

**CAMPBELL COUNTY & MUNICIPAL BOARD OF ADJUSTMENT
MINUTES OF THE MAY 16, 2017 MEETING**

MEMBERS PRESENT:

Mr. John Fessler
Mr. Justin Verst
Ms. Sharon Haynes, TPO
Mr. Roger Mason, Vice Chair
Mr. Scott Bachmann, Chair

STAFF PRESENT:

Ms. Cynthia Minter, Director
Mr. Michael Duncan, Legal Counsel
Ms. Stephanie Turner, Recording Secretary

MEMBERS ABSENT:

Mr. Joseph Williams
Mr. Michael Williams

STAFF ABSENT:

Mr. Kirk Hunter, Principal Planner

Mr. Bachmann called the meeting to order at 7:04 PM and asked everyone to stand and face the flag for the Pledge of Allegiance. Following roll call, a quorum was found to be present. Mr. Bachmann asked if everyone had read the September 20, 2016 meeting minutes and if there were any questions or corrections. There being no comments or corrections, Mr. Bachmann called for a motion. Ms. Haynes made a motion to approve the minutes as submitted. Mr. Verst seconded the motion. Mr. Bachmann called for a roll call vote. A roll call vote found Mr. Fessler, Mr. Verst, Ms. Haynes and Mr. Bachmann in favor. Mr. Mason abstained. Motion passed.

There being no old business to discuss, Mr. Bachmann introduced the first case on the agenda for a public hearing as Case #BA-02-17 by applicant Mr. Joshua Specht. Ms. Minter advised the Board that Mr. Specht was the previous owner. This request was submitted to staff shortly prior to Mr. Nick Spatola acquiring the property. Mr. Specht has since recused himself from these proceedings. Mr. Nick Spatola is the fee and simple property owner at this time. Mr. Bachmann thanked Ms. Minter for the clarification. Mr. Spatola is requesting a front-yard setback variance of approximately 20 feet and a side-yard setback variance of approximately 3 feet. Mr. Bachmann called for the staff report to be given. Ms. Minter presented the staff report as follows:

CASE NUMBER: BA-02-17
APPLICANT: Nick Spatola
LOCATION: 1108 Burnet Avenue, Woodlawn
REQUEST: To grant a front and side yard variance to allow for the reuse of an existing foundation

Background:

The residential structure at 1108 Burnett in Woodlawn was constructed in 1994. As it was built, it did not meet the City of Woodlawn's front or side yard setback requirements.

The residential structure was damaged in a fire. The fire was severe enough that the structure was damaged in excess of 50% of its value. In 2017, the property was acquired by Mr. Nick Spatola. It is Mr. Spatola's intention to preserve the existing foundation on which to build a new house. The purpose of this hearing is to determine if a front and side yard variance can be granted which would allow for the reuse of an existing foundation.



Figure 1. Original house before fire damage

The topography of the area creates a challenge for placing a home. The entire lot is on the side of a hill. Additionally, the lot shape is irregular where it adjoins Kentucky Transportation Cabinet property to its western boundary.

The right-of-way on Burnet Avenue is fifty (50) feet wide. This places the property line approximately twelve (12) feet from the curb.

Article IX, Section 9.13, D., 2, Front Yard Variance:

“In any Residential Zone, no front yard shall be required to exceed the average depth of existing front yards on lots abutting on each side of the street, or the average depth of existing front yards and the same side of the street within the same block and within two hundred (200) feet when fifty-one percent (51%) or more of said lots are improved with residence buildings, whichever is greater; provided that in no case shall a front yard be less than twelve (12) feet.”

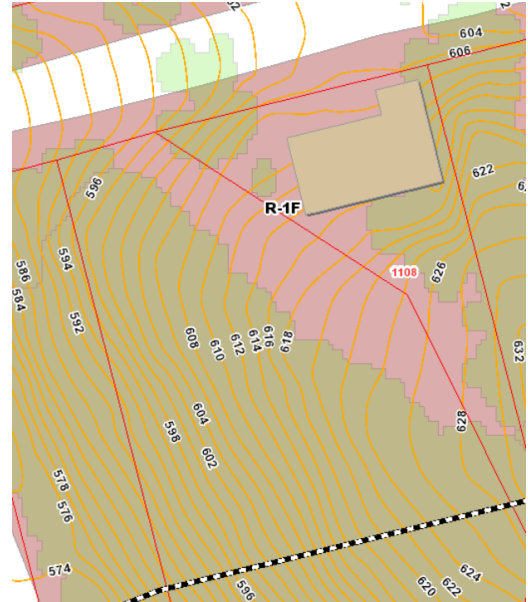


Figure 2 Topography

There are fifteen lots on Burnet Avenue, five of which are vacant. None of the buildings on Burnet Avenue meets the minimum twenty-five (25) foot front yard setback requirement. The average setback of the all of the homes is fourteen (14) feet from the property line. The average setback for homes within two hundred (200) feet of the site and on the same side of the block is eighteen (18) feet. Per Article IX Section 9.13, a minimum front yard depth of eighteen (18) feet would be allowed.



Figure 3 25-Foot Setbacks on Burnet Avenue

Considerations:

The applicant is requesting two (2) dimensional variances to maintain the footprint of the original building. This variance would accommodate the primary home and the attached garage.

1. Front Yard Variance of twenty (20) feet.
 - a. The primary mass of the building is approximately nine (9) feet from the front property line.
 - b. The garage extends approximately four (4) feet closer to the front property line than the façade of the house.
 - c. This creates a setback distance of five (5) feet from the property line.
2. Side yard variance of three (3) feet.
 - a. The corner of the existing foundation is five (5) feet away from the property line.

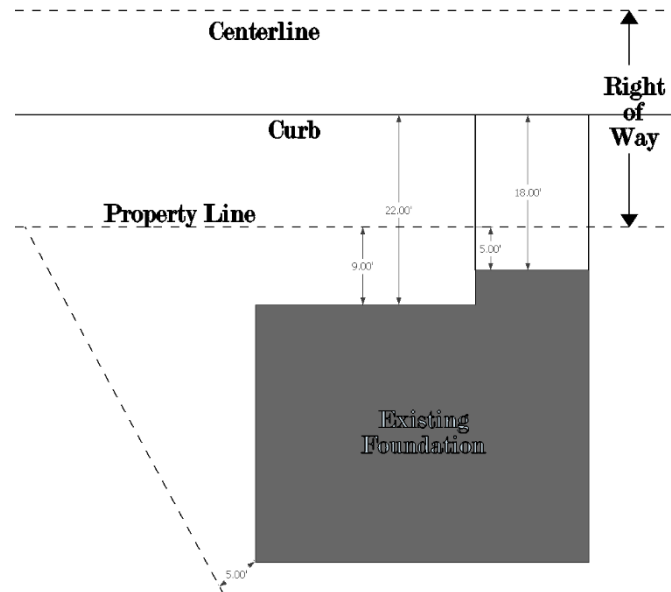


Figure 4

3. The site, containing approximately 5800 square feet, is located within the city limits of Woodlawn. This site is located within the Residential 1F (R-1F) Zone. The Recommended Land Use Map of the 2008 Campbell County Comprehensive Plan identifies the site and surrounding areas for higher density single family residential.
4. Article X, Section 10.2 R-1F Residential One-F Zone of the Woodlawn Zoning Ordinance list single family dwellings subject to the setbacks as follows:

<u>Description:</u>	<u>R-1F Zone Regulations Require:</u>
Minimum Lot Area:	Six thousand (6000) Square Feet
Minimum Lot Width:	Fifty (50) feet
Minimum Front Yard Depth:	Twenty-five (25) feet
Minimum Side Yard Depth:	Eight (8) feet
Minimum Rear Yard Depth:	Twenty-five (25) feet
Maximum Building Height:	Thirty-five (35) feet or two and one half (2-½) stories

5. A review of public records indicates the following:
 - a. No previous requests for a conditional use permit or variance have been submitted for this site.
6. The site plan and field visit by staff reflects the following:
 - a. An existing lot with a fire-damaged single family home.
 - b. Short driveway that is unlikely able to accommodate a car without blocking sidewalk.
 - c. Similar setbacks on other neighboring properties.
7. Per Article 18, Section 18.6 Dimensional Variances: Change From One Nonconforming Use To Another, Conditions Governing Applications: Procedures.
 - A. DIMENSIONAL VARIANCES: Before any variance is granted, the Board of Adjustment must find that the granting of the variance will not adversely affect the public health, safety, or welfare; will not alter the essential character of the general vicinity; and will not cause a hazard or nuisance to the public. Such variance shall not be granted by the Board of Adjustment unless and until:

1. A written application for a dimensional variance (including the required fee as per Section 19.0 of this Ordinance) and a site plan, subject to the applicable requirements of Section 9.19, are submitted demonstrating:

- a. That the requested variance arises from special circumstances exist which do not generally apply to land in the general vicinity, or in the same zone.

The applicant states: *"This is a very unique piece of property that sits on a hill and would be difficult to rebuild anywhere else other than the existing foundation area. I am wishing to rebuild on the same footprint foundation that is already there."*

- b. That the manner in which the strict application of the provisions of this Ordinance would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant.

The applicant states: *"I am trying to reuse the existing foundation. There are serious cuts in the hill in this particular spot which would make it really difficult to rebuild anywhere else on the property."*

- 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.

The applicant states: *"I have acquired this property with the existing foundation and I wish to build a house extremely similar to the house that was already there."*

- 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.

The applicant states: *"Due to the topography of the area there are similar homes in the neighborhood that are just as close to the road. Reconstructing this house will not alter the character of the neighborhood."*

- 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. No nonconforming use of neighboring lands and structures in the same zone shall be considered grounds for the issuance of a variance.

The applicant states: *"This house was built in 1994 and a couple years ago in 2015 it burnt down. I have been renting and living in Woodlawn for almost 8 years now. I truly love the area and the neighbors within this unique small city. I believe building a new House on the street will make the neighborhood safer and better. The nice thing about this particular street is that it is a one-way street with minimal and no through traffic."*

8. Per Section 18.6, A., 2., Notice: Notice of public hearing was given in accordance with Section 18.2 of the Woodlawn Zoning Ordinance. **A legal notice appeared in the May 4, 2017 edition of the Campbell County Recorder advertising applicant's request and the hearing to be held on May 16, 2017.**
9. 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. **The use of the property is consistent with the adopted 2008 Comprehensive Plan.**

Summary of Applicants Request:

The applicant is requesting a variance to reuse an existing foundation to construct a house.

Description:	R-1F Zone Regulations Require:	Applicant's Request:
Minimum Lot Area:	Six thousand (6000) Square Feet	
Minimum Lot Width:	Fifty (50) feet	
Minimum Front Yard Depth:	Twenty-five (25) feet	Five (5) feet / Variance of twenty (20) feet
Minimum Side Yard Depth:	Eight (8) feet	Five (5) feet / Variance of three (3) feet
Minimum Rear Yard Depth:	Twenty-five (25) feet	
Maximum Building Height:	Thirty-five (35) feet or two and one half (2-½) stories	
Minimum Lot Area:	Six thousand (6000) Square Feet	
Minimum Lot Width:	Fifty (50) feet	

Staff Recommendation – Woodlawn Zoning Ordinance:

To approve the request of a twenty (20) front yard variance for the wall and approve the request of a three (3) foot side yard variance subject to the following conditions.

1. Any vehicle parked in the existing driveway not block the sidewalk.
2. That the applicant complies with all Campbell County ordinances, regulations and building codes.
3. That the applicant apply for and receive approval from the building department for all future structures that are built on the property.

Supporting Information / Basis for Recommendation

1. VARIANCES: Before any variance is granted, the Board of Adjustment must find that the granting of the variance will not adversely affect the public health, safety, or welfare; will not alter the essential character of the general vicinity; and will not cause a hazard or nuisance to the public. These findings shall be recorded in the minutes and records and issued in written form to the applicant to constitute proof of the variance. Such variance shall not be granted by the Board of Adjustment unless and until:

- a. That the requested variance arises from special circumstances exist which do not generally apply to land in the general vicinity, or in the same zone.

The requested variance does arise from special circumstances which exist and do generally apply to land in the general vicinity or in the same zone. There are other structures in the area that are located in the front yard setback.

- b. That the manner in which the strict application of the provisions of this Ordinance would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant.

The application of the provisions of this Ordinance would deprive the applicant of a reasonable use of the land and would create an unnecessary hardship on the applicant.

- 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.

The applicant is requesting this variance subsequent to the approval of these regulations.

- 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.

The essential character of the neighborhood is residential. The site does not allow flexibility in where a house can be placed. The site is a small urban lot and the house is the appropriate size for the site and the neighborhood. There are no other locations on the site that would allow for the structure to meet minimum setback requirements. A building site further up the hill would require additional cuts into the hill and possible redirection of the natural drainage.

- 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. No nonconforming use of neighboring lands and structures in the same zone shall be considered grounds for the issuance of a variance.

The variance request will not confer on the applicant any special privilege.

- f. That the variance requested will not adversely affect the public health, safety, or welfare, will not adversely alter the essential character of the general vicinity, and will not cause a hazard or nuisance to the public.

This variance would not alter the essential character of the general vicinity of the neighborhood.

- g. That the variance will be in harmony with the general purpose and intent of the Zoning Ordinance as well as the Adopted Comprehensive Plan for the County.

The requested variance will be in harmony with the general purpose and intent of the Zoning Ordinance. The use of the property is consistent with the adopted Comprehensive Plan for the County.

Ms. Minter concluded the staff report by advising the Board that staff further reviewed their original recommendations and were now presenting a slightly modified version. Staff's recommendation should read:

Staff Recommendation – Woodlawn Zoning Ordinance:

To approve the request of a twenty (20) front yard variance for the wall and approve the request of a three (3) foot side yard variance subject to the following conditions:

1. Any vehicle parked in the existing driveway not block the sidewalk.
2. *This variance is applicable to the existing foundation. Should the existing foundation be deem unsuitable or removed, this variance will no longer be applicable.*

Note to Applicant:

1. *That the applicant complies with all Campbell County ordinances, regulations and building codes.*

Discussion:

Ms. Minter asked if the Board had any questions that she could address. Mr. Bachmann asked the Board if they had questions of staff. Mr. Verst asked Ms. Minter to return to the slide that showed the aerial view of the site and she did so. Mr. Verst asked if the "tree-line" was the property line. Ms. Minter replied that

the state acquired an irregular shaped portion of the site along Baum Street. The previous owner generously mowed the site including a portion of the state's site. Mr. Verst asked if the state acquisition of the neighboring lot is the reason for the odd shape and size of this lot. Ms. Minter stated that staff went back through the history and when the reconstruction of I-471 occurred, there was quite a large section of this area that was disturbed. It is Ms. Minter's belief that the state acquired the larger shape due to the extreme slopes of this area. This parcel is a remainder parcel. The lot is actually in a figure "8" parcel. This helps it to get the minimum size needed for this zone, but it is a very unusually shaped lot. The shape is a direct result of the states' acquiring of the neighboring parcel. Mr. Verst stated this was a pre-existing non-conforming lot area and wanted to make certain this would be noted in the record.

Ms. Haynes stated staff mentioned there would not be a deck on the side of the home. She requested staff educate her on the deck not being included in this variance request. Ms. Minter replied the previous home had a door on that side of the home and had constructed the deck for exit purposes. It is unclear if the deck was even on their property at all. Ms. Minter stated the deck has since been removed and it definitely would have encroached into the side yard variance. The applicant is not asking for a variance on that side of the property for a deck. The proposed new structure will not have an exit on that side of the home.

Mr. Bachmann asked staff about the vehicle sitting in the driveway; blocking the sidewalk; and sitting so close to the road. It appears the home further northeast has the same situation. Is it correct in saying this does not need to be addressed because this was the case when the house was built as well? Ms. Minter replied that there are some very tight setbacks all the way down the street. Vehicles in driveways should not block public sidewalks. We really want to point this out to those considering this site. With a garage with a driveway, they could possibly park a smaller car on the driveway. They cannot block the sidewalk. It needs to remain free and clear. Mr. Bachmann asked, as a condition of a variance, how would you enforce something like that? Ms. Minter advised that is something that would be the responsibility of the Newport Police Department to enforce. They do the code enforcement for the City of Woodlawn. Mr. Verst added that most cities have ordinances stating you cannot block the sidewalk. At least in the event, if Woodlawn does not include that in their ordinance, we are stating that here at the variance level. Ms. Minter stated that, since the applicant is asking for a variance, the Board could place any reasonable conditions on that approval. Mr. Bachmann asked if the sidewalk continued past the home. Ms. Minter replied that would be a question best answered by the applicant.

Mr. Bachmann asked if there were any other questions for staff. There being none, Mr. Bachmann asked the applicant to approach the podium and identify himself for the record. Mr. Nick Spatola, 40 West Crescent Avenue, Woodlawn, KY stepped forward to address the Board. Mr. Spatola is the current owner of the property. He has been renting 40 West Crescent Avenue for the past 8 years. It is right around the corner from this site. He passes it daily while walking his dog and became interested in obtaining the property for placement of a new single family dwelling for his family. He had been in contact with the previous owner Mr. Joshua Specht for some time. Mr. Specht suddenly approached him to finalize the purchase in a very hurried manner. The City of Woodlawn had already placed a demolition order on the property, but this was not disclosed to Mr. Spatola at the time of the closing. Mr. Spatola asked the City for an extension to the demolition so that he could perform the work himself so he could salvage the foundation.

Since then, the demolition has been completed and it is looking a whole lot better. The foundation looks great. All Mr. Spatola really wants to do from the beginning is to build a home on this same exact foundation. He saw this as an opportunity to use this foundation and save a little money. Mr. Spatola stated that he believes he is a great neighbor. He is a business owner in Ft. Thomas picking up trash. He has already talked to the neighbor "Bill" and we are on a good note with each other. Mr. Spatola stated that he has a builder in line already with a company called Gear & Sons. He has a meeting with an architect coming up. Mr. Spatola stated that he hopes to move very quickly within the next six (6) months to have a home sitting there very similar to other homes in the neighborhood. A nice little home that would be a great addition to the community. He stated that assumes the previous home was there prior to the addition of I-471. They were originally going to do the whole hill, but the house was there so they gave them a portion and that is why the lot is such an awkward weird strip there. We have already installed some landscaping to the rear yard to make it look better. Our intention is to live in that house, make it a home, and just be a good neighbor. We are not asking for anything that was not already there. We just want to be able to build upon the same footprint.

Mr. Bachmann asked Mr. Spatola to confirm he is the sole owner and there is no other party subject to the property. Mr. Spatola stated he was the sole owner. He could not recall the circumstances of why Mr. Specht was signing the application. He was preparing to leave the country for business when the attorney came to his home to present the purchase papers for signature. The demolition order was to be executed 3 hours later. He was at the airport preparing to leave, but was able to contact Mr. Steffen with the City of Newport to have a stay placed on the demolition. They were really good about working with us. The foundation looks really good and we think we build right on top of it.

Ms. Haynes asked if the sidewalk question had been addressed. Mr. Bachmann stated he thinks the photo is a little clearer on the location of the sidewalk. Mr. Spatola stated that the sidewalk does continue past the home to enable the entire community to walk around the neighborhood. Mr. Spatola stated he did not understand why, but the previous owner never parked in his garage. Mr. Spatola stated that it seems straight up to him that you would not block the sidewalk. He stated that you could park a small car in the driveway and there is always parking available on the street in front of the home. Mr. Spatola stated that the sidewalk continues all the way down on both sides of the street and continues down to Baum Street. This is a very residential area. There are no commercial businesses. The only reason to be back there is to go home or visit family and friends. There is little street traffic. It is a nice little spot so close to the city.

Mr. Bachmann asked if there were any other questions for the applicant. There being none, Mr. Bachmann called for the first person signed in to speak tonight regarding this issue. Mr. Larry Shane Parr, 20 South Foote Avenue, Bellevue, KY stepped forward to the podium. Mr. Parr stated he was the owner of the property located at 1112 Burnet Avenue immediately next door to the applicant. Mr. Parr stated he applauded Mr. Spatola for what he was hoping to accomplish upon this site. He continued with Ms. Minter had a really nice aerial view of the site, but it would have been great if they had brought an aerial view showing all the way down Chesapeake Avenue. There are other vacant properties in this area. Mr. Parr bought the property to the east of Mr. Spatola. It is vacant. It was not vacant when he purchased. It had an old structure on it that he tore down because he had a vision that this area is ripe for development for multifamily or something much larger than the scope of anything going on in this area. If you look at the proximity to Cincinnati, the Kroger Marketplace, and the development on Wiedemann Hill, this site has the potential to be developed into something like that. As the property owner of the property to the east of 1108 Burnet Avenue, Mr. Parr is currently opposed to the variance. He believes that if you look at Chesapeake all the way down to Waterworks Road, you would see a significant opportunity to develop that area.

Mr. Bachmann stated it does not appear that you object to the variance itself, but rather the land use. You would rather see multifamily development there. Mr. Parr stated that instead of one single-family home in this area, there is a significant opportunity to develop this whole hillside area. If you look at tax revenue and what you could be bringing to this area, it is worth more than one single-family home. Ms. Haynes stated that there are five (5) lots on Burnet Avenue identified as vacant. Do we know how many are owned by multiple people? Mr. Parr stated he knew the other person in the audience as a general acquaintance and property owner in Woodlawn and he would have his opportunity to speak. Mr. Parr is just speaking on his own perspective. Mr. Bachmann asked staff if Woodlawn allowed multifamily structures in their zoning ordinance. Ms. Minter stated multifamily was not a permitted use in the zoning ordinance, as it currently exist.

Mr. Bachmann called the next speaker. Ms. Colleen Parr approached the podium. Her only concern was the section of the garage that sticks out. Mr. Bachmann asked her to clarify. Ms. Parr stated that her concern was the vehicle in the driveway would block access to the sidewalk.

Mr. Bachmann asked if there were any questions for Ms. Parr. There being none, Mr. Bachmann called the next speaker to the podium. Mr. David Stahl, 3133 Sussex Court, Covington, KY 41015 stated he shared the same sentiment as Mr. Parr. Mr. Stahl owns the properties at 1103 and 1109 Burnet Avenue; 9 Baum Street; and 10 West Crescent Avenue. Mr. Stahl stated that the best question to ask would be - what is the best use of the land. The homes in this area are probably in economic decline. They are not appreciating. They have seen their better days. They are 70-80-90 years old. They are in good shape, but they are not appreciating in a manner that would draw tax revenue for the county or for the city.

Mr. Stahl stated that, if the Board approved the construction of a single family home for this site, any tax revenue would be similar to what they are seeing today. If, as Mr. Parr suggested, there were a development for multifamily then you would have an increase in density and thus an increase in tax revenue. In a city as small as Woodlawn, every dollar counts from a tax perspective. If you look at this at the short term and put the house on the lot, you will gain a little bit of revenue. If you look at this long term, 10-15-20 years, you are looking at a significant increase in tax revenue. This small city is basically land locked with little ability to increase in growth or density unless you come in and do something. Mr. Stahl stated that rather it is a higher density or a PUD; it may be a little more extravagant than that. There is an opportunity here for the city and the county to move this forward. By putting a house on that lot, this is not going to move the city forward. With just a little bit of long-term vision, if you look at what is on this hill, you can look at something really grand for our community. The City is minutes from the expressway, 5 minutes from downtown, and minutes to Newport or Covington. Woodlawn is a diamond in the rough. Mr. Stahl stated that he tells everyone about Woodlawn, but no one seems to know about it. It is a little secret in the city. You have a view of Cincinnati from both of these hillsides. There is a tremendous opportunity here for the city and the county. It is an opportunity to get the density increase. These are my concern with allowing a single family home on this lot.

Ms. Haynes clarified that Mr. Stahl's residence was in Covington, KY. Mr. Stahl stated he actually lived in Independence, KY but they have a mailing address of Latonia, KY. Ms. Haynes asked him to clarify which properties he owns in Woodlawn. Mr. Stahl identified his properties. Ms. Haynes asked if Mr. Stahl used the properties for investment purposes. Mr. Stahl confirmed they were rental properties. He has some really nice families living in them. They love the city and the location. Ms. Haynes asked if all of his properties mentioned were single-family dwellings. Mr. Stahl confirmed they were all single-family homes. Ms. Haynes asked how long he owned the properties. Mr. Stahl stated he purchased 1109 Burnet Avenue in 2006; 1103 Burnet Avenue in 2012; 9 Baum Street in 2013; and 10 West Crescent Avenue in 2016. Ms. Haynes commented that Mr. Stahl has recently been purchasing single-family homes in Woodlawn for the past decade approximately. Mr. Stahl agreed that was correct. Ms. Haynes asked if they were different from this residence. Mr. Stahl stated that the previous home that burned was a newer building than those he owned. Mr. Stahl stated he has taken care of his properties as if he lived there. They are very nice. He has a 1-bedroom home with aluminum siding at 1109 Burnet Avenue; a 3-bedroom home with aluminum siding at 1103 Burnet Avenue; and an English Tudor at 10 West Crescent Avenue. Ms. Haynes asked Mr. Stahl to describe his vision for his properties. Mr. Stahl stated he feels it is similar to what Mr. Parr proposed. He would assume it would be higher density – not like a two family – but rather a townhome or condo situation where you can get 18-20 units in there and then the other side of the hill they could get approximately 50-60 units and associate tax revenues of the increased density.

Mr. Mason asked Mr. Stahl why he did not make an offer on the property at 1108 Burnet Avenue. Mr. Stahl stated he would have been interested in the property, but was not aware it was for sale. Mr. Bachmann remarked that from Mr. Stahl's statements, it does not appear there is an issue with the variance being requested, but rather of the land use of a single-family dwelling. Mr. Bachmann continued that Mr. Stahl's desire is to have something that will lead to an increased property values in the properties he owns. However, Mr. Stahl does not live on site. It is strictly investment property. Mr. Bachmann stated that his interpretation is that Mr. Stahl does not have a problem with the variance itself or placement of a home. He just does not want a single family home. He wants something that would increase property values. Is that correct? Mr. Stahl stated he did not look at it as an investment perspective, but rather as a long-term vision perspective as what would be best for the city or for the county. Mr. Bachmann asked Mr. Stahl to confirm that he did not live on any of these properties. Mr. Stahl stated he did not, but he would keep the property at 10 West Crescent Avenue and he would want that to continue to appreciate. It would be a property that he would keep and even potentially live there some day.

Mr. Bachmann asked if the topography of these sites had been taken into consideration. If there were a multifamily development, topography would play a part in the feasibility, size and options for any kind of development. How do you propose there is eventually going to be this growth you are hoping for with natural issues like topography? Mr. Stahl stated he understood there would be additional issues that would need to be resolved and he does not know how to overcome those issues. But where we are right now with this, and it's fine if a house goes in there, in the long term is this the best thing for growth of the city and the county. There are hoops that have to be overcome. Mr. Stahl stated he was not naive enough to

think this would be an easy thing to do. He just thinks stepping back and looking at the overall use of the property would be a long-term vision and goal of the city. Mr. Bachmann stated that the Board of Adjustment has parameters and a role that is restrictive. Statements made by Mr. Stahl and Mr. Parr are not issues that the Board would take into consideration. What is before us is the variance for the front and side yards of this proposed home. Mr. Bachmann appreciated their perspective, but it does not fall before us. Ms. Haynes stated it was not in our scope of authority. Mr. Bachmann stated it sounds like a concern to be brought before either the city or the Planning & Zoning Commission.

Mr. Stahl stated he had one other statement to make. When he purchased the property at 9 Baum Street in 2013, he was told he could not build on that lot because he did not have the proper frontage that was necessary. It is just a half block away around the corner. He does not see the difference between his site and this site that would preclude him from building upon his site. Mr. Verst stated that was a separate issue and the Board really could not discuss it.

Ms. Haynes asked Mr. Duncan to clarify the authority of the Board. Mr. Duncan confirmed that the scope of this Board in this particular request is the variance itself. Mr. Duncan advised that the Board should not comment on 9 Baum Street. However, if someone had a situation where a house burnt down on a conforming lot of record, which means we have to assume that lot is lawful, then when you are faced with an application, you have to look at the statute. Is there a hardship? Is there something else reasonable that could be done? If not, you cannot tell him he cannot use his land, as that would be a taking without proper compensation. You need to look at this application to determine if the elements of a variance are met. Is he proposing something that is reasonable? He is not going totally free form here. He is asking to build upon an existing foundation. Issues brought to you tonight are broader issues that would and should be considered by the planning commission, fiscal court or the City of Woodlawn. This is not blocking any future development especially on the other side of the road. Your focus is strictly on this application for this specific lot. You are to weigh information brought here tonight strictly pertaining to the variance issues.

Mr. Stahl asked if the City of Woodlawn had representation on the Board. Ms. Minter explained that this is the Campbell County & Municipal Board of Adjustment. The City of Woodlawn is afforded an opportunity to have a representative on this Board. That being said, they currently do not have a representative on this Board. The City of Woodlawn, however, is very aware of this case, of this site and they are the entity that requested the City of Newport to order the demolition of the home that had been fire damaged. They are very much aware of this situation and of the intent of the new owner to reuse the existing foundation.

Ms. Haynes asked staff if Mr. Spatola has been verified as the new owner of the property. Ms. Minter replied that we believe that is the case. We asked for signatures from both parties because at the time of application the sale was in process but not finalized. We would not verify ownership again until a building permit is submitted. When the applicant comes to apply for the building permit to construct the new home, that is the time we require documentation proving ownership. A variance travels with the property and not with the owner.

Mr. Bachmann asked if there were any additional questions or comments. There being none, Mr. Bachmann opened the floor for discussion among the Board. Ms. Minter pointed out that the zone is Residential One-F (R-1F) which is single-family dwellings and does not allow for multifamily. Ms. Minter replied that she was aware this was out of the prevue of this body, but if a request for multifamily were submitted it would come before the planning commission and then the City of Woodlawn for consideration of a zone change. It would also require a minimum of 5 acres to submit an application for that type of zone change.

Mr. Bachmann asked the Board if there were any comments or discussion. Ms. Haynes asked Ms. Minter to return to the slide showing their recommendation and any pertinent conditions. Mr. Verst stated, if it pleased the Chair, he was prepared to make a motion. Mr. Bachmann called for a motion. Mr. Verst made a motion on case #BA-02-17 by applicant Mr. Nick Spatola requesting a front-yard and side-yard setback variance. Mr. Verst motion was to approve the request of a twenty (20) front yard variance for the wall and approve the request of a three (3) foot side yard variance. Mr. Verst stated that his motion would be subject to two (2) following conditions:

1. Any vehicle parked in the existing driveway not block the sidewalk.
2. This variance is applicable to the existing foundation. Should the existing foundation be deem unsuitable or removed, this variance will no longer be applicable.

Mr. Verst read into the record that the application would need to comply with all Campbell County ordinances, regulations and building codes. The basis of his recommendation is that this is a reasonable use of the property, the information presented in the staff report and staff presentation as well as the applicant's presentation and testimony. Furthermore, Mr. Verst cited the Supporting Information / Basis for Recommendation as listed in the staff report. Mr. Bachmann asked if there were any questions or comments on the motion. There being none, Mr. Bachmann called for a second to the motion. Mr. Mason seconded the motion. Mr. Bachmann asked if there were any discussion or questions regarding the motion that had just been seconded. There being no other comments or questions, Mr. Bachmann called for a roll call vote. A roll call vote found Mr. Fessler, Mr. Verst, Ms. Haynes, and Mr. Mason in favor. Mr. Bachmann abstained. Motion passed.

Mr. Verst recognized Mr. Parr and Mr. Stahl for their participation in the meeting tonight. The Board appreciates public input and comments in the process of hearing testimony. Ms. Minter agreed and recommended that they approach the City of Woodlawn regarding their visions for the future. The City would be the party to help spearhead any changes to the Zoning Ordinance.

There being no other cases to present to the Board tonight, Mr. Bachmann called for the Director's Report.

Director's Report:

Ms. Minter thanked the Board for their service. This is the first meeting of the Board in 2017 so there were some annual items that needs to be addressed. The first item being the election of officers for the remainder of 2017. Ms. Minter advised that according to the By-Laws the Board has the ability to select a nominating committee if they so desire. Mr. Bachmann asked if the Board wished to select a nominating committee. Mr. Verst made a motion to dispense with the nominating committee. Mr. Bachmann called for a second. Ms. Haynes seconded the motion. Mr. Bachmann asked if there were any questions regarding the motion. There being none, Mr. Bachmann called for a roll call vote. A roll call vote found Mr. Fessler, Mr. Verst, Ms. Haynes, Mr. Mason and Mr. Bachmann in favor. No one abstained. Motion passed.

Ms. Minter identified that the current officers were as follows:

Chair - Mr. Bachmann
Vice Chair - Mr. Mason
TPO - Ms. Haynes

Mr. Verst made a motion that the officers continue in their current roles. Mr. Bachmann asked if any of the missing Board members expressed an interest in any of the offices. Staff advised the Board that no one had expressed any interest in holding office. Mr. Bachmann asked the nominees if they accepted their nominations for office. Mr. Bachmann, Mr. Mason and Ms. Haynes each expressed their willingness to serve. Mr. Verst made a motion to elect officers as they currently existed. Ms. Haynes seconded the motion. Mr. Bachmann asked if there were any questions or comments on the motion before the Board. There being none, Mr. Bachmann called for a roll call vote. A roll call vote found Mr. Fessler, Mr. Verst, Ms. Haynes, Mr. Mason and Mr. Bachmann in favor. No one abstained. Motion passed.

Mr. Bachmann asked if there were any other items the Board wished to discuss tonight. There being none, Mr. Bachmann asked for a motion to adjourn. Mr. Verst made a motion to adjourn. Ms. Haynes seconded the motion. An oral vote found everyone in favor, none opposed. Motion passed. Meeting adjourned at 8:03 PM.

Prepared by:

Approved:

Cynthia Minter
Director

Scott Bachmann
Chair