

REVIEW NO. _____

APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION

(See Boone County Zoning Regulations).SECTION A (To be completed by applicant)

- (Check One)
 1. Boone _____ Florence _____ Walton _____ Union _____
 (Check One)
 2. _____ Conditional Use Permit Variance _____ Appeal _____
 _____ Change in Non-Conforming Use _____
 3. Applicant's Name TER KAPP ASST. V.P. WAFFLE HOUSE, INC.
 Phone Number 404-729-5804
 Applicant's Address 5926 FINANCIAL DRIVE
NORCROSS GA 30071
 City State Zip
 4. Description of Request: VARIANCE FOR FRONT SETBACKS
SIZE TO (1) INCREASE HEIGHT FROM 30 FEET TO 60 FEET
AND (2) INCREASE FRONT SETBACK FROM 25 FEET TO 30 FEET
 5. Name of Development WAFFLE HOUSE RESTAURANT
 6. Location of Development Highway 338 - Richardson, Ky
 7. Acreage Under Review 6.8165
 8. Lot Number and Name of Subdivision (if part of a subdivision)
NONE
 9. Owner of Property TOP RETAIL, INC.
 Phone Number 407-263-2506
 10. Address of Property Owner 496 SANDORAN BLVD, SUITE 125
CASSELBERRY FL 32718
 City State Zip
 11. Proposed Use(s) On Site RESTAURANT
 12. Total Square Footage of Existing and/or Proposed Buildings
1800
 13. Current Zoning on Property C-3
 14. Deed Book 398 Page No. 134 Group No. 77
 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? _____
 17. Have you submitted a list of adjoining property owners with
 this request? _____
 18. Applicant's Signature: Ter Kapp
 19. Property Owner's Signature: N.S. Kallert, V.P. Top Retail, Inc.

STAFF REPORT

#3

DEVELOPMENT: Waffle House
APPLICANT: Ted Kapp
LOCATION: North of Richwood Road and west of Interstate 75
ZONING: Commercial Services (C-3)
DATE: February 13, 1991

REMARKS:

The applicant is requesting a Variance in the height of a free-standing sign. The 0.82 acre site is located north of Richwood Road and west Interstate 75. The site is zoned Commercial Services (C-3) and is owned by TOC Retail, Inc.

History of the area:

On April 11, 1990 the Boone County Board of Adjustment overturned the Zoning Administrator's decision that had previously denied McDonald's the ability to place their sign on the existing Chevron sign. Additionally, on May 9, 1990 the same Board allowed, as part of the applicant's request, a Variance in the height of the free-standing sign for Wendy's and BP Oil. Huntington Bank was denied a Variance for a high-rise sign even though the tower structure existed on the site. Also, Pilot Truck Stop was denied a variance for a high-rise sign.

Request:

The applicant is requesting a 30' foot Variance in the height of a free-standing sign. The request is for a 60' foot free-standing Waffle House sign with a total square footage of 189 feet.

The important thing to note about this request is the site contains an existing CITGO free-standing sign approximately 35' feet to the west of the proposed location of the Waffle House sign. Since the CITGO sign is not located on the CITGO property it is classified as an "off-premise" sign, however, it is protected as a pre-existing, non-conforming use because it was in existence prior to the adoption of the zoning regulations.

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

2. Free-Standing Signs

- 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.

Review:

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.
2. Staff can find no special circumstances with this development which do not generally apply to land in the general vicinity, or the same zone.
3. Strict application of the zoning regulations would allow this development one 30' foot free-standing sign. The site presently contains the CITGO sign and this would account for the one free-standing sign for this development.
4. 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.

Respectfully submitted,



J. Gregory Tutley
Planner I

JGT:kat

EXIST
CITY
SIGN

PROPOSED
SIGN
LOCATION

TOC RETAIL, INC.
Zone - C-3

74'

74'

COLUMBIA SUSSEX CORP.
(DAYS INN)
(Site Conc.)
Zone - C-3

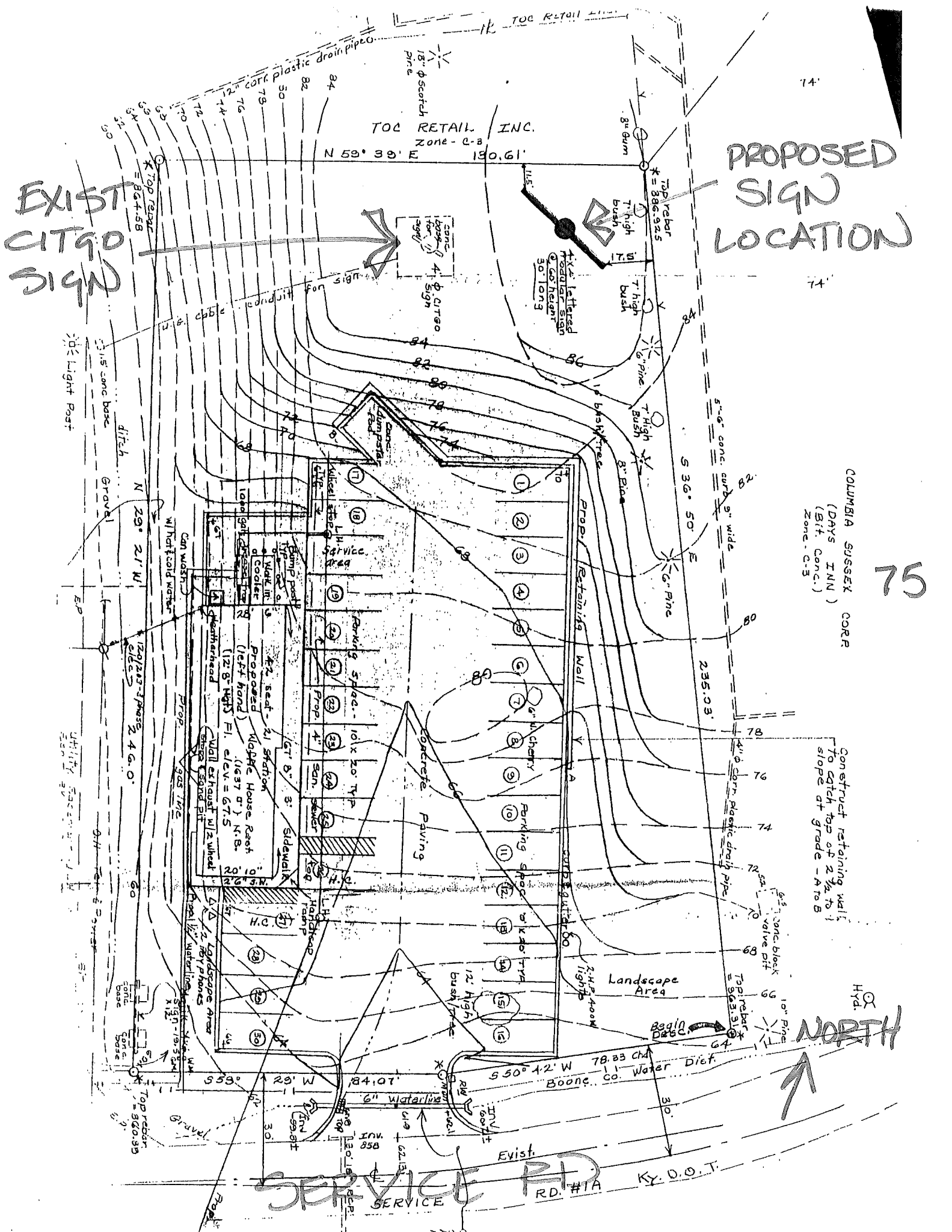
75

Construct retaining wall
to catch top of 2 1/2 to 1
slope at grade - A to B

NORTH

EXIST
SERVICE RD. #1A

KY. D.O.T.



EXIST
CITY
SIGN

PROPOSED
SIGN
LOCATION

TOC RETAIL, INC.
Zone - C-3

74'

74'

COLUMBIA SUSSEX CORP.
(DAYS INN)
(Site Conc.)
Zone - C-3

75

Construct retaining wall
to catch top of 2 1/2 to 1
slope at grade - A to B

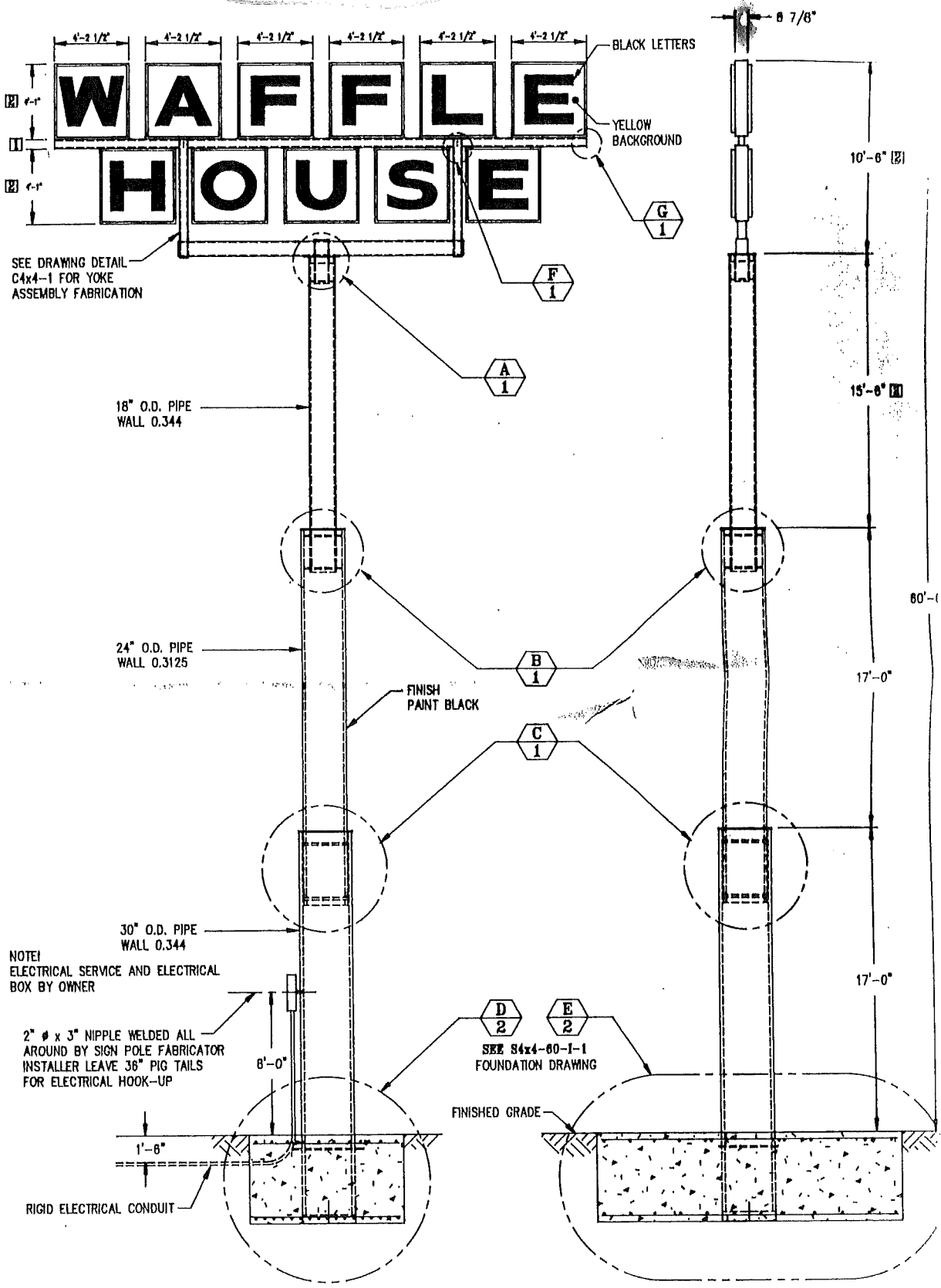
NORTH

EXIST
SERVICE RD. #1A

KY. D.O.T.

189 S.F.

60'



SIGN ELEVATION
SCALE: 3/16" = 1'-0"

SIGN PROFILE
SCALE: 3/16" = 1'-0"