

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: Carl H. Cummings Owner

Address: 6695 Emerald Dr. Agent

Burlington Telephone: 283-2566

Location: 7199-1 Turfway - Florence Ky.

Name of Property Owner: walid Safi

Address of Property Owner: 10741 Seale Dr, Union Ky.

Zoning District: C-2 Area in Acres: Less than one

Deed Book: _____ Page Number: _____ Group Number: _____

Description of Request: to Construct a 7' x 7' Canopy on west side of Bldg. as Drawing -

Applicant's Signature: Carl H. Cummings

Property Owner's Signature: Wally Const Inc. Walid A. Safi

Application Fee: 150.00 FOR PLANNING COMMISSION USE ONLY Date Received: 3/20/85 By: DAM

Referred To: _____ Meeting Date: 5/19

Action Taken: _____ Date of Action: _____

April 10, 1985

VARIANCE REPORT

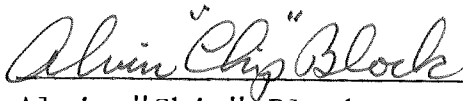
APPLICANT: Carl H. Cummins
LOCATION: 7199-1 Turfway Road
ZONED: Commercial Two, C-2

Remarks: The applicant is requesting approval for a Variance in the required setback for a building setback from the property line along a side street in a Commercial Two, C-2 zoning district. The request is to vary the required setback of 37.5 feet by seven (7) feet to a requested setback of 30.5 feet

This site has been previously developed for the purposes of supplying retail commercial space. During this previous approval by the Planning Commission a variance was granted for the required setback from the property line adjoining to the west (down Lloyd Avenue). This variance was granted from the required 50 foot setback to a requested 5 foot side yard. This variance was granted by the Board on December 8, 1982. (a copy of those minutes is attached for your information)

1. In my opinion, there are no unique conditions for this property requiring the need for this variance. The property, with the previously approved variance, has been developed without the need for further variances.
2. The proposed user of the property, a "Dry Cleaning business", would not be deprived of the use of the property because they could still be located in the building and have a window for the drive-in service. (Though without a protective canopy)
3. Since this building was developed in 1983, after the adoption of the zoning regulations, any further unique conditions were created since the adoption of the regulations.
4. In my opinion, the public welfare would not nor would it be preserved by the granting of this request. With a seven foot canopy extending into the required yard, it would change the essential character of the neighborhood.

Unless the Board finds satisfactory answers to Number 1,2,3 and 4, it would be my opinion as Staff that this request could not be granted because of the application failing to adequately find reasons supporting the granting of this request.

A handwritten signature in cursive script that reads "Alvin 'Chip' Block". The signature is written in dark ink and is positioned above a horizontal line.

Alvin "Chip" Block
Planner

FLORENCE BOARD OF ADJUSTMENTS

APRIL 10, 1985 8:00 P.M.

Chairman Holland called the Florence Board of Adjustment Meeting to order.

The roll call was taken by staff member Jeanne Huddleson. Three members present: Messrs. Bolton, Wilder and Chairman Holland. Counselor Ray Vincent was also present.

The Board deferred action on the Minute of previous meetings of the Florence Board of Adjustment.

Chairman Holland proceeded to the first item on the Agenda.

Sign Variance

A request of American Sign Service (agent) for Supreme Nut and Candy for a Variance to permit a second building mounted sign for their business located at the Florence Discount Center on Mall Road (in front of Drug Emporium) currently zoned Commercial Two, C-2.

Staff member Ralph Hopper presented the staff report on the sign variance which stated that the applicant is requesting approval for the construction of a second building mounted sign for Supreme Nut and Candy. Mr. Hopper noted the building is located at the end of the building with direct visibility from Mall Road and vehicular access for the parking lot being available from a private access drive leading into Central Hardware and the drive into Bonanza Steakhouse. Mr. Hopper stated that in his opinion there are no unique condition to justify the granting of the variance, and that any conditions that may be found are the result of the developer and resulted after the adoption of the current zoning regulations. Mr. Hopper stated the granting of the variance, in his opinion, would nor would not preserve the public welfare but would essentially alter the character of the neighborhood by permitting a second building mounted sing where most businesses have only one sign. Mr. Hopper also pointed out that recently a variance had been given to the tenant at the other end of the center (Gold Star Chili) to permit a second building mounted sign.

Chairman Holland noted the Supreme Nut and Candy shop has a banner on the back of the building and inquired if Mr. Hopper had cited the business for same. Mr. Hopper stated the business had been cited on one previous occasion

and since application had been made for a sign Mr. Hopper decided to wait on further citations pending the outcome of the sign variance application.

Mr. Thomas Weikel, owner of American Sign Service (agent), related that the proposed location of the sign would be the location of where the banner was located previously. Mr. Weikel related that the use of the banner increased walk-in sales by almost 50%. Mr. Weikel explained that low volume sales has necessitated the applicant exploring the possibility of increasing the walk-in traffic by location of a sign on the rear of the building.

Chairman Holland inquired if the drawing was acceptable. Mr. Hopper stated that the drawing was accepted by Staff Member Chip Block, and that Mr. Block would have notified the applicant had he found the sign unacceptable.

Mr. Hopper inquired how much building frontage the applicant has on Mall Road. Mr. Weikel responded there is 40 ft. of frontage. Mr. Hopper calculated that the applicant would be permitted 60 sq. ft. of signage and the applicant currently has 54 ft. of signage.

Mr. Weikel emphasized the applicant is missing a lot of walk-in traffic and contended the identical situation as existed in the granting of a sign variance to Gold Star Chili exists in the subject instance.

Mr. Wilder stated the reason the Board granted the sign was in the interest of public safety to mark the entrance to Gold Star Chili. Chairman Holland stated in the Gold Star Chili instance the Board felt a unique condition existed.

Mr. Bob Anderson, Co-owner of Supreme Nut and Candy shop, contended the unique condition was that of hardship and in an effort to increase low volume sales.

There was no audience opposition expressed.

Staff member Chip Block presented a slide presentation on the subject and surrounding area.

Mr. Bob Hurst, Co-owner of Supreme Nut and Candy, stated he and his partner observed the flow of traffic and suggested an arrow on the side of the building which could direct traffic to the front of the strip center.

Chairman Holland inquired if the drawing was acceptable. Mr. Block explained the drawing was the drawing submitted with the application.

Mr. Hurst illustrated the traffic flow on the blackboard and discussion of same followed. Mr. Hurst suggested a directional sign. Mr. Anderson noted that he had talked to all the managers of the stores by Drug Emporium (behind the subject property) and would have no objection to a second building mounted sign.

Mr. Wilder inquired of the number of tenants in the building. Mr. Block responded 5 in this building. Mr. Block noted that although the lot has two building on it it is owned by one and developed by one developer.

Mr. Hopper noted directional signage would be permitted as long as it did not have any advertising on it.

Mr. Wilder inquired if a free-standing would be permitted. Mr. Block related that a free-standing sign would be permissible as there is allowed one free standing sign per group of businesses, or a free-standing sign for the building. Mr. Wilder inquired if the applicant had considered such signage as a marquis.

Discussion followed of the free-standing sign alternative and the area was reviewed on the slides.

Mr. Wilder expressed concern that all available permitted signage had not been explored.

Mr. Anderson related to Board members that the market for their business is the impulse buyer and is shopping in the area behind the building.

Mr. Wilder inquired of the experience of Mr. Weikel in building mounted sign vs. free-standing signage. Mr. Weikel responded that the market sought is the impulse market and direct that market to the front of the store. Mr. Weikel also noted the cost differential of the free-standing being approximately \$10,000 as opposed to \$500.00 for a building mounted sign.

Discussion followed of the alternative of free-standing signage.

Mr. Hurst suggested the variance be issued with the stipulation that should the owner apply for a free-standing sign the building mounted sign would have to be removed. Mr. Hurst contended the sign was needed to direct traffic and for traffic safety reasons.

Mr. Wilder stated Mr. Hopper's suggestion of a directional sign may be a good alternative. Mr. Hopper noted that directional signage can have no advertising on it at all.

Mr. Wilder moved that the Board deny the request according to the Boone County Zoning regulations and noted that no unique conditions for the permitting of the variance could be found. The motion was seconded by Chairman Holland.

Mr. Anderson inquired how a sign could be granted for Gold Star and not in the subject instance.

After discussion, the motion carried unanimously.

Variance

A request of Carl H. Cummins for a Variance in the required setback from the property line along a side street for property located at 7199-1 Turfway Road (Florence Palace). The request is for a Variance from the required setback of 37.5 feet to a requested 30.5 feet for a seven (7) foot canopy to be added to the building, currently in a Commercial Two, C-2 zoning district.

Staff member Chip Block presented the staff report which stated the applicant is requesting approval of a variance in the required setback along a side street in a C-2 zoning district. Mr. Block related the site has been previously developed for the purpose of supplying retail commercial space in which previous approval was granted for the required setback from the property line adjoining to the west (down Lloyd Avenue). Mr. Block stated there are no unique conditions for the property requiring the need for the variance and the property with the previously approved variance has been developed without the need for further variance. Mr. Block stated the proposed user of the property, a drycleaning business, would not be deprived of the use of the building and could still have a window for drive-in service though without the protective canopy. Mr. Block also noted that the public welfare would not be preserved by the granting of the request. Mr. Block also noted the application fails to state a unique condition upon which a variance could be granted. Mr. Block then presented a slide presentation on the subject property.

Mr. Don Cummins, representing the applicant, urged the Board to grant the variance to permit the canopy to be constructed as a protective covering over the drive-in window service area of the drycleaner.

Mr. Hopper pointed out the subject request is currently before the Planning Commission for site plan review as the applicant is proposing a change of the traffic flow for exit only onto Lloyd Avenue.

There was no other audience support or opposition expressed.

Discussion followed of the traffic flow issue under site plan review before the Planning Commission.

Mr. Bolton moved that the Board deny the request as the Board could find no unique conditions for the granting of such a variance. The motion was seconded by Mr. Wilder. After discussion, the motion carried unanimously.

Variance & Conditional Use Permit

A request of Cincinnati Guarantee Properties, Ltd. for a Variance in the required front yard setback and the setback required from a property line along a side street for property located at the southwest corner of Burlington Pike and Glenn Street. This request is for a Variance in the required setback of a front yard of 75 feet to a requested setback of 36 feet and a variance in the required setback from a side street for a corner lot of 37.5 feet to a requested 35.0 feet. In addition, this is an application for a Conditional Use Permit for the use of the building for the service of automobiles. This property is currently zoned Commercial Two, C-2.

Mr. Block stated that letter had been received from Cincinnati Guarantee Properties, Ltd. requesting the Board postpone any action on the current application on the April 10 meeting. Chairman Holland inquired of the options and Mr. Block advised the applicant was probably expecting the Board to accept his request and postpone action.

Mr. Wilder moved that the Board table action on the subject request.

Mr. Gene Hancock, owner of the subject property, stated he was not aware that the applicant was going to request a deferral.

An unidentified audience member inquired of what was going to go on the property. Chairman Holland explained he did not know until the applicant has a chance to present his site plans and then after the applicant has a chance to speak, and the audience has the opportunity to speak.

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

Discussion followed of the waiver of time limitation in the request for deferral, and notification to the applicant by letter.

Mr. Wilder suggested a "jointed" motion.

Discussion followed of a stipulation to be amended to the motion, to rescind the motion, and/or to deny the request for deferral.

Mr. Wilder rescinded the motion and Mr. Bolton withdrew the second on the initial motion.

Chairman Holland moved that the Board deny the variance for the reason that no unique conditions on the property could be found. The motion was seconded by Mr. Wilder. After discussion, the motion carried unanimously.

Mr. Bolton moved that the Board adjourn. The motion was seconded by Mr. Wilder. After discussion, the motion carried unanimously.

CHARLES HOLLAND, Chairman

Attest:
