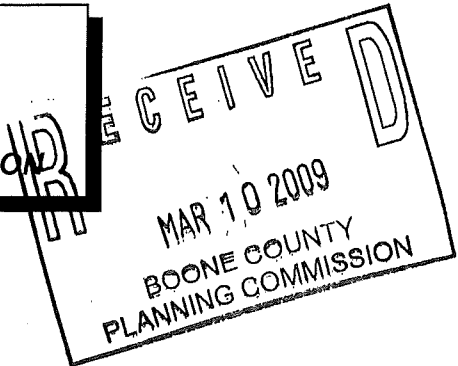


APPLICATION FORM

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 _____ Change in Non-Conforming Use _____
3. Applicant's Name ACE Hardware Store #14843 / Quality Signs
Phone Number 859-525-2038 Fax No. _____
Applicant's Address 3545 North Bend Rd Hebron KY 4108-8465
4. Description of Request: To allow an additional 10' in height for the monument sign (10' to 20')
5. Name of Development AIRPARK WEST
6. Location of Development 3545 NORTH BEND ROAD
7. Acreage Under Review 2.35 ACRES
8. Lot Number and Name of Subdivision (if part of a subdivision) LOT 12
9. Owner of Property ACE HEBRON LLC (PAUL HEMMER COMPANIES)
Address of Property Owner 250 GRANDVIEW DR #400 Phone No. 859-341-8300
10. City FORT MITCHELL KY State KY Zip 41017
11. Proposed Use(s) on Site ACE HARDWARE STORE
12. Total Square Footage of Existing and/or Proposed Buildings 13,720 SF.
13. Current Zoning on Property C-2
14. Deed Book 957 Page No. 235 Group No. 2007
15. Is the site subject to a zone change? YES - If yes, give date of approval 2008 (R-08-009-A)
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.

ORIGINAL Property Owner's Signature: [Signature] (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

* ORIGINAL Applicant's Signature: [Signature] (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

**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 3/10/09 Fee Received \$ 932⁰⁰ RA 58213
2. Is application complete? Yes No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
4/8/09 Approved
 Approved with Conditions (See #6)
 Denial (See #7)
6. Conditions of Approval: NONE

7. Reasons for Denial: _____

**Boone County Planning Commission
Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
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: Quality Signs for Ace Hardware
LOCATION: 3545 North Bend Road, Boone County, Kentucky
ZONING: Commercial Two (C-2)
DATE: April 8, 2009

Proposal

The applicant has submitted a Variance application to allow the height of a monument sign to be increased from 10 feet to 20 feet. The subject property is located at 3545 North Bend Road and is zoned Commercial Two (C-2).

The submitted Site Plan show that the proposed monument sign will be located in close proximity to the front parking lot. The ground elevation where the sign is proposed is approximately 872 feet above sea level, while the shoulder of KY 237 is approximately 888 feet above sea level.

Applicable Regulations

Article 34, Section 3413 of the Boone County Zoning Regulations states that any C-2 parcel or outlot which is marketed as part of a commercial subdivision shall be permitted a density of one (1) on-premise monument sign. The maximum size of the monument sign shall not exceed one (1) square foot of sign area per lineal foot of road frontage along the street frontage where the sign is to be located. The individual parcel or outlot monument sign shall not exceed one hundred (100) square feet in area and ten (10) feet in height.

Article 40, 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.

Article 2, 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 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.

Site History

- 7/22/08 - Boone County Fiscal Court approves a Zoning Map Amendment which changes the zoning of the property from Industrial One (I-1) to Commercial Two (C-2).
- 9/16/08 - A Major Site Plan application is approved allowing the construction of a 13,720 square foot Ace Hardware Store.

Site Characteristics

The 2.342 acre site is located within Airpark West Subdivision and is zoned Commercial Two (C-2). A 13,720 square foot Ace Hardware Store is currently being constructed on the lot. Access to the building is provided from Hargrave Drive. The ground elevation where the sign is proposed is approximately 872 feet above sea level, while the shoulder of KY 237 is approximately 888 feet above sea level. The sign cannot be located closer to KY 237 because there is a 20' utility easement which is located along the front property line.

Surrounding Land Uses and Zoning

- North: Women's Crisis Center (C-2)
- South: Vacant Commercial Lot (C-2) and Speedway Gas Station and Convenience Store (I-1)
- East: KY 237, Tri-State Oral and Maxillofacial Surgery, St. Elizabeth Imaging Center (C-2/PD)
- West: Hargrave Drive, Vacant Industrial Lot (I-1) and Tenryu (I-1)

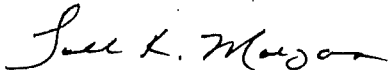
Staff Comments

1. Staff believes that denying the request would create an unnecessary hardship on the applicant. The proposed sign location is approximately 16 feet lower than the shoulder of KY 237. The proposed monument sign will be partially or totally hidden from motorists on KY 237 if a height variance is not approved.
2. On September 13, 2006, the Boone County Board of Adjustment approved a Variance allowing Hebron Animal Hospital to construct a 20' tall monument sign. The Staff Report noted that the centerline of KY 237 was 9.5 feet higher than the proposed sign location.

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 act on the request.

Respectfully submitted,



Todd K. Morgan, AICP
Senior Planner, Zoning Services

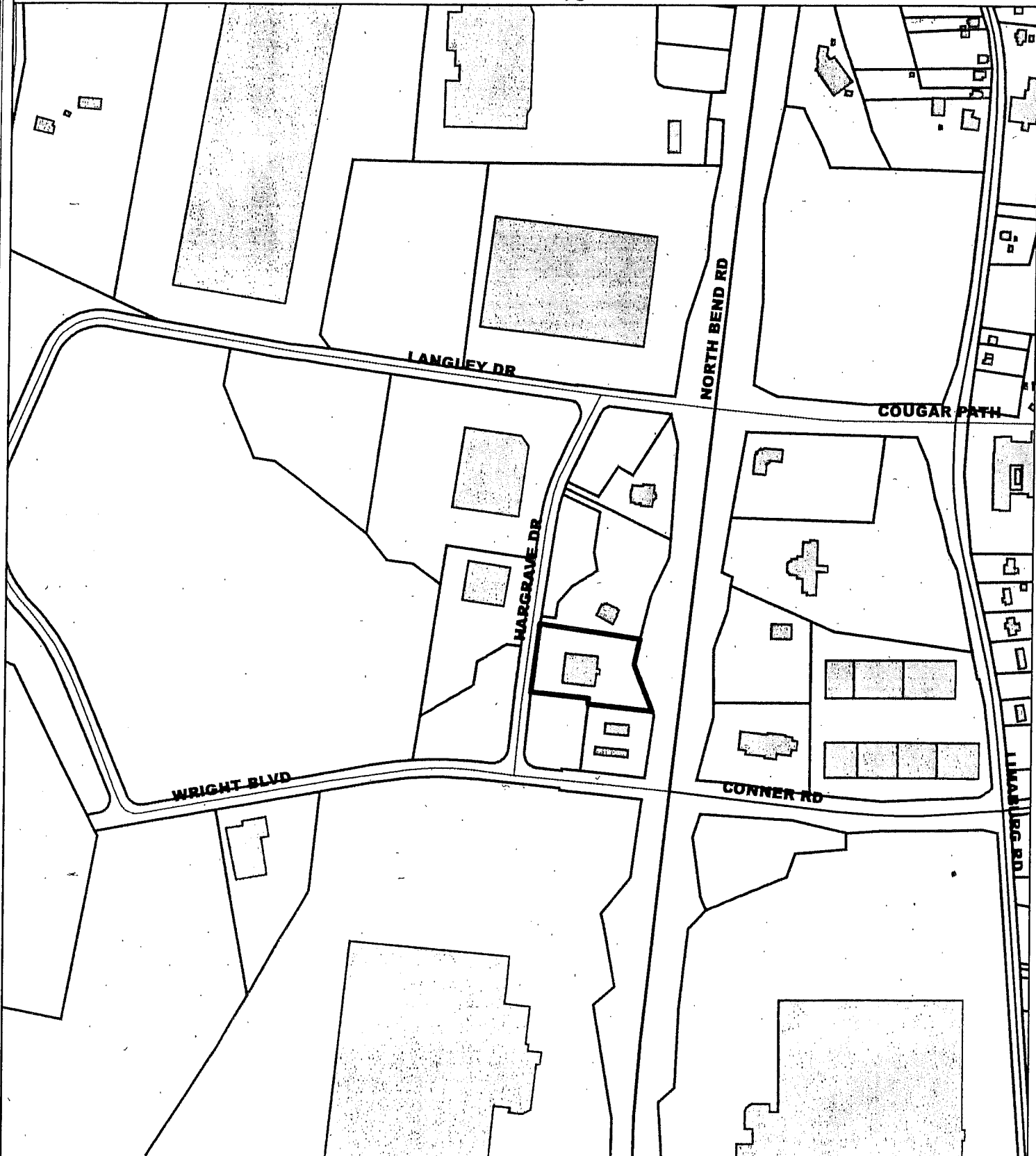
TKM/pr

Attachments

- *Site Vicinity Map
- *9/16/08 Site Plan with Proposed Sign Location
- *Sign Renderings
- *Letter From Applicant
- *Aerial Map
- *Zoning Map
- *Application

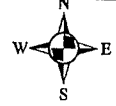
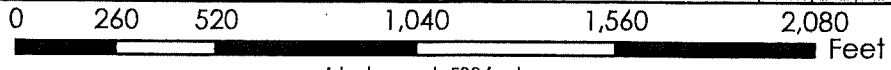
SITE VICINITY MAP

www.boonecountygis.com



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Boone County GIS - Putting Northern Kentucky on the Map

LOT 13
AIRPARK WEST, SECTION 11

20' SURFACE DRAINAGE EASEMENT
20' SANITARY EX EASEMENT

20' STORM SEWER EASEMENT (PRIVATE)

20' SURFACE DRAINAGE EASEMENT

20' UTILITY EASEMENT & EASEMENT NO. 1

PS
SF
DISTURBED LIMITS

PROPOSED BUILDING
AOE HARDWARE
AIRPARK WEST LOT 12
ZONE: C-2
FF-87172
12,720 SQ. FT.

NOTE:
FOR PAVEMENT GRADES
OF OUTDOOR SALES
AREA SEE ARCHITECTURAL
PLANS.

OUTDOOR
SALES

CI-GF

SF-IP

SF-IP

DITCH CHECK

sign
location

EX. ROOT
R/W KIT 237

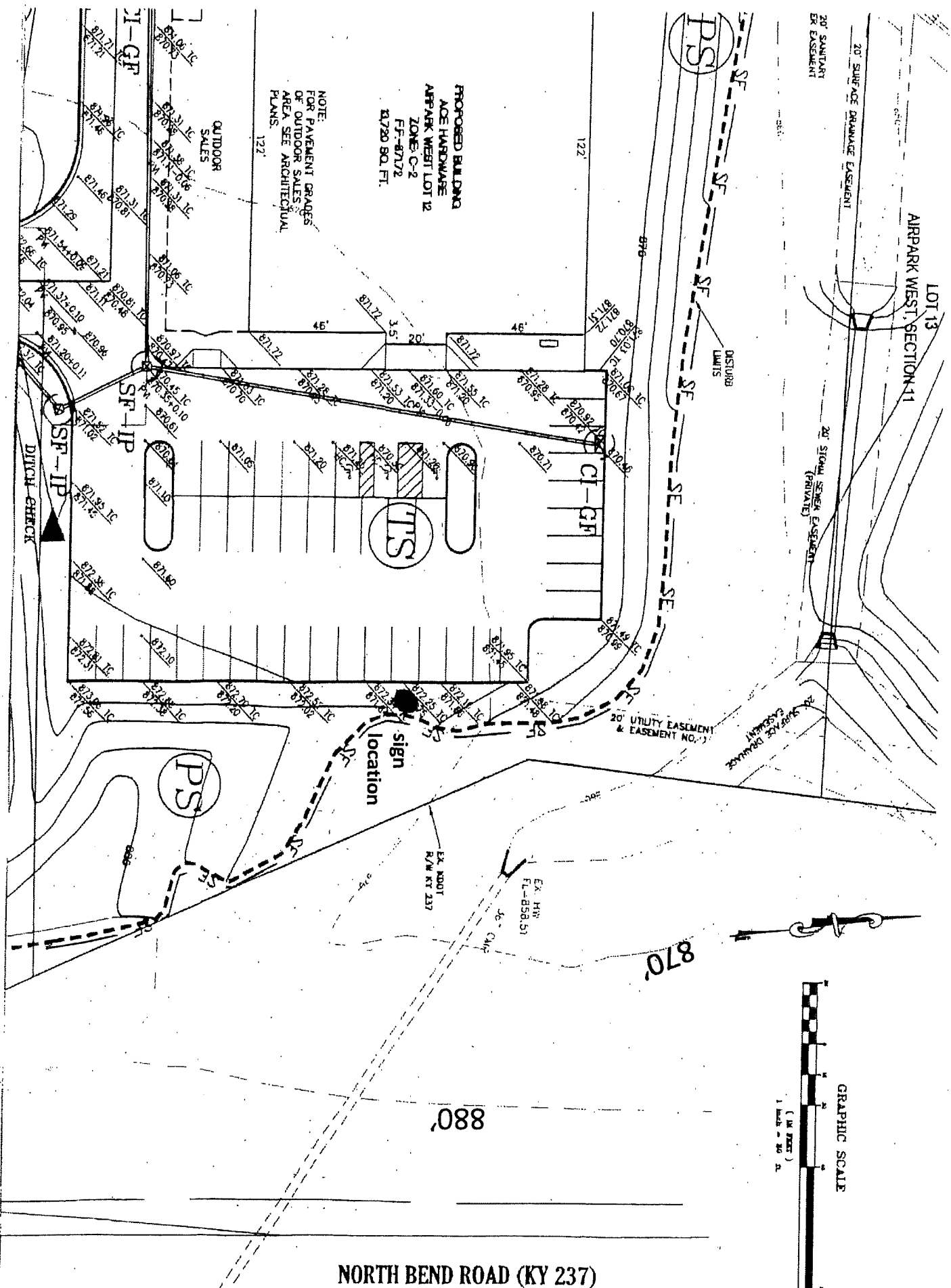
EX. HW
FL-858.51

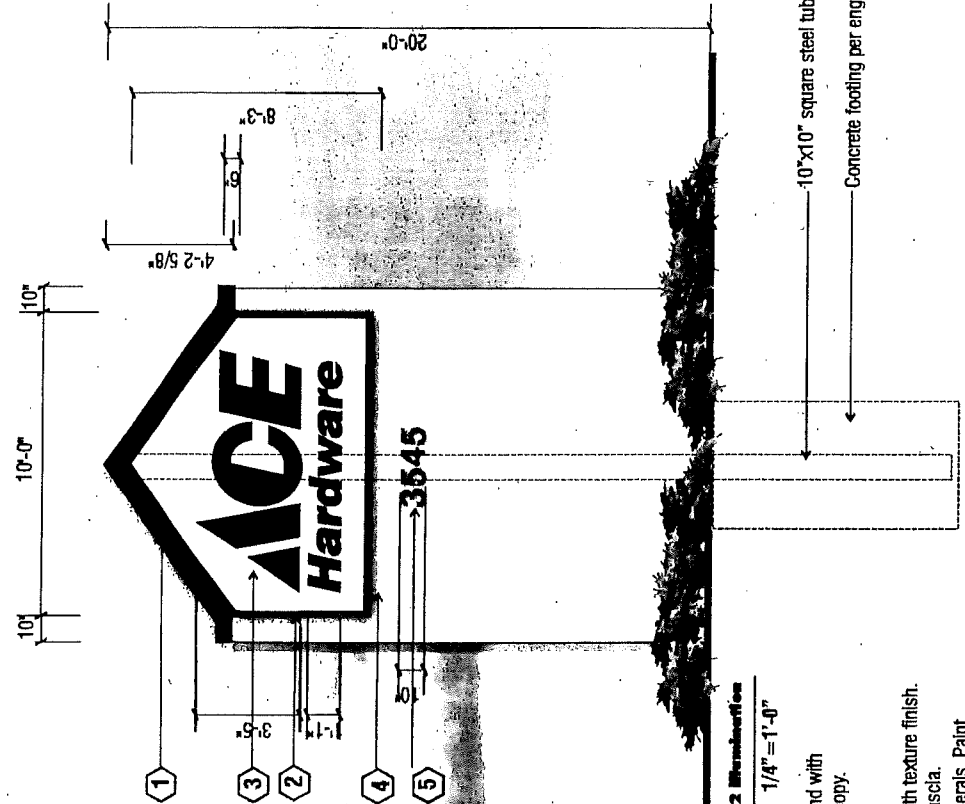


880

870

NORTH BEND ROAD (KY 237)







End View **A** 10-0000 Double Face Monument Display T-12 Illumination 1/4" = 1'-0"

- 1** Fabricated aluminum roof detail. Texture finish and paint to match building detail. Removable panels for service. Attach with countersunk screws.
- 2** Fabricated aluminum cabinet. Paint black. Note: access panels in bottom. Removable with countersunk screws.
- 3** White polycarbonate background with #33 red vinyl and black vinyl copy. T-12 illumination.
- 4** Fabricated alum. pole cover with texture finish. Paint to match beige building fascia.
- 5** 1/4" thick cutout aluminum numerals. Paint dk. brown to match roof detail. Stud mount flush to background.

10"x10" square steel tube with 0.250 wall.
Concrete footing per engineering

2830 West 5th Avenue, Denver, Colorado, 803-829-8121, Fax: 303-829-1024, E-Mail: denverdesign@gordonsign.com

IMPORTANT ELEC. NOTES: UL LIST COMPLIANT PER NEC & MANUFACTURING RECOMMENDATIONS. ALL ELECTRICAL PRIMARY CIRCUITS MUST BE INSTALLED IN RATED CONCRETE	Voltage: 120 V File Name: Ace 10373-5	Account Rep. D.R. Date: 1/14/09 Drawn by: RH Scale:	Client: Ace Hardware Hebron, KY Drawing #: 10-10373-5B Client Approval:
			



© This design is the exclusive property of Gordon Sign and cannot be reproduced either in whole or in part without their consent. Gordon Sign will endeavor to closely match colors, including PMS colors where specified. We cannot guarantee exact matches due to varying compatibility of surface materials and print used.

A variance is requested to authorize an extra 10' in overall height from code for the monument sign for ACE Hardware at 3545 N. Bend Road. Due to the grade of the lot being below the grade of KY 237 (North Bend Road) this would cause unnecessary hardship and deprive ACE of the reasonable use of their land to be visible from KY 237 traffic. Therefore, ACE would like to request a monument sign at 100 square feet and 20' overall height from the top of the sign to grade.

Granting of a variance allows the display to be viewed by passersby on the Public Right of Way similar to the neighboring display erected for Hebron Animal Hospital with a height variance granted by the board in 2006.

Paul Hemmer Corporation has approved the design and supports the variance request.

Your consideration is appreciated.

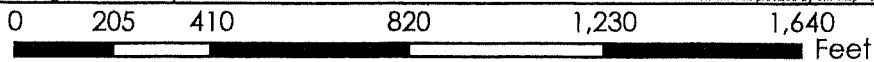
2007 AERIAL MAP

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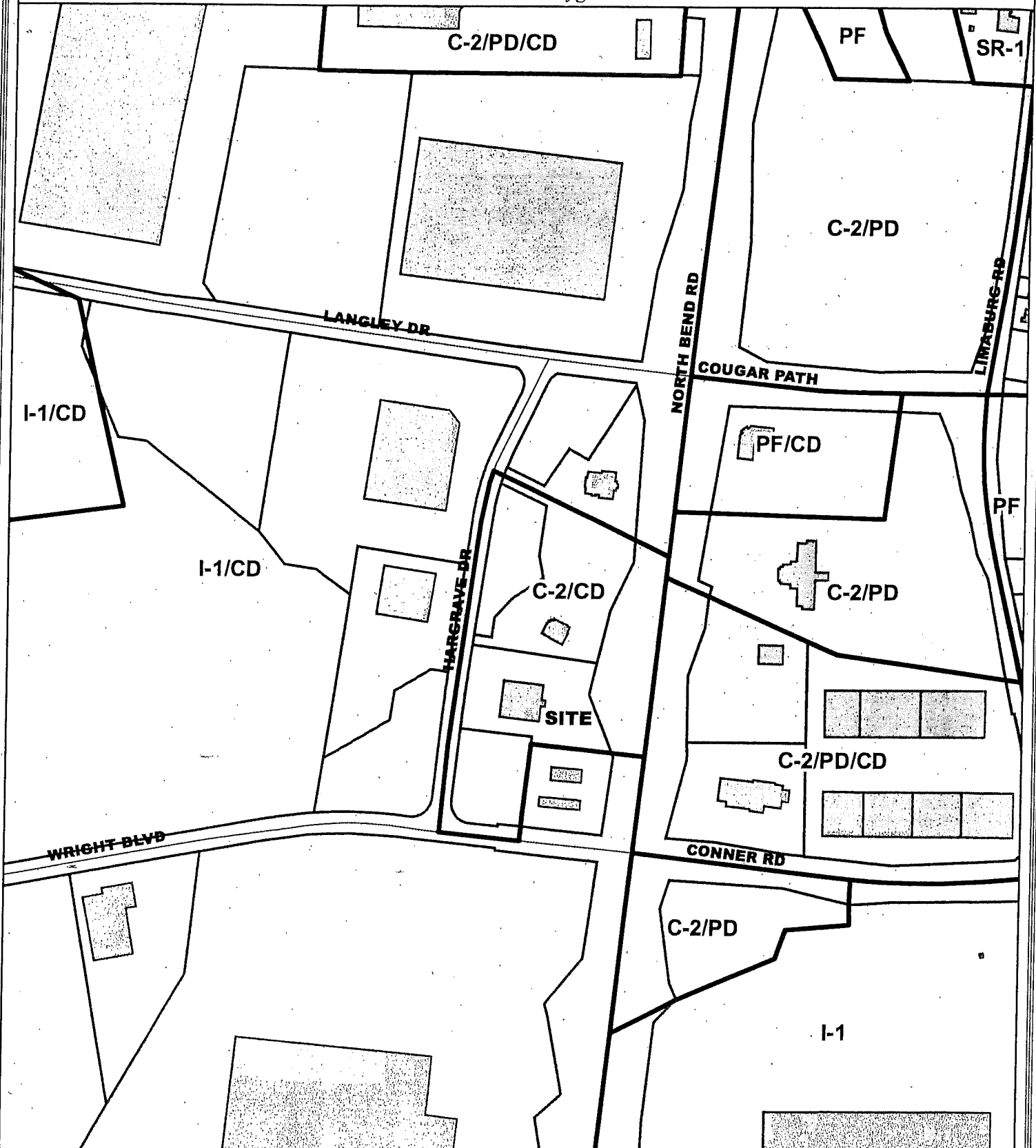
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Boone County GIS - Putting Northern Kentucky on the Map

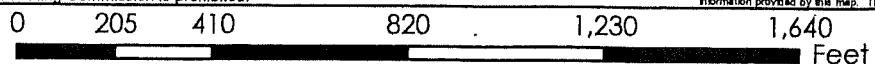
ZONING MAP

www.boonecountygis.com



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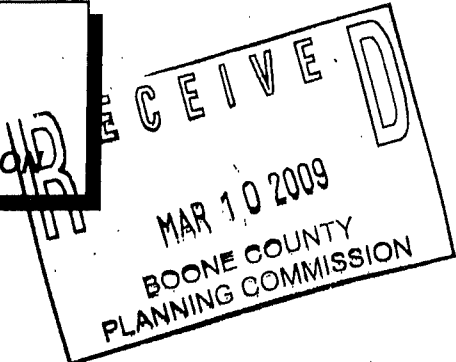


Boone County GIS - Putting Northern Kentucky on the Map



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 ACE Hardware Store #14843 / Quality Signs
Phone Number 859-525-2038 Fax No. _____
Applicant's Address 3545 North Bend Rd 4108-9465
Hebron Ky
City State Zip
- 4. Description of Request: To allow an additional 10' in height for the monument sign (10' to 20')
- 5. Name of Development AIRPARK WEST
- 6. Location of Development 3545 NORTH BEND ROAD
- 7. Acreage Under Review 2.35 ACRES
- 8. Lot Number and Name of Subdivision (if part of a subdivision)
LOT 12
- 9. Owner of Property ACE HEBRON LLC (PAUL HEMMER COMPANIES)
Address of Property Owner 250 GRANDVIEW DR #400 Phone No. 859-341-8300
- 10. Fort Mitchell KY 41017
City State Zip
- 11. Proposed Use(s) on Site ACE HARDWARE STORE
- 12. Total Square Footage of Existing and/or Proposed Buildings 13,720 SF.
- 13. Current Zoning on Property C-2
- 14. Deed Book 957 Page No. 235 Group No. 2007
- 15. Is the site subject to a zone change? YES -
If yes, give date of approval 2008 (R-08-009-A)
- 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.

ORIGINAL Property Owner's Signature: _____
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

* ORIGINAL Applicant's Signature: _____
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

COPY

CLUR #09-BCBOA-003-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Ace Hebron, LLC
c/o Paul Hemmer Companies
250 Grandview Drive
Fort Mitchell, KY 41017
2. ADDRESS OF PROPERTY
3545 North Bend Road
Hebron, KY 41048
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Ace Hardware
4. DEED BOOK 957 PAGE NO. 235 GROUP NO. 2007
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
2950 WASHINGTON STREET, ROOM 317
P.O. BOX 958
BURLINGTON, KENTUCKY 41005

Todd K. Morgan
SIGNATURE OF COMPLETING OFFICIAL

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

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 April 8, 2009 Certificate of Land Use Restriction (#09-BCBOA-003-A), for Ace Hebron LLC/Paul Hemmer Companies, Property Owner(s).

The following conditions will apply:

No conditions.

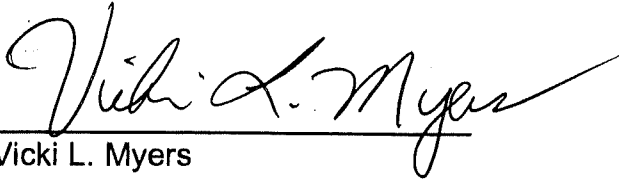
The approved Variance as well as the preceding conditions apply to the property described in:

DEED BOOK 957 PAGE NO. 235 GROUP NO. 2007

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

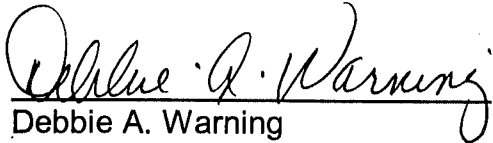
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 9 day of April, 2009.



Vicki L. Myers
Vicki L. Myers
NOTARY PUBLIC, State at Large

My commission Expires:
April 17, 2011

This instrument was prepared for recording purposes only by:



Debbie A. Warning
Debbie A. Warning
Boone County Planning Commission
2950 Washington Street, Room 317
P.O. Box 958
Burlington, Kentucky 41005

NO TITLE EXAMINATION

(Legal Description and source of Title and Group Number furnished by the applicant.)