



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 Kento-Boo Baptist Church, Inc.
Phone Number 606-371-8891
Applicant's Address 634 Kento-Boo Avenue
Florence KY 41042
City State Zip
- 4. Description of Request: To install Church Sign to replace old sign
- 5. Name of Development Kento-Boo Baptist Church Building Project
- 6. Location of Development 634 Kento-Boo Avenue, Florence, Kentucky
- 7. Acreage Under Review Approximately two acres
- 8. Lot Number and Name of Subdivision (if part of a subdivision)
Please see attachment
- 9. Owner of Property Kento-Boo Baptist Church, Inc.
Phone Number 606-371-8891
- 10. Address of Property Owner 634 Kento-Boo Avenue
Florence KY 41042
City State Zip
- 11. Proposed Use(s) On Site Church Sign
- 12. Total Square Footage of Existing and/or Proposed Buildings
Sign - 3' x 8' 24 Square Feet
- 13. Current Zoning on Property Conditional Use
- 14. Deed Book 298 Page No. 83 Group No. 87 & 136
- 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? Yes
- 17. Have you submitted a list of adjoining property owners with this request? Yes
- 18. Applicant's Signature: Kento-Boo Baptist Church, Inc.
- 19. Property Owner's Signature: Rev Stanley Cole

Refund of hard costs:

7 P.O.'s @ 2.00 ea = 14.00

Legal Notice = 24.00

38.00

Fee = 231.00

- 38.00

193.00 Total Refund

SECTION B

(To be completed by Boone County Planning Commission Staff)

1. Date Received 5-22-90 4:20pm
2. Fee Received \$231.00 Receipt #5737
3. Is application complete? Yes No
4. Staff Reviewer Chris Moore
5. Scheduled Board Action Date 6/13/90
6. Board Action:
 Approval
 Approved With Conditions (See #7)
 Disapproved (See #8)
7. Conditions: _____

8. Reasons For Disapproval: _____

STAFF REPORT

#3

DEVELOPMENT: Kento-Boo Baptist Church
APPLICANT: Kento-Boo Baptist Church, Inc. - Rev. Stanley Cole, Pastor
LOCATION: 634 Kento-Boo Avenue, Florence
ZONING: Suburban Residence Two (SR-2)
DATE: June 13, 1990

REMARKS:

The applicant is requesting a Variance in the size of a free-standing sign from the permitted 16 square feet to 24 square feet. The approximately 2 acre site, located at 634 Kento-Boo Avenue, Florence is a conditional use in a Suburban Residential Two (SR-2) zone. The property is owned by the Kento-Boo Baptist Church, Inc.

On July 8, 1987, the Florence Board of Adjustment approved a Conditional Use Permit for the Kento-Boo Baptist Church to construct an addition to the existing church facility and to expand an existing parking lot across the street from the church.

Article 19, Section 1912 of the Boone County Zoning Regulations states that the maximum size of a sign for a place of worship is 16 square feet. In conversation with the applicant, I was told that the reason that a 24 square foot sign is being proposed is that it is the only size sign sold by the company from whom it was purchased.

The following reviews the seven criteria the Board must use to judge each variance request:

1. If the Variance is granted, staff feels that the larger sign should not adversely affect the public health, safety or welfare.
2. The Board should consider the impact of a larger sign on the residential character of the neighborhood.
3. The larger sign should not cause a hazard or a nuisance to the public.
4. The Variance sign should not allow an unreasonable circumvention of the requirements of the zoning regulations.
5. The location of the church in a residential neighborhood may be considered a special circumstance since the church is the only building in the area that needs a sign for identification.
6. Strict application of the Zoning Regulations would allow a 16 square foot sign on the church property. The Board should consider whether or not a 24 square foot sign is needed to adequately identify the site.

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. He was under the impression that they would be all which measures 8' x 3'. The church since found out that the allowable 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.

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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.

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