

**FLORENCE BOARD OF ADJUSTMENT  
FLORENCE GOVERNMENT CENTER  
COUNCIL CHAMBERS  
BUSINESS MEETING  
APRIL 10, 2023  
6:00 P.M.**

Mr. Duane Froelicher called the meeting to order at 6:00 P.M.

**BOARD MEMBERS PRESENT**

Ms. Lois Evans  
Mr. Duane Froelicher  
Mrs. Lila Huff  
Mr. Thomas Judd  
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 March 9, 2023. He asked if there were any other comments or corrections. Mrs. Schaffer and Ms. Evans said they would pass their votes. Mr. Wilson said those votes will count towards the majority since they didn't have a conflict. Mrs. Huff made a motion to approve the minutes as written and Mr. Judd seconded the motion. Mr. Froelicher called for the vote and it carried unanimously.

**ACTION ON REVIEWS**

1. Request of Tracy Taylor for Klassy K-9 for a Conditional Use Permit. The Conditional Use Permit is to allow a dog grooming, daycare and training business. The approximate 2.5 acre site is located at 7901 Dream Street, Suite 1, Florence, Kentucky. The parcel is zoned Commercial Services/Planned Development/ Parkway Corridor Study Overlay (C-3/PD/PO).

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

Mrs. Huff said the business operation includes a doggie daycare. She asked where those dogs would use the bathroom? Mr. Morgan said he would have the applicant address that question but his understanding is that all business activities occur indoors.

Mrs. Schaffer asked who the adjoining tenants were? Mr. Morgan said the business would be located next to the Barber College. The applicant, Mrs. Tracy Taylor, added the tenant space has access from the front and side of the building.

Mr. Froelicher asked for Ms. Taylor to provide her proposed days and times of business operation. She replied Monday hours were from 10 A.M. to 4:00 P.M. and Tuesday – Saturday hours were from 8:30 A.M. to 4:00 P.M.

Mr. Froelicher asked how many daycare dogs she could accept on a given day? She replied approximately 4 and that her business was mostly grooming.

Mr. Judd asked where the number 26 came from? Ms. Taylor said the number should be 27 because that is how many cages she will have on site. It's a potential number.

Mrs. Schaffer asked why she would have 26 or 27 cages if it's largely a grooming business. Ms. Taylor said dogs come hourly between 9:00 A.M. and 2:00 P.M. The grooming process for each dog takes about 3 hours. The first group are given baths and dried. This takes about an hour and then they go to be groomed. The second group of dogs would then come in and their baths start. This goes on throughout the day and it's the reason they have 27 cages. Mrs. Schaffer asked what happens if those dogs use the bathroom? Ms. Taylor said owners usually walk their dogs before they come in. Some dogs potty in their cages and it's immediately cleaned up.

Mrs. Huff asked if the doggie daycare could be explained. Ms. Taylor said she has potty patches. These are portable indoor/outdoor grass pads that can be laid down, washed, and sanitized. The daycare dogs do not go outside.

Mr. Judd asked if she will keep her original business location? Ms. Taylor said she will move out of her current location and move into this space. She currently operates on US 42 at the corner of Village Drive. Her space is behind Papa John's and she has been there since 2017.

Mrs. Schaffer asked how many dogs come in a group? Ms. Taylor said the dogs are washed as they come in. They currently have two bathtubs and are ready to purchase a third. She has 3 employees that give baths.

Mrs. Schaffer asked for the three-hour time window to be explained. Ms. Taylor said all the dogs don't take 3 hours but they ask the owners for this amount of time. Some dogs take longer because of size, hair matting, etc. She has 6 groomers. Most dogs are done within 1.5 to 2 hours.

Mrs. Schaffer asked Ms. Taylor to confirm there would be no overnight boarding or outside activities. Ms. Taylor replied that was correct.

Mrs. Schaffer asked how large the tenant space was? Ms. Taylor replied it was 2,080 square feet and it had two entrances.

Ms. Evans asked what signage was proposed. Ms. Taylor she will follow the rules. Mr. Morgan said she will need to obtain sign permits before any signs can be installed. He will need to look at their existing signs and determine if they can be permitted at this location.

Mrs. Schaffer said 22 cages will remain if there are 4 in daycare. That seems like a lot. Mrs. Huff said that is typical for dog grooming. Some people take their dogs in early or pick them up late. Ms. Taylor said they have to accommodate their clients. Ms. Taylor added that none of the grooming dogs go into daycare. Grooming dogs stay in cages and day care dogs have a little place to run around and play. She submitted a floor plan showing the tenant space and proposed layout (see Exhibit 1).

Mr. Judd asked what happens if an owner doesn't show up by the close of business. Ms. Taylor replied someone would stay until the owner arrived. This happens sometimes.

Mr. Judd asked if the other tenants were okay with the business. Ms. Taylor replied the building owner has spoken with the Barber College and they are okay with her business. She is also friends with the owner of the salon, and she recommended that she look into the subject tenant space.

Mrs. Schaffer said the floor plan only shows 12 cages. Ms. Taylor said the plan is a rough draft and the cages are stacked on top of one another.

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

Mr. Froelicher asked for a motion. Mrs. Huff made a motion to approve the request. Mrs. Schaffer asked if the Staff recommendations should be considered. Mr. Froelicher and Mrs. Huff said they did not believe any conditions were needed. Mrs. Schaffer said she would like to see the Staff comments added as conditions. These included:

1. There will be no overnight boarding.
2. No activities, including exercising or walking dogs, occurs outside.
3. There shall be a maximum of 26 cages. No more than 26 dogs shall be permitted on site at a given time.

Ms. Evans said she agreed.

Mrs. Schaffer said she would also like to add the following conditions to that list:

4. The daycare shall care for no more than 4 dogs on a given day.

Mrs. Schaffer asked if Mrs. Huff would be agreeable to amending her motion and include the conditions. Mrs. Huff said the number of dogs in the daycare doesn't matter to her. She thinks the owner should have a little flexibility to allow 5, 6, or 7 dogs in daycare. Mrs.

Schaffer said she doesn't want the business to be converted into just a daycare. She asked if the business could become just a daycare if a condition wasn't imposed. Mr. Morgan said the Zoning Administrator would have to look at the record and make a determination. In his mind, it would be best if the Board added a condition. Ms. Taylor said she will not change the business to just a daycare. Mrs. Schaffer said a Conditional Use Permit runs with the land and it could be transferred to other business owners. She asked Ms. Taylor if she would be okay with revising condition 4 as follows:

4. The daycare shall care for no more than 6 dogs on a given day.

Ms. Taylor said she would be okay with that.

Mrs. Huff amended her motion to include those 4 conditions and Ms. Evans seconded the motion. Mr. Froelicher called for the vote and it carried unanimously.

2. Request of Christina and Carl Kappes for a Conditional Use Permit. The Conditional Use Permit is to allow a short term rental household. The approximate 0.37 acre site is located at 7796 Walnut Creek Drive, Florence, Kentucky. The parcel is zoned Suburban Residential Two (SR-2).

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

Mrs. Huff asked for clarification on how many guests the zoning regulations allow. Mr. Morgan referred to letter C. on the top of page 3 of the Staff Report. Code allows 2 guests in a bedroom that is 120 square feet or greater and 1 guest in a bedroom that is less than 120 square feet. Two additional guests would be permitted on something like a pull-out sofa. This house would allow a maximum of 6 guests per code. The applicant is asking for 6 guests but would only allow 5 adults. Mr. Wilson said the Board should hear the facts and consider if they want to impose a condition which would permit less guests. Mr. Morgan agreed.

Mr. Judd asked Mr. Kappes how long he and his wife owned the property. Mr. Kappes replied they owned it since November 2022. They have spent the last several months fixing it up. Mrs. Schaffer asked if they bought it so they could use it as a short-term rental. Mr. Kappes replied they did.

Mrs. Huff said she has concerns about the bedroom sizes. They denied another request about a year ago because the bedrooms were too small and the calculations seemed to be off. The difference with this request is that they have presented the true bedroom sizes. Mrs. Huff said her first house was in this subdivision and it had the same exact floor plan. She thinks 6 people would be a large number in that house because things seemed tight with 3 people in her house. Mr. Kappes said he agrees and doesn't believe the vast majority of people would rent the house for 6 guests. He asked for 6 in the event that there would be 2 adults and 4 children. He wouldn't want to turn such a renter away. He would never want to exceed 6 guests because the house couldn't accommodate them. There is only 1 full bathroom.

Mrs. Schaffer said her issue is that they are asking for a maximum of 5 adults. Mr. Kappes said 5 adults could fit in the house (2 in the primary bedroom, 1 in each of the smaller bedrooms, and one on the couch). He believes 6 adults is too much. He is willing to adjust if the Board feels it's necessary.

Mrs. Schaffer asked Mr. Kappes if could address the Staff questions.

1. Is the property currently being rented? If so, are these rentals 30 days or more? The property is currently not being rented.
2. Where do they live and how frequently would they visit the property if the Conditional Use Permit and City Permit were approved? They live off Richardson Road and are about 10 minutes from the property. He visits the property 2-3 times a week. He has also installed exterior cameras and monitors the property. He will make his renters aware of that.

Mrs. Huff asked if this was their only short-term rental property. Mr. Kappes replied it was.

3. How would they market the property for rent? The Airbnb website.
4. How would they monitor that no parties are taking place? Exterior cameras will be located at the front and back of the property so he will be able to see who is coming in and out.
5. Are there any plans to make any additional exterior improvements that would encourage guests to spend more time outdoors? Examples are fire pits, pools, basketball goals, etc.? He was considering doing an outdoor basketball goal but he also wants to be respectful to the neighbors.

Mrs. Schaffer said she believes the house should be limited to 5 occupants and not 6. Mr. Froelicher said he has no problem with 6 guests because there could be 2 parents and 4 children. His experience is that larger families are coming in to see things like the Ark.

Mrs. Schaffer said short term rentals are also be used by people in the airline industry. Thus, her concern for allowing 6 occupants without it being more defined. She has no problem with two adults and 4 children using the property as a short-term rental. Mr. Kappes said pilots and traveling Nurses would not rent the property as a short-term rental. That would be a 90-day contract. Ms. Evans said the adults renting the house should make the decision if it is big enough for their group. She asked if the room sizes were part of the advertisement. Mr. Kappes said pictures are provided with the furniture in the room.

Mr. Froelicher said there was nobody else in the audience to speak for or against the request. He added that there was a letter in opposition to the request in the Staff Report. Mr. Kappes said his plan of action was to give all the adjoining neighbors his phone number and they can contact him if they experience problems.

Ms. Evans asked if all the other houses around him were owner occupied. Mr. Kappes responded he believe they all are except for one house. He suspects that one house is a rental.

Mr. Froelicher asked for a motion. Mrs. Huff made a motion to approve the application as submitted and Mr. Judd seconded the motion. Mr. Froelicher called for the vote and it carried 4-1, with Mrs. Schaffer voting “no”.

**OTHER**

No other business was discussed.

**ADJOURNMENT**

Mrs. Schaffer made a motion to adjourn the meeting and Mrs. Huff seconded the motion. Mr. Froelicher called for the vote and the meeting was adjourned by unanimous consent at 7:01 P.M.

**APPROVED**

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**Mr. Duane Froelicher**

**ATTEST:**

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

Exhibit 1 – Floor Plan Submitted by Tracy Taylor