

# **CAMPBELL COUNTY & MUNICIPAL BOARD OF ADJUSTMENT**

## **MINUTES OF THE NOVEMBER 20, 2018 MEETING**

### **MEMBERS PRESENT:**

Mr. Joseph Williams  
Mr. Michael Williams  
Mr. Roger Mason, Vice Chair  
Mr. Scott Bachmann, Chair  
Mr. Justin Verst  
Mr. John Fessler, TPO

### **STAFF PRESENT:**

Ms. Cynthia Minter, Director  
Mr. Kirk Hunter, Principal Planner  
Mr. Michael Duncan, Legal Counsel

### **MEMBERS ABSENT:**

Ms. Susan Meyers

### **STAFF ABSENT:**

Mr. Bachmann called the meeting to order at 7:00 PM with the Pledge of Allegiance. Following roll call, a quorum was found to be present. Mr. Bachmann continued the meeting by asking if everyone had read the August 21, 2018 meeting minutes and if there were any questions or corrections. There being no comments or corrections, Mr. Bachmann called for a motion to approve the minutes. Mr. Mason made a motion to approve the minutes as submitted. Mr. J. Williams seconded the motion. Mr. Bachmann called for a roll call vote. A roll call vote found Mr. Mason, Mr. Bachmann, Mr. M. Williams and Mr. J. Williams in favor. Mr. Verst and Mr. Fessler abstained. Motion passed.

Mr. Bachmann introduced case BA-18-015 for Mr. Terry Plummer at 7029 Reitman Road, Unincorporated Campbell County, KY requesting a front yard variance. Mr. Hunter proceeded with the staff report.



### **Considerations:**

The applicant is requesting a dimensional variance. His intention is to construct a porch on the front of the house. Because of the topography of the lot, it would be prohibitively expensive to build to the rear. Mr. Hunter highlighted that there is a drop of about 6 feet from the front to the rear of the house.

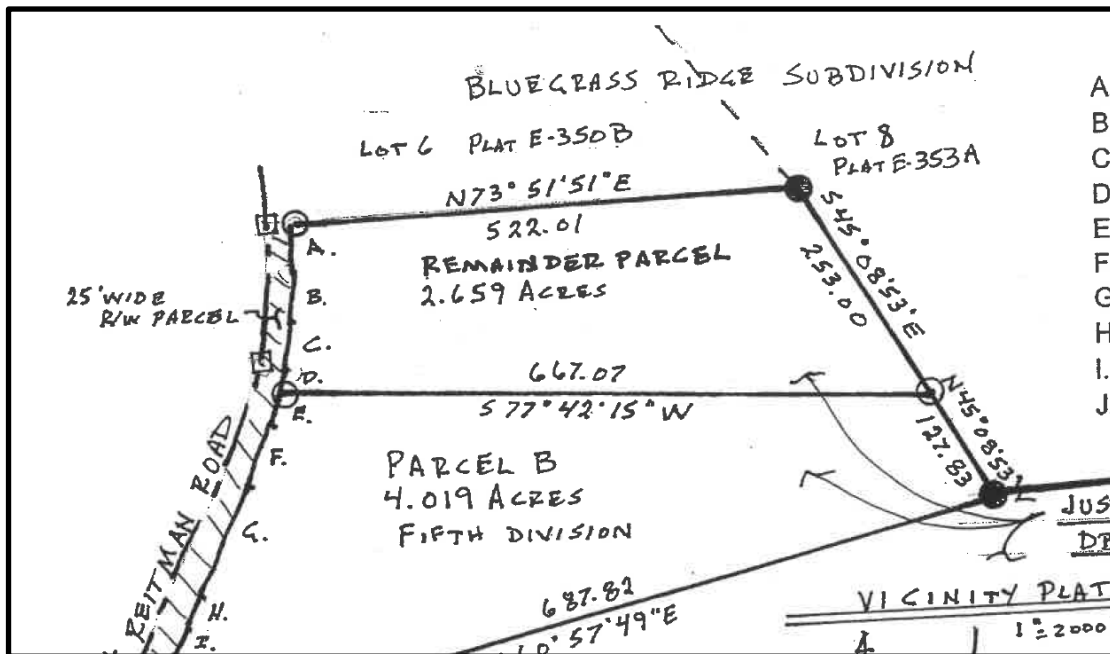
1. The site, containing approximately 2.7 acres, is located in Unincorporated Campbell County on Reitman Road. Reitman Road is a County-maintained road. This site is located in the R-RE Residential Rural Estate Zone. The Recommended Land Use Map of the 2008 Campbell County Comprehensive Plan identifies the site and surrounding areas as rural mixed-use. Currently, the surrounding land is zoned R-RE and is comprised primarily of single-family residential land uses.
2. The Campbell County Zoning Ordinance Article X, Section 10.2 classifies the area within the R-RE Residential Rural Estate Zone. Permitted uses within this zone include:
  1. Single family dwellings, detached.
  2. Horse related uses, including riding and boarding stables for personal use with minimum lot area of 4 acres provided that the location for a detached single-family

dwelling has been sited meeting all applicable area and height regulations for all structures.

3. Greenhouse, nurseries or gazebo for personal use with minimum lot area of 4 acres provided that the location for a detached single-family dwelling has been sited meeting all applicable area and height regulations for all structures.

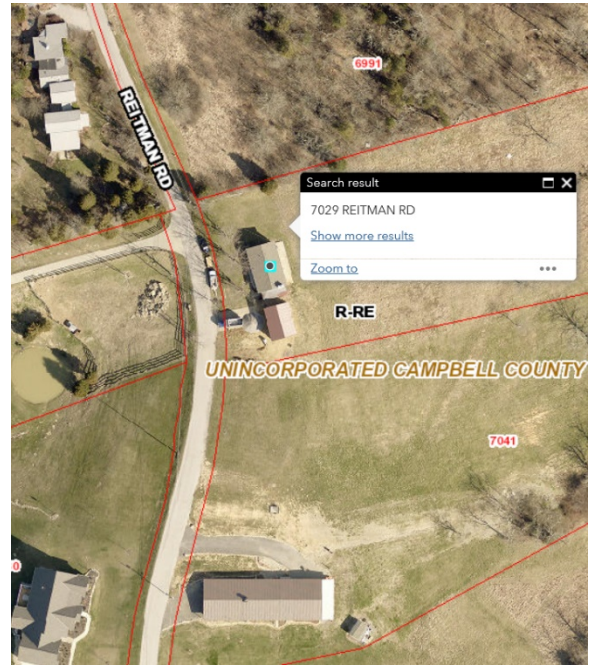
3. The minimum setbacks for the R-RE zone are:

R-RE Zone		
Description:	Regulations Require:	Applicant's Request:
Minimum Lot Area:	One (1) acre	
Minimum Lot Width:	One hundred (100) feet	
Minimum Front Yard Depth:	Fifty (50) feet	<b>Twenty (20) Feet</b>
Minimum Side Yard Width:	Total - Twenty-five (25) feet	
	One side – ten (10) feet	
Minimum Rear Yard Depth:	Thirty five (35) feet	
Maximum Building Height:	Thirty five (35) feet	

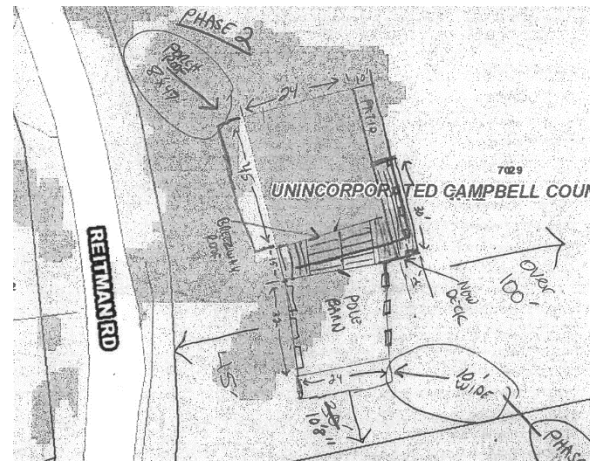
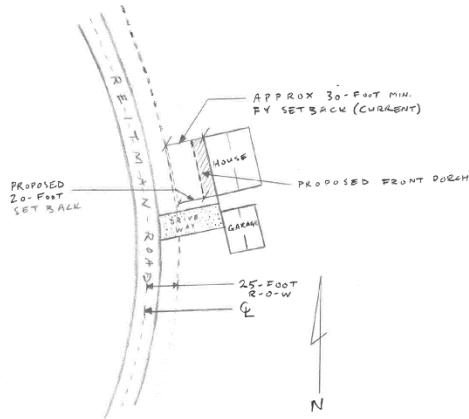


4. A review of public records indicates the following:
  - a. No previous requests for a variance have been submitted for this site.
  - b. The applicant owns 7029 Reitman Road.
  - c. This parcel 999-99-28-322.00 is the remainder parcel from a land division in 2014.
  - d. The dedicated public right-of-way on this parcel is twenty-five (25) feet from the centerline of Reitman Road.
  - e. Reitman Road is a County-maintained road that is fifteen (15) feet in width.
  - f. A similar front yard variance was approved across the street at 6990 Reitman in 2006.
  - g. The pole barn situated on the property directly to the south is situated approximately seventeen (17) feet from the property line.

5. A site plan reflects the following:
- The plan shows an existing lot with a single family home situated thirty (30) feet from the property line at its closest point.
  - The plan shows the proposed front porch.



Reitman Road follows a natural ridgeline. The site topography makes it difficult to build to the rear of the house.



6. 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 November 8, 2018 edition of the Campbell County Recorder advertising applicant's request and the hearing to be held on November 20, 2018.***

7. 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.**

### **Supporting Information**

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, will not cause a hazard or nuisance to the public. Such variance shall not be granted by the Board of Adjustment unless and until:

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

### **Applicants Comments:**

- "1. The front porch I am asking for will not harm anyone's property.*
- 2. The front porch would extend our outdoor living area and improve the looks of our house.*
- 3. The house was built in 1969 before the new setback was in place.*
- 4. The front porch will improve the value of the house and its function*
- 5. I am not asking for any special consideration, only a porch."*

*~Submitted October 1, 2018*

### **Staff Comments:**

*The requested variance does arise from special circumstances, related to topography, which exist and do not generally apply to land in the general vicinity or in the same zone.*

*The application of the provisions of this Ordinance would create unnecessary hardship on the applicant.*

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



*The essential character of the neighborhood is agricultural and this action is compatible with agricultural use.*

*This variance would not be granting the applicant a special privilege.*

### **Summary of Applicants Request:**

The applicant is requesting a thirty (30) foot front yard variance due to topographical conditions for the construction of a building addition and reducing the fifty (50) foot setback to approximately twenty (20) feet.

Mr. Hunter directed the Board to the written staff report for the correct basis for the recommendation by staff and read the recommendation into the record.

### **Staff Recommendation:**

To approve the applicant's request for a front yard variance of thirty (30) feet for a porch.

### **Basis for Recommendation**

1. In accordance with Section 18.2 of the Campbell county Zoning Ordinance, notice of public hearing was given in the November 8, 2018 edition of the Campbell County Recorder.
2. In accordance with KRS 100.241 Variances, the board shall have the power to hear and decide on applications for variances. The board may impose any reasonable conditions or restrictions on any variance it decides to grant.
3. The evidence presented by the applicant and staff is such as to make a finding that:
  - a. The requirements for a variance have been met by the applicant for a variance and the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.
  - b. 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 and will not allow an unreasonable circumvention of the requirements of the zoning regulations. In making these findings, the board considered whether:
    - i. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;
    - ii. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant; and
    - iii. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

- iv. The variance will not allow unreasonable circumstance of the requirements of the zoning regulations and will not alter the essential character of the neighborhood.
- v. 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.

Mr. Bachmann asked if there were any other questions or comments. Mr. M. Williams indicated that it was a pretty straightforward case. There being no further questions for staff, Mr. Bachmann acknowledged the applicant and asked if they had any further comments to add to staff's presentation. Mr. and Mrs. Plummer were both present. Mr. Terry Plummer from 7029 Reitman Road addressed the Board. Mr. Plummer indicated that they purchased the house about a year ago and have been fixing it up. Mr. Plummer indicated that they were aware that they needed to approach planning and zoning to obtain a variance, similar to what another neighbor had done about ten years ago.

They would like to make the front porch match the house with shingles and cedar posts. They will be completing the project concurrent with their pole barn utilizing the same contractor. They intend to retain the maple trees. He feels like the porch will be a friendly addition and add value to the home. Mr. Plummer also extended his appreciation to the board for their efforts.

Mr. Bachmann asked if any other questions or comments. Mrs. Plummer indicated that she has no additional comments. There were no additional audience members present.

Mr. Bachmann opened the floor for the Board to discuss the request.

Mr. Duncan requested a clarification from staff on the Item iii of the staff report, that the circumstances are NOT the result". Mr. Hunter confirmed the correction.

Mr. Bachmann requested discussion and/or a motion. Mr. Verst indicated that based upon the discussion and evidence presented this clearly meets the requirements for a variance.

Mr. Verst made a motion to approve the request for a variance on Case # BA-18-015 to approve the variance as requested. The basis for the motion is as listed in the staff report. The finding of facts includes the evidence presented tonight. Mr. Mason seconded the motion. Mr. Bachmann called for a roll call vote. A roll call vote found Mr. Verst, Mr. Mason, Mr. Fessler, Mr. J. Williams, Mr. M. Williams, and Mr. Bachmann in favor of the motion. No one opposed the motion. No one abstained. Motion passed.

### **Director's Report:**

Mr. Bachmann asked if there was a Director's Report for this evening. Mr. Minter announced the resignation of Ms. Turner. The Board stated their appreciation for her service and wished her well in her new role.

Ms. Minter stated that there are no cases currently planned for December.

Mr. Bachmann asked if there were any other comments, questions or points for discussion among the Board. There being none, Mr. Bachmann called for a motion to adjourn. Mr. Mason made a motion to adjourn. Mr. M. Williams seconded the motion. Mr. Bachmann called for an oral vote.

An oral vote found all in favor of the motion. No one abstained. Motion passed.

The meeting adjourned at 7:19.

Prepared by:

Approved:

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Cindy Minter  
Director

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Scott Bachmann  
Chair