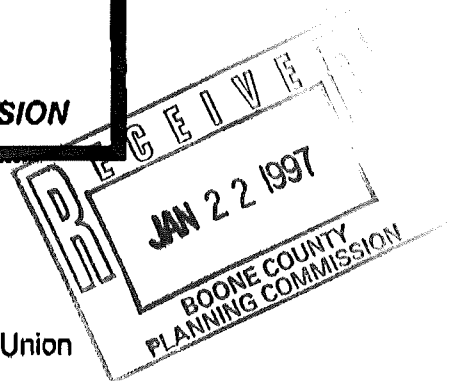


APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION



See Boone County Zoning Regulations SECTION A (To be completed by applicant)

- 1. (Check One) Boone [X] Florence _____ Walton _____ Union _____
2. (Check One) _____ Conditional Use Permit [X] Variance _____ Appeal _____
Change in Non-Conforming Use
3. Applicant's Name Barry Conway, on behalf of Florence Lodge Limited
Phone Number 770-952-4090 Fax No. 770-955-6729 Partnership
Applicant's Address 6640 Powers Ferry Rd., Suite 200
Atlanta GA 30339
City State Zip
4. Description of Request: Variance for pole sign allowing for height of 35 feet
5. Name of Development Suburban Lodge
6. Location of Development 8035 Action Blvd.
Florence, KY 41042
7. Acreage Under Review 2.14 acres
8. Lot Number and Name of Subdivision (if part of a subdivision)
9. Owner of Property Florence Lodge Limited Partnership
Phone Number of Owner 770-952-4090
10. Address of Property Owner Atlanta GA 30339
City State Zip
11. Proposed Use(s) on Site Extended Stay Motel consisting of 144 units plus office.
12. Total Square Footage of Existing and/or Proposed Buildings 47,902
13. Current Zoning on Property C-
14. Deed Book 629 Page No. 31 Group No. 2040 B
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. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

*

Applicant's Signature: GERALD F. DUSING, ATTORNEY 371-8341 FAX #

PLEASE NOTIFY ME OF HEARING DATE AND FAX TO ME ANY CORRESPONDENCE

Property Owner's Signature: [Signature] Pres. Thanks [Signature]
Gen'l [Signature]

**BOARD OF ADJUSTMENT AND
ZONING APPEALS ACTION
APPLICATION
PAGE 2**

SECTION B (To be completed by the Boone County Planning Commission Staff)

1. Date Received Jan 21, 97 Fee Received 400.00 R# 12440 \$126.00 R# 12468

2. Is application complete? Yes Yes _____ No _____

3. Staff Reviewer [Signature]

4. Scheduled Board Action Date _____

5. Board Action:
 Approved
 Approved with Conditions (See #6)
 Denial (See #7)

6. Conditions of Approval: SEE MINUTES

7. Reasons for Denial: _____

**Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005
(606) 334-2196 Phone
(606) 334-2264 Fax**

NOTE: See Boone County Planning Commission Fee Schedule for Board of Adjustment Fees.

Site Plan Review is not granted by the appropriate Board of Adjustment.

An application consists of all fees paid in full, submitted drawings and a completed application form.

STAFF REPORT

DEVELOPMENT: Suburban Lodge

APPLICANT: Barry Conway/Florence Lodge Limited Partnership

LOCATION: 8035 Action Boulevard, Florence, Kentucky

ZONING: Commercial Services (C-3)

DATE: February 12, 1997

The site is located on the southwest side of Action Boulevard, across from Dodgeland of Florence, (See Location Map). The applicant is requesting a Variance to allow an increase in the maximum height of a free-standing sign in a Commercial Services zoning district along Action Boulevard, (See Site Plan Sign Location). The maximum height for a free-standing sign in a Commercial Services zoning district permitted by Article 34 of the Boone County Zoning Regulations is 30 feet. The height of a sign is based on the amount of road frontage along which the sign is to be located. This site has approximately 340 feet of road frontage. The applicant's request is to increase the permitted height of a free standing sign by 5 feet. In addition, the applicant has submitted a copy of the sign face with the application, (See Proposed Sign Dimensions). The area of the applicant's proposed sign is 120 square feet. The maximum area of a free-standing sign in a Commercial Services (C-3) zoning district is based on one (1) square foot of sign area per lineal foot of road frontage and shall not exceed 200 square feet.

North and east of the property are the new and used car lots for Dodgeland of Florence and are both zoned Commercial Services (C-3). West of the site is the back side of the Village at the Mall shopping center and is zoned Commercial Two (C-2). Directly south of the site is parking for Florence Mall which is also zoned Commercial Two (C-2), (See Zoning Map).

Article 2, Section 250 of the Boone County Zoning Regulations states that the Board of Adjustments and Zoning Appeals shall have the power to hear and decide on applications for Variances. Variance is defined as a departure from dimensional terms of the zoning regulation pertaining to the height, width, or location of structures, and the size of yards and open spaces where such departure meets the requirements of K.R.S. 100.241 to 100.247.

Article 2, Section 251 of the Boone County Zoning Regulations labeled "Application and Standards for Variances" states:

A variance from the terms of this order shall not be granted by the Board of Adjustment and Zoning Appeals unless and until a written and signed application for a Variance is submitted to the Zoning Administrator and the Board of Adjustment and Zoning Appeals, along with any additional information the Board may find appropriate.

1. Before any variance is granted, the Board must find that the granting of the variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations. In making these findings, the board shall consider whether:
 - a. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;
 - b. 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;
 - c. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulations from which relief is sought.
2. The Board shall deny any request for a variance arising from circumstances that are the result of willful violations of the zoning regulation by the applicant subsequent to the adoption of the zoning regulation from which relief is sought.

Staff Comments

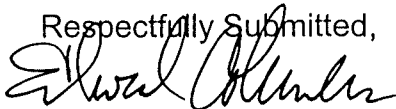
It is Staffs' opinion, that due to the changes in elevations between Action Boulevard, the Interstate 75 on-ramp, and the Interstate 75 south bound lanes, the applicant's request is appropriate for the purpose of providing adequate visibility for the sign from Interstate 75.

Staff suggest that the proposed area of the sign (120 sq. ft.) submitted by the applicant not increase and should be a condition of approval for the Variance.

Conclusion

K.R.S. 100.241 gives the Florence Board of Adjustment and Zoning Appeals the authority to grant the applicant's request for a Variance to permit a 35-foot free-standing pole sign. It is Staff's opinion that the proposed Variance will not adversely affect the Public health, safety, or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations.

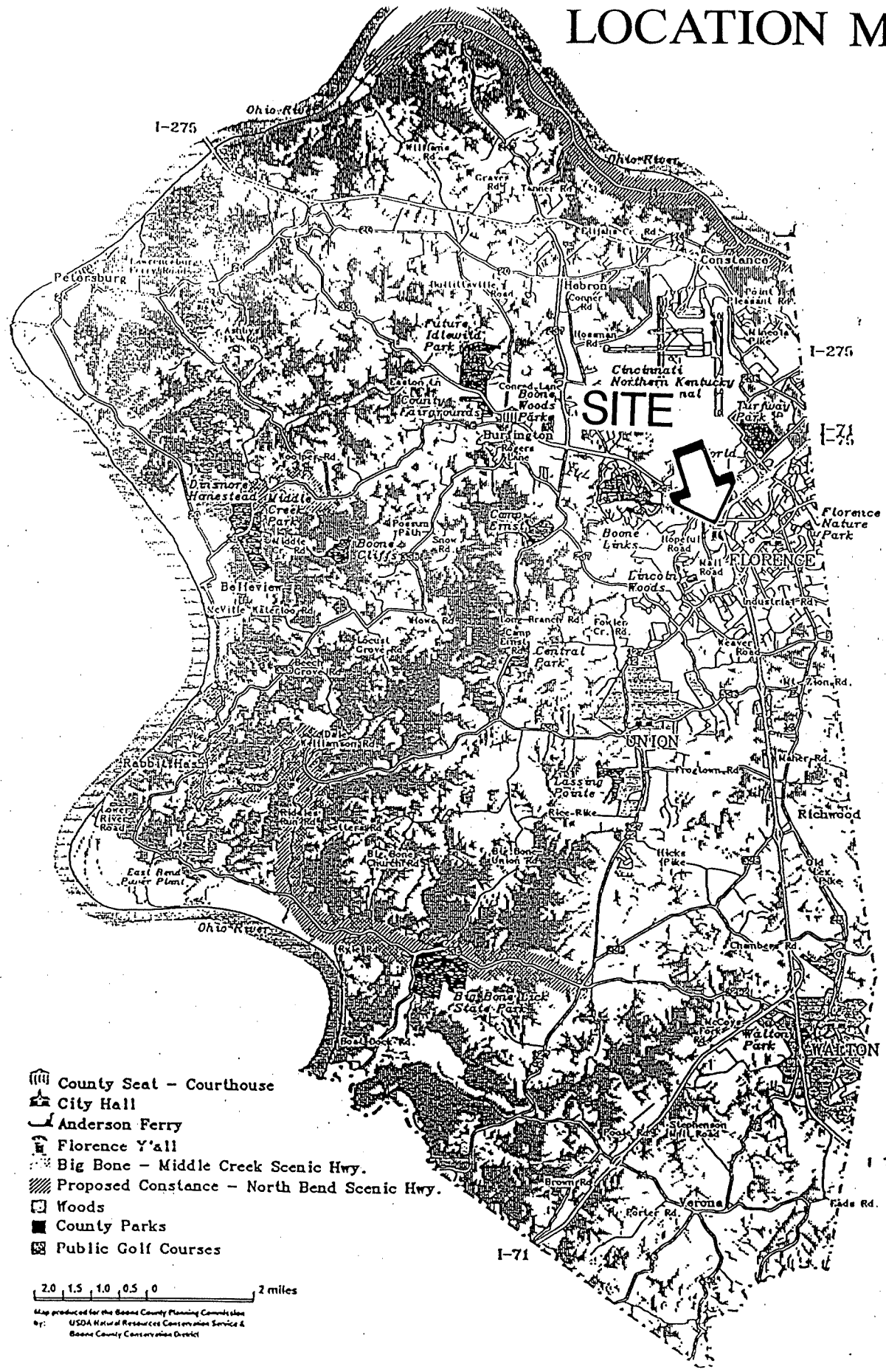
Respectfully Submitted,



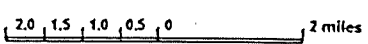
Edward Coleman
Planner

EC\par

LOCATION MAP



- County Seat - Courthouse
- City Hall
- Anderson Ferry
- Florence Y'all
- Big Bone - Middle Creek Scenic Hwy.
- Proposed Constance - North Bend Scenic Hwy.
- Woods
- County Parks
- Public Golf Courses



Map produced for the Boone County Planning Commission
 by: USDA Natural Resources Conservation Service &
 Boone County Conservation District

SIGN LOCATION

SITE PLAN

DATE: 10/1/70

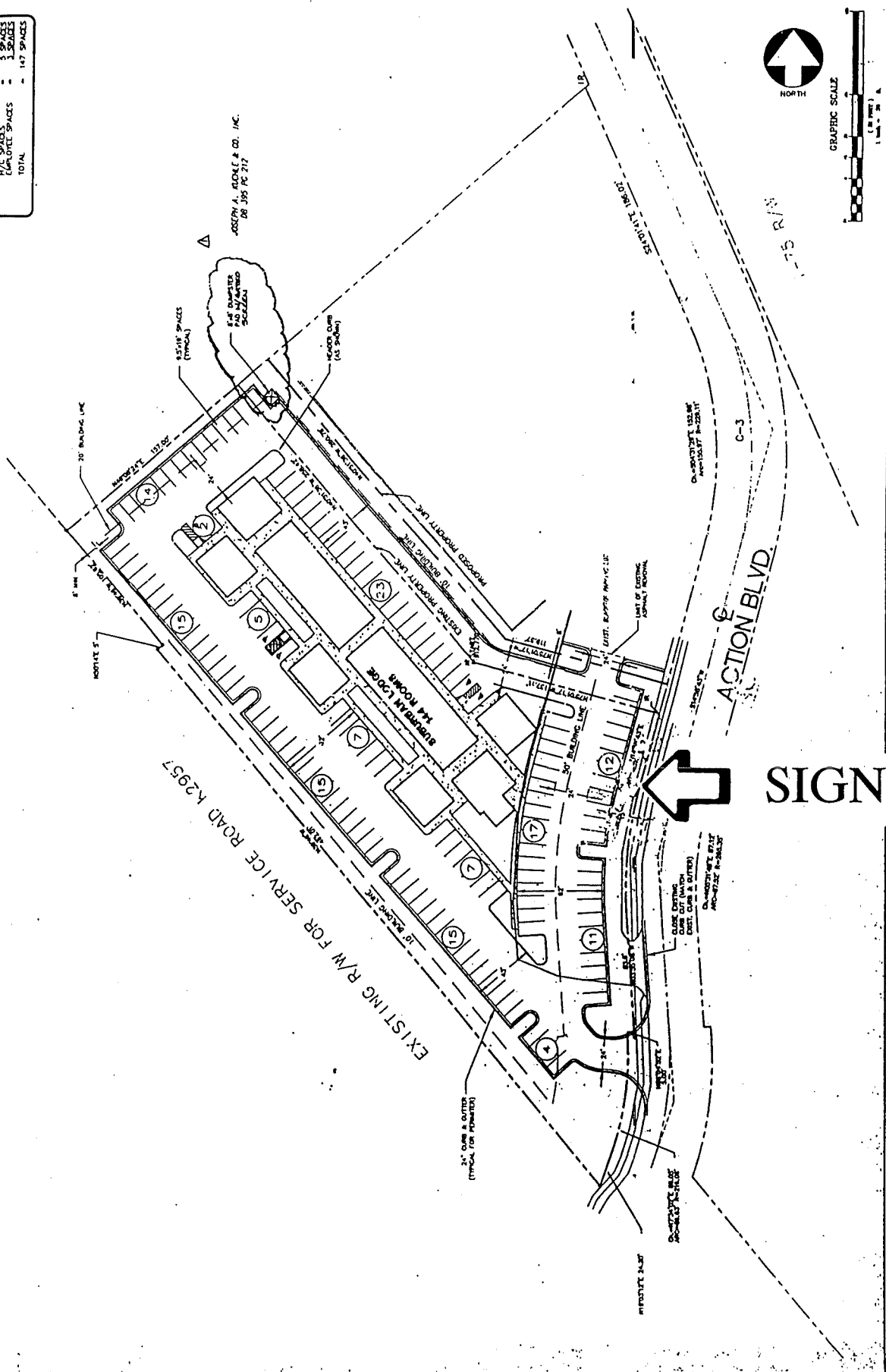
NO.	DATE	REVISIONS
1	10/1/70	

FRING, INC.
 1700 10th Street
 Louisville, Kentucky 40202
 SUBURBAN LODGE
 FLORENCE, KENTUCKY
 OHMKOOP REALTY, INC.
 1000 W. MARKET STREET, SUITE 100
 FLORENCE, KENTUCKY 40121



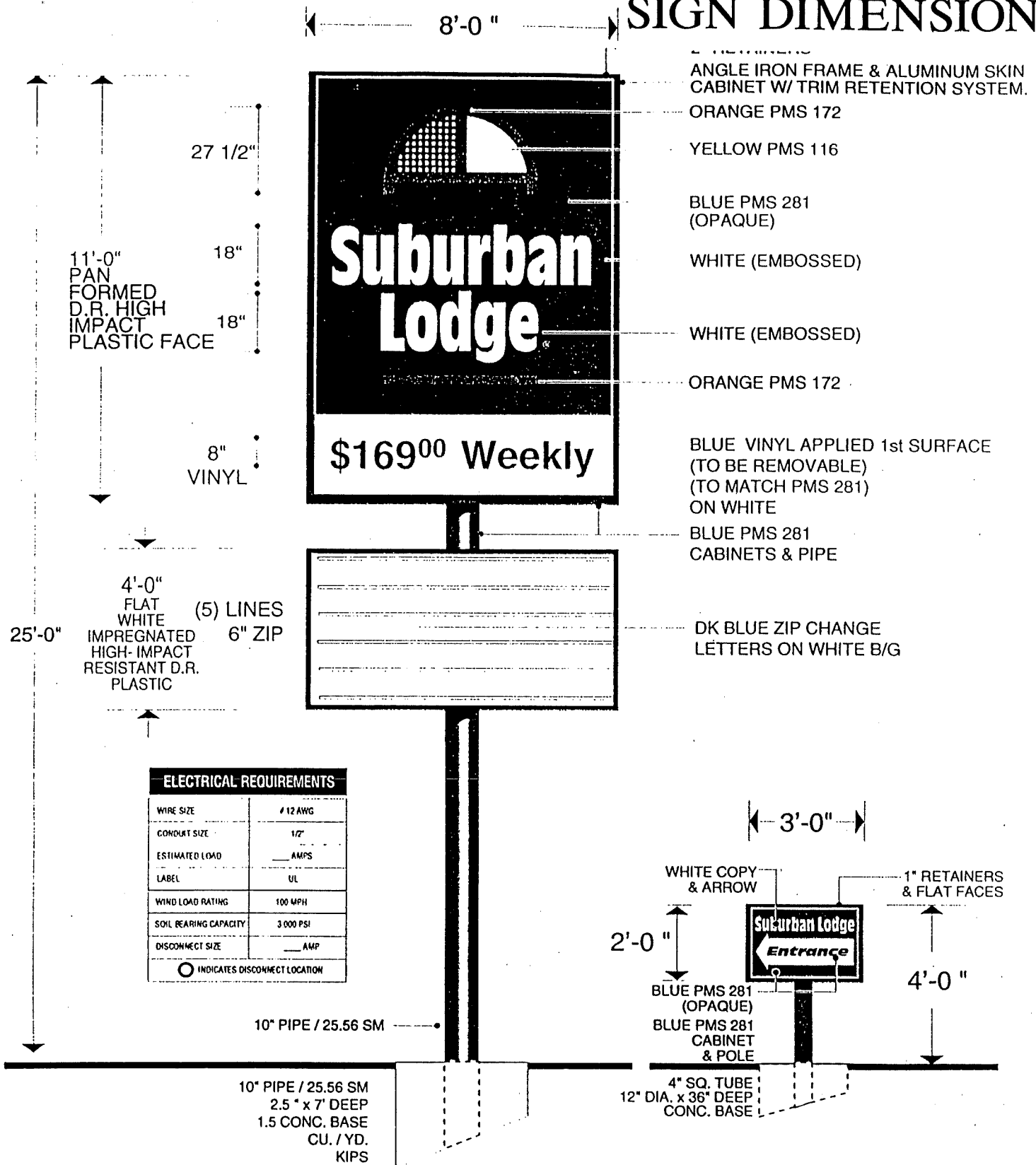
SITE DATA

TOTAL PARKING REQUIRED - 148 SPACES
TOTAL PARKING PROVIDED:
GUEST SPACES - 139 SPACES
BUS SPACES - 3 SPACES
TRUCK SPACES - 3 SPACES
TOTAL SPACES - 145 SPACES
TOTAL - 147 SPACES



SIGN

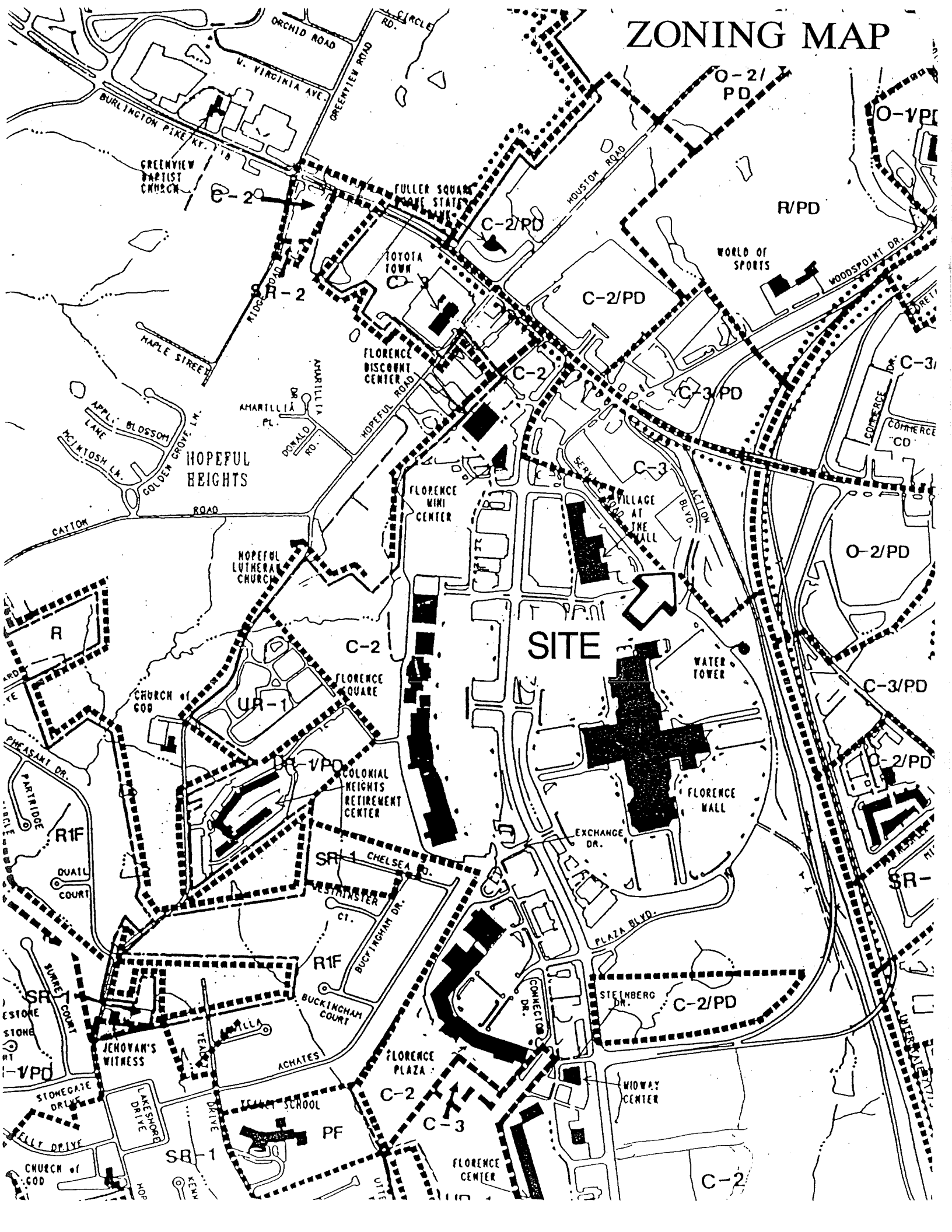
SIGN DIMENSIONS



(1) D/F LIGHTED PYLON

(1) D/F LIGHTED DIRECTIONAL

ZONING MAP



COPY

CLUR # 97-FBOA-001-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER (S)

Florence Lodge Limited Partnership
6640 Powers Ferry Rd. Suite 200
Atlanta, Georgia 30339

2. ADDRESS OF PROPERTY

8035 Action Blvd
Florence, Kentucky

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Suburban Lodge

DEED BOOK: 629

PAGE NO.: 31

GROUP NO.: 2040 B

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

Zoning Map Amendment:
From to

Conditional Use Permit

Development Plan

Conditional Zoning

Subdivision Plat
(Unrecorded)

Other: Site Plan

Variance

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



SIGNATURE OF COMPLETING OFFICIAL

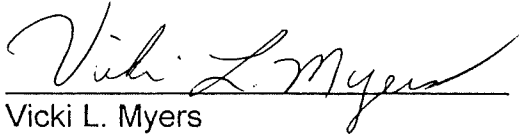
Ed Coleman, Planner

Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledge before me by Edward Coleman on behalf of the
Boone County Planning Commission this 11th day of April 1997.

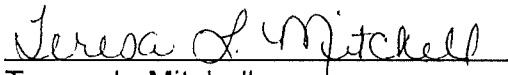


Vicki L. Myers
NOTARY PUBLIC, State at Large

My commission Expires:

April 17, 1999

This instrument was prepared for recording purposes only by:



Teresa L. Mitchell
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.)

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 February 12, 1997 Certificate of Land Use Restriction (# 97-FBOA-001-A), for Florence Lodge Limited Partnership, Property Owners

The following conditions will apply: (1) The sign shall be limited to 120 square feet and erected as presented at the public hearing.

The approved Variance as well as the preceding conditions apply to the property

described in: DEED BOOK 629
B

PAGE NO. 31

Group No. 2040