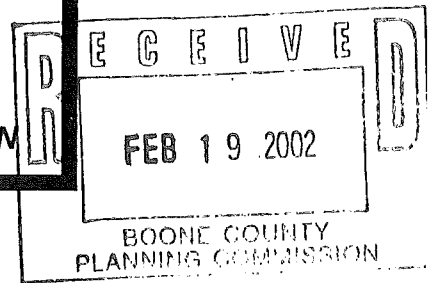


411-00

APPLICATION FORM

02 - BOA - 0000-1

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 [X] Florence _____ Walton _____ Union _____
2. (Check One) Conditional Use Permit _____ Variance _____ Appeal _____
[X] Change in Non-Conforming Use
3. Applicant's Name Quality Sign
Phone Number 916-9966 Fax No.
Applicant's Address 1230 Production Dr
Berkeley Ky 41001
City State Zip
4. Description of Request: Add a 9'x11' covered sign on the existing sign. Remove one monument sign.
5. Name of Development Champion VW - Dodge - Suzuki
6. Location of Development Four Action Blvd Flo Ky 41042
7. Acreage Under Review
8. Lot Number and Name of Subdivision (if part of a subdivision)
9. Owner of Property Lehman Bradley Trustee
Phone Number of Owner 746-3624 10.
Address of Property Owner Four Action Blvd Flo Ky 41042
City State Zip
11. Proposed Use(s) on Site New & used car sales
12. Total Square Footage of Existing and/or Proposed Buildings 668 ~~715~~
13. Current Zoning on Property
14. Deed Book 189 Page No. 167 Group No. 20408
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]

STAFF REPORT

APPLICANT: Quality Signs
LOCATION: 8025 Action Boulevard, Florence, Kentucky
ZONING: Commercial Services (C-3)
DATE: March 13, 2002

Proposal

Quality Signs is requesting a change in non-conforming use to allow the removal of a monument sign and the addition of sign cabinets to a pole sign. The property, containing 3.3 acres, is currently occupied by the Champion Automotive Dealer Group and is zoned Commercial Services (C-3). At this time, the applicant is proposing to remove a monument sign which is 10' tall and 50.7 square feet in area and add three sign cabinets, totaling 135 square feet, to a non-conforming pole sign. The pole sign is currently 61' 2" tall and 180 square feet in area.

Applicable Regulations

Article 2, Section 220 of the Boone County Zoning Regulations states that the Board of Adjustment and Zoning Appeals shall have the power to hear and decide on applications for changes in non-conforming uses.

Article 2, Section 270 of the Boone County Zoning Regulations states that it is the intent of the regulations to keep non-conforming uses or structure from being "enlarged or extended beyond the scope and area of its operation at the time it became a legal non-conforming use, nor shall other uses or structures which are prohibited elsewhere in the same district be permitted on lots of non-conforming uses or structures."

Article 2, Section 273 of the Boone County Zoning Regulations states that the "Board shall not permit such a change from one non-conforming use to another unless the new non-conforming use is as equally or more compatible with permitted uses in the district in which it is located as the existing nonconforming use.

The Board shall not allow any changed non-conforming use to be increased or enlarged, nor extended to occupy a greater area of land than was occupied by the original nonconforming use. In permitting such change in nonconforming use, the Board may require appropriate conditions and safeguards in accord with other provisions of this order, such as the provision of landscaping and buffering, the improvement of parking areas, and restrictions on the hours of operation.

Article 2, Section 274 of the Boone County Zoning Regulations states that "where a lawful structure exists at the effective date of adoption or amendment of this order that could not be built under the terms of this order by reason of restrictions on intensity or size or lot

coverage or height or bulk or setback, or other requirements concerning the structure, such structure may be continued 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 Kentucky Revised Statutes, Section 100.253(2).

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. There shall be only one (1) free-standing sign for each such individual business establishment regardless of the number of business establishments conducted in the building and regardless of the number of road frontages. In the C-2 and C-3 districts, the maximum height of a free-standing sign is 30' and the maximum area is 200 square feet.

Surrounding Land Uses and Zoning

North: Action Boulevard & Interstate 71/75

South: Mall Circle Road, Florence Mall & Florence Water Tank (C-2)

East: Interstate 71/75

West: Action Boulevard, Suburban Lodge & Champion Dodge Used Car Lot (C-3)

Staff Comments

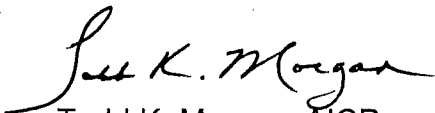
1. The free-standing signs located on the property are non-conforming for two reasons:
 - a. there is more than one free-standing sign on site; and
 - b. the 61' 2" tall pole sign exceeds the height requirement of 30'.
2. The applicant's proposal would bring the site in compliance with the number of free-standing signs permitted but would make the pole sign more non-conforming in terms of square footage.
3. Staff has been made aware that the Volkswagen Dealership is in the process of moving across Action Boulevard. As a result, Staff questions the need for adding a "Volkswagen" cabinet on the pole sign. "Volkswagen" advertising will be not permitted on this site once this part of the dealership moves to another lot.

4. Staff is concerned that the request would enlarge the non-conformity because the proposal consists of adding 135 square feet of signage on the pole sign and removing a monument sign which is 50.7 square feet in area. Staff would recommend a condition(s) that better achieves an equal trade-off. This could be accomplished by reducing the square footage of the proposed sign cabinets or lowering the height of the non-conforming pole sign.

Conclusion

KRS 100.253 and Section 220 of the Boone County Zoning Regulations gives the Florence Board of Adjustment and Zoning Appeals the authority to grant the applicant's request for Change-in-Non-Conforming Use. It is Staff's opinion that granting the Change in Non-Conforming Use, as proposed, is not an equal trade-off and should be viewed as an enlargement of the existing non-conformity.

Respectfully submitted,



Todd K. Morgan, AICP
Planner, Zoning Services

TKM/pr

Attachments

- Exhibit A – Concept Plan
- Exhibit B – Aerial Map
- Exhibit C – Zoning Map
- Exhibit D – 11/6/95 Sign Permit
- Exhibit E – Application

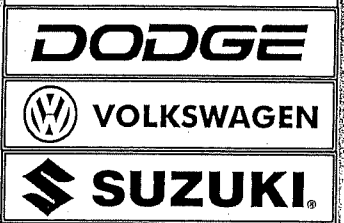
30'-0"

Existing Sign



6'-0"

3'-0"
3'-0"
3'-0"



Proposed Signs

15'-7"

12" round existing pole

15'

17'-0"

18" round existing pole

17'-0"

24" round existing pole

5'-7"

30" round existing pole

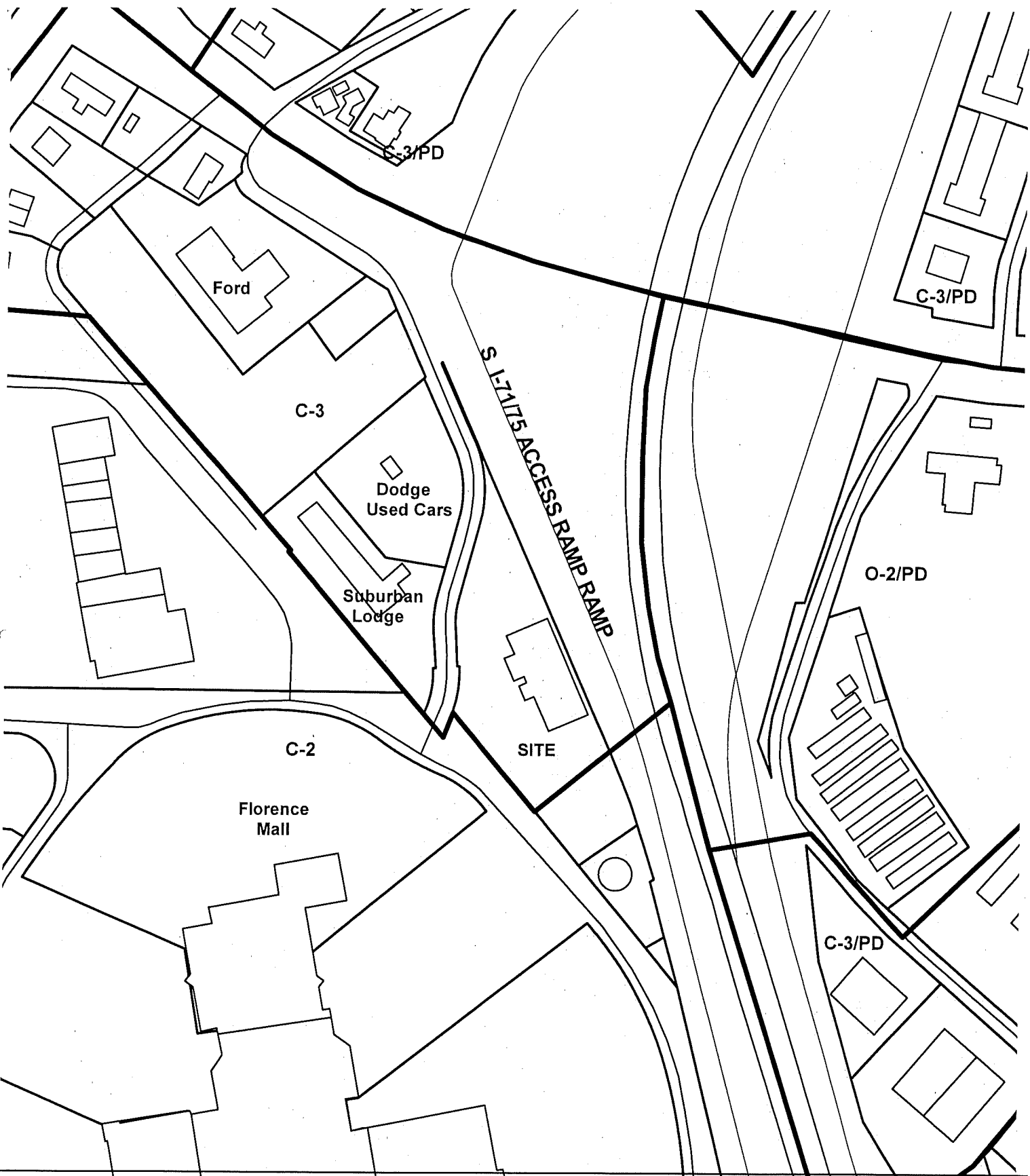
Florence, KY 41042



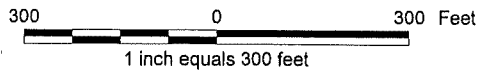
This is an original unpublished drawing, submitted for your use in connection with a project being planned for you by Quality Signs. It is not to be reproduced, copied or exhibited in any fashion without written permission of Quality Sign.

Approval By: _____

DH 02/12/02 © 2002 Champ-1 Scale: 1/8" = 1'0" Title: _____ Date: _____



Champion Dealer Group Zoning Map



Produced by the
Boone County Planning Commission
GIS Services Division
February 21, 2002



BOONE COUNTY PLANNING COMMISSION
SIGN PERMIT

****NOTE:** Prior to the placement of any approved sign, a building permit may be required from the Boone County Building Inspector - contact at 334-2218 for requirements.

A Sign permit is hereby granted to Wilson Sign Co., Inc. for
Dodgeland of Florence

for property located at 8025 Action Blvd.


and zoned C-3, for the purpose of Erecting a free-monument sign in
accordance with Article 34, Section 3413 of the Boone County/Florence Zoning
Order (Ordinance), subject to the following special conditions:

Monument sign 6' - 1 3/4" X 8' -3" (50.7 s.f.)

Replaces sign permit SP-F-153/95 which has become NULL and VOID.

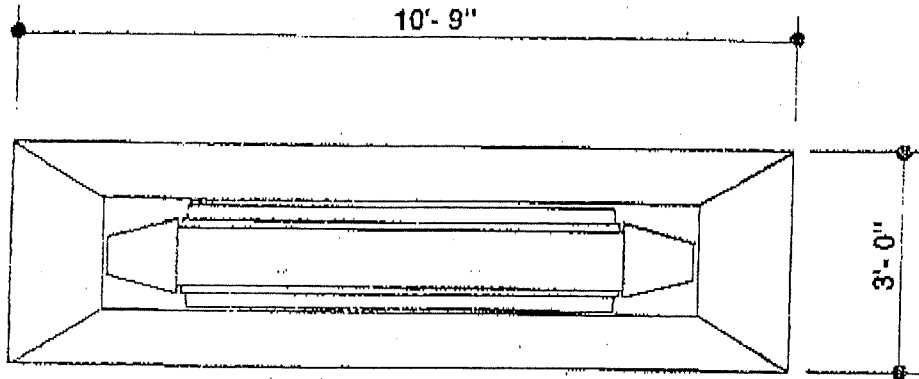
Failure to comply with the above cited Zoning Regulations and special conditions, shall render this permit null and void and to no effect.

11/6/ 95
DATE

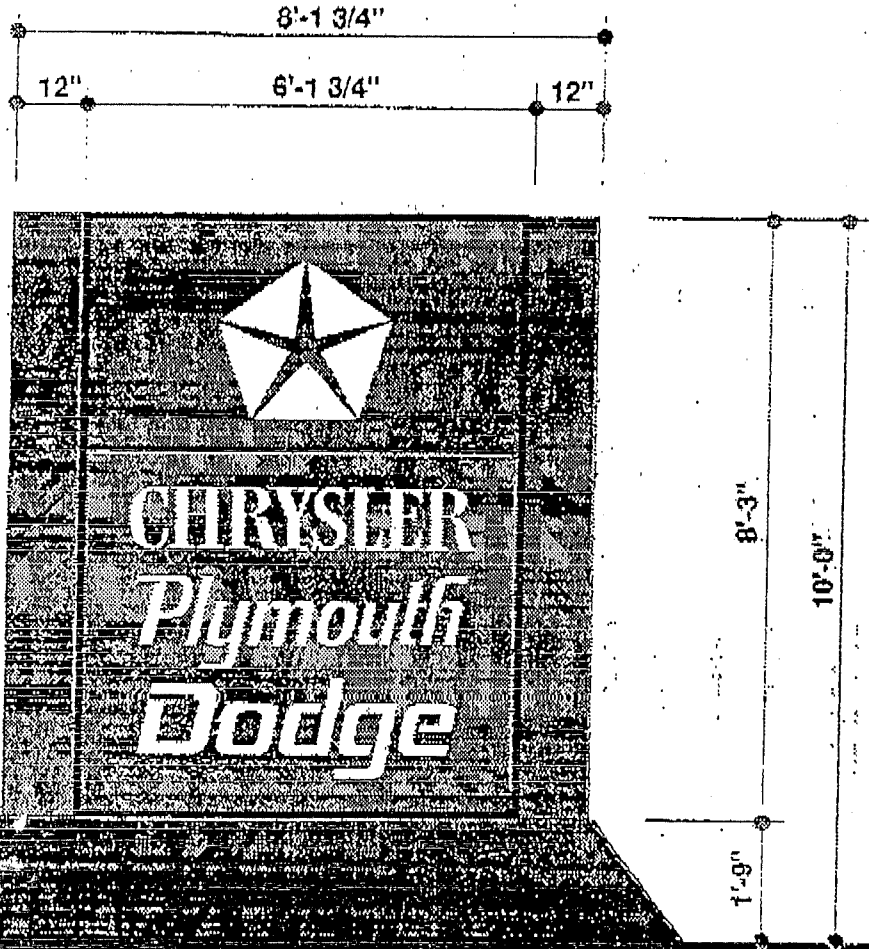

EDWARD COLEMAN
PLANNER



CHRYSLER CORPORATION



TOP VIEW



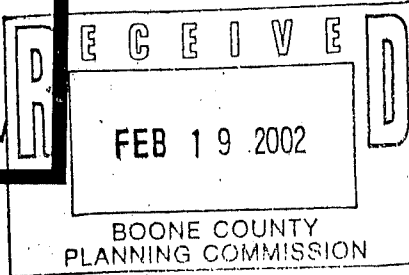
ILLUMINATED DOUBLE FACE MONUMENT SIGN - DODGE CONTROL



411-00

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 [X] Florence [] Walton [] Union []
2. (Check One) Conditional Use Permit [] Variance [] Appeal []
[X] Change in Non-Conforming Use
3. Applicant's Name Quality Sign
Phone Number 916-9906 Fax No.
Applicant's Address LEO Production Inc
City Burlington Ky State KY Zip 41001
4. Description of Request: Add a 9' x 16' Grand Sign on the Existing Sign. Remove one Monument Sign
5. Name of Development Champion VW - Dodge - Suzuki
6. Location of Development Ford Action Blvd. Flo Ky 41042
7. Acreage Under Review
8. Lot Number and Name of Subdivision (if part of a subdivision)
9. Owner of Property Lehman Bradley Trustee
Phone Number of Owner 746-3624
Address of Property Owner Ford Action Blvd Flo Ky 41042
City State Zip
10.
11. Proposed Use(s) on Site New & Used Car Sales
12. Total Square Footage of Existing and/or Proposed Buildings 5600
13. Current Zoning on Property
14. Deed Book 189 Page No. 167 Group No. 20408
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
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Applicant's Signature: [Signature]

Property Owner's Signature: [Signature]