

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. [X] Boone [] Florence [] 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. McMickow Ave
Cincinnati OH 45209
City State Zip

4. Phone Number 513-241-8884 Fax No. 241-8978 E-Mail teri@abcsign.com
Description of Request: INCREASE OAH OF MENUBOARDS

5. Name of Development McDonalds
6. Location of Development 5985 Centennial Circle

7. Acreage Under Review 1.1761
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
Florence Ky 41042
City State Zip

10. Phone Number 859-371-8614 Fax No. E-Mail grant.groen@partnersmed.com
11. Proposed Use(s) on Site 2 menuboards - Restaurant

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

13. Current Zoning on Property [] C-3 PD

14. Deed Book 553 Page No. 40 Group No. 2026

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? 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)

(over)

R#67628

RECEIVED SEP 17 2013 BOONE COUNTY PLANNING COMMISSION

**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 9-17-13 Fee Received 932⁰⁰ Receipt # 67628
2. Is application complete? _____ Yes _____ No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
10/9/13 **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@boonecountky.org - E-mail
www.boonecountky.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: 5985 Centennial Circle, Boone County, Kentucky

ZONING: Commercial Services/Planned Development (C-3/PD)

DATE: October 9, 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

9/13/13 Boone County Planning Commission approves a Major Site Plan allowing the elimination of an access point, the construction of side by side drive through lanes, and ADA site improvements. To date, these improvements have not been constructed.

SITE CHARACTERISTICS

The 1.3769 acre property is located at the northwest side of the Burlington Pike/Centennial Circle/Boone Aire Road intersection. The property currently contains a 3,775 square foot McDonald's restaurant, one drive through order lane, and accessory parking. Access to the site is from provided from two curb cuts on Centennial Circle. One curb cut is a one-way in and the other is a one-way out. McDonald's freestanding sign is located along KY 18 and their menu board is located in a grass area between the rear of the building and the drive through lane.

SURROUNDING LAND USES AND ZONING

North: Undeveloped Property Fronting on KY 18 and Aero Parkway (C-4 and I-1)
South: KY 18, Single-Family Residential Dwellings, and Christ Methodist Church (SR-1)
Southeast: Centennial Circle and Speedway Gasoline Station and Convenience Store (C-3/PD)
East: Vacant Diner (C-3/PD)
West: KY 18 and Single-Family Residential Dwellings (SR-1)

STAFF COMMENTS

1. On November 9, 2011, the Boone County Board of Adjustment approved a Variance application for the McDonald's in Hebron. The approval allowed two menu boards to be 6'-9" tall.

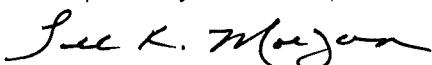
On June 12, 2013, the Boone County Board of Adjustment approved a Variance application for the McDonald's in Richwood. The approval allowed two menu boards to be 6'-9" tall.

2. 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/vlm

Attachments

- *Site Vicinity Map
- *9/13/13 Site Plan
- *Drive Thru Detail
- *Proposed Menu Board
- *2012 Aerial Map
- *Zoning Map
- *Application

SITE VICINITY MAP

www.boonecountygis.com

AERO PKWY

RUSTIC LN

HEMMER DR

SENTINIAL CIR

BURLINGTON PIKE

PLUMMER DR

BOONE AVE

MASKET RD

VONHAGEN DR

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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.

0 180 360 720 1,080 1,440 Feet

1 inch = 400 feet

Boone County GIS

"Putting Northern Kentucky on the Map"



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PROPOSED

OPO Outdoor Menu Board



Illumination: LED

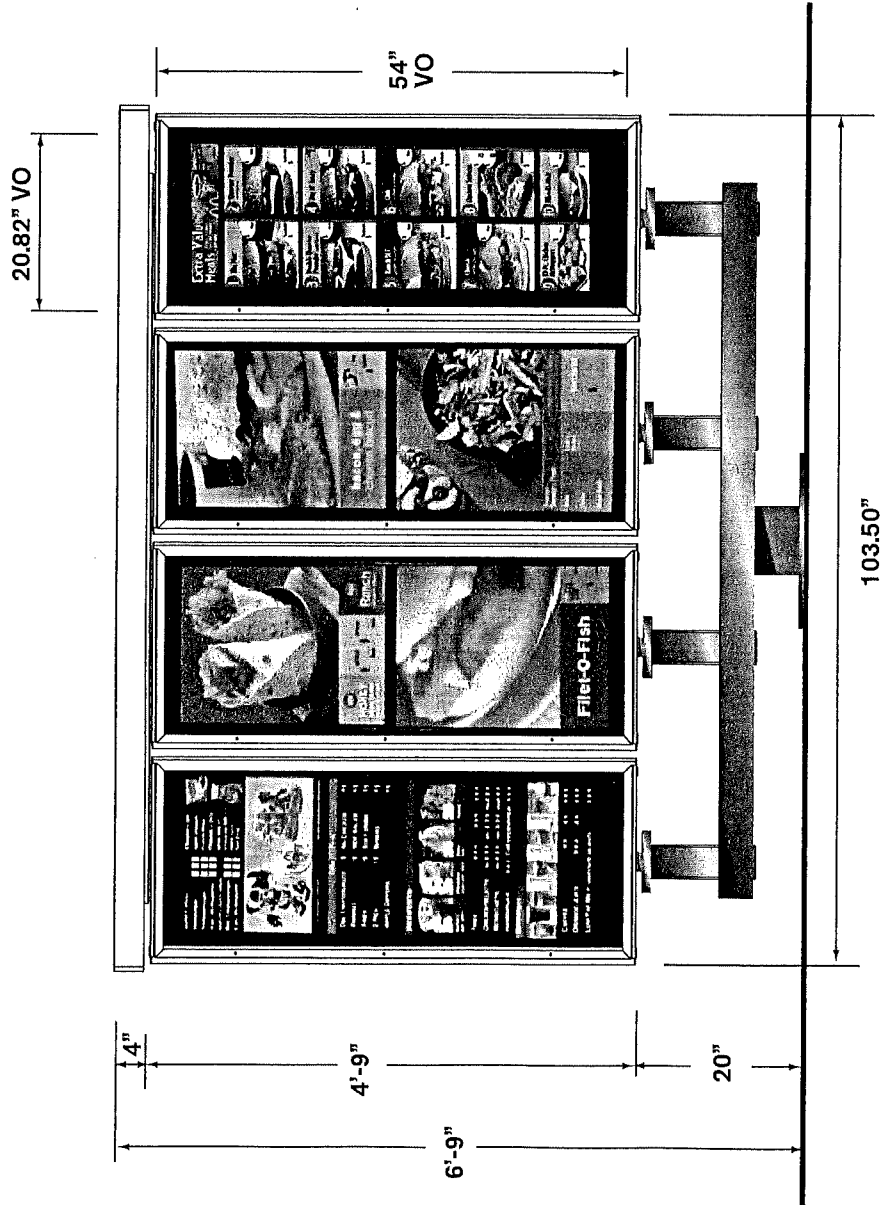
Electrical: First Circuit: 120/1/60, 15 amp
Second Circuit: 120/1/60, 15 amp

Ship Weight: 1,313 lbs.

Other: • Please call IMS for graphics, 800-937-7671

• Triangular design for increased graphic options

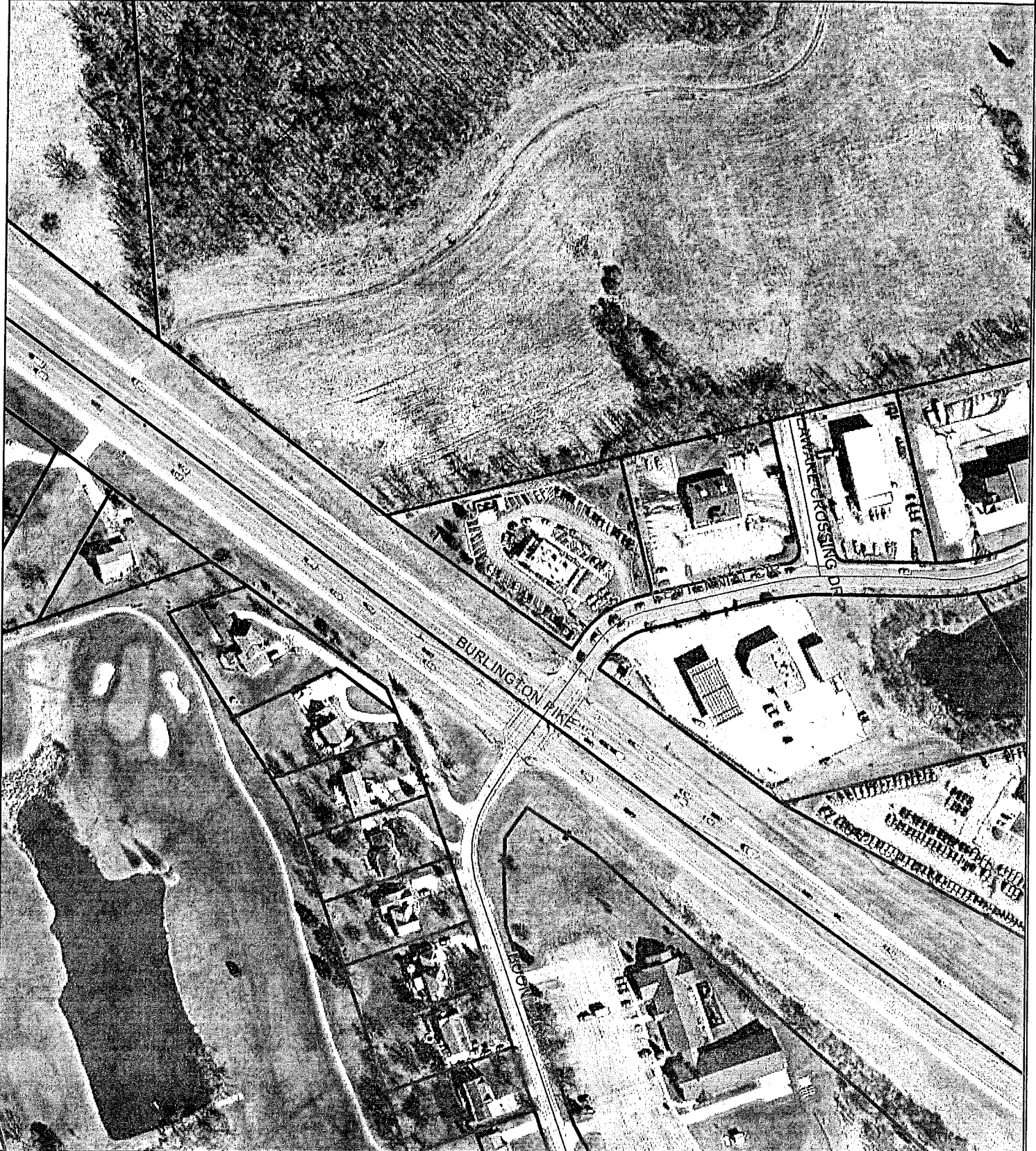
• Available in an manual or automated version. Automated version must be ordered directly from Florida Plastics.



Height - 6'-9"
Sq Ft - 40.97

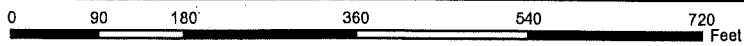
2012 AERIAL MAP

www.boonecountygis.com



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1 inch = 200 feet

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Map File: 2012_Aerial_Map_1210_0812

ZONING MAP

www.boonecountygis.com

AERO PKWY

I-1

C-4

O-1

RUSTIC LN

SR-2

SR-1/PD/CD

C-3/PD/CD

C-2/PD

C-2/PD/CD

C-3/PD/CD

C-3/PD

BURLINGTON PIKE

R

C-4

RSE

RSE

SR-1

BOONE AIRE RD

MARKET RD

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0 180 360 720 1,080 1,440 Feet

1 inch = 400 feet

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Map File Path: C:\work\11-10-12

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

5985 Centennial Circle
Florence, KY 41042

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

McDonald's

4. DEED BOOK 553

PAGE NO. 40

GROUP NO. 2026

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

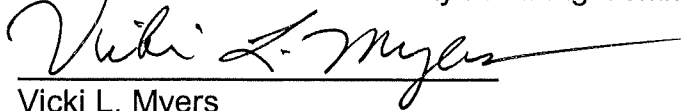
Todd K. Morgan, AICP, Senior Planner
Name and Title of Completing Official

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 10 day of October, 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:



Sara Smith

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.)