

**BOONE COUNTY BOARD OF ADJUSTMENT
BOONE COUNTY ADMINISTRATION BUILDING
BOONE COUNTY FISCAL COURTROOM
BUSINESS MEETING
MARCH 11, 2020
6:00 P.M.**

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

BOARD MEMBERS PRESENT:

Mr. Richard Miller, Vice-Chairman
Mr. Chris Vaught
Mr. Bill Weltzer
Mr. George Whitton, Chairman

BOARD MEMBERS NOT PRESENT:

Mrs. Sherry Hempfling

STAFF MEMBERS PRESENT:

Mr. Michael Schwartz, Planner

LEGAL COUNSEL PRESENT:

Mr. Dale T. Wilson

APPROVAL OF MINUTES

Chairman Whitton stated the Board members received copies of the minutes of the Boone County Board of Adjustment meeting of February 12, 2020. He asked if there were any other comments or corrections. Mr. Vaught moved to approve the minutes and Vice-Chairman Miller seconded the motion. Chairman Whitton called for the vote and it carried unanimously.

ACTION ON REVIEWS

1. Request of Ginter Electric for a Variance to allow a development to have one access point for each one hundred twenty (120) feet of site frontage. The approximate 2.41 acre site is located at 3525 Delta Road, 3529 Delta Road, and includes the parcel having a Parcel ID of 059.00-06-172.00, Boone County, Kentucky and is zoned Industrial One (I-1).

Staff Member, Michael Schwartz, presented the Staff Report which included a Powerpoint presentation (see Staff Report).

Chairman Whitton asked the Board if they had any questions for staff. Vice-Chairman Miller asked what the distance will be from the proposed curb cut to the end of the lot. Mr. Schwartz replied that it will be 76 feet. Vice-Chairman Miller asked that they would not be allowed another curb cut along their frontage. Mr. Schwartz replied that is correct and that the request is only for a third curb cut.

Chairman Whitton asked if anyone in the audience wanted to speak in favor of the request.

Mr. Mike Yeager stated that there is minimal traffic being generated by the site. The existing office has two to three employees and the proposed warehouse will be for electrical storage. The works crews will arrive in the morning, pick up their supplies and return in the afternoon/evening and drop off the work vehicles.

Chairman Whitton asked if there was any retail traffic to the site. Mr. Yeager replied no.

Chairman Whitton asked if there was anyone in the audience that wanted to speak in favor or opposition of the request. There were none.

Chairman Whitton asked if there was any further discussion. There was none. Chairman Whitton asked if the Board wanted to make a motion.

Mr. Vaught made a motion to approve the proposed variance. Mr. Weltzer seconded the motion.

Chairman Whitton called for the vote and it carried unanimously.

2. Request of J.A. Doepker Associates, Inc., per James Doepker on behalf of Welding Alloys USA, Inc. per Jeff Watkins, for Variances to reduce the required side yard setback in a corner side yard from fifty (50) feet to five (5) feet and to reduce the required buffer yard width from ten (10) feet to five (5) feet. The approximate 10 acre site is located at 8535 Dixie Highway, Boone County, Kentucky and is zoned Commercial Services (C-3) and Industrial One (I-1).

Staff Member, Michael Schwartz, presented the Staff Report which included a Powerpoint presentation (see Staff Report).

Chairman Whitton asked the Board if they had any questions for staff. Chairman Whitton asked what is going to happen in the area that the Highway Department acquired. Mr. Schwartz replied that nothing will happen to it, except for creating a

better slope along the roadway. Vice-Chairman Miller asked if the topography will change after the roadway improvements are made. Mr. Schwartz replied that the elevation of the pavement is not being changed, nor is the elevation of the site in question. Chairman Whitton asked if the only portion of the building that is being affected by the proposed variances is the southeast corner of the building. Mr. Schwartz replied yes.

Chairman Whitton asked if anyone in the audience wanted to speak in favor of the request.

Mr. Jim Doepker stated that the finished floor elevation of the new building will be the same as the elevation of the finished floor of the existing adjacent building. Therefore, only about half of the building will be visible from the roadway.

Chairman Whitton asked if there was anyone in the audience that wanted to speak in favor or opposition of the request. There were none.

Chairman Whitton asked if there was any further discussion. There was none. Chairman Whitton asked if the Board wanted to make a motion.

Vice-Chairman Miller made a motion to approve the proposed variances. Mr. Vaught seconded the motion.

Chairman Whitton called for the vote and it carried unanimously.

3. Request of The Kleingers Group, per Kevin Elliott on behalf of Dugan Financing, LLC, per Ryan O'Leary, for a Variance to reduce the minimum required buffer yard width along the east property line from eighty (80) feet to twenty (20) feet. The approximate 15.15 acre site is located at 2360 Progress Drive, Boone County, Kentucky and is zoned Industrial One (I-1).

Staff Member, Michael Schwartz, presented the Staff Report which included a Powerpoint presentation (see Staff Report).

Chairman Whitton asked the Board if they had any questions for staff. There were none.

Chairman Whitton asked if anyone in the audience wanted to speak in favor of the request.

Mr. Kevin Elliott stated that the intent is to provide additional parking on the back of the building which would allow the owner to market the building as a multi-tenant building.

Mr. Weltzer asked if the original drainage calculations took into account the additional impervious area of the proposed parking lot. Mr. Elliott replied that the original plans showed parking and truck storage in this area.

Chairman Whitton asked if there was anyone in the audience that wanted to speak in favor or opposition of the request. There were none.

Chairman Whitton asked if there was any further discussion. There was none. Chairman Whitton asked if the Board wanted to make a motion.

Mr. Weltzer made a motion to approve the requested variance. Vice-Chairman Miller seconded the motion. Chairman Whitton asked if there was any discussion. There was no response.

Chairman Whitton called for the vote and it carried unanimously.

4. Request of ABC Signs, per Meghan Meyer, on behalf of McDonalds Corporation, per Todd Sorg, for a Conditional Use Permit and Variances to (1) allow the installation of an electronic message board/screen on a free standing sign; (2) reduce the minimum spacing distance requirements between electronic message boards/screens from 660 feet to 200 feet; (3) increase the maximum height of a free standing sign from twenty (20) feet to thirty (30) feet (a modification of the Board's April 11, 1990 action); and (4) increase the maximum sign area of a free standing from seventy-four (74) square feet (50 square feet for the advertising display and 24 square feet for a manual reader board) to 89.375 square feet (56.25 square feet for the advertising display and 33.125 square feet for an electronic reader board) (a modification of the Board's April 11, 1990 action). The approximate 1.5 acre site is located at 306 Richwood Road, Boone County, Kentucky and is zoned Commercial Four (C-4).

Staff Member, Michael Schwartz, presented the Staff Report which included a Powerpoint presentation (see Staff Report).

Chairman Whitton asked the Board if they had any questions for staff.

Chairman Whitton asked about the summary table provided in the staff report. Mr. Schwartz replied that the table provides the requirements of the current zoning regulations, the requirements of the Board's 1990 decision, and the request of the applicant.

Vice-Chairman Miller asked why the sign was being moved and why was it being moved so much closer to the building. Mr. Schwartz replied that the sign is being

removed due to the improvements being made to Richwood Road and that the existing sign is very close to the property line and the relocated sign will be approximately 66 feet from the property line. Mr. Schwartz stated that the applicant can answer the second part of the question.

Chairman Whitton asked if anyone in the audience wanted to speak in favor of the request.

Ms. Meghan Meyer and Mr. Todd Sorg were present on behalf the applicant. Ms. Meyer stated that the need for the electronic message board is to modernize the sign and to be in tune with current technology. Vice-Chairman Miller stated that his concern was that the sign being so far from the roadway will cause motorists to turn their heads away from the roadway in order to read the sign, especially the electronic message.

Mr. Sorg stated that the location of the sign was determined due to the land that is being acquired by the Highway Department as well as the permanent and temporary easements being obtained by the Highway Department. Mr. Sorg stated that with the sign being moved further back from the roadway, that is the reason for them asking for an increase in sign area and height. Mr. Sorg stated that if the concern is readability and motorist safety, the applicant is not objecting to the electronic message to have a longer display time. Vice-Chairman Miller stated that his concern is that drivers will have to turn their heads to read the message, taking their eyes off of the roadway. Chairman Whitton stated that he feels that the electronic sign will be more visible once a driver pulls off the roadway and into the McDonald's lot.

Chairman Whitton asked if the Board had any questions of the applicant. There were none.

Chairman Whitton asked if there was anyone in the audience that wanted to speak in favor or opposition of the request. There was none.

Chairman Whitton asked if the Board should take the requests separately or as one motion. Mr. Schwartz replied that if the Board wants to approve the Conditional Use Permit, then the action can be taken in one motion. However, if the Board wants to deny the Conditional Use Permit, then the action should be done in multiple motions.

Chairman Whitton asked if there was any further discussion. There was none. Chairman Whitton asked if the Board wanted to make a motion.

Mr. Vaught made a motion to approve the requested Conditional Use Permit and

variances subject to the following conditions: (1) the electronic message board/screen shall have no apparent motion of the visual message, caused by, but not limited to, the illusion of moving objects, moving patterns or boards of light, expanding, contracting, or rotating shapes or other similar animation effects. Additionally, there shall be no scrolling or running messages; (2) the message displayed on the electronic message board/screen shall be displayed for a minimum of five (5) second intervals; (3) the electronic message board/screen shall be equipped with a photocell or dimmer and the displayed messages shall dim as the sky gets darker or brighten as the sky gets brighter; (4) the electronic message board/screen shall have a 19mm pixel pitch or better resolution; (5) no message on the electronic message board/screen shall contain more than one (1) still photo and/or three (3) lines of text; (6) any portion of an alphanumeric message on the electronic message board/screen that is not displayed on a still photo shall use a black background; and (7) no part of the sign shall be used to advertise off premise businesses, services, or products. Mr. Weltzer stated that he would like to see the message interval longer than five (5) seconds. Mr. Vaught asked if fifteen (15) seconds was acceptable. Vice-Chairman Miller stated that he would like it the interval longer than fifteen (15) seconds. Mr. Vaught amended his motion by changing condition 2 from a minimum of five (5) seconds to a minimum of thirty (30) seconds. Mr. Weltzer seconded the motion. Chairman Whitton asked if there was any discussion. There was no response.

Chairman Whitton called for the vote which found Mr. Vaught, Mr. Weltzer, and Chairman Whitton in favor of the motion and Vice-Chairman Miller opposed to the motion. The motion passed by a vote of 3 to 1.

OTHER

None

ADJOURNMENT

Chairman Whitton asked for a motion to adjourn the meeting. Mr. Vaught made a motion to adjourn and Vice-Chairman Miller seconded the motion.

Chairman Whitton called for the vote and the meeting was adjourned by unanimous consent at 7:05 p.m.

APPROVED

Chairman George Whitton

ATTEST:

Michael D. Schwartz
Planner