

DATE: August 12, 2026
TO: Kenton County Joint Board of Adjustment Members
FROM: Patrick Denbow, AICP, Senior Planner
SUBJECT: Kenton County Joint Board of Adjustment Public Hearing for **August 19, 2026**

Staff has published notice of a public hearing of the **Kenton County Joint Board of Adjustment** at 5:30 PM ET (4:30 PM CT) **on Wednesday, August 19, 2026**, at the Kenton County Court House, Fiscal Court Chambers, 5272 Madison Pike, Independence, KY 41051. We submit this case review and recommendation for your consideration prior to the hearing.

The applicant will explain his/her reasons for this request during the hearing and address how he/she believes it meets legal requirements established in law. Staff will lay out the case, provide our findings and a recommendation, and address your comments and/or questions.

If you need additional information or clarification prior to then, don't hesitate to contact me.

cc: James Woeste – Owner/Applicant

BOARD OF ADJUSTMENT: APPEALFile No: **BOA-26-0017**

Jurisdiction: Independence

Applicant: James Woeste

Staff Review: Patrick Denbow, AICP, Senior Planner

GENERAL CASE INFORMATION

1. **Request:** An appeal to the decision of the zoning administrator to deny a request to allow accessory structures within a front yard area of the R-LLS (Residential Large Lot Subdivision) Zone of the Independence Zoning Ordinance; the applicant is proposing to subdivide the existing property to build a new home. The proposed location of the new home will be towards the rear portion of the existing lot. There are existing accessory structures within the existing lot, which are proposed to be included within the new lot for the new home. The applicant is seeking this appeal to allow these structures to be located within the front yard area for the new lot where accessory structures are not permitted within any front yard.
2. **Location:** 157 Pelly Road, Independence

**SITE LOCATION AND BACKGROUND**

1. The site in question is approximately 6.91 acres and is located on the southeast side of Pelly Road, approximately 430 feet northeast of the intersection of Pelly Road and KY 17. The site is situated inside the boundaries of Independence, but borders unincorporated Kenton County to the rear and front.
2. The site currently contains an existing single-family home, located towards the front of the lot, and which is setback approximately 11 feet from the right-of-way of Pelly Road and approximately 40 feet from the pavement of Pelly Road. There are two existing access points into the lot, one access point is located at the

existing home for access to the attached garage. The second access point is located approximately 100 feet northeast of the existing house and provides access to a long driveway leading back to three existing accessory structures. These structures are all situated to the rear of the existing home and within the rear yard area.

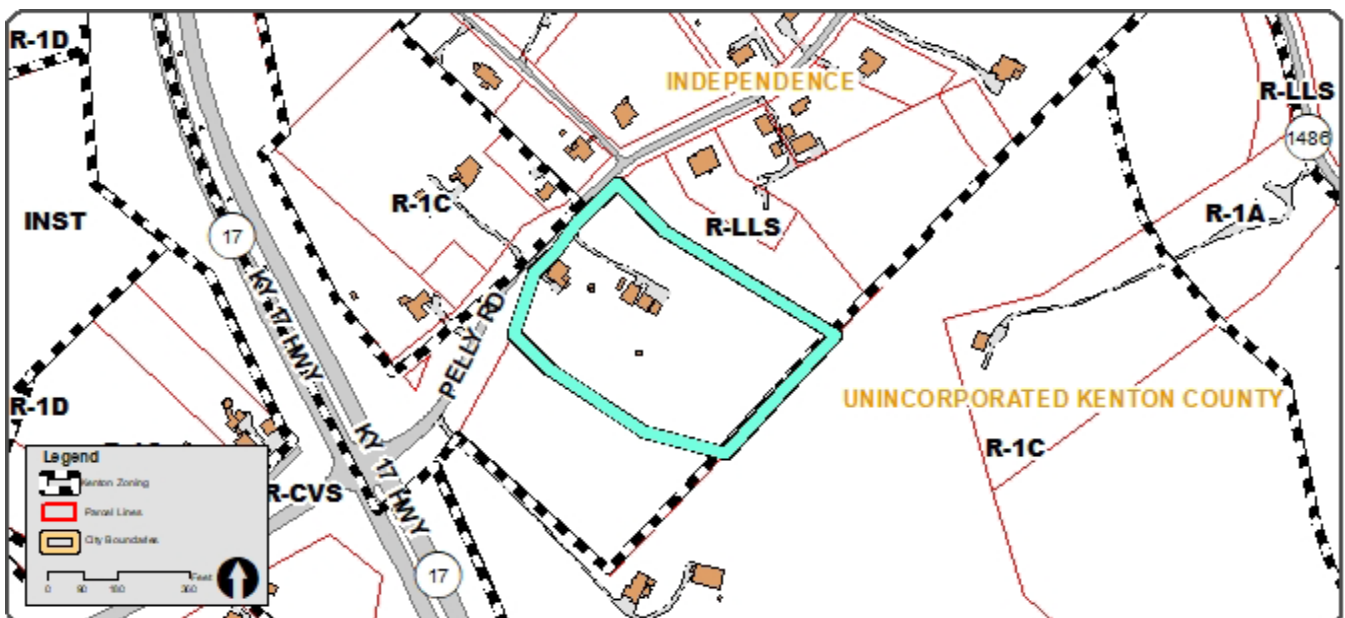
3. The surrounding area consists mostly of rural and suburban residential development on larger lots. An elementary school is located to the west and across KY 17 from this site.
4. The applicant currently resides in the existing home on the lot. They have been seeking a lot split to construct a new home. The intent is for the applicant to live in the new home. As part of the subdivision review, they discovered that all new lots must conform to the zoning requirements. Since the existing accessory structures are intended to be part of the new lot, and would be located in a front yard area, the applicant was informed that the new lot can not be created through the subdivision process unless zoning approval can be obtained to allow the accessory structures to be located within the front yard.

ANALYSIS – Current Zoning

	ZONING	MIN LOT SIZE	MAX DENSITY
SITE: CURRENT	R-LLS	0.5 acre	2 du/na
NORTH OF THE SITE	R-LLS	0.5 acre	2 du/na
	R-1C	12,500 sq. ft.	3.48 du/na
SOUTH OF THE SITE	R-LLS	0.5 acre	2 du/na
	R-1C	12,500 sq. ft.	3.48 du/na
EAST OF THE SITE	R-1C	0.5 acre	2 du/na
WEST OF THE SITE	R-LLS	0.5 acre	2 du/na
	R-1C	12,500 sq. ft.	3.48 du/na

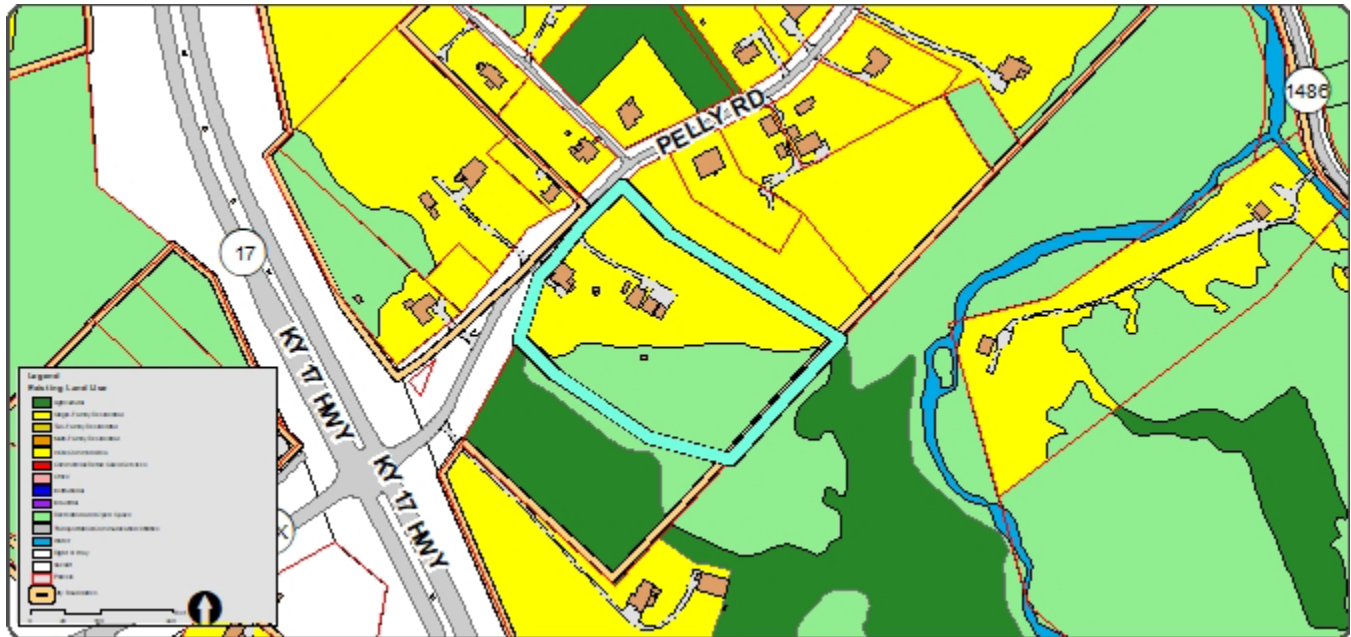
The site in question is currently zoned R-LLS (Residential Large Lot subdivision). The R-LLS Zone currently permits single-family dwellings, subject to the following area and height requirements:

- a. Minimum lot area – 0.5 acres;
- b. Minimum lot width at building setback line – 100 feet;
- c. Minimum front yard – 40 feet;
- d. Minimum side yard – 10 feet, 25 feet aggregate
- e. Minimum rear yard – 25 feet



ANALYSIS – Current Land Use

	DESCRIPTION
SITE: CURRENT	Single-family, open space
NORTH OF THE SITE	Single-family
SOUTH OF THE SITE	Open space, agriculture
EAST OF THE SITE	Open space, agriculture
WEST OF THE SITE	Single-family



SUBMISSION MATERIALS

The applicant has submitted the following information and materials (attached):

- A letter detailing the nature and reasons for the submitted request; and
- Drawings showing the proposed location of the new house and the existing accessory structures
- Elevation drawing of proposed house
- Examples of existing front yard structures on other lots
- Letters of support from adjacent property owners

PETITION REVIEW

- The submitted site plan and application materials show the following (see attached):
 - Site plan
 - Three existing accessory structures
 - 30 feet by 50 feet (1,500 square feet)
 - 36 feet by 32 feet (1,152 square feet)
 - 24 feet by 35 feet (840 square feet)
 - Construction of a new 72 feet by 64 feet single-family house.
 - Located 200 feet to the rear of the existing accessory structures
 - 50 feet from side property line to north
 - 350 feet from side property line to south
 - 150 feet from rear property line

- iii. Approximate location of septic field
 - a) Located to the rear of the proposed house
 - iv. Proposed property lines are not indicated, but the existing accessory structures are proposed to be within the front yard area of the new lot.
2. Submission letter claims the applicants are injuriously affected and aggrieved by the decision of the zoning administrator (see attached for additional context).
 3. Section 4.05, J., 3 of the Independence Zoning Ordinance states:
 - a. No accessory structure shall be in any front yard or required minimum side yard (on each side of the lot) in any district.
 4. KRS 100.257 states:
 - a. The board of adjustment shall have the power to hear and decide cases where it is alleged by an applicant that there is error in any order, requirement, decision, grant, or refusal made by an administrative official in the enforcement of the zoning regulation.
 5. KRS 100.261 states:
 - a. Appeals to the board may be taken by any person or entity claiming to be injuriously affected or aggrieved by an official action, order, requirement, interpretation, grant, refusal, or decision of any zoning enforcement officer.

RECOMMENDATION: To uphold the decision of the zoning administrator to deny a request to allow accessory structures within a front yard area of the R-LLS (Residential Large Lot Subdivision) Zone of the Independence Zoning Ordinance

SUPPORTING INFORMATION/BASES FOR STAFF RECOMMENDATION

1. There is no error in the zoning administrator's decision not to allow accessory structures to be located within a front yard area. The zoning administrator's interpretation is based on the literal language of the zoning ordinance which prohibits accessory structures within a front yard.

Additional Information

1. If approved, a lot split will be required through the subdivision process.
2. If approved, zoning and building permits will be required for all new construction.

Board of Adjustments Appeal Letter

This Board of Adjustments appeal letter authored by Jim and Teresa Woeste is in regards to the building permit denial of a single family residence at 157 Pelly Road, Independence, KY (Parcel#: 046-00-00-029.00). The denial is due to “additional structures” zoning code located in [Section 4.05, J. 3](#). The appeal meeting will take place Wednesday August 19 at 5:30pm at the Independence Courthouse.

The Board of Adjustments decisions must be pretty easy when the zoning codes are evaluated as simply a yes or no answer. But unfortunately, that's not the world we live in. Sometimes various circumstances are involved which turn the black and white into grey and the answer is not perfectly clear.

This letter has gone through multiple iterations and began to grow in length each day as additional thoughts and emotions came to light. It has been extremely difficult to not express everything we are feeling emotionally since this is our one chance to tell our story. Our intent of this letter is to provide facts and reasons to support our appeal and hopefully have the opportunity at the meeting to address the emotional impact of this monumental situation.

Everyone would have to agree the most suitable location aesthetically and functionally is located on the ridge at the rear of the property. The Independence zoning code for additional structures makes perfect sense when applied to situations involving small subdivision lots.

We have found numerous examples within the city where additional structures exist in front of the residence. Most of those examples involve properties of significant size where there is no impact aesthetically. Whether or not proper permits were obtained, they still exist and pose no negative impact to the surrounding properties.

Several factors limit the location of the new home and additional structures where it does not violate the zoning code in question:

- **Build closer to the road adjacent and slightly in front of the existing structures**

The total distance from the left property line to the existing gravel driveway is approx. 120'. A 16.5' AT&T easement extends the length of the property line and requires an additional 20' adjacent to the permanent easement if work is needed. This leaves 83' of available space. The width of the home to be built is 72' not including a side entrance driveway which adds an additional 25-30 feet.

There is simply not enough space to build the home at this location. Even if the home could somehow fit width wise, the slope of the property from the driveway to the easement provides a less than desirable location both aesthetically and functionally. Most importantly, this location is approx. 90' farther back than the existing home and provides no relief from traffic noise.

- **Move, tear down or build new additional structures to the rear of the new home**

This option is simply not financially feasible

The most significant and influential reason for our desire to build a new home and position it on the back ridge of the property is road traffic and noise nuisance. We cannot overstate how important a factor this is. Our current home has a direct site to the 4 lane highway and sits closer to Pelly Road than any other home. The right away marker in the front yard sits only 14' from the house way below the existing zoning for setbacks.

Traffic and speeding increased so significantly after the highway opened that the residents petitioned for speed humps to help reduce speeding. Unfortunately, they only help about 50 percent of the time. Any neighbor will attest to the negative impact the highway has had on our neighborhood.

Fortunately, we have reached a point in our lives financially where we now have the ability to greatly reduce the traffic impact we've been living with by moving 500' from the road. This significant investment only proves worthy if relief can be obtained. We have no desire to build a new home if we do not benefit from having it positioned far from the road. You may ask, why don't you find other land and move if it's so bad? You will find out at the meeting how much our land means to us and how every decision we've ever made regarding it, was made carefully knowing we would one day build our home on the back of our property.

We have done our best to interpret the following legal wording and provide facts and reasons which meet the requirements for a successful appeal.

“Appeals to the Board per KRS 100.257 and KRS 100.261, may be taken by any person or entity claiming that there is an error in, or that they are injuriously affected or aggrieved by, an official action, order, requirement, interpretation, grant, refusal, or decision of the Zoning Administrator.”

- **injuriously affected:** *situations where a property's market value or a property owner's use and enjoyment is diminished by a public works project (like a highway or transmission tower), even if their land is not physically seized*
- **aggrieved by:** *An aggrieved party is an individual or entity whose legal rights have been violated or who has suffered a distinct, discernable harm (e.g., loss of property value, severe traffic, blocked views, or environmental damage)*

Based on the facts we have presented and the definitions above, we strongly feel we have been injuriously affected by the impact of the highway and aggrieved by the decision of the zoning administrator to prevent our ability to seek remedy from the traffic nuisance we have been experiencing for decades.

Finally, all we want to do is build our new home on our property in the most suitable location. The existing structures will be on the right side of the driveway facing the home 200' away and nowhere directly in front. Nothing changes the current view from the road except a new home. There is zero negative impact to our neighbors and will add value to the neighborhood. Our close neighbors unanimously support us and have no issues with the home on the back property.

We ask that you please make your decision not based on simply whether the code is under violation, yes or no, but with thoughtful consideration for what makes sense and benefits the community as a whole.

Thank you,

Jim and Teresa Woeste





July 23,, 2026

Kenton County Board of Adjustment

Planning and Development Services of Kenton County

1840 Simon Kenton Way

Covington, KY 41011

Subject: Letter of Support for Jim and Teresa Woeste's Appeal at 157 Pelly Road

Dear Members of the Board of Adjustment,

Jim & Teresa have been my neighbors for over 34 years. As the property owner at 172 Pelly Road, I am writing to formally and strongly express my support for the favorable appeal of allowing them to build their new home on the back ridge of their property.

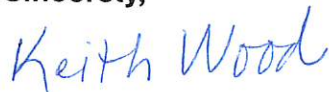
I understand that the current placement of the existing outbuildings creates a zoning violation regarding the accessory structures rules. Having reviewed the proposed plans for the new home and its relation to the current placement of the outbuildings, I do not feel this layout negatively impacts our neighborhood in any way. The continued presence of the outbuildings does not obstruct sightlines, traffic visibility, or the privacy of surrounding properties.

Our neighbors have shown great dedication to enhancing their property and contributing positively to our neighborhood. While we understand there is a zoning matter to address, we believe they are acting in good faith and are open to working with the county to find a solution that benefits everyone.

I kindly ask the Board of Adjustment to approve the requested appeal so that they may move forward with constructing their new home which will enhance our community. Thank you for your time and consideration of this matter.

Please feel free to contact me at 859-992-0352 or keithwood327@gmail.com if you have any questions.

Sincerely,



Keith Wood

172 Pelly Road

Independence, KY 41051

July 7, 2026

Kenton County Board of Adjustment

Planning and Development Services of Kenton County

1840 Simon Kenton Way

Covington, KY 41011

Subject: Letter of Support for Jim and Teresa Woeste's Appeal at 157 Pelly Road

Dear Members of the Board of Adjustment,

As a neighbor and property owner for over 33 years at 120 Pelly Road, and a property owner of 135 Pelly Road, which borders Jim and Teresa's property at 157 Pelly Road, I am writing this letter to confirm my support for the proposed new home build behind the existing outbuildings at 157 Pelly Road.

It is my understanding that Jim and Teresa are seeking a favorable appeal to allow a new home to be constructed behind existing outbuildings. Having had an opportunity to review the proposed site plan and location, I have no objection to the plan and strongly believe this project will be an asset to our neighborhood.

As a resident of Kenton County for 62 years, I appreciate the Boards diligence in enforcing zoning codes, but as in all things I think all decisions need to be decided upon individually. I support Jim and Teresa's appeal for the following reasons:

There will be zero negative impact on our neighborhood or community, it will not obstruct our views, nor negatively impact either of the properties that I own.

The new home will improve the Pelly Road corridor, and will not impact traffic, noise, or create safety hazards.

Lastly, Jim and Teresa have been outstanding neighbors for more than 20 years, they take exceptional care of their existing home and property. It is my opinion that the new home placement behind the existing outbuildings will be an excellent use of property and be an asset to the neighborhood.

I respectfully request that the Board of Adjustment approve the requested appeal so that the new home project can move forward.

Please feel free to contact me at 859-250-5029 if you have any questions or require further confirmation of my support.

Sincerely,

Jill M Bright

120 Pelly Road

Independence, KY 41051

July 7, 2026

A handwritten signature in black ink, reading "Jill M Bright". The signature is fluid and cursive, with a long horizontal stroke extending from the end of the name.

June 28, 2026

Kenton County Board of Adjustments

Planning & Development Services of Kenton County
1840 Simon Kenton Way #3400
Covington, KY 41011

Subject: Letter of Support for Jim and Teresa Woeste's Appeal at 157 Pelly Road

Dear Board Members,

We are the owners of the property located at 146 Pelly Road, Independence, which is across the road to Jim and Teresa Woeste's property at 157 Pelly Road and their proposed building lot. We are aware of their plans to build a new ranch home on the back ridge of their property. We understand this conflicts with an existing zoning code because of the location of the outbuildings. We do not have any issues with their proposed new home location.

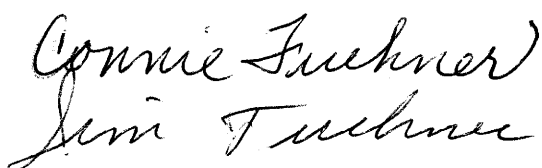
Having lived next door to Jim and Teresa for over 30 years, we can personally attest to their dedication to our community and our neighbors. Their unwavering willingness to assist others has set a true standard for what it means to be a good neighbor.

Jim and Teresa consistently work hard at keeping their property very well-maintained with added improvements over the years. We believe their planned dream home will be a beautiful, positive addition to our neighborhood.

We fully support their building project, and we have no objections to the City of Independence granting them the necessary approvals and permits to move forward with their construction.

Sincerely,

Jim & Connie Fuehner
146 Pelly Road
Independence, KY 41051
859-750-9951

Handwritten signatures of Connie Fuehner and Jim Fuehner in cursive script.

June 24, 2026

Kenton County Board of Adjustment

Planning and Development Services of Kenton County

1840 Simon Kenton Way

Covington, KY 41011

Subject: Letter of Support for Jim and Teresa Woeste's Appeal at 157 Pelly Road

Dear Members of the Board of Adjustment,

As a direct neighbor and property owner at 158 Pelly Road, I am writing to express my full support for the proposed new home build behind the existing outbuildings at 157 Pelly Road.

I understand that the applicant is seeking a positive appeal to allow a new home to be built behind existing out buildings. Having reviewed the proposed site plan and location, I believe this project will be a positive addition to our neighborhood.

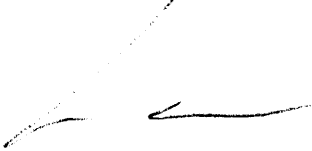
My support for this build is based on the following:

- I have lived across the street from Wueste family for nearly 30 years. Their property is extraordinarily maintained. The existing outbuilding is barely visible from my property and is in no way an issue for our neighborhood. Many of the properties, including mine, have outbuildings.
- Property Aesthetics: The new home and placement will not disrupt the visual character of the neighborhood. The utilization of the space behind the existing outbuildings makes excellent use of the property. The property will only add to the character of the neighborhood, which is larger well maintained homes with a rural feel, including outbuildings. This is a welcome addition to our neighborhood.
- No Negative Impact: The proposed construction will not obstruct our views, cause privacy issues, or negatively affect the value of surrounding properties.
- Community Improvement: The new home will be a welcome improvement to the area and will not cause traffic, noise, or safety hazards. If anything, the new home will add to the value of the surrounding properties.

I respectfully request that the Board of Adjustment approve the requested appeal so that this new home build may proceed.

Please feel free to contact me at 513-240-4586 or bwilliams1956@gmail.com if you have any questions or require further confirmation of my support.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bob Williams', with a horizontal line extending to the right.

Bob Williams

158 Pelly Road

Independence, KY 41051

6/24/2026

6/29/2026

Kenton County Board of Adjustment

Planning and Development Services of Kenton County

1840 Simon Kenton Way

Covington, KY 41011

Subject: Letter of Support for Jim and Teresa Woeste's Appeal at 157 Pelly Road

Dear Members of the Board of Adjustment,

As a direct neighbor and property owner at 166 Pelly Road, I am writing to express my full support for the proposed new home build behind the existing outbuildings at 157 Pelly Road.

I understand that the applicant is seeking a positive appeal to allow a new home to be built behind existing out buildings. Having reviewed the proposed site plan and location, I believe this project will be a positive addition to our neighborhood.

My support for this build is based on the following:

- Property Aesthetics: The new home and placement will not disrupt the visual character of the neighborhood. The utilization of the space behind the existing outbuildings makes excellent use of the property.
- No Negative Impact: The proposed construction will not obstruct our views, cause privacy issues, or negatively affect the value of surrounding properties.
- Community Improvement: The new home will be a welcome improvement to the area and will not cause traffic, noise, or safety hazards.

I respectfully request that the Board of Adjustment approve the requested appeal so that this new home build may proceed.

Please feel free to contact me at 859-356-9627 if you have any questions or require further confirmation of my support.

Sincerely,

A handwritten signature in cursive script that reads "Robert Williams".

Robert Williams

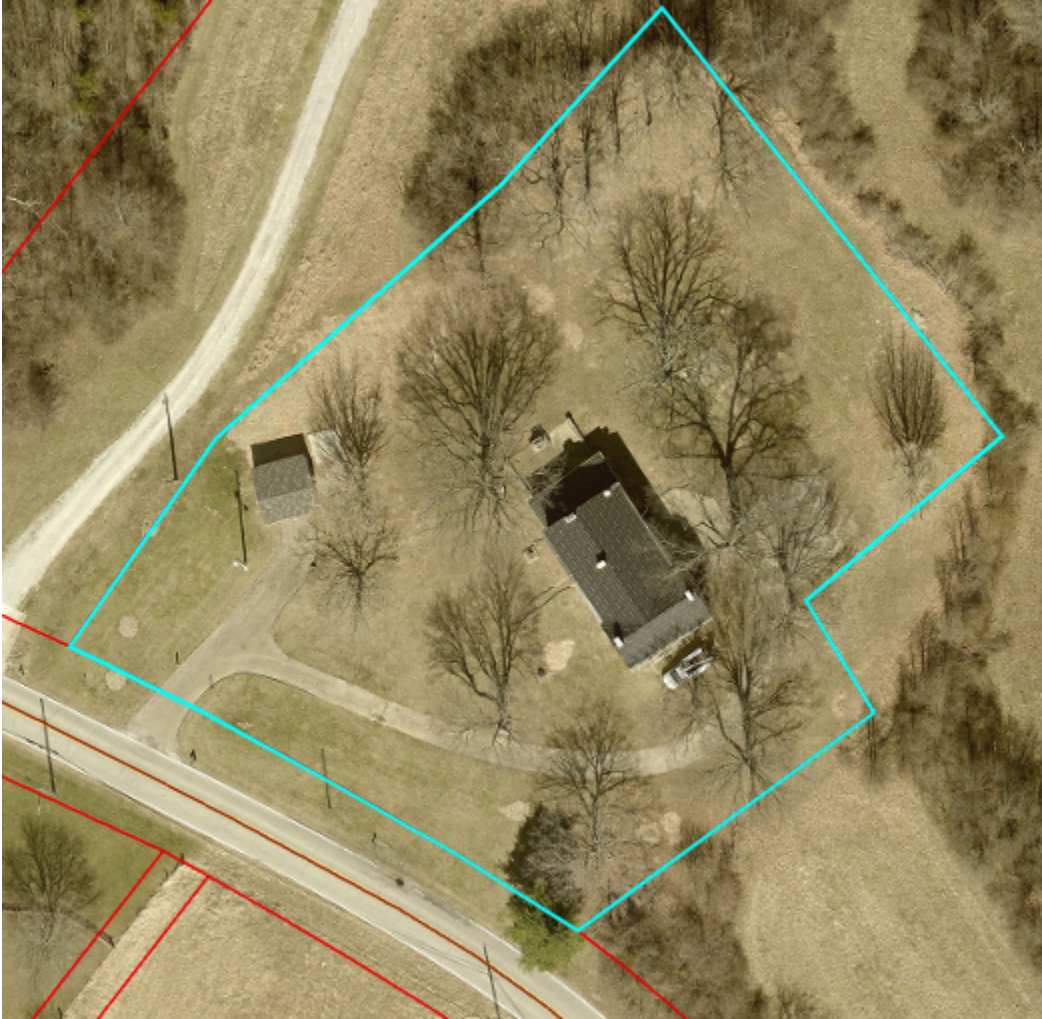
166 Pelly Road

Examples of front yard structures

- 1) 4953 Madison Pike - R-1 Independence - Corner of Madison and Fleming - corner lots are considered as 2 front yards.



2) 730 Stephens Road - R-1 Independence



3) 737 Stephens Road - R-1 Independence



4) 5140 Oliver Road - R-1 Independence



5) 2271 Harris Pike - R-1 Independence



6) 2147 Harris Pike - R-1 Independence



7) 2803 Harris Pike - Unincorporated



8) 12374 Madison Pike - Unincorporated



9) 1808 Independence Road - R-1 Independence



10) 1428 Independence Road - R-1 Independence



11) 5563 Cody Road - R-1 Independence



12) 869 Stephens Road - R-1 Independence



13) 12150 Madison - Unincorporated



14) 11957 Cadillac - Unincorporated

