

**BOONE COUNTY BOARD OF ADJUSTMENT  
FERGUSON COMMUNITY CENTER  
"HISTORIC COURTHOUSE"  
2988 WASHINGTON STREET  
BUSINESS MEETING  
NOVEMBER 10, 2021  
6:00 P.M.**

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

**BOARD MEMBERS PRESENT:**

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

**BOARD MEMBERS NOT PRESENT:**

None

**STAFF MEMBERS PRESENT:**

Mr. Michael Schwartz, Director, Zoning Services

**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 October 13, 2021. He asked if there were any other comments or corrections. Vice-Chairman Miller stated that in the last paragraph on page 2, the word 'is' should be the word 'if'. Chairman Whitton asked if there were any other comments or corrections. Vice-Chairman Miller moved to approve the minutes with the one correction and Mr. Weltzer seconded the motion. Chairman Whitton called for the vote and it carried unanimously, 5 to 0.

**ACTION ON REVIEWS**

1. Request of Jakes Farm Real Estate Development Co., LLC, per Mark Jacobs, for a Conditional Use Permit and Variances. The Conditional Use Permit is to allow the expansion of an existing structure for an event center, eating and drinking establishment, and retail sales. The event center would include outdoor seating area, farmers market, pergolas, food truck parking, and off-street parking areas. The variances would increase the height of a free standing sign from eight (8) feet to ten (10) feet and increase the maximum sign area of a free standing sign from thirty-two (32) square feet to forty (40)

square feet. The approximate 50 acre area is located at the southeast corner of the intersection of Richwood Road with Schmidt Lane, including the properties at 731, 733, and 735 Richwood Road and the properties having Parcel Identification Numbers (PIDN) of 065.01-02-001.00 and 065.01-02-007.00, Boone County, Kentucky and is zoned Suburban Agricultural Estate (A-2).

Mr. Weltzer stated that he has a conflict on this issue and will be recusing himself. He left the room.

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.

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

Mr. Tom Breidenstein, representing Jakes Farm, stated that he had a PowerPoint presentation. He stated that with him was Marc Jacobs, principal with Jakes Farm, and representative from Viox and Viox Engineers.

Mr. Marc Jacobs stated that the proposed developed will be a benefit to the area. He stated that he grew up in the area. He stated that he spoke to several of the residences the last time this issue came up for a public hearing. He stated that he wants to incorporate several functions on the site that he has seen in other parts of the country. He stated that there will not be a restaurant on the site. There will be a “ghost” kitchen where local chefs can prepare food for pick-up or delivery only to area residents. He provided background of the site and what his vision is for the site. He stated that there will not be excessive noise.

Mr. Breidenstein stated that the ‘ghost’ kitchen is not the primary focus of the request. The event center is the primary focus of the request and the ‘ghost’ kitchen is a supplemental part of the overall request. He described the comparisons between the original plan and the current revised plan. He stated that a detailed description was provided and is part of material package. He stated that all lights will face away from the neighbors and the non-security lights will have an automatic shut-off. He stated that amplified music will only be allowed inside the building and the event barn will be improved with sound absorption materials. He stated that there will be no restaurant on the site. He stated that all guests will be instructed to leave no more than one hour after closing. He stated that all parking will be on-site.

Ms. Tanya Gaynor, Viox and Viox, stated that given the proximity to the interstate, the site has very good access. She described the various proposed functions and facilities on the site. She stated that development of the site is oriented toward the center and they are leaving green space around the perimeter. She stated that approximately 22 acres of the site will be retained as green space. She stated that the dairy barn building will be brought up to current building code standards. She stated that KYTC has indicated that no traffic

study will be required.

Mr. Breidenstein described the proposed sign and summarized the requested variances. He stated that the variances are needed due to the topography where the sign will be placed. He stated that they have met all of the general and specific standards and criteria for a conditional use and also have met the findings necessary for the proposed variances. He stated that their request is consistent with the various references within the comprehensive plan relative to agri-tourism and heritage tourism. He compared their location to a previous approval for an event center on Porter Road.

Vice-Chairman Miller asked if there would be any off-site parking with shuttle service. Mr. Breidenstein replied that there will be no off-site parking and all parking will be accommodated on-site.

Vice-Chairman Miller asked how many events will be allowed per day and if an indoor event can occur at the same time as an outdoor event. Mr. Jacobs replied that they have not looked at that issue specifically. Vice-Chairman Miller asked if they would agree to limit the activity to no more than two events per day. Mr. Jacobs replied that he has no problem with that request.

Vice-Chairman Miller asked what was the basis for KYTC to not require a traffic study. Mr. Gaynor replied that once KYTC was told that there would be no restaurant as part of the proposed development, KYTC stated that a traffic study would not be required. Vice-Chairman Miller asked if the applicant would prepare a traffic study even though it is not required by KYTC. Ms. Gaynor replied that it is her opinion that since they are accessing a state roadway that only KYTC can require a traffic study.

Mrs. Hempfling asked for a description of what a 'ghost' kitchen is and what regulations cover such a function. Mr. Jacobs replied that the 'ghost' kitchen will have all new equipment and they will comply with all local and state regulations.

Mr. Vaught-Hall asked if the 'ghost' kitchen will only be for on-site events or will this provide a service to those outside the site via Grubhub, Doordash, or some other delivery service. Mr. Jacobs replied that the 'ghost' kitchen will provide food service via pick-up and delivery to area residents and businesses. Mr. Vaught-Hall asked the for the hours of operation of the 'ghost' kitchen. Mr. Jacobs replied that he thought the kitchen would close around 10:00 pm.

Mr. Jeff Otis, representing Paul Franks, stated that the 'ghost' kitchen is a restaurant based upon the zoning ordinance definition of a restaurant. He stated that 'event' center' is not listed as a Conditional Use. He stated that the proposed functions of the development are not listed as Conditional Uses within the zoning district. He stated that the application does not meet the standards of Section 262 and 623. He stated that a denial of the request will not deprive the applicant from using their property. He stated that the owner(s) have a Plan B, which is to develop the site with a residential subdivision. He stated that a denial of the request will not place an undue burden on the applicant. He provided information as to how the application does not meet the standards necessary to approve a Conditional

Use. He stated that the proposal is not harmonious with the area and is not consistent with the comprehensive plan. He stated that the proposed development will alter the character of the area. He stated that the additional traffic on Richwood Road will be hazardous to the area. He stated that the use of alcohol as part of the events will create impaired drivers on the road. He stated that the proposed development will require additional public funds to be used for additional services. He stated that the applicant has not sufficiently identified the need for an event center at this location.

Vice-Chairman Miller asked legal counsel how the Board should view opposing statements. Mr. Dale Wilson provided the Board with an explanation of the duties. Mr. Schwartz stated that while an 'event center' is not specifically identified as a Conditional Use, it has been a long-standing determination of the Zoning Administrator that an event center shares many of the functions and characteristics of other uses that are specifically identified as Conditional Uses. Therefore, an event center can be treated as a Conditional Use.

Mr. Breidenstein stated that the Board approved an event center a few months back.

Ms. Diana Sipple provided information relative to the hazardous conditions that exist along Richwood Road.

Mr. Jim Weaver provided information relative to the flooding conditions that occur in the area.

Ms. Shelley Dupree showed pictures of the flooding that occurs in the area.

Mr. Woody Deters stated that the proposed event center will surround his property. He stated that he is concerned with his property values and the safety of his children as the play in the back yard.

Mr. Adam Hand stated that there is too much traffic on Richwood Road and the proposed event center will place additional traffic on an already congested road. He stated that development needs to be limited to protect the integrity of the roadway network.

Ms. Jessica Stephen stated that there should have been more notice of the meeting and that the proposed event center will have too many people and will contribute to additional traffic.

Mr. Tony Bataglia stated that the information in the application is too vague and the Board does not have enough specifics to approve the request.

Ms. Michelle Kelley stated that the comprehensive plan recommends that the site be used with residential uses and the proposed event center is not a residential use. She stated that there will be additional environmental pollution that will be created by the proposed event center.

Mr. Dennis Kelley stated that the proposed event center will become an enforcement

issue. He stated that there is nobody to effectively enforce any violations.

Mr. Mike Larsen stated that the proposed event center is not in the best interest of the residents of the area.

Ms. Sheila Staf stated that too much traffic will be generated and that existing truck traffic creates numerous hazardous conditions on Richwood Road.

Ms. Cindy Marks stated that the proposal would not be a benefit to the community.

Mr. Greg Garrison stated that the proposal is not consistent with the comprehensive plan and wanted to know where in the comprehensive plan does it state that such a proposal would be consistent. Chairman Whitton asked staff to respond. Mr. Schwartz replied that the comprehensive plan consists of the Future Land Use Map and a text that provides background information and recommendations/policies to guide the future development of the county and that it is up to each Board member to make the determination of whether the proposal is consistent with the comprehensive plan.

In rebuttal, Mr. Breidenstein stated that the proposal is a country like development, not another subdivision. He stated that the one of the property owners resides on the property. He stated that the comprehensive plan is a guide, not a regulation and that the map is not the final direction for the county.

Chairman Whitton closed the public hearing and asked the Board if there was any further discussion. Vice-Chairman Miller made a motion to deny the request on the basis of the testimony and evidence presented. Mr. Vaught-Hall seconded the motion.

Chairman Whitton called for the vote and it carried unanimously.

Mr. Weltzer returned to the meeting.

2. Request of Mohamed Falls for a Conditional Use Permit to allow the existing single-family residential dwelling to be used as a short term rental. The approximate 0.29 acre area is located at 1867 Grovepointe Drive, 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.

Chairman Whitton asked what is meant by the regulations that a short term rental must be within the primary dwelling. Mr. Schwartz replied that short term rentals must be located in the primary residential building and cannot be located within an accessory structure, such as a garage.

Vice-Chairman Miller asked how the maximum occupancy issue would be monitored and

enforced. Mr. Schwartz replied that it would most likely be monitored by the area residents and that violations can be reported to the county. Mr. Schwartz stated that the county ordinance contains provisions for fines and revocation provisions if violations occur.

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

Mr. Jack Gatlin, representing Mohamed Fall, stated that Mr. Fall wants to provide a place for families to stay when visiting the area. He stated that Mr. Fall has fully complied with the county regulations and that the proposed short term rental will have no impact on the area residents. He stated that there is no difference between having a family who lives there permanently and a family that resides there for a few days at a time. The end result is that the property is being used by a residential family. He stated that Mr. Fall maintains the property in a professional manner. He stated that they will comply with the advertising restrictions. He stated that all of the prerequisites have been met and the Board's function is to act on the Conditional Use request.

Mr. Mohamed Fall stated that he wants to provide a place for families to stay. He stated that he has received positive comments on the various websites that offer his property.

Ms. Pat McClaughlen stated that there are existing issues pertaining to the property being used as a short term rental. She stated that there is excessive noise, increased traffic, parties that go into the night and early morning, excessive trash. She stated that the neighbors have had to call the police on several occasions. She reviewed several of the goals and objective contained in the comprehensive plan.

Mr. Frank Novack stated that the property has been used as a short term rental for two years and that there has been multiple parties, trash, and fights.

Ms. Mary Hoffmeister stated that she and her husband cannot enjoy their property due to parties and noise. She stated that Mr. Fall does not maintain his property. She provided pictures showing the conditions of the property. She stated that immediately after the notification sign was posted, it was removed by the cleaning people and placed in the bushes on the side of the house. She stated that some of the comments on the website indicates that the property has an insect problem.

Mr. Kenneth Jackson stated that the existence of a rental property will affect the property values of the area. He stated that once a short term rental is approved, more will be approved. He stated that other areas in the Oakbrook subdivision are identified for rental properties.

Mr. Rob Stephen stated that the use is not appropriate for a single-family residential area. He stated that homeowners maintain their property better than a rental owner. He stated that Mr. Fall will not be harmed if the Board denies the request since he can always sell the house.

Ms. Virginia Yale stated that the short term rental is not family oriented.

Ms. Lisa Hills read a letter, which is in the record, from an individual that could not attend the meeting.

In rebuttal, Mr. Gatlin stated that Mr. Fall's reviews are very good on average. He stated that Mr. fall was new to short term rentals and with experience, he has managed his properties in a better, more professional manner. He stated that an approval of the request would provide for the appropriate monitoring of the site and encourage the upkeep of the property. He stated that there are no current code enforcement issues with the property. He stated that all of Mr. Fall's contact information is filed with the county.

Mr. dale Wilson reviewed the duties of the Board relative to their decision making and what the Board can include in their motion.

Vice-Chairman Miller asked what can be done to deter parties and fights. Mr. Fall replied that he was not aware of the situation and wished that the neighbors contacted him so he could deal with the situation. He stated that would provide a card containing his contact information to all of the neighbors.

Vice-Chairman Miller asked if the Board could attach conditions that go above and beyond the criteria in the county ordinance. Mr. Wilson replied that the Board has no authority to enforce the county ordinance. He stated that the Board could include a condition relative to a time limit. He stated that if a time limitation is imposed and the owner not in compliance at the end of that time limit, the Board could hold a public hearing to revoke the Conditional Use permit.

Mr. Vaught-Hall asked if HOA covenants and rules supersede any zoning regulations. Mr. Wilson replied that HOA rules are private contracts and the Board has no authority over them.

Mrs. Hempfling asked if there are any age limits for renters of the short term rental. Mr. Fall replied that he rents to individuals that are 21 years or older.

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 deny the request on the basis that the application does not meet the requirements of Section 262 of the zoning regulations. Mr. Weltzer seconded the motion.

Chairman Whitton called for the vote and it carried unanimously.

3. Request of Wessel Lawncare and Landscaping, per Matt Wessel, on behalf of Amy Scroggins, for a Variance to reduce the side yard setback from five (5) feet to two (2) feet in order to construct a pavilion. The approximate 0.42 acre area is located at 3100 Durango Court, Boone County, Kentucky and is zoned Rural Suburban (RS).

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. Matt Wessel stated that he was present on behalf of the property owner and that a tree and pool heater is between the house and the proposed pavilion making it impossible to move the structure closer to the house.

Vice-Chairman Miller asked if the width of the pavilion could be reduced to meet the setback. Mr. Wessel replied that the pavilion was design with a fire place along the back edge and the width was determined by the design and the other amenities that will be in the pavilion.

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 Variance, as submitted. Vice-Chairman Miller seconded the motion.

Chairman Whitton called for the vote and it carried unanimously.

4. Request of Kim Ross, on behalf of, GracePointe Community Church of the Nazarene, per Robert Butsch,, for a Conditional Use Permit is to allow a portion of the existing church building to be used as a pre-school. The approximate 5.1 acre area is located at 1438 Cox Avenue, 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. Vice-Chairman Miller asked why three of the five suggested conditions are the same as the previous approval. Mr. Schwartz replied that it is to make sure that those original conditions are not negated by the action on the current application.

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

Ms. Kim Ross stated that she is the director of the pre-school. She stated that three rooms within the building will be converted to the early childcare center. She stated that the surrounding area is industrial and the proposed facility could help the employees within the area with their child care needs.



Vice-Chairman Miller asked if the church has any problems with the suggested conditions. Ms. Ross replied that they have no objections to the conditions.

Chairman Whitton asked if there was anyone in attendance that wanted to speak to this issue.

Ms. Sandra King stated that the area is industrial and that an early child care center is not appropriate. She stated that the existing church predominantly operates on Sunday when the businesses are not open. She stated that she is concerned with the church operating during business hours will create more traffic and a conflict between cars and trucks.

Mr. Bob King stated that he has a concern for the safety of the children and what would happen if a child gets out of the facility and goes into the front yard.

Ms. Ross stated that safety is concern number one and that the drop off/pick up area will be in the back of the building and children will not be allowed to roam around freely and will be monitored by adults.

Mr. Travis Arnold stated that child care services are much needed in the county. He stated that finding child care is very difficult.

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 Conditional Use Permit subject to the following conditions: (1) Church staff can occupy the building throughout the week; (2) Weekday services shall not occur before 6:00 pm; (3) Special events and church services can occur any time on Saturdays and Sundays; (4) The early childcare center (pre-school) and church services shall not be conducted simultaneously; and (5) A tenant finish permit shall be submitted to, and approved by, the Boone County Planning Commission prior to any construction or opening of the early childcare center (pre-school). Vice-Chairman Miller seconded the motion.

Chairman Whitton called for the vote and it carried unanimously.

5. Request of Brian Williams, on behalf of Phil Smith, for a Variance to reduce the rear yard setback from thirty (30) feet to sixteen (16) feet in order to construct a deck. The approximate 0.18 acre area is located at 11074 Gatewood 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).

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 Smith stated that he was present to answer any questions.

Chairman Whitton asked if there was anyone in attendance that wanted to speak to this issue. 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.

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

Chairman Whitton called for the vote and it carried unanimously.

6. Request of Travis Arnold for a Conditional Use Permit is to allow the existing single-family residential dwelling to be used as a short term rental. The approximate 0.28 acre area is located at 2690 Swaps 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).

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. Travis Arnold stated that staff's calculations on room size were not correct and that would affect the parking calculation. He provided some background on his business and that he operates other short term rental properties. He stated that he and his wife are operating short term rentals so that his wife can be at home more to take care of their children. He stated that he caters to families. He stated that the property has been a rental house for the past ten years.

Chairman Whitton asked if there was anyone in attendance that wanted to speak to this issue. 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.

Vice-Chairman Miller made a motion to approve the Variance, subject to the following conditions: (1) There shall be no external on-site or off-site advertising signs or displays indicating the property is a short term rental; (2) Any advertisement of the property as

a short term rental and all rental contracts must contain language that specifies that the maximum occupancy shall not exceed eight (8) guests and the maximum number of vehicles shall not exceed five (5); (3) A hard surface parking pad, at least nine (9) feet in width and eighteen (18) feet in length shall be provided along the existing driveway, without widening the existing curb cut; (4) Any advertisement of the property as a short term rental and all rental contracts must contain language that specifies that the maximum number of vehicles shall not exceed five (5); (5) Any advertisement of the property as a short term rental and all rental contracts must contain language that specifies that on-street parking shall be prohibited; (6) Construction of additional exterior ingress/egress doorways shall be prohibited and access to individual guest rooms or suites shall be from the interior of the structure; (7) A written prohibition against the use of a short term rental for having a party must be provided in every advertisement, listing, or other publication offering the premises for rent; and (8) A Zoning Permit shall be submitted to, and approved by, the Boone County Planning Commission prior to any use of the property as a short term rental. Mr. Weltzer seconded the motion.

Chairman Whitton called for the vote and it carried unanimously.

Mr. Vaught-Hall clarified his vote by stating the reason he voted yea was because the property has a history of being a rental property.

7. Request of IDI Logistics, per Mark Jacob, on behalf of Lakeland farms, LLC, for Variances: (1) to reduce the buffer yard width and plant material from a Buffer Yard D (40 foot width) to a Buffer Yard A (10 foot width) along the east property line adjoining property owned by the Kenton County Airport Board; and (2) to reduce the buffer yard width and plant material from a Buffer Yard D (40 foot width) to a Buffer Yard B (20 foot width) along the east property line adjoining property owned by Matthew Bell. The approximate 77 acre area is located on a vacant lot located at the terminus of Lakeland Park Drive, having a Parcel Identification Number (PIDN) of 049.00-00-007.03, Boone County, Kentucky and a vacant lot located along the northwest side of Limaburg Creek Road, being immediately north of the property at 5571 Limaburg Creek Road, and having a Parcel Identification Number (PIDN) of 049.00-00-032.04, 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 the applicant if they would like to provide the Board with any other information.

Mr. Rob Keller, Bayer Becker, reviewed the two requests noting the two locations on the PowerPoint slide. He stated that IDI has been working with CVG and have obtained a grading easement. He stated that CVG intends to develop the adjacent property with industrial uses and a Buffer yard A would be required if the adjacent land were zoned I-1. He stated that the reduced buffer yard along the Bell property is needed to provide for truck bay parking and maneuvering. He stated that during the previous public hearing

issues, IDI and Matthew Bell agreed to provide additional landscaping along the Bell property and that a letter of consent from Mr. Bell would be required prior to the submission of a Site Plan.

Robert Stevens, IDI Logistics, stated that IDI is agreeable to a condition requiring a letter of endorsement from Matthew Bell. He stated that the end result of this would be that the variance would only be effective if Mr. Bell provided a letter of endorsement. If there is no letter of endorsement, the variance would not be allowed.

Matthew Bell stated that he concurs with the what Mr. Stevens stated and that he is wanting to make sure that the truck parking area is screened from his property.

A brief discussion ensued regarding whether the Board could impose a condition and the proper language of a condition of approval.

Chairman Whitton asked if there was anyone in attendance that wanted to speak to this issue. 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.

Vice-Chairman Miller made a motion to approve the first Variance request reducing the buffer yard width and plant material from a Buffer Yard D (40 foot width) to a Buffer Yard A (10 foot width) along the east property line adjoining property owned by the Kenton County Airport Board. Mr. Vaught-Hall seconded the motion.

Chairman Whitton called for the vote and it carried unanimously.

Vice-Chairman Miller made a motion to approve the second Variance request reducing the buffer yard width and plant material from a Buffer Yard D (40 foot width) to a Buffer Yard B (20 foot width) along the east property line adjoining property owned by Matthew Bell, subject to the condition that the buffer yard along the east property line adjoining property owned by Matthew Bell meet the requirements for a Buffer Yard B along with any additional buffer yard screening agreed to by the owner of the Bell property. Additionally, a letter of endorsement shall be submitted with any Site Plan application that affects this property line. If no letter of endorsement is submitted, the buffer yard shall meet the minimum requirements of the zoning regulations. Mr. Vaught-Hall 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. Mr. Vaught-Hall 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 9:40 p.m.

**APPROVED**

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**Chairman George Whitton**

**ATTEST:**

\_\_\_\_\_  
**Michael D. Schwartz**  
**Director, Zoning Services**