Kenton County Joint Board of Adjustment
Meeting Minutes: October 21, 2026

Chairman Kannady called the meeting of the Kenton County Joint Board of Adjustment to order on Wednesday, October 21, 2026, at 5:35 p.m. The meeting was held in the Historic Kenton County Courthouse, at 5272 Madison Pike, Independence, KY. Chairman Kannady welcomed attendees and provided general meeting and safety instructions.

The attendance of the members was as follows:

Member	Term Expiration	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Rodney Kannady*	12/31/2027	X	X	-	-	X	X	-	X	X	X		
Joe Bergman**	12/31/2027	X	X	-	-	X	X	-	X	X	X		
Amy Heeger***	12/31/2026	X	X	-	-	X	A	-	X	A	X		
Paul Lawless	12/31/2029	X	X	-	-	X	X	-	X	X	X		
Steven Sorg	12/31/2026	X	X	-	-	X	X	-	X	X	A		
Rusty Smith	12/31/2026	X	X	-	-	X	X	-	X	X	X		
Guilford Guthrie	12/31/2028	X	X	-	-	5:48	X	-	X	X	X		

CHAIRMAN *
VICE CHAIRMAN **
SECRETARY***

X present
A absent
- no meeting
AP Appointment Pending

Staff members present: Cody Sheets, PDS Principal Planner; Matt Smith, Board Legal Counsel, and Pamela Bushelman, PDS Senior Secretary, Planning & Zoning.

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

Chairman Kannady asked for a roll call; six of seven members were present and a quorum was established.

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

Chairman Kannady continued to the review and approval of the September 16, 2026, meeting minutes. There were no corrections or additions, and *a motion to approve the minutes as presented was made by Mr. Lawless and seconded by Mr. Guthrie. Ms. Heeger abstained and the motion carried by acclamation of the remaining members present.*

PUBLIC HEARING

Chairman Kannady then opened the public hearing and reviewed the public hearing procedures.

Next, he opened the public hearing for **FILE NUMBERS: BOA-26-0022, BOA-26-0023, BOA-26-0024, and BOA-26-0025:**

APPLICANT: Kreutzjans Construction Company, LLC
LOCATION: 1045 Edwards Road (BOA-26-0022), 1041 Edwards Road (BOA-26-0023), 1037 Edwards Road (BOA-26-0024), and 1033 Edwards Road (BOA-26-0025), Elsmere

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REQUEST: Conditional use permit requests to establish a two-family dwelling on each of four lots within the R-CPS (Residential Compact Subdivision) Zone of the Elsmere Zoning Ordinance. He noted that BOA-26-0025 (1033 Edwards Road) also includes a variance request to increase the required front yard setback.
SUMMARY: The applicant is proposing to construct one two-family dwelling with attached garages on each lot, for a total of eight units. The dwelling at 1033 Edwards Road would be set back at least 150.65 feet from the front property line, where a setback of 27 feet is required by front yard setback averaging.
LEGAL TESTS: The Board of Adjustment may authorize a ***conditional use*** if the evidence establishes beyond any reasonable doubt that the proposed use is necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood or community, and will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity. Before any variance is granted, the Board 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 nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations.
Before any ***variance*** is granted, the Board of Adjustment must find that it will not adversely affect the public health, safety, welfare, will not alter the essential character of the general vicinity, will not cause a hazard or 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. Cody Sheets confirmed that notifications were made per KRS 100. He then asked whether any Board members had a conflict of interest with the requests. There were none. He then asked whether there had been any visits to the site for the purpose of this meeting. There were none.

Mr. Cody Sheets, PDS Principal Planner, submitted the staff report, the presentation, and the applicant's submittals, into the record as Exhibits B1-B4 (copies of which are attached to the original Minutes of record):

Exhibit B1 PDS Staff Report dated October 14, 2026
Exhibit B2 Materials submitted by the applicant
Exhibit B3 Submitted Site Plans and Elevations dated September 21, 2026
Exhibit B4 Presentation slides

Mr. Sheets continued to present the Staff Review. He stated that there were five separate requests before the Board, consisting of four conditional use permit requests and one variance request, each requiring separate action. He explained that the four lots are located on the south side of Edwards Road between Garvey Avenue and Central Row and are currently vacant, as the former single-family home and two accessory buildings have been removed. He stated that the lots and the surrounding area are zoned R-CPS (Residential Compact Subdivision), which conditionally permits two-family residences on lots of at least 9,000 square feet with a minimum lot width of 50 feet. He noted that the surrounding area contains a mix of residential, recreation and open space, and commercial uses, including an existing two-family home directly across Edwards Road.

Mr. Sheets reviewed the submitted site plans and elevations, which show four two-family homes with garages and entrances facing Edwards Road and a 12-foot by 10-foot rear patio for each unit. He stated that the proposed homes meet the applicable setback, street-orientation, and parking requirements, noting that on-street parking is available on Edwards Road. He stated that Staff issued a favorable recommendation on the four conditional use permit requests. He said Staff found that the two-family dwellings would increase housing choices, provide new

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development on underutilized lots close to community amenities, and be consistent with the existing mix of land uses without being detrimental to the health, safety, or general welfare of the vicinity.

Mr. Sheets then presented the variance request for BOA-26-0025, at 1033 Edwards Road, to increase the required front yard setback from 27 feet, as required by front yard setback averaging, to 150.65 feet. He explained that a 20-foot sanitary sewer easement runs across the property from the northeast to the southwest, and that the northwestern portion of the property contains a wooded ravine with a drop of roughly eight to ten feet. He stated that Staff issued a favorable recommendation on the variance. He said Staff found that these special circumstances would make construction at the 27-foot setback impractical, and that the variance would not adversely affect the public health, safety, or welfare, alter the essential character of the general vicinity, cause a hazard or nuisance to the public, or allow an unreasonable circumvention of the zoning regulations. He added that the proposed location would preserve the natural buffer to the existing home to the west, and that building and zoning permits would be required if the requests were approved.

Chairman Kannady asked whether there were any questions for Staff. There were none.

APPLICANT COMMENTS

Chairman Kannady called for comments from the applicant. The applicant's representative, Mr. Brian Fullenkamp, was present and stated that he had no comments unless the Board had questions. There were no questions for the applicant.

PROPONENTS / OPPONENTS

Chairman Kannady called for comments from proponents/opponents. There were no proponents/opponents present to speak.

Chairman Kannady then opened the matter for discussion by the Board members.

Chairman Kannady stated that he saw no problem with the requests and that the sewer line was the most significant factor supporting the variance. Ms. Heeger noted that the variance applied only to the fourth lot and stated that she considered the requests straightforward.

There was no further discussion and *Ms. Heeger made a motion in reference to FILE NUMBER: BOA-26-0022 to approve the conditional use permit based on the facts and considerations contained in the staff report based on the testimony of staff and witnesses present at the public hearing and found that the evidence presented by the applicant is such as to establish beyond any reasonable doubt that the proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the general neighborhood or the community and that such will not be detrimental to the health, safety, general being of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity. Mr. Guthrie seconded the motion. A roll call vote found Ms. Heeger, Mr. Guthrie, Mr. Lawless, Mr. [Rusty] Smith, Chairman Kannady, and Mr. Bergman in favor, and the motion carried.*

Mr. Matt Smith stated that he would accept a single motion on the conditional use permit requests for the remaining three files, with the variance request to be considered separately.

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Ms. Heeger made a motion in reference to FILE NUMBERS: BOA-26-0023, BOA-26-0024, and BOA-26-0025 to approve the conditional use permits based on the facts and consideration contained in the staff report, based on the testimony of staff and witnesses present at the meeting and hearing and finding the evidence presented by the applicant is such as to establish beyond any reasonable doubt the proposed use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood or the community, and that such use will not be detrimental to the health, safety, general welfare of a person residing or working in the vicinity, or injurious to property or improvements in vicinity. Mr. Guthrie seconded the motion. A roll call vote found Ms. Heeger, Mr. Guthrie, Mr. Lawless, Mr. Smith, Chairman Kannady, and Mr. Bergman in favor, and the motion carried.

Mr. Guthrie then made a motion in reference to FILE NUMBER: BOA-26-0025 to approve the variance based on the facts and considerations contained in the staff report and based on the testimony of staff and witnesses present at the public hearing and finding that the variance 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. Mr. Bergman seconded the motion. A roll call vote found Mr. Guthrie, Mr. Bergman, Ms. Heeger, Mr. Lawless, Mr. Smith, and Chairman Kannady in favor, and the motion carried.

OLD BUSINESS

Chairman Kannady closed the public hearing portion of the meeting and asked whether there was any unfinished business. Mr. Guthrie asked whether the Board needed to approve the meeting location for the following month. Chairman Kannady responded that the location had been approved through the remainder of the year. No further action was taken.

NEW BUSINESS

Ms. Bushelman distributed draft continuing education reports to the Board members for review. She stated that the red line showing deficient reporting windows had caused some confusion and would be removed, leaving only the current reporting period and its requirements. She stated that she would present the report to Mr. Videkovich the following day for any further revisions. Mr. Guthrie stated that the SurveyMonkey link for reporting training had worked well.

Ms. Bushelman then reported that one application had been received from unincorporated Kenton County for the November 18, 2026, meeting, which will be held at the Independence location. She stated that the application involves a church on Vises Lane.

There was no other New Business for review and *Ms. Heeger made a motion to adjourn; seconded by Mr. Lawless. The motion carried by acclamation* and the meeting adjourned at 6:00 p.m.

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