

**BOONE COUNTY BOARD OF ADJUSTMENT
BOONE COUNTY ADMINISTRATION BUILDING
BOONE COUNTY FISCAL COURTROOM
BUSINESS MEETING
JANUARY 8, 2014
6:00 P.M.**

Mr. George Whitton called the meeting to order at 6:00 P.M.

BOARD MEMBERS PRESENT:

Mr. George Whitton
Mrs. Sherry Hempfling
Mr. Bradley Shipe
Mrs. Phyllis Sparks

BOARD MEMBERS NOT PRESENT:

Mr. Richard Miller

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

APPROVAL OF MINUTES

Mr. Whitton stated that the Board members received copies of the minutes of the Boone County Board of Adjustment meeting of December 11, 2013. He asked if there were any comments or corrections. There being no changes, Mr. Shipe moved that they be approved as written and Mrs. Hempfling seconded the motion. Mr. Whitton called for a vote and it carried unanimously.

ACTION ON REVIEWS

- 1. Request of Adam Miller Homes for a Variance to allow a single-family residential dwelling to encroach into the 40' front yard setback. The approximate 0.56 acre tract is located at 3277 Cornerstone Drive (Lot 28, Cornerstone Estates Subdivision), Boone County, Kentucky and is currently zoned Rural Suburban (RS).**

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

Mr. Adam Miller, with Adam Miller Homes, said the mistake was made because this house has been built with different options many times. The 2' bump out being left out of the plans was missed by his company and the customers, but they are ultimately responsible as the builders. Boone County Building Department also missed the error because the framing and elevation plans show the bump out and the foundation plan does not. The Engineer does the Plot Plan based on the foundation plan. They do have a engineered stamped drawing showing how the error will be corrected. It will be a 4' dig and they can pin the bump out into the existing foundation.

Mr. Whitton asked if the Board had any questions for Mr. Miller? Nobody from the Board responded.

Mr. Whitton asked if anybody in the audience wanted to speak for or against the project? There was no response.

Mr. Whitton asked for a motion. Mr. Shipe made a motion to approve the application as submitted and Mrs. Sparks seconded the motion. Mr. Whitton called for the vote and it carried unanimously.

2. **Request of Bill Lotz for Clean Energy for a Variance to allow increased signage on three faces of a liquified natural gas (LNG) fuel canopy. The subject property is lots 18 and 19 of Richwood Industrial Park and is located at the southwest corner of the Richwood Road / Paper Boulevard / Shorland Drive intersection, Boone County, Kentucky 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. Benjamin Steckler said he was representing Clean Energy. Clean Energy is in the process of building America's natural gas highway throughout the country. These stations will allow trucking companies to travel the country on natural gas versus diesel. Natural gas trucks burn fuel 30% cleaner, run 50% quieter and reduce dependency on foreign oil. It is a big challenge for them to build this infrastructure. It took 50 to 70 years for gasoline and diesel stations to cover the interstate highway. Clean Energy is trying to get their infrastructure in place in about 3 years. Clean Energy has been doing Compressed Natural Gas (CNG) for fleet vehicles for 17 years but is just getting into LNG. They are asking for Variances on three faces of their fuel canopy. The Zoning Code indicates that multiple colors are considered signs and as a result three faces of their fuel canopy have 100% signage. Page 3 of their justification letter (see Staff Report) indicates that they would only be slightly over code if multiple colors were not considered signs. Additional text or graphics will not be added if the sides of the fuel canopy are converted from 36 feet to 72 feet long in the future. The same size signs will stay on the ends of the canopy and the middle areas will be a green stripe. He added that they consider the "Natural Gas for Vehicles" text on the two side faces as informational signs because they inform gasoline and diesel users that this station is not for them. The only real advertising on the canopy is the logos and "Clean Energy" text. The potential future canopy expansion would increase the number of lanes from two to four. They are not a typical fueling station with a building or restaurant so their canopy signage is important.

Mr. Whitton asked if the Board had any questions for Mr. Steckler? They did not.

Mr. Whitton asked if anybody in the audience wanted to speak for or against the application? There was no response.

Mrs. Hempfling asked if they would be approving the Variance application before the Site Plan application is approved? Mr. Morgan said they would be. However, Site Plan and Sign Permit applications will still need to be approved before any canopy signage is installed.

Mr. Whitton asked for a motion. Mrs. Sparks made a motion to approve the application. Mr. Shipe asked if she would consider adding the following condition:

1. Additional signage shall not be added to the sides of the canopy in the event that it is lengthened from 36 feet to 72 feet in the future. The same size logos and text shall remain on the ends of the canopy and the middle areas shall be solid non-illuminated stripes.

Mrs. Sparks said she was agreeable to adding the condition. Mr. Shipe seconded the motion. Mr. Whitton called for the vote and it carried unanimously.

3. Request of Stephen Luhrman for a Conditional Use Permit to allow an auto detailing business and the construction of building additions. The approximate 1.57 acre tract is located at 1511 Distribution Drive, Boone County, Kentucky and 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. Stephen Luhrman and Terry Klopstein, with S&T Auto Detailing, said they were present to answer any questions. Mr. Whitton asked how many employees they would have if the additions were constructed? Mr. Luhrman said they presently have 10 employees and could grow up to 15 employees if the additions are constructed. Mr. Whitton asked if detailed vehicles were kept inside or outside? Mr. Luhrman said 99% of the work they do is for the car dealerships in Florence and they pickup and deliver the vehicles. Once they finish detailing vehicles they pull them outside in the light to make sure they look good. His employees then drive the vehicles back to the dealership and bring back new ones. These vehicles will stay in the shop overnight and will be detailed the next day. All the vehicles they detail are kept indoors. The pictures that were shown on screen show the vehicles being pulled of the shop so they can be delivered. As a result the parking lot looks more cluttered. Mr. Whitton said Staff is suggesting the parking lot be striped. He asked if he had any issues with that? Mr. Luhrman said he did not

Mr. Whitton asked if the other Board members had any questions? They did not.

Mr. Whitton asked if anybody in the audience wanted to speak for or against the application? There was no response.

Mr. Whitton asked for a motion. Mrs. Hempfling made a motion to approve the application with the following condition:

1. The parking lot shall be striped in accordance with Article 33 of the Boone County Zoning Regulations.

Mr. Shipe seconded the motion. Mr. Whitton called for the vote and it carried unanimously.

- 4. Request of Len Riegler Blacktop, Inc. for Linnemann Funeral Home for two (2) Variances to reduce the 25 foot front and 20 foot rear yard building setbacks to allow the construction of a funeral home. The 1.94 acre tract is located at 1940 Burlington Pike, Boone County, Kentucky and currently zoned Commercial One (C-1).**

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

Mr. Dan Riegler, with Len Riegler Blacktop, said Linnemann Funeral Home has asked him to help them get through the zoning process. He is the Civil Engineer for the project. He said he is sure everyone is familiar with the fact the building burned down last year. This plan is part of the reconstruction process. The new building is slightly larger than the former building, which was built back in the 1970's. The building setback Variances will allow the building to be constructed with covered canopies and keep people out of inclement weather as they are being dropped off. He offered to answer any questions.

Mr. Shipe asked how far the current parking lot was from the KY 18 right-of-way? Mr. Riegler said the current parking lot is about 5' from the right-of-way line and the new parking lot might move out a foot closer.

Mr. Whitton asked if anybody else in the audience wanted to speak for or against the proposal? There was no response.

Mr. Whitton asked for a motion. Mr. Shipe made a motion to approve the request with the following condition:

- 1. Construction of the building shall follow the submitted elevation drawings. Minor changes can be permitted by the Zoning Administrator.**

Mrs. Sparks seconded the motion. Mr. Whitton called for the vote and it carried unanimously.

ADJOURNMENT

Mr. Whitton asked for motion to adjourn the meeting. Mr. Shipe made the motion to adjourn and Mrs. Hempfling seconded the motion. Mr. Whitton called for the vote and the meeting was adjourned by unanimous consent at 6:46 p.m.

APPROVED

Mr. George Whitton, Chairman

ATTEST:

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