

**BOONE COUNTY BOARD OF ADJUSTMENT
BOONE COUNTY ADMINISTRATION BUILDING
FIRST FLOOR FISCAL COURTROOM
BUSINESS MEETING
February 10, 2010
6:00 P.M.**

Mr. George Whitton, Chairman, called the meeting to order at 6:00 P.M.

BOARD MEMBERS PRESENT:

Mr. George Whitton, Chairman
Mrs. Shirley Millar, Secretary/Treasurer
Mr. Terry Edwards
Mr. Richard Miller
Mrs. Jennifer McConnell

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Agenda Item #1:

1. **Request of Atlantic Sign Company for a Conditional Use Permit to allow an electronically changeable message board on the TA Travel Center free-standing sign. The property is located at 145 Richwood Road, Boone County, Kentucky. The site is currently zoned Commercial Services (C-3).**

Staff Member, Todd Morgan, AICP, presented the Staff Report which included a PowerPoint presentation (see Staff Report).

Mr. Jesse Cassedy, with Atlantic Sign Company, indicated that the electronic message board will be single sided and will face the Interstate. The side of the sign facing Dixie Highway will remain unchanged. He stated that the electronic sign will not be distracting because a lot of trucks come off the Interstate and slow down traffic on this portion of Richwood Road. He agrees that the electronic message center should be limited to two lines of text because additional lines could make the sign unreadable. He added that the sign will not flash or scroll and that electronic message centers are becoming more popular. The purpose of electronic signs is not to distract motorists or compete for attention but to make motorists aware of what is being sold inside a store. He stated that he had no issues with any of Staff's recommended conditions.

Mr. Whitton asked Mr. Cassedy to confirm that he had no issues with Staff's recommendations. Mr. Cassedy agreed.

Mr. Whitton asked if anybody else in the audience would like to speak regarding the request.

Mr. Mike Strzok indicated that he has worked for TA for 15 years. They want an electronic sign to advertise store specials because a lot of 4 wheel vehicles/customers are really not aware what TA is. Advertising restaurant and store specials will help educate consumers that TA is more than just a truck stop.

Mr. Whitton asked if anybody else would like to speak. There was no response.

Mr. Whitton asked for a motion.

Mr. Edwards moved to approve the request on the basis that the sign will be designed, constructed, operated, and maintained to be harmonious and appropriate in appearance with the existing character of the general vicinity. He added the following conditions per Staff's recommendations:

1. **The electronic message board shall display no more than two lines of graphics.**
2. **Messages shall be displayed in green and shall not flash, scroll or run.**
3. **Messages shall be displayed for a minimum of 15 seconds.**
4. **The maximum LED pitch shall not exceed 16 millimeters.**
5. **The ambient light level change (sign turned off versus signed turned on) at 100' perpendicular to the sign shall be no more than 0.3 foot candles.**
6. **The sign shall be equipped with a dimmer and the messages shall dim as the sky gets darker.**
7. **Off-premise advertising shall be prohibited on the sign.**

Mrs. Millar seconded the motion.

Mr. Whitton asked for a vote and it carried unanimously.

Approval of the Minutes:

Mr. Whitton stated that the Board members received copies of the Minutes of the Boone County Board of Adjustment Meeting of December 21, 2009. He asked if there were any comments or corrections.

There being no changes to the minutes, Mr. Miller moved that they be approved as mailed. Mrs. McConnell seconded the motion. Mr. Whitton asked for a vote and it carried unanimously.

Agenda Item #2

2. **Request of Regina Brooks-Hall for a Variance to reduce the 150 foot lot frontage requirement so a property can be subdivided into two buildable lots. The property is located at 1943 Stephenson Mill Road, Boone County, Kentucky. The site is currently zoned Agricultural Estate (A-2).**

Staff Member, Todd Morgan, AICP, presented the Staff Report which included a PowerPoint presentation (see Staff Report).

Mr. Craig Adkins, with Cahill Surveyors, indicated that he laid out the lot. He stated that the existing barn and the minimum distance between driveways prohibited him from doing a flag lot design for the proposed lot. Even if the barn were torn down the minimum distance between driveways would prohibit a flag lot design.

Mr. Adkins stated that Mr. Benjamin Brooks' lot was the first out conveyance. His property and the little triangle next to it have about 390 feet of frontage along Stephenson Mill Road. The second out conveyance shown on the plat has about 155 feet of frontage along Stephenson Mill Road. Mrs. Brooks deeded these parcels to her children and she has one more daughter that wants to build on the land.

Mr. Adkins indicated that he was surprised that the stream was classified as an intermittent blue line stream. He stated that Mr. Morgan did go over the cost feasibility concerns with the applicant and her husband. He added that this was the last out conveyance that he could foresee.

Mr. Miller asked if the existing barn was going to be on the new lot. Mr. Adkins replied "yes".

Mr. Whitton asked if anybody else in the audience would like to speak regarding the request.

Mr. Ben Brooks stated that he lives two doors down the road. He stated that he was the first one to build on his Mom's farm and his sister, Pam, followed. His other sister, Regina, is now wanting to build. All of the property will remain in the family.

Mr. Whitton asked Mr. Adkins if he read Staff's recommendations. Mr. Adkins indicated that he had. Mr. Whitton asked if he had any problem with them. Mr. Adkins responded "no".

Mr. Miller asked if it was common to have to a shared driveway and easement like this? Mr. Morgan responded that shared driveways are encouraged on collector roads because it minimizes the number of curb cuts. Mr. Miller asked if there were any requirements pertaining to the proximity of the driveway to the property line? Mr. Morgan responded that the plat shows a hatched access easement and the driveway can cross the property line anywhere in the limits of the easement. Mrs. McConnell asked where the driveway will go where the access easement ends? Mr. Morgan replied that the driveway will go onto the 30' wide strip on the proposed lot. Mr. Miller asked if the driveway was subject to any offset requirements from neighboring properties once it crossed into the 30' wide strip? Mr. Morgan responded "no" and stated that the driveway could be located right up to the property lines.

Mr. Whitton asked for a motion.

Mr. Miller moved to grant the request based on the Staff Report and Staff's recommendations. The following condition is part of the motion:

- 1. The proposed lot shall not have its own access point on Stephenson Mill Road. Access shall be provided from the existing driveway.**

Mrs. McConnell seconded the motion.

Mr. Whitton asked for a vote and it carried unanimously.

Mr. Whitton asked for a motion to adjourn. Mr. Edwards so moved and Mrs. Millar seconded the motion. Mr. Whitton asked for a vote and the meeting was adjourned by unanimous consent at 6:31 P.M.

APPROVED

George Whitton, Chairman

Attest:

Todd K. Morgan, AICP
Senior Planner, Zoning Services