conditional Zoning

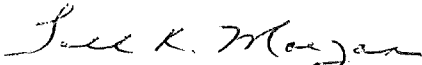
Subdivision Plat  
(Not Recorded)

Other: Minor Site Plan

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



SIGNATURE OF COMPLETING OFFICIAL

Todd Morgan, AICP – Senior Planner

Name and Title of Completing Official

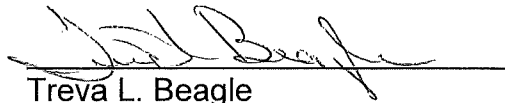
COPY

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

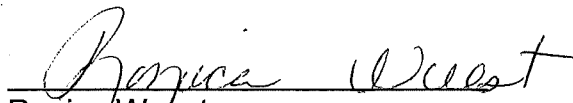
Subscribed, sworn to, and acknowledged before me by Todd Morgan

on behalf of the Boone County Planning Commission this 15 day of December, 2016.

  
Treva L. Beagle  
Notary ID 499309  
NOTARY PUBLIC, State at Large

My commission Expires:  
November 12, 2017

This instrument was prepared for recording purposes only by:

  
Ronica Wuest  
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 Board of Adjustment and in accordance with the current zoning in effect as of December 14, 2016 Certificate of Land Use Restriction (#16-BCBOA-015-A), for Ticona Polymers, Inc., Property Owner(s).

The following conditions will apply:

- 1. The proposed fencing shall meet the 50' front yard setback requirement from Dixie Highway.**
- 2. Street frontage landscaping, which complies with Sections 3610 and 3620 of the Boone County Zoning Regulations, shall be installed between the fence and the right-of-way lines.**
- 3. The proposed fencing shall match the existing fencing along the Empire Drive frontage.**

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

DEED BOOK 342    PAGE NO. 37    GROUP NO. 2049A