

**CAMPBELL COUNTY & MUNICIPAL BOARD OF ADJUSTMENT**  
**JANUARY 17, 2012**  
**7:00 PM**  
**AGENDA**

1. Meeting called to order
2. Roll call and determination of quorum
3. Approval of the December 20, 2011 meeting minutes
4. CASE: BA-09-11  
APPLICANT: SRS Petroleum Inc.  
LOCATION: 971 Kenton Station Road, Unincorporated Campbell County.  
REQUEST: Appeal the decision of the zoning administrator to deny a sign that is larger than permitted and includes an LED display.
5. Director's Report
6. Adjournment

**IF YOU CANNOT ATTEND THIS MEETING PLEASE CALL  
PLANNING & ZONING COMMISSION AT (859) 292-3880**

The Board will make every reasonable accommodation to assist qualified persons in attending the meeting, if there is a need for the Board to be aware of, contact the office.

**CAMPBELL COUNTY & MUNICIPAL BOARD OF ADJUSTMENT  
MINUTES OF THE JANUARY 17, 2012 MEETING**

**MEMBERS PRESENT:**

Mr. Scott Bachmann  
Mr. Roger Mason, TPO  
Mr. Dave Schaber, Vice Chair  
Mr. Justin Verst, Chair

**MEMBERS ABSENT:**

Ms. Connie Schweitzer

**STAFF PRESENT:**

Mr. Peter Klear, AICP, Director  
Mr. Ryan Hutchinson, Planner  
Mr. Michael Duncan, Legal Counsel  
Ms. Stephanie Turner, Recording Secretary

Mr. Verst called the meeting to order at 7:05 PM. Mr. Verst asked for a roll call. Following roll call, a quorum was found to be present. Mr. Verst asked if everyone had read the December 20, 2011 meeting minutes and if there were any questions or corrections. There being none, Mr. Verst called for a motion. Mr. Schaber made a motion to approve the minutes as submitted. Mr. Mason seconded the motion. A roll call vote found Mr. Mason and Mr. Schaber in favor. Mr. Bachmann and Mr. Verst abstained. Motion passed.

Mr. Verst introduced case #BA-09-11, SRS Petroleum Inc., who is asking for an appeal to the decision of the zoning administrator to deny a sign that is larger than permitted and includes an LED display. Mr. Hutchinson presented the staff report as follows:

<b>CASE:</b>	BA-09-11
<b>APPLICANT:</b>	SRS Petroleum Inc.
<b>LOCATION:</b>	971 Kenton Station Road, Unincorporated Campbell County.
<b>REQUEST:</b>	Appeal the decision of the zoning administrator to deny a sign that is larger than permitted and includes an LED display.

Staff has reviewed the request and finds as follows:

**DESCRIPTION OF REQUEST:**

The applicant, SRS Petroleum Inc., is requesting an appeal of the decision of the zoning administrator to install a non-conforming sign in the A-1 zone. The sign is non-conforming because it exceeds the maximum size of a 12 sq. ft. for a class 4 sign and contains an LED display.

**CONSIDERATIONS:**

1. The site in question is currently occupied by a pre-existing non-conforming gas station in an agricultural zone. Surrounding land uses are single-family residential.
2. The Recommended Land Use Map of the 2008 Campbell County Comprehensive Plan identifies the site and surrounding areas for rural mixed use.
3. The property is currently zoned Agricultural One (A-1).

4. A review of the public records indicates no previous conditional use and variances granted by the Board of Adjustment for this site.
5. The specifications for a Class 4 sign shall be only business and identification signs, as defined herein.
  1. Structural Type - Only one (1) of the following signs are permitted in this class per each individual use: Flat, window or ground sign, as defined herein
  2. Maximum Size Of Sign - Twelve (12) square feet in outside area, except as specified in Subsection D (4) of this section.
  3. Maximum Height Above Grade At Top Of Sign - Twenty (20) feet
  4. Limitations On Number Of Signs - The total outside area of all signs in a single designated land area shall not exceed in square feet the product of the number of acres, or fractions of acres, in the designated land area multiplied by twenty-five (25), provided however, that the aggregated area of any such sign or signs shall have an outside area of at least six (6) square feet, and provided further, that no single sign shall have an outside area of more than thirty-five (35) square feet on premises of already developed use or an area of not more than seventy-five (75) square feet on premises not developed.
  5. Other Limitations
    - a. Shall not be animated; may be illuminated, but only from a concealed light source and only until 10:00 P.M.
    - b. Shall be temporary only; for advertising development, new construction, or the sale, lease, rental, remodeling and rebuilding of designated structures or a designated land area. Permits shall be temporary, and shall be valid for a period not exceeding one hundred eighty-two consecutive calendar days, but are renewable one time only for an additional one hundred eighty-two consecutive calendar days. Such signs shall be removed within ten (10) consecutive calendar days after the completion of the project.
    - c. Shall be located only on the premises of the property being referred to.
    - d. No part of any ground sign shall be closer than five (5) feet from any property line.
6. The submitted drawings indicate the following:
  - a. The applicant is proposing a two part sign, the top portion is for Clark gas and that is 6 feet 2.5 inches tall by 6 feet 1 3/8 inch wide (37.96 sq.ft.) The lower sign includes 18 inch tall LED sign for gas prices and a total board sign of 5 feet 2 inches by 6 feet 1 3/8 inch wide (31.59 sq.ft.). The total sign size 69.55 sq. ft. (Permitted sign size is 12 sq. ft & LED is not permitted).
  - b. The proposed drawing that is submitted is not to scale.
  - c. The proposed height is 20 feet.
  - d. The proposed ground clearance is 8.55 feet.

**ALL REQUESTS:**

1. The applicant shall submit and/or present factual evidence demonstrating:
  - a. That the proposed use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general well being of the neighborhood or the community.

*"We are requesting a variance of 57.55 square feet in signage area. This allows the location to have signage similar to competing businesses (other gas stations). To reduce in size would*

*make visibility difficult for passing motorists. This improved visibility would reduce the traffic hazard created by motorists searching the property for a price sign."*

- b. That such use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.

*"We are requesting a variance for illuminated signs. We would like to install an LED sign which is the industry standard. Nearly every price sign from I275 to Grants Lick is an LED. This type of sign is non-intrusive lighting with respect to neighboring properties."*

- c. That such use will comply with any regulations and conditions in this ordinance for such use.

*"We are requesting a variance for ground clearance of an additional 5.5 feet. This will allow the sign to be 20 feet in overall height. This is very important since the location sets below the level of the bridge immediately in front of the store on KY RT 27. The height will place sign at road level. This sign is smaller than the previous sign at this location."*

2. Per Section 18.6 Variances: Change from one nonconforming use to another, conditions governing applications: procedures.

DIMENSIONAL VARIANCES: Before any dimensional variance is granted, the Board of Adjustment must find all of the following, which shall be recorded along with any imposed conditions or restrictions in its minutes and records and issued in written form to the applicant to constitute proof of the dimensional variance. Such dimensional variance shall not be granted by the Board of Adjustment unless and until:

- a. That the requested variance arises from special circumstances exist which do not generally apply to land in the general vicinity, or in the same zone.

*The applicant stated "This property is a gas station in an agricultural zoned area. It will require special signage requests that do not pertain to the area normally."*

- b. That the manner in which the strict application of the provisions of this Ordinance would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant.

*The applicant stated "The requested variances to the sign ordinance are necessary to this type of business. In order to compete with similar businesses located along KY. Rt. 27, this business requires a sign to advertise current prices. The industry standard is a street price sign allowing an easy viewpoint for passing motorists. Without this sign, the business would experience a significant handicap against other competing gas stations in the area which have these signs."*

- c. That the circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

*The applicant states "There was a sign previously which existed in the position this sign will be located. It was a larger and higher sign than the one being requested. It was taken down by state contractors performing road and bridge work in front*

*of the station. This sign existed prior to the current zoning regulations, but was taken down through no action of the current owner.”*

- d. Reasons that the variance will not allow unreasonable circumstance of the requirements of the zoning regulations and will not alter the essential character of the neighborhood.

*The applicant states “This sign is actually smaller than other signs located within this zoning area, so it should not be unreasonable to request the variance. It will not impact other properties in the area, as it lies between the station and the road. It should be no obstruction to any views in the area.”*

- e. That granting the variance requested will not confer on the applicant any special privilege that is not conferred by this ordinance to other lands, structures or buildings in the same zone. No nonconforming use of neighboring lands and structures in the same zone shall be considered grounds for the issuance of a variance.

*The applicant states “As stated previously, there are other signs in the area actually larger and using LED technology. This variance is not requesting more than has been granted to other properties in the area. We realize that other properties are not a justification, but would ask that it be considered for competitive purposes.”*

- f. That the variance requested will not adversely affect the public health, safety, or welfare, will not adversely alter the essential character of the general vicinity, and will not cause a hazard or nuisance to the public.

*The applicant states “This sign will not adversely affect the surrounding area. It will raise the sign to road level allowing motorists easy view of gas prices. Locating the sign in other areas of the property or making it smaller could provide a distraction for motorists searching the property for a price sign while driving past the location. The LED technology is a non intrusive light for surrounding properties, yet allows customers easy visibility of the prices.”*

- g. That the variance will be in harmony with the general purpose and intent of the Zoning Ordinance as well as the Adopted Comprehensive Plan for the County.

*The applicant states “This sign is designed to be state of the art and aesthetically pleasing to the image of the station and surrounding area. It will be well maintained and the LED technology allows the owner to easily change prices as opposed to a placard sign.”*

- 3. Per Section 18.6, A., 2., Notice: Notice of public hearing was given in accordance with Section 18.2 of the Campbell County Zoning Ordinance.
- 4. According to Section 18.6, A., 4., the Board of Adjustment must find that the granting of the variance will be in harmony with the general purpose and intent of the Ordinance as well as the adopted Comprehensive Plan, and will not be injurious to the neighborhood, or otherwise, detrimental to the public welfare.

### **STAFF RECOMMENDATIONS:**

1. To **deny** the request to install a 69.55 SQ. FT sign in the A-1 zone
2. To **deny** the request to install an LED reader.

### **BASES FOR STAFF RECOMMENDATION:**

1. Per Article XIV of the Campbell County Zoning Ordinance, the proposed sign exceeds the maximum size of signs permitted within the A-1 Zone.
2. According to Campbell County Zoning Ordinance Section 14.1., M. General Rules, Regulations and Limitations: "No sign shall be erected, maintained or continued displaying flashing or intermittent lights, or lights, or lights of changing degrees or intensity except a sign indicating time or temperature..."
3. The property is zoned A-1. Gas stations are not permitted uses within the A-1 Zone. Thus, the gas station is a non-conforming use. Per Section 9.12 B 1. of the Campbell County Zoning Ordinance, "no nonconforming use or structure may be enlarged or extended... unless and until the use is brought into conformance with all the provisions of this ordinance."

Mr. Hutchinson concluded his report by asking if there were any questions for staff that he could answer. Mr. Mason asked if the property abutted the new state right of way. Mr. Hutchinson replied that it did. Mr. Mason asked if there were any photos of the previous sign. Mr. Hutchinson stated there were none submitted to staff. Mr. Mason asked for confirmation that if the applicant had left the sign in place and were just replacing the face plates if this would be "grandfathered" in. The issue is because the sign was completely removed and now has to be relocated. Mr. Klear replied that was correct. If the applicant was just replacing the face plates, it would be considered maintenance to a legal nonconforming use. The change in location and the request for the LED display are issues that require conformance with the Zoning Ordinance.

Mr. Mason asked about the applicant's request for a variance of the ground clearance of 5 ½ feet. Mr. Hutchinson stated that when the denial of the sign permit was issued to the applicant by the building inspector, there was language that a class 7 sign has a minimum ground clearance of 10 feet. This was initially a part of our discussions with the applicant; however, this is no longer an issue as this is not a class 7 sign and as the Zoning Ordinance does not require a minimum ground clearance. Even if the Board were so moved, they could not grant a variance of ground clearance.

Mr. Mason asked if the neighboring area was residential and who are the adjoining neighbors. Mr. Hutchinson replied that it was primarily residential as this is an agricultural zone. The resident is the only adjoining neighbor as Mr. Hutchinson does not consider across the street to be adjoining. The applicant owns the property to the west. Mr. Mason commented that, in order to bring this location into true compliance, the property would actually have to apply for a zone change. Mr. Hutchinson replied that was correct and added that the previous owner had explored that option, but could not obtain the necessary five acres to meet the minimum requirement for a zone change application. Mr. Mason asked for the acreage of the applicant's property. Mr. Hutchinson stated it was approximately one acre.

Mr. Verst asked if the difficulty of the zone change was because it would be like a stand alone zone and would have to have five acres. Was the problem getting the five acres because everything surrounding the location was agricultural or because the desired zone did not match any other commercial zone in that vicinity? Mr. Hutchinson replied because everything surrounding that location was residential/

agricultural. Mr. Schaber asked what the Comprehensive Plan recommended for that area. Mr. Hutchinson stated it was Rural Mixed Use. Mr. Schaber asked for details of the description of the Rural Mixed Use. Mr. Klear began looking up the requested information for Mr. Schaber.

Mr. Bachmann asked what other gas stations were in that vicinity along that route as referenced by the applicant's responses. Mr. Hutchinson stated there was a UDF, but it was actually located in the zoning jurisdiction of the City of Alexandria. Mr. Hutchinson replied there was a Hawk station that was renamed into a Marathon that had a sign that was redone by the State. When the State does their sign, they are not obligated to follow the county standard. There was some discussion on a recent case that had an LED display that was approved and their discussion on allowing that display. Mr. Schaber advised Mr. Klear looking up the Rural Mixed Use was probably a moot point because the applicant has less than five acres anyway there is no hope to apply for a zone change. Mr. Klear stated that was correct. Mr. Klear continued that he believed that particular gas station was in a commercial zone as well and not agricultural. Mr. Bachmann replied that he could not find where a class 7 sign was allowed in any zone. Mr. Klear replied that it was allowed in a shopping complex where there were three or more individual stores. Mr. Verst asked for a clarification that the other sign shown at the gas station for chicken and pizza. Mr. Hutchinson replied that the chicken and pizza are items sold within the gas station. Mr. Klear clarified the individual stores must have their own entrances, etc. Mr. Klear located the information on Rural Mixed use and wanted to remind the Board as well as to make certain that the applicant understood what the purposed of a Rural Mixed Use was intended to accomplish.

**“Rural Mixed Use** – The development of land, building or structures that includes a variety of complimentary and integrated uses such as, but not limited to: residential, agricultural, agri-tourism, office, light manufacturing, local retail, public, or recreational and entertainment uses in an environment that provides or maintains large amounts of open space and green areas.”

Mr. Mason asked where Mr. Klear located that information in the Comprehensive Plan. Mr. Klear stated it was on page 120. Mr. Bachmann asked if this property would be eligible for zone change to Rural Commercial if he were able to meet the five acre minimum. Mr. Klear replied that was correct. Mr. Verst asked if those houses were still present across the street and if the residential neighbors across the street from the location were notified of this request. Mr. Hutchinson replied they were not. Mr. Hutchinson replied that only adjacent property owners were notified and across the street is not considered adjacent in his opinion. Mr. Mason asked why they were not notified as he considers they would be affected. Mr. Hutchinson stated because the road divides their properties and they are therefore not side-by-side that it is his opinion that they are not adjoining properties.

Mr. Mason asked where the location of the new sign would be. Mr. Hutchinson stated staff is not 100% certain where the location of the new sign would be. The applicant submitted some drawings but they were illegible. Officially, they are only appealing the Zoning Administrator's decision at this time. If the appeal were to be granted, the applicant would be required to submit a site plan reflecting the location of the sign at which time the Commission would be able to review and recommend any restrictions they deemed necessary. Mr. Verst asked if they would be required to submit the site plan regardless of what type of sign they put up. Mr. Hutchinson replied that was correct.

Mr. Bachmann asked, if the State had not taken down the sign the only thing the Board would be considering would be the LED display, is this correct? Because the applicant is stating the sign is going to be smaller than what was there previously. Mr. Hutchinson stated that the applicant is stating the sign is going to be smaller than what was there previously, but staff is unable to confirm this. They also say they are using the same poles to put up the new sign. If the new sign is smaller, how are they using the same poles? Wouldn't they need smaller poles? Mr. Verst stated the question can be asked of the

applicant. Mr. Hutchinson stated that would be best. Staff just doesn't have enough information to determine the size of the previous sign to state the sign is really getting smaller.

Mr. Verst asked if there were any other questions for staff. There being none, Mr. Verst asked the applicant to come forth and identify themselves for the record. Mr. Lance Wolf, representative for the Duncan Oil Co., the supplier for the site in question, and Mr. Mitesh Patel, applicant, came forward. Mr. Wolf began by explaining that the cheapest way to operate the site is to recycle the products as much as possible. The poles from the previous sign which was taken down by the State because it was in their right of way will be cut down to 21-22 feet. Mr. Wolf was told the previous sign was a typical BP Oil three price sign which is a fairly large sign. The one they want to replace it with is a single price sign and is one of the smaller signs in the industry when set on a pole.

Mr. Wolf stated the Marathon sign up the road is a larger sign than this. He doesn't know if they had a variance, but it is larger than what they are proposing. This is just your typical sign to allow Mr. Patel an opportunity to compete and to do business. Mr. Wolf stated he doesn't know if he can reduce the size of the "Clark" portion of the sign, but he will check into it in order to make it a smaller sign. The LED portion of the sign is just an industry standard at this point to make it safer to change the price of gas. It is safer, more visible, doesn't shine into the distance, doesn't flash, and isn't considered to be disturbing. It's just a steady light. It's safer and more efficient.

Mr. Verst asked about the location of the new sign. Mr. Wolf stated he believes the location of the new sign is supposed to be pulled back away from the property line so that it does not encroach on the right of way. In the slide shown by Mr. Hutchinson, it is located where the blue barrels are located. Mr. Verst asked Mr. Hutchinson to return to that slide which he did so. Mr. Wolfe stated he did not rework the site plan for staff because they did not want to invest any additional funds into the plan work if they were not going to be granted the appeal. Mr. Mason asked for confirmation that the blue barrels were where the new sign is to be located. Mr. Wolf stated it would be a better location for the motorist to see the pricing.

Mr. Verst asked if the State offered to put the sign back up since they were the ones to take it down. Mr. Wolf stated he was not aware of any such offer. Mr. Patel stated he was not aware of any offer either. Mr. Duncan asked if there was anyone in the room that could give testimony as to the height and size and dimensions of the previous sign. Mr. Wolf stated he was not the supplier at the time the previous owner was in service at that location. He did not see the sign up and standing. The poles are 21 feet high. Mr. Patel stated that when he purchased the property from the bank he was told the sign was in the garage. The previous owners had apparently gone into foreclosure on the property. Mr. Patel stated that the poles were in the garage, but the sign itself was gone. Mr. Wolf stated he was told it was the BP Oil three price sign which is a very large sign in their industry being typically 8 to 10 feet wide. Mr. Duncan explained that if the applicant could prove that the previous sign in existence was larger than the sign they are now requesting and if you had evidence of that, then you could show this Board there was a pre-existing non-conforming use and at least from the size stand point you're asking for something less; however, without pictures or testimony of that, this Board cannot act upon that evidence and must decide upon the facts before them. Mr. Wolf asked when they would have to present any evidence they locate. Mr. Klear stated tonight is their hearing and any evidence or testimony was to be heard tonight. Mr. Verst asked the Board if they had any questions for the applicant. There being none, Mr. Verst advised the applicants to be seated.

Mr. Verst opened the floor for discussion among the Board. Mr. Verst asked Mr. Duncan to reiterate his previous comment about the pre-existing, non-conforming use. Mr. Duncan stated the Board has to take for granted that this property is a pre-existing, non-conforming use, and if there was a sign attending to that use, it would also be pre-existing, non-conforming. Under Kentucky state law, pre-existing, non-conforming uses have property rights. Those property rights continue until they wither away. The intent

of the zoning law is that non-conforming uses will eventually go away. If the intent of the property owner was to take down the sign and abandon the non-conforming use, the use would go away forever and the conformance to the Zoning Ordinance would be immediate; however, we can all see what is going on that this non-conforming use was not abandoned voluntarily, nor was the sign removed voluntarily by the previous owner. If there was testimony, pictures or evidence of any other means, the Board would have leeway to allow for a sign that is smaller than was previously on site, but larger than permitted based on the Zoning Ordinance as a change to a pre-existing non-conforming use. Mr. Schaber commented that it would be a change to a non-conforming use that is less intense. Mr. Duncan agreed and continued that as this is an appeal the Board has the option to deny the request and allow the applicant to appeal the Board's decision. Mr. Klear agreed it was an appeal of the zoning administrator's decision. Mr. Klear stated he is not certain why the variance language is present throughout the report, but it is an appeal of the zoning administrator's decision. It is Mr. Klear's professional interpretation that you cannot request a variance for a sign. Rather than deal with that ambiguity, we processed this request as an appeal. Mr. Duncan stated that the Board can make a decision tonight to deny and the applicant can still come back with a request to change from one non-conforming use to another. Mr. Mason stated there has to be photographs somewhere out there of that sign, but he does not feel it is the Board's responsibility to locate those photos for the applicant.

Mr. Verst stated if the Board is considering an appeal, the options before the Board, is to uphold the decision of the zoning administrator by denying the appeal or overturn the zoning administrator's decision. Mr. Klear stated that overturning the zoning administrator's decision did not necessarily mean granting them the sign they are asking for. Mr. Verst asked if they could overturn the zoning administrator's decision for a sign that is a smaller size sign. Mr. Klear replied that option was available to the Board. Mr. Verst stated he was struggling to remember the language that was used in previous approvals of the LED display for a gas station. Mr. Klear stated that he believed the Board made a determination that the LED display was not intermittent or flashing. Mr. Schaber stated he believed that the LED display was not intense, less obtrusive and offensive, was not intermittent or flashing. Mr. Klear replied that was ok. Mr. Hutchinson replied that the Marathon was also reducing their sign square footage and was in a commercial zone. Mr. Schaber replied we are comparing apples to oranges here. These situations really have little in common. Mr. Hutchinson agreed. Mr. Schaber stated there was a sign that existed on site before. It may have been bigger before. We may be able to consider it a reduction if we had the evidence in front of us. We do not. Mr. Verst stated we are looking at the second element of LED display, but we haven't moved past the first part. Mr. Schaber stated it would all be a wash if they can't get the sign to begin with. Why worry about LED if you don't have a sign to hang it on?

Mr. Mason asked if it should be an issue that is tabled to allow the applicant additional time to produce evidence if it is available. Mr. Mason asked if there would be additional fees for the applicant to reapply. Mr. Klear replied there would. Mr. Verst asked if the Board would want to discuss the LED element so that it was one less thing to delay a decision at the next meeting. Mr. Schaber stated that in his opinion LED is newer technology than what was available at the time of the revision of the Zoning Ordinance. Mr. Schaber does not have believe LED is in violation of the intent of the Zoning Ordinance which was to prevent the sharp, intrusive, bright lights that would invade residential homes surrounding the business. Mr. Verst agreed. Mr. Schaber stated he reserved the right to change his mind in the future. Mr. Verst asked if any other Board members had any comments regarding the LED. There were none.

Mr. Verst asked if the general consensus of the Board was to table to case to allow the applicant additional time to pursue evidence pertaining to the existence of a pre-existing, non-conforming sign. The Board agreed. Mr. Verst asked the applicant if they would be in agreement with the Board tabling the case to allow them additional time to pursue additional evidence to support their request. Mr. Wolf agreed they would. Mr. Verst asked staff is they would be in agreement with the tabling of the case. Mr.

1 Klear stated that staff would be in agreement, but asked that the Board give additional information as to  
2 the standards of evidence they are requesting. Why type of evidence would be appropriate? Mr. Duncan  
3 stated that the Board must act on substantial evidence. Mr. Mason stated he bets someone across the  
4 street has a picture of their kids in the front yard with the sign in the background. Mr. Klear stated there  
5 is a vast difference in someone just having a picture of a sign and a vendor giving exact measurements.  
6 Mr. Schaber stated that the State usually takes exceptionally good measurements of their projects and  
7 work requests. He can't believe they don't have anything on file about the sign they requested be taken  
8 down. Mr. Verst stated it has to be left to the applicant to do the best job they can to gather the  
9 information they can to present to the Board.

10  
11 Mr. Wolf asked how the applicant presents the evidence to the Board. Do they give the information to  
12 staff or do they just show up at the next meeting and present the information? Mr. Klear stated that was  
13 the next question. How can staff evaluate the information if they just show up at the meeting? It would  
14 best serve the Board to have the information sent to staff so we can review this information on behalf of  
15 the Board and give a summary to the Board prior to the meeting. Mr. Verst stated that the applicant  
16 should present the information to the staff so that they (the applicant) can get a level of comfort with the  
17 information they have and how to pursue any additional requirements that may be necessary. Mr.  
18 Schaber stated it would also be necessary so staff can prepare the legal notice. Mr. Duncan and Mr. Klear  
19 both agreed that by recessing or tabling the case tonight to a future meeting there would be no legal  
20 requirement to post a second legal notice. Mr. Klear suggested that since today is the due date for the  
21 February meeting that the case be tabled until the March meeting provided the applicant could provide the  
22 evidence in time. Mr. Hutchinson stated that he would like time to not only review the data that they  
23 supply, but to field confirm any measurement data if possible. Mr. Verst agreed and advised the applicant  
24 they should supply the evidence to staff as soon as they could possibly obtain it. Mr. Bachmann asked  
25 about the smaller sign with the pizza and chicken advertisement. Were they part of the pre-existing non-  
26 conforming use? Mr. Klear replied they were not. Those signs did not exist until very recently. Staff  
27 will be addressing those signs with the applicant separately because he did not obtain the proper permits  
28 to install those signs. Mr. Klear stated those signs were not part of the original request made by the  
29 applicant and staff was unaware of their existence until a recent site visit just prior to our meeting.

30  
31 Mr. Schaber asked if they want to close the public hearing. Mr. Duncan stated that you would not close  
32 the public hearing, but rather "recess" the public hearing until the future date selected. Mr. Verst asked if  
33 there was a motion. Mr. Schaber made a motion to recess the public hearing until March 20, 2012  
34 meeting of the Campbell County & Municipal Board of Adjustments. Mr. Mason seconded the motion.  
35 A roll call vote found Mr. Bachmann, Mr. Mason, and Mr. Schaber in favor. Mr. Verst abstained.  
36 Motion passed.

37  
38 There being no other items of action before the Board, Mr. Verst recognized Mr. Klear to present the  
39 Director's Report.

#### 40 41 **DIRECTOR'S REPORT**

42  
43 Mr. Klear advised the Board that Mr. Paul Johnson had resigned his position on the Board to accept a  
44 position on the Library Board which meets the same night. When Mr. Johnson originally accepted the  
45 position with the Board of Adjustment he had originally expressed interest in joining the Library Board,  
46 but there were no current positions available. Mr. Johnson expressed his condolences in not being able to  
47 be present to let the Board know how much he enjoyed working with the other members of the Board and  
48 how much he learned from them.

Mr. Klear also reminded the Board that Ms. Fran Reitman's term expired on January 5<sup>th</sup> and she did not seek reappointment. Mr. Klear spoke highly of the years of service Ms. Reitman devoted not only to the Board of Adjustment but also to the Planning and Zoning Commission.

The final item Mr. Klear had for the Board is the election of officers. Our By-Laws state we should select our Nominating Committee. In December, after discussion among the Board, it was determined the Nominating Committee would be dismissed. At this time, we need to discuss the nomination and election of officers.

After general discussion among the Board, Mr. Verst called for a motion. Mr. Schaber made a motion to elect Justin Verst as Chair, Dave Schaber as Vice Chair and Roger Mason as Temporary Presiding Officer. Mr. Verst, Mr. Schaber and Mr. Mason accepted their nominations. Mr. Bachmann seconded the motion. A roll call vote found Mr. Bachmann, Mr. Mason, and Mr. Schaber in favor. Mr. Verst abstained. Motion passed.

Mr. Verst asked Mr. Klear if there was anything that could be done in recognition of Ms. Reitman's service to the community. Mr. Klear stated November 7<sup>th</sup> each year is World Town Planning Day. In past, in recognition of members who have made tremendous contribution to our community, Mr. Klear has asked the Fiscal Court issue a proclamation to recognize that person on that day. Mr. Klear stated he would request that the Fiscal Court declare November 7<sup>th</sup>, 2012 as Fran Reitman World Town Planning Day in Campbell County. Mr. Verst stated that would be a wonderful gesture, but he would also like to see a plaque prepared for Ms. Reitman to recognize her service to Campbell County. The general consensus of the Board was in agreement that they would purchase the plaque. Mr. Klear stated he would have something drafted for their approval at the time of their next scheduled meeting.

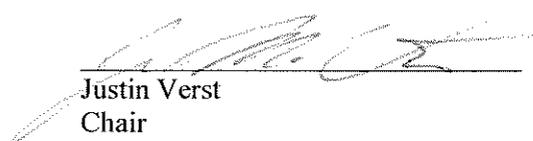
Mr. Verst asked if the Board had any other matters to discuss. There being none, Mr. Verst called for a motion to adjourn. Mr. Schaber made a motion to adjourn the meeting. Mr. Mason seconded the motion. An oral vote found all in favor and none opposed. Motion passed. Meeting adjourned at 8:14 PM.

Prepared by:



Peter J. Klear, AICP  
Director

Approved:



Justin Verst  
Chair