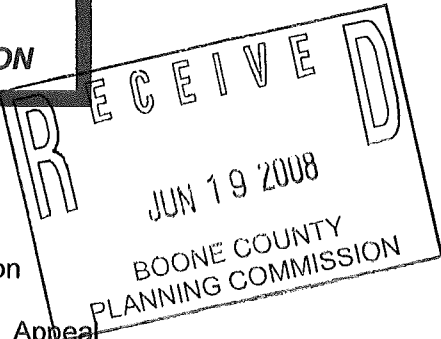


APPLICATION FORM

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
- 3. Change in Non-Conforming Use
- 3. Applicant's Name Sign A Rama - Karla
- Phone Number 602-454-4321 Fax No. 602-454-3292
- Applicant's Address 2207 Heather Lane
- Louisville Kentucky 40218
- City State Zip
- 4. Description of Request: We would like to construct a multi-tenant monument style sign with an E.M.C. in it. It is 250 ft from another E.M.C.
- 5. Name of Development Mortenson Family Dental - Burlington Pike Bldg.
- 6. Location of Development 7033 Burlington Pike
- 7. Acreage Under Review 1.22
- 8. Lot Number and Name of Subdivision (if part of a subdivision) 7033
- 9. Owner of Property R&R Holdings LLC
- Address of Property Owner 20 Medical Village DR. Sk196 Phone No. (209) 968-0858
- 10. Edgewood Kentucky 41017
- City State Zip
- 11. Proposed Use(s) on Site Commercial
- 12. Total Square Footage of Existing and/or Proposed Buildings 4,620 Existing
- 13. Current Zoning on Property _____
- 14. Deed Book 723 Page No. 237 Group No. 2034A
- 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]

(over)

**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 6-19-08 Fee Received \$1,732.00 R# 56723
2. Is application complete? Yes No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
 Approved
 Approved with Conditions (See #6)
 8/13/08 Denial (See #7)
6. Conditions of Approval: _____

7. Reasons for Denial: SEE FBOA MEETING MINUTES

**Boone County Planning Commission
Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
Burlington, Kentucky 41005
(859) 334-2196 - Phone
(859) 334-2264 - Fax
plancom@boonecountyky.org - E-mail
www.boonecountyky.org - Web Page**

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: Sign A Rama
LOCATION: 7033 Burlington Pike, Florence, Kentucky
ZONING: Commercial Two (C-2)
DATE: August 13, 2008

Proposal

The applicant has submitted the following applications:

1. A Conditional Use Permit application to allow electronic (LED) copy on a proposed monument sign. The submitted drawing shows that a new monument sign is being proposed for Miracle Professional Building. The sign is 6'-8" tall and 57.53 square feet in area and includes a 21" x 116" (16.92 square feet) electronic message board for Mortenson Family Dental.
2. A Variance to allow the electronic price panels within 660' of another electronic sign. The Boone County G.I.S. system shows that the proposed electronic sign is approximately 240' from the Boone County High School sign.

Site Characteristics

The approximate 1.2 acre site contains a 4,620 square foot office building with five suites. Access to the building is provided from a single curb cut on KY 18 and parking is located to the sides and rear of the building. The topography of the parcel falls from 936' above sea level at KY 18 to 922' above sea level at the rear property line. Although the property has some mature landscaping around the perimeter of the site, there are some areas along the rear property line where adjoining single-family households are highly visible. The subject sign is located immediately to the north of the curb cut and is visible from KY 18.

Applicable Regulations

Article 2, Section 220 of the Boone County Zoning Regulations states that two duties of the Board of Adjustment and Zoning Appeals is to act on Conditional Use Permit and Variance applications.

Article 2, Section 250 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 variances. A variance is defined as a departure from the dimensional terms of the zoning regulation pertaining to the height, width, or location of structures, and the size of yards and open spaces where such departure meets the requirements of KRS 100.241 to 100.247.

The Board should evaluate the applicant's variance request in terms of the criteria listed 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 nuisance to the public, and will not allow an unreasonable circumvention of the requirements contained in the Zoning Regulations.
 - 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 Regulation 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.

The Board needs to evaluate the Conditional Use Permit request terms of the criteria listed in Section 262 of the Boone County Zoning Regulations. The criteria are listed below:

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 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 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 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 the property which shall be so designated as not to create an interference with traffic on surrounding public thoroughfares.

Section 3413 of the zoning regulations states that individual parcels of land in C-2 zoning districts shall be permitted a density of one (1) on-premises, architectural free-standing. In the City of Florence, the sign can be up to 20' tall and 150 square feet in area (dependent on road frontage).

Section 3430 of the Zoning Regulations permits electronically message boards as a Conditional Use in the C-2 zone provided that the following requirements are met:

- A. Such message boards will be considered a part of a permitted sign, free-standing or building mounted; up to fifty percent (50)% of the permitted sign area can be used for an electronically changeable message board.
- B. All such message boards shall meet the minimum standards of the Kentucky Transportation Cabinet and any other controlling local, state, or federal agency.
- C. Electronically changeable message boards shall not be permitted at intervals of less than six-hundred sixty (660) feet, measured along the centerline of each interstate or thoroughfare from which the sign will be visible, between lines through the center of the signs and perpendicular or radial to said centerline.
- D. Apparent motion of the visual message, caused by, but not limited to, the illusion of moving objects, moving patterns or boards of light, expanding contracting, or rotating shapes or other similar animation effects, shall be prohibited. Such restriction applies to "scrolling" or "running" messages.
- E. The message displayed on the board must be displayed for a minimum of five (5) second intervals. In no instance can a message, or part thereof, flash on the message board.

Relationship of the Request to the Comprehensive Plan

The 2005 Boone County Comprehensive Plan's "2030 Future Land Use Plan" designates the majority of the site for "Commercial" uses. This designation is defined as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."

The Future Land Use Development Guidelines (pages 140-142) found in the Land Use Element state that "developments in Boone County should give consideration to the overall design of the area. Design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact of the proposed use. 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" (Design, Signs, and Historic Preservation).

Surrounding Land Uses and Zoning

North: Fireside Hearth & Home (C-2)

South: Single-Family Residential Home Fronting on Sweet Briar Ave. (SR-1)

East: Single-Family Residential Homes Fronting on Sweet Briar Ave. (SR-1)

West: Burlington Pike and Boone County High School (SR-1)

Staff Comments

1. The Board should analyze the "Design, Signs, and Historic Preservation" section of the Future Land Use Development Guidelines before acting on the requests. This section calls out that motorists should not be confused and/or distracted by excessive signs and that signs should not have a negative impact on the visual appearance of a corridor.

Staff has concerns that electronic message board could have a negative visual appearance on the KY 18/Turfway Road corridor and adjoining residential properties. Staff would like to point out that the Boone County High School did not have to go through the Conditional Use Permit process because public schools are exempt from zoning.

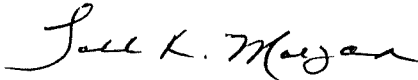
2. Staff would like the applicant to explain why a dentist's office needs this type of sign.
3. Section 3430 of the Boone County Zoning Regulations states that an electronic message board shall conform to the following criteria:
 - A. The electronic message board shall not be more than fifty percent (50)% of a permitted sign area. The message boards comprise 29.4% (16.92/57.53) of the overall sign area.
 - B. Electronic messages must be displayed on the board for at least 5 seconds and the messages cannot flash, scroll, or run. Staff would like the applicant to address this standard.
 - C. Electronic message boards must be at least 660 feet apart. A Variance request was submitted because the Boone County High School sign is located approximately 240' from the proposed sign.
3. Staff recommends the following conditions if the request is approved:
 - A. The electronic copy color should be defined. Staff recommends white copy if the request is approved.

- B. The monument sign shall be limited to 8.5' in height and 57.53 square feet in area. The sign shall have brick columns and a minimum 2' high brick base. The arch on top of the sign shall not be permitted and the building address shall appear on the base.
- C. The electronic message board shall only be used by one building tenant.

Conclusion

K.R.S. 100.237 and 100.241 and Section 220 of the Boone County Zoning Regulations gives the Florence Board of Adjustment and Zoning Appeals the authority to act on the requests.

Respectfully submitted,



Todd K. Morgan, AICP
Senior Planner, Zoning Services

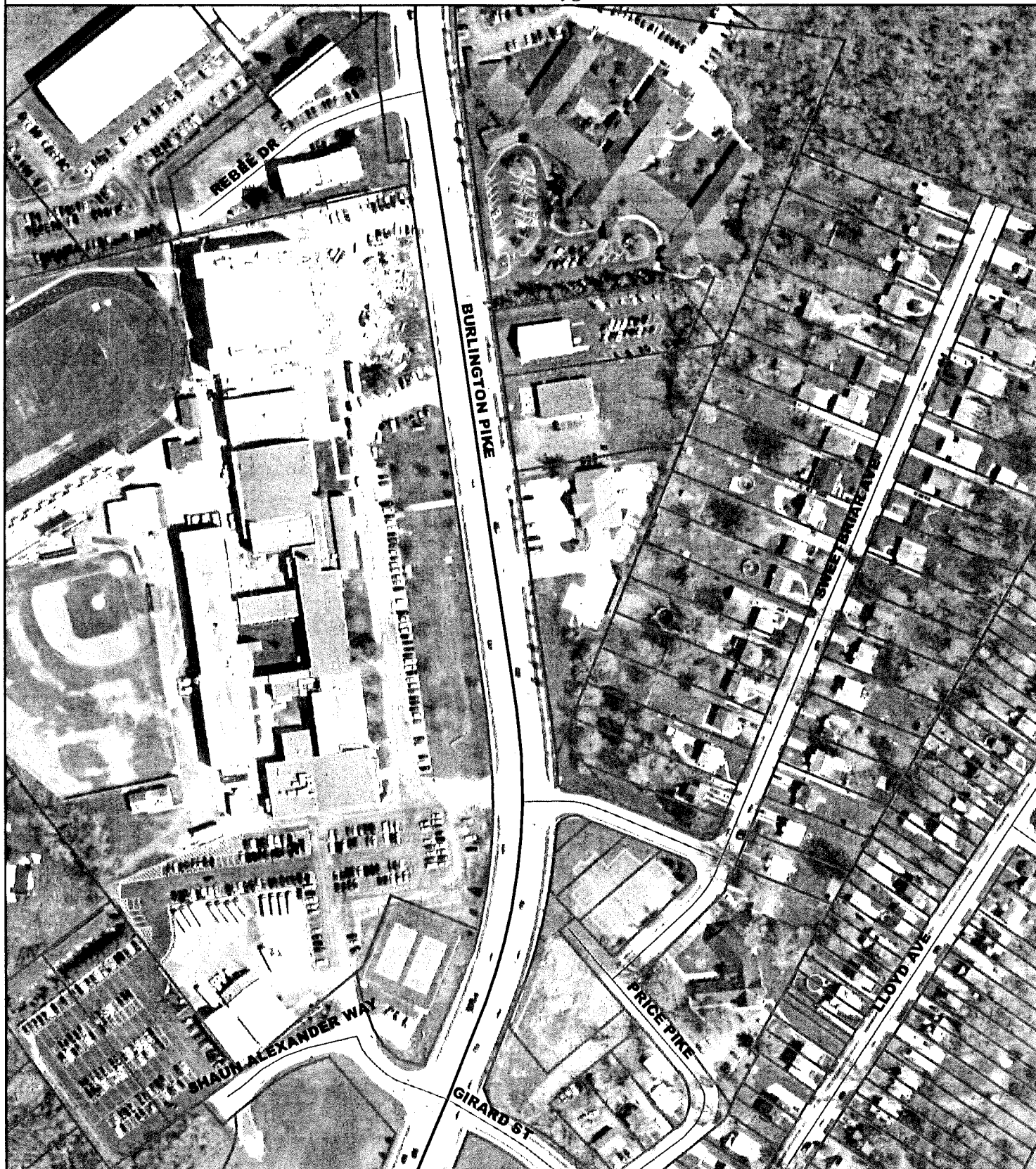
TKM/pr

Attachments

- *Aerial Map
- *Proposed Sign
- *Zoning Map
- *Future Land Use Map
- *Topographical Map
- *Closest Electronic Sign
- *Application

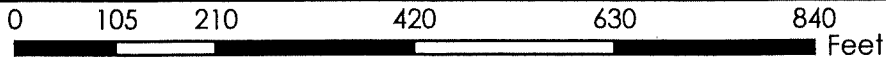
AERIAL MAP

www.boonecountygis.com



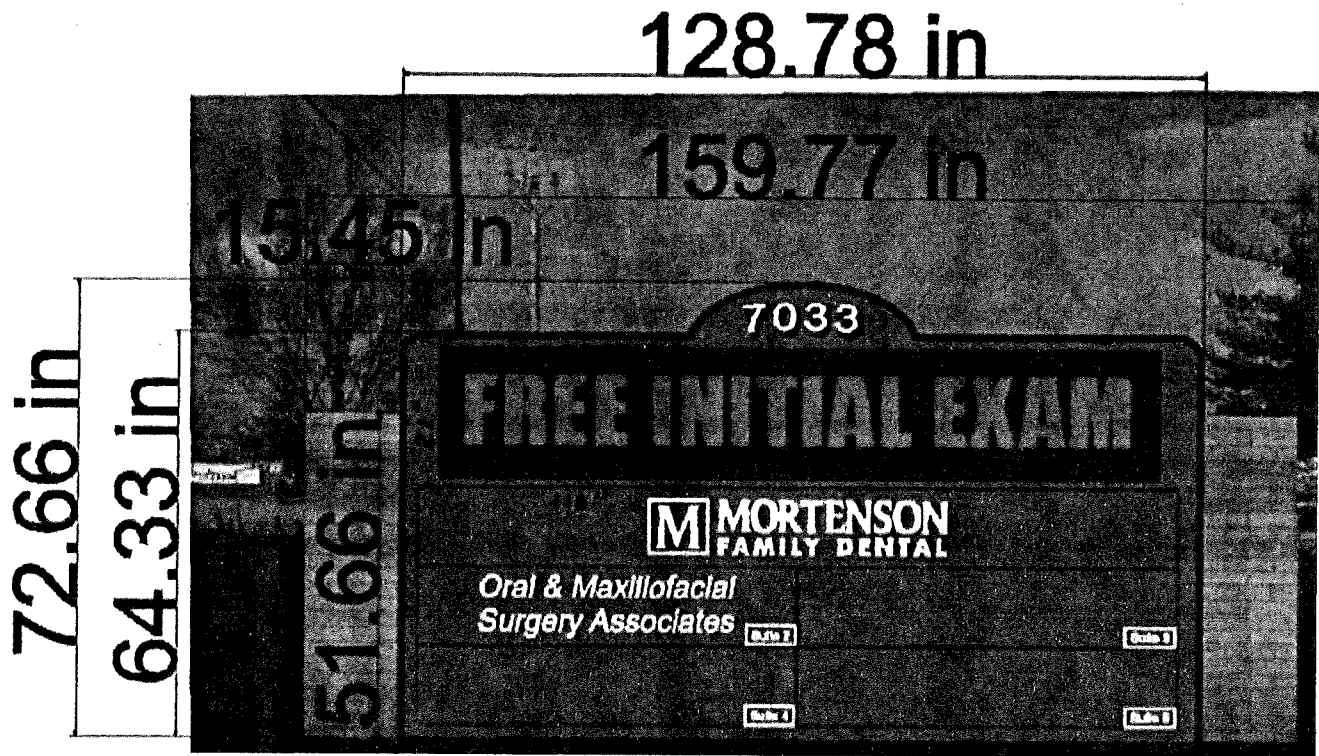
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Boone County GIS - Putting Northern Kentucky on the Map





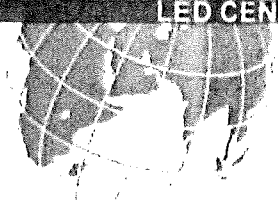
Please understand that IF there is a proof attached to this e-mail and you approve it, you are agreeing to release Sign A Rama from any spelling or grammar errors.

Please note that as you look at the proof it may or may not appear pixilated. Unless we state that it is not good print quality it is fine. The proofs loose some of their clarity to conserve file size and for ease of customer accessibility. If you would like a high resolution proof please request one.

Thank You,



SIGN★A★RAMA
MEDCENTRAL

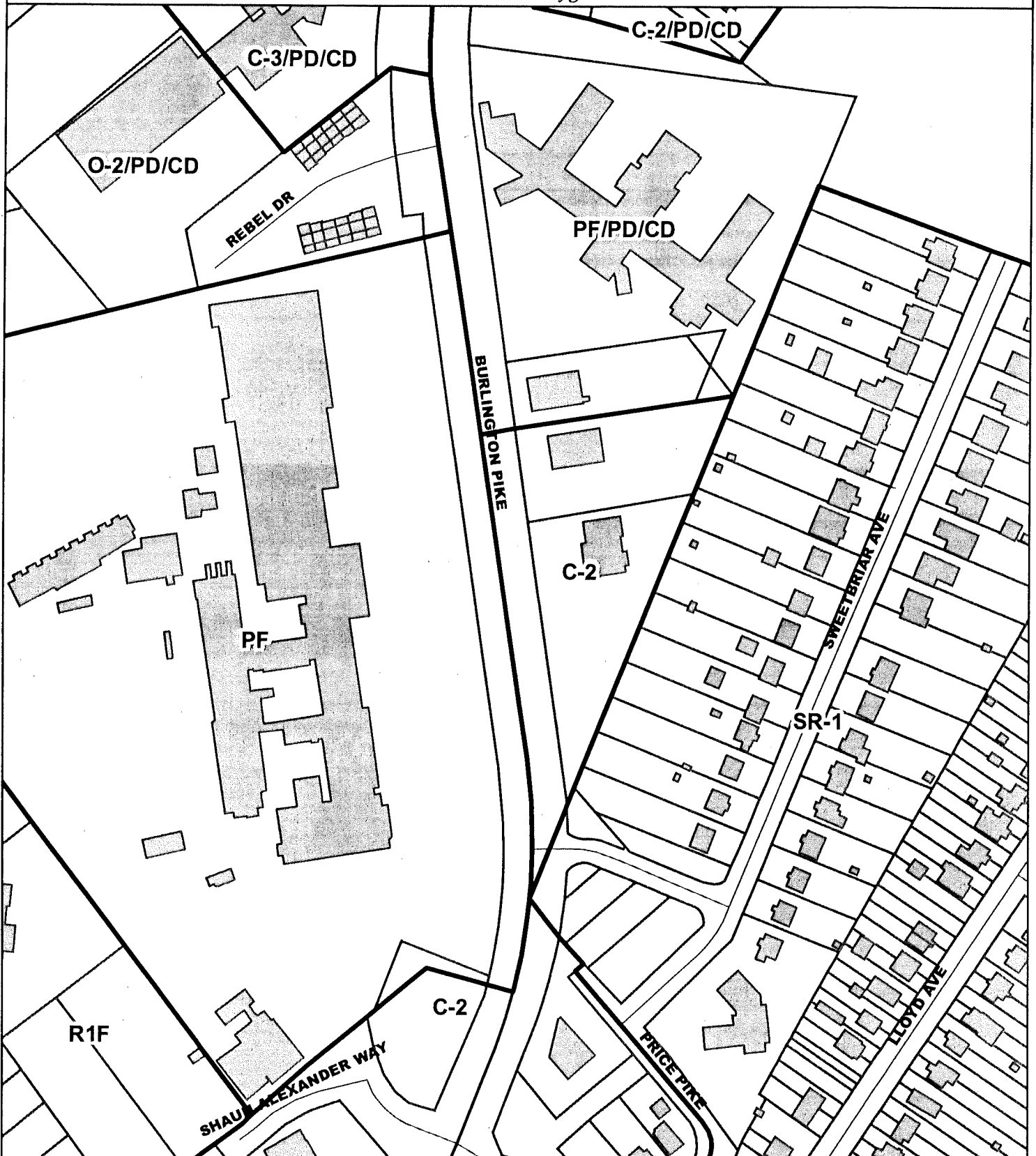


Design Station 1
2207 Heather Lane
Louisville, KY 40218
(502) 454-4321 (phone)
(502) 454-3292 (fax)

6/9/2008

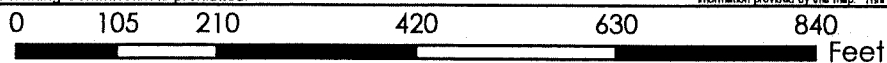
ZONING MAP

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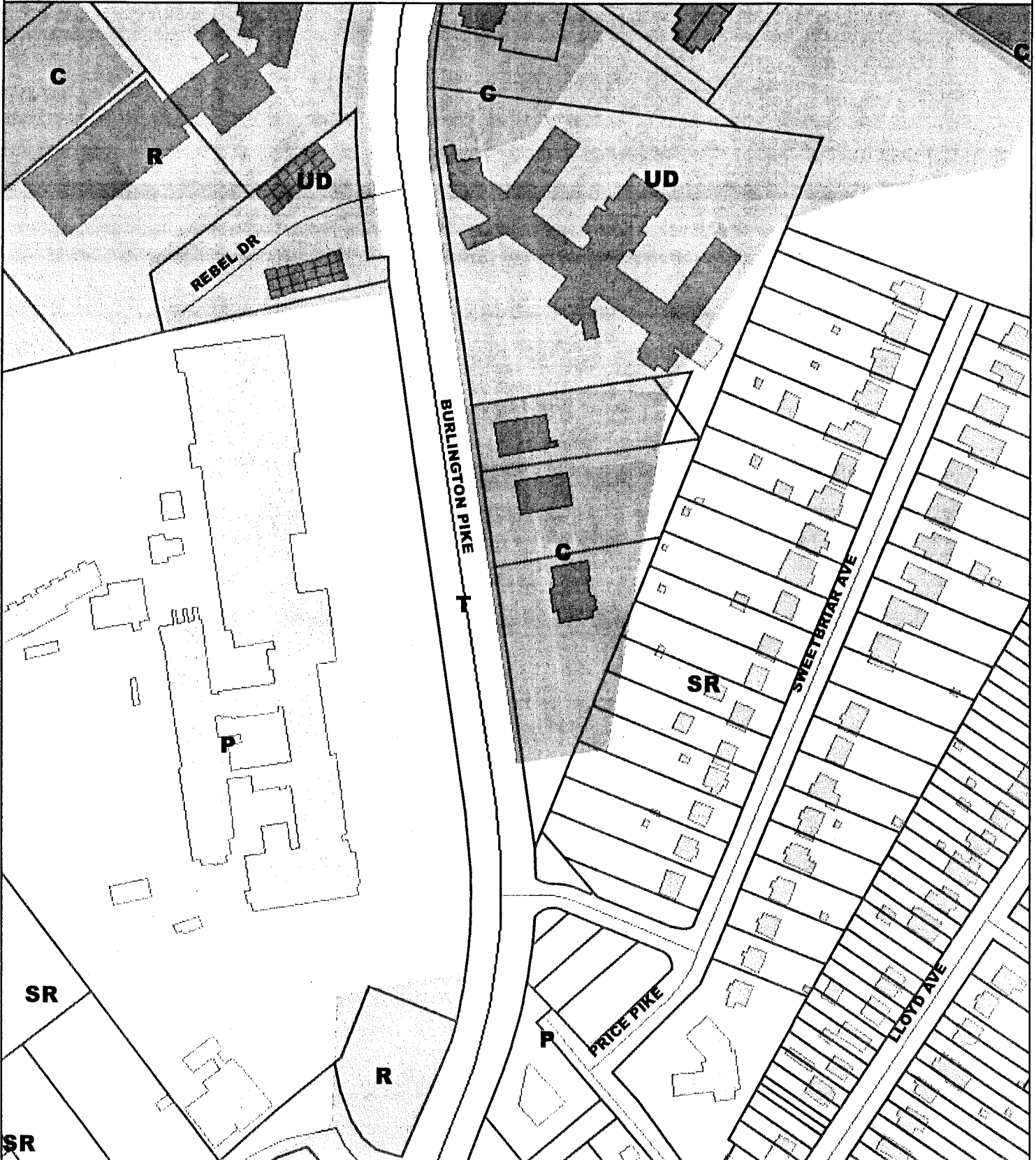


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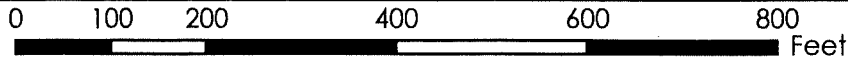
FUTURE LAND USE MAP

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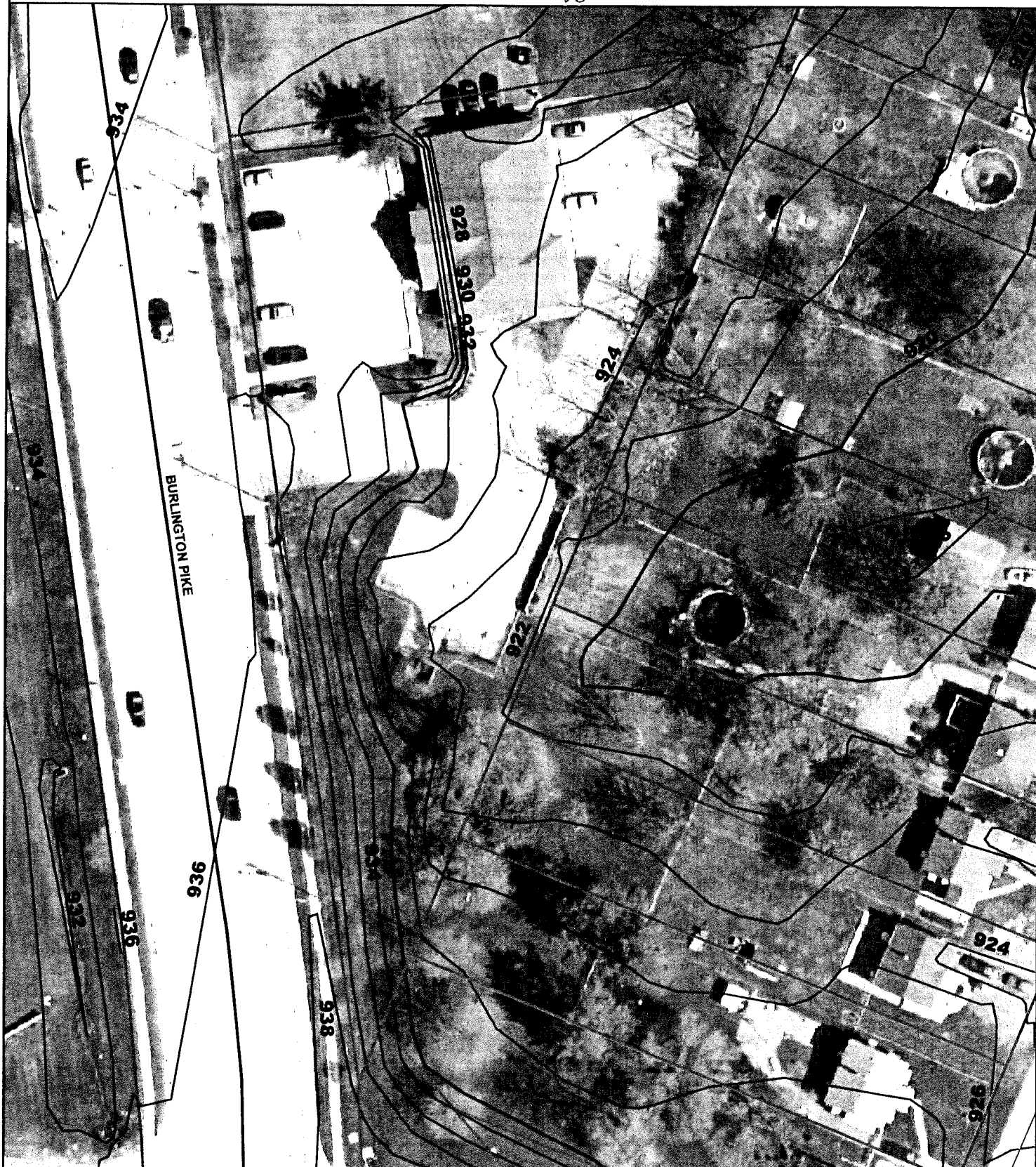


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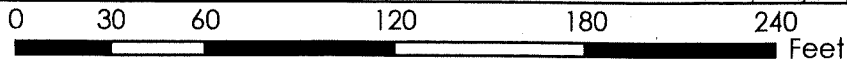
TOPOGRAPHICAL MAP

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1 Inch equals 60 feet

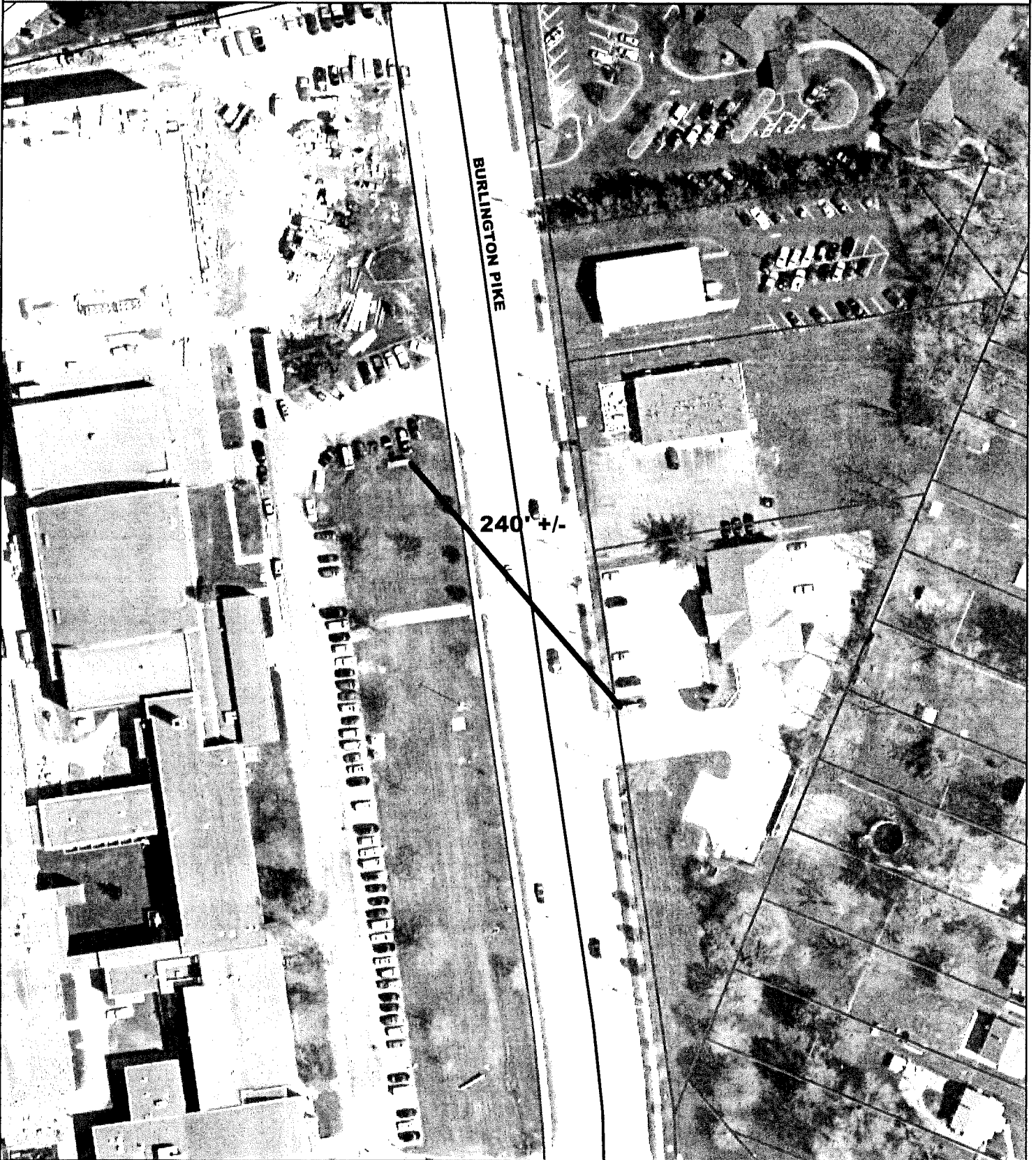


Boone County GIS - Putting Northern Kentucky on the Map



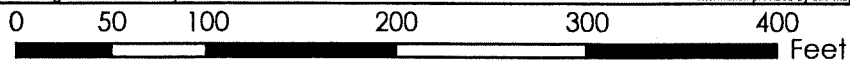
Closest Electronic Sign

www.boonecountygis.com



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1 Inch equals 100 feet

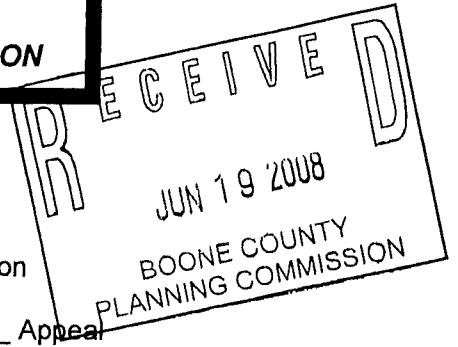


Boone County GIS - Putting Northern Kentucky on the Map



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)

- (Check One)
- Boone _____ Florence _____ Walton _____ Union _____
 - (Check One)
 Conditional Use Permit Variance _____ Appeal _____
Change in Non-Conforming Use _____
 - Applicant's Name Sign A Rama - Karla
Phone Number 602-454-4321 Fax No. 602-454-3292
Applicant's Address 2207 Heather Lane
Louisville Kentucky 40218
City State Zip
 - Description of Request: We would like to construct a multi-tenant monument style sign with an E.M.C. in it. It is 250 ft from another E.M.C.
 - Name of Development Mortenson Family Dental - Burlington Pike Bldg.
 - Location of Development 7033 Burlington Pike
 - Acreage Under Review 1.22
 - Lot Number and Name of Subdivision (if part of a subdivision)
7033
 - Owner of Property R & R Holdings LLC
Address of Property Owner 20 Medical Village Dr. Sk 190 Phone No. (209) 968-0858
 - Edgewood Kentucky 41017
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 - Proposed Use(s) on Site Commercial
 - Total Square Footage of Existing and/or Proposed Buildings 4,620 Existing
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 - Deed Book 723 Page No. 237 Group No. 2034A
 - Is the site subject to a zone change? NO
If yes, give date of approval _____
 - Have you submitted a Site Plan with this request? yes
 - Have you submitted a list of adjoining property owners with this request? yes
 - 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]

(over)