

APPLICATION FORM

FB00A
11-000A-001-A

**BOARD OF ADJUSTMENT
AND
ZONING APPEALS ACTION
BOONE COUNTY PLANNING COMMISSION**

RECEIVED
NOV 16 2010
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 _____ Variance _____ Appeal _____
Change in Non-Conforming Use _____
- 3. Applicant's Name Quality Sil
Phone Number 915-9966 Fax No. 915-0204
Applicant's Address 1300 Producers D-
Boyl City TX State TX Zip 75007
- 4. Description of Request: Replace the Extra Drive Thru
Menu Board - 2 Variances For Height + Sq. Footage
- 5. Name of Development TACO Bell
- 6. Location of Development 7619 Mall Bl Fl TX 75042
- 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 7619 Mall Bl Fl TX 75042 Phone No. 915-344-4228
- 10. City Fl State TX Zip 75042
- 11. Proposed Use(s) on Site Restaurant
- 12. Total Square Footage of Existing and/or Proposed 16,660
- 13. Current Zoning on Property C-2
- 14. Deed Book 871 Page No. 412 Group No. 2040
- 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? _____
- 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.

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

ORIGINAL Applicant's Signature: [Signature] Quality Sil 11-16-10
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

(over)

New Plan Property Holding
PO Box 4900
Scottsdale, AZ 85261

**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 11/16/10 Fee Received \$1,580⁰⁰ R#61883
- 2. Is application complete? Yes No
- 3. Staff Reviewer _____
- 4. Scheduled Board Action Date _____
- 5. Board Action:
 - Approved
 - 1/12/11 Approved with Conditions (See #6)
 - Denial (See #7)
- 6. Conditions of Approval: SEE 1/12/11 FBOA meeting MINUTES AND C.L.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@boonecountky.org - E-mail
www.boonecountky.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.

BCPC:09/08

STAFF REPORT

APPLICANT: Quality Signs for Taco Bell

LOCATION: 7619 Mall Road, Florence, Kentucky

ZONING: Commercial Two (C-2)

DATE: January 12, 2011

Proposal

The applicant has submitted the following Variance requests:

1. Increase the height of a menu board from 6' to 8'-7 3/4"
2. Increase the square footage of a menu board from 48 square feet to 56.18 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 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.

Recent Site History

- 10/12/05 – The Florence Board of Adjustment approves two landscaping buffer variances so the restaurant could redevelop. The first variance reduced the width of the street frontage landscaping buffer along the rear property line from 10 feet to 7.9 feet. The second variance reduced the width of the landscaping buffer along the southern property line from 10 feet to 1.3 feet. The Board imposed a condition requiring the one-way exit to be defined and function as a one-way out.
- 3/31/06 – Boone County Planning Commission approves a Major Site Plan application for a 2,730 square foot restaurant with a drive-through lane and 26 parking stalls.

Site Characteristics

Taco Bell is located on an approximate 0.71 acre lease area (outlot) in front of the HH Gregg. The restaurant is 2,730 square feet in area and 19'-8½" tall. The parking lot contains 26 striped parking stalls and a drive-through facility which is located to the rear and south side of the building. The site has two access points which connect to a private access drive. The first is a full access point that is located at the rear of the site. The second is a one-way out that is located in close proximity to Mall Road right-of-way line. The site does not have a freestanding sign but does have building mounted signs on all four facades of the building and a menu board. Landscaping exists around the perimeter of the site.

Surrounding Land Uses & Zoning

North: Multiple Tenant Retail Building with Gold Star Chili and Quiznos (C-2)

South: Men's Warehouse and Pearle Vision (C-2)

East: Mall Road and Village at the Mall Shopping Center (C-2)

West: H.H. Gregg (C-2)

Staff Comments

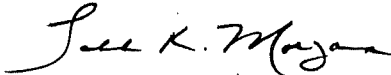
1. The existing menu board is 8'-6" tall and 66.56 square feet in area if all the cabinets are included in the measurements. The proposed menu board is 8'-7¾" tall and 56.18 square feet in area.
2. Staff didn't find any permits for a menu board for the subject site. Staff doesn't know when the menu board was constructed or if it's been added onto over the years. The applicant has not made any claims that the existing sign has pre-existing non-conforming status.

3. On June 9, 2010, the Florence Board of Adjustment granted two (2) Variances for the Taco Bell located at 6724 Dixie Highway. The first Variance allowed the height of the menu board to be increased from 6 feet to 8.7 feet. The second Variance allowed the square footage of the menu board to be increased from 48 square feet to 68.39 square feet. The Board imposed a condition which required to sign to be constructed as presented. The condition also states that the arch and bell cannot be removed for additional signage.
4. 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

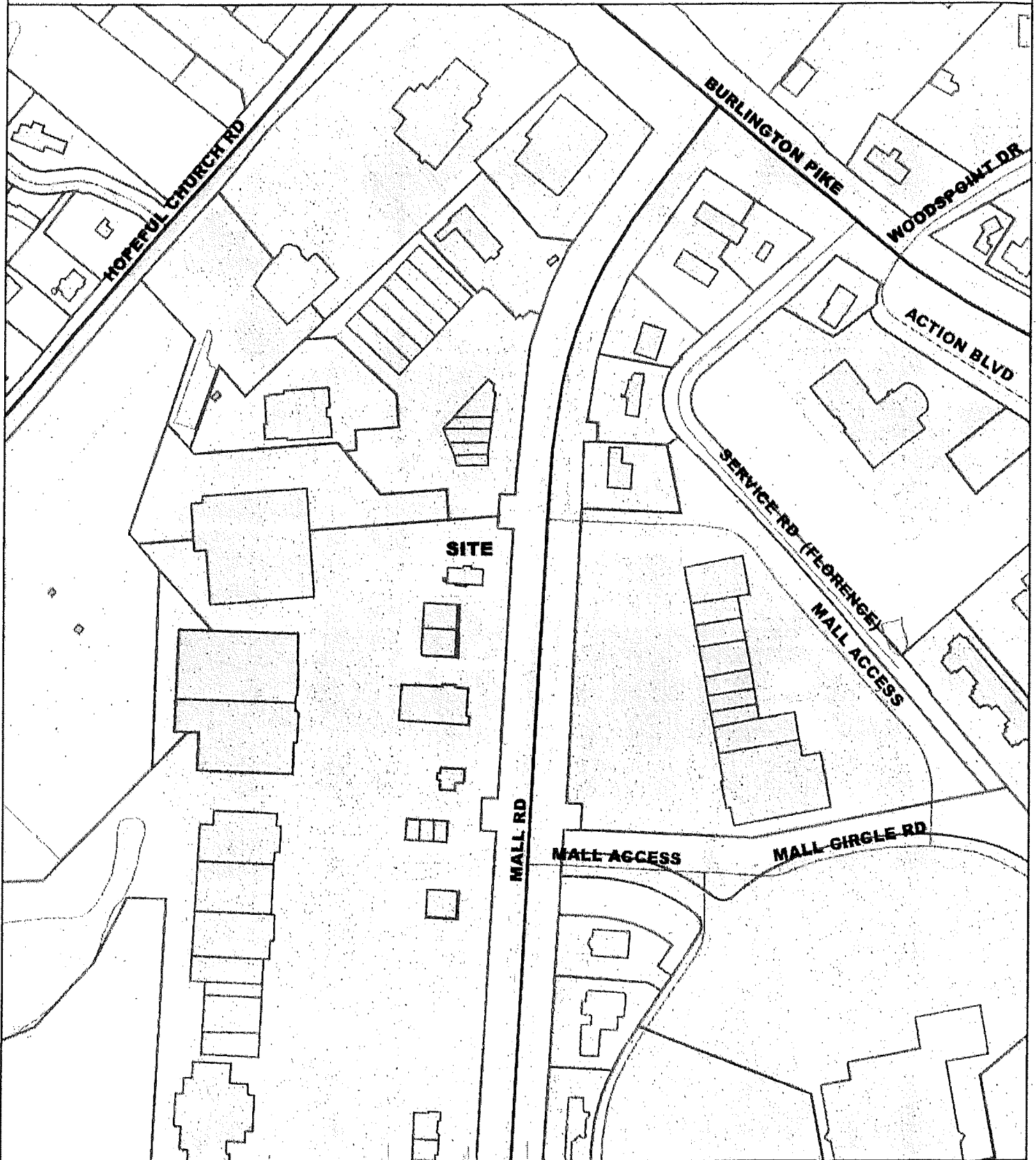
TKM/pr

Attachments

- *Site Vicinity Map
- *Letter From Applicant
- *Photo of Existing Menu Board
- *Specifications of Proposed Menu Board
- *2009 Aerial Map
- *Zoning Map
- *Application

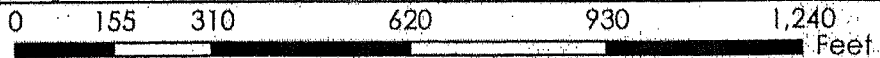
SITE VICINITY MAP

www.boonecountygis.com



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1 inch = 300 feet



Boone County GIS - Putting Northern Kentucky on the Map



November 16, 2010

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

RE: Taco Bell
Florence, KY

To Whom It May Concern,

Taco Bell restaurant at 7619 Mall Rd. 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 board selection. They feel in order to provide the necessary information needed for their drive thru customers, the menu board needs to be 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 interfere with the public safety of the area. They feel if they are not permitted the variance it would provide a hardship on their business to be able to advertise all of their selections, adequately service their customers and, in the long run, cause them financial hardship.

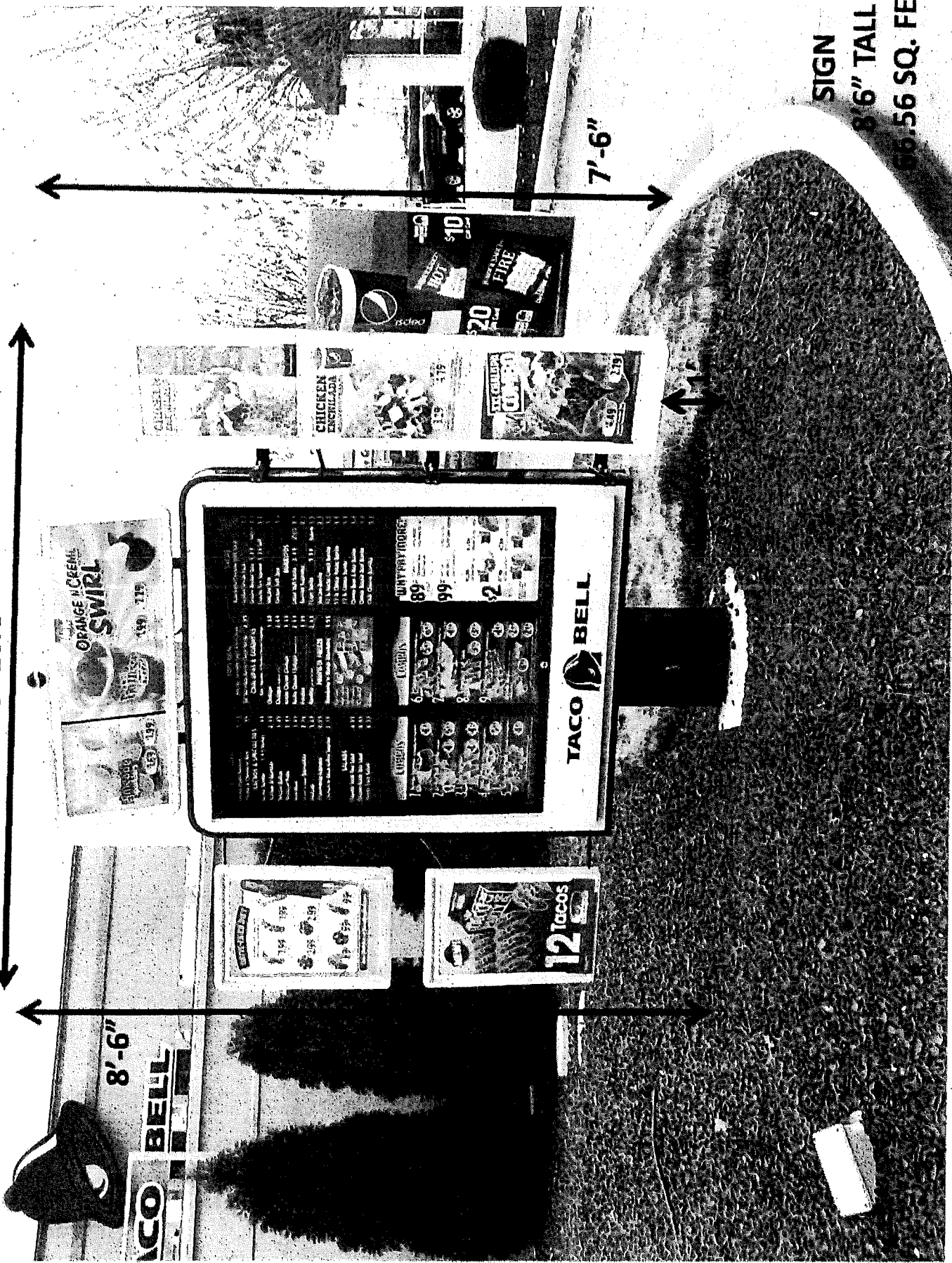
We thank you in advance for your consideration in this matter.

Sincerely,

Mark Stottman,
Quality Signs and Service

Since 1983

8' - 10 1/2"



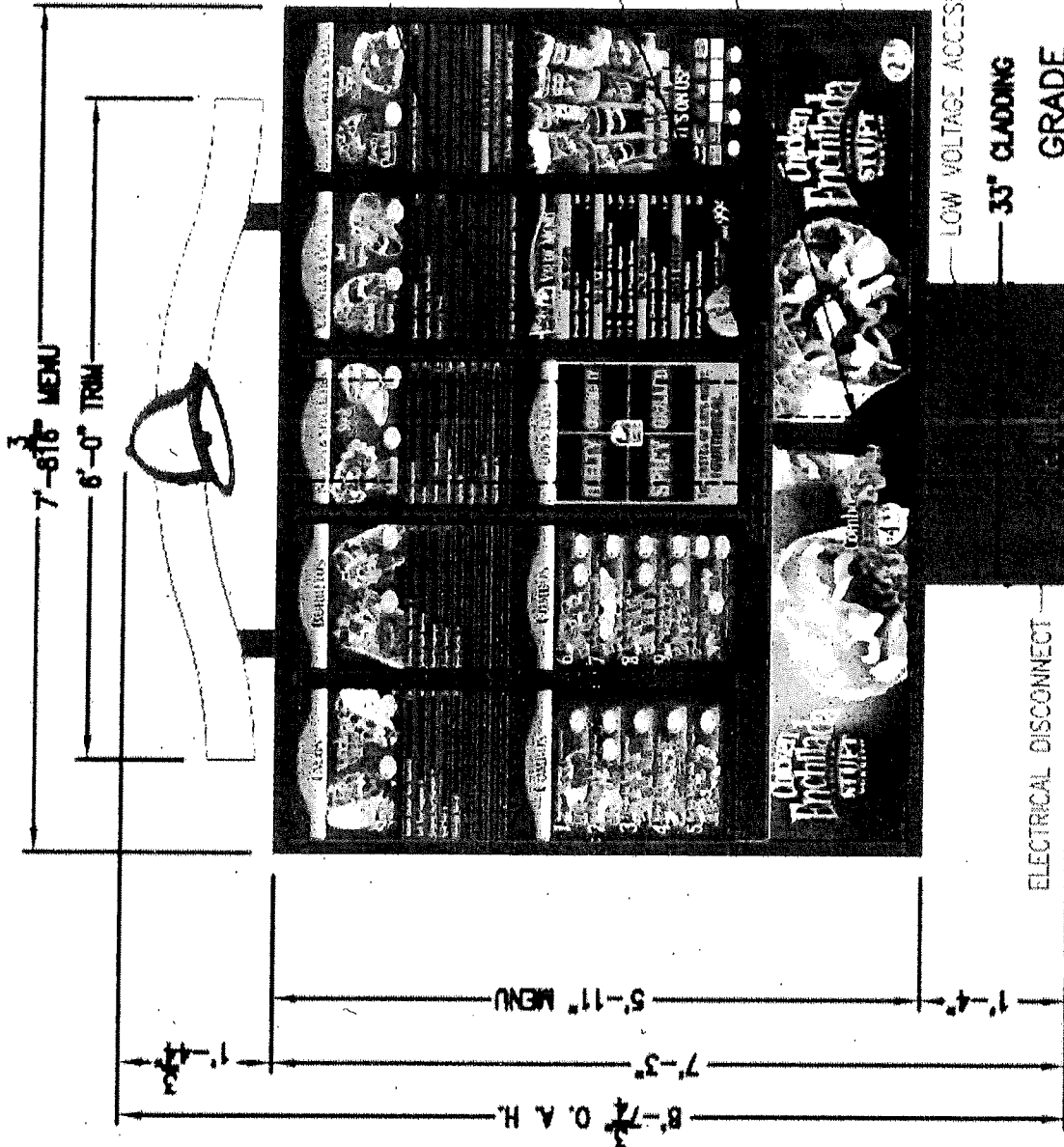
8' - 6"



7' - 6"



SIGN
8' 6" TALL
66.56 SQ. FEET



TS 3 1/2" x 3 1/2" x 1/8"
ASTM A-500 Gr. B

4" X 24" CROSSMEMBER
1" ASTM A-36 STEEL

TS 3 1/2" x 3 1/2" x 1/4"
ASTM A-500 Gr. B

TS 6" x 3" x 3/16"
ASTM A-500 Gr. B

LOW VOLTAGE ACCESS

33" CLADDING

GRADE

ELECTRICAL DISCONNECT

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.

FILE: TB Menu Board Proposed

DATE: 11-16-10

SCALE:

Approved By:

Sales Rep: Mark Stoffman

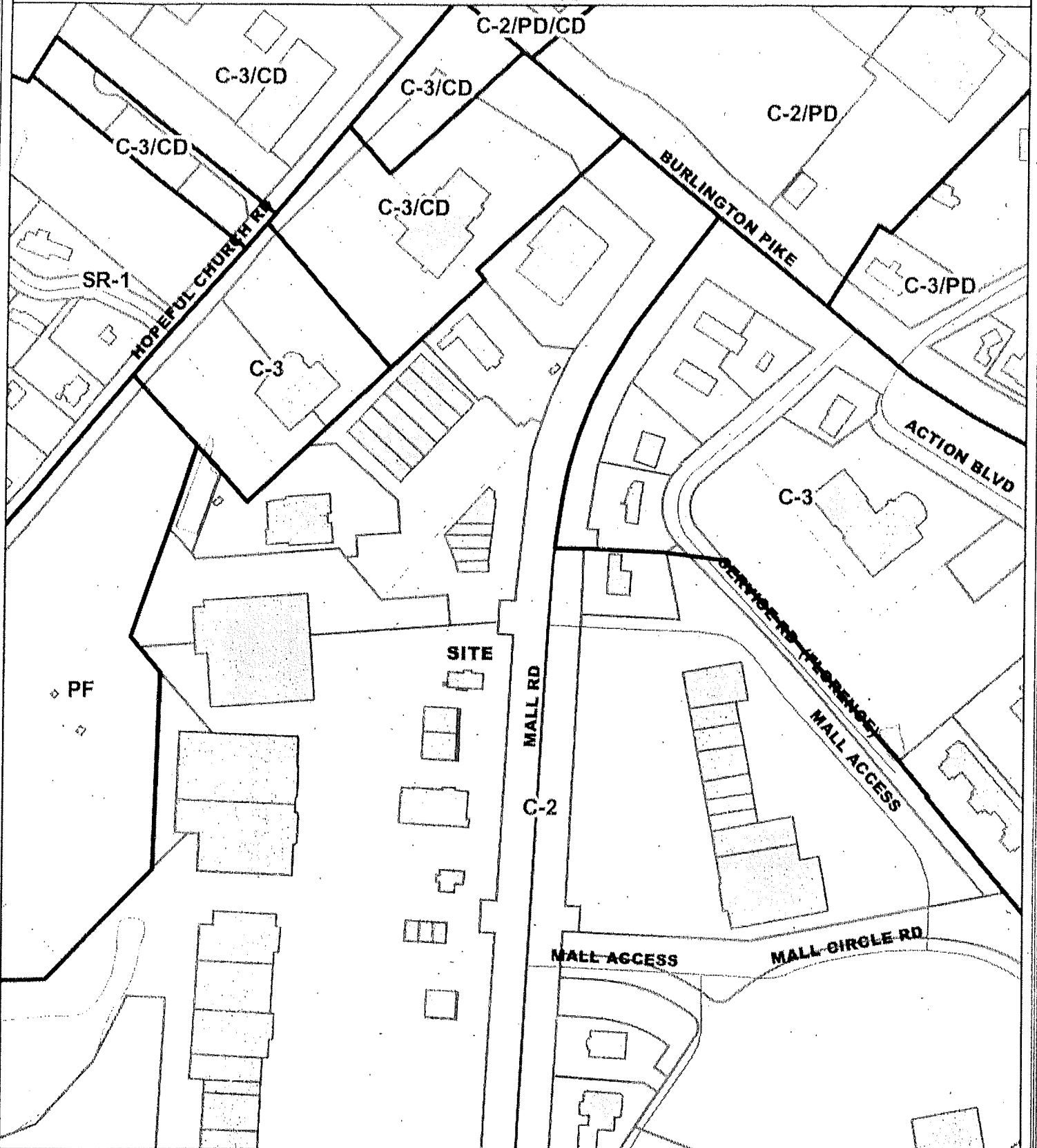
DRAWN BY: WOODY FELLINGER

© 2010



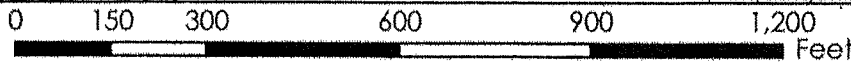
ZONING MAP

www.boonecountygis.com



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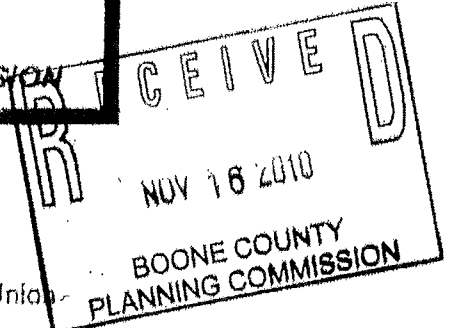


Boone County GIS - Putting Northern Kentucky on the Map



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. Boone Florence _____ Walton _____ Union _____

(Check One)

2. _____ Conditional Use Permit _____ Variance _____ Appeal _____

_____ Change in Non-Conforming Use

3. Applicant's Name Quality Sil

Phone Number 09-9966 Fax No. 06-0204

Applicant's Address LRD Production D-

Burl KY 41002

City State Zip

4. Description of Request: Replace the exterior Drive Thru

McLu board - 2 variances for height + sq. Footing

5. Name of Development TACO Bell

6. Location of Development 7619 Mall Rd Flo KY 41042

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 7619 Mall Rd Phone No. 606-242-8228

Flo KY 41042

City State Zip

11. Proposed Use(s) on Site Restaurant

12. Total Square Footage of Existing and/or Proposed 16,560

13. Current Zoning on Property C-2

14. Deed Book 871 Page No 412 Group No. 2040

15. Is the site subject to a zone change? NO

If yes, give date of approval _____

15. Have you submitted a Site Plan with this request? _____

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.

ORIGINAL Property Owner's Signature: Randy Denton

(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: [Signature] Quality Sil 11-16-10

(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

(over)

New Claw Property Holding
PO Box 4900
Scottsdale, AZ 85261

COPY

CLUR #11-FBOA-001-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
New Plan Property Holding
P.O. Box 4900
Scottsdale, AZ 85261
2. ADDRESS OF PROPERTY
7619 Mall Road
Florence, KY 41042
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Taco Bell
4. DEED BOOK 871 PAGE NO. 412 GROUP NO. 2040
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

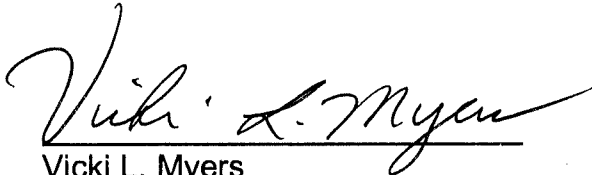
Todd K. Morgan
SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

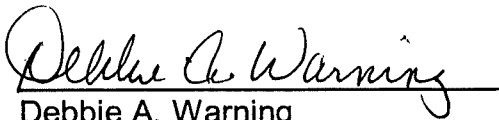
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 21 day of January, 2011.



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
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 January 12, 2011 Certificate of Land Use Restriction (#11-FBOA-001-A), for Taco Bell, Property Owner(s).

The following conditions will apply:

- 1) The sign shall be constructed as presented. (See the January 12, 2011 Florence Board of Adjustment file at the Boone County Planning Commission Office).
- 2) The arch and bell shall not be removed and replaced with additional signage.

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

DEED BOOK 871 PAGE NO. 412 GROUP NO. 2040