

APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION

(See Boone County Zoning Regulations).

SECTION A (To be completed by applicant)

(Check One)
1. Boone _____ Florence _____ Walton _____ Union _____

(Check One)
2. Conditional Use Permit _____ Variance _____ Appeal _____
_____ Change in Non-Conforming Use _____

3. Applicant's Name see Attached SITE PLAN REQUEST
Phone Number _____ & APPLICATION FOR ZONING ACTION
Applicant's Address _____ STREET

4. Description of Request: _____ City _____ State _____ Zip _____
Conditional Use Permit

5. Name of Development _____

6. Location of Development _____

7. Acreage Under Review _____

8. Lot Number and Name of Subdivision (if part of a subdivision) _____

9. Owner of Property _____

Phone Number _____

10. Address of Property Owner _____

City _____ State _____ Zip _____

11. Proposed Use(s) On Site _____

12. Total Square Footage of Existing and/or Proposed Buildings _____

13. Current Zoning on Property _____

14. Deed Book _____ Page No. _____ Group No. _____

15. Is the site subject to a zone change? _____

If yes, give date of approval _____

16. Have you submitted a Site Plan with this request? _____

17. Have you submitted a list of adjoining property owners with this request? _____

18. Applicant's Signature: _____

19. Property Owner's Signature: _____

SECTION B

(To be completed by Boone County Planning Commission Staff)

1. Date Received _____
2. Fee Received _____
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

#6

DEVELOPMENT: Beckrich Nursery
APPLICANT: Daniel Beckrich
LOCATION: 5899 Burlington Pike, Burlington
ZONING: Recreation (R)
DATE: April 12, 1989

REMARKS:

The applicant is requesting 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.

Article 7 of the Boone County Zoning Regulations lists certain principally permitted uses in the Agriculture (A-1) zone as Conditional Uses in the Recreation (R) zone. Included in this list is "horticultural, floricultural, viticultural, and other related uses and services." The applicant is proposing such a use at the C & J Gun Club.

The surrounding land uses and zoning are:

north - I-3; farming with some sand and gravel extraction
south - A-1; agriculture, low density residential
east - A-1; agriculture
west - A-1; single family residence and sand and gravel extraction.

The following reviews the standards the Board must use when reviewing applications for Conditional Use Permits:

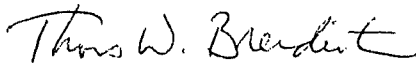
1. The 1986 Boone County Comprehensive Plan Future Land Use Map indicates the future use of this property to be Rural Lands, a designation which includes agricultural and recreation uses. The intent of the Rural Lands is to "characterize a rural environment." The text of the plan itself makes no specific reference to the Stephens property.
2. Staff believes that the site has been designed so as to be harmonious and appropriate in appearance with the existing character of the general vicinity.
3. The proposed nursery will not be hazardous to existing or future neighboring uses.
4. The site is adequately served by essential public facilities.
5. The new use will not create excessive additional requirements at public cost for public improvements.
6. The nursery will not involve activities, materials, or equipment which will

be detrimental to any persons, property, or the general public.

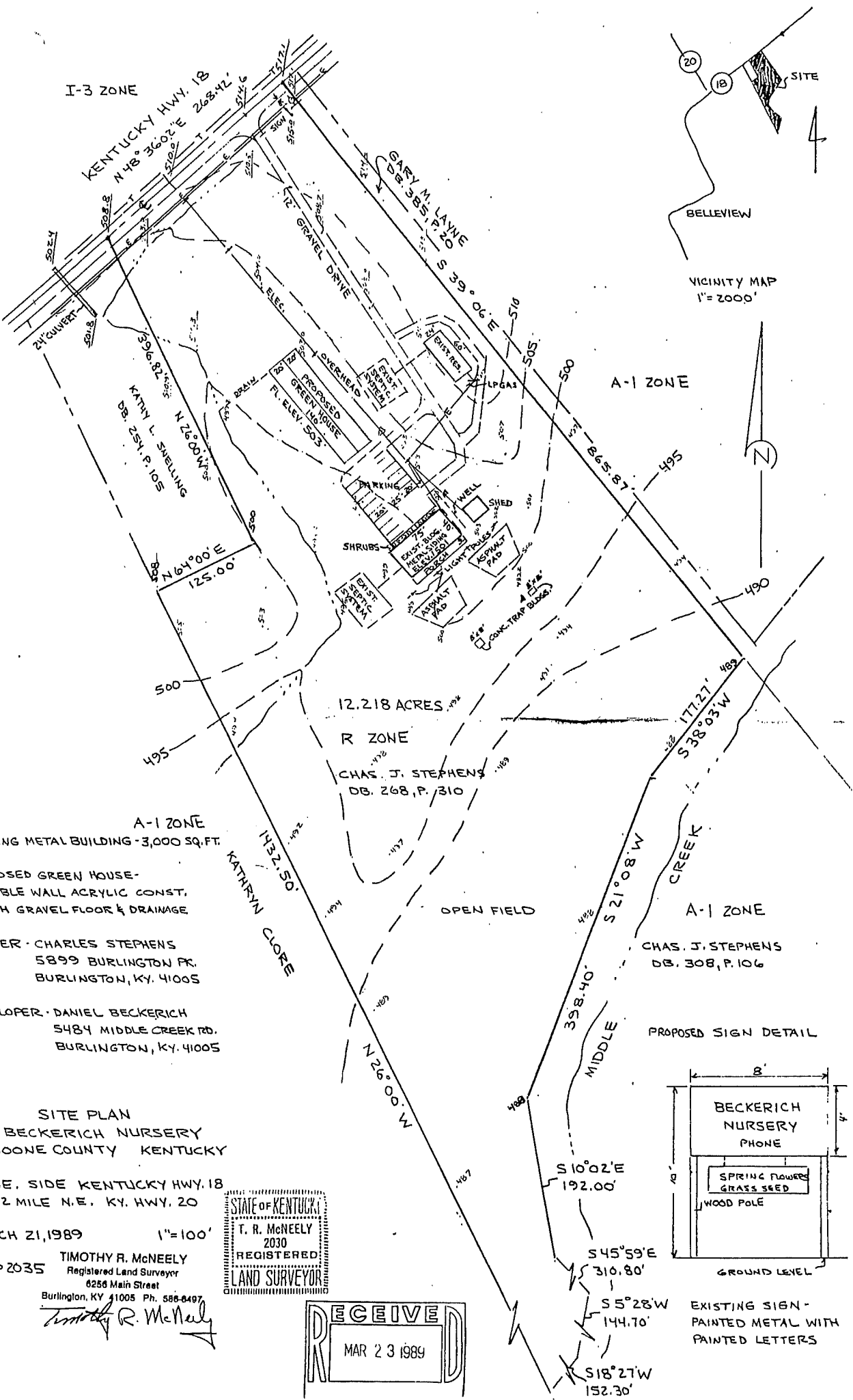
7. Vehicular approaches to the property are already established and do not create an interference with traffic.

At this writing, Staff is concerned only with the status of the parking lot and the existing 12 foot drive. Currently, both are gravel. The zoning regulations require that whenever there is a change in use, parking and circulation areas must meet current standards. Therefore, Staff would suggest as a condition of approval that the applicant be required to pave these areas. Review of storm water runoff can be conducted by Staff and the Commission's engineer.

Respectfully Submitted,



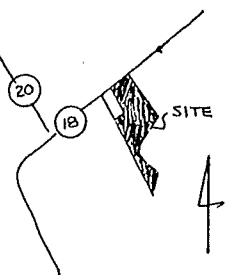
Thomas W. Breidenstein
Zoning Enforcement Officer



I-3 ZONE

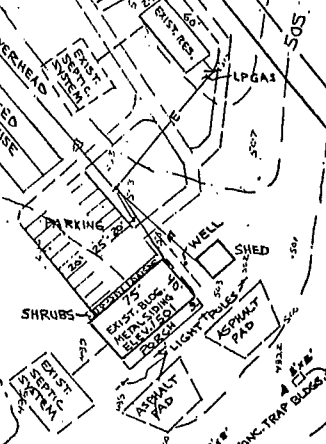
KENTUCKY HWY. 18
 N 48° 36' 02" E 268.42'
 57.46'
 51.52'

GARY M. LAYNE
 DB. 365, P. 20
 S 39° 06' E



A-1 ZONE

KATHY L. SHELING
 DB. 254, P. 105
 N 26° 00' W
 125.00'



12.218 ACRES

R ZONE
 CHAS. J. STEPHENS
 DB. 268, P. 310

A-1 ZONE
 EXISTING METAL BUILDING - 3,000 SQ. FT.

PROPOSED GREEN HOUSE -
 DOUBLE WALL ACRYLIC CONST.
 WITH GRAVEL FLOOR & DRAINAGE

OWNER - CHARLES STEPHENS
 5899 BURLINGTON PR.
 BURLINGTON, KY. 41005

DEVELOPER - DANIEL BECKERICH
 5484 MIDDLE CREEK RD.
 BURLINGTON, KY. 41005

SITE PLAN
 BECKERICH NURSERY
 BOONE COUNTY KENTUCKY

S.E. SIDE KENTUCKY HWY. 18
 0.2 MILE N.E. KY. HWY. 20

MARCH 21, 1989 1" = 100'

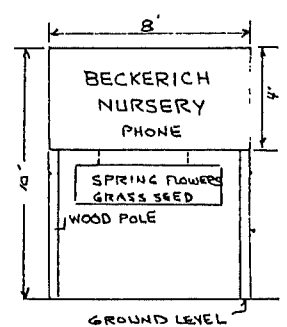
TIMOTHY R. McNEELY
 Registered Land Surveyor
 6256 Main Street
 Burlington, KY 41005 Ph. 586-8497

STATE OF KENTUCKY
 T. R. McNEELY
 2030
 REGISTERED
 LAND SURVEYOR

RECEIVED
 MAR 23 1989

A-1 ZONE
 CHAS. J. STEPHENS
 DB. 308, P. 106

PROPOSED SIGN DETAIL



EXISTING SIGN -
 PAINTED METAL WITH
 PAINTED LETTERS

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).

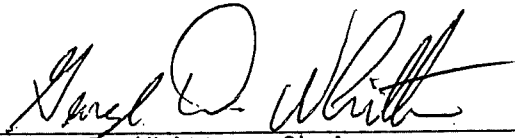
Mr. Bauer stated that he had no comments.

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.

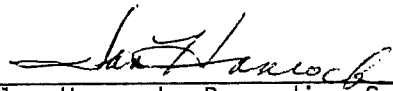
There being no further business to come before the Board, the meeting was adjourned by unanimous consent at 8:30 P.M..

APPROVED:



George D. Whitton, Chairman

Attest:



Jan Hancock, Recording Secretary