

**BOONE COUNTY BOARD OF ADJUSTMENT
BOONE COUNTY ADMINISTRATION BUILDING
FIRST FLOOR FISCAL COURTROOM**

**July 12, 2006
6:00 P.M.**

BOARD MEMBERS PRESENT:

Mr. Terry Edwards
Mr. James McGruder
Mrs. Shirley Millar, Secretary/Treasurer
Mr. Walt Ryan, Vice Chairman
Mr. George Whitton, Chairman

All members were present

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Chairman Whitton called the meeting to order at 6:03 PM.

Approval of the Minutes:

Chairman Whitton stated that the Board members received copies of the Minutes of the Boone County Board of Adjustment Meeting of June 14, 2006. He asked if there were any comments or corrections.

There being no changes to the Minutes, Mr. Ryan moved that they be approved as mailed. Mr. McGruder seconded the motion. A vote on the motion found all voting members in favor. Mrs. Millar was not yet present. The motion carried.

Agenda Item:

- 1. The request of Quality Signs for a Conditional Use Permit and Variance. The Conditional Use Permit is to allow a 60 square foot electronically changeable message board on a 26'-1.5" tall, 231 square foot free-standing sign. The Variance is to allow the square footage of the free-standing sign to be increased from 200 square feet to 231 square feet. The property is located at 11041 Dixie Highway, Boone County, Kentucky and is currently zoned Commercial Services (C-3).**

Staff Member Todd Morgan, AICP, presented the Staff Report which included a Power Point presentation (see Staff Report). He reviewed a letter from Edmond Thompson with the Transportation Cabinet indicating that his office will view the sign after it is constructed and, if approved, a permit will be issued.

The Chairman asked for the applicant's presentation.

Mr. John Diersing with Quality Signs passed around a picture of the sign they did for Charleston Signature Homes in Batavia, Ohio which is similar to the subject sign (see Exhibit 1). The Chairman asked Mr. Diersing to address the Staff Concerns. Mr. Diersing responded that a 200 square foot sign would be less readable considering the nature of the logo and the size of the changeable copy. He stated that they kept the sign as small as practical for this location. At 200 square feet, they would have to shrink the header and Signature Homes would be unreadable at high rates of speed, especially for traffic going southbound. He stated that the owner is aware that the message must be displayed for five seconds. He stated that the reason for the electronic message center is that it allows for constant updating. A changeable letterboard is hard to read and going out there to manually change the letters is not practical. Letterboards are hard to maintain, especially in the winter. He stated that the electronic message board could advertise local events. They put up a sign for Ryle High School that cost over \$100,000. They also put up a sign at the new library. Boone County High School has had their sign for six or seven years. TANK and the cities of Independence and Fort Mitchell have electronic signs. He stated that local municipalities feel that the signs are important enough to spend high dollar amounts.

Mrs. Millar asked if they understand that they cannot have a sign on Dixie Highway. Mr. Diersing responded "yes".

The Chairman asked if there was anyone else present who wished to speak either for or against this request or to ask questions.

Mr. Steve Alcorn, General Sales Manager, Charleston Signature Homes, stated that they are willing to take down the sign that is currently on Dixie Highway. They will also remove the mobile home office building that is unsightly.

Counselor Wilson advised that there are two items in front of the Board, a Conditional Use Permit and a Variance.

There being no further discussion, **Mr. McGruder moved to grant the Conditional Use Permit on the basis that it would not create a nuisance to the area and would be harmonious. Mr. Ryan seconded the motion and it carried unanimously.**

Mrs. Millar moved to deny the request for a Variance to increase the square footage of the sign from 200 square feet to 231 square feet on the basis that the 200 square foot sign would not deprive them of the use of the property and the applicant did not state any need for the Variance other than that the sign would have to be smaller. Mr. Edwards seconded the motion.

Mr. Ryan questioned the size of the sign at Holiday Homes. Mr. Morgan responded that he had not researched that sign. He stated that Holiday Homes has two signs that are grandfathered. He indicated the Holiday Homes sign on the Power Point slide. Mr. Ryan asked if the Holiday Homes sign up against the expressway is larger than the sign being proposed. Mr. Morgan responded that it may be larger in terms of square footage and it appears to be taller.

Mr. McGruder questioned the ratio of the size of the sign to the height of the letters and what happens to the ratio if the applicant is required to conform to a 200 square foot sign. The Chairman questioned the percentage decrease in the size of the letters if they have to conform to a 200 square foot sign. Mr. Diersing responded that the smaller letters are 10" as proposed and to reduce them to conform to the allowable square footage would reduce them by 20% to 8". He stated that at 65 MPH, 12" letters are readable for 4.5 seconds, but people are supposed to have 11 seconds to read a message. Their thought is that if people go past the sign often, they will be able to pick up the message. He stated that it is important to maintain the height of the letters to keep them readable and not distract people who are trying to figure out what the sign says. He stated that no one would visually notice the difference from 200 square feet to 231 square feet because it is one-foot on each dimension and, with the expanse of land, no one will notice the difference.

Chairman Whitton noted that the applicant is saying that the physical dimension of the sign is not that perceptible but the sign is more readable.

Mrs. Millar stated that the Board is looking at the overall sign. The Board is not saying that the electronically changeable message board has to be smaller. She stated that Charleston Homes and Signature Homes could be smaller. Mr. Diersing responded that they would have to make the adjustment on Signature Homes.

There being no further discussion, the Chairman asked for a vote on the motion made by Mrs. Millar to deny the Variance request. The vote found Mrs. Millar and Mr. Edwards in favor. Mr. Ryan, Mr. McGruder and Chairman Whitton were opposed. There were 2 votes in favor and 3 opposed. The motion did not carry.

Mr. Ryan moved to grant the Variance as requested. Mr. McGruder seconded the motion and stated that the applicant made a good point that the overall perception of the sign will be minimal. He stated that anyone putting that much money into a sign would want it to be readable. Mr. Ryan stated that the

Holiday Homes sign down the road sets up higher than this sign and it is a lot larger. There being no further discussion, **Chairman Whitton asked for a vote on the motion made by Mr. Ryan which found Mr. Ryan, Mr. McGruder and Chairman Whitton in favor. Mrs. Millar and Mr. Edwards were opposed. The motion carried by a vote of 3 to 2.**

There being no further business to come before the Board, Mr. Edwards moved to adjourn. Mr. McGruder seconded the motion. The meeting was adjourned by unanimous consent at 6:28 PM.

APPROVED:

George D. Whitton, Chairman

Attest:

Jan Hancock, Recording Secretary

Exhibit 1 – Picture of Charleston/Signature Homes sign in Batavia, Ohio submitted by the applicant