

MEMBERS PRESENT:

Mr. Scott Bachmann
Mr. Justin Verst, Chair
Mr. John Fessler, TPO

Mr. Michael Williams

MEMBERS ABSENT:

Mr. Joseph Williams
Ms. Susan Meyers

STAFF PRESENT:

Mr. Kirk Hunter, Principal Planner
Mr. Michael Duncan, Legal Counsel
Ms. Emily Woodward, Secretary

STAFF ABSENT: N/A

Mr. Verst called the meeting to order at 7:02 PM with the Pledge of Allegiance. Following roll call, a quorum was found to be present, with Mr. Bachmann, Mr. Fessler, Mr. Mike Williams and Mr. Verst in attendance, and Mr. Joe Williams, and Ms. Susan Meyers absent.

Mr. Verst continued the meeting by asking if everyone had read the previous meeting minutes and if there were any questions or corrections. There being no comments or corrections, Mr. Verst called for a motion to approve the minutes. Mr. Williams made a motion to approve the minutes as submitted. Mr. Fessler seconded the motion. A roll call vote found Mr. Fessler, Mr. Verst and Mr. Williams in favor with Mr. Bachmann abstaining. The motion passed, and the minutes were approved.

Mr. Verst introduced case BA-19-014 for Mr. Peter Lewis' request for a front yard setback variance. Mr. Hunter proceeded with the staff report as follows:

Considerations:

1. The applicant is requesting a dimensional variance. His intention is to construct an accessory structure. Because of the topography of the lot, a structure built to the legal front yard setback would be prohibitively expensive
2. The site, containing approximately 3 acres, is located in Unincorporated Campbell County on KY1996/Stevens Branch Road. Stevens Branch is a state-maintained road.
3. This site is located in the Agricultural-One (A-1) 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 A-1 and is comprised primarily of agricultural land uses and undeveloped land.

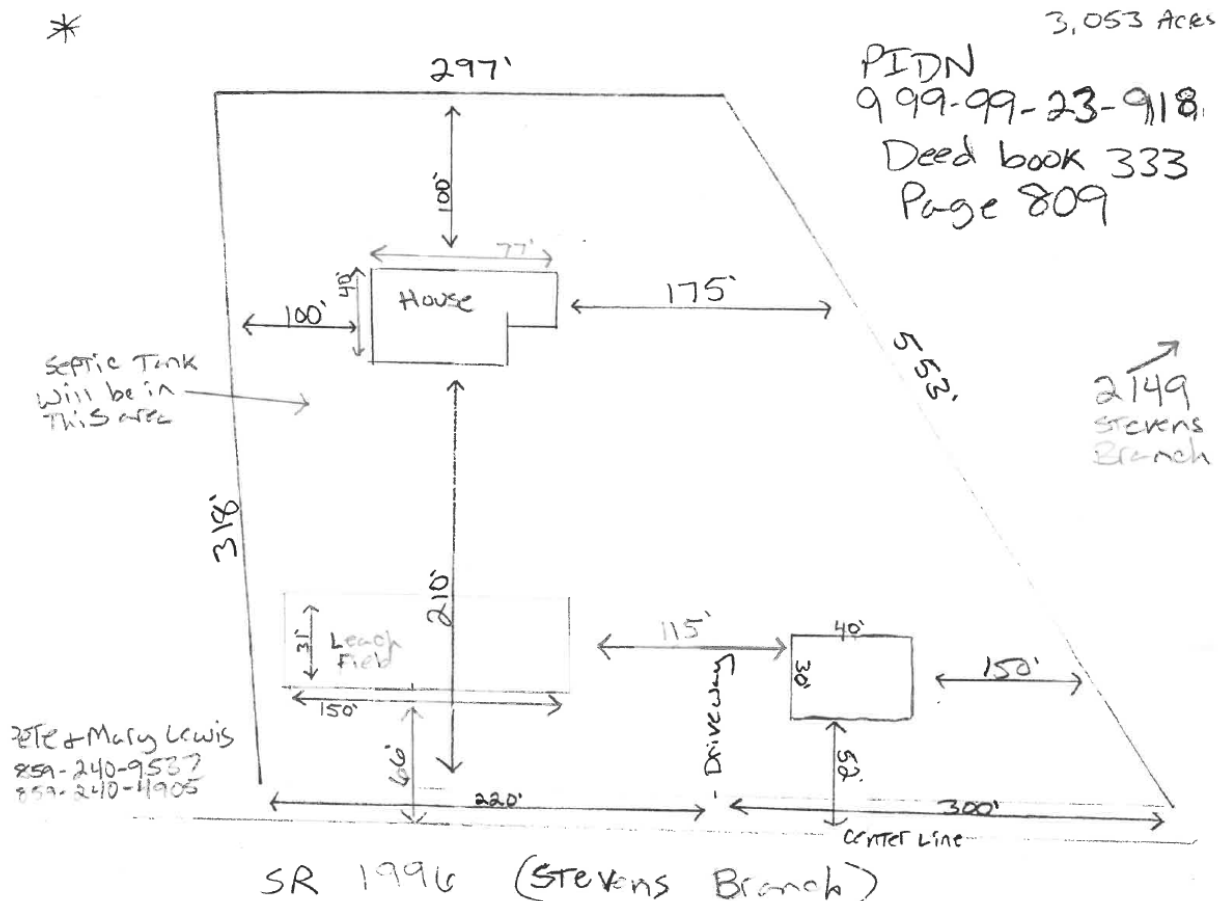


4. The Campbell County Zoning Ordinance Article X, Section 10.1 classifies the area within the Agricultural-One (A-1) zone. Single-family detached homes are a permitted use in this zone. Customary accessory buildings are a conditional use
5. The minimum setbacks for the R-RE zone are:

<u>Description:</u>	<u>R-RE Zone Regulations Require:</u>	<u>Applicant's Request:</u>
Minimum Lot Area:	One (1) acre	
Minimum Lot Width:	One hundred (100) feet	
Minimum Front Yard Depth:	Fifty (50) feet	<i>Twenty-five (25) feet</i>
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	

6. 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 this parcel
7. A site plan submitted by the applicant reflects the following:
 - a. Henry Court is a local road approximately one mile feet long with connecting Flagg Springs Pike to Persimmon Grove Pike.

- b. The site is currently undeveloped.
- c. A driveway encroachment has been applied for and app
- d. The plan shows an existing lot with a single family home.
- e. The plan also shows the placement of the proposed 30-foot by 40-foot pole barn fifty-two (52) feet from the centerline of Stevens Branch Road.
- f. The right-of-way width is 50 feet on Stevens Branch. This places the property line twenty-five feet from the centerline. The front setback is measured from the property line. By this measure, the proposed setback of the pole barn would be twenty-seven (27) feet from the property line.



8. 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 7, 2019 edition of the Campbell County Recorder advertising applicant's request and the hearing to be held on November 19, 2019.***
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.**

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:

"I am requesting a set-back variance to construct a pole barn garage 25 feet from the right of way. This location was selected due to the topography of the land. We had to use the flat area of the property for a fill-and-wait septic system leach field. The only other area reasonable to build on is where our future home will be built this winter. This pole barn/garage will be built with all new materials, and will not negatively affect the other properties in the area. The proposed location of the building will in no way impede traffic flow or visibility on Stevens Branch or any other roads."
~Submitted October 15, 2019

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 twenty-five (25) foot front yard variance due to topographical conditions for the construction of an accessory structure and reducing the fifty (50) foot setback to approximately twenty-five (25) feet.

Staff Recommendation:

To approve the applicant's request for a front yard variance of twenty-five (25) feet for an accessory structure.

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 7, 2019 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. Hunter then turned the floor back to the board for questions. Mr. Verst inquired as to whether there were any photos of the land itself, Mr. Hunter referred him to the first photo of the staff report which was the best photo available. Mr. Verst then asked for clarification about the purpose of a cleared area visible in the middle of the photograph. Mr. Hunter confirmed that this area was the site of a utility easement, and that it also helped to visually delineate Mr. Lewis' property line. The applicant then approached the podium for comment. He explained to the board that due to the topography of the land, this was the only location suitable to build.

After some brief discussion amongst the board, Mr. Verst then invited the audience to give comment. The only audience member to request to speak was a Ms. Donna Nelson of 9861 Flagg Springs Pike. Ms. Nelson stated she and other family members have property in the area and received letters notifying them of this meeting. She wanted to know what the intentions were, and how it would affect their land. Mr. Verst explained the front yard variance in greater detail. The floor was then returned to the board for discussion. With no further questions or comments Mr. Verst requested a motion. Mr. Fessler made a motion to approve the request. Mr. Williams seconded the motion. A roll call vote found Mr. Bachmann, Mr. Fessler, Mr. Verst and Mr. Williams all in favor. The motion passed.

There being nothing for the administrator's report, Mr. Bachmann made a motion to adjourn, seconded by Mr. Fessler. An oral vote found all in favor.
The meeting adjourned at 7:20 PM.

Prepared by:

Approved:

Cindy Minter
Director