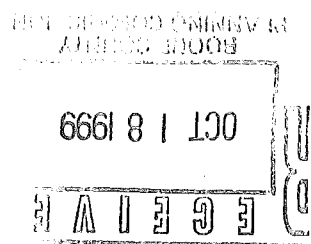


99-023

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)

- 1. (Check One)
 Boone Florence Walton Union
- 2. (Check One)
 Conditional Use Permit Variance Appeal
 Change in Non-Conforming Use
- 3. Applicant's Name Brand-It Outdoor, Inc
Phone Number (513) 891-8282 Fax No. (513) 891-8282
Applicant's Address 7432 Glenover Drive
Cincinnati Ohio 45236
City State Zip
- 4. Description of Request: A variance to allow an increase in square footage of the size of an electronically changeable message board from the permitted 50% of the total sign area to 100% of the total sign area. The variance requested is for an additional 336 sq. ft. of changeable message sign for a total of 672 sq. ft.
- 5. Name of Development 596 Petersburg Road Hebron, KY 41048
- 6. Location of Development 596 Petersburg Road Hebron, KY 41048
- 7. Acreage Under Review MAP 58 Parcel 43A 0.62
- 8. Lot Number and Name of Subdivision (if part of a subdivision)
- 9. Owner of Property Coachman Parking Systems
Phone Number of Owner (606) 431-6100 10.
Address of Property Owner 23 Leathers Road, Ft. Mitchell, KY 41017
City State Zip
- 11. Proposed Use(s) on Site Off-premise, electronically changeable message display - 672 square feet (14' x 48')
- 12. Total Square Footage of Existing and/or Proposed Buildings 14' x 48'
- 13. Current Zoning on Property C-3
- 14. Deed Book 388 Page No. 80 Group No. 2009
- 15. Is the site subject to a zone change? no
If yes, give date of approval N/A
- 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.

Applicant's Signature: [Signature], President Brand-It Outdoor, Inc.

Property Owner's Signature: [Signature] Coachman Parking Systems Inc. by [Signature] Pres

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 10-18-99 Fee Received \$ 520.00 R# 22229
2. Is application complete? C Yes _____ No _____
3. Staff Reviewer Mark Jordan
4. Scheduled Board Action Date November 10, 1999
5. Board Action:
 Approved
 Approved with Conditions (See #6)
 Denial (See #7)
6. Conditions of Approval: See notes
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

APPLICANT: John Brophy on behalf of Brand-It Outdoor, Inc.
LOCATION: 596 Petersburg Road, Boone County, Kentucky
ZONING: Commercial Services (C-3)
DATE: November 10, 1999

Proposal

The applicant is requesting a Variance to allow an increase in square footage of the size of an off-premises electronically changeable message board from the permitted 50% of the total sign area to 100% of the total sign area. The Variance requested is for an additional 336 square feet of changeable message copy, for a total of 672 square feet.

Site History

The property was subject to two (2) Conditional Use Permit approvals by the Boone County Board of Adjustment and Zoning Appeals on October 13, 1999. Both applications were approved, subject to the following conditions:

1. The maximum height of the sign cannot exceed 44 feet in height;
2. The sign must be located a minimum of 110 feet from the Petersburg Road Right-of-Way;
3. The maximum square footage of the sign cannot be greater than 672 square feet;
4. The applicant must file for a Variance to place an Electronically Changeable Message Board in the off-premises sign that is more than 50% of the total sign area;
5. Any tenant located in the building at 596 Petersburg Road cannot advertise or appear on the Electronically Changeable Message Board unless they remove their existing freestanding sign.

Application and Standards for Variances

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 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.

Action by Board of Adjustment and Zoning Appeals

The Board of Adjustment and Zoning Appeals has the power to hear and decide on applications for Variances. A variance is defined as a departure from dimensional terms of the zoning regulations pertaining to height, width, or location of structures, and the size of open spaces where such departure meets the requirements of K.R.S. 100.241 to 100.247

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 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 a reasonable capacity to make use of the land in a manner equivalent to the use permitted other land owners in the same zone. The dimensional terms pertaining to height, width, and location involve such items as structures, parking space stalls, driveway aisles, and 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 a Variance for an increase in square footage of an Electronically Changeable Message Board at 596 Petersburg Road, Boone County, Kentucky. The Board should evaluate the applicant's request as it relates to the criteria necessary for granting a Variance, as stated in Article 2, Section 251 of the Boone County Zoning Regulations.

Respectfully Submitted,



Mark E. Jordan
Planner

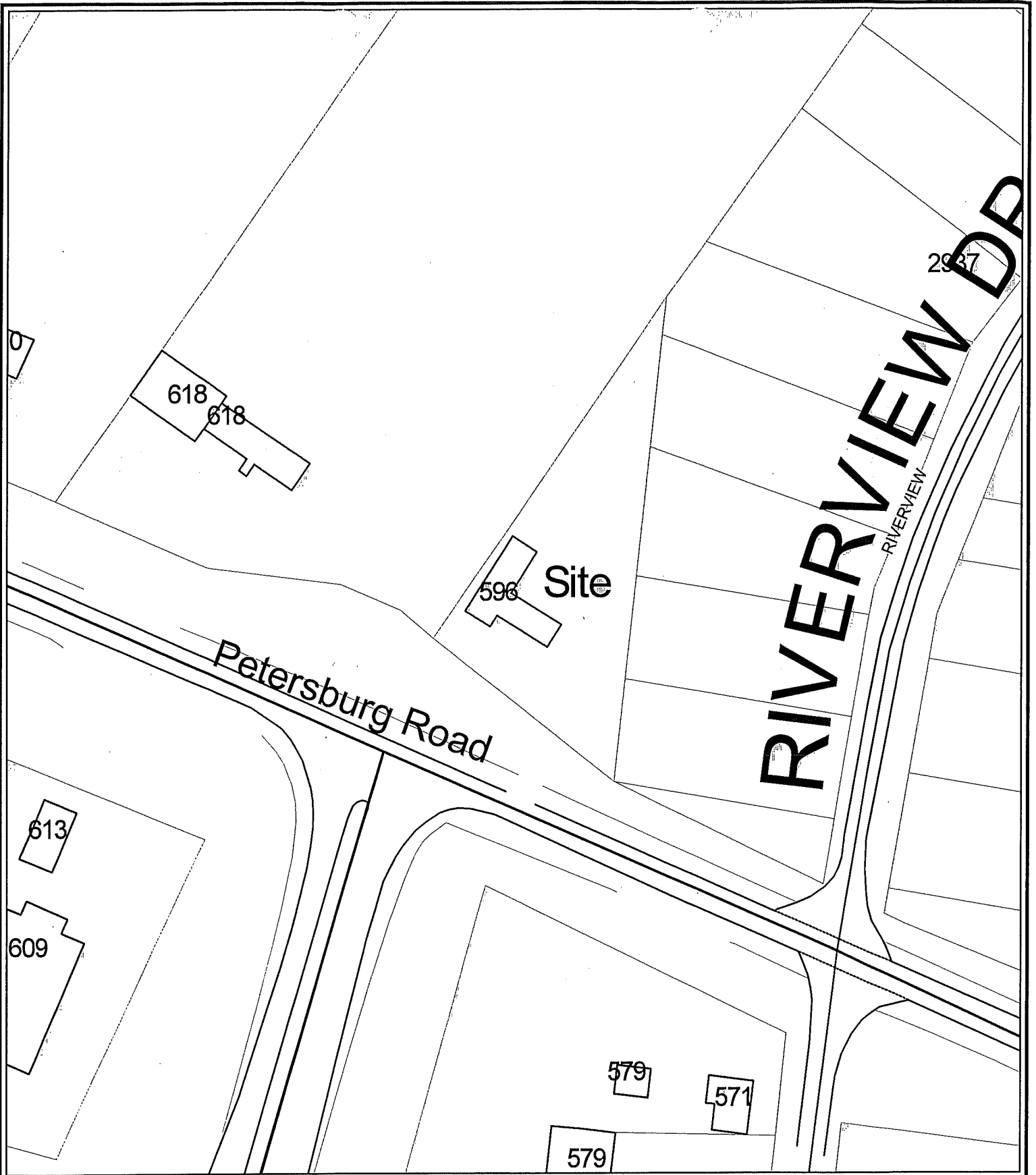
MEJ\pr

STAFF REPORT-Brophy/Brand-It-Outdoor, Inc.
November 10, 1999

Page 3

Attachments

- Site Vicinity Map
- Zoning Map
- Prototype drawing of proposed sign
- Plat detailing location of proposed sign



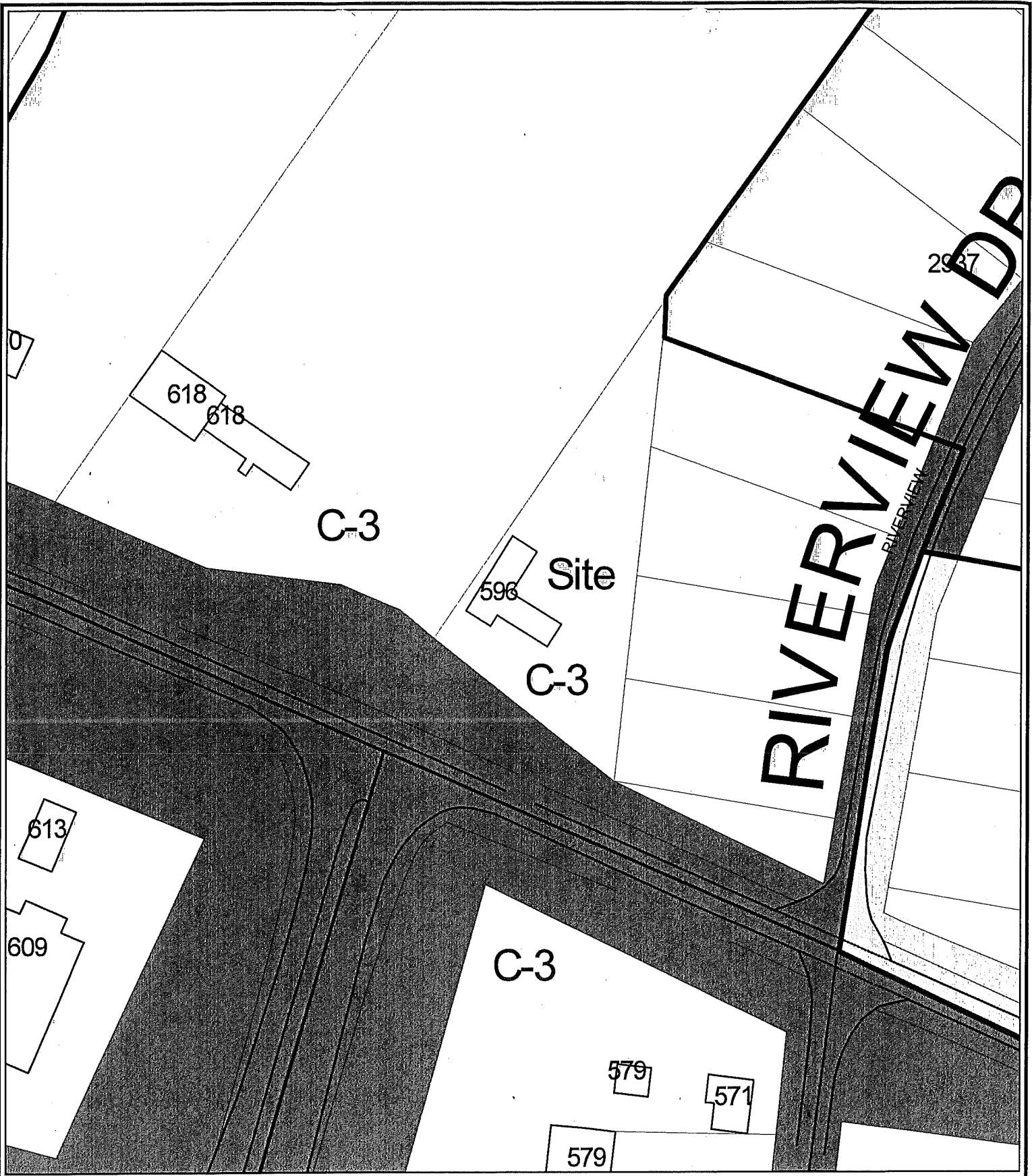
Site Vicinity Map

596 Petersburg Road



1 inch equals 100 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 November 2, 1999





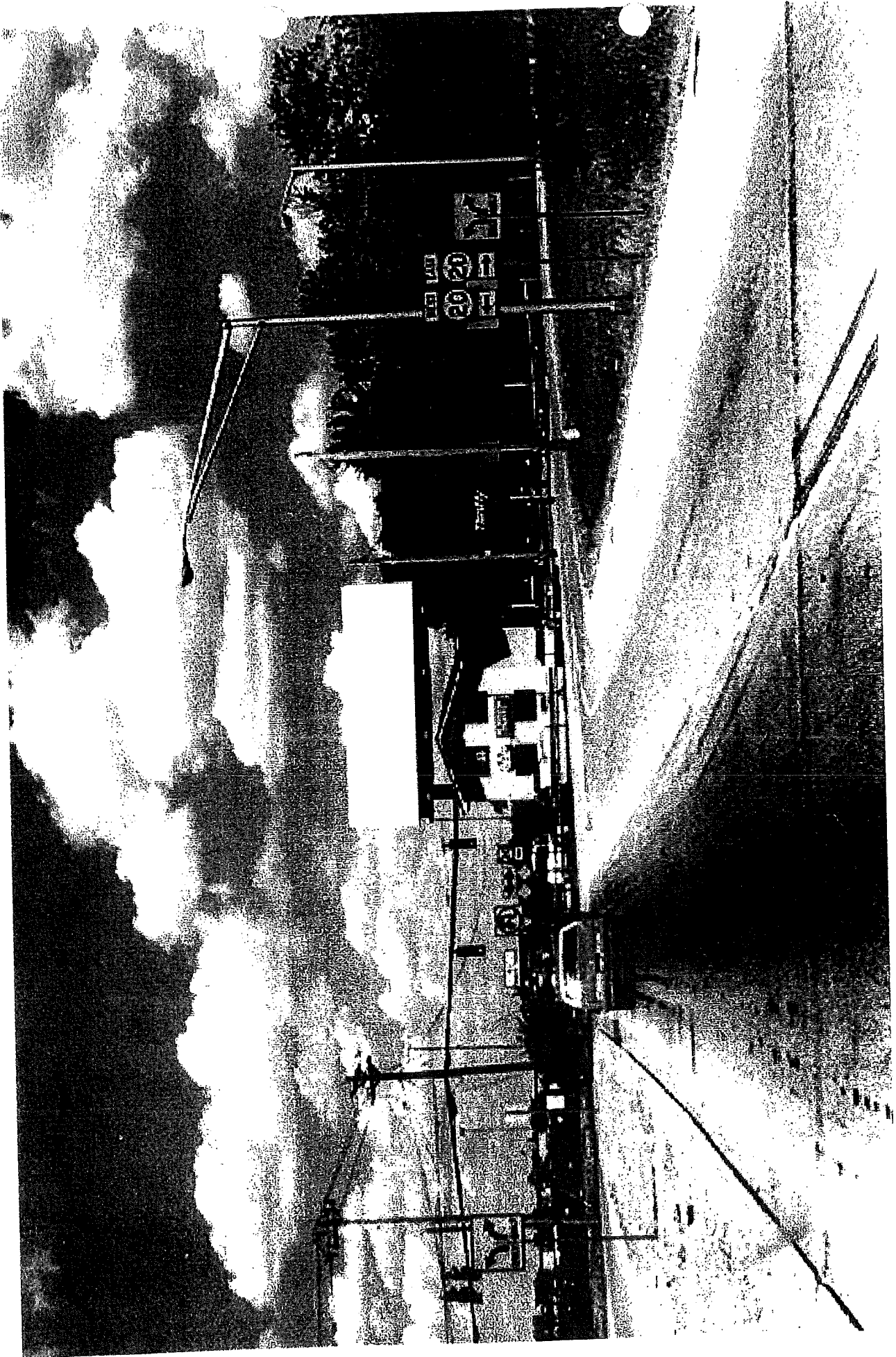
Zoning Map

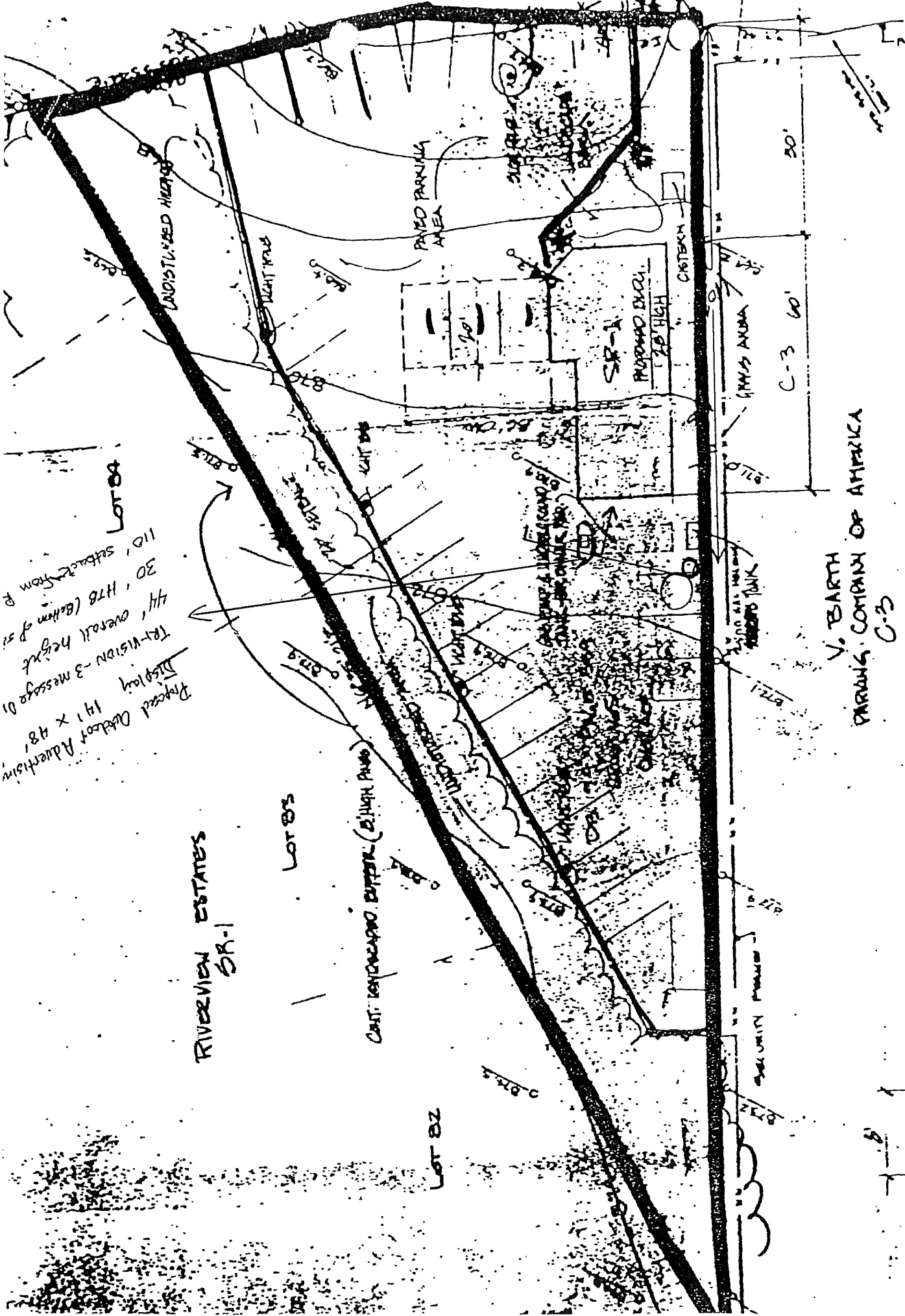
596 Petersburg Road



1 inch equals 100 feet
Produced by the
Boone County Planning Commission
GIS Services Division
November 2, 1999







LOT 84
 110' setback from P
 30' HTB (Bottom of 52'
 TR-VISION - 3 message di
 44' overall height
 Project Outdoor Advertising
 Display 141' x 48'

RIVERVIEW ESTATES
 SR-1

LOT 83

CENT. CONCRETE BUFFER (21' HIGH FENCE)

LOT 82

V. BARTH
 PARKING COMPANY OF AMERICA
 C-3

1.1.1.4 A-1

COPY

11-10-99

CLUR #99-BCBOA-023-A ✓

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER (S)

Coachman Parking Systems
23 Leathers Road
Ft. Mitchell, Kentucky 41017

2. ADDRESS OF PROPERTY

596 Petersburg Road
Hebron, Kentucky 41048

3. NAME OF SUBDIVISION OR
DEVELOPMENT (if applicable)

4. DEED BOOK 388

PAGE NO. 80

GROUP NO. 2009

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

___ Zoning Map Amendment:
From ___ To ___

___ Conditional Use Permit

___ Development Plan

___ Conditional Zoning

___ Subdivision Plat
(Not Recorded)

___ Other:

X Variance

6. 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

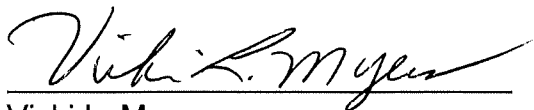
Kevin T. Wall, Director, Zoning Services

Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

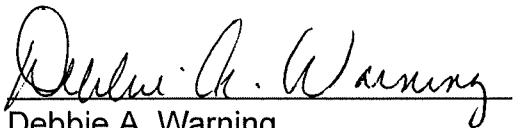
Subscribed, sworn to, and acknowledged before me by Kevin T. Wall on behalf of the
Boone County Planning Commission this 29 day of November, 1999.



Vicki L. Myers
NOTARY PUBLIC, State at Large

My commission Expires:
April 17, 2003

This instrument was prepared for recording purposes only by:



Debbie A. Warning
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 November 10, 1999 Certificate of Land Use Restriction (#99-BCBOA-023-A), for Coachman Parking Systems, Property Owners.

The following conditions will apply:

No conditions.

The approved Variance as well as the preceding conditions apply to the property described in:

DEED BOOK 388

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