

FROM: BOONE COUNTY PLANNING

TO: 94859199

SEP 8, 1998 1:06PM 4550 P.01

Post-it FAX NOTE 1012

To Dave W. Washington

Company

Location

Fax # 485-9199

Comment

NO. OF PAGES 2

From Pat

Company BCPC

Location

Fax #

Original Disposition

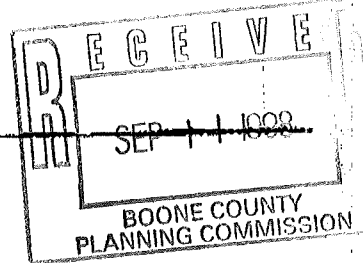
Desktop

Dept. Change

Telephone #

Return

Call for pickup



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)

(Check One)

1. Boone Florence Walton Union

(Check One)

2. Conditional Use Permit Variance Appeal Change in Non-Conforming Use

3. Applicant's Name HOMEWAY INC Dave Washington

Phone Number 606-485-7198 Fax No. 1-919-877-0005

Applicant's Address 1 North Commerce Street, Suite 3691, Trust Drive

Raleigh N.C.

City Raleigh N.C. State NC Zip 27601

4. Description of Request: variance to increase the size of typical entrance sign to 20' high + add 50' ft. of readable space

5. Name of Development HOMEWAY INC

6. Location of Development 11001 Dixie Hwy

WASSON KY

7. * Acreage Under Review 6.8 acres

8. Lot Number and Name of Subdivision (if part of a subdivision) N/A

9. Owner of Property B+Z Development Nick Zimmerman

Phone Number of Owner 606-331-3160

Address of Property Owner 1671 Park Rd Suite 11 Ft. Wright KY 41011

City Ft. Wright State KY Zip 41011

11. Proposed Use(s) on Site sale of med. housing

12. Total Square Footage of Existing and/or Proposed Buildings EXISTING 27008 FT.

13. Current Zoning on Property C-3

14. Deed Book 239 Page No. 230 Group No. 2064

15. Is the site subject to a zone change? NO

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.

See attached sheet for explanatory

Applicant's Signature: Daniel Waldorf for HONORARIX INC.

Property Owner's Signature: Tatiana Zimmerman
B&Z Development Sea Trace
(over)

STAFF REPORT

APPLICANT: Dave Wethington/Homemax Inc.
DEVELOPMENT: Homemax Inc.
LOCATION: 11081 Dixie Highway, Boone County, Kentucky
ZONING: Commercial Services (C-3)
DATE: October 14, 1998

Proposal

The applicant is requesting a Variance to allow an increase in the area of a directional sign along Dixie Highway, north of Richwood Road, for Homemax Inc., a pre-manufactured housing retailer. The applicant is specifically requesting a Variance to increase the size of a directional sign from six (6) square feet to 200 square feet. The sign would be erected at a height of 20 feet. The Boone County Zoning Regulations do not specify a maximum height for directional signs. A drawing of the proposed sign was not submitted by the applicant along with the application.

Boone County Zoning Regulations

Article 34, Section 3411 of the Boone County Zoning Regulations states the following concerning directional signage in a Commercial Services (C-3) zoning district:

One (1) directional sign shall be permitted near each entrance of a commercial, industrial, or office zoned property with a maximum sign area of six (6) square feet. Advertising on such a sign shall include the words "enter" "exit" or arrows and the name of an office complex or subdivision, commercial establishment, or shopping center. Signs directing and guiding traffic and parking on private property, such as drive-thru lanes, but bearing no advertising matter shall be permitted on any property. Such directional signs shall not exceed ten (10) square feet in area and five (5) feet in height.

Dimensional Variance

A Variance is defined as a departure from 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 K.R.S. 100.241 to 100.47.

Variances are appropriate by reason of exceptional narrowness, shallowness, or unusual shape of a site on the effective date of the zoning regulations or amendment thereof or by reason of exceptional topographic conditions, or some other extraordinary situation or condition of the site. The literal enforcement of the above dimensional terms of the zoning regulation would deprive the applicant of reasonable capacity to make use of the land in a manner equivalent to the use permitted other landowners in the same zone. The dimensional terms pertaining to height, width and location involve such items as structures, parking space stalls, driveway aisles, landscaped buffers and signs. Lot frontages, the size of yards, and open spaces refer to minimum yard dimensions such as building setbacks.

Conclusion

K.R.S. 100.241 gives the Boone County Board of Adjustment and Zoning Appeals the authority to grant the applicant's request for the Variance to increase the area of a directional sign at 11081 Dixie Highway.

The Board should evaluate the applicant's request as it relates to the criteria necessary for granting a Variance, stated in Article 2, Section 251 of the Boone County Zoning Regulations.

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.

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.

It is Staffs' opinion that while the sign will not adversely affect the public health, safety or welfare, and will not alter the essential character of the general vicinity, or cause a hazard or nuisance to the public, permitting such a variance will allow and unreasonable circumvention of the requirements of the Boone County Zoning Regulations for the following reasons:

1. A directional sign is a low-rise sign of an incidental nature that is located near an exit or entrance to an office park or commercial shopping center, or within vehicular circulation areas, to convey directional information to motorists. A sign that is 200 square feet in area and having at a height of 20 feet, is not considered "low-rise" and is not of an "incidental nature". A sign of this scale is for the purpose of advertising and not for directing traffic.

2. The Boone County Zoning Regulations do not permit two free-standing signs on an individual lot. The effect of approving this request would be permitting two free-standing signs on an individual lot for the purpose of advertising. The applicant is currently allowed one free-standing sign on the site at 200 square feet in area, and at a maximum height of 30 feet.

There is an existing sign near the entrance along Dixie Highway. The sign is approximately 15 square feet (3'x5') in area. The property owner has erected this sign without a sign permit from the Boone County Planning Commission. Staff suggests that the applicant be granted a Variance to permit the size of this existing sign (15 square feet) or something of similar size, as a directional sign, with the condition that the applicant apply for and receive a Sign Permit from the Planning Commission.

Respectfully Submitted,

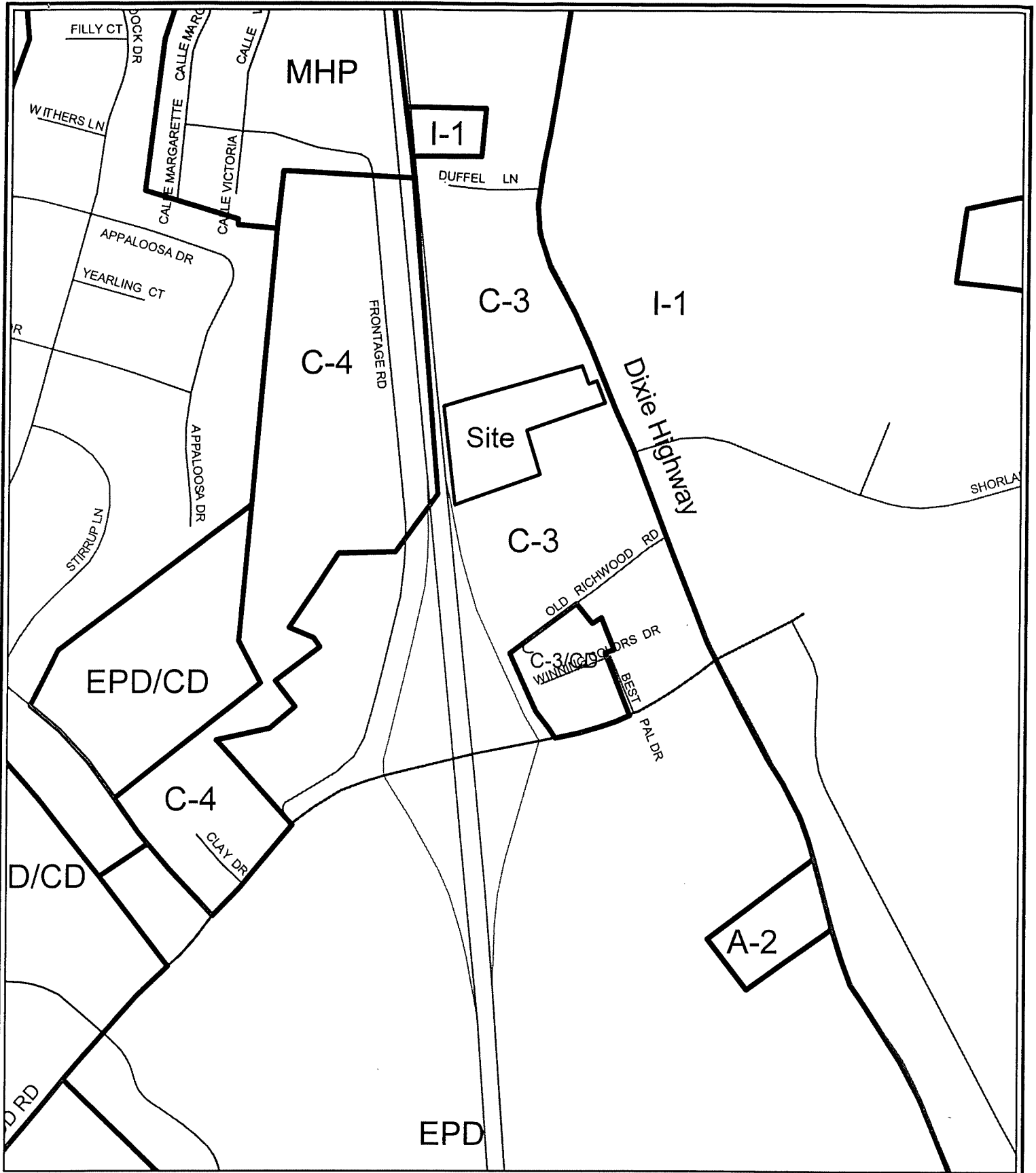


Edward Coleman
Planner

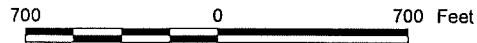
EC\pr

Attachments

- Location Map
- Site Plan/Location
- Proposed Directional Signs



Homemax Inc. Location/Zoning Map



1 inch equals 700 feet
Produced by the
Boone County Planning Commission
GIS Services Division
October 1, 1998



Claywood Mobile
Homes Inc

Proposed Directional
Sign Location
200 sq. ft.

Free Standing
Sign Location
200 sq. ft.

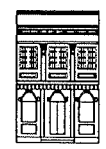
Interstate 75/11

Dixie Highway

Homemax Inc. Site Location



1 inch equals 200 feet
Produced by the
Boone County Planning Commission
GIS Services Division
October 1, 1998



TO BOONE COUNTY PLANNING COMISSION
BOARD OF ADJUSTMENTAND
ZONING APPEALS ACTION

FROM: HOMEMAX INC.
11061 DIXIE HWY
WALTON, KY. 41094


SUBJECT: REQUEST FOR A VARIENCE THAT WOULD ALLOW HOMEMAX TO INCREASE THE
SIZE OF THE ENTRANCE DIRECTIONAL SIGN FROM 6 SQ. FT. TO 200 SQ. FT.

WE AT HOMEMAX WOULD LIKE THE BOONE COUNTY BOARD OF ADJUSTMENT TO
CONSIDER GRANTING US THE ABILITY TO INCREASE THE SIZE OF THE ENTRANCE SIGN THAT
IS CURRENTLY ALLOWED FROM 6 SQ.FT. TO 200 SQ. FT. WE BELEIVE THAT THE PHISICAL
SHAPE OF OUR PROPERTY IS SUCH THAT A LARGER SIGN IS NEEDED IN ORDER TO PROPERLY
INDENTIFY OUR SITE. AS IS OBVIOUS FROM OUR SITE PLAN, OUR SALES OFFICE IS 540 FT.
FROM DIXIE HWY (US. 25) AND SIT'S FAR ENOUGH BACK FROM THE ROAD THAT WE BELEIVE
IT WILL BE DIFFICULT FOR CUSTOMERS TO SEE OUR ENTRANCE. WE ARE CURRENTLY
ALLOWED A 30 FT. FREE STANDING SIGN THAT WE WILL BE GLAD TO REDUCE IN HEIGHT TO
20 FT. (SEE PICTURES OF MOCKVILLE N.C.). WE ALSO HAVE A SIGN DIRECTLY IN FRONT OF
THE FRONT STOOP OF OUR OFFICE (SEE PICTURE TYPICAL).

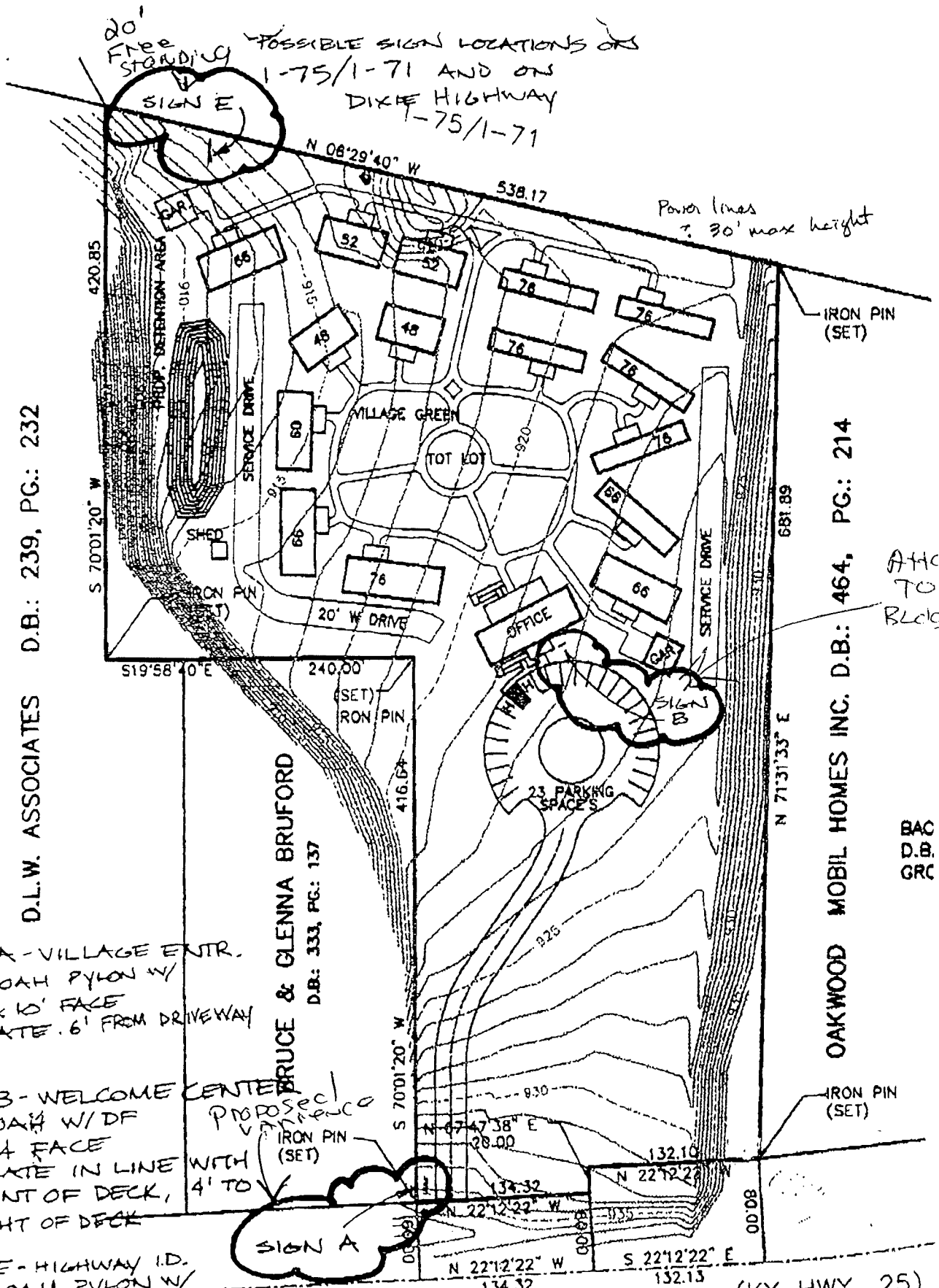
OUR SITE IS LOCATED BETWEEN TWO MAJOR HWY'S I-75 AND U.S. 25 WE WOULD LIKE
THE OPPORTUNITY TO IDENTIFY OUR SITE AS OUR COMPETITORS DO SEE OAKWOOD AND
HOLIDAY HOMES SIGN'S. WE BELEIVE THAT IN THE WINTER MONTHS WHEN THE DAYLIGHT
IS GONE AT 5:30 OR 6:00 P.M. THAT CUSTOMERS WILL HAVE AN EXTREMELY HARD TIME
SEEING OUR ENTRANCE. U.S. 25 DOES NOT HAVE ROAD LIGHTING IN THIS VICINITY AND THIS
COULD MAKE FOR A DANGEROUS SITUATION IF DRIVERS ARE TRYING TO FIND AND
BLACKTOP ROAD IN THE DARK ON A WINTER NIGHT.

pLEASE REVIEW THE SUBMITTED EXAMPLES OF OUR SIGNS, KEEPING IN MIND THAT
WE DO NOT WANT TO CHANGE THE SURROUNDING AREA OR LANDSCAPE BUT JUST WISH TO
BETTER INDENTIFY OUR ENTRANCE WITH A WOODEN SIGN AND A MODEST GROUND LIGHT
THAT WOULD MAKE IT MORE EASIER FOUND AND INDENTIFIED.

SINCERLY
DAVID WETHINGTON



GENERAL MANAGER
HOMEMAX INC.
11061 DIXIE HWY
WALTON, KY. 41094
(606) 525-2571
(606) 485-7198



D.L.W. ASSOCIATES D.B.: 239, PG.: 232

BRUCE & GLENNA BRUFORD D.B.: 333, PG.: 137

OAKWOOD MOBIL HOMES INC. D.B.: 464, PG.: 214

Attache TO BLDG/V

BAC D.B. GRC

SIGN A - VILLAGE ENTR.
20' OAH PYLON W/
75x10' FACE
LOCATE .6' FROM DRIVEWAY

SIGN B - WELCOME CENTER
6' OAH W/D/F
3x4 FACE
LOCATE IN LINE WITH
FRONT OF DECK, 4' TO
RIGHT OF DECK

SIGN E - HIGHWAY I.D.
20' OAH PYLON W/
12x16 FACE
LOCATE 75' FROM PROP. LINE
ON LEFT

(KY HWY. 25)

(4-6 months)

THAT A VARIANCE IS OBTAINED FOR 2ND SIGN

COPY

CLUR # 98-BCBOA-021-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER (S)

B & Z Development
1671 Park Road Suite 11
Ft. Wright, Kentucky 41011

ADDRESS OF PROPERTY

11081 Dixie Highway
Walton, Kentucky

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Homemax, Inc.

DEED BOOK: 239

PAGE NO.:230

GROUP NO.:2064

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

Zoning Map Amendment: From & Conditional Use Permit

Development Plan Conditional Zoning

Subdivision Plat (Not Recorded) 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

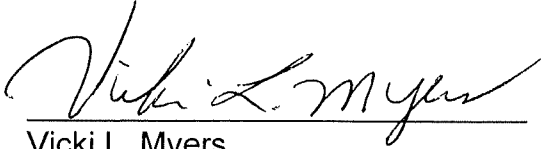
David Doerger
SIGNATURE OF COMPLETING OFFICIAL

David Doerger, Planner
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

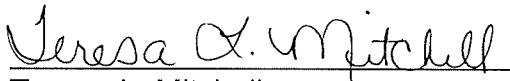
Subscribed, sworn to, and acknowledge before me by David Doerger, on behalf of the
Boone County Planning Commission this 12th day of November 1998.



Vicki L. Myers
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 approved by the Boone County Board of Adjustments and in accordance with the current zoning in effect as of October 14, 1998 Certificate of Land Use Restriction (# 98 BCBOA -021-A), for B & Z Development, Property Owners

The following conditions will apply: 1). The directional sign is to be a monument style sign of 32 square feet in size and the freestanding sign is to be no larger than 150 square feet in size and 20 feet in height.

The approved Variance as well as the preceding conditions apply to the property described in: DEED BOOK 239 PAGE NO. 230 Group No. 2064