

**WALTON BOARD OF ADJUSTMENT  
WALTON SENIOR CENTER  
BUSINESS MEETING  
JUNE 21, 2018  
6:30 P.M.**

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Mr. Turner, Chairman, called the meeting to order at 6:30 P.M.

**BOARD MEMBERS PRESENT:**

Mr. Steve Turner, Chairman  
Mr. Adam Croweak  
Ms. Caitlin Fugate  
Mr. David Hincks  
Mr. Edward Sedor

**LEGAL COUNSEL PRESENT:**

Mr. Dale Wilson

**APPROVAL OF MINUTES:**

Chairman Turner stated the Board members received copies of the minutes of the Walton Board of Adjustment meeting of October 26, 2017. Mr. Hincks moved they be approved and Mr. Croweak seconded the motion. Chairman Turner asked for a vote and it carried unanimously.

Mr. Wilson said Mr. Turner was the immediate past Chairman of this Board. Prior to tonight, the Board has not met this calendar year to appoint new officers. With no objection from the other members, Mr. Turner could preside over this meeting and the Board could elect officers at the end of this meeting or at a subsequent meeting. Mr. Wilson said he recommended the Board conduct a vote so they have it for the record. Mr. Sedor made a motion that Mr. Turner serve as Chairman for this meeting and Mr. Hincks seconded the motion. Mr. Turner called for the vote and it carried unanimously.

**AGENDA ITEMS:**

1. Request of **Ben Talbert for TW Tri State** for two (2) Variances to reduce the required 50' front yard and rear yard building setbacks for two warehouses. The 2.1513 acre site is Lot 4 of North Walton Commerce Park. The lot is located on the east side of Mullen Drive and is immediately to the south of 112 Mullen Drive, Walton, Kentucky. It is currently zoned Industrial One (I-1).

Staff Member, Todd Morgan, AICP, presented the Staff Report which included a Power Point presentation (see Staff Report).

Mr. Turner asked if the applicant would like to make a presentation. Mr. Ben Talbert said he purchased lot 4 with the intention of expanding his business. The northern property line

of lot 4 isn't deep. He is hoping to put the future buildings along the street so they are in line with the other buildings on lot 3. The buildings on lot 3 have already received Variances. If they do not get the Variances, the building along the northern property line could only be 41.24' deep. He thanked the Board for their consideration.

Chairman Turner asked why he was asking for setback Variances for the southern building? Mr. Talbert said the southern building Variances would give him some flexibility but aren't absolutely necessary. It would also allow him create some continuity with the other buildings on lots 1-3.

Chairman Turner said he knows they are looking at a concept plan that isn't in final form. He asked if the parking lot could be made more compact to meet code? Mr. Morgan said Mr. Talbert will need to provide more information at the Site Plan stage so he can verify how much parking is required. He will need to know the office square footages, employees on the largest shift, and number of company vehicles that stay on site on both lots. Mr. Talbert said he has been in business in Walton for 14 years. He never thought he would outgrow the existing facility. He is trying to provide more parking on lot 4 because there is inadequate parking on lot 3. He does not plan on putting all of the parking in immediately but would like the option to put it in slowly as they grow.

Chairman Turner asked why he was seeking two new curb cuts? Mr. Talbert said they have semi truck deliveries pretty consistently. He thought the two curb cuts would help them get in one way and out the other. He thinks it would be safer for the trucks to use these two curb cuts and not the roundabout further down Mullen Drive. Mr. Morgan said that issue will be analyzed further when the Site Plan application is submitted for review. Chairman Turner said he asked the question because they will have more room to shift things around if they are limited to one curb cut on lot 4.

Mr. Hincks said he understands that semi trucks come to the site to pickup and deliver. He asked if the proposed building placements would help or hurt semi truck movements? Mr. Talbert said he placed the northernmost building because of its proximity to his existing buildings. He is not proposing one gigantic building because he does not want to incur that much debt. He developed lot 3 in a similar fashion. He put up the first building, grew into it, and expanded once he had funds. He has a similar vision for lot 4. The central parking lot was not laid out for semis. It was laid out to allow them to expand close to the existing buildings and it also gives them room to expand in the future if needed.

Mr. Croweak asked Mr. Talbert to clarify that he isn't looking to build the southernmost building immediately. Mr. Talbert agreed.

Ms. Fugate asked if the building that was proposed on the northern side of lot 4 was going to look like the existing buildings? Mr. Talbert said it would have the same appearance with the block face.

Mr. Sedor said it sounds like he only needs Variances on the northern building right now. Mr. Morgan said the southern building would have to comply with code if the Board goes with his recommended conditions.

Mr. Turner said he would not be opposed to the southern building having a 30' rear yard setback because of the way the topography falls off in the rear. It would give them more flexibility in the back of the site.

Mr. Sedor said the applicant would have the right to come back and apply for another Variance if they accept the Staff recommendation. Mr. Talbert said he would be willing to accept that if that's the Board's decision. However, he would like the Board to consider Variances for both buildings because of the expense involved.

Chairman Turner asked if anybody from the audience wanted to speak at this time?

Mr. Dan Martin said he was in favor of the request.

Mrs. Melissa Talbert said she was in favor of the request.

**Mr. Turner asked for a motion. Mr. Hincks made a motion to approve the request with the following conditions:**

**1. The northern building shall comply with the following building setbacks:**

**Front Yard: 30' Minimum  
Rear Yard : 30' Minimum  
Side Yards: 10' Minimum**

**2. The southern building shall comply with the following building setbacks:**

**Front Yard: 50' Minimum  
Rear Yard : 30' Minimum  
Side Yards: 10' Minimum**

**3. The approval is based on the preliminary plan. The Zoning Administrator can approve minor changes to this plan.**

**Mr. Croweak seconded the motion. Chairman Turner called for the vote and it carried unanimously.**

2. Request of **Brian Taylor** for a Variance to reduce the required 30' rear yard building setback to allow the construction of a deck. The approximate 0.24 acre site is located at 336 University Drive, Walton, Kentucky and is currently zoned Suburban Residential One (SR-1).

Staff Member, Todd Morgan, AICP, presented the Staff Report which included a Power Point presentation (see Staff Report).

Mr. Brian Taylor said he owned the property. The only reason he doesn't want to reduce the deck to 10' x 20' is that his mother-in-law lives in the basement and she is pretty immobile. They have a chairlift so she can get up to the first floor of the house. She will

be using the deck and they plan on buying her a scooter to get around. He worries that the 2' difference will make it harder for her to navigate the deck. They could probably live with a 10' x 20' deck but it will reduce usability for everybody in the house.

Mr. Croweak asked if there were any other houses in the neighborhood that received similar deck Variances? Mr. Morgan said he was not aware of any others in this neighborhood. There have been other cases in Boone County where the builder has built the house and the owner learned after they closed that a Variance was needed to build the deck.

Mr. Taylor said they purchased one of the shallowest lots in the neighborhood. They used to live a few lots down and their lot was a lot deeper.

Mr. Hincks asked if there were any ADA requirements for a deck? Mr. Morgan replied that would be a Building Code issue and the question should be directed to Boone County Building Department. He said he wasn't aware of any ADA requirements for a residential deck. He has seen a lot of 10' x 10' decks built onto houses.

Mr. Taylor said his mother-in-law could turn around a scooter on a 10' x 20' deck. The issue is the stairs will be recessed into the deck so they can connect to their existing patio. This area is right by the door where you go in and out of the house. An extra 2 feet in this area is really what is going to make a difference.

Mr. Turner asked if anybody else from the audience wanted to speak? There was no response.

Mr. Sedor said they need to look at the impacts on the future neighbors. The future neighbors will be located pretty close to the patio and deck. The deck will have more impacts on the neighbor the further back it is constructed. The Preliminary Plat that is attached to the report shows the deck will be oriented towards the side of the future house on lot 229. The applicant's drawing also shows that he intends on constructing a shed in his rear yard in the future. Mr. Sedor asked how big the neighbors deck was? Mr. Morgan replied that the deck at 332 University Drive is 16' x 12', according to the 11/29/07 Zoning Permit.

Mr. Morgan said he would like to address one thing that Mr. Sedor said regarding the future neighbors. The future owners will be able to visualize the deck because it will be constructed before they make a decision to buy. Ms. Fugate said she agreed.

Mr. Taylor said there are no privacy fences in the neighborhood. Mr. Sedor said he brought up the issue because if he were the neighbor he would be wondering what he would be looking at. He said that Staff is only recommending two trees and they will not give much of a barrier. Mr. Morgan said he didn't believe the applicant's lot was deep enough for large trees. Especially after the deck is constructed. Mr. Sedor asked how far off the house the patio comes? Mr. Taylor replied 16'. He added the patio will come off the house 4 more feet than the deck.

Ms. Fugate said she believes the house on future lot 229 (Preliminary Plat number) will be setback pretty far. The view from the deck will probably be the side of the future house.

Lot 229 seems to be a small lot which is oddly shaped. Mr. Morgan said lot 229 could be amended slightly when the Final Plat comes in for review.

Mr. Turner asked if there were any more questions? There was no response.

**Mr. Hincks made a motion to approve the request as submitted with the following condition:**

1. **Two small trees from Plant List C (see Article 36 of the Boone County Zoning Regulations) shall be planted between the deck and rear property line.**

**Ms. Fugate seconded the motion. Chairman Turner called for a roll call vote. Chairman Turner - "yes", Mr. Croweak - "yes", Ms. Fugate - "yes", Mr. Hincks - "yes", and Mr. Sedor - "nay". The motion carried 4-1.**

### **OTHER**

The Board members discussed who was interested in serving as an officer. After some discussion Ms. Fugate indicated she would be interested in serving as Secretary. Mr. Morgan asked if anybody else was interested in that position? There was no response. Mr. Turner called for a vote for Ms. Fugate to serve as Secretary and it carried unanimously. Mr. Hincks said he would be interested in serving as Vice Chairman. Mr. Morgan asked if anybody else was interested in that position? There was no response. Mr. Turner called for a vote for Mr. Hincks to serve as Vice Chairman and it carried unanimously. Mr. Croweak said he would be interested in serving as Chairman. Mr. Morgan asked if anybody else was interested in that position? There was no response. Mr. Turner called for a vote for Mr. Croweak to serve as Chairman and it carried unanimously.

### **ADJOURNMENT**

Mr. Turner asked for a motion to adjourn. Mr. Turner so moved and Mr. Croweak seconded the motion. The motion carried by unanimous consent and the meeting adjourned at 7:14 P.M.

**APPROVED**

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**Steve Turner**  
**Chairman**

**Attest:**

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