

TAYLOR MILL BOARD OF ADJUSTMENTS
JULY 14, 1994
7:00 PM

Chairman Maxfield called the meeting to order at 7:00 pm.

Ms. Doggett made a motion to approve the minutes of the May 12, 1994 meeting, seconded by Mr. Flischel. The motion passed unanimously.

Mr. Meece mentioned the hearing scheduled for July 27, 1994. Mr. Maxfield announced that he had a conflict of interest with this hearing and would not be participating.

Mr. Maxfield presented a final copy of the by-laws that were drafted at the May 12, 1994, meeting by the board. Mr. Flischel made a motion to adopt the by-laws, Ms. Doggett seconded. The motion passed unanimously.

PUBLIC HEARING NUMBER ONE:

Mr. Maxfield discussed the format of the meeting, and asked the applicant to state their name and address:

Applicant: Kiddie Campus, Linda McDaniel, 710 Valley Square Drive, represented by Tom Smith, Drees Company, Grandview Drive, Fort Mitchell, Ky.

Mr. Maxfield then asked for the staff report from Mr. Meece and Mr. Bowling. Mr. Bowling stated that the building is in a NSC zone and listed the technical aspects of the zoning ordinance, with which it fully complies EXCEPT the variance request of a 35 ft. side yard. Mr. Bowling also said that he believed the building should not have been built in an NSC zone, as "Daycare" is not a permitted use in an NSC zone. Mr. Bowling stated that he had only found the error as of today, during a review of the technical summary he had prepared. After contacting the NKAPC, it seemed that this information was correct, however, a lot of time to conduct further research was not available. It was the recommendation of the NKAPC that the board hear the variance request, and approve the variance on a condition that a text amendment to allow the use be granted by the city commission.

Mr. Maxfield said that the board does not have the authority to expand a Non-conforming use within the zoning law. Mr. Meece stated his confusion that the use was not permitted in the zone, and at how this situation was allowed to continue through a previous expansion of the building. Mr. Meece also stated that he and Mr. Bowling had no major concerns with the variance request on its other technical merits. Mr. Wichmann was unavailable for discussion prior to the meeting, for any further background that might be helpful.

Mr. Meece apologized to Mr. Smith for not contacting him to convey this information, it was imply such a late occurring matter. Mr. Smith asked if Daycare was ever a Permitted Use in the NSC zone. Mr. Bowling again mentioned the recommendation of the NKAPC to hold the hearing, and grant a conditional approval (text amendment) if desired. Mr. Maxfield expressed his reluctance to pursue the hearing further, until the other actions necessary were settled. Mr. Maxfield apologized for the delay in taking action, and agreed with Mr. Meece that the board would consider any special meetings to hear the request as soon as possible to facilitate the applicant. Mr. Maxfield stated that the next step would be to request a text amendment to the NSC zone as a conditional use from the city commission, and this would be presented at the next city commission meeting.

BOA, 7/14/94

Afton Kordenbrock, Winston Hill Drive, Taylor Mill stated his disbelief that the use was not a permitted use in the NSC zone. Giving further background to the area, and questioning if the detective agency next door was a permitted use in the zone. This should be a permitted use when considering all the other uses allowed in the zone.

Mr. Bowling stated that the problems discussed were not the result of any actions of the owners of Kiddie Campus, but it needed to be addressed.

Mr. Smith asked for an idea of how much time will be required. The consensus of Mr. Meece and Mr. Kordenbrock was about six weeks at least to conclude the process. Ms. Doggett expressed that any where possible the notices be overlapped to save time for the applicant. Mr. Maxfield agreed and asked Mr. Meece to do so. At this time the board will not make a recommendation regarding the permitted/conditional use of the amendment.

Mr. Kordenbrock stated his concern with the traffic problems that already exist on T.M. Road, and that the situation won't get any better soon.

Mr. Maxfield asked for a resolution that the applicant approach the city commission to make a request to the KCMPZC for a text amendment to the NSC zone to allow Daycare as either a permitted or conditional use. At which time the board could hear any variance request that is needed. Mr. Flishcel made the motion, seconded by Ms. Tretter.

Mr. Meece took a roll call vote:

Maxfield-Y
Flischel-Y
Tretter-Y
Doggett-Y

Ms Doggett made a motion to adjourn. The motion passed unanimously.