

13-BCBOA-015-A

21st/6/12

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 [checked] Florence [checked] Walton [checked] Union []
2. (Check One) Conditional Use Permit [X] Variance [] Appeal []
3. Applicant's Name ABC Signs
Applicant's Address 38 W. McMicken Cincinnati OH 45205
4. Description of Request: Increase OAH of menuboard by 12"
5. Name of Development McDonald's
6. Location of Development 306 Richwood
7. Acreage Under Review
8. Lot Number and Name of Subdivision (if part of a subdivision)
9. Owner of Property Archway's Bluegrass
Address of Property Owner 10063 Dixie Hwy
10. Florence Ky 41042
Phone Number 859-371-8614 Fax No. E-Mail grant.groen@portwars med.com
11. Proposed Use(s) on Site menuboards - Restaurant
12. Total Square Footage of Existing and/or Proposed Buildings
13. Current Zoning on Property C-4
14. Deed Book 1000 Page No. 178 Group No. 2067
15. Is the site subject to a zone change?
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?
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 5/21/13 Fee Received \$132.00 Receipt # 66916
2. Is application complete? Yes No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
6/12/13 **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: ABC Signs for McDonald's

LOCATION: 306 Richwood Road, Boone County, Kentucky

ZONING: Commercial Four (C-4)

DATE: June 12, 2013

PROPOSAL

The applicant has submitted a Variance application to allow the height of two menu boards to be increased from 6' tall to 6'-9" tall.

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 requests 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 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.

RELEVANT SITE HISTORY

- 3/28/13 - Boone County Planning Commission approves a Minor Site Plan allowing two drive-through order lanes and other parking lot modifications.
- 5/10/13 - Boone County Planning Commission approves Sign Permits for two menu boards and two drive thru order canopies. The menu boards are 5'-11 $\frac{7}{8}$ " tall and 40.95 square feet in area.

SITE CHARACTERISTICS

The 1.4673 acre property is located at the northwest side of Richwood Road. The property contains a McDonald's restaurant with 60 parking stalls and two drive through order lanes. Access to the site is provided from two curb cuts on Clay Drive and a shared driveway that connects to Frogtown Connector Road. McDonald's freestanding sign is located at the Richwood Road/Clay Drive intersection and two new menu boards have recently been installed at the rear of the site.

SURROUNDING LAND USES AND ZONING

- Northeast: Gold Star Chili/Penn Station (C-4)
- Northwest: Undeveloped Lot (C-4)
- Southeast: Richwood Road, Wendy's and BP (C-3)
- Southwest: Clay Drive and Bank of Kentucky (C-4)

STAFF COMMENTS

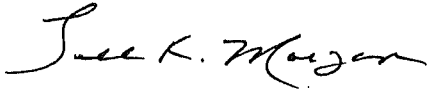
1. On May 10, 2013, the Planning Commission issued a Sign Permit allowing the construction of two menu boards on the site. Both menu boards were approved at 5'-11 $\frac{7}{8}$ " tall and 40.95 square feet square feet in area and have been constructed on site.

The same menu boards will be utilized if the Variance is approved. The only difference is that higher bases will be used to support the menu boards (see attachments).
2. The applicant has submitted a letter indicating why the application should be approved (see attachments).
3. On November 9, 2011, the Boone County Board of Adjustment approved a Variance application for the McDonald's in Hebron. The approval allowed both of their menu boards to be 6'-9" tall.
4. The Board needs to analyze the Variance criteria before acting on the request.

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 request.

Respectfully submitted,



Todd K. Morgan, AICP
Senior Planner, Zoning Services

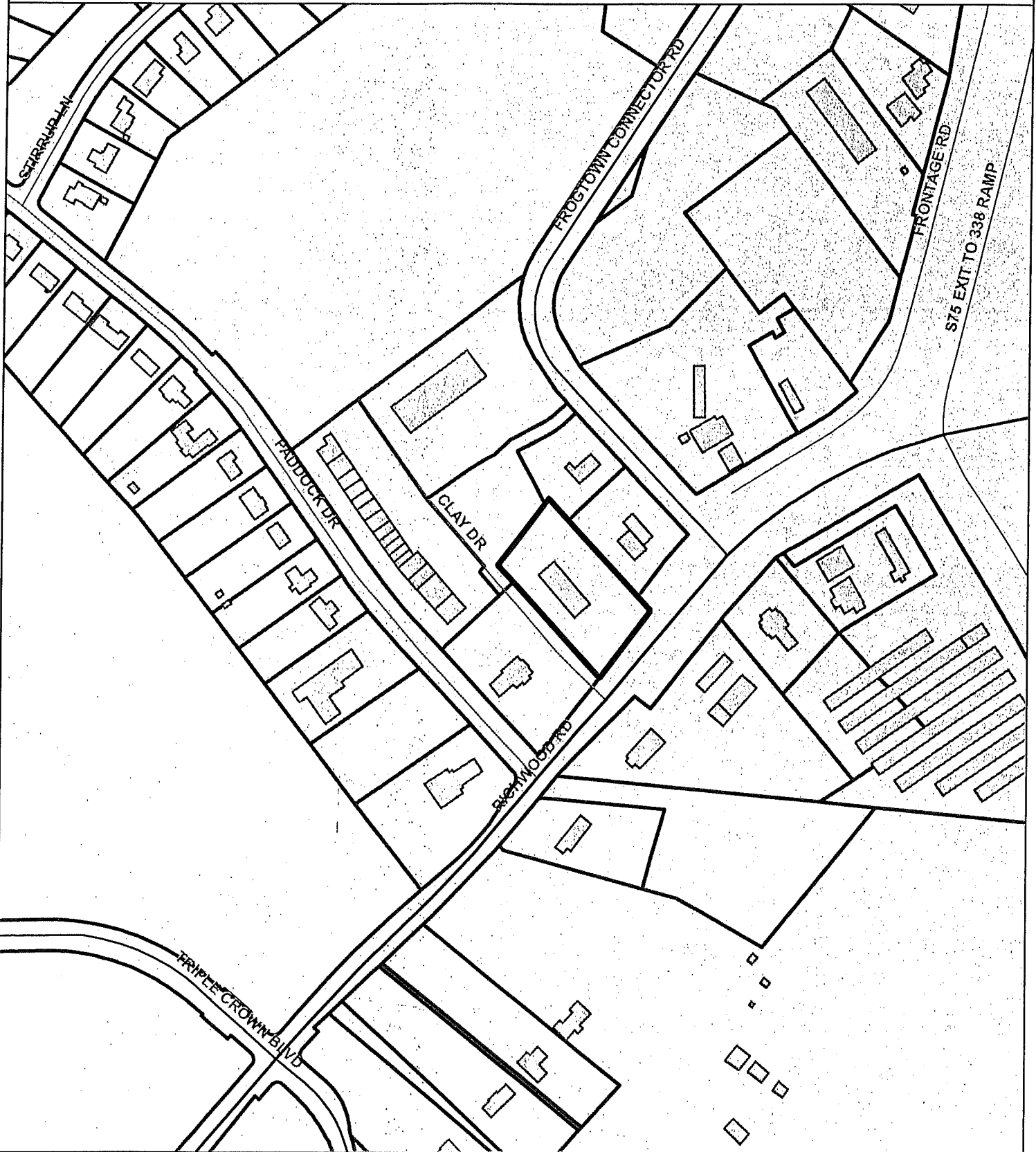
TKM/dw

Attachments

- *Site Vicinity Map
- *Existing Menu Board
- *Proposed Menu Board
- *3/28/13 Minor Site Plan
- *2012 Aerial Map
- *Zoning Map
- *Letter From Applicant
- *Application

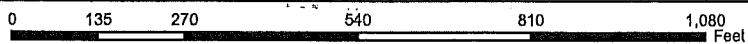
SITE VICINITY MAP

www.boonecountygis.com



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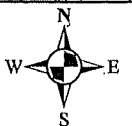
Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



1 inch = 300 feet

Boone County GIS

"Putting Northern Kentucky on the Map"

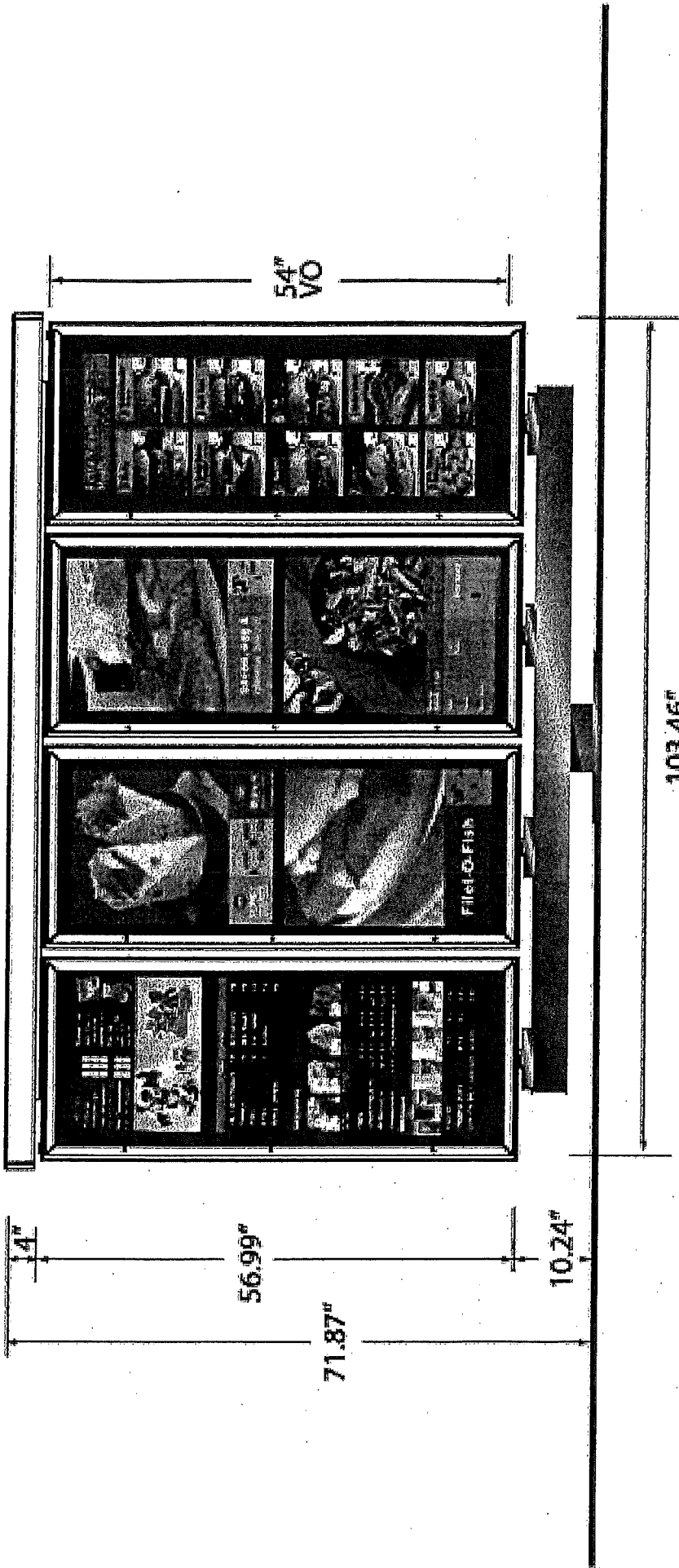


Boone County GIS

EXISTING

20.82" VO

54" VO



103.46"

DISCLAIMER: Drawings are for general purposes only and not intended for actual construction dimensions. For actual requirements, actual dimensions and mounting detail please refer to engineering specifications and These drawings and designs are the exclusive property of Everbrite LLC. Use of, or duplication in any manner without express written permission of Everbrite LLC is prohibited.

Everbrite

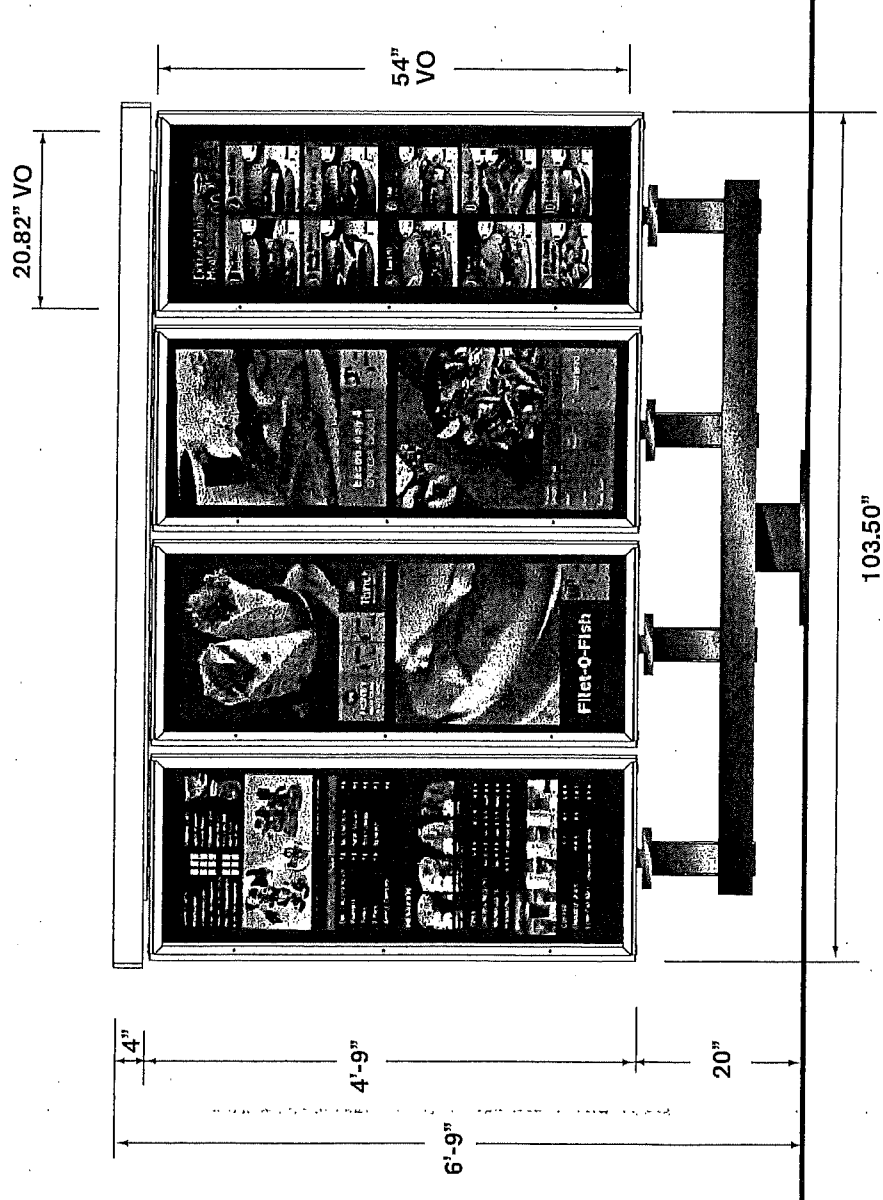
Client: McDonald's

Job: 295812

Description: OPO SHORT MENU BOARD

Customer Approval: NOTE: Unless specified by customer, all depth of mounting determined by Everbrite Engineering or existing customer specifications on file. Colors on file will be used unless otherwise specified by customer.

Scale: 1/2" = 1'



Illumination: LED

Electrical:

First Circuit: 120/1/60, 15 amp
Second Circuit: 120/1/60, 15 amp

Ship Weight:

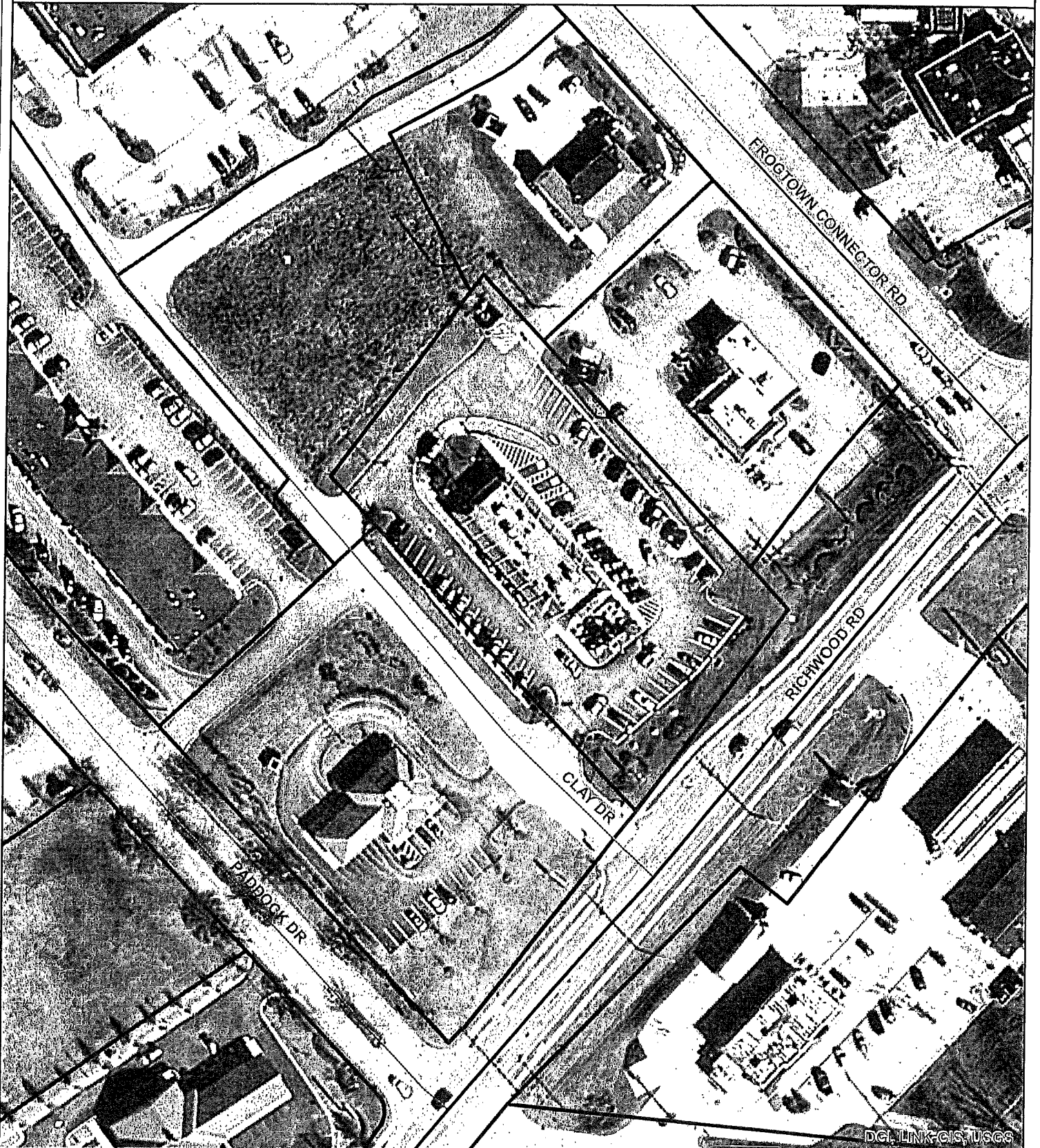
1,313 lbs.

Other:

- Please call IMS for graphics, 800-937-7671
- Triangular design for increased graphic options
- Available in an manual or automated version. Automated version must be ordered directly from Florida Plastics.

2012 AERIAL MAP

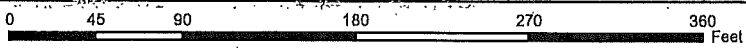
www.boonecountygis.com



DC LINK-GIS, LLC

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1 Inch = 100 feet

Boone County GIS

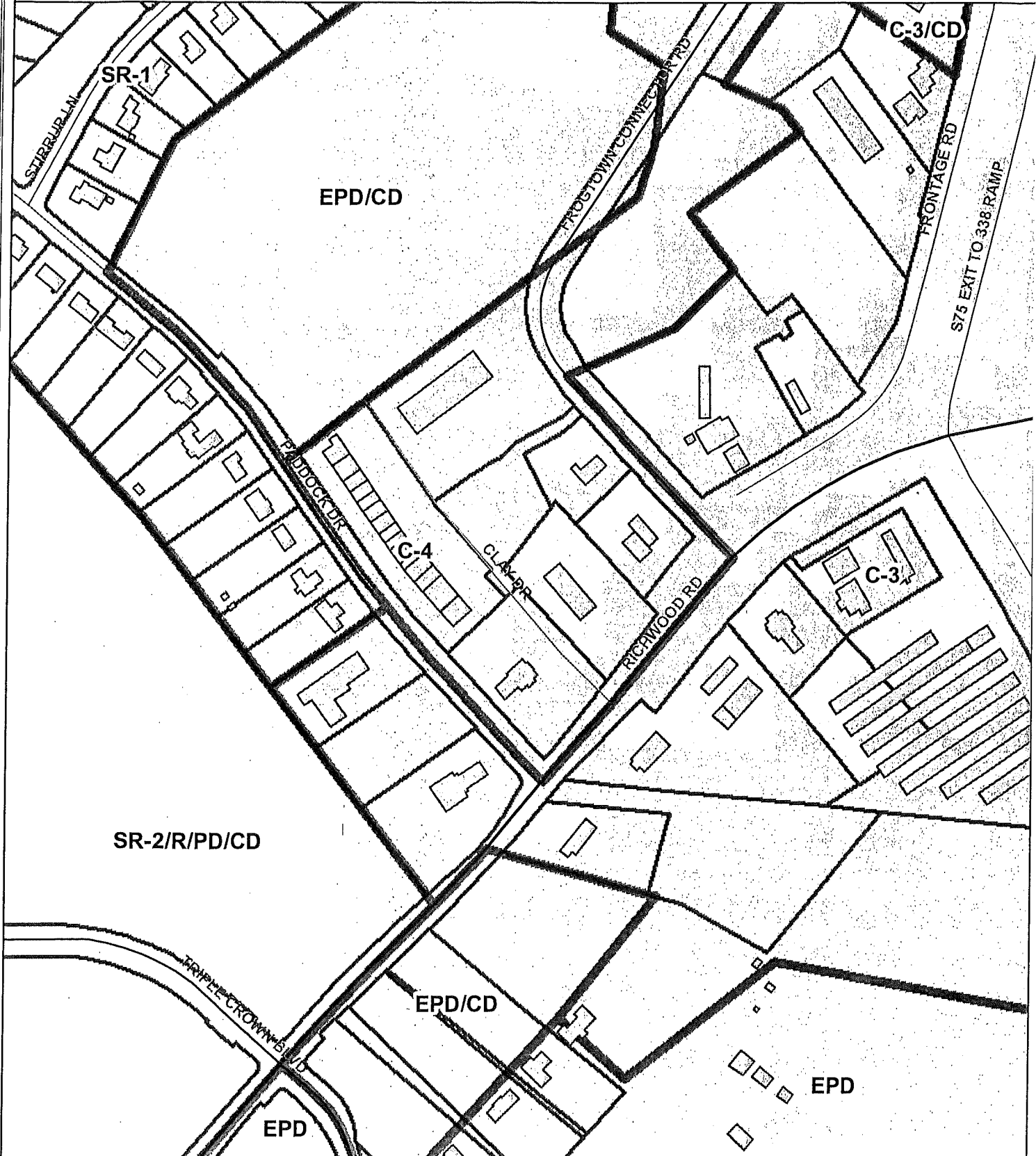
"Putting Northern Kentucky on the Map"



Boone County GIS, LLC

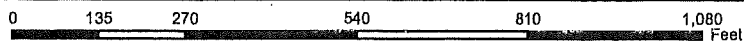
ZONING MAP

www.boonecountygis.com



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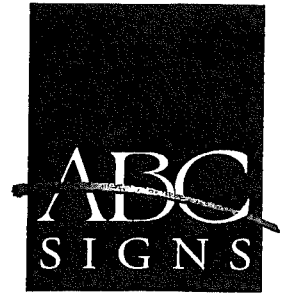
1 inch = 300 feet

Boone County GIS

"Putting Northern Kentucky on the Map"



Map by Boone County GIS, 2012



May 17, 2013

Board of Zoning Appeals
2950 Washington St.
Burlington, KY 41005

RE: McDonald's
306 Richwood
Walton, KY

Variance for Menu Board OAH.

To whom it may concern:

McDonald's respectfully request a variance to increase the overall height of their menu boards from 5' 9" to 6' 9", which is McDonald's standard height for all locations.

McDonald's has recently changed the design of their signage and are in the process of renovating all locations. The menu board has been redesigned to display the information their drive thru customers are looking for on their visit.

The menu boards are in the rear of the building, therefore, would not cause a nuisance to the public or interfere with public safety of the area. McDonald's feels if they are not permitted this variance, it would provide a hardship on their business to be able to advertise all their selections, adequately service their customers and in the long run cause them financial hardship.

We thank you in advance for your consideration in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Teri Cantor".

Mrs. Teri Cantor
ABC Signs

APPLICATION FORM

21st/6/12
RECEIVED
MAY 21 2013
BOONE COUNTY
PLANNING COMMISSION

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 Florence X Walton Union

(Check One)

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

3. Applicant's Name ABC Signs

Applicant's Address 38 W - Mc Mickel
 Cincinnati OH 45202
City State Zip

4. Phone Number 513-241-8884 Fax No. 513-241-8978 E-Mail teri@abcsigns.com

Description of Request: Increase OAH of menuboard by 12"

5. Name of Development Mc Donald's

6. Location of Development 306 Richwood

7. Acreage Under Review

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

9. Owner of Property Archway's Bluegrass

Address of Property Owner 10013 Dixie Hwy
 Florence KY 41042
City State Zip

Phone Number 859-371-8614 Fax No. E-Mail grant.groen@partners.med.c

11. Proposed Use(s) on Site menuboards - Restaurant

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

13. Current Zoning on Property C-4

14. Deed Book 1000 Page No. 178 Group No.

15. Is the site subject to a zone change?

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?

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: Teri Cantor

(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Archway's Bluegrass
10063 Dixie Hwy
Florence, KY 41042

2. ADDRESS OF PROPERTY

306 Richwood

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

McDonald's

4. DEED BOOK 1000

PAGE NO. 178

GROUP NO. 2064

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
2950 WASHINGTON STREET, ROOM 317
P.O. BOX 958
BURLINGTON, KENTUCKY 41005

Todd K. Morgan

SIGNATURE OF COMPLETING OFFICIAL

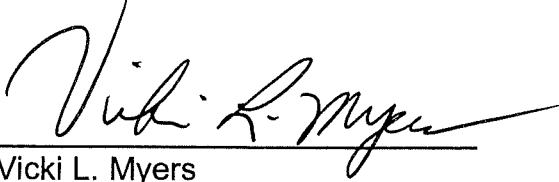
Todd K. Morgan, AICP, Senior Planner, Zoning Services
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledged before me by Todd K. Morgan

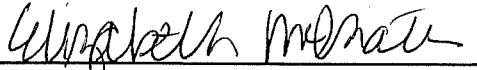
on behalf of the Boone County Planning Commission this 13th day of June, 2013.



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:



Elizabeth McGrath
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 Variance approved by the Boone Board of Adjustments and in accordance with the current zoning in effect as of June 12, 2013 Certificate of Land Use Restriction (#13-BCBOA-015-A), for Archway's Bluegrass, Property Owner(s).

The following conditions will apply:

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

DEED BOOK 1000

PAGE NO. 178

GROUP NO. 2064