BOONE COUNTY
PLANNING COMMISSION
DEC 12 1991
RECEIVED

REVIEW NO. _____

APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION

(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

(Check One)
1. X Boone ____ Florence ____ Walton ____ Union

(Check One)
2. ____ Conditional Use Permit X Variance ____ Appeal
____ Change in Non-Conforming Use

3. Applicant's Name Wilson Sign Company, Inc.
Phone Number 513-253-2246
Applicant's Address 300 Hamilton Avenue
Dayton OH 45403
City State Zip

4. Description of Request: To install second free standing sign on a commercial lot.

5. Name of Development Mall Chrysler Plymouth
6. Location of Development 1086 Burlington Pike
Florence, KY
7. Acreage Under Review approximately 2.5 acres
8. Lot Number and Name of Subdivision (if part of a subdivision)

9. Owner of Property D & T Investment Company
Phone Number
10. Address of Property Owner 1086 Burlington Pike
Florence, KY 41042
City State Zip

11. Proposed Use(s) On Site To identify a Jeep/Eagle auto dealership a variance from section 1920, 2 B, article 19

12. Total Square Footage of Existing and/or Proposed Buildings
78.81 existing, and 78.81 additional proposed
13. Current Zoning on Property
14. Deed Book 345 Page No. 196 Group No. 2033 A
15. Is the site subject to a zone change?
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. Applicant's Signature:
19. Property Owner's Signature:

APPLICATION FORM
BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION

SECTION B
(To be completed by Boone County Planning Commission Staff)

1. Date Received 12-12-91
2. Fee Received $391.00 (# 7438)
3. Is application complete? ✓ Yes _____ No
4. Staff Reviewer Amy Moore
5. Scheduled Board Action Date 2/10/92
6. Board Action:
   _____ Approval
   ✓ Approved with Conditions (See #7)
   _____ Disapproved (See #8)
7. Conditions: The square footage of both the existing and proposed floor including offset can not exceed 252 square feet.
8. Reasons for Disapproval: _____

BCPC:7/11/88

STAFF REPORT

#1

DEVELOPMENT: Wilson Sign Company

APPLICANT: D & T Investment Company (owner)

LOCATION: 1086 Burlington Pike, Boone County, Kentucky

ZONING: Commercial Services (C-3)

DATE: January 8, 1992

REMARKS:

The applicant is requesting a Variance to allow an increase in the number of permitted free standing signs. The approximately 2.5 acre site is located at 1086 Burlington Pike, Boone County, Kentucky. The property is zoned Commercial Services (C-3) and is owned by D & T Investment Company.

Currently the site has one (1) free standing sign visible from Burlington Pike (KY 18). The applicant is requesting that a second free standing sign be permitted to be installed on the site. This sign would be approximately 80 square feet in size and approximately 24 feet high. It would advertise the Jeep/Eagle line of automobiles.

On August 29, 1984, October 23, 1986 and July 21, 1986, Mall Chrysler Plymouth was cited for being in violation of Article 19, Section 1903 of the Boone County Zoning Regulations by having streamers attached to a sign. On August 13, 1986, the Boone County Board of Adjustments denied an Appeal of the Zoning Officer's interpretation and administration of the zoning ordinance request.

Relationship to the Zoning Regulations and Comprehensive Plan

Article 19, Section 1920 of the Boone County Zoning Regulations states that:

> "Individual business establishments not location within a shopping center, mixed use commercial, or planned development shall be permitted one on premise free-standing sign. There shall be only one free-standing sign for each building, regardless of the number of business establishments conducted in said building." (p. 19-5)

The Land Use Element of the 1990 Boone County Comprehensive Plan makes the following statement about signs:

> 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. The objective is to avoid the confusion and/or distraction of motorists, and to avoid the potential negative impacts of signs on the visual appearance of a development or corridor." (p. 202)

Criteria

The following reviews the seven criteria the Board must use to judge each variance request:

1. If the Variance is granted, it would not adversely affect the public health, safety or welfare.

   Please refer to the excerpt from the Boone County Comprehensive Plan as stated above.

2. The Variance will not alter the essential character of the general vicinity.

   Please refer again to the above stated excerpt from the Comprehensive Plan.

3. The Variance will not cause a hazard or a nuisance to the public.

4. The Board should decide if the Variance will allow an unreasonable circumvention of the requirements of the zoning regulations.

5. The requested Variance does not arise from special circumstances which do not generally apply to land in the general vicinity, or in the same zone.

6. The Board should decide if the strict application of the provisions of the regulations would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

7. The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulations from which relief is sought.

Attached to this report is a copy of a drawing submitted by the applicant that illustrates the proposed sign. A reduction of the plan illustrating the locations of both the existing and proposed signs is also included.

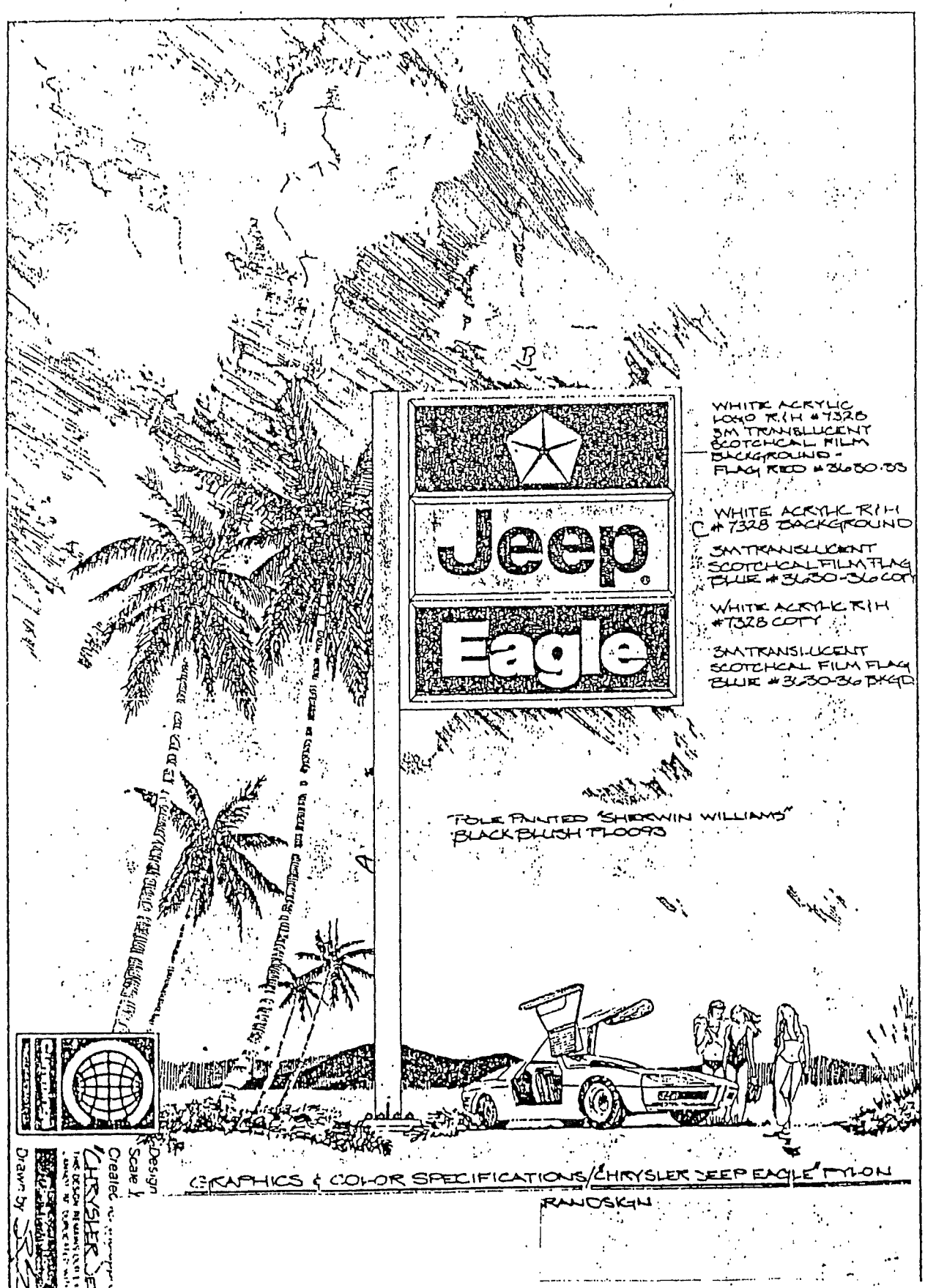
Respectfully Submitted,

Amy S. Moore

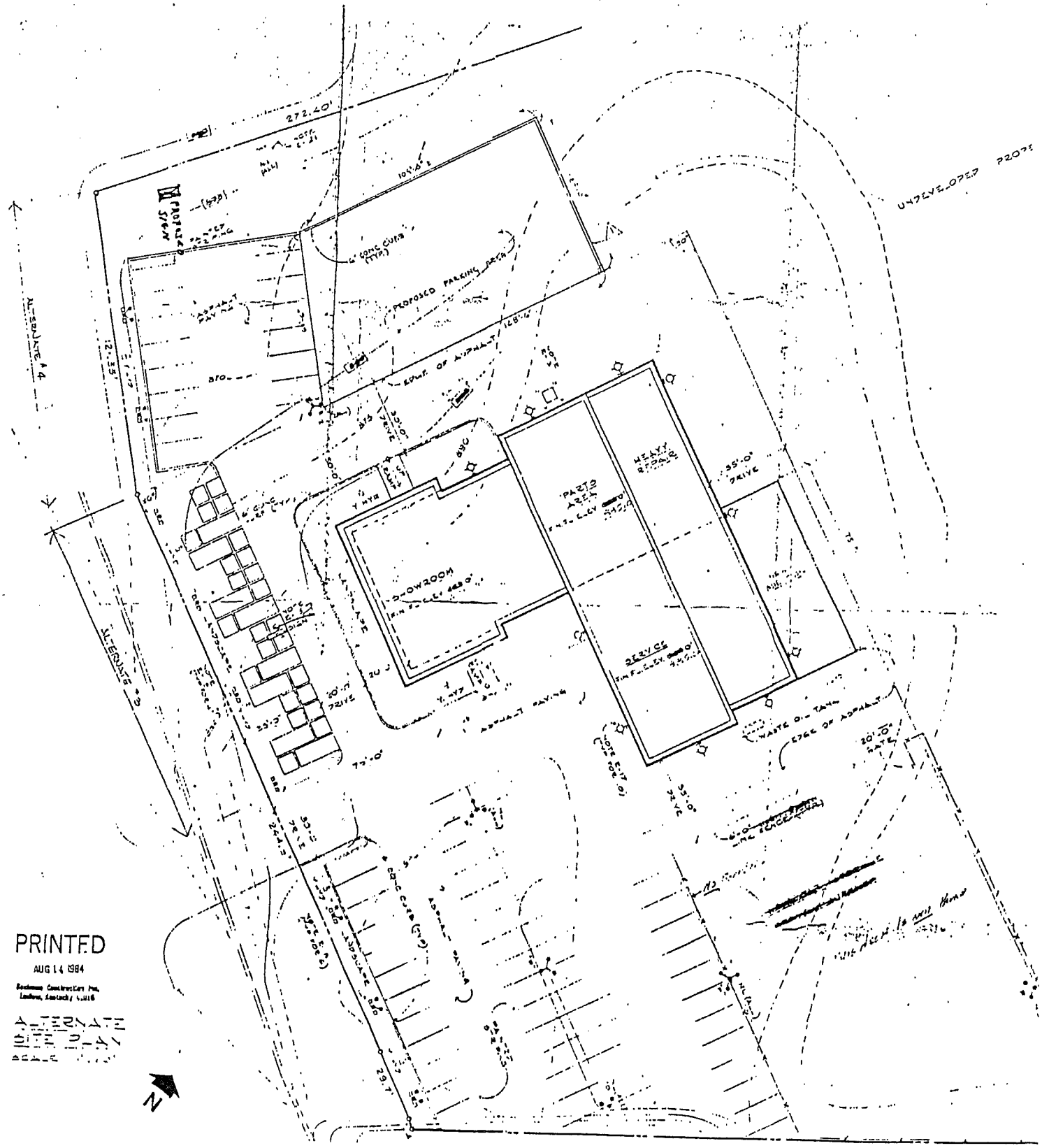
Amy S. Moore
Planner I

ASM:kat

Mall Chrysler Plymouth
Sign Variance request



Mall Chrysler Plymouth
Sign Variance request



92-BCBOA-001-A

COPY

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER (S)
D & T Investment Company
1086 Burlington Pike
Florence, Kentucky 41042

2. ADDRESS OF PROPERTY
1086 Burlington Pike
Florence, Kentucky 41042

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Mall Chrysler Plymouth

DEED BOOK: 345 PAGE NO.: 196 GROUP NO.: 2033A

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

_____	Zoning Map Amendment from _____ to _____	_____	Conditional Use Permit
_____	Development Plan	_____	Conditional Zoning Condition
_____	Subdivision Plat (unrecorded)	_____	Other: (Specify)
X	Variance		

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

BOONE COUNTY PLANNING COMMISSION
2995 WASHINGTON STREET
BURLINGTON, KENTUCKY 41005

Amy S. Moore
SIGNATURE OF COMPLETING OFFICIAL

Amy S. Moore, Planner I
NAME AND TITLE OF COMPLETING OFFICIAL
(type or print)

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledge before me by Amy S. Moore

on behalf of the Boone County Planning Commission this 16th day

of March, 1992.

Vicki L. Myers

VICKI L. MYERS
NOTARY PUBLIC, State at Large

My commission Expires:

April 8, 1995

This instrument was prepared for recording purposes only by:

Vicki L. Myers

VICKI L. MYERS
Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005

NO TITLE EXAMINATION

(Legal Description and source of Title and Group Number furnished by the applicant.)

BCPC 01/89

CLUR# 92-BCBOA-001-A

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the Variance as approved by the Boone County Board of Adjustments and in accordance with the current zoning in effect as of February 12, 1992, (Certificate of Land Use Restriction # 92-BCBOA-001-A), for D & T Investment Company, property owner.

The above Variance is approved with the condition that the square footage of both the existing and proposed free standing signs can not exceed 250 square feet.

The approved Variance as well as the preceding conditions apply to the property described in: DEED BOOK 345 PAGE NO. 196 Group No. 2033A