

BOARD OF ZONING APPEALS

Docket # 356

APPLICATION FOR VARIANCE OR
APPEAL TO BOARD OF ZONING APPEALS

Name of Appellant Rick Self Agent for Circle K/Mac's Convenience Stores

Mailing Address P.O. Box#59421

City Pittsburgh State PA Zip 15210 Tel. No. 412-760-6782

Name of Owner Mac's Convenience Stores, LLC. DBA/Circle"K"

Location of Subject Property if Different from Above 216 Eastern Avenue

Conversion Dead River/Shell to Circle"K"/Shell Map 058 Lot 151

The undersigned requests that the Board of Zoning Appeals consider one of the following:

 1. An Administrative Appeal: Relief from the decision, or lack of decision, of the Code Enforcement Office or Planning Board in regard to an application for a permit. The undersigned believes that (check one):

- an error was made in the denial of the permit
- the denial of the permit was based on the misinterpretation of the ordinance
- there has been a failure to approve or deny the permit within a reasonable period of time
- Other _____

Please explain, in more detail, the facts surrounding this appeal (please attach a separate piece of paper). You should be as specific as possible so that the Board of Appeals can give full consideration to your case.

X 2. A Variance:

a. Nature of Variance: Describe generally the nature of the variance.

ReFace Existing Pole Sign to Include a Circle"K" Panel and
Change Out the Manual Gas Pricer Panels with Remote LED Pricers.

In addition, a sketch plan of the property to scale must accompany this application showing dimensions and shape of the lot, the size and locations of existing structures, the locations and dimensions of proposed buildings or alterations, and any natural or topographic peculiarities of the lot in question.

b. Justification of Variance: In order for a variance to be granted, the appellant must demonstrate to the Board of Zoning Appeals that the strict application of the terms of the ordinance would cause undue hardship. There are four criteria which must be met before the BZA can find that a hardship exists. Please explain how your situation meets each of these criteria listed below:

i. The land in question cannot yield a reasonable return unless the variance is granted (Augusta Land Use Ordinance, Sec. 6.4.2.2.1 (b) i)

The Variance should be Granted to Allow for Circle "K" to Identify Our Convenience Store and Pricing Information while Protecting Our Employees.

ii. The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood. (30 MRSA 4963, Subsec. 3B)

It must be shown that well-documented, exceptional conditions affect the particular land or building which do not generally affect other property in the district. (Augusta Land Use Ordinance, Sec. 6.4.2.2 1 (b) ii)

The BP Zoning and Changes in the Code does Not Allow for Proper Identification Due to the Unique Nature of the Business and the Size and Shape of Lot.

iii. The granting of a variance will not alter the essential character of the locality. (Augusta Land Use Ordinance, Sec. 6.4.2.2 1 (b) iii)

iv. The hardship is not the result of action taken by the appellant or a prior owner.

c. Additional Factors Applicable to Variances: Please address the following additional factors:

1. Explain how a variance from the particular terms of this ordinance can be granted without detriment to the public interest or the health, safety, or general welfare of the residents of the municipality, and without impairment of the integrity of the Comprehensive Plan for municipal development, or of the purpose and intent of this ordinance. (Augusta Land Use Ordinance, Sec. 6.4.2.2)

No Change in the Size or Location of the Sign.

No Detriment to the Public Intrest or the Health,
Safety, or General Welfare of the Residents thru
the Years of Operating the Store with Existing Sign.

2. No variance shall be granted for placement of a structure less than five (5) feet from the property line unless the abutting owner gives a construction, maintenance and repair easement which shall be recorded with the Kennebec County Registry of Deeds. No variance shall be granted which does not provide for a snow storage area of a minimum of five (5) feet from the right-of-way line. In shore land areas, the minimum setback from the normal high water mark for subsurface sewage disposal facilities shall not be reduced by variance. (Augusta Land Use Ordinance, Sec. 6.4.2.2 (2))

The Height Below the Sign is Sufficient to Allow for
Snow Removal the would Bury a Lower Sign. The Distance
from the Road has Proven Adequate in Prior Years.

3. The issuance of any variance shall be contingent upon the applicant's agreeing in writing to indemnify and save harmless the City against all loss, cost, damage or expense occurring by reason of the erection or maintenance of a structure and upon his or her filing with the City clerk a certificate of public liability insurance covering property damage up to one thousand dollars (\$1,000) and bodily damage with a coverage of ten thousand to twenty thousand dollars (\$10,000-\$20,000) minimum limits. (Augusta Land Use Ordinance, Section 6.4.2.5)

Circle K Agrees to these and Any Additional Suggestions,
or Requirements, and Conditions, the City Needs to
Allow Us to Safely Operate "K" Store with Sign.

4. In shore land areas, the Board of Appeals shall not grant a variance unless it makes a finding, based on clear and convincing evidence presented to it, that the proposed use would meet the provisions of the following: (as listed in section 6.3.4 (5) a)
 - a. If the proposal contains known sensitive areas such as erodible or shallow soils, wetlands, aquifers, aquifer recharge areas, floodplain or steep slopes (over 15%), what special engineering precautions will be taken to overcome these limitations?
 - b. Does the proposal conform to applicable local, State DEP and Federal EPA air quality standards including, but not limited to odor, dues,

- fumes or gases which are noxious, toxic or corrosive, suspended solid or liquid particles, or any air contaminant which may obscure an observer's vision?
- c. Does the proposal conform to applicable local, State DEP, and Federal EPA water quality standards, including, but not limited to erosion and sedimentation, runoff control, and solid wastes and hazardous substances?
 - d. Will all sewage and industrial wastes be treated and disposed of in such a manner as to comply with applicable federal, state and local standards.
 - e. Shore land and Wetland Districts: Will the proposal:
 - i. Maintain safe and healthful conditions;
 - ii. Not result in water pollution, erosion, or sedimentation to surface waters;
 - iii. Adequately provide for the disposal of all wastewater;
 - iv. Not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
 - v. Conserve shore cover and visual, as well as actual points of access to inland and coastal waters;
 - vi. Protect archaeological and historic resources as designated in 1988 Growth Management Plan;
 - vii. Avoid problems associated with flood plain development and use; and
 - viii. Conform with the provisions of Section 5.3.1, Special Shore land Standards.

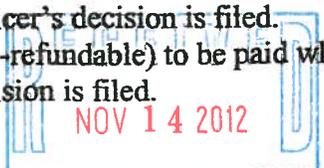
I certify that the information contained in this application and its supplement is true and correct.

Date 11-10-2012

Rick Self (Agent for Circle K)
Appellant Rick Self (Agent for Circle K)

Note to the Appellant: This form should be returned to the Chairperson of the Board of Zoning Appeals, Bureau of Code Enforcement, City Center, 16 Cony Street, Augusta, ME 04330-5298. You will be notified of the date of the hearing on your appeal. Please submit 14 copies of application by 3 p.m.

FILING FEE: ~~\$100.00~~ (non-refundable) to be paid when variance is filed.
 \$ 50.00 (non-refundable) to be paid when an appeal of the Code Enforcement Officer's decision is filed.
 \$100.00 (non-refundable) to be paid when an appeal of the Planning Board's decision is filed.



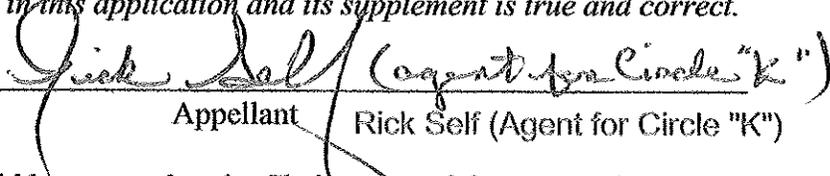
Date Fee Collected: _____ Code: (CSZONE) 10356531 531010

Applicant's Signature: Rick Self (Agent for Circle K)
 Effective: December 26, 2003 Council Order 160

- fumes or gases which are noxious, toxic or corrosive, suspended solid or liquid particles, or any air contaminant which may obscure an observer's vision?
- c. Does the proposal conform to applicable local, State DEP, and Federal EPA water quality standards, including, but not limited to erosion and sedimentation, runoff control, and solid wastes and hazardous substances?
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Date 12-10-2012


 Appellant Rick Self (Agent for Circle "K")

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Date Fee Collected: _____ Code: (CSZONE) 10356531 531010

Applicant's Signature: _____
 Effective: December 26, 2003 Council Order 160

1106

CITY OF AUGUSTA SIGN PERMIT APPLICATION

RECEIVED
SEP 10 2012

OWNER: Macs Convenience Stores, LLC TELEPHONE: 412 461-4677
ADDRESS: 935 E. Tallmadge Ave. Akron, OH 44310

LOCATION: 216 Eastern Ave Ave MAP: 58 LOT: 151
MESSAGE ON SIGN: Circle K

MATERIAL OF SIGN: Plastic / metal HEIGHT OF SIGN Existing (25' maximum height) ESTIMATED COST: 5,000.00

TYPE OF SIGN: (check all that apply): CONTRACTOR INFO: Gaftek, LLC 84 D Warren Ave

- ON-PREMISES SIGNS
1. Freestanding STANDING SIGNS (includes portable signs)
 2. ATTACHED SIGNS (wall signs)
 3. ROOF SIGNS (shall not extend more than 5' above the point of attachment in the case of flat roofs)
 4. AWNING SIGNS (less than 10% need not meet the sign standards)
 5. VEHICULAR SIGNS
 6. HOME OCCUPATION SIGN (4 sq. ft. maximum size)
 7. INSTITUTIONAL (noncommercial purposes 32 sq. ft.)
 8. DIRECTIONAL (entrance and exit signs with logos, 4 sq. ft.)
 9. DIRECTORIES (entrances to business/commercial parks or attached to a building to identify occupants 35' setback, 32 sq. ft. maximum size)
 10. ADVERTISING/PROMOTIONAL (signs, banners, specialty devices, flags, and inflatables used temporarily - 15 working days only)
 11. SPECIAL EVENT SIGNS (banners overhanging streets 21 days prior to event, removed 5 days after event; \$ 300,000 insurance required)
 12. SANDWICHBOARD SIGNS (6 sq. ft. maximum size)

Westbrook, ME 04092
207-854-9104
Wayne Usher

- ILLUMINATED, (internal or external)
- NON-ILLUMINATED

Re Face Pole Sign with "K" Panel and LED.

SIGNS ALLOWED IN ALL DISTRICTS WITHOUT PERMIT

- PUBLIC SAFETY SIGNS
- POSTING PRIVATE PROPERTY
- TEMPORARY SIGNS
 - ORGANIZATION SIGNS (signs/ banners advertising charitable functions, notices of meetings - 90 days prior, remove 2 days after event)
 - REAL ESTATE SIGNS (2 are permitted, either may be free standing or attached to buildings, removed 10 days after sale or rental)
 - 6 sq. ft. residential and shoreland zones
 - 20 sq. ft. KBD1 & KBD2 ZONES
 - 32 sq. ft. PD, RURAL, COMMERCIAL AND INDUSTRIAL ZONES
 - CONSTRUCTION SIGNS (32 sq. ft., removed 10 days after completion of project)
 - TEMPORARY HOME SALES (barn, basement, garage, yard, posted on premise 3 days before, remove 3 days after)
 - POLITICAL SIGNS (6 weeks prior to election; removed 1 week after election)
- SIGNS IDENTIFYING OCCUPANTS OF RESIDENTIAL PROPERTY
- FLAGS OR INSIGNIA OF ANY GOVERNMENT
- PUBLIC NOTICES (governmental)

Cannot be Permitted
emailed applicant
9/20 - RKO

APPLICANTS SIGNATURE: Jiet Seib M DATE: 9/7/12

DO NOT WRITE BELOW THIS LINE

SPRINKLED: NA PERMIT STATUS CODE: _____ PERMIT NUMBER: _____
 HANDICAPPED: NA Z ONING CLASS CODE: _____ NEW SIGN: _____
 NBC USE GROUP CODE: USI 100 YR. FLOOD: YES _____ NO _____ REPLACING FACE: _____
 CONSTRUCTION TYPE CODE: _____ TEMPORARY: _____
 FEE CHARGES: _____ CEO SIGNATURE DATE: _____ CODE ENFORCEMENT OFFICER: _____

CITY OF AUGUSTA
16 CONY STREET

MISCELLANEOUS PAYMENT RECPT#: 658679

DATE: 11/14/12 TIME: 12:42
CLERK: cheryl DEPT: CODE
CUSTOMER#: 0

PARCEL: M58/L151-216 EASTERN

CHG: CSZONE ZONING PERMIT 100.00

PAID AMT

10 PAID BY NAME
SELF SERVICES PAY METHOD
CHECK
1330/PNCB

AMT TENDERED: BZA SIGN
AMT APPLIED: 100.00
CHANGE: 100.00

SELF SERVICES 1330
(412)481-4077
P.O. BOX 69421
PITTSBURGH PA 15210
RICKBELF@MSN.COM

PAY TO THE ORDER OF City of Augusta, ME \$ 100⁰⁰
one hundred and ⁰⁰/₁₀₀ DOLLARS

PNC BANK
PNC Bank, N.A. 001
Pittsburgh, PA

DATE 11/10/12 8-9/430
346

For Circle K #7107 Sign variance
216 Eastern Ave.

⑆001330⑆ ⑆043000096⑆ 1031327238⑆

Security Feature: Trace on Back