

**BOONE COUNTY BOARD OF ADJUSTMENT  
BOONE COUNTY ADMINISTRATION BUILDING  
BOONE COUNTY FISCAL COURTROOM  
BUSINESS MEETING  
MARCH 9, 2022  
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 due to the threats to public health presented by the novel coronavirus (COVID 19) pandemic.

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

**BOARD MEMBERS PRESENT:**

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

**BOARD MEMBERS NOT PRESENT:**

Mr. Bill Weltzer

**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 February 9, 2022. He asked if there were any other comments or corrections. There were none. Vice-Chairman Miller moved to approve the minutes. Mr. Vaught-Hall seconded the motion. Chairman Whitton called for the vote and it carried unanimously.

**ACTION ON REVIEWS**

1. Request of Lee Rickey on behalf of BCBC, LLC, per Joseph M. Heil, for Variances to: (1) reduce the minimum required rear yard setback from thirty (30) feet to twenty (20) feet; (2) reduce the minimum required side yard setback, along the west property line, from fifty

(50) feet to twenty (20) feet; (3) reduce the minimum required buffer yard width and planting material, along the north and east property lines, from a Buffer Yard B (twenty (20) foot width) to a Buffer Yard A (ten (10) foot width); and (4) reduce the minimum required buffer yard width and planting material, along the west property line from a Buffer Yard C (sixty (60) foot width) to a Buffer Yard A (ten (10) foot width) in order to construct a self storage building. The approximate 0.58 acre parcel is located along the north side of Old Toll Road, between US 42 and Aldersgate Street, approximately 400 feet west of US 42, having a Parcel Identification Number (PIDN) of 062.00-00-020.01 and being immediately west of the property located at 8500 Old Toll Road, Boone County, Kentucky and is zoned Suburban 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 how access to the site will be obtained if the city is going to deny the curb cut. Mr. Schwartz replied that the access issue is a legal matter that is between the property owner and the city.

Mr. Vaught-Hall asked if the property in question is of separate ownership from the adjoining properties. Mr. Schwartz replied that it was.

Chairman Whitton asked if the applicant wanted to address the Board.

Mr. Lee Rickey stated that the site has been vacant for 10 to 12 years. He stated that the previous house was either torn down or was razed after a fire. He stated that the parcel is small and difficult to develop. He stated that any potential development of the site would require variances. He stated that the proposed use is a good transition and will have a relatively low impact on the surrounding area. He stated that the proposed use will be a service to the area.

Chairman Whitton asked if outside storage will be part of the plan and would the applicant agree to a condition prohibiting outside storage. Mr. Rickey replied that he does not intend to have any outside storage and would agree to such a condition.

Vice-Chairman Miller asked if a design was prepared that met the setback and landscape buffer requirements. Mr. Rickey replied that other than a house, a commercial building could not be placed on the site without requesting variances.

Ms. Hempfling asked if all the variances were necessary. Mr. Rickey replied yes.

Vice-Chairman Miller asked if the applicant has spoken to the City of Florence regarding their concerns. Mr. Rickey replied that he tried but was not able to talk to anybody at the city. Mr. Schwartz stated that he spoke to Josh Hunt and that it is the City's policy that a property had to be within the city limits to access city services.

Vice-Chairman Miller asked if the Board could place a condition on their action prohibiting access to the City of Florence utility services. Mr. Dale Wilson replied that rather than placing such a condition, the minutes should reflect that the applicant has informed the Board that the site shall not utilize any city utility services until the property is annexed into the city or until the city authorizes such utilization. Mr. Rickey agreed that he is so informing the Board.

Chairman Whitton asked if there was anyone present 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 Variances subject to the following conditions:

1. Outside storage of any kind shall be prohibited.
2. As many of the existing trees on the site as possible shall be retained.

The motion also includes the recognition that the applicant has informed the Board that the site shall not utilize any city utility services until the property is annexed into the city or until the city authorizes such utilization. Mr. Vaught-Hall seconded the motion.

Chairman Whitton called for the vote and it carried unanimously.

2. Request of Karla Jean Hall for a Change of Nonconforming Use to allow the demolition of an existing approximate 1,060 square foot accessory structure and replace it with an approximate 1,550 square foot accessory structure. The approximate 0.50 acre parcel is located at 6625 Third Street, Boone County, Kentucky and is zoned Suburban Residential One/Small Community Overlay (SR-1/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. Vice-Chairman Miller asked if the existing garage was a nonconforming use. Mr. Schwartz replied that the use of the garage is allowed and the structure is nonconforming due to its setback from the property line. Vice-Chairman Miller asked if the existing building was currently being used. Mr. Schwartz replied that the applicant could answer that question.

Chairman Whitton asked the applicant if they would like to provide the Board with any other information. Ms. Karla Jean Hall stated that the existing building is currently being used as a two car garage and has a bathroom and kitchen. She stated that the structure is from 1912 and the wood siding is deteriorated and that it would be easier to rebuild than to renovate. She stated that it used to be an old smokehouse. She stated that she would like to keep the architecture of the new building the same as the house.

Vice-Chairman Miller asked if the activities in the garage are for her personal use or for a business venture. Ms. Hall replied that it would be for her personal use. Vice-Chairman Miller asked if the applicant would agree to a condition prohibiting any business activity on the site. Ms. Hall replied yes, that is acceptable.

Chairman Whitton asked if there was anyone present 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.

Ms. Hempfling made a motion to approve the Change of Nonconforming Use subject to the following condition:

1. The site shall not be used for any commercial business purpose.

Vice-Chairman Miller seconded the motion.

Chairman Whitton called for the vote and it carried unanimously.

3. Request of The Harper Company, per Jim Thomas, for a Variance to reduce the minimum required front yard setback from fifty (50) feet to twenty-five (25) feet in order to construct a 2,420 square foot addition to an existing office building. The approximate 4.3 acre parcel is located at 1648 Petersburg Road, 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. Ms. Samantha Kleem stated that she was present, along with Mr. Jim Thomas and Mr. Jim Titus. She stated that the variance would not be needed if Petersburg Road had not been realigned.

Chairman Whitton asked if there was anybody else 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 as submitted. 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 Vice-Chairman Miller seconded the motion.

Chairman Whitton called for the vote and the meeting was adjourned by unanimous consent at 6:46 p.m.

**APPROVED**

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**Chairman George Whitton**

**ATTEST:**

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