

CITY OF TAYLOR MILL
BOARD OF ADJUSTMENTS MEETING
SEPTEMBER 9, 1993

7:06 P.M.

The September 9, 1993 meeting of the Board of Adjustments for the City of Taylor Mill was called to order at 7:06 P.M. by Chairman, Paul Maxfield, with the following members present and constituting a quorum: Sherry Doggett, John Lucas, Charlie Darpel and Leo Dolan.

Chairman Maxfield called for the nomination of officers to serve the Board of Adjustments. John Lucas nominated Paul Maxfield for Chairman, Charlie Darpel nominated Sherry Doggett for Vice-Chairperson, Leo Dolan nominated Ed Meece (Taylor Mill C.A.O.) for the position of Secretary. There being no other nominations, Chairman Maxfield called for a vote on the nominations. The committee unanimously accepted each nomination as stated.

Chairman Maxfield asked to schedule a special meeting of the Board of Adjustments for 7:00 P.M. on September 23, 1993, to discuss administrative matters of the Board. All present agreed to the meeting date.

There being no correspondence, or appeals, to be considered the Board moved to Public Hearing number one. The request being from the McDonald's Corporation (Mr. Gus Mercera), 635 Brookridge Road, Westerville, Ohio. for:

1. A variance of the required parking spaces from 75 to 65.
2. A variance from the maximum number of Class Six signs from 3 to 8.
3. A variance from the maximum size of a Class Seven sign (14.6G2) from 60 sq. feet to 100 sq. feet.
4. A variance from the maximum height of a Class Seven sign (14.6G3) from 20 feet to 35 feet.

Staff present (Ed Meece and Ray Finnell) stated no objections to the variance requests. Mr. Finnell stated that 65 spaces should be adequate, and that previous sign variances had been granted in this same area. There was considerable discussion regarding the topography of the area, nearby residential impact, and business interest. Afterwards, John Lucas made a motion to adopt the variance on Class Six signs from 3 to 5 (per indications on submitted plan), adopt a variance to the maximum size of a Class Seven sign to 68' and adopt a variance to maximum height of a Class Seven sign to 35' or the height of the Blue Pantry sign to be located nearby. Leo Dolan seconded the motion. The following factual determinations were made:

1. The granting of the requested variance will not
 - A. Adversely affect public health, safety, welfare;
 - B. Alter the essential character of the general vicinity of such real estate;
 - C. Cause a hazard or nuisance to the public;
 - D. Allow an unreasonable circumvention of the requirements of zoning regulations.
2. The topography and elevation of the lot creates a condition which necessitates a variance for the purpose of maintaining the business interest of the site.

OR
KFC

No floodlighting for entry lot

Spine
EDW
12/9/93

EDW
12/9/93

The motion passed unanimously with votes from Paul Maxfield, Sherry Doggett, John Lucas, Charlie Darpel and Leo Dolan.

The Board took a short break, and at 8:30 P.M. re-convened to begin Public Hearing Number Two. Mr. John Lucas indicated that he was the owner of property directly adjacent to the property being considered for variance, and announced ~~abstention~~ from the issue. Mr. Lucas then took a seat in the audience. Mr. Mike Schoettelkotte of the Drees Company, 211 Grandview Drive, Ft. Mitchell, KY 41017, was present to request:

1. A variance from the minimum 30' set back requirement of Section 10.9D, 3., c., for an area located along the Millstone Development of Taylor Mill Road. Mr. Finnell stated that the encroachment of the set back would be that of a parking lot, not a building. The location of the lot would be graded down and into the earthen bank. There would be little to no visibility of the cars from the road. Mr. Schoettelkotte gave a presentation of the project's background and emphasized the need for convenient and accessible parking for residences. Chairman Maxfield asked if the building could be moved 12' to avoid interfering in the set back. Mr. Schoettelkotte said that Drees tries to maintain a minimum distance between living units for purposes of aesthetics, security, and safety. There was no further discussion regarding the elevations of the property, and the impact on future road projects. Following this conversation, Sherry Doggett made a motion to adopt the variance of the 30' set back requirement based upon the findings below:

1. The granting of the variance will not;
 - A. Adversely affect the public health, safety, welfare
 - B. Alter the essential character of the general vicinity of such real estate;
 - C. Cause a hazard or nuisance to the public;
 - D. Allow an unreasonable circumvention of the requirements of the zoning regulations.
2. Without variance the topography and elevations of the lot would involve building and parking be situated too closely, and make property harder to market, less convenient and accessible, thereby creating a hardship on the owner.

Motion was seconded by Charlie Darpel. The motion was passed unanimously with votes from Paul Maxfield, Sherry Doggett, John Lucas, Leo Dolan, and Charlie Darpel.

After Mr. Lucas returned to his seat, the Board began consideration of Public Hearing Three: Pamela Peeno 112 Grand Avenue, Taylor Mill, Kentucky for:

1. A variance from the Residential Zone Fence Requirements, regarding fence height and location in relationship to the residence. Mr. Finnell stated that the zoning requirements do not allow a private fence to exist beyond the front corner of the home. Chairman Maxfield stated concern over allowing the variance, due to setting a precedence for other residents. Mr. Peeno stated that without the fence the neighbors (multi-family) come into her yard with their vehicles and create unsightly disturbances in their front yards. The fence would block both unwanted traffic and view. Considerable discussion

followed regarding the problems with the neighbors, and other city remedies available. As a result, Mr. Dolan made a motion to allow a variance of 50% more of the allowable height along the side yard fence, with the condition that the fence be lowered if the building comes back to a conforming use (single-family) or if road conditions required the lowering. Mr. Lucas seconded the motion. The following findings were made:

1. The granting of the variance will not:
 - A. Adversely affect public health, safety, welfare;
 - B. Alter the essential character of the general vicinity of such real estate;
 - C. Cause a nuisance or hazard to the public;
 - D. Allow an unreasonable circumvention of the requirements of the zoning regulations.

2. The fact that the multi-family residence is a conforming use grandfathered in under these requirements; no variance makes full use of 112 Grand Avenue more uncomfortable and difficult; there is an inability to settle neighbor disputes with numerous, often itinerant, people next door.

The motion was approved unanimously with votes from Paul Maxfield, Sherry Doggett, John Lucas, Charlie Darpel and Leo Dolan.

There being no further business, the meeting adjourned at 9:17 P.M.