

APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION

(See Boone County Zoning Regulations)

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's Name Uab Hillenbrand OBA. Uab's Garage Inc
 Phone Number 586-7292
 Applicant's Address 5880 Jefferson St
Burlington Ky 41005
 City State Zip
- 4. Description of Request: Need Permission to set bldg. 4'7" from property line (approx. 15ft of the 104ft construction) the rest is over the 5" set back.
- 5. Name of Development Uab's Garage Inc
- 6. Location of Development 5880 Jefferson St. Burl. Ky 41005
- 7. Acreage Under Review 1.3 acres
- 8. Lot Number and Name of Subdivision (if part of a subdivision)
- 9. Owner of Property Uab Hillenbrand
 Phone Number 586-7292
- 10. Address of Property Owner 7605 E. Bend Rd
Burlington Ky 41005
 City State Zip
- 11. Proposed Use(s) On Site Storage
- 12. Total Square Footage of Existing and/or Proposed Buildings
Existing Bldg 7,328 sq ft. Proposed addition 1,850 sq ft
- 13. Current Zoning on Property Commercial
- 14. Deed Book _____ Page No. _____ Group No. 2018
- 15. Is the site subject to a zone change? NO Conditional Use
 If yes, give date of approval Sept. 12, 1984
- 16. Have you submitted a Site Plan with this request? Yes
- 17. Have you submitted a list of adjoining property owners with this request? Yes
- 18. Applicant's Signature: Uab Hillenbrand
- 19. Property Owner's Signature: Uab Hillenbrand

SECTION B

(To be completed by Boone County Planning Commission Staff)

1. Date Received March 23, 1989
2. Fee Received 185.00
3. Is application complete? _____ Yes No
4. Staff Reviewer _____
5. Scheduled Board Action Date _____
6. Board Action:
_____ Approval
_____ Approved With Conditions (See #7)
_____ Disapproved (See #8)
7. Conditions: _____

8. Reasons For Disapproval: _____

STAFF REPORT

#5

DEVELOPMENT: Urb's Garage
APPLICANT: Urb Hillenbrand
LOCATION: 5880 N. Jefferson Street, Burlington
ZONING: Suburban Residential Two with a Small Community Overlay (SR-2/SC)
DATE: April 12, 1989

REMARKS:

The applicant is requesting a Conditional Use Permit and Variance to allow the construction of a 1,880 square foot addition. The 1.3 acre site, located on the north side of Jefferson Street, behind the Boone County Water and Sewer District, is zoned Suburban Residential Two with a Small Community Overlay (SR-2/SC) and is owned by Urb Hillenbrand.

Art. 16 requires that whenever a CUP expands in KC, the new CUP is required.

On September 12, 1984 this Board approved a Conditional Use Permit to allow Urb's Garage to build an office and truck repair addition onto the south end of the existing building. The current request before the Board is to add 1,880 more square feet for storage purposes. This addition is proposed for the east side of the building, approximately 4 feet, 5 inches from the side property line. Therefore, since the SR-2/SC zoning district requires a five foot side yard setback, a Variance is also sought.

The following reviews the standards the Board must apply when reviewing applications for Conditional Use Permits and Variances:

Conditional Use Permit

1. The 1986 Boone County Comprehensive Plan Future Land Use Map indicates the future use of this property to be Commercial. The text of the plan itself makes no specific mention of the Hillenbrand property.
2. In Staff's opinion, the design of the proposed addition should be harmonious and appropriate in appearance with and will not change the existing character of the area. However, the operation of the business in its current capacity is of concern to Staff. First of all, the addition is proposed because Urb's has become an authorized GM parts dealer. This change in status will generate more business and more traffic which in turn "kicks-up" dust from the gravel lot. Also, there are many disabled vehicles and spare parts stored at the property. Presumably, an increase in business will further add to the outside storage of junk.
3. An expanded repair facility will not be hazardous to existing or future neighboring uses.
4. The site is adequately served by essential public facilities.
5. Excessive additional requirements at public cost for public facilities will not be required.

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6. The expanded garage will not involve uses activities, equipment or materials which will be detrimental to the public.
 7. Vehicular approaches to the property should not be affected by the expanded use.

Variance

- a. Staff can find no special circumstances which do not generally apply to other properties in the area.
- b. Strict application of the zoning regulations would allow Urb's much room to build onto the north and west sides of their building.
- c. Again no special circumstances were found.


Conclusion

Although the proposed addition should have no adverse affect on the most immediate neighbor (the Boone County Water and Sewer District), the increased development could impact the general area. Specifically, an increase in business will increase the amount of dust created by the applicant's activities as well as the amount of outside storage.

In 1984, the Zoning Enforcement Officer suggested that a formal site plan be submitted to review the addition and to review the affects of a paved parking lot. The suggestion was not adopted as a condition of approval by the Board at that time. Burlington has seen much change over the past 5 years. Many new residents have moved into new subdivisions surrounding the town. It is only a matter of time, according to the Comprehensive Plan, before new residential areas will begin to "radiate" north of Burlington. For this reason, the current Zoning Enforcement Officer suggests that, as a condition of approval, the applicant be required to:

- * /
1. pave all parking and circulation areas;
 2. remove all disabled and junk vehicles;
 3. properly screen any outside storage, and;
 4. submit a formal Site Plan ~~for~~ all changes, including the addition and paving, to the Boone County Planning Commission for review and approval.
- prior to construction*

Respectfully submitted,


Thomas W. Breidenstein,
Zoning Enforcement Officer

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BOONE COUNTY
BOARD OF ADJUSTMENT

April 12, 1989 - 6:30 P.M.

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

Mr. George Whitton, Chairman, called the meeting to order at 6:35 P.M.

The Chairman noted that each member had received a copy of the Minutes of the Boone County Board of Adjustment Meeting of December 14, 1988 and the Meeting of March 14, 1989. He asked if there were any comments or changes to the Minutes.

There being no changes to the Minutes, Mr. Nevel moved that they be approved as mailed. Mr. Archambault seconded the motion and it carried unanimously.

AGENDA ITEMS:

1. The request of Thomas Hackman for a change in Non-Conforming Use to allow the conversion of an existing commercial structure for personal storage, warehousing, and retail. The approximate 0.5-acre site, located on the south side of Petersburg Road at Idlewild Road, is zoned Rural Suburban Estates (RSE) and is owned by Margie and Lewis Adams.

Staff Member, Tom Breidenstein, advised that this item was tabled at the last meeting (see Minutes of the March 8, 1989 Meeting). Mr. Breidenstein presented the Staff Report, which included a slide presentation. He added that adequate sewage is not available to the site. If Mr. Hackman is unable to obtain easement with the neighbors in this regard, the EPA has advised him that they will allow a small on-site sewage treatment plant. He stated that there is a letter from the Kentucky Transportation Cabinet indicating preliminary approval of the access as proposed by the applicant. The Building Inspector is generally agreeable that the main part of the structure is sound and can be restored. Mr. Breidenstein distributed to the Board members reduced copies of the Site Plan as prepared by Mr. Hackman.

Mr. Hackman presented the Board with larger copies of the Site Plan. He stated that an easement with the property owner behind his building in regard to sewage does not appear negotiable. He will be required to go to the EPA. He emphasized that he does not yet have preliminary approval. In regard to the garage area of the building, he would remove and gut the interior wooden structure. He would remove some of the concrete block and lower the roof line leaving 12' from floor to ceiling. He will concrete the floor area for a large storage space. The remainder of the building will be cleaned up and fixed up.

Chairman Whitton stated that the Board's previous concerns involved parking, loading access, and the on-site treatment plant.

Mr. Breidenstein advised that the parking had been addressed as well as it can be on the site.

Chairman Whitton asked if there was anyone else present who wished to speak in regard to this request. There was no response.

There being no further discussion, Mr. Nevel moved that the change in Non-Conforming Use be granted contingent upon approval of the sewage disposal unit, and including the schematic drawing submitted. In response to comments from Counselor Wilson, he added that the substitution of one Non-Conforming Use for another be approved as it is no more objectionable. Mr. Houston seconded the motion and it carried unanimously.

2. The request of Immanuel Baptist Church for a Conditional Use Permit to allow the construction of a building addition to an existing church in a residential zone. The 4.7-acre parcel is located on the west side of Pleasant Valley Road, south of the Pleasant Valley Road/Camp Ernst Road intersection in Boone County, Kentucky. The property is zoned Rural Suburban Estates (RSE) and is owned by Immanuel Baptist Church.

Staff Member, Paul Miller, presented the Staff Report which included a slide presentation (see Staff Report).

Chairman Whitton questioned the hard-surface parking. Mr. Miller advised that they would have to pave the driveway and parking area. When a change or improvement is made, the applicant needs to meet the specifics of the regulations.

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

Mr. Kenneth Ponder stated that he would answer any questions.

Mr. Charles Cheeter stated, in response to a question from the Chairman, that the church was built in 1983.

There being no further discussion, Mr. Houston moved that the Conditional Use Permit be granted subject to Site Plan Review, and including paving of the parking and driveway areas. Mr. Archambault seconded the motion and it carried unanimously.

3. The request of William C. Hub (agent) for a Variance in the size of a driveway aisle in a parking lot. The lot is located behind one of the existing buildings on the Litton Industrial site on Litton Lane, off of KY 237, Boone County, Kentucky. The 100-acre site is zoned Industrial One (I-1) and is owned by Litton UHS.

Staff Member, Paul Miller, presented the Staff Report which included a slide presentation (see Staff Report).

The Chairman asked if there was anyone present who wished to speak in regard to this request.

Mr. Bill Hub, architect, stated that Mr. Jim Collins and Mr. Ed Bihl of Litton Industries were also present. Mr. Hub stated that the work was done and is not in accord with the ordinances. A plan was submitted and approved by the Planning Commission for an expanded parking lot of approximately 100 cars and baseball fields. The budget was \$300,000 to \$400,000. A number of employees were shifted from the Florence plant to this plant and they had to address the resulting parking problem. The parking adjacent to the driveway is on a temporary basis and is intended to be removed. It is used for one shift. The shift arrives driving in one direction and leaves in one direction. There is no two-way traffic. The spaces are striped 19' x 10' to provide extra width which allows maneuvering space. They are asking for a Variance to allow this condition to exist on a temporary basis until they are profitable enough to do it properly. He stated that they cannot address the criteria for a Variance.

Counselor Wilson commented that the Board could set a certain period of time for the Variance, noting that should the aisle be used for two-way traffic it could be an enforcement matter.

Mr. Collins stated that the aisle would give access to the ballfield. It is not part of the driveway back to the parking lot. The main drive off of Litton Lane would be extended into the 100-unit parking area. The blacktop for the parking would be removed. The Fire Department wants the road behind the building.

Mr. Hub stated that the driveway will remain that is required by the Fire Department and indicated on a drawing all of the paving that will be removed.

Chairman Whitton stated that only seven feet of paving is needed.

Mr. Hub stated that this would be a matter of wasting money.

Chairman Whitton stated that this argument could be made by a lot of applicants.

Mr. Miller stated that even for a one-way driveway, twenty-five feet of paving is required.

Mr. Hub suggested a time period of two years for the Variance, based on the profitability of the company.

Mr. Ryan moved that a temporary Variance be granted for a period of twelve months based on the temporary circumstances. Mr. Houston seconded the motion and it carried unanimously.

4. The request of Anthony J. Hoekstra for a height Variance to allow the construction of the Cincinnati Bell Training Center. The 14.0-acre site, located at the north end of Atlantic Avenue in the Circleport III Industrial Subdivision, is zoned Industrial One (I-1) and is owned by Corporex.

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

Mr. Hoekstra, architect with Corporex, presented a large drawing of the Site Plan which he reviewed, and also a large drawing of the Vicinity Map. He stated that they have FAA approval. Mr. Hoekstra reviewed the elevations on the site. The highest point of the structure is at 939. He stated that the building sits at a lower elevation and visibility is obstructed. The building has floor to floor height requirements greater than normal to accommodate state-of-the-art teaching facilities. The building is an atrium building with a 10-foot high clear story above the eaves to permit light. There is also a penthouse for the traction-type elevators. The building will be used as an international conference center.

The Chairman asked if there were any questions or if anyone else wished to comment.

Mr. Charles Palmer stated that he has the property next door. He has three two-story buildings on his property and they are well seen from the highway. He questioned how close the building would be to the property line.

Mr. Hoekstra stated that the building will sit as close as possible to the property line to gain exposure to the interstate. He stated that there is a knoll with trees causing a problem from the west. The finished elevation is 867, which is approximately 30 feet greater than the knoll. There will be parking and an elaborate landscape plan is on file. The budget for the landscaping is \$200,000. He stated that the trees and the knoll block the view going eastbound.

Mr. Palmer stated that he is against the Variance. He stated that he would like the Board to visit the site.

Mr. Nevel questioned why Mr. Palmer objected to the height of the building.

Mr. Palmer stated that it will shadow the sun.

There being no further discussion, Mr. Nevel moved that the requested height Variance be granted to allow for construction of the building. Mr. Ryan seconded the motion and it carried unanimously.

5. The request of Urb Hillenbrand for a Conditional Use Permit and Variance to allow the construction of a 1,880 sq. ft. addition. The 1.3-acre site, located on the north side of Jefferson Street, behind the Boone County Water and Sewer District, is zoned Suburban Residential Two with a Small Community Overlay (SR-2/SC) and is owned by Urb Hillenbrand.

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

Mr. Hillenbrand commented that paving was not required in 1984. Mr. Breidenstein stated that it was a suggested condition of approval, but not a condition of approval.

Mr. Hillenbrand stated that they have become a Delco Service Center and want to make the site look better. The addition is to keep things stored inside.

Chairman Whitton asked if he could comply with the Site Plan Review and paving.

Mr. Hillenbrand stated that he cannot afford this. In response to additional questions from the Chairman, he added that the area in front of the offices is tarred and chipped. He is not planning to pave it this year. They use motor oil to keep the dust down. They are going to put in 8" of concrete for the trucks. He has a deal with Alright Concrete and they will dump their leftover concrete which he will use. It is a slow process. He would rather have concrete than blacktop. Mr. Hillenbrand added that they will be doing some landscaping in front of the office.

The Chairman asked if anyone else wished to speak.

Mr. Jay Bond stated that the septic tank is in the middle of the parking lot and nothing permanent could be put there. He questioned how far the angle of the roof of the addition would be off the ground.

Mr. Hillenbrand stated that it would be about six feet off the ground. The addition will be wood with vinyl siding.

Chairman Whitton questioned if all of the outside storage could go in the addition.

Mr. Hillenbrand stated that they cannot get rid of the junk cars as they tow them for the county. He stated that anything not attached to a car, including the tires, will be inside.

Chairman Whitton questioned if he could agree to get some of the paving done within a reasonable time frame.

Mr. Hillenbrand stated that he may be able to do about 2,000 sq. ft. of concrete this year. They could probably also do 2,000 sq. ft. next year, depending on the concrete coming in.

Chairman Whitton asked if he would agree to do 2,000 sq. ft. of concrete this year and 2,000 sq. ft. of concrete next year. Mr. Hillenbrand said yes.

Mr. Breidenstein suggested that Mr. Hillenbrand come back for Site Plan Review and this agreement could be worked into the Site Plan. Also, another consideration is stormwater runoff and that needs review by the Staff Engineer.

Mr. Archambault moved that the Variance be granted and also the Conditional Use Permit, subject to the condition that 2,000 sq. ft. of paving be added this year and also next year. Mr. Ryan seconded the motion.

Mr. Hillenbrand stated that this is agreeable.

Based on comments from Mr. Breidenstein, Mr. Archambault amended his motion to include that the formal Site Plan be prepared and reviewed by the Staff through the Board to save money in review fees and allow the Board more control, and that Staff report back to the Board, particularly in regard to stormwater runoff. Mr. Ryan seconded the amended motion and it carried unanimously.

6. The request of Daniel Beckrich for a Conditional Use Permit and Site Plan Review to allow the operation of a nursery. The 12.2-acre site, located on the south side of KY 18 just east of its intersection with KY 20, is zoned Recreation (R) and is owned by Charles Stephens.

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

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

Mr. Larry Burcham advised that he and Mr. Tim McNeely, as well as Mr. and Mrs. Beckrich were present. Mr. Burcham stated that the property is rural and it makes no sense to blacktop it. There are trucks next door on a dirt road. He stated that the property should be an exception in regard to paving.

Mr. Breidenstein stated that, strictly speaking, the regulations would not require paving in this area. A preference has been indicated by the Planning Commission and supported by the Staff.

Mr. Burcham stated that there is never water on the road. The dust will not be a problem. It will only be a speck of dust considering what comes from the gravel pits.

Mr. Nevel questioned if the gun club would still exist.

Mr. Beckrich stated that there may be some shooting, but he does not know how to run a gun club. There will be no shooting when they are working there.

Counselor Wilson stated that there is a question as to whether the Board feels it is a reasonable or unreasonable condition to require paving.

Mr. Archambault moved that the Conditional Use Permit be granted and, based on the circumstances of the location and the condition of the property, that the road be maintained but not concreted. Mr. Nevel seconded the motion and it carried unanimously.

7. The request of William Bauer for a Variance to allow the construction of a single-family residence. The 0.09-acre site, located on the east side of Lower River Road, north of Rabbit Hash, is zoned Rural Suburban Estates with a Small Community Overlay (RSE/SC) and is owned by William Bauer.

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

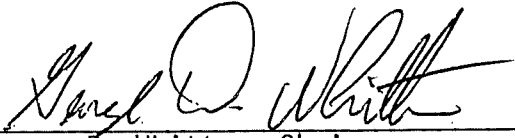
Mr. Bauer stated that he had no comments.

Mrs. Calhoun, owner of rental property next door to the site, stated that she did not have a problem with the request, but did not understand the Variance, which Chairman Whitton explained for her.

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

There being no further business to come before the Board, the meeting was adjourned by unanimous consent at 8:30 P.M..

APPROVED:



George D. Whitton, Chairman

Attest:



Jan Hancock, Recording Secretary