

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

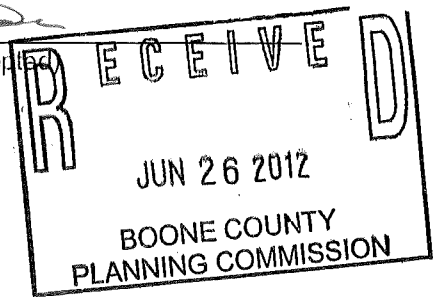
SECTION A (To be completed by applicant)

- (Check One) 1. Boone Florence Walton Union
(Check One) 2. Conditional Use Permit Variance Appeal
3. Applicant's Name Viox & Viox, Inc. (Jonathan L. Brown)
Phone Number (859) 727-3293 Fax No. (859) 727-8452
Applicant's Address 466 Erlanger Road
City Erlanger State KY Zip 41018
4. Description of Request: Reduce 150' road frontage req. so lot 3 of Walton Industrial Park can be subdivided into 2 lots.
5. Name of Development Lot 3, Walton Industrial Park
6. Location of Development Apex Drive
7. Acreage Under Review 6.66
8. Lot Number and Name of Subdivision (if part of a subdivision) Lot 3, Walton Industrial Park
9. Owner of Property Burch Sheet Metal
Address of Property Owner 938 Ends Road Phone No. 859-485-1928
City Crittenden State KY Zip 41030
11. Proposed Use(s) on Site Industrial
12. Total Square Footage of Existing and/or Proposed Buildings n/a
13. Current Zoning on Property I-1
14. Deed Book 997 Page No. 281 Group No. 2081 B
15. Is the site subject to a zone change? YES
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.

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)

(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 6-26-12 Fee Received \$932.00 Receipt # 105135
2. Is application complete? Yes No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
7/26/12 Approved

Approved with Conditions (See #6)

Denial (See #7)
6. Conditions of Approval: NONE

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 - 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: Viox & Viox, Inc.

LOCATION: Lot 3 of Walton Industrial Park, Walton, Kentucky

ZONING: Industrial One (I-1)

DATE: July 26, 2012

Proposal

The applicant is requesting a variance so Lot 3 of Walton Industrial Park can be re-subdivided into two (2) lots of record. The submitted plan shows that the 6.685 acre lot would be re-subdivided into a 3.343 acre parcel (lot 3A) and a 3.342 acre parcel (lot 3B). A variance is needed because Lot 3B does not meet the minimum street frontage requirement along Apex Drive. The proposal is to reduce the street frontage requirement of Lot 3B from 150 feet to 63 feet (see attached plan).

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 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.

Table 31.1 of the Boone County Zoning Regulations indicates that the setback requirements in an Industrial One (I-1) zone are 50' front, 30' rear, and 10' sides when the subject property adjoins other industrially zoned properties.

Table 31.1 of the Boone County Zoning Regulations indicates that a buildable lot in Industrial One (I-1) zone shall be a minimum of 20,000 square feet in area and have at least 150 feet of road frontage.

Article 40 of the Boone County Zoning Regulations states that lot frontage is the distance between the side property lines as measured across the required minimum front yard setback line.

Section 315 d) of the Boone County Subdivision Regulations states that flag lots are not permitted in the City of Walton.

Site Characteristics

The 6.685 acre lot is located on the southwest side of Apex Drive and is currently undeveloped. Boone County GIS shows that the topography of the parcel falls from approximately 916' above sea level at the southern property line to 864' above sea level at the northern property line. Some mature deciduous trees exist along the northern, southern, and southwestern property lines.

Adjoining Properties and Zoning

North: Undeveloped Tracts Fronting on Mary Grubbs Highway and Apex Drive (I-1)

South: Brighton Truck Service (I-1)

East: Apex Drive, Fuji Autotech, Davis Creek Meats and Seafood (I-1)

West: Railroad Right-of-Way

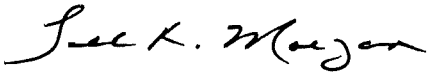
Staff Comments

1. The submitted plan shows that Burch Sheet Metal is proposing to build a 12,000 square foot facility on Lot 3A. Lot 3B would develop with another principally permitted I-1 use. Lots 3A and 3B are shown with a common driveway.
2. Per the City of Walton's request, the Boone County Subdivision Regulations were changed in 1998 to prohibit flag lots in the city limits. The change was requested because a residential subdivision developed with a high percentage of flag lots.
3. Staff does not believe the request will alter the essential character of the area because the property is located in an industrial park and the proposed property boundary will not be discernable to the public.
4. The Board needs to review the Variance criteria before acting on the request.

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 act on the request.

Respectfully submitted,



Todd K. Morgan, AICP
Senior Planner, Zoning Services

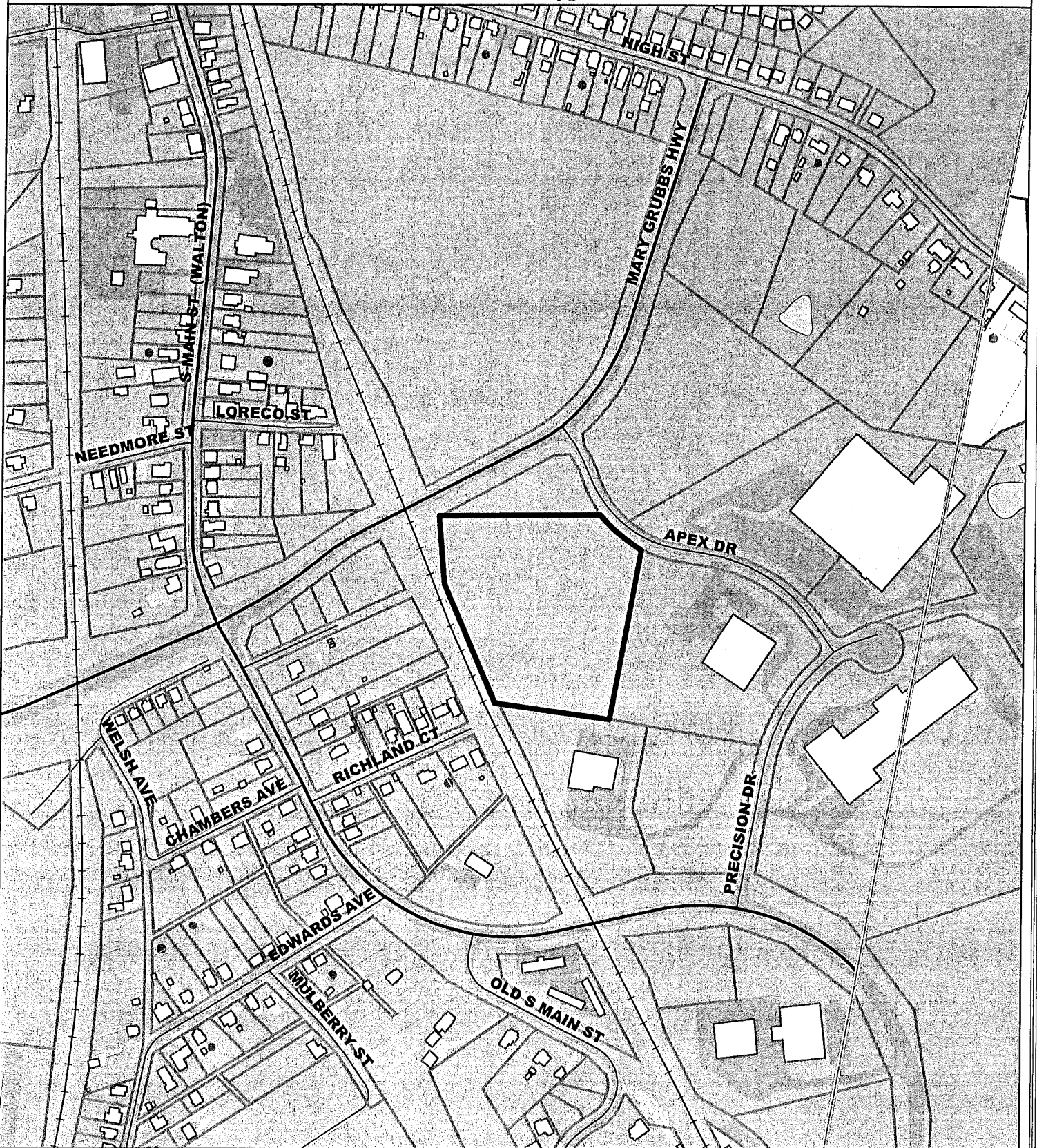
TKM/vlm

Attachments

- *Site Vicinity Map
- *Preliminary Plan
- *2009 Aerial Map
- *Zoning Map
- *Topographical Map
- *Application

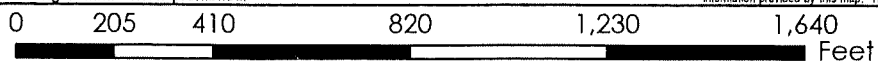
SITE VICINITY MAP

www.boonecountygis.com



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Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 01/01/2008

World Street Map by North NAD 1983
ArcMap Document: *.mxd

2009 AERIAL MAP

www.boonecountygis.com



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0 8,750 17,500 35,000 52,500 70,000

Feet

1 inch = 83,333 feet

Boone County GIS - Putting Northern Kentucky on the Map



ZONING MAP

www.boonecountygis.com



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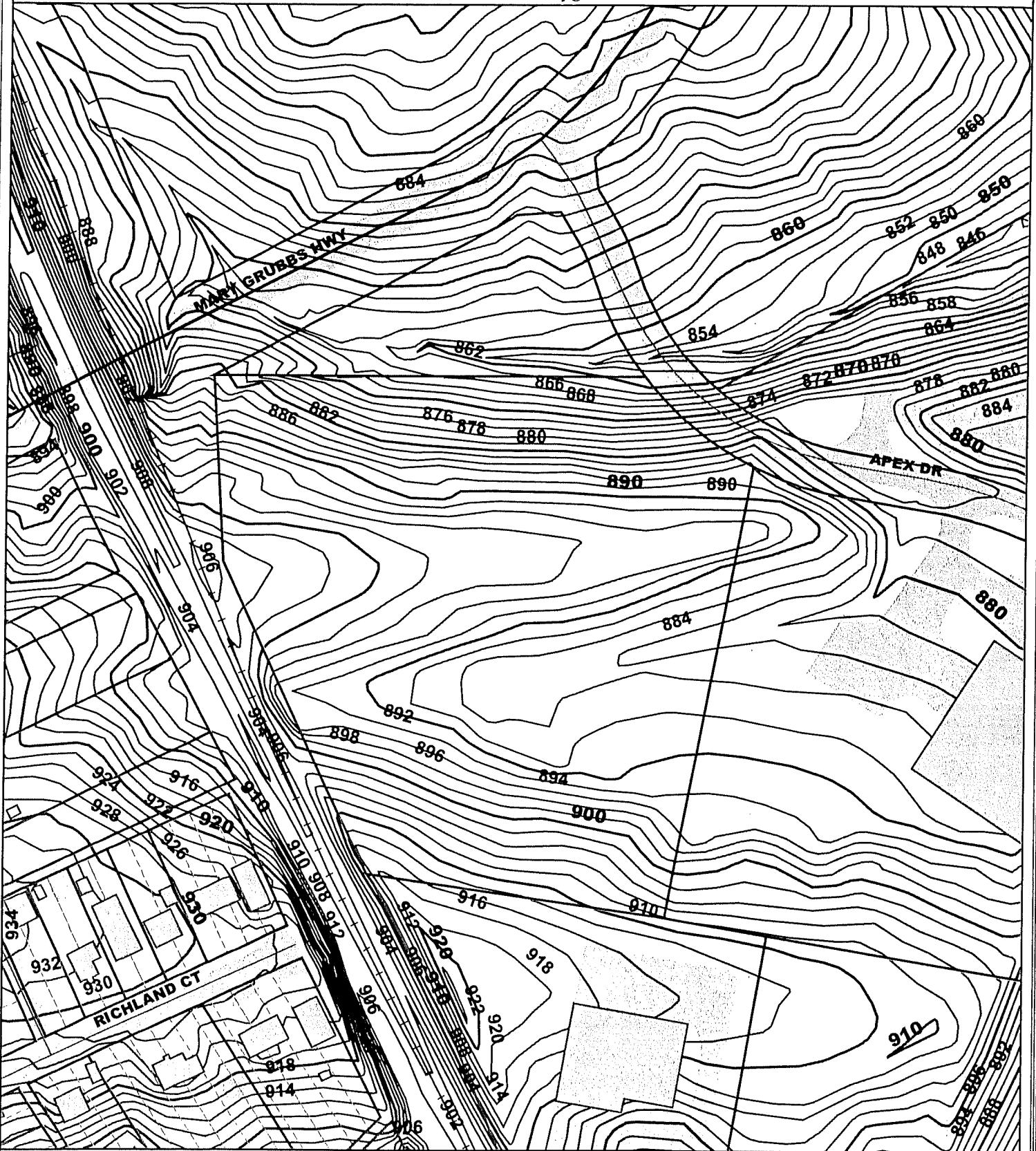
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TOPOGRAPHICAL MAP

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0 8,750 17,500 26,250 35,000 43,750 52,500 61,250 70,000

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APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

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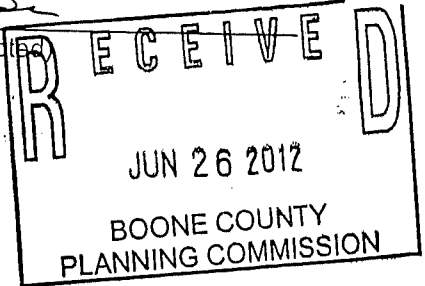
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ORIGINAL Applicant's Signature: [Signature] (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

(over)



CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Burch Sheet Metal
938 Eads Road
Crittenden, KY 41030

2. ADDRESS OF PROPERTY

Apex Drive, Lot 3

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Walton Industrial Park

4. DEED BOOK 997

PAGE NO. 281

GROUP NO. 2081B

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

___ Zoning Map Amendment:
From ___ To

___ Conditional Use Permit

___ Development Plan

___ Conditional Zoning

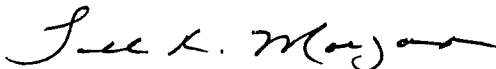
___ Subdivision Plat
(Not Recorded)

___ Other:

X 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

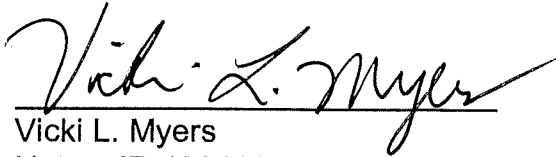
Todd K. Morgan, Senior Planner, Zoning Services
Name and Title of Completing Official

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 27th day of July, 2012.



Vicki L. Myers

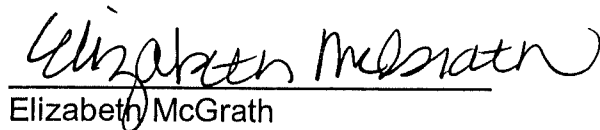
Notary ID 438411

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 Walton Board of Adjustments and in accordance with the current zoning in effect as of July 26, 2012 Certificate of Land Use Restriction (#12-WBOA-001-A), for Burch Sheet Metal, Property Owner(s).

The following conditions will apply:

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

DEED BOOK 997 PAGE NO. 281 GROUP NO. 2081B