

**TOWN OF  
APPLE VALLEY, CALIFORNIA**

**AGENDA MATTER**

**Subject Item:**

**APPEAL NO. 2008-001, AN APPEAL OF THE PLANNING COMMISSION'S DENIAL OF VARIANCE NO. 2008-001. THE VARIANCE WOULD PERMIT THE CONSTRUCTION OF A TWENTY-FIVE (25)-FOOT TALL PYLON SIGN WITH 152 SQUARE FEET OF SIGN AREA, EXCEEDING THE SIX (6)-FOOT TALL, TWENTY (20) SQUARE FOOT SIGN PERMITTED FOR A SINGLE TENANT BUILDING WITHIN THE GENERAL COMMERCIAL (C-G) ZONING DESIGNATION.**

**Appeal Applicant:**

Kentucky Fried Chicken

**Location:**

18447 Highway 18; APN 473-114-10.

**Summary Statement:**

The applicant for Variance No. 2008-001 is appealing the Planning Commission's April 16, 2008 denial of the Variance. At its meeting of April 16<sup>th</sup>, the Planning Commission reviewed and subsequently denied the applicant's request to construct a twenty-five (25)-foot tall, 152 square foot, pylon sign.

The Commission's April 16<sup>th</sup> decision to deny the Variance request was based upon information presented within the staff analysis, comments from the applicant and discussion amongst the Commission members at the meeting (see attached Minute Excerpt for the April 16<sup>th</sup> public hearing). The focus of the Commission's discussion, and concern, was the need to consistently adhere to the existing Sign Ordinance.

(Continued on page 2)

**Recommended Action:**

**Open the public hearing and take testimony. Close the public hearing. Then Move to:**

1. Find the Facts presented to the Town Council on June 10, 2008, and to the Planning Commission on April 16, 2008, do not support the Findings necessary to approve a Variance for sign height and sign area, adopt the negative comments addressing the Findings within the June 10, 2008 Town Council report and uphold the Planning Commission's decision and deny Appeal No. 2008-001.

**Proposed by:**                     Planning Division                     **Item Number** \_\_\_\_\_

**Town Manager Approval:** \_\_\_\_\_ **Budget Item**  Yes  No  N/A

## Summary Statement (continued from page 1):

At the April 16<sup>th</sup> Planning Commission meeting, staff's presentation noted the existing proliferation of legal, non-conforming signage within the vicinity of the Kentucky Fried Chicken at 18447 Highway 18. Staff further commented that the proposed sign was not consistent with the architecture of the building and that approving a Variance for signage may set a precedent for further development that could occur in the area. The applicant commented that Kentucky Fried Chicken would be willing to reduce the sign height to fifteen (15) feet and two (2) Commissioners commented that they would consider a Variance for a smaller sign. However, three (3) Commissioners were unwavering in their desire to adhere to the adopted Sign Ordinance.

Within the Appeal application (attached), Kentucky Fried Chicken does not provide any information in support of the Appeal. Rather, the applicant is asking the Council to consider a revised sign, which is smaller than what was presented to the Planning Commission for review. The revised sign is not provided with this Appeal application, as the Planning Commission has not considered a revised sign at a public hearing. Staff has communicated to the applicant that the Council may uphold the Planning Commission's denial of Variance No. 2008-001. Alternatively, the Council may provide for the record comments that demonstrate how all of the required Findings can be made in a positive manner. The Council, at its discretion, may remand the issue back to the Commission for consideration of the revised, smaller sign. Should the Council uphold the Commission's decision to deny this appeal, the applicant may resubmit a new Variance application to the Planning Commission for its consideration.

A Variance may be approved when, under certain circumstances, the strict or literal interpretation and enforcement of the zoning requirements may deprive a property of development rights enjoyed by other properties in the vicinity and under the identical zoning classification. Granting of a variance should not be based upon existing non-conformities but, instead, upon the zoning standard or standards from which an exception is being requested.

As with all Variance requests, the proposal must be found to be in conformance with specific "Findings", as detailed in Development Code Section 9.24.070. Staff offered, and the Commission adopted, the following Findings. The negative comments for the required findings for the project are shown in bold.

1. That because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of this Code deprives such property of privileges enjoyed by other property in the vicinity and under the identical zoning classification.

Comment: **The proposed Variance is for a property that has no unique circumstances applicable to the property that deprive it from privileges enjoyed by other properties within the general vicinity. The Kentucky Fried Chicken has been in business for over twenty-years; therefore, it is unlikely that it is being deprived of a privilege enjoyed by other businesses in the area that do not have the same longevity.**

2. That granting the Variance will be consistent with the general intent and purpose of the Development Code provisions for the district in which the property is located.

Comment: **The legal, non-conforming signage in the vicinity is not aesthetically desirable and detrimental to the orderly development of the Town and the general welfare; therefore, granting a Variance to permit additional signage exceeding the maximum allowed six (6)-foot height is not consistent with the general intent and purpose of the Development Code.**

3. That granting the Variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same vicinity and zoning district and denied to the property for which the Variance is sought;

Comment: **The property for which the Variance is sought is not being deprived a preservation, or enjoyment, of a property right possessed by other properties within the general vicinity. It is not the intent of the Development Code to preserve legal non-conforming signage; nor is it considered enjoyable. The Kentucky Fried Chicken business has been in operation for over twenty-years; therefore, it is unlikely that its preservation is dependent upon granting a Variance for sign height and sign area.**

4. That granting the Variance will not be materially detrimental to the public health, safety or welfare, or injurious to the property or improvements in such vicinity and land use district in which the property is located;

Comment: **The granting of a Variance for sign height and sign area will be detrimental to the public by permitting additional non-conforming signage within an area already proliferated by non-conforming signs. Granting this Variance may set a precedent that will allow property owners with similar circumstances to justify their own request for a Variance. The cumulative impact of additional Variance requests, and approvals for signage, would nullify the intent and meaning of the Development Code and, therefore, have a negative impact upon adjoining properties.**

5. That granting the Variance does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and in the zoning district and General Plan land use designation such property is located; and

Comment: **The granting of a Variance for sign height and sign area would constitute a special privilege. There have been numerous commercial buildings constructed on the north side of Highway 18 that have conformed to the Development Code standards for signage. There are undeveloped properties located one (1) lot east, across Mondamon Road, of the proposed site that are within the same zoning district and**

**General Plan land use designation that will not be permitted like and similar signage without benefit of a Variance.**

6. That granting the Variance does not allow a use or activity which is not otherwise expressly authorized by the regulations governing the subject parcel.

Comment: The Variance is proposed for sign height and sign area. The proposal will not allow a use or activity not already permitted within the General Commercial (C-G) zoning designation.

In addressing the Appeal request, the Council may accept the above comments describing how the request does not conform to the required Findings in a positive manner. Alternatively, the Council may provide for the record substitute comments that support the required Findings in a positive manner. At the April 16, 2008 public hearing, the Commission, by a 3-2 vote, approved a motion to deny Variance No. 2008-001 based on the fact that it could not make all of the required positive "Findings" to approve the Variance application.

Attachments:

Minute Excerpt from Planning Commission Meeting of April 16, 2008.  
Appeal Application and supporting comments.  
Planning Commission April 16, 2008 Public Hearing Report.

**MINUTES  
EXCERPT  
TOWN OF APPLE VALLEY  
PLANNING COMMISSION  
Regular Meeting**

**Wednesday, April 16, 2008**

**CALL TO ORDER**

At 6:00 p.m., the regular meeting of the Planning Commission of the Town of Apple Valley for April 16, 2008, was called to order by Chairman Hernandez.

**ROLL CALL**

Roll call was taken with the following members present: Commissioner Richard "Dick" Allen; Commissioner Bruce Kallen; Commissioner John Putko; Vice-Chairman B.R. "Bob" Tinsley, and Chairman David Hernandez.

**2. Variance No. 2008-001.**

**Applicant:** Cummings Remodel, representative for Kentucky Fried Chicken

**Location:** The site is located at 18447 Highway 18; APN 0473-114-010.

Chairman Hernandez opened the public hearing at 6:20 p.m.

Ms. Pam Cupp, Associate Planner, presented the staff report as filed by the Planning Division.

Ms. Cupp explained that the original sign is a non-conforming, permitted sign. She commented on the area having a proliferation of signage that was permitted before incorporation of the Town.

Commissioner Kallen requested to know if there were any other sign variances granted for this area.

Ms. Cupp stated there were not.

Mr. Jack Golden, the applicant, presented the Planning Commission with a picture of the proposed sign, as well as photographs of other signage in the area.

A representative of Cummings Sign Company stated he was available for questions.

An employee of Kentucky Fried Chicken commented on the number of businesses in the area with tall signs.

Commissioner Kallen requested to know if a Variance Permit would be required to replace the panels of a sign.

Ms. Cupp responded that if a new business came and replaced the face of the sign, it would still be a permitted, non-conforming use. However, if they were to physically add to the structure, then it would not be permitted without a Variance Permit.

Commissioner Putko commented on the applicant reducing the height of the proposed sign.

Ms. Cupp responded that the proposed sign is inconsistent with the architecture of the building. She further stated that granting the Variance Permit could set a precedent for further development in that area.

Ms. Lamson, Assistant Director of Community Development, commented on the Town's commitment to keeping low-profile signs and ensuring that new businesses are conforming to the existing Code.

Commissioner Allen spoke about the distinction of the Kentucky Fried Chicken building with the multi-colored roof and felt they did not need a large sign to promote its location.

The representative from Cummings Remodel commented on new visions for Kentucky Fried Chicken and that the applicant is merely trying to conform to what every Kentucky Fried Chicken has. He stated they would be willing to reduce the height of the sign and could reduce it to fifteen (15) feet.

Commissioner Kallen asked about the total sign area.

Ms. Cupp stated that the sign area was also a part of the Variance Permit and they were asking for a total sign area of one hundred-fifty (150) square feet which is well above the twenty (20) square foot requirement in the Development Code.

Since there was no one in the audience requesting to speak to this Item, Chairman Hernandez closed the public hearing at 6:42 p.m.

Commissioner Allen commented on the large amount of pole signs between the area of Kasota and Mondamon Roads and could not support the Variance Permit to add another large sign.

Vice-Chairman Tinsley agreed, stating that the same area was used as an example when they adopted the new sign code. He agreed that the existing business is already well established and the design and colors of the building makes it easy to distinguish. He stated that eventually the other pole signs would be eliminated and would conform to the sign code.

Commissioner Kallen spoke about the applicant working with staff to present a smaller design and perhaps moving the sign closer to the street.

Commissioner Putko agreed with Commissioner Kallen, stating he would be willing to consider a smaller design.

Commissioner Allen felt that the Commission should enforce the sign code as presented in the Development Code and not allow the Variance Permit.

Commissioner Kallen spoke about the Variance Permit process that is allowed in the Development Code.

Chairman Hernandez, agreed that the sign code should be enforced and was not in favor of granting the Variance Permit.

**MOTION:**

Motion by Vice Chairman Tinsley, seconded by Commissioner Allen, that the Planning Commission move to:

1. Find that the facts do not support the required Variance Findings for approval, adopt the negative comments recommended in the staff report and deny Variance No. 2008-001.
2. Adopt the staff recommended negative comments to the required Variance Findings.

**ROLL CALL VOTE:**

Ayes: Commissioner Allen  
Vice-Chairman Tinsley  
Chairman Hernandez  
Noes: Commissioner Kallen  
Commissioner Putko  
Abstain: None  
Absent: None  
The motion carried by a 3-2-0-0 vote



**APPEAL**

FOR TOWN USE ONLY	
Date Submitted:	<u>5-5-08</u>
Case No.:	<u>APL 2008-001</u>
Received by:	<u>[Signature]</u>
Case Planner:	<u>[Signature]</u>
Planning Fee:	<u>217</u>
Other Fees:	

This request must be filed with the Planning Division within ten (10) calendar days following the date of action. An Appeal request received after this time *will not be accepted*. Appeals requiring Town Council consideration will be forwarded to the Town Clerk by the Director.

*Type or print legibly in black ink only*

PROPERTY ADDRESS 18447 Outer Highway, 18, Apple Valley, CA 92307

**FEE**

- Appeal Fee - To Planning Commission \$217.00
- Appeal Fee - To Town Council \$217.00

*The Appeal Fee does not apply to permits the Planning Commission acted to revoke or amend.*

**APPELLANT INFORMATION**

Name Kentucky Fried Chicken Telephone 760-241-1304  
 Fax 760-241-7026 Email Kfcgoldn@gte.net  
 Address 12441 Hesperia Rd., # A7  
 City Victorville State CA Zip 92385

**PROJECT INFORMATION**

Project Number Being Appealed 2008-001  
 Project Description Sign variance appeal

Assessor's Parcel No. (s) 0473-114-10-0-000 Tract 4492 Lot 3

**APPEAL STATEMENT**

1. I am/We do hereby appeal the findings/conditions/interpretations of the Town of Apple Valley:

(Check one)

- Planning Commission
- Public Works Director
- Town Engineer
- Planning Director
- Building Official
- Fire Chief

The Town of Apple Valley  
 14955 Dale Evans Parkway, Apple Valley, CA 92307 • (760) 240-7000 • Fax: (760) 240-7399



2. I/We appeal to the Town of Apple Valley:  
(check one)  
 Planning Commission       Town Council

3. I/We am/are appealing the project action taken to:  
(Check those which apply)  
 Deny the project       Adopt a Negative Declaration  
 Approve the project  
 \*Approve the project condition of (specify):

\_\_\_\_\_  
\_\_\_\_\_  
Other: \_\_\_\_\_

4. Detail what is being appealed and what action or change you seek. Specifically address the findings, mitigation measures and/or policies with which you disagree. Also state exactly what action/changes you would seek.

*see attached*  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I/We understand that as appellant I/We have the burden of proof in this matter:

Walter J. Calder  
Signature

Date 5/5/08

[Signature]  
Signature

We would like to resubmit a sign variance for a smaller version monument sign. Please reference the original variance submitted on Sheet 5 of 5 attached. The details of the smaller version are on Sheet 1 of 1 attached. The smaller version is more than ½ of the size of the original application. We feel it is consistent with the building. The surrounding area of our restaurant is cluttered with various signage (see attached pictures) and we feel the existing sign is not visible and is practically useless. I am sure the Town of Apple Valley would help us and not hinder us.

We have been required by Yum Brands, our franchisor to remodel the exterior of our restaurant. We have made a significant investment in doing this (copies are attached). The existing exterior was installed at a cost of \$163,000.00 and it enhances the area. Why would the Town of Apple Valley try and hurt us with something so insignificant?



## TOWN OF APPLE VALLEY PLANNING COMMISSION

### STAFF REPORT

- AGENDA DATE:** April 16, 2008
- CASE NUMBER:** Variance No. 2008-001
- APPLICANT:** Cummings Remodel representing Mr. Jack Golden
- PROPOSAL:** A request for a Variance that will permit the construction of a twenty-five (25)-foot tall pylon sign, which exceeds the six (6)-foot maximum sign height allowed for a single tenant building within the General Commercial (C-G) zoning designation.
- LOCATION:** The project is located at 18447 Highway 18; APN 473-114-10.
- ENVIRONMENTAL DETERMINATION:** Pursuant to the Guidelines to Implement the California Environmental Quality Act (CEQA), Section 15311, Class 11, the proposed request is Exempt from further environmental review.
- CASE PLANNER:** Ms. Pam Cupp, Associate Planner
- RECOMMENDATION:** Denial

### PROJECT SITE AND DESCRIPTION

- A. Project Size:  
The site is approximately 0.4 acres in size.
- B. General Plan Designations:
- |                |                                  |
|----------------|----------------------------------|
| Project Site - | General Commercial (C-G)         |
| North -        | General Commercial (C-G)         |
| South -        | Medium Density Residential (R-M) |
| East -         | General Commercial (C-G)         |
| West -         | General Commercial (C-G)         |

C. Surrounding Zoning and Land Use:

Project Site- General Commercial (C-G), Restaurant with Drive-Through  
North - General Commercial (C-G), Office Buildings  
South - Multi-Family Residential (R-M), Vacant  
East - General Commercial (C-G), Retail  
West - General Commercial (C-G), Retail and Offices

D. Site Characteristics:

The project site is developed with a Kentucky Fried Chicken restaurant with a drive-through. Improvements to the site include paved parking, lighting and landscaping. The property to the east is developed with a convenience store and fuel station within the General Commercial (C-G) zoning designation. To the west and north, across Highway 18, there are existing commercial buildings also within the C-G zoning designation. The property to the south is vacant and within the Multi-Family Residential (R-M) zoning designation.

## ANALYSIS

A. General:

The applicant is requesting Planning Commission review and approval of a Variance to allow relief from Development Code Section 9.74, Signs and Advertising Displays. The applicant proposes to replace its existing monument sign with a twenty-five (25)-foot tall pylon sign with 112 square feet of permanent sign area and a forty (40) square foot reader board. The existing monument sign is six (6) feet high and has twenty-four (24) square feet of sign area. The site has 100 linear feet of street frontage which allows a total sign area of twenty (20) square feet. The existing monument sign was permitted in 1990 and is considered a legal, nonconforming sign.

Development Code Section 9.74.130.A states the following:

“A. *Signs for Free-Standing Single Tenant Buildings and Sites*

2. *Free-Standing Signs*

- a. The cumulative total sign area allowed for free-standing signs shall be two (2) square feet per ten (10) linear feet of street frontage on which the sign is located.
- b. No single sign shall exceed sixty (60) square feet in area.
- c. Maximum height of a free-standing sign shall not exceed six (6) feet.”

A Variance must be consistent with the general intent and purpose of the Development Code provisions for the district in which the property is located. The applicant contends that the additional pylon sign will not alter the look of the area due to the number of existing pylon signs. The applicant further comments that Kentucky Fried Chicken does not have a clear line of sight, which is enjoyed by the other businesses in the area. Staff has received comments and complaints from both property owners and business owners relating to the existing nonconforming signage along Highway 18. Individuals have expressed concerns that storefronts are not easily visible from Highway 18 due to the existing free-standing signs. Granting this Variance would create additional sign clutter to an area already experiencing a proliferation of monument signs.

The applicant believes, and staff concurs, that the existing monument sign has less visibility to the traffic along Highway 18 as other free-standing signs in the vicinity. However, the existing building contains a thirty-five (35) square foot corporate logo. The top of the existing logo is twenty (20) feet above grade level, which is in conformance with the Development Code and at a height suitably visible from Highway 18. The proposed twenty-five (25)-foot high pylon sign will be at the same height as highest point of the existing building. Staff has met with the applicant and explained the Variance Finding requirements and indicated that this request could not be supported by staff due to the inability to make the required Findings. The applicant elected to proceed with the Variance request.

A Variance can only be approved if it is determined that, based upon unique circumstances applicable to the property, such as physical size, shape, location or topography creating a hardship, that strict application of the Development Code would deprive a property of privileges enjoyed by other properties in the vicinity and under identical zoning classification. Several of the properties within the vicinity do have the ability to utilize existing, legal non-conforming pylon signs for advertising. However, based upon comments received at the Planning Division counter, the number of existing nonconforming freestanding signs appear to be more of an impediment to the existing businesses than a privilege. Granting of a variance should not be based upon existing non-conformities, but instead upon the zoning standard or standards from which an exception is being requested. The only way to reduce the sign clutter that currently exists in the area is to remove the legal nonconforming signs as properties remodel, expand or change the signage and require the properties to conform with the current sign code.

A Variance must not constitute a special privilege that is inconsistent with the limitations upon other properties in the vicinity and in the zoning district. The properties located one (1) parcel east of this site, across Mondamon Road, are currently vacant and within the General Commercial (C-G) zoning designation. Should the Planning Commission approve the applicant's request, the decision may set a precedent that would permit, and perhaps encourage, future development to also request signage variances.

The burden of proof to establish the evidence in support of the required Findings for approval is the responsibility of the applicant. Attached for the Commission's consideration are the specific justifications to the required Findings as filed by the applicant. The applicant states that, due to the grade differential between the subject property and Highway 18, and the presence of existing legal nonconforming pylon signs, the existing monument sign is blocked from public views.

The site is located on the south side of Highway 18, between Olalee and Mondamon Roads. This area is extensively cluttered by numerous legal, non-conforming free-standing signs. The Commission should consider whether adding an additional nonconforming sign to the existing condition is appropriate and can meet the required Findings. The Planning Commission must make the Findings required within the Development Code in a positive manner before it may grant a Variance request. In review of the information within this report, and the applicant's request, the information and factual evidence of the physical property do not support the required Findings, as this is not a special circumstance of the land to warrant a deviation from the Code.

B. Environmental Assessment:

Pursuant to the Guidelines to Implement the California Environmental Quality Act (CEQA), Section 15311, Class 11, the proposed request is Exempt from further environmental review.

C. Noticing:

Proposed Variance No. 2008-001 was legally noticed in the Apple Valley News on April 4, 2008.

D. Findings:

In considering any Variance, the Commission is required by the Development Code to make specific Findings. The following are the Findings required to grant a Variance, as required under Section 9.24.070 of the Development Code, and a comment to address each:

7. That because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of this Code deprives such property of privileges enjoyed by other property in the vicinity and under the identical zoning classification.

Comment: The proposed Variance is for a property that has no unique circumstances applicable to the property that deprive it from privileges enjoyed by other properties within the general vicinity. The Kentucky Fried Chicken has been in business for over twenty-years; therefore, it is unlikely that it is being deprived of a privilege enjoyed by other businesses in the area that do not have the same longevity.

8. That granting the Variance will be consistent with the general intent and purpose of the Development Code provisions for the district in which the property is located.

Comment: The legal, non-conforming signage in the vicinity is not aesthetically desirable and detrimental to the orderly development of the Town and the general welfare; therefore, granting a Variance to permit additional signage exceeding the maximum allowed six (6)-foot height, is not consistent with the general intent and purpose of the Development Code.

9. That granting the Variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same vicinity and zoning district and denied to the property for which the Variance is sought;

Comment: The property for which the Variance is sought is not being deprived a preservation or enjoyment of a property right possessed by other properties within the general vicinity. It is not the intent of the Development Code to preserve legal non-conforming signage; nor is it considered enjoyable. The Kentucky Fried Chicken business has been in operation for over twenty-years; therefore, it is unlikely that its preservation is dependent upon granting a Variance for sign height and sign area.

10. That granting the Variance will not be materially detrimental to the public health, safety or welfare, or injurious to the property or improvements in such vicinity and land use district in which the property is located;

Comment: The granting of a Variance for sign height and sign area will be detrimental to the public by permitting additional non-conforming signage within an area already proliferated by non-conforming signs. Granting this Variance may set a precedent that will allow property owners with similar circumstances to justify their own request for a Variance. The cumulative impact of additional Variance requests, and approvals for signage, would nullify the intent and meaning of the Development Code and, therefore, have a negative impact upon adjoining properties.

11. That granting the Variance does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and in the zoning district and General Plan land use designation such property is located; and

Comment: The granting of a Variance for sign height and sign area would constitute a special privilege. There have been numerous commercial buildings constructed on the north side of Highway 18 that have conformed to the Development Code standards for signage. There are undeveloped properties located one (1) lot east, across Mondamon Road, of the proposed site that are within the same zoning district and General Plan land use designation that will not be permitted like and similar signage without benefit of a Variance.

12. That granting the Variance does not allow a use or activity which is not otherwise expressly authorized by the regulations governing the subject parcel.

Comment: The Variance is proposed for sign height and sign area. The proposal will not allow a use or activity not already permitted within the General Commercial (C-G) zoning designation.

## RECOMMENDATION

Based upon the information contained within this report, circumstances of the site and any input received from the public at the hearing, it is recommended that the Planning Commission move to:

1. Find that the facts do not support the required Variance Findings for approval and deny Variance No. 2008-001.

**Prepared By:**

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Pam Cupp  
Associate Planner

**Reviewed By:**

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Lori Lamson  
Assistant Director of Community Development

**ATTACHMENTS:**

1. Applicant Variance Statements
2. Site Plan
3. Site Photographs
4. Zoning/Vicinity Map



**SUPPLEMENTAL VARIANCE STATEMENT**

The applicant must provide detailed answers to the questions listed below. You should include specific evidence, details and/or qualities of the proposed structure or other project. Additional pages or supporting documentation such as photographs, previous variance approval, etc., may be attached.

1. Specific Development Code Section for which relief is being sought:

9.74

2. Explain the hardship or practical difficulty that would result from the strict interpretation and enforcement of this Code.

Potential Customers driving on highway 18 can not see the restaurant. Because of the grade change between highway 18 and outer highway 18, the monument sign is easily blocked by cars

3. What is the alternative means of compliance being proposed?

Alternative means of compliance is the existing monument sign that is inadequate

4. What are the special circumstances that apply only to the property to which the application pertains, and do not apply generally to the other properties in the vicinity?

The KFC building is hidden by neighboring buildings. The monument sign is often hidden by cars, where other properties in the area have pylon signs

5. Explain how, if the Variance is approved, it will not constitute a granting of special privilege which will not be available to other properties in the vicinity?

Other properties in the immediate vicinity already benefit from having pylon signs

Signed Jeff Holm

Date 2-29-08

Print Name

FINDINGS REQUIRED TO GRANT A VARIANCE

The applicant must provide specific justification for each of the findings listed below. You should include specific evidence, details and/or qualities of the proposed structure or other project. Additional pages or supporting documentation such as photographs, previous variance approval, etc., may be attached.

1. Special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the Town Development Code deprives such property of privileges enjoyed by other properties in the vicinity and under identical zoning classification.

Neighboring Properties have Pylon Signs. The current monument is often blocked by traffic and parked cars.

2. Granting the variance will be consistent with the general intent and purpose of the Development Code provisions for the district in which the property is located.

The granting of the variance will not alter the look of the area. The area ~~already~~ already has many pylons in the area.

3. Granting of the variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and zoning district and denied to the property for which the Variance is sought.

Neighboring Properties have clear visibility of these signs. KFC does not have a clear line of sight

4. Granting of the variance will not be materially detrimental to the public health, safety or welfare, or injurious to the property or improvements in such vicinity and land use district in which the property is located.

The granting of the variance will not affect public health, safety or welfare or injurious to the property or improvements in such vicinity and land use district

5. Granting of the variance does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and in the zoning district and General Plan land use designation such property is located.

This special privilege is already being enjoyed by other properties in the vicinity

- 
6. Granting of the variance does not allow a use or activity which is not otherwise expressly authorized by the regulations governing the subject parcel.

Granting of the Variance will not allow a use of  
Activity which is not otherwise expressly  
authorized by the regulations ~~are~~ governing the  
Subject Parcel

**Please read and initial the following statement:**

I understand that in lieu of a Variance I have the option of altering my plan and requesting a Deviation Permit in conformance with Section 9.03.0500 of the Town of Apple Valley Development Code. JA

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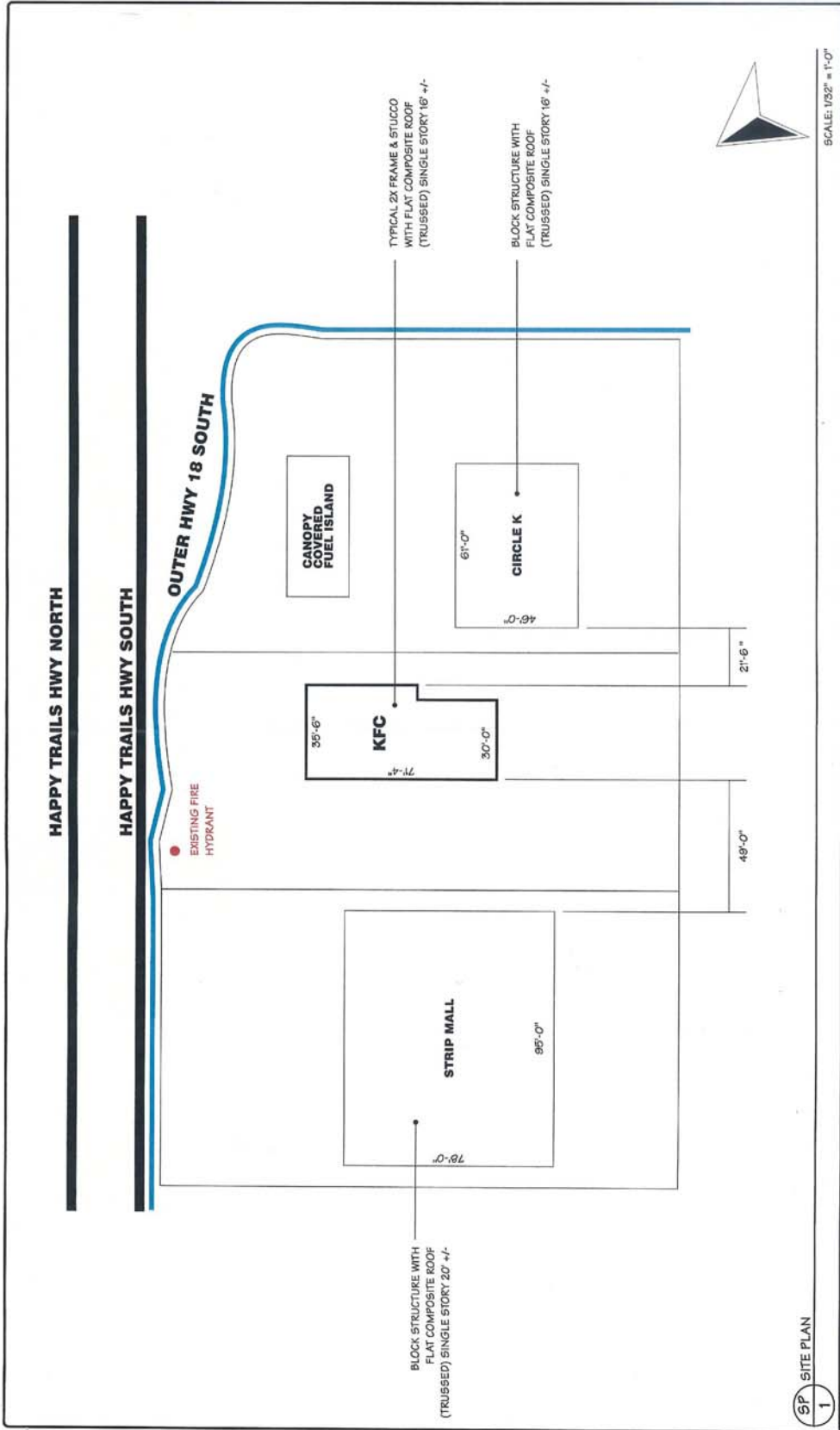
**FINDING REQUIRED TO GRANT A DEVIATION**

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1. Granting the deviation will not be materially detrimental to the public health, safety or welfare, or injurious to the property or improvements in the vicinity and land use district in which the property is located.
- 
- 
- 
- 

Signed \_\_\_\_\_ Date \_\_\_\_\_

Print Name \_\_\_\_\_



SP SITE PLAN  
1

SCALE: 1/32" = 1'-0"

THIS IS AN ORIGINAL UNPUBLISHED DRAWING  
 CREATED FOR YOUR PERSONAL USE IN CONNECTION  
 WITH THE PROJECT AND NOT TO BE REPRODUCED,  
 COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY  
 MEANS, ELECTRONIC OR MECHANICAL, INCLUDING  
 PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION  
 SYSTEMS WITHOUT PERMISSION IN WRITING BY AN OFFICE OF CUMMINGS & SIGNS.

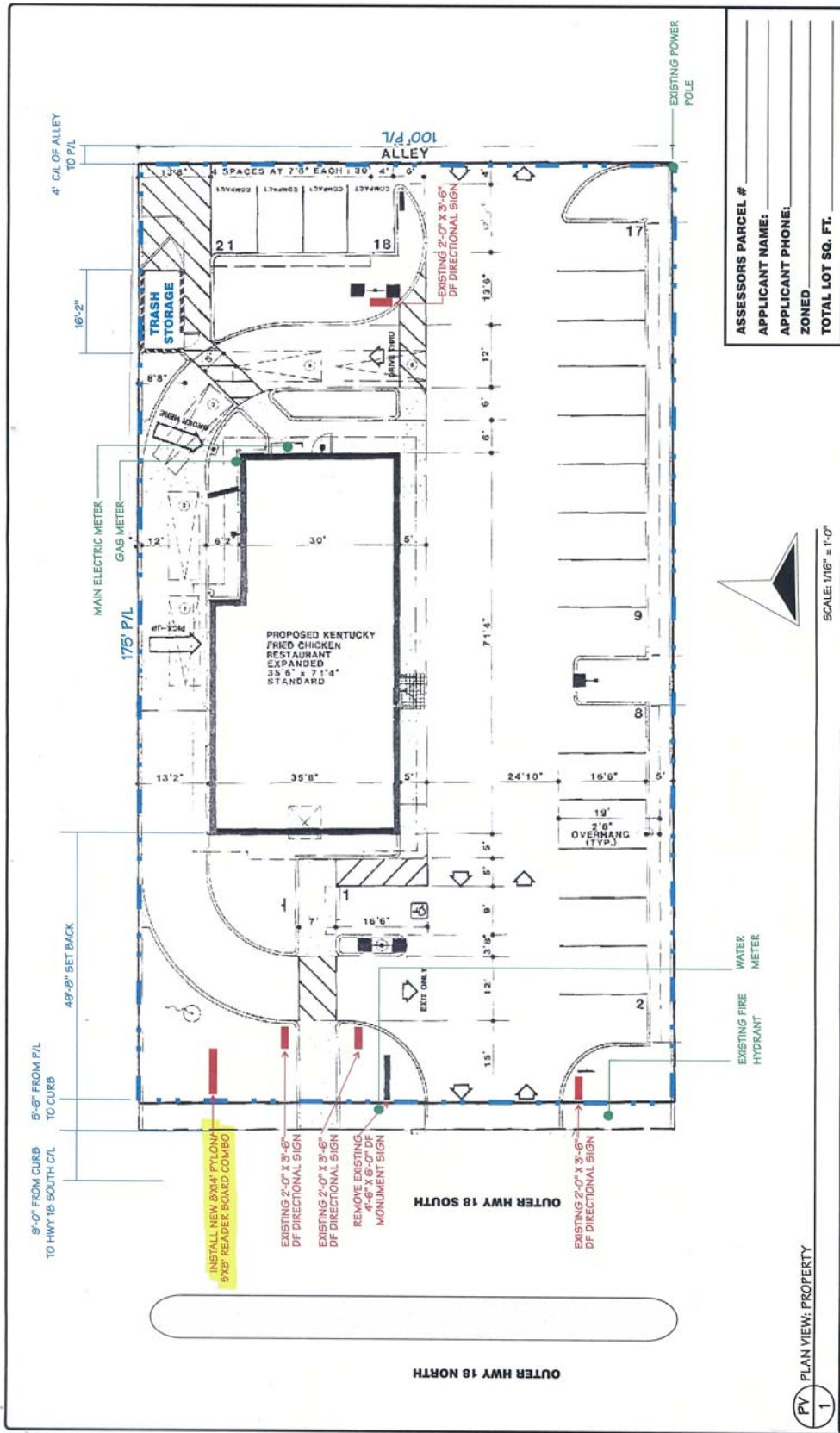
**CUMMINGS & SIGNS**  
 The International Sign Service

CUSTOMER APPROVAL:  
 DATE: \*

REV#	DATE	BY	DATE	BY
REV#1	10/21/06	TJP	REV#4	8/16/07
REV#2	10/25/06	TJP	REV#5	
REV#3	11/2/06	TJP	REV#6	2/10/07
REV#7	1/25/09	TJP	REV#8	
REV#9			REV#9	

PROJECT: KFC  
 ADDRESS: 19447 OUTER HWY 18, APPLE VALLEY, CA 92507  
 PHONE: ACCT. MGR. S. ANGOTTI  
 DESIGNER: TJP SCALE: AS NOTED DATE: 11/22/09

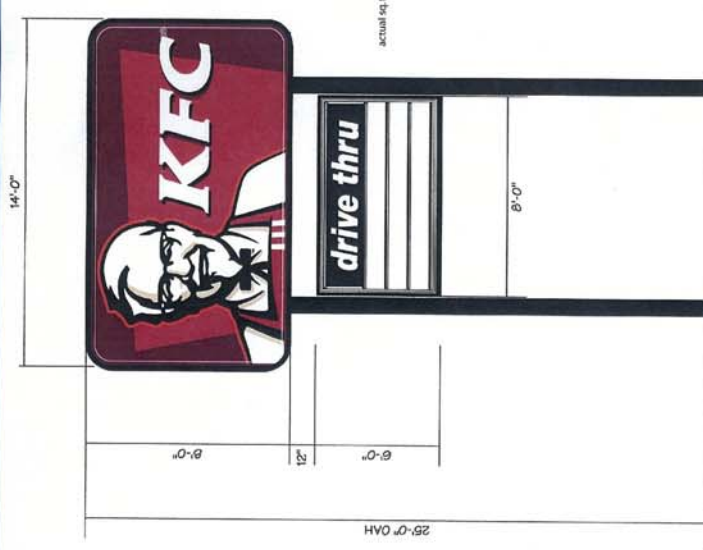
DRAWING NO. 05-531 R77  
 SHEET 3 OF 4



PV PLAN VIEW: PROPERTY 1		SCALE: 1/8" = 1'-0"	
<b>CUSTOMER APPROVAL:</b> DATE: *		<b>DATE</b> <b>BY</b> REV#1 10/2/06 TJP REV#2 10/22/06 TJP REV#3 11/2/06 TJP	
<b>PROJECT:</b> KFC <b>ADDRESS:</b> 18447 OUTER HWY 18, APPLE VALLEY, CA 92307 <b>PHONE:</b> ACCT. MGR. S. ANGIOTTI <b>DESIGNER:</b> TJP <b>SCALE:</b> AS NOTED <b>DATE:</b> 11/22/09		<b>DATE</b> <b>BY</b> REV#4 8/6/07 TJP REV#5 8/10/07 TJP REV#6 8/10/07 TJP REV#7 1/22/09 TJP REV#8 REV#9	
<b>ASSESSORS PARCEL #</b> <b>APPLICANT NAME:</b> <b>APPLICANT PHONE:</b> <b>ZONED</b> <b>TOTAL LOT SQ. FT.</b>		<b>DRAWING NO.</b> 05-531 RA <b>SHEET</b> 2 OF 4	



1-8"x3'-1" DIRECTIONAL FACES



actual sq. ft.: 119 sq. ft.

actual sq. ft.: 40 sq. ft.



REMOVE AND DISPOSE OF EXISTING DR. MONUMENT SIGN. INSTALL NEW OF PYLON SIGN W/READER BOARD IN NEW LOCATION SHOWN ON SITE PLAN.

**SIGN SPECIFICATIONS**

ALUMINUM CASE & RETAINER PAINTED BLACK PAN FORMED .177 CLEAR SG-100 SOLAR GRADE POLYCARBONATE FACE WITH EMBOSSED GRAPHICS.  
2nd SURFACE VINYL DECORATION BACKSPRAY WHITE

- Deep Burgundy  
LACRYL CB-2413  
3M 3630-2395
- Rich Red  
LACRYL CB-2410  
3M 3630-55
- Bright Red  
LACRYL CB-2404  
3M 3630-2658
- 727  
LACRYL CB-2414  
3M 3630-0647
- Black  
3M 3630-22
- White  
LACRYL CB-2412  
3M 3630-20

BLACK PROMO PANEL WITH CLEAR COPY CREDIT CARD PANEL TO BE MANUFACTURED AS LETTER PANEL WITH DECAL GRAPHICS.



**NOTE: PYLON SIGN PACKAGE TO INCLUDE FONT KIT, CHANGER ARM AND STORAGE BOX.**

1 PYLON SIGN  
13

SCALE: 1/4"=1'-0"

**CUMMINGS SIGNS.**  
The International Sign Service

THIS IS AN ORIGINAL DESIGN AND DRAWING CREATED FOR YOUR TYPICAL USE IN CONNECTION WITH THE CUMMINGS SIGNS FONT KIT. IT IS NOT TO BE REPRODUCED, COPIED, OR EXHIBITED IN ANY MANNER WITHOUT APPROVED IN WRITING BY THE OFFICE OF CUMMINGS SIGNS.

CUSTOMER APPROVAL:  
DATE: \*

DATE	BY	REV#
10/22/06	TJP	REV#1
10/20/06	TJP	REV#2
11/2/06	TJP	REV#3
06/07	TJP	REV#4
06/07	TJP	REV#5
06/07	TJP	REV#6
06/07	TJP	REV#7
06/07	TJP	REV#8
06/07	TJP	REV#9

PROJECT: KFC  
ADDRESS: 19447 OUTER HWY 19, APPLE VALLEY, CA 92307  
PHONE: ACCT. MGR. S. ANGOTTI  
DESIGNER: TJP SCALE: AS NOTED DATE: 1/22/05

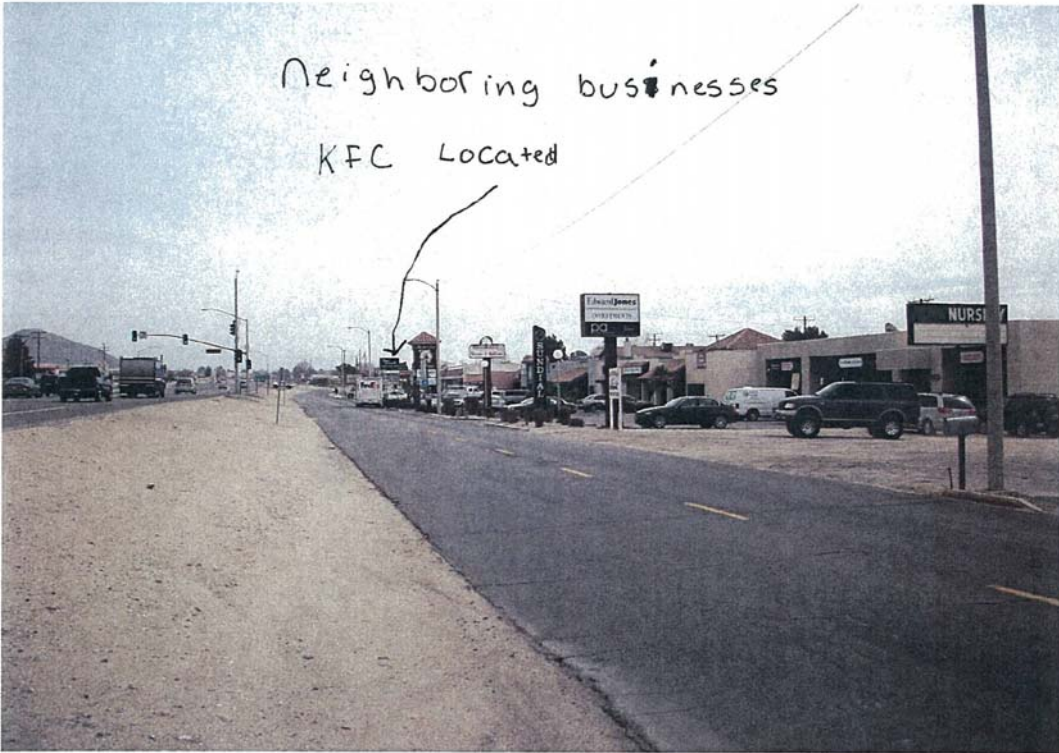
DRAWING NO. 05-531 R/L  
SHEET 1 OF 4

Facing West



Neighboring businesses

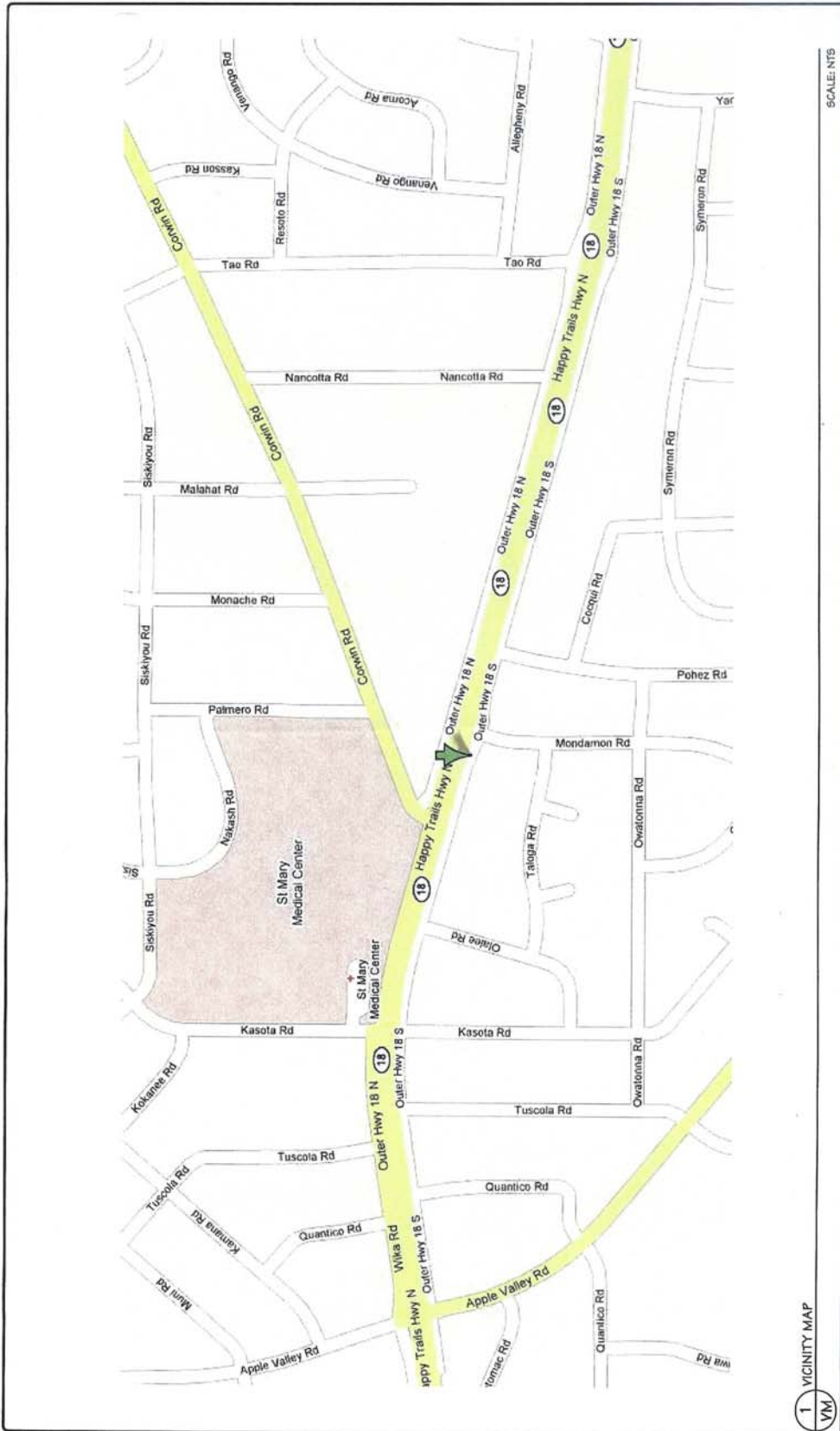
KFC Located



Neighboring businesses with Pylon Signs







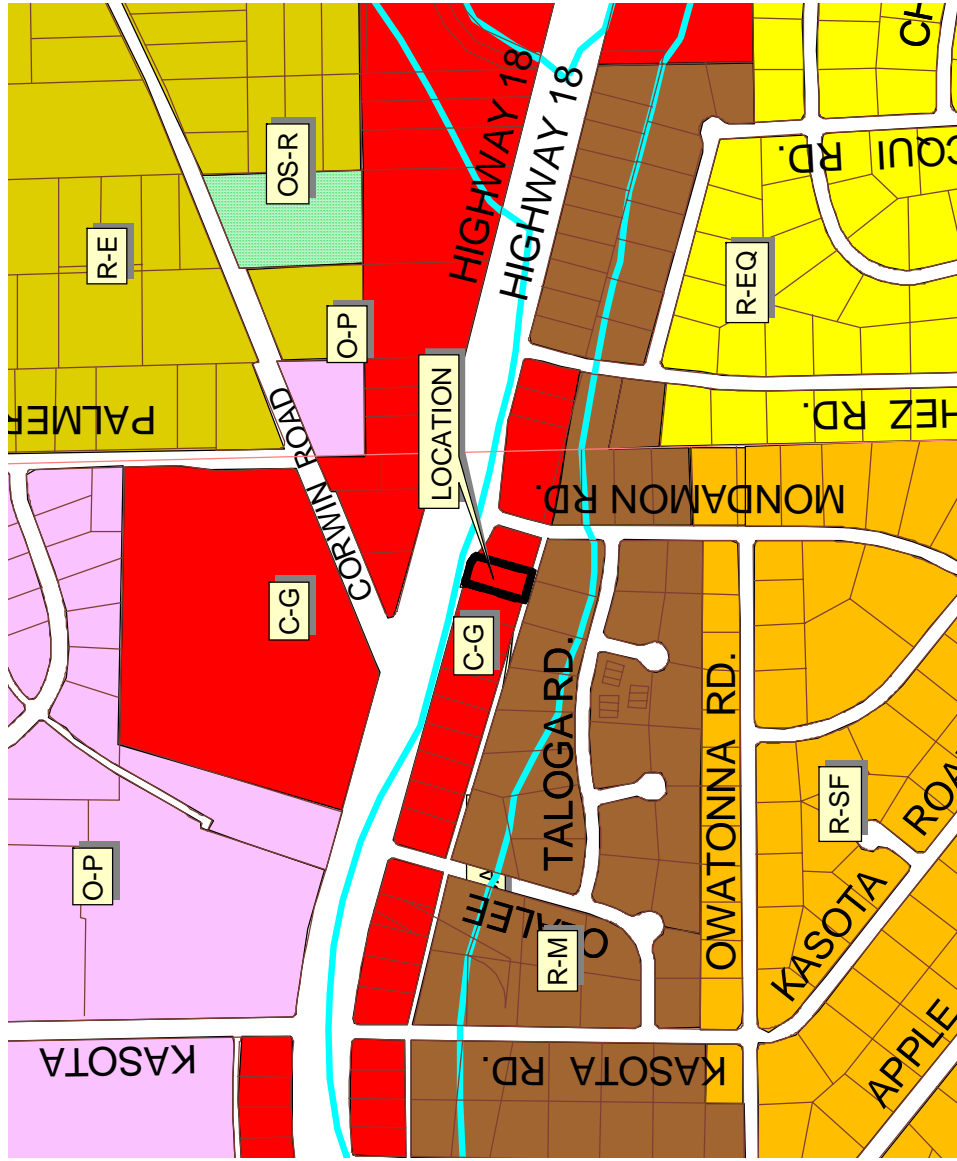
1 VICINITY MAP  
VM

SCALE: NTS

<p><b>CUMMINGS SIGNS</b> The International Sign Service</p>	<p><b>CUSTOMER APPROVAL:</b></p> <p>DATE: *</p>	<p><b>DATE BY</b></p> <p>REV#1 10/21/06 TAP REV#2 10/22/08 TAP REV#3 11/21/08 TAP</p>	<p><b>DATE BY</b></p> <p>REV#4 8/16/07 TAP REV#5 REV#6 8/10/07 TAP</p>	<p><b>DATE BY</b></p> <p>REV#7 1/25/09 TAP REV#8 REV#9</p>	<p><b>PROJECT: KFC</b> <b>ADDRESS: 19447 OUTER HWY 18, APPLE VALLEY, CA 92307</b> <b>PHONE: ACCT. MGR. S. ANGGOTTI</b> <b>DESIGNER: TAP SCALE: AS NOTED DATE: 11/22/09</b></p>	<p><b>DRAWING NO. R7</b> <b>05-531</b> <b>SHEET 4 OF 4</b></p>
	<p><small>THIS IS AN ORIGINAL UNREPRODUCED DRAWING CREATED WITH A PROJECT PLANNED FOR YOU IT IS NOT TO BE LOANED, REPRODUCED, COPIED OR SAVED IN ANY MANNER WITHOUT THE WRITTEN CONSENT OF CUMMINGS SIGNS SERVICE</small></p>					

# ZONING MAP

Variance Permit No. 2008-001



Located at  
18447 Highway 18  
APN 473-114-10



- Zoning Designations
- (R-E) Estate Residential (1 DU per 1 to 2.5 Gross Acres)
  - (R-SF) Single-Family Residential (1 DU per 0.4 to 0.9 Net Acres)
  - (R-M) Multi-Family Residential (2 to 15' DU per Acre)
  - (O-P) Office Professional
  - (C-G) General Commercial
  - (OS-R) Open Space Recreation

April 16, 2008