

**ZONING BOARD OF ADJUSTMENT
BLUE GRASS CITY HALL
SEPTEMBER 12, 2016
6:00 P.M.**

The Zoning Board of Adjustment met in regular session at 6:02 p.m. on the 12th day of September, 2016, in the City Council Chambers of City Hall, 114 N. Mississippi Street, pursuant to law, with Chairman Chris Marxen calling the meeting to order, with a Pledge of Allegiance and a moment of reflection.

ROLL CALL: Members present were Steve Kammerer, Chris Marxen and Gerry Turner. Absent were members Earlene Anderson and Eric Morrison. Others present: Mayor Tim Brandenburg and Terry Leighton.

Chairman Marxen read aloud the "Opening Statement of the Zoning Board of Adjustment"

APPROVAL OF AGENDA: Kammerer moved to approve the agenda as presented, seconded by Turner. All ayes, motion carried.

APPROVAL OF MINUTES: Kammerer moved to approve the minutes of the July 29, 2015 meeting as presented, seconded by Turner. All ayes, motion carried.

NEW BUSINESS:

PUBLIC HEARING: VARIANCE REQUEST TO OBTAIN A HOME OCCUPATION PERMIT REF: LORI KELLEY AND TERRY LEIGHTON: Turner made a motion to close the regular meeting and open the public hearing, seconded by Kammerer. A roll call vote was taken: Turner-aye, Kammerer-aye and Marxen-aye. Motion carried. The public hearing was opened at 6:05 p.m. The Clerk reported that there were no oral or written objections. Chair Marxen asked that the applicant, Mr. Terry Leighton explain to the Board his request for a Home Occupation Permit. Mr. Terry Leighton reported that he was requesting to renew his Home Occupation Permit that was approved by the Board at their July 29, 2015. He further explained that he currently has a permit from the Federal Department to sell guns/firearms from his R-2 Residential residence; however, in order to comply with City Ordinances, he must obtain a Home Occupation Permit. Mr. Leighton proceeded to explain that most of his sales will be shipped and that there would be minimal sales from his residence. He said that he has very strict federal guidelines that he has to follow such as all firearms must be secured in a gun safe and must have safety locks on all firearms. The Clerk reported that Mr. Leighton had signed an agreement stating that he would have less than 25 percent of the inventory temporarily stored on site prior to shipping and less than 25 percent of the total floor area of the dwelling would be devoted to the business in order to meet the guidelines defined under the Home Occupation Ordinance. Marxen read aloud City Attorney William McCullough's letter of recommendation stating that there have been no complaints filed associated with Mr. Leighton's Home Occupation Permit and since Mr. Leighton has stated that most of his business is related to mail/internet order business, and based on the facts presented by Mr. Leighton, he would recommend that the Board approve Mr. Leighton's Home Occupation Permit. Several residents expressed concerns on the fact that their neighbor is selling firearms and they feel that is a safety hazard along with the fact that there are several small children throughout the subdivision that are living in and around Mr. Leighton's residence. Residents also expressed concerns on the City allowing residents to run a business from their residential homes stating that they feel if a resident wishes to run a business they should purchase a commercial building and run their business through the commercial district and not in a residential district. Mr. Leighton explained to the residents that if he were to violate any of the federal regulations binding with his permit, he could face prison time along with a very hefty fine and lose his permit reassuring them that he was more legal and safe than most individuals. He also informed both the Board and residents that most of his sales to other firearm dealers and if he were to sell a firearm to an individual, they must pass a very thorough

background check and must comply with all federal regulations. Chair Marxen asked for further discussion, since there were none, Kammerer moved to close the public hearing and reopen the regular meeting, seconded by Turner. A roll call vote was taken: Kammerer-aye, Turner-aye and Marxen-aye. Motion carried. The regular meeting reconvened at 6:30 p.m.

RESOLUTION ZBA 16-01: APPROVING A VARIANCE TO OBTAIN A HOME OCCUPATION

PERMIT REF: LORI KELLEY/TERRY LEIGHTON: Turner made a motion to adopt Resolution ZBA 16-01, seconded by Kammerer. A roll call vote was taken: Turner-aye, Kammerer-aye and Marxen-aye. Motion carried. The Clerk reported that the Zoning Board's decision will go before the City Council at the September 19, 2016 Council meeting at which time the Council will review the Board's decision. She said that if they feel there should be more discussion held, they could remand the Board's decision back to the Board for further review at which time the Board would then set another meeting to further discuss and whatever the Board decides at that meeting is final; however, if the Council does not feel there should be more discussion, then the Home Occupation Permit becomes final 30-days from the date the Board originally approved the Home Occupation Permit.

OTHER: There were none.

ADJOURNMENT: Anderson made a motion to adjourn, seconded by Kammerer. All ayes, motion carried. The meeting was adjourned at 6:34 p.m.

Submitted by: Ann M. Schmidt, CMC, City Clerk/Financial Officer