

CAMPBELL COUNTY & MUNICIPAL BOARD OF ADJUSTMENT  
MINUTES OF AUGUST 20, 2019 MEETING

**MEMBERS PRESENT:**

Mr. Justin Verst, Chair  
Mr. John Fessler, TPO  
Ms. Susan Meyers  
Mr. Joe Williams  
Mr. Mike Williams

**STAFF PRESENT:**

Mr. Kirk Hunter, Principal Planner  
Ms. Cindy Minter, Director of Planning and Zoning  
Mr. Michael Duncan, Legal Counsel  
Ms. Emily Woodward, Secretary

**MEMBERS ABSENT:**

Mr. Scott Bachmann

**STAFF ABSENT: N/A**

Mr. Verst called the meeting to order at 7:04 PM with the Pledge of Allegiance. Following roll call, a quorum was found to be present, with Mr. Verst, Mr. Fessler, Ms. Meyers, Mr. Joe Williams, and Mr. Mike Williams in attendance, and Mr. Bachmann absent.

Mr. Verst continued the meeting by asking if everyone had read the previous meeting minutes and if there were any questions or corrections. There being no comments or corrections, Mr. Joe Williams made a motion to approve the minutes as submitted. Mr. Fessler seconded the motion, a roll call vote found all in favor, none opposed and Mr. Mike Williams abstaining. The motion carried and the minutes were approved.

Mr. Verst introduced then introduced case BA-19-006, a request for approval of a Conditional Use Permit for an event facility at 13688 Alexandria Pike, applied for by Rick and Sue Neltner. Mr. Hunter then presented the staff report as follows:

**Campbell County & Municipal Board of Adjustment**

Campbell County Staff Comments, Findings, and Recommendations

Issue to be heard on: August 20, 2019 at 7:00 PM

**CASE NUMBER:** BA-19-006

**APPLICANT:** Rick & Sue Neltner

**LOCATION:** 13688 Alexandria Pike, Unincorporated Campbell County.

**REQUEST:** A conditional use permit for an event facility in the A-1 zone



**Overview:**

This site is owned by Rick and Sue Neltner. The Neltners purchased the property in 2017.

The applicant desires to complete additional renovations to the site and obtain a Conditional Use permit for event facilities.

**Considerations**

1. The zoning for the site and surrounding areas is Agricultural-One (A-1). The land uses surrounding the property consist primarily of agricultural land, open space and large lot residential.
2. Article X, Section 10.1 Agricultural-One (A-1) Zone of the Unincorporated Campbell County Zoning Ordinance also regulates setbacks as follows:

**Description: A-1 Zone Regulations Require:**

Minimum Lot Area:	One (1) acre
Minimum Lot Width:	One hundred (100) feet
Minimum Front Yard Depth:	Fifty (50) feet
Minimum Side Yard Depth:	Twenty-five (25) feet - (Minimum ten (10) feet on one side)
Minimum Rear Yard Depth:	Thirty-five (35) feet
Maximum Building Height:	Thirty-five (35) feet

3. Article X, Section 10.1., C. Conditional Uses, 17, States:

- C. CONDITIONAL USES: No building or occupancy permit shall be issued for any of the following-nor shall any of the following uses or any customary accessory buildings and uses be permitted until and unless the location of said use shall have been applied for and approved of by the Board of Adjustment as set forth in Article IX, Section 9.14:

...

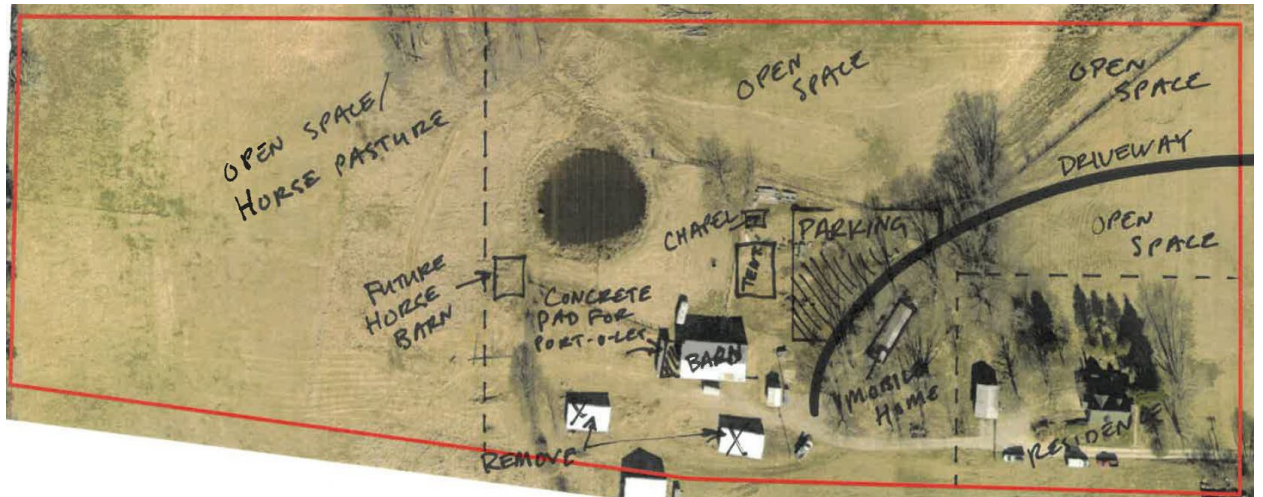
17. Event facilities.

4. Article IX, Section 9.14 Conditional Uses of the Campbell County Zoning Ordinance continues to specify the following points of interest to the Board:

- A. The Board of Adjustments may approve, modify, or deny any application for a conditional use permit. If it approves such permit, it may attach necessary conditions such as time limitations; requirements that one or more things be done before the request can be initiated, or conditions of a continuing nature.....The Board shall have power to revoke conditional use permits, or variance for noncompliance with the condition thereof. Furthermore, the Board shall have a right of action to compel offending structures or uses removed at the cost of the violator and may have judgment in persona for such cost.
- B. Granting of a conditional use permit does not exempt the applicant from complying with all of the requirements of this ordinance, the building code, housing code, and other regulations of the city.
- C. In any case where a conditional use permit has not been exercised within the time limit set by the board or within twelve (12) consecutive calendar months from date of issuance, such conditional use permit shall not revert to its original designation unless there has been a public hearing.
- D. If the landowner is not complying with all of the conditions listed on the conditional use permit, the Zoning Administrator shall report the fact in writing to the Chairman of the Board of Adjustments. The report shall state specifically the manner in which the landowner is not complying with the conditions on the conditional use permit, and a copy of the report shall be furnished to the landowner at the same time it is furnished to the chairman of the Board of Adjustments. The Board shall hold a hearing on the report within thirty (30) days, and notice of the time and place of the hearing shall be furnished to the landowner at least one week prior to the hearing. If the Board of Adjustments finds that the facts alleged in the report of the Zoning Administrator are true and that the landowner has taken no steps to comply within the time between the date of the report and the date of the hearing, the Board of Adjustments may authorize the Zoning Administrator, to revoke the conditional use permit and

take the necessary legal action to cause the termination of the activity on the land which the conditional use permit authorizes.

5. A review of public records indicates no Board of Adjustments cases for this site.
6. The site plan submitted by the applicant reflects the following:
  - a. The site is located on an approximately twelve (12) acre lot of record.
  - b. The site is currently used for agricultural purposes.
  - c. The site plan shows the location of the existing structures as well as the proposed:
    1. tent location;
    2. parking area;
    3. chapel;
    4. port-o-let location and
    5. horse barn.



7. The applicant has submitted a business plan. The full plan can be found at the end of this report. Information regarding the conditional use permit is excerpted here:

**Structures that will be used for the Event Facility**

1. Large Barn size 37' x 67', used for the food line and bar for the wedding.
2. Small brick building (the old milk house) size 12 x 10 used for storage for the wedding.
3. Mobile home size 13'x 67', future use for Bridal prep area and cooling station during hot weather. Restroom will be locked and not used during the reception.
4. Wedding Arch to be built in the field past the Sycamore tree. Floor will be poured in concrete.

5. A tent will be erected for each wedding; we are working with Advantage Tent Company, Justin Williams. Maximum size would be 40' x 100'. Portable handicap accessible restrooms will be provided by this company and will be placed behind the large barn on concrete.

### **Hours of Operation will vary for the seasons**

- Open: May-October for Event Facility
- Weekends: Friday & Saturday 6:00 am to 11:00 pm
- November/December for sale of Christmas trees: 4 pm to 9 pm, days may vary.
- Sunday- Thursday by appointment only
- Closed: January – April for cleaning, repairs and prep for new season.

All businesses will need to be licensed with Campbell County to be able to work at South Wind Farm. Each business that would like to be part of South Wind Farm will have to fill out an application and provide the occupational license from Campbell County. Proof of insurance and licensing will be required.

Food and drink will be provided by licensed caterers. The caterers will also carry the Alcohol license for the events. They will prep and clean up.

Parking will be on the grassy areas (not the take away from the farm) to the right of the tree in the open field. Handicap parking will be in front of the tent per requirements. Additional parking may also be to the left of the large barn in the future.

Dumpster will be to the left of the barn in the back.

Portable restrooms will be handicap accessible and located in the back of the large barn placed on concrete.

Sound system will be supplied by the DJ next to the dance floor. Portable dance floor will be placed under the tent or possibly to the right of the barn. Size of the wedding will determine that. Music will end 15 minutes before the close of time.

Marquee sign will be placed by the road with the proper set back from the property. The wall sign will be painted on the barn at the appropriate requirements.

Lighting will be provided by the tent company under the tent. Lighting for the dance floor and wedding arch areas will be provided by us using outdoor string lighting. Electric in the barn will be installed appropriately by a licensed electrician. Lighted exit signs will be installed inside the barn. Appropriate lighting for the restrooms will also be installed. Lighting will be equally spaced along the driveway with light post for safety reasons and the Marquee and all lights will be turned off 1 hour after the closing time.

South Wind Farm will continue to work with Campbell County Planning and Zoning to meet all requirements.

8. Article IX, Section 9.14 Conditional Uses of the Campbell County Zoning Ordinance governs the rights of the Board of Adjustment when granting a Conditional Use Permit; the determination that must be made; as well as actions to be taken if the applicant fails to comply with any conditions to an approval of the use. To grant a Conditional Use Permit, the Board must make the following determination:

A. That the proposed use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood or the community;

**The applicant states:** *“An event facility at this location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood or the community.”*

**Staff comment:** The proposed use at this particular location is necessary or desirable to provide a service or facility that will contribute to the general well-being of the neighborhood or the community.

B. That such use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity;

**The applicant states:** *“The event facility will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.”*

**Staff comment:** Such use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.

C. That such use will comply with any regulations and conditions in this Ordinance for such use.

**The applicant states:** *“South Wind Farm will continue to work with Campbell County Planning and Zoning to meet all requirements.”*

**Staff Comment:** Such use will comply with any regulations and conditions in the Zoning Ordinance.

9. Per Section 18.2., Procedure for All Appeals to Board, a legal notice of this public hearing was given in accordance with the Campbell County Zoning Ordinance. ***A legal notice was scheduled to appear in the August 8, 2019 edition of the Campbell County Recorder advertising applicant's request and the hearing to be held on August 20, 2019. Notice was mailed to adjacent property owners.***

**Summary of Applicants Request:**

The applicant is requesting a conditional use permit for an event facility

**Staff Recommendation:**

To approve the conditional use permit for an event facility.

**Bases for Staff Recommendation:**

1. In compliance with SECTION 18.7 CONDITIONAL USE PERMITS of the Campbell County Zoning Ordinance, a written application for a conditional use permit and a site plan subject to the applicable requirements of Section 9.19, was submitted to the Board for review and approval;
2. Notice of public hearing was given in accordance with Section 18.2 of the Campbell County Zoning Ordinance;
3. In accordance with KRS. 100.237, the Board of Adjustment shall have the power to hear and decide applications for conditional use permits to allow the proper integration into the community of uses which are specifically named herein which may be suitable only in specific locations in the zone.
4. The evidence presented by the applicant and staff is such as to establish beyond any reasonable doubt:
  - a. That the proposed use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood or the community;
  - b. That such use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.
  - c. That such use will comply with any regulations and conditions in the Campbell County Zoning Ordinance for such use.

**Additional Notes to the Applicant:**

1. The granting of a conditional use permit does not exempt the applicant from complying with all of the requirements of this ordinance, the building code, housing code, and other regulations.

2. Farm exemption may not be used on facilities related to this conditional use

**Appendix:** Additional information from applicant

**Business Plan for South Wind Farm 5 Year Plan**

Rick and Sue Neltner purchased the farm at 13688 Alexandria Pike, Butler, Ky. 41006 on November 30, 2017. The property is in Campbell County even though it has a Butler address. The property was the heart of a 1,500-acre farm at one time and over the years, the property was sold off. It was a dairy farm until the original barn burned down in the 1970's. On the property is a red brick 4 bedroom home, wooden garage, 2 sheds, large wooden barn, a mobile home, small brick milk house and a pond. At the time of the purchase there was the original log home; however we tore it down because 3 trees were holding it up and it was unsafe.

Rick grew up on a farm in Alexandria where his family farmed 32 acres and would take produce to market at Lunken Airport. I grew up in Southgate/Ft. Thomas and worked on a dairy farm at Eastern Kentucky University in Richmond, Ky. stripping tobacco.

Rick started a construction company; managed employees and worked with the public on jobs. I helped to start the business by incorporating it with the state of Kentucky and completing the paperwork.

Rick and I also owned and operated a small business in Alexandria called The Old Coney Company. We remodeled and set up the business, hired and managed employees and completed the paperwork for the state.

I also plan bus trips as a service for our local senior citizens and I understand how scheduling, time management and business contacts are important.

We have learned a lot from these businesses and understand what it takes to sustain a successful business.

Our 5-year plan is as follows:

2017

1. Purchased the property and began cleaning.
2. Applied for a Conservation Grant for the farm clean up and have been awarded \$2,500.00 upon completion.

2018

1. Early in the year, the farmhouse was renovated (major cleaning) and was first rented on June 1, 2018. We have continued to work on the landscaping of the property by removing many dead trees and bushes.
2. After clearing some of the property, we saw a beautiful piece of property on the side of the home close to the road that would be great for a garden.
3. After clearing around the barn and mobile home, we discovered that the property had the potential to be an event facility for weddings, large parties, reunions, and host business/corporations for events.
4. As of July 2018 I established with the state of Kentucky the name for the farm,



South Wind Farm, LCC. With a Federal Tax ID#83-1247314 and our farm service number is 1561 tract 8449.

5. The Kentucky Department of Transportation approved a second curb cut on US 27, this will be for better flow of traffic with an IN and OUT during the events. The new driveway was installed and we hope in the future to pave the driveway.

#### 2019

1. Renovation on the mobile home was started. This structure is 13 x 67 with 2 bedrooms, 1 bath, kitchen and living room. Plans for this are a temporary home for us in 2020 until our home can be built. See below for more details.
2. The large barn will be cleaned up and painted. After meeting with Mark Bryant and discussing what it would take to use the barn during the weddings, we received a small list of renovations; Electricity, Lighted Exit signs, pour concrete floor and make it handicap accessible. We are hoping to use the barn for the food line and bar in 2020.
3. We continue to prepare the property for the event facility. Fencing will begin on both sides to defined property.

#### 2020

1. To begin hosting Weddings Parties Reunions, Business/Corporations, etc.
2. Prepare the garden for flowers to use for weddings and sell to local florist.
3. To coordinate with the local Beekeepers to place bee boxes on the property.
4. To begin plans for building our home on the property, living on the property will make it much easier to manage everything.

#### 2021

1. To be listed on the Campbell County Back Road Farm Tours.
2. To be labeled as an Agritourism Farm with the label Kentucky Proud.
3. Continue with the Event Facility
4. Expand if it is needed.

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South Wind Farm will continue to work with Campbell County Planning and Zoning to meet all requirements.

The issue was then tuned to the board for discussion.

Mr. Mike Williams inquired as to where the closest neighbor was located. Mr. Hunter and Ms. Minter elaborated on the location, noting that the surrounding properties were empty lots, a bar, and a church that was believed to be vacant as well as a trucking company. Ms. Minter also shared

that there are currently plans to correct and add climbing lanes at this intersection which would be very helpful. Mr. Verst asked if a more detailed site plan would be required at a later date to address issues such as accessibility. Ms. Minter confirmed that more details would likely need to be reviewed by staff, but that the applicant wanted to confirm that the use was allowed before going too far into the details.

The floor was then turned to the applicant. The applicants presented relevant photos of the property and the work that they have done. They also discussed some future plans for the land such as a produce stand and flower farming. Mr. Neltner reiterated that their intention is to maintain the integrity of the farm. The board and staff discussed some details regarding drainage in parking areas. The Neltners also discussed details regarding restrooms, set up and take down, as well as lighting and staff presence during events.

Discussion was then turned to the board members. After a brief period of discussion Mr. Verst opened the floor for a motion. Mr. Mike Williams made a motion to approve, with the condition that a detailed site plan be submitted to staff, and that music and entertainment should cease at midnight, with all event related lighting being extinguished no later than 1 AM. Mr. Fessler seconded the motion. A roll call vote found all in favor, none abstained or opposed. The motion carried. Mr. Verst then turned the floor to staff for the Administrator's report.

**Administrators Report:**

Staff shared that there would likely be meetings in both September and October. Mr. Verst expressed concern about not being able to make the October meeting. After some discussion amongst Board and staff it was decided to move the October up to the week prior, to take place immediately following the Planning and Zoning meeting the same night. The new meeting dates are Sept. 17 at 7 PM and October 8 at 7 PM

There being no other business Mr. Mike Williams made a motion to adjourn, Mr. Fessler seconded. An oral vote found all in favor. The meeting adjourned at 8:00 PM.

Prepared by:

Approved:

\_\_\_\_\_  
Cindy Minter  
Director

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