

**MINUTES**  
**CITY-COUNTY BOARD OF ADJUSTMENTS**  
**April 14, 2011 @ 5:00 p.m.**  
**City Commission Chambers**  
**1001 College Street**

**MEMBERS PRESENT:**

**Mike Davenport**  
**Al Kaelin**

**David Coverdale**  
**Albert Haley**

**Dr. John Fitts**

**ABSENT:    Courtlann Atkinson            Charles Adams**

The City-County Board of Adjustments of Warren County was called to order by the Chairman Mike Davenport. He requested Sandy Clark, Zoning Administrator, call the roll and determine a quorum. It was determined that a quorum was present with five (5) of seven (7) members present at the time of roll call.

Chairman Davenport asked if there were any questions or comments about the Summary Minutes of the previous meeting of March 10, 2011. There were no questions or comments. The Motion was made by Mr. Coverdale, seconded by Mr. Haley, and the Board of Adjustments' members unanimously approved the Summary Minutes of March 10, 2011 meeting as written.

Hon. Hoy Hodges requested the Chairman order that the Joint Zoning Ordinance of Warren County, Kentucky; the applicable Subdivision Regulations; and the Comprehensive Plan with all of its elements effective as of this date (April 14, 2011) be introduced as exhibits for each of tonight's hearings. He further requested the Chairman order that the Staff report with all attachments, together with the Board's file for this application, be likewise introduced as exhibits. He also asked that the Oath be administered to Rachel Hetzler, Planner, and asked that she be sworn as a witness before the Board of Adjustments and her oath and qualifications be reflected in the record for tonight's hearing. Chairman Davenport so ordered and swore in the witness.

Hon. Hoy Hodges, the attorney for the Board of Adjustments, then stated tonight there is a request for Variance on a piece of property. In regard to a Variance, the findings that the Board must make are set forth under KRS 100.243, wherein the Board must find the following in order to prevail: the requested 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 a nuisance to the public; and will not cause an unreasonable circumvention of the requirements of the zoning regulations. In order to prevail on the request for a Variance, the Board needs to receive four (4) affirmative votes. A "pass" vote has no force or affect, so the application would need to receive four (4) affirmative votes. If in the event any party disagrees with the Board's decision, they would have thirty (30) days to file an appeal directly to Warren Circuit Court.

**PUBLIC HEARING:**

Chairman Davenport announced the first item on the agenda is a request for a Variance which is described as follows: *2011-V-06 - Richard and Rhonda Glenn have filed an application for a Variance for a change of ten percent (10%) in lot coverage from the twenty-five percent (25%) lot coverage permitted in the R-E (Residential Estate) zone classification for a proposed total of 35% lot coverage for property located at 3179 Lexington Drive. This property is zoned R-E (Residential-Estate).*

Rachel Hetzler, Planner presented the staff report and stated the applicants are requesting a change of ten percent (10%) from the twenty-five percent (25%) maximum lot coverage permitted in the R-E (Residential Estate) zone classification; bringing the maximum allowed lot coverage to 35%. The applicants propose to install a pool on the property and are requesting a variance to bring the property into compliance.

The provision of the Zoning Ordinance from which this Variance is requested is referenced in Article 4.4.6. ***4.4.6.B Property zoned R-E (Residential Estate) has a maximum of lot coverage of twenty-five percent (25%).***

Ms. Hetzler said that Staff held a pre-application with the applicants on March 15<sup>th</sup>, 2011 and indicated that this property is located in Focal Point 108-2 Hunting Creek, which has characteristics: residential; large lot single family residential and un-sewered.

Chairman Davenport asked if there any questions for staff. Being none, the Board asked a representative of applicants if they wished to add anything. Mr. Pinerola and Mr. Glenn indicated they were available if the Board members had any questions.

Chairman Davenport then asked if there were any questions or comments from the Board for Ms. Hetzler. Chairman Davenport asked if there is opposition to this request. Being no other questions or comments for staff or the applicants, and being no questions or comments from the audience, Chairman Davenport asked for a Motion.

**ACTION:** Dr. Fitts made the Motion, seconded by Mr. Kaelin, to approve the request for a Variance at 3179 Lexington Drive, docket #2011-V-06, of: 2011-V-06; a change of ten percent (10%) from the twenty-five percent (25%) maximum lot coverage permitted for property zoned R-E (Residential Estate); bringing the maximum allowed lot coverage to 35%. The testimony presented in this public hearing has shown that the granting of this 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 a nuisance to the public; and will not allow an unreasonable circumvention of the requirements of the zoning regulations. The request for the Variance was approved by a vote of (5 yeas).

**OLD BUSINESS:**

Chairman Davenport asked for any old business. Being none, Chairman Davenport moved on to New Business.

**NEW BUSINESS:**

Chairman Davenport asked for New Business. The Amendments to the Zoning Ordinance that were recently passed were given out to the Board members for them to insert in their blue Zoning Ordinance notebooks.

Being no other new business, and with no other business to conduct, the meeting was adjourned. All members agreed.

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MIKE DAVENPORT, CHAIRMAN

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Sandy M. Clark, Zoning Administrator