

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 ANTHONY JAMES HARRISON  
Phone Number 292-5565  
Applicant's Address 50 E RIVER LANE BLVD  
COVINGTON KY 41011  
City State Zip

4. Description of Request: WAIVE REQUIREMENT OF LANDSCAPE SCREENING OF BUILDING ADJACENT PROPERTY ZONED I-1 PREVIOUSLY ZONED RESIDENTIAL

5. Name of Development TRESSA

6. Location of Development CIRCLEPORT I  
2711 CIRCLEPORT BLVD

7. Acreage Under Review 2 ACRES

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

9. Owner of Property BILL & COANNE FORINOSER  
Phone Number 525-1380

10. Address of Property Owner 2711 CIRCLEPORT BLVD  
FRANCO KY 41018  
City State Zip

11. Proposed Use(s) On Site HOUSE MANUFACTURING - LARGE

12. Total Square Footage of Existing and/or Proposed Buildings 75,000 SF

13. Current Zoning on Property I-1

14. Deed Book 392 Page No. 125 Group No. \_\_\_\_\_

15. Is the site subject to a zone change? NO  
If yes, give date of approval \_\_\_\_\_

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: Anthony J. Harrison

19. Property Owner's Signature: B. Wood

SECTION B

(To be completed by Boone County Planning Commission Staff)

1. Date Received 6-18-82
2. Fee Received 7375 (V21 CCUR doe)
3. Is application complete?  Yes  No
4. Staff Reviewer Amy Moon
5. Scheduled Board Action Date July 8, 1982
6. Board Action:  
 Approval  
 Approved with Conditions (See #7)  
 Disapproved (See #8)
7. Conditions: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
8. Reasons for Disapproval: See minutes  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

BCPC:7/11/88

## STAFF REPORT

#6

DEVELOPMENT: Tressa  
APPLICANT: Anthony James Hoekstra  
LOCATION: 2711 Circleport Boulevard, Boone County, Kentucky  
ZONING: Industrial One (I-1)  
DATE: July 8, 1992

### REMARKS:

The applicant is requesting a Variance to eliminate the landscaped buffer required as part of the previously approved Site Plan. The 4 acre site is located at 2711 Circleport Boulevard, Boone County, Kentucky. The property is zoned Industrial One (I-1) and is owned by Bill and Connie Forbriger.

On May 14, 1986, the Boone County Board of Adjustment granted a Variance to reduce the side yard setback for this site from 50 feet to 30 feet. The applicant was granted another Variance on September 12, 1991 to allow a reduction of the rear yard setback from 50 feet to 30 feet. As a condition of the second Variance, the applicant is required to plant a reasonable landscaped buffer along the property line. On September 19, 1991, the Boone County Planning Commission approved a Site Plan for a 34,068 square foot building addition to the existing building.

The Boone County Zoning Regulations state that the a 25 foot wide landscaped buffer must be planted between I-1 and SR-1 zoning districts. As part of the county wide zoning map update earlier this year, Rolling Green Acres Subdivision was rezoned from Suburban Residential One (SR-1) to Industrial One (I-1). This Variance request is to eliminate the landscape buffer requirement for the site along the property lines abutting the former SR-1 zoning district.

The following reviews the criteria the Board must use to judge each Variance request:

1. If the Variance is granted, it would not adversely affect the public health, safety or welfare.
2. The Variance will not alter the essential character of the general vicinity.
3. The Variance will not cause a hazard or a nuisance to the public.
4. The Variance will not allow an unreasonable circumvention of the requirements of the zoning regulations.

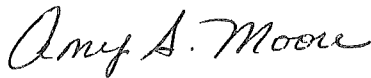
The Board shall also consider making these findings whether:

5. The requested Variance does not arise from special circumstances which do not generally apply to land in the general vicinity, or in the same zone.

6. The Board should decide if the strict application of the provisions of the regulations would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.
7. The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulations from which relief is sought.

Attached to the Staff Report is a copy of a plat of the site in relation to the lots in Rolling Green Acres Subdivision immediately adjoining the site. A letter outlining the applicant's reasoning for applying for the request is also included.

Respectfully submitted,

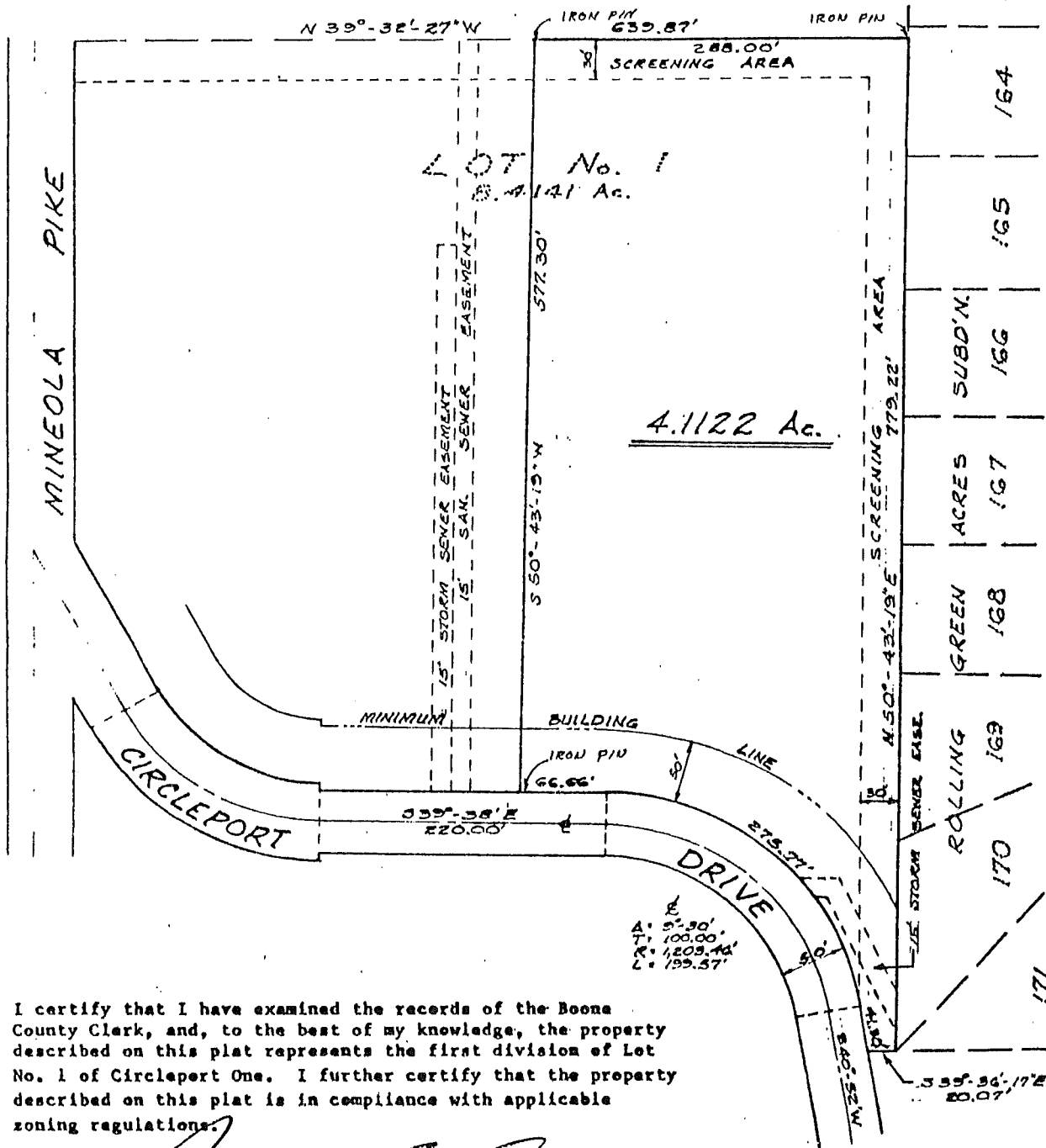


Amy S. Moore  
Planner II

ASM:kat

BY: [Signature]

DATE: 6-17-78



I certify that I have examined the records of the Boone County Clerk, and, to the best of my knowledge, the property described on this plat represents the first division of Lot No. 1 of Circleport One. I further certify that the property described on this plat is in compliance with applicable zoning regulations.

[Signature]  
 James W. Berling, Ky. L.S. No. 206

STATE OF KENTUCKY  
 JAMES W. BERLING  
 206  
 REGISTERED  
 LAND SURVEYOR

PLAT OF SURVEY  
 PART OF LOT NO. 1  
 CIRCLEPORT ONE SUBD'N.  
 BOONE COUNTY, KY.  
 SCALE: 1" = 100' MAY 22, 1986  
 JAMES W. BERLING

Exhibit C



June 17, 1992

CPX Design/Build Group, Inc.  
P.O. Box 75020  
Cincinnati, Ohio 45275  
606/292-5555

Boone County Planning Commission  
Boone County Administration Building  
2950 Washington Street  
P.O. Box 596  
Burlington, Kentucky 41005

Attention: Mr. Tom Breidenstein

Re: Screening for Tressa Side and Rear Yards

Dear Mr. Breidenstein:

The Boone County Planning Commission is in receipt of a request for variance for the captioned project. Listed below is a summary of the reasons I feel the variance should be granted.

1. The omission of screening will not adversely affect public health, safety or welfare.
  - A. The adjacent property is now zoned I-1.
  - B. Existing wooded area on adjacent lots effectively screen the building.
  - C. The structure is made of architectural fluted block, stained an indigenous color to be as compatible with the natural setting as possible.
2. The omission of the screening will not alter the essential character of the general vicinity.
  - A. As much as practical, the site design has implemented building forms, materials and landscaping to provide a facility integrated with the natural surroundings.
  - B. The facility does not produce objectionable noise or smell, produce excessive storm water runoff or provide an unsightly building scape for adjacent properties.
  - C. Adjacent property is zoned I-1.
3. Lack of screening will not be a hazardous nuisance to the public (See A, B and C of Item No. 2).
4. The variance will not allow an unreasonable circumvention of zoning regulations.
  - A. This variance is being pursued specifically because adjacent properties were re-zoned I-1.



Boone County Planning Commission  
June 17, 1992  
Page Two

As this request is considered, I would like to place emphasis on the following points:

1. Tressa seeks a variance to eliminate screening because of the recent zoning change of adjacent property from SR-1 to I-1.
2. Tressa property and adjacent parcels are within FAA guideline approval radius and high noise levels adjacent runaway.
3. Tressa's facility is a world class operation. Management's respect for employees, maintenance of property and commitment to Northern Kentucky is a credit to principal owners, William and Constance Forbrigger. The request for elimination of screening is based on reasonable doubt that money spent for same is not necessary with existing topography and vegetation in place.
4. Tressa's original facility, built in 1986, was 36,000 square feet. The most recent addition, constructed in 1991, brings the facility up to 74,500 square feet. Proposed future expansion would be in the south and west onto adjacent property zoned I-1, requiring removal of the tree screen.
5. The spirit and intent of the zoning ordinance is not compromised.

I appreciate the opportunity to submit this request for change. As usual, I find the Boone County Planning Commission's handling of this matter to be cordial and professional. The Forbriggers and I thank you for cooperating with us by providing assistance in the submittal of this variance request.

Respectfully submitted,

CPX DESIGN/BUILD GROUP, INC.

A handwritten signature in black ink, appearing to read 'Anthony J. Hoekstra', is written over the typed name.

Anthony J. Hoekstra  
Project Architect

/ce

CC: William Forbrigger  
Thomas E. Banta

EXHIBIT #1  
7/8/92



7801 Highway 42  
Florence, Kentucky 41042  
(606) 525-7900  
(Fax) 525-7912

June 18, 1992

Boone Co. Board of Adjustments  
Boone Co. Court House  
Burlington, KY

ATTN: Chairman, George Whitton

RE: 9512 Gunpowder Road

Dear Mr. Whitton:

I represent the sellers, Bruce and Alberta Lanham, of 9512 Gunpowder Road. I was in attendance of the June 10, 1992 meeting where a conditional use change was asked for on the above mentioned property. I observed several objections by a few neighbors because they didn't want a church located close to their homes. They used the excuse that it would cause a traffic hazard on Gunpowder Road. That was the main objections used to stop the Florence Alliance Church from being granted a conditional use change. The decision of the board was to deny the church the use-change.

The Florence Alliance Church asked the following:

1. To use the dwelling as pastoral living quarters
2. To use the downstairs for a meeting hall until another building is needed.
3. To be able to hold three services a week.
4. To use present septic tank (per okay from health dept) until another one was needed and then it would be installed.
5. The church has approximately 50 members and at the present time the automobiles would be numbered around 20 for each service.

I have spoken to Pastor Rick Haggett of Victory Baptist Church which is located at 9066 Gunpowder Road. He tells me that they approached this same board in late 1989 with the following request regarding a conditional use change for 9066 Gunpowder Road.

1. To use the dwelling as pastoral living quarters
2. To use the garage for a meeting hall until another building is needed.
3. To be able to hold three services a week.
4. To use the present septic tank until another one was needed and then it would be installed per health regulations.

5. The church had approximately 60 to 70 members and at each service the automobiles would number around 15 to 20.

Their request was granted and they have now been open for services since January 1990.

9066 Gunpowder Road is exactly 6/10 of a mile from 9512 Gunpowder Road. The conditions around both sites are very similar. 9066 Gunpowder Road touched 4 other pieces of property and 9512 Gunpowder Road has 5 properties touching it.

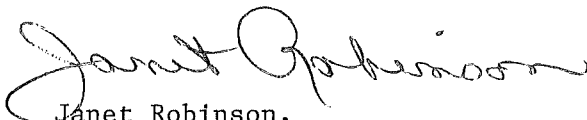
My question to the Board of Adjustments is this, why was permission granted to a Baptist Church and denied to Florence Alliance Church. Did it have to do with the churches being different or exactly what caused the Board to deny one church and grant permission to another.

Any kind of discrimination is unlawful, whether it be race, sex, or religion. We at Jim Huff Realty feel the matter needs to be reconsidered in a special meeting held by your board.

A copy of this letter is being forwarded to State Representative, Tom Kerr. and Huff Realty has spoken to Jeff Arnzen, a real estate attorney. It is our understanding to allow one church and disallow another because the name is unfamiliar to you could have legal repercussions.

We would appreciate the Board reconsidering their decision on the conditional use change asked for by the Florence Alliance Church on 9512 Gunpowder Road.

Thank you for your consideration,



Janet Robinson,  
Sales Executive Jim Huff Realty

cc: Tom Kerr  
cc: Jeff Arnzen