

MINUTES FOR THE BOARD OF ADJUSTMENT MEETING

November 20, 2015

- I. **ATTENDANCE** – The Chairman called the meeting to order at 1:30 p.m. in the Council Chambers, 200 East Main Street, November 20, 2015. Members present were Chairman Barry Stumbo, Thomas Glover, Janice Meyer, Joan Whitman, Chad Needham, Branden Gross and Larry Forester. Others present were: Casey Kaucher, Division of Traffic Engineering; Thomas Clements, Division of Engineering; Jim Marx, Zoning Enforcement; and Tracy Jones and Andrea Brown, Department of Law. Staff members in attendance were: Bill Sallee, Jimmy Emmons, and Tammye McMullen.

- II. **APPROVAL OF MINUTES** – The Chair announced that the minutes of the September 25, 2015 and October 30, 2015 meetings would be considered at this time.

Action – A motion was made by Ms. Meyer, seconded by Mr. Glover, and carried 7-0 to **approve** the minutes of the September 25, 2015 meeting.

Action – A motion was made by Mr. Glover, seconded by Mr. Forester, and carried 7-0 to **approve** the minutes of the October 30, 2015 meeting.

III. **PUBLIC HEARING ON ZONING APPEALS**

Swearing of Witnesses – Prior to sounding the agenda, the Chair asked all those persons present who would be speaking or offering testimony to stand, raise their right hand and be sworn. The oath was administered at this time to several staff members and other persons in the audience.

- A. **Sounding the Agenda** - In order to expedite completion of agenda items, the Chair sounded the agenda in regard to any postponements, withdrawals, and items requiring no discussion.

1. **Postponement or Withdrawal of any Scheduled Business Item** - The Acting Chair announced that any person having an appeal or other business before the Board may request postponement or withdrawal of such at this time.

- a. **A-2015-50: STEVE PERRY & LEX PROPERTIES, LLC.** - a third party administrative appeal of the decision of Zoning Enforcement to accept the as-built survey as evidence of compliance with the development plan and plat in a High Density Apartment (R-4) zone, at 201 & 205 Burley Avenue; and 1107, 1109 & 1111 Stillwell Avenue (Council District 3).

Representation – Mr. Jacob Walbourn, attorney, was present representing the appellant and requested a one-month postponement, until the Board's December meeting.

Action – A motion was made by Mr. Glover, seconded by Mr. Gross and carried unanimously to **postpone A-2015-50: STEVE PERRY & LEX PROPERTIES, LLC.** to the December 11, 2015 meeting.

2. **No Discussion Items** - The Chair asked if there were any other agenda items where no discussion is needed...that is, (a) The staff has recommended approval of the appeal and related plan(s); (b) The appellant concurs with the staff's recommendations. Appellant waives oral presentation, but may submit written evidence for the record; (c) No one present objects to the Board acting on the matter at this time without further discussion. For any such item, the Board will proceed to take action.

ABBREVIATED HEARINGS:

- a. **V-2015-66: URBAN 221, LLC** - appeals for variances to reduce the required front yard from 10 feet to 0 feet and to reduce the ground level open space requirement from 2% to 0% in a Downtown Frame Business (B-2A) zone, at 211 & 221 Corral Street; 166, 170, 174, 178 & 180 N. Martin Luther King; 212, 214, 216, 218 & 220 Wickliffe Street & the former Barkley Street right-of-way (Council District 1).

The Staff Recommends: **Withdrawal** of the ground floor open space variance, for the following reason:

- a. The detailed recommendation for an increased pedestrian walkway, which is integral to the recommendation of approval of the setback variances, negates the need for the ground floor open space variance; as this requirement will be met.

The Staff Recommends: **Approval** of the front yard and side street side yard variances, for the following reasons:

- a. Approving the requested variances for the street setback for the second story and above in this project will not have a negative impact on the public health, safety or welfare, nor will it have a negative impact on the overall character of the neighborhood. Many properties in this vicinity were built with less than 10' setbacks, prior to the current zoning requirements. Provided that a safe and inviting pedestrian walkway is provided at the ground level, and that the building will not be in any required sight triangles, a front yard setback on the

- ground level is appropriate.
- b. Granting the requested variances will not result in an unreasonable circumvention of the Zoning Ordinance, as the B-2A zone allows a great amount of flexibility in use and design in the downtown area. Granting a modest setback variance on the first floor that will still accommodate pedestrians will be similar to other downtown developments and will meet the intent of the Zoning Ordinance.
 - c. The scope of this project, being almost an entire city block, the applicant's proposal to build an "architecturally significant building," and the urban context of the surrounding area, in combination created a unique circumstance that justifies the requested setback variances.
 - d. The requested variances are not the result of any willful violation of the Zoning Ordinance but are, rather, a reasonable response to the overall built environment surrounding the site.

This recommendation of approval is made subject to the following conditions:

1. The property shall be developed in accordance with the submitted application and site plan, or as amended by the Planning Commission on a final development plan. Minor modifications, if required, by the Divisions of Engineering, Traffic Engineering, Solid Waste and Fire & Emergency Services shall be permitted.
2. A Zoning Compliance Permit and a Building Permit shall be obtained by the applicant prior to construction. Additionally, a Certificate of Occupancy will be required once construction is complete.
3. The setback variance along N. Martin Luther King Boulevard shall be to 0' for the second story and above. The ground floor variance will be to the minimum necessary to provide an 8' wide pedestrian sidewalk (including any combination of architectural details and landscaping or other design elements as agreed to by the Bike and Pedestrian Planner and the Design Excellence Officer in the Division of Planning), in order to create a safe and inviting pedestrian walkway. At no point shall the building be allowed in any required sight triangles.
4. The setback variance along Corral Street shall be to 0' for the second story and above. The ground floor variance will be to the minimum necessary to provide a 6' wide pedestrian sidewalk (including any combination of architectural details and landscaping or other design elements as agreed to by the Bike and Pedestrian Planner and the Design Excellence Officer in the Division of Planning) in order to create a safe and inviting pedestrian walkway. At no point shall the building be allowed in any required sight triangles, including those at the entrance/exit to the parking garage.
5. Provided the Urban County Council allows Wickliffe Avenue to become a one-way alley, the setback from the right-of-way may be reduced to 0'. Should the Urban County Council not change the status of Wickliffe Avenue to a one-way alley, any variance request along this street frontage, and including the necessary setbacks for a sight triangle at the intersection of Wickliffe Avenue and N. Martin Luther King Boulevard, shall be considered null & void.

Staff Comment – Mr. Emmons noted that the staff had received two letters of support for this case, and he distributed them to the Board.

Representation – Mr. Jacob Walbourn, attorney for the appellant, was present. He indicated that they had reviewed the recommended conditions and agreed to abide by them, with one little "tweak" to condition #5 that they wanted the staff to consider.

Mr. Walbourn explained the background of the proposed project. He said that they are pleased to withdraw the open space variance recommended by the staff; they will meet that without the need for a variance. Mr. Walbourn said that they agree with the conditions that the staff has proposed, with the one minor exception: that the staff's proposed component of this development is incumbent upon the Urban County Council designating Wickliffe, which is to the north of Corral, as a one-way street. He said that the staff's condition that was proposed would void the variance they are seeking, in the event the Council fails to act. However, in order to have the development go forward, they also required Planning Commission approval of a development plan, which they received the day before this hearing. Mr. Walbourn said that in the event Council does not designate Wickliffe as a one-way street, they would be required to go back to the Planning Commission and present a new development plan. He said that if the variance that they are seeking today is approved, they are at the absolute maximum setback, and any change would necessarily pull them back to provide a larger setback.

Staff Comment - Mr. Emmons said that he believed that this could still be an abbreviated discussion, as the staff and applicant are 99% in agreement on this issue. He said that the staff would prefer condition #5 as originally recommended; however, the staff does find that the replacement condition #5 (proposed by the applicant), would also be acceptable. He said the difference is that condition #5, as the staff has presented it, is more conservative and put more power with the Board of Adjustment; as the applicant is proposing, the Board would give their "blessing" today and then put the final determination with the Planning Commission. Mr. Emmons said that it is really what the Board is comfortable with regarding the condition.

Discussion – Mr. Glover asked if it would be a wrong decision to make a decision; i.e., he asked if it was

premature because it requires further action by the Planning Commission. Mr. Emmons responded that this is a complicated infill project where they are taking up an entire block of properties. He said that this is one that, as proposed, it needs Council, Planning Commission, and Board of Adjustment action. Mr. Walbourn said that, from their perspective, they would prefer to make the final decisions once they have engaged a firm to do the building design. Mr. Emmons added that at yesterday's Planning Commission meeting, the Planning Commission did provisionally approve the development plan for this, with a set of conditions, as is typical.

Mr. Glover asked for explanation of the difference between the two proposals. Mr. Walbourn said that; to his understanding, the condition that the staff has imposed - they are seeking both a front yard and side street side yard variance - if Wickliffe is not one way, they don't have the sight triangle, and that is a concern with that corner of the building. If it remains two-way traffic they will have to bring the building in a little to accommodate the sight triangle. Mr. Walbourn further discussed the difference between the two proposed conditions. Chairman Stumbo said that he did not have a problem with the applicant's proposal of condition #5.

Mr. Glover asked if it was correct that, if the Council doesn't approve the change to a one way, movement, or would they would have to come back before the Board. Mr. Emmons said that they would have to go back to the Planning Commission, but not to the Board of Adjustment if the replacement of condition #5 is adopted as proposed. There was further discussion about to the process, if the application is approved today. Mr. Gross asked if safety concerns would be addressed by the Planning Commission. Mr. Emmons responded affirmatively.

Citizen Comments – There were no citizens present to comment on this request.

Action – A motion was made by Mr. Glover, seconded by Ms. Meyer and carried unanimously to **approve V-2015-66: URBAN 221, LLC** – an appeal for variances to reduce the required front yard from 10 feet to 0 feet and to reduce the ground level open space requirement from 2% to 0% in a Downtown Frame Business (B-2A) zone, at 211 & 221 Corral Street; 166, 170, 174, 178 & 180 N. Martin Luther King; 212, 214, 216, 218 & 220 Wickliffe Street & the former Barkley Street right-of-way, for the reasons recommended by the staff; and replacing condition #5 with the applicant's proposed condition #5, as well as the applicant's withdrawal of the ground floor open space variance.

The new condition of #5 will read as follows:

5. If the Urban County Council does not designate Wickliffe to be one way west to east, the applicant shall submit a revised development plan to the Planning Commission to set the appropriate setback from Wickliffe, which may be between 0' and 10'.
- b. **V-2015-67: MARC GUILFOIL & ELISABETH JENSEN** - appeal for a variance to reduce the required front yard from 300 feet to 100 feet, in the Agricultural Rural (A-R) zone at 1861 Evans Mill Road (Council District 12).

The Staff Recommends: Approval, for the following reasons:

- a. Granting the requested variance will not have a negative effect on the subject or surrounding properties and will not cause a public health, safety or welfare problem. Furthermore, it will not alter the character of the general vicinity, as there are already other properties in this stretch of Evans Mill Road that have established front setbacks in the 100' to 150' range.
- b. This request for a variance is not an unreasonable circumvention of the Zoning Ordinance but is, rather, a logical outcome of the unique circumstances of the steep topography, the confluence of several waterways, and the general character of the area, which has several properties with homes closer to the road than 300'.
- c. The location of the proposed home is logical because of the topography and the nature of the existing agricultural operation, which are unique circumstances of this farm that justify the requested variance.
- d. Strict application of the Zoning Ordinance would require that the new home be moved to a less desirable location on the farm, possibly interrupting the agricultural operations of the farm and likely requiring costly solutions to deal with the excessively long private driveway.
- e. The requested variance is not a willful violation of the Zoning Ordinance. Rather, it is in response to the unique characteristics of this property. No construction has begun, and the applicants learned of the need for this variance during the normal building permit process.

This recommendation of approval is made subject to the following conditions:

1. The property shall be developed in accordance with the submitted site plan and application, allowing minor modifications, if required, by the Divisions of Engineering; Traffic Engineering or Building Inspection as a part of the normal permitting procedures.
2. All necessary permits shall be obtained by the applicant, including but not limited to, a building permit for the residence prior to construction.

3. The Fayette County Health Department shall approve the septic system for this home as part of the permitting process.

Representation – Mr. Marc Guilfoil and Ms. Elisabeth Jensen, appellants, were present. They indicated that they had reviewed the recommended conditions and agreed to abide by them.

Citizen Comments – There were no citizens present to comment on this request.

Action – A motion was made by Ms. Meyer, seconded by Mr. Forester and carried unanimously to **approve V-2015-67: MARC GUILFOIL & ELISABETH JENSEN** – an appeal for a variance to reduce the required front yard from 300 feet to 100 feet, in the Agricultural Rural (A-R) zone at 1861 Evans Mill Road, for the reasons recommended by the staff and subject to the three conditions outlined by the staff.

- B. **Transcript or Witnesses** - The Chair announced that any applicant or objector to any appeal before the Board is entitled to have a transcript of the meeting prepared at his expense and to have witnesses sworn.
- C. **Variance Appeals** - As required by KRS 100.243, in the consideration of variance appeals before the granting or denying of any variance the Board must find:

That the granting of the variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations. In making these findings, the Board shall consider whether:

- (a) The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;
- (b) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant; and
- (c) 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 Board shall deny any request for a variance arising from circumstances that are the result of willful violations of the zoning regulation by the applicant subsequent to the adoption of the zoning regulations from which relief is sought.

There were none remaining.

- D. **Conditional Use Appeals**

There were none remaining.

- E. **Administrative Review**

1. **A-2015-65: ANDREW MOORE** – an administrative appeal to change one legal non-conforming use (repair of video games) to another non-conforming use (professional offices) in a Two-Family Residential/Historic District Overlay (R-2/H-1) zone, at 427 S. Mill Street (Council District 3).

The Staff Recommends: **Approval**, for the following reasons:

- a. Granting the requested change in non-conforming use from a video game repair shop to an office should not adversely affect the subject or surrounding properties, as this change is very minor in scope (involving only about 25% of the building's total floor area). It will not result in an increase in scope of the non-conforming use, and should be considered as lessening its scope because the new proposed use is first allowed in the same or a less intense zone than the current combination of uses.
- b. Furthermore, such a small change in use should not negatively impact the neighborhood or alter the character of the subject or surrounding properties.

This recommendation of approval is made subject to the following conditions:

1. The change in use to an office space shall be done in accordance with the submitted application and site plan.
2. All necessary permits, including a Zoning Compliance Permit, Building Permit and Certificate of Occupancy, shall be obtained from the Divisions of Planning and Building Inspection prior to operation of the new use.

Staff Comment – Mr. Emmons noted that the staff had received one letter of support for this case, and he distributed this to the Board.

Representation – Mr. Andrew Moore, appellant, was present. He indicated that he had reviewed the recommended conditions and agreed to abide by them.

Action – A motion was made by Mr. Forester, seconded by Mr. Gross and carried unanimously to **approve A-2015-65: ANDREW MOORE** – an administrative appeal to change one legal non-conforming use (repair of video games) to another non-conforming use (professional offices) in a Two-Family Residential/Historic District Overlay (R-2/H-1) zone, at 427 S. Mill Street, based on the reasons provided by the staff and subject to the two conditions.

IV. **BOARD ITEMS**

At this time, Mr. Glover and Mr. Forester recused themselves from the following discussion due to professional matters of conflict.

Mr. Marx provided an update on the zoning enforcement case at the property of 7524 Old Richmond Road (**CV-2006-20: AARON JAMISON / MARVIN FELDPAUSCH**) that Dr. Lisa Gannoe had previously brought to the Board at the October 25th meeting. He said that this relates to a conditional use permit that was approved by the Board of Adjustment over nine years ago (2006) for a plant nursery and commercial greenhouse. Since then, the facility has been inspected at least once a year through 2014; the inspection in 2007 indicated that the facility was under construction.

Mr. Marx said every inspection since then, each year, indicated that it was out of business; so essentially, for the bulk of that time, there has been no activity businesswise on the sight - it has been vacant, even though the greenhouse building was constructed. Mr. Marx said that during that entire time period (though 2014), there have been no zoning compliance complaints about the property or the building. He said the first official complaint that was received by Zoning Enforcement was on October 7, 2015. He said that the same day a Zoning Enforcement officer went to the site, and did confirm that there was a new business under the name of Lawns by Lichtefeld, that had indeed occupied the property. He couldn't really say to what extent they were doing business, but they were occupying the property and doing various things, without the benefit of a Certificate of Occupancy having been issued by Building Inspection. They were issued a Notice of Violation to the property owner the very next day. Mr. Marx noted that Zoning Enforcement did inform the property owner that if there was an intent to have a new company come and take over the conditional use permit, that they had to comply by the ten conditions that were adopted by the Board of Adjustment when it was originally approved in 2006. He noted that the deadline for compliance was for December 1, 2015.

Mr. Marx said that, for a short time, the property was under lease under the company Lawns by Lichtefeld, and the zoning staff met with Mr. Jeremy Lichtefeld; owner of the property, shortly after the October 30th hearing where this issue came up briefly. He said that at that time, Mr. Lichtefeld indicated that they were committed to moving forward and were trying to get into compliance because they wanted to stay there. Mr. Marx said that as of yesterday morning, when he spoke to Mr. Lichtefeld to get the most up-to-date information, he indicated that they had terminated the lease and had already vacated the property. Mr. Marx said that Lawns by Lichtefeld "is out of the picture" at this point. He said immediately after he got that news, he tried to contact the property owner. He did receive a response that same day; and even though that tenant had vacated, that they did intend to proceed with attempting to come into compliance - presumably for the purpose of marketing for another company to come in and use the building and the property.

At this time, Mr. Marx discussed whether or not the property owner has shown any further action. He said that they have very recently tried to get into compliance. Mr. Marx also discussed the efforts the property owner has down as far as updates of the current use. He concluded by saying that Zoning Enforcement's position in this case is that there is no basis or justification for scheduling a revocation hearing at this point; their goal is to get people into compliance and give them a fair opportunity to do just that.

Board Questions – Ms. Meyer asked if there was a deadline for the property owner to become compliant. Mr. Marx responded that the deadline is December 1, 2015, if they wanted someone to occupy that building and property under the terms of the conditional use that was previously granted. He noted that this is not the deadline for automatically kicking this over to a revocation mode; that is not the intent of the deadline. Mr. Marx said that if they do not meet the deadline, nobody can occupy that facility and do that business until they do get into compliance.

Chairman Stumbo clarified that the property owner has contacted a structural engineer to inspect the building on the property, as well as Traffic Engineering, and that they are making a very strong effort to try and come into compliance. Mr. Marx responded that it does appear that way.

Audience Comments - Dr. Lisa Gannoe, who lives at 7525 Old Richmond Road, said that she came to last month's hearing to request a revocation hearing for this case. She said that she appreciated the opportunity to be able to be heard again, knowing that this was an ongoing investigation and that the Board was to be given an update today; however, she did question about the greenhouse being vacated because she had seen their vehicle at the property at 10:30 a.m. that morning. Dr. Gannoe described why she believed that the greenhouse could never come into compliance. She noted that she sent a letter to Dr. Paulsen and Mr. Duncan from Planning after the last month's hearing, explaining her case. She said she also had a letter from her neighborhood association (The Old Richmond Road Neighborhood Association), and they agree with her on this issue. Dr. Gannoe said that the neighborhood association also sent out a letter to people at the City, explaining why they support her

position. She said that present with her was the President of the neighborhood association, as well as a neighbor who would like to speak on the issue.

Dr. Gannoe said that, as she mentioned at last month's hearing, the property owner did not meet the conditions; the permits were voided - the building permits were voided in 2007; there are several permits that are missing; she believed there were possible issues with the soundness of the building; she believed there were issues with some of the variances with the property; the property sat unused for several years, not just one year; neighbors did complain about the issue, whether there was an official record or not; the neighborhood association sent a letter in 2009 about this; there were complaints over the years; and she said she personally complained about this case in December 2014 when she called Planning noting that there should be a record of her call somewhere. Dr. Gannoe said that she is still requesting a revocation hearing and that the structure be removed. She said that she believed it would remain a problem if it is not removed. Dr. Gannoe said that she had brought boxes of documentation and was prepared to plead her case; however, she believed that she would be told that this case is still ongoing. She said that her biggest concern is about where this is going. She was aware that the property owner had responded on the 19th, but she would still like to see the structure removed.

Chairman Stumbo said that he was not going to support a revocation hearing today. He said that the applicant is making a good faith effort; he has until December 1st to come into compliance. Mr. Stumbo said that he believed that the Board could make a more informed determination at the next hearing on December 11th. At that Board hearing, there could be a revocation hearing scheduled for the January 29th hearing. Chairman Stumbo said that there would be no action taken on this case at this hearing.

Dr. Charles Martin, who lives at 7416 Grimes Mill Road, said that he has been watching this property since before it was built. He said that he was at the Board of Adjustment meeting when the property owner was given the conditional use permit to grow sod. Dr. Martin said that one cannot have a plant nursery on 1.2 acres; and one cannot build a greenhouse between an interstate and state highway when there is a 50-foot setback from one and a 30-foot setback from another, and wasn't sure if the easements were ever requested. Dr. Martin said that his point was that the property owner cannot come into compliance. He said that he believed that the lessees do not want to lease the property to grow sod, but for another use.

Board Comment – Ms. Whitman asked if there was a time certain of December 1st. Mr. Marx responded there is a deadline of December 1st, but, that he wanted to emphasize that that is the deadline to get everything into compliance if they are intending to have someone occupy the building and property, and run a business. He said that the property was vacant for at least eight years. Chairman Stumbo addressed Ms. Whitman's question, noting that he believed that the Board would be able to evaluate this a little better with the progress or lack of progress on December 11th. Mr. Marx said that he agreed; however, if this case is brought back to the December 11th hearing, and it was discovered that they had made some progress, but not much and are still out of compliance, what the practical implication of that would be. He asked if that would be justification for moving forward with a revocation; or if that would simply mean that another company couldn't come in and occupy the building and run a business that the Board approved in 2006. Mr. Marx said that the staff believed that it means the latter.

Ms. Meyer asked if the person who comes in and occupies the building and runs the business would have to be in compliance with the conditional use permit. Mr. Marx responded affirmatively. Ms. Meyer then asked if the conditional use permit was for growing sod. Mr. Marx said that, as it was explained, that was their primary intent (experimental at the time) to use the building for growing the sod; but there was no condition placed on that by the Board to restrict it. He said that is what the property owner said he had intended to do with it, but there was no condition to that effect. Also, it was clear on the site plan that they presented that they intended to use other portions of the property as a plant nursery. Mr. Gross asked if they could use the building as a plant nursery under the current conditional use permit. Mr. Marx responded that they could use the building for other purposes than growing sod. Mr. Gross asked how open-ended this is. Mr. Marx said that it was totally open-ended as long as it is plant material. Mr. Gross asked if this was considered to be "agricultural." Mr. Marx responded that he would hate to use the term agricultural. At this time there was further discussion on what uses could be on the property under the current conditional use. Mr. Gross then asked if the Board received a copy of the conditional use permit with all the conditions for the subject case. Mr. Marx responded that he didn't believe that it was received. Chairman Stumbo said that he didn't believe it was received, and this was the first time that he had seen any of this material. Mr. Gross asked if there could be a copy presented at the next month's hearing so that the members could review exactly how it reads. Mr. Marx responded affirmatively.

Audience Comments (cont.) - Ms. Mary Diane Hanna, who lives at 6398 Old Richmond Road, said that to her understanding, when one has a conditional use permit, it is for a certain thing. One conditional use cannot be changed for another; it would have to start over and have another hearing for another use if it involves another company. She said according to Dr. Gannoe's research, the subject property was supposed to be for growing evirosod for that company. Ms. Hanna said that her concern and question is if the conditional use can be moved from one use to another use in the zone. Mr. Marx responded that in this particular case, the Board did not adopt a condition that said it was null and void if another entity comes in and takes over the conditional use.

Chairman Stumbo noted that this is the first time that the Board has seen this material, and would like to do more research on this case. He said again, he did not believe that the Board is ready to take any action at this hearing. He said that the Board would look over the issue, and would discuss it again on December 11th. Chairman Stumbo said that if the Board does feel, over

time, that a revocation hearing needs to happen, they will schedule one.

V. **STAFF ITEMS**

- A. **2016 MEETING & FILING SCHEDULE** - As part of its Bylaw-related duties, each year the Board of Adjustment must adopt its Official Meeting and Filing Schedule for the following year. The Meeting and Filing Schedule for 2016 is now in draft form and was presented to the Board for review and/or discussion prior to its official adoption.

Mr. Sallee noted there was one small change that needed to be made to the previously adopted 2016 calendar for the months of March, June, and September. With those alterations, the schedule was ready for consideration by the Board.

Action – A motion was made by Ms. Meyer, seconded by Mr. Gross and carried unanimously to **adopt the 2016 Meeting & Filing Schedule**.

- B. **Landscape Review Committee** - The term of Ms. Karen Angelucci, Tree Board member of the Landscape Review Committee, will expire on November 30 of this year. A new member needs to be appointed to replace Ms. Angelucci, and Mr. Rory Kahly has agreed to serve in that capacity. Names and terms of current Landscape Review Committee members are as follows:

<u>TERM</u>	<u>NAME</u>	<u>REPRESENTING</u>
Term on BOA	Jan Meyer	Board of Adjustment
11/30/2015	Ms. Karen Angelucci	Tree Board
11/30/2016	Mr. Mike Cravens	Lexington Homebuilders
11/30/2017	Mr. Louis Hillenmeyer, III	Nurseryman
11/30/2018	Mr. Richard Weber	Landscape Architect

Action – A motion was made by Ms. Meyer, seconded by Ms. Whitman and carried unanimously to **appoint** Mr. Rory Kahly to serve on the Landscape Review Committee.

- C. The staff wished the Board members and their families a safe and happy Thanksgiving holiday.

- VI. **NEXT MEETING DATE** – Mr. Stumbo confirmed that the Board's next meeting date would be December 11, 2015.

- VII. **ADJOURNMENT** - Since there was no further business, the Chair declared the meeting adjourned at 2:23 p.m.

Barry Stumbo, Chair

Joan Whitman, Secretary