

**BOONE COUNTY BOARD OF ADJUSTMENT
BOONE COUNTY ADMINISTRATION BUILDING
BOONE COUNTY FISCAL COURTROOM
BUSINESS MEETING
OCTOBER 12, 2022
6:00 P.M.**

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

BOARD MEMBERS PRESENT:

Mr. Richard Miller, Vice-Chairman
Mr. Chris Vaught-Hall (arrived at 6:29 pm)
Mrs. Sherry Hempfling
Mr. Bill Weltzer

BOARD MEMBERS NOT PRESENT:

Mr. George Whitton, Chairman

STAFF MEMBERS PRESENT:

Mr. Michael Schwartz, Director, Zoning Services

LEGAL COUNSEL PRESENT:

Mr. Dale T. Wilson

Mr. Schwartz stated that the application that was submitted by Flagship Communities, per Jeff Brauer, had been withdrawn by the applicant.

APPROVAL OF MINUTES

Vice-Chairman Miller stated the Board members received copies of the minutes of the Boone County Board of Adjustment meeting of September 14, 2022. He stated that he had given some minor revisions to staff prior to the meeting. He asked if there were any other comments or corrections. There were none. Mrs. Hempfling moved to approve the minutes as corrected. Mr. Weltzer seconded the motion. Vice-Chairman Miller called for the vote and it carried unanimously.

ACTION ON REVIEWS

1. Request of John and Joy King for a Conditional Use to allow a portion of the existing building to be used by a small scaled workshop. The approximate 1.4 acre area is located at 1812 - 1818 Petersburg Road, Boone County, Kentucky and is zoned Commercial two (C-2) and Commercial Two/Small Community Overlay (C-2/SC).

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 if the applicant wanted to address the Board.

Mr. John King stated that he is the owner of the building and the prior tenant was Fastenal. He stated that they had a delivery approximately once a week. He stated that some of the woodworking machinery has been brought into the tenant space. He stated that there would be no noise outside of the building. He stated that there will be no opening to the outside. He stated that the use would be assembly of tables and turning of small wood components. He stated that they would be using epoxy, but no varnish. He stated that the front part of the space would be for a showroom and there would be a small office. The rest of the space would be for production. He stated that there would be up to five employees and Fastenal had about eight employees. There is sufficient parking.

Vice-Chairman Miller asked if they would agree to the one condition identified in the staff report.

Mr. King replied that they would agree with that condition.

Vice-Chairman Miller asked if the Board had any questions of the applicant.

There were none.

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

1. That a Tenant Finish permit be submitted to the Boone County Planning Commission.

Mrs. Hempfling seconded the motion.

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

2. Request of Marion M. Woolum, III for a Conditional Use Permit to allow an existing barn to be used as an event center. The approximate 12.9 acre parcel is located at 3563 Petersburg Road, Boone County, Kentucky and is zoned Rural Suburban Estates (RSE).

Vice-Chairman Miller stated that Mrs. Hempfling has a conflict and will be recusing herself

from this issue. He stated that since Mrs. Hempfling will be recusing herself, the Board will not have a quorum to continue the public hearing.

There was discussion regarding if the Board would end the meeting and defer the issue to their next meeting on November 9, 2022 or if they would wait for Mr. Vaught-Hall to arrive.

At 6:17 pm, Vice-Chairman Miller stated that the meeting will be in recess until Mr. Vaught-Hall arrives.

At 6:29 pm, Mr. Vaught-Hall arrived.

At 6:30 pm, Vice-Chairman Miller stated that the Board will come out of recess. He stated that Mrs. Hempfling has left the room, Mr. Vaught-Hall is present, and that the Board has a quorum.

Staff Member, Michael Schwartz, presented the Staff Report which included a Powerpoint presentation (see Staff Report).

Vice-Chairman Miller asked if they would be required to have approximately 40-45 parking spaces based upon a maximum capacity of 175 people.

Mr. Schwartz replied that the requirement is one space for every four people.

Vice-Chairman Miller asked the Board if they had any questions for staff.

There were none.

Vice-Chairman Miller asked if the applicant wanted to address the Board.

Mr. Marion “Rusty” Woolum apologized for not knowing the rules and regulations and for making the improvements prior to getting the required permits. He stated that he has since been in contact with the proper authorities. He stated that he and his family purchased the property in 2020 with the intent that his children would build their homes on the site. He stated that they decided to restore the existing barn. He stated that he is a church Pastor and that they had an event two weeks ago, attended by approximately 200 people and that they did have loud music and that going forward they would not have any live music outside of the barn. He stated that it is common for his family to entertain with 100 people or more. He stated that if the Conditional Use Permit is not granted, they will continue to use the barn and property for personal use. He stated that would have 3-4 events a year. He stated that the venue would be non-alcoholic. He stated that his daughter makes candles and his daughter-in-law makes jams and jellies and he thought that having market days would be nice for the community.

Vice-Chairman Miller asked if the Board had any questions for the applicant.

Mr. Vaught-Hall asked when were the improvements made.

Mr. Woolum replied that they started in February of this year and completed the work in August.

Vice-Chairman Miller asked if there was sufficient room for 45 parking spaces and would they be paved.

Mr. Woolum replied that they have room for 45 cars, but they would not be paved with a hard surface due to cost.

Vice-Chairman Miller asked if they would widen the driveway to twenty (20) feet.

Mr. Woolum replied that they will widen the driveway, but they would like to keep it as a gravel driveway.

Vice-Chairman Miller asked if there was anyone present that wanted to speak to this issue.

Gary Owens stated that he is an adjoining property owner. He handed out an exhibit which will become part of the record. He stated that he has approximately 100 feet along the common property line. He stated that the barn is approximately 100 yards from his house. He stated that there was a fence line and vegetation along the property line and that he could not see the barn. He stated that the fence and vegetation has been removed and he can now see the barn. He stated that the applicant did all of the work without permits and that he should have known that some approvals would be required. He stated that the property does not lend itself to have events of that magnitude. He stated that the barn is at the highest point in the area and that sound will travel to his and adjacent properties. He played an audio recording of the music that took place two weeks ago. He stated that the music went all afternoon and that they could not enjoy their property. He stated that he is concerned about safety and liability since there is no defined border to the property. He stated that everybody in the area knew about the gun club and the expressway noise when they purchased their property. They did not expect to have an event center in the neighborhood. He stated that the Conditional Use Permit should be denied.

Amy Sydney Banks stated that she agrees with everything that Mr. Owens said and that they are right next to the driveway. She stated that she is concerned about the closeness of the driveway to their property and the effect that it will have on them. She stated that the property values will go down if the event center is allowed. She stated that there are a lot of accidents on Petersburg Road and the event center will add more traffic to the area.

Linda Crigler stated that she and her husband are adjacent property owners to the east and that they object to the issue. She stated that they have lived on the property for over 50 years and it has always been a quiet area. She stated that she met Mr. Woolum two years ago and was told that they bought the property for their children. She stated that she thought all of the construction was for houses, but later found out it was for the event center. She stated that if the driveway is to remain with gravel, as cars travel on it, gravel

will fly onto their property. She stated that the lights from the cars will be disruptive. She stated that a business on the property is not appropriate for the existing rural, peaceful area.

Wim “Frank” Hardin stated that his property is the closest property to the barn. He stated that he agrees with the previous speakers and is concerned about how the shared pond will be affected, along with liability issues. He stated that the closeness of the barn will intrude on his privacy.

Elma Benne wanted to know if this will be a four season venue.

Mr. Woolum replied no.

She asked if there would be sales (i.e., Christmas Trees) from the property.

Mr. Woolum replied that there will be no Christmas Tree sales.

Mr. Schwartz went over the definition of “farmers mart” and stated that that activity is not allowed on the property.

Bruce Hibrick stated that the applicant is a great neighbor. He stated that his concern was the market weekend. He stated that his other concern is that while the Conditional Use Permit would be granted to Mr. Woolum, that permit goes with the land and he does not know how a future property owner would operate the event center.

Vice-Chairman Miller asked for a show of hands to see how many properties were represented. He stated that he saw ten (10) hand go up.

Vice-Chairman Miller asked if Mr. Woolum want to respond to any of the comments/issues brought up during the meeting.

Mr. Woolum stated that he has admitted his faults and should have gone through this process first. He again apologized for the loud music. He stated that he wanted to know what he is legally allowed to do on the property. He stated that he will abide by whatever decision the Board makes.

Mr. Vaught-Hall asked what lighting will be on the property.

Mr. Woolum replied that they have downlit lights on the barn and that they do not shine onto adjacent properties. He stated that they do not intend to install any lights for parking areas.

Mr. Vaught-Hall asked if they would have amplified music in the barn.

Mr. Woolum replied that they have three (3) speakers in the barn.

Mr. Vaught-Hall asked if they would have outdoor acoustic music.

Mr. Woolum replied that he would abide with whatever the Board decides.

Elma Benne stated that the proposed event center will have a negative impact on her property value and the potential future sale of her property.

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. Weltzer made a motion to deny the Conditional Use Permit on the bases of the staff comments identified on pages 4 through 6 of the staff report. Mr. Vaught-Hall seconded the motion.

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

OTHER

None

ADJOURNMENT

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

Vice-Chairman Miller called for the vote and the meeting was adjourned by unanimous consent at 7:18 p.m.

APPROVED

Chairman George Whitton

ATTEST:

Michael D. Schwartz
Director, Zoning Services