After reciting the pledge of allegiance, Mr. Vogelpohl took roll call for attendance and opened the meeting at 7:30 pm.

Present: Lou Vogelpohl    Christie Henson    Kevin Barbian    Tonya Slone
Also Present: Mayor Rachford    Carol Hofstetter    Justin Sanders

1. ELECTION OF OFFICERS:

Kevin Barbian volunteered to be president.

MOTION was made by Kevin Barbian to elect Kevin Barbian as Chair; the motion was seconded by Christie Henson. All in favor; motion passed by a 4-0-0 vote.

MOTION was made by Christie Henson to elect Tonya Slone as secretary; motion seconded by Kevin Barbian. All in favor, motion passed 4-0-0 vote.

2. PUBLIC HEARING - 7:05 pm –

BOA2017-27 7940 - Stewart, Donald and June of 7940 Alexandria Pike - A request by Donald and June Stewart for a front yard fence variance.

The public hearing opened for Board of Adjustment case 2017-27. Application was received from Donald and June Stewart of 7940 Alexandria Pike, requesting a three (3) foot variance for a front yard fence. Carol Hofstetter, Zoning Administrator, stated she had to deny the request due to the Stewart’s wanting a 48-inch high fence and regulation doesn’t allow it.

Donald Stewart was asked to present his case. He asked if everyone knew where the property was located and all responded they did. He stated he wanted to put up a gate and a 4-foot fence starting at the beginning of the property by Cakes and Cones running over to Empress and sitting back 12-feet from the street. He wants to put a 4 board, 4-foot tall fence similar to what was there when he was a kid. He said when he looked at the ordinances it only addressed traffic issues and that was on his end not the general public.

Lou Vogelpohl ask why he needed a 4-foot fence? Don Stewart said he thought it would look terrible being 3-feet tall, and a country board fence is 4-feet tall not 3-feet. Christie Henson ask if it was an aesthetic request for Don Stewart and not for any other function, while Kevin Barbian asked if it was for animals? Don Stewart replied yes, it was for aesthetics and they only have a miniature Dachshund. Mr. Stewart said a 3-foot fence would be so low you could step across it.

Kevin Barbian had a handful of questions for Don Stewart:

Q#1 As far as the location to the south on the diagram, it looks like it ties into a regular old pasture type fence. Will this be changed?
A. Don Stewart replied that in the beginning he just wanted it across the front of the house but since he applied for this variance he now wants to do the whole property.

Q#2 Kevin Barbian asked in what capacity did Don Stewart go to Planning and Zoning Commission, because he talked about it while presenting the change to the front of the house, which changed to doing the whole house.

A. He just asked a question and didn’t go to the Planning and Zoning Commission.

Q#3 Kevin Barbian said he has noticed the property being cleaned up, and fences aren’t typically in front yards in Northern Kentucky, or in zoning ordinances, however, Alexandria has a 3-foot high fence in its regulations. Kevin Barbian’s concern is safety pulling out of Commercial Circle by Speedway.

A. Mr. Stewart said the entrance is more than 100 feet from his house.

Mr. Barbian said what he was getting at is that you are pulling out on a major road and generally there are sight restrictions when you are pulling out. Mr. Barbian said he had asked Carol when that was approved and she couldn’t find anything in the record when that development was approved. He continued to say it’s not the easiest intersection to come out of. His concern is if adding a foot would make a difference or a fence in general will hinder the view you already have? From a visibility sake, Mr. Barbian had looked up some regulations and from that intersection coming out of there is required based on charts from the state 305 feet as far as visibility. He continued saying Mr. Stewart had 200 feet to the telephone pole in the front driveway based on aerial maps. Mr. Stewart reminded him to keep in mind that the fence will be sitting back 12 feet from the driveway. He went on to say he has looked at that property 4-5 times and a 4-foot fence seems to fit with this property, where in a subdivision it would not. Mr. Stewart said the shrubs he just took down were taller than the fence he’s requesting.

Lou Vogelpohl said what made him wonder is when regulations specified residential, he took the ordinance as meaning more for looks then anything. He then asked Carol Hofstetter if the ordinance was written more for uniformity throughout the city? She said she believed it was.

Don Stewart said he sat down and read the ordinance and it was about the height of it and traffic.

Kevin Barbian said there’s also an aesthetics nature to it because he doesn’t want his neighbor to put up a 4-foot fence because it’s not pleasing to have a fenced in front yard. Don Stewart said, according to the ordinance he’s allowed to put a 4-foot fence down both sides out to the end of his property. Kevin Barbian said no, you would be to the front of your house and Lou Vogelpohl agreed.

Don Stewart said he was allowed 6-foot to the front of his house, and 4-foot beyond that according to the ordinance.

Lou Vogelpohl and Kevin Barbian both disagreed that was not the case. Carol Hofstetter spoke up and said if you look to the back of the zoning book that’s what it says. Kevin Barbian said he thinks Don Stewart is right, and once again the fact that fences in front yards in general is not very typical in zoning ordinances throughout Northern Kentucky, other than your historical districts, etc. He went on to say he didn’t catch that detail and it changes things. Mr. Barbian said if he was pulling out of Empress and there was already
a 4-foot barrier and the fact that the fence is 3-foot going across the front probably isn’t going to make that much of a difference.

Lou Vogelpohl said he thought it was for aesthetics because if you allow one to do it then how are you going to stop someone on Meadowview to do the same where he lives. Kevin Barbian said you take each individual case with its own merit, and despite the fact it has a country setting and a barn, the fence fits there. Lou Vogelpohl said if there were lots of old farm plots then he would say maybe but since there aren’t he would say the city is more in the process of converting from rural to city throughout the main part of the city. Kevin Barbian said he respectfully disagrees, and this site varies from the norm and he fully understands Lou Vogelpohl’s ideas as to the 3-foot aesthetic nature.

Tonya Slone asked Don Stewart to clarify the point of 12-feet starting from the road or sidewalk according to the paper and photo Don Stewart presented. He said it started from the road up to the house passing the sidewalk. Kevin Barbian made sure Don Stewart had the land surveyed and he said he did when he bought the property. Lou Vogelpohl ask if the other property managers had been notified and Don Stewart said that he owned the properties beside him and Empress was sent a letter.

At this time the public hearing was closed, and the Board of Adjustment Meeting was convened.

MOTION made by Lou Vogelpohl to proceed with the vote.

Mr. Barbian asked the attorney Justin Sanders, whom was present, if the Chair can create a motion if there isn’t a motion? He said that would be acceptable but the Chair would have to clearly specify what the vote was for.

MOTION was made by Christie Henson to approve the request for the additional 12-inch variance because it is not a detriment to the health, safety, or general welfare of the persons residing or working in the vicinity, or injurious to property or improvements in the vicinity. Tonya Slone seconded the motion. Vote was 3-1-0 in favor; motion passed.

Christie Henson made the motion to accept the minutes from the last meeting and seconded by Lou Vogelpohl. All in favor; motion passed.

Motion made by Christie Henson, seconded by Tonya Slone to adjourn the meeting. Meeting adjourned at 7:53 pm.

Respectfully submitted by Tonya Slone, Secretary.

Karen M. Barto, City Clerk/Treasurer

Kevin Barbian, Chair

3-1-2018