

CAMPBELL COUNTY & MUNICIPAL BOARD OF ADJUSTMENTS
MINUTES OF THE
May 14, 2024
MEETING

1

MEMBERS PRESENT:

Mr. Justin Verst, Chair
Ms. Patti Dischar
Mr. John Fessler
Mr. Michael Williams
Mr. Hutch Johnson

MEMBERS ABSENT:

Ms. Jessica Hurley

STAFF PRESENT:

Mr. Matt Smith, Legal Counsel
Mr. Kirk Hunter, Principal Planner
Ms. Diane Brossart, Admin Assistant

2 Meeting was called to order by Mr. Verst at 6:31 PM. The Pledge of Allegiance was recited.
3 Ms. Brossart called the roll, and a quorum was found.

4
5 Mr. Verst asked for approval of the previous meeting minutes from April 16, 2024. Mr.
6 Fessler moved to approve the minutes which was seconded by Ms. Dischar. Ms. Brossart
7 called the roll and the minutes were approved.

8
9 There was no old business. Mr. Verst introduced the new business as file BA-24-006,
10 applied for by Tina Vineyard at 2854 Baynum Hill Road in unincorporated Campbell
11 County for a conditional use permit and a front yard setback variance due to site topog-
12 raphy.

13
14 Mr. Hunter gave the Staff Report.

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16 [begin staff report]

17

File Number: BA-24-006

Applicant: Tina Vineyard

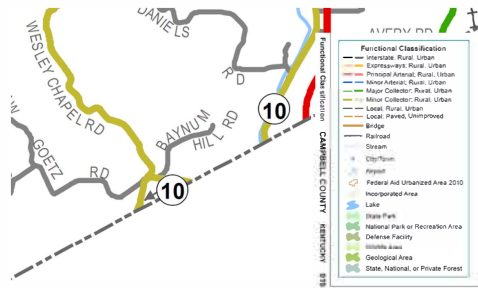
Location: 2854 Baynum Hill Road. Unincorporated Campbell County

Request: Request for a front yard setback variance due to site topography



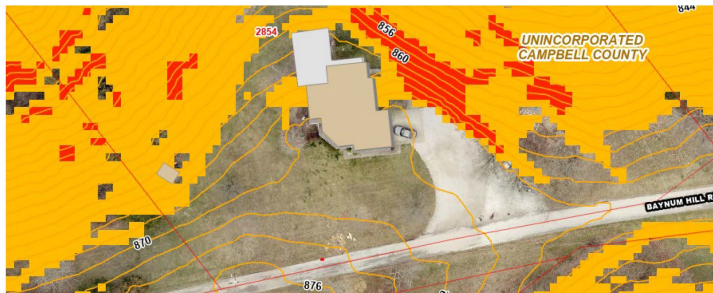
Considerations:

There is currently a single-family house on the lot. The applicant requires storage for an additional vehicle and proposes an accessory 24' X 35" garage. The site topography requires significant grading and a retaining wall to site the new structure behind the required minimum front yard setback.

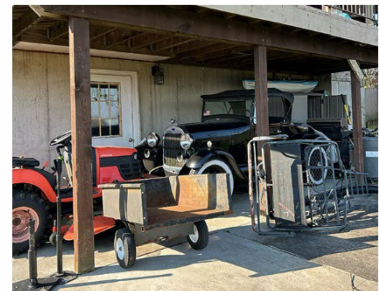


Baynum Hill Road is classified as a "Local; Paved" road by KYTC. The right of way width here is fifty (50) feet and the pavement width is approximately fifteen (15) feet.

The house is currently setback approximately forty (40) feet from the right-of-way. The setback appears deeper considering the narrow width of the pavement here.



The applicant is requesting a front yard setback variance for the construction of a new garage outside of the steep slopes of the property. The slopes prevent the applicant from adding additional storage to the house. They are currently using the area below the rear deck for storage.



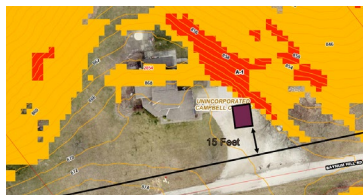
- 2854 Baynum Hill Road is two acres in area. It is located in unincorporated Campbell County within the Agricultural-One (A-1) Zone. The Recommended Land Use Map of the

2008 Campbell County Comprehensive Plan identifies the site and surrounding areas as Agricultural.

2. The lot has approximately three hundred and fifty (350) feet of road frontage.
3. The surrounding land is zoned Agricultural-One (A-1) and primarily residential, agricultural and undeveloped open space.
4. The Campbell County Zoning Ordinance Article X, Section 10.1 classifies the area within the Agricultural-One (A-1) Zone.
5. The minimum setbacks for the A-1 zone are:

	<u>A-1 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:	Thirty-five (35) feet	
Maximum Building Height:	Thirty-five (35) feet	

6. A review of public records finds no other requests for this site
7. According to Section 9.13, Exceptions and Modifications, C. Front Yard Variance: *In any residential zone, no front yard shall be required to exceed the average depth of existing front yards on the same side of the street within the same block, when fifty-one percent (51%) or more of lots within that block are improved with residential buildings, whichever is greater.*
The nearest buildings along this side of Baynum Hill Road are more than 700 feet away in either direction. They are too far away from 2854 Baynum Hill to factor an average setback distance based on the Ordinance.
8. The proposed setback variance will not interfere with the line-of-sight for motorists.
9. Staff adds that an approximately ten (10) foot setback variance is already grandfathered-in at this location.
10. The proposed site plan shows the garage in relation to the steep slopes of the property, requiring a setback variance of thirty-five (35) feet from the required fifty (50) to construct it at fifteen (15) feet from the edge of right-of-way.



11. 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 April 24, 2024 edition of the LINK Reader advertising applicant's request and the hearing to be held on April 14, 2024.***



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

- a. The requirements of this section have been met by the applicant for a variance;
- b. 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
- c. 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.

Summary of Applicants Request:

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

Staff Comments:

- The use of the property is consistent with the adopted 2008 Comprehensive Plan. Single-family residential structures and customary accessory structures such as garages are permitted uses in Agricultural zones.
- 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.
- The application of the provisions of this Ordinance would create unnecessary hardship on the applicant. Additional fill and a new retaining wall would be required to construct the garage behind the front setback.
- The applicant is requesting this variance subsequent to the approval of these regulations.
- The essential character of the neighborhood is lower-density single-family residential and this action is compatible with those uses.
- This variance would not be granting the applicant a special privilege.

1 **Staff Recommendation:**

2 To approve the applicant's request for a front yard setback variance of thirty-five (35) feet to
3 construct a garage at fifteen (15) from the front property line.

4 **Basis for Recommendation**

- 5 1. In accordance with the Campbell County Zoning Ordinance, notice of public hearing
6 was given.
- 7 2. In accordance with KRS 100.241 Variances, the board shall have the power to hear and
8 decide on applications for variances. The board may impose any reasonable conditions
9 or restrictions on any variance it decides to grant.
- 10 3. The evidence presented by the applicant and staff is such as to make a finding that:
- 11 a. The requirements for a variance have been met by the applicant for a variance
12 and the variance is the minimum variance that will make possible the reasonable
13 use of the land, building, or structure.
- 14 b. The variance requested will not adversely affect the public health, safety, or wel-
15 fare, will not adversely alter the essential character of the general vicinity, and
16 will not cause a hazard or nuisance to the public and will not allow an unreason-
17 able circumvention of the requirements of the zoning regulations. In making
18 these findings, the board considered whether:
- 19 i. The requested variance arises from special circumstances which do not
20 generally apply to land in the general vicinity, or in the same zone;
- 21 ii. The strict application of the provisions of the regulation would deprive
22 the applicant of the reasonable use of the land or would create an unnec-
23 essary hardship on the applicant; and
- 24 iii. The circumstances are the result of actions of the applicant taken subse-
25 quent to the adoption of the zoning regulation from which relief is
26 sought.
- 27 iv. The variance will not allow unreasonable circumvention of the require-
28 ments of the zoning regulations and will not alter the essential character
29 of the neighborhood.
- 30 v. The variance requested will not confer on the applicant any special priv-
31 ilege that is not conferred by this ordinance to other lands, structures or
32 buildings in the same zone.

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34
35 [end of Staff Report]

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37 Mr. Verst asked for questions for staff. Mr. Verst asked if there's a garage on the site and
38 if there would still be access into the garage after the new detached garage is put in. Mr.
39 Hunter said yes. Mr. Verst asked what staff's justification that this is the minimum setback.
40 Mr. Hunter responded that there would need to be fill behind the property and you would
41 have to go in diagonally.

1 Mr. Verst invited the applicant to the microphone.

2
3 Applicant, Ms. Tina Vineyard of 2854 Baynum Hill Road, explained the existing garage
4 was converted into a family room years ago so there are no cars that go in there. Mr. Verst
5 asked if the garage could sit back closer to the house. Applicant explained that the new
6 garage would be in line with where the current garage sits. Ms. Dischar asked if the garage
7 door is on the street side. Applicant said yes.

8
9 Mr. Verst opened the meeting for discussion among the board.

10
11 Mr. Fessler made a motion to approve the thirty-five foot variance in case BA-24-006. Mr.
12 Williams seconded the motion.

13
14 Ms. Brossart called the roll, and all present voted in favor. Motion passed, and the vari-
15 ance was approved.

16
17 No further new business.

18
19 Mr. Hunter announced the housing training session that will take place on May 21st. Mr.
20 Hunter announced a new member will be replacing Ms. Hurley, who has moved.

21
22 Mr. Verst asked for a motion to adjourn. Mr. Johnson moved to adjourn, and Mr. Williams
23 seconded the motion. All voted in favor, and the meeting was adjourned at approximately
24 6:51 PM.

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27 Respectfully Submitted,

Approved:

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29
30 _____
31 Kirk Hunter
32 Principal Planner

Justin Verst
Chair