

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 TIMOTHY HOSKINS
Phone Number 513-863-2578 Fax No. 513-863-8740
Applicant's Address 224 N TB ST.
HAMILTON OH 45013
City State Zip
- 4. Description of Request: INCREASE BUILDING MOUNTED SIGNAGE PERMITTED ON FLICK'S FOODS FRONT FACADE.
- 5. Name of Development First Financial Bank + Flicks
- 6. Location of Development 1920 NORTH BEND ROAD
HEBRON, KENTUCKY 41048
- 7. Acreage Under Review 8.16
- 8. Lot Number and Name of Subdivision (if part of a subdivision)
035.00-06-079.00
- 9. Owner of Property FLICK 1GA, LTD
Phone Number of Owner 586-7655
- 10. Address of Property Owner 1980 NORTH BEND RD
HEBRON KY 41048
City State Zip
- 11. Proposed Use(s) on Site INSTALL 36" HIGH ILLUMINATED 'F' LOGO & 20" HIGH ILLUMINATED LETTERS READING "FIRST FINANCIAL BANK" ON THE WEST ELEVATION
- 12. Total Square Footage of Existing and/or Proposed Buildings _____
- 13. Current Zoning on Property CZCD
- 14. Deed Book 876 Page No. 482 Group No. 2008
- 15. Is the site subject to a zone change? YES
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: Timothy Hoskins

Property Owner's Signature: Robert A Flick

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 9-20-05 Fee Received \$851.00 R#42815
2. Is application complete? Yes No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
10/12/05 Approved
_____ Approved with Conditions (See #6)
_____ Denial (See #7)
6. Conditions of Approval: NONE

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: Timothy Hoskins with Triangle Sign Co.

LOCATION: 1980 North Bend Road, Boone County, Kentucky

ZONING: Commercial Two (C-2)

DATE: October 12, 2005

Proposal

The applicant is requesting a variance to allow more than 522 square feet of building mounted signage to be installed on the front facade of Flick's Foods. The subject property is located at 1980 North Bend Road and is zoned Commercial Two (C-2).

The submitted Concept Development Plan indicates that First Financial Bank wants to install a building mounted sign on the northern side of the front facade. The other building mounted signs shown on the front facade have already been permitted and have been installed on the building.

Section 3413 of the Boone County Zoning Regulations allows the primary building elevation of a business to have two (2) square feet of building mounted signage per linear foot of building width. Flick's Foods is allowed 522 square feet of building mounted signage because the front facade of the building is 261 linear feet across. The 522 square feet of building mounted signage can be broken into three (3) sign areas.

The following charts show the amount of building mounted signage which is existing and the amount of building mounted signage with the proposed sign.

Existing Signs	Graphics	Dimensions	Square Footage
Sign Area 1	Pharmacy Hot Deli	34" x 39'	110.5
Sign Area 2	Flick's Foods	7' x 12'	84
Sign Area 3	Sushi Coffee Bar	34" x 33'-6"	94.92
			Total – 289.42

Existing Signs & Proposed Sign	Graphics	Dimensions	Square Footage
Sign Area 1	First Financial Bank Pharmacy Hot Deli	7'-6" x 81'	607.5
Sign Area 2	Flick's Foods	7' x 12'	84
Sign Area 3	Sushi Coffee Bar	34" x 33'-6"	94.92
			Total – 786.42

Applicable Regulations

Section 3413 (1) of the Boone County Zoning Regulations states that a business establishment may be permitted building mounted signage for each building elevation directly on, or with high visibility from, any arterial, collector, or marginal access street, including areas of major internal traffic circulation of a development. The primary building elevation shall be permitted two square feet of sign area per lineal foot of building width for the elevation upon which it is mounted, or in multi-tenant buildings, the width of the portion of the building frontage occupied by an individual establishment. Any additional elevations shall be permitted one (1) square foot of sign area per lineal foot of width for the same elevation on which it is mounted. Under no circumstances shall any establishment be allowed more than three (3) elevations of building mounted signage. The square footage allotted for any one elevation may be divided into three separate sign areas. For the purpose of this order, signs on awnings are considered in the total square footage of building mounted signage permitted for that elevation. Any copy area and/or illuminated areas on the awnings will be calculated as square footage.

Section 4000 of the Boone County Zoning Regulations indicates that a sign is 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.

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. 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 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: Tanner Road, Remke's (C-2), and Tanner's Cove Subdivision

South: Undeveloped Parcel (C-2) & Sanctuary Place Apartments (UR-1)

East: Sanctuary Place Apartments (UR-1) & Single-Family Dwellings (RSE)

West: KY 237 & Park West International (I-1)

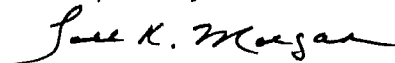
Staff Comments

1. The proposed bank sign by itself is only 76.74 square feet (3' x 25'-7") in area. However, the sign must be included with "Pharmacy" and "Hot Deli" signs because the Boone County Zoning Regulations only permits building mounted signage to be broken into three (3) sign areas on a given facade.
2. Section 3413 (1) of the Boone County Zoning Regulations permits multi-tenant buildings to have building mounted signs based on the linear footage of their lease space. In this case, Flick's was not considered a multi-tenant building because the bank does not have an exterior door which serves customers. While the bank is its own entity, it functions as an interior department in the grocery store.
3. Staff is concerned because they cannot identify a hardship. In addition, approving the bank sign could set a precedent for other businesses which want more building mounted signage. Staff believes that another alternative should be explored. It is possible that a customer entrance could be added or that Flick's could remove some of their existing building mounted signage.
4. Although it has no bearing on the request, Staff would like to make the Board aware that First Financial Bank has had sign permits approved which allows building mounted signs to be mounted on the northern building facade (facing Tanner Road).

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 a variance.

Respectfully submitted,



Todd K. Morgan
Planner, Zoning Services

TKM/pr

Attachments

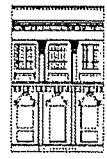
- Exhibit A – Site Vicinity Map
- Exhibit B – Existing Building Mounted Signage on Front Facade
- Exhibit C – Concept Plan (Addition of Bank Sign on front Facade)
- Exhibit D – Approved Bank Signage on Northern Building Facade
- Exhibit E – Zoning Map
- Exhibit F – Aerial Map
- Exhibit G – Application

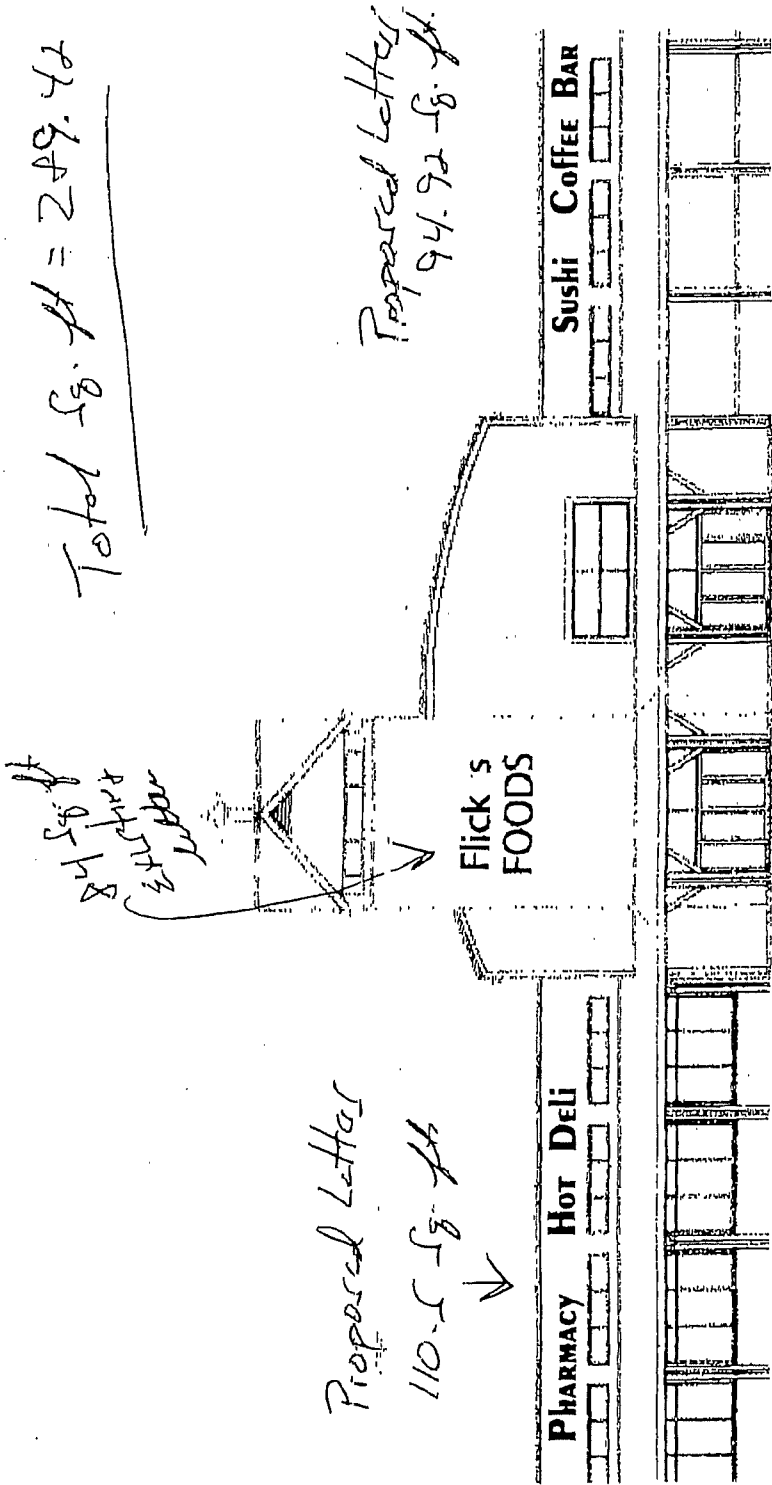


1980 North Bend Road Site Vicinity Map



1 inch equals 400 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 September 26, 2005





LETTERS ON ELEVATION - FICK'S FOODS
2'-10" HIGH

218.5

File: Flicks-Elevation-1	Approved By
Date: 6/1/06	Sales Rep. Mark Stoltzman
Scale: 1/16"=1'	DESIGNED BY WOODY FELLINGER

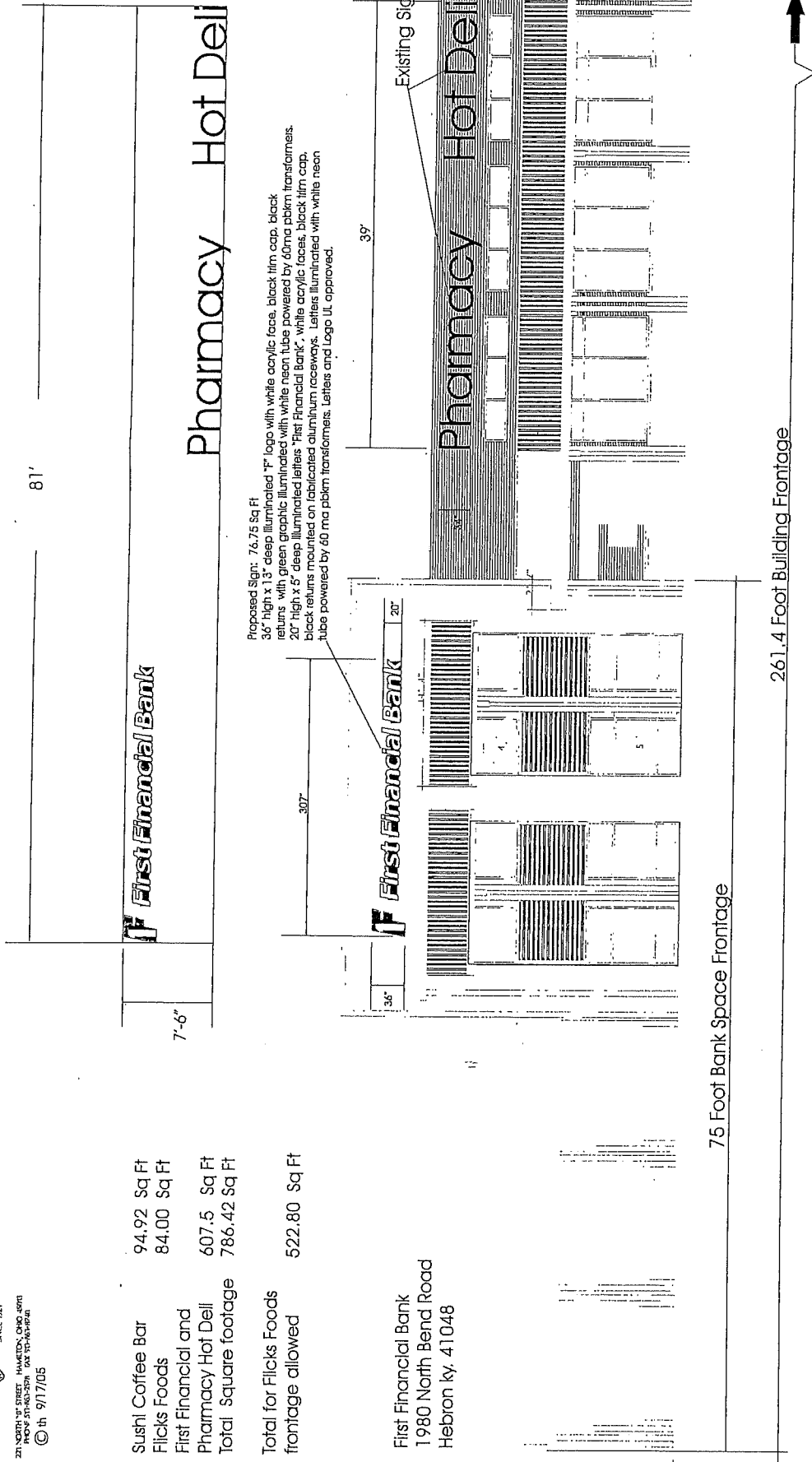
THE DESIGNS AND IDEAS EXPRESSED IN THIS DOCUMENT ARE THE SOLE PROPERTY OF QUALITY SIGNS INC. AND ARE NOT TO BE USED, IN WHOLE OR IN PART, WITHOUT THE WRITTEN AUTHORIZATION OF QUALITY SIGNS INC.

Quality SIGNS INTERNATIONAL, INC. © 2005

EXISTING SIGNS

Sushi Coffee Bar	94.92 Sq Ft
Flicks Foods	84.00 Sq Ft
First Financial and	
Pharmacy Hot Deli	607.5 Sq Ft
Total Square footage	786.42 Sq Ft
Total for Flicks Foods	522.80 Sq Ft
frontage allowed	

First Financial Bank
 1980 North Bend Road
 Hebron ky. 41048

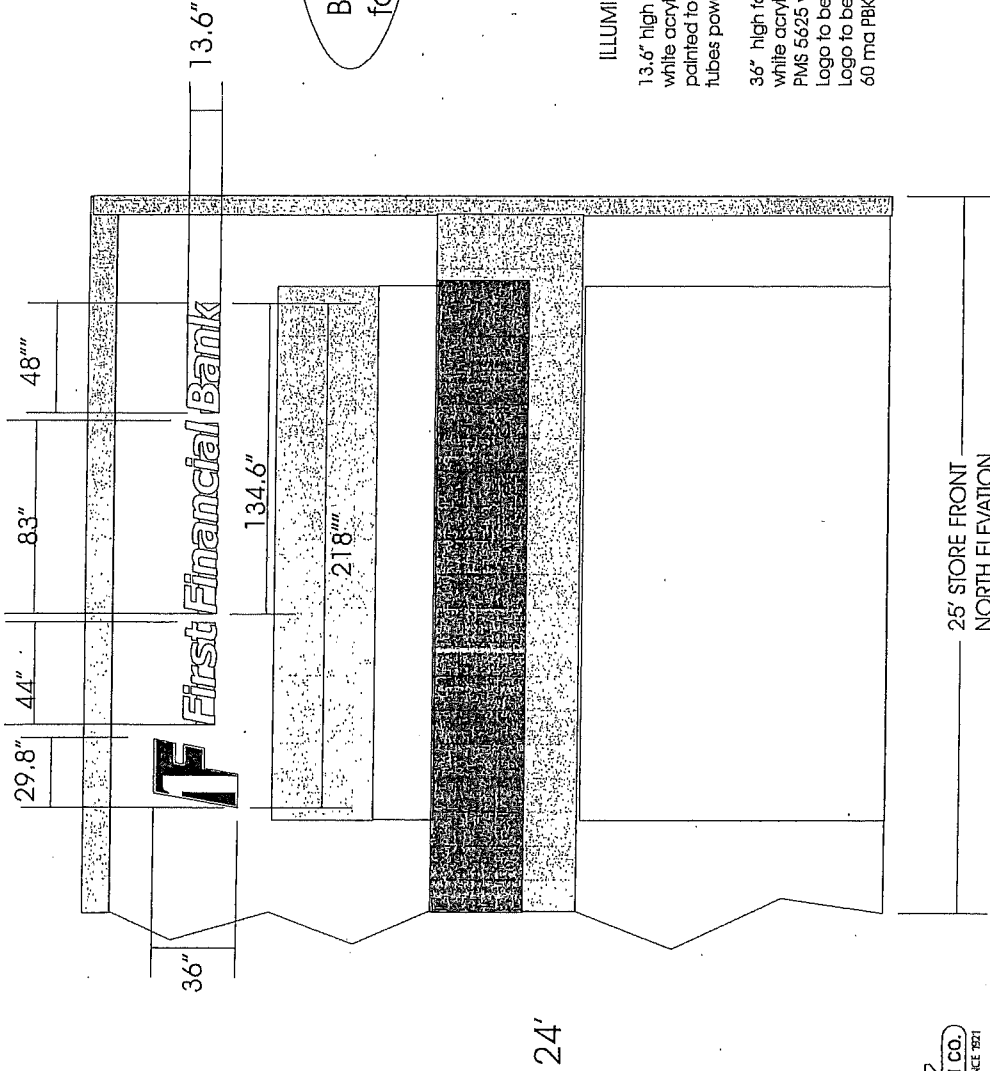


WEST ELEVATION
 SCALE: 3/32" = 1'

Concept Plan

FIRST FINANCIAL BANK
 TANNERS STATION OFFICE
 TANNERS ROAD AND KY HWY 237
 HEBRON KY.

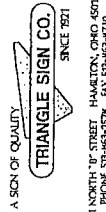
Boone County Sign Permit #05090005
 for sign on the North Elevation



ILLUMINATED WALL LETTERS ON RACEWAYS

13.6" high illuminated letters with 5" deep matte black returns white acrylic faces black firm cap mounted on 8" x 8" Tab. Alum raceways painted to match the building color. Letters are illuminated with 15mm white neon tubes powered by 60 ma transformers mounted in the raceways.

36" high fabricated "F" logo with 13" deep matte black returns white acrylic faces with first surface painted "Gripflex" (trans) to match PMS 5625 with white inset border and white "1". Logo to be clear coated with Solar Clear top coat. Logo to be illuminated with 15 mm white neon tube powered by 60 ma PBKM trans. Mounted in the logo.



221 NORTH 11th STREET HANARTON, OHIO 45031
 PHONE 513-862-5276 FAX 513-862-8710

© th SCALE 3/16" = 1' 7/7/05

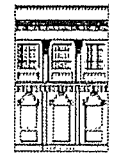
Approved Signs on Northern Facade

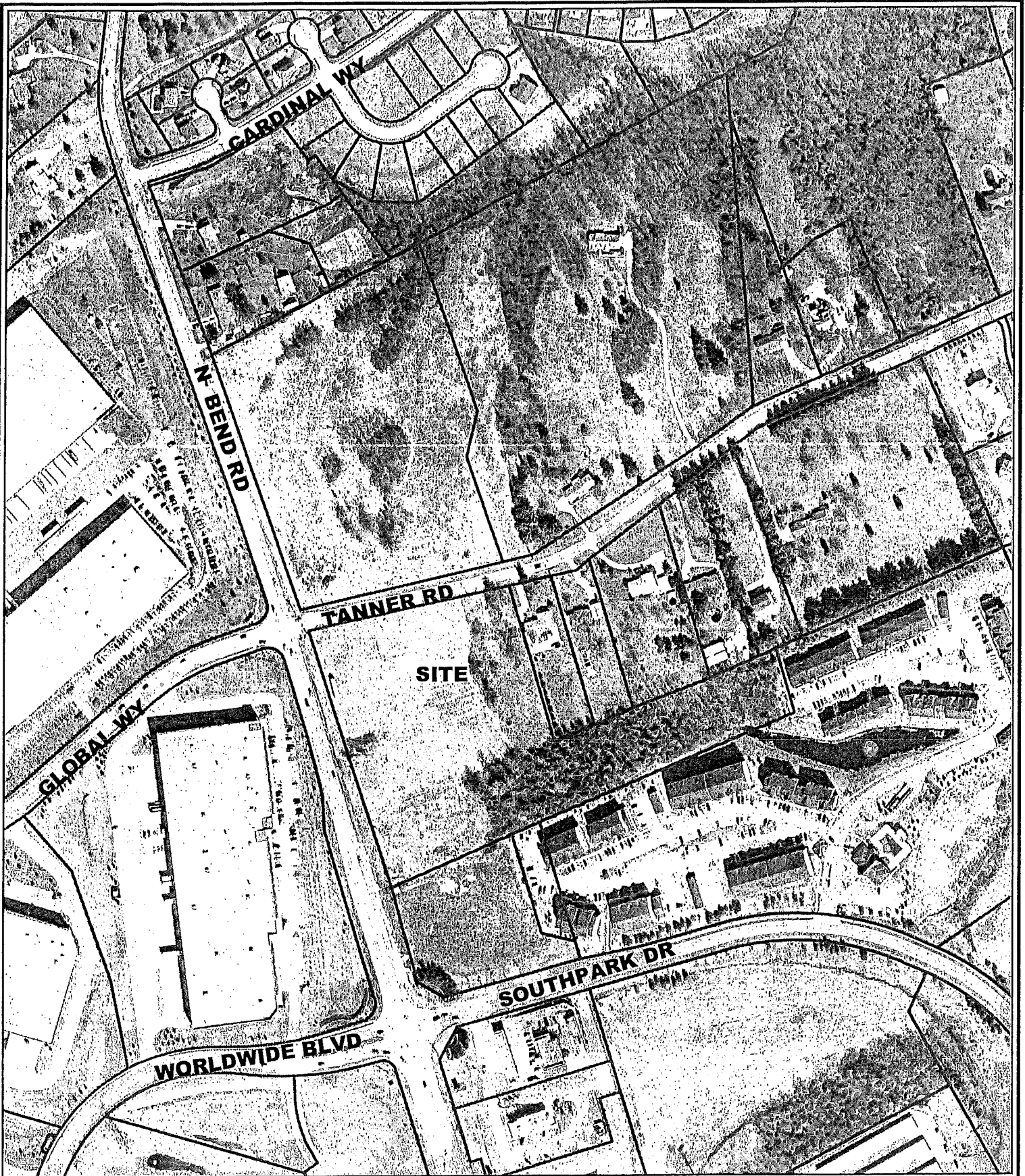


1980 North Bend Road Zoning Map

400 0 400 Feet

1 inch equals 400 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 September 26, 2005



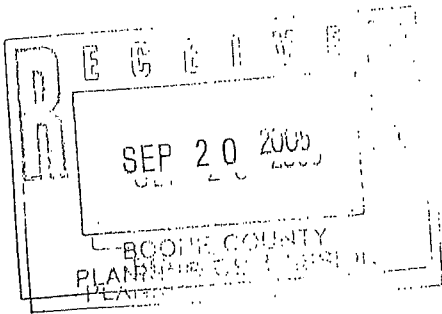


1980 North Bend Road Aerial Map

300 0 300 Feet

1 inch equals 300 feet
Produced by the
Boone County Planning Commission
GIS Services Division
September 26, 2005





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)

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(Check One)

- 2. [] Conditional Use Permit [X] Variance [] Appeal [] Change in Non-Conforming Use

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HAMILTON OH 45013 City State Zip

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8. Lot Number and Name of Subdivision (if part of a subdivision) 035.00-06-079.00

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Applicant's Signature: Timothy Hoskins

Property Owner's Signature: Robert A Flick

COPY

CLUR #05-BCBOA-020-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Flick IGA, Ltd.
1980 North Bend Road
Hebron, KY 41048
2. ADDRESS OF PROPERTY
1980 North Bend Road
Hebron, KY 41048
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Flick's Foods
4. DEED BOOK 896 PAGE NO. 482 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)
- X 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

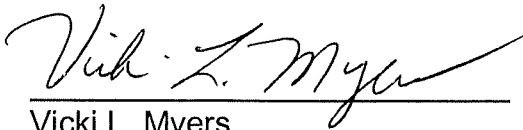
Todd K. Morgan
SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

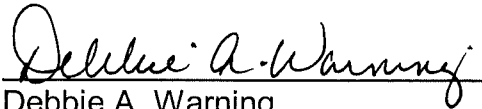
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 12 day of October, 2005.



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 October 12, 2005 Certificate of Land Use Restriction (#05-BCBOA-020-A), for Flick IGA, Ltd., 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 896

PAGE NO. 482

GROUP NO. 2008