

**CAMPBELL COUNTY & MUNICIPAL BOARD OF ADJUSTMENTS**  
**MINUTES OF THE**  
**November 19, 2024**  
**MEETING**

1

**MEMBERS PRESENT:**

Mr. Justin Verst, Chair  
Mr. John Fessler  
Mr. Michael Williams

**MEMBERS ABSENT:**

Ms. Patti Dischar  
Mr. Hutch Johnson  
Mr. Matt Smith, Legal Counsel

**STAFF PRESENT:**

Mr. Kirk Hunter, Principal Planner  
Ms. Diane Brossart, Admin Assistant

2 Meeting was called to order by Mr. Verst at 6:31 PM. The Pledge of Allegiance was recited.  
3 Ms. Brossart called the roll, and a quorum was found.  
4  
5 Mr. Verst asked for approval of the previous meeting minutes from May 14, 2024. Mr.  
6 Williams moved to approve the minutes which was seconded by Mr. Fessler. Roll call  
7 vote was taken and the minutes were approved.  
8  
9 There was no old business.  
10 Mr. Verst introduced the new business as file BA-24-016, applied for by The Sousa Realty  
11 Group for a front yard setback variance due to site topography.  
12  
13 Mr. Hunter gave the Staff Report.  
14  
15 [begin staff report]  
16

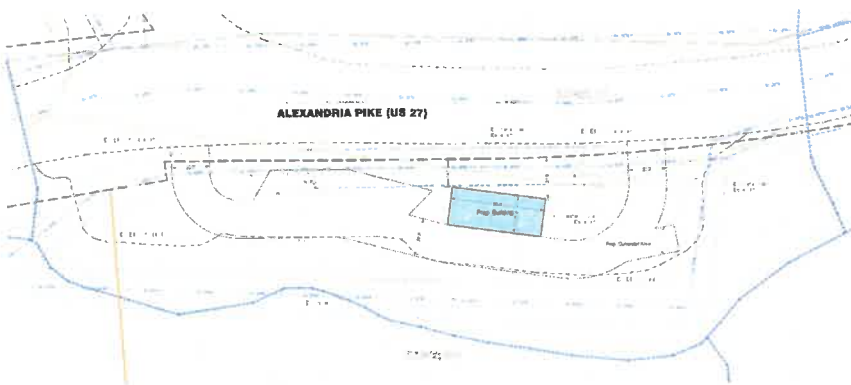
**File Number:** BA-24-016  
**Applicant:** Sousa Realty Group  
**Location:** Alexandria Pike, Southgate, KY  
**Request:** Front yard setback variance



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2 **Considerations:**

3 The applicant is requesting a front yard setback variance to construct a commercial building.



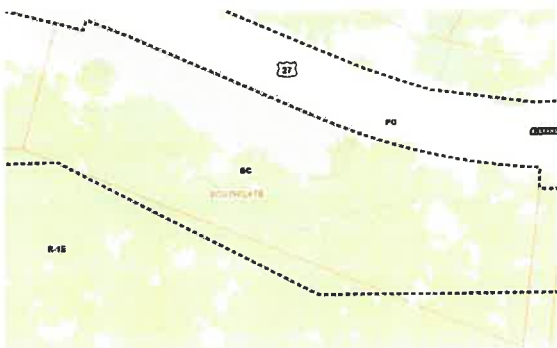
4

5 The site is at the 500 block of Alexandria Pike in Southgate, KY between Memorial Point Drive  
6 and Blossom Lane. It is across the street from Canon Ridge.



7

8 The parcel is 1.58 acres in size. There is a blue line stream running the breadth of the lot.



9

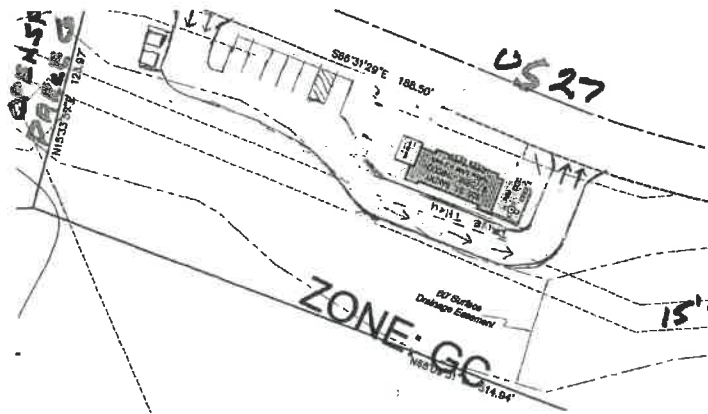
1 The proposed use is a coffee shop with a drive-through lane. Eating and drinking places, in-  
 2 cluding drive-ins are a permitted use by right in the GC zone. Drive-through facilities are not  
 3 specifically prohibited. The surrounding properties are a mix of single-family residential, com-  
 4 mercial, office and industrial. Southgate’s city boundary to Fort Thomas runs along Alexandria  
 5 Pike at this location. The properties across Alexandria Pike are within the City of Fort Thomas.  
 6 The Southgate Zoning Ordinance Article X, classifies the area within the General Commercial  
 7 (GC) Zone with the following minimum setback distances:

Description:	R-1E Regulations Require:
Minimum Lot Area:	10,000 square feet
Minimum Lot Width:	70 feet
Minimum Front Yard Depth:	50 feet
Minimum Side Yard Width:	No restrictions, except when adjacent to a street, road, highway or other right-of-way, when the required width shall be the same as required for a minimum front yard depth in this zone. When buildings touch each other, firewall construction, as required by the city’s building code, shall be required. In the event a side yard is provided, it shall never be less than fifteen (15) feet
Minimum Rear Yard Depth:	15 feet

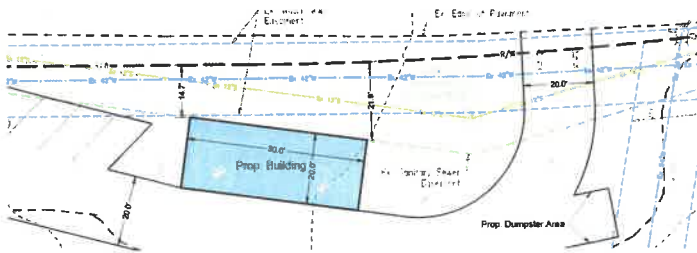
10 The Development Controls for the GC Zone are as follows:

- 11 1. Off-street parking and loading or unloading shall be provided in accordance with  
 12 Articles XI and XII of this ordinance.
- 13 2. No outdoor storage of any material (usable or waste) shall be permitted in this  
 14 zone except within enclosed approved containers.
- 15 3. No lighting shall be permitted which would glare from this zone onto any street,  
 16 road, highway, deeded right-of-way or into any adjacent property.
- 17 4. Where land in this zone is abutting a residential zone, a minimum yard require-  
 18 ment of thirty-five (35) feet for each side and/or rear yard which abuts said zone  
 19 shall be provided, ten (10) feet of which shall be maintained by a screening area,  
 20 as regulated by Section 9.17 of this ordinance.
- 21 5. A site plan, as regulated by Section 9.19 of this ordinance, shall be required for  
 22 any use in this zone.
- 23 6. No use producing objectionable odors, noise, or dust shall be permitted within  
 24 five hundred (500) feet from the boundary of any residential zone.
- 25 7. All business activities permitted within this zone shall be conducted within a  
 26 completely enclosed building with the exception of off-street parking and load-  
 27 ing and/or unlading areas, and the sale of gasoline.

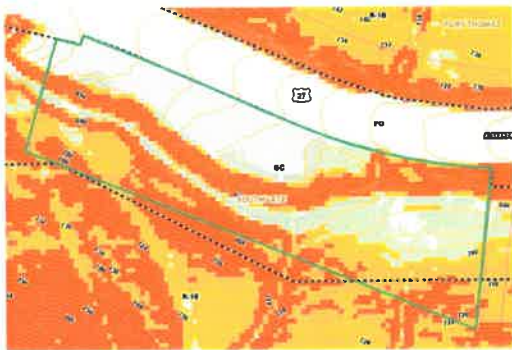
- 1 A review of public records finds that no previous requests for a variance have been submitted  
 2 for this site.  
 3 There is a sixty-foot wide surface drainage easement that follows the stream along the breadth  
 4 of the lot.



- 5  
 6 A sanitary sewer easement runs along the front of the parcel.



- 7  
 8 Significant slopes in excess of 20% are present along much of the parcel, limiting the develop-  
 9 able area to where applicant proposes the building to situate.



10  
 11 **Supporting Information**

12 **VARIANCES:** Before any variance is granted, the Board of Adjustment must find that the grant-  
 13 ing of the variance will not adversely affect the public health, safety, or welfare, will not alter  
 14 the essential character of the general vicinity, will not cause a hazard or nuisance to the pub-  
 15 lic. Such variance shall not be granted by the Board of Adjustment unless and until it can de-  
 16 termine that:

- 17 a. That the requested variance arises from special existing circumstances which do not  
 18 generally apply to land in the general vicinity;

- 1 b. That the manner in which the strict application of the provisions of the Zoning Ordinance would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant;
- 2
- 3
- 4 c. That the circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought;
- 5
- 6 d. Reasons that the variance will not allow unreasonable circumstance of the requirements of the zoning regulations and will not alter the essential character of the neighborhood;
- 7
- 8
- 9 e. That granting the variance requested will not confer on the applicant any special privilege that is not conferred by this ordinance to other lands, structures or buildings in the same zone;
- 10
- 11

12 **Staff Comments:**

- 13 • *The requested variance arises from special existing circumstances related to existing easements and topography, which do not generally apply to land in the general vicinity;*
- 14
- 15
- 16 • *The strict application of the provisions of the Zoning Ordinance would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant;*
- 17
- 18
- 19 • *The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought;*
- 20
- 21 • *The variance will not allow unreasonable circumvention of the requirements of the zoning regulations and will not alter the essential character of the neighborhood, which is commercial.*
- 22
- 23
- 24 • *The variance requested will not confer on the applicant any special privilege that is not conferred by this ordinance to other lands, structures or buildings in the same zone;*
- 25

26 **Summary of Applicants Request:**

27 The applicant is requesting:

- 28 1. A thirty-five (35) foot variance for the construction of an eating and drinking establishment with drive-through, reducing the required fifty (50) foot setback to approximately fifteen (15) feet.
- 29
- 30

31 Per Section 18.6, A., 2., Notice: Notice of public hearing was given in accordance with Section 18.2 of the Campbell County Zoning Ordinance. ***A legal notice appeared in the LINK Reader advertising applicant's request and the hearing to be held on November 2, 2024. All adjoining property owners were sent a legal notice via US Postal service.***

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33

34

35 According to Section 18.6, A., 4., the Board of Adjustment must find that the granting of the variance will be in harmony with the general purpose and intent of the Ordinance as well as the adopted Comprehensive Plan, and will not be injurious to the neighborhood, or otherwise, detrimental to the public welfare.

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- 39 • The existing land use map of the 2008 Comprehensive Plan identifies the area as *commercial*. However, the Future Land Use Map identifies this specific parcel as within an area anticipated to transition to "Campus-Style Office". Development of new office
- 40
- 41

1 space along Alexandria Pike has not occurred in the intervening years, and the zoning  
2 designation has remained as General Commercial.

- 3 • Staff opines that the proposed use is still consistent with the Comprehensive Plan, re-  
4 gardless of unmet future land use expectations. Additionally, any office-related use to  
5 go at this location would face the same topographic issues and easement restrictions.  
6 **The use of the property is consistent with the adopted 2008 Comprehensive Plan.**

7 **Staff Recommendations:**

- 8 1. To approve the applicant's request for a front yard variance of thirty-five (35) feet.

9 **Basis for Recommendation**

- 10 1. In accordance with Section 18.2 of the Campbell county Zoning Ordinance, notice of  
11 public hearing was given.
- 12 2. In accordance with KRS 100.241 Variances, the board shall have the power to hear and  
13 decide on applications for variances. The board may impose any reasonable conditions  
14 or restrictions on any variance it decides to grant.
- 15 3. The evidence presented by the applicant and staff is such as to make a finding that:
  - 16 a. The requirements for a variance have been met by the applicant for a variance  
17 and the variance is the minimum variance that will make possible the reasonable  
18 use of the land, building, or structure.
  - 19 b. The variance requested will not adversely affect the public health, safety, or wel-  
20 fare, will not adversely alter the essential character of the general vicinity, and  
21 will not cause a hazard or nuisance to the public and will not allow an unreason-  
22 able circumvention of the requirements of the zoning regulations. In making  
23 these findings, the board considered whether:
    - 24 i. The requested variance arises from special circumstances which do not  
25 generally apply to land in the general vicinity, or in the same zone;
    - 26 ii. The strict application of the provisions of the regulation would deprive  
27 the applicant of the reasonable use of the land or would create an unnec-  
28 essary hardship on the applicant; and
    - 29 iii. The circumstances are the result of actions of the applicant taken subse-  
30 quent to the adoption of the zoning regulation from which relief is  
31 sought.
    - 32 iv. The variance will not allow unreasonable circumvention of the require-  
33 ments of the zoning regulations and will not alter the essential character  
34 of the neighborhood.
    - 35 v. The variance requested will not confer on the applicant any special priv-  
36 ilege that is not conferred by this ordinance to other lands, structures or  
37 buildings in the same zone.

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39  
40 [end of Staff Report]  
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1 Mr. Verst asked for questions for staff. Mr. Fessler asked about the outdoor seating. Ap-  
2 plicant, Mr. Sousa, said it could be for the people walking down the hill to get coffee. Mr.  
3 Hunter said it will need to be addressed when the applicant comes back with the plan.  
4

5 Mr. Verst invited the applicant to the microphone.  
6

7 Applicant, John Philip Sousa IV, 2191 N. Ft. Thomas Ave said there is only room for six  
8 parking spots on the property and the mayor and Ms. Minter suggested the outdoor seat-  
9 ing. Mr. Williams asked if they would serve food. Applicant said not at first.  
10

11 Mr. Verst opened the meeting for discussion among the board.  
12

13 Mr. Verst said they have to determine that the variance request is the minimum variance  
14 necessary to make reasonable use of the property, Mr. Verst said he doesn't know how  
15 to make use of the property with any less of a variance. Mr. Verst said he doesn't see  
16 anything objectionable to having outdoor seating at the site.  
17

18 Mr. Fessler made a motion to approve the variance of 35 feet in the front setback as  
19 discussed and pursuant to section 18.8 of the zoning ordinance, the summary of testi-  
20 mony and evidence presented by staff and the applicant. Based on the findings of fact  
21 presented by staff and also that the board of adjustments sees no problem with outdoor  
22 seating. Mr. Williams seconded the motion.  
23

24 Roll call vote was taken. Motion passed.  
25

26 No further new business.  
27

28 Mr. Hunter asked that council approve Ms. Dischar and Ms. Minter training hours.  
29

30 Mr. Williams made a motion to approve the training. Mr. Fessler seconded the motion.  
31 Motion passed.  
32

33 Mr. Verst asked for a motion to adjourn. Mr. Williams made a motion to adjourn, and Mr.  
34 Fessler seconded the motion. All voted in favor, and the meeting was adjourned at ap-  
35 proximately 6:54 PM.  
36  
37

38 Respectfully Submitted,

Approved:

39  
40 

41  
42 Kirk Hunter  
43 Principal Planner

  
Justin Verst  
Chair

