

**BOONE COUNTY BOARD OF ADJUSTMENT  
BOONE COUNTY ADMINISTRATION BUILDING  
BOONE COUNTY FISCAL COURTROOM  
BUSINESS MEETING  
MAY 8, 2019  
6:00 P.M.**

Chairman Whitton called the meeting to order at 6:00 P.M.

**BOARD MEMBERS PRESENT:**

Mr. George Whitton, Chairman  
Mr. Chris Vaught  
Mr. Bill Weltzer

**BOARD MEMBERS NOT PRESENT:**

Mrs. Sherry Hempfling  
Mr. Richard Miller, Vice-Chairman

**STAFF MEMBERS PRESENT:**

Mr. Michael Schwartz, Planner

**LEGAL COUNSEL PRESENT:**

Mr. Dale T. Wilson

**APPROVAL OF MINUTES**

Chairman Whitton stated the Board members received copies of the minutes of the Boone County Board of Adjustment meeting of April 10, 2019. He stated that he had a correction on page 1, being that he called the meeting to order and not Vice-Chairman Miller. He asked if there were any other comments or corrections. Mr. Vaught moved to approve the minutes, as corrected and Mr. Weltzer seconded the motion. Chairman Whitton called for the vote and it carried unanimously.

**ACTION ON REVIEWS**

1. Request of Viox and Viox, Inc., per Jonathan W. Girdler, on behalf of Van Melle, Inc. for 3 Variances. The variances are: (1) to reduce the east side yard setback from fifty (50) feet to thirty-two (32) feet; (2) to increase the maximum building height from fifty (50) feet to seventy-four (74) feet; and (3) to reduce the minimum Buffer Yard C width from sixty (60) feet to fifteen (15) feet for a 12,868 square

foot building addition and modified drive aisle. The approximate 25.7 acre site is located at 3645 Turfway Road, Boone County, Kentucky. The site is currently zoned Industrial One/Planned Development/Houston-Donaldson Corridor Overlay District (I-1/PD/HDO) and Rural Suburban/Planned Development/Houston-Donaldson Corridor Overlay District (RS/PD/HDO).

Chairman Whitton read a letter from the applicant requesting that this item be deferred until the Board's July 10, 2019 meeting. Chairman Whitton told the audience that this item will not be heard tonight and that anyone that was here for this issue could leave if they wanted.

2. Request of Brian Collins for a Variance to reduce the north side yard setback from five (5) feet to zero (0) feet and to reduce the total side yard setback from fifteen (15) feet to ten (10) feet for the addition of a second dwelling unit onto the existing structure. The approximate 1.039 acre parcel is located at 705 Peach Tree Lane, Boone County, Kentucky. The site is currently zoned Suburban Residential-Two (SR-2).

Staff Member, Michael Schwartz, presented the Staff Report which included a Powerpoint presentation (see Staff Report).

Chairman Whitton asked the Board if they had any questions for staff. There were none.

Chairman Whitton asked if anyone in the audience wanted to speak in favor of the request.

Brian Collins stated that he has owned the property for fourteen (14) years and that he has put several thousand dollars into the property. He stated that the finances of the swim club have not been solvent and the addition of the second dwelling unit will provide some additional monthly income. He stated that he has tried to purchase some of the adjacent property from the Diocese, but they have not been willing to sell their land.

Chairman Whitton asked if they would be able to get the easement, as suggested by staff. Mr. Collins replied that he believed that it would be possible to get the easement.

Chairman Whitton asked if there was anyone in the audience that wanted to speak in favor or opposition of the request.

Steve Ernst stated that he lived in the residential area next to the site and that he was concerned about additional buildings on the property. He asked if the owner

would have to come back to the Board if he wanted to build more buildings. Chairman Whitton replied that he would have to come back to the Board.

Chairman Whitton asked if there was anyone in the audience that wanted to speak in favor or opposition of the request. There were none.

Chairman Whitton asked if there was any further discussion. There was none. Chairman Whitton asked if the Board wanted to make a motion.

Mr. Vaught made a motion to approve the requested variance, subject to the following conditions: (1) that the applicant obtain a permanent access, construction, and maintenance easement from the adjoining property owner; and (2) a Site Plan shall be submitted to the Boone County Planning Commission and the Boone County Building Department for processing and approval, prior to any construction on the site. Mr. Weltzer seconded the motion. Chairman Whitton asked if there was any discussion. There was no response.

Chairman Whitton called for the vote and it carried unanimously.

3. Request of The Joyce Robinson Foundation, per Jody Cuzick, for a Conditional Use Permit to allow the construction of a 6,000 square foot fellowship hall. The approximate 4.2 acre parcel is located at 10310 Dixie Highway, Boone County, Kentucky and is zoned Industrial-One (I-1).

Staff Member, Michael Schwartz, presented the Staff Report which included a Powerpoint presentation (see Staff Report).

Chairman Whitton asked the Board if they had any questions for staff. There were none.

Chairman Whitton asked if anyone in the audience wanted to speak in favor of the request.

Jody Cuzick stated that the church needs to expand and that the new building will fit their needs. He stated that the existing trees along Dixie Highway and the railroad tracks would remain.

Chairman Whitton asked if there was anyone in the audience that wanted to speak in favor or opposition of the request. There were none.

Chairman Whitton asked if there was any further discussion. There was none. Chairman Whitton asked if the Board wanted to make a motion.

Mr. Vaught made a motion to approve the requested Conditional Use Permit. Mr. Weltzer seconded the motion. Chairman Whitton asked if there was any discussion. There was no response.

Chairman Whitton called for the vote and it carried unanimously.

4. Request of Burns and McDonnell, per Andy Allen, on behalf of SFC Global Supply Chain, Inc. for a Variance to reduce the rear yard setback from fifty (50) feet to 31.12 feet for a 7,900 square foot freezer addition and modified drive aisle. The approximate 29 acre parcel is located at 7605 Empire Drive, Boone County, Kentucky and is zoned Industrial-Two (I-2).

Staff Member, Michael Schwartz, presented the Staff Report which included a Powerpoint presentation (see Staff Report).

Chairman Whitton asked the Board if they had any questions for staff. There were none.

Chairman Whitton asked if anyone in the audience wanted to speak in favor of the request.

Andy Allen stated that the existing sign is to be relocated to the new building addition. Chairman Whitton asked if the new sign will be the same size as the existing sign. Mr. Allen replied that it would. Chairman Whitton asked counsel if the sign was part of the request. Mr. Wilson stated that it was not and that the owner can put up a sign that meets the requirements of the Boone County Zoning Regulations.

Mr. Allen stated that the building materials of the new addition will match those of the existing building. He stated that they looked at various ways to provide for the freezer within the existing building, but due to the interior layout, the building addition was the best way to add the freezer while maintaining production and reducing down time.

Chairman Whitton asked if there was anyone in the audience that wanted to speak in favor or opposition of the request. There were none.

Chairman Whitton asked if there was any further discussion. There was none. Chairman Whitton asked if the Board wanted to make a motion.

Mr. Vaught made a motion to approve the requested variance. Mr. Weltzer seconded the motion. Chairman Whitton asked if there was any discussion. There was no response.

Chairman Whitton called for the vote and it carried unanimously.

**OTHER**

No other business was discussed.

**ADJOURNMENT**

Chairman Whitton asked for a motion to adjourn the meeting. Mr. Vaught made a motion to adjourn and Mr. Weltzer seconded the motion. Chairman Whitton called for the vote and the meeting was adjourned by unanimous consent at 6:31 p.m.

**APPROVED**

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**Chairman George Whitton**

**ATTEST:**

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**Michael D. Schwartz**  
**Planner**