

APPLICATION FOR ZONING ACTION

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 or Zoning Permit

Applicant: Corporex Parks of Kentucky, Inc.

- Owner
- Agent

Address: 1717 Dixie Highway

Ft. Wright, KY

Telephone: 331-5000

Location: Southwest Corner of I-275/Mineola Pike

Name of Property Owner: Corporex Parks of Kentucky, Inc.

Address of Property Owner: 1717 Dixie Highway, Ft. Wright, KY

Zoning District: I-1 PD

Area in Acres: 32-505

(32,505)

Deed Book: 280 / 322 Page Number: 86 / 292 Group Number: \_\_\_\_\_

Description of Request: Variance for advertising sign to be larger than

32 square feet.

Applicant's Signature: Thomas E Banta

Property Owner's Signature: Thomas E Banta

FOR PLANNING COMMISSION USE ONLY

Application Fee: \_\_\_\_\_ Date Received: \_\_\_\_\_ By: \_\_\_\_\_

Referred To: \_\_\_\_\_ Meeting Date: \_\_\_\_\_

Action Taken: \_\_\_\_\_ Date of Action: \_\_\_\_\_

STAFF REPORT

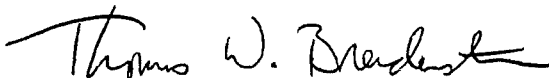
APPLICANT: Corporex Parks of Kentucky, Inc.  
LOCATION: Southwest corner of I-275 and Mineola Pike.  
ZONING: Industrial One with Planned Development  
Overlay (I-1/PD)  
DATE: April 8, 1987  
REMARKS:

The applicant is requesting a Variance to allow a 160 square foot sign advertising the sale, lease, or rental of property. Article 19, Section 1907 of the Boone County Zoning Regulations states that these types of signs shall not exceed 32 square feet. The 32.505 acre site, located at the southwest corner of I-275 and Mineola Pike, is currently owned by Corporex Parks of Kentucky, Inc. and is zoned Industrial One/Planned Development Overlay.

Attached is the applicant's review of the four criteria applicable to Variances. Following is staff's review of the same standards:

1. The fact that the prospective buyers/lesers cannot view Circleport property from Mineola (until Circleport Boulevard is developed) does not generally apply to land in the general vicinity.
2. Strict application of the zoning regulations (i.e., 32 square foot sign only) could deprive Corporex of a reasonable use of the land when one considers the extent of the development (32 acres) and the speed of traffic along Mineola Pike.
3. The development of the 32 acres (and thus the need for a larger sign) is the result of the applicant.
4. Staff cannot foresee any reason that, if granted, this Variance will adversely affect the public health, safety, and welfare or will alter the essential character of the vicinity.

The Board should note that a similar Variance was granted to Corporex on April 9, 1986. This 193 square foot sign currently provides leasing information to highway traffic. There is no provision in the zoning regulations for the number of for sale/leasing signs.



Thomas W. Breidenstein,  
Zoning Enforcement Officer



corporex<sup>®</sup>

Corporex Development  
Services, Inc.  
P.O. Box 75020  
Cincinnati, Ohio 45275  
606/331-5000

March 19, 1987

Mr. Thomas W. Breidenstein  
Zoning Enforcement Officer  
Boone County Planning Commission  
Boone County Administration Building  
P.O. Box 697  
2950 Washington Square  
Burlington, KY 41005

RECEIVED

MAR 20 1987

Dear Mr. Breidenstein:

Please find enclosed our application for a sign variance. We feel that a variance should be granted for the following reasons:

1. Due to the proximity of Circleport to the new I-275/Mineola Pike interchange, it is clear that there are special circumstances that exist at this site that do not exist in the area as a whole. This includes higher land uses which require more effective advertising.
2. Strict application of the provisions would deprive Corporex of effectively advertising the property as a new business park. The sign is temporary in nature, and will be permanently removed when the permanent entrance markers are erected around the park.
3. The special circumstances that exist at this interchange are not the result of an action taken by Corporex.
4. This sign has been carefully located so as not to adversely affect the public health, safety and welfare, or alter the essential character of the general area.

The only adjoining land owners of this site are:

Mr. John Coleman  
3334 Mineola Pike  
Erlanger, KY 41018

Mr. Brent Miller  
3331 Mineola Pike  
Erlanger, KY 41018



BOONE COUNTY  
BOARD OF ADJUSTMENT

April 8, 1987 - 6:30 P.M.

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Chairman Whitton called the meeting to order.

COMMISSION MEMBERS PRESENT:

Mr. Archambault  
Mr. Houston  
Mr. Nevel  
Chairman Whitton

COMMISSION MEMBERS NOT PRESENT:

Mr. Ryan

LEGAL COUNSEL PRESENT:

Mr. Hugh Skees

Chairman Whitton stated that each member had received a copy of the Minutes of the Boone County Board of Adjustment Meeting on March 11, 1987. There being no comments or corrections; Mr. Nevel moved, seconded by Mr. Archambault that the Minutes be approved. The motion carried unanimously.

AGENDA ITEMS:

1. A request of Albert J. Martini, Jr. for a Conditional Use Permit to allow the construction of a "Class C" fireworks warehouse and wholesale facility. The 4.165-acre site, located on the east side of Service Road, approximately 800 feet south of KY 16, is zoned Industrial One (I-1).

Staff member, Tom Breidenstein, presented the Staff report which included a slide presentation.

Mr. Ed Worland, speaking in behalf of the applicant, stated that the Mayor of Walton was no longer in opposition to this request. He presented copies of a newspaper article in support of his statements. He also noted that the Walton Fire District Board is not opposed to the application and that the St. Joseph Academy School Board no longer objects. Mr. Worland's comments were contained in a letter to the Board of Adjustments dated April 8, 1987, and a copy was provided for the file. He added that the proposed warehouse would receive only two or three deliveries per year via semi-truck. He added that the applicants are respectable people and do not have a criminal record.

Mr. Martini displayed samples of the fireworks he will be selling and emphasized that they are all "Class C".

In response to a question from the Chairman, Mr. Martini stated that in the event of a fire, the materials would burn and smoke and indicated that the fireworks are made mostly of paper.

Mr. Worland added that the construction and contents of the warehouse are covered by State statutes. Mr. Martini added that it is the responsibility of the State Fire Marshall and the local police to ascertain that only Class C fireworks are stored in the warehouse.

The Chairman then asked those who wished to speak in opposition to the application for their comments.

Mr. Rouss stated that he represents people who are very concerned about the storage of fireworks. He stated that the community is just getting started and nothing should be allowed to happen to it that is not positive. He stated that the proposed warehouse would benefit no one but the owner. It will not generate employment. He noted that even Mr. Worland had agreed there was some danger. He stated that the applicant may be a fine person, but he may sell the warehouse to someone who is not. He requested the application be denied.

Mrs. Lucille Martin noted that she had written a letter to the Board and also presented petitions in opposition to this application to the Chairman. She stated that there is a danger involved with the warehouse and noted that the U. S. Department of Transportation classifies Class C fireworks as explosives. She provided a copy of the text of this definition for the file.

Dr. Waller stated that he was an adjacent property owner and asked for clarification as to what fumes would be produced if the facility should burn. He also asked if the facility would be attended.

Mr. Worland replied to him that they did not know the exact chemical composition of the fumes. He commented that he had burned some of the fireworks and they do not smell good. He stated that the facility would be attended at peak times only, but the building would be monitored with an alarm system. There will also be a sprinkler system.

The Chairman asked if there was anyone present from the State Fire Marshall's Office. There was no one present.

Mrs. Alla Falls asked if once the warehouse was approved for Class C fireworks, could the owner then get a permit for other types of explosives.

Mr. Worland stated that the restriction to Class C fireworks would run with the property.

The Chairman commented that action on this application was a decision of sizable magnitude. He added that he would like to physically visit the site and would also benefit from Mr. Ryan's comments as he is from the Walton-Verona area.

Mr. Nevel moved, seconded by Mr. Archambault, that action on this request be deferred until the next regularly scheduled meeting of the Board of Adjustment on May 13, 1987 at 6:30 P.M. in this location. The motion passed unanimously.

2. A request of Thomas Huelsman for a Conditional Use Permit to allow the operation of a dog kennel with breeding and training facilities. The 17.1-acre site, located on the north side of Eades Road, Verona, is zoned Agricultural Estates (A-2).

Staff member, Tom Breidenstein, presented the Staff report which included a slide presentation.

Mr. Thomas Huelsman stated that the kennel will be professionally constructed and fenced. He is planning to build a house on the site and will be living on the premises by the end of the year.

Mr. Charlie Se stated that he presently lives next door to Mr. Huelsman and he will build the kennel. He commented on the care and control Mr. Huelsman takes with his dogs.

In response to questions from Mr. Archambault, Mr. Huelsman added that he was a Canine Officer for eight years and trains dogs for police work. His dogs will be 99% German Shepherds and that their barking will not be a problem in this location.

Chairman Whitton then asked those who wished to speak in opposition to the application for their comments.

Mrs. Donna Robertson, an adjacent property owner, expressed her concerns regarding the disposal of the animal waste, the barking disturbing her cattle, the traffic generated, and also commented on the unimproved road to the site.

Mr. Jim Botkin, a property owner across the street, noted his concerns regarding the extra traffic at the railroad crossing which is dangerous. He is also concerned about the dogs scaring his horses, and also for the safety of his child coming home from school.

Mr. Larry Fultz, Mrs. Botkin's father, also noted his concerns regarding the safety of the children and the dogs barking and fighting.

The Chairman noted receipt of a letter from Mrs. Shirley Cummins requesting that this application be denied.

In response to the comments made, Mr. Se noted that the proposed kennel would be on a 17-acre tract. Mr. Huelsman added that his club members will not be at the kennel and that he will take care of the kennel.

The Chairman noted that Mr. Ryan, who is from the Walton-Verona area, was absent. Chairman Whitton indicated that he would like to visit the site and also to benefit from discussion with Mr. Ryan.

Mr. Archambault moved, seconded by Mr. Nevel, that action on this request be deferred until the next regularly scheduled meeting of the Board of Adjustment on May 13, 1987 at 6:30 P.M. in this location. The motion carried unanimously.

3. A request of Corporex Parks of Kentucky, Inc. for a Variance to allow a 160-square foot sign advertising the sale, lease, or rental of property. The 32.5-acre site, located at Mineola Pike and I-275, is zoned Industrial One/Planned Development (I-1/PD).

Staff member, Tom Breidenstein, presented the Staff report which included a slide presentation.

Mr. Robert Simms, representing Corporex Parks of Kentucky, Inc., stated that they are requesting the sign variance in order to effectively advertise the Corporex development.

The Chairman noted that the temporary sign is to be removed when the permanent entrance markers are erected. He asked Mr. Simms for specific dates.

Mr. Simms indicated that he was not sure of the dates, but believed six months to be adequate. He stated that the temporary sign would be moved 30 or 40 feet within the next month in order to get it out of the right-of-way.

The Chairman asked if there was anyone present who wished to speak in opposition to the application. There was no audience response.

Mr. Nevel moved, seconded by Mr. Archambault, that the variance be granted for one year from today, and that the applicant be given thirty days to move the sign out of the right-of-way. The motion carried unanimously.

4. A request of the First Bible Methodist Church (Rev. Earl Weddle) for a Conditional Use Permit to allow the construction of a church. The 3.0-acre site, located on the south side of Rogers Lane in Burlington, is zoned Suburban Residential One (SR-1).

Staff member, Tom Breidenstein, presented the Staff report which included a slide presentation.

The applicant's son, Mr. Dave Weddle, stated that they will work with the Planning & Zoning Commission to get the Site Plan in order. He stated that they want the church to be in harmony with the area and will provide appropriate landscaping.

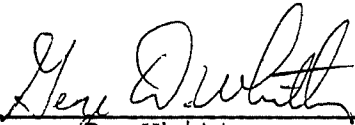
There being no one else to speak in favor of the application, the Chairman asked those in opposition to the application for their comments.

Mr. Dan Shuller, an adjacent property owner, asked questions regarding times of services, amount of traffic, bell ringing, and also drainage problems.

Mr. Weddle provided answers to Mr. Shuller's questions, indicating that they would not be ringing a bell. Mr. Chairman assured him that drainage problems would be addressed by the staff.

Mr. Nevel moved, seconded by Mr. Archambault, that the Conditional Use Permit be granted contingent on the discrepancies being resolved to the Staff's satisfaction. Should that not be possible, the applicant can return to the Board of Adjustment. The motion carried unanimously.

There being no further business to come before the Board, the meeting was adjourned by unanimous consent at 8:05 P.M..



George D. Whitton,  
CHAIRMAN

Attest:



Jan Hancock,  
RECORDING CLERK