

**BOONE COUNTY BOARD OF ADJUSTMENT
BOONE COUNTY ADMINISTRATION BUILDING
BOONE COUNTY FISCAL COURTROOM
BUSINESS MEETING
JANUARY 10, 2018
6:00 P.M.**

Mr. Miller called the meeting to order at 6:10 P.M.

BOARD MEMBERS PRESENT:

Mr. Justin Bailey
Mrs. Sherry Hempfling
Mr. Richard Miller, Vice-Chairman
Mr. Chris Vaught

BOARD MEMBERS NOT PRESENT:

Mr. George Whitton, Chairman

STAFF MEMBERS PRESENT:

Mr. Todd Morgan, AICP, Senior Planner

LEGAL COUNSEL PRESENT:

Mr. Dale T. Wilson

APPROVAL OF MINUTES

Mr. Miller stated the Board members received copies of the minutes of the Boone County Board of Adjustment meeting of December 13, 2017. He asked if there were any comments or corrections? Mr. Vaught moved to approve the minutes and Mr. Bailey seconded the motion. Mr. Miller called for the vote and it carried unanimously.

ACTION ON REVIEWS

1. Request of **Charles Lyons** for a Variance to allow a building addition to further encroach into the 50' front yard setback. The approximate 5.5 acre site is located at 1780 Anderson Boulevard, Boone County, Kentucky. The property is currently zoned Industrial One (I-1).

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

Mr. Charlie Lyons said he is the Corporate Facilities Equipment Manager for Ellison Corporation. He heard the 77' portion of right-of-way had been vacated in 2003 and thought everything was finalized. When he reviewed the current proposal against their 2012 plan with Mr. Morgan they realized there was a discrepancy between the Boone County G.I.S. system and what his surveyor was showing. It turns out the 77' portion of right-of-way was vacated but they didn't have the plat prepared so the real estate could be

deeded to them. They have since hired Abercrombie and Associates and Plat is being prepared. The building addition is a lean to for storage. They get a lot of wooden crates from their customers and they take up a lot of valuable floor space. The crates cannot be stored outside because of the weather. The storage addition will free up some floor space.

Mr. Miller asked how long it would be before the Plat was submitted to the Planning Commission for review? Mr. Lyons said he doesn't know the exact date but Abercrombie and Associates should be getting close to submitting the Plat.

Mr. Miller asked why the Plat wasn't submitted back in 2003? Mr. Lyons said he remembers being told that they owned the 77' of right-of-way back in 2003. Evidently, corporate didn't take care of the last step of having the plat prepared.

Mr. Bailey asked how soon they wanted to start the building addition? Mr. Lyons responded that he already planned on having it finished. The Variance has slowed them down.

Mr. Wilson said he wanted to remind the Board that reasonable conditions can be imposed on a Variance approval without the applicant's consent. The Board could reimpose the conditions of Fiscal Court, regarding the Conveyance Plat, if they are inclined to grant the application. Mr. Miller said he planned on asking that question. He asked if a condition could be worded requiring the Conveyance Plat for the 77' of vacated right-of-way to be approved before the building addition could be occupied? He asked how long it would take to construct the building addition? Mr. Lyons responded it is basically a steel structure with walls on it.

Mr. Miller indicated there was nobody else present in the audience to speak regarding the request.

Mr. Miller asked for a motion.

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

- 1. The Conveyance Plat for the 77' portion of vacated right-of-way shall be approved, recorded, and comply with the 2003 Boone County Fiscal Court Resolution.**
- 2. The Certificate of Occupancy for the building addition shall not be granted until such time that the Conveyance Plat for the 77' portion of vacated right-of-way is approved and recorded.**

Mr. Bailey asked if the Board should impose a time limit on the approval? Mr. Miller said the conditions would allow Ellison Surface Technologies to start construction on the addition but they couldn't occupy it until such time that they Conveyance Plat was approved and recorded.

Mr. Bailey asked how long it would take Mr. Lyons to get everything done? Mr. Lyons said the Permits are being held up because the Variance hasn't been approved. Once he has Permits, it will probably take 3 or 4 weeks to get the structure created, brought in, and assembled. He doesn't believe Abercrombie and Associates is far out from submitting the

Conveyance Plat. Mr. Miller asked Mr. Lyons if he had any concerns about the conditions that were discussed? Mr. Lyons responded he did not have any concerns.

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

OTHER

The Board indicated that they would elect officers at the next meeting since Mr. Whitton was not present. Mr. Miller indicated that he would not be present if there is a meeting in February. He would be willing to serve as an officer if he is nominated.

ADJOURNMENT

Mr. Miller asked for a motion to adjourn the meeting. Mr. Vaught made a motion to adjourn and Mrs. Hempfling seconded the motion. Mr. Miller called for the vote and the meeting was adjourned by unanimous consent at 6:24 p.m.

APPROVED

Mr. Richard Miller, Vice-Chairman

ATTEST:

Todd K. Morgan, AICP
Senior Planner