

**BOONE COUNTY BOARD OF ADJUSTMENT
BOONE COUNTY ADMINISTRATION BUILDING
BOONE COUNTY FISCAL COURTROOM
BUSINESS MEETING
NOVEMBER 12, 2015
6:00 P.M.**

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

BOARD MEMBERS PRESENT:

Mr. George Whitton, Chairman
Mr. Frank Bednar
Mrs. Sherry Hempfling
Mr. Richard Miller

BOARD MEMBERS NOT PRESENT:

Mr. Bradley Shipe

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 October 14, 2015. 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 the vote and it carried unanimously.

ACTION ON REVIEWS

- 1. Request of John and Susan Pittman for a Change in Nonconforming Use for the use of a property to be changed from a concrete plant to an excavation company with the accessory retail sale of mulch, gravel, sand, etc. in a Commercial Services (C-3) zoning district. The approximate 10 acre site is located at 8351 Dixie Highway, Boone County, Kentucky.**

Mr. Whitton asked Mr. Edmondson to come up and explain what is happening with the application. Mr. Alex Edmondson said he and his father are representing Mr. and Mrs. Pittman. They are asking the Board for some more time so they can prepare the proper information. Mr. Whitton asked if the Board needed a motion and approval to defer the request? Mr. Wilson said the Board should do that for the minutes. Mr. Whitton asked if anybody else in the audience wanted to speak regarding the request? There was no response. Mr. Whitton asked for a motion. **Mr. Miller made a motion to table the request until December 9, 2015, at 6:00 PM. Mr. Bednar seconded the motion. Mr. Whitton called for the vote and it carried unanimously.**

2. **Request of Kyle Weber for a Conditional Use Permit to allow two eating and drinking establishments, including a microbrewery in a Suburban Residential Two/Small Community Overlay (SR-2/SC) zoning district. The approximate .24 acre site is located at 5952 and 5954 N. Jefferson Street, Boone County, Kentucky.**

Staff Member, Mitchell A. Light, presented the Staff Report which included a PowerPoint presentation (see Staff Report).

Mr. Miller asked if they were voting on this as one application? He asked if this was one business or two businesses that were going to co-mingle? Mr. Light answered they were two different businesses that would co-mingle. Mr. Miller asked how parking is being addressed if they are separate businesses but the patio is shared? Mr. Light said both buildings are on the same parcel and the parking letter is for both businesses.

Mrs. Hempfling asked what restaurants are up the street from this location? Mr. Light responded that Tousey House and Washington Square Café and Catering are currently operating. Presidents Inn is supposed to reopen the restaurant at the corner of Washington Street and Jefferson Street sometime soon.

Mr. Kyle Weber said he would answer any questions from the Board. Mr. Whitton asked if he had anything that he wanted to add? Mr. Weber said he would address the four questions on page 4 of the Staff Report.

- A. **Would outside music or entertainment occur on the patio?** Yes, he would expect outside music to occur in the evenings.
- B. **Is any additional outside lighting being proposed?** Yes, he would expect to install some post lighting to keep the patio lit in the evenings.
- C. **Are any trash dumpsters being proposed?** If so, where will they be located? They will be constructing a three sided brick dumpster and it will be located in the southeast corner of the site.
- D. **Will the hedge be kept to buffer the patio from the parking lot?** The hedge will be maintained.

Mr. Whitton asked for him to address the recommended conditions that are included in the Staff Report. Mr. Weber said they would be submitting a Minor Site Plan prepared by a Kentucky registered architect and it would comply with the Burlington Town Strategic Plan. They are planning on painting the buildings the same color to keep the historical charm.

Mrs. Hempfling asked if Mr. Weber could clarify the seating? The proposal indicates that there could be 70 seats in the pizza restaurant, 10-12 seats in the microbrewery, and up to 30 seats outside. The October 20th email to Jeff Earlywine indicates that there could be 80 indoor/bar area seats, 30 patio seats, and 10-12 brewery seats. Mr. Weber replied that 80 seats mentioned in the email was a rough calculation.

Mr. Whitton asked if there would be mechanical equipment on the rooftops? Mr. Weber said there will be. Vents are needed for the pizza oven and fryer but they will not be visible from N. Jefferson Street.

Mr. Whitton asked Mr. Weber to confirm that the microbrewery would have seating and would not operate as a brewery only. Mr. Weber indicated that was correct.

Mr. Whitton said he read that all the bottling would be done by hand? Mr. Weber said at most, they will produce 300 kegs of beer per year. In comparison, Anheuser Bush does 612 kegs per minute. They are hoping to do all draft sales and growler take outs but could do some hand bottling.

Mr. Whitton asked if there would be any outside storage? Mr. Weber said there would not be any outside storage.

Mr. Whitton asked if the business would have any delivery trucks or box trucks? Mr. Weber said the microbrewery wouldn't have any such vehicles. He added that the pizza restaurant would have delivery cars and they would use the parking stalls on Gallatin Street.

Mr. Whitton asked if the Board had any more questions? There was no response

Mr. Whitton asked if anybody else in the audience wanted to speak regarding the request? There was no response.

Mr. Miller made a motion to approve the request with the following conditions:

1. **A Minor Site Plan application, which includes architectural drawings prepared by a KY registered architect, shall be submitted and show all proposed exterior improvements to the buildings. The architectural drawings shall show that the proposed improvements comply with the Burlington Town Strategic Plan design standards.**
2. **Any changes to the exterior paint colors shall be approved by Boone County Planning Commission Staff. Planning Commission Staff shall determine if the color(s) is appropriate and compatible with the area.**
3. **All proposed mechanical equipment shall be located on the rear building additions of both buildings. Roof mounted mechanical equipment shall not be visible from the N. Jefferson Street right-of-way.**
4. **The microbrewery business shall not operate as a brewing operation only.**
5. **The mobile canning and/or bottling of beer shall not be permitted.**
6. **Outside storage shall not be permitted.**
7. **Delivery trucks, box trucks, and other commercial vehicles shall not be stored in the rear yard.**
8. **Any proposed trash dumpster shall comply with the following guidelines:**
 - **The back and sides shall be constructed with brick and be painted to match the buildings.**
 - **Solid gates are required.**
 - **The walls and gates shall be at least 1 foot taller than the dumpster being screened.**

Mr. Bednar seconded the motion.

Mr. Whitton asked if there was any additional discussion before the vote? There was no response.

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

ADJOURNMENT

Mr. Whitton asked for motion to adjourn the meeting. Mr. Bednar 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 6:24 p.m.

APPROVED

Mr. George Whitton, Chairman

ATTEST:

Mitchell A. Light
Asst. Zoning Administrator