

AGENDA FOR THE BOARD OF ADJUSTMENT MEETING

September 26, 2008

- I. **ATTENDANCE** - The Chair will call the meeting to order at 1:00 p.m. in the Council Chambers, 200 East Main Street, September 26, 2008.
- II. **APPROVAL OF MINUTES** - The Chair will announce that there will be no minutes of past meetings to be considered at this time.
- III. **PUBLIC HEARING ON ZONING APPEALS**

- A. **Sounding The Agenda** - In order to expedite completion of agenda items, the Chair will sound the agenda in regard to any postponements, withdrawals, and items requiring no discussion.
 1. **Postponement or Withdrawal of any Scheduled Business Item** - The Chair will announce that any person having an appeal or other business before the Board may request postponement or withdrawal of such at this time.
 2. **No Discussion Items** - The Chair will ask if there are 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.
- B. **Transcript or Witnesses** - The Chair will announce 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.

1. **V-2008-67: CARMAX AUTO SUPERSTORES, INC.** - appeals for a variance to reduce the required amount of interior landscaping in an automobile display lot from 4,905 square feet to 1,860 square feet; and to relocate that landscaping to a visitor and employee parking lot, in a Highway Service Business (B-3) zone, on property located at 3200 Richmond Road (Council District 7).

The Staff Recommended: Disapproval, for the following reasons:

- a. The subject property is situated at a highly visible location at the corner of Richmond Road and Man O' War Boulevard. The proposed reduction of required interior landscaping at this location, within a paved area in excess of two acres in size, will negatively impact the overall appearance of the

- property.
- b. Special circumstances unique to this particular property have not been identified to justify a substantial reduction in the required interior landscaping. The desire to maximize available space for vehicle display, and minimize the frequency that cars have to be washed, are not unique aspects of this development. Any justification related to vehicle cleanliness and space needs would have broad applicability to other locations, and could potentially result in a widespread circumvention of the Zoning Ordinance requirements.
- c. Strict application of the Zoning Ordinance will not unreasonably restrict use of the property or create an unnecessary hardship to the applicant. Cleaning vehicle inventories is a normal part of any automobile dealership. If insufficient space is available within the proposed vehicle display lot, it would be feasible to amend the Final Development Plan for the subject property (since it is undeveloped) to expand the area proposed for vehicle display, or reconfigure that area in conjunction with the visitor/employee parking lot.

2. **V-2008-88: DENISE E. SHANKS** - appeals for a variance to reduce the required side yard for a detached garage from 18 inches to 12 inches in a Two Family Residential (R-2) zone, on property located at 319 Sycamore Road (Council District 5).

The Staff Recommended: Approval, for the following reasons:

- a. Granting the requested variance should benefit the public health, safety and welfare by resulting in the construction of a new structure that complies with current building codes. The character of the general vicinity will be maintained, since the new garage will have the same footprint and floor area as the old structure that will be removed.
- b. The location of the existing detached garage is a special circumstance that contributes to justifying a 6" reduction in the required setback for an accessory building designed to replace it.
- c. Strict application of the Zoning Ordinance would force the appellant to modify the existing foundation or reduce the side wall height of the proposed garage, neither of which appears to be warranted under the circumstances.

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

1. The single story detached garage shall be rebuilt in accordance with the submitted application and site plan.
2. All necessary permits shall be obtained from the Division of Building Inspection prior to demolition and new construction.

3. **V-2008-89: SHADY HILLS DEVELOPMENT** - appeals for a variance to reduce the required rear yard from 25 feet to 14 feet to allow a deck to remain as built in a Planned Neighborhood Residential (R-3) zone, on property located at 2500 Treeline Way (Council District 6).

The Staff Recommended: Approval, for the following reasons:

- a. Granting the requested variance should not adversely affect the public health, safety or welfare, nor alter the character of the general vicinity, provided that encroachment agreements are obtained for any potentially impacted utilities. There are not any uses on the adjoining A-U property that might be adversely impacted by a 14' rather than 25' rear yard setback, just for the 200 square-foot deck.
- b. The nearly triangular shape of the lot, sanitary sewer easement along the side property line, and split-zoning of the adjoining property to the rear have created an unusual mix of circumstances that justify a reduction of the required 25' rear yard. The constructed deck complies with the more typical 10' rear yard requirement of the R-3 zone.
- c. Strict application of the zoning ordinance would force the appellant to construct a deck almost entirely to the rear of the southeastern corner of the residence (adjoining the R-3 zone), which would appear odd and would not be very practical, with limited functional connection to the residence.

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

1. The deck may remain where constructed in accordance with the submitted application and site plan, subject to any modifications that may be required by any impacted utility.
2. A building permit shall be obtained for the construction from the Division of Building Inspection.
3. Encroachment agreements shall be obtained from any potentially impacted utility that has interest in the 25' utility easement that extends along the rear of the property. Such encroachments shall be requested from LFUCG and area utility companies within 30 days of action by the Board.
4. The variance is granted only for the purpose of allowing the deck to remain where constructed, and

not for any enclosed expansion of the dwelling on this lot.

4. **V-2008-90: GEDDES POOLS, INC.** - appeals for a variance to reduce the required side street side yard from 30 feet to 27 feet in order to retain a recently constructed pool in a Single Family Residential (R-1D) zone, on property located at 3221 Sebastian Lane (Council District 10).

The Staff Recommended: Approval, for the following reasons:

- a. Granting the requested variance will not adversely affect the public health, safety or welfare, nor alter the character of the general vicinity. The level of variance needed to allow the pool to remain where constructed is minimal (less than 3'), and is only needed for one small corner of the pool.
- b. The shape of the lot is unusual and somewhat irregular due to the alignment of Sebastian Lane. A significant percentage of the lot is encumbered by a 30' building line restriction, which is a special circumstance given the shape of the lot.
- c. Strict application of the Zoning Ordinance would result in an unnecessary hardship on the applicant, and the property owner, due to the limited extent of the variance and the fact that, if averaged, the provided side street side yard would well exceed the minimum setback requirement of 30'.
- d. The variance is not the result of a willful violation of the Zoning Ordinance, but is the result of an inadvertent staking error of slightly more than one foot.

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

1. The pool may remain where constructed in accordance with the submitted application and site plan.
2. The variance is granted solely for the purpose of allowing the pool to remain where currently located, and is not intended to accommodate future building construction of any kind.
3. An administrative action plat shall be submitted to the Division of Planning and recorded, noting the action of the Board.

D. **Conditional Use Appeals**

1. **CV-2008-24: PANAGIA PANTOVASILISSA GREEK ORTHODOX CHURCH** - appeals for a conditional use permit to modify and expand an existing church, involving demolition of one building, in a Single Family Residential (R-1D) zone, on property located at 920 Bates Creek Road; and a variance to increase the allowable distance between the church and required parking (provided at Cassidy Elementary School) from 300 feet to 475 feet, in a Single Family Residential (R-1C) zone, on property located at 1125 Bates Creek Road (Council District 3).

The Staff Recommended: Approval of the requested conditional use, for the following reasons:

- a. Granting the requested conditional use permit will not adversely affect the surrounding neighborhood. The church as expanded will be comparable to the size and scale of the Faith Lutheran Church situated on the opposite corner of Melrose Avenue and Bates Creek Road. Since many of the residential structures between the church property and the intersection of Sunset Avenue and Bates Creek road are two stories in height already, the relatively large increase proposed for this church will still not be out of character with these long-established residential uses to the north of this site.
- b. Except for a loop drive aisle now proposed off of Melrose Avenue, the church expansion has been designed appropriately from an architectural standpoint, and from a site design perspective, includes provision for a significant landscape buffer between the church and nearby residential properties to the north and west.
- c. Existing storm and sanitary sewers are available to the church property, and other public facilities are available and adequate to serve this congregation.

The Staff Recommended: Approval of the requested variance, for the following reasons:

- a. Although a dimensional variance is not needed to continue use of the school parking lot some 475' away from the church building, and is "grandfathered" to the extent that it supports the activities at the existing church constructed over fifty years ago, it is necessary to allow the increase in sanctuary seating now proposed.
- b. Strict application of the Zoning Ordinance would dictate a more modest expansion of this church, thereby allowing some off-street parking on-site, but would not be feasible in a way that will not affect their worship, creating an unnecessary hardship to this congregation.
- c. The variance will not adversely affect the public health, safety or welfare, nor alter the character of this vicinity since a complete and adequate sidewalk system exists from the parking area at Cassidy

Elementary School to the front door of the church, served by a signalized intersection at Hart Road and Bates Creek Road (with a crosswalk) to allow safe pedestrian movements along this 475' distance.

- d. This variance will not result in an unreasonable circumvention of the Zoning Ordinance, and is the result of special circumstances not generally found with other properties in this area, since the church was originally permitted at this location without off-street parking some 50 years ago, and since the on-street and off-street parking conditions will result in a continuation of the status-quo.
- e. The variance is not a direct result of actions by the church since its original construction years ago.

These recommendations of approval are made subject to the following conditions:

- 1. The expansion shall take place in accordance with the submitted application and site plan (dated April 25, 2008) except that the 13' wide circular drive proposed off of Melrose Avenue is to be removed from the plan prior to the issuance of any building permits for this property. Revised site plans shall be submitted to the Divisions of Planning and Building Inspection indicating compliance with this requirement.
 - 2. All necessary permits shall be obtained from the Division of Building Inspection prior to any construction.
 - 3. The proposed driveway to remain from Melrose Avenue shall be approved by the Division of Traffic Engineering.
 - 4. A minimum of 28 off-street parking spaces shall be leased off-site for the use by the church during their activities.
 - 5. The subject property shall be fenced, landscaped and screened from adjoining residential properties to the north and west as indicated on the submitted site plan (dated April 25, 2008).
 - 6. A storm water management plan shall be implemented in accordance with the requirements of the adopted Engineering Manuals, subject to acceptance by the Division of Engineering.
 - 7. No new outdoor lighting associated with the proposed additions shall be directed at any neighboring property to the north, east or west of this site.
2. **C-2008-73: W.D. THOMAS / NEW VINE BAPTIST CHURCH** - appeal for a conditional use permit to expand the church's (already constructed) parking lot in a Single Family Residential (R-1D) zone, on properties located at 4339, 4349 & 4351 New Vine Lane and 5067 Old Versailles Road (Council District 12).

The Staff Recommended: Approval, for the following reasons:

- a. Retention of the new church parking lot should not adversely affect the subject or surrounding properties, provided that (a) the overall design is modified to satisfy requirements of the Division of Traffic Engineering, (b) the parking lot is landscaped as required by Article 18-3(a)(2)1 of the Zoning Ordinance, and (c) that water runoff is addressed through implementation of a storm water management plan. Compliance with these conditions can reasonably be expected, given the preliminary assessments that have already been undertaken.
- b. All necessary public facilities and services are or will be available and adequate for the proposed use.

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

- 1. The new parking lot, located to the south of the church sanctuary, may be retained in accordance with a revised site plan that (a) satisfies design requirements of the Division of Traffic Engineering, (b) shows landscaping to be provided that complies with Article 18-3(a)(2)1 of the Zoning Ordinance, and (c) identifies major components of the storm water management plan to be implemented.
 - 2. All necessary revisions and other parking lot improvements shall be done in accordance with permits issued by the Division of Building Inspection, and shall be completed within three months after action by the Board.
 - 3. The storm water management plan to be implemented shall comply with requirements of the adopted Engineering Manuals, subject to acceptance by the Division of Engineering.
3. **C-2008-74: EVELYN A. JOHNSON** - appeals for a conditional use permit to establish a child care center for up to 42 children in an existing church building, in a Single Family Residential (R-1C) zone, on property located at 549 Parkside Drive (Council District 6).

The Staff Recommended: Approval, for the following reasons:

- a. A relatively small child care facility within the church at this location should not adversely affect the subject or surrounding properties. The existing church building can be used without the need for any

new construction or other major improvements, so no additional storm water will be generated by the proposed activity. Off-street parking is conveniently located to the rear of the church, near the main entrance to the child care and designated drop-off and pick-up site. A suitable outdoor play area will be provided that is screened from an adjoining residential property.

- b. All necessary public facilities and services are available and adequate for the proposed use.

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

1. The child care facility shall be established and operated in accordance with the revised application and site plan, with no more than 42 children to be cared for during the hours of 6:00 AM to 6:00 PM, Monday through Friday.
2. An occupancy permit shall be obtained from the Division of Building Inspection prior to opening the child care.
3. Child care to be provided shall at all times comply with the requirements of the Commonwealth of Kentucky, Cabinet for Health and Family Services.
4. The outdoor play area shall be fenced and screened in accordance with the requirements of the Division of Building Inspection. In addition, a 6' tall privacy fence shall be installed along the rear property line of the adjoining property to the east (on the church's property), for a distance of approximately 90'. That fence shall be maintained to provide a secure and more substantial screen between the playground and rear yard of the adjoining property.
5. Use of the outdoor play area shall be staggered among the various classes at the child care to minimize the potential for noise to disturb adjoining or nearby residences.

4. **C-2008-79: MORGAN PROPERTIES, INC.** - appeals for a conditional use permit to construct and operate a church with accessory parking in an Agricultural Urban (A-U) zone, on property located at 2265 Liberty Road (Council District 6).

The Staff Recommended: Approval, for the following reasons:

- a. Granting the requested conditional use permit should not adversely affect the subject or surrounding properties. Off-street parking will exceed the minimum requirements, with a full landscape buffer to be provided around the entire parking lot. Due to the relatively small size of the church (120 sanctuary seats), no significant traffic impacts are anticipated. Construction and future maintenance will be facilitated by the flat terrain of the lot.
- b. All necessary public facilities and services are available and adequate for the proposed use.

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

1. The church shall be built in accordance with the submitted application and site plan.
2. All necessary permits shall be obtained from the Division of Building Inspection prior to demolition and new construction.
3. The parking lot shall be paved, with spaces delineated, and landscaped/screened in accordance with Articles 16 and 18 of the Zoning Ordinance.
4. The layout of the parking lot and access shall be subject to review and approval by the Division of Traffic Engineering.
5. Any pole lighting for the parking lot shall be of a shoebox (or similar) design, with light screened and directed downward to avoid disturbing adjacent or nearby residences.
6. The access to Liberty Road shall be designed and maintained as permitted by the Kentucky Transportation Cabinet.
7. A storm water management plan shall be implemented in accordance with the adopted Engineering manuals, subject to acceptance by the Division of Engineering.
8. At least 3 red oak trees (or other species as determined to be acceptable by the landscape examiner with the Division of Building Inspection) shall be planted along the northwest side of the church building. Initial planting height shall be comparable to that provided by trees in the landscape buffer for the vehicular use areas. These plantings may appear as a continuation of the landscape buffer for the parking lot, or be otherwise spaced as desired by the appellant.

5. **C-2008-80: BETHEL TEMPLE ASSEMBLY OF GOD** - appeals for a conditional use permit to expand the church (800 square-foot foyer) in a Single Family Residential (R-1C) zone, on property located at 1455 Bryan Avenue (Council District 1).

The Staff Recommended: Approval, for the following reasons:

- a. Granting the requested conditional use permit should not adversely affect the subject or surrounding

properties. The foyer addition is relatively small (800 square feet) and will comply with the 30' front yard setback that applies along Bryan Avenue.

- b. All necessary public facilities and services are available and adequate for the proposed use.

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

1. The addition shall be done in accordance with the submitted application and site plan.
2. All necessary permits shall be obtained from the Division of Building Inspection prior to construction.
3. A storm water management plan, if needed, shall be implemented in accordance with the adopted Engineering Manuals, subject to acceptance by the Division of Engineering.

6. **C-2008-81: JASON SHEER** - appeals for a conditional use permit to allow live entertainment as part of a restaurant expansion in a Neighborhood Business (B-1) zone, on property located at 303 South Limestone (Council District 3).

The Staff Recommended: Approval, for the following reasons:

- a. Granting the requested conditional use permit should not adversely affect the subject or surrounding properties. Adjoining and nearby properties are primarily commercial in nature, and are not expected to be disturbed by the proposed entertainment activity. Adequate off-street parking will be provided, and the reconfigured parking lot is to be fully landscaped.
- b. All necessary public services and facilities are available and adequate for the proposed use.

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

1. The restaurant expansion with the addition of live entertainment and dancing shall be undertaken in accordance with the submitted application and site plan, or as amended by the Planning Commission.
2. All necessary permits shall be obtained from the Division of Building Inspection prior to construction and prior to opening the establishment.
3. The expanded restaurant shall provide seating for no more than 72 persons.
4. A sanitary sewer capacity study shall be conducted in accordance with the requirements of the Division of Water Quality, and accepted prior to the issuance of any building permits.
5. The layout of the parking lot and access drives shall be subject to review and approval by the Division of Traffic Engineering.
6. The building shall be soundproofed to the maximum extent feasible using existing technology, with noise or other emissions not creating a nuisance to the surrounding neighborhood.

7. **C-2008-82: CENTERPOINTE CHRISTIAN CHURCH** - appeals for a conditional use permit to amend a previously approved site plan for a church with accessory parking in a Light Industrial (I-1) zone, on property located at 865 Greendale Road (Council District 2).

The Staff Recommended: Approval, for the following reasons:

- a. Granting the requested conditional use permit should not adversely affect the subject or surrounding properties. The eastern end of the property, where all of the proposed improvements will be located, is sufficiently large to accommodate a modest church facility with adequate off-street parking and storm water detention. Adjoining properties planned for residential uses have not been developed yet, so development of those areas can be made with the knowledge of what is proposed for the church.
- b. All necessary public facilities and services are or will be available and adequate for the proposed use.

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

1. The church facility shall be constructed in accordance with the submitted application and site plan, or as amended by the Planning Commission, with the understanding that a greenway and multi-use trail will be incorporated into the site plan.
2. All necessary permits shall be obtained from the Division of Building Inspection prior to construction and occupancy of the church.
3. A sewer capacity study shall be conducted in accordance with the requirements of the Division of Water Quality, and accepted prior to the issuance of any building permits.
4. All access drives and parking areas shall be paved, with spaces delineated, and landscaped/screened in accordance with Articles 16 and 18 of the Zoning Ordinance.
5. The final design of the parking areas, circulation and access shall be reviewed and approved by the Division of Traffic Engineering.
6. The design and construction of the Greendale Road (KY 1978) access shall comply with permitting

requirements of the Kentucky Transportation Cabinet.

7. Any pole lighting for the parking areas shall be of a shoebox (or similar) design, with light shielded and directed downward to avoid disturbing adjoining or nearby properties.
 8. A storm water management plan shall be implemented in accordance with the adopted Engineering Manuals, subject to acceptance by the Division of Engineering.
 9. A greenway with a multi-use trail shall be incorporated into the site plan approved for this church facility, to extend across the full width of the property, with appropriate connections to each adjoining property. The design of the greenway and trail shall be subject to review and approval by the greenspace planner with the Division of Planning, as reflected on the amended Final Development Plan for the subject property, subject to approval by the Planning Commission.
8. **C-2008-83: BLYTHE SAVAGE** - appeals for a conditional use permit to establish a home occupation (making hats) in a Single Family Residential (R-1C) zone, on property located at 214 Arcadia Park (Council District 3).

The Staff Recommended: Approval, for the following reasons:

- a. Granting the requested conditional use permit should not adversely impact the subject or surrounding properties. Materials and equipment used for custom hat making are relatively safe and should not generate significant levels of noise or other potential disturbances. No increase in traffic or parking demand is anticipated.
- b. All necessary public services are available and adequate for the proposed use.

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

1. The home occupation shall be established in accordance with the submitted application and site plan, and shall at all times comply with the provisions of Article 1-11 of the Zoning Ordinance.
 2. All necessary permits shall be obtained from the Division of Building Inspection prior to starting the home occupation, including an occupancy permit.
 3. Customers shall not come to the home for any reason.
 4. This conditional use permit shall become null and void should the appellant cease to either own or occupy the residence on the subject property.
9. **C-2008-84: MACK BAILEY** - appeals for a conditional use permit to establish a church in an existing building in a Neighborhood Business (B-1) and a Single Family Residential (R-1D) zone, on property located at 4981 Old Versailles Road (Council District 12).

The Staff Recommended: Approval, for the following reasons:

- a. A small church at this location, with sanctuary seating for up to 45 persons, should not adversely affect the subject or surrounding properties. All necessary improvements (other than some interior remodeling) are already available, with nine off-street parking spaces to be provided. Landscape buffers of between 5' and 15' in width will be maintained along the rear and side property lines.
- b. All necessary public services and facilities are available and adequate for the proposed use.

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

1. The church shall be established in accordance with the submitted application and site plan, with no more than 45 sanctuary seats to be provided.
 2. An Occupancy Permit shall be obtained from the Division of Building Inspection prior to beginning the church use.
 3. The waste treatment system shall be evaluated by the Department of Health and upgraded as necessary to comply with their requirements.
 4. A 15' landscape buffer along the rear of the property, and a 5' to 7' landscape buffer along the side of the property, shall be provided and maintained as originally required by the Board for the prior retail use (Mack Bailey: C-2004-141).
 5. Landscaping for the parking lot shall be maintained in accordance with the requirements of Article 18 of the Zoning Ordinance, with any lighting for the parking lot to be directed downward and away from all nearby residential zones or uses.
10. **C-2008-85: IMANI MISSIONARY BAPTIST CHURCH** - appeals for a conditional use permit to establish a child care facility in a Planned Neighborhood Residential (R-3) zone, on property located at 1555 Georgetown Road (Council District 2).

The Staff Recommended: Approval, for the following reasons:

- a. Granting the requested conditional use permit should not adversely affect the subject or surrounding properties. Needed improvements for the proposed child care center already exist to a great extent, with an outdoor play area to be added to the rear of the church. A suitable drop-off and pick-up site is conveniently located midway along the back side of the church, and an abundance of off-street parking is available in that general area. The signalized intersection at Oakwood Drive will help to ensure smooth movement of traffic to and from the child care center from Georgetown Road.
- b. All necessary public facilities and services are available and adequate for the proposed use.

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

1. The child care center shall be established in accordance with the submitted application and site plan, with a maximum enrollment of 350 children (200 for the day care and 150 for the after-school program) and hours limited to Monday through Friday from 6:00 AM to 6:00 PM.
 2. An occupancy permit shall be obtained from the Division of Building Inspection prior to opening the center.
 3. The child care center shall at all times operate in full compliance with regulations of the Kentucky Cabinet for Health and Family Services.
 4. The 3,900 square-foot outdoor play area shall be fenced and screened in accordance with the requirements of the Division of Building Inspection. That play area shall be expanded as needed to accommodate any increase in enrollment above 156 children, based on the minimum requirement of 25 square feet of play area per child.
11. **C-2008-86: UPSCALE PROMOTIONS, LLC** - appeals for a conditional use permit to establish a non-alcoholic nightclub with live music and dancing in a Highway Service Business (B-3) zone (subject to conditional zoning restrictions), on property located at 1624 Old Paris Road (Council District 6).

The applicant has submitted a letter of withdrawal for this appeal; therefore, no action is required.

E. Administrative Review

1. **A-2008-87: AA GRAPHICS** - appeals for an administrative review to allow a 119 square-foot free standing sign (whereas the Ordinance allows only 75 square feet) in a Highway Service Business (B-3) zone, on property located at 1780 Sharkey Way (Council District 2).

The Staff Recommended: Disapproval, and that the decision of the Division of Building Inspection be upheld, for the following reasons:

- a. The proposed freestanding sign of 119 square feet in size is 44 square feet larger than the 75 square feet allowable for a freestanding business sign in the Highway Service Business (B-3) zone. In this instance, pole covers are counted toward the sign area total, based on Article 17-3(e)(2)(a)(3), which states that the area of the sign shall include such covers when they extend more than six (6) inches, at any point, from the structural member of the sign.
- b. No justification of any kind has been offered by the appellant to support that the pole covers should not be counted toward the sign area, nor has any justification been provided related to any other interpretive aspect of the Zoning Ordinance.
- c. The Board of Adjustment is not authorized to grant an appeal that would increase the maximum total sign square footage permitted on a single lot.

IV. **BOARD ITEMS** - The Chair will announce that any items a Board member wishes to present will be heard at this time.

- V. **STAFF ITEMS** - The Chair will announce that any items a Staff member wishes to present will be heard at this time.
- A. **House Bill 55 Training Opportunity** - There will be an APA audio conference Wednesday, October 8 from 4:00 till 5:30 p.m. in the Division of Planning Conference room. The title of this presentation is "Renewable Local Energy" and will count toward 1.5 hours of training for Board of Adjustment and Planning Commission members, as well as staff.

VI. **NEXT MEETING DATE** - The Chair will announce that the next meeting date will be October 31, 2008.

VII. **ADJOURNMENT** - If there is no further business, the Chair will declare the meeting adjourned.