

**FLORENCE BOARD OF ADJUSTMENT  
BOONE COUNTY ADMINISTRATION BUILDING  
BOONE COUNTY FISCAL COURTROOM  
BUSINESS MEETING  
DECEMBER 9, 2020  
7:00 P.M.**

Chairman Pieper called the meeting to order at 7:12 P.M.

Mr. Morgan stated that the meeting was being held via video teleconference pursuant to KRS 61.826, SB 150 and OAG 20-05. He stated that the public hearing format has been necessitated due to the state of emergency regarding the threats to public health presented by the novel Coronavirus (COVID-19) pandemic.

Mr. Morgan confirmed that all those in attendance could see and hear the proceedings. All those in attendance stated that they could see and hear the proceedings.

**BOARD MEMBERS PRESENT:**

Mr. Timothy Pieper  
Ms. Dee Begley  
Mrs. Linda Schaffer

**BOARD MEMBERS NOT PRESENT:**

Ms. Lois Evans  
Mr. Kenneth Vaught

**STAFF MEMBERS PRESENT:**

Mr. Todd K. Morgan, AICP, Senior Planner

**LEGAL COUNSEL PRESENT:**

Mr. Dale T. Wilson

**APPROVAL OF MINUTES**

Chairman Pieper stated the Board members received copies of the minutes of the Florence Board of Adjustment meeting of August 12, 2020. He asked if there were any other comments or corrections. Ms. Begley moved to approve the minutes and Mrs. Schaffer seconded the motion. Chairman Pieper called for the vote and it carried unanimously.

**ACTION ON REVIEWS**

Request of Tina Delph for a Conditional Use Permit. The Conditional Use Permit is to allow a body art (tattoo) services shop. The approximate 0.12 acre site is located at 7 Shelby Street, Florence, Kentucky and is zoned Commercial Two (C-2).

Staff Member, Todd Morgan, presented the Staff Report which included a PowerPoint presentation (see Staff Report). Mr. Morgan added he reached out to Northern Kentucky District Health Department regarding their requirements. He was told the following:

1. A Tattoo Studio Permit would need to be issued.
2. Each tattoo artist would need to register with the Health Department.
3. Each tattoo artist would receive training on blood borne pathogens.
4. The studio would be inspected at least twice a year. More inspections would occur if there was a complaint.

Chairman Pieper asked the Board if they had any questions for staff.

Ms. Begley asked if there was any limitation on how many body arts services studios could be located in this area. Mr. Morgan replied that body arts services studios are a principally permitted use in the Florence Main Street (FMS) zone. This Board would hear requests for body arts services studios that are located in Commercial Two (C-2) zoning districts within the City of Florence.

Chairman Pieper asked if a text amendment could be explained. Mr. Morgan replied that a text amendment is a proposed amendment to the Zoning Regulations. In this case, the City of Florence asked the Planning Commission to do a study of body arts service studios to see if and where they would be appropriate. After the research was completed, the Planning Commission held a public hearing and eventually made a recommendation to the City of Florence. The City of Florence took final action and amended the Zoning Regulations in March 2019. As a result, body arts services studios are now a principally permitted use in the FMS zone and a Conditional Use in the C-2 zone in the City of Florence. Mr. Wilson added that the Planning Commission is a recommending body on text amendments and zoning map amendments. Final action is taken by the appropriate legislative body.

Ms. Begley asked if the applicant was leasing or buying the building. Ms. Delph said they plan on buying the building if zoning approval is granted.

Ms. Begley asked Ms. Delph if she had any plans to expand the business or rent the basement or second floor. Mr. Morgan said one of the recommended conditions would limit the business to two artists. Ms. Delph said the upstairs would definitely not be used residentially. They plan to use the basement and upstairs for storage. Mr. Pieper said the Board should add this as a condition if the request is approved.

Ms. Tina Delph said she was the applicant. She is only looking for work space for her and her daughter so they can legally tattoo in Boone County. She has been a tattoo artist for 21 years. They will operate by appointment only. It will just be her daughter and her working with individual clients by appointment only. Their hours are Tuesday-Saturday from 11:00 A.M. – 8:00 P.M. No new client would be taken after 8:00 P.M. She thought about adding a body piercer at one time. She never had this aspect as part of her business so it is not something she has to pursue. She would be totally content with just having her and her daughter. She offered to answer any questions.

Ms. Begley asked what condition the building was in now. Mr. Morgan reviewed the pictures of the building from his PowerPoint presentation.

Ms. Begley asked if signage existed now or if any was proposed. Mr. Morgan said she is eligible to do building mounted signage and/or freestanding signage because the property is zoned C-2. One of the Staff recommendations includes limiting freestanding signage to a 4' tall, 24 square foot monument sign. Ms. Begley asked if the sign could state that access was provided from a shared driveway. Mr. Morgan said that message could be included on her sign. Ms. Delph said she was planning to put a monument or post sign as close as possible to the shared driveway. The sign could say that parking is located in the rear of the property. Mr. Morgan said a monument sign by definition would be required to have a solid base between the bottom of the sign and the ground.

Mrs. Schaffer said her concern with the proposal is that it doesn't meet the Conditional Permit criteria found in Section 1023 of the Zoning Regulations because the proposed business is not an integral function and subordinate function of a permitted commercial use or professional or personal service. She is also concerned the proposed body arts services studio adjoins Arcadia Park Senior Apartments. She believes the intention of the regulations would be to prohibit the use. She would also like to note that Florence Main Street (FMS) zoning is a couple parcels down from this site and it would be a permitted use in that zone.

Mr. Morgan said Arcadia Park Senior Apartments are clearly a residential use but they are zoned FMS. The regulations indicate that a body arts services studio cannot adjoin a residentially zoned property. As a result, Ms. Delph is certainly eligible to seek a Conditional Use Permit for this property. Mr. Wilson said the language in the zoning text does not disqualify her from asking for a Conditional Use because none of the adjoining properties are residentially zoned. Mr. Morgan said he discussed this issue with the Staff person that worked on the text amendment. He was told the intent of code was to prohibit the use only when it adjoined residential zoning and not a residential use. Mrs. Schaffer said her concern remains about the Section 1023 criteria.

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

Mrs. Schaffer made a motion to deny the request based on the fact that the Conditional Use Permit criteria found in the Staff Report have not been met. Mr. Pieper asked if there was a second. There was no second and the motion failed.

Mr. Pieper asked if there was another motion. Ms. Begley made a motion to approve the Conditional Use Permit with the following conditions:

1. No more than two body-arts artists shall work from the facility at any given time.
2. Daily business hours shall be limited from 9:00 AM – 9:00 PM.
3. The building shall remain white or can be painted complimentary earth tones colors. Exceptionally dark or bright colors shall not be permitted.
4. All building mounted signs shall be individual channel letters or routed signs. Metal signs panels or sign cabinets shall be prohibited unless they can be classified as a professional name plate that's 6 square feet or less.
5. Freestanding signage shall be limited to a 4' tall, 24 square foot monument sign.
6. The second floor and basement of the building shall only be used as accessory storage for the body arts services studio.

Mr. Wilson said he wanted to make the applicant and Board aware that any proposed change to approved conditions would need to come back in front of this Board. He wanted to make them aware of that before they voted. Mr. Morgan agreed with Mr. Wilson's comment.

Ms. Begley asked if they should add another condition regarding the parking lot. They recently imposed a condition on a window tinting business that prohibited vehicles from remaining in the lot overnight or the storage of recreational vehicles. Mr. Morgan said he would find that scenario unlikely with this type of business. There is also a provision in the zoning code that deals with the storage of recreational vehicles. Ms. Delph said she would not park any recreational vehicles on the lot.

Mr. Morgan asked if the Board wanted to keep the hours from 9 AM – 9 PM. Ms. Delph mentioned hours going from 11 AM – 8 PM. Ms. Begley said she was fine leaving the hours from 9 AM – 9 PM. Mr. Pieper agreed

Mr. Pieper seconded the motion with the 6 conditions.

Chairman Pieper called for a roll call vote. Mr. Pieper – “yes”, Ms. Begley – “yes”, and Mrs. Schaffer – “no”. The motion carried by a 2-1 vote.

**OTHER**

Ms. Begley asked if any training was going to be offered in the first quarter of 2021. Mr. Morgan said he would take that issue up with Kevin Costello.

Mr. Pieper said this will probably be his last meeting. The Mayor has asked him to be on another Board.

**ADJOURNMENT**

Chairman Pieper made a motion to adjourn the meeting and Mrs. Schaffer seconded the motion. Chairman Pieper called for the vote and the meeting was adjourned by unanimous consent at 7:49 P.M.

**APPROVED**

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**Ms. Dee Begley, Secretary**

**ATTEST:**

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**Todd K. Morgan, AICP  
Senior Planner**