

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

RECEIVED APR 21 2021 BOONE COUNTY PLANNING COMMISSION

SECTION A (To be completed by applicant)

- 1. (Check One) Boone Florence X Walton
2. (Check One) Conditional Use Permit X Variance Appeal
3. Applicant's Name DANIEL E. CHILDRESS
4. Description of Request: VARIANCE TO REDUCE SETBACK (Rear Yard)
5. Name of Development DEED INDUSTRIAL
6. Location of Development 101 MULLEN DR WALTON, KY 41094
7. Acreage Under Review 1.9732
8. Lot Number and Name of Subdivision
9. Owner of Property DAS MANAGEMENT SYSTEMS LLC
10. Proposed Use(s) on Site Warehouse Storage
11. Total Square Footage of Existing and/or Proposed Buildings 4600 6080 Prop 17257 EX.
12. Current Zoning on Property I-1 / CD
13. Deed Book 364 Page No. 278 Group No. 2080
14. Is the site subject to a zone change? NO YES
15. Have you submitted a Site Plan with this request? YES
16. Have you submitted a list of adjoining property owners with this request?
17. 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:
ORIGINAL Applicant's Signature:

Treva Beagle

From: Treva Beagle
Sent: Thursday, April 22, 2021 8:32 AM
To: 'Jennifer Perry'
Subject: RE: 101 Mullen Drive check 2799

Thank You!

Treva L. Beagle

Manager, Administrative Services
Boone County Planning Commission
tbeagle@boonecountyky.org
859-334-2196
859-334-2264 (fax)

From: Jennifer Perry <jennifer@instaldd.com>
Sent: Thursday, April 22, 2021 8:32 AM
To: Treva Beagle <tbeagle@boonecountyky.org>
Subject: 101 Mullen Drive check 2799

EXTERNAL MESSAGE

Please process the amount as \$968.00. Thank you

Jennifer Perry
D&D
800-662-4773



STAFF REPORT

APPLICANT: Daniel E. Childress for D & D Industrial Contracting

LOCATION: 101 Mullen Drive, Walton, Kentucky

ZONING: Industrial One (I-1)

DATE: May 27, 2021

PROPOSAL

The applicant is requesting a variance to allow a new 76' x 60' warehouse to be constructed in the 30' rear yard building setback. The request is to reduce the rear yard setback requirement from 30' to 20.5' for the new building.

PERTINENT SITE HISTORY

In 1995, the property was rezoned from Rural Suburban (RS) to Industrial One (I-1) so an approximate 4,000 square foot office/warehouse building could be constructed on the property. The zone change description stated the building would be occupied by a conveyor repair and maintenance business, with accessory office space. Three conditions were imposed on the approval (see attachments).

On October 10, 1995, Boone County Planning Commission approved a Major Site Plan application allowing an approximate 5,800 square foot office/warehouse on the property. The approved plan showed the building with 50' building setbacks from Bessmer Lane (front yard) and the western property line (side yard). A landscaping plan showed that landscaping was required to the front, side, and rear of the building.

On May 15, 1998, Boone County Planning Commission approved a Major Site Plan application allowing a 5,800 square foot office/warehouse building to be constructed on the site, with access from Bessmer Lane. The new building was approved with a 20' side yard setback from the western property line (a 10' setback was required because the adjoining property was zoned I-1). The building was not constructed per the approved plan because it was built as an addition and not a detached structure. Additional landscaping was shown to the front and rear of the building.

On August 1, 2003, Boone County Planning Commission Staff approved a Major Site Plan allowing a detached 5,884 square foot office/warehouse on the property. The plan showed the existing office/warehouse (11,373 square feet) and the proposed office/warehouse would be accessed from Mullen Drive. The new structure was approved with a 20' side yard setback from the western property line. Additional landscaping was shown to the front, rear, and side of the building.

APPLICABLE REGULATIONS

Section 220 of the Boone County Zoning Regulations states that one duty of the Board Adjustment is to hear and decide variance applications.

Section 250 of the Boone County Zoning Regulations defines a variance as a departure from 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 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 a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations. In making these findings, the board shall consider whether:
 - 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 of 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 requires a principal structure in the I-1 zone to meet the following building setbacks:

- Front Yard – 50' minimum
- Rear Yard – 30' minimum when the subject property adjoins another property zoned I-1
- Side Yard – 10' minimum when the subject property adjoins another property zoned I-1

SITE CHARACTERISTICS

The approximate 1.97 acre site is located at the intersection of Mullen Drive and Bessmer Lane and contains two office warehouse buildings, which are occupied by D & D Industrial Contracting. Public sidewalks exist along the Mullen Drive frontage. Boone County GIS shows the topography of the parcel falls from 964' above sea level at the northern property line to 940' above sea level at the southeast property corner.

The first office/warehouse building is 12,143 square feet in area and is accessed from its own access point on Mullen Drive. The northern portion of this parking lot contains approximately 14 parking stalls. The southern portion of this parking lot is not striped but is used for additional parking and outside storage.

The second office/warehouse building is 5,884 square feet in area and is also accessed from its own access point on Mullen Drive. The parking lot is used for parking and outside storage. An overhead utility line, with a 50' wide easements, bisects this parking lot. A detention basin is located between the building and the Mullen Drive right-of-way.

The southern portion of the site is currently on open grass field.

SURROUNDING LAND USES AND ZONING

North: Bessmer Lane, Walton Nicholson Road, and Single-Family Residential Dwellings (RS)

South: Undeveloped Lot 1 of North Walton Commerce Park and H&M Construction (I-1)

East: Mullen Drive, Landrum Construction (I-1)

West: Single-Family Residential Dwelling, Detached Garage, and Barn Fronting on Bessmer Lane (I-1)

STAFF COMMENTS

1. Since the proposed building that is part of this application will be accessed from Mullen Drive, the Zoning Administrator has determined that the 50' front yard setback for the proposed building needs to be measured from Mullen Drive and the 30' rear yard setback needs to be measured from the western property line. Mullen Drive did not exist when the property initially developed and Bessmer Lane was the front yard.

A rear yard setback Variance would still be needed if Bessemer Lane was treated as the front yard and the southern property line was the rear yard. A 30' rear yard rear setback would be required and the building is shown with a 10.6' setback.

2. Staff has the following comments:
 - A. The Board needs to analyze the variance criteria before acting on the request. Staff recommends that the Board should analyze if the 50' utility easement deprives the applicant of the reasonable use of the land or creates an unnecessary hardship.
 - B. Three Site Plan applications have been approved for the property since 1995 and all of them contained landscaping plans. Staff's observation from visiting the site and reviewing 2020 aerials is that a lot of the required landscaping has not been installed. Staff believes the landscaping along the rear property line is extremely important because the adjoining property contains a house. Staff recommends a condition that requires a new landscaping plan to be prepared for the entire site. All existing trees and shrubs would need to be identified. With the exception of the rear property line,

Daniel E. Childress
101 Mullen Drive
May 27, 2021

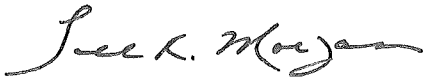
Page 4

all perimeter buffers would need to comply with current code. The rear buffer line should be planted with a hybrid Buffer Yard A. The hybrid buffer would contain three large or evergreen trees for every 100 linear feet and 60% of the required trees would need to be evergreen species from Plant List D.

CONCLUSION

- A. KRS 100.241 and Section 220 of the Boone County Zoning Regulations give the Walton Board of Adjustment and Zoning Appeals the authority to act on the request.
- B. Section 251 of the Boone County Zoning Regulations identifies criteria necessary for granting a Variance. The applicant needs to provide information as to how their application meets this criteria.

Respectfully submitted,



Todd K. Morgan
Senior Planner, Zoning Services

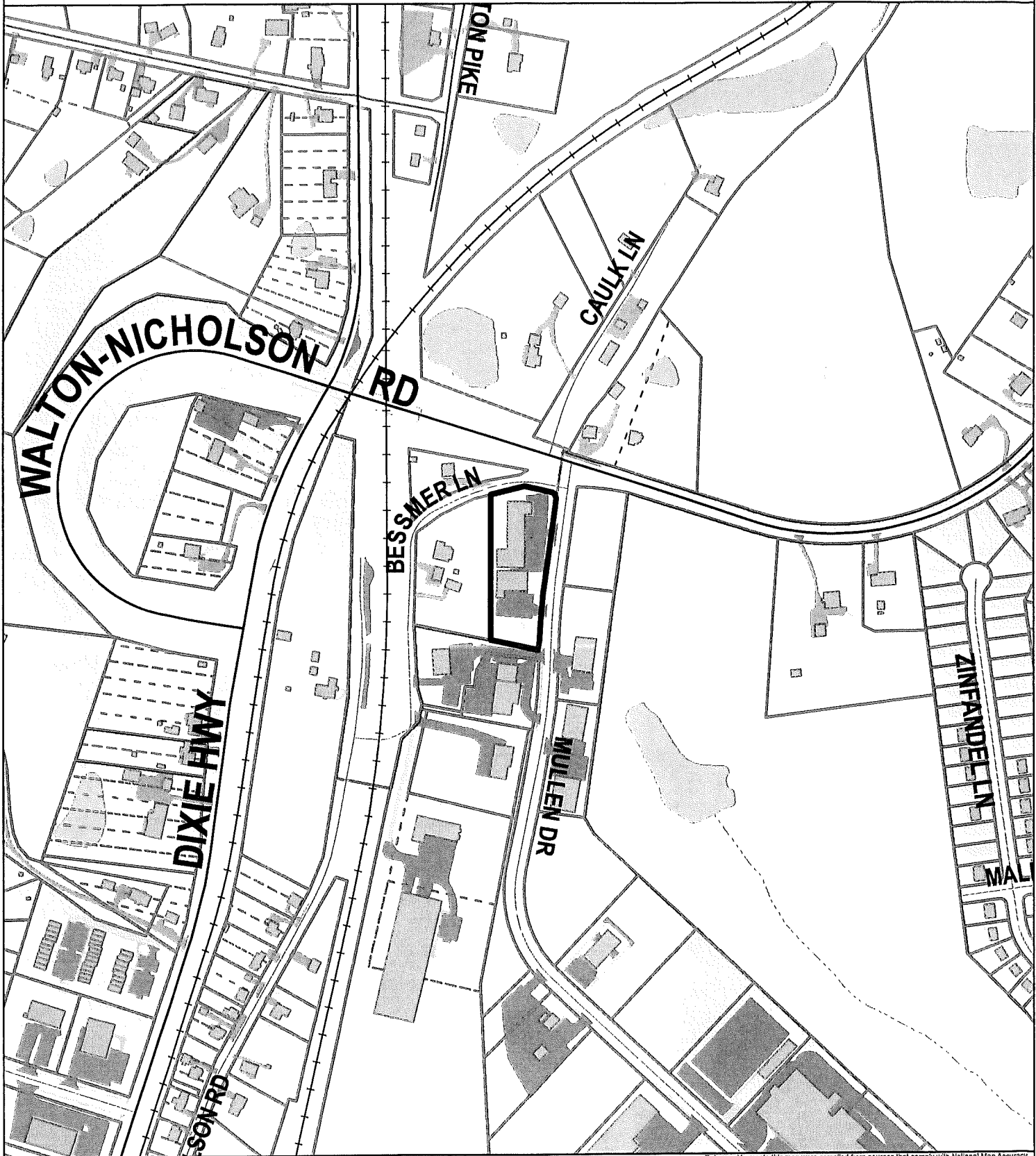
TKM/ss

Attachments

- *Site Vicinity Map
- *Proposed Plan
- *2020 Aerial Map
- *Zoning Map
- *Topographical Map
- *1995 Zone Change Conditions
- *10/18/95 Site Plan
- *5/15/98 Site Plan
- *8/1/03 Site Plan
- *8/1/03 Landscaping Plan
- *Application

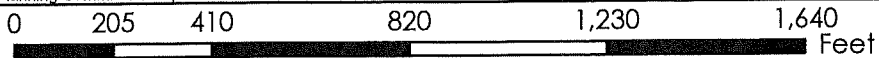
SITE VICINITY MAP

www.boonecountygis.com



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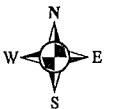


1 inch = 400 feet



Map Created: xx/xx/2020

Boone County GIS - Putting Northern Kentucky on the Map



Boone County GIS
ArcMap Document: *.mxd



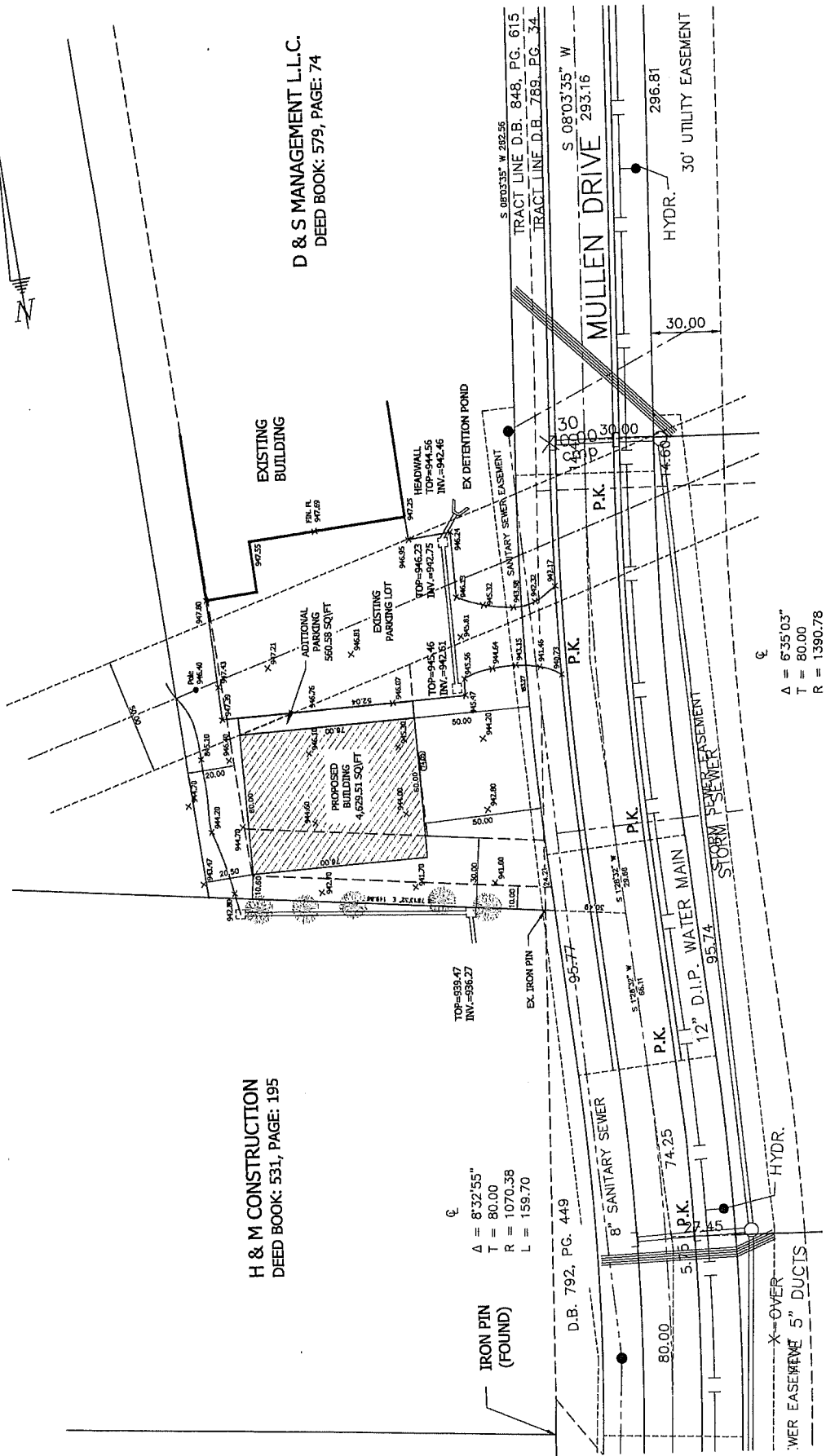
H & M CONSTRUCTION
DEED BOOK: 531, PAGE: 195

D & S MANAGEMENT L.L.C.
DEED BOOK: 579, PAGE: 74

IRON PIN
(FOUND)

$\Delta = 8'32.55"$
 $T = 80.00$
 $R = 1070.38$
 $L = 159.70$

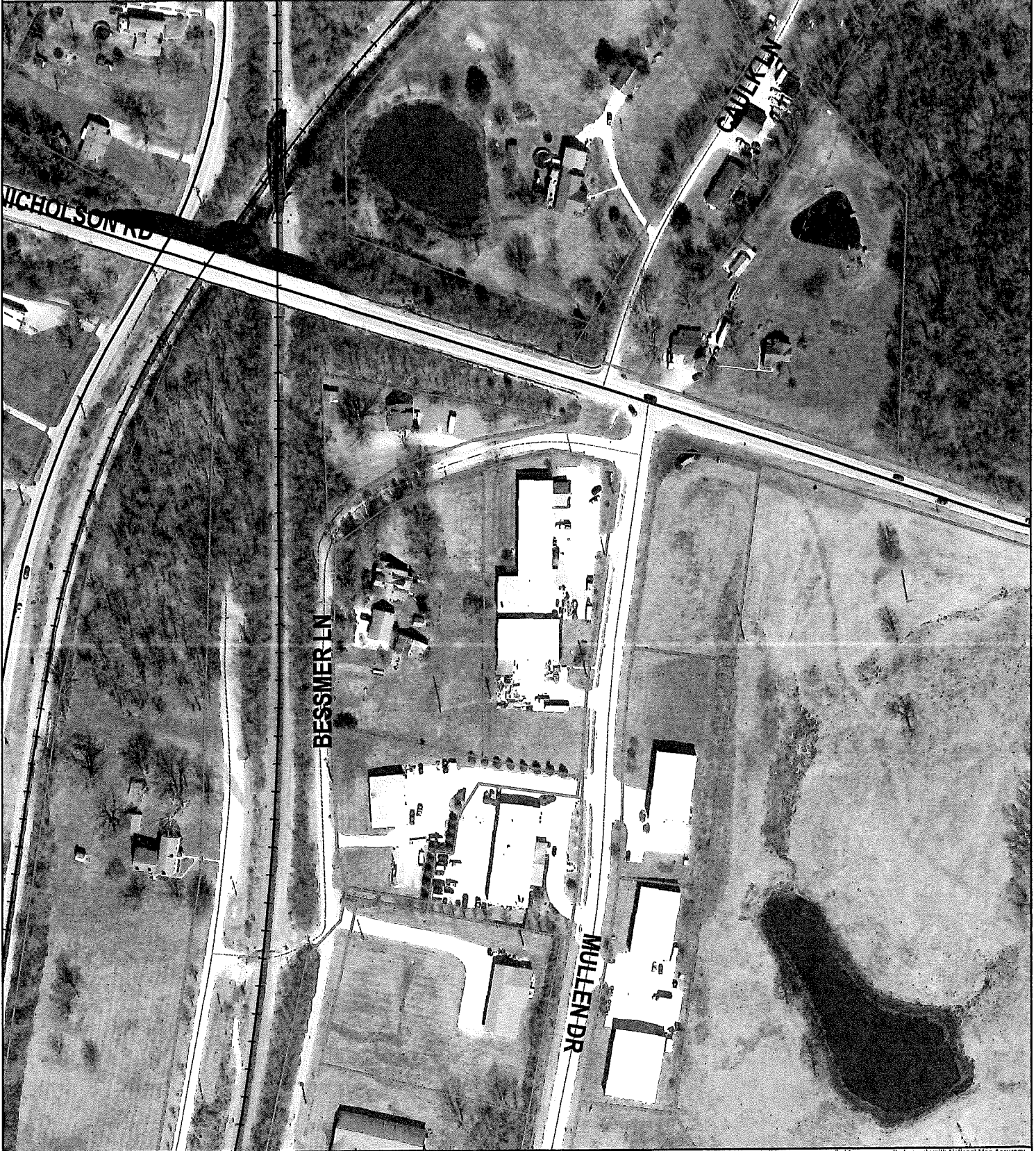
$\Delta = 6'35.03"$
 $T = 80.00$
 $R = 1390.78$
 $L = 159.82$



PROPOSED BUILDING PLOT PLAN	
D&S MANagements SYS.	
OWNER: D. BURNS	DATE: 4/19/21
ENGINEER: D. BURNS	SCALE: 1" = 20'
NORTH: WALTON COMMERCIAL PARK	
KY. HWY No. 16 - WALTON KENTUCKY	
DATE: 4/19/21	

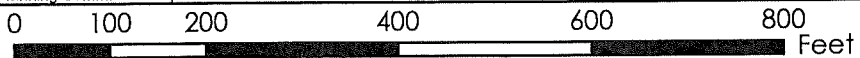
2020 AERIAL MAP

www.boonecountygis.com



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1 inch = 200 feet



Boone County GIS - Putting Northern Kentucky on the Map

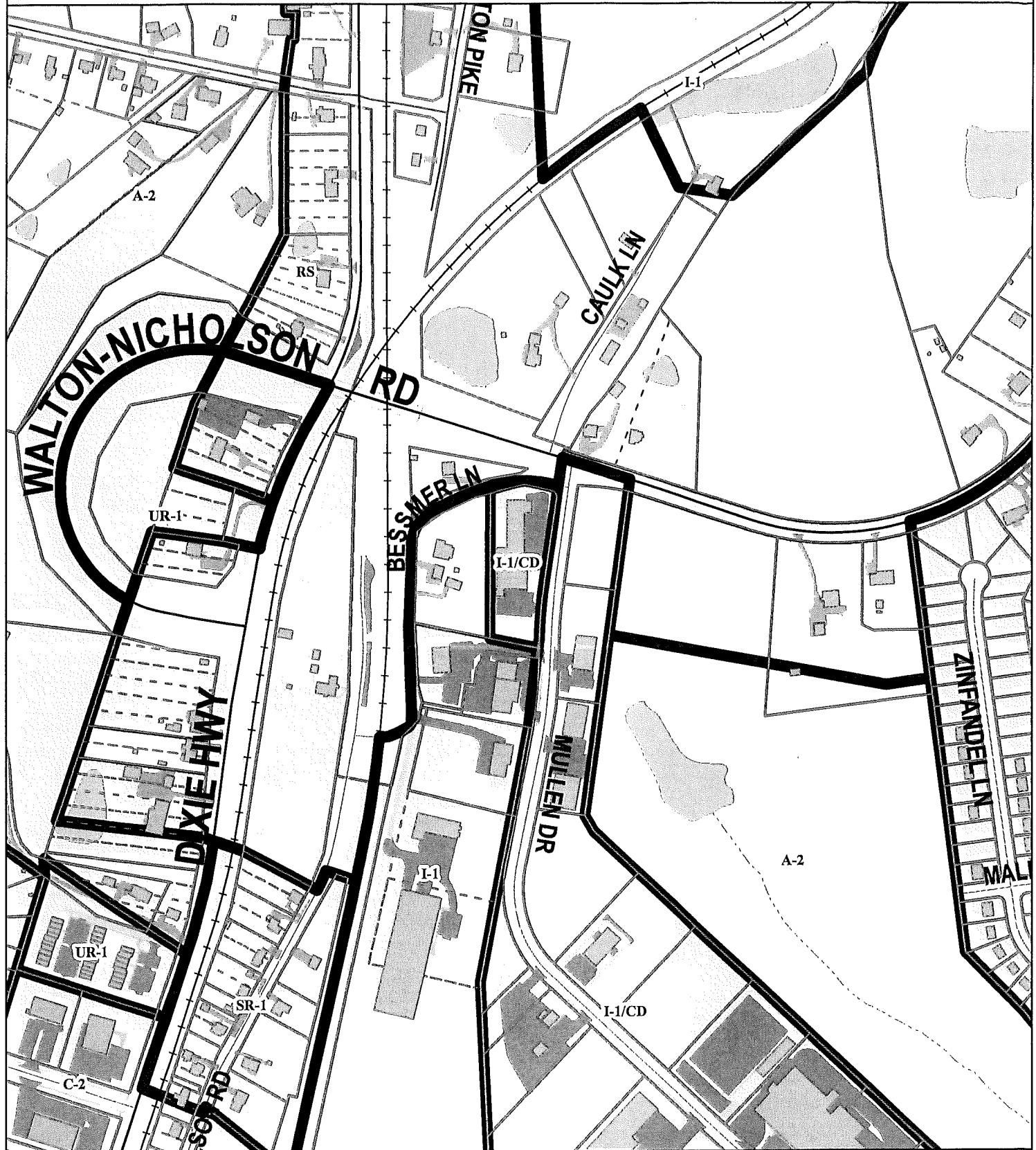


Boone County GIS
Aerial Imagery: 2020
AerialMap Document: " ".mxd

Map Created: xx/xx/2020

ZONING MAP

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0 205 410 820 1,230 1,640 Feet

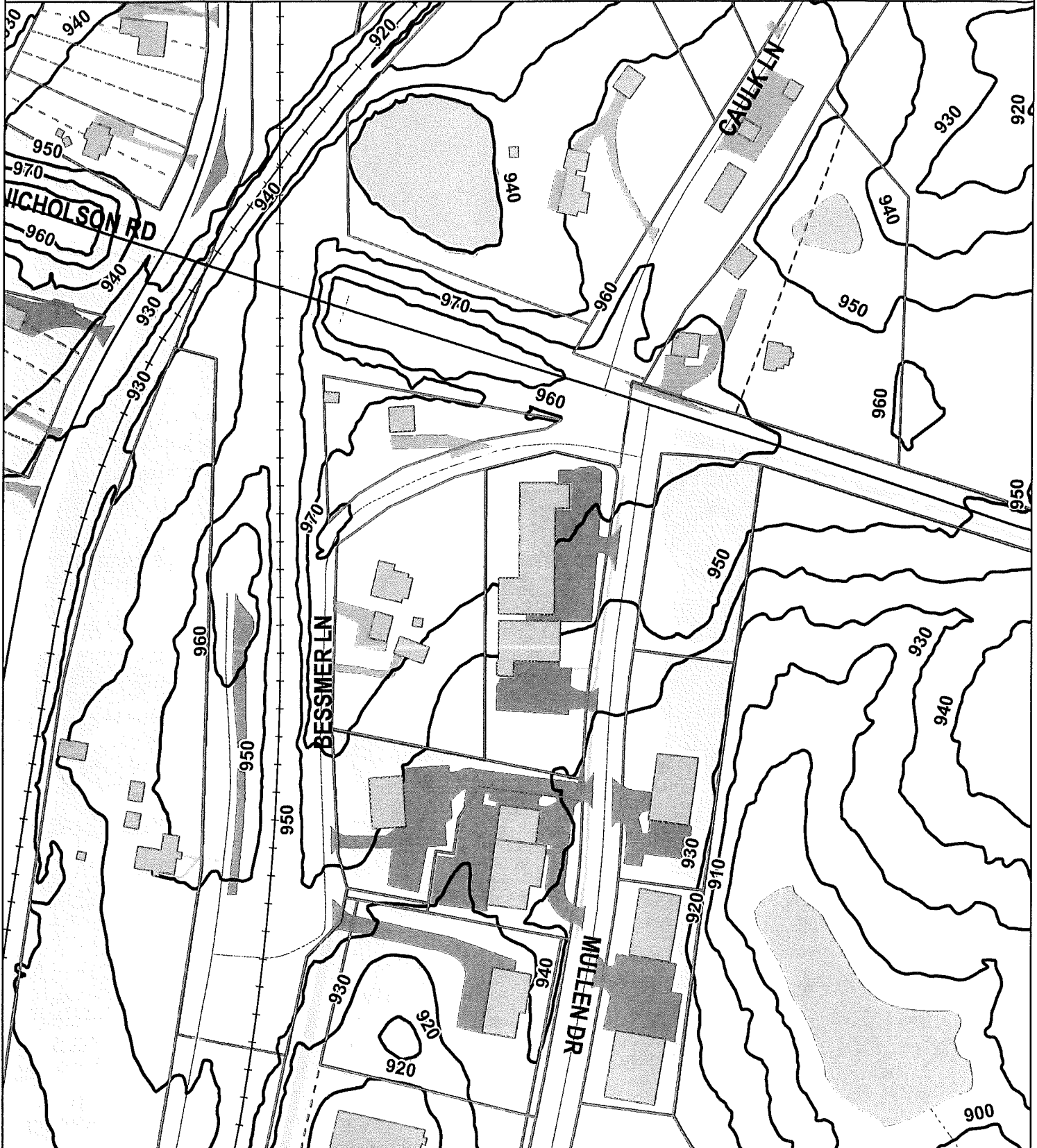
1 inch = 400 feet

Boone County GIS - Putting Northern Kentucky on the Map



TOPOGRAPHICAL MAP

www.boonecountygis.com

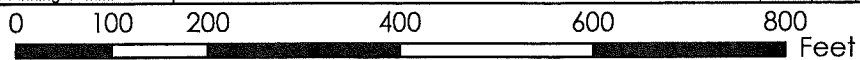


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Bo



1 inch = 200 feet

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COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Donald McMillian, Chairman

DATE: May 17, 1995

RE: Request of Dan Childress and Shawn Murray (applicants) for Preston and Helen Allen for a Zoning Map Amendment from Rural Suburban (RS) to Industrial One (I-1), for a 2.06 acre site located on the south side of KY 16, approximately 1 mile north of Walton, Boone County, Kentucky. The request is to allow the construction of a 4,000 square foot metal storage structure with office space.

REMARKS:

We, the Committee, recommend approval of the request based upon the following findings of fact and the following conditions:

Findings of Fact

1. The Committee believes that there has been a major physical change due to the development of industrial uses on Old Walton Nicholson Road which were not anticipated in the 1990 Boone County Comprehensive Plan. These industrial developments have substantially altered the character of the area.
2. The Committee believes that this major physical change has made the current zoning classification inappropriate and the proposed zoning classification more appropriate.
3. The Goals and Objectives section of the Comprehensive Plan indicates that industrial development shall be encouraged to locate near railroads and highways.

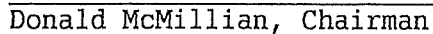
Conditions

The applicant is being asked to agree to and include these items as part of the Zoning Map Amendment and to address questions and comments at the Public Hearing:


1. Before the applicant will be issued Site Plan approval for the proposed industrial building the applicant shall have to show proof of access to City of Walton public water.
2. The applicant shall agree to limit all permitted and conditional Industrial One (I-1) uses except the uses specified in Section 1131, Items number 10 and 33 which permit:
 10. Fabrication of metal products except firearms and accessories, large scale machinery, and transportation vehicles;

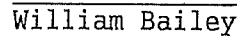
33. Building construction, general contractor, plumbing, heating, air conditioning, painting, paper handling, decorating, electrical, masonry, stonework, tile setting, plastering, carpentry, wood flooring, roofing and sheetmetal, water-well drilling, septic and other special construction trade offices, supply, storage and related activities;
3. The applicant shall provide a buffer to the adjoining residential properties which shall be established during the Site Plan Review procedure for the site which meets the satisfaction of the Planning Commission.

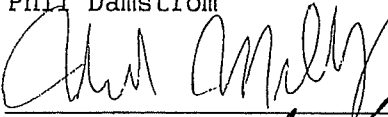
A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request.

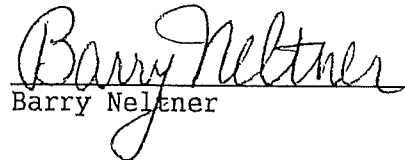

Donald McMillian, Chairman

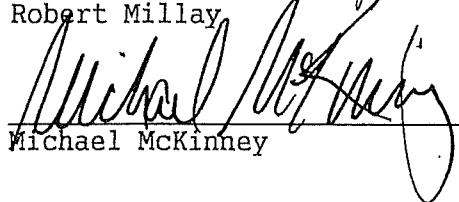

Fred Burch


Phil Damstrom

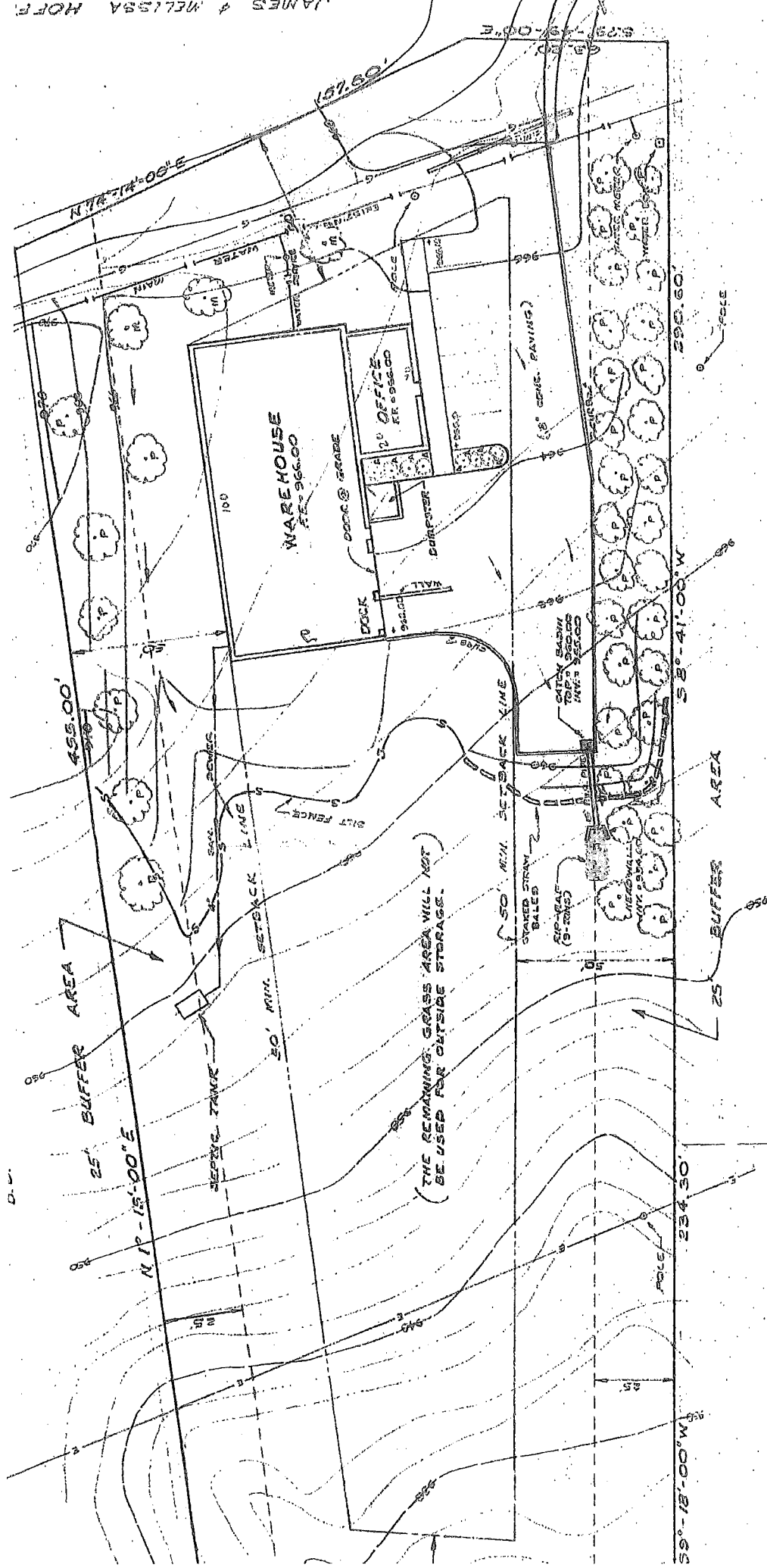

William Bailey


Robert Millay


Barry Nelener


Michael McKinney

JFH\par



ROY & PAULETTE COMBS
D.B. 151 PG. 151

ALPH G. ROSKE

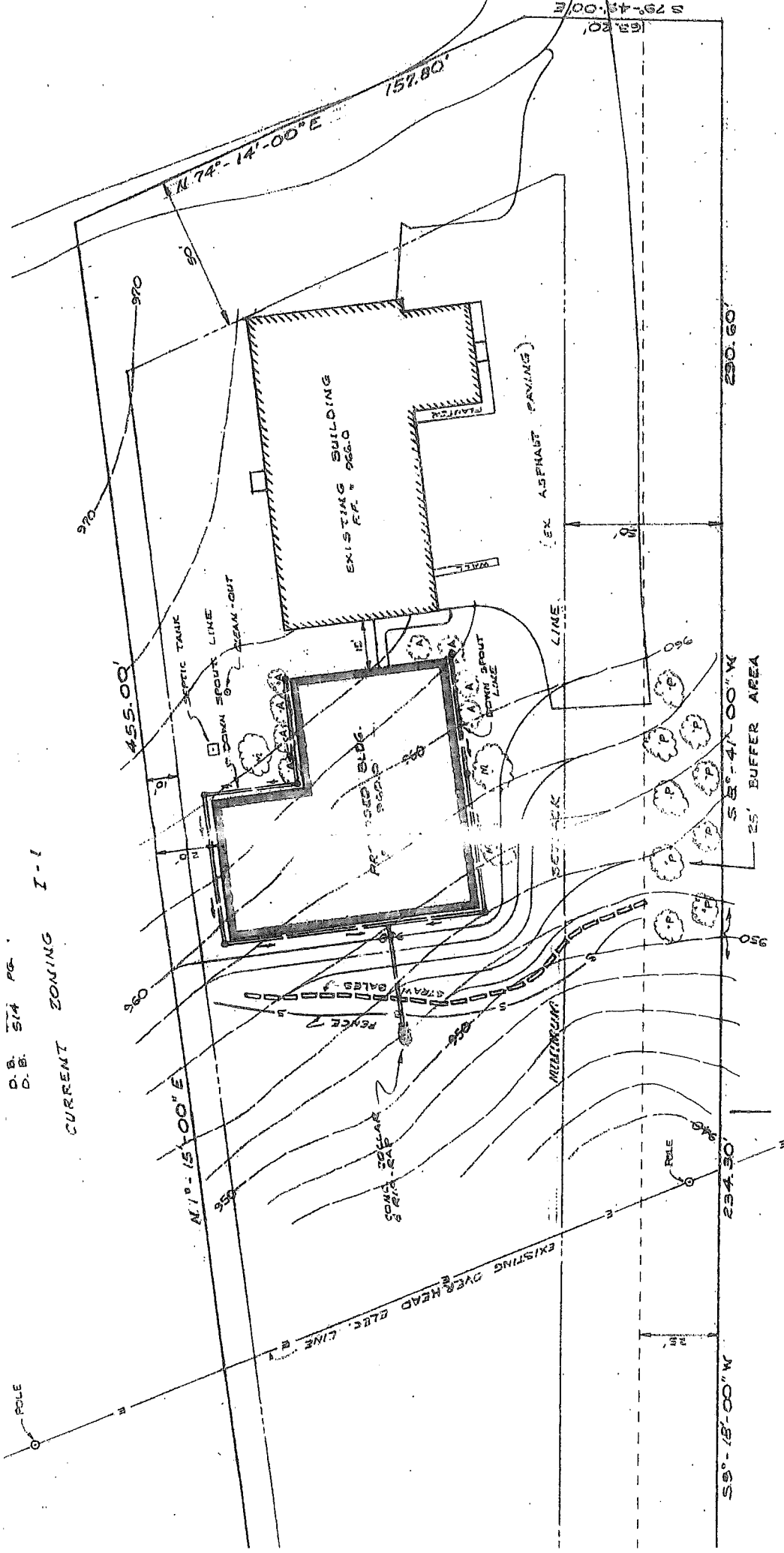
SITE
10/18/95 Plan

STORM WATER DETENTION CALC.

PRE-DEVELOPMENT Q = CIA
= 50 REPLY PONG AT

- A = Flowering Shrub
- P = Full or Spruce Trees (6' High)
- M = Maple Tree (6' High)

D. B. 514 PG.
D. B. 191
CURRENT ZONING I-1



RALPH G. ROEKE

ROY & PAULETTE COMBS
D.B. 191 RE. 191

CURRENT ZONING R5

5/15/98
SITE PLAN



2-NORWAY SPRUCE
4-SEA GREEN JUNIPER

2-WHITE PINE
1-3-NORWAY SPRUCE

3-VIBURNUM DENTATUM

EXISTING RIDGE

3-SEA GREEN JUNIPER
1-RIVER BIRCH
1-COLORADO SPRUCE

EXISTING PARKING

MULLINS DRIVE

1-ANTONIN DRIVE AM.

2-FLOWERING CORBAPPLE

4-FURRY BUSH
1-HONEY LOCUST

3-VIBURNUM DENTATUM
2-ANTONIN PURPLE ASH

1-FLOWERING CORBAPPLE
1-PIN OAK

1-PIN OAK

2-RED SUNSET MAPLE

1-WHITE PINE

2-GREEN ASH

PROPOSED BUILDING

6-VIBURNUM DENTATUM

DETENTION POND

2-RED SUNSET MAPLE
1-FLOWERING CORBAPPLE

3-BURNING BUSH
1-HONEY LOCUST

6-SEA COAST JUNIPER

65' AREA E

65' AREA E

110' AREA D

8/1/03
Landscaping
Plan

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

RECEIVED APR 21 2021 BOONE COUNTY PLANNING COMMISSION

SECTION A (To be completed by applicant)

(Check One) 1. Boone Florence X Walton Unit

(Check One) 2. Conditional Use Permit X Variance Appeal Change in Non-Conforming Use

3. Applicant's Name DANIEL E. CHILDRESS Applicant's Address 101 MULLEN DR. WALTON KY 41094

4. Description of Request: VARIANCE TO REDUCE SET BACK (Rear Yard)

5. Name of Development DED INDUSTRIAL

6. Location of Development 101 MULLEN DR WALTON, KY 41094

7. Acreage Under Review 1.9732

8. Lot Number and Name of Subdivision (if part of a subdivision)

9. Owner of Property D&S MANAGEMENT SYSTEM LLC

10. Address of Property Owner 101 MULLEN DR WALTON KY 41094

11. Proposed Use(s) on Site WAREHOUSE STORAGE

12. Total Square Footage of Existing and/or Proposed Buildings 4600 SQ FT

13. Current Zoning on Property I-1 / CD

14. Deed Book 864 Page No. 278 Group No. 2080

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?

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]

ORIGINAL Applicant's Signature: [Signature]

CERTIFICATE OF LAND USE RESTRICTION

- 1. NAME AND ADDRESS OF PROPERTY OWNER(S)
D&S Management Systems LLC
101 Mullen Drive
Walton, KY 41094

- 2. ADDRESS OF PROPERTY
101 Mullen Drive
Walton, KY 41094

- 3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
D&D Industrial

- 4. DEED BOOK 864 PAGE NO. 258 GROUP NO. 2080

- 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

Todd K. Morgan
 SIGNATURE OF COMPLETING OFFICIAL

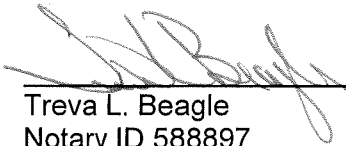
Todd K. Morgan, AICP – Senior Planner
 Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledged before me by Todd K. Morgan

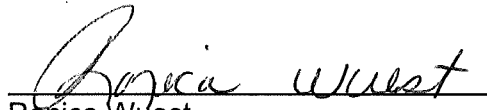
on behalf of the Boone County Planning Commission this 28 day of May, 2021.



Treva L. Beagle
Notary ID 588897
NOTARY PUBLIC, State at Large

My commission Expires:
November 12, 2021

This instrument was prepared for recording purposes only by:



Ronica Wuest
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.)