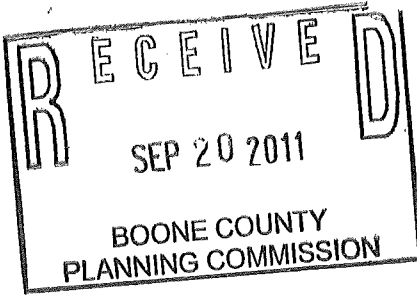


APPLICATION FORM



BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

FIVE (5) SCALED COPIES AND ONE (1) 11X17 REDUCTION OF SUBMITTED DRAWINGS ARE REQUIRED

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 [2 X] Variance _____ Appeal _____
3. Applicant's Name TODD HUNTINGTON
Phone Number 330-572-2207 Fax No. 330-572-2100
Applicant's Address 570 S. MAIN ST. STE 2531
AKRON OH 44311
City State Zip
4. Description of Request: REQUIRE VARIANCE FOR MENU BOARDS AND 9 S.F. MORE AREA
MENU BOARD IS 2.7 FT HIGHER THAN ALLOWED
5. Name of Development TACO BELL
6. Location of Development LOT 3 OF CONNOR CROSSING
7. Acreage Under Review 1.015
8. Lot Number and Name of Subdivision (if part of a subdivision) LOT 3 OF CONNOR CROSSING
9. Owner of Property DICK HAGLAGE TERRA FIRMA ASSOCIATES
Address of Property Owner 424 WARDS COWER RD Phone No. 513-248-5642
STE 220 LOVELAND OH 45140
City State Zip
11. Proposed Use(s) on Site TACO BELL RESTAURANT WITH DRIVE-THRU
12. Total Square Footage of Existing and/or Proposed Buildings 2,855 SF
13. Current Zoning on Property C2-PD
14. Deed Book 943 Page No. 217 Group No. 2007
15. Is the site subject to a zone change? NO
If yes, give date of approval N/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 9-20-11 Fee Received \$1582.00 Receipt # 03623 ck
2. Is application complete? Yes No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
10/12/11 **Approved**
Approved with Conditions (See #6)
Denial (See #7)
6. Conditions of Approval: SEE 10/12/11 meeting minutes
AND CLR
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: Todd Huntington for Taco Bell

LOCATION: Lot 3, Conner Crossing Subdivision, Boone County, Kentucky

ZONING: Commercial Two/Planned Development (C-2/PD)

DATE: October 12, 2011

PROPOSAL

The applicant has submitted the following Variance requests:

1. Increase the height of a menu board from 6' to 8.7'.
2. Increase the square footage of a menu board from 48 square feet to 56.29 square feet.

APPLICABLE REGULATIONS

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.

Section 3403 of the Boone County Zoning Regulations states the surface area of a sign shall be computed as including the entire area serving as written or graphic advertisement within a regular, geometric form comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not used for advertising matter shall not

be included in computation of surface area. Where a sign has two (2) display faces back to back, the area of only one (1) face shall be considered the sign area, provided the two (2) sign faces are not visible from one location therefore constituting two (2) signs.

Section 3413 (3) of the Boone County Zoning Regulations states that drive-through establishments which have a pick-up window will be permitted to have one (1) drive-through sign or menu-board adjoining the drive-through lane. The menu-board shall not exceed six (6) feet in height and forty-eight (48) square feet in size if the sign is free-standing and forty-eight (48) square feet in size if the sign is mounted to the building.

SITE HISTORY

2006/2007 - Boone County Planning Commission and Boone County Fiscal Court approve Zoning Map Amendment and Concept Development Plan requests. The Zoning Map Amendment changes the zoning of a 15.3 acre tract from Suburban Residential Two (SR-2) to Commercial Two/Planned Development (C-2/PD). The Concept Development Plan allows a commercial development with 6 lots on a 24 acre tract. A Condition was imposed stating that no more than two outlots shall contain eating and drinking establishments with accessory drive through facilities.

SITE CHARACTERISTICS

The 1.015 acre outlot is currently undeveloped and is located in Conner Crossing Subdivision. The site has 128.94 linear feet of frontage along North Bend Road but access is limited to a shared access driveway that runs through between KY 237 and KY 20. The site was graded with the rest of the subdivision back in 2007 and is fairly flat. There is no mature vegetation on site.

SURROUNDING LAND USES AND ZONING

North: Undeveloped Outlot in Conner Crossing Subdivision (C-2/PD)

South: Undeveloped Outlot in Conner Crossing Subdivision (C-2/PD)

East: North Bend Road and Hebron Fire Department (PF)

West: Kroger Marketplace, Kroger Liquor Store, and Kroger Fuel Station (C-2/PD)

STAFF COMMENTS

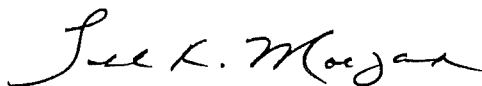
1. The Site Plan application has been submitted for Taco Bell and is currently being reviewed by Boone County Planning Commission Staff. The plans show a 2,769 square foot restaurant with a drive through and 42 parking stalls.
2. Staff would like the applicant to address if Taco Bell could fit all their menu items on a smaller menu board.
3. On June 9, 2010, the Florence Board of Adjustment granted two (2) Variances for the Taco Bell located at 6724 Dixie Highway. The first Variance allowed the height of the menu board to be increased from 6 feet to 8.7 feet. The second Variance allowed the square footage of the menu board to be increased from 48 square feet to 68.39 square feet. The Board imposed a condition requiring the sign to be constructed as presented. The condition also states that the arch and bell cannot be removed for additional signage.

3. On January 12, 2011, the Florence Board of Adjustment granted two (2) Variances for the Taco Bell located at 7619 Mall Road. The first Variance allowed the height of the menu board to be increased from 6 feet to 8'-7¾". The second Variance allowed the square footage of the menu board to be increased from 48 square feet to 56.18 square feet. The Board conditions state that the sign shall be constructed as presented and the arch and bell cannot be removed for additional signage.
4. The Board needs to analyze the Variance criteria before acting on the requests.

CONCLUSION

KRS 100.241 and Section 250 of the Boone County Zoning Regulations gives the Boone County of Adjustment and Zoning Appeals the authority to act on the requests.

Respectfully submitted,



Todd K. Morgan, AICP
Senior Planner, Zoning Services

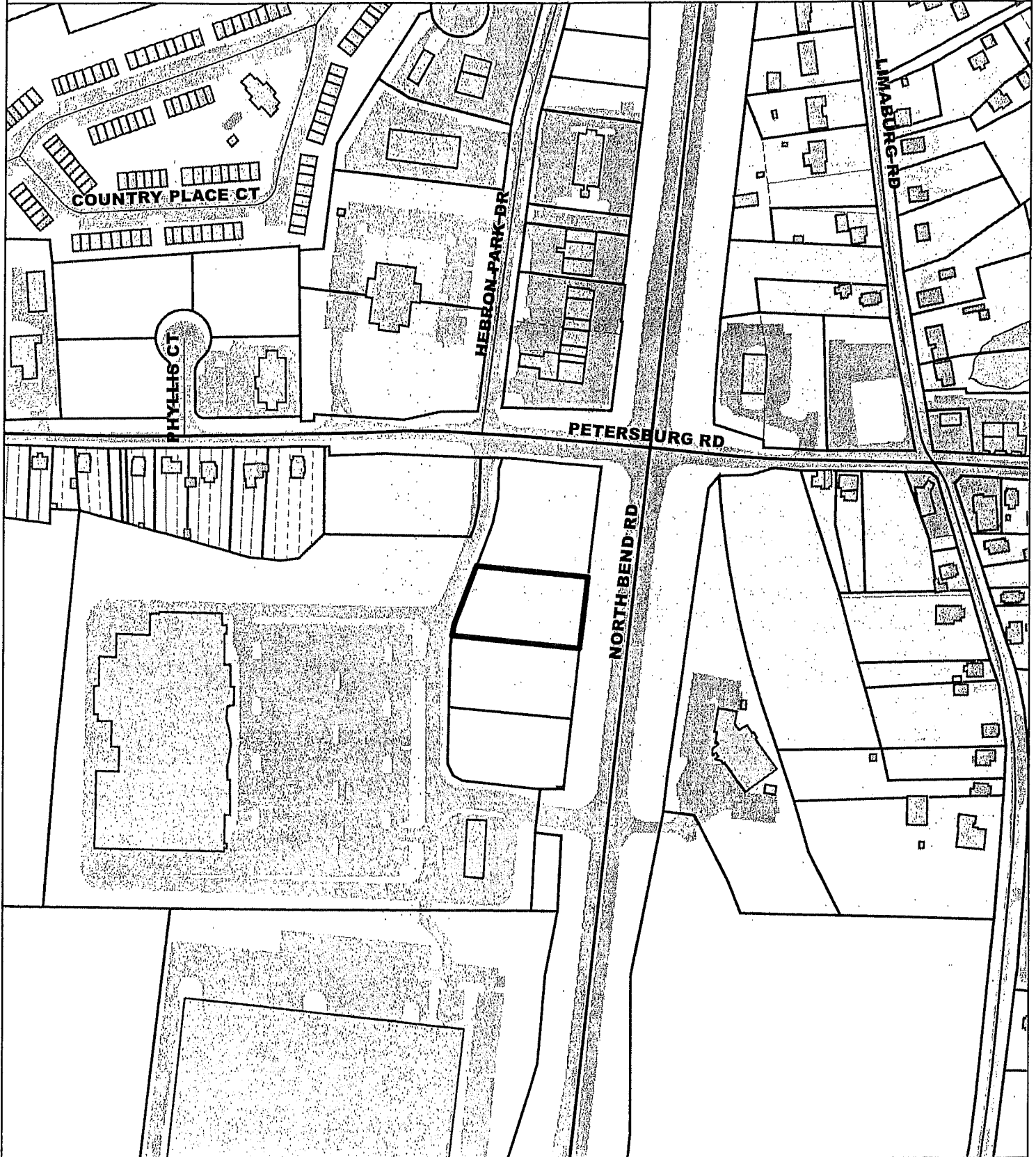
TKM/vlm

Attachments

- *Site Vicinity Map
- *Preliminary Site Plan
- *Specifications of Proposed Menu Board
- *Preliminary Building Elevations
- *2009 Aerial Map
- *Zoning Map
- *Application

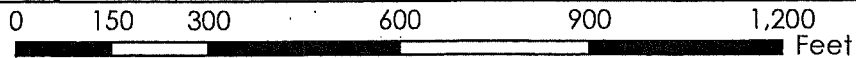
SITE VICINITY MAP

www.boonecountygis.com



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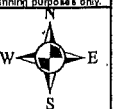
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1 inch = 300 feet



Boone County GIS - Putting Northern Kentucky on the Map



Map Created: 01/01/2008

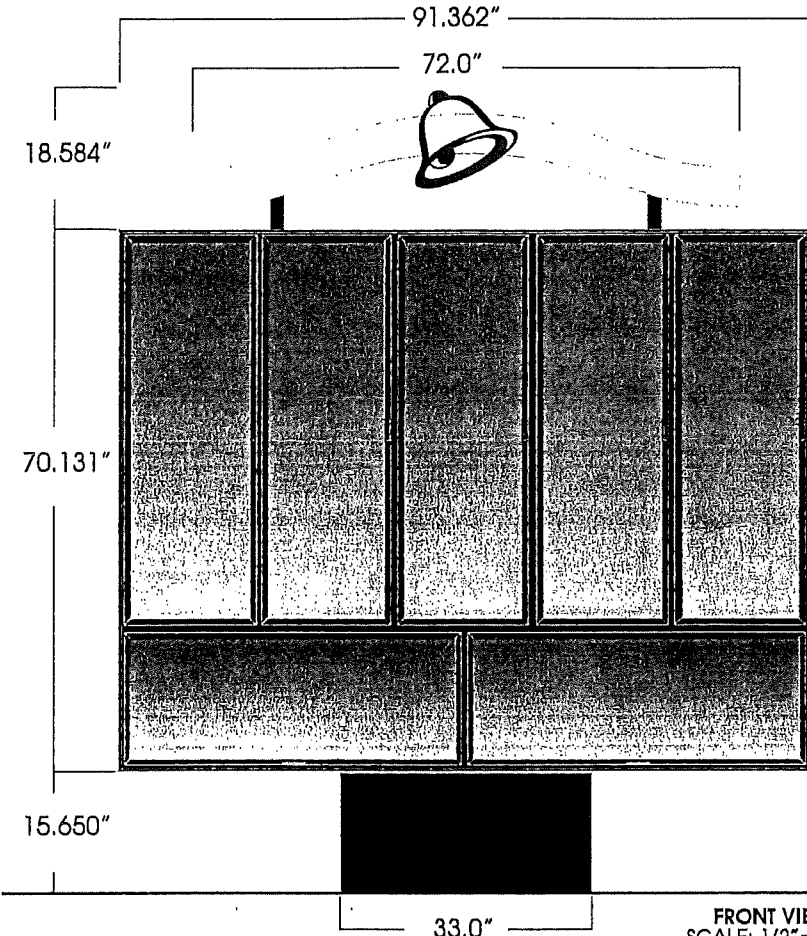
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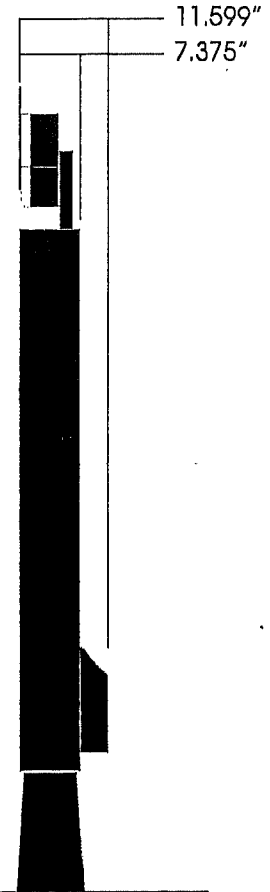
EVOLUTION DRIVE THRU MENU BOARD W/ ARCH

Yum!

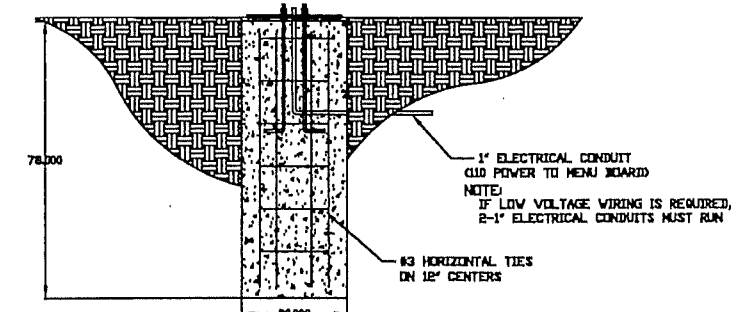
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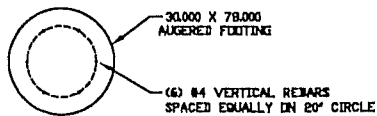
FRONT VIEW
SCALE: 1/2"=1'-0"



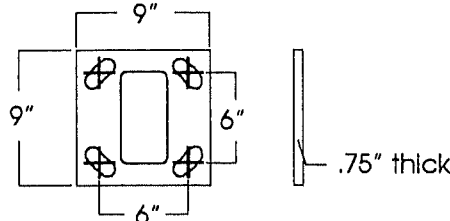
SIDE VIEW
SCALE: 1/2"=1'-0"



FOUNDATION DETAIL
SCALE: NTS



BASE PLATE DETAIL
SCALE: 1"=1'-0"



SIGN SPECIFICATIONS

Materials

- Cabinet: Extruded aluminum
- Face: .150 S/G Polycarbonate

Access

- Open doors & remove panels

Area

- Squared: 66.44 Sq.Ft.

Weight (Est.)

- 790 lbs. Crated

Wind Load

- 50 PSF, 150 MPH wind speed - exposure C.

ELECTRICAL SPECIFICATIONS

Lamps

- (4) F025/741 36" 4100K, (10) F032/741 48" 4100K

Ballast

- (7) Electronic ballasts @ .56 amps each
- (1) Electronic ballast @ .17 amps

Line Load

- 4.09 Amps @ 120 VAC
- (1) 15 Amp circuit, 60 Hz UL 48 & NEC Compliant

COLOR SPECIFICATIONS

Interior: Mill Finish

Exterior: Cabinet: Tiger Drylac 49/66230-33 Bronze

Doors & Mullions: Black

Graphic & Color Specifications:

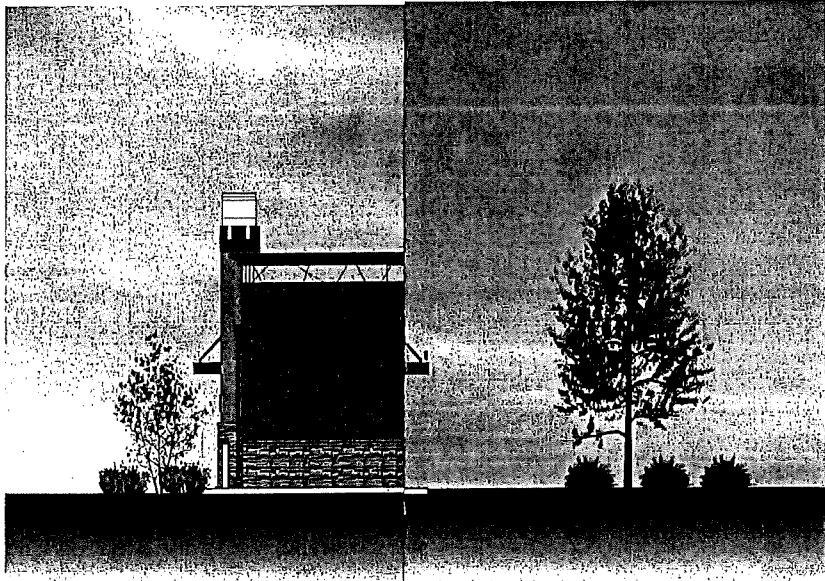
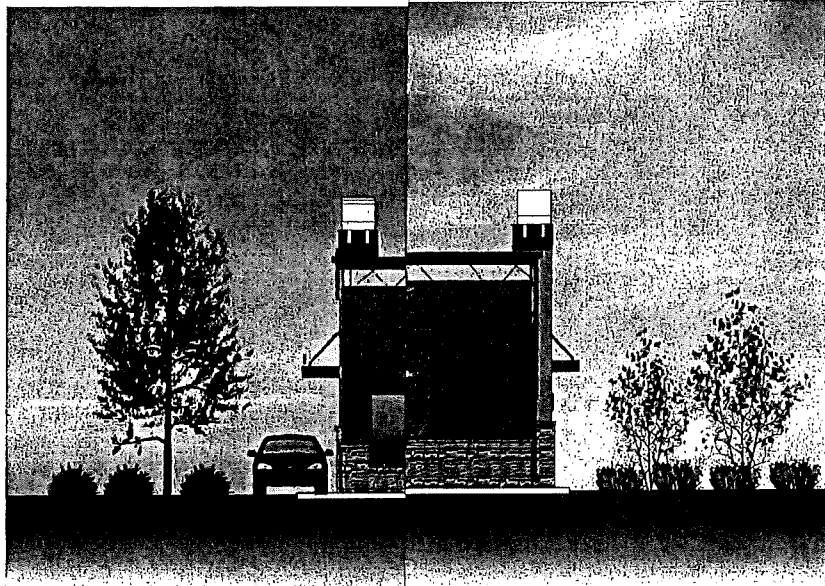
Tiger Drylac 49/66230-33 Bronze



DISCLAIMER: Renderings are for graphic purposes only and not intended for actual construction dimensions. For windload requirements, actual dimensions and mounting detail, please refer to engineering specifications & install drawings.

235729

4949 S 110th St. • Greenfield, Wisconsin 53220 • Phone: 414-529-3500 • Fax: 877-430-7364 • www.everbrite.com rb 11/7/07



Taco Bell Representation Only

Hebron,



GPD GROUP®
Glaus, Pyle, Schomer, Burns & DeHaven, Inc.

2009 AERIAL MAP

www.boonecountygis.com



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0 8,750 17,500 35,000 52,500 70,000 Feet

1 Inch = 83,333 feet

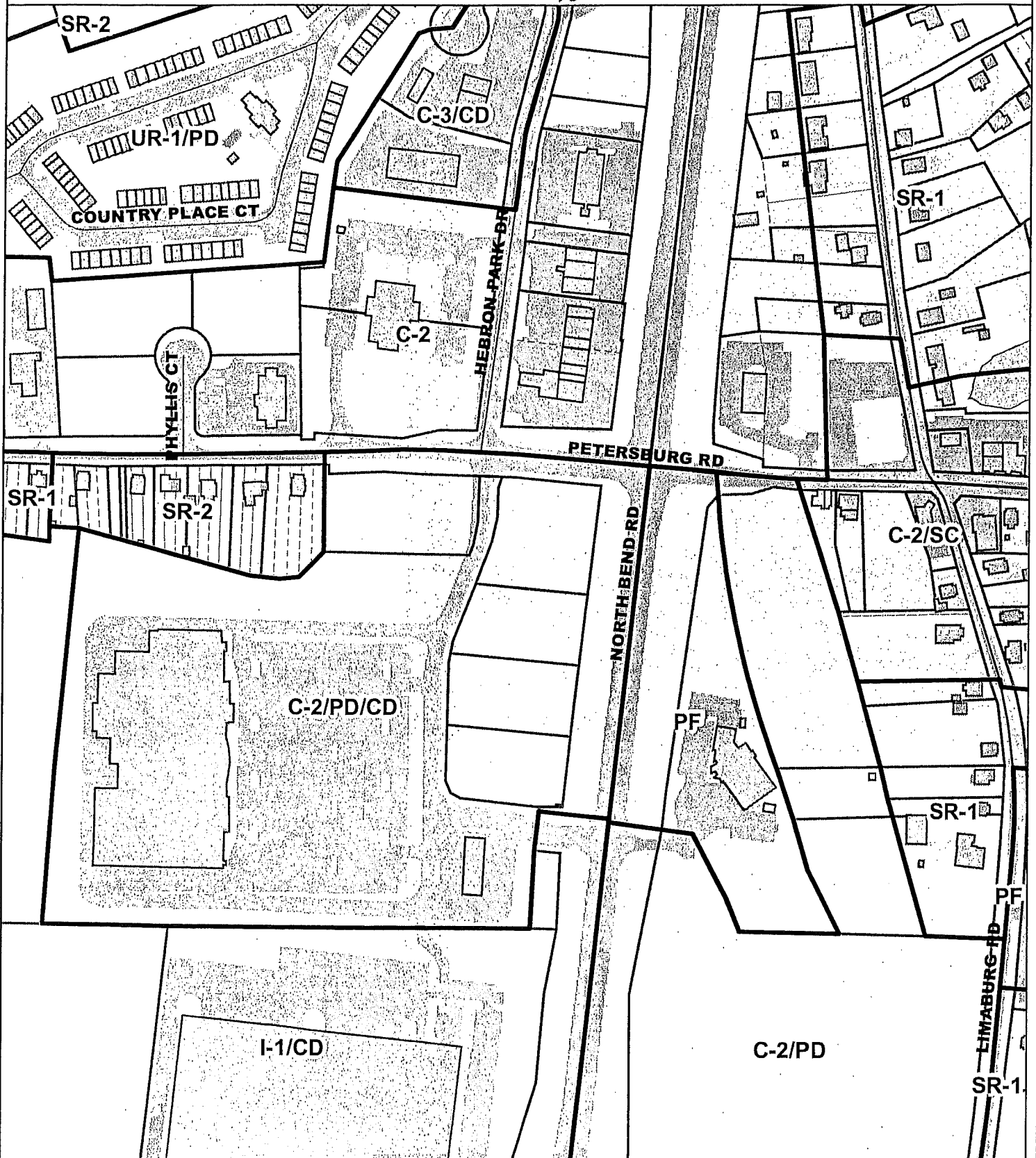


Boone County GIS - Putting Northern Kentucky on the Map



ZONING MAP

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0 8,750 17,500 35,000 52,500 70,000

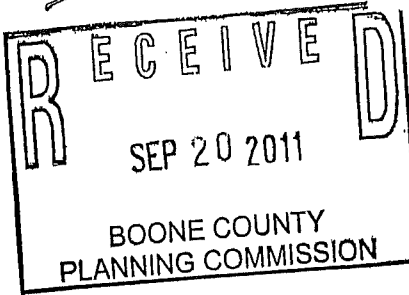
Feet
1 inch = 83,333 feet



Boone County GIS - Putting Northern Kentucky on the Map



APPLICATION FORM



BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

FIVE (5) SCALED COPIES AND ONE (1) 11X17 REDUCTION OF SUBMITTED DRAWINGS ARE REQUIRED

See Boone County Zoning Regulations

SECTION A (To be completed by applicant)

- (Check One) 1. Boone [X] Florence _____ Walton _____ Union _____
2. Conditional Use Permit [2 X] Variance _____ Appeal _____
Change in Non-Conforming Use _____
3. Applicant's Name TODD HUNTINGTON
Phone Number 330-572-2207 Fax No. 330-572-2100
Applicant's Address 570 S. MAIN ST. STE 2531
AKRON OH 44311
City State Zip
4. Description of Request: REQUIRE VARIANCE FOR MENU BOARD.
AND 9 S.F. MORE AREA
MENU BOARD IS 2.7 FT HIGHER THAN ALLOWED
5. Name of Development TACO BELL
6. Location of Development LOT 3 OF CONNOR CROSSING
7. Acreage Under Review 12.8965
8. Lot Number and Name of Subdivision (if part of a subdivision)
LOT 3 OF CONNOR CROSSING
9. Owner of Property DICK HAGLAGE TERRA FIRMA ASSOCIATES
Address of Property Owner 424 WARDS COWER RD Phone No. 513-248-5642
10. STE 220 LOVELAND OH 45140
City State Zip
11. Proposed Use(s) on Site TACO BELL RESTAURANT WITH DRIVE-THRU
12. Total Square Footage of Existing and/or Proposed Buildings 2,855 SF
13. Current Zoning on Property C2-PD
14. Deed Book 943 Page No. 217 Group No.
15. Is the site subject to a zone change? NO
If yes, give date of approval N/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)

COPY

CLUR #11-BCBOA-011-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Dick Haglage, Terra Firma Assoc.
424 Wards Corner Road
Loveland, OH 45140

2. ADDRESS OF PROPERTY
Lot 3, Conner Crossing
Hebron, Kentucky 41048
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Conner Crossing

4. DEED BOOK 943 PAGE NO. 217 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)
 X Variances (2)

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

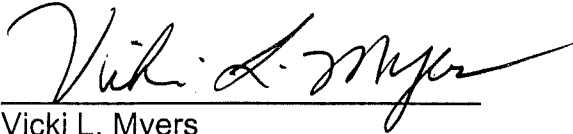
Todd K. Morgan
SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

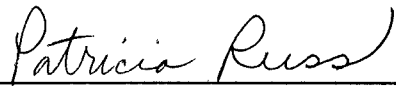
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 18th day of October, 2011.



Vicki L. Myers
Notary ID 438411
NOTARY PUBLIC, State at Large

My commission Expires:
April 17, 2015

This instrument was prepared for recording purposes only by:



Patricia Russ
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.)

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the Variances (2) approved by the Boone County Board of Adjustments and in accordance with the current zoning in effect as of October 12, 2011 Certificate of Land Use Restriction (#11-BCBOA- 011-A), for Dick Haglage, Terra Firma Associates, Property Owner(s).

The following conditions will apply:

- 1) The sign shall be constructed as presented.
- 2) The arch and bell shall not be removed to display additional menu items.

The approved Variances (2) as well as the preceding conditions apply to the property described in:

DEED BOOK 943 PAGE NO. 217 GROUP NO. 2007