

APPLICATION FOR ZONING ACTION

TO:

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| <input checked="" type="checkbox"/> Boone County Planning Commission | <input type="checkbox"/> City of Union Board of Adjustment |
| <input type="checkbox"/> City of Florence Board of Adjustment | <input type="checkbox"/> City of Walton Board of Adjustment |
| <input type="checkbox"/> Boone County Board of Adjustment | <input type="checkbox"/> Zoning Enforcement Officer |

FOR:

- | | |
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| <input type="checkbox"/> Zoning Text Amendment | <input type="checkbox"/> Zoning Map Amendment |
| <input type="checkbox"/> Comprehensive Plan Change | <input type="checkbox"/> Planned Development Overlay Change |
| <input type="checkbox"/> Preliminary Plat Review | <input type="checkbox"/> Improvement Plat Review |
| <input type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Final or Deed Plat Review |
| <input type="checkbox"/> Concept Development Plan Change | <input type="checkbox"/> Site Plan Review |
| <input type="checkbox"/> Preliminary Development Plan | <input type="checkbox"/> Historic District Overlay |
| <input type="checkbox"/> Change of Non-Conforming Use | <input checked="" type="checkbox"/> Appeal or Variance |
| <input type="checkbox"/> Design Review Board and Certificate of Appropriateness | <input type="checkbox"/> Sign or Zoning Permit |

Applicant: J.A. Doepker Assoc. Inc. Owner
 Agent
 Address: 12 Highland Avenue
Ft. Thomas, Kentucky 41075 Telephone: 606 781-1776

Location: 1670 ~~Production Drive~~ Distribution Dr.

Name of Property Owner: Dallas Trinkle Acramold 525-8811

Address of Property Owner: 1819 Tanner Road, Boone County

Zoning District: I-1 Area in Acres: 1.41

Deed Book: 331 Page Number: 198 Group Number: 1153

Description of Request: Variance for rear yard set back from 30 ft. to 15 ft.

Applicant's Signature: *James A. Doepker*
 Property Owner's Signature: *Dallas Trinkle*

Application Fee: \$181 FOR PLANNING COMMISSION USE ONLY
 Date Received: 1-22-88 By: TWB

Referred To: TWB Meeting Date: 2-10-88

Action Taken: approved Date of Action: 2-10-88

STAFF REPORT

APPLICANT: J.A. Doepker and Associates, Inc.
DEVELOPMENT: Acramold Engineering
LOCATION: 1670 Distribution Drive, Boone County
ZONE: Industrial One (I-1)
DATE: February 10, 1988

REMARKS:

The applicant is requesting a rear yard Variance in order to allow the construction of a 7,200 square foot addition onto an existing 4,500 square foot industrial building. The 1.41 acre site, which is located at 1670 Distribution Drive, is zoned Industrial One (I-1) and is owned by Dallas Trinkle.

When industrial development abuts other industrially zoned property, the Boone County Zoning Regulations requires a 30 foot rear yard. The applicant is requesting a Variance to allow construction up to 15 feet from the rear property line; however, the applicant's site plan shows the proposed addition to be built 17 feet 7 inches from the line. According to the property owner, this additional 2 feet 7 inches was requested to allow for discrepancies in field measurements. The Board should keep in mind that there is a 15 foot utility easement along the north property line. A copy of the record plat showing the location of the easement is attached.

Surrounding Land Use and Zoning

All property surrounding Acramold Engineering is zoned I-1. The uses of these properties include:

North: farmland, pasture, including a farm pond directly behind Acramold (this property is the most effected by proposed construction)
South: Robertson Plumbing, Larry Smith Excavating, Van Creations
East: B & R Pallet manufacturing
West: SRECO Transportation

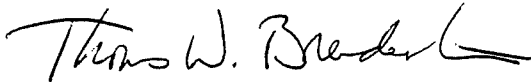
The following reviews the four findings of fact the Board must use in judging Variance requests:

1. The special circumstance which gives rise to the Variance request is the split elevation of the lot. The developed portion of the lot is approximately 7 feet higher than the undeveloped portion.

2. Strict application of the provision of the Zoning Regulations would require that the proposed building addition be constructed on the east side of the existing building. This action would require that the lower level of the lot be developed for parking. Such a requirement may represent a financial or physical hardship to the applicant.
3. The elevations of the lot are not the result of the actions of the applicant.
4. If granted, staff can find no reason why the Variance would adversely effect the health, safety and welfare of the general public or alter the essential character of the area.

Should this Variance be granted, the applicant will be required to submit a site plan to the Boone County Planning Commission for review. During this review, such factors as an increased need for parking, safe truck loading areas, and paving of circulation areas will be considered. At this writing, staff has no conditions of approval to recommend.

Respectfully submitted,



Thomas W. Breidenstein,
Zoning Enforcement Officer

TWB:mcb

Attachment

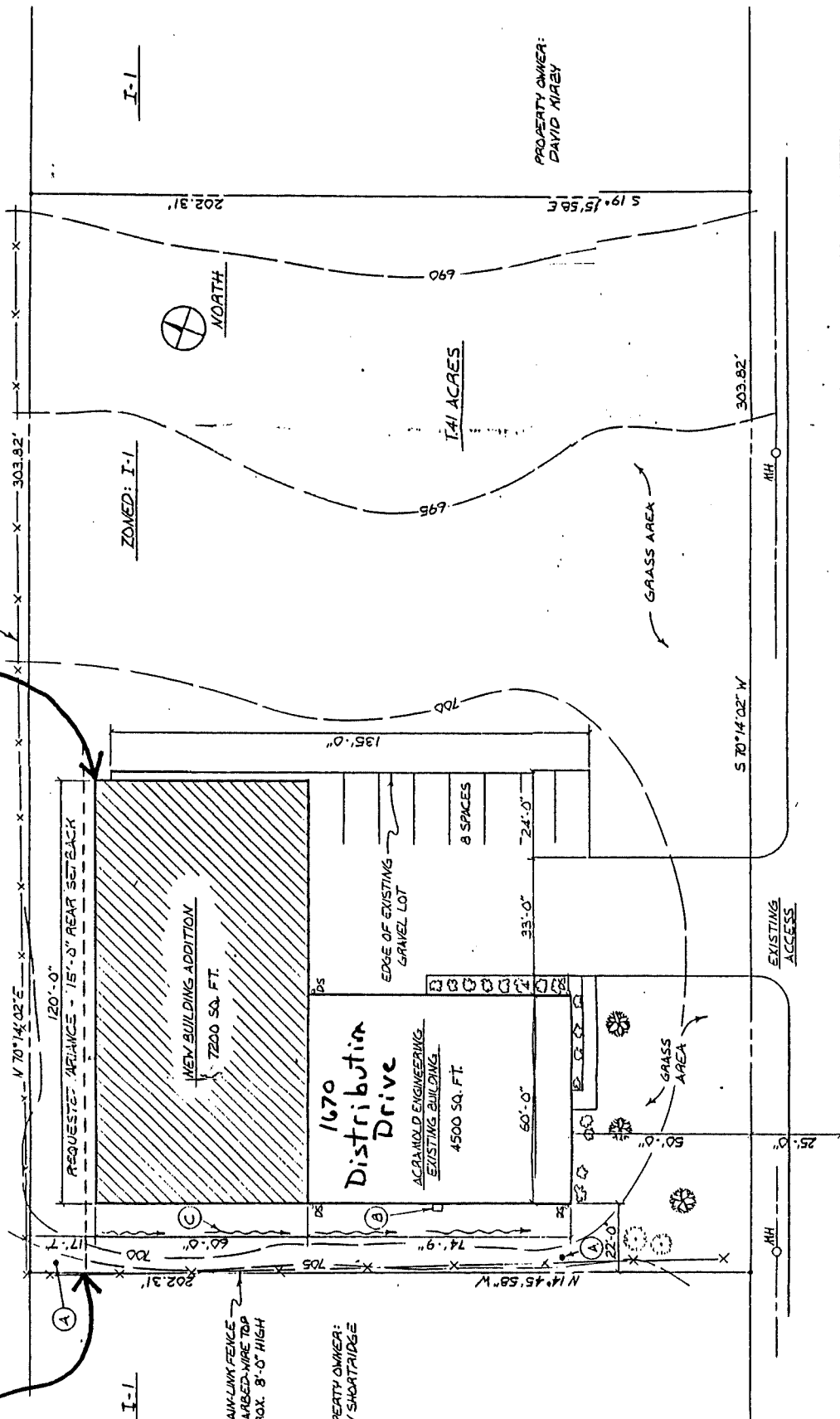
proposed 17'7" building line

requested 15' Variance

PROPERTY OWNER: JEROME JACOBS

BARBED-WIRE FENCE APPROX. 3'-6" HIGH

ZONED: I-1



I-1

ZONED: I-1

I-1

CHAIN-LINK FENCE W/ BARBED-WIRE TOP APPROX. 8'-0" HIGH

PROPERTY OWNER: JOHN SHORTRIDGE

1670 Distribution Drive

ACRAMOLD ENGINEERING EXISTING BUILDING 4500 SQ. FT.

NORTH

1.41 ACRES

PROPERTY OWNER: DAVID MIREY

GRASS AREA

GRASS AREA

EXISTING ACCESS

DISTRIBUTION DRIVE

PROPERTY OWNER: JOHN ROBERTSON PLUMBING

SITE PLAN SCALE: 1" = 20'

rear yard Variance 2-10-88 J. A. Doepker (agent for Agramold)

PLAT BOOK GROUP #1153
 BRK REF. #2026 #922
 CERTIFICATION OF THE APPROVAL OF
 WATER AND SEWERAGE SYSTEMS

I hereby certify that the water supply and sewer disposal utility systems installed, or proposed for installation in the subdivision plat entitled "Lubrecht Industrial Park fully meet the requirements of the Kentucky State Health Department, and are hereby approved as shown.

Date: Oct. 19, 1974
 Planning & Survey Co., Inc.
 County Health Officer

My commission expires August 14, 1977

I, the undersigned, hereby certify that the plat shown herewith is a true and correct copy of the original as shown to me on the day of October 19, 1974, produced to me in said county and acknowledged before me by the person named therein, and that the same is given under my hand this 19th day of October, 1974.

Richard R. Albright
 My commission expires August 14, 1977

CERTIFICATE OF APPROVAL

I hereby certify the plat shown herewith conforms to the Subdivision Regulations of Boone County, Kentucky, in all respects, and that the same is given under my hand this 19th day of October, 1974, produced to me in said county and acknowledged before me by the person named therein, and that the same is given under my hand this 19th day of October, 1974.

Richard R. Albright
 My commission expires August 14, 1977

ACKNOWLEDGEMENT

I, Jerry Rouse, Clerk of Boone County Court hereby certify that this plat was presented to me in my office where upon said plat was made a part of the records of my office this 19th day of October, 1974 at 1:33 P.M.

Jerry Rouse
 Clerk of Court

CERTIFICATION OF APPROVAL OF THE SUBDIVISION STREETS AND UTILITIES

I hereby certify that street utilities and other improvements have been installed in an approved manner in the subdivision entitled "Lubrecht Industrial Park" in the amount of \$19,000.00, has been paid to the Boone County Planning Commission to assure completion of all required improvements in case of default.

Date: 10-19-74
 Planning & Survey Co., Inc.
 Officer of Boone County Planning Commission

OWNER & DEVELOPER
 C.I.S. Construction Co., Inc.
 1225 Limeburg Road
 Burlington, Ky. 41008

ENGINEER
 CARDINAL ENGINEERING CORP
 1450 DUKE HIGHWAY
 COVINGTON, KY. 41011

STATE OF KENTUCKY
 F.L. ROTHFUSS
 6758
 PROFESSIONAL LAND SURVEYOR

STATE OF KENTUCKY
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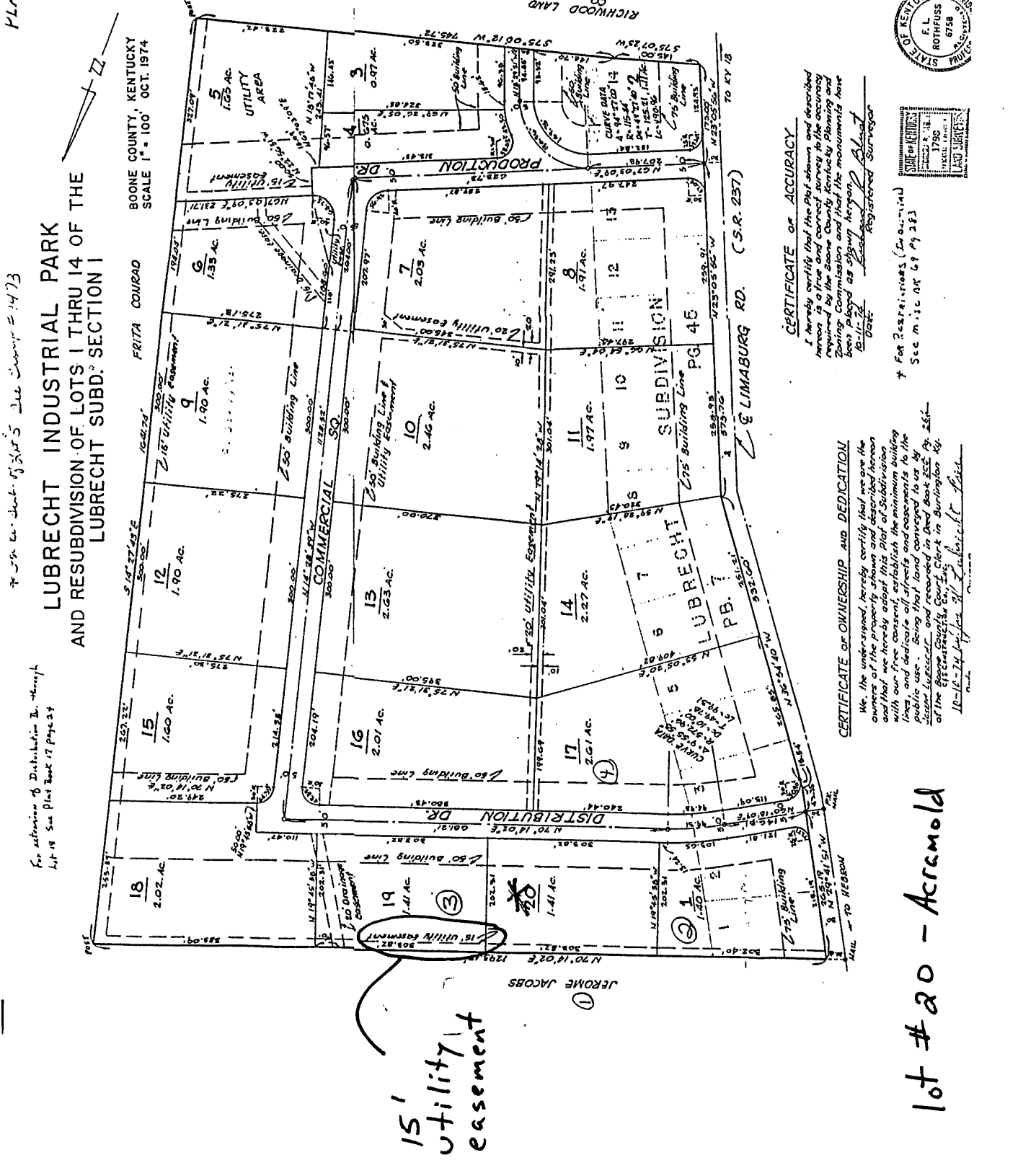
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For reference to Distribution B. Hermit
 July 18 See Plat Book 17 Page 24

10-16-74 before the Subdivision Plat

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lot # 20 - Accrarnold

CERTIFICATE OF OWNERSHIP AND DEDICATION

We the undersigned hereby certify that we are the owners of the property shown and described hereon and that we hereby adopt this Plat of Subdivision with our free consent, establish the minimum building lines, and dedicate all streets and easements to the public use. Being that land conveyed to us by James H. Jacobs and recorded in Deed Book 622, Pg. 46 of the Boone County Court, Clerk in Burlington, Ky.

10-16-74 before the Subdivision Plat

CERTIFICATE OF ACCURACY

I hereby certify that the plat shown and described hereon is a true and correct copy of the original as shown to me on the day of October 19, 1974, produced to me in said county and acknowledged before me by the person named therein, and that the same is given under my hand this 19th day of October, 1974.

Date: 10-19-74
 Registered Surveyor

For 25¢ per acre (Commercial)
 See me at 6758



BOONE COUNTY
BOARD OF ADJUSTMENT

February 10, 1988 - 6:30 P.M.

BOARD MEMBERS PRESENT:

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

BOARD MEMBERS NOT PRESENT:

Mr. Fred Nevel

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 January 13, 1988 and asked if there were any comments or corrections.

There being no comments or changes, Mr. Ryan moved that the Minutes be approved as written. Mr. Houston seconded the motion and it carried unanimously.

AGENDA ITEMS:

1. The request of Ray Meyer Sign Company, agent for Miller-Valentine Development, Inc., for a Variance in the size of a sign advertising the sale, lease, or rental of property. The 28.78-acre site, which is located off the north side of I-275, east of Mineola Pike and south of Dolwick Drive, is zoned Industrial One (I-1) and is owned by Miller-Valentine Development, Inc.. (Deferred from the January 13 meeting.)

Staff Member, Tom Breidenstein, advised that the applicant has requested deferral of this request until the March, 1988 meeting in order to allow additional time to acquire sign permits from the state.

Chairman Whitton asked if there were any comments or questions.

There being no discussion, Mr. Ryan moved that the request be deferred until the March, 1988 meeting. Mr. Archambault seconded the motion and it carried unanimously.

2. The request of Pilot Oil Corporation for a Variance in the width of the landscaped buffer yard required when a commercial zone abuts a residential zone. The 4.52-acre site is located at the northwest corner of Richwood Road and Dixie Highway. Approximately 3.8 acres of the site is zoned C-3, and contains the truck stop development. The remaining 0.69 acre is zoned RS and contains a single-family residence.

Staff Member, Tom Breidenstein, presented the Staff Report which included a slide presentation. Mr. Breidenstein advised that the Staff Report was prepared by Mr. Jim Sturdevant who was not present. (See Staff Report)

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

Mr. Jerry Dusing, attorney, presented large copies of the Revised Site Plan for the Board members to review. A copy was also submitted for the file. Mr. Dusing indicated the property lines on the Plan and stated that the zoning line came through the corner of the property. Therefore, Pilot Oil Corporation applied for a zone change. The request for the zone change was withdrawn based on objections from the public. He stated that the house next to the site is vacant and is not intended for use as a residence. He stated that the truck stop was constructed in accordance with the approved Site Plan, except as noted in the Staff Report. The building was moved back approximately ten feet further from Richwood Road due to the topography and to improve the entryway for the trucks. Additional landscaping will be provided when the weather permits. The paving contractor cut off the corner of the pavement to allow the trucks to use the first two parking spots. As-Built Drawings were submitted to the Staff and the corner was determined to be a deviation from the approved Plan. Mr. Dusing added that they had been before the Planning Commission last month for Revised Site Plan approval due to the truck scales. The scales are not a structure and the Planning Commission determined that they did not require approval. During the Commission's review of the buffer zone encroachment, he had suggested that Pilot Oil designate 25 feet of their property to be used for the buffer zone. Mr. Dusing stated that Counselor Wilson had determined this was not acceptable as the buffer zone must be on the commercially zoned property. He added that he would agree that the 25-foot space would be used for buffer as a condition of the Variance.

In response to a question from Chairman Whitton, Mr. Dusing added that they had constructed the fence. Chairman Whitton questioned whether the fence could be moved back and the area landscaped.

Counselor Wilson stated that the Zoning Administrator had advised him that the buffer zone must be on the commercially zoned property and the Commission did not have the authority to grant the Variance.

Chairman Whitton asked Mr. Dusing if the applicant would be willing to plant trees on the corner which would be higher than the fence and provide a visual block of the fence. Mr. Dusing stated that they would be willing to do so.

Chairman Whitton asked if there was anyone present in opposition to the request.

Mr. Dennis Davis, 357 Richwood Road, stated that he is a member of the Richwood Action Committee and has talked with the owner of Pilot Oil. The owner advised him that he intended to comply with the rules and regulations of the county and wanted to be a good neighbor. Mr. Davis stated that he had attended six or seven meetings in regard to Pilot Oil and is tired of their requests for changes in approved layouts. He noted that their request for a sign variance was denied. He stated that Pilot Oil knew the adjoining property was zoned residential and exactly where the lines and fences were to go. He stated that Pilot Oil has enhanced their operation by what they have done. Mr. Davis questioned the planning and zoning process and the purpose of the Board of Adjustment. He stated that he was unaware of the meeting regarding the truck scales, which he noted are coin-operated, and not part of the original plans. He stated that Pilot Oil Company does whatever they want to do irregardless of what they are told by the Planning and Zoning Commission. He stated that there is a county ordinance which states that banners and flags must be removed after fourteen days, but they have been on the site since December. He added that Pilot Oil Company is a bad neighbor and is ignoring the rules and regulations.

Mrs. Thelma Castellini, 11303 Dixie Highway, stated that she lives 700 feet south of this site. She stated that Pilot Oil cheated on the buffer zone due to the truck scales and the ten-foot setback of the building. She stated that what is on the Plan should be absolute, noting that the truck scales were added without permission. She stated that the 8' high fence is 50 feet from peoples' doors and there is no buffer on their side. She added that the fence should protect the residents, not enhance the Pilot Oil site. Mrs. Castellini asked if there had been public notice regarding the Revised Site Plan.

Counselor Wilson advised that there is no requirement for public notice for a Revised Site Plan.

Mrs. Betty Huff stated that she lives behind the fence and it is very offensive. She stated that the residents cannot see over the fence, except for the fumes which rise above the fence, and that their rights have been violated.

Counselor Wilson advised that the Board is not being asked to approve the scales.

Chairman Whitton asked if there were any comments or questions from the Board members.

Mr. Ryan stated that he could sympathize with the problems of the residents, but noted that the cutting of the corner did not make those problems worse. Mr. Ryan added that he believed the cutting of the corner would facilitate the moving of the trucks.

Mr. Davis stated that Pilot Oil Company had created its own problems by moving the building. He stated that the adjoining land is for sale and its future use unknown. He stated that the county has an obligation to protect the future buyer.

Chairman Whitton stated that this Board regularly hears these types of requests from both commercial and residential uses. He emphasized the point made by Mr. Ryan that this request does not change the nature of what is on the site and may help to alleviate the truck traffic. He added that a purchaser of the adjoining property will be able to see the situation before purchasing the property.

Mr. Davis stated that the integrity of the Boone County Zoning Commission is at issue. He added that the Fiscal Court intends for the plans to be followed and not changed by this Board at every turn. He stated that Pilot Oil Company should not be on the site, but since they are, they should comply with the County's regulations and the engineering specifications.

Mr. Houston stated that he found Mr. Davis' remarks offensive and added that hearing variances is a function of this Board.

In response to questions from Mr. Archambault, Mr. Davis stated that he wants the fence removed, as well as the blacktop. He added that he wants Pilot Oil Company to comply with the approved Plan.

Mr. Ryan moved that the request be granted subject to the conditions that the buffer zone and the fence be moved back 25 feet from the corner and that landscaping and buffering be provided. Mr. Archambault seconded the motion and it carried unanimously.

Mr. Ryan asked that the Staff investigate the construction of the fence.

Mr. Archambault asked that the Zoning Enforcement Officer investigate the complaint in regard to the flags. Mr. Breidenstein indicated his agreement to do so.

3. The request of James and Jerry Stephens for a Conditional Use Permit to allow the conversion of the old Boone County jail to office uses. The 0.13-acre site, located on the south side of KY 18 east of its intersection with KY 338, is zoned Suburban Residential Two/Small Community Overlay (SR-2/SC) and is owned by James and Jerry Stephens.

Staff Member, Tom Breidenstein, presented the Staff Report which included a slide presentation (see Staff Report).

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

James and Jerry Stephens were present but indicated that they had no comments to make.

Mr. Archambault asked if a one-way drive was being proposed between the bank and this building.

Mr. Stephens advised that they are withdrawing that part of the request.

Chairman Whitton asked if there was anyone present in opposition to the request. There being no one, he asked if there were any comments or questions from the Board members.

Mr. Archambault noted that there is a proposal in the Staff Report to pave the front and side yards. Mr. Archambault would be opposed to this paving.

Mr. Stephens stated that the back of the building will be used for parking.

Mr. Houston moved that the request be granted subject to three conditions: (1) that parking spaces and driveway aisles proposed for the front and rear yard not be permitted; (2) that a monument-type sign no larger than 25 square feet be permitted; and (3) that attractive landscaping be provided. Mr. Houston added that the applicant should be exempted from complying with Article 18, Section 1823, of the Zoning Regulations with regard to the existing parking area to the rear of the building. Mr. Ryan seconded the motion.

Chairman Whitton asked the applicants if they were in agreement with the conditions and had heard and understood them.

The applicants stated that they had heard and understood the conditions and were in agreement with them.

There being no further discussion, Chairman Whitton asked for a vote on the motion made by Mr. Houston and it carried unanimously.

4. The request of J. A. Doepker and Associates, Inc. for a rear yard Variance in order to allow the construction of a 7,200 sq. ft. addition to an existing 4,500 sq. ft. industrial building. The 1.41-acre site, which is located at 1670 Distribution Drive, is zoned Industrial One (I-1) and is owned by Dallas Trinkle.

Staff Member, Tom Breidenstein, presented the Staff Report which included a slide presentation (see Staff Report).

Chairman Whitton noted that the existing parking area is gravel and Mr. Breidenstein stated that this will be addressed during Site Plan Review.

Mr. Dallas Trinkle's representative stated that the nature of their business involves 15' to 20' machines and they need access for a forklift in the center.

Chairman Whitton asked if there were any comments or questions.

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

5. The request of J. H. Fedders, Inc. for a Change in Non-Conforming Use to allow the replacement of a farm implement sales establishment with an animal feed store. The 50-acre (approx.) site, located on the south side of KY 18 west of the newly extended Limaburg Road, is zoned Commercial Two/Planned Development (C-2/PD) and is owned by Patrick and Arlene Jones.

Staff Member, Tom Breidenstein, presented the Staff Report which included a slide presentation (see Staff Report).

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

Mr. Mike Fedders stated that the appearance of the building will not change, except for possibly a window. Feed will not be mixed or ground on site. They do not plan outside storage, except for bedding plants which would be for sale, and possibly some displays. They will sell animal feed, sanitation products, and things in regard to animals.

Mr. Pat Jones stated that this use will look better than the farm implement sales facility. Mr. Jones stated that he owns the building. He added that access at this time is off KY 18, but they will have a curb cut on the new street. He stated that he did not think this use would intensify the traffic. He added that they are waiting for the new road to dispose of the new lot.

Chairman Whitton questioned the paving of the site. Mr. Jones stated that they are currently using gravel and do not want to pave at this time as the paving may end up to be in the wrong place in consideration of the new roadway.

Mr. Breidenstein advised that the gravel is a pre-existing condition, as the use is.

There being no further comments or questions, Mr. Ryan moved that the request be granted. Mr. Houston seconded the motion. Mr. Archambault stated that he would abstain from voting due to a personal interest in the matter.

Counselor Wilson advised that should this motion pass, the zone change and conditions on the Concept Development Plan will not be affected. The motion involves a change in one Non-Conforming Use to another Non-Conforming Use which is no more objectionable.

Chairman Whitton asked for a vote on the motion made by Mr. Ryan which found Mr. Houston, Mr. Ryan, and Chairman Whitton in favor. Mr. Archambault abstained. The motion carried.

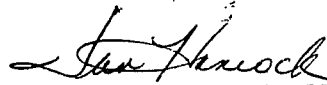
There being no further business to come before the Board, Mr. Ryan moved, seconded by Mr. Archambault, that the meeting be adjourned. The meeting was adjourned by unanimous consent at 7:45 P.M..

APPROVED:



George D. Whitton, Chairman

ATTEST:



Jan Hancock, Recording Secretary