

**BOONE COUNTY BOARD OF ADJUSTMENT  
BOONE COUNTY ADMINISTRATION BUILDING  
BOONE COUNTY FISCAL COURTROOM  
BUSINESS MEETING  
August 9, 2023  
6:00 P.M.**

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

**BOARD MEMBERS PRESENT:**

Mr. George Whitton, Chairman  
Mrs. Susan Poston  
Dr. Ryan Estes

**BOARD MEMBERS NOT PRESENT:**

Mr. Richard Miller, Vice-Chairman  
Mr. Bill Weltzer

**STAFF MEMBERS PRESENT:**

Mr. Michael Schwartz, Director, Zoning Services  
Mr. Steve Lilly, Planner

**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 June 14, 2023. He asked if there were any other comments or corrections. Mrs. Poston 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 Rebecca and Thomas J. Quigley, Jr. for a Conditional Use Permit to allow the existing single-family residential dwelling to be used as a short term rental. The approximate 5 acre parcel is located at 9608 Gunpowder Road, 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. Thomas Quigley stated that they bought the larger area in 2021 and built their home behind the site in question. He stated that he owns the house immediately adjacent to the site in question. He stated that there are many attractions in the area making a short term rental on the site appropriate.

Mrs. Poston asked which properties he also owned.

Using a map on the screen, Mr. Quigley pointed out the properties that he owns.

Mr. Quigley stated that he has letters of support from some of the other neighbors.

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 Conditional Use Permit, subject to the condition that 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. Dr. Estes seconded the motion.

Chairman Whitton called for the vote which passed unanimously.

2. Request of Triumph Signs, per Josie Gilliam, on behalf of SC Florence Real Estate LLC for Variances: (1) increasing the maximum height of a monument sign from eight (8) feet to fifteen (15) feet; and (2) increasing the maximum sign area of a monument sign from twenty-four (24) square feet to ninety (90) square feet. The approximate 1.03 acre parcel is located at 8731 Bankers Street, Boone County, Kentucky and is zoned Commercial Two/Planned Development/Houston-Donaldson Study Corridor (C-2/PD/HDO).

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. Hoe Smallwood stated that there is a very low spot of grade where the sign would be located. He stated that the variance in the height of the sign would get them back to the level of Burlington Pike. He stated that the variance in the size of the sign is needed, given the distance from the road to the sign and that the sign would advertise multiple tenants.

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 Variances. Dr. Estes seconded the motion.

Chairman Whitton called for the vote which passed unanimously.

3. Request of Triple Crown Developers LLC, per Tony Berling, for a Variance reducing the front yard setback from thirty (30) feet to twenty-five (25) feet to for a single-family residential dwelling. The approximate 0.40 acre parcel is located at 600 Winstar Court, 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. Tony Berling stated that they have a contract with Drees Homes and without the variance, they could not build their smallest house on the lot, given the location of the power line easement.

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.

Dr. Estes made a motion to approve the proposed Variance. Mrs. Poston seconded the motion.

Chairman Whitton called for the vote which passed unanimously.

4. Gott Family Living Trust, per Joshua and Terry Gott, for a Conditional Use Permit to allow the existing single-family residential dwelling to be used as a short term rental. The approximate 1.7 acre area is located at 6724 Camp Ernst Road, 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. Joshua Gott provided the Board with a handout showing pictures of the house, their guest screening policy, and other rules for the proposed short term rental. He stated that the property has a wonderful back yard, a walking track, basketball court, and a kid's playhouse. He handed out copies of two letters of support from area neighbors.

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 requested Conditional Use Permit, subject to the condition that 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. Dr. Estes seconded the motion.

Chairman Whitton called for the vote which passed unanimously.

5. Request of Anthony Arender, on behalf of Arender Investment Properties LLC, for

a Conditional Use Permit to allow the existing single-family residential dwelling to be used as short term rental. The approximate 0.18 acre parcel is located at 1749 Promontory Drive, Boone County, Kentucky and is zoned Suburban Residential One/Planned Development (SR-1/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.

Mrs. Poston asked for the locations of the previously denied applications.

Mr. Schwartz stated that they were off the map but were over approximately 1,000 feet from the site in question.

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

Mr. Anthony Arrender stated that he purchased the property from a friend over a year ago. He stated that he has done some renovations and has been renting the house for mid-term stays. He stated that he would like to have the option to rent the house for short term rentals as well as mid-term rentals. He stated that he would limit the property to six (6) guests.

Chairman Whitton asked if there was anybody else in attendance that wanted to speak to this issue.

Ms. Pat Simmons stated that the neighborhood was specifically designed and a planned community for families. She stated that there are thirty (30) children on her half of the street. She stated that there should not be a business in the area. She stated that there is a lot of traffic on the street. She asked how has the property been used as a short term rental already. She stated that the house is very small. She stated that she is concerned about child safety with guests who would not be familiar with the area. She stated that the neighborhood has fought against other short term rental requests. She stated that she has been present at the public hearings for each of those. She stated that there are many other areas where visitors can rent.

Ms. Sally Middlesworth stated that she agreed with the previous speaker. She stated that Promontory is the main street through the area. She stated that her biggest concern is safety. She stated that her other concerns were trash, parties, and noise. She stated that she was also at the two previous hearings in the area.

In response to the issues brought up by the two previous speaker, Mr. Arrender stated that the house rules would not allow parties and loud noises. He stated that he ultimately be responsible to make sure that the trash bins were taken out and brought in. He stated that he is currently not operating a short term rental and that all of his current rentals are for 30 days or more. He stated that he was not aware of the two previous denials and out of respect for the neighborhood, he would withdraw his application and continue to rent the house for 30 days or more but would like to get a refund of his application fee, if available.

Mr. Dale Wilson stated that the Board did not have the authority to refund application fees. He stated that the proper procedure would be for the applicant to request a refund from the Executive Director of the Boone County Planning Commission.

Chairman Whitton asked the applicant if he was withdrawing his application. Mr. Arrender replied yes.

Chairman Whitton asked Mr. Wilson if any other action by the Board was necessary. Mr. Wilson replied that since the application has been withdrawn, no other action from the Board is required, and the withdrawal would be reflected in the minutes of the meeting.

**OTHER**

None.

**ADJOURNMENT**

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

Chairman Whitton called for the vote and the meeting was adjourned by unanimous consent at 6:48 p.m.

**APPROVED**

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**Chairman George Whitton**

**ATTEST:**

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