

**Kenton County Joint Code Enforcement
Board Meeting Minutes: September 10, 2026**

Chairwoman Alanna Gillen called the meeting of the Kenton County Joint Code Enforcement Board to order at 6:00 PM in the Kenton Chambers of the Kenton County Government Center in Covington. Attendance of members was as follows:

Member	Jurisdiction	Term Expiration	2026											
			January	February	March	April	May	June	July	August	September	October	November	December
OPEN	Bromley	Sep 10, 2027	R	*	*	*	*	*	*	*	*			
Patrick Hackett	Crescent Springs	Dec 31, 2028	P	A	-	P	P	P	A	A	A			
Kim Brown	Crestview Hills	Apr 30, 2028	P	P	-	A	P	A	P	P	A			
Kevin Donohoo	Edgewood	Jan 31, 2028	A	P	-	P	P	P	P	P	P			
Alanna Gillen, Chair	Elsmere	Jun 30, 2029	P	P	-	P	P	P	P	P	P			
Johnna Herrmann	Erlanger	Jun 30, 2029	P	P	-	P	*	P	P	P	P			
Paige Foss	Fort Mitchell	Dec 31, 2028	*	*	*	*	*	*	P	P	P			
Frank Henn, Secretary	Fort Wright	Mar 31, 2027	P	P	-	P	P	P	A	P	P			
Chris Barbour	Independence	Dec 31, 2027	P	P	-	A	P	P	P	P	P			
Terri Jameson Hudepohl	Kenton County	Apr 27, 2028	P	P	-	P	P	P	A	P	P			
OPEN	Kenton Vale	Term Expired	*	*	*	*	*	*	*	*	*			
Kevin Esmeier	Lakeside Park	Dec 31, 2028	*	P	-	P	P	A	P	P	A			
Dan Weber	Lakeside Park-Alt	Dec 31, 2028	*	NN	-	NN	NN	P	NN	NN	A			
Randy Lillard	Ludlow	Dec 31, 2028	A	P	-	P	A	A	A	A	A			
David Gray	Park Hills	Jan 11, 2029	W	A	-	A	P	P	P	P	P			
Roger Braden	Taylor Mill	Apr 27, 2027	P	P	-	P	P	P	P	P	P			
Nancy Collins	Ryland Heights	July 12, 2027	W	A	-	A	P	P	A	A	P			
Jim Kinsler	Villa Hills	Dec 31, 2026	P	P	-	A	P	P	P	P	P			

P present
A absent
-- no meeting that month
* not on the Board at this time
NN Alternate not needed
R Resignation received

PDS staff present included: Nicole Cullum, SHRM-CP, Deputy Executive Director; Evan Keith, Associate Code Enforcement Officer; Corey Sharp, Associate Code Enforcement Officer; Joshua Wice, Ed.D., Executive Director; Josh Wuestefeld, Senior Code Enforcement Officer; and Lori Remley, Executive Assistant.

Others present included: Matt Smith, Legal Counsel; Robin Case, 15316 Carlisle Road, Crittenden; Johanna Krumer, 6153 Club House Drive, Unincorporated Kenton County; Bernard Lohmoeller, 12484 Bowman Road, Unincorporated Kenton County; Jeff Otis, Attorney for Mr. Lohmoeller; William Lauderman, neighbor; Richard Lauderman, neighbor; Steve and Terri Robinson, 12479 Bowman Road, Unincorporated Kenton County; and Stacy Tapke, Kenton County Attorney.

Ms. Remley called the roll and Chairwoman Gillen noted for the record that a quorum was present.

ADMINISTRATIVE REVIEWS

Chairwoman Gillen asked if there were any additions or changes to the agenda. Mr. Wuestefeld advised the Board that item 10, eee, needs to be removed from the agenda and that the lien will not be recorded since the fine has been paid.

With no additional changes, Mr. Henn made a motion to approve the agenda as amended; Mr. Gray seconded the motion. A voice vote found unanimous approval.

Chairwoman Gillen noted that members had received copies of the meeting minutes for the August 13, 2026 meeting. She asked if there were any changes or corrections.

With no changes or corrections, Mr. Gray made a motion to accept the August 13, 2026, meeting minutes as presented; Mr. Barbour seconded the motion. A voice vote found unanimous approval with Ms. Collins abstaining from the vote. The motion passed.

Chairwoman Gillen advised those present that a copy of the meeting procedures was available at the sign in table and noted that witnesses would be sworn in at the start of each hearing.

PUBLIC HEARING

Chairwoman Gillen opened the first public hearing.

Appellant:	Robin Case – On Behalf of Claypool George & Elizabeth John & Eliz Hutson Tabled 8/13/2026
Address:	15316 Carlisle Rd, Unincorporated Kenton County
PIDN:	039-00-00-012.00
Case/Citation:	CE-20251767 / Citation #2
Issued by:	Joshua Wuestefeld
Date of Citation:	7/16/2026
Date of Service:	7/16/2026
Violation(s):	KCZO 10.1.F.2 Outside Storage; KCZO 9.23 Regulations Pertaining to Parking or Storing of Trailers, Mobile Homes, Campers, Inoperable Vehicles, and Other Such Type Equipment; IPMC 302.8 Motor Vehicles

Chairwoman Gillen asked if the property owner was present. Ms. Case was present and stated that she is the daughter of the owners.

Chairwoman Gillen then swore in all the witnesses.

Mr. Wuestefeld then provided background information and reviewed the procedural history (a copy of the PowerPoint presentation is attached to the original minutes). He reminded members that this case had been tabled at last month's meeting due to questions regarding service. He stated that, under the KRS, "mailing a copy of the citation by regular first-class mail to the last known recorded mailing address of the alleged violation" is lawful and valid service[KRS 65.8825 (2)(c)]. Mr. Wuestefeld indicated that as of September 9, 2026, the outside storage, campers and two inoperable vehicles remain but noted that the semi-trailer has been removed.

Chairwoman Gillen asked if Ms. Case had been anything to add. Ms. Case stated that the vehicles are registered and tagged and that she has no backyard to put the campers in. She stated that she has a picture of an RV that they were required to put in the backyard several years ago and that it is at the bottom of the hill in a mangled mess. She advised the board that they came down there to stay with her mom in December 2024 and have been cleaning it up ever since.

Chairwoman Gillen asked if the vehicles are licensed and operable. Ms. Case indicated that they are licensed and that she would not take them on the road, but they are still operable. She indicated that the vehicles are registered in her name, that she pays taxes on them, and that is her driveway. She asked if she could not park them in her own driveway, where can she park them?

Ms. Hudepohl asked if there were two campers out front. Ms. Case stated that there were. Ms. Hudepohl stated that there are three cars (tan, navy, and blue). Ms. Case indicated that they have another vehicle that is not listed but it should not matter how many vehicles she owns. Ms. Hudepohl asked if she had proof that they are licensed. Ms. Case stated that she did not have it on her and that they are not licensed through Kenton County. She indicated that they are licensed through Harrison County, Kentucky. Chairwoman Gillen asked how long the vehicles have been licensed in Harrison County. Ms. Case replied since she has owned them. Chairwoman Gillen asked legal counsel if vehicles had to be transferred to the new address within 30 days. Ms. Case then advised the board that she still lives in Harrison County.

Mr. Smith advised the board not to get too distracted by the vehicles, the issue is the vehicles being inoperable and as well as the campers in the front yard. Ms. Case interrupted Mr. Smith several times, stating that they are not in the front yard, they are in "her driveway." Chairwoman Gillen stressed that the vehicles are inoperable.

Mr. Wuestefeld noted that the ordinance does state that licensing is required, however, the issue they are trying to correct is the cars being in an inoperable state and broken down in the driveway. Ms. Case stated that the tags are expired but she can get up to date tags on them if necessary. She went on to say that there is still insurance on them, and she still pays taxes on them. Chairwoman

Gillen indicated that the licensing, registration, insurance are not issues before the board, the issue is whether they are operable and clarified operable as “roadworthy.”

Ms. Hudepohl asked if someone was living in the camper. Ms. Case responded, “no they are not” and that comes from her neighbor, the same one that keeps calling the dog warden, and making reports about false sewage smells.

Mr. Gray stated that it does not look like they are parked any type of driveway. Mr. Wuestefeld stated that it is all gravel but there are weeds growing up through it.

Mr. Donohoo asked if moving the cars behind the house would resolve the violation. Mr. Wuestefeld stated that they would still be inoperable and moving them to the backyard would not fix the issue. Ms. Case stated that “they want her to get rid of all her property, that she is not allowed to own anything because of what they say.” She went on to say that she is not part of an HMO [sic] and that she lives in the country. Chairwoman Gillen stated that there are still ordinances and rules she needs to comply with. Ms. Case responded, “Ordinances that tell you, you can’t have your property.”

Ms. Hudepohl asked Mr. Wuestefeld if any of the violations have been abated. Mr. Wuestefeld advised members that the semi-trailer has been removed but he has been unable to get compliance with the vehicles or campers. He noted that this has been going on about a year. He also stated that BOA pre-application meeting was held, but Ms. Case never pursued a waiver for storing the campers in the front yard. He stated that staff has exhausted their options trying to bring this property into compliance.

Mr. Braden asked Ms. Case why she would not take the vehicles on the road. Ms. Case stated that the Explorer will not start because something is wrong with the security and that the Jeep “needs some sway bar work in the ass end” but it runs. Mr. Braden asked if she could take the Jeep on the road as it is today. Ms. Case responded no. Mr. Braden then asked if these were the only two vehicles in question. Ms. Casey stated that she guessed so. Chairwoman Gillen confirmed that these were the tan and the blue SUVs and asked if the four-door vehicle shown in the pictures was operable. Ms. Case indicated that it was.

Ms. Hudepohl asked if that garage belonged to her and if it would be possible to put some . . . Ms. Case interrupted saying that the garage is hers but that her mom was a hoarder and that it is “plum full”. Ms. Hudepohl then noted a Rumpke dumpster on site and asked if they are in the process of cleaning. Ms. Case responded that they have been in the process of cleaning for over a year.

Ms. Hudepohl asked how long Ms. Case thought it would take her to comply and resolve the violations. Ms. Case replied when someone wants to pay her for her vehicles, she would get rid of them. Ms. Hudepohl asked if they are for sale right now. Ms. Case indicated that they can be.

Ms. Herrmann asked if the campers could be moved to the backyard as the ordinance . . . Ms. Casey again interrupted, stating that she has no backyard, it is a downhill slope. She indicated that she has pictures and video of her backyard, including a picture of a RV that is “mutilated” at the bottom of

the hill because they were required to put it in the backyard several years ago and it rolled down the hill. Mr. Wuestefeld stated that you can see in the satellite photo there are two RVs in the rear yard. Ms. Case corrected him saying that there was one RV in the rear yard and that the other is a semi-trailer.

Chairwoman Gillen asked when the last time was either camper was used. Ms. Case stated that they are being used for storage. She went on to say that when they came to take care of her mom, they had four people sleeping in the living room and that they cannot get anything done on the inside because they are constantly "messaging" with the outside, cleaning out the garage.

Ms. Hudepohl asked how long her parents had gone. Ms. Case stated that her dad, stepdad, and mom are all three gone and that the last one passed in March of this year.

Mr. Gray asked if the motorcycle next to the camper was operable. Ms. Case said that it is operable, that it was her stepdad's and that she hopes to someday be riding it.

Chairwoman Gillen asked if anyone was staying there when Ms. Case was not there. Ms. Case indicated that her son lives there and they have been staying there trying to get the place cleaned up and livable. She noted that her daughter is taking care of her house out in Berry. Ms. Case also advised the board that everyone in the house is disabled. Ms. Hudepohl asked if her son was disabled. Ms. Case stated that he is and that "he draws a check."

Ms. Hudepohl asked Mr. Wuestefeld if he had discussed what would be required to bring the property up to regulation with Ms. Case. Mr. Wuestefeld confirmed that both he and Mr. Keith have had multiple conversations with Ms. Case. Ms. Case confirmed there have been multiple discussions, but no alternatives were provided. There was additional discussion regarding where inoperable vehicles can be stored and the restriction of campers to the rear yard. Ms. Case stated it is not that they do not have a big enough backyard, it just is not level.

With no further discussion, Ms. Hudepohl, as the Unincorporated Kenton County representative, to grant the appellant six months to abate the violations and to impose the maximum fine for each unabated violation.

Ms. Case interrupted during the motion to ask what the maximum fine is and stated that the past citation the only thing that was being fined on was the campers. Mr. Wuestefeld noted that the maximum would be \$400 per violation since this is the second citation.

Chairwoman Gillen confirmed Ms. Hudepohl's motion was to grant six months and cleaned up \$0.00 fine, if it is not, then maximum fine (\$400) for each remaining violation. Ms. Hudepohl indicated that this was correct.

Mr. Smith clarified that the motion is that a violation does exist. Ms. Hudepohl said yes that a violation does exist and that she is giving the appellant six months. Ms. Case again interrupted, asking what they expected her to do with the campers in six months. Ms. Hudepohl stated that she would

have to sell them or move them. Ms. Case stated that she had nowhere to move them, she worked hard to buy them and that she was just supposed to throw away money because she cannot have her property. Ms. Hudepohl stated that this board is just here to hear the violations and that she is giving her six months. Ms. Case replied "alright."

Mr. Donohoo asked who the Board of Adjustment for this area would be. Mr. Wuestefeld stated that it would be the Kenton County Joint Board of Adjustment and stated that Ms. Case did attend a pre-application meeting and opted out of going before the Board of Adjustment. Ms. Case stated that she did exactly opt out, but nobody told her that she would have to pay \$500. Mr. Wuestefeld confirmed that there is a fee to go before the Board of Adjustment and that Ms. Case did attend the pre-app meeting, which is free, but she did not go in front of the Board of Adjustment.

Chairwoman Gill asked if Ms. Remley had the motion for the record. Ms. Remley read the motion as follows: Ms. Hudepohl made a motion based on the testimony presented and the Board's findings that the violations did exist at the time the citation was issued, that these conditions were the responsibility of the owner of the property, and that the owner was properly served, to grant the appellant six months to abate the violations [KCZO 10.1.F.2 Outside Storage; KCZO 9.23 Regulations Pertaining to Parking or Storing of Trailers, Mobile Homes, Campers, Inoperable Vehicles, and Other Such Type Equipment; IPMC 302.8 Motor Vehicles], and to impose the maximum fine [\$400] for each unabated violation, or if abated \$0.00.

Ms. Case asked if maximum fine was for the campers. Chairwoman Gillen stated that Ms. Case had violations for inoperable vehicles, outside storage, and the campers.

Ms. Case again interrupted, asking what they considered outside storage. Mr. Smith stated that it was anything outside, not under cover. Ms. Case asked what she supposedly had stored outside besides campers and vehicles. Members noted a water heater, storage box to a truck. Ms. Case stated it had all been removed except for the hot water heater. Chairwoman Gillen stated that she should be good regarding that violation as nothing else shows up and they remove the water heater within the six months granted.

Members asked, if there was room, could the campers be placed in the garage and be within regulation. Mr. Wuestefeld stated that all three violations could be resolved if the outside storage, inoperable vehicles, and campers were moved to the garage provided it was not in the public view.

Chairwoman Gillen seconded the motion. Ms. Herrmann asked if they should frame the motion the date of the meeting. Chairwoman Gillen asked what the March 2027 meeting date would be. Ms. Remley stated that the second Thursday would be March 11, 2027.

Chairwoman Gillen suggested changing the deadline to March 10, 2027. Ms. Case interrupted saying six months for three disabled people to get that garage cleaned out and get the campers in there, a camper that is not going to fit into the garage.

Ms. Remley restated the motion as follows: Ms. Hudepohl made a motion based on the testimony presented and the Board's findings that the violations did exist at the time the citation was issued, that these conditions were the responsibility of the owner of the property, and that the owner was properly served, to grant the appellant until March 10, 2027 to abate the violations [KCZO 10.1.F.2 Outside Storage; KCZO 9.23 Regulations Pertaining to Parking or Storing of Trailers, Mobile Homes, Campers, Inoperable Vehicles, and Other Such Type Equipment; IPMC 302.8 Motor Vehicles], and to impose the maximum fine [\$400] for each unabated violation, or if abated \$0.00; Chairwoman Gillen seconded the motion.

Chairwoman Gillen asked for a roll call vote which found Ms. Hudepohl, Chairwoman Gillen, Mr. Barbour, Mr. Braden, Ms. Collins, Mr. Donohoo, Mr. Gray, Mr. Henn, Ms. Herrmann, Mr. Kinsler, and Ms. Foss in favor of the motion. The motion passed by a vote of 11 to 0.

Chairwoman Gillen opened the next public hearing.

Appellant:	Johanna Krumer
Address:	6153 Club House Drive, Unincorporated Kenton County
PIDN:	059-40-00-128.04
Case/Citation:	CE-20252038 / Citation # 8
Issued by:	Joshua Wuestefeld
Date of Citation:	8/14/2026
Date of Service:	8/14/2026
Violation(s):	KCZO 10.8 R-1E (RESIDENTIAL ONE-E) ZONE F. Other Development Controls; IPMC 302.4 Weeds; IPMC 302.8 Motor Vehicles

Chairwoman Gillen asked if the property owner was present. Ms. Krumer, the owner, was present.

Chairwoman Gillen then swore in all the witnesses.

Mr. Wuestefeld then provided background information and reviewed the Procedural History (a copy of the PowerPoint presentation is attached to the original minutes). He reviewed the photos taken on August 10th noting the violations. Chairwoman Gillen asked which vehicle was inoperable. Mr. Wuestefeld indicated that it was the black one. He then reviewed the photos taken on September 9th and noted that the engine block is still there as well as the outside storage at the rear of the driveway. He stated that the white car had been moved, the black car appeared to be operable now, and the vegetation has been knocked down as of yesterday.

Members asked to see the front of the house again. Chairwoman Gillen asked if Mr. Wuestefeld considered the violation for weeds abated. Mr. Wuestefeld noted that they were mostly abated.

Chairwoman Gillen asked if Ms. Krumer had been anything to add. Ms. Krumer apologized and thanked the board for letting her speak. She stated that she went through a very rough divorce in August of last year and that all of this was left to her. She advised members that a DVO was issued to

the father this week. She also indicated that she had double knee replacement, had been diagnosed with Crohn's, and that her with diabetes complicated things. She advised members that she was unable to physically do the work herself and, due to the loss of income in the home, she was unable to pay to have the work done.

Ms. Krumer stated that as of now all the junk had been removed from the home, that the backyard had been done last night and that she tried to email the pictures on her phone to Mr. Wuestefeld, but the file was too large. She advised the board that she has hired someone to cut and trim the yard so it will not get like this again, that both vehicles run, are licensed and insured. She noted that the black car belongs to her 16-year-old son and that she does not let him drive it much. She again apologized for letting the property get so bad and stated that it was very embarrassing.

Mr. Wuestefeld reviewed the photos on Ms. Krumer's phone and asked if they were from today. Ms. Krumer stated that they were, and that she has an extra pick-up of trash scheduled. Mr. Wuestefeld advised members that the photos are of the area along the fence line, that most of the items had been removed, with some having been moved to the curb with the garbage cans, and the weeds had been knocked down.

Chairwoman Gillen asked if the engine block is still sitting there. Ms. Krumer indicated that it would be picked up tomorrow.

Mr. Braden asked Mr. Wuestefeld if Ms. Krumer was compliant as of today. Mr. Wuestefeld stated that, besides the engine block, it is much improved.

Ms. Hudepohl asked if Ms. Krumer's pictures could be entered into evidence. There was a brief discussion about getting copies of the photos to Mr. Wuestefeld. She asked if, except for the engine, the violations have been abated. Mr. Wuestefeld confirmed that the outside storage has been removed and that the weeds have been knocked down.

Chairwoman Gillen asked if there were any other questions from the board. Members asked if there should be a re-inspection to make sure the engine is gone.

Ms. Hudepohl made a motion based on the testimony presented and the Board's findings that the violations did exist at the time the citation was issued, that these conditions were the responsibility of the owner of the property, and that the owner was properly served, to have staff re-inspect the property on or before October 7, 2026, and to impose \$0.00 if abated or the maximum fine [\$800] for each unabated violation [KCZO 10.8 R-1E (RESIDENTIAL ONE-E) ZONE F. Other Development Controls; IPMC 302.4 Weeds; IPMC 302.8 Motor Vehicles]; Mr. Henn seconded the motion.

Ms. Hudepohl suggested that Ms. Krumer keep in contact with Mr. Wuestefeld. Ms. Krumer apologized for the prior fines and stated that she was not receiving her mail since a neighbor had been blocking the mailbox. She also noted that she did not become aware of what was going on until July when she asked for an extension.

Chairwoman Gillen reminded Ms. Krumer to email the pictures to Mr. Wuestefeld so they could be added to the case file. Ms. Krumer stated that she would get them to him.

With no further discussion, Chairwoman Gillen asked for a roll call vote which found Ms. Hudepohl, Mr. Henn, Ms. Herrmann, Mr. Kinsler, Ms. Foss, Chairwoman Gillen, Mr. Barbour, Mr. Braden, Ms. Collins, Mr. Donohoo, and Mr. Gray in favor of the motion. The motion passed by a vote of 11 to 0.

Chairwoman Gillen opened the next public hearing.

Appellant: Kylie Dills
Address: 37 Loraine Court, Kenton Vale
PIDN: 042-30-00-030.00
Case/Citation: CE-20261328 / Citation #1
Issued by: Evan Keith
Date of Citation: 8/21/2026
Date of Service: 8/21/2026
Violation(s): KVZO- Article X Zones Section 10.5 R-1H Zone F.2 Outdoor Storage

Chairwoman Gillen asked if the property owner was present. Mr. Keith noted that Ms. Dillis was not present and that by failing to appear she has waived her right to appeal.

Chairwoman Gillen asked Mr. Keith to still present the case.

Mr. Keith provided background information and reviewed the Procedural History (a copy of the PowerPoint presentation is attached to the original minutes). He indicated that, as of today's inspection, the violation had been abated. Chairwoman Gillen stated that this is what the board likes to hear.

With no further discussion, Chairwoman Gillen made a motion based on the testimony presented and the Board's findings that the violations did exist at the time the citation was issued, that these conditions were the responsibility of the owner of the property, and that the owner was properly served, to impose a fine of \$0.00 since the violation has been abated; Ms. Hudepohl seconded the motion.

Chairwoman Gillen asked if there were any questions regarding the motion. With none, she asked for a voice vote which found Chairwoman Gillen, Ms. Hudepohl, Mr. Henn, Ms. Herrmann, Mr. Kinsler, Ms. Foss, Mr. Barbour, Mr. Braden, Ms. Collins, Mr. Donohoo, and Mr. Gray in favor of the motion. The motion passed by a vote of 11 to 0.

Chairwoman Gillen opened the next public hearing.

Appellant: Bernard J Lohmoeller
Address: 12484 Bowman Road, Kenton County

PIDN: 063-00-00-003.00
Case/Citation: CE-20252144 / Citation #9
Issued by: Joshua Wuestefeld
Date of Citation: 8/27/2026
Date of Service: 8/27/2026
Violation(s): KCZO 10.1 A-1 Zone A. Permitted Uses

Chairwoman Gillen asked anyone wishing to testify in this case to step to the podium and the following witnesses were sworn in:

- Bernard Lohmoeller, 148 Independence Station Road, was present and stated that he owns the property along with his son. Chairwoman Gillen clarified that Mr. Lohmoeller does not live at this property but owns it. Mr. Lohmoeller stated that he was not but was working on it.
- Steve Robinson, 12479 Bowman Road, stated that he lives across the street.
- Stacy Tapke, County Attorney, 1840 Simon Kenton Way, 4th Floor, stated that she was there on behalf of the County to reinforce the County's position.
- Jeff Otis, Attorney for Mr. Lohmoeller.

Mr. Wuestefeld then provided background information (a copy of the PowerPoint presentation is attached to the original minutes). He indicated that the property is surrounded by an agricultural zone in Unincorporated Kenton County. He noted that there are single family dwellings on both sides of Bowman Road and then showed members an aerial photograph [March 2023] showing the "before" topography of the property.

Mr. Wuestefeld advised the board that that Agricultural-One has eight permitted uses and the use that is currently ongoing on the property is not listed as one of these permitted uses and showed members the list of the permitted uses [KCZO 10.1 A-1]. He then reviewed Article X Zones, Section 10.23 I-1 (Industrial-One) Zone which includes permitted uses for carting, express, hauling, or storage yard and provided a Google search of what that use would entail. Chairwoman Gillen confirmed that the property is zoned Agricultural-One and Mr. Wuestefeld advised that was correct.

Mr. Wuestefeld showed members the site map that Mr. Lohmoeller submitted with his application for his grading permit (20254077). He also showed members a copy of the September 2024 Google Streetview which shows the work on the property has been taking place for some time.

Mr. Wuestefeld showed members a March 2025 aerial photograph, including topography, of the property and noted it also shows that the trees present have changed. He then showed a March 2026 aerial photograph which shows that there was a pile of asphalt present and noted its proximity to the house.

Mr. Wuestefeld reviewed the timeline stating that a complaint was received on September 23, 2025 and that a grading permit was applied for on October 1, 2025 which was described as “grading existing pond partially”. He noted that the second citation was appealed and was heard by the board in April 2026 with the board ruling to give the property owners six months – until the end of October 2026 – to come into compliance. He stated that the board’s ruling was appealed to the District Court in May 2026, that citations 3 – 8 were issued between June and August 2026, with citation 9 being issued in September, which was appealed and being heard tonight.

Mr. Wuestefeld then reviewed photographs taken of the property over the last year, noting the removal of large dirt piles over several months. He showed members a photo taken on April 2, 2026 and noted a pile of asphalt that had appeared at the property. He then showed photos taken on May 28, 2026, noting the equipment which was milling the asphalt into piles. He stated that the June [3rd] photograph shows large piles of asphalt being stored at the property, the presence of equipment, not used for the grading permit, but to scoop materials into dump trucks.

Mr. Wuestefeld showed members screenshots of a Facebook Marketplace listing which was active for the months of June and August related to the selling of asphalt millings from the property. He noted that the listing was under a Greg Hopkins who works at Prime Concrete Pumping and Trucking and that Mr. Hopkins’s page also had an advertisement for Straight Edge Concrete.

Mr. Wuestefeld showed members a photograph from June 3, 2026, showing the removal of asphalt from a large pile and another photograph taken on July 9, 2026 showing that the pile was about half the size. He noted that there is no farm agricultural road being built or developed on the property, that several photos show further back into the property and there is no asphalt millings road on this property.

Mr. Wuestefeld stated that tonight’s appeal is for citation 9 and stated that the citation is based on his observation of the piles of concrete and blacktop/asphalt stored on the property, as well as equipment that appears to be stored there for the use of the milling and removing the asphalt which is not a permitted use of the property. He then reviewed the photos related to the 9th citation which showed the presence of equipment, concrete material, and much smaller pile of asphalt.

Mr. Wuestefeld provided members with a copy of an exhibit that was provided by Mr. Lohmoeller’s previous attorney at the April meeting and noted a portion regarding “restrictions.” Mr. Otis asked that he be allowed to see what Mr. Wuestefeld was showing to the members. Mr. Wuestefeld then provided him with a copy [Exhibit 1 attached to the original minutes].

Chairwoman Gillen then read the Restrictions paragraph into the record:

Restrictions: While storing for agricultural use is allowed, simply using agricultural land to store topsoil for commercial sale or for a non-farming purpose (e.g., as part of a construction business rather than for farm management) may violate local zoning or conservation easements.

Mr. Wuestefeld again stated that this was provided at the last hearing by Mr. Lohmoeller's attorney and that the Restriction paragraph states that it may violate the zoning ordinances.

Mr. Wuestefeld reviewed photos taken on Tuesday, September 8, 2026, noting that more material has been brought to the property, more equipment was present, and that large piles of concrete and asphalt were in the process of being milled into new piles. He noted the pile of asphalt that they were actively in the process of adding to and stated that the traffic cone shown in the picture was approximately four-foot tall, for scale.

Mr. Wuestefeld reviewed photos taken the following day, noting that the pile of material is approximately the same size and that there was a gentleman operating machinery that does not appear to be the property owner.

Mr. Wuestefeld showed a picture of the SD1 worksite that was mentioned during the April hearing, during which it was stated that they were going to take dirt from this site to fill in their property. He stated that the pile of dirt does not appear to have changed since the last hearing except for the weeds growing up through it.

Mr. Wuestefeld showed members a Streetview of what the property looked like when it was agricultural in use, noting the grassy fields with single family homes on both sides of the street. He then showed a picture of what the property looked like as of September 8th.

Mr. Braden asked Mr. Wuestefeld to go back to the overview and again noted that it was from AI. Mr. Wuestefeld confirmed that it was and that Mr. Nageleisen had provided it as an exhibit at the last hearing. Mr. Braden asked if he had checked it to see if the information available in AI document is factual or do you know if he had. Mr. Wuestefeld stated that he did not know but it was provided at the previous hearing by the appellant's attorney.

Mr. Braden asked if any other part of Mr. Wuestefeld's presentation dealt with AI, or if everything else were actual photographs and facts that he found. Mr. Wuestefeld stated that the only other portion of AI would be the Google search he did for the definition of a common carting, express, hauling, or storage yard and what those typical uses would be.

Mr. Braden asked if that information was checked against the local ordinance or statutes to ensure that they in fact applied to Kenton County. Mr. Wuestefeld indicated that he has a copy of the Kenton County Zoning Ordinance right next to the AI definition and it is the Industrial Zone listing that use, under industrial use only. He stated that AI definition seemed to be consistent with the ordinance and that he included it because he thought it was helpful. Mr. Braden asked if it would be correct to say that none of Mr. Wuestefeld's presentations dealt with anything AI and, to the best of his knowledge, it dealt what was factual ordinances for Kenton County or statute by Kenton County law. Mr. Wuestefeld stated that it was correct.

Chairwoman Gillen asked Ms. Tapke if she would like to speak since she was present on behalf of Kenton County.

Ms. Tapke confirmed that she was there on behalf of the County and that this is a violation being alleged under the Kenton County Zoning Ordinance. She noted that the County believes there is a violation and that the activity taking place would be more appropriate for an Industrial Zone. She stated that the property owner needs to seek a map amendment to re-zone the property but, until that occurs, the current zoning of the property is agricultural. She also advised the board that over the past year, the citizens of the south end of the county have made it clear that they do not want industrial use in the south end and that it is important to keep the agricultural nature.

Chairwoman Gillen asked if there are there any other industrial uses in the area around this property. Ms. Tapke stated that she knows there is residential but that this question should be addressed to PDS staff. Mr. Wuestefeld referred to the first slide of his presentation and noted that agricultural takes up the majority of Unincorporated Kenton County with some residential north of 16 and residential/commercial in Independence north of 16.

Ms. Tapke stated that she had nothing else to add at this time but would be happy to come back to the podium if the board had any additional questions for her.

Chairwoman Gillen asked if Mr. Otis or Mr. Lohmoeller would like to speak. Mr. Otis stated that he had several questions for Mr. Wuestefeld.

Mr. Smith stated that he would be given 20 minutes and then outlined the rules for cross-examination (a copy of which are attached to the original minutes). Mr. Otis acknowledged the rules and thanked Mr. Smith.

Mr. Otis stated that he was looking at the citation and asked what the precise violation was, what Mr. Wuestefeld was saying that Mr. Lohmoeller was doing, which was in violation of the zoning ordinances, specifically. Mr. Wuestefeld stated that it is a non-permitted use ongoing on the property.

Mr. Otis asked what a non-permitted use was, specifically. Mr. Wuestefeld stated that, specifically, it was a carting, express, hauling, or storage yard, as listed under the Industrial Zone of the Kenton County Zoning Ordinance, item 6.

Mr. Otis asked, using the language from his AI search, what is the carting, hauling, or storing. Mr. Wuestefeld read the AI Overview, "designated area, often secured, used by businesses (particularly contractors) to store, maintain and dispatch vehicles, equipment, and bulk materials. It serves as a centralized hub for loading/unloading goods, managing fleet vehicles, and storing materials for off-site projects."

Mr. Otis asked, out of all the items listed, which was Mr. Wuestefeld accusing Mr. Lohmoeller of, specifically. Mr. Wuestefeld stated the storing of the materials and storing of the equipment on the property. Mr. Otis responded, "didn't he get a permit to do that." Mr. Wuestefeld stated that Mr. Lohmoeller has a grading permit to fill in a pond.

Mr. Otis stated that Mr. Wuestefeld had testified that this issue was previously addressed with the board and that the board gave him six months to get into compliance, is that correct? Mr. Wuestefeld responded that this was correct. Mr. Otis asked what the date of that hearing was. Mr. Wuestefeld stated that it was in April of this year. Mr. Otis then asked, for the record, what six months from April would be. Mr. Wuestefeld responded October. Mr. Otis asked what today's date is. Mr. Wuestefeld stated that it was September 10th.

Mr. Otis said that he is assuming that Mr. Wuestefeld's alleged proof of Mr. Lohmoeller's violation of the ordinance is that a pile of asphalt got smaller, is that correct? Mr. Wuestefeld confirmed that he did observe the pile of asphalt getting smaller as he went by periodically. Mr. Otis asked if he had any evidence here tonight that Mr. Lohmoeller transferred, or somehow transferred, the asphalt somewhere other than his own property. Mr. Wuestefeld noted the Facebook listing showing that the asphalt millings were for sale. Mr. Otis asked if he had any proof that any of it was sold. Mr. Wuestefeld replied, other than the Facebook Marketplace listing, no. Mr. Otis asked if he had any proof that the material went anywhere other than his own farm. Mr. Wuestefeld stated that he did not see it on the farm, but he does not have any proof where it went. Mr. Otis stated that is all the questions he has for this witness.

Chairwoman Gillen asked if Mr. Lohmoeller had anything to say. Mr. Otis stated that they are not presenting anything else.

Mr. Braden asked Mr. Wuestefeld to go back to the AI document and stated that it is his understanding that he did not rely on that document at all, however, when he answered Mr. Otis' questions and gave definitions, he used that document to provide the definition. Mr. Wuestefeld again stated that it was used as an example of what carting, express, hauling and storage yard would entail, that he believes that sums it up well, and the use is listed in the zoning ordinance. Mr. Braden indicated that he did not cite the zoning ordinance, he cited the AI and asked if he was sure the zoning is consistent with the AI definition. Mr. Wuestefeld stated it is not the same definition, and this is not the definition that he used, he just thought that this was easier to digest what that carting, express, hauling and storage yard would entail. Mr. Braden asked if it was Mr. Wuestefeld's testimony that there is an ordinance that defines what that is and that it is consistent with the AI definition, is that correct? Mr. Wuestefeld responded yes and stated that it is consistent with that use and that it is permitted only in that Industrial-One Zone. Mr. Braden stated that those are the only questions he had.

Chairwoman Gillen asked if anyone knew how long this area has been zoned agricultural. Mr. Wuestefeld stated that he did not know that answer to that. Chairwoman Gillen rephased the question asking to the best of anyone's knowledge, has this area ever been zoned anything other than Agricultural-One. Mr. Lohmoeller stated that he did not believe it was and noted that his parents bought it in 1971.

Ms. Tapke stated that she did not have a definitive answer, but she has been with the office for 22 years and believes that throughout the entire time has been an A-1 zone. She indicated that she is

not aware of any comprehensive plan or anything else that would have changed that from an A-1 zone to anything else. Ms. Tapke reiterated that a recent study reinforced keeping the south end of the county completely agricultural.

Mr. Braden asked if staff did not feel that Mr. Lohmoeller was entitled to six months since that was part of the board's order in April. Mr. Wuestefeld stated that the board granted Mr. Lohmoeller six months to complete the grading project but then the asphalt, other materials, and machinery which were outside of the approved permit, not related to the permit whatsoever, appeared at the property, it was a new and separate violation, and why staff continued to issue citations. Mr. Braden asked Mr. Wuestefeld if he would agree, we are still within that six-month period. Mr. Wuestefeld responded yes.

Mr. Smith asked, regarding the board's ruling for citation 2, what was the appellant given six months to do exactly. Mr. Wuestefeld stated that he believes it was to bring the property into compliance and return the property to an Agricultural-One status. Mr. Smith asked if he recalled that nature of the citation, what they were cited for, was it for the grading permit. Mr. Wuestefeld stated that the citation was for non-permitted use.

Mr. Gray asked, based upon the pile gravel/asphalt, was there any evidence that it was distributed in the grading process on the farm. Mr. Wuestefeld stated that he did not see any evidence that it was being used on the property. Mr. Gray noted that the pile went down significantly and again asked if there were any pictures that showed where it might have gone. Mr. Wuestefeld indicated that he did not see any evidence that it was disturbed on the property.

Mr. Braden asked if they had access to the actual order from the board granting six months and stated that he would like to have it read to the board to make sure they are on the same page. Chairwoman Gillen asked if Ms. Remley could help with that. Ms. Remley apologized, stating that she was not assigned to the board at the time and asked what the meeting date was. Mr. Wuestefeld confirmed that it was April.

For discussion to continue, Ms. Cullum stepped forward to take the minutes while Ms. Remley retrieved the approved minutes for the April 9, 2026 meeting.

In the meantime, Chairman Gillen asked if the pond had been filled in and if the work was complete. Mr. Lohmoeller stated that it is not complete.

Ms. Hudepohl asked if they could hear from Mr. Robinson, the neighbor across the street.

Mr. Robinson stated that he would like to give "these" [folder containing copies of photos] to the board as solid evidence of what is going on at this property. Mr. Otis objected and stated that he has not seen these photographs. Mr. Robinson indicated that he would get him a copy. He went on to say that while on his way to work, and he saw trucks leaving his road fully loaded with asphalt. He stated that he had seen these trucks going toward Bracht Piner on Madison and southbound on 75 toward Williamstown. He stated that the piles were built up by "the pond guy", and trucks from Prime and

Jefferson Trucking out of Brooksville are hauling it off the property. Mr. Robinson said that there are plenty of pictures that prove the asphalt was being sold and hauled out of there.

Mr. Otis stated for the record that he objected since he has not seen these photos, and since they clearly are not in the care, custody, and control of PDS. He stated that he has no way to address their authenticity, and that they should be rejected and not reviewed by the board.

Mr. Smith advised that the rules of evidence do not apply in an administrative hearing and that Mr. Robinson can authenticate the photos since he took them, that Mr. Robinson can give testimony, and that the board is allowed to evaluate the photos and the authentication of the pictures. Mr. Robinson stated that these were his personal pictures. Chairwoman Gillen asked if Mr. Robinson had a copy for Mr. Otis. Mr. Robinson stated that he did not, but he could get them to him or the board could. Chairwoman Gillen indicated she would hold off looking at the pictures. At this time, the folder was given to Mr. Himes so a copy could be made for Mr. Otis.

Mr. Otis interrupted, stating that this is "hearing by ambush," he is seeing for the first time and does not have the ability to timely attack their credibility or authenticity. He acknowledged that this is a quasi-judicial body but that the statute states his client is entitled to due process, and this is not due process. For clarification, Mr. Smith asked Mr. Otis what he felt was not being complied with. Mr. Otis stated that they were bringing in a third-party witness, who is not part of PDS, and this witness has presented presumed photographic evidence that has not been seen, and he has not had an opportunity to adequately review it.

Mr. Smith asked if there was anything else in the folder other than the pictures Mr. Robinson had taken. Mr. Robinson stated there were just photographs. Mr. Smith stated that Mr. Otis is welcome to cross-examine Mr. Robinson.

Mr. Robinson indicated that he has a lot photos since this has been going on for several years. He stated that the pond was fine, but all this other activity has taken off, and someone needs to do something about it.

Chairwoman Gillen asked if these pictures have time and date stamps on them. Mr. Robinson indicated he did not think so, but he could provide them because he has the originals.

Ms. Hudepohl asked Mr. Lohmoeller if he currently has livestock because he had mentioned last time that he was going to have livestock. Mr. Lohmoeller stated that he did not, however, he hoped to in the future, but he cannot predict the future.

Mr. Donohoo asked if Mr. Lohmoeller knew what happened to the piles of asphalt. Mr. Otis stated that he has instructed his client that they have presented all they are going to present and that it is not their burden of proof, it is PDS.'

At this time, Ms. Remley provided the approved minutes from the April 9th meeting to Mr. Smith.

Mr. Smith stated that at the April meeting there was a motion that the property owner be given six months until the end of October 31st, with a maximum fine of \$400 to be imposed if compliance is not achieved, and the motion passed unanimously. He noted that the definition of compliance was discussed and the board agreed it would mean cessation of all hauling activities, no more dump trucks bringing material in or out of the property, and the existing asphalt pile, which was not covered under the permit, would need to be removed. Seeding and straw were discussed but not required as a condition. Mr. Smith stated that Mr. Wuestefeld was directed to clearly communicate the compliance expectations to property owners.

Mr. Smith indicated that, if he is understanding correctly, the issue is the citation was issued for the events that occurred at that time. He asked Mr. Wuestefeld to correct him if he was wrong and stated that it was the expanded scope - there was a use, it was a violation, it was given six months, but then it expanded beyond that use, and that is why a new citation was issued.

Mr. Otis objected, stating that Mr. Smith was testifying on behalf of PDS. Mr. Smith stated that Mr. Otis' objection was noted for the record. He then asked Mr. Wuestefeld to answer his question. Mr. Wuestefeld confirmed that the use did expand, that additional machinery was brought and that the board's motion was made with regard the citation # 2 but that it did not restrict subsequent citations being issued.

Ms. Tapke stated to be given the opportunity to address that issue regarding the continuation of citations being issued. She noted that the board had acted on citation # 2, she stated that the fine would be abated if the appellant complied, however, a violation could continue to exist day after day and that staff can continue to cite for different violations. Ms. Tapke stated that the board is looking at whether a violation existed at this specific date and time, and that she would submit that they are two separate things.

Mr. Braden asked to look at citation # 9 was again. Mr. Wuestefeld displayed a copy of the citation which was issued on August 27th. He noted that the inspection occurred on August 10th and reviewed the photographs taken that day showing the pile of concrete and asphalt.

Chairwoman Gillen stated that the property is zoned Agricultural-One area with eight permitted uses and that she was having a tough time understanding how the trucks, concrete, and blacktop into any of the permitted uses. Ms. Herrmann indicated that those items seem more industrial.

There was a brief discussion regarding the October 31st deadline set by the board in its April motion, and it was noted that it would be back before the board at the November meeting. Members discussed setting the deadline for this citation to match the previous ruling, so everything could be done at the same time. Members asked how the motion would be made. Mr. Smith stated that if the board was finding that a violation did exist under citation # 9, they could impose a fine or they could the appellant until the end of October 31, 2026 and not impose a fine.

Mr. Gray noted that the board had given them six months to clean it up but instead they kept going and expanding it.

Mr. Donohoo asked when the November meeting would be held. Ms. Remley that it was scheduled for November 12th. There was discussion regarding the original deadline of October 31st, giving citation # 9 until October 31st, imposing the maximum fine if not abated, the grading permit, bringing the property back to agricultural use, filling in the pond, and using the similar language used in the board's ruling for citation # 2.

Ms. Collins stated that they are acknowledging there is a violation, not just a continuation of citation # 2, but an entirely new one, correct? Mr. Smith confirmed this was correct and, if he understood correctly, that members had determined that, regarding citation # 9, a violation did exist and that the maximum fine would be imposed unless it is abated prior to October 31st, 2026 along with the other citation, correct?

Ms. Tapke noted that citation # 2 is currently pending in District Court and that she did not know if they should tie it to that citation.

Mr. Smith stated that they were addressing citation # 9 and were not modifying any of the prior citations. He again stated that, as it relates to citation # 9, the board has found that the violation did exist, and they are granting until October 31st, 2026 for that violation to be abated or the maximum fine will be imposed. Mr. Braden indicated that this was his understanding too. Chairwoman Gillen added that they are just being consistent with the "drop dead date." Mr. Smith confirmed that the board is not addressing anything the other citation except citation # 9 and that the intention is to "sync" the date with their previous ruling. Ms. Collins added that they are saying that it is a completely new violation and Chairman Gillen agreed.

Members discussed the proposed wording with regard to citation # 9, noting that if everything was abated by October 31st and the property is restored back to an agricultural setting, then the fine would be zero, but if not abated by the October 31st the maximum fine will be imposed, and that "abated" means no trucks coming and going, no piles of asphalt or concrete, no construction equipment or grinding equipment which are not for agricultural use.

During discussion of the motion, Mr. Smith reminded members that they should properly identify what needs to be corrected and the subject of citation # 9 for reference.

Mr. Wuestefeld noted that the non-permitted use of the property is the presence or storage of the equipment as well as the materials such as concrete or asphalt that is not connected to the grading permit or the permitted use of the property. Chairwoman Gillen added the equipment stored on the property for the removal of asphalt or other uses not related to an approved permit or permitted use of the property, permitted zoned use of the property.

Ms. Hudepohl then made a motion regarding 12484 Bowman Road, Kenton County, citation number # 9, that based on the testimony presented and the Board's findings that violation did exist, that these conditions were the responsibility of the owner of the property, and that the owner was properly served, to grant the appellant until October 31, 2026 to abate the violation as set forth in

citation # 9, which includes the removal of the industrial equipment, piles of concrete and asphalt, and to restore the property to the permitted zone use, Agricultural-One, and to impose the maximum fine [\$800] if not abated or \$0.00 if abated; Mr. Braden seconded the motion.

Chairwoman Gillen asked if there were any questions regarding the motion. With none, she asked for a voice vote which found Ms. Hudepohl, Mr. Braden, Ms. Collins, Mr. Donohoo, Mr. Gray, Mr. Henn, Ms. Herrmann, Mr. Kinsler, and Chairwoman Gillen in favor of the motion with Mr. Barbour and Ms. Foss voting No. The motion passed by a vote of 9 to 2.

Mr. Otis requested a copy of the board's findings and a copy of the audio recording.

Chairwoman Gillen then gave Mr. Robinson's folder containing the photographs to Ms. Remley for entry into the record [Exhibit 2, pages 1-44].

Chairwoman Gillen closed the public hearing portion of the meeting.

OLD AND UNFINISHED BUSINESS

Chairwoman Gillen asked if there was any old or unfinished business. Staff noted the status of the two cases listed under item 9 of the agenda and stated that liens would be recorded with the clerk's office.

Mr. Braden asked Ms. Remley if any information had been received from the City of Taylor Mill since the last hearing regarding the Terry Sandman case. Ms. Remley stated that, to her knowledge, no additional information has been received. Following a brief discussion regarding the lien process, Mr. Braden asked Ms. Remley to contact the new city manager before the lien is signed. At this time, Ms. Remley deferred to legal counsel. Mr. Smith indicated that he did not think this was an option since the board has already entered its ruling.

NEW BUSINESS

Chairwoman Gillen asked if there was any new business to come before the Board.

Staff stated that 66 liens have been prepared for the final orders (item 10 (a) – (ooo) – excluding (eee) as previously noted) under the KRS65.8835 procedures and that no action is required by the Board.

Chairwoman Gillen asked if there was any other business to come before the Board. Staff reminded members that the next meeting is scheduled for October 8, 2026 and noted that an appeal has already been received.

With no further business, Chairwoman Gillen asked if there was a motion to adjourn. Mr. Gray made a motion to adjourn the meeting; Ms. Hudepohl seconded the motion. Chairwoman Gillen called for a voice vote which found unanimous approval. The meeting adjourned at 7:43 PM.

Alanna Gillen, Chair

Frank Henn, Secretary