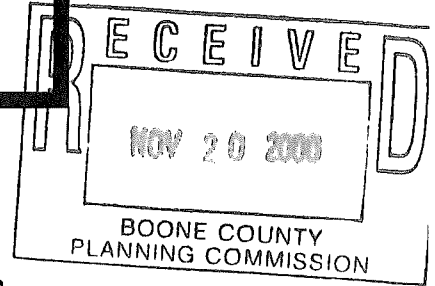


APPLICATION FORM

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 NORTON OUTDOOR ADVERTISING  
Phone Number 513-631-4864 Fax No. 513-631-4676  
Applicant's Address 5280 Kennedy AVE  
Cincinnati OH 45213  
City State Zip
- 4. Description of Request: Reconstruct existing 960 sq. ft wooden pole  
on premise sign with a steel monopole sign with 960 sq. ft as an on premise  
sign facing south and add 1672 sq. ft. Union off premise sign facing north.
- 5. Name of Development VAL AIR PARKING
- 6. Location of Development 579 Petersburg RD
- 7. Acreage Under Review \_\_\_\_\_
- 8. Lot Number and Name of Subdivision (if part of a subdivision) \_\_\_\_\_
- 9. Owner of Property ZOHARS INC; DBA VAL AIR VALET PARKING  
Phone Number of Owner 859-689-7891 10.  
Address of Property Owner 579 Petersburg RD HEBRON KY 41048  
City State Zip
- 11. Proposed Use(s) on Site Existing use VAL AIR PARKING, ADD  
14'x48' off premise sign
- 12. Total Square Footage of Existing and/or Proposed Buildings \_\_\_\_\_
- 13. Current Zoning on Property C3
- 14. Deed Book 294 Page No. 137 Group No. 2021
- 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.

Applicant's Signature: [Signature]

Property Owner's Signature: [Signature]

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 11-20-00 Fee Received \$114.00 RA# 26107
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: Approved with the restriction that only an on-premise business is \_\_\_\_\_  
advertised on the 960 sq. ft. sign face. \_\_\_\_\_
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: Norton Outdoor Advertising  
LOCATION: 579 Petersburg, Boone County, Kentucky  
ZONING: Commercial Services (C-3)  
DATE: December 5, 2000

### Proposal

The applicants are requesting a Conditional Use Permit and Variances in order for an existing 960 sq.ft. free-standing sign to be reconstructed which has on-premise advertising on the front of the sign. In addition, the applicant proposes to add advertising on the back of the newly reconstructed sign which advertises an off-premise business containing a sign face of 672 sq.ft. The applicant has also applied for a variance to reduce setbacks from I-275 and KY 212 and spacing requirements between off-premise signs. The 2.68 acre site is located at 579 Petersburg Road, Boone County, Kentucky and is currently zoned Commercial Services (C-3). The applicant submitted the following exhibits as part of the application:

- Exhibit A- List of adjacent property owners.
- Exhibit B- Letter from Val-Air and Norton Outdoor Advertising.
- Exhibit C- Letter from Kentucky Transportation Cabinet.
- Exhibit D- Property Deed.
- Exhibit E- Topographic Map.
- Exhibit F- Site Layout
- Exhibit G- Aerial Photograph
- Exhibit H- Sign Specifications
- Exhibit I- Photographs.
- Exhibit J- Letter from Kevin Wall, Boone County Planning Commission.
- Exhibit K- Minutes from August 1, 1973 Boone County Board of Adjustment.
- Exhibit L- Minutes from November 14, 1990 Boone County Board of Adjustment.

### Surrounding Land Uses and Zoning

Most of the adjacent property is zoned Commercial Services (C-3). The proposed site for the sign is bordered by Thrifty Car Rentals (C-3) and vacant property for sale (C-3 and C-

1) to the north, Econopark (C-3 and SR-1) to the east, Airport towing (C-3) to the south, and Fiesta Liquor (C-3) to the west.

Applicable Regulations

Article 2, Section 250 of the Boone County Zoning Regulations states that the Board shall not possess the power to grant a variance to permit a use of land, building, or structure which is not permitted by the zoning regulation in the zone in question or to alter the density requirement in the zone in question.

Article 2, Section 274 of the Boone County Zoning Regulations states that non-conforming structures can continue so long as it remains otherwise lawful, subject to the following provisions: (1) No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity; (2) Should such structure be moved for any reason for any distance, it shall thereafter conform to the regulations for the district in which it is located after it is moved as otherwise provided in KRS 100.253.

Article 34, Section 3413 of the Boone County Zoning Regulations states that 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 (see Article 2, Section 250 regarding Board of Adjustment and Zoning Appeals regarding density). 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.” Section 3413 (2) (c) states that no free-standing sign in the C-2 or C-3 districts may exceed two-hundred (200) square feet in area. Section 3413 (2) (d) states that the maximum height of the sign cannot exceed 30 feet in height.

Article 34, Section 3425 of the Boone County Zoning Regulations allows off-premise signs as a conditional use in the C-3 district if the sign meets all of the following requirements:

2. An off-premises sign, as a conditional use, *shall* conform, *at minimum*, to the following requirements:
  - a. No sign shall be larger than one thousand six hundred (1,600) square feet and no linear dimension shall exceed one hundred feet;
  - b. The maximum height of any sign shall not exceed fifty (50) feet;
  - c. All signs *shall* be located at least six hundred and sixty (660) feet from the right-of-way lines of any interstate highways and at least one hundred (100) feet from the right-of-way lines of any other thoroughfares;
  - d. Off-premise signs *shall not* be permitted at intervals of less than one thousand seven hundred sixty (1,760) feet, measured along the centerline of each interstate highway or thoroughfare from which the sign will be visible, between lines through the center of the signs and perpendicular or radial to said centerline.

Article 40 Section 4000 Interpretation of Terms or Words of the Boone County Zoning Regulations states, “For the purpose of this order, certain terms or words used herein shall be interpreted as follows: (3) *The word “shall” is a mandatory requirement*, the word “may” is a permissive requirement, and the word “should” is a preferred requirement.”

## Conditional Use Regulations

The Board should evaluate the applicant's request as it relates to the criteria necessary for granting a Conditional Use Permit stated in Section 262 of the Boone County Zoning Regulations:

Findings listed in Section 262:

1. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the County's comprehensive plan, a specific corridor plan and/or the zoning order;
2. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and shall not change the essential character of the same area;
3. Will not be hazardous to existing or future neighboring uses;
4. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately such services;
5. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
6. Will not involve uses, activities, process, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, dust, fumes, glare, or odors;
7. Will have vehicular approaches to property which shall be so designated as not to create an interference with traffic on surrounding public thoroughfares.

## Variance Regulations

The Board should evaluate the applicant's request as it relates to the criteria necessary for granting a variance as stated in Section 251 of the Boone County Zoning Regulations:

1. 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 contained in 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 contained in 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.
2. 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.

KRS 177.841 Billboard advertising prohibited –Exceptions. **(1) Except as otherwise provided in KRS 177.830 to 177.890, the erection or maintenance of any advertising device upon or within 660 feet of the right-of-way of any interstate highway or federal-aid primary highway is prohibited.** (2) The erection or maintenance of any advertising device located outside of an urban area and beyond 660 feet of the right-of-way which is legible and/or identifiable from the main traveled way of any interstate highway or federal-aid primary highway is prohibited with the exception of: (a) Directional and official signs and notices; (b) Signs advertising the sale or lease of property upon which they are located; or (c) Signs advertising activities conducted on the property on which they are located.

### Staff Concerns/Comments

1. At the present time the existing site contains three (3) free-standing signs. The first two signs are located on the site's western property line. The first sign currently advertises ValAir (an on-premise business) and is 960 sq. ft. in size. The second sign, significantly smaller than the ValAir sign, is located on the western portion of the site and advertises Enterprise Car Rental, also an on-premise business. The third sign advertises ValAir gasoline and is located in the asphalt parking lot on the northern portion of the site. The first two signs located on the western portion of the property were permitted by the Boone County Board of Adjustment on August 8, 1973 (see attached minutes). On November 14, 1990 the Board of Adjustment allowed the replacement of one of the signs (Alamo) stating that the applicant already had more signs than permitted and the Board did not want to worsen the situation by permitting an additional sign. The Board gave her 90 days to remove the sign that they were permitting to be replaced (see attached minutes). It is unclear how the third sign was permitted or allowed. At the present time none of these signs currently conform to the requirements contained in Article 34, Section 3413 of the Boone County Zoning Regulations (BCZR) which states that only one (1) free-standing sign on-premise sign is permitted regardless of the number of business establishments that are within the building. In addition, it is important to note that the ValAir sign is non-conforming as it does not meet the current requirements for on-premise signs contained in Article 34, Section 3413 of the BCZR in regard to either height or size.
2. The applicants are proposing to construct/replace an existing on-premise sign (which does not conform to the requirements contained in the Boone County Zoning Regulations) as well as add off-premise advertising. For this reason, the applicant was directed by Mr. Kevin Wall, Zoning Administrator, to apply for a conditional use permit for an off-premise sign. Off-premise signs are permitted for properties within the C-3 district if the sign meets all of the criteria contained in Article 34, Section 3425 of the BCZR. This article states that an off-premise sign, as a conditional use, *shall* conform *at a minimum* to the stated requirements. As defined in Article 40, Section 4000, the word *shall* is a mandatory requirement. Half of the criteria contained in Section 3425 cannot be met because the proposed off-premise signage cannot comply with the setback requirements from the interstate highway (660 feet) or any other thoroughfares (100 ft). In addition, the proposed sign cannot conform with the requirement that off-premise signs shall not be permitted at intervals less

than 1,760 feet. However, the applicant, in addition to requesting a conditional use permit, has requested variances from the aforementioned requirements.

3. The Board of Adjustment under Article 2, Section 250 has the power to grant dimensional variances relating to setbacks as long as the findings listed in Section 262 can be made. In order to construct the proposed sign, the applicant is requesting a variance of 648 ft. (98%) from the interstate right-of-way, a 98 ft. (98%) variance from KY 212, and a 80 foot (80%) variance from Hunter Road. In addition, the applicant's proposed off-premise sign is approximately 700 feet from another off-premise sign located at Thrifty Car Rental, a variance has been requested to reduce the distance between the two signs from 1,760 feet to 700 feet a reduction of (60%). All four variances are significant departures from the zoning regulations.
4. In addition to violating Section 3425 of the Boone County Zoning Regulations and KRS 177.841, the current (1995) Boone County Comprehensive Plan Future Land Use Development Guidelines (page 211) states that, "The *minimal use* of signs is encouraged; signage should be adequate to identify a specific development, but should not be used as a means to compete for motorist attention." By its very nature, an off-premise billboard is specifically designed to notify motorists of a specific message, business or land use at another location and thus is competing "for motorist attention" without minimizing signage. The applicant has already accumulated three free-standing signs on the existing property (two over the currently permitted number).
5. It is agreed that reconstruction of the existing sign in conformance with the current zoning regulations will improve the appearance and stability of the existing structure; however, it is not recommended that an off-premise sign be permitted which is in direct conflict with the requirements contained in Article 34, Section 3425 of the Boone County Zoning Regulations.

## Conclusion

KRS 100.237 and Section 3425 of the Boone County Zoning Regulations gives the Boone County Board of Adjustment and Zoning Appeals the authority to grant the applicant's request for a Conditional Use Permit to allow the construction of an off-premise sign within a C-3 district. However, the construction of an off-premise sign not only conflicts with the overall intent of the Boone County Comprehensive Plan as stated above but is also in directly conflicts with the mandatory signage requirements contained Section 3425 of the Boone County Zoning Regulations and KRS 177.841. In addition, the variances requested are significant departures from the zoning regulation and would require the Board to waive mandatory requirements and significantly alter the setbacks of off-premise signs. In addition, it does not appear that the strict application of the provisions contained in these regulations would deprive the applicant of the reasonable use of the property as there are currently three (3) signs on the property.

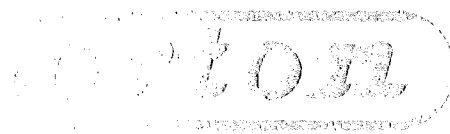
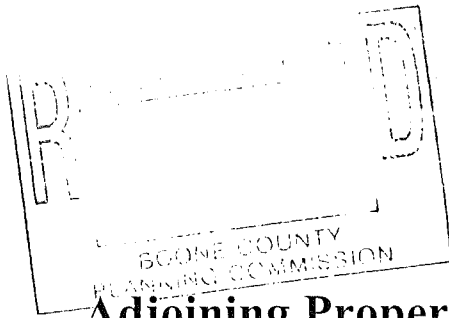
Respectfully submitted,



Lara B. Robertson, AICP

Attachments

- Exhibit A- List of adjacent property owners.
- Exhibit B- Letter from Val-Air and Norton Outdoor Advertising.
- Exhibit C- Letter from Kentucky Transportation Cabinet.
- Exhibit D- Property Deed.
- Exhibit E- Topographic Map.
- Exhibit F- Site Layout
- Exhibit G- Aerial Photograph
- Exhibit H- Sign Specifications
- Exhibit I- Photographs.
- Exhibit J- Letter from Kevin Wall. Boone County Planning Commission.
- Exhibit K- Minutes from August 1, 1973 Boone County Board of Adjustment.
- Exhibit L- Minutes from November 14, 1990 Boone County Board of Adjustment.



## Adjoining Property Owners for 579 Petersburg Road

Allright Auto Parks, Inc.  
2401 21st Ave, South St 200  
Nashville, TN 37212

Map#58-31A

609 Petersburg Rd

Coachman Parking Systems  
Richard E. Wentz  
23 Leathers Road  
Ft Mitchell, KY 41017

Map#58-43A

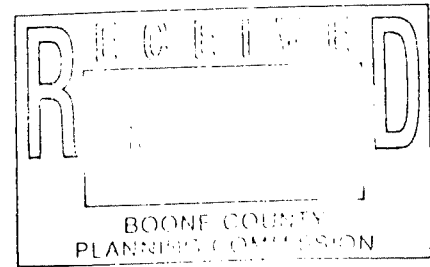
596 Petersburg Rd

Winegardner, Roy &  
John O. Hammons  
4243 Hunt Rd  
Cincinnati, OH 45242-667

Map#59-27

591 Petersburg Rd

TO: Boone County Planning Commission  
FROM: Val Air and Norton Outdoor Advertising  
RE: 579 Petersburg Rd



Our request is for a Conditional Use Permit and a Variance to reconstruct an existing 960 SQ. FT. wooden pole on premise sign. This sign would be reconstructed as a steel monopole sign with 960 SQ.FT. as an on premise sign facing south and add a 672 SQ. FT. Tri Vision Sign facing North.

### **COMPLIANCE WITH SECTION 262- CONDITIONAL USE PERMITS**

1. Our request is harmonious with and in accordance with the Boone County Zoning Code, which states that billboards will be permitted in commercial or industrial zones. Our request is in a C-3 zone, the area is surrounded by businesses in either direction. Our proposal is to upgrade an existing sign and use the north facing of this sign for off premise advertising.
2. Our structures are built with the latest technology available. Our sign will be a steel monopole structure, which is much more appealing than the existing telephone pole build. Our proposal of rebuilding an existing on premise sign and utilizing the north face of the sign for an off premise will be harmonious in appearance with the existing character of the general vicinity and will not change the character of this commercial area.
3. An outdoor advertising sign would not cause a hazard to existing or future neighboring uses. Current and future uses would be of a business nature, the same as outdoor advertising. Our proposal of reconstructing this sign will be an improvement to the area.
4. We will need only electric service for our sign, our sign will not use any other public facilities.
5. We will not use any public facilities.
6. Our sign will not negatively affect the general welfare of the community. We will not increase traffic, noise, smoke or dust, fumes, glare or odors. As a matter of fact, we will boost the economic welfare of the community by providing companies with the opportunity to utilize an inexpensive means of advertising their products or services. It is a known fact that businesses that use outdoor advertising have increased profits.

7. No changes to the access to the property will be needed. Our access to the property involved will be the same ingress and egress used by the employees and customers of the Val Air Parking.

In addition to these facts, there are other reasons for allowing outdoor advertising displays as a Conditional Use:

- 1) It is fair: Allowing outdoor advertising displays promotes a "level playing field", with our competitors, who presently enjoy an unfair advantage in Boone County.
- 2) It will help area businesses: Outdoor advertising is an inexpensive means of reaching a large number of consumers. Having this medium available can do nothing but help businesses reach present and potential customers.
- 3) It helps property owners: Allowing outdoor advertising displays allows property owners to utilize their property investment to its highest and best use. We enter into lease agreements with property owners for the right to use a portion of their property. This is additional income for a property owner, which increases the return on their investment. In this case not only does the property owner benefit the entire business area benefits from the investment of an updated advertising sign.

## **Compliance to Section # 251 Variances**

Our proposal would require a variance from Section # 3425 Off premise signs as a conditional use.

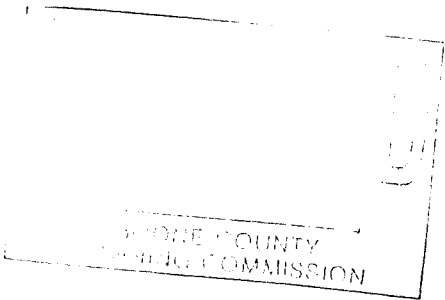
1. Our proposal is to build a sign that is 20' X 48' facing south that would continue to be used as an on premise sign, the north facing sign will be a 14' X 48' transition off premise sign. Under this proposal we are using the back of a conforming existing sign that is currently not used, however the sign would be upgraded to a steel monopole sign. Under paragraph # 2 we meet the criteria of section A, B and D, our request for a variance will be for section C.
2. We are requesting a variance for the setback from interstates and thoroughfares. We have met with the Kentucky Department of Transportation and have their approval to use the north facing sign as an off premise sign. a copy is attached. KDOT acknowledges that the south facing sign will be continued as an on premise sign.

Our variance request does meet the criteria under Section # 251, our proposal will not adversely affect or alter the essential character of the general vicinity. Our request to allow an existing sign to be rebuilt in the same location and an additional use for off premise advertising is not a unreasonable circumvention of the zoning regulations.

Approval would allow a property owner to use their property to its highest and best use, improve the area with a new sign and assist an area business to compete with national companies.

- A. In this request the variance arises from special circumstances which do not apply to land in the general vicinity or same zone. This land has a sign that exist and the back of the sign could be used for off premise advertising. If approved the owner of the property will have a new sign erected and improve the appearance of the area.
- B. In the event this is not approved the applicant would be deprived from using their property at its best use and a reasonable use of the property. Denial would create an unnecessary financial hardship based on setback requirements; denial would not allow the applicant to rebuild an existing sign.
- C. Applicant's sign is a conforming sign and currently there are no willful violations of the zoning code.

In closing we feel strongly that we have met all the obligations of the zoning code including conditional use and the standards for variances. Approval of this application makes everyone affected by this decision a winner, Boone County and the adjoining properties benefit from the appearance of a new sign and the economic impact of the low cost advertising available to local businesses. Val Air parking will be able to benefit and use their property to its highest and best use and Norton will become a member of the local business community.



Commonwealth of Kentucky  
**Transportation Cabinet**

Department of Highways, District Six  
421-423 Buttermilk Pike & I-75, P. O. Box 17130  
Covington, Kentucky 41017  
859/341-2700, (Fax) 859/341-3661  
Charles L. Meyers  
Chief District Engineer

Paul E. Patton  
Governor

James C. Codell, III  
Secretary of Transportation

E. Jeffrey Mosley  
Deputy Secretary

October 31, 2000

Norton Outdoor Advertising  
5280 Kennedy Avenue  
Cincinnati, Ohio 45213

Dear Mr. Norton,

RE: ValAir Sign

As per your letter dated October 26, 2000 regarding the existing ValAir sign and the improvements to be preformed to it, the Department is agreeable to the proposed improvements, which include reconstruction of the sign from wood to a steel monopole structure with the same 960 square footage. This sign is considered an on premise sign showing the ValAir business location from I-275.

The Department has also agreed with the proposed use of the north face for general advertising. This north face is not visible from I-275.

If you have any questions, please contact this office.

Sincerely yours,

C. L. Meyers, P. E.  
CHIEF DISTRICT ENGINEER

Edmond C. Thompson  
ENG. TECH. 111

**KENTUCKY TRANSPORTATION CABINET**



**Ed Thompson**  
Transportation Engineer

Department of Highways  
P.O. Box 17130, 421 Buttermilk Pike, Ft. Mitchell, KY 41017-0130  
Bus: 859.341.2707, Ext. 307 Fax: 859.341.3661  
Email: ethompson@mail.kytc.state.ky.us

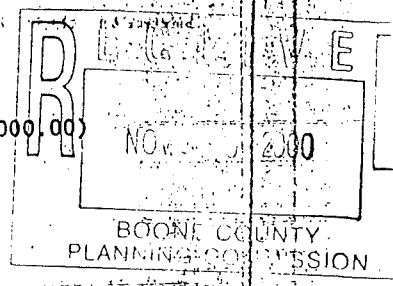


DEED  
BOOK 294 PAGE 137  
Property Transfer Tax Paid \$150.00  
JERRY W. ROUSE, Clerk D.C.

KNOW ALL MEN BY THESE PRESENTS: That

Shirley N. Peeno and William J. Peeno, her husband

for and in consideration of One Hundred and Fifty Thousand Dollars (\$150,000.00)



the receipt whereof is hereby acknowledged, do hereby bargain, sell and convey to the said

Zollars, Inc., their

successors  
and assigns forever, the following described real estate, lying and being in Boone County, Kentucky to-wit:

Grantee Mailing Address KY. St. Rt. 20 + 7-75, HEBRON, KY 41041 Group No. 165  
Present Street Address Kentucky Highway #20 Plat No. \_\_\_\_\_

PARCEL ONE:

Being the front or South 300 feet of Lots #'s 9 and 9A of the Souther Heights Subdivision as located on the North side of Ky. Highway #20 (the Ludlow Constance Road) and described thus: BEGINNING at the most Southeasterly corner of Lot #9A in the center of said road; thence along the center of said road in a Westerly direction 100 feet; thence in a Northerly direction along the dividing line between Lot #'s 8A and 9 300 feet to a point; thence in an Easterly direction and parallel to the said highway at this point 100 feet to a point in the East line of lot #9A; thence in a Southerly direction along the East line of Lot #9A 300 feet to the beginning.

Being a portion of Lots #s 9 and 9A of the Souther Heights Subdivision as shown in Plat Book #1, Page 96 of the Boone County Clerk's records at Burlington, Kentucky.

Being the same property conveyed to the grantors as recorded in Deed Book 241, page 70 of the Boone County Clerk's records, Burlington, Kentucky.

PARCEL TWO:

Located generally on the North side of Ky. State Highway #20 directly west of Youell Road and described thus: BEING part of Lots 8 and 8A of the Souther Subdivision as shown in Plat Book #1, page 95, of the Boone County Clerk's records; BEGINNING at the intersection of the common line of Lots 8A and 9 of said subdivision with the center of State Highway #20; thence along the center line of said State Highway North 89-30 W 90 feet thence parallel to the East line of said Lot #8 N. 7-5 E. 300 feet; thence S 89-30 E. 90 feet to a point in said common line of said Lots 8A and 9; thence with said common line S. 7-5 W. 300 feet to the beginning containing .61 acres and subject to legal highways.

Being the same property conveyed to the grantors as recorded in Deed Book 265, page 105 of the Boone County Clerk's records, Burlington, Kentucky.

Together with all the privileges and appurtenances to the same belonging. To have and to hold the same to the said

Zollars, Inc., their

WARRANTY DEED

County and City  
for record  
Clerk  
D.C.

SUCCESSORS

XXXXXX and assigns forever, with covenants of general warranty.

BOOK 294 PAGE 138

IN WITNESS whereof the said Shirley N. Peeno and William J. Peeno, her husband hereunto set their hands this 18<sup>TH</sup> day of JUNE, 1982.

*Shirley N. Peeno*  
SHIRLEY N. PEENO

*William J. Peeno*  
WILLIAM J. PEENO

STATE OF KENTUCKY  
SCT.  
County of Boone.

I, STEPHEN K. DALLAS a Notary Public in and for the county and state aforesaid, do certify that the foregoing instrument of writing from SHIRLEY N. PEENO AND WILLIAM J. PEENO to Zollars, Inc.

was this day presented to me in my county by the parties and then and there acknowledged by the said SHIRLEY N. PEENO AND WILLIAM J. PEENO to be

THEIR act and deed. Whereupon the same and this certificate are certified to the proper office for record. Given under my hand and seal of office this 18<sup>TH</sup> day of JUNE, 1982.

My Commission Expires: 7-15-84

THIS INSTRUMENT PREPARED BY: *Stephen K. Dallas*

*Stephen K. Dallas*  
Notary Public.

STEPHEN K. DALLAS, ATTORNEY AT LAW  
DIETZ STATE BANK BUILDING  
WALTON, KENTUCKY 41094

*Let. Ground Stark Title  
830a Kasper Bldg  
1014 Vine Court  
CMT 45202*

Recorded In Deed Book	294
Page	137
Recording \$	6.25
Stamps \$	150.00
Left for Record	1982 JUN 18 PM 3:47
at	
By	
Clerk	
D. C.	
Received	
Acknowledged	

WARRANTY DEED  
SHIRLEY N. PEENO  
AND  
WILLIAM J. PEENO  
TO  
ZOLLARS, INC.

STATE OF KENTUCKY,  
SCT.  
County of BOONE

I, JERRY W. ROUSE Clerk of the County Court in and for the County and State aforesaid, do certify that the foregoing instrument of writing from Shirley N. Peeno and William J. Peeno to Zollars, Inc.

was this 18 day of June, 1982, produced to me, certified as above and lodged for record at 3:47 o'clock P. M.

Whereupon, the same with foregoing and this certificate have been duly recorded in my office. Given under my hand, this 18 day of June, 1982.

*Jerry W. Rouse*  
JERRY W. ROUSE  
By *Jerry W. Rouse* Clerk  
D.C.

201-328  
DEED

KNOW ALL MEN BY THESE PRESENTS

That

Henry Anderson and Inell Anderson, his wife

for and in consideration of FORTY-THREE THOUSAND DOLLARS AND-----00/100 (\$43,000.00) to them paid by Zollars Incorporated, an Ohio corporation (Route #2, Box 59, Williamsburg, Ohio.)

4300  
D.H.

the receipt whereof is hereby acknowledged, do hereby bargain, sell and convey to the said

Zollars Incorporated, an Ohio corporation, (Route #2, Box 59, Williamsburg, Ohio), its

heirs and assigns forever, the following described real estate, lying and being in Boone County, Kentucky to-wit:

P.O. Box 75054 Donaldson & O'Hara Roads, Greater

Cincinnati Airport, Cincinnati, Ohio 45275

Group No. 165 & ~~166~~

Present Street Address Constance Road, Hebron, Kentucky

Plat No.

Located generally on the north side of Kentucky Route 20 approximately 3 miles east of Hebron, Kentucky.

Beginning at the intersection of the northern right-of-way line of Kentucky Route 20 (25 feet from centerline) and the western right-of-way line of Riverview Drive (25 feet from centerline) thence N-89°-W along the northern right-of-way line of Kentucky Route 20 a distance of 160.00 feet to a common corner to grantor and Harold O. Schneider; thence N-6°-08'-E along the dividing line between grantor and Harold O. Schneider a distance of 274.86 feet to a point; thence S-49°-E a distance of 160.00 feet to a point in the western right-of-way line of Riverview Drive (25 feet from centerline); thence S-6°-08'-W along the western right-of-way line of Riverview Drive a distance of 274.86 feet to the place of beginning.

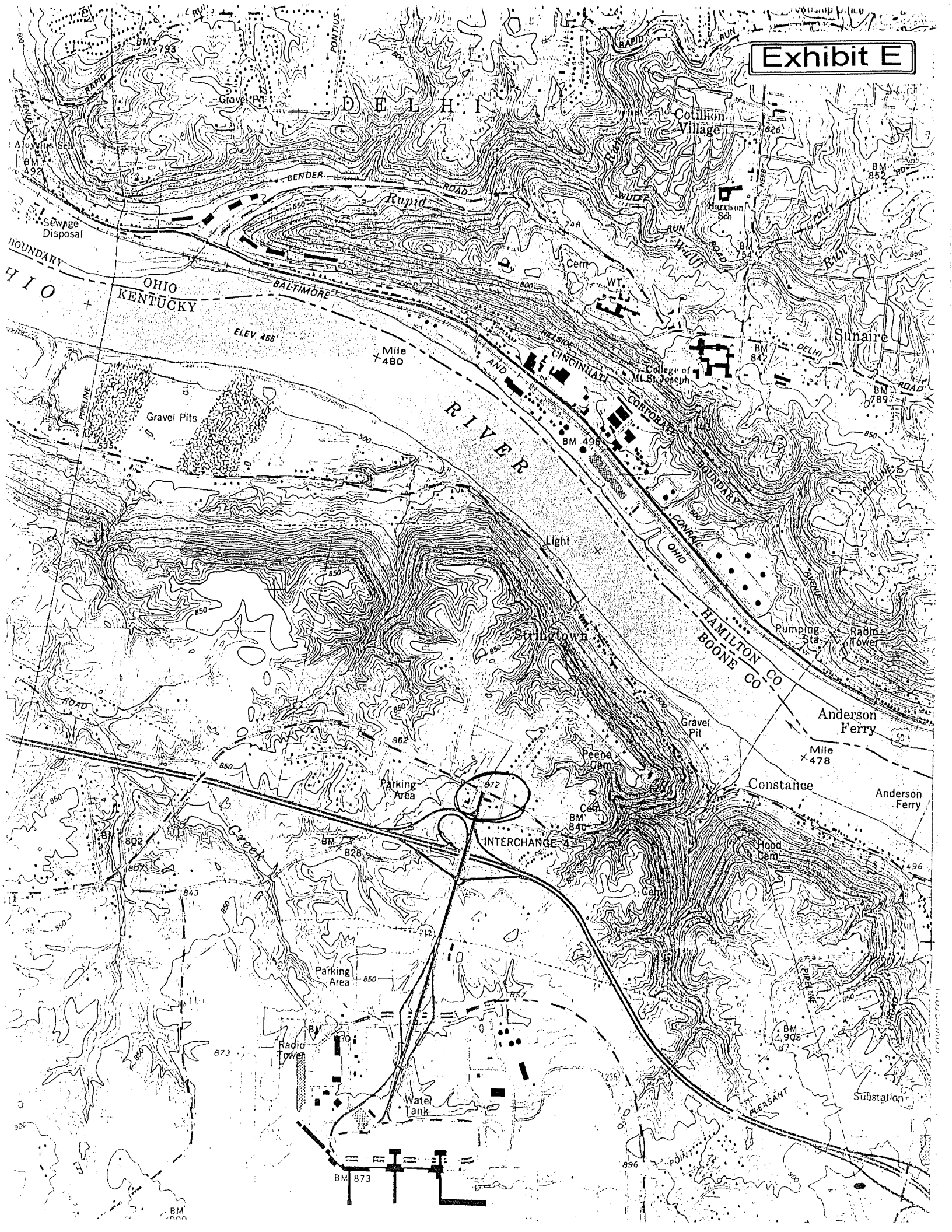
Said parcel containing 1.01 acres more or less.

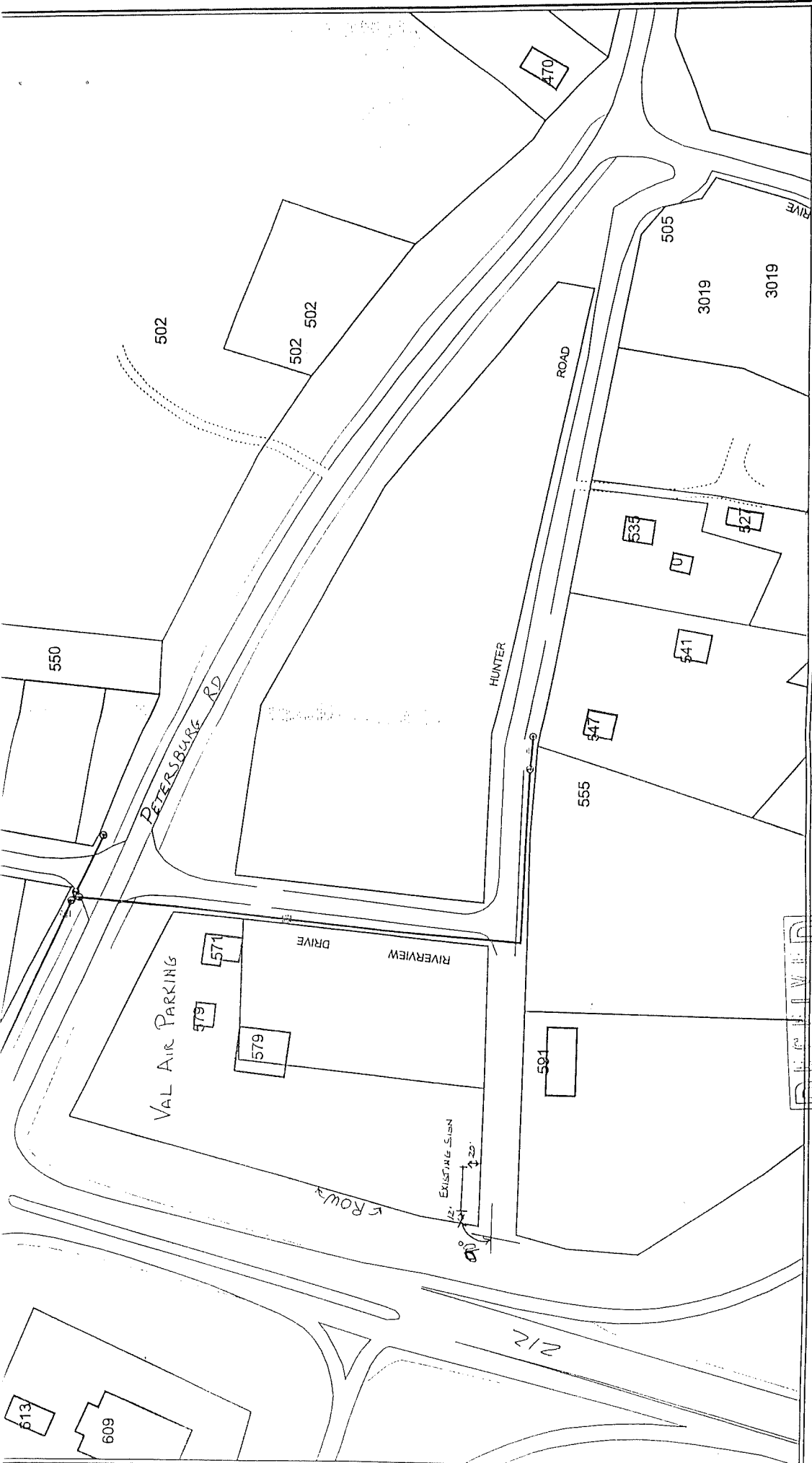
Being part of Lots 6 - 6A- 7 and west 10 ft. of 7A, Southern Heights Sub. as recorded in Plat Book 1, Page 96.

Being a part of the same property conveyed to the Grantors by deed dated 2nd day of July 19 47 and recorded in deed book 88 page 25, in the office of the Clerk of the Boone County Court, Burlington, Kentucky.

Together with all the privileges and appurtenances to the same belonging, To have and to hold the same to the said

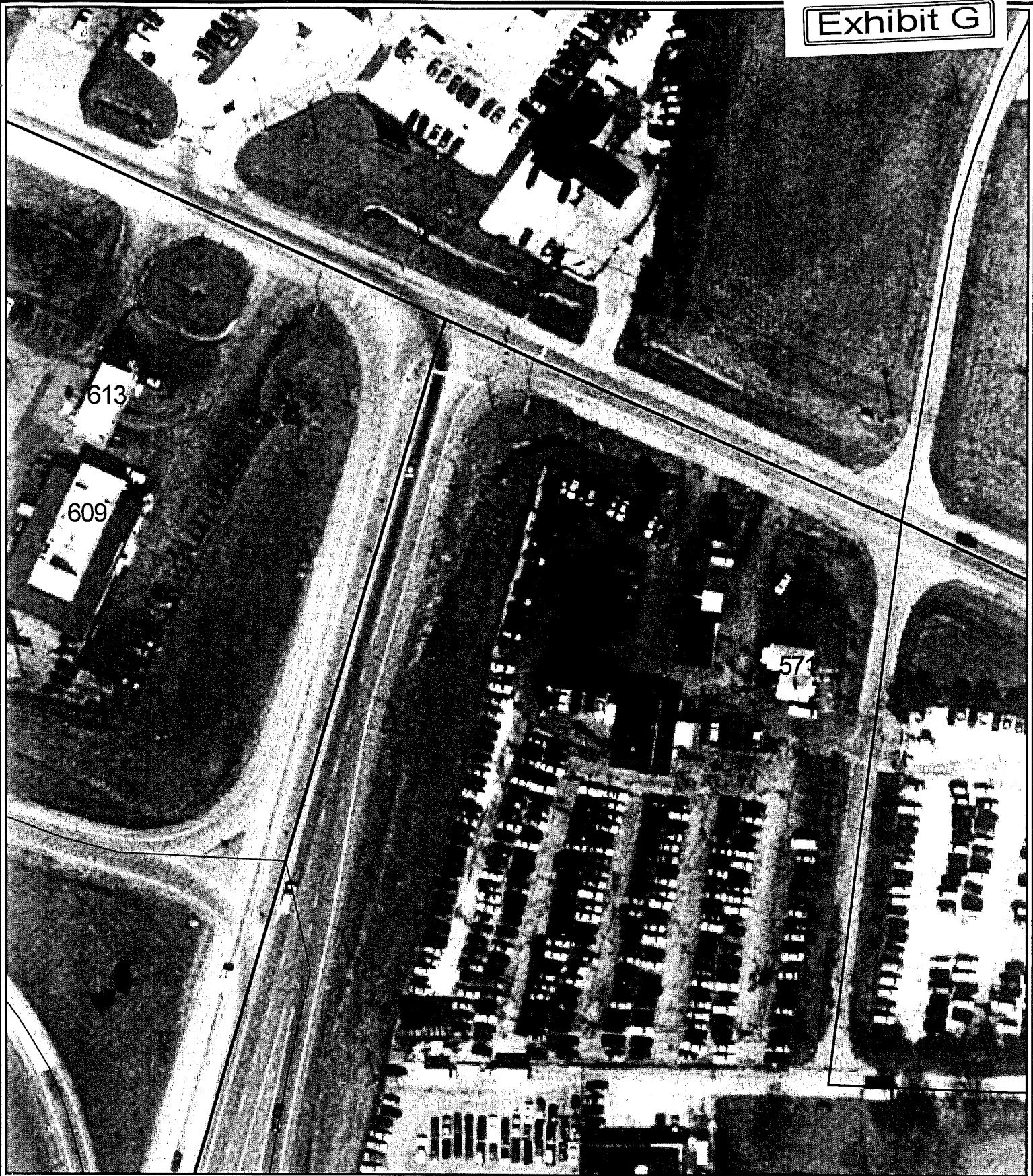
# Exhibit E





# 579 Petersburg Road

NOV 20 2000  
BOONE COUNTY  
PLANNING COMMISSION



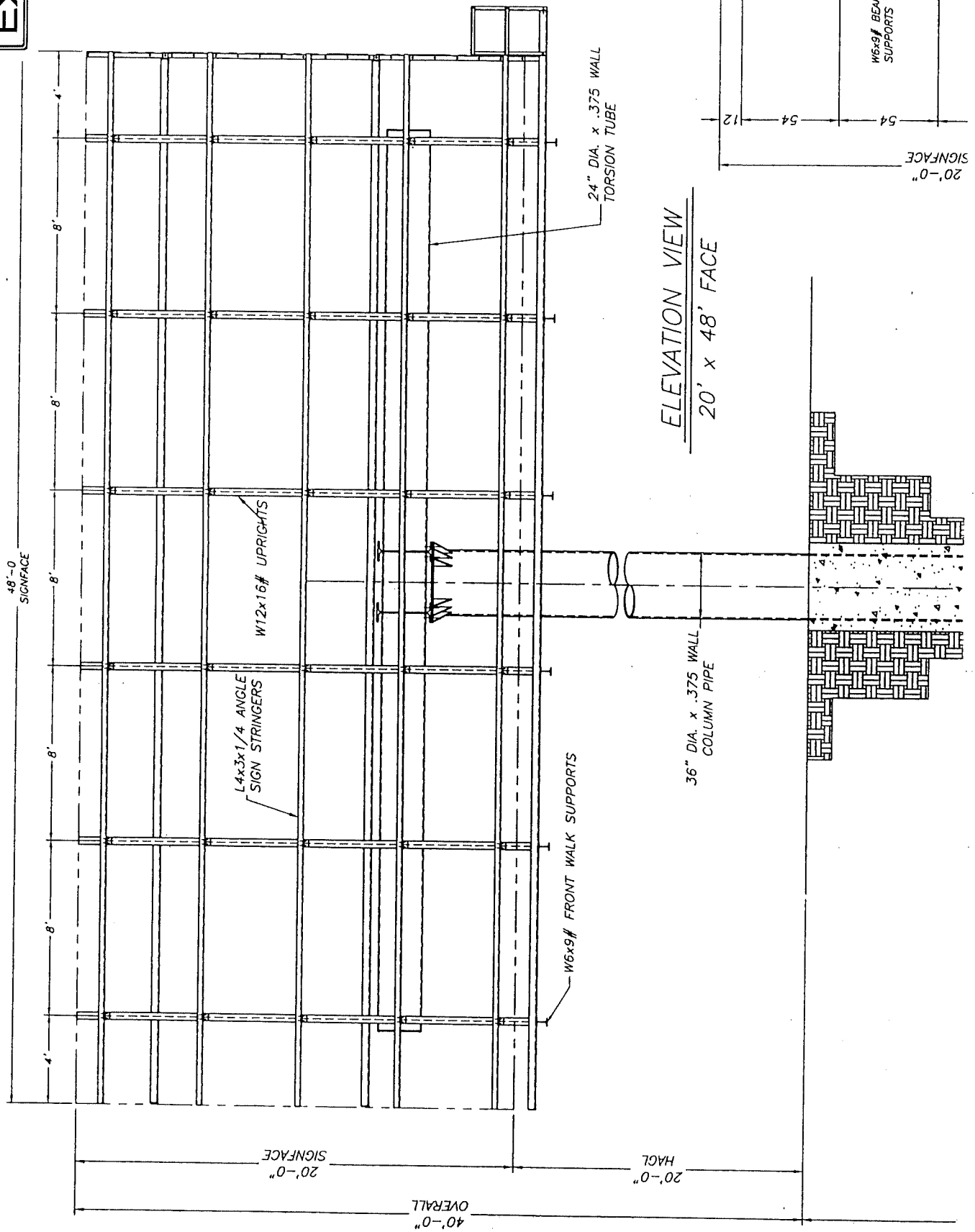
# Norton Outdoor Advertising

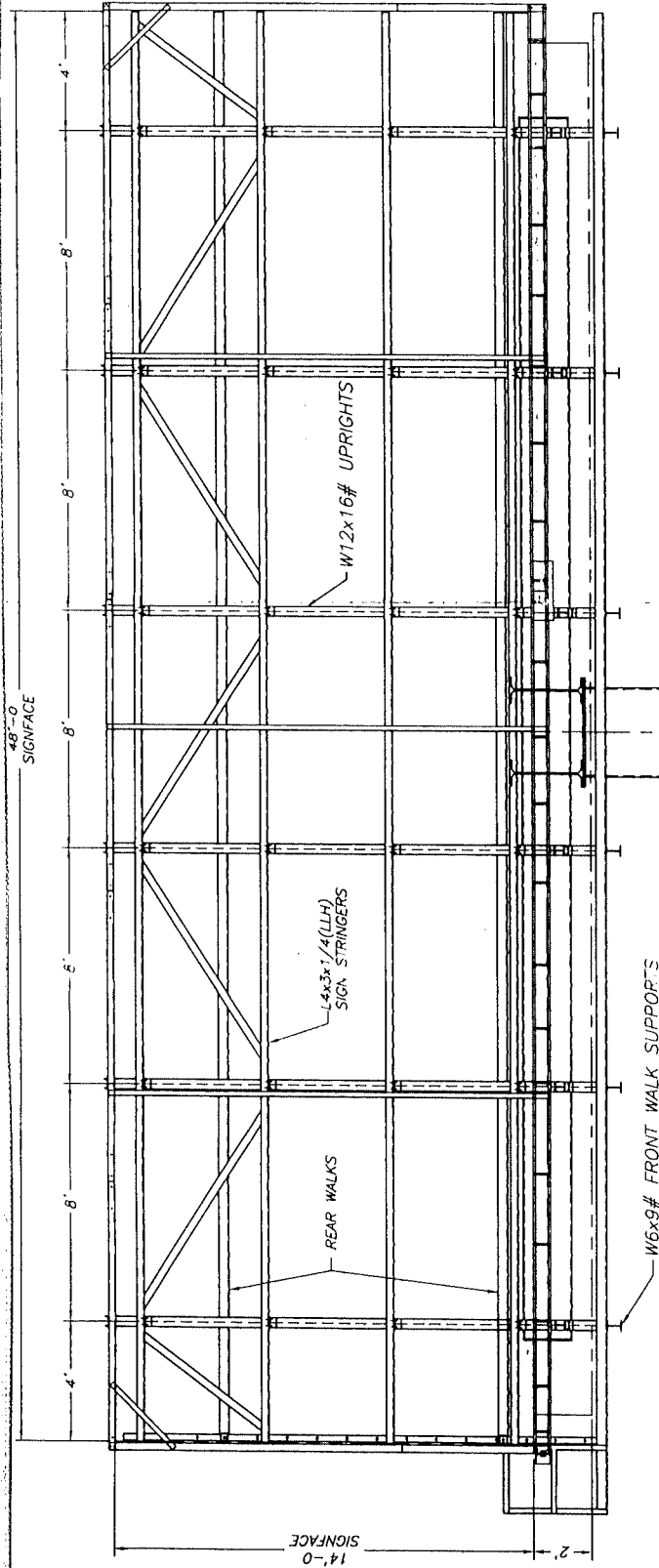
100 0 100 Feet

1 inch equals 100 feet  
Produced by the  
Boone County Planning Commission  
GIS Services Division  
November 28, 2000

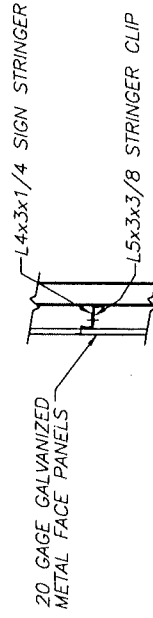


**Exhibit H**



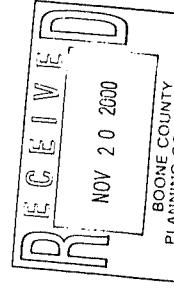
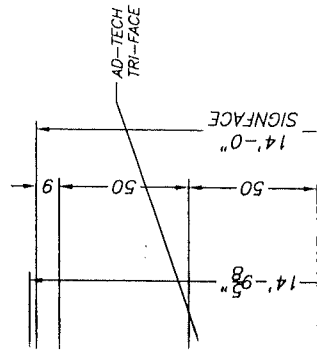


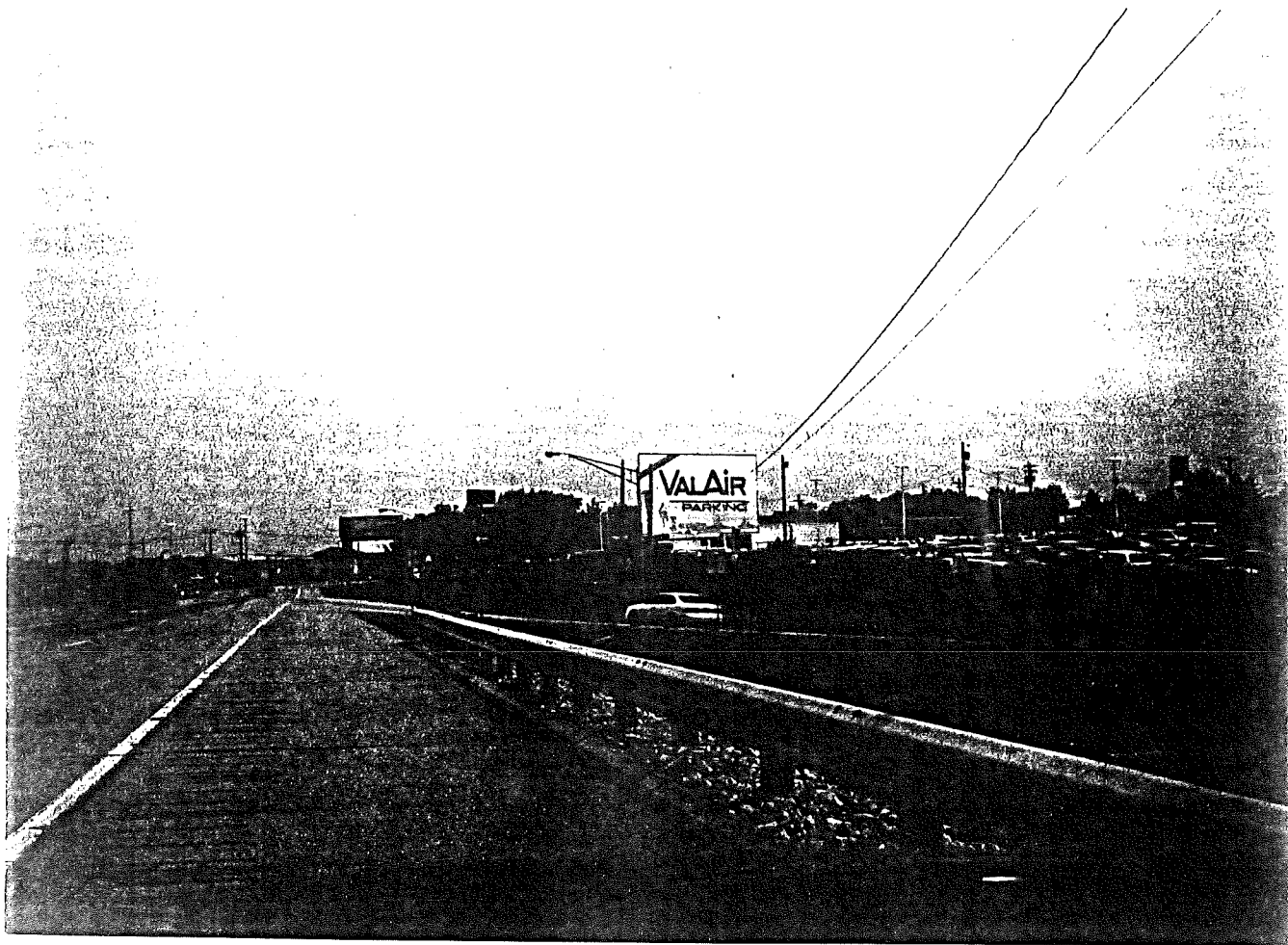
ELEVATION VIEW  
14' x 48' FACE

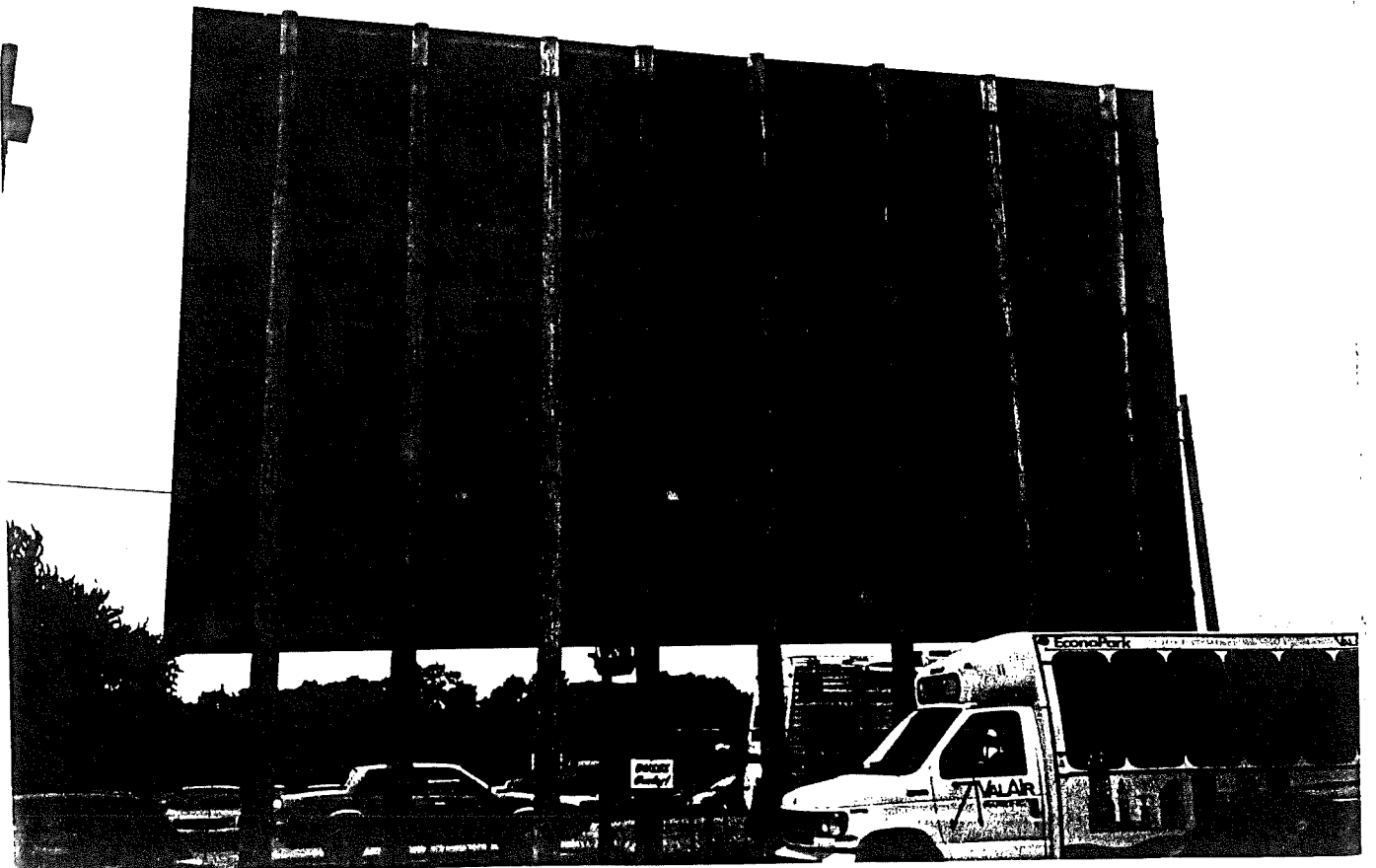
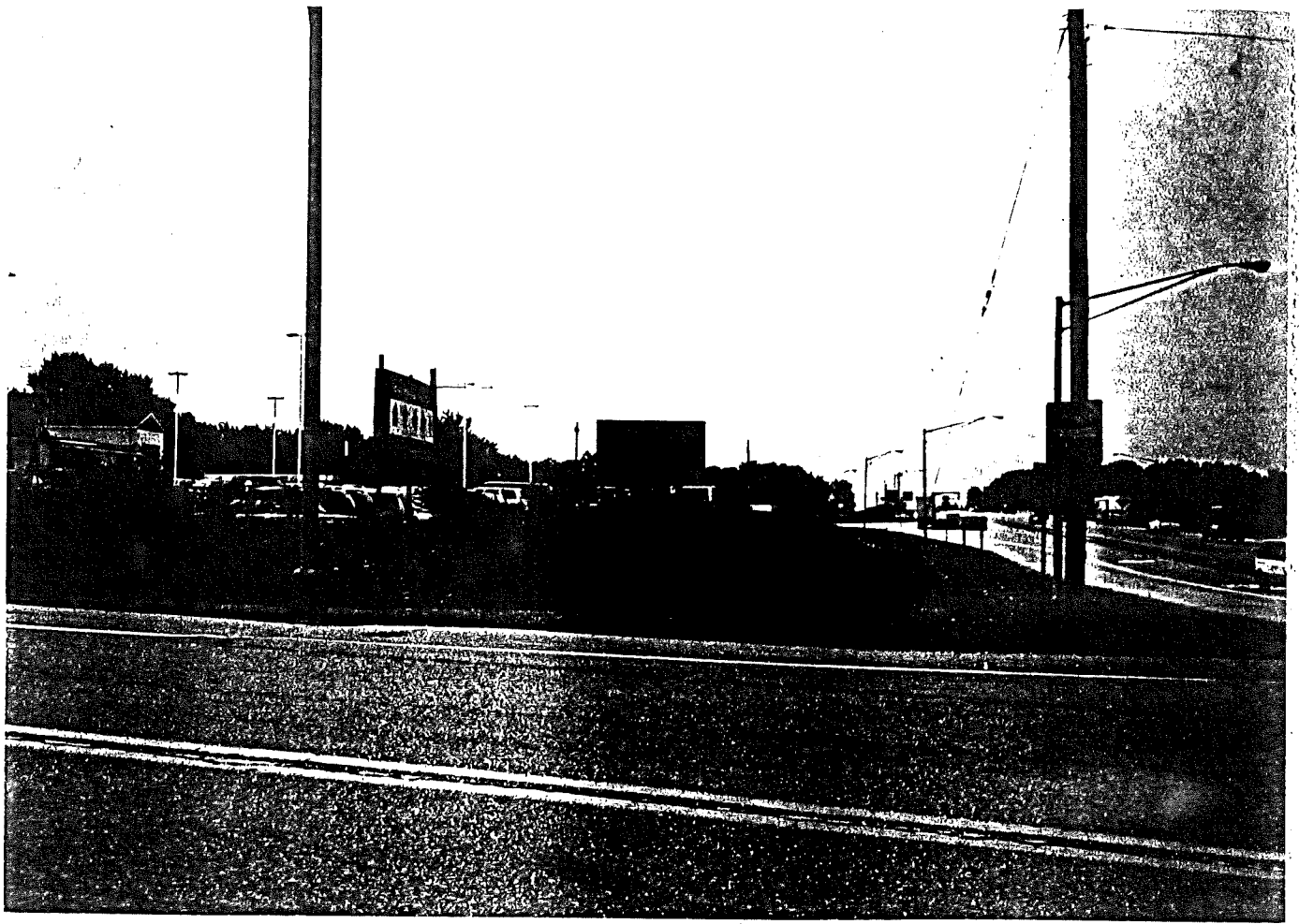


HANGER ATTACHMENT

UPPER MOUNTING CHANNEL (C4x5.4#)  
BOLTED TO TOP OF UPRIGHT  
WITH (2) 5/8" BOLTS (TYP)








# Valet Air

---

# Valet Parking

**Topcon**

Approved with   
Not Be Part of Valet Sign

87

48'

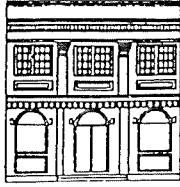
**CELEBRATE GREAT TASTE**

**BLUE GRASS QUALITY MEATS**

**Norton**

59-40  
02-77

BOONE COUNTY PLANNING COMMISSION



2995 Washington Street • Burlington, KY 41005

www.boonecountyky.org

Phone: (859) 334-2196

Fax: (859) 334-2264

E-mail: plancom@boonecountyky.org

October 13, 2000

Mr. Tom Norton  
Norton Outdoor Advertising  
5280 Kennedy Avenue  
Cincinnati, OH 45213

FAX: (513) 631-4676

RE: Reconstruction of ValAir Sign at KY 212/KY 20 Site, Boone County, Kentucky;  
Commercial Services (C-3) Zone

Dear Mr. Norton:

In response to your letter regarding the above referenced matter, I am providing the following information.

First, I agree with the conclusion that the proposal will require the approval of a Conditional Use Permit (CUP) from the Board of Adjustment (BOA). Your proposal entails the reconstruction/replacement of a pre-existing on-premise sign (which happens to have a billboard style structure) with a truly off-premise sign. In accordance with Section 3425 of the Zoning Regulations, off-premises signs are permitted in the C-3 zone in unincorporated Boone County only as a Conditional Use.

Second, it is my understanding that the proposed off-premises sign will probably not meet the setback requirements contained in Section 3425 (660' from the right-of-way lines of any interstate highway and 100' from the right-of-way lines of other thoroughfares). Because the existing sign is considered an on-premise sign (albeit one that is in the form of a billboard), and the fact that there are no required setback dimensions for on-premise signs (except for sight vision triangles at vehicular intersections, utility easements, etc.), the existing sign is considered conforming relative to setbacks. Thus, the appropriate mechanism for seeking relief from the setback requirements for off-premises signs is to request a variance from the BOA (and not a Change in Nonconforming Use because the setback aspects of the existing sign structure are not nonconforming). The variance request may be submitted and reviewed concurrently with the CUP application.

It is also my understanding from your letter that neither the size or height of the sign structure would be increased. This being the case, no variance or other type of exception is necessary relative to the size or height of the replacement sign.

Mr. Tom Norton  
October 13, 2000  
Page 2

The application materials for the Board of Adjustment are enclosed. In addition to providing the completed application form, fee, plot plan, and drawings/photographs which depict your proposal, I suggest that you include a narrative which explains how the proposal conforms to the CUP criteria (Sections 262 and 1033), variance criteria (Section 251), and the requirements of Section 3425 regarding off-premises signs. I trust this letter provides the information that you need.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kevin T. Wall', written over a horizontal line.

Kevin T. Wall  
Zoning Administrator  
Boone County Fiscal Court

KTW/vlm

cc: Kevin P. Costello, AICP, Executive Director  
Todd Morgan, Planner

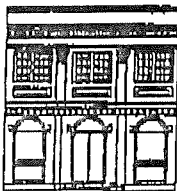
## TRANSACTION REPORT

Transmission

Transaction(s) completed

NO.	TX DATE/TIME	DESTINATION	DURATION	PGS.	RESULT	MODE
359	OCT. 13 14:05	95136314676	0° 00' 44"	002	OK	N ECM

## BOONE COUNTY PLANNING COMMISSION



2995 Washington Street • Burlington, KY 41005

www.boonecountyky.org

Phone: (859) 334-2196

Fax: (859) 334-2264

E-mail: plancom@boonecountyky.org

October 13, 2000

Mr. Tom Norton  
 Norton Outdoor Advertising  
 5280 Kennedy Avenue  
 Cincinnati, OH 45213

FAX: (513) 631-4676

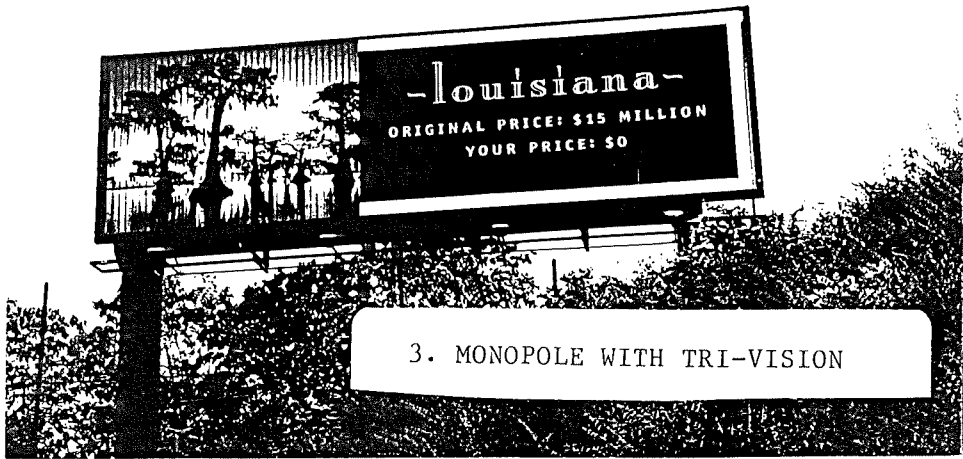
RE: Reconstruction of ValAir Sign at KY 212/KY 20 Site, Boone County, Kentucky;  
 Commercial Services (C-3) Zone

Dear Mr. Norton:

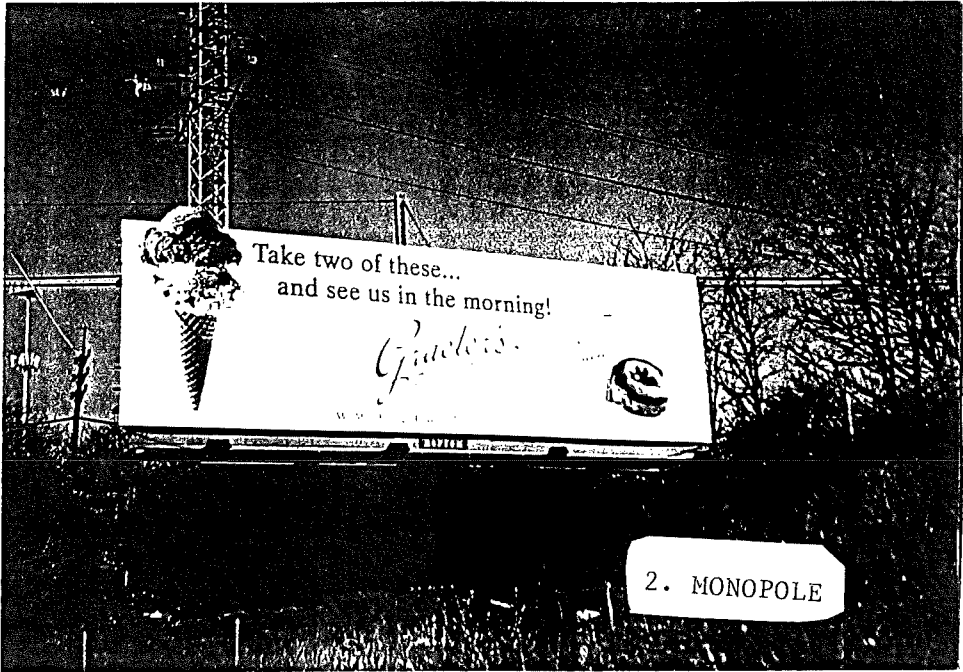
In response to your letter regarding the above referenced matter, I am providing the following information.

First, I agree with the conclusion that the proposal will require the approval of a Conditional Use Permit (CUP) from the Board of Adjustment (BOA). Your proposal entails the reconstruction/replacement of a pre-existing on-premise sign (which happens to have a billboard style structure) with a truly off-premise sign. In accordance with Section 3425 of the Zoning Regulations, off-premises signs are permitted in the C-3 zone in unincorporated Boone County only as a Conditional Use.

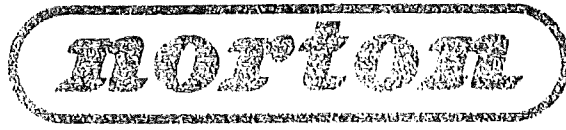
Second, it is my understanding that the proposed off-premises sign will probably not meet the setback requirements of the zoning regulations.



3. MONOPOLE WITH TRI-VISION



2. MONOPOLE



Kevin T. Wall  
Director, Zoning Services  
Boone County, KY  
2995 Washington St.  
Burlington, KY 41005

Dear Mr. Wall,

Hello Kevin, my name is Tom Norton. My brother and I own and operate Norton Outdoor Advertising. Our company has been serving southwest Ohio for over 50 years. Our Dad started the company, and Dan and I have grown up in the business. We are well on the way to the third generation as my son is actively involved.

Our company has been recognized by the Outdoor Advertising Association of America for operating to the highest standards. We pride ourselves on the quality of our structures, our maintenance and our clients.

Recently, our customers have been requesting advertising in Norther Kentucky. Citing the well documented growth and the high caliber of companies which are locating in NKY, we are compelled to attempt to provide service to them. At this point we are at a disadvantage to our competition which has coverage both in Cincinnati and NKY.

We have been seeking opportunities which comport with your zoning code and make sense for our customers. To that end I would like to discuss a unique opportunity for our business and I believe for Boone County and its residents and many visitors.

The site which I want to call to your attention, is located on KY 212 and Petersburg Rd. ValAir parking owns and operates a parking company on the premises. Norton Outdoor Advertising has entered into a lease to utilize the north face of the existing ValAir sign for general advertising purposes. ( See photo enclosed)

This is the part where the opportunity is evolving. In meetings with your colleagues Kevin Costello and Todd Morgan, we have discussed the merit of rebuilding the existing ValAir sign from its present eight telephone pole, all wood configuration, to an engineered steel monopole structure. Monopoles are considered the state of the art in sign erection by advertisers, code officials and the general public. ( Photo enclosed )

The south face would continue to display the ValAir on premise message. Norton would apply

for a conditional use permit to add a tri-face display to the north face of the upgraded ValAir sign.( Photo Enclosed )

The benefit to the community would be the creation of a more aesthetically pleasing sign structure on this site. There also would be a benefit in the co-location of the general advertising which would take place on an existing structure. There would be no increase in the square footage of the ValAir sign. The sign is contemplated to remain at the same height as the existing structure, and would be erected in the same general area as the existing structure. The structure, including the column would be painted a walnut brown, so as to blend into the surroundings.

Would you please advise us as to the procedures which we would follow so as to discuss this opportunity and begin the application process? Because of its unusual nature, I would request an appointment to discuss this project and to explore possible options.

Thank you in advance for your timely response,

Sincerely,



Tom Norton,

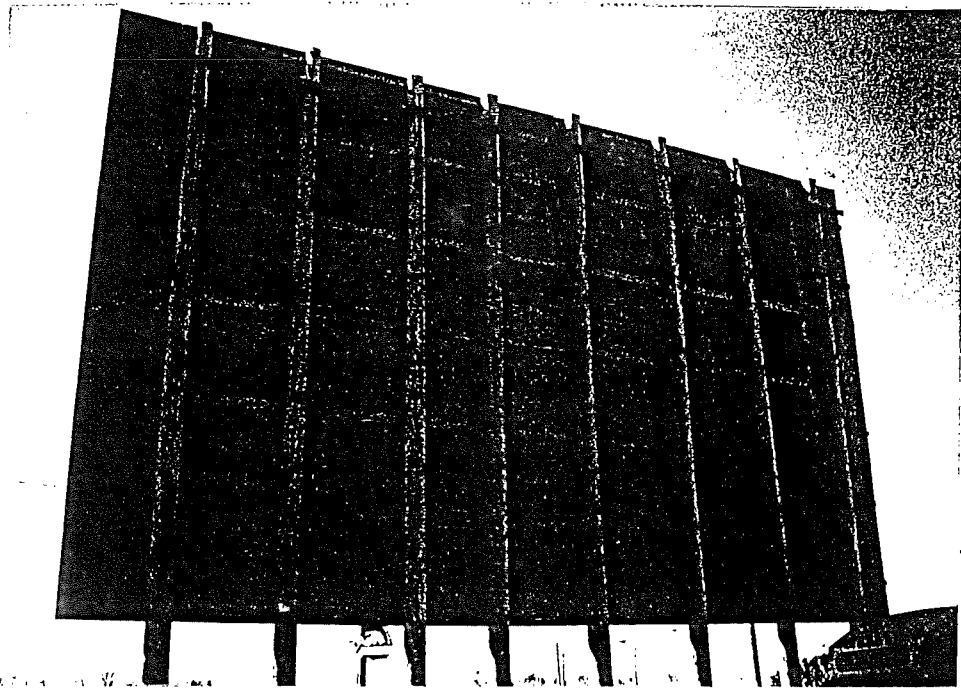
cc Kevin Costello, Executive Director, Boone County Planning

cc Todd Morgan, Planner, Boone County

cc William T. Robinson, Esq, Greenbaum, Doll, & McDonald

Enclosures:

Photos of ValAir sign, monopole structure, and tri-vision sign



1. EXISTING VALAIR SIGN  
FRONT & REAR VIEW

**Exhibit K**

BOONE COUNTY PLANNING COMMISSION  
7431 U.S. Highway 42  
Florence, Kentucky 41042

7/10/73  
Date

APPLICATION FOR SPECIAL USE PERMIT

Applicant: ZOLLARS INC DBA Thrifty Airport Parking

Address and Phone Number: 835 Donaldson Rd  
Furlonger Ky 41018 371-9447

Name and Location of Development: Thrifty Airport Parking  
SW corner of Ky 1334 + New Ky 20

Number of Acres Involved: 2.21

Zone: Interchange

Fee: \$75<sup>00</sup> Paid 7-10-73

Name and Address of Agent, If Any: Same

C.T. Jellison  
Signature of Applicant or Agent

FOR PLANNING COMMISSION USE ONLY:

Date Request Received: July 10, 1973

Committee Appointed: Mr. Vaughn, chairman, Mr. Garnett,  
Mr. Kirby, and Mr. John Schaefer

Action by Planning Commission: Approved 8-8-73

Special Use Permit Number: 449

August 1, 1973

TO: Boone County Planning Commission  
FROM: Sign Committee  
SUBJECT: Application of Zollars, Inc.

Applicant is requesting an Interchange District Special Use Permit to erect two advertising signs on their property at the southeast corner of Kentucky 1334 (Airport Access Road) and relocated Kentucky 20. The signs will advertise the parking lot located on the premises. One sign will measure 50 feet by 30 feet with an overall height above ground of 36 feet. The other sign will measure 30 feet by 8 feet with an overall height of 12 feet. Both signs are located clear of the runway approach clearance surfaces for both existing and proposed runways. The overall height of the sign does not exceed the height of existing structures in the vicinity.

We recommend this permit be granted.

Roy Vaughn, Chairman

Ronald Garnett  
Ronald Garnett

Robert Kirby

John Schaefer  
John Schaefer

William L. Clark  
William L. Clark, P.E.  
Engineer

Minutes  
August 8, 1973  
Page 6

UNFINISHED BUSINESS:

Mr. McBee reported the committee has not reviewed the request of Richwood Villa, Inc. for a zone change from Agriculture 3 to Planned Development for a 4.64 acre tract located off Kentucky Route 338. This request will be placed on the agenda for the next meeting.

Discussion was held concerning the request of the Maury Daniel Company for a permit to construct a Ponderosa Steak House at U.S. Highway 42 and Interstate 75, Florence, in a Business 6 zone. Mr. Clark reported that these plans do not show the street proposed to be built at this location. This request will be placed on the agenda for the next meeting.

Due to the absence of Mr. Kirby, the request of the Byrne Development Corporation for a permit to construct multiple family dwelling units off Turfway Road, Florence, in a Residence 4 zone will be placed on the agenda for the next meeting.

The committee report was given concerning the building of Mr. Mike Murray located on Burlington Pike, Florence. The committee recommends that the additional entrance onto Burlington Pike at this location be effectively closed, that the sign advertising the karate school be taken down, and that plans be submitted to the Planning Commission regarding the shop "Horse of a Different Color". Mr. Ed Shafer moved this committee report be accepted and made a part of the minutes. Mr. McBee seconded. Roll call vote of 10 for, 0 against. Motion passed. A letter will be directed to Mr. Murray concerning this matter.

The request of Mrs. Adele Laibly for a permit to place a mobile home on U.S. Highway 42 in a Planned Development zone will be placed on the agenda for the next meeting.

The committee and engineer's report was read recommending approval of the request of Zollars, Inc. for a permit to erect signs at Kentucky Route 1334 and Kentucky Route 20 in an Interchange zone. Mr. Godsey moved this report be accepted and made a part of the minutes. Mr. McBee seconded. Roll call vote of 10 for, 0 against. Motion passed. Mr. McBee then moved this permit be granted. Mr. McGlasson seconded. Roll call vote of 10 for, 0 against. Motion passed.

In regards to the request of Pedderson Buick, Inc. for a permit to construct an auto agency on Industrial Road, Florence, in a Business 7 zone, Mr. Clark reported that the plans as submitted are incomplete.

Exhibit L
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BOONE COUNTY BOARD OF ADJUSTMENT  
BUSINESS MEETING

November 14, 1990 - 6:30 P.M.

---

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BOARD MEMBERS PRESENT:

Mr. Dan Houston  
Mr. Fred Nevel  
Mr. George Whitton, Chairman

BOARD MEMBERS NOT PRESENT:

Mr. I. A. Archambault  
Mr. Walt Ryan

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

The meeting was called to order by Chairman Whitton at 6:30 P.M..

Approval of the Minutes:

Chairman Whitton stated that the Board Members had not received copies of the Minutes of the October 10, 1990 meeting. He asked that the Minutes be included in the packets for next month's meeting and action will be taken on the Minutes at the December meeting.

Agenda Item:

1. The request of Mark Williams (applicant) for a Variance in the number of free-standing signs. The 5.6-acre site, located on the southeast corner of KY 20 and Airport Access Drive, is zoned Commercial Services (C-3) and is owned by C. Thomas Zollars. This request was tabled at the October 10, 1990 Meeting.

Staff Member, Greg Tulley, represented the slides shown at the last meeting and gave highlights of the Staff Report (see Staff Report).

Chairman Whitton expressed the Board's condolences to Mrs. Zollars on the recent passing of her husband.

Boone County Board of Adjustment  
November 14, 1990

Page 2

Mrs. Zollars stated that she was not present when the Board visited the site.

Chairman Whitton stated that Alamo is leaving and the location of their sign is where the Committee felt the proposed sign would be appropriate, by either painting over the existing sign or in some way reusing it.

Mrs. Zollars stated that she believes that Alamo will be taking their sign with them.

Mr. Nevel stated that the proposed sign could then go in the place of the current Alamo sign.

Mary Jane Provko stated that this would not be a good place for the sign due to the shrubbery.

Mr. Nevel stated that when the Board visited the site, there was some question as to whether or not Alamo would physically remove their sign. He stated that Ben Rojero thought that Alamo might leave the sign and it could then be painted over and reused.

Mrs. Zollars stated that their signs are smaller and would be between the driveways.

Chairman Whitton stated that they already have more signs that is currently allowed. The Board does not want to worsen the situation. Since the Alamo sign will be leaving, the situation would not be intensified. He asked when the Alamo sign will be removed.

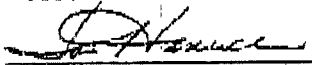
Mrs. Zollars stated that she believes they are moving the middle of next month.

Chairman Whitton asked if sixty days would be enough to have the Alamo sign removed if they are granted permission to put up the new sign. Mr. Nevel suggested that they be given 90 days to allow some leeway.


Chairman Whitton suggested that the new sign be granted with the condition that the Alamo sign is removed within 90 days. The new sign is to be in the location indicated by Mr. Tulley in the slide presentation. Mr. Nevel so moved. Mr. Houston seconded the motion and it carried unanimously.

There being no further business to come before the Board, Mr. Houston moved that the meeting be adjourned. Mr. Nevel seconded the motion. The meeting was adjourned by unanimous consent.

Attest:

  
Jan Hancock, Recording Secretary

APPROVED:

  
George D. Whitton, Chairman

COPY

CLUR #01-BCBOA-004-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Zollars, Inc.  
DBA - Val Air Valet Parking  
579 Petersburg Road  
Hebron, KY 41048

2. ADDRESS OF PROPERTY

579 Petersburg Road  
Hebron, KY 41048

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Val Air Valet Parking

4. DEED BOOK 294

PAGE NO. 137

GROUP NO. 2021

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

Zoning Map Amendment:  
From      To     

Conditional Use Permit

Development Plan

Conditional Zoning

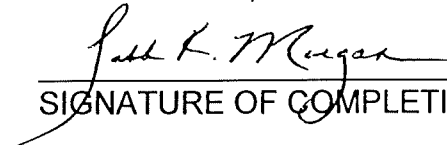
Subdivision Plat  
(Not Recorded)

Other:

Variances

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

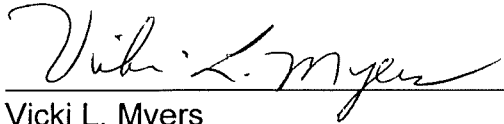
  
SIGNATURE OF COMPLETING OFFICIAL

Todd K. Morgan, Planner, Zoning Services  
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

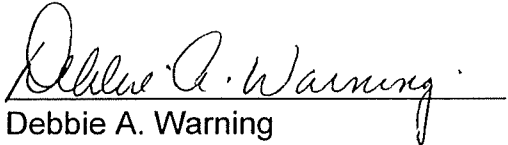
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the  
Boone County Planning Commission this 23 day of January, 2001.



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 Conditional Use Permit and Variances approved by the Boone County Board of Adjustments and in accordance with the current zoning in effect as of January 10, 2001 Certificate of Land Use Restriction (#01-BCBOA-004-A), for Zollars, Inc.; DBA Val Air Valet Parking, Property Owner(s).

The following conditions will apply:

1. The Val Air side of the sign (the south face) can only be used to advertise something on the premises.

The approved Conditional Use Permit and Variances as well as the preceding conditions apply to the property described in:

DEED BOOK 294

PAGE NO. 137

GROUP NO. 2021