

Taylor Mill Board of Adjustment Meeting
Thursday, January 11, 2018
7:00 p.m.

Agenda

1. Roll Call
2. Confirmation of Quorum
3. Adoption of Minutes
4. Election of Officers
5. Public Hearing BOA1712-0001
 - a. Confirmation of Notification
 - b. Declaration of Conflicts
 - c. Declaration of Site Visit
 - d. NKAPC Staff Report
 - e. Comments from Applicant
 - f. Comments from Proponents
 - g. Comments from Opponents
 - h. Discussion by Board Members
 - i. Motion/Second Regarding Findings of Facts
 - j. Vote
6. Presentation of a proposed amendment change to Article X, Section A 1 and 2 of the Taylor Mill Board of Adjustment Bylaws changing submission deadlines from three weeks to four weeks for all issues.
7. Adjournment

**Taylor Mill Board of Adjustments
Regular Meeting
January 11, 2018**

Chairman Osterhage called the meeting to order at 7:00 p.m. The City Clerk called the roll.

Chairman Osterhage	Here
Mr. Bertram	Here
Mr. Singleton	Absent
Mr. Smith	Here
Mr. Staubach	Here

Chairman Osterhage stated that a quorum was present.

The Board tabled the adoption of the minutes from the hearing on July 13, 2017 until the next meeting.

Mr. Staubach made a motion to appoint Vice Chairman Osterhage to Chairman. Mr. Bertram made a second. The Clerk called the roll.

Mr. Staubach – Yes
Mr. Bertram – Yes
Chairman Osterhage – Yes
Mr. Singleton – Absent
Mr. Smith – Yes

MOTION CARRIED

Mr. Smith made a motion to appoint Mr. Bertram to Vice Chairman. Mr. Staubach made a second. The Clerk called the roll.

Mr. Smith – Yes
Mr. Staubach – Yes
Chairman Osterhage – Yes
Mr. Bertram – Yes
Mr. Singleton – Absent

MOTION CARRIED

Mr. Smith made a motion to appoint Mr. Staubach to Secretary. Mr. Bertram made a second. The Clerk called the role.

Mr. Smith – Yes
Mr. Bertram – Yes
Chairman Osterhage – Yes
Mr. Singleton – Absent
Mr. Staubach – Yes

MOTION CARRIED

PUBLIC HEARING

Chairman Osterhage stated the purpose of the meeting and reviewed the procedure process for the applicant.

CASE NO: BOA1712-0001

APPLICANT: Libby Beth Remley

LOCATION: 5656 Taylor Mill Road

REQUEST: To vary from the front, rear, and corner side yard setback requirements of the R-1C (Single Family Residential) Zone of the Taylor Mill Ordinance; the applicant proposes to construct an addition in line with the existing structure with a front yard setback of 25 feet from Taylor Mill Road where 35 feet is required, a rear yard setback of 19 feet from the common property line with 694 Mafred Drive with 25 feet is required, and a corner side yard setback of 8.5 feet from Mafred Drive where 17.5 feet is required. The applicant is proposing to convert the existing commercial structure into a single-family residential dwelling.

CONFIRMATION OF NOTIFICATION: Mr. Patrick Denbow of Planning and Development Services of Kenton County stated that all interested parties had been notified in accordance with Kentucky Revised Statutes.

DECLARATION OF CONFLICTS: None.

DECLARATION OF SITE VISITS: Board Members stated familiarity with the site.

STAFF REPORT AND REVIEW: Planning and Development Services Senior Planner Mr. Denbow reviewed the request and presented photos of the site layout in various perspectives. Mr. Denbow noted a pole for signage exists in the front yard. Mr. Denbow reported the property is the only one in the surrounding area identified as retail and service. Mr. Denbow stated the existing zoning does note that the property is part of the R-1C Zone, meaning the property has been existing as a nonconformity. Mr. Denbow

stated the existing setbacks for the front and rear are already smaller than the requirement. Mr. Denbow stated the proposed setback would not further the nonconformity. Mr. Denbow stated contrary to the front and rear, the existing setback in the corner side yard is exceeding the requirement while the proposed setback will be a near fifty percent (50%) reduction of the required setback. Mr. Denbow reported at the time of submission, the applicant was not yet sure of where the exact proposed footprint of the new additions would be, therefore the applicant is seeking permission to allow construction anywhere within the red areas presented. Mr. Denbow stated the proposed additions are horizontal additions that would not extend into the front or rear yard any further than the existing structure. Mr. Denbow stated the proposed addition into the corner side yard will extend further than the existing structure. Mr. Denbow reviewed Kentucky Revised Statutes Chapter 100. (Please see handout from Planning and Development Services regarding findings and recommendations).

STAFF RECOMMENDATION 1: To approve the variance request from the front and rear setback requirements of the R-1C (Single-Family Residential) Zone of the Taylor Mill Zoning Ordinance to allow the applicant to construct an addition to the northeast side of the existing structure that will be 25 feet from the front where 35 feet is required and 19 feet from the rear where 25 feet is required, in order to convert the existing commercial structure into a single-family residential dwelling, subject to the condition that the existing pole sign be removed.

SUPPORTING INFORMATION/BASES FOR STAFF RECOMMENDATION:

Mr. Denbow reviewed supporting information for staff recommendation:

1. The proposed variance requests will not adversely affect the public health, safety, or welfare, will not alter the essential character of the general vicinity, and will not cause a hazard or a nuisance to the public. The proposed alteration will result in the elimination of an existing nonconforming commercial structure within a residential district and should enhance the residential character of the neighborhood.
2. The construction of the proposed addition will not allow for an unreasonable circumvention from the zoning regulations. What is being proposed constitutes a horizontal expansion of the existing conditions current in place on the site in question and will not have a significant impact on the character and form of the surrounding area.
3. The strict application of the provisions of the zoning regulations will deprive the applicant of the reasonable use of the land and will create an unnecessary hardship of the applicant. Constructing the additions as proposed represents the most logical way to expand based upon the layout and flow of the existing property, and to ensure the applicant can enjoy what greenspace exists within the property.
4. The circumstances are not the result of actions of the applicant taken after the adoption of the zoning regulations from which relief is sought, no construction has taken place prior to the issuance of any required permits or zoning action.

5. The site in question contains a nonconforming pole sign. In order to allow the proper integration of the proposed single-family dwelling into the existing neighborhood, the sign should be removed.

STAFF RECOMMENDATION 2: To disapprove the variance request from the corner side setback requirement of the R-1C (Single-Family Residential) Zone of the Taylor Mill Zoning Ordinance to allow the applicant to construct an addition to the southwest side of the existing structure that will be 8.5 feet from the corner side where 17.5 feet is required.

SUPPORTING INFORMATION/BASES FOR STAFF RECOMMENDATION:

Mr. Denbow reviewed supporting information for staff recommendation:

1. The proposed variance to extend into the corner side yard would alter the essential character of the general vicinity. The single-family homes along Mafred have relatively uniform front yard setbacks. The proposed addition will interrupt that uniformity and disrupt the established character within the neighborhood.
2. The construction of the proposed addition will allow for an unreasonable circumvention of the zoning ordinances as the request is nearly a 50 percent reduction from the corner side yard requirement.
3. The strict application of the provisions of the zoning regulations will not deprive the applicant of reasonable use to the property as the applicant could potentially construct an addition extending out approximately 14 feet from the current extent of the building and still meet the corner side yard setback requirement.
4. The circumstances are not the result of actions of the applicant taken after the adoption of the zoning regulation from which relief is sought, no construction has taken place prior to the issuance of any required permits or zoning action.

ADDITIONAL INFORMATION: Mr. Denbow stated the areas identified on the submitted site plan show the extreme limits of the potential building envelope. Mr. Denbow reported the applicant has indicated that they may not need to use the entire area. Mr. Denbow stated since variance approvals stay with the property in perpetuity, staff recommends that the board approve only the minimum extent that the applicant needs to achieve their project.

PRESENTATION/COMMENTS BY APPLICANT: Ms. Remley addressed the Board of Adjustment. Ms. Remley stated the property has been a nonconformity since inception. Ms. Remley stated it will lower the traffic, the noise, and raise property values. Ms. Remley reported the possibility of not needing the full amount that is expressed. Ms. Remley stated her plan is to take the drive-through and sign now. Ms. Remley stated the drive-through will change to a two-car garage, and behind that, another bathroom. Ms. Remley reported she may not do anything on the Mafred side, and if she did, can stay within the constraints.

Chairman Osterhage asked Ms. Remley if she is willing to withdraw that part of the request.

Ms. Remley stated not yet.

Ms. Remley distributed photos to the Board and discussed plans. (Please see Exhibit #1).

Mr. Bertram asked Ms. Remley what her plans are for the existing parking.

Ms. Remley stated the asphalt is a perk so she does not have to mow grass. Ms. Remley reported she may blacktop it in a year or two to get rid of the parking lot look.

Mr. Smith asked Ms. Remley about landscaping plans.

Ms. Remley stated plans to keep the current landscaping and might eventually fill in the squared area.

Chairman Osterhage asked Ms. Remley about the pole sign.

Ms. Remley stated it will come out.

The Board and Ms. Remley discussed the potential to amend Ms. Remley's request on the Mafred side and decided to move forward with the application as submitted.

COMMENTS FROM PROPONENTS: Mark Fletcher of 5653 Taylor Mill Road addressed the Board. Mr. Fletcher stated his property is across from Mr. Remley's property. Mr. Fletcher stated he and his wife are in favor of the property being residential.

COMMENTS FROM OPPONENTS: None.

CLOSED PUBLIC HEARING: Chairman Osterhage thanked those who have shown up to voice their opinion and the public hearing portion closed at 7:33 p.m.

The Board members discussed the request.

Chairman Osterhage stated the first recommendation is good and viable and suggested the Board adopt it and stated it is a big change having the property changed from commercial to residential. Mr. Smith stated the other neighbors would probably appreciate it being residential.

Mr. Bertram asked Staff how they will handle the curb cuts when Ms. Remley comes in for a permit. Mr. Denbow stated since they are existing, Ms. Remley has the right to use them.

Mr. Bertram made a motion to accept the staff recommendation and approve the variance request from the front and rear setback requirements of the R-1C (Single-Family Residential) Zone of the Taylor Mill Zoning Ordinance to allow the applicant to construct an addition to the northeast side of the existing structure that will be 25 feet from the front where 35 feet is required and 19 feet from the rear where 25 feet is required, in order to convert the existing commercial structure into a single-family residential dwelling, subject to the condition that the existing pole sign be removed. Mr. Bertram stated his motion is based of the findings and facts from the Staff Recommendation. Mr. Smith made a second. The Clerk called the role.

Mr. Bertram – Yes
Mr. Smith – Yes
Chairman Osterhage – Yes
Mr. Singleton – Absent
Mr. Staubach – Yes

MOTION CARRIED

Mr. Bertram made a motion to accept the staff recommendation and disapprove the variance request from the corner side setback requirement of the R-1C (Single-Family Residential) Zone of the Taylor Mill Zoning Ordinance to allow the applicant to construct an addition to the southwest side of the existing structure with a corner side yard setback of 8.5 feet when 17.5 feet is required. Mr. Bertram stated his motion is based of the findings and facts from the Staff Recommendation. Mr. Staubach made a second. The Clerk called the role.

Mr. Bertram – Yes
Mr. Staubach – Yes
Chairman Osterhage – Yes
Mr. Singleton – Absent
Mr. Smith – Yes

MOTION CARRIED

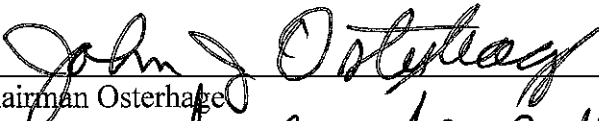
At the request of Planning and Development Services of Kenton County, Mr. Bertram made a motion to discuss a proposed amendment change to Article X, Section A 1 and 2 of the Taylor Mill Board of Adjustment Bylaws changing submission deadlines from three weeks to four weeks for all issues on the next Board of Adjustment agenda. Mr. Smith made a second. The Clerk called the role.

Mr. Bertram – Yes
Mr. Smith – Yes
Chairman Osterhage – Yes
Mr. Singleton – Absent
Mr. Staubach – Yes

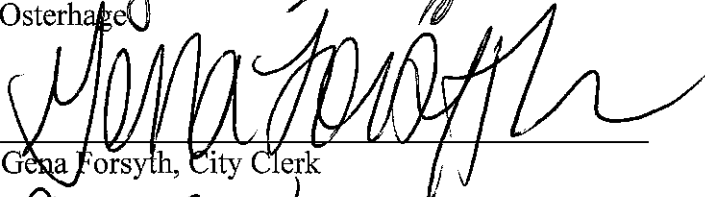
MOTION CARRIED

There being no further business to come before the Board, Mr. Smith made a motion to adjourn at 7:47 p.m. Mr. Staubach made a second. All Board Members present were in favor.

MOTION CARRIED



Chairman Osterhage

ATTEST: 

Gena Forsyth, City Clerk

DATE: 9-11-2018