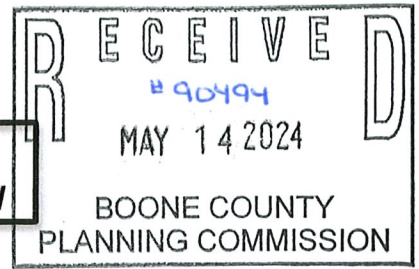


Fee:
\$650 flat fee x 2 +
\$250 legal ad + \$66 CLUR
= \$1,616.00
made payable
to Boone County Planning
Commission

**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: Michelle Bollman - Viox & Viox, Inc.
Address: 466 Erlanger Road
Erlanger KY 41018
City State Zip Code
Phone Number: 859-727-4500 Fax Number: n/a
Email: mbollman@vioxinc.com
4. Description of Request:
Request to reduce the side setback to 4' (from 10') and rear setback to 25' (from 30') for a proposed building addition.
5. Name of Development: n/a
6. Location of Development: 1620 Distribution Drive
Burlington KY 41005
City State Zip Code
7. Acreage Under Review: 1.41 acres
8. Lot Number and Name of Subdivision (if part of a subdivision):
Lot 19 Lubrecht Resub - Commerce Park West
9. Current Owner: Triple R Enterprises LLC
Address: 9561 East Bend Road
Burlington KY 41005
City State Zip Code
Phone Number: 859-466-3889 Fax Number: n/a
Email: patrick@rectorexavating.com

10. Proposed Use(s) on Site: Construction Office
11. Total Square Footage of Existing and/or Proposed Buildings: Existing - 4,020 sf
Proposed Addition - 5,950 sf
12. Current Zoning: I-1
13. 1161 816 2026
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: Patrick Rector

Applicant's Signature: Michael B...

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

1. Date Received: 5/14/2024 Fee Received: \$ 1616.00 Receipt #: 90494

2. Is application complete: _____

3. Staff Reviewer: M. Schwartz

4. Scheduled Board Action Date: 6/12/2024

5. Board Action: 6/12/2024

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

#1

APPLICANT: Viox and Viox, Inc., per Michelle Bollman, on behalf of Triple R Enterprises, LLC,
per Patrick Rector

LOCATION: 1620 Distribution, Boone County, Kentucky

ZONING: Industrial One (I-1)

DATE: June 12, 2024

PROPOSAL

- A. The applicant is requesting two Variances to allow for a building addition:
1. Reducing the side yard setback from ten (10) feet to four (4) feet.
 2. Reducing the rear Yard setback from thirty (30) feet to twenty-five (25) feet.

SITE HISTORY

- 1974 On October 11, 1974, the Final Plat for Lubrecht Industrial Park was approved, creating the lot in question.
- 1974-1981 Based on information contained in the Boone County GIS, the site was developed.
- 1988 The Boone County Planning Commission approved a Site Plan.

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 1102.A of the Boone County Zoning Regulations states that the Industrial One district is to allow different types of small to large scale light manufacturing, warehouse, distribution and related service uses, which require direct accessibility to a regional transportation system. Manufacturing operations in this district will generally not utilize unrefined raw materials, whose processing may potentially create undesirable noise, odors, dust, smoke, hazardous materials or waste or be delivered in large bulk transportation forms. Such districts are located in areas which provide employment opportunities for community and regional labor markets. Districts will be located on suitable lands accessible from expressways and/or arterials. In addition, this zoning district allows for integrated office campus and/or industrial/warehouse developments with a business park setting, characterized by landscaped entrances, boulevard streets, large amounts of green space and low building coverage ratio, multi-level buildings, constant architectural and signage theme, parking structures, and integrated pedestrian and recreation facilities. This district is also to provide for appropriate public facilities and/or services to the permitted uses identified in the district. This zoning classification can range from a compact, multi-level office development on several acres to an extensive mixed office/warehouse/distribution development that is located on many acres. This zoning classification often includes some limited commercial wholesale and retail uses intended to serve the district and constructed to blend in visually with the character of the area.
- E. Section 3111 of the Boone County Zoning Regulations requires a minimum side yard setback of ten (10) feet and a minimum rear yard setback of thirty (30) feet within the I-1 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. Industries shall be promoted in suitable locations to make the county a vital part of a strong regional economy (Economy Goal A, Objective 2).
 5. 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).
 6. Local agriculture, business products, and services shall be encouraged and supported (Economy Goal A, Objective 4).
 7. 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).
- C. Distribution Drive is a county maintained subcollector street providing for two way traffic within an approximate 24 foot wide pavement width. There are no sidewalks along the roadway.

SURROUNDING LAND USES AND ZONING

North:	Undeveloped land (to be developed by KOI Superior walls (I-1)
South:	Industrial uses (I-1)
East:	Industrial uses (I-1)
West:	Industrial uses (I-1)

SITE CHARACTERISTICS

- A. The approximate 1.4 acre property is located along the north side of Distribution Drive, approximately six hundred fifty (650) feet east of Limaburg Road.
- B. The site has approximately three hundred four (304) feet of frontage along Distribution Drive.
- C. The site is currently occupied by an industrial building and a fenced storage yard.
- D. Access to the site is from two (2) curb cuts onto Distribution Drive.
- E. The site is relatively flat.
- F. The site is within the 55 day/night noise level of the airport.

STAFF COMMENTS

- A. The existing building has been built with a four (4) foot side yard setback.
- B. The site has been developed with no perimeter buffer yards.
- C. The Board of Adjustment has approved the following requests within the vicinity of the site in question:
 - 1. On July 11, 1984, the Board approved a variance reducing the front yard setback from fifty (50) feet to ten (10) feet for property located at 1663 Production Drive (BCBOA-711841).
 - 2. On January 3, 2001, the Board approved a variance reducing the front yard setback from fifty (50) feet to forty-five (45) feet for property located at 1534 Production Drive (BCBOA-01-006).
 - 3. On February 14, 2007, the Board approved variances: (1) to reduce the corner side yard setback from twenty-five (25) feet to ten (10) feet; and (2) to reduce the rear yard setback from thirty (30) feet to fifteen (15) feet, for property located at 1575 Production Drive (BCBOA-07-001).
 - 4. On April 9, 2008, the Board approved a variance reducing the front yard setback from fifty (50) feet to forty-two (42) feet for property located at 1574 Production Drive (BCBOA-08-007).
 - 5. On August 11, 2021, the Board approved variances for a building addition: (1) reducing the front yard setback from fifty (50) feet to twenty (20) feet; and (2) reducing the rear yard setback from thirty (30) feet to twenty (20) feet for property located at 1575 Production Drive (BCBOA-21-027).

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

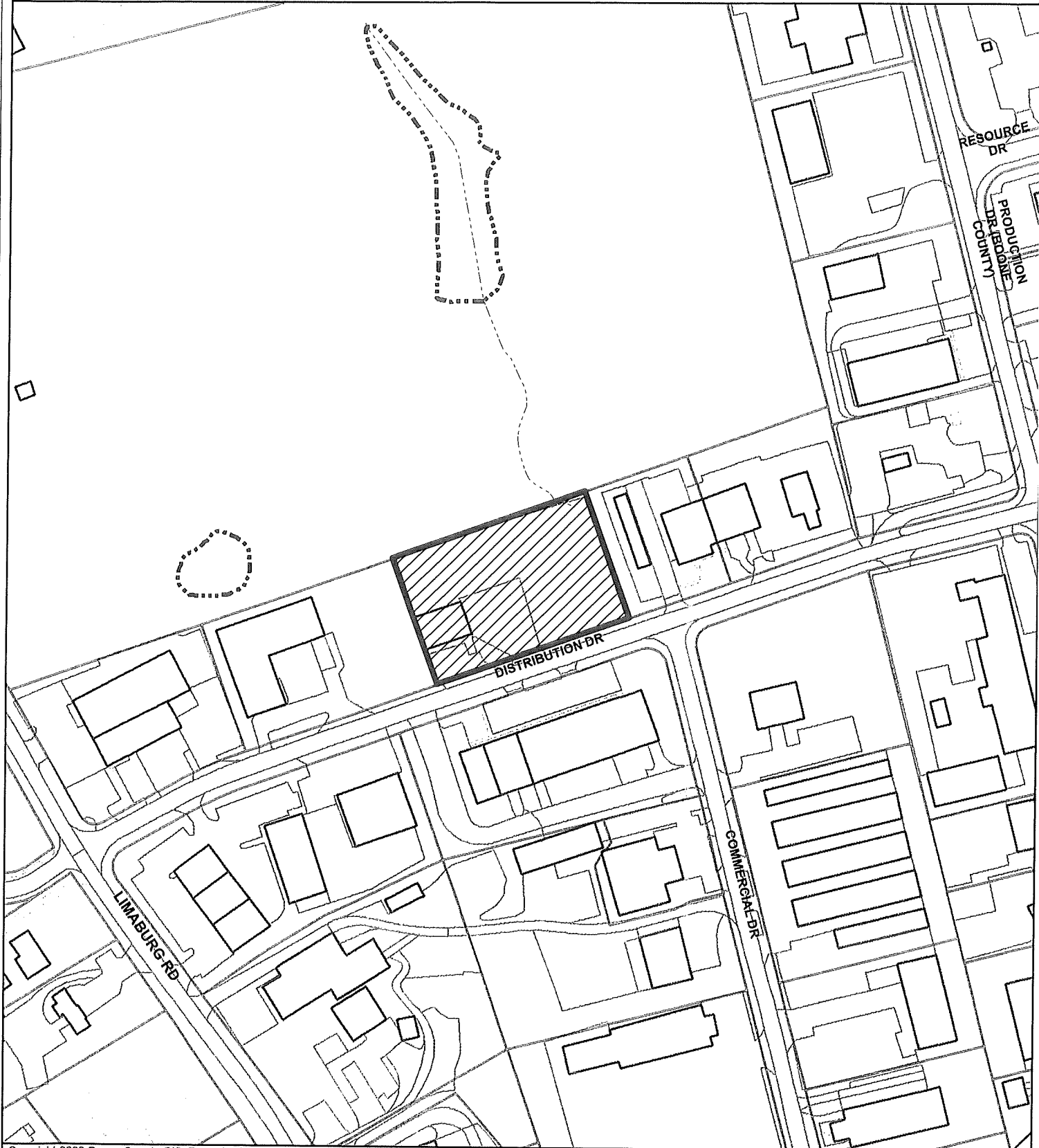
MDS/ss

Attachments

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

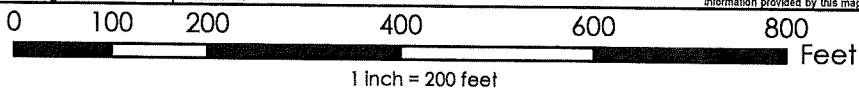
Vicinity Map

www.boonecountygis.com



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Boone



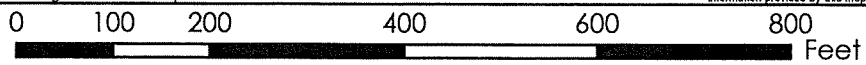
Aerial Map

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1 inch = 200 feet



Boone County GIS - Putting Northern Kentucky on the Map

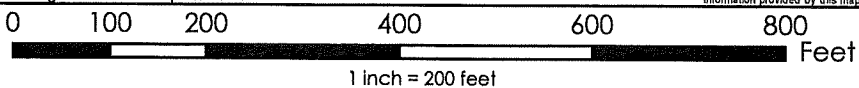
Topographic Map

www.boonecountygis.com



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Map Created: xx/xx/2022

Photo Plan: 12 Edited by Scott 04/23/19
ArcMap Document: *.mxd

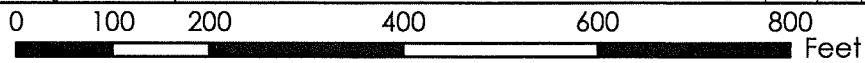
Zoning Map

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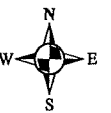
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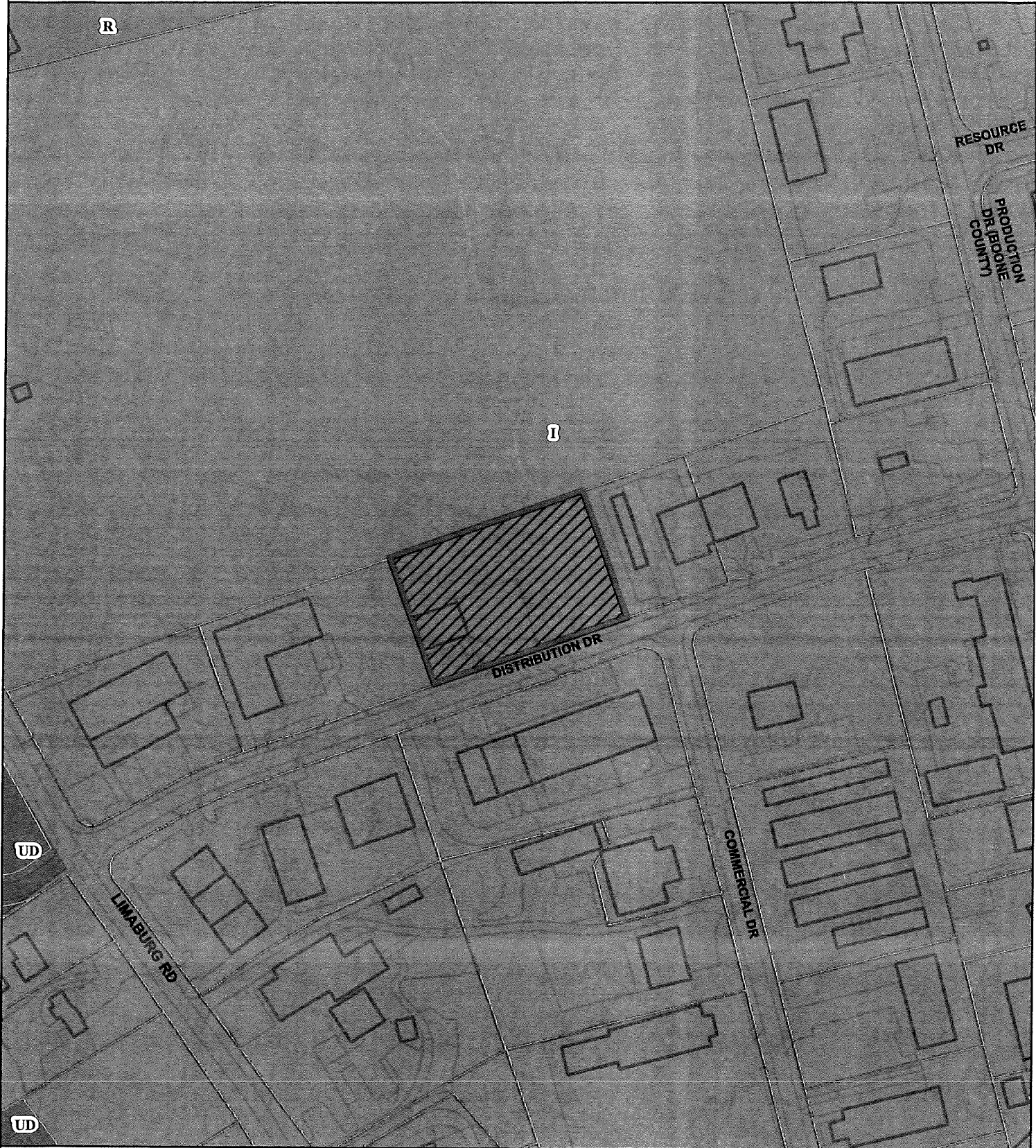


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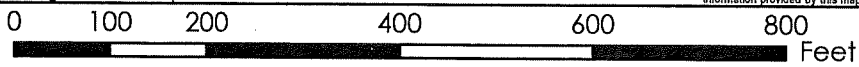
2040 Future Land Use Map

www.boonecountygis.com



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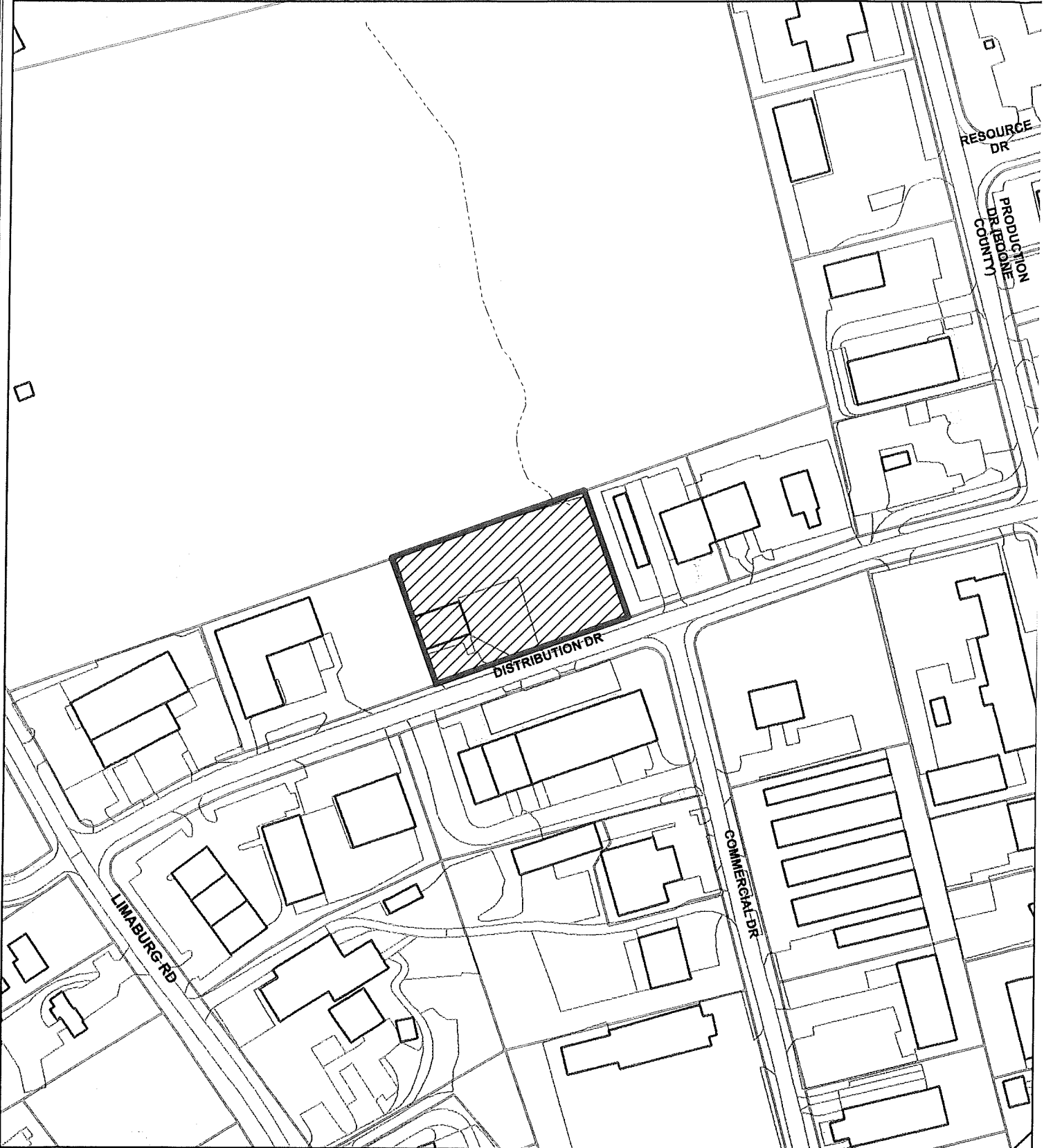
Boone County GIS - Putting Northern Kentucky on the Map

Map Created: xx/xx/2022

Map File: E:\GIS\Map\2040_Future_Land_Use_Map.aprx
ArcMap Document: *.mxd

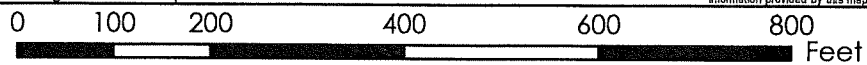
Noise Contour Map

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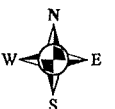


1 inch = 200 feet



Map Created: xx/xx/2022

Boone County GIS - Putting Northern Kentucky on the Map



With Thanks to Esri and BOONE COUNTY GIS
ArcMap Document: *.mxd

CERTIFICATE OF LAND USE RESTRICTION

- 1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Triple R Enterprises LLC
9561 East Bend Rd
Burlington, KY 41005

- 2. ADDRESS OF PROPERTY
1620 Distribution Dr
Burlington, KY 41005

- 3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Rector Excavating

- 4. DEED BOOK 1161 PAGE NO. 816 GROUP NO. 2026

- 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 12th day of June, 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.)