

APPLICATION FORM

BOARD OF ADJUSTMENT
AND
ZONING APPEALS ACTION
BOONE COUNTY PLANNING COMMISSION

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

- (Check One)
- Boone _____ Florence _____ Walton _____ Union _____
 - (Check One)
 Conditional Use Permit Variance _____ Appeal _____
 Change in Non-Conforming Use _____
 - Applicant's Name BERBERICH FAMILY ENTERPRISES I, LIMITED
Phone Number (606) 341-2292 Fax No. (606) 371-8341
Applicant's Address c/o DENNIS R. WILLIAMS
Suite 400, 8100 Burlington Pike, Florence, KY 41042
City _____ State _____ Zip _____
 - Description of Request: Variance in square footage allowance for building
mounted signs on Thriftway Market Place. Per Regulations a total of 596 sq. feet
permitted. Applicant requests 621.43 sq. feet.
 - Name of Development MT. ZION CROSSINGS/THRIFTWAY MARKET PLACE
 - Location of Development 9950 Berberich Drive, Florence, KY
 - Acreage Under Review Lot 8 & 7, MT. ZION CROSSINGS
 - Lot Number and Name of Subdivision (if part of a subdivision)
Lot 8 & 7 MT. ZION CROSSINGS
 - Owner of Property BERBERICH FAMILY ENTERPRISE-I, LIMITED
Phone Number of Owner (606) 341-2292
 - Address of Property Owner 2319 Armella Place, Villa Hills, KY 41017
City _____ State _____ Zip _____
 - Proposed Use(s) on Site THRIFTWAY MARKET PLACE
 - Total Square Footage of Existing and/or Proposed Buildings 62,000 square foot approx.
 - Current Zoning on Property C-4
 - Deed Book G18 Page No. 291 Group No. 2049-B
 - Is the site subject to a zone change? No
If yes, give date of approval _____
 - Have you submitted a Site Plan with this request? Yes and sign drawings.
 - Have you submitted a list of adjoining property owners with this request? Yes.
 - I, or we, understand and agree that this application and drawing(s) are being filed in
accordance with the Boone County Zoning Regulations.

Applicant's Signature:

* Property Owner's Signature:

BOARD OF ADJUSTMENT AND
ZONING APPEALS ACTION
APPLICATION
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SECTION B (To be completed by the Boone County Planning Commission Staff)

1. Date Received May 20, 1997 Fee Received 768.00 R# 13561
2. Is application complete? Yes No
3. Staff Reviewer [Signature]
4. Scheduled Board Action Date 6/11/97
5. Board Action:
 Approved
 Approved with Conditions (See #6)
 Denial (See #7)
6. Conditions of Approval: ~~See #6~~ No Conditions
7. Reasons for Denial: _____

Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005
(606) 334-2196 Phone
(606) 334-2264 Fax

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

DEVELOPMENT: Thriftway Marketplace

APPLICANT: Berberich Family Enterprises I, Limited

LOCATION: 9950 Berberich Drive, Boone County, Kentucky

ZONING: Commercial Four (C-4)

DATE: June 11, 1997

Proposal

The applicant is requesting a Variance to allow an increase in the square footage permitted for building mounted signage on the principal facade (front elevation) of the Thriftway Marketplace, which is located at the corner of Mt. Zion Road and Berberich Drive, Boone County, Kentucky. The applicant's request is for a Variance that would permit a 621.43 square foot of signage on the front elevation of the building. Thriftway currently has a sign permit allowing 550 square feet of signage on the front elevation of the building.

Article 34

Article 34, Section 3413 of the Boone County Zoning Regulations, states the following for building mounted signs in Commercial Districts:

A business establishment may be permitted building mounted signage for each building elevation directly on, or with high visibility from, any arterial, collector, or marginal access street, including areas of major internal traffic circulation of a development. The primary building elevation shall be permitted two square feet of sign area per lineal foot of building width for the elevation upon which it is mounted, or in multi-tenant buildings, the width of the portion of the building frontage occupied by an individual establishment. Any additional elevations shall be permitted one (1) square foot of sign area per lineal foot of width from the same elevation on which it is mounted. Under no circumstances shall any establishment be allowed more than three (3) elevations of building mounted signage. The square footage allotted for any one side may be divided up to allow for up to three (3) separate building mounted signs on that elevation. For the purpose of this order, signs or awnings are considered in the total square footage of building mounted signage permitted for that elevation. Only the copy area on the awnings will be calculated for square footage.

Based on the length of the building (298 feet), the maximum allotted signage for the front elevation of the Thriftway building is 596 square feet. The applicant would like to add space between the "Food Pavilion/Pharmacy" sign so that "Food Pavilion" and "Pharmacy" read as individual signs. A sheet with building elevations shows what has been approved by the Planning Commission for the front elevation of Thriftway and what is being proposed by the applicant.

Because the Zoning Regulations only permit a maximum of three signs on a single elevation, the "Food Pavilion" and "Pharmacy" signage along with the "dead/unused" space between them, has to be calculated together in order to comply with the regulations.

A Variance is defined as a departure from 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 K.R.S. 100.241 to 100.47.

Variances are appropriate by reason of exceptional narrowness, shallowness, or unusual shape of a site on the effective date of the zoning regulations or amendment thereof or by reason of exceptional topographic conditions, or some other extraordinary situation or condition of the site. The literal enforcement of the above dimensional terms of the zoning regulation would deprive the applicant of reasonable capacity to make use of the land in a manner equivalent to the use permitted other landowners in the same zone. The dimensional terms pertaining to height, width and location involve such items as structures, parking space stalls, driveway aisles, and landscaped buffers and signs. Lot frontages, the size of yards, and open spaces refer to minimum yard dimensions such as building setbacks.

The Board should evaluate the applicant's request as it relates to the criteria necessary for granting a Variance, stated in Article 2, Section 251 of the Boone County Zoning Regulations.

Conclusion

K.R.S. 100.241 gives the Boone County Board of Adjustment and Zoning Appeals the authority to approve the applicant's request for a Variance to allow an increase in the square footage of permitted for building mounted signage on the principal facade of the Thriftway Marketplace. It is Staff's opinion that the proposed 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. This opinion is based on the fact that the applicant is technically *not* adding any visual signage or elements to the signs that have already been approved for Thriftway, by the Planning Commission.

Respectfully Submitted,

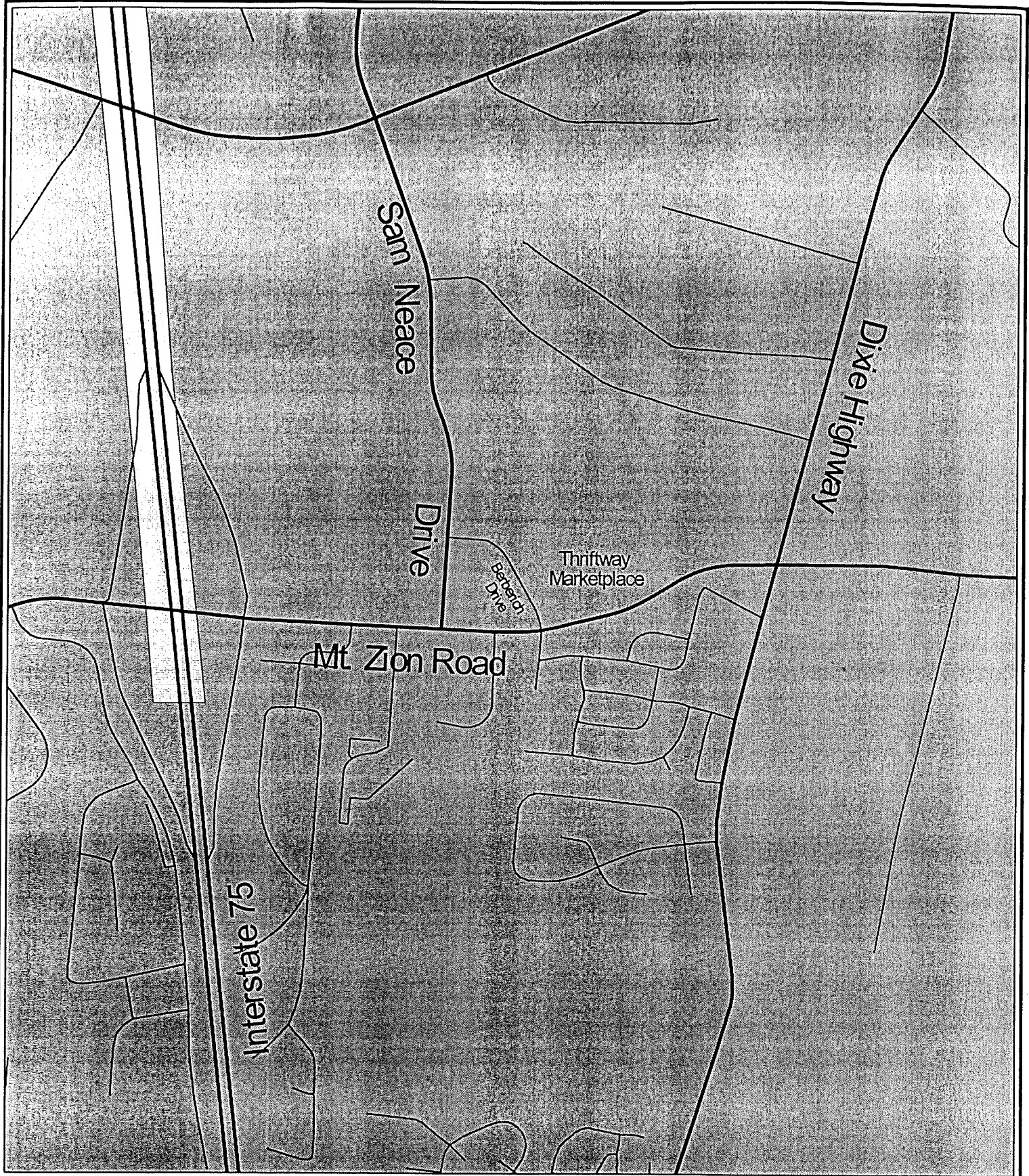


Edward Coleman
Planner

EC\par

Attachments

- Location Map
- Building Elevations Proposed and Approved
- Approved Sign Permit
- Applicant's letter of intent



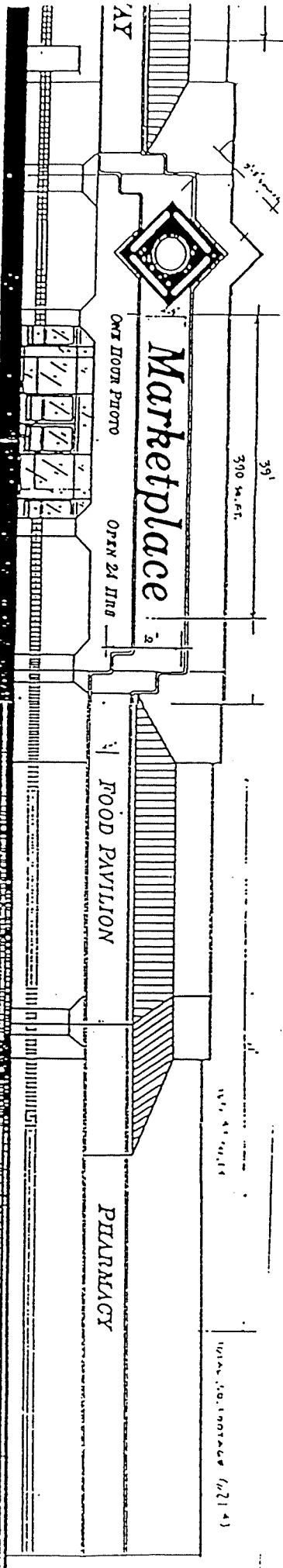
Thriftway Marketplace

900 0 900 Feet

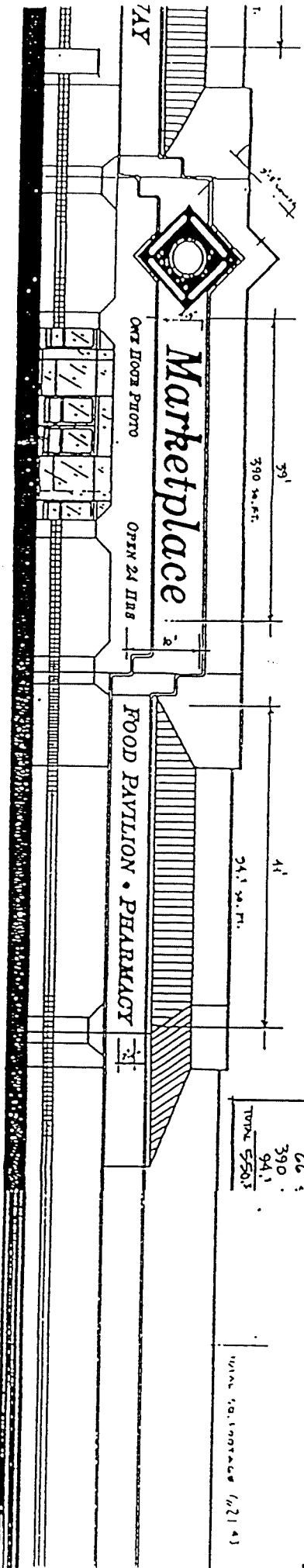


1 inch equals 900 feet
Produced by the
Boone County Planning Commission
GIS Services Division
June 4, 1997





PROPOSED SIGNAGE



APPROVED SIGNAGE

66'
390'
94'
TOTAL 580'

1/14/15, 10:10 AM (02/14)

**BOONE COUNTY PLANNING COMMISSION
SIGN PERMIT**

****NOTE:** *Prior to the placement of any approved sign, a building permit may be required from the Boone County Building Inspector - contact at 334-2218 for requirements.*

A Sign permit is hereby granted to Noble Signs

for Thriftway

for property located at 9950 Berberich Drive

and zoned C-4, for the purpose of erecting signage in accordance with Article 34,

Section 3413 of the Boone County Zoning Order (Ordinance), subject to the

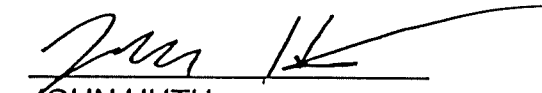
following special conditions/descriptions:

Three building mounted signs - 1) 66 square feet - 2) 390 square feet - 3) 94 square feet

Total 550 square feet per 298 square feet of linear building width.

Failure to comply with the above cited Zoning Regulations and special conditions, shall render this permit null and void and to no effect.

3/24/97
DATE



JOHN HUTH
PLANNER

ADAMS, BROOKING, STEPNER, WOLTERMANN & DUSING

Attorneys and Counselors at Law

JOHN R. S. BROOKING *
DONALD L. STEPNER *
JAMES G. WOLTERMANN *
GERALD F. DUSING
MICHAEL M. SKETCH *
DENNIS R. WILLIAMS *
JAMES R. KRUER *
JEFFREY C. MANDO *
MARC D. DIETZ *

GREGORY S. SHUMATE *
J. S. "BROOK" BROOKING *
STACEY L. GRAUS *
PAUL J. DARPEL *
LORI A. SCHLARMAN *
CHANDRA S. BALDWIN *
ROBERT D. DILTS *
WESTON W. WORTHINGTON

8100 BURLINGTON PIKE-SUITE 400

P. O. BOX 576

FLORENCE, KENTUCKY 41042-0576

AREA CODE 606-371-6220

FAX 606-371-8341

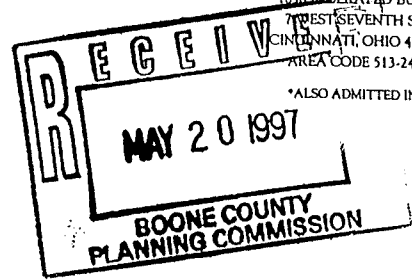
May 20, 1997

421 GARRARD STREET
P. O. BOX 861
COVINGTON, KENTUCKY 41012-0861
AREA CODE 606-291-7270
FAX 606-291-7902

1850 FEDERATED BUILDING
708 WEST SEVENTH STREET
CINCINNATI, OHIO 45202-2417
AREA CODE 513-241-7460

*ALSO ADMITTED IN OHIO

CHARLES S. ADAMS (1906-1971)
C. GORDON WALKER (1911-1967)



Boone County Planning and
Zoning Commission
2995 Washington Street
Burlington, KY 41005
HAND-DELIVERED

RE: REQUEST FOR BOARD OF ADJUSTMENT CONSIDERATION
OF VARIANCE - MT. ZION CROSSINGS DEVELOPMENT -
BUILDING MOUNTED SIGN

Dear Gentlemen:

Enclosed is an Application for Variance of the square footage limitations imposed on a building mounted sign to be located upon the new Thriftway Marketplace located within the Mt. Zion Crossing Development.

If the signs are limited to the permitted square footage, they will be forced to be asymmetrical and less attractive. While a sign permit was originally issued, we would request prompt consideration of a variance that will allow us to stretch the sign containing the words "Food Pavilion Pharmacy" so as to place the word "Pharmacy" farther to the right of the front elevation. The size of the lettering and the amount of lettering has not changed from the original plan. It is our understanding, however, that the "blank" space between the words now must be included in the square footage calculation and that this will then exceed the amount permitted without a variance. It is for this reason, a variance is being requested.

Should you need any additional information, please call and we will provide it as quickly as possible. Winn-Dixie (Thriftway) plans to open soon and we need to have this matter resolved and the sign in place as soon as possible.

Sincerely,

ADAMS, BROOKING, STEPNER,
WOLTERMANN & DUSING

DENNIS R. WILLIAMS

DRW/csa

COPY

CLUR # 97-BCBOA-004-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER (S)

Berberich Family Enterprise -I
2319 Armella Place
Villa Hills, Kentucky 41017

2. ADDRESS OF PROPERTY

Mt. Zion Crossings
Boone County, Kentucky

3. NAME OF SUBDIVISION OR
DEVELOPMENT (if applicable)

Thriftway Market Place

DEED BOOK: 618

PAGE NO.:291

GROUP NO.: 2049-B

4. TYPE OF RESTRICTION (S) (Check all that apply)

Zoning Map Amendment:
From to

Conditional Use Permit

Development Plan

Conditional Zoning

Subdivision Plat
(Unrecorded)

Other: Site Plan

Variance

5. 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
2995 WASHINGTON STREET
BURLINGTON, KENTUCKY 41005



SIGNATURE OF COMPLETING OFFICIAL

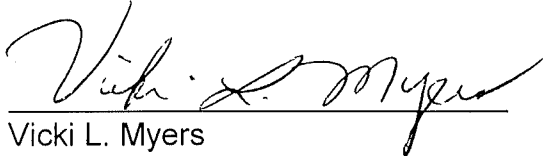
Edward Coleman, Planner

Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledge before me by Edward Coleman, on behalf of
the Boone County Planning Commission this 27th day of June 1997.

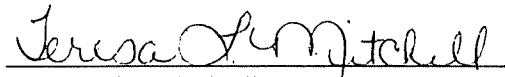


Vicki L. Myers
NOTARY PUBLIC, State at Large

My commission Expires:

April 17, 1999

This instrument was prepared for recording purposes only by:



Teresa L. Mitchell
Boone County Planning Commission
2995 Washington Street
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 County Board of Adjustments and in accordance with the current zoning in effect as of June 11, 1997 Certificate of Land Use Restriction (# 97-BCBOA-004-A), for Berberich Family Enterprises, Property Owners

The following conditions will apply: No Conditions.

The approved Variance as well as the preceding conditions apply to the property described in: DEED BOOK 618 PAGE NO. 291 Group No. 2049B