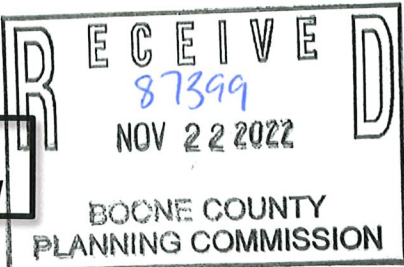


**BOARD OF ADJUSTMENT
BOONE COUNTY PLANNING COMMISSION**



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: Riegler Blacktop, INC.
Address: 165 Weaver Road
Florence KY 41042
City State Zip Code
Phone Number: 859-371-8122 Fax Number: 859-371-8147
Email: dan@rieglerblacktop.com
4. Description of Request:
~~Variance for building placement~~
5. Name of Development: Riegler Blacktop Material Testing Lab
6. Location of Development: 343 Weaver Road
Florence KY 41042
City State Zip Code
7. Acreage Under Review: .3 Acre
8. Lot Number and Name of Subdivision (if part of a subdivision):
N/A
9. Current Owner: Riegler Investments, LLC
Address: 165 Weaver Road
Florence KY 41042
City State Zip Code
Phone Number: 859-371-8122 Fax Number: 859-371-8147
Email: dan@rieglerblacktop.com

Test Asphalt Mix Compliance

10. Proposed Use(s) on Site: _____
11. Total Square Footage of Existing and/or Proposed Buildings: _____ 1,488 SF
12. Current Zoning: _____ I2
13. _____ 908 _____ 781 _____ 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)

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

1. Date Received: 11/22/22 Fee Received: \$966 Receipt #: 87399

2. Is application complete:

3. Staff Reviewer: M. Schwartz

4. Scheduled Board Action Date: 12/19/2022

5. Board Action: 12/19/2022

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
www.boonecountyky.org

STAFF REPORT

#9

APPLICANT: Riegler Blacktop Inc, per Dan Riegler, on behalf of Riegler Investments LLC

LOCATION: 343 Weaver Road, Boone County, Kentucky

ZONING: Industrial Two (I-2)

DATE: December 19, 2022

PROPOSAL

1. The applicant is requesting a Variance reducing the front yard setback from fifty (50) feet to twenty-six (26) feet to allow for the construction of a material testing laboratory building.

SITE HISTORY

- | | |
|-----------|---|
| 1980 | Based on information contained in the Boone County GIS, the site was zoned SR-1. |
| 1990-1992 | Based on information contained in the Boone County GIS, the site was initially developed. |
| 1992 | Based on information contained in the Boone County GIS, the site was zoned I-2. |
| 1992 | On February 5, 1992, the Boone County Planning Commission approved a site plan for revisions at 343 Weaver Road. |
| 2005 | On December 7, 2005, the Boone County Planning Commission approved a Conveyance Plat creating the 7.0938 acre lot at 343 Weaver Road. |
| 2006 | On May 31, 2006, the Boone County Planning Commission approved a Site Plan for an addition at 343 Weaver Road. |
| 2012-2016 | Based on information contained in the Boone County GIS, Riegler blacktop developed the site. |
| 2015 | On January 22, 2015, the Boone County Planning Commission approved a Grading Plan for 8312 Dixie Highway. |
| 2017 | On April 12, 2017, the Boone Board of Adjustment approved: (1) a variance to reduce the minimum road frontage from 250 feet to 137.37 feet; and (2) a variance to reduce the fencing requirement in a front yard from 50 feet to 0 feet, subject to the condition that the ornamental fence not be more than 8 feet tall. |
| 2017 | On May 19, 2017, the Boone County Planning Commission approved a Site Plan for a new office building at 165 Weaver Road. |

- 2017 On October 30, 2017, the Boone County Planning Commission approved a Conveyance Plat creating the 11.53 acre lot at 165 Weaver Road.
- 2016-2020 Based on information contained in the Boone County GIS, Riegler Blacktop was expanded.

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 3111 of the Boone County Zoning Regulations requires a minimum front yard setback of fifty (50) feet within the I-2 district.
- E. Section 140 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.”

RELATIONSHIP TO THE COMPREHENSIVE PLAN

- A. The Our Boone County Plan 2040 Future Land Use Plan designates the site in question as “Industrial”, 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:
 - 1. 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).
 - 2. Development policies shall not discriminate against any person (Demographics Goal A, Objective 1).
 - 3. Provide appropriate services, housing, employment, and shopping opportunities in order to meet the needs of the population in all geographic areas of the County (Demographics Goal A, Objective 4).
 - 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).
 - 5. Industries shall be promoted in suitable locations to make the county a vital part of a strong regional economy (Economy Goal A, Objective 2).
 - 6. Local agriculture, business products, and services shall be encouraged and supported (Economy Goal A, Objective 4).
 - 7. Boone County shall seek a combination of land uses that balances revenues generated from those uses with the expenditures required to support them (Economy Goal A, Objective 8).
 - 8. 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).

9. Commercial uses shall be designed and located to coordinate with the surrounding land uses and shall have safe access and adequate parking (Economy Goal B, Objective 3).
10. Industrial development shall be encouraged to locate near railroad lines, highways, the Ohio River, the Airport, and where infrastructure exists or is planned (Economy Goal B, Objective 5).
11. 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. weaver Road is identified as a state maintained arterial street providing for two way traffic within two driving lanes. There are no sidewalks along the roadway.

SURROUNDING LAND USES AND ZONING

North: Industrial uses (I-2)
South: Industrial uses (I-2)
East: Industrial uses (I-2)
West: Industrial uses (I-2)

SITE CHARACTERISTICS

- A. The approximate 7.1 acre property is located along the south side of Weaver Road, approximately 2,300 feet west of Dixie Highway.
- B. The site is currently occupied by an outside material storage area and two covered material storage structures.
- C. Access to the site is from a curb cut onto Weaver Road.
- D. The site is relatively flat.
- E. There is existing vegetation along the Weaver Road frontage.

PROPOSED DEVELOPMENT

- A. The applicant is proposing to construct a 1,488 square foot building having a height of

15'-7".

- B. The proposed building will be set back twenty-six (26) feet from the front property line.

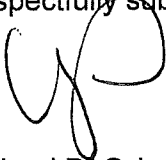
STAFF COMMENTS

- A. The proposed building construction will not create any additional impervious surface area.
- B. The proposed building will be set back approximately sixty (60) feet from the edge of pavement of Weaver Road.

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
Director, Zoning Services

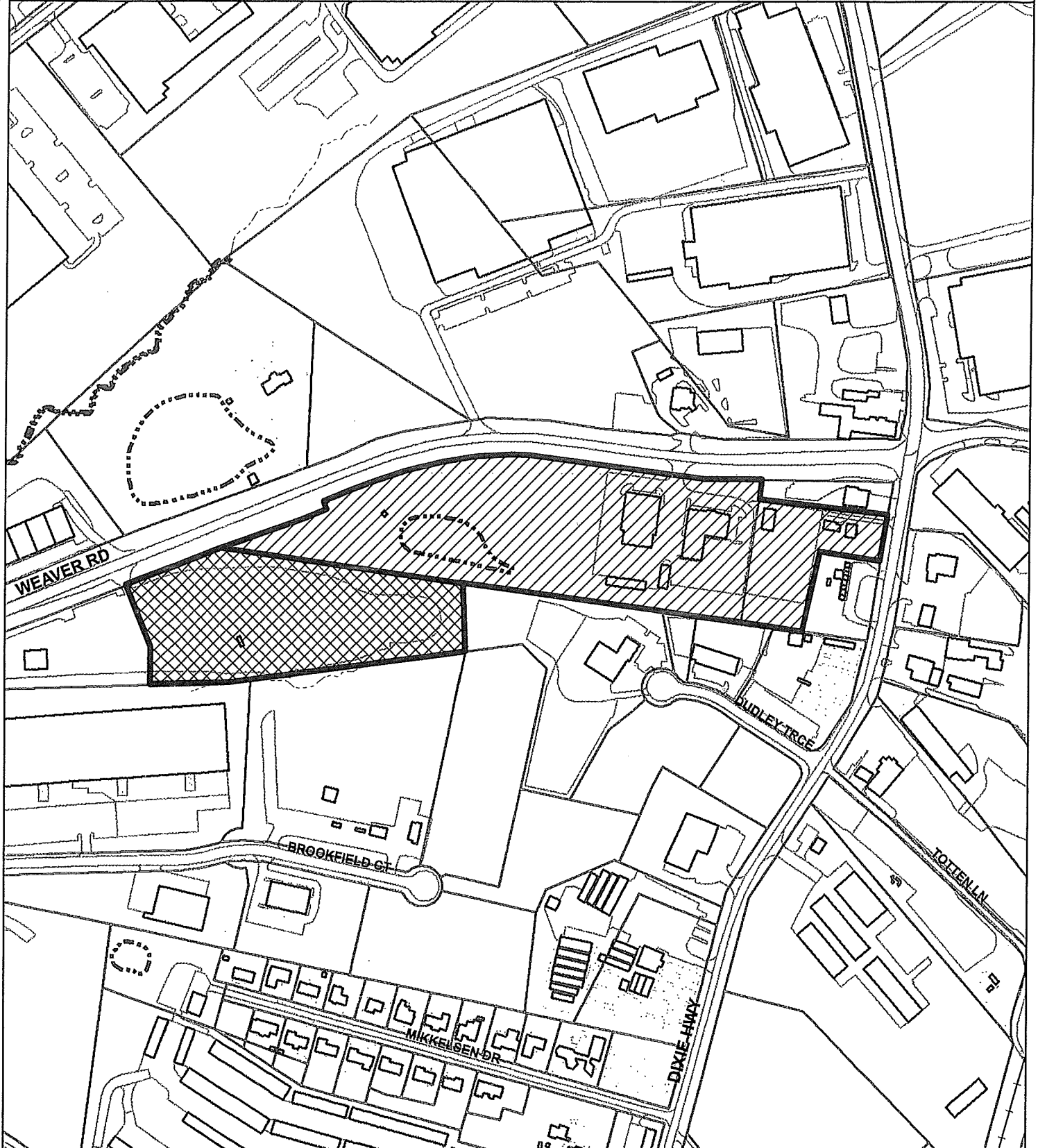
MDS/ss

Attachments

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

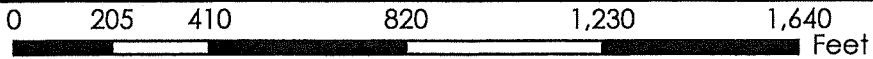
Vicinity Map

www.boonecountygis.com



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1 inch = 400 feet



Boone County GIS

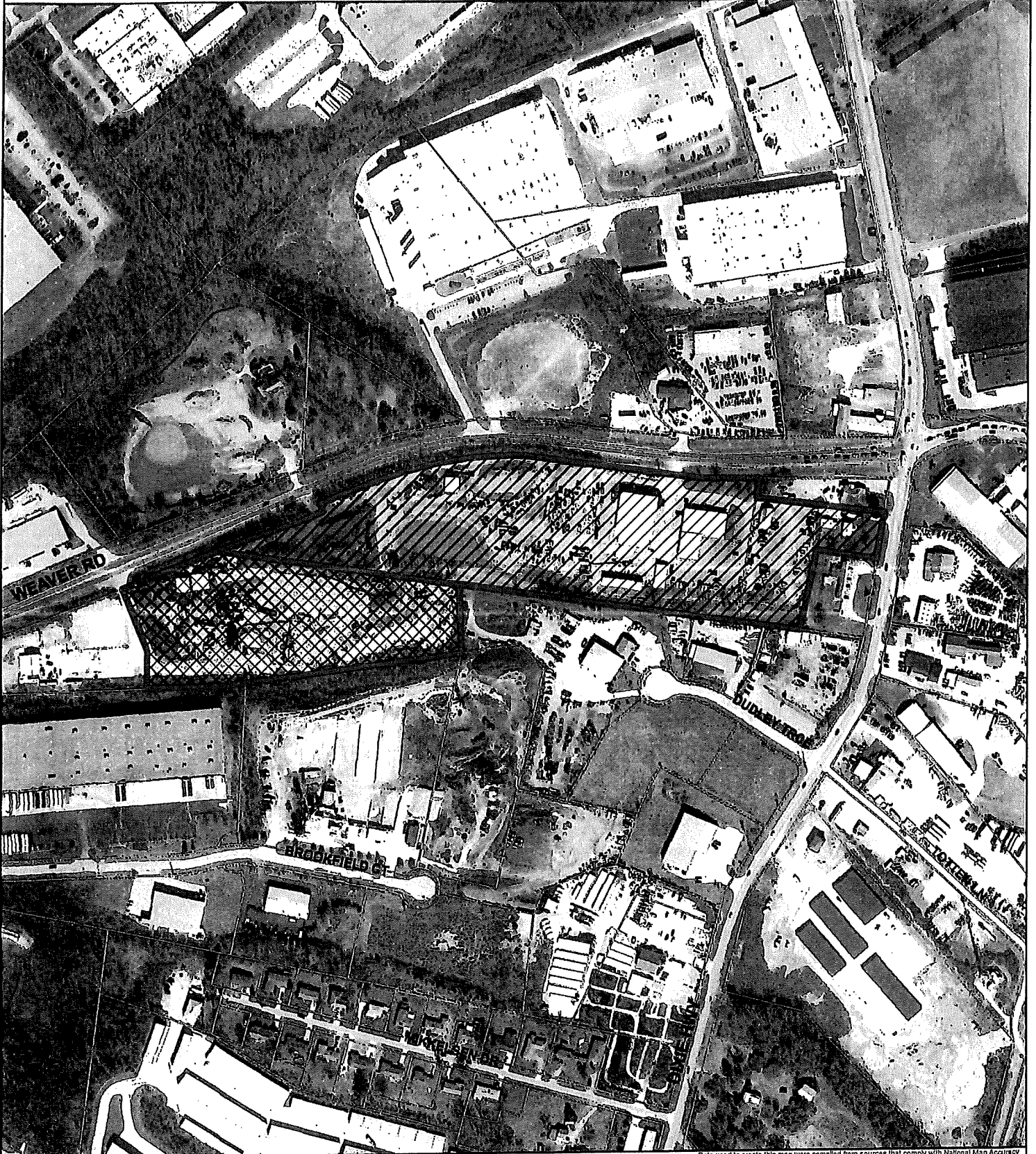


Map Created: 01/01/2018

Boone County GIS
ArcMap Document: *.mxd

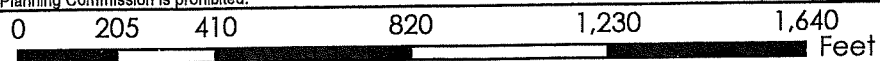
Aerial Map

www.boonecountygis.com



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Boone County GIS - Putting Northern Kentucky on the Map

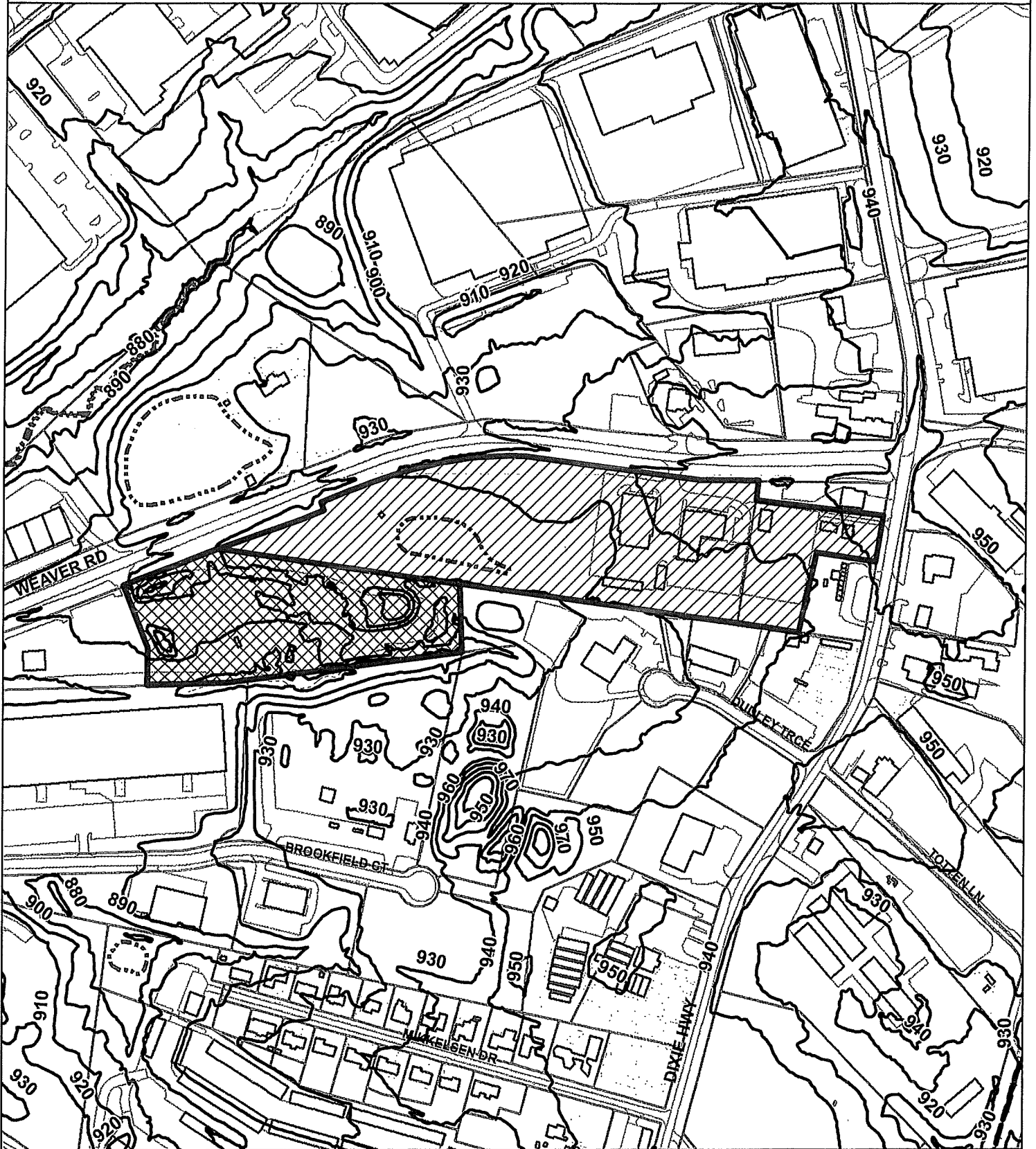


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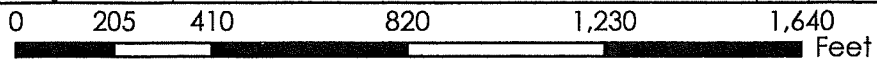
Topographical Map

www.boonecountygis.com



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1 Inch = 400 feet

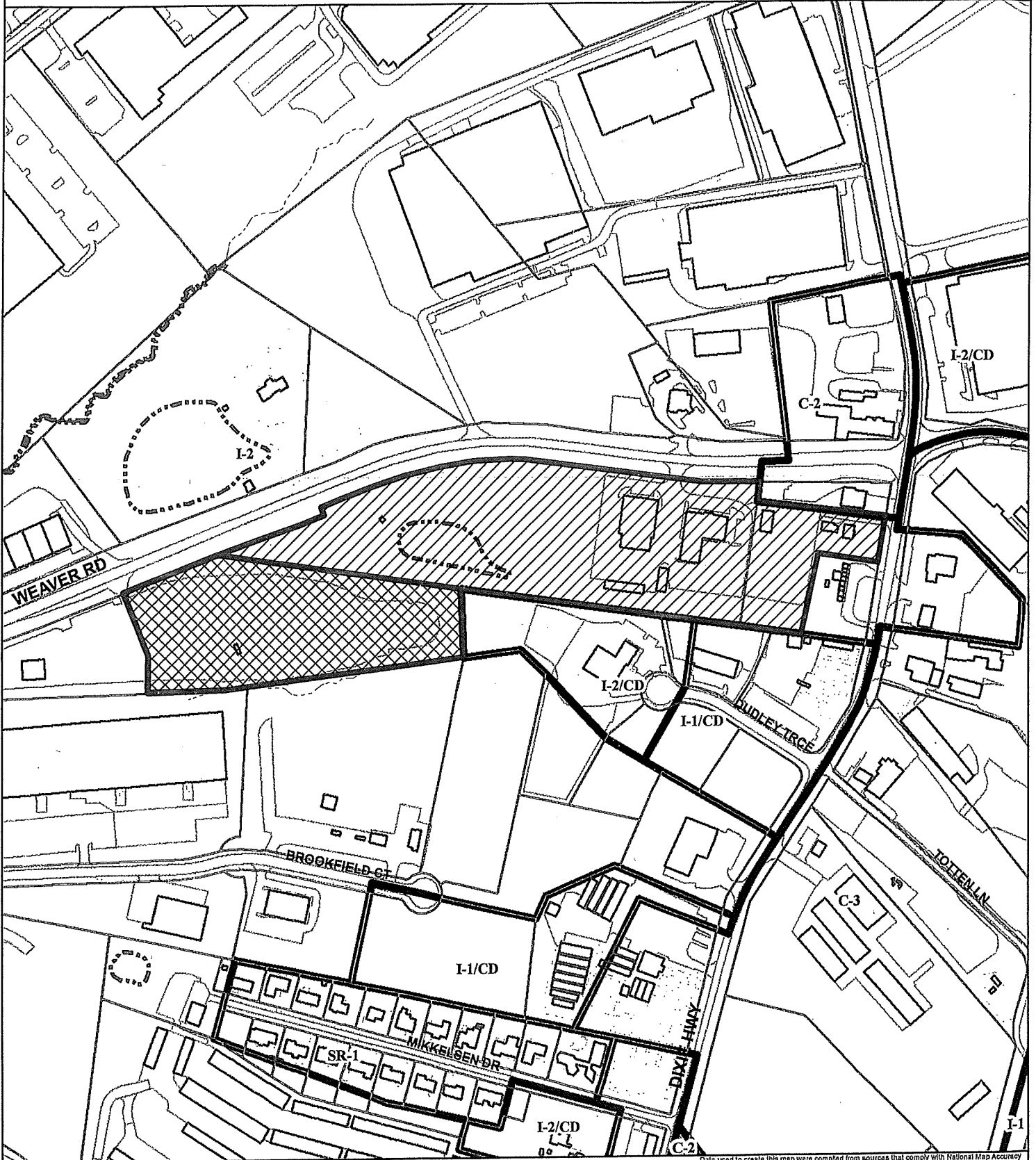


Boone County GIS



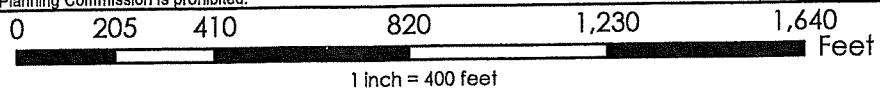
Zoning Map

www.boonecountygis.com



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Boone County GIS



Map Created: 01/01/2018

With 3 Year Computer Support 2018
ArcMap Document: *.mxd

2040 Future Land Use Map

www.boonecountygis.com



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0 205 410 820 1,230 1,640 Feet

1 inch = 400 feet



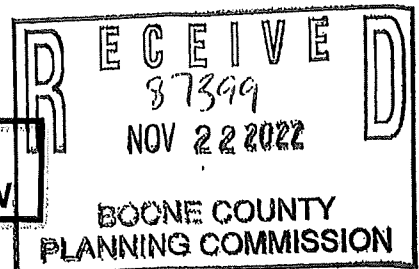
Boone County GIS - Putting Northern Kentucky on the Map



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Work File: 17.mxd by 2/28/18 11:14
ArcMap Document: *.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: Riegler Blacktop, INC.

Address: 165 Weaver Road

Florence KY 41042
City State Zip Code

Phone Number: 859-371-8122 Fax Number: 859-371-8147

Email: dan@rieglerblacktop.com

4. Description of Request:
~~Variance for building placement~~

5. Name of Development: Riegler Blacktop Material Testing Lab

6. Location of Development: 343 Weaver Road

Florence KY 41042
City State Zip Code

7. Acreage Under Review: .3 Acre

8. Lot Number and Name of Subdivision (if part of a subdivision):
N/A

9. Current Owner: Riegler Investments, LLC

Address: 165 Weaver Road

Florence KY 41042
City State Zip Code

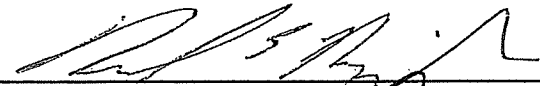
Phone Number: 859-371-8122 Fax Number: 859-371-8147

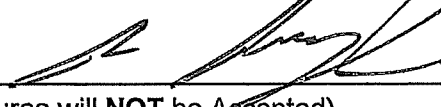
Email: dan@rieglerblacktop.com

Test Asphalt Mix Compliance

10. Proposed Use(s) on Site: _____
11. Total Square Footage of Existing and/or Proposed Buildings: 1,488 SF
12. Current Zoning: I2
13.

<u>908</u>	<u>781</u>	<u>2049B</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: 11/22/22 Fee Received: \$966 Receipt #: 87399
2. Is application complete:
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@boonecountky.org
www.boonecountky.org



SINCE 1954

165 Weaver Road, Florence, KY 41042 Phone (859) 371-8122

**Boone County Planning Commission
Administration Building
2950 Washington St., Room 317
Burlington, KY 41005
Attn: Michael Schwartz**

November 22, 2022

RE: Variance Request for 343 Weaver Road

Dear Michael,

Please find the attached Board of Adjustment application for a dimensional variance necessary for the construction of a new material testing laboratory for Riegler Blacktop Inc. to be located at 343 Weaver Road in unincorporated Boone County, KY. Construction of this new laboratory is needed for Riegler Blacktop, Inc. to continue to meet the ever-expanding material testing requirements of the Kentucky Transportation Cabinet (KYTC), and to provide additional office space for our plant staff. The proposed location of this building is near the northwestern corner of the property currently occupied asphalt production facility, which is zoned "Industrial Two" (I-2). This corner location was chosen to allow us to provide sanitary sewer service to this site, improve the traffic flow for the material testing process, and for its proximity to the existing asphalt production plant.

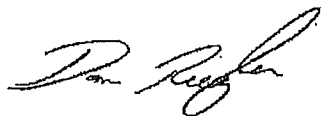
To accommodate this location, we hereby request a variance to allow for a reduction of the I-2 front building setback requirement from 50' to 26'. We find this request necessary to allow the building to be located safely outside the existing heavy vehicle traffic lane, and because the elevation at this proposed location exclusively allows for a future sanitary connection to be feasible. Please note this sanitary connection will be made a to a future public sanitary sewer system to be extended along Weaver Road, which is in the final stages of design (also by Riegler Blacktop, Inc).

The following is a list of adjoining properties. I have also included an separately enclosed map of their locations for your reference:

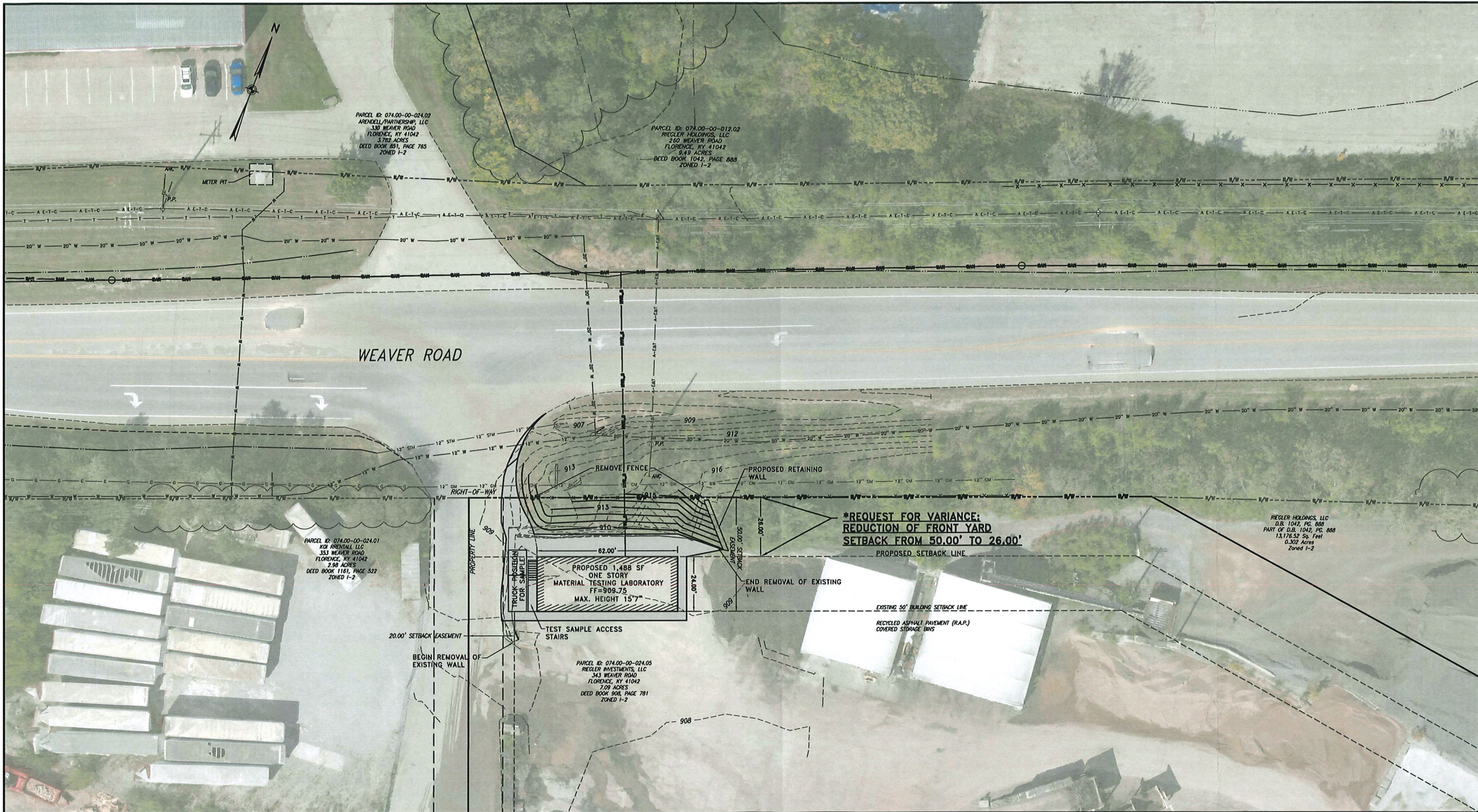
- | | | |
|--|---|---|
| #1 Arendell/Baumgartner
9278 Evergreen Drive
Florence, KY 41042 | #2 Riegler Holdings, LLC
165 Weaver Road
Florence, KY 41042 | #3 Riegler Holdings, LLC
165 Weaver Road
Florence, KY 41042 |
| #4 KOI Rental, LLC
7430 Industrial Road
Florence, KY 41042 | #5 Riegler Blacktop, Inc
165 Weaver Road
Florence, KY 41042 | #6 Riegler Blacktop, Inc
165 Weaver Road
Florence, KY 41042 |
| #7 Stag Industrial Holdings, LLC
1 Federal St. 23 rd Floor
Boston, MA 02110 | #8 & 9 Eaton Asphalt Co
136 Frogtown Road
Walton, KY 41094 | #10 Dudley, Inc
420 Dudley Trace
Florence, KY 41042 |

In closing, we appreciate the board's consideration of the requested variance. If you have any questions or need additional information regarding this application, please do not hesitate to contact me.

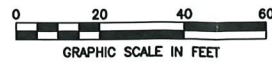
Sincerely,

A handwritten signature in cursive script, appearing to read "Dan Riegler".

Daniel M. Riegler, P.E.
Riegler Blacktop, Inc.



NOTE: THIS DRAWING IS FOR ZONING APPROVAL PURPOSES ONLY AND NOT FOR CONSTRUCTION.



I-2 ZONING STATISTICS:
 MAXIMUM INTENSITY: 22,000 SF / ACRE
 INTENSITY PROPOSED:
 MINIMUM SIZE OF DISTRICT: 10 ACRES
 MINIMUM LOT SIZE: 100,000.00 SF
 MINIMUM FRONTAGE: 250'
 MAXIMUM HEIGHT: 100'
 MINIMUM FRONT SETBACK: 50'
 MINIMUM REAR SETBACK: 30'
 MINIMUM SIDE SETBACK: 20'

HATCH LEGEND

PROPOSED HEAVY DUTY ASPHALT PAVEMENT



NOTE: BOUNDARY INFORMATION SHOWN IS BASED UPON EXISTING INFORMATION PROVIDED BY OTHERS AND DOES NOT REPRESENT AN ACTUAL BOUNDARY SURVEY RIEGLER BLACKTOP, INC.

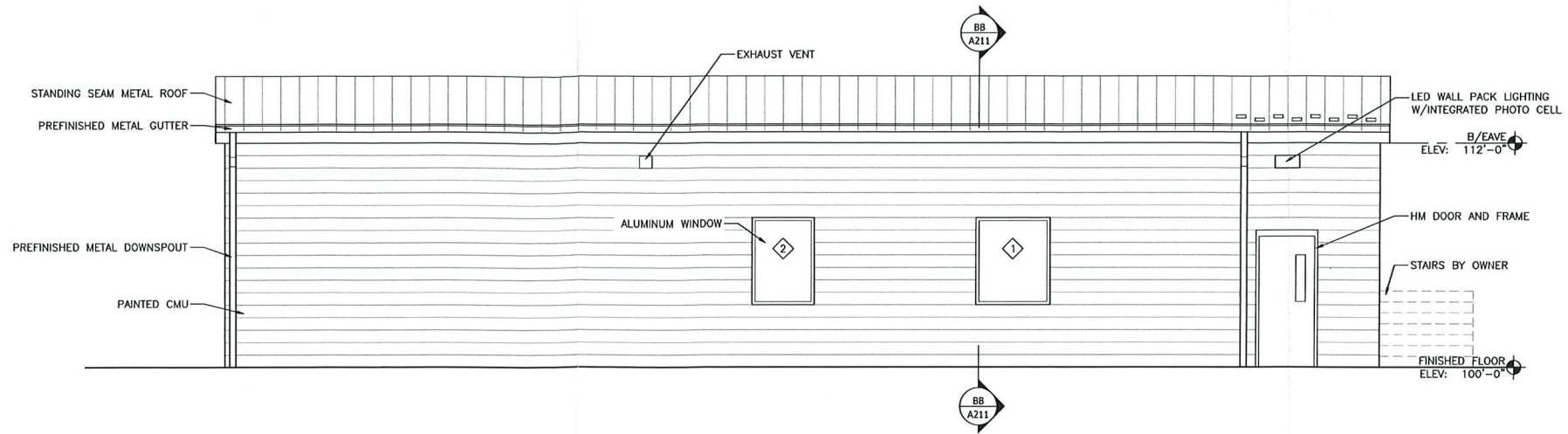
RIEGLER BLACKTOP, INC.
 DESIGN BUILD SERVICES
 DANIEL M. RIEGLER, P.E.
 165 WEAVER ROAD
 FLORENCE, KY 41042

RIEGLER BLACKTOP, INC.
 MATERIAL TESTING LABORATORY
 343 WEAVER ROAD
 UNINCORPORATED
 BOONE COUNTY, KY

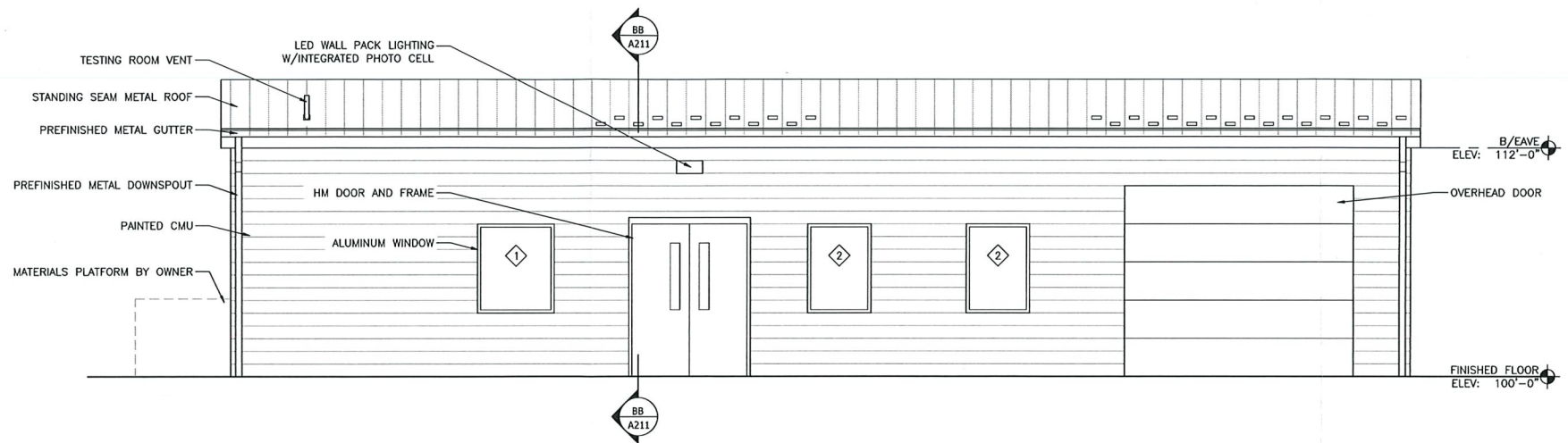
DATE: 11/22/22
 DESIGNED BY: DMR
 CHECKED: MLR
 5706
 PROJECT NO.

REQUEST FOR VARIANCE

SHEET NO.
 C1



4 ELEVATION
A201 1/4" = 1'-0"



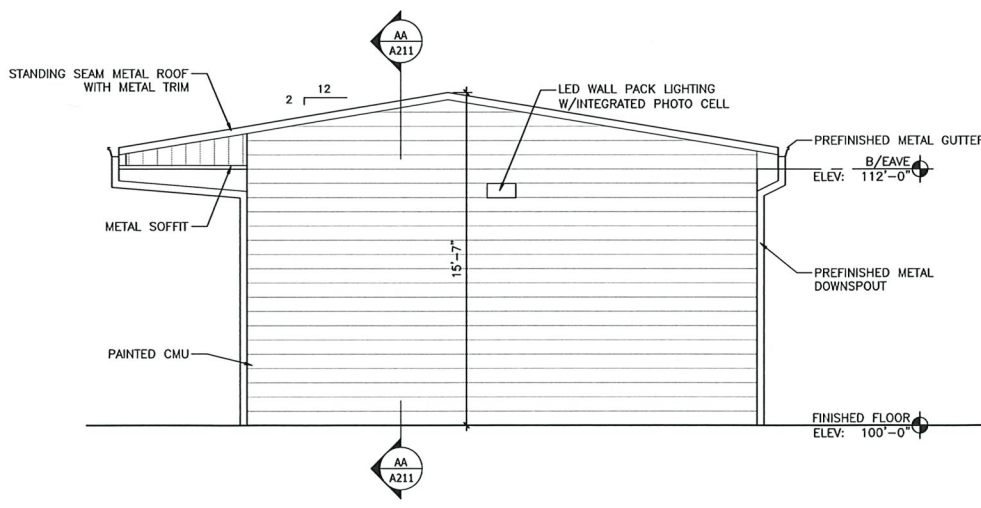
3 ELEVATION
A201 1/4" = 1'-0"

BASIS OF DESIGN MATERIALS

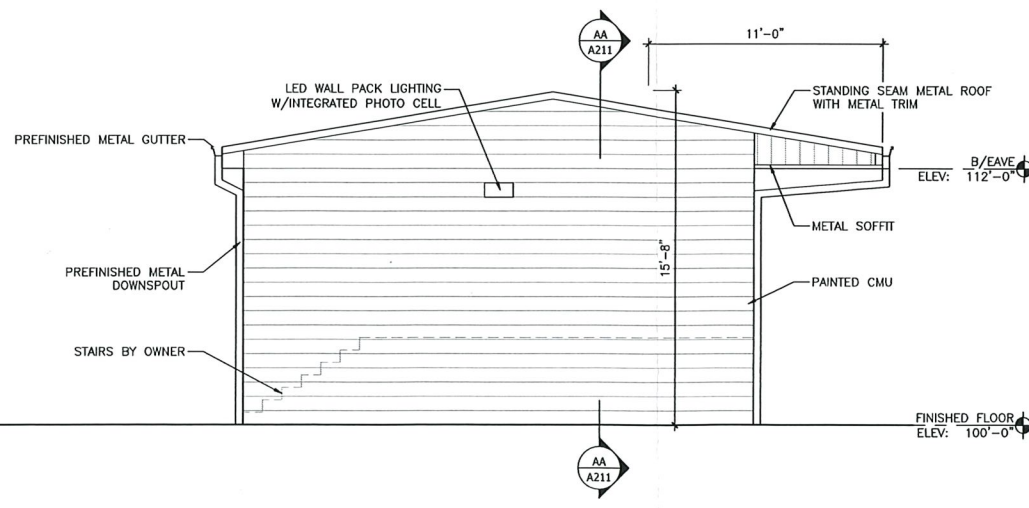
ROOF: MBCI 16" BATTENLOK 24 GA. PANEL. COLOR: SLATE GRAY.

METAL TRIMS: MBCI COLOR: TOUCH OF SAND, SW9085. ALL METAL TRIMS, INCLUDING FASCIA, RAKE, GUTTER, AND DOWNSPOUTS TO BE FACTORY PRIMED.

CMU PAINT COLOR: NEARLY BROWN SW9093



2 ELEVATION
A201 1/4" = 1'-0"



1 ELEVATION
A201 1/4" = 1'-0"

NEW CONSTRUCTION

RIEGLER BLACKTOP LAB BUILDING

343 WEAVER ROAD
FLORENCE, KY 41042



200 West Pike Street
Covington, KY 41011
Ph: 859-491-3844
Fx: 859-655-3243
hw@hubweber.com

Issued: 11.21.2022 PRELIMINARY
Revised:

ELEVATIONS

A201

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Riegler Investments, LLC
165 Weaver Rd
Florence, KY 41042
2. ADDRESS OF PROPERTY
343 Weaver Rd
Florence, KY 41042
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Riegler Blacktop Testing Lab
4. DEED BOOK 908 PAGE NO. 781 GROUP NO. 2049B
5. TYPE OF RESTRICTION(S) (Check all that apply)
- Zoning Map Amendment: From _____ To _____ Conditional Use Permit
- Development Plan Conditional Zoning
- Subdivision Plat (Not Recorded) Other:
- 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, Director, Zoning Services
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 21st day of December, 2022.

Treva L. Beagle
Notary ID KYNP37603
NOTARY PUBLIC, State at Large

My commission Expires:
November 12, 2025

This instrument was prepared for recording purposes only by:


Nicole Dierna
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.)