

**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: Jeff Sudkamp
 Address: 57 Woodland Pl
Ft Thomas Ky 41075
 City State Zip Code
 Phone Number: 859-393-1931 Fax Number: _____
 Email: jlsudkamp@gmail.com

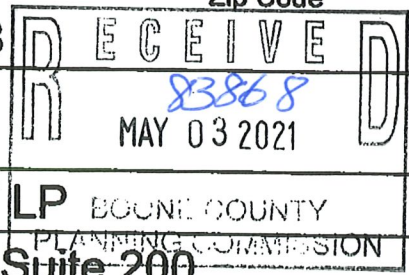
4. Description of Request:
6ft decorative fence starting at office going out to street. Then going along street and back around to the west till parallel with the building. Then chain link around the rest of the lot to the southwest corner of the building.

5. Name of Development: Toebben KY LP

6. Location of Development: 10295 Tobben Dr
Independence Ky 41051
 City State Zip Code

7. Acreage Under Review: 9.38

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



9. Current Owner: Toebben KY LP
 Address: 8355 East Hartford Dr. Suite 200

Scottsdale Arizona 85255
 City State Zip Code
 Phone Number: 514-866-9124 Fax Number: _____
 Email: fred@groupecil.ca

10. Proposed Use(s) on Site: _____

11. Total Square Footage of Existing and/or Proposed Buildings: _____

12. Current Zoning: I-2


13.	<u>746</u>	<u>223</u>	<u>2058</u>
	Deed Book	Page	Group Number

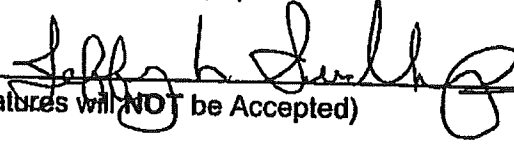
14. Is the site subject to a zone change: Yes No
If yes, date of approval: _____

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)

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

1. Date Received: 5-3-21 Fee Received: \$ 966.00 Receipt #: 83868

2. Is application complete: 3

3. Staff Reviewer: _____

4. Scheduled Board Action Date: June 9, 2021

5. Board Action: June 9, 2021

- 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: Jeff Sudkamp for Toebben KY LP

LOCATION: 10295 Toebben Drive , Boone County, Kentucky

ZONING: Industrial Two (I-2)

DATE: June 9, 2021

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.

SITE HISTORY

- 1995 On November 20, 1995, the Boone County Planning Commission approved a Final Plat for Enterprise V Park Subdivision, Section 3, creating the northern portion of the site.
- 1998 On July 1, 1998, the Boone County Planning Commission approved a Final Plat for Enterprise V Park Subdivision, Section 4, creating the southern portion of the site.
- 1999 On January 15, 1999, the Boone County Planning Commission approved a site plan for a new warehouse/office facility on the site in question.
- 2014 On march 25, 2014, the Boone County Planning Commission approved a site plan for a warehouse expansion on the site in question.

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.
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.

D. Section 3655.4.a of the Boone County Zoning Regulations states that fences shall be permitted within the front yard, within industrial districts, provided that the fence meets the minimum required front yard setback.

E. Section 3110 of the Boone County Zoning Regulations requires a minimum front yard setback of fifty (50) feet in the I-2 district.

F. 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.”

G. Section 1131 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.”

A. The Our Boone County Plan 2040 Future Land Use Plan designates the site in question for "Industrial" uses, which is described 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:

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).

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).

C. Toebben Drive is identified as a county maintained local street providing for two way traffic within two driving lanes. There are no sidewalks along the roadway.

SURROUNDING LAND USES AND ZONING

North: Bob and Harry's Garage (I-2)

South: BlueLinx Corporation (I-2)

East: Vacant/undeveloped land (I-2)

West: Norfolk Southern Railroad (I-1 and I-2)

SITE CHARACTERISTICS

A. The approximate 9.4 acre property is located along the west side of Toebben Drive, approximately 3,000 feet south of East Mt. Zion Road.

B. The site is currently occupied by a wholesale/warehouse business.

C. Topographically, the site is relatively flat, except for stormwater detention areas.

PROPOSED DEVELOPMENT

A. Installation of a six (6) foot high ornamental fence in the front yard.

B. Installation of an eight (8) foot high chain link fence in the side yard.

STAFF COMMENTS

- A. A narrow grassed landscape island is currently located in the front yard, along Toebben Drive. Based upon the existing approved Site Plan and information contained in the Boone County GIS, it is unclear whether this island is located on private property or within the right-of-way of Toebben Drive. The applicant should address this issue.
- B. A mature row of evergreen trees is located along the southern property boundary of the site. The proposed fence will be located between this existing tree line and the existing parking/loading area on the site.
- C. The proposed fence is to be installed along the front property line, bordering Toebben Drive. The applicant should address how access to the site will be controlled so as not to cause a backup on Toebben Drive.
- D. Should the variance be approved, a Site Plan will need to be submitted to the Boone County Planning Commission prior to installation of the proposed improvements. The applicant should contact the Florence Fire Department, prior to Site Plan submittal, to discuss emergency access issues.

CONCLUSION

- A. KRS 100.241 and Section 220 of the Boone County Zoning Regulations give 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

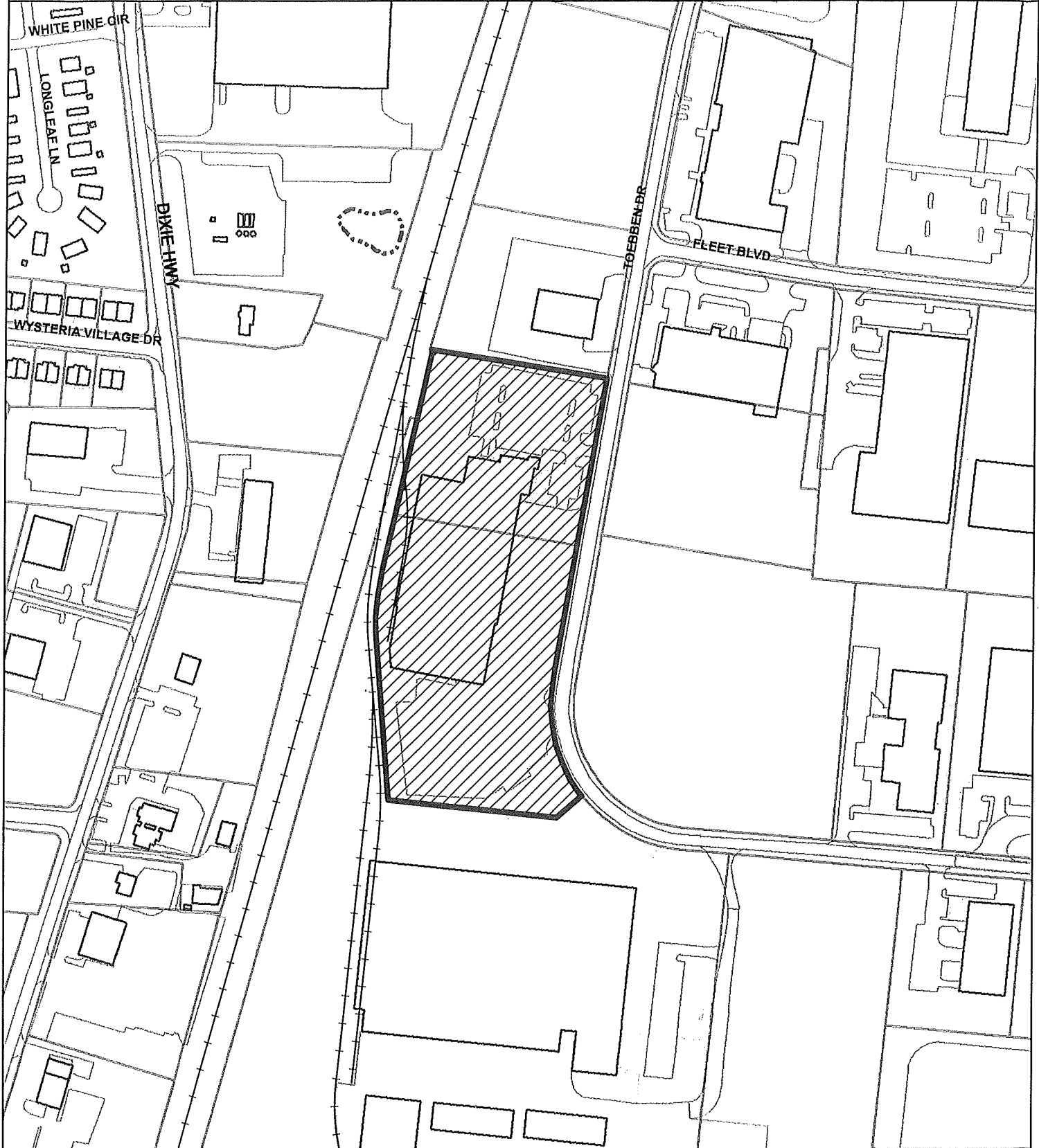
MDS/ss

Attachments

- *Vicinity Map
- *Aerial Map
- *Topographical Map
- *Zoning Map
- *2040 Future Land Use Map
- *Application
- *Development Plan

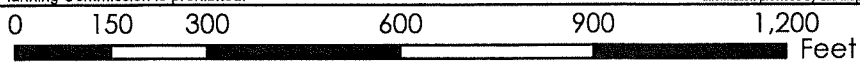
Vicinity Map

www.boonecountygis.com

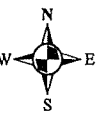


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Boone County GIS - Putting Northern Kentucky on the Map

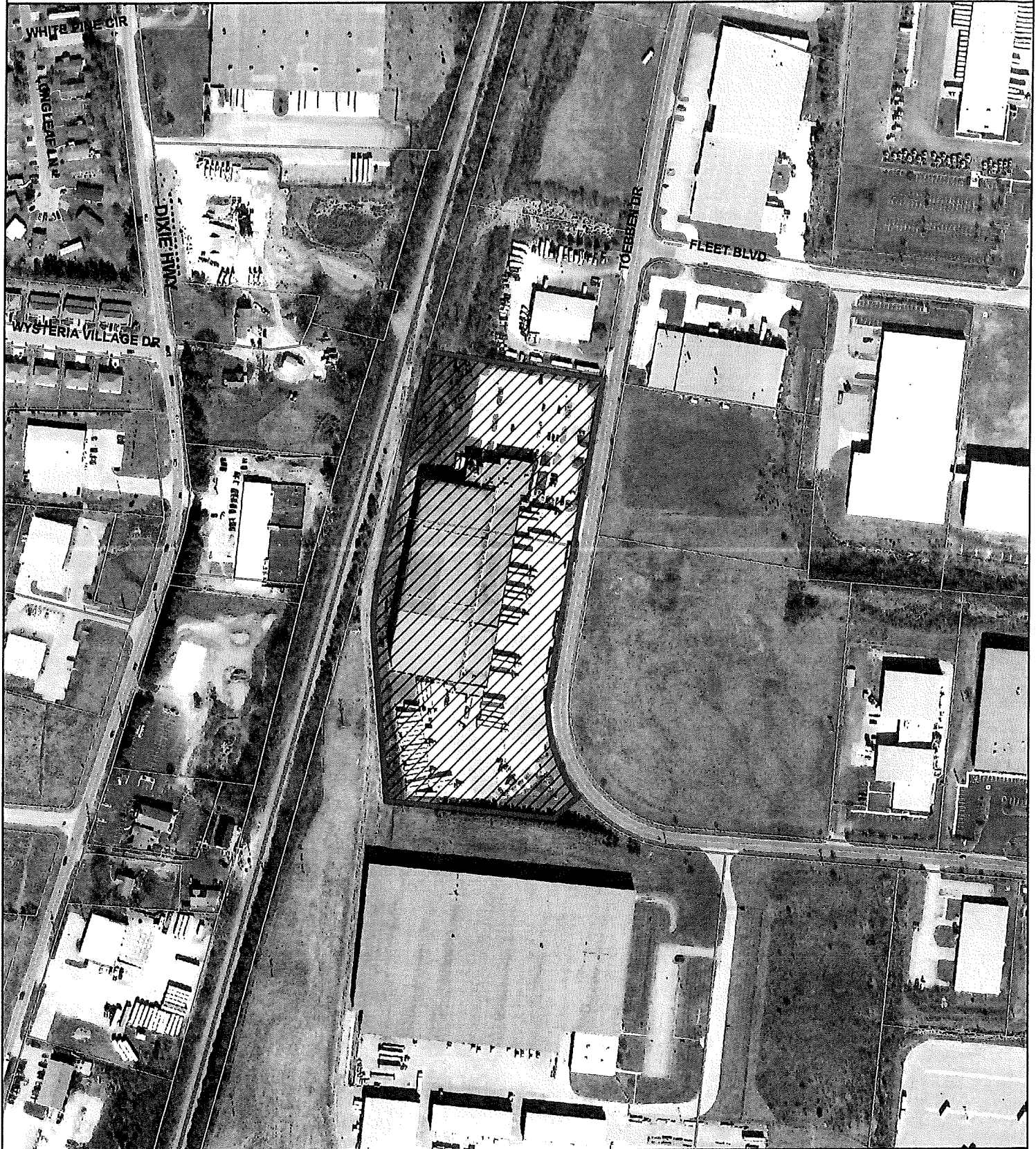


Map Created: 01/01/2018

ArcMap Document: *.mxd

Aerial Map

www.boonecountygis.com



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0 150 300 600 900 1,200 Feet

1 inch = 300 feet

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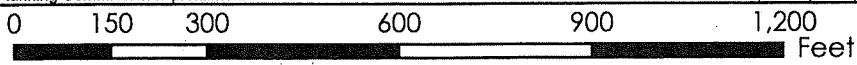
Topographic Map

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

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ArcMap Document: *.mxd

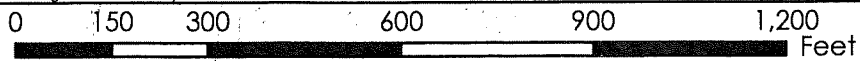
Zoning Map

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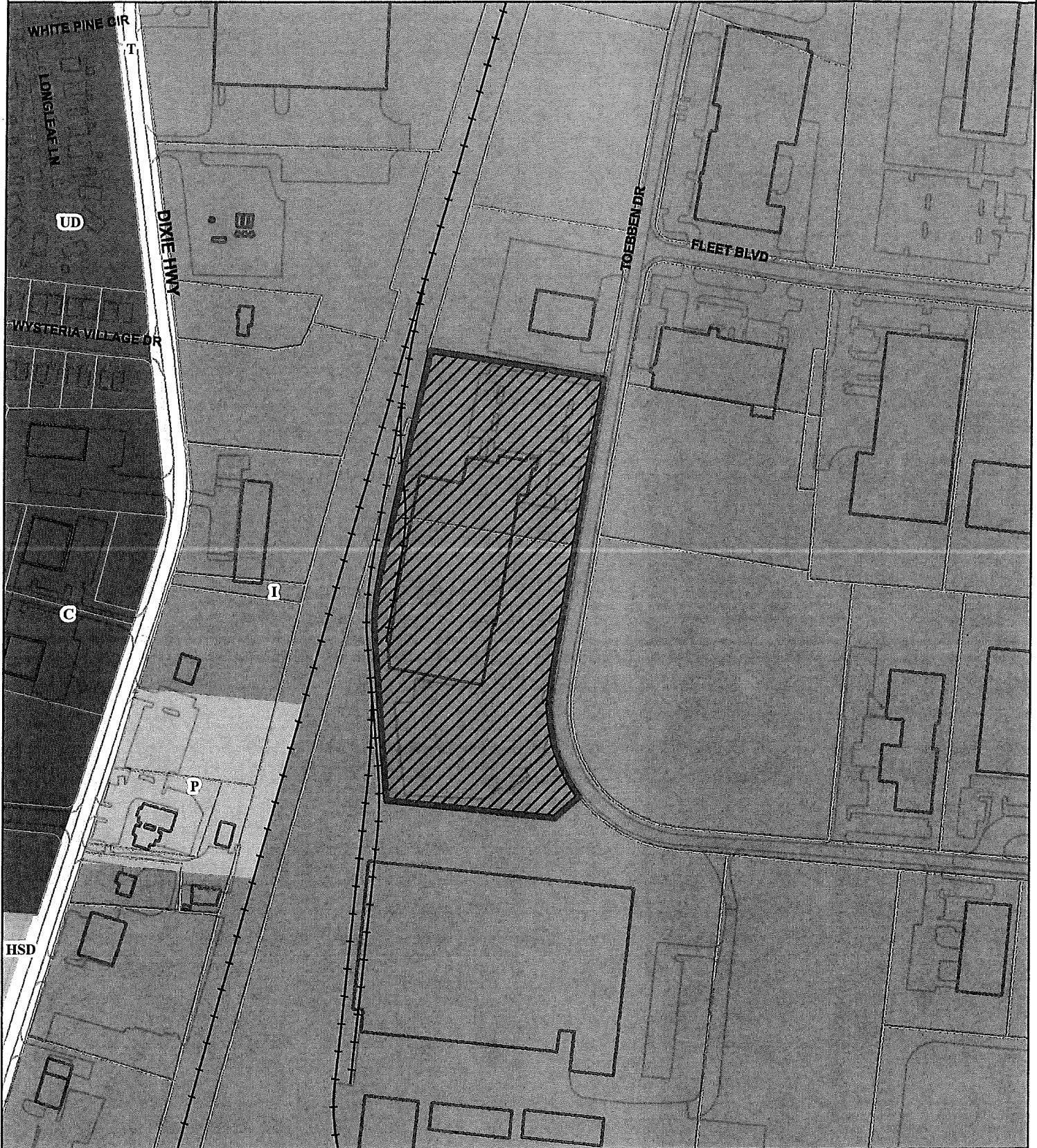


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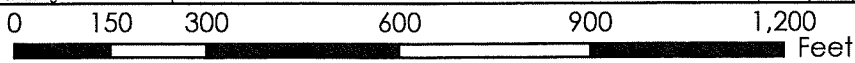
2040 Future Land Use Map

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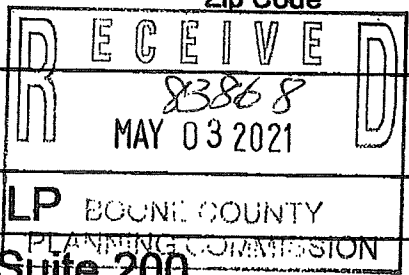
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Scottsdale Arizona 85255
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Phone Number: 514-866-9124 Fax Number: _____
 Email: fred@groupecil.ca

10. Proposed Use(s) on Site: _____
11. Total Square Footage of Existing and/or Proposed Buildings: _____
12. Current Zoning: _____ I-2 _____
13. 746 223 2058
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
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ORIGINAL Applicant's Signature: _____
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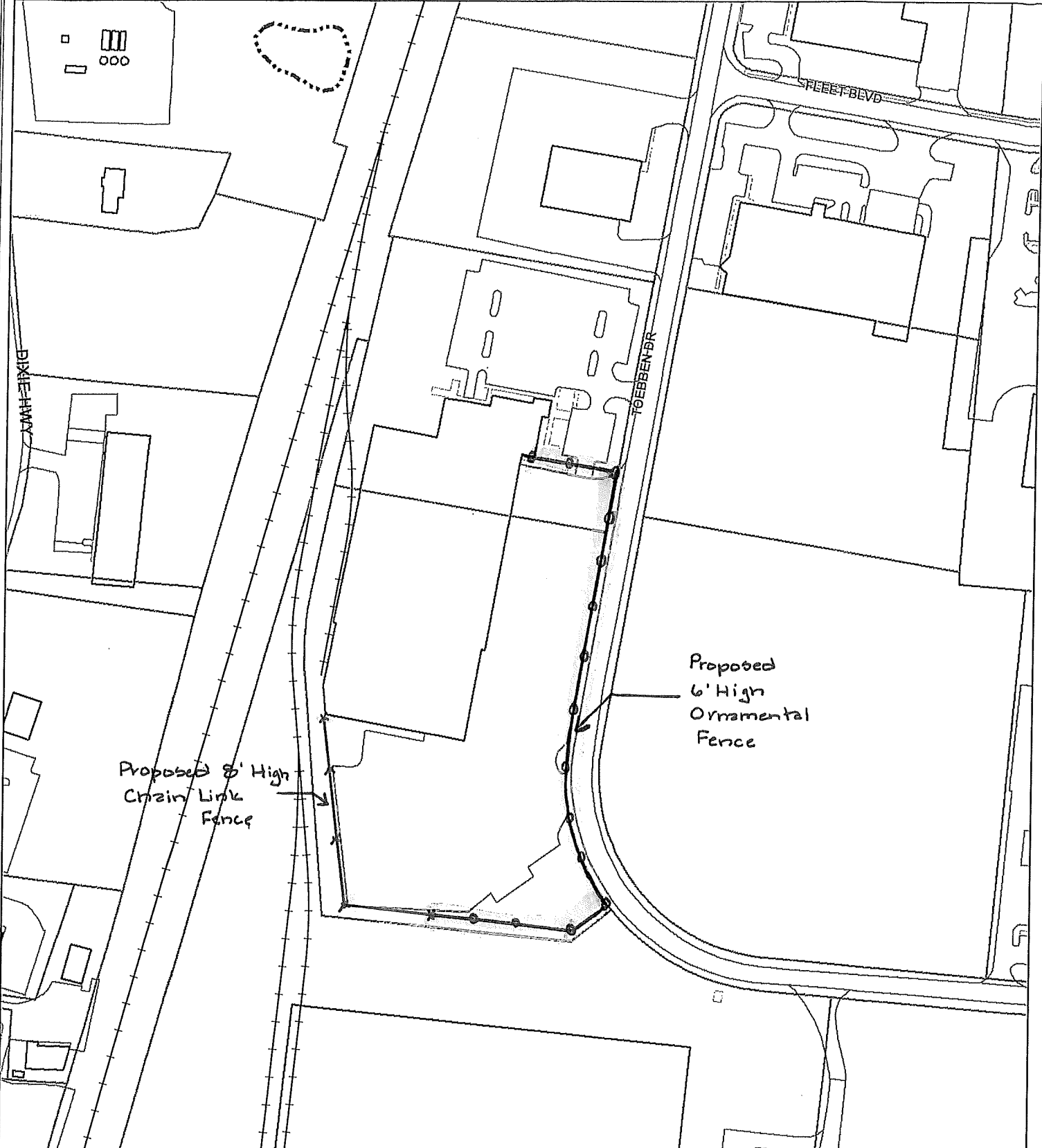
SECTION B: (To be completed by Planning Commission staff)

1. Date Received: 5-3-21 Fee Received: \$ 466.00 Receipt #: 83868
2. Is application complete: 3
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
Phone: 859-334-2196 Fax: 859-334-2264
plancom@boonecountyky.org
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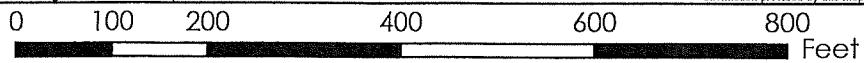
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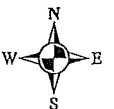
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1 inch = 200 feet



Boone County GIS



FABRIC: 96" 6 GA. FINISH / 9 GAUGE
CORE (2" MESH) BLACK CHAIN LINK
FABRIC.

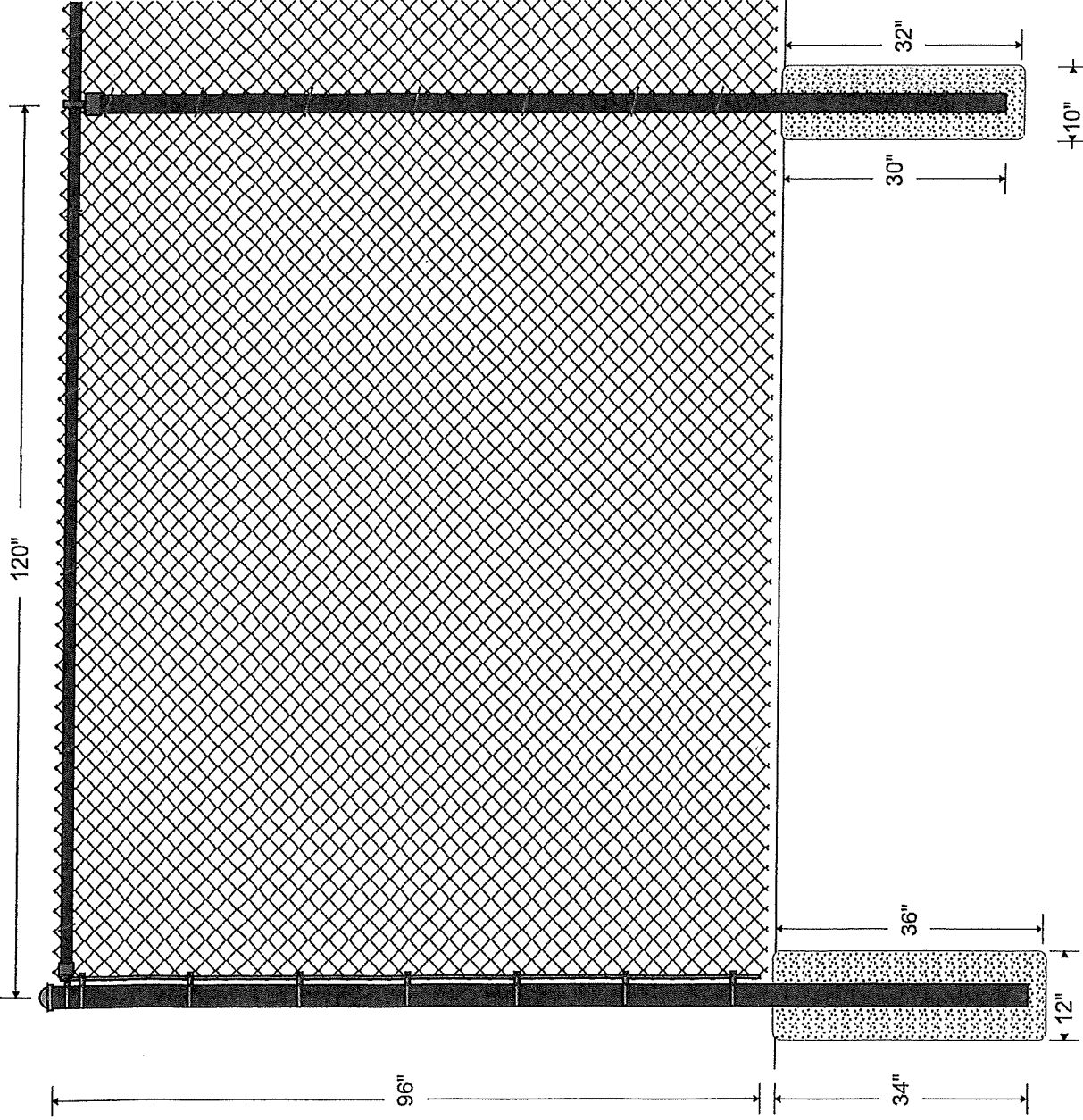
TOP RAIL: 1 5/8" O.D. BLACK SS-40
PIPE, 1.91 lbs. per foot. Top rail
21' in length, joined with 1 5/8"
BLACK SLEEVE.

LINE POST: 2 1/2" O.D. BLACK SS-40
PIPE, 3.12 lbs. per foot. Line
posts set 10' on center maximum
spacing.

TERMINAL POST: 3" O.D. BLACK SS-40
PIPE, 4.65 lbs. per foot.

FITTINGS: BLACK HEAVY BRACE BAND &
CARRIAGE BOLT, BLACK STEEL
RAIL-END, BLACK STEEL LOOP CAP,
BLACK HEAVY DOME CAP, 3/16" X 3/4"
BLACK STEEL TENSION BAR, BLACK
HEAVY TENSION BAND & CARRIAGE BOL.

TIE WIRE: 6 1/2" 9 GA. BLACK TIE
WIRE spaced 15" on center for line
posts & 24" on center for rails.



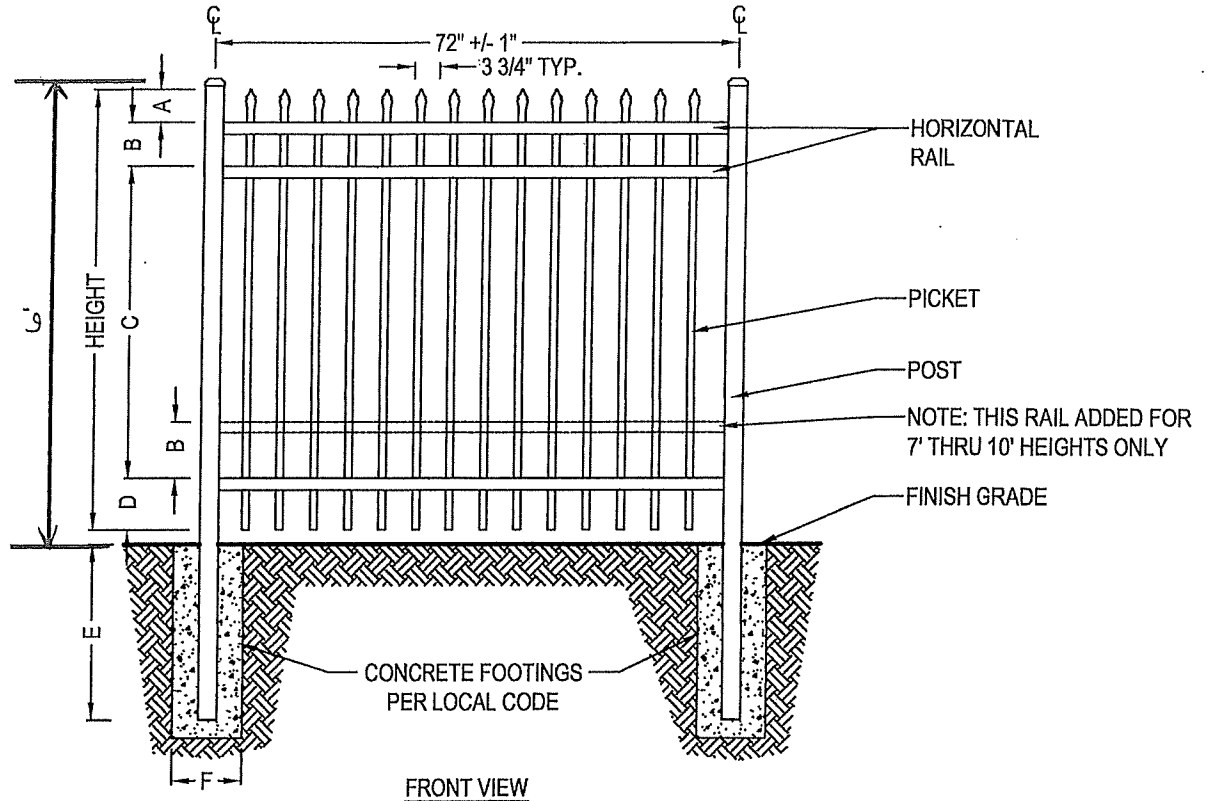
R & M Fence
11041 Dixie Highway
Walton, KY 41094
859-485-9198

LINE OF FENCE

Drawn: 04/29/2021
File:



ULTRA ALUMINUM MFG., INC.
 2124 GRAND COMMERCE DRIVE
 HOWELL, MI 48855
 TOLL FREE: (800) 656-4420
 TOLL FREE FAX: (800) 643-7429
 PHONE: (517) 548-6755
 FAX: (517) 548-6756
 www.ultrafence.com



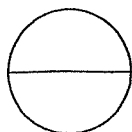
SPECIFICATIONS:

- POSTS:** 2 1/2" X 2 1/2" X .100" WALL
 3" X 3" X .125" WALL
 4" X 4" X .125" WALL
- HORIZONTAL RAILS:** 1 5/8"W X 1 5/8"H
 SIDE WALLS - .100"
 TOP WALLS - .070"
- PICKETS:** 1" X 1" X .062" WALL
 PICKET SPACING - 3 3/4"

NOTES:

1. INSTALLATION TO BE COMPLETED IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS.
2. DO NOT SCALE DRAWING.
3. THIS DRAWING IS INTENDED FOR USE BY ARCHITECTS, ENGINEERS, CONTRACTORS, CONSULTANTS AND DESIGN PROFESSIONALS FOR PLANNING PURPOSES ONLY. THIS DRAWING MAY NOT BE USED FOR CONSTRUCTION.
4. ALL INFORMATION CONTAINED HEREIN WAS CURRENT AT THE TIME OF DEVELOPMENT BUT MUST BE REVIEWED AND APPROVED BY THE PRODUCT MANUFACTURER TO BE CONSIDERED ACCURATE.
5. CONTRACTOR'S NOTE: FOR PRODUCT AND COMPANY INFORMATION VISIT www.CADdetails.com/info AND ENTER REFERENCE NUMBER 4855-111.

DIMENSIONS						
HEIGHT	A	B	C	D	E	F
4'	6 5/8"	7 5/8"	26 3/4"	7"	PER LOCAL CODE	
4 1/2'	6 5/8"	7 5/8"	32 3/4"	7"	PER LOCAL CODE	
5'	6 5/8"	7 5/8"	38 3/4"	7"	PER LOCAL CODE	
6'	6 5/8"	7 5/8"	50 3/4"	7"	PER LOCAL CODE	
7'	9 5/8"	10 5/8"	53 3/4"	10"	PER LOCAL CODE	
8'	9 5/8"	10 5/8"	65 3/4"	10"	PER LOCAL CODE	
9'	12 5/8"	13 5/8"	68 3/4"	13"	PER LOCAL CODE	
10'	12 5/8"	13 5/8"	80 3/4"	13"	PER LOCAL CODE	



INDUSTRIAL ALUMINUM SECURITY FENCES

UAS-100 SPEAR TOP INDUSTRIAL

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Toebben, KY LP
8355 E. Hartford Dr, Ste 200
Scottsdale, AZ 85255

2. ADDRESS OF PROPERTY
10295 Toebben Drive
Independence, KY

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Toebben KY, LP

4. DEED BOOK 746 PAGE NO. 223 GROUP NO. 2058

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

- Zoning Map Amendment: Conditional Use Permit
- From To
- Development Plan Conditional Zoning
- Subdivision Plat Other:
- (Not Recorded)
- 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 10th day of June, 2021.

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:

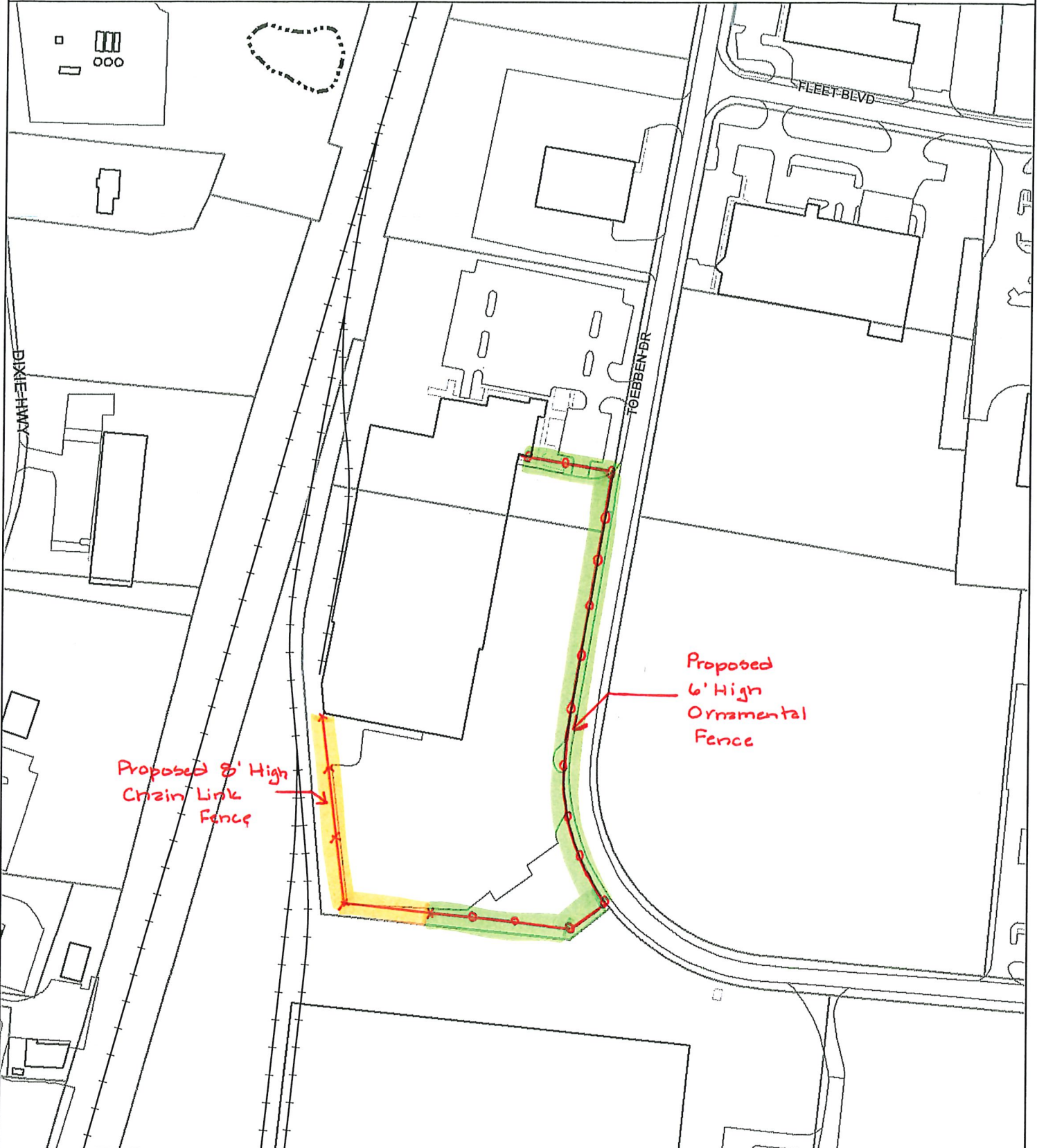
Sara Smith
Sara Smith
Boone County Planning Commission
2950 Washington Street, Room 317
P.O. Box 958
Burlington, Kentucky 41005

NO TITLE EXAMINATION

(Legal Description and source of Title and Group Number furnished by the applicant.)

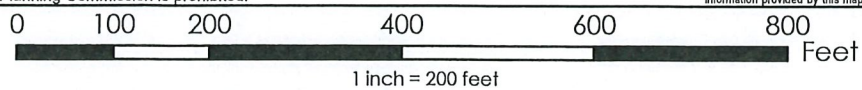
Boone County GIS Map

www.boonecountygis.com



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Boone County GIS



Map Created: 01/01/2018

Boone County Planning Commission
ArcMap Document: *.mxd

FABRIC: 96" 6 GA. FINISH / 9 GAUGE
CORE (2" MESH) BLACK CHAIN LINK
FABRIC.

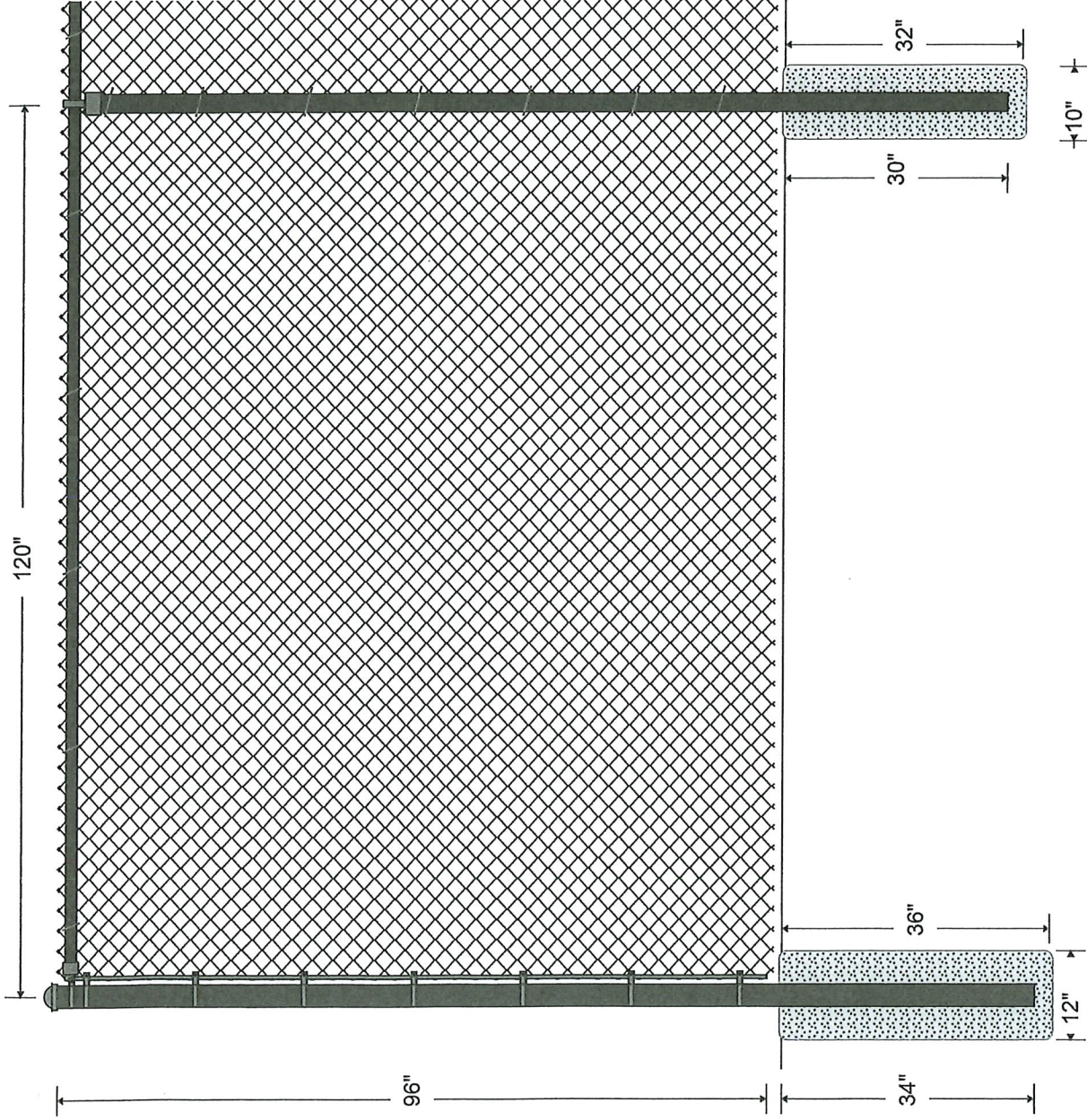
TOP RAIL: 1 5/8" O.D. BLACK SS-40
PIPE, 1.91 lbs. per foot. Top rail
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PIPE, 3.12 lbs. per foot. Line
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PIPE, 4.65 lbs. per foot.

FITTINGS: BLACK HEAVY BRACE BAND &
CARRIAGE BOLT, BLACK STEEL
RAIL-END, BLACK STEEL LOOP CAP,
BLACK HEAVY DOME CAP, 3/16" X 3/4"
BLACK STEEL TENSION BAR, BLACK
HEAVY TENSION BAND & CARRIAGE BOLT.

TIE WIRE: 6 1/2" 9 GA. BLACK TIE
WIRE spaced 15" on center for line
posts & 24" on center for rails.



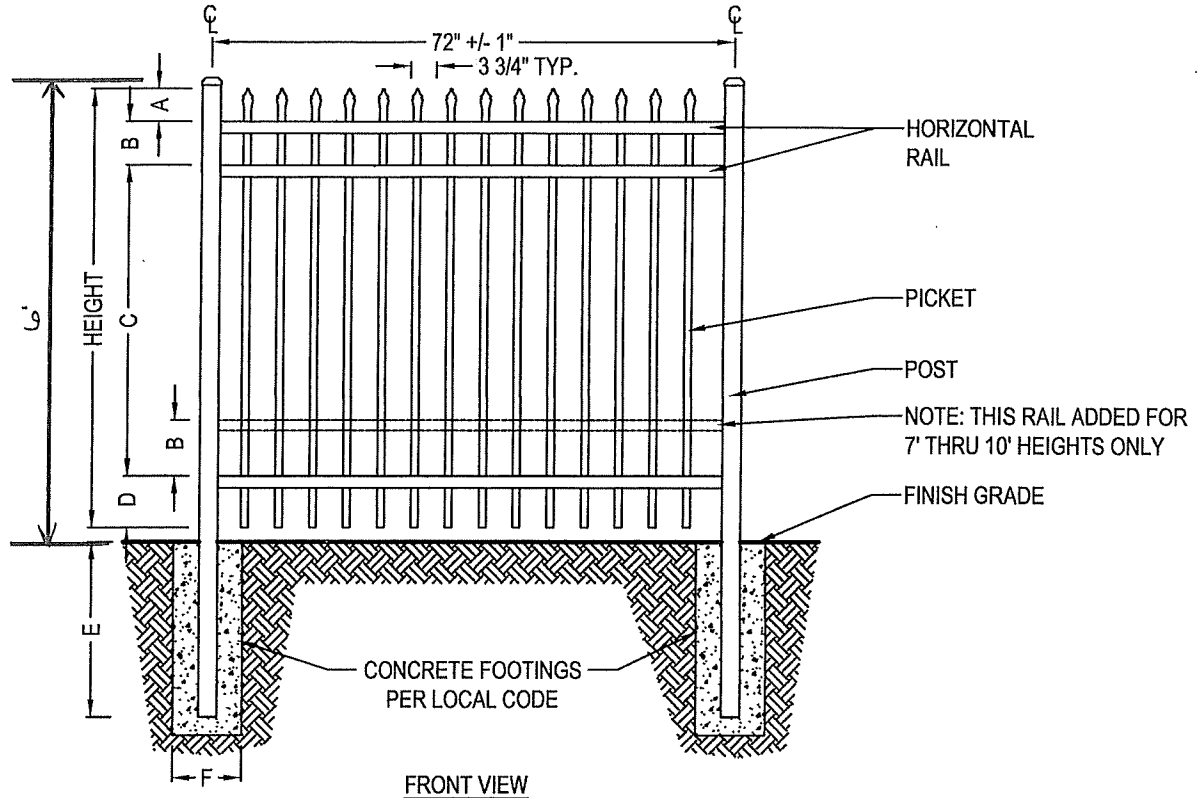
R & M Fence
11041 Dixie Highway
Walton, KY 41094
859-485-9198

LINE OF FENCE

Drawn: 04/29/2021
File:



ULTRA ALUMINUM MFG., INC.
 2124 GRAND COMMERCE DRIVE
 HOWELL, MI 48855
 TOLL FREE: (800) 656-4420
 TOLL FREE FAX: (800) 643-7429
 PHONE: (517) 548-6755
 FAX: (517) 548-6756
 www.ultrafence.com



SPECIFICATIONS:

POSTS: 2 1/2" X 2 1/2" X .100" WALL
 3" X 3" X .125" WALL
 4" X 4" X .125" WALL

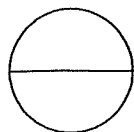
HORIZONTAL RAILS: 1 5/8"W X 1 5/8"H
 SIDE WALLS - .100"
 TOP WALLS - .070"

PICKETS: 1" X 1" X .062" WALL
 PICKET SPACING - 3 3/4"

DIMENSIONS						
HEIGHT	A	B	C	D	E	F
4'	6 5/8"	7 5/8"	26 3/4"	7"	PER LOCAL CODE	
4 1/2'	6 5/8"	7 5/8"	32 3/4"	7"	PER LOCAL CODE	
5'	6 5/8"	7 5/8"	38 3/4"	7"	PER LOCAL CODE	
6'	6 5/8"	7 5/8"	50 3/4"	7"	PER LOCAL CODE	
7'	9 5/8"	10 5/8"	53 3/4"	10"	PER LOCAL CODE	
8'	9 5/8"	10 5/8"	65 3/4"	10"	PER LOCAL CODE	
9'	12 5/8"	13 5/8"	68 3/4"	13"	PER LOCAL CODE	
10'	12 5/8"	13 5/8"	80 3/4"	13"	PER LOCAL CODE	

NOTES:

1. INSTALLATION TO BE COMPLETED IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS.
2. DO NOT SCALE DRAWING.
3. THIS DRAWING IS INTENDED FOR USE BY ARCHITECTS, ENGINEERS, CONTRACTORS, CONSULTANTS AND DESIGN PROFESSIONALS FOR PLANNING PURPOSES ONLY. THIS DRAWING MAY NOT BE USED FOR CONSTRUCTION.
4. ALL INFORMATION CONTAINED HEREIN WAS CURRENT AT THE TIME OF DEVELOPMENT BUT MUST BE REVIEWED AND APPROVED BY THE PRODUCT MANUFACTURER TO BE CONSIDERED ACCURATE.
5. CONTRACTOR'S NOTE: FOR PRODUCT AND COMPANY INFORMATION VISIT www.CADdetails.com/info AND ENTER REFERENCE NUMBER 4855-111.



INDUSTRIAL ALUMINUM SECURITY FENCES

UAS-100 SPEAR TOP INDUSTRIAL