

SECTION B

(To be completed by Boone County Planning Commission Staff)

1. Date Received 12-20-90 JWS
2. Fee Received \$366
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

2

APPLICANT: Eric Deters
DEVELOPMENT: Wendy's Restaurant
LOCATION: 319 Richwood Road
ZONING: Commercial Services (C-3)
DATE: January 10, 1991

REMARKS:

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

History

On May 9, 1990, this Board granted Variances in the number of free-standing signs, the size of a free-standing sign, and the height of a free-standing sign to the applicant for the Wendy's / B.P. Oil commercial development. A 168 square foot, 21 foot high entrance sign at Richwood Road for B.P. Oil and a 282 square foot, 100 foot high combination Wendy's and B.P. Oil high-rise sign behind the gas station were approved. The request for a 100 square foot, 21 foot high Wendy's entrance sign along Richwood Road was denied at that meeting. A copy of the minutes of that meeting is attached.

Request

The applicant is requesting a Variance in the number of free-standing signs to allow the installation of the 100 square foot Wendy's entrance sign which was denied 8 months ago. The applicant's "Memorandum in Support of Variance Request of Deters Company, Inc." is attached, along with a drawing of the proposed sign and a site plan showing its intended location.

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

1. Staff does not believe that, if granted, the Variance will adversely affect the public health, safety, or welfare. However, the Board must consider whether or not the number of free-standing signs will alter the essential character of the general vicinity. The Board must also consider whether the proposed sign will cause a hazard or nuisance to the public and whether, if granted, the Variance will allow an unreasonable circumvention of the requirements of the zoning regulations. In making these determinations, the following points must be considered:
 - a. Staff can find no special circumstances with this development which do not generally apply to land in the general vicinity, or in the zone. The applicant argues the fact that McDonald's restaurant,

located across the Richwood Road from Wendy's, has its own free-standing sign constitutes a special circumstance;

- b. Strict application of the zoning regulations (and of the previously approved Variances) would limit the applicant to those signs currently on the site. The Board must consider whether 2 signs with 168 and 282 square feet are adequate for a gas station and fast food restaurant. The applicant argues that denial of the Variance to allow Wendy's its own entrance sign with a reader board "would create an unnecessary hardship on the applicant based on the need to remain competitive with the McDonald's restaurant."
- c. Again, Staff has found no special circumstances which are the result of the actions of the applicant taken subsequent to the adoption of the zoning regulations.

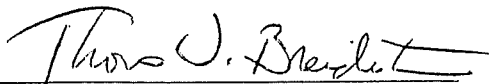
Conclusion

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

TWB:kat

TO: BOONE COUNTY BOARD OF ADJUSTMENTS
FROM: ERIC C. DETERS
DATE: December 19, 1990

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

Deters 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 not allow an unreasonable circumvention of the requirements of the zoning regulations.

The business uses operated by the applicant 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 a

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.

VACUFORM CORPORATION
 1877 E. 17th AVE., P.O. BOX 30963
 COLUMBUS, OHIO 43230-0963 (614) 294-2616

WP100
Pylon Sign

PRODUCT SPECIFICATIONS

165

NATIONAL Sign →
 Vacuform



With this 21' high, 100 square foot pylon and readerboard you can increase traffic counts by promoting weekly specials!

Designation Code **WP-100**
Product Name **Pylon Sign**
Drawing No. **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 or 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-14.6 amps

POLE/POLE COVER:

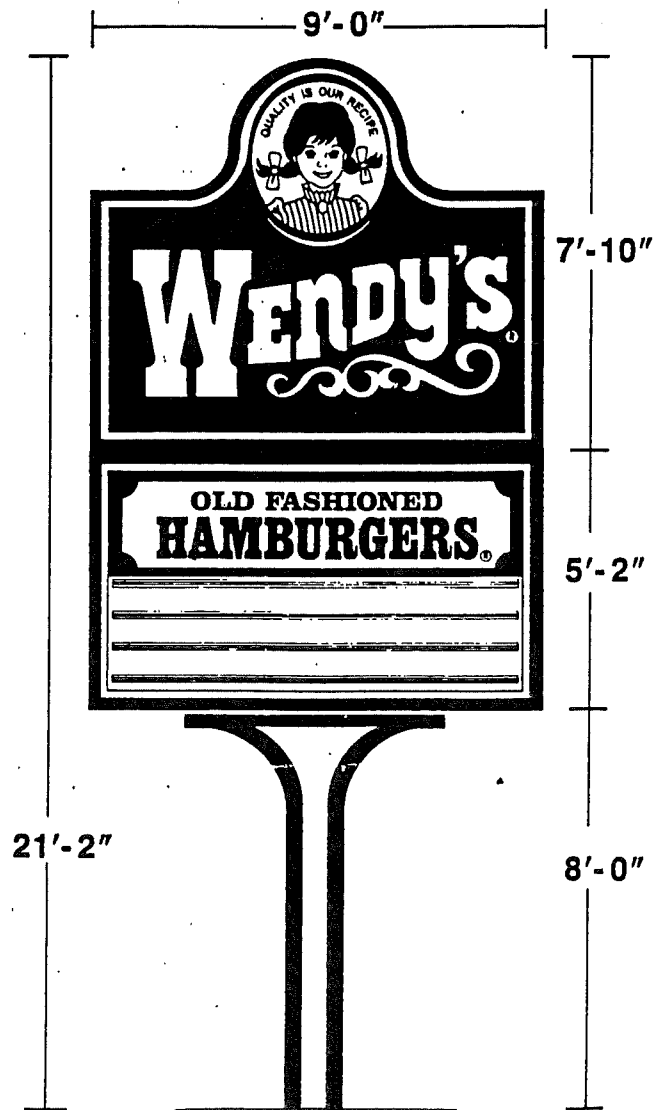
- POLE: 1 steel tube 8" x 8" x .250" wall. 13'-4" long. Painted with rust prohibitive primer.
- POLE COVER: Formed ABS plastic 11" wide. Painted dark bronze finish with formed insets painted copper.

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.)

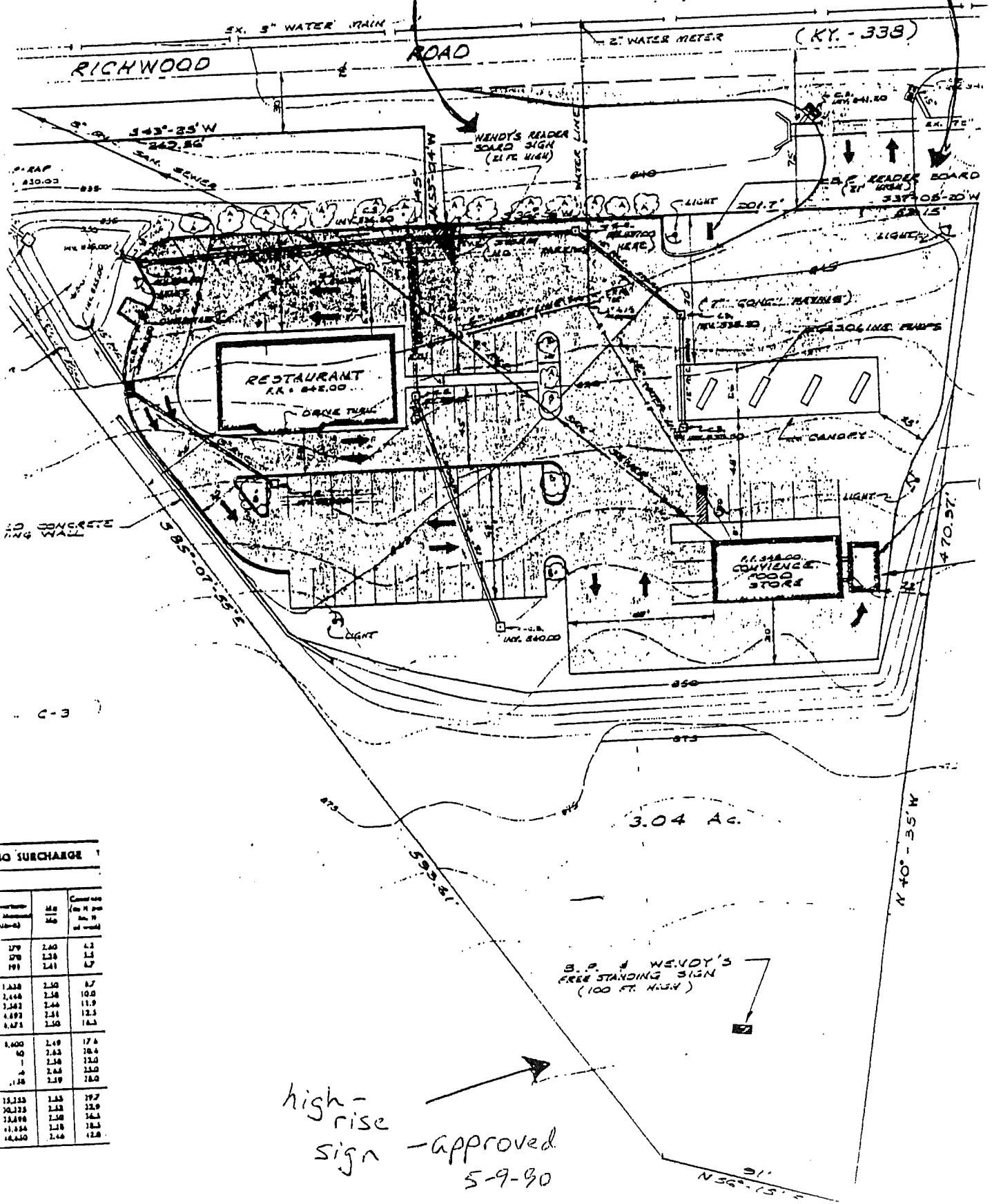


Deters
5-9-90

STING LIFT STATION
PAGE TRAILS SUBDN

proposed
Wendy's
sign

BP sign
-approved
5-9-90

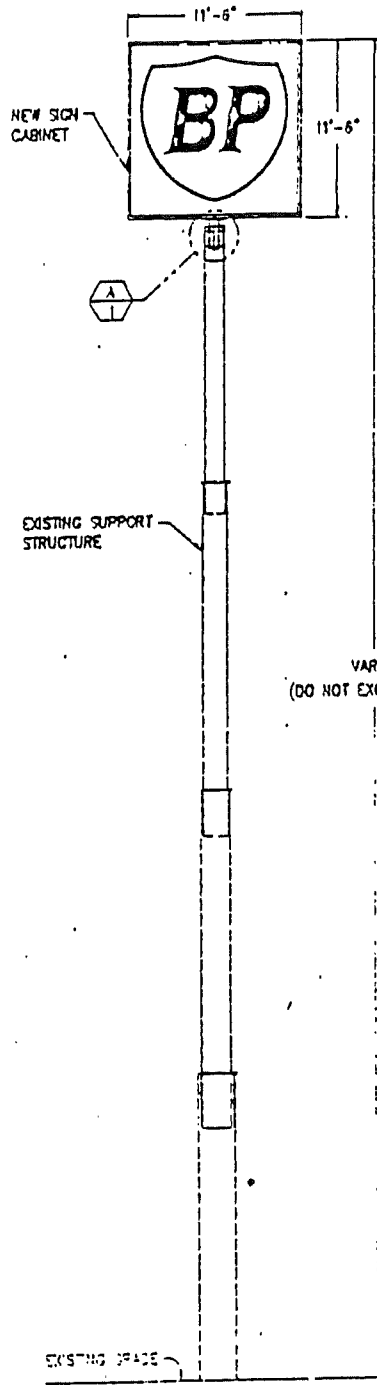


NO SURCHARGE

Volume (cu-yd)	Rate	Cost
179	2.60	4.62
178	2.56	4.55
191	2.41	4.59
1,330	2.50	3.33
1,444	2.58	3.72
1,542	2.66	4.10
4,892	2.81	13.73
4,473	2.50	11.18
8,400	2.49	20.72
40	2.83	113.20
1	2.50	2.50
1	2.65	2.65
128	2.19	280.32
12,323	2.85	351.20
70,323	2.83	198.92
12,898	2.58	332.78
11,554	2.18	251.88
16,650	2.46	410.58

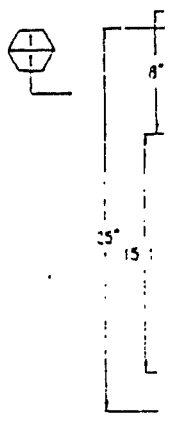
high-rise
sign -approved
5-9-90

Deters
5-9-90
(Approved)



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

SECTIC
SCALE: 1/1/2"



EXISTING SUPP
STRUCTURE

ADAPIC
MOBL SINGLE PR
SCALE: 1/1/2"

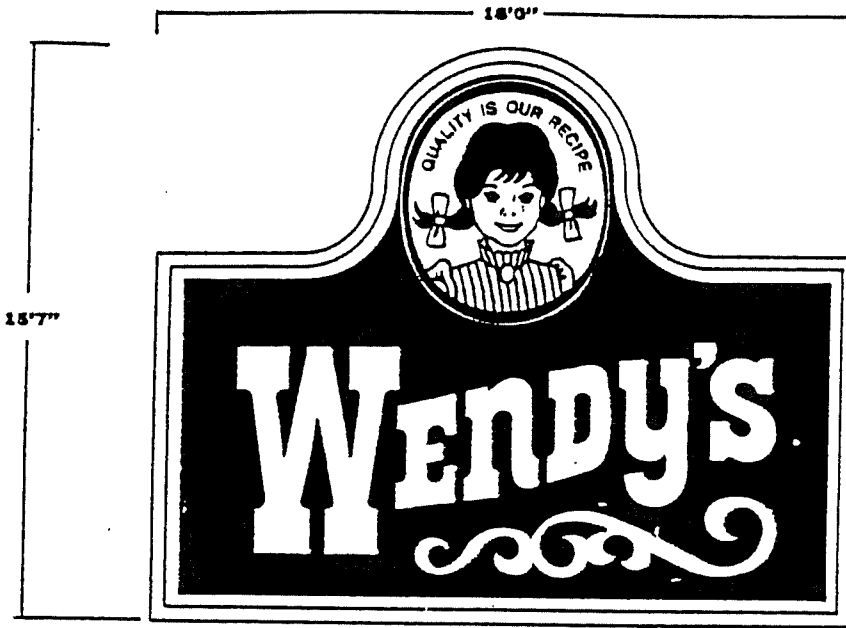
SIGN ELEVATION
SCALE: 1/2" = 1'-0"

TYP
FC
SCALE

Deters
5-9-90
(approved)

Manufacturers Specifications

WHR. 220



220
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.

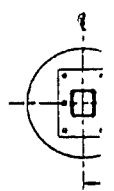
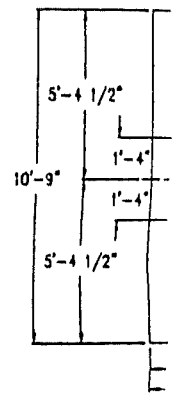
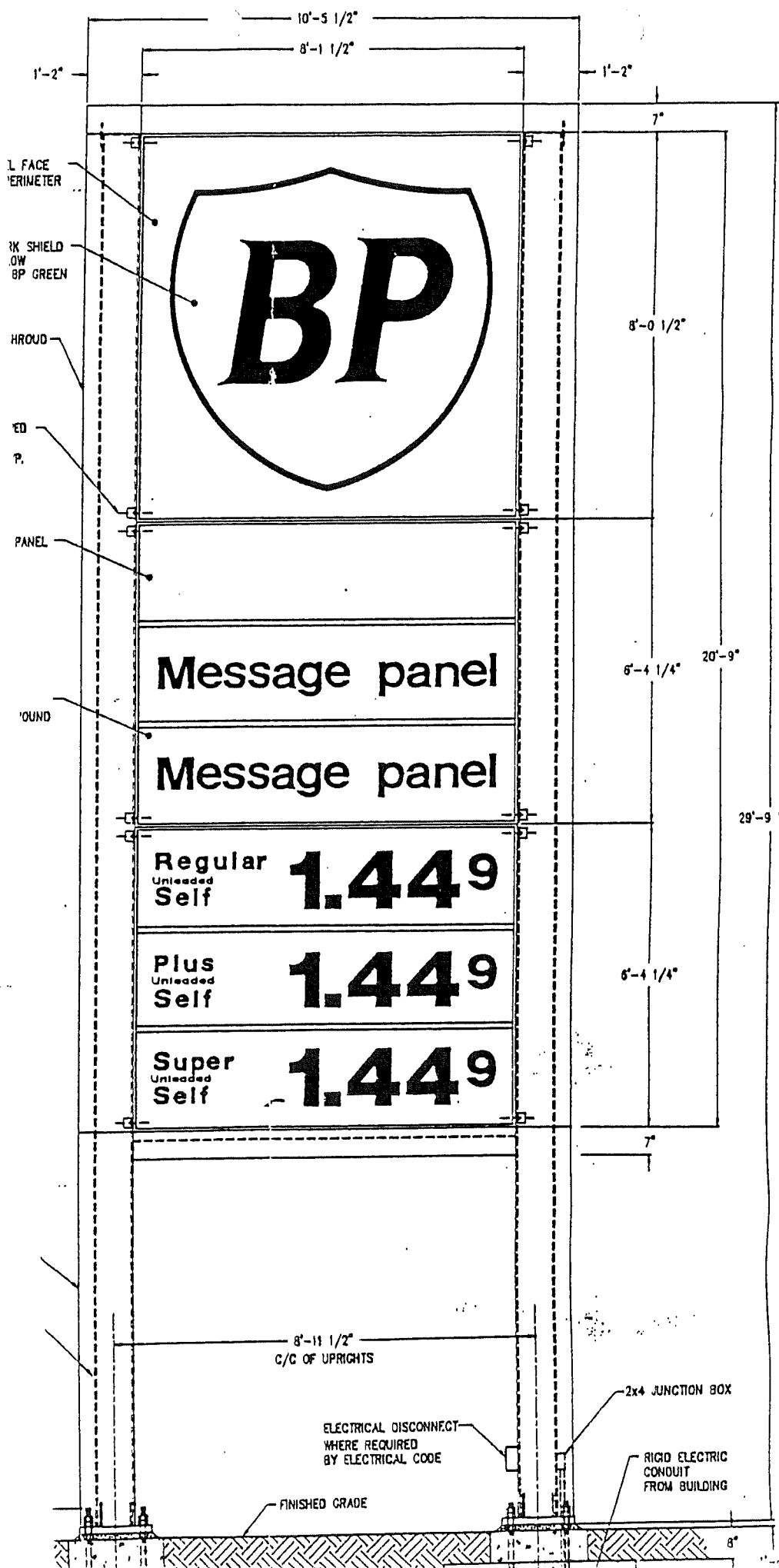
POLE/POLE COVER:

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

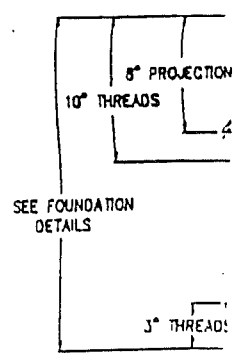
SUPPORT STRUCTURE:

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

Deters
5-9-90
Approved



ALTER
SCALE: 1/4



ANCHOR

RP
Road
Sign