

**BOONE COUNTY BOARD OF ADJUSTMENT
BOONE COUNTY ADMINISTRATION BUILDING
FIRST FLOOR FISCAL COURTROOM
BUSINESS MEETING**

**May 12, 2010
6:00 P.M.**

Mrs. Shirley Millar called the meeting to order at 6:04 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

Mrs. Millar stated that the Board members received copies of the Minutes of the Boone County Board of Adjustment Meeting of February 10, 2010. She asked if there were any comments or corrections.

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

- 1. Request of Viox & Viox, Inc. for a Variance to reduce the road frontage requirement of a proposed lot from 100 feet to 76.25 feet on property located at 8885 and 8897 E. Bend Road, Boone County, Kentucky. The site is currently zoned Commercial Services (C-3) and Agriculture (A-1).**

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

Mrs. Millar noted that Mr. Whitton showed up during the Staff presentation and was now chairing the meeting.

Mr. Colin Loudon said he was trying to get the property subdivided per his Dad's will. Mr. Whitton asked if the Board had any questions for Mr. Loudon and there were none.

Mr. Whitton asked if anybody in the audience would like to speak regarding the request. Mr. Harms said he was an adjoining property owner. He questioned the reason for the Zone Change. Mr. Wilson stated it was not a Zone Change request. The proposal was for a dimensional Variance for a road frontage requirement. The proposal would not change the zoning or the uses allowed on the property. Mr. Harms asked if a housing development was proposed on the property. Mr. Wilson said that was not part of the request. Mr. Morgan reviewed the proposal and slide show with Mr. Harms.

Mr. Whitton asked if anybody else would like to speak regarding the request. There was no response.

Mr. Whitton asked for a motion.

Mr. Miller made a motion to approve the request as presented in the Staff Report and Mr. Edwards seconded the motion. Mr. Whitton asked for a vote and it carried unanimously.

2. **Request of Paul Hemmer Companies for two Variances to allow (1) a building addition to encroach into the 50 foot rear yard setback and (2) the rear landscaping buffer to be reduced from 80 feet in width to 40 feet in width with alternative landscaping plantings and the elimination of the required berm, wall, or fence. The property is located at 2750 Earhart Drive, Boone County, Kentucky. The site is currently zoned Industrial One (I-1).**

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

Mr. Bill Viox, with Viox & Viox, indicated that he was here with John Curtain, with Paul Hemmer Companies. He stated that they submitted a letter addressing the application and the findings for granting Variances (see Staff Report). He stated when you're in an airplane and are approaching the Cincinnati/Northern Kentucky Airport from the north you see the development is on a bluff above River Road.

Prior to 1998, the R.C. Durr Company negotiated a right-of-way to the adjoining properties to the north (see Airpark International Final Plat, Section 12). The intent then was that future industrial uses would come out of the industrial park. He stated that they are not contesting putting in plantings. He just wanted to point out that the possibility of some other type of development occurring behind this building is slim and none. The topography of this parcel is approximately 350 feet higher than River Road so any agricultural activities would probably occur closer to the road.

When Airpark International first developed the zoning was different and the setbacks and buffers between industrial and agricultural uses were not so severe. U.S. Worldwide Logistics always intended on adding onto the back of the building. They are simply asking to do that and are more than willing to install the hybrid landscaping that is outlined in the Staff Report. The property to the north should stay as is or develop with industrial uses in the future.

Mr. Whitton asked Mr. Viox to confirm that he is willing to accept the landscaping condition that is outlined in the Staff Report. Mr. Viox and Mr. Curtain agreed.

Mr. Whitton asked if anybody in the audience would like to speak regarding the request.

Mr. Michael Stahl, with Beech Corporation, said they are the new tenant that is locating next door. He saw some orange flags in the back of the property and assumed that is where the building addition was going. His questioned how they were going to address storm water drainage. Mr. Curtain stated the U.S. Worldwide Logistics building currently has a drainage swale and when they do the building addition the swale will be piped to the detention area. Mr. Stahl said there is a drain on his lot. He asked if the drain would to connect to the proposed pipe. Mr. Viox replied that was correct.

Mr. Viox said their next step, if they receive the Variance, will be to submit a Site Plan application. This application will include storm water and drainage calculations. Mr. Whitton clarified that Site Plan review would address Mr. Stahl's issues. The Planning Commission will not allow ponding on his property

Mr. Stanley Sprague said he owned the property over the cliff. He raises cattle and has a fence. He has concerns about the detention pond and water coming down over the cliff. He would like to know if the detention system will work properly when additional storm water is added. Mr. Whitton asked Staff if his concerns would be addressed during Site Plan review. Mr. Morgan stated the Planning Commission's Engineer would be reviewing the pre-development and post-development storm water calculations to make sure they met code. Mr. Whitton added that each project goes through Site Plan review and storm water is part of the review.

Mr. Whitton asked if anybody else would like to speak. Nobody answered. He asked for a motion from the Board.

Mr. Edwards moved to grant the two Variances based on the finding that the requests will not alter the essential character of the area. As part of the motion, he added Staff Comment 4A. as a condition (A 40' wide landscaping buffer shall be required along the rear property line. Ten (10) evergreen trees from Plant List D shall be installed per 100 linear feet of buffer area. At least 2 species of evergreen trees shall be used in the buffer and all trees shall be a minimum of 6' tall at planting). Mrs. Millar seconded the 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. McConnell seconded the motion. Mr. Whitton asked for a vote and the meeting was adjourned by unanimous consent at 6:33 P.M.

APPROVED

George Whitton, Chairman

Attest:

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