BOONE COUNTY BOARD OF ADJUSTMENT
BOONE COUNTY ADMINISTRATION BUILDING
BOONE COUNTY FISCAL COURTROOM
BUSINESS MEETING
DECEMBER 14, 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
Mr. Bradley Shipe

BOARD MEMBERS ABSENT:

Mrs. Sherry Hempfling
Mr. Chris Vaught

LEGAL COUNSEL PRESENT:

Mr. Dale T. Wilson

APPROVAL OF MINUTES

Mr. Whitton stated the Board members received copies of the minutes of the Boone County Board of Adjustment meeting of November 9, 2016. He asked if there were any comments or corrections? There being no changes, Mr. Miller moved that they be approved as written and Mr. Shipe seconded the motion. Mr. Whitton called for the vote and it carried unanimously.

ACTION ON REVIEWS

1. **Request of Ticona Polymers, Inc. (Celanese) for a Variance to allow a 6' tall decorative fence to be located within the 25 foot corner side yard setback in an Industrial Two (I-2) zoning district. The approximate 22.59 acre site is located at 8040 Dixie Highway, Boone County, Kentucky.**

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

   Mr. Miller said the zoning code requires the fence to be at least 50% see through. He asked why this is a requirement when the fencing will be covered by landscaping. Mr. Morgan said he believes Ticona did more landscaping than was required. The intent of code is to stop a privacy fence from being installed near a right-of-way line. Such fences can create bad appearances from roadways.

   Mr. Morgan said the 2003 Site Plan shows the parking lot will be 19.5 feet from the Empire Drive right-of-way and Boone County GIS shows the measurement at about 17 feet. The proposed fence should be located 19.5' to 15' from the Empire Drive right-of- way line. The

plan also shows the front parking lot is about 52 feet from the Dixie Highway right-of-way line. The fence that is proposed should meet the 50 foot front yard setback requirement if they construct it as shown. However, he recommended that they get a survey done to verify the setback is being met.

Mr. Miller asked if the access point on Empire Drive would contain a gate? Mr. Morgan replied it would not.

Mr. Whitton asked what would happen if the fence didn't meet the 50 foot front yard setback? Mr. Morgan said the Zoning Administrator may have some latitude if they are a few inches short. Unfortunately, they will definitely need to seek another Variance if it's anything more than that.

Mr. Whitton asked the applicant if she wanted to speak? Ms. Kassie Hatton, with Celanese, said she was present and offered to answer questions.

Mr. Miller asked if she had any problems with the Staff recommendations? She replied she did not.

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

1. **The proposed fencing shall meet the 50' front yard setback requirement from Dixie Highway.**

2. **Street frontage landscaping, which complies with Sections 3610 and 3620 of the Boone County Zoning Regulations, shall be installed between the fence and right-of-way lines.**

3. **The proposed fencing shall match the existing fencing along the Empire Drive frontage.**

Mr. Miller seconded the motion. Mr. Whitton called for a vote. The motion carried 3-0.

Mr. Morgan informed Ms. Hatton that her next step would be to submit a Minor Site Plan application. The plan will need to show the fence location and required landscaping.

2. **Request of Blakestone Properties for a Change in Nonconforming Use to allow the use of a building to be changed from light manufacturing and assembly of large metal products to warehousing and repackaging of energy drinks and other general consumer products with the assembly of display racks. The application would also allow the existing nonconforming use to be retained in an Agricultural One (A-1) zoning district. The approximate 9.17 acre site is located at 7595 River Road, Boone County, Kentucky.**

Mr. Whitton announced that the applicant has submitted a letter and the hearing will be postponed until January 11, 2017 (see exhibit 1).

ADJOURNMENT

Mr. Whitton asked for motion to adjourn the meeting. Mr. Miller made a motion to adjourn and Mr. Shipe seconded the motion. Mr. Whitton called for the vote and the meeting was adjourned by unanimous consent at 6:13 p.m.

APPROVED

_____
Mr. George Whitton, Chairman

ATTEST:

_____
Todd K. Morgan, AICP
Senior Planner

Exhibit
1. Letter of Postponement From Applicant