

STAFF REPORT

#1

DEVELOPMENT: Flaig Welding Company
APPLICANT: Timothy R. McNeely
LOCATION: 4072 Limaburg Road, Boone County, Kentucky
ZONING: Industrial One (I-1)
DATE: July 12, 1989

REMARKS:

The applicant is seeking two Variances to allow a reduction in the minimum rear yard building setback for a proposed building, and a reduction in the minimum driveway width for the Flaig Welding Company site. The 2.795 acre site is located on the east side of Limaburg Road, approximately 800 feet north of New Youell Road, Boone County, Kentucky. The property is zoned Industrial One (I-1) and is owned by Robert W. and Cathy H. Flaig.

The applicant is seeking a Variance in the minimum rear yard building setback of 6 feet to allow a new building to be constructed 24 feet from the rear property line rather than the required 30 feet. The applicant is also requesting a Variance of 6 feet to allow a driveway to be constructed at a width of 14 feet rather than the required 20 feet. The requested Variances will be treated separately in this report.

Rear Yard Variance

In order to arrive at the findings necessary for granting Variances, the Board must make the following considerations:

1. The requested Variance must arise from special circumstances which do not generally apply to land in the general vicinity or in the same zone. The special circumstance of this application is that the property is of insufficient size to permit a new building of the dimensions desired by the applicant and still meet the rear yard building setback.
2. The strict application of the zoning regulations would require the applicant to construct a smaller building which would not violate the building setback lines. This would not deprive the applicant of the reasonable use of the land, nor create an unnecessary hardship upon the applicant.
3. The special circumstance identified above is the result of the desires of the applicant to construct a building which will be too large to meet the required building setback dimension.

Granting this 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 zoning regulations. The fact that the adjoining property most closely affected by the reduced building setback is

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property zoned Airport (A) makes it unlikely that there will be any negative impacts.

Should the Board grant this Variance, the Staff would recommend the following as a Condition of Approval:

1. The applicant shall maintain the row of trees and vegetation in existence between the subject property and the adjoining property to the south.

Driveway Variance

The necessary considerations are reviewed below:

1. The special circumstance of this requested Variance is that the existing gravel driveway is located between a water line on the north side, and a gas line and property line on the south side, making a driveway of greater than 14 feet in width impractical.
2. The strict application of the zoning regulations would necessitate the construction of a 20 foot wide drive. This would create an unnecessary hardship on the applicant in that the water line would have to be removed so as not to be under the drive.
3. The special circumstances of this request are not the result of the actions of the applicant taken subsequent to the adoption of the zoning regulations.

Granting this 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 nuisance to the public, and will not allow an unreasonable circumvention of the zoning regulations. In that the existing drive is unpaved and less than the minimum required driveway width, the applicant's intent to pave the driveway will bring it closer to conformity with the zoning regulations.

Should the Board grant the requested Variances, the applicant will be required to apply for Site Plan Review before the Boone County Planning Commission. Attached to this report is a copy of a Concept Development Plan submitted by the applicant.

Respectfully submitted,

Paul R. Miller
Plans Examiner/Planner

PRM:hs

A-2 ZONE

I-1 ZONE LINE

ROBT. W. FLAIG, JR.
DB 354, P. 227
18 ACRES

S 5° 15' 24" E 415.22'

GRASS AREA

ROBT. W. FLAIG, JR.
DB. 212, P. 669

2.795 ACRES
GROUP 2020

GRANUL AREA

FUTURE BLDG.

PROPOSED BLDG.

EXIST. BUILDING

WELDING SHOP

PROPOSED CONCRETE

EXIST. RES.

S 79° 00' W

KENTON COUNTY AIRPORT PROP.
AIRPORT - A ZONE

IMMACULATE HEART OF MARY CHURCH

A-2 ZONE

396.21'

N 80° 09' E

EXIST. BLDG.

CARLOS F. LAWRENCE

DRIVE 14'

GRASS AREA

WATER LINE

GRAVE DRIVE PROPOSED 14' CONC.

CONC. DRIVE

EXIST. CONC.

TO KY 28

223.41'

N 5° 00' W

TO KY 18

E OLD LIMBURG ROAD (KY. 237)

KENTON COUNTY AIRPORT PROP.

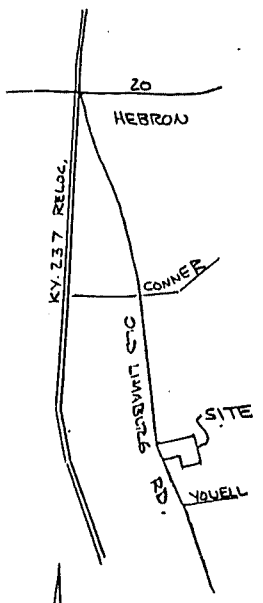
TIM MCNEELY
VARIANCES
SITE PLAN
7-12-89

CONCEPT DEVELOPMENT PLAN
FLAIG WELDING
BOONE COUNTY KENTUCKY

E. SIDE OLD LIMBURG RD.
ONE MILE S. KY. HWY. 20

6-20-89

1" = 50'



VICINITY MAP
1" = 2000'

TIMOTHY R. MCNEELY
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Timothy R. McNeely

BOONE COUNTY
BOARD OF ADJUSTMENT

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

BOARD MEMBERS PRESENT:

Mr. I. A. Archambault
Mr. Dan Houston
Mr. Fred Nevel
Mr. Walt Ryan

BOARD MEMBERS NOT PRESENT:

Mr. George Whitton, Chairman

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

The meeting was called to order by Mr. Archambault at 6:30 P.M..

Mr. Archambault noted that each member had received a copy of the Minutes of the Boone County Board of Adjustment Meeting of June 14, 1989 and asked if there were any comments or corrections.

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

AGENDA ITEMS:

1. The request of Timothy R. McNeely for two Variances to allow a reduction in the minimum rear yard building setback for a proposed building, and a reduction in the minimum driveway width for the Flaig Welding Company site. The 2.795-acre site is located at 4072 Limaburg Road, Boone County, Kentucky. The property is zoned Industrial One (I-1) and is owned by Robert W. and Cathy H. Flaig.

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

Mr. Tim McNeely stated that the Variance for the rear yard setback is for a 60' x 60' building and a possible building to be constructed in the future. The Variance adjoins the airport property and Mr. Flaig owns a 20-acre tract to the east of this property. The request for the Variance in regard to the driveway is based on a hardship due to water, gas, and property lines. He stated that the applicant will pave the driveway.

Mr. Archambault asked if there was anyone present in opposition to the request. There was no response.

There being no discussion, Mr. Houston moved that the Variances be granted based on the Staff Recommendation, including the condition that the applicant will maintain the row of trees and vegetation in existence between the subject property and the adjoining property to the south. Mr. Ryan seconded the motion and it carried unanimously.

2. The request of Corporex Parks of KY, Inc. for a Conditional Use Permit to allow the establishment of a day care facility in an Industrial Zone. The 1.2-acre parcel is a part of Lot #1 of the Circleport III Industrial Park and is located at Booneland Trail and Olympic Boulevard, Boone County, Kentucky. The property is zoned Industrial One (I-1) and is owned by Corporex Parks of KY, Inc..

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

Mr. Tom Banta, Development Manager, stated that when they originally came in, they did not have any other users for the site, so they started on one end of the site and worked across. Jewelcraft has since come along. Jewelcraft is more like an office use where people sit inside and size jewelry. There is a row of trees through the middle of the site which makes a good division between the two buildings. As Jewelcraft is the larger use, if they used the site the other way, they would have to fill the ravine and cut down the trees to fit it on the lot. The proposed layout requires less grading. They originally had a circular drive for people to come in a drop off children, but the company has a policy that you do not drop off your children -- you take them in and check them in. They do not want the driveway through as people will be tempted to drop off their children.

Mr. Archambault asked if there was anyone present in opposition to the request. There was no response.

Mr. Miller advised that the day care is designed to be used by people who will work in Circleport III and is tied in with the planned uses.

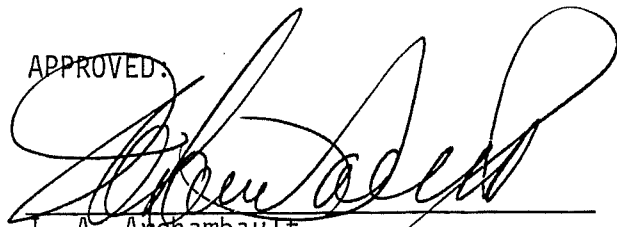
Mr. Banta questioned if it was necessary to do anything to remove the Conditional Use Permit from the other side of the lot.

Counselor Wilson advised that the General Assembly requires a certificate when a Conditional Use Permit is approved. This is recorded so that a title examiner can see it. The previous certificate covers 1.5 acres and this certificate would cover 1.2 acres. He suggested that a condition indicating that the prior certificate is revoked may be appropriate.

There being no further discussion, Mr. Houston moved that the Conditional Use Permit for the 1.2-acre parcel be approved and that the previously granted Conditional Use Permit for the 1.5-acre parcel be revoked. Mr. Ryan seconded the motion and it carried unanimously.

There being no further business to come before the Board, Mr. Nevel moved that the meeting be adjourned. Mr. Archambault seconded the motion. The meeting was adjourned by unanimous consent at 6:50 P.M..

APPROVED:



I. A. Archambault

Attest:



Jan Hancock, Recording Secretary