

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

October 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. Richard Miller
Mr. Bradley Shipe

BOARD MEMBERS NOT PRESENT:

Mrs. Phyllis Sparks

LEGAL COUNSEL PRESENT:

Mr. Dale T. 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 August 13, 2014. He asked if there were any comments or corrections? There being no changes, Mr. Miller 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 Ray Simpson and Kelly Middendorf for a Variance to reduce the front yard setback from 60 feet to 20 feet to allow the construction of pole barn. The approximate 5.293 acre tract is located at 14480 Brown Road, Boone County, Kentucky and is currently zoned Agricultural Estate (A-2).**

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

Mr. Ray Simpson and Ms. Kelly Middendorf offered to answer questions. Mr. Whitton asked why they couldn't put the pole barn on the other side of the driveway where the topography was flatter? Ms. Middendorf and Mr. Simpson replied that they did not want put the pole barn in their garden because it is one of the few flat areas on site. There is also a house directly across the street and they do not want to obstruct their view. There is also a water line on that side of the driveway. The pole barn will be out of way and more aesthetically pleasing where it is proposed.

Mr. Whitton asked why they were seeking to reduce the front yard setback requirement from 60 feet to 20 feet? He asked if there was something in-between that would work? Mr. Simpson said they will have to add a lot of fill if the setback isn't reduced to 20 feet.

Mr. Miller asked why they couldn't rotate the building? By doing so, the front yard setback could be increased by 10 feet. Mr. Simpson said he doesn't believe there is adequate room between the driveway and the side property line. Mr. Miller said rotating the building would only put the pole barn 5 feet closer to the driveway and side property line. Mr. Morgan indicated the pole barn only has to meet a 5 foot setback from the side property line.

Mr. Miller asked what happens if they are located in the utility easement? Mr. Morgan replied that Owen Electric could authorize construction in their easement but most likely that will not occur. Owen Electric has requested the applicants to contact them before they constructing the pole barn so they can locate the utility easement. He added that the Board could impose a condition requiring the applicant to contact Owen Electric before a Zoning Permit is granted.

Mr. Shipe asked why such a large Variance was being requested? Mr. Simpson said the property falls off severely about 60 feet back from the front property line. Mr. Morgan reviewed a slide from the PowerPoint presentation. The slide shows two Board of Adjustment signs. The first sign is located approximately 60 feet from the front property line and the second sign is located approximately 100 feet from the front property line. The back of the pole barn would be 60 feet from the property line with a 20 foot setback and 100 feet from the property line with a 60 foot setback.

Mr. Miller said he doesn't see why the pole barn can't be flipped based on the scale of the drawing. This would allow a 30 foot front yard setback to be provided and the structure wouldn't move any further into the site. He added the increased setback would also place the structure further from the front utility easement. Mr. Simpson said he believes there will not be much separation between the driveway and side property line if the pole barn is turned. Mr. Miller replied based on the drawing there will be no issue meeting a 5 foot setback from the side property line. He said he would like to see it explored before he votes.

Mr. Whitton asked Mr. Wilson if the Board could approve the application with the condition that pole barn be rotated and allow the applicant the flexibility to come back if that doesn't work out in the field? Mr. Wilson said the Board could frame the approval that way or table the request for a month. During that time the Board members could visit the site and the applicants could look into the possibility of turning the structure. The applicants stated that they would not rather table the request because they are hoping to construct the pole barn before the winter.

Mr. Miller asked if they would be willing to accept a 30 foot front yard setback? Mr. Simpson said that is originally what he wanted to do but then he measured it and thought it would be a tight fit to the driveway. Mr. Miller said they would also have the choice of keeping the pole barn orientation as shown on the drawing and adding a little bit of fill. He agrees that a 60 foot front yard setback would cause a hardship because a significant amount of fill would need to be added.

Mrs. Hempfling asked if the company that is going to build the pole barn has looked at the subject location and the possibility of rotating the building? Mr. Simpson said they have not.

Mr. Wilson said the Board could pass a motion which required to building to be flipped if construction is feasible and layout alternative language if construction is not feasible. However, the Board would have to layout what the trigger point would be.

Mr. Simpson said the barn will not be very visible when you are traveling southbound on Brown Road because of the line of trees that are there. You will have to be right up on. Mr. Miller said it is not a visibility issue. The Board would like them to meet the regulations as much as possible without creating a hardship.

Mr. Simpson asked if the Board would be willing to accept a 25 foot front yard setback? Mr. Miller said he is confident from looking at the plan that there will not be an issue with a 30 foot front yard setback.

Mr. Whitton noted that nobody else was in the audience that wanted to speak regarding the request.

Mr. Miller made a motion to approve the Variance with the following condition:

- 1. The pole barn shall be constructed with a minimum 30 foot front yard setback.**

Mrs. Hempfling seconded the motion.

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

Mr. Simpson said he thought he saw something that prohibited attic storage. Mr. Morgan replied that is not a zoning regulation. He recommended that he contact Boone County Building Department.

ADJOURNMENT

Mr. Whitton asked for motion to adjourn the meeting. Mr. Shipe made the motion to adjourn and Mr. Miller seconded the motion. Mr. Whitton called for the vote and the meeting was adjourned by unanimous consent at 6:27 p.m.

APPROVED

Mr. George Whitton, Chairman

ATTEST:

Todd K. Morgan, AICP
Senior Planner