

00-BCBA-016-A

APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

RECEIVED APR 19 2000 BOONE COUNTY PLANNING COMMISSION

See Boone County Zoning Regulations

SECTION A (To be completed by applicant)

- 1. (Check One) Boone [checked] Florence _____ Walton _____ Union _____
2. _____ Conditional Use Permit [checked] Variance _____ Appeal _____
3. Applicant's Name ASI Sign Systems
Phone Number 513 248-4100 Fax No. 513 248-4101
Applicant's Address 394 Wards Corner Rd., Ste. 100
Levelland, OH 45140
4. Description of Request: Installation of signs
5. Name of Development Toyota North American Parts Center Kentucky
6. Location of Development 3675 N. Bend Rd.
Hebron, KY
7. Acreage Under Review 86.323
8. Lot Number and Name of Subdivision (if part of a subdivision)
Lot 11 Air Dark West Subdivision
9. Owner of Property Toyota Motor Sales, U.S.A., Inc.
Phone Number of Owner 310-618-4000
Address of Property Owner 19001 So. Western Ave.
City Terrance State CA Zip 90509
11. Proposed Use(s) on Site Distribution Center
12. Total Square Footage of Existing and/or Proposed Buildings
13. Current Zoning on Property I-7 Industrial 1
14. Deed Book 729 Page No. 58 Group No. 2007, 2019
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?
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] Toyota Motor Sales Project Development MGR

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 4-19-00 Fee Received \$500.00 RA# 23904
- 2. Is application complete? Yes No
- 3. Staff Reviewer Mike Homer
- 4. Scheduled Board Action Date MAY 10, 2000
- 5. Board Action:
 Approved
 Approved with Conditions (See #6)
 Denial (See #7)
- 6. Conditions of Approval: 1 SIGN AT KY 237 IS 10' x 3'. 2 SIGNS ON WRIGHT BLVD. ARE 4' x 2'.
- 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.

BCPC: 11/96

STAFF REPORT

APPLICANT: ASI Sign Systems
LOCATION: 3675 North Bend Road, Hebron, Kentucky
ZONING: Industrial One (I-1)
DATE: May 10, 2000

Proposal

The applicant is requesting Variances to allow the increase of three directional signs to be located near entrances to the Toyota North American Parts Center at 3675 North Bend Road, Hebron, Kentucky 41048. The Boone County Zoning Regulations require a maximum sign height of five(5) feet and a maximum sign area of six(6) square feet. The applicant is proposing three directional signs each measuring 10 feet high with 25 square feet of sign area.

Dimensional Variance

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 dimensional terms of the zoning regulation pertaining to 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.

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 regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant and;
- 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.

Staff Comments

1. The applicant is requesting a 100% increase in the height and 316.7% increase in the overall area of the signs, a significant amount.
2. KY 237 is a 55 mph four lane divided highway and Wright Boulevard is a local street. Staff feels that a larger sign located at the intersection of KY 237 and Wright Boulevard could be justified to fit necessary text to be visible to on passing traffic. However, Staff questions if the size of the sign needs to be increased by over 300%. The other two signs included in this request would be located on a local street and would not require the same visibility as does the sign located on the 55 mph four lane divided highway. The applicant is capable of meeting the directional signage requirements of the Boone County Zoning Regulations by simply reducing text size to fit on a smaller sign.
3. Staff has failed to locate where this request meets the three criteria to be considered for Variance approval. This request does not arise from special circumstances which do not generally apply to land in the general vicinity, or in the same zone. The denial of this request would not deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant. Nor is this request the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.
4. Staff feels that if the Variance is approved for all three signs, a precedent might be set for future signage along Wright Boulevard.

Conclusion

K.R.S. 100.241 gives the Boone County Board of Adjustment and Zoning Appeals the power to hear and decide on applications for Variances.

Respectfully Submitted,

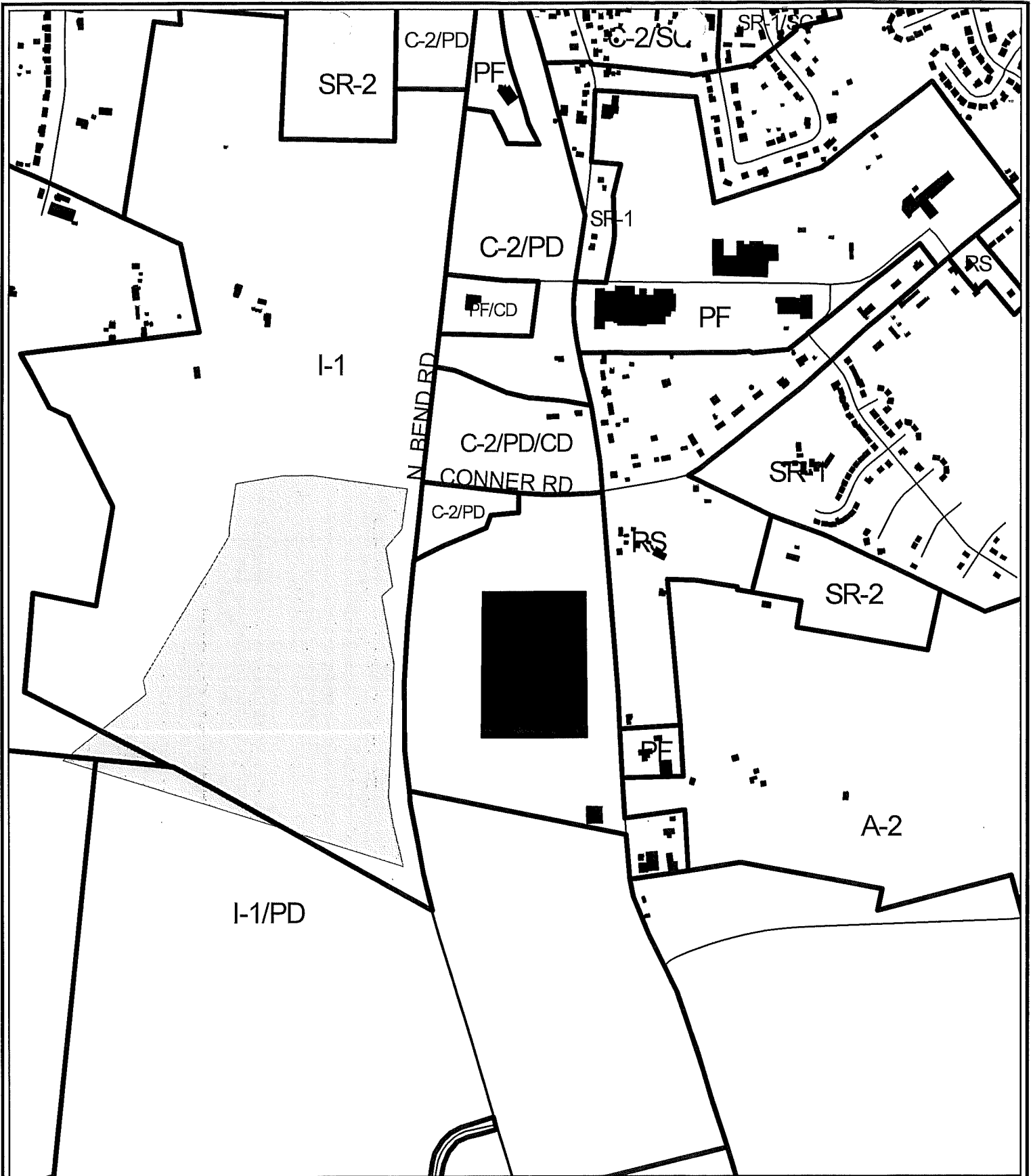


Mike Homer
Planner

MH/pr

Attachments

- Site/Zoning Map
- Site Map
- Sign Drawing
- Variance Application

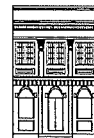


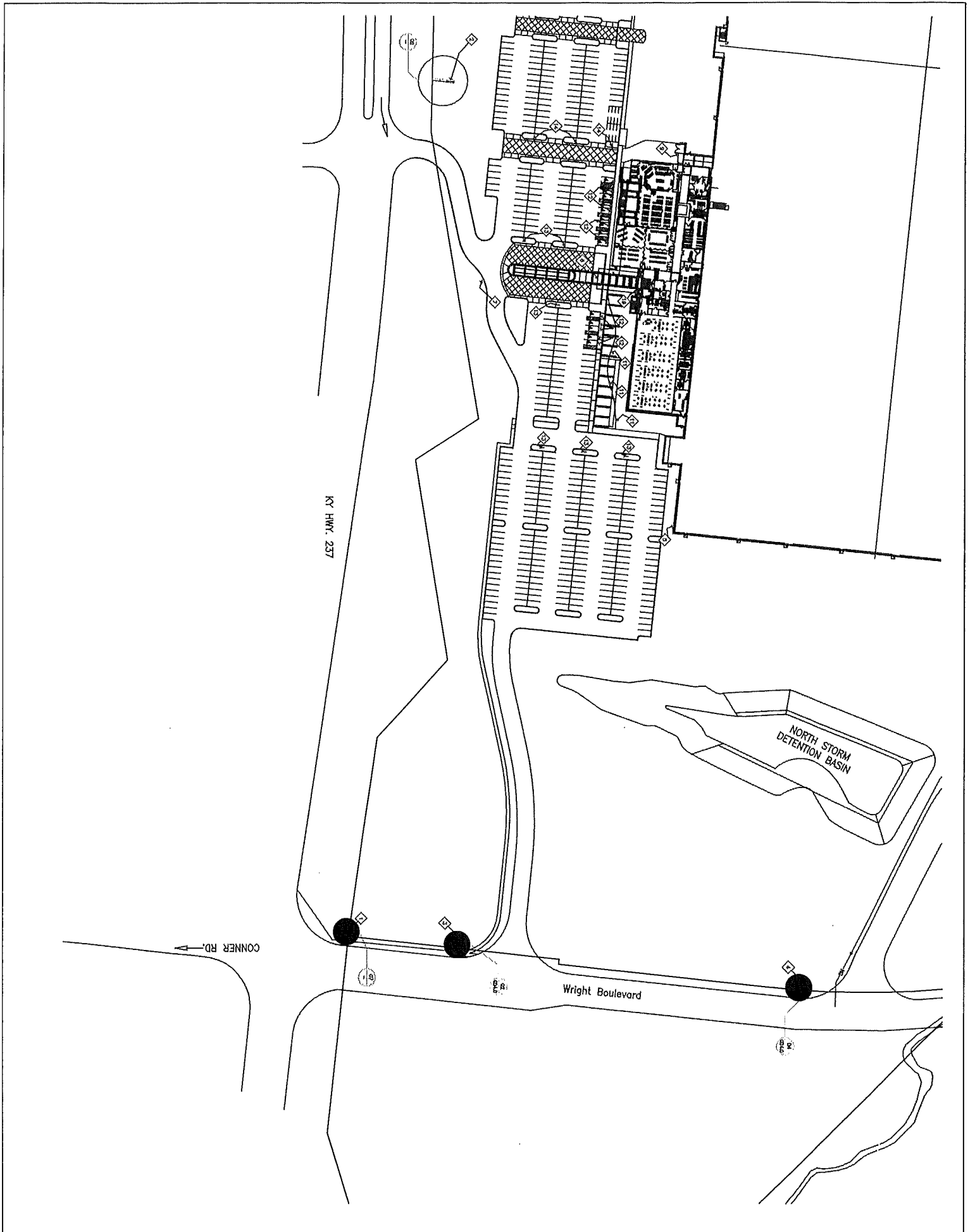
Site/Zoning Map

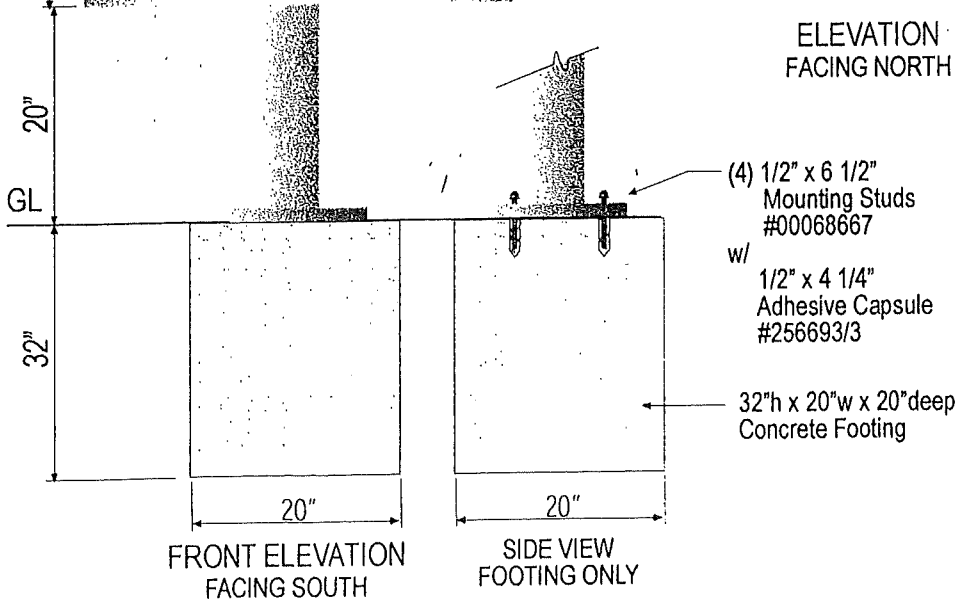
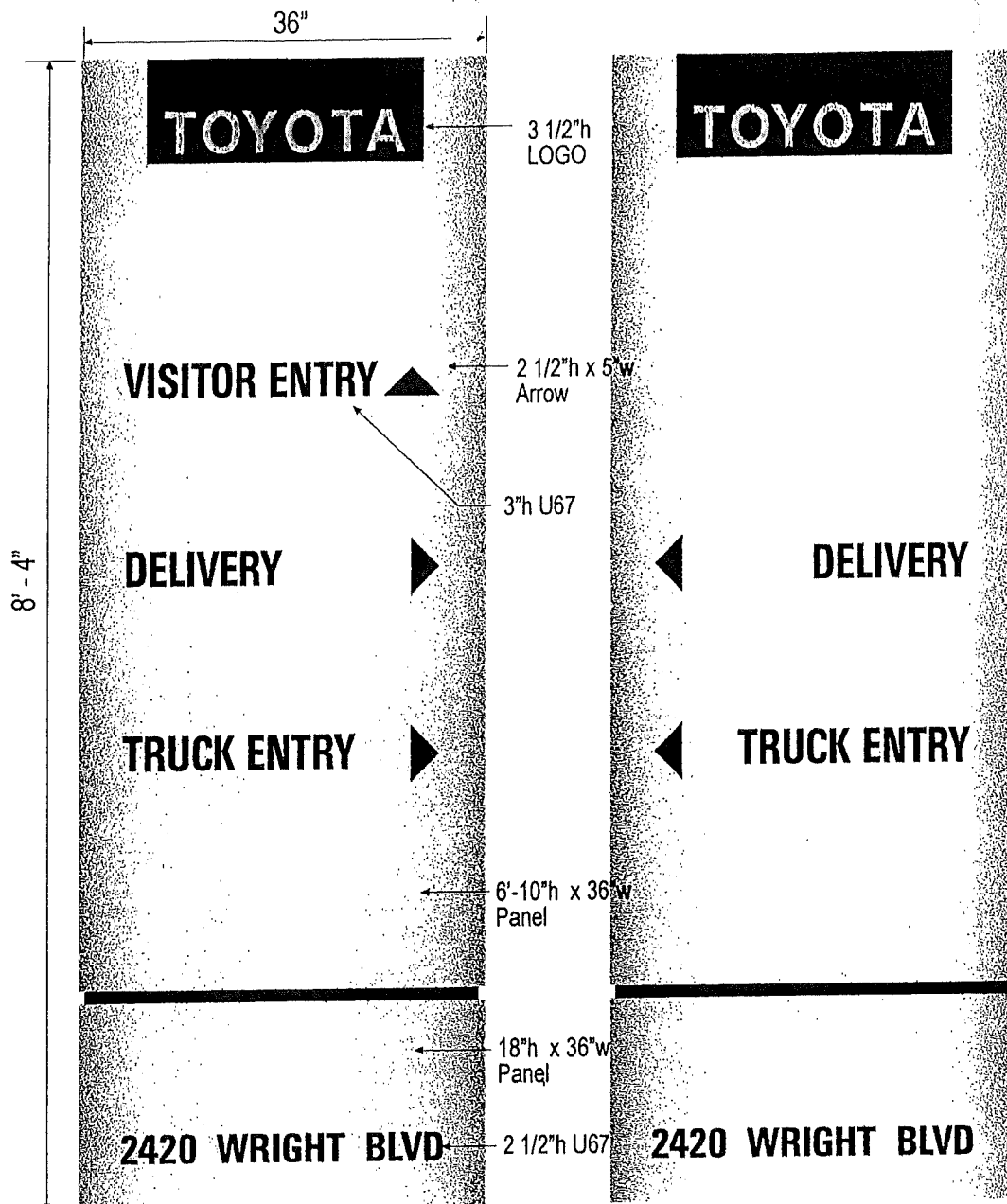
3675 North Bend Road



1 inch equals 900 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 May 4, 2000







ELEVATION
FACING NORTH

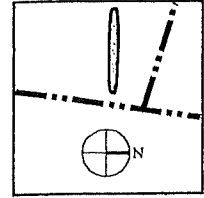
- Approved
- Approved as Noted
- Resubmit

Approved By _____ Date _____

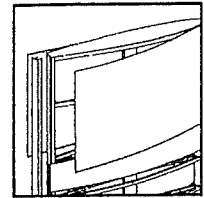
NOTE:

Refer to message schedule for exact copy

Detail



Detail



Description Sign Location #1 - Sign Type 'M'

Pacific Wall Panel-Exterior

Construction & Size:

(2) 6'-10" high x 36" wide &

(2) 18" high x 36" wide

Tensioned aluminum panels

Color: MX-15 Metallic Silver

(1) Post, flange & fasteners

Typestyle & Graphics:

Applied vinyl as shown

Quantity: 1

Mounting/Location:

Post into existing concrete

These drawings involve confidential proprietary rights of ASI Sign Systems and all design, manufacturing, reproduction, use and sale rights regarding the same are expressly reserved. These drawings are submitted under a confidential relationship for a specified purpose and the recipient, by accepting this document, assumes custody and agrees (a) that this document will not be copied or reproduced in whole or in part, nor its contents revealed in any manner or to any person except to meet the purpose for which it was delivered and (b) that any special features peculiar to this design will not be incorporated into other projects.

Scale: N.T.S. Quote #: 6378

Title: Sign Type M Item: 1

Project: Toyota Kentucky Parts Center

Client: Toyota Motor Sales

Account Executive: J. Prazak

Drawn by: mef Date: 04/06/00 Rvsd: 04/25/00

asi
sign systems

ASI Sign Systems
5849 Uplander Way
Culver City, CA 90230

310/645-1400
310/645-9877 fax

APPLICATION FORM

**BOARD OF ADJUSTMENT
 AND
 ZONING APPEALS ACTION
 BOONE COUNTY PLANNING COMMISSION**

RECEIVED
 APR 19 2000
 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 ASI Sign Systems
 Phone Number 513-248-4100 Fax No. 513-248-4101
 Applicant's Address 394 Wards Corner Rd, Ste 100
Leveland, OH 45140
 City State Zip

4. Description of Request: Installation of Signs

5. Name of Development Toyota North American Parts Center Kentucky

6. Location of Development 3675 N Bend Rd.
Hebron, KY

7. Acreage Under Review 86.323

8. Lot Number and Name of Subdivision (if part of a subdivision)
Lot 11 Air Park West Subdivision

9.

Owner of Property Toyota Motor Sales U.S.A., Inc.
 Phone Number of Owner 310-618-4000 (10)
 Address of Property Owner 19001 So. Western Ave.

11. Proposed Use(s) on Site Distribution Center
 City TERRANCE State CA Zip 90509

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

13. Current Zoning on Property 1-7 Industrial 1

14. Deed Book 729 Page No. 58 Group No. _____

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? _____

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.

Applicant's Signature: B R Carr Toyota Motor Sales Project Development MGR

Property Owner's Signature: B R Carr

(over)

**ADAMS, STEPNER, WOLTERMANN & DUSING,
P.L.L.C.**

Attorneys and Counselors at Law

40 WEST PIKE STREET

P.O. BOX 861

COVINGTON, KENTUCKY 41012-0861

AREA CODE 859-291-7270

FAX 859-291-7902

DONALD L. STEPNER *	MARY ANN SPWART *
JAMES G. WOLTERMANN *	LORI A. SCHARMAN *
GIBRARD P. DUSING	SCOTT M. GUENTHER
MICHAEL M. SKETCH *	ROBERT D. DILTS **
JENNIS R. WILKINS *	PATII, E. SCHWARTZ **
JAMES R. KRUEH *	CATHERINE D. STAVRON *
JERRY C. MANDO *	JENNIFER A. STEPNER *
MARCO DIBIZ *	JENNIFER L. LANGEN *
STACY L. DUKAS *	

* AS SO ADMITTED BY OHIO
** ADMITTED ONLY IN OHIO

CHARLES S. ADAMS (1906-1971)
C. GORDON WALKER (1911-1967)

OH COUNSEL
JOSEPH J. CONROY *

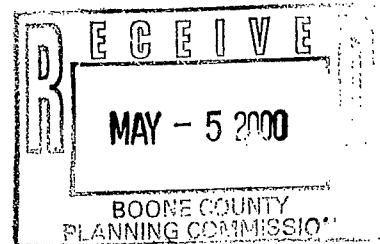
JANICE M. KENNEDY **

8100 BURLINGTON PIKE - SUITE 214
P.O. BOX 576
FLORENCE, KENTUCKY 41012-0576
AREA CODE 859-371-6120
FAX 859-371-6341

3407 ASHLAND AVENUE
CINCINNATI, OHIO 45206
AREA CODE 513-291-7270

P.O. BOX 21724
COLUMBUS, OHIO 43230
AREA CODE 614-459-9125
FAX 614-459-9042

May 5, 2000



Via Fax No. 334-2264
And Regular U.S. Mail
Mike Homer, Planner
BOONE COUNTY PLANNING COMMISSION
2995 Washington Avenue
Burlington, KY 41005

RE: **Conditional Use Permit
Bob Jennings on behalf of Sanitec of Kentucky
299 East Frogtown Road, Walton, KY 41094**

Dear Mike:

As you are aware, this office represents Sanitec of Kentucky respecting the above-referenced.

On behalf of Sanitec we request that the public hearing on this matter that is scheduled for May 10, 2000 be postponed.

Previously, when Mr. Jennings of Sanitec requested that this public hearing be postponed, he had every reason to believe that Sanitec would be in a position well in advance of May 10th to pursue this site or other alternatives not involving the Boone County Board of Adjustment.

However, due to unforeseen circumstances which are beyond the control of Sanitec, certain aspects of Sanitec's due diligence remain to be completed. Sanitec regrets any inconvenience this may cause.

Mike Homer, Planner
BOONE COUNTY PLANNING COMMISSION
May 5, 2000
Page Two

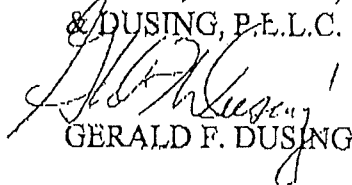
Currently, Sanitec expects it will be in a position to continue to pursue this site or find another suitable location by June 5, 2000.

Sanitec understands there may be a re-advertise, re-notice fee.

Thank you and the Board of Adjustment for your consideration.

Very truly yours,

ADAMS, STEPNER, WOLTERMANN
& DUSING, P.E.L.C.

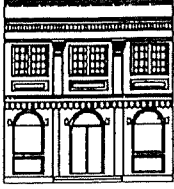


GERALD F. DUSING

GFD:vam

Cc: Mr. Robert D. Jennings
SANITEC

BOONE COUNTY PLANNING COMMISSION



2995 Washington Street • Burlington, KY 41005

www.boonecountyky.org

Phone: (859) 334-2196

Fax: (859) 334-2264

E-mail: plancom@boonecountyky.org

May 5, 2000

Dear Property Owner:

This letter is to notify you that the applicant has requested that the Public Hearing scheduled for May 10, 2000 for the Conditional Use Permit request of Bob Jennings has been postponed until a later date. Please see the attached letter from the applicant.

If you have any questions, please feel free to contact me at the above number

Sincerely,

A handwritten signature in black ink, appearing to read 'Mike Homer', written in a cursive style.

Mike Homer
Planner

MH\pr

COPY

CLUR #00-BCBOA-016-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Toyota Motor Sales, U.S.A., Inc.
19001 So. Western Ave.
Terrance, CA 90509

2. ADDRESS OF PROPERTY
3675 North Bend Road
Hebron, KY 41048
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Toyota North American Parts Center

4. DEED BOOK 729 PAGE NO. 58 GROUP NO. 2007 & 2019

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
2995 WASHINGTON STREET
BURLINGTON, KENTUCKY 41005



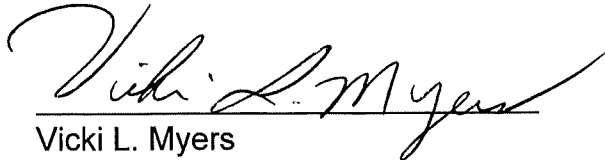
SIGNATURE OF COMPLETING OFFICIAL

Mike Homer, Planner, Zoning Services
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

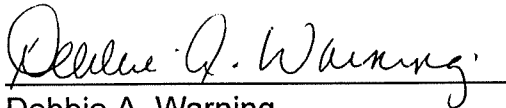
Subscribed, sworn to, and acknowledged before me by Mike Homer on behalf of the
Boone County Planning Commission this 19 day of May, 2000.



Vicki L. Myers
NOTARY PUBLIC, State at Large

My commission Expires:
April 17, 2003

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 Boone County Board of Adjustments and in accordance with the current zoning in effect as of May 10, 2000 Certificate of Land Use Restriction (#00-BCBOA-016-A), for Toyota Motor Sales, U.S.A., Inc., Property Owner(s).

The following conditions will apply:

1. One 10' x 3' freestanding sign with signage area of 8' 4" x 3' at KY 237 and Wright Blvd.
2. Two 4' x 2' freestanding signs located at separate entrances on Wright Blvd.

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

DEED BOOK 729

PAGE NO. 58

GROUP NO. 2007 & 2019