

**BOONE COUNTY BOARD OF ADJUSTMENT
BOONE COUNTY ADMINISTRATION BUILDING
BOONE COUNTY FISCAL COURTROOM
BUSINESS MEETING
March 8, 2023
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
Dr. Ryan Estes

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 8, 2023. He asked if there were any other comments or corrections. Vice-Chairman Miller moved to approve the minutes and Dr. Estes seconded the motion. Chairman Whitton called for the vote and it carried unanimously.

ACTION ON REVIEWS

1. Request of Julie LaPorta for a Conditional Use Permit to allow a Home Business (personal training) to be conducted out of the existing single-family residential dwelling. The approximate 0.48 acre parcel is located at 2944 Northcross Drive, Boone County, Kentucky and is zoned Residential Planned Development (RPD).

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 there was going to be any exterior changes and if there was

a restriction on what equipment can be used in the operation of the Home Business. Mr. Schwartz replied there would be no exterior changes and there is no restriction on the type of equipment.

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

Ms. Julie LaPorta stated that there will be no employees other than herself. She stated that she will provide one-on-one personal training to approximately 4 to 5 clients a day. She stated that she would like to keep the garage door open, especially during the summer months when it will get hot in the garage.

Vice-Chairman Miller asked what was the reason for the recommended condition regarding the closure of the garage door. Mr. Schwartz replied that it was to lessen the noise from the business activity.

Ms. LaPorta stated that she has special rubber gym flooring in the garage and she uses rubber weights.

Vice-Chairman Miller asked what type of equipment will be used. Ms. LaPorta replied that she will have free weights, a rowing machine, a ski machine, stationary bikes, and a pull-up rack.

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 proposed Conditional Use Permit, subject to the following conditions: (1) the home business shall only operate between the hours of 8:00 am and 9:00 pm, seven days a week; (2) whenever the home business is operating, the garage door shall be closed while music is playing; and (3) the home business shall meet all of the requirements of Section 3142.A.1 of the zoning regulations. Dr. Estes seconded the motion.

Vice-Chairman Miller asked if the applicant would agree to the stated conditions. Ms. LaPorta replied yes.

Chairman Whitton called for the vote which passed unanimously.

2. Request of Hermes Construction Co., per Tyson Hermes, on behalf of Bradbury Design LLC, for a Change of Nonconforming Use which would allow an increase of the off-street parking area. The approximate 0.9 acre parcel is located at 10829 US 42, 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.

Vice-Chairman Miller asked if the applicant was enlarging the business or the capacity of the business. Mr. Schwartz replied that the building is not being enlarged and that the additional parking area is intended to facilitate the applicant's parking needs.

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

Mr. Tyson Hermes stated that the site is an attractive stopping point during the world's longest yard sale. He stated that cars currently park in the grass area and that they want to pave it so that the grass will not be destroyed.

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 proposed Change of Nonconforming Use. Mrs. Hempfling seconded the motion.

Chairman Whitton called for the vote which passed unanimously.

3. Request of Paul Mehler for a Variance to reduce the rear yard setback from thirty (30) feet to twenty (20) feet. The approximate 0.22 acre parcel is located at 6044 Tosha Drive, 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.

Dr. Estes asked if there was an existing deck. Mr. Schwartz replied that the existing deck and patio would be removed and the proposed sunroom would be built in the same location.

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

Mr. Paul Mehler stated that he has lived on the property for 20 years and the proposed sunroom will occupy the same space, or a little less, than the existing deck and patio.

Vice-Chairman Miller asked if the existing deck met the setback requirements. Mr.

Schwartz replied that since the deck is less than four (4) feet above grade, it is considered an accessory structure, which has different setback requirements and the proposed sunroom will be considered to be part of the principal structure.

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.

Mrs. Hempfling made a motion to approve the proposed Variance. Vice-Chairman Miller seconded the motion.

Chairman Whitton called for the vote which passed unanimously.

4. Request of Brain Dennler for Variances to: (1) to reduce the side yard setback from ten (10) feet to three (3) feet in order to construct a warehouse/storage building; and (2) to reduce the minimum Buffer Yard A width along the south property line, from ten (10) feet to zero (0) feet, from the front property line to the front of the building. The approximate 0.3 acre parcel is located along the southeast side of Cessna Place, between Piedmont Court and Airway Drive, approximately ninety (90) feet southwest of Piedmont Court, having a Parcel ID of 059.00-06-091.00, 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 if the proposed structure would be a pole barn. Mr. Brian Dennler replied that it would be a pole barn that is consistent with the other buildings in the area.

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

Mr. Brian Dennler stated that the building will have three (3) bay doors. He stated that the site is only served with public water.

Mrs. Hempfling asked if the site could be redesigned to meet the setback requirements. Mr. Dennler replied that the site is too narrow and that the pavement needs to go to the west property line to allow for back-up maneuvering. He stated that he has spoken to the adjacent property owner and has maintained the setback requirement between his property and hers.

Vice-Chairman Miller asked if the building would be used for personal use or business use. Mr. Dennler replied that it would be used for personal purposes.

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 proposed Variances. Dr. Estes seconded the motion.

Chairman Whitton called for the vote which passed unanimously.

5. Request of Hillwood, per Jay Smith, on behalf of Richwood Holding I LLC, for a Variance to increase the maximum height of an entrance monument sign from ten (10) feet to twenty (20) feet. The approximate 17.7 acre parcel is located at 11686-11776 Old Lexington Pike, 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. Jay Smith, using graphics on the screen, provided a description of the proposed industrial park. He stated that trucks coming to the industrial park will be coming from the north and exiting to the north. He stated that there is a truck restriction on Old Lexington Pike, south of the development. He stated that the increased height of the sign would provide the necessary development identification so that trucks do not pass the site and then have to double back on Old Lexington Pike. He stated that from the front of the sign, it will not be viewed as being twenty (20) feet in height, but from the back side of the sign, it will be viewed as having a height of twenty (20) feet.

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 proposed Variance Mrs. Hempfling seconded the motion.

Chairman Whitton called for the vote which passed unanimously.

OTHER

Mr. Schwartz stated that a report had been sent to Chairman Whitton and the owners of two properties that had not renewed their County Short Term Rental License regarding the potential of the Board to hold a public hearing to revoke their Conditional Use Permits. Mr. Schwartz stated that since that time, both property owners have paid the fee to renew their license. Therefore, no action of the Board will be required.

ADJOURNMENT

Chairman Whitton asked for a motion to adjourn the meeting. Mrs. Hempfling made a motion to adjourn and Dr. Estes seconded the motion.

Chairman Whitton called for the vote and the meeting was adjourned by unanimous consent at 6:47 p.m.

APPROVED

Chairman George Whitton

ATTEST:

Michael D. Schwartz
Director, Zoning Services