

**BOONE COUNTY BOARD OF ADJUSTMENT
BOONE COUNTY ADMINISTRATION BUILDING
BOONE COUNTY FISCAL COURTROOM
BUSINESS MEETING
April 10, 2024
6:00 P.M.**

Vice-Chairman Estes called the meeting to order at 6:07 P.M.

BOARD MEMBERS PRESENT:

Dr. Ryan Estes, Vice-Chairman
Mrs. Susan Poston
Mr. Don Volland

BOARD MEMBERS NOT PRESENT:

Mr. George Whitton, Chairman

STAFF MEMBERS PRESENT:

Mr. Michael Schwartz, Director, Zoning Services

LEGAL COUNSEL PRESENT:

Mr. Dale T. Wilson

APPROVAL OF MINUTES

Vice-Chairman Estes stated the Board members received copies of the minutes of the Boone County Board of Adjustment meeting of March 13, 2024. He asked if there were any other comments or corrections. Mrs. Poston moved to approve the minutes and Mr. Volland seconded the motion. Vice-Chairman Estes called for the vote and it carried unanimously.

ACTION ON REVIEWS

1. Request of Tony Berling, on behalf of the Jay Conrad Revocable Trust, per Jay Conrad, for a Conditional Use Permit to allow the construction of an Event Center. The approximate 33.9 acre parcel is located at 5592-5628 River Road, Boone County, Kentucky and is zoned Agricultural Estate (A-2).

Vice-Chairman Estes announced that this item has been withdrawn by the applicant.

Vice-Chairman Estes announced that due to a scheduling conflict, Item 3 will be heard next.

3. Request of Atlantic Sign Company, on behalf of Kroger Pike Patterns LLC/Kroger Limited Partnership I, for a Conditional Use Permit to replace an existing manual reader board

with an electronic message board/screen on an existing free standing sign. The approximate 1.1 acre parcel is located at 1807 Patrick Drive, Boone County, Kentucky and is zoned Commercial Four/Planned Development (C-4/PD).

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

Vice-Chairman Estes asked the Board if they had any questions for staff. There were none.

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

Ms. Brooke Alini stated that the Kroger wants to swap out the manual gas price signs to electronic gas price signs.

Mr. Volland asked if the new sign would continue to only show unleaded and diesel gas prices. Ms. Alini replied yes.

Vice-Chairman Estes asked if there was anybody else in attendance that wanted to speak to this issue. There were none.

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

Vice-Chairman Estes made a motion to approve the proposed Conditional Use Permit. Mrs. Poston seconded the motion.

Vice-Chairman Estes called for the vote which passed unanimously.

2. Request of Kate Lee for a Conditional Use Permit to allow the existing single-family residential dwelling to be used as a short term rental. The approximate 0.18 acre parcel is located at 1060 Hampshire Place, 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).

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

Vice-Chairman Estes asked if the deed restriction that was included in the staff packet had any bearing on the Board's decision.

Mr. Dale Wilson replied that deed restrictions are private covenants that the Board and the Planning Commission cannot enforce. He stated that an applicant has to satisfy both the zoning regulations and any deed restrictions.

Vice-Chairman Estes asked if a short-term rental is the same as a lease. Mr. Wilson replied that that would be an interpretation for the legal counsel of the affected parties.

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

Ms. Kate Lee stated that she is the owner of the property. She stated that she purchased the property last November. She stated that she and her family have been Boone County residents since 2015. She stated that she is a mortgage loan officer and her husband is a local business owner. She stated that they own restaurants and other long-term rentals. She stated that the original purpose for purchasing the property was to allow her parents and other family members to stay there when they visited. She stated that she wants to use the property for short-term rental on those other occasions when family members are not visiting. She stated that this would be her first short-term rental. She has other long-term rentals and she does credit checks and background checks on all her tenants. She has a cleaning service and a lawn service to maintain the property. She stated that she would require a minimum stay of two (2) nights and a maximum occupancy of six (6) guests. She stated that she has very strict house rules stating no parties, pets, or smoking. She stated that she has cameras installed for security. She stated that a short-term rental will have a less impact on traffic than a long-term rental.

Mrs. Poston asked if it would be agreeable to limit the number of guests to six. Ms. Lee replied yes.

Mrs. Poston asked Ms. Lee if she has ever lived in the house. Ms. Lee replied no and that she lives in Union.

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

Mr. Bruce Sault stated that he is the Treasurer and Secretary of the HOA. He stated that the HOA is very small. He stated that there are two (2) long-term rentals in the neighborhood that snuck in. He stated that the HOA did amend their restrictive covenants in 2003 to restrict rentals. He stated that everyone in the neighborhood is opposed to the request and that he had a petition to that fact (see attachment to minutes).

Mr. Wilson asked if there was a process to allow rentals under the recorded declaration of covenants. Mr. Sault replied that the owner had to live on the premises for one (1) year and that the HOA had to give written permission to allow a rental. He also stated that the one (1) year provision could be waived by the HOA under special circumstances.

Mr. Volland asked if the HOA Board held a meeting on this proposal. Mr. Sault replied no.

Vice-Chairman Estes asked how many properties are in the HOA and how many signed the petition. Mr. Sault replied that there are forty (40) properties in the HOA and thirty (30) signed the petition.

Mr. Bill Hudson stated that he is against the proposal and that the property is currently being used as a short-term rental.

Ms. Lee stated that the property is currently being occupied by a tenant with a long-term lease and that family members have stayed in the house. She stated that she has not used the property as a short-term rental. She stated that when she purchased the property, her realtor did not mention the recorded deed restriction. She stated that no mail from the HOA has been sent to the property.

Ms. Susan Burke stated that several different groups have come and gone from the property. She stated that most of the homes in the neighborhood are occupied by single individuals and they are concerned about safety. She stated that the area is residential.

Ms. Sandy Radington stated that she has been on the HOA Board several different times and was probably on the Board at the time that the addendum was adopted. She stated that the No. Ky. Realtors Association was made aware that the addendum had been adopted.

Mrs. Poston asked if the deed restriction would have been on the deed when Ms. Lee purchased the property. Mr. Wilson replied that it could have been on the deed or referenced on the deed since the restriction is a recorded document.

Vice-Chairman Estes asked if there was any further discussion. There were none.

Vice-Chairman Estes asked if the Board wanted to make a motion.

Mr. Volland made a motion to deny the proposed Conditional Use Permit. Vice-Chairman Estes seconded the motion.

Vice-Chairman Estes called for the vote which passed unanimously.

OTHER

None

ADJOURNMENT

Vice-Chairman Estes asked for a motion to adjourn the meeting. Mrs. Poston made a motion to adjourn and Mr. Volland seconded the motion.

Vice-Chairman Estes called for the vote and the meeting was adjourned by unanimous consent at 6:49 p.m.

APPROVED

Chairman George Whitton

ATTEST:

Michael D. Schwartz
Director, Zoning Services