

APPLICATION FORM

**BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION**

(See Boone County Zoning Regulations).

SECTION A (To be completed by applicant)

- (Check One)
1.  Boone    \_\_\_\_\_ Florence    \_\_\_\_\_ Walton    \_\_\_\_\_ Union
  - (Check One)
  2. \_\_\_\_\_ Conditional Use Permit     Variance    \_\_\_\_\_ Appeal
  - \_\_\_\_\_ Change in Non-Conforming Use
  3. Applicant's Name Schleper Development Corp., Mike Schleper
  - Phone Number 606-525-8585
  - Applicant's Address 1452 Donaldson Highway
  - Erlanger, Kentucky 41018
  - City State Zip
  4. Description of Request: Variance in Sign Dimensions from
  - 32 Square Feet to 132 for Real Estate "For Sale" Sign.
  5. Name of Development SouthPark
  6. Location of Development NorthEast Corner of Intersection
  - of KY 237 and I-275.
  7. Acreage Under Review 125
  8. Lot Number and Name of Subdivision (if part of a subdivision)
  - NA
  9. Owner of Property Schleper Development Corp.
  - Phone Number 606-525-8585
  10. Address of Property Owner 1452 Donaldson Highway
  - Erlanger, Kentucky 41018
  - City State Zip
  11. Proposed Use(s) On Site Industrial Park
  12. Total Square Footage of Existing and/or Proposed Buildings
  - NA
  13. Current Zoning on Property I-1
  14. Deed Book 397 Page No. 159 Group No. 2808
  15. Is the site subject to a zone change? Yes R-45-88
  - If yes, give date of approval 09-21-88
  16. Have you submitted a Site Plan with this request? Yes
  17. Have you submitted a list of adjoining property owners with this request? Yes
  18. Applicant's Signature: \_\_\_\_\_
  19. Property Owner's Signature: \_\_\_\_\_

SECTION B

(To be completed by Boone County Planning Commission Staff)

1. Date Received 2-10-89
2. Fee Received \$253
3. Is application complete?  Yes  No
4. Staff Reviewer JWB
5. Scheduled Board Action Date 3-8-89
6. Board Action:  
 Approval  
 Approved With Conditions (See #7) 3-8-89  
 Disapproved (See #8)
7. Conditions: sign can be used for 1 1/2 years  
\_\_\_\_\_  
\_\_\_\_\_
8. Reasons For Disapproval: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

STAFF REPORT

#2

DEVELOPMENT: SouthPark Development  
APPLICANT: Schleper Development Corporation  
LOCATION: northeast corner of I-275 and KY 237  
ZONING: C-2/UR-1/I-1  
DATE: March 8, 1989

REMARKS:

The applicant is requesting a Variance to allow a 132 square foot real estate sign. The 125 acre site, located at the northeast corner of I-275 and KY 237, Boone County, is zoned Commercial Two (C-2) Urban Residential One (UR-1) and Industrial One (I-1), and is owned by the Schleper Development Corporation.

Article 19, Section 1907, number 1 reads:

"Signs advertising the sale, lease, or rental of the premises upon which the sign is located, shall not exceed thirty-two (32) square feet in area, except in all residential districts where the area of the sign shall not be more than sixteen (16) square feet."

The applicant is proposing a 132 square foot (approximate) sign advertising the sale of "manufacturing and distribution sites" available in SouthPark. A copy of the proposed sign, and a plan showing its location are attached.

The following reviews the criteria the Board must use in evaluating Variance requests:

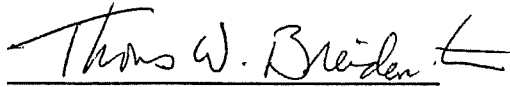
1. A special circumstance which does not apply to other property in the vicinity is the size and type of the development. This 23 lot industrial development, with commercial and residential mixed in, is unique to the area.
2. Strict application of the zoning regulations would allow the owners use of a 32 square foot sign only. Such a sign may not be legible from I-275.
3. The above mentioned circumstances is the result of a zone change requested by the applicant and approved by the Fiscal Court late last year.

Staff does not feel that, if granted, the Variance will adversely affect the public health, safety, or welfare, will not alter the essential character of the vicinity, will not cause a hazard or nuisance to the public, and will not allow an unreasonable circumvention of the zoning regulations.

As a point of history, this Board has approved similar requests for similar developments in the past. On 4-9-86, Corporex was allowed a 192 square foot sign for their new office building on Mineola Pike at I-275. Miller Valentine

was granted a Variance in February, 1988 for a 150 square foot sign for property also at Mineola Pike and I-275. The Board imposed a one and one-half time limit on the use of this sign. Finally, the Board approved, with a one year time limit, a 200 square foot sign for L.J. Hooker's Airport Exchange Business Park.

Respectfully submitted,

Handwritten signature of Thomas W. Breidenstein in cursive script, with a horizontal line underneath the name.

Thomas W. Breidenstein,  
Zoning Enforcement Officer

TWB:kat

# SOUTHPARK

MANUFACTURING AND  
DISTRIBUTION SITES

• ALL EDIMAGES •

(606) 525-8585

SCHLEPER  
REALTY

SCALE 1" = 1.66'

NOTE SIGN IS APPROX. 8' HIGH X 16' WIDE.

|    |    |    |    |    |    |    |    |    |     |
|----|----|----|----|----|----|----|----|----|-----|
| 1  | 2  | 3  | 4  | 5  | 6  | 7  | 8  | 9  | 10  |
| 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20  |
| 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30  |
| 31 | 32 | 33 | 34 | 35 | 36 | 37 | 38 | 39 | 40  |
| 41 | 42 | 43 | 44 | 45 | 46 | 47 | 48 | 49 | 50  |
| 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 | 59 | 60  |
| 61 | 62 | 63 | 64 | 65 | 66 | 67 | 68 | 69 | 70  |
| 71 | 72 | 73 | 74 | 75 | 76 | 77 | 78 | 79 | 80  |
| 81 | 82 | 83 | 84 | 85 | 86 | 87 | 88 | 89 | 90  |
| 91 | 92 | 93 | 94 | 95 | 96 | 97 | 98 | 99 | 100 |

1. The proposed development is shown in black on this plan. The area shown in white is the unimproved land. The area shown in gray is the area to be reserved for future development.

2. The proposed development is shown in black on this plan. The area shown in white is the unimproved land. The area shown in gray is the area to be reserved for future development.

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**SOUTH PARK DEVELOPMENT**  
 IBBOTSON BOONE COUNTY, KENTUCKY

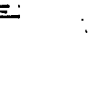
STAGE I - DEVELOPMENT PLAN

DATE: 10/1/58  
 SHEET NO. 1  
 TOTAL SHEETS: 1

PREPARED BY: [Firm Name]  
 ENGINEER: [Name]  
 SURVEYOR: [Name]

1:2500

10/1/58



Schleper Development Corporation  
1452 Donaldson Highway  
Erlanger, Kentucky 41018  
(606) 525-8585

January 18, 1989

Re: SouthPark Sign

Gentlemen:

We would like to receive a quotation from your firm for furnishing and delivering the sign as described below and as per attached drawing:

Overall dimensions of the sign is 16 feet wide by 8 feet high.

Logo would be painted on separate piece of plywood and attached to the sign in the field.

Sign is to be constructed with 3/4" signboard plywood material, exterior grade. Support posts, bracing, and sign erection will be done by others.

All sizes and heights of lettering and Logo shall be proportional to attached drawing.

The following are defined as the colors to be used on the sign:

BLUE = PMS 293 or GSP (Scotchcal) Intense Blue  
Green = PMS 340 or GSP (Scotchcal) Kelley Green  
Black = Standard Black  
White = Standard White

The overall sign background will be WHITE in color.

The Logo color will start, on the left side, as BLUE, and will fade out as one looks to the right side of the logo. The right side will start out as GREEN, and will fade out as one looks to the left side of the logo.

The word "SouthPark" will be Clearface Regular typestyle, and be BLACK in color.

The words "ALL UTILITIES" will be Optima Black typestyle, with WHITE letters

SouthPark Sign  
January 18, 1989  
Page 2

and surrounding area colored BLACK as shown. The round dots on each side of this area will be BLUE in color.

The words "MANUFACTURING AND DISTRIBUTION SITES" will be Optima Black typestyle, in all capital letters, with slightly larger beginning capital letters. The color of these words is GREEN.

The phone number "(606) 525-8585" and the words "SCHLEPER REALTY" will be Helvetica Heavy typestyle and be WHITE in color. The background color around these words will be BLUE.

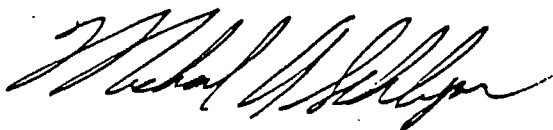
We would also request that you advise us as to the time it would take your firm to complete this sign.

If you have any questions regarding this, or would like to see the artwork on the Logo, please don't hesitate to call Mike Schleper at 525-8585.

We would appreciate your timely response to this inquiry. Our Fax number is (606) 525-8529.

Thanks for your help.

Sincerely,



Michael A. Schleper



Schleper Development Corporation  
1452 Donaldson Highway  
Erlanger, Kentucky 41018  
(606) 525-8585

March 3, 1989

Mr. Thomas W. Breidenstein  
Boone County Planning Commission  
P.O. Box 697 - 2950 Washington Street  
Burlington, Kentucky 41005

Re: SouthPark Development  
REQUEST FOR SIGN VARIANCE

Dear Tom:

In accordance with our discussion yesterday, regarding our application for a sign variance, we wish to confirm that we have been in contact with Mr. Forrest M. Rankin, District Permit Engineer, for the Kentucky Department of Transportation.

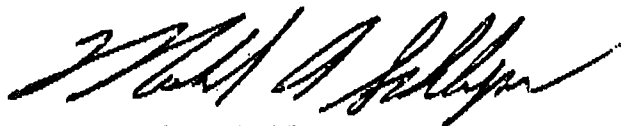
We have also reviewed all regulations from KYDOT pertaining to our installation of the sign near Interstate 275, and have submitted our Application for Advertising Device Permit to the Commonwealth of Kentucky, Transportation Cabinet, with full intentions of complying with all regulations pertaining to this sign.

If you have any other questions, or we might be of further assistance, please don't hesitate to call.

Your continued cooperation is greatly appreciated.

Sincerely,

SCHLEPER DEVELOPMENT CORP.



Michael A. Schleper

MAS:glb

BOONE COUNTY  
BOARD OF ADJUSTMENT

March 8, 1989 - 6:30 P.M.

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ANNUAL MEETING

BOARD MEMBERS PRESENT:

Mr. I. A. Archambault  
Mr. Dan Houston  
Mr. Fred Nevel  
Mr. Walt Ryan  
Mr. George Whitton, Chairman

BOARD MEMBERS NOT PRESENT:

None

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Mr. George Whitton, Chairman, called the meeting to order at 6:30 P.M.. The Chairman stated that the Board members had not received copies of the Minutes of the December, 1988 meeting and asked that they be mailed prior to the next meeting for approval at that time.

AGENDA ITEMS:

1. The request of First Church of Christ, Inc. (applicant) for a Conditional Use Permit to allow the construction of a church building and parking facilities in a residential zone. The 21.77-acre parcel is located on the east side of Camp Ernst Road, south of the Extension Office and north of Willow Bend Subdivision in Boone County, Kentucky. The property is zoned Suburban Residential One (SR-1) and is owned by Paul J. and Rose Mary Kahmann.

Staff Member, Paul Miller, presented the Staff Report which included a slide presentation. Mr. Doug Powell, Transportation Planner, presented the portion of the Staff Report in regard to traffic and Staff Concerns (see Staff Report).

The Chairman asked who was present in behalf of the request.

Mr. James Parsons, attorney representing the First Church of Christ, stated that he was present in behalf of the request, as was the Reverend Campbell, Mr. Jim Maddox of the Building Committee, and Mr. Nurse of Trinity Church Builders.

Mr. Parsons stated that the church concurs with the Staff's findings. He stated that their existing church at the intersection of U.S. 42 and Evergreen Drive is too small. They plan to construct a 28,000 sq. ft. facility with a worship hall for 900 to 1,000 people. There is room on the site for expansion. In regard to the connector road, using the large map, Mr. Jameson indicated that the church has no problem with the access along the southwestern border of the site and dedicating the property in compliance with the regulations in the event that the connector road would be constructed. However, they do object to taking the connector road along the southwestern border and then moving to the interior of the site to connect to the Oakbrook Subdivision. They are concerned for the safety of children crossing the road. The church would prefer that the road go along the southwestern border to the end of the property. He stated that they believe the costs would be comparable. They are agreeable to the road being moved, provided it stays within approximately 100 feet of the property line. He questioned whether the easement would have to be dedicated in the planning stages as the road may not be built. He stated that they are willing to work with the county in regard to the access problems for Oakbrook and Willowbend. He added that most of their church members live in Boone County.

Mr. Harry Nurse stated that they had met with the Staff. He stated that they want to use the open flat space on the site, leaving as many trees as possible, for recreational purposes. He stated that the road would be straighter and safer along the property line. He noted that the church provides day care and the children may have to cross the road to use the recreational facilities. He stated that they are not proposing the road, but have been asked by Staff to provide the right-of-way. He noted that the road would provide another means of exiting the property. He stated that they would construct the road to the parking area and put in the parking, but beyond that point the road would be built by the governing authority.

The Chairman asked if there was anyone else present who wished to speak in behalf of the request. There being no one, he asked if there was anyone present in opposition or having questions.

Mr. Dan Barker, Greater Cincinnati Airport, stated that the FAA is concerned about the structure causing problems with the VOR. He indicated on the map the location of a 1,000-foot zone that has to be protected. He stated that the FAA form filed by Mr. Maddox in behalf of the church was approved by the FAA, but there is conflicting information. On the form they indicated that the church would be approximately 1,000 feet from the VOR, but the latitude and longitude compute to 1960 feet from the VOR. There is a 960-foot difference. The form was approved based on the latitude and longitude, which may be incorrect. The church needs to file an amended 7460-1 and give correct coordinates and the site elevation. He stated that the structure will be

approximately 50 feet high and may violate the 1.2<sup>0</sup>. They need specific data to determine if there will be navigational problems.

Counselor Wilson advised that the Board could approve the request conditioned on another form being provided to the FAA and FAA approval being given prior to the Conditional Use Permit being effective. The Board could defer the matter. He stated that the applicant needs both approvals as the FAA would be able to stop them from building.

Mr. John Pingle, 1819 Hidden Springs, stated that there are about ten residents present who are interested in looking at the plans. He noted that there are drainage problems in the area.

Ms. Mary Davis, who lives in the last house on Clovernook, stated that they live on the property line and want to know how close the building will be to their house.

Mr. Parsons stated that the FAA form was filed in November, 1988. He asked that the Conditional Use Permit not be delayed for the filing of the form. They are aware that FAA approval is needed. They were not notified by the FAA in regard to their permit dated January 20, 1989. He stated that the Site Plan will provide more specifics in regard to the project. He stated that they have an option on the property and delaying the Conditional Use Permit would not allow them time to exercise their option. He stated that they would not object to a condition in regard to the FAA form.

Mr. John Geisen, 1880 Hidden Springs, stated that they heard the church would empty into the subdivision through Briargate and Clovernook.

Mr. Harry Nurse stated that the building will be wood frame and its current placement is in excess of 1,000 feet from the VOR. The height limit based on the zoning requirements is 45 feet. The steeple will be fiberglass. If there is a problem, then there may be a ground-mounted bell tower of fiberglass. He added that buffering is intended between the church facility and the house. It will be an attractive masonry structure.

Mr. Barker stated that they will do everything they can to expedite the form, but they want specific information.

Chairman Whitton noted that a Site Plan had not be submitted. He stated that the neighbors want to know how the site will be laid out.

Mr. Parsons stated that the basic concerns of the neighbors are in regard to access. The Preliminary Plat indicates that access will be exclusively off Camp Ernst Road using the southwest entrance. They are willing to meet with the property owners involved and the Staff. They are asking for the right to build the church, assuming all the requirements are met.

Reverend Campbell stated that they want to be good neighbors.

Susan McCarthy, 1888 Hidden Springs, stated that they are concerned about the wooded area behind their homes, which is a nature area, and the road.

Mr. Parsons stated that it is not the church's idea to have an access into Willowbend. They will build the access off Camp Ernst Road. The issue in regard to the road is up to the county. The church will provide the easement if necessary.

Mr. Houston moved that the Conditional Use Permit be granted with the condition that the FAA requirements be met and the Site Plan submitted before anything is done so that the neighbors can see the buffers and drainage.

Chairman Whitton noted that the neighbors are concerned about church traffic emptying into their subdivision.

Mr. Houston amended his motion to include a condition that church traffic will not be emptied into the subdivision streets and there will not be a connector from the church into the subdivision. Mr. Nevel seconded the motion.

Mr. Miller asked if the Board was considering the provision of a connector right-of-way through the site. Mr. Houston said no.

Counselor Wilson advised that if the government decides there is a need for the road, they will have to acquire the property by voluntary transaction or eminent domain.

Chairman Whitton asked for a vote on the motion made by Mr. Houston and it carried unanimously.

2. The request of Schleper Development Corporation (applicant) for a Variance to allow a 132-square foot real estate sign. The 125-acre site, located at the northeast corner of I-275 and KY 237, Boone County, Kentucky, is zoned Commercial Two (C-2), Urban Residential One (UR-1) and Industrial One (I-1), and owned by the Schleper Development Corporation.

Staff Member, Tom Breidenstein, presented the Staff Report which included a slide presentation (see Staff Report).

The Chairman asked if there was anyone present who wished to speak in behalf of the request.

Mr. Tom Schleper stated that they are in agreement with the Staff Report, but may want a variation in the time limit. They are developing 125 acres with twenty-five industrial lots and project a sell out period of five years. He asked that this be considered.

Chairman Whitton advised that the Board has never granted a five-year Variance.

Counselor Wilson advised that in similar types of development the Board has allowed a time limit of about two years with the ability to request extension.

Mr. Breidenstein advised that the longest time limit was 1.5 years for the Miller-Valentine sign. There was no time limit on the Corporex sign. He noted that the majority of the signs are located in Kenton County and there is a pending suit against them for the signs by the Kentucky Department of Transportation.

There being no one else present who wished to speak, Mr. Ryan moved that the request be granted with a 1.5 year time limit. Mr. Nevel seconded the motion and it carried unanimously.

Mr. Houston advised the applicant that he could apply for an extension of the permit.

3. The request of Wayne Hickson of Headrick Sign Company (applicant) for a Variance in the number of free-standing signs to allow the erection of a 240-sq. ft. sign with a height of 28 feet. The 4.5-acre site, located at the northeast quadrant of the intersection of I-75 and KY 338, is zoned Commercial Services (C-3) and is owned by the B.P. Oil Company.

Staff Member, Tom Breidenstein, presented the Staff Report which included a slide presentation (see Staff Report).

Mr. Wayne Hickson stated that two signs are blocking each other. He stated that the county ordinance allows a sign of 250 sq. ft. and 35-feet high. The proposed sign is 240 sq. ft. and 28 feet high. Using a drawing, he showed the Board how the signs block each other. He stated that they will extend the island and move the sign. He presented an artist's rendering of the proposed sign and photographs indicating the relationship of the two existing signs, which he stated are blocking each other. He stated that the proposed sign is electronically controlled and eliminates the hazard of climbing up to the sign.

Chairman Whitton asked if anyone else wished to speak in favor of the request.

Mr. Steve Furrow, General Manager of Truck Stops of America, stated that the current sign has been in place for a number of years and is not properly illuminated. This will be an upgraded sign and an improvement to the area.

The Chairman asked if there was anyone present in opposition or having questions.

Mr. Dennis Davis, 357 Richwood Road, stated that he is a member of the Richwood Action Committee. He stated that he agrees that the current sign detracts from the area; however, they had a Variance for the second sign and have a free-standing sign that is probably larger than any other sign at the exit. It does an excellent job of drawing traffic. There are signs on the highway indicating that there

are truck stops at the exit. This sign would be used to mark the entrance. The present sign does an adequate job of marking the entrance. He noted that Truck Stops of America removed three existing signs when they obtained their Variance and they were in favor of the design of the sign. If this proposed sign does anything to increase business and traffic at Richwood, it makes a bad situation even worse. If this sign does anything to obstruct Pilot Oil's sign, then they will also make a request and continue the competition of who will have the biggest sign at Richwood.

Don Davis, 377 Richwood Road, agreed with Dennis Davis. He stated that he is a former member of the Planning and Zoning Commission. He noted that there is such a thing as "sign pollution". He stated that if this sign is allowed there will be another proposal for a sign.

At this time, the Board members discussed with Mr. Breidenstein the sizes of other signs in the area and their respective heights.

Mr. Furrow stated that they are asking to replace an existing sign, not to add a sign.

Chairman Whitton stated that they have an existing sign, but want to make it bigger. He noted that the last time the Board granted this request, the applicant conceded by giving up three signs.

Mr. Hickson stated that the proposed sign is larger to allow for the electronic numerals. He stated that they could drop the sign down to 16 feet and it would still be visible over a van.

Mr. Furrow stated that the Pilot Oil sign interferes with replacing the sign in the same spot.

Mr. Dennis Davis stated that the sign is very visible and there are no obstructions.

Mr. Don Davis stated that if the sign is moved in, there is more signage as they are not stacked. He noted that they should have one large sign and one monument sign.

Mr. Ryan moved that the request be granted for a 110-sq. ft. sign (the same square footage as they currently have), at the same height, and in its same location. Mr. Archambault seconded the motion and it carried unanimously.

4. The request of Thomas Hackman (applicant) for a change in Non-Conforming Use to allow the conversion of an existing commercial structure for personal storage, warehousing, and retail. The approximate 0.5-acre site, located on the south side of Petersburg Road at Idlewild Road, is zoned Rural Suburban Estates (RSE) and is owned by Margie and Lewis Adams.

Staff Member, Tom Breidenstein, presented the Staff Report which included a slide presentation (see Staff Report).

Mr. Henry Kramer, representing Tom Hackman, stated that this property is basically abandoned and in poor repair. Mr. Hackman wants to buy the property, clean and renovate it. He will put money into doing the things Staff suggests. He has a contract to purchase, subject to approval of this request. He does not know who will rent the property from him. The off-street parking is a problem and the place suggested by Staff is probably the only feasible place. They want to have the garage and garage door area remain the same. They will replace the roof. There will be no further storage or parking in front of the building. Mr. Hackman's main concern is what Staff wants in regard to the occupancy and detailed drawings of the parking. He does not want to be specific as to how it will be fixed up at this time. He stated that there is a driveway that leads to the garage and if that portion of the garage is used for warehousing, there would be vehicles coming in there. The driveway is right off the road into the garage. The garage faces KY 20.

Mr. Nevel stated that if a truck backed up to the garage, the front end would be sticking out on KY 20. He stated that you could not see a car coming around if you were coming from Idlewild Road.

Mr. Hackman stated that there is an inset to the building. An alternative would be to make the parking apron wider. He stated that he will have to address the parking as there is very little. The parking indicated by the Staff on the west side is really the only alternative. He stated that the parking will be dependent on who the tenants will be.

Mr. Breidenstein advised that a plan could be submitted to the Staff each time so that Staff can determine the need for parking, but this would be difficult to administer. They would have to rely on Mr. Hackman to approach the Staff every time he has a prospective tenant.

Mr. Hackman stated that his concern is that he would not be able to use the garage door to the front of the building. If restrictions would disallow the use of the garage door, then a lot of the value of the building is lost. He stated that one option would be to allow trucks to back into the garage. He will renovate the garage area first. He stated that the roof had rotted and was removed by the owner. He will paint or sandblast the building. The building is brick. He stated that the site is zoned residential but it is a commercial building never used for residential purposes. It has no residential use. It has some value for commercial purposes.

Mr. Breidenstein stated that backing into the garage would create a traffic hazard in consideration of the speed of the road and the curve of the road. He stated that a small truck or car may be able to back into the area in front of the garage area parallel to the road.

Following discussion of the ways to enter and exit the garage, Mr. Nevel stated that someone would have to be on the road directing the traffic in order to use the garage door. Chairman Whitton suggested that the request be tabled to allow the applicant to make a proposal in regard to the garage access.


Mr. Ryan moved that the request be tabled until the April Meeting.  
Mr. Nevel seconded the motion and it carried unanimously.

Election of Officers:

Mr. Ryan moved that Mr. George Whitton continue as Chairman, that Mr. Archambault be Vice Chairman, and that Mr. Ryan be Secretary/Treasurer. Mr. Archambault seconded the motion and it carried unanimously.

There being no further business to come before the Board, the meeting was adjourned by unanimous consent at 8:40 P.M..

APPROVED:

  
\_\_\_\_\_  
George D. Whitton, Chairman

Attest:

  
\_\_\_\_\_  
Jan Hancock, Recording Secretary