

REVIEW NO. _____

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 _____
Change in Non-Conforming Use _____
- 3. Applicant's Name LACKNER SIGN CO.
Phone Number 513-779-8086
Applicant's Address P.O. BOX 219
W. Chester OHIO 45306
City State Zip
- 4. Description of Request: GRANT A VARIANCE FOR THE
INSTALLATION OF (2) SINGLE FREE 6'X19' CAPSULE SIGNS
back to back on existing, high rise structure.
- 5. Name of Development FLYING J TRAVEL PLAZA
- 6. Location of Development I-75 WALTON VERONA EXCH
Stevenson Mill Rd. 13019 Walton-Verona Rd.
- 7. Acreage Under Review _____
- 8. Lot Number and Name of Subdivision (if part of a subdivision) _____
- 9. Owner of Property FLYING J TRAVEL PLAZA
Phone Number 801-734-9416
- 10. Address of Property Owner 50 WEST 990 SOUTH
Birmingham City UT 84302
City State Zip
- 11. Proposed Use(s) On Site TRUCK STOP / GASOLINE STATION /
RESTAURANT
- 12. Total Square Footage of Existing and/or Proposed Buildings _____
- 13. Current Zoning on Property _____
- 14. Deed Book 387 Page No. 206 Group No. _____
- 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. Applicant's Signature: [Signature]
- 19. Property Owner's Signature: [Signature]

SECTION B

(To be completed by Boone County Planning Commission Staff)

1. Date Received 6/21/91
2. Fee Received \$ 386.00 R 6697
3. Is application complete? Yes _____ No
4. Staff Reviewer _____
5. Scheduled Board Action Date _____
6. Board Action:
_____ Approval
_____ Approved with Conditions (See #7)
_____ Disapproved (See #8)
7. Conditions: _____

8. Reasons for Disapproval: _____

STAFF REPORT

APPLICANT: Lackner Sign Co.
DEVELOPMENT: Flying J Travel Plaza
LOCATION: 13019 Walton-Verona Road, Walton, Kentucky
ZONING: Commercial Services (C-3)
DATE: July 17, 1991, 6:00 p.m.

REMARKS:

The applicant is requesting a Variance to allow the addition of a 114 square foot gasoline sign to an existing 130 foot high free-standing sign, which already has a total sign area of 807 square feet. The 15.1 acre site, which is located at the southwest corner of Stephenson Mill Road and KY 14/16, is zoned Commercial Services (C-3) and is owned by Flying J, Inc.

History

On September 14, 1989, this Board granted 3 Variances to Flying J: one in the number of free-standing and building mounted signs, one in the height of a free-standing sign (up to 130 feet high), and one in the size of a free-standing sign. The applicant is requesting a modification of this last Variance to allow a free-standing sign with 921 square feet instead of 807 square feet which was approved previously. The applicant's intent is to add a 114 square foot "Conoco" gasoline sign to the existing Flying J high-rise message sign. The maximum size of any free-standing sign in a C-3 district (without a Variance) is 250 square feet.

Review

The following reviews the criteria which the Board must use in when considering Variance requests:

1. If granted, Staff does not believe that the Variance will adversely affect the public health, safety, or welfare, or will cause a hazard or a nuisance to the public. The Board must also consider whether, if granted, the Variance will alter the essential character of the area or will allow an unreasonable circumvention of the zoning regulations. If approved, the sign will be almost 4 times larger than the maximum size sign allowed. In making these findings, the Board must consider:
 - a. Staff is unaware of any special circumstances which apply to this property but do not generally apply to land in the general vicinity.
 - b. The strict application of the zoning regulations (and of the previous Variance) would require Flying J to use parts of the existing sign to advertise Conoco gasoline. The Board must decide if such a requirement would deprive Flying J of a reasonable use of the land or would create an unnecessary hardship.

- c. Again, no special circumstances were found which may have been the result of actions of the applicant.
2. The Board must also deny any request which is the result of a willful violation of the zoning regulations. This requirement does not apply in this application.

Respectfully submitted,



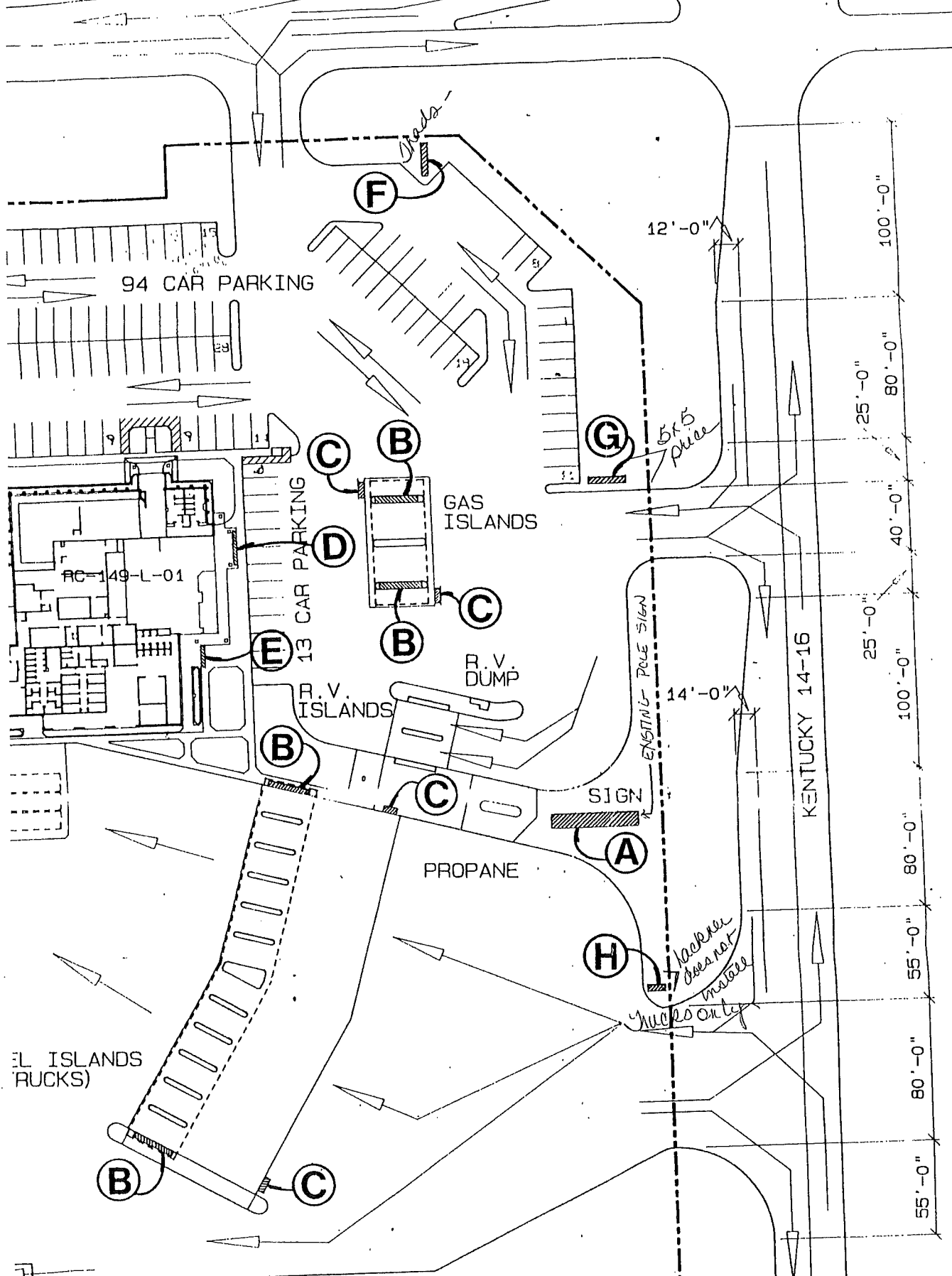
Thomas W. Breidenstein
Zoning Enforcement Officer

TWB:kat

Flying J - 7-17-91

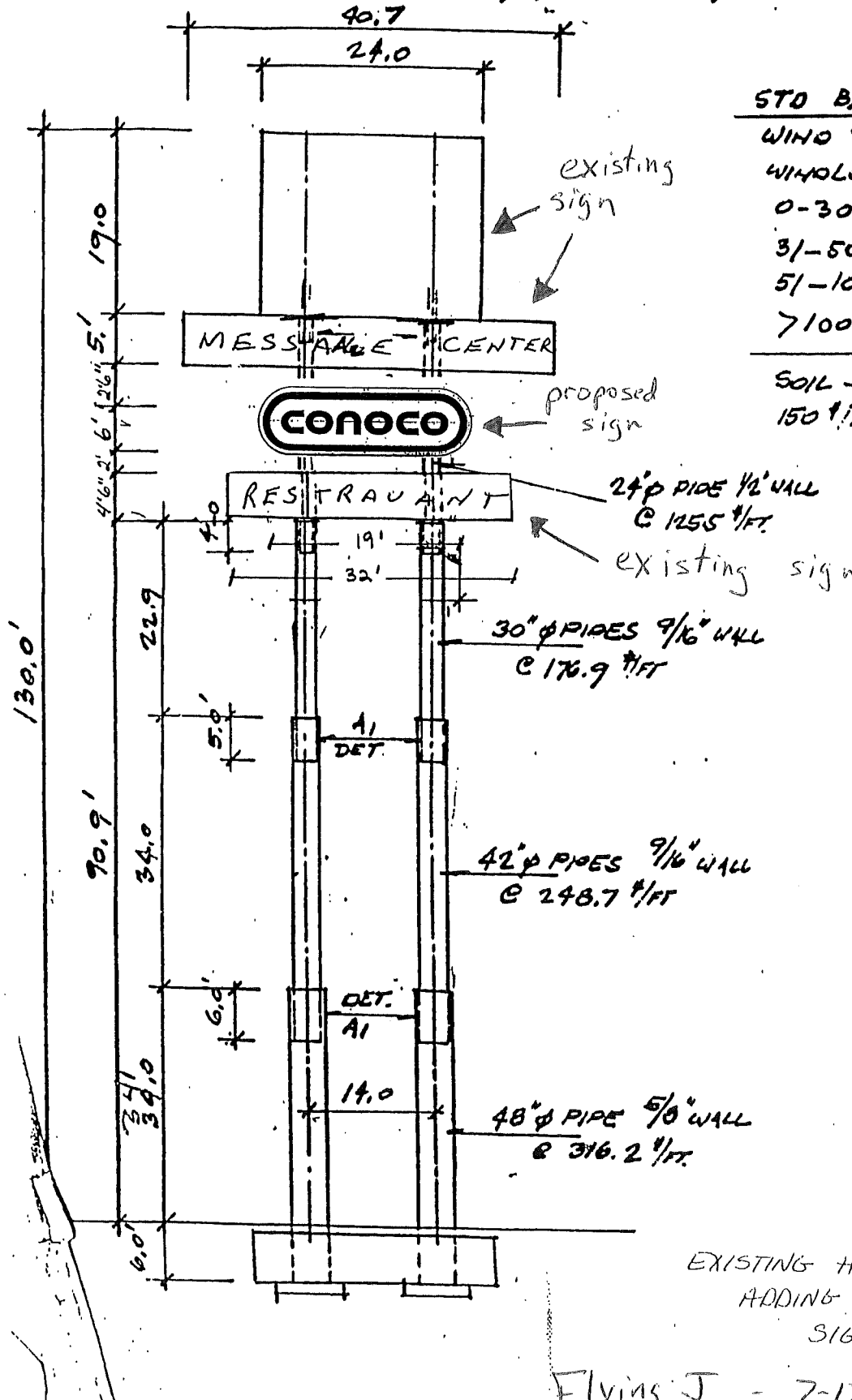
STEPHENSON MILL RD.

to I-75 →



(A) - existing high rise sign

WALTON, KENTUCKY.



STD BLOC CODE

WIND 90 MPH

WINDLOAD:

0-30	22.4 #/ft
31-50	30.0
51-100	37.8
>100	46.2

SOIL - CLASS 4
 150 #/FT x 2 LATER.

EXISTING HIGH RISE
 ADDING "CONOCO"
 SIGN

COPY

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER (S)

Flying J. Travel Plaza
50 West 990 South
Bringham City, UT 84302

2. ADDRESS OF PROPERTY

13019 Walton-Verona Road
Walton, Kentucky 41094

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Flying J Travel Plaza

DEED BOOK: 387

PAGE NO.: 206

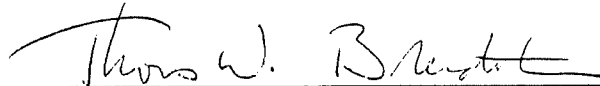
GROUP NO.: 2077B

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

- | | | | |
|-------------------------------------|---|--------------------------|---------------------------------|
| <input type="checkbox"/> | Zoning Map Amendment
from _____ to _____ | <input type="checkbox"/> | Conditional Use Permit |
| <input type="checkbox"/> | Development Plan | <input type="checkbox"/> | Conditional Zoning
Condition |
| <input type="checkbox"/> | Subdivision Plat
(unrecorded) | <input type="checkbox"/> | Other: (Specify) |
| <input checked="" type="checkbox"/> | 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



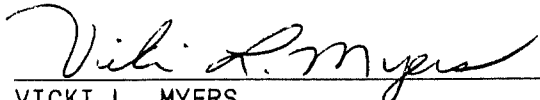
SIGNATURE OF COMPLETING OFFICIAL

Thomas W. Breidenstein, Zoning Enforc. Officer
NAME AND TITLE OF COMPLETING OFFICIAL
(type or print)

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledge before me by Thomas W. Breidenstein
on behalf of the Boone County Planning Commission this 19th day
of August, 1991.

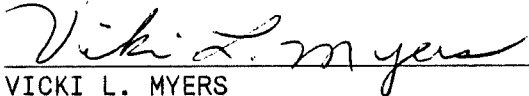


VICKI L. MYERS
NOTARY PUBLIC, State at Large

My commission Expires:

April 8, 1995

This instrument was prepared for recording purposes only by:



VICKI L. MYERS
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.)

BCPC 01/89

CLUR# WBOA-91-004

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the Variance
as approved by the Walton Board of Adjustments and in accordance with the
current zoning in effect as of July 17, 1991, (Certificate of Land Use
Restriction # WBOA-91-004), for Flying J Travel Plaza, property
owner.

NO CONDITIONS

The approved Variance as well as the preceding conditions apply
to the property described in: DEED BOOK 387 PAGE NO. 206 Group No. 2077B