

APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

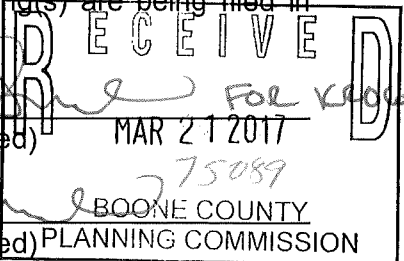
FIVE (5) SCALED COPIES AND ONE (1) 11X17 REDUCTION OF SUBMITTED DRAWINGS ARE REQUIRED

See Boone County Zoning Regulations

SECTION A (To be completed by applicant)

- (Check One) 1. X Boone ... 2. Conditional Use Permit X ... 3. Applicant's Name MARK SMEKRU ... 4. Description of Request: INSTALLATION OF PERIMETER SECURITY FENCE ... 5. Name of Development PARK 536 WAREHOUSE ... 7. Acreage Under Review 45.3368 ACRES ... 9. Owner of Property THE KROGER CO (MARK SMEKRU, KROGER PM) ... 11. Proposed Use(s) on Site DRY GROCERY WAREHOUSE ... 12. Total Square Footage of Existing and/or Proposed Buildings 674,000SF ... 13. Current Zoning on Property I-1 ... 14. Deed Book 1085 Page No. 258 Group No. 2058 ... 15. Is the site subject to a zone change? NO ... 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] FOR KROGER (Faxed, Photocopied or Scanned Signatures will NOT be Accepted) ORIGINAL Applicant's Signature: [Signature] BOONE COUNTY PLANNING COMMISSION (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 3-21-17 Fee Received \$982.00 Receipt # 75089
2. Is application complete? Yes Yes _____ No _____
3. Staff Reviewer [Signature]
4. Scheduled Board Action Date 9/12/17
5. Board Action:
 Approved
 Approved with Conditions (See #6)
 Denial (See #7)
6. Conditions of Approval: See Minutes & 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@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: Mark Smekrud for Kroger

LOCATION: 251 East Mt. Zion Road, Boone County, Kentucky

ZONING: Industrial One (I-1)

DATE: April 12, 2017

Proposal

The applicant is requesting a Variance to allow 8' tall decorative aluminum fencing to be installed within the front yard setback of the office/warehouse facility located at 251 East Mt. Zion Road, Boone County Kentucky. The request is to reduce the fencing setback requirement from 50' to 4.8' in certain areas due to the irregularity of the front property/right-of-way line.

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-1 zone as 50'.

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 31.789 acre parcel is located in Park South at Richwood Industrial Park and is zoned Industrial One (I-1). The site contains a 442,304 square foot office/warehouse which fronts on Transport Drive. The rear of the property adjoins I-71/75 and is screened with evergreen trees, deciduous trees, and berms.

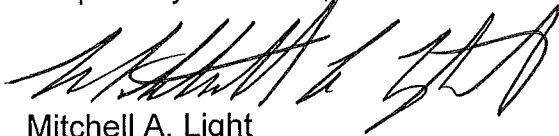
Staff Comments

1. The submitted plan shows an 8' tall black decorative aluminum fence in the front yard setback in order to secure the property. The remainder of the property will be secured with an 8' tall chainlink fence.
2. Staff would like to point out that the Board has approved similar fence height variances for large industrial lots in Park West International Subdivision, Park South at Richwood Subdivision, and Northern Kentucky Industrial Park. As a result, Staff will be considering changes to the fencing regulations as part of the next Zoning Update.
3. The Board needs to analyze the Variance criteria before acting on the request.
4. Staff recommends the following condition if the request is approved:
 - A. The proposed fencing shall be installed per the submitted plan and fence details.
 - B. All street frontage landscaping planted near the decorative fence shall be required between the front property line and the fence (an encroachment permit from KTC may be necessary to install plants in the right-of-way).

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,

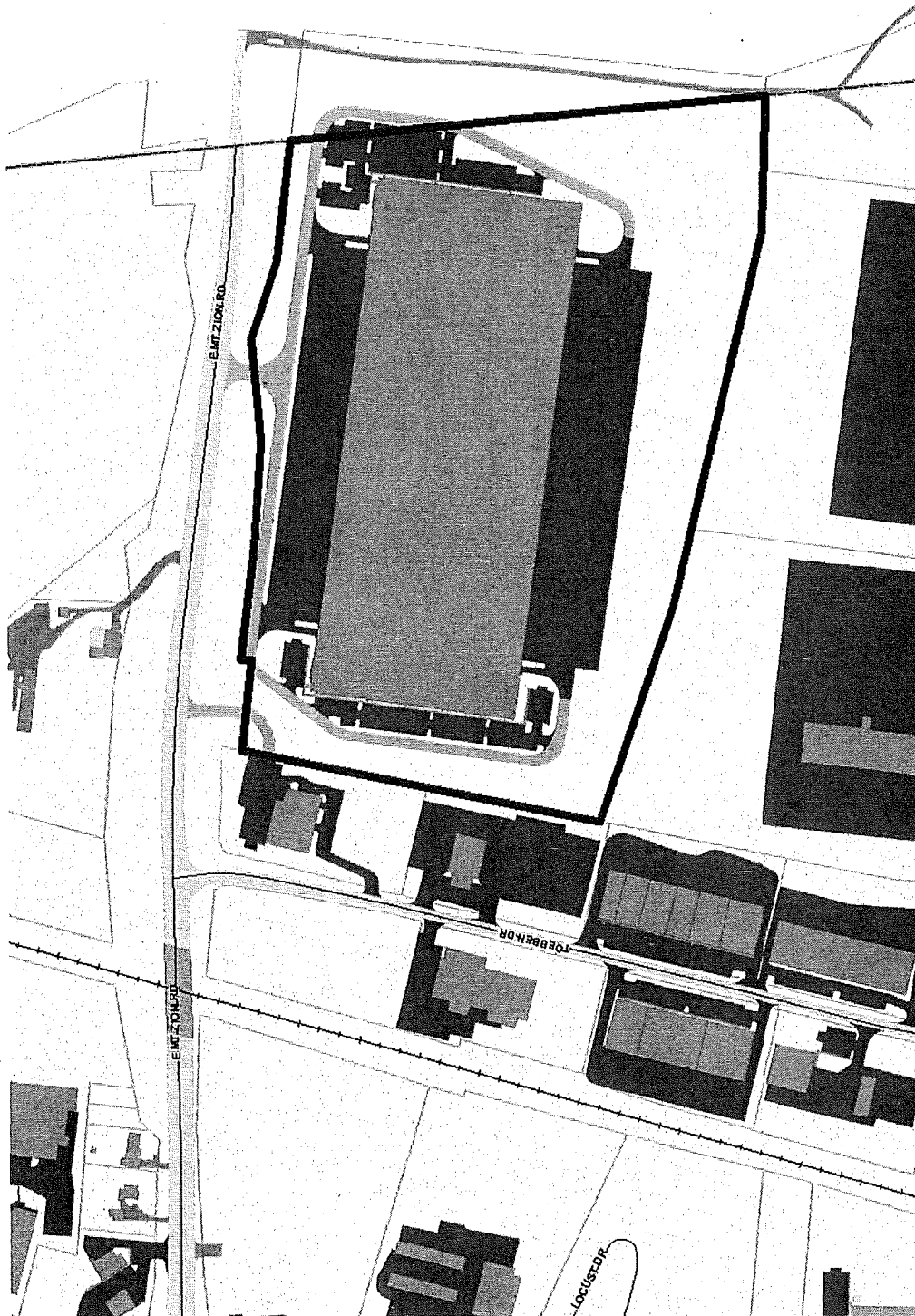


Mitchell A. Light
Assistant Zoning Administrator

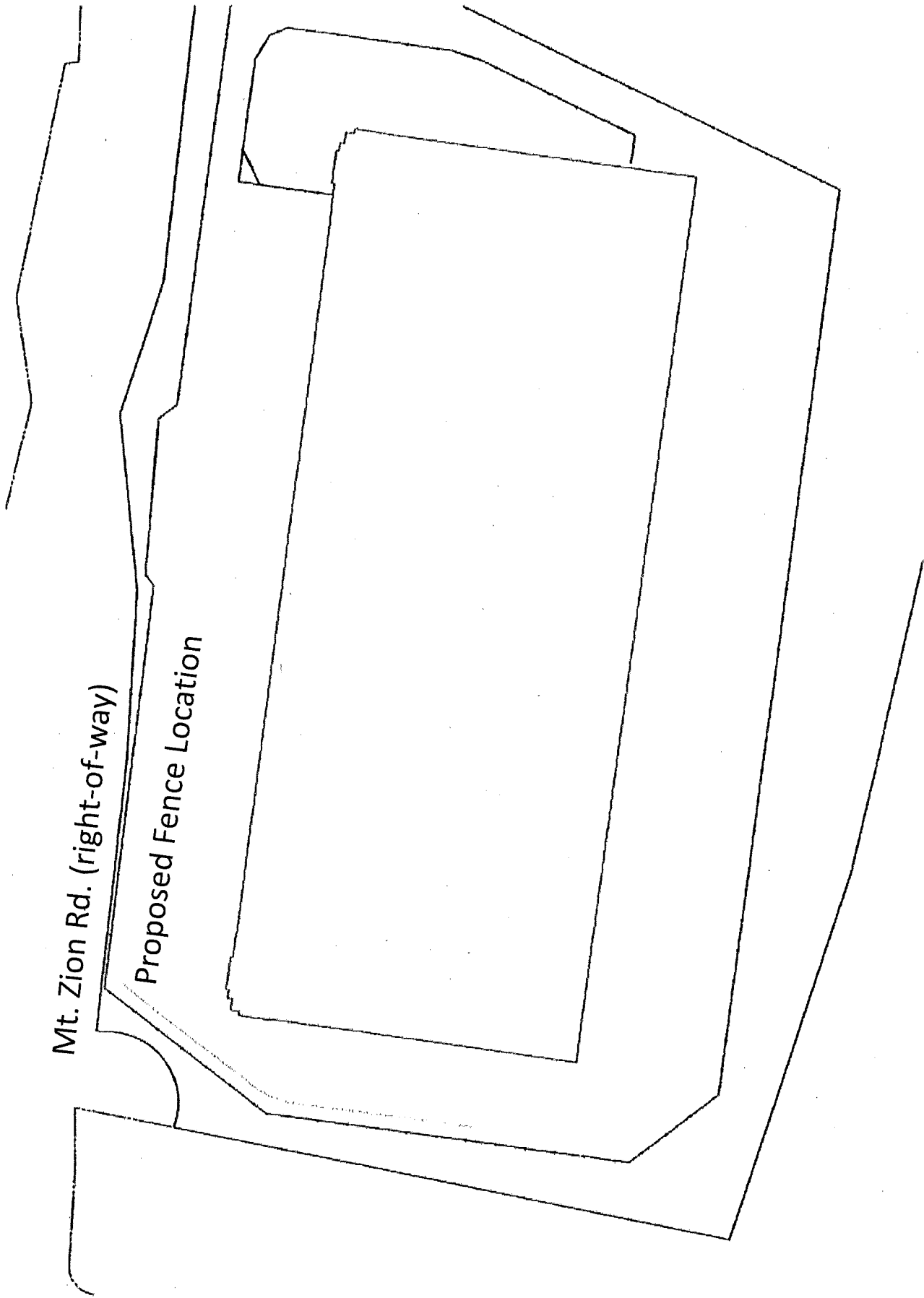
ML/ss

Attachments

- *Site Vicinity Map
- *Proposed Plan
- *Decorative Fence Example
- *Zoning Map
- *2016 Aerial Map
- *Application



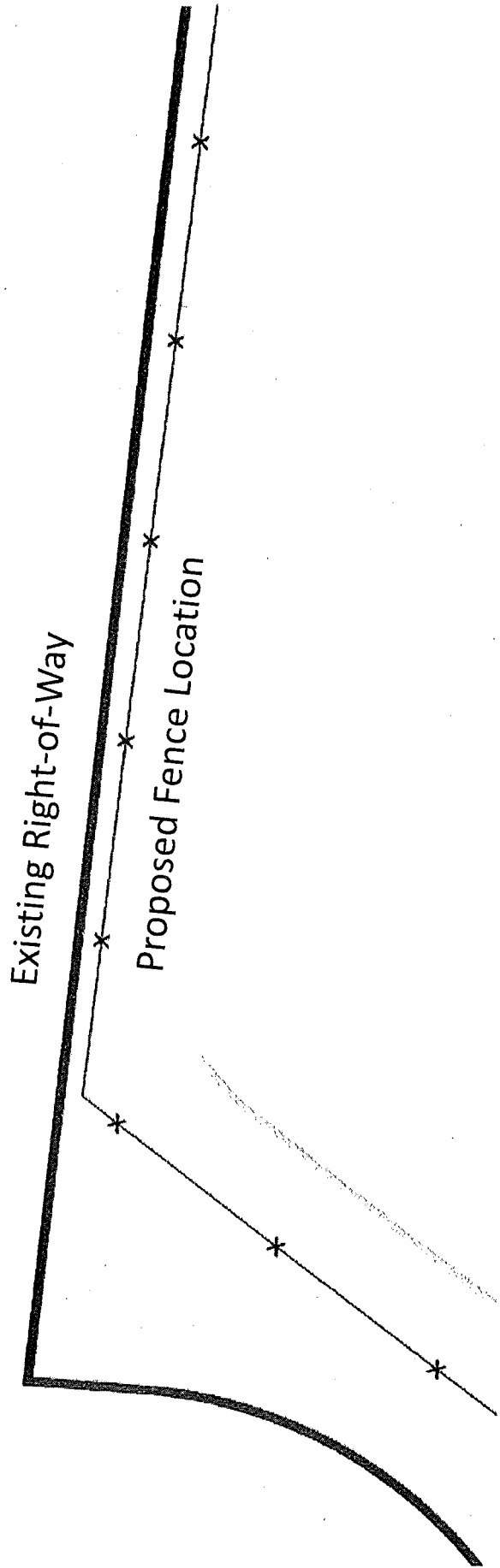
VICINITY MAP



Mt. Zion Rd. (right-of-way)

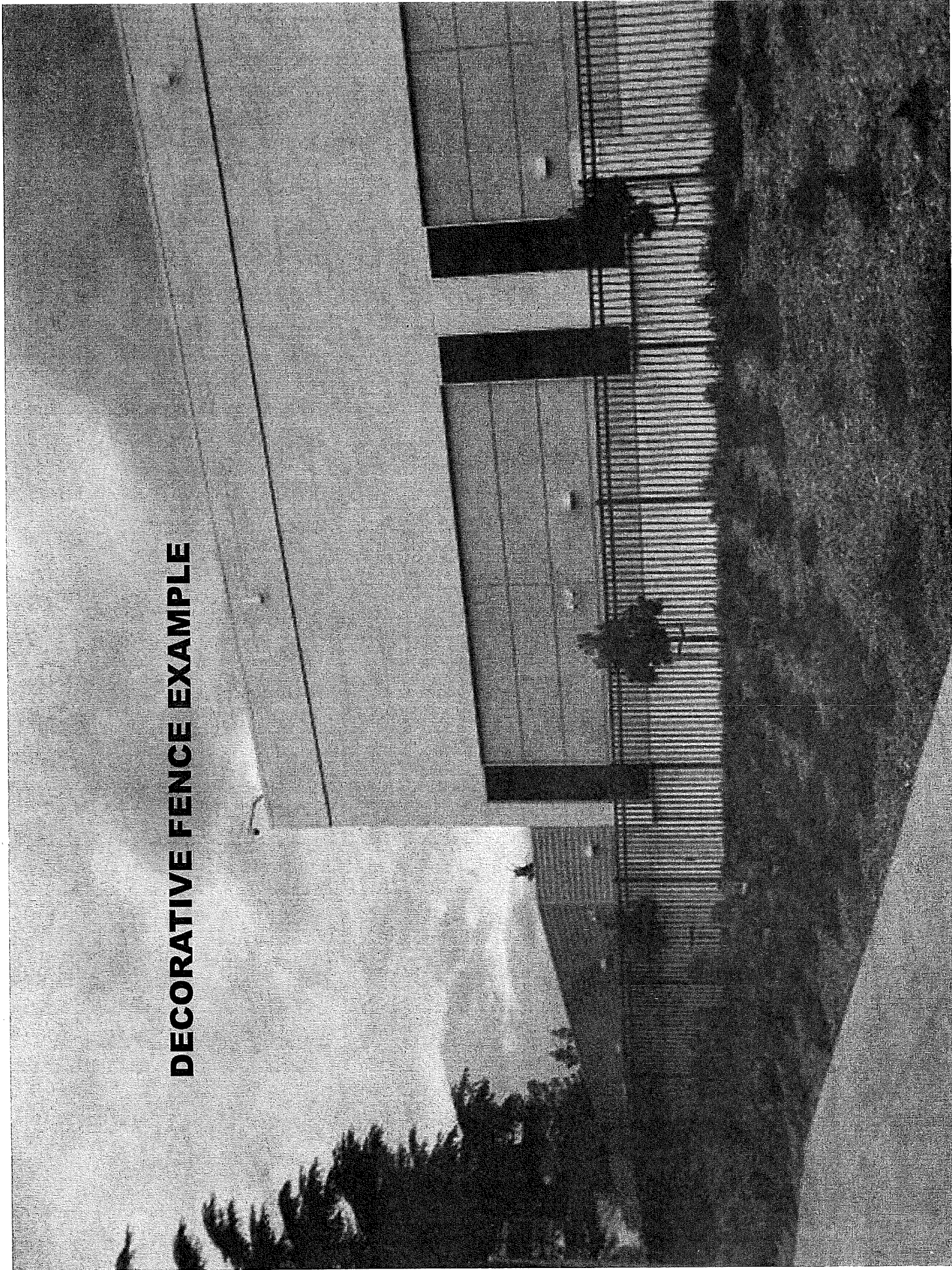
Proposed Fence Location

PROPOSED PLAN

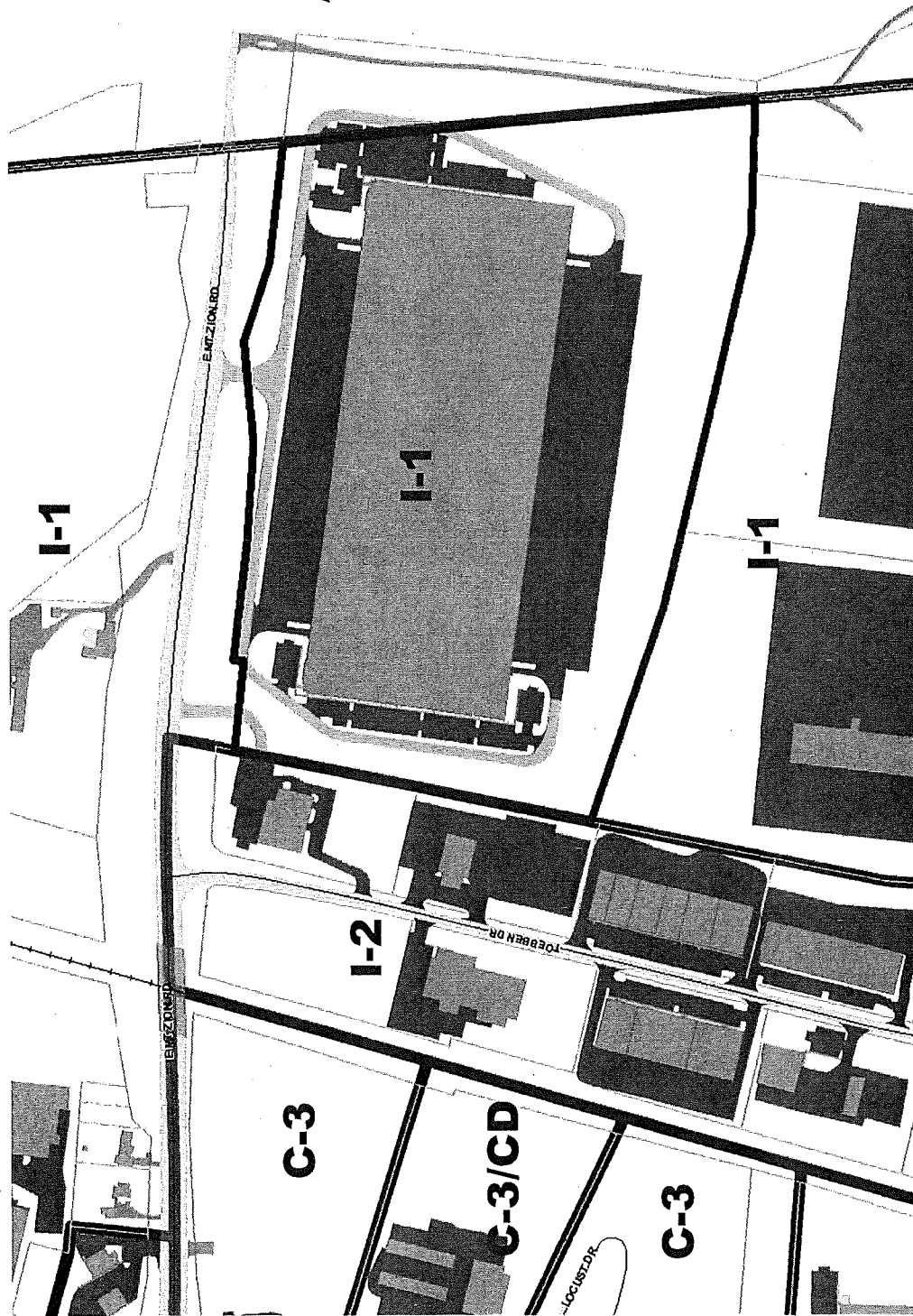


PROPOSED PLAN

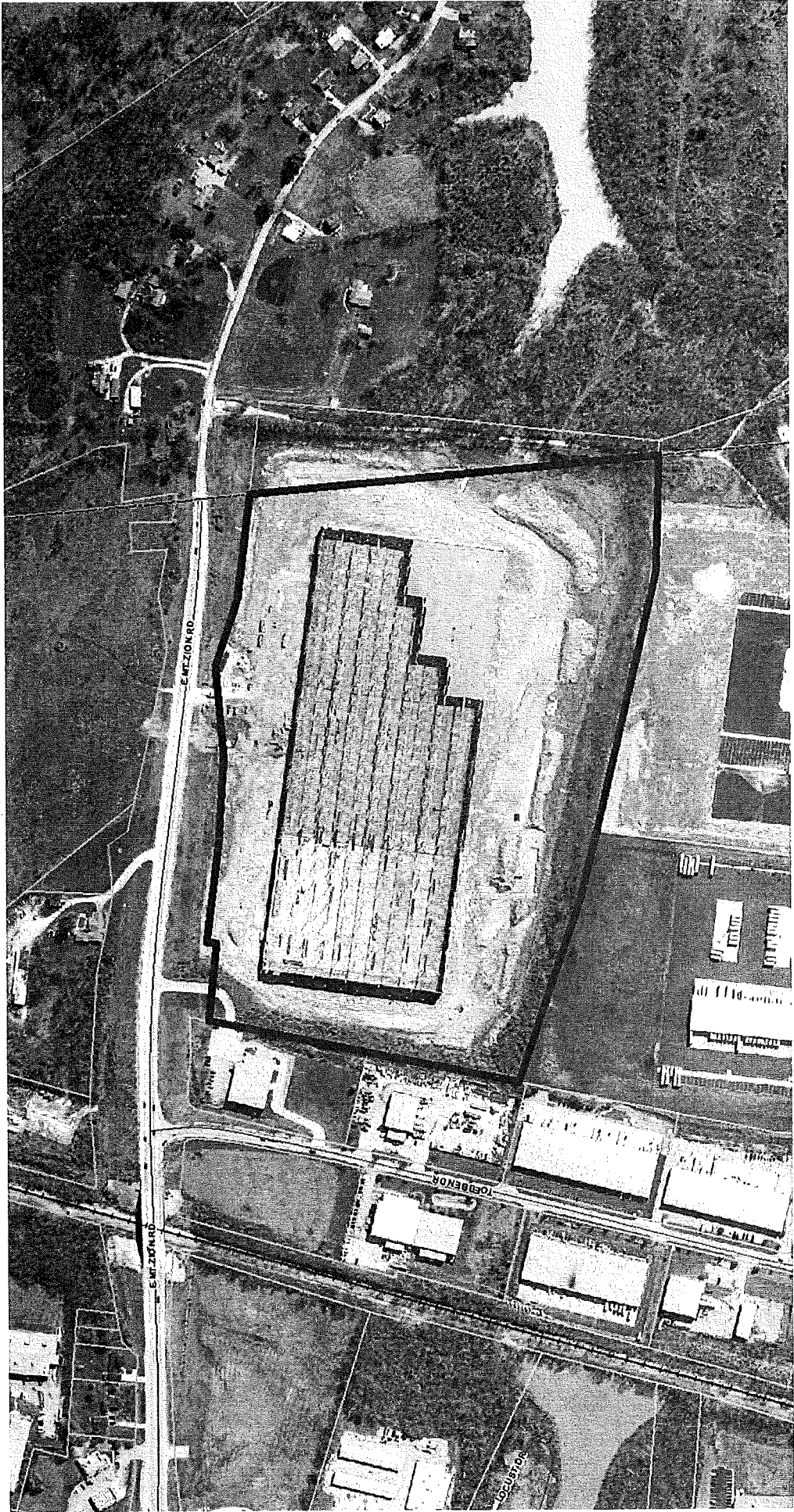
DECORATIVE FENCE EXAMPLE



Kenton County



ZONING MAP



2016 AERIAL PHOTOGRAPHY

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 [X] Florence _____ Walton _____ Union _____
2. (Check One) Conditional Use Permit [X] Variance _____ Appeal _____
3. Applicant's Name MARK SMEKRU
Applicant's Address 1600 ORMSBY STATION CT LOUISVILLE KY 40223
4. Description of Request: INSTALLATION OF PERIMETER SECURITY FENCE WITHIN 50 FEET OF PROPERTY LINE (5 FT FROM PROPERTY LINE AT ONE POINT)
5. Name of Development PARK 536 WAREHOUSE
6. Location of Development 251 E MT ZION ROAD, INDEPENDENCE KY
7. Acreage Under Review 45.3368 ACRES
8. Lot Number and Name of Subdivision (if part of a subdivision) N/A
9. Owner of Property THE KROGER CO (MARK SMEKRU, KROGER PM)
Address of Property Owner 1600 ORMSBY STATION CT LOUISVILLE KY 40223
10. City State Zip
11. Proposed Use(s) on Site DRY GROCERY WAREHOUSE DISTRIBUTING FOOD AND SEASONAL PRODUCTS TO KROGER STORES
12. Total Square Footage of Existing and/or Proposed Buildings 674,000SF
13. Current Zoning on Property I-1
14. Deed Book 1085 Page No. 258 Group No. 2058
15. Is the site subject to a zone change? NO
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] FOR KROGER
ORIGINAL Applicant's Signature: [Signature] BOONE COUNTY PLANNING COMMISSION
RECEIVED MAR 21 2017 75089