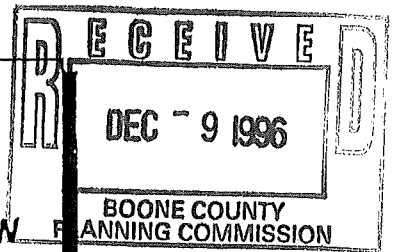


**BOARD OF ADJUSTMENT
AND
ZONING APPEALS ACTION
BOONE COUNTY PLANNING COMMISSION**



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 Mike Schleper
Phone Number 606-525-8585 Fax No. 606-525-8529
Applicant's Address 913 Appaloosa Court
Villa Hills KY 41017
City State Zip
 4. Description of Request: Request to install an 8' high by 16' wide sign facing I-75 to advertise property for sale.
 5. Name of Development Park Place (Kells Property)
 6. Location of Development US 25, Street Address is 10729 Dixie Hwy.
 7. Acreage Under Review 20.88 acres
 8. Lot Number and Name of Subdivision (if part of a subdivision) _____
 9. Owner of Property Ollie Kells, Barry Kells, Bruce Kells
Phone Number of Owner 371-3558 Mrs. Ollie Kells
 10. Address of Property Owner 10729 Dixie Hwy., Walton, KY 41094
City State Zip
 11. Proposed Use(s) on Site Light Industrial
 12. Total Square Footage of Existing and/or Proposed Buildings Not known
 13. Current Zoning on Property SR-1
 14. Deed Book 312 Page No. 137 Group No. 2057
 15. Is the site subject to a zone change? Yes, Amendment is under application
If yes, give date of approval _____
 16. Have you submitted a Site Plan with this request? Yes, attached
 17. Have you submitted a list of adjoining property owners with this request? Yes, attached
 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: _____

Property Owner's Signature: _____

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 Dec 19, 1996 Fee Received 456.00 R# 12151
2. Is application complete? Yes No
3. Staff Reviewer [Signature]
4. Scheduled Board Action Date _____
5. Board Action:
____ Approved
 Approved with Conditions (See #6)
____ Denial (See #7)
6. Conditions of Approval: THE SIGN IS NOT TO BE ERECTED
UNTIL APPROVAL IS GRANTED BY THE BCPC
FOR THE ZONE CHANGE
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.

STAFF REPORT

DEVELOPMENT: Kells Property
APPLICANT: Mike Schleper
LOCATION: 10729 Dixie Highway, Boone County, Kentucky
ZONING: Suburban Residential One (SR-1)
DATE: January 15, 1997

The site is located on the west side of Dixie Highway approximately 1/5 mile north of Frogtown Road, (Sheet 1).

The applicant is requesting a Variance to allow a 128 square foot real estate sign on the western side of the site that would be seen when traveling along Interstate 75. The property is currently owned by Ollie Kells, Bruce Kells, and Barry Kells. At present, the property is involved in the Zoning Map Amendment process with the Boone County Planning Commission, although no decision has been rendered, (Sheet 2a, 2b, & 2c).

The property adjoins the Averitt Express Trucking to the south and southwest where the Variance for the sign is being requested. Averitt express is zoned Industrial One (I-1), (Sheet 3).

Article 2, Section 251 of the Boone County Zoning Regulations labeled "Application and Standards for Variances" states:

A variance from the terms of this order shall not be granted by the Board of Adjustment and Zoning Appeals unless and until a written and signed application for a Variance is submitted to the Zoning Administrator and the Board of Adjustment and Zoning Appeals, along with any additional information the Board may find appropriate.

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 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 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 regulations 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.

Article 34, Section 3406 of the Boone County Zoning Regulations labeled "Signs Not Requiring a Permit" states:

One (1) real estate sign per road frontage may be posted on an available property. The sign shall be limited to 16 square feet in residential districts and 32 square feet in other districts.

Conclusion

Under this property's current zoning classification (Suburban Residential One), the maximum size of a real estate sign permitted on-site is 16 square feet. If the applicant receives approval of the requested Zoning Map Amendment from Suburban Residential One (SR-1) to Industrial One (I-1), the maximum size of a real estate sign permitted by the Boone County Zoning Regulations is 32 square feet. The size of the sign the applicant is requesting is exactly four times the size permitted for a real estate sign in and Industrial district and eight times the size permitted in a residential district.

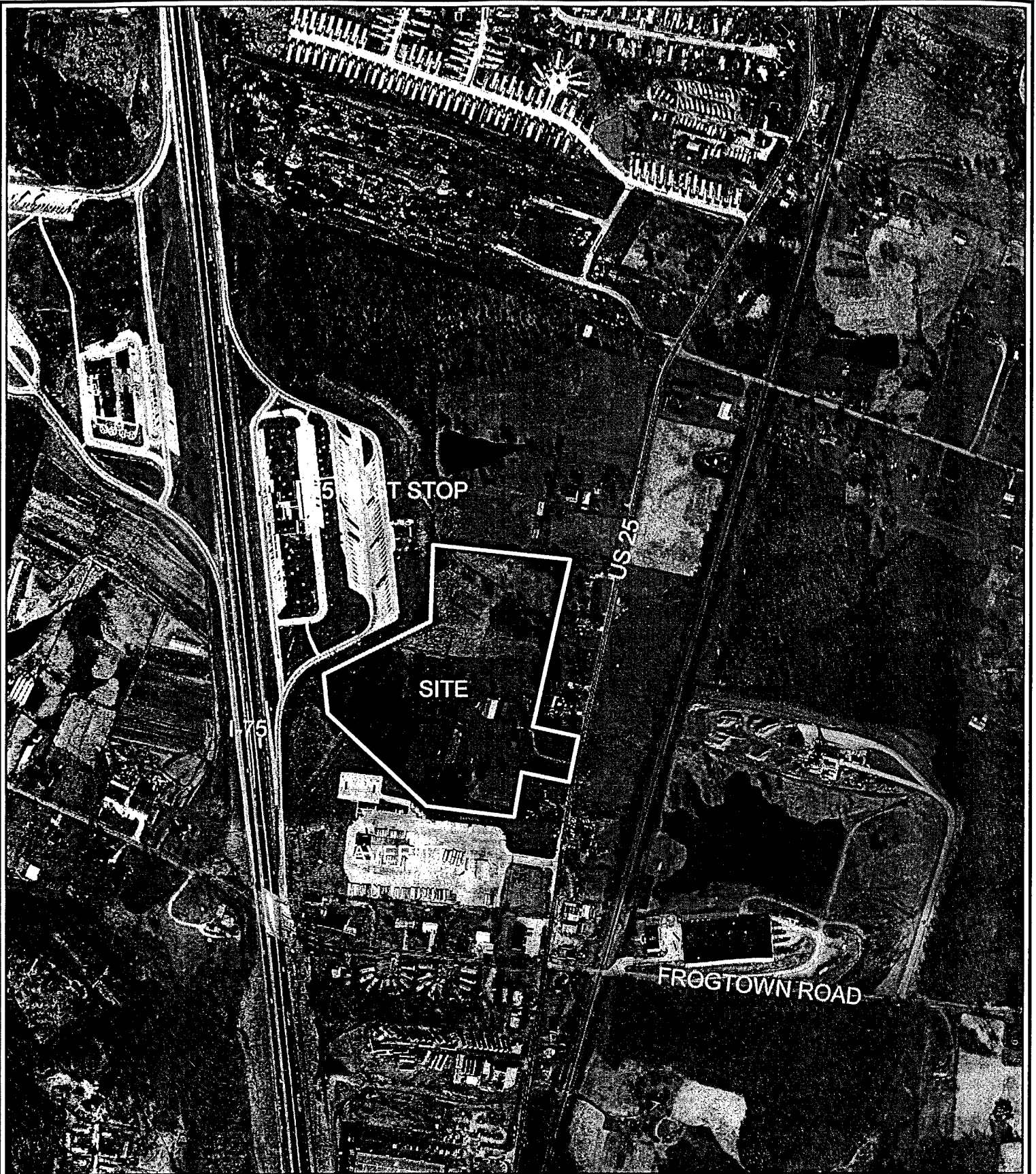
It is Staff's opinion that the proposed Variance will neither adversely affect the public health, safety, or welfare, nor the essential character of the general vicinity.

Respectfully Submitted,



Edward Coleman
Planner

EC\par



Kells Property

600 0 600 Feet



1 inch equals 600 feet
Produced by the
Boone County Planning Commission
GIS Services Division
December 18, 1996




RED

BLUE

**Industrial
Sites Available**

606-525-8585

A Development of  **PILOT**
Building Contractors


NORMAL LOGO
COLORS

8' X 16'

BLUE

(NEED QTY.1)

Industrial Sites Available

Industrial
Sites Available
606-525-8585
A Development of 

5-8585
f  Building Contractors

See C-

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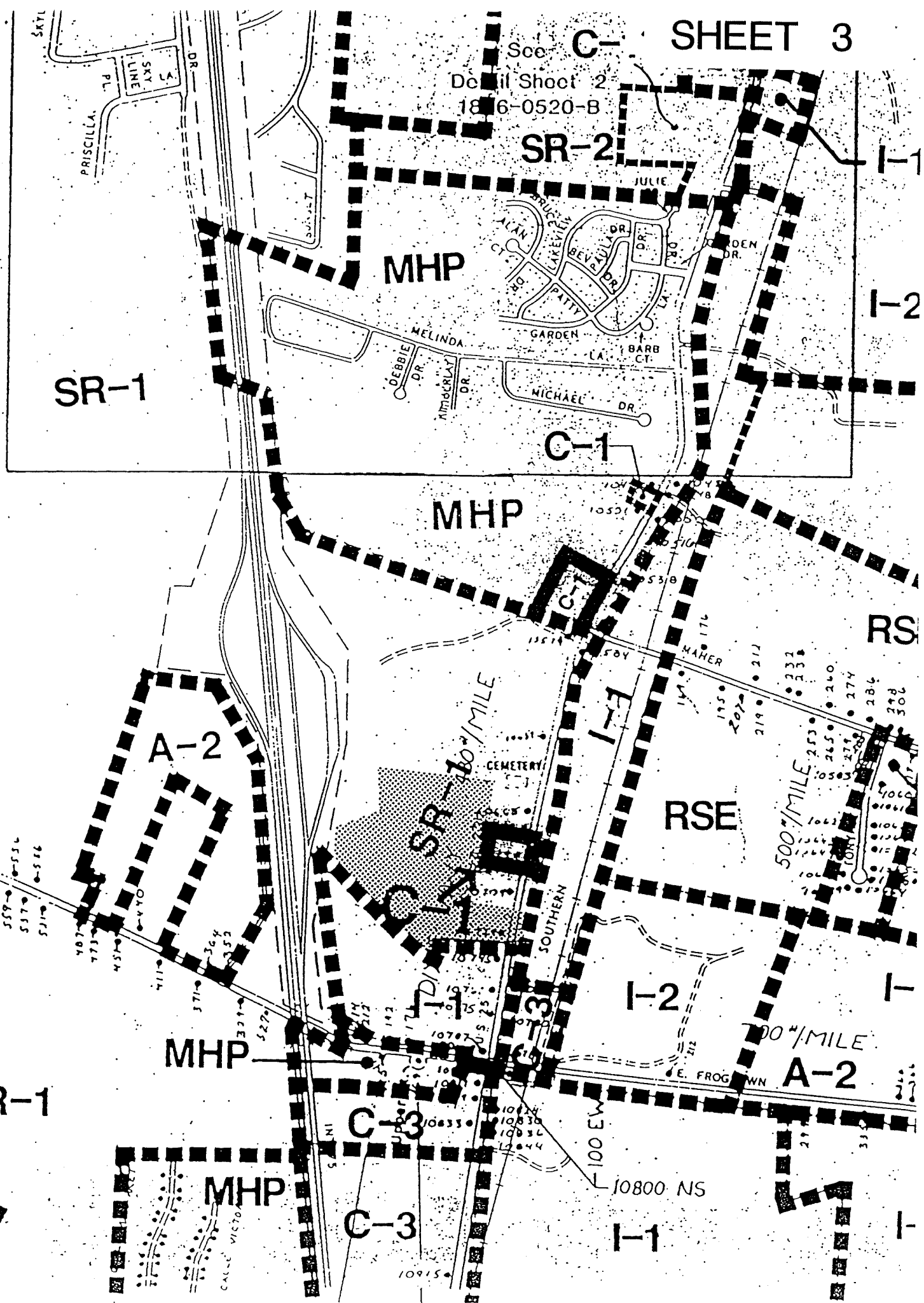
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SR-1

MHP



COPY

CLUR # 97-BCBOA-001-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER (S)

Ollie Kells, Barry Kells, Bruce Kells
10729 Dixie Highway
Walton, Kentucky 41094

2. ADDRESS OF PROPERTY

10729 Dixie Highway
Walton, Kentucky

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Park Place

DEED BOOK: 312

PAGE NO.: 137

GROUP NO.: 2057

4. TYPE OF RESTRICTION (S) (Check all that apply)

Zoning Map Amendment:
From to

Conditional Use Permit

Development Plan

Conditional Zoning

Subdivision Plat
(Unrecorded)

Other:

Variance

5. 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

Edward Coleman, Planner
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledge before me by Edward Coleman, on behalf of
the Boone County Planning Commission this 13th day of February 1997.

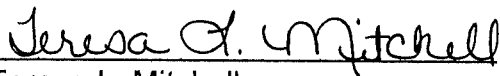


NOTARY PUBLIC, State at Large

My commission Expires:

April 17, 1999

This instrument was prepared for recording purposes only by:



Teresa L. Mitchell
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 as approved by the Boone County Board of Adjustments and in accordance with the current zoning in effect as of January 15, 1997 Certificate of Land Use Restriction (# 97-BCBOA-001-A), for Ollie Barry, and Bruce Kells, Property Owners

The following conditions will apply: (1) The sign is to be taken down when the property is sold, (2) if the property is not sold within 24 months, the sign is to be taken down anyway, and (3) approval is contingent on the zone change request being granted.

The approved Variance as well as the preceding conditions apply to the property described in: DEED BOOK 312 PAGE NO. 137 Group No. 2057