

**CITY OF CRESTVIEW HILLS, KENTUCKY  
BOARD OF ADJUSTMENT MINUTES  
MONDAY, FEBRUARY 29<sup>th</sup> 5:30 PM  
CRESTVIEW HILLS CITY BUILDING**

Chairman Wayne Clark called the meeting to order at 5:42 pm.

Members present were Wayne Clark, Ron Gibbons, David Wurtenberger, and Jim Blom. A quorum was established. Staff present - City (and Zoning) Administrator Tim Williams.

Others present were Mr. Marty Mattis and Ms. Bobbie Mattis, 108 Winding Way. Mayor Paul Meier was also present at the meeting.

Mr. Blom was officially sworn in as a new member of the Board of Adjustment by Mayor Meier, replacing Mr. Dan Daugherty. Mr. Blom was welcomed by the members to the Board.

Appointment of Chairman and Vice-Chairman

Mr. Wurtenberger made a motion for Mr. Clark to continue as Chairman of the Board of Adjustment. Mr. Gibbons seconded the motion. All in favor of appointment of Wayne Clark as Chairman of the Crestview Hills Board of Adjustment for 2016.

Mr. Gibbons made a motion for Mr. Wurtenberger to serve as Vice-Chairman. Mr. Clark seconded the motion. All were in favor of the motion to appoint Mr. Wurtenberger as Vice-Chairman for 2016.

Approval of Minutes

Chairman Clark called for the approval of the minutes of the August 26<sup>th</sup>, 2015 public hearing. Mr. Clark had one minor change on page two, paragraph one changing "and" to "an". Dave Wurtenberger made a motion to accept the minutes as presented with the one change noted by Mr. Clark. Mr. Gibbons seconded the motion. Minutes were approved with all ayes, no opposing votes.

Zoning Administrator Tim Williams then swore in any person(s) in attendance wishing to speak concerning the request. Mr. Marty Mattis was sworn in.

108 Winding Way Variance Request

Chairman Clark asked if anyone on the Board had a conflict regarding the property owners request. Mr. Wurtenberger stated that he serves on the Old Crestview Park Board with Mr. Mattis and believed that it would be best to excuse himself from the Board vote on the issue. Mr. Wurtenberger stepped out of the meeting at 5:52 pm.

Mr. Williams provided an overview of the request of Marty and Bobbie Mattis at 108 Winding Way for a rear yard dimensional variance to construct an addition to the side and rear of their home.

The property owners are requesting a thirty-two (32') foot variance to the rear yard setback requirements. The City's Zoning Code requires a fifty-foot setback in the R1-Bc zone.

Mr. Williams noted that the area is pretty congested where the properties come together. This is likely due to the unusual shape of the lots. The adjoining property at 36 Winding Way (Weber) is already within the rear yard setback by nearly thirty (30') feet. Mr. Williams was unable to locate an approved variance for this property in the BOA records.

Mr. Mattis included in his application letters of support from the adjoining property owners. Mr. Williams indicated that the request was properly advertised and adjoining property owners were notified by mail of the requested variance.

Mr. Williams presented photos from the site showing the location of the existing home and the view of the home from different vantage points of adjoining properties. He also showed the architectural rendering of the proposed addition from different vantage points.

Mr. Williams stated that this was a difficult request due to the extensive nature of the dimensional variance request and the fact that the area was already very 'congested' as a result of the shape of the lot and the encroachment from the adjoining property. He did not have a recommendation for the Board. Mr. Williams did state that he thought it would be a good idea for the BOA to consider an ad-hoc committee with members of the City's Economic Development Board to look at the zoning restrictions within the R1bc zone and whether they should be altered to encourage additional redevelopment of the Old Crestview neighborhood.

Mr. Mattis then presented his case for allowing the dimensional variance. He indicated that he and his wife have invested heavily in this home and that they love the community. They would like to continue remaining in their home as they get older. Mr. Mattis described health issues that will require him to organize his living spaces on one floor. The proposed addition will include a bedroom, bathroom, closets, laundry and exercise room. Mr. Mattis stated that the home was built in the 1920's and was one of the first homes in the subdivision, and is a one-of-a-kind custom home. He believes that the addition will be an asset to the subdivision and the City.

Mr. Mattis described the architecture of the proposed addition and how it would fit in with the existing structure. The exposed foundation would be heavily landscaped and the addition would not appear to be sticking out of the ground. Chairman Clark asked about the berm around the existing house and if it would be continued around the new addition. Mr. Mattis stated that it would be continued so the ground around the house would be at the same elevation.

Finally, Mr. Mattis stated that he had contacted each of the adjoining property owners and that all of his neighbors have stated support for his proposed addition.

Chairman Clark also asked whether the owners had considered re-purposing some of the existing rooms on the first floor so that the footprint of the addition would be small or encroach less into

the rear yard setbacks. Mr. Mattis indicated that the the library/office was a working office and could not be repurposed in their planning process.

Mr. Clark also noted that the original layout of the subdivision in the 1920's was changed when the development was restarted in the 1950's. The later dated streets and homes look much more typical of post-war subdivisions.

Mr. Gibbons stated that he thought that the Mattis's have done everything necessary to work with the adjoining neighbors in developing his plans. He stated that he thought the addition would benefit the adjoining property owners. Mr. Gibbons also stated that he was not in favor of an ad-hoc committee that might change the setback requirements in this zone. He thinks that it should be on a case by case basis.

Mr. Mattis stated that he had a lot of confidence in the architect on the project and that the new addition would provide balance to the house from the street.

With no further discussion, a motion was made by Mr. Gibbons, and seconded by Mr. Clark to approve a thirty-two foot rear yard dimensional variance for 108 Winding Way. In the motion, the Board finds that this approval is the minimum variance necessary for the owner to utilize his property, that the variance arises from a special circumstance (the unique shape of the lot) that the variance does not adversely affect the essential character of the neighborhood and that by denying the request, the Board would deny the property owner from a reasonable use of his land.

With no further comments, the Board voted 3-0 to approve the dimensional variance.

Mr. Wurtenburger returned to the meeting at 6:18 pm.

#### Old Business

No old business was discussed.

#### New Business

Mr. Clark asked Mr. Williams about training hours updates for Board members. Mr. Williams stated that most members were either up to date on their training hours or actively working to fulfill the eight hour requirement. Mr. Clark noted that he attended a very good training session conducted by KLC earlier in the month and that it is essential that members complete their training requirements.

A motion was made by Dave Wurtenberger, seconded by Ron Gibbons to adjourn the meeting.

Meeting adjourned at 6:23 pm.