

**BOONE COUNTY BOARD OF ADJUSTMENT
BOONE COUNTY ADMINISTRATION BUILDING
FIRST FLOOR FISCAL COURTROOM
BUSINESS MEETING
November 16, 2009
6:00 P.M.**

Mr. George Whitton, Chairman, called the meeting to order at 6:03 P.M.

BOARD MEMBERS PRESENT:

Mr. George Whitton, Chairman
Mrs. Shirley Millar, Secretary/Treasurer
Mr. Terry Edwards
Mr. Richard Miller
Mrs. Jennifer McConnell

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Approval of the Minutes:

Mr. Whitton stated that the Board members received copies of the Minutes of the Boone County Board of Adjustment Meeting of October 14, 2009. He asked if there were any comments or corrections.

There being no changes to the minutes, Mr. Miller moved that they be approved as mailed. Mr. Edwards seconded the motion. Mr. Whitton asked for a vote and it carried unanimously.

Agenda Items:

- 1. Request of Scott K. Warnecke for a Change in Non-Conforming Use to allow an appointment only barber shop to occupy a portion of a building located at 2942 Park Street, Boone County, Kentucky. The property is currently zoned Suburban Residential One (SR-1).**

Staff Member, Todd Morgan, AICP, presented the Staff Report which included a PowerPoint presentation (see Staff Report).

Mr. Warnecke indicated that he would have a maximum of 80 customers a week. He passed out an exhibit that provided his hours of operation and number of potential customers (see Exhibit #1).

Mrs. McConnell asked what the hours would be. Mr. Warnecke said that he would operate Monday through Saturday and that his hours are listed on the sheets he just handed out.

Mr. Miller asked if there would be any signage. Mr. Warnecke said the only signage will be on the door. He doesn't want any other outside signs. He is not looking for any walk-in business. He has been a barber for the last 9 years and just wants a place for his customers to come.

Mr. Whitton asked if there was anybody else in the audience that would like to speak for or against the request or just wanted additional information. Nobody in the audience asked to be recognized.

Mr. Miller moved to approve the request and Mr. Edwards seconded the motion. Mr. Whitton asked for a vote and it carried unanimously.

2. **Request of ABC Signs for Pilot Travel Center for a Conditional Use Permit and Variance. The Conditional Use Permit is to allow electronic fuel prices on an existing free-standing sign. The Variance is to reduce the 660 foot spacing requirement between electronic signs on property located at 11229 Frontage Road, Boone County, Kentucky. The property is currently zoned Commercial Services (C-3).**

Staff Member, Todd Morgan, AICP, presented the Staff Report which included a PowerPoint presentation (see Staff Report).

Mr. Miller asked if a Variance was needed for one the existing electronic signs (BP and Shell) because they are located within 660 feet of one another. Mr. Morgan replied that the Shell station had a Variance approved because BP's electronic sign had already been approved.

Ms. Teri Cantor, with ABC Signs, said Staff covered the presentation. She added that removing the catwalk will make the sign a lot more presentable. They already have a permit to relocate the Subway sign between the two poles.

Mr. Whitton asked Ms. Cantor if she had reviewed Staff's recommended conditions and had any issue complying with them. Ms. Cantor stated that she didn't have any issue with the recommended conditions.

Mr. Whitton asked if anybody else in the audience would like to speak. Nobody in the audience asked to be recognized.

Mr. Whitton asked for a motion. Mr. Edwards made a motion to approve both requests. For the Variance request, he found that the strict application of the 660 foot spacing requirement between electronic signs would create an unnecessary hardship on the property owner because it would place them at a competitive disadvantage. Mrs. Millar seconded the motion.

Mr. Whitton asked if there was any discussion. Mrs. Millar asked Mr. Edwards if his motion included Staff Comments 6A., 6B., 6C., and 6D. Mr. Edwards said "yes" and amended his original motion. Mrs. Millar seconded the revised motion. Mr. Whitton asked for a vote and it carried unanimously.

Mr. Whitton asked for a motion to adjourn. Mr. Miller so moved and Mrs. Millar seconded the motion. The meeting was adjourned by unanimous consent at 6:26 p.m.

APPROVED

George Whitton, Chairman

Attest:

Todd K. Morgan, AICP
Senior Planner, Zoning Services

Exhibits

1. Scott Warnecke - Proposed Hours of Operation & Potential Customers