

**BOONE COUNTY BOARD OF ADJUSTMENT  
BOONE COUNTY ADMINISTRATION BUILDING  
BOONE COUNTY FISCAL COURTROOM  
BUSINESS MEETING  
OCTOBER 11, 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  
Mrs. Sherry Hempfling  
Mr. Richard Miller  
Mr. Chris Vaught

**STAFF MEMBERS PRESENT:**

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 September 13, 2017. He asked if there were any comments or corrections? Mr. Vaught moved to approve the minutes and Mr. Miller seconded the motion. Mr. Whitton called for the vote and it carried unanimously.

**ACTION ON REVIEWS**

1. Request of **Brian Hall and Cynthia Hall** for a Change in Nonconforming Use to allow a second accessory structure (40' x 60' pole barn) to be constructed in the front yard of a residentially zoned property. The approximate 1.33 acre site is located at 6054 Lucas Park Drive, Boone County, Kentucky and is currently zoned Rural Suburban (RS).

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

Mr. Miller corrected Mr. Fazzino regarding the statement that staff would not be in favor of allowing the existing structure to be relocated to the front yard. Mr. Fazzino misstated during the PowerPoint presentation that staff does not object to the relocation.

Mr. Miller asked Mr. Fazzino if there was any reason the applicant could not construct the building in compliance with the current regulations to build a conforming structure. Mr. Fazzino responded that the applicant could best answer this question but noted there were some constraints such as the location of the applicants septic system and leach fields that would pose challenges to locating the structure in a conforming location on the property.

Mr. Wilson reminded the Board that in order to approve the expansion of a nonconforming use the Board must find that the proposed use is no more objectionable than the existing, protected use. Mr. Whitton thanked Mr. Wilson.

Mr. Bob Hall introduced himself, his wife Cynthia, and his son Brian. Mr. Whitton asked Mr. Hall if he had looked over the staff report and specifically the recommendations made by staff on Page 3. Mr. Hall stated that he had looked at the staff report briefly and stated that he had discussed with Mr. Todd Morgan about the three options and the consolidation of lots 65, 66, and 67 and placing the structure in that location to be able to access the building from the existing driveway. Mr. Hall also stated that he was not aware that staff would be opposed to allowing for zero foot (0') setbacks but further stated that he did not anticipate the requirement of five foot (5') setbacks to be an issue. Mr. Hall stated that he would like to have some flexibility on the placement of the structure because he had not yet had a contractor come to the property and evaluate the locations that would be most suitable for the structure based on grading and drainage.

Mr. Whitton asked Mr. Hall if the floor of the new structure would be concrete or pavement? Mr. Hall responded that initially the floor in the structure would not be paved or concrete but in the future it possibly would be. Mr. Hall also stated that he would eventually like to run electricity to the structure. Mr. Hall stated that his primary objective at this time is to have his boats and trailers moved inside and out of the elements.

Mr. Vaught asked Mr. Hall if anyone would be living in the structure? Mr. Hall responded no.

Mr. Hall explained the types of equipment that will be stored in the proposed building, including his and his son's boats, jet-skis, runabouts, and their trailers. Mr. Hall also stated that many of his neighbors have buildings on their properties for similar uses and that historically the area has been used for camping, boating, and various other forms of outdoor recreation. Mr. Hall explained that the reason for the placement of their family home on the back of the lot when it was built thirty years ago was due to it being the high spot on the property and to alleviate drainage concerns.

Mr. Whitton asked if all of Mr. Hall's trailers would be stored in the building or if anything would remain stored outside? Mr. Hall responded that he would like to store everything inside but if it would not all fit, some items may be left outside. Mr. Hall stated that he was not aware of the proposed staff condition "C" that would require all items to be stored inside the building.

Mr. Miller asked Mr. Hall how many boats and trailers he owned that would need storage? Mr. Hall responded that he has a pontoon boat, a runabout, jet-skis, and a camper.

Ms. Hempfling asked if Mr. Hall had done any estimates to ensure everything would fit in the proposed structure? Mr. Hall responded that he believes the proposed size of the structure (40' x 60') would be large enough to accommodate all of his recreational vehicles.

Mr. Whitton asked Mr. Hall if all of his recreational vehicles are currently being stored outside on the property? Mr. Hall responded yes. He also stated that they always have been since he has owned them.

Mr. Miller asked when Mr. Hall plans to consolidate lots 65, 66, and 67 into one lot? Mr. Hall responded that he would have preferred to already have had it done and that he has already been in talks with a surveyor to do so. Mr. Miller asked if Mr. Hall would object to having the consolidation done prior to building the structure in the area of lots 65, 66, and 67 and further stated that this would mean setback requirements would not be an issue if the lots were consolidated. Mr. Fazzino confirmed that Mr. Miller was correct in his assessment. Mr. Hall responded that he would not have a problem consolidating the lots prior to constructing the structure in that location. Mr. Miller asked if Mr. Hall had any objection to making this a condition of approval? Mr. Hall responded that he did not have any objection.

Mr. Miller asked Mr. Hall if he intended to tear down and dispose of the existing nonconforming structure? Mr. Hall stated that his intent is to keep the existing structure and that he had conferred with Mr. Morgan about keeping it. Mr. Hall stated that he would like to keep the structure in the existing location. Mr. Miller stated that this would not be possible based on the placement of the new building. Mr. Hall responded that he would then like to keep the existing structure and move it to a different location on the property.

Mr. Miller asked Mr. Wilson if Mr. Hall moves the shed would that require another change in nonconforming use request? Mr. Wilson responded that it would not because the movement was being disclosed to the Board and that it was not more objectionable than the current use.

Mr. Miller asked Mr. Hall what the current use of the existing structure is? Mr. Hall responded that it is being used for storage of Christmas lights, paint, lawnmowers and various tools and household items.

Mr. Miller asked if the current building required vehicular access? Mr. Hall responded no.

Mr. Fazzino noted that the Staff objection to allowing Mr. Hall to keep the existing structure may have been a mistake due to previous conversations with Mr. Morgan when writing the Staff Report. Mr. Fazzino also told the Board that Mr. Hall's property was exempt from the outdoor storage requirements in the zoning ordinance due to the size of the property and noted that Mr. Hall would be permitted to store boats, trailers, etc. outside.

Mr. Miller stated that in order to move the existing shed, lots 65, 66, and 67 have to be consolidated. Mr. Hall stated again that he has no objection to doing this prior to constructing the new building.

Mr. Whitton stated that possible conditions could be that if option "A" is used nothing further would be required of the applicant but that if options "B" or "C" as presented in the staff report is utilized, the applicant would be required to consolidate lots 65, 66, and 67 prior to construction.

Mr. Whitton asked Mr. Wilson if he foresaw any legal concerns with the possible conditions. Mr. Wilson responded no.

Mr. Vaught asked Mr. Hall if he had a preferred option? Mr. Hall said that he would like as much flexibility as the Board could possibly give but had no preferred option specifically.

Mr. Whitton asked if anyone in the audience would like to speak?

Mr. Paul Mastin, 4183 Belleview Road, a direct neighbor of Mr. Hall spoke in favor of the request and stated he had no objection the proposed request. There were approximately nine other people in the audience who agreed with Mr. Mastin but did not speak individually.

Mr. Whitton asked if anyone in the audience was against the proposal? No one responded.

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

- 1. If option "A" is used, it will be done per the submitted option "A" included in the staff report.**
- 2. If options "B" or "C" are used , lots 65, 66, and 67 will have to be consolidated with lot 16 before the proposed structure is constructed.**

**Mr. Vaught seconded the motion. Mr. Whitton called for a vote and it carried 5-0.**

**ADJOURNMENT**

Mr. Whitton asked for a motion to adjourn the meeting. Mr. Miller made a motion to adjourn and Mr. Bailey seconded the motion. Mr. Whitton called for the vote and the meeting was adjourned by unanimous consent at 6:29 p.m.

**APPROVED**

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**Mr. George Whitton, Chairman**

**ATTEST:**

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**Vinnie Fazzino**  
**Zoning Enforcement Officer**