

AMENDED 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)

- (Check One) 1. Boone [x] Florence [] Walton [] Union [] (Check One) 2. [] Conditional Use Permit [x] Variance [] Appeal [] Change in Non-Conforming Use 3. Applicant's Name Barry Conway on behalf of Florence Lodge Limited Partnership Phone Number 770-952-4090 Fax No. 770-955-6729 Applicant's Address 6640 Powers Ferry Rd., Suite 200 Atlanta GA 30339 4. Description of Request: Variance for a pole sign allowing for a height of 70 feet high, and a sign panel of up to 230 square feet which is within code 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. 3616 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: [Signature] GERALD F. DUSING 3716220 Fax 371 8341

Property Owner's Signature: SEE ATTACHED LETTER

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, 1998 Fee Received 150.00 R# 15722
2. Is application complete? Yes Yes _____ No _____
3. Staff Reviewer Edward Colman
4. Scheduled Board Action Date 2/11/98
5. Board Action:
 Approved
 Approved with Conditions (See #6)
 Denial (See #7)
6. Conditions of Approval: _____

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: Gerald F. Dusing for Florence Lodge Limited Partnership

LOCATION: 8035 Action Boulevard, Florence, Kentucky

ZONING: Commercial Services (C-3)

DATE: February 11, 1998

Proposal

The applicant is requesting a variance to allow an increase in the maximum height and size of the existing free standing pole sign for the Suburban Lodge hotel located at 8035 Action Boulevard, Florence, Kentucky. The applicant's specific request is for an increase of the height of the sign from 35 feet to 70 feet and to increase the sign face from 120 square feet to 230 square feet in area.

Suburban Lodge is within a Commercial Services (C-3) zoning district. The maximum height permitted for a free standing sign in a Commercial Services (C-3) zoning district 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 would double the height from 35 feet to 70 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. The applicant's request would increase the area of the existing sign by 110 feet for a total of 230 feet in area. The variances would include 35 feet in height and 30 square feet in area.

The applicant came before the Florence Board of Adjustment on February 12, 1997 and requested a variance to install a free standing pole sign at a height of 35 feet, five feet greater than the maximum height of a free standing sign in a Commercial Services (C-3) zoning district. The variance was approved unanimously by the Board with the condition that the area of the sign not exceed 120 square feet.

Surrounding Land Uses and Zoning

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 the Florence Mall, which is also zoned Commercial Two (C-2).

Dimensional Variance

A 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 100.47.

Variations are appropriate by reason of exceptional narrowness, shallowness, or unusual shape of a site on the effective date of the zoning regulations or amendment thereof or by reason of exceptional topographic conditions, or some other extraordinary situation or condition of the site. The literal enforcement of the above dimensional terms of the zoning regulation would deprive the applicant of reasonable capacity to make use of the land in a manner equivalent to the use permitted other landowners in the same zone. The dimensional terms pertaining to height, width and location involve such items as structures, parking space stalls, driveway aisles, landscaped buffers and signs. Lot frontages, the size of yards, and open spaces refer to minimum yard dimensions such as building setbacks.

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 increase the height of an existing sign to 70 feet and to increase the area of the sign to 230 square feet.

The Board should evaluate the applicant's request as it relates to the criteria necessary for granting a Variance, stated in Article 2, Section 251 of the Boone County Zoning Regulations.

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.

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.

Respectfully Submitted,

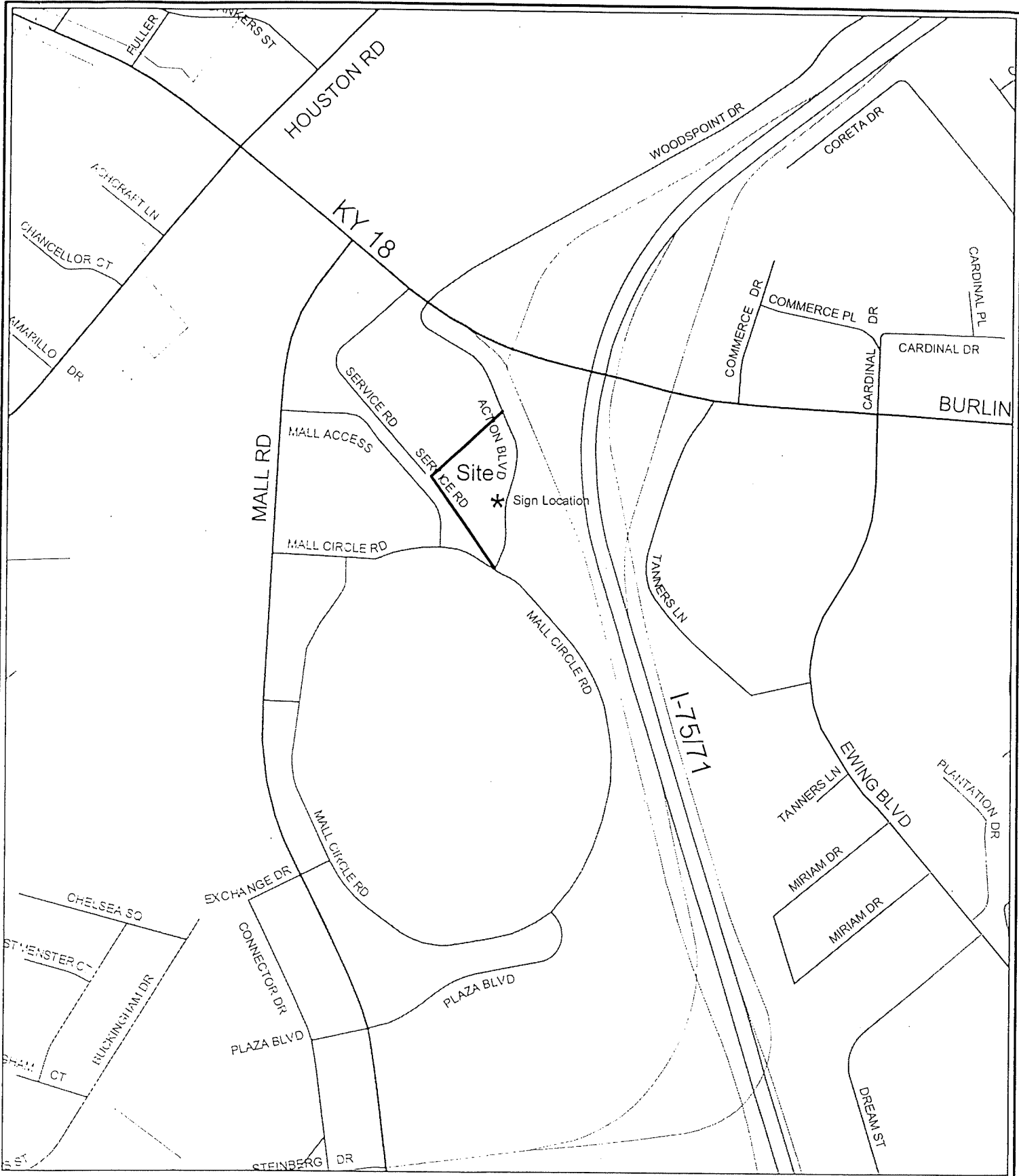
A handwritten signature in cursive script that reads "Edward Coleman".

Edward Coleman
Planner

EC\pr

Attachments

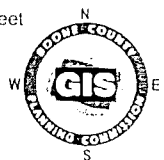
- Location Map
- Site Map
- Proposed Sign

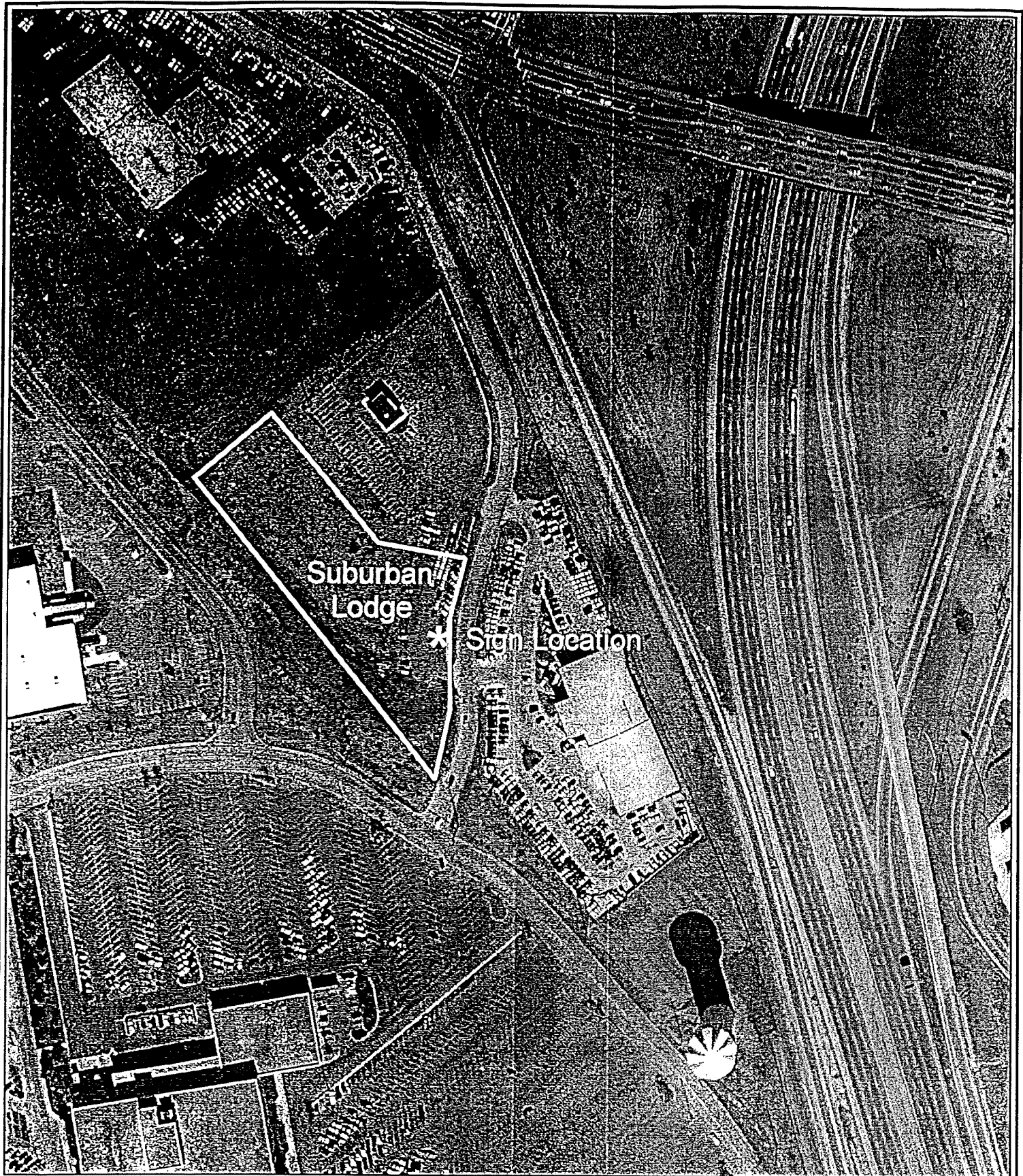


Suburban Lodge 8035 Action Blvd



1 inch equals 700 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 February 6, 1998





Suburban Lodge 8035 Action Blvd

200 0 200 Feet

1 inch equals 200 feet
Produced by the
Boone County Planning Commission
GIS Services Division
February 6, 1998



12'

15'
3M PANAFLEX
FLEX FACE
W/ MERCURY
VAPOR
LIGHTING

Suburban Lodge

\$159.00 Weekly
Furnished Efficiencies

4" RETAINERS
ORANGE PMS 172
YELLOW PMS 116
BLUE PMS 281
(OPAQUE)

WHITE

WHITE

ORANGE PMS 172

BLUE 3M 3630-36
VINYL APPLIED 1st SURFACE
(TO BE REMOVABLE)
FONT: SWITZERLAND BLACK

70"

ANGLE IRON FRAME & ALUMINUM SKIN
CABINET W/ TRIM RETENTION SYSTEM.



35"

5x10 READERBOARD
WITH (5) LINES OF
CHANGABLE COPY
FLAT WHITE
IMPREGNATED
HIGH-IMPACT
RESISTANT D.R.
PLASTIC

A
B
C
D
E

(5) LINES OF 8" BLACK
ZIP CHANGE LETTERS
ON WHITE B/G

20" PIPE / 25.56 SM

26" PIPE / 180.51 SM
4' x 10' DEEP
5.5 CONC. BASE CU. / YD.
4801.5 KIPS

CUSTOMER APPROVAL:

DATE:

A ACTION MALTESE SIGNS	COMPANY	SUBURBAN LODGE	DATE	01/07/98	SALESPER	SCOTT	SCALE	3/8'
	FILE NAME	SUBURBAN LODGE FLORENCE VARIANCE 98	TYPE	CONCEPT	HOURS	1	ARTIST	SJ

THIS CUSTOM DESIGN IS THE EXCLUSIVE PROPERTY OF A ACTION MALTESE SIGNS. ALL RIGHTS TO ITS USE AND/OR REPRODUGITON ARE RESERVED.

SIGN VARIANCE REQUEST

SUBURBAN LODGE ACTION BOULEVARD

We are requesting the sign variance to allow for a 70 feet high sign on our property on Action Boulevard. Our neighbors are all commercial properties, including but not limited to The Florence Mall, Airport Ford and Dodgeland. All have signs ranging from 35 to 50 feet high and all properties have excellent visibility to Interstate 75. The other properties front directly on Interstate 75, however, we are the only business that does not have frontage on on I-75. Also, our topography elevation is lower than the sign locations of the surrounding property. Also, the properties behind us will not be affected, as they have their frontage facing opposite on Mall Road and cannot even see our property. In order to allow us the same competitive position as our neighbors and to insure the economic viability of our Hotel, we request the above variance to allow for a 70 feet high sign. From I-75 our sign will appear no higher than any other sign of surrounding property.

COPY

CLUR # 98-FBOA-002-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: Conditional Use Permit
From _____ to _____

Development Plan Conditional Zoning

Subdivision Plat Other:

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



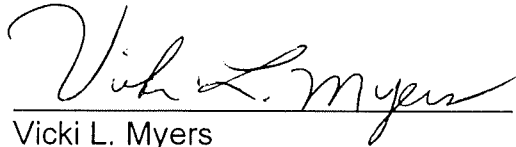
SIGNATURE OF COMPLETING OFFICIAL

Edward Coleman, Planner
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledge before me by Edward Coleman behalf of the
Boone County Planning Commission this 27th day of March 1998.

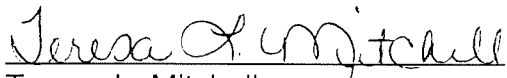


Vicki L. Myers
NOTARY PUBLIC, State at Large

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 approved by the Florence Board of Adjustments and in accordance with the current zoning in effect as of February 11, 1998 Certificate of Land Use Restriction (# 98-FBOA -002-A), for Florence Lodge Limited Partnership, property Owners

The following conditions will apply: 1).

The approved Variance as well as the preceding conditions apply to the property described in: DEED BOOK 629 PAGE NO. 31 Group No. 2040 B