

**BOONE COUNTY BOARD OF ADJUSTMENT  
BOONE COUNTY ADMINISTRATION BUILDING  
BOONE COUNTY FISCAL COURTROOM  
BUSINESS MEETING  
DECEMBER 11, 2019  
6:00 P.M.**

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

**BOARD MEMBERS PRESENT:**

Mr. George Whitton, Chairman  
Mrs. Sherry Hempfling  
Mr. Richard Miller, Vice-Chairman  
Mr. Chris Vaught  
Mr. Bill Weltzer

**BOARD MEMBERS NOT PRESENT:**

None

**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 November 13, 2019. He asked if there were any other comments or corrections. Mr. Miller moved to approve the minutes and Mr. Vaught seconded the motion. Chairman Whitton called for the vote and it carried unanimously.

**ACTION ON REVIEWS**

1. Request of Fischer Homes/Michelle and Robert Barth for a Variance to reduce the rear yard setback from forty (40) feet to thirty-two (32) feet to allow the construction of a deck. The approximate 0.4 acre site is located at 3008 Kel Court, Boone County, Kentucky and is zoned Rural Suburban (RS/CD).

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.

Mr. Jason Finch, of Fischer Homes, stated that he was present along with the current property owners Robert and Michelle Barth. Mr. Finch stated that Fischer Homes filed for the Variance as the property owner prior to it being transferred to the Barth's. He stated that there was an oversight since there are other sites that have a front and rear yard setback of thirty (30) feet. He stated that since the deck was not purchased through Fischer Homes, the error was not caught internally.

Chairman Whitton asked if the Board had any questions of the applicant. There were none.

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. Miller made a motion to approve the requested variance. Mrs. Hempfling 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.

2. Request of Cory Jones, on behalf of Bob and Ann Van Schuyver, for a Conditional Use Permit to allow the conversion of an existing barn into an event center. The approximate 205 acre site is located at 12574 Andrews Road, Boone County, Kentucky and is zoned Agricultural Estate (A-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. Mr. Vaught asked what the barn is currently being used for. Mr. Schwartz replied that he believes the barn is currently being used as part of the farming operation

of the property. Chairman Whitton asked how much of Andrews Road would need to be widened. Mr. Schwartz replied that Boone County Public Works would like the road to be widened up to the bend, which is just past the entrance to the site. Chairman Whitton asked if the driveway on their property would have to be widened. Mr. Schwartz replied that the width of the access drive would be evaluated at the Site Plan stage of the development process, however, the use of gravel is to be determined by the Board.

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

Mr. Cory Jones stated that he would like to leave the gravel since they intend to only have events on Friday and Saturday evenings. He stated that since these would be invitation events, guests would be arriving at one time and then leaving at one time and there would not be any dual traffic on Andrews Road. He stated that the gravel would maintain the rustic character of the area. He stated that the barn is currently being used to board horses. He stated that as an alternative to widening Andrews Road, could he provide a new access drive directly onto US 42.

Mr. Miller asked if there was a more formal business plan or proposal that had been prepared and that could be shared with the Board, including occupancy, time of operation, number of parking spaces. Mr. Jones replied that he feels that the barn could handle 400 people. Mr. Miller stated that he feels that he does not have enough information to make an informed decision on the request. Mr. Jones stated that he met with the Boone County Building Department and the Northern Kentucky Health Department regarding his proposal. Mr. Miller stated that he would also like to see a more formal layout of the parking area based on the capacity of the event center to ensure that there is sufficient space for the required parking.

Chairman Whitton asked if there is enough space to accommodate parking for 400 people. Mr. Jones replied that there is enough land to provide the parking area.

Mr. Weltzer asked how the Board should proceed without the applicant having to incur additional application fees. Mr. Schwartz suggested that the Board could take action to Table the request for a period of up to six (6) months and if the applicant does not submit new information within that six (6) month period, the application will be deemed to have been withdrawn. Chairman Whitton asked legal counsel if the Board could take that action. Mr. Wilson stated that the six (6) month time limit is reasonable, however, the applicant should be on record that he agrees with the time limit and the withdrawal provision.

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. Miller made a motion to table action on this request for a period up to six (6) months and if the applicant does not submit new information by the Board's June 10, 2020 meeting, the application will be deemed to have been withdrawn by the applicant. Mr. Vaught seconded the motion. Chairman Whitton asked the applicant if he understood the motion and agreed to it. Mr. Jones replied yes. 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 Maile, Tekulve, and Gray, per Rich Maile, on behalf of BBRW, LLC, per George and Mary Ann Wainscott, for a Conditional Use Permit to allow the construction of a roof structure over an existing deck of a restaurant. The approximate 0.3 acre site is located at 5963 Jefferson Street, Boone County, Kentucky and is zoned Suburban Residential Two/Small Community Overlay (SR-2/SC).

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. Mrs. Hempfling asked if the new structure would increase the size of the building. Mr. Schwartz replied that the new structure would not increase the size of the building since it is just a roof structure and not an enclosed space.

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

Mr. Rich Maile stated that he had copies of the Arborist's report which he handed out to the Board (a copy is in the project file). He stated that the report states that the proposed work will not have a negative impact on the tree. He stated that the report also states that the tree is in poor health and should be treated. He stated that the Wainscott's will work with the property owner and try to get the tree the help it needs. He stated that the proposed work will be as minimally invasive as possible and that all care will be taken to adhere to the historic character of the existing building.

Chairman Whitton asked if the Board had any questions of the applicant. There were none.

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. Weltzer made a motion to approve the requested Conditional Use Permit. Mr. Vaught 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**

None.

**ADJOURNMENT**

Chairman Whitton asked for a motion to adjourn the meeting. Mr. Miller made a motion to adjourn and Mrs. Hempfling seconded the motion.

Chairman Whitton called for the vote and the meeting was adjourned by unanimous consent at 6:45 p.m.

**APPROVED**

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**Chairman George Whitton**

**ATTEST:**

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