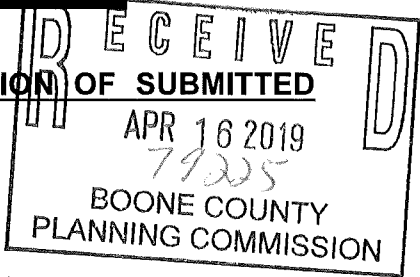


APPLICATION FORM

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 Appeal
3. Applicant's Name Viox & Viox, Inc. Applicant's Address 466 Erlanger Road Erlanger Kentucky 41018
4. Description of Request: Request variance for Building Setback (32'), Building height (74' app) elevation of 974.00, and Landscape Buffer (15')
5. Name of Development Perfetti Van Melle Inc. USA
6. Location of Development 3645 Turfway Road
7. Acreage Under Review 25.7 acres
8. Lot Number and Name of Subdivision
9. Owner of Property Van Melle Inc. Address of Property Owner PO Box 18190 Erlanger Kentucky 41018
10. Erlanger Kentucky 41018
11. Proposed Use(s) on Site Warehouse building for rack storage and fire access driveway
12. Total Square Footage of Existing and/or Proposed Buildings Ex: 92,150 SF Prop: 12,868 SF
13. Current Zoning on Property I-1
14. Deed Book 295 Page No. 261 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)

(over)

**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 4-16-19 Fee Received \$2,231.⁰⁰ Receipt # 79225
2. Is application complete? Yes No
3. Staff Reviewer M. Schwartz
4. Scheduled Board Action Date Withdrawn By Applicant per 6/26/19 email
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

#4

APPLICANT: Viox and Viox, Inc., per Jonathan W. Girdler, on behalf of Van Melle, Inc.

LOCATION: An approximate 25.7 acre area located at 3645 Turfway Road, Boone County, Kentucky

ZONING: Industrial One/Planned Development/Houston-Donaldson Corridor Overlay District (I-1/PD/HDO) and Rural Suburban/Planned Development/Houston-Donaldson Corridor Overlay District (RS/PD/HDO)

DATE: May 8, 2019

PROPOSAL

The applicant is requesting Variances: (1) to reduce the east side yard setback from fifty (50) feet to thirty-two (32) feet; (2) to increase the maximum building height from fifty (50) feet to seventy-four (74) feet; and (3) to reduce the minimum Buffer Yard C width from sixty (60) feet to fifteen (15) feet, for a 12,868 square foot building addition and modified drive aisle on an approximate 25.7 acre area located at 3645 Turfway Road, Boone County, Kentucky.

SITE HISTORY

1974 -

1981 Site was developed (based on Boone County GIS aerial photography)

1982 The Boone County Planning Commission recommended approval of a zoning map amendment for the majority of the site in question from O-2 and SR-1 to I-1 (R-3-82)

1983 -

2018 The Boone County Planning Commission approved several site plans

2013 The Boone County Planning Commission adopted the Houston-Donaldson Study

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 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.

- C. 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.
- D. Section 3111 of the Boone County Zoning Regulations states that the setback for a side yard which adjoins a residential zone shall be a minimum of fifty (50) feet.
- E. Section 3111 of the Boone County Zoning Regulations states that the maximum building height within the I-1 Zone shall be fifty (50) feet.
- F. Section 3620 of the Boone County Zoning Regulations requires a Buffer Yard C to be provided when an I-1 Zone abuts a UR-2 Zone. Section 3645 of the Boone County Zoning Regulations requires a Buffer Yard C to have a minimum width of sixty (60) feet.

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 Park" uses. 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).

Employment opportunities for a highly skilled and educated workforce shall be encouraged and promoted for the residents and businesses of Boone County (Economy Goal A, Objective 1).

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. Turfway Road is identified as a collector roadway, providing for two-way traffic within two driving lanes. There are no sidewalks along Turfway Road. There is a pedestrian path along Turfway Road, fronting the site in question.

RELATIONSHIP TO THE HOUSTON-DONALDSON STUDY

- A. The site is located within subarea 8 of the study.
- B. The study provides no specific recommendations for the site in question that are not reflected on the 2035 Future land Use Map.
- C. The following site design requirement is applicable to the site in question:

Improvements shall be arranged so that large blank walls are not directly visible along street frontages or areas frequented by the public (page 53).

SITE CHARACTERISTICS

- A. The approximate 25.7 acre area is located along the southeast side of Turfway Road, approximately 1,200 feet southwest of Donaldson Highway. The site has been developed with a food manufacturing facility.
- B. The site is located within the 55 DNL of the airport.
- C. The portion of the site that is to be developed is flat, having an elevation of 905 MSL.
- D. There is a heavy growth of trees along the east and south property lines of the site in question.

SURROUNDING LAND USES AND ZONING

North: Single-family residential dwellings, an auto repair facility (Brown's Transmission and Auto/Truck Repair), and vacant land (I-1/PD/HDO)

South: Single-family residential dwellings (RS/PD/HDO)

East: Vacant Land (UR-2/O-2/C-1/PD/HDO)

West: Single-family residential dwellings (RS/PD/HDO)

PROPOSED DEVELOPMENT

- A. The applicant is proposing the following:
 - 1. Construction of a 12,868 square foot, 74 foot high, building addition to be used for warehousing and rack storage.
 - 2. Construction of a minimum 15 foot wide paved access drive.
 - 3. Construction of a retaining wall.
 - 4. Relocation of utilities, HVAC, and mechanical equipment.
 - 4. Installation of landscaping along the proposed development area.

STAFF COMMENTS

- A. The applicant should address the criteria necessary for granting a variance.

- B. The following table provides a comparison between the required and proposed landscaping:

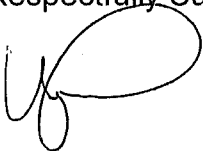
	Required		Proposed
	Option 1	Option 2	
Minimum Width	60 ft.	30 ft.	15 ft.
Evergreen Trees	11	11	6
Large/Medium Trees	9	9	7
Shrubs	38	16	17
Berm/Fence/Wall	No	Yes	No

It should be noted that the area to the east of the site is currently heavily wooded.

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

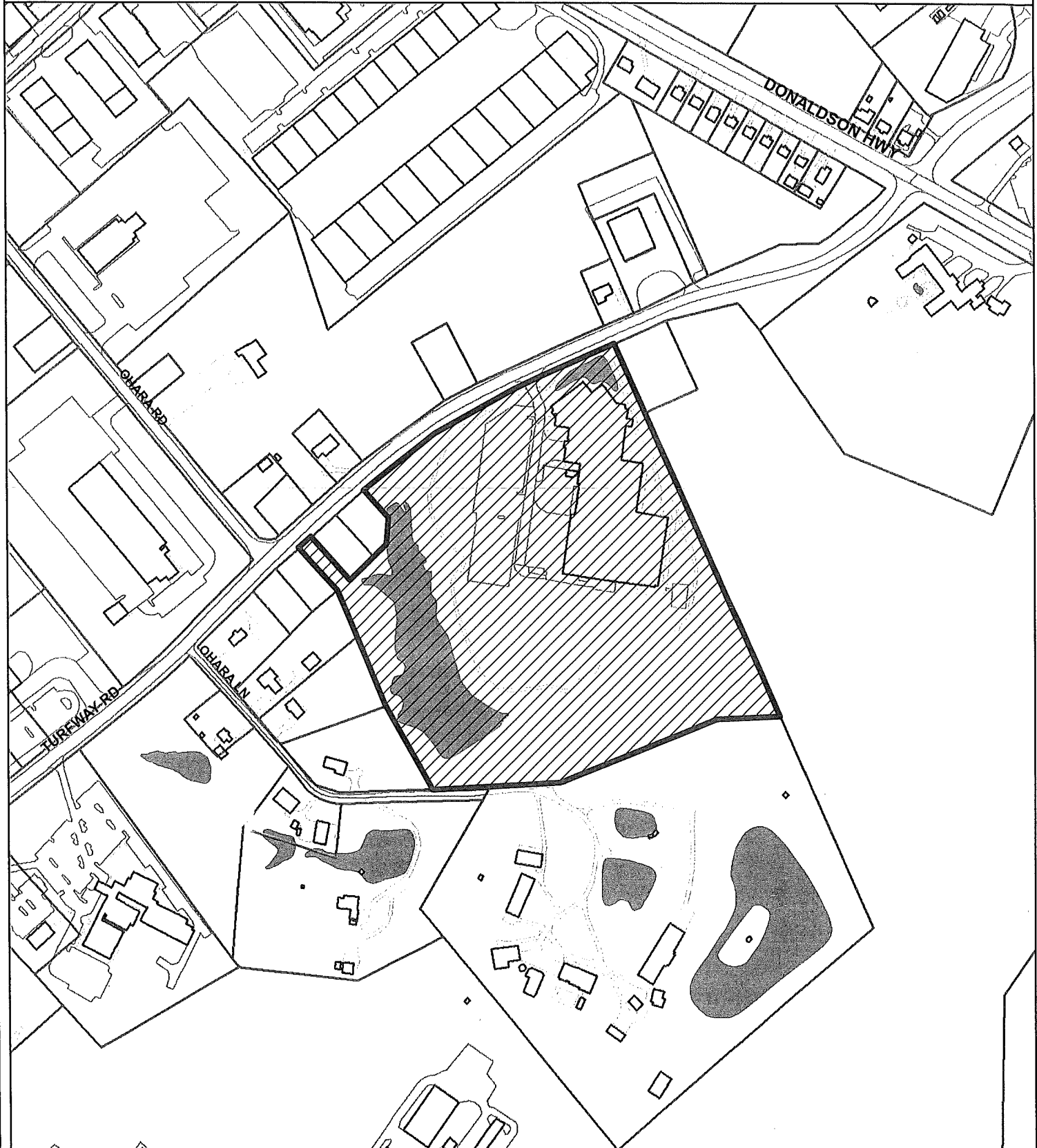
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Attachments

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

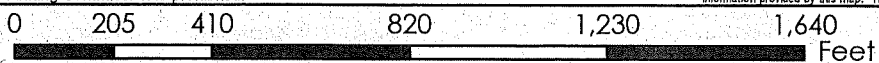
Vicinity Map

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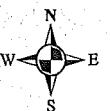


1 inch = 400 feet



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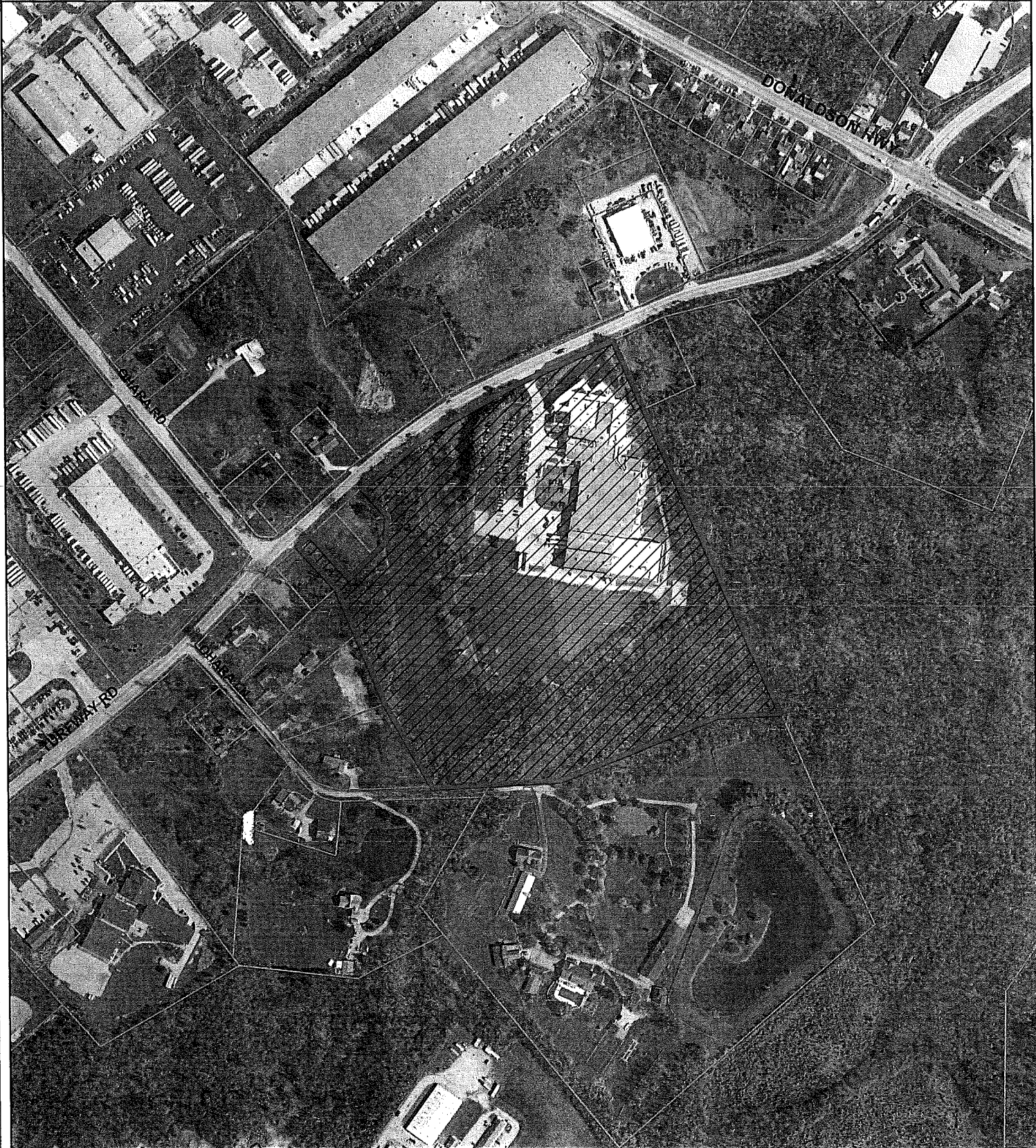
Boone County GIS - Putting Northern Kentucky on the Map



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ArcMap Document: *.mxd

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

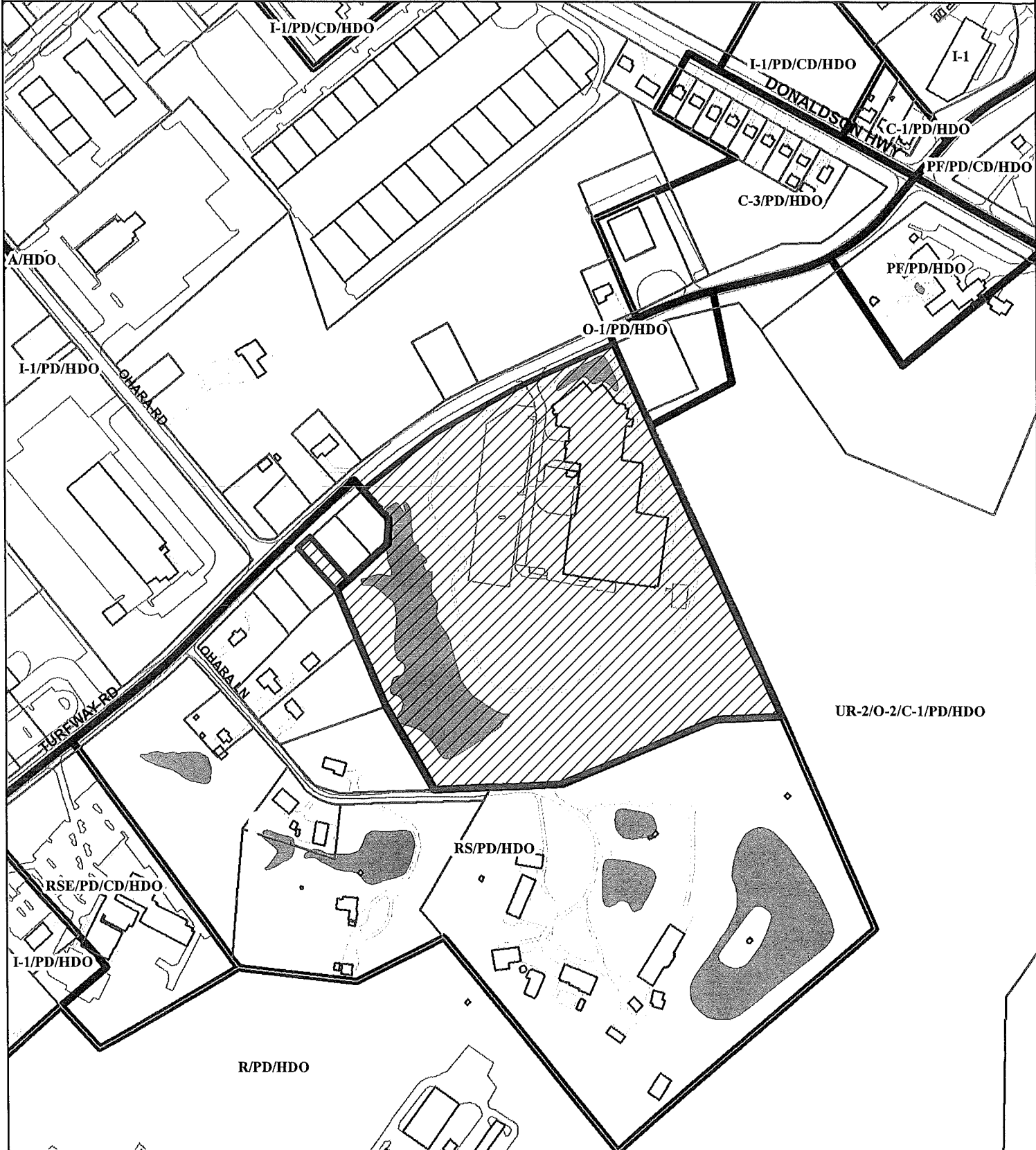


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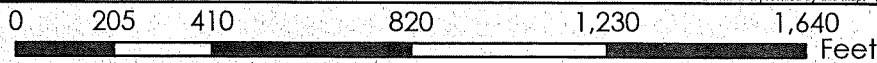
Zoning Map

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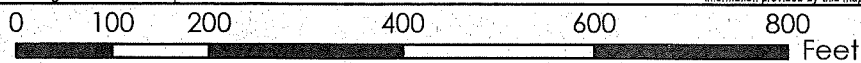
Topographic Map

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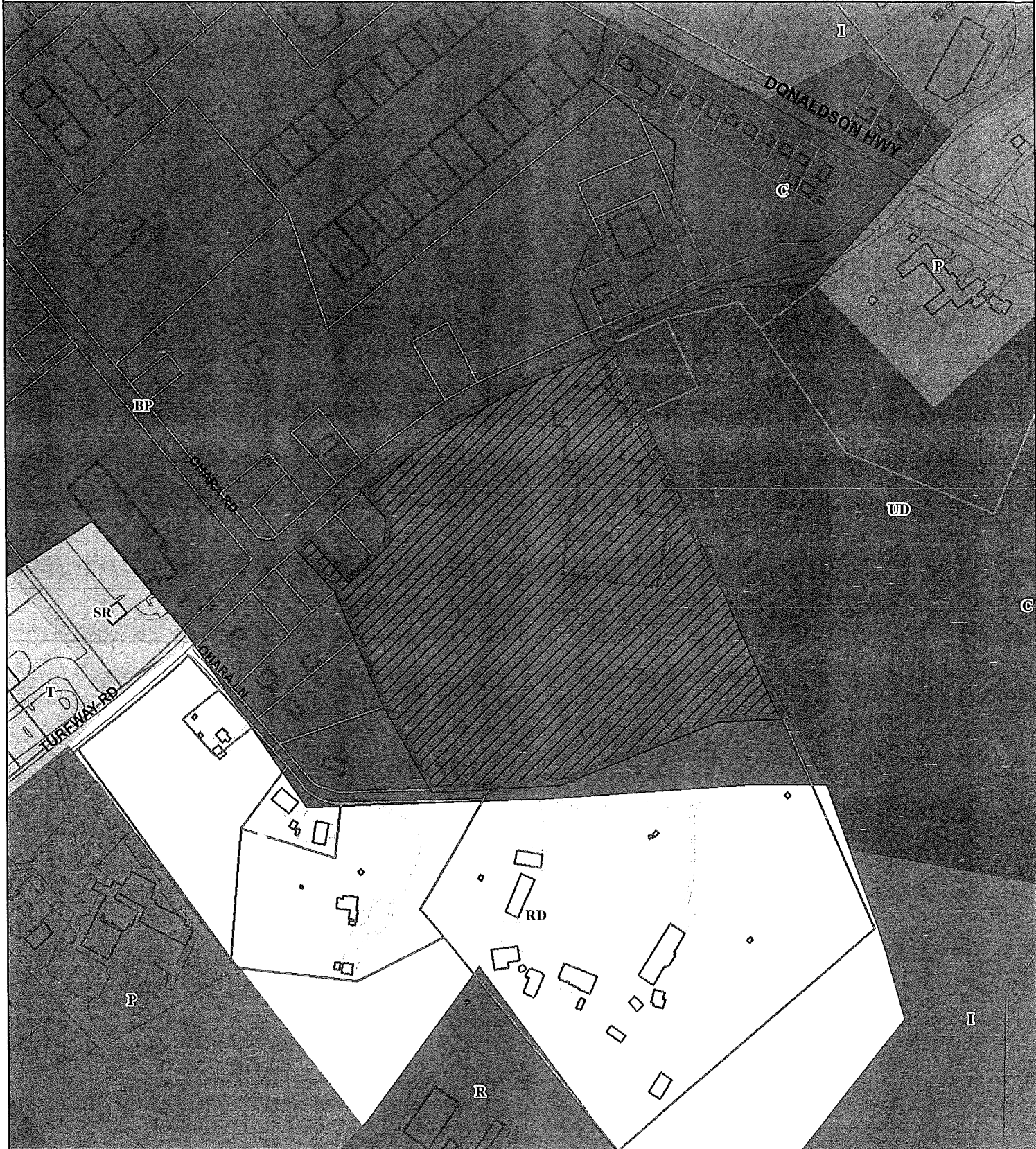
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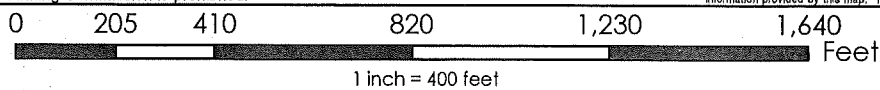
2035 Future Land Use Map

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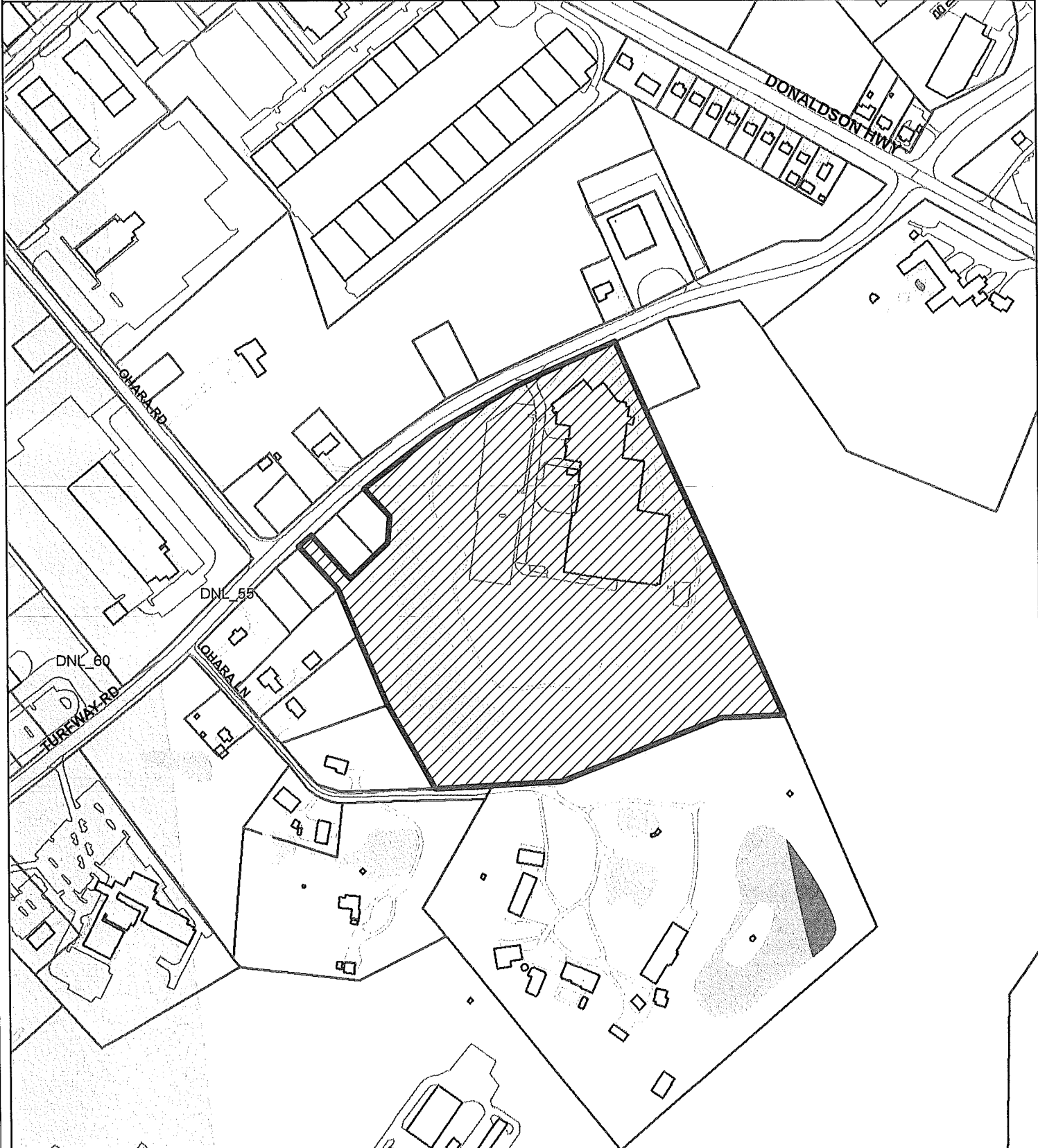
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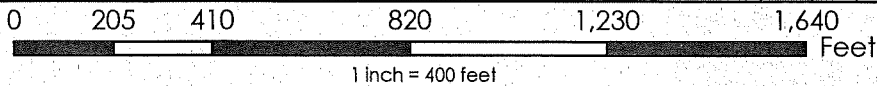
Noise Contour Map

www.boonecountygis.com



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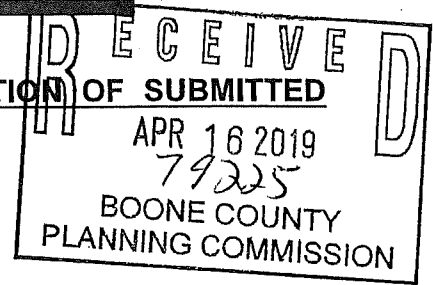
Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 01/01/2018

World File: *.mxd
ArcMap Document: *.mxd

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 Viox & Viox, Inc.
Applicant's Address 466 Erlanger Road
Erlanger _____ Kentucky _____ 41018
City State Zip
Phone Number 859-727-3293 Fax No. 859-727-8452 E-Mail igirdler@vioxinc.com
- 4. Description of Request: Request variance for Building Setback (32'), Building height (34' app) elevation of 974.00), and Landscape Buffer (15')
- 5. Name of Development Perfetti Van Melle Inc. USA
- 6. Location of Development 3645 Turfway Road
- 7. Acreage Under Review 25.7 acres
- 8. Lot Number and Name of Subdivision (if part of a subdivision)
- 9. Owner of Property Van Melle Inc.
Address of Property Owner PO Box 18190
Erlanger _____ Kentucky _____ 41018
City State Zip
Phone Number 859-283-1234 Fax No. _____ E-Mail _____
- 11. Proposed Use(s) on Site Warehouse building for rack storage and fire access driveway
- 12. Total Square Footage of Existing and/or Proposed Buildings Ex: 92,150 SF Prop: 12,868 SF
- 13. Current Zoning on Property I-1
- 14. Deed Book 295 Page No. 261 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: Tim
(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 4-16-19 Fee Received \$2,231.⁰⁰ Receipt # 79225
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: _____

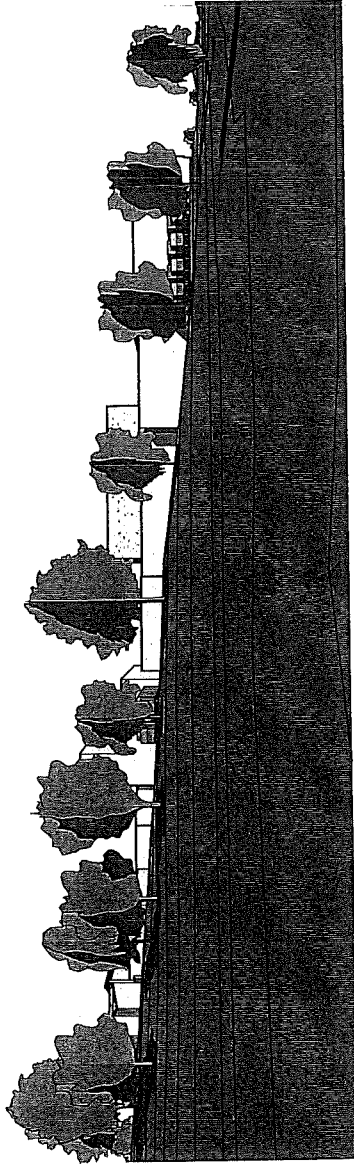
7. Reasons for Denial: _____

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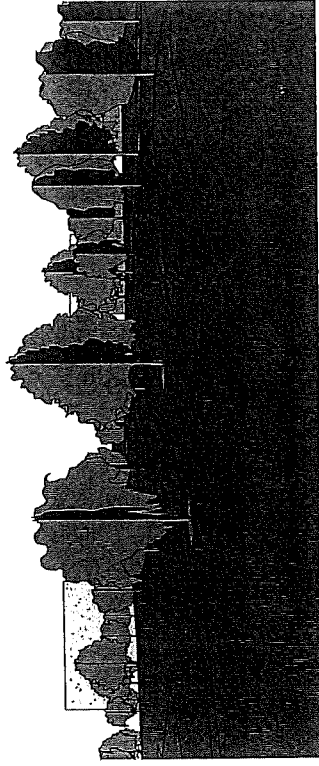
NOTE: See Boone County Planning Commission Fee Schedule for Board of Adjustment Fees.

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

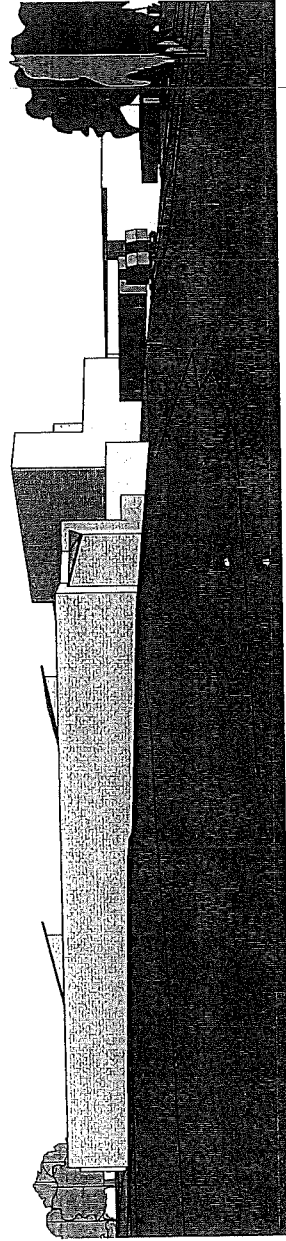
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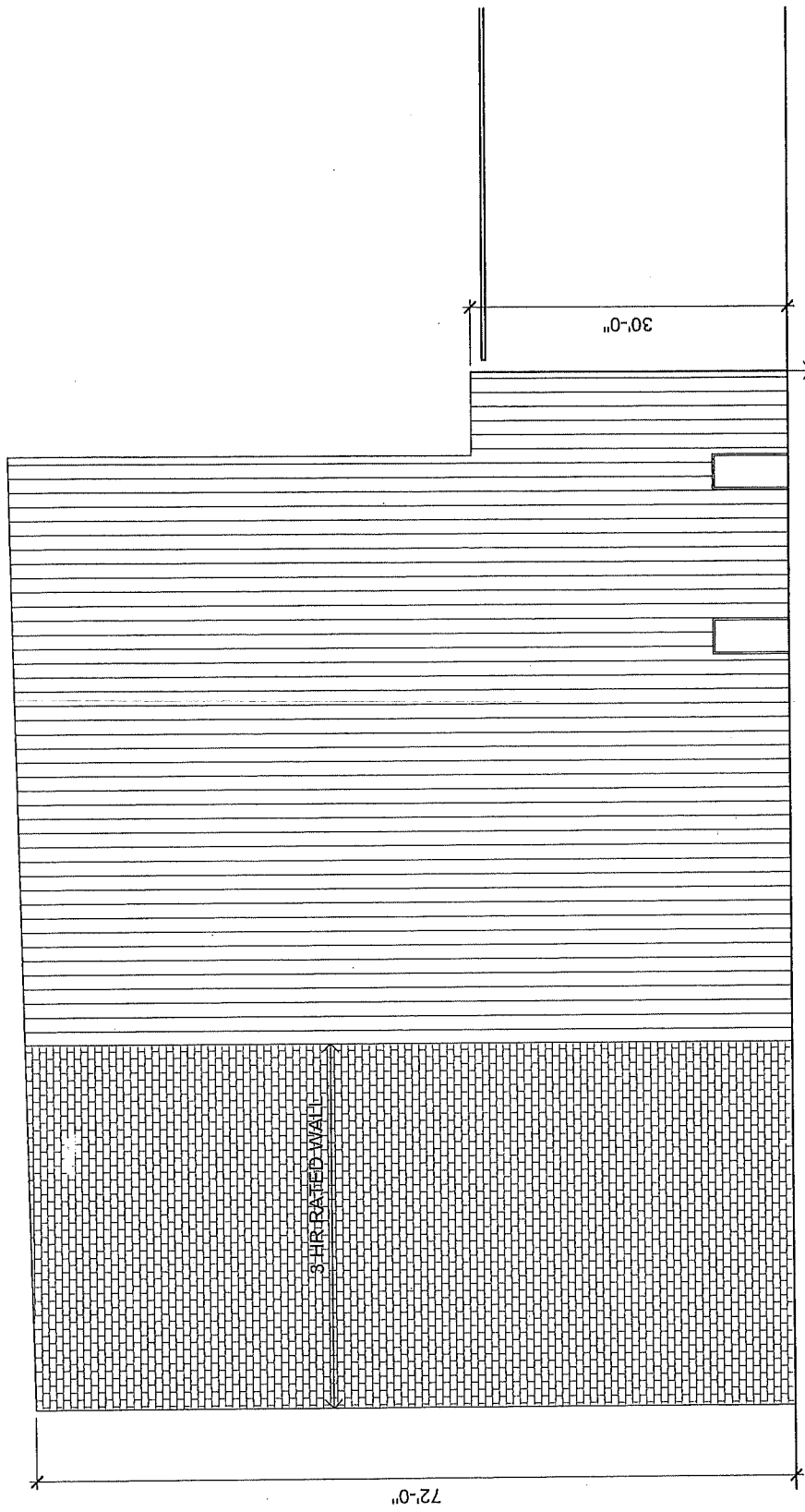
VIEW #1



VIEW #3

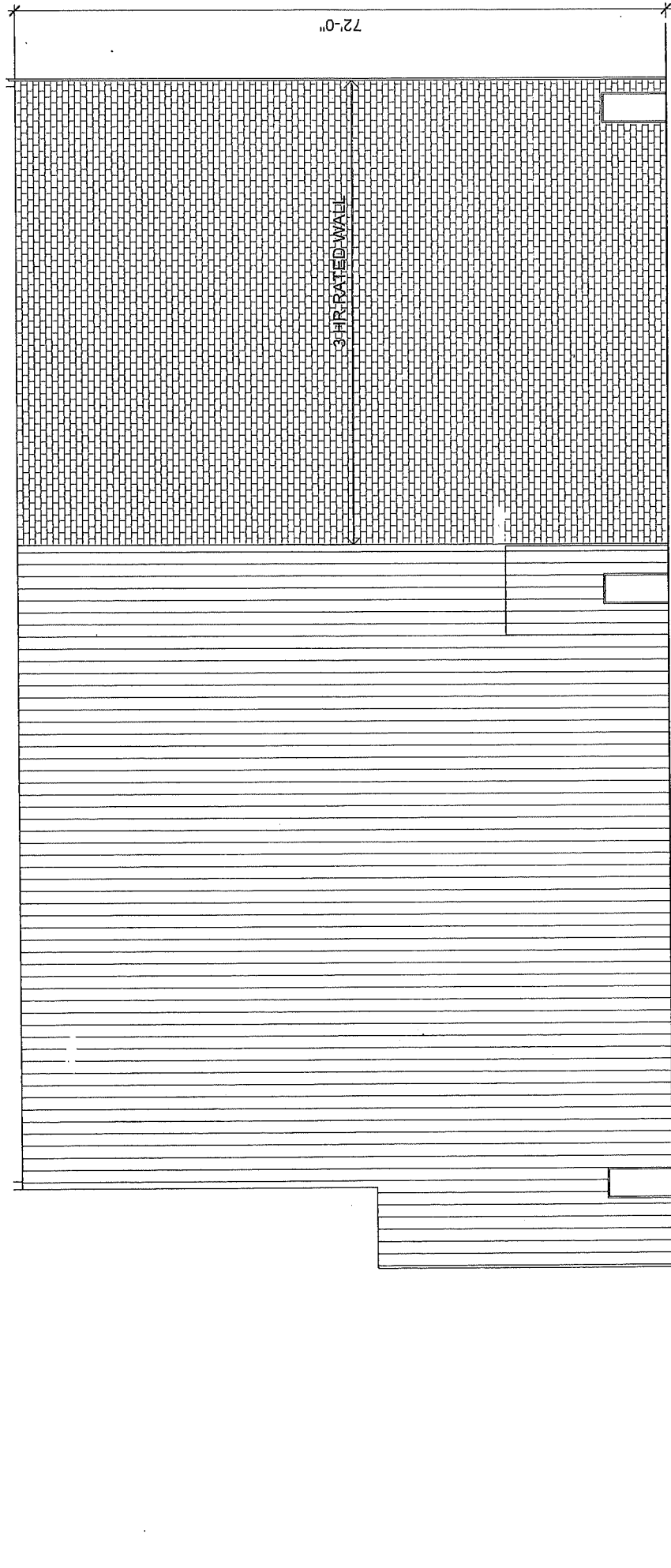


VIEW #2



PROPOSED EXPANSION | EXISTING BUILDING

EAST ELEVATION



EXISTING BUILDING | PROPOSED EXPANSION

SOUTH ELEVATION

BUILDING ELEVATIONS
 PARFETTI VAN MELLE BUILDING EXPANSION

A-004 | 6704.00 | 04/10/19

KZFD|SIGN