

**BOONE COUNTY BOARD OF ADJUSTMENT  
BOONE COUNTY ADMINISTRATION BUILDING  
BOONE COUNTY FISCAL COURTROOM  
BUSINESS MEETING  
DECEMBER 13, 2017  
6:00 P.M.**

---

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

**BOARD MEMBERS PRESENT:**

Mr. George Whitton, Chairman  
Mr. Justin Bailey  
Mr. Chris Vaught

**BOARD MEMBERS NOT PRESENT:**

Mrs. Sherry Hempfling  
Mr. Richard Miller

**STAFF MEMBERS PRESENT:**

Mr. Todd Morgan, AICP, Senior Planner

**LEGAL COUNSEL PRESENT:**

Mr. Dale T. Wilson

**APPROVAL OF MINUTES**

Mr. Whitton stated the Board members received copies of the minutes of the Boone County Board of Adjustment meeting of November 8, 2017. He asked if there were any comments or corrections? Mr. Vaught moved to approve the minutes and Mr. Bailey seconded the motion. Mr. Whitton called for the vote and it carried unanimously.

**ACTION ON REVIEWS**

1. Request of **Lights and Signs** for a Conditional Use Permit to allow Hebron Baptist Church to construct a new freestanding sign with an electronic message center. The approximate 8.87 acre site is located at 3435 Limaburg Road, Boone County, Kentucky. The property is currently zoned Commercial Two/Planned Development (C-2/PD).

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

Mr. Don Moore, with Lights and Signs, said they meet all of the code requirements and Staff recommendations, except for the height of the sign. The new sign will be located perpendicular to KY 237 and be two sided. This will allow traffic on both sides of the road to see the sign. The existing sign is a little less than 9' tall and the proposed sign is 16'-5" tall. The C-2 zone allows freestanding signs to be up to 30' tall and 200 square feet in area,

depending on the size of the property. The church doesn't want to construct something that large because they want the sign to be done in a tasteful way. There are a lot of signs in the corridor that are taller than the Staff recommendation of 10'. They are fine with the electronic message center (EMC) being limited to 3 or 4 lines of text and there will not be any flashing, scrolling, or off-premise messages.

Mr. Whitton asked Mr. Moore if he could address the pixel pitch? He replied the EMC will display messages in a 10 mm pixel pitch and that exceeds what is required by code. The EMC will also have a dimmer, which reacts to ambient light. The church would like to have a 5 to 7 second message hold time before another message is displayed. A 7 second hold time is adequate based on Hebron Corner Mart's Conditional Use Permit approval. The typical viewing range of the sign is 32' to 397' based on the font size. Four lines of text would be displayed with a 15" to 16" font and these characters could be seen from 300' away. He added there are a lot of signs in the corridor that are taller than 10' tall. The Remke's sign, on the other side of I-275, is taller and has an EMC that changes rapidly. The EMC is an important element to the church because they want to advertise their worship times and special events. They want the EMC to be elevated so it won't be vandalized. The height will make it harder for kids to reach it.

Mr. Ray Gabbard said he was the overseer of the building. They are asking for a new sign because the existing one isn't visible unless you are directly in front of it. It was poorly designed when it was put in.

Mr. Whitton said he would like to go over the requirements that are listed in the Staff Report to make sure everybody is on the same page. He asked for verification the sign wouldn't have flashing, scrolling, or any other types of moving messages. Mr. Gabbard replied that was correct.

Mr. Whitton asked if the EMC being limited to 4 lines of text would work for the church? Mr. Gabbard said that would work because the sign would change every 7 to 10 seconds. Mr. Bailey asked what types of things the church would display? Mr. Gabbard said they would display what is going on in the church or things like the Pastor's message. Mr. Whitton asked if they would allow other businesses to use the sign? Mr. Gabbard said they would not display other businesses, such as Kroger or Ace Hardware. The purpose of the sign is to advertise what's going on at Hebron Baptist Church. Mr. Gabbard asked if there would be any problem with a message stating that they support the local police or fire department? Mr. Morgan said the Planning Commission would not have a problem with such a message. Staff would feel differently if the message said Hebron Baptist Church supports Kroger. Mr. Gabbard said he agreed with that. Mr. Whitton asked Mr. Wilson how such a condition should be drafted? Mr. Wilson replied the condition could be left as it's currently worded. It would then be up to the Zoning Enforcement Staff to determine if the condition was being complied with. Mr. Wilson added that the Zoning Enforcement Staff will be able to reference the meeting minutes and discussion. Mr. Morgan agreed.

Mr. Whitton asked if they would be using any bright colored sign backgrounds? Mr. Morgan said the wording in his condition would apply to white, amber, and other bright colored backgrounds that cause light or glare issues on the road. He has passed signs in other communities that have been blinding. Mr. Whitton asked about the Burlington Fire Department sign? Mr. Morgan replied that sign was exempt from zoning. Mr. Whitton said

that sign hurts his eyes when he drives past it. Mr. Morgan said that's what Staff is trying to prevent with the recommended condition. Mr. Wilson said the church would have the right to file an appeal if the Board goes with the recommended condition and there is a disagreement between the church and Staff at a later date.

Mr. Whitton asked if the 10' height restriction, as recommended by Staff, would work for the church? Mr. Moore replied they would like to see the 16'-5" tall sign approved. This will allow the electronic message center to be higher off the ground and help protect it from kids. He added that there are a lot of signs in the corridor that are more than 10' tall. He provided some pictures of signs that are located in the KY 237 corridor (see Exhibit 1). Mr. Morgan said Mr. Moore is correct. A 30' tall, 200 square foot freestanding sign is permitted on the property. However, since an electronic message board is being sought the Board can consider reasonable conditions.

Mr. Bailey asked if Staff could explain the concern about the 16'-5" tall sign? Mr. Morgan responded that the sign location is already 4'-6' higher than the centerline of KY 237. The sign will feel taller than 16'-5" with the change in topography and could be overpowering. He added that the 8'-4" tall sign that is there now looks much taller than it is because of the elevation change. He reviewed the PowerPoint slides showing the grade change between the sign location and the road. He doesn't believe there will be any issue with visibility if the sign is limited to 10' tall.

Mr. Moore said the existing sign is approximately 9' tall. The new sign actually has less area than the existing sign.

Mr. Whitton asked how large the Hebron Corner Mart EMC was that was approved last month? Mr. Morgan replied he didn't have that information with him. He added that the Hebron Corner Mart EMC is a much smaller sign because it's part of a multi-tenant sign.

Mr. Moore submitted a letter height and distance legibility chart into the record (see Exhibit 2).

Mr. Whitton said the proposed sign is approximately 2 times taller than the existing sign.

Mr. Bailey asked if it would be a big deal if they limited the height of the sign to 10'? The sign will be visible and it already sits 4-6' higher than the KY 237 centerline. Mr. Gabbard said it more about protecting the sign. The library next to them is currently vacant and they are calling the police often to run people out of there. They are concerned about people damaging their sign if it sits lower to the ground.

Mr. P.J. Haubner, with 167 Signs, said vandalism could be a problem if the sign is limited to 10' tall. The EMC would be in arms reach of children and it's a very expensive sign.

Mr. Whitton asked if anyone else in the audience wanted to speak regarding the request? There was no response.

**Mr. Vaught made a motion to approve the request with the following conditions:**

1. The electronic message center shall only display still photos and alphanumeric messages. The messages shall not contain any apparent motion (video, flashing

messages, scrolling messages, running messages, moving patterns or boards of light, illusion of moving objects, rotating shapes or similar animation effects, etc.).

2. No more than four lines of text and/or graphics shall be displayed at any given time.
3. Any message and accompanying background shall be displayed on the screen for a minimum of seven (7) seconds.
4. The electronic message center shall have a 10 millimeter pixel pitch or better resolution.
5. The electronic message center shall be equipped with a dimmer and messages shall dim as the sky gets darker.
6. Bright colored sign backgrounds shall not be used on the electronic message center. The property owner shall work with Boone County Planning Commission to resolve any lighting issues (brightness, glare, etc.) that are caused by the subject sign on KY 237 or adjoining properties.
7. Off premise-businesses shall be prohibited from advertng on the sign.

**Mr. Bailey seconded the motion. Mr. Whitton called for a vote and it carried 3-0.**

**ADJOURNMENT**

Mr. Whitton asked for a motion to adjourn the meeting. Mr. Vaught made a motion to adjourn and Mr. Bailey seconded the motion. Mr. Whitton called for the vote and the meeting was adjourned by unanimous consent at 6:33 p.m.

**APPROVED**

\_\_\_\_\_  
**Mr. George Whitton, Chairman**

**ATTEST:**

\_\_\_\_\_  
**Todd K. Morgan, AICP  
Senior Planner**

Exhibits

1. Sign Photos Submitted by Don Moore
2. Letter Height and Distance Legibility Chart Submitted by Don Moore