

**BOONE COUNTY BOARD OF ADJUSTMENT
BOONE COUNTY ADMINISTRATION BUILDING
BOONE COUNTY FISCAL COURTROOM
BUSINESS MEETING
MARCH 13, 2019
6:00 P.M.**

Mr. Vaught called the meeting to order at 6:20 P.M.

BOARD MEMBERS PRESENT:

Mrs. Sherry Hempfling
Mr. Chris Vaught
Mr. Bill Welter

BOARD MEMBERS NOT PRESENT:

Mr. George Whitton, Chairman
Mr. Richard Miller, Vice-Chairman

STAFF MEMBERS PRESENT:

Mr. Michael Schwartz, Planner

LEGAL COUNSEL PRESENT:

Mr. Dale T. Wilson

APPROVAL OF MINUTES

Mr. Vaught stated the Board members received copies of the minutes of the Boone County Board of Adjustment meeting of February 13, 2019. He asked if there were any comments or corrections? Mr. Welter 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 by Viox and Viox, Inc., on behalf of Max Outdoor Recreation, LLC, for a Conditional Use Permit for the purpose of constructing a 6,000 square foot building to be used for boat storage and the sale of boats and other marine items on an approximate 4.6 acre property located at 4895 Beaver Road and is zoned Recreation (R).

Mr. Welter stated that he has a conflict of interest and recused himself for this issue.

Mr. Wilson explained that the Board is made up of five members and that three members are needed for a quorum. Since Mr. Welter has recused himself on this issue, he cannot be counted towards the quorum. Since there are only two remaining Board members present, there is no quorum and this issue cannot be heard and acted on tonight.

Mr. Vaught stated that the Board would defer this item until Wednesday, March 27, 2019 at 6:00 pm in this same room. Mr. Vaught asked the applicant if that was acceptable to

them. Michelle Bollman, on behalf of Viox and Viox, Inc. stated that the deferral date was acceptable to the applicant.

2. Request by Amy Hammond for a Variance to reduce the minimum front yard setback from sixty (60) feet to forty-five (45) feet, on an approximate 0.5 acre area located on the north side of Suncrest Drive, approximately 300 feet east of Chambers Road, directly across the street from 11822 Suncrest Drive, and having a PIDN of 065.00-00-015.01, and is zoned Agricultural Estate (A-2).

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

Mr. Vaught asked if anyone in the audience wanted to speak in favor of the request.

Amy Hammond stated that the lot is a buildable lot and will have a septic system. She stated that she has been in contact with the Health Department and that they conducted a percolation test. She stated that they do not need the variance to build the house, except that the variance will be helpful if the septic system needs to be repaired in the future.

Mr. Vaught asked if there was anyone in the audience that wanted to speak in opposition of the request.

Lori Rosenberger asked if anyone on the Board had visited the site. She stated that the site sits more than three feet higher than Suncrest Drive. She stated that she was defending the rights of the residents. She stated that she has lived in the area for 30 years and that she, and her neighbors, had previously fought other developers from developing property in their area that was not consistent with their neighborhood. She stated that given their lot sizes, they were close enough to their neighbors and far enough away from their neighbors, at the same time. She asked how many exemptions would be needed for the applicant to build on the property. She stated that if the septic systems fails, it will have a horrible smell. She stated that she spoke to the applicant and the applicant knew of these issues before they purchased the property. She stated that development on such a small lot will have a negative impact on property values. She stated that her neighbors received a notification letter and she has not received hers. She checked the tracking number and the letter has not been entered. Mr. Schwartz stated that staff did send a notification letter to the address that was on file in the GIS system.

Mr. Vaught asked if she had a septic system. Ms. Rosenberger stated that she did have a septic system on her property.

Richard Boh asked where the easement is because the lot was created prior to the construction of Suncrest Drive. Mr. Schwartz replied that in 1972, when the lot was created, it may not have had to be adjacent to a public right-of-way. Mr. Schwartz stated that the plat for the lot does not indicate that it is an unbuildable lot.

Mr. Weltzer asked if all of the other lots have 2 acres. Mr. Boh stated that they all have around 1.8 acres.

Wayne Wright stated that he has been residence there since 1995. He stated that there are 22 homes on Suncrest Drive and they all have about 2 acres of land. He stated that except for the first few houses, all of the other houses are set back 100 feet or more. He

stated that putting a house on .5 acres is not consistent with the rest of the area. He stated that the value of the houses range from \$350,000 to \$400,000. He stated that his house has 4,700 square feet in area and that he is trying to protect his investment.

Cindy Leese stated that she has a septic system on her property and a septic system will not work on a half-acre lot.

Joyce O'Hara stated that she has 6 acres and her house faces Chambers and that the lot abuts hers. She stated that you cannot put a septic system on a half-acre lot. She stated that her property values will go down with the development of this property. She stated that there will be stormwater runoff from the driveway.

Shiloh Loechel stated that he has no personal objection to the request. He stated that he moved into the neighborhood in 2007 and that he is concerned about his property value and how the proposed development will change the look and feel of the area, given the small lot size.

Mr. Vaught asked the applicant to respond to the issues brought up by the other speakers. Ms. Hammond stated that she bought the property approximately two months ago and that the house will be two stories with a finished basement and will have 3,000 square feet, 2,000 square feet without the basement and will have a value of \$300,000. She stated again that she has been in contact with the Health Department and that the extra 15 feet will be helpful if repairs to the septic system ever become necessary.

Ms. Rosenberger stated that the size of the house should not include the area of the basement. She stated that her house has 2,200 square feet of area.

Mr. Boh stated that when he created the subdivision, the rule was that each lot had to be at least 1.8 acres in size, primarily due to the need for each lot to have a separate septic system.

Darlene Piper stated that she built her house 26 years ago and that setting a house that close to the road will distract from the view of the area.

Ms. O'Hara stated that since the issue of the septic system has not been fully addressed, the Board does not have all the information it needs to make an informed decision.

Mr. Vaught asked if there was anyone else in the audience that wanted to address the Board. There were none.

Mr. Weltzer made a motion to approve the variance as requested. Ms. Hempfling seconded the motion. Mr. Vaught asked if there was any discussion. Ms. Hempfling asked Mr. Weltzer if he would amend his motion to include the condition that all necessary permits must be obtained prior to receiving a zoning permit. Mr. Weltzer agreed to amend his motion to include the condition. Mr. Vaught asked if there was any further discussion. There was no response.

He called for the vote and it carried unanimously.

3. Request by Adam W. Hemmer, on behalf of the Paul Hemmer Company, for a Variance to reduce the minimum width of Buffer Yard A from ten (10) feet to one (1) foot, in the northwest corner of the site in order to construct a truck dock driveway, on an approximate

15 acre area located on the south side of Aviation Boulevard, approximately 4,600 feet west of Petersburg Road, having an address of 1370 Aviation Boulevard, and is zoned Industrial One with an approved Concept Development Plan (I-1/CD).

Ms. Hempfling stated that she has a conflict of interest and recused herself for this issue. Mr. Vaught stated that since there is no quorum for this issue, it will be deferred until Wednesday, April 10, 2019 at 6:00 pm in this same room. Mr. Vaught asked the applicant if that was acceptable to them. The applicant stated that the deferral date was acceptable to the applicant.

OTHER

No other business was discussed.

ADJOURNMENT

Mr. Vaught asked for a motion to adjourn the meeting. Ms. Hempfling made a motion to adjourn and Mr. Weltzer seconded the motion. Mr. Vaught called for the vote and the meeting was adjourned by unanimous consent at 7:08 p.m.

APPROVED

Chairman George Whitton

ATTEST:

Michael D. Schwartz
Planner