



*Renewal #3 was conditionally renewed in accordance with the motion and vote.*

New Applications:

1. BZVD-24-46: James & Suzanne Capps – Variance from Development Standards for setbacks and lot width.

Location: 1128 W Second St

Zoned: Medium Density Residential (R-8)

Jim Capps – 1471 Hill Bridge Rd, Utica, KY – the applicant approached the podium and explained that he believed that he had already been before the BZA to address the Variance for the narrow lot.

S. Baldwin explained that his previous application was for setbacks, not to address the lot not being able to meet the minimum width requirement of forty (40) feet.

S. Baldwin noted that the application is requesting setbacks so that the front of his home is in line with the adjacent homes.

J. Capps explained that he originally requested fifteen (15) foot setbacks from the right-of-way but did not take into consideration the steps infringing on the previously approved setbacks and added that he did not realize that the city's right-of-way began behind the sidewalk.

K. Eaglin asked J. Capps if they plan on building a new structure on the lot if approved, to which J. Capps replied yes.

J. Capps added that they would still need approval from the Historic Board and noted that when he originally received the Variance the lot was twenty-five (25) feet wide, but he has since acquired and added ten (10) feet to the lot, so it is now exactly thirty-five (35) feet wide.

N. Burkhardt asked S. Baldwin if they could do both Variances as one or if they should split them, to which S. Baldwin stated that he would split them.

S. Baldwin asked the Board members and the audience if they had any further questions.

S. Baldwin then noted that he would go over the Findings of Fact and ask the Board members not to make a statement unless they had an objection.

The other Board members agreed, and S. Baldwin went into the Findings of Fact for the Variance for the lot width.

Findings of Fact

1. *Will this variance be injurious to the public health, safety, morals, and general welfare of the community?*

M. Acosta: No objections.

R. Farris: No objections.

N. Burkhardt: No objections.

S. Baldwin: No objections.

K. Eaglin: No objections.



S. Baldwin asked the Board members and audience if they had any further questions.

S. Baldwin then went into the Findings of Fact.

### Findings of Fact

1. *Will this variance be injurious to the public health, safety, morals, and general welfare of the community?*

M. Acosta: I don't see it in any way being injurious.

R. Farris: No, I don't either.

N. Burkhardt: No, as we discussed they're good neighbors by keeping the area clean.

K. Eaglin: I see no problem with that.

S. Baldwin: I don't see any problem either. It abuts a road that never was, which is an easement. Its in line with a fence that's probably been there for years. I think that one's met.

2. *Will the use and value of the area adjacent to the property included in the variance be affected in a substantially adverse manner?*

M. Acosta: No, should have a positive impact. It'll be a new structure, new construction.

R. Farris: Yeah, I agree with those comments. I think the new construction will add something to the neighborhood instead of deterring from it.

N. Burkhardt: I agree with those comments.

K. Eaglin: I agree.

S. Baldwin: We've had no testimony, otherwise I think that one's met.

3. *Will the strict application of the terms of the zoning ordinance result in practical difficulties in the use of the property?*

M. Acosta: I believe that based on the size of the building they're going to use, if they have to observe the full setback, they're going to run into other existing stuff in their backyard.

R. Farris: Yeah, I think the practical difficulty is the size and shape of their lot and strict adherence would probably prevent the deal.

N. Burkhardt: I agree with his comment.

K. Eaglin: I agree.

S. Baldwin: I think there is no issue there. It's in line with a fence and an informally recognized boundary. Move it over five (5) feet and this case to me doesn't seem necessary per the zoning ordinance. So, I think that one's met.

S. Baldwin made the motion to approve the application as submitted – Seconded by N. Burkhardt – Roll Call Vote – all ayes - Final Vote is five (5) in favor and none against – Motion Carries.



Scott Baldwin

Scott Baldwin, Chairman

Ray Dibaya

Ray Dibaya, Secretary/Associate Planner