

**CAMPBELL COUNTY & MUNICIPAL BOARD OF ADJUSTMENT
MINUTES OF THE
February 4, 2025
MEETING**

MEMBERS PRESENT:

Mr. Justin Verst, Chair
Mr. John Fessler
Mr. Hutch Johnson
Mr. Michael Williams
Mr. Matt Smith, Legal Counsel

MEMBERS ABSENT:

Ms. Patti Dischar

STAFF PRESENT:

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

1 Meeting was called to order by Mr. Verst at 6:30 PM. The Pledge of Allegiance was
2 recited. The clerk called the roll, and a quorum was found.

3
4 Mr. Verst then asked for the approval of minutes from the November 19, 2024 meeting.
5 Mr. Smith said that the basis for the recommendation should be listed with the motion in
6 the minutes. Mr. Fessler made the motion to approve the minutes with the correction, and
7 it was seconded by Mr. Williams. Clerk called the roll. Motion passed and minutes were
8 approved.

9
10 Mr. Verst introduced the first case of the night as file number BA-24-018; the applicant,
11 Jacob Thomas, location is 1951 Upper Tug Fork Road, Unincorporated Campbell County,
12 KY, and the request is a conditional use permit for an accessory use permit for an
13 accessory dwelling unit.

14
15 Mr. Hunter presented the staff report. Notice of the public hearing was published in the
16 LinkNKY. Notice was also sent to neighboring property owners.

17
18 [begin staff report]
19

File Number: BA-24-018

Applicant: Jacob Thomas

Location: 1951 Upper Tug Fork Road - Unincorporated Campbell County

Request: Request for a Conditional Use Permit for an Accessory Dwelling Unit

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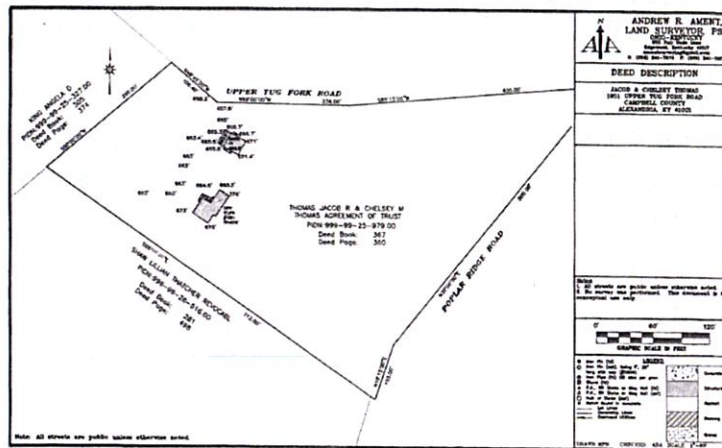
Location: 1951 Upper Tug Fork Road - Unincorporated Campbell County

Request: Request for a Conditional Use Permit for an Accessory Dwelling Unit

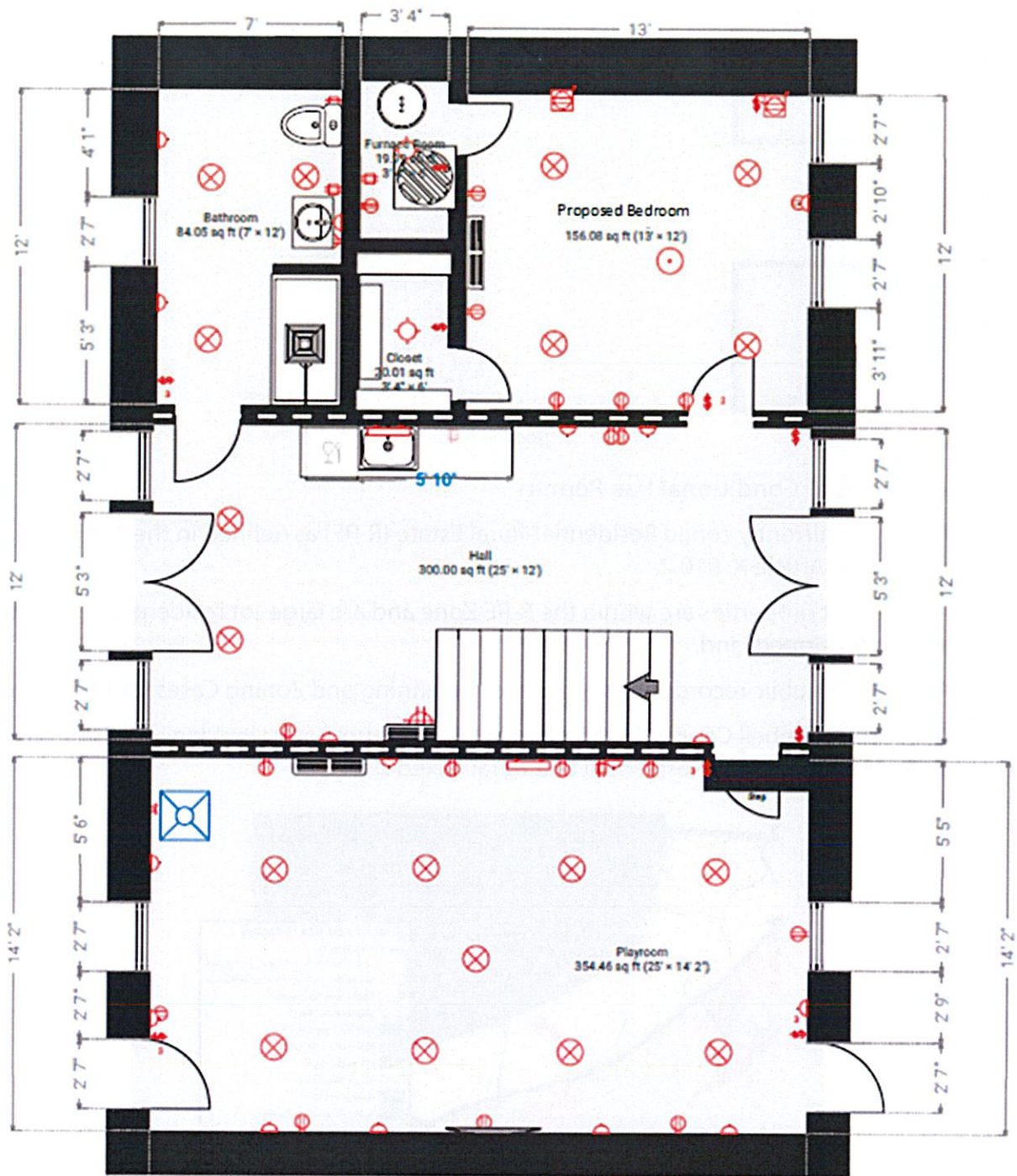


Overview:

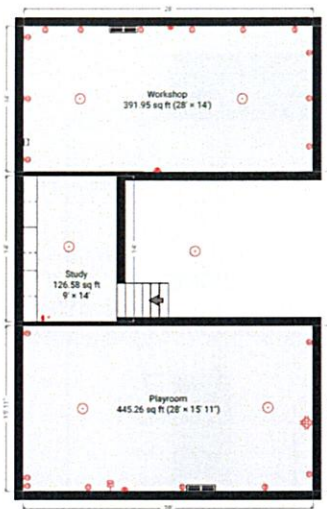
The area under review consists of approximately six acres in Unincorporated Campbell County on Upper Tug Fork Road. The existing single-family house has approximately 2,400 square feet in living space.



The applicant has provided a plan of the proposed barn renovation.



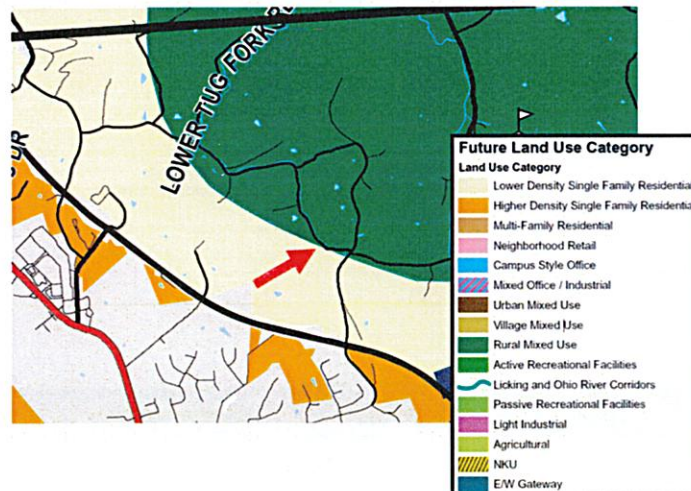
First Floor



Second Floor

Considerations of Conditional Use Permit:

1. The site is currently zoned Residential-Rural Estate (R-RE) as defined in the Zoning Ordinance, Article X, §10.2.
2. All adjacent properties are within the R-RE Zone and are large-lot residential, agricultural and undeveloped land.
3. A review of public records finds no previous Planning and Zoning Cases for the property.
4. The 2008 Campbell County Comprehensive Plan Future Land Use Plan identifies this area as Lower Density Residential and Rural Mixed Use.



5. Single family dwellings (detached) are a permitted use by right in the R-RE zone.
6. Accessory dwelling units (ADU's) are a conditional use in the R-RE zone with the following conditions:
 - a. The lot shall consist a minimum of five (5) contiguous acres with a primary dwelling unit;
 - b. The ADU shall be limited to one unit and subordinate in area, extent, and purpose, to the primary dwelling unit;
 - c. The total living space of the ADU shall not exceed 1,000 square feet;

- d. The primary dwelling unit and the ADU must share the same driveway encroachment.
- e. Sufficient off-street parking must be provided for uses on the lot. A paved parking pad must be provided for the ADU;
- f. The driveway apron must be paved for a minimum of 12 feet;
- g. The unit may not be used for a home-based business; and
- h. The unit may not be held out to the public or used as a short or long-term rental.

Applicants Comments

"Our barn is the heart of our property and the place I find myself drawn to most. When we bought our home in 2020, we quickly uncovered all the challenges that came with the barn. We were told by several contractors that we'd be better off tearing it down and starting fresh, but I couldn't let go of the rich history embedded in its beams and stone walls. The hillside stone foundation was being pushed in by a tree that grew too close. We addressed this by carefully repairing and rebuilding it to match the original stone masonry. Not long after, a consultation with a structural engineer revealed that the posts supporting the second floor also needed to be replaced. We made every effort to keep the original boards and beams intact as we reinforced the structure with new footers and posts. To protect it further, we installed drainage around the hillside and perimeter to prevent water intrusion. As these repairs unfolded, I kept dreaming of what the barn could become.

Since 2017, I have run my computer animation company from home, shifting from one guest bedroom to another as we moved. Having a proper home office has been the driving force that enabled me both the time and resources to save this barn.

My work is rooted in digital spaces and video calls, but the need for a comfortable, inspiring workspace that's close to my son has always been paramount. And this barn represents so much more than an office. Its secondary function as a guest suite on the first floor is a necessity, especially for when my mother-in-law visits. This flexible use offers her a welcoming place to stay and creates a shared space for family moments without squeezing into the main house. The barn will also transform into a gathering spot for holidays and celebrations with friends and loved ones. This blend of functions makes the barn a cornerstone of our home and a benefit to the surrounding community.

By preserving this landmark structure along Upper Tug Fork Road, we are revitalizing a piece of history that had otherwise lost its necessity after its original function became obsolete. Transforming the barn into a space for creative professional growth and family connection breathes new life into a building that once stood idle, giving it renewed purpose and ensuring it remains a treasured part of the local landscape.

The proposed use of the barn is far from detrimental to the health, safety, or overall welfare of the neighborhood. On the contrary, the restoration is being done with meticulous attention to structural integrity, preservation of the original layout, utilizing existing or matching the original materials, and safety. From the above-mentioned repairs to save the structure to matching the original lime mortar and repointing the stonework, each step has been taken with durability and community well-being in mind. This project not only fortifies the barn's longevity but adds value to our property and enhances the character of the neighborhood. We have designed our plans to retain the barn's original footprint and structure while modernizing it for contemporary use. Our use of the space will in no way negatively affect our neighbors, the community, or the structure ensuring that this historic gem continues to stand

1 as a bridge between the past and future.”

2 ~Submitted December 19, 2024

3 **Summary of Applicants Request:**

4 The applicant is requesting a Conditional Use Permit for the construction of an Accessory
5 Dwelling Unit within an existing barn.

6 **Staff Comments:**

- 7 • The project does not comprise a new building to be constructed, rather, the proposed
- 8 ADU is part of the adaptive reuse and restoration of a historic barn.
- 9 • The second story of the barn is not part of the proposed ADU and will be utilized as a
- 10 separate flexible space for home-office use and family gatherings.
- 11 • A 2400 square-foot single-family house is the primary use on the lot;
- 12 • The lot is 6 acres, which satisfies the minimum requirement of five (5) contiguous
- 13 acres;
- 14 • Only one ADU is proposed and it is subordinate in area, extent, and purpose, to the
- 15 primary dwelling unit;
- 16 • The total living space of the ADU is approximately 600 square feet, which does not
- 17 exceed the maximum allowable size. (Note – The first-floor playroom is not part of this
- 18 calculation however, including it in the area calculation only brings the total floor
- 19 space to approximately 950 square feet, still within the required size);
- 20 • The primary dwelling unit and the ADU share the same driveway encroachment.
- 21 • Sufficient off-street parking is available on the lot. There are paved parking pads in
- 22 front of the two barn doors.
- 23 • The driveway apron is gravel. At this stage, the applicant is not prepared to bear the
- 24 cost of a paved driveway apron. Approximately fifty percent of the driveway aprons
- 25 along this part of Upper Tug Fork Road are gravel. Staff suggests either:
- 26 ○ Establishing a time frame in which to pave the apron, or:
- 27 ○ Waiving the condition in consideration that all other conditions are met, no
- 28 variances are requested, and no new construction is proposed.
- 29 • The unit only occupies the first floor of the barn, and is not to be used for a home-
- 30 based business;
- 31 • The unit is not proposed to be held out to the public or used as a short or long-term
- 32 rental, rather it is only to be used by family.
- 33 • The use of the property is consistent with the adopted 2008 Comprehensive Plan.

34 In accordance with KRS. 100.237, the Board of Adjustment shall have the power to hear and
35 decide applications for conditional use permits to allow the proper integration into the
36 community of uses, which may be suitable only in specific locations in the zone only if certain
37 conditions are met:

38
39 **Staff Recommendation:**

40 The Campbell County & Municipal Board of Adjustments grant a Conditional Use permit for the

1 construction of an Accessory Dwelling Unit (ADU) with the following conditions:

- 2 1. The unit may not be used for a home-based business; and
- 3 2. The unit may not be held out to the public or used as a short or long-term rental.

4 **Bases for Recommendation:**

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

25
26 [end staff report]

27
28 Mr. Verst opened the floor to the applicant for further discussion.

29 Mr. Thomas stated his address as 1951 Upper Tug Fork Road with his wife, Chelsea, and
30 son, Ben. Applicant explained why they bought the property and how happy they are with
31 the area. Applicant explained how they are renovating the barn to be lived in.

32
33 Mr. Johnson asked applicant to comment on the requirement for the paved apron.

34 Applicant responded that there are very few driveways paved in that area. The added
35 money can be spent on more important renovations. In the future they would be open to
36 it.

37
38 Mr. Verst asked how long it would take the applicant to have the unit a livable space.
39 Applicant responded ideally 6 months. Mr. Verst stated the main issue is traffic bringing
40 the gravel out onto the public road and becoming a safety issue. Mr. Verst asked if the
41 driveway sloped down toward the road. Applicant stated there is a flat area at the bottom
42 of the driveway. Mr. Hunter verified that it is flat at the bottom. Mr. Verst said that he is in
43 favor of a paved apron.

1
2 Mr. Verst closed audience participation and asked for public comment.

3 Mr. Verst closed the public comment due to no participation.

4 Mr. Verst opened the board for discussion.

5
6 Board discussed the gravel driveway and whether a paved apron should be waived or if
7 time should be given to install the paved apron.

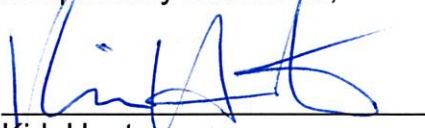
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9 Mr. Fessler made a motion to approve the conditional use based on the facts presented
10 by the staff report and the testimony from the staff and witness present, and finding that;
11 the proposed use is necessary and desirable to contribute to the general well-being of the
12 neighborhood and community; and it will promote the public health, safety and welfare of
13 those residing and working within the vicinity and is not injurious to the property or
14 improvements in the vicinity; it will not impair the integrity and character of the zone; and
15 that such use complies with Sections 9.14 and 18.7 of the Zoning Regulations; and that
16 the waiving of the apron on that it will not be injurious to the community by waiving the
17 requirement. In this particular case it would not serve its intended purpose to prevent
18 gravel from migrating onto the street. Mr. Williams seconded the motion.

19 The clerk called the roll and found Mr. Fessler, Mr. Williams, and Mr. Johnson voted in
20 favor. Mr. Verst opposed. Motion passed and conditional use is granted along with the
21 waiver for the driveway.

22
23 No further new business.

24
25 Mr. Verst asked for a motion to adjourn. Mr. Williams made a motion to adjourn the
26 meeting. Mr. Johnson seconded the motion. All voted in favor. The meeting was officially
27 adjourned at 7:16 PM.

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34 Respectfully Submitted,

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38 Kirk Hunter
39 Principal Planner

Approved:


Justin Verst
Chair