

**BOONE COUNTY BOARD OF ADJUSTMENT  
BOONE COUNTY ADMINISTRATION BUILDING  
BOONE COUNTY FISCAL COURTROOM  
BUSINESS MEETING  
May 10, 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. Richard Miller, Vice-Chairman  
Mrs. Susan Poston  
Mr. Bill Weltzer

**BOARD MEMBERS NOT PRESENT:**

Dr. Ryan Estes

**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 12, 2023. He asked if there were any other comments or corrections. Vice-Chairman Miller moved to approve the minutes and Mrs. Poston seconded the motion. Chairman Whitton called for the vote and it carried unanimously.

**ACTION ON REVIEWS**

1. Request of Nidal Owda and Brigid Schwartz for a Variance reducing the rear yard setback from ten (10) feet to zero (0) feet to allow for a building expansion. The approximate 0.70 acre parcel is located at 10051-10053 Dixie Highway, Boone County, Kentucky and is zoned Commercial One (C-1) (this issue was deferred from April 12, 2023).

Mr. Schwartz stated that he is not a relative of the applicant.

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. Brigid Schwartz stated that it would be helpful to keep the building where it is so that the business can continue.

Vice-Chairman Miller asked why the building was constructed before the Variance was applied for, given that several other Variances were granted for the site.

Ms. Schwartz replied that she is the owner of the property and the tenant built the building, without knowing the rules.

Vice-Chairman Miller asked if the tenant is aware of the consequences should the Board deny the Variance request.

Ms. Schwartz replied that he is aware.

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.

Mr. Weltzer made a motion to approve the proposed Variance. Mrs. Poston seconded the motion.

A roll call vote found Mr. Weltzer, Mrs. Poston, and Chairman Whitton voting yes and Vice-Chairman Miller voting no.

The motion passed by a vote of 3 to 1.

2. Request of Jeffery and Kristi Wells for a Variance reducing the side yard setback from five (5) feet to 2.64 feet to allow for access to a non-buildable lot. The approximate 1.02 acre parcel is located at 3764 Bullittsville Road, Boone County,

Kentucky and is zoned Rural Suburban Estates (RSE).

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. Kristi Wells stated that they want to use the back property so their daughter and grandson can build a house.

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. Mr. Weltzer seconded the motion.

Chairman Whitton called for the vote which passed unanimously.

3. Request of Dwight M. Workman, Jr. for a Variance reducing the front yard setback from sixty (60) feet to thirty-five (35) feet to allow the construction of a building addition or accessory structure. The approximate 11.7 acre parcel is located at 12320 Cleek Lane, 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 the applicant if they would like to provide the Board with any other information.

Mr. Dwight Workman stated that he originally wanted to build the garage behind and beside the house. However, due to topography that would have required the construction of retaining walls. He stated that the proposed location will provide

for a flatter construction area. He stated that a breezeway would connect the proposed garage to the existing house. He stated that the proposed garage will be built with brick and have the same or similar look as the existing house and garage.

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. Poston made a motion to approve the proposed Variance. Mr. Weltzer seconded the motion.

Chairman Whitton called for the vote which passed unanimously.

4. Request of Ground Haven Hardscapes LLC, per David S. Beckett, on behalf of Virginia Hahn, for a Variance reducing the rear yard setback from thirty (30) feet to fifteen (15) feet to allow the construction of a building addition and deck. The approximate 0.31 acre parcel is located at 2318 Summerset Circle, 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. There were none.

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

Mr. David Beckett stated that he spoke with all five of the adjoining property owners and none of them had any concerns. He stated that the fence may not be located correctly, but the proposed building addition will be approximately twenty-three (23) feet from the fence. He stated that the property owner immediately behind the site said that his existing trees would block his view of the proposed building addition.

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. Mr. Weltzer seconded the motion.

Chairman Whitton called for the vote which passed unanimously.

**OTHER**

None.

**ADJOURNMENT**

Chairman Whitton asked for a motion to adjourn the meeting. Mrs. Poston 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 6:23 p.m.

**APPROVED**

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**Chairman George Whitton**

**ATTEST:**

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