

**WALTON BOARD OF ADJUSTMENT  
WALTON SENIOR CENTER  
BUSINESS MEETING  
NOVEMBER 27, 2018  
6:30 P.M.**

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Chairman Hincks called the meeting to order at 6:30 P.M.

**BOARD MEMBERS PRESENT:**

Mr. David Hincks, Chairman  
Ms. Caitlin Fugate  
Mr. Kevin Ryan  
Mr. Edward Sedor  
Mr. Steve Turner

**BOARD MEMBERS NOT PRESENT:**

None

**LEGAL COUNSEL PRESENT:**

Mr. Dale Wilson

**APPROVAL OF MINUTES:**

Mr. Hincks stated the Board members received copies of the minutes of the Walton Board of Adjustment meeting of September 18, 2018. Mr. Ryan moved they be approved and Mr. Turner seconded the motion. Mr. Hincks asked for a vote and it carried unanimously.

**AGENDA ITEMS:**

1. Request of **Phil Freihofer** for Variance. The Variance would allow the minimum road frontage requirement of two (2) proposed single-family residential lots to be reduced from 65 feet to 63.74 feet. The approximate 0.938 acre lot is located on the southeast side of Old Beaver Road between 8 Old Beaver Road and 12 Old Beaver Road, Walton, Kentucky and is currently zoned Suburban Residential One (SR-1).

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

Mr. Ryan said his questions were the same as those listed in the Staff Report. He stated the sewer main issue would be addressed at the time of construction. Mr. Morgan agreed. The sanitary sewer easement would need to be shown on the Conveyance Plat if it's submitted for review. The Planning Commission would also verify the houses were outside the easement when plot plans were submitted with Zoning Permit applications to construct the houses.

Mr. Hincks asked if the applicant would like to make a presentation? Mr. Phil Freihofer said he had spoken with Roger Williams, with the City of Walton, regarding the sanitary sewer easement. Mr. Williams does not think he will have a problem avoiding the sanitary sewer easement. Mr. Morgan said it is possible that the GIS map provided in the Staff Report could be off. Mr. Freihofer said he does not think it's correct based on his conversations with Mr. Williams. Mr. Ryan said Mr. Freihofer would need to relocate the sanitary sewer main if any part of the houses encroach into the easement.

Mr. Hincks asked if anybody in the audience wanted to speak?

Ms. Jana Kramer said she lived at 8 Old Beaver Road. She asked if the houses would be ranch style or two-stories homes? Mr. Freihofer said he intends to build ranch style homes.

Ms. Majorie Norris said she lived at 29 High School Court. She asked what the house dimensions would be? Mr. Freihofer said it could be dictated by the sanitary sewer easement. He is hoping they will be ranch style houses that are 30-40 feet wide and 40-50 feet deep. Ms. Norris asked if the property was one lot or two? Mr. Morgan said the property is currently one lot of record. Approval of the application would allow the property to be split into two lots and a house to be constructed on each lot. Ms. Norris asked if the subject property had been surveyed? Mr. Morgan replied the submitted plan is survey accurate and shows the proposed property line.

Ms. Kramer asked if they houses would have a common driveway? Mr. Freihofer responded they would have separate driveways.

Mr. Ken Kramer said he lived at 5 Old Beaver Road. He asked if the two driveway aprons will remain. Mr. Freihofer responded that he will probably take them out and pour new ones.

Mr. Freihofer asked where the dashed sanitary sewer line on the GIS map came from? Mr. Morgan replied the City of Walton's Engineer should have supplied that information to the Planning Commission.

Ms. Fugate asked Mr. Freihofer if he will be selling or renting the houses? He responded that he will sell the houses.

Ms. Kramer asked how much of the lot will be cleared? Mr. Freihofer responded that he wants to give the buyers a nice back yard so he will probably clear about 50' back behind the houses.

Ms. Norris said her problem with the first application for duplexes was that four different families would be renting the duplex units. Owners take better care of properties than renters. Mr. Morgan stated that Mr. Freihofer could sell the houses and the new owners could rent them out.

Ms. Fugate asked what the anticipated selling price of the houses would be? Mr. Freihofer responded they will probably be 3 bedroom ranches and range between \$190,000 and \$200,000.

Mr. Freihofer asked Mr. Morgan if he could check into the location of the sanitary sewer easement? Mr. Morgan said the exact location of the sanitary sewer easement will need to be shown on the Conveyance Plat to subdivide the property.

Ms. Fugate requested that Mr. Freihofer talk with the future owners of the houses about the sanitary sewer easement. Easements impact property owners. She learned the hard way when she wanted to put in a pool on her property.

Mr. Sedor asked where the driveways are proposed? Mr. Freihofer said there will be a driveway on each lot. He is not sure if they will go to the left or the right of the houses.

Mr. Hincks asked if the Board members or residents in the audience had any more questions? There was no response.

Mr. Morgan asked for a clarification. Mr. Freihofer indicated earlier that ranch style houses would be probably be constructed. Is the Board okay if two-story houses are constructed or do they want to condition that ranch style houses are required? Mr. Turner asked what type of housing is in the neighborhood. Mr. Ryan said there are bi-levels directly across the street. Mr. Turner said he has no issue with the type of house because there is already a mixture on the street. Mr. Ryan and Ms. Fugate agreed.

Mr. Turner said he does not have any issue with the proposal. He believes the applicant has a hardship. Mr. Ryan said the proposal is what the Board and public asked to see at the last meeting.

**Mr. Hincks asked for a motion on the request. Mr. Turner moved to approve the request as submitted and Mr. Hincks seconded the motion.**

Mr. Hincks asked if there was any further discussion before the vote? Mr. Sedor asked if the sanitary sewer main would be acceptable? Mr. Turner said it will have to be for the houses to be constructed. Mr. Morgan said this Board would see another Variance request if the sanitary sewer main creates an issue and the houses do not meet all the building setback requirements. Mr. Hincks said that will not be known until later. Mr. Morgan agreed. The Planning Commission will not be know if the houses can be approved until such time that Zoning Permit applications are submitted and plot plans show the sanitary sewer easement and house dimensions.

**Mr. Hincks called for a vote on the motion and it carried unanimously.**

### **OTHER**

No other business was discussed.

### **ADJOURNMENT**

Mr. Hincks asked for a motion to adjourn. Mr. Ryan so moved and Ms. Fugate seconded the motion. The motion carried by unanimous consent and the meeting adjourned at 6:58 P.M.

**APPROVED**

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**David Hincks  
Chairman**

**Attest:**

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