

**WALTON BOARD OF ADJUSTMENT
WALTON SENIOR CENTER
BUSINESS MEETING
SEPTEMBER 18, 2018
6:30 P.M.**

Mr. Hincks, Vice-Chairman, called the meeting to order at 6:30 P.M.

BOARD MEMBERS PRESENT:

Mr. David Hincks, Vice-Chairman
Ms. Caitlin Fugate
Mr. Kevin Ryan
Mr. Steve Turner

BOARD MEMBERS NOT PRESENT:

Mr. Edward Sedor

LEGAL COUNSEL PRESENT:

Mr. Thomas Nienaber

APPROVAL OF MINUTES:

Mr. Hincks stated the Board members received copies of the minutes of the Walton Board of Adjustment meeting of June 21, 2018. Mr. Turner moved they be approved and Ms. Fugate seconded the motion. Mr. Hincks asked for a vote and it carried unanimously.

Mr. Morgan announced that Mr. Ryan was a new member of the Walton Board of Adjustment and he took the Oath of Office this evening.

AGENDA ITEMS:

1. Request of **Phil Freihofer** for a Conditional Use Permit and Variance. The Conditional Use Permit would allow the property to be subdivided and two (2) duplexes to be constructed. The Variance would allow the minimum road frontage of each duplex parcel to be reduced from 75' to 65'. The approximate 0.938 acre lot is located on the southeast side of Old Beaver Road between 8 Old Beaver Road and 12 Old Beaver Road, 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). He added that he received letters from Larry Norris and Fay Norris and they are part of the record (see Exhibits 1 and 2).

Mr. Hincks asked if the applicant would like to make a presentation? Mr. Phil Freihofer said Mr. Morgan laid out the request very well. He senses some opposition in the audience and would like to receive feedback. He doesn't want to ruffle any feathers. He is a small builder and lives in Union. He owns and maintains several duplexes. He takes care of his buildings because they are his investments. He estimates that he will have \$400,000 invested in the project if the duplexes are constructed. These are long term investments. He will not build them and flip them.

Mr. Ryan asked what he would do with the property if the duplexes aren't approved? Mr. Freihofer said he would split the parcel into two single-family residential lots. Each lot would be approximately a half acre in area. He would probably sell the houses once they were constructed.

Ms. Fugate asked Mr. Freihofer where his other rental properties were? He replied that he had some in Wysteria Village and others in Erlanger. She asked what the anticipated rents would be for the duplexes? He estimated about \$900 per month per unit.

Ms. Hettie Cheesman said she lived next door at 12 Old Beaver Road. She asked if his plan was to clear the entire lot? Mr. Freihofer said he planned to clear about 10 feet back from the rear driveways. Ms. Cheesman said the residents wouldn't have a rear yard. Mr. Freihofer said he doesn't see many kids living in two-bedroom units. He would anticipate about 1 child per unit.

Ms. Cheesman asked if this could be Section 8 housing? Mr. Freihofer said he will not deny Section 8 housing because he cannot discriminate against anyone. However, he requires all of his tenants to have steady job employment and he does background checks. Ms. Cheesman asked if a privacy fence could be put up near her side property line if the request was approved? Mr. Freihofer said he would be willing to discuss it. He added that his business is construction and remodeling homes. He takes pride in his properties and would keep it in tip top shape.

Mr. John Wainwright said he lived at 308 LaSalle Court. He thinks the fact that the property can be divided into single-family residential lots allows the applicant reasonable use of the land. This is a single-family residential area and he believes it should stay that way.

Mrs. Jana Kramer said she lived at 8 Old Beaver Road. She has a problem with the possibility of four families living right on top of her. It's a single-family residential area, except for the duplex at 1 Old Beaver Road. She said the back of the subject property is in rough shape and it will take Mr. Freihofer years to clean it up. She asked if he had checked into sanitary sewer service? Mr. Freihofer responded that he had talked with Roger Williams about it. There is an easement that runs right along the property line. He can scoot the structure over a few feet if needed. Ms. Kramer said she would not be opposed to two single-family dwellings or one duplex.

Mr. Gene Mason said he and his wife lived at 2 Old Beaver Road. He asked why another duplex had to be proposed? He lives across the street from a duplex and the owner doesn't maintain it. The gutters are full and there are mold problems. He told some of the tenants

to call the Board of Health. There was another time 6 children were sitting in the garage smoking pot. That property makes his look bad.

Mr. Russell Ryan said he lived at 25 Old Beaver Road and he is opposed to duplexes being built on the property. He would much rather see two single-family residential dwellings built on the property.

Ms. Barbara Yelton said she lived at 2 Old Stephenson Mill Road. She moved here about 20 years ago and worked for the court system at that time. She knew which areas of Boone County were the safest and had good schools for her daughter. She brought her daughter to a residential community with great neighbors. She doesn't want to see that change. She doesn't want the applications to be approved.

Mr. Ken Kramer said he lived at 5 Old Beaver Road. He doesn't want to see duplexes constructed on the subject lot. He would rather see two single-family residential dwellings. He questioned if the sanitary sewer line location was near the property line and if the structures would be located in the easement?

Mr. Richard Gray said he lived at 6 Old Stephenson Mill Road. He is concerned about traffic. Their road has gotten so busy in the morning that it can take 5 minutes to get out. With the proposed development there could be 8 additional vehicles. He added that he is also speaking for his neighbor, Judy Pauly. She lives directly across the street from the subject property and couldn't be here tonight because she is still at work. She is worried about the additional traffic because her grandchildren frequently play outside. She is also worried about what the duplexes would do to the value of her property. Most renters do not take care of their units or the property. There are 36 duplexes on the other end of Old Stephenson Mill Road and the police are at those units all the time. There are also 6 apartment buildings on Old Stephenson Mill Road. He feels that there is enough rental units in Walton.

Ms. Jana Kramer said there are a lot of wild animals, such as racoons, ground hogs, and deer, on the property. She said it was a disaster waiting to happen if the area wasn't cleared out and little children were playing in close proximity to the animals.

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

Mr. Turner asked what the side yard setback requirements were for a single-family residential dwelling in the SR-1 zone? Mr. Morgan said the minimum on any one side can be 5 feet and the total of both sides must be 15 feet or greater. The closest two single-family homes could be apart is 10 feet in the SR-1 zone.

Mr. Hincks said Mr. Gray's comment about 8 additional vehicles should be considered because it's possible. A stop sign was recently installed at the Central Avenue/Old Stephenson Mill Road intersection because of traffic. The location of the subject property is in close proximity to the Old Beaver Road/Old Stephenson Mill stop sign and safety should be considered. The Board needs to look of the safety of the people that live in the area.

Mr. Turner said he cannot get past the second Variance finding. The finding reads that “the strict application of the provisions contained in the regulations would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.” He doesn’t believe the applicant meets this because he would still have reasonable use of the land. He also doesn’t believe the applicant meets the second Conditional Use Permit finding found in Section 262 of the Boone County Zoning Regulations. The duplexes would not be harmonious or appropriate with the intended character of the area. He would feel differently if one duplex was being proposed on the property.

Mr. Ryan said the property used to contain a single-family residence with a greenhouse. He has a problem with the amount of housing density in the area. He also doesn’t believe the duplex located at 1 Old Beaver Road is well kept. He knows Mr. Freihofer said he will own and maintain the duplexes but eventually the property will flip. He doesn’t feel like the duplexes are consistent with the majority of housing that is located in the area. He wishes they could revisit the duplex at 1 Old Beaver and some of the properties at the other end of Old Stephenson Mill. There are a lot of rentals in that area and a lot of problems associated with them. Someone mentioned the park earlier that’s located at Bearcat Drive. He has seen crowds at the park that he doesn’t want his family around. There is a lot of people that hang out at the park. He believes adding 2 more duplexes (4 units) in the area is contrary to what most people in the community would want to see. One or two single-family homes would be a much more appropriate use of the property. He added the school receives a lot of students from rental units in this area. He thinks on average they would receive more than 1 child per unit from the proposed duplexes. He wouldn’t be surprised to see 10 kids living in the 8 units because of the rents and the quality of the schools.

Mr. Hincks said the Board recently approved an affordable rental housing development on Service Road (behind Waffle House) for those that need and desire that type of community. The children that reside at that development will attend Walton-Verona Schools. Mr. Ryan said the difference is that apartment development is in close proximity to the Walton Towne Center and is encouraged by the language found in the Boone County Comprehensive Plan.

Mr. Hincks asked for a motion on the requests. Mr. Turner moved to deny the requests based on his statements earlier. The proposal is not harmonious with the intended character of the general vicinity and will not deprive the applicant of the reasonable use of the land. Mr. Ryan seconded the motion and it carried unanimously. Mr. Hincks called for a vote and it carried 4-0.

OTHER

Mr. Turner asked if they should elect officers again because Chairman Croweak resigned from the Board of Adjustment and now serves on Walton City Council? Mr. Morgan said they could elect officers now or wait until the next meeting when they had all five members present. Mr. Nienaber agreed. Ms. Fugate asked if Mr. Sedor expressed an interest in being an officer at the last meeting? Mr. Morgan responded he did not. Mr. Hincks made a motion that they elect new officers tonight and Mrs. Fugate seconded the motion. Mr. Hincks called for the vote and it carried unanimously.

Mrs. Fugate said she was interested in remaining Secretary/Treasurer. Mr. Morgan asked if anyone else was interested in that position? There was no response. Mr. Hincks called for the vote and it carried unanimously.

Mr. Turner said he would be interested in serving as Vice-Chairman and Mr. Hincks said he would be interested in serving as Chairman. Mr. Morgan asked if anybody else was interested in either position. There was no response. Mr. Hincks called for the vote and it carried unanimously.

ADJOURNMENT

Mr. Hincks asked for a motion to adjourn. Mr. Turner so moved and Mr. Ryan seconded the motion. The motion carried by unanimous consent and the meeting adjourned at 7:22 P.M.

APPROVED

David Hincks
Chairman**Attest:**

Todd K. Morgan, AICP
Senior Planner, Zoning Services

Exhibits

1. Letter from Larry Norris
2. Letter from Fay Norris