

**CAMPBELL COUNTY & MUNICIPAL BOARD OF ADJUSTMENT
MINUTES OF THE JUNE 17, 2014 MEETING**

MEMBERS PRESENT:

Mr. Scott Bachmann
Ms. Sharon Haynes
Mr. Justin Verst
Mr. Joseph Williams
Mr. Dave Schaber, Vice Chair

MEMBERS ABSENT:

Mr. Michael Williams
Mr. Roger Mason, TPO

STAFF PRESENT:

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

Mr. Schaber called the meeting to order at 7:07 PM and asked for a roll call. Following roll call, a quorum was found to be present. Ms. Minter recognized the new Board member,. Mr. Scott Bachmann. Mr. Bachmann previously represented the City of Southgate until they found and appointed a resident to replace him in late 2013. Mr. Bachmann is returning to the Board to represent the Unincorporated Campbell County for which he is an eligible citizen. Mr. Bachmann has been duly sworn in and capable of participating in the discussion and voting on issues to be heard tonight.

Mr. Schaber asked if everyone had read the December 17, 2013 meeting minutes and if there were any questions or corrections. There being none, Mr. Schaber called for a motion. Ms. Haynes made a motion to approve the minutes as submitted. Mr. J. Williams seconded the motion. A roll call vote found Ms. Haynes, Mr. J. Williams, and Mr. Schaber in favor. Mr. Bachmann and Mr. Verst abstained. Motion passed.

Ms. Minter advised the Board that there is going to be a slight change in the Agenda. Items #5 and #6 are going to be switched. We will hold the election of officers before going into the Director's Report. Mr. Schaber asked if anyone had an issue with this change. There being none, Mr. Schaber proceed to the case to be heard tonight.

Mr. Schaber introduced case #BA-04-14, by applicant St. Peter & Paul Church, at the location of 2160 California Crossroads in the Unincorporated Campbell County, with a request for approval of an expansion of a conditional use for an 80' X 40' foot outdoor pavilion and an office. Mr. Hutchinson presented the staff report as follows:

CASE:	BA-04-14
APPLICANT:	St. Peter & Paul Church
LOCATION:	2160 California Cross Road, Unincorporated Campbell County.
REQUEST:	Expansion of a conditional use for an 80' x 40' foot outdoor pavilion and an office.

Staff has reviewed the request and finds as follows:

Description of Request:

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The applicant is asking to expand an existing conditional use by removing an existing structure and replacing it with an 80' x 40' foot outdoor pavilion and an office.

Considerations:

1. The site is occupied by St. Peter & Paul Church. There are 4 structures on site that deal with the primary use of church and school. There is one accessory structure that deals with waste water.
2. The Recommended Land Use Map of the 2008 Campbell County Comprehensive Plan identifies the site and surrounding areas for agricultural and rural.
3. The zoning classification for the site is Agricultural-One (A-1). Within the A-1 Zone, churches and other accessory buildings for the purpose of recognized religious worship are permitted as a conditional use with a minimum lot area of three acres, provided they are located adjacent to an arterial or collector or local street.
4. The submitted development plan indicates the following:
 - a. The plan shows the existing 3 buildings and the proposed pavilion.
 - b. The plan shows that the proposed combined 80' x 40' foot outdoor pavilion and office is 50 feet from the nearest property line.
 - c. The applicant has noted they have 166 striped parking spaces. They require 174 parking spaces. However, the facility has areas of the parking lot that are not striped that can accommodate the remaining 8 parking spaces.
 - d. The plan does not indicate steep slopes of 20% percent or greater. However, County data indicates there are slopes on site that exceed 20% percent. If grading is going to be done on this site with slopes of 20% or greater, the applicant will have to submit a plan for review and approval by the Planning Commission.

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 project includes the removal of a building that is old and in need of some major cosmetic repair, and would replace it with a new, attractive structure that would serve as an outdoor gathering pavilion for the parish which serves this community."
 - 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.

"This new structure has been designed with the neighboring properties in mind. The area of the new building is approximately equal to the existing building and surrounding paved areas it will replace, and the storm water will be piped to the natural valley on the north side of the property away from the existing residence to

the south side of the property. All storm water from this new structure will flow all the way to the natural drainage in twelve mile creek without leaving the property.

Area vehicular traffic will be unchanged as this new building does not include any plans for new gathering times or volume of people. This building will be used by the church and school in a manner that is consistent with the existing approved buildings on the property."

- c. That such use will comply with any regulations and conditions in this ordinance for such use.

"This building will be constructed as required by all building codes having jurisdiction so that it is safe for anyone who occupies the building and anyone who lives and works around it."

2. 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.

Staff Recommendation:

To approve the expansion of the conditional use by allowing the church to construct a combined 80' x 40' foot outdoor pavilion and an office structure subject to the following conditions:

1. That the applicant complies with the Campbell County Zoning Ordinance and building codes.
2. That the applicant provides the necessary striping on the 8 additional parking spaces needed per the zoning ordinance.
3. That the applicant meet the accessibility requirements for handicapped parking spaces per the 2013 Kentucky Building Code (Six (6) spaces are required).

Supporting Information/Bases for Staff Recommendation:

1. 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.
2. 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.
3. That such use will comply with any regulations and conditions in this Ordinance for such use.

After presenting staff's recommendation, Mr. Hutchinson asked if there were any questions he could answer for the Board. Mr. Bachmann asked if the original structure was still standing or if it has already been torn down. Mr. Hutchinson replied that it is currently standing. The applicant will need to apply for a demolition permit and then a building permit for the new structure before work could begin.

Mr. Schaber asked if there were any additional questions for staff. There being none, Mr. Schaber asked the applicant to come forward and state his name and address for the record. Mr. David Curtsinger, a representative for St. Peter & Paul Church, stepped forward. Mr. Schaber asked the applicant if he had anything to add to the staff report or additional information he wanted to supply. Mr. Curtsinger stated he felt everything was covered in the staff report and had nothing to add to that information.

Mr. Schaber asked if there were any questions for the applicant. There being none, Mr. Schaber commented that this was a public hearing, but the only people present are representatives for St. Peter & Paul Church. With that, Mr. Schaber closed the public comment portion of the hearing. Mr. Schaber opened the floor for discussion among the Board. There being no discussion among the Board, Mr. Schaber called for a motion.

Mr. Verst made a motion on case #BA-04-14, by applicant St. Peter & Paul Church, to approve their request for an expansion of a conditional use for an 80' X 40' foot outdoor pavilion and an office. Mr. Verst stated that based on the information by staff and the discussion heard here tonight that he finds the proposed use at the particular location is necessary or desirable to provide a service which will contribute to the general wellbeing of the neighborhood or the community; 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; and that such use will comply with any regulations and conditions in this ordinance for such use. Mr. Schaber asked Mr. Verst if he was including the conditions as stated in the staff report. Mr. Verst replied that he was. Mr. Schaber asked if there was any discussion on the motion. Does everyone understand the motion? There was a general consensus that the motion was understood. Mr. Schaber called for a second. Ms. Haynes seconded the motion. A roll call vote found Mr. Bachmann, Ms. Haynes, Mr. Verst and Mr. J. Williams in favor. Mr. Schaber abstained. Motion passed.

Ms. Minter advised the Board that at our last meeting we determined we wanted to delay the election of officers. Technically, right now the position of Chair is vacant; Mr. Schaber is the Vice-Chair and Mr. Mason is the Temporary Presiding Officer (TPO). Ms. Minter asked the Board if they wanted to entertain a motion for election of officers tonight. Mr. Verst asked if the person nominated had to be present. Ms. Minter stated they had to either be present or to indicate to staff that they were not going to be present but were interested in holding office. Neither Mr. Mason nor Mr. M. Williams indicated that they would or would not be interested in holding an office position. Mr. Schaber advised the Board that there were 3 positions that needed to be filled: Chair, Vice-Chair, and TPO. Mr. Schaber called for nominations for officers. Mr. Verst stated that he is currently the Chair of the Planning & Zoning Commission and did not feel that he could participate as an officer of the Board without their potentially being at some point a conflict of interest. After a brief discussion among the Board, Ms. Haynes nominated Mr. Schaber for Chair and Mr. Bachmann for Vice-Chair. Mr. J. Williams nominated Ms. Haynes as TPO. Each of the nominees accepted their nomination. Mr. Schaber called for an oral vote to elect the officers as nominated and accepted. An oral vote found everyone in favor. None opposed. Motion passed.

There being no other cases to come before the Board of Adjustment, Mr. Schaber called for the Director's Report.

DIRECTOR'S REPORT

Ms. Minter advised that each Board member should have found a green card in their space for the current status of their training credits. Several members have completed all the necessary training; however, several still have a few hours to make up. Ms. Minter stated that we would be sending out the information for some FEMA training which would be very pertinent to this Board. Mr. Hutchinson also has the ability to check out training discs from NKAPC. Let staff know if there is a topic you are interested in and we can locate some material for you. Mr. Verst asked what the requirement for training was exactly. Ms. Minter advised the Board each member needed 8 hours of training every 2 years. Staff does track the training. [The training must

pertain to, but not be limited to: land use planning; zoning; floodplains; transportation; community facilities; ethics; public utilities; wireless telecommunications facilities; parliamentary procedure; public hearing procedure; administrative law; economic development; housing; public buildings; building construction; land subdivision; and powers and duties of the board of adjustment. Other topics reasonably related to the duties of planning officials or planning professionals may be approved by majority vote of the planning commission prior to December 31 of the year for which credit is sought.] If you have participated in relevant training that falls within these categories, you must give staff the information regarding the class such as the title of the class, a copy of the agenda if possible, the date of training, the location of the training and the total amount of time spent in training. Staff will prepare the education credit log and obtain approval by the Planning & Zoning Commission so that you receive full credit.

Mr. Schaber advised the Board that he would entertain a motion per KRS 61.810(1) (c) for closed session regarding discussion of proposed or pending litigation against or on behalf of the Board. No action will be taken during this session. Mr. Verst made a motion to enter closed session. Mr. Bachmann seconded the motion. Mr. Schaber called for an oral vote to enter the closed session. An oral vote found everyone in favor. None opposed. Motion passed. The Board went into closed session at 7:30 PM.

Mr. Verst made a motion to leave the closed session and return to the public session. Mr. Bachmann seconded the motion. Mr. Schaber called for an oral vote to leave the closed session. An oral vote found everyone in favor. None opposed. Motion passed. The Board left the closed session at 8:05 PM.

Ms. Minter asked if there were any other items the Board wished to discuss tonight. Ms. Haynes asked if there were any pending items that would be coming up for discussion among the Board. Ms. Minter stated there were no cases pending. However, there will be an update to the Comprehensive Plan in regards to the Goals & Objectives coming soon. We will be providing some training and additional information on this topics.

Ms. Minter advised that we will probably want to meet sometime soon to approve minutes from this case since it is an active case, but that is all she would have. Mr. Schaber stated that in the past few years there have not been a lot of cases to be presented to the Board. Mr. Schaber proposed that perhaps we make it standard to meet at least once a quarter or something to that effect to take care of little housekeeping rules such as approval of minutes, etc. Ms. Minter stated that staff could accommodate that thought.

Mr. Schaber asked if there was any other business to discuss. There being none, Mr. Schaber asked for a motion to adjourn. Mr. Verst made a motion to adjourn. Mr. Bachmann seconded the motion. An oral vote found everyone in favor, none opposed. Motion passed. Meeting adjourned at 8:02 PM.

Prepared by:

Approved:

Cynthia Minter
Director

David Schaber
Vice Chair