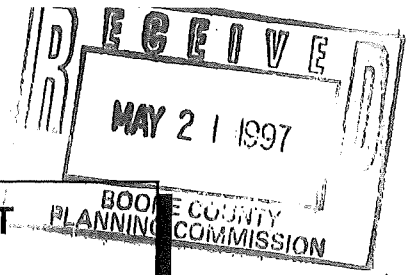


APPLICATION FORM



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)

1. X Boone Florence Walton Union

(Check One)

2. Conditional Use Permit X Variance Appeal Change in Non-Conforming Use

3. Applicant's Name BERBERICH FAMILY ENTERPRISES I, LIMITED & BERBERICH DEVELOPMENT C

Phone Number (606) 371-6220 Fax No. (606) 371-8341

Applicant's Address c/o DENNIS R. WILLIAMS Suite 400, 8100 Burlington Pike, Florence, KY 41042

4. Description of Request: Variance in size of monument signs on Thriftway Market Place. See Attachment.

5. Name of Development MT. ZION CROSSINGS/THRIFTWAY MARKET PLACE

6. Location of Development 9950 Berberich Drive, Florence, KY

7. Acreage Under Review MT. ZION CROSSINGS 32.4

8. Lot Number and Name of Subdivision (if part of a subdivision) MT. ZION CROSSINGS

9. Owner of Property BERBERICH FAMILY ENTERPRISES I, LIMITED & BERBERICH DEVELOPMENT C

Phone Number of Owner (606) 341-2292

10. Address of Property Owner 2319 Armella Place, Villa Hills, KY 41017

City State Zip

11. Proposed Use(s) on Site THRIFTWAY MARKET PLACE

12. Total Square Footage of Existing and/or Proposed Buildings 62,000 square foot approximate

13. Current Zoning on Property C-4

14. Deed Book see attached Page No. 235 Group No. 2049-B

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 and sign drawings.

17. Have you submitted a list of adjoining property owners with this request?

18. 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: [Signature]

Property Owner's Signature: [Signature]

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 5-21-97 Fee Received 568.00/ok 13577
2. Is application complete? Yes Yes _____ No _____
3. Staff Reviewer Ed Edward Colburn
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 MINUTES + CUR
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 size and height of a monument sign on the site 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 monument sign at a height of 40 feet. The silhouette of the sign is approximately 894 square feet in size. The portion of the sign, designed to contain signage, is approximately 425 square feet in size. A letter from the applicant addressed to the Planning Commission, expressing the applicant's intent, is included in this Staff Report.

Article 34

Article 34, Section 3413 of the Boone County Zoning Regulations, states the following for Freestanding/Monument Signs in Commercial Four (C-4) districts:

Shopping centers, mixed use commercial, and planned developments shall be permitted a density of one (1) on-premises monument sign for the purpose of identifying the name of the development, its major tenant(s), and its major access point.

In the Commercial Four (C-4) zoning district, the maximum size of a monument sign shall be no more than one (1) square foot of sign area per linear foot of road frontage along the street frontage where the sign is to be located. No monument sign in a C-4 zoning district shall exceed one-hundred fifty (150) square feet in area.

In Commercial Four (C-4) zoning districts, the maximum height of a monument sign shall not exceed fifteen (15) feet from grade to the top of the sign structure.

The applicant's Site Plan for the development was approved in September of 1996. The Site Plan did indicate two (2) pylon signs, one located at the corner of Mt. Zion Road and Berberich Drive, and the other located at Berberich Drive and Sam Neace Drive. Staff would remind the Board and the Applicant that approval of signs does not occur through

Site Plan review. The applicant must receive Sign Permits in order to erect signs.

The applicant did however, receive Site Plan approval before the update of the Boone County Zoning Regulations, in October of 1996. The previous Zoning Regulations had different limitations of signs in Commercial Four (C-4) districts. The previous Zoning Regulations stated the following concerning signs in a C-4 zoning district:

The maximum size of a freestanding sign in a Commercial Four (C-4) zoning district shall be no greater than one (1) square foot of sign area per linear foot of road frontage along the street frontage where the sign is to be located. No freestanding sign may exceed two hundred fifty (250) square feet in area.

The maximum height of a freestanding sign in a Commercial Four (C-4) zoning district shall not exceed forty (40) feet.

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 height and size of a monument sign. It is Staff's opinion that the proposed Variance will not adversely affect the public health, safety, or welfare, and will not allow an unreasonable circumvention of the requirements of the zoning regulations, but that it may alter the

essential character of the general vicinity and may cause a nuisance to the public. It is Staff's opinion that the applicant did not know that the sign requirements would change for Commercial Four (C-4) zoning districts through the October 1996 update, and therefore should be allowed to have a monument sign at the size (250 sq. ft.) permitted within the Zoning Regulations before the October 1996 update. It is Staff's opinion that a monument sign at forty (40) feet in height and almost nine hundred (900) feet in size, is inappropriate and defeats the purpose of a freestanding monument sign which is to be smaller in scale and profile than freestanding, non-monument signs.

Respectfully Submitted,

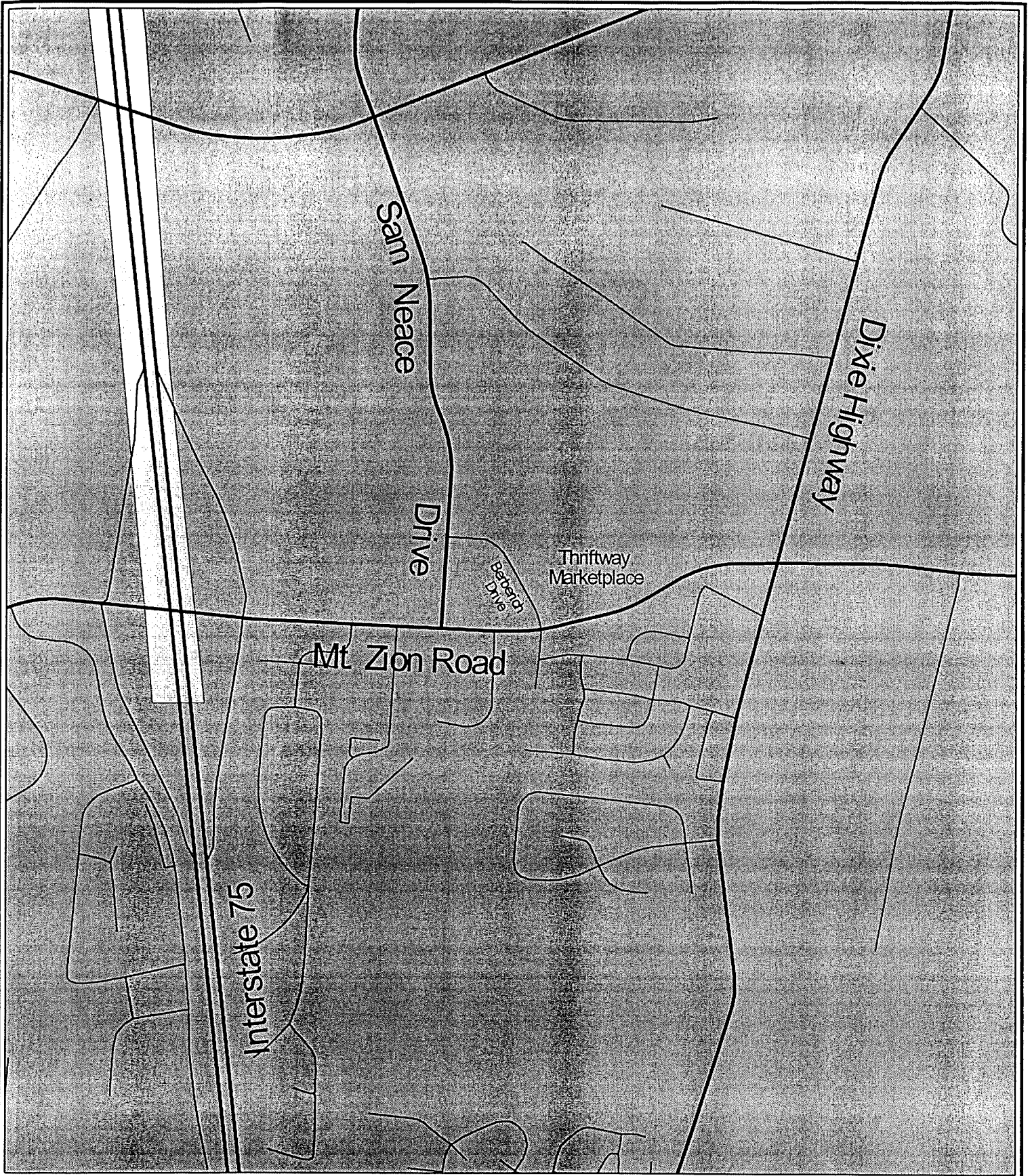


Edward Coleman
Planner

EC\par

Attachments

- Location Map
- Applicant's letter of intent
- Proposed Sign
- Site Plan
- Zoning Map



Thriftway Marketplace

900 0 900 Feet



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



Adams, Brooking, Stepner, Woltermann & Dusing
Suite 400, 8100 Burlington Pike
Florence, Kentucky 41043
(606) 371-6220
Fax: (606) 371-8341

May 21, 1997

Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005

RE: REQUEST FOR VARIANCE MT ZION CROSSING SIGNS

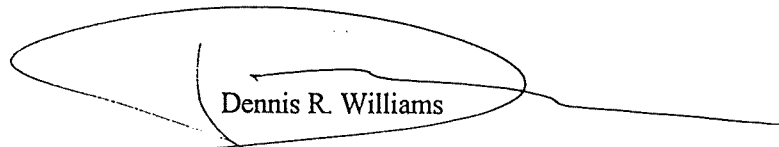
Gentlemen:

Attached is an application for variance in size of monument style signs proposed for this development. You will recall that the site plan as approved by the commission reflects two pylon style signs of 40' height to be constructed. After approval of this site plan, the regulations on signs for C4 areas was modified to limit signs to monument signs of significantly less height and size. The developer has marketed this property pursuant to the site plan as approved and had even agreed with a sign company to construct the pylon signs. However, in an effort to bring this development on line and to accommodate you planning goals, the developer has agreed to modify their signs to comply with the definition of monument style signs under your regulations. The developer does, however, propose to use larger signs to identify the development and its tenants. It is for this reason that we file the attached request for variance.

Attached is also a sign drawing depicting the size and style of the proposed signage. The drawing will be modified at the time of request for sign permit to show that the lower portion is enclosed to comply with your monument sign definition.

Should you have any questions, please do not hesitate to contact the undersigned.

Sincerely,

A handwritten signature in black ink, enclosed within a hand-drawn oval. The signature is written in a cursive style and is positioned above the printed name "Dennis R. Williams".

Dennis R. Williams

DRW/wd

ATTACHMENT

4. The applicant has an approved site plan depicting two pylon style signs upon the development. After approval of this site plan, the regulations for C4 zones was modified to limit signs to monument style signs. This change occurred without the knowledge of applicant. Applicant has consistently marketed the development by way of the approved site plan and tenants and applicant expected the construction of pylon style signs. Upon seeking information for sign permitting, applicant learned of the regulation modifications.

Applicant seeks variance in size and height of monument style signs to permit construction of signs similar in size to that depicted on the attached drawing. The sign construction will be modified to enclose the bottom so as to meet the definition of a monument style sign.

* ALL SIGN CABINETS
U.L. LISTED

12" & 18" P.V.C. LETTERS

DRYVIT BY
DEV'R

MOUNT ZION
CROSSING

THRIFTWAY
FOOD • DRUG

7'

12'

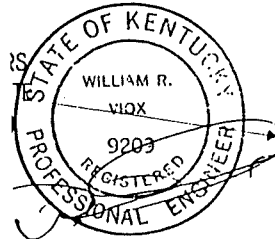
20'

12" X 16" X 3/8"

40'

48
806

*Bottom
will be
Enclosed*



CREATED BY:

DP0497 THRIFTWAY

SCALE: 1/4" = 1.0'

DATE:

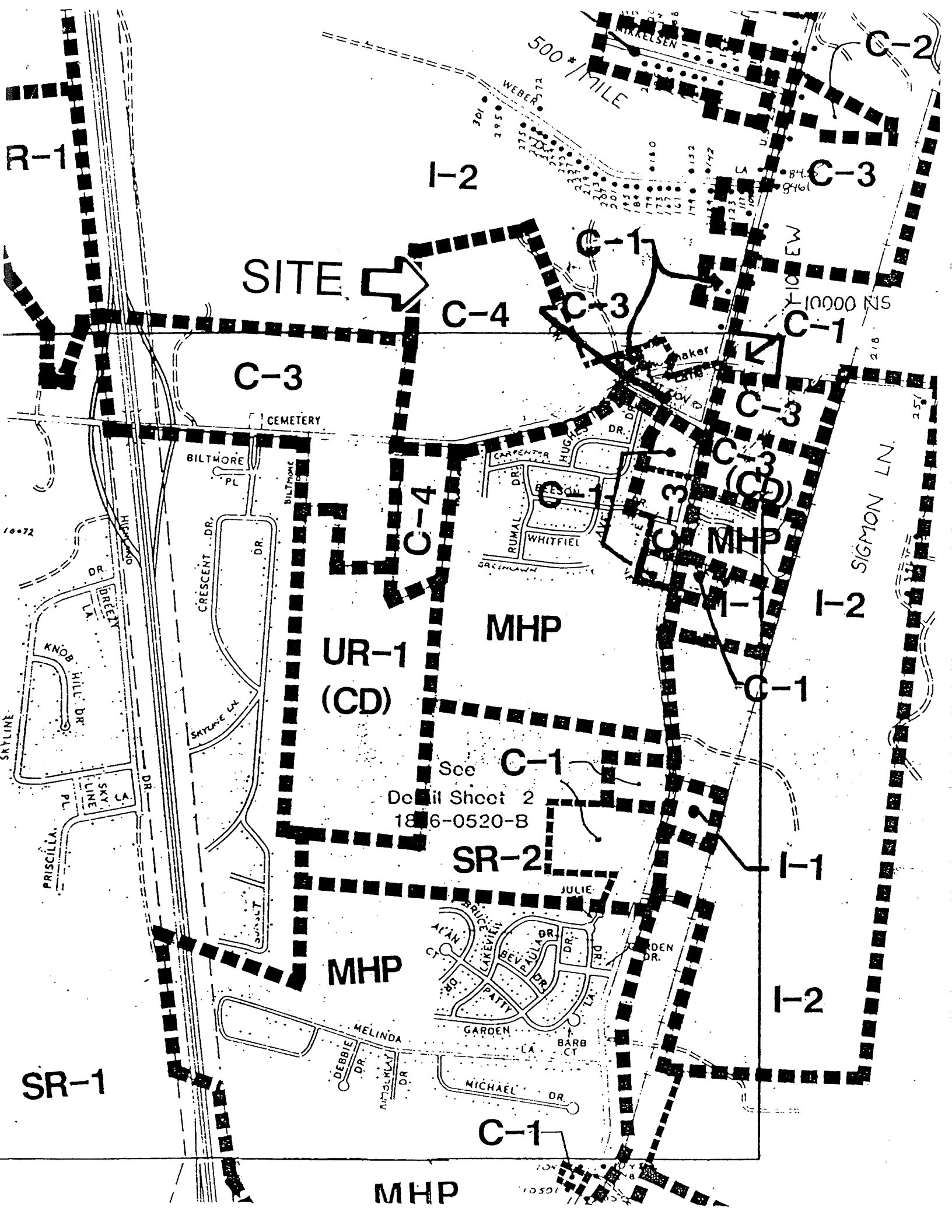


THE DESIGNS AND IDEAS EXPRESSED IN THIS DOCUMENT ARE THE SOLE
PROPERTY OF QUALITY SIGNS INC. AND ARE NOT TO BE USED, IN WHOLE OR
IN PART, WITHOUT THE WRITTEN AUTHORIZATION OF QUALITY SIGNS INC.

SALES REP.

MARK STOTTMAN

APPROVED BY:



SITE 

See **C-1**
Detail Sheet 2
18-6-0520-B

**UR-1
(CD)**

MHP

MHP

SR-2

C-1

MHP

C-3

C-3

C-4

C-3

C-1

C-4

C-3

C-3

C-3

C-3

C-3

I-2

I-1

I-2

C-2

R-1

I-2

SR-1

500' / MILE

10000 NIS

CEMETERY

BILTMORE PL

CRESCENT DR.

SKYLINE LN

SIGMON LN.

RUMAL DR.
CARPENTER DR.
HUGHES DR.
BEESON DR.
WHITFIELD DR.
GREENLAWN DR.

JULIE DR.
ALAN CT
BRICE LAKEVIEW DR.
BEV PULL DR.
PATTY DR.
GARDEN LA
BARB CT
MICHAEL DR.

MELINDA DR.

DEBBIE DR.

MELINDA DR.

MICHAEL DR.

GARDEN DR.

KNOB HILL DR.

SKYLINE PL

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COPY

CLUR # 97-BCBOA-005-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: 71

PAGE NO.:235

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

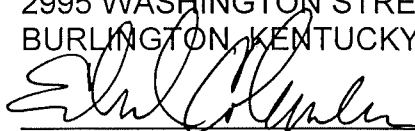
Subdivision Plat
(Unrecorded)

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

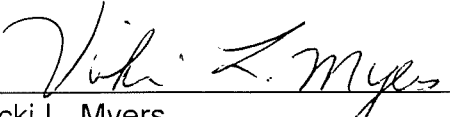
Edward Coleman, Planner

Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

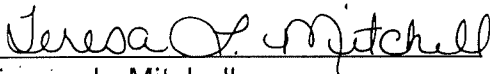
Subscribed, sworn to, and acknowledge before me by Edward Coleman, on behalf of
the Boone County Planning Commission this 27th day of June 1997.


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-005-A), for Berberich Family Enterprises, Property Owners

The following conditions will apply: 1). The sign is approved at 40 feet in height with 425 square feet of sign area in addition the "Mt. Zion Crossing" name at the top of the sign. 2). All Businesses within the shopping center which desire advertising in addition to building mounted signage must advertise on this monument sign. 3). Individual lots within the shopping center are not permitted individual monument signs.

The approved Variance as well as the preceding conditions apply to the property

described in: DEED BOOK 71

PAGE NO. 235

Group No. 2049B