

APPLICATION FOR ZONING ACTION

TO:

- Boone County Planning Commission
- City of Florence Board of Adjustment
- Boone County Board of Adjustment
- City of Union Board of Adjustment
- City of Walton Board of Adjustment
- Zoning Enforcement Officer

FOR:

- Zoning Text Amendment
- Comprehensive Plan Change
- Preliminary Plat Review
- Conditional Use Permit
- Concept Development Plan Change
- Preliminary Development Plan
- Change of Non-Conforming Use
- Design Review Board and Certificate of Appropriateness
- Zoning Map Amendment
- Planned Development Overlay Change
- Improvement Plat Review
- Final or Deed Plat Review
- Site Plan Review
- Historic District Overlay
- Appeal or Variance
- Sign or Zoning Permit

Applicant: Ray Meyer Sign Company, Inc. Owner

Address: 6810 Miami Avenue Agent

Madeira, Ohio 45243 Telephone: 561-5444

Location: Parcel bound by; Dolwick Dr., Interstate Drive and I-275

Name of Property Owner: Miller Valentine Development, Inc.

Address of Property Owner: P.O. Box 744 Dayton, Ohio 45401

Zoning District: I-1 Area in Acres: 28.78

Deed Book: 281 Page Number: 231 Group Number: 2014

Description of Request: Variance granted for temporary signage exceeding 12 square feet

Should be 32

Applicant's Signature: *Ray A. Meyer*

Property Owner's Signature: *Miller Valentine Group*

FOR PLANNING COMMISSION USE ONLY

Application Fee: _____ Date Received: _____ By: _____

Referred To: _____ Meeting Date: _____

Action Taken: _____ Date of Action: _____

STAFF REPORT

APPLICANT: Ray Meyer Sign Company (agent for Miller-Valentine Development, Inc.)

LOCATION: I-275 and Mineola Pike (off Dolwick Drive)

ZONE: Industrial One (I-1)

DATE: January 13, 1988; 6:30 p.m.

REMARKS:

The applicant is requesting a Variance in the size of a sign advertising the sale, lease, or rental of property. The 28.78 acre site, which is located off the north side of I-275, east of Mineola Pike and south of Dolwick Drive, is zoned Industrial One (I-1) and is owned by Miller-Valentine Development, Inc.

Article 19, Section 1907, of the Boone County Zoning Regulations reads:

"Signs advertising the sale, lease, or rental of the premises upon which the sign is located, shall not exceed thirty-two (32) square feet in area, except in all residential districts where the area of the sign shall not be more than sixteen (16) square feet."

Therefore, the maximum size sign for Miller-Valentine's property would be 32 square feet since it is located in an I-1 zoning district. The applicant, however, has erected a + 15 foot high "V"-shaped sign with a total display area of 400 square feet (20 feet x 10 feet x 2).

The following reviews the four findings for a Variance:

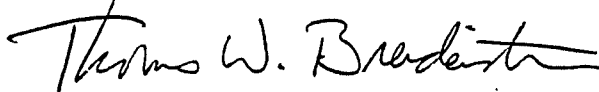
1. The applicant argues that a 32 square foot sign advertising a large industrial development would not be readable from interstate traffic. Also, the right-of-way for the interstate is wider at this location due to the new Mineola exit ramp.
2. Strict application of the Zoning Regulations could create an unnecessary hardship in marketing the subject property.
3. The special circumstances involved are not the results of the actions of the applicant.
4. If granted, staff does not believe that the public health, safety, and welfare would be adversely affected.

The applicant has provided the Board with their review of these four criteria.

Staff Report - Ray Meyer Sign Company
January 13, 1988
Page Two

On April 9, 1986, this Board granted a similar Variance in the general vicinity of the Miller-Valentine property. Corporex applied for, and received, permission to erect a 193 square foot sign advertising the Circleport development. This sign has been constructed at Corporex's new office building at the southwest quadrant of I-275 and Mineola Pike.

Respectfully submitted,



Thomas W. Breidenstein,
Zoning Enforcement Officer

TWB:mcb

Attachments

**Miller
Valentine
Group**

Miller-Valentine Group
Whitehall Park, Suite 416
8041 Hosbrook Road
Cincinnati, Ohio 45236
513-984-0011

November 20, 1987

Mr. Thomas W. Breidenstein
Zoning Enforcement Officer
Boone County Planning Commission
P. O. Box 697
Burlington KY 41005

Re: Miller-Valentine Development, Inc.
Northern Kentucky Business Center Property
I-275 at Mineola Pike Interchange, Boone County Kentucky
Application for Variance - Signage

Dear Tom:

Attached you will find the Variance Application in accordance with our conversation of Monday, November 16, 1987. Please be advised that we contracted for this sign to be erected by the Ray Meyer Sign Company. In discussing the matter with them, they incorrectly assumed that the property was located in Kenton County and that no permit was required. Since part of our property is in fact in Kenton County this somewhat explains their error in erecting the sign without the proper permits or variances.

In accordance with Section 244 of your Zoning Regulations, the following four "facts" are considered as follows:

1. The requested variance arises from the special circumstance wherein this large scale industrial development fronts on an interstate highway. If only the signage permitted under your zoning regulations were installed it would not be readable based on line-of-sight distance to the interstate highway and the speed of vehicles passing by.
2. The strict application of the provisions of the regulation would create an unnecessary hardship on the applicant wherein the "development" could not properly be identified for client locational and marketing purposes. Additionally, competing developments in both Boone and Kenton counties currently have similar promotional signage which exceeds the sign area permitted under your zoning regulation.

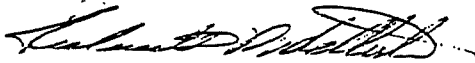
Mr. Thomas W. Breidenstein
Zoning Enforcement Officer
Boone County Planning Commission
November 20, 1987
Page 2

Re: Miller-Valentine Development, Inc.
Application for Variance - Signage

3. The special circumstances outlined herein are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation.
4. The applicant strongly believes that granting this variance will not adversely affect the public health, safety and welfare, and will not alter the essential character of the general vicinity, and will not cause a hazard or nuisance to the public.

Thank you for your consideration of this request and we again apologize for the mitigating circumstances by which this sign has already been erected. We respectfully request that the above variance be granted in accordance with our request.

Very truly yours,



Richard D. Huddleston
Vice President

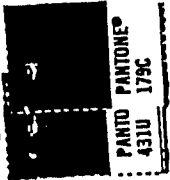
RDH:is

Enclosures

cc: Ray Meyer Sign Company

Ray Meyer Sign Co. / Miller-Valentine

Jan 13, 1988



20'

**Miller
Valentine
Group**

**NORTHERN KENTUCKY
BUSINESS CENTER**

**SITES AVAILABLE
BUILT TO SUIT
SALE OR LEASE**

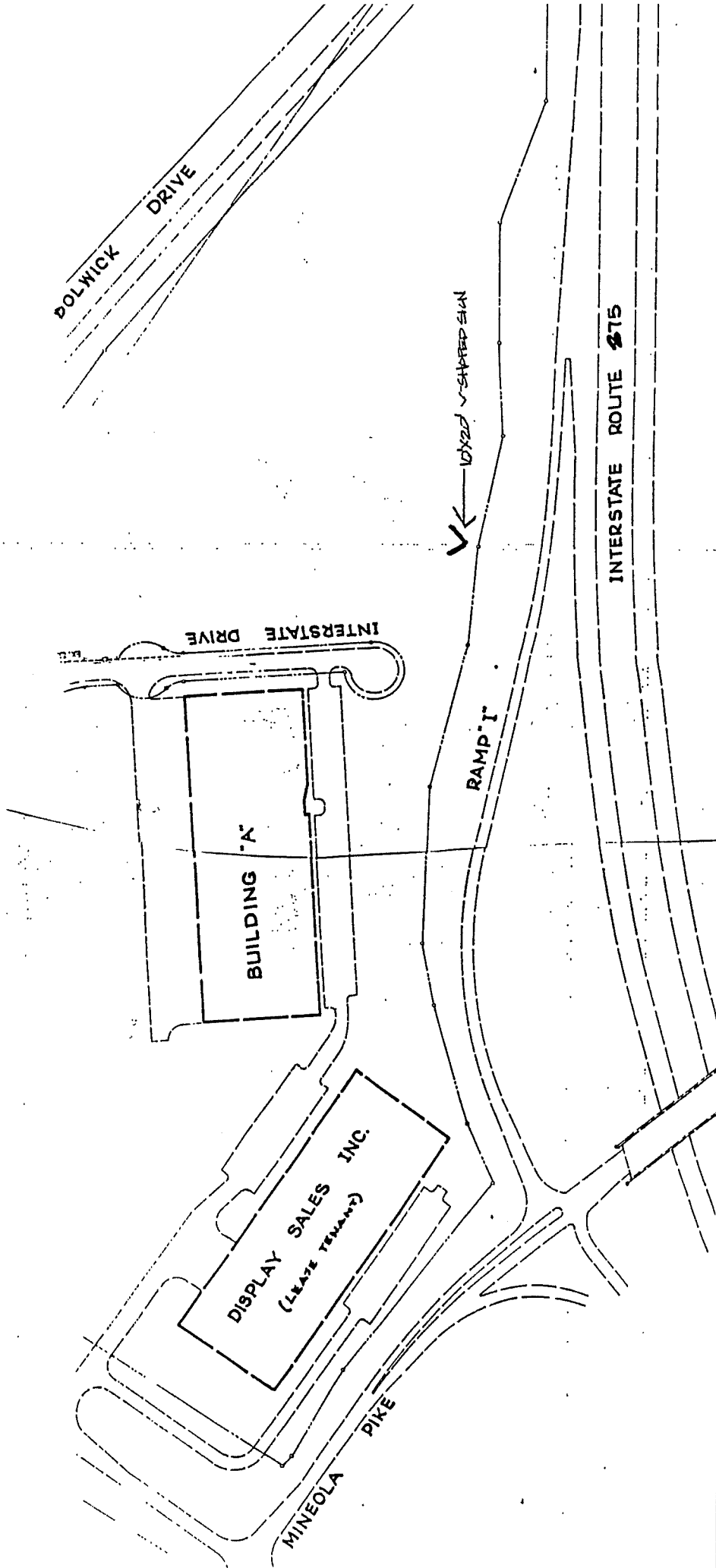
10'

Call 513-984-0011

AM

1/2" = 1'

Ray Meyer Sign Company
6810 Miami Avenue
Cincinnati, Ohio 45243



Ray Meyer Sign Co / Miller-Valentine

Jan 13, 1988

BOONE COUNTY
BOARD OF ADJUSTMENT

March 9, 1988 - 6:30 P.M.

BOARD MEMBERS PRESENT:

Mr. I. A. Archambault
Mr. Dan Houston
Mr. Fred Nevel
Mr. Walt Ryan
Mr. George Whitton, Chairman

BOARD MEMBERS NOT PRESENT:

None.

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Chairman Whitton stated that each member had received a copy of the Minutes of the Boone County Board of Adjustment Meeting of February 10, 1988 and asked if there were any comments or corrections.

There being no comments or changes, Mr. Ryan moved that the Minutes be approved as written. Mr. Archambault seconded the motion and it carried unanimously.

AGENDA ITEMS:

1. The request of Ray Meyer Sign Company, agent for Miller Valentine Development, Inc. for a Variance in the size of a sign advertising the sale, lease, or rental of property. The 28.78-acre site, which is located off the north side of I-275, east of Mineola Pike and south of Dolwick Drive, is zoned Industrial One (I-1) and is owned by Miller-Valentine Development, Inc.. (Deferred from February 10, 1988.)

Staff Member, Tom Breidenstein, presented the Staff Report which included a slide presentation (see Staff Report). He distributed copies of a letter from Mr. Forrest Rankin of the Transportation Cabinet, dated March 7, 1988, indicating that this request had been sent to Frankfort with a recommendation for approval.

In response to a question from Chairman Whitton, Mr. Breidenstein advised that both sides of the sign are considered in the square footage of the sign in the Staff Report, but the Transportation Cabinet only considers one side of the sign in the 150 sq. ft. figure indicated in their letter.

Mr. Mike Meyer stated that a letter from Mr. Richard D. Huddleston, Vice President, Miller Valentine, was submitted at the last meeting (see letter dated November 20, 1987). He noted that a sign as permitted under the Zoning Regulations would not be readable from the roadway and could create a problem for motorists attempting to read the sign. They feel that the larger sign does not create a hazard to anyone. He stated that they had removed 50 sq. ft. from the bottom of the sign.

Mr. Breidenstein noted that two and one-half feet had been removed from both sides of the sign to make the sign 150 sq. ft. per side.

Chairman Whitton noted that the current sign is 7½ feet high and 20 feet wide.

Mr. Ryan asked if there were any comparable signs in the area.

Mr. Breidenstein advised that a Variance was granted to Corporex for a 190 sq. ft. sign on the opposite quadrant of the intersection.

In response to a question from Mr. Nevel, Mr. Breidenstein advised that the letter from the Transportation Cabinet indicates that after six months, the sign can remain but it can only say that the property is for sale or lease and include the phone number. The logo and any other wording would have to be removed. He added that this would be a six-month period after the permit is received from the state.

Chairman Whitton asked Mr. Meyer if he would be in agreement with a limitation imposed by the Board regarding the length of time the sign could remain.

Mr. Meyer stated that he anticipates the sign being up for about one and one-half years.

Counselor Wilson advised that the Board has the power to impose a reasonable time limitation and if the applicant wishes to go beyond that time, he can come before the Board and request an extension.

Chairman Whitton asked if there was anyone else present who wished to speak in regard to this request.

There being no further comments, Mr. Ryan moved that the request be granted and that the sign remain up no longer than one and one-half years. Mr. Houston seconded the motion and it carried unanimously.

Chairman Whitton advised Mr. Meyer that the limitation of one and one-half years would begin at this time. Counselor Wilson noted that the sign permit from the state is still necessary.

2. The request of William E. Rowland for a Conditional Use Permit to allow a home furnishings facility and related office. The 1.07-acre site, which is the location of the old Belleview School, is zoned Suburban Residential One/Small Cummmity Overlay (SR-1/SC), and is owned by William E. Rowland. (Deferred from January 13, 1988.)

Staff Member, Tom Breidenstein, presented the Staff Report which included a slide presentation (see Staff Report). Mr. Breidenstein noted that this request was deferred from the January 13, 1988 meeting to allow the applicant time to submit a Site Plan. Mr. Breidenstein suggested the following conditions of approval: (1) That the employee's parking area be paved; (2) that the dumpster be properly screened with a privacy fence; (3) that adequate buffer be provided along the southern property line; and (4) that a secondary access point onto KY 18, which is not indicated on the Site Plan, be closed.

Mr. Ed Drennan, representing the applicant, stated that they are in agreement with the conditions. He stated that they had tried to properly prepare the Site Plan as requested and have discussed the screening with the surveyor. He stated that there will be no outside storage once the new addition is built. He stated that the new addition will be built as soon as they can afford it. Mr. Drennan added that there are some trees that need to be removed and they will plant the necessary trees as soon as they can afford it.

Mr. Breidenstein advised that typically an applicant has six months following approval to complete the required improvements, unless otherwise approved by the Board.

Mrs. Rowland stated that they are trying to get things done but are a new business and not yet on their feet.

Chairman Whitton asked if anyone else wished to speak regarding this request.

Mr. Bennett stated that Mr. Drennan had called him following the January meeting and they have discussed his concerns. He stated that there have been some improvements to the site, but he is concerned that they are moving too slowly. He stated that this business is growing and they are interested in expanding in Ohio and Tennessee.

Chairman Whitton noted the conditions suggested by Mr. Breidenstein and asked Mr. Drennan if he was agreeable to those conditions. Mr. Drennan stated that they have no problem in complying with the conditions.

Chairman Whitton asked if there were any questions or comments from the Board.

Mr. Archambault suggested that a timeframe be established for compliance with the conditions.

Mr. Ryan questioned what would be the most pressing concern of the neighbors.

Mrs. Mary Denniston stated that her biggest concern is the outside storage.

Chairman Whitton questioned the possibility of a temporary privacy fence around the outside storage area until the new addition was built.

Mrs. Rowland stated that she would be agreeable to the temporary fence.

Mr. Bennett stated that his primary concern is the unsightliness of the materials.

Chairman Whitton stated that the temporary fencing/screening of the outside storage area would be a fifth condition of approval.

There being no further discussion, Mr. Nevel moved that the request be approved subject to the five conditions discussed: (1) That the employee's parking area be paved; (2) that the dumpster be properly screened with a privacy fence; (3) that adequate buffer be provided along the southern property line; (4) that a secondary access point onto KY 18 be closed; and (5) that the outside storage area be temporarily screened with a privacy fence. Mr. Nevel stated that the normal six-month time period would apply.

Mr. Archambault asked Mrs. Rowland if she was agreeable to the conditions. Mrs. Rowland stated that she is in agreement with the conditions.

In response to a request from Mr. Breidenstein, Chairman Whitton asked Mr. Drennan to submit a Revised Site Plan indicating the conditions.

There being no further comments, Mr. Houston seconded the motion made by Mr. Nevel and it carried unanimously.

3. The request of James A. Burcham for a Conditional Use Permit and Site Plan Review to allow the construction of a grocery store with gasoline pumps. The 2.0-acre tract, which is located on the west side of KY 18, north of the Belleview Baptist Church Cemetery, is zoned Suburban Residential One with a Small Community Overlay (SR-1/SC), and is owned by Virgil Brunner.

Staff Member, Tom Breidenstein, presented the Staff Report which included a slide presentation (see Staff Report). Mr. Breidenstein stated that upon further review of the request, it was determined that the southernmost access point was not acceptable. Mr. Breidenstein suggested two conditions of approval: (1) that the southernmost access be eliminated, and (2) that additional landscaping be required.

Mr. Burcham stated that he believed the traffic flow would be better with the two accesses.

Mr. Breidenstein agreed that the traffic flow may be better, but the sight distance is not adequate. He added that there are also problems with the elevation, the curve, and the speed limit. Mr. Breidenstein noted that this is a state-controlled highway and they have the final authority in this matter.

Mr. Burcham stated that he has met with the Highway Department and they suggested that he get back in contact with them after this meeting. Mr. Burcham asked for clarification regarding the landscaping.

Mr. Breidenstein stated that there is a need for general landscaping throughout the site and also a need for screening, particularly the loading dock and some of the parking areas. Mr. Breidenstein stated that the loading dock should not be offensive to the businesses and residences to the rear of the site.

Mr. Burcham stated that to the rear of the site is a gravel pit, a taxidermy shop, and a garage, none of which are screened.

Mr. Hayes, a resident to the rear of the site, stated that he has no objection.

Mr. Archambault asked for a definition of "general landscaping".

Mr. Breidenstein advised that "general landscaping" would be used to soften and beautify and site.

Chairman Whitton asked the applicant if he was agreeable to providing landscaping in front of the site.

Mr. Burcham stated that he will keep the area mowed and will have landscaping.

Chairman Whitton advised that it is necessary to indicate the landscaping on the plan so that the Board knows what is planned.

Chairman Whitton asked if there was anyone else who wished to speak regarding this request.

There being no further discussion, Mr. Archambault moved that the request be granted subject to the conditions that approval of the entrances and exits be obtained from the State and that a landscaping plan be submitted to the Staff for their approval, indicating landscaping in front of the building. Landscaping to the rear is not required. Mr. Nevel seconded the motion.

Mr. Breidenstein stated that Staff usually suggests evergreens, deciduous trees, and hedge rows for landscaping. He added that a green lawn is not considered landscaping.

Chairman Whitton stated that if the applicant is unable to reach agreement with the Staff regarding the landscaping, he should come before the Board again.

Counselor Wilson suggested that a copy of the state's decision regarding the accesses be provided for the file.

Chairman Whitton advised Mr. Burcham to submit an access plan at the time he submits the landscaping plan.

There being no further discussion, Chairman Whitton asked for a vote on the motion made by Mr. Archambault and it carried unanimously.

4. The request of Holiday Homes, Inc. for a Variance in the number of free-standing signs. The 8.0-acre site, which is located at 11007 Dixie Highway, is zoned Commercial Services (C-3) and is owned by Ken Lucas.

Staff Member, Tom Breidenstein, presented the Staff Report which included a slide presentation (see Staff Report).

Mr. Warren Allen stated that they will provide landscaping. He stated that he is concerned about landscaping the sign as it will be 25 feet in the air. He stated that one estimate to landscape the sign was \$47,000.

Chairman Whitton stated that there has been a great deal of controversy regarding signage in the Richwood interchange area.

Mr. Allen stated that he is not familiar with the area, but noted that the area is zoned commercial and there are some large signs in the area.

Chairman Whitton asked if there would be building-mounted signs in addition to the free-standing signs.

Mr. Allen stated that there would not be building-mounted signs.

Mr. Breidenstein advised that the applicant would be entitled to one building-mounted sign for the office.

Chairman Whitton noted that based on the dimensions of the office, the applicant would be entitled to a 150 sq. ft. sign.

In response to questions from Mr. Houston, Mr. Allen indicated the location of the proposed sign on the Site Plan. He stated that three different plans had been submitted, one indicating the changes and the landscaping. The Site Plan provided to the Board did not indicate the changes and landscaping. He added that he is putting in less houses and

more landscaping. He stated that the proposed sign is 20 feet off the right-of-way. He stated that it will not block the view as it is close enough to the driveway for people to see under it.

Mr. Breidenstein stated that the Site Plan distributed to the Board was the one submitted with the application. He asked that the updated version be provided to the Staff.

Chairman Whitton asked if anyone else wished to speak regarding this request.

There being no further discussion, Mr. Nevel moved that this request be deferred to allow time for the Board to visit the site. Mr. Nevel moved that the Board reconvene at 7:30 P.M. on March 16, 1988 and that the Board members visit the site in the interim.

Chairman Whitton advised that he would be unable to vote in regard to this issue as he was one of the previous owners of this property. He stated that he would be unable to attend the meeting on March 16, 1988.

There being no further comments, Mr. Ryan seconded the motion made by Mr. Nevel and it carried unanimously.

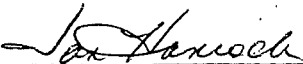
There being no further business to come before the Board, Mr. Nevel moved that the meeting be adjourned until Wednesday, March 16, 1988 at 7:30 P.M.. Mr. Ryan seconded the motion and it carried unanimously.

APPROVED:



George B. Whitton, Chairman

ATTEST:



Jan Hancock, Recording Secretary