



CAMPBELL COUNTY & MUNICIPAL BOARD OF ADJUSTMENT MINUTES OF SEPTEMBER 21, 2021 MEETING

MEMBERS PRESENT:

Mr. Scott Bachmann
Mr. Michael Williams
Ms. Jessica Hurley
Mr. Justin Verst, Chair
Mr. Joseph Williams

STAFF PRESENT:

Ms. Cindy Minter, Director
Mr. Kirk Hunter, Principal Planner
Mr. Matt Smith Legal Counsel- Attending via
teleconference

MEMBERS ABSENT:

Mr. John Fessler, TPO

Mr. Verst called the meeting to order at 6:30 PM.

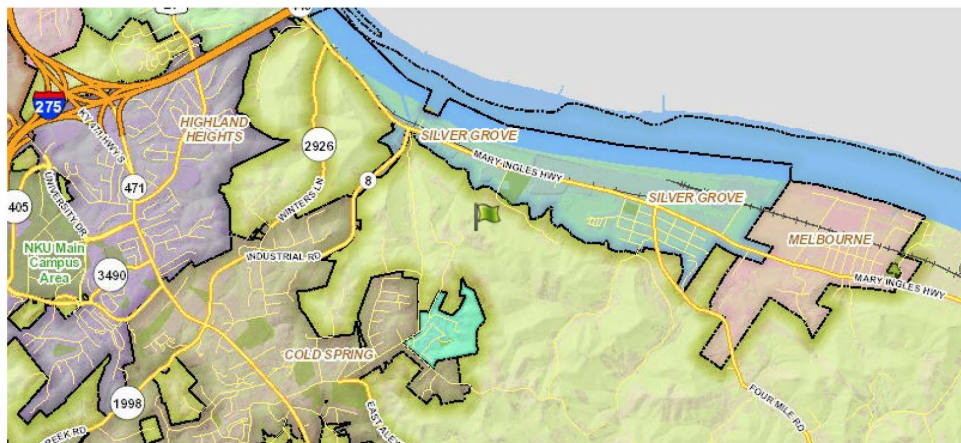
Following the Pledge of Allegiance, Mr. Verst turned the board's attention to the previous meeting's minutes. Mr. Bachmann made a motion to approve the minutes as submitted, seconded by Ms. Hurley. A roll call vote found Mr. Bachmann, Mr. Mike Williams and Ms. Hurley in favor, Mr. Joe Williams and Mr. Verst abstaining , and none opposed. The minutes were approved.

Mr. Hunter then presented the staff report for case BA-21-0017 as follows:

Applicant: Bob Heil

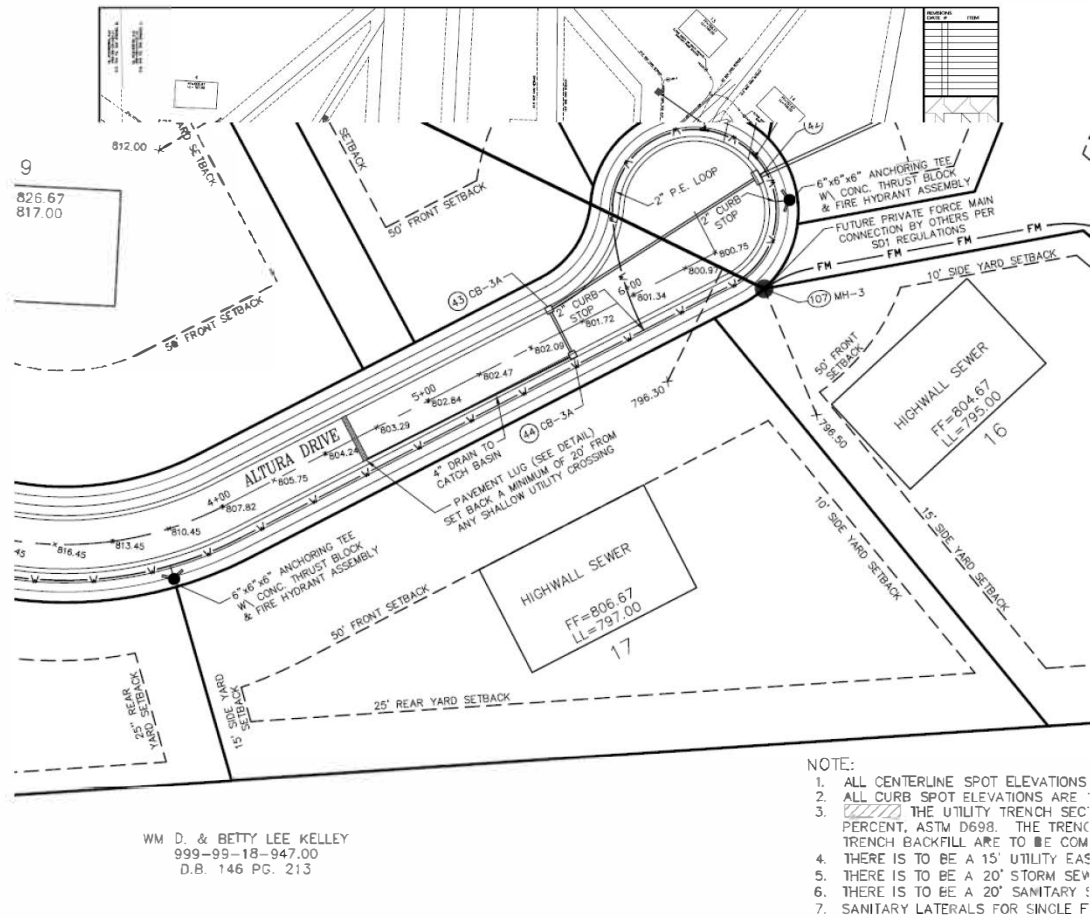
Location: 5161 Skyline Dr. Unincorporated Campbell County

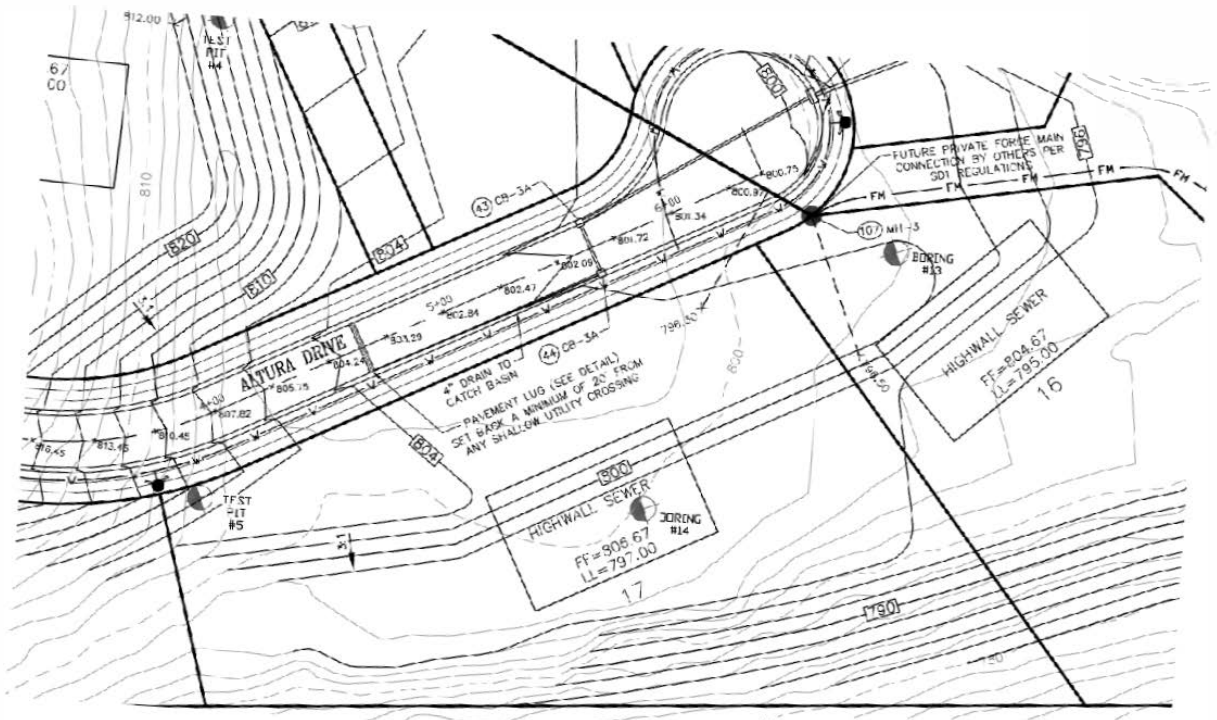
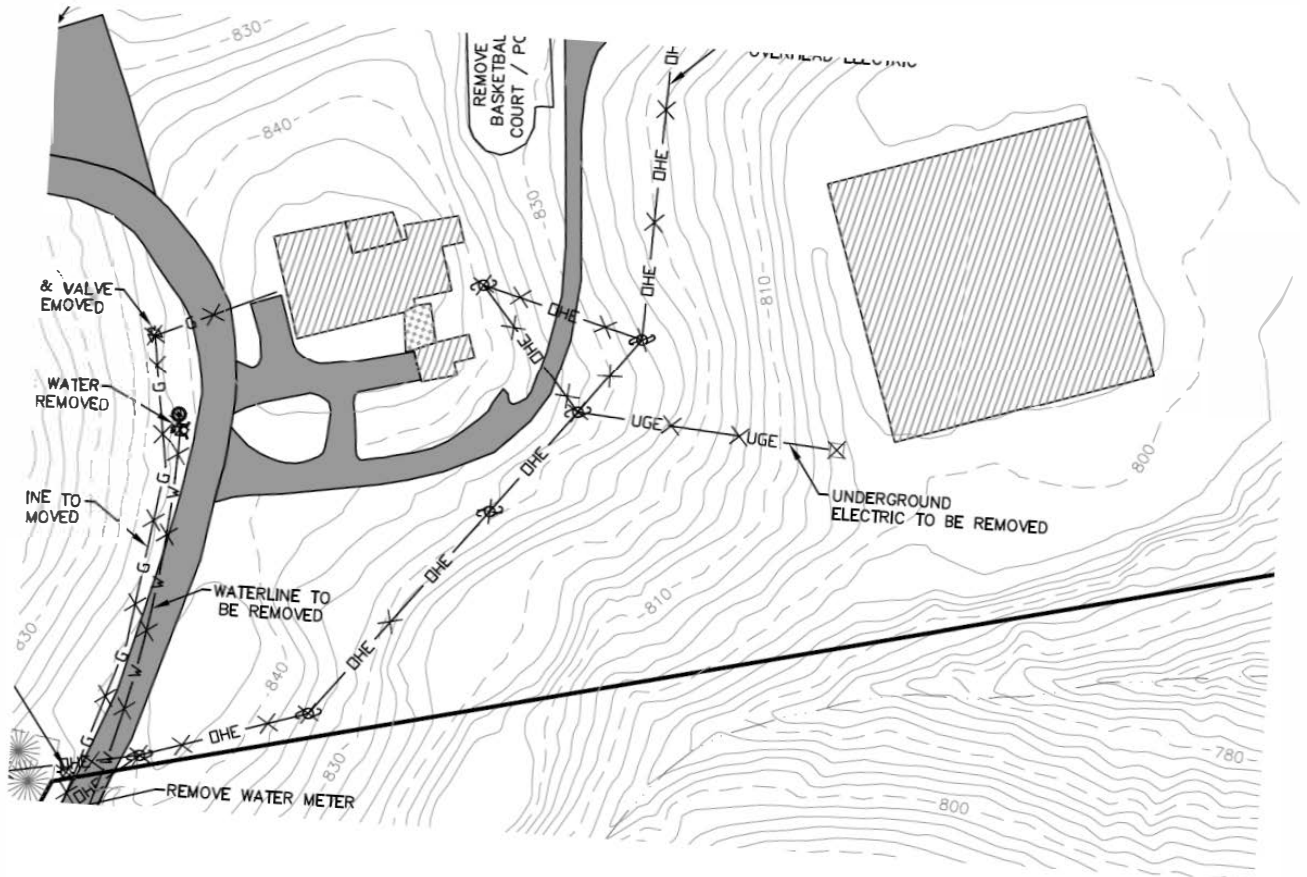
Request: Request for a front yard setback variance of 20 feet due to site topography



Background:

Stage 1 plans for the development of this area into 19 lots were approved in 2020. The site is lot 17 of that development. The location is the site of the former Campbell Lodge.





NOTE:
 1. ALL CONSTRUCTION ELEVATIONS ARE THE FIRST

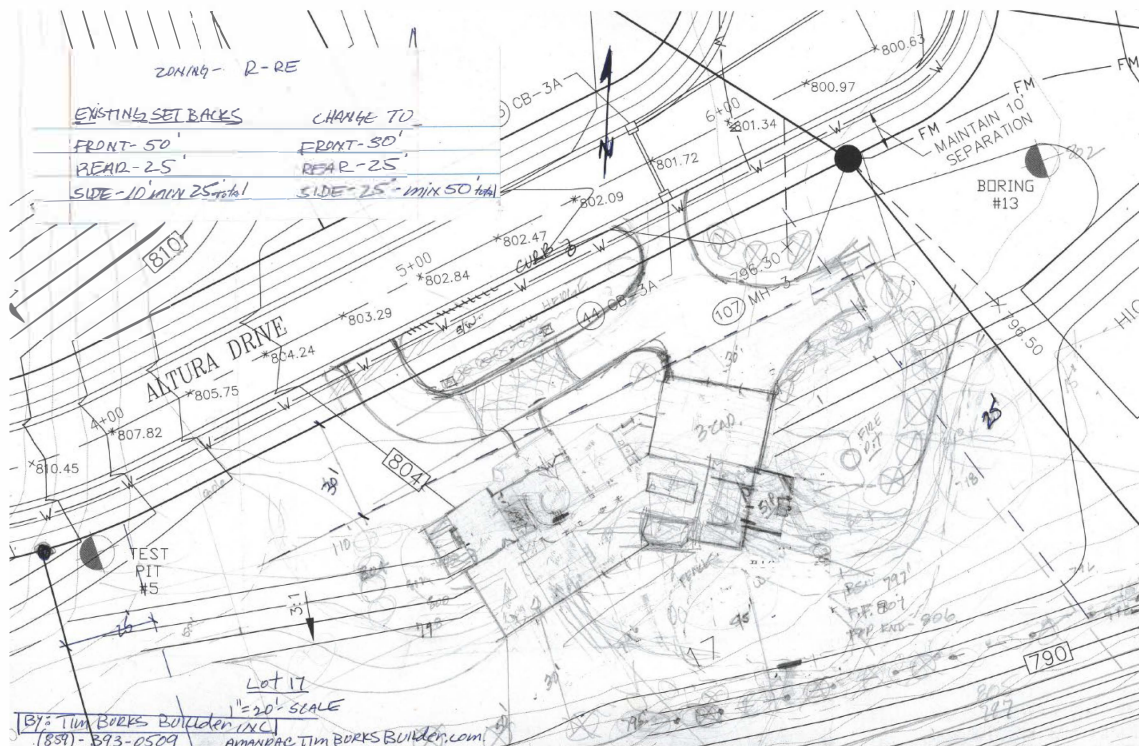
R-RE Zone		
<u>Description:</u>	<u>Regulations Require:</u>	<u>Applicant's Request:</u>
Minimum Lot Area:	One (1) Acre	
Minimum Lot Width:	One Hundred (100) Feet	
Minimum Front Yard Depth:	Fifty (50) Feet	<i>Thirty (30) Feet</i>
Minimum Side Yard Width:	One Side: Ten (10) Feet Total Both Sides: Twenty Five (25) Feet	
Minimum Rear Yard Depth:	Twenty-Five (25) feet	
Maximum Building Height:	Thirty five (35) feet	

6. A review of public records indicates the following:

- a. The lot was previously home to the Campbell Lodge. As such, it was permitted by Conditional Use Permit. The Conditional Use Permit was originally issued in 1980 and subsequently updated in 2007 when a setback variance was granted for an expansion.

7. The proposed setback variance will not interfere with the line-of-sight for motorists.

8. The submitted site plan shows the proposed house in relation to the contour lines.



9. The applicant has communicated with staff that the circular driveway shown on the site plan will not be constructed. There will only be one curb cut.

10. 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 September 2, 2021 edition of the***

Campbell County Recorder advertising applicant's request and the hearing to be held on September 21, 2021.

11. 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 twenty (20) foot front yard setback variance for the construction of a house, reducing the fifty (50) foot setback to thirty (30) feet.

Staff Comments:

The use of the property is consistent with the adopted 2008 Comprehensive Plan.

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.

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.

Staff Recommendation:

To approve the applicant's request for a side yard variance of twenty (20) 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:

- 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 discussion back to the board. With no questions from the board Mr. Verst called for the applicant to speak. The applicant made not of the distance of neighboring properties. With no questions for the applicant, he opened the floor to public comment. Those that had signed in did not wish to speak on this application. There being no public comment Mr. Verst closed the public comment portion of the meeting for this case, reviewed staff's recommendation and asked for a motion.

Mr. Bachmann made a motion to approve the variance as recommended by staff. Ms. Hurley seconded, a roll call vote found all in favor, none opposed, the motion passed.

Mr. Verst then introduced the second case of the evening. Ms. Minter presented the staff report as follows:

CASE:	BA-21-0015
APPLICANT:	Jennifer Allen & Roger Thomas dba Keltic Kennels
LAND OWNER:	Beverly Howard
ADDRESS:	1607 Race Track Road
REQUEST:	Conditional Use permit for the Operation of a Kennel

Notice of this hearing was published in the Campbell County Recorder and mailed to adjoining property owners.

The area under review consists of approximately 1.32 acres in Unincorporated Campbell County near AJ Jolly Park, located at 1607 Race Track Road. This site is the residence of co-applicant Mr. Roger Thomas.

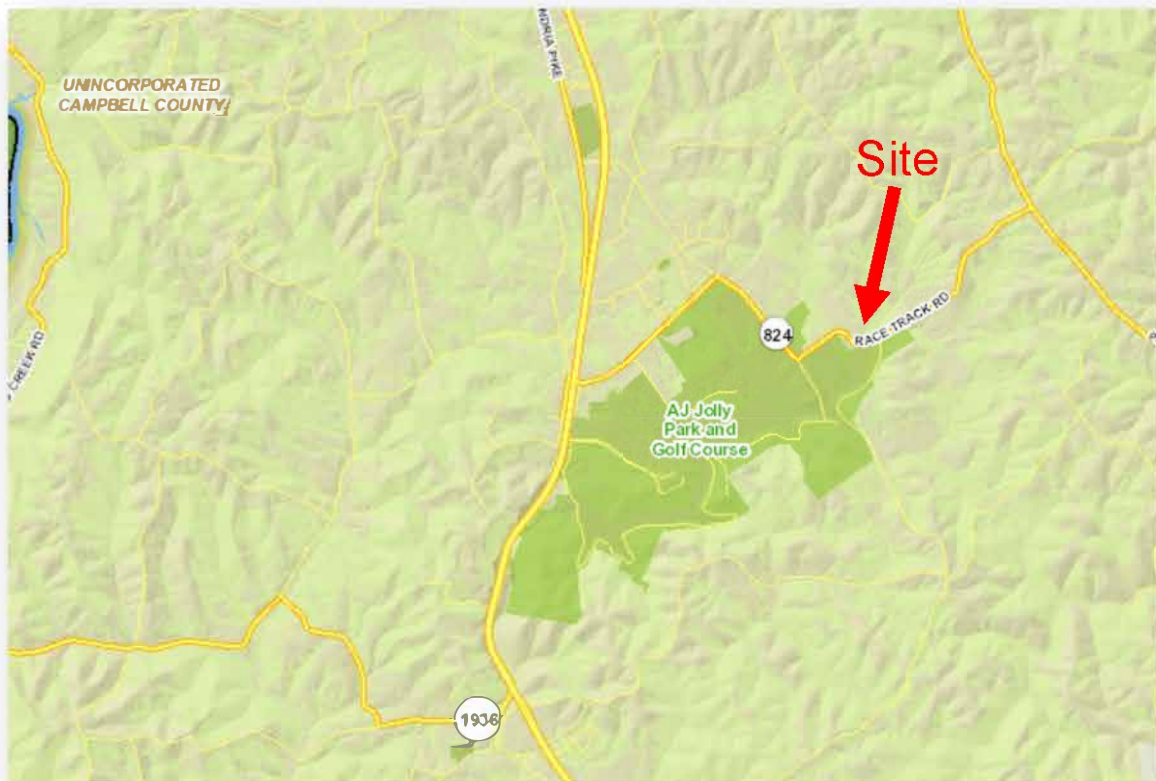


Figure 1: Vicinity

This is a case of a hobby growing into a business. Mr. Thomas and Ms. Allen began operating their family-run dog kennel during the past year. Ms. Allen is a recent employee of nearby boarding kennel that had shuttered during the pandemic. She recognized the opportunity to nurture her enthusiasm for the care of animals while continuing her studies to become a Licensed Veterinary Technician.

The co-applicants subsequently recognized the need for zoning approval for this use. This application seeks to fulfil the need for a Conditional Use Permit operating within an Agricultural One (A-1) zone.



Figure 2: Aerial view of property



Fig. 3: Aerial view of property- March 2021 (4-Bay Unit & Garage)

The intention of the applicants is to operate a small dog kennel on site for breeding and limited boarding. Existing on the property already are two, 4-bay professional grade kennel structures located just south of the home (Fig. 3). The garage located near the kennels serves as a dry storage, nursery and area for extreme weather conditions.

On July 22, 2021 a site visit was conducted with staff and applicants. Staff observed that overall the site was well maintained and landscaped. The kennel area was also noted as being equally clean. Six of the eight kennel bays were occupied at the time of the site visit. Ms. Allen identified one of the kennel occupants as her personal pet. All of dogs quieted quickly and we very attentive to the kennel owners throughout the visit.



Fig. 4: Site Plan

Each of the kennel units was surrounded by gravel, and the area was well shaded by trees. The kennel structure abuts an earth berm which serves as a buffer along the property line.

Each individual kennel was labelled with the dog's name, temperament and preferences. Each dog has its own fenced and sheltered space. A leashed run was available as an exercise area. Ms. Allen noted that someone is always on site when a dog is placed on the run. Ms. Allen indicated a desire to provide a fenced area for animal exercise in the future.





Statement from applicant:

To Whom It May Concern:

My name is Jennifer Allen, Co-Owner of Keltic Kennels. I am writing to you on behalf of our request for the Conditional Use Permit.

To give a little background of myself: I am currently employed at Grants Lick Bed and Biscuits as a Kennel Attendant. Within this role, my daily tasks include but not limited to:

- Disinfecting Kennels and Cat Condos
- Disinfecting Food and Water Bowls
- Feeding and Administering Medications as needed
- Walking Dogs up to 3-4 Daily
- Reporting and Recording any changes in behavior of pets

In addition, I am also currently enrolled at Penn Foster to become a Licensed Veterinarian Technician. During my studies I am learning the medical side of caring for pets as well.

At Keltic Kennels, our dogs are walked and exercised up to three times a day. All of our Kennels are scrubbed down and thoroughly disinfected each day. Our food and water bowls are bleached everyday as well to prevent any diseases from occurring. All dogs are also active patients at Grants Lick Veterinary Hospital where they receive their medical needs and immediate attention if needed.

During exercise times, there is always someone monitoring the dogs at all times. During the hotter months when temps get higher, we take them to the creek to swim to cool off. There are a few days out of each month where we provide extra treats for all pets. These special treats include beef jerky or even us grilling out for them. During the colder months, the dogs are put in the garage which is heated.

As you can see from the pictures, all our kennels are indoor and outdoor. Each Kennel is gated in the front and back. These Kennels are well insulated. We also have provided cots for the dogs to have a choice to sleep on a lifted bed each night. We are currently in the process of making a nice size play yard for our dogs to run freely while out of their kennels. The landscaping around our kennels includes gravel, hanging plants, bushes, hills and trees. Our Kennels are approximately twenty to twenty-five feet from property line. In total, we have eight kennels where we would like to have eight adult dogs.

Although we are in a flood zone, all our kennels are movable where we can easily move in the case of an emergency.

I hope this letter provides the needed information for you for this permit. If you find yourself with any other questions or concerns, please let me know.

Sincerely,

Jennifer Allen

Considerations:

1. The site is currently zoned Agricultural one (A-1) as defined in the Zoning Ordinance, Article X, Section 10.1.
2. All adjacent properties are within the A-1 Zone. Residential and farming uses are to the north and east. AJ Jolly Park is to the south and west.
3. The site is located along State Route 824 known as Race Track Road. The road is classified as a Minor Collector. It is approximately 2.15 miles in length connecting US 27 to KY 1121 at Persimmon Grove.



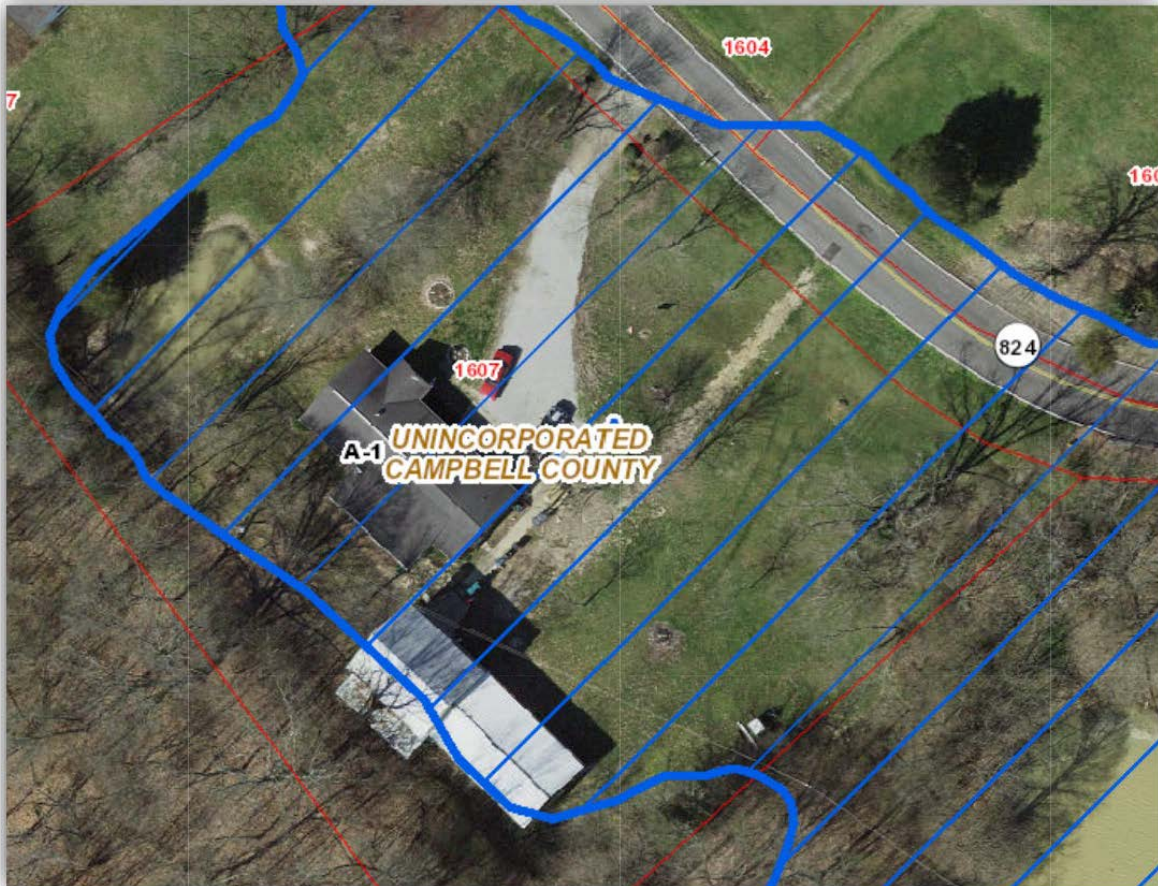
The road is approximately 22 feet in width with a center yellow strip.

The driveway access to the site is clearly visible.

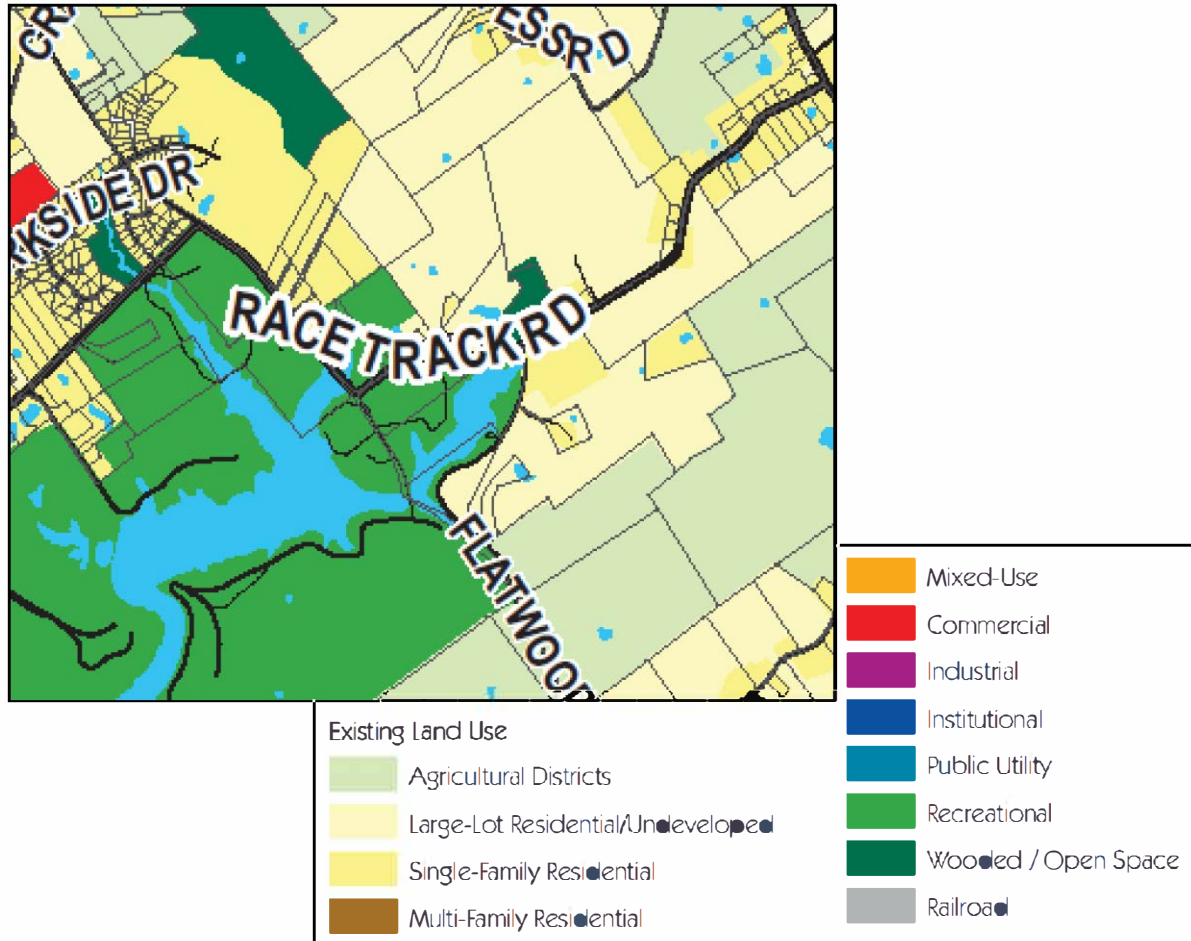
4. The property is owned by an elderly relative. Mr. Thomas is the resident and care taker of the property.

Ms. Allen is the kennel manager. Both are co-owners of Keltic Kennels.

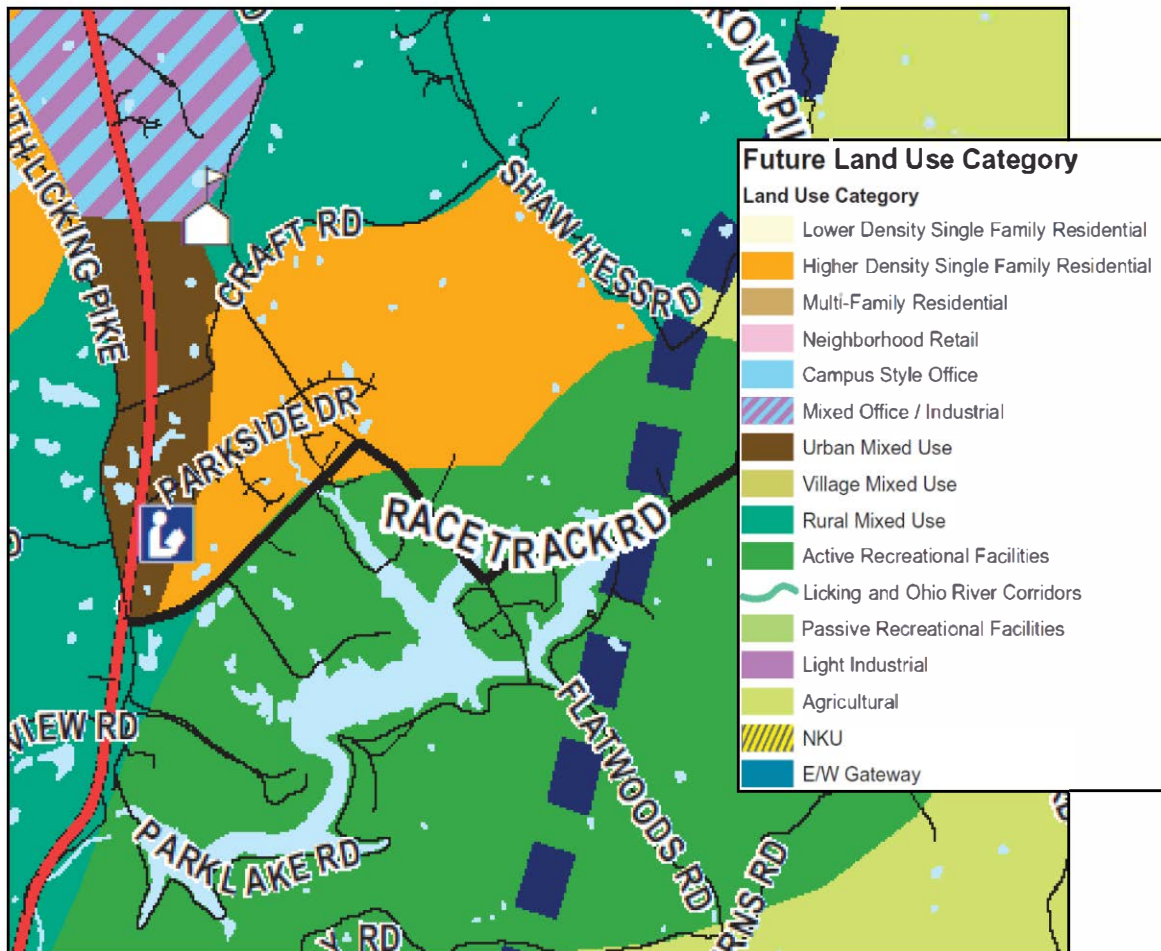
5. A review of public records finds no previous Planning and Zoning Cases for the property.
6. The site is located with the Flood hazard area classified as "A". This area was newly mapped in 2014 and aligns with the height of the dam for AJ Jolly lake.
The applicant does have a mitigation plan should flooding occur in the vicinity.



7. The 2008 Campbell County Comprehensive Plan specifies the current land use in the area as Recreational, Large -lot Residential, Single family Residential and Agricultural.



8. The Future Land Use Plan identifies this area as Rural Mixed Use and Active Recreational Facilities. A Higher-Density Single Family Residential area is just to the North.



9. The Zoning Ordinance defines the following permitted uses for the A-1 zone (section 10.1):

Permitted Uses

A-1

1. *Agricultural uses.*
2. *Single family dwellings (detached).*
3. *Mobile homes subject to the requirements of Section 9.28 of this ordinance and KRS 100.203 (4).*
4. *Stands for sale of products that are raised, produced, and processed on the premises, provided that no roadside stands of any type for the sale or display of agricultural products shall be permitted within fifty (50) feet from any street.*
5. *Greenhouses and nurseries, including both wholesale and retail sales of products grown on the premises.*
6. *Stables and riding academies both public and private.*

7. *Taxidermy and other related wildlife resources and service, with sales portion not to exceed 10% of the gross floor area of the operations.*
8. *Animal Hospitals and Veterinary Clinics.*
9. *Agritourism uses.*
10. *Butcher/meat processing in connection with other agricultural activities.*

Conditional Uses

A-

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No building or occupancy permit shall be issued for any of the following nor shall any of the following uses or any customary accessory buildings and uses be permitted until and unless the location of said use shall have been applied for and approved of by the Board of Adjustment as set forth in Section 9.14.

1. *Cemeteries.*
2. *Churches and other accessory buildings for the purpose of recognized religious worship providing they are located adjacent to an arterial or collector or local street.*
3. *Nursery school.*
4. *Police and fire stations provided they are located adjacent to an arterial street.*
5. *Public and parochial schools.*
6. *Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries.*
7. *Recreational uses, other than those publicly owned and/or operated as follows:*
 - a. *golf courses*
 - b. *country clubs*
 - c. *semi-public swimming pools*
 - d. *tennis courts/clubs*
 - e. *fishing lakes*
 - f. *gun clubs and ranges*
 - g. *boat harbors and marinas*
8. *Hospitals for human care, clinics, sanitariums, homes for the aged, religious and charitable institutions, not including penal or correctional institutions; provided that any building for patients shall be distant at least two (200) hundred feet from every adjoining lot in any Residence Zone, and that the area of the parcel of land so occupied shall be no less than ten (10) acres.*
9. *Essential services and public utility stations.*
10. *Sanitary landfills as regulated by Section 9.25 of this ordinance.*
11. *Commercial confined animal feed operations provided that any lot or tract of land in such use shall be not less than ten (10) acres and that any building or enclosure in which animals are kept shall be distant at least four hundred (400) feet from any lot in any Residence Zone, or any lot occupied by a dwelling other than a farm dwelling, or by any school, church or any institution for human care.*
12. *Sawmills.*
13. *Plants for the processing and storage of agricultural products.*
14. *Boat harbors, and marinas, for the use and transport of products that are raised, produced, and processed on the premises.*
15. **Kennels.**
16. *Bed and breakfast establishments.*
17. *Event facilities.*

18. *Restaurants.*

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10. The Zoning Ordinance defines the following zone requirements for the A-1 zone (section 10.2):

<u>Zone Requirements</u>	<u>A-1</u>
Minimum Lot Area	One (1) acre
Minimum Lot Width at Minimum Setback	One hundred (100) feet
Minimum Front Yard Depth	Fifty (50) feet
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

11. Kennels are listed as a *Conditional Use* in the Agricultural-One (A-1) zone (Article X, Section 10.1).
12. Other approved Kennels in the Unincorporated County include:
- 1989 Poplar Ridge Rd – Campbell County Animal Shelter
 - 10307 Alexandria Pike – Grants Lick Veterinary Clinic
 - 1538 Upper Tug Fork Road – Tug Creek Kennels (K9 boarding facility)

In addition, the applicant has stated:

- *The proposed use of the kennel at this location is desired to provide a service to our community. Breeding our dogs will provide fur friend for people wanting them.*
- *The proposed use will not be detrimental to the health safety or overall welfare of the people residing or working nearby. Also will not be injurious to the property or improvements the area. The kennels will be kept clean inside and surrounding area.*
- *We will comply with any regulations in the zoning ordinance and subdivision regulations for such use.*

Staff Recommendation:

The Campbell County & Municipal Board of Adjustments grant a Conditional Use permit for the operation of a Kennel with the following conditions:

1. Outdoor runs, fenced or leashed may be used only with staff present;
2. That the facility house no more than eight (8) adult dogs at any one time;
3. That the applicant cooperates with regular inspections to be held not less than annually by the County Animal Shelter;
4. That the applicant maintains a relationship with a local veterinary facility;
5. That the storage of manure or animal waste be stored in a container until properly disposed of;
6. That a residential use remains on the property; and
7. That the applicant complies with all applicable Campbell County Planning, Zoning & Building Regulations.

Bases for Staff Recommendation:

1. In compliance with SECTION 18.7 CONDITIONAL USE PERMITS of the Campbell County Zoning Ordinance, a written application for a conditional use permit and a site plan subject to the applicable requirements of Section 9.19, was submitted to the Board for review and approval;
2. Notice of public hearing was given in accordance with Section 18.2 of the Campbell County Zoning Ordinance;
3. In accordance with KRS. 100.237, the Board of Adjustment shall have the power to hear and decide applications for conditional use permits to allow the proper integration into the community of uses which are specifically named herein which may be suitable only in specific locations in the zone.
4. The evidence presented by the applicant and staff is such as to establish beyond any reasonable doubt:
 - 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;
 - 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.
 - That such use will comply with any regulations and conditions in the Campbell County Zoning Ordinance for such use.

Additional Notes to the Applicant:

The granting of a conditional use permit does not exempt the applicant from complying with all of the requirements of this ordinance, the building code, housing code, and other regulations.

Farm exemption may not be used on facilities related to this conditional use.

Permanent structures within the flood hazard areas are subject to the need for a Stream Construction Permit.

Ms. Minter then turned discussion back to the board. The board discussed the timeline of the businesses opening, if there were any complaints, and if there were any other businesses of this type in the county.

They also discussed the intentions of the applicant to build a fence and any possibilities to change the structures in the future. Mr. Bachmann expressed concern about approving a breeding operation. He noted concerns about animal populations and about whether this use can be considered as contributing to the neighborhood.

Staff inquired of the applicant how many times per year the breeding would occur, and to contribute any other comments he may have. The applicant noted that they typically would have a litter twice a year.

Mr. Mike Williams noted that he felt the definition of kennel did cover this breeding operation. Mr. Smith agreed, and the board continued their discussion covering the type of dog and how the business is advertised.

Mr. Verst then opened to comments from those watching via Facebook live. With the only comments on the live being from the applicant, Mr. Verst closed the public comment portion of the meeting.

The board then discussed the kennel policy regarding returned animals. Mr. Bachmann again reiterated his stance that he would not be able to support the approval of a breeding facility. The board debated their ability to regulate breeders as a business type. They also discussed the inspection completed by the County Animal Shelter, which did not note any areas of concern regarding a breeding operation.

The board discussed if there were any limitations within the zoning ordinance regarding breeding. Ms. Minter noted that there are no specific limitations detailed in the zoning ordinance, as well as frequency of recurring inspections.

Mr. Mike Williams made a motion to approve with the following conditions :

1. Outdoor runs, fenced or leashed may be used only with staff present;

2. That the facility house no more than eight (8) adult dogs at any one time;
3. That the applicant cooperates with regular inspections to be held not less than annually by the County Animal Shelter and maintain satisfactory compliance with the County Animal Shelter recommendations;
4. That the applicant maintains a working relationship with a local veterinary facility for the health of the animals;
5. That the storage of manure or animal waste be stored in a container until properly disposed of;
6. That a residential use remains on the property;
7. That the applicant complies with all applicable Campbell County Planning, Zoning & Building Regulations; and
8. That the applicant be permitted to add an outdoor fence subject to zoning and building regulations.

A roll call vote found Mr. Mike Williams, Mr. Joe Williams, Ms. Hurley and Mr. Verst in favor and Mr. Bachmann opposed. The motion passed.

The board then discussed updating their bylaws with regard to meeting time and location. After some discussion, Mr. Mike Williams made a motion to keep the time and location as it stands at 6:30 PM at the Campbell County Fiscal Court chambers located at 1098 Monmouth St. Newport KY 41071. Ms. Hurley seconded the motion, a roll call vote found all in favor, one opposed. The motion passed.

With no additional discussion Mr. Verst opened the floor for a motion to adjourn.

Mr. Mike Williams made the motion, seconded by Mr. Bachmann. An oral vote found all in favor and the meeting was adjourned at 7:46 PM.

Approved:

Cindy Minter
Director