

APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

CONDITIONAL USE FOR ELECTRONIC SIGN

See Boone County Zoning Regulations

SECTION A (To be completed by applicant)

- 1. (Check One) Boone _____ Florence _____ Walton _____ Union _____
- 2. (Check One) Conditional Use Permit Variance _____ Appeal _____
_____ Change in Non-Conforming Use _____
- 3. Applicant's Name JOHN DIERSING FOR QUALITY SIGNS
Phone Number 525-9966 Fax No. 525-0304
Applicant's Address 1530 PRODUCTION DRIVE
BURLINGTON KY 41005
City State Zip
- 4. Description of Request: FURNISH & INSTALL (1) PYLON SIGN
FACING EXPRESSWAY W/ AN ELECTRONIC MSG.
- 5. Name of Development CHARLESTON SIGNATURE HOMES CTR.
- 6. Location of Development 11041 DIXIE HWY
- 7. Acreage Under Review 4.09
- 8. Lot Number and Name of Subdivision (if part of a subdivision) _____
- 9. Owner of Property MERIDIAN PARK MGT., LLC. (HOLIDAY HOMES)
Phone Number of Owner 513-460-8068
- 10. Address of Property Owner 1252 GOSHEN PIKE, MILFORD, OH 45150
City State Zip
- 11. Proposed Use(s) on Site NEW HOME SALES
- 12. Total Square Footage of Existing and/or Proposed Buildings _____
- 13. Current Zoning on Property C-3
- 14. Deed Book 819 Page No. 280 Group No. 2064
- 15. Is the site subject to a zone change? _____
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.

Applicant's Signature: John Diersing for Quality Signs, Inc

* Property Owner's Signature: PAUL RITTER

**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 \$921.00 RA 50509
2. Is application complete? Yes No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
7/12/06 **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: Quality Signs for Charleston Signature Homes
LOCATION: 11041 Dixie Highway, Boone County, Kentucky
ZONING: Commercial Services (C-3)
DATE: July 12, 2006

Proposal:

The applicant has submitted two (2) applications on behalf of Charleston Signature Homes. Application #1 is for a Conditional Use Permit to allow a sixty (60) square foot electronically changeable message board to be installed on a proposed architectural freestanding sign which is 26'-1½" tall and 231 square feet in area. Application #2 is for a Variance to allow the square footage of the architectural freestanding sign to be increased from 200 square feet to 231 square feet. The subject property is located at 11041 Dixie Highway and is zoned Commercial Services (C-3).

Applicable Regulations

Article 2, Section 220 of the Boone County Zoning Regulations states that two of the duties of the Board of Adjustment and Zoning Appeals is to hear and decide conditional use permit and variance applications.

Article 2, Section 250 of the Boone County Zoning Regulations states that the Board of Adjustment 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.

The Board should evaluate the applicant's Conditional Use Permit request as it relates to the criteria necessary for granting a Conditional Use Permit as stated in Section 262 of the Boone County Zoning Regulations.

Findings listed in Section 262:

1. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the County's comprehensive plan, a specific corridor plan and/or the zoning order;
2. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and shall not change the essential character of the same area;
3. Will not be hazardous to existing or future neighboring uses;
4. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately such services;
5. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
6. Will not involve uses, activities, process, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, dust, fumes, glare, or odors;
7. Will have vehicular approaches to the property which shall be so designated as not to create an interference with traffic on surrounding public thoroughfares.

Article 34, Section 3430 of the Boone County Zoning Regulations permits electronically changeable message boards as a Conditional Use in the Commercial Services (C-3) zoning district provided that the following requirements are met:

- A. Such message boards will be considered a part of a permitted sign, free-standing or building mounted; up to fifty percent (50)% of the permitted sign area can be used for an electronically changeable message board.
- B. All such message boards shall meet the minimum standards of the Kentucky Transportation Cabinet and any other controlling local, state, or federal agency.
- C. Electronically changeable message boards shall not be permitted at intervals of less than six-hundred sixty (660) feet, measured along the centerline of each interstate or thoroughfare from which the sign will be visible, between lines through the center of the signs and perpendicular or radial to said centerline.
- D. Apparent motion of the visual message, caused by, but not limited to, the illusion of moving objects, moving patterns or boards of light, expanding contracting, or rotating shapes or other similar animation effects, shall be prohibited. Such restriction applies to "scrolling" or "running" messages.
- E. The message displayed on the board must be displayed for a minimum of five (5) second intervals. In no instance can a message, or part thereof, flash on the message board.

Relationship to the Comprehensive Plan

The Future Land Use Development Guidelines (pp.158-160) found in the Land Use Element state that developments in Boone County should give consideration to the overall design of the area. Design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact of the proposed use. The minimal use of signs is encouraged; signage should be adequate to identify a specific development, but should not be used as a means to compete for motorist attention. The objective is to avoid the confusion and/or distraction of motorists, and to avoid the potential negative impacts of signs on the visual appearance of a development or corridor" (Design, Signs, and Historic Preservation).

Surrounding Land Uses and Zoning

North: Holiday Homes (C-3)

South: Mobile Home Sales (Currently Vacant) (C-3)

East: Dixie Highway and Merchants Cold Storage (I-1)

West: Interstate 71/75 & Undeveloped Property (C-4)

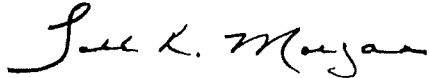
Staff Comments

1. Staff has the following comments regarding the Conditional Use Permit application:
 - A. Staff talked with Ed Thompson, with the Kentucky Transportation Cabinet, regarding the electronically changeable sign. Mr. Thompson indicated that the sign is subject to state review because it will be visible from I-71/75. Mr. Thompson indicated the applicant had already submitted an advertising device application. The state will issue an advertising device permit after the sign is constructed and inspected for compliance with the Kentucky Revised Statutes.
 - B. Staff would like the applicant to verify that the proposed message board will not have running or scrolling messages and that all messages will be displayed for a minimum of 5 seconds (see Section 3430 of the Boone County Zoning Regulations).
 - C. The applicant and Staff did not identify any other electronically changeable message boards with 660 feet of the proposed sign.
 - D. The bottom of the electronic changeable sign is 12 feet off the ground and will be visible for a considerable distance. As a result, Staff recommends that the Board should closely analyze the Future Land Use Development Guidelines from the Boone County Comprehensive Plan and Conditional Use Permit Findings #1 and #2 from Section 262 of the Boone County Zoning Regulations before acting on the request.
2. Staff would like the applicant to address the variance application and the need for a larger architectural freestanding sign. The Variance request is for a 231 square foot sign, while the Boone County Zoning Regulations allow a 200 square foot sign. Staff has the following concerns:
 - A. A 200 square foot sign would not deprive the applicant of the reasonable use of the land or create an unnecessary hardship.
 - B. The request does not arise from special circumstances which do not generally apply to land in the general vicinity or the same zone.
3. Staff has made the applicant aware that the site already contains a free-standing sign (20'-6" tall, 99 square feet) along Dixie Highway and that the Boone County Zoning Regulations only permit a density of one (1) architectural freestanding sign on individual parcels of land. As a result, the applicant and property owner will need to remove the existing freestanding sign before installing the new one along I-71/75.

Conclusion

K.R.S. 100.237 and 100.241 and Section 220 of the Boone County Zoning Regulations gives the Board the authority to grant the applicant's requests.

Respectfully submitted,



Todd K. Morgan, AICP
Senior Planner, Zoning Services

TKM/pr

Attachments

- Exhibit A – Site Vicinity Map
- Exhibit B – Aerial Map
- Exhibit C – Zoning Map
- Exhibit D – Future Land Use Map
- Exhibit E – Concept Development Plans
- Exhibit F – E-Mails between the Applicant and Ed Thompson
- Exhibit G – Application



11041 Dixie Hwy. Site Vicinity Map

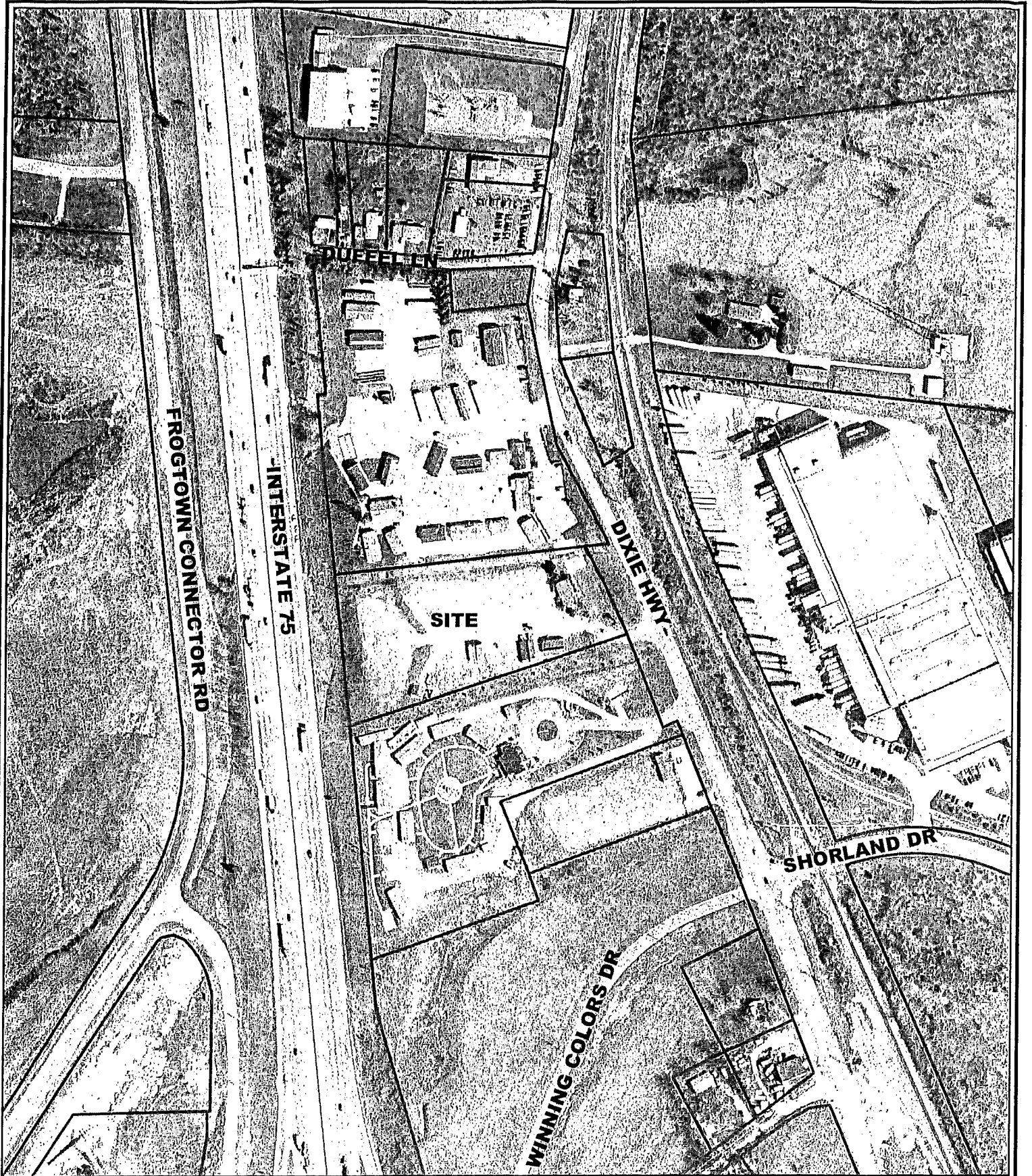
400 0 400 Feet



1 inch equals 400 feet

Produced by the
Boone County Planning Commission
GIS Services Division
July 3, 2006





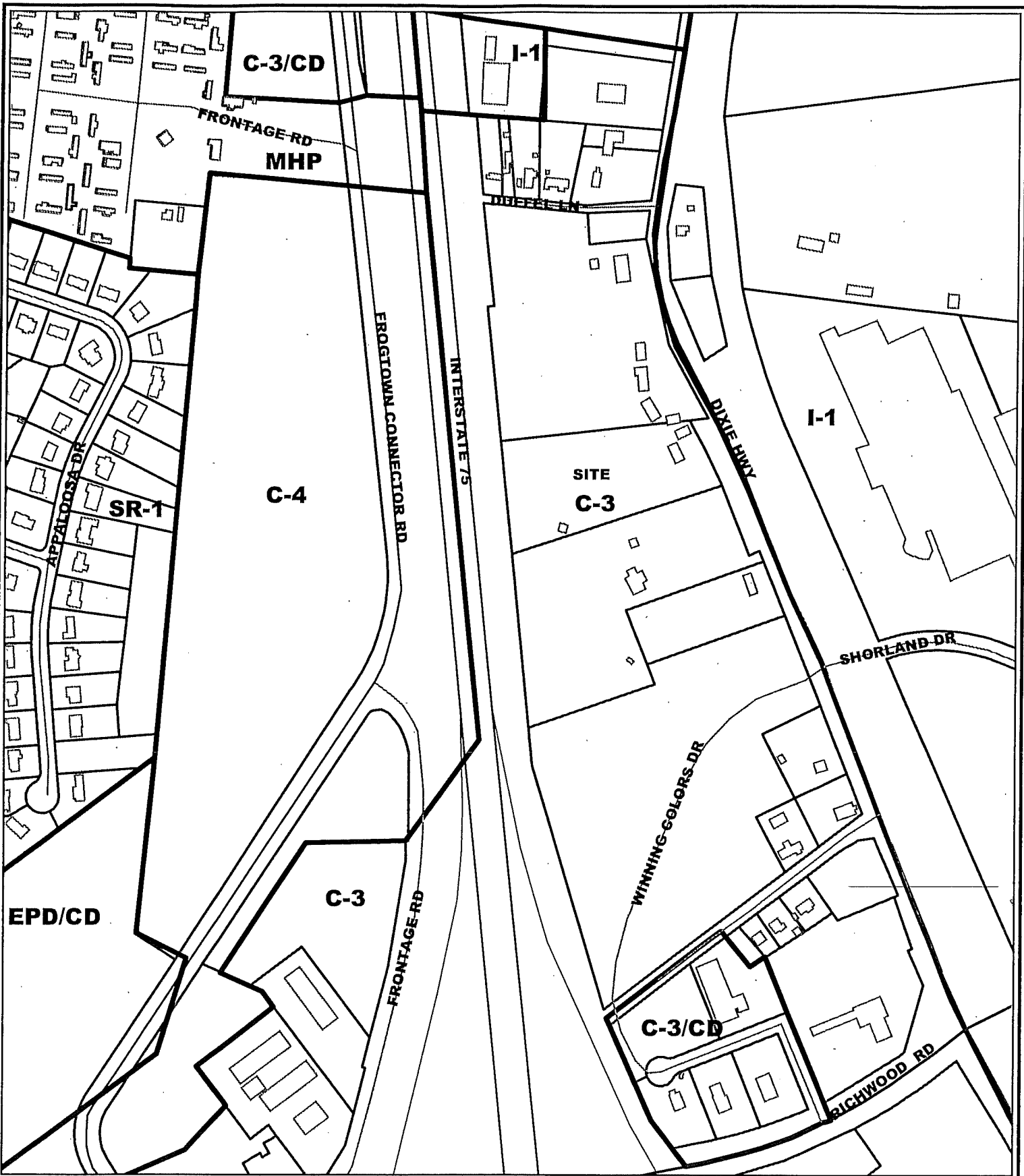
11041 Dixie Hwy. Aerial Map

300 0 300 Feet

1 inch equals 300 feet

Produced by the
Boone County Planning Commission
GIS Services Division
July 3, 2006





11041 Dixie Hwy. Zoning Map

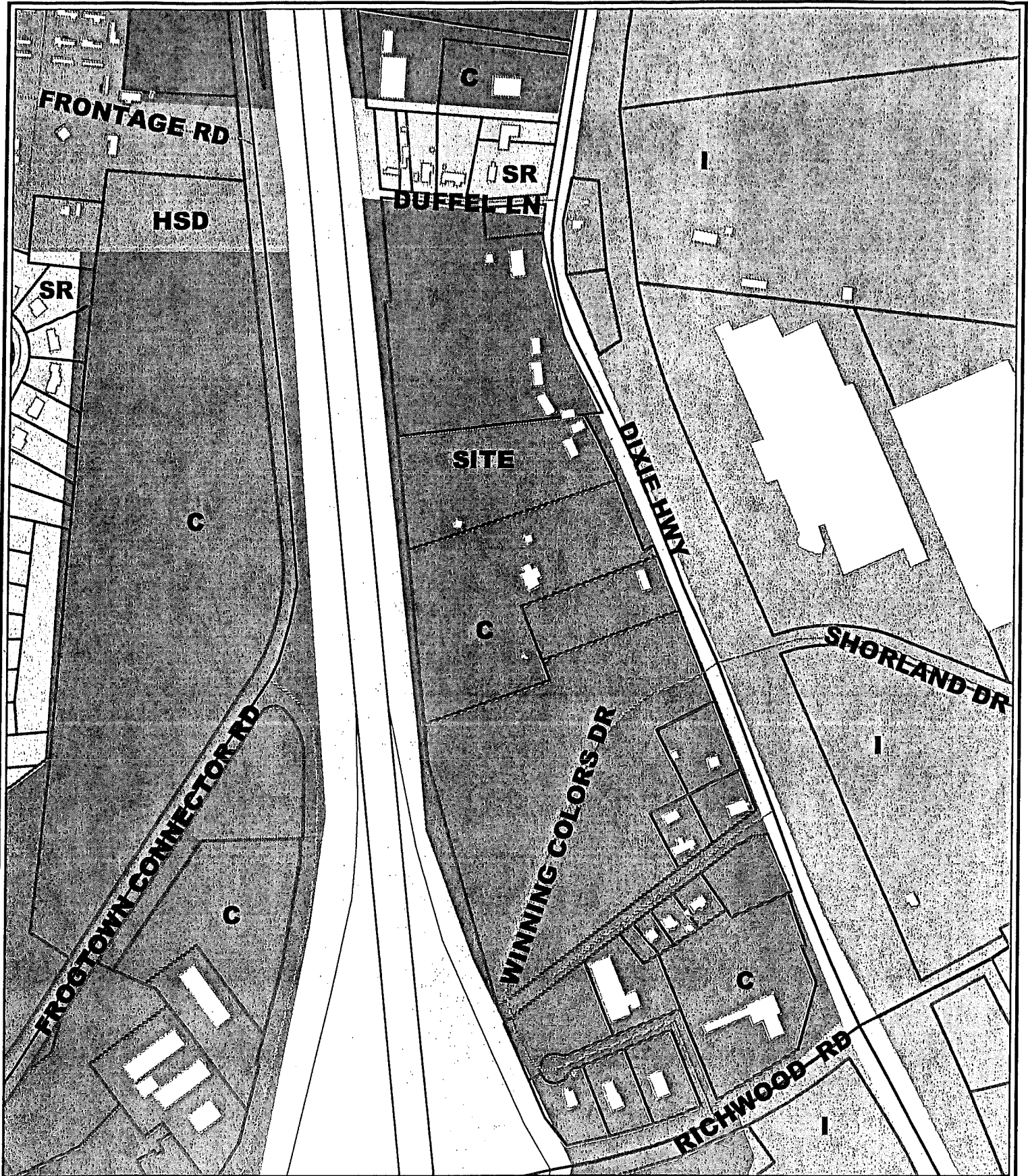
400 0 400 Feet



1 inch equals 400 feet

Produced by the
Boone County Planning Commission
GIS Services Division
July 3, 2006





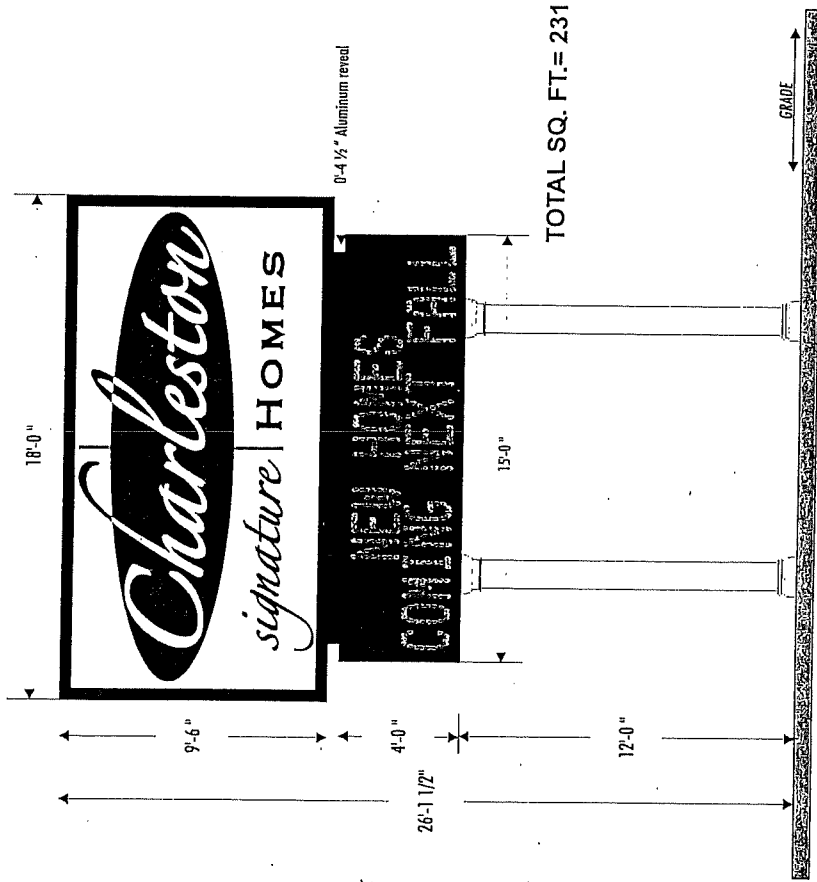
11041 Dixie Highway Future Land Use Map

400 0 400 Feet

1 inch equals 400 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 July 6, 2006



- Furnish and install one D/F internally illuminated flex face sign with electronic message center
- Sign face to be white with "3M" flex faces and a two line, double face, red LED, message center
- Faces to be white
- Colors to be blue PMS 548, red PMS 469 and PMS 3035 at 50% tint
- Electronic message center
- Software: phone, modem, time and temp. and auto dimming are included
- Specifications: One line of 43" or two lines of 21"



SOUTH ELEVATION - Northbound Traffic



NORTH ELEVATION - Southbound Traffic

Charleston Signature Homes Richwood, KY

FILE: CH-5-rich-PMTST

DATE: 6-21-06

SCALE: 3/16" = 1'

Approved By

Sales Rep. John Diersing

DRAWN BY: WOODY FELLINGER

THE DESIGNS AND IDEAS EXPRESSED IN THIS DOCUMENT ARE THE SOLE PROPERTY OF QUALITY SIGNS INC. AND ARE NOT TO BE USED, IN WHOLE OR IN PART, WITHOUT THE WRITTEN AUTHORIZATION OF QUALITY SIGNS INC.

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Quality SIGNS & SERVICE CO., INC.

Todd Morgan

From: John Diersing [jdiersing.qualitysign@fuse.net]
Sent: Thursday, July 06, 2006 10:15 AM
To: Todd Morgan
Subject: Fw: state approval

----- Original Message -----

From: Thompson, Ed (KYTC-D06)
To: John Diersing
Sent: Thursday, July 06, 2006 9:45 AM
Subject: RE: state approval

John:
I received the approval from Frankfort this morning.
I'll be sending you a letter indicating approval of the application.
I do not issue a Permit until sign is constructed and inspected.
Ed Thompson

From: John Diersing [mailto:jdiersing.qualitysign@fuse.net]
Sent: Wednesday, July 05, 2006 2:32 PM
To: Thompson, Ed (KYTC-D06)
Subject: Re: state approval

Ed,

Boone County has this parcel zoned Commercial Services (C-3).

Charleston Signature Homes will have a parking lot within 50' of the proposed sign.

Re: Item 3 - Are they looking for a copy of the deed?

Thanks,
John Diersing
Quality Signs and Service
859-525-9966 (Office)
859-525-0304 (Fax)

----- Original Message -----

From: Thompson, Ed (KYTC-D06)
To: John Diersing
Sent: Wednesday, July 05, 2006 10:31 AM
Subject: FW: state approval

John:
Here is the e-mail I received from Frankfort regarding the additional information.
Looks like I still need information regarding Questions 1 & 2. Question 3 if you have that information send it also.
Thanks,
Ed Thompson
Dist. 6 - Permits

From: Napier, Cass (KYTC)

Sent: Tuesday, June 27, 2006 2:17 PM
To: Thompson, Ed (KYTC-D06)
Cc: Thurman, Andria (KYTC)
Subject: RE: state approval

The need for the development plan was to show the advertisement activity area. This determines the distance from the sign and therefore its size limitation. The applicant must have and provide evidence of legal right for the installation of the sign. We can't recommend approval until we have information that this is in a zoned commercial or industrial area.

Therefore, we need:

1. Zoning Information. Not currently provided.
2. Assurance that the sign would be installed within 50 feet of the "activity boundary line".
3. Your comments regarding the legal right are acceptable; however, a copy of legal documentation would be better.

From: Thompson, Ed (KYTC-D06)
Sent: Tuesday, June 27, 2006 10:11 AM
To: Napier, Cass (KYTC)
Cc: McWain, Bennie R (KYTC)
Subject: FW: state approval

Tom:

This is the information a received for the On Premise Sign application AD 06-001-06, in Boone Co. I-75.

Is this enough information to proceed with the application.

Ed

From: John Diersing [mailto:jdiersing.qualitysign@fuse.net]
Sent: Tuesday, June 27, 2006 9:47 AM
To: Thompson, Ed (KYTC-D06)
Subject: Fw: state approval

Ed,

There is no site plan created yet for the development of this property.

There will be two site built homes on this parcel (one ranch and one two story). These will act as models/offices.

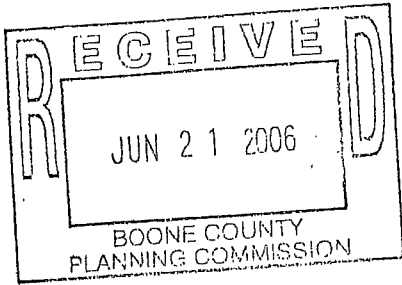
Local permits (Boone County) require a Conditional Use Permit for the sign because of the electronic portion of the sign. State approval is requested prior to the Conditional Use process. A hearing for this is scheduled for Wednesday, July 12, 2006.

Charleston Signature Homes will own the sign. Holiday Homes is the owner of record for the land.

Holiday Homes purchased the land from Oakwood Mobil Homes, Inc.

Meridian Mark Mgt., LLC is a holding company that owns both Holiday Homes and Charleston Signature Homes. The deed for the land will eventually be turned over to Charleston Signature Homes.

Thanks,
John Diersing
Quality Signs and Service
859-525-9966 (Office)
859-525-0304 (Fax)



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)

CONDITIONAL USE FOR ELECTRONIC SIGN

- 1. (Check One) Boone [X] Florence [] Walton [] Union []
2. (Check One) Conditional Use Permit [X] Variance [] Appeal [] Change in Non-Conforming Use []
3. Applicant's Name JOHN DIERSING FOR QUALITY SIGNS
Phone Number 525-9966 Fax No. 525-0304
Applicant's Address 1530 PRODUCTION DRIVE BURLINGTON KY 41005
4. Description of Request: FURNISH & INSTALL (1) PYLON SIGN FACING EXPRESSWAY W/ AN ELECTRONIC MSG.
5. Name of Development CHARLESTON SIGNATURE HOMES CTR.
6. Location of Development 11041 DIXIE HWY
7. Acreage Under Review 4.09
8. Lot Number and Name of Subdivision (if part of a subdivision)
9. Owner of Property MERIDIAN MARK MGT., LLC. (HOLIDAY HOMES)
Phone Number of Owner 513-460-8068
10. Address of Property Owner 1252 GOSHEN PIKE, MILFORD, OH 45150
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12. Total Square Footage of Existing and/or Proposed Buildings
13. Current Zoning on Property C-3
14. Deed Book 819 Page No. 280 Group No. 2064
15. Is the site subject to a zone change?
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.

Applicant's Signature: John Diersing for Quality Signs, Inc

* Property Owner's Signature: PAUL RITTER

COPY

CLUR #06-BCBOA-009-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Meridian Mark Mgt., LLC (Holiday Homes)
1252 Goshen Pike
Milford, OH 45150
2. ADDRESS OF PROPERTY
11041 Dixie Highway
Boone County, KY
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Charleston Signature Homes
4. DEED BOOK 819 PAGE NO. 280 GROUP NO. 2064
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



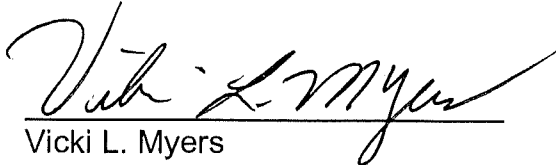
SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

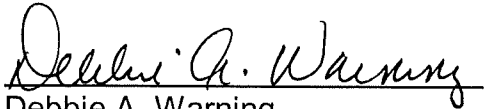
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 17 day of July, 2006.



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 Conditional Use Permit and Variance approved by the Boone County Board of Adjustments and in accordance with the current zoning in effect as of July 12, 2006 Certificate of Land Use Restriction (#06-BCBOA-009-A), for Meridian Mark Mgt., LLC (Holiday Homes), Property Owner(s).

The following conditions will apply:

No conditions.

The approved Conditional Use Permit and Variance as well as the preceding conditions apply to the property described in:

DEED BOOK 819

PAGE NO. 280

GROUP NO. 2064