

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

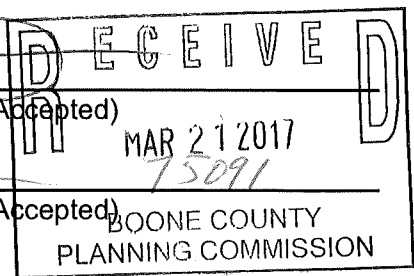
See Boone County Zoning Regulations

SECTION A (To be completed by applicant)

- (Check One)
1. Boone _____ Florence _____ Walton _____ Union _____
 2. _____ Conditional Use Permit _____ Variance _____ Appeal _____
_____ Change in Non-Conforming Use
 3. Applicant's Name Bayer & Becker, Inc. - Rob Keller
Applicant's Address 209 Grandview Drive
Ft. Mitchell KY 41017
City State Zip
Phone Number 859-261-1113 Fax No. 859-261-1710 E-Mail robkeller@bayerbecker.com
 4. Description of Request: Requesting a variance to allow an 8' tall fence within front yard building setback
 5. Name of Development Park South at Richwood Phase II (Bldg. I)
 6. Location of Development 55 Transport Drive
 7. Acreage Under Review 31.800 Ac.
 8. Lot Number and Name of Subdivision (if part of a subdivision)
N/A
 9. Owner of Property Park South I, LLC c/o IDI Gazeley
Address of Property Owner 740 Centre View Blvd., Floor 3
 10. Crestview Hills KY 41017
City State Zip
Phone Number 859-663-2880 Fax No. 859-663-2890 E-Mail doug.armbruster@idigazeley.com
 11. Proposed Use(s) on Site Warehouse/Distribution
 12. Total Square Footage of Existing and/or Proposed Buildings Existing 442,304 s.f. building
 13. Current Zoning on Property I-1/CD
 14. Deed Book D.B. 1062, Pg. 462 Page No. D.B. 1085, Pg. 375 Group No. 2072, 4876, 4939
 15. Is the site subject to a zone change? No 1065 / 462
If yes, give date of approval N/A
 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)



**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 \$932.00 Receipt # 75091
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 AND 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: Bayer Becker

LOCATION: 55 Transport Drive, Boone County, Kentucky

ZONING: Industrial One (I-1)

DATE: April 12, 2017

Proposal

The applicant is requesting a Variance to allow 8' tall aluminum fencing to be installed within the front yard of the office/warehouse facility located at 55 Transport Drive, Boone County Kentucky. The request is to reduce the fencing setback requirement from 50' to 12'.

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.

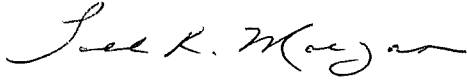
Staff Comments

1. The submitted plan shows that 8' tall black aluminum fencing will be used to secure front truck dock parking lot. The fencing will include two gates and will connect to the front of the building. 8' tall chainlink fencing will be used to secure the rear truck dock parking lot.
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.

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

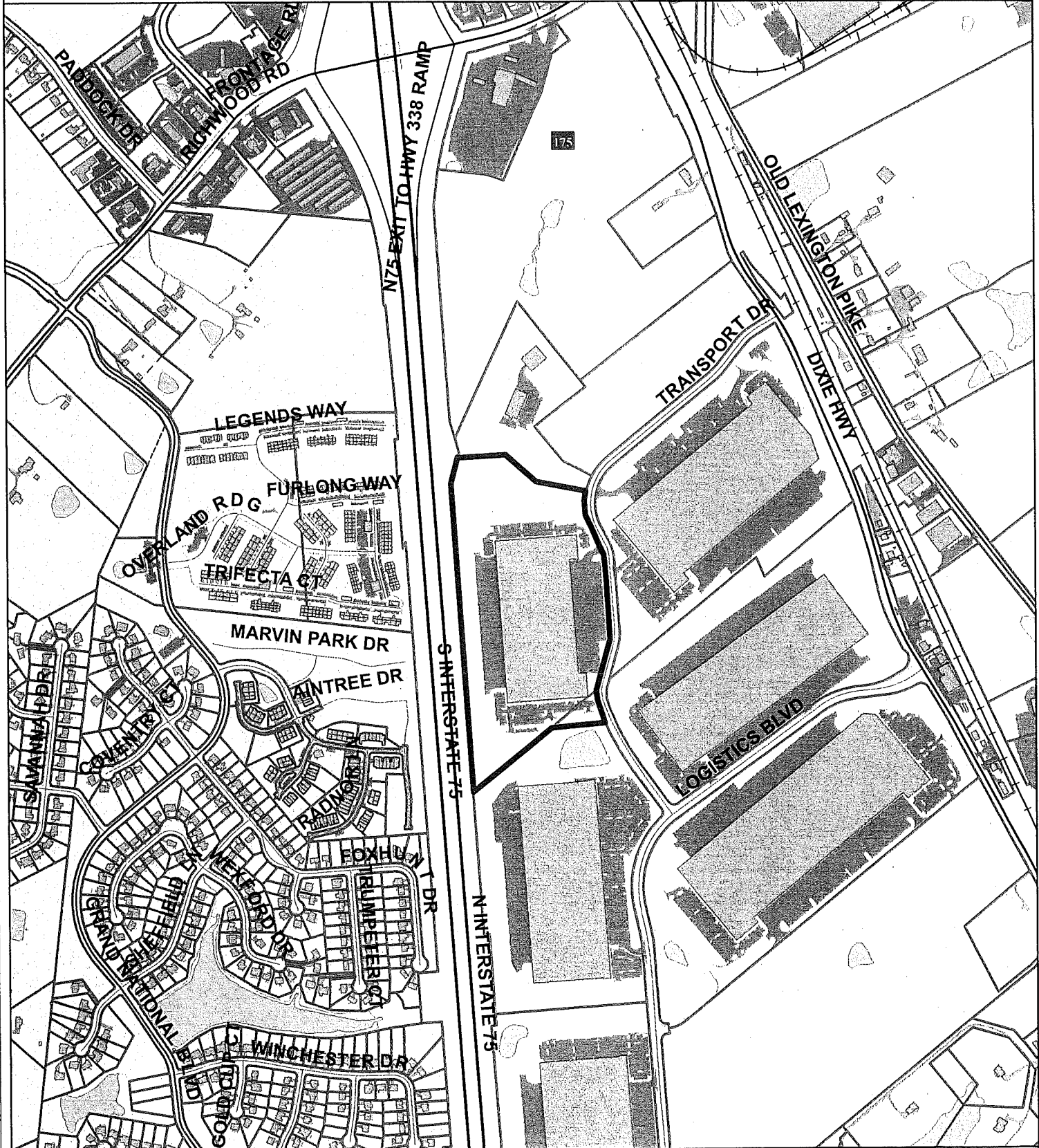
TKM/ss

Attachments

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

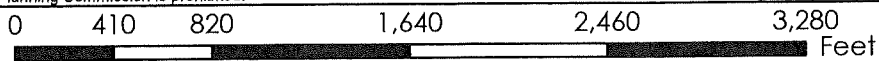
SITE VICINITY MAP

www.boonecountygis.com



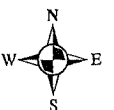
Copyright 2014 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

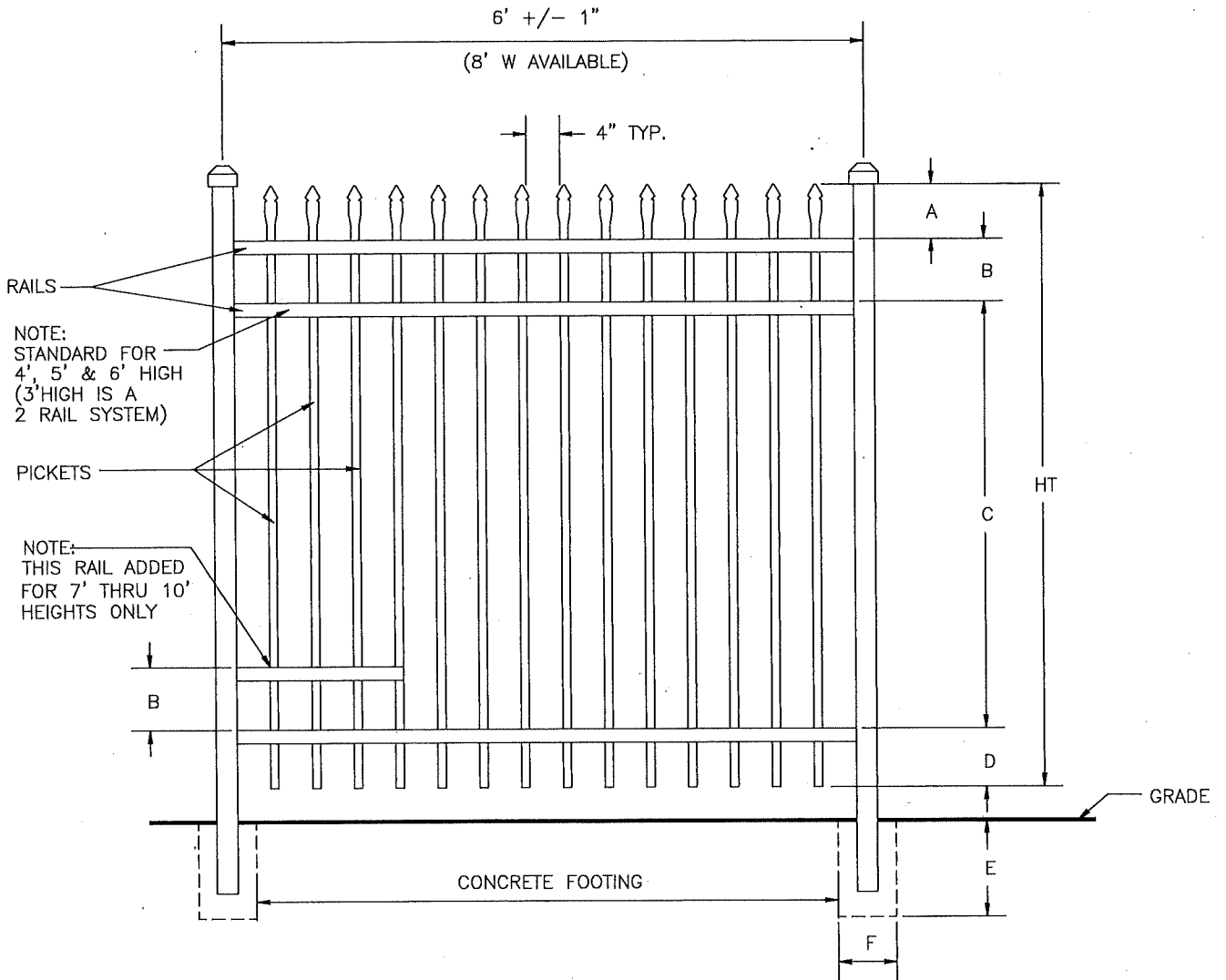
Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



1 inch = 800 feet

Boone County GIS - Putting Northern Kentucky on the Map





UAS 100
SPEAR TOP

SPECIFICATIONS INDUSTRIAL	
POSTS	2 1/2"x2 1/2"x.100 WALL 3"x3"x.125 WALL 4"x4"x.125 WALL
HORIZONTAL RAILS ENCLOSED BOTTOM SIDE WALLS TOP WALLS	1 5/8" x 1 5/8" AVAILABLE .100" .070"
PICKETS PICKET SPACING	1"x1"x.062 WALL 4"
AVAILABLE HEIGHTS	3, 4, 5, 6, 7, 8, 9 & 10 FT.
AVAILABLE WIDTHS	6 & 8 FT.

DIMENSIONS						
HT	A	B	C	D	E	F
3'	6 1/2"	7 1/2"	15"	7"	PER LOCAL CODE	
4'	6 1/2"	7 1/2"	27"	7"	PER LOCAL CODE	
5'	6 1/2"	7 1/2"	39"	7"	PER LOCAL CODE	
6'	6 1/2"	7 1/2"	51"	7"	PER LOCAL CODE	
7'	8 1/2"	11 1/2"	52 3/4"	11 1/4"	PER LOCAL CODE	
8'	8 1/2"	11 1/2"	64 3/4"	11 1/4"	PER LOCAL CODE	
9'	12 1/2"	14 3/4"	65 3/4"	15"	PER LOCAL CODE	
10'	12 1/2"	14 3/4"	77 3/4"	15"	PER LOCAL CODE	

RECEIVED
MAR 21 2017
BOONE COUNTY
PLANNING COMMISSION



FENCING RAILING GATES ULTRA ACCESS CONTROLS SPECS WHY ULTRA DESIGN STUDIO CONTACT

Home » Gates » Cantilever Gates



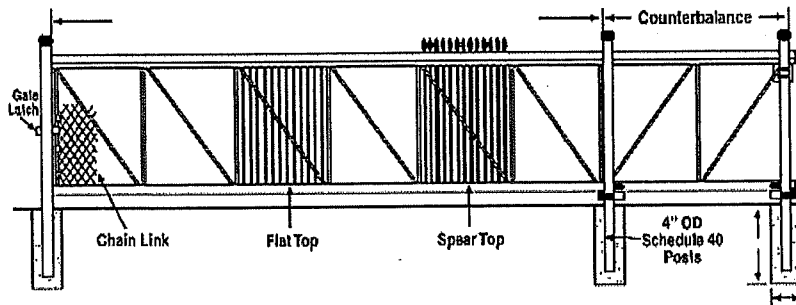
Cantilever Gates

Ultra Industrial Cantilever Gates are engineered for both security and architectural appeal for openings from 6' to 50' wide. As tough as these gates are, the sliding mechanisms are designed so even our largest gate can be easily opened and closed with one hand. But, they are easily adapted for use with automatic gate openers and existing security systems.

All the components of an Ultra Gate are custom designed, factory assembled and built to last, using our high-strength Ultram Alloy and stainless-steel fasteners, and then 100% welded at all connections and joints. The entire assembly is protected with our Powercoat™ finish, a durable finish that is twice as thick as most other types of paints and enamels. Mill finish gates are available by special order.

All Ultra Cantilever Gates are made of Industrial grade components produced in the U.S.A. in Ultra's manufacturing facility, and come with a 5-year limited warranty. Cantilever Gates conform to ASTM specification F-1184, and all gate hardware meets or exceeds ASTM specifications F-626 and A-153. All gates are equipped with a Safety Seal which protects the filler material.

Cantilever Gates are available for openings 6' to 50' W and 4', 5', 6', 7', and 8' H; custom sizes available. Hardware is included.



Frames: vertical and diagonal 2" square aluminum tubing x 1/8" thickness for superior sag protection

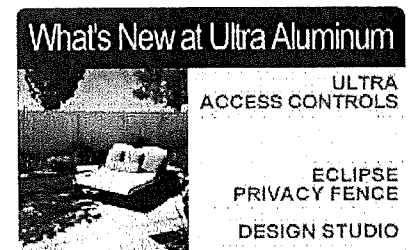
Posts: 4" schedule 40 galvanized x .125 thickness

Gates include a Y-shaped gate receiver for ease of operation.

Cantilever Gate frames and tracks are fabricated from Ultram Alloy, a 6005-T5 alloy with a minimum 35,000 psi.

Truck assemblies consist of two heavy-duty swivel trucks on four horizontal wheels with factory sealed and lubricated bearings and two high-impact lateral wheels for proper alignment of the truck within the top track.

Top tracks conceal truck assemblies for protection against the elements. All truck assemblies are designed to reduce lateral movement. Single track and double track models are available.



COLOR SELECTION

DESIGNER ACCESSORIES

ULTRA HARDWARE

ULTRA FEATURES

PRODUCT LITERATURE

FREQUENTLY ASKED QUESTIONS

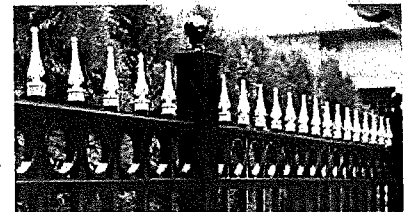
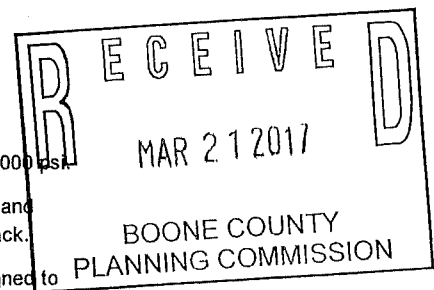
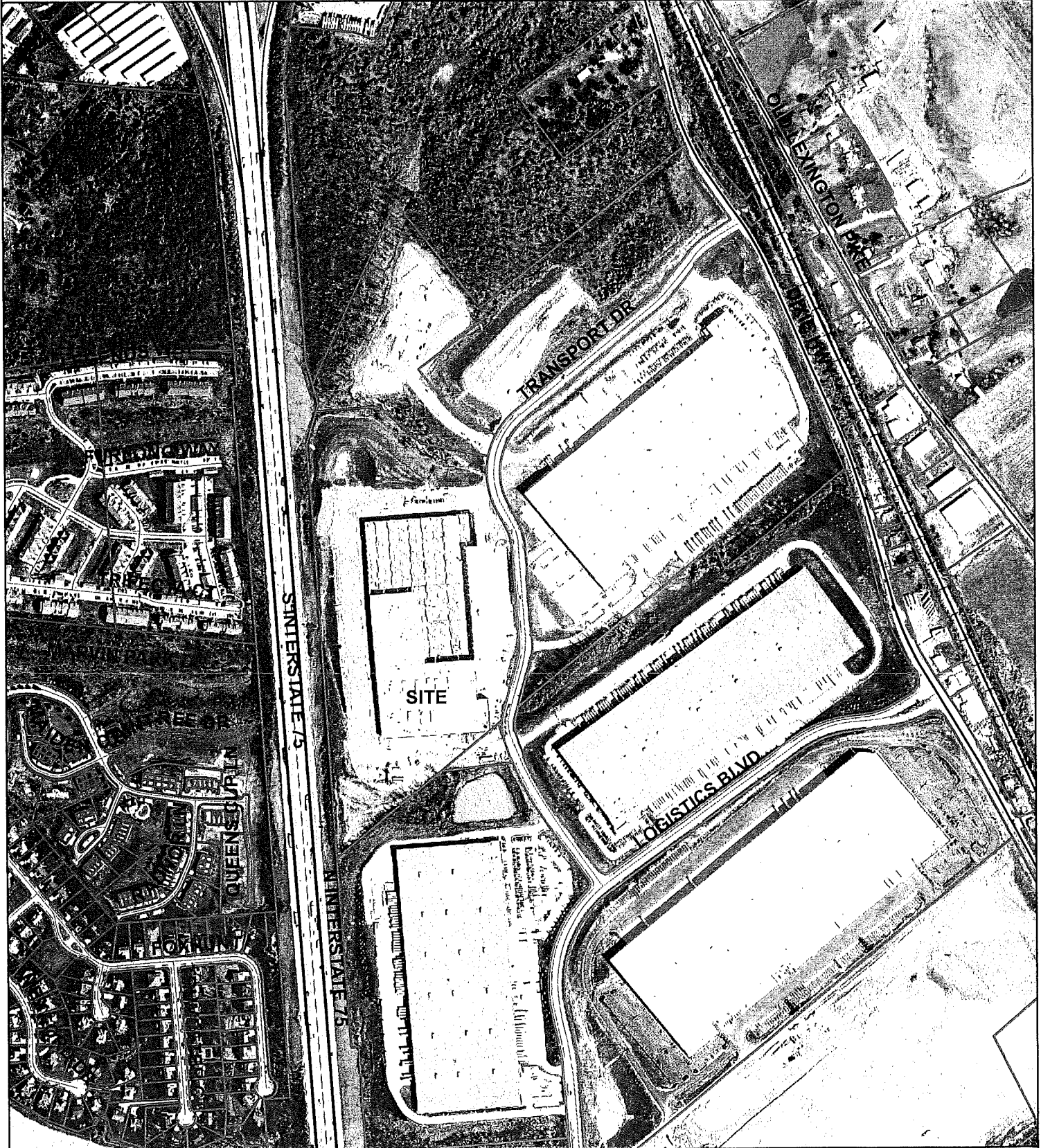


PHOTO GALLERY



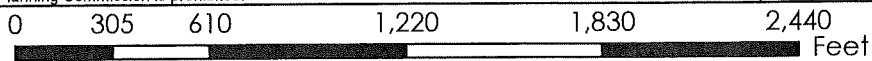
2016 AERIAL MAP

www.boonecountygis.com



Copyright 2014 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

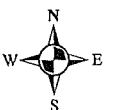
Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



1 inch = 600 feet



Boone County GIS - Putting Northern Kentucky on the Map



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. Boone _____ Florence _____ Walton _____ Union _____

(Check One)

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

3. Applicant's Name Bayer & Becker, Inc. - Rob Keller
Applicant's Address 209 Grandview Drive
Ft. Mitchell KY 41017
City State Zip

4. Description of Request: Requesting a variance to allow an 8' tall fence within front yard building setback

5. Name of Development Park South at Richwood Phase II (Bldg. I)

6. Location of Development 55 Transport Drive

7. Acreage Under Review 31.800 Ac.

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

9. Owner of Property Park South I, LLC c/o IDI Gazeley
Address of Property Owner 740 Centre View Blvd., Floor 3
Crestview Hills KY 41017
City State Zip

10. Phone Number 859-663-2880 Fax No. 859-663-2890 E-Mail doug.armbruster@idigazeley.com

11. Proposed Use(s) on Site Warehouse/Distribution

12. Total Square Footage of Existing and/or Proposed Buildings Existing 442,304 s.f. building

13. Current Zoning on Property I-1/CD

14. Deed Book D.B. 1062, Pg. 462 Page No. D.B. 1085, Pg. 375 Group No. 2072, 4876, 4939

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

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

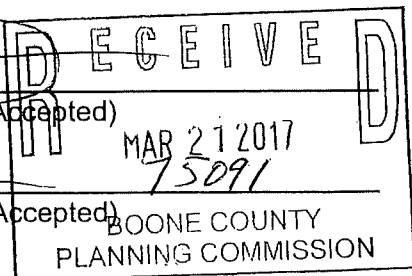
18. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

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)

COPY

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Park South I, LLC
740 Centre View Blvd
Crestview Hills, KY 41017

2. ADDRESS OF PROPERTY
55 Transport Drive
Walton, KY 41094

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Park South At Richwood

4. DEED BOOK 1065 PAGE NO. 462 GROUP NO. 2072

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

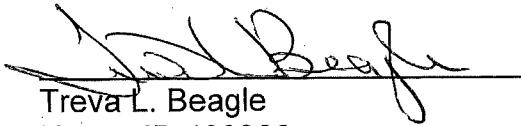
COPY

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

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

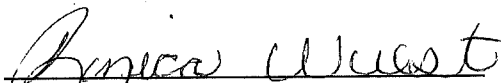
on behalf of the Boone County Planning Commission this 14 day of April, 2017.



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.)

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-008-A), for Park South At Richwood, Property Owner(s).

The following conditions will apply:

1. **The proposed fencing shall be installed per the submitted plan and fence details**
2. **All street frontage landscaping planted near the decorative fence shall be required between the front property line and the fence.**

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

DEED BOOK 1065

PAGE NO. 462

GROUP NO. 2072