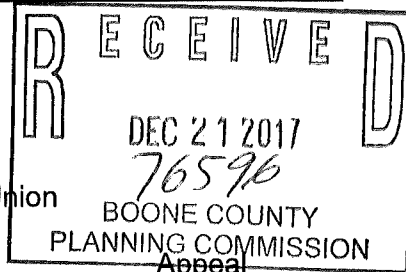


APPLICATION FORM

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 TIMOTHY JOHNSON
Applicant's Address 453 WITHERS LADE
WALTON KY 41094
4. Description of Request: FRUIT YARD SETBACK REDUCED FROM 50 FT TO 40 FT.
5. Name of Development RICHWOOD COMMERCIAL PARK
6. Location of Development SHORLICK DRIVE, RICHWOOD
7. Acreage Under Review 1.1924 AC
8. Lot Number and Name of Subdivision (if part of a subdivision) LOT 17 RICHWOOD INDUSTRIAL PARK
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 STORAGE WAREHOUSES
12. Total Square Footage of Existing and/or Proposed Buildings 13,800 SF
13. Current Zoning on Property I-1
14. Deed Book 1098 Page No. 287 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: Timothy D. Johnson / Diane L. Johnson (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: Timothy D. Johnson / Diane L. Johnson (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 12-21-17 Fee Received \$932.00 Receipt # 76596
2. Is application complete? Yes No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
2/14/18 **Approved**
Approved with Conditions (See #6)
Denial (See #7)
6. Conditions of Approval: SEE 2/14/18 Meeting Minutes
and C.L.U.R.
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: Timothy Johnson

LOCATION: South Side of Shorland Drive and Immediately to the West of the Clean Energy Facility Located at 249 Shorland Drive, Boone County, Kentucky

ZONING: Industrial One (I-1)

DATE: February 14, 2018

PROPOSAL

The applicant has submitted a Variance request so he can construct a storage warehouse facility on the approximate 1.1924 acre site (see attached plan). The submitted plan shows two warehouse buildings (4,800 and 9,000 square feet) and accessory parking. The request is to reduce the front yard setback requirement of the buildings from 50 feet to 40 feet.

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 request as it relates 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

Section 3655 of the Boone County Zoning Regulations indicates that fences in industrial zones can be a maximum of 12 feet in height.

SITE CHARACTERISTICS

The approximate 1.1924 acre site is located on the south side of Shorland Drive and is immediately to the west of the Clean Energy facility. The property is currently undeveloped and has 260.61 feet of road frontage. Boone County G.I.S. shows the topography of the parcel falls from 918' above sea level at the northwest property line to 910' above sea level at the rear property line. Overhead utility lines exist in the Shorland Drive right-of-way.

SURROUNDING LAND USES AND ZONING

North: Shorland Drive Merchants Cold Storage, and Roosevelt Paper (I-1)

South: Winnelseon Plumbing Supply (I-1)

East: Clean Energy (I-1)

West: Winnelseon Plumbing Supply (I-1)

STAFF COMMENTS

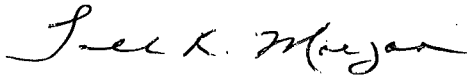
1. The applicant provided Staff with the following information:
 - A. An email indicating the storage units would have small offices in them. Staff sent the applicant a reply email on 1/30/18 identifying some issues that will need to be addressed when the Major Site Plan application is submitted for review (see attachments).
 - B. Colored rendering of the proposed buildings (see attachments).
2. Staff would like the applicant to address the following questions:
 - A. Will the buildings contain any masonry or will they be constructed entirely of metal?
 - B. Is chain link or metal security fencing being proposed? How tall will the fencing be?
 - C. Can the two building landscape islands be extended out as far as the fixed part of the security fence?
 - D. What is the purpose of the driveway that is located between the 9,000 square foot building and the road?
 - E. Will any outdoor storage be permitted on the site?
3. The Board needs to analyze the Variance criteria before acting on the request. The applicant needs to address his hardship or unique circumstance.
4. Staff recommends the following conditions if the application is approved:

- A. The two building landscaping islands shall be extended out as far as the fixed part of the security fence and shall contain the following landscaping plantings in each island:
- Two (2) small trees from Plant List C (one tree is required at the end of the island).
 - A continuous hedge in the middle of the islands. The species shall be selected from Plant List C of the Boone County Zoning Regulations.
- B. The security fencing that is proposed between the two buildings shall be constructed with metal and shall have an opacity of 50% or less. Barbed wire, razor wire, etc. shall be prohibited on top of the fence.
- C. The driveway between the 9,000 square foot building and Shorland Drive shall be eliminated and converted to a grass surface.
- D. Outdoor storage shall be prohibited outside the fence limits.

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

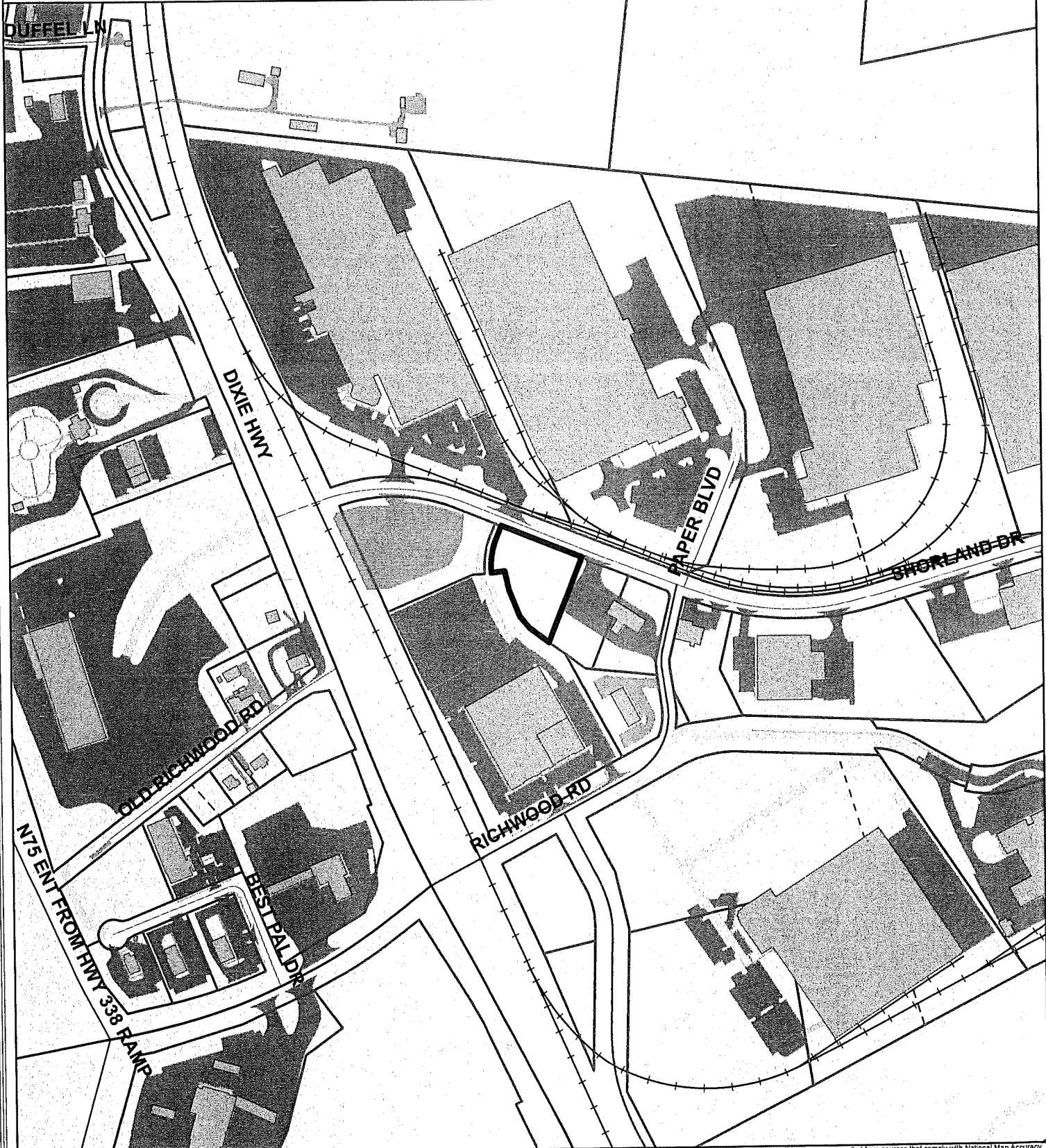
TKM/ss

Attachments

- *Site Vicinity Map
- *Conceptual Site Plan
- *Colored Renderings
- *Landscaping Plan
- *Zoning Map
- *Topographical Map
- *2016 Aerial Map
- *1/12/18 Email From Applicant and 1/30/18 Reply from Staff
- *Application

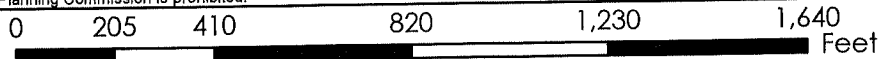
SITE VICINITY MAP

www.boonecountygis.com



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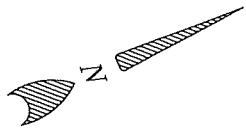


Map Created: 07/01/2013

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Boone County GIS
ArcMap Document: BooneMap (lite).mxd



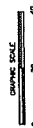
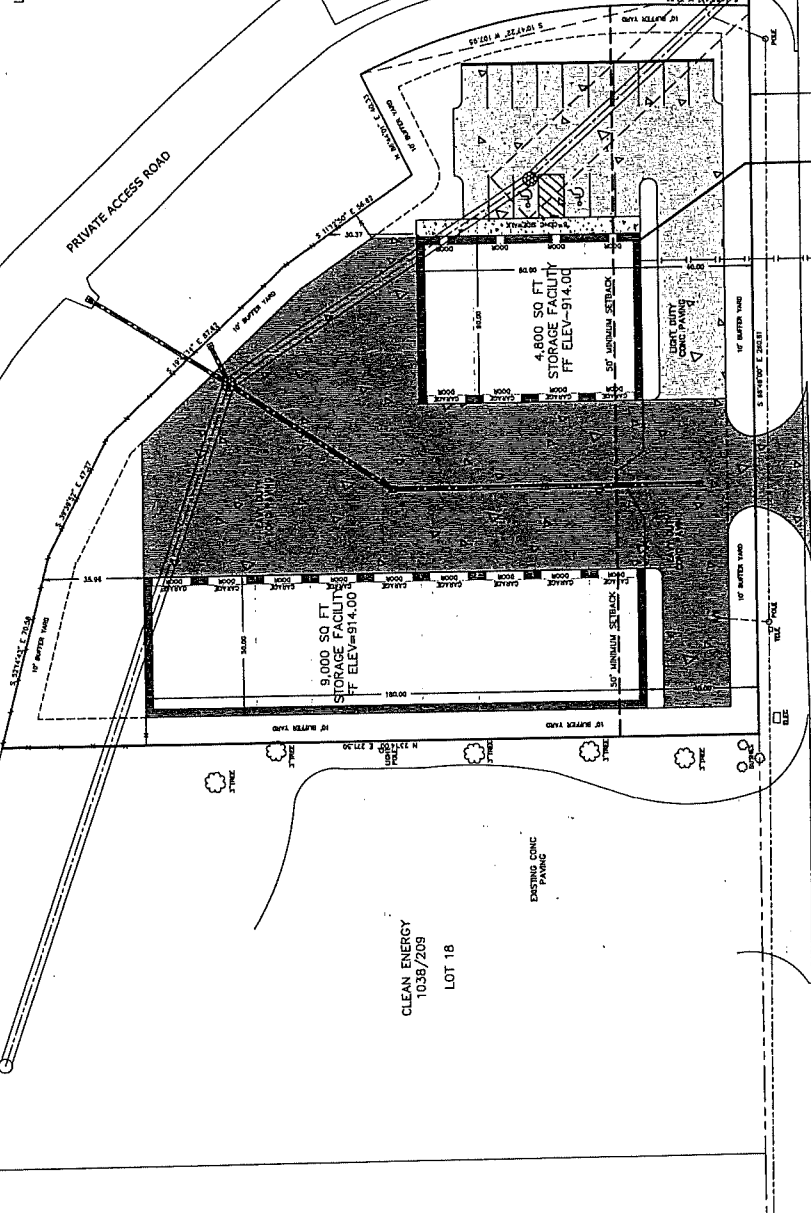
J O PROPERTIES LLC
DB 937/419
LOT 15

MAHONEY
DB 1097/392
LOT 16

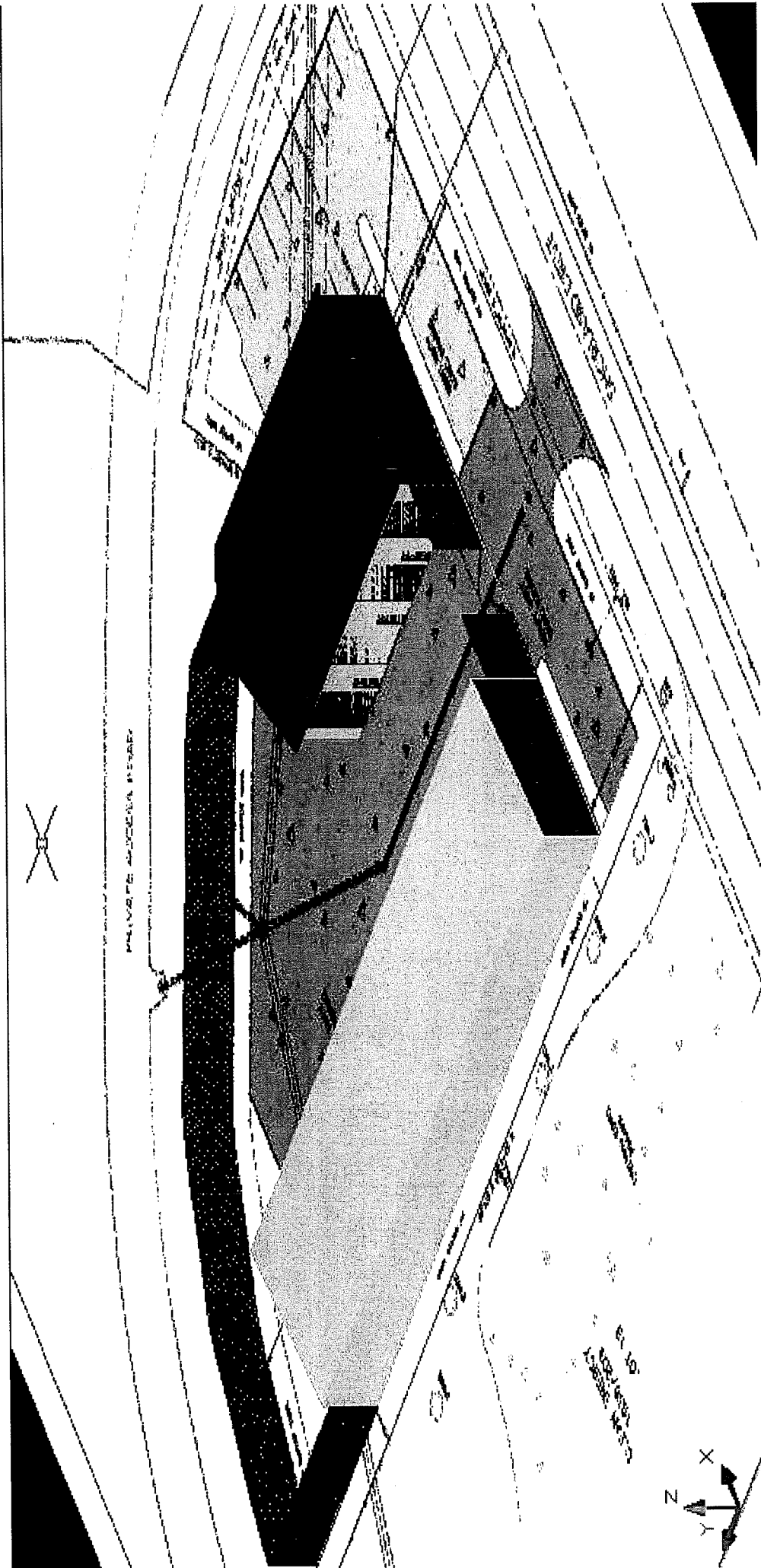
CLEAN ENERGY
1036/209
LOT 16

PRIVATE ACCESS ROAD

SHORLAND DRIVE

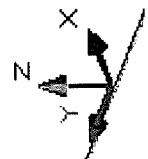


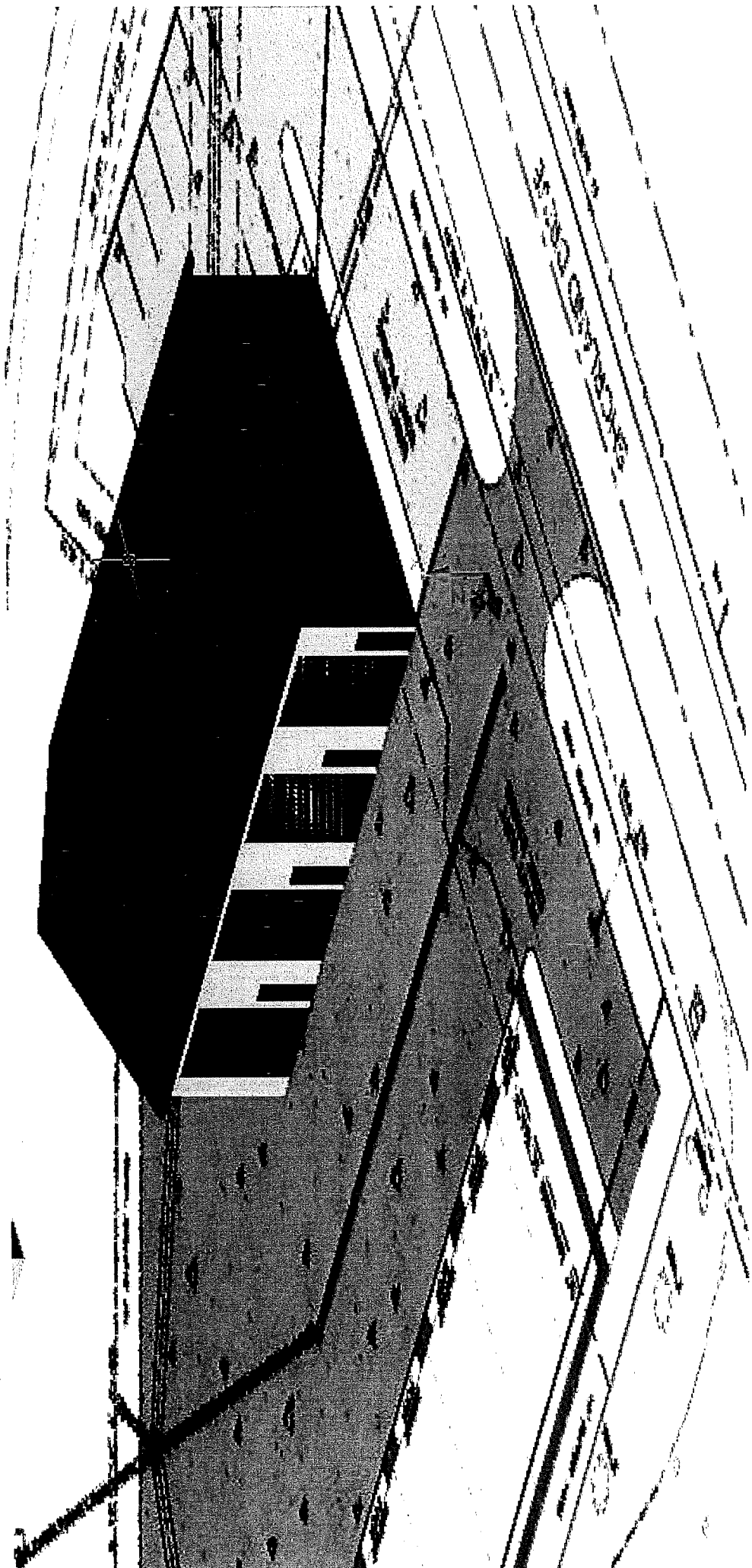
SITE PLAN FOR VARIANCE	
LOT 17 RICHWOOD INDUSTRIAL PARK	
JAMES W. BERLING KY. ENGINEER 5745	DATE: Greg Storch 1" = 20'
241 SHORLAND DRIVE, BOONE COUNTY, KY	
12/19/17	



PRIVATE ACCESS ROAD

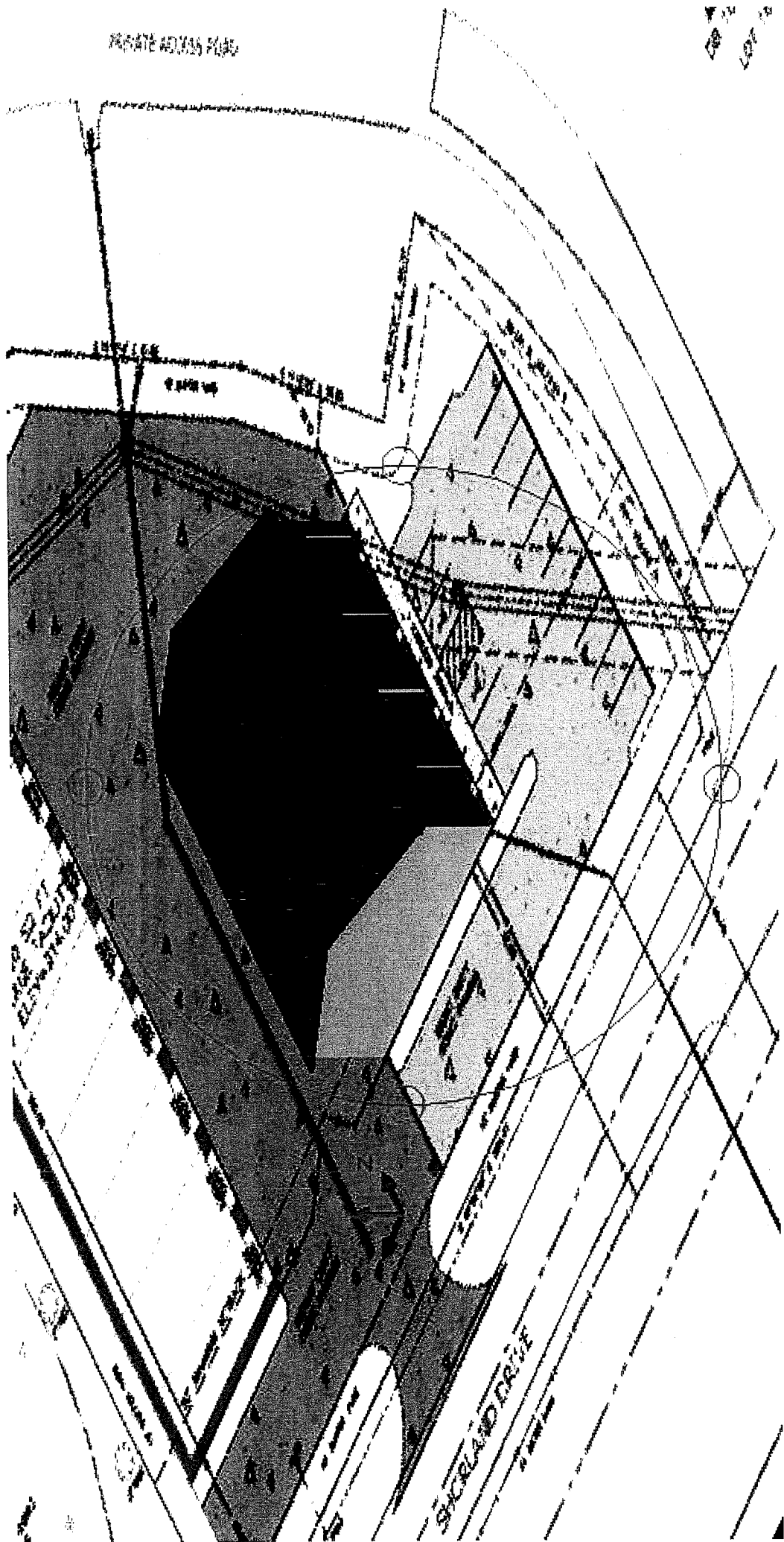
BL 10
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10' HIGH



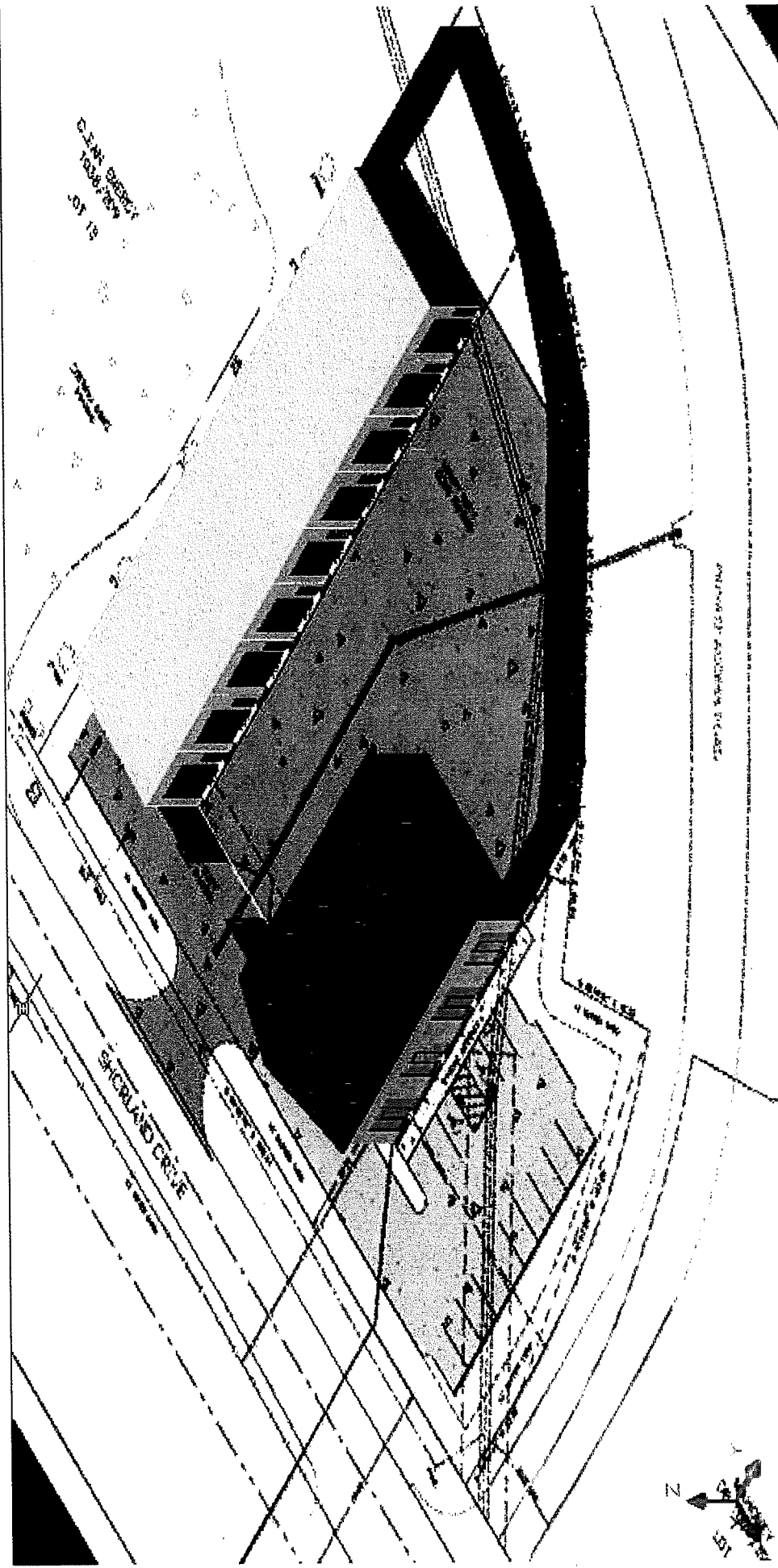


PRIVATE ACCESS ROAD

LOT 14
LOT 15



SUGAR DRIVE

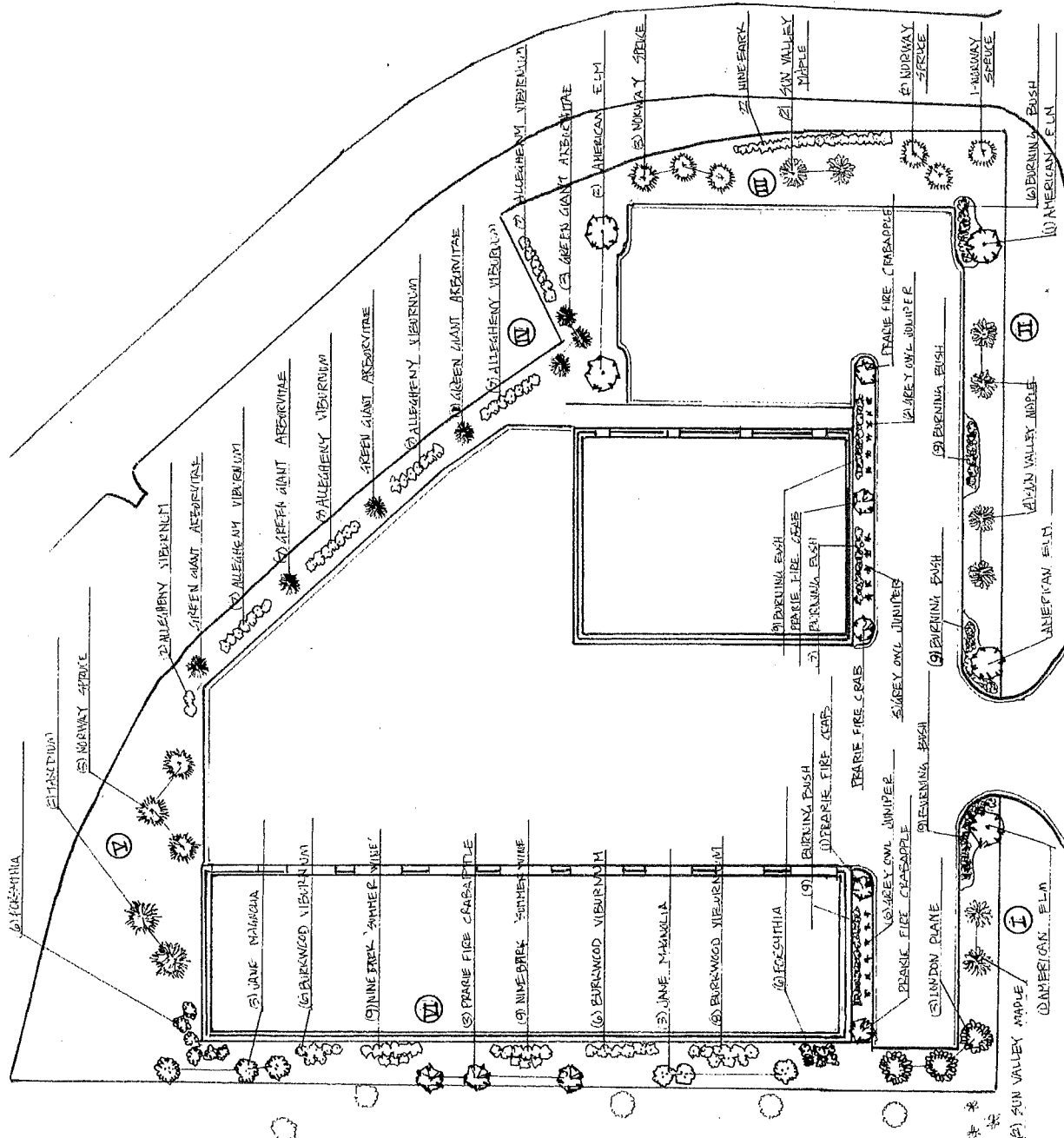


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SHERLAND DRIVE

SHERLAND DRIVE





SHORLAND DRIVE

AREA I
60' LONG 10' WIDE BUFFER YARD 'A'
REQUIRED PROPOSED
3- C TREES OR
18- 1" DB TREES
28- 1" DB SHRUBS OR
01C BURNING BUSH 24'

AREA II
155' LONG 10' WIDE BUFFER YARD 'A'
REQUIRED PROPOSED
7-15 C TREES OR
41-8 1" DB TREES
25-25 C SHRUBS OR
16-5 1" DB SHRUBS

AREA III
143' LONG 30' WIDE BUFFER YARD 'A'
REQUIRED PROPOSED
7-15 C TREES OR
4-9 1" DB TREES
29-95 C SHRUBS OR
021 C NINE BARK 24'

AREA IV
30' BUFFER YARD 'A'
REQUIRED PROPOSED
1-5 C TREES OR
9- 1" DB TREES
4-5 C SHRUBS OR
05E ALLEGHENY VIS. 24'

AREA V
200' BUFFER YARD 'A'
REQUIRED PROPOSED
10- 1" DB TREES OR
60- 1" DB TREES
60- 1" DB SHRUBS OR
30- 1" DB SHRUBS

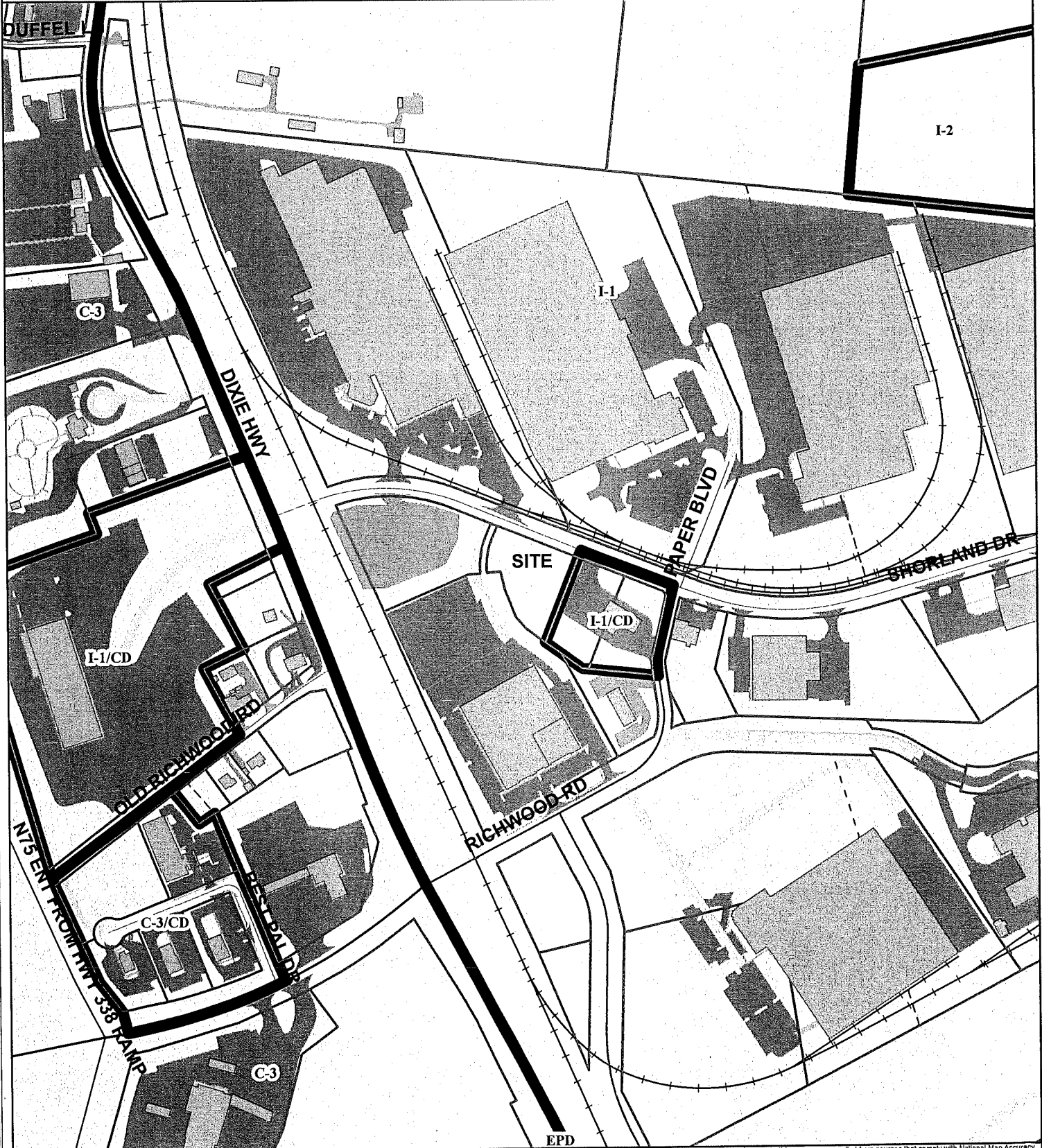
AREA VI
271' BUFFER YARD 'A'
REQUIRED PROPOSED
13-85 C TREES OR
10- 1" DB TREES
40-8 1" DB TREES OR
28-9 1" DB SHRUBS OR
021 C PARSONS PINE 24'

BUILDING & PARKING LOT PLANTING
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SCALE 1" = 20'-0"

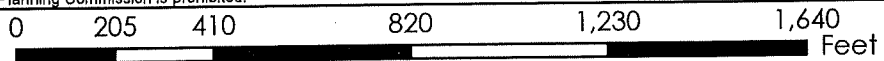
ZONING MAP

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1 inch = 400 feet

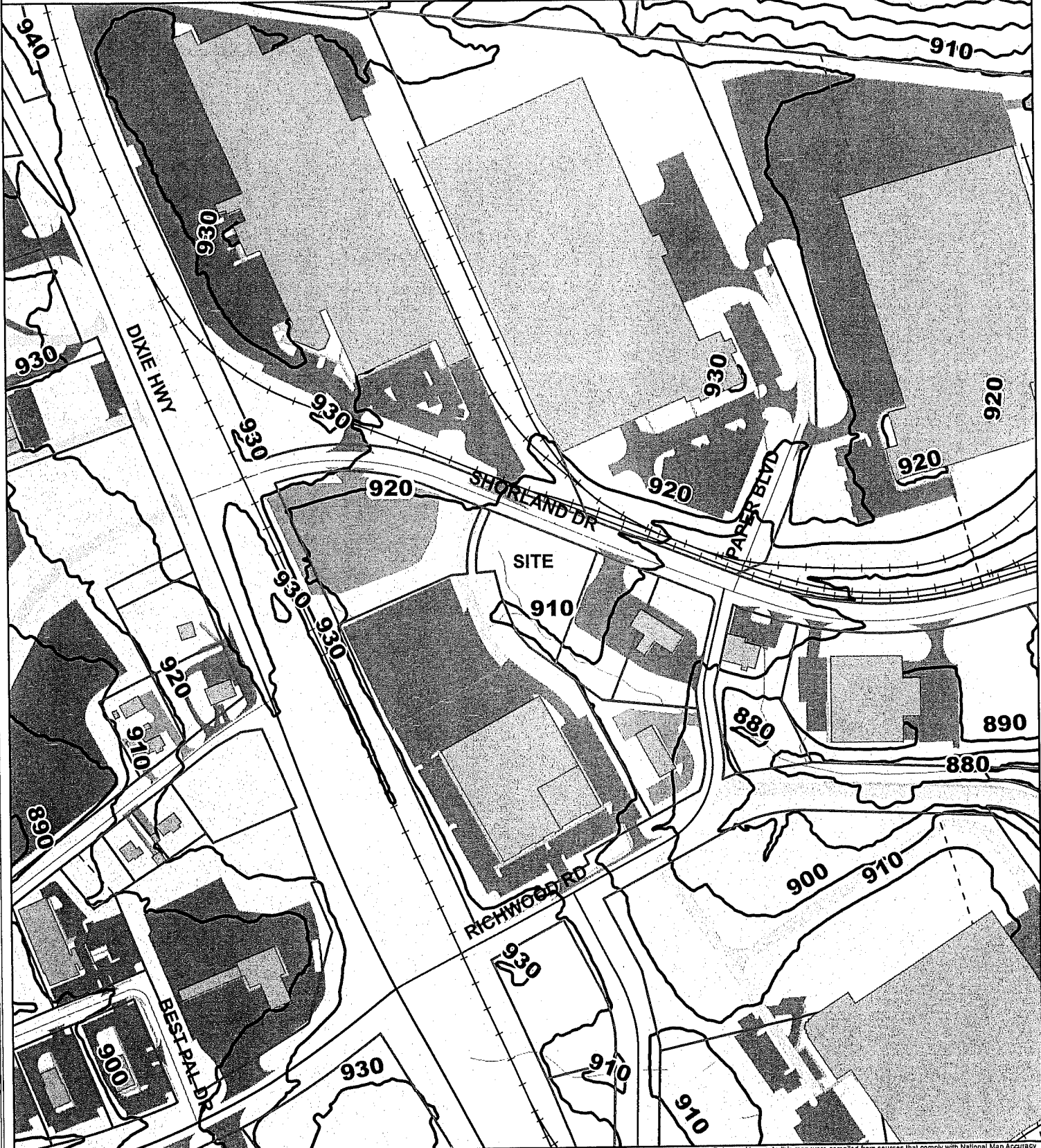


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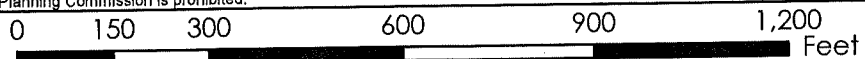
TOPOGRAPHICAL MAP

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1 inch = 300 feet



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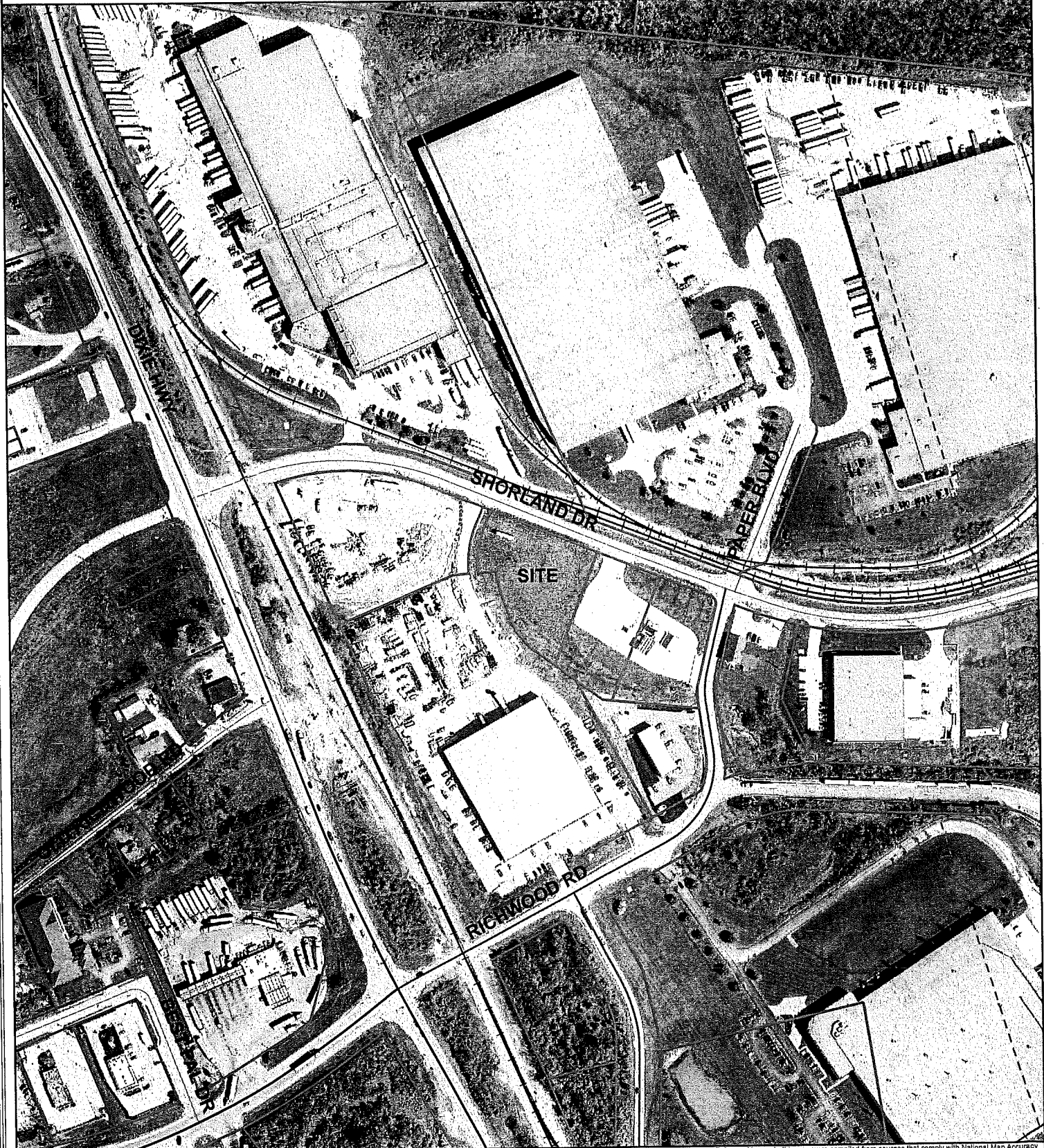


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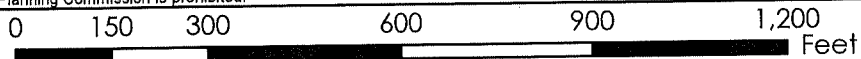
2016 AERIAL MAP

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1 inch = 300 feet



Map Created: 07/01/2013

Boone County GIS - Putting Northern Kentucky on the Map



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ArcMap Document: BooneMap (file).mxd

Todd Morgan

From: Todd Morgan
Sent: Tuesday, January 30, 2018 10:56 AM
To: 'timothyjohnson@johnprost.com'
Cc: Greg Sketch (gsketch@twc.com)
Subject: FW: Building Concepts
Attachments: Back.JPG; 241 Shorland Fence 2.JPG; Front.JPG; 241 Shorland Fence 3.JPG; CruCutte1281.pdf

Tim,

I started working on your Variance report and reread the email below. The following issues will need to be worked out before a Major Site Plan application is submitted for review.

1. The required parking for the facility will be based on the office spaces in the storage units. One parking space will be required for every 250 square feet of office.
2. Boone County Building Department informed me the 9,000 square foot building will be required to have its own handicapped accessible parking if offices are proposed in that building. The Boone County Zoning Regulations would also require a sidewalk if the parking spaces are located up against the building (see the sidewalk to the side of the 4,800 square foot building for reference).
3. The submitted colored renderings show fencing that goes to the rear property line. The fencing cannot encroach into the required Buffer Yard. The civil plans will need to show all fence limits and fence heights.
4. I would recommend using small trees instead of large trees along the front property line because of the overhead utilities that are located in the Shorland Drive right-of-way.

None of the issues need to be addressed right now. The Board of Adjustment will only be looking at the proposal to reduce the front yard setback requirement from 50' to 40'.

Call or email me if you have any questions.

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

From: Timothy Johnson [<mailto:timothyjohnson@johnprost.com>]
Sent: Friday, January 12, 2018 1:58 PM
To: Todd Morgan
Subject: Building Concepts

Hi Todd

Here are the buildings I have planned. The 4800 square foot building on the west side will have basically 4 each 1200 square foot flex industrial apartments with 300 to 400 square feet of office space. The 9000 square foot storage building to the east side would allow any business to expand it's storage space by 1000 square foot increments as needed. Included also is the landscape plan. Thanks Tim

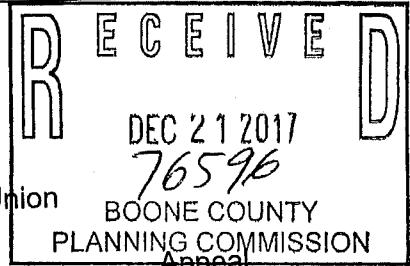
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APPLICATION FORM

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) X Boone ... Florence ... Walton ... Union
2. (Check One) Conditional Use Permit X Variance ... Change in Non-Conforming Use
3. Applicant's Name TIMOTHY JOHNSON
Applicant's Address 453 WITHERS LANE
WALTON KY 41094
4. Phone Number 859-512-6940 Fax No. E-Mail TIMOTHYJOHNSON@JOHNPROST.COM
5. Description of Request: FRONT YARD SETBACK REDUCED FROM 50 FT TO 40 FT.
6. Name of Development RICHWOOD COMMERCIAL PARK
7. Location of Development SHORLINO DRIVE, RICHWOOD
8. Acreage Under Review 1.1924 AC
9. Lot Number and Name of Subdivision (if part of a subdivision) LOT 17 RICHWOOD INDUSTRIAL PARK
10. Owner of Property SAME AS APPLICANT
11. Address of Property Owner
12. City State Zip
13. Phone Number Fax No. E-Mail
14. Proposed Use(s) on Site STORAGE WAREHOUSE
15. Total Square Footage of Existing and/or Proposed Buildings 13,800 SF
16. Current Zoning on Property I-1
17. Deed Book 1098 Page No. 287 Group No. 2065
18. Is the site subject to a zone change? NO
If yes, give date of approval
19. Have you submitted a Site Plan with this request? YES
20. Have you submitted a list of adjoining property owners with this request? YES
21. 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: Timothy D Johnson / Diane L Johnson
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

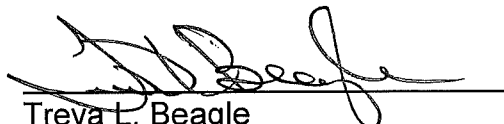
ORIGINAL Applicant's Signature: Timothy D Johnson / Diane L Johnson
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

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 23 day of February, 2018.



Treva L. Beagle

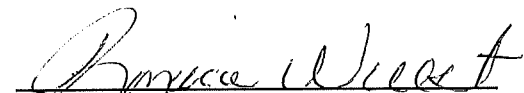
Notary ID 588897

NOTARY PUBLIC, State at Large

My commission Expires:

November 12, 2021

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-002 -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 February 14, 2018 Certificate of Land Use Restriction (#17-BCBOA-002-A), for Timothy Johnson, Property Owner(s).

The following conditions will apply:

1. Outdoor storage on the site shall only be permitted inside the fence limits.
2. The security fence between the front of the two buildings shall comply with the following standards:
 - A. 8' tall decorative metal fencing is required.
 - B. The fence shall have an opacity of 50% or less.
 - C. Barbed wire, razor wire, etc. shall be prohibited on the top of fence.
3. The two building landscaping islands shown on the submitted plans shall be extended out as far as the fixed part of the security fence and shall contain the following landscaping plantings in each island:
 - A. Two (2) small trees from Plant List C (one is required at the end of the island).
 - B. A continuous hedge in the middle of the Islands. The species shall be selected from Plant List C of the Boone County Zoning Regulations.

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

DEED BOOK 1098

PAGE NO. 287

GROUP NO. 2065