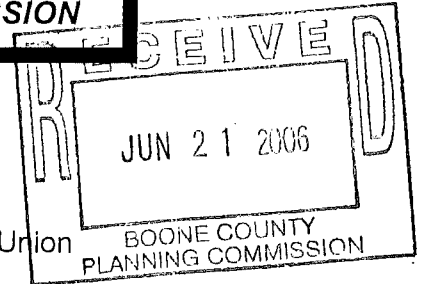


6/20/06

06-WBOA-003-A

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 Walton Union
 2. Conditional Use Permit Variance Appeal
 Change in Non-Conforming Use
 3. Applicant's Name Bessmer Lane, LLC
Phone Number 282-6900 Fax No. 282-6901
Applicant's Address 8080 Steilen Drive
Florence, Kentucky 41042
City State Zip
 4. Description of Request: Variance for Lot Nos. 4, 10, 11 & 12 to reduce the landscaping buffer requirement on the rear property line from 40 ft in width (Buffer Yard D) to 20 ft. in width (Buffer Yard B).
 5. Name of Development North Walton Commerce Park
 6. Location of Development Ky. 16 and Mullen Drive, Walton, Kentucky
 7. Acreage Under Review 2.15 Acres
 8. Lot Number and Name of Subdivision (if part of a subdivision)
Lot Nos. 4, 10, 11 & 12 - North Walton Commerce Park
 9. Owner of Property Bessmer Lane, LLC
Phone Number of Owner 282-6900
 10. Address of Property Owner 8080 Steilen Drive, Florence, Kentucky 41042
City State Zip
 11. Proposed Use(s) on Site Lot No. 4 J & E Trucking
Lot Nos. 10, 11 & 12 an I-1 use
 12. Total Square Footage of Existing and/or Proposed Buildings N/A
 13. Current Zoning on Property I-1
 14. Deed Book 787 Page No. 708 Group No. 2080
 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? Lot 4 (yes) Lots 10, 11 & 12 (No)
 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: [Signature]
(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 6-21-06 Fee Received \$1 871.00 RA-50525
2. Is application complete? _____ Yes _____ No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
7/17/06 **Approved**
Approved with Conditions (See #6)
Denial (See #7)
6. Conditions of Approval: ① Approval is for lot 4 only
② STAFF COMMENT #3
7. Reasons for Denial: SEE 7/17/06 WBOA MEETING MINUTES

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 - 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: Bessmer Lane, LLC

LOCATION: Lot 4 and Future Lots 10, 11, and 12 of North Walton Commerce Park, Walton, Kentucky

ZONING: Industrial One (I-1)

DATE: July 17, 2006

Proposal

The Applicant is requesting four (4) Variances to reduce the rear yard landscaping buffer requirements of lot 4 and future lots 10, 11, and 12 of North Walton Commerce Park from 40 feet in width (Buffer Yard D) to 20 feet in width (Buffer Yard B).

Applicable Regulations

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 variance applications. 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 requests as they relate 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.

Article 36, Section 3645 of the Boone County Zoning Regulations states the required buffer between a developing Industrial One (I-1) use and an adjoining agricultural or residential use is Buffer Yard D. Buffer Yard D can be 40' in width with the installation of a 6' tall berm, fence, or masonry wall an 20 evergreen trees, 10 small trees, 5 large trees, and 30 shrubs per 100 linear feet of buffer.

Article 36, Section 3645 of the Boone County Zoning Regulations states that Buffer Yard B is 20 feet in width and needs to contain 10 small trees, 5 large trees, and 60 shrubs per 100 linear feet of buffer.

Relevant Subdivision History

- 3/12/01 – The City of Walton approved an Ordinance which rezoned an approximate 115 acre site from Agricultural Estate (A-2) and Rural Suburban (RS) to Industrial One (I-1) to allow light industrial uses. There were no conditions which limited any of the principally permitted I-1 uses.
- 11/22/04 – The Walton Board of Adjustment approved the following Variances for lots 1, 2, and 3 of North Walton Commerce Park:
1. Reduce the front yard setback requirement from 50 feet to 30 feet;
 2. Reduce the rear yard setback requirement from 50 feet to 30 feet; and
 3. Reduce the landscaping buffer requirement on the rear property line from 40 feet in width (Buffer Yard D) to 20 feet in width (Buffer Yard B).

A condition of approval was imposed which required the rear buffers on the lots to be 20 feet in width with 10 small trees (Plant List C) and 10 large trees (Plant List A, B, or D) required per 100 linear feet. At least half of the selected trees had to be an evergreen species.

Site Characteristics

The attached Grading Plan shows that the topography of the adjoining lots (to the rear) is significantly lower than the subject parcels.

Staff Comments

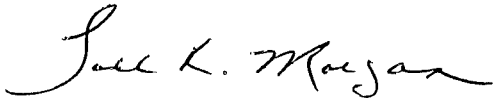
1. The Site Plan has been submitted for Lot 4 of North Walton Commerce Park. The plan shows that 2,400 square foot building which will be occupied by a trucking business. The rear parking lot is shown 26' from the rear property line.

2. Staff is concerned about the requests to reduce the rear buffer yard requirements from 40 feet (Buffer Yard D) to 20 feet (Buffer Yard B) because the adjoining lots are large parcels which could develop with residential uses in the future.
3. If the Board grants the Variances, Staff recommends a condition which requires the rear yard buffers to be 20 feet wide with 10 small trees (Plant List C) and 10 large trees (Plant List A, B, or D) required per 100 linear feet. In addition, at least half of the plantings shall be required to be evergreen species.

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 request for Variances.

Respectfully submitted,

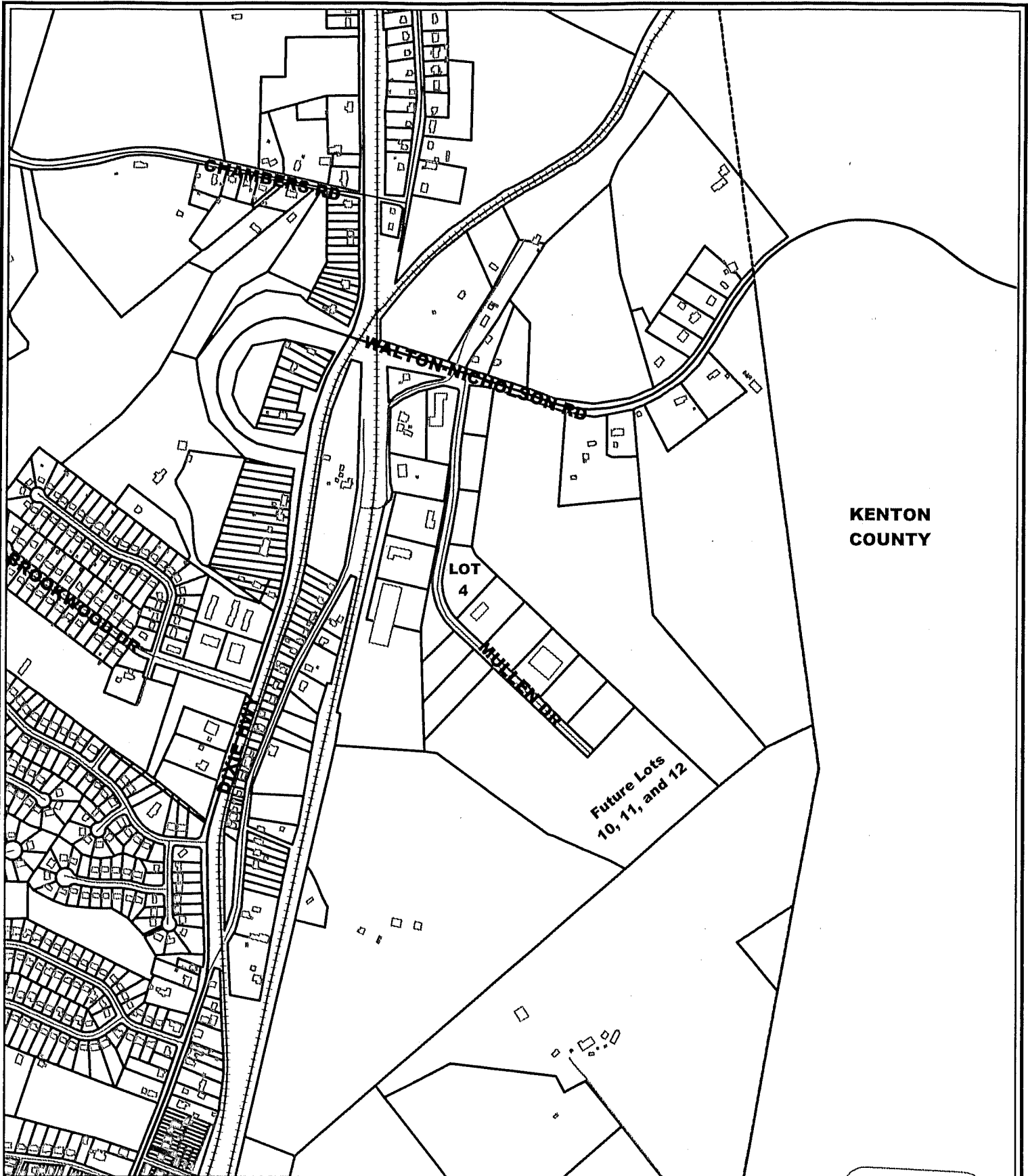


Todd K. Morgan, AICP
Senior Planner, Zoning Services

TKM/pr

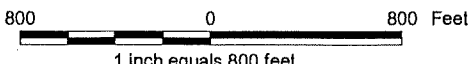
Attachments

- Exhibit A – Site Vicinity Map
- Exhibit B – Aerial Map
- Exhibit C – Preliminary Plat, North Walton Pointe Subdivision
- Exhibit D – Zoning Map
- Exhibit E – Topographical Map
- Exhibit F – Lot 4, Site Plan (Has Not Been Approved)
- Exhibit G – Application



**KENTON
COUNTY**

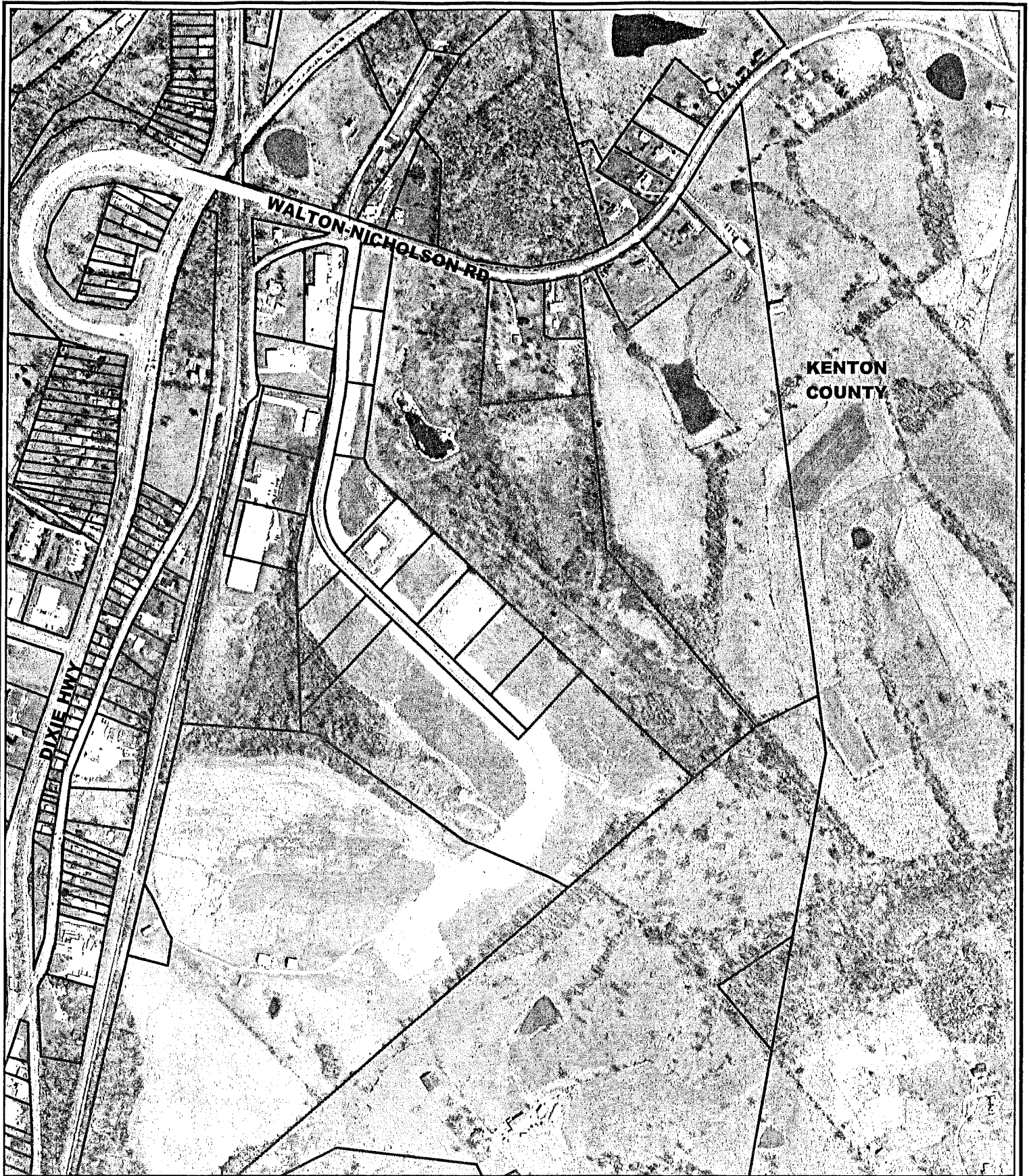
**N. Walton Commerce Park
Site Vicinity Map**



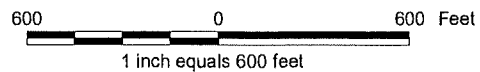
1 inch equals 800 feet

Produced by the
Boone County Planning Commission
GIS Services Division
July 7, 2006



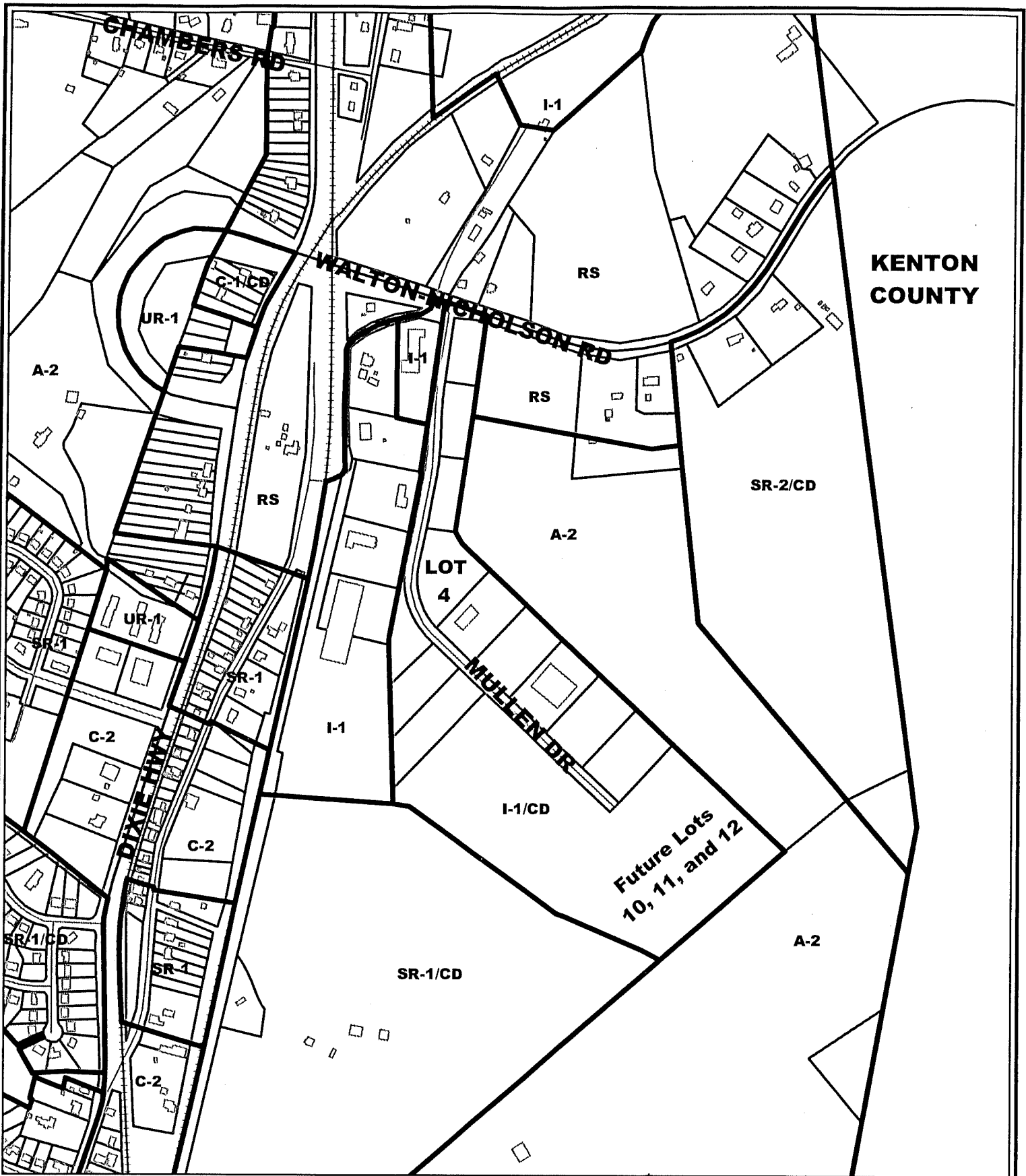


N. Walton Commerce Park Aerial Map



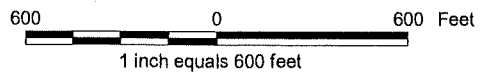
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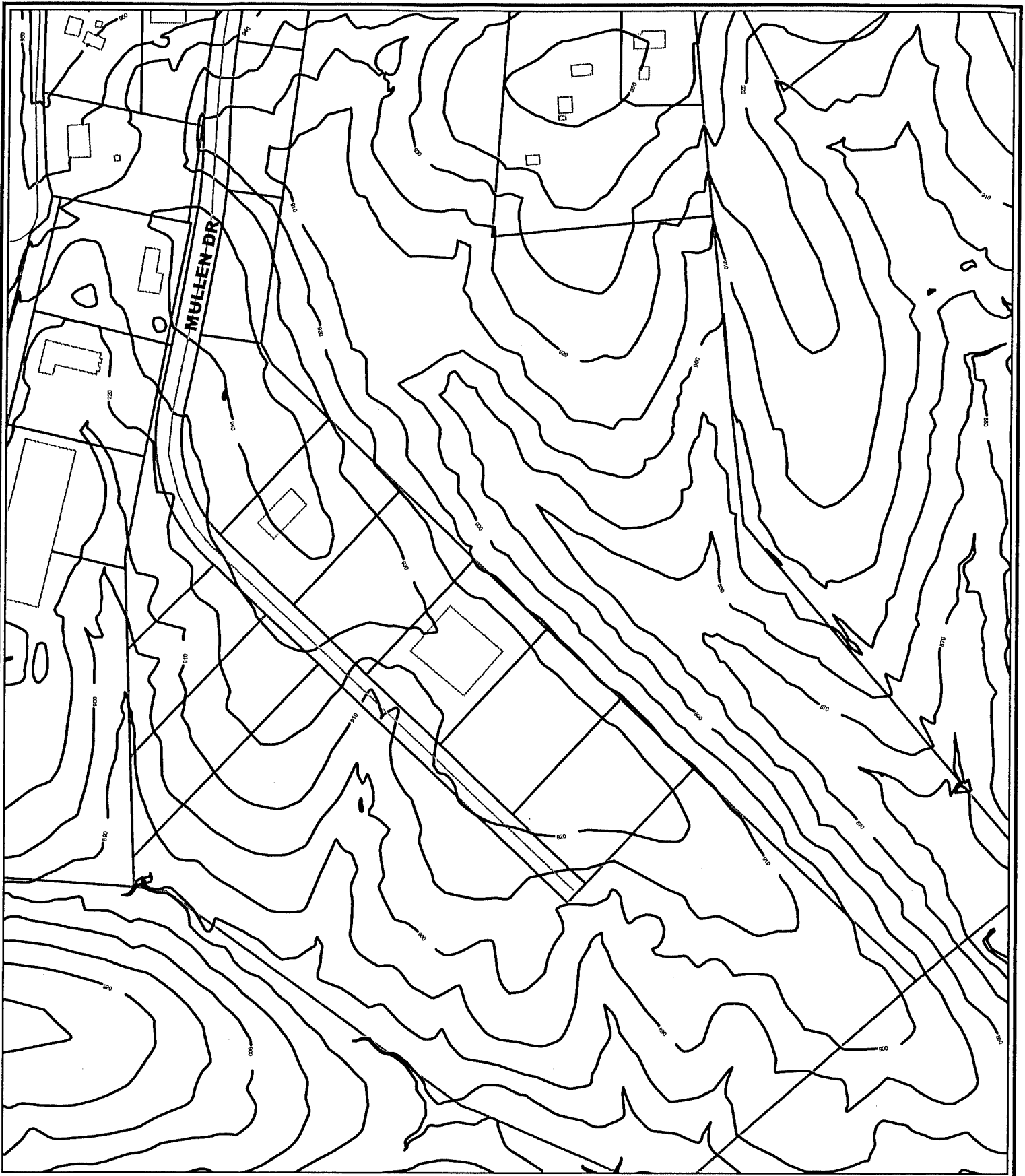
KENTON COUNTY

**N. Walton Commerce Park
Zoning Map**

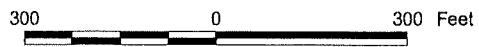


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GIS Services Division
July 7, 2006





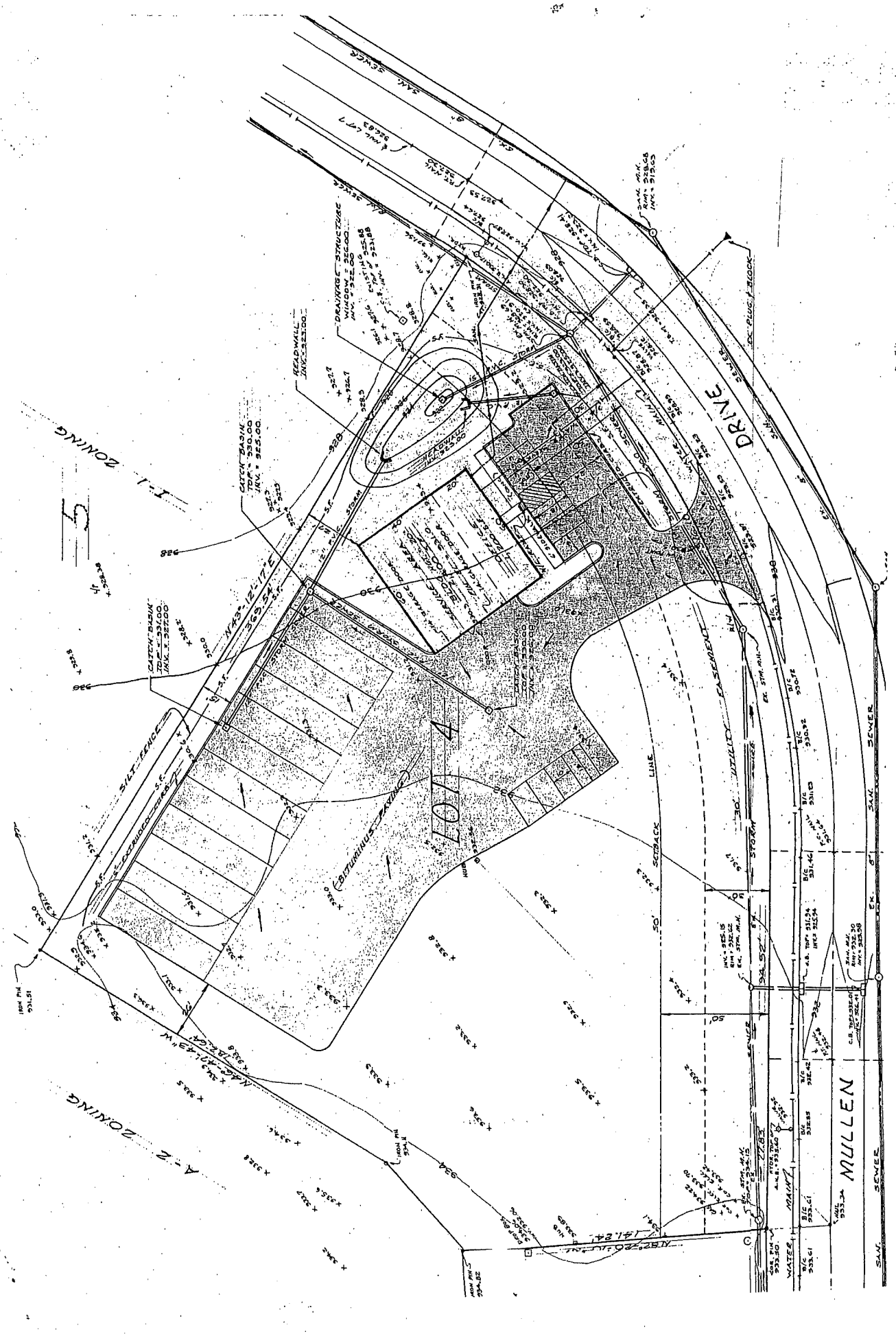
N. Walton Commerce Park Topographical Map



1 inch equals 300 feet

Produced by the
Boone County Planning Commission
GIS Services Division
July 8, 2006





A-1 ZONING

A-2 ZONING

LOT 4

MULBERRY DRIVE

MULLEN

CATCH BASIN
TOP = 331.00
INV. = 325.00

COURT YARD
TOP = 330.00
INV. = 325.00

DRAINAGE STRUCTURE
WINDOW ELEV. = 325.00
INV. = 325.00

SO. UTILITY EASEMENT

SO. SEWER LINE

SO. WATER LINE

SO. GAS LINE

SO. STORM

SO. ELEC.

SO. TEL.

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COPY

CLUR #06-WBOA-003-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Bessmer Lane, LLC
8080 Steilen Drive
Florence, KY 41042

2. ADDRESS OF PROPERTY

Mullen Drive
Walton, KY 41094

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

North Walton Commerce Park

4. DEED BOOK 787

PAGE NO. 708

GROUP NO. 2080

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, Senior Planner, Zoning Services
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

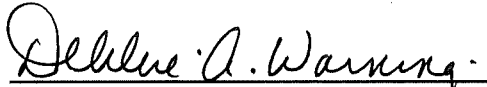
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 25 day of July, 2006.



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.)

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 July 17, 2006 Certificate of Land Use Restriction (#06-WBOA-003-A), for Bessmer Lane, LLC, Property Owner(s).

The following conditions will apply:

- 1) A variance is granted for lot 4 only with the condition that the rear yard buffer is to be 20 feet wide with 10 small trees (Plant List C) and 10 large trees (Plant List A, B, or D) per 100 linear foot. At least half of the plantings shall be required to be evergreen species.

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

DEED BOOK 787

PAGE NO. 708

GROUP NO. 2080