

**BOARD OF ADJUSTMENT
BOONE COUNTY PLANNING COMMISSION**

Five (5) scaled copies and one (1) 11 x 17 reduction of submitted drawings are required

002

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

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: Atlantic Sign Company

Address: 1328 Florence Ave

Cincinnati OH 45206
City State Zip Code

Phone Number: 513-241-6775 Fax Number: _____

Email: Bronce@AtlanticSignCompany.com

4. Description of Request:
add 1 new wall sign - 11/17/08 variance approval allowed 6 building mounted signs on front facade. Total sign area limited to 596.25 FE2 when measuring signs separately

5. Name of Development: Walton Towne Center

6. Location of Development: 635 Chestnut dr

Walton Ky 41094
City State Zip Code

7. Acreage Under Review: 10.8

8. Lot Number and Name of Subdivision (if part of a subdivision): _____

9. Current Owner: Kroger Limited Partnership

Address: 1014 Vine St. Prop Tax 2nd floor

Cincinnati OH 45202
City State Zip Code

Phone Number: _____ Fax Number: _____

Email: _____

f 966

SECTION B: (To be completed by Planning Commission staff)

1. Date Received: 2/21/24 Fee Received: 966.00 Receipt #: 89988
2. Is application complete: ✓
3. Staff Reviewer: Todd Morgan
4. Scheduled Board Action Date: 3/27/24
5. Board Action: _____
 Approved

Approved with Conditions (see #6)

Denial (See #7)
6. Conditions of Approval: NONE

7. Reasons for Denial: _____

Boone County Planning Commission
Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
Burlington, Kentucky 41005
Phone: 859-334-2196 Fax: 859-334-2264
plancom@boonecountyky.org
www.boonecountyky.org

STAFF REPORT

#2

APPLICANT: Atlantic Sign Company for Kroger

LOCATION: 635 Chestnut Drive, Walton, Kentucky

ZONING: Commercial Two (C-2)

DATE: March 27, 2024

PROPOSAL

The applicant has applied for a Variance to modify a November 17, 2008 Walton Board of Adjustment condition. The condition states that a maximum of six signs are permitted on the front façade of Kroger Marketplace. Kroger is seeking permission to add a seventh building mounted sign.

PERTINENT SITE AND SUBDIVISION HISTORY

- A. On April 19, 2007, Boone County Planning Commission approved a Major Site Plan application allowing a 116,432 square foot Kroger Marketplace, fuel center, and 514 parking spaces to be constructed on the subject 10.08-acre lot. The Kroger Marketplace building is shown with a width of 472.67 feet.
- B. On February 11, 2008, Walton City Council approved a Special Sign District for Walton Towne Center Subdivision. The approval allowed the following freestanding signage in the subdivision:
 1. Two 35' tall, 300 square foot freestanding signs at the Mary Grubbs Highway/Towne Center Drive intersections. The westernmost freestanding can have electronically changeable copy in which Kroger can advertise fuel prices.
 2. A 50' tall, 500 square foot Interstate sign.
 3. One 8' tall, 120 square foot monument sign per lot. Each monument sign must have a 2' high base which is constructed of materials that are "consistent with the overall development."
- C. On October 2, 2008, Boone County Planning Commission approves a Sign Permit allowing four building mounted sign to be constructed on the front façade of Kroger Marketplace. The signs are constructed within 3 sign areas and total 558.39 square feet.
- D. On November 17, 2008, the Walton Board of Adjustment approved a Variance allowing additional building mounted signage on the front façade of Kroger Marketplace. The request was to allow the building mounted signage to be increased from 945.34 square feet to 3,765.25 square feet when measuring the signs in three sign areas. The Board of Adjustment approved the request with the following conditions:

1. A maximum of six signs are permitted on the front façade of the Kroger Marketplace building.
2. The total building mounted signage shall not exceed 596.25 square feet in area when the six signs are measured separately.

EX. & PROP. SIGNS ON THE FRONT OF KROGER MARKETPLACE (EAST TO WEST)

- A. Existing - Starbucks Oval - 25 square feet (SP-W-039-2023).
- B. Existing - Kroger Marketplace with Cart – 229.17 square feet (SP-W-039-2023).
- C. Proposed – Pharmacy – 31.15 square feet (SP-W-039-2023).
- D. Existing – Western Union – 12 square feet (SP-W-186-2012).
- E. Existing – The Little Clinic – 49.69 square feet (SP-W-092-2012)
- F. Existing – US Bank – 29.45 square feet (SP-W-164-2008)
- G. Existing – Pharmacy Drive Thru – 80 square feet (SP-W-039-2023)

Total Existing and Proposed Sign Area – 456.46 square feet

APPLICABLE REGULATIONS

- A. Section 202.C of the Boone County Zoning Regulations states that one of the duties of the Board of Adjustment is to hear and decide on applications for variances.
- B. Section 4000 of the Boone County Zoning Regulations defines a variance 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 KRS 100.241 to 100.247.
- C. The Board should evaluate the request as it relates to the criteria necessary for granting a Variance as stated in Section 204.D and 204.E of the Boone County Zoning Regulations.

Findings listed in Section 204.D

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 a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations. In making these findings, the board shall consider whether:

- (1) The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;
- (2) The strict application of the provisions of the regulations would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant;
- (3) The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

Findings in Section 204.E

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.

- D. Section 3408.1 of the Boone County Zoning Regulations provides the following requirements for building mounted signs:
1. Building mounted signs shall be allowed in all Recreation, Commercial, and Employment districts, except for the I-3 district.
 2. A business establishment shall be permitted building mounted signage for each building elevation directly on, or with visibility from, any roadway or marginal access street, including areas of major internal traffic circulation of a development. Under no circumstances shall signage be placed on more than three (3) building elevations on the same building or more than two (2) buildings under common ownership.
 3. The primary building elevation shall be permitted two (2) square feet of sign area per lineal foot of building width for the elevation upon which the sign is to be mounted, or in multi-tenant buildings, the width of the portion of the building frontage occupied by an individual business.
 4. Any subordinate building elevations shall be permitted one (1) square foot of sign area per lineal foot of building width for the elevation upon which the sign is to be mounted, or in multi-tenant buildings, the width of the portion of the building frontage occupied by an individual business.
 5. Signs on awnings are considered in the total square footage of building mounted signs permitted for that elevation. Any commercial message and/or illuminated areas on the awning will be calculated for square footage.
 6. Up to twenty percent (20%) of the area of any permitted building mounted sign may be used for a manually changeable copy area.

7. The square footage allotted to any one elevation may be divided into three (3) separate sign areas.

SURROUNDING LAND USES AND ZONING

North: Truist Bank, Walton Pharmacy/Great Clips/VIP Smoke Shop, AAA/Sumarel Tire (C-2)

South: The Crossings at Walton Square (C-2/PD)

East: Strip Center with Kroger Liquor and El Toro (C-2)

West: Boone Co. Library (PF), Feeders Supply/KY Farm Bureau, and Tire Discounters (C-2)

STAFF COMMENTS

- A. The 2008 Variance conditions allowed 6 building mounted signs on the front façade. The total building mounted signage was not to exceed 596.25 square feet when the six signs are measured separately.

2008 Staff cannot identify a hardship and believes the building mounted signs should be reworked to meet the 2009 Variance approval. The front façade of the building already contains a pharmacy sign. This sign could be relocated and made significantly larger.

CONCLUSION

- A. KRS 100.241 and Section 220 of the Boone County Zoning Regulations give the Walton Board of Adjustment and Zoning Appeals the authority to act on the request.
- B. Sections 204.D and 204.E of the Boone County Zoning Regulations identifies criteria necessary for granting a Variance. The applicant needs to provide information as to how their application meets the criteria.

Respectfully submitted,



Todd K. Morgan, AICP
Senior Planner, Zoning Services

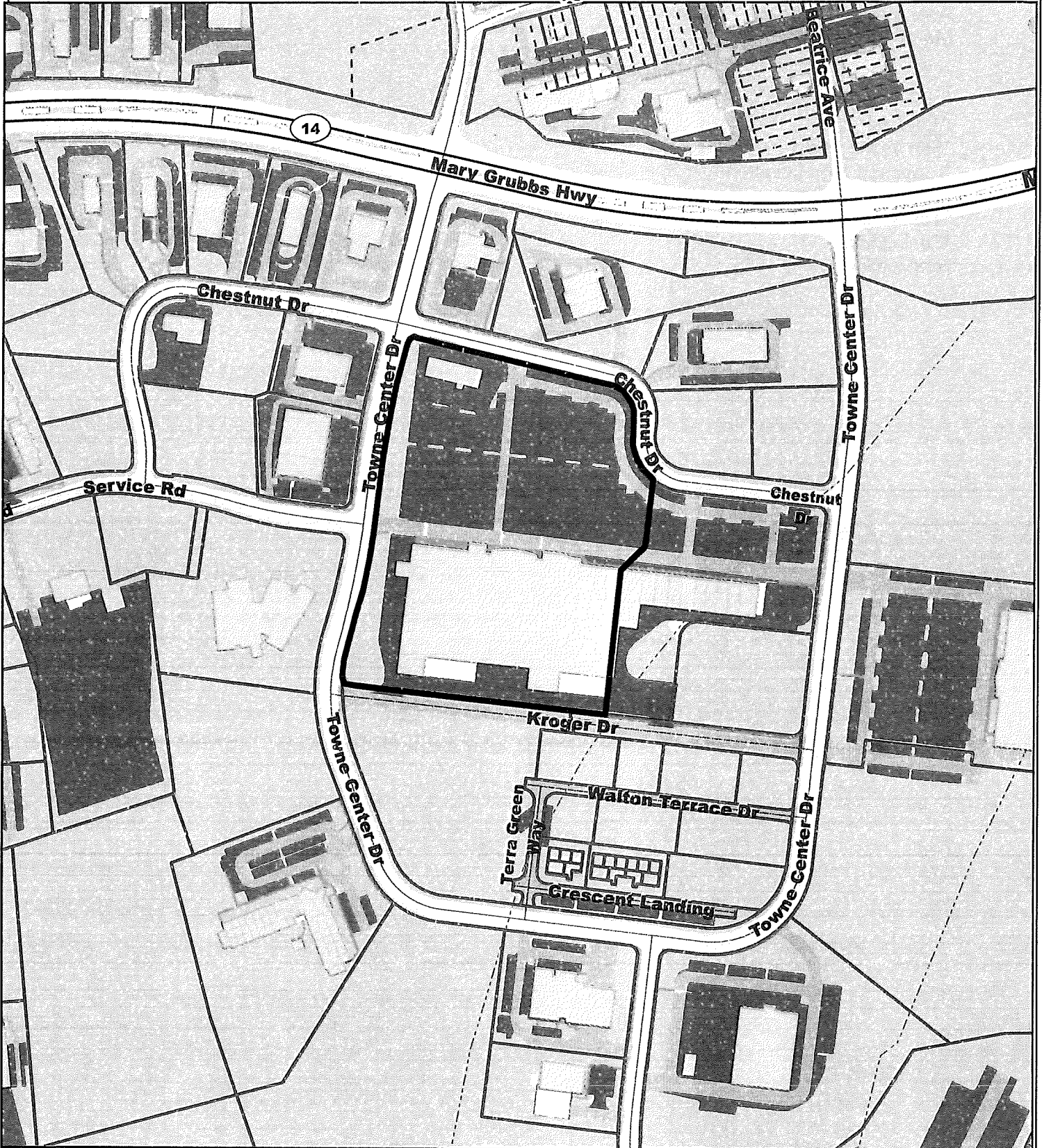
TKM/ss

Attachments

- *Site Vicinity Map
- *Proposed Sign Location and Specifications
- *2023 Aerial Map
- *Topographical Map
- *Zoning Map
- *Application

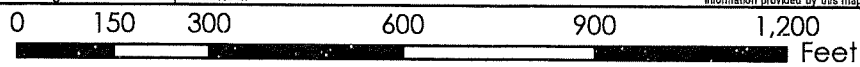
SITE VICINITY MAP

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Boone County GIS - Putting Northern Kentucky on the Map

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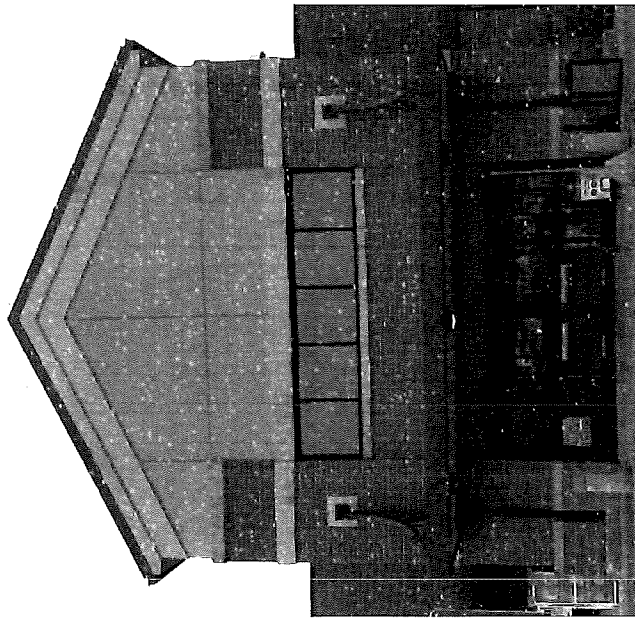
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DATE	DATE	DATE	DATE	DATE	DATE
BY	BY	BY	BY	BY	BY



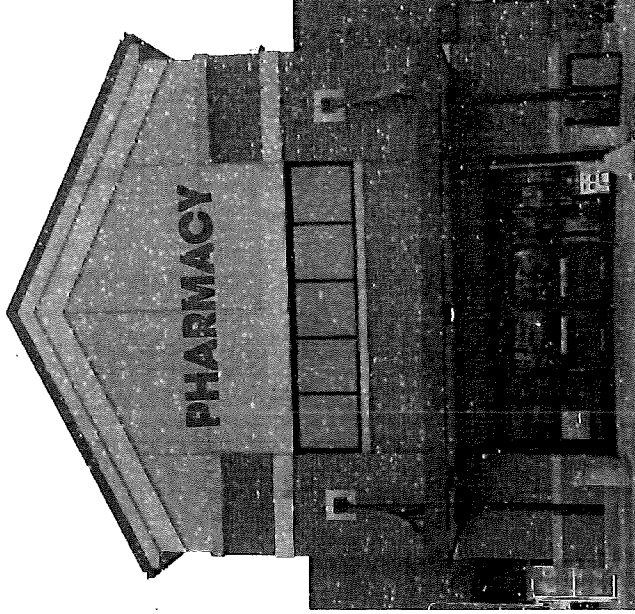
KROGER #367
635 CHESTNUT DRIVE
WALTON, KY

DRAWING NO:
1186101623.00

DATE: 9/12/2025
S. Hawke



EXISTING



PROPOSED

INSTALL LETTER SET AS SHOWN

KROGER #367
635 CHESTNUT DRIVE
WALTON, KY

DRAWING NO:
1186101623.00

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S. Hawke



DATE BY DATE BY

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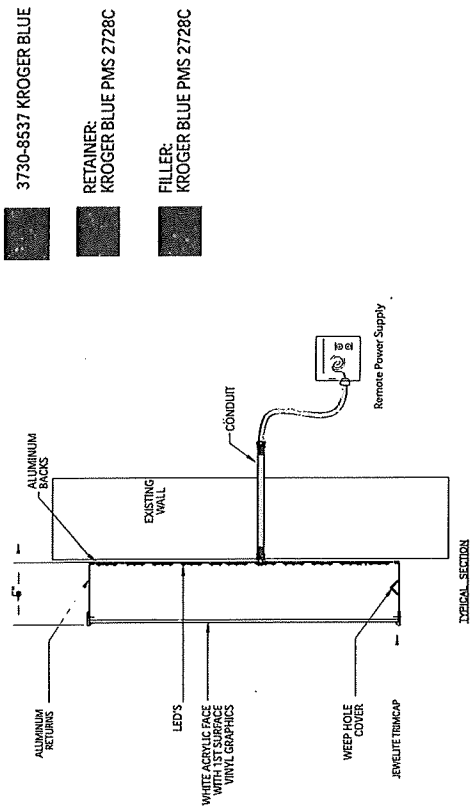


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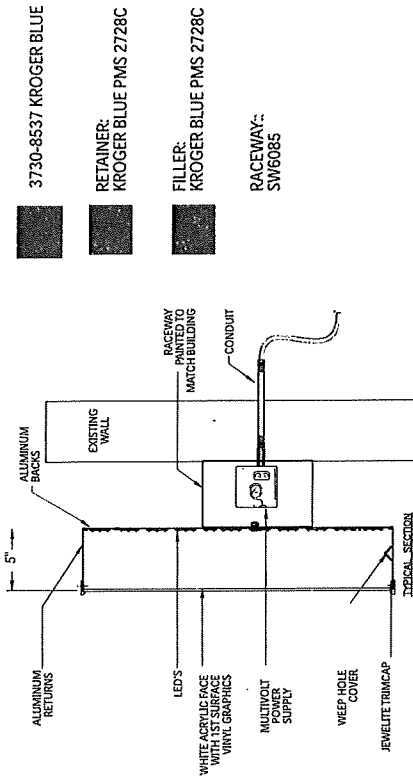
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FILLER: KROGER BLUE PMS 2728C

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FILLER: KROGER BLUE PMS 2728C

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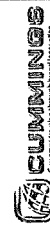
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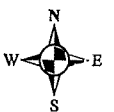
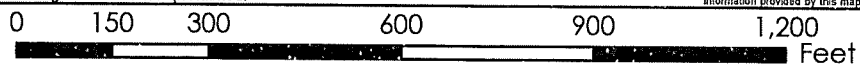
2023 AERIAL MAP

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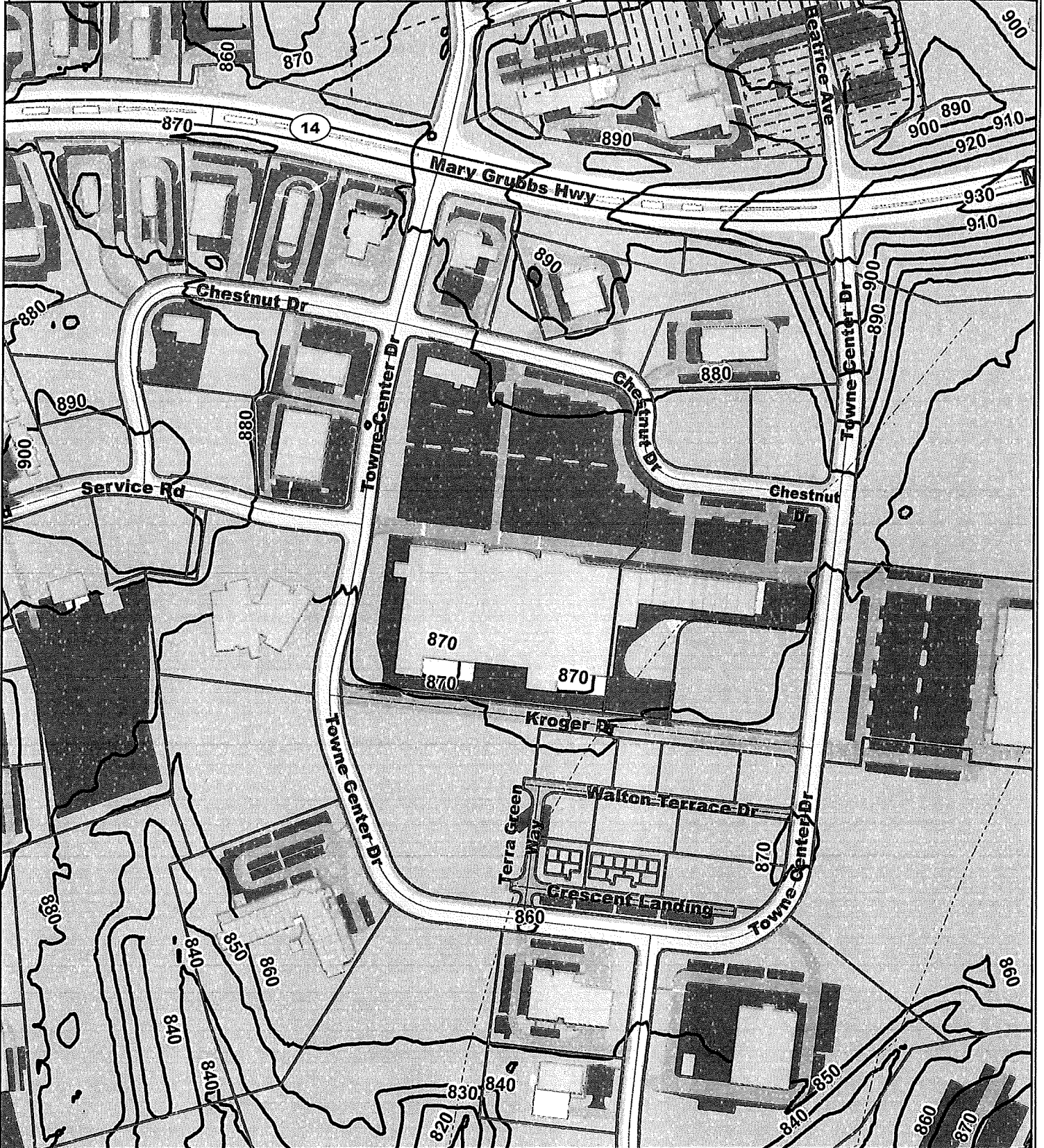
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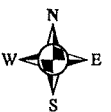
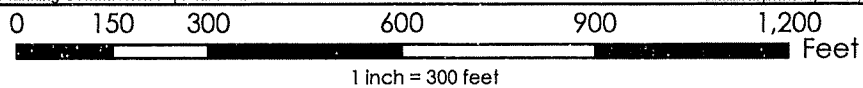
TOPOGRAPHICAL MAP

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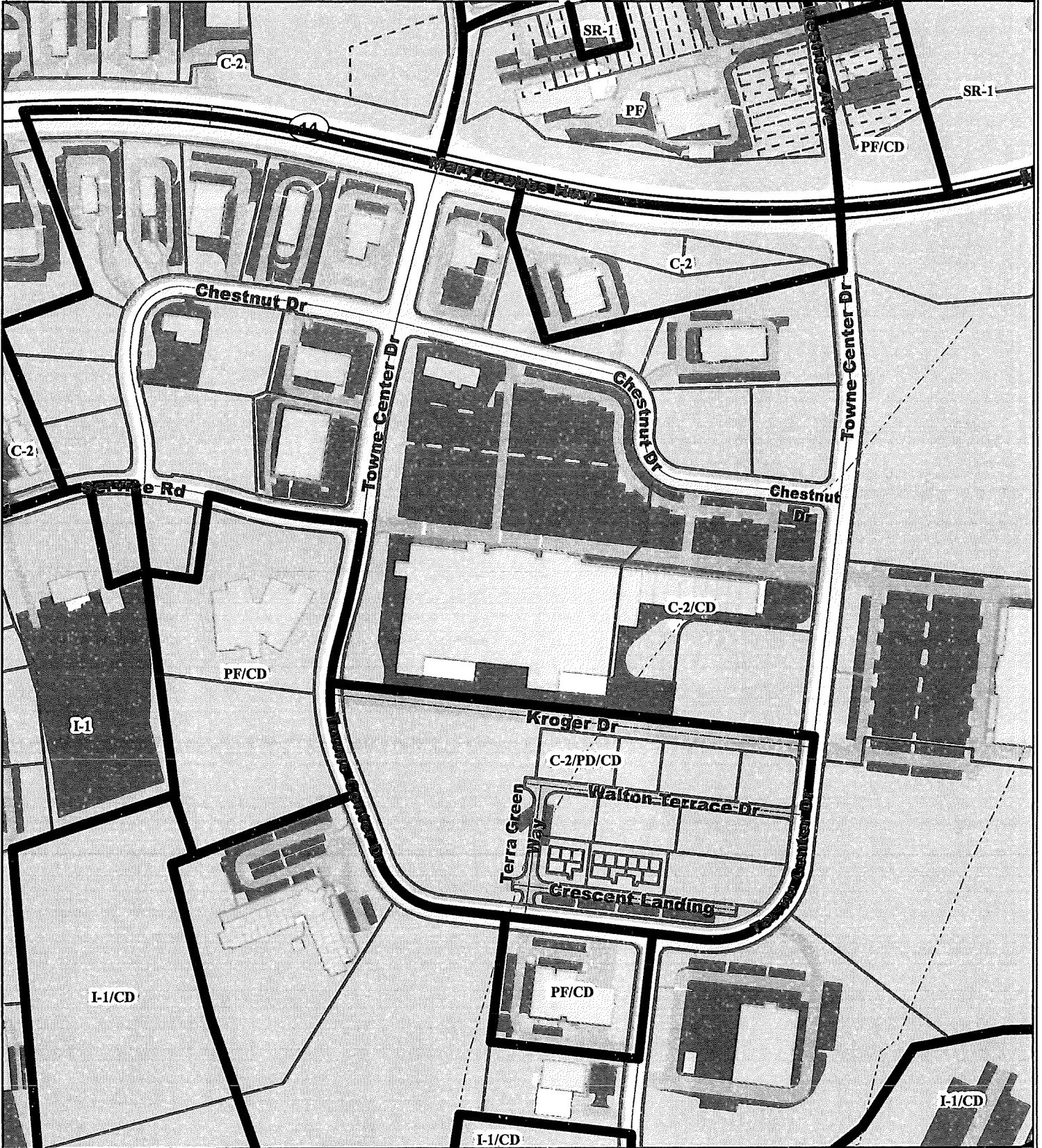
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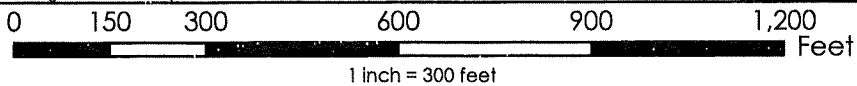
ZONING MAP

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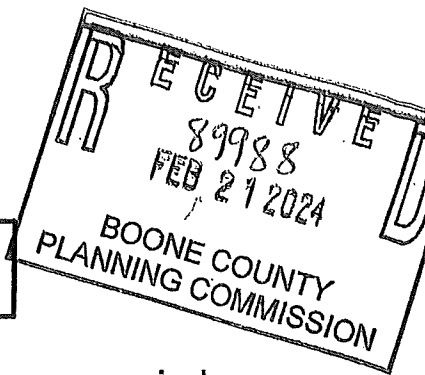
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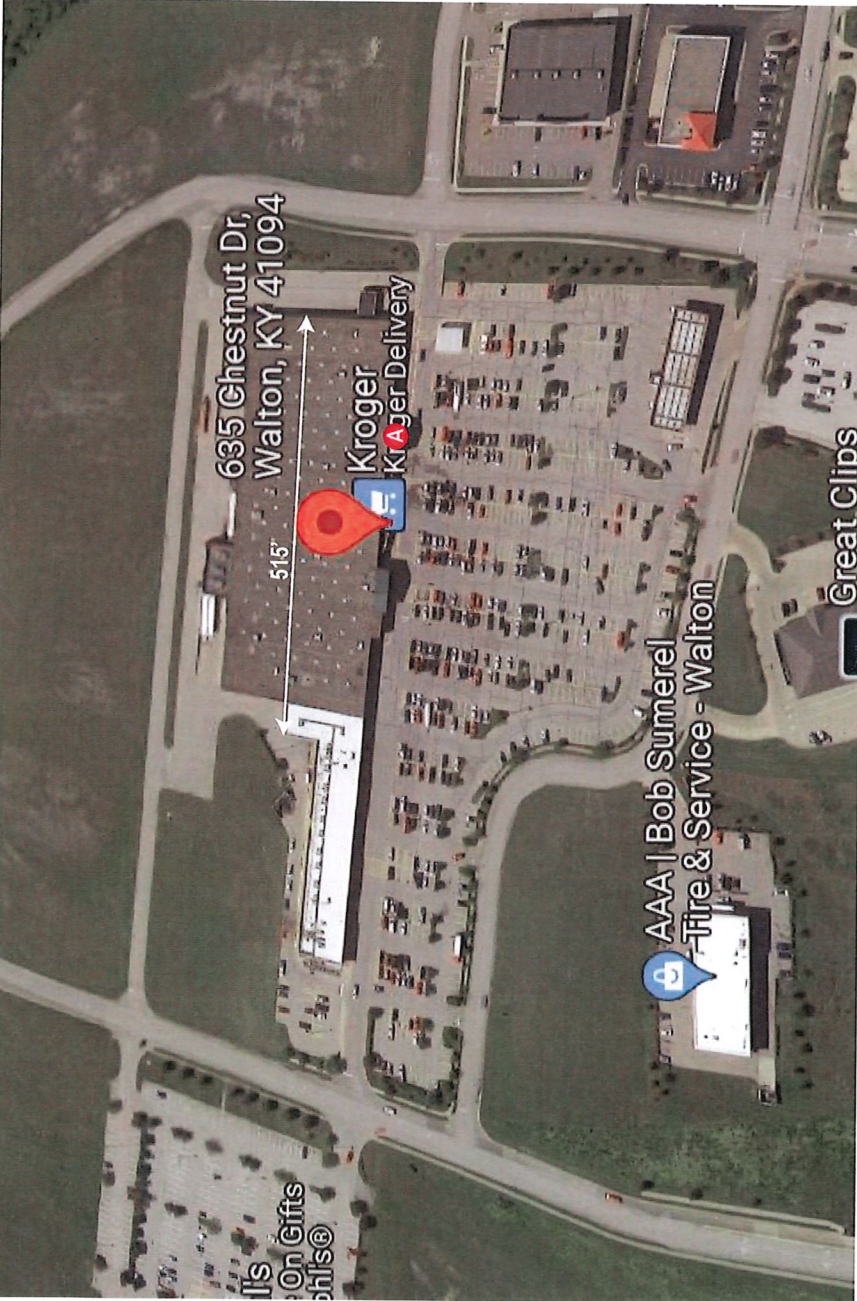
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1966



KROGER #367
635 CHESTNUT DRIVE
WALTON, KY

1186101623.00 9.1.2023



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1	PHARMACY LETTER SET	31.1

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KROGER #367
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WALTON, KY

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PROPOSED **A**
INSTALL LETTER SET AS SHOWN



EXISTING

KROGER #367
635 CHESTNUT DRIVE
WALTON, KY

DRAWING NO:
1186101623.00

DATE: 9/12/23
S. Hawke



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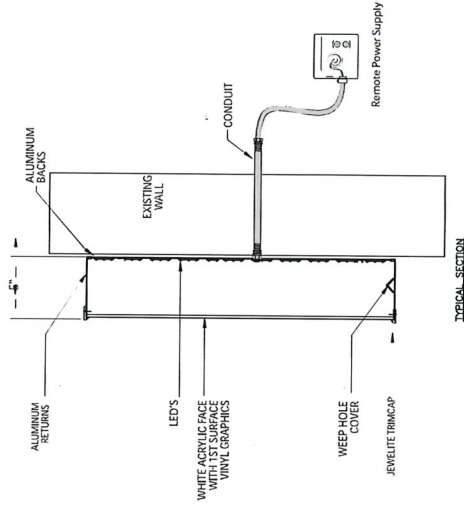
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2'-0" **PHARMACY** 15'-6 7/8"

PART # 403-22-CL24-PHR-RBL



- 3730-8537 KROGER BLUE
- RETAINER: KROGER BLUE PMS 2728C
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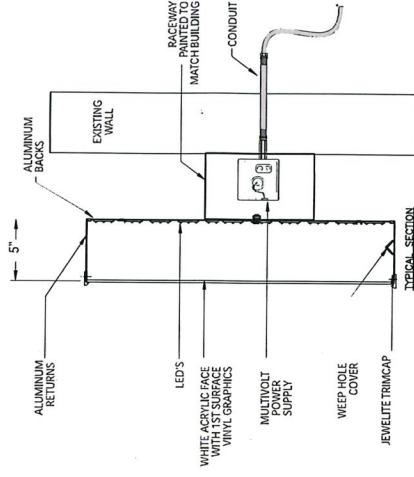


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CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Kroger Limited Partnership I
1014 Vine St, Prop Tax, 7th Floor
Cincinnati, OH 45202
2. ADDRESS OF PROPERTY
635 Chestnut Dr
Walton, KY 41094
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Kroger – Walton Towne Center
4. DEED BOOK 935 PAGE NO. 22 GROUP NO. 2082
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)
- 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

Todd K. Morgan, AICP, Senior Planner
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 28th day of March, 2024.

Treva L. Beagle
Notary ID KYNP37603
NOTARY PUBLIC, State at Large

My commission Expires:
November 12, 2025

This instrument was prepared for recording purposes only by:



Nicole Dierna
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.)