

1/2 x building width  
\$60 per permit

APPLICATION FOR ZONING ACTION

- Boone County Planning Commission
- City of Union Board of Adjustment
- City of Florence Board of Adjustment
- City of Walton Board of Adjustment
- Boone County Board of Adjustment
- Zoning Enforcement Officer
- Zoning Text Amendment
- Zoning Map Amendment
- Comprehensive Plan Change
- Planned Development Overlay Change
- Preliminary Plat Review
- Improvement Plat Review
- Conditional Use Permit
- Final or Deed Plat Review
- Concept Development Plan Change
- Site Plan Review
- Preliminary Development Plan
- Historic District Overlay
- Change of Non-Conforming Use
- Appeal or Variance
- Design Review Board and Certificate of Appropriateness
- Sign or Zoning Permit

Applicant: Richard Lawrence  Owner  Agent  
 Address: 6608 Dixie Hwy  
Florence, Ky 41042 Telephone: 371-0050  
 Location: X see pg 2-7  
 Name of Property Owner: Richard Lawrence  
 Address of Property Owner: 191 B. W. MAIN WATSON KY 41094  
 Zoning District: C-2 Area in Acres: \_\_\_\_\_  
 Plat Book: \_\_\_\_\_ Page Number: \_\_\_\_\_ Group Number: \_\_\_\_\_

Description of Request: MOUNT Letters AND THE CUT OUT of  
MICROWAVE AND PORTABLE T.V. ON THE WEST SIDE  
of THE Building. This message would Replace The  
message of The former occupant FLORENCE OPTICAL.  
 Applicant's Signature: Richard S. Lawrence  
 Property Owner's Signature: Richard S. Lawrence

Application Fee: 180.00 FOR PLANNING COMMISSION USE ONLY  
 Date Received: 9-2-86 By: JDA  
 Referred To: Tom Brudenstein Meeting Date: \_\_\_\_\_  
 Decision Taken: denied 9/15 Date of Action: \_\_\_\_\_

STAFF REPORT

APPLICANT: Richard Lawrence  
d.b.a. Yes T.V. Rental

LOCATION: 6608 Dixie Highway, Florence

ZONE: Commercial Two (C-2)

DATE: October 8, 1986

REMARKS:

The applicant is requesting an appeal of the Zoning Enforcement Officer's decision to deny a sign permit at the Yes T.V. Rental store at Dixie Highway and Nicholas Drive in Florence.

Article 19, Section 1912 of the City of Florence Zoning Ordinance reads "each business shall be permitted one flat or wall on-premises sign" with certain size restrictions. This section further explains that "an enterprise occupying a corner or through lot shall be permitted one flat or wall on-premises sign for each frontage". (pg. 19-3) Using this information sign permits SP-F-72/86 and SP-F-73/86 were issued for those building frontages facing Dixie Highway and Nicholas Drive. An application for a third sign, on the southwestern wall of the building, was denied since it has no road frontage.

Mr. Lawrence argued that since the former occupant of the building (Florence Optical) had a sign on that wall, they were entitled to a similar sign. The Zoning Enforcement Officer and the Zoning Administrator disagree with this argument. Article 2, Section 280 of the zoning regulations reads:

"It is the intent of this order to permit these non-conforming lots, uses, and structures to continue until they are removed, but not to encourage their survival. (p. 2-7)"

Mr. Lawrence has expressed the opinion that signs do not fall under the list of "lots, uses, and structures". The definition of structures reads:

"Anything constructed or erected, the use of which requires location on the ground, or attachment to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences, and billboards." (p. 20-7)

It is staff's contention that signs are indeed structures and are thus subject to the provisions of Section 280.

To conclude, it is up to the Board to decide whether or not my administration and interpretation of the City of Florence Zoning Ordinance is proper and if Yes T.V. Rental will be injuriously affected or aggrieved by my decision. The staff believes that the removal of the sign will not affect the amount of business conducted by Mr. Lawrence, especially when one considers the exceptional visibility of the signs due to their color.

As a final note, my actions have been approved and agreed upon by Gerald

Staff Report  
Yes T.V. Rental  
October 8, 1986  
Page Two

Newton, Zoning Administrator, who has been charged by the Florence City Council to make sure the City of Florence Zoning Regulations are correctly administered and upheld.

Respectfully submitted,

A handwritten signature in cursive script that reads "Thomas W. Breidenstein". The signature is written in dark ink and is positioned above a horizontal line.

Thomas W. Breidenstein  
Zoning Enforcement Officer

TWB/jdh

September 19, 1986

Boone County Planning Commission:

I would like to appeal the decision concerning the permit for a sign. Attached to this appeal is a copy of the application marked Article 1.

On September 2, 1986 I applied for three(3) sign permits. Application 1 was to add a sign on the front of the building. This application was approved and a permit was approved. Application 2 was a replacement of an existing sign on the north side of the building. This application was also approved and a permit was issued. Application 3 was for the replacement of an existing sign on the south wall of the same building, this application was denied. Attached is a copy of the reason for the denial that was returned to me with the application and it was marked as Article 2. The reason for the denial of the application is highlighted on Article 2 Section 280 which is attached and marked as Article 2.

I can't understand how a permit for a sign can be issued for one side of the building and on the opposite side of the building it can be denied for the reason given in Article 2 Section 280.

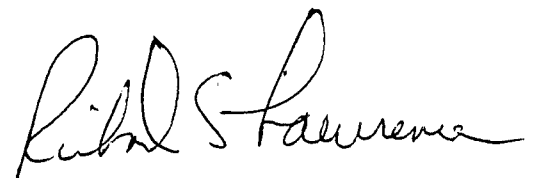
I believe that Section 280 was written and adopted primarily to prohibit, regulate, or restrict the use, zoning of lots, and building structures.

Since I purchased the property in May 1985, I have done many things to improve the appearance of the building on the inside as well as the outside and the rest of the lot. We are currently in the process of painting the building which it has needed for many years, but I have just recently been able to afford.

When I purchased the property, the grass and weeds were up to my butt, the lot was littered with tree limbs, garbage and other junk. The interior of the building was piled full of junk and flammable material. The water and electric services was turned off.

I know I should not be pissed off, but it is hard for me to understand the purpose of the Boone County Regulations and the enforcement of these regulations, when for the last year and a half the weeds in the adjoining lot are up to my butt and littered with paper and other garbage and this condition is allowed to exist.

I can display a sign, banner, or erect a small sign and within two days an enforcement officer with the planning and zoning is writing me up with some kind of a non-compliance of a rule, regulation or law. But I guess that's the way the system was planned and designed or was it?

A handwritten signature in cursive script, appearing to read "Robert Lawrence". The signature is written in dark ink on a white background.

1/2 x building width

APPLICATION FOR ZONING ACTION

Article 1 mit

0:

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- City of Union Bo
- City of Florence Board of Adjustment
- City of Walton B
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- Zoning Enforceme

OR:

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Address: 6608 Dixie Hwy  Agent

Florence, Ky 41042 Telephone: 371-0050

Location: X see pg 2-7

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## NONCONFORMING LOTS, USES, AND STRUCTURES

## Section 280

Intent

Within the districts established by this order or amendments that may later be adopted, there exist lots, uses of land structures, and uses of structures and land in combination which were lawful before this order was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this order or further amendments. It is the intent of this order to permit these nonconforming lots, uses, and structures to continue until they are removed, but not to encourage their survival. It is further the intent of this

order that a nonconforming use or structure shall not be enlarged or extended beyond the scope and area of its operation at the time it became a legal nonconforming use, nor shall other uses or structures which are prohibited elsewhere in the same district be permitted on lots of nonconforming uses or structures.

## Section 281

Single Non-Conforming Lots of Record and Subdivisions

If any lot of record does not meet the minimum size requirements that are generally applicable in the district wherein said lot is located, and that lot existed at the effective date of adoption or amendment of this order, the owner may develop that lot in conformance with the dimensional (size) regulations previously in effect. The lot must be developed in conformance with all other requirements of this order. Variances of any requirements other than size shall be obtained only through action of the Board of Adjustment and Zoning Appeals as provided in Section 243 through Section 246. Subdivisions which had been granted preliminary plan approval prior to the adoption of this order may be developed in conformance with dimensional regulations under which preliminary plan approval was given. All other requirements of this order must be met.

## Section 283

Non-Conforming Uses of Land

Where, at the time of adoption of this order uses of land exist which would not be permitted by the regulations imposed by this order, the uses may be continued so long as they remain otherwise lawful, provided the Board shall not allow the enlargement or extension of a non-conforming use beyond the scope and area of its operation at the time these regulations were adopted.

## Section 284

Change from One Nonconforming Use to Another

The Board of Adjustments and Zoning Appeals shall have the power to hear and decide on applications to permit a change from one nonconforming use to another. The Board shall not permit such a change unless the new nonconforming use is as equally or more compatible with permitted uses in the district in which it is located as the existing nonconforming use. Application for change of nonconforming use shall conform to the procedures and requirements for appeals as specified in Sections 241-246, inclusive, of this order.

FLORENCE BOARD OF ADJUSTMENT

OCTOBER 8, 1986

7:30 P.M.

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Chairman Holland called the meeting to order. Roll call was taken by staff member Dee Ann Brewer. 4 members present. Absent: Mr. Bolton. Staff members Tom Breidenstein and Kevin Costello were present. Atty. Dale Wilson were also present.

Minutes of the September 10, 1986 Florence Board of Adjustment meeting were considered. Mr. Wilder referred to page one, seventh paragraph, last line, the word "property" should be "tracks". Hearing no further corrections, Mr. Wilder moved the Minutes of the September 10, 1986 Florence Board of Adjustment meeting be approved as corrected. The motion was seconded by Mr. White. The motion carried unanimously.

Chairman Holland proceeded to the items on the agenda.

Modification of an approved Conditional Use Permit

A request of Corporex Companies, Inc. (owner) for a modification of a previously approved Conditional Use Permit and a variance in a sideyard setback for the construction of a hotel on a 9.34 acre site located at Turfway Road and I-75, Florence, Kentucky. The site was zoned Office Two, 0-2 when the original conditional use permit was granted and is currently zoned Office Two/Planned Development Overlay, 0-2/PD.

Staff member Kevin Costello presented a slide presentation of the proposed site and the surrounding area. Mr. Costello presented the Staff Report. (See Staff Report)

Chairman Holland referred to the applicant for any comment.

Mr. Dan Fay, representative for the proposed request referred to the Site Plan and explained that Corporex had since retained ownership of the entire tract and would like to put a portion of the proposed hotel on the Hilton site. Mr. Fay then described in detail the layout of the proposed site and the architectural design of the structure.

Chairman Holland inquired if the hotel would be four stories and if there would still be 120 rooms with interior corridors. Mr. Fay responded yes.

Chairman Holland inquired of any support, opposition or comment on the proposed request.

Hearing no comments, Chairman Holland moved to approve the request of Corporex Companies, Inc. (owner) for a modification of a previously approved Conditional Use Permit and a variance in a sideyard setback for the construction of a hotel on a 9.34 acre site located at Turfway Road and I-75, Florence, Kentucky and that the variance be granted down to the zero lot line based upon the Staff Report.

Mr. Wilder inquired who would own the proposed building. Mr. Fay stated Corporex would own the building. Mr. Wilder expressed concern of there being a problem if Corporex sold the building since part of it would be on property not owned by Corporex.

Atty. Wilson stated that ownership responsibility would not create a problem for the Board and explained that the property owners would have to come to terms and to any conditions if the hotel was sold.

After further discussion, the motion was seconded by Mr. White. The motion carried unanimously.

#### Appeal

A request of Richard Lawrence d.b.a. Yes T.V. Rental for an Appeal of the Zoning Enforcement Officer's decision to deny a sign permit. The store, located at Dixie Highway and Nicholas Drive in Florence is zoned C-2 and is owned by Mr. Lawrence.

Staff member Tom Breidenstein presented the Staff Report. (See Staff Report) Mr. Breidenstein presented a slide presentation of the signs in question.

Chairman Holland referred to the applicant for comment.

Mr. Richard Lawrence, applicant explained the need for the third building mounted sign was because the traffic that came off the northbound I-75 ramp could not see the store until they were right upon it. Mr. Lawrence stated he had numerous customers tell him they would pass the store right up before realizing where it was located. Mr. Lawrence noted his interpretation of the regulations on a sign being considered a structure was not the same as the Zoning Enforcement Officer's. Mr. Lawrence stated that when he bought the building, there was a building mounted sign on each side of the building but not one on the front of the building plus a free standing sign. Mr. Lawrence stated that since the previous owner of the building had a building mounted sign on the south side of the building then he felt he should also be allowed one.

Chairman Holland inquired of any support, opposition or comments regarding the proposed request.

Hearing no comments, Mr. Lawrence noted there was public

driveways on both sides of the building which allowed building mounted signs to front them. Mr. Breidenstein stated the driveway opposite Nicholas Drive was not a publicly dedicated drive.

Mr. White inquired if there was a second building mounted sign on the south side of the building previously. Atty. Wilson stated he felt that staff was saying there was a prior building mounted sign there previously but it had lost its pre-existing status. Atty. Wilson explained that the zoning regulations allowed a building mounted sign for each frontage plus one free-standing sign, therefore, Mr. Lawrence was allowed two building mounted signs plus one free-standing sign.

Mr. White inquired if Mr. Lawrence felt that since the previous owner of the building had a building mounted sign on the south side of the building then he also should be allowed to place one there plus the two approved building mounted signs and one free-standing sign. Mr. Lawrence stated yes. Mr. White inquired if the applicant would be willing to give up the free-standing sign in lieu of a third building mount sign. Mr. Lawrence stated he felt the free-standing sign was also needed for the customer's but explained it was a small sign and customers did not always see it. Mr. Lawrence again noted the building mounted sign was still needed to help assist customers in locating the building.

Mr. Wilder felt that if the customers could not see the free-standing sign then they would not see the building mounted sign either. Mr. Lawrence again stated he felt the third building mounted sign would help locate the building.

After further discussion, Mr. Wilder moved to agree with the Zoning Enforcement Officer's decision for removal of the third building mounted sign. The motion was seconded by Mr. White. The motion carried unanimously.

#### Administration

Mr. Wilder requested that the agenda for the Florence Board of Adjustment meetings be included in the packets distributed to the Department Heads in the City of Florence.

Mr. Wilder requested copies of the proposed Comprehensive Plan for the Board and also he needed a new copy of the Zoning Regulations.

Mr. Wilder noted a business on Dilcrest Circle off U.S. 42 had three (3) signs. Mr. Breidenstein stated he would check the site.

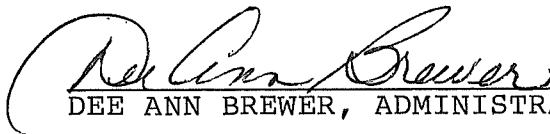
Hearing no further comments, Chairman Holland moved the meeting adjourn. The motion was seconded by Mr. Wilder. The motion carried unanimously.

The meeting adjourned.

APPROVED:

  
CHARLES HOLLAND, CHAIRMAN

ATTEST:

  
DEE ANN BREWER, ADMINISTRATIVE ASST.