

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)

(Check One)

1. Boone \_\_\_\_\_ Florence X Walton \_\_\_\_\_ Union \_\_\_\_\_

(Check One)

2. Conditional Use Permit X Variance \_\_\_\_\_ Appeal \_\_\_\_\_

3. Applicant's Name Douglas M. Liening, PE, Woolpert, Inc.

Phone Number (513) 272-8300 Fax No. (513) 272-8301

Applicant's Address 4141 Rosslyn Drive

Cincinnati Ohio 45209

City State Zip

4. Description of Request: Additional access drive to Chandler Drive at east side of site

Reduce 500' FRONTAGE Req. To 264.67 FEET

5. Name of Development Dayton Freight Lines, Inc.

6. Location of Development 12140 Chandler Drive

Walton, Kentucky 41904

7. Acreage Under Review 10.38 acres

8. Lot Number and Name of Subdivision (if part of a subdivision) Lot 5, International Industrial Park

9. Owner of Property Dayton Freight Lines, Inc.

Phone Number of Owner (937) 264-4060

10. Address of Property Owner 6450 Poe Avenue, Suite 311

Dayton Ohio 45414

City State Zip

11. Proposed Use(s) of Site Warehouse/parking expansion WITH SECOND CURB CUT

12. Total Square Footage of Existing and/or Proposed Buildings: Ex.: 13,100 sf, Prop.: 13,210 sf

13. Current Zoning on Property L-1

14. Deed Book 556 Page No. 193 Group No. ~~2077~~ 2077A

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 Douglas M. Liening

Property Owner's Signature William R. Resich AGENT FOR DAYTON FREIGHT LINES

**BOARD OF ADJUSTMENT AND  
ZONING APPEALS ACTION  
APPLICATION  
PAGE 2**

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

1. Date Received 7-22-05 Fee Received \$ 771.00 R# 43170
2. Is application complete?  Yes  No
3. Staff Reviewer \_\_\_\_\_
4. Schedule Board Action Date \_\_\_\_\_
5. Board Action:  
 Approved  
 9-6-05 Approved With Conditions (See #6)  
 Denied (See #7)
6. Conditions of Approval: SEE 9-6-05 W.B.O.A.  
MEETING
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](mailto: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: Woolpert, Inc. for Dayton Freight  
LOCATION: 12140 Chandler Drive, Walton, Kentucky.  
ZONING: Industrial One (I-1)  
DATE: September 6, 2005

### Proposal

The Applicant is requesting a Variance to reduce the 500 foot road frontage requirement for a development to have two curb cuts on an individual street frontage. The request is to reduce the required road frontage from 500 feet to 264.67 feet so Dayton Freight can have two (2) access points on Chandler Drive.

The submitted Concept Development Plan (see attachments) shows that Dayton Freight will construct a second access point near their northeast property line. The installation of the second curb cut will allow tractor trailer ingress from the existing curb cut and tractor trailer egress from the proposed curb cut.

### Applicable Regulations

Article 2, Section 250 of the Boone County Zoning Regulations states that the Board of Adjustment 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.

Section 3221 of the Boone County Subdivision Regulations states "where the frontage of a tract of land is greater than 500 feet, an additional access point is permitted for each additional 500 feet of frontage, provided all access points are otherwise in compliance with all applicable sections of these regulations."

#### Site Characteristics

The subject site is 10.38 acres in area and is zoned Industrial One (I-1). The property contains a 13,100 square foot motor freight terminal. Construction has recently begun a 13,210 square building warehouse expansion with parking lot improvements.

#### Surrounding Land Uses and Zoning

- North: Chandler Drive & Waltex, Inc. (I-1)
- South: 121 Acre Farm Fronting Stephenson Mill Road (I-1 & UR-1)
- East: SpecSoft (I-1)
- West: Bowlin Construction (I-1)

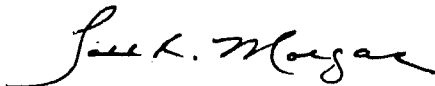
#### Staff Comments

1. Staff's only concern with the request is that the proposed driveway apron and the adjoining driveway apron to the northeast (SpecSoft) are only inches apart. Staff is concerned that the spacing of the driveways could adversely affect public safety.
2. Staff contacted Greg Sketch, the County Engineer, regarding the application. Mr. Sketch indicated that he had no concerns regarding the second curb cut because the facility is located near the Chandler Drive cul-de-sac. He believes cars and trucks will be traveling at low speeds and that there is sufficient site distance from the proposed egress point.
3. The applicant has provided a letter (see attachments) which explains why the second curb cut is being proposed.

Conclusion

KRS 100.241 and Section 250 of the Boone County Zoning Regulations gives the Walton Board of Adjustment and Zoning Appeals the authority to grant the applicant's request for a variance.

Respectfully submitted,

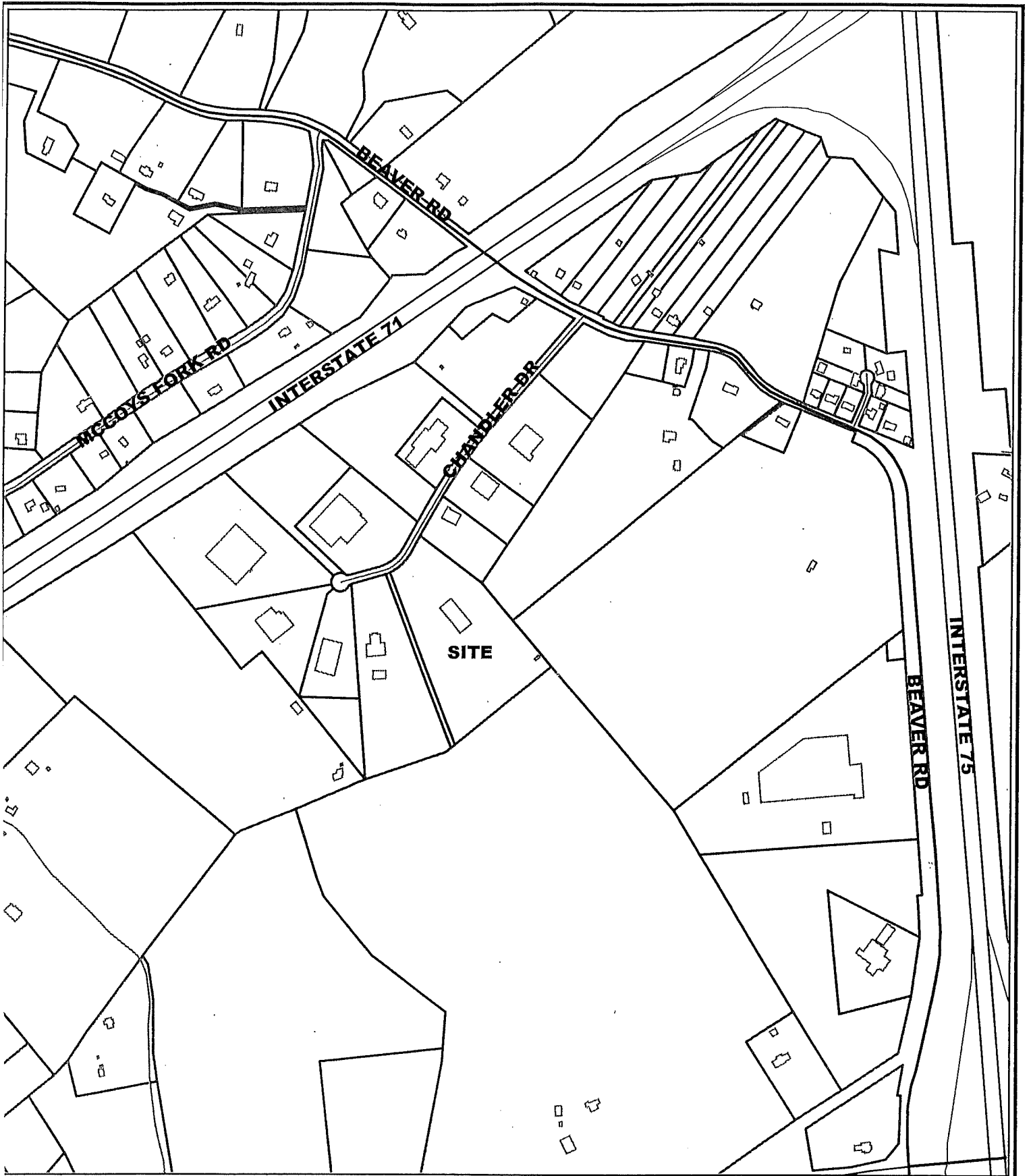


Todd K. Morgan, AICP  
Planner, Zoning Services

TKM/pr

Attachments

- Exhibit A – Site Vicinity Map
- Exhibit B – Letter From Applicant
- Exhibit C – Concept Plan
- Exhibit D – Turning Movement Plan
- Exhibit E – Zoning Map
- Exhibit F – Topographical Map
- Exhibit G – Aerial Map
- Exhibit H – Application



# Dayton Freight Site Vicinity Map

700 0 700 Feet



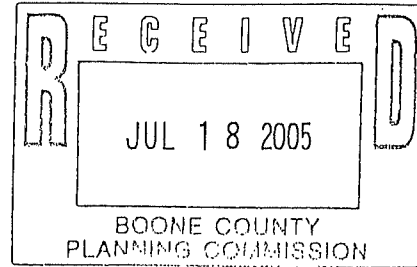
1 inch equals 700 feet  
Produced by the  
Boone County Planning Commission  
GIS Services Division  
August 29, 2005





Woolpert, Inc.  
4141 Rosslyn Drive  
Cincinnati, OH 45209-1183  
513.272.8300  
Fax: 513.272.8301  
www.woolpert.com

July 15, 2005



Todd Morgan  
Planner, Zoning Services  
Boone County Planning Commission  
2995 Washington Street  
Burlington, Kentucky 41005

**RE: Request for Variance – Additional Access Drive  
Dayton Freight Expansion  
Walton, Kentucky**

Dear Mr. Morgan:

At this time, Woolpert is requesting a variance for an additional drive on the East side of the site. Please find the attached:

- Board of Adjustment and Zoning Appeals Action Application Form (including list of adjacent owners)
- Check for \$819.00 dollars payable to the Boone County Planning Commission
- Autoturn Exhibit (demonstrating existing and proposed truck turning movements)
- Site Plan (showing proposed improvements)

Below are our reasons and justification for the construction of a secondary drive access point:

1. The existing drive on the West side of the property is a choking point that impacts the efficient arrival and departure of the trucks. For instance, if a truck is arriving at the same time that a truck is departing, one of the trucks is forced to stack either on Chandler Drive or on the existing access drive. In the past, this may have been acceptable, but with increased traffic volume caused by the expansion, stacking will occur more frequently. The proposed East drive will only be used for departing trucks; and the existing West drive will only be used for arriving trucks. By providing this new drive:
  - productivity will improve;
  - delays will be eliminated;
  - there will be a decreased chance for accidents on Chandler Drive and internally, on-site;
  - and most importantly, driver safety will improve;

Todd Morgan  
July 15, 2005  
Page 2

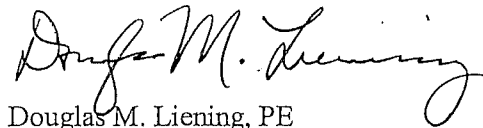
2. By adding the East drive, the circulation of the existing facility will operate in Dayton Freight's best interests. By having two (2) drives, the circulation will become a more uniform counterclockwise motion of trucks arriving only at the West drive and departing only from the East drive. (Drivers have a blind spot when backing up in a counterclockwise motion; therefore, it is appropriate that the driver arrive (using the West drive) in a counterclockwise motion, back up to unload in a clockwise motion, and then depart in a counterclockwise motion (using the east drive.))
3. The Dayton Freight facility is located in an industrial community on Chandler Drive with low traffic volumes and a major portion of the traffic comprised of the trucks serving Dayton Freight and the abutting developments.
4. The facility is near the cul-de-sac on Chandler Drive. The East drive will not have a significant impact on safety or flow of traffic on this section of Chandler Drive since it is terminal.
5. There are no plans to extend Chandler Drive beyond the existing cul-de-sac. No additional traffic will result unless further expansion is done to existing facilities. However, additional standard traffic will only increase minimally.
6. By performing this expansion, Dayton Freight is generating more tax dollars for the City of Walton and Boone County. An increase in productivity will be a collective benefit.

Normally, Dayton Freight requires and has been provided with two (2) entrances on all of their other facilities and would like to keep the same trend for driver conformity and operational awareness. We also believe the second drive will have minimal impact, if any, to the surrounding neighbors. Dayton Freight is happy to be in Walton and Boone County and looks forward to supporting your community with experienced service and increase their business with quality local employees.

If you have any questions, please contact me at (513) 272-8300.

Sincerely,

**WOOLPERT, INC.**



Douglas M. Lienen, PE  
Project Engineer  
dml

ROBERT M. STEPHENSON &  
MARIE J. STEPHENSON  
DEED BOOK 14, 242  
13.7961 ACRES

S40°13'50"E 472.88' (MEAS.)  
S10°34'38"E 472.89' (REC.)

INTERNATIONAL INDUSTRIAL PARK  
PLAT SLIDE 159-A  
LOT 6

SECTORIAL BLOCK WALL  
(SEE DETAIL THIS SHEET)

S53°03'41"E 423.28' (MEAS.)  
423.28' (REC.)

EGRESS DRIVE

71'-12" SD  
161'-12" SD  
1.00%

5" INTEGRAL CURB  
(SEE DETAIL THIS SHEET)

TEMPORARY BENCHMARK #1  
SCRIBED 'X' ON SOUTHEAST  
CORNER OF HEADWALL  
ELEV=856.49

TRUCK DIRECTION  
SIGN (ENTRY)  
(SEE DETAIL THIS SHEET)

428°28'48"E 102.56' (MEAS.)  
N28°08'08"E 102.56' (REC.)

100'R  
200'R  
126'R  
18.8'

12.8'

27.7'

19.8'

100'R  
CURB TURNOUT 'B'  
(SEE DETAIL THIS SHEET)

100'R  
CURB TURNOUT 'A'  
(SEE DETAIL THIS SHEET)

226'R

12.8'

27.7'

19.8'

100'R

100'R

100'R

100'R

100'R

100'R

CHAIN LINK FENCE  
(SEE DETAIL SHEET)

CONCRETE PAVING  
(SEE DETAIL SHEET C507)

MATCH EXISTING  
PAVEMENT

TRUCK DOCK  
(SEE ARCHITECTURAL  
DRAWINGS)

TRUCK DOCK  
(SEE ARCHITECTURAL  
DRAWINGS)

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TRUCK DOCK  
(SEE ARCHITECTURAL  
DRAWINGS)

PROPOSED BUILDING  
FFE = 871.32

EXISTING BUILDING

TRUCK STALLS  
(YELLOW STRIPING)

CONCRETE PAVING  
(SEE DETAIL SHEET C507)

MATCH EXISTING  
PAVEMENT

PROPOSED FUEL TANK

EMERGENCY GENERATOR

COORDINATE LIGHT POLE  
LOCATIONS WITH JH ARCHITECTS

PROPOSED SWALE

6' WIDE GAT

10" HIGH CONCRETE  
PARKING BLOCKS (TOP)  
(SEE DETAIL SHEET C507)

TRUCK STALLS  
(YELLOW STRIPING)

CONCRETE PAVING  
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MATCH EXISTING  
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LOCATIONS WITH JH ARCHITECTS

PROPOSED SWALE

LOT 5

LOT 4

LOT 3

LOT 2

LOT 1

LOT 6

LOT 7

LOT 8

LOT 9

LOT 10

LOT 11

LOT 12

LOT 13

LOT 14

LOT 15

LOT 16

LOT 17

LOT 18

INTERNATIONAL INDUSTRIAL PARK

EGRESS DRIVE

INGRESS DRIVE

ADLER DR.

PROPOSED SWALE

6' WIDE GAT

10" HIGH CONCRETE  
PARKING BLOCKS (TOP)  
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LOT 19

LOT 20

LOT 21

LOT 22

LOT 23

LOT 24

LOT 25

LOT 26

LOT 27

LOT 28

LOT 29

LOT 30

LOT 31

LOT 32

LOT 33

LOT 34

LOT 35

LOT 36

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INGRESS DRIVE

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CONCRETE PAVING  
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TRUCK STALLS  
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CONCRETE PAVING  
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MATCH EXISTING  
PAVEMENT

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INTERNATIONAL INDUSTRIAL PARK

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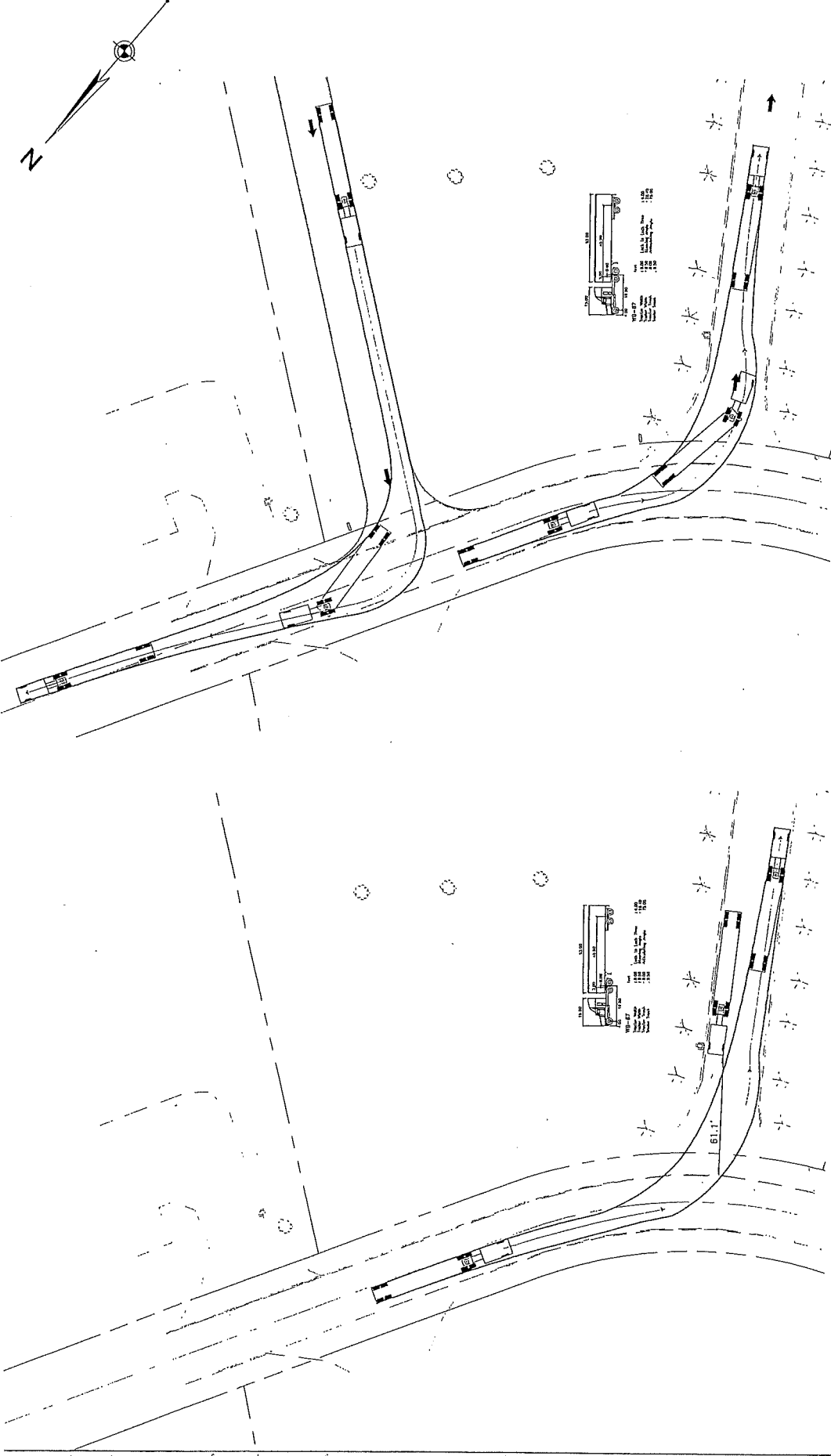
ADLER DR.

PROPOSED SWALE

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PARKING BLOCKS (TOP)  
(SEE DETAIL SHEET C507)

TRUCK STALLS  
(YELLOW STRIPING)



PROPOSED

EXISTING

48 Hours Prior To Construction, Contact:  
 United Utilities Protection Service  
 Kentucky  
 1-800-752-6007



GRAPHIC SCALE IN FEET

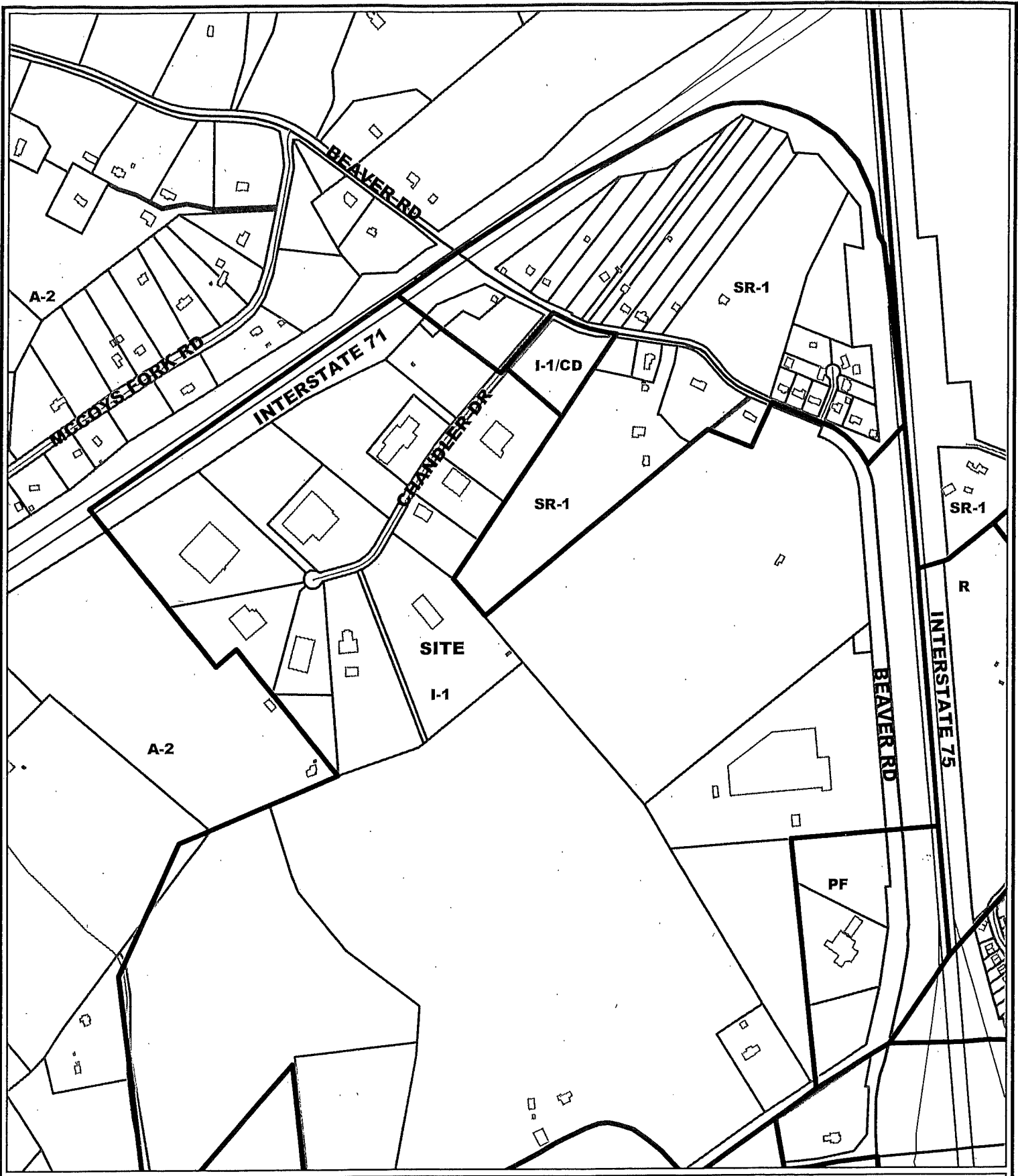
DAYTON FREIGHT  
 12140 CHANDLER DRIVE, WALTON, KENTUCKY  
 AUTURN EXHIBIT  
 EXISTING AND PROPOSED CONDITIONS

WOOLPERT, INC.  
 414 Rosslyn Drive  
 Cincinnati, Ohio  
 45209-1183  
 513.272.8300  
 FAX: 513.272.8301

WOOLPERT

PROJECT NO. 63505.05  
 DATE 7/14/05  
 DR. DML  
 SHIT. # 1 OF 1

DATE PLOTTED: 7/14/05 10:54:37 AM  
 PLOTTER: HP DesignJet 5000  
 FILE: C:\Users\jerry\Documents\12140 Chandler Drive, Walton, KY\Auturn Exhibit\12140 Chandler Drive, Walton, KY\Auturn Exhibit.dwg  
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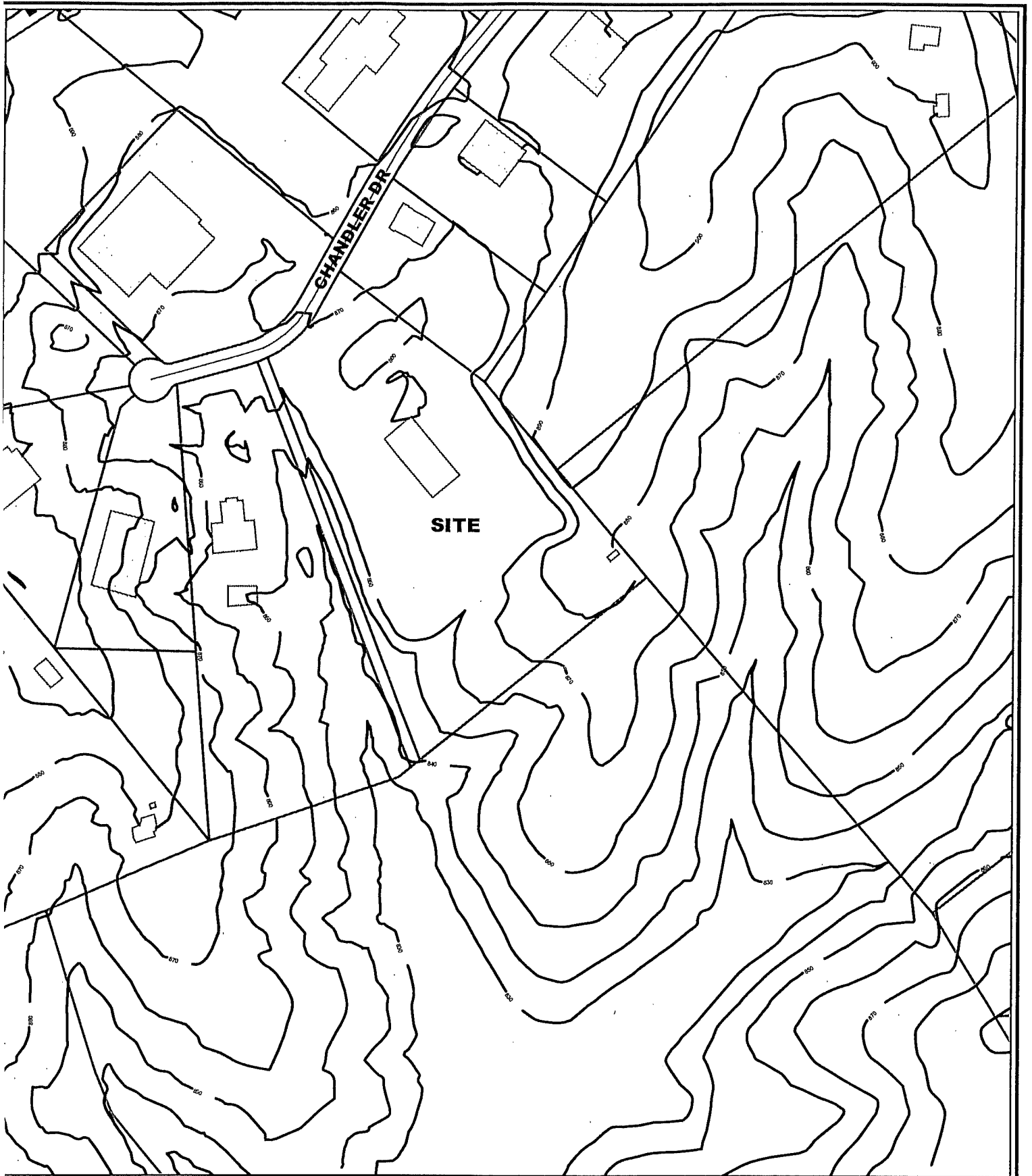


# Dayton Freight Zoning Map

700 0 700 Feet

1 inch equals 700 feet  
 Produced by the  
 Boone County Planning Commission  
 GIS Services Division  
 August 29, 2005





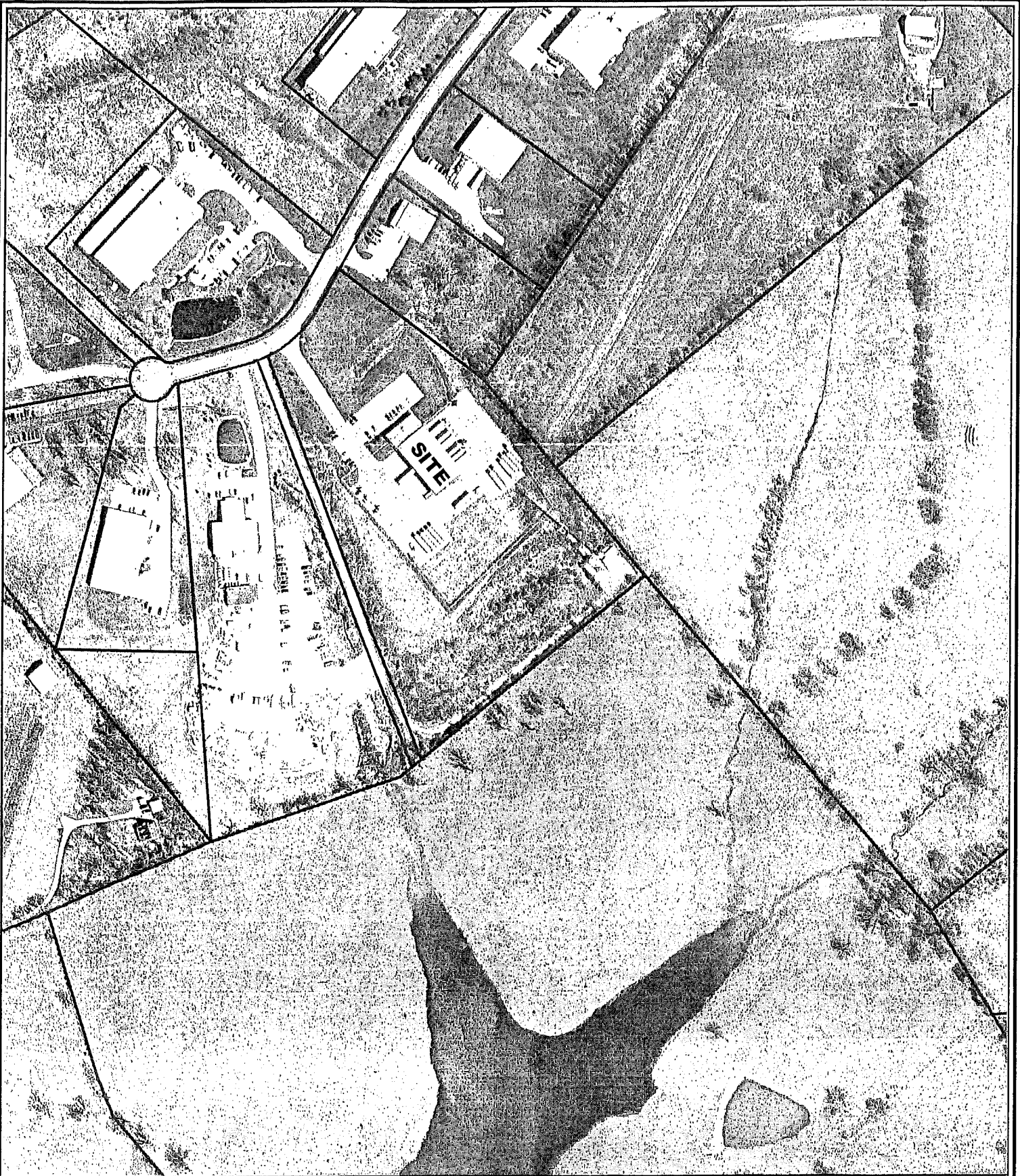
# Dayton Freight Topographical Map

300 0 300 Feet



1 Inch equals 300 feet  
Produced by the  
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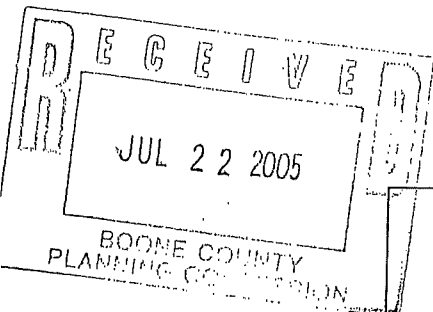


# Dayton Freight Aerial Map

300 0 300 Feet

1 inch equals 300 feet  
Produced by the  
Boone County Planning Commission  
GIS Services Division  
August 29, 2005





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)

(Check One)

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(Check One)

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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 Douglas M. Liening

Property Owner's Signature William R. Resich AGENT FOR DAYTON FREIGHT LINES

COPY

CLUR #05-WBOA-002-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Dayton Freight Lines, Inc.  
6450 Poe Avenue, Suite 311  
Dayton, OH 45414

2. ADDRESS OF PROPERTY

12140 Chandler Drive  
Walton, KY 41094

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Dayton Freight Lines, Inc.

4. DEED BOOK 556

PAGE NO. 193

GROUP NO. 2077A

5. 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

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

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the Variance approved by the Walton Board of Adjustments and in accordance with the current zoning in effect as of September 6, 2005 Certificate of Land Use Restriction (#05-WBOA-002-A), for Dayton Freight Lines, Inc., Property Owner(s).

The following conditions will apply:

- 1) Proper directional signage is required at the curb cuts to avoid confusion among other drivers in the park and to let them know vehicles are coming out there.

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

DEED BOOK 556

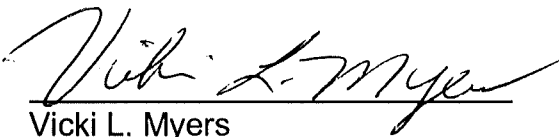
PAGE NO. 193

GROUP NO. 2077A

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

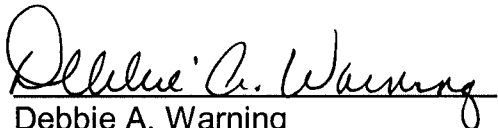
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the  
Boone County Planning Commission this 15 day of September, 2005.



Vicki L. Myers  
NOTARY PUBLIC, State at Large

My commission Expires:  
April 17, 2007

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.)