BOARD OF ADJUSTMENT
CYNTHIANA

REGULAR MEETING
MEETING MINUTES

JUNE 9, 2022

Courthouse Community Room 6:00 P.M.

Call to Order
Chairman Joseph Ammerman called the meeting to order at 6:00 p.m.

Present: Joseph Ammerman-Chairman, Charles Biancke-Vice Chairman, James Brooks-Secretary, John Mertz and Mike Aldridge
Bonnie Skinner-Director
Brian Canupp-Legal Counsel
Charlene Fuller-Recording Secretary

Minutes-January 13th, 2021
Mike Aldridge made a motion to approve the minutes of January 13, 2022 as presented. Charles Biancke seconded. Brooks, Ammerman, Mertz, Aldridge and Biancke voted yes. None voted no. Motion Passed 5-0.

Postponement:
None.

Old Business:
None.

New Business:
A. #2022-CB-02, Stephen Hays-Request for Variance to the side yard setback of the property lines at 529 E. Pike St. Zoning: Residential One District (R-1). (Art. 10 Section 10.D.4)

Charles Biancke recused himself from the application review and vote.

Stephen Hays, applicant, presented the variance application. He stated the following: He would like to build an attached garage to his house with doors on the front and back to access the back yard. He has a vinyl white tent like garage there now that didn't look great and presented a photo of it. There's not much room in there to work on his cars in there. The water falls off the side of it and goes to the foundation. There is 12 inches open area to get out of the truck in it. The garage would add value to the house. The driveway is 40 inches from the property line. This would be 2 ft. from the property line. A vinyl garage is hard to secure items and tools. That he had contacted

the electric company to move the meter. He is placing the garage on his driveway because he has

dogs in the back yard. He showed photos of the back yard. The garage would be constructed of either brick or vinyl to match the house. There are others neighbors that had storage buildings and garages in the area that were in the setbacks.

Chairman Ammerman called for public comment to the board.

Public Comment:

Margaret Motz, adjoining property owner at 525 E. Pike St. stated she had two concerns 1.) Would it be a commercial use and 2.) This lot backs up to her property and there was quite a bit of junk there now and the hedges had not been cut.

Attorney Canupp stated the application would not be a commercial use and would be construction onto the house on the driveway.

Dan Clifford, attorney for Battlegrove Cemetery Board, stated applicant has stated that most neighbors with attached garages and carports but there were no photos.

Mr. Hays said that he did have photos and presented them for viewing.

Dan Clifford stated from the applicants photos the garage and carport was site built and not add on later. The applicant bought the house without a garage. The cemetery was concerned about how would be the 2 ft. area of grass be mowed and would cut off the access to the backyard. To be approved by the Board that A.) That special conditions exist that are peculiar to the lot, land or buildings in question-The board to consider there is no such, not here, its not like he bought the property and there was a sink hole and building around it that sort of thing. 2.) That a literal interpretation of the zoning ordinance would deprive the applicant of the rights enjoyed by other property owners-The other property owners… I went to the deed research this was all part of the North Highland Subdivision 1928. There are 1928 restrictive covenants on it for residential purposes. They are allowed to have outhouses on it in 1928 up in that area. Unless the applicant brings pictures of neighbors doing what he is doing. He would be the first to be within 2 ft. of the neighbor on Pike St. pretty well established old neighborhood. and he had photos he could introduce. All the houses around him, all the houses are in the foot print originally with a built on garage. 3.) That the special conditions do not result from the previous actions of the applicant-He bought this house and now he wants to put a garage for his truck. Why can't he put it in the back yard. He does not meet #C. 4.) That the requested variance is the minimum variance that will allow reasonable use of the land-The cemetery concerned this is setting a precedence. He would be the first in the in neighborhood. He presented photos he took with the house numbers on it and turned in copies as exhibits. Another concern of the cemetery the houses there were built of brick, nice older homes with uniformity. He also presented the plat of the North Highland Subdivision each lot is 25 ft. wide. The houses were neat and orderly he entered as exhibit. The 1937 and 1928 restrictive covenants were

for residences only but they could put in outhouses. Mary Cooper & J.R. Poindexter bought the lot in 1928 and constructed a little cottage with uniform distances and be consistent with area.

Attorney Cannup stated the board private restrictive covenants cannot be consider.

Christina Hays, spouse of Stephen Hays, stated that the temporary garage was an eyesore. That they would like to take it down and put an attached garage that looked like the home. The vinyl garage was 1 ft. over now in the driveway they would like to put garage over it. They would help clean up the back yard and everything would go into the garage.

Chairman called for other public comment. There was none, he then closed the evidentiary portion of the hearing.

Mike Aldridge made a motion to approve a dimensional variance from the side yard setback from the property line for 10 ft. for construction of a garage under Article 10 Section 10.D.4 of the Zoning Ordinances for property at 529 E. Pike St., Residential One District (R-1). The variance will not create a hazard, the site will be in general character of the surrounding area and is subject to compliance with all other development standards applicable to the R-1 zoning district with the following conditions: 1.) The garage will stay within the footprint of the house. 2.) The homeowner will keep the fence line clear. James Brooks seconded. Brooks, Mertz and Aldridge voted yes. Ammerman voted no. Biancke abstained from the vote. Motion Passed 3-1.

B. #2022-CB-03, Brad Wiglesworth-Request for Conditional Use for any other use determined to be adaptable to this zone by the Board of Adjustment (New Med Spa) for 101 Wilson Ave. Zoning: Residential One District (R-1). (Art. 10 Sec. 10.2.C.10)

Public Comment;
There was none.

Charles Biancke made a motion to approve the conditional use for a New Med Spa under Article 10. Sec. 10.2.C.10 of the Zoning Ordinances for property at 101 Wilson Ave., zoned R-1. The use will not have a significant impact on adjoining properties, and shall meet the following conditions:

1.) The business will be in the name of Brad & Cassidy Wiglesworth.
2.) There will be only two employees permitted at the Project Site at all times.
3.) All visitors will be by appointment only.
4.) The hours of operation are 9:00 am to 6:00 pm, Monday through Friday.
5.) A sign permit will be required for any new signage.
6.) Parking shall be provided by the Cynthiana Baptist Church with on parking spot available on the
Project Site. If the church revokes the parking the applicant will come back to the board.

8.) The Applicant shall return to the Board of Adjustment prior to any change which affects the approved Conditions.

John Mertz seconded. Brooks, Ammerman, Mertz, Aldridge and Biancke voted yes. None voted no. Motion Passed 5-0.

C. #2022-CB-04, Sherri Thomas-Request for Variance to the front yard setback of the property lines at 418 S. Elmarch Ave. Zoning: Residential Two District (R-2). (Art. 10 Sec. 10.3.D.3)

Public Comment:
There was none.

Mike Aldridge made a motion to approve a dimensional variance from the front yard setback from the property line for 14 ft. for construction of a deck with roof under Article 10 Section 10.3.D.3 of the Zoning Ordinances for property at 418 S. Elmarch Ave., Residential Two (R-2). The variance will not create a hazard, the site will be in general character of the surrounding area and is subject to compliance with all other development standards applicable to the R-2 zoning district. Charles Biancke seconded. Brooks, Ammerman, Mertz, Aldridge and Biancke voted yes. None voted no. Motion Passed 5-0.

Other Business:
Old Business
There was none.

New Business:
There was none.

Adjourn
Mike Aldridge made a motion to adjourn being no other discussion at 7:10pm. Joseph Ammerman seconded. Brooks, Ammerman, Mertz, Aldridge and Biancke voted yes. None voted no. Motion Passed 5-0.

Joseph Ammerman
Chairman

James Brooks
Secretary