

REVIEW NO. _____

APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION

(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 ERIC C. DETERS
Phone Number 356-2312
Applicant's Address 5880 Madison Pike
Independence, Ky 41051
City _____ State _____ Zip _____
- 4. Description of Request: Number, Height, and Size Variance
for Signage (See attached)
- 5. Name of Development Deters Richwood Development
- 6. Location of Development Richwood Road & I-75
Boone County, Ky
- 7. Acreage Under Review 3.04 acres
- 8. Lot Number and Name of Subdivision (if part of a subdivision)
- 9. Owner of Property Deters Company Inc.
Phone Number 283-5924/ 356-2312
- 10. Address of Property Owner Hopeful Road & U.S. 42
Florence, Ky 41042
City _____ State _____ Zip _____
- 11. Proposed Use(s) On Site Convenience Store/Gas Retail/
Wendy's Restaurant
- 12. Total Square Footage of Existing and/or Proposed Buildings
(See site plan)
- 13. Current Zoning on Property C-3
- 14. Deed Book 409 Page No. 97 Group No. 77
- 15. Is the site subject to a zone change? No
If yes, give date of approval _____
- 16. Have you submitted a Site Plan with this request? Yes (already appr
- 17. Have you submitted a list of adjoining property owners with this request? yes
- 18. Applicant's Signature: [Signature]
- 19. Property Owner's Signature: [Signature]

SECTION B

(To be completed by Boone County Planning Commission Staff)

1. Date Received _____
2. Fee Received _____
3. Is application complete? _____ Yes _____ No
4. Staff Reviewer _____
5. Scheduled Board Action Date _____
6. Board Action:
_____ Approval
_____ Approved With Conditions (See #7)
_____ Disapproved (See #8)
7. Conditions: _____

8. Reasons For Disapproval: _____

BCPC:7/11/88

STAFF REPORT

APPLICANT: Eric C. Deters
DEVELOPMENT: Wendy's and B.P. Oil
LOCATION: 319 Richwood Road
ZONE: Commercial Services (C-3)
DATE: May 9, 1990

REMARKS:

The applicant is requesting Variances in the size, number, and height of free-standing signs. The 3.04 acre site, located on the south side of Richwood Road, west of I-75, is zoned Commercial Services (C-3) and is owned by Deters Company, Inc.

Article 19, Section 1920 of the Boone County Zoning Regulations reads, in part:

2. Free-Standing Signs

- a. Shopping centers, mixed use commercial, and planned developments shall be permitted one on-premises free-standing sign for the purpose of identifying the name of the development and its major access point. Such developments with frontage and access from two or more major thoroughfares may be allowed one free-standing entrance sign at one access point on each such major thoroughfare for a maximum of two free-standing signs. No free-standing sign may be permitted for individual establishments or buildings located within, or accessible from, the entrance of a shopping center or mixed use development when such building or establishment, or the lot upon which such establishment is located is planned, designed, or marketed as a part of such development. (This requirement also applies to any out-lots subdivided as part of a larger development and any developments established under Article 15, Planned Development Overlay, of the zoning regulations.)
- b. Individual business establishments not located within a shopping center, mixed use commercial, or planned development shall be permitted one on-premises free-standing sign. There shall be only one free-standing sign for each building, regardless of the number of business establishments conducted in the building

Staff is of the opinion that this Wendy's/B.P. Oil development falls within the classification of "mixed use commercial" and is therefore entitled to only one free-standing sign. Section 1920 2(c) of the regulations allows this free-standing sign to be

up to 250 square feet in size and up to 40 feet in height. The applicant has expressed the opinion that this development consists of two "individual business establishments not located within a ... mixed use commercial" center and is therefore entitled to two free-standing signs. However, a Variance in the number of free-standing signs has been requested because the applicant desires a total of three (3) signs. The applicant is also requesting a Variance in the size of a free-standing sign to allow the installation of a 412 square foot sign (280 s.f. Wendy's sign on same pole as 132 s.f. B.P. Oil sign) and a Variance in height to allow the installation of a 100 foot high-rise sign.

The applicant is proposing two signs along Richwood Road which fall within the size and height restraints. A 168 square foot, 21 foot high B.P. Oil sign with message panels is proposed to be located near the only entrance to the development (see attached site plan). A 117 square foot, 21 foot high Wendy's sign with a reader board is proposed to be located in front of the restaurant, approximately 120 feet west of the B.P. Oil sign. The third sign, 100 feet high and 412 square feet in size, is proposed to be located in the rear portion of the site, near the top of a hill, to attract interstate traffic. The applicant's "Memorandum in Support of Variance Request" is attached.

Review

The following reviews the criteria which the Board must use when reviewing Variance applications:

1. Staff does not believe that, if granted, the Variances will adversely affect the public health, safety or welfare. However, the Board must consider whether or not three signs, one of which is proposed at 412 square feet and 100 feet high, will alter the essential character of the general vicinity. Please recall the history of sign requests for this interchange: McDonald's limited to one on-premise sign of 50 square feet; Huntington Bank denied a Variance for a high-rise sign, even though pole existed on site, and; Pilot Truck Stop denied a Variance for a high-rise sign. The Board must also consider whether the proposed signs will cause a hazard or nuisance to the public and whether, if granted, the Variances will allow an unreasonable circumvention of the requirements of the zoning regulations. In making these determinations, the following points were considered:
 - a. Staff can find no special circumstances with this development which do not generally apply to land in the general vicinity, or the same zone;
 - b. Strict application of the zoning regulations would allow this development one free-standing sign with 250 square feet and 40 feet high. The Board must consider whether this allowance would create an unnecessary hardship on the applicant, and;

- c. Again, no special circumstances can be found which are the result of the actions of the applicant taken subsequent to the adoption of the zoning regulations.

Conclusion

In his memorandum, the applicant discusses the intent of Article 19 (Signs) of the Boone County Zoning Regulations which reads:

The purpose of this Article is to promote and protect the public health, welfare, and safety by regulating existing and proposed outdoor advertising, outdoor advertising signs, and outdoor signs of all types. It is intended to protect property values, create a more attractive economic and business climate, and enhance and protect the physical appearance of the community. It is further intended to reduce sign or advertising [distractions] and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, and generally enhance community development.

The Board should review this request in light of this intent as well as the statutory requirements listed above.

Respectfully submitted,



Thomas W. Breidenstein
Zoning Enforcement Officer

TO: Boone County Board of Adjustments
FROM: Eric C. Deters
DATE: April 17, 1990

MEMORANDUM IN SUPPORT OF
VARIANCE REQUEST OF DETERS COMPANY, INC.

Deter's Company, Inc. is the owner of 3.04 acres of property located on the southwest side of I-75 and Richwood Road. The property is adjacent to the west side of Huntington Bank of Boone County. An approved site plan under Article 14, Section 1402 of the Boone County Zoning Regulations (hereinafter BCZR) for the property has been submitted with the application.

The site plan approved is for a convenience store/gas facility and a Wendy's Restaurant.

Under Section 222 of the BCZR, the Board of Adjustments has the authority to grant variances under Section 244 of the BCZR.

The applicant's request should be granted in that it conforms to Section 244. 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 a nuisance to the public, and will nor allow an unreasonable circumvention of the requirements of the zoning regulations.

The proposed uses operated under the law are beneficial to the public health, safety and welfare. The general vicinity of the site (west side of I-75 only) includes, Huntington Bank, a liquor store, Red Carpet Inn, Days Inn, Citgo service station, Chevron service station, Shell service station and soon to be built, a McDonald's restaurant. Therefore, the essential character of the general vicinity will not be altered.

The proposed uses will be providing services to the general public not cause a hazard or nuisance.

The granting of the variance will not effect the essential character of the vicinity. With the exception of Huntington Bank and the liquor store, all the businesses mentioned above have a high rise free standing sign and a free standing "readerboard" sign. The Shell Station which is on the southwest side near the applicant's site has four signs: a high rise, a high rise readerboard, and two other readerboard signs.

For the above stated reasons, with the addition that the granting of the variance will provide the public with better information of what is available in terms of food and gas at the Richwood exit, the variance requested should be granted.

The necessity for the requested variance arises from circumstances that require the applicant to properly compete with the existing businesses in the vicinity.

The denial of the variance would create an unnecessary hardship on the applicant based on the need to remain competitive with the other convenience stores/gas facilities and the McDonald's Restaurant.

Signs are controlled by Article 19 of the BCZR. Similar to Section 244, the intent is to protect the public health, welfare and safety. The intent under Section 1900 is also intended to create a more attractive economic and business climate.

The proposed signage by the applicant will conform to Section 1902 which sets forth the general requirements for all signs and districts. The applicant's variance request also conforms to the Section 1904 general setback requirements.

The applicant submits with this application material actually required under Section 1910 sign permits for the purpose of familiarizing the Board with specific signage the applicant is proposing.

Section 1920(2) is the basis for the applicant's variance request. Under subsection (b), each business establishment is entitled to "one on premises free-standing sign." The proposed convenience store/gas facility and Wendy's restaurant are separate business establishments. Therefore, each is allowed one free standing sign under Section 1920(2)(b).

Subsection (c) permits the free standing sign to be one and one-half square feet of sign area for each lineal foot of lot width, along with street frontage which the sign is located. (250 square feet maximum.)

The maximum height for a sign on a lot width with frontage of 200 feet or more is 40 feet in height.

Based upon the above requirements, the applicant is permitted the following signage:

1. Wendy's frontage 280 feet x 1.5 = 300 ft.
Convenience store/gas facility 200 feet x 1.5 = 300 ft.
(250 sq. ft. maximum for each free standing sign).
2. Forty (40) feet in height for both signs.

The applicant is requesting a variance for the number of signs: four rather than two; height: 100 feet rather than forty for two of the signs; and size: Wendy's - 220 square foot high rise and a 117 square foot readerboard; British Petroleum - 132 square foot high rise, 170 square foot readerboard. The size variance would only be applicable if the total square footage of all signs is calculated because no one sign involved as square footage in excess of 250 square feet.

The Wendy's and British Petroleum readerboard signs are 21 and 29.9 feet high respectfully. They also are under the square foot requirements. Therefore, a variance is not necessary for these signs.

However, the variance is necessary for the addition of what are referred to as high rise signs. It should be noted that neither high rise sign exceeds separately 250 square feet.

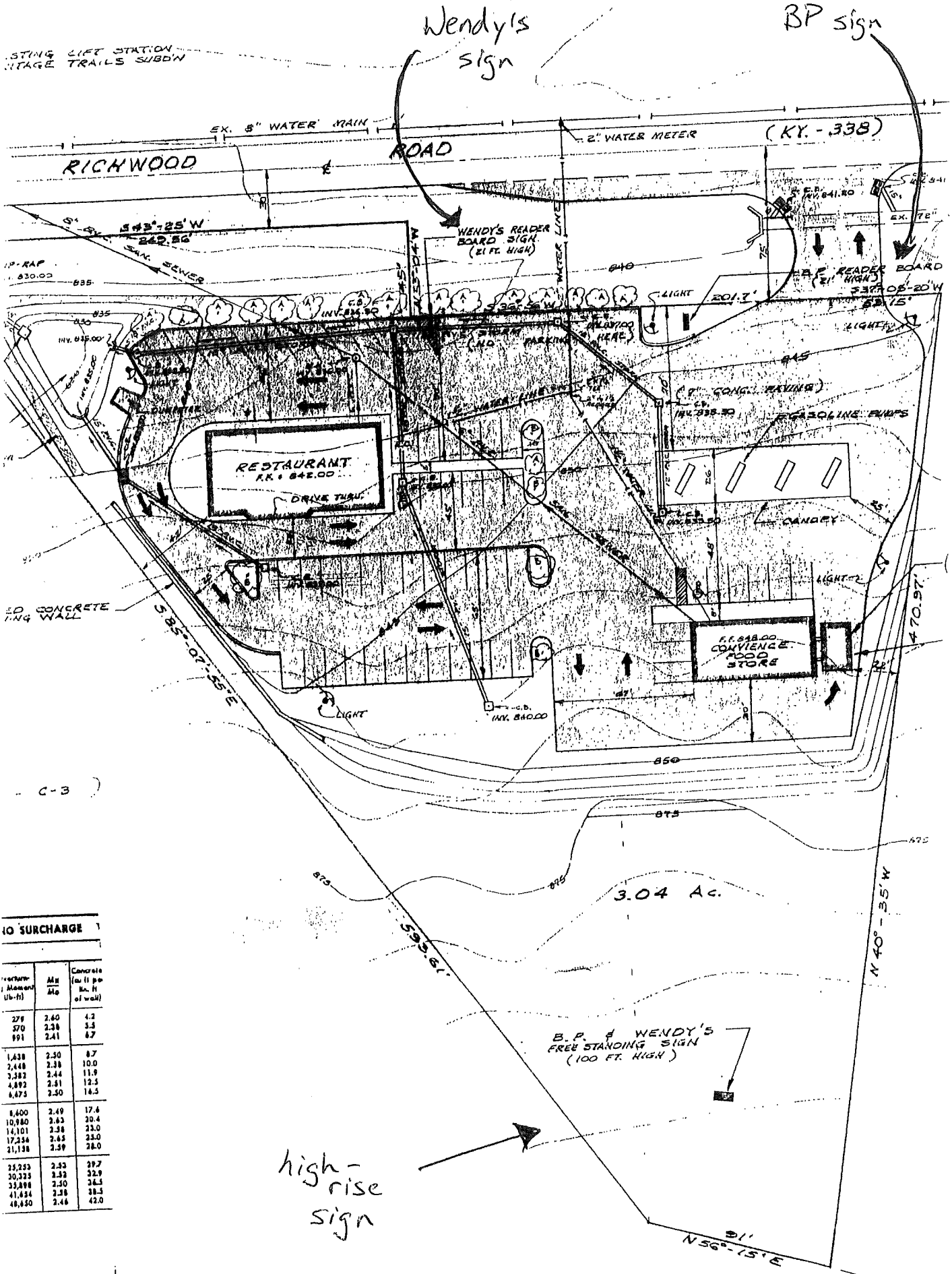
Furthermore, both the Wendy's and British Petroleum signs would be placed on the same single pole. This pole is being specially manufactured by British Petroleum.

The height variance is necessary because a forty foot pole does not allow the signs to be seen properly from the interstate. The applicant's signage must be comparative in height to the Chevron, Shell and Citgo high rise signs.

To be competitive with the McDonald's restaurant, the Wendy's restaurant (under construction) must have equal access to the interstate travelers. The Chevron and McDonald's high rise sign is located on two poles and is 136 feet high. This is thirty-six feet higher than the applicant's proposed sign. Unlike the McDonalds sign, this would not be an off-premise sign requiring a non-conforming use.

Finally, Wendy's restaurants are quality food franchises. The surrounding residents of Boone County and the interstate travelers will benefit from the restaurant. The same is true for the high quality products sold by British Petroleum. The requested variance is necessary for the applicant to succeed.

Deters
5-9-90



10 SURCHARGE

Volume (Moment Ub-ft)	Min Mo	Concrete (cu ft per lin. ft of wall)
279	2.60	4.2
570	2.38	5.3
991	2.41	6.7
1,438	2.50	8.7
2,448	2.38	10.0
3,587	2.44	11.9
4,892	2.31	12.5
6,473	2.50	14.5
8,600	2.49	17.4
10,980	2.63	20.4
14,101	2.58	23.0
17,254	2.45	23.0
21,198	2.39	28.0
25,253	2.35	37.7
30,323	2.38	32.9
35,898	2.50	34.5
41,884	2.38	38.5
48,450	2.46	42.0

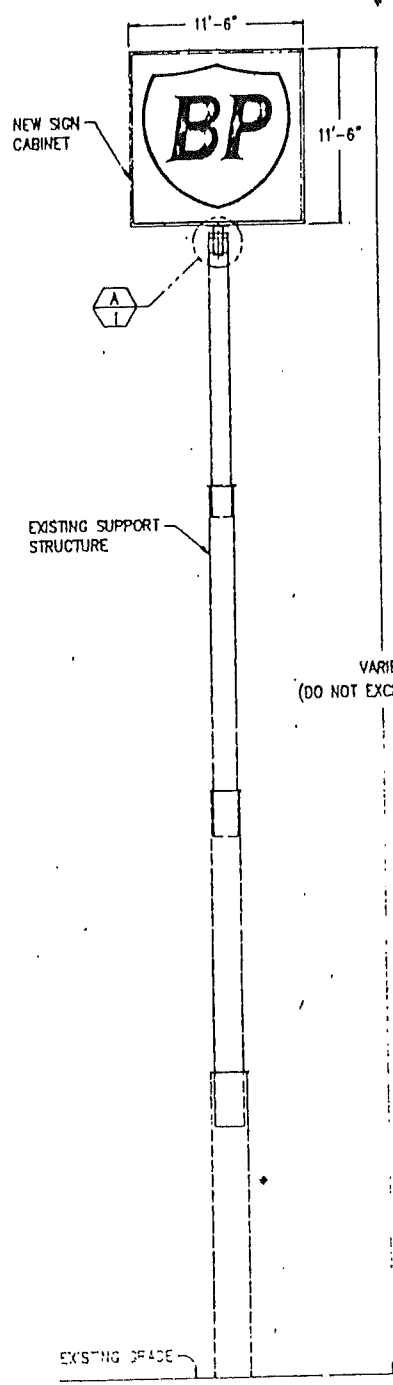
high-rise sign

B.P. & WENDY'S
FREE STANDING SIGN
(100 FT. HIGH)

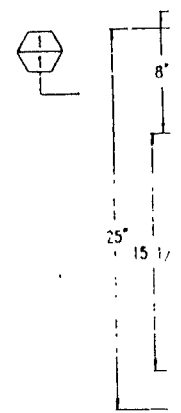
Deters
5-9-90

26'

W/ Wendy's
sign on
top
(see next
page)



SECTION
SCALE: 1 1/2"



EXISTING SUPP
STRUCTURE

ADAPTC
MOBIL SINGLE PO
SCALE: 1 1/2"

SIGN ELEVATION
SCALE: 1/8" = 1'-0"

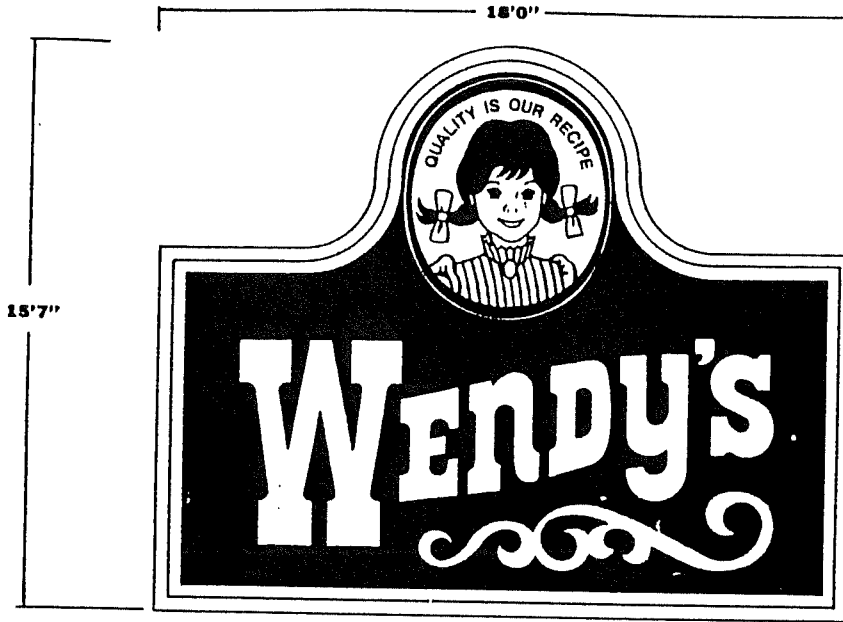
3" DIA HOLE

TYP
FO
SCALE

Deters
5-9-90

Manufacturers Specifications

WHR. 220



280
132

↑ on top of BP high rise sign (see previous page)

DESCRIPTION:

An illuminated double face hi-rise.

SIZE:

15'-7" high x 18'-0" wide.

FACES:

Translucent vinyl flexible face. Copy painted on first surface.

GRAPHICS:

White letters on a red background. Cameo of Wendy has red hair with blue hair ribbons, a blue and white striped dress on a white background with a black border.

CABINET:

Painted red steel frame.

POLE/POLE COVER:

This sign is designed to mount on one pole. Pole trim is included with sign. Ground poles by others.

SUPPORT STRUCTURE:

Pole size and foundation specifications are as required subject to local soil conditions, wind load, and code requirements.

Deters
5-9-90

WP-100
Pylon Sign
WP 100

Client
WENDY'S
Client Sheet No
02-02-14
Last Revision
04-17-85

TECHNICAL SPECIFICATIONS

DESCRIPTION:
An illuminated double face pylon with readerboard. Including a 250 character letter font and letter changer.

SIZE:
• PYLON: 7'-10" high x 9'-0" wide.
• READERBOARD: 5'-2" high x 9'-0" wide.

FACES:
• PYLON: 2" deep pan formed polycarbonate plastic, with embossed copy. Hinged for servicing.
• READERBOARD: 2" deep pan formed polycarbonate plastic, with embossed copy. Tracked for 3 rows of 6" changeable letters. Hinged for servicing.

GRAPHICS:
• PYLON: White letters on an illuminated red background, with a black scroll. Cameo of Wendy has red hair with blue hair ribbons, a blue and white striped dress on a white background with a black border. Entire sign surrounded by a yellow bevel and flange.
• READERBOARD: Black letters on a yellow panel, surrounded by a field of red. Changeable letter background is yellow. Entire readerboard has a yellow bevel and flange.

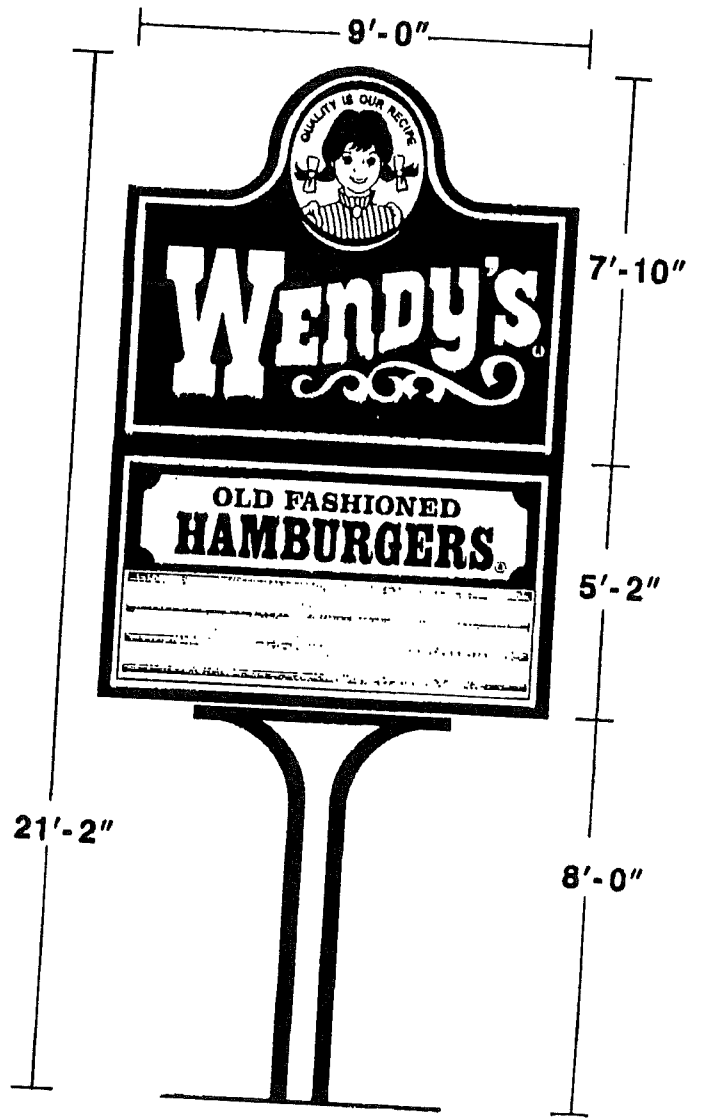
CABINET:
PYLON & READERBOARD: 14" wide aluminum extrusion with aluminum retainers both with a painted dark bronze finish.

ILLUMINATION/ELECTRICAL:
PYLON & READERBOARD: High output fluorescent lighting. Requires 1-20 amp circuit at 110 volts at 60 hertz.
Total amperage-14.8 amps

POLE/POLE COVER:
• POLE: 1 steel tube 8" x 8" x .250" wall. 13'-4" long. Painted with rust prohibitive primer.
• POLE COVER: Formed ABS plastic 11" wide. Painted dark bronze finish with formed insets painted copper.

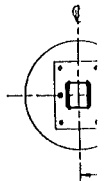
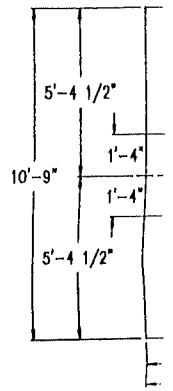
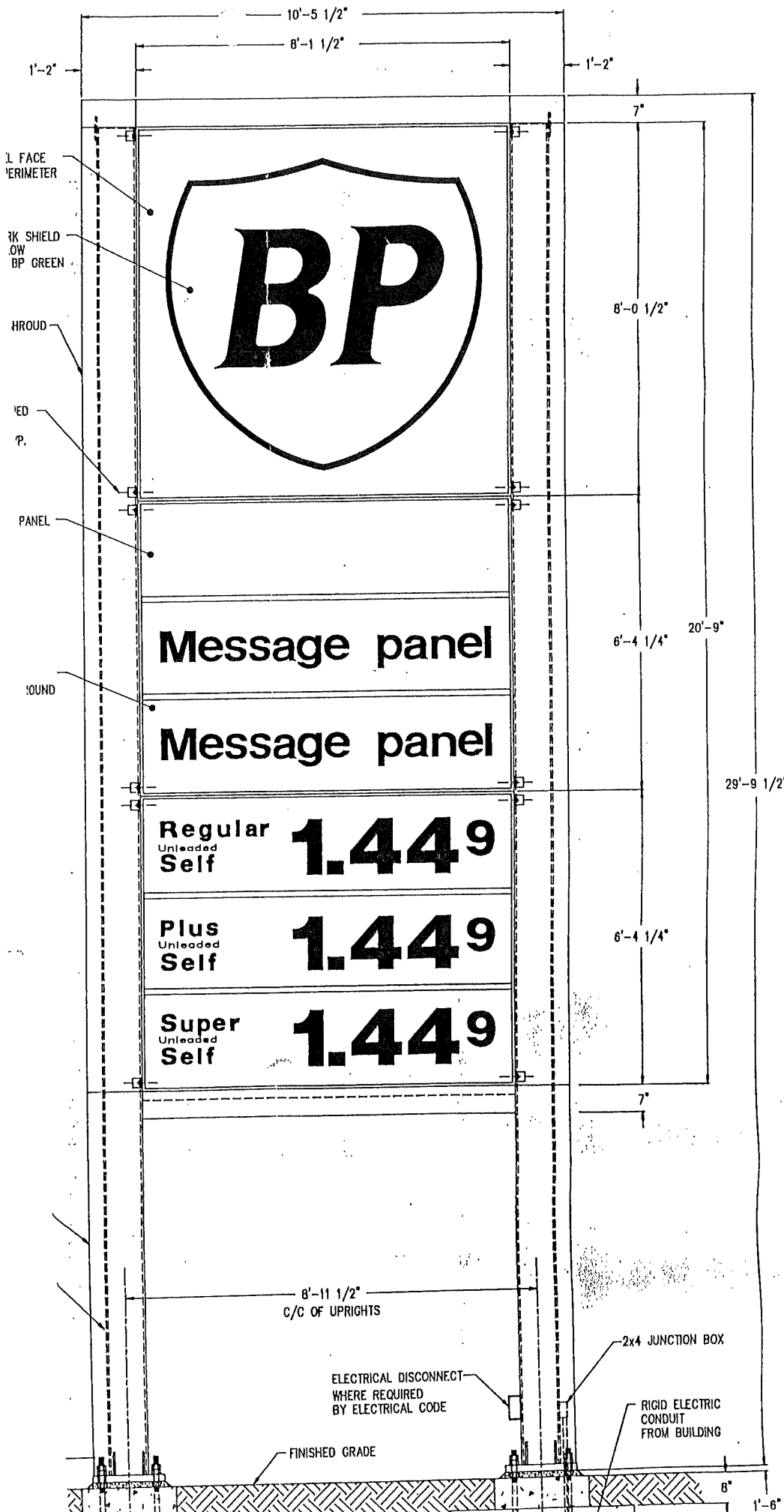
MOUNTING INSTRUCTIONS:
Match plate connection between pylon and readerboard. Pipe stub and weld plate provided for ground pole connection. Direct burial installation. Mounting kit provided for pole cover assembly.

FOUNDATION REQUIREMENTS:
CONCRETE BASE: 4'-0" diameter by 5'-0" deep. (Foundation specs subject to local soil conditions and code requirements.)

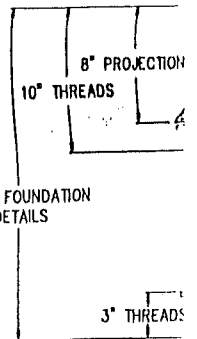


Wendy's Road sign

Deters
5-9-90



ALTER
SCALE: 1/4



ANCHOR

BP
Road
Sign

BOONE COUNTY BOARD OF ADJUSTMENT
BUSINESS MEETING

May 9, 1990 - 6:30 P.M.

BOARD MEMBERS PRESENT:

Mr. I. A. Archambault
Mr. Dan Houston
Mr. Walt Ryan
Mr. George Whitton, Chairman

BOARD MEMBERS NOT PRESENT:

Mr. Fred Nevel

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

The meeting was called to order by Chairman Whitton at 6:30 P.M..

APPROVAL OF THE MINUTES:

Chairman Whitton noted that each Board member had received a copy of the Minutes of the Boone County Board of Adjustment meeting of April 11, 1990 and asked if there were any comments or corrections.

There being no changes to the Minutes, Mr. Ryan moved that they be approved as mailed. Mr. Archambault seconded the motion and it carried unanimously.

AGENDA ITEMS:

1. The request of Eric C. Deters for Variances in the size, number, and height of free-standing signs. The 3.04-acre site located on the south side of Richwood Road, west of I-75, is zoned Commercial Services (C-3) and is owned by Deters Company, Inc..

Staff Member, Tom Breidenstein, presented the Staff Report which included a slide presentation (see Staff Report).

Chairman Whitton asked if anyone wished to speak in behalf of the request. Mr. Eric Deters, Jr., Mr. Eric Deters, Sr., Mr. Brian Fields, Mr. Bob Osmodie, Mr. George Strickland, and Mr. Tony Garcia were present in behalf of the request.

Mr. Eric Deters, Jr. presented a drawing indicating the location of the Wendy's readerboard sign, the BP (British Petroleum) readerboard sign, and the highrise sign. He referred to Section 244 in regard to granting a Variance. He stated that the Variance will not adversely affect the public health, safety or welfare; it will not alter the character of the general vicinity; it will not cause hazard or nuisance to the public or allow unreasonable circumvention of the Zoning Regulations. He noted that the Staff Report agrees that the Variance will not affect the public health, safety or welfare. He stated that uses on the west side of I-75 include Huntington Bank, a liquor store, service stations, a hotel, and a soon-to-be-built McDonald's restaurant. The applicant believes that the essential character of the general vicinity would not be altered by the variance. There is no evidence that the variance would cause the general public a hazard or nuisance. He noted that the Shell Station on the southwest side has four signs, including a high-rise and a high-rise readerboard sign. He stated that there is currently not a fast food restaurant in the area. The Wendy's Restaurant will be constructed prior to the McDonald's Restaurant. The high-rise and readerboard signs are important to the economic welfare of the business. Denial of the Variance would cause great hardship to the applicant because of the nature of the business. The credit card gas station business in Ohio and this area is a big part of the BP network. The denial of a highrise sign would be detrimental to the Wendy's restaurant based on the granting of the McDonald's sign under the Chevron sign.

Mr. Deters, Jr. stated that the intent under Article 19 of the Zoning Regulations is to create a more attractive economic and business environment. This Variance would cause the area to be a more attractive economic and business area. He stated that there is a dispute between he and Mr. Breidenstein regarding Section 1920 as to whether this is a mixed use development or two individual business establishments -- Wendy's and BP. He stated that if this Section is interpreted to say that they are entitled to one sign, then the Variance is a request for three signs as opposed to one. If the Board agrees that they are entitled to two freestanding signs, then they are only asking for a Variance for one sign. He stated that "Mixed Use Commercial" is not clearly defined in the Zoning Regulations. He stated that one freestanding sign is allowed for each building. He added that with each gasoline station having a highrise and a readerboard sign in the area, it is reasonable for the applicant to have both for each business. The site has two distinctive businesses operated by two distinct companies. The BP site and convenience store will be operated by the Deters Company and the restaurant will be operated by Triple Crown Food Services with a lease of the ground to Deters Company. He distributed a copy of a plat showing the site divided into Parcels A and B. They feel that they are entitled to two freestanding signs and are asking for four signs as the highrise sign would hold both a BP and a Wendy's sign. The highrise sign is 100 feet instead of 40 feet high, and there is also a request for a height Variance and a size Variance. He stated that none of the signs are in excess of 250 sq. ft. The size Variance would only be applicable to the total square footage of the signs. A Variance is not necessary for the readerboard signs. The BP and Wendy's signs would be connected to one pole. A 40-foot pole does not allow the signs to be seen from the interstate. He noted that the Shell and Citgo signs are 100

feet high. The Chevron/McDonald's sign is on two poles and 36 feet higher than their sign. Their sign would not be an off-premise sign. He distributed a series of color photographs to the Board showing the existing signage in the area and the site. He referred to the Minutes of the October 14, 1987 meeting in which Pilot Truck Stop requested a highrise sign. The basis for that sign was that there were already truck stop highrise signs to pull traffic off the interstate. He stated that McDonald's has both a highrise sign and a readerboard sign. He noted that Pilot is a truck stop next to two other truck stops. Wendy's Restaurant is unique to the area and there is not this type of restaurant in the vicinity. He stated that this applicant should not be punished by another business (Pilot Oil) being denied a sign. He stated that they may have better reasons for their sign than Pilot Oil Company and Huntington Bank. He stated that Wendy's is unique and BP has completely different credit card customers from the other gas stations. He added that the nature of Huntington Bank's business does not require drawing traffic off the interstate. The bank does not do business with travelers from Ohio or Michigan.

Mr. Bob Osmodie stated that a highrise sign will contribute about 38% of the total volume of gasoline products through the site. There is a highrise sign to Truckstops of America on the other side of the interstate. He stated that they will reprint all of their existing subsidiary names, including Sohio, Boron, and Gulf. Truckstops of America will stand alone as a wholly owned subsidiary and their signage will remain. When they reprint the other signs, they will have 2,300 service stations from Michigan to Florida. The old "Sohio" name holds about 28% of the market. They have 80% of the market in Boone County. He stated that 38% is projected volume at the Deters station and he will conservatively do 100 gallons a month. The interstate traffic would bring tax revenue into the state of 65,000 additional dollars per year. If the interstate traveler has the BP credit card and does not see the sign, he will not stop.

Mr. Brian Fields stated that he was Director of Area Operations for Wendy's until February, when he joined the Deters Company. He stated that about 30% of the Wendy's Restaurant traffic on Dream Street is interstate travelers. Their other stores have highrise signs and their volume is about 20% interstate traffic. He noted that going north on the interstate, they are the first one coming off the I-71 interchange and people are not used to a Wendy's being there. The highrise sign would allow the travelers to contribute 30% to 35% of their business.

Mr. Eric Deters, Jr. submitted exhibits for the record, which are labeled, and made a part of the record.

Mr. Eric Deters, Sr. stated that the 2.7-acre property adjacent to this site is zoned C-3, not residential. The slide had indicated it to be residential. He stated that the bank only applied for a highrise sign because they already had the pole from a previous use on the site.

There being no one else present in behalf of the request, the Chairman asked if there was anyone present in opposition or having questions.

Mrs. Thelma Castellini of Richwood stated that they believe BP Oil and Wendy's to be desirable for the area and welcome them to the community, but they have reservations about the signs. She stated that McDonald's would like to have had their own sign, but after getting the tenure of the neighborhood, they made other arrangements and now have their sign on the Chevron sign. The residential area to the north of this development will have full view of whatever sign goes up. A 100-foot high sign on a 50-foot hill will be 150 feet high. The existing hill is higher than the expressway. There are now 176 individual pumps where you can pump gas at the interchange within 500 feet. There is not sufficient room for 176 vehicles to park at the pumps. She noted that the illumination of the sign had not been mentioned. She asked that they consider a monument sign and forego the tower sign. She asked that the request for the pole sign be denied. She noted that there are usually three signs on the expressway, and because of the way the placement on the signs is determined, this location will have exposure well before the exit ramp on the blue or green board.

Chairman Whitton clarified that the notification signs at interchanges tell the public of food and restaurants available with the logos attached to the signs.

Mr. Deters, Jr. stated that he was not aware of these signs.

Chairman Whitton questioned the height of the sign, including the hillside. Mr. Deters, Jr. stated that the sign will be shorter than Shell, Citgo, and Chevron, which are also on a hillside. If the sign were off the hill, you would not be able to see it from the expressway. In consideration of the hillside, he estimated that the sign would be 125 feet from road level.

Chairman Whitton advised that the sign situation at Richwood has been very sensitive. The sign ordinance exists now because of situations like Richwood.

In response to questions from Mr. Ryan and Chairman Whitton, Mr. Deters, Jr. advised that their sign would be smaller than the McDonald's sign which is 250 square feet. The BP Oil sign would be one-third the size of the Chevron sign. The Wendy's sign is 220 square feet and the BP Oil Sign is 132 square feet, for a total of 352 square feet.

Chairman Whitton noted that the Minutes of the last meeting show the McDonald's sign to be about 100 square feet. Mr. Deters stated that these Minutes had not been finalized until this evening and they got their figures from the request.

Chairman Whitton noted Mr. Deter's figure of 352 square feet and Staff's total figure of 412 square feet. Mr. Breidenstein stated that the Wendy's sign is indicated as 132 square feet and the BP Oil sign is indicated as 280 square feet for a total of 412 square feet. Mr. Deters, Jr. agreed. Mr. Breidenstein added that the BP Oil sign is 220 square feet on the face, but it is a geometrical shape, not a rectangle. Chairman Whitton commented that the Wendy's advertising does not go across the whole sign. Mr. Breidenstein stated that you could then subtract 60 feet for a total of 352 square feet.

Mr. Deters, Jr. commented that the combined total of the Chevron and McDonald's signs is 463 square feet.

Mr. Deters, Jr. stated that they are making the Variance request based on what is existing in the area. They will negotiate if necessary. The Variance request is for less total square footage than Chevron and McDonald's. They definitely need the BP readerboard sign. They are asking for less than what the competition has.

Chairman Whitton stated that if they argue that this is two parcels, then the free-standing sign will be off-premise.

Mr. Deters, Jr. stated that the operations of the two businesses are separate. They have considered dividing the property and putting it in two deed names and coming in with two separate applications. This is one development with two separate businesses. They could combine the readerboard signs. He proposed that they eliminate the Wendy's readerboard sign. He asked if they were entitled to a sign on the building and Mr. Breidenstein advised that they are entitled to a sign on the building.

Mr. Deters, Jr. stated that they would also do away with the sign on the building. They would agree to a reduction of the square footage of the Wendy's sign, and would take a 150 square foot high-rise sign for Wendy's. This would then be a 132 square foot BP Oil high-rise sign, 168 square feet for the entrance sign for BP Oil, and a 150 square foot high rise sign for Wendy's. The high-rise signs would be on the same pole.

Chairman Whitton asked if the Board members wish to make a decision at this time or weigh the tremendous amount of information submitted by Mr. Deters. Chairman Whitton stated that he would like to research this request as was done for the Pilot Oil request.

Mr. Deters, Jr. stated that they would agree not to exceed the square footage allowed for Pilot Oil on Richwood Road.

Mr. Archambault moved that the request be deferred until the next Regular Meeting of the Board. The motion was not seconded.

Mr. Deters, Jr. stated that they would like to have the matter resolved this evening with concessions.

Mr. Bob Osmodie stated that the normal BP Oil high-rise sign is 400 square feet. This will be a special 132 square foot sign because of the sensitivity of the sign situation in Richwood. This is the minimum for visibility. The Deters service station may as well not open if they do not have a visible readerboard sign as the motoring public is price-sensitive.

Mrs. Castellini commented that people continually use what is there as a basis for what should be allowed and this defeats the purpose of the sign ordinance.

Chairman Whitton noted that the motion to defer the matter was not seconded.

Mr. Houston moved that the request be granted, with the elimination of the Wendy's sign. The BP sign at the entrance is not to exceed the size of the Pilot Oil sign. The two high-rise signs are to be on the same pole. The high-rise sign will be 100 feet high, the BP Oil high-rise sign will be 132 square feet, the Wendy's high-rise sign will be 150 square feet for a total square footage of 282. There will be no Wendy's entrance sign. The BP entrance sign will be 168 square feet or less depending on the size of the Pilot Oil sign, and 21 feet high. Mr. Ryan seconded the motion and it carried unanimously.

2. The request of Earl Baeten, et. al. for a Conditional Use Permit to allow the construction of an automobile body shop. The 4.5-acre site, located on the north side of Weaver Road between Dixie Highway and I-75, is zoned Industrial Two (I-2) and is owned by Earl Baeten, et. al..

Staff Member, Tom Breidenstein, presented the Staff Report which included a slide presentation (see Staff Report).

Chairman Whitton asked if anyone wished to speak in behalf of this request.

Mr. Mike Duncan, attorney, stated that Mr. Baeten and his partner were also present, as was Mr. Dick Elland, the owner by contract. A condition of the sale is the granting of the Conditional Use Permit. Mr. Elland is the owner/operator of a body shop on Mt. Zion Road and he will be dislocated when the widening of the road is completed. He has experience in this business and runs a nice operation at this time. The Concept Plan is intended to give the concept of the use. There was an error in the original plan and they do not intend to ask for a front yard setback reduction from 100 feet to 50 feet. They are asking for a use with a 100-foot setback. The storage and driveway may have to be adjusted due to the terrain. The facility is set up to intrude as little as possible on the neighborhood. The building is a combination of block and brick and designed into the hillside so that very little will show from the road and from adjoining properties. They intend to leave the heavily wooded nature of the site to the east and along the back. They will take out no more trees than necessary. They are agreeable to the condition of not disturbing the west side of the property. The building is 5,000 or 6,000 square feet on four acres of land. He noted that 22,000 square feet per acre is allowed in the zoning district.

In response to questions from Chairman Whitton, Mr. Duncan added that they will leave the trees in the front. The first 50 feet back from the fence will be undisturbed. They may remove underbrush and scrub. The building is cross-bow shaped and all the doors face the rear. Using a drawing he indicated the six bay doors, the door to the paint shop and the office area. There will be 14-foot ceiling inside, but only 7 or 8 feet will show above ground in the front. There will not be floor drains spewing out toxic materials. He noted that Mr. Elland understands the EPA requirements. There will be a blast-proof room where the chemicals will be kept.

In regard to the sign, Mr. Duncan stated that they agree to the 50-foot maximum and 10-foot high requirement. It will probably have landscaping at the bottom. He stated that they are not in agreement with the condition of the vines growing in the fence because of the heavily wooded nature. They do not believe the vines are necessary.

Mr. Elland stated that he had not planned to landscape around the fence as it will be heavily treed. He planned a chainlink fence and would prefer privacy slats to vines. He would eventually like to be able to blacktop and the vine roots can get under the blacktop.

Chairman Whitton asked if anyone else wished to speak.

Mr. Ken Overhelm, an adjoining property owner, stated that the driveway is within 30 feet of his property line. He reviewed the drawing shown by Mr. Duncan and questioned their intention in regard to the driveway.

Mr. Duncan advised that there will be some grading in the area of the driveway, but the trees and the hump between the properties will be left intact. It will be 80 feet to the building. They believe the existing natural buffer to be adequate.

Mr. Overhelm stated that the treeline is important to his business. Mr. Duncan agreed to leave the heavy treeline.

Mr. Overhelm stated that the buffer should be maintained. He added that he is agreeable if the buffer is left.

Mr. Elland stated that they will remove underbrush and dead trees. They will clean up the site. He added that they will put up a chainlink fence with privacy slats to hide the storage area. He has used six-foot fences in other locations with barbed wire and privacy slats.

Mr. Houston moved that the Conditional Use Permit be approved as it meets the criteria for a Conditional Use Permit as identified in the Staff Report, but subject to the conditions that the sign be no more than 50 square feet and ten feet high, that there be privacy slats in the chainlink fence, that the first 50 feet be left undisturbed, and that all possible trees be left in order to buffer adjacent property. Mr. Ryan seconded the motion and it carried unanimously.

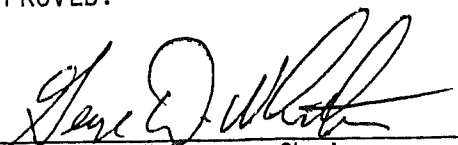
There being no further business to come before the Board, Mr. Archambault moved that the meeting be adjourned. Mr. Ryan seconded the motion and it carried unanimously.

APPROVED:

Attest:



Jan Hancock, Recording Secretary



George D. Whitton, Chairman