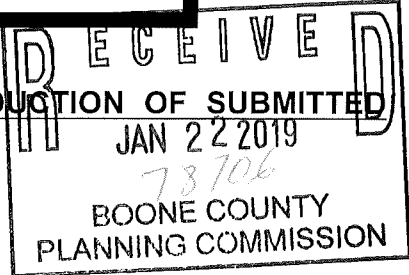


APPLICATION FORM

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 RJK ASSOCIATES INC
Applicant's Address 6257 SPRINGDALE RD
City Cincinnati State OH Zip 45247
4. Description of Request: VARIANCE Request For Section 3655(4)(A) to Allow Front Yard Fence Height of (6) Six Feet
5. Name of Development FLORENCE SELF STORAGE
6. Location of Development 8421 Dixie Highway
7. Acreage Under Review 9.9801
8. Lot Number and Name of Subdivision (if part of a subdivision)
9. Owner of Property 8421 Dixie Hwy LLC
Address of Property Owner 6257 SPRINGDALE Rd
10. City Cincinnati State Ohio Zip 45247
Phone Number 513 741 1400 Fax No. 513 741 4479 E-Mail KELVIN@RJKASSOCIATES.NET
11. Proposed Use(s) on Site SELF STORAGE Facility
12. Total Square Footage of Existing and/or Proposed Buildings 124 350 sq ft
13. Current Zoning on Property C-3
14. Deed Book 1099 Page No. 641 Group No. 2050
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 1-22-19 Fee Received \$932.⁰⁰ Receipt # 78706
2. Is application complete? Yes No
3. Staff Reviewer M. Schwartz
4. Scheduled Board Action Date 2/13/19
5. Board Action:
 Approved
 Approved with Conditions (See #6)
 Denial (See #7)
6. Conditions of Approval: _____

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

#1

APPLICANT: RJK Associates, Inc., per Kelvin Koch

LOCATION: 8401 Dixie Highway, Boone County, Kentucky

ZONING: Commercial Services (C-3)

DATE: February 13, 2019

PROPOSAL

The applicant is requesting a Variance to increase the height of an ornamental fence within the required front yard from four (4) feet to six (6) feet, on an approximate 10 acre area located at 8401 Dixie Highway, Boone County, Kentucky.

SITE HISTORY

- 2004 Change in Nonconforming Use and Variance to allow an 85.83 foot tall dry materials cement silo for an existing ready mix concrete plant (BCBOA 04-01A)
- 2017 Demolition permit issued to Morraine Materials (November 7, 2017)

- 2018 Major site plan approved for grading (October 23, 2018)
- 2018 Major site plan submitted for self storage facility (currently under review)

APPLICABLE REGULATIONS

- A. Section 250 of the Boone County Zoning Regulations states that one of the duties of the Board of Adjustment is to hear and decide on applications for variances.
-
-

- 1. Section 3655, 4., of the Boone County Zoning Regulations reads as follows:

"4. Fences shall be permitted within the front yard and corner side yard (Unincorporated Boone County, City of Union, and City of Walton only) 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."

2. Section 250 of the Boone County Zoning Regulations defines a variance as a departure from 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.
3. 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.
 - a. Findings listed in Section 251:
 - (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 a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations. In making these findings, the board shall consider whether:
 - (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 of 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.
- B. Section 1030 of the Boone County Zoning Regulations states that "The purpose of the Commercial Services district is to provide, control and centralize those types of commercial activities which; a) depend on and generate high vehicular accessibility, visibility and traffic; and/or b) large outdoor single-purpose storage, display and parking areas and c) which do not fit the scale, character, trade area and general objectives of the other commercial districts in this article or the employment districts defined in Article 11. Such districts will generally be organized about regional or major community trade areas. Sites will be of suitable lands which can be appropriately buffered from surrounding urban uses. Districts will be located to have direct visibility from major arterials. District facilities and plans should be organized to accomplish as much clustering of compatible uses, sharing of parking and access, signage, lighting and other spaces and improvements as possible."

RELATIONSHIP TO THE COMPREHENSIVE PLAN

A. The 2010 Boone County Comprehensive Plan's 2035 Future Land Use Plan designates the site in question for "Industrial" uses. This designation is defined as manufacturing, wholesale, distribution, assembly, mining, and terminal uses.

B. The following 2017 Boone County Comprehensive Plan's Goals and Objectives apply to this application:

Land uses and zoning decisions shall strive to balance the rights of landowners with the rights of neighbors and the community (Overall Goal A, Objective 4).

Industries shall be promoted in suitable locations to make the county a vital part of a strong regional economy (Economy Goal A, Objective 2).

Boone County shall evaluate and promote business and economic sectors of the future and explore ways to encourage existing industry to be competitive in a regional and global economy (Economy Goal A, Objective 3).

Compact, efficient development patterns shall be encouraged for industrial, commercial, and office uses with appropriately sized and well maintained buffer spaces between the business use and other land uses (Economy Goal B, Objective 1).

Effective site placement, architectural design, and landscape design for industrial uses shall enable a favorable relationship with adjoining uses. Smoke, dust, noise, and odor impacts shall be kept at a minimum and site development and enforcement shall be carefully coordinated with regulatory agencies (Economy Goal B, Objective 7).

C. Dixie Highway is identified as an arterial roadway, providing for two way traffic within two driving lanes. There are no sidewalks along Dixie Highway in the vicinity of the site in question.

SITE CHARACTERISTICS

A. The approximate 10 acre property is located along the east side of Dixie Highway, approximately 200 feet south of Dudley Trace/Totten Lane. The site is currently vacant and is proposed to be developed with a self storage facility. Ingress/egress is proposed from a curb cut onto Dixie Highway and an emergency access onto Totten Lane.

SURROUNDING LAND USES AND ZONING

North: A portable toilet and septic business, a locksmith business (Got-A-Go and Tri State Lock), and a wireless telecommunications tower (C-3)

South: Single-family residential dwellings, a billboard, and vacant/undeveloped land (C-3)

East: Single track railroad line, an industrial business, and a horse farm (I-1)

West: Vacant/undeveloped land, an industrial business (Northern Kentucky Machine), and a garden center/landscape business (Maddox) (I-1, I-2, and C-3)

PROPOSED DEVELOPMENT

- A. Construction of a self storage facility (not part of this review)
- B. Installation of a six (6) foot high chain link fence in the side and rear yards (not part of this review)
- C. Installation of a six (6) foot high ornamental fence in the front yard, setback a minimum of twenty-five (25) feet from the front property line..

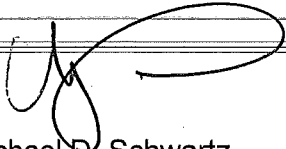
STAFF COMMENTS

- A. Other than the height of the fence, the proposal meets the requirements of Section 3655, 4., of the Boone County Zoning Regulations.

CONCLUSION

- A. KRS 100.241 and Section 220 of the Boone County Zoning Regulations gives the Boone County Board of Adjustment and Zoning Appeals the authority to act on the request.
- B. Section 251 of the Boone County Zoning Regulations identifies criteria necessary for granting a Variance. The applicant needs to provide information as to how their application meets this criteria.

Respectfully submitted,



Michael D. Schwartz
Planner

MDS/ss

Attachments

- *Vicinity Map
- *Aerial Map
- *Zoning Map
- *Topographical Map
- *2035 Future Land Use Map
- *Application
- *Development Plan

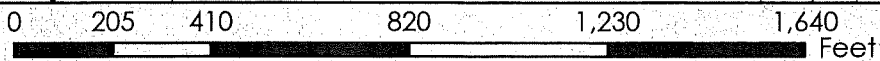
Vicinity Map

www.boonecountygis.com



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Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 01/01/2018



Boone County GIS
ArcMap Document: *.mxd

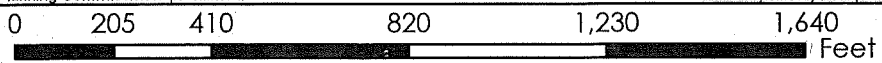
Aerial Map

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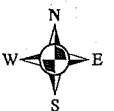
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1 inch = 400 feet



Boone County GIS - Putting Northern Kentucky on the Map



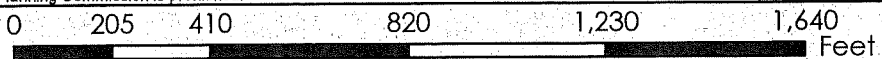
Topographical Map

www.boonecountygis.com



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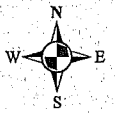
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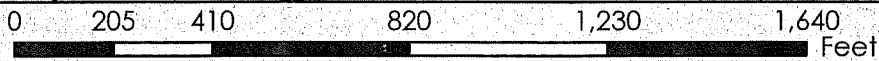
Zoning Map

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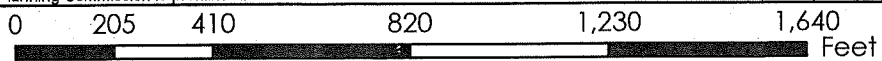
2035 Future land Use Map

www.boonecountygis.com



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Boone County GIS - Putting Northern Kentucky on the Map



Map Created: 01/01/2018

Map File Path: C:\boone\gis\maps\2035\2035.mxd
ArcMap Document: *.mxd

APPLICATION FORM

BOARD OF ADJUSTMENT
AND
ZONING APPEALS ACTION
BOONE COUNTY PLANNING COMMISSION

RECEIVED
JAN 22 2019
78706
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)

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- 2. (Check One) _____ Conditional Use Permit Variance _____ Appeal _____
Change in Non-Conforming Use _____
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Applicant's Address 6257 SPRINGDALE RD
Cincinnati OH 45247
City State Zip
- 4. Phone Number 513 741 1400 Fax No. 513 741 4479 E-Mail KELVIN@RJKASSOCIATES.NET
Description of Request: VARIANCE Request for section 3655 (4)(A)
to ALLOW FRONT YARD FENCE HEIGHT OF (6) SIX FEET
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- 6. Location of Development 8401 Dixie Highway
- 7. Acreage Under Review 9.9801
- 8. Lot Number and Name of Subdivision (if part of a subdivision) _____
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- 12. Total Square Footage of Existing and/or Proposed Buildings 124 350 sq ft
- 13. Current Zoning on Property C-3
- 14. Deed Book 1009 Page No. 641 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
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(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

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**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 1-22-19 Fee Received \$932⁰⁰ Receipt # 78706
2. Is application complete? Yes No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
 Approved
 Approved with Conditions (See #6)
 Denial (See #7)
6. Conditions of Approval: _____

7. Reasons for Denial: _____

**Boone County Planning Commission
Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958**

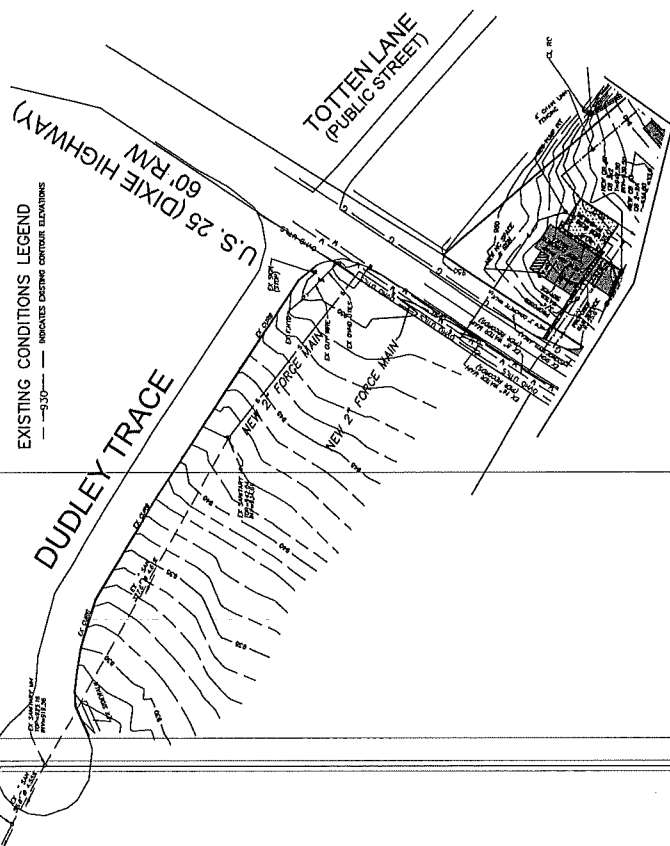
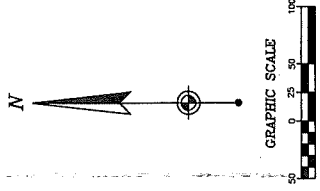
**Burlington, Kentucky 41005
(859) 334-2196 - Phone
(859) 334-2264 - Fax**

**plancom@boonecountyky.org - E-mail
www.boonecountyky.org - Web Page**

NOTE: See Boone County Planning Commission Fee Schedule for Board of Adjustment Fees.

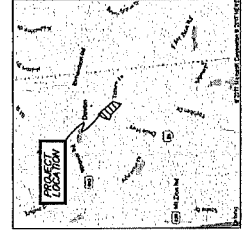
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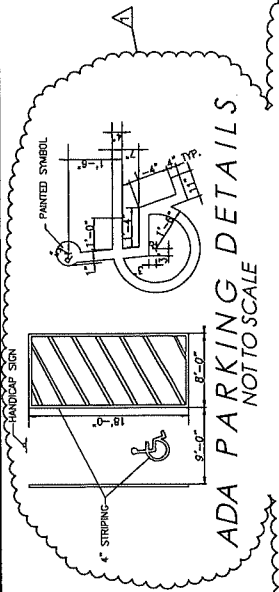
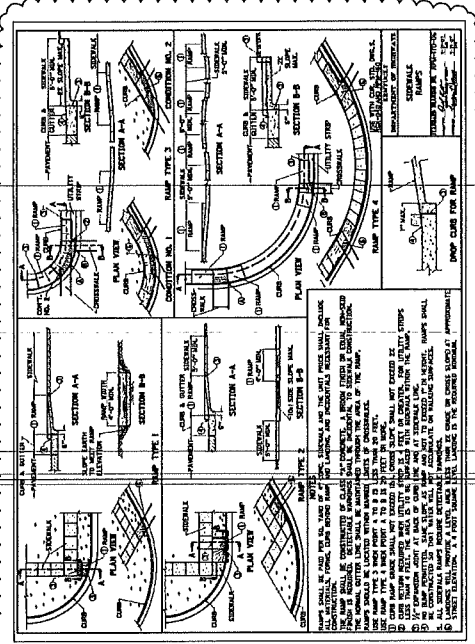


EXISTING CONDITIONS LEGEND
 -9.00'- INDICATES EXISTING OUTDOOR ELEVATIONS

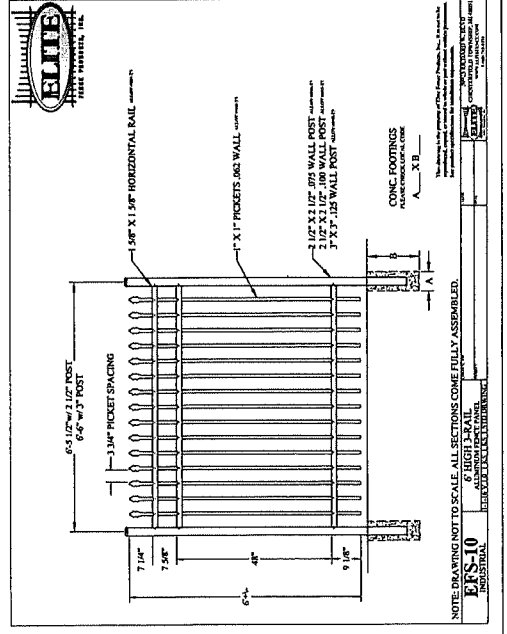
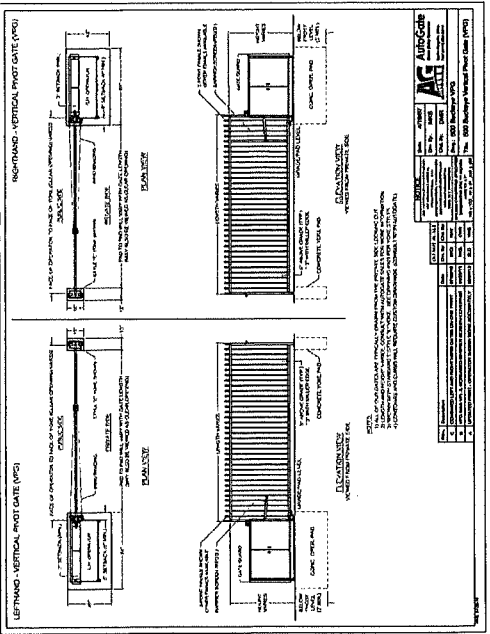
NOTE: SEE SHEET C1.0 FOR CONTINUATION



NOTICE: Public Utilities Commission of Boone County, Kentucky, is the authority having jurisdiction over the utility information shown on this plan. The utility information shown on this plan, prepared by Thomas Graham Associates, Inc., is the contractor's responsibility to verify their existence and location, and to contact the appropriate utility company for field locations.



ADA PARKING DETAILS
 NOT TO SCALE



EFS-10
 INDUSTRIAL
 100% POLYURETHANE
 100% POLYURETHANE
 100% POLYURETHANE

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

8401 Dixie Hwy LLC
6257 Springdale Road
Cincinnati, OH 45247

2. ADDRESS OF PROPERTY

8401 Dixie Hwy
Florence, KY 41042

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

8401 Dixie Highway

4. DEED BOOK 1099

PAGE NO. 641

GROUP NO. 2050

5. TYPE OF RESTRICTION(S) (Check all that apply)

Zoning Map Amendment:
From To

Conditional Use Permit

Development Plan

Conditional Zoning

Subdivision Plat
(Not Recorded)

Other:

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



SIGNATURE OF COMPLETING OFFICIAL

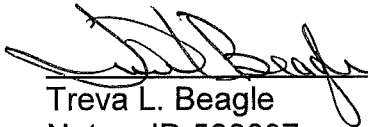
Michael D. Schwartz – Planner
Name and Title of Completing Official

(C) 2019

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

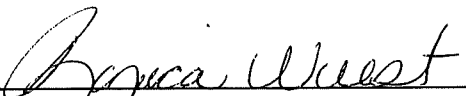
Subscribed, sworn to, and acknowledged before me by Michael D. Schwartz
on behalf of the Boone County Planning Commission this 14 day of February, 2019.



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.)