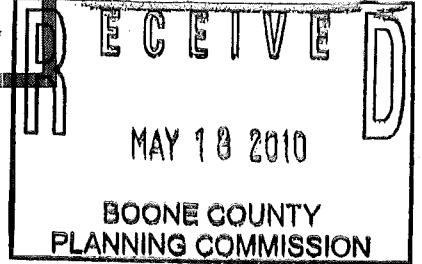


APPLICATION FORM

BOARD OF ADJUSTMENT  
AND  
ZONING APPEALS ACTION  
BOONE COUNTY PLANNING COMMISSION



See Boone County Zoning Regulations

SECTION A (To be completed by applicant)

- 1. (Check One)  Boone \_\_\_\_\_ Florence \_\_\_\_\_ Walton \_\_\_\_\_ Union \_\_\_\_\_
- 2. (Check One) \_\_\_\_\_ Conditional Use Permit  (2) Variance \_\_\_\_\_ Appeal \_\_\_\_\_  
\_\_\_\_\_ Change in Non-Conforming Use
- 3. Applicant's Name ABC Signs  
Phone Number 513-241-8884 Fax No. 513-241-8998  
Applicant's Address 38 W. McMicken Ave  
Cincinnati OH 45202  
City State Zip
- 4. Description of Request (1) Request additional height for menu board (2) increase square footage to ~~68.39~~ 68.39
- 5. Name of Development TACO Bell
- 6. Location of Development 6724 Dixie Highway  
Florence, KY
- 7. Acreage Under Review \_\_\_\_\_
- 8. Lot Number and Name of Subdivision (if part of a subdivision) \_\_\_\_\_
- 9. Owner of Property TACO Bell  
Address of Property Owner 17901 Van Kermg Phone No. \_\_\_\_\_  
Irvine CA 92614  
City State Zip
- 10. Proposed Use(s) on Site Restaurant
- 11. Total Square Footage of Existing and/or Proposed Buildings \_\_\_\_\_
- 12. Current Zoning on Property C-2
- 13. Deed Book 677 Page No. 157 Group No. 203413
- 14. Is the site subject to a zone change? \_\_\_\_\_  
If yes, give date of approval \_\_\_\_\_
- 15. Have you submitted a Site Plan with this request? yes
- 16. Have you submitted a list of adjoining property owners with this request? yes
- 17. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

ORIGINAL Property Owner's Signature: [Signature]  
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: [Signature]  
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

**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 5-18-10 Fee Received \$1,582.<sup>00</sup> R60786
2. Is application complete?  Yes  No
3. Staff Reviewer \_\_\_\_\_
4. Scheduled Board Action Date \_\_\_\_\_
5. Board Action:  
6/9/10 **Approved**  
**Approved with Conditions** (See #6)  
**Denial** (See #7)
6. Conditions of Approval: SEE 6/9/10 FBOA meeting  
MINUTES + C.C.U.R.
7. Reasons for Denial: \_\_\_\_\_

**Boone County Planning Commission  
Boone County Administration Building  
2950 Washington Street, Room 317  
P.O. Box 958  
Burlington, Kentucky 41005  
(859) 334-2196 - Phone  
(859) 334-2264 - Fax  
plancom@boonecountyky.org - E-mail  
[www.boonecountyky.org](http://www.boonecountyky.org) - Web Page**

**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**

APPLICANT: ABC Signs for Taco Bell

LOCATION: 6724 Dixie Highway, Florence, Kentucky

ZONING: Commercial Two (C-2)

DATE: June 9, 2010

Proposal

The applicant has submitted the following Variance requests:

1. Increase the height of a menu board from 6 feet to 8.7 feet.
2. Increase the square footage of a menu board from 48 square feet to 68.39 square feet.

Applicable Regulations

Section 250 of the Boone County Zoning Regulations states that the Board of Adjustment and Zoning Appeals shall have the power to hear and decide on applications for variances. A variance is defined as a departure from the 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 KRS 100.241 to 100.247.

The Board should evaluate the applicant's request as it relates to the criteria necessary for granting a variance as stated in Section 251 of the Boone County Zoning Regulations:

1. Before any variance is granted, the Board must find that 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 nuisance to the public, and will not allow an unreasonable circumvention of the requirements contained in the zoning regulations.
  - A. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;
  - B. The strict application of the provisions contained in the regulations would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant;
  - C. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.
2. The Board shall deny any request for a variance arising from circumstances that are the result of willful violations of the zoning regulation by the applicant subsequent to the adoption of the zoning regulation from which relief is sought.

Section 3403 of the Boone County Zoning Regulations states that the surface area of a sign shall be computed as including the entire area serving as written or graphic advertisement within a regular, geometric form comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not used for advertising matter

shall not be included in computation of surface area. Where a sign has two (2) display faces back to back, the area of only one (1) face shall be considered the sign area, provided the two (2) sign faces are not visible from one location therefore constituting two (2) signs.

Section 3413 (3) of the Boone County Zoning Regulations states that drive-through establishments which have a pick-up window will be permitted to have one (1) drive-through sign or menu-board adjoining the drive-through lane. The menu-board shall not exceed six (6) feet in height and forty-eight (48) square feet in size if the sign is free-standing and forty-eight (48) square feet in size if the sign is mounted to the building.

#### Pertinent Site History

- 06/03/98 - A Site Plan application is approved allowing the restaurant and parking lot to be demolished and replaced. The approved plan shows that the new restaurant will be 2,118 square feet in area and that 25 parking spaces will exist in the parking lot. A drive-through lane is shown to the rear and western side of the building.
- 08/27/98 - A sign permit is issued allowing the cabinet on a 34' tall, 244.23 square foot free-standing sign to be replaced. Another drawing is submitted with the application showing a 6'-8" tall, 26.5 square foot menu board (see attachments).

#### Site Characteristics

The approximate 0.46 acre site is located on the north side of Dixie Highway and contains a 2,118 square foot Taco Bell/Pizza Hut Express restaurant. The parking lot contains 25 parking spaces and a drive-through lane exists to the rear and west sides of the building. The site contains a 34' tall, 244 square foot free-standing sign along Dixie Highway and a 9' tall, 48.66 square foot menu board immediately adjacent to the drive-through lane.

#### Surrounding Land Uses & Zoning

North: Turfway Town Square Shopping Center (C-2)

South: Dixie Highway, Bob's Service Center (C-2), Parkland Apartments (SR-2), and E-Jay's (C-2)

East: Access to Turfway Town Square Shopping Center and UDF (C-2)

West: Access to Turfway Town Square Shopping Center and McDonald's (C-2)

#### Staff Comments

1. The menu board that was shown in the 1998 Sign Permit application was 6'-8" tall and 26.5 square feet in area (see photo). It should be noted that the 1996 zoning regulations did not address the permitted height or square footage of menu boards. The 2001/2002 zoning code permitted free-standing menu boards to be 6' tall and 48 square feet in area (same requirements as the current code).

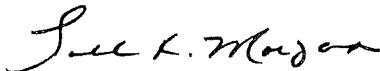
The menu board that exists today is approximately 9' tall and 48.66 square feet in area. It appears that three panels have been added to the sign without permits over time. Planning Commission Staff does not know how long the three panels have existed or if they have pre-existing non-conforming status. To date, no claim of pre-existing non-conforming status has been presented to Planning Commission Staff.

2. The Board needs to analyze the Variance criteria before acting on the requests.

Conclusion

KRS 100.241 and Section 250 of the Boone County Zoning Regulations gives the Florence Board of Adjustment and Zoning Appeals the authority to act on the requests.

Respectfully submitted,



Todd K. Morgan, AICP  
Senior Planner, Zoning Services

TKM/pr

Attachments

- \*Site Vicinity Map
- \*Letter From Applicant
- \*Site Plan
- \*Photo of Existing Menu Board
- \*Specifications of Proposed Menu Board
- \*Photo of Proposed Menu Board
- \*2009 Aerial Map
- \*Zoning Map
- \*Drawings From 8/27/98 Sign Permit Application
- \*Application

# SITE VICINITY MAP

www.boonecountygis.com



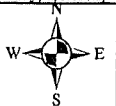
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Date used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



0 100 200 400 600 800 Feet

1 inch = 200 feet



**Boone County GIS - Putting Northern Kentucky on the Map**

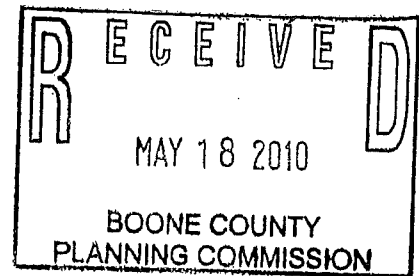


April 20, 2010

Board of Adjustment and Zoning Appeals Action  
2950 Washington St.  
Burlington, KY 41005

RE: Taco Bell  
Florence, KY

To Whom It May Concern:



Taco Bell Restaurant at 6724 Dixie Highway respectfully requests a variance to increase the height and square footage of their menu board. Taco Bell has recently changed the design of their signage and increased their menu selection. They feel in order to provide the necessary information needed for their drive thru customers is to make things more visible and easier to read. The signage being replaced is in the rear of the building, therefore, would not cause a nuisance to the public or interferer with public safety of the area. They feel if they are not permitted this variance, it would provide a hardship on their business to be able to advertise all their selections, adequately service their customers and in the long run cause them financial hardship.

We thank you in advance for your consideration in this matter.

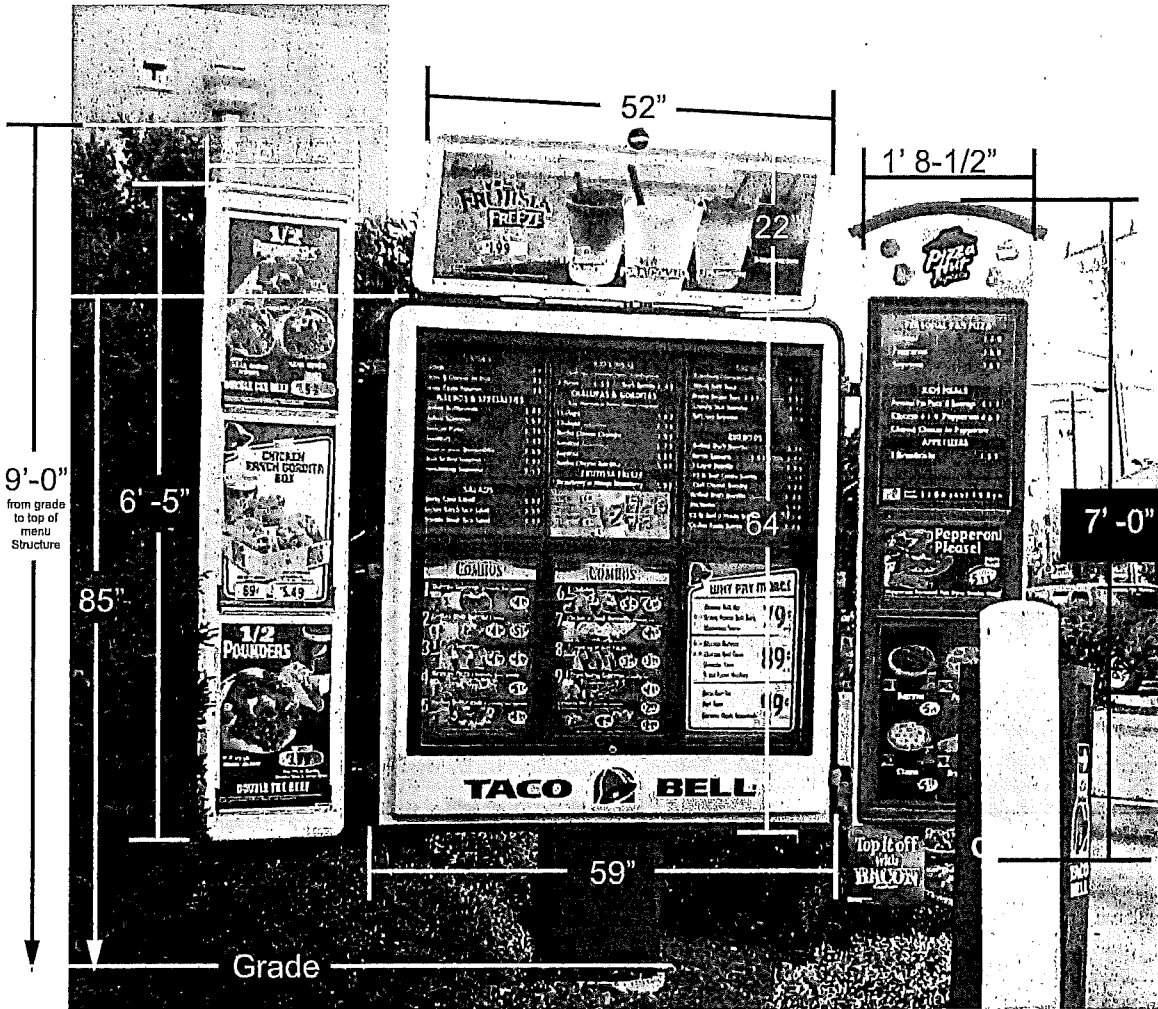
Sincerely,

A handwritten signature in cursive script that reads 'Teri Cantor'.

Mrs. Teri Cantor  
ABC Signs Inc.  
513-241-8884



EXISTING



This drawing is submitted for your exclusive use, in connection with a project being planned by ABC Signs, Inc.. It is not to be shown to anyone outside your organization, nor is it to be used, reproduced, copied or exhibited in any fashion without the expressed permission of ABC Signs, Inc.

Approved By: \_\_\_\_\_

04/20/10

Scale: NTS

Title: \_\_\_\_\_

Date: \_\_\_\_\_

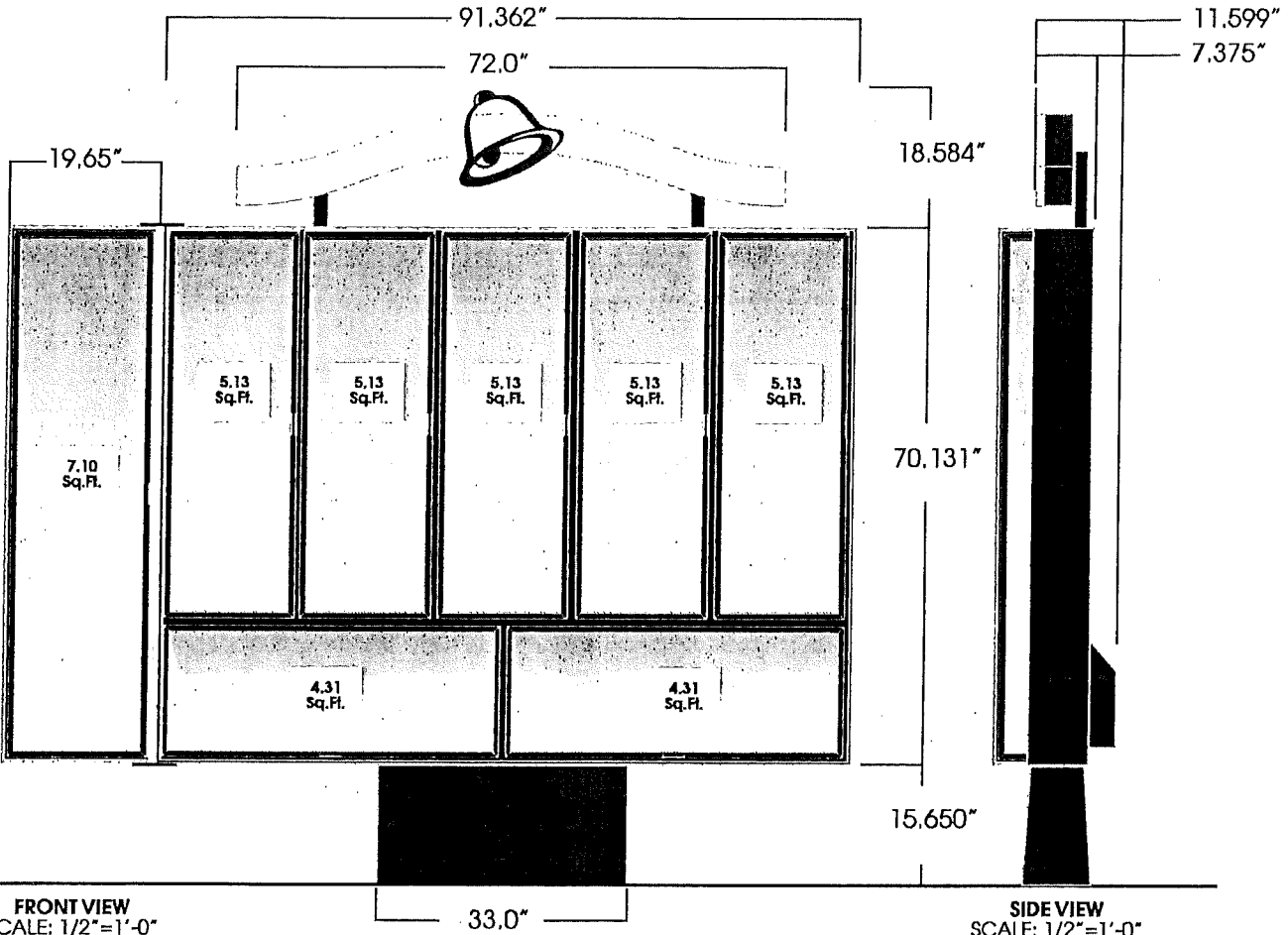




# EVOLUTION DRIVE THRU MENU BOARD W/ ARCH & EXTENDER



PART#: E002132P



### SIGN SPECIFICATIONS

- Materials**
  - Cabinet: Extruded aluminum
  - Face: .150 S/G Polycarbonate
- Access**
  - Open doors & remove panels
- Area**
  - Actual: 41.37 Sq.Ft.
- Weight (Est.)**
  - 950 lbs. Crated
- Wind Load**
  - 50 PSF, 150 MPH wind speed - exposure C.

### ELECTRICAL SPECIFICATIONS

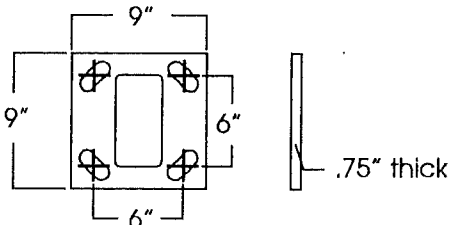
- Lamps**
  - (4) F025/741 36" 4100K, (10) F032/741 48" 4100K
  - (2) F040/741 60" 4100K
- Ballast**
  - (7) Electronic ballasts @ .56 amps each
  - (1) Electronic ballast @ .17 amps
  - (2) Electronic ballasts @ 1.15 amps
- Line Load**
  - 4.09 Amps @ 120 VAC
  - (1) 15 Amp circuit, 60 Hz UL 48 & NEC Compliant

### COLOR SPECIFICATIONS

- Interior: Mill Finish
- Exterior: Cabinet: Tiger Drylac 49/66230-33 Bronze
- Doors & Mullions: Black
- Graphic & Color Specifications: Tiger Drylac 49/66230-33 Bronze

Foundation Kit Sold Separately  
• KT 01723P

BASE PLATE DETAIL  
SCALE: 1"=1'-0"



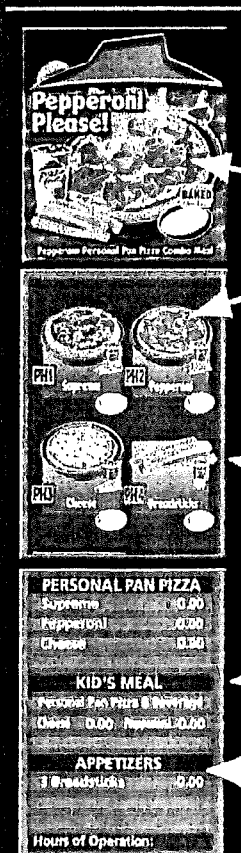
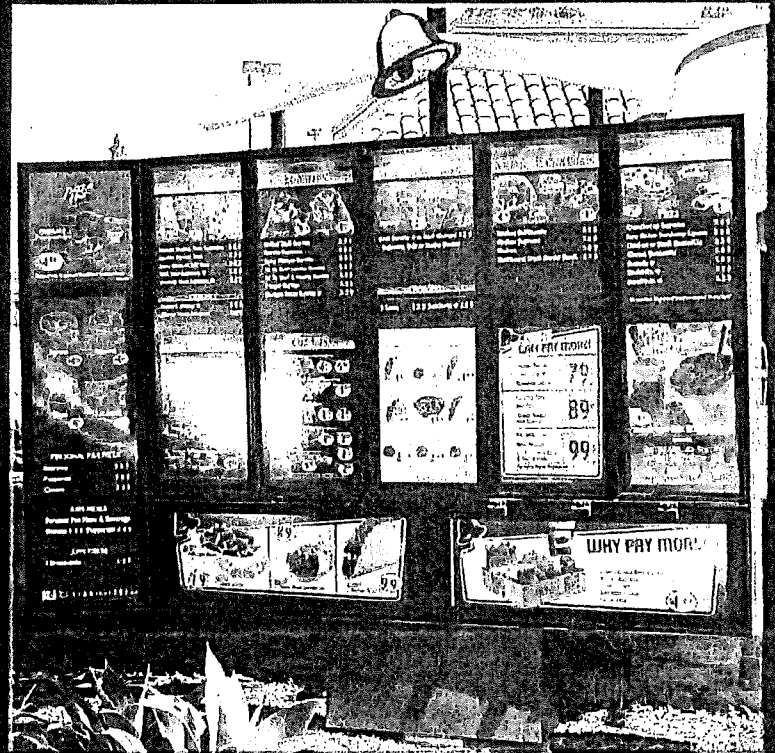
DISCLAIMER: Renderings are for graphic purposes only and not intended for actual construction dimensions. For windload requirements, actual dimensions and mounting detail, please refer to engineering specifications & install drawings.





# TPx NEW EVOLUTION DRIVE-THRU MENU BOARD

Ordering information for  
Hardware and Graphics



New Evolution Promotional Translites and  
Combo Translites may be ordered from  
Rand Graphics at 800-942-2813

Hardware and Slats may be ordered from  
YBFS at 888-342-5532

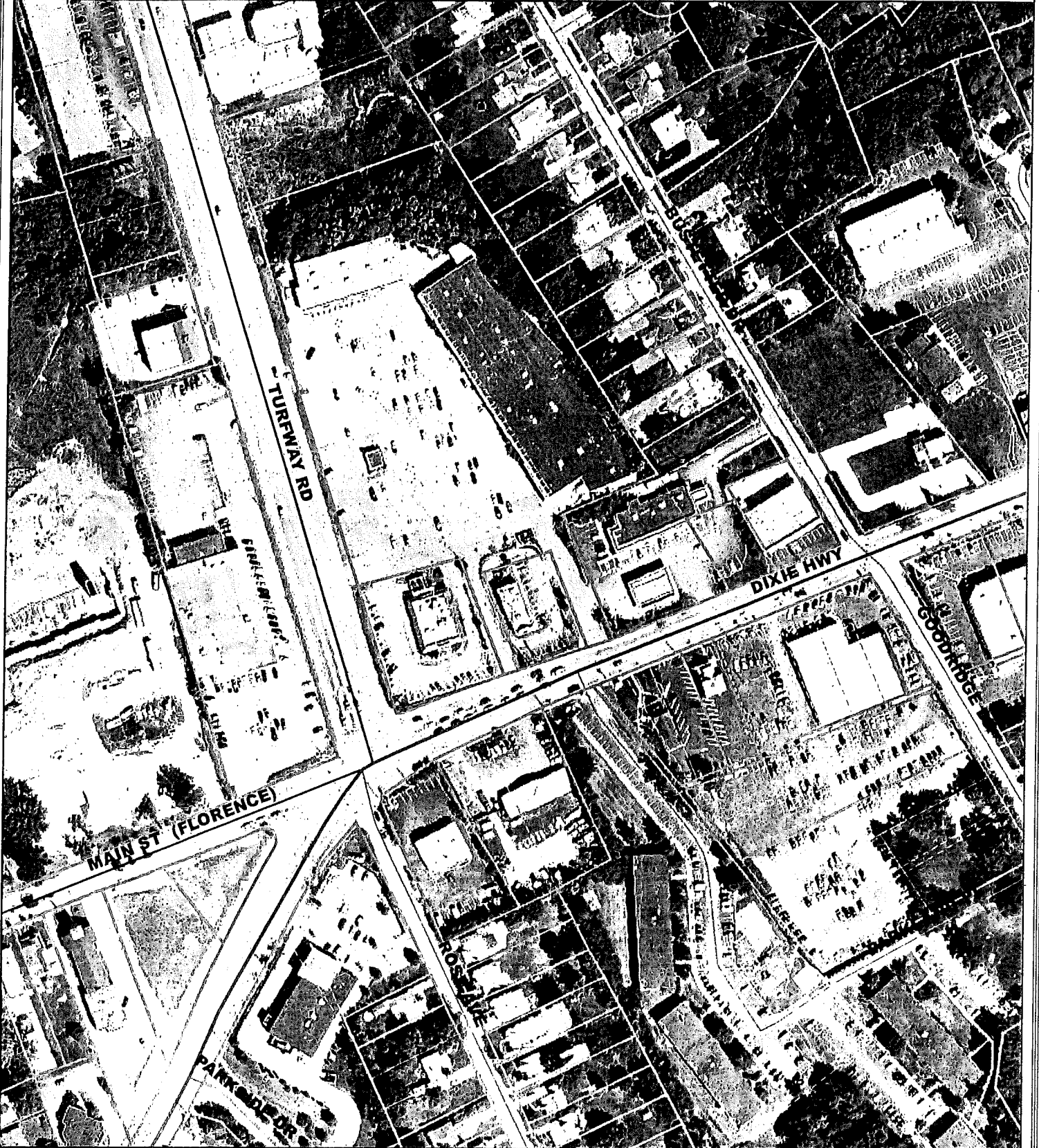
# 10301 - PHx Red combo translite frame  
with plexiglas for exterior extender

# 10302 - 14-Line Grid Frame 24" x 16"  
for TPx Exterior Extender

# 10300 - Exterior Menu Board Complete Kit  
Includes all menu slats and pricing digits

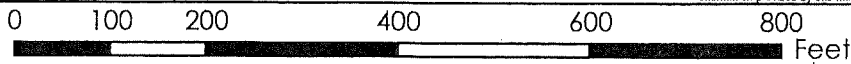
# 2009 AERIAL MAP

www.boonecountygis.com



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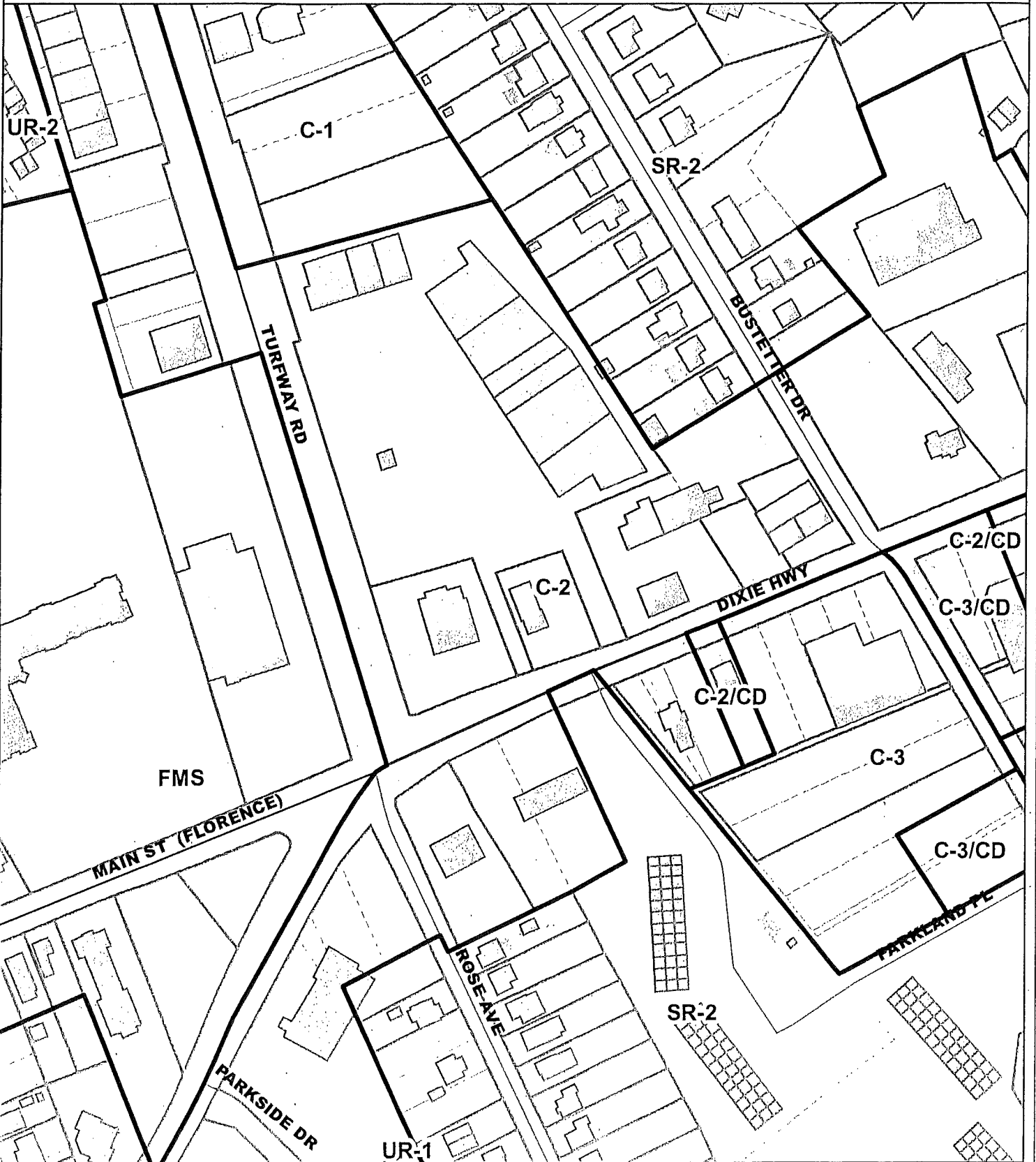
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**Boone County GIS - Putting Northern Kentucky on the Map**

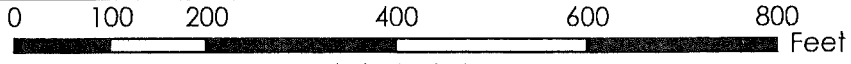
# ZONING MAP

www.boonecountygis.com



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**Boone County GIS - Putting Northern Kentucky on the Map**

1998 Sign Permit Application

To be installed on existing Steep

Sign is 34' Tall 244 Sq. Feet

**SIGN SPECIFICATIONS**

1. LAMPS: MERCURY VAPOR MH33GL-4000X1165
2. BALLAST: UNIVERSAL 1010-2475C-TC1165
3. VOLTAGE: 120 V
4. TOTAL CONN. LOAD: 600 AMPS
5. CIRCUITS: 4020 AMP @ 120V, 60 HZ
6. SERVICE SIGN BY: HINGED ACCESS DOORS
7. LIFT SECTION: CRATED UNGRADED  
TOP 1600 1350  
BOTTOM 1800 1500 2850
8. MAXIMUM DESIGN WINDLOAD: SEE CHART
9. COLUMN WEIGHT: SEE CHART

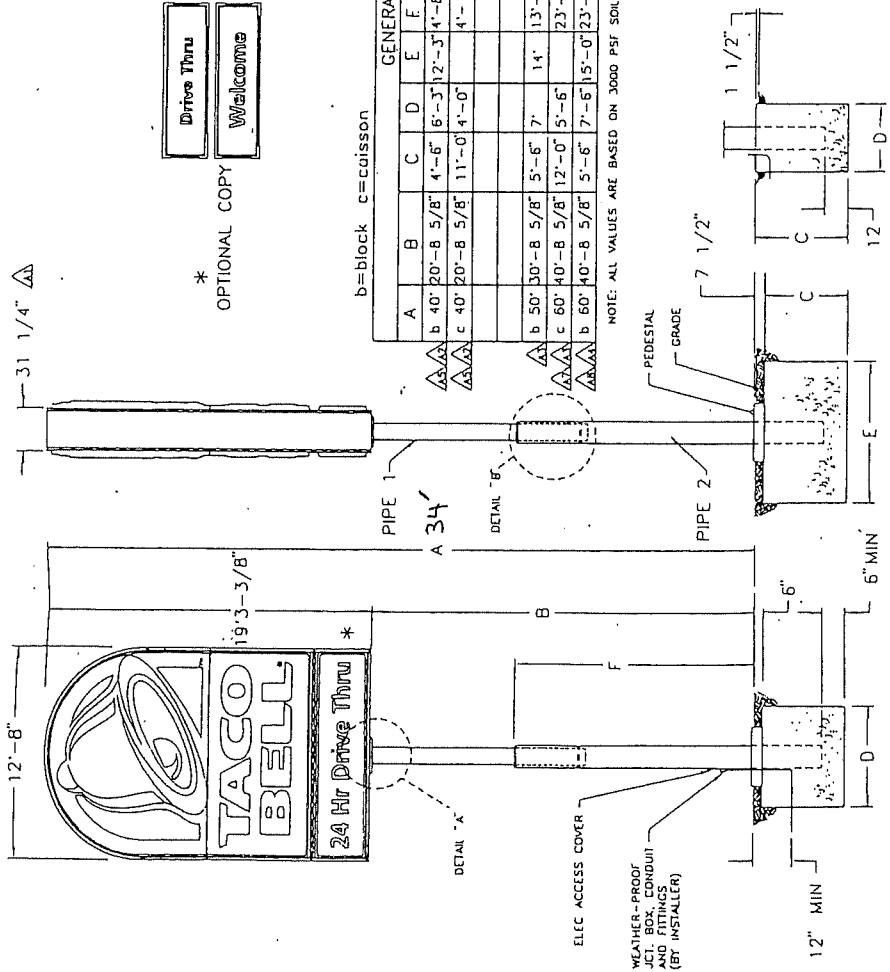
Drive Thru  
Wellcome

\* OPTIONAL COPY

b = block c = cuisson

GENERAL SPECIFICATIONS		GENERAL SPECIFICATIONS		GENERAL SPECIFICATIONS		GENERAL SPECIFICATIONS			
A	B	C	D	E	F	PEDESTAL	CONC. CU YDS	EXCAV. CU YDS	WIND LD - PSF
b 40'	20'-8 5/8"	4'-6"	6'-3 1/2"	3'-11"	4'-8 1/8"	42" x 42"	12.9	14.2	25.2
c 40'	20'-8 5/8"	11'-0"	4'-0"			4'-8 5/8"	5.1	5.1	25.2
b 50'	30'-8 5/8"	5'-6"	7'	14'	13'-8"	48" x 48"	20	21.8	30
c 60'	40'-8 5/8"	12'-0"	5'-6"			23'-8"	10.2	10.6	30
b 60'	40'-8 5/8"	5'-6"	7'-6"	15'-0"	23'-8"	48" x 48"	23.3	25.5	30

NOTE: ALL VALUES ARE BASED ON 3000 PSF SOIL PRESSURE



P/N: 00-00-04-4763

PLASTI-LINE, INC.

623 EAST EMORY ROAD  
P. O. BOX 5056 KNOXVILLE, TN 37928-0056

OSG NR: JLE DWG. BY: JLE CHK. BY: ---

SCALE: --- DATE: 9-5-95

DESCRIPTION: INSTALLATION FOR #240 @ 40'-60' (BLUE REGION) 95 DESIGN

CUSTOMER: TACO BELL

SHT 1 OF 3 DRAWING NUMBER: B15469

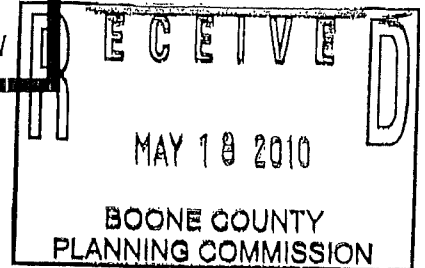
CASSION ALTERNATE

REV	DATE	INIT	ECN	DESCRIPTION OF CHANGE
A	11-12-95	KKK	5284	(1) CORRECTED DIMENSIONS (1) DIMENSIONS 13'-3 1/2" (2) DIMENSIONS 11'-0" (3) DIMENSIONS 11'-0" (4) DIMENSIONS 11'-0" (5) DIMENSIONS 11'-0" (6) DIMENSIONS 11'-0" (7) DIMENSIONS 11'-0" (8) DIMENSIONS 11'-0" (9) DIMENSIONS 11'-0" (10) DIMENSIONS 11'-0"



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)

- 1. (Check One)  Boone \_\_\_\_\_ Florence \_\_\_\_\_ Walton \_\_\_\_\_ Union \_\_\_\_\_
- 2. (Check One) \_\_\_\_\_ Conditional Use Permit  (2) Variance \_\_\_\_\_ Appeal \_\_\_\_\_  
\_\_\_\_\_ Change in Non-Conforming Use \_\_\_\_\_
- 3. Applicant's Name ABC Signs  
Phone Number 513-241-8884 Fax No. 513-241-8978  
Applicant's Address 38 W. McMicken Ave  
Cincinnati OH 45202  
City State Zip
- 4. Description of Request (1) Request additional height for menu board  
(2) increase square footage to ~~68.39~~ 68.39
- 5. Name of Development Taco Bell
- 6. Location of Development 6724 Dixie Highway  
Florence, Ky
- 7. Acreage Under Review \_\_\_\_\_
- 8. Lot Number and Name of Subdivision (if part of a subdivision) \_\_\_\_\_
- 9. Owner of Property Taco Bell  
Address of Property Owner 17901 Van Kermg Phone No. \_\_\_\_\_  
IRVINE CA 92614  
City State Zip
- 10. Proposed Use(s) on Site Restaurant
- 11. Total Square Footage of Existing and/or Proposed Buildings \_\_\_\_\_
- 12. Current Zoning on Property C-2
- 13. Deed Book 677 Page No. 157 Group No. 203413
- 14. Is the site subject to a zone change? \_\_\_\_\_  
If yes, give date of approval \_\_\_\_\_
- 15. Have you submitted a Site Plan with this request? yes
- 16. Have you submitted a list of adjoining property owners with this request? yes
- 17. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

ORIGINAL Property Owner's Signature: [Signature]  
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: [Signature]  
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

COPY

CLUR #10-FBOA-003-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)  
Taco Bell  
17901 Von Karma  
Irvine, CA 92614
2. ADDRESS OF PROPERTY  
6724 Dixie Highway  
Florence, KY 41042
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)  
Taco Bell
4. DEED BOOK 677                      PAGE NO. 157                      GROUP NO. 2034B
5. TYPE OF RESTRICTION(S) (Check all that apply)
- Zoning Map Amendment:                       Conditional Use Permit  
From  To
- Development Plan                                       Conditional Zoning
- Subdivision Plat                                       Other:  
(Not Recorded)
- Variances (2)
6. 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  
2950 WASHINGTON STREET, ROOM 317  
P.O. BOX 958  
BURLINGTON, KENTUCKY 41005

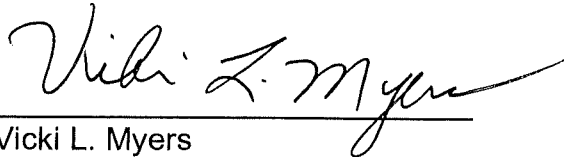
Todd K. Morgan  
SIGNATURE OF COMPLETING OFFICIAL

Todd K. Morgan, Senior Planner, Zoning Services  
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

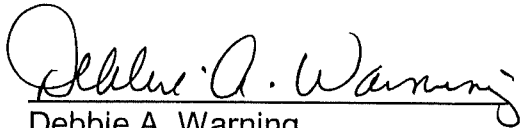
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the  
Boone County Planning Commission this 25 day of June, 2010.



Vicki L. Myers  
Vicki L. Myers  
NOTARY PUBLIC, State at Large

My commission Expires:  
April 17, 2011

This instrument was prepared for recording purposes only by:



Debbie A. Warning  
Debbie A. Warning  
Boone County Planning Commission  
2950 Washington Street, Room 317  
P.O. Box 958  
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 Variances (2) approved by the Florence Board of Adjustments and in accordance with the current zoning in effect as of June 9, 2010 Certificate of Land Use Restriction (#10-FBOA-003-A), for Taco Bell, Property Owner(s).

The following conditions will apply:

- 1) The sign is to be constructed as presented so the arch and bell cannot be removed for additional signage.

The approved Variances (2) as well as the preceding conditions apply to the property described in:

DEED BOOK 677 PAGE NO. 157 GROUP NO. 2034B

MODE = BATCH TRANSMISSION

START=JUL-08 15:13

END=JUL-08 15:14

FILE NO.=226

STN NO.	COMM.	ONE-TOUCH/ ABBR NO.	STATION NAME/EMAIL ADDRESS/TELEPHONE NO.	PAGES	DURATION
001	B-OK	<13↑>	CITY FLO FPS	003/003	BATCH

-BOONE COUNTY PLANNING -

\*\*\*\*\* UF-8000 v2 \*\*\*\*\* -

- \*\*\*\*\* -

8593342264- \*\*\*\*\*

*BGA*

CLUR #10-FBOA-003-A

CERTIFICATE OF LAND USE RESTRICTION

- NAME AND ADDRESS OF PROPERTY OWNER(S)  
Taco Bell  
17901 Von Karma  
Irvine, CA 92614
- ADDRESS OF PROPERTY  
6724 Dixie Highway  
Florence, KY 41042
- NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)  
Taco Bell
- DEED BOOK 677      PAGE NO. 157      GROUP NO. 2034B
- TYPE OF RESTRICTION(S) (Check all that apply)
 

<input type="checkbox"/> Zoning Map Amendment: From _____ To _____	<input type="checkbox"/> Conditional Use Permit
<input type="checkbox"/> Development Plan	<input type="checkbox"/> Conditional Zoning
<input type="checkbox"/> Subdivision Plat (Not Recorded)	<input type="checkbox"/> Other:

Variances (2)
- 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  
2950 WASHINGTON STREET, ROOM 317  
P.O. BOX 958  
BURLINGTON, KENTUCKY 41005

RETURN TO:

Todd K. Morgan  
SIGNATURE OF COMPLETING OFFICIAL

Todd K. Morgan, Senior Planner, Zoning Services  
Name and Title of Completing Official