

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 Florence Walton Union
- 2. (Check One) Conditional Use Permit Variance Appeal
 Change in Non-Conforming Use
- 3. Applicant's Name SIGN SYSTEMS & SERVICES
Phone Number 344-1133
Applicant's Address 1671 PARK RD
FT. WRIGHT KY 41018
City State Zip
- 4. Description of Request: INSTALL POLE SIGN
- 5. Name of Development SPRING MEADOWS SHOPPING PLAZA
- 6. Location of Development 7791 DIXIE HWY
FLORENCE
- 7. Acreage Under Review 1.2
- 8. Lot Number and Name of Subdivision (if part of a subdivision)
- 9. Owner of Property SPRING MEADOW ASSOC.
Phone Number
- 10. Address of Property Owner 3075 ASHLEY DR
EDGEWOOD, KY 41017-2349
City State Zip
- 11. Proposed Use(s) On Site RETAIL STORES
- 12. Total Square Footage of Existing and/or Proposed Buildings
42,857
- 13. Current Zoning on Property ---
- 14. Deed Book 323 Page No. 183 Group No. ---
- 15. Is the site subject to a zone change?
If yes, give date of approval
- 16. Have you submitted a Site Plan with this request? YES
- 17. Have you submitted a list of adjoining property owners with this request? YES
- 18. Applicant's Signature: [Signature]
- 19. Property Owner's Signature: ATTACHED

SECTION B

(To be completed by Boone County Planning Commission Staff)

1. Date Received 5-22-90
2. Fee Received \$30.00 (R5733)
3. Is application complete? _____ Yes _____ No
4. Staff Reviewer _____
5. Scheduled Board Action Date _____
6. Board Action:
_____ Approval
_____ Approved With Conditions (See #7)
_____ Disapproved (See #8)
7. Conditions: _____

8. Reasons For Disapproval: _____

STAFF REPORT

#2

APPLICANT: Sign Systems and Services
DEVELOPMENT: Remke's Market
LOCATION: 7791 Dixie Highway, Florence
ZONE: Commercial Two (C-2)
DATE: June 13, 1990

REMARKS:

The applicant is requesting the modification of a previously approved Variance to allow the installation of a free-standing sign. The ±4.3 acre site, located on the northeast corner of Dixie Highway and Manderlay Drive, is zoned Commercial Two (C-2) and is owned by the Spring Meadow Association.

History

On June 13, 1985, this Board granted a Variance to Remke's to allow the installation of three building mounted signs. As a condition of that approval, the applicant agreed to the elimination of the free-standing sign to which Remke's was entitled. (a copy of the minutes of this meeting is attached) Three signs were installed --- "Super-Valu", "Deli/Bakery", and "Remke's Markets". Since that time, however, the "Super-Valu" sign has been removed.

In April of this year, the applicant applied for a sign permit for a free-standing sign at Remke's. This application was denied for the reason stated above and in my letter of April 24, 1990 (see attached). The applicant's response to this denial, which serves as the reasoning for this modification request, is also attached. Finally, the opinion of the Interim Zoning Administrator is attached.

Review

The following is Staff's evaluation of the standards which the Board must use when reviewing Variance applications:

1. If granted, Staff does not believe that the modified Variance will adversely affect the public health, safety, or welfare, will not alter the essential character of the general vicinity, and will not cause a nuisance or a hazard to the public. The Board must also consider whether the modification will allow an unreasonable circumvention of the requirements of the zoning regulations. The Board should also consider whether the reasons for the June, 1985 Variance are still valid. In making these findings, the following was considered:

DYMEX

SIGN CORP.

April 18, 1990

BOONE COUNTY PLANNING COMMISSION

**RE: Sign Description for Pediatrics/Allergy and Time
Wise Temporary Service located at 7309 U.S. Route
42, Florence, Kentucky 41042**

Dear Sir,

The proposed sign is to be a ground illuminated, double sided, sand-blasted, redwood sign.

Sign dimensions are: 22-1/2" high, 4'-6" long and
8" wide.

The sign will be mounted to a brick base measuring 3 feet high by 5 feet long and 8 inches wide. The brick base is attached to a concrete slab, with steel rebar running through the brick structure for stability.

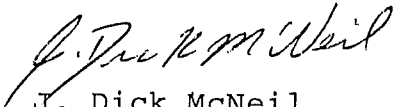
Total square footage is a follows:

Brick Base - 15 square feet
Sign Area - 8.44 square feet
Total Square Footage - 23.44 square feet

Should you require additional information, please contact Dymex Sign Corporation. Thank you for your time and consideration.

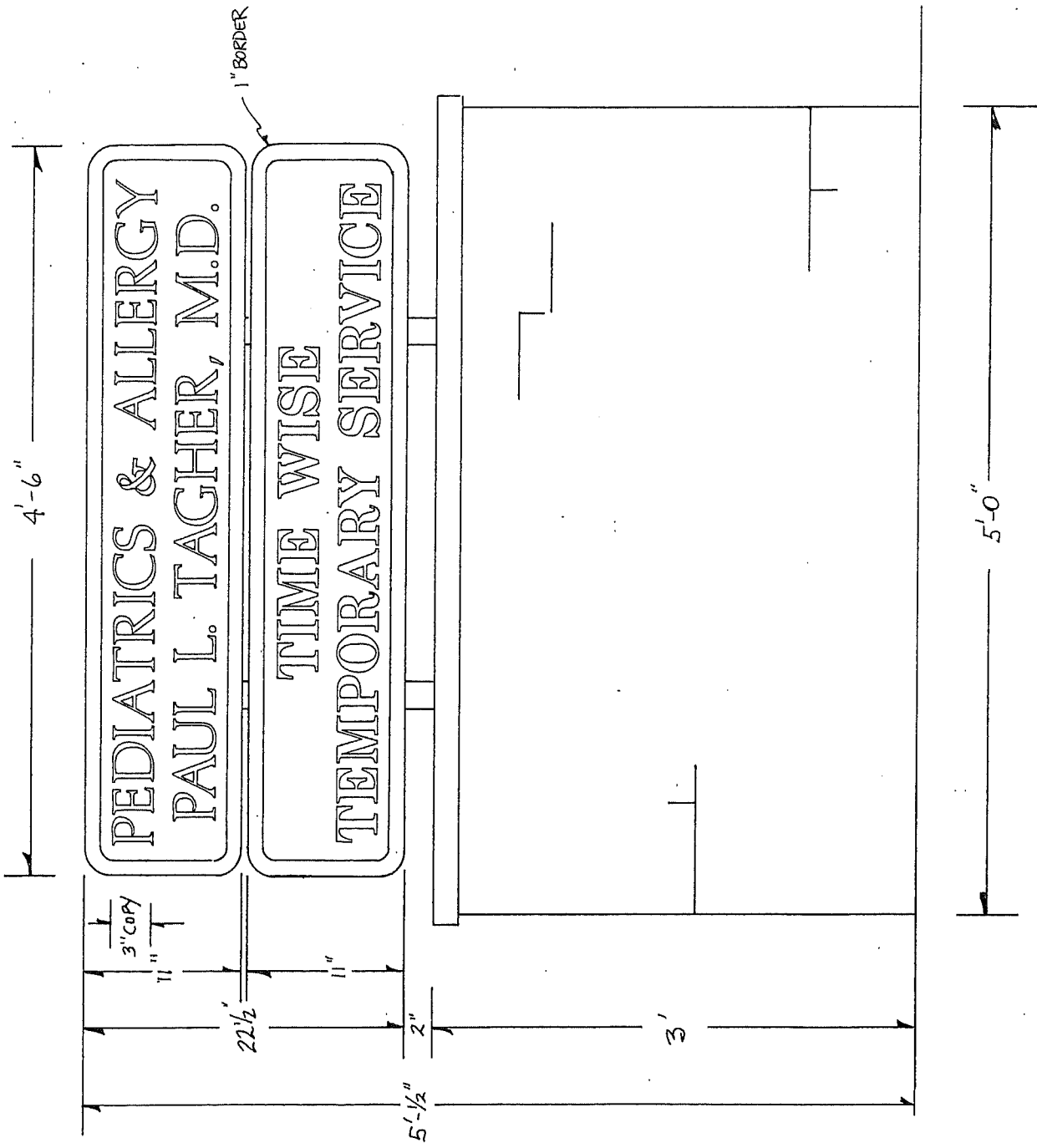
Sincerely,

DYMEX SIGN COMPANY, INC.



J. Dick McNeil
Account Executive

JDM/bar



NOTE:

SANDBLASTED SIGNS = 8.44~~4~~

SIGN BASE = 15.00~~4~~

TOTAL = 23.44~~4~~

DYMEX

SIGN CORP.
 10608 MILLINGTON CT.
 CINCINNATI, OHIO: 45242
 (513) 791-3330

PAUL L. TAGHER, M.D.

SCALE: 1" = 1'-0"

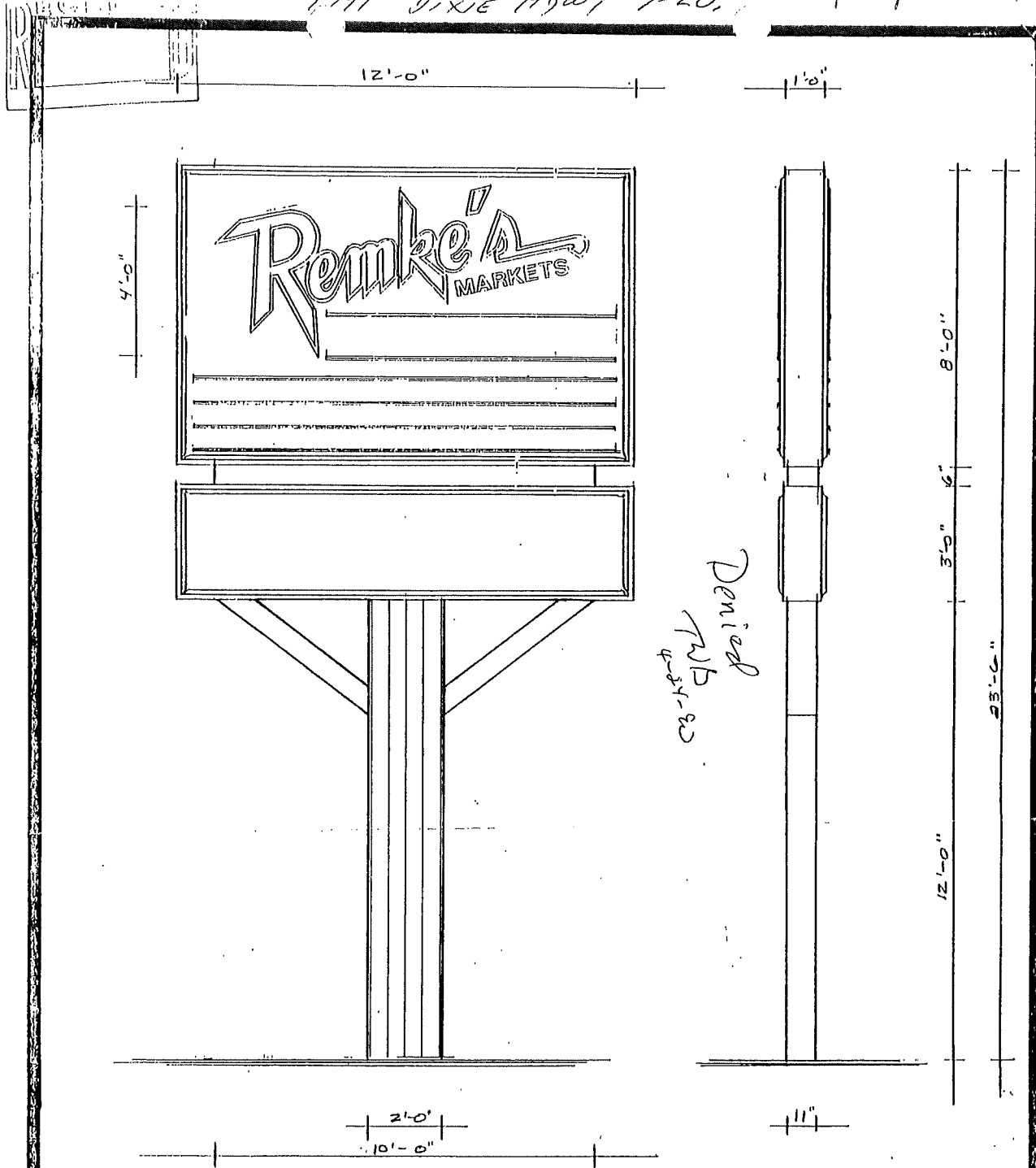
JOB NO:

DATE: 4/17/90

DRAWN BY: SJ

Proposed Sign

1771 NIXIE HWY / 120



Denied
TMB
4-24-80

BASE CALCULATIONS
TO FOLLOW.
ESTIMATE 50 CUBIC YARDS

GENERAL NOTES

8' x 12' Section
"Remke's" red with black outline
"Markets" black
Top line of changeable copy track set for 10" copy
All other track set for (3) rows of 6" copy
Internal fluorescent illumination

3' x 12' Section
Panformed plastic faces - black
White - no copy
Internal fluorescent illumination

Pole Cover
Stained wood arms & base
Cabinets & reveal painted to match

SSS Sign Systems & Services
167 1/2 Park Road • Ft. Wright, KY 41011
P.O. Box 75095 • Cincinnati, Ohio 45275
Mobil (513) 535-5039 • Office (606) 344-1133

THIS DESIGN PROPOSAL IS THE EXCLUSIVE
PROPERTY OF THIS COMPANY, WITH
REPRODUCTION RIGHTS RESERVED
REGISTRATION #1800.

CUSTOMER	REMKE'S
LOCATION	WJ
DATE	9 MAR 90
SALESMAN	MC
DRAWN BY	SP
SCALE	3/8" = 1'-0"
SKETCH #	1780-REMKE

BOONE COUNTY PLANNING COMMISSION

BOONE COUNTY ADMINISTRATION BUILDING

P.O. BOX 596 — 2950 WASHINGTON STREET

BURLINGTON, KENTUCKY 41005

(606) 334-2196

FAX (606) 334-2264

MR. WILLIAM R. VIOX
CHAIRMAN

MR. FRED BURCH
VICE CHAIRMAN

MRS. CAROL SMITH
SECRETARY-TREASURER

MR. GERALD A. NEWTON
DIRECTOR

MR. D. T. WILSON
ATTORNEY

May 21, 1990

Mr. James Sturdevant
Sign Systems & Services
1671 Park Road
P.O. Box 75095
Ft. Wright, KY 41011

RE: Your letter of May 10, 1990.

Dear Mr. Sturdevant:

I have examined the contents of your letter dated May 10, 1990, regarding the proposed Remke's Market free-standing sign. I have also examined Mr. Thomas W. Breidenstein's letter (dated April 24, 1990) to Mr. William A. Cassidy.

It is my opinion that I concur with the comments made by Mr. Breidenstein, "that only the Florence Board of Adjustment can grant approval of the proposed free-standing sign at Remke's Market." The primary reason for this decision is the fact that at the June 13, 1985, Florence Board of Adjustment meeting, the applicant for Remke's Market or United Signs received approval for a Variance in the number of building-mounted signs with a condition that no free-standing sign be permitted. This condition was felt to be reasonable at the time the Board made its decision. This Variance request still exists on the property and to delete the condition imposed by the Florence Board of Adjustment would require a modification of the previous request.

If you are still interested in pursuing the free-standing sign, I would recommend that you apply for a modification of the previously approved Variance. Our deadline for the June 13, 1990, meeting is Thursday, May 24, 1990. Please do not hesitate to contact our office for any assistance in the application procedure.

Sincerely,



Kevin P. Costello, AICP
Interim Director/Zoning Administrator

KPC:mcb

cc: William R. Viox, Chairman, Boone County Planning Commission
Bruce Janken, City Coordinator, City of Florence
✓ Thomas W. Breidenstein, Zoning Enforcement Officer

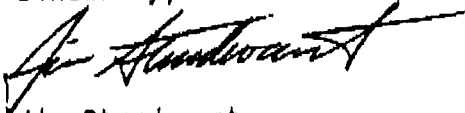
May 10, 1990
Mr. Kevin Costello
Page 2

3. Because the present signage is in conformance with the current code, and the requested free standing sign is in conformance with the current code, it is Sign Systems & Services' position that the 1985 variance is null and void. If a portion of the site's signage was legally non-conforming due to the 1985 variance, then the variance would still be valid and run with the land regardless of ownership. However, this is not the case. The present signage on the site was brought into conformance by the changes in the code adopted in 1986.

Kevin, I hope that you can understand our reason for disagreement with Tom's decision. We request that you, as Zoning Administrator, agree with us and direct that the sign permit be promptly issued. We feel that the time delay and additional cost involved with an appeal to the Board of Adjustments is unwarranted in such a clear-cut situation as this.

Thank you for your time and consideration. If you have any questions or need additional information, feel free to call me at 543-3210 or 344-1133.

Sincerely,



Jim Sturdevant

JS/ts

cc: Mike Cassedy



May 10, 1990

Mr. Kevin Costello
Interim Director and Zoning Administrator
Boone County Planning Commission
P.O. Box 697
Burlington, KY 41005

RE: Sign Permit Application for Remke's Market

Dear Kevin:

The purpose of this letter is to follow-up our recent telephone conversation regarding the above application. Sign Systems & Services applied for a permit for a free standing sign (see enclosed Figure I) in accordance with procedures established by the Boone County Planning Commission. Following review of the application by Tom Briedenstein, we received a letter informing us that the application was denied (see enclosed letter, Figure II).

Tom's rationale for denial of the permit is based upon a variance that was granted on June 13, 1985 under the 1985 Zoning Regulations (see Minutes, Figure III). As a condition for granting the variance, the Florence Board of Adjustments and the applicant (Doug Millikin with United Signs) agreed to a trade-off of two additional building mounted signs for the permitted free standing sign. The 1985 Zoning Regulations permitted one building mounted sign and one free standing sign per building. It is Tom's opinion that the conditions of the 1985 variance are still in force, and that the applicant's only remedy is to apply for a modification of the variance to the Florence Board of Adjustments.

It is the position of Sign Systems & Services that Tom's opinion is in error. Our reasoning is outlined below:

1. The current Zoning Regulations, adopted in 1986, permit one wall sign for each frontage with high visibility from an arterial street (Section 1920.1) and one free standing sign for the shopping center (Section 1920.2).
2. At the present time, Remke's has (2) building signs on the building frontage parallel to Dixie Highway and no building sign on the building's north frontage which is highly visible from Dixie Highway. The Zoning Regulations specify the conditions that must exist to allow two building signs but do not specify the locations that the permitted signs must occupy. Presently, there is no free standing sign on the site. Therefore, the present signage is in conformance with the 1896 Zoning Regulations.

BOONE COUNTY PLANNING COMMISSION

BOONE COUNTY ADMINISTRATION BUILDING

P.O. BOX 596 — 2950 WASHINGTON STREET

BURLINGTON, KENTUCKY 41005

(606) 334-2196

FAX (606) 334-2264

MR. WILLIAM R. VIOX
CHAIRMAN

MR. FRED BURCH
VICE CHAIRMAN

MRS. CAROL SMITH
SECRETARY-TREASURER

MR. GERALD A. NEWTON
DIRECTOR

MR. D. T. WILSON
ATTORNEY

April 24, 1990

William A. Cassedy
c/o Sign Systems & Services
1671 Park Rd.
Ft. Wright, KY 41011

Dear Mr. Cassedy:

The purpose of this letter is to inform you that your application for a permit for a free-standing sign at Remke's Market has been denied.

In June, 1985, Remke's (with United Signs serving as agent) was granted a Variance in the number of building mounted signs. As a "trade", the Board imposed the condition that this development have no free-standing signs. A copy of the minutes of this decision is enclosed. This condition of approval continues to be valid and is the reason for the denial of your application.

Only the City of Florence Board of Adjustment can now grant approval for a free-standing sign at Remke's. In other words, you would have to apply for a modification of the Variance to allow the sign. I can be reached at the number above if you have any questions about future applications to the Board or about this denial.

Sincerely,



Thomas W. Breidenstein
Zoning Enforcement Officer

cc: Kevin P. Costello, Interim Director/Zoning Administrator
enclosures

215'

customer



DELI

BAKERY

SEA FOOD

Romberg's
MARKETS



Signs, Inc.

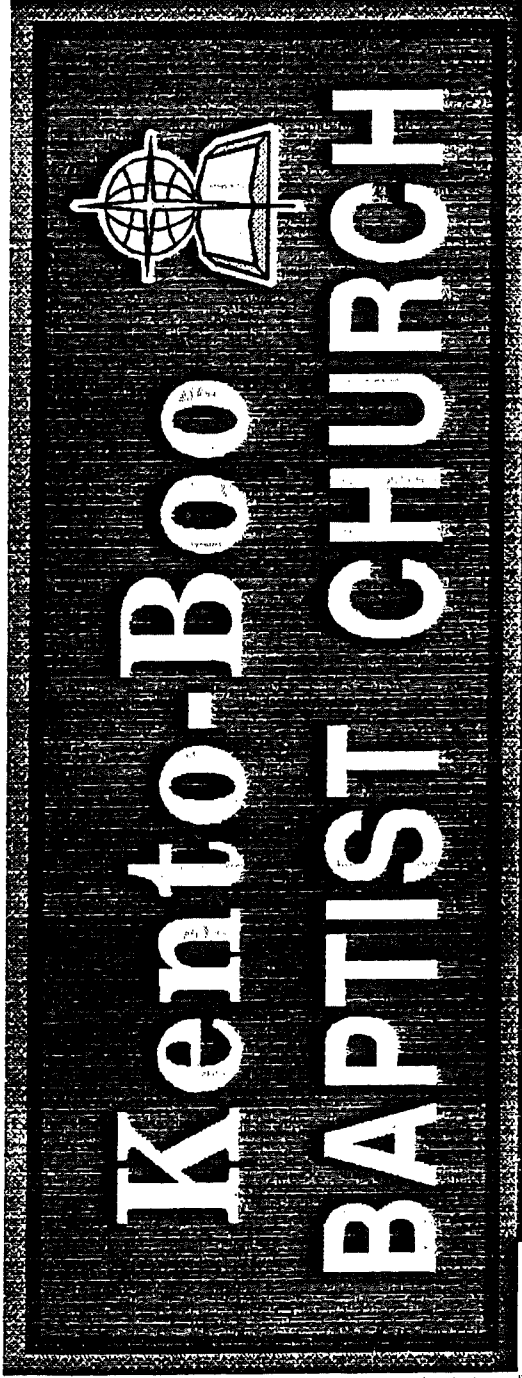
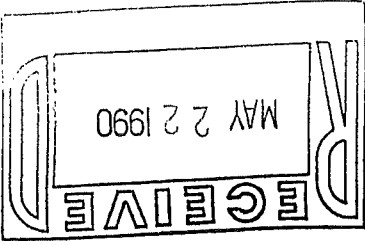
1030 STRAIGHT ST.
CINCINNATI, OHIO 45214
681-6600

THIS DESIGN PROPOSAL IS THE EXCLUSIVE
PROPERTY OF THIS COMPANY. WITH
REPRODUCTION RIGHTS RESERVED.
REGISTRATION #1300.

CUSTOMER	Romberg's
LOCATION	US - 19 MY 25 8 MAAGPZAM
DATE	2-28-85
SALESMAN	M. J. ...
DRAWN BY	
SCALE	
SKETCH #	

6-13-85
FBOA

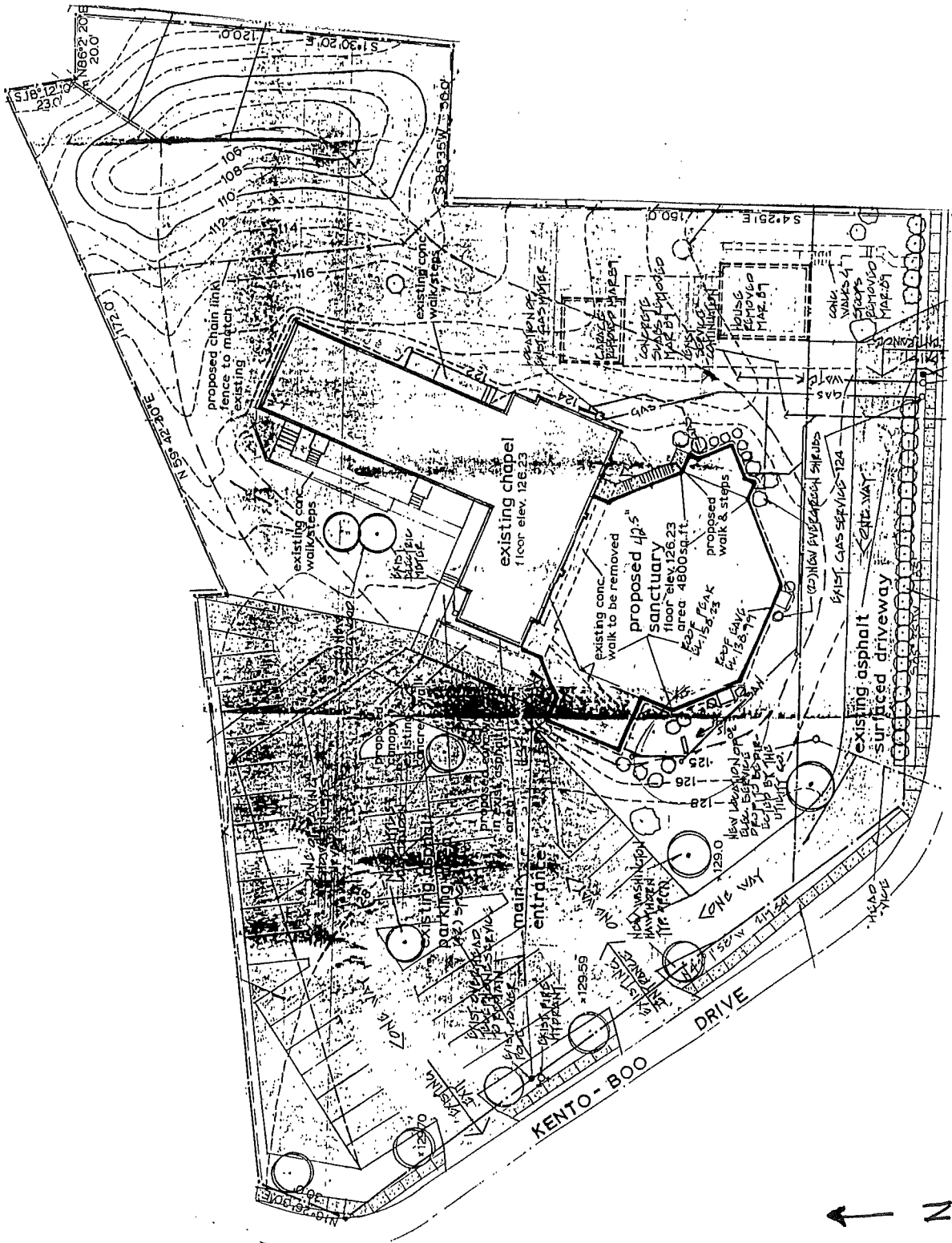
* approved signs, 6-13-85



CONCEPT II

ORIGINAL
J. M. STEWART CORPORATION
DESIGN
DO NOT DUPLICATE
SKETCH NO. 3719

KENTO - BOO BAPTIST CHURCH



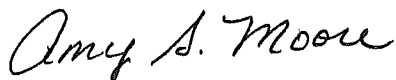
=====

7. The special circumstance is a result of the applicant wanting a larger than regulation sign.

If granted, staff recommends that one condition be placed upon the Variance. The church should be required to acquire a sign permit from Boone County prior to erecting the sign.

Attached to this report is a copy of a plat showing the location of the proposed sign and a copy of a profile of the proposed sign.

Respectfully Submitted,



Amy S. Moore
Plans Examiner/Planner I

ASM:kat

FLORENCE BOARD OF ADJUSTMENT
BUSINESS MEETING

June 13, 1990 - 7:30 P.M.

Mr. Charles Holland, Chairman, called the meeting to order at 7:30 P.M..

BOARD MEMBERS PRESENT:

Mr. Ashcraft
Chairman Holland
Mrs. Ward

BOARD MEMBERS NOT PRESENT:

Mr. Ewing
Mr. White

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Approval of the Minutes:

Chairman Holland stated that the Board members had received a copy of the Minutes of the Board of Adjustment Meeting of May 9, 1990 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. Chairman Holland seconded the motion and it carried unanimously.

Agenda Items:

1. The request of Dymex Sign Corporation for a Variance to allow the installation of two free-standing signs. The 1.08-acre site, located on the southeast side of U.S. 42, south of Dixie Highway, is zoned Office One (O-1) and is owned by Drs. Stephens, Scudder, and Antony.

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

Mr. Dick McNeil, representing Dymex Sign Corporation, agreed with the Staff presentation. He stated that they are asking for two signs. He advised that there is a downward slope at the north entrance going down to the tenants' area. The southern entrance is flatter and goes to the Obstetrics & Gynecology area. The doctors do not want the patients going to the bottom level -- particularly pregnant women when there are icy conditions. They do not want a large sign like the sign across the street. The two signs would be more aesthetic. They are asking for less than a total of 78 square feet. If illuminated, the signs will be ground lit. They will have brick bases to match the facing of the brick work on the building. The sign is similar to a monument-type sign or ground-mounted sign.

Chairman Holland noted that the sign across the street is a free-standing sign.

Mr. Breidenstein advised that the only restrictions on a sign not attached to the building are size and height. They could go up to 250 square feet and 40 feet high. They can go to a smaller and lower sign, which can be called a monument sign.

Mr. McNeil advised that the Obstetrics & Gynecology sign is 8.5 feet high and the sign for the tenants is 5 feet high. They will conform to the ten-foot setback from the right-of-way line requirement.

Chairman Holland commented that the Mayor would like the Board, when signs are approved, to go with more of a monument-type sign than a tall free-standing sign.

Chairman Holland asked if there was anyone else present who wished to speak or if there were any comments from the Board.

There being no further discussion, Mr. Ashcraft moved, based on the Staff recommendation, the the Variance be granted subject to the conditions that the two signs be no higher or larger than as presented -- not exceeding a combined total of 71.6 square feet -- and they be non-illuminated, unless it is a ground-type illumination, and that the signs not be switched from one driveway to the other.

Chairman Holland questioned the setback requirement. Mr. Breidenstein advised that there is no specific setback, but to determine that a sign does not interfere with the traffic. He stated that the ten-foot setback indicated by the applicant would be appropriate.

Chairman Holland seconded the motion made by Mr. Ashcraft and it carried unanimously.

2. The request of Remke's Market to modify a previously approved Variance to allow the installation of a free-standing sign. The 4.3-acre (approx.) site is located on the northeast corner of Dixie Highway and Manderlay Drive. The site is zoned Commercial Two (C-2) and is owned by the Spring Meadow Association.

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

Mr. Ashcraft commented that normally they would be entitled to one building-mounted sign and a free-standing sign. Mr. Breidenstein agreed and added that they may be entitled to two building-mounted signs because of the frontage on Manderlay. He added that this request would allow a smaller and shorter sign and take away the advantage of three building-mounted signs which were granted in the previous Variance. They are now only entitled to the three building-mounted signs because of the previous Variance.

Chairman Holland asked if there was anyone in the audience who wished to speak.

Mr. Mike Cassidy stated that he was representing Remke's Market and that Mr. Bill Remke was also present. Mr. Cassidy stated that if they did not have the previous Variance, they would not have to come before the Board. He quoted from the code, Section 1920.1. He stated that if you travel southbound on U.S. 25, the north elevation is highly visible. It does not face U.S. 25, but is highly visible from U.S. 25. He emphasized that if they did not have the previous variance, they would be entitled to at least one building-mounted sign and the free-standing sign. He showed the Board a rendering of the sign they propose and photographs of the site. They want a Variance based on the parameters of the existing code -- 250 square feet and 40 feet in height -- so that if they add to the north part of the building and if there are smaller tenant areas, then the sign could be increased. They have tried repeatedly to put signs in the windows and have been unsuccessful. It has been brought to their attention that they cannot do this. They want to advertise their different sales and products and services available. The best they can do is the changeable copy free-standing sign. He stated that people going to work and coming home are more likely to see a free-standing sign than a building-mounted sign, which has been confirmed by studies. They are starting to do a lot of advertising for a lunch special. They want to use the sign to advertise the specials to people driving to work.

Chairman Holland questioned which building-mounted sign would be removed.

Mr. Cassidy stated that they had not anticipated removing any building-mounted signs.

In response to a question from Mrs. Ward, Mr. Cassidy advised that ML Drugs is entitled to a sign for their tenant area. He stated that in the future there will be more than two tenants in the building and they anticipate adding to the sign and do not want to have to come back for another modification. If they are allowed the 250 square feet, which is allowed by the code, they will not have a problem. The sign will be internally illuminated and have a pole cover to be aesthetically pleasing.

Chairman Holland stated that he would not be willing to grant a future modification at this time.

Counselor Wilson advised that the Board has looked at colors and logos and imposed conditions in the past -- such as at the Conrad gas station on Turfway Road. He added that the applicant is seeking to do away with the Variance and have what they would have been allowed under Section 1920. Their interpretation is that they get one building-mounted sign for each frontage that has high visibility and then they are taking it a step further and saying that this gives them two signs. Counselor Wilson quoted from the Code and stated that the Code means one sign per frontage and they now have two signs on one frontage. If they are seeking to continue that, then they do not want to do away with the Variance. Mr. Breidenstein agreed.

Mr. Cassidy stated that if you have two highly visible locations, then you are permitted two signs because of the word "for" in the Code.

Counselor Wilson emphasized that he and the Zoning Enforcement Officer disagree with the applicant's interpretation of the Code.

Mr. Cassidy stated that they can take the "DELI BAKERY" sign and move it around the corner making the modification only for the free-standing sign.

Mr. Bill Remke stated that the zoning in Florence says you cannot have banner signs. He wants to find a way to communicate with his customers on a daily basis. They would like to have the 240 square foot sign as the discount store may not be there in the future and the area may be broken up into two or three businesses. They would like to be able to add on to the sign as they go along.

Mr. Cassidy stated that there is a market for the deli concept due to the industrial park, but Mr. Remke cannot convey the lunch specials, sandwiches, and soups to them.

Mr. Breidenstein advised that the sign would involve manually changeable letters and this area cannot be larger than 50% of the sign area.

There being no further discussion, Chairman Holland moved that a modification of the Variance be granted to allow a free-standing sign of 135 square feet, no higher than 23.5 feet, and internally illuminated; and to allow a second building-mounted sign on the building, particularly "DELI BAKERY". Mrs. Ward seconded the motion and it carried unanimously.

3. The request of Kento-Boo Baptist Church, Rev. Stanley Cole, Pastor, for a Variance in the size of a free-standing sign from the permitted 16 sq. ft. to 24 sq. ft.. The approximately two-acre site, located at 634 Kento-Boo Avenue, Florence, is zoned Suburban Residential Two (SR-2) and is owned by the Kento-Boo Baptist Church, Inc..

Staff Member, Amy Moore, presented the Staff Report which included a slide presentation (see Staff Report).

Mr. Roger Breden, present in behalf of the church, stated that not many sign companies build signs for church organizations. The company from which they ordered the sign has a standard size of 24 feet. A smaller sign would be a special order at additional cost. they only needed a sign permit based on his conversion. He was under the impression that they would be all which measures 8' x 3'. The church since found out that the allowable is 16 sq. ft. and a Variance is not pleasing. It would have a concrete frontage virtue. The sign is free-standing, but is more of a monument with what the Mayor and the Board wants in the city by donations from a church member. He noted that prior to their construction project was larger than this sign.

↑ square

m.
r
etically
bund.
istent
r

Mrs. Ward questioned if the sign would be internally lit.

Mr. Cortland stated that there will be floor lights at the bottom to shine up on the sign.

There being no further discussion, Chairman Holland moved that a Variance be granted for a monument-type sign no larger than 24 sq. ft. to be placed in the spot designated in the slide presentation, with flood lighting type illumination rather than internal lighting. There is to be no internal lighting. Mr. Ashcraft seconded the motion and it carried unanimously.

There being no further business to come before the Board, Mr. Ashcraft moved that the meeting be adjourned. Chairman Holland seconded the motion. The meeting was adjourned by unanimous consent at 8:30 P.M..

APPROVED:


Charles F. Holland, Chairman

Attest:


Jan Hancock, Recording Secretary

Mr. Roger Breden, present in behalf of the church, stated that not many sign companies build signs for church organizations. The company from which they ordered the sign has a standard size of 24 feet. A smaller sign would be a special order at additional cost. Reverend Cole thought they only needed a sign permit based on his conversation with Mr. Tuffensam. He was under the impression that they would be allowed to put up the sign which measures 8' x 3'. The church since found out that the sign is larger than the allowable 16 sq. ft. and a Variance is needed. The sign is aesthetically pleasing. It would have a concrete frontage virtually implanted in the ground. The sign is free-standing, but is more of a monument structure and is consistent with what the Mayor and the Board wants in the city. The sign was paid for by donations from a church member. He noted that the sign they had up prior to their construction project was larger than this sign.

Mrs. Ward questioned if the sign would be internally lit.

Mr. Cortland stated that there will be floor lights at the bottom to shine up on the sign.

There being no further discussion, Chairman Holland moved that a Variance be granted for a monument-type sign no larger than 24 sq. ft. to be placed in the spot designated in the slide presentation, with flood lighting type illumination rather than internal lighting. There is to be no internal lighting. Mr. Ashcraft seconded the motion and it carried unanimously.

There being no further business to come before the Board, Mr. Ashcraft moved that the meeting be adjourned. Chairman Holland seconded the motion. The meeting was adjourned by unanimous consent at 8:30 P.M..

APPROVED:


Charles F. Holland, Chairman

Attest:


Jan Hancock, Recording Secretary