

**BOONE COUNTY BOARD OF ADJUSTMENT  
BOONE COUNTY ADMINISTRATION BUILDING  
BOONE COUNTY FISCAL COURTROOM  
BUSINESS MEETING  
JANUARY 13, 2021  
6:00 P.M.**

Vice-Chairman Miller called the meeting to order at 6:01 P.M.

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

**BOARD MEMBERS NOT PRESENT:**

Mr. George Whitton, Chairman

**STAFF MEMBERS PRESENT:**

Mr. Michael Schwartz, Planner

**LEGAL COUNSEL PRESENT:**

Mr. Dale T. Wilson

**APPROVAL OF MINUTES**

Vice-Miller Whitton stated the Board members received copies of the minutes of the Boone County Board of Adjustment meeting of December 9, 2020. He asked if there were any other comments or corrections. Mrs. Hempfling moved to approve the minutes and Mr. Vaught-Hall seconded the motion. Vice-Chairman Miller called for the vote and it carried unanimously.

**ACTION ON REVIEWS**

1. Request of Tony Berling, on behalf of Triple Crown Developers, LLC, for a Variance to reduce the minimum required rear yard setback from thirty (30) feet to 26.53 feet in order to build a single family dwelling and a deck. The approximate 1 acre parcel is located at 650 Coaltown Court, being immediately north of 1025 and 1029 Hyperion Court, Boone County, Kentucky and is zoned 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 the applicant if they would like to provide the Board with any other information.

Mr. Tony Berling stated that the easement creates a problem with siting a structure. He stated that the proposed house will have a side entry and cost approximately \$650,000 to build. He stated that the deck will be covered and that he believes that there is sufficient space between the proposed house and the existing houses to provide for the necessary separation. He stated that the existing vegetation on the rear of the site will not be disturbed.

Mr. Mark Gripshover, Drees Homes, stated that the new property owner would be moving from Kenton County. He stated that the Drees Company has four model homes and that due to the constraints of the lot, only one of their model homes would fit. He stated that the original plan was for a 14' x 20' deck, but it has been reduced to 12' x 20' to create the least possible encroachment into the rear yard.

Vice-Chairman Miller asked if there was anyone who wished to speak against the request.

Ms. Ericka McGinnis, 1025 Hyperion Court, stated that she and her husband moved to the area 14 years ago and they had to hire an architect to create plans for a custom home. She stated that she had to adhere to specific requirements of the Boone County Zoning Regulations and the HOA and she feels that the proposed development should have to meet those same standards. He stated that she is concerned about noise, privacy, and the reduction of her property value. She asked if the builder could redesign the deck and meet the setback requirement.

Mr. Gripshover stated that they have already redesigned the house, and the covered deck and this is the least available encroachment that could be done.

Mr. Gripshover stated that the value of the new home at over \$650,000 would not result in a lower valuation of her property.

Vice-Chairman Miller asked if there was any attempt to redesign the deck. Mr. Gripshover stated that any further reduction would render the deck virtually useless and since the deck is to be covered, the roofline would not work.

Mr. Weltzer asked how the variance would affect the neighbor. Ms. McGinnis replied that she feels that they would be too close and that there would be too much noise and invasion of privacy.

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. Miller made a motion to approve the Variance as submitted. There was no second.

Vice-Chairman Miller asked legal counsel what are the Board's options. Mr. Wilson replied that the Board could continue discussing the issue and take another vote to approve, approve with conditions, or deny the request or the Board could defer action until the next meeting.

Mr. Vaught-Hall asked Ms. McGinnis if there was anything the developer could do to alleviate her concerns. Ms. McGinnis replied that there was nothing that can be done.

Vice-Chairman Miller stated that the proposed encroachment is 3.47 feet. He asked if there was any encroachment that Ms. McGinnis thought would be acceptable. Ms. McGinnis replied less than one foot.

Mr. Wilson stated the findings that need to be made by the Board in order to grant a variance.

Mr. Vaught-Hall stated that Mr. Wilson's comments clarified the issue and he made a motion to approve the Variance as submitted. Mr. Weltzer seconded the motion.

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

Ms. McGinnis asked what the appeal process would be. Mr. Wilson stated that KRS 100 includes the appeal process and suggested that she contact legal

counsel for advice.

2. Request of ECE, Inc., per Wayne Erpenbeck, on behalf of Dave and Mary Texter, for a Variance to reduce the minimum required frontage from 150 feet to 25.78 feet in order to subdivide the property. The 3.0134 acre parcel is located at 3637 Garber Lane, Boone County, Kentucky and is zoned Agricultural Estate (A-2) and Rural Suburban Estates (RSE).

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.

Mrs. Hempfling asked if the new lot would meet the requirements of the zoning regulations. Mr. Schwartz replied that the new lot will meet the regulations and that the new lot appears to be large enough to site a house so that it meets the required setbacks.

Vice-Chairman Miller asked the applicant if they would like to provide the Board with any other information.

Mr. Dave Texter stated that they would like to create this lot for his parents. He stated that since they live at the end of the road, the proposal would not impact any residents on Garber Lane.

Ms. Brenda Texter stated that she and her husband want to be close to their son and daughter-in-law and that this property would allow them to live independently while being close to relatives for any needed support.

Vice-Chairman Miller asked if there was anyone in attendance that wanted to speak to this issue. There was 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-Hall made a motion to approve the Variance as submitted. Mr. Weltzer seconded the motion.

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

3. Request of Burlington Storage, LLC, per Robert J. Krumdieck, for a Variance to increase the height of an ornamental fence within the required front yard from four (4) feet to six (6) feet. The approximate 10.8 acre parcel is located along the

northwest side of Kingsgate Drive, approximately 400 feet southwest of Burlington Pike, and being immediately southwest of the property located at 2445 Burlington Pike, Boone County, Kentucky and is zoned Commercial Services (C-3).

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 the applicant if they would like to provide the Board with any other information. Mr. Krumdieck stated that the 6-foot high fence would provide additional security and would not be very visible given the amount of landscaping that will be installed.

Vice-Chairman Miller asked if there was anyone in attendance that wanted to speak to this issue or 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 Variance as submitted. Mr. Vaught-Hall seconded the motion.

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

**OTHER**

1. Election Of Officers

Vice-Chairman Miller stated that the current officer are:

George Whitton – Chairman  
Richard Miller – Vice-Chairman  
Chris Vaught-Hall – Secretary

Mrs. Hempfling moved that the current officers be elected to the same positions for the 2021 calendar year. Mr. Welter seconded the motion. Vice-Chairman Miller asked if there was any further discussion. There was none.

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

**ADJOURNMENT**

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

a motion to adjourn and Mr. Miller seconded the motion.

Vice-Chairman Miller called for the vote and the meeting was adjourned by unanimous consent at 6:51 p.m.

**APPROVED**

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**Chairman George Whitton**

**ATTEST:**

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