

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

(Check One)

- 2. Conditional Use Permit Variance Appeal Change in Non-Conforming Use

3. Applicant's Name Henry SAMIE3 Phone Number 282-1286 Applicant's Address 6896 VANARZ COURT Florence KY 41042

4. Description of Request: VARIANCE FOR addition 24x55 ONTO BACK of EXISTING BUILDING

5. Name of Development ARCH MICRO TOOLS

6. Location of Development 113 WALTON NICHOLSON RD WALTON KY 41094

7. Acreage Under Review 2.01

8. Lot Number and Name of Subdivision (if part of a subdivision) 43A

9. Owner of Property ALBERT RICHARDS Phone Number of Owner 485-9181

10. Address of Property Owner 113 WALTON NICHOLSON RD WALTON KY 41094

11. Proposed Use(s) on Site TOOL CO.

12. Total Square Footage of Existing and/or Proposed Buildings 5118

13. Current Zoning on Property INDUSTRIAL

14. Deed Book 416 Page No. 166 Group No. 2080

15. Is the site subject to a zone change? NO

16. Have you submitted a Site Plan with this request? "

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: [Handwritten Signature]

Property Owner's Signature: [Handwritten Signature]

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ZONING APPEALS ACTION
APPLICATION
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SECTION B (To be completed by the Boone County Planning Commission Staff)

1. Date Received 11-23-98 Fee Received \$538.00 (CA 18819)
2. Is application complete? Yes No
3. Staff Reviewer DAVID R. DOERGER
4. Scheduled Board Action Date _____
5. Board Action:
REV 12/15/98 **Approved**
 Approved with Conditions (See #6)
 Denial (See #7)
6. Conditions of Approval: _____

7. Reasons for Denial: _____

Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005
(606) 334-2196 Phone
(606) 334-2264 Fax

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: Henry James
DEVELOPMENT: Arch Micro Tool, Inc.
LOCATION: 113 Bessmer Lane, Walton, Kentucky
ZONING: Industrial One (I-1)
DATE: December 15, 1998

Proposal

The applicant is requesting a Variance to allow a 21' reduction in the 50' rear yard setback on a lot in an Industrial One (I-1) zoning district. The applicant is requesting the Variance in order to construct a 24' x 55' addition onto the rear of an existing building.

Boone County Zoning Regulations

The Boone County Zoning Regulations requires a minimum 50' rear yard setback for any principally permitted structure built in an Industrial One (I-1) zoning district which adjoins an Agricultural Estate (A-2) zoning district. The rear yard of this site does adjoin an A-2 zone and therefore requires a 50' rear yard setback.

Dimensional Variance

A Variance is defined 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 K.R.S. 100.241 to 100.47.

Variations are appropriate by reason of exceptional narrowness, shallowness, or unusual shape of a site on the effective date of the zoning regulations or amendment thereof or by reason of exceptional topographic conditions, or some other extraordinary situation or condition of the site. The literal enforcement of the above dimensional terms of the zoning regulation would deprive the applicant of reasonable capacity to make use of the land in a manner equivalent to the use permitted other landowners in the same zone. The dimensional terms pertaining to height, width and location involve such items as structures, parking space stalls, driveway aisles, landscaped buffers and signs. Lot frontages, the size of yards, and open spaces refer to minimum yard dimensions such as building setbacks.

Conclusion

K.R.S. 100.241 gives the Boone County Board of Adjustment and Zoning Appeals the authority to grant the applicant's request for a Variance to reduce the rear yard setback for the proposed addition at 113 Bessmer Lane, Walton, Kentucky.

The Board should evaluate the applicant's request as it relates to the criteria necessary for granting a Variance, stated in Article 2, Section 251 of the Boone County Zoning Regulations.

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 regulations from which relief is sought.

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.

Staff believes that this request 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.

Respectfully Submitted,

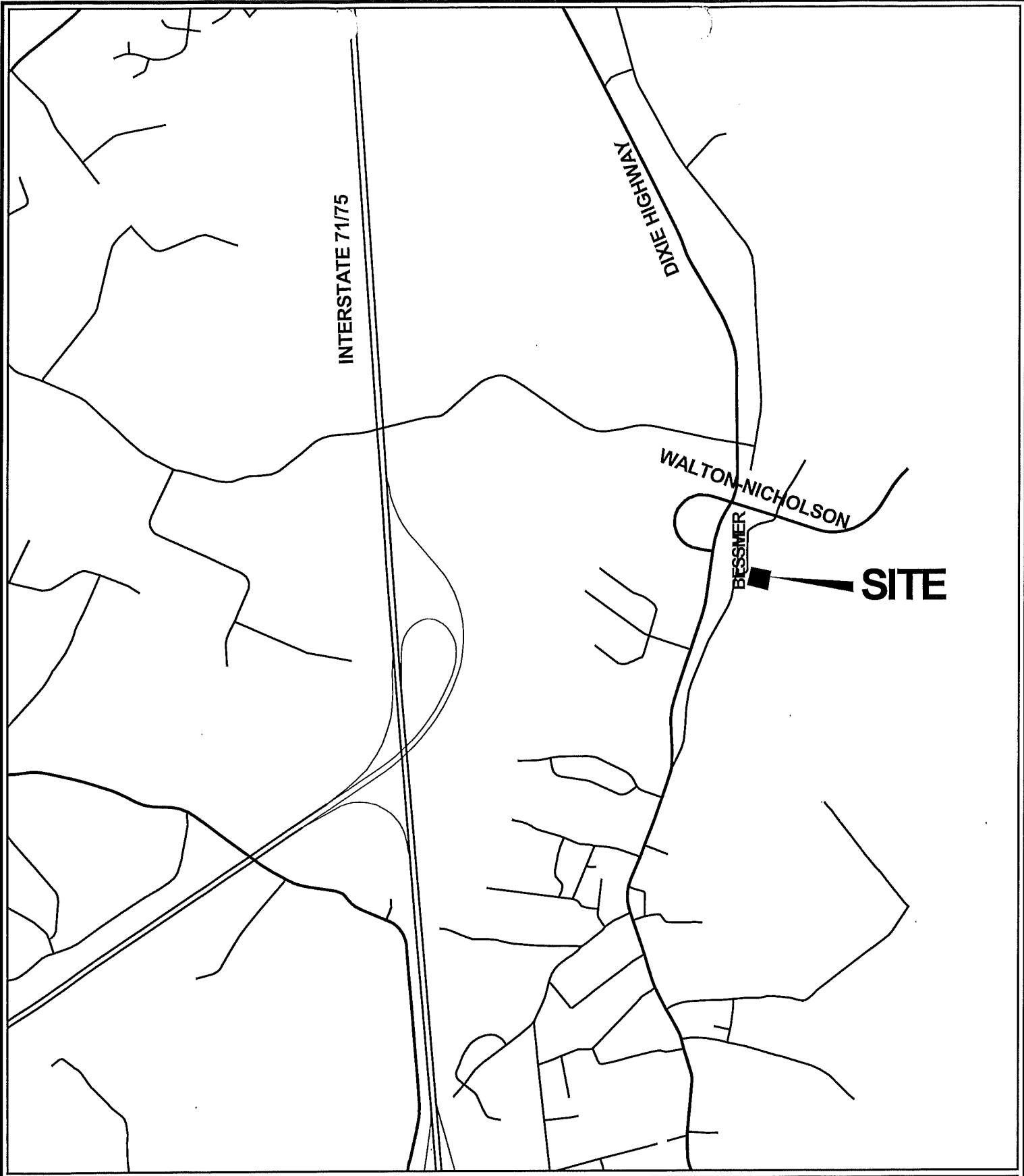


David R. Doerger
Planner

DRD\pr

Attachments

- Vicinity Map
- Plot Plan

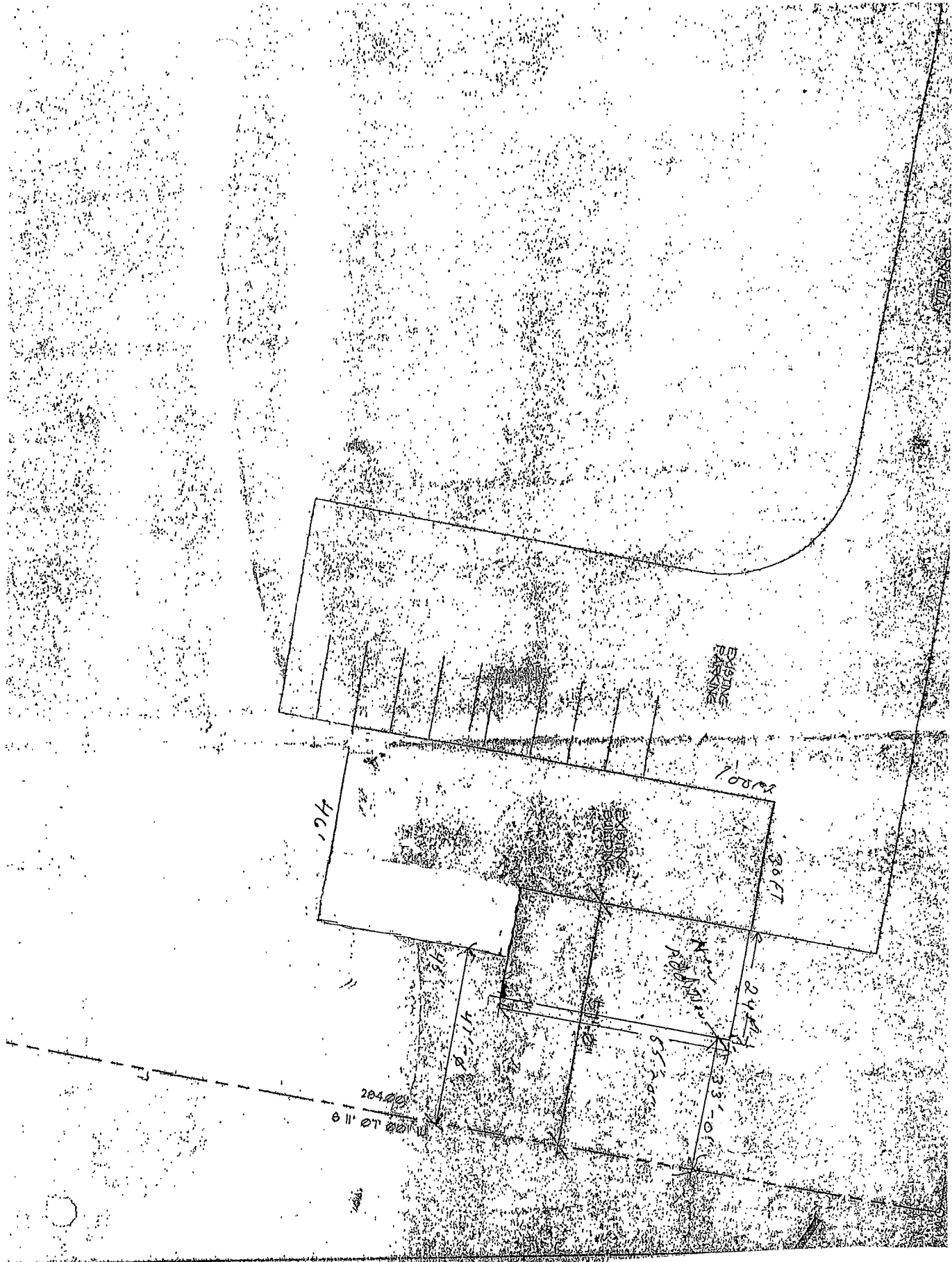


1 inch equals 1900 feet
Produced by the
Boone County Planning Commission
GIS Services Division
December 8, 1998



VICINITY MAP

ARCH MICRO TOOL CO. INC
ADDITIONS
WAL RICHARD - OWNER
WALTON, KENTUCKY
BOONE COUNTY



COPY

CLUR # 98-WBOA-002-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER (S)

Albert Richards
113 Walton Nicholson Road
Walton, Kentucky 41094

2. ADDRESS OF PROPERTY

113 Bessmer Lane
Walton, Kentucky 41094

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Arch Micro Tool Company

DEED BK.: 416

PAGE NO.: 166

GROUP NO.: 2080

4. 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

5. 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

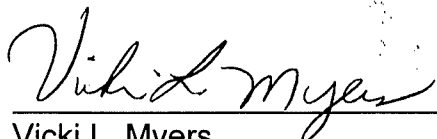
David Doerger
SIGNATURE OF COMPLETING OFFICIAL

David Doerger, Planner
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

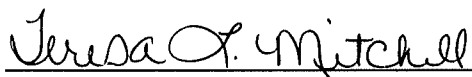
Subscribed, sworn to, and acknowledge before me by David Doerger, on behalf of the
Boone County Planning Commission this 4th day of January, 1999.



Vicki L. Myers
NOTARY PUBLIC, State at Large

My commission Expires:
April 17, 1999

This instrument was prepared for recording purposes only by:



Teresa L. Mitchell
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 December 15, 1998 Certificate of Land Use Restriction (# 98 WBOA-002-A), for Albert Richards, Property Owners.

The following conditions will apply: No Conditions

The approved Variance as well as the preceding conditions apply to the property described in: DEED BOOK 416 PAGE NO. 166 Group No. 2080