

**FLORENCE BOARD OF ADJUSTMENT
FLORENCE GOVERNMENT CENTER
BUSINESS MEETING
November 16, 2009
7:30 P.M.**

Mr. Pieper, Chairman, called the meeting to order at 7:34 P.M.

BOARD MEMBERS PRESENT:

Mr. Timothy Pieper - Chairman
Mrs. Linda Schaffer
Mr. Ritsel Sparks

BOARD MEMBERS NOT PRESENT:

Ms. Lois Evans - Vice-Chairwoman
Mr. David Schneider, Jr.

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Approval of the Minutes:

Mr. Pieper stated that the Board members received copies of the minutes of the Florence Board of Adjustment Meeting of August 12, 2009. He asked if there were any comments or corrections.

There being no changes, Mrs. Schaffer moved to approve the minutes as mailed. Mr. Sparks seconded the motion and it carried unanimously.

Agenda Items:

- 1. Request of Custom Sign & Engineering for Chevron for a Conditional Use Permit and Variance. The Conditional use Permit is to allow electronic fuel prices on an existing free-standing sign. The Variance is to reduce the 660 foot spacing requirement between electronic signs on property located at 8063 U.S. 42, Florence, Kentucky. The property 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. Pieper asked where the 660 foot spacing requirement between electronic signs came from. Mr. Morgan responded that it came from the Lady Bird Johnson Highway Beautification Act.

Mr. Chris Moore, with Custom Signs, stated they were changing out the signs of 10 different stations at the same time and that not getting a permit just fell through the cracks. They have one person that is responsible for getting permits and there was a lack of communication with the sign installers. In some other places sign permits were not required because the electronic copy was limited to fuel prices.

Mr. Pieper believes the Board is going to see more requests to reduce the 660 foot requirement between electronic signs. His believes the regulation was written to stop two opposing signs from flashing, scrolling, and putting up messages at the same time. This type of electronic sign does not have that affect and allows employees to change the fuel prices from inside the store. He believes that the Board would have required all the electronic copy to be red and a dimmer if they went through the proper process.

Mrs. Schaffer said she agrees with Mr. Pieper because the sign will not have scrolling messages. The fuel price displays will be static. She does not have an issue based on the Staff Report and recommended conditions.

Mr. Pieper said he would like to see an additional condition that prohibits additional electronic copy on the sign. Mr. Morgan replied that any proposal for additional electronic copy would need to come back before the Florence Board Adjustment for approval.

Mr. Richard Curry, with Harper Oil Products, said he owns the sign and is trying to put up L.E.D. displays to be more efficient. Green L.E.D. was chosen for the diesel prices because it is an industry standard. People now associate the green color with diesel fuel.

Mr. Sparks asked if the square footage of the sign was remaining the same. Mr. Morgan replied "yes" and indicated that the food mart sign had been removed.

Mr. Pieper asked if anybody else in the audience would like to speak. There was no response.

Ms. Schaffer made a motion to approve the request based on the Staff Report and the following conditions listed in the Staff Report:

- 1. The electronic copy shall only be used to advertise fuel prices;**
- 2. The fuel price displays shall not flash, run, or scroll;**
- 3. The fuel prices shall be displayed in red L.E.D.; and**
- 4. The sign shall be equipped with photocells and the fuel prices shall dim as the sky gets darker.**

Mr. Sparks seconded the motion. Mr. Pieper asked for a vote and it carried unanimously.

Mr. Curry asked how quickly the sign needed to be changed. Mr. Morgan informed the applicant that they should check with the Boone County Building Department because they issued the stop work order. In addition, the applicant needs to submit a Sign Permit application to the Boone County Planning Commission which addresses the conditions that were just imposed by the Board. Mr. Curry said they have already contacted the sign people about changing the diesel price from green to red. Mr. Wilson stated that if the Board does not impose a time condition then the applicant will need to work the issue out with Staff and the Building Department. Mr. Pieper said that he did not want to impose a time condition because the applicant may not be able to meet the deadline. Mrs. Schaffer recommended that the applicant stay in touch with Staff.

Mr. Pieper asked for a motion to adjourn. Mr. Sparks so moved and Mrs. Schaffer seconded the motion. The motion carried by unanimous consent and the meeting adjourned at 7:57 p.m.

APPROVED

Tim Pieper, Chairman

Attest:

Todd K. Morgan, AICP
Senior Planner, Zoning Services