

**Kenton County Joint Board of Adjustment
Meeting Minutes: May 20, 2026**

Chairman Kannady called the meeting of the Kenton County Joint Board of Adjustment to order at 5:35 PM on Wednesday, May 20, 2026. The meeting was held in the Kenton County Government Center, Kenton Chambers, 2nd floor at 1840 Simon Kenton Way, Covington.

The attendance of the members was as follows:

Member	Term Expiration	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER
Joe Bergman, Vice Chair	12/31/2027	X	X	-	-	X							
Amy Heeger, Secretary	12/31/2026	X	X	-	-	X							
Rodney Kannady, Chair	12/31/2027	X	X	-	-	X							
Paul Lawless	12/31/2029	X	X	-	-	X							
Steven Sorg	12/31/2026	X	X	-	-	X							
Rusty Smith	12/31/2026	X	X	-	-	X							
Guilford Guthrie	12/31/2028	X	X	-	-	5:48							

- X present
- A absent
- no meeting
- * not on the Board
- AP Appointment Pending

Staff members present: Greg Voss, Legal Counsel; Kayla Barbour, Associate Planner; Andy Videkovich, Director of Planning; and Lori Remley, Executive Assistant.

Others present: Ben Groneck, 751 Cox Road, Independence.

Chairman Kannady asked for a roll call which found seven of six members present, and a quorum was established with Mr. Guthrie arriving at 5:48 PM.

Chairman Kannady asked if there were any changes or corrections to the agenda. With none, Chairman Kannady made a motion to approve the agenda as presented; seconded by Mr. Bergman. A voice vote found unanimous approval.

Chairman Kannady continued to the review and approval of the February 18, 2026, meeting minutes. With no questions or corrections, Ms. Heeger made a motion to approve the minutes as presented; seconded by Mr. Lawless. A voice vote found unanimous approval.

PUBLIC HEARING

Chairman Kannady opened the public hear regarding:

FILE NUMBER: BOA-26-0006:

APPLICANT: Benjamin Groneck

LOCATION: 751 Cox Road, Independence

REQUESTS: (1) A variance request to increase the allowable maximum cumulative floor area of a proposed accessory building located in the rear yard, and (2) a variance request to allow the cumulative floor area of an accessory building to exceed the floor area of the primary structure within the R-CVS Zone of the Independence Zoning Ordinance.

SUMMARY: The applicant proposes to construct a 2,400 square foot detached garage in the rear yard, (1) where the cumulative floor area shall not exceed 700 square feet or 20 percent of the rear yard (whichever is less), and (2) where the primary structure is 1,700 square feet. The proposed garage shall be used for storing vehicles and equipment which are currently parked outside or on the street.

LEGAL TESTS: Before any variance is granted, the board of adjustment must find that it 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.

Chairman Kannady asked for confirmation of notification. Ms. Barbour confirmed that public notice was published per KRS 100.

Chairman Kannady then asked members if any of them had a conflict of interest with the request. There were none, and he then asked members if there had been any visits to the site for the purpose of this meeting. There were none.

Ms. Barbour submitted Exhibits 1 - 5 into the record: (copies of which are attached to the original Minutes of record)

- Exhibit 1 PDS Staff Report dated May 13, 2026
- Exhibit 2 Materials submitted by the applicant
- Exhibit 3 Site Plan
- Exhibit 4 Letters from Adjacent Property Owners
- Exhibit 5 Presentation slides

Ms. Barbour presented staff’s report and recommendation for approval (a copy of which is attached to the original Minutes as Exhibit 1). She stated that the applicant has requested two variances (1) to increase the allowable maximum cumulative floor area of the proposed accessory building located in the rear yard, and (2) to allow the cumulative floor area of an accessory building to exceed the floor area of the primary structure within the R-CVS zone of the Independence Zoning Ordinance.

Ms. Barbour reviewed the Site Location, the Current Zoning, and the Current Land Use and showed members with an aerial of the site and provided the dimensions of the rear yard as well as information regarding a complaint received in April 2025 regarding storage of trailers and dumpsters at the property. She also noted that the fine for the citation had been paid and the violations had been abated.

Ms. Barbour reviewed the applicable zoning ordinance for the Variance Request 1, Section 4.05, J., 3. Accessory Structures Except Accessory Dwellings, c. Accessory buildings in the [R-CVS] district, sections 1 and 3.

Ms. Barbour indicated that, according to LinkGIS, the rear yard is approximately 195 feet in length and 148 feet in width, approximately 27,150 square feet, and that an accessory structure constructed to be 20 percent of the rear yard would be approximately 5,430 square feet.

Ms. Barbour then reviewed the applicable zoning ordinance for Variance Request 2, Section 4.05, J., 3. Accessory Structures Except Accessory Dwellings, c. Accessory buildings in the [R-CVS] district, section 4.

Ms. Barbour stated that, in staff's opinion, granting the requested variances would not be detrimental to the public health, safety, or general welfare. She stated that the requested variances arise from special circumstances which do not generally apply to land in the general vicinity, that the dimensional of this lot are comparable to lots with the Residential Large Lot Subdivision (R-LLS), and that the proposed accessory structure would be permitted on a similar lot in the R-LLS zone.

Ms. Barbour indicated that it is staff's recommendation to approve the variance requests to the Independence Zoning Ordinance to (1) increase the allowable maximum cumulative floor area of the proposed accessory building located in the rear yard, and (2) to allow the cumulative floor area of an accessory building to exceed the floor area of the primary structure within the R-CVS zone.

Ms. Barbour noted that the applicant's lot is two or three times larger than nearby properties and is of sufficient size to accommodate the proposed structure without altering the character of the neighborhood. She also stated that the applicant has been storing commercial equipment in the yard and along the street and that the proposed structure would allow him to store the equipment indoors which would contribute positively to the aesthetics of the neighborhood.

Ms. Barbour asked if there were any questions. There were no questions from the Board members.

Chairman Kannady called for applicant comments. Mr. Groneck, 751 Cox Road, Independence, was sworn in by Ms. Remley.

Mr. Groneck stated that Ms. Barbour had covered everything and that he just wanted to get his vehicle and equipment back on the property.

Mr. Sorg asked how many vehicles Mr. Groneck had. Mr. Groneck stated that he has two cars, two trucks and three trailers. He noted that the three trailers and one truck are for business.

[Mr. Guthrie arrived at 5:48 PM during discussion of Mr. Groneck's side business]

Mr. Sorg asked why there were dumpsters on the side of his yard which were the subject of the citation. Mr. Groneck indicated that they were for the side business that he had started and that they were moved to another location when he found out he could not have them there. Mr. Sorg asked why he could continue storing them there. Mr. Groneck stated that it costs a lot of money and he would like to be able to bring his truck and trailers home.

Mr. Sorg asked what the side business is. Mr. Groneck stated that he rents dumpsters on the side and works full-time.

Mr. Sorg asked if there were ever more than two dumpsters at his home. Mr. Groneck replied no and stated that the dumpsters only ever come to his property if he needs to do maintenance on them. He indicated that one purpose of the building would be for him to have someplace to work on them other than in the yard or on a side street.

Mr. Sorg noted that there were approximately six statements from his neighbors in support of project and asked if any of them were present today. Mr. Groneck indicated that they were not. Mr. Sorg also noted that none of the statements were notarized.

Chairman Kannady asked if there were any other questions.

Mr. Bergman asked if there were any neighbors who were against the project. Mr. Groneck stated that he spoke to everybody that it would directly affect as far as having to look at the building or their property was connected to his property, and nobody disagreed with it. They were all in agreement provided he is not up in the middle of the night working.

With no other questions from the Board and Chairman Kannady called for comments from proponents and opponents. There were none and Chairman Kannady moved on to the Board discussion.

Mr. Sorg stated that it is far in excess with what Independence wants to see in backyards. Notwithstanding the lot size, the square footage of such a structure is far, far too large. It is out of character for that neighborhood and the fact that the house itself would be roughly one-third of the square footage of the outbuilding says what you need to know about what the character of the neighborhood is. These are older homes and once one is allowed, then the neighbor will want to put one in and suddenly you have a code that makes no sense and that is not being strictly enforced. Mr. Sorg stated that he is vehemently opposed to this and that he hopes the other members can see his point of view.

Ms. Heeger noted that the size of the building is 2,400 and the house is 1,700 so it is not double. She stated that you would need the depth to be able to pull in a truck and trailer and then to be able to work on a 14-foot dumpster and that this is where the size comes into it.

Mr. Sorg acknowledged the cost of storage but stated that he should do something else, not bring all this stuff into a suburban neighborhood, store it there and act like it does not fundamentally change the character of the neighborhood because it does.

Ms. Heeger asked staff to go back to the part about the rear yard being so big that it could be 20 percent of the size of the lot and asked Ms. Barbour to go through that one more time.

Ms. Barbour went back to slide 16 and stated that Section 4.05, J., 3., c. 3. states that the cumulative floor area of all accessory buildings located in the rear yard shall not exceed 700 square feet or 20 percent of the rear yard area. To Ms. Heeger's point, Ms. Barbour stated that they do permit larger buildings and staff made its recommendation on the Residential Large Lot Subdivision (R-LLS) which would allow for a building over 10,000 square feet since Mr. Groneck's lot is more comparable to something in the R-LLS zone. She went on to say that the neighbors in the vicinity have significantly smaller lots.

Chairman Kannady asked if there are any height restrictions. Ms. Barbour stated that it cannot be taller than 35 feet and noted that this building's average is 16 feet and 25 feet to the peak.

Ms. Barbour also reviewed the Site Plan again, noting that there will be a 25-foot setback where only a 15-foot setback is required on each side.

Ms. Heeger stated that she would rather look at a building than multiple vehicles sitting around with grass growing up around them. Mr. Sorg indicated that was why Mr. Groneck was cited, paid a fine, and they were not there. He stated that he agreed and if he lived in that neighborhood, he would not want to look at that. Chairman Kannady noted that if Mr. Groneck is permitted to do this garage, he would not be permitted to keep this stuff outside. Mr. Sorg agreed that this was the motivation for this project.

There was discussion regarding the letters submitted from neighbors and the fact that they are not notarized. Mr. Voss stated that the letters do not have to be notarized and that they are not here to object. He also noted that the letters can be admitted into evidence.

Mr. Guthrie apologized for being late and asked if there are any use considerations regarding running a side business out of the garage.

Mr. Groneck stated that the dumpsters would only be brought home and inside the garage to work on. He noted that he cannot do maintenance on them where they are stored. He advised members that he is 100 percent in agreement with the Board that the dumpsters should not be stored there and that the only reason they were there to begin with was while he was starting/growing his business. The dumpsters have been moved out and are not coming home but he does have a camper, a boat, and several vehicles that he would like to get onto his property. Getting this building will allow him to store these things inside and be able to do maintenance when needed, not to store the equipment for the side business.

Mr. Guthrie asked legal counsel if there was any ambiguity there what could be determined as business use in a residential zone. Mr. Voss indicated that he did not see any. Mr. Guthrie also retroactively declared that he had no conflict and had not made a site visit.

Mr. Kannady asked if Mr. Groneck absolutely needed the building to be 16 feet tall. Mr. Groneck stated that he did need it to be that tall to store the camper and to install a lift to do truck maintenance.

Mr. Guthrie asked if there was any communication from the city regarding its position on this. Ms. Barbour noted that she has not spoken to anyone with the city, but she has spoken with Code Enforcement within PDS and everyone feels it could be a benefit. She also noted that that the business activity is permitted under R-CVS zone so that was not factored in since it is permitted.

Mr. Sorg said that it sounds like Mr. Groneck should purchase land somewhere else, i.e., out in the country, where he would be permitted to do this and not shoehorn this into a residential area. He went on to say that he understands that there is a recommendation, but he can tell them that Independence, on a theoretical basis, does not want sheds of this size being built in the backyard. He restated that he is vehemently in opposition to such a structure. Mr. Sorg stated that, if the applicant wanted to build a structure that was proportional to the size of his house and more in character with the neighborhood, that would solve the problem.

Ms. Heeger asked if Mr. Groneck sold the back portion of his lot, what size house could be built there. Ms. Barbour indicated that a minimum 750 square feet would be required but there is not a maximum. She noted that there are several homes along Marilyn Avenue that have detached garages; however, she did not know the square footage of these structures. Mr. Sorg noted that Ms. Barbour was just making an observation at this point. Ms. Barbour stated that, yes, it was just an observation that other homes in the area do have detached accessory structures.

Ms. Heeger stated that if they sold the back portion off and bought it, they could build a barndominium there. Chairman Kannady indicated that they could just deed it off as a separate lot. Mr. Sorg stated that this is not what they are doing or proposing to use the building for. Ms. Heeger stated that if it was a barndominium it would be used for that. Mr. Sorg stated that it would not be used to repair dumpsters. Ms. Heeger indicated that they could have a small apartment at the front and the rest could be whatever they wanted it to be. Chairman Kannady said that they could build whatever the size they want. Mr. Voss stated that the size would only be limited by setbacks.

Chairman Kannady stated that the proposed building is a 40' x 60' x 16' and that the option around this is that he could deed it off on a separate deed and build whatever he wants to.

Mr. Videkovich stated that an accessory structure, by definition, must be on the same lot as the principal structure and confirmed that, if separated, it would have to be a residence – living facilities, kitchen, bathroom, etc.

Chairman Kannady asked if there was a restriction regarding the size of the living facilities versus the size of the actual barn. Mr. Videkovich stated that there was none.

Chairman Kannady asked if anyone would like to make a motion. Ms. Heeger stated that she would like to make a motion regarding BOA-26-0006 to approve Request #1 for a variance to increase the allowable maximum cumulative floor area of a proposed accessory building located in the rear yard, pursuant to the Staff's Recommendation and Report dated May 13, 2026; Mr. Bergman seconded the motion.

Chairman Kannady stated that there is a motion and second and asked if there were any questions.

With none, Chairman Kannady asked for a roll call vote which found Ms. Heeger, Mr. Bergman, Mr. Lawless, Mr. Smith, Mr. Guthrie, and Chairman Kannady in favor of the motion with Mr. Sorg voting no. The motion passed by a vote of 6 to 1.

Ms. Heeger then made a motion regarding BOA-26-0006 to approve Request #2 for a variance request to allow the cumulative floor area of an accessory building to exceed the floor area of the primary structure within the R-CVS Zone of the Independence Zoning Ordinance, pursuant to the Staff's Recommendation and Report dated May 13, 2026; Mr. Bergman seconded the motion.

Chairman Kannady stated that there is a motion and second and asked if there were any questions. Mr. Guthrie stated that Request 1, which has been approved, allows the structure to be more than 700 square feet, Request 2 allows the accessory structure to be larger than the primary structure, which is 1,700 square feet, so the happy medium is between 700 square feet and the proposed 2,400 square feet. He went on to state that he was voting against Request 2 at 2,400 square feet and would recommend that it be capped at 1,700 square feet.

Mr. Voss noted that the motion was already on the floor. Chairman Kannady stated that he could only vote yes or no on the motion.

Mr. Guthrie asked if they vote no on the motion does that effectively cap the structure at 1,700 square feet. Mr. Sorg asked if Ms. Heeger was willing to withdraw her motion so members can discuss that.

Mr. Voss stated that Mr. Guthrie would need to make a motion to try to amend the motion and then have a vote on the amendment.

Following discussion on how to proceed, Mr. Guthrie made a motion to amend Ms. Heeger's motion regarding Request 2 and cap the square footage of the auxiliary structure at 1,700 square feet, which is the same as the primary structure; Mr. Sorg seconded the motion.

Chairman Kannady asked for a roll call vote on the amendment to the motion. The roll call vote found Mr. Guthrie and Mr. Sorg voting in favor of the amendment motion with Mr. Smith, Mr. Lawless, Chairman Kannady, Ms. Heeger, and Mr. Bergman voting no. The motion failed by a vote of 2 to 5.

Chairman Kannady then asked for a roll call vote on Ms. Heeger's original motion to approve Request # 2 for a variance request to allow the cumulative floor area of an accessory building to exceed the floor area of the primary structure within the R-CVS Zone of the Independence Zoning Ordinance, pursuant to the Staff's Recommendation and Report dated May 13, 2026, which Mr. Bergman seconded.

The roll call vote found Ms. Heeger, Mr. Bergman, Chairman Kannady, Mr. Lawless, and Mr. Smith in favor of the motion with Mr. Sorg and Mr. Guthrie voting no. The motion passed by a vote of 5 to 2.

New Business

Ms. Heeger recommended moving future meetings to the Independence Courthouse due to the pending road/bridge construction.

Mr. Voss stated that the Board could vote to hold everything in Independence until June of 2027 and then extend it if necessary. Ms. Heeger indicated that she would be willing to make a motion.

Mr. Videkovich noted that the meeting schedule was set at the beginning of the year and all the meetings moved to Independence would have to be advertised as a special meeting. Mr. Voss stated that the Board would be limited to what was on the agenda for those "special" meetings.

Ms. Heeger stated that there would only be six meetings since the others are already scheduled for Independence. Mr. Videkovich also stated that it would only be necessary if an application was received and that he would need to check the availability of the Independence Fiscal Court Chambers.

Mr. Videkovich recommended letting staff check the availability since the next meeting is scheduled in Independence and to address this issue at next month's meeting.

Mr. Voss stated that this matter could be added to next month's agenda for discussion. Members agreed and Ms. Heeger withdrew her motion.

There was a brief discussion regarding the Emergency Management presentation by Steve Hensley. Mr. Videkovich indicated that he would into it and that he believes it would be a general discussion not regarding a specific security issue.

With no old business to come before the Board, Ms. Heeger made a motion to adjourn; seconded by Mr. Sorg. The meeting adjourned by acclamation at 6:22 p.m.