

**UNION BOARD OF ADJUSTMENT  
UNION CITY BUILDING  
1843 MT. ZION ROAD, UNION, KENTUCKY  
BUSINESS MEETING  
August 24, 2009  
6:30 P.M.**

---

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

**BOARD MEMBERS PRESENT:**

Mr. Terrill Kidwell, Chairman  
Mr. Andrew Rosen  
Ms. Pamela Sayers

All members were present

**LEGAL COUNSEL PRESENT:**

Mr. Dale Wilson

**Approval of the Minutes:**

Mr. Kidwell stated that the Board members received copies of the ratified Minutes of the Union Board of Adjustment Meeting of August 30, 2007. Mr. Wilson said the Board should acknowledge those minutes were received, reviewed, and accepted as reviewed. Mr. Wilson also noted that Ms. Sayers is a new member on the Board and that she has been duly sworn and is ready to serve tonight. Mr. Rosen made a motion to accept the ratified minutes and Ms. Sayers seconded the motion. Mr. Kidwell asked for a vote and it carried unanimously.

**Agenda Items:**

- 1. Request of Thomas & Donrita Hopkins for a Variance to allow a deck to encroach into the 25 foot rear yard setback on property located at 9748 Cobalt Way, Union, Kentucky. The site is currently zoned Rural Suburban Estates/Union Town Overlay (RSE/UTO).**

Staff Member, Todd Morgan, AICP, presented the Staff Report which included a PowerPoint presentation (see Staff Report).

Mr. Kidwell asked Mr. and Mrs. Hopkins if they would like to speak.

Mr. Thomas Hopkins indicated that he bought his home last August. The Drees Company indicated that building a deck wouldn't be a problem when they selected the patio home. He assumes that Drees Company would have had to go through the same process that he is going through. The existing deck is 9' x 14' and is very small. They have grandchildren over and there isn't enough room to sit. They are inconvenienced by moving their furniture from the deck to the patio. The moving of the furniture is also a concern because he and his wife have health problems. They bought a patio home to avoid going up and down steps unless they had to. He admits that they have applied for a big deck and understands that he may have to adjust it downward. They are willing to work with the Board if they feel it needs to be smaller.

Mr. Rosen asked to see the petitions from the neighbors. Mr. Hopkins and Mr. Morgan indicated that they were attached to the Staff Report. Mr. Morgan pointed out that James Keller is an employee of the Dress Company and has signed one of the petitions.

Mr. Hopkins stated that he approached the Dress Company about buying a portion of the adjoining lot. The Dress Company was not interested in selling any portion of the lot.

Mr. Kidwell noted for the record that Mr. and Mrs. Hopkins were the only people present in the audience.

**Mr. Rosen made a motion to approve the request with Staff's recommended conditions. The first condition states that the 6 large and small trees shown on the landscaping plan shall be required plantings when the deck addition is constructed. The second condition states that the deck shall be constructed and the required landscaping shall be installed within one year of the Board of Adjustment approval. Ms. Sayers seconded the motion. Mr. Kidwell asked for a vote and it carried unanimously.**

**Other:**

Mr. Wilson said the Board should elect officers because they have not met in two years. He indicated that they could do a motion to elect the same officers. Mr. Morgan indicated that Sharon Bellan was the Vice-Chair.

Mr. Rosen made a motion to keep Mr. Kidwell as Chairman and Ms. Sayers seconded the motion. Mr. Kidwell asked for a vote and it carried unanimously.

Mr. Kidwell made a motion for Mr. Rosen to serve as Vice-Chairman and Ms. Sayers seconded the motion. Mr. Kidwell asked for a vote and it carried unanimously.

Mr. Kidwell made a motion for Ms. Sayers to serve as Secretary/Treasurer and Mr. Rosen seconded the motion. Mr. Kidwell asked for a vote and it carried unanimously.

Mr. Kidwell asked for a motion to adjourn. Mr. Rosen so moved and Ms. Sayers seconded the motion. The meeting was adjourned by unanimous consent at 6:49 p.m.

**APPROVED**

---

**Terrill Kidwell, Chairman**

**Attest:**

---

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