

**BOONE COUNTY BOARD OF ADJUSTMENT
BOONE COUNTY ADMINISTRATION BUILDING
BOONE COUNTY FISCAL COURTROOM
BUSINESS MEETING
JANUARY 13, 2016
6:00 P.M.**

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

BOARD MEMBERS PRESENT:

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

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 December 9, 2015. He asked if there were any comments or corrections? There being no changes, Mr. Miller moved that they be approved as written and Mr. Bednar seconded the motion. Mr. Whitton called for the vote and it carried unanimously.

ACTION ON REVIEWS

- 1. Request of Distinctive Design for a Variance to allow an attached garage on a house to encroach into the 5' minimum side yard building setback in a Suburban Residential One/Planned Development (SR-1/PD) zoning district. The approximate 0.796 acre site is located at 6244 Mathew Circle, Boone County, Kentucky.**

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

Mr. Charles Penn, with Distinctive Design, said there is a discrepancy on the two drawings he submitted. The setback measurements on the elevations exhibit were based off of GIS. The setbacks shown on the survey are correct.

Mr. Whitton asked him to clarify that the addition would match the house? Mr. Penn said that they would match as closely as possible and new roofing is only being added on the addition. He added that the property owner wants to construct the garage on the front of the house because of the topography of the rear yard.

Mr. Miller asked if the existing patio was sufficient to act as a foundation? Mr. Penn said they will rip out the patio pad and put a 30 inch footer underneath the garage.

Mr. Owen Kevin Killoran said he owned the property at 6248 Mathew Circle. He indicated the property owner labels on the survey drawing are incorrect. He owns the property to the south of the subject property. The corner of his house is angled in close proximity to the property line so the proposed garage addition would be located very close to house. He is concerned about the separation of the two structures and the risk of fires.

Mr. Whitton asked if he was aware that the request was for less than a 1.5 foot setback Variance? Mr. Killoran said he was aware of that and indicated that 1.5 feet is 1.5 feet. He asked if the garage addition could be constructed without interrupting his fence or property?

Mr. Penn indicated that Mr. Killoran's fence and property would not be disturbed. He added that the garage wall closest to Mr. Killoran's house will need to be fire rated because of its proximity to the property line.

Mr. Killoran said he is familiar with the topography of the site. He asked if the garage could be laid out differently so it didn't need a Variance? Mr. Penn said they would prefer to keep the addition so it aligns with the front of the house. He doesn't think the addition would be aesthetically pleasing if it was staggered back to meet the setback.

Mr. Killoran said he wasn't aware that a garage addition was being proposed until he received the notice in the mail. Mr. Whitton said that is why letters are mailed out to the adjoining property owners. Mr. Killoran said he wished his neighbor would have talked with him. None of the houses in the general area or cul-de-sac area have garages. Mr. Penn said there are some houses with carports.

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

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

Mr. Whitton said he would entertain a motion. Mr. Miller made a motion to approve the request with the following conditions:

- 1. The addition shall be constructed per the submitted elevation drawings.**
- 2. The fence and adjoining property to the south shall not be disturbed during construction.**

Mrs. Hempfling seconded the motion.

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

- 2. Request of Wesdorp Properties LLC for a Variance to reduce the perimeter buffer yard requirement along the southwest property line from 40' in width (Buffer Yard D) to 10' in width (Buffer Yard A) to allow the construction of a parking lot in an Industrial One (I-1) zoning district. The approximate 2.76 acre site is located at 3322 and 3324 Booneland Trail, Boone County, Kentucky.**

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

Mr. Gene Weber, with Hub & Weber Architects, said he was representing the property owner. Mr. Weber said this request actually started with the Planning Commission through the Zoning Map Amendment application process. The Planning Commission asked if more green space and trees could be preserved on site. The alternative layout does this and also helps maintain the natural drainage on site. They have a unique situation that a berm is located on the adjoining property and it fronts on a public right-of-way. He added that they will be installing Buffer Yard A plantings on their property (behind the berm) if the Variance is approved. They believe they will still meet the intent of the code if the Variance is approved.

Mr. Whitton asked for clarification that the berm was located directly in front of the subject property line? Mr. Weber replied that was correct.

Mr. Miller stated the plan options show the parking lot being shifted to alter the widths of the perimeter buffers. He asked if there were any other differences between the two plan options? Mr. Weber said the two plans options are basically the same.

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

Mr. Whitton said he would entertain a motion. Mr. Miller made a motion to approve the request as presented and Mr. Bednar seconded the motion.

Mr. Whitton asked if there was any additional discussion before the vote? There was no response. He called for the vote and it carried unanimously.

3. Request of Jeremy Burch for G&L Auto Sales for a Conditional Use Permit to allow an automotive sales business in an Industrial One (I-1) zoning district. The approximate 14 acre site is located at 8477 and 8505 U.S. 42, Boone County, Kentucky.

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

Mr. Whitton asked if the property was visible from US 42? Mr. Morgan said it was not.

Mr. Jeremy Burch introduced himself. Mr. Whitton asked if he could start by addressing the questions found in Staff Comment #1?

A. How big is the tenant space that he is leasing?

Mr. Burch said he is leasing an approximate 80 foot section of pavement. He said the application was submitted because Kentucky requires car dealers to have a physical location and license before they can operate. The owner will also allow him to use a tiny little office inside the building.

Mr. Morgan asked if his application included storing cars inside the building? Mr. Burch said the owner wants more rent for that and he is not sure if he will do it. He

added that the inside of the building is in pretty rough shape at this time. Mr. Miller asked how big the space inside the building would be if he leased it? Mr. Burch said he did not know. He said the red boundary drawn on his plan would be the approximate area. Mr. Miller asked how many cars he would store inside if he leased the space? Mr. Burch estimated between 10 and 15 cars could be inside and 8 could be outside. Mrs. Hempfling asked if would be making any improvements to the building? Mr. Burch said he plan on painting the exterior of his lease space.

- B. Could any garage bays be added to the tenant space?

Mr. Burch said he didn't know.

- C. Would any vehicle repairs take place at the facility?

Mr. Burch said he would not make on repairs on site.

- D. What is the maximum number of vehicles that he could have for sale at any given time?

Mr. Burch said 8 vehicles outside and 15 vehicles inside if he leases additional space. Mr. Morgan said the Building Department may require him to stripe off a van accessible space since he would have an office inside the building.

- E. What types of vehicles can be sold?

Mr. Burch said he would sell mostly cars.

- F. An off-premise sign currently advertises the existing businesses at the entrance on US 42. Does the applicant plan on advertising his business on this sign?

Mr. Burch said he would like to put a small little strip on the existing sign. He will need to discuss that with the property owner. Mr. Whitton asked if there would be any additional freestanding signage? Mr. Burch said there would not.

Mrs. Hempfling asked if he needed to have a space approved before the State would approve a Dealer's license? Mr. Burch said that was correct. He added that he had a Dealer's license in Erlanger but Family Dollar recently expanded and took his space. Mrs. Hempfling asked if a lot of people will come to look at the cars or is most of that done on-line? Mr. Burch replied that most people will see the cars on the Internet and come to the site to finalize the sale.

Mr. Whitton asked if anyone else in the audience wanted to speak regarding the request?

Ms. Mary Kuchle said she leases the Florence Body & Frame site. She asked if any grading or trees would be taken out? She said she wanted to know because they have storm water issues. Mr. Whitton replied that the applicant would only park cars on a existing concrete pad or in the building. Mr. Burch agreed.

Mr. Whitton said he would entertain a motion. Mr. Bednar made a motion to approve the request as presented and Mr. Miller seconded the motion.

Mr. Whitton asked if there was any additional discussion before the vote? There was no response. He called for the vote and it carried unanimously.

ADJOURNMENT

Mr. Whitton asked for motion to adjourn the meeting. Mr. Miller made the motion to adjourn and Mr. Bednar seconded the motion. Mr. Whitton called for the vote and the meeting was adjourned by unanimous consent at 6:35 p.m.

APPROVED

Mr. George Whitton, Chairman

ATTEST:

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