

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 [x] Variance [] Appeal

[] Change in Non-Conforming Use

3. Applicant's Name Riegler Holdings, LLC
Applicant's Address 19 Lendale Drive
Florence KY 41042

City State Zip

Phone Number 859.371.8122 Fax No. 859.371.8147 E-Mail dan@rieglerblacktop.com

Road frontage

4. Description of Request: 1: Front Setback Variance on newly created "Lot 1"
2: Variance to allow a fence to be placed in the front setback of "Lot 2"

5. Name of Development New Office for Len Riegler Blacktop at Chaps Lake

6. Location of Development Southwest Corner of Weaver Road and U.S. 25
Current Address 8312 Dixie Highway (U.S.25)

7. Acreage Under Review 13.83 acres

8. Lot Number and Name of Subdivision (if part of a subdivision)
Lots 1 and 2 of Chap's Industrial Subdivision

9. Owner of Property Riegler Holdings, LLC
Address of Property Owner 19 Lendale Drive

10. Florence KY 41042
City State Zip

Phone Number 859.653.2823 Fax No. 859.371.8147 E-Mail dan@rieglerblacktop.com

11. Proposed Use(s) on Site Office Space, equipment storage garage, equipment maintenance garage, various "lean to" storage buildings

12. Total Square Footage of Existing and/or Proposed Buildings 35,540 SF

13. Current Zoning on Property I-2

14. Deed Book 1076 Page No. 196 Group No. 20498

15. Is the site subject to a zone change? No
If yes, give date of approval

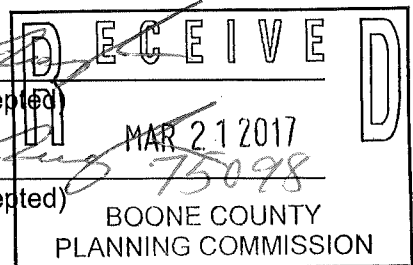
16. Have you submitted a Site Plan with this request? Yes

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: [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 3-21-17 Fee Received \$1582.00 Receipt # 75098
2. Is application complete? Yes No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
4/12/17 **Approved**
Approved with Conditions (See #6)
Denial (See #7)
6. Conditions of Approval: SEE 4/12/17 BCBOA meeting
minutes + CLR
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: Riegler Holdings, LLC

LOCATION: 8312 Dixie Highway, Boone County, Kentucky

ZONING: Industrial Two (I-2)

DATE: April 12, 2017

Proposal

The applicant has submitted the following applications:

1. A Variance to reduce the minimum road frontage requirement of a future 2.3 acre lot. The submitted drawings show the applicant wants to subdivide the former Chaps Lake property into two lots of record. Lot 1 will front on Dixie Highway and be redeveloped with an undetermined use in the future. Lot 2 will front on Weaver Road and contain offices and equipment storage for Riegler Blacktop. The Boone County Zoning Regulations require conventional lots, which are zoned I-2, to have a minimum of 250' of road frontage at the 50' front yard setback line. The request is to reduce the road frontage requirement of future lot 1 from 250' to 137.37'.
2. A Variance to allow decorative fencing, which is more than 4' tall, to be installed within the 50' front yard setback of the future Riegler Blacktop facility (future lot 2). The proposed decorative fence/gate is approximately 68' long and will connect to a right-of-way fence in the Weaver Road right-of-way and the corner of a future garage. The request is to reduce the fencing setback requirement from 50' to 0'.

Applicable Regulations

Table 31.1 of the Boone County Zoning Regulations indicates the minimum road frontage requirement for a buildable lot in the I-2 zone is 250'.

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

Section 4000 of the Boone County Zoning Regulations defines lot frontage as the distance between the side property lines as measured across the required minimum front yard setback line.

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.

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 requests as they relate to the criteria necessary for granting variances 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 subject property is 13.83 acres in area and has 139.52' feet of frontage on Dixie Highway and 1,688.19' feet of frontage on Weaver Road. A Grading Plan was approved by Boone County Planning Commission on January 22, 2015 and most of the site was recently disturbed. The eastern portion of the site was not graded and three buildings and a small parking lot from the Chaps Lake business operation remain on site. Site access is currently provided from a single curb cut on Dixie Highway and a construction entrance on Weaver Road. Significant vegetation exists in the Weaver Road right-of-way, which helps screen the property. An approximate 44" tall woven wire right-of-way fence also exists along Weaver Road but is largely hidden by the vegetation.

Staff Comments

1. Staff received an email from Matt Bogen, with Kentucky Transportation, regarding the requests (see attachments). He provided the following comments:
 - A. Riegler Blacktop has contacted them about replacing the existing right-of-way fence in the Weaver Road right-of-way. They will allow this fence to be replaced but will require fence plans or specifications to be provided before they grant an Encroachment Permit.

- B. Kentucky Transportation Cabinet will reevaluate the existing access point on Dixie Highway at the time future lot 1 redevelops.

2. Staff has the following comments:

Lot Frontage Variance

- A. The lot frontage Variance is required because the applicant is proposing to subdivide the existing parcel into two lots of record.
- B. Staff believes denying the request would deny the applicant of the reasonable use of the land. The amount of parcel frontage on Dixie Highway is an existing condition and will not be reduced by the proposed subdivision.

Fence Variance

- A. Staff would like the applicants to address if the proposed fence heights (right-of-way fence and proposed fence between the right-of-way and garage) have been determined.
- B. Similar fence variances have been approved 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.

4. The Board needs to analyze the Variance criteria before acting on the requests.

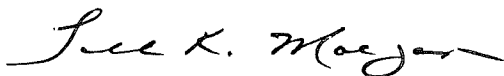
5. Staff recommends the following condition if the request is approved:

- A. The proposed decorative fence shall not be more than 8' tall.

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

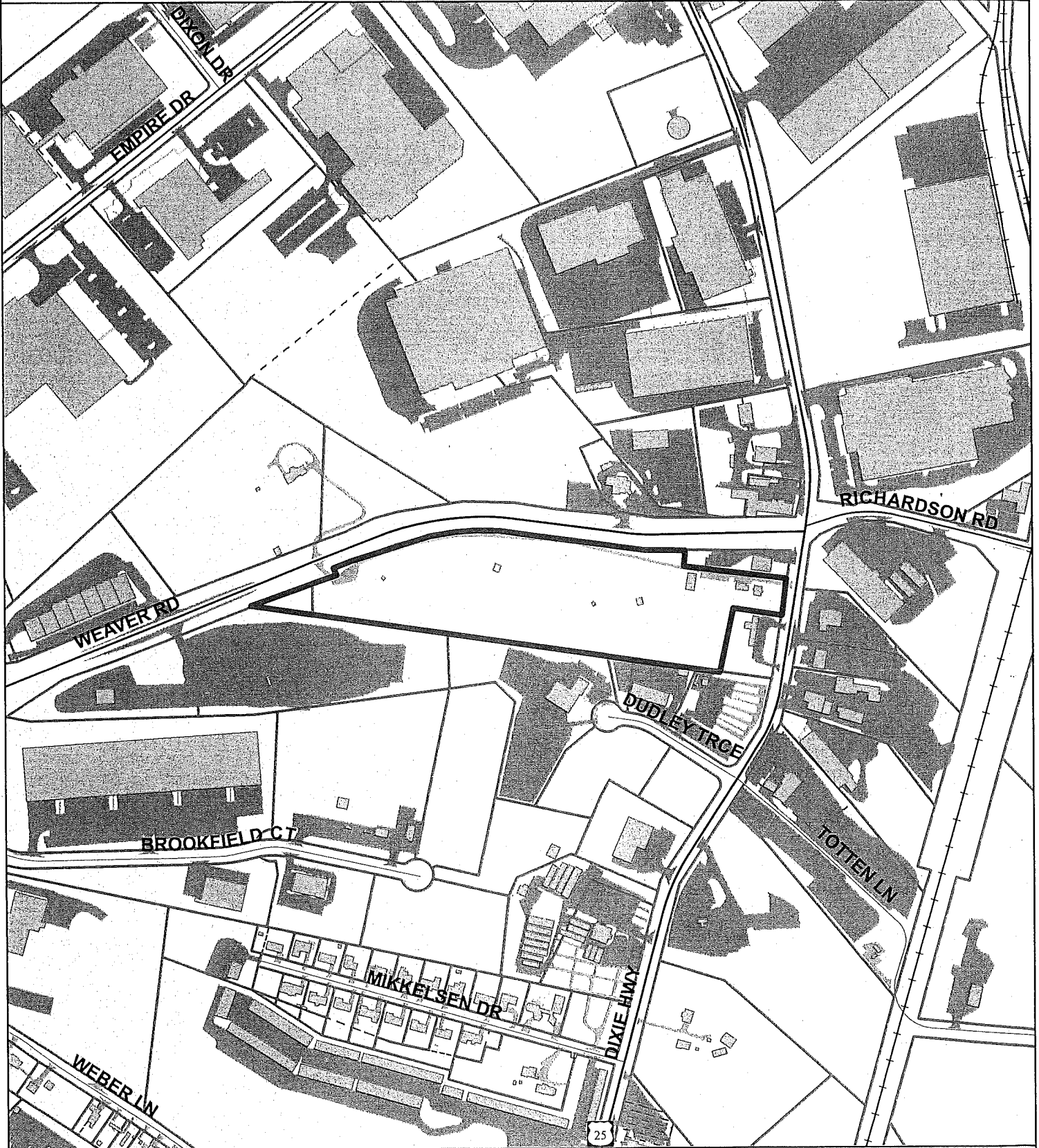
TKM/ss

Attachments

- *Site Vicinity Map
- *Proposed Plans
- *Picture of Similar Fence
- *Zoning Map
- *2016 Aerial Map
- *3/29/17 Email From Matt Bogen
- *Application

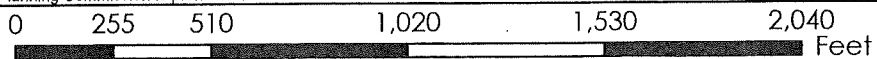
SITE VICINITY MAP

www.boonecountygis.com



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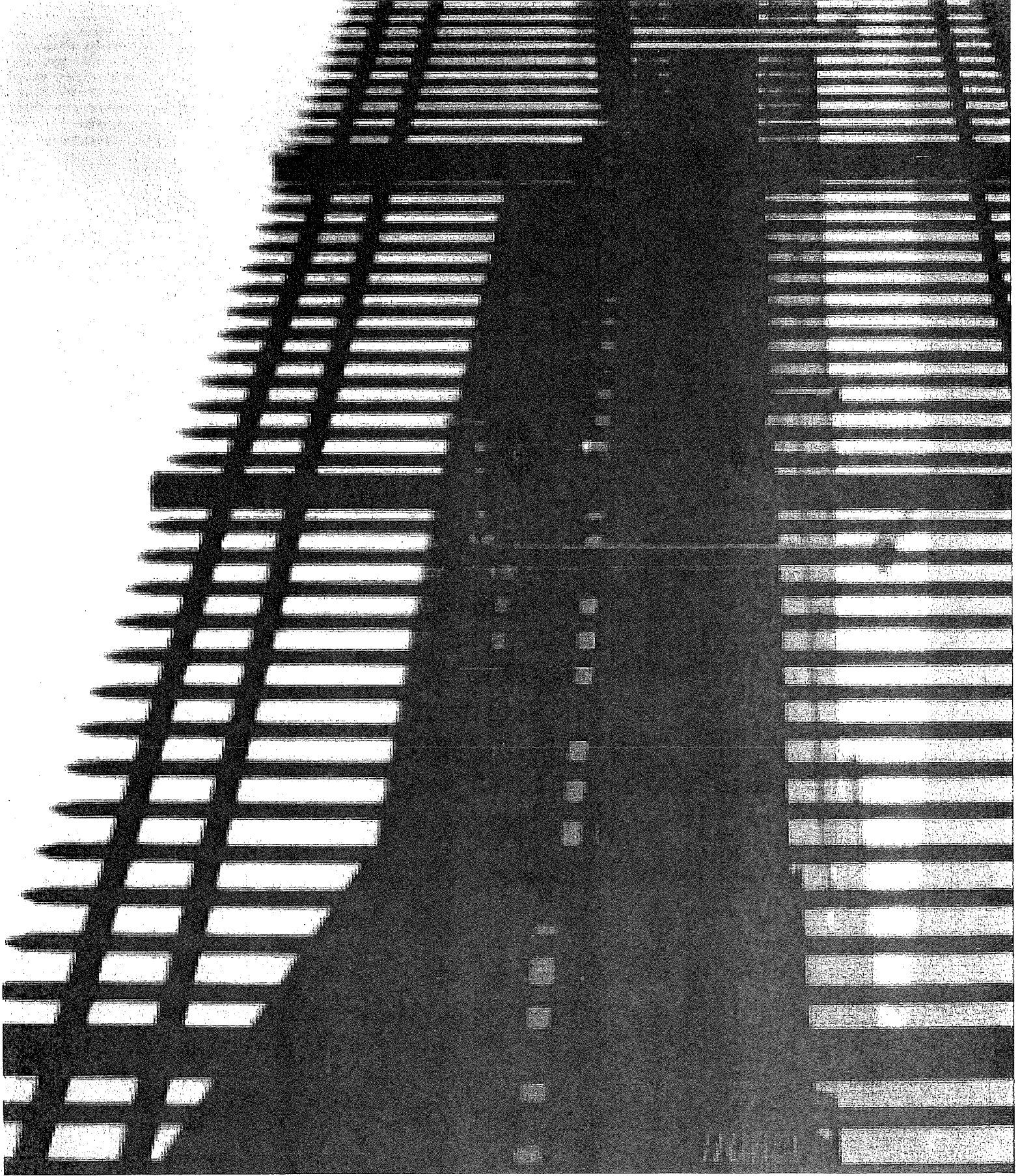


1 inch = 500 feet



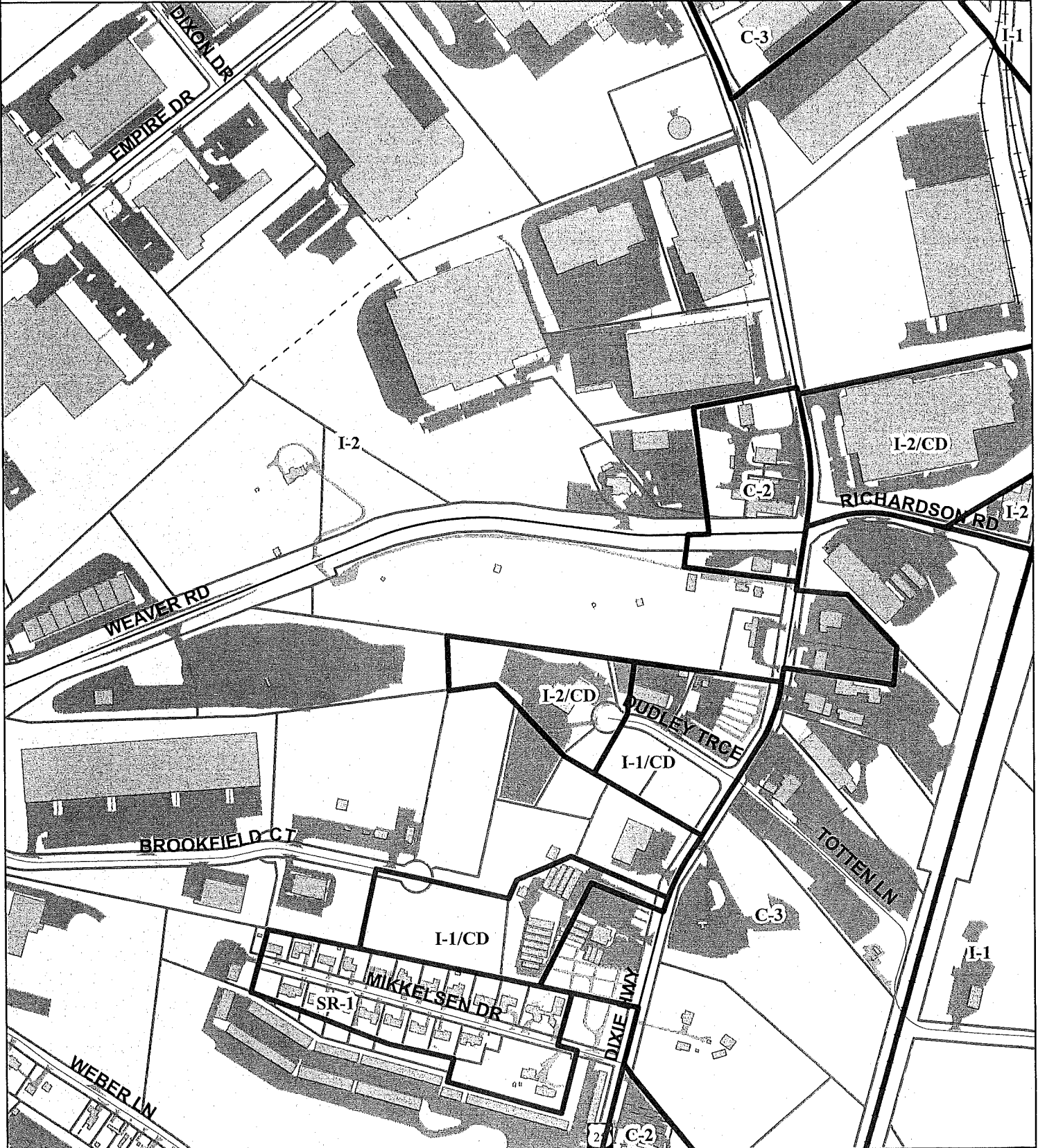
Boone County GIS - Putting Northern Kentucky on the Map





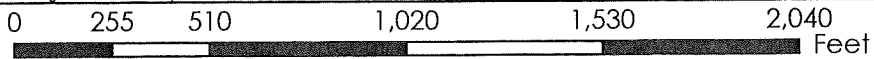
ZONING MAP

www.boonecountygis.com

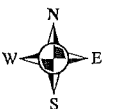


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1 inch = 500 feet



Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 07/01/2013

Map Document: BooneMap (16).mxd

2016 AERIAL MAP

www.boonecountygis.com



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0 255 510 1,020 1,530 2,040 Feet

1 inch = 500 feet



Boone County GIS - Putting Northern Kentucky on the Map



Todd Morgan

From: Todd Morgan
Sent: Wednesday, March 29, 2017 4:13 PM
To: Dan@RieglerBlacktop.Com
Subject: FW: Chaps Lake

FYI – I will be including this email as part of my Staff Report.

Todd

From: Bogen, Matthew (KYTC-D06) [<mailto:Matthew.Bogen@ky.gov>]
Sent: Wednesday, March 29, 2017 4:03 PM
To: Todd Morgan
Cc: Arlinghaus, Matt J (KYTC-D06); Brannon, Mark K (KYTC-D06)
Subject: Chaps Lake

Todd,

Following up on our phone conversation, KYTC has been in touch with Riegler Blacktop about their proposed development at Dixie Highway and Weaver Rd, although no formal encroachment permit submittal has been received at this time. KYTC is willing to permit replacement of the ROW fence, but needs to see some specs or drawings from the applicant as to the new fence.

From our discussions with Riegler, the main access for this development would be off of Weaver Rd. Although there is an existing access point for the property onto Dixie Highway, Riegler says it is not currently planned for use with this development. KYTC would consider this development a major change in land use, and will require re-evaluation before allowing future use of the Dixie Highway curb cut.

Please let me know if there is any additional info I can provide.

Thanks,

Matt Bogen, PE
KYTC District 6
Permits Section Supervisor
Phone: (859) 341-2700 x307
Cell: (859) 462-8718

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BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

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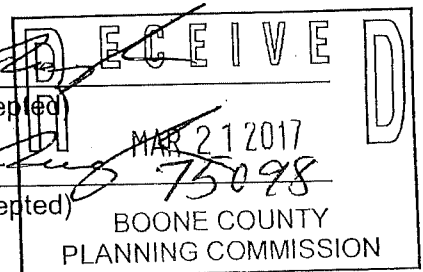
See Boone County Zoning Regulations

SECTION A (To be completed by applicant)

- 1. (Check One) x Boone Florence Walton Union
2. (Check One) Conditional Use Permit x Variance Appeal
3. Applicant's Name Riegler Holdings, LLC
Applicant's Address 19 Lendale Drive Florence KY 41042
4. Description of Request: 1: Front setback Variance on newly created "Lot 1"
2: Variance to allow a fence to be placed in the front setback of "Lot 2"
5. Name of Development New Office for Len Riegler Blacktop at Chaps Lake
6. Location of Development Southwest Corner of Weaver Road and U.S. 25
7. Acreage Under Review 13.83 acres
8. Lot Number and Name of Subdivision (if part of a subdivision) Lots 1 and 2 of Chap's Industrial Subdivision
9. Owner of Property Riegler Holdings, LLC
10. Address of Property Owner 19 Lendale Drive Florence KY 41042
11. Proposed Use(s) on Site Office Space, equipment storage garage, equipment maintenance garage, various "lean to" storage buildings
12. Total Square Footage of Existing and/or Proposed Buildings 35,540 SF
13. Current Zoning on Property I-2
14. Deed Book 1076 Page No. 196 Group No. 2049B
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? 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: (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)



(over)

CERTIFICATE OF LAND USE RESTRICTION

- 1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Riegler Holdings, LLC
19 Lendale Drvie
Florence, KY 41042
- 2. ADDRESS OF PROPERTY
8312 Dixie Hwy
Florence, KY 41042
- 3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Riegler Blacktop

4. DEED BOOK 1076 PAGE NO. 196 GROUP NO. 2049B

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

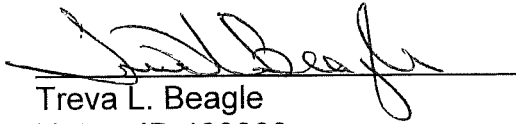
Todd Morgan, AICP – Senior Planner
Name and Title of Completing Official

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 13 day of April, 2017.



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.)

COPY

CLUR #17-BCBOA-007-A

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 April 12, 2017 Certificate of Land Use Restriction (#17-BCBOA-007-A), for Riegler Blacktop, Property Owner(s).

The following conditions will apply:

- 1. The proposed decorative fence shall not be more than 8' tall.**

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

DEED BOOK 1076

PAGE NO. 196

GROUP NO. 2049B