

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
- Improvement Plan Approval
- 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
- Preliminary Plat Approval
- Final or Deed Plat Approval
- Site Plan Review Approval
- Historic District Overlay
- Sign or Zoning Permit
- Appeal or Variance

Applicant: Ralph Schwartz Drugs and Home Health Care Center Owner
 (Ralph J Schwartz-Pres.) Agent
 Address: 7009 Dixie Hwy.
Florence, Ky 41042 Telephone: 371-4600

Location: above

Name of Property Owner: Ralph J Schwartz

Property Owner's Address: 237 Applewood Dr. Lakeside Park, Ky 41017

Zone: C-2 Area in Acres: 1.4

Deed Book: 190 Page Number: 241 + 242 Group Number: 2043

Description of the Request: Permit to retain sign painted on the side of building
this sign is primarily to advertise the "home health care" part of the business which is
included in the total corporate set-up of Ralph Schwartz Drugs.

Owner's Signature: Ralph J Schwartz Applicant's Signature: Ralph J Schwartz

FOR PLANNING COMMISSION USE ONLY

Application Fee: _____ Application and Fee Received: _____

Referred to: _____ Meeting Date: _____

Action Taken: _____ Date of Action: _____

Meeting Date: July 11, 1984

BOARD of ADJUSTMENT and ZONING APPEALS

CHECKLIST

I. GENERAL INFORMATION

Applicant's Name: Ralph Schwartz Drugs and Home Health Center

Interest in Property: Owner

Location and/or Address of the Property: 7009 Dixie Highway, (located to the north of Boone County Medical Lab and across from Florence Deposit Bank.)

Deed Book: 190 Page Number: 241 Group Number: 2043

Request of the Applicant: This is an appeal from the Enforcement Officer's to order the removal of the sign in question due to it being a new sign on the site and that it lacks the needed permit for it. It should also be noted that the regulations will not permit this sign due to it violating Section 1912 of the zoning regulations. This request, by the applicant, is in appeal of my decision and to have the Board permit the sign.
Present Zoning and Affected Sections of the Regulations: _____

The property, along with all of the adjoining properties to the request, are currently zoned Commercial Two, C-2 found on pages 9-3 through 9-6 but involving Sections 1912 (for the sign) and 241 (for the appeal).

Present Use of the Subject Property and the Adjoining property: Presently this property along with the adjoining property to the north(some of it), south, and the west are currently used for Commercial. Also, to the north the remaining land is undeveloped. And to the east is undeveloped and residential.

FLORENCE BOARD OF ADJUSTMENTS

JULY 11, 1984

8:00 P.M.

The roll call was taken. Four members present: Messrs. Holland, Bolton, White and Mrs. Lanigan. Counselor Dale Wilson was also present.

The Minutes of the Florence Board of Adjustments meeting of June 27, 1984 were considered. Chairman Holland suggested the correction of the Minutes on page 6 of the total sign area of 312 ft. to include "with the condition that no additional free standing signs be permitted in this area for the Mall Road Square Shopping Center". Chairman Holland moved that Minutes of the Florence Board of Adjustments meeting of June 14, 1984 with the noted inclusion. The motion was seconded by Mr. Bolton. The motion was carried unanimously.

Chairman Holland proceeded to the first item on the Agenda.

AGENDA ITEMS:

Sign Variance

A request of Phillip R. Duke & Associates #28 for a sign variance to change the size of the sign for referenced shopping center from 50' high and 250 square feet of sign area to 62' and 812 square feet of sign area, for property located at Florence Plaza, Connector Drive, Florence, Kentucky, being a 25.79 acre tract in a Commercial Two (C-2) Zoning District.

Staff member Chip Block presented the staff report which described the sign variance in sign height and square footage of a free standing sign which is regulated by Sect. 1920 of Zoning Regulations. He stated there is a lack of direct visibility from the access road and the reasonable use of the land would be denied if the request is not granted. He stated the variance if granted would preserve the public welfare because of the inadequate visibility from Mall Road and in order for people to find and turn into the development from the roadway system. Mr. Block then presented pictures of the area for the Board's review of the general locations of the site and development.

John Arnett, Attorney, representing the P. R. Duke Company, added that the variance request for height and dimensional sign variance request. He stated the applicant would be

willing to waive his right two (2) free standing signs entitled in the complex in exchange for the Board allowing one (1) large sign as requested. Mr. Arnett explained the sign is necessary for the project and allows greater visibility from the Mall Road.

Mr. Block stated the proposed sign would be located approximately 3/4 of a mile from Mall Road Square wherein the Board approved the last variance. He clarified the location of the proposed sign.

Mr. Staten, General Manager of P. R. Duke, stated that if the variance is granted P. R. Duke would be in agreement to a restriction on future signage. He stated the sign would only advertise land uses on the same premises.

Discussion followed of the signs for 15 store fronts in the development, and the proposed complex sign.

Mr. White commended Mr. Block on his work on the sign variance. He stated he personally had viewed the area and feels it will be a good development. He described the sign variance as critical to the development as it was not located on Mall Road but rather another street.

Atty. Dale Wilson inquired if the application addresses the method of illumination which will be used for the proposed sign. Mr. Block responded there was no indication on the plan as to illumination of the sign but that he assumed it would be internal lighting. Mr. Staten stated the sign would be an internal lighted sign consistent with the signs on Mall Road.

Mr. White moved that the Commission grant the variance in the height and the square footage of a sign of 62' with 812 square foot of signage for the P. R. Duke & Associates #28 with the condition that the other entitled free standing sign be forfeited, and the only other signs would be building only signs. The motion was seconded by Mr. Bolton. A roll call vote was taken, and the motion was carried unanimously.

Zoning Appeal

Request of Ralph J. Schwartz, owner, for an Appeal of the Zoning Enforcement Officer's interpretation pertaining to the right to retain the sign painted on the side of the building, for property located at 7009 Dixie Highway, Florence, Kentucky, being a 1.4 acre tract in a Commercial Two (C-2) Zoning District.

Staff member Chip Block described the area and the adjoining properties as currently being zoned C-2. Mr. Block stated that the Zoning Regulations (Sect. 1912) do not permit this type of sign. He noted that a permit for the sign had not been obtained. He described the request as being an appeal in response to correspondence sent by Mr. Block advising that the sign was in violation of Sect. 1912. He stated that in his

review he found another sign of this nature is existing but that the sign was prior to existing Zoning Regulations. Mr. Block presented pictures of the painted sign which faces toward Banklick and faces down toward the Cocolene gas station on Dixie Highway.

Mr. Ralph Schwartz, Owner, explained that when the house on the corner was demolished he was left with an exposed dirty wall, and in an attempt to clean up the area he painted the wall. He stated that since he had to paint the wall any way, he decided to use it as an advertisement.

There was no one present who spoke in opposition to the sign.

Atty. Dale Wilson suggested Mr. Block explain to the Board exactly what makes the painted sign a violation. Staff member Block explained that the Zoning Regulations (Sect. 1912) states that each business is permitted one on-premise building mounted sign based upon curb frontage. He stated that the placement of the sign created a violation by not having a permit, and secondly because Zoning Regulations would not permit a second sign as there is one building-mounted sign on U.S. 42.

Mrs. Lanigan pointed out that the building-mounted sign is for a strip of stores.

Atty. Dale Wilson clarified that as a variance was not applied for, the zoning enforcement officer could not approve it. Mr. Schwartz advised that he was unaware of the zoning regulations. Atty. Wilson suggested a variance be applied for. Mr. Block responded that if a sign variance were granted, he could then issue a permit which would comply with Zoning Regulations.

Atty. Wilson inquired if the agenda item had been advertised as an appeal or advertised as a variance. Mr. Block responded it has been advertised as an appeal. Mr. Wilson suggested the Board could advertise it as a variance and bring it before the Board as such for consideration. Mr. Wilson stated the conditions of the raised building might allow such a variance. He advised that before the Board could vary the variance, it should be advertised so that opposition could be expressed if so desired.

Discussion followed of the existing sign, the painted sign, and the variance procedure.

Chairman Holland moved that the Board agree with Mr. Block that the sign is in violation of Zoning Regulations. Mr. White seconded the motion. The motion was carried unanimously.

Mr. White moved that the Board issue a variance for the sign with the agreement of Mr. Schwartz that should anyone

complain at a later date the sign would then be reviewed through the normal variance procedure. Atty. Wilson requested that the Minutes reflect that the meeting on the question of the sign has been advertised and the Board feels that that notice is sufficient to inform the public of information pertaining to that sign's location, and for that reason are comfortable without re-advertising for a variance. Mr. Holland seconded the motion. The motion was carried unanimously.

Dimensional Variance

A request of Thomas J. Budke, Agent for property owned by Gulf Oil Corporation for a Dimensional Variance of the front yard for a proposed addition and car wash building from the required 75' to requested 40', for property located on the southwest quadrant of I-75 and Ky. 18, Florence, Kentucky (8025 Burlington Pike), being a 21760 square foot tract in a Commercial Services (C-3) Zoning District.

Staff member Chip Block presented the staff report which described the addition to an existing building and the adjoining properties current zoning of C-3 (Sect. 946). He stated the request is for a dimensional variance and not for the construction which will be reviewed by the Planning Commission. He explained the variance from the required 75' front setback of C-3 zone regulated by Sect. 946 and Table 1 of the Dimensional Standards. Mr. Block stated the request is to permit the front yard to be 40'. He stated the applicant has not caused a unique condition because of the building and the existing development on the site existed prior to the current Zoning Regulations. He presented and explained pictures of the area that change the driveway area in order to provide parking spaces that the applicant had not originally shown on the site plan in accordance with the Zoning Regulations. Mr. Block added that he has reviewed the changed plans and it is in conformance with the Zoning Regulations with regard to a driveway area.

Mr. White inquired if the existing building is set back 75'. Mr. Block responded it sets back 40' and explained that the proposed addition will wrap around the building in a diagonal pattern.

Chairman Holland inquired of considerations of water run off. Mr. Block explained the grade sloping from the gas pumps down then back up to Ky. 18. Mr. Block stated that there are existing catch basins on the site. Chairman Holland expressed concern of the drainage.

Mr. Tom Budke presented an enlarged drawing showing the drive changes and yard sumps. Mr. Budke explained there is a slight grade on the site. He showed an extensive landscape plan for the proposed addition. He stated the car wash will extend no further than the existing building.

Discussion followed of the proposed site, the use of the service road for traffic flow, and the upgrading of the site by the Gulf Oil Corporation.

Mr. White noted the drawing shows entrance from the back and exit from the front. He asked if Gulf would have any objections to entering from the front and then exiting on the service road. Mr. Budke explained that entrance from the front would cause cars to stack up. Discussion followed of directional signs and the flow of traffic. Mr. Budke suggested a no-left turn sign. Mr. Budke introduced Mr. Bill Rantino, engineer out of Nashville, and Gene Thomas, Construction Supervisor out of Louisville. Mr. Rantino stated Gulf Oil would comply with a regulatory sign.

Chairman Holland expressed disfavor of the proposed setback dimensional variance.

Mr. Holland moved that the Board deny the request for a Dimensional Variance for a front setback to 40'. The motion died for lack of a second.

- - - - - The Board took a five minute recess - - - - -

Chairman Holland moved that the Board deny the request for a Dimensional Variance for a front setback to 40' for a proposed addition and car wash building for property located on the southwest quadrant of I-75 and Ky. 18. The motion was seconded by Mr. White. Chairman Holland suggested the land to the rear of the existing building be utilized. The motion was carried unanimously. Mrs. Lanigan absent.

Chairman Holland moved that the meeting be adjourned. Mr. White seconded the motion. The motion was seconded by Mr. White. The motion was carried unanimously.