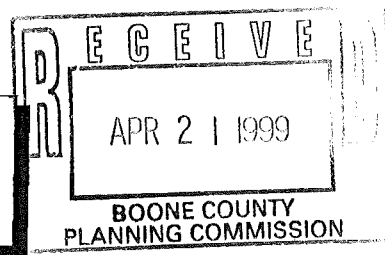


To: Craig HETZER
Company: Hemmer
Location:
Fax #:
Telephone #:
Comments:

No. of Pages: 4
Today's Date: 4-6-99
Time:
From: Terri
Company: BCPC
Location:
Fax #:
Original Disposition: Destroy Return Call for pickup

APPLICATION FORM

BOARD OF ADJUSTMENT
AND
ZONING APPEALS ACTION
BOONE COUNTY PLANNING COMMISSION



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 CRAIG A. HETZER
Phone Number 341-8300 Fax No. 341-6817
Applicant's Address 250 GRANVIEW DRIVE
FOOT MITCHELL KY 41017
City State Zip
- 4. Description of Request: VARIANCE TO ALLOW 30'-0" SETBACK FROM RESIDENTIAL
PROPERTY IN LIEU OF 50'-0"
- 5. Name of Development MERRITON WESCO
- 6. Location of Development 845 PETERSBURG ROAD
HEBON, KY.
- 7. Acreage Under Review 4.66
- 8. Lot Number and Name of Subdivision (if part of a subdivision)
LOT # 2 AIRPARK EAST
- 9. Owner of Property ASHLEY/HEMMER
Phone Number of Owner 341-8300 10.
Address of Property Owner 250 GRANVIEW DR. FT. MITCHELL, KY. 41017
City State Zip
- 11. Proposed Use(s) on Site WAREHOUSE / OFFICE
- 12. Total Square Footage of Existing and/or Proposed Buildings 101,460 SF
- 13. Current Zoning on Property I1
- 14. Deed Book 703 Page No. 159-170 Group No. 2009
- 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: Craig A. Hetzer

Property Owner's Signature: [Signature]

STAFF REPORT

APPLICANT: Craig A. Hetzer on behalf of Merritor Wabco

LOCATION: Lot 2, Airpark East, 845 Petersburg Road, Hebron, Kentucky

ZONING: Industrial One (I-1)

DATE: May 12, 1999

Proposal

The applicant is requesting a Variance to allow a reduction of the side yard setback on Lot 2, Airpark East, Hebron, Kentucky. The subject property is located in an Industrial One (I-1) zoning district, and Article 31 of the Boone County Zoning Regulations requires a minimum side yard setback of 50 feet when adjoining an Agricultural Estate (A-2) district. The enclosed site plan currently shows the northwest corner of the proposed building being cut on a diagonal in order to comply with the minimum side yard setback requirement of 50 feet from the adjoining A-2 district. The applicant is requesting the Variance to reduce the setback to 30 feet, in order for the proposed building to be diagonally square at each corner, for a total variance of 20 feet. The proposed building is to be utilized for offices and light assembly, and an increase of the building footprint will allow the tenant to utilize the building in a much greater capacity. A vegetative buffer consisting mainly of hardwood deciduous trees currently exists along the property line adjoining the A-2 zone, and the proposed building would not be detrimental to the adjoining property. If the variance is granted, the result will be a smaller side yard.

Action by Board of Adjustment and Zoning Appeals

The Board of Adjustment and Zoning Appeals has the power to hear and decide on applications for Variances. A Variance is defined as a departure from dimensional terms of the zoning regulation pertaining to height, width, or location of structures, and the size of open spaces where such departure meets the requirements of K.R.S. 100.241 to 100.247.

Variances are appropriate by reason of exceptional narrowness, shallowness, or unusual shape of a site on the effective date of the zoning regulations or amendment thereof or by reason of topographic conditions, or some other extraordinary situation or condition of the

site. The literal enforcement of the above dimensional terms of the zoning regulation would deprive the applicant of a reasonable capacity to make use of the land in a manner equivalent to the use permitted other land owners in the same zone. The dimensional terms pertaining to height, width, and location involve such items as structures, parking space stalls, driveway aisles, and landscaped buffers and signs. Lot frontages, the size of yards, and open spaces refer to minimum yard dimensions such as building setbacks.

Conclusion

K.R.S. 100.241 gives the Boone County Board of Adjustment and Zoning Appeals the authority to grant the Applicant's request for a Variance to reduce the side yard setback for the proposed building on Lot 2, Airpark East, Hebron, Kentucky. Staff believes that this request 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 requirements of the zoning regulations.

Respectfully Submitted,

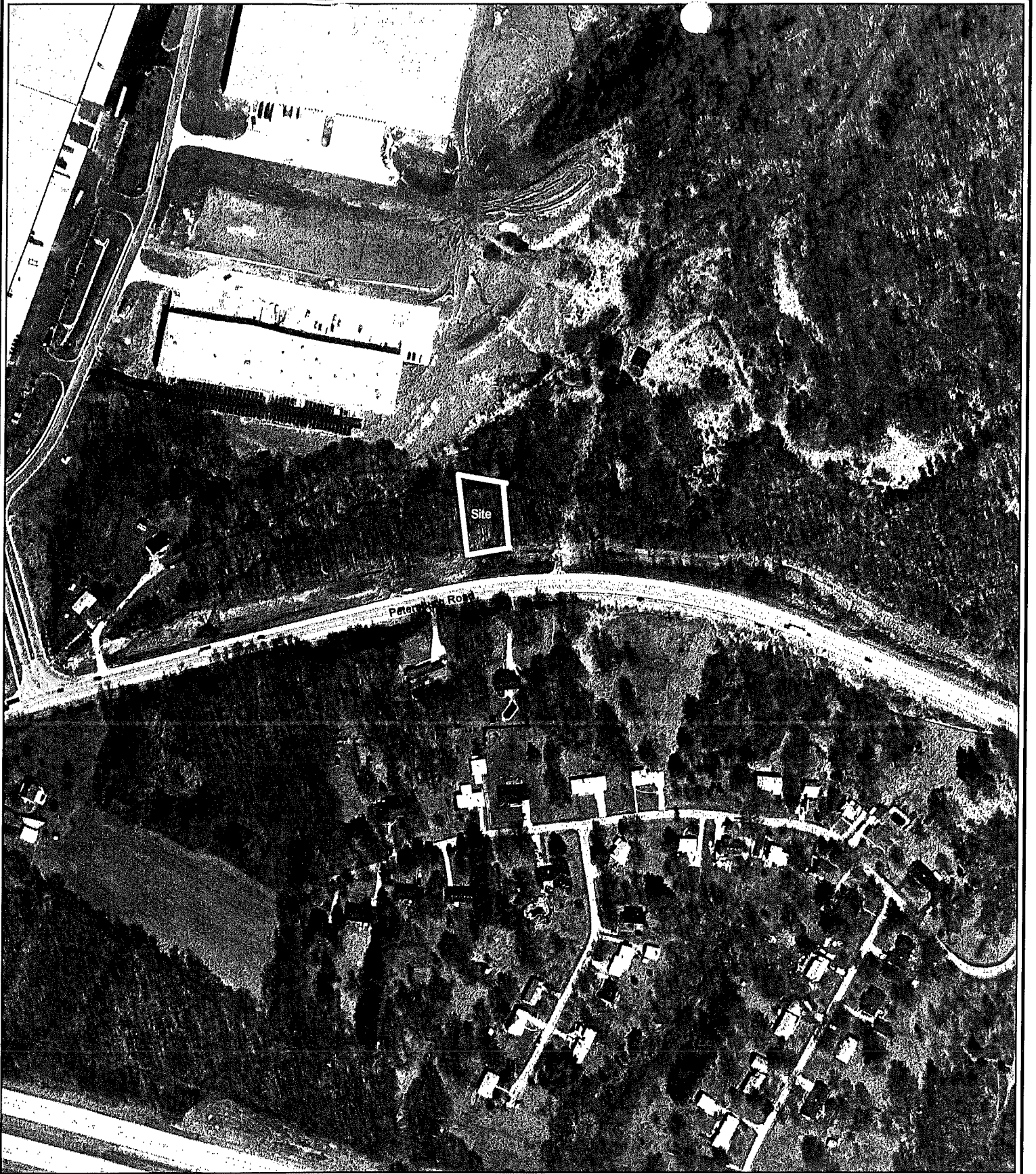


Mark E. Jordan
Planner

MEJ\pr

Attachments

- Location Map
- Aerial Photo



Merritor Wabco Location Map

300 0 300 Feet

1 inch equals 300 feet
Produced by the
Boone County Planning Commission
GIS Services Division
May 10, 1999



COPY

CLUR # 99-BCBOA-008-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER (S)

Ashley Hemmer
250 Grandview Drive
Ft. Mitchell, Kentucky 41017

2. ADDRESS OF PROPERTY

845 Petersburg Road
Boone County, Kentucky

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Merritor Wabco

DEED BK.:703

PAGE NO.:159

GROUP NO.:2009

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

Zoning Map Amendment:
From To

Conditional Use Permit

Development Plan

Conditional Zoning

Subdivision Plat
(Not Recorded)

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

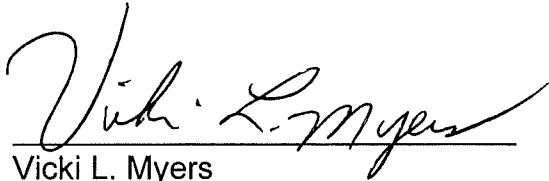

SIGNATURE OF COMPLETING OFFICIAL

Mark Jordan, Planner
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

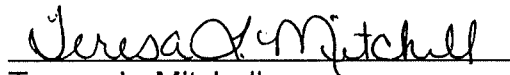
Subscribed, sworn to, and acknowledge before me by Mark Jordan, on behalf of the
Boone County Planning Commission this 2nd day of June 1999.



Vicki L. Myers
NOTARY PUBLIC, State at Large

My commission Expires:
April 17, 2003

This instrument was prepared for recording purposes only by:



Teresa L. Mitchell
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 Variance approved by the Boone County Board of Adjustments and in accordance with the current zoning in effect as of May 12, 1999 Certificate of Land Use Restriction (# 99-BCBOA-008-A), for Ashley Hemmer, Property Owners.

The following conditions will apply:

The approved Variance as well as the preceding conditions apply to the property described in: DEED BOOK 703 PAGE NO. 159 Group No. 2009