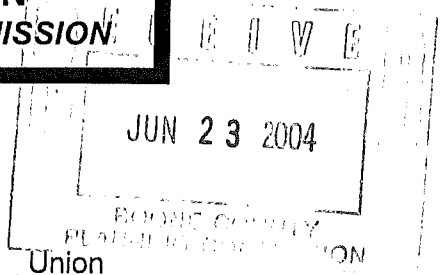


APPLICATION FORM

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 Florence Walton Union

(Check One) 2. Conditional Use Permit Variance Appeal Change in Non-Conforming Use

3. Applicant's Name 237 Group LLC (Nick Bell) Phone Number 859 586-9477 Fax No. 859 586-9477 Applicant's Address 6025 Taylor Dr. Burlington Ky 41005

4. 109' 76 SQFT Proposed 96 SQFT / 21' 9" TALL TO SERVICE TENANT EXPOSURE (10,200 SQ.FT. BLDG) Description of Request: To Install TENANT SIGN FOR 237 PLAZA RETAIL Center

5. Name of Development 237 PLAZA

6. Location of Development 2030 NORTHSIDE DR. HEBRON Ky 41048

7. Acreage Under Review 1.44

8. Lot Number and Name of Subdivision (if part of a subdivision) Lot 6A

9. Owner of Property 237 Group LLC Phone Number of Owner 859 586-9477

10. Address of Property Owner 6025 Taylor Dr Burlington Ky 41005

11. Proposed Use(s) on Site To Provide Public Exposure For Businesses WITHIN Shopping Center

12. Total Square Footage of Existing and/or Proposed Buildings 96 SQFT

13. Current Zoning on Property C-3

14. Deed Book 824 D872 Page No. 155 184 Group No. 2008

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: Nick Bell

Property Owner's Signature: Nick Bell

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 \$ 795.00 ~~39282~~
2. Is application complete? Yes NO 650.00 ~~39287~~
3. Staff Reviewer MP Bachman
4. Scheduled Board Action Date 7-14-04 6/23/04
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](http://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: 237 Group, LLC.  
LOCATION: 2030 Northside Drive, Boone County, Kentucky  
ZONING: Commercial Services/Concept Development (C-3/CD)  
DATE: July 14, 2004

### Proposal

The applicant is requesting two variances to allow increased square footage and increased overall height for a proposed monument sign. The property in question is located at 2030 Northside Drive, Boone County, Kentucky. The request, if approved, would allow the construction of an approximately 110 square foot sign, 21.75 feet in overall height.

### Site History

On December 18, 2004, the Boone County Planning Commission approved a request for a Zoning Map Amendment for the site, from Industrial One (I-1) to Commercial Services (C-3) to allow the construction of a retail center. The Boone County Fiscal Court did not take action on the plan, so the recommendation of the Planning Commission stood.

### Applicable Regulations

Section 3413 of the Boone County Zoning Regulations states that shopping centers within the C-3 zoning district are permitted one (1) free-standing sign. The ratio of permitted sign area is calculated at one square foot of sign area per linear foot of road frontage. The maximum permitted size of a free-standing sign is 200 square feet. The overall height of the sign, from grade to the top of the sign, is calculated based on the road frontage as well. If the site has less than 50 feet of road frontage, a maximum sign height of 15 feet is permitted. A 21.75 foot-tall sign would be permitted if a site had 101 to 200 feet of road frontage.

Section 4000 of the Boone County Zoning Regulations defines a monument sign as a freestanding sign that is composed of a solid structure between finished grade and the top of the sign.

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

- North: Vacant property in Southpark Industrial Park, 8.2 acres, zoned Industrial One/Concept Development (I-1/CD)
- South and East: Self-storage facility, zoned Industrial One (I-1)
- West: Vacant property, lot 4a of Northside Park, 1.2 acres, zoned Commercial Services/Concept Development (C-3/CD)

#### Staff Comments

1. If no variance is granted, the maximum square footage of sign area that would be permitted for the property in question would be 35 square feet in area. The sign drawings indicate that there are nine potential tenants in the center. If the permitted sign area for the free-standing sign were divided equally among these nine tenants, each would be permitted 3.8 square feet of sign area.

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,

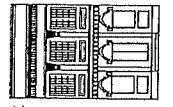
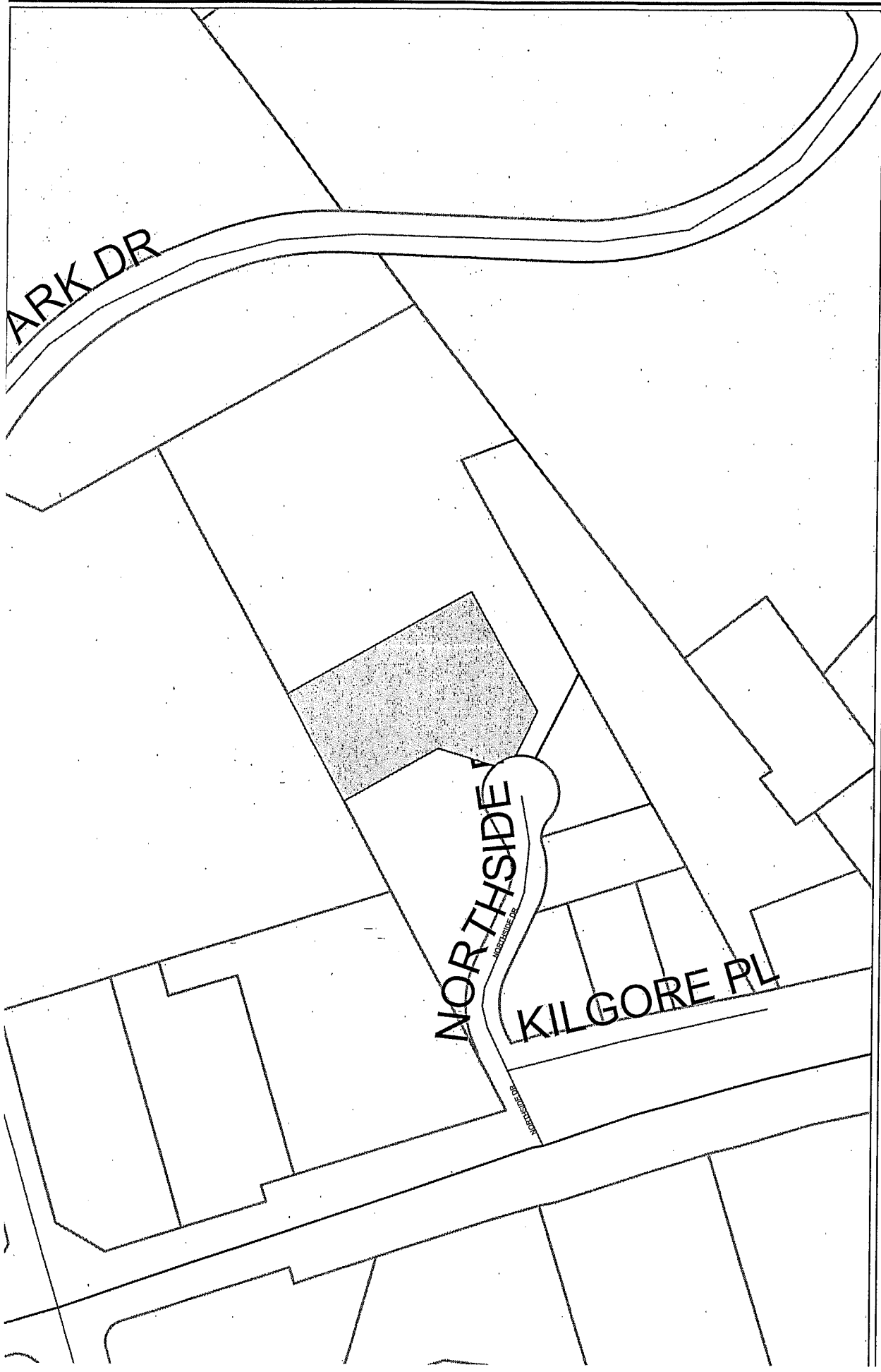


Patty Bachman  
Planner, Zoning Services

MPB/pr

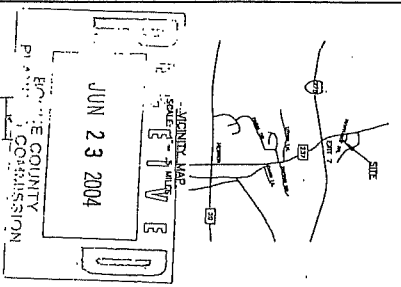
Attachments

- Exhibit A – Site Vicinity Map
- Exhibit B – Concept Plan
- Exhibit C – Zoning Map
- Exhibit D – Aerial Map
- Exhibit E – Applicant's Narrative
- Exhibit F – Sign Drawings
- Exhibit G – Building Elevation
- Exhibit H – Application



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

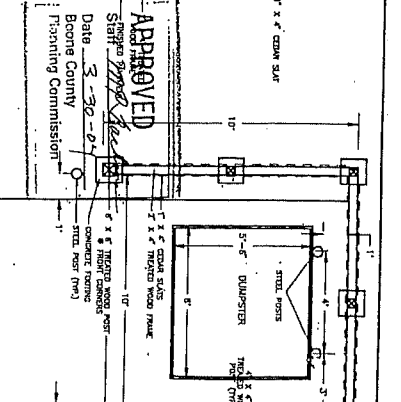
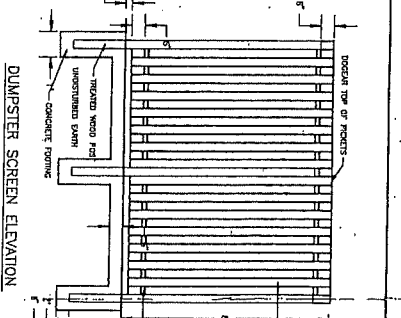
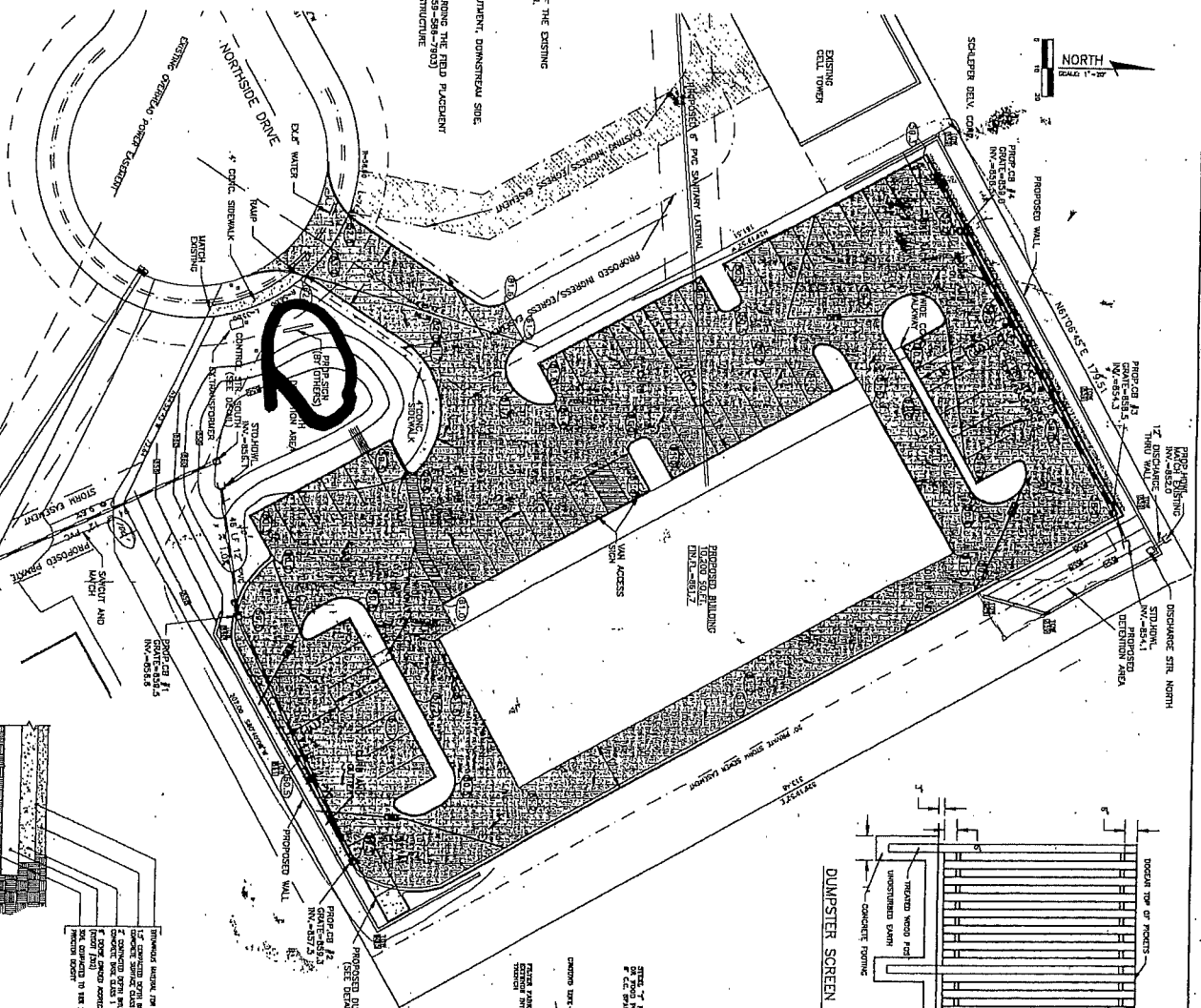
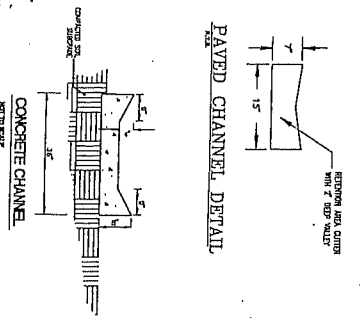
# Vicinity Map-237 Group



**NOTES**

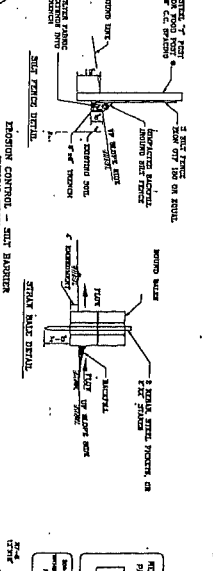
- 1) ALL WORK SHALL BE IN ACCORDANCE WITH ALL APPLICABLE SECTIONS OF THE BOONE COUNTY ZONING AND SUBDIVISION REGULATIONS.
- 2) THE DEVELOPER SHALL BE RESPONSIBLE FOR LOCATING ALL OF THE EXISTING UTILITIES AND PROVIDING PROTECTIVE DEVICES PRIOR TO CONSTRUCTION.
- 3) THE EXISTING ZONING OF THE PROPERTY IS C-3.
- 4) THE TOTAL LOT AREA OF LOT #3 IS 2.18 ACRES.
- 5) THE PROPOSED IMPROVEMENTS IS AN X-MARK ON TOP OF EXISTING ADJACENT DOMESTIC WATER SERVICE.
- 6) THE SITE SURVEY CONFORMANCE SHALL BE VERIFIED REGARDING THE RED PLACEMENT TEMPORARY STAKE MARKS SHALL BE PLACED AT THE CONTROL STRUCTURE DURING CONSTRUCTION.
- 7) REQUIRED PARKING = 48 SPACES

**PAVED CHANNEL DETAIL**

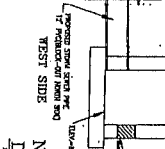


APPROVED  
 Signed: [Signature]  
 Date: 3-30-07  
 Boone County Planning Commission

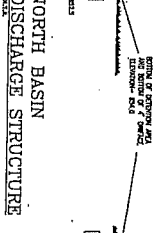
THESE PLANS SHALL REMAIN ON THE JOB SITE UNTIL ALL THE IMPROVEMENTS HAVE BEEN COMPLETED AND HAVE BEEN INSPECTED AND ACCEPTED BY BOONE COUNTY PLANNING COMMISSION.



**NORTH BASIN DISCHARGE STRUCTURE**



**SOUTH BASIN DISCHARGE STRUCTURE**



DATE	DESCRIPTION
JUN 23 2004	AS PER C.E.C. LETTER 5/27/04

NO.	DATE	BY	CHKD.
1	06/23/04	WJW	WJW

**RICHARD W. CARR, P.E.**  
 Civil Engineering & Golf Course Design  
 P.O. BOX 401, 113 E. MAIN ST. ALEXANDRIA, KY 40003  
 (502) 544-8838 FAX (502) 544-8841

**237 GROUP, LLC**  
 8025 TAYLOR ROAD  
 BURLINGTON, KENTUCKY 41005

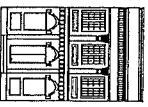
**237 PLAZA**  
 SITE PLAN  
 LOT #6A, NORTHSIDE PARK RE-SUBDIVISION  
 BOONE COUNTY, KENTUCKY

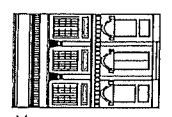
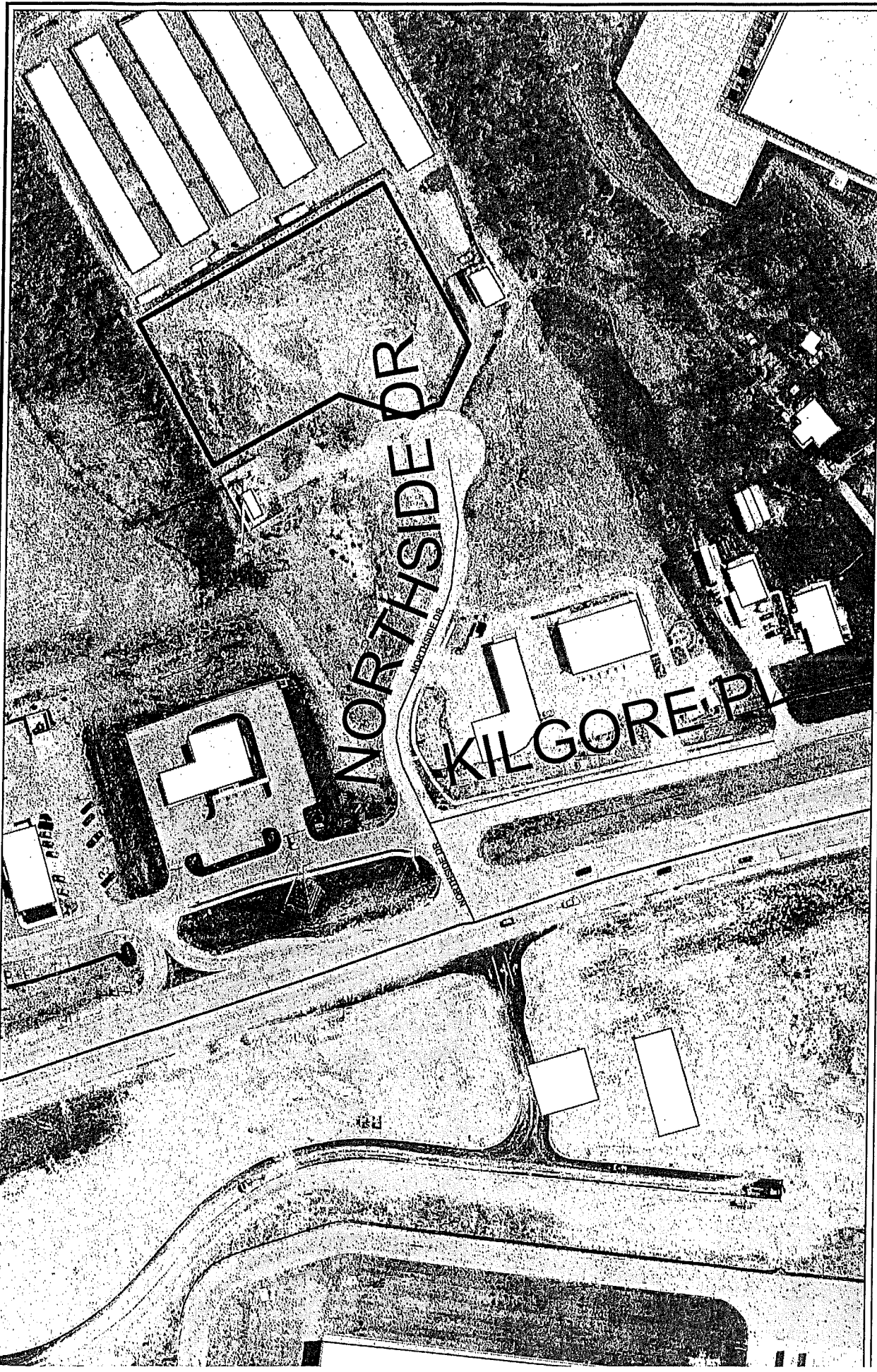
DATE	SCALE
MAY 2007	1" = 10'

# Zoning-237 Group



Produced by the  
Boone County Planning Commission  
GIS Services Division  
July 2, 2004.



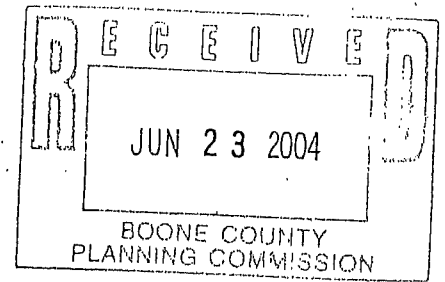


150 Feet  
0

1 inch equals 150 feet  
Produced by the  
Boone County Planning Commission  
GIS Services Division  
July 2, 2004

# Aerial Map-237 Group

**PROPOSED TENANT SIGN  
237 PLAZA RETAIL CENTER**

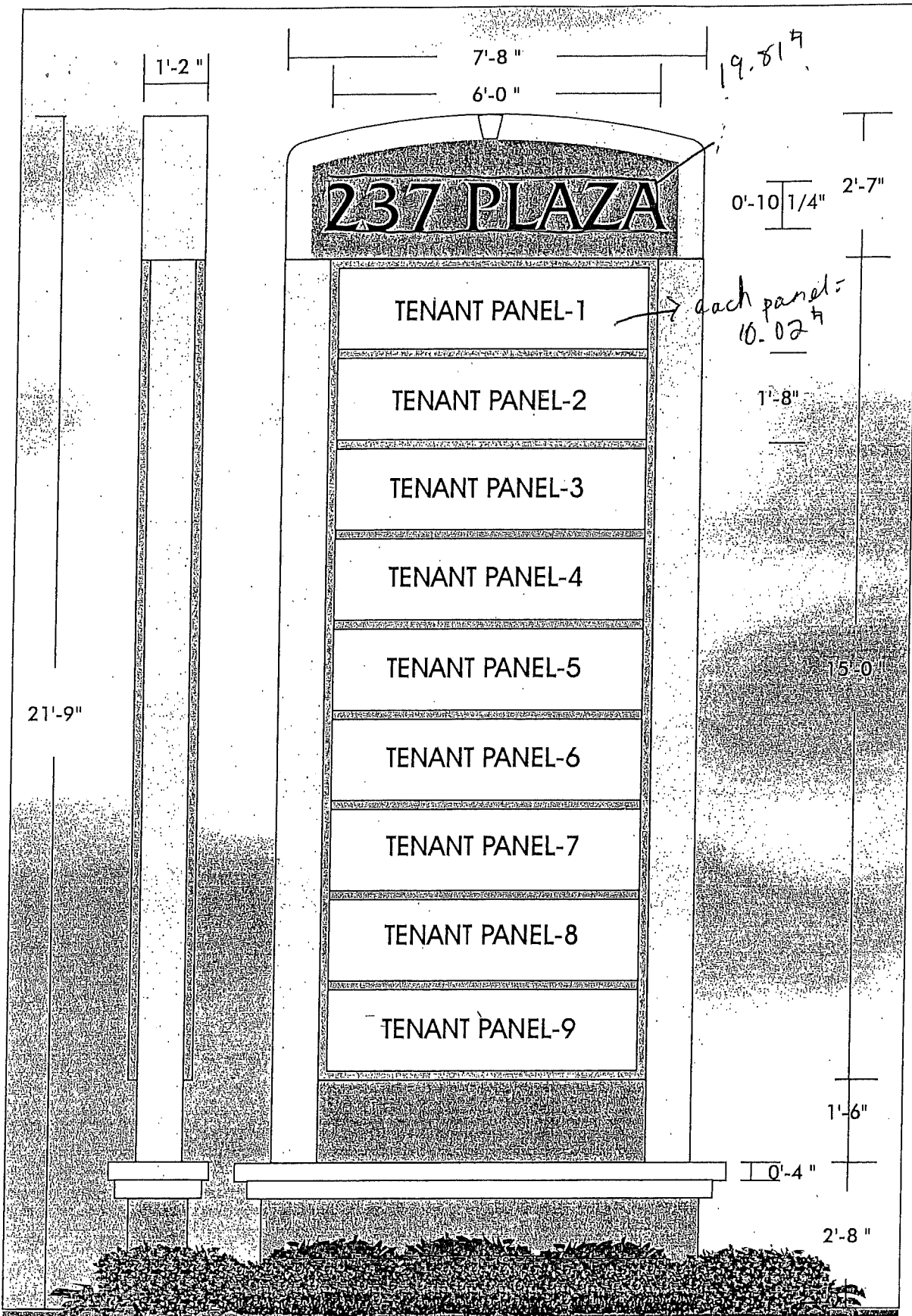


237 Group, LLC is requesting a variance from the Board of Adjustments to allow us to install a larger and taller sign than the current zoning regulations permit. The current provisions of the regulations would deny us the ability to install a sign large enough to meet the reasonable needs of the tenants of the retail center.

1. Under current zoning regulations, the square footage and height of a sign is to be based on the linear feet of road frontage of the property
  - a. Our road frontage is very limited and located at the end of a cul-de-sac on Northside Drive in Hebron.
  - b. The number of tenants doing business in the retail center will be as many as 9.
  - c. If a variance is approved each business's name on the monument sign will at least be visible to the public from the street.
  
2. The proposed sign is to be installed professionally by Quality Signs.
  - a. The location, design, and construction materials of the sign will have no adverse effect to the health, safety, or welfare of the public.
  - b. The proposed sign will not alter the essential character of the general vicinity.
    1. The proposed sign will match the retail center's elegant and modern design in an upscale, coordinated look
  - c. The proposed sign will not cause a hazard or nuisance to the public.
  - d. Each tenant will expect their name to be displayed to the public sufficiently, as hundreds of other retail businesses in Boone County have been permitted to do for years.

The limitations of our road frontage, which is 35 feet, creates a hardship to our development. Under current zoning regulations, a 35 sq. ft. sign is permitted, which would be well short of the needed square footage to accommodate reasonable exposure for our tenants. The height of the sign could be no higher than 15 feet tall, also well short of what is needed to properly display each business in a reasonable manner. Please note that most all other retail centers in Boone County display tenant signs of a size similar to our proposed sign.

Lot 6A, 2030 Northside Drive, has 313 linear feet facing west and running parallel to Route 237. The 237 Retail Center also faces west. However, due to our location on a cul-de-sac, our actual road frontage is only 35 feet which creates an unnecessary hardship to our development.



Furnish & install one- (1) double face internally illuminated pole sign.

- ID Sign - 14" deep fabricated aluminum with routed copy backed with white plexiglass and translucent green vinyl, sign frame painted light beige, medium beige & white
- Tenant Sign - 14" deep fabricated aluminum with divider bar for (9) tenants - painted medium beige, faces are 3/16" thick flat polycarbonate lexan
- Sign poles - 10"x10" square steel painted light beige
- Sign base - fabricated aluminum painted white & medium beige
- UL listed & labeled construction
- Concrete footer sized as required

Lot 6A - Northside Dr - Hebron, KY

Proposed Sign - 98 sq/ft  
109.76

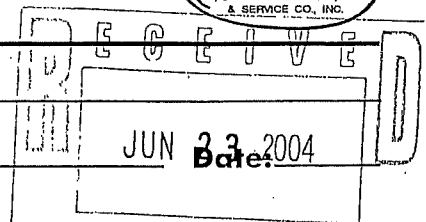


This is an original unpublished drawing, submitted for your use in connection with a project being planned for you by Quality Signs. It is not to be reproduced, copied or exhibited in any fashion without written permission of Quality Sign.

Approval By: \_\_\_\_\_

DH 04/19/04 © 2004 Brax pole-1 Scale: 3/8" = 1'0"

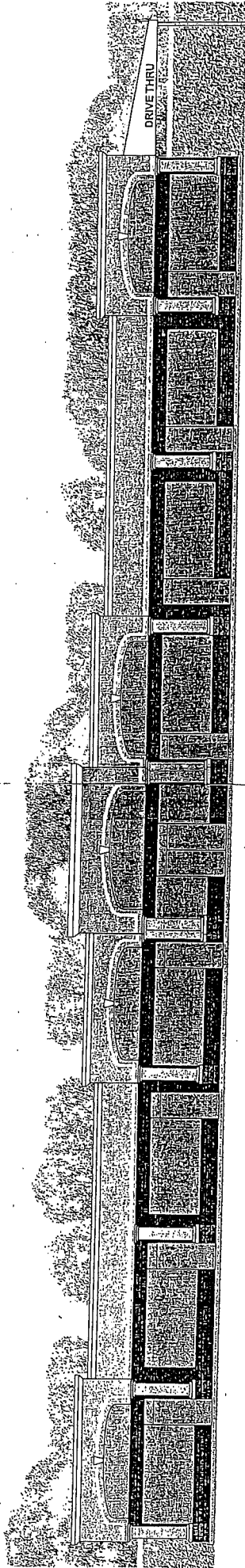
Title: \_\_\_\_\_



The Monument Tenant Sign that is being proposed will be located on the southwest corner of the lot. This location will have no adverse effect on any and all neighboring businesses. The sign will not block or visually disturb Hebron Self Storage (our neighbor to the south). We have discussed the location of the proposed sign with North American Properties with no objections on their part.

We are requesting your consideration in allowing this well designed Monument Sign to be installed. This sign will give each business in the retail center the opportunity to be successful in serving the community. We have included a site plan of the development, an illustration of the retail center, and an illustration of the proposed sign which details the dimensions and fabrication materials of the sign.

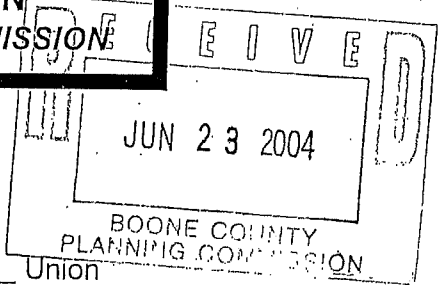
Thank you for your consideration regarding this very important part of our development. We feel the design and modern nature of our building and sign will do nothing but enhance the area and the comprehensive plan for development in this part of Boone County.



RECEIVED  
JUN 23 2004  
BOONE COUNTY  
PLANNING COMMISSION

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 \_\_\_\_\_ Florence \_\_\_\_\_ Walton \_\_\_\_\_ Union \_\_\_\_\_
- 2. (Check One)  
\_\_\_\_\_ Conditional Use Permit \_\_\_\_\_ Variance \_\_\_\_\_ Appeal  
\_\_\_\_\_ Change in Non-Conforming Use
- 3. Applicant's Name 237 Group LLC (Nick Bell)  
Phone Number 859 586-9477 Fax No. 859 586-9477  
Applicant's Address 6025 Taylor Dr.  
Burlington Ky 41005  
City State Zip
- 4. <sup>Proposed</sup> 109,76 SQFT Description of Request: To Install TENANT <sup>MONUMENT</sup> SIGN FOR 237 PLAZA RETAIL Center  
96 SQFT / 21' 9" TALL TO SERVICE TENANT EXPOSURE (10,200 SQ.FT. BLDG)
- 5. Name of Development 237 PLAZA
- 6. Location of Development 2030 NORTHSIDE DR.  
HEBRON Ky 41048
- 7. Acreage Under Review 1.44
- 8. Lot Number and Name of Subdivision (if part of a subdivision)  
Lot 6A
- 9. Owner of Property 237 Group LLC  
Phone Number of Owner 859 586-9477
- 10. Address of Property Owner 6025 Taylor Dr  
Burlington Ky 41005  
City State Zip
- 11. Proposed Use(s) on Site To Provide Public Exposure For Businesses  
WITHIN Shopping Center
- 12. Total Square Footage of Existing and/or Proposed Buildings 96 SQFT <sup>Sign</sup>
- 13. Current Zoning on Property C-3
- 14. Deed Book 824 D872 Page No. 105 184 Group No. 4084
- 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: Nick Bell

Property Owner's Signature: Nick Bell

COPY

CLUR #04-BCBOA-021-A

CERTIFICATE OF LAND USE RESTRICTION

- 1. NAME AND ADDRESS OF PROPERTY OWNER(S)  
237 Group, LLC  
6025 Taylor Drive  
Burlington, KY 41005
  
- 2. ADDRESS OF PROPERTY  
2030 Northside Drive  
Hebron, KY 41048
  
- 3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)  
237 Plaza
  
- 4. DEED BOOK 872                      PAGE NO. 184                      GROUP NO. 2008
  
- 5. TYPE OF RESTRICTION(S) (Check all that apply)  
 Zoning Map Amendment:                       Conditional Use Permit  
From  To  
 Development Plan                                       Conditional Zoning  
 Subdivision Plat                                       Other:  
(Not Recorded)  
 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

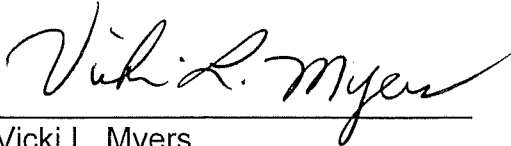
*Patty Bachman*  
SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

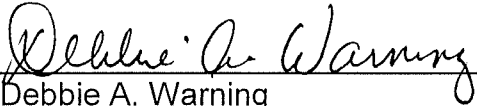
Subscribed, sworn to, and acknowledged before me by Patty Bachman on behalf of the  
Boone County Planning Commission this 15 day of July, 2004.



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-021-A), for 237 Group, LLC, 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 872

PAGE NO. 184

GROUP NO. 2008