

City of Bellevue Board of Adjustments
Staff Comments, Findings, and Recommendations
Issue to be heard on: July 6, 2026 at 6:00 P.M

July 1, 2026

CASE: BA-26-013
APPLICANT: Ranae Wright
LOCATION: 124 Van Voast Ave
REQUEST: Side Yard Setback Variance

CASE: BA-26-014
APPLICANT: Keith McGovern
LOCATION: 242 O'Fallon Ave
REQUEST: Setback Variance

BA-26-013 - 124 Van Voast Ave - Side Yard Setback Variance

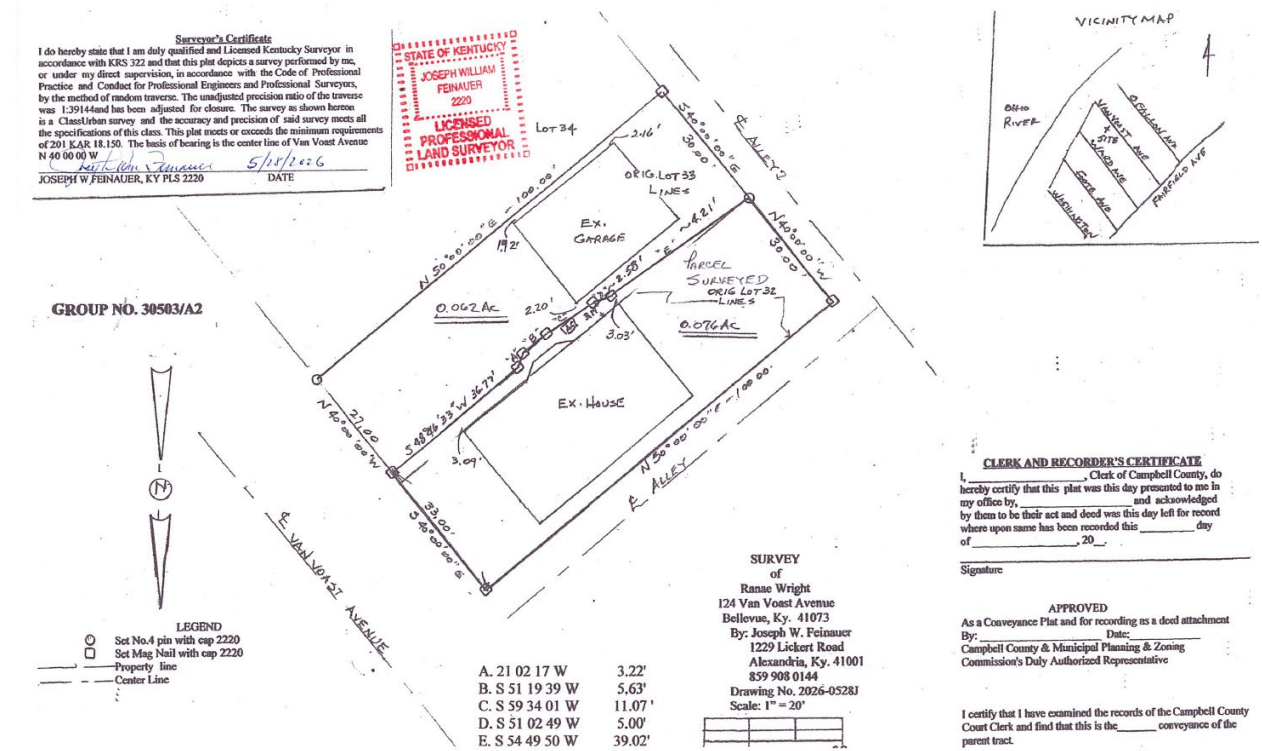


Background:

The applicant intends to convert the existing garage at 124 Van Voast into a single-family house. As a part of the process, she intends to divide the property so that the new house is on its own parcel of land. Because of the tight arrangement of the two buildings, setback

variances are necessary to locate the new property boundary.

A survey has been prepared showing the desired lot layout and requisite setback dimensions.

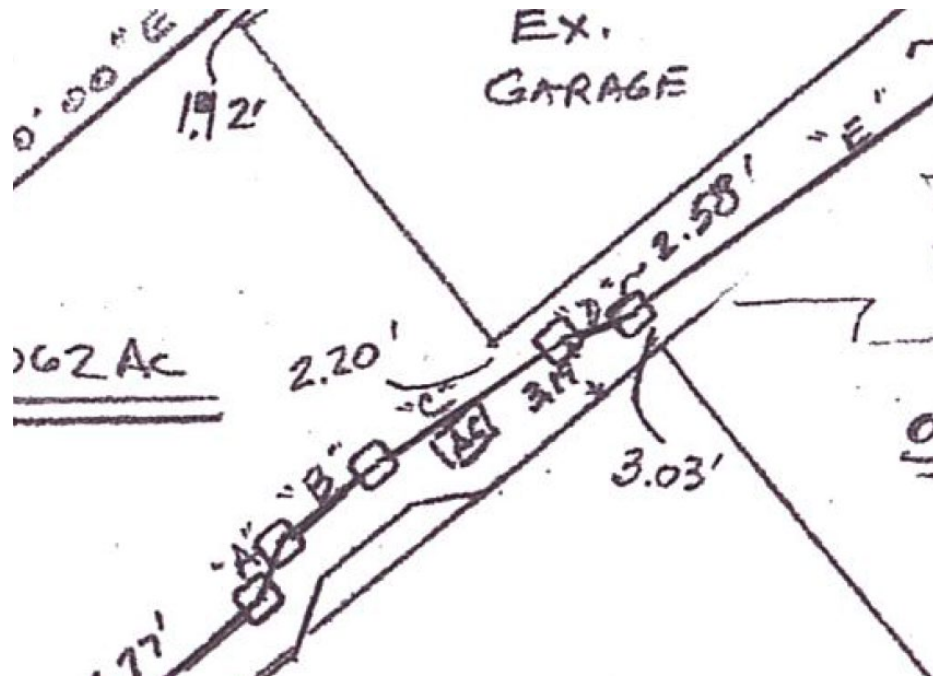


Considerations:

1. The 6,000 square foot lot is located in the City of Bellevue on Van Voast one block south of the river.
2. The site is not within one of the City's locally-designated historic districts and does not require a Certificate of Appropriateness for any projects.
3. The Proposed Land Use Map of the 2022 Comprehensive Plan identifies the site within a medium-density residential land use area.
4. The City of Bellevue Zoning Ordinance Article X classifies the area within the T-4 (Transect 4) General Urban Zone. Single-family homes are a permitted use by right.
5. The minimum setbacks for accessory structures in the T-4 Zone are:

Description:	Zone Regulations Require:	Applicant's Request:
Front Yard Depth:	Three (3) feet ¹	N/A
Minimum Side Yard Width:	One side zero (0), Total six (6) feet	Four (4) feet total
Minimum Rear Yard Depth:	Three (3) feet from property line or fifteen (15) feet from centerline of alley if applicable, whichever is greater;	N/A

Maximum Building Height:	Forty (40) feet for a primary structure, thirty-five (35) feet for an accessory structure	N/A
¹ Section 9.13 - Exceptions and Modifications, C. FRONT YARD VARIANCE, 2. States: "In any residential zone, no front yard shall be required to exceed the average depth of existing front yards on the same side of the street within the same block, when fifty - one (51) percent or more of the lots within that block are improved with residential buildings, provided that in no case shall a front yard depth be less than twelve (12) feet." The average front yard setback along this block of O'Fallon is 12 feet.		
² Must conform to KBC fire-rating standards.		



6. As shown in the image above, the existing property boundary is 1.92 feet from the south east wall of the garage (survey is rotated 180 degrees). By maintaining the minimum total setback width for the house parcel, the garage parcel line must locate 2.2 feet from the wall. The total side setback is 4.12 feet with this layout. A variance of approximately two (2) feet is requested.
7. A review of public records finds:
 - The applicant owns the property;
 - No previous requests for a variance have been submitted for 124 Van Voast;

Findings of Fact

1. Zoning Code Section 10.19 T-4 (Transect 4) General Urban Zone indicates a minimum total side yard setback of six (6) feet.

1. Notice of Public Hearing.

- A legal notice appears in the June 26, 2026 edition of the LINK Reader advertising applicant's request and the hearing to be held on July 6, 2026;
 - Legal notices were mailed to adjacent property owners;
2. According to Article XVIII Section 18.1, B. VARIANCES: An application for a *variance* and the findings necessary for granting a *variance* shall be regulated by KRS 100.241 to 100.251.
 3. According to KRS 100.243: Before any variance is granted, the Board of Adjustment must find that the granting of 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 nuisance to the public. Such variance shall not be granted by the Board of Adjustment unless and until:
 - a. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;
 - b. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant; and
 - c. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

Staff Comments:

- The requirements for a variance have been met by the applicant for a variance and the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.
- The variance requested will not adversely affect the public health, safety, or welfare, will not adversely alter the essential character of the general vicinity, and will not cause a hazard or nuisance to the public and will not allow an unreasonable circumvention of the requirements of the zoning regulations. The site's harmony with overall character of the neighborhood is unchanged with this request.
- The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone. The existing buildings have been in place for decades. When on the same lot, there are no specific required distances between structures, only that minimum fire separations are maintained or fire rated building materials are used when closer than 5 feet.
- The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.
- The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

Summary of Applicants Request:

The applicant is requesting:

1. A two (2) foot side yard setback variance

Staff Recommendation:

To approve the applicant's request

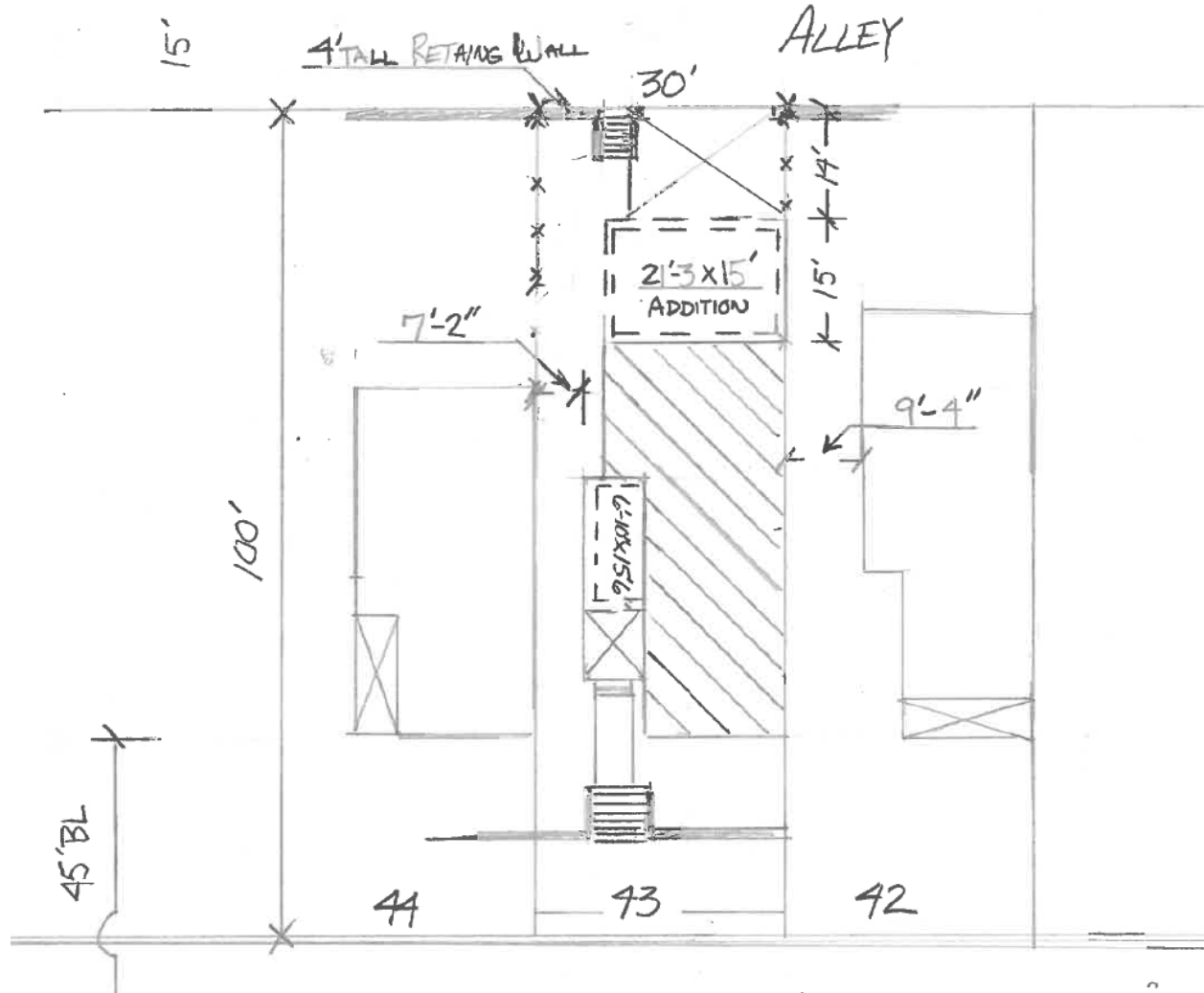
Basis for Recommendation

1. In accordance with KRS 100.241 Variances, the board shall have the power to hear and decide on applications for variances. The board may impose any reasonable conditions or restrictions on any variance it decides to grant.
2. The evidence presented by the applicant and staff is such as to make a finding that:
 - a. The requirements for a variance have been met by the applicant for a variance and the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.
 - b. The variance requested will not adversely affect the public health, safety, or welfare, will not adversely alter the essential character of the general vicinity, and will not cause a hazard or nuisance to the public and will not allow an unreasonable circumvention of the requirements of the zoning regulations. In making these findings, the board considers whether:
 1. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;
 2. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant; and
 3. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

BA-26-014 - 242 O'Fallon Ave - Setback Variance

Background:

The applicant is proposing a rear building addition to the 242 O'Fallon.



The submitted site plan show the building addition extending into the minimum rear yard setback.

Considerations:

1. The applicant is requesting a rear-yard setback variance to build a rear building addition.
2. The 3,000 square foot lot is located in the City of Bellevue on O'Fallon between Fairfield Avenue and Poplar Street.
3. The site is within one of the City's locally-designated Taylor's Daughters historic district and requires a Certificate of Appropriateness for any projects.
4. The Proposed Land Use Map of the 2022 Comprehensive Plan identifies the site within a medium-density residential land use area.

5. The City of Bellevue Zoning Ordinance Article X classifies the area within the Residential One-H (R-1H) Zone. Single-family homes are a permitted use by right.
6. The minimum setbacks for accessory structures in the **R-1H Zone** are:

Description:	Zone Regulations Require:	Applicant's Request:
Front Yard Depth:	Twelve (12) feet ¹	N/A
Minimum Side Yard Width:	Three (3) feet ²	N/A
Minimum Rear Yard Depth:	Twenty-Five (25) feet	Fourteen (14) feet
Maximum Building Height:	Thirty-five (35) feet	N/A
<small>¹Section 9.13 - Exceptions and Modifications, C. FRONT YARD VARIANCE, 2. States: "In any residential zone, no front yard shall be required to exceed the average depth of existing front yards on the same side of the street within the same block, when fifty - one (51) percent or more of the lots within that block are improved with residential buildings, provided that in no case shall a front yard depth be less than twelve (12) feet." ²The average front yard setback along this block of O'Fallon is 12 feet.</small>		
<small>³Must conform to KBC fire-rating standards.</small>		

7. A review of public records finds:
 - The property is owned by Keith McGovern.
 - Mr. Lancaster is the contractor for the project
 - No previous requests for a variance have been submitted for 242 O'Fallon;
8. Site plan submitted by the applicant shows the footprint of the house with setback indicated.

Findings of Fact

1. Zoning Code Section 10.5 R-1H Zone indicates a minimum rear yard setback of 25 feet.
2. Off street parking in the rear of this lot is not easily made because of a four-foot stone retaining wall. The building addition would not sacrifice any off-street parking.
3. **Notice of Public Hearing.**
 - A legal notice appears in the June 26, 2026 edition of the LINK Reader advertising applicant's request and the hearing to be held on July 6, 2026;
 - Legal notices were mailed to adjacent property owners;
4. According to Article XVIII Section 18.1, B. VARIANCES: An application for a *variance* and the findings necessary for granting a *variance* shall be regulated by KRS 100.241 to 100.251.
5. According to KRS 100.243: Before any variance is granted, the Board of Adjustment must find that the granting of 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 nuisance to the public. Such variance shall not be granted by the Board of Adjustment unless and until:
 - a. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;
 - b. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant; and

- c. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

Staff Comments:

- The granting of 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 nuisance to the public. The addition is not visible from the street.
- The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone. The current rear yard is not suitable for parking or a garage due to the four-foot retaining wall and the costly grading that would be required to add parking to the rear.
- The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.
- The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

Summary of Applicants Request:

The applicant is requesting:

1. An eleven (11) foot rear yard setback variance.

Staff Recommendation:

To approve the applicant's request

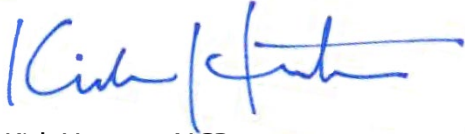
Basis for Recommendation

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2. The evidence presented by the applicant and staff is such as to make a finding that:
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 - b. The variance requested will not adversely affect the public health, safety, or welfare, will not adversely alter the essential character of the general vicinity, and will not cause a hazard or nuisance to the public and will not allow an unreasonable circumvention of the requirements of the zoning regulations. In making these findings, the board considers whether:
 4. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;
 5. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant; and

6. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

Should you have any questions, please do not hesitate to call our office at (859) 292-3880 for assistance.

Respectfully,

A handwritten signature in blue ink, appearing to read "Kirk Hunter", is written over a light blue horizontal line.

Kirk Hunter, AICP
Principal Planner

CC: Bellevue BOA Members
Applicant