

APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

FIVE (5) SCALED COPIES AND ONE (1) 11X17 REDUCTION OF SUBMITTED DRAWINGS ARE REQUIRED

See Boone County Zoning Regulations

SECTION A (To be completed by applicant)

- 1. (Check One) Boone [checked] Florence \_\_\_\_\_ Walton \_\_\_\_\_ Union \_\_\_\_\_
2. (Check One) Conditional Use Permit [checked] Variance \_\_\_\_\_ Appeal \_\_\_\_\_
3. Applicant's Name Lee Riegler Blacktop, Inc
Applicant's Address 19 Lendale Drive Florence KY 41042
4. Description of Request: We are requesting a variance to allow from rear the construction of 2 storage sheds @ 36' min setback prop line.
5. Name of Development Pleasant Valley Industrial Park
6. Location of Development 19 Lendale Drive Florence, KY
7. Acreage Under Review 0.25 Acres
8. Lot Number and Name of Subdivision (if part of a subdivision) Lot 2A + 2B of the Pleasant Valley Industrial Park
9. Owner of Property Riegler Properties (Lot 2A) + Lee Riegler Blacktop Inc
Address of Property Owner 19 Lendale Drive (Lot 2B) Florence KY 41042
10. Phone Number 859 371-8122 Fax No. 859 371-8147 E-Mail dan.riegler@fuse.net
11. Proposed Use(s) on Site Mechanics Garage Expansion + Storage Sheds
12. Total Square Footage of Existing and/or Proposed Buildings Approx 11,360 sq. ft.
13. Current Zoning on Property F-1
14. Deed Book 470 Page No. 210 Group No. 2039
15. Is the site subject to a zone change? NO
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.

ORIGINAL Property Owner's Signature: [Signature] (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: [Signature] (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

**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 4-16-13 Fee Received \$932.00 Receipt # 66668 CR
2. Is application complete?  Yes  No
3. Staff Reviewer \_\_\_\_\_
4. Scheduled Board Action Date \_\_\_\_\_
5. Board Action:  
5/9/13 **Approved**  
**Approved with Conditions** (See #6)  
**Denial** (See #7)
6. Conditions of Approval: SEE 5/9/13 FBOA  
MEETING MINUTES + CLR
7. Reasons for Denial: \_\_\_\_\_

**Boone County Planning Commission  
Boone County Administration Building  
2950 Washington Street, Room 317  
P.O. Box 958  
Burlington, Kentucky 41005  
(859) 334-2196 - Phone  
(859) 334-2264 - Fax  
plancom@boonecountyky.org - E-mail  
[www.boonecountyky.org](http://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: Len Riegler Blacktop, Inc.

LOCATION: 19 Lendale Drive, Florence, Kentucky

ZONING: Industrial One (I-1)

DATE: May 9, 2013

### PROPOSAL

The applicant is requesting a variance so two storage sheds can be constructed in the 50' rear yard setback. The submitted plan shows the first shed is 18' tall and 1046.5 square feet in area. The second shed is 14' tall 495 square feet in area. Both sheds are proposed behind a two story office and maintenance garage. The request is to reduce the 50' rear yard setback to a minimum of 36 feet.

### APPLICABLE REGULATIONS

Table 31.1 of the Boone County Zoning Regulations lists that the I-1 rear yard setback increases from 30' to 50' when the developing property adjoins a Urban Residential One (UR-1) zone.

Section 3605 of the Boone County Zoning Regulations states that landscaping is required on an existing site when new improvements are proposed. The landscaping is required only where new improvements are proposed.

Buffer Yard Table #1 found in Article 36 of the Boone County Zoning Regulations lists that Buffer Yard C is required when a developing property is located in an I-1 zone and adjoins a property that is zoned UR-1.

Buffer Yard Table #2 found in Article 36 of the Boone County Zoning Regulations lists that Buffer Yard C shall require the following plantings:

60 FOOT WIDE OPTION	30 FOOT WIDE OPTION
10 evergreens from Plant List D per every 100 linear feet of buffer and	10 evergreens from Plant List D per every 100 linear feet of buffer.
8 large trees or medium trees from Plants A or B for every 100 linear feet of buffer and	8 large trees or medium trees from Plants A or B for every 100 linear feet of buffer and
35 large shrubs from Plant List C for every linear feet of buffer	15 large shrubs from Plant List C for every linear feet of buffer
No fencing, berming, or masonry wall required	A 6 foot high berm, fence, or masonry wall must be installed in the buffer.

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.

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.
2. The Board shall deny any request for a variance arising from circumstances that are the result of willful violations of the zoning regulation by the applicant subsequent to the adoption of the zoning regulation from which relief is sought.

#### SITE CHARACTERISTICS

The approximate 1.63 acre site is located on the southeast side of Lendale Drive and is owned by Len Riegler Blacktop. The property contains two buildings, two sealer storage tanks, and a billboard. The building located near the intersection is a one-story maintenance garage with a lean-to and the other building is two-story office and maintenance garage. Access to the property is provided from four curb cuts on Lendale Drive. The rear of the property is a severe hillside and contains some scrubby vegetation. Overhead utilities exist along the Pleasant Valley Road frontage.

#### SURROUNDING LAND USES AND ZONING

Northeast: Homer's Radiator (I-1)

Northwest: Lendale Drive and Riegler Blacktop Storage Lot (I-1)

Southeast: Florence United Methodist Church (UR-1/PD)

Southwest: Pleasant Valley Road, and former Michael's Construction Staging Lot (I-1)

#### STAFF COMMENTS

1. Staff would like the applicant to explain why work started on the storage sheds without approvals.
2. The submitted drawings also show that the applicant is proposing to enclose a lean-to. The lean-to enclosure is not part of the Variance application.

3. The Zoning Regulations require Buffer Yard C to be installed along the rear property line for the length of the proposed improvements (45.5' + 33' = 78.5') because the adjoining property is zoned UR-1/PD. Eight evergreens, seven large or medium trees, twelve large shrubs, and a six foot tall fence, berm, or wall would be required in the thirty-six wide buffer.

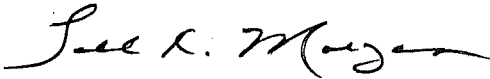
On April 15, 2013, the Zoning Administrator informed the applicant that a variance or waiver application would be needed to reduce the Buffer Yard requirements along the rear property line. His email states that he would be inclined to approve a landscaping buffer waiver if the Board approves the setback variance (see attachment).

4. The recent improvements to Pleasant Valley Road have made the businesses on Lendale Drive more visible to the public
5. Staff does not believe the request will alter the essential character of the area. The storage sheds will not be visible from Pleasant Valley Road or the church parking lot.
6. Staff recommends the following condition if the request is approved:
  - A. Eight small trees and twelve large shrubs shall be planted in the Pleasant Valley Road right-of-way. The applicant shall install all the landscaping immediately adjacent to the subject lot or can evenly divide the landscaping so it screens both of their corner properties from Pleasant Valley Road. This condition shall be voided if the KY Transportation Cabinet does not allow the landscaping in the right-of-way. The applicant shall furnish documentation from Kentucky Transportation Cabinet at the time they submit the Minor Site Plan application for the sheds.

#### 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 act on the request.

Respectfully Submitted,



Todd K. Morgan, AICP  
Senior Planner, Zoning Services

TKM/dw

#### Attachments

- \*Site Vicinity Map
- \*Proposed Storage Shed Locations
- \*2012 Aerial Map
- \*Topographical Map
- \*Zoning Map
- \*4/15/13 Email from Zoning Administrator
- \*Application

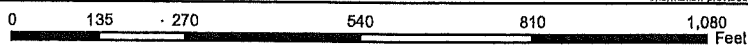
# SITE VICINITY MAP

www.boonecountygis.com



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Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



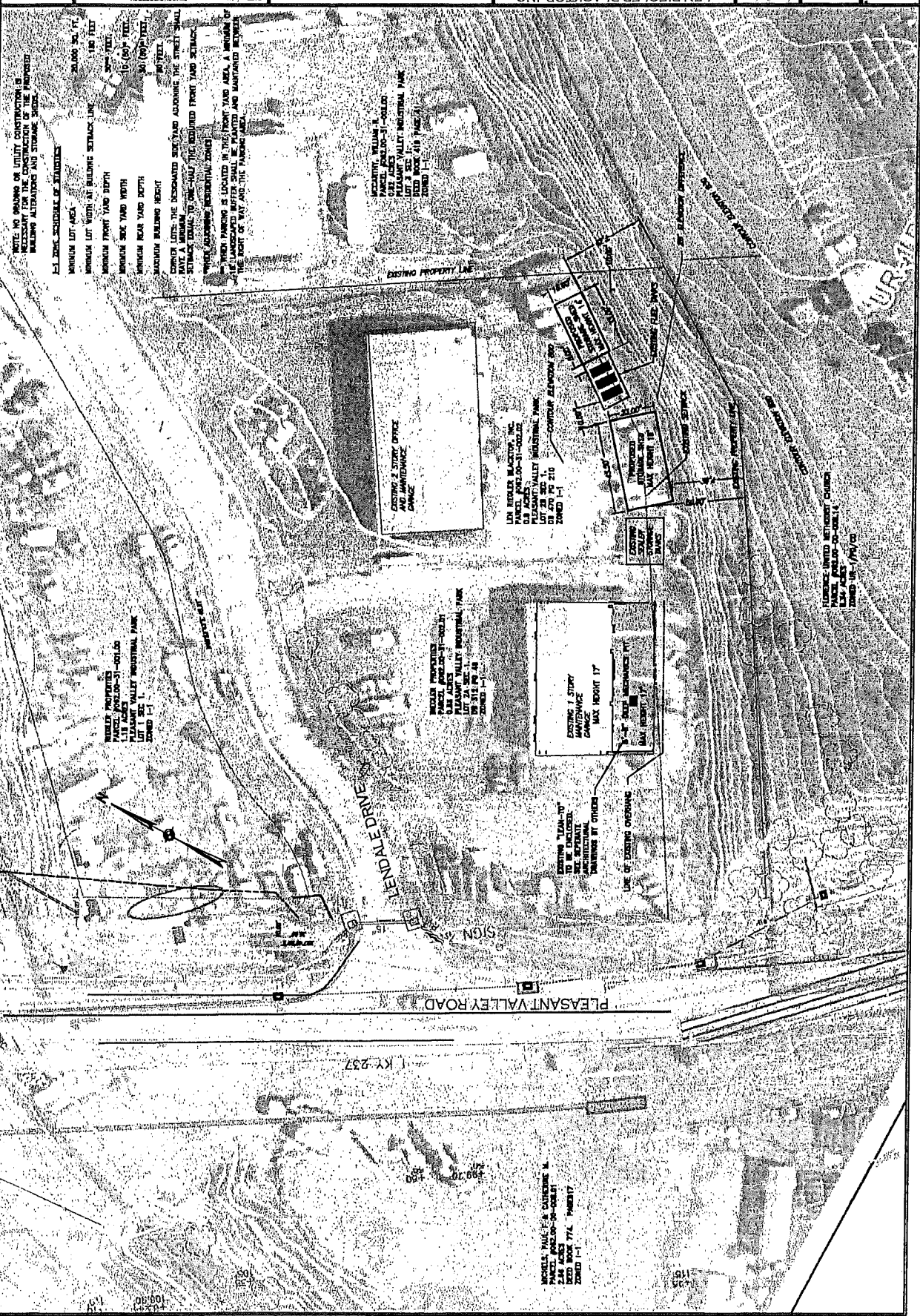
1 inch = 300 feet

**Boone County GIS**

**"Putting Northern Kentucky on the Map"**

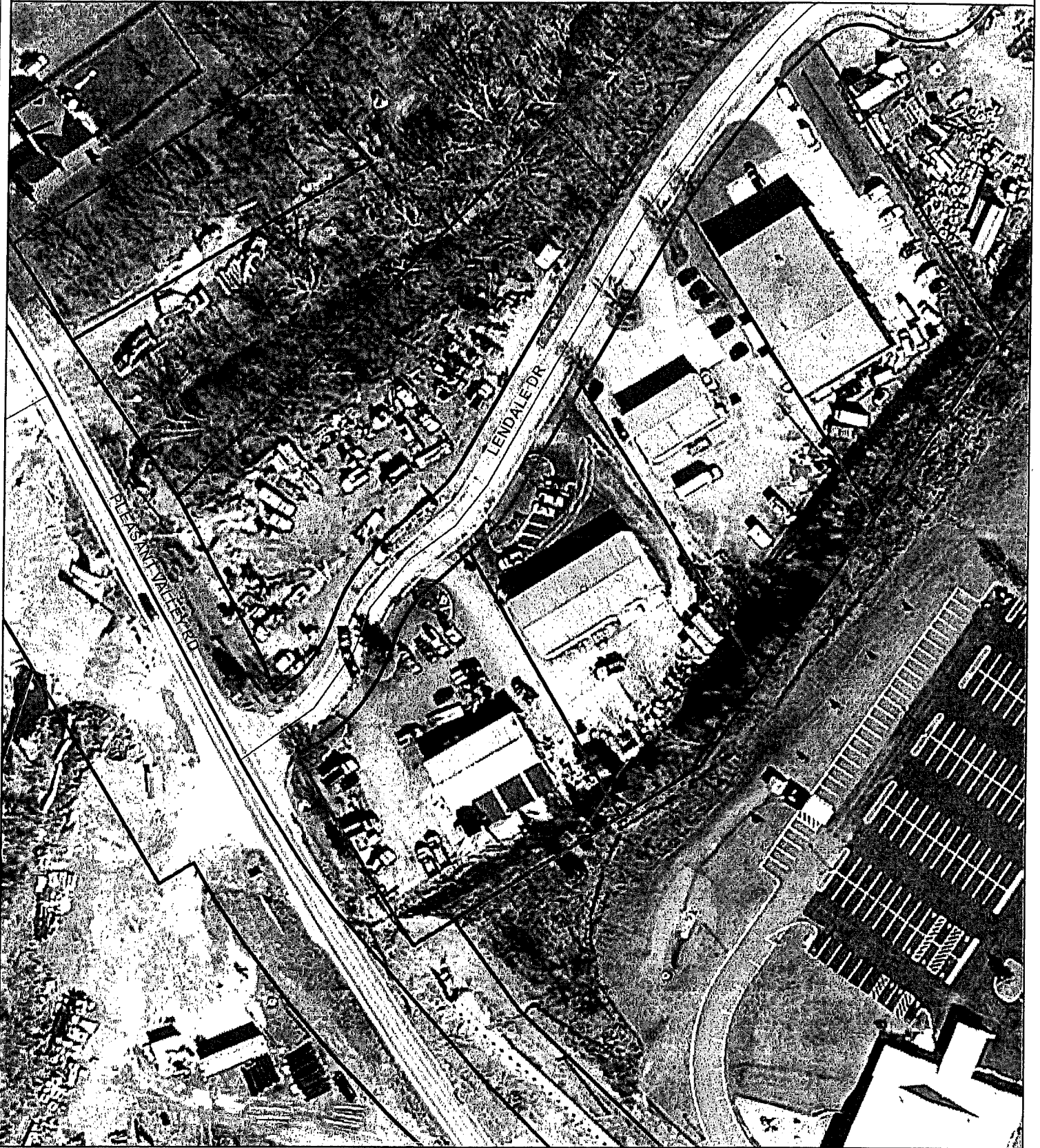


Map Data Current as of 12/10/12



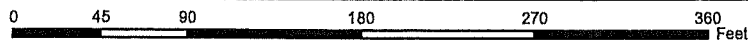
# 2012 AERIAL MAP

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1 inch = 100 feet

Boone County GIS

"Putting Northern Kentucky on the Map"



Map by Thomas Gentry & Henry M. Hill, 1985

# TOPOGRAPHICAL MAP

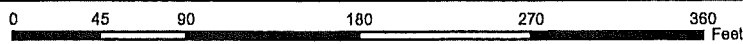
www.boonecountygis.com



Source: GIS Services Division, Boone County Planning Commission

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1 Inch = 100 feet

Boone County GIS

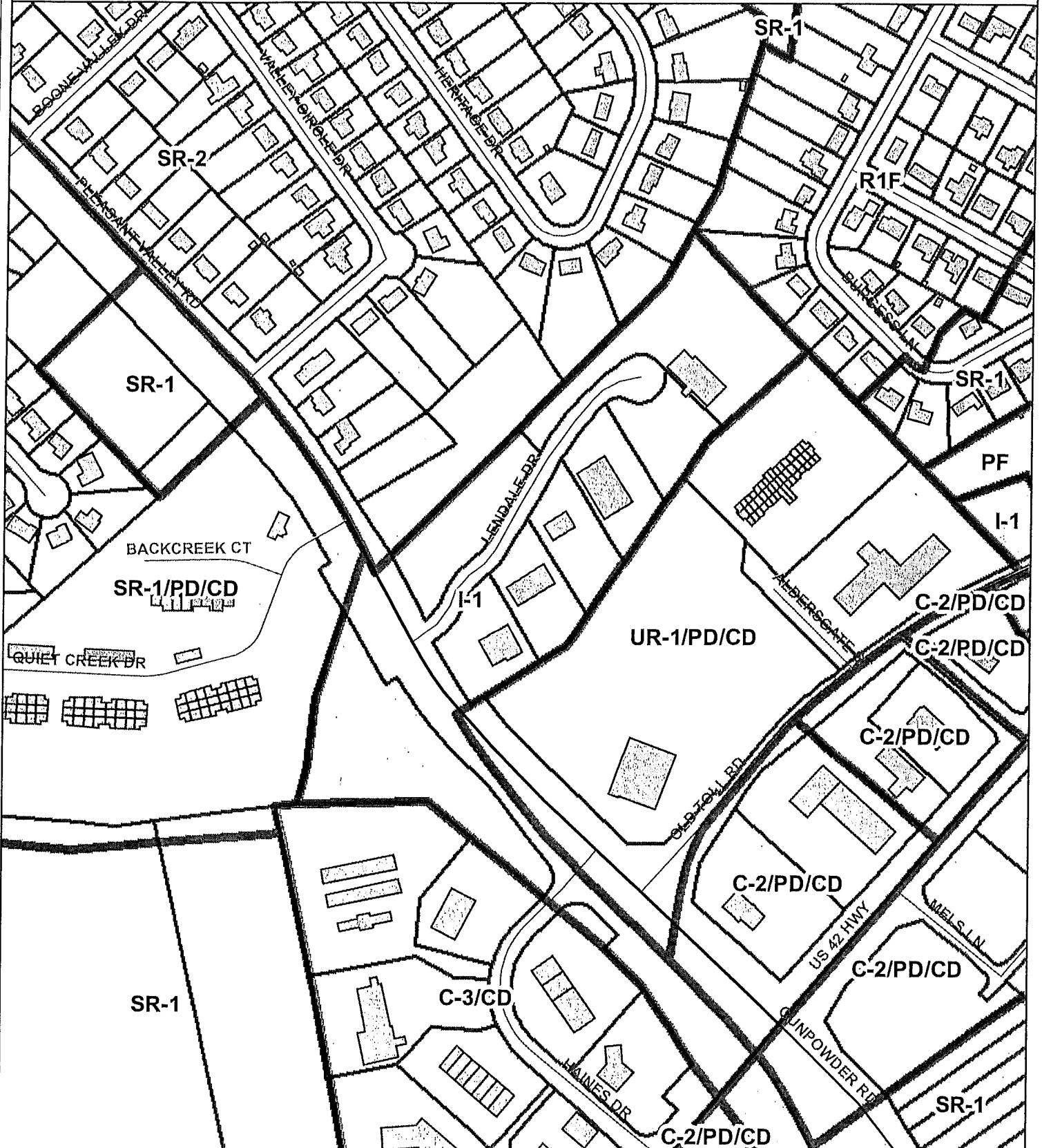
"Putting Northern Kentucky on the Map"



Map Photo Courtesy: Google Earth 2012

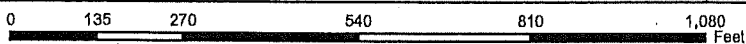
# ZONING MAP

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1 inch = 300 feet

**Boone County GIS**  
**"Putting Northern Kentucky on the Map"**



Boone County GIS 1/10/12

## **Todd Morgan**

---

**From:** Kevin Wall  
**Sent:** Monday, April 15, 2013 1:36 PM  
**To:** Todd Morgan  
**Subject:** FW: Variance for Len Riegler Blacktop, Inc.  
**Attachments:** image001.jpg

---

**From:** Kevin Wall  
**Sent:** Monday, April 15, 2013 1:36 PM  
**To:** 'Dan Riegler'  
**Subject:** RE: Variance for Len Riegler Blacktop, Inc.

Dan:

The approximate height of the new construction versus the hillside would be beneficial, such as by stating the top elevation of the tallest new structure and the ground elevation at the property line. Some sort of exception is needed for the buffer yard requirement in addition to the building setback. You can either ask for a variance (spell out on the application and pay an additional flat fee), or request an administrative waiver. Since the buffer yard requirement is both a dimensional and a landscape requirement, relief can be sought through either channel. Based on the site conditions, I would be inclined to approve an administrative waiver if the setback variance was granted.

kw

---

**From:** Dan Riegler [mailto:dan.riegler@fuse.net]  
**Sent:** Friday, April 12, 2013 3:20 PM  
**To:** Kevin Wall  
**Subject:** Variance for Len Riegler Blacktop, Inc.

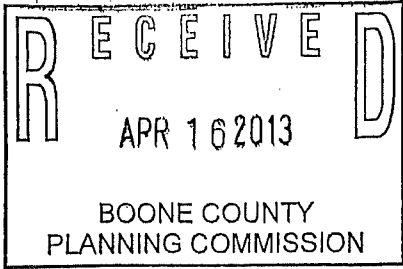
Hello Kevin,

As discussed late last week, Len Riegler Blacktop / Riegler Properties (both owned by my father and uncle) will submit for the next Board of Adjustment meeting to be held in May. Before I do so (and if you don't mind) I'd like you to take a quick look at the drawing that I am planning to submit with the attached application. If you have any immediate concerns please let me know. If not, I'll submit 5 copies of the plan, signed application and the list of adjacent property owners before the end of the day on Tuesday. Once again I appreciate your help,

Thank you,

Dan Riegler

Daniel M. Riegler, P.E.  
Vice President  
Len Riegler Blacktop, Inc.  
19 Lendale Drive  
Florence, KY 41042  
Ph: 859.371.8122  
Fx: 859.371.8147



APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

FIVE (5) SCALED COPIES AND ONE (1) 11X17 REDUCTION OF SUBMITTED DRAWINGS ARE REQUIRED

See Boone County Zoning Regulations

SECTION A (To be completed by applicant)

- 1. (Check One) Boone [checked] Florence \_\_\_\_\_ Walton \_\_\_\_\_ Union \_\_\_\_\_
2. (Check One) Conditional Use Permit [checked] Variance \_\_\_\_\_ Appeal \_\_\_\_\_
3. Applicant's Name Lee Riegler Blacktop, Inc
Applicant's Address 19 Lendale Drive Florence KY 41042
4. Description of Request: We are requesting a variance to allow from rear the construction of 2 storage sheds @ 36' min setback from rear.
5. Name of Development Pleasant Valley Industrial Park
6. Location of Development 19 Lendale Drive Florence, KY
7. Acreage Under Review 0.25 Acres
8. Lot Number and Name of Subdivision (if part of a subdivision) Lot 2A + 2B of the Pleasant Valley Industrial Park
9. Owner of Property Riegler Properties (Lot 2A) + Lee Riegler Blacktop Inc
Address of Property Owner 19 Lendale Drive (Lot B) Florence KY 41042
10. Phone Number 859 371-8122 Fax No. 859 371-8147 E-Mail dan.riegler@fuse.net
11. Proposed Use(s) on Site Mechanics Garage Expansion + Storage Sheds
12. Total Square Footage of Existing and/or Proposed Buildings Approx 11,360 sq ft
13. Current Zoning on Property F-1
14. Deed Book 470 Page No. 210 Group No.
15. Is the site subject to a zone change? NO
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.

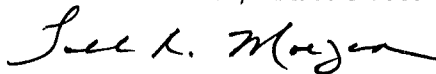
ORIGINAL Property Owner's Signature: [Signature] (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: [Signature] (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)  
Riegler Properties & Len Riegler Blacktop, Inc.  
19 Lendale Drive  
Florence, KY 41042
  
2. ADDRESS OF PROPERTY  
19 Lendale Drive  
Florence, KY 41042
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)  
Len Riegler Blacktop, Inc.
  
4. DEED BOOK 470      PAGE NO. 210      GROUP NO. 2039
  
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  
2950 WASHINGTON STREET, ROOM 317  
P.O. BOX 958  
BURLINGTON, KENTUCKY 41005



\_\_\_\_\_  
SIGNATURE OF COMPLETING OFFICIAL

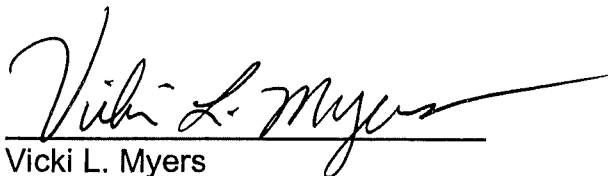
Todd K. Morgan, AICP, Senior Planner, Zoning Services  
Name and Title of Completing Official

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 15th day of May, 2013.



Vicki L. Myers

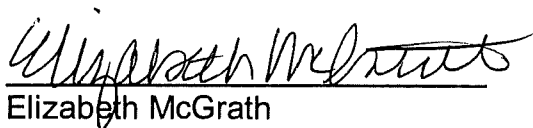
Notary ID 438411

NOTARY PUBLIC, State at Large

My commission Expires:

April 17, 2015

This instrument was prepared for recording purposes only by:



Elizabeth McGrath

Boone County Planning Commission

2950 Washington Street, Room 317

P.O. Box 958

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 May 9, 2013 Certificate of Land Use Restriction (#13-FBOA-004-A), for Len Riegler Blacktop, Inc., Property Owner(s).

The following conditions will apply:

1. Eight (8) small evergreen trees from Plant List C and twelve (12) large evergreen shrubs from Plant List C shall be planted in the Pleasant Valley Road right-of-way. The applicant shall evenly divide the landscaping so it screens both of their corner properties at the Pleasant Valley Road/Lendale Drive intersection. This condition shall be voided if the KY Transportation Cabinet or utility Company does not allow the landscaping in the right-of-way or utility easement. The applicant shall furnish documentation from Kentucky Transportation Cabinet and proper utility company regarding the landscaping plan at the time the Minor Site Plan application for the sheds is submitted to Boone County Planning Commission.

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

DEED BOOK 470

PAGE NO. 210

GROUP NO. 2039