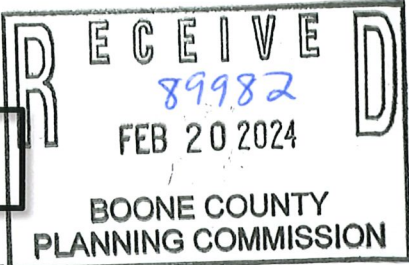


**BOARD OF ADJUSTMENT
BOONE COUNTY PLANNING COMMISSION**



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: 8596532823 Fax Number: _____
Email: dan@rieglerblacktop.com
- 4. Description of Request:
reduction of the front building setback (I-2 Zone) at 260 weaver Road from 50' to 25' to allow for the construction of temporary topsoil storage bins
- 5. Name of Development: Riegler Blacktop Fill and Recycling Site
- 6. Location of Development: 260 Weaver Road
Florence KY 41042
City State Zip Code
- 7. Acreage Under Review: Less than 1 acre. Total Subject Parcel= 9.49 acres
- 8. Lot Number and Name of Subdivision (if part of a subdivision):
n/a
- 9. Current Owner: Riegler Holdings, LLC
Address: 165 Weaver Road
Florence KY 41042
City State Zip Code
Phone Number: 859.653.2823 Fax Number: _____
Email: dan@rieglerblacktop.com

10. Proposed Use(s) on Site: Fill site / material recycling center (current use)
11. Total Square Footage of Existing and/or Proposed Buildings: 4,050 proposed
12. Current Zoning: Industrial Two (I-2)
13. 1042 1102 888 34B 2049A
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.

Property Owner's Signature:  manning member

Applicant's Signature: 

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

1. Date Received: 2/20/24 Fee Received: \$966 Receipt #: 2/20/24

2. Is application complete:

3. Staff Reviewer: M. Schwartz

4. Scheduled Board Action Date: 3/13/2024

5. Board Action: 3/13/2024

- 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

#7

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

LOCATION: 260 Weaver Road, Boone County, Kentucky

ZONING: Industrial Two (I-2)

DATE: March 13, 2024

PROPOSAL

- A. The applicant is requesting a Variance reducing the front yard setback from fifty (50) feet to twenty-five (25) feet to allow for the construction of storage bins.

SITE HISTORY

- 1981-1985 Based on information contained in the Boone County GIS, a house was built on the site.
- 1990 On May 9, 1990, the Boone Board of Adjustment approved a Conditional Use Permit allowing the construction of an automobile body shop (BCBOA-90-012).
- 2015 On March 27, 2015, a site plan for grading was approved.
- 2019 On April 12, 2019, a site plan for fill operations was approved.
- 2020-2023 Based on information contained in the Boone County GIS, the house was demolished and the site was used by Riegler Blacktop.

APPLICABLE REGULATIONS

- A. Section 202.C 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 4000 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 204.D and 204.E of the Boone County Zoning Regulations.
1. Findings listed in Section 204.D and 204.E:
 - 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 1103.A 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 require 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.

E. Section 3111 of the Boone County Zoning Regulations requires a minimum front yard setback of fifty (50) 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 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 9.5 acre property is located along the north side of Weaver Road, approximately 2,000 feet west of Dixie Highway.
- B. The site is currently occupied by the outside storage of fill material.
- C. Access to the site is from a curb cut onto Weaver Road.

- D. The front portion of the site is relatively flat. The rear portion of the site slopes downward to a drainage swale.
- E. There is existing vegetation along the Weaver Road frontage.

PROPOSED DEVELOPMENT

- A. The applicant is proposing to install two, 2,025 square foot, storage bins, each having a height of twenty-two (22) feet.
- B. The proposed structures will be set back twenty-five (25) feet from the front property line.

STAFF COMMENTS

- A. The proposed structures will be set back approximately seventy-two (72) feet from the edge of pavement of Weaver Road.
- B. On December 19, 2022, the Boone Board of Adjustment approved 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 on property located at 343 Weaver Road, directly across the street from the site in question (BCBOA-22-034).

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. Sections 204.D and 204.E 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

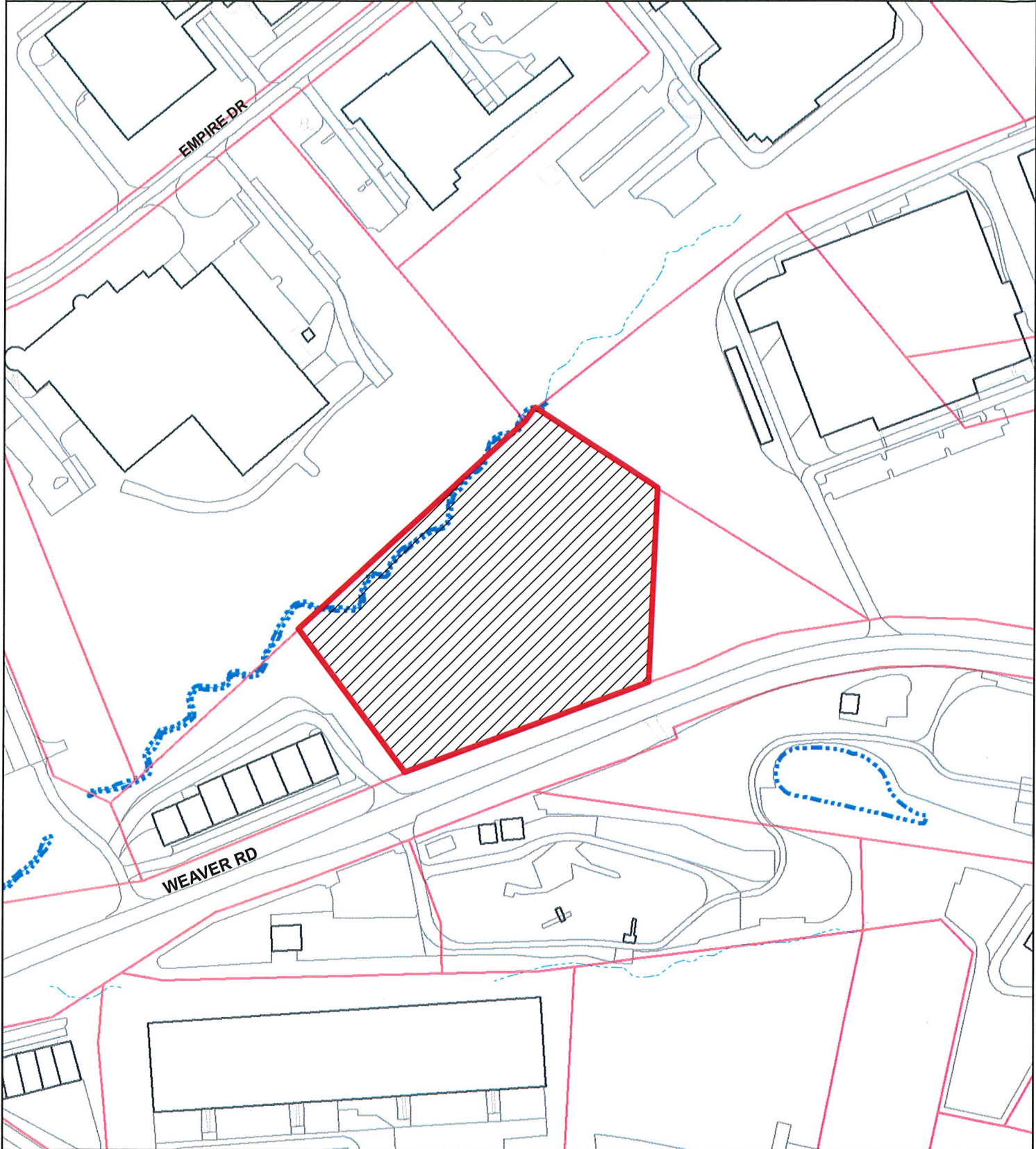
MDS/ss

Attachments

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

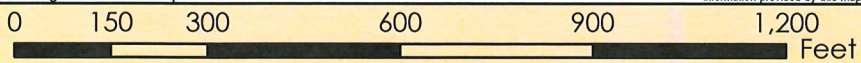
Vicinity Map

www.boonecountygis.com



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Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



1 inch = 300 feet



Map Created: xx/xx/2022

Boone County GIS - Putting Northern Kentucky on the Map



State Plane 8 datum by North NAD 1983
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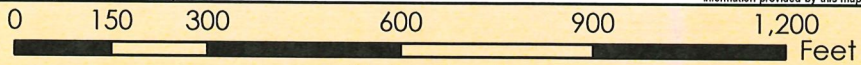
Aerial Map

www.boonecountygis.com



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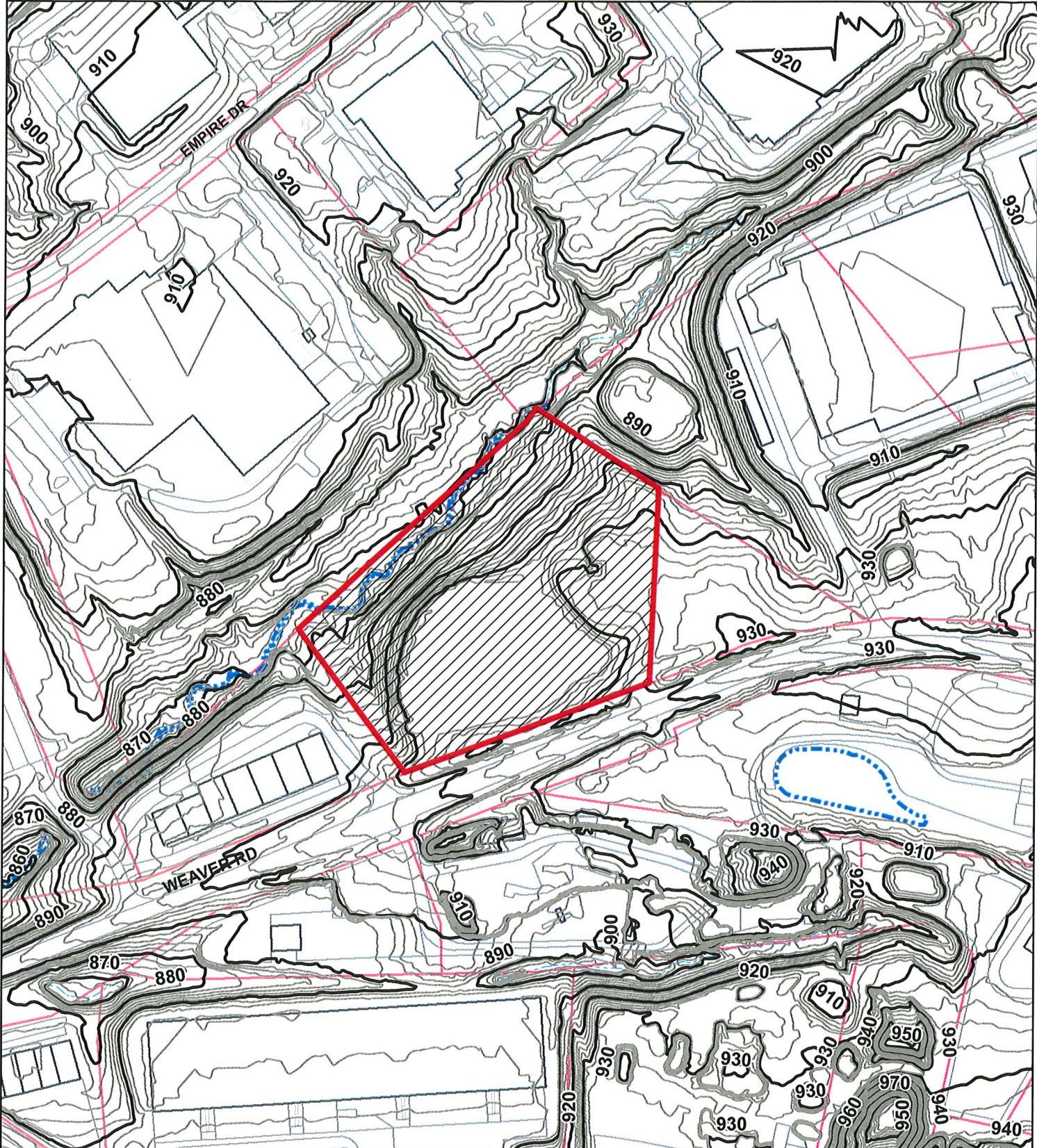
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Map Created: xx/xx/2022

Boone County GIS
ArcMap Document: *.mxd

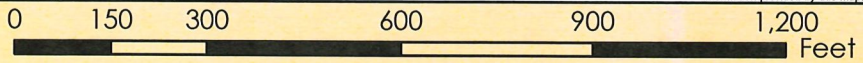
Topographic Map

www.boonecountygis.com



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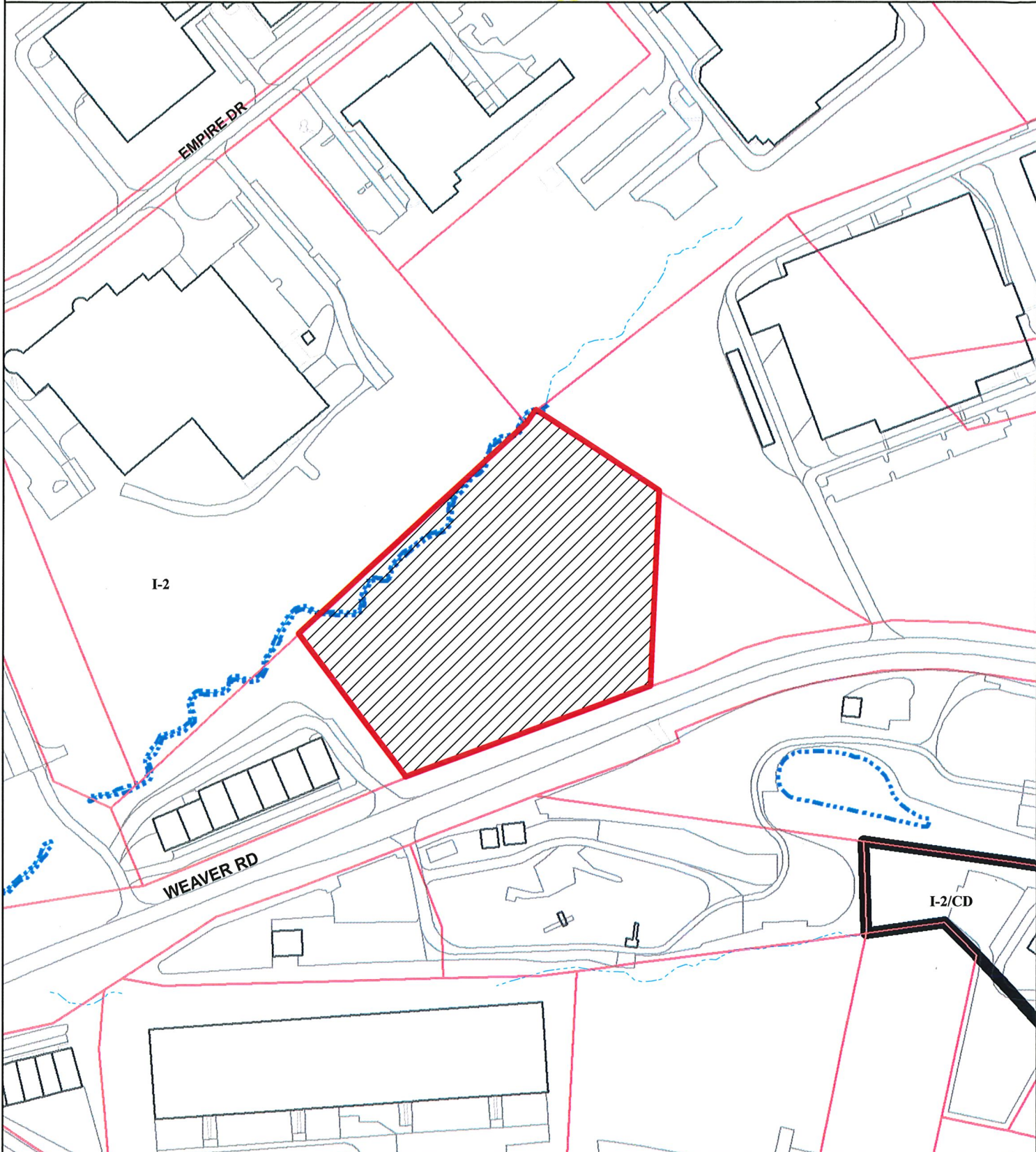
Boone County GIS - Putting Northern Kentucky on the Map

Map Created: xx/xx/2022

Map File: K:\GIS\Map\North 1113
ArcMap Document: *.mxd

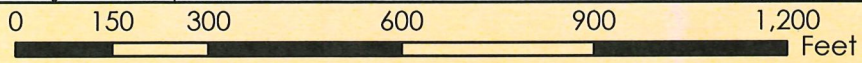
Zoning Map

www.boonecountygis.com



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Boone County GIS - Putting Northern Kentucky on the Map

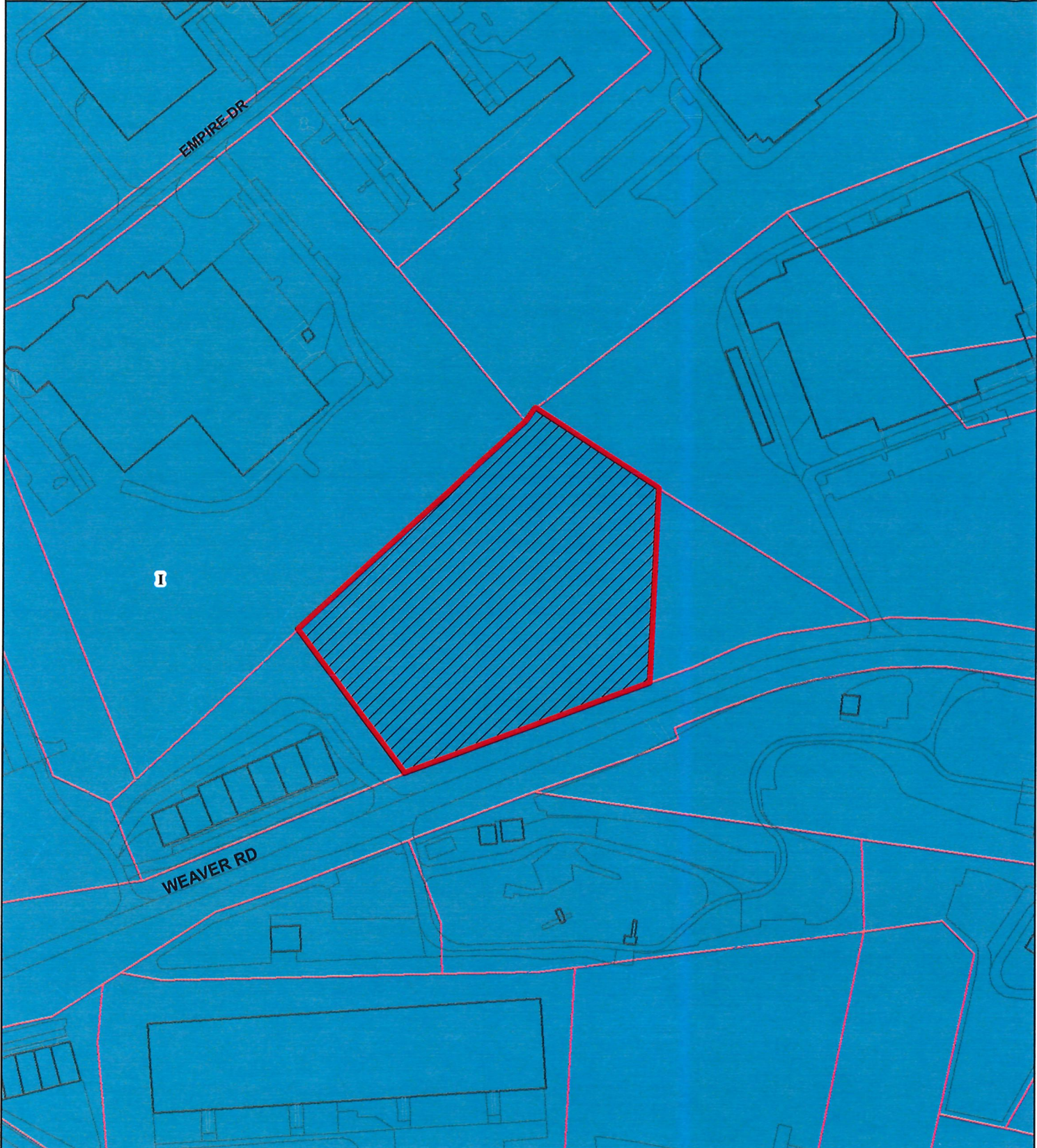


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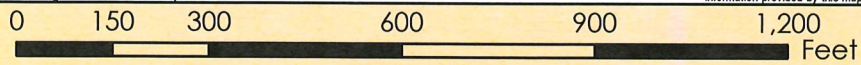
2040 Future Land Use Map

www.boonecountygis.com



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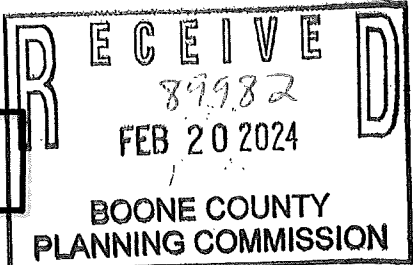


Boone County GIS - Putting Northern Kentucky on the Map

Map Created: xx/xx/2022

State Plane Kentucky North NAD 83 1181
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: 8596532823 Fax Number: _____
Email: dan@rieglerblacktop.com
4. Description of Request:
reduction of the front building setback (I-2 Zone) at 260 weaver Road from 50' to 25' to allow for the construction of temporary topsoil storage bins
5. Name of Development: Riegler Blacktop Fill and Recycling Site
6. Location of Development: 260 Weaver Road
Florence KY 41042
City State Zip Code
7. Acreage Under Review: Less than 1 acre. Total Subject Parcel= 9.49 acres
8. Lot Number and Name of Subdivision (if part of a subdivision:
n/a
9. Current Owner: Riegler Holdings, LLC
Address: 165 Weaver Road
Florence KY 41042
City State Zip Code
Phone Number: 859.653.2823 Fax Number: _____
Email: dan@rieglerblacktop.com

10. Proposed Use(s) on Site: Fill site / material recycling center (current use)
11. Total Square Footage of Existing and/or Proposed Buildings: 4,050 proposed
12. Current Zoning: Industrial Two (I-2)
13. 1042 1102 888 348 2049A
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.

Property Owner's Signature:  Manning Menden

Applicant's Signature: 

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

1. Date Received: 2/20/24 Fee Received: \$900 Receipt #: 2/20/24

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@boonecountyky.org
www.boonecountyky.org



SINCE 1954

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

February 20, 2024

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

RE: Variance Request for 343 Weaver Road

Dear Michael,

Please find the attached Board of Adjustment application for a dimensional variance associated with our property located at 260 Weaver Road in unincorporated Boone County, KY. Due to the recent growth of business and associated topsoil recycling operations, we are proposing to re-locate the existing storage bin located at our main campus across the street at 165 Weaver Road to the subject parcel and construct a second adjoining bin at this same location per the attached site plan.

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 25'. We make this request because we find it necessary to place these bins as close as possible to the right-of-way of Weaver Road to maintain safe heavy equipment traffic patterns at this site. Please note that this request is consistent with the previously approved variances associated with our neighboring properties along Weaver Road.

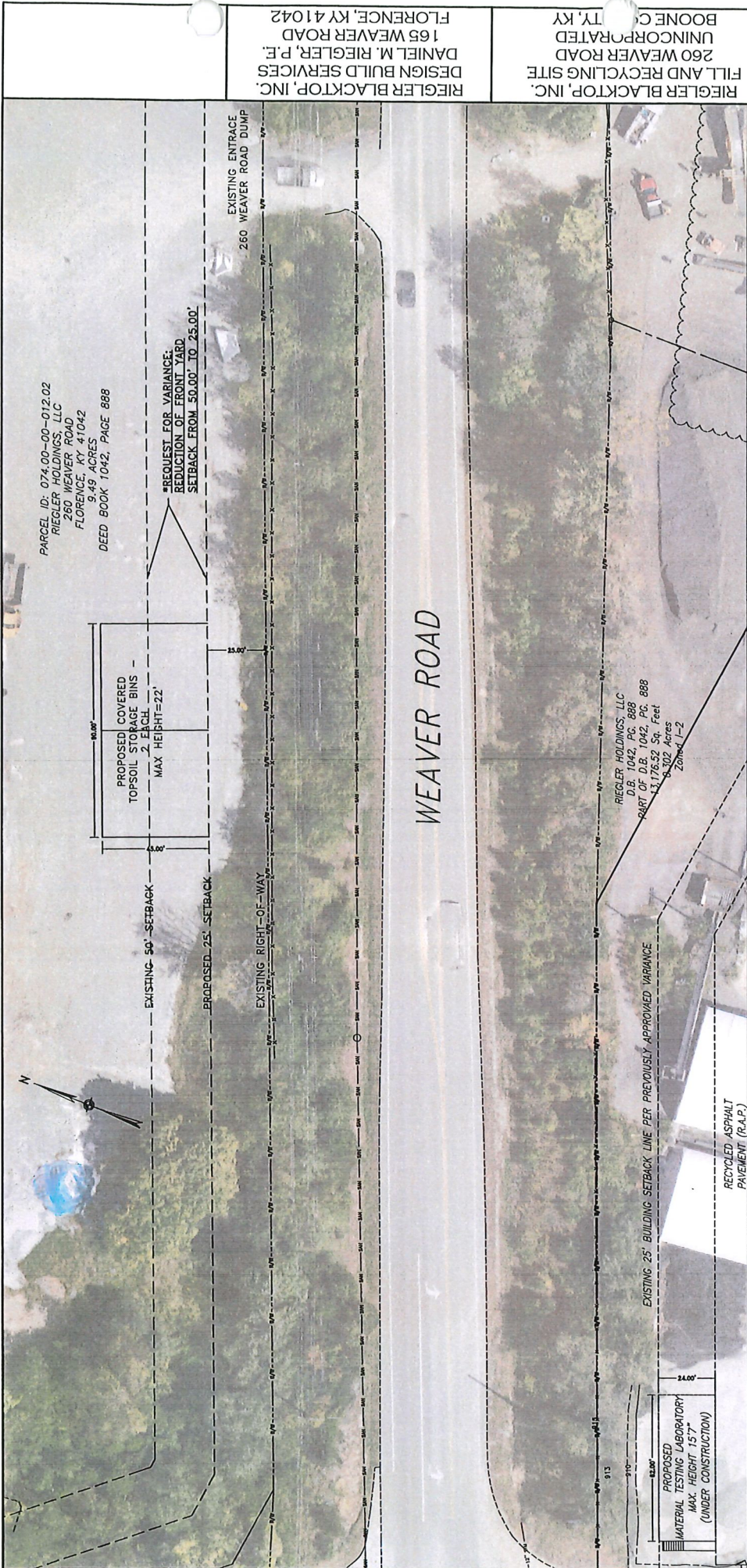
The following is a list of adjoining properties. I have also included an separately enclosed map of their locations for your reference:

- | | | |
|---|---|--|
| #1 Rieger Investments, LLC
165 Weaver Road
Florence, KY 41042 | #2 Riegler Holdings, LLC
165 Weaver Road
Florence, KY 41042 | #3 Riegler Holdings, LLC
165 Weaver Road
Florence, KY 41042 |
| #4 Mubea Real Estate inc.
6800 Industrial Road
Florence, KY 41042 | #5 Curtin Matheson Scientific Inc.
300 Industry Drive
Pittsburg, PA 15275 | #6 Trellis Loop Florence, LLC
345 High Street
Hamilton, OH 45011 |
| #7 Arendell Partnership, LLC
330 Weaver Road
Florence, KY 41042 | #8 KOI Rental, LLC
353 Weaver Road
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,

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'

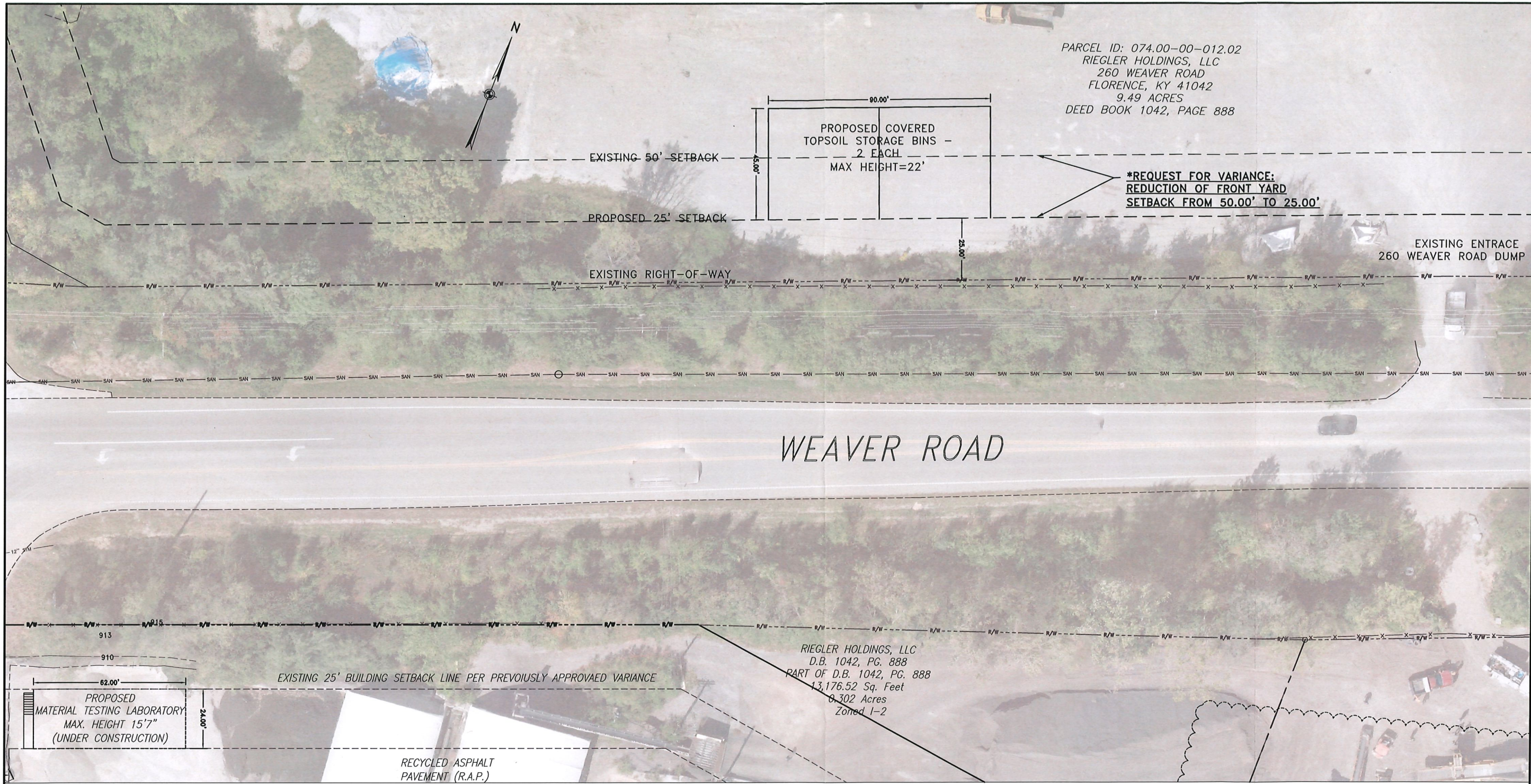


NOTE: BOUNDARY INFORMATION SHOWN IS BASED UPON EXISTING
INFORMATION PROVIDED BY OTHERS AND DOES NOT REPRESENT AN
ACTUAL BOUNDARY SURVEY BY RIEGLER BLACKTOP, INC.

RIEGLER BLACKTOP, INC.
260 WEAVER ROAD
UNINCORPORATED
BOONE COUNTY, KY

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

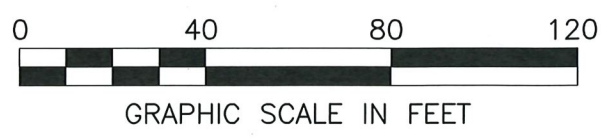
DATE: 2/20/24
DESIGNED BY: DMR
CHECKED BY: M.B.S.
PROJECT NO.: N/A
REQUEST FOR VARIANCE
SHEET NO.



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

RIEGLER BLACKTOP, INC.
 FILL AND RECYCLING SITE
 260 WEAVER ROAD
 UNINCORPORATED
 BOONE COUNTY, KY

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'



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

DATE: 2/20/24
 DESIGNED BY: DMR
 CHECKED BY: MLR
 N/A
 PROJECT NO.

REQUEST FOR VARIANCE

SHEET NO.
 C1

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Riegler Holdings, LLC
165 Weaver Rd
Florence, KY 41042
2. ADDRESS OF PROPERTY
260 Weaver Rd
Florence, KY 41042
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Riegler Blacktop Recycling Site
4. DEED BOOK 1042 PAGE NO. 888 GROUP NO. 2049A
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)
- X 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 14th day of March, 2024.

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.)