

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 4-21-97 Fee Received 538.⁰⁰ R# 13251
2. Is application complete? _____ Yes _____ No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
_____ Approved
_____ Approved with Conditions (See #6)
_____ Denial (See #7)
6. Conditions of Approval: _____

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: Blue Beacon International, Inc.

APPLICANT: Blue Beacon International, Inc.

LOCATION: 13085 Walton-Verona Road, Walton, Kentucky

ZONING: Commercial Services (C-3)

DATE: May 19, 1997

The applicant is requesting a Variance to allow an increase in the height and square footage of a free-standing pole sign on a 9.44 acre tract located on KY 14 & 16, south of the Flying J Truck Stop in Walton. The applicant's request is for a Variance that would permit a 400 square foot sign at a height of 80 feet.

The Boone County Planning Commission has approved a Site Plan for the property to allow the construction of a 10, 800 square foot truck wash facility.

Article 34, Section 3413 of the Boone County Zoning Regulations permits the following for signage in a Commercial Services (C-3) district:

Individual business establishments not located within a shopping center, mixed-use commercial, or Planned Development shall be permitted a density of one (1) on-premises, free-standing sign. There shall be only one (1) free-standing sign for each such individual business establishment, regardless of the number of business establishments conducted in the building and regardless of the number of road frontages.

In Commercial Services (C-3) zoning districts, the maximum size of a free-standing sign shall be no more than one (1) square foot of sign area per lineal foot of road frontage along the street frontage where the sign is to be located. No free-standing sign in a Commercial Services (C-3) zoning district may exceed two-hundred (200) square feet in area.

In Commercial Services (C-3) zoning districts, the maximum height of a free-standing sign from grade to the top of the sign structure shall be proportional to the road frontage along which the sign is to be located at the following scale:

<u>Road Frontage</u>	<u>Maximum Sign Height</u>
50 feet or less:	15 feet in height
51 to 100 feet:	20 feet in height
101 to 200 feet:	25 feet in height
201 feet or more:	30 feet in height

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.

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.

Variations 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, 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 Walton Board of Adjustment and Zoning Appeals the authority to grant the applicant's request for a Variance for an increase in the height and size of a free-standing sign. It is Staff's opinion that the proposed 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. This opinion is based on the proposed use, the site's proximity with Interstate 75, and the applicant's use in relation to other surrounding land uses, specifically the Flying J Truck Stop, which has a 130 foot high free-standing sign that is 807 square feet in area.

Respectfully Submitted,

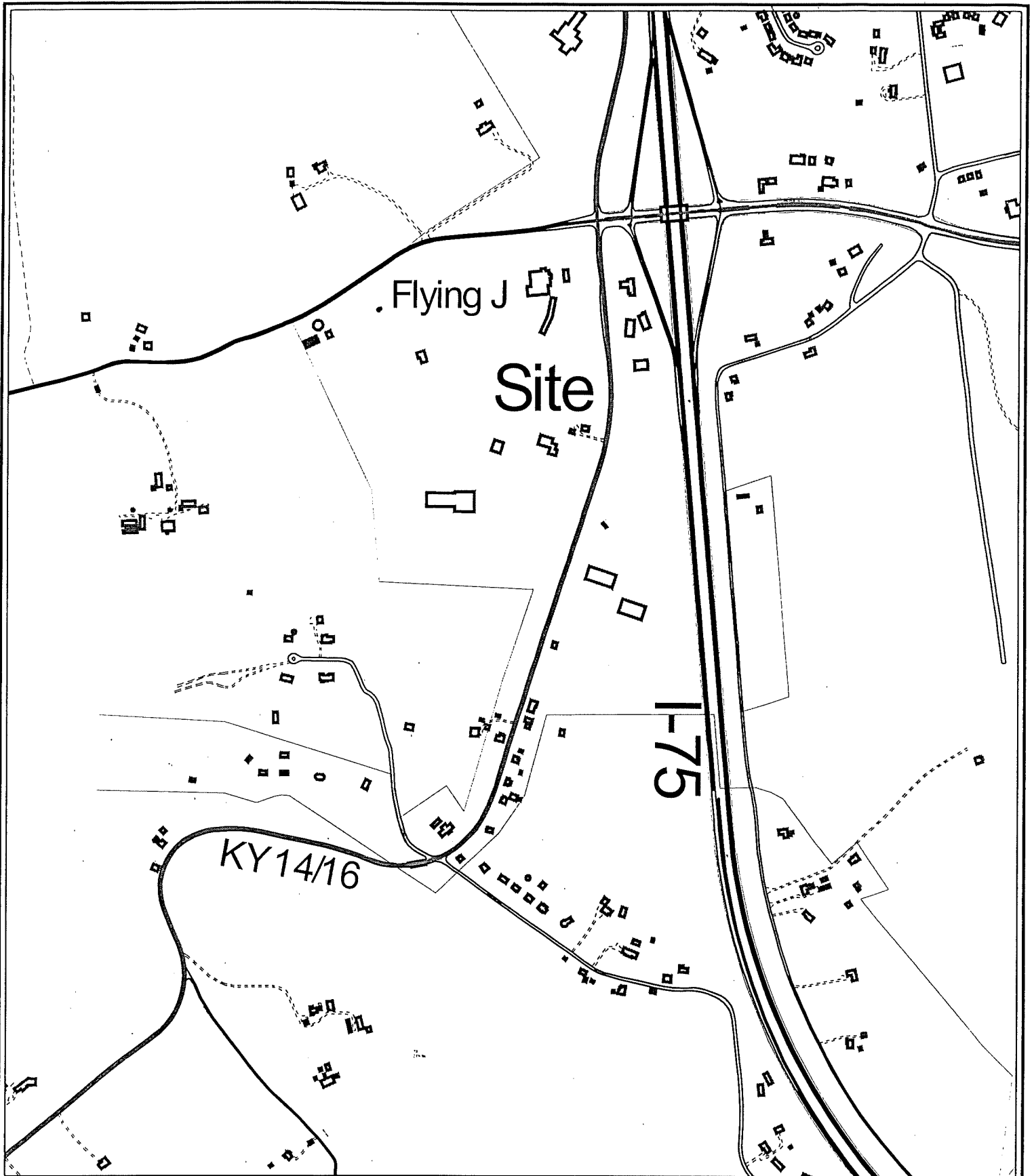


Edward Coleman
Planner

EC\par

Attachments

- Location Map
- Site Map
- Zoning Map
- Property Plat

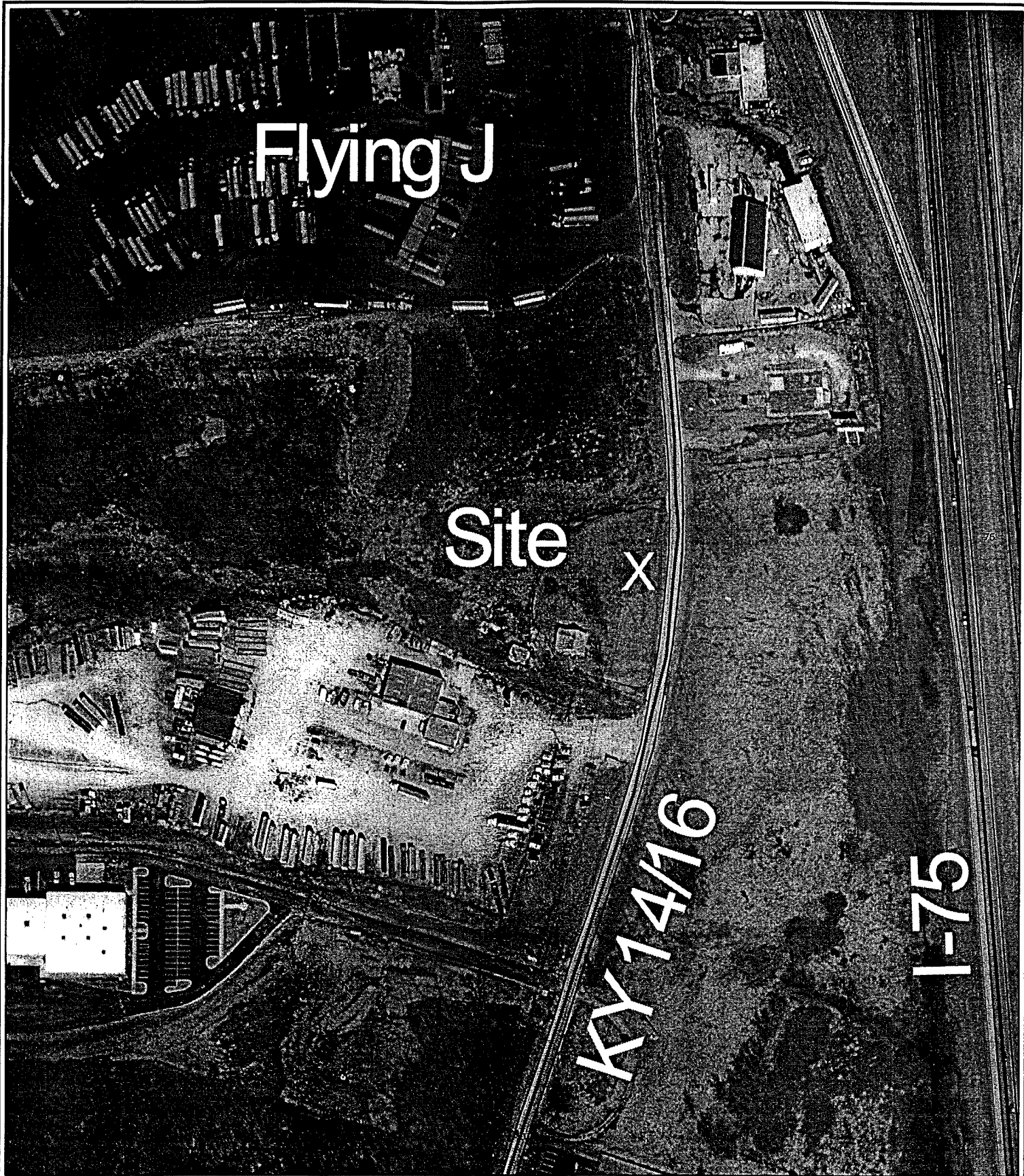


800 0 800 Feet

Blue Becaon Location Map

1 inch equals 800 feet
Produced by the
Boone County Planning Commission
GIS Services Division
May 15, 1997





Blue Beacon Site Map

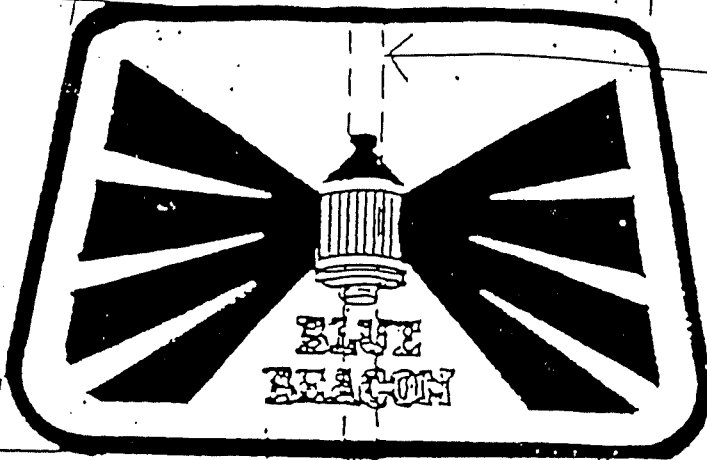
200 0 200 Feet

1 inch equals 200 feet
Produced by the
Boone County Planning Commission
GIS Services Division
May 15, 1997



ATTACHMENT 1

13'-0"



8' 9" A12

10'

1'-0"

5'

17'-0"

TRUCK WASH

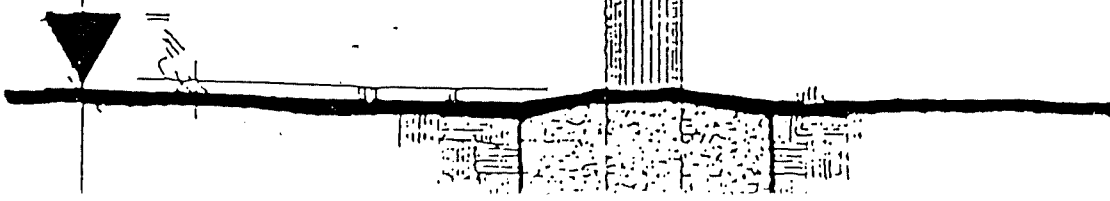
0'-11"

2'-0"

A12

B
A12

6'-11"-0"

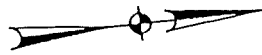


ATTACHMENT 4

I CERTIFY THAT THIS PLAT DEPICTS A SURVEY MADE BY ME OR UNDER MY SUPERVISION IN ACCORDANCE WITH THE KENTUCKY MINIMUM SURVEYING STANDARDS, AND COMPLIES WITH ALL REQUIREMENTS OF THE BOONE COUNTY ZONING AND SUBDIVISION REGULATIONS.

DAVID E. ESTES

DATE



VICINITY MAP

WILLIAM S. GIBSON JR.
& NORMA S. GIBSON
DB 250 PG 116

N 9°58'31" W
69.29'

RECOVERED
1" PIPE

N 12°16'03" W
146.44'

SEE DETAIL "A"

CITY OF WALTON
DB 210 PG 670

N 84°11'26" E
233.00'

RECOVERED CONC.
MONUMENT WITH
BRASS CAP

SUPERIOR CONCRETE
PRODUCTS INC.
DB 345 PG 177

PST ENTERPRISES
A DELAWARE CORPORATION
DB 423 PG 88

N 89°19'21" W
978.53'

N 83°56'47" E
853.37'

PARTICIPATING INCOME
PROPERTIES II L.P.
DB 427 PG 3

9.4372 ACRES
(411,085 SQ. FT.)

IRON PIN & CAP
TO BE SET

RECOVERED
1" PIPE

174.50'
S 7°55'57" E

RECOVERED IRON
PIN (DISTURBED)
S 0.79
W 0.00

PST ENTERPRISES
A DELAWARE CORPORATION
DB 423 PG 88

N 72°40'57" W
520.03'

N 88°03'03" E
442.55'

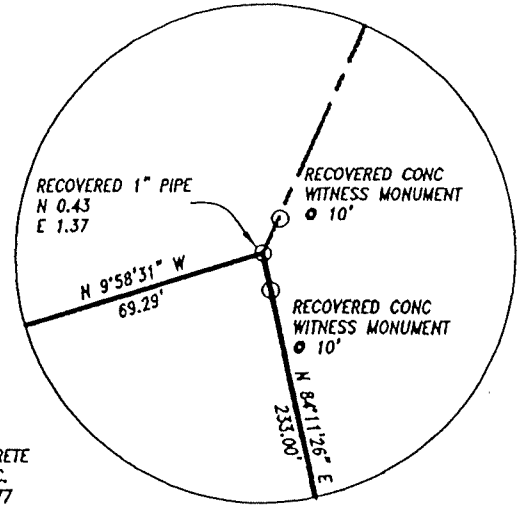
PARTICIPATING INCOME
PROPERTIES II L.P.
DB 427 PG 3

334.75'

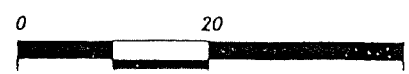
RECOVERED
1" PIPE

S 4°56'03" W

RECOVERED
1" PIPE



DETAIL "A"



Walton, Kentucky Sign Variance Narrative

- A) The requested variance arises from special circumstances which does not generally apply to land in the general vicinity, or in the same zone;

Most individuals not associated with the trucking industry remember the local career drivers who knew their area and had regular stops. In today's trucking industry, drivers are constantly assigned to drive to new areas. In addition, the American Trucking Association estimates that truck driver turnover and attrition is in excess of 50%. This means that truck drivers depend more today than any time in history on highway advertising. Couple this with the fact that most of the major interstates are fully developed, thus requiring new businesses to locate in areas not directly at the interchanges and you have a greater need to advertise.

The safety issue is as important as the granting of the same rights to all uses in the same district. With the turnover in the trucking industry, drivers are not as experienced. Add in the fact that they are many times in an area very few times and you have created a great reliance on advertising signs. Drivers need to be able to see signs that provide the service they need. These signs must be visible from a distance that allows drivers time to safely maneuver into the proper lanes to exit. The sign heights requested in this application are designed to accomplish safe maneuvering of the trucks.

Based on the sign height allowed in other communities, the Blue Beacon request does not appear to be inconsistent. All of these signs are located at a truck stop near an interstate

Bentleyville PA	70'	400 sq. ft
Harborcreek MI	80'	400 sq. ft
Kenly, SC	70'	360 sq. ft
Oklahoma City, OK	80'	400 sq. ft
Bloomington IL	70'	400 sq. ft

It is important to remember that sign height is only one part of the formula for a sign to be effective. Readability is the second part of this formula. Many times a sign is high enough to be seen but the sign face is too small to be read at the proper distance. In order for Blue Beacon customers to read our sign at a distance that allows safe maneuvers, the letters must be sized appropriately. This is the reason for the request for the variance from the allowed square footage. Allowing a sign at 80' with 390 sq. ft. will provide adequate notice to truckers to enable them to make the necessary lane changes to exit safely. Proper signing brings trucks to their desired destination on the most direct route. The proper advertising of truck related businesses in this area will enhance the use and the value of adjacent properties by providing a service to the customers that utilize this area. Today's trucker prefers to utilize a truck center that provides all the services in one location. Signs are the best means of notifying the interstate trucker of services available.

- 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;

With interstate visibility, this tract of land that is located away for the interstate cannot notify its customers of the service available. After reviewing the site and spotting a target sign, we find that in order for our business to safely notify truckers of our location, a 80' sign with 390 sq. ft. is required. This size and height are based on research and experience in constructing signs at other locations. Signs must be at a size and height that are easily within the trucker's view. At the same time they must give the trucker adequate notice to enable them to make a safe lane change if required. The construction of signs is costly. A sign too tall adds cost to the project and does not function as well as one constructed at the optimum height. The use of the flag system, as used on this sign, is the best method of determining optimum height. As can be seen by the photos, the 80' sign requested by Blue Beacon will be about the same height as the existing Flying J sign.

- 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;

Beacon realizes the regulations for the county were adopted prior to the purchase of this property. The purpose of this request is to allow Blue Beacon to enjoy the same sign height as other truck related businesses in the area.