

**BOONE COUNTY BOARD OF ADJUSTMENT
BOONE COUNTY ADMINISTRATION BUILDING
BOONE COUNTY FISCAL COURTROOM
BUSINESS MEETING
SEPTEMBER 14, 2022
6:00 P.M.**

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

BOARD MEMBERS PRESENT:

Mr. George Whitton, Chairman
Mr. Chris Vaught-Hall
Mrs. Sherry Hempfling (arrived at 6:20 pm)
Mr. Bill Weltzer

BOARD MEMBERS NOT PRESENT:

Mr. Richard Miller, Vice-Chairman

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 special meeting of August 10, 2022. He asked if there were any other comments or corrections. There were none. Mr. Vaught-Hall moved to approve the minutes. Mr. Weltzer seconded the motion. Chairman Whitton called for the vote and it carried unanimously.

Chairman Whitton stated the Board members received copies of the minutes of the Boone County Board of Adjustment meeting of August 10, 2022. He asked if there were any other comments or corrections. There were none. Mr. Vaught-Hall moved to approve the minutes. Mr. Weltzer seconded the motion. Chairman Whitton called for the vote and it carried unanimously.

ACTION ON REVIEWS

1. Request of Onestop Signs, LLC, per Justen Scalf, on behalf of Arby's RMI/1715 Burlington LLC, for a Conditional Use Permit and a Variance to (1) replace an existing manual reader board with an electronic message board/screen on an existing free standing sign; and (2) reduce the minimum spacing distance requirement between electronic message boards/screens from 660 feet to 327 feet. The approximate 1 acre area is located at 1715 Burlington Pike, Boone County, Kentucky and is zoned Commercial Two/Planned

Development (C-2/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.

There were none.

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

Mr. Joseph Scalf stated that the overall signage will be a reduction in scale. He stated that the height would be the same. He stated that the straight distance between the Arby's sign and the Boot Country sign is 504 feet. He stated that he understands the rationale for the 660 foot spacing requirement. However, the reader board on the existing sign will remain if the request is not granted. He stated that the proposed electronic reader board will be a monochromatic red sign. He stated that the sign will have a dimmer mechanism. He stated that all of the proposed building mounted signage will meet the zoning requirements. He stated that they have also received approval for the modification to the drive-through lanes.

Chairman Whitton asked if the proposed sign would have any motion or flashing.

Mr. Scalf replied that he will meet the zoning requirements which prohibit such motion and scrolling.

Chairman Whitton asked if the Board had any questions of the applicant.

Mr. Vaught-Hall asked if the sign would exceed 30 feet in height and 200 square feet in sign area.

Mr. Scalf replied that it would not.

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 and Variance, subject to the following conditions:

1. The sign shall not exceed thirty (30) feet in height and a sign area of two hundred (200) square feet.
2. No message shall contain more than one (1) still photo and/or three (3) lines of text.

3. Any portion of an alphanumeric message that is not displayed on a still photo/image shall use a black background.
4. The sign shall not be used to advertise off premise businesses/products/services.

Mr. Weltzer seconded the motion.

Chairman Whitton called for the vote and it carried unanimously.

2. Request of Benjamin Strong on behalf of Our Lady of Good Counsel, per James Brueggemann, for a Conditional Use Permit to allow a farm education program with other educational programming. The approximate 121 acre parcel is located at 15450 Glencoe Verona Road, Boone County, Kentucky and is zoned Agricultural Estate (A-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 if the applicant wanted to address the Board.

Mr. Ben Strong stated that most of the activity that will be part of this programming will be indoors and that there will be no noise generated from the proposed activity. He stated that the goal of the program is to provide an integrated education that addresses the whole man with trades and farming along with religious, literature, language, and folk music education for high school age boys. He stated that the program would be from September to May, during the school year. He stated that the participants of the program would reside on the premises during the program. He stated that the supervisors and staff would also reside on the premises. He stated that they do not intend to change the site and the existing house and accessory structures will fit their needs. He stated that there would be between 4 and 8 full time staff members on the premises during the program.

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

Jessica Wright asked what kind of boys would be in the program.

Mr. Strong replied that the participants are not troubled children and is there for those parents that want an alternative educational experience for their sons.

C.J. Prowant stated that he is the owner of the property and asked what is the age range for the participants.

Mr. Strong replied that they will be between 13 and 19 years of age.

Laura Ellis asked if the participants are members of the sponsoring church.

Mr. Strong replied that the participants could be members of the church, but it is not a requirement for participation in the program. He stated that participants must show a desire for the program before they are accepted. He stated that those participants can be asked to leave the program for noncompliance with the rules.

Alice Dunn stated that her concern is that there is insufficient room on the street for anybody to walk along the street and there is a safety concern at the railroad crossing.

Mr. Strong stated that a supervisor must accompany any participant of the site.

Jennifer Overhaul asked why the program is only for boys.

Mr. Strong replied that in his experience there is benefit for young boys to work and learn together.

Ms. Overhaul asked what kind of farming operations will occur on the property.

Mr. Strong replied that they will have chickens, cows, but it will not include crops.

Ms. Overhaul asked if it was the intent of the program to teach young boys how to live outside of society.

Mr. Strong replied that this is not the case and that participants of other similar programs that he has been involved with have gone on to be productive members of society.

Ms. Overhaul asked where does the funding come from.

Mr. Strong replied that they would be 501.c.3 organization and that their funding would come from donations.

Raisa Delapaz asked if they do background checks on potential participants and would they interact with the community.

Mr. Strong replied that they would do charitable activities in the community and that any participant that violates the rules will be asked to leave the program.

Ms. Delapaz asked if having 45 boys in a residential neighborhood would pose a safety risk to the neighbors.

Mr. Strong replied no.

Carase McKay asked what are qualifications of the supervisors, what activities will occur on the property between June and August, and are there going to be any activities off site.

Mr. Strong replied that staff is vetted through an application and interview process, along

with background checks. He stated that during June and August, they will continue the farming of the property and may have some conferences. He stated that most of their programming is on site other than camping and fishing.

David Jones stated that he is the Fire Chief of the Verona Fire District and that his concerns relate to the safety of the building relative to fire doors, sprinkler systems, and other fire safety issues.

Mr. Schwartz stated that these issues would be reviewed by the Boone County Building Department.

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

Chairman Whitton made a motion to approve the Conditional Use Permit, subject to the conditions stated in the Staff report.

The motion died for lack of a second.

Mr. Weltzer made a motion to deny the Conditional Use Permit. Mr. Vaught-Hall seconded the motion.

Chairman Whitton called for the vote which found Mr. Weltzer and Mr. Vaught-Hall voting yes, Chairman Whitton voting no, and Mrs. Hempfling not voting since she did not hear the entire public testimony.

The motion passed by a vote of 2-1, with Mrs. Hempfling's vote going with the majority.

3. Request of Dustin and Gabrielle Montgomery for a Conditional Use Permit to allow the existing single-family residential dwelling to be used as a short term rental. The approximate 1.1 acre parcel is located at 2738 Longbranch Road, Boone County, Kentucky and is zoned Rural Suburban (RS).

Mr. Vaught-Hall recused himself due to a conflict and 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.

There were none.

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

Dustin Montgomery stated that they moved to the property in 2020 and had their first child. He stated that his wife, Gabby, is a teacher at Cooper High School and he works in Colerain. He stated that they have had difficulty in keeping up the property. He stated

that they intend to hire a property manager who has experience with managing short term rentals. He stated that they now live in Ludlow.

Gabby Montgomery stated that they have complied with all of the County regulations.

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

Lisa Creech showed a visual presentation indicating that the property has not been kept up and that the short term rental will not be harmonious with the surrounding area. She stated that the property is a nuisance and has several violations relative to having non-working vehicles and outside debris. She stated that there is a concern that a sex offender could rent the property due to its proximity to two schools. She stated that the current renter's trespass onto adjacent properties. She stated that the owners performed interior renovations without the required building permits. She stated that the owners operated a home based church and parking was in the front yard on the grass.

Tom Kamradt stated that he and his wife, Beth, are the neighbors to the immediate east and that they also own adjacent properties. He stated that he has the property that shares the driveway with the site under review. He stated that he has concerns about being blocked in. He stated that they do not want a commercial activity next to them. He stated that the short term rental will negatively affect their property value. He stated that school children cut through the yards and that there is a safety concern for those children. He stated that he has a concern regarding the supervision of the property and who would they contact if there are violations of the regulations.

Beth Kamradt stated that she believes that the short term rental could turn into a hotel. She stated that a future owner could have different intentions than the applicant.

Ken Ritter asked how renters would be vetted and how the management company would respond to violations

Mr. Montgomery replied that the management company has experience with short term rentals and that renters would be vetted through that company. He stated that the income from the short term rental would go towards the maintenance and upkeep of the property.

Gabby Montgomery stated that they would set limits of nightly stays so that there would not be a one night stay for a party.

Justin Herzog stated that it is a small community and that everybody knows each other.

John Lindel stated that he is a retired high school teacher and he is concerned that the property could be rented for a high school graduation party, causing a nuisance.

Tony Chinkway stated that he agrees with all of the other speakers.

Jen Becker stated that they moved from Fort Mitchell, where short term rentals are allowed and that they have seen trash left around from those short term rentals.

Raisa Delapaz asked if a background check can be provided.

Larry Luebbers asked about the spacing requirements stated in the Staff report.

Mr. Schwartz replied that short term rentals must be spaced a minimum of 1,000 feet apart.

Dallas Stamper stated that they are the neighbors to the rear and that they can see everything that occurs on the site. He stated that their property is in close proximity to the site.

Kayla Stamper stated that they have young children and they are concerned about the safety since they spend a lot of time in their rear yard.

Mr. Montgomery stated that they are not part of the HOA and any complaints have been dealt with. He stated that there will be no signage on the property. Mrs. Montgomery stated that they have put in a lot of time and money in this effort and they have every intention of following the rules.

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 Conditional Use Permit, subject to the following conditions:

1. There shall be no more than ten (10) guests at any given time.
2. 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.

Mrs. Hempfling seconded the motion.

Chairman Whitton called for the vote which found Mr. Weltzer and Mrs. Hempfling voting yes and Chairman Whitton voting no.

The motion passed by a vote of 2 to 1.

Members of the public asked if there is an appeal process.

Mr. Dale Wilson replied that an appeal can be made within thirty days.

Mr. Vaught-Hall returned to his seat.

3. Request of Site Enhancement Services, per Theresa Bair, on behalf of Toyota, per Tim Hilgeman, for Variances increasing the height and sign area of six (6) directional signs. The approximate 86 acre parcel is located at 3675 North Bend 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 if the applicant wanted to address the Board.

Mr. Charlie Schalliol provided a handout and stated that the proposed signage is to provide better safety for their deliveries as well as the remainder of the industrial park. He stated that they have a lot of semi traffic. He stated that due to the landscaping on the property, there is limited visibility of the building and the proposed signage is necessary to provide proper directions.

Chairman Whitton asked if there was anyone present that wanted to speak to this issue. There was 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 Variances. Mrs. Hempfling seconded the motion.

Chairman Whitton called for the vote and it carried unanimously.

4. Request of Mark and Heather Johnson for a Conditional Use Permit to allow the existing single-family residential dwelling to be used as a short term rental. The approximate 1.5 acre parcel is located at 3623 Hathaway Road, Boone County, Kentucky and is zoned Agricultural Estate (A-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 if the applicant wanted to address the Board.

Mr. Mark Johnson stated that they own the adjacent property and they purchased the site for a possible home for one of their daughters. Until that time, they would like to operate a short term rental to provide for income.

Chairman Whitton asked if there was anyone present that wanted to speak to this issue. There was 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. Weltzer made a motion to approve the Conditional Use Permit, subject to the following conditions:

1. There shall be no more than seven (7) guests at any given time.
2. 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.

Mrs. Hempfling seconded the motion.

Chairman Whitton called for the vote and it carried unanimously.

5. Request of Riegler Blacktop Inc., per Dan Riegler, on behalf of the Richwood Cemetery Association, for a Conditional Use Permit to allow the expansion of the Richwood Presbyterian Church Cemetery. The approximate 2.1 acre parcel is located along the west side of Richwood Road, between Chambers Road and Hicks Pike, approximately 650 feet north of Chambers Road, and having a Parcel Identification Number (PIDN) of 065.00-00-007.02, Boone County, Kentucky and is zoned Agricultural Estate (A-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 if the applicant wanted to address the Board.

Dan Riegler stated that he is here to answer any questions.

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. Mrs. Hempfling 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 7:55 p.m.

APPROVED

Chairman George Whitton

ATTEST:

Michael D. Schwartz
Director, Zoning Services