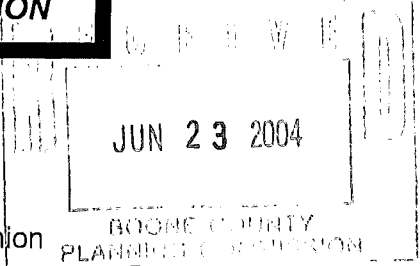


APPLICATION FORM

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 [checked] Florence _____ Walton _____ Union _____
2. (Check One) Conditional Use Permit [checked] Variance [checked] Appeal _____
3. Applicant's Name PETERS CO. DBA BLUE PANTRY
Phone Number 859-283-2770 Fax No. 859-525-4686
Applicant's Address 305 RICHWOOD RD # 1-71/75
WALTON KY 41094
4. Description of Request: INCREASE PERMITTED SQUARE FOOTAGE OF SIGNAGE ALLOWED ON GASOLINE CANOPY
5. Name of Development BP GAS STATION
6. Location of Development 305 RICHWOOD ROAD
WALTON KY 41094
7. Acreage Under Review 3.017 AC KY 338
8. Lot Number and Name of Subdivision (if part of a subdivision) N/A
9. Owner of Property DETERS COMPANY
Phone Number of Owner 859-283-2770
10. Address of Property Owner 7230 TURFWAY ROAD
FLORENCE KY 41042
11. Proposed Use(s) on Site NO CHANGE IN SITE USE OTHER THAN REQUEST OF LINE 4.
12. Total Square Footage of Existing and/or Proposed Buildings _____
13. Current Zoning on Property C-3
14. Deed Book 409 Page No. 97 Group No. 2071
15. Is the site subject to a zone change? NO
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]

Property Owner's Signature: [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 6-23-04 Fee Received \$ 835.00 LT# 39289
2. Is application complete? Yes _____ No _____
3. Staff Reviewer MP Bachman
4. Scheduled Board Action Date 7-14-04
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
(859) 334-2196 - Phone
(859) 334-2264 - Fax
plancom@boonecountyky.org - E-mail
www.boonecountyky.org - Web Page

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

APPLICANT: The Deters Company
 LOCATION: 305 Richwood Road, Boone County
 ZONING: Commercial Services (C-3)
 DATE: July 14, 2004

Proposal

The applicant is requesting three variances to allow increased square footage of sign area on three fascias of a gas station canopy. The signage proposed is as follows:

Fascia	Area of Fascia	Area of signage permitted (See "Applicable Regulations")	Calculation of Sign Area	Total Sign Area	Area over permitted signage
Left and right	28' x 2.67' = 74.76 square feet	74.76/4 = 18.69 square feet	$2(12.37 \times 1.25) = 30.925$ $2.5 \times 2.5 = 6.25$	37.18 square feet	37.18 - 18.69 = 18.49 square feet
Front	93' x 2.67' = 248.31 square feet	248.31/4 = 62.07 square feet	$16.87 \times 1.25 = 21.09$ $72.86 \times 1.25 = 91.09$ $2.5 \times 2.5 = 6.25$	118.42 square feet	118.42 - 62.07 = 56.35 square feet

Applicable Regulations

Section 3413 of the Boone County Zoning Regulations states that free-standing gas station canopies are permitted signage on up to three fascia of the canopy, at a rate of up to 25 percent of the total square footage of the canopy fascia on which the sign would be mounted.

Section 4000 of the Boone County Zoning Regulations indicates that signage can be defined to include the use of color and illumination in addition to copy or company logos.

Section 250 of the Boone County Zoning Regulations states that 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 the 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 KRS 100.241 to 100.247.

The Board should evaluate the applicant's request as it relates to the criteria necessary for granting a variance as stated in Section 251 of the Boone County Zoning Regulations:

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 nuisance to the public, and will not allow an unreasonable circumvention of the requirements contained in the zoning regulations.
 - 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 contained in 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 regulation 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.

Surrounding Land Uses and Zoning

- | | |
|------------|---|
| Northeast: | Huntington Bank, zoned Commercial Services (C-3) |
| Northwest: | Penn Station Restaurant and Gold Star Chili Restaurant, zoned Commercial Four (C-4) |
| South: | Snappy Tomato Pizza and Wendy's restaurant, zoned Commercial Services (C-3)
Skyline Chili, zoned Commercial Services (C-3) |
| East: | Self-storage facility, zoned Commercial Services (C-3) |
| West: | McDonald's restaurant, zoned Commercial Services (C-3) |

Conclusion

KRS 100.241 and Section 250 of the Boone County Zoning Regulations gives the Boone County Board of Adjustment and Zoning Appeals the authority to grant the applicant's request for variances.

Respectfully submitted,

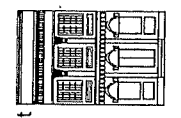
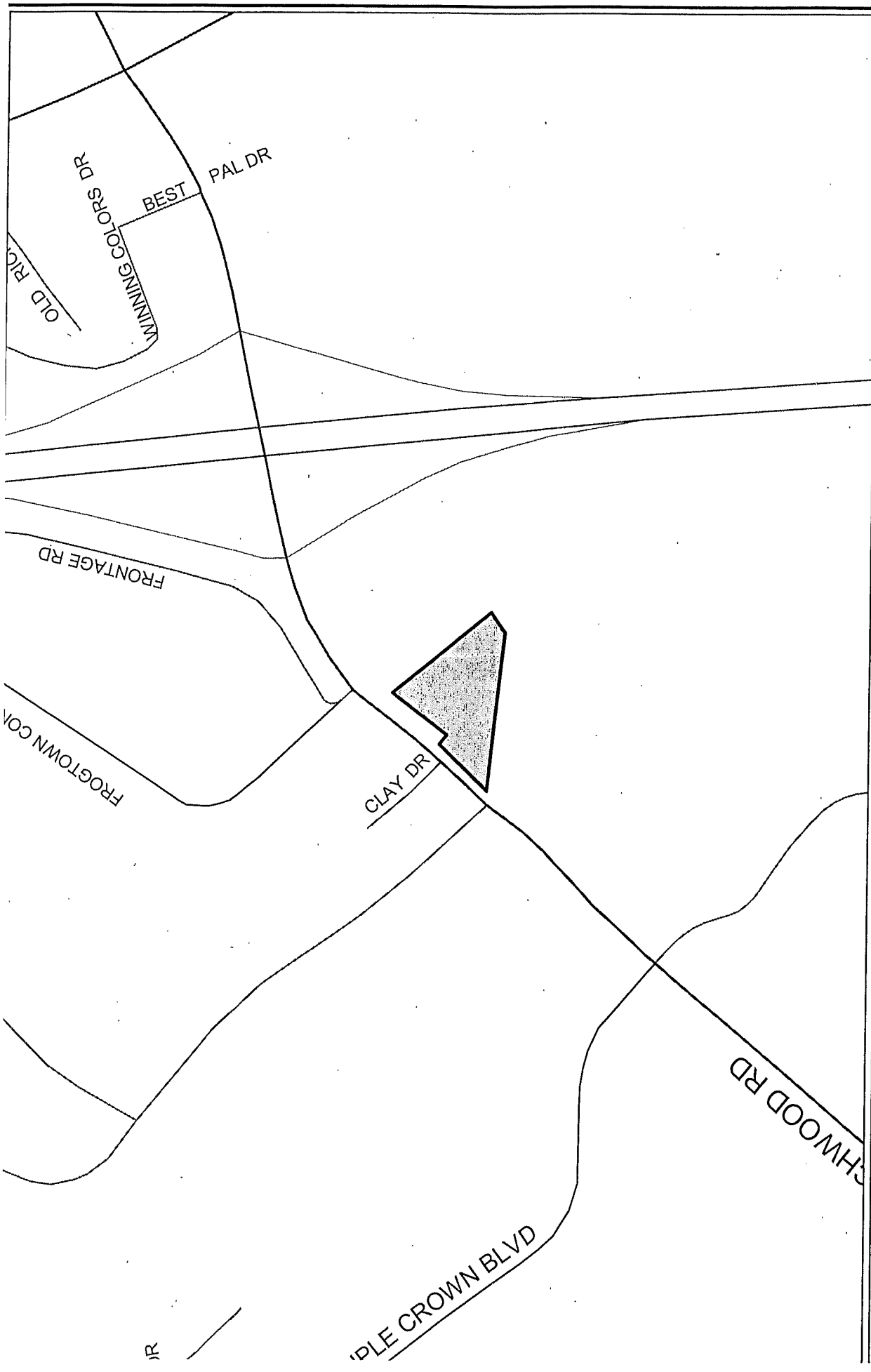


Patty Bachman
Planner, Zoning Services

MPB/pr

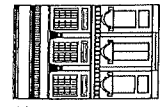
Attachments

- Exhibit A – Site Vicinity Map
- Exhibit B – Zoning Map
- Exhibit C – Aerial Map
- Exhibit D – Sign Drawing
- Exhibit E – Application



1 inch equals 500 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 July 2, 2004

Vicinity Map-BP at Richwood Road

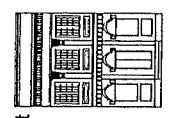
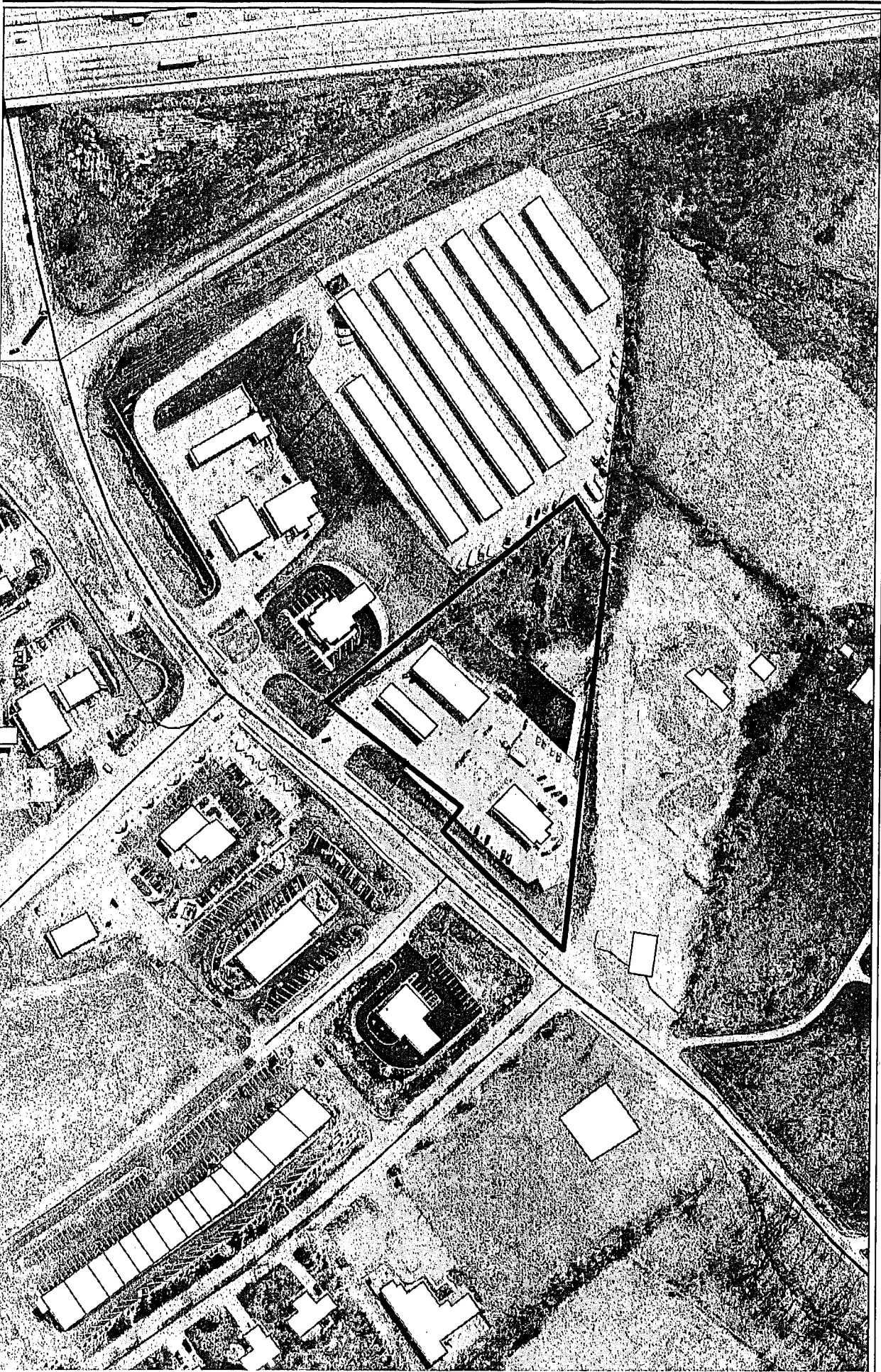


300 Feet
0
300

1 inch equals 300 feet
Produced by the
Boone County Planning Commission
GIS Services Division
July 2, 2004



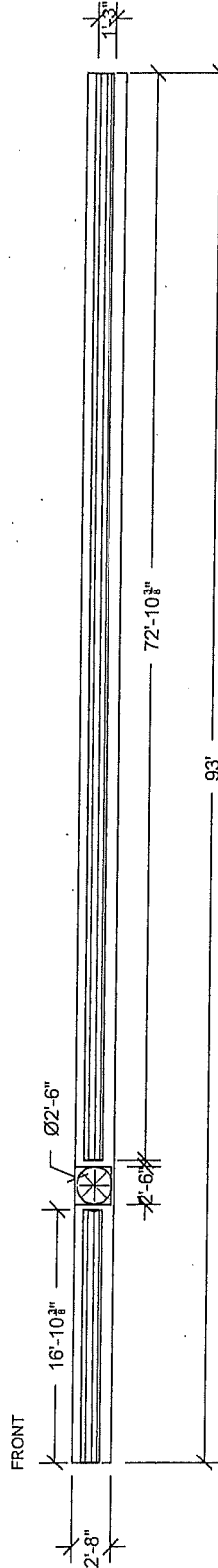
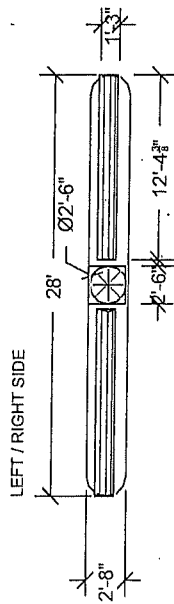
Zoning-BP at Richwood Road



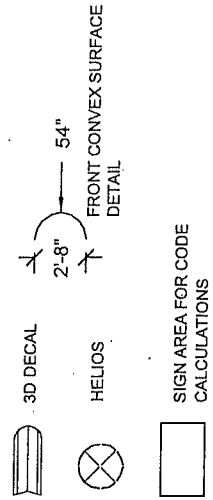
1 inch equals 200 feet
Produced by the
Boone County Planning Commission
GIS Services Division
July 2, 2004

Aerial Map-BP at Richwood Road

70964
 RICHWOOD RD
 WALTON, KY



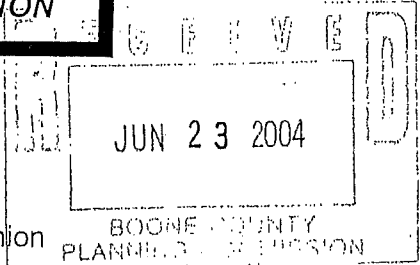
FRONT FASCIA: 35,712 SQ IN - VERTICAL HEIGHT X LENGTH (CONVEX SURFACE) SIGN AREA: 17,051.25 SQ IN % SIGNAGE: 48 %	SIGNAGE SQUARE AREA PER BOONE COUNTY CODE SECTION 3403 % SIGNAGE VS FASCIA AREA
LEFT / RIGHT SIDE FASCIA: 10,752 SQ IN FLAT SURFACE SIGN AREA: 5,351.25 SQ IN % SIGNAGE: 50 %	



	KIEL BROS OIL 70964 WALTON KY 40384	SIGN PERMIT VARIANCE DETAIL			SCALE: NOT TO SCALE DATE: 11/27/2024 DRAWN BY: J. B. BROWN CHECKED BY: J. B. BROWN PROJECT NO.: 70964	1 of 1 EQ1
	PROJECT NO.: 70964	PROJECT NAME: SIGN PERMIT VARIANCE DETAIL				

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 []
3. Applicant's Name DETERS CO. DBA BLUE PANTRY
Phone Number 859-283-2770 Fax No. 859-525-4686
Applicant's Address 305 RICHWOOD RD + 1-71/75
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4. Description of Request: INCREASE PERMITTED SQUARE FOOTAGE OF SIGNAGE ALLOWED ON GASOLINE CANOPY
5. Name of Development BP GAS STATION
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7. Acreage Under Review 3.017 AC KY 338
8. Lot Number and Name of Subdivision (if part of a subdivision) N/A
9. Owner of Property DETERS COMPANY
Phone Number of Owner 859-283-2770
10. Address of Property Owner 7230 TURFWAY ROAD
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11. Proposed Use(s) on Site NO CHANGE IN SITE USE OTHER THAN REQUEST OF LINE 4.
12. Total Square Footage of Existing and/or Proposed Buildings
13. Current Zoning on Property C-3
14. Deed Book 409 Page No. 97 Group No. 2071
15. Is the site subject to a zone change? NO
16. Have you submitted a Site Plan with this request? YBS
17. Have you submitted a list of adjoining property owners with this request? YBS
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: [Handwritten Signature]

Property Owner's Signature: [Handwritten Signature]

COPY

CLUR #04-BCBOA-020-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Deters Company
7230 Turfway Road
Florence, KY 41042

2. ADDRESS OF PROPERTY

305 Richwood Road
Walton, KY 41094

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

BP Gas Station

4. DEED BOOK 409

PAGE NO. 97

GROUP NO. 2071

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:

Variance

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

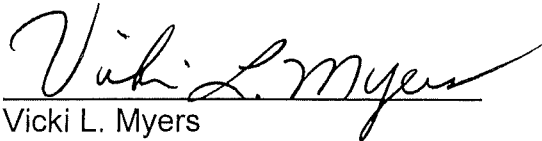

SIGNATURE OF COMPLETING OFFICIAL

Patty Bachman, Planner, Zoning Services
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

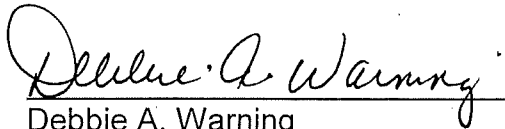
Subscribed, sworn to, and acknowledged before me by Patty Bachman on behalf of the
Boone County Planning Commission this 15 day of July, 2004.



Vicki L. Myers
NOTARY PUBLIC, State at Large

My commission Expires:
April 17, 2007

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 Variance approved by the Boone County Board of Adjustments and in accordance with the current zoning in effect as of July 14, 2004 Certificate of Land Use Restriction (#04-BCBOA-020-A), for Deters Company, Property Owner(s).

The following conditions will apply:

No conditions.

The approved Variance as well as the preceding conditions apply to the property described in:

DEED BOOK 409

PAGE NO. 97

GROUP NO. 2071