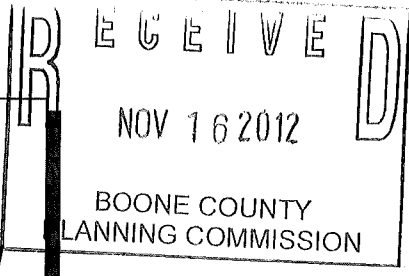


APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION



FIVE (5) SCALED COPIES AND ONE (1) 11X17 REDUCTION OF SUBMITTED DRAWINGS ARE REQUIRED

See Boone County Zoning Regulations

SECTION A (To be completed by applicant)

- 1. (Check One) Boone \_\_\_ Florence X Walton \_\_\_ Union \_\_\_
2. (Check One) X Conditional Use Permit \_\_\_ Variance \_\_\_ Appeal \_\_\_
3. Applicant's Name Klusty Sign Associates Inc.
Applicant's Address 3160 E. Kemper Rd., Ste B
Cincinnati OH 45241
City State Zip
4. Description of Request: Replace existing electronic sign on interstate w/ new sign - remove 280 sq. ft. of signage & install 153.13 sq. ft. LED unit
5. Name of Development Trailer Marketing Inc.
6. Location of Development 13220 Walton Verona Rd.
Walton, KY 41094
7. Acreage Under Review 6.87
8. Lot Number and Name of Subdivision (if part of a subdivision)
9. Owner of Property TMI Properties
Address of Property Owner P.O. Box 164
10. Walton KY 41094
City State Zip
Phone Number 859.485.1125 Fax No. \_\_\_ E-Mail j.lafollette@trailermarketing.net
11. Proposed Use(s) on Site
12. Total Square Footage of Existing and/or Proposed Buildings
13. Current Zoning on Property C2
14. Deed Book 536 Page No. 304 Group No. 2086A
15. Is the site subject to a zone change? no
If yes, give date of approval
16. Have you submitted a Site Plan with this request? yes
17. Have you submitted a list of adjoining property owners with this request? yes
18. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

ORIGINAL Property Owner's Signature: Melody Wilson
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: [Signature]
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

**BOARD OF ADJUSTMENT AND  
ZONING APPEALS ACTION  
APPLICATION  
PAGE 2**

**SECTION B** (To be completed by the Boone County Planning Commission Staff)

1. Date Received 11/10/12 Fee Received \$1,082.00 Receipt # 605940
2. Is application complete?  Yes  No
3. Staff Reviewer \_\_\_\_\_
4. Scheduled Board Action Date \_\_\_\_\_
5. Board Action:  
Approved  
1/10/13 Approved with Conditions (See #6)  
Denial (See #7)
6. Conditions of Approval: SEE CLUR + 1/10/13  
UBOA Meeting Minutes
7. Reasons for Denial: \_\_\_\_\_

**Boone County Planning Commission  
Boone County Administration Building  
2950 Washington Street, Room 317  
P.O. Box 958  
Burlington, Kentucky 41005  
(859) 334-2196 - Phone  
(859) 334-2264 - Fax  
plancom@boonecountyky.org - E-mail  
[www.boonecountyky.org](http://www.boonecountyky.org) - Web Page**

**NOTE:** See Boone County Planning Commission Fee Schedule for Board of Adjustment Fees.

Site Plan Review is not granted by the appropriate Board of Adjustment.

An application consists of all fees paid in full, submitted drawings and a completed application form.

## STAFF REPORT

APPLICANT: Klusty Sign Associates for Trailer Marketing Inc. (TMI)

LOCATION: 13220 Walton Verona Road, Walton, Kentucky

ZONING: Commercial Two (C-2)

DATE: January 10, 2013

### Proposal

The applicant has submitted a Conditional Use Permit application so TMI can replace their electronic message center (EMC) on their 91'-10" tall freestanding sign. The existing EMC is 100 square feet (3'-4" x 30') and the proposed EMC is 153.13 square feet (5'-1" x 30'-1½"). The applicant submitted a letter indicating that a second part of the proposal is to decrease the overall area of the freestanding sign from 655 square feet to 484.51 square feet.

### Site History

On July 20, 1999, Walton Board of Adjustment approved the following applications:

- A. A Variance to increase the height of a permitted freestanding sign from 30 feet to 91 feet.
- B. A Variance to increase the size of a freestanding sign from 200 square feet to 588 square feet (Note - The 588 square foot measurement came from measuring each cabinet separately and not including the dead space between signs. The approved sign area was 655 square feet if one rectangle was drawn around the entire sign).
- C. A Conditional Use Permit to allow an electronic message center on the freestanding sign.

The Board imposed the following conditions on the approval:

- A. The sign will not flash or scroll.
- B. The poles will be taken with the business if it moves or will be taken down if the sign is not functional for the business.

### Applicable Regulations

Section 220 of the Boone County Zoning Regulations states that one duty of the Board of Adjustment and Zoning Appeals is to act on Conditional Use Permit applications.

The Board needs to evaluate the Conditional Use Permit request terms of the criteria listed in Section 262 of the Boone County Zoning Regulations. The criteria are listed below:

1. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the County's comprehensive plan, a specific corridor plan and/or the zoning order;
2. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and shall not change the essential character of the same area;

3. Will be hazardous to existing or future neighboring uses;
4. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately such services;
5. Will create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
6. Will involve uses, activities, process, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, dust, fumes, glare, or odors;
7. Will have vehicular approaches to the property which shall be so designated as not to create an interference with traffic on surrounding public thoroughfares.

Section 3413 of the zoning regulations states that individual parcels of land in C-2 zoning districts shall be permitted a density of one (1) on-premises, architectural free-standing. In the City of Walton, the sign can be up to 30' tall and 150 square feet in area (dependent on road frontage):

Section 3430 of the Zoning Regulations permits electronically message boards as a Conditional Use in the C-2 zone. The following requirements must be met:

- A. Such message boards will be considered a part of a permitted sign, free-standing or building mounted; up to fifty percent (50%) of the permitted sign area can be used for an electronically changeable message board.
- B. All such message boards shall meet the minimum standards of the Kentucky Transportation Cabinet and any other controlling local, state, or federal agency.
- C. Electronically changeable message boards shall not be permitted at intervals of less than six-hundred sixty (660) feet, measured along the centerline of each interstate or thoroughfare from which the sign will be visible, between lines through the center of the signs and perpendicular or radial to said centerline.
- D. 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, shall be prohibited. Such restriction applies to "scrolling" or "running" messages.
- E. The message displayed on the board must be displayed for a minimum of five (5) second intervals. In no instance can a message, or part thereof, flash on the message board.

#### Site Characteristics

The 6.87 acre site contains a 19,250 square foot office and service building. The areas to the front and sides of this building are paved but the majority of the lot is gravel and is used for tractor trailer storage. Access to the site comes from two curb cuts on Walton Verona Road. Boone County GIS shows that the topography of the parcel falls from 880' at the northwest property line to 850 feet above sea level at the southeast property line. The subject sign is located along the I-75 frontage.

Surrounding Land Uses and Zoning

North: Delightful Days R.V. Sales

South: Mills Fence

East: I-75, St. Elizabeth's Physicians Office, Empire Gas, and Myers Trux & Parts

West: Walton-Verona Road, Owen Electric, and Travel America

Relationship of the Request to the Comprehensive Plan

The 2010 Boone County Comprehensive Plan's "2035 Future Land Use Plan" designates the site for "Commercial" uses. This designation is defined as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."

The Future Land Use Development Guidelines (pages 140-142) found in the Land Use Element state that "developments in Boone County should give consideration to the overall design of the area. Design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact of the proposed use. The minimal use of signs is encouraged; signage should be adequate to identify a specific development, but should not be used as a means to compete for motorist attention. The objective is to avoid the confusion and/or distraction of motorists, and to avoid the potential negative impacts of signs on the visual appearance of a development or corridor" (Design, Signs, and Historic Preservation).

Staff Comments

1. Staff has the following comments for the applicant:
  - A. Will the message board display alphanumeric message only?
  - B. Will all messages be displayed in red LED?
  - C. Will the message have any apparent motion (flashing, scrolling messages, running messages, moving patterns of light, rotating shapes or similar animation effects)?
  - D. How long does TMI plan on keeping a message on screen before the next message is displayed?
  - E. The proposed sign drawing shows the message board will display two lines of text. Will TMI ever display more than two lines of text? If so, how many lines of text could be displayed and how large would the characters be? What is the recommended industry standard character size for an electronic message board that is approximately 80 feet above grade?
  - F. The pixel pitch for the proposed sign is 35 millimeters. Some communities, such as Springdale, Ohio, require a 16 millimeter pitch for image quality. Please explain why a 35 millimeter pixel pitch was selected. What is the recommended industry standard pixel pitch for an electronic message board that is approximately 80 feet above grade?

- G. Is the electronic message center equipped with a photocell that will brighten and dim automatically?
2. Staff received an email from Caroline Justice, with Kentucky Transportation Cabinet, indicating that they have approved the changes to the sign.
3. Section 3430 of the Boone County Zoning Regulations states that an electronic message board shall conform to the following criteria:
  - A. The electronic message board shall not be more than fifty percent (50)% of a permitted sign area. The message board is 31.6% (153.13/484.51) of the overall sign area.
  - B. Electronic messages must be displayed on the board for at least 5 seconds and the messages cannot flash, scroll, or run.
  - C. Electronic message boards must be at least 660 feet apart.
4. The Board should analyze the "Design, Signs, and Historic Preservation" section of the Future Land Use Development Guidelines from the Comprehensive Plan before acting on the Conditional Use Permit request. This section calls out that motorists should not be confused and/or distracted by excessive signs and that signs should not have a negative impact on the visual appearance of a corridor.

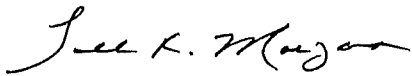
Staff recommends the following conditions if the request is approved:

- A. The message board shall only display alphanumeric messages.
- B. All messages shall be displayed in red LED.
- C. The electronic messages shall not run, flash, scroll or have moving patterns or light or animation effects.
- D. All messages shall be displayed for a minimum of 5 seconds.
- E. The electronic message board shall not display more than two lines of text.
- F. A condition stating the required pixel pitch.
- G. The electronic message board shall be equipped with a photocell and the messages shall dim as the sky gets darker.
- H. Per the applicant's request, the increased sign area Variance from 7/20/99 is being modified to 484.51 square feet and cannot be reinstated. The overall sign area shall not exceed 484.51 square feet once the new electronic message board is installed.

#### Conclusion

K.R.S. 100.237 and 100.241 and Section 220 of the Boone County Zoning Regulations gives the Walton Board of Adjustment and Zoning Appeals the authority to act on the request.

Respectfully submitted,



Todd K. Morgan, AICP  
Senior Planner, Zoning Services

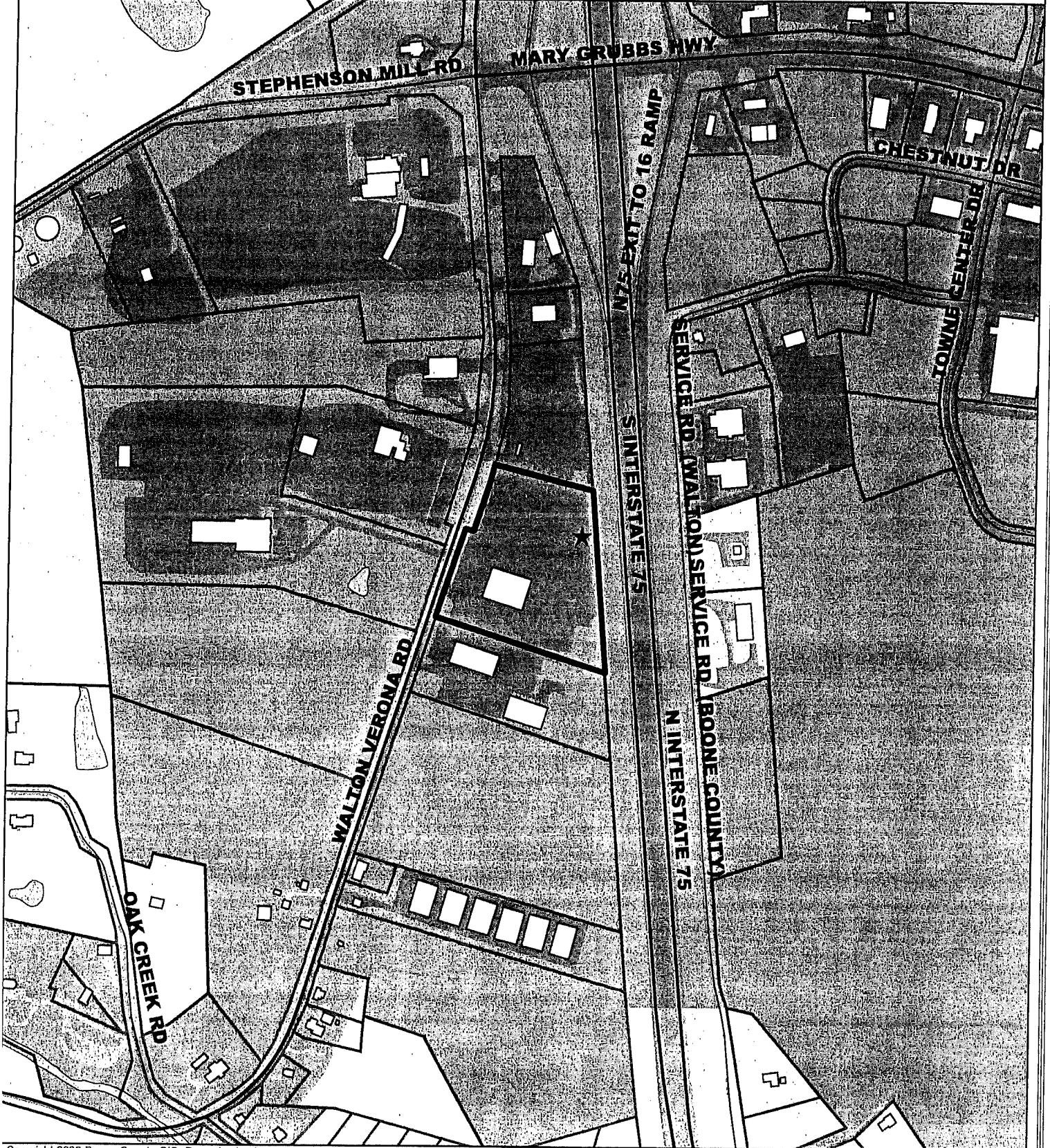
TKM/dw

Attachments

- \*Site Vicinity Map
- \*Letter From Applicant
- \*Existing Sign
- \*Proposed Sign
- \*2009 Aerial Map
- \*Zoning Map
- \*Future Land Use Map
- \*Topographical Map
- \*Email from Caroline Justice
- \*7/20/99 WBOA Meeting Minutes
- \*Application

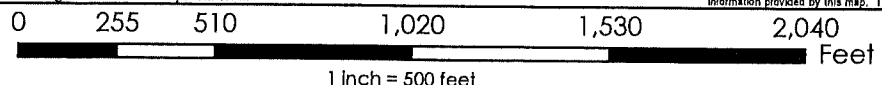
# SITE VICINITY MAP

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**Boone County GIS - Putting Northern Kentucky on the Map**

November 13, 2012

Walton Board of Adjustments  
c/o Boone County Planning Commission  
2950 Washington St., Room 317  
Burlington, KY 41005

RE: Conditional Use Permit  
Trailer Marketing Inc.  
13220 Walton Verona Road


Dear Board Members:

We are applying for your approval to amend the existing conditional use permit at this location. Trailer Marketing, Inc. currently has approval for the electronic message unit on their pole sign (given by the Board July 20, 1999). They would like to replace the electronic sign to take advantage of newer technology and more cost effective LED illumination. To do this, the sign size will increase from 3' 4" tall x 30' 0" long (100 square feet) to 5' 1" tall x 30' 1 1/2" long (153.13 square feet). The new sign be capable of conforming to the same restrictions as the original conditional use (change no more than every 5 seconds, no flashing, etc.) and will have a photo cell that can be set to automatically adjust the lighting to day/night, weather conditions, etc.

We feel it is important to note, that in conjunction with installing the new electronic unit, we will be removing the 6' 0" tall x 30' 0" long sign cabinet that is under the current unit. This will take the overall sign structure from a total of ~~300~~ <sup>655</sup> square feet to ~~400~~ <sup>484.51</sup> square feet.

We are hopeful that you will look favorably upon this request.

Sincerely,

  
Vince Klusty

Ex.

30'0"

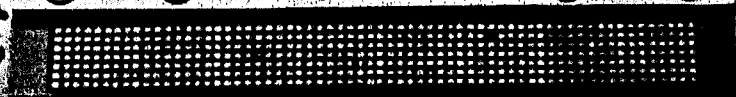
↑

10' tall →

**TMI**

← To REMAIN

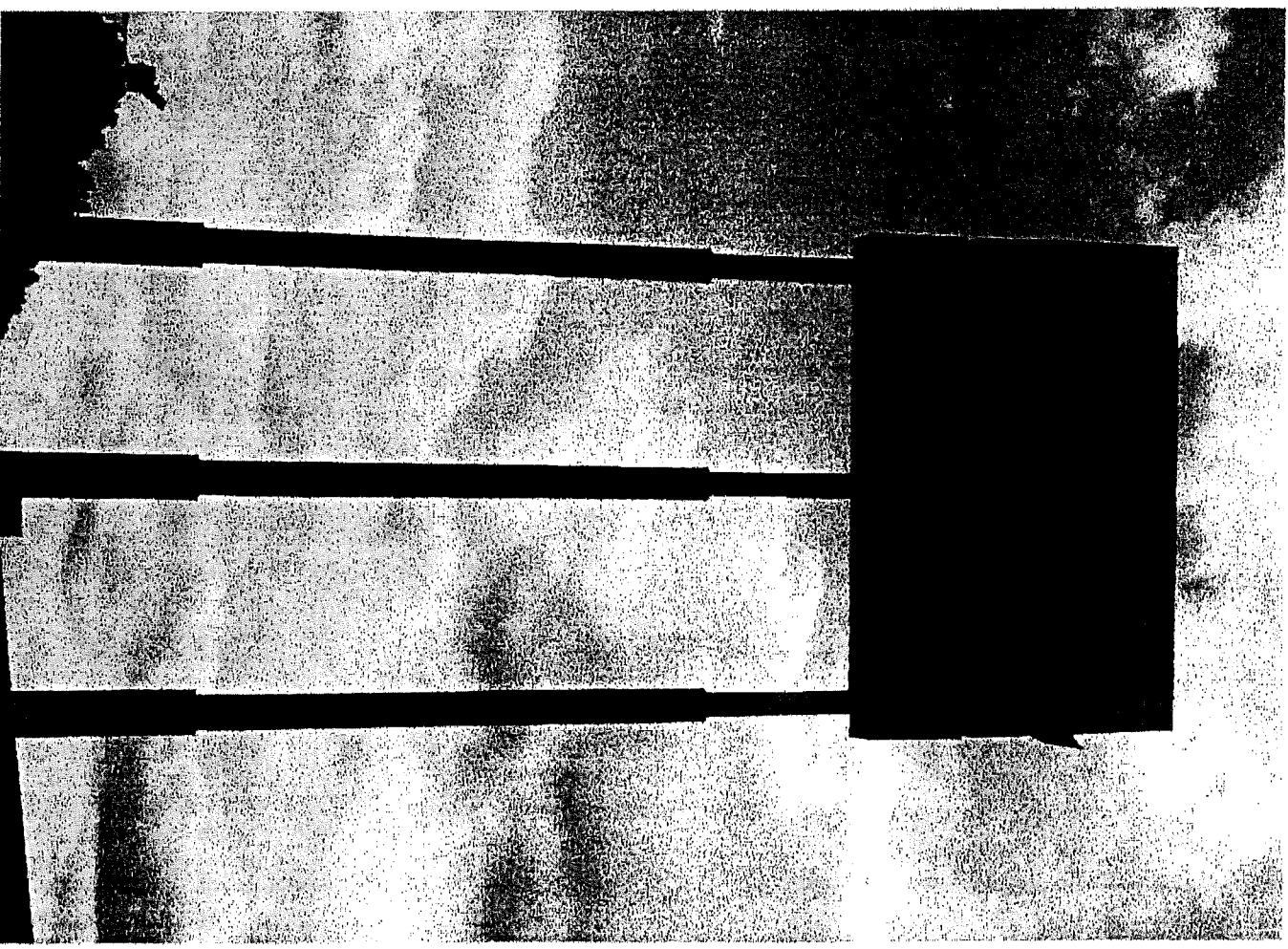
3'4" tall ↓

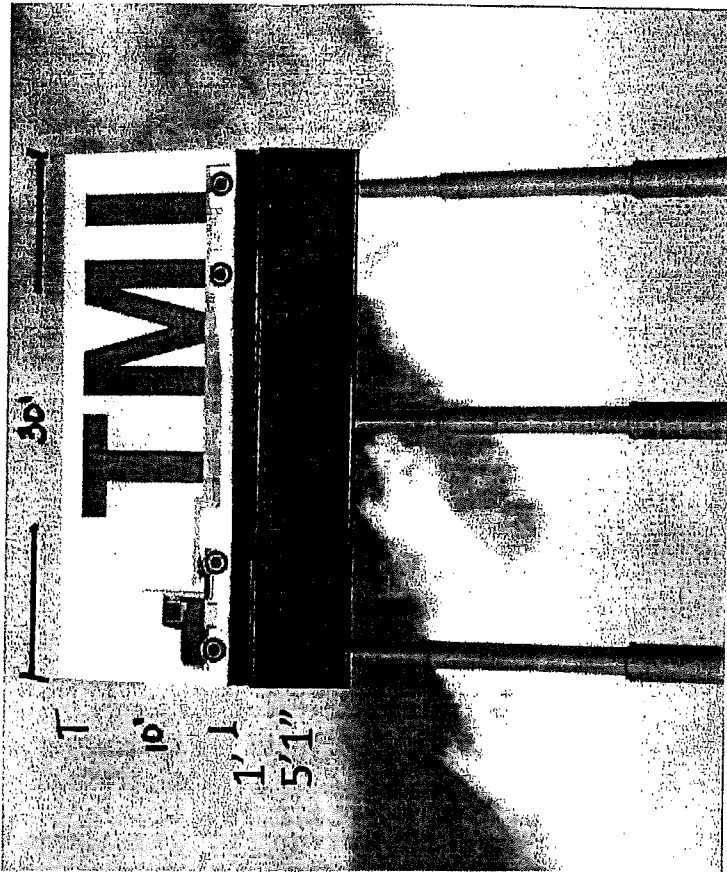


→ Remove

Reitauer Transcraft  
**EXISS**  
DOONAN PORTS & LIVESTOCK TRAILERS MERRITT

6' tall →





**LED MESSAGE BOARDS**

- 35mm Watchline by Time-O-Matic Red Monochrome Message Center.
- Matrix size: 40 x 256
- Minimum of 5 lines of 10" high characters.
- Viewing area: 4'-8" x 79" - 10"
- Viewing angles: 90° Horiz / 40° Vert
- Communications control: RWF High Speed Long Range Wireless
- **Note: 120 volt 39.00 amps per face / 78.00 amps total Single Phase Service**

**EMC SUPPORT FRAMING**

- Boards mechanically fastened to 5'-1" x 30'-1.5" x 24" deep cage frame, consisting of 3" x 3" x .250 steel angle.
- Perforated alum. filler panels mechanically fastened to bottom and sides; solid alum. filler panel(s) mechanically fastened to top.
- Panels and frame painted MP 30132 Jet Black.

**STEEL SUPPORT**

- EMC support frame to slide down over existing steel pipes and weld on.
- Subject to engineer's scaled drawing(s).

**ELECTRICAL**

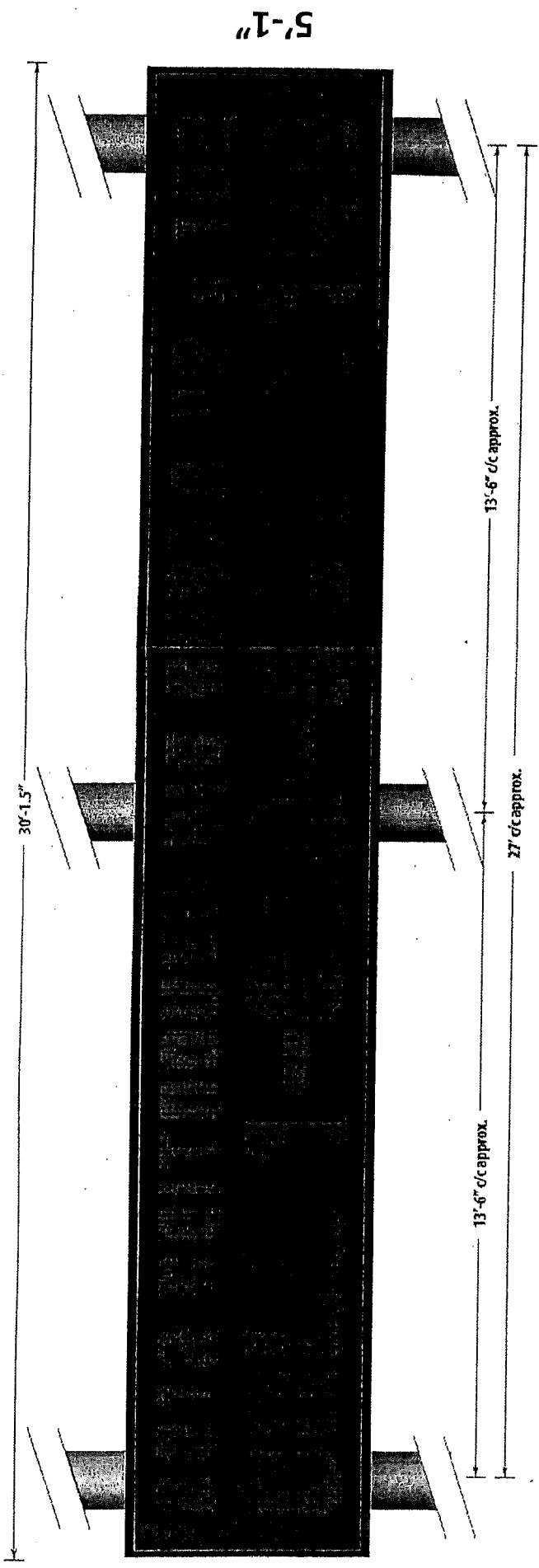
- U.L. listed and labeled.
- Field verify that sufficient electrical requirements exist. If use of an electrical is required—by others.
- Final connection by Klutzy only if in place and to code at time of installation.

**FINISHES**

- Matthews® acrylic polyurethane.

**ADDITIONAL SPECIFICATIONS**

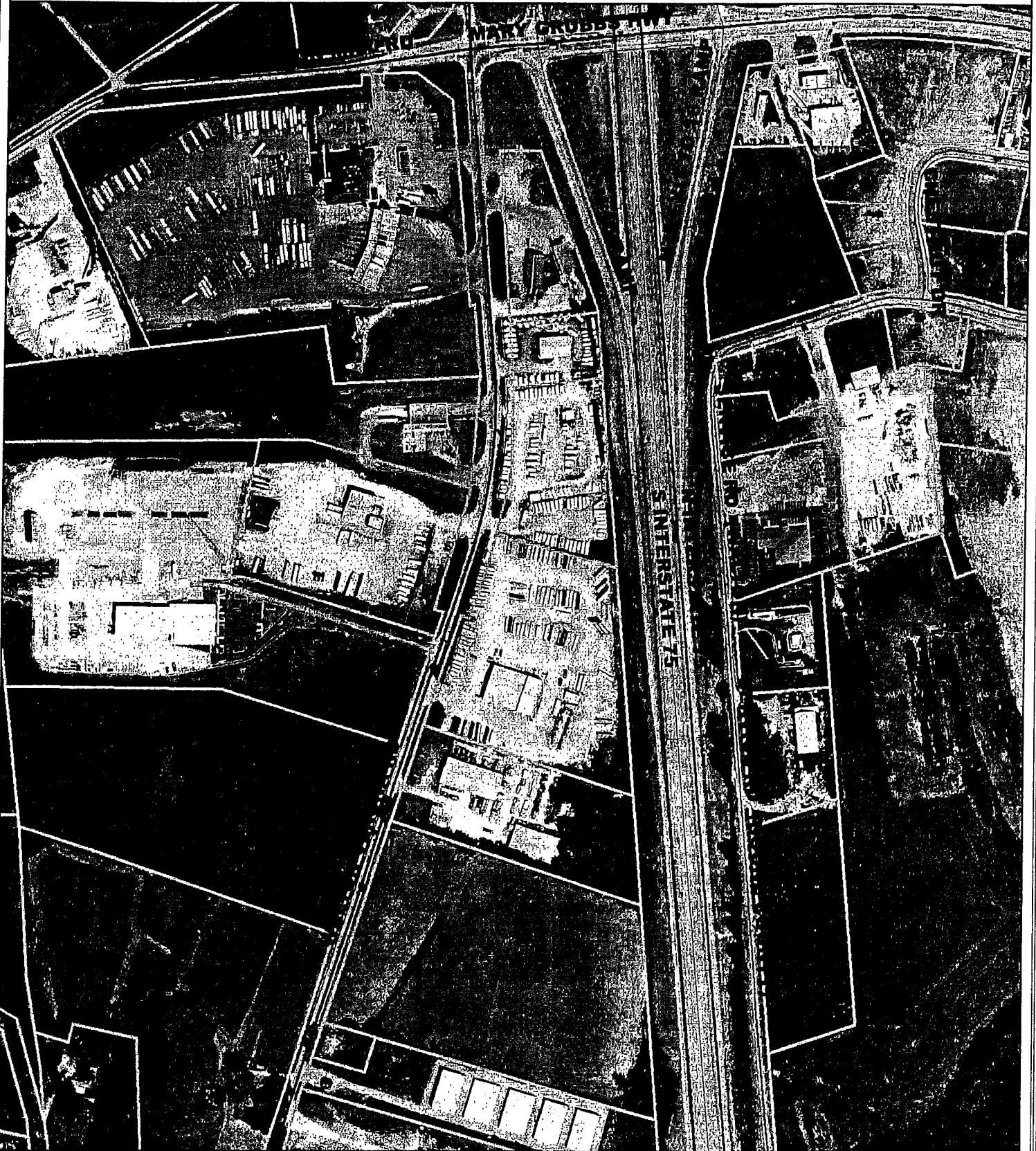
- Field survey depth of upper TMI cabinet.
- Field survey diameter / circumference of hidden triple steel supports and on-centers.
- Remove and scrap existing bulb-style message center and lower flex cabinet.
- Paint newly exposed steel supports Sherwin-Williams® SW#7B0 as required.



5'-1"

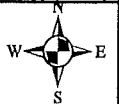
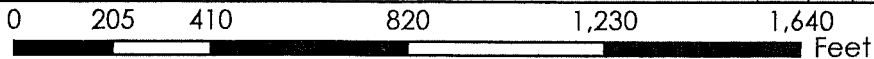
# 2009 AERIAL MAP

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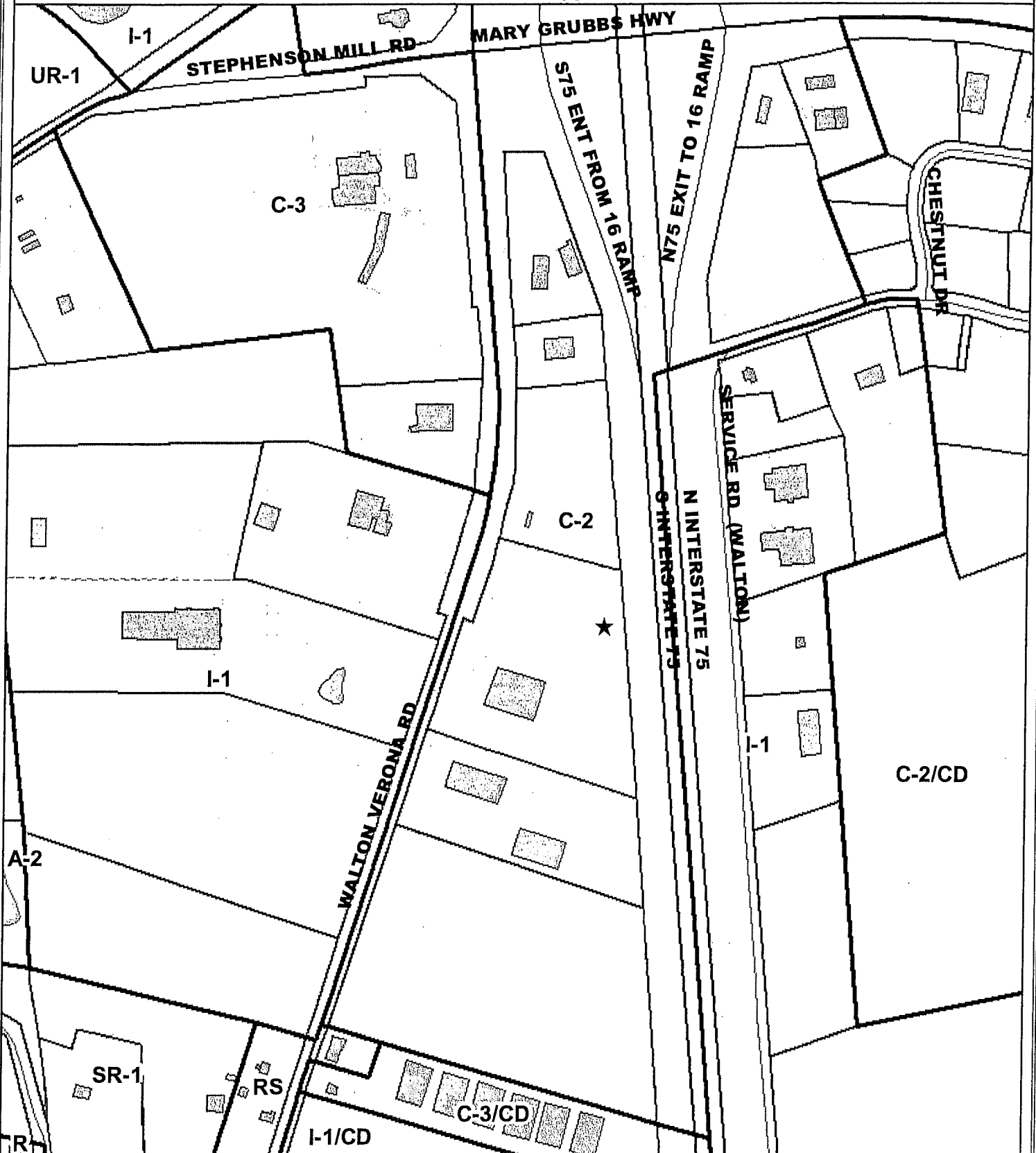
**Boone County GIS - Putting Northern Kentucky on the Map**

Map Created: 01/01/2008

Boone County GIS - Putting Northern Kentucky on the Map

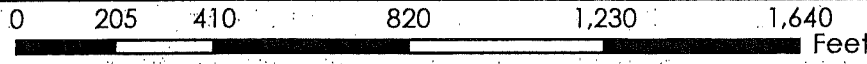
# ZONING MAP

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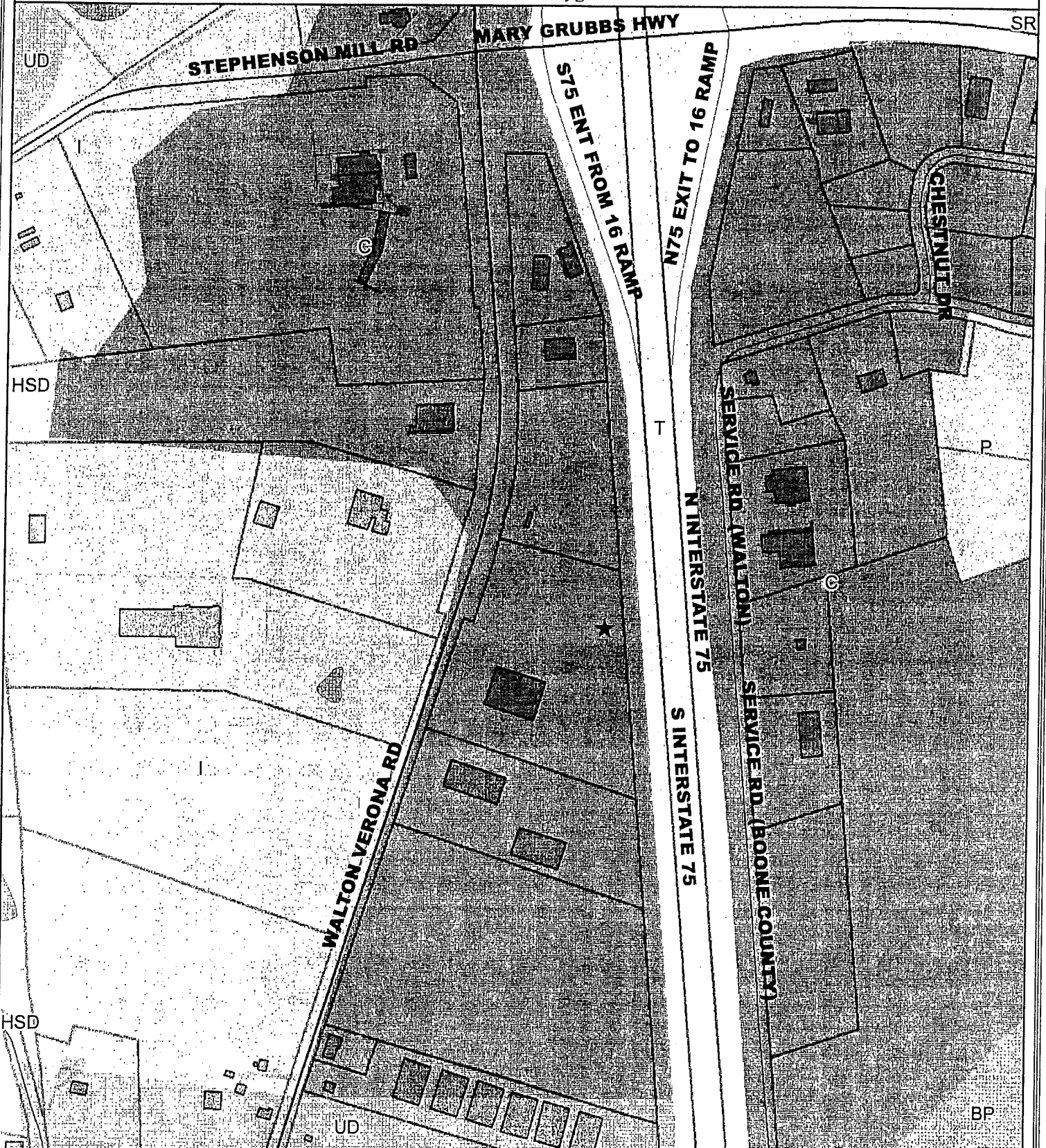
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**Boone County GIS - Putting Northern Kentucky on the Map**

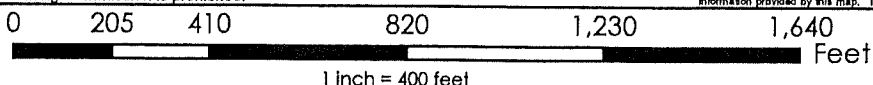
# FUTURE LAND USE MAP

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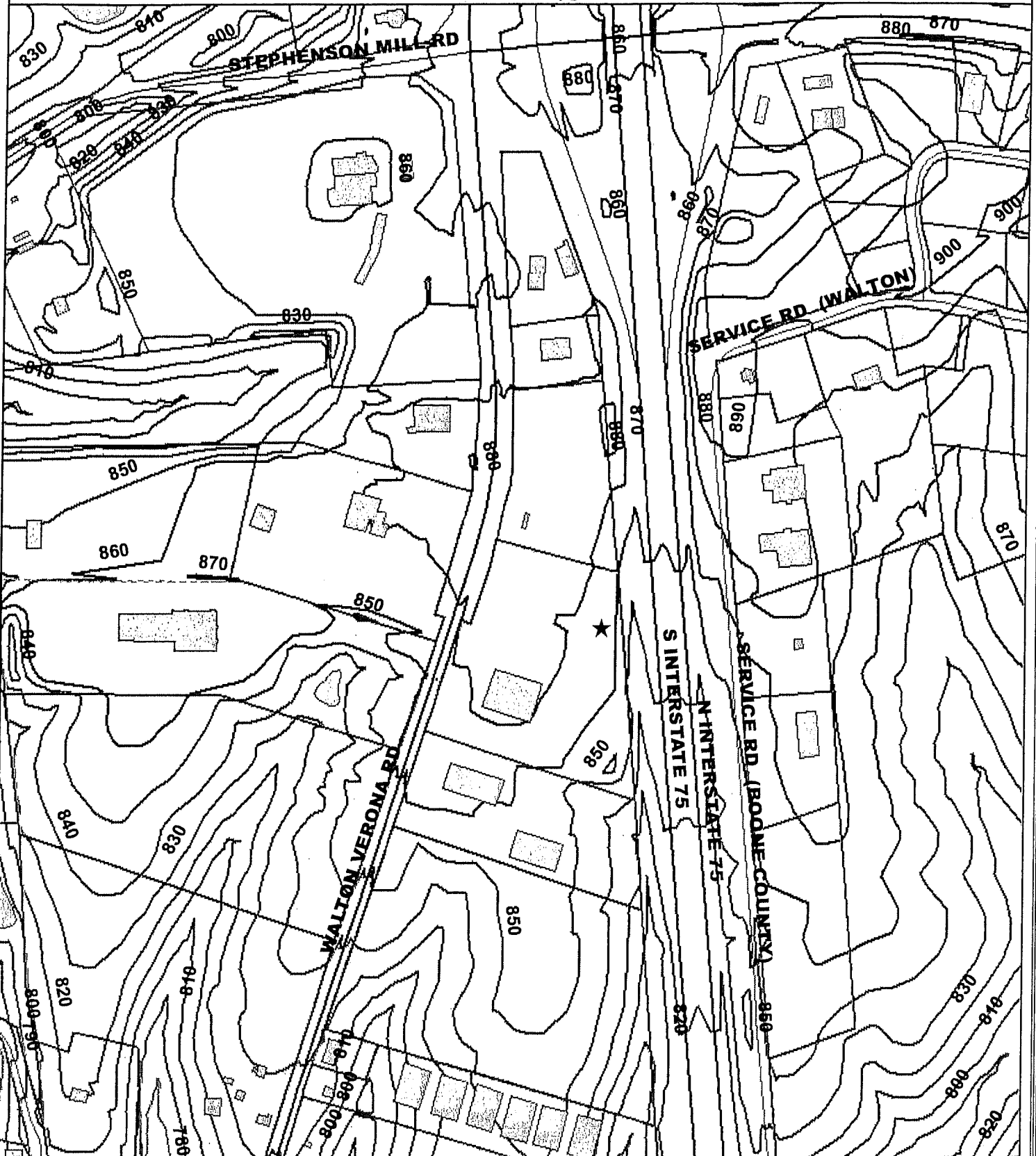
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**Boone County GIS - Putting Northern Kentucky on the Map**

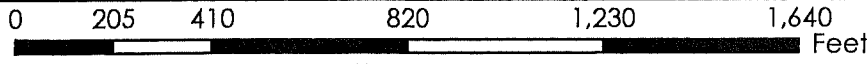
# TOPOGRAPHICAL MAP

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**Boone County GIS - Putting Northern Kentucky on the Map**

## Todd Morgan

---

**From:** Justice, Caroline M (KYTC-D06) [CarolineM.Justice@ky.gov]  
**Sent:** Friday, December 14, 2012 11:03 AM  
**To:** Todd Morgan  
**Subject:** RE: Trailer Marketing, Inc. - Electronic Sign

Yes, Central Office has approved the changes to the existing sign.

---

**From:** Todd Morgan [mailto:TMorgan@boonecountyky.org]  
**Sent:** Friday, December 14, 2012 10:42 AM  
**To:** Justice, Caroline M (KYTC-D06)  
**Subject:** Trailer Marketing, Inc. - Electronic Sign

Caroline:

Klusty Signs has submitted a Conditional Use Permit application to allow Trailer Marketing, Inc. to replace their 100 square foot electronic message center with a 153.13 square foot electronic message center (see attachments). The property is located at 13220 Walton Verona Road, Walton, KY. The Walton Board of Adjustment will hear the application on 1/10/13, at 6:30 PM. Has the applicant applied to the Kentucky Transportation Cabinet for approval since the sign overlooks I-75?

Thanks for your help.

Todd K. Morgan, AICP  
Senior Planner, Zoning Services  
Boone County Planning Commission  
(859) 334-2196

WALTON BOARD OF ADJUSTMENT  
WALTON CITY BUILDING  
BUSINESS MEETING  
July 20, 1999  
6:30 PM

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BOARD MEMBERS PRESENT:

Mrs. Rebecca Huth, Chairperson  
Mr. Bill Conatser  
Mr. David Wethington  
Mr. Wally Wireman

BOARD MEMBERS NOT PRESENT:

Mr. James Bridges

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Mrs. Huth, Chairperson, called the meeting to order at 6:30 P.M.

Approval of the Minutes:

Mrs. Huth stated that the Board members had received copies of the Minutes of the June 17, 1999 Meeting of the Walton Board of Adjustments. She asked if there were any comments or corrections. There being no changes to the Minutes, they were approved as mailed.

Agenda Items:

1. The request of Don Walters on behalf of Trailer Marketing, Inc. for a Variance to allow an increase in the height and square footage of a free-standing sign, and a Conditional Use Permit for an electronically changeable message board at 13220 Walton-Verona Road, Walton, Kentucky. The property is currently zoned Commercial Services (C-3).

Staff Member Mark Jordan presented the Staff Report which included a slide presentation (see Staff Report).

Mrs. Huth asked for the applicant's presentation.

Attorney Gerald Dusing introduced the owner of Trailer Marketing, Inc. (TMI), Mr. Robert Holzworth, and Mr. Don Walters with United Sign. Mr. Dusing stated that TMI should be able to have some exposure from the expressway. This is an issue of fairness. He showed a picture of the proposed sign in context with the existing Mills Fence sign, as well as a picture of the sign from the other side of the road.

Mr. Don Walters with United Signs in Cincinnati stated that they have done signs of all types and have been in business since 1964. He has been in the business for thirty years. He stated that their customers (the truckers) will be going by at 65 MPH on the interstate and do not know the business is there because of the trees. He stated that they sell their products and have a repair facility. The sign would advertise their specials. The proposed sign is based on the topography along the interstate and the distance at which the sign can be seen. A big factor is the treeline, and going southbound the overpass is also a factor. The top portion of the sign is 10' x 30' and is a truck with TMI on it. It will be internally illuminated and the entire 10' x 30' area has a flexible face. There are no seams to separate. The background is opaque and at night only the truck and the words will be illuminated. The electronic message center is underneath the 10' x 30' section and is a one-line section with 35-inch high characters, which gives about 1,600 feet of viewing distance. A vehicle traveling 60 - 65 MPH will have 20 to 30 seconds of viewing time. This unit will only change messages on a minimum of five-second intervals. It is the minimum size for interstate traffic. If it is smaller, it is a safety hazard because it is difficult to read. He referred to the drawing and noted a line in the trees that says "70 feet to the bottom". He stated that they tried it at 60 feet using a crane, but found that the sign would not be seen above the trees. Seventy feet is a critical point to make the sign readable. Mr. Walters reviewed his submitted written responses to the minimum standards and requirements listed on Page 2 of the Staff Report (see Exhibit 1 - letter from Donald J. Walters, United Signs, Inc. to Mr. Mark Jordan dated July 12, 1999). He stated that they feel this is the minimum size and height sign for this business at this location. They need the height to clear the trees and the size to be readable. He stated that TMI would be happy if the trees were not there -- then the sign could be lower and would cost less.

Mr. Wireman questioned the height of the proposed sign compared to the Mills Fence sign. Mr. Jordan responded that the Mills Fence sign is 77 feet high. A Variance was granted for that sign in 1987.

Mr. Walters stated that the trees have grown since 1987 and the Mills Fence sign is 50% hidden from the motoring public. TMI has a slight upgrade and when they held the panel up as a test, they found that they had to go to 92 feet.

Mr. Wethington asked if that is the lowest tree line on the property. Mr. Walters responded "yes" and added that they have 900 feet along the interstate and they picked the point where the tree blockage was the least.

Mr. Conatser commented that the trees are in the right-of-way and the applicant has no control over them. He noted that it has been twelve years and the Mills Fence sign is half covered.

Mr. Holzworth, the owner of TMI, stated that they started here in September, 1990 and the trucking industry has been good to them. They have grown from two people to thirty people and have provided jobs for local people. They want the sign to maintain and perpetuate the business. It is a marketing tool necessary to continue their business and make it grow. They still get calls from people asking where they are. He stated that there are some gaps in the trees and you can see the trailers, but driving at 65 MPH it is easy to miss them -- especially when the trees are in full foliage. He stated that the message board is important to advertise their specials and promotions. They are spending \$160,000 on this sign and they believe it is necessary. They do not want to do anything detrimental to Walton, to the highway, or to their business.

Mr. Wireman stated that he believes it was said that electronic signs were dangerous when Flying J was reviewed.

Mr. Walters stated that the Department of Transportation addressed that issue -- if it changes rapidly it would probably be dangerous, but not at intervals where you have time to glance up and not take your eyes off the road.

Mrs. Huth stated that the signs were turned off for a while during litigation. Counselor Wilson advised that there was litigation with the state and Flying J prevailed. The state argued the safety issue and the court found that the state did not have enough facts to justify that position. He stated that there have to be facts in the record to demonstrate that it would create a problem, you cannot just "suspect" it will create a problem.

Mr. Dusing stated that Flying J has rolling letters and they will agree to a condition that they would be in violation if there were rolling letters. He stated that there will be no animation, no rolling letters, and no flashing signs. He stated that the trees are there and they cannot cut them down. The experts say that this is the minimum height to have visibility above the trees. In 1987, Mills Fence need 77 feet and now it is twelve years later and the trees have grown. The Mills Fence sign is half covered up. He

stated that the treeline is justification for the sign. There would be no sense to having a 40' or 50' high sign behind the trees because it would not be visible. They are aware that there is a 201 square foot maximum sign face, but if it cannot be seen from a distance and at the driving speed, then a smaller sign is more of a detriment than one people can see and not take their eyes off the road. He stated that you can have an acre lot (200' x 200') and get a 30-foot high sign with a sign face not exceeding 201 feet. They have a 10.3 acre lot and the sign sits substantially back from the expressway and has to be seen above the trees. They have 900 feet of road frontage along I-75. They are doubling what is allowed, but they are more than triple in the size of their lot. Other landowners who do not have their physical barriers could have a 30-foot sign and be just as effective. Their sign is about 42% smaller than Flying J and a little bigger than the Mills Fence sign. Their sign is compatible and does not overwhelm the landscape. The difference between the Blue Beacon situation and their situation is that Blue Beacon got the benefit of the Flying J sign -- truckers would go to Flying J and could see there was a truck wash next door -- which worked against Blue Beacon's argument that they needed a taller sign. TMI is not a by-product of the Flying J location. They started across the street and moved to this side in 1990. They are an independent dealer with leading quality brands. Their market is independent truckers, not the big trucking companies. When truckers go by and see their sign, they may not want to buy at that time, but know where the facility is when they do buy -- but knowing that they can get a better interest rate may cause them to shop now. In regard to the criteria, he stated that it is a matter of fairness and equity -- someone should not get something more than someone else unless they can justify it.

Mrs. Huth questioned the ratio of new sales to repair work. Mr. Holzworth responded that sales is about 30%. He stated that they do a lot of warranty work. They sell new products, do the warranty work, and do repair work for their customers. They spend a lot of money on ads in trucking magazines. They advertise from the Rocky Mountains to the east coast. They do not deal with the fleet business. 95% of their customer base is the owner/operator.

Mrs. Huth asked if the same operators stop at Flying J. Mr. Holzworth responded "yes" and stated that they use Flying J as a reference to their location.

Mrs. Huth asked what type of sign they have now. Mr. Holzworth responded "none". Mrs. Huth stated that they have been there all this time without a sign and they are telling the Board that people do not know where they are. Mr. Holzworth responded that they get a lot of calls from people at Flying J asking where they are. Mr. Dusing stated that they have realized after nine years that it was a mistake not to have a sign. The Code allows them one free-standing sign.

Mr. Wireman commented that Mills Fence was allowed 77 feet and if this applicant is allowed 95 feet -- what will the next applicant want? The height just keeps going up and up.

Mrs. Huth asked if there was anyone present in opposition to the request. There being no response, she asked if there was anyone present in favor of the request.

Mr. Jordan read a letter received from Dana Morse at Blue Beacon in favor of the request (see Exhibit 2).

Mr. Bob Callahan, his wife Sandy, and his son Doug, owners of the 12.5 acre site across the street, feel that the request is reasonable and have no problem with the request.

Mr. Conatser commented that the sign has the ability to scroll and flash. Mr. Walters agreed, but noted that it can be set to only flash on a message and hold it -- and that is how it would be operated.

Mr. Wethington stated that the interstate is a suicide lane now -- anyone on the ramp north could get hit by a truck in the slow lane. Mr. Holzworth agreed that it is a death trap there, but added that one of the reasons for the height and width of the sign is that it is very readable without taking your eyes off the road for any period of time. Mr. Walters stated that a smaller sign would be a disservice to TMI and would impact the safety of the motoring public.

Mr. Wethington noted that there will be two numbers on the sign -- is the intent that the truckers write the numbers down or memorize them? Mr. Holzworth responded that the important thing is that the truckers see where they are and that they have a certain product available. He stated that they just started selling aluminum horse trailers and they want to advertise them. He stated that they have top of the line products.

Mr. Wireman noted the two foot space in the sign where there is no message. Mr. Walters explained that that space is there because it allows air to go through the sign and reduces the wind load. Also, if there is too much copy up against each other, it all runs together and people cannot read it. It is a critical space graphically and engineering wise.

Mr. Wethington stated that the applicant has bought property at a good price to be next to the interstate. The applicants across the road got their property cheaper. One reason to buy interstate property is to advertise next to the interstate. He stated that it is not fair to inhibit them from doing business. Mills Fence has lost the effect of their sign. He would not be against this sign and feels it makes sense. Mr. Wireman agreed, but is concerned that the signs keep getting higher. Mr. Conatser reviewed the computer-generated pictures provided by the applicant and stated that they

have made a good case. He stated that others can come in and want an increase in height because this applicant got it, but the Board does not have to grant that request. He asked for a condition regarding the flashing and scrolling.

Counselor Wilson stated that if the Board wants to impose that condition without regard to the need for it from a safety standpoint, the Board has the right to do that. Mr. Conatser responded that he is not sure a case can be made that it is dangerous based on Counselor Wilson's comments regarding the Flying J issue. He stated that if the sign changes too much, it cannot be read. The idea that they will leave it fixed for period of time makes sense.

In response to a question from Mr. Wethington, Mr. Walters stated that at night the only effect on the night sky will be the outline of the trailer and the TMI letters.

Mr. Wethington stated that the flashing concerns him and suggested an interval so that people do not have to look quickly. Mr. Walters responded that the sign will not scroll or flash too fast and will change within a time frame.

Counselor Wilson stated that the current regulations say "no less than five seconds" -- so it could be more.

Mr. Wethington suggested an eight second interval. Mr. Walters stated that they would like to keep it at five seconds.

Mr. Wethington moved to approve the request with the condition that the sign does not flash or scroll and changes approximately once every eight seconds.

Mr. Walters disagreed. He stated that the Code calls for a minimum of five seconds and they want to keep that. Mr. Wethington responded that five seconds is the minimum. Mrs. Huth commented that it is not known if making it eight seconds is better or more dangerous since by the time it changes people may be by it and miss the message.

Mr. Wethington commented that when it changes it flashes. Mr. Walters disagreed and stated that the message dissolves and fades and another one comes on.

Mr. Conatser stated that he does not have a problem with the five-second minimum. If they are spending this much money, they want the sign to be effective and they will adjust it upward depending on what is effective based on their research.

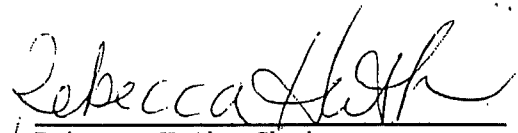
Mrs. Huth asked for a condition that if they move, the poles and sign go with them. She does not like to see the poles left. Mr. Dusing stated that if they were to leave this location, the new owner would likely come in to see if he could change the sign and would want the poles. He stated that they will agree that if there is no sign face,

they will take down the poles. Mr. Holzworth stated that if the sign were defunct, everything would come down.

Mr. Wethington moved to approve the request as submitted with the conditions that (1) the sign does not flash or scroll, and (2) the poles will be taken with the business if it moves or will be taken down if the sign is not functional for this business. Mr. Conatser seconded the motion and it carried unanimously.

There being no further business to come before the Board, Mr. Conatser moved to adjourn. Mr. Wethington seconded the motion. The meeting was adjourned by unanimous consent at 7:50 P.M..

APPROVED:

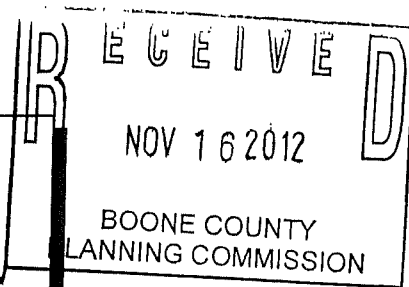
  
\_\_\_\_\_  
Rebecca Huth, Chairwoman

Attest:

  
\_\_\_\_\_  
Jan Hancock, Recording Secretary

APPLICATION FORM

BOARD OF ADJUSTMENT  
AND  
ZONING APPEALS ACTION  
BOONE COUNTY PLANNING COMMISSION



**FIVE (5) SCALED COPIES AND ONE (1) 11X17 REDUCTION OF SUBMITTED DRAWINGS ARE REQUIRED**

See Boone County Zoning Regulations

**SECTION A** (To be completed by applicant)

(Check One)

1.          Boone          Florence   X   Walton          Union

(Check One)

2.   X   Conditional Use Permit          Variance          Appeal  
         Change in Non-Conforming Use

3. Applicant's Name   Krusty Sign Associates Inc.    
Applicant's Address   3160 E. Kemper Rd., Ste B    
  Cincinnati     OH     45241    
City State Zip

Phone Number   513.772.4500   Fax No.   513.772.3101   E-Mail   m.wilson@krusty4sa.com  

4. Description of Request:   Replace existing electronic sign on interstate    
  re-use sign - remove 2Boag A. of signage - install 153.13 sq. ft. LED unit

5. Name of Development   Trailer Marketing Inc.

6. Location of Development   13220 Walton Verona Rd.    
  Walton, KY 41094

7. Acreage Under Review   6.87

8. Lot Number and Name of Subdivision (if part of a subdivision)

9. Owner of Property   TMI Properties

Address of Property Owner   P.O. Box 164  

10.   Walton     KY     41094    
City State Zip

Phone Number   859.485.1125   Fax No.          E-Mail   j.lafollette@  

11. Proposed Use(s) on Site            trailer marketing.net

12. Total Square Footage of Existing and/or Proposed Buildings

13. Current Zoning on Property   C2

14. Deed Book   536   Page No.   304   Group No.   2086A

15. Is the site subject to a zone change?   no

If yes, give date of approval         

16. Have you submitted a Site Plan with this request?   yes

17. Have you submitted a list of adjoining property owners with this request?   yes

18. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the   Boone County Zoning Regulations  .

ORIGINAL Property Owner's Signature:   Melody Wilson    
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature:           
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

TMI Properties  
P.O. Box 164  
Walton, KY 41094

2. ADDRESS OF PROPERTY

13220 Walton Verona Road  
Walton, KY 41094

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Trailer Marketing Inc.

4. DEED BOOK 536

PAGE NO. 304

GROUP NO. 2086A

5. TYPE OF RESTRICTION(S) (Check all that apply)

Zoning Map Amendment:  
From \_\_\_\_\_ To \_\_\_\_\_

Conditional Use Permit

Development Plan

Conditional Zoning

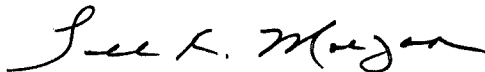
Subdivision Plat  
(Not Recorded)

Other:

Variance

6. NAME AND ADDRESS OF PLANNING COMMISSION; BOARD OF ADJUSTMENT, LEGISLATIVE BODY OR FISCAL COURT WHICH MAINTAINS THE ORIGINAL RECORDS CONTAINING THE RESTRICTION

BOONE COUNTY PLANNING COMMISSION  
2950 WASHINGTON STREET, ROOM 317  
P.O. BOX 958  
BURLINGTON, KENTUCKY 41005



SIGNATURE OF COMPLETING OFFICIAL

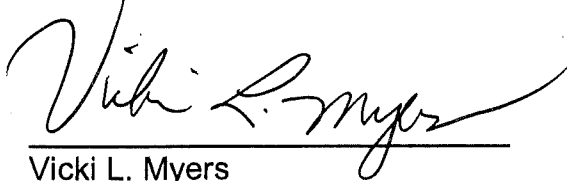
Todd K. Morgan, Senior Planner, Zoning Services  
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledged before me by Todd K. Morgan

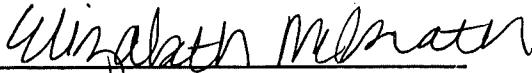
on behalf of the Boone County Planning Commission this 15th day of January, 2013.



Vicki L. Myers  
Vicki L. Myers  
Notary ID 438411  
NOTARY PUBLIC, State at Large

My commission Expires:  
April 17, 2015

This instrument was prepared for recording purposes only by:



Elizabeth McGrath  
Elizabeth McGrath  
Boone County Planning Commission  
2950 Washington Street, Room 317  
P.O. Box 958  
Burlington, Kentucky 41005

NO TITLE EXAMINATION

(Legal Description and source of Title and Group Number furnished by the applicant.)

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the Conditional Use Permit approved by the Walton Board of Adjustments and in accordance with the current zoning in effect as of January 10, 2013 Certificate of Land Use Restriction (#13-WBOA-001-A), for \_\_\_\_\_  
TMI Properties, Property Owner(s).

The following conditions will apply:

1. The message board shall only display alphanumeric messages.
2. All messages shall be displayed in red LED.
3. The electronic messages shall not run, flash, scroll, or have moving patterns or light or animation effects.
4. All messages shall be displayed for a minimum of 8 seconds.
5. The electronic message center shall have a 35 mm pixel pitch or higher resolution.
6. The electronic message board shall be equipped with a photocell and the messages shall dim as the sky gets darker.
7. Per the applicant's request, the increased sign area Variance from 7/20/99 is being modified to 484.51 square feet and cannot be reinstated. The overall sign area shall not exceed 484.51 square feet once the new electronic message board is installed.

The approved Conditional Use Permit as well as the preceding conditions apply to the property described in:

DEED BOOK 536 PAGE NO. 304 GROUP NO. 2086A