

**BOONE COUNTY BOARD OF ADJUSTMENT
BOONE COUNTY ADMINISTRATION BUILDING
BOONE COUNTY FISCAL COURTROOM
BUSINESS MEETING
JANUARY 9, 2019
6:00 P.M.**

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

BOARD MEMBERS PRESENT:

Mr. George Whitton, Chairman
Mrs. Sherry Hempfling
Mr. Chris Vaught

BOARD MEMBERS NOT PRESENT:

Mr. Richard Miller, Vice-Chairman
Mr. Bill Weltzer

STAFF MEMBERS PRESENT:

Mr. Michael Schwartz, Planner

LEGAL COUNSEL PRESENT:

Mr. Dale T. Wilson

APPROVAL OF MINUTES

Chairman Whitton stated the Board members received copies of the minutes of the Boone County Board of Adjustment meeting of December 12, 2018. He asked if there were any comments or corrections? Mr. Vaught moved to approve the minutes and Mrs. Hempfling seconded the motion. Chairman Whitton called for the vote and it carried unanimously.

ACTION ON REVIEWS

1. Request by the Norma Jean Farmer Estate and Karen and Robert Jones for a Change in Nonconforming Use.. The Change in Nonconforming Use is to decrease the lot area of two (2) nonconforming parcels and increase the lot area of another nonconforming parcel. The approximate 0.64, 0.71 and 0.72 acre parcels are located at 2911, 2919 and 2929 Watts Road, Boone County, Kentucky. The properties are currently zoned Rural Suburban Estates (RSE).

Staff Member, Michael Schwartz, presented the Staff Report which included a Powerpoint presentation (see Staff Report).

Chairman Whitton asked if anyone in the audience wanted to speak in favor or against the request.

Brian Redden stated that he was an attorney representing Karen and Robert Jones. He

stated that the property has been in litigation in the Boone Circuit Court. He stated that his opposing counsel, Mike McKinney, who represents the Norma Jean Farmer Estate, was absent due to his recovery from a medical issue. He stated that Mr. Joseph Farmer, who resides at 2919 Watts Road, is the Executor of the Norma Jean Farmer Estate. He stated that his clients are presently in Florida and are unable to attend the hearing. He stated that the history of this property goes back approximately fifty (50) years. He stated that the Farmers used to own and reside on the property located at 2911 Watts Road and that they initially installed a septic tank and leach lines in the rear yards of the properties located at 2919 and 2929 Watts Road. In the late 1970's or early 1980's, Mrs. Jones and her former husband purchased the property at 2911 Watts Road from the Farmers. Upon that purchase, the Farmers moved to 2919 Watts Road. Mr. Redden stated that there has been a history of septic backups. In 2014, Mr. And Mrs. Jones hired a contractor to inspect and fix the septic system. He stated that the contractor found that the leach lines needed to be replaced. He stated that Mr. And Mrs. Jones installed a new septic system. He stated that after that system was installed, the adjoining property owner began to use the leach field as a garden. He stated that the gardening was damaging the newly installed leach lines. He stated that Mr. And Mrs. Jones then got a restraining order to stop the gardening of the leach field. He stated that the subdividing of the property and the transfer of ownership will resolve the pending lawsuit.

Chairman Whitton asked if the lawsuit is still active. Mr. Redden replied that it is and that the transfer of the property will resolve the lawsuit.

Mrs. Hempfling asked when the lawsuit will be resolved. Mr. Redden replied that he hopes that the issue can be resolved within a couple of weeks.

Chairman Whitton asked if the other two houses are currently occupied. Mr. Joseph Farmer replied that he lives at 2919 Watts Road and that he rents out the property at 2929 Watts Road. He also stated that 2929 Watts Road is currently occupied.

Chairman Whitton asked what the other two houses do for sanitary sewer service. Mr. Farmer replied that he has a jet system that does not require a septic tank and that the property at 2929 Watts Road has a reservoir that needs to be pumped out.

Mr. Redden stated that the Court has scheduled a status conference meeting for next week and that the litigation has been ongoing for approximately four (4) years.

Chairman Whitton asked if there was anyone else who wanted to address the Board.

Ms. Judy Bingham asked what affect does a nonconforming lot have on the ability to sell the property.

Mr. Schwartz replied that a nonconforming lot is a lot that does not meet the minimum lot area of the zone in which it is located. Mr. Schwartz stated that a nonconforming lot is still a legal lot and the ownership can be transferred.

Mr. Vaught made a motion to approve the change in nonconforming use as requested. Mrs. Hempfling seconded the motion. Chairman Whitton asked if there was any further discussion. There was no response. He called for the vote and it carried unanimously.

OTHER

No other business was discussed.

ADJOURNMENT

Chairman Whitton asked for a motion to adjourn the meeting. Mr. Vaught made a motion to adjourn and Mrs. Hempfling seconded the motion. Chairman Whitton called for the vote and the meeting was adjourned by unanimous consent at 6:21 p.m.

APPROVED

Chairman George Whitton

ATTEST:

Michael D. Schwartz
Planner