

Hi Rise

00-BCBA-021-A

APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

MAY 25 2000

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

- 1. (Check One) Boone [checked] Florence _____ Walton _____ Union _____
2. (Check One) Conditional Use Permit _____ Variance _____ Appeal _____
3. Applicant's Name William J. Yuskoski Phone Number 513. 241. 6775 Fax No. 513. 241. 5060 Applicant's Address 312 Main St.
4. Description of Request: INC. Existing square footage ON EXISTING 86' 6" POLE SIGN. THE NEW SIGN WOULD BE AN INCREASE OF 121 SQ FT.
5. Name of Development Travel Centers of America
6. Location of Development 145 Richwood Rd.
7. Acreage Under Review 9.0166 acres
8. Lot Number and Name of Subdivision (if part of a subdivision)
9. Owner of Property Travel Centers of America Phone Number of Owner 440. 808. 7380 Address of Property Owner West Lake OH.
11. Proposed Use(s) on Site
12. Total Square Footage of Existing and/or Proposed Buildings
13. Current Zoning on Property C-3
14. Deed Book 529 Page No. 56 Group No. 2072
15. Is the site subject to a zone change?
16. Have you submitted a Site Plan with this request?
17. Have you submitted a list of adjoining property owners with this request?
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]

Property Owner's 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 _____ Fee Received _____
2. Is application complete? Yes _____ No _____
3. Staff Reviewer Todd Morgan
4. Scheduled Board Action Date _____
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: Travel Centers of America
APPLICANT: Chris Thurston (Agent)
LOCATION: 145 Richwood Road, Walton, Kentucky
ZONING: Commercial Services (C-3)
DATE: June 14, 2000

Proposal

The applicant is requesting a Change of Non-Conforming Use and four Variances for signage at the Richwood Travel Centers of America. The following is a summary of the five requests:

1. The applicant is requesting to increase the size of a non-conforming pole sign. The existing sign is 86' 6" tall and 590 square feet in size. The applicant is proposing to add a 121 square foot sign cabinet to advertise Country Pride Restaurant.
2. The applicant is requesting a Variance to increase the permitted building mounted signage on the primary building elevation (elevation facing Richwood Road) from 250 square feet to 535.49 square feet. The total Variance being sought is for 285.49 square feet of additional signage.
3. The applicant is requesting a Variance to increase the permitted building mounted signage on the western building elevation (left elevation) from 160.25 square feet to 396.94 square feet. The total Variance being sought is for 236.69 square feet of additional signage.
4. The applicant is requesting a Variance to increase the permitted building mounted signage on the eastern building elevation (right elevation) from 160.25 square feet to 589.26 square feet. The total Variance being sought is for 429.01 square feet of additional signage.
5. The applicant is requesting a Variance to increase the permitted signage on two fascias of the truck canopy. The applicant's request is for 100% of these fascia areas to contain signage, while the Boone County Zoning Regulations allows 25% of these fascias to contain signage.

Site History

- 12-14-88 Truckstops of America was awarded a Variance to replace three existing free-standing signs with a single sign that was 31 feet tall and 265 square feet in size.
- 8-30-93 A sign permit was approved for a third free-standing sign. The sign is 21' tall and is 100 square feet in size. This sign was approved on the basis that a 60 square foot entrance sign and 3 building mounted signs, totaling 110 square feet would be removed.
- 4-14-88 A sign permit was granted to replace the 86' 6" tall, 714 square foot pole sign with a 86' 6" tall, 590 square foot pole sign.

Non-Conforming Use Regulations

Non-Conforming uses are defined as uses which lawfully existed at the time of the adoption or amendment of the zoning regulations, that do not conform to the regulations of the zoning district in which they are situated. The subject property is located in a Commercial Services (C-3) zoning district, which allows individual establishments a single pole sign of up to a 30' in height and 200 square feet in size. In this case, Travel Centers of America has three free-standing signs. The applicable sections of the Boone County Zoning Regulations that pertain to non-conforming uses are summarized below:

Article 2, Section 220 (see attachment)

Article 2, Section 270 (see attachment)

Article 2, Section 272 (see attachment)

Article 2, Section 273 (see attachment)

Dimensional Variance

The Board of Adjustment and Zoning Appeals shall have the power to hear and decide on applications for Variances. A Variance is defined as a departure from dimensional terms of the zoning regulation pertaining to 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.

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 regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant and;
- c. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

Staff Comments

1. Staff is concerned about permitting a 121 square foot enlargement to the existing 86' 6" tall, 590 square foot pole sign because the establishment already has three free-standing signs. Two of these three signs are already greater than the Boone County Zoning Regulations would permit. Furthermore, Staff sees no reason why one of the existing sign cabinets could not be broken into two-halves. Refacing an existing sign cabinet could be done administratively through the sign permit process.
2. Staff has informed the applicant that the extent of the Variances could be cut drastically if they were willing to remove the illuminated striping from the front and right elevations. This striping has to be considered as signage because of the definition that is found within Article 40 of the Boone County Zoning Regulations.

Sign: "A device designed to promote and identify an establishment or activity by any means including but not limited to words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images."
3. Staff has failed to locate where the four request meet the three criteria to be considered for Variance approval. This request does not arise from special circumstances which do not generally apply to land in the general vicinity, or in the same zone. The denial of this request would not deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant. Nor is this request the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

4. Travel Centers of America just rebuilt their facility on KY 18 in Florence. They received their sign permits in September and October of 1999. The applications submitted did not require any sign Variances for the building mounted signs. Staff questions why this facility is so much different than the Florence location.
5. Staff feels that granting the four Variances will set a precedent for future Variances that are a complete circumvention of the zoning code.

Conclusion

K.R.S. 100.253 give the Boone County Board of Adjustment and Zoning Appeals the power to hear and decide on applications for Non-Conforming Uses.

K.R.S. 100.241 gives the Boone County Board of Adjustment and Zoning Appeals the power to hear and decide on applications for Variances.

Respectfully Submitted,

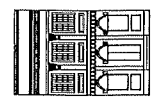


Mike Homer
Planner

MH/pr

Attachments

- Site/Zoning Map
- Site Map
- Sign Drawing
- Variance Application 1
- Variance Application 2
- Change in Non-Conforming Use Application
- Applicable sections of Zoning Regulations that pertain to Non-Conforming Uses



1 inch equals 900 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 June 7, 2000

Zoning/Vicinity Map Richwood TA

1 5 13 1 W 15

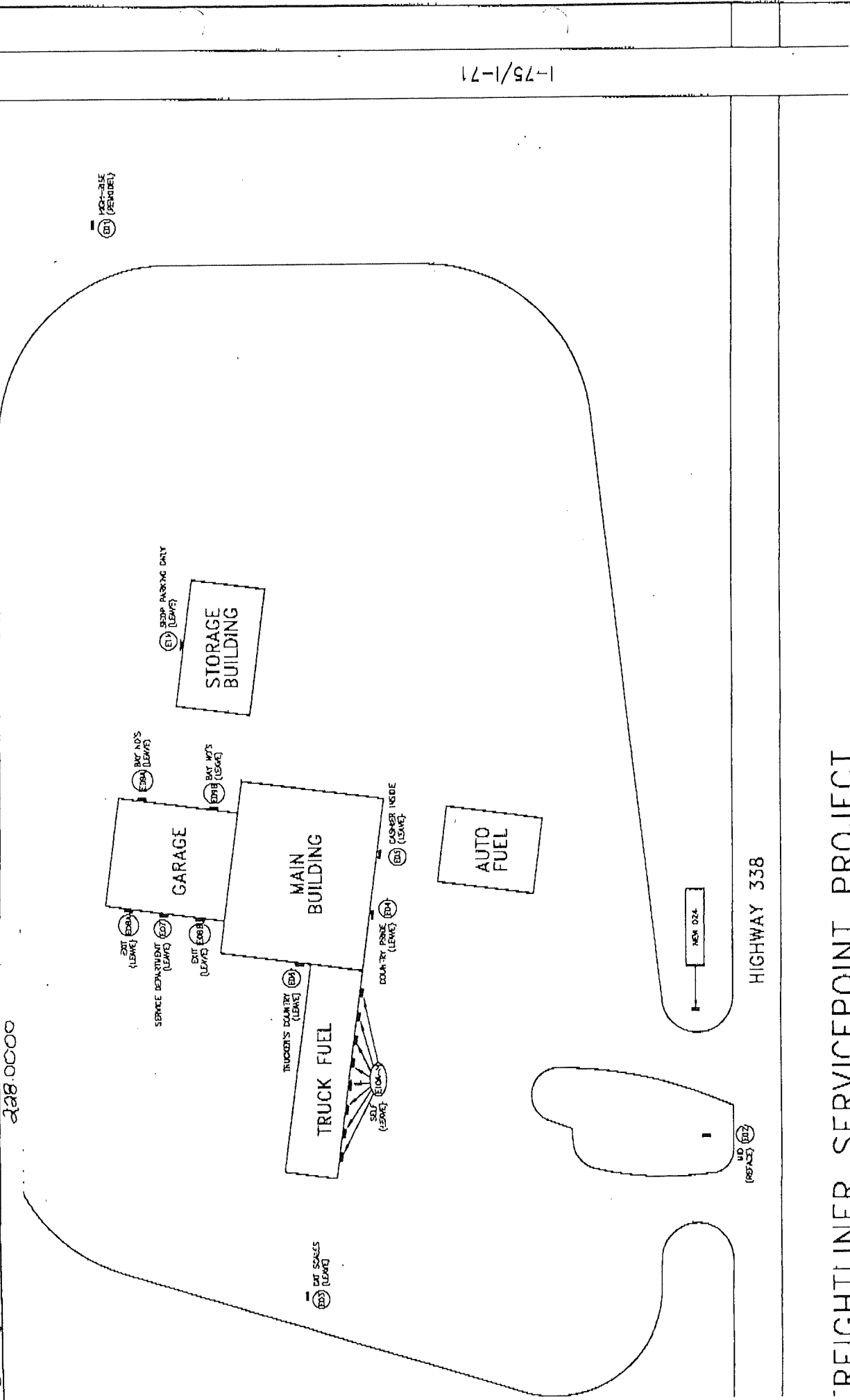
ISSUES REQUIRING OWNERS RESOLUTION:
(NONE AT THIS TIME)
ISSUES REQUIRING VENDORS RESOLUTION:
(NONE AT THIS TIME)

MAY 23 2000

BOONE COUNTY
PLANNING DEPARTMENT

228.0000

Date	5-23-00	# of pages	1
From	Kim Woot		
Co.	ERC		
Phone #			
Fax #			



1-75/1-71

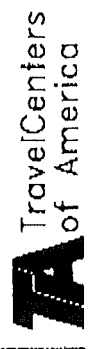
HIGHWAY 338

REIGHTLINER SERVICEPOINT PROJECT

SITE PLAN

-75/1-71. EXIT 175

WALTON, KENTUCKY



NO: 0028-FLSP

DATE: 12/09/99

REVISION DATE:

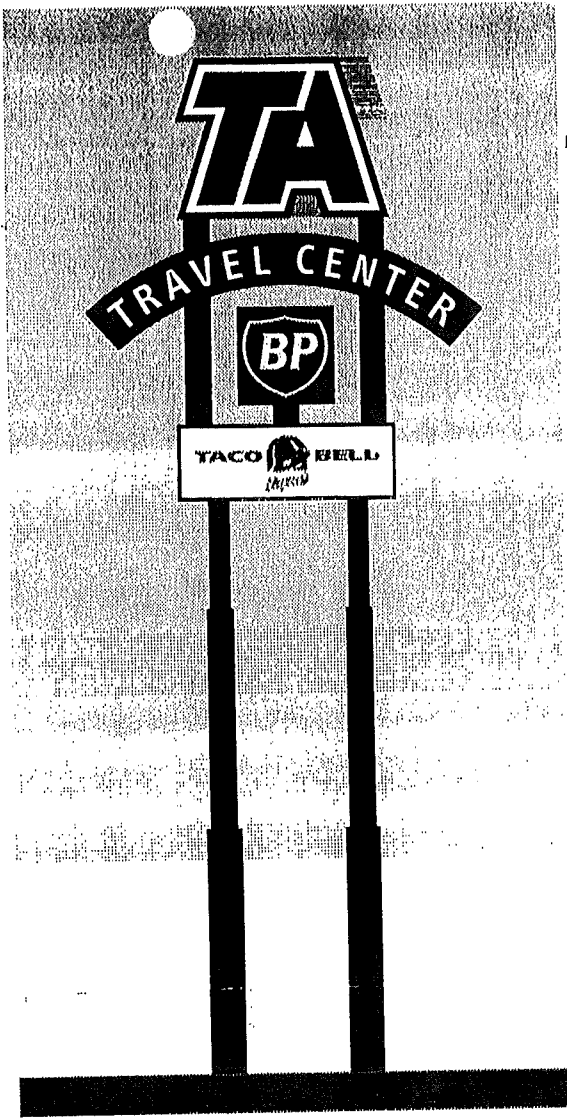
START DATE: 12/09/99

it-if Fax Note 7671
 Dept. Food Marten
 Phone #
 Fax # 859-334-3364

B19893200

ELROD & COMPANY

MAY-23-2000 09:57



13'-8" x 18'-3"

1'-6"

4'-3" x 34'-6"

2'

8'-6" x 8'-6"
BP

1'-7"

6'-6" x 18'-6"
TBE
(APPROX)

38'-0"

86'-6" OAH

REMOVE EXISTING SIGNAGE

INSTALL NEW TA LOGO AND TRAVEL CENTER ARC.

(1) D/F TA LOGO SIGN: SEE ATTACHED FOR FABRICATION AND COLOR DETAILS

(1) D/F TRAVEL CENTER SIGN: SEE ATTACHED FOR FABRICATION AND COLOR DETAILS

(1) D/F BP SIGN: SEE ATTACHED FOR FABRICATION AND COLOR DETAILS / CENTER POST MOUNTED

(2) S/R FOOD OFFERINGS TO BE MOUNTED ON TORSION MEMBER

NEW AND EXISTING SUPPORTS TO BE TA SATIN BLACK

NEW AND EXISTING SUPPORTS TO BE ROUND PIPE SIZES SHOWN ON ENCLOSED DRAWING

METHOD OF ILLUMINATION TO BE INTERNAL ILLUMINATION WITH 400 WATT METAL HALIDE LAMPS AND DIFFUSORS

BASE PIPES ARE EXISTING AND ARE INSTALLED ON EXISTING ANCHOR BOLTS AND EXISTING FOUNDATION

ADDRESS: 145 RICHWOOD ROAD
WALTON, KENTUCKY
I-75 / EXIT 175

EXISTING SQUARE FOOTAGE = 714 SQ FT

① HR660

APPROXIMATE SQUARE FOOTAGE:

LOGO ----- 250
ARC ----- 147
BP ----- 72
TBE ----- 121

NEW SQUARE FOOTAGE → TOTAL ----- 590

HEADRICK

601-649-1977 Fax 601-425-2411

CUSTOMER: TRAVEL CENTERS OF AMERICA		WALTON, KENTUCKY	
SCALE: 3/32" = 1'-0"	APPROVED BY:		
DATE: 3-12-98	PAGE NO.: 1	REVISIONS: 1.3-6414-3-98	DRAWN BY: [Signature]
REVISION DATE: 4/7/98			

APPLICATION FORM

BOARD OF ADJUSTMENT
AND
ZONING APPEALS ACTION
BOONE COUNTY PLANNING COMMISSION

MAY 25 2000

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 (3) Variance _____ Appeal _____
Change in Non-Conforming Use _____
- 3. Applicant's Name Chris Twiston
Phone Number 586 8389 Fax No. _____
Applicant's Address 5580 Strike the Gold
Burlington Ky 41005
City State Zip
- 4. Description of Request: Require a signage variance on primary elevation
of 285.49. left elevation of 236.69 and right elevation
of 429.01
- 5. Name of Development Travel Centers of America
- 6. Location of Development 145 Richmond Rd
- 7. Acreage Under Review 9.0166 acres
- 8. Lot Number and Name of Subdivision (if part of a subdivision) _____
- 9. Owner of Property _____ 10.
Phone Number of Owner _____
Address of Property Owner _____
City State Zip
- 11. Proposed Use(s) on Site _____
- 12. Total Square Footage of Existing and/or Proposed Buildings _____
- 13. Current Zoning on Property _____
- 14. Deed Book 529 Page No. 56 Group No. _____
- 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? _____
- 17. Have you submitted a list of adjoining property owners with this request? _____
- 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: _____

Property Owner's Signature: _____

APPLICATION FORM

BOARD OF ADJUSTMENT
AND
ZONING APPEALS ACTION
BOONE COUNTY PLANNING COMMISSION

25 2000

See Boone County Zoning Regulations

SECTION A (To be completed by applicant)

- (Check One)
- Boone _____ Florence _____ Walton _____ Union _____
 - (Check One)
 Conditional Use Permit Variance _____ Appeal _____
 Change in Non-Conforming Use _____
 - Applicant's Name Chris Thurston
 Phone Number _____ Fax No. _____
 Applicant's Address _____
 - Description of Request: Increase Permitted Signage on ~~front~~ ^{Truck} Canopy to 100% on front elevation
 City _____ State _____ Zip _____
 - Name of Development _____
 - Location of Development _____
 - Acreage Under Review 9.0166 acres
 - Lot Number and Name of Subdivision (if part of a subdivision) _____
 - Owner of Property _____
 Phone Number of Owner _____ 10.
 Address of Property Owner _____
 City _____ State _____ Zip _____
 - Proposed Use(s) on Site _____
 - Total Square Footage of Existing and/or Proposed Buildings _____
 - Current Zoning on Property _____
 - Deed Book 529 Page No. 56 Group No. _____
 - Is the site subject to a zone change? _____
 If yes, give date of approval _____
 - Have you submitted a Site Plan with this request? _____
 - Have you submitted a list of adjoining property owners with this request? _____
 - 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: _____

Property Owner's Signature: _____

APPLICATION FORM

BOARD OF ADJUSTMENT
AND
ZONING APPEALS ACTION
BOONE COUNTY PLANNING COMMISSION

12 5 2000

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 William J. Yusko
Phone Number 513. 241. 6775 Fax No. 513. 241. 5060
Applicant's Address 312 Main St.
Cinti. OHIO 45202
City State Zip
- 4. Description of Request: inc. existing square footage
ON EXISTING 86' 6" POLE SIGN. THE NEW SIGN WOULD
BE AN INCREASE OF 121 SQ FT.
- 5. Name of Development Travel Centers of America
- 6. Location of Development 145 Richwood Rd.
Walton KY. 41094
- 7. Acreage Under Review 9.0166 acres
- 8. Lot Number and Name of Subdivision (if part of a subdivision) _____
- 9. Owner of Property Travel Centers of America
Phone Number of Owner 440. 808. 7380 10.
Address of Property Owner West Lake OH. 44145
City State Zip
- 11. Proposed Use(s) on Site _____
- 12. Total Square Footage of Existing and/or Proposed Buildings _____
- 13. Current Zoning on Property C-3
- 14. Deed Book 529 Page No. 56 Group No. _____
- 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? _____
- 17. Have you submitted a list of adjoining property owners with this request? _____
- 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: William J. Yusko

Property Owner's Signature: _____

Applicable Sections of the Boone County Zoning Regulations that pertain to Non-Conforming Uses

Article 2 - SECTION 220

Duties of the Board of Adjustment and Zoning Appeals

For the purposes of this order, the Board of Adjustment and Zoning Appeals shall have the following duties:

1. To hear and decide appeals where it is alleged there is an error in any order, requirements, decision, interpretation, grant, or refusal made by the Zoning Administrator;
2. To authorize such variances from the terms of this order as 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.
3. To grant conditional use permits as specified in this zoning order, with such additional safeguards as will uphold the intent of this order.
4. To grant changes in nonconforming uses as specified in this order.

Article 2 - SECTION 270

Nonconforming Lots, Uses, and Structures

Within the districts established by this order or amendments to districts that may later be adopted, lots, uses of land, and structures, which were lawful before this order was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this order or further amendments may exist. It is the intent of this order to permit these nonconforming lots, uses and structures to continue until they are no longer non-conforming. It is further the intent of this order that a nonconforming use or structure shall not be enlarged or extended beyond the scope and area of its operation at the time it became a legal nonconforming use, nor shall other uses or structures which are prohibited elsewhere in the same district be permitted on lots of nonconforming uses or structures.

Uses of structures not legally established before this order was passed or amended shall not be given the statutes of legally pre-existing, non-conforming uses or structure, and may be subject to penalties for violation under Section 410 through 430 of this order.

Article 2 - SECTION 272

Non-Conforming Uses of Land

Where, at the time of adoption of this order, legally established, uses of land exist which would not be permitted by regulations imposed by this order, the uses may be continued so long as they remain otherwise lawful, provided the Board shall not allow the enlargement or extension of a non-conforming use beyond the scope and area of its operation at the time these regulations were adopted.

K.R.S. 100.253 allows the following:

1. The lawful use of a building or premises, existing at the time of the adoption of any zoning regulations affecting it may be continued, although such use does not conform to the provisions of such regulations, except as otherwise provided herein.

2. The board of adjustment shall not allow the enlargement or extension of a nonconforming use beyond the scope and area of its operation at the time the regulation which makes its use nonconforming was adopted, nor shall the board permit a change from one (1) nonconforming use to another unless the new nonconforming use is in the same or a more restrictive classification, provided, however, the board of adjustment may grant approval, effective to maintain nonconforming-use status, for enlargements or extensions, made or to be made, of the facilities of a nonconforming use, where the use consists of the presenting of a major public attraction or attractions, such as a sports event or events, which has been presented at the same site over such period of years and has such attributes and public acceptance as to have attained international prestige and to have achieved the status of a public tradition, contributing substantially to the economy of the community and state, of which prestige and status the site is an essential element, and where the enlargement or extension was or is designed to maintain the prestige and status by meeting the increasing demands of participants and patrons.
3. Any use which has existed illegally and does not conform to the provisions of the zoning regulations, and has been in continuous existence for a period of ten (10) years, and which has not been the subject of any adverse order or other adverse action by the administrative official during said period, shall be deemed a nonconforming use. Thereafter, such use shall be governed by the provisions of subsection (2) of this section.

Article 2 - SECTION 273

Change from One Nonconforming Use to Another

The Board of Adjustments and Zoning Appeals shall have the power to hear and decide on applications to permit a change from one nonconforming use to another.

The Board shall not permit such a change unless the new nonconforming use is as equally or more compatible with permitted uses in the district in which it is located as the existing nonconforming use. Application for change of nonconforming use shall conform to the procedures and requirements for appeals as specified in Sections 245-254, inclusive, of this order and Kentucky Revised Statutes, Section 100.253.

The Board shall not allow any changed nonconforming use to be increased or enlarged, nor extended to occupy a greater area of land than was occupied by the original nonconforming use. In permitting such change in nonconforming use, the Board may require appropriate conditions and safeguards in accord with other provisions of this order, such as the provision of landscaping and buffering, the improvement of parking areas, and restrictions on the hours of operation.

COPY

CLUR #00-BCBOA-021-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Travel Centers of America
24601 Center Ridge Road
West Lake, OH 44145

2. ADDRESS OF PROPERTY

145 Richwood Road
Walton, KY 41094

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Travel Centers of America

4. DEED BOOK 529

PAGE NO. 56

GROUP NO. 2072

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

Zoning Map Amendment:
From To

Conditional Use Permit

Development Plan

Conditional Zoning

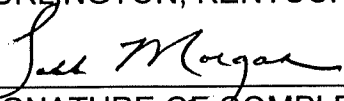
Subdivision Plat
(Not Recorded)

Other: Change in Non-Conforming Use

4 Variances

6. 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

Todd Morgan, Planner, Zoning Services
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

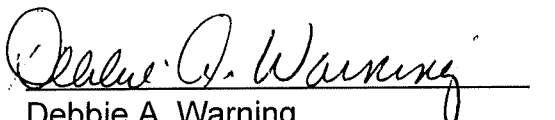
COUNTY OF BOONE

Subscribed, sworn to, and acknowledged before me by Todd Morgan on behalf of the
Boone County Planning Commission this 14 day of July, 2000.


Vicki L. Myers
NOTARY PUBLIC, State at Large

My commission Expires:
April 17, 2003

This instrument was prepared for recording purposes only by:


Debbie A. Warning
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 4 Variances and Change in Non-Conforming Use approved by the Boone County Board of Adjustments and in accordance with the current zoning in effect as of July 12, 2000 Certificate of Land Use Restriction (#00-BCBOA-021-A), for Travel Centers of America, Property Owner(s).

The following conditions will apply:

No Conditions.

The approved 4 Variances and Change in Non-Conforming Use as well as the preceding conditions apply to the property described in:

DEED BOOK 529

PAGE NO. 56

GROUP NO. 2072