

90 BX 504-00

APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION

(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
- 3. Change in Non-Conforming Use
- 3. Applicant's Name Robert C Hall
 Phone Number 606-384-4550
 Applicant's Address 2546 HATHAWAY Rd
UNION KY 41091
 City State Zip
- 4. Description of Request: VARIANCES ON SIGN
FROM (16) SQUARE FEET (TOO (32) SQUARE FEET
- 5. Name of Development _____
- 6. Location of Development _____
- 7. Acreage Under Review 2+ ACRES 2.19
- 8. Lot Number and Name of Subdivision (if part of a subdivision) _____
- 9. Owner of Property _____
 Phone Number _____
- 10. Address of Property Owner _____

 City State Zip
- 11. Proposed Use(s) On Site Sign is for advertising of log homes
- 12. Total Square Footage of Existing and/or Proposed Buildings _____
- 13. Current Zoning on Property RESIDENTIAL ZONING DISTRICT
- 14. Deed Book 342 Page No. 28 Group No. 2046
- 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. Applicant's Signature: Robert C. Hall
- 19. Property Owner's Signature: Robert C. Hall

SECTION B

(To be completed by Boone County Planning Commission Staff)

1. Date Received 2-21-90
2. Fee Received \$311.00 (4819)
3. Is application complete? _____ Yes _____ No
4. Staff Reviewer _____
5. Scheduled Board Action Date 3-14-90
6. Board Action:
 Approval
_____ Approved With Conditions (See #7)
_____ Disapproved (See #8)
7. Conditions: _____

8. Reasons For Disapproval: _____

STAFF REPORT

#2

DEVELOPMENT: Robert C. Hall
APPLICANT: Robert C. Hall
LOCATION: 2546 Hathaway Road, Boone County
ZONING: Rural Suburban Estate (RSE)
DATE: March 14, 1990

REMARKS:

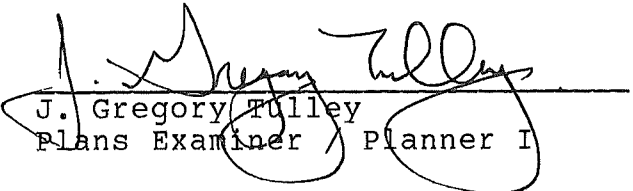
The applicant is requesting a Variance to construct a 32 square foot sign advertising log homes. The 2.19 acre site is located on Hathaway Road, 1 mile east of Camp Ernst Road. All the surrounding properties are zoned Rural Suburban Estate (RSE), and consist of single family homes and farms.

The applicant is seeking a Variance of 16 square feet. The sign which is posted at this time is presently non-conforming. In addition there has been concern over the location of the sign. The applicant must place the sign within the easement leading back to his property, and not on the adjoining property.

The board must make certain considerations on determining the findings necessary for granting Variances in Boone County.

1. The requested Variance must arise from special circumstances that do not generally apply to the general vicinity or same zone. This request arises from the applicants desire to have a larger sign advertising log homes.
2. Strict application of the zoning regulations would require a sign of 16 square feet.
3. The above mentioned circumstance is the results of actions of the applicant in order to provide a more visible sign from the road.
4. If granted, Staff does not feel that the public health, safety, or general welfare will be adversely affected. Staff does feel that the essential character of the general vicinity will be altered slightly due to the fact that there are no other advertised businesses in the area.

Respectfully submitted,


J. Gregory Tulley
Plans Examiner / Planner I

JGT:kat

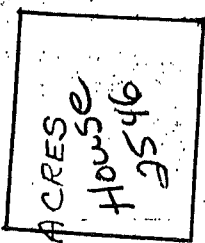
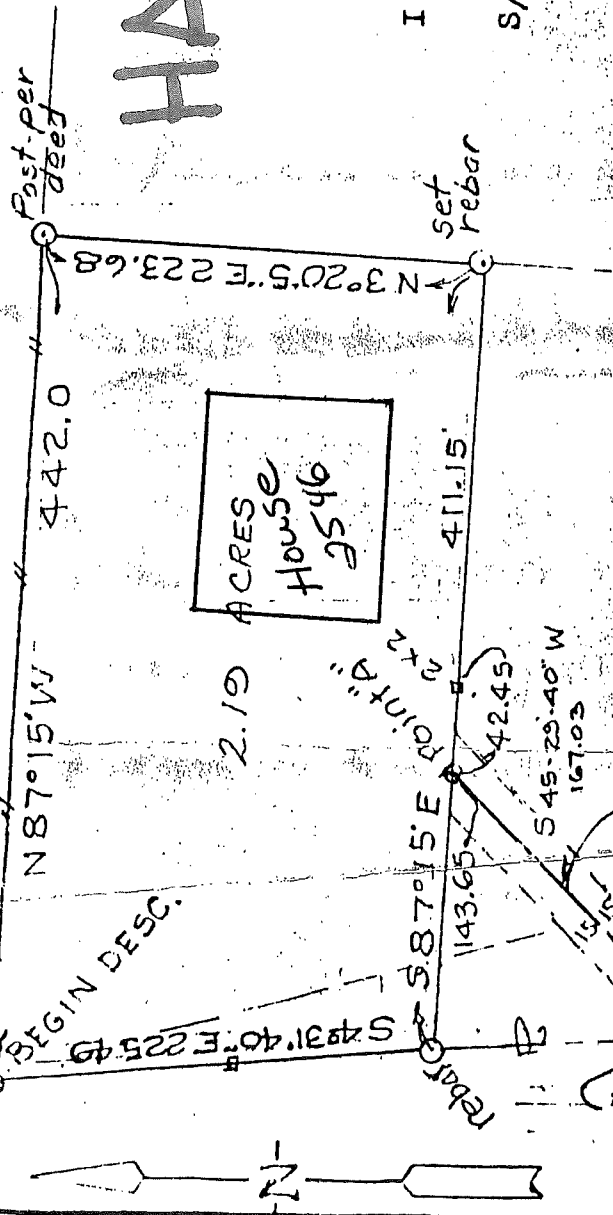
BOONE CO. KENTUCKY
GROUP 2046

HALL

Bristol

Big Bone Rd

VICINITY MAP 1" = 2000



± 30' access rd.

8.8 ± 1.33 Acres
D.B. 152/217 -
D.B. 164/206 -
Gloria Hall



I state that this plat by me is correct.

S/ Moel Walton
Ky. Reg. P.E. & L.S.

This is the first parcel partitioned off the parent tract under the current ownership.

S/ Moel Walton
Ky. Reg. P.E. & L.S.

Approved for recording purposes 2-20
19 Feb. The Boone County Planning Commission.

S/ Paul J. Kroger
Chairman

Plat Survey of 2.19 Acres, Ky. Hwy 536, to be conveyed by Gloria Hall to Robert Hall et al

SCALE: 1" = 100'	APPROVED BY:
DATE: 1-30-86	<u>E.B. 165</u> P. 62
2.19 acres - parts of 8.8 ac. D.B. 152 p. 217 & 1.33 ac. D.B. 164 p. 206 access rd. - parts of same & D.B. 152 p. 215	

Walton & Walton - Civil Engineers - Surveyors
Burlington, KY 41005 ••• Phone 586-6017

DRAWING NUMBER

BOONE COUNTY BOARD OF ADJUSTMENT
BUSINESS MEETING

March 14, 1990 - 6:30 P.M.

BOARD MEMBERS PRESENT:

Mr. I. A. Archambault
Mr. Dan Houston
Mr. Walt Ryan
Mr. George Whitton, Chairman

BOARD MEMBERS NOT PRESENT:

Mr. Fred Nevel

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

The meeting was called to order by Chairman Whitton at 6:30 P.M..

Approval of the Minutes:

Chairman Whitton noted that each Board member had received a copy of the Minutes of the Boone County Board of Adjustment Meeting of February 14, 1990 and asked if there were any comments or corrections.

There being no changes to the Minutes, Mr. Houston moved that they be approved as mailed. Mr. Archambault seconded the motion and it carried unanimously.

AGENDA ITEMS:

1. The request of Curtin Matheson for a Variance to allow the construction of a sign. The site is located at 7383 Empire Drive in the Northern Kentucky Industrial Park. The site is zoned Industrial Two (I-2) and owned by Curtin Matheson.

Staff Member, Greg Tulley, presented the Staff Report which included a slide presentation (see Staff Report).

Chairman Whitton asked if anyone wished to speak in behalf of the request.

Mr. Gene Bayer of United Signs presented an aerial photograph of the site. He indicated the Coulter Diagnostic portion of the building and stated that it is 400 feet to the Curtin Matheson drive. In November, an emergency medical service was called in regard to an accident in the plant and they were unable to find the plant as there was no identification. He stated that the proposed sign is the same as the sign shown in the Staff Report, except for copy differences.

Chairman Whitton asked if there was anyone else present who wished to speak either for or against the request.

Patty Kramer, General Manager of the Curtin Matheson facility, stated that Coulter Diagnostic leases one corner of the facility. She stated that they gave up the signage for them not anticipating that they would encounter this.

Chairman Whitton asked Counselor Wilson if the Board had the legal ability to grant this request. Counselor Wilson advised that this would be a Variance allowing more gross signage area on a given site and under this interpretation, the Board would have the necessary authority. Mr. Gerald Newton, Zoning Administrator, agreed.

Mr. Bayer stated that the sign would be slightly larger than the existing sign to allow for additional information to be added in the future. The color and basic shape would be the same. The sign is 2' x 11'6" and the copy area portion is the same size as Coulter Diagnostic.

Ms. Kramer advised that there are sub units of the building that may need to be identified in the future and the slip to do that would be there.

There being no further discussion, Mr. Houston moved that the Variance for the sign be approved as submitted. Mr. Ryan seconded the motion and it carried unanimously.

2. The request of Robert C. Hall for a Variance to construct a 32-square foot sign. The site is located at 2546 Hathaway Road, approximately one mile east of Camp Ernst Road, Boone County, Kentucky. The 2.19-acre site is zoned Rural Suburban Estate (RSE).

Staff Member, Greg Tulley, presented the Staff Report which included a slide presentation (see Staff Report).

Chairman Whitton asked if there was anyone present in behalf of the request.

Mr. Robert Hall showed pictures of the sign to the Board. He stated that the sign is slightly off the road, angled to the east, and slightly over the hill. At 55 MPH, traffic would have a hard time viewing the sign.

The Chairman asked if there was anyone else present in behalf of the request. There being no one, he asked if there was anyone present in opposition to the request.

Mr. James Estep, 2560 Hathaway Road, stated that Mr. Hall indicated that the sign is at 2546 Hathaway Road, but this is not true.

Mr. Tulley advised that the sign is located on the easement going back to the property.

Mr. Estep stated that as a homeowner, he has no problem with the sign, but he has a problem with the liability. The road leading back to the property is on his property and persons going back to the house will drive on his land which raises an issue of liability. His insurance company says they cannot be responsible for people going to view the property or let off children for the babysitting service. He asked that the Board ask Mr. Hall if he is prepared to take responsibility and liability for all persons that cross the property. Mr. Estep added that it was by accident that he found out about this meeting and believes he should have been notified. He stated that Planning and Zoning gave him two options -- go to court or contact the homeowner. He stated that he contacted Mr. Hall and instead of giving him an appointment, Mr. Hall sent him a notice of this meeting.

Chairman Whitton advised that the points made by Mr. Estep are beyond the purview of this Board. Counselor Wilson agreed and added that the issue is whether the increased size of the sign should be permitted. The liability issues are private issues.

Chairman Whitton asked if anyone else wished to speak in regard to this request.

Mr. Houston stated that he had visited the area and the sign is off the road quite a bit.

Counselor Wilson asked Mr. Hall about the amount of traffic involved and Mr. Hall stated that they might have two appointments during the week. Most appointments are on the weekends.

Mr. Estep questioned the legality of having a sign for a home industry. He asked if a private home can have a sign on a county highway.

Counselor Wilson advised that since this is a Variance application, he would believe that such determination has been made. Mr. Tulley added that it is his understanding that the sign is permitted. Counselor Wilson referred to Section 19.07 and stated that his opinion is that the sign is permitted at 16 sq. ft. without a Variance.

Mr. Gerald Newton, Zoning Administrator, stated that the Home Occupation was applied for on January 17, 1990 and a decision was made, per Tom Breidenstein's letter of January 22, 1990 that a 16 sq. ft. sign would be allowed and Mr. Newton stated that he would support this decision.

Mr. Archambault moved that the request be denied and the sign brought down to the standard size.

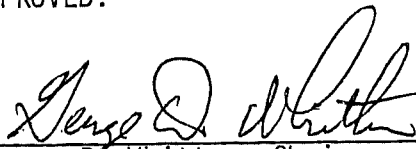
Chairman Whitton advised that the sign is currently 32 sq. ft. and in order to conform it would have to be cut in half. Mr. Houston stated that if the size were reduced, you would not be able to see the sign.

Mr. Archambault withdrew his motion.

Mr. Houston moved that the Variance be granted. Mr. Ryan seconded the motion and it carried unanimously.

There being no further business to come before the Board, the meeting was adjourned by unanimous consent at 7:15 P.M..

APPROVED:



George D. Whitton, Chairman

Attest:



Jan Hancock, Recording Secretary