

TO:

- Boone County Planning Commission
- City of Florence Board of Adjustment
- Boone County Board of Adjustment
- City of Union Board of Adjustment
- City of Walton Board of Adjustment
- Zoning Enforcement Officer

FOR:

- Zoning Text Amendment
- Comprehensive Plan Change
- Improvement Plan Approval
- Conditional Use Permit
- Concept Development Plan Change
- Preliminary Development Plan
- Change of Non-Conforming Use
- Design Review Board and Certificate of Appropriateness
- Zoning Map Amendment
- Planned Development Overlay Change
- Preliminary Plat Approval
- Final or Deed Plat Approval
- Site Plan Review
- Historic District Overlay
- Appeal or Variance
- Sign or Zoning Permit

Applicant: Answering Exchange, Inc.

- Owner
- Agent

Address: 15 West 6th Street, Cincinnati, Ohio 45202

Telephone: 513 - 381-1200

Location: 7305 Industrial Road, Florence, Kentucky 41042

Name of Property Owner: William and Kay Dorning

Address of Property Owner: 7305 Industrial Road, Florence, Kentucky 41042

Zoning District: I-2 Area in Acres: One

Deed Book: 276 Page Number: 216 Group Number: 2049
Sec. 1043(a)4

Description of the Request: Telephone, telegraph, radio, television or other communication relay, transmitting and receiving uses, centers and equipment of a permitted use provided the structures do not physically or visually overpower, detract or conflict with the buffering provisions specified within and between the district uses and other districts; and such other uses that are in conformity with principally permitted uses for the zoning district.

Property Owner's Signature: *William J. Dorning III*

Applicant's Signature: *Brenda Hoskins*

FOR PLANNING COMMISSION USE ONLY

Application Fee: _____ Date Received: _____ By: _____

Referred to: _____ Meeting Date: _____

Action Taken: _____ Date of Action: _____

BOARD of ZONING ADJUSTMENT and APPEALS CHECKLIST

MEETING: January 9, 1985

I. GENERAL INFORMATION

Applicant's Name: Answering Exchange, Inc. (agent) for property

Interest in Property: owned by William and Kay Dorning

Location and/or Address of the Property: 7305 Industrial Road
(Dorning Supply Company)

Deed Book: 275 Page Number: 216 Group Number: 2049

Request of the Applicant: Requesting a Conditional Use permit for the
use of the building for a telephone relay and transmitting center
and related permitted uses.(see attached application)

Present Zoning of the Property and the Affected Sections of the
Regulations: Presently zoned Industrial Two, I-2 and affecting Section
1043 Number 4 found on page 10-10

Present Use of the Subject Property and the Adjoining Property(s):

Presently in use for a supply company. Adjoining property to the east
is presently not in use. To the north is land used for industrial
and for commercial use. To the south is an industrial use along with
land to the west of the subject property.

FOR CONDITIONAL USE PERMIT REQUESTS

1. Current zoning of the adjoining properties: The subject property along with all of the adjoining properties to the request are currently zoned Industrial Two, I-2

2. Future Land Use of the subject property and the adjoining properties: The future land use of the subject tract along with all of the adjoining tracts to the north, south, and west is planned for Industrial. To the east, the adjoining tract is planned for Commercial Use.

3. Contents of the submitted Site Plan, if any: A Site Plan was submitted showing that the property is to remain in the presently developed state with no additions, except for some antennas for the relay uses.

4. Conditions to the request, if granted: I do not find at the preparation of the report any necessary conditions for the request.

5. Special characteristics of the site or request: The site is currently developed as has been shown in the slides presented during the meeting.

BOONE COUNTY BOARD OF ADJUSTMENTS

JANUARY 9, 1985

6:30 P.M.

Vice-Chairman Archambault called the meeting to order. The roll call was taken by Staff Member Dee Ann Manley. Three members present: Messrs. Houston, Ryan and Vice-Chairman Archambault. Counselor Dale Wilson was also present.

The Board reviewed the Minutes of the last Board of Adjustment Meeting of December 12, 1984. Mr. Archambault moved that the Board approve the Minutes as reviewed. The motion was seconded by Mr. Houston. After discussion, the motion carried unanimously.

Vice-Chairman Archambault proceeded to Item 1 of the Board's Agenda.

Conditional Use Permit

A request of Answering Exchange, Inc. for a Conditional Use Permit for a telephone, radio, etc., or other communication relay, transmission or receiving uses and other uses that conform with principally permitted uses for the zoning district of Industrial One, I-1 to be located at 7305 Industrial Road.

Staff member Chip Block presented the staff report which stated the applicant was requesting a Conditional Use Permit for the purpose of use of a building for a telephone relay and transmitting center and related permitted uses as indicated on the application. Mr. Block explained the property is currently zoned Industrial Two, I-2 and involving sect. 1043, number 4, on page 10-10 of the zoning regulations. Mr. Block noted the property is presently in use as a supply company with the adjoining property to the east currently not in use, to the north as commercial and industrial, to the south and west as industrial use. Mr. Block stated the planned future use of the subtract tract and all adjoining tracts to the north, south and west is planned industrial while to the east is planned for commercial use. Mr. Block stated a drawing of the site plan was submitted showing that the property will remain in the presently developed state except for the addition of antennas for relay use. Mr. Block stated he did not find in the preparation for the staff report any necessary conditions for the request nor any further reasons for the findings of any conditions for the granting of the permit. Mr. Block distributed copies of a drawing of the site for the Board members review.

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Vice Chairman Archambault inquired of how high the proposed antennas would be and how they would be anchored, etc.

Mr. Melvin Linz, representing the Answering Exchange, stated the request is to provide answering service and a radio paging service. Mr. Linz commented that the extent of the need for such services is not yet determined and so the applicant is yet undecided as to whether a radio tower would be required at the proposed site. Mr. Linz explained that if an antenna would be required it would be a self-supporting radio tower high enough to be taller than the adjacent water tower or in the alternative possible attachment of an antenna to the radio tower.

Vice-Chairman Archambault inquired if the county had an ordinance regulating antennas or towers. Counselor Wilson stated no. Mr. Block explained that since an antenna would not be a person-holding structure, antennas are not regulated in height regulation and may go to the maximum height of the zoning district.

Discussion followed of the proposed alternative of attachment of an antenna to the Kenton County water tower.

Mr. Skip Seldman, Chairman of the Planning Commission of the adjacent Industrial Park Foundation, stated the Commission is generally opposed to the granting of Conditional Use Permits for the reason of the possible setting of precedence in the area.

Discussion followed of the proposed use for another industrial park location. Discussion followed of the private planning commission within the industrial park. Mr. Block explained the review procedures of the Boone County Board of Adjustment according to zoning regulations and of the industrial park commission authority through the imposition of deed restrictions.

Mr. Seldman noted that the Industrial Park Foundation Planning Commission would like to look at a tower if chosen for the proposed site and again expressed concern of the granting of Conditional Use Permits.

Counselor Wilson suggested the applicant be willing as a condition to submit plans for the antenna or tower to the Industrial Park Foundation for the foundation's review. Mr. Linz inquired if the area is part of the industrial park under the new zoning regulations. Discussion followed of the perimeters of the industrial park and it was determined the subject tract is part of the industrial park.

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Discussion followed of other conditional use permits granted within the Industrial Park Foundation.

Mr. Seldman suggested that if the application would have been submitted to the Industrial Park Foundation prior to submission to the Boone Board of Adjustment the planning commission of the Foundation would have required determination of the location of the tower or antenna.

Mr. Ryan inquired of restriction on the type of towers that can be built. Mr. Block responded no and that towers are built according to State Code and are enforced by the Building Inspector.

Mr. Houston expressed concern of the lack of additional approval of towers. Counselor Wilson stated that following the review of the Board comes the review of the building inspector. Mr. Block affirmed.

Vice-Chairman Archambault inquired of what time limitation goes with the conditional use permit. Mr. Block responded the use must be started within two years or if the use should ever cease for a year the conditional use permit would then become null and void.

Mr. Houston expressed concern of the fact that the applicant does not know if they even need to put up such a tower.

Discussion followed of the discretionary and delegative powers of the Boone County Board of Adjustment.

Counselor Wilson inquired if the applicant had indicated on the site plan the proposed placement or location of the tower if needed. Mr. Block responded that the applicant did not indicate on the site plan where the tower would be located.

Vice-Chairman Archambault stated that in his opinion the area is in one of the area's finest model industrial parks and that the Board must proceed carefully in the area for aesthetic reasons.

Counselor Wilson commented that he could understand the Board's concern with regard to the location of the tower not being indicated on the site plan and suggested the possibility of the Board granting conditional approval with the imposition of the reasonable condition that the applicant come back to the Board with the location and aesthetic visibility of the proposed tower if it is needed or deferral of the matter to allow the site plan to be amended.

It was the general concensus of Board members present that the location of the tower should be indicated on the site plan for proper information and review by the Board.

Mr. Linz stated the proposed tower would be a light spidery effect and urged the Board to approve. Board members again expressed concern of proceeding without indication of aesthetic appearance of the antenna tower.

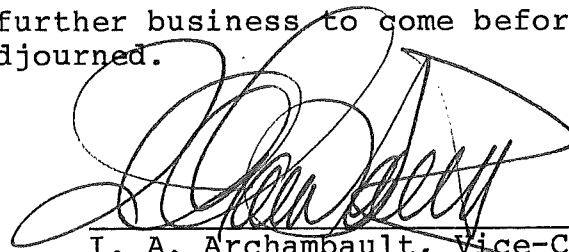
Mr. Ryan moved that the Board grant the conditional use permit on the condition that the Answering Exchange use the water tower for placement of the antenna for transmission and relay purposes and on the condition that if the Exchange finds it necessary to build an antenna tower that plans for location and aesthetic visibility of the tower be submitted for the Board's review. The motion was seconded by Mr. Houston.

Discussion followed of the submission of a proposed working site plan in the event a tower is needed. Mr. Wilkens, who accompanied Mr. Linz of the Answering Exchange, expressed discontent with the Board's determination and bureaucratic red tape. Mr. Jack Shimauler, Kline Realtors, expressed the aesthetic possibilities and clarified the Board is not in opposition to proposed use but rather the uncertainty of location and appearance.

After discussion, the motion carried unanimously.

Vice-Chairman Archambault moved that the meeting adjourn. The motion was seconded by Mr. Houston. The motion carried unanimously.

There being no further business to come before the Board, the meeting was adjourned.



I. A. Archambault, Vice-Chairman

Attest:

