

**FLORENCE BOARD OF ADJUSTMENT  
FLORENCE GOVERNMENT CENTER  
OCTOBER 10, 2018  
7:00 P.M.**

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Mrs. Evans called the meeting to order at 7:00 P.M.

**BOARD MEMBERS PRESENT**

Mr. Timothy Pieper, Chairman (arrived at 7:20)  
Mrs. Lois Evans, Vice-Chairwoman  
Mr. Louis Kelly  
Mr. Charlie Reynolds  
Mrs. Linda Schaffer

**LEGAL COUNSEL PRESENT**

Mr. Dale Wilson

**APPROVAL OF THE MINUTES**

Mrs. Evans stated the Board members received copies of the minutes of the Florence Board of Adjustment meeting of June 13, 2018. She asked if there were any comments or corrections? Mr. Kelly made a motion to approve the minutes as written and Mr. Reynolds seconded the motion. Mrs. Evans called for a vote and it carried unanimously.

**AGENDA ITEMS**

1. Request of **Gene Weber for Cincinnati Automation** for a Change in Non-Conforming Use to allow the use of a building to be changed from wholesale sales of HVAC equipment to an engineering, assembly, and training use business. The approximate .648 acre site is located at 7533 Industrial Road, Florence, Kentucky and is zoned Commercial Services/Parkway Corridor Study Overlay (C-3/PO).

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

Mrs. Schaffer asked why the proposed use was considered a nonconforming use. Mr. Schwartz replied that the proposed use has assembly activities that are interpreted to be of a non-commercial use that are not permitted within the C-3 District.

Mrs. Evans asked if there was anyone present that wanted to address the Board.

Ms. Susan Trumble, owner of Mr. Transmission, stated that she has owned the adjoining property for 35 years. She stated that she did not know why the applicant wanted to block the cross access between the two properties. She stated that the cross access in front of the buildings was beneficial for emergency access and fire protection. She stated that the back of the site in question is in a rough condition and that Mr. Transmission does not use the back of the property for access. She stated that she is opposed to the proposed bollards in the front of the site. She stated that the gravel driveway between the two buildings is on her property and that she wants the cross access to be maintained.

Mr. Mike Parker, Huff Realty, stated that he believes that the property line is two (2) feet off

of the building on the site as opposed to what is shown on the submitted plan. He stated that he did not understand the reasoning for the fence along the south property line if the rest of the rear yard was not going to be fenced in. He stated that if the front cross access is removed, there will only be one way in and one way out of the site. He stated that the property line between the site in question and Mr. Transmission needs to be confirmed by a survey to be conducted by the owner of Mr. Transmission. He stated that the family that owns Mr. Transmission welcomes the new business to the area.

Mr. Kelly asked if there was a shared easement between the two properties. Ms. Trumble replied that she is not aware of any easement.

Mr. Gene Weber, Hub and Weber, acting as an agent for the applicant, stated that the owner wanted the bollards to prevent cut through movements, but they are not necessary and the applicant is willing to eliminate them from the proposal. Mr. Weber stated that the fence is needed to prevent anything going on in the rear of the property since they will not be using that area. The fence is predominantly for security purposes.

Mr. Pieper stated that the owner could put cameras in the back of the building for security. Mr. Weber replied that they could, but it would be difficult due to the amount of trees.

Mr. Alex Smith, Cincinnati Automation, stated that the use is predominantly an engineering firm where they purchase parts and assemble the completed unit. After that, the customer is trained on site.

Mrs. Evans asked if they intend to have parking in the rear. Mr. Smith replied no.

Mrs. Schaffer asked how many parking spaces will be provided. Mr. Weber replied 17 spaces will be provided.

Mrs. Schaffer asked where will the fence be located. Mr. Schwartz indicated on the slides where the fence is proposed to be located. There was a general discussion between Board members, Ms. Trumble, and Mr. Weber regarding the location of the proposed fence.

Mr. Kelly asked if the fence were only three (3) feet from the building, would you still have a concern. Ms. Trumble replied that a fence six (6) feet from the building is a concern for her, but not necessarily if it were three (3) feet from the building. She stated that she needs access to the rear of her property using the gravel driveway. She stated that she has no objection to a fence as long as access is maintained.

Ms. Trumble asked why the fence could not come off the corner of the building and go directly into the rear yard. Mr. Weber replied that the owner would then have difficulty maintaining their property on the other side of the fence.

Mrs. Schaffer asked if Mr. Transmission uses the rear access of the site in question. Ms. Trumble replied no.

Mrs. Schaffer asked if the Board was also being asked to approve the proposed interior renovations. Mr. Wilson replied that the interior renovations are not a major feature of the application, but they are only necessary when determining if the use is appropriate. Mr. Wilson then provided legal background using examples.

Mrs. Evans asked what type of engineers will be employed. Mr. Smith replied that they employ mechanical engineers and computer programmers.

Mrs. Schaffer stated that she believes that the cross vehicular access in front of the buildings is important.

Mrs. Evans asked where the dumpsters are located. Ms. Trumble replied that the dumpster for Mr. Transmission is located in the rear yard at the end of the gravel driveway. Mr. Weber replied that the site in question does not have any dumpsters.

Mr. Piper asked who maintains the gravel driveway. Ms. Trumble replied that she has maintained the gravel driveway since it was installed.

Mrs. Evans asked if anyone else in the audience wanted to speak? There was no response.

Mrs. Schaffer made a motion to approve the request on the basis that the proposed use is equally compatible with permitted uses in the C-3 District and that the proposed use is not an enlargement over the previous nonconforming use, subject to compliance with the following conditions:

1. That the proposed bollards be removed and that cross vehicular access be maintained in the front of the building.
2. That any proposed fence meet the minimum requirements of the Boone County Zoning Regulations.
3. That nothing block east/west access of the existing gravel driveway.
4. That development of the site be consistent with the applicants submittal.

Mr. Kelly seconded the motion. Mrs. Evans called for a vote and it carried unanimously.

#### **OTHER**

None.

#### **ADJOURNMENT**

Mrs. Evans asked for a motion to adjourn. Mr. Pieper so moved and Mr. Kelly seconded the motion. Mrs. Evans called for a vote and the meeting adjourned by unanimous consent at 7:56 P.M.

**APPROVED**

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**Mrs. Lois Evans, Vice-Chairwoman**

**Attest:**

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**Michael D. Schwartz**  
**Planner**