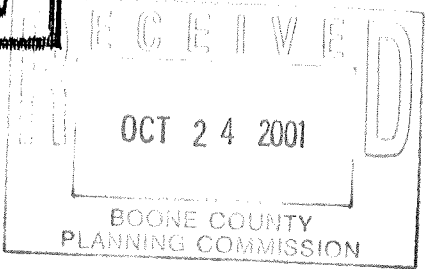


APPLICATION FORM

01-15BoA-011-A

BOARD OF ADJUSTMENT
AND
ZONING APPEALS ACTION
BOONE COUNTY PLANNING COMMISSION



See Boone County Zoning Regulations
SECTION A (To be completed by applicant)

- (Check One)
1. Boone Florence Walton Union
 2. (Check One)
Conditional Use Permit Variance Appeal
Change in Non-Conforming Use
 3. Applicant's Name CDS Associates, inc.
Phone Number 859-525-0544 Fax No. 859-625-0561
Applicant's Address 7000 Dixie Highway
Florence Ky 41042
City State Zip
 4. Description of Request: Variance to the front yard setback requirement
 5. Name of Development NA
 6. Location of Development The corner of Dixie Highway and Banklick Street
 7. Acreage Under Review 2.3220 Acres
 8. Lot Number and Name of Subdivision (if part of a subdivision)
NA
 9. Owner of Property B.M.B. LTD. 11120 KEDWOOD RD.
Phone Number of Owner 513-791-1700 CINTL, OH 45242
 10. Address of Property Owner Cincinnati Oh 45242
City State Zip
 11. Proposed Use(s) on Site Office Site
 12. Total Square Footage of Existing and/or Proposed Buildings 6644 Sq. Ft.
 13. Current Zoning on Property C-2
 14. Deed Book 789 Page No. 595 Group No. 2043-A
 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: Mark V. Bruggeman CDS ASSOCIATES
B.M.B. LTD. INC.

Property Owner's Signature: Wayne Bruggeman
GEN. PARTNER

(over)

400.00
75.00
21.00
84.00

580.00

**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 10-24-01 Fee Received \$580.00 RA#29471
2. Is application complete? _____ Yes _____ No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
11-14-01 **Approved**
_____ **Approved with Conditions** (See #6)
_____ **Denial** (See #7)
6. Conditions of Approval: _____

7. Reasons for Denial: _____

**Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005
(859) 334-2196 - Phone
(859) 334-2264 - Fax
plancom@boonecountyky.org - E-mail
www.boonecountyky.org - Web Page**

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

APPLICANT: CDS Associates, Inc.
LOCATION: 7000 Dixie Highway, Florence, Kentucky
ZONING: Commercial Two (C-2)
DATE: November 14, 2001

Proposal

CDS Associates is requesting a variance to allow a non-conforming building, located at 7000 Dixie Highway, to encroach 4.17 feet further into the front yard setback. The Applicant's submitted Concept Development Plan shows that CDS is planning a small building addition to dress up the appearance of the front facade. The building is currently setback 20.95' from the front property line. The new addition and fabric canopy, if approved, would be located 16.78' from the front property line. The front yard setback typically required in a Commercial Two (C-2) zoning district is 30'.

Applicable Regulations

Article 2, Section 271 of the Boone County Zoning Regulations states that when an addition is proposed for a pre-existing structure that does not meet the current setback requirements, the addition may be located along the non-conforming building line established by the existing structure, but may not encroach into such non-conforming setback unless a variance is granted by the Board of Adjustment and Zoning and Appeals.

Article 2, Section 250 of the Boone County Zoning Regulations states that the Board of Adjustment and Zoning Appeals shall have the power to hear and decide on applications for variances. A variance is defined as a departure from the dimensional terms of the zoning regulation pertaining to the height, width, or location of structures, and the size of yards and open spaces where such departure meets the requirements of KRS 100.241 to 100.247.

Article 31, Section 3123 of the Boone County Zoning Regulations states that open structures such as porches, canopies, balconies, platforms, carports, covered patios, and similar architectural projections which occupy space three (3) or more feet above the general ground level of the yard shall be considered parts of the building to which attached and shall not project into the required minimum front, side or rear yard.

The Board should evaluate the applicant's request as it relates to the criteria necessary for granting a variance as stated in Section 251 of the Boone County Zoning Regulations:

1. Before any variance is granted, the Board must find that the granting of the 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 requirements contained in the zoning regulations.

- A. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;
- B. The strict application of the provisions contained in the regulations would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant;
- C. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

Surrounding Land Uses

North: Vacant Drive-Through Bank (C-2)
South: Strip Center (C-2/PD) & Law Office (C-2)
East: Accounting Office (C-2) & Lighting EFX (C-2)
West: Strip Center (C-2) & Ob/Gyn Office (C-2)

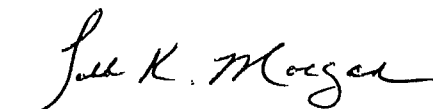
Staff Comments

The variance sought by the applicant is a 4.17' departure from the existing 20.95' non-conforming front yard setback. Staff believes that the request will make the building more aesthetically pleasing and 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 requirements contained in the zoning regulations.

Conclusion

KRS 100.241 and Section 250 of the Boone County Zoning Regulations gives the Florence Board of Adjustment and Zoning Appeals the authority to grant the applicant's request for a front yard setback variance from 20.95 feet to 16.78 feet.

Respectfully submitted,

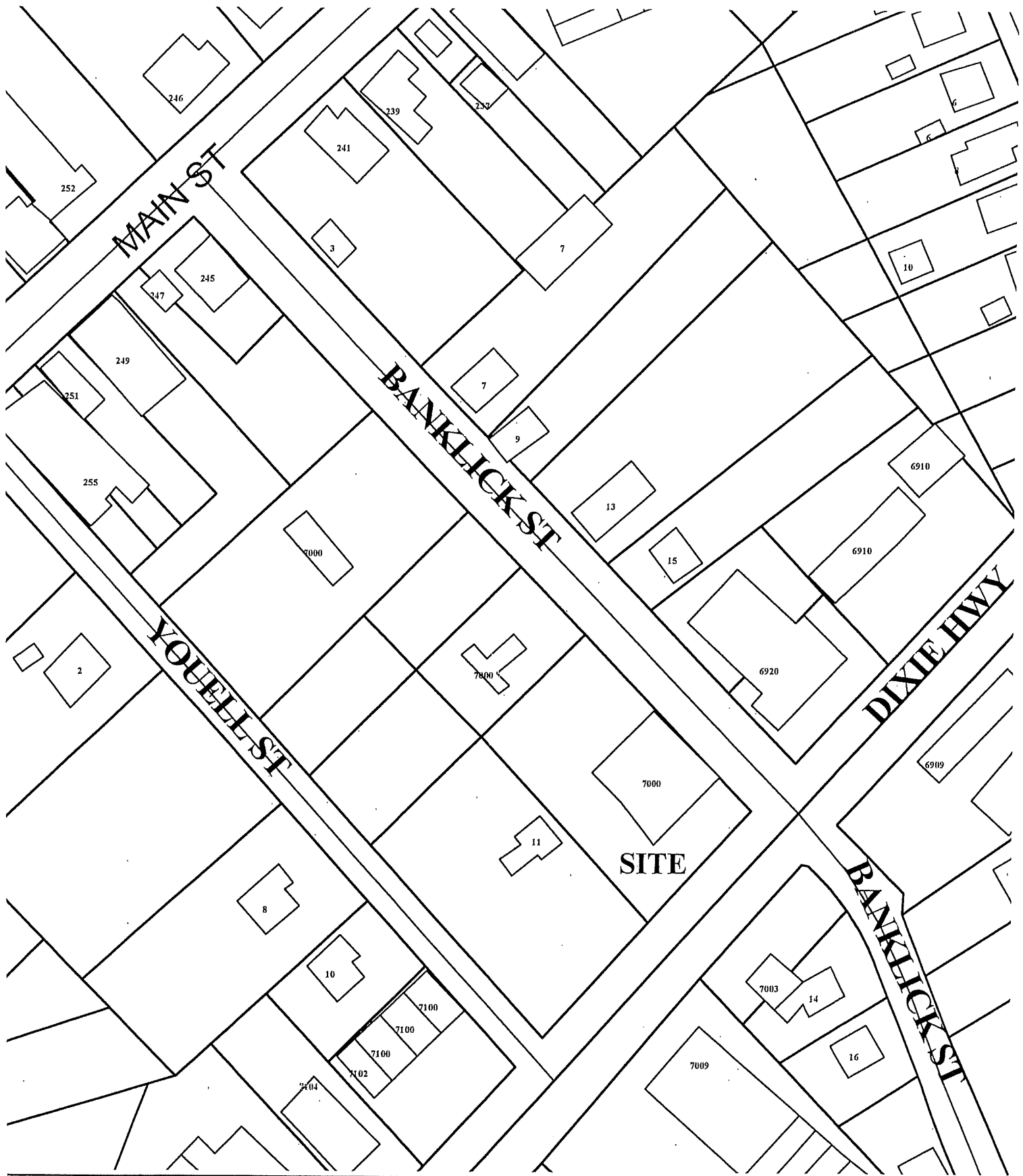


Todd K. Morgan
Planner, Zoning Services

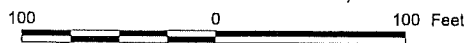
TKM/pr

Attachments

- Exhibit A – Site Vicinity Map
- Exhibit B – Concept Plan
- Exhibit C – Northeast Elevation Drawing
- Exhibit D – Zoning Map
- Exhibit E – Application



CDS Associates Site Vicinity Map

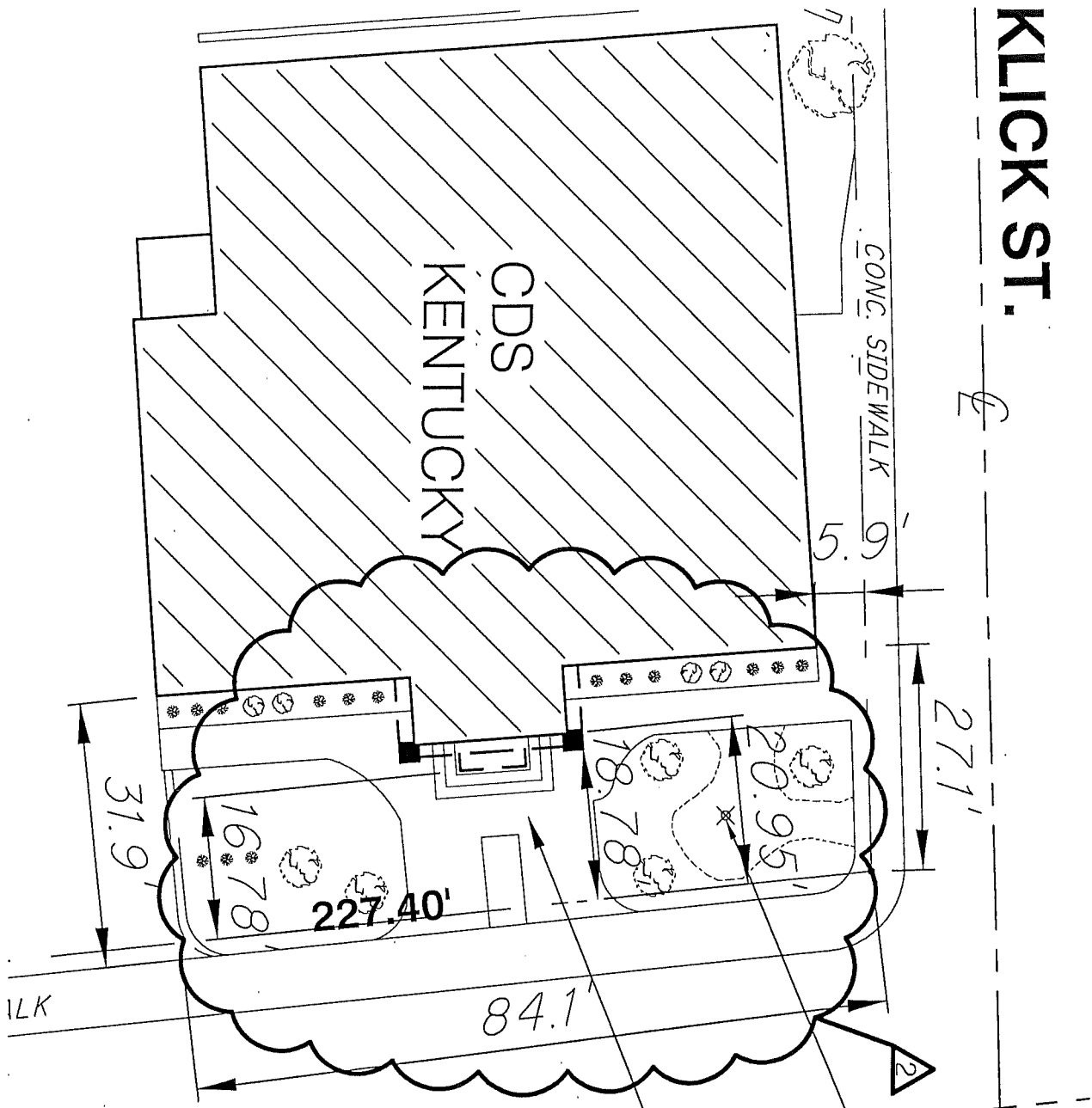


1 inch equals 100 feet

Produced by the
Boone County Planning Commission
GIS Services Division
October 26, 2001



KLICK ST.



DIXIE HIGHWAY

**PROPOSED
FRONT ENTRY
RENOVATION**

EXIST. EXT. ELEC.
CONDUIT CONNECTION
TO REMAIN

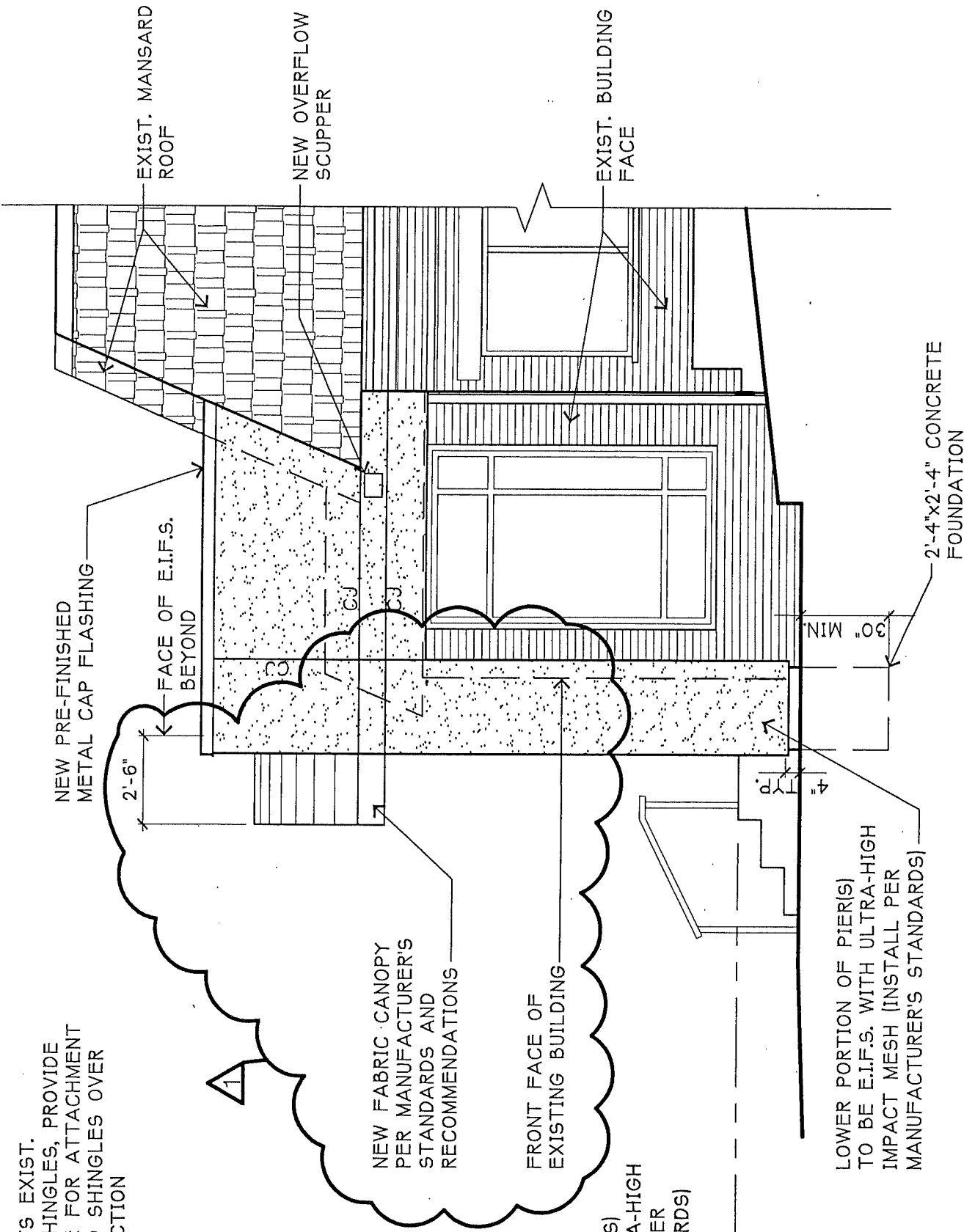
WHERE NEW WALL ABUTTS EXIST.
 MANSARD, REMOVE ALL SHINGLES, PROVIDE
 SOLID PLYWOOD SURFACE FOR ATTACHMENT
 AND REINSTALL MANSARD SHINGLES OVER
 WEATHERTIGHT CONSTRUCTION
 (TYP. BOTH SIDES)

TOP OF PARAPET
 EL. = ±115'-0"

BOTTOM OF SOFFIT
 EL. = ±110'-9½"

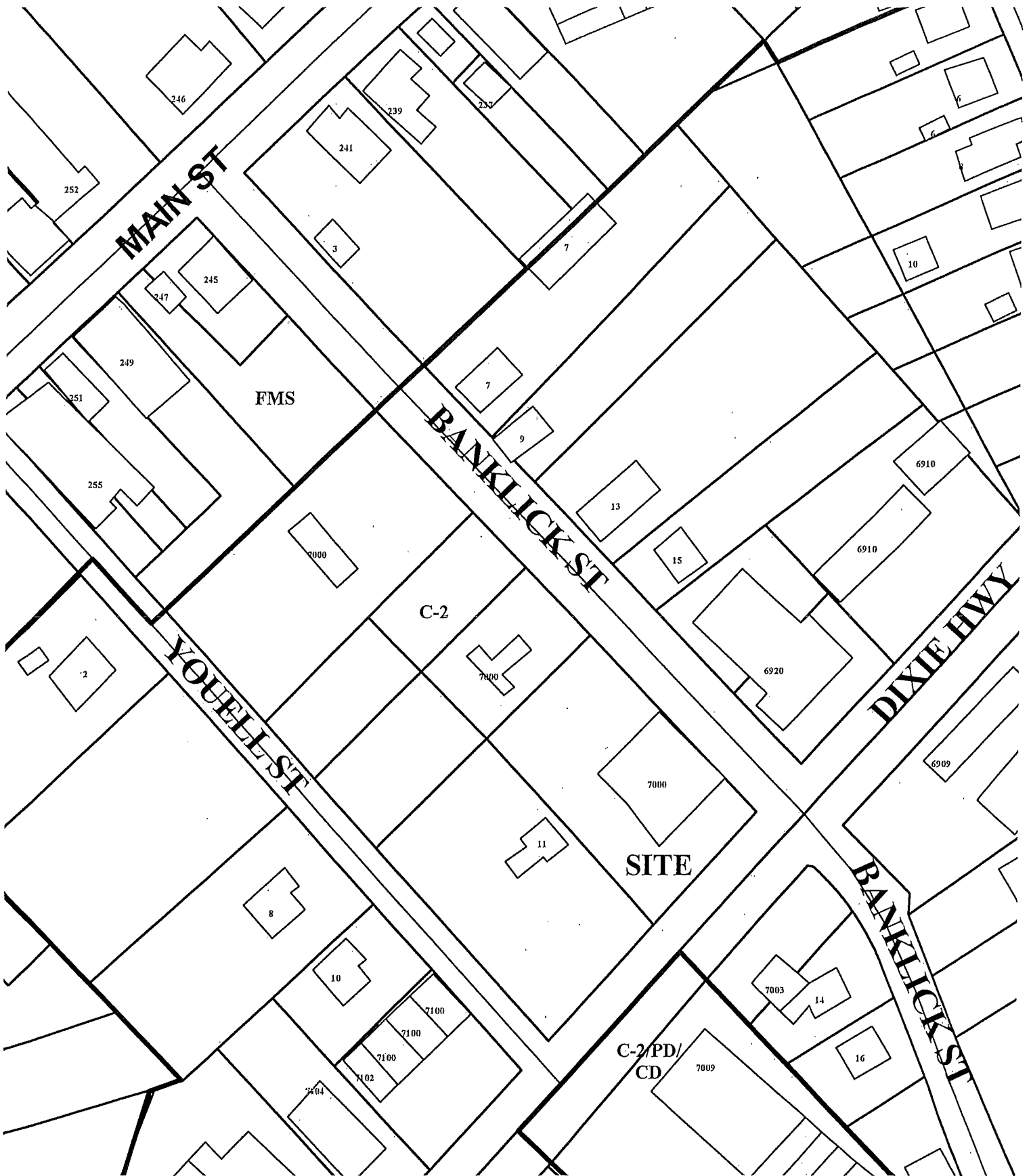
LOWER PORTION OF PIER(S)
 TO BE E.I.F.S. WITH ULTRA-HIGH
 IMPACT MESH (INSTALL PER
 MANUFACTURER'S STANDARDS)

FINISHED FLOOR
 EL. = 100'-0"

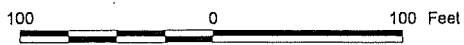


NORTHEAST ELEVATION

SCALE: ¼" = 1'-0"



CDS Associates Zoning Map



1 inch equals 100 feet

Produced by the
Boone County Planning Commission
GIS Services Division
October 26, 2001



APPLICATION FORM

BOARD OF ADJUSTMENT
AND
ZONING APPEALS ACTION
BOONE COUNTY PLANNING COMMISSION

RECEIVED
OCT 24 2001
BOONE COUNTY
PLANNING COMMISSION

See Boone County Zoning Regulations
SECTION A (To be completed by applicant)

(Check One)

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(Check One)

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13. Current Zoning on Property C-2

14. Deed Book 789 Page No. 595 Group No. 2043-A

15. Is the site subject to a zone change? No

If yes, give date of approval _____

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Applicant's Signature: Mark V. Ruygmann CDS ASSOCIATES
B.M.B. LTD. INC.

Property Owner's Signature: Walter
GEN. PARTNER

(over)

400.00
75.00
21.00
84.00

580.00

COPY

CLUR #01-FBOA-011-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
B.M.B., Ltd.
11120 Kenwood Road
Cincinnati, OH 45242
2. ADDRESS OF PROPERTY
7000 Dixie Highway
Florence, KY 41042
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
CDS Associates, Inc.
4. DEED BOOK 789 PAGE NO. 595 GROUP NO. 2043A
5. TYPE OF RESTRICTION(S) (Check all that apply)
- Zoning Map Amendment: Conditional Use Permit
From To
- Development Plan Conditional Zoning
- Subdivision Plat Other:
(Not Recorded)
- Variance
6. 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

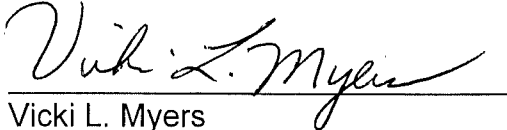

SIGNATURE OF COMPLETING OFFICIAL

Todd K. Morgan, Planner, Zoning Services
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

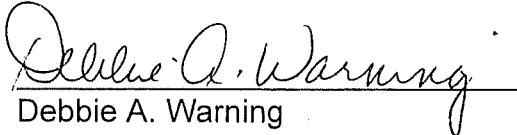
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 16 day of November, 2001.



Vicki L. Myers
NOTARY PUBLIC, State at Large

My commission Expires:
April 17, 2003

This instrument was prepared for recording purposes only by:



Debbie A. Warning
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 Florence Board of Adjustments and in accordance with the current zoning in effect as of November 14, 2001 Certificate of Land Use Restriction (#01-FBOA-011-A), for B.M.B., Ltd., Property Owner(s).

The following conditions will apply:

No conditions.

The approved Variance as well as the preceding conditions apply to the property described in:

DEED BOOK 789

PAGE NO. 595

GROUP NO. 2043A