

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 Powerfone Inc. dba Nextel Communications
Phone Number 606-578-0076 Fax No. 606-578-0684
Applicant's Address 211 Grandview Dr., Ste. 200
Fr. Mitchell KY 41017
City State Zip
4. Description of Request: Conditional use permit to construct a Tele-
communications facility within SRI-SC Zoning District.
5. Name of Development NEXTEL COMMUNICATIONS
6. Location of Development 4400 River Rd. Constance, KY
7. Acreage Under Review 2500 square feet
8. Lot Number and Name of Subdivision (if part of a subdivision)
Map 70, Parcel 3 in Boone County
9. Owner of Property Hilltop Basic Resources, Inc.
Phone Number of Owner 513-621-4995
10. Address of Property Owner 511 Water Street
Cincinnati OH 45202
City State Zip
11. Proposed Use(s) on Site Construct a 100' Telecommunications Monopole
with an adjacent, unmanned, 10' X 20' equipment shelter.
12. Total Square Footage of Existing and/or Proposed Buildings
Proposed project consists of 2,500 square feet
13. Current Zoning on Property SRI-SC
14. Deed Book 565 Page No. 78-89 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. I, or we, understand and agree that this application and
drawing(s) are being filed in accordance with the Boone County
Zoning Regulations.
Applicant's Signature: [Signature]
Property Owner's Signature: See Attached

(over)

BOARD OF ADJUSTMENT AND
ZONING APPEALS ACTION
APPLICATION
PAGE 2

SECTION B (To be completed by the Boone County Planning
Commission Staff)

1. Date Received 7-20-95 Fee Received See ZMA
2. Is application complete? Yes No Receipt
3. Staff Reviewer Jeff Hayes
4. Scheduled Board Action Date 8-9-95 # 7278
5. Board Action: Approved
Approved with Conditions (See #6) Dated 7-11-95
Denial (See #7) BBOA fee
6. Conditions of Approval: Due \$370.00

7. Reasons for Denial: _____

Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005
(606) 334-2196 Phone
(606) 334-2264 Fax

NOTE: See Boone County Planning Commission Fee Schedule for Board
of Adjustment Fees.

Site Plan Review is not granted by the appropriate Board of
Adjustment.

An application consists of all fees paid in full, submitted
drawings and a completed application form.

STAFF REPORT

DEVELOPMENT: Nextel Communications

APPLICANT: Powerfone Inc. dba Nextel Communication

LOCATION: 4400 River Road, Boone County

ZONING: Suburban Residential One/Small Community Overlay (SR-1/SC)

DATE: August 9, 1995

The applicant is requesting a Conditional Use Permit to allow the development of a 100 foot tall telecommunications monopole with an adjacent unmanned 10 foot by 20 foot shelter. The total area needed for the proposed use is 2,500 square feet. The site is located on the Hilltop Basic Resources property between the Ohio River and River Road (See Sheet #1). The site is positioned approximately 1300 feet west of the entrance to the Hilltop site and approximately 400 feet north of River Road (See Sheet #2).

The elevation of the monopole is approximately 485 feet. The elevation to the intersection of KY 20 and River Road is approximately 575 feet. This indicates that the pole should not be visible from this location of River Road, because of the change in elevation and the mature trees which cover the site and the hillside leading up to River Road. River Road drops to an elevation of 515 feet at the entrance of the site on the east end and 549 feet on the west end of the site. The closest residence to the west of the monopole is approximately 700 feet away while the closest residence to the south east is 500 feet away from the monopole.

Article 20, Section 2012 of the Boone County Zoning Regulations permits the development of a telecommunications facility with a Conditional Use Permit. This use fall under the Public Facilities zoning classification. In addition to the seven criteria the Board must use to determine the appropriateness of a Conditional Use Permit the Board must also consider the following:

- a) the activity is an integral part of the area's function as a small community center, and is not of scale, nature, or character which will detract from or conflict with the principal purpose and continued well-being of the center;
- b) the arrangement of use, building, or structure is compatible with the arrangement or organization of permitted and accessory uses which are to be protected in the district:

The 1995 Boone County Comprehensive Plan text does not discuss this specific site, however, the Future Land Use Map indicates the area as Recreation.

Surrounding Land Uses and Zoning (See Sheet #3)

North: Ohio River
South: Vacant undeveloped land and single family homes zoned SR-1/SC
East: Hilltop sand and gravel company zoned SR-2/SC
West: Vacant land and single family homes zoned SR-1/SC

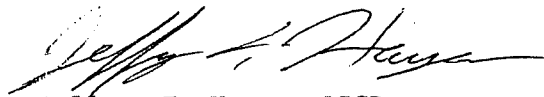
Staff Concerns:

1. Staff believes that special care should be taken in the preservation of as many trees as possible. The only area which should be cleared of trees is the area needed for the construction of the telecommunications facility.

Conclusion

The Board should judge the applicant's request as it relates to the compatibility of the seven criteria for a Conditional Use Permit and the two criteria for a Conditional Use within an Small Community Overlay. Staff believes that the monopole will have little impact to the character of the area because the majority of the monopole will not be visible to the surrounding properties.

Respectfully Submitted,

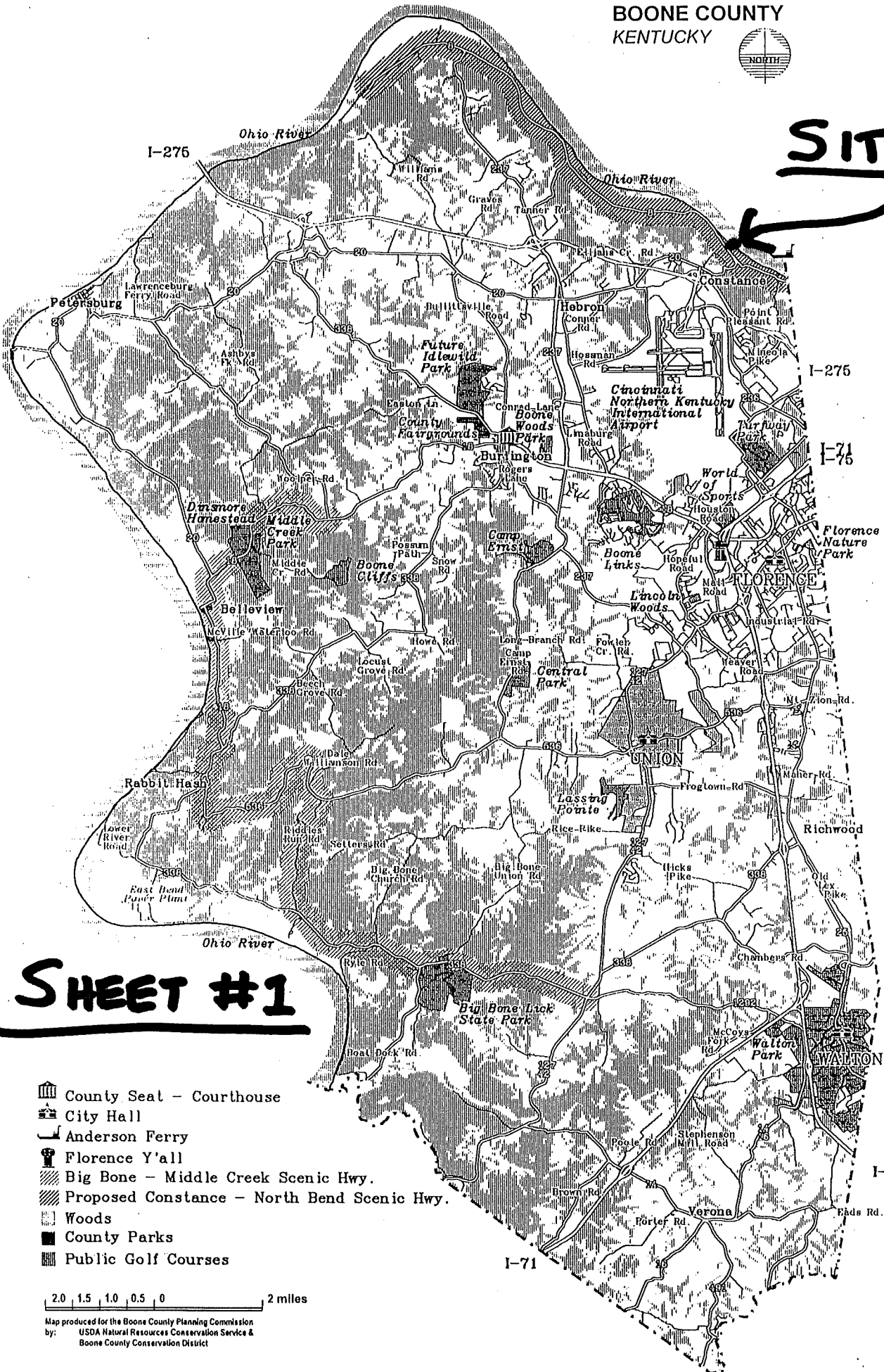


Jeffrey F. Hayes, AICP
Planner

JFH\par

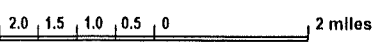


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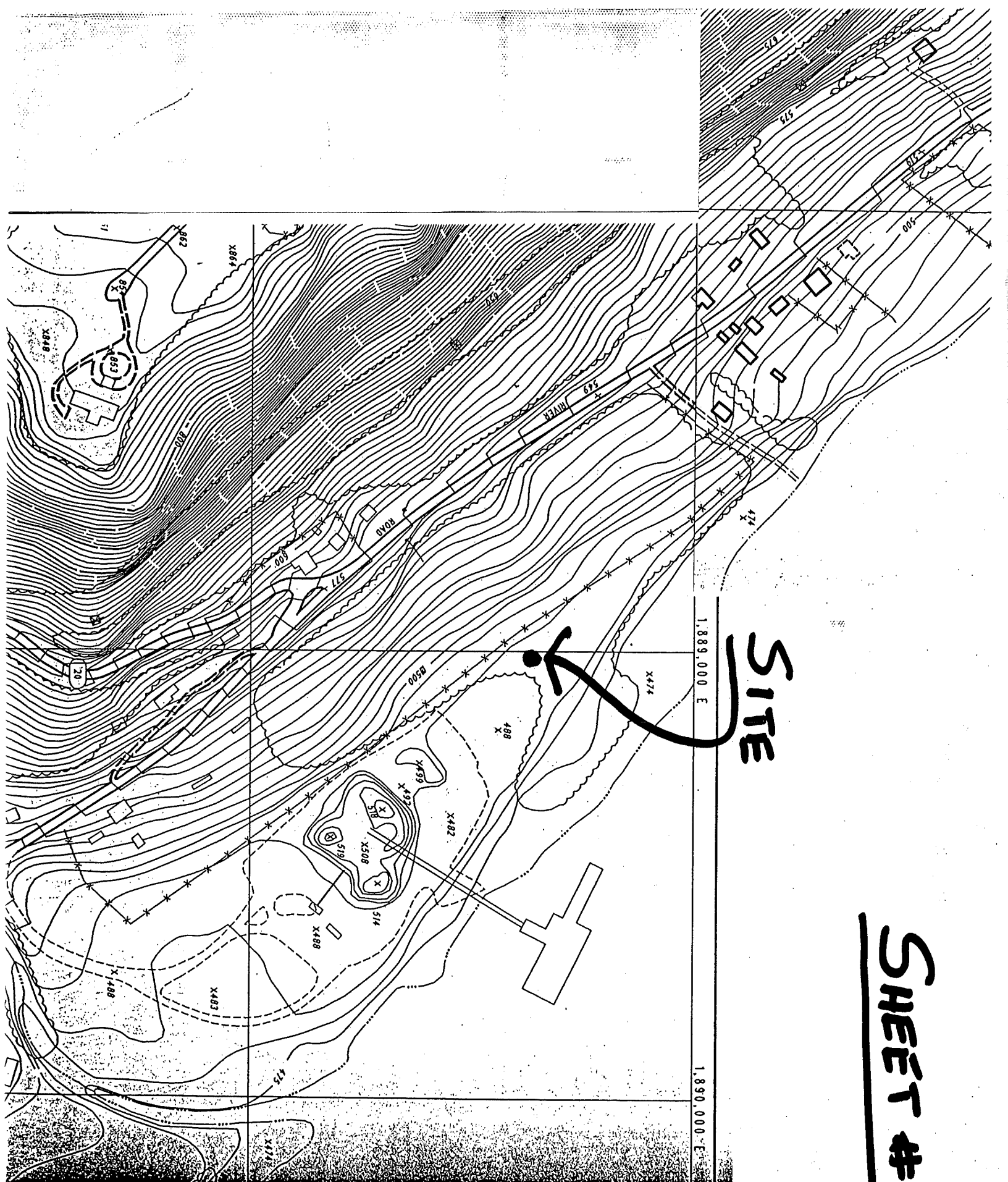


SHEET #1

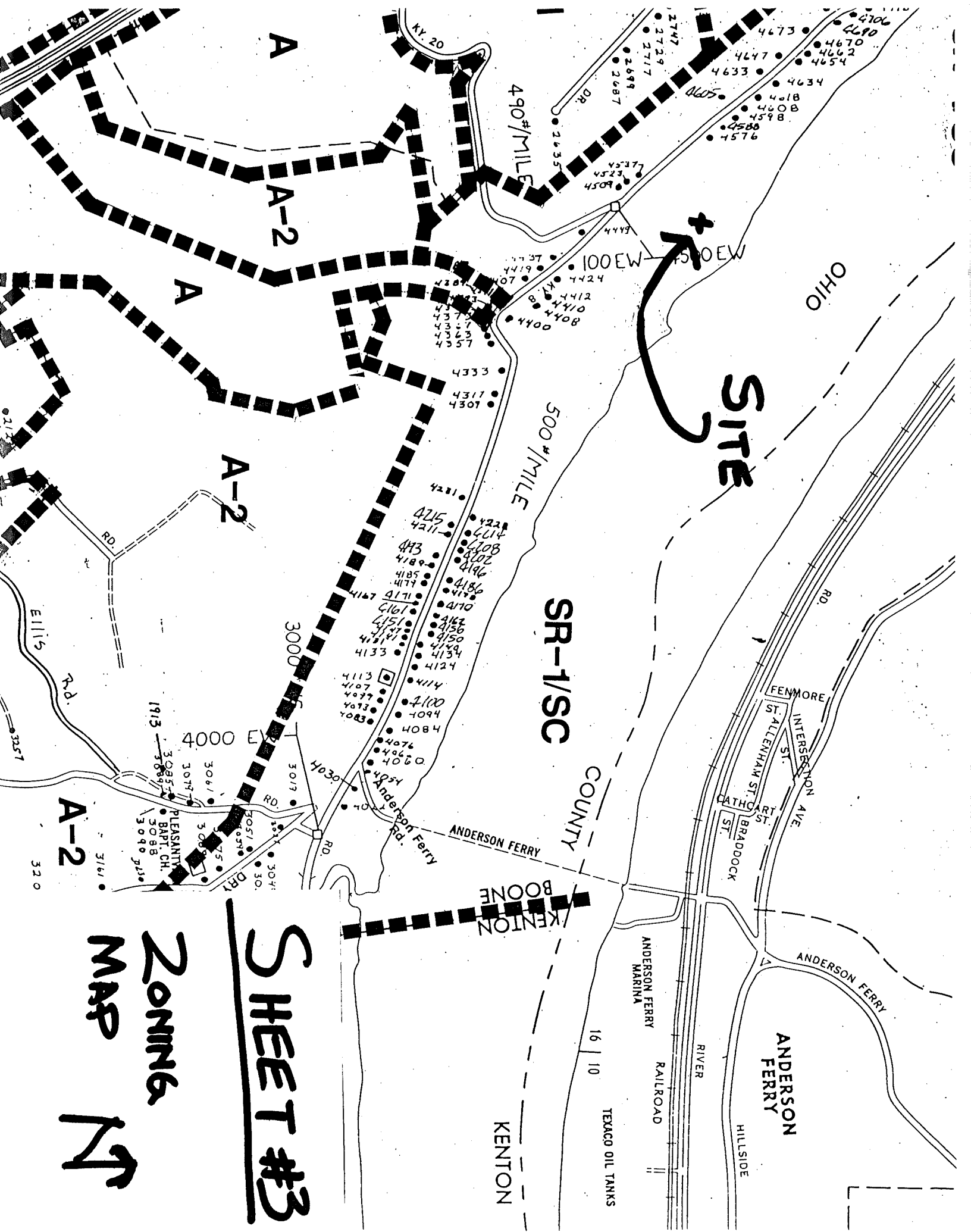
- County Seat - Courthouse
- City Hall
- Anderson Ferry
- Florence Y'all
- Big Bone - Middle Creek Scenic Hwy.
- Proposed Constance - North Bend Scenic Hwy.
- Woods
- County Parks
- Public Golf Courses



Map produced for the Boone County Planning Commission
by: USDA Natural Resources Conservation Service &
Boone County Conservation District



SHEET # 2



SITE

SR-1/SC

COUNTY

KENTON

KENTON

ANDERSON FERRY

ANDERSON FERRY

TEXACO OIL TANKS

ANDERSON FERRY MARINA

RAILROAD

RIVER

HILLSIDE

FENMORE

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BRADDOCK ST.

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SHEET #3

ZONING

MAP



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COPY

CLUR # 95-BCBOA-013-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER (S)
Hilltop Basic Resources, Inc.
511 Water Street
Cincinnati, Ohio 45202
2. ADDRESS OF PROPERTY
4400 River Road
Constance, Kentucky
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Powerfone Inc. dba Nextel

DEED BOOK: 565

PAGE NO.: 78

GROUP NO.: 2009

4. TYPE OF RESTRICTION (S) (Check all that apply)

Zoning Map Amendment from ___ to ___ Conditional Use Permit

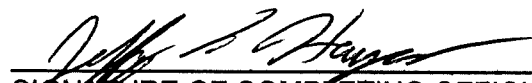
Development Plan Change in Concept Development Conditional Zoning

Subdivision Plat (Unrecorded) Other:

Variance

5. NAME AND ADDRESS OF PLANNING COMMISSION, BOARD OF ADJUSTMENT, LEGISLATIVE BODY OR FISCAL COURT WHICH MAINTAINS THE ORIGINAL RECORDS CONTAINING THE RESTRICTION

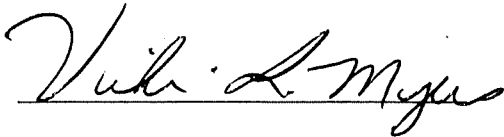
BOONE COUNTY PLANNING COMMISSION
2995 WASHINGTON STREET
BURLINGTON, KENTUCKY 41005


SIGNATURE OF COMPLETING OFFICIAL
Jeffrey Hayes, AICP/Planner
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledge before me by Jeffrey Hayes on behalf of the Boone
County Planning Commission this 1st day of November 1995.

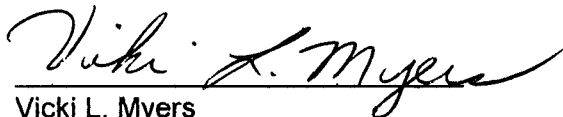


NOTARY PUBLIC, State at Large

My commission Expires:

April 17, 1999

This instrument was prepared for recording purposes only by:



Vicki L. Myers
Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005

NO TITLE EXAMINATION

(Legal Description and source of Title and Group Number furnished by the applicant.)

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the Conditional Use Permit as approved by the Boone Board of Adjustments and in accordance with the current zoning in effect as of August 9 1995, (Certificate of Land Use Restriction # 95-BCBOA-013-A), for Hilltop Basic Resources, Inc. property owner.

The following conditions will apply: That special care should be taken in the preservation of as many trees as possible. The only area which should be cleared of trees is the area needed for the construction of the telecommunications facility.

The approved Conditional Use Permit as well as the preceding conditions apply to the property described in: DEED BOOK 565 PAGE NO. 78 Group No. 2009