



Town of Nederland Board of Zoning Adjustment

MINUTES

Thursday, January 12, 2012 ~ 7:00 pm
Nederland Community Center
750 Highway 72 North

1) Call to Order

Vice Chairman MacFerrin called the meeting to order at 7:08 pm.

2) Roll Call

Present: Vice Chairman Ken MacFerrin; Board Members Debbie Davenport, Mark Moll, Leonard Kottenstette; Trustee Liaison Chris Perret; Alternate Board Member Roger Cornell

Also present: Town Administrator Alisha Reis, Town Clerk Teresa Myers.

Absent: Chairman Mark Stringfellow

3) Approval of minutes from October 13, 2011

Motion to approve the October 13, 2011 minutes was made by Member Kottenstette, seconded by Member Davenport, and approved unanimously, with Trustee Perret abstaining due to his absence from the previous meeting.

4) Scheduled Business

- a. Consideration of a new language to amend Nederland Municipal Code Section 16-232(a)(1) to clarify variance criteria applicability.

Vice Chairman MacFerrin provided some background for the item and Reis explained the need for the amended sections. Alternate Member Cornell spoke in support of the amendment. Board Member Davenport questioned whether the Board would be informed and trained on new

criteria as enacted by the Board of Trustees, prior to having to apply them to an applicant. Reis assured her they would.

Motion to approve the suggested amendments to NMC 16-232(a)(1) as written and recommend them to the Board of Trustees was made by Vice Chairman MacFerrin, seconded by Board Member Kottenstette, and approved unanimously.

- b. Consideration of a variance request for the Community Center to allow a new sign to be constructed that exceeds code requirements for size.

Reis provided the background on this item and explained the sign variance portion of the Code. She further explained the basis for the staff recommendation.

Dale Porter, of the Nederland Community Center Foundation Board, explained the design of the proposed sign. Member Kottenstette asked some questions about how the sign would be secured, and Vice Chairman MacFerrin reminded the Board that the only issue before them is the size of the sign, because that is the only aspect of it requiring a variance. Member Moll asked some questions about the size of the lettering on the sign, and Porter clarified that the larger size would allow more messages and clearer posting of the tenants' names. Vice Chairman MacFerrin sought clarification on the basis for the Board's decision from Reis, and clarification as to the need for a larger-sized sign.

Myers questioned Board Member Kottenstette on a potential conflict of interest that he had raised with staff, concerning his residential proximity to the sign at issue. Board Member Kottenstette stated that he could see the sign from his kitchen window, that he'd made up his mind prior to tonight's meeting, and that he believed he could be fair and impartial in his decision-making. Vice Chairman MacFerrin asked whether Board Member Kottenstette had made up his mind prior to the meeting based on his personal feelings or based on the contents of packet. Board Member Kottenstette replied that he'd reached his conclusions based on the contents of the packet. Myers announced that he did not need to recuse himself and could vote on the issue.

Alternate Board Member Cornell expressed his support for the variance, citing that there are many businesses located in the Community Center, and they will all be sharing this one sign.

Vice Chairman MacFerrin asked if any public comment was received by Town Hall, and Reis informed him none had been received. Board Member Davenport noted that, given the location of the sign on a curve and the speed on Hwy. 72, the larger sign would be appropriate for the businesses and those trying to find them. Vice Chairman MacFerrin agreed.

Motion to approve the sign variance for the Community Center sign was made by Board Member Davenport, seconded by Board Member Moll, and approved unanimously.

Reis informed the Board that the issue will be before the Board of Trustees on February 7th to approve all aspects of the sign.

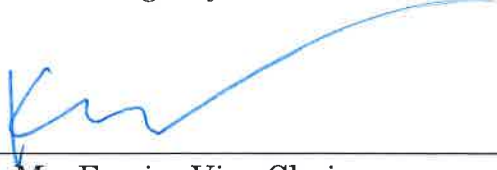
5) Other business

The next meeting is scheduled for April 12th.

6) Adjournment

Motion to adjourn was made by Vice Chairman MacFerrin, seconded by Member Moll, and approved unanimously. The meeting was adjourned at 7:38PM.

Approved by the Town of Nederland, Board of Zoning Adjustment.



Ken MacFerrin, Vice-Chairman

ATTEST:



Teresa Myers, Town Clerk