

REVIEW NO.

APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION

(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. (Check One) Boone [checked] Florence _____ Walton _____ Union _____

2. (Check One) Conditional Use Permit [checked] Variance _____ Appeal _____
Change in Non-Conforming Use

3. Applicant's Name MIKE ALBERT LEASING, INC.
Phone Number 563-1400 OR 525-6400
Applicant's Address 7570 WOODSPOINT DRIVE
FLORENCE KENTUCKY
City State Zip

4. Description of Request: VARIANCE FOR BUILDING SIGNS -
TO ALLOW 2ND BUILDING MOUNTED SIGN TO EXCEED MAX. PERMITTED
SQUARE FOOTAGE

5. Name of Development MIKE ALBERT LEASING

6. Location of Development 7570 WOODSPOINT DRIVE

7. Acreage Under Review 4.3 ACRES

8. Lot Number and Name of Subdivision (if part of a subdivision) _____

9. Owner of Property ROBERT BETAGOLE, TRUSTEE
Phone Number 563-1400

10. Address of Property Owner 10340 EVERDALE DRIVE
CINCINNATI, OHIO 45241
City State Zip

11. Proposed Use(s) On Site CAR SALES & LEASING

12. Total Square Footage of Existing and/or Proposed Buildings
6500 (NEW) - 2000 (OLD)

13. Current Zoning on Property C-3

14. Deed Book 296 Page No. 123 Group No. 2X33B

15. Is the site subject to a zone change? NO
If yes, give date of approval _____

16. Have you submitted a Site Plan with this request? NO/AVAILABLE

17. Have you submitted a list of adjoining property owners with this request? NO/AVAILABLE IF NEEDED

18. Applicant's Signature: _____

19. Property Owner's Signature: Robert Betagole by

Robert E. Gouf.
5/10/89

Deed Book and Page # on file
Site Plan and sign drawings
on file with Planning and Zoning
Property owners on file with P&Z and Bd of A.
No changes.
[Signature]

APPLICATION FORM
BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION

SECTION B

(To be completed by Boone County Planning Commission Staff)

1. Date Received 5-11-89
2. Fee Received 115.00 RE 80113
3. Is application complete? Yes No
4. Staff Reviewer TOB
5. Scheduled Board Action Date 6-14-89
6. Board Action:
 Approval
 Approved With Conditions (See #7)
 Disapproved (See #8)
7. Conditions: _____

8. Reasons For Disapproval: _____

BCPC:7/11/88

STAFF REPORT

#2

DEVELOPMENT: Mike Albert Leasing
APPLICANT: Mike Albert Leasing
LOCATION: 7570 Woodspoint Drive
ZONING: Commercial Services (C-3)
DATE: June 14, 1989

REMARKS:

The application is requesting a Variance in the size of building mounted signs. The 4.3 acre site, located on the west side of Woodspoint Drive, is zoned Commercial Services (C-3) and is owned by Robert Betagole, Trustee.

Article 19 of the Boone County Zoning Regulations would allow the new Mike Albert Leasing building 3 building mounted signs - one facing the interstate, one facing Woodspoint, and one facing internal circulation areas and Hills Department Store. Since each of these building frontages is 70 feet in wide, one sign may be up to 140 square feet in size, or 2 square feet per lineal foot. The regulations would allow the other building fronts signs of only one square foot per lineal foot of frontage. Therefore, these 2 could be a maximum of 70 square feet. In order to standardize signage, Mike Albert Leasing is requesting a Variance to allow these 2 signs to be 97.5 square feet - a Variance of 27.5 square feet per sign.

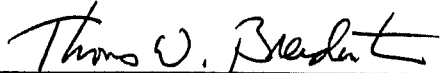
Staff can find no reason why, if granted, the Variance would adversely affect the public health, safety, or welfare, would alter the essential character of the general vicinity, would cause a hazard or nuisance to the public, or would allow an unreasonable circumvention of the zoning regulations. In addition, the following reviews the standards the Board must use for Variance requests:

- a. The requested Variance arises from special circumstances which do not generally apply to land in the general vicinity. In particular, Mike Albert Leasing's property is situated so that it is highly visible from three heavily traveled areas - I-75, Woodspoint Drive, and Hill's parking lot. In fact, the applicant has provided a possible future parking connection between Hill's and Woodspoint Drive. Due to the distances involved, however, signage on each of these frontages must be of a certain size to be legible.
- b. Strict application of Article 19 of the Zoning Regulations would allow Mike Albert Leasing 3 building mounted signs which may not be readable from the surrounding roadways.
- c. The special circumstance of building orientation to the various roadways is the result of actions of the applicant. However, distance to the roads and adjoining properties is regulated by the setback requirements of the zoning regulations.

STAFF REPORT - MIKE ALBERT LEASING
JUNE 7, 1989

PAGE 2

=====
Drawings of the proposed signs, as well as a plot plan indicating the proposed locations, are attached. Also, attached is a letter from Mike Albert Leasing explaining their desire for the Variance.



Thomas W. Breidenstein,
Zoning Enforcement Officer

TWB:kat

sign variance request
6-14-89

Sign Board - Hand lettered white

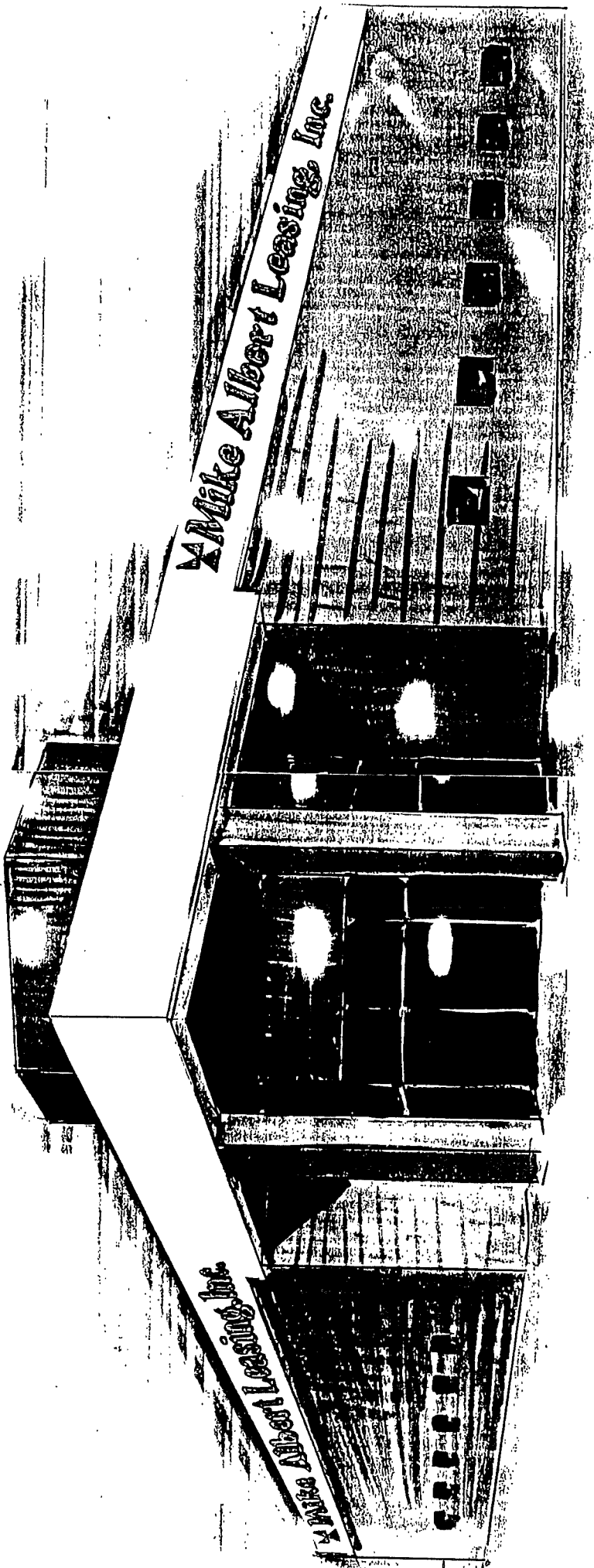
building frontage
70'

MIKE ALBERT LEASING

Scale 1/2" = 10'

97.5 sq. ft. sign
proposed for 3 sides

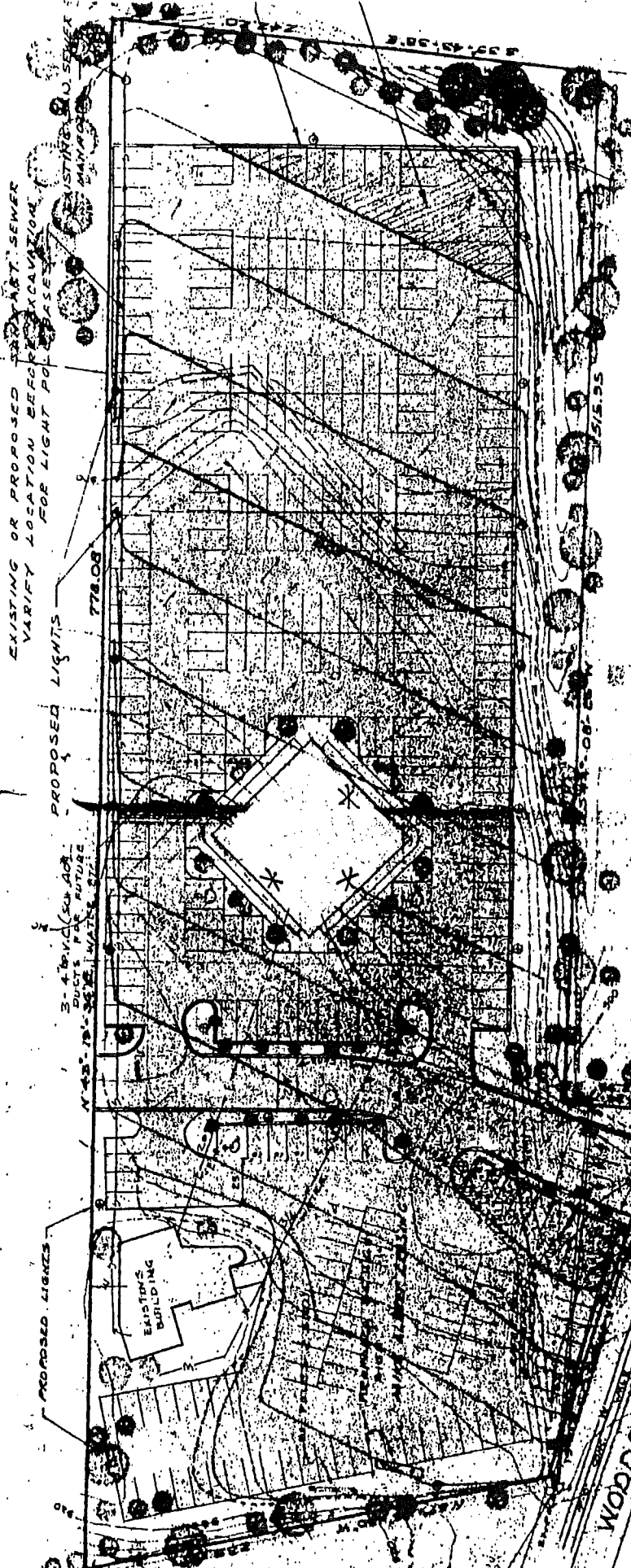
6-14-89



6-14-89

FEDERATED DEPT. STORES INC.
(GOLD CIRCLE DISCOUNT STORE)

5/11/89



EDWIN H. JEE & ANNA C. JEE
(RESTAURANT SITE)

1" = 50'

* proposed sign locations

WOODSPRING DRIVE

CATCH BASIN
TOP 1 304.50
INT. 1 304.40

Cherion
SIL CO.
(104)

Mike Albert Leasing, Inc.

Automobiles and Trucks — Nationwide — Since 1957
10340 Evendale Drive Cincinnati, Ohio 45241-2564 (Evendale Exit off I-75)
Telephone (513) 563-1400



May 23, 1989

Mr. Paul Miller
Boone County Planning and Zoning
Board of Adjustment
Boone County Court House
Burlington, KY 41005

Re: Sign Variance

Dear Mr. Miller:

Per our previous conversations with you and Tom Breidenstein, we wish to request that your staff and the Board of Adjustments consider a variance to present building sign regulations for our new facility located at 7570 Woodspoint Drive.

It is our understanding present sign regulations allow us three signs on each of the two buildings located on our site. One sign can be two (2) square foot in size for each foot of building length and the second and third signs one (1) square foot in size for each foot of building length. Our variance request pertains to our new 70 foot by 70 foot square building which is positioned on the site as a diamond facing the internal roadway. Therefore, we desire three signs of equal size for this diamond shaped building. The attached rendering will help you better visualize this request. We wish to use 2.5 foot white painted letters on the red band on the building. This would result in 292.5 square feet of signage for three signs of equal size verses 280 square feet which would be permitted for three signs of different size using the above formula.

In addition to the improved appearance that will result from three signs of the same size, we hope you will give consideration to the following:

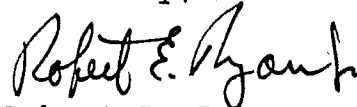
- Woodspoint Drive has a very low "through" traffic count and no progress has been made to date with the owners of the adjacent Hills/Franks property to "open" the internal roadway we were required to develop to our property line at considerable additional cost to us. Therefore, it is very important for us to be highly visible from I-75, KY-18 and

the adjoining parking lots since our building is located in the middle of a four acre site.

- Our property location has not had a history of business success. We hope you feel our investment in the site, which is now in excess of \$1.3 million, has been an improvement to the Florence area. We need a significant amount of signage and additional access to attract impulse and destination oriented traffic to this site.

Thank you for the consideration given this request and please contact me or Ron Bitter if we can provide additional information that will enable you to grant this variance request.

Sincerely,



Robert E. Ryan, Jr.
Vice President

RER/dk

cc: Ron Bitter

CITY OF FLORENCE

BOARD OF ADJUSTMENT

June 14, 1989 - 7:30 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 called the meeting to order at 7:30 P.M..

Approval of the Minutes:

The Chairman stated that each member had received a copy of the Minutes of the Board of Adjustment Meeting of May 10, 1989 and asked if there were any comments or corrections.

There being no changes to the Minutes, Mr. Ashcraft moved that they be approved as mailed. Mrs. Ward seconded the motion and it carried unanimously.

AGENDA ITEMS:

The Chairman advised that the following item had been withdrawn:

1. The request of Chelsea Moore Corporation and Glenn F. Baird for an Appeal of the Zoning Administrator's decision regarding the location of a zoning line on a portion of the applicant's property. The less than one-acre parcel is located between Utterbach Road and Connector Road, Boone County, Kentucky.

2. The request of Mike Albert Leasing for a Variance in the size of building-mounted signs. The 4.3-acre site is located at 7570 Woodspoint Drive, Florence, Kentucky. The property is zoned Commercial Services (C-3) and is owned by Robert Betagole, Trustee.

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

Mr. Bob Ryan, Vice President of Mike Albert Leasing, stated that they want to display their name as permanently as possible on the three facades. He stated that if there were one large sign and two small signs it would look like they ran out of paint. He stated that with this proposal, they are using less square footage than what is allowed. He displayed a picture showing the signs as they want them. He stated that the letters would be 2.5 feet high and stretch 40 feet.

The Chairman asked if there was anyone else present who wished to speak. There being no one, he asked if there were any comments from the Board.

There being no discussion, Mr. Ashcraft moved that Variances be granted for the two additional signs up to 97.5 square feet. He noted that 70 square feet is allowed and the Variance would be for 27.5 square feet per sign. Mr. White seconded the motion and it carried unanimously.

3. The request of Greg Wickelhaus for a Variance in the number of free-standing signs to allow a second sign advertising E-Jay's Hair Salon. The 0.5-acre site is located at 6715 Dixie Highway, Florence, Kentucky. The property is zoned Commercial Two (C-2) and is owned by Greg Wickelhaus.

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

Mr. Langenbahn, attorney for Mr. Wickelhaus, stated that he has been in business in this location since 1971 at the first building where the sign is located. The second building was purchased in 1975. Both buildings were previously used as residences. He stated that there are two large trees at the front and their sign is obscured from northbound traffic. The proposed sign would be 18" high and 6'1" long, with 8" letters. He showed the Board copy of the new sign and pictures of the site. He stated that they prefer to remove the fence.

Mr. Wickelhaus stated that the building the sign is in front of now is usually closed in the morning. The other building is open all of the time. People go to the building with the sign and it is locked. Hopefully, they will see this sign in front of the other building.

The Chairman asked if there was anyone else present who wished to speak in regard to this request. There was no response.

Chairman Holland moved that the Variance be granted for an 8.3 sq. ft. sign, no higher than four feet, and that the fence with the comb and scissors on it be removed. The sign is to be placed between the sidewalk and the 6715 building area.

Mr. Breidenstein advised that the sign being shown at this meeting was slightly larger than the sign reviewed by Staff. He calculates the sign to be about nine feet.

Chairman Holland amended his motion to a maximum of 9 sq. ft. for the sign. Mr. White seconded the motion and it carried unanimously.

4. The request of Don Conrad for Variances to allow a reduction in the rear yard building setback and a reduction in the minimum landscape buffer yard requirement as part of the development of a convenience store, gas station, and self-serve car wash facility. The 1.2-acre site is located at 8226, 8228, and 8230 U.S. 42, Florence, Kentucky. The property is zoned Commercial Two (C-2) and is owned by Don Conrad (owner by option).

Staff Member, Paul Miller, presented the Staff Report which included a slide presentation (see Staff Report).

Mr. Miller read a letter received from the Chelsea Moore Company stating that they are owners/agent for the adjoining property on Mall Road and they are opposed to the Variance on the rear and side yards of the property as the attractiveness of the adjacent property (Mall Road Square) will be reduced.

The Chairman asked for comments from those in favor of the request at this time.

Mr. John Burger, attorney, distributed copies of the plan to the Board and indicated the locations of the requested Variances. He stated that the property is mostly surrounded by commercial development and the only SR-2 properties are in the rear. The property was laid out to include two car washes and then one car wash was eliminated. He stated that the property is identical to the Waco/convenience store on KY 18. He stated that while the buffer zone cannot be 25 feet, they will do whatever they can to buffer the area.

Mr. Jim Berling, engineer, stated that there is currently a six-foot high fence. They can plant the area and put in the buffer needed to provide protection between the commercial and residential developments. He stated that the configuration of the site is irregular. The layout is one Mr. Conrad has found to be functional. The free-standing car wash was removed during negotiations with this Board. This opened up the rear of the property and they were able to place the small car wash as free-standing rather than attached to the building. He noted the location of a curb cut indicated

to be too close to Mall Road which was moved back into the property. He noted that they had agreed that the property to the east could come into the site for ingress and egress. The Variance they are requesting is 50 feet down to 27 feet at the corner. The corner is irregular.

In response to questions from Chairman Holland, Mr. Berling stated that a certain amount of distance is required in front of the pumps to negotiate a car. They have to keep off the east property line so that they can maneuver to get around the building. If they move the building toward the highway, they cannot maneuver to use the pump islands. If they move the building to the right, parking and circulation around the building would be eliminated.

Mr. Conrad stated that cars come around the building, go to the car wash, and go out. There is a solid wall at the back of the building and there is no noise there.

Mr. Ashcraft commented that there is no requirement of fifty feet between commercial properties. He noted that Chelse Moore does not represent the SR-2 properties. He stated that if it were not for the residential zoning, this request would not be before the Board.

Mr. Miller stated that the adjoining property owners, including the residences, were notified by Certified Mail. There was also advertising in the Boone County Recorder.

Mr. Ashcraft noted that the last time discussion of this site was before the Board, one of the considerations was the traffic circulation of the site and its relationship to the property to the west and the proposed bank site. He noted that causing the applicant to move the food mart and change the configuration of the site could interfere with the traffic circulation.

In response to comments from Chairman Holland, Mr. Berling stated that they would suggest a ten-foot buffer area that is heavily planted. It could be planted like a wall. They are asking for a 15-foot Variance.

Mr. Ashcraft questioned the hours of operation and Mr. Conrad advised that they do not know at this time. They will try being open 24 hours a day, but there may not be enough traffic to stay open.

Mrs. Meihaus noted that the residents had been notified and were not present. She questioned if an additional staggered row of trees could be added as the trees need time to mature.

Mr. Conrad stated that this could be done. He noted that the existing fence has points on it to keep the children from cutting through. He stated that they use low-level lighting.

Mr. Conrad stated that the site had been previously used as an animal hospital with dogs barking. This was within five feet of the property line. There was also a daycare center on the site. He stated that these uses had occurred within the last six months with no buffering.

Mr. White moved that the Variance to 27 feet on the corner be granted. A Variance down to ten feet on the buffer zone be granted and that a Variance of five feet be granted for the car wash. The motion was made subject to the condition that the buffer include a double row of staggered trees at least six feet high. Mrs. Meihaus seconded the motion and it carried unanimously.

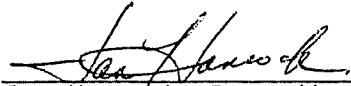
There being no further business to come before the Board, Chairman Holland moved that the meeting be adjourned. Mr. White seconded the motion. The meeting was adjourned by unanimous consent at 8:25 P.M..

APPROVED:



Charles F. Holland, Chairman

Attest:



Jan Hancock, Recording Secretary