

**UNION BOARD OF ADJUSTMENT
BUSINESS MEETING
NOVEMBER 13, 2023
6:00 P.M.**

Ms. Karen O'Sullivan, called the meeting to order at 6:00 P.M.

BOARD MEMBERS PRESENT:

Mrs. Karen O'Sullivan
Mr. George Eldridge

BOARD MEMBERS NOT PRESENT:

Mr. Terry Kidwell

STAFF MEMBERS PRESENT:

Mr. Steven C Lilly, Planner
Mr. Todd K. Morgan, AICP, Senior Planner

LEGAL COUNSEL PRESENT:

Mr. Dale T. Wilson

Mr. Wilson asked Mr. Eldridge if he had previously been administered the oath of office. Mr. Eldridge stated that he had taken the oath and was able to participate and vote on the submitted application.

APPROVAL OF MINUTES

Mrs. O'Sullivan stated the Board received copies of the minutes of the Union Board of Adjustment meeting of January 11, 2022. Mrs. O'Sullivan moved to approve the minutes as written and Mr. Eldridge seconded the motion. With all in favor, it carried unanimously.

ELECTION OF OFFICERS

Mr. Wilson stated the Board was scheduled to elect officers at this meeting. Mr. Wilson stated that it has been agreed upon, that since there are only two of the three Board Members present tonight, the election of officers would take place at the next meeting.

ACTION ON REVIEWS

1. Request of Holthaus Lackner Signs for three Variances. The Variances are to increase the height and square footage of the monument sign and to increase the square footage of two building mounted signs. The approximate 2.01 acre parcel is located at 9520 Union Promenade, Union, Kentucky. The parcel is zoned Union Commercial/Union

Neighborhood Office/ Urban Residential Tow/Planned Development/Concept Development Plan (UC/UNO/UR-2/PD/CD).

Staff Member, Steve Lilly, presented the Staff Report and PowerPoint presentation.

Mr. Tim Kling, Director of Real Estate for United Dairy Farmers, said that the reason for the monument sign request was to allow the sign to be visible. UDF intends for the sign to be located behind a four-foot-tall fence. The request would allow the sign to be visible above the fence. The second request to increase the sign cabinet area is due to the regulation's requirement that no greater than 30% of the sign area be for gas prices. He stated that the prices have to be a certain size to make them legible and that makes the overall sign area increase. He then stated that there is a Special Sign District application the developer intends to submit. This same monument will be part of that request. The hope is to get the variance approval so UDF wouldn't have the additional expense of installing a smaller sign and then removing it for the larger sign if the Special Sign District application is approved.

Mrs. O' Sullivan asked about Kroger's signage. It was explained that the Kroger location is a different zone with different standards.

Mr. Eldridge asked for clarification of what was being requested.

Mr. Kling stated that they are asking for the sign as submitted with the exception that instead of a white background with red letters, they'd prefer a red background with white letters. He felt the red wouldn't be as bright as a solid white background.

Mr. Morgan asked for clarification on the illumination of the monument sign. Mr. Lilly stated that the regulations only permitted exterior illumination for monument signs. The applicant asked if internal illumination could be a separate variance. Mr. Lilly explained that variances were only for dimensional departures from the regulations, and that request would not be allowed.

Mrs. O' Sullivan asked how the sign would be situated along US 42. The applicant stated that the sign would be perpendicular to US 42.

Mrs. O' Sullivan said that the Union Town Plan was created for a reason, and she didn't want signs like those that are in the City of Florence. She didn't feel that a smaller sign would keep people from stopping for gas. She feels that the sign should be per the existing regulations.

Charlie Holthaus, from Holthaus Lackner Signs, restated that the gas pricing has to be a certain size to be visible. That portion of the sign could only be a maximum of 30% of the overall sign area. Therefore, the overall sign area has to increase to allow the pricing to be visible.

Mr. Eldridge asked how far back the sign would sit from the centerline of US 42. Mr. Lilly explained that the sign location measures approximately 70 feet using the Boone County GIS.

Mr. Kling stated that it would actually be further back than 70 feet because it would be behind the fence and out of an easement.

Mrs. O'Sullivan asked if there would be a stop light at the intersection. The applicant answered yes and that they were working on installing it. Mrs. O'Sullivan stated that she still felt like the sign would be visible.

Mr. Kling stated that they would like to have the ability to landscape the base area of the sign and be able to have the sign visible above the fence. He stated that part of the issue is that they are the first in the development. He stated that the City of Union welcomed them and were excited for them to open. Now, unfortunately, because they are the first development, they are dealing with some of these issues and want to be able to open with the proposed signage.

Mrs. O'Sullivan said she doesn't believe that signs matter as fuel prices are pretty much the same everywhere and generally within a penny or two. She said the City of Union didn't want to be Florence with giant signs. She stated that, if one exception is made where will it stop?

Mr. Eldridge said he disagreed and would be in favor of the variances for the monument sign.

Mrs. O'Sullivan made a motion to deny the requested variances for the monument sign.

Mr. Eldridge seconded the motion.

A discussion was had in regard to what the Union Promenade Development was supposed to look like.

Mrs. O'Sullivan voted no to the monument sign request. Mr. Eldridge voted yes to the request.

Mr. Wilson stated that because Mr. Kidwell could not be in attendance tonight, the request ended in a tie vote. He informed them that the issue could be tabled until the next meeting when all three Board members could be in attendance if they agreed. Both board members agreed to table the variance requests on the monument sign at the December 5th meeting. Mr. Wilson stated that the variance requests could be acted upon separately and therefore they could take separate action on the request for the building mounted signs.

Mrs. O'Sullivan asked the applicant for clarification on the building mounted sign request.

Mr. Kling stated that the request is for a simple, single color sign on two of the building elevations. Both signs are identical, and the request is for an increase in area to 55 square feet.

Mr. Lilly stated that the regulations allow one building mounted sign to be permitted for each building facade for a total of three signs. Each sign can have a maximum sign area of 24 square feet. In the UNO and UC districts, internally illuminated channel letters are also permitted for building mounted signs.

Mr. Eldridge made a motion to approve the building mounted sign variance as submitted.

Mrs. O’Sullivan seconded the motion.

The variance was granted by a 2-0 vote with both Mr. Eldridge and Mrs. O’Sullivan voting in favor.

OTHER

No other business was discussed.

ADJOURNMENT

Mr. Eldridge made a motion to adjourn the meeting and Mrs. O’Sullivan seconded the motion. The meeting was adjourned by unanimous consent at 7:02 P.M.

APPROVED

Mrs. Karen O’Sullivan

ATTEST:

Steven C. Lilly, PLS
Planner