

**WALTON BOARD OF ADJUSTMENT  
BUSINESS MEETING  
MAY 27, 2021  
6:30 P.M.**

Chairman Hincks called the meeting to order at 6:31 P.M.

He stated the meeting was being held via video teleconference pursuant to KRS 61.826, SB 150 and OAG 20-05. The public hearing format has been necessitated due to the state of emergency regarding the threats to public health presented by the novel Coronavirus (COVID-19) pandemic.

Mr. Morgan confirmed that all those in attendance could see and hear the proceedings. All those in attendance stated that they could see and hear the proceedings.

**BOARD MEMBERS PRESENT:**

Mr. David Hincks, Chairman  
Mr. Kevin Ryan  
Mrs. Caitlin Fugate  
Mr. Edward Sedor

**BOARD MEMBERS NOT PRESENT:**

Mr. Steve Turner, Vice-Chairman

**STAFF MEMBERS PRESENT:**

Mr. Todd K. Morgan, AICP, Senior Planner

**LEGAL COUNSEL PRESENT:**

Mr. Dale T. Wilson

**APPROVAL OF MINUTES**

Mr. Turner logged onto the meeting at this time.

Mr. Hincks stated the Board received copies of the minutes of the Walton Board of Adjustment meeting of March 16, 2020. He asked if there were any other comments or corrections. Mr. Ryan moved to approve the minutes and Mrs. Fugate seconded the motion. Mr. Hincks called for the vote and it carried unanimously.

**ACTION ON REVIEWS**

1. Request of Daniel E. Childress for a Variance. The Variance is to allow D & D Industrial Contracting to construct a 76' x 60' building in the 30' rear yard building setback. The approximate 1.97 acre parcel is located at 101 Mullen Drive, Walton, Kentucky and is zoned Industrial One (I-1).

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

Mr. Ryan said he reached out to Mr. Morgan last week regarding the landscaping that was shown on the previous Site Plans and code enforcement regarding those plans. He was also curious why the first addition was not constructed per the approved plan. The approved plan showed a detached structure and it was constructed as an attached structure. He does not have concerns regarding the new building but is concerned that proper landscaping be installed. The previously approved trees would be mature now if they would have been installed and would have comprised a nice buffer between the business and adjoining house.

Mr. Hincks asked if the adjoining house to the west existed before D & D Industrial Contracting developed. Mr. Morgan and the applicant, Daniel Childress, stated the house existed before the business. Mr. Sean Murray said the owner of the house, Mr. Gary Kinman, went to Boone County and informed them that he didn't want all of the trees planted because of impacts it could have on his septic system. They also removed a lot of trees from the site when Mullen Drive was being put in. They have put other trees in since this time.

Mr. Hincks asked Mr. Morgan if the adjoining property owner to the west had contacted him regarding the request. Mr. Morgan said the property owner was sent a certified letter but he did not hear from him.

Mr. Hincks asked if the applicant's team had any other comments they would like to make. Mr. Murray said they have been on the property since approximately 1995. The pandemic has limited their ability to rent equipment so they have had to start buying it. They do a lot of work in Kentucky with distilled spirit businesses and the work requires fork lifts and man lifts on job sites. The proposed building will allow them to keep this equipment indoors. They have always intended to develop this portion of the property and are now growing into it.

Mr. Ryan said the current site photos show a lot of equipment outside. He asked if this equipment would be moved inside once the new building was constructed. Mr. Murray said most of the equipment will be kept inside. They do not like to park anything outside. He said they own 20-24 fork lifts right now and 3 years ago they owned 2.

Mrs. Fugate asked if the parking lot will be expanded. Mr. Murray said they will need to add about three feet onto the existing parking lot and will tie it into the new building.

Mr. Hincks asked if a Site Plan would take into account the proximity of a septic system. Mr. Morgan said typically not on an adjoining property. He is not aware of the discussions that took place between the adjoining property owner and the Planning Commission. It's possible those discussions are archived in the Site Plan files.

Mr. Childress said he believes they have a great looking building and landscaping package and everything is well maintained. The proposed building will allow them to keep this appearance by keeping everything inside. They have no objections to adding the required landscaping for the new building. It's unfortunate but they had to remove a lot of trees when Mullen Drive was constructed. The neighbor to the west also went to the Planning Commission and asked that

some of the required landscaping not be installed. Mr. Murray said he approached Mr. Kinman regarding the proposed building and he has no issues with it.

Mr. Hincks said the area has changed significantly over the last 15 years and there a lot more people going back in that area. He believes that landscaping is important and they not only need to look now but also into the future. At some point somebody else will own the adjoining property. He does not have any issues with the proposed building because of the utility easement but thinks that adequate landscaping is important.

Mr. Sedor said he believes that adequate landscaping should be installed along the rear property line as well. However, the impact on the septic system should be analyzed. He asked who would be liable if the septic system failed. Would it be Boone County, Walton, or D & D Industrial Contracting. It's also possible the adjoining property could redevelop in the future and tie into public sanitary sewer. Mr. Wilson said the applicant would need to consult with their own legal counsel if they wanted an answer to that question. He suggested that the Board could look at the merits of the rear yard setback variance application tonight and have the enforcement staff at the Planning Commission look into what has been discussed tonight. It's possible that some relief has been granted or could be granted because of the proximity of the landscaping to the septic system. It's possible that the issue could end up back in front of this Board again as an appeal if it can't be resolved between Planning Commission Staff and the applicant.

Mrs. Fugate said she drives past this building every day and there is a buffer between this building and Littleton's Paint & Body. She asked if the applicant had shown the plan to H & M Construction. Mr. Murray said they spoke with most of the neighbors and they had no objections. He stated that they will put landscaping in around the new building.

Mrs. Fugate asked where the entrance to the new building would be. Mr. Murray said the entrance will be oriented towards the existing building and parking lot. Trees can be added towards Mullen Drive.

Mr. Ryan said he is looking at the aerial photo and trees already exist between the subject site and Littleton's. He asked if some trees could be required along the Mullen Drive frontage and the Bessmer Lane side of the property. Mr. Morgan said the new building will be subject to the landscaping requirements found in the Zoning Regulations. Landscaping will need to be installed along the exterior property lines where new building or parking improvements align with them. As a result, landscaping will be required to the front, rear, and side of the new building. He will need to determine if the landscaping on the side is on the subject property or the Littleton's site. The two property owners could enter into a shared parking agreement if they only want to do one 10' wide buffer. Mr. Ryan said it would be nice if evergreen trees were planted to the rear of the building and deciduous trees were planted along Mullen Drive. Mr. Morgan agreed but added they will need to analyze the landscaping plan closely. Large trees shouldn't be planted too close to the overhead utility lines.

Mr. Hincks said he would like to make a motion but before he does he would like to comment that he agrees with Mr. Wilson. His motion will not include any conditions regarding landscaping because that issue will be handled separately by Boone County Planning Commission Staff. His motion is to accept the request as submitted by the applicant. Mr. Sedor said he would second

the motion. Mr. Ryan agreed and indicated that code enforcement should look into the previous plans and comments that were made by the Planning Commission, City of Walton, and adjoining property owner. Mrs. Fugate said she was in agreement. Mr. Hincks called for the vote and it passed unanimously.

**OTHER**

Mr. Hincks asked if there was anything other to discuss? Mr. Morgan said the Board needs to elect officers for the calendar year. Mr. Ryan made a motion to keep current slate of officers. The current officers were Mr. Hincks - Chairman, Mr. Turner - Vice-Chairman, and Mrs. Fugate – Secretary. Mr. Sedor seconded the motion. Mr. Hincks called for the vote and it passed unanimously.

**ADJOURNMENT**

Mrs. Fugate made a motion to adjourn the meeting and Mr. Turner seconded the motion. Mr. Hincks called for the vote and the meeting was adjourned by unanimous consent at 7:08 P.M.

**APPROVED**

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**Mr. David Hincks**

**ATTEST:**

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