

**BOONE COUNTY BOARD OF ADJUSTMENT
BOONE COUNTY ADMINISTRATION BUILDING
BOONE COUNTY FISCAL COURTROOM
BUSINESS MEETING
FEBRUARY 12, 2020
6:00 P.M.**

Vice-Chairman Miller called the meeting to order at 6:00 P.M.

BOARD MEMBERS PRESENT:

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

BOARD MEMBERS NOT PRESENT:

Mr. George Whitton, Chairman
Mr. Bill Weltzer

STAFF MEMBERS PRESENT:

Mr. Michael Schwartz, Planner

LEGAL COUNSEL PRESENT:

Mr. Dale T. Wilson

APPROVAL OF MINUTES

Vice-Chairman Miller stated the Board members received copies of the minutes of the Boone County Board of Adjustment meeting of December 11, 2019. He asked if there were any other comments or corrections. Mr. Vaught moved to approve the minutes and Mrs. Hempfling seconded the motion. Vice-Chairman Miller called for the vote and it carried unanimously.

ACTION ON REVIEWS

1. Request of Akram Othman, on behalf of Old Lexington Pike, LLC, per Rick Newman, for a Conditional Use Permit to allow a truck stop. The approximate 14.6 acre site is located at the northeast corner of the intersection of Verona Mudlick Road with Poole Road, Boone County, Kentucky and is zoned Commercial Services (C-3).

Staff Member, Michael Schwartz stated that the applicant has submitted a letter requesting that the issue be tabled for a maximum of four (4) months and that the applicant is aware that they will be required to pay the re-advertisement fee.

Vice-Chairman Miller asked if the applicant was present and wanted to address the Board. The applicant was not present.

Vice-Chairman Miller asked the Board if they had any questions for staff. There were none.

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

Mrs. Hempfling made a motion to table the issue, at the applicant's request, for a period not to exceed four (4) months, ending with the Board's June 10, 2020 meeting and that the re-advertising fee and any new information will need to be submitted no later than Tuesday, May 19, 2020 at 5:00 pm. If this deadline is missed, the application will be deemed to have been withdrawn by the applicant. Mr. Vaught seconded the motion. Vice-Chairman Miller asked if there was any discussion. There was no response.

Vice-Chairman Miller called for the vote and it carried unanimously.

2. Request of Jeffrey Fasick for a Conditional Use Permit to allow a bed and breakfast inn to be conducted in the building addressed as 5140 Petersburg Road. The approximate 0.9 acre site is located at 5122 and 5140 Petersburg 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).

Vice-Chairman Miller asked the Board if they had any questions for staff. Vice-Chairman Miller asked which definition the Board should use since the county's definition of Bed and Breakfast Inn is different from the state's definition of Bed and Breakfast Inn. Mr. Schwartz replied that the Board should use the county's definition.

Vice-Chairman Miller asked if anyone in the audience wanted to speak in favor of the request.

Mr. Jeffrey Fasick stated they want to provide a family friendly place for vacationers. They intend to market the property for a family to share. They

anticipate that no more than two cars would be there at any given time, in addition to their own two cars. Mr. Fasick stated that if they need to widen the parking pad, it would not be a problem.

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

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

Mr. Vaught made a motion to approve the proposed Conditional Use Permit, subject to the condition that the site be provided with a minimum of five (5) unencumbered off-street parking. Mrs. Hempfling seconded the motion.

Vice-Chairman Miller called for the vote and it carried unanimously.

3. Request of Rebecca Miller for a Variance to increase the maximum height of a fence within the corner side yard from four (4) feet to six (6) feet. The approximate 0.3 acre site is located at 659 Makayla Court, Boone County, Kentucky and is zoned Suburban Residential One/Concept Development Plan (SR-1/CD).

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

Vice-Chairman Miller asked the Board if they had any questions for staff. Mr. Vaught asked if the applicant wanted to appeal the opacity requirement, who would that appeal go to. Mr. Schwartz replied that the opacity requirement is not appealable. The applicant would have to approach the Fiscal Court who would have the authority to apply for a text amendment to change the requirement. Vice-Chairman Miller asked which part of the fence must have the required opacity. Mr. Schwartz identified where the corner side yard is and which part of the fence was under review. Mrs. Hempfling asked that if the Board approved the height variance, does the fence still have to be removed. Mr. Schwartz stated that the fence could be modified instead of being removed.

Vice-Chairman Miller asked if anyone in the audience wanted to speak in favor of the request.

Ms. Rebecca Miller stated that she wanted to apologize since they called the county and asked about the fence. She stated that the county said that they had no regulations and that they should contact their HOA. She stated that they do not have an HOA. She stated that the fence company did not know of any restrictions. She stated that while the fence was being installed, they were informed that they

were in violation of the zoning regulations. She stated that prior to the installation of their pool, they had a split rail fence. That fence did not provide protection to their property and kids would trespass in their back yard. Since they installed the pool, they wanted to provide security to their property as well as privacy. She stated that they cannot take the fence off the plane of the house since it would go through the deep end of the pool. One of their options would be to remove every other slat and place Plexiglas in its place. Their other option is to remove that portion of the fence in the corner side yard and have a new fence installed which meets the requirements.

Mr. Vaught asked the purpose of the regulation and who makes the regulations. Mr. Schwartz replied that the purpose of the opacity requirement is to maintain a viewshed along the roadway and that the legislative body adopts the zoning regulations.

There was a general discussion regarding various options to meet the requirements of the zoning regulations, including the use of landscaping or going around the pool.

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

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

Mr. Vaught made a motion to approve the requested Variance. Mrs. Hempfling seconded the motion. Vice-Chairman Miller asked if there was any discussion. There was no response.

Vice-Chairman Miller called for the vote and it carried unanimously.

4. Request of Cydni Simmons-Meintjes for a Conditional Use Permit to allow a riding and boarding stable, including horse training and riding lessons. The approximate 18.7 acre site is located at 8431 Locust Grove Road, Boone County, Kentucky and is zoned Agricultural One (A-1) and Suburban Residential One (SR-1).

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

Vice-Chairman Miller asked the Board if they had any questions for staff. There were none.

Vice-Chairman Miller asked if anyone in the audience wanted to speak in favor of

the request.

Ms. Cyndi Simmons-Meintjes stated that they train and show horses as well as providing some riding lessons. She stated that they anticipate no more than five clients at their property at any one time. She stated that they have twenty-five (25) stalls for horses. Mr. Francois Meintjes stated that they board the horses that they train and the horse owners need to make an appointment to come and visit or ride their horse. Answering a question from Vice-Chairman Miller, Ms. Simmons-Meintjes stated that the training is conducted in the barn where conditions can be controlled.

Vice-Chairman Miller asked if the Board had any questions of the applicant. There were none.

Vice-Chairman Miller asked if there was anyone in the audience that wanted to speak in favor or opposition of the request. Mr. Thomas Cobb stated that he lives across from the site and that he thinks it is beautiful and he has no objection to the request.

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

Mrs. Hempfling made a motion to approve the requested Conditional Use Permit subject to the condition that all parking areas, including driveways, aisles, and vehicular circulation areas be improved with asphalt concrete or Portland cement concrete, unless a waiver is granted by the zoning administrator as part of the site plan review process. Mr. Vaught seconded the motion. Vice-Chairman Miller asked if there was any discussion. There was no response.

Vice -Chairman Miller called for the vote and it carried unanimously.

OTHER

1. Election of Officers

Mr. Schwartz stated that George Whitton is the current Chairman, Richard Miller is the current Vice-Chairman, and Chris Vaught is the current Secretary-Treasurer.

Mrs. Hempfling made a motion to elect George Whitton as Chairman, Richard Miller as Vice-Chairman, and Chris Vaught as Secretary-Treasurer. Mr. Vaught seconded the motion. Vice-Chairman Miller asked if there was any discussion. There was no response.

Vice -Chairman Miller called for the vote and it carried unanimously.

ADJOURNMENT

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

Vice-Chairman Miller called for the vote and the meeting was adjourned by unanimous consent at 6:55 p.m.

APPROVED

Vice-Chairman Richard Miller

ATTEST:

Michael D. Schwartz
Planner