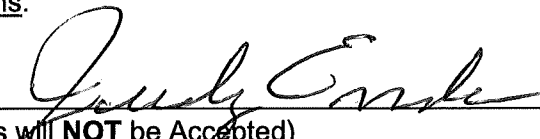


Storage

10. Proposed Use(s) on Site: _____
11. Total Square Footage of Existing and/or Proposed Buildings: Proposed 2400 / Existing 900
12. Current Zoning: 12
13. 907 590 947, 948, 949 2049B
Deed Book Page 233 Group Number
14. Is the site subject to a zone change: Yes No
If yes, date of approval: _____
15. Have you submitted a Site Plan with this request: Yes No
16. Have you submitted a list of adjoining property owners with this request: Yes No
17. 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: 
(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

ORIGINAL Applicant's Signature: _____
(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

SECTION B: (To be completed by Planning Commission staff)

1. Date Received: 8-5-20 Fee Received: \$1,616.00 Receipt #: 82111

2. Is application complete: _____

3. Staff Reviewer: M. Schwartz

4. Scheduled Board Action Date: 9/9/2020

5. Board Action: 9/9/2020

- 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
Phone: 859-334-2196 Fax: 859-334-2264
plancom@boonecountky.org
www.boonecountky.org

STAFF REPORT

#1

APPLICANT: Joseph Enda

LOCATION: 205 Weber Lane, Boone County, Kentucky

ZONING: Industrial Two (I-2)

DATE: September 9, 2020

PROPOSAL

- A. The first part of the submitted request is for a Change of Nonconforming Use to allow the construction of a 2,400 square foot storage building.
- B. The second part of the submitted request is a Variance to reduce the side yard setback from twenty (20) feet to fifteen (15) for the construction of a 2,400 square foot storage building.

SITE HISTORY

- 1949-1954 Based on information contained in the Boone County GIS, the house was constructed on the site.
- 1954-1960 Based on information contained in the Boone County GIS, the garage was constructed on the site.
- 1980 During the adoption of the 1980 zoning regulations, the site was zoned SR-1.
- 1996 During the adoption of the 1996 zoning regulations, the site was zoned I-2.

APPLICABLE REGULATIONS

- A. Section 220 of the Boone County Zoning Regulations states that one of the duties of the Board of Adjustment is to grant changes in nonconforming uses as specified in this order.
- B. Section 273 of the Boone County Zoning Regulations states that the Board of Adjustment shall have the power to hear and decide on applications to permit a change from one nonconforming use to another. In reviewing such applications, the Board:
 - 1. Shall not permit such a change unless the new nonconforming use

is as equally or more compatible with permitted uses in the district in which it is located as the existing nonconforming use.

2. Shall not allow any changed nonconforming use to be increased or enlarged, nor extended to occupy a greater area of land than was occupied by the original nonconforming use.

- C. In permitting such change in nonconforming use, the Board may require appropriate conditions and safeguards in accord with other provisions of this order, such as the provision of landscaping and buffering, the improvement of parking areas, and restrictions on the hours of operation.
- D. Kentucky Revised Statute (KRS) 100.253 (2), reads as follows: “The board of adjustment shall not allow the enlargement or extension of a nonconforming use beyond the scope and area of its operation at the time the regulation which makes its use nonconforming was adopted, nor shall the board permit a change from one (1) nonconforming use to another unless the new nonconforming use is in the same or a more restrictive classification, provided, however, the board of adjustment may grant approval, effective to maintain nonconforming-use status, for enlargements or extensions, made or to be made, of the facilities of a nonconforming use, where the use consists of the presenting of a major public attraction or attractions, such as a sports event or events, which has been presented at the same site over such period of years and has such attributes and public acceptance as to have attained international prestige and to have achieved the status of a public tradition, contributing substantially to the economy of the community and state, of which prestige and status the site is an essential element, and where the enlargement or extension was or is designed to maintain the prestige and status by meeting the increasing demands of participants and patrons.”
- E. 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.
- F. 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.
- G. 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.
 - 1. Findings listed in Section 251:
 - a. 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:

- (1) The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;
- (2) 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;
- (3) The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

- b. 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.

- H. Section 1140 of the Boone County Zoning Regulations states that “the purpose of the Industrial Two district is to provide for those types of heavy industrial uses, which are of a warehouse and manufacturing type and such uses are significant in size, which cannot be accommodated in an Industrial One district since they involve heavy equipment, machinery, or other products which requires sufficient infrastructure and results in a substantial economic impact. Such districts will be organized to provide employment opportunities for regional and extra regional labor markets. Districts will be located on lands with direct access to expressways and/or arterials.”
- I. Residential dwellings are not identified as a principally permitted, accessory, or conditional use within the I-2 district.
- J. Commercial parking, commercial RV parking, and mini warehouses are identified as principally permitted uses within the I-2 district.
- K. Section 3110 of the Boone County Zoning Regulations require a minimum side yard setback of twenty (20) feet within the I-2 district.

RELATIONSHIP TO THE COMPREHENSIVE PLAN

- A. The Our Boone County Plan 2040 Future Land Use Plan designates the site in question for “Industrial” uses. This designation is defined as manufacturing, wholesale, warehousing, distribution, assembly, mining, and terminal uses.

- B. The following Our Boone County Plan 2040 Goals and Objectives apply to this application:

Mixing of residential and other land uses shall be encouraged where appropriate (Overall Goal A, Objective 2).

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 policies shall not discriminate against any person (Demographics Goal A, Objective 1).

Promote quality of life amenities to retain current residents and attract new residents in order to have a stable and diversified population (Demographics Goal A, Objective 3).

Maintenance of sound existing housing and rehabilitation of deteriorating housing shall be encouraged and incentivized (Demographics Goal B, Objective 2).

Home ownership shall be encouraged and incentivized as well as redevelopment and renovation of deteriorating housing stock (Demographics Goal B, Objective 3).

- C. Weber Lane is identified as a local street, providing for two-way traffic within two driving lanes (one lane in each direction). There are no sidewalks along East Bend Road. Weber Lane is a dead-end street.

SITE CHARACTERISTICS

- A. The approximate 0.85 acre property is located along the southwest side of Weber Lane, approximately 2,000 feet west of Dixie Highway.
- B. The site is an approximate 245 foot wide by 150 foot deep rectangular lot.
- C. The site is currently occupied by an approximate 850 square foot detached single-family residential dwelling and an approximate 1,050 square foot accessory structure.
- D. Access to the site is from curb cut onto Weber Lane and a driveway to the adjacent property to the northwest.

SURROUNDING LAND USES AND ZONING

North: Givaudan Flavors (I-2)

South: Medicare Pharmacy and Cincinnati Bell (I-2)

East: Single-family residential (I-2)

West: Single-family residential (same ownership as site in question) (I-2)

PROPOSED DEVELOPMENT

- A. The applicant is proposing the following:
1. Removal of the existing approximate 1,050 square foot accessory garage structure.
 2. Construction of a new 2,400 square foot accessory garage structure.
 3. Construction of a 12' x 22' covered breezeway/patio connecting the proposed garage to the existing house.

STAFF COMMENTS

- A. The proposed garage is to be located on the west side of the lot. The owner of the site in question also owns the lot immediately to the west of the site in question.
- B. There are no other lots on Weber Lane past the two lots owned by the applicant. From a visual aspect, the proposed garage, which will have an industrial look, will not have an impact on any other property owners along Weber Lane.
- C. In reviewing the submitted application, the applicant should address, and the Board must find, that the new nonconforming use is as equally or more compatible with permitted uses in the district in which it is located as the previous nonconforming use.
- D. The Board must find that the new nonconforming use is not an increase or enlargement over the previous nonconforming use and that the new nonconforming use is not occupying a greater land area than was occupied by the previous nonconforming use.

CONCLUSION

KRS 100.253 and Sections 251 and 273 of the Boone County Zoning Regulations gives the Boone Board of Adjustment and Zoning Appeals the authority to act on the request.

Respectfully submitted,



Michael D. Schwartz
Planner

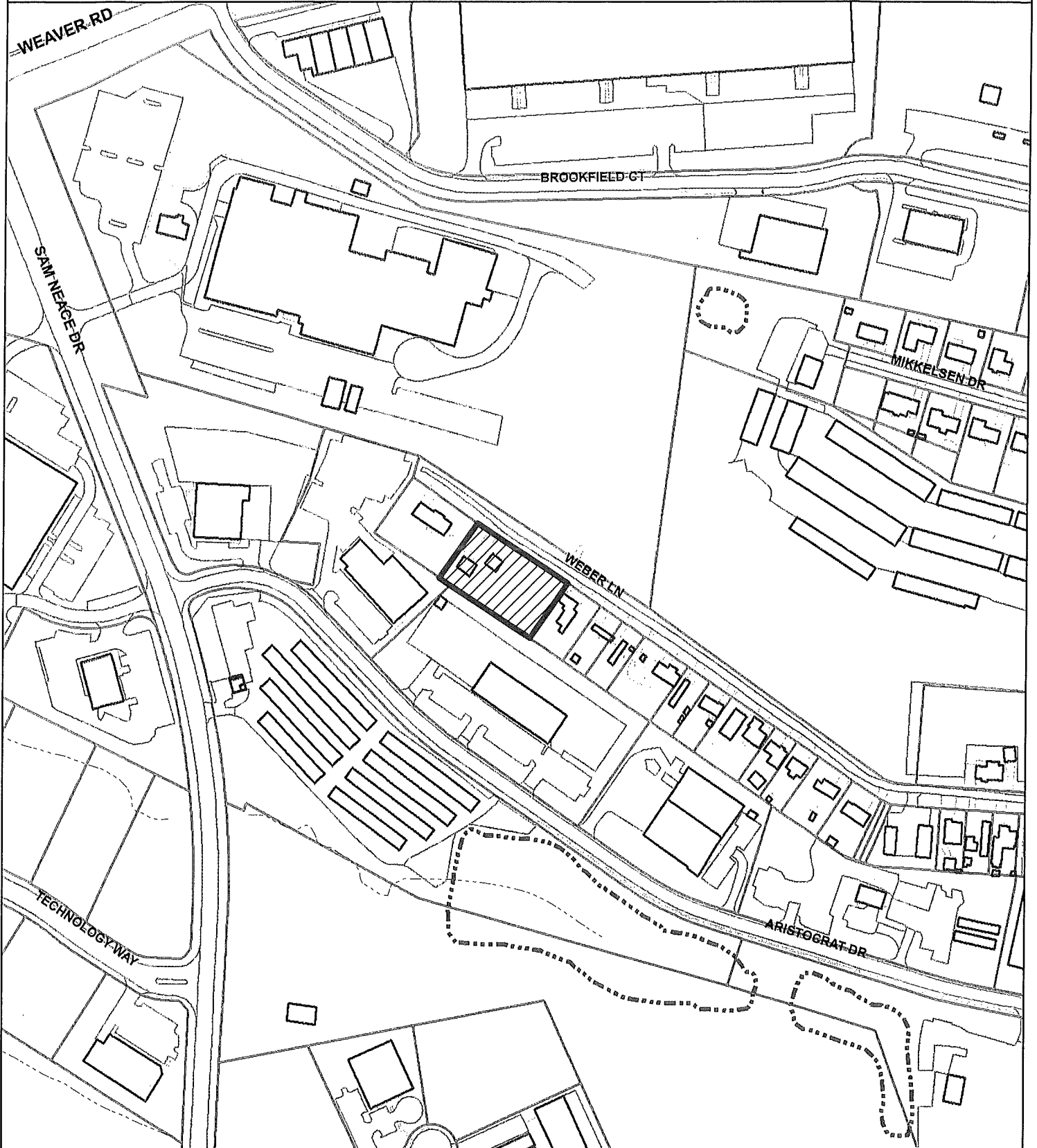
MDS/ss

Attachments

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

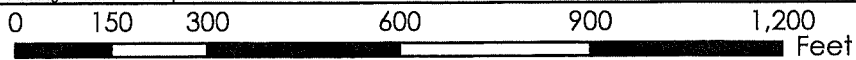
Vicinity Map

www.boonecountygis.com



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1 inch = 300 feet

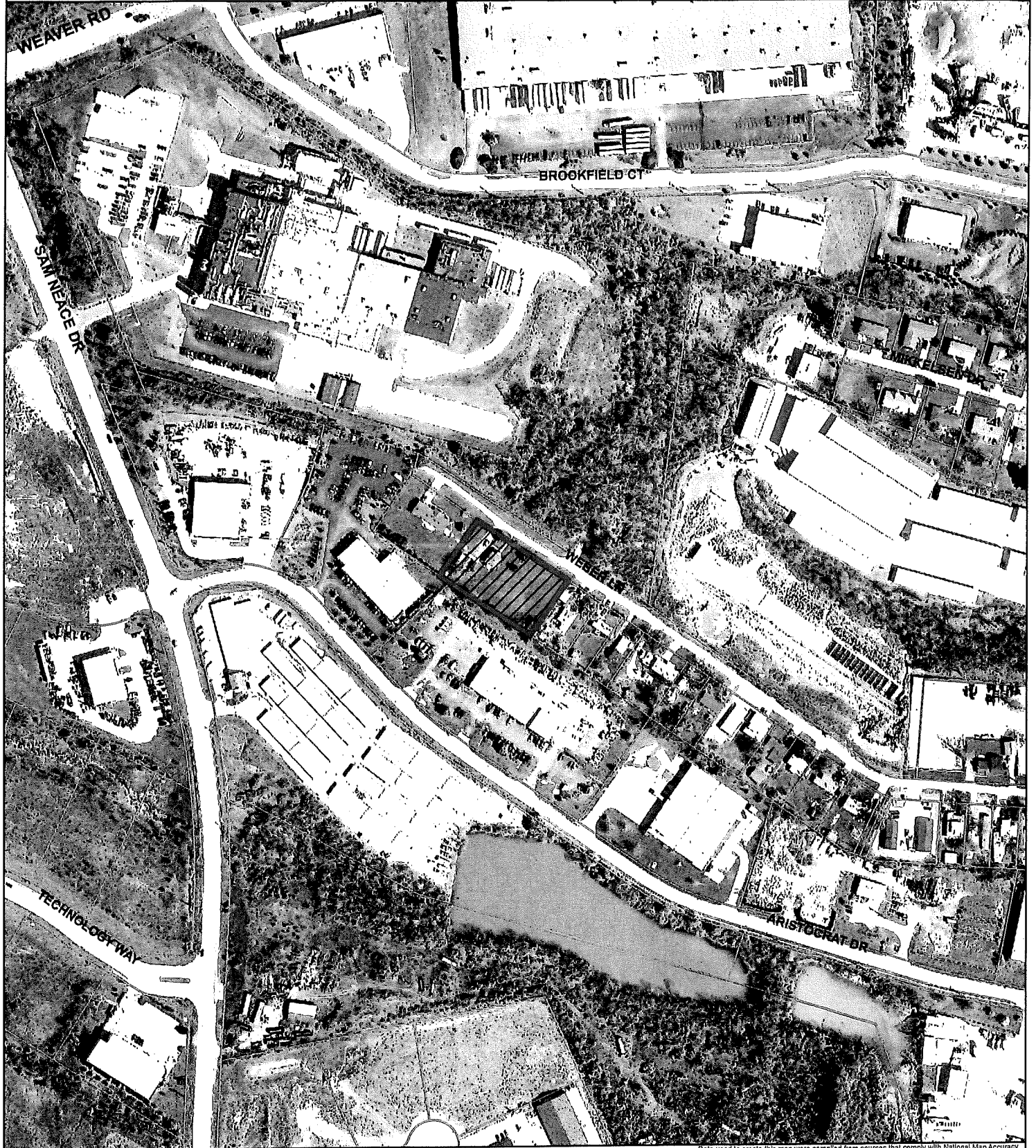


Boone County GIS



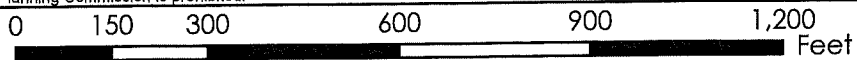
Aerial Map

www.boonecountygis.com



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1 inch = 300 feet



Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 01/01/2018

Web File: C:\GIS\MapDocs\Map 010118.mxd
ArcMap Document: *.mxd

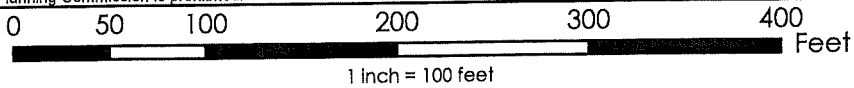
Topographic Map

www.boonecountygis.com

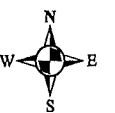


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Boone County GIS - Putting Northern Kentucky on the Map



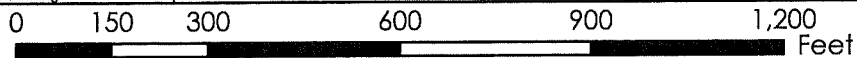
Zoning Map

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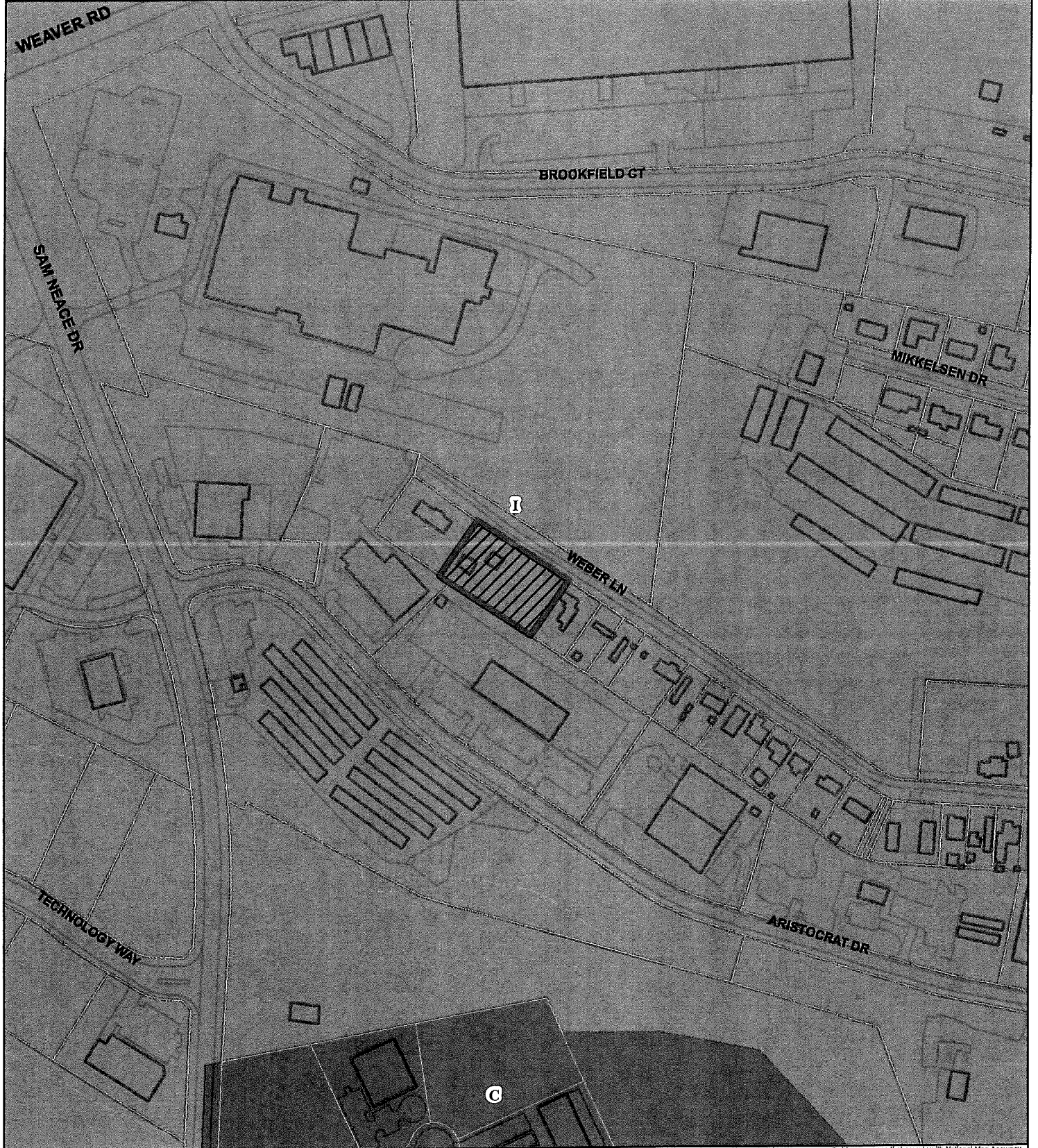
1 inch = 300 feet

Boone County GIS - Putting Northern Kentucky on the Map



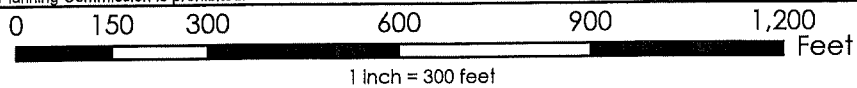
2040 Future Land Use Map

www.boonecountygis.com



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Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 01/01/2018

Web Page: www.boonecountygis.com
ArcMap Document: 1.mxd

BOARD OF ADJUSTMENT
BOONE COUNTY PLANNING COMMISSION

Five (5) scaled copies and one (1) 11 x 17 reduction of submitted drawings are required

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

SECTION A: (To be completed by applicant)

1. Check One Boone Florence Walton Union
2. Check One Conditional Use Permit Variance Appeal
 Change in Non-Conforming Use

3. Applicant: Joseph D. Enda
Address: 301 Weber Ln.
Florence KY 41042
City State Zip Code

Phone Number: 859-371-9891 Fax Number: _____
Email: jjenda@gmail.com

4. Description of Request:
Change in non-conforming use to allow a new storage building for personal use.
Variance to reduce the minimum required side yard setback from twenty (20) feet to fifteen (15) feet

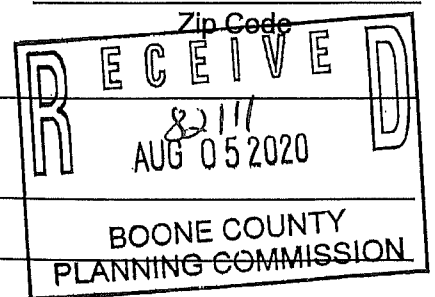
5. Name of Development: _____
6. Location of Development: 295 Weber Ln.
Florence KY 41042
City State Zip Code

7. Acreage Under Review: 1

8. Lot Number and Name of Subdivision (if part of a subdivision): _____

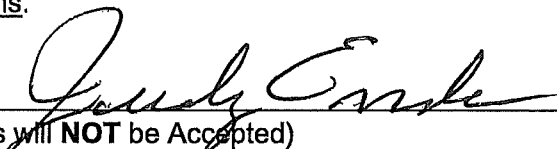
9. Current Owner: Judy Enda
Address: 301 Weber Ln.
Florence KY 41042
City State Zip Code

Phone Number: 859-468-6306 Fax Number: _____
Email: jjenda@gmail.com

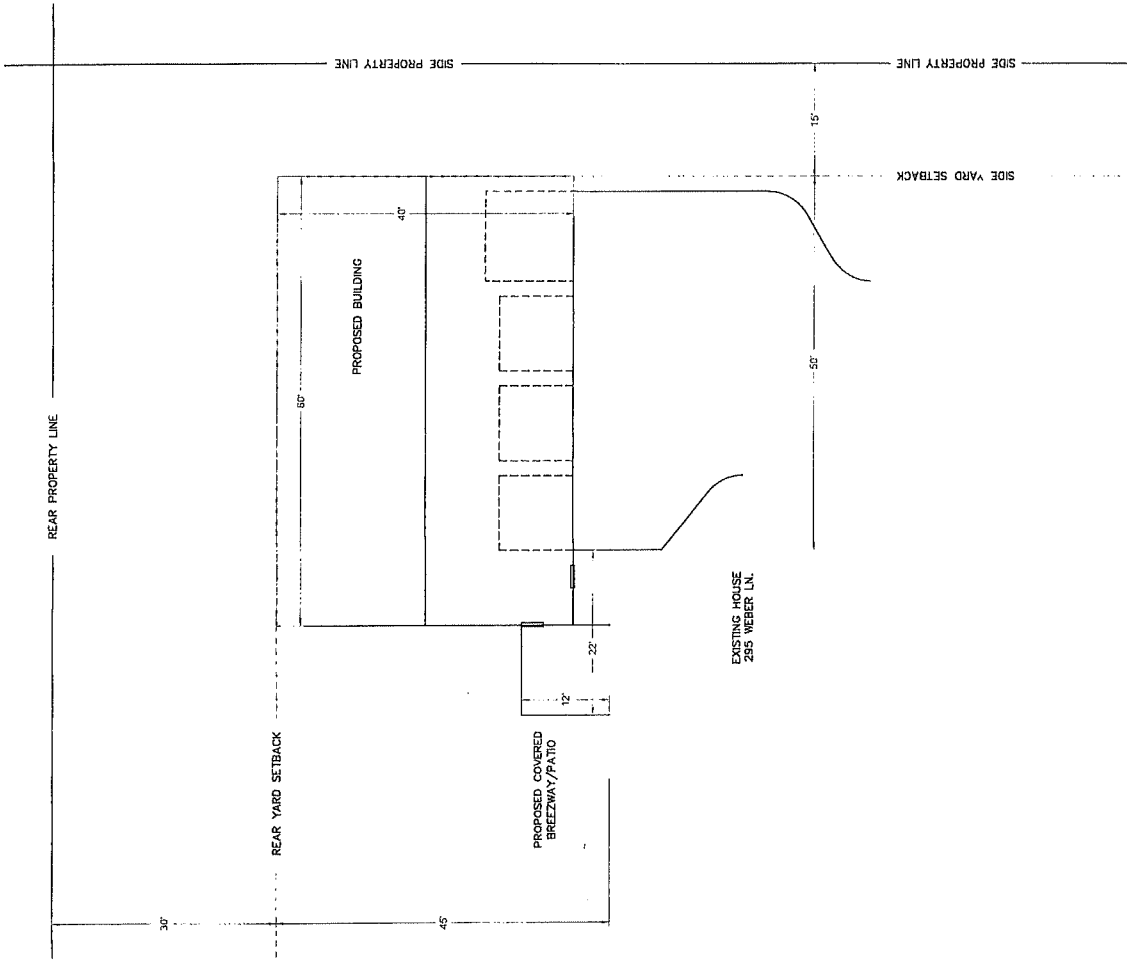


Storage

10. Proposed Use(s) on Site: _____
11. Total Square Footage of Existing and/or Proposed Buildings: Proposed 2400 / Existing 900
12. Current Zoning: 12
13. 907 947, 948, 949 2049B
Deed Book Page Group Number
14. Is the site subject to a zone change: Yes No
If yes, date of approval: _____
15. Have you submitted a Site Plan with this request: Yes No
16. Have you submitted a list of adjoining property owners with this request: Yes No
17. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

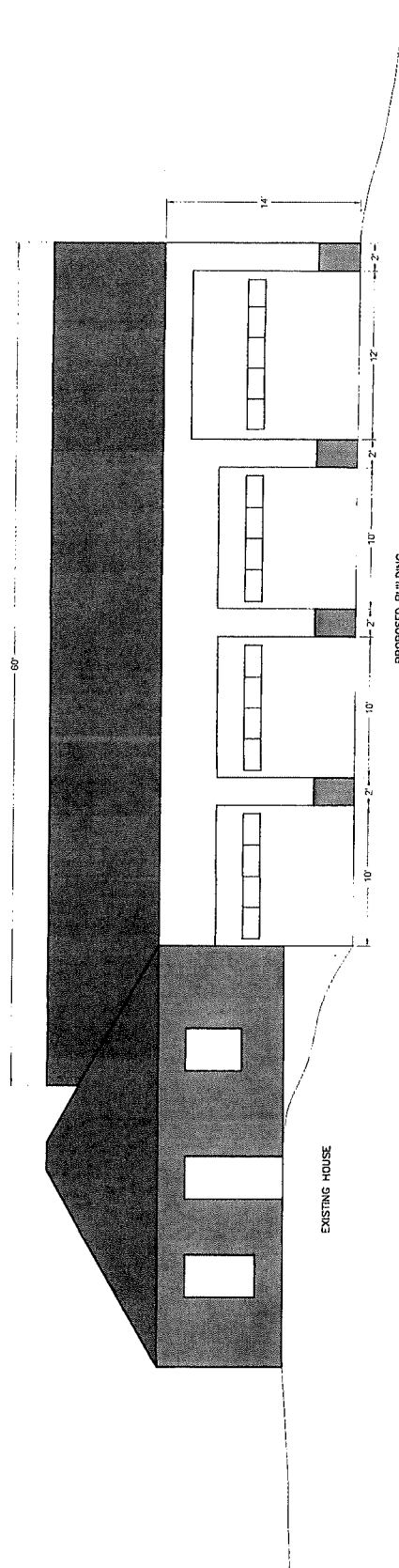
ORIGINAL Property Owner's Signature: 
(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

ORIGINAL Applicant's Signature: _____
(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)



TITLE	REV. 1	DATE	SCALE	TYPE
Proposed Building Property Layout	04/10/2008	DATE	1/8" = 1'-0"	PLAN
OWNER	CLIENT	DATE	SCALE	TYPE
Joseph D. Ende 295 Weber Ln.	Joseph D. Ende 295 Weber Ln.	DATE	SCALE	TYPE
PROJECT	PROJECT	DATE	SCALE	TYPE
295 Weber Ln.	295 Weber Ln.	DATE	SCALE	TYPE
002	002	DATE	SCALE	TYPE





EXISTING HOUSE

PROPOSED BUILDING

STREET VIEW

TITLE	REV 1	CUSTOMER	PROJECT	DATE	SCALE	DRAWING	PANEL
Proposed Building Street View		Joseph D. Enda	295 Weber Ln.	2/26/52	1/4"		
ENG BY	CHK BY	DATE	SCALE	DRAWING	PANEL	001	

CERTIFICATE OF LAND USE RESTRICTION

- 1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Joseph and Judy Enda
301 Weber Lane
Florence, KY 41042

- 2. ADDRESS OF PROPERTY
301 Weber Lane
Florence, KY 41042

- 3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Joseph and Judy Enda

- 4. DEED BOOK 590 PAGE NO. 235 GROUP NO. 2049B

- 5. TYPE OF RESTRICTION(S) (Check all that apply)
 Zoning Map Amendment: Conditional Use Permit
From To
 Development Plan Conditional Zoning
 Subdivision Plat Other: Change in
(Not Recorded) Non-Conforming Use
 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

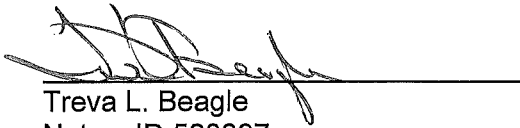
Michael D. Schwartz, Planner
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledged before me by Michael D. Schwartz

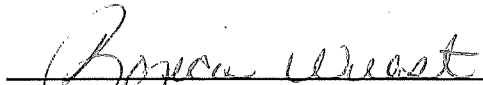
on behalf of the Boone County Planning Commission this 10 day of September, 2020.



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.)