

**BOONE COUNTY BOARD OF ADJUSTMENT  
BOONE COUNTY ADMINISTRATION BUILDING  
BOONE COUNTY FISCAL COURTROOM  
BUSINESS MEETING  
MARCH 8, 2017  
6:00 P.M.**

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

**BOARD MEMBERS PRESENT:**

Mr. George Whitton, Chairman  
Mr. Justin Bailey  
Mr. Richard Miller  
Mr. Chris Vaught

**BOARD MEMBERS ABSENT:**

Mrs. Sherry Hempfling

**LEGAL COUNSEL PRESENT:**

Mr. Dale T. Wilson

Mr. Whitton introduced Mr. Justin Bailey as a new Board of Adjustment member.

**APPROVAL OF MINUTES**

Mr. Whitton stated the Board members received copies of the minutes of the Boone County Board of Adjustment meeting of January 11, 2017. He asked if there were any comments or corrections? Mr. Miller moved to approve the minutes and Mr. Vaught seconded the motion. Mr. Whitton called for the vote and it carried unanimously.

**ACTION ON REVIEWS**

- 1. Request of Charles Miller for a Variance to allow the lot frontage requirement of a future single-family residential lot to be reduced from 150 feet to 70.59 feet in an Agricultural Estate (A-2) zoning district. The future 2.011 acre lot is currently part of an approximate 10.13 acre lot located at 2047 Rice Pike, Boone County, Kentucky.**

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

Mr. Whitton asked the applicant if he wanted to speak? Mr. Charles Miller introduced himself and said he goes by his middle name, Adam. He said he would agree with the Staff recommendation of a non-buildable area limitation in the expanded panhandle area of lot 4 (see attachment in Staff Report). He didn't have any plans on constructing anything within that area. His family is currently living in the 1.5 bedroom house on the property and has a friend interested in buying lot 4. He thinks it would be a shame to have a 2 acre lot that couldn't be built on and asked for the Variance to be approved.

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

Mr. Whitton asked if anyone in the audience wanted to speak regarding the request? Mr. Roger Rolfes said he and his wife own the 1 acre lot that is located in front of future lot 4. His primary concern is losing access to their lot. He thinks it would make sense to run a driveway spur off of the proposed driveway and connect it to the side of their lot. They would be willing to pay for that improvement and share in the overall maintenance of the driveway. His understanding is their 1 acre lot is buildable because it was recorded before zoning went into effect. They have owned the lot since 1973. Mr. Whitton asked if there were any structures on the lot now? Mr. Rolfes responded there were not.

Mr. Rolfes said they received notice regarding this request and their concern is access. They do not want to be boxed in. Mr. Whitton asked if his lot had frontage on Rice Pike? Mr. Rolfes said it does but there is a guardrail and the topography is bad near the road. He said it would make a lot more sense to access it from the right side of the property. Mr. Morgan reviewed a PowerPoint slide showing the guardrail and the topography.

Mr. Richard Miller asked if Mr. Rolfes would need a Variance to construct a driveway onto Rice Pike? Mr. Morgan responded he would not because it is already a lot of record. The driveway spacing requirements only apply to lots that are going through the subdivision process.

Mr. Richard Miller asked if the applicant would be willing to grant access to Mr. Rolfes through the area he wouldn't be permitted to build on? Mr. Adam Miller replied he would be fine with that as long as the Variance application was approved. Mr. Whitton asked what would be involved in that? Mr. Morgan replied that an ingress/egress easement would need to be recorded on the appropriate portion of lot 4. He also recommended they should come up with a maintenance agreement for the driveway. Mr. Adam Miller said he could do an easement in the non-buildable area of lot 4. That would allow Mr. and Mrs. Rolfes to use the new driveway and they would have a better line of sight when turning onto Rice Pike. Mr. Whitton asked Mr. Wilson if the owners need to work this out on their own? Mr. Wilson said this issue should be worked out between the owners and the record can indicate that such an agreement would be agreeable to the Board. Mr. Morgan informed him that such an arrangement would comply with the regulations.

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

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

1. The four lots will share a driveway as shown on the preliminary plan.
2. The expanded panhandle area of lot 4 (see attachment in Staff Report) shall be labeled as a "non-buildable area" on the recorded plat. The non-buildable restriction would apply to both principle and accessory structures.
3. An access easement shall be granted so Roger and Sue Rolfes can access their lot. The access easement shall be located within the "non-buildable area" on lot 4.

**Mr. Vaught seconded the motion. Mr. Whitton called for a vote and it carried 4-0.**

**ADJOURNMENT**

Mr. Whitton asked for a motion to adjourn the meeting. Mr. Miller made a motion to adjourn and Mr. Vaught seconded the motion. Mr. Whitton called for the vote and the meeting was adjourned by unanimous consent at 6:16 p.m.

**APPROVED**

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**Mr. George Whitton, Chairman**

**ATTEST:**

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