

**BOONE COUNTY BOARD OF ADJUSTMENT  
BOONE COUNTY ADMINISTRATION BUILDING  
BOONE COUNTY FISCAL COURTROOM  
BUSINESS MEETING  
APRIL 12, 2017  
6:00 P.M.**

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Mr. Whitton called the meeting to order at 6:02 P.M.

**BOARD MEMBERS PRESENT:**

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

**BOARD MEMBERS ABSENT:**

Mrs. Sherry Hempfling  
Mr. Richard Miller

**STAFF MEMBERS PRESENT:**

Mr. Todd Morgan, AICP, Senior Planner  
Mr. Kevin T. Wall, AICP, Director, Zoning Services  
Mr. Mitch Light, Assistant Zoning Administrator/ZEO  
Mr. Vinnie Fazzino, Zoning Enforcement Officer

**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 March 8, 2017. He asked if there were any comments or corrections? Mr. Vaught moved to approve the minutes and Mr. Bailey seconded the motion. Mr. Whitton called for the vote and it carried unanimously.

**ACTION ON REVIEWS**

- 1. Request of Bayer Becker for AAA Cooper Transportation for a Variance to allow 7 foot tall decorative fencing to be located within the 50' front yard building setback in an Industrial One (I-1) zoning district. The future 18.958 acre lot is located on the north side of Lakeland Park Drive and immediately to the east of 1760 Lakeland Park Drive, Boone County, Kentucky.**

Staff Member, Todd K. Morgan, presented the Staff Report which included a PowerPoint presentation (see Staff Report). He said the applicant revised the preliminary plan after the Staff Report was mailed out. The limits of the decorative fencing and chain link fencing have been revised to meet code (see Exhibit 1).

Mr. Whitton asked the applicant if he wanted to speak?

Mr. Rob Keller said he is a Professional Engineer with Bayer Becker and is representing the property owner. He read through the report and agrees with the Staff recommendations. He offered to answer any questions.

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? There was no response.

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

- 1. The proposed fencing shall be installed per the revised plan (Exhibit 1) and the submitted fence details.**
- 2. All street frontage landscaping planted near the decorative fence shall be required between the front property line and the fence.**

**Mr. Bailey seconded the motion. Mr. Whitton called for a vote and it carried 3-0.**

- 2. Request of Bayer Becker for Park South I, LLC for a Variance to allow 8 foot tall decorative fencing to be located within the 50' front yard building setback in an Industrial One (I-1) zoning district. The approximate 31.8 acre lot is located at 55 Transport Drive, 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. Rob Keller, with Bayer Becker, said he was joined by Mark Jacob, with IDI, and Jason Reynolds, with UPS. UPS will be the end user of the building. They have read the report and agree with the Staff recommendations. He offered to answer questions.

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? There was no response.

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

- 1. The proposed fencing shall be installed per the submitted plan and fence details.**
- 2. All street frontage landscaping planted near the decorative fence shall be required between the front property line and the fence.**

**Mr. Bailey seconded the motion. Mr. Whitton called for a vote and it carried 3-0.**

- 3. Request of Mark Smekrud for Kroger for a Variance to allow decorative fencing, which exceeds 4 feet in height, to be located within the 50' front yard building setback in an Industrial One (I-1) zoning district. The approximate 45.34 acre lot is located at 251 E. Mt. Zion Road, Boone County, Kentucky.**

Mrs. Hempfling arrived at the meeting at this time.

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

Mr. Whitton asked what would happen if the landscaping encroached into the right-of-way? Mr. Light said a condition could be worded allowing them to put the landscaping in the right-of-way as long as an Encroachment Permit was granted by Kentucky Transportation Cabinet. He doesn't think they would object because of the width of the right-of-way.

Mr. Whitton asked the applicant if he wanted to speak?

Mr. Mark Smekrud said he worked for Kroger in Louisville, Kentucky. He said any landscaping in the Mt. Zion Road right-of-way would be limited to a small area. He will work with Mr. Light and the Kentucky Transportation Cabinet and get the fencing and landscaping worked out.

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? There was no response.

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

- 1. The proposed fencing shall be installed per the submitted plan and fence details.**
- 2. All street frontage landscaping planted near the decorative fence shall be required between the front property line and the fence (an encroachment permit from Kentucky Transportation Cabinet may be necessary to install plants in the right-of-way).**

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

- 4. Request of Douglas & Cynthia Holmes for a Variance to allow an addition on a single-family residential dwelling to encroach into the 30' front yard building setback in a Suburban Residential One (SR-1) zoning district. The approximate 0.4 acre lot is located at 1633 Caddie Circle, Boone County, Kentucky.**

Staff Member, Vinnie Fazzino, presented the Staff Report which included a PowerPoint presentation (see Staff Report).

Mrs. Hempfling asked how far the addition will project out? Mr. Fazzino said a little

more than 14 feet from the front wall of the house.

Mr. Whitton asked the applicants if they wanted to speak?

Mrs. Cynthia Holmes, property owner, and Mr. Darren Spahr, architect, introduced themselves. Mr. Spahr said the building encroachment into the setback is 4.1 feet. All of the characteristics of the existing house will be matched. They will be taking the front half of the truss off and creating a room above the one car garage.

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? There was no response.

**Mr. Christopher Vaught made a motion to approve the request as submitted. Mr. Bailey seconded the motion. Mr. Whitton called for a vote and it carried 4-0.**

- 5. Request of Riegler Holdings, LLC for two Variances to allow (1) the minimum road frontage requirement of a future 2.3 acre lot to be reduced from 250 feet to 137.37 feet and (2) decorative fencing, which exceeds 4' in height, to be located in the 50' front yard building setback of a future 11.53 acre lot. The future lots are currently located at 8312 Dixie Highway, Boone County, Kentucky and are zoned Industrial Two (I-2).**

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

Mr. Whitton asked the applicant if he wanted to speak?

Mr. Dan Riegler, said he was with Len Riegler Blacktop and Riegler Holdings and is also a Professional Engineer. He offered to answer any questions.

Mr. Whitton asked Mr. Riegler if he had decided on the fence type yet? Mr. Riegler said it will be a decorative style fence as shown on screen and the overall height will not exceed 8 feet.

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

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

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

- 1. The proposed decorative fence shall not be more than 8' tall.**

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

- 6. Request of Darren Spahr for a Conditional Use Permit to allow Washington Square Cafe and Catering to construct a roof structure over the existing outside dining area in a Suburban Residential Two/Small Community Overlay (SR-2/SC) zoning district. The approximate 0.11 acre lot is located at 5981 N. Jefferson Street, Boone County, Kentucky.**

Staff Member, Kevin Wall, presented the Staff Report which included a PowerPoint presentation (see Staff Report).

Mrs. Hempfling asked if the gabled structure part was based primarily upon historic preservation? Mr. Wall said it was. He added that the overall canopy for either option is fairly sizeable because it covers the existing outside seating area. He said the building is a salt box and is fairly unique to this area. The building has also been added onto a few times. The pitch of the proposed shed roof correlates well to the building addition that was done a few years ago.

Mr. Whitton asked the applicant if he wanted to speak?

Mr. Darren Spahr said he was an architect from Dry Ridge, Kentucky. He added that Mr. Wall summed up the project well. They are limited in terms of the height and size of the roof they can do. They are trying to keep the roof structure as open as possible on the sides so it doesn't become a dark space underneath. This is also why they gable to the front of the shed roof. He doesn't see any issue with providing a sidewalk to the gate. This will probably be a controlled access gate. One thing that hasn't been addressed is that they would like to relocate the existing freestanding sign from one corner of the property to the other.

Mr. Whitton asked if the sign relocation is something the Board needs to deal with? Mr. Wall said the Board does not need to address the sign relocation. They are simply relocating the sign from one part of their frontage to another.

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

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

Mrs. Jessica Banish said she was the CEO of Three Keys LLC. Three Keys also operates out of a historic building at 8800 East Bend Road. They feel that the proposed plan for the covered porch at Washington Square both enhances and appreciates the historic nature of the building and Burlington in general. The proposal also supports economic development in Boone County and Burlington. They would like to see the project be approved.

Mr. Jim Perkins said he lived on Doublegate Lane and has been a resident in Burlington for the last 7 years. During this time he has brought many family members and friends to Washington Square. He said the building has limited interior space and the owner has had to turn away customers when it rains. The owner has built up a good customer base through her hard work. He wanted to speak on her behalf and asked the Board to approve the project.

**Mrs. Hempfling made a motion to approve the request with the following conditions:**

- 1. The design of the canopy addition shall follow the submitted elevation drawings for “Canopy B” (shed roof with secondary gable option).**
- 2. A sidewalk connection shall be provided between the gate at the northeast corner of the seating area enclosure and the public sidewalk along North Jefferson Street.**

**Mr. Bailey 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. Bailey made a motion to adjourn and Mrs. Hempfling seconded the motion. Mr. Whitton called for the vote and the meeting was adjourned by unanimous consent at 6:51 p.m.

**APPROVED**

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**Mr. George Whitton, Chairman**

**ATTEST:**

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

Exhibits

1. Revised Fencing Plan Submitted by Applicant