

CAMPBELL COUNTY & MUNICIPAL BOARD OF ADJUSTMENT

MINUTES OF THE JULY 20, 2010 MEETING

MEMBERS PRESENT:

Mr. Scott Bachmann
Mr. Roger Mason, TPO
Mr. Dave Schaber, Vice Chairman
Mr. Justin Verst, Chairman

MEMBERS ABSENT:

Ms. Fran Reitman
Ms. Connie Schweitzer

STAFF PRESENT:

Mr. Peter Klear, AICP, Director
Ms. Molly McEvoy Boh, Legal Counsel
Ms. Stephanie Turner, Secretary

Mr. Verst called the meeting to order at 7:06 PM. Mr. Verst asked for a roll call. Following roll call, a quorum was found to be present. Mr. Verst asked if everyone had read the June 15, 2010 meeting minutes and if there were any questions or corrections. There being none, Mr. Verst called for a motion. Mr. Schaber made a motion to approve the minutes as submitted. Mr. Bachmann seconded the motion. A roll call vote found Mr. Bachmann and Mr. Schaber in favor. Mr. Mason and Mr. Verst abstained. Motion passed.

Mr. Verst introduced case BA-03-10-CUP, Optimist Playground – Shelter, a request for an expansion of a conditional use. Mr. Verst asked Staff to present their report. Mr. Klear presented the staff report and staff's recommendations.

CASE:	BA-03-10-CUP Optimist Playground – Shelter
APPLICANT:	Steve Bridewell
LOCATION:	The property is located on the east side of Electric Ave, 250' feet north of William Blatt Ave, City of Southgate.
REQUEST:	The applicant is asking for a conditional use permit to build a shelter in the existing park in the R-1H zone.

Staff has reviewed the request and finds as follows:

DESCRIPTION OF REQUEST:

The applicant is asking for a conditional use permit to build a shelter in the existing park.

CONSIDERATIONS:

1. The site in question is currently a park that is maintained by the Southgate Optimist Club. Surrounding land uses is single-family residential, institution and recreational. The zoning for the site is R-1H, a single family detached dwelling unit zone. Conditionally permitted in the R-1H zone is parks and playgrounds.
2. The Recommended Land Use Map of the 2008 Campbell County Comprehensive Plan identifies the site and surrounding areas for higher density, single-family residential.

3. The submitted development plan indicates the following:
 - a. A proposed 12 foot by 19 foot shelter will be constructed on site.
 - b. The proposed shelter is shown to be approximately 40 feet from the front and rear setback, meeting both setback requirements in the R-1H zone.
 - c. The plan is missing building height for the proposed shelter.
 - d. The plan does not indicate any signage being added to the park.
 - e. The plan does not indicate any lighting being added.
 - f. The site plan does not include topography at 5 foot intervals.
 - g. The site plan does not include location of public facilities such as water & sewer lines.

ALL REQUESTS:

1. The applicant shall submit and/or present factual evidence demonstrating:
 - a. That the proposed use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general well being of the neighborhood or the community.

“The shelter will add value to our existing playground providing shelter from rain, sun and weather in general thus enhancing the surrounding neighborhood park.”
 - b. That such use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.

“The shelter will not be detrimental to the surrounding neighborhood or the health, safety or general welfare of persons residing or working in the vicinity.”
 - c. That such use will comply with any regulations and conditions in this ordinance for such use.

“We (the Optimist of Southgate, KY) will comply with all regulations and conditions.”
3. Per Section 18.6, A., 2., Notice: Notice of public hearing was given in accordance with Section 18.2 of the Southgate Zoning Ordinance.
4. According to Section 18.7, A., 4., the Board of Adjustment must find that the granting of the conditional use 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.

Staff Recommendation:

To approve the submitted conditional use permit to build a shelter in the existing park in the R-1H zone subject to the following conditions.

1. That the applicant complies with all applicable building, subdivision and zoning ordinance regulations.
2. That the applicant submits building plans for all items that would require inspection to meet the Building Code.
3. That any and all signs comply with the Southgate Zoning Ordinance.
4. That any lighting complies with the Southgate Zoning Ordinance.

5. That the site plan be revised to include topography at 5 foot intervals.
6. That the site plan be revised to show the location of public facilities such as water, sewer, storm, electrical, and telephone lines.
7. That the lots be combined and recorded with the County Clerk prior to applying for a building permit.

Supporting Information/Bases for Staff Recommendation:

1. The proposed use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general well being of the neighborhood or the community.
2. The proposed use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.
3. That such use will comply with any regulations and conditions in this Ordinance for such use.
4. That such use will comply with any regulations and conditions in this Ordinance for such use.
5. That any and all signs comply with Sign Regulations in the Campbell County Zoning Ordinance.
6. Campbell County Zoning Ordinance Section 9.10.b., "Application on Zoning Regulation: Every public or private structure hereafter erected shall be located on a lot as herein defined and in no case shall there be more than one (1) principal building and permitted accessory structure on one (1) lot..."

Mr. Klear identified that items 3 and 4 under "Supporting Information/Bases for Staff Recommendation" are duplicates. Mr. Verst asked if the Board had any questions for Staff. Mr. Schaber stated that the case appears very straight forward and asked Mr. Klear to clarify the building height required in the Southgate Zoning Ordinance for this type of structure. Mr. Klear stated that the requirement is very general and states the maximum building height allowed is 35 feet. Mr. Klear stated he believed the overall representation of the shelter would comply with that requirement, but it is not safe to base decisions upon assumptions.

Mr. Verst asked if there were any additional questions for Staff. There being none, Mr. Verst recognized the Applicant asking he come forward and state his name and address for the record. The Applicant identified himself as Mr. Jeff Paul, Southgate Optimist Board of Directors. Mr. Paul stated he was in agreement with everything asked in the report. Mr. Paul stated the drawings were already being revised to add the topography lines, the location of public utilities and the building height. Mr. Paul stated the building height was approximately 13 feet and in no danger of violating the building height maximum requirement. Mr. Paul stated he was present to answer any questions the Board may have.

Mr. Verst asked the Board if they had any questions for Mr. Paul. There being none, Mr. Verst asked if the audience had any comments. Mr. Verst stated for the record that there were no audience members present.

Mr. Verst asked the Board for comments, discussions or a motion. There being no comments by the Board. Mr. Schaber made a motion to approve case BA-03-10-CUP, Optimist Playground – Shelter, a request for an expansion of a conditional use subject to the conditions listed in the staff report. Mr. Schaber stated that the granting of the conditional use 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 as his findings of fact. Mr. Schaber further stated that this application for a conditional use permit met the requirements of Sections 9.14 and 18.7 of the Zoning Ordinance. Mr. Mason seconded the motion. A roll call vote found Mr. Bachmann, Mr. Mason and Mr. Schaber in favor. Mr. Verst abstained. Motion passed.

There being no other items of action before the Board, Mr. Verst recognized Mr. Klear to present the Director's Report.

DIRECTOR'S REPORT

Mr. Klear noted that there would be a meeting in August. Mr. Klear indicated he had training available to the Board following the meeting.

Mr. Klear reminded the Board of the result of their decision in a prior case concerning, a rear yard variance request, submitted by Mr. John Kuhn. The Board denied Mr. Kuhn's request for a variance. Subsequently, Mr. Kuhn has submitted a building permit request reducing the size of the garage by 3 feet and tilting the location of the garage just slightly. Mr. Kuhn was able to meet the setback requirements and his building permit request was approved and issued. Mr. Klear reflected with the Board that this was an opportunity to see the results from the Board's decision to uphold the Zoning Ordinance with a positive resolution for all parties concerned. The Board appreciated having this information shared with them.

Mr. Verst asked if the Board had any others matters to discussion. There being none, Mr. Verst called for a motion to adjourn. Mr. Schaber made a motion to adjourn the meeting. Mr. Bachmann seconded the motion. An oral vote found all in favor and none opposed. Motion passed. Meeting adjourned at 7:20 PM.

Prepared by:

Approved:

Peter J. Klear, AICP
Director, P&Z

Justin Verst
Chair