

CAMPBELL COUNTY & MUNICIPAL BOARD OF ADJUSTMENTS
MINUTES OF THE
OCTOBER 17, 2023
MEETING

MEMBERS PRESENT:

Mr. John Fessler, TPO
Mr. Michael Williams
Mr. Hutch Johnson
Mr. Joseph Williams

MEMBERS ABSENT:

Mr. Justin Verst, Chair
Ms. Jessica Hurley

STAFF PRESENT:

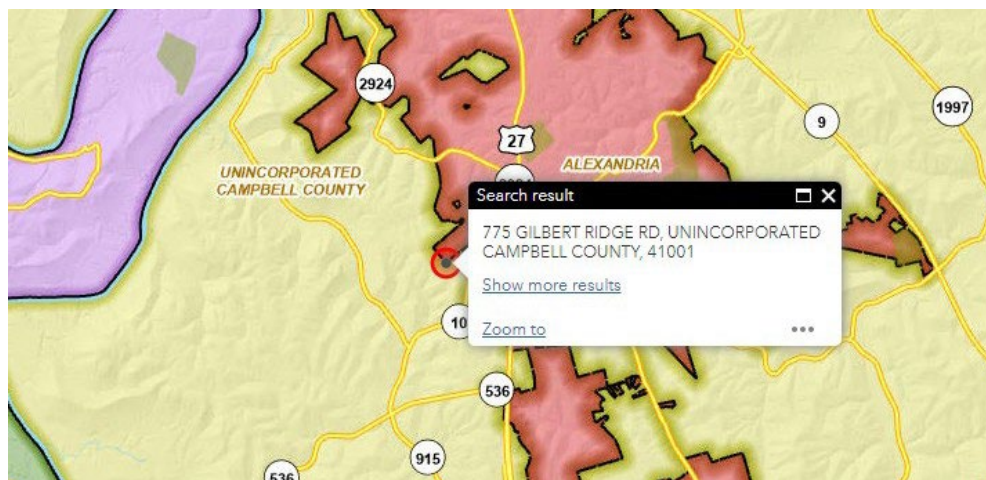
Mr. Matt Smith, Legal Counsel
Mr. Kirk Hunter, Principal Planner

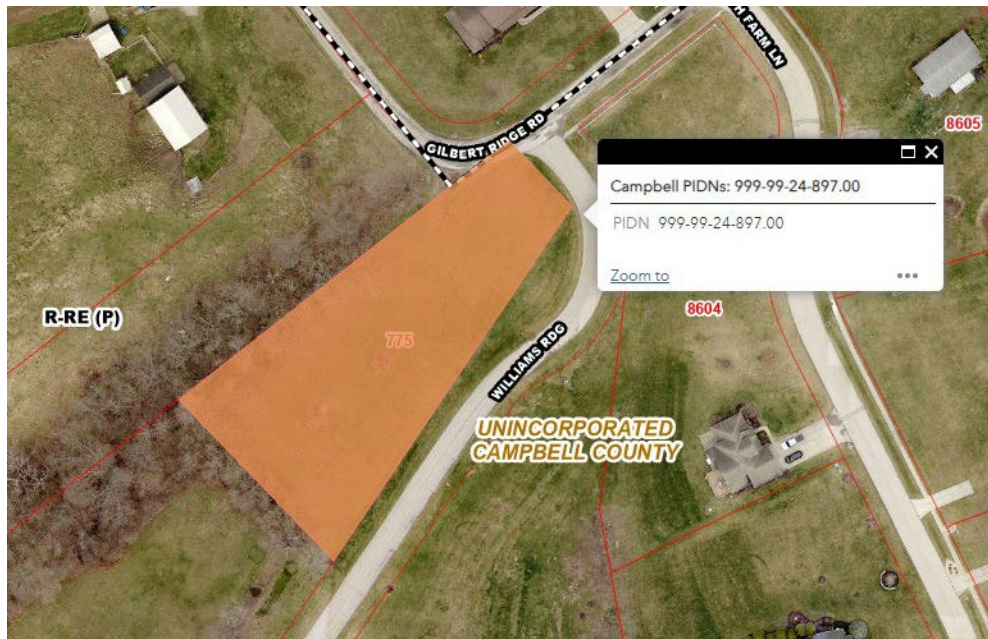
Meeting was called to order by Mr. Fessler at 6:30 PM. The Pledge of Allegiance was recited. Mr. Hunter called the roll, and a quorum was found.

Mr. Fessler asked for approval of the previous meeting minutes from August 15th, 2023. Mr. Johnson moved to approve the minutes which was seconded by Mr. Michael Williams. All present voted in favor, and the minutes were approved.

There was no old business. Mr. Fessler introduced the new business as case BA-23-0017, applied for by Matt Hanson for 775 Gilbert Ridge for a front yard setback variance.

Mr. Hunter gave the Staff Report.





BACKGROUND:

The lot is currently vacant. Previously, a house and garage were located at the location. The structures were demolished in 2013.



CONSIDERATIONS:

The applicant is requesting a front yard setback variance for the construction of a new single- family house.

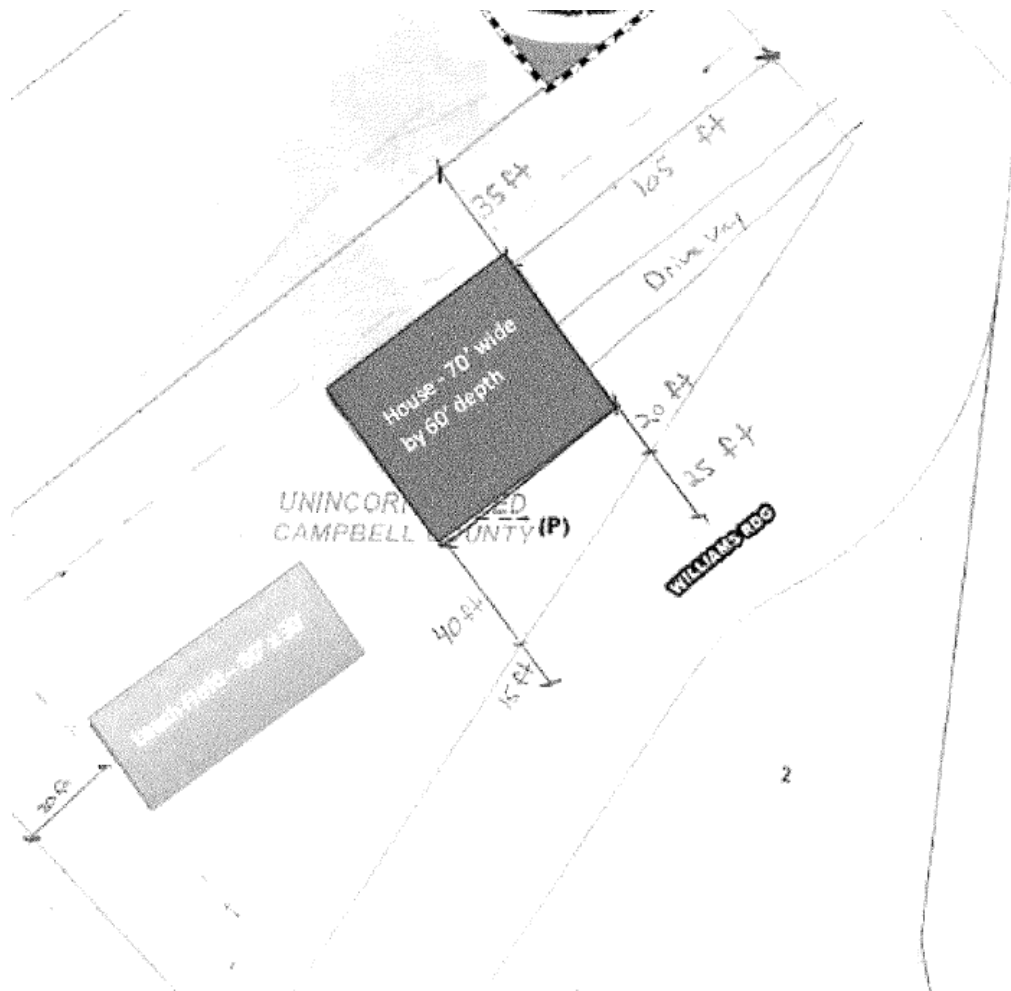


1. The site is one (1) acre in area. It is located in unincorporated Campbell County on Gilbert Ridge with frontage on Williams Ridge. This site is located in the Residential Rural estate (R-RE) Zone. The Recommended Land Use Map of the 2008 Campbell County Comprehensive Plan identifies the site and surrounding areas as *Lower-Density Single- Family Residential*.
2. Currently, the surrounding land is zoned Residential Rural Estate (R-RE).
3. The Campbell County Zoning Ordinance Article X, Section 10.2 classifies the area within the Residential Rural Estate (R-RE) Zone.
4. 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>Fifteen (15) Feet</i>

Minimum Side Yard Width:	One Side: Ten (10) Feet Total Both Sides: Twenty-Five (25) Feet	
Minimum Rear Yard Depth:	Twenty-Five (25) feet	
Maximum Building Height:	Thirty-Five (35) feet	

5. A review of public records finds only the demolition permit from 2013 and no other requests.



6. The proposed setback variance will not interfere with the line-of-sight for motorists.
7. The submitted site plan shows the proposed house and septic system leach field.
8. The geometry and topography of the lot require the house to locate closer to the street.

9. Notice of public hearing was given in accordance with the Campbell County Zoning Ordinance and Kentucky Revised Statutes (KRS). *A legal notice appears in the October 3rd, 2023 edition of the LINK Reader advertising applicant's request and the hearing to be held on October 17, 2023.*

10. According to Section 18.6, A., 4., the Board of Adjustment must find that:

- The requirements of this section have been met by the applicant for a variance;
- The reasons set forth in the application justify the granting of variance and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure; and
- The granting of the variance will be in harmony with the general purpose and intent of this Ordinance as well as the Adopted Comprehensive Plan and will not be injurious to the neighborhood, or otherwise, detrimental to the public welfare.

APPLICANT'S COMMENTS:

"I am writing to request a variance in the setbacks for zone R-RE (P) at the location of 775 Gilbert Ridge. The current zoning setbacks require any structure to be 50' from the front property line, and 25' from the back and side property lines^{*}. The way the property narrows makes it nearly impossible to build a house within these parameters, specifically on the flatter Northeast portion of the lot.

I am requesting a variance of 35' from the front property line. As seen on the site plan, I can build a house that is 20 feet off the property line but am requesting an additional 5' for safe measure. Therefore, I am requesting to build no closer than 15' to the property line that is facing Gilbert Ridge.

The request for a variation in setbacks is necessary to build a home that is comparable to the existing homes on the street. By building a comparable home it will maintain or increase the value of the neighbor's property,

The request for a variance in setbacks will not be detrimental to the health, safety, or overall welfare of nearby neighbors. By adding a house of comparable size, it will add to the value of the neighborhood homes. The neighborhood homes are spaced out reasonably on 1+ acre lots and construction will have little to no impact on neighboring homes.

The request is for a variance on the front and back setbacks from the property line. All other regulations and ordinances will be followed.

The request in variance for this plot of land is a special circumstance due to the narrowing of the lot. This one-acre lot is very narrow near the front of the street and widens out as it extends back. This is in part due to the curvature of Williams Ridge where in some spots the property line sits almost 40 feet back from the street. Additionally, the narrowest part of the lot is also the flattest and most suitable for building.



*** Side setback minimum is twenty-five (25) total (both sides combined). One side may be ten (10) feet. Proposed site plan only requires a front yard setback variance.*

That the manner in which the application of the provisions of the Zoning Ordinance would deprive the applicant of a reasonable use of the land, or would create unnecessary hardship for the applicant, a variance is necessary not only to build a house on this lot but to build a house in comparable size to its neighbors. Additionally, the lot is flattest near the front where it is most narrow. The flat portion is best suited for placing a house. Additionally, where the land widens, the land also slopes more. This part of the land would be more suitable for a leach field so that drainage runs away from the house.

That the variance will not allow unreasonable conditions of the requirements of zoning regulations and will not alter the essential character of the neighborhood.

The variance will not allow unreasonable conditions but make it more possible to place a house that keeps the essential character of the neighborhood. However, a variance will place the house closer to the street than other houses, but the previous house on this site was not within the current variances.

The request is only for a variance in setbacks and no special privilege beyond this application will be expected."

~ Submitted August 10,
2023

SUMMARY OF APPLICANTS REQUEST:

The applicant is requesting a thirty-five (35) foot front yard setback variance for the construction of a house, reducing the fifty (50) foot setback to fifteen (15) feet.

STAFF COMMENTS:

1. The use of the property is consistent with the adopted 2008 Comprehensive Plan.
2. The requested variance does arise from special circumstances which exist due to topography and do not generally apply to land in the general vicinity or in the same zone.
3. The application of the provisions of this Ordinance would create unnecessary hardship on the applicant.
4. The applicant is requesting this variance subsequent to the approval of these regulations.
5. The essential character of the neighborhood is lower-density single-family residential and this action is compatible with those uses.
6. This variance would not be granting the applicant a special privilege.

STAFF RECOMMENDATION:

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

BASIS FOR RECOMMENDATION:

1. In accordance with the Campbell County Zoning Ordinance, notice of public hearing was given.
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:
 - 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.
 - 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:
 - The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;

- 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
- 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 variance will not allow unreasonable circumvention of the requirements of the zoning regulations and will not alter the essential character of the neighborhood.
- 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.

[end of Staff Report]

Mr. Fessler asked to confirm that the front yard setback variance would be facing Williams Ridge, not Gilbert Ridge, after Mr. Hunter noted a few errors in the applicant's written comments. Mr. Hunter confirmed that the variance was for the Williams Ridge frontage, though during his presentation of the Staff Report, Mr. Hunter pointed out that this lot has double frontage on Gilbert Ridge and Williams Ridge.

Mr. Fessler asked for any questions from the Commission or comments from the applicant, but he felt it was a pretty straight-forward case. After no discussion from the Commission or further comments from the applicant, Mr. Fessler said he would entertain a motion.

Mr. Michael Williams moved to approve the front yard setback variance of 35-feet due to site topography. He based his motion on testimony provided by staff, proper notice being given, and that the variance would not interfere with the line of sight for motorists. The yard, as Mr. Michael Williams said he understood it, slopes down so that the lot requires the house to be located closer to the street consistent with the applicant's request. The variance, if granted, would not adversely affect the public health, safety, or welfare, nor adversely alter the essential character of the general vicinity but, in fact, become more consistent with the essential character of the general vicinity. Mr. Michael Williams continued that the variance would not result in a hazard or nuisance to the public and would not allow an unreasonable circumvention of the requirements of the zoning regulations. He agreed that the variance arose from special circumstances due to the topography which does not generally apply to land in the general vicinity. Strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would at least create an unnecessary hardship on the applicant. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought. Mr. Michael Williams concluded the variance would be consistent with the Comprehensive Plan.

Mr. Joseph Williams seconded the motion. Mr. Hunter called the roll, and all present voted in favor. Motion passed, and the variance was approved.

Mr. Fessler thanked the applicant and asked if Mr. Hunter had an Administrator's Report. Mr. Hunter noted that the process to create a new Comprehensive Plan had begun and would continue over the next couple of years. No further business.

Mr. Fessler asked for a motion to adjourn. Mr. Hutch Johnson moved to adjourn, and Mr. Michael Williams seconded the motion. All voted in favor, and the meeting was adjourned at approximately 6:53 PM.

Respectfully Submitted,

Approved:

Cindy Minter
Director

Justin Verst
Chair