

**UNION BOARD OF ADJUSTMENT  
VIA LIVE VIDEO TELECONFERENCE  
BUSINESS MEETING  
JANUARY 11, 2022  
6:30 P.M.**

Mr. Terry Kidwell, Chairman, called the meeting to order at 6:30 P.M.

**BOARD MEMBERS PRESENT:**

Mr. Terry Kidwell  
Ms. Karen O'Sullivan  
Ms. Pamela Sayers

**STAFF MEMBERS PRESENT:**

Mr. Todd K. Morgan, AICP, Senior Planner

**LEGAL COUNSEL PRESENT:**

Mr. Dale T. Wilson

Mr. Wilson indicated that Mrs. O'Sullivan had previously been administered the oath of office and was able to participate and vote on the submitted application.

**APPROVAL OF MINUTES**

Mr. Kidwell stated the Board received copies of the minutes of the Union Board of Adjustment meeting of February 11, 2019. He asked if there were any other comments or corrections. Mrs. Sayers moved to approve the minutes as written and Mr. Kidwell seconded the motion. Mr. Kidwell called for the vote and it carried unanimously.

**ELECTION OF OFFICERS**

Mr. Wilson stated the Board must have a Chairperson, Vice-Chairperson, and Secretary. The Board Members stated they wanted Mr. Kidwell to remain Chairman and Mrs. Sayers to remain Vice-Chairwoman. Mrs. O' Sullivan would become the Secretary. Mr. Wilson said there can be one vote if everybody is in agreement. Mr. Kidwell made a motion to accept the officers as listed above and Mrs. Sayers seconded the motion. Mr. Kidwell called for the vote and it carried unanimously.

**ACTION ON REVIEWS**

1. Request of Brian Mischel and Kristin Logan Mischel for a Variance. The Variance is to reduce the 120' front yard setback to allow a house addition. The approximate 1.13 acre parcel is located at 9209 Old Union Road, Union, Kentucky and is zoned Suburban Residential Two/Union Town Overlay (SR-2/UTO)

Staff Member, Todd Morgan, presented the Staff Report and PowerPoint presentation.

Mrs. Kristin Logan Mischel said she wanted to thank Mr. Morgan for all his help. They want to keep the detached garage where it's proposed because they ultimately plan on having a pool between the new garage and existing garage. Pushing the new garage back further will limit the pool. They have spoken with their architect, Mike Studer, and they believe the best solution would be to add a 6' covered porch off the master bedroom. This would put the house addition and the detached garage the same distance from the road. They also thought it would be best to ask for a 75' front yard setback to allow a little design flexibility without having to come back to this Board. Mr. Morgan reviewed her PowerPoint slides. The first slide is a revised plot plan showing the 6' porch addition. The second slide showed a similar covered porch. The third and fourth slides show the covered porch that already exists on the house. The existing porch has stone trim underneath the patio pad. They were thinking of changing the windows on the front of the addition (facing Old Union Road) to French doors, which would open onto the new covered patio. The new covered patio would have stone trim underneath the patio pad to correlate to the existing porch. It would also have nicer stone tile top as shown in the second photo. The design of the white columns would be similar to those that already exist on the house.

Mr. Kidwell asked for confirmation that the applicants were asking to reduce the front yard setback to 75'. Mrs. Mischel said that was correct because it would give them a little bit of design flexibility. Mr. Kidwell asked if that was permissible. Mr. Morgan said it was because the legal ad simply stated that the request was to reduce the 120' front yard setback to allow a house addition. A precise setback was not provided in the legal ad. Mr. Wilson said he agreed.

Mrs. O' Sullivan said the house currently has a garage and the proposal includes adding a second garage. Mrs. Mischel said that was correct. The Site Plan and aerial map show the exiting garage is located far from the road and the driveway takes up a lot of the side and rear yard. They use this garage to store their lawn equipment. The new garage will provide them a place to park and allow them to get rid of a substantial portion of the driveway.

Mrs. Mischel said their original plans were to attach the new garage to the house but the Kentucky Heritage Council requested they revise the layout because it went against their guidelines for historical properties.

Mr. Kidwell asked if they would be doing any fencing when they construct the pool. Mrs. Mischel replied they would fence the gap between the new addition and new garage. They would also fence between the two garages.

Mrs. O' Sullivan said she has concerns about the setback being further reduced. Mrs. Mischel said they were a little bit confused when they first drew up the plans and did not understand that a detached garage had different rules.

Mrs. O' Sullivan asked why the existing garage can't be expanded. Mrs. Mischel said that wouldn't allow them to reduce the driveway and reclaim a substantial portion of their yard.

Mr. Kidwell asked if the two garages would look the same. Mrs. Mischel said they will but the bays on the new addition garage will face south and the three windows will face the road.

Mr. Kidwell said the Board needs to analyze the Variance criteria. He added that rules need to change sometimes. He asked Mr. Morgan for his thoughts. Mr. Morgan said he believes the 120' foot front yard setback is excessive and creates an unnecessary hardship on the applicants. Mr. Wilson added that Boards of Adjustment were created to provide relief when the zoning regulations, in particular situations, create an undue hardship.

Mrs. O' Sullivan asked if the 120' setback applies to other properties. Mr. Morgan referred to the 2000 Union Town Land Use Plan slide and said special setback were adopted in this part of the county when the Union Town Plan was adopted. These setbacks were adopted to keep the aesthetic character of the area. He does not believe the proposal will alter the aesthetics of the area. He added that most houses that are zoned SR-2 and not located in the Union Town Overlay zone are subject to a 30' front yard setback.

Mr. Kidwell asked if anybody had any further questions or comments. There was no response.

Mr. Kidwell made a motion to approve the application based on the Staff Report and with the following conditions:

1. The building addition can include a covered porch and a minimum 75 foot front yard setback from the Old Union Road right-of-way shall be required.
2. The following architectural conditions apply to the approval:
  - A. The building addition and detached garage shall be constructed per the submitted plans.
  - B. If constructed, the covered porch on the front of the addition shall be built per the applicant's description and PowerPoint slides.

Minor changes to the building architecture can be approved by the Zoning Administrator.

3. The detached garage shall not be located in the front yard.

Mrs. Sayers seconded the motion.

Mr. Kidwell called for the vote and it carried unanimously.

**OTHER**

No other business was discussed.

**ADJOURNMENT**

Mrs. Sayers made a motion to adjourn the meeting and Mr. Kidwell seconded the motion. Mr. Kidwell called for the vote and the meeting was adjourned by unanimous consent at 7:02 P.M.

**APPROVED**

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**Mr. Terry Kidwell**

**ATTEST:**

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**Todd K. Morgan, AICP  
Senior Planner**