

APPLICATION FOR ZONING ACTION

Lot 99

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: Joe Morrison  Owner  Agent  
 Address: 612 East 20<sup>th</sup> Cov. Ky. 41014  
 Telephone: 491-7334

Location: 37 West Cobblestone Florence Ky. (Lot 99)  
 Name of Property Owner: Dan & Joan Curtis  
 Address of Property Owner: 37 West Cobblestone Florence Ky.  
 Zoning District: SR-1/PD Area in Acres: \_\_\_\_\_  
 Deed Book: 380 Page Number: 279 Group Number: 1757  
 Description of Request: \_\_\_\_\_

Applicant's Signature: Joe Morrison  
 Property Owner's Signature: Danny D. Curtis

Application Fee: 86.50 950 + (65 \* 2) + 4 FOR PLANNING COMMISSION USE ONLY Date Received: \_\_\_\_\_ By: \_\_\_\_\_  
 Referred To: \_\_\_\_\_ Meeting Date: \_\_\_\_\_  
 Action Taken: \_\_\_\_\_ Date of Action: \_\_\_\_\_

STAFF REPORT

APPLICANT: Joe Morrison  
DEVELOPMENT: single-family residences  
LOCATION: Stonegate Meadows Subdivision (West Cobblestone Court)  
ZONE: Suburban Residential One/Planned Development (SR-1/PD)  
DATE: May 11, 1988; 8:00 p.m.

REMARKS:

The applicant is requesting Variances in the front yard setbacks to allow the use of two single-family residences. The two lots (#s 74 and 99) are located on West Cobblestone Court near Shortridge Court, and are zoned Suburban Residential One/Planned Development (SR-1/PD). Lot 74 is owned by Joe Morrison, and lot 99 is owned by Dan and Joan Curtis.

Based upon measurements made by himself, the applicant has constructed a house on each of these lots. When the lots were surveyed for sale, it was discovered that lot 74 was built with a 20.69 foot front yard and lot 99 was built with a 26 foot setback. The minimum front yard in this zoning district is 30 feet.

The following reviews the criteria with which the Board must review each Variance request:

1. The special circumstance involved in these Variance requests is the fact that the applicant has miscalculated the setback. This circumstance does not generally apply to other lots in this subdivision.
2. Strict application of the Boone County Zoning Regulations would require that the applicant tear down both houses.
3. Such a special circumstance is the result of the actions of the applicant.
4. If granted, staff can find no reason why the Variance would adversely affect the public health, safety, or welfare.

This Board granted a similar Variance to Ryan Homes last February. The previous Staff Report and Minutes are attached along with "as built" survey plats.

Respectfully submitted,

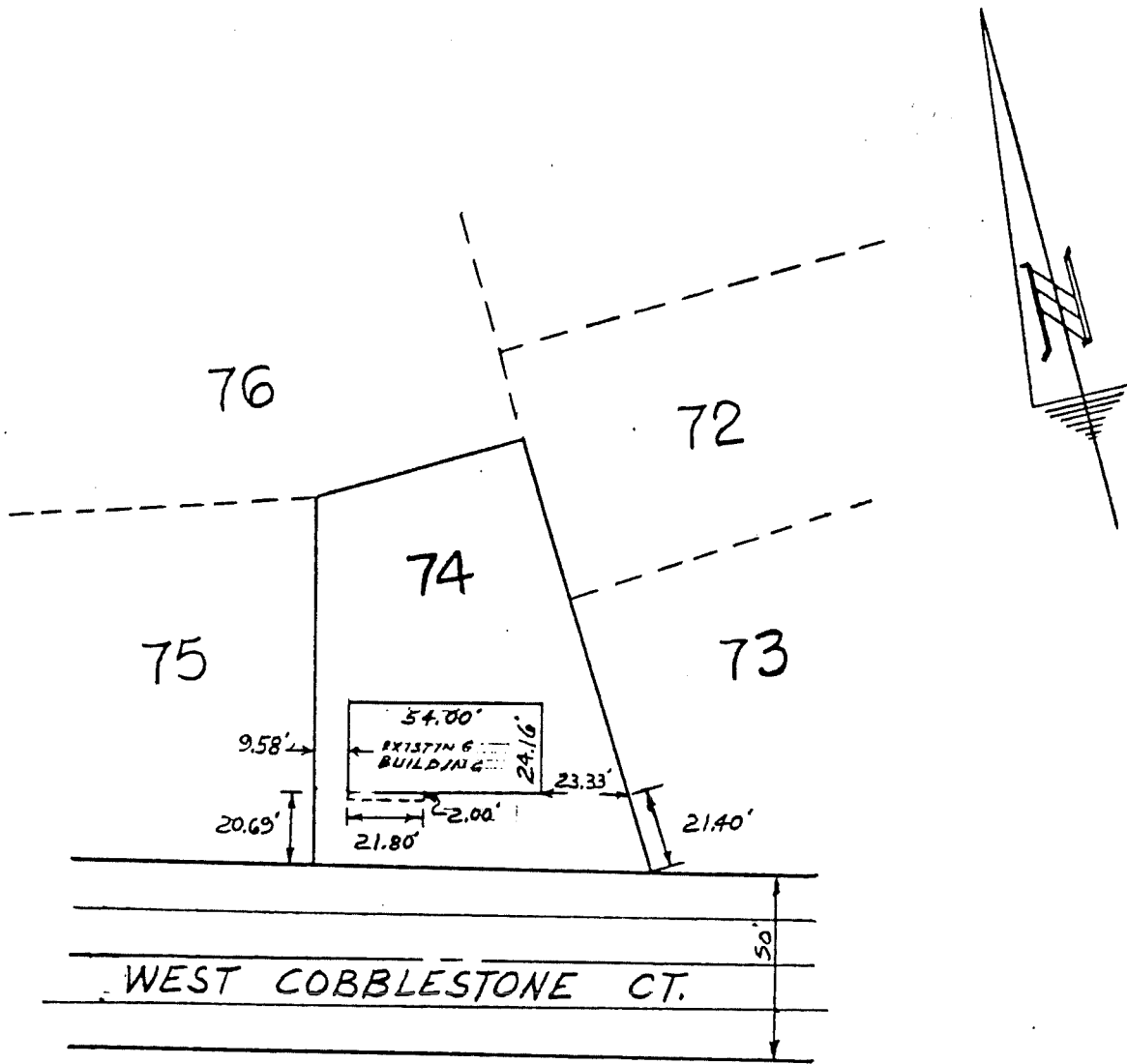
*Thomas W. Breidenstein/mcb*

Thomas W. Breidenstein,  
Zoning Enforcement Officer

TWB:mcb

Attachments

lot 74



STATE OF KENTUCKY  
JAMES W. BERLING  
206  
REGISTERED  
LAND SURVEYOR

PLOT PLAN  
FOR: JOE MORRISON  
LOT 74 STONEGATE MEADOWS SUB  
FLORENCE KY.  
SCALE 1"=50' APRIL 19 1988

FILE NUMBER: 3-25005  
 CLIENT: Harry D. & Jean C. Carter  
 STREET ADDRESS: 370, Charleston  
 CITY OR VILLAGE: Florham  
 TOWNSHIP: R/S  
 COUNTY: Boone  
 STATE: Kentucky  
 CITY LOT NUMBER: N/A  
 SUBDIVISION NAME: Section 5  
 LOT NUMBER: 99

PLAT BOOK: 25A  
 PAGE: 3

This identification plat is made for and at the instance of  
 Lawyers Title of Northern Kentucky &  
 Mayflower Mortgage, Inc.

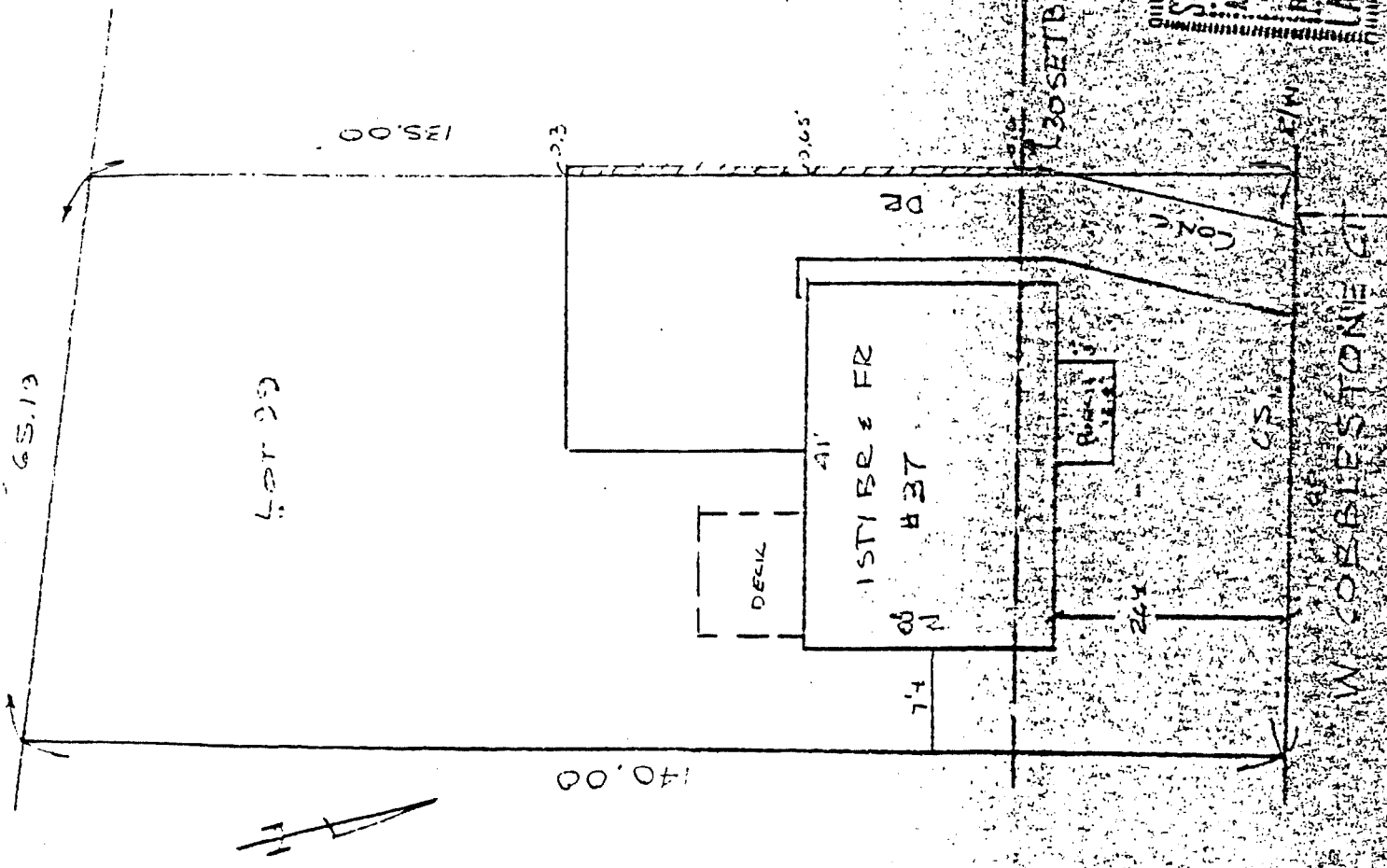
I hereby certify that this identification plat shows the  
 improvement or improvements as located on the premises  
 described, that the improvement or improvements are entirely  
 within lot lines, and that there are no encroachments upon the  
 premises described by the improvement or improvements of  
 any adjoining premises, except as indicated. I further certify  
 that there are no record plat encumbrances affecting the tract  
 shown hereon, except as noted.

NOTE: This is a MORTGAGE INSPECTION and is not a recordable  
 document and was prepared for IDENTIFICATION PURPOSES  
 for the MORTGAGEE in connection with a new mortgage, and  
 is not intended or represented to be a land or property  
 line survey, no corners were set. Do not use for  
 establishing fence or building lines. No responsibility  
 is extended herein to the landowner or occupant. It  
 DOES NOT MEET the minimum requirements for a survey under  
 Kentucky Law (201 KAR 18:150)

ACKNOWLEDGED BY CLIENT  
*Andrew R. Alment*  
 ACKNOWLEDGED BY SURVEYOR

ANDREW R. ALMENT  
 REGISTERED LAND SURVEYOR 1729  
 205 East Alexandria Pike  
 Cold Spring, Ky. Phone 606/441-8164

|                  |                    |              |
|------------------|--------------------|--------------|
| SCALE: 1" = 100' | DATE: 10/14/13     | CHECKED: JWA |
| PAYED: \$150.00  | RECEIVED: \$150.00 |              |

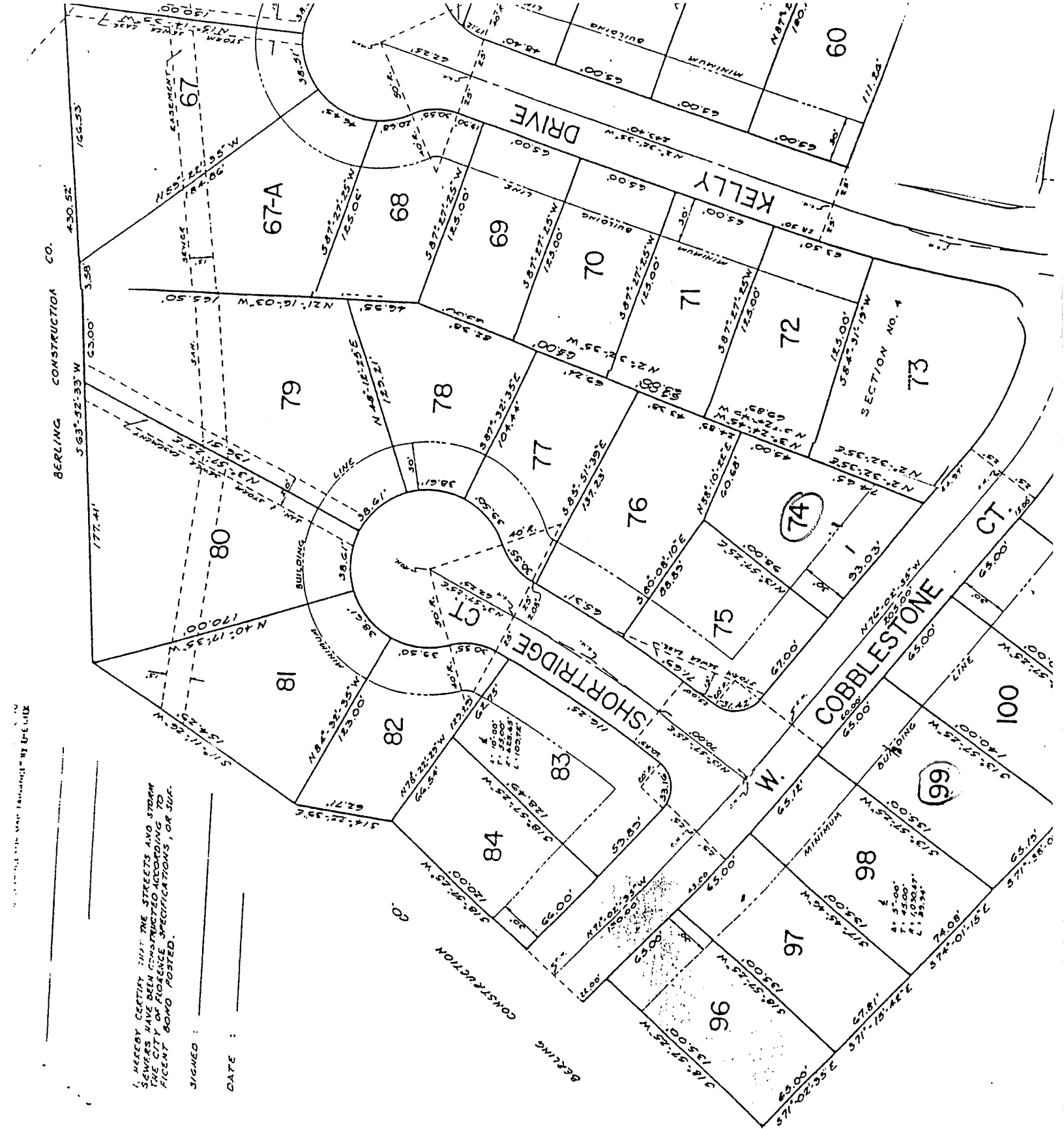


STATE OF KENTUCKY  
 ANDREW R. ALMENT  
 1729  
 REGISTERED  
 LAND SURVEYOR

I HEREBY CERTIFY THAT THE STREETS AND STORM  
SEWERAGE HAVE BEEN CONSTRUCTED ACCORDING TO  
THE CITY OF RICHMOND SPECIFICATIONS, OR SUR-  
FICANT BOND POSTED.

SIGNED : \_\_\_\_\_  
DATE : \_\_\_\_\_

Joe Morrison  
lots 74 & 99  
Stonegate Meadows S/D  
5-11-88



BERLING CONSTRUCTION CO.  
430.52' 166.53'  
5 63° 52' 33" W 63.00'  
177.41'

BERLING CONSTRUCTION CO.

BERLING CONSTRUCTION CO.

COBBLESTONE CT.

SHORTRIDGE CT.

KELLY DRIVE

67-A

68

69

70

71

72

73

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78

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76

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74

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100

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SECTION NO. 4

W. SHORTRIDGE CT.

MINIMUM BUILDING LINE

MINIMUM BUILDING LINE

MINIMUM BUILDING LINE

MINIMUM BUILDING LINE

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STAFF REPORT

DEVELOPMENT: Single Family Residence

APPLICANT: Ryans Homes, Inc.

LOCATION: Lot #11, Surrey Court, Stonegate Meadows Subdivision, Florence, Kentucky.

ZONE: Suburban Residential One/Planner Development Overlay (SR-1/PD)

DATE: February 11, 1987

REMARKS:

The applicant is requesting front yard Variance of four (4) feet in order to build 26 feet from the front property line. Article 17 of the Boone County Zoning Regulations requires a thirty (30) foot front yard setback. The subject property (Lot #11, Surrey Court, Stonegate Meadows Subdivision) is currently owned by Ryan Homes, Inc.

The following reviews the findings of fact which the Board must use when considering a dimensional Variance:

1. The applicant argues that the special circumstance involved with this request is the fact that a mistake was made when staking out the house location, and this was not done by Ryan Homes, Inc. This circumstance does not apply to other lots in the subdivision since they have been constructed or staked along the proper setback line. Staff could find no physical circumstances which are special to the property.
2. Strict application of the provisions of the zoning regulations would require that four feet of the garage be removed to bring the house into alignment with the other houses. This requirement would not deprive the applicant of a reasonable use of the land since the house still could be used for residential purposes, but it may limit the use of the attached garage.
3. The applicant argues that the special circumstance is "the result of a misapplication of the setback requirements" by an unspecified person.
4. If granted, the Variance would not adversely affect the public health and general welfare of the area, nor will it create a hazard or nuisance to the public. However, since the house has been constructed four feet out of

line with the other homes, the Board should consider whether or not the essential character of the neighborhood would be altered.

In a Planned Development, builders generally are granted some flexibility in adjusting the intensity of a development. However, the Improvement Plan for the Stonegate Meadows Subdivision indicated a 30 foot setback line. Therefore, each new house must be built behind this line.

As mentioned above, if the requested Variance is denied, the applicant would be required to remove the garage which was constructed within required front yard setback. If the Variance is granted, staff recommends no conditions.

Respectfully submitted,



Thomas W. Breidenstein  
Zoning Enforcement Officer

TWB:mcb

 Ryan Homes, Inc.

6203 Centre Park Drive • Westchester, Ohio 45069 • Telephone: (513) 779-9100

January 29, 1987

Boone County Planning Commission  
P.O. Box 97  
Burlington, KY 41005

ATTN.: Mr. Gerald Newton

Dear Mr. Newton:

In accordance with Section 244, Application and Standards for Variances, we understand that there are four criteria that we must meet to receive a variance.

First, the requested variance is the product of special circumstances which do not generally apply to this subdivision or it's surrounding vacinities. This is the result of misapplication of the setback requirements in the construction of lot 11 in the Stonegate Meadows subdivision.

We feel that strict application of the provisions would create unnecessary hardship and expense in the construction without creating any benefit to the city, county, or surrounding property owners.

We also feel that this variance will not adversely affect the health, safety, or welfare, nor create a hazard or nuisance to the public. Nor will it alter the character of the general vacinity. This variance will only help to complete a home that is already in production on a timely basis.

This is also not the result of careless or reckless construction applications, but is due to the fact that this is a new subdivision and the setback requirements could not be inspected as there were no surrounding houses to compare with.

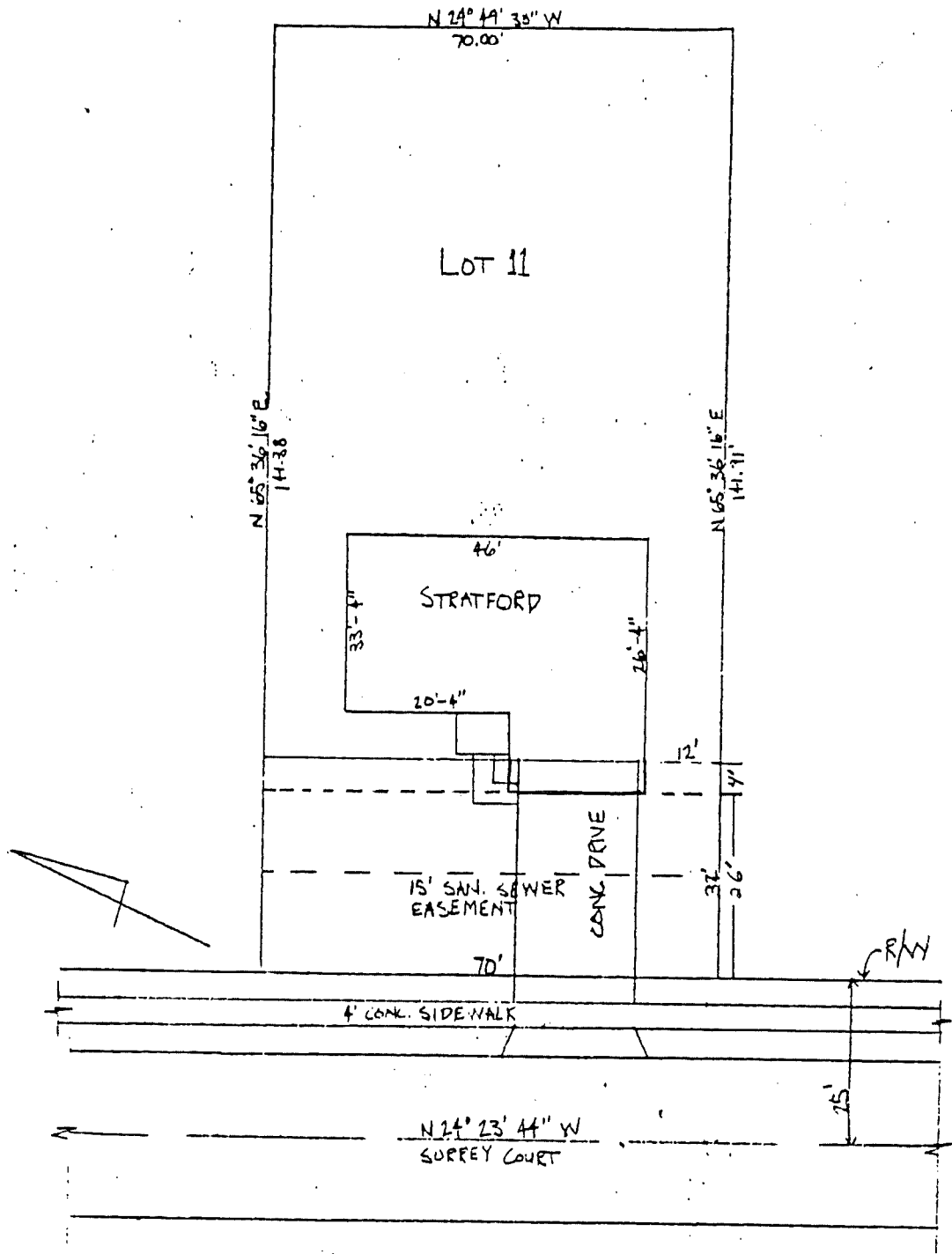
Thank you for your time and consideration.

Sincerely,



Mike Moore  
Construction Supervisor

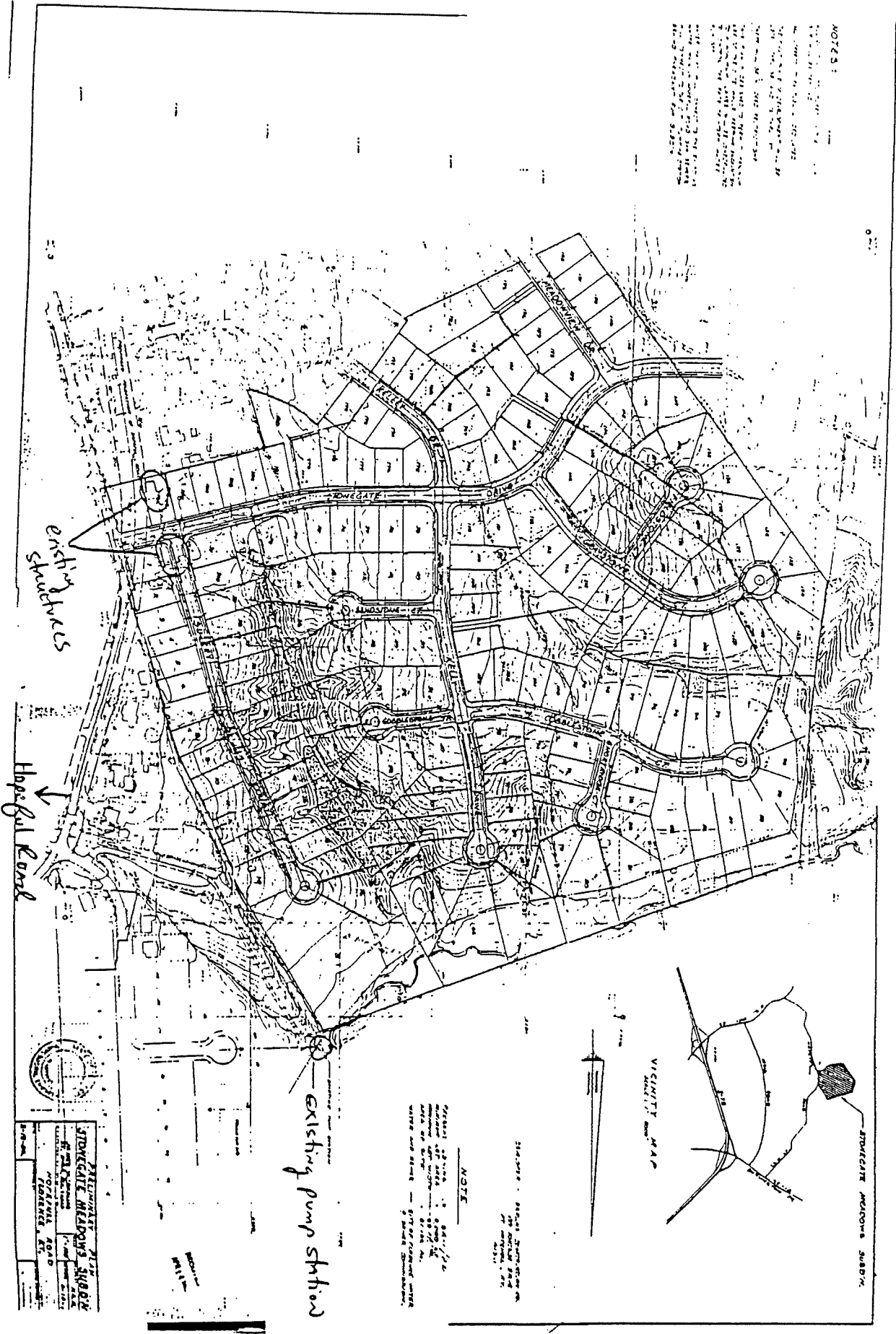
MM/tlb



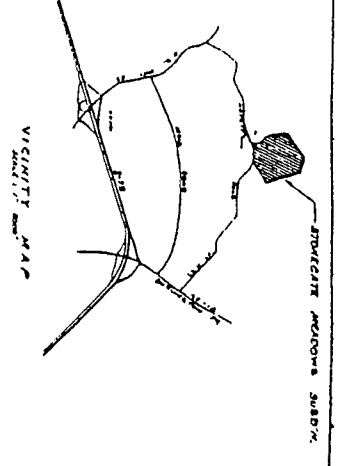
PLOT PLAN  
 FOR  
 RYAN HOMES INC.  
 LOT 11 STONEGATE MEADOWS SUB, SECT. 2  
 FLORENCE, KENTUCKY  
 SCALE - 1" = 20'      SEPT. 29, 1986

VIDX & VIDX, P.S.C.  
 CIVIL ENGINEERS  
 ERLANGER, KY.

# STONEGATE MEADOWS SUBDIVISION



NOTES:  
 1. ALL LOTS ARE TO BE CONVEYED BY DEED.  
 2. THE SUBDIVISION IS TO BE BOUNDARIED BY THE ORIGINAL SURVEY.  
 3. THE SUBDIVISION IS TO BE BOUNDARIED BY THE ORIGINAL SURVEY.  
 4. THE SUBDIVISION IS TO BE BOUNDARIED BY THE ORIGINAL SURVEY.  
 5. THE SUBDIVISION IS TO BE BOUNDARIED BY THE ORIGINAL SURVEY.



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 5. THE SUBDIVISION IS TO BE BOUNDARIED BY THE ORIGINAL SURVEY.

PLANNED BY  
**STONEGATE MEADOWS SUBD.**  
 100000 S.W. 10th St.  
 HOPE GUL, FLORIDA 32061  
 PREPARED BY  
**PLANNING & ENGINEERING**  
 100000 S.W. 10th St.  
 HOPE GUL, FLORIDA 32061

FLORENCE BOARD OF ADJUSTMENT

MEETING MINUTES

FEBRUARY 11, 1987

7:30 P.M.

Chairman Charles Holland called the meeting to order. Roll call was taken by staff member Barbara Reffitt. Five members were present. Chairman Holland stated that the record should show Mr. Raymond Ashcraft had been sworn in by Atty. Dale Wilson as a new member of the Florence Board of Adjustment. Staff members Tom Breidenstein, Kevin Costello and Barbara Reffitt were present. Atty. Dale Wilson was also present.

Minutes of the January 14, 1987 Florence Board of Adjustment meeting were considered. Chairman Holland moved the January 14, 1987 Florence Board of Adjustment Minutes be approved. The motion was seconded by Mr. Roger Wilder. The motion carried unanimously.

Chairman Holland proceeded to the items of the agenda.

Ryan  
↓

Front Yard Variance

A request of Ryan Homes for a front yard Variance of four (4) feet in order to build 26 feet from the front property line. The 9933 square foot lot, located on Surrey Court in the Stonegate Meadows Subdivision, is zoned Suburban Residential One with a Planned Development Overlay.

Mr. Tom Breidenstein presented a slide presentation of the site and the surrounding area. Mr. Breidenstein presented the Staff Report. (See Staff Report)

Chairman Holland inquired if Mr. Berling was present to represent Ryan Homes.

Mr. Viox stated he was representing Ryan Homes.

Chairman Holland inquired if Ryan Homes was sub-leased to Berling Construction, why would we receive a letter from them.

Mr. William Viox stated Mr. Jim Berling was the Engineer and Charles Berling was the developer of the subdivision.

Atty. Dale Wilson stated this was probably the first time a situation like this had come before the Board of Adjustment, and stated most of the time it was just a straight zone with concrete, precise setbacks that a person is seeking a Variance

for. He also stated with this instance there is a Planned Development Overlay. With the Planned Development Overlay, the zoning regulations anticipate and expect that these setbacks will not be strictly followed. He also stated the only reason this is before the Board of Adjustment is because the Improvement Plan showed a setback of 30 ft. Atty. Dale Wilson stated that Jim and Charles Berling stated this was intended as a guide, not a set standard for front yard setback.

Chairman Holland inquired if Mr. Berling had the right to bring the house forward as far as he wants.

Mr. Viox gave a brief background of Stonegate's projects. He stated about six years ago his firm representing Eagle Savings and Loan presented to the Planning and Zoning Commission a zone change to Planned Development Overlay for Stonegate at that time, and it was going to be a mixed use of Planned Development with townhouses in certain sections and single family dwellings in other sections. The builder at that time would have been Doerger Homes. However, after they had received approval from both Planning Commission and City Council, Mr. Doerger became ill and had to retire from the business. Time passed by and Berling Construction Company bought the property from Eagle and came to the Planning Commission to make a change in that concept plan. Under the original concept plan the townhouses on private streets would be set about 20 feet from the street and single family houses would be set at varied setbacks based on topography. The purpose for these setbacks was to save the trees and not to strip the land as would happen under the rigid guidelines of the normal subdivision regulations. Mr. Charles Berling decided the townhouses were not needed and came back with a single family Planned Development concept. Jim Berling, the Project Engineer, felt that when he put the line for the front yard setback it was the only suggested set back. When Mr. Viox started staking homes for Ryan, they tried to have an average of 32 ft. and those houses in that area do meet that average. He stated the rear lines basically lined up with the rear of those other houses. He stated basically the garage was protruding just a little from the other homes. Mr. Viox stated he directed Ryan Homes to go before Staff, which they immediately did, and alerted them where the house was sitting. At that time the Staff discussed whether they needed to send them to the Board of Adjustment of whether they were going back to the Technical Committee and ask for a minor change in the Concept Plan. He also stated the Staff's stand was that because a setback line was on the drawing, they should come before the Board of Adjustment to seek the Variance. He stated Mr. Berling feels that it was a suggested line and in future sections they would want to vary some of those set backs, rather than to have to grade the site where the land drops off, and project the houses back and forth some small amount in order to save the trees and save the natural vegetation.

Chairman Holland asked if there were any questions from the Board Members.

Mr. Ashcraft asked if this is for Lot 11 only. Mr. Viox stated that was so.

Chairman Holland stated it was hard to make them tear it down since it was of considerable value already built. He also stated that since the Board might have some leeway with this Planned Development Overlay, he felt the Board could bend a little bit. Chairman Holland asked if there was anyone in the audience who wanted to speak in opposition of this, and since there was none, Chairman Holland made a motion that the Board grant a four foot Variance to build with a set back to be 26 ft. from the property line in question. Mr. Roger Wilder seconded the motion.

Chairman Holland stated he wanted to ask Mr. Viox before the vote was taken to work with Staff, so that they would not have to come before the Board with each and every house.

Chairman Holland asked if there was any further discussion on this. Roll call vote was taken:

AYES: Messrs. White, Ashcraft, Wilder, Mrs. Lanigan and Chairman Holland.

NAYS: None

The motion carried unanimously.

#### Sign Variance

A request of United Signs, Inc. (agent) for La-Z-Boy Showcase Shoppe for a modification of a previously approved Sign Variance. The 2.28 acre site, located at 7701 Mall Road, Florence, is zoned Commercial Two (C-2) and is owned by Elliott Hilsinger.

Mr. Tom Breidenstein briefly presented a slide presentation of the site and the surrounding area. Mr. Breidenstein presented the Staff Report. (See Staff Report)

Chairman Holland asked who would like to speak for La-Z-Boy.

Mr. Mike Cassidy of United Sign Company stated he had a brief slide presentation to give first. He stated the marketing concept and the signs were incorporated with the television and radio advertisements. He stated they needed something to identify with the retail outlet. After much discussion, he stated they would like to have another mounted sign on the building, but knew he couldn't. He stated they would prefer to

CITY OF FLORENCE  
BOARD OF ADJUSTMENT

May 11, 1988 - 8:00 P.M.

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BOARD MEMBERS PRESENT:

Mr. Ashcraft  
Chairman Holland  
Mrs. Ward  
Mr. White

BOARD MEMBERS NOT PRESENT:

Mrs. Meihaus

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 April 13, 1988 and asked if there were any comments or corrections.

There being no changes to the Minutes, Mr. White moved that the Minutes be approved as mailed. Chairman Holland seconded the motion and it carried unanimously.

AGENDA ITEMS:

1. The request of Joe Morrison for a Variance in the front yard setback from 30 feet to 20.69 feet for Lot 74, Cobblestone Court, near Shortridge Court (Stonegate Meadows Subdivision). The property is zoned Suburban Residential One/Planned Development (SR-1/PD) and is owned by Joe Morrison.
2. The request of Joe Morrison for a Variance in the front yard setback from 30 feet to 26 feet for Lot 99, Cobblestone Court, near Shortridge Court (Stonegate Meadows Subdivision). The property is zoned Suburban Residential One/Planned Development (SR-1/PD) and is owned by Dan and Joan Curtis.

Staff Member, Tom Breidenstein, presented the Staff Reports, which included slide presentations, for the first two requests and emphasized that the properties in question are zoned Suburban Residential One with a Planned Development Overlay.

Chairman Holland noted that the house next door was properly in line and asked the applicant when his house was not.

Mr. Joe Morrison stated that these are the first two properties he has built and the house next door was constructed after his. He advised that he owns the adjacent lots, with the exception of the corner lots.

Mr. Breidenstein advised that he had signed the building permit applications, as a 30-foot setback was indicated. He stated that Mr. Morrison misunderstood how to measure the 30 feet and had measured from the street, as opposed to the right-of-way line.

Counselor Wilson advised that normally streets are in the center of the 50-foot right-of-way, but the road does not have to be in the center. The pavement is normally 25 feet wide, and can be anywhere within the 50-foot right-of-way.

Mrs. Ward questioned who should have instructed Mr. Morrison in regard to the proper procedure. Mr. Breidenstein advised that this is the responsibility of the builder.

Mr. Morrison noted that on the drawing, the 30 feet was indicated to be from the curb.

Mr. Ashcraft stated that he had visited the site and did not believe there was any economic loss to the adjoining property owners.

Chairman Holland stated that someone needs to advise builders in regard to the proper way to measure.

Mr. Breidenstein suggested that a letter be sent to the developer of the subdivision asking him to be more careful in informing the individual builders of the setback requirements. Mr. Breidenstein noted that Mr. Morrison had come to the Staff in regard to the improper setback.

Mr. Morrison stated that the bank had discovered the one improper setback and he had advised the Staff of the other.

Chairman Holland moved that a Variance of 9.31 feet be granted for Lot #74 and that a Variance of 10 feet be granted for Lot #99.

Chairman Holland asked if there was anyone else present who wished to speak for or against this request or if there were any questions. There being no response, he asked for a roll call vote on the motion and it carried unanimously.

3. The request of Carpenter Sign Service (agent) for Fashion Bug Plus for a Variance in the number of building-mounted signs to allow a second sign reading, "Fashion Bug Plus". The 11.53-acre site, located at the southeast corner of Turfway Road and KY 18 (Thriftway Shopping Plaza) is zoned Commercial Two (C-2), and is owned by the Benderson Development Company, Inc..

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

Mr. Bob Carpenter of Carpenter Sign Service stated that their procedure for the last few years has been that two stores operate under one roof, with Fashion Bug Plus representing 60% to 65% of the business. Each store has its own salespeople. They feel the second sign is necessary as they are operating two separate entities under one roof.

Chairman Holland questioned the size of the proposed sign and Mr. Carpenter advised that it will be 22' x 3'.

Mr. Ashcraft noted that the reason for the Variance is that the two stores have an interconnection.

Mr. Breidenstein agreed. He noted that they have only one occupational license and one store and are, therefore, only entitled to one sign. However, Staff recognizes that there are two separate operations.

Mrs. Ward asked if there was a need for the interconnection between the stores. Mr. Carpenter stated that he did not know about the retail and marketing aspects of the business.

Mr. Ashcraft moved that the Variance be granted to allow the new sign to read, "Fashion Bug Plus". Mr. White seconded the motion.

Chairman Holland asked if there was anyone else present who wished to speak for or against this request or if there were any questions. There being no response, he asked for a vote on the motion made by Mr. Ashcraft and it carried unanimously.

4. The request of Sign Systems and Services (agent) for Mike Albert Leasing for an Appeal of the Zoning Administrator's and Zoning Enforcement Officer's decision regarding flashing signs. The intended location of an electronic message board is on the west side of Woodspoint Drive near Interstate 71/75. The property is zoned Commercial Services (C-3) and is owned by Mike Albert Leasing.

Staff Member, Tom Breidenstein, presented the Staff Report (see Staff Report). He noted that the decision rendered by the Board in regard to this request will have bearing on all the signs in the city.

Chairman Holland asked if there was anyone present in behalf of this request.

Mr. Mike Cassedy of Sign Systems and Services stated that the electronic message center at the corner of U.S. 42 and Industrial Road is a bank. He noted that in Sharonville and Eastgate the zoning ordinances were restructured to accommodate electronic message centers. Mr. Cassedy distributed to the Board copies of a letter he had written, dated May 11, 1988, in regard to their position. He read the letter and noted that sign companies

and developers had input into the sign code when it was drafted. He attended meetings in this regard and questions were raised about electronic message centers. He stated that the regulations were not specifically written to disallow electronic message centers. He noted that over-ground wiring is not permitted for portable signs by the National Electric Code. He noted that electronic message centers were permitted on Mall Road and it was not the intent of the regulations that they be kept out of the county. He noted that there is no documentation that electronic message centers create a traffic hazard, noting that there are three electronic message centers on I-275 in Sharonville. He stated that "nuisance" is a subjective criteria and he did not know how to define it.

Mr. Bob Ryan, Vice President of Mike Albert Leasing, stated that they are a national fleet leasing company and have been in business since 1957, primarily in Evendale. The Florence facility represents an investment of about \$1.5 million. The primary function of this site will be the used car business. They hope to sell in excess of 200 cars per month. He noted that the site is not directly on KY 18 and the elevation drops down. Therefore, they need the height of the sign in the original request and the electronic message center would be an effective marketing tool for them. They would contribute a portion of the sign to the county and the City of Florence for community service.

Mr. White stated that these signs are distracting when sitting at a light, although they may not be as noticeable on the expressway.

Counselor Wilson noted Section 19.02 of the ordinance and noted that the type of sign at the Fifth Third Bank is not totally prohibited. He noted that this is an electronic message center. He stated that the sign is allowed when a public service function is involved.

Mr. Breidenstein advised that the only message that can be flashed is a public service message -- such as the time and temperature. He noted that the Fifth Third Bank flashes a business message on their sign, but this sign is pre-existing, non-conforming.

Mr. Ashcraft noted that this request is an appeal and that Mr. Cassidy is arguing in regard to the intent of the legislation. He stated that in allowing the signs on Mall Road, the intent was to ban the signs elsewhere in the county. He stated that he believes the Zoning Administrator's decision is correct.

Mr. Cassidy stated that when the regulations were drafted, if the intent was not to have message centers anywhere but Mall Road, then it would have been more simple to put in, . . . "flashing lights including electronic message centers. . .".

Counselor Wilson advised that the Staff is taking the literal reading of the Section to indicate that the electronic message center sign is only allowed where its copy provides a public service function.

Mr. Breidenstein advised that the only suggestion they could give the applicant was that he apply for a text amendment. He noted that the sign industry received a zoning text amendment in Sharonville to allow these signs.

Mr. Cassedy stated that electronic message centers were not specifically in the regulations as they wanted this Board to review them individually. He stated that this is not a flashing light -- these lights travel. He stated that the flashing mode could be eliminated. He stated that the regulations were left in a general manner to allow review of each application.

Counselor Wilson advised that what is before the Board is not so much the intent of the Regulations, but the decision reached by the Zoning Administrator. He noted that all the Board can address is whether the decision was appropriate under the language. He noted that the Regulations address flashing, rotating, and moving lights.

Mr. Ashcraft noted that Mr. Cassedy is critical of the drafters of the ordinance for not using the terms, such as electronic message center, that he uses. He noted that these are not common terms and he would not expect them in the ordinance.

Mr. Cassedy stated that these terms were used during the drafting of the regulation.

Mr. White asked if this request could be tabled to get an interpretation.

Counselor Wilson stated that the Commission would not make the interpretation as this application has been denied and this is an appeal. He asked if the application was for movable copy or fixed copy.

Mr. Breidenstein advised that the sign was approved with fixed copy and they made application to revise the sign, including the changeable copy.

Mr. Ashcraft moved that the Board uphold the finding of the Zoning Administrator and the Zoning Enforcement Officer. Chairman Holland seconded the motion.

Chairman Holland asked if there was any further discussion.

Mr. Cassedy asked for approval of a request to use solar dots as an alternative to the electronic message center. Chairman Holland advised that the Board could only hear the appeal at this time, and this request involved a different matter.

Counselor Wilson agreed and stated that the Zoning Administrator had not even reviewed the second request and that this is a review of the Zoning Administrator's decision.

There being no further discussion, Chairman Holland asked for a vote on the motion to uphold the Zoning Administrator's decision and it carried unanimously.

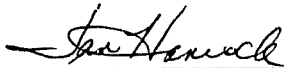
There being no further business to come before the Board, Chairman Holland moved, seconded by Mr. White, that the meeting be adjourned. The meeting was adjourned by unanimous consent at 9:10 P.M..

APPROVED:



Charles F. Holland, Chairman.

ATTEST:



Jan Hancock, Recording Secretary