

**CITY OF CRESTVIEW HILLS, KENTUCKY
BOARD OF ADJUSTMENT MINUTES
TUESDAY, JANUARY 10th, 2017 5:30 PM
CRESTVIEW HILLS CITY BUILDING**

Due to Chairman Clark's absence Mr. Wurtenberger (Vice Chairman) presided over the meeting as Chairman and he called the meeting to order at 5:32 pm.

Members present were Dave Wurtenberger, Jim Blom, and David Thiel. A quorum was established. Staff present – City (and Zoning) Administrator Tim Williams, City Attorney Louis Kelly and City Clerk Jaime Mahoney. Mayor Paul Meier was also in attendance.

Others present were Mr. Greg Schreiber, Schreiber Custom Homes, Ms. Debra Pleatman, attorney for Mr. Schreiber, Ms. Debbie Tucker-Rauch, 44 Rose Terrace, and Ms. Arlene Luebbe, 26 Rose Terrace.

Mayor Meier swore in Mr. Thiel as a new member of the Board of Adjustment prior to the start of the hearing, replacing Mr. Bon Cahill.

Approval of Minutes

Mr. Wurtenberger called for the approval of the minutes of the November 14th, 2016 public hearing. Mr. Blom made a motion to approve the minutes as presented. Mr. Wurtenberger seconded. Minutes were approved with all ayes, no opposing votes.

City Attorney Louis Kelley then swore in any person(s) in attendance wishing to speak concerning the request.

45 Rose Terrace Variance Request

Mr. Williams provided an overview of the requests of Mr. Schrieber for a variance to the side yard setback and a variance to the front yard setback requirements at 45 Rose Terrace. Mr. Williams stated the property is fairly rectangular in layout and not unusually shaped. The previous house was constructed in the 1960s, which was razed by Mr. Schreiber approximately one year ago. Mr. Williams indicated adjoining property owners were notified by mail of the requested variance and no objections had been received.

Mr. Williams then presented photos detailing the previous and current conditions of the property located at 45 Rose Terrace. Mr. Williams discussed the proposed plans for the property. He noted the site plan depicts an angular orientation of the proposed home with frontage on Rose Terrace and Violet Drive. Mr. Williams added the proposed home would have a four-car garage whereas the previous home was built with a two-car garage.

Mr. Williams presented photos of other homes built on corner lots with angular orientation to two streets located in Crestview Hills, like the property at Druid Lane & Rossmoyne Avenue and the property at Winding Way & Sunset Drive. He also presented photos of homes on corner lots located in surrounding cities in Northern Kentucky.

Mr. Williams informed the Board that the current zoning requirements for the R1-BC zone requires a fifty (50') feet front yard and rear yard setback, and a ten (10') feet side yard setback. Mr. Williams stated if you have frontage on two streets on corner lots, the minimum front yard depths shall be provided for each street, road or highway (Crestview Hills Zoning Code, Article IX, Section 9.4). Since the proposed home has frontage on both Violet Drive and Rose Terrace, the setback requirement for the property is the same for both streets, which is fifty (50') feet.

Mr. Williams stated the applicant is requesting a dimensional variance to the setback requirement on Violet Drive and Rose Terrace. The request is for a thirteen (13') feet variance from the Rose Terrace setback and a thirty-five (35') feet variance from the Violet Drive setback. The proposed home meets side and rear yard setback requirements. Mr. Williams highlighted that the garage is what significantly encroaches upon the setback from Violet Drive.

Mr. Williams discussed previous variances to front yard setbacks granted by the BOA. In 2014, the BOA provided a two (2') foot, eight (8") inch variance to a property located on Rossmoyne Avenue for the addition of a portico. There were two additional setback variances granted in the same subdivision as 45 Rose Terrace, both properties were located on Whitehouse drive and built by Mr. Tim Burks.

Staff does not have a recommendation for the Board. Mr. Williams stated it would be a positive addition to the neighborhood, however it is a significant variance request. He does not believe that due to the unique nature of the lot it would set precedence. Mr. Williams added that Mr. Schreiber submitted several letters of support from adjoining property owners.

Mr. Wurtenberger inquired if the two homes with corner lots in Crestview Hills meet current setbacks or if they did when they were built. Mr. Williams stated that due to the homes being built in the 1960s, he does not have access to the zoning code that would have been applicable at that time.

Chairman Clark entered the hearing at 5:55pm and resumed the role of Chairman.

Chairman Clark asked if the property at 2718 Violet Drive had previously made a variance request with the City. Mr. Williams stated that the City did not having anything on record for a variance request for 2718 Violet Drive.

Ms. Debra Pleatman, attorney for Mr. Schreiber, then presented her case for granting the variance requests. Ms. Pleatman stated Mr. Schreiber razed the previous home located at 45 Rose Terrace due to its condition. The proposed home will have a similar

characteristic to the newer houses located within the subdivision. Ms. Pleatman noted it is not uncommon to build a larger home on a smaller lot. Also, she added Mr. Schreiber wanted to help increase the look and value of Rose Terrace with the current design of the new home. Furthermore, Ms. Pleatman emphasized the variance requests are the minimum necessary to utilize the property with the current orientation of the lot.

Ms. Pleatman stated the proposed home includes a four-car garage and it is one of two houses abutting Violet Drive, noting the small amount of traffic on Violet Drive. Ms. Pleatman expressed it will not alter the character of the vicinity, but will improve the neighborhood and be a nice addition. She added less than half of the proposed home will be located outside of the setback requirements. Moreover, Ms. Pleatman noted the current design would allow full use of the lot due to the lot's narrowness in shape.

Ms. Pleatman explained the variance requests provide no hazards, allows room for walkways and/or sidewalks, and will not adversely affect traffic. Also, she noted the requests are not a great circumvention of the zoning code and the nearest neighbors do not have an objection. Ms. Pleatman stated the variance requests are not precedential due to the uniqueness of the placement of the proposed home, and due to the shape of the lot.

Mr. Schreiber stated the first floor of the proposed home has 3,000 sq. ft. and the second floor has 1,200 sq. ft. He added the garage would be built lower so there will not be a steep driveway leading into Violet Drive.

Ms. Pleatman noted that Mr. Schreiber has built homes in the surrounding Northern Kentucky area, and in those areas it is common to have a thirty-five (35') foot setback requirement. Mr. Schreiber added the two houses located on Whitehouse Drive built by Mr. Burks are approximately the same size as the proposed home for 45 Rose Terrace, if not larger, and the house adjoining the property on Violet Drive has similar square footage as well. He stated the foundation of the home would not be visible.

Ms. Debbie Tucker-Rauch, property owner of 44 Rose Terrace, asked if the home on the front elevation drawing depicted use of brick and stone. Mr. Schreiber clarified the home will use brick and stone and will not have siding.

Chairman Clark clarified the original setback on Rose Terrace intrudes into the master bathroom and closet of the proposed home.

Ms. Arlene Luebbe, property owner of 26 Rose Terrace, inquired as to the purpose of the orientation of the house. Ms. Pleatman stated the developer did not recommend the side of the house face Rose Terrace. Ms. Luebbe further inquired if the developer considered building the house to meet current setback requirements. Mr. Schreiber responded it would require a significantly smaller home and it was not the desire of the potential buyer.

Mr. Wurtenberger asked if the first floor square footage included the garage. Mr. Schreiber stated the garage would be an additional nine hundred (900') sq. ft.

Mr. Thiel inquired if it were feasible to place a two-car garage in the basement of the proposed home. Mr. Schreiber noted that design would make a flat driveway to the basement and it would raise the elevation of the house potentially causing drainage issues.

Chairman Clark inquired if there were any additional questions.

Mr. Wurtenberger asked if Violet Drive previously was a private drive. Mr. Thiel stated he believed Violet Drive was formerly a private street. Mr. Wurtenberger then noted that might be the reason the home located on 2718 Violet Drive did not meet setback requirements and did not have record of a variance request.

Mr. Thiel added changing the orientation to where the proposed home only has frontage on Violet Drive would still require a variance request to the front yard setback requirements. Mr. Williams concurred that due to the size of home and with its current design it would still require variance request to either the front or rear yard setback requirements.

Mr. Thiel stated that several homes previously built in the Old Crestview subdivision required two lots.

Mr. Williams explained the continued interest in large additions and tear-downs & rebuilds should be presented to the Economic Development Committee for further research since Crestview Hills continues to draw more people with desire to build new homes within the community.

Chairman Clark noted he appreciated that the orientation of the home allows for frontage on both streets, however the lot size of the property does not accommodate the design of the proposed house. He inquired as to the original intent of the setback requirements in the zoning code. Mr. Williams stated the 1950s and 1960s home designs and property layouts allowed for substantial green space, however the current trend is to build bigger homes on smaller lots.

Mr. Wurtenberger stated the significance of the thirty-five (35') feet setback would establish precedence, and the City needs to research a possible text amendment to the zoning code. Chairman Clark concurred. Ms. Pleadman disagreed and stated it is a unique situation due to the smaller number of residences on Violet Drive and the property's placement at the end of the cul de sac. Mr. Blom added granting the variance requests would create potential for several homes located on Rose Terrace to build bigger homes.

Mr. Thiel stated the variance requests seemed aggressive and he did not want to see the neighborhood become a subdivision with no trees or landscape.

Chairman Clark asked for a motion.

With no further discussion, Mr. Wurtenberger made a motion to deny the requests for a variance to the setbacks from Rose Terrace and Violet Drive due to the fact it could set a negative precedent for other potential builds. Mr. Thiel seconded the motion.

With no further comments, the Board voted 4-0 to deny the dimensional variance.

Chairman Clark asked for a motion to move the issue to the Economic Development Committee for text amendment consideration. Mr. Wurtenberger made a motion; Mr. Thiel seconded. Motion was carried with all ayes, no opposing votes.

Chairman and Vice Chairman Nominations

Chairman Clark asked for nominations for Chairman of the Board of Adjustment.

Mr. Wurtenberger made a motion to nominate Wayne Clark for Chairman; Mr. Blom seconded. All in favor, no opposing votes.

Chairman Clark asked for nominations for Vice Chairman of the Board of Adjustment.

Mr. Thiel made a motion to nominate Dave Wurtenberger for Vice Chairman; Chairman Clark seconded. All in favor, no opposing votes.

Old Business

Mr. Williams stated a revised plan for 351 Centre View Blvd could be returning to the BOA for additional variance requests. He noted the Economic Development Committee recommended to Council text amendments to parking requirements in the zoning code and the Council voted to send the amendments to the Kenton County Planning Commission for approval. (Planning Commission recommended the change.) The text amendments will be on the agenda for first reading at the Council meeting later this week.

New Business

No new business was discussed.

After no further discussion, Mr. Wurtenberger made a motion to adjourn the meeting; Mr. Blom seconded.

Meeting adjourned at 6:43PM.