

APPLICATION FOR ZONING ACTION

100.00
200.00

TO:

- Boone County Planning Commission
- City of Florence Board of Adjustment
- Boone County Board of Adjustment
- City of Union Board of Adjustment
- City of Walton Board of Adjustment
- Zoning Enforcement Officer

FOR:

- Zoning Text Amendment
- Comprehensive Plan Change
- Preliminary Plat Review
- Conditional Use Permit
- Concept Development Plan Change
- Preliminary Development Plan
- Change of Non-Conforming Use
- Design Review Board and Certificate of Appropriateness
- Zoning Map Amendment
- Planned Development Overlay Change
- Improvement Plat Review
- Final or Deed Plat Review
- Site Plan Review
- Historic District Overlay
- Appeal or Variance *Sign*
- Sign or Zoning Permit

Applicant: Quality Signs Owner

Address: 547 Watson Rd Agent

Elmore Ky 40118 Telephone: 727-6000

Location: Airport FORT PARK

Name of Property Owner: Vincent Barth

Address of Property Owner: 656 Petersburg Rd Boone County

Zoning District: C-3 Area in Acres: 14

Deed Book: 151 Page Number: ~~118-372~~ 145 Group Number: 2009

Description of Request: _____

1176 square foot bill land use to replace the existing 240 square foot use

Applicant's Signature: Hal Stettin

Property Owner's Signature: Vincent Barth

FOR PLANNING COMMISSION USE ONLY

Application Fee: _____ Date Received: _____ By: _____

Referred To: _____ Meeting Date: _____

Action Taken: _____ Date of Action: _____

STAFF REPORT

APPLICANT: Quality Signs for Airport Fast Park
LOCATION: 656 Petersburg Road, Hebron, KY.
ZONE: Commercial Services, C-3
DATE: December 10, 1986

REMARKS:

The applicant is requesting a Variance of 876 square feet to allow the construction of a 1,176 square foot sign. Article 19, Section 1921 allows two (2) free-standing signs in the C-3 zoning district, one of which is permitted to be 300 square feet. Airport Fast Park is requesting permission to replace an existing 300 square foot sign with one almost four times as large. The existing and proposed sign location is at the northern terminus of KY 212 (or the Airport access road)

The following reviews the four standards which the Board must find before granting a Variance:

1. Staff can find no special circumstances that do not apply to land in the general vicinity or same zone. In fact, it can be argued that other property in the area would have special circumstances when one compares the "ideal" location of Airport Fast Park.
2. Strict application of the zoning regulations will not deprive the applicant of a reasonable use of land or create an unnecessary hardship to the applicant. Traffic heading north on the Airport Access Road must go all the way to the end before making a left or right turn to the applicant's competitors. Because drivers must go to the end of the road and stop, it is almost certain that they will see the existing Airport Fast Park sign.
3. The applicant would argue that the special circumstances in his case are the size of the competitor's signs. The signs, of course, are not the result of the applicant.
4. If granted, the variance will not adversely affect the public health, safety and welfare,. However, the essential character of the vicinity will be altered to a degree when one considers how much of a view will be blocked by a 1,176 square foot sign. The sign will not cause a hazard to the public, but the Board must also consider if a nuisance will be created.

Should the Board decide to grant this Variance, staff recommends the following conditions:

- a. That the sign be appropriately landscaped to "soften" its impact.
- b. If the sign is to be lit, that no light shall be placed "so as to cause glare or reflection that may constitute a traffic hazard or nuisance." (p. 19-2)
- c. That a building permit be secured from the Boone County Building Inspector to insure its proper installation.

Respectfully submitted,



Thomas W. Breidenstein
Zoning Enforcement Officer

50' tall total Height
300 sq ft sign

SIGNAGE

BILLBOARD

Entrance Large Sign



14 Acres Total

Parking Lot

044-14

310'

FENCE

START AREA

90'

45'

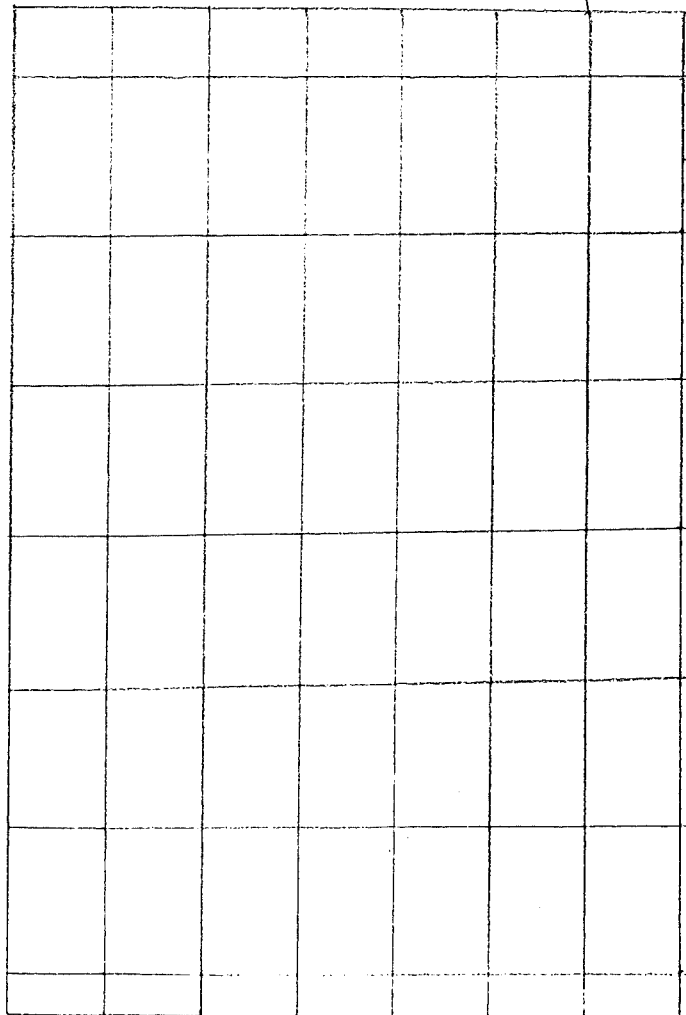
ENCLOSURE 12' x 10'

Petersburg

Proposed site will be 12' x 10'

12

12



28'

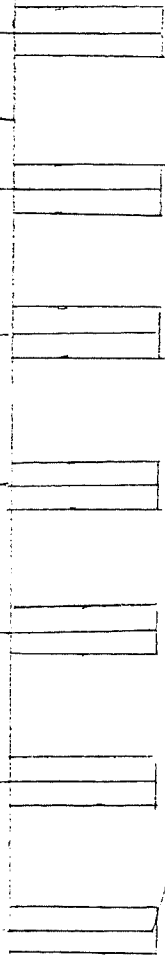
2x6 Treated wood STIMBERS

8" Round Treated wood poles

Grade

4'

42'



28' x 42' Single Face Sill Board

4x8x1/2 Plywood Face

6' poles buried in concrete footer
6' deep 2' Round

1174 Square feet Total

1/8" to 1" Scale

BOONE COUNTY BOARD OF ADJUSTMENT

DECEMBER 10, 1986

Chairman George D. Whitton called the meeting to order. Roll call was taken by staff member Dee Ann Brewer. 4 members present. Absent: Mr. Nevel. Staff members Thomas Breidenstein and Dee Ann Brewer were present. Atty. Dale T. Wilson was also present.

Minutes of the November 12, 1986 Boone County Board of Adjustment Meeting were considered. Chairman Whitton noted that in conversation with Pastor Crigger after approval of his request, he asked him if the current sign next to Kentucky Motors would be removed and Pastor Crigger had stated yes, the current sign would be removed. Mr. Ryan moved to approve the November 12, 1986 Minutes as amended. The motion was seconded by Mr. Archambault. The motion carried unanimously.

Chairman Whitton proceeded to the items on the agenda.

Conditional Use Permit

A request of Albert J. Martini, Jr. for a Conditional Use Permit to allow the storage of Class C fireworks. The 4.165 acre site, which is owned by Mr. and Mrs. Martini, is zoned Industrial One, I-1.

Atty. Ed Worland, representing Albert and Wanda Martini, requested the Board to defer the request in order to give the Martini's the opportunity to address some of the concerns raised by Chief McIntyre of the Walton Fire Protection District and also some concerns raised by the Zoning Enforcement Officer, Thomas Breidenstein as to whether or not all or part of the property had been annexed in the City of Walton, even though the deed stated the property was in the City of Walton. Atty. Worland also noted another concern raised by Mr. Breidenstein in reference to the Site Plan. Atty. Worland requested that the deferral not necessarily be for the next Board's meeting, but possibly set for the March, 1987 meeting.

Atty. Wilson stated that in order to defer the request until the March 11, 1987 business meeting notification by registered mail would have to be re-sent to the adjoining property owners and notification of the meeting would also have to be re-advertised in the newspaper.

After further discussion, Mr. Archambault moved to defer the

request of Albert J. Martini, Jr. for a Conditional Use Permit to allow the storage of Class C fireworks until the March 11, 1987 Business Meeting as requested by the applicant. The motion was seconded by Mr. Houston. The motion carried unanimously.

Mr. Griessman, President of the School Board of the St. Joseph Academy, stated it was his understanding that the applicant would have to file a request for an extension in order for the request to be deferred.

Atty. Wilson explained that was not a legal requirement for an applicant requesting a meeting for deferral.

Mr. Breidenstein distributed copies of a letter to the Board received from Mr. Griessman expressing his concerns of the proposed request to be considered along with the request.

Mr. Breidenstein presented a slide presentation of the proposed site and the surrounding area.

Sign Variance

A request of Quality Signs and Service for Airport Fast Park for a sign Variance of 876 square feet. The 14 acre site, located at 656 Petersburg Road, Boone County, is owned by Vincent Barth and is zoned Commercial Services, C-3.

Mr. Breidenstein presented a slide presentation of the proposed site and gave a presentation of the Staff Report. (See Staff Report)

Mr. Mark Slottman, representative for the applicant, explained their reason for needing the sign variance was to be equal to the competition in the immediate area. Mr. Slottman further explained that when getting off I-275 usually the first parking area one noticed was the one people pulled into to park their vehicle. Mr. Slottman stated the Val-Air parking sign was 24 feet tall and 40 feet long and the Alright parking sign was 26 feet tall and 48 feet long where as the Airport Park Fast parking sign was 12 feet tall and 20 feet long. Mr. Slottman noted that the Airport Park Fast could be seen once a person got to the stop sign but he felt that 9 out of 10 people coming off of I-275 looking for a place to park already had their minds made up by the time they seen the Airport Park Fast sign.

Chairman Whitton inquired how long the other parking businesses' signs had been up. Mr. Breidenstein stated the records showed that Alright's sign had been up since October, 1981 but he stated he could find no record for Val-Air.

Chairman Whitton stated the argument of the request came down to whether the sign ordinance was reasonable and was the

applicant at a competitive disadvantage. Chairman Whitton noted the signs for the other parking businesses were pre-existing. Chairman Whitton stated the applicant was requesting approximately a 400% variance and he felt it was nearly impossible to avoid seeing the applicant's site.

Mr. Chester Langford, Manager of Airport Fast Park, stated that if the variance was granted he would agree to all the recommendations within the Staff Report. Mr. Langford stated the applicant would gladly do whatever landscaping and lighting that was required. Mr. Langford noted that Airport Fast Park was at a disadvantage because of the size of the other parking businesses' signs.

Mr. Archambault inquired if the new sign being proposed would replace the current sign. Mr. Langford stated yes.

Mr. Slottman explained that the Airport Fast Park sign was the furthest away when a person was coming off I-275.

Chairman Whitton noted the request was for a 400% increase in the sign's size and he inquired if the applicant would be willing to decrease the size of the sign being proposed. Mr. Slottman stated that if they did not get a sign as big as the competition's then they would be in the same boat as they were currently with the smaller sign. Chairman Whitton noted that the competition could argue that Airport Fast Park's location gave them a competitive edge where the road dead-ended at their front door.

Mr. Archambault inquired what the applicant had in mind for screening. Chairman Whitton stated he did not know how a sign 50 feet high could be screened. Mr. Slottman stated the sign was not going to be 50 feet high but rather 32 feet would be the maximum height from the ground level. Mr. Slottman noted the post was a sunken post. Mr. Slottman referred to the landscaping and stated they would hide the post and have lighting from the ground.

Mr. Ryan inquired how many square feet smaller did the applicant feel the sign could be decreased and still have a sign appropriate to fit their needs. Mr. Slottman stated he could do more measurements but felt with the sign being proposed, he could get a 5 foot tall letter on it. Mr. Slottman noted that if the sign was shrunk down then everything else would have to shrink in proportion.

Chairman Whitton stated that if he were going to a strange airport and he saw parking signs then he would know there were more parking businesses in the area and he would not automatically make up his mind at the first sign he saw but rather he would look around in the general area. Mr. Slottman

disagreed.

Mr. Archambault explained that if the proposed request was granted that before long there would be a whole row of the larger signs and he felt the Board needed to get a hold on the signage in the particular area before it got out of hand.


Chairman Whitton stated that he did not want to see in that particular area billboards sitting along the road.

After further discussion on the size of the sign, Mr. Ryan moved to deny the request of Quality Signs and Service for Airport Fast Park for a sign Variance of 876 square feet located at 656 Petersburg Road, Boone County. The motion was seconded by Mr. Archambault. The motion carried unanimously.

Mr. Slottman inquired of any other avenue the applicant could take. Chairman Whitton stated the applicant could go to 300 square feet for the sign. Chairman Whitton inquired of legal council's opinion. Atty. Wilson stated the applicant could appeal the decision in Circuit Court or come back before the Board with another variance proposal for the size of the sign.

After further discussion, Mr. Ryan moved the meeting adjourn. The motion was seconded by Mr. Archambault. The motion carried unanimously.

APPROVED:


 GEORGE D. WHITTON
 CHAIRMAN

original in file cabinet

ATTEST:


 THOMAS W. BREIDENSTEIN