**MINUTES**

**BOARD OF ADJUSTMENTS AND APPEALS**

**REGULAR SESSION**

**TOWN OF CAMP VERDE**

**473 S MAIN STREET, SUITE 106**

**TUESDAY, MAY 10, 2022, at 3:00 P.M.**

**COUNCIL CHAMBERS**

1. **Call to Order**

Chairman Ken Krebbs called the meeting to order at 3:00 p.m.

1. **Roll Call:**

Chairman Ken Krebbs, Vice Chairman Buck Buchanan. Board Member B.J. Davis, Board Member Tanner McDonald and Board Member Jeremy Brady are present.

**Staff Present:**

Community Development Director John Knight, Planner BJ Ratlief, and Zoning Inspector Cory Mulcaire

1. **Pledge of Allegiance:**

Pledge was led by Board Member Jeremy Brady.

1. **Consent Agenda -** All those items listed below may be enacted upon by one motion and approved as consent agenda items. Any item may be removed from the Consent Agenda and considered as a separate item if a member of Board requests.
   1. **Approval of the Minutes:**

Regular Session January 20, 2022

* 1. **Set Next Meeting, Date and Time:**

Regular Session June 14th at 3:00 pm (tentative)

**Motion** was made by Board Member Davis to approve the consent agenda. Second was made by Board Member Brady. **Motion** carried unanimously 5-0.

1. **Call to the Public for Items not on the agenda.**

None

1. **Public Hearing followed by discussion and determination, regarding whether feather banners are windblown signs and are prohibited under Ordinance Section 404B.4.n The Board may reverse or affirm, in whole or in part, or modify the decision of the Community Development Director.** Staff Resource John Knight.

**Staff Report:**

Planner BJ Ratlief read the applicant’s Information:

Applicant/Owner: Robert Witt (Opportunity Zone Development Company2, LLC.)

Parcels: 403-22-019E

Zoning: C3

Address: 1896 Moonrise Dr.

Community Development Director John Knight gave an overview of the request and directed the Board about what was being asked of them in this appeal. Rob Witt is appealing an administrative decision that was made by the Community Development Director regarding feather banners, being windblown signs. He is suggesting that feather banners are flags, and not windblown signs which would make them exempt from the sign ordinance. This would mean that all feather banners in the Town of Camp Verde would be viewed as flags, and not windblown signs.

**Public Hearing Open:** **3:10pm**

Rob Witt spoke of his respect for the Community Development Department. He gave a PowerPoint presentation on what a flag represents to Americans and what his feathered banners represent to his business. In addition, he spoke to using his flags as screening to break up the size and look of his building as he does not feel it looks like the “western, rural look” that Camp Verde is going for. He also spoke of several other businesses that have flags up and have for some time.

**Public Comment:**

Miss Iyres states that she does not consider these signs, windblown signs but that they are flags, and they are decoration and more meaningful than something blowing in the wind.

William Hickey spoke of why they picked these banners and the colors being red, white, and blue on purpose.

**Close Public Hearing:** **3:29pm**

**Staff Rebuttal:**

John Knight mentioned that the applicant brought up other properties that had other feathered banners, one property owner had already been sent a violation notice and that the Department was holding off on sending the other properties violation notices until a decision was made at this hearing.

Mr. Knight also noted that the Board decision today will affect other businesses in Town as well. He spoke of these signs being an advertisement and not a flag to identify your group. Mr. Knight also mentioned that per the Supreme Court, we cannot regulate content. He also discusses that the Sign Ordinance needs to be revised.

**Board Member Comments:**

Board Member Davis would like to know how the Town sign code currently discriminates between flags and banners. John Knight responds that the only thing referencing flags in the code is on page 113 and that the decision is up to the Board to determine the difference.

Chairman Krebbs would like to know that if this is for Commercial would we be going against the Supreme Court case by regulating content. John Knight answered that this would not be regulating content, but size, type of flag, and location.

Chairman Krebbs asked if a commercial building wanted to attract people, could they post 50 American Flags. John Knight states that this tricky because posting American Flags, is not necessarily advertising. If this appeal stands every business in Town can place as many feather banners as they want.

Board Member McDonald asked about what led up to the court case that made us adopt this Ordinance. John Knight responded that basically what came out of that is, jurisdictions does not have the authority to regulate content.

Board Member Brady asked if there is a safety hazard to windblown signs, or why are we against them. John Knight states that the original intent was the large windblown signs and that they can be a visual distraction to drivers. Whether that extends to feather banners, is up to the Board. Signs also must be seen from the Public Right of Way for the Town to regulate them.

Board Member Davis, comments that the purpose of this is to define regulate signs, but is skittish because he is concerned, they would be changing the sign code. He does not find feather banners offensive because we do not have them everywhere. Ken Krebbs responds that we are not changing the sign code, but they would be changing interpretation for this type of flag.

John Knight states that amending the sign ordinance is a priority of the Town Council.

Board Member Davis asked if this would affect signs that the Town can put up. John Knight responded that the Town is exempt.

Vice Chairman Buchanan comments that the Sign Ordinance is a nightmare and needs to be changed. He states that in this case it’s black and white and that the definition is clear that feather banners and not flags.

**Motion** was made by Board Member Davis to affirm the Community Development Director’s decision that feather banners are windblown signs and are prohibited under Ordinance Section 404.B.4.n. Motion includes direction to the applicant/property owner that the feather banners be removed within thirty (30) days after the Board has rendered its decision, unless the decision has been appealed to the Yavapai County Superior Court within thirty (30) days. Second was made by Vice Chairman Buchanan. **Motion** carried 3-2.

**Roll Call Vote:**

BJ Davis: aye

Buck Buchanan: aye

Tanner McDonald: nay

Jeremy Brady: nay

Ken Krebbs: aye

1. **Board Informational Reports**– Individual members of the Board may provide brief summaries of current events and activities. These summaries are strictly for the purpose of informing the public of such events and activities. The Board will have no discussion, consideration or take any action on any such item, except that an individual Board member may request an item be placed on a future agenda.

Nothing to report.

1. **Staff Comments**: Community Development Director John Knight said that it appears there are not any future meeting items, but that work sessions can be organized if the Board would like and to reach out to him if they would like to schedule.
2. **Adjournment Motion:** Motion to adjourn the meeting was made by Board Member Brady. Second was made by Board Member Davis.**Motion** carried unanimously 5-0.

Chairman Ken Krebbs adjourned the meeting at 3:58 p.m.

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Ken Krebbs Date:

Chairman, Board of Adjustment and Appeals

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John Knight Date:

Community Development Director

**CERTIFICATION**

I hereby certify that the foregoing Minutes are a true and accurate accounting of the actions of the Board of Adjustments and Appeals of the Town of Camp Verde during the Regular Session of the Board of Adjustments and Appeals of the Town of Camp Verde, Arizona, held on the 10 day of May 2022. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 13 day of May 2022

Cory Mulcaire

Cory Mulcaire