

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: BROADWAY SIGN CO.  Owner

Address: 6222 WIEHE RD  Agent

CINCINNATI OHIO 45237 Telephone: 531-7660

Location: 11007 U.S. 25 (DIXIE HWY)

Name of Property Owner: R.C. DURR

Address of Property Owner: 7262 WATSON-NICHOLSON PK. INDEPENDENCE, KY 41051

Zoning District: \_\_\_\_\_ Area in Acres: \_\_\_\_\_

Deed Book: \_\_\_\_\_ Page Number: \_\_\_\_\_ Group Number: \_\_\_\_\_

Description of Request: INSTALL A DOUBLE FACE (V-SHAPE) NON-ILLUMINATED SIGN

ON (C) WOOD POSTS, (8'X32')

Applicant's Signature: Stanley Krager (agent)

Property Owner's Signature: \_\_\_\_\_

FOR PLANNING COMMISSION USE ONLY

Application Fee: \_\_\_\_\_ Date Received: \_\_\_\_\_ By: \_\_\_\_\_

Referred To: \_\_\_\_\_ Meeting Date: \_\_\_\_\_

Action Taken: \_\_\_\_\_ Date of Action: \_\_\_\_\_

STAFF REPORT

DEVELOPMENT: Off-Premises Sign

APPLICANT: Broadway Sign Company

LOCATION: East side of I-71/75, approximately 2,100 feet north of Richwood Road

ZONING: Commercial Services (C-3)

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

PLACE: Due to construction, the meeting will be held in the Fiscal Court Room, 2nd Floor.

REMARKS:

Applicant is requesting a Conditional Use Permit and variances in the setback and spacing for an off-premises real estate sign under Section 1940 of the 1986 Boone County Zoning Regulations. The sign is intended to advertise the sale of the property upon which the sign is located, as well as the sale of other property in the vicinity. A copy of Section 1940 is attached for your review (see Figure I).

As of the writing of this report, the Applicant had not supplied staff with all of the information required for review of an Off-Premises Sign (see Section 1940.1 (attached)). The following is staff's review of this application based upon the information available at the time of writing of this report:

The proposed sign (see Figure II) is approximately 144 square feet in size and 13 feet in height. The sign will be located approximately 40 feet east of the right-of-way of I-71/75, and approximately 2,100 feet north of the Richwood Road (KY Hwy. 338) and I-71/75 bridge (see Figure III). In addition, staff is aware of one other Off-Premises Sign in the vicinity. This sign is a billboard advertising the Holiday Inn, and is located approximately 700 feet in a southeasterly direction from the proposed sign's location (see Figure III).

Surrounding Land Use and Zoning

The property upon which the proposed sign will be located is presently zoned Commercial Services (C-3). This site is presently undeveloped. Adjacent property to the south is zoned Urban Residential One (UR-1) and is undeveloped. There are several single-family residences located along Old Richwood Road in a Rural Suburban (RS) zone.

Adjacent property to the east of Dixie Highway (U.S. 25) is zoned Industrial One (I-1). This property has been developed as the Richwood Industrial Park.

Adjacent property to the north is zoned C-3, and is presently being developed as a mobile home dealership.

Property on the west side of I-71/75 is zoned Suburban Residential One (SR-1).

Attached is a copy of the current zoning map for the subject site and vicinity (Figure IV).

Conditional Use Permit

Following is staff's review of the General Standards Applicable to All Conditional Uses as outlined by Section 263 of the Zoning Regulations:

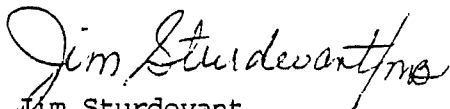
1. The request may be harmonious with the Comprehensive Plans goal "To maintain and continually improve the county's economic base." (page G-2, Economy);
2. Staff sees no reason why the sign, by reason of its presence, would change the essential character of the area;
3. Staff sees no reason why the sign would be hazardous to existing or future neighboring uses;
4. The sign itself should not require any public facilities.
5. Staff sees no reason why the sign would be detrimental to the public welfare of the community.
6. Not applicable.
7. Not applicable.

Variance

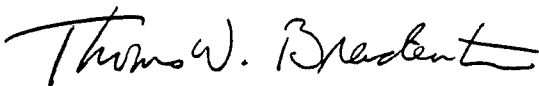
In order to locate the sign as proposed, the applicant will need a Variance in the setback of the sign from the I-71/75 right-of-way and a Variance in the minimum spacing requirement between off-premises signs. The current requirements are outlined in Section 1940.2.c. and Section 1940.2.d. (see Figure I). The applicant should address the standards for a Variance as outlined in Section 244 of the Zoning Regulations at the Board's meeting.

Staff may have additional comments, either orally or written, at the Board's meeting, pending receipt of further information from the applicant.

Respectfully submitted,



Jim Sturdevant,  
Plans Examiner/Planner



Thomas W. Breidenstein,  
Zoning Enforcement Officer

JS/TWB:mcb

Attachments

Off Premises Signs Permitted as a Conditional Use

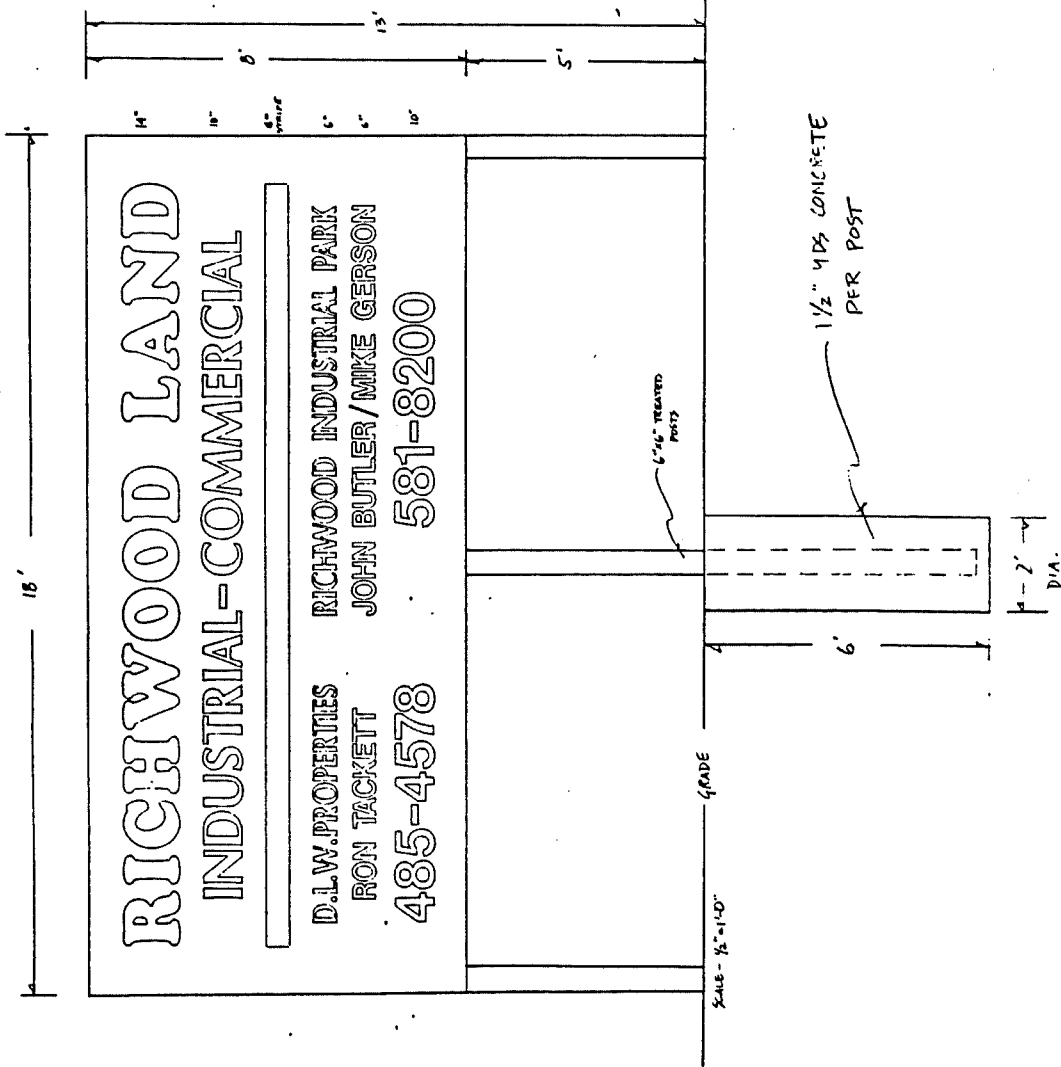
The Board of Adjustment and Zoning Appeals may permit an off-premises sign as a conditional use in the A-1, R, C-3, I-1, I-2, and PF districts. Local information signs as conditional uses shall conform to Sections 261-268, inclusive, of this order, and further, shall be subject to the following minimum regulations and requirements:

1. The application for conditional use permit shall be accompanied by the following information:
  - a. All of the information required in Section 1910 of this Article;
  - b. Identification of all interstate highways or other thoroughfares from which the sign will be visible;
  - c. Number of nearest milepost on interstate highway from which the sign will be visible or distance and direction from the nearest intersection on another thoroughfare;
  - d. The location of the proposed sign on a U.S. Geological Survey, 1:24,000 scale, topographic map and the location of all existing local information signs within one-half mile of the proposed location;
  - e. A profile of the line through the center of the proposed sign at an angle of 0 to 75 degrees to the centerline of each thoroughfare from which the sign will be visible; and
  - f. A photograph not less than eight (8) inches by ten (10) inches in size, taken of the proposed location of the sign from each thoroughfare from which the sign will be visible. The proposed location of the sign shall be clearly marked on each photograph.
  
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 (100) 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; and
  - d. Off-premises signs shall not be permitted at intervals of less than one thousand seven hundred and 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.

The Board of Adjustment shall convey a copy of all off-premises sign conditional use applications and permits to the Zoning Administrator.

\*\*In the City of Florence, Ordinance 0-29-80, provides off premises Signs will be permitted only in the Industrial One (I-1) zone.

# FIGURE II



**RICHWOOD LAND  
INDUSTRIAL-COMMERCIAL**

D.L.W. PROPERTIES  
RON TACKETT  
485-4578

RICHWOOD INDUSTRIAL PARK  
JOHN BUTLER/MIKE GERSON  
581-8200

CUSTOMER: DuRo Bag Co.

TITLE:

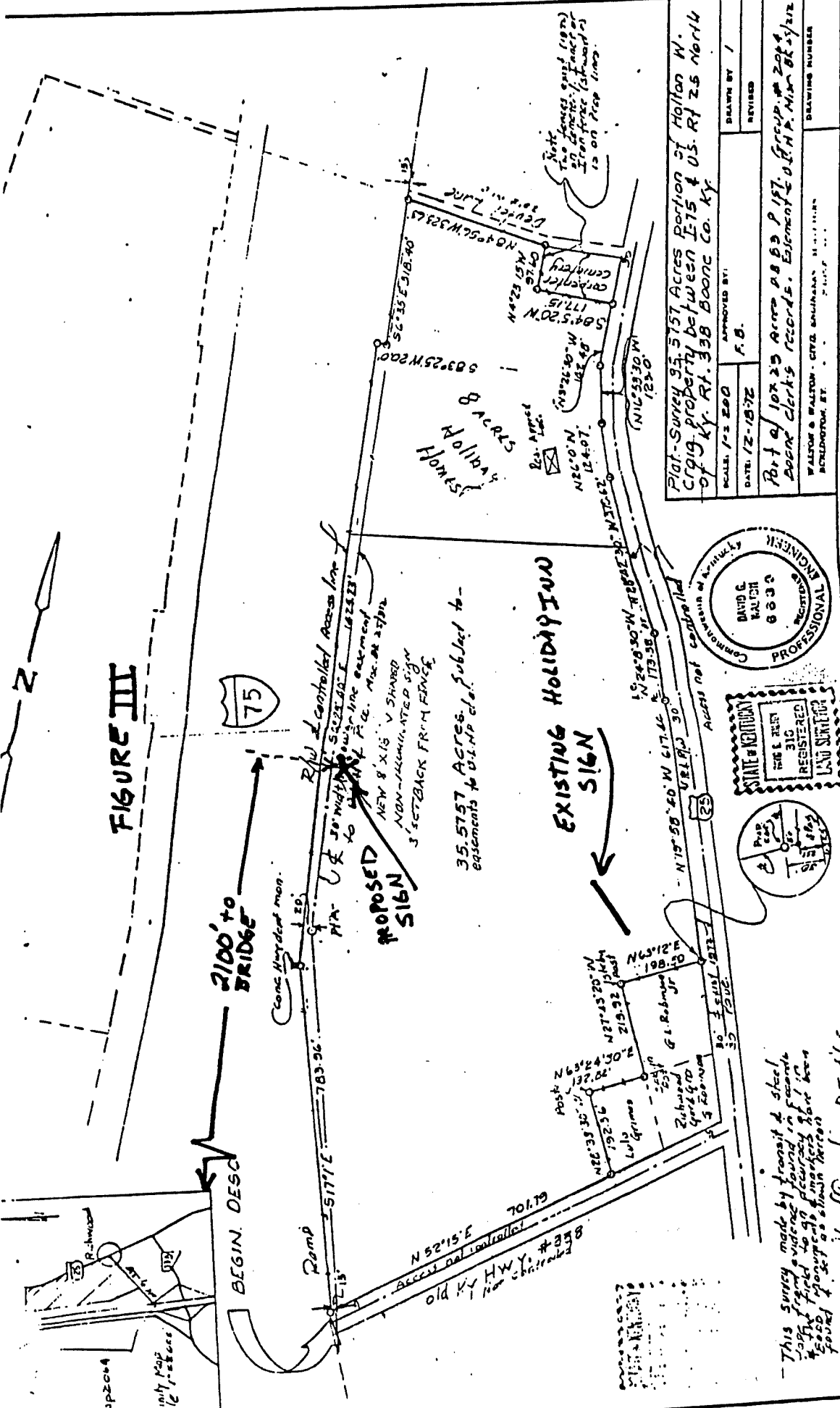
JOB NO: 4743 SCALE: 1/4" = 1'-0" DATE: 2/1/88

SUBMITTED BY: DRAWN BY: S. JOHNSON

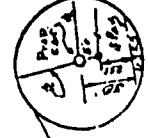
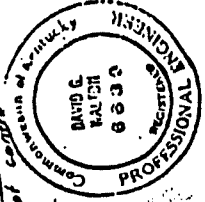
**B** BROADWAY SIGN CO.  
6222 WIEHE ROAD  
CINCINNATI, OHIO 45237  
531-7660

THIS DESIGN CONCEPT IS THE EXCLUSIVE PROPERTY OF BROADWAY SIGNS. IT MAY NOT BE COPIED, REPRODUCED OR USED IN WHOLE OR PART WITHOUT EXPRESS CONSENT.

# FIGURE III



SCALE: 1" = 200'	APPROVED BY: F.B.
DATE: 12-18-72	DRAWN BY: /
Part of 10225 Acres 2853 P. 197. Group # 2084 Boone Clerk's Records. Easement to O.H.A. Min. 82.5 x 12	
WALTON & WALTON - CIVIL ENGINEERS 1111 1/2 ST. N. WASHINGTON, D.C.	



This survey made by transit & steel tape from evidence found in fence to old KY Hwy. to accuracy that has been found & set as shown thereon.

1/11/73 D. Walton P.E. & L.S.



BOONE COUNTY  
BOARD OF ADJUSTMENT

April 13, 1988 - 6:30 P.M.

---

---

BOARD MEMBERS PRESENT:

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

BOARD MEMBERS NOT PRESENT:

Mr. Fred Nevel

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 Meetings of March 9, 1988 and March 16, 1988 and asked if there were any comments or corrections.

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

AGENDA ITEMS:

1. The request of Quality Signs (agent) for Airport Fast Park for a Variance in order to allow the erection of a 486 sq. ft. free-standing sign. The 14.0-acre site located on the north side of KY 20, directly across from KY 212 (airport access road), is zoned Commercial Services (C-3) and is owned by Vincent Barth.

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

Mr. Chester Langford, Manager of Airport Fast Park, stated that the slides presented by Mr. Breidenstein are still. However, when you are driving and watching the road, their sign is not that visible. He stated that the sign they are currently requesting is smaller than that of their previous request. The sign will be on metal poles and they will make sure

that no glare is caused by the lighting. They will landscape the sign. He stated that this sign would only be about half the size of the competitors' signs. Mr. Langford stated that they will be expanding their lot by about six acres and hiring new employees. He stated that a new sign would be appropriate at this time.

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

Mr. Archambault asked if the proposed sign would be higher than the present sign. Mr. Langford advised that the sign will be in the same location as the present sign and will be three feet higher.

Chairman Whitton asked if the new Sign Ordinance was approved at the time of the last request.

Mr. Breidenstein advised that the new Sign Ordinance was approved between the application date and the meeting date. At the time of the last request (December, 1986), the old regulations were used. The applicant is now only permitted one sign, but under the old regulations he was permitted two signs.

Mr. Archambault stated that he is in this area regularly and that the sign is right in front of people.

Mr. Langford stated that those who live in the area see the sign, but new people coming to the airport to park are watching the road and may miss the sign.

Chairman Whitton asked what significant changes had occurred since the last request. He stated that Airport Fast Park has a competitive advantage in that when someone stops at the Stop sign, their sign is right in front of them. He noted that the competitors' signs are pre-existing, non-conforming.

Mr. Ryan questioned if the proposed sign was about half the size of the other signs existing in the area. Mr. Breidenstein stated that this was approximately correct.

Mr. Houston noted that the proposed sign will not be lower to the ground than the existing sign, it will only be higher. Mr. Houston moved that the request be granted. Mr. Ryan seconded the motion.

A vote on the motion made by Mr. Houston to grant the request found Mr. Archambault, Mr. Houston, and Mr. Ryan in favor. Chairman Whitton was opposed. The motion carried.

Mr. Houston noted that his motion was intended to include the conditions indicated in the Staff Report regarding landscaping and lighting. The members indicated their understanding that these conditions were part of the motion.

2. The request of Russell K. Hays for Florence First Church of God for a Variance in the location of a sign or bulletin board of a church. The 4.2-acre site, located on the west side of Hopeful Road, approximately one mile south of KY 18, is zoned Suburban Residential One (SR-1) and is owned by the Florence First Church of God.

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

Chairman Whitton asked Reverend Hays for his comments.

Reverend Hays stated that they will take care of the brightness of the sign, but moving the sign back will destroy its effectiveness. He noted that the Board had granted a Variance for the size of the sign. He added that Mr. Breidenstein had advised him that the sign is not on the state right-of-way. He requested that the sign be left as it is.

Chairman Whitton asked if there were plans to landscape the sign.

Reverend Hays indicated on a slide where a brick planter would be constructed at the base of the sign. He questioned how many complaints had been received regarding the brightness of the sign.

Mr. Breidenstein stated that two or three complains were received by the Staff office, but about ten complaints were received by city officials.

Reverend Hays stated that the sign is on a timer and only lit until about 11 or 11:30 P.M.. He stated that the sign is enclosed in plastic on each side and does not put direct lighting on the road. He added that a dimmer switch could be placed on the sign and the brightness reduced.

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

Mr. Graham Popple stated that he runs Horizon House and owns a home across the street from the sign. He stated that when traveling south and going around the curve, the sign is very visible. He stated that he drives a van which carries someone in a wheelchair and is concerned that someone could run into the back of his vehicle while reading the sign. He stated that they pull into their driveway very slowly due to the wheelchair. He asked that the sign be further off the road.

In response to a question from Chairman Whitton, Mr. Breidenstein stated that he had driven by the sign at night and it was quite distracting. He added that dimming the sign by one-half should be adequate.

Reverend Hays stated that they would be agreeable to cutting the brightness in half.

Counselor Wilson noted that it may be appropriate to defer the request to allow the applicant to install the dimmer and to allow sufficient time to determine if the problem has been resolved.

Mr. Ryan moved that the request be deferred until the next meeting.  
Mr. Archambault seconded the motion.

Chairman Whitton advised the applicant that the dimmer should be placed on the sign within the next week so that the Board members and any concerned citizens will be able to look at the sign.

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

3. The request of Broadway Sign Company for a Conditional Use Permit and Variances in the setback and spacing for an off-premise real estate sign to be located on the east side of I-71/75, approximately 2,100 feet north of Richwood Road. The sign is intended to advertise the sale of the property on which the sign is located, as well as the sale of other property in the vicinity.

Staff Member, Jim Sturdevant, presented the Staff Report which included a slide presentation (see Staff Report). Mr. Sturdevant advised that since the Staff Report was written, the applicant submitted a revised drawing of the sign. Mr. Sturdevant distributed copies of the revised drawing to the Board Members.

Chairman Whitton stated that he has an interest in this property.

Counselor Wilson advised that it would be more appropriate for someone else to conduct the meeting in regard to this request. Mr. Archambault assumed the Chair at this time.

Mr. Archambault asked the applicant to address the items in Figure 1, which is attached to the Staff Report. He added that the issues of the Variances are the distance of the sign from the interstate and the distance between signs. He noted that the requirement is 600 feet and we are discussing 20 feet.

Mr. William Lahke, agent for Tack and Dirr Properties, Richwood Industrial Park, representing Broadway Sign Company, stated that they were told by the Kentucky Department of Transportation that if the sign is "v" shaped and the point is three feet behind the right-of-way, which was indicated to them in the state's office by a wire fence line, then they were within the required setback as approved by the state.

Mr. Archambault noted that the Variance involves over 500 feet. He questioned if the State or the Board has authority.

Counselor Wilson advised that both regulations must be met. He stated that the state has authority under the Federal Beautification Act, but the applicant must also comply with the Zoning Regulations.

Mr. Lahke stated that they put the sign where the Department of Highways told them to put it.

Mr. Archambault asked for comments regarding the distance of this sign from the Holiday Inn sign.

Mr. Lahke stated that they are agreeable to moving the sign north.

Mr. Sturdevant advised that distance is not measured in a straight line between the two signs, but parallel to the freeway. He indicated how the measurements had to be made. He stated that in order to comply with the regulations, the sign could end up being off their property.

Mr. Ryan noted that if the sign is moved 500 feet back from the right-of-way of the expressway, it will not be visible. He added that a sign recently approved for mobile home sales is not that far back.

Mr. Sturdevant stated that the mobile home sales sign advertises a business on the premises, not a business off the premises.

Mr. Lahke stated that this project is a joint venture between Tack and Dirr Properties, who owns the front property, and Richwood Industrial Park. Richwood Industrial Park cannot advertise their land for sale without an agreement with Tack and Dirr Properties. He noted that the objection is to "Richwood Land" for sale. He stated that the only item which connects the placement of the sign and Richwood Industrial Park is the word "Commercial", which makes the sign illegal. They have tried to sell the property without an oversized sign and have not been able to do so. He stated that the sale of the property will provide jobs and enhance the land, which is currently barren. He stated that the sign is off-premise, oversized, and too close to the expressway. He added that when the land is sold, the sign will come down.

Chairman Whitton noted that the sign is 8' x 18' and questioned why it is oversized.

Mr. Sturdevant stated that if the sign only advertised the property on which it is located, they would not need a Conditional Use Permit, they would only need a Variance for the sign to be larger than 32 sq. ft.. However, this is an off-premise sign.

Mr. Lahke stated that at a speed of 55 MPH, a sign set back 200 feet from the north bound lane of the expressway requires 6.45-inch high letters to be visible. The "Land" and "For Sale" copy is in 14-inch letters. There is also 6-inch copy on the sign. A distance of 200 feet from the road would be acceptable as the sign is currently designed.

Mr. Sturdevant recommended the following conditions should the request be approved: (1) that a time limit be placed on the sign, (2) that the billboard (Holiday Inn) sign be removed, (3) that landscaping be provided around the sign, and (4) that a building permit be obtained.

Mr. Lahke stated that he cannot accept a time limit on the sign without consulting his clients. He stated that it is his understanding that the sign will come down when the property is sold. He added that he has no idea what the arrangement is with the Holiday Inn Corporation regarding the sign and they may have a lease. He stated that he believed his clients would agree to the landscaping. Mr. Lahke stated that they will have a registered engineer show that the sign is safe and has appropriate foundations.

Counselor Wilson stated that if it is not practical for the applicant to agree to the removal of the Holiday Inn sign, perhaps he would agree to a time limit on this sign. He noted that there have been other Variances granted where the applicant comes in and gets an extension if the property has not developed. These extensions have varied from six months to two years.

Mr. Lahke stated that he will agree to provide the engineering drawing for the sign, sealed by the State of Kentucky.

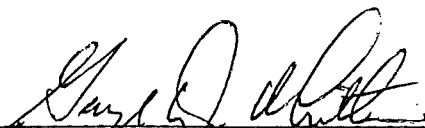
Mr. Ryan moved that the request for a Conditional Use Permit and two Variances be approved subject to the conditions: (1) that the sign be 40 or 50 feet from the fence, (2) that landscaping be provided around the sign, (3) that there be a time limit of two years, and (4) that a building permit be obtained. He noted that the condition regarding the Holiday Inn sign is excluded from the motion. Mr. Houston seconded the motion. A vote on the motion found Mr. Archambault, Mr. Houston, and Mr. Ryan in favor. Chairman Whitton abstained. The motion carried.

Mr. Lahke noted the two-year time limit and asked if the time would be renewable.

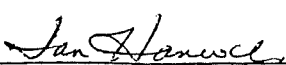
Mr. Archambault advised him that an extension could be granted, assuming the sign is still presentable.

There being no further business to come before the Board, Mr. Archambault moved, seconded by Chairman Whitton, that the meeting be adjourned. The meeting was adjourned by unanimous consent at 7:40 P.M..

APPROVED:

  
\_\_\_\_\_  
George D. Whitton, Chairman

ATTEST:

  
\_\_\_\_\_  
Jan Hancock, Recording Secretary