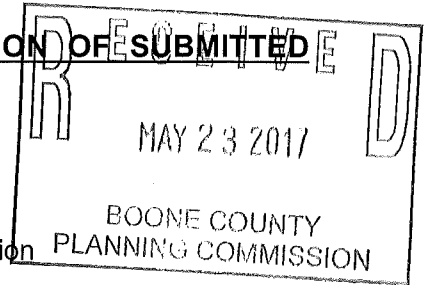


APPLICATION FORM

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 [ ] Variance [x] (2) Appeal [ ]
3. Applicant's Name Timothy Johnson, Address 453 Withers Ln, Walton Ky 41094
4. Description of Request: Front yard variance from 50' feet to 30' feet, Rear variance from 30' feet to 25' feet
5. Name of Development
6. Location of Development 13390 Dixie Highway (US 25)
7. Acreage Under Review 0.55 ac
8. Lot Number and Name of Subdivision (if part of a subdivision)
9. Owner of Property same as applicant, Address of Property Owner
10. City, State, Zip, Phone Number, Fax No., E-Mail
11. Proposed Use(s) on Site office/warehouse
12. Total Square Footage of Existing and/or Proposed Buildings 3000 sq ft
13. Current Zoning on Property I-1
14. Deed Book 1076, Page No. 507, Group No. 2065
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: [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)

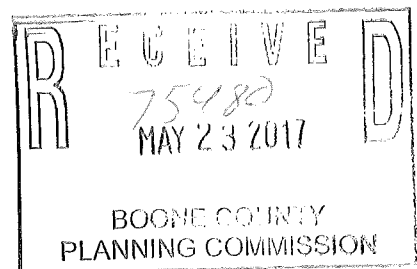
1. Date Received 5-23-17 Fee Received \$1,582.00 Receipt # 75480
2. Is application complete?  Yes  No
3. Staff Reviewer \_\_\_\_\_
4. Scheduled Board Action Date \_\_\_\_\_
5. Board Action:  
6/14/17 **Approved**  
**Approved with Conditions** (See #6)  
**Denial** (See #7)
6. Conditions of Approval: SEE 6/14/17 meeting  
MINUTES AND CLK
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](http://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: Timothy Johnson

LOCATION: East Side of Dixie Highway and Across From 11007 Dixie Highway, Boone County, Kentucky

ZONING: Industrial One (I-1)

DATE: June 14, 2017

### PROPOSAL

The applicant has submitted two Variance requests so he can construct a multi-tenant industrial building with accessory parking on the approximate 0.55 acre site (see attached plan). The applicant informed Staff the future tenants will be small scale industrial fabricators or contractors. The building is shown with a 35' x 65' (2,275 square foot) footprint and may include a full basement and mezzanine. The following Variances have been submitted:

1. Request to reduce the front yard building setback requirement from 50' to 30'.
2. Request to reduce the rear yard building setback requirement from 30' to 25'.

### 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 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.

Table 31.1 of the Boone County Zoning Regulations requires the following building setbacks in an Industrial One (I-1) zoning district:

Front Yard - 50' minimum

Rear Yard - 30' minimum when the adjoining property is zoned I-1

Side Yard - 10' minimum when the adjoining property is zoned I-1

### SITE CHARACTERISTICS

The approximate 0.55 acre site is located on the east side of Dixie Highway and is approximately 270 feet to the south of the Duffel Lane intersection. The property is currently undeveloped and has 291.67 feet of street frontage. The northern part of the lot is 108.21 feet deep and the southern part of the lot is 60.62 feet deep. Overhead utility lines exist in the Dixie Highway right-of-way and southern portion of the site. Some scrubby vegetation exists along the rear property line.

### SURROUNDING LAND USES AND ZONING

North: Approximate 0.67 acre parcel used to access 21.67 acre farm on other side of railroad tracks (I-1)

South: Dixie Highway right-of-way

East: Merchants Cold Storage and 21.67 acre farm (I-1)

West: Dixie Highway, Holiday Homes/Freedom Homes (C-3)

### STAFF COMMENTS

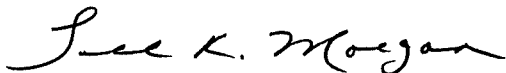
1. The applicant informed Staff of the following:
  - A. Final building elevations have not been prepared.
  - B. The front, sides, and rear of the building will be constructed predominately with brick.
  - C. Outdoor storage and/or display will not be permitted on site.
2. The Board needs to analyze the Variance criteria before acting on the requests.
3. Staff believes the depth of the lot creates an unnecessary hardship on the applicant. The building is only 35' feet long and two building setback variances are being sought.
4. Staff would like the applicant to be aware that the following issues will need to be addressed in more detail if a Major Site Plan application is submitted for review:
  - A. The location of all utility easements will need to be shown on the plans.
  - B. The driveway will be subject to Encroachment Permit approval from Kentucky Transportation Cabinet (see attached email chain with Matt Bogen).
  - C. Septic approval from Northern Kentucky Health District will be required.
  - D. A description of the tenants will need to be provided so Staff can determine if the on-site parking is sufficient.
  - E. A Waiver will be needed to reduce the width of a two-way driveway aisle from 24' to 20'. The Zoning Administrator indicated he would approve the Waiver based on the shallowness of the lot.
5. Staff recommends the following conditions if the application is approved:

- A. The front, sides, and rear of the building shall be constructed predominately with brick.
- B. Outdoor storage and/or display shall be prohibited on site.

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

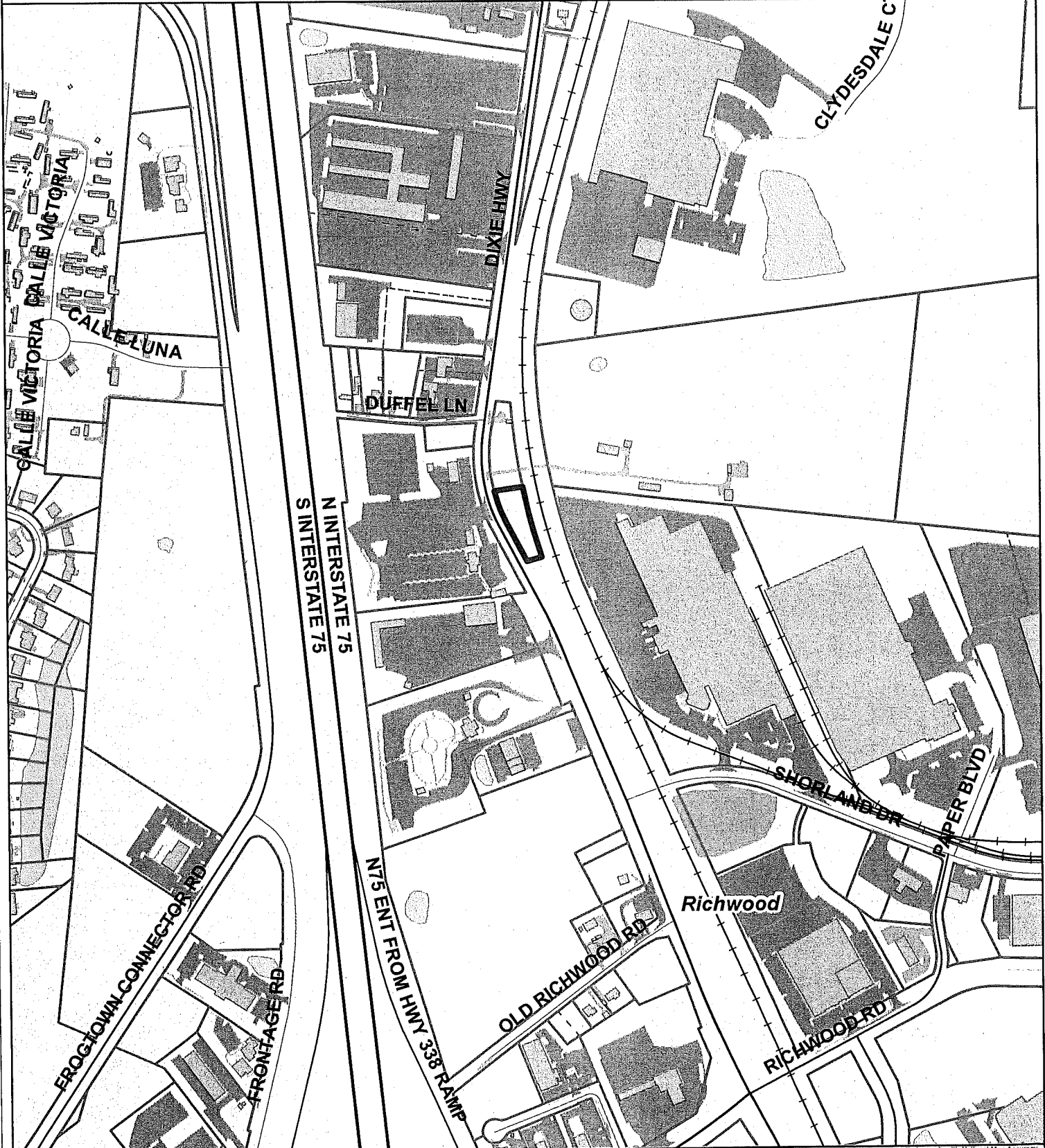
TKM/ss

Attachments

- \*Site Vicinity Map
- \*Conceptual Site Plan
- \*2016 Aerial Map
- \*Zoning Map
- \*Topographical Map
- \*6/8/17 Email Chain with Matt Bogen
- \*Application

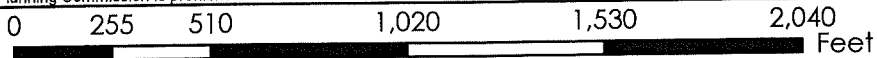
# SITE VICINITY MAP

www.boonecountygis.com



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1 inch = 500 feet



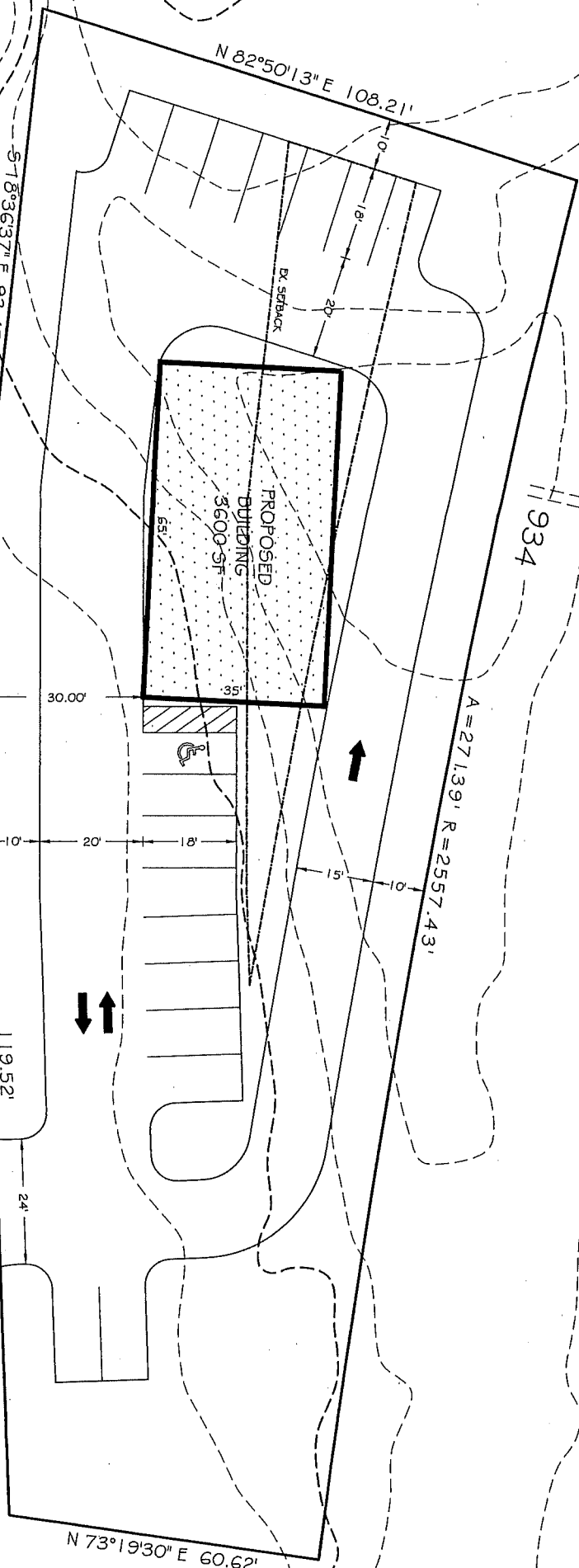
**Boone County GIS - Putting Northern Kentucky on the Map**





DIXIE HIGHWAY (US 25)

NORTHFOLK SOUTHERN RAILROAD



940

934

N 73°19'30" E 60.62'

S 24°51'17" E 78.70'

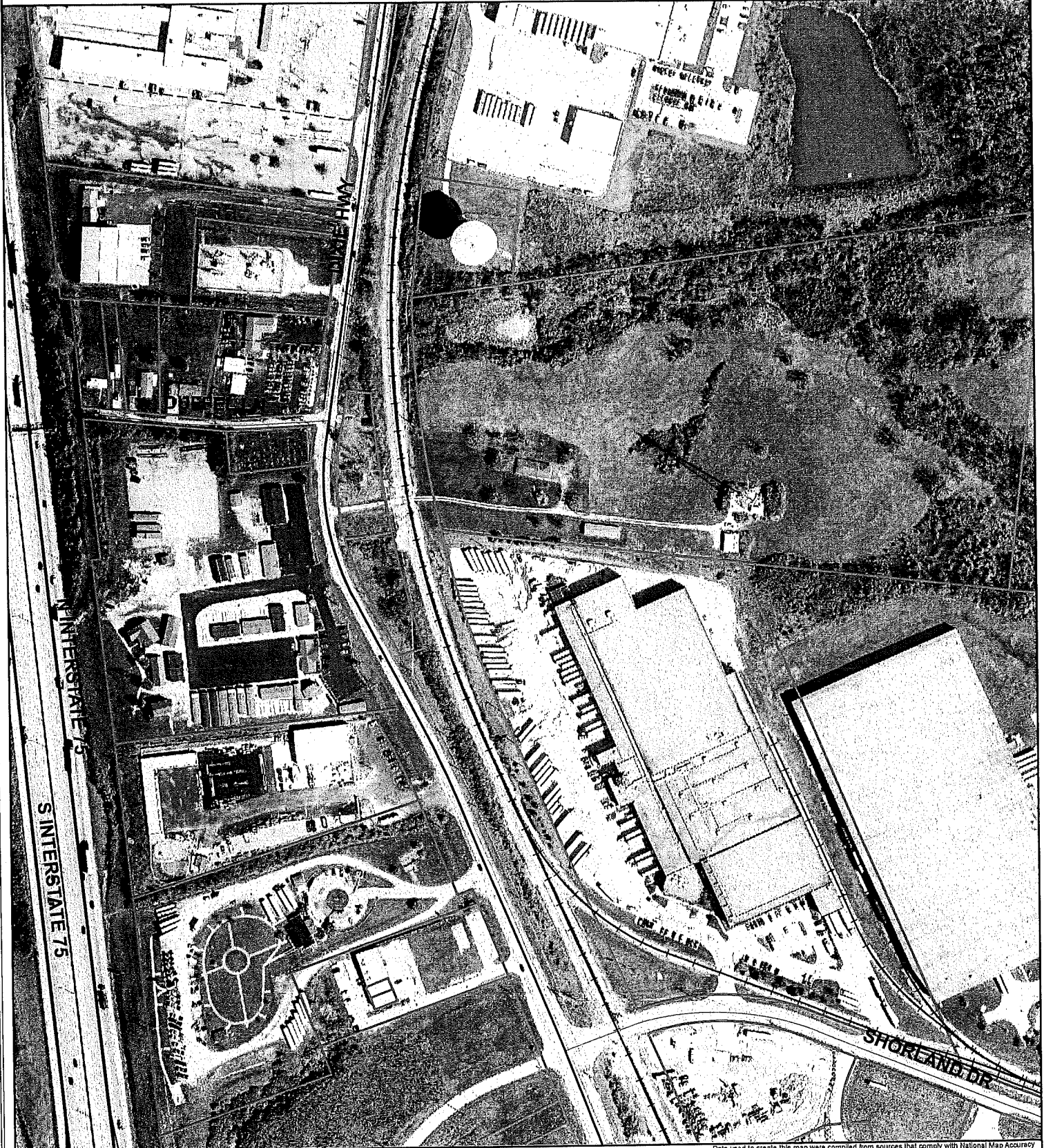
S 26°50'51" E 119.52'

S 18°36'37" E 93.45'



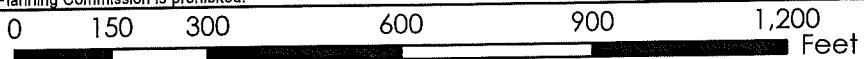
# 2016 AERIAL MAP

www.boonecountygis.com



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1 inch = 300 feet



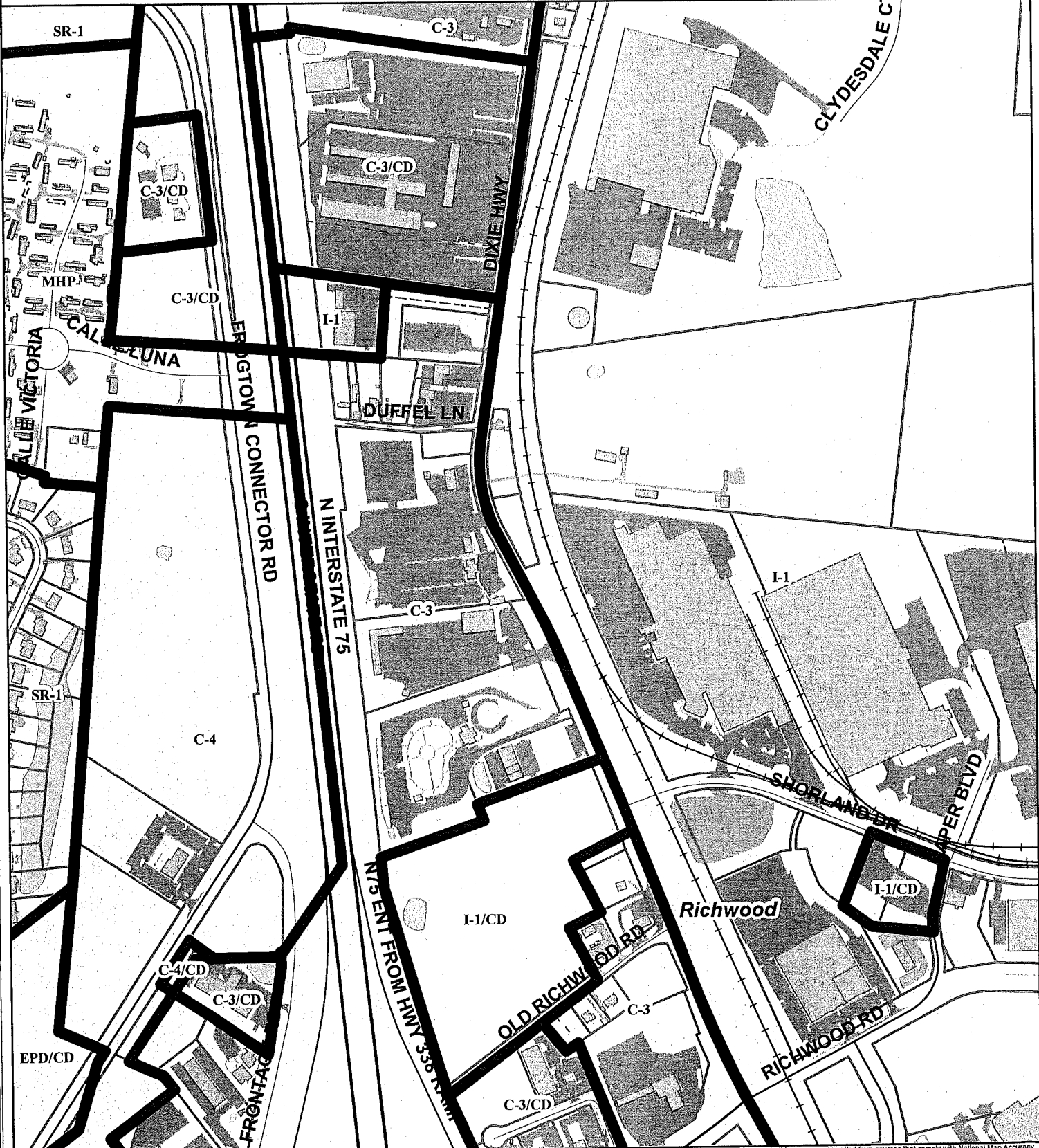
**Boone County GIS - Putting Northern Kentucky on the Map**



Map Created: 07/01/2013  
AroMap Document: BooneMap (lit).mxd

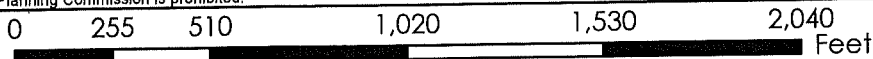
# ZONING MAP

www.boonecountygis.com



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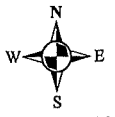
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1 inch = 500 feet



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

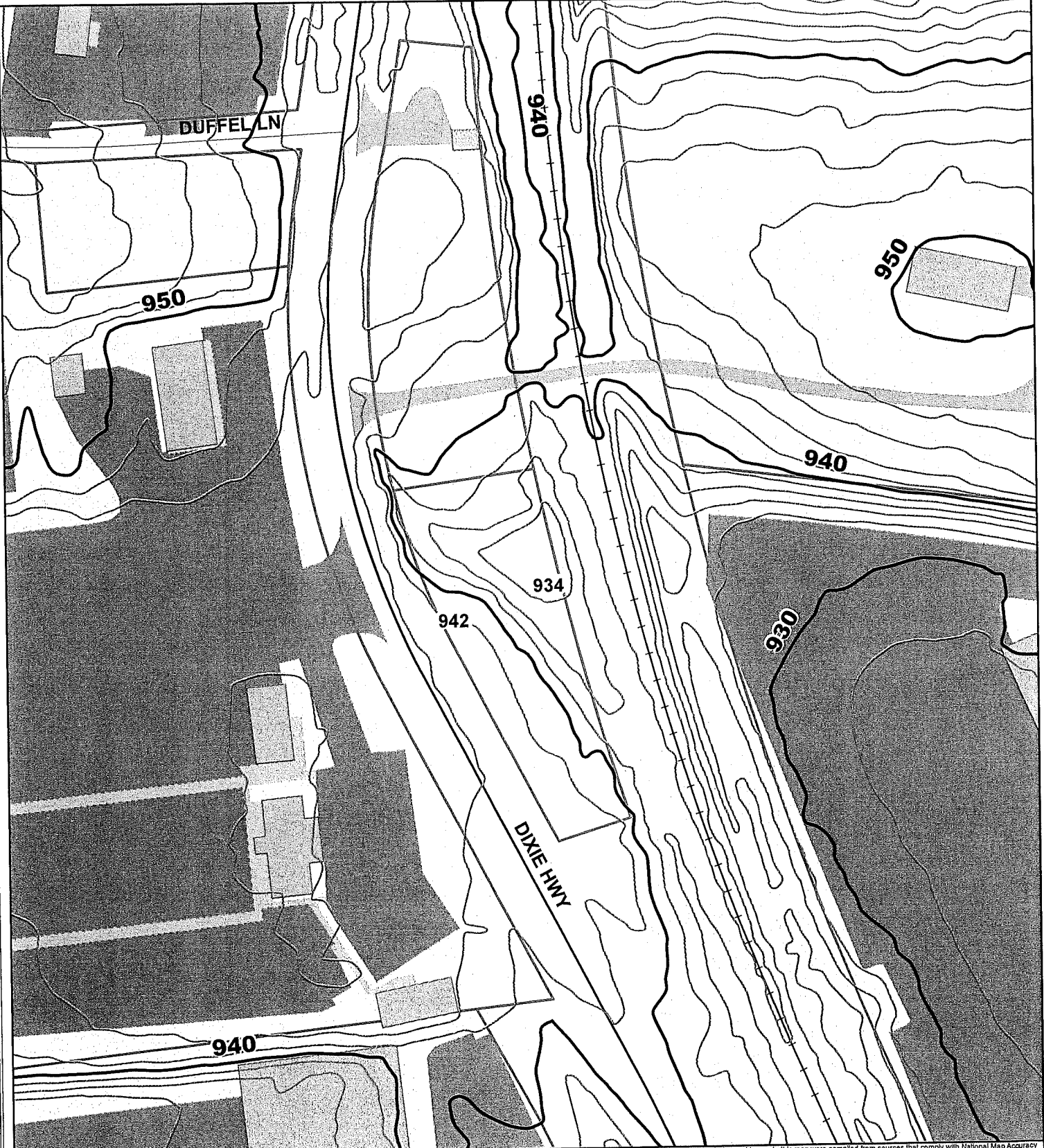


Map Created: 07/01/2013

Map File: F:\GIS\MapDocs\BooneMap (file).mxd

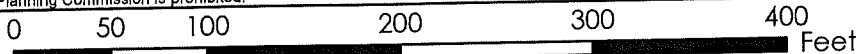
# TOPOGRAPHICAL MAP

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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 = 100 feet



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

Map Created: 07/01/2013  
ArcMap Document: BooneMap (lte).mxd

## Todd Morgan

---

**To:** Todd Morgan  
**Subject:** RE: Timothy Johnson - Variance Application Plan

**From:** Todd Morgan  
**Sent:** Thursday, June 08, 2017 4:03 PM  
**To:** 'Bogen, Matthew (KYTC-D06)'  
**Subject:** RE: Timothy Johnson - Variance Application Plan

Matt,

Mr. Johnson will need to submit a Major Site Plan application to our office if the setback Variances are approved. I will instruct him to contact you once the final Site Plans are prepared by his Engineer.

Thanks,

Todd K. Morgan, AICP  
Senior Planner, Zoning Services  
Boone County Planning Commission  
(859) 334-2196

**From:** Bogen, Matthew (KYTC-D06) [<mailto:Matthew.Bogen@ky.gov>]  
**Sent:** Thursday, June 08, 2017 3:58 PM  
**To:** Todd Morgan  
**Cc:** Brannon, Mark K (KYTC-D06)  
**Subject:** RE: Timothy Johnson - Variance Application Plan

Todd,

We issued a permit in 2016 to CLC Investments for a commercial entrance in this area. However, it looks like the location of the entrance and the lot configuration have changed from what we approved.

I will say though that the access point you sent over looks farther away from the Holiday Homes entrance and would be preferable from that standpoint, assuming everything is still acceptable with sight distance. Let me know if we need to amend our files.

Thanks,

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

**From:** Todd Morgan [<mailto:TMorgan@boonecountky.org>]  
**Sent:** Thursday, June 08, 2017 3:42 PM

**To:** Bogen, Matthew (KYTC-D06) <[Matthew.Bogen@ky.gov](mailto:Matthew.Bogen@ky.gov)>

**Subject:** Timothy Johnson - Variance Application Plan

Matt,

I have attached the Timothy Johnson plan. He is going before the Boone County Board of Adjustment next week because the building needs two setback Variances. He said he had spoken with Kentucky Transportation Cabinet about the access point and had received preliminary approval. Can you confirm if this is true?

Thanks,

Todd K. Morgan, AICP  
Senior Planner, Zoning Services  
Boone County Planning Commission  
(859) 334-2196

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

RECEIVED MAY 23 2017 BOONE COUNTY PLANNING COMMISSION

SECTION A (To be completed by applicant)

- 1. (Check One) X Boone Florence Walton Union
2. (Check One) Conditional Use Permit x(2) Variance Appeal
3. Applicant's Name Timothy Johnson
Applicant's Address 453 Withers Ln
Walton Ky 41094
Phone Number 859-512-6940 Fax No. E-Mail timothyjohnson@johnpost.com
4. Description of Request: Front yard variance from 50' feet to 30' feet
Rear variance from 30' feet to 25' feet
5. Name of Development
6. Location of Development 11000 Dixie Highway (US 25)
7. Acreage Under Review 0.55 ac
8. Lot Number and Name of Subdivision (if part of a subdivision)
9. Owner of Property same as applicant
Address of Property Owner
10. City State Zip
Phone Number Fax No. E-Mail
11. Proposed Use(s) on Site office/warehouse
12. Total Square Footage of Existing and/or Proposed Buildings 3000 sq ft
13. Current Zoning on Property I-1
14. Deed Book 1076 Page No. 507 Group No.
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]
ORIGINAL Applicant's Signature: [Signature]
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

(COPY)

CERTIFICATE OF LAND USE RESTRICTION

- 1. NAME AND ADDRESS OF PROPERTY OWNER(S)  
Timothy Johnson  
453 Withers Ln.  
Walton, KY 41094
- 2. ADDRESS OF PROPERTY  
Dixie Hwy  
Walton, KY 41094
- 3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)  
Timothy Johnson

4. DEED BOOK 1076                      PAGE NO. 507                      GROUP NO. 2065

- 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 (2)

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, AICP – Senior Planner  
Name and Title of Completing Official

Copy

CLUR #17-BCBOA-010-A

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the Variances approved by the Boone Board of Adjustment and in accordance with the current zoning in effect as of June 14, 2017 Certificate of Land Use Restriction (#17-BCBOA-010-A), for Timothy Johnson, Property Owner(s).

The following conditions will apply:

1. The front, sides and rear of the building shall be constructed predominately with decorative masonry materials (brick, stone, decorative block, etc.).
2. Outdoor storage and/or display shall be prohibited on site.

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

DEED BOOK 1076

PAGE NO. 507

GROUP NO. 2065

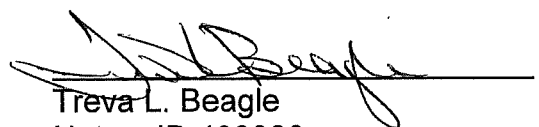
County

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

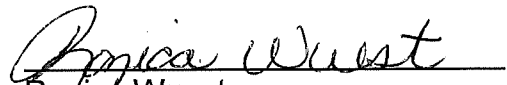
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan

on behalf of the Boone County Planning Commission this 15 day of June, 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.)