

**FLORENCE BOARD OF ADJUSTMENT  
FLORENCE CITY BUILDING  
BUSINESS MEETING  
May 9, 2007  
7:00 P.M.**

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Ms. Evans, Vice Chair, called the meeting to order at 7:25 PM.

**BOARD MEMBERS PRESENT:**

Ms. Evans – Vice Chair  
Mrs. Schaffer  
Mr. Schneider  
Mr. Sparks - Secretary/Treasurer

**BOARD MEMBER NOT PRESENT:**

Mr. Pieper – Chairman

**LEGAL COUNSEL PRESENT:**

Mr. Dale Wilson

Ms. Evans stated that the Board members received copies of the Minutes of the Florence Board of Adjustment Meeting of April 11, 2007. She asked if there were any comments or corrections. There being no changes to the minutes, Mr. Schneider moved that they be approved as mailed. Mr. Sparks seconded the motion. A vote on the motion found all voting members in favor. Mrs. Schaffer abstained. The motion carried.

**Agenda Item:**

- 1. The request of Michael Zimmerman for a Conditional Use Permit to allow an insurance office to construct a two-bay garage addition that will be used for claim inspections. The site is located at 7130 Price Pike, Florence, Kentucky. The property is currently zoned Commercial Two (C-2).**

Staff Member Todd Morgan, AICP, presented the Staff Report which included a Power Point presentation (see Staff Report).

Ms. Evans asked for the applicant's presentation.

Mr. Zimmerman stated that they had the property surveyed and ownership of the abandoned right-of-way is still being resolved. He believes the right-of-way falls along side of the driveway or a little into the driveway. Mr. Morgan reviewed the GIS map in regard to the location of the property line. He stated that all of the improvements should be on the subject site and the question of whether the right-of-way has been vacated and the current ownership of it will have to be determined. Mr. Zimmerman stated that striping the parking lot is not an issue. He stated that the building is constructed of 1950's vintage raked-type brick. A similar retro-type brick is available, but it is not an exact match. They will either use a similar brick and match it as best they can, or they will paint the building. The landscaping is a minor issue and they have no problems with doing the landscaping.

Mr. Hans Filippo, owner of the building, stated that his intention was that the driveway would flow in the opposite direction from what was presented by Staff. Mr. Morgan stated that it can go either way as long as it has a one-way traffic flow. He stated that the second driveway aisle is not 14 feet wide. Mr. Filippo stated that he also owns the Allstate building on the corner and wants the two buildings to be similar. Allstate's colors are blue and white. The Allstate building is white with a blue roof and he is planning to paint this building white with a blue roof. Allstate's sign is also blue and white. This concluded the applicant's presentation.

Ms. Evans noted that there was no one else present in the audience and asked if there were any comments or questions from the Board.

Mr. Schneider questioned the location of the property line. Mr. Morgan responded that they do not know exactly where the property line is because of the abandoned alleyway. He reviewed the aerial photograph. He stated that GIS is not an exact survey but it appears that the property line runs through the driveway. He stated that he spoke with Mr. Zimmerman when he first came in about getting the property line verified. He stated that if there is room there, the Board could look at upgrading the driveway to the 14-foot wide standard – but they would also need a 10-foot buffer along the property line to be in compliance with today's standards. The site would not be approved as it exists today, but it is grandfathered.

Ms. Evans questioned how long it will take to resolve the issue of the right-of-way. Mr. Zimmerman responded that the survey is done. He stated that KDOT is researching their records to determine if anything was done with the right-of-way when they moved KY 18.

In response to questions from Mrs. Schaffer, Mr. Zimmerman stated that the existing Allstate Office will stay where it is. He owns the property and rents it to Allstate, but he is not involved with the business. The subject site will be used as a Claims Office – people will pull in and have their car looked at and then pull

out. There will be no tools in the bays - they will look at dents and look under the car and then settle with the person and right a check. They are just vehicles with lesser damage. Vehicles that have to be towed would go to the body shop. The Claims Office will serve about 300 cars a year. Mrs. Schaffer asked if they could have one bay instead of two. Mr. Zimmerman responded that Allstate wants the two bays. He will lease the site to Allstate. Mrs. Schaffer questioned overnight storage of vehicles. Mr. Zimmerman responded that they may leave a vehicle inside, but there would not be overnight outside storage. Mrs. Schaffer questioned why one bay would not be enough if they only serve 300 cars a year. Mr. Zimmerman responded that there could be a vehicle stored inside and Allstate wants two bays.

Mrs. Schaffer questioned the parking requirements. Mr. Morgan responded that if it was all office, the requirement would be one parking space for every 250 square feet of office and two spaces per garage bay. Mrs. Schaffer noted that the plan shows a "future office plan" with an extension out the back of the building. Mr. Morgan responded that it is not part of the request at this time. Mrs. Schaffer questioned how far the additional concrete pad would be from the right-of-way of Girard Street and KY 18. Mr. Morgan responded that the required building setback is 25 feet and the required landscape buffer is 10-feet and they meet the requirements.

Mrs. Schaffer questioned what the garage doors will look like. Mr. Zimmerman responded that they are steel panels and they will be white to match the building if the building is painted white.

In response to questions from Ms. Evans, Mr. Filippo stated that there will be no mechanical work done in the building. People will just pull their cars in and the adjuster will look at the car and write a check. He stated that their current facility is in Crestview Hills, but they want to relocate because no one can find that site. Ms. Evans questioned the hours of operation. Mr. Filippo responded that they are open from 8:30 AM to 5:00 PM Monday through Friday. The current facility is not operating on Saturday. He does not think that this facility will be open on Saturday, but he has not asked Allstate.

Mrs. Schaffer stated that the two garage doors will be massive. She asked if there will be landscaping to screen the view from Girard Street and KY 18. Mr. Morgan stated that Staff recommends that the perimeter of the site be brought into compliance with the buffer requirements wherever possible. He stated that people will still be able to see the garage doors, but the buffer would help. He stated that this area is evolving into a commercial area. He noted the high school and an auto repair facility nearby. Mr. Filippo stated that the auto/tire repair facility is next to the Allstate office.

In response to questions from Mrs. Schaffer, Mr. Zimmerman stated that there will be no additional signage. Mr. Filippo stated that they do not use the curb cut onto KY 18 and moving it is not a problem.

Ms. Evans asked if the two bays are necessary. Mr. Filippo responded that they have one bay at the location in Crestview Hills and, instead of adding onto that facility, Allstate wanted to go to a location that their customers can find more easily. He stated that Allstate wants two bays.

Mr. Morgan recommended an earth tone or khaki colored roof that would blend in better than a blue roof. Mrs. Schaffer stated that there is also an issue of how to minimize the size of the garage doors so that they do not stand out. She stated that the white color of the building is fine, but the roof needs to blend in. She stated that this is a highly visible location on Girard Street and KY 18 and they need to minimize the impact with landscaping and color so that it blends in. Mr. Morgan asked if the applicant could come back next month and bring samples of the colors.

Mr. Filippo stated that he owns a roofing company. He stated that he can keep the red brick on the building and have a gray shingle roof – but he does not think that would look as good as a white building with a blue roof. He stated that the garage doors can be painted white and he can put windows in them so that they will blend in. He stated that Allstate wants to open the facility as soon as possible. He will spray paint the brick white and put a blue roof on the building and it will look nice. He is proposing a blue roof because Allstate's colors are blue and white and they are signing a fifteen-year lease. He will do the other Allstate office to match and the two buildings will look uniform. He reviewed the Power Point slide in regard to the locations of the two buildings. Mr. Morgan stated that they could use a beige or neutral roof. Mr. Sparks suggested leaving the roof as it is now. Mrs. Evans questioned painting the brick gray to match the Allstate building. Mr. Philip stated that he is planning to paint the other building white with a blue roof because of Allstate's colors. He stated that it is a clean and classy look -- it is a dark blue and it looks great. He stated that he is negotiating to buy the building in the middle and it will be torn down in the future. Mr. Morgan stated that he is not so concerned about painting the brick, but he is concerned about the color of the roof and would like to see samples of the materials. Mr. Filippo showed the Board an Allstate business card done in Allstate's colors of blue and white. He stated that when the roof is first installed, it will be glossy but the gloss wears off over time.

**There being no further discussion, Mrs. Schaffer moved to approve the request based on the Staff Report, including the Staff Comments, subject to the following conditions: (1) the site is for inspection purposes only, there is to be no automotive repair and no equipment on the site, and any other uses are to come back in front of the Board, (2) all street frontage buffers are to be brought into compliance with Section 3620 of the Boone County Zoning**

**Regulations, (3) the southwest property line is to be screened with five small trees per 100 linear feet, (4) the curb cut near KY 18/Girard Street intersection is to be removed per the specifications of the Kentucky Transportation Cabinet, (5) the parking lot is to be striped per Section 3311 of the Boone County Zoning Regulations , (6) the proposed driveway extension is to be at least fourteen feet wide per Section 3323 of the Boone County Zoning Regulations, (7) directional signs are required at both of the Price Pike access points, (8) directional arrows are to be painted in the driveway aisle which connects the front parking lot to the proposed egress point and it is to have a one-way traffic flow, (9) there is to be no overnight parking of vehicles on the site, (10) the roof can be metal and painted a dark blue like the Allstate color (not a royal blue), the exterior of the building is to be non-obtrusive color, and the metal panel garage doors are to be the same color as the exterior of the building. The color scheme can be approved by Staff -- but, if it is questionable, it has to come back in front of the board. Mrs. Schaffer stated that there is an issue with the property line, but they have to meet the 14-foot driveway width requirement and there has to be room for the landscaping. Mr. Sparks seconded the motion and it carried unanimously. (Note – the motion was amended, see Page 6).**

Mr. Philipppo expressed concern that if there is an issue with the survey in the area of the driveway, he will not be able to do the expansion. Mr. Morgan stated that he could come back and request a Variance to reduce the width of the one-way drive aisle. Counselor Wilson agreed. Mr. Philipppo asked if they can start building at this time. Mr. Morgan responded that they must first submit a Site Plan showing compliance with the conditions. He stated that he does not know if there is room for the 14-foot driveway and the landscaping until the right-of-way issue is resolved. Counselor Wilson advised that the Board could not grant a dimensional Variance at this time because it was not advertised. He stated that the Board does not have enough information at this time to know if they need a Variance or not, and that will be determined at Site Plan Review. Mr. Morgan stated that they cannot build the garage until they submit a Site Plan that shows conformity with the conditions. Once the Site Plan is approved, he will sign off on it and they can then go to the Building Department for a Building Permit. Mr. Sparks was concerned that the applicant was being held up by the right-of-way issue. He stated that even if they cannot use that driveway, vehicles could still pull in and out. Mr. Morgan stated that they cannot proceed with construction until a Site Plan is submitted and approved.

Following discussion, Mr. Schneider suggested that the conditions be amended to state that if the property line allows for the landscaping, then that condition is imposed – but if there is not room there for the landscaping, then that condition is not imposed. Counselor Wilson advised that the condition could be imposed if the space is available. Mr. Morgan questioned the 14-foot driveway. He stated that the driveway is currently about 9 feet wide. Ms. Evans stated that the motion requires the 14-foot driveway and the landscaping.

Mrs. Schaffer stated that the survey is done, but ownership of the right-of-way is in question. She is concerned that if the motion is amended, then there will not be any further efforts to determine who owns the right-of-way. Mr. Morgan responded that they have to show what they own on the Site Plan. Ms. Schaffer stated that the right-of-way may not have been vacated and if it is vacated in the future, then it will be extra space. Counselor Wilson advised that the city may need that space for utilities. Mrs. Schaffer agreed, but stated that the city might allow them to do landscaping there. Mr. Morgan stated that the city may allow them an Encroachment Permit.

**Mrs. Schaffer amended her motion. She stated that Condition #3 (Staff Comment 3. C.) and Condition #6 (Staff Comment 3. F.) regarding the 14-foot driveway width and landscaping are required only to the extent that property is available to meet the requirements. Mr. Schneider seconded the amendment and it carried unanimously.**

**Other:** (1) **Deatherage Site** Ms. Evan stated that she spoke with Mr. Morgan earlier about the taxicabs on the Deatherage site. Mr. Morgan stated that he has contacted the Florence Code Enforcement Officer. Mr. Sparks stated that the minutes state that no vehicles are to be stored outside overnight. He stated that the Board did not know it was going to be a taxicab company – it was presented as minor automotive repair and a car wash. He stated that the dumpster was to be enclosed and that was not done. Mr. Morgan stated that the Enforcement Officer would have to go out to make a determination that the vehicle was parked there all night. He will review the minutes and follow up with the Zoning Enforcement Officer. Mr. Schneider stated that he believes the use the Board approved is different that the use that is on the site currently. The Board agreed. Mr. Morgan stated that they may be working on taxicabs and doing oil changes. He stated that a dispatch office is a Principally Permitted use in C-2. Counselor Wilson stated that the determination depends on the restrictions on the use rather than what the applicant said he intended to do – the Board cannot hold the applicant to his intentions, but the Board can hold him to the conditions. (2) **Ace Hardware** Ms. Evans stated that the sign is there, but the landscaping and the brickwork are not there. Mr. Morgan stated that he believes the sign is in front of the Florence Code Enforcement Board now. Mr. Morgan will update the Board regarding these two items at the next meeting.

There being no further business to come before the Board, Mr. Schneider moved to adjourn. Mrs. Schaffer seconded the motion. The meeting was adjourned by unanimous consent at 8:45 PM.

**APPROVED:**

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**Linda Evans, Vice Chair**

**Attest:**

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**Jan Hancock, Recording Secretary**