

CITY OF PARK HILLS
BOARD OF ADJUSTMENT MEETING MINUTES
OCTOBER 18, 2018

Meeting was called to order at 6:30 p.m. by Chairman, Charlie Meyers. Other Board members present were Dave Fangman and Patricia Kestner which constitutes a quorum for the construction of the meeting. Others present were, Patrick R Kenbow, Senior Planner, PDS, applicants Attef and Linda Mikhail, and Paul Studer, Studer Residential Designs representing the Mikhails.

This meeting was scheduled to hear case "BOA 1809-0001" as requested by the applicants Attef and Linda Mikhail. Patrick Denbow presented the case to the Board and advised that the applicants were requesting to remove the existing residence at 1148 Breckenridge Road due to its condition and basically rebuild a new residence in its place at 1148 Breckenridge Road. It should be noted that this property is in the R-1C, residential zone of the Park Hills Zoning Ordinance. Mr. Denbow further advised that the Kentucky Revised Statutes requires the following:

1. Section 10.1 requires a front yard setback of 35 feet within the R-1C Zone.
2. Section 9.12, D., 2., states that in any residential zone, no front yard shall be required to exceed the average depth of the existing front yards on the same side of the street within the same block front, but in no case shall be less than 12 feet.
3. Kentucky Revised Statutes Chapter 100 stated before any variance is granted, the board must find that the granting of the variance will not adversely affect the public health, safety, or welfare, will 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. In making these findings, the board shall consider whether:
 - a. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;
 - b. The strict application of the provisions of the regulations would deprive the applicant of the reasonable use of the land or would create and unnecessary hardship on the applicant; and
 - c. The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

Mr. Denbow further gave the following information to support their recommendation for approvals:

SUPPORTING INFORMATION /BASIS FOR STAFF RECOMMENDATION:

1. The proposed variance request will not allow for an unreasonable circumvention of the zoning regulations. As stated above, no front yard shall be required to exceed the average depth of the existing front yards on the same side of the street within the same block front and that in no case shall a front yard depth be less than 12 feet. The proposed setback is exactly 12 feet and is nearly the same as the existing structure that is being removed.
2. The requested variance arises from special circumstances. The topography of the site limits the buildable area within the lot. The new single-family structure will be placed in approximately the same area as existing single-family structure, which is the most level portion of the site.

3. The strict application of the provisions of the regulations will deprive the applicant of the reasonable use of the land or will create an unnecessary hardship on the applicant. Requiring a 23 foot setback will move the house farther away from the most level portion of the site, which will increase the impact on the existing slopes and clearing of the site.

4. The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought. The applicant identified the need for a variance during the permitting process.

PDS staff recommendation was in favor of granting a variance from the required front yard setback. A variance from the required front yard setback in an R-1C (Residential One-C) Zone of the Park Hills Zoning Ordinance; the applicant proposes to demolish the existing single-family residential structure and construct a new single-family residential structure 12 feet from the front property line where 23 feet is required (the average depth of existing front yards on the same side of the street within the same block front).

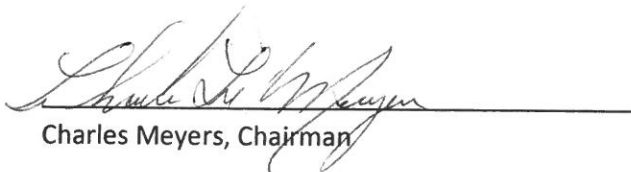
Chairman Myers notes after PDS staff recommendation, that all homes of Breckenridge Road were built before the addition of the Park Hills Zoning Ordinance which were added in June of 1974 and are not in conformance of the required front yard setback.

Following the staff presentation, the Board Chairman asked for further presentation from the applicant, who in turn allowed Paul Studer of Studer Residential Design to make additional comments as notes in the attached letter to the PDS dated August 30, 2018. Following Mr. Studer's presentation and there being no other comments, the Chairman asked for discussion by the Board of Adjustment members and finding no opposition to the request, if a motion could be made in favor of the requested variance. Mr. Fangman motioned that the variance be granted as recommended by the PDS staff; seconded by Patricia Kestner. Following the motion, Chairman Meyers called for the vote on the motion. All members voted in favor and the Mikhail's were similarly advised. The Mikhail's were advised by the Chairman to get all necessary permits and payments of fees prior to starting any work.

Being no further business, meeting was adjourned.

Respectfully submitted,





Charles Meyers, Chairman