

**BOONE COUNTY BOARD OF ADJUSTMENT  
BOONE COUNTY ADMINISTRATION BUILDING  
BOONE COUNTY FISCAL COURTROOM  
BUSINESS MEETING  
MARCH 14, 2018  
6:00 P.M.**

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

**BOARD MEMBERS PRESENT:**

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

**BOARD MEMBERS NOT PRESENT:**

Mr. Justin Bailey  
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 February 14, 2018. He asked if there were any comments or corrections? Mr. Vaught moved to approve the minutes and Mrs. Hempfling seconded the motion. Mr. Vaught called for the vote and it carried unanimously.

**ACTION ON REVIEWS**

1. Request of **KLB Investments** for a Conditional Use Permit to allow a self-storage facility and a Variance to allow the fence height in the front and corner side yards to be increased from 4' to 6' in a Commercial Two (C-2) zoning district. The 2.182 acre site is located to the northwest of the Petersburg Road/Phyllis Court intersection and includes lots 15A and 16 of Hebron Commercial Park, Boone County, Kentucky.

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

Mr. Jon Girdler said he works for Viox & Viox and is a Professional Engineer. He said Ken Brown is the applicant. He has lived in Boone County for 20 years and has 30 years of experience in sales and retail management. The subject property is zoned Commercial Two (C-2) and the plan shows compliance with the proposed building setbacks and landscape buffer requirements. He submitted a packet of information into the record

(see exhibit 1). He reviewed the second page of the packet showing the subject site and adjoining properties. They feel the proposed use will compliment the surrounding uses very well. The property will be secured with decorative fencing, which is 6' tall. The use will generate low off-peak traffic and will not interfere with funeral services next door. There are no planned water and sanitary sewer services proposed to the buildings. The use would also be a low noise generator. He indicated the redundancy in the fence design can be eliminated and it would be constructed to the pavement limits.

Mr. Miller asked what types of traffic volumes and times are associated with a low off-peak traffic generator? Mr. Girdler replied that mini-warehouses peak traffic times are mid-morning and mid-afternoon. Anticipated traffic would be 12 trips (6 in and 6 out). He also added the colors of the buildings would be beige and red. There are pictures in the packet.

Mr. Miller asked if the applicant has any problem with any of the conditions that were drafted by Staff? Mr. Girdler said they don't have any issues with them.

Mr. Vaught asked where the office for the facility would be located? Mr. Girdler said most of the paperwork will be done on-line and Mr. Brown will meet the renter on site to collect the paperwork and give them the access code.

Mr. Miller asked what would be done to keep vehicles from parking in the right-of-way? Mr. Girdler said the plan will be changed. The gate will be pushed back further into the site and allow a vehicle to park in front of the gate and not be in the right-of-way. Mr. Miller asked if there would be room for two vehicles to park? Mr. Girdler said two vehicles could park side by side if needed. Mr. Morgan said he would not require parking for two vehicles at the gate. Vehicles will be able to park inside the facility once Mr. Brown shows up and unlocks the gate. The driveway aisles inside the site are adequate for parking.

Mr. Miller asked if anybody else in the audience wanted to speak for or against the request? There was no response.

Mrs. Hempfling asked if the facility would have a security system and who would be notified if it went off? Mr. Ken Brown said the facility will have a security system with video. The police and fire departments will given the access code to the gate. The gate will have a numbered key pad. He will be able to monitor every person that comes in and out of the facility and how long they were on site.

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

- 1. The approval shall be based on the submitted plan and pictures. Minor changes can be approved by the Zoning Administrator.**
- 2. Outdoor storage shall be prohibited.**
- 3. The dumpster enclosure shall be constructed with brick or decorative concrete block and shall comply with Section 3151 of the Boone County Zoning Regulations.**
- 4. The property shall comply with the following site lighting requirements:**

- A. Exterior lighting shall be limited to fixtures mounted on the exterior of the storage units. No light poles shall be permitted.
  - B. All light fixtures shall be directed downwards and inwards towards the subject site.
  - C. All light fixtures shall be controlled automatically by motion sensor technology.
  - D. A photometric plan shall be required. Footcandle readings at the proposed parking lot boundaries shall not exceed 1 footcandle.
5. The property shall comply with the following fencing requirements:
- A. Decorative security fencing shall be required and be consistent with the submitted pictures. Barbed wire, razor wire, etc., shall be prohibited.
  - B. Redundant security fencing shall be prohibited.
  - C. The front gate shall be located so that a vehicle can park on site and not obstruct the Phyllis Court right-of-way.
  - D. All security fencing shall be located behind the required landscaping buffer yard plantings.
6. The Petersburg Road street frontage area shall be screened with Buffer Yard B landscaping plantings.
7. The property shall comply with the following signage conditions:
- A. Freestanding signage shall be limited to an 8' tall, 48 square foot monument sign.
  - B. Building mounted signs shall be prohibited in locations where they are visible from adjoining residential properties.

**Mrs. Hemplfing seconded the motion. Mr. Miller called for a vote and it carried 3-0.**

2. Request of **Megan A. Martin** for a Conditional Use Permit to allow an indoor/outdoor event center for meetings, wedding showers, receptions, etc. in a Suburban Residential Two/Small Community Overlay (SR-2/SC) zoning district. The approximate 0.4 acre site is located at 5975 N. Jefferson Street, Boone County, Kentucky.

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

Mr. Miller asked if the outdoor seating could be explained? Staff asked the applicant to address if 80 seats could be set up outside. He asked if this would bring the total event occupancy up to 120 people? Mr. Morgan said his understanding is they would cap an event at 80 people. This would include inside and outside seating.

Mrs. Megan Martin, said she is the sales and marketing manager for their family business. They own the Greyhound Tavern, in Fort Mitchell, and The Tousey House, in Burlington. She introduced her sister, Ellie Wainscott, her parents, and Bill Remke. Mr. Remke currently owns the property.

Mrs. Martin said the facility would specialize in small intimate events, such as baby showers rehearsal dinners, weddings, etc. They would also have farm to table dinners. Their

concept is very open and it would allow people to select from their list of approved vendors. Their plan is to be a one-stop shop. The space would be personalized to make each event unique to the client's vision. The house will be open for booking year round and the outdoor space will be used seasonally for tented events. Outdoor events could also include the use of the barn.

Mr. Miller asked if the farm to table dinners would be open to the public or if they would be private events? Mrs. Martin said they would be private events and they would sell tickets.

Mr. Miller asked if she could answer the Staff questions found on page 6 of the Staff Report?

1. **Will a Marian Staff person be present at all events?** Yes.
2. **The business description indicates peak times for events. Can more information be provided indicating weekday and weekend business hours?**  
She responded they would like to be able to book events Sundays through Thursdays from 10:00 A.M. to 10:00 P.M. Events on Fridays and Saturdays could go from 10:00 A.M. to 12:00 A.M.

Their anticipated peak times are Thursdays from 5:00 P.M. to 10:00 P.M., Fridays and Saturdays from 10:00 A.M. - 12:00 A.M., and Sundays from 5:00 P.M. to 10:00 P.M.

Mr. Miller asked if the weekday events would be smaller and if they would have music? Ms. Wainscott said they would probably be smaller business meetings, cocktail parties, luncheons, or showers. Mrs. Martin added that music would be an option at the weekday events but would not be likely.

3. **How long could tents be left up on the property?** Mrs. Martin said they visualized that tents would be set up one day prior to an event and taken down two to three days after. There could be a case where there are back to back weddings on a Friday and Saturday night and the same tents are used.

Mr. Morgan said the Zoning Administrator has left the tent issue to the Board to determine what's appropriate. He believes the Board should look at something like a three day window from the time the tent is set up. Mr. Miller asked if the applicant would have an issue with such a condition. She indicated she would not. Mr. Morgan said it might be better to word the condition in hours. An example would be all tents shall be removed within 72 or 96 hours from the time they are set up. He asked if the Board had a preference? Mr. Miller said he is thinking about a condition that would allow a maximum of 96 hours. Mr. Vaught said he would be good with that. Mr. Miller asked who would monitor that? Mr. Morgan said it would be up to the Planning Commission Staff to enforce the conditions.

Mrs. Hempfling asked if the tents would be rented from a vendor? The applicants said they would be. Mrs. Hempfling said setup and take down would probably not occur like clock work. Mr. Morgan said Planning Commission Staff will need to monitor the condition. Mrs. Martin said she believes it's an issue they would need to discuss with the tent company. Mr. Miller agreed.

4. **How tall are the tents?** Mrs. Martin said the tallest one is 25' tall. There are others that are shorter. A 25' tent would not be taller than the house on the property.
5. **Could any portable bathrooms be setup outside for events?** Mrs. Martin said an event with 50 or fewer people would be able to use the facilities in the house. They would rent a portable toilet once an event exceeded 50 people. They believe they would set it up between the barn and existing parking pad. They are proposing to plant some additional trees along Nicholson Street to help hide it.
6. **Can the proposed barn renovations be explained in more detail? Could entire walls be removed? Could it be rebuilt as a three wall structure or pavilion?** Mrs. Martin said they plan on taking the existing siding off the barn so the natural wood is exposed. Mr. Miller asked if the barn would still be enclosed? Mrs. Martin said it would be. They would open the doors so the music could amplify out. They might modify the doors to make them larger and let them slide open and shut.

Mr. Vaught asked if the barn was just one big open area? Mrs. Martin said the barn has a loft. Mr. Miller asked if the barn could be used as part of the function? Mrs. Martin said they do not see it as an assembly space. It's possible they could use it for bands or as a bar area.
7. **Would speakers, disc jockeys, or bands be permitted to use amplified sound outside?** Mr. Miller said based on the existing barn doors he envisions speakers being setup and sound amplifying out. Mrs. Martin agreed.
8. **What hours would outdoor music or sound amplification be permitted?** Mr. Miller said it was explained earlier that their hours could go to Midnight on Fridays and Saturdays. He thinks Midnight is a little late for music. He asked the applicant if she would have any issue with pulling the music back a little bit? Mrs. Martin responded that most functions out back will probably be weddings. Most weddings have music playing until the end of the event. If possible, they would like the music to go until Midnight. They guarantee they will have a Staff person present at all events to monitor things. The closest neighbor to the facility is the Tousey House, which they own. They certainly would not have an event that would negatively impact the clientele on their back deck.

Mr. Vaught asked how far away is the closest residential neighbor? Mr. Morgan said the closest house is across Nicholson Avenue. He reviewed the PowerPoint slide of the parking pad on the property and view of the adjoining household. Mrs. Martin added that all music would be oriented away from the adjoining households.
9. **The submitted outdoor plan shows 40 seats. Could 80 seats be setup outside for certain events?** Mrs. Martin said there would be events with outdoor seating for 80 guests. The example they submitted was more of a cocktail hour or fundraising setup.
10. **The business narrative indicates that additional landscaping is being proposed. Can more explanation be provided. Is any landscaping being proposed along the Nicholson Road street frontage?** Mrs. Martin added that

additional landscaping would be planted between the barn and existing parking pad.

Mr. Miller asked if the applicant had an issue with any of the Staff recommendations or what was discussed tonight? Mrs. Martin said she did not.

Mrs. Hempfling asked if Washington Square Café and Catering could have music on the same nights? Mr. Morgan replied it would be possible. Washington Square Café and Catering has small bands play on their front patio.

Mr. Miller asked if anybody else in the audience wanted to speak for or against the request? There was no response.

**Mr. Miller asked for a motion. Mrs. Hempfling made a motion to approve the Conditional Use Permit with the following conditions:**

- 1. The maximum occupancy of an event shall not exceed 80 people.**
- 2. All events shall be monitored by a Marian Staff person.**
- 3. Business hours shall be limited as follows:**
  - Sunday through Thursday - 10:00 A.M. to 10:00 P.M.**
  - Friday and Saturday - 10:00 A.M. to 12:00 A.M.**
- 4. Outdoor music or sound amplification shall comply with the following:**
  - All music and/or speakers shall be oriented southwards or eastwards.**
  - The applicant agrees to work with the neighbors and Planning Commission Staff regarding any noise issues.**
- 5. All tents shall comply with the following:**
  - All tents shall be removed within 96 hours from the time they are set up on the property.**
  - Tents shall not be taller than the house located on the property.**
- 6. Portable toilets shall only be used if an event has more than 50 people.**
- 7. An additional street tree from Plant List A of the Boone County Zoning Regulations shall be required near the Nicholson Street right-of-way. The street tree shall be planted between the barn and existing parking pad.**
- 8. Outdoor lighting shall be limited to low level wall sconces, emergency walkway lighting, small lanterns, and string lights.**
- 9. A small parking pad shall be constructed between the barn and corner of N. Jefferson street and provide two van accessible parking stalls.**
- 10. Any major exterior renovations to the barn shall be approved by the Boone County Historic Preservation Review Board to verify the improvements are compatible with the existing household and Burlington Historic District.**

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

**OTHER**

Mr. Miller said they will postpone the election of officers until next month. Hopefully everybody will be present.

**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 6:58 p.m.

**APPROVED**

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**Mr. Richard Miller**

**ATTEST:**

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

Exhibits

1. Plans, aerial map, and pictures submitted by Jon Girdler