

APPLICATION FOR ZONING ACTION

TO:

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| <input type="checkbox"/> Boone County Planning Commission                | <input type="checkbox"/> City of Union Board of Adjustment  |
| <input checked="" type="checkbox"/> City of Florence Board of Adjustment | <input type="checkbox"/> City of Walton Board of Adjustment |
| <input type="checkbox"/> Boone County Board of Adjustment                | <input type="checkbox"/> Zoning Enforcement Officer         |

FOR:

- |   |   |
|---|---|
| <input type="checkbox"/> Zoning Text Amendment                                  | <input type="checkbox"/> Zoning Map Amendment               |
| <input type="checkbox"/> Comprehensive Plan Change                              | <input type="checkbox"/> Planned Development Overlay Change |
| <input type="checkbox"/> Preliminary Plat Review                                | <input type="checkbox"/> Improvement Plat Review            |
| <input type="checkbox"/> Conditional Use Permit                                 | <input type="checkbox"/> Final or Deed Plat Review          |
| <input type="checkbox"/> Concept Development Plan Change                        | <input type="checkbox"/> Site Plan Review                   |
| <input type="checkbox"/> Preliminary Development Plan                           | <input type="checkbox"/> Historic District Overlay          |
| <input type="checkbox"/> Change of Non-Conforming Use                           | <input checked="" type="checkbox"/> Appeal or Variance      |
| <input type="checkbox"/> Design Review Board and Certificate of Appropriateness | <input type="checkbox"/> Sign or Zoning Permit              |

Applicant: LACKNER SIGN CO.  Owner  
 Address: 1120 EASTERN AVE Cincinnati, OHIO 45202  Agent  
 Telephone: 513-241-3780

Location: 7909 DREAM ST. Florence, KY. 41042

Name of Property Owner: MCDONALD'S Corp.

Address of Property Owner: 7909 DREAM ST. Florence, KY 41042

Zoning District: \_\_\_\_\_ Area in Acres: \_\_\_\_\_

Deed Book: 212 Page Number: 157 Group Number: \_\_\_\_\_

Description of Request: Raise existing sign at rear of lot from 35' to 65' overall height.

*Donna Lee*  
 Applicant's Signature: J. Himmelhaver / Lackner Sign  
 Property Owner's Signature: Paul Groen

Application Fee: \$181.00 FOR PLANNING COMMISSION USE ONLY Date Received: 10/21/87 By: K Costello  
 Referred To: Tom Meeting Date: 11/11/87 Florence Bd. of Adj.  
 Action Taken: approved Date of Action: \_\_\_\_\_

*deferred on 11-11-87*  
*deferred 12-9-87*  
*approved 1-13-88*

STAFF REPORT

Bill MARQUETT

APPLICANT: Lackner Sign Company  
DEVELOPMENT: Sign for McDonald's Restaurant  
LOCATION: 7909 Dream Street, Florence  
ZONE: Commercial Services (C-3)  
DATE: December 9, 1987; 8:30 p.m.

REMARKS:

Applicant is requesting a Variance in the height of a free-standing sign. The site is approximately one acre in size. An existing free-standing sign, 35 feet in height and 254 square feet in size, is located adjacent to I-75 near the northwest corner of the site. The applicant is proposing to raise this sign to 65 feet in overall height.

At the present time, the subject business establishment is served by other signage and advertising, both on the site and within the market range of the site. The existing signage on the site includes a second free-standing sign, building-mounted signage, and a standardized building facade which promotes easy recognition of this franchised operation. In addition, the subject establishment is advertised by a billboard sign located along I-75 near Mt. Zion Road and Roadside Motorist Assistance signs which are placed near freeway exit ramps by the Kentucky Transportation Cabinet.

Furthermore, the subject establishment with its present free-standing sign, has very good visibility to motorists traveling on I-75, both north and southbound, and U.S. Hwy. 42. Visibility of the site from I-75 is adequate for potential patrons to recognize the subject establishment, make a decision, and maneuver into the appropriate exit lane to get off from the freeway and to the site.

Section 244 of the 1986 Boone County Zoning Regulations and Chapter 100 of the Kentucky Revised Statutes set forth findings of fact which must be found for a Variance to be granted. The following four criteria for findings of fact are listed below:

1. The requested Variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;
2. The strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant;

UNANIMOUS  
SITE  
FOR  
APPROVAL

3. Such special circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation; and,
4. Reasons that the Variance will not adversely affect the public health, safety, and welfare, and will not alter the essential character of the general vicinity, and will not cause a hazard or a nuisance to the public.

The following is staff's review of these criteria:

1. Staff does not believe there are any special circumstances applicable to the subject site which do not generally apply to land in the general vicinity of the Dream Street-Tanner's Lane-U.S. 42 area.

2. The strict application of the current sign regulations will not deprive the applicant of a reasonable use of the subject property or create an unnecessary hardship on the subject business establishment. The business on this site has been well established for a number of years.

3. Not applicable.

4. To assess the impact of the proposed sign on the public welfare and character of the area, the Board should consider the fact that the community is attempting to promote quality development for all important areas of the community through adoption of more restrictive sign regulations in November of 1986. The intent of the sign regulations is stated in Section 1900 of the Zoning Regulations as follows:

"The purpose of this Article is to promote and protect the public health, welfare, and safety by regulating existing and proposed outdoor advertising, outdoor advertising signs, and outdoor signs of all types. It is intended to protect property values, create a more attractive economic and business climate, and enhance and protect the physical appearance of the community. It is further intended to reduce sign or advertising distractions and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, and generally enhance community development."

*No special circumstances  
Site has excellent  
visibility  
The economic viability  
of this business is  
well established  
no hardship shown*

*Goals of the  
community & party  
are for attractive  
controls on signage*

Staff Report - Lackner Sign Company

December 9, 1987

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There are other signs in the vicinity of the subject site which exceed the standards set forth in the current sign regulations. However, these signs were established before adoption of the current regulations, and therefore do not fit within the community's present goals for the character of the area. Granting of a Variance simply because other establishments in an area have non-conforming signage is not a valid finding of fact, in and of itself, under Section 244 of the Zoning Regulations.

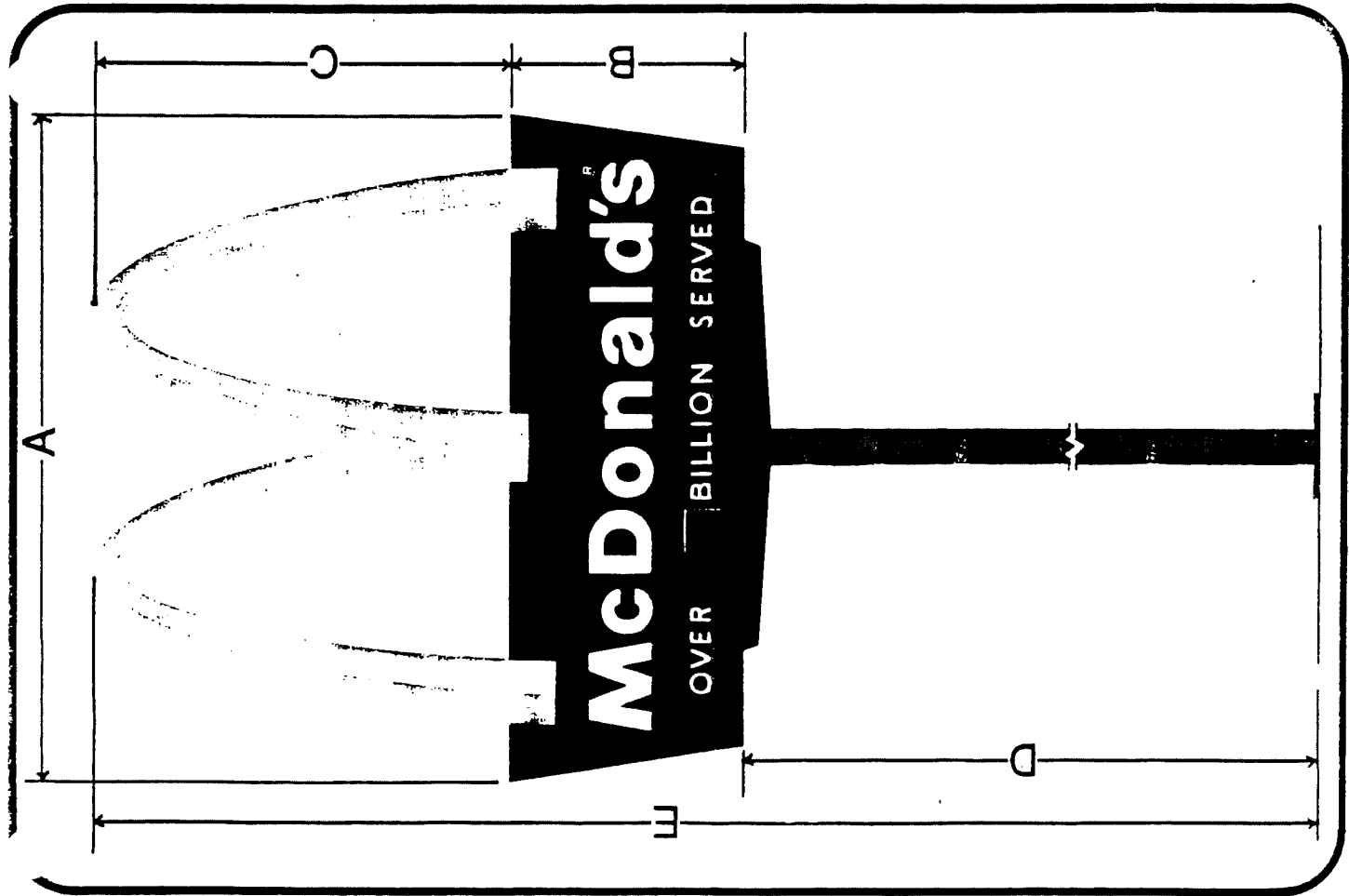
Respectfully submitted,



Jim Sturdevant,  
Plans Examiner/Planner

JS:mcb

# Road Signs



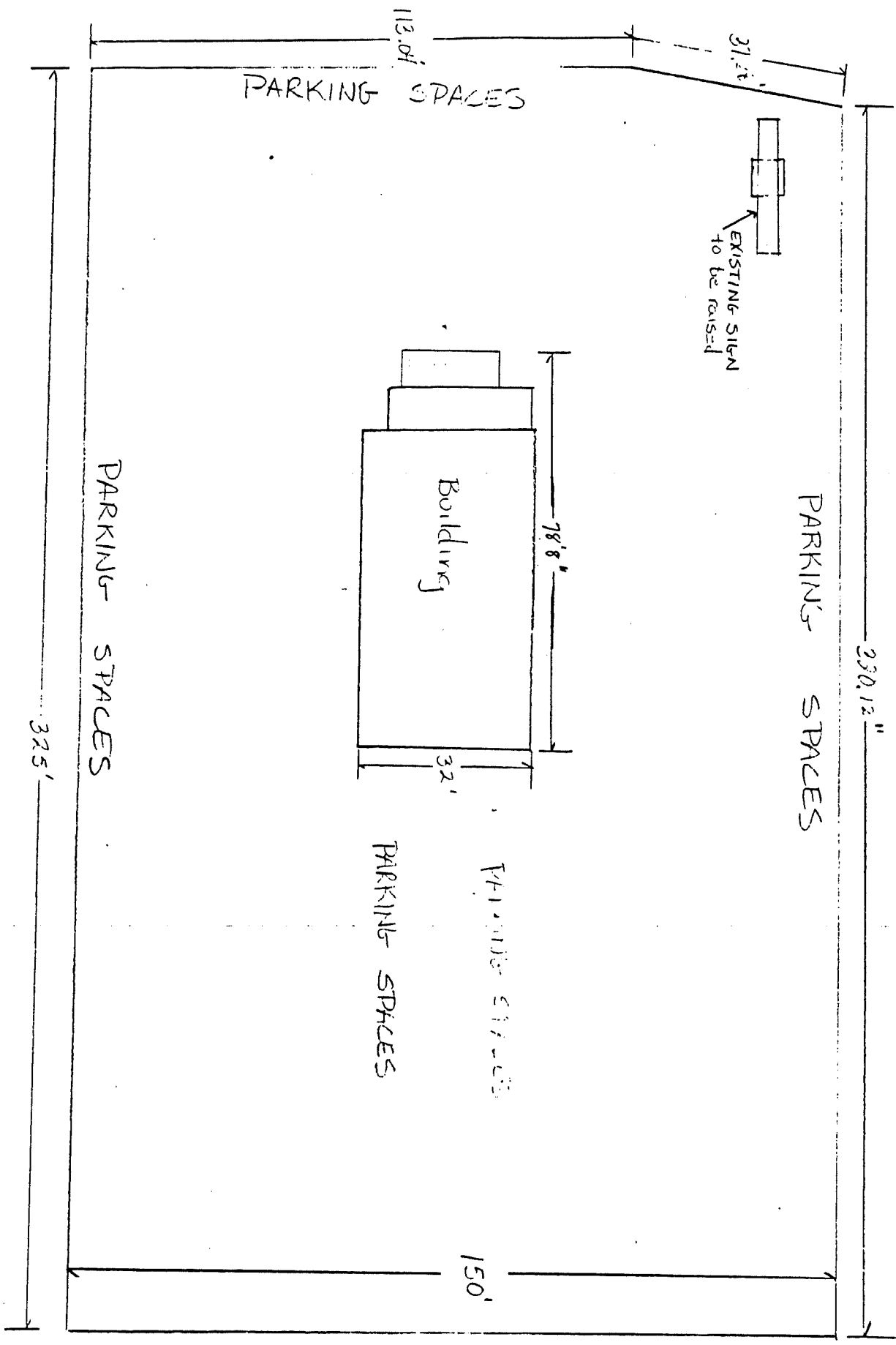
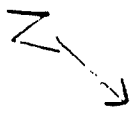
# Identification Chart

	70-50	70-100	70-200
A	10'-1"	14'-2"	20'-1"
B	3'-9"	5'-2"	7'-2" + 12'-6" 198
C	6'-3"	8'-10"	12'-6"
D	8'-0" x 10'-0" 12'-0" & 14'-0"	8'-0" x 10'-0" 12'-0" & 14'-0"	8'-0" x 12'-0" 16'-0" & 20'-0"
E	18'-0" x 20'-0" 22'-0" & 24'-0"	22'-0" x 24'-0" 26'-0" & 28'-0"	27'-8" x 31'-8" 35'-8" & 39'-8"
Illumination	(16) 42 T12 H/O CW (4) 36 T12 H/O CW	(4) 84 T12 H/O CW (16) 60 T12 H/O CW (4) 24 T12 H/O CW	(24) 84 T12 H/O CW (8) 64 T12 H/O CW (8) 48 T12 H/O CW (8) 42 T12 H/O CW
Electrical	10.5 AMPS (1) 15 AMP CIRCUIT	17.40 AMPS (2) 15 AMP CIRCUIT	37.0 AMPS (4) 15 AMP CIRCUITS
Ballasts	(5) UNIV. #51-741-C OR EQUIVALENT	(6) UNIV. #51-791 OR EQUIVALENT	(6) UNIV. #51-793-B (4) UNIV. #51-797-S OR EQUIVALENT
Square Feet	Approx. 50 Square Feet	Approx. 100 Square Feet	Approx. 200 Square Feet
Acrylic Panels	6 Ea. Per Side	6 Ea. Per Side	8 Ea. Per Side

## PLASTIC FACES Pigmented Acrylic

COLORS: Red ROHM AND HAAS #2157  
White ROHM AND HAAS #7328  
Yellow ROHM AND HAAS #2037

STRUCTURE: Designed for 30 p.s.f. wind load. (APPROX. 90 m.p.h.)  
All electrical inspected and approved by U.L.



DREAM STREET

McDONALD'S  
 7909 DREAM ST  
 FLORENCE KY

CITY OF FLORENCE  
BOARD OF ADJUSTMENT

January 13, 1988 - 8:00 P.M.

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Chairman Holland called the meeting to order at 8:00 P.M..

BOARD MEMBERS PRESENT:

Mr. Ashcraft  
Chairman Holland  
Mrs. Meihaus  
Mrs. Ward  
Mr. White

BOARD MEMBERS NOT PRESENT:

None.

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Chairman Holland stated that each member had received a copy of the Minutes of the Board of Adjustment Meeting of December 9, 1987 and asked if there were any comments or corrections.

There being no changes to the Minutes, Mr. White moved, seconded by Mr. Ashcraft, that the Minutes be approved as written. The motion carried unanimously.

1. A request of Lackner Sign Company for a Variance in the height of a free-standing sign. The site is approximately one acre in size. An existing free-standing sign, 35 feet in height and 254 sq. ft. in size, is located adjacent to I-75 near the northwest corner of the site. The applicant is proposing to raise this sign to 65 feet in overall height. (Deferred from the December 9, 1987 meeting.)

Staff Member, Jim Sturdevant, advised that the Staff Report and slides in regard to this request had been presented at the last meeting. He asked the Board if it was necessary to present this material again. The Board did not find it to be necessary to present the Staff Report and slide presentation again.

Mr. Bill Marquet, Lackner Sign Company, stated that they had reflagged the sign. He stated that Mr. Grone of McDonald's and Chairman Holland had been present for the flagging. He presented to the Board a drawing of the proposed sign.

In response to a question from Mr. Ashcraft, Mr. Breidenstein stated that he believed most of the signs in the area had been granted a Variance by the Board.

Counselor Wilson advised that a non-conforming use can continue without regard to ownership and that the advertising on the sign could be changed.

Chairman Holland stated that a letter had been received from Mr. Gallenstein, owner of the strip center which includes Peking Palace, indicating that he has no objection to McDonald's sign being raised.

Chairman Holland stated that he had traveled the expressway both northbound and southbound. The McDonald's sign is fairly visible going north and there is an additional sign for the exit. The sign is not visible southbound due to the topography.

Mr. Grone advised that he will remove his advertisement from the billboard sign one mile south of the Mt. Zion Road area as indicated at the last meeting.

Mr. White moved that the Variance be granted from 35 feet in height, not to exceed 65 feet in overall height. He noted that his motion did not include the condition of removing the advertising from the billboard sign in the Mt. Zion Road area. Mr. Ashcraft seconded the motion.

Chairman Holland asked if there was anyone in the audience who wished to speak in regard to this request. There was no response.

Chairman Holland asked if there was any further discussion. There being none, he asked for a roll call vote on the motion and it carried unanimously.

2. A request of Paul Kirn, Jr. for a Conditional Use Permit and a Variance in the required lot frontage in order to allow the construction of a duplex dwelling unit. The 8,000 sq. ft. tract, located west of 7049 Curtis Avenue and south of 7052 Curtis Avenue, is zoned Suburban Residential Two (SR-2) and is owned by Roy and Kim Dringenburg. (Deferred from the December 9, 1987 Meeting.)

Staff Member, Tom Breidenstein, presented slides of the subject site as had been shown at the previous meeting. He presented the Staff Report and noted its attachments. (see Staff Report)

In response to questions from Chairman Holland, Mr. Kirn stated that there would be two separate driveways to the project -- one for each unit. In response to questions from Mr. Ashcraft, he added that he would be the builder and most likely the owner of the project, but he would not occupy the property.

Mr. Charles Callan, 7035 Curtis Avenue, stated that he had previously owned the property and sold it to the Dringenburgs. He had had an offer from a builder but Mr. Callan did not want any more apartments on the street. He had also sold the property to the church for a parking lot. He stated that the Dringenburgs were moving and would not be living next door to this duplex. He noted that there are problems with rental properties. He noted a vacant lot on the corner of the street and stated that if this duplex is permitted, then a duplex may also be permitted on that lot. Mr. Callan stated that the lot should be used for a single-family dwelling.

Mr. Glen Waley, trustee of the Kentaboo Baptist Church, stated that they do not want drainage from this property to go onto their parking lot.

Arlene Jones, real estate agent, stated that the Dringenburg's home is for sale as their family has grown. She stated that they need to get the most money for their property and that this is the highest and best use of the property. She added that the church had the option to buy the property but they did not want to pay the price and if they can stop this Variance, then they can buy it for a lesser price.

Mr. Waley replied that the church is not interested in acquiring the lot, but is concerned by the drainage and grading.

Mr. Kirn stated that the drainage off the roof would be no different than a single-family house.

Mr. White advised that a four-foot drop beside the driveway would have to be filled to stop drainage via the natural drain onto the church property.

Mr. Kirn stated that he would fill the area indicated by Mr. White. He added that the City Manager had been to the site today with a representative of the real estate agency, but he did not know the result of the meeting.

Mr. White advised that he believed this was the Public Works Director, not the City Manager.

Mr. Phil Beeton, trustee of the Kentaboo Baptist Church, stated that there is no intention on the part of the church to block this project in order to buy the lot at a lesser price.

Mr. White stated that Mr. Gary Rice is opposed to this request due to parking problems. Mr. Jake Kendricks is also opposed on the basis that there are enough duplexes on the street. These gentlemen were not able to attend this meeting and asked Mr. White to speak for them.

Mr. Ashcraft stated that the applicant is asking for an exception at the expense of the people who live there and have homes there.

Mr. Kirn stated that he believes a duplex on the lot is better than a parking lot.

Mrs. Meihaus stated that she is in agreement with the residents of the area and that this development is not harmonious with the area.

Mr. Ashcraft moved that the Conditional Use Permit be denied as it is not in conformity with the Comprehensive Plan and it is an intrusion on the single-family residences in the area. Mrs. Ward seconded the motion.

Chairman Holland asked if there was any further discussion. There being none, he asked for a roll call vote on the motion which found Mr. Ashcraft, Mrs. Meihaus, Mrs. Ward and Chairman Holland in favor. Mr. White abstained. The motion carried.

Counselor Wilson advised that since the Conditional Use request was denied, the Variance cannot be granted.

3. A request of Ralph W. Sturdivant for a side yard Variance to allow the construction of a two-car garage. The 0.4-acre site, located at the northern corner of Burk Avenue and Roger Lane, is zoned Suburban Residential One (SR-1) and is owned by Ralph W. Sturdivant.

Staff Member, Tom Breidenstein, presented the Staff Report which included a slide presentation (see Staff Report).

Chairman Holland stated that he had visited the site and the applicant had pointed out that the garage was very small and near a furnace.

Mr. Sturdivant stated that the garage is too small for a pick-up truck or a station wagon. He stated that it is so near the hot water tank that he is concerned about safety.

In response to questions from Mr. White, Mr. Sturdivant added that he plans to build a two-car garage which will be attached to the house. He will block up the existing garage door. The new garage will be flat so that he can build a patio on top of it.

Mr. Ashcraft stated that he had visited the site and he does not feel that the new garage will adversely affect the neighborhood.

Chairman Holland stated that the reason why this request is before the Board is that this is a corner lot.

Chairman Holland asked if there was anyone present in opposition to the request. There was no one present opposed to the request.

There being no further discussion, Mr. White moved that the request be granted for a 7-foot setback to allow for construction of the proposed garage. Chairman Holland seconded the motion and asked for a roll call vote. The motion carried unanimously.

4. A request of Margo Grubbs, P.S.C., for a Variance in order to allow an eight-foot one-inch driveway aisle. The 0.2-acre tract, located on the south side of Burlington Pike, across from Wallace Avenue, is zoned Commercial Two (C-2) and is owned by Margo Grubbs and Sara Sidebottom.

Staff Member, Tom Breidenstein, presented the Staff Report which included a slide presentation (see Staff Report).

In response to a question from Mr. Ashcraft, Mr. Breidenstein clarified that proposed Condition #2 indicates that adding any frontage would make the lot "more fully comply" with the requirements.

Counselor Wilson advised that the existing driveway is 8'1" wide and the requirement is for a 25' wide driveway.

Miss Grubbs stated that they will provide client parking in front of the building and employee parking in the rear. She stated that the work would not be done until Spring. She added that it will be at least six months before the room addition is built.

Mr. White moved that the request be granted, subject to the conditions indicated in the Staff Report, and that the concrete work be done as soon as the weather permits. Mrs. Meihaus seconded the motion.

Miss Grubbs stated that she was agreeable to the conditions indicated.

Chairman Holland asked if there was anyone present who wished to speak in regard to this request. There being no one, he asked for a roll call vote on the motion and it carried unanimously.

5. A request of Carroll Properties for an extension of a previously approved Sign Variance to allow the continued use of a 150 sq. ft. "for lease" sign. The 26-acre site, which is located at the northeast quadrant of I-75 and Turfway Road, is zoned Office Two/Planned Development (O-2/PD) and is owned by Turfway Properties (Jerry Carroll, General Partner).

Staff Member, Tom Breidenstein, presented the Staff Report (see Staff Report). He noted a correction to the agenda which indicated the site to be located at the northeast quadrant of I-275 and Turfway Road. This should be I-75.

Mr. Mark Simendinger stated that Mr. Jerry Carroll plans to proceed with the second building as soon as the weather permits. The sign is needed to lease the new building. He stated that there will be a semi-circle of three identical buildings facing I-75. Leasing the project is critical to its success.

In response to questions from Chairman Holland, Mr. Simendinger stated that they would suggest the sign be permitted for another 18 months, with the option to reapply.

Mr. Ashcraft stated that he did not find the sign offensive.

Chairman Holland asked if there was anyone present who wished to speak in opposition to the request. There was no response.

Mrs. Ward moved that the 18-month extension be granted with the option to reapply for additional time. Mr. Ashcraft seconded the motion.

There being no further discussion, Chairman Holland asked for a roll call vote on the motion which found Mr. Ashcraft, Mrs. Ward, Mr. White, and Chairman Holland in favor. Mrs. Meihaus abstained.

BOARD ITEMS:

Counselor Wilson suggested that the Board may wish to hold its annual election of officers at this time.

Mr. Ashcraft moved that Mr. Holland be re-elected Chairman and that Mr. White be re-elected Vice Chairman. Mrs. Meihaus seconded the motion.

Chairman Holland asked for a vote on the office of Chairman. Chairman Holland abstained from voting. All voting members were in favor and Mr. Holland was re-elected Chairman.

Chairman Holland asked for a vote on the office of Vice Chairman. Mr. White abstained from voting. All voting members were in favor and Mr. White was re-elected Vice Chairman.

There being no further business to come before the Board, Chairman Holland moved, seconded by Mr. White, that the meeting be adjourned. The meeting was adjourned by unanimous consent at 9:15 P.M..

APPROVED:

  
Charles Holland, Chairman

ATTEST:

  
Jan Hancock, Recording Secretary