

DEC 17 1991
RECEIVED

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 W. J. FOERSTER
Phone Number 371-4036
Applicant's Address 8193 MAIL RD
FLORENCE KY 41042
City State Zip
4. Description of Request: VARIANCE TO PERMIT ADDITIONAL SIGN TO BE PLACED ON FRONT OF BUILDING
5. Name of Development SIGHT IN SOUND
6. Location of Development 8193 MAIL RD FLORENCE KY
7. Acreage Under Review _____
8. Lot Number and Name of Subdivision (if part of a subdivision) _____
9. Owner of Property BIDDLE SHOPPES INC. - TRI-ANGLE B Holding Co
Phone Number 931-8100
10. Address of Property Owner 7671 COLERAIN AVE
CINCINNATI OHIO 45239
City State Zip
11. Proposed Use(s) On Site RETAIL SALES
12. Total Square Footage of Existing and/or Proposed Buildings
6840 SQ FT.
13. Current Zoning on Property _____
14. Deed Book 312 Page No. 209 Group No. 231
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: _____
19. Property Owner's Signature: _____

APPLICATION FORM
BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION

SECTION B

(To be completed by Boone County Planning Commission Staff)

1. Date Received 12-17-91
2. Fee Received \$ 361.00 27449
3. Is application complete? Yes No
4. Staff Reviewer Amy Moore
5. Scheduled Board Action Date January 8, 1992
6. Board Action:
 Approval
 Approved with Conditions (See #7)
 Disapproved (See #8)
7. Conditions: none

8. Reasons for Disapproval: _____

STAFF REPORT

#1

DEVELOPMENT: Sight and Sound
APPLICANT: W.I Foerster
LOCATION: 8193 Mall Road, Florence, Kentucky
ZONING: Commercial Two (C-2)
DATE: January 8, 1992

REMARKS:

The applicant is requesting a Variance to allow an increase in the number of permitted building mounted signs. The less than one acre site is located at 8193 Mall Road, Florence, Kentucky. The property is zoned Commercial Two (C-2) and is owned by Biddle Shopettes Inc. - Tri-Angle B Holding Company.

Until recently, Sight and Sound occupied the entire building on the site but the front 1/3 of the building (near Mall Road) has recently been leased to Phil's CDs Records and Tapes. Since this occurred, Phil's CDs Records and Tapes has placed a building mounted sign on the north side of its portion of the building and Sight and Sound has moved its existing sign on the north side of the building onto its portion of the building. Although Sight and Sound does not presently front on Mall Road, it still has a sign on that side of the building. The Boone County Zoning Regulations permits Phil's CDs Records and Tapes to have a sign fronting Mall Road but not Sight and Sound. Each business is also advertised on a free standing sign visible from Mall Road.

Article 19, Section 1951 (Mall Road Commercial Sign District) of the Boone County Zoning Regulations states that:

"Independent building or individual establishments with direct frontage on, or unobstructed visibility from, Mall Road shall not be permitted individual free-standing signs but shall be permitted one building mounted sign, with a maximum size of 2 square feet per lineal foot of building width, for each wall with direct visibility from Mall Road, a secondary access road, or area of major internal traffic circulation." (p. 19-9)

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

1. If the Variance is granted, it would not adversely affect the public health, safety or welfare.
2. The Variance will not alter the essential character of the general vicinity.

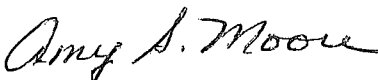
Since this site lies within the Mall Road Study area, its development should fall within the guidelines of the study. The intent of the Mall Road Study reads:

"to create a 'boulevard area with low key and aesthetically pleasing signage identifying larger commercial developments...' The result would be a pleasant area devoid of sign clutter, making a more visually appealing area." (p. 11)

3. The Variance will not cause a hazard or a nuisance to the public.
4. The Board should decide if the Variance will allow an unreasonable circumvention of the requirements of the Boone County Zoning Regulations.
5. The requested Variance does not arise from special circumstances which do not generally apply to land in the general vicinity, or in the same zone.
6. The Board should decide if the strict application of the provisions of the regulations would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.
7. The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulations from which relief is sought.

Attached to this report is a copy of a letter submitted by the applicant stating the applicant's reasons for requesting the Variance. Illustrations of the sign advertising Phil's CDs Records and Tapes and the location of the proposed signs are also included.

Respectfully Submitted,



Amy S. Moore
Planner I

ASM:kat

12-10-91

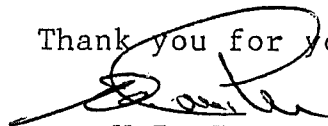
Sight In Sound, in an attempt to stimulate our customer traffic as well as that of the Mall Rd area in general, has brought a new business into Florence.

We have remodeled our facility to give the front 2000 sq feet to Phils Cd's Records and Tapes. This causes Sight In Sound a serious problem in that by existing county code, since we no longer occupy the front area of our building, we can no longer have our main Sight In Sound logo on the most visable part of the building.

During the six weeks we were remodeling the building we had countless calls from customers wanting to know if we were going out of business or if we were moving to another location. We believe that if we are forced to remove our logo from the front of our building many of our old customers will think we no longer do business at that location and that new customers will have a difficult time finding Sight In Sound.

We are asking for a variance to the county code that would allow Sight In Sound to leave our existing sign on the Mall Rd side of the building that is now occupied by Phils Records and Tapes.

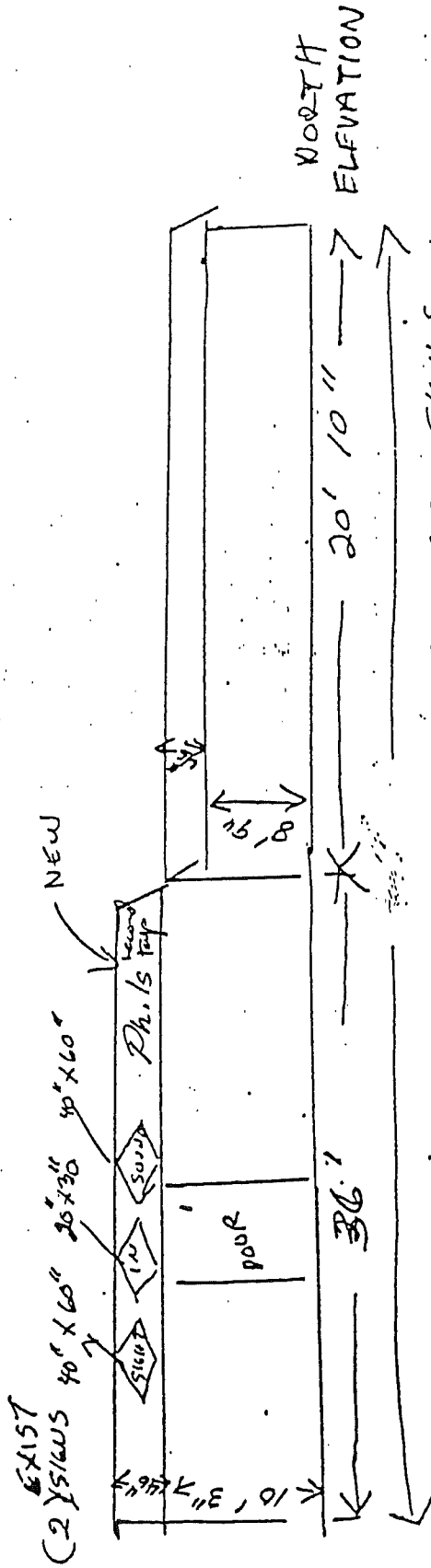
Thank you for your consideration;



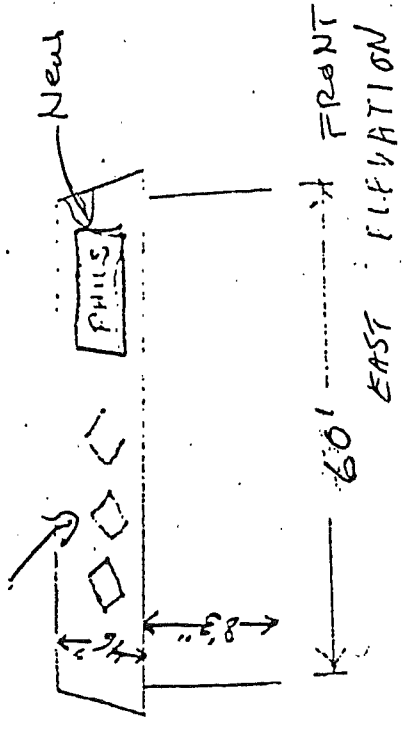
W.I. Foerster
Property Manager
Sight In Sound
371-4036

Sight and Sound
Sign Variance request





(2) PHIL'S RECORDS & TAPES, CDS. SIGNS
40" X 10' MADE OF 1/2" PLYWOOD
INSTALLED WITH 2" SHEET METAL SCREWS
INTO METAL ROOF.



PHIL'S RECORDS

COPY

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER (S)
Biddle Shopettes, Inc.
7671 Colerain Ave.
Cincinnati, Ohio 45239

2. ADDRESS OF PROPERTY
8193 Mall Road
Florence, Kentucky 41042

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Sight & Sound

DEED BOOK: 312 PAGE NO.: 209 GROUP NO.: 2040A

4. TYPE OF RESTRICTION (S) (Check all that apply)

- Zoning Map Amendment from ___ to ___
Development Plan
Subdivision Plat (unrecorded)
Other: (Specify)
[X] Variance
Conditional Use Permit
Conditional Zoning Condition

5. NAME AND ADDRESS OF PLANNING COMMISSION, BOARD OF ADJUSTMENT, LEGISLATIVE BODY OR FISCAL COURT WHICH MAINTAINS THE ORIGINAL RECORDS CONTAINING THE RESTRICTION

BOONE COUNTY PLANNING COMMISSION
2995 WASHINGTON STREET
BURLINGTON, KENTUCKY 41005

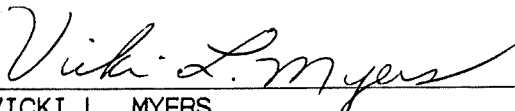
Amy S. Moore
SIGNATURE OF COMPLETING OFFICIAL

Amy S. Moore, Planner I
NAME AND TITLE OF COMPLETING OFFICIAL
(type or print)

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

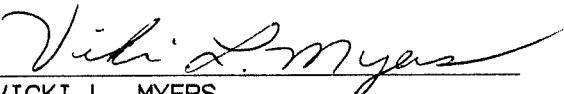
Subscribed, sworn to, and acknowledge before me by Amy S. Moore
on behalf of the Boone County Planning Commission this 16th day
of March, 1992.


VICKI L. MYERS
NOTARY PUBLIC, State at Large

My commission Expires:

April 8, 1995

This instrument was prepared for recording purposes only by:


VICKI L. MYERS
Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005

NO TITLE EXAMINATION

(Legal Description and source of Title and Group Number furnished by the applicant.)

BCPC 01/89

CLUR# 92-FBOA-001-A

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the Variance
as approved by the Florence Board of Adjustments and in accordance with the
current zoning in effect as of January 8, 1992, (Certificate of Land Use
Restriction # 92-FBOA-001-A), for Biddle Shopettes, Inc., property
owner.

No Conditions

The approved Variance as well as the preceding conditions apply
to the property described in: DEED BOOK 312 PAGE NO. 209 Group No. 2040A