

**BOONE COUNTY BOARD OF ADJUSTMENT
BOONE COUNTY ADMINISTRATION BUILDING
BOONE COUNTY FISCAL COURTROOM
BUSINESS MEETING
APRIL 20, 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
Mr. Bill Welter

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 April 13, 2022. He asked if there were any other comments or corrections. There were none. Mr. Vaught-Hall moved to approve the minutes. Vice-Chairman Miller seconded the motion. Chairman Whitton called for the vote and it carried unanimously.

ACTION ON REVIEWS

1. Request of Tin Soldiers Investments, LLC, per Jason Terrell and Bradley Schneiders, on behalf of BH and G, Inc., per Jack Berberich, for a Conditional Use Permit to allow an automotive repair facility within an existing building, along with recreational vehicle

storage. The approximate 2 acre parcel is located at 2134 Petersburg Road, Boone County, Kentucky and is zoned Commercial two (C-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.

Chairman Whitton asked if the conditions from the Board's previous action would carry forward with this application. Mr. Schwartz replied that the conditions from the previous action would have to be included with the Board's action on this application.

Vice-Chairman Miller asked if an approved plan would have to show the proper exhaust systems if the operation is to be conducted within a completely enclosed building. Mr. Schwartz replied that the exhaust system would be reviewed as part of the building permit.

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

Mr. Jason Terrell stated that they build racecars from the ground up and that they build the chassis and then install in the engine. He stated that they do not run the engine and that engine noise is limited to a few minutes at a time. He stated that they typically have a running car once every two months.

Chairman Whitton asked for clarification that they do have the engine running to bring the vehicle in and out of the shop. Mr. Terrell replied that occasionally they do bring the vehicle in and out of the shop, but that is done during business hours, which are typically 9:00 am to 5:00 pm.

Vice-Chairman Miller asked if they would comply with a condition that all work be conducted in a completely enclosed building with all doors and windows being shut. Mr. Terrell replied that they would comply with that requirement.

Mr. Terrell stated that part of their operation is the fabrication of chassis parts as well as the online sale of their fabricated parts.

Mr. Vaught-Hall asked if he had a copy of the staff report. Mr. Terrell replied that he did receive a copy earlier in the day. Mr. Vaught-Hall asked if the applicant would agree to the seven potential conditions listed in the staff report. Mr. Terrell replied that he would agree to those conditions.

Mrs. Hemplfling asked if they purchase the chassis pieces and then weld them together. Mr. Terrell replied that they fabricate many of the chassis pieces and then assemble them. He stated that they also sell the pieces that they fabricate.

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.

Mr. Vaught-Hall made a motion to approve the Conditional Use Permit subject to the following conditions:

1. There shall be no additional exterior lighting.
2. Storage of any kind, within the front yard, shall be prohibited.
3. Storage within the fenced area shall be limited to recreational vehicles, vehicles that are being worked on, and business vehicles.
4. No inoperable vehicle shall be parked or stored in the front yard.
5. The hours of operation of the automotive repair facility shall be limited to 8:00 am – 8:00 pm.
6. Any automotive repair work shall be conducted within a completely enclosed building with all doorways and windows shut.
7. A Site Plan shall be submitted to, and approved by, the Boone County Planning Commission prior to the operation of the business.

Vice-Chairman Miller seconded the motion.

Chairman Whitton called for the vote and it carried unanimously.

OTHER

Mr. Schwartz informed the Board that there are two items for their May 11, 2022 meeting and that the meeting will be held in-person. In order to ensure a quorum, Mr. Schwartz asked if the Board members were available to attend that meeting. A majority of the Board members replied that they would be in attendance.

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 6:18 p.m.

APPROVED

Chairman George Whitton

ATTEST:

Michael D. Schwartz
Director, Zoning Services