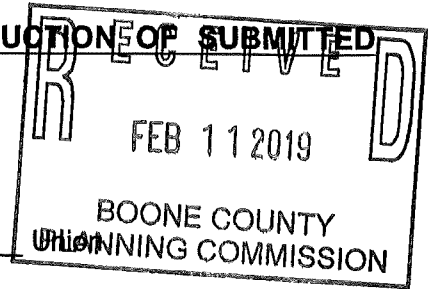


APPLICATION FORM

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
- (Check One)
2. Conditional Use Permit Variance Appeal
 Change in Non-Conforming Use
3. Applicant's Name Paul Hemmer Company
Applicant's Address 226 Grandview Dr.
Ft Mitchell NY 41017
City State Zip
4. Phone Number (859) 578-1804 Fax No. (859) 341-6817 E-Mail phemmer@
Description of Request: See Attached paul.hemmer.com
5. Name of Development Acopack 25 South and 26 North
6. Location of Development 1570 Aviation Blvd, Lebanon, KY 41048
7. Acreage Under Review 14.893 Acres
8. Lot Number and Name of Subdivision (if part of a subdivision)
Lot 25, Acopack International
9. Owner of Property
Address of Property Owner 18W140 Butterfield Rd, Suite 750
10. Dukbeach Terrace, IL 60181
City State Zip
11. Phone Number (630) 576-1109 Fax No. (630) 516-1139 E-Mail MP.vers@smallproperties.com
Proposed Use(s) on Site Warehouse / Distribution Building
12. Total Square Footage of Existing and/or Proposed Buildings 160,484 SF
13. Current Zoning on Property I-2/CD
14. Deed Book 1101 Page No. 37 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]
(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 _____ Fee Received _____ Receipt # _____
2. Is application complete? _____ Yes _____ No _____
3. Staff Reviewer M. Schwartz
4. Scheduled Board Action Date 4/10/19
5. Board Action:
_____ **Approved**
_____ **Approved with Conditions (See #6)**
 Denial (See #7)
6. Conditions of Approval: _____

7. Reasons for Denial: Given the fact that the applicant has an approved site plan that meets the requirements of the zoning regulations, there are no special circumstances pertaining to the site and the applicant is not being deprived reasonable use of the property.

**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@boonecountky.org - E-mail
www.boonecountky.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

#2

APPLICANT: Adam W. Hemmer, on behalf of the Paul Hemmer Company

LOCATION: Approximate 15 acre area located on the south side of Aviation Boulevard, approximately 4,600 feet west of Petersburg Road, having an address of 1370 Aviation Boulevard, Boone County, Kentucky

ZONING: Industrial One with an approved Concept Development Plan (I-1/CD)

DATE: March 13, 2019

PROPOSAL

The applicant is requesting a Variance to reduce the minimum width of Buffer Yard A from ten (10) feet to one (1) foot, in the northwest corner of the site in order to construct a truck dock driveway, on an approximate 15 acre area located on the south side of Aviation Boulevard, approximately 4,600 feet west of Petersburg Road, having an address of 1370 Aviation Boulevard, Boone County, Kentucky.

SITE HISTORY

- 1991 Zoning map amendment for a 264.4 acre area located to the east of the site in question, from A-2 to I-1 and C-2.
- 2005 Zoning map amendment for a 28.159 acre area, including the site in question, from A-2 to I-1.
- 2018 On November 2, 2018, a Major Site Plan was approved for the site in question, for 160,984 square foot warehouse/office building with parking and truck dock.

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.
- B. Section 3635, of the Boone County Zoning Regulations requires a Buffer Yard A to be provided between developments that are zoned I-1. This section goes on to require that a Buffer Yard A have a minimum width of ten (10) feet.
- C. 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.
- D. 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.

E. Section 3645 of the Boone County Zoning Regulations state that "a buffer yard is defined as a planted area that is used to separate different sites and uses that are not compatible. This planted area should reduce or eliminate noise and light pollution and other adverse impacts, while providing a year-round or partial visual separation. Buffer yards shall consist of a continuous strip of land and screening that shall contain existing vegetation, planted vegetation, a berm, a wall or fence or any combination of these."

F. Section 1130 of the Boone County Zoning Regulations states that "The purpose of the Industrial One district is to allow different types of small to large scale light manufacturing, warehouse, distribution and related service uses, which require direct accessibility to a regional transportation system. Manufacturing operations in this district will generally not utilize unrefined raw materials, whose processing may potentially create undesirable noise, odors, dust, smoke, hazardous materials or waste or be delivered in large bulk transportation forms. Such districts are located in areas which provide employment opportunities for community and regional labor markets. Districts will be located on suitable lands accessible from expressways and/or arterials. In addition, this zoning district allows for integrated office campus and/or industrial/warehouse developments with a business park setting, characterized by landscaped entrances, boulevard streets, large amounts of green space and low building coverage ratio, multi-level buildings, constant architectural and signage theme, parking structures, and integrated pedestrian and recreation facilities. This district is also to provide for appropriate public facilities and/or services to the permitted uses identified in the district.

This zoning classification can range from a compact multi-level office development on several acres to an extensive mixed office/warehouse/distribution development that is located on many acres. This zoning classification often includes some limited commercial wholesale and retail uses intended to serve the district and constructed to blend in visually with the character of the area."

- A. The 2010 Boone County Comprehensive Plan's 2035 Future Land Use Plan designates the site in question for "Business Park". This designation is defined as a mix of office warehouse, research, office, and light industrial uses in a park-like, office campus setting with large building setbacks, low floor area ratio, integrated pedestrian and recreation facilities, constant architectural and signage theme, extensive landscaped areas, and attractive entrance treatment. This land use is recommended for high visibility areas and transition areas between industrial and residential land 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).
- Development shall attempt to utilize existing topography and vegetation (including mature trees where possible) and preserve the existing character of the land where practical (Environment Goal A, Objective 7).
- 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).
- C. Aviation Boulevard is identified as a local roadway, providing for two way traffic within two driving lanes. There are no sidewalks along Aviation Boulevard. Aviation Boulevard currently is a dead end street. It is planned that the roadway will continue to extend westward as additional land becomes available for development.

SITE CHARACTERISTICS

- A. The approximate 15 acre property is located on the south side of Aviation Boulevard, at its current terminus. The site has been approved to be developed with an office/warehouse structure, off-street parking, and a loading dock area, which is currently under construction. Access is proposed from two curb cuts onto Aviation Boulevard, both of which have been constructed. The easternmost curb cut is intended for vehicular traffic and the westernmost curb cut is intended for truck traffic.
- B. Within the vicinity of the proposed variance area, the topography ranges from 810 MSL to 830 MSL, a grade change of 20 feet (18%).

SURROUNDING LAND USES AND ZONING

North: Office/Warehouse (I-1)

South: Vacant (A-2)

East: Office/warehouse (I-1)

West: Vacant (I-1)

PROPOSED DEVELOPMENT

- A. Construction of a truck dock driveway to be located within one (1) foot of the western property line.

STAFF COMMENTS

- A. The applicant should explain why the variance is necessary in light of having an approved Site Plan that meets the required Buffer Yard width.
- B. Should the Board take action to approve the proposed variance, the following condition should be added to that action:
 - 1. A Site Plan shall be submitted to the Boone County Planning Commission and the Boone County Building Department (if applicable) for processing and approval, prior to any construction of the site.

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

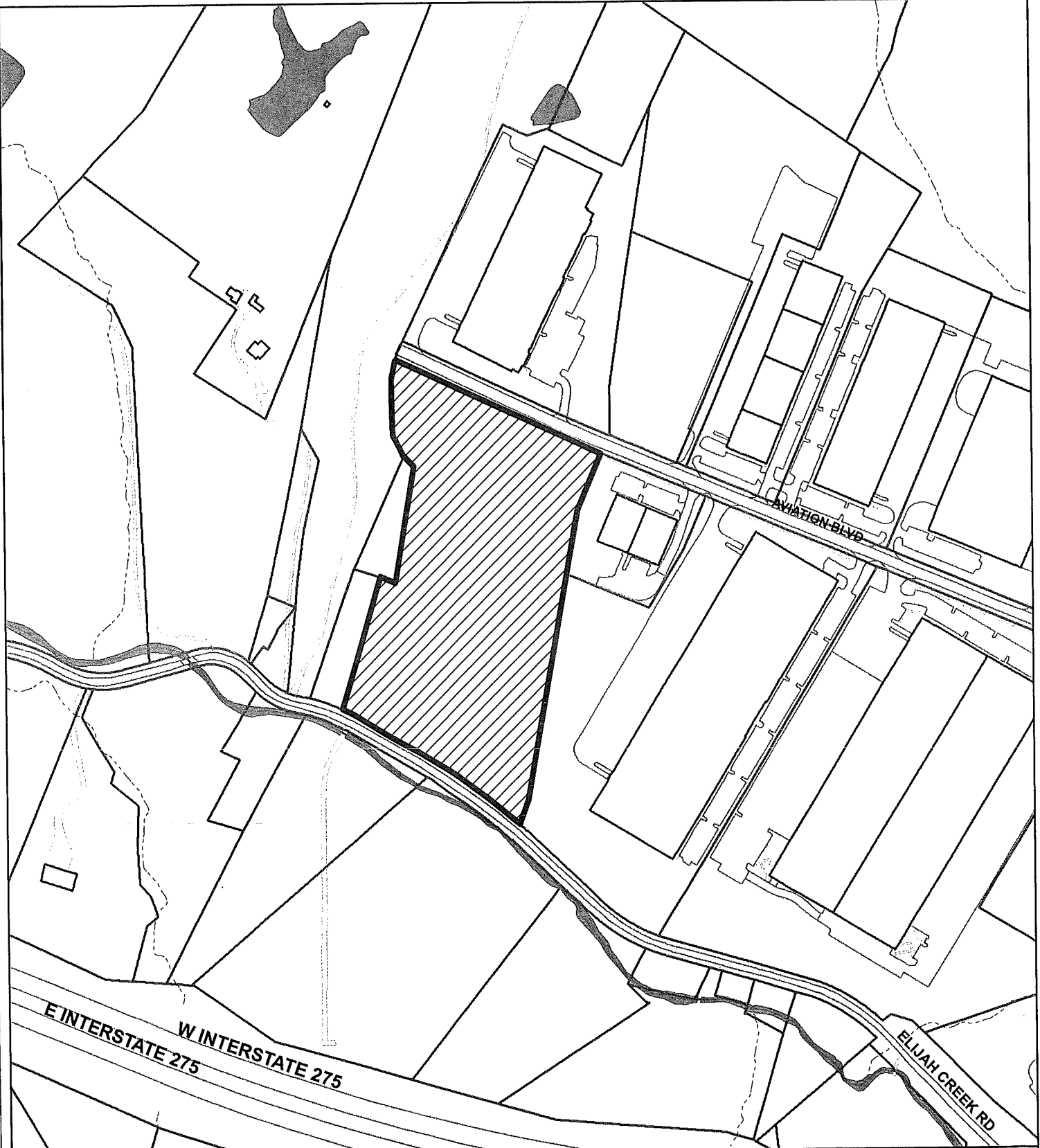
MDS/ss

Attachments

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

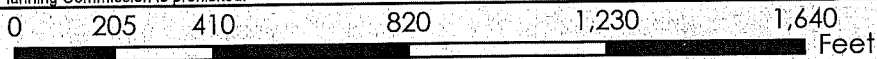
Vicinity Map

www.boonecountygis.com



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1 inch = 400 feet



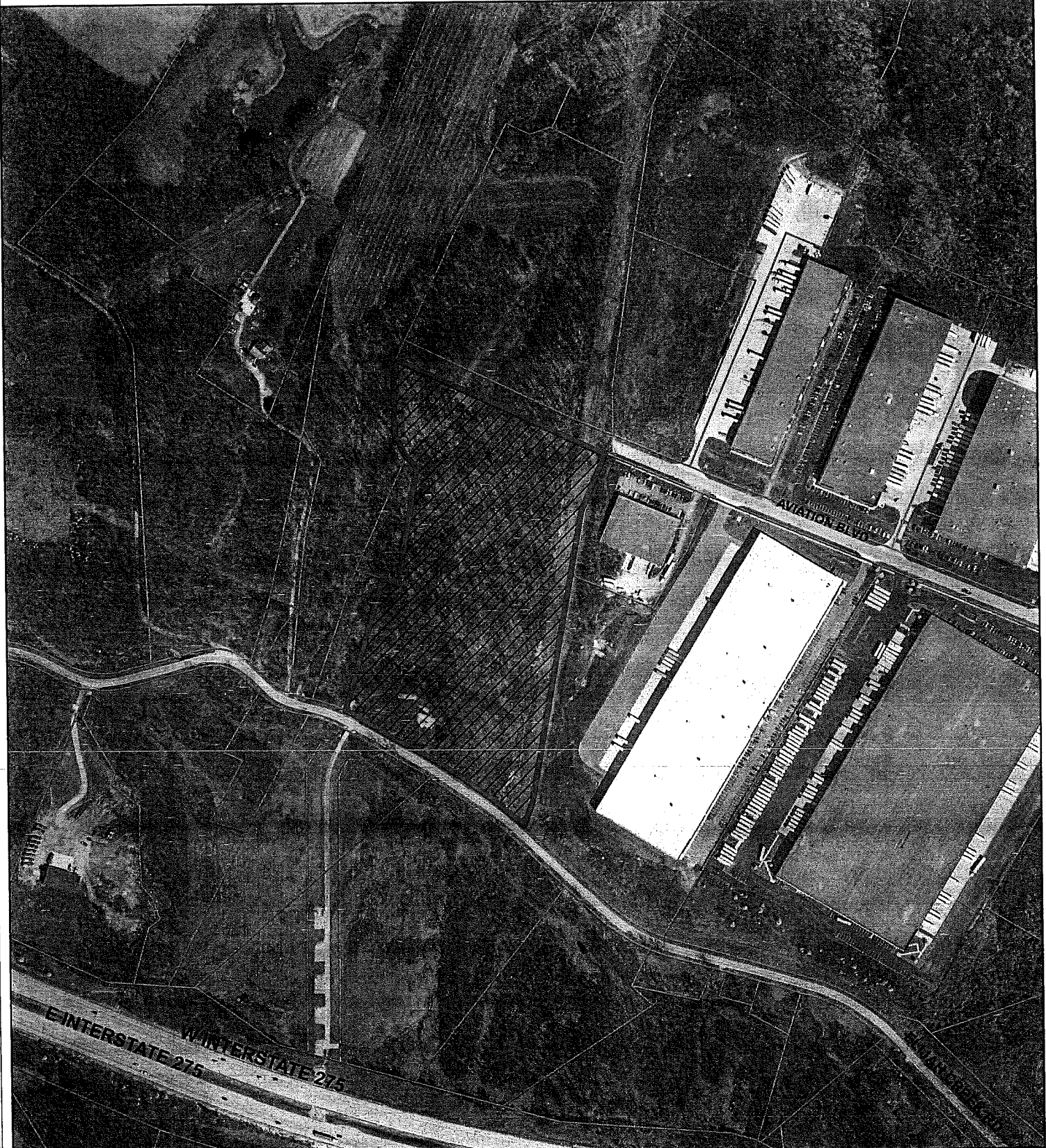
Boone County GIS - Putting Northern Kentucky on the Map

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Aerial Map

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0 205 410 820 1,230 1,640 Feet

1 inch = 400 feet



Boone County GIS - Putting Northern Kentucky on the Map



Boone County GIS
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Map Created: 01/01/2018

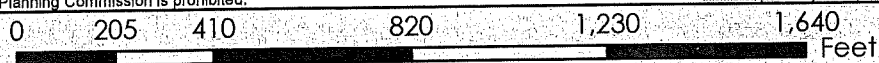
Zoning Map

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Boone County GIS - Putting Northern Kentucky on the Map

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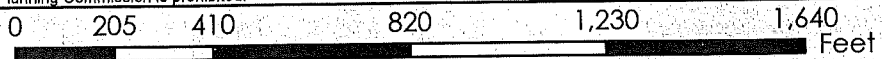
Topographical Map

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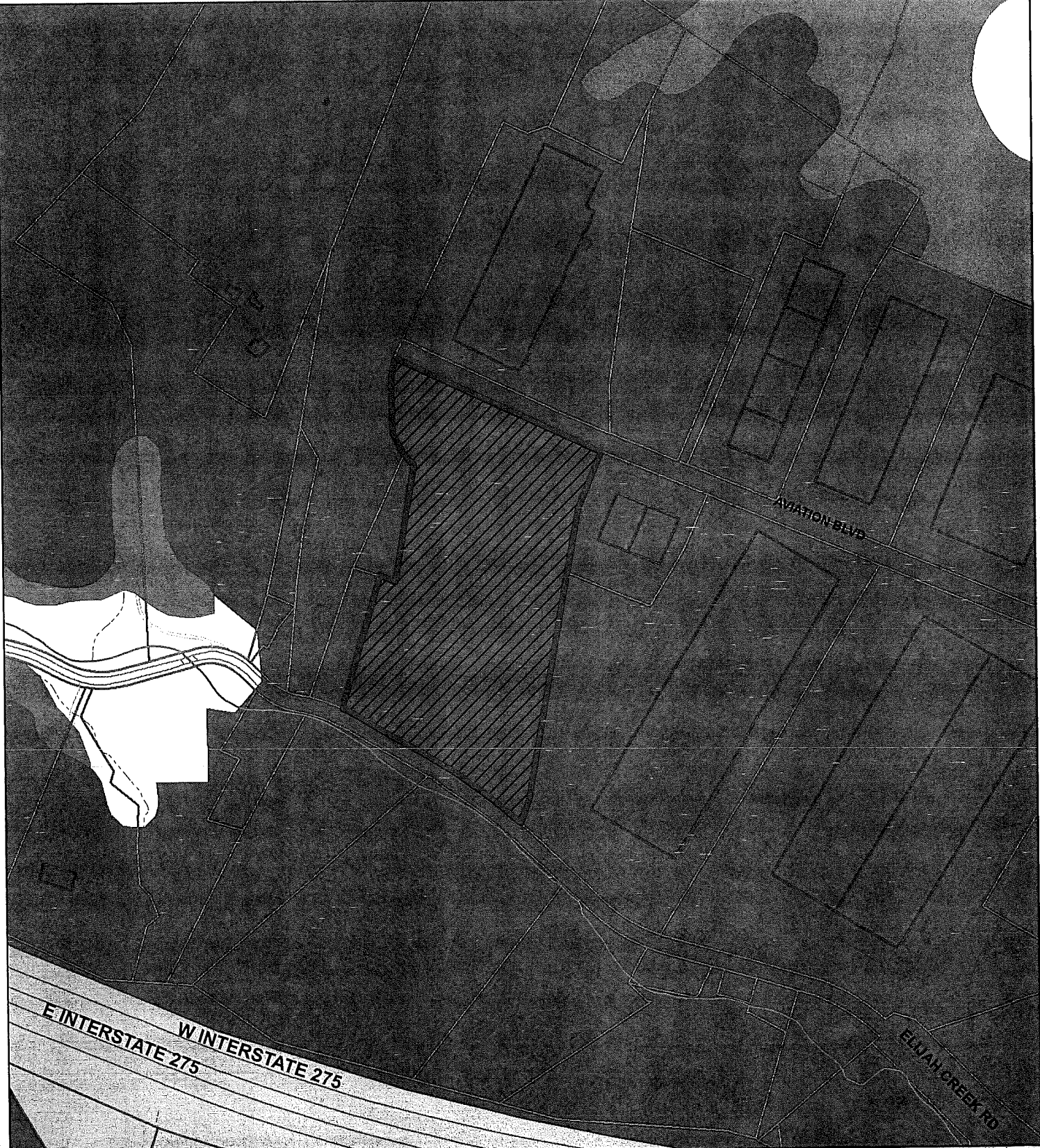
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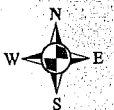
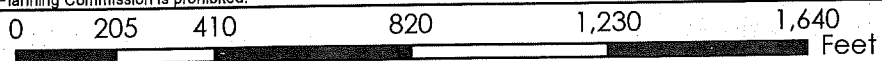
2035 Future Land Use Map

www.boonecountygis.com



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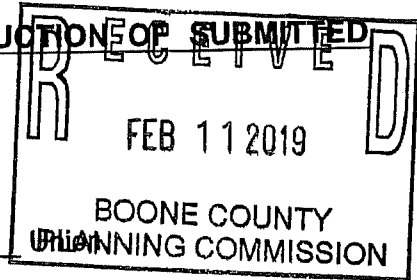
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APPLICATION FORM

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) Boone [checked] Florence _____ Walton _____
2. (Check One) Conditional Use Permit [checked] Variance _____ Appeal _____
3. Applicant's Name Paul Hemmer Company
Applicant's Address 226 Grandview Dr. Ft Mitchell KY 41017
4. Description of Request: See Attached paul.hemmer.com
5. Name of Development Airpark 25 South and 26 North
6. Location of Development 1370 Aviation Blvd., Hebron, KY 41048
7. Acreage Under Review 14.893 Acres
8. Lot Number and Name of Subdivision (if part of a subdivision) Lot 25, Airpark International
9. Owner of Property
Address of Property Owner 18 W 140 Butterfield Rd., Suite 750
10. Oakbrook Terrace, IL 60181
11. Proposed Use(s) on Site Warehouse / Distribution Building
12. Total Square Footage of Existing and/or Proposed Buildings 160,984 SF
13. Current Zoning on Property I-2/CD
14. Deed Book 1101 Page No. 27 Group No.
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 _____ Fee Received _____ Receipt # _____
2. Is application complete? _____ Yes _____ No _____
3. Staff Reviewer M. Schwartz _____
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.

Site Plan Review is not granted by the appropriate Board of Adjustment.

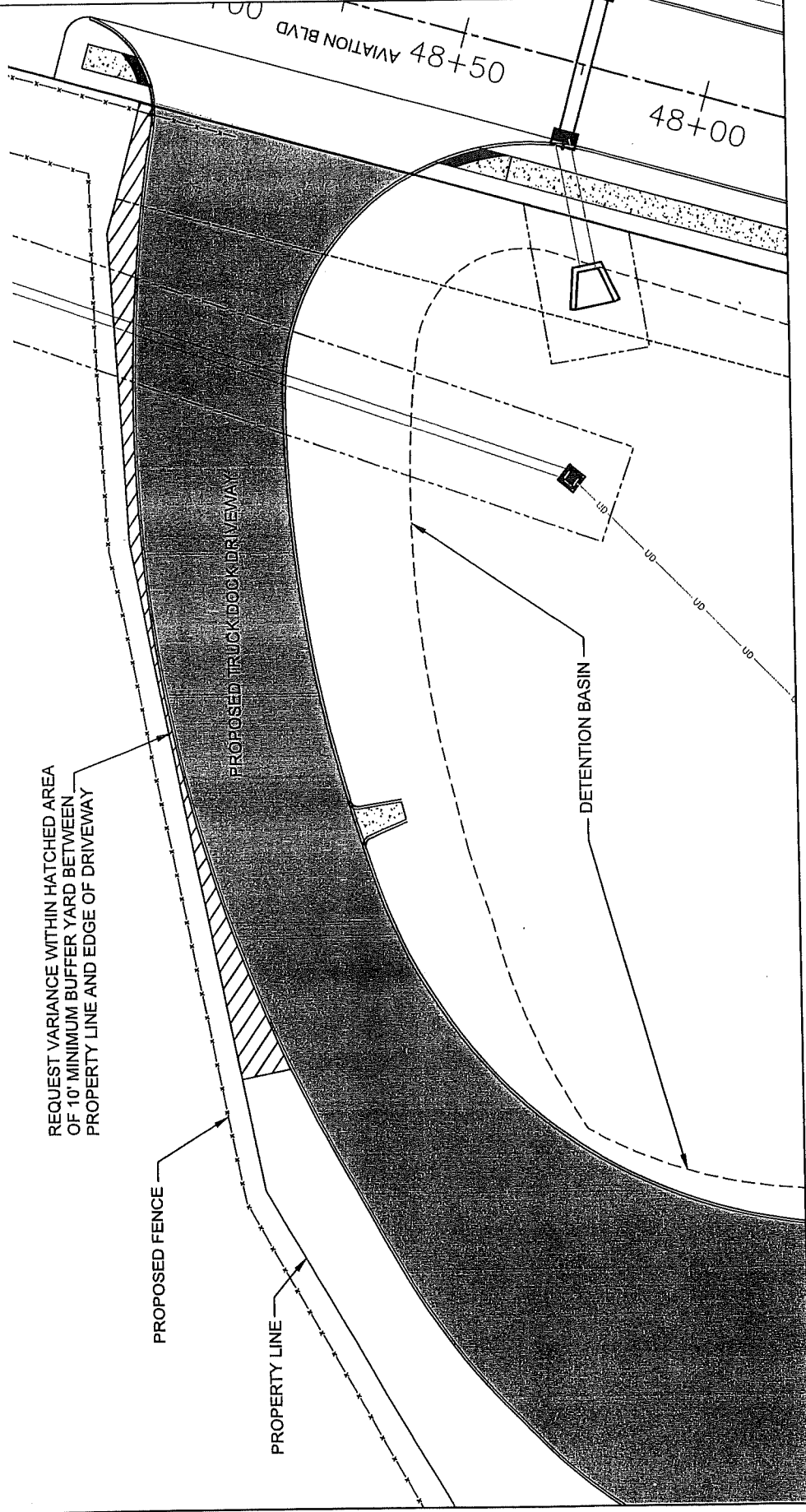
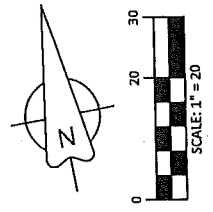
An application consists of all fees paid in full, submitted drawings and a completed application form.

Airpark Variance Request

The loading dock drive for the south building was relocated from going directly to Aviation Blvd. to curving around the western perimeter of the property at the request of Boone County in order to align with the drive on the north side of Aviation Blvd. This was done during the review for the Aviation Blvd Extension and 26 North Building. Later during the zoning review as part of the grading and building permit review for the 25 South Building, we were informed that the redesigned drive would encroach into the 10-foot minimum buffer yard.

We are requesting that the entrance to the drive be maintained in its original location directly across from the other drive and then we will transition the drive to a minimum 10-foot buffer yard as quickly as possible, while maintaining a safe truck-turning radius. This will also keep a catch basin out of the drive apron and eliminate a significant maintenance issue.

DATE	2/04/2019
SCALE	1"=20'
REF	A.Y.



REQUEST VARIANCE WITHIN HATCHED AREA
OF 10' MINIMUM BUFFER YARD BETWEEN
PROPERTY LINE AND EDGE OF DRIVEWAY

PROPOSED FENCE

PROPERTY LINE

PROPOSED TRUCK DOCK DRIVEWAY

DETENTION BASIN

AVIATION BLVD
48+50

48+00

UD
UD
UD