

APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION	RECEIVED FEB 15 2012 BOONE COUNTY PLANNING COMMISSION
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FIVE (5) SCALED COPIES AND ONE (1) 11X17 REDUCTION OF SUBMITTED DRAWINGS ARE REQUIRED

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 MIKE CHRISTENSEN
Phone Number 513 842-5446 Fax No. 513 455-5009
Applicant's Address RT ARCHITECTURE, LLC - 555 GUEST ST.
CINCINNATI, OH 45255
City State Zip
 4. Description of Request: _____
SEE ATTACHED PAGE
 5. Name of Development TURFWAY PLAZA
 6. Location of Development 6825 BURLINGTON PIKE - FLORENCE, KY 41042
 7. Acreage Under Review N/A
 8. Lot Number and Name of Subdivision (if part of a subdivision) N/A
 9. Owner of Property TURFWAY STATION INC.
Address of Property Owner 11501 WOODHOLME DR Phone No. 513-354-1110
Cincinnati, OH 45249
City State Zip
 10. Proposed Use(s) on Site NEW ATM - (EXISTING USES UNCHANGED)
 12. Total Square Footage of Existing and/or Proposed Buildings 60 SF - (AREA OF CANOPY OVER ATM)
 13. Current Zoning on Property C-2
 14. Deed Book 936 Page No. 903 Group No. 2034A
 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
 17. Have you submitted a list of adjoining property owners with this request? YES
 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: _____
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's 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 2-15-12 Fee Received \$032.00 Receipt # W4306
2. Is application complete? Yes _____ No _____
3. Staff Reviewer [Signature]
4. Scheduled Board Action Date 3/14/12
5. Board Action:
 Approved
 Approved with Conditions (See #6) See Meeting Minutes *
 Denial (See #7)
6. Conditions of Approval: _____

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 - 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: Mike Christensen

LOCATION: Turfway Road & Burlington Pike, Florence, Kentucky

ZONING: Commercial Two (C-2)

DATE: March 14, 2012

PROPOSAL

The applicant has submitted the following Variance request:

1. Increase the permissible square footage of the canopy signage on three elevations of a free-standing ATM.

The regulations state that the square footage allowed for canopy signs may not exceed 25% of the area of the fascia on which they are mounted. The front fascia measures 20 s.f. and the sides measure 12 s.f. each.

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 (2) of the Boone County Zoning Regulations states that canopy (on gasoline and other completely detached canopies) mounted signage is permitted on no more than three (3) elevations on the canopy. The square footage allowed for canopy signs may not exceed 25% of the area of the fascia on which they are mounted. The signs may not extend above or below the fascia of the canopy.

SITE CHARACTERISTICS

This multi-tenant development consists of commercial uses including Office Depot, Party Town, Big Lots and Family Dollar as well as two outlots consisting of Lee's and Cricket . The proposed ATM would be located along Turfway Road between the front of Office Depot and the rear of Lee's.

SURROUNDING LAND USES AND ZONING

North: Properties across Turfway Road zoned (C-1 & UR-2)

South: Undeveloped property and Commercial/Medical Office uses (C-2/PD/CD & PF/PD/CD)

East: Existing Apartment development (UR-2)

West: Properties across Burlington Pike zoned (C-3/CD & C-3/PD/CD)

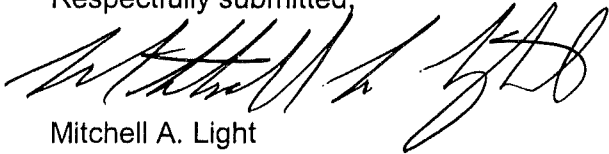
STAFF COMMENTS

1. The front fascia measures 20 s.f. and the sides measure 12 s.f. each. Using the formula in the regulations, the front fascia would be permitted 5 s.f. of signage and each side fascia would be permitted 3 s.f. of signage. The applicant is requesting to increase the front from 5 s.f. to 14.4 s.f. (or 72%) and increase each side from 3 s.f. to 7.7 s.f. (or 64%).
2. The applicant will still be required to follow the Minor Site Plan review prior to the construction of the ATM.
3. 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 Board of Adjustment and Zoning Appeals the authority to act on the requests.

Respectfully submitted,

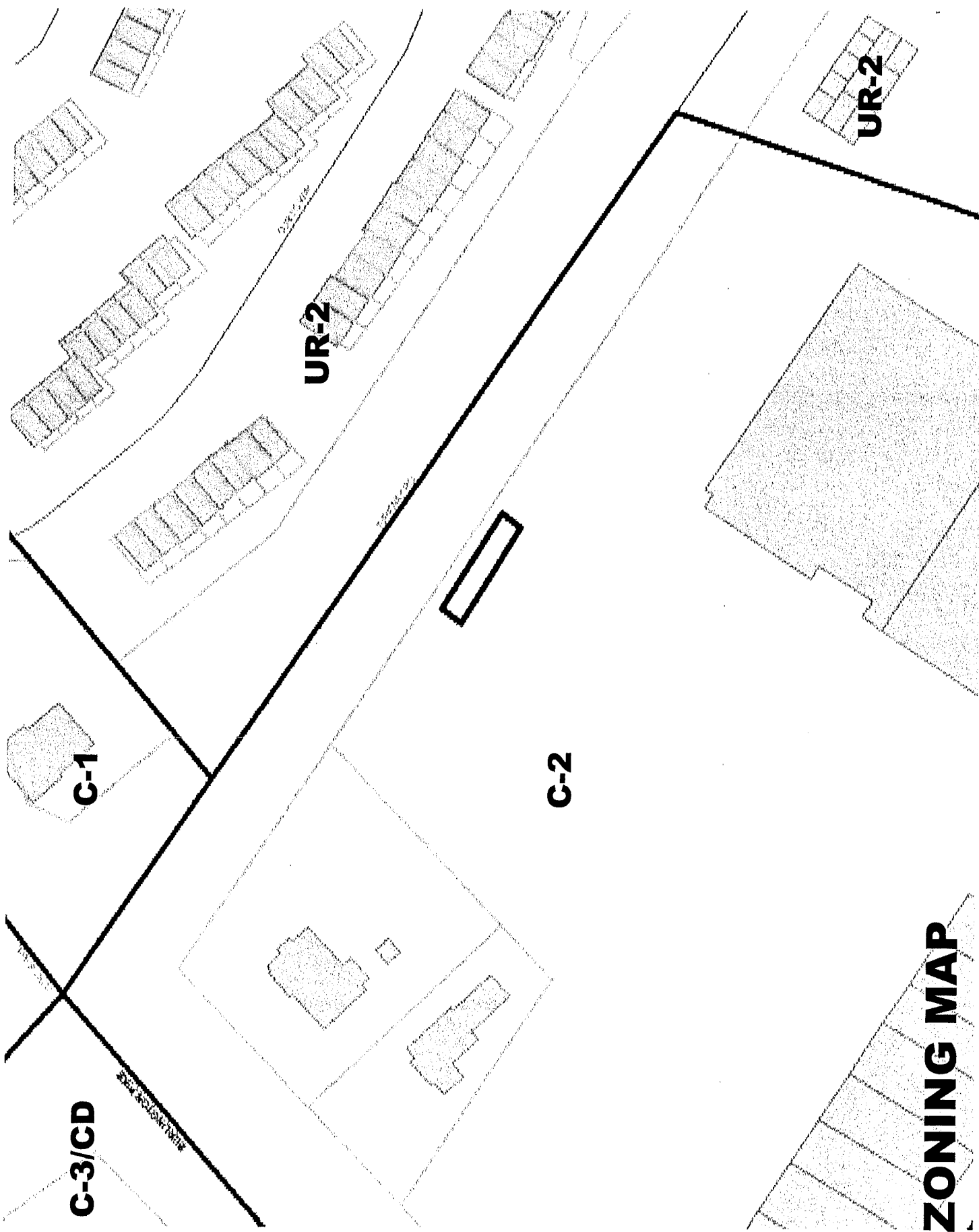
A handwritten signature in black ink, appearing to read "Mitchell A. Light". The signature is fluid and cursive, with the first name being the most prominent.

Mitchell A. Light
Asst. Zoning Administrator/Enforcement Officer

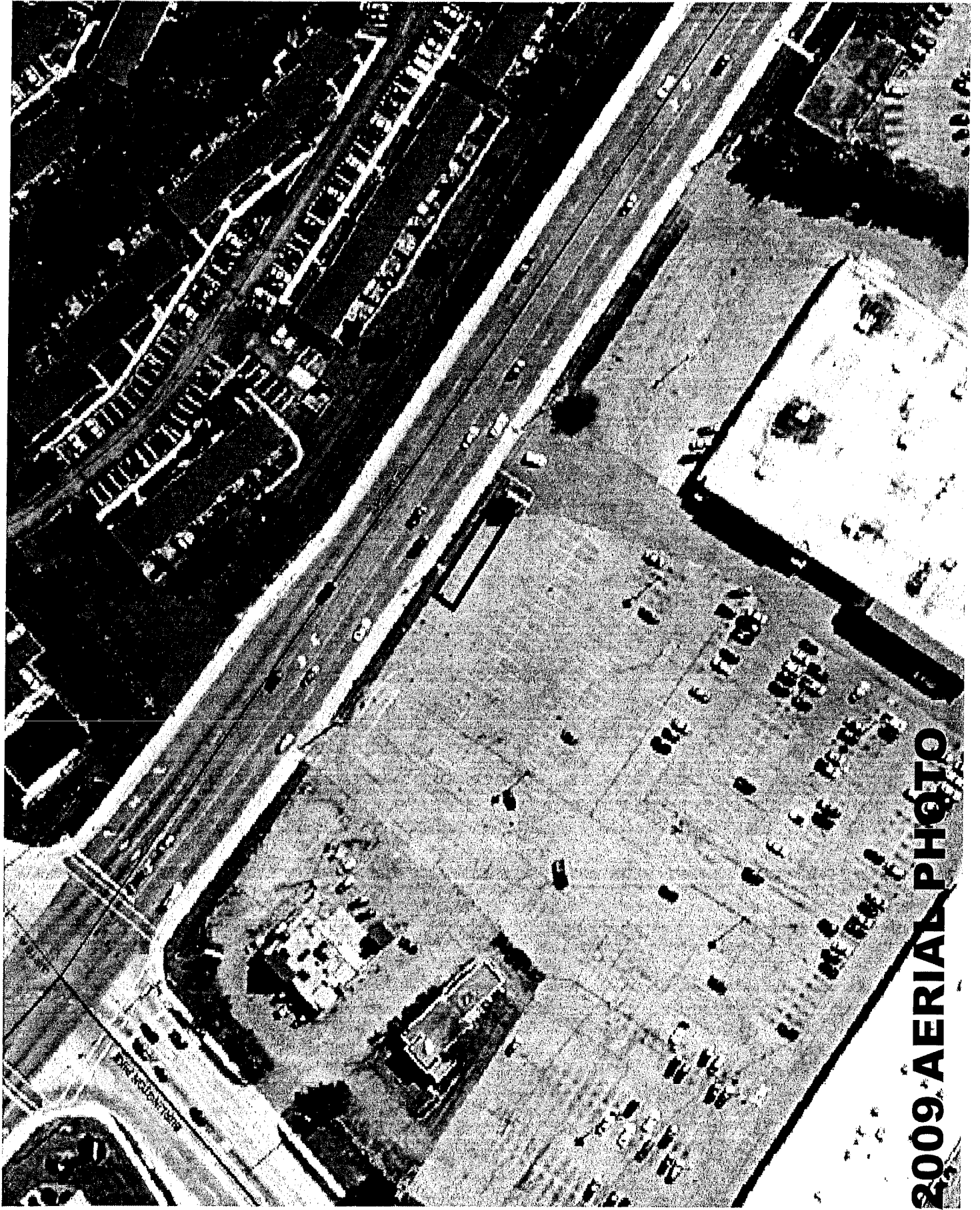
MAL/dw

Attachments

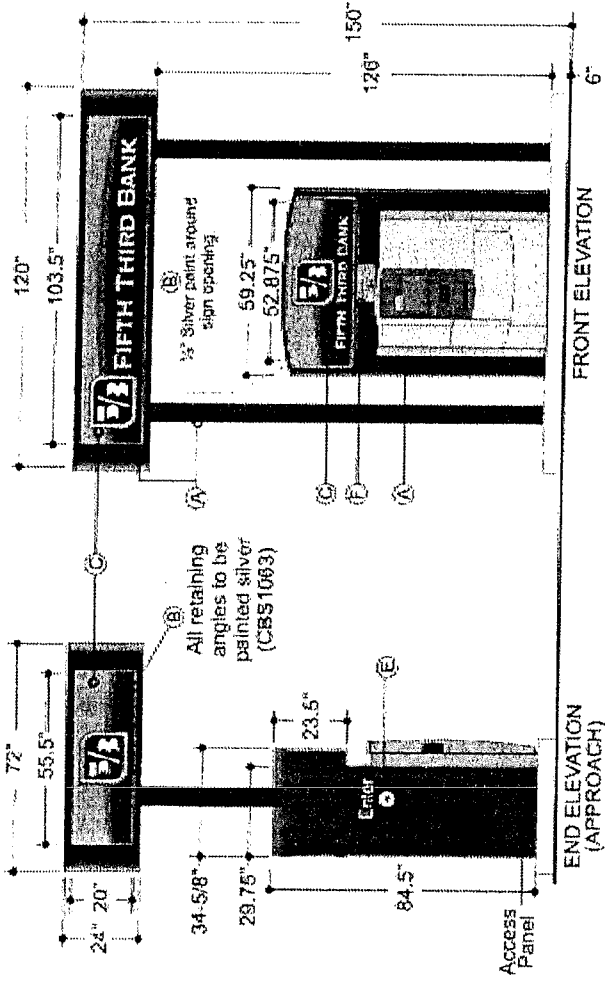
- Vicinity Map
- Zoning Map
- 2009 Aerial Photo
- Proposed Layout
- Elevations
- Application



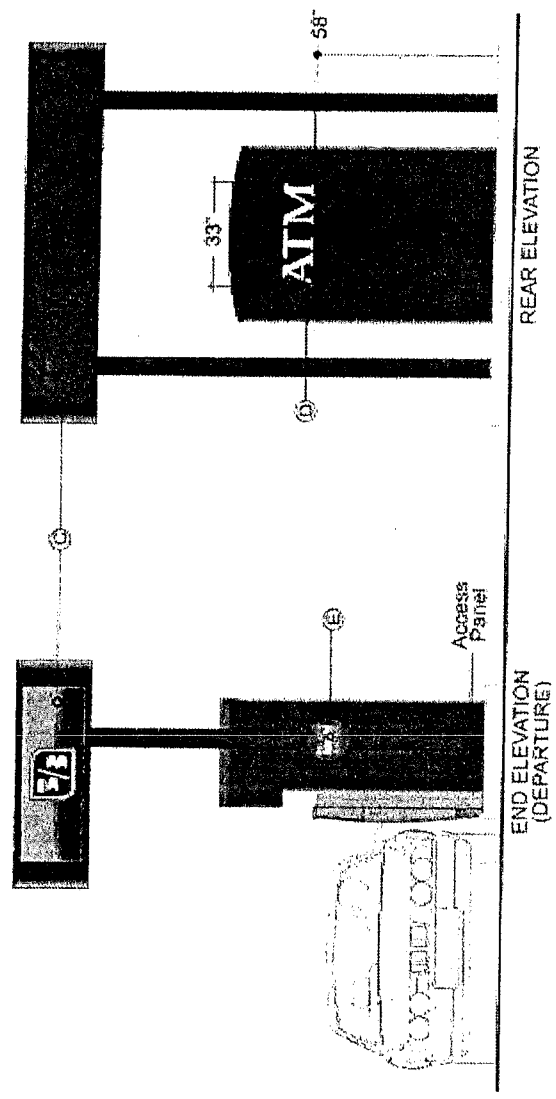
ZONING MAP



2009 AERIAL PHOTO



END ELEVATION (APPROACH)

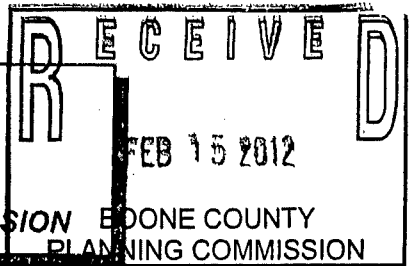


TYPICAL CANOPY
SCALE 1/4" = 1'-0"

PROPOSED ELEVATIONS

APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION



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

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Turfway Station, Inc.
11501 Northlake Drive
Cincinnati, Ohio 45249

2. ADDRESS OF PROPERTY

6825 Burlington Pike
Florence, Kentucky 41042

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Turfway Plaza

4. DEED BOOK 936

PAGE NO. 903

GROUP NO. 2034A

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

Zoning Map Amendment:
From To

Conditional Use Permit

Development Plan

Conditional Zoning

Subdivision Plat
(Not Recorded)

Other:

Variance

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


SIGNATURE OF COMPLETING OFFICIAL

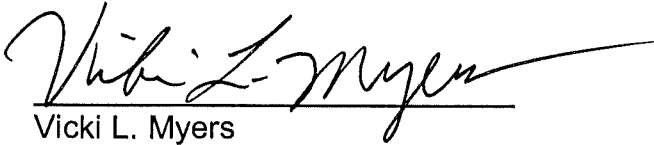
Mitchell A. Light, Assistant Zoning Administrator
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledged before me by Mitchell A. Light

on behalf of the Boone County Planning Commission this 14th day of March, 2012.



Vicki L. Myers

Notary ID 438411

NOTARY PUBLIC, State at Large

My commission Expires:

April 17, 2015

This instrument was prepared for recording purposes only by:

Elizabeth McGrath
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 Variance approved by the Boone County Board of Adjustments and in accordance with the current zoning in effect as of March 30, 2012 Certificate of Land Use Restriction (#12-BCBOA-003-A), for Turfway Plaza, Property Owner(s).

The following conditions will apply:

1. Increase the permissible square footage of the canopy signage on three elevations of the proposed free-standing ATM per the exhibit;
2. The lighting for the proposed ATM canopy signs will be from within the canopy. There will be no up lighting or ground lighting used;
3. The Minor Site Plan and landscaping waivers (if necessary) must be applied for and approved by staff.

The approved Variance as well as the preceding conditions apply to the property described in:

DEED BOOK 936

PAGE NO. 903

GROUP NO. 2034A