

**FLORENCE BOARD OF ADJUSTMENT
FLORENCE GOVERNMENT CENTER
COUNCIL CHAMBERS
BUSINESS MEETING
OCTOBER 20, 2022
6:30 P.M.**

Mr. Duane Froelicher called the meeting to order at 6:30 P.M.

BOARD MEMBERS PRESENT

Ms. Lois Evans
Mr. Duane Froelicher
Mrs. Lila Huff
Mr. Thomas Judd

BOARD MEMBERS NOT PRESENT

Mrs. Linda Schaffer

STAFF MEMBERS PRESENT

Mr. Todd K. Morgan, AICP, Senior Planner

LEGAL COUNSEL PRESENT

Mr. Dale Wilson

APPROVAL OF MINUTES

Mr. Froelicher stated the Board received copies of the minutes of the Florence Board of Adjustment meeting of August 10, 2022. He asked if there were any other comments or corrections. Ms. Evans moved to approve the minutes as written and Mrs. Huff seconded the motion. Mr. Froelicher called for the vote and it carried unanimously.

ACTION ON REVIEWS

1. Request of John & Skyler Barry for a Conditional Use Permit. The Conditional Use Permit is to allow short term rentals of a house. The approximate 0.27 acre site is located at 14 N. Dilcrest Circle, Florence, Kentucky and is zoned Suburban Residential One (SR-1).

Staff Member, Todd Morgan, presented the Staff Report, which included a PowerPoint presentation. He added that he received an email from Larry Brown after the Staff Report was finalized. This email is part of the record (see Exhibit 1).

Mrs. Susan Barry introduced her husband, John, and her daughter, Skyler. John owns the property and she and Skyler will be managing it. She offered to answer the Staff questions. 1. The property is currently not being rented; 2. They live in Union and will be visiting the property routinely to clean and maintain it; 3. They plan to market the property

on websites like Airbnb and Vrbo. 4. They are not planning on making any exterior improvements; 5. They will be setting a two-night minimal rental requirement.

Ms. Evans asked how they will monitor that no parties are taking place. Mrs. Barry said they will indicate that no parties are permitted in their listings. They also plan on using a service that is called noise aware. It is a service that allows you to monitor but not record conversations. The service makes the subscriber aware if noise levels get loud. They could then text the guests and go to the property if needed. They also have a ring doorbell so they can see how many people are entering and exiting the house. She also offered to give her number to any neighbor that wanted it. They can also screen their guests on the Airbnb website. They will have the ability to deny guests if they have a bad rating.

A woman from the audience asked if this was a bed and breakfast. Mrs. Barry responded that it was not. She explained that the Airbnb website allows someone to go online and rent a room in a house or the entire house. She indicated that they would only rent their entire house and not individual rooms.

Someone from the audience asked if this was their only rental property. Mrs. Barry responded that this was their only short-term rental property. They do have other long term rental properties.

Someone from the audience asked how long they owned the property and Mr. John Barry responded about 6 weeks.

Mr. Froelicher said people in the audience could come up to microphone if they had questions or comments. He asked that they give their name and address.

Mrs. Wanda England said she lived at 142 W. Dilcrest Circle. She said the property at the corner of W. Dilcrest and N. Dilcrest is a rental house and they had garbage piled higher than her head from the back door to the driveway. She and her neighbor called the City of Florence twice to have the garbage removed. The person lived there approximately 6 weeks and made a mess inside and outside the house. The next people lived there approximately 4 months and did a good job taking care of that property. They now have another couple living in there and they keep things clean. The only issue is they have a little boy that wanders the neighborhood unsupervised. Most renters do not care about things and do not respect their neighbors. She believes renters should be required to live in a house for a minimum of a year. One day, two day, and weekly rentals should be prohibited. Visitors do not care.

Mr. Richard Crank said he lived at 126 W. Dilcrest. He agrees the house at the corner of W. Dilcrest and N. Dilcrest is an issue because of garbage. He has no issues with the proposal because the applicants seem responsible. They are not going to want their property torn up.

Ms. Patty Lillard said she lives at 10 Bentley Court. She is concerned about parking. The rental at the corner has a driveway that can hold numerous vehicles but they always seem to park one or two vehicles on N. Dilcrest. Two traveling vehicles can't pass on N. Dilcrest

when other cars are parked on the side of the street. It's a hazard. Mr. Barry responded that their guests would not be permitted to park on the street per code. Ms. Lillard asked if the Barry's owned any other rental properties in the subdivision. They responded they did not. Ms. Lillard said she was opposed to the project because she is older and has concerns about parties and noise. People do not respect properties that they do not own. She asked if the Barry's would allow pets. They responded they would not. Ms. Lillard added that she would prefer a long-term renter over short-term renters because they would take better care of the property.

Ms. Kathy Herzog said she lived at 8198 N. Dilcrest Circle. She is opposed to the project because she doesn't believe that short-term renters respect other properties.

Mr. Froelicher asked if anybody else from the audience wanted to speak. There was no response.

Mr. Wilson said the Board needs to act on this application based on findings after they hear the evidence tonight. The action needs to be the Board's decision and not a popular vote.

Ms. Evans said the request is not a bed and breakfast but a short-term rental where people can come spend a weekend, week, or couple weeks to visit the area. The owners have an investment in the property and do not want to see it damaged or destroyed. It sounds like they are taking measures to make sure parties will not occur and are looking to protect their property.

Mr. Foelicher read the final paragraph of Mr. Brown's email into the record (see Exhibit 1).

Mr. Froelicher asked for a motion. Ms. Evans made a motion to approve the request with the following conditions:

1. Short term renters shall be required to rent the dwelling for a minimum of two nights.
2. One renter or group shall rent the entire household with a single-rental contract.
3. A zoning permit shall be processed through the Boone County Planning Commission indicating either: (1) the short-term rental property shall be for a two-bedroom, maximum 6 occupants with the existing four (4) off-street parking spaces; or (2) a three-bedroom, seven (7) occupants with the existing four (4) off-street parking spaces and one (1) additional off-street parking space.
4. If the required off-street parking requirements are changed, a new zoning permit shall be processed through the Boone County Planning Commission to ensure that the number of bedrooms/guests meet the new parking requirements.

Mrs. Huff seconded the motion.

Mr. Froelicher called for a roll call vote. Ms. Evans, Mrs. Huff, and Mr. Judd voted “yes” and Mr. Froelicher voted “no”. The motion carried 3-1.

2. Request of Jasurbek Samedjanov for a Variance. The Variance is to reduce the width of the required landscaping buffer along the northern property from 10’ to 6.39’. The approximate 1.18 acre site is located at 7124 Turfway Road, Florence, Kentucky and is zoned Commercial One (C-1).

Staff Member, Todd Morgan, presented the Staff Report, which included a PowerPoint presentation.

Mrs. Huff asked to clarify that the northern buffer yard would not be any smaller than it is now. Mr. Morgan indicated that was correct.

Mr. Doug Karnes said he was an architect with McCarty Associates out of Hillsboro, Ohio. He said the presentation was thorough. The owner wants to eliminate the unsightly car wash that has not been used for years. They would replace the car wash with a retail addition and remodel the whole building. They originally had two tenant spaces but realized there wasn’t enough space for parking. They want to keep the northern buffer the way it is and are agreeable to the Staff condition which require large shrubbery.

Mr. Froelicher asked if anybody in the audience wanted to speak.

Mr. Barry Carnahan said he lived at 29 Bustetter Drive. He said he did not have a problem with the proposal as long as the fence and buffer zone remained between him and the subject property.

Mr. Froelicher made a motion to approve the request with the following condition:

1. A continuous evergreen hedge shall be planted along the northern property line. The hedge shall be required between the front property line and the rear parking lot and be planted with Buffer Yard C plantings from the Boone County Zoning Regulations.

Mrs. Huff seconded the motion.

Mr. Froelicher called for the vote and it carried unanimously.

OTHER

No other business was discussed.

ADJOURNMENT

Mr. Froelicher made a motion to adjourn the meeting and Ms. Evans seconded the motion. Mr. Froelicher called for the vote and the meeting was adjourned by unanimous consent at 7:32 P.M.

APPROVED

Mr. Duane Froelicher

ATTEST:

Todd K. Morgan, AICP
Senior Planner

Exhibits

1. Email from Larry Brown