

**Taylor Mill Board of Adjustment Meeting**  
**Thursday, July 13, 2017**  
**7:00 p.m.**

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**Agenda**

1. Roll Call
2. Confirmation of Quorum
3. Adoption of Minutes
4. Public Hearing BOA1705-0002
  - 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
5. Adjournment

**Taylor Mill Board of Adjustments  
Regular Meeting  
July 13, 2017**

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

Chairman Lucas	Here
Mr. Fuller	Here
Mr. Meyer	Here
Mr. Osterhage	Here
Mr. Singleton	Here

Chairman Lucas stated that a quorum was present.

Mr. Singleton made a motion to accept the minutes from the May 4, 2017 Board of Adjustments meeting as submitted. Mr. Fuller made a second. The City Clerk called roll.

Mr. Singleton	Yes
Mr. Fuller	Yes
Chairman Lucas	Abstained
Mr. Meyer	Abstained
Mr. Osterhage	Yes

**MOTION CARRIED**

**PUBLIC HEARING**

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

CASE NO: BOA1705-0002

APPLICANT: Jack A. Perkins

LOCATION: 734 Oakland Avenue

REQUEST: To vary from the side yard setback requirements of the R-1C (Single-Family Residential) Zone of the Taylor Mill Zoning Ordinance; the applicant proposes to construct a home addition within seven (7) feet of the property line common to 732 Oakland Avenue where twelve (12) feet is required.

CONFIRMATION OF NOTIFICATION: Mr. Mike Ionna of PDS stated that all interested parties had been notified in accordance with Kentucky Revised Statutes.

DECLARATION OF CONFLICTS: None.

DECLARATION OF SITE VISITS: None.

STAFF REPORT AND REVIEW: Planning Development Services Principal Planner, Mr. Mike Ionna, reported the applicant submitted a site plan and building elevations showing the location and detail of the proposed home addition, a letter detailing the nature and reasons for the submitted requests, and a petition signed by the surrounding property owners. Mr. Ionna presented and read aloud the professional staff report, which had been previously distributed to all Board members. Mr. Ionna went over in depth the site description, zoning requirements, and history of the site (see attached report). Mr. Ionna reported existing improvements on the site include a detached single-family dwelling with an attached garage. Mr. Ionna reported the existing residential dwelling has a nonconforming side yard setback of seven (7) feet along the property line common to 732 Oakland Drive. Mr. Ionna reported the property was built prior to the adoption of the zoning ordinance. Mr. Ionna reported the applicant proposes to construct a single-story home addition onto the rear of the existing residential dwelling, with an area of approximately seven hundred (700) square feet and result in the addition of a new bedroom and expansion of the kitchen area. Mr. Ionna reported the addition will extend horizontally along the side façade of the existing residential dwelling adjacent to the property line common to 732 Oakland Drive. Mr. Ionna reviewed the Taylor Mill Zoning Ordinance currently requires a minimum of twelve (12) feet to be provided on the side of any structure constructed within the R-1C, therefore the applicant is requesting a variance of five (5) feet from the side yard setback requirements.

STAFF RECOMMENDATION: To approve the variance request from the side yard setback requirements of the R-1C (Single Family Residential) Zone of the Taylor Mill Zoning Ordinance to allow the applicant to construct a home addition within seven (7) feet of the property line common to 732 Oakland Avenue where twelve (12) feet is required.

SUPPORTING INFORMATION/BASES FOR STAFF RECOMMENDATION:

Mr. Ionna reviewed Kentucky Revised Statutes Chapter 100.

Mr. Ionna reviewed supporting information for staff recommendation:

1. The construction of the proposed addition will not allow for an unreasonable circumvention from the zoning regulations. While the submitted request will not allow for a deviation of forty-one percent (41%) from the minimum required side yard setback, many of the residential dwellings located on the same side of the street do not currently meet the required side yard setback. What is being

proposed constitutes a horizontal expansion of the existing conditions currently in place on the site in question and will not have a significant impact on the character and form of the surrounding area.

2. 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 a home addition in line with the existing house represents the most logical way to expand based upon the interior layout and flow of the existing house. Requiring the proposed home addition to meet the setback requirements of the zoning ordinance will result in major interior adjustments or an awkward interior flow and movement within the dwelling.
3. 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.
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. The applicant identified the need for the variances prior to constructing the home addition on the site in question.

**PRESENTATION/COMMENTS BY APPLICANT:** Mr. Perkins addressed the Board of Adjustments. Mr. Perkins stated submitting a letter of support from neighbor Pete Knochelman of 732 Oakland Avenue. Mr. Ionna confirmed the letter of support.

Mr. Singleton asked Mr. Perkins how long he has resided at 734 Oakland Avenue.

Mr. Perkins reported since October 2004.

Mr. Osterhage asked the nature of the addition.

Mr. Perkins stated a master bedroom and kitchen expansion.

Mr. Fuller asked if a new deck will be added to the addition in place of the current deck.

Mr. Perkins stated yes, the same size and same place and will no longer go towards 732 Oakland.

The Board further discussed the addition and lot size.

**COMMENTS FROM PROPONENTS:** None.

**COMMENTS FROM OPPONENTS:** None.

**CLOSED PUBLIC HEARING:** Chairman Lucas thanked those who have shown up to voice their opinion and the public hearing portion closed at 7:17 p.m.

The Board members discussed the request.

Mr. Osterhage stated this is a similar situation the Board has seen in the past. Mr. Osterhage stated if the Board does not approve the request, Mr. Perkins cannot use his property and might likely relocate.

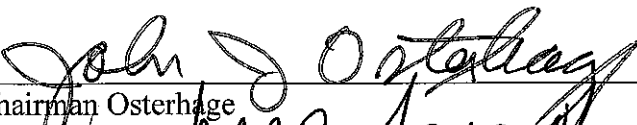
Chairman Lucas agreed with the comments and findings of fact from the Planning Commission.

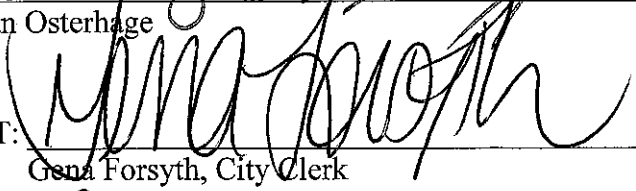
Chairman Lucas made a motion to grant a variance from the side yard setback to Mr. Jack Perkins of 734 Oakland Avenue, Case No. BOA1705-0002, to allow a home addition within seven (7) feet of the property line with the understanding that the statutes setback at this point of time is twelve (12) feet. Chairman Lucas stated based on the findings of fact, the variance will not allow for an unreasonable circumvention from the zoning regulations. Chairman Lucas stated 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 on the applicant. Chairman Lucas stated it is the logical way to expand based upon the interior layout and flow of the existing house. Chairman Lucas stated the request will not adversely affect the public health, safety, or welfare and would not alter the essential character of the general vicinity, and will not cause a hazard or nuisance to the public. Mr. Fuller made a second. The Clerk called the role.

Chairman Lucas – Yes  
Mr. Fuller – Yes  
Mr. Meyer – Yes  
Mr. Osterhage – Yes  
Mr. Singleton – Yes

**MOTION CARRIED**

There being no further business to come before the Board, Mr. Fuller made a motion to adjourn at 7:21 p.m. Mr. Meyer made a second. All Board Members present were in favor. The meeting is now adjourned.

  
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Chairman Osterhage

ATTEST:   
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Gena Forsyth, City Clerk

DATE: 9-11-2018