APPLICATION FOR ZONING ACTION

TO:

- [ ] Boone County Planning Commission
- [ ] City of Florence Board of Adjustment
- [XX] Boone County Board of Adjustment
- [ ] City of Union Board of Adjustment
- [ ] City of Walton Board of Adjustment
- [ ] Zoning Enforcement Officer

FOR:

- [ ] Zoning Text Amendment
- [ ] Comprehensive Plan Change
- [ ] Preliminary Plat Review
- [ ] Conditional Use Permit
- [ ] Concept Development Plan Change
- [ ] Preliminary Development Plan
- [ ] Change of Non-Conforming Use
- [ ] Design Review Board and Certificate of Appropriateness
- [ ] Zoning Map Amendment
- [ ] Planned Development Overlay Change
- [ ] Improvement Plat Review
- [ ] Final or Deed Plat Review
- [ ] Site Plan Review
- [ ] Historic District Overlay
- [XX] Appeal or Variance
- [ ] Sign or Zoning Permit

- -

Applicant: WILLIAM C. HUB, P.S.C. - ARCHITECTS SUE WILKINS

- [ ] Owner
- [XX] Agent

Address: 542 GREENUP STREET

COVINGTON, KY 41011 Telephone: (606) 491-3844

Location: BOONE COUNTY 8010 Dixie Hwy ~~Flor.~~

Name of Property Owner: GEO. W. HILL & CO., INC.

Address of Property Owner: 8010 DIXIE HIGHWAY FLORENCE, KENTUCKY 41042

Zoning District: I-2 Area in Acres: 3.877

Deed Book: 173 Page Number: 241 Group Number:

Description of Request: 100 foot yard setback changed to 75 foot setback

Applicant's Signature: [signature]

Property Owner's Signature: [signature]

- -

FOR PLANNING COMMISSION USE ONLY

Application Fee: 175.00 Date Received: 7-23-87 By: [signature]

Referred To: Tom Breidenstein Meeting Date:

Action Taken: Date of Action:

STAFF REPORT

APPLICANT: Corporex Properties, Inc.

LOCATION: South side of Industrial Road between the fire station and Permalite

ZONE: Industrial One (I-1)

DATE: September 10, 1986

REMARKS:

The applicant is requesting a rear setback Variance of 15 feet in order to build a warehousing/distribution line. In the Industrial One zoning district, a minimum rear yard of 30 feet is required.

The following reviews the four standards which the Board must find before granting a Variance:

1) The requested variance arises from the special circumstance of the Southern Railroad spur which services the area. There are only a limited number of industries in the general vicinity which can be serviced by the railroad.
2) The strict application of the zoning regulations would create an unnecessary hardship on the applicant. Future tenants of the building are expected to need access to the rail for the movement of goods. A thirty foot setback would make it difficult for the exchange of material from rail cars to the building.
3) The special circumstance of railroad spur location is not the result of the actions of the applicant.
4) If granted, the Variance would not adversely affect the public health, safety and welfare, would not alter the essential character of the general vicinity and would not cause a hazard or nuisance to the public.

The Board should also consider the enclosed letter from the Superintendent of the Southern Railway System. As the property owner most affected by the proposed location of the structure, the railway supports the granting of the Variance. It is in their best interest to have the warehouse/distribution facility as close as possible to increase the number of potential rail users.

Should the Board decide to grant this Variance request, staff recommends no conditions.

Respectfully Submitted,

Thomas W Breidenstein

Thomas W. Breidenstein
Zoning Enforcement Officer

TWB/jdh

find appropriate. A variance shall not be granted unless the Board makes specific findings of fact based directly on the particular evidence presented to it in accordance with KRS 100.243. All of the following must be found:

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 regulation would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant;

3. Such special circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation; and

4. Reasons that the variance will not adversely affect the public health, safety and welfare, and will not alter the essential character of the general vicinity, and will not cause a hazard or a nuisance to the public.

– Check w/KTC on future improvements to this section of OS 25

Section 245

Supplementary Conditions and Safeguards

Under no circumstances shall the Board of Zoning Appeals grant an appeal or variance to allow a use not permissible under the terms of this order in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district, or to alter density requirements in the district. In granting any appeal or variance, the Board of Adjustment and Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this order. Violation of such conditions and safeguards, when made a part of the terms under which the appeal or variance is granted, shall be deemed a violation of this order and punishable under Section 450 of this ordinance.

Section 246

Notice of Hearing in Newspaper

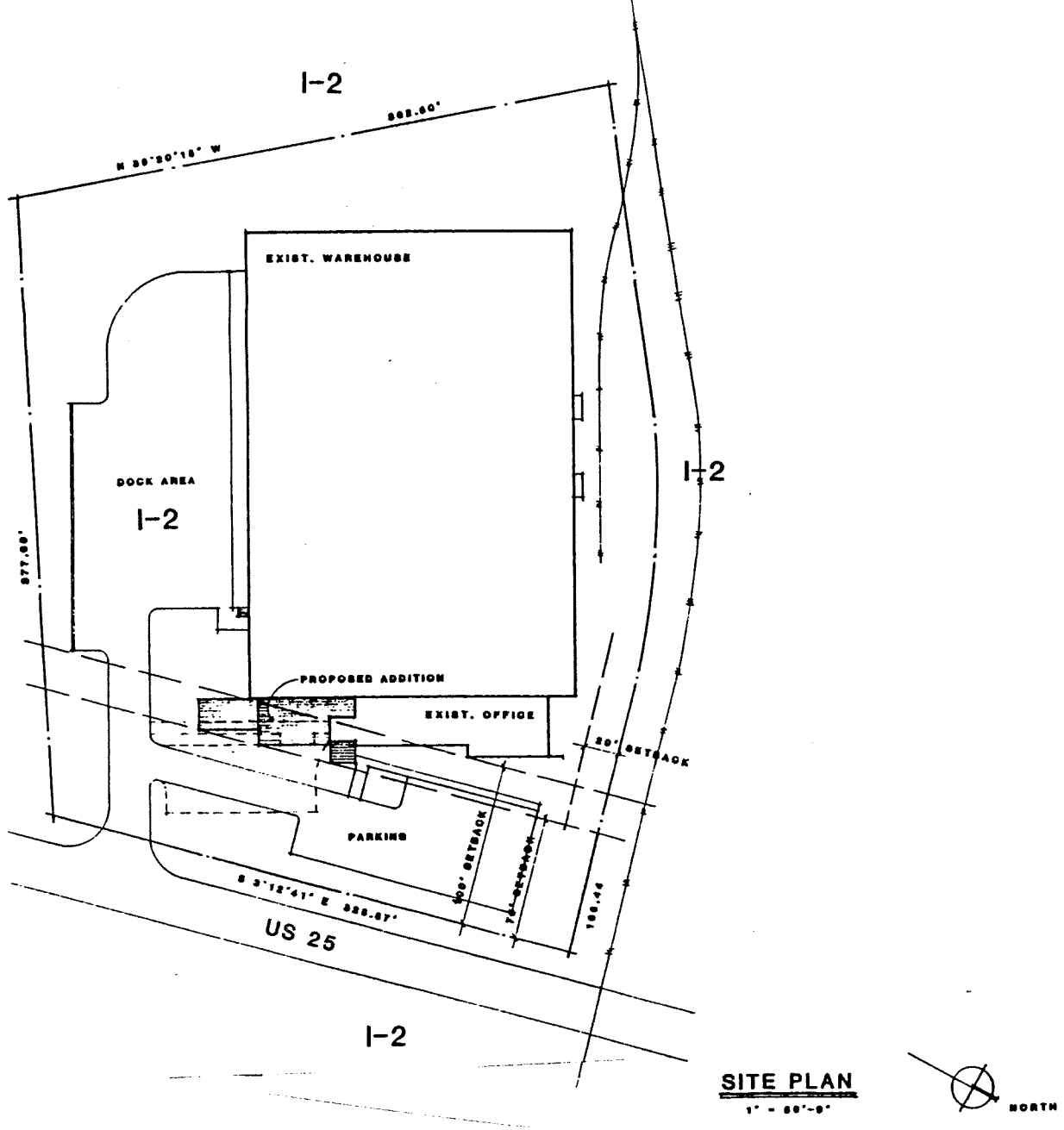
Notice of the time, place and purpose of a hearing of a notice of appeal or application for variance shall be published in a newspaper of general circulation at least seven (7) days, but not more than twenty-one (21) days before the date of the hearing.

Also all adjoining property owners shall be notified of the public hearing at least two weeks in advance. The applicant shall be responsible for supplying the names and addresses of all adjoining property owners and shall pay costs of notification.

Section 247

Action by Board of Adjustment and Zoning Appeals

The Board of Adjustment and Zoning Appeals shall hear and decide upon the notice of appeal or application for variance within sixty (60) days of filing. The Board of Adjustment and Zoning Appeals shall either approve, approve with supplementary conditions as specified in Section 245, or disapprove the request for appeal or variance. The Board shall further make a finding that the reasons set forth in an application justify the granting of the variance that will make possible a reasonable use of the land, building, or structure. If the request is disapproved, the board shall state the reasons for disapproval in writing. Appeals from Board decisions shall be made in the manner specified in Section 230.



SITE PLAN

1" = 50'-0"

PROPOSED ADDITION TO

GEORGE W. HILL & CO., INC.

8010 DIXIE HWY. BOONE COUNTY, KENTUCKY

william c. hub, p.s.c.
architects

542 greenup st. covington, ky.

revisions:

date: 7/25/87

1

B106-041

BOONE COUNTY
BOARD OF ADJUSTMENT

August 12, 1987 - 6:30 P.M.

Chairman Whitton called the meeting to order.

BOARD MEMBERS PRESENT:

Mr. I. A. Archambault
Mr. Dan Houston
Mr. Fred Nevel
Mr. Walt Ryan
Mr. George Whitton, Chairman

BOARD MEMBERS NOT PRESENT:

None

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Chairman Whitton stated that each member had received a copy of the Minutes of the Boone County Board of Adjustment Meeting of July 8, 1987 and asked if there were any comments or corrections.

There being no discussion, Mr. Ryan moved, seconded by Mr. Archambault, that the Minutes be approved as written. The motion carried unanimously.

AGENDA ITEMS:

2. A request of William C. Hub, P.S.C., Architects, for a Variance of 25 feet in the 100-foot minimum front yard setback required in the I-2 Zone. The purpose of the request is to permit construction of additional office space for an existing warehouse and office facility. The 3.877-acre site is located on the west side of U.S. Hwy. 25, immediately south of the Norfolk Southern Railway spur which serves the Northern Kentucky Industrial Park.

Staff Member, Jim Sturdevant, presented the Staff Report which included a slide presentation (see Staff Report).

Chairman Whitton asked the applicant for his comments at this time.

Mr. William C. Hub, P.S.C., Architects, addressed the four standards which must be considered by the Board regarding this request, as noted in the Staff Report. He stated that they are talking about an existing building, constructed prior to the current zoning requirements. The original building did not comply with the 100-foot setback requirements. He stated that this request represents a logical growth of the existing business, noting two previous expansions, including expansion of the warehouse in 1977 and the addition of office space in 1982. He stated that it is necessary to have additional office space that is contiguous to the existing office space. Mr. Hub commented on the adjacent land uses and stated that their plan involves expansion into the lot next door, which contains a major drainage swale. He added that a hardship is created if they are not permitted to expand their business. He added that this would be the third addition to a growing business and would be a temporary solution until a fourth expansion some time in the future. He noted that in the corner of the site, adjacent to the railroad tracks, there is an area that could be used for this expansion; however, it is necessary that this addition be in relation to the existing office.

In response to a question from Mr. Ryan, Mr. Hill (owner of George W. Hill & Company, Inc.) stated that the majority of the area they are discussing to be used for the expansion is currently sidewalks and parking lot area.

Mr. Hub added that due to the railroad tracks on one side of the building and future expansion on the other side, they are limited to expansion in the front.

Mr. Archambault referred to the last sentence of Item #4 in the Staff Report, which states ". . . the proposed decrease in front yard setback may, in the long term future, affect the room necessary for possible improvements to U.S. Hwy. 25.", and asked the applicant for his comments.

Mr. Hub noted that the Staff's slide presentation clearly indicated that there will be an infringement on the front yard, but nothing to prevent the highway from going through.

Mr. Hill stated that they have gotten verbal approval from the Northern Kentucky Planning Area to go ahead. He noted that Levi Strauss is located within 65 feet of the highway.

Chairman Whitton asked if there was anyone present who wished to speak in opposition to this request. There was no one present in opposition.

There being no further discussion, Mr. Ryan moved that the request be granted. Mr. Nevel seconded the motion and it carried unanimously.

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   Staff Member, Kevin Costello presented the Staff Report (see Staff Report).

   Chairman Whitton asked if there were any comments or questions regarding this request, or if there was anyone present in opposition to the request. There was no further discussion.

   Mr. Nevel moved that the request be granted. Mr. Houston seconded the motion and it carried unanimously.

3. A request of Helen M. Bilyea for a Variance of 50 feet in order to create a lot with 100 feet of road frontage instead of 150 feet normally required in the Industrial One Zoning district. The 17.06-acre site is located at 1770 Elijah Creek Road, Hebron, and owned by Helen M. Bilyea.

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Counselor Wilson clarified that the request is to reduce the amount of road frontage required in the zone, it is not a request to permit a lot less than the required minimum lot size.

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There being no further discussion, Mr. Ryan moved, seconded by Mr. Nevel, that the request be granted. The motion carried unanimously.

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Chairman Whitton asked if there was anyone present who wished to speak in behalf of this request.

Mr. Jay Bayer of Bayer-Becker Engineers, representing the owner, stated that he had no comments to add to the submitted letter at this time.

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There being no further discussion, Mr. Houston moved that the request be granted. Mr. Ryan seconded the motion and it carried unanimously.

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Counselor Wilson advised that the motion is to approve the new non-conforming use as a substitute for the prior non-conforming use.

Chairman Whitton stated that the Board considers this to be a change and the motion is to grant the change.

Mr. Ryan seconded the motion and it carried unanimously.

There being no further business to come before the Board, Mr. Nevel moved, seconded by Mr. Archambault, that the meeting be adjourned. The meeting was adjourned by unanimous consent at 7:40 P.M..

APPROVED:

George D. Whitton, Chairman

ATTEST:

Jan Hancock, Recording Secretary

BOONE COUNTY
BOARD OF ADJUSTMENT

August 12, 1987 - 6:30 P.M.

Chairman Whitton called the meeting to order.

BOARD MEMBERS PRESENT:

Mr. I. A. Archambault
Mr. Dan Houston
Mr. Fred Nevel
Mr. Walt Ryan
Mr. George Whitton, Chairman

BOARD MEMBERS NOT PRESENT:

None

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Chairman Whitton stated that each member had received a copy of the Minutes of the Boone County Board of Adjustment Meeting of July 8, 1987 and asked if there were any comments or corrections.

There being no discussion, Mr. Ryan moved, seconded by Mr. Archambault, that the Minutes be approved as written. The motion carried unanimously.

AGENDA ITEMS:

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APPROVED:

George D. Whitton, Chairman

ATTEST:

Jan Hancock, Recording Secretary