

**CAMPBELL COUNTY & MUNICIPAL BOARD OF ADJUSTMENT
DECEMBER 17, 2013
7:00 PM**

AGENDA

1. Meeting called to order
2. Roll call and determination of quorum
3. Approval of the November 19, 2013 minutes
4. **FILE NUMBER:** BA-06-13
APPLICANT: Morning Star Partners LLC
LOCATION: A 1.97 acre area located at the south east corner of AA Hwy and Ivor Rd, Unincorporated Campbell County KY.
REQUEST: The submitted request is for approval of a variance for parking being located within the required setback areas along the north and west sides of the proposed site plan.
5. Director's Report
6. Adjournment

**IF YOU CANNOT ATTEND THE MEETING,
PLEASE CALL THE P&Z OFFICE AT 859-292-3880.**

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

**CAMPBELL COUNTY & MUNICIPAL BOARD OF ADJUSTMENT
MINUTES OF THE DECEMBER 17, 2013 MEETING**

MEMBERS PRESENT:

Ms. Sharon Haynes
Ms. Connie Schweitzer
Mr. Joseph Williams
Mr. Michael Williams
Mr. Roger Mason, TPO
Mr. Dave Schaber, Vice Chair

MEMBERS ABSENT:

Mr. Justin Verst

STAFF PRESENT:

Mr. Ryan Hutchinson, Planner
Mr. Michael Duncan, Legal Counsel
Ms. Stephanie Turner, Recording Secretary

Mr. Schaber called the meeting to order at 7:02 PM and asked for a roll call. Following roll call, a quorum was found to be present. Mr. Schaber asked if everyone had read the November 19, 2013 meeting minutes and if there were any questions or corrections. There being none, Mr. Schaber called for a motion. Mr. M. Williams made a motion to approve the minutes as submitted. Ms. Haynes seconded the motion. A roll call vote found Ms. Haynes, Mr. J. Williams, Mr. M. Williams and Mr. Mason in favor. Ms. Schweitzer and Mr. Schaber abstained. Motion passed.

Mr. Schaber introduced case #BA-06-13, by applicant Morning Star Partners LLC, at the location of a 1.97 acre area located at the south east corner of AA Hwy and Ivor Rd, in the Unincorporated Campbell County, with a request for approval of a variance for parking being located within the required setback areas along the north and west sides of the proposed site plan. Mr. Hutchinson presented the staff report as follows:

CASE: BA-06-13
APPLICANT: Morning Star Partners, LLC
LOCATION: A 1.97 acre area located at the south east corner of AA Hwy and Ivor Rd, Unincorporated Campbell County KY.
REQUEST: The submitted request is for approval of a variance for parking being located within the required setback areas along the north and west sides of the proposed site plan.

Staff has reviewed the request and finds as follows:

DESCRIPTION OF REQUEST:

The applicant is requesting to encroach into the front yard setback with the parking lot in two locations. The first location is 6 feet and the second location is 7 feet both variances are in the front yard setback. The minimum setback for the parking is 15 feet.

CONSIDERATIONS:

1. This site and surrounding land is occupied by commercial, single-family residential and vacant land.

2. The property is currently zoned Highway Commercial and Industrial Mining (HC-IM). The minimum front yard setback is 50' feet, side is 15' feet, rear is 25' feet. A corner lot is considered to have two front yards and does not permit a fence to be located within the yards that abut a street.
3. A review of the public records indicates there are no previous Board of Adjustment (BOA) cases for this property.
4. The submitted drawings indicate the following:
 - a. The site plan shows the proposed Family Dollar located 78.62' feet from the property line.
 - b. The site plan shows steep topography of 20% or greater along the south east portion of the site.
 - c. Parking is permitted to be located 15' feet from the edge of right of way in the HC Zone. The drawings show ROW from the centerline of Ivor Road to the property is 57' feet and 117' feet from the center of AA Highway. This is an irregular ROW larger than the minimum 50' feet required along local streets and 80' feet total along arterial streets.
 - d. The applicant is proposing to encroach 9' feet into the front yard along Ivor and 7.1' feet along AA Highway.
 - e. The drawing shows the applicant will be providing 39 parking spaces. This meets the minimum parking requirements per the zoning code.
 - f. The drawing shows an existing loading and unloading zone for the proposed structure.
 - g. The drawing shows the proposed entrance along Ivor Road lines up with the gas station entrance across the street.
 - h. The drawing shows a proposed sign at the north west corner of the property 10' feet off the property line this meets the minimum setback requirement for signs.

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.

"The proposed use at the subject site is a Family Dollar store. Family Dollar is a neighborhood discount store sells products focused on family needs. From groceries, to health and beauty products, to household goods and clothing, Family Dollar stores carry national brands at discount prices. This use brings convenient shopping for local residents."
 - 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.

"The proposed 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. The proposed use is permitted use under the existing Highway

Commercial Zone, and other than the requested setback variance, the site plan complies with the requirements of the Zoning Ordinance."

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

"The proposed use will comply with any regulation and conditions in the Ordinance. It is evident when reviewing the site plan, that it has been prepared with the Ordinance as a guide. All other parts of the site plan, other than the setback variance request, shall comply."

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 variance request is a result of a special circumstance, which does not generally apply to other sites As you can see in from the site plan, there is significant grade change on the site. The site layout was dictated by some important facts. We wanted to face the building towards the corner, to maintain an attractive view. Second, we wanted to maintain the required parking of 39 spaces (which forced us not to pull back the asphalt to maintain the setback). And lastly, the property line already has a very large setback from the actual roadway (as reflected on the site plan, this dimension varies from 50-75')."

- 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 "If the setback requirement was maintained, the resultant site plan would be problematic. First, drive aisles would be forced to narrow. Secondly, the ability to accomplish the appropriate parking ratio would be very difficult or impossible. Lastly, the grades could become problematic, and add unattractive retention systems."

- 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 "The new construction project is a result of our proposed project, and is subsequent to the adoption of the setback requirement."

- 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 "The setback variance will not alter the essential character of the neighborhood. Because the property line isn't a visible line, and the property line to road measurement is significant, the variance will not be a visual perceptible measurement."

- 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 "The requested variance does not confer any special privilege."

- 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 "The requested variance does not adversely impact the public health, safety, or welfare, nor does it alter the character of the vicinity. Moreover, the requested variance enhances the vicinity by permitting adequate parking for the proposed use, as well as comfortable and safe drive aisle width."

- 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 "The requested variance will be in harmony with the general purpose and intent of the zoning ordinance, and help us comply with other requirements that are essential for a comfortable, safe, and attractive site plan."

STAFF RECOMMENDATIONS:

To approve both variance requests for the parking lot to encroach 9' and 7.09' feet in the front yard setback.

BASES FOR STAFF RECOMMENDATION:

- 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 wellbeing of the neighborhood or the community.

The proposed use would meet the minimum requirements of the zoning code.

- 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.

The proposed 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.

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

The proposed use would be in compliance with the zoning ordinance.

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.

This variance request is a result of a special circumstance, which does not generally apply to other sites. The site has steep slopes along the south east portion of the property. As a result of the topography the applicant is orienting the building and parking so they don't have to grade into the hillside as much as possible. The gas station just north of this site has parking within 12' feet of the property line.

- 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.

Due to the large right of way fronting the property and steep slopes this would deprive the applicant of a reasonable use of land.

- 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 new construction project is subsequent to the adoption of the setback requirement.

- 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 setback variance will not alter the essential character of the neighborhood because of the large ROW and similar setbacks in parking across the street.

- 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 requested variance does not confer any special privilege.

- 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 requested variance does not adversely impact the public health, safety, or welfare, nor does it alter the character of the vicinity.

- 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 requested variance will be in harmony with the general purpose and intent of the zoning ordinance.

After presenting staff's recommendation, Mr. Hutchinson stated that Mr. Verst could not be present tonight, but Mr. Verst sent an email to Mr. Hutchinson with issues of concern for him. This email is attached to these minutes as Exhibit "A". Mr. Williams asked if the applicant had received a copy of the email. Mr. Hutchinson replied he had not. Mr. Williams provided a copy to the applicant for his records. Mr. Hutchinson read the email into the record as well:

*From: Justin Verst [mailto:JVerst@VioxInc.com]
Sent: Monday, December 16, 2013 11:29 AM
To: Minter, Cindy; Hutchinson, Ryan
Cc: theschabers@zoomtown.com
Subject: RE: December 17, 2013 Meeting Packets*

Cindy/Ryan,

I have a few comments/questions to be addressed for the meeting tomorrow. I will not be there, but I am passing my comments on for consideration:

- 1. Staff report & zoning ord. lists side setback as 15', plan lists as 25'. Clarify.*
- 2. Staff report & zoning ord. lists rear setback at 25', plan lists as 50'. Clarify.*
- 3. It seems to me like the site plan could very easily be adjusted to pull parking out of the 15' zone and add a few spaces elsewhere on the lot (along "future" drive to east if necessary) to still meet parking requirements. I disagree with their assertion that it would be "very difficult or impossible"*
- 4. Zoning requires 10' x 20' parking spaces, plan shows 9'x18'. That factors in to how they could adjust the site to better meet setbacks.*
- 5. Which property line would be considered side and which would be rear? The building could probably be shifted NE to maintain 25' setback from rear corner of building to south property line if necessary. The zoning ordinance addressed front setback on corner lots, but does not address side/rear. Maybe that is something we should look at.*
- 6. Sign dimensions show 10' to pole, sign board will be less than 10' from property line.*
- 7. The plans call out "future property line". We are not reviewing a preliminary/conveyance plat, so should the plan be identifying side/rear setbacks to existing property lines?*

In general, I agree with their assertion that there is significant amount of RW so the parking shouldn't feel like it's encroaching on the roadway. The single pinch point on the west side doesn't bother me for that reason. The pavement parallel to the north property line and 6' off does bother me. There are underground utilities just inside the r/w, so with the pavement shoved up close to the RW line, there is little room left for landscaping. I would not recommend acceptance of that setback as submitted. I think the plan could be adjusted to pull that parking further away.

I will not be at the meeting, but wanted to pass on my thoughts for consideration.

Thanks, Justin.

Mr. Hutchinson replied to Mr. Verst's concerns:

1. The staff report is correct. There were initial drawings that were reviewed. The applicant will need to make corrections to the drawings that they will need to submit for the site plan review process. Per the Campbell County Zoning Ordinance, Article X, Section 10.18, HC Highway Commercial Zone, C, 4:
 4. Minimum Side Yard Width - Restrictions when adjacent to a street, road, highway, or other right-of-way when the required width shall be the same as required for a minimum front yard depth in this zone. When buildings abut each other, forewall construction, as required by the county's building code, shall be required. **A side yard is never to be less than fifteen 15 feet.**
2. Both the plan and staff report are correct. Per the Campbell County Zoning Ordinance, Article X, Section 10.18, HC Highway Commercial Zone, C, 5:
 5. Minimum Rear Yard Depth - Twenty-five (25) feet
However, there is a residential zone at the rear of the parcel and it states (in the same section) under D, 4:
 4. Where any yard of any use permitted in this zone **abuts a residential zone, a minimum yard requirement of fifty (50) feet for each side and/or rear yard** which abuts said zone shall be provided, ten (10) feet of which shall be maintained by a screening area as regulated by Section 9.17 of this ordinance.
3. There is no stub for a future street. The outcropping Mr. Verst is referring to is just a small piece of pavement to allow the vehicles to reverse out of parking spaces without hitting the corners of the curbing.
4. Mr. Verst is correct that the parking spaces need to be 10' x 20' feet and that the plan shows 9'x18' feet spaces. Mr. Hutchinson has advised the applicant of this and has offered some options of how to resolve this

issue. The applicant stated that they could make the width and shift some of the spaces on the southwest portion of the property. This would be part of the site plan review process to be submitted by the applicant to the Planning & Zoning Commission.

5. Mr. Hutchinson pointed out on the slide what staff perceives to be the rear and the side of the site. There is substantial sloping on the site and the proposed building is aligned parallel to the slope. If the Board wants to discuss other design options, they should present this to the applicant.
6. The pole appears to be 10' feet from the property line, but the sign may hang over the 10' feet setback area. If that is correct, it would need to be adjusted. This would be something that is also addressed during the site plan review process.
7. Mr. Verst commented on the "future property line". As Mr. Hutchinson identified during his presentation, this is a larger lot than represented in on the site plan submitted to us. The applicant intends to submit an application for a lot division. The applicant did not want to submit that division until he was confident that the proposed lot line was sufficient for our approval.

Mr. Hutchinson asked if there were any questions he could answer for the Board. Mr. Schaber asked about the potential land division. When the applicant submits for the land division, how will the remaining parcel obtain ingress/egress? Will this land-lock the parcel? Mr. Hutchinson stated that Mr. Schaber should ask the applicant about their layout design of the lots. Mr. Schaber stated that he would do so.

Mr. Schaber asked if there were any additional questions for staff. There being none, Mr. Schaber asked the applicant to come forward and state his name and address for the record. Mr. Dan McCarthy stepped forward and identified himself as the Development Manager for Morning Star Partners LLC, fully owned by Core Resources here in Cincinnati. Their office is located at 1404 Vine Street, Cincinnati, Ohio 45202. Mr. McCarthy began by thanking staff for their assistance with preparation of the application. Mr. McCarthy stated that they are submitting for a variance to allow for parking. The site is challenging. Mr. Hutchinson showed you some photos and aerials of the site that show some significant grade changes. These grade issues are pretty much insurmountable without angling the building the way it is.

We succeeded in achieving the parking ratio that is required by Ordinance, as well as the drive aisles and everything else that was required by Ordinance. In doing so, we ended up pushing it slightly more than what is acceptable. We made the decision to pursue the variance because of the significant setback from the right-of-way lines and because there will not be a perceptual difference since you can't see where the property line is.

Mr. McCarthy wanted to address the access of the lot that will remain once the land division is completed. This will be a flag lot. We are not cutting straight across the property cutting it in half. There will be a stem out to Ivor Rd. Mr. McCarthy pointed out the proposed lot lines and identified their access point.

Mr. McCarthy asked if there were any questions that he could answer for the Board. Mr. Schaber asked if Mr. McCarthy cared to address any of the issues from Mr. Verst's email. Mr. Schaber asked specifically about the size of the parking spaces. Can you meet the increased

parking space size without affecting the size of the variance that is being requested? Mr. McCarthy stated that he was really not prepared to answer that question at this time. He stated that he spoke with Mr. Hutchinson just prior to this meeting about possible solutions, but he doesn't have his engineer's scale with him and he can't sit down and draw this out right now so he doesn't have an answer. From what he can tell, it will take up approximately 4 spaces to account for the widths. Mr. McCarthy stated that he thinks it will be tight, but achievable. Mr. McCarthy stated that they worked hard to achieve the 39 parking spaces which are more than they normally install for their stores. They usually allow for 25 parking spaces with each store. We strived to achieve it because we felt that would be an issue for this Board. Mr. McCarthy stated he felt they might be able to get 2 parking spaces on the southwest corner of the site. He continued that he believes that, by the dumpsters and delivery area, towards the east of the site, that if they rotate the retaining wall, it will open up the area and allow for the remaining 2 parking spaces. More creativity is needed.

Mr. Schaber asked about the sign issue. Will it protrude over the setback area? Can you squeeze it back so that it does not encroach in that 10' foot setback area? Mr. McCarthy stated that they will be able to pull it back to meet that condition. Mr. Schaber asked that, since Mr. McCarthy has been speaking of turning and moving structures, if he believed this to be the optimum location and angle of this store? Mr. McCarthy replied absolutely.

Mr. Schaber asked if there were any questions for the applicant. Ms. Haynes stated that she agreed it would be more attractive and so forth, but if there is such a significant change in grade, what are your plans to control rain run-off to accommodate the building and the parking? Mr. McCarthy replied that this is a primary concern for developers. This site is not engineered yet. Typically, you will get the approvals before going through civil engineering. They have a very substantial detention basin planned near to where the sign would be located and that would hold the run-off from the site.

Ms. Haynes asked about landscaping for the site. Mr. McCarthy stated there would be a landscaping plan and that is part of the site plan approval for construction process. Mr. Schaber asked to interject a question for staff.

Mr. Schaber asked Mr. Hutchinson if this applicant will need to go before the Planning Commission for approval of a site development plan. Mr. Hutchinson replied that they would. Mr. Schaber commented that they would go through the process of landscaping, drainage, erosion control, parking spaces, etc. Mr. Hutchinson replied that was correct. This Board is not looking at the site plan. Mr. Schaber concurred stating the only thing before the Board is the actual request for a variance to allow parking in the setbacks. Mr. Hutchinson agreed that was correct. Mr. Schaber continued that if they needed to place the sign in the setbacks then the applicant would need to come back before the Board to request a variance for that issue. Mr. Hutchinson replied that was also correct.

Mr. Schaber asked if there were any questions for the applicant. Mr. M. Williams asked if he understood correctly that, to meet setback requirements, the applicant would not be able to have 39 parking spaces. Mr. McCarthy stated that he did not know the answer at this time. He needs to layout the site with the corrected size of parking spaces and sees what happens. Mr. M. Williams asked if those 39 parking spaces were for this particular type of business. Mr. Schaber stated that the number of parking spaces is based on the size of the business itself. Ms. Haynes asked if it was based on the size of the lot – the smaller lot they are proposing not the size of the original lot. Mr. McCarthy stated that according to the regulations they need 5.5 spaces for every 1,000 square feet of the space of the store. The store they are proposing is

7,070 square feet so he used 7 times 5.5 to arrive at 38.5 parking spaces which they rounded up to 39.

Mr. M. Williams asked if they could request a variance for the number of parking spaces. Mr. Schaber replied that he believes that they could request that if they wanted to. Mr. Hutchinson agreed that was possible. Mr. Schaber stated that it was not being requested so it could not be considered. Mr. M. Williams stated he has just never seen 39 cars in the Family Dollar parking lot. Mr. Schaber advised Mr. M. Williams that he was getting into semantics with the Zoning Ordinance. Who's to say that the Family Dollar won't fail in 5 years and that a new business will go into this site? The new business may need 39 cars to fit in there. That is the way the Ordinance is set up. Mr. M. Williams stated that was true and he had not considered that.

Mr. Mason asked, if the variances were approved and then the applicant cannot make the parking spaces work, what happens to this variances? Mr. Schaber replied that the applicant would have to come back before the Board. Mr. Mason asked if this variance would go away then. Mr. Schaber stated that they would alter the approved variance to a new dimension. Mr. Smith concurred that would be the case. Mr. Mason stated that the Board has never had this come up, but he just wanted to make sure we were all aware of the implications. Mr. Schaber stated that the information they are receiving from the applicant right now is that he believes he could make this work. Ms. Haynes added that they could also revisit the proposed future lot line and they could always to decide to take a little more land so that they could make this work. Mr. Schaber stated that the parking is all in the front though and the proposed lot lines are to the rear and side of the proposed building. Mr. McCarthy stated that Mr. Hutchinson had proposed several options so initial thought is that they would be able to make the adjustments. His initial thoughts are that they would be able to make this work.

Mr. Schaber asked if there were any questions for the applicant. There being none, Mr. Schaber asked if anyone in the audience wished to speak either for or against the request. There being no one in the audience, Mr. Schaber closed the public comment portion of the hearing. Mr. Schaber opened the floor for discussion among the Board. There being no discussion among the Board, Mr. Schaber called for a motion.

Mr. Mason made a motion on case #BA-06-13, by applicant Morning Star Partners LLC, to approve both variance requests for the parking lot to encroach 9' and 7.09' feet in the front yard setback. Mr. Mason stated that the proposed use at the particular location is necessary or desirable to provide a service which will contribute to the general wellbeing of the neighborhood or the community; 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; that such use will comply with any regulations and conditions in this ordinance for such use; 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; 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; 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; 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; 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; 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; and 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. Mr. Mason stated that he would add that staff will review and approve the site plan. Mr. Hutchinson stated that goes to the Planning Commission. Mr. Schaber asked Mr. Mason if he wanted to address the parking by any chance. Mr. Mason stated that he would prefer to leave that item up to the Planning Commission. Mr. Schaber and Mr. Hutchinson asked about the size of the parking spaces. Mr. Mason replied the same that it had to be dealt with by the Planning Commission. Mr. Schaber asked if there was any discussion on the motion. Does everyone understand the motion? There being no reply, Mr. Schaber called for a second. Mr. J. Williams seconded the motion. A roll call vote found Ms. Haynes, Ms. Schweitzer, Mr. J. Williams, Mr. M. Williams and Mr. Mason in favor. Mr. Schaber abstained. Motion passed.

There being no other cases to come before the Board of Adjustment, Mr. Schaber called for the Director's Report.

DIRECTOR'S REPORT

Mr. Hutchinson expressed Ms. Minter's apologies for not being in attendance tonight. There is a zone annexation meeting at the City of Alexandria tonight that required her presence. Mr. Hutchinson advised the Board that staff would be providing alternative training opportunities for them. He currently has training CD's out for the Board to use if they so desire. Every time we have a meeting, he will bring CD's with him. You are more than welcome to check the CD's out. Mr. Hutchinson replied that staff would appreciate it if you could perform the training and then return the CD to him within approximately a 2 or 3 week period. Staff is always happy to meet you to get the CD back. We also have building inspectors out in the County and we could arrange for them to come by and pick up the disc if needed. Ms. Turner asked the Board if anyone had completed the FEMA Floodplain training that is available online. No one had completed that training yet. Mr. Hutchinson advised the Board that there would be election of officers at our next meeting. Mr. Schaber advised the Board to be thinking of who would like to volunteer for office or of different nominees.

Mr. Smith stated that, before the meeting closes, he would like to bring up a recommendation for future cases. Such as we ran into tonight, there will be issues on plans that we feel need to be addressed - parking space regulations, the pole sign overhanging the setback, and a number of things that needed to be corrected on the site plan. All we are really looking at is the variance. It is hard because we see these things on the site plan, but we can't address them. Rather than try to identify those 1 or 2 items that we see outright that don't match the Zoning Ordinance, his suggestion would be that, when we approve a variance, we would just say as a standard condition that all the requirements of the Zoning Ordinance will need to be adhered to other than the variances that are being addressed tonight. Mr. Schaber asked Mr. Hutchinson asked if there was a condition such as that listed on the applications. Mr. Hutchinson stated he was not certain, but he could make that a "standard" condition of all his future recommendations. Mr. Mason asked how frequently did the Board see the applicant prior to their presenting a site plan to the Planning Commission. Mr. Hutchinson stated always. You want the applicant to have the ability to obtain their variances, conditional use permits, etc. prior to investing substantial money into engineering cost or site plan preparation costs. There was a general discussion among the Board regarding what would be the best order of processing plans regarding the presentation to the Board versus the presentation to the Commission and the proper granting of variances.

Mr. Schaber asked if there was any other business to discuss. There being none, Mr. Schaber asked for a motion to adjourn. Mr. Mason made a motion to adjourn. Ms. Haynes seconded the

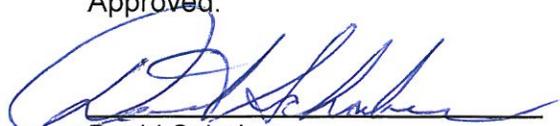
motion. An oral vote found everyone in favor, none opposed. Motion passed. Meeting adjourned at 8:02 PM.

Prepared by:



Ryan Hutchinson
Principle Planner

Approved:



David Schaber
Vice Chair

EXHIBIT "A"

Hutchinson, Ryan

From: Justin Verst <JVerst@VioxInc.com>
Sent: Monday, December 16, 2013 11:29 AM
To: Minter, Cindy; Hutchinson, Ryan
Cc: theschabers@zoomtown.com
Subject: RE: December 17, 2013 Meeting Packets

Cindy/Ryan,

I have a few comments/questions to be addressed for the meeting tomorrow. I will not be there, but I am passing my comments on for consideration:

1. Staff report & zoning ord. lists side setback as 15', plan lists as 25'. Clarify.
2. Staff report & zoning ord. lists rear setback at 25', plan lists as 50'. Clarify.
3. It seems to me like the site plan could very easily be adjusted to pull parking out of the 15' zone and add a few spaces elsewhere on the lot (along "future" drive to east if necessary) to still meet parking requirements. I disagree with their assertion that it would be "very difficult or impossible"
4. Zoning requires 10' x 20' parking spaces, plan shows 9'x18'. That factors in to how they could adjust the site to better meet setbacks.
5. Which property line would be considered side and which would be rear? The building could probably be shifted NE to maintain 25' setback from rear corner of building to south property line if necessary. The zoning ordinance addressed front setback on corner lots, but does not address side/rear. Maybe that is something we should look at.
6. Sign dimensions show 10' to pole, sign board will be less than 10' from property line.
7. The plans call out "future property line". We are not reviewing a preliminary/conveyance plat, so should the plan be identifying side/rear setbacks to existing property lines?

In general, I agree with their assertion that there is significant amount of R/W so the parking shouldn't feel like it's encroaching on the roadway. The single pinch point on the west side doesn't bother me for that reason. The pavement parallel to the north property line and 6' off does bother me. There are underground utilities just inside the r/w, so with the pavement shoved up close to the R/W line, there is little room left for landscaping. I would not recommend acceptance of that setback as submitted. I think the plan could be adjusted to pull that parking further away.

I will not be at the meeting, but wanted to pass on my thoughts for consideration.

Thanks, Justin.

Justin M. Verst, P.E.
Partner / Sr. Design Engineer

Viox & Viox, Inc.
466 Erlanger Road
Erlanger, Kentucky 41018
Office: 859-727-3293 ext. 44
Cell: 859-250-4179
Toll Free: 800-688-0194