

Kenton County Joint Board of Adjustment Meeting Minutes: June 17, 2026

Chairman Kannady called the meeting of the Kenton County Board of Adjustment to order at 5:32 p.m. ET (4:32 p.m. CT) on Wednesday, June 17, 2026. The meeting was held in the Kenton Courthouse, Fiscal Court Chambers, at 5272 Madison Pike, Independence, KY.

Ms. Bushelman provided general housekeeping and safety information.

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	X	-					
Amy Heeger, Secretary	12/31/2026	X	X	-	-	X	A	-					
Rodney Kannady, Chair	12/31/2027	X	X	-	-	X	X	-					
Paul Lawless	12/31/2029	X	X	-	-	X	X	-					
Steven Sorg	12/31/2026	X	X	-	-	X	X	-					
Rusty Smith	12/31/2026	X	X	-	-	X	X	-					
Guilford Guthrie	12/31/2028	X	X	-	-	5:48X	X	-					

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

Staff members present: Mr. Greg Voss, Legal Counsel; Andy Videkovich, PDS Director of Planning; Cody Sheets, PDS Principal Planner; Connor Hannah, PDS Planning Intern, and Pamela Bushelman PDS Senior Secretary, Planning Department

Others present: other interested parties are listed on the attached Sign-In Sheet (EXHIBIT A)

Chairman Kannady asked for a roll call which found six of seven members present, and a quorum was established.

He then moved on to the review of the agenda. There were no corrections or changes and *Mr. Bergman made a motion to approve the agenda as presented; seconded by Mr. Guthrie. The motion carried by acclamation of all members present.*

Chairman Kannady continued to the review and approval of the May 20, 2026, meeting minutes. There were no corrections or changes and *he made a motion to approve the agenda as presented; seconded by Mr. Smith. The motion carried by acclamation of all members present.*

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PUBLIC HEARING

Chairman Kannady then opened the public hearing for **FILE NUMBER: BOA-26-0010:**

APPLICANT: Andrew Clift

LOCATION: 1 Boone Street, Bromley

REQUEST: Two variance requests (1) reducing the required rear yard setback and (2) reducing the required front yard setback within the R-U (Residential Urban) Zone of the Bromley Zoning Ordinance

SUMMARY: The applicant is proposing the construction of a 2,016 square-foot single-family residential home which will be (1) 4 feet from the rear property line in common with 3 Boone Street where 15 feet is required and (2) 0 feet from the front yard facing Pleasant Street where 10 feet is required.

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. Mr. Sheets confirmed that notifications were made per KRS 100. Staff also noted that a misprint was identified in the original legal notification, which was caught promptly; out of an abundance of caution, a corrected legal notification was re-issued.

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.

Mr. Sheets submitted Exhibits B1-B4 into the record: (copies of which are attached to the original Minutes of record)

- Exhibit B1 PDS Staff Report dated June 10, 2026
- Exhibit B2 Materials submitted by the applicant
- Exhibit B3 Site Plan
- Exhibit B4 Presentation slides

Mr. Sheets then introduced Mr. Connor Hannah, PDS Summer Planning Intern from UC with PDS to present the case.

Mr. Hannah presented the Staff Review and explained that the site is approximately one-quarter acre, located at 1 Boone Street at the intersection with Pleasant Street — both local streets. The surrounding area consists of dense single-family residential homes to the southeast, southwest, northwest, and northeast, with the exception of land to the southeast, which is zoned CO (Conservation) as part of Carlisle Park. The property is currently vacant and zoned R-U (Residential Urban), which permits single-family residential uses. The property includes developmentally sensitive areas (DSAs) and steep topography leading down to the floodplain at Pleasant Run Creek; however, the proposed construction is planned for the northern portion of the property, avoiding those areas.

Mr. Hannah then reviewed the submitted site plan, noting the proposed 4-foot rear setback and 0-foot front setback, as well as the applicant's intent to match the average setback along the south side of Boone Street. He presented a rendering of the proposed home, noted a letter of support from neighboring property owners included in the application, and shared street view and aerial imagery of the site.

Regarding the variance criteria, Mr. Hannah stated that the Bromley zoning ordinance requires a minimum front

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yard depth of 10 feet and a minimum rear yard depth of 15 feet in the R-U zone and Staff found that: (1) special circumstances do apply — the property is a vacant corner lot with a narrow and unusual shape in an area developed largely before the current zoning ordinance was enacted; (2) strict application would deprive the applicant of reasonable use, as the property would lack sufficient buildable area for residential development without the variances; and (3) the situation is not the result of actions taken by the applicant, who identified the need for variances during the normal permitting process.

He then stated that Staff provided a favorable recommendation, finding that the variances would not adversely affect public health, safety, or welfare; would not alter the essential character of the vicinity; would not cause a hazard or nuisance; and would not constitute an unreasonable circumvention of the zoning ordinance. He added that building and zoning permits would be required if approved, and concluded by asking if there were any questions from the Board. There were none.

Mr. Andrew Clift was sworn in and gave his address as 200 Boone Street, Apartment 300, Bromley, Kentucky. He stated that the variances would not have been necessary had the home been oriented to face Boone Street with the standard side setbacks. However, orienting the home toward Pleasant Street offers a better view and safer garage egress. He also noted that the property has a panhandle shape that doglegs out at the rear; if the home faced Boone Street, the garage would have to be placed at the back, eliminating usable yard space.

There were no questions from the Board and no proponents or opponents came forward to speak.

Chairman Kannady then recessed the hearing for discussion by the Board members. The Board members noted no significant concerns. Chairman Kannady observed that the orientation simply turns the home sideways relative to the lot, consistent with how neighboring homes sit. Mr. Hannah confirmed for Mr. Bergman that no negative comments from neighbors had been received, and that three or four neighbors — including two adjacent property owners — had submitted letters of support.

There was no further discussion and Mr. Bergman made a motion in reference to FILE: BOA-26-0010 to approve the variance requests, based on facts and considerations in the staff report and testimony presented at the hearing, finding that the evidence establishes the variances are necessary or desirable and will not be detrimental to public health, safety, or general welfare; seconded by Mr. Smith. A roll call vote found Mr. Bergman, Mr. Smith, Mr. Kannady, Mr. Lawless, Mr. Sorg, and Mr. Guthrie in favor and the motion carried.

Chairman Kannady then opened the public hearing for **FILE NUMBER: BOA-26-0011:**

APPLICANT: Brian Wright

LOCATION: An area of approximately one acre located 380 feet east of Martin Road, with Staffordsburg Road to the north and Moffett Road to the south, approximately a half mile south of Staffordsburg Road, in Unincorporated Kenton County

REQUEST: A variance request to reduce the required rear yard setback within the A-1 (Agricultural) Zone.

SUMMARY: The applicant is proposing to construct a new single-family home with a rear yard setback of ten feet from the property line in common with 12759 Martin Road where 25 feet is the minimum rear setback required.

LEGAL TEST: 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 regulation.

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Chairman Kannady asked for confirmation of notification. Mr. Videkovich acknowledged the public notice misprint and out of an abundance of caution a correction 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.

Mr. Videkovich submitted Exhibits C1-C4 into the record: (copies of which are attached to the original Minutes of record)

- Exhibit C1 PDS Staff Report dated June 10, 2026
- Exhibit C2 Materials submitted by the applicant
- Exhibit C3 Site Plan
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Mr. Andy Videkovich, PDS Director of Planning, presented the staff report for this variance request to reduce the rear yard setback from the required 25 feet to 10 feet within the A-1 agricultural zone. The property is approximately 3.7 acres, located roughly 1,500 feet off Martin Road behind a separate front parcel, and is currently vacant and landlocked, though accessible through an adjacent property. The surrounding area is rural and agricultural in character, with open space and scattered single-family homes. The site itself is designated for single-family residential use. He said that because the property sits so far from the public right-of-way, presentation photos were taken from the nearest accessible vantage points along Martin Road and from the existing access drive, capturing primarily the front portion of the lot rather than the proposed building site.

He then reviewed the submitted development plan which shows a proposed single-family home with a 10-foot rear setback. The front setback of 41 feet meets the required 40 feet. Applying the three-part variance standard, staff found that special circumstances do exist — the lot is shallower than surrounding properties and existing vegetation makes placement further from the rear line challenging. Staff found that strict application would not necessarily deprive the applicant of reasonable use, as the home could theoretically be redesigned or relocated, though staff acknowledged that doing so would likely trigger the need for front yard variances given the lot's configuration. Staff also found that the circumstances were not created by the applicant.

He then stated that Staff issued a favorable recommendation, concluding the variance would not adversely affect public health, safety, or welfare; would not alter the essential character of the area; would not cause a hazard or nuisance; and would not constitute an unreasonable circumvention of zoning requirements. He added that building and zoning permits would be required if approved and concluded by asking if there were any questions from the Board.

Mr. Bergman asked whether the home would be visible from Martin Road. Mr. Videkovich confirmed that, based on the site plan and the existing vegetation on the frontage parcel, the home would not be visible from the road, and that the existing vegetation would remain.

There were no further questions and Chairman Kannady moved on to comments from the applicant.

Mr. Dave Kinder of Kinder Construction came forward and was sworn in. He stated that he was contracted to build the home on the property, and after conducting a site visit, he advised the applicant that positioning the house further back — up and over a knoll on the lot — would significantly improve the driveway grade and the overall

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approach to the home, however, achieving that position would require moving the house back approximately 15 feet beyond the standard setback, which is what prompted this variance request.

Mr. Brian Wright, property owner, came forward and was sworn in, providing his current address as 8578 Cranbrook Way, Florence, Kentucky 41042. He echoed Mr. Kinder's explanation and added that if the variance were not granted and the house were pushed forward to comply with the standard setback, they would need to excavate deeply and clear a significant number of trees in the front block of the property. Preserving those trees was an additional reason for requesting the variance.

There were no questions from the Board and no other proponents came forward to speak.

Mr. Jacob Thomas of 12759 Martin Road, Independence — the immediately adjacent property owner — came forward and was sworn in. He opened by asking whether the two parcels associated with the project, the front parcel with road frontage and the rear parcel where the home would be built, had been combined into one and whether the applicant owned both. Chairman Kannady indicated the Board did not have that information and clarified that the hearing was focused solely on the setback request. Mr. Thomas accepted that and moved on.

Mr. Thomas noted he had submitted three photographs for the record and after a brief procedural discussion, he confirmed he had taken them himself the previous day at 4:43 p.m. and Chairman Kannady entered the photos into the record [EXHIBIT C5] and gave the applicant the opportunity to object, which he did not.

Mr. Thomas then walked the board through his concerns using his photos and the presentation slides of the images for reference, identifying his home on the aerial map to the northeast of the subject property. He explained that his family uses the open field adjacent to the proposed building site nearly every day — his wife and two young children, ages four and seven, play there regularly, his son rides a dirt bike in the area, and the family uses the space for soccer and other outdoor activities. He acknowledged he had not been fully aware of the variance process until recently, accepted some responsibility for the delay, and noted he had already spoken with the applicant a few times.

Mr. Thomas' concerns covered several areas. On the question of hardship, he said he was having difficulty understanding what the genuine hardship was, noting the lot appeared to have roughly 135 feet of usable depth before the topography changes, and that moving some earth and clearing a few trees seemed like routine site preparation rather than an unusual burden. On drainage, he asked whether a study had been conducted and whether pushing construction toward the rear of the lot could send runoff onto his property. Chairman Kannady explained that all drainage, septic, and related requirements are handled through the building permit process and must be fully approved before construction begins. Mr. Voss added that state law prohibits a property owner from redirecting water onto an adjacent property — naturally occurring flow may continue, but active diversion is not allowed. Mr. Thomas acknowledged that and noted drainage was only one of his concerns.

He also raised questions about privacy more broadly — window placement, outdoor decks and patios, HVAC unit placement, lighting, gray water, and stormwater. He felt a 10-foot setback would meaningfully reduce the buffer between the two families' outdoor living areas compared to the standard 25 feet. He was careful to note he was not trying to be difficult, that he and the applicant were on good terms, and that he simply wanted to address potential issues proactively rather than let them become disputes down the road.

The Board addressed his concerns one by one. On the question of outdoor structures: Chairman Kannady confirmed that the 10-foot setback applies to all structures, including any attached deck or patio — nothing can extend past

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the 10-foot line toward Mr. Thomas's property. Mr. Kinder confirmed that the furthest point of the home, including a covered patio incorporated into the footprint, would sit exactly 10 feet from the property line. On fencing: Mr. Voss stated that the variance would not affect Mr. Thomas's right to install a fence on his own property line.

On HVAC placement, Mr. Thomas asked where the unit would be located and whether it could be placed on the side of the home away from his property, pointing out the location on the site plan where his family spends most of their outdoor time. Mr. Kinder confirmed the unit would go on the left side of the house, not the rear, noting that placing it opposite the master bedroom is standard practice. Mr. Thomas acknowledged that modern heat pump units are quieter than older systems but noted the concern was less about noise from inside his home and more about when his family is actively using the outdoor space. Mr. Kinder said he had no objection to a specific placement and would note it for his HVAC contractor. Mr. Voss confirmed the board could include a condition requiring the HVAC unit be placed on the side of the home rather than the rear, and the applicant agreed to that condition.

Ms. Jennifer Noel Thomas of 12759 Martin Road, Independence, Kentucky 41051 was also sworn in and came forward with one question. She asked about the likelihood that excavation during construction within 10 feet of the property line could encroach onto their land. Mr. Voss noted that any encroachment onto adjacent property would constitute trespass and Mr. Kinder explained that his standard practice before breaking ground in a situation like this would be to install a silt fence approximately one foot off the property line. That fence would serve as a physical boundary during excavation and catch any material that may inadvertently leave the dig zone. He emphasized that he tries to be respectful and mindful of neighboring property owners throughout the construction process. No further questions were raised.

Next, an out-of-order discussion occurred and in summary the Board members discussed the question of HVAC placement, where the Thomas family spends their time outdoors, and where the unit would be located. Mr. Kinder stated it would most likely be installed on the left side of the house, not on the rear. Mr. Thomas asked whether a condition could be included in the approval specifying that the HVAC unit not be placed in the rear yard. Mr. Kinder confirmed he had no objection, noting that standard practice in most subdivisions is to place units on the side of the home opposite the master bedroom anyway. Mr. Voss indicated the Board could incorporate a condition specifying that the HVAC unit be placed on the side of the home, not on the rear. Chairman Kannady noted that modern HVAC units are considerably quieter than older models, and that even at a 25-foot setback the same question about unit placement would exist. The board was satisfied that the condition adequately addressed the neighbor's concern.

On the question of outdoor structures, Mr. Kinder also explained that the design incorporates a covered patio within the home's footprint — roughly eight feet inside the home and eight feet outside — visible on the site plan as a large square just above the rear property line. The furthest point back, including that covered patio bump-out, would sit at exactly 10 feet from the property line.

Chairman Kannady noted that placing the HVAC unit on the opposite side of the master bedroom was a reasonable approach and said he understood the neighbor's concern. However, he pointed out that regardless of the setback distance, hearing an air conditioning unit running is no different than hearing a car pass on the street. He added that even if the house had been built at the full 25-foot setback with the unit on that same side, the neighbor would still have had the same concern — the variance itself was not the source of the issue.

Mr. Sorg clarified that he had raised the HVAC question solely to address the reservation expressed by the opponent and was otherwise in agreement with the Chair. Chairman Kannady acknowledged the concern about the unit being

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placed at the rear of the home within 10 feet of the property line but said it was not a deciding factor for him. Both he and Mr. Sorg agreed the condition could simply be incorporated into the approval. Mr. Voss confirmed the applicant had consented to placing the unit on the opposite side of the home and recommended the board formalize it as a condition. Mr. Kinder briefly began to comment about homeowner preferences regarding HVAC placement, at which point Mr. Voss reminded him that the board was in discussion and redirected the proceedings. There was no further discussion and Chairman Kannady called for a motion.

Mr. Sorg made the motion on FILE NUMBER BOA-26-0011 to approve the variance based on the facts and considerations contained in the staff report and the testimony of staff and witnesses present at the public hearing, finding that the variance will not adversely affect public health, safety, or welfare; will not alter the essential character of the area; will not cause a hazard or nuisance to the public; and will not allow an unreasonable circumvention of the requirements of the zoning regulations. He confirmed to Mr. Voss that his motion leaves out the added condition that the HVAC unit be placed on the side of the home, not the rear; seconded by Mr. Lawless. A roll call vote found Mr. Sorg, Mr. Lawless, Mr. Bergman, Mr. Kannady, Mr. Smith, and Mr. Guthrie in favor and the motion carried.

NEW BUSINESS

Temporary Relocation of Meetings

Chairman Kannady introduced a discussion item regarding the temporary relocation of board meetings due to ongoing construction affecting access to the board's regular meeting location in Covington. Staff noted that no applications had been received for the following month, meaning no meeting would be required in July. If a meeting is needed in the coming months, it would likely be held at the current Independence location.

Board members reported significant delays reaching the Covington meeting location due to construction-related ramp closures, with one member leaving work at 3:00 p.m. to arrive on time and another taking 45 minutes from Florence. The Chair noted the traffic burden falls on applicants and the public as well.

Mr. Voss raised the legislative dimension of the issue, noting that the board's legislation likely designates Covington as the official meeting location. Changing that — even temporarily — to an alternate site such as Independence would technically make those meetings special meetings rather than regular meetings under the board's governing rules, rather than simply relocating regular meetings. Mr. Videkovich acknowledged this and suggested the board proceed cautiously before making any formal decision.

Mr. Videkovich recommended keeping the matter on the agenda and monitoring how the situation develops before committing to a change. With only about six meetings per year and the possibility that some months will have no applications at all, Staff felt it was reasonable to see how the traffic situation plays out over the next meeting cycle before making a structural change. Board members agreed, noting there was a possibility the issue might resolve itself or that a solution would become clearer in time. Mr. Videkovich confirmed they would check on the availability of the current meeting room for any upcoming sessions and noted it would be helpful to have Ms. Heeger — who initially raised the topic — present for the next discussion. The board agreed to table the item, keep it on the agenda, and revisit it at the next meeting that requires a hearing.

There was no Old Business to review and Chairman Kannady called for a motion to adjourn. So moved by Mr. Bergman and seconded by Mr. Sorg. The motion carried by acclamation and the meeting adjourned at 6:23 p.m.