

# ORIGINAL



## BOARD OF ADJUSTMENT MEETING Minutes of December 5, 2018

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

Present:	Lou Vogelpohl	Kevin Barbian	Christie Henson
Absent:	Tonya Slone	Ron Duty	
Also Present:	Mayor Rachford	Mike Duncan	Carol Hofstetter

### 1. APPROVAL OF MINUTES

Mr. Barbian asked for approval of minutes from the September 19, 2018 meeting.

**MOTION:** Lou Vogelpohl made motion to approve the September 19, 2018 minutes, Christie Henson seconded the motion. All in favor; motion passed 3-0-0 vote.

### 2. PUBLIC HEARING - BA2018-19 -Gerald and Candace Hinnners - A request was made for a variance from front setback reduction from 40' to 25' at a vacant lot at 57 Saddle Ridge

The public hearing opened for the Board of Adjustment case 2018-19.

Gerald Hinnners, 1565 Don Martin Drive, Fort Wright, addressed the Board stating that the lot in question is very difficult to build upon due to it having minimal depth due to a lake on the property. The request is for a 15' front yard dimensional variance from the required 40'. Mr. Hinnners purchased the lot from his son and has since been unable to sell due to the nature of the lot. The request will give a potential buyer additional options for design.

Evelyn Kramer, 51 Saddle Ridge, formerly of 34 Saddle Ridge, stated that the homeowners' association (HOA) has a front yard setback restriction of 50' and asked that the request not be granted.

Michael Zettler, 59 Saddle Ridge, has concerns with the request as he is immediately adjacent to the lot. He is the second owner, but the prior owner extended the lot by approximately 20', into the same lake, with a retaining wall, to fit the desired home and he feels the adjacent property owner could do the same to fit a comparable home on the lot.

Mick Cooney, 17 Saddle Ridge, President of the HOA, reinforced the 50' setback as required by the HOA and had concerns with the aesthetic of a home significantly closer than what is required. He stated that the adjacent home at 59 Saddle Ridge did receive a 6' variance from the 50' HOA requirement.

Chris Finney, 4270 Ivy Point, Cincinnati, attorney for the applicant, requested the variance be granted for similar reasons as stated by Mr. Hinnners.

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Jim Cutter, 4905 Holtz Dr, Cold Spring, noted the significant expense associated with closer proximity to the lake. He also stated that the owner wants a friendly relationship with the neighbors and certainly does not want to degrade home values. The request is to simply make the lot more viable for sale.

Mr. Hinnners spoke again stating that he would be receptive to a little less of a dimensional request if there were concerns with aesthetics.

Lou Vogelpohl asked if there was a square foot requirement. Mr. Cooney stated that there was a minimum requirement of 2700 sf.

Significant discussion continued amongst the Board. Concerns were brought forth regarding the significance of the request. It was also stated that due to the distance between homes, that the impact of a home being slightly closer to the right of way, would be significantly less. It was also noted that the City's restriction was 40' while the HOA's was 50' and the City will be acting on the 40' front regulation.

Mike Duncan, City Attorney, noted KRS 100.243, the need for a motion to include findings.

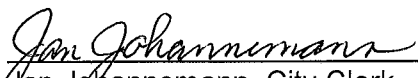
Mick Cooney reinforced the concern of impact on the neighbors.

**MOTION:** Kevin Barbian made a motion to allow a 5' front yard variance from the 40' required setback citing that the request arises from special circumstances, the proximity of the lake, and that the variance will not adversely affect the public health, safety or welfare, and not alter the essential character of the general vicinity, will not cause a hazard or nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations.

The motion was seconded by Christie Henson. With no further discussion, the motion passed 3-0-0.

Mayor Rachford spoke briefly, thanking the Board for their service.

**MOTION:** A motion was made by Christie Henson and seconded by Lou Vogelpohl, to adjourn. All ayes approved.

  
Jan Johannemann, City Clerk

4/11/19  
Dated

  
Kevin Barbian, Chair

4.10.19  
Dated