

**CAMPBELL COUNTY & MUNICIPAL BOARD OF ADJUSTMENTS
MINUTES OF THE
SEPTEMBER 16, 2025
MEETING**

MEMBERS PRESENT:

Mr. John Fessler
Mr. Michael Williams
Mr. Justin Verst
Mr. Frank Twehues
Mr. Troy Franzen

MEMBERS ABSENT:

Mr. Hutch Johnson
Ms. Patti Dischar

STAFF PRESENT:

Mr. Kirk Hunter, Principle Planner
Mr. Devin Allmoslecher, Permit Clerk
Ms. Sally Bauer, Administrative Assistant

1 Mr. Verst calls meeting to order. Following is the pledge of allegiance Mr. Allmoslecher
2 called the roll. A quorum was found.

3
4
5 Mr. Verst presents past minute meetings from February 4th and 18th, 2025. Mr. Fessler
6 motions to approve them. Second by Mr. Williams. Mr. Verst call role. A roll call vote
7 was taken. With Mr. Fessler, Mr. William, Mr. Twehues voting yes. Mr. Johnson and Ms.
8 Dischar being noted as absent.

9
10 Meeting minutes are approved.

11
12 Mr. Verst introduced the case of Caitlin Fryer as file number BA-25-008. A 2.3 acre lot
13 on the south side of Tarvin Road requesting a variance to reduce the road frontage.

14
15 Mr. Hunter presented the staff report. Notice of the public hearing was published in the
16 LinkNKY. Notice was also sent to neighboring property owners.

17
18 [begin staff report]

19
Campbell County and Municipal Board of Adjustments

September 16, 2025

Staff Comments, Findings, and Recommendations

Issue to be heard: Tuesday, September 16, 2025

File Number: BA-25-008

Applicant: Caitlin Fryer

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Location: 2.3- acre lot on the south side of Tarvin Rd approximately 1100 feet from the intersection of Lees Road

Request: Variance request to reduce road frontage setback requirements for qualified manufactured home

Considerations:

1. The property is currently approximately 2.3 acres.



2. The parcel is a flag lot. The road frontage measures approximately 52-feet. The point at which the parcel widens to the required 100-foot lot width is approximately 70 feet from the front property line.

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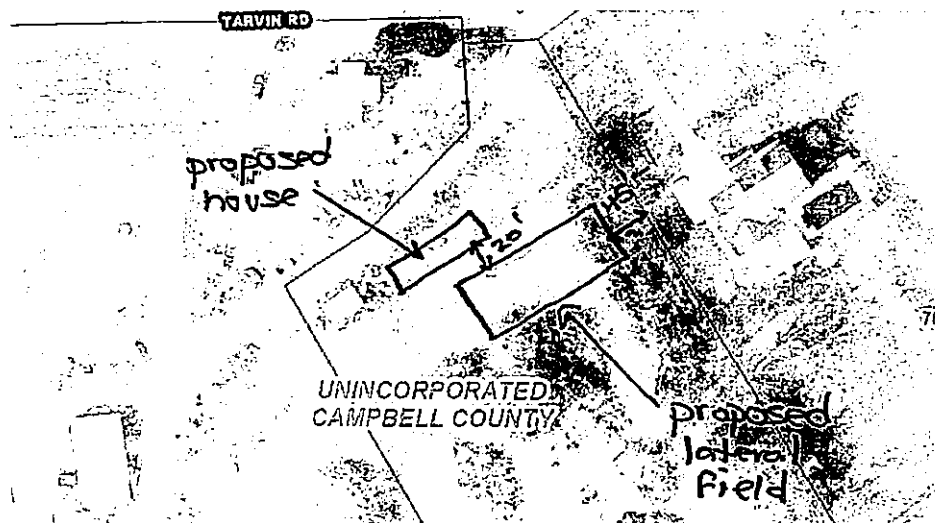
As per the zoning requirements:

Lot, Flag

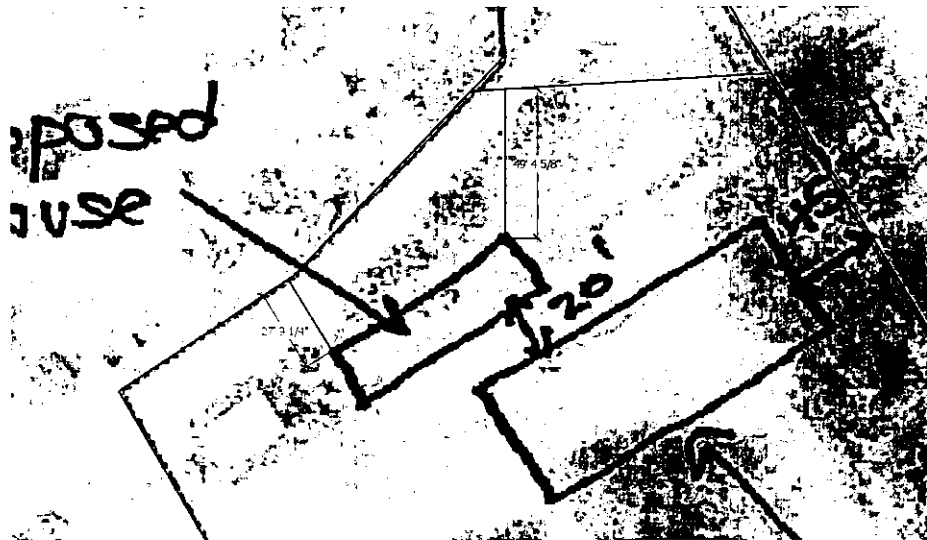
An irregularly shaped lot where access is provided from a public street frontage through a narrow (i.e. less than the required lot line frontage) unobstructed access strip (or "panhandle") which is part of the building lot. The building site within a flag lot does not immediately abut a public street, but is located at the terminus of the access strip described herein (see Section 415). The access strip shall not be used in computing the minimum lot size for zoning and building purposes.

The regulations aren't clear on where setbacks are measured from on flag lots but the accepted practice is to exclude the "access strip" from the front setback and measure from the point at which the minimum lot width is measured.

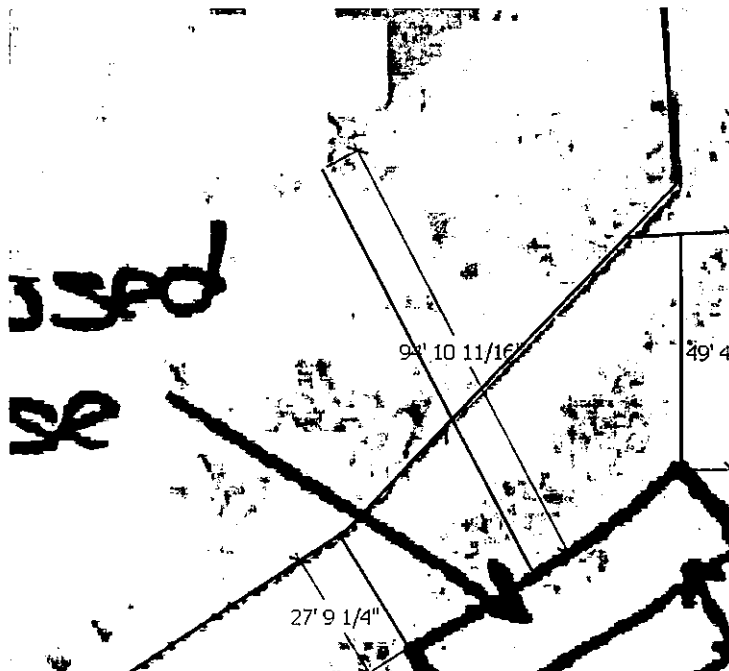
3. The applicant is requesting setback and minimum road frontage variances for the construction of a new single-family house.



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4. The proposed site of the house is approximately 28 feet from the side property line and approximately 50 feet from the end of the access strip.
5. The health department has tested the soil and indicated where the septic leach field will locate.
6. The property slopes downward behind the proposed building site, complicating the construction of a house at the required setbacks.
7. Additionally, the land is an active farm, and requiring the house to situate further back would reduce the amount of active farmland.



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8. The proposed site is approximately 95 feet from the abandoned farm house in the adjacent lot.
9. Tarvin Road 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*.
10. The surrounding land is zoned Agricultural-One (A-1) and primarily residential, agricultural and undeveloped open space.
11. The Campbell County Zoning Ordinance Article X, Section 10.1 classifies the area within the Agricultural-One (A-1) Zone.
- 12.
13. 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	50 Feet
Minimum Side Yard Width:	One Side: Ten (10) Feet Total Both Sides: Twenty-Five (25) Feet	28 Feet
Minimum Rear Yard Depth:	Thirty-five (35) feet	
Maximum Building Height:	Thirty-five (35) feet	

14. Article 9 of the Ordinance places additional dimensional requirements on manufactured homes in addition to the standard requirements in Article 10.

	<u>Manufactured Home Dimensions as Per §9.28</u>	<u>Applicant's Request:</u>
Minimum Road Frontage:	One Hundred Fifty (150) Feet	
Minimum Front Yard Depth:	One Hundred (100) Feet	50 Feet
Minimum Side Yard Width:	Fifty (50) Feet	28 Feet
The mobile home shall be so located that no other dwelling or business conventional or mobile, exists within a radius of one hundred twenty-five (125) feet of the mobile home		

15. A review of public records finds no other requests for this site

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67 16. According to Section 9.13, Exceptions and Modifications, C. Front Yard
68 Variance: *In any residential zone, no front yard shall be required to exceed the*
69 *average depth of existing front yards on the same side of the street within the same*
70 *block, when fifty-one percent (51%) or more of lots within that block are improved*
71 *with residential buildings, whichever is greater.*

72 Staff calculates that average front yard depth to be approximately nineteen (19) feet.

73 17. The proposed use is a manufactured home, subject to stricter minimum yard
74 depths. It is the opinion of staff that the Ordinance is not clear if the automatic
75 setback variance would apply to *manufactured homes* and prefers to present all
76 setback requests for them to the Board of Adjustment. Regardless, the variance
77 provision in §9.13 would not afford the applicant enough of a variance to site the
78 house in their preferred location.

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

80 19. The family intends to demolish the old farm house in the adjacent parcel

81 20. Notice of public hearing was given in accordance with the Campbell County Zoning
82 Ordinance and Kentucky Revised Statutes (KRS).

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

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

92 **Summary of Applicants Request:**

93 The applicant is requesting the following variances for the placement of a manufactured
94 home:

- 95 1. A ninety-one (91) foot minimum road frontage variance, reducing the one hundred
96 and fifty (150) foot minimum to fifty-nine (59) feet;
- 97 2. A fifty (50) foot front yard setback variance, reducing the one hundred (100) foot
98 setback to fifty (50) feet;
- 99 3. A twenty-two (22) foot side yard setback variance, reducing the fifty (50) foot
100 setback to twenty-eight (28) feet; and
- 101 4. A thirty (30) foot variance to reduce the 125-foot buffer to other buildings to ninety-
102 five (95) feet.

103 **Staff Comments:**

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1. The two neighboring farms to the west of the site are all in the same family ownership.
2. The applicant has divided this parcel off to build the house but also to maintain a separate tax bill from the rest of the farm.
3. The use of the property is consistent with the adopted 2008 Comprehensive Plan.
4. 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.
5. The application of the provisions of this Ordinance would create unnecessary hardship on the applicant.
6. The applicant is requesting this variance subsequent to the approval of these regulations.
7. The essential character of the neighborhood is lower-density single-family residential and this action is compatible with those uses.
8. This variance would not be granting the applicant a special privilege.

Staff Recommendation:

To approve the applicant's request for:

1. A ninety-one (91) foot minimum road frontage variance, reducing the one hundred and fifty (150) foot minimum to fifty-nine (59) feet;
2. A fifty (50) foot front yard setback variance, reducing the one hundred (100) foot setback to fifty (50) feet;
3. A twenty-two (22) foot side yard setback variance, reducing the fifty (50) foot setback to twenty-eight (28) feet;
4. A thirty (30) foot variance to reduce the 125-foot buffer to other buildings to ninety-five (95) feet.

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.

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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 circumvention 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.

[end of staff report]

Mr. Verst opens up the board to discuss. The board discussed the drop off in the back portion of the property.

Mr. Verst opened the floor to the applicant for further discussion.

Caitlyn Fryer, 735 Tarvin lane, Alexandria approached the microphone. Ms. Fryer confirms the property in the back drops off. Mr. Verst asks Ms. Fryer questions related to the stipulations of House Bill 160.

Mr. Verst opens the floor for public comment.

Mr. Verst closed the public comment due to no comments.

Mr. Verst opened the board for discussion. House Bill 160 and its stipulations and how it will be going into effect in a couple months was discussed by all members of the board.

Mr. Fessler makes a motion in reference to case number BA-25-008 to approve the variance based on the report and testimony. Second by Mr. Twehues.

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Roll is called. With Mr. Verst, Mr. Tweed, Mr. Fessler, Mr. William, Mr. Twehues voting yes. Mr. Johnson and Ms. Dischar being noted as absent.

Motion passes.

No further new business.

Mr. Verst asked if anything in the administrator's report.

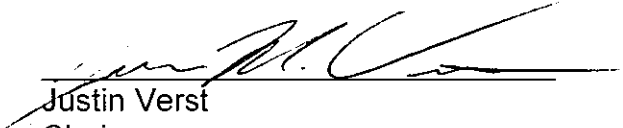
Mr. Hunter shared updates about the comprehensive plan.

Mr. Verst asked for a motion to adjourn. Mr. Twehues made a motion to adjourn the meeting. Mr. Williams seconded the motion. All voted in favor. The meeting was officially adjourned at 7:06 PM.

Respectfully Submitted,

Approved:

Kirk Hunter
Principal Planner


Justin Verst
Chair

**CAMPBELL COUNTY & MUNICIPAL BOARD OF ADJUSTMENT
MINUTES OF THE
February 18, 2025
MEETING**

MEMBERS PRESENT:

Mr. Justin Verst, Chair
Mr. John Fessler
Mr. Hutch Johnson
Mr. Michael Williams
Mr. Matt Smith, Legal Counsel

MEMBERS ABSENT:

STAFF PRESENT:

Mr. Kirk Hunter, Principal Planner
Ms. Diane Brossart, Admin Assistant

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

3
4 Mr. Verst then asked for the approval of minutes from the February 4, 2025 meeting. Mr.
5 Fessler said that he would like to make an addition where he made the motion to approve
6 the conditional use to include "that the facts presented by the staff and testimony of staff
7 and witness present at the public hearing, I find that: The proposed use is necessary and
8 desirable and will contribute to the general well-being of the neighborhood and
9 community; it will promote the public health, safety and welfare of those residing and
10 working within the vicinity and is not injurious to the property or improvements in the
11 vicinity; it will not impair the integrity and character of the zone; and that such use
12 complies with Sections 9.14 and 18.7 of the Zoning Regulations."

13 It was seconded by Mr. Johnson. Clerk called the roll. Motion to approve the minutes as
14 corrected passed and minutes were approved.

15
16 Mr. Verst introduced the case of the night as file number BA-25-001; Castle View
17 Enterprises, location is 9008 Mary Ingles Highway, Unincorporated Campbell County, KY,
18 and the request is a setback variance for an accessory structure.

19
20 Mr. Hunter presented the staff report. Notice of the public hearing was published in the
21 LinkNKY. Notice was also sent to neighboring property owners.

22
23 [begin staff report]
24

Campbell County and Municipal Board of Adjustments

February 11, 2025

Staff Comments, Findings, and Recommendations

Issue to be heard: Tuesday, February 18, 2025

File Number: BA-25-001

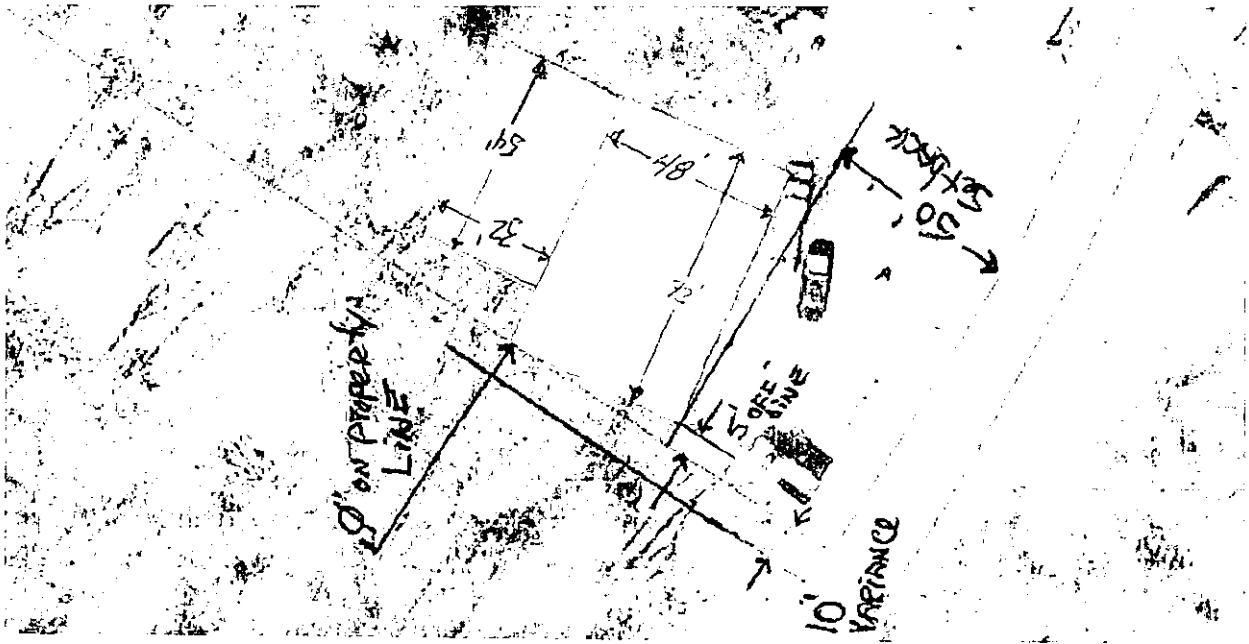
Applicant: John Russell

Location: 9008 Mary Ingles Hwy - Unincorporated Campbell County

Request: Request for a side yard setback variance for an accessory structure

1
2 **Considerations:**

3 9008 Mary Ingles Highway is at the northwest corner of the intersection with New Richmond Road.
4 There are currently two buildings on the lot. The current use as an auto repair shop is a legal non-
5 conforming use. The applicant proposes an approximately 5,000 square foot accessory structure. The
6 site topography allows the accessory structure to meet the existing front yard setback but the forces
7 the proposed building into the minimum side yard setback. Significant grading and possibly a retaining
8 wall would be necessary to site the new structure behind the required minimum side yard setback.



10 Mary Ingles Highway (KY8) is classified as a Rural Major Collector road by KYTC. New Richmond Road
11 (KY1996) is classified as a local road by KYTC. The right of way width here is fifty (50) feet and the
12 pavement width is approximately eighteen (18) feet.

13 The existing front yard setback on the property is twenty-two (22) feet from the KY1996 right-of-way.

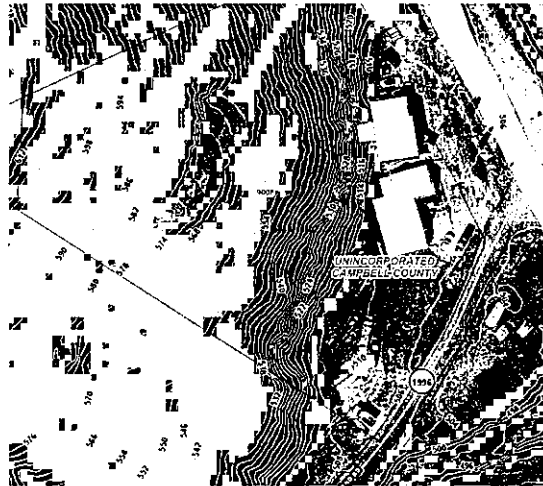
- 14 1. 9008 Mary Ingles Highway is 1.9 acres in area. It is located in unincorporated Campbell County
15 within the Agricultural-One (A-1) Zone. The Recommended Land Use Map of the 2008 Campbell
16 County Comprehensive Plan identifies the site and surrounding areas as Agricultural.
- 17 2. The lot has approximately four hundred and forty (440) feet of road frontage along both KY8 and
18 KY1996.
- 19 3. The surrounding land is zoned Agricultural-One (A-1) and primarily residential, agricultural and
20 undeveloped open space.
- 21 4. The Campbell County Zoning Ordinance Article X, Section 10.1 classifies the area within the
22 Agricultural-One (A-1) Zone.
- 23 5. Legal non-conforming uses are considered conditional uses.
- 24 6. The minimum setbacks for the A-1 zone are:

25

	A-1 Zone Regulations Require:	Applicant's Request:
Minimum Lot Area:	Three (3) Acres (Conditional Uses)	

Minimum Lot Width:	One Hundred (100) Feet	
Minimum Front Yard Depth:	Fifty (50) Feet	
Minimum Side Yard Width:	One Side: Ten (10) Feet Total Both Sides: Twenty Five (25) Feet	Zero (0)
Minimum Rear Yard Depth:	Thirty-five (35) feet	
Maximum Building Height:	Thirty-five (35) feet	

7. A review of public records finds no other requests for this site
8. The proposed setback variance will not interfere with the line-of-sight for motorists.
9. Staff adds that an approximately twenty-eight (28) foot front setback variance is already grandfathered-in at this location.
10. The proposed site plan shows the building in relation to the steep slopes of the property, requiring a setback variance of ten (10) feet from the required ten(10).



11. The applicant also owns the neighboring 19-acre parcel. Because of mortgage considerations and a recent divorce, that parcel is not currently available to be divided and partially conveyed to the 9008 Mary Ingles. That option will present itself in the next year.
12. The applicant is intending to re-zone the corner to Highway Commercial (HC) when the 19 acres is available for division.
13. Because of the applicant's timeline, he is asking to build the storage building prior to the land addition and re-zoning.
14. Notice of public hearing was given in accordance with the Campbell County Zoning Ordinance and Kentucky Revised Statutes (KRS).
15. 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.

1 **Summary of Applicants Request:**

2 The applicant is requesting a ten-foot side yard setback variance for the construction of an accessory
3 building.

4 **Staff Comments:**

- 5 • The use of the property as an auto repair shop has been in place more than ten years.
- 6 • The requested variance does arise from special circumstances which exist *due to topography*
7 and do not generally apply to land in the general vicinity or in the same zone.
- 8 • The application of the provisions of this Ordinance would create unnecessary hardship on the
9 applicant. Additional fill and a new retaining wall would be required to construct the building
10 behind the side setback.
- 11 • The applicant is requesting this variance subsequent to the approval of these regulations.
- 12 • At this intersection, the essential character of the neighborhood is more in line with a Highway
13 Commercial zone. However, as you go further west on New Richmond the character returns to
14 lower-density single-family residential. A pole building is compatible with the essential
15 character of the neighborhood.
- 16 • This variance would not be granting the applicant a special privileges.
- 17 • Staff notes that if activity within the new structure were to be part of the auto repair business, it
18 would constitute an expansion or enlargement of a conditional use, necessitating a separate
19 application for a conditional use permit. However, as a storage building, staff does not consider
20 that the conditional use is technically expanding.

21 **Staff Recommendation:**

22 To approve the applicant's request for a side yard setback variance of ten (10) feet to construct a storage
23 building at a zero-lot line with the following conditions:

- 24 1. No activity related to the auto repair business take place in the building,
- 25 2. If, within 18 months, the applicant fails to apply for zone change, or the zone change is denied,
26 that:
 - 27 a. The applicant apply for a Conditional Use Permit for the expansion of the auto repair
28 business; and
 - 29 b. Convey enough land from the neighboring parcel to bring the total acreage of 9008
30 Mary Ingles Highway to at least three (3) acres, the minimum lot size for conditional uses
31 in the A-1 zone.

32 **Basis for Recommendation**

- 33 1. In accordance with the Campbell County Zoning Ordinance, notice of public hearing was given.
- 34 2. In accordance with KRS 100.241 Variances, the board shall have the power to hear and decide
35 on applications for variances. The board may impose any reasonable conditions or restrictions
36 on any variance it decides to grant.
- 37 3. The evidence presented by the applicant and staff is such as to make a finding that:
 - 38 a. The requirements for a variance have been met by the applicant for a variance and the
39 variance is the minimum variance that will make possible the reasonable use of the land,
40 building, or structure.

1 b. The variance requested will not adversely affect the public health, safety, or welfare, will
2 not adversely alter the essential character of the general vicinity, and will not cause a
3 hazard or nuisance to the public and will not allow an unreasonable circumvention of
4 the requirements of the zoning regulations. In making these findings, the board
5 considered whether:

- 6 i. The requested variance arises from special circumstances which do not
7 generally apply to land in the general vicinity, or in the same zone;
8 ii. The strict application of the provisions of the regulation would deprive the
9 applicant of the reasonable use of the land or would create an unnecessary
10 hardship on the applicant; and
11 iii. The circumstances are the result of actions of the applicant taken subsequent
12 to the adoption of the zoning regulation from which relief is sought.
13 iv. The variance will not allow unreasonable circumvention of the requirements of
14 the zoning regulations and will not alter the essential character of the
15 neighborhood.
16 v. The variance requested will not confer on the applicant any special privilege
17 that is not conferred by this ordinance to other lands, structures or buildings in
18 the same zone.

19
20 Mr. Verst asked for a clarification on the pre-existing non-conforming use. Council stated
21 that if the zone permits the non-conforming use through a conditional use permit, they
22 could apply for a conditional use permit, but if the existing zone does not allow for a
23 conditional use for that non-conforming use, then the commission is not allowed to
24 expand the non-conforming use. Mr. Verst asked if A1 zone allows auto repair as a
25 conditional use. Mr. Hunter said no.

26
27 Mr. Verst opened the floor to the applicant for further discussion.

28
29 Mr. John Russell, 3940 New Richmond Rd, California approached the microphone. Mr.
30 Johnson asked if the new building is only going to store vehicles temporarily. Mr. Verst
31 said the applicant could build the building but not do anything with it until he's able to get
32 the zone change. He could use it for personal storage but not use it for the business.

33
34 Mr. Verst closed audience participation and asked for public comment.

35 Mr. Verst closed the public comment due to no participation.

36 Mr. Verst opened the board for discussion.

37
38 Mr. Fessler made a motion in reference to case BA-25-001 to approve a zero-setback
39 variance. I find, based on the facts and considerations contained in the staff report, based
40 on the testimony of staff and witnesses present at the public hearing, and after having
41 considered the matter, I find that the variance arises from special circumstances which
42 do not generally apply to land in the general vicinity; that strict application of the provisions
43 of the zoning regulation would deprive the applicant of the reasonable use of the land and
44 would create an unnecessary hardship on the applicant; and The circumstances are the
45 result of actions of the applicant taken subsequent to the adoption of the zoning regulation
46 from which relief is sought. I further find the variance should be approved because it will

1 not allow an unreasonable circumvention of the requirements of the zoning regulations; it
2 will not alter the essential character of the neighborhood and general vicinity; it will not
3 confer on the applicant any special privilege that is not conferred to other lands, structures
4 or buildings in the same zone; the reasons set forth in the application justify the granting
5 of a variance and the variance is the minimum variance that will make possible the
6 reasonable use of the land; that granting the variance will be in harmony with the general
7 purpose and intent of the Zoning regulations, Comprehensive Plan and will not be
8 injurious to the neighborhood or otherwise detrimental to the public welfare; and the
9 variance is consistent with Section 18.6 of the Zoning Regulations. With the conditions
10 that the structure will not be used for the business purposes until such time a zoning
11 change is acquired that would permit this use to expand into that structure.

12 Motion was seconded by Mr. Johnson.

13
14 The clerk called the roll. Motion passed.

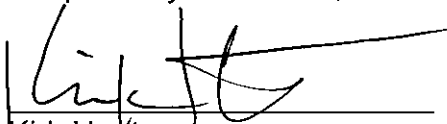
15
16 No further new business.

17
18 Mr. Verst asked if anything in the administrator's report.

19
20 Mr. Hunter shared the House Bill 160 being talked about that relates to mobile homes. It
21 will nullify stricter setback requirements for manufactured homes. if this goes into effect
22 the commission will see fewer setback variances for mobile homes. The county is in favor
23 of this language.

24
25 Mr. Verst asked for a motion to adjourn. Mr. Johnson made a motion to adjourn the
26 meeting. Ms. Dischar seconded the motion. All voted in favor. The meeting was officially
27 adjourned at 7:19 PM.

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30
31 Respectfully Submitted,

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34 

35 Kirk Hunter
36 Principal Planner

Approved:



Justin Verst
Chair