

**CITY OF TAYLOR MILL**  
**BOARD OF ADJUSTMENTS**

**MAY 12, 1994**

✓  
Boyd - 1  
Hector - 2

The meeting was called to order at 7:10 p.m. by Chairman Paul Maxfield. The Chairman asked if there were any changes/corrections to the minutes of the May 12, 1993, meeting that were mailed to all members. There were no changes, and a motion was made to accept the minutes. MOTION APPROVED UNANIMOUSLY.

Mr. Meece stated that there was no Old Business/Correspondence at this time. Mr. Maxfield then opened Public Hearing No. 1 (5-12-94), a request regarding Lots 3 & 4 of the Ben Wischer Subdivision along Taylor Mill Road (between 5204 and 5212 Taylor Mill Road) for

1. A Conditional Use Permit for a Preschool/Daycare facility at the address. (R-1C)
2. A 27 foot side-yard Dimensional Variance on both sides of the proposed building.

The applicant was present, and stated his name and address as Mr. Chip Malley, 201 Penwood, Lakeside Park, Kentucky, 41017.

The staff presented a recommendation for approval of the application. Mr. Meece stated that the proposed site was much different from the original requested site (BOA, 12-9-94) in how it impacts the traffic of Taylor Mill Road, the mitigation of safety concerns for the children, and the fact that the daycare traffic will not be diverted onto a secondary residential street. These comments were made in more detail via a letter to Chairman Maxfield expressing the staff's recommendation. Also, Mr. Malley has agreed to provide additional screening on both sides of the property for the purposes of the abutting property owners. Mr. Bowling concurred in the statement of the staff opinion.

Chairman Maxfield recognized Mr. Malley for the purpose of making further comment on his application. Mr. Malley stated that at the 12/9/94 meeting he was encouraged by the Board to continue pursuing a site within the city, however, he needed a site without the traffic/safety concerns of Walnut/Taylor Mill Road. Since then, Mr. Malley has worked with Mr. Meece and Mr. Finnell to select some more acceptable locations for the facility. This site represents the best site that he had found available for purchase, and that would suit the needs of the school. He explained that the Variance request was necessary in order for him to turn the angles of the building sideways, and create a more aesthetically pleasing look. Also, the playground is well removed from view, and in a much safer location with regard to Taylor Mill Road.

Mr. Malley also stated that he had met with Mr. Forrest Rankin, Kentucky DOT, who had said that he could foresee no real problems with permitting paved access to Taylor Mill Road from the site.

Mr. Dolan asked about the lighting plan for the site. Mr. Maxfield recommended covered "cut-off" lighting to mitigate any disturbance to residents. Mr. Malley said he would agree to light the building per any stipulations of the Board. Mr. Maxfield asked regarding a public address system. Mr. Malley stated that there was not a PA system outside the building except for a small door speaker near the patio, he assured the Board that the speaker would not cause disturbance.

Following Mr. Malley's presentation, Chairman Maxfield opened the public comment portion of the meeting:

Mr. Keith Rodgers, 5204 Taylor Mill Road, stated that the site would be bad for his property value, and that the children would create too much noise. He could not see the facility as a good thing.

Ms. Rosie Boone, 5205 Taylor Mill Road, stated that presently she has a difficult time leaving her driveway, often a long wait as traffic either is moving fast. This site would aggravate the problem.

Ms. Geraldine Culbertson, 5207 Taylor Mill Road, stated that the left-hand turns to enter/exit her driveway would also be aggravated by traffic to the site. Mr. Henry Zumstein (Brother) stated that the traffic moving too fast at the site location, and traffic would be difficult in turning out.

Mr. Afton Kordenbrock, Winston Hill Avenue, stated that this a very busy piece of road, and additional traffic turning in/out will create additional delays. Often, people have to go south first and turn around to go North on Taylor Mill Road. There is development of two houses nearby, and so there will not be a curtail of building in the city if you deny this permit. Also, the current site plan violates the 3:1 ratio of pavement to grass in the front yard.

Ms. Whitaker, 644 Mason Road, questioned the need for a state permit to access the road at this point.

Mr. Burt Boone, 5205 Taylor Mill Road, there already exists a problem getting on Taylor Mill Road.

Mr. Rick Kennedy, developer of 5212 and 5214 Taylor Mill Road, stated that he had considered putting a different type of development on the lots he owned but decided against doing it. Instead, he thought he was preserving the residential nature of the area. This is a bad idea considering the pre-existing residents, and the heavy traffic flow.

Ms. Jan Malley, 201 Penwood, Lakeside Park, the Little Red Schoolhouse has operating since 1975. Always before we have built and operated as a Conditional Use in residential zones, never have had any negative complaints on this matter. We do not compete with church daycare's, we are a school--we do not have school buses dropping kids off in our lot.

Mr. Maxfield asked if any members of the Board had questions of Mr. Malley. Mr. Flischel stated that the 3:1 ratio was violated by the site plan. Mr. Meece asked if the Conditional Use could be granted with the stipulation that the site plan be brought into conformance with all zoning codes. Chairman Maxfield stated that this was possible.

Following a final discussion by the Board, Ms Tretter made a motion to approve the permit, seconded by Mr. Dolan. The vote was cast accordingly: Tretter- YES, Dolan- YES, Flischel- NO, Maxfield- NO. MOTION WAS DENIED.

Mr. Flischel made a motion to deny the permit, seconded by Mr. Maxfield. The vote was cast accordingly: Tretter- NO, Dolan- NO, Flischel- Yes, Maxfield- YES. MOTION WAS DENIED.

However, without a simple majority of the Board the request of the applicant could not be granted. Mr. Maxfield informed Mr. Malley of his right to an appeal at the Circuit Court level.

Chairman Maxfield closed Public Hearing No. 1 (5-12-94), and announced a break of ten minutes.

After reconvening from the break, Chairman Maxfield introduced a revised set of By-Laws for the Board to follow. After some discussion, the board agreed to the changes and instructed Mr. Meece to prepare the new By-Laws for the next regular meeting. The meeting adjourned at 9:30 PM.