

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

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

Mr. Schwartz stated that the meeting was being held via video teleconference pursuant to KRS 61.826, SB 150 and OAG 20-05. He stated that the public hearing format has been necessitated due to the state of emergency regarding the threats to public health presented by the novel Coronavirus (COVID-19) pandemic.

Mr. Schwartz confirmed that all those in attendance could see and hear the proceedings. All those in attendance stated that they could see and hear the proceedings.

BOARD MEMBERS PRESENT:

Mr. George Whitton, Chairman
Mr. Richard Miller, Vice-Chairman
Mr. Chris Vaught-Hall
Mr. Bill Weltzer

BOARD MEMBERS NOT PRESENT:

Mrs. Sherry Hempfling

STAFF MEMBERS PRESENT:

Mr. Michael Schwartz, Planner
Mr. Kevin Costello, AICP, Executive Director

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 July 8, 2020. He asked if there were any other comments or corrections. Mr. Chris Vaught-Hall moved to approve the minutes and Vice-Chairman Miller seconded the motion. Chairman Whitton called for the vote and it carried unanimously.

ACTION ON REVIEWS

1. Request of Mary Cuneo for a Variance to reduce the minimum required front yard setback from eighty (80) feet to twenty (20) in order to build an accessory structure in the front yard. The approximate 5 acre site is located at 12755 Boat Dock Road, Boone County, Kentucky and is zoned Agricultural One (A-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. There were none.

Chairman Whitton asked the applicant if he would like to provide the Board with any other information. Ms. Mary Cuneo stated that the proposed location is the most flat on the site and that the location makes the most sense.

Chairman Whitton asked if there was anyone else that wanted to speak to this issue. Mr. Glenn asked if the Board had the authority to change the setback for this property and other property. Mr. Schwartz stated that the Board is authorized to grant variances. Mr. Dale Wilson stated the criteria necessary to grant a variance.

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

Vice-Chairman Miller made a motion to approve the proposed variance. Mr. Vaught-Hall seconded the motion.

Chairman Whitton called for the vote and it carried unanimously.

2. Request of Robert and Jodi Cox for a Variance to reduce the minimum required rear yard setback from twenty-five (25) feet to sixteen (16) feet in order to build a deck in the rear yard. The approximate 0.14 acre site is located at 6252 O'Byrne Lane, Boone County, Kentucky and is zoned Suburban Residential One/Planned Development (SR-1/PD).

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. Vice-Chairman Miller asked if the rear yard of the site would abut the rear yard of another property or a street frontage. Mr. Schwartz replied that it would abut the

rear yard of another home site.

Chairman Whitton asked the applicant if they would like to provide the Board with any other information. Ms. Jodi Cox stated that she had nothing to add to what has already been presented.

Chairman Whitton asked if there was anyone else that wanted to speak to this issue. There were none. Mr. Schwartz stated that no one from the public has contacted staff about attending the meeting tonight.

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-Hall made a motion to approve the proposed variance. Vice-Chairman Miller seconded the motion.

Chairman Whitton called for the vote and it carried unanimously.

3. Request of Cornerstone Baptist Church, per Steve Hankins, Pastor Emeritus and Tom Lightner, Chairman, Trustees for a Conditional Use Permit to allow the construction of a storage garage adjacent to the existing off-street parking lot. The approximate 5.5 acre site is located at 3920 Petersburg Road, Boone County, Kentucky and is zoned Rural Suburban Estates (RSE).

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 the applicant if they would like to provide the Board with any other information. Pastor Steve Hankins stated that Mike Kegley was also present to address the construction issues of the project. Mr. Kegley stated that it would be a brick structure that matches as close as possible to the brick of the existing church and the building would be used to store lawn equipment and that the existing shed would be removed.

Chairman Whitton asked if there was anyone else that wanted to speak to this issue. Ms. Angie Kahmann asked about the lighting on the building and stated that she was concerned that it would glare into her property. Mr. Kegley replied that there would be two porch lights on the front of building and one porch light on the west side of the building at the doorway. Ms. Kahmann asked if the lights would be on motion detectors or would be manually turned on and off when

needed. Ms. Robin Kidder stated that she was also concerned about the lighting issue. Pastor Hankins stated that they would like the lights for security issues but did not feel that the lighting would create a glare at the property lines. Ms. Kidder was concerned that the lights would not be flicking on and off all night long.

Ms. Kahmann and Ms. Kidder asked if a condition could be included in the Board's action to memorialize the concern that the light would not be coming on and off and would not glare onto the adjacent properties.

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

Vice-Chairman Miller made a motion to approve the proposed conditional use permit subject to the condition that the proposed lighting fixtures be a typical porch light style with a maximum 100 watt bulb. Mr. Vaught-Hall seconded the motion.

Chairman Whitton called for the vote and it carried unanimously.

4. Request of Klusty Sign Associates, per Vince Klusty, on behalf of KYVFP, LLC, per William E. Van Fleet for a Conditional Use Permits and Variances to: (1) allow the installation of an electronic message board/screen on a free standing sign; (2) reduce the minimum spacing distance requirement between electronic message boards/screens from 660 feet to 604 feet; and (3) increase the maximum sign area of a free standing sign from 200 square feet to 248.19 square feet (156.75 square feet for the static advertising display and 91.44 square feet for the electronic message board/screen. The approximate 1.1 acre site is located at 1728 Wildcat Boulevard, Boone County, Kentucky and is zoned Commercial Two (C-2) and Commercial Services (C-3).

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. Vice-Chairman Miller asked if the other electronic signs along Burlington Pike are incorporated in monument signage. Mr. Schwartz replied yes. Vice-Chairman Miller asked if the proposed electronic sign can be 50% of the allowed square footage, essentially being 100 square feet. Mr. Schwartz replied yes.

Chairman Whitton asked the applicant if they would like to provide the Board with any other information. Mr. Vince Klusty stated that he typically builds to code and doesn't ask for any variations. He stated that he took the sign square footage as a rectangle around the boot and then a rectangle around the electronic sign. He stated that he didn't understand how the code would require a single rectangular

box around the entire sign elements. He stated that under the current regulations the electronic sign would visually appear larger than the static sign element.

Mr. Schwartz stated that while the exhibit would meet the technical requirements of the zoning regulations, the issue of the conditional use permit for the electronic sign still has to be determined and whether the proposed size is in keeping with the character of the area.

Vice-Chairman Miller asked if the property owner has considered installing a monument sign rather than a free standing sign. Mr. Klusty stated the pavement comes up to the right-of-way, there would be no room to install a monument sign. Additionally, they would need the height to be above the level of the cars in the parking lot.

Mr. Bill Van Fleet stated that he would have to see a design for a monument sign before he committed to it.

Mr. Weltzer asked if they have been in contact with Mr. Jeff Earlywine regarding this proposal. Mr. Klusty answered no.

Mr. Kevin Costello stated that the County has invested a lot of taxpayer money in improving the visual appearance of the Burlington Pike Corridor and will be installing landscaping and a multi-use path along the roadway. He stated that Mr. Earlywine was addressing the need to protect that public investment.

Mr. Costello suggested that the issue be tabled in order for the applicant to discuss the proposed sign with Mr. Earlywine and its impact on the beautification efforts of the County.

Chairman Whitton asked if there was anyone else that wanted to speak to this issue. There were none. Mr. Schwartz stated that no one from the public has contacted staff about attending the meeting tonight.

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

Vice-Chairman Miller made a motion to defer action on the application until the Board's September 9, 2020 meeting. Mr. Vaught-Hall seconded the motion.

Chairman Whitton called for the vote and it carried unanimously.

5. Request of PTF Property Management LLC, per Phil Freihofer for a Variance to reduce the minimum required rear yard setback from thirty (30) feet to twenty-one

(21) feet to allow the construction of roofs over the existing porches. The approximate 0.18 acre site is located at 321-323 Wysteria Village Drive, Boone County, Kentucky and is 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 the applicant if they would like to provide the Board with any other information. Mr. Phil Freihofer stated that he had nothing to add.

Chairman Whitton asked if there was anyone else that wanted to speak to this issue. There were none. Mr. Schwartz stated that no one from the public has contacted staff about attending the meeting tonight.

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-Hall made a motion to approve the proposed variance. Vice-Chairman Miller seconded the motion.

Chairman Whitton called for the vote and it carried unanimously.

OTHER

None.

ADJOURNMENT

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

Chairman Whitton called for the vote and the meeting was adjourned by unanimous consent at 7:40 p.m.

APPROVED

Chairman George Whitton

ATTEST:

Michael D. Schwartz
Planner