

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 11-9-94 Fee Received \$201.00 RA# 5273
+ 185.00 RA 5281
386.00 Total
2. Is application complete? Yes No
3. Staff Reviewer Jeff Hayes
4. Scheduled Board Action Date 1-10-95
5. Board Action:
 Approved
 Approved with Conditions (See #6)
 Denial (See #7)
6. Conditions of Approval: See Minutes
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: Destiny Inc.
APPLICANT: Ervan Rich and George Ryan
LOCATION: 21 Old Beaver Road, Walton, KY
ZONING: Suburban Residential One (SR-1)
DATE: January 10, 1995

The applicant is requesting a Change in a Non-Conforming Use to allow the reuse of the old Ryan Implement and Tractor Sales site. The applicant is proposing to use only 5,460 square feet of the approximately 18,530 building (See Sheet #1). The building is located on Old Beaver Road and is part of a larger track of land owned by Mr. Ryan (See Sheet #2).

The Board of Adjustments and Zoning Appeals shall have the power to hear and decide on applications to permit a change from one non-conforming use to another. The Board shall not permit such a change unless the new non-conforming use is as equally or more compatible with permitted uses in the district in which it is located as the existing non-conforming use. The Board shall not allow any changed non-conforming use to be increased or enlarged, nor extended to occupy a greater area of land than was occupied by the original non-conforming use. In permitting such change, the Board may require appropriate conditions and safeguards in accord with other provisions of this order.

Surrounding Land Uses and Zoning (See Sheet # 3)

North: Single-family residential subdivision zoned Suburban Residential One (SR-1)
South: Vacant property zoned Rural Suburban (RS)
East: Single-family residences zoned Suburban Residential One (SR-1)
West: Vacant land zoned Suburban Residential One (SR-1)

The previous use for the building included outside display and repair of tractors and implements. This use occupied the majority of the building and the 1.23 acres which the building was located on. The zoning for this property principally permits single-family residential uses. Therefore, any use which is approved for this location should be more conforming to the principally permitted use.

Destiny Inc. is a small company which designs and assembles small indoor signs (See Sheet #4). These signs are assembled by between 2-12 part-time employees which are hired to fill the contract orders. The product is primarily delivered by UPS single axle box trucks and infrequently by larger trucks. The assembly operation for the business will be conducted entirely within the building and the operation does not produce any harmful waste, or noise which would be detectible outside the building.

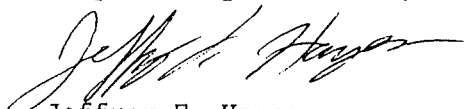
Staff Concerns:

1. Staff believes that any outside storage should be prohibited, unless the storage can be properly screened.
2. Limits should be established on the hours of operation so as not to create a nuisance to the neighboring residential uses.
3. Staff believes that the site should be brought into compliance with the Boone County Zoning Regulations regarding paved surfaces for parking and circulation. This would require that the parking areas be paved and that stormwater detention be provided. In addition, Site Plan Review would be required to ensure proper design of the stormwater detention. Because of the small size of the business, staff believes that phasing for the paving of the parking area would be appropriated.
4. The Board should also review the expansion potential of the Destiny Inc. within the building and establish a limit on the size of the business. The existing use occupies only approximately a third of the building and therefore, could more than triple in size if the use were to expand and use the entire building. The proposed use will employ on the average six (6) people with a maximum number of employees projected to be twelve (12). If the size of the business were to more than triple the use could possibly employ 36 or more people and the amount of deliveries could become substantial.
5. Landscaping should be installed around the building perimeter and the dumpster which helps to screen the use from the surrounding residential homes. In addition, the parking areas should be landscaped so as to reduce the appearance of the automobiles and pavement.
6. Staff believes that the existing building mounted sign is more than sufficient and that no additional building mounted signage or free-standing signage should be permitted for the site.
7. Any additional use of the property and/or building will require approval from the Board for a Change in Non-Conforming Use.
8. Staff believes that all parking should be located within the site and that the parking across the street should be eliminated.

Conclusion

The Board should review the applicant's request with regards to the compatibility of the proposed non-conforming use with the permitted uses within the district. In addition, the proposed use has to be equally or more compatible than the previous non-conforming use. Staff believes that the proposed use will be compatible because of the elimination of outside storage and the low impact nature of the business. The use will occupy less of the existing site than the previous Ryan Tractor and Implement sales and should also generate less traffic.

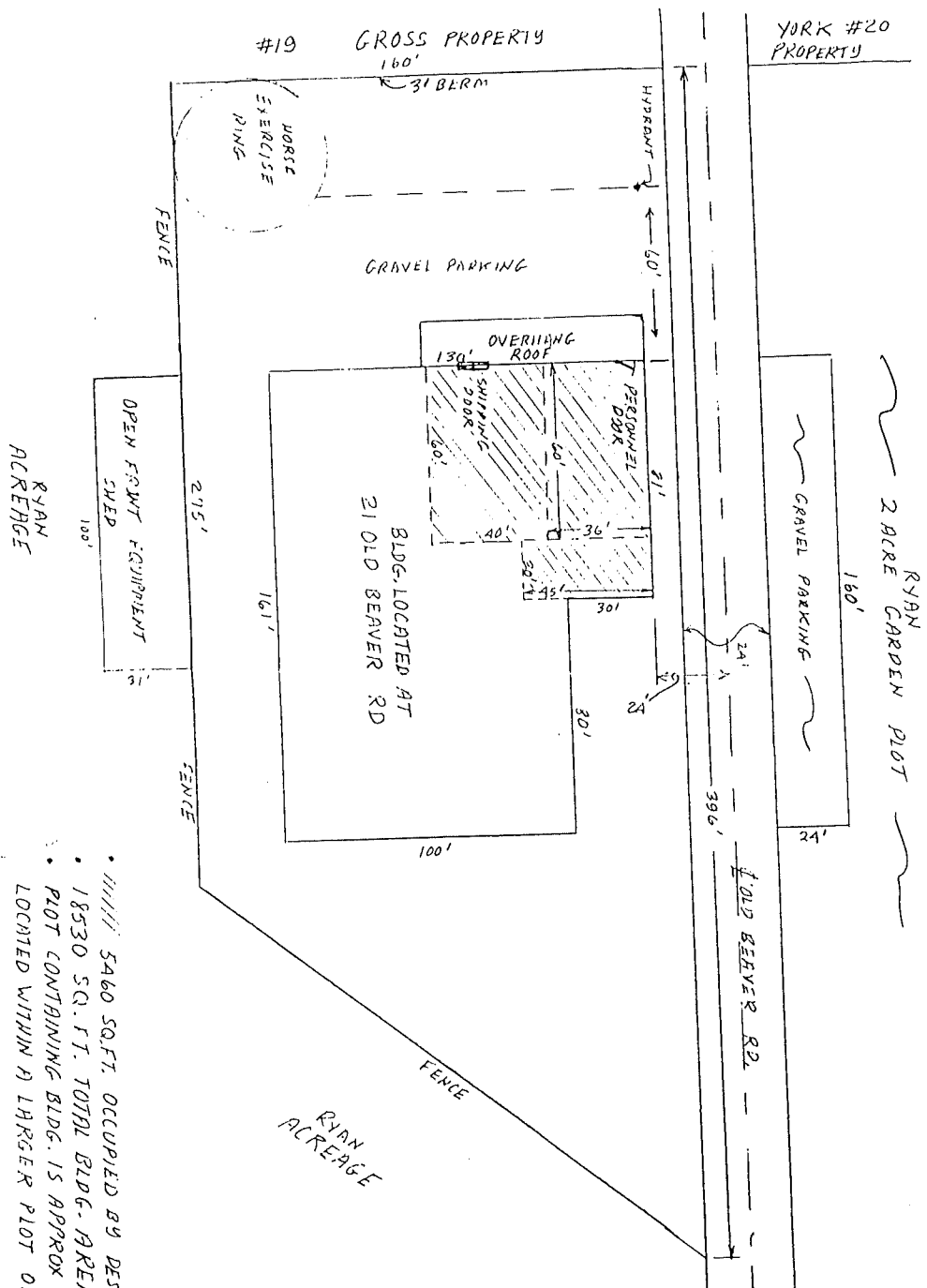
Respectfully Submitted,



Jeffrey F. Hayes
Planner

SECTION A, ITEM #16

SHEET #1 SITE PLAN



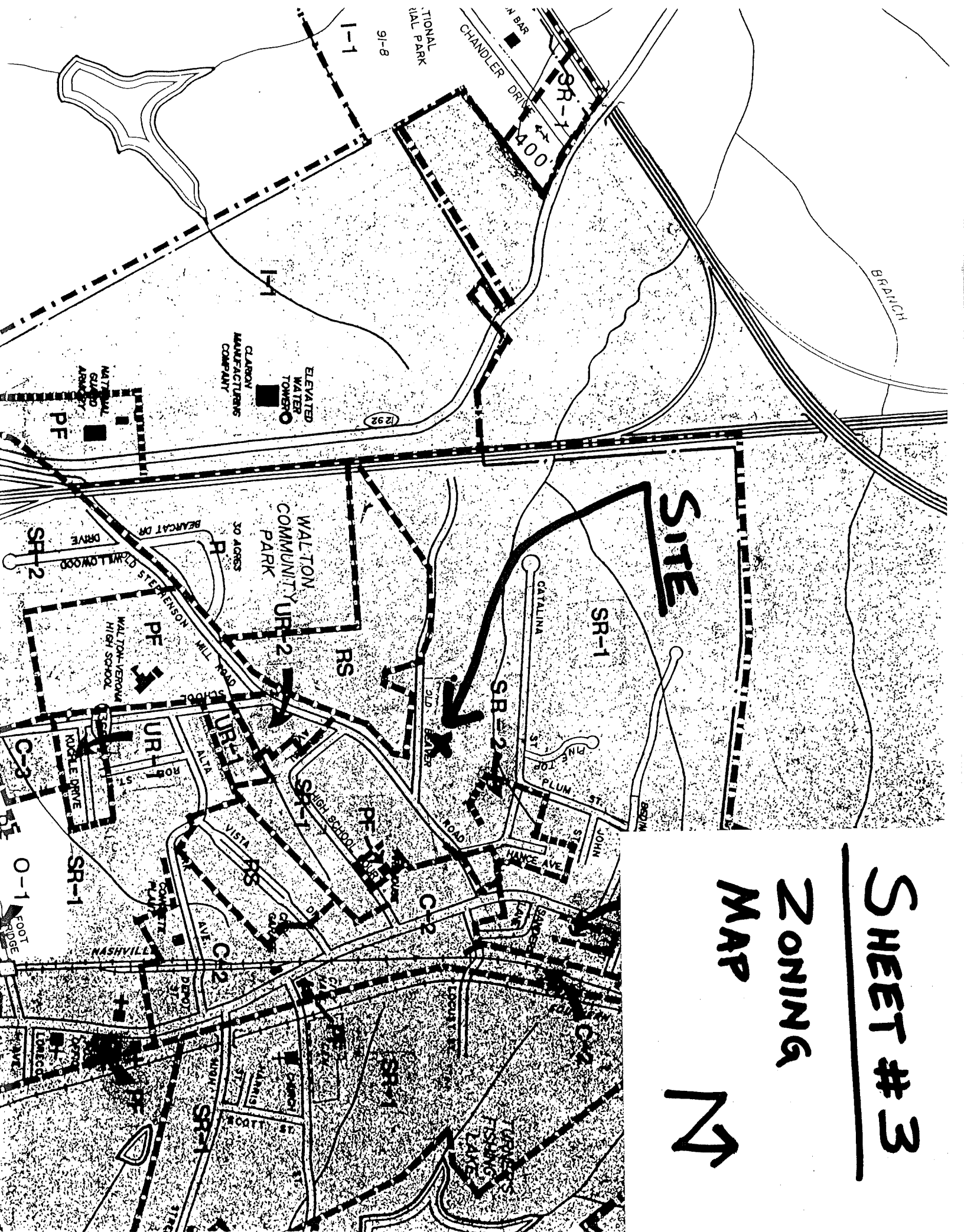
- // // // 5460 SQ. FT. OCCUPIED BY DESTINY, INC..
- 18330 SQ. FT. TOTAL BLDG. AREA.
- PLOT CONTAINING BLDG. IS APPROX 1.23 ACRES
- LOCATED WITHIN A LARGER PLOT OF SOME BOWERS.



PLOT PLAN, APPROXIMATE
PREPARED BY E. RICH 11-4-94



SHEET # 2
LOCATION MAP



SHEET # 3

ZONING

MAP

N ↗

'BRILLIANTLY'

SHEET # 4

ILLUMINATED SIGNS

... READY FOR GRAPHICS



18"x36"

12"x36"

12"x24"

FEATURES:

- * Formed plastic face
- * Sturdy extruded aluminum housing - mill finish
- * Fluorescent illumination
- * 6' black cord
- * Designed for wall mount or hanging

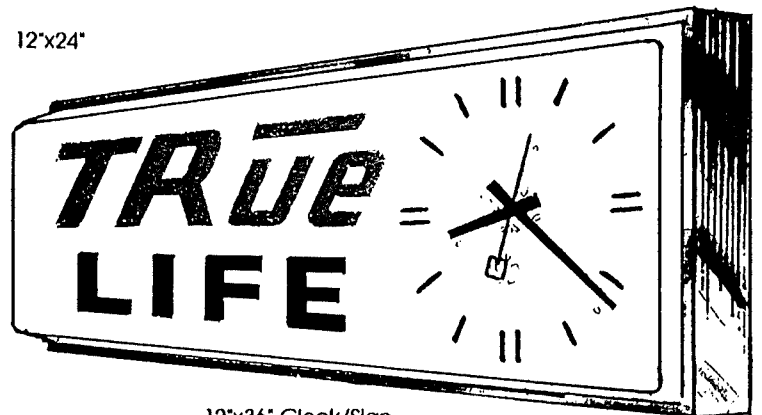
THE **LASTING IMPRESSION**

BY

destiny Inc.

Manufacturers and Distributors
Point of Purchase Products

P.O. Box 6057
Florence, Kentucky 41022



12"x36" Clock/Sign

CERTIFICATE OF LAND USE RESTRICTION

- 1. NAME AND ADDRESS OF PROPERTY OWNER (S)
George W. and Betty Ryan
17 Old Beaver Road
Walton, Kentucky 41094
- 2. ADDRESS OF PROPERTY
21 Old Beaver Road
Walton, Kentucky 41094
- 3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

DEED BOOK: 134 PAGE NO.: 296 GROUP NO.: 2077A

- 4. TYPE OF RESTRICTION (S) (Check all that apply)
 - _____ Zoning Map Amendment from _____ to _____
 - _____ Development Plan
 - _____ Subdivision Plat (unrecorded)
 - _____ Variance
 - _____ Conditional Use Permit
 - _____ Conditional Zoning
 - X Other: Change in Non-Conforming Use

- 5. NAME AND ADDRESS OF PLANNING COMMISSION, BOARD OF ADJUSTMENT, LEGISLATIVE BODY OR FISCAL COURT WHICH MAINTAINS THE ORIGINAL RECORDS CONTAINING THE RESTRICTION

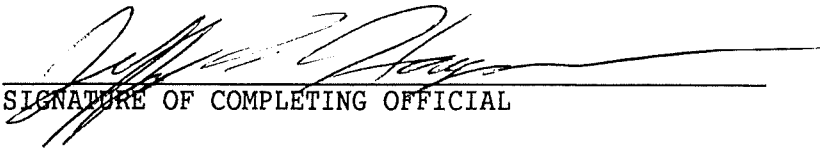
BOONE COUNTY PLANNING COMMISSION
2995 WASHINGTON STREET
BURLINGTON, KENTUCKY 41005

RECEIVED

1995 MAR -7 P 2:07

JERRY W. ROUSE
BOONE COUNTY CLERK

10.50 N.P.


SIGNATURE OF COMPLETING OFFICIAL

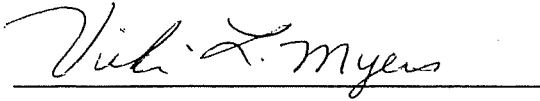
Jeffrey F. Hayes/Planner
NAME AND TITLE OF COMPLETING OFFICIAL
(type or print)

5

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledge before me by Jeffrey F. Hayes on behalf
of the Boone County Planning Commission this 11th day
of January, 1995.

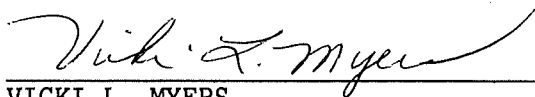


NOTARY PUBLIC, State at Large

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.)

CLUR# 95-WBOA-001-ACONDITIONS OF APPROVAL

The following Conditions of Approval apply to the Change in Non-Conforming Use as approved by the Walton Board of Adjustments and in accordance with the current zoning in effect as of January 10, 1995, (Certificate of Land Use Restriction # 95-WBOA-001-A), for George W. and Betty Ryan, property owner.

The following conditions apply: (1) The usable part of the lot is to be paved when they reach 20 employees, (2) there is to be no outside storage except for the pallets, (3) the hours are limited to 7:00 A.M. to 7:00 P.M. Monday thru Saturday, (4) there can be hard surface to the dock, (5) the use is limited to the existing one-third of the building and the storage area, and (6) the dumpster is to be enclosed.

The approved Change in Non-Conforming Use as well as the preceding conditions apply to the property

described in: DEED BOOK 134 PAGE NO. 296 Group No. 2077A

State of Kentucky, County of Boone
 JERRY W. ROUSE, Clerk of the Boone County
 Court, do certify that the foregoing
Misc was, on the 7 day of March
1995, at 2:07 P.M., lodged in my office
 for record, and that it has been duly recorded in
 my said office, together with this and the
 certificate thereon endorsed.
 Given under my hand this 7 day of March
 19 95.
 JERRY W. ROUSE, CLERK
 By Jerry Rouse D.C.