

City of Taylor Mill

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Taylor Mill, Kentucky 41015

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BOARD OF ADJUSTMENTS MEETING
AGENDA FOR DECEMBER 2, 1999
7:00 P.M.

CALL TO ORDER:

MINUTES:

Approval of the minutes from the February 5, 1998 meeting.
Approval of the minutes from the November 5, 1998 meeting.

OLD BUSINESS:

NEW BUSINESS:

PUBLIC HEARING #1:

4516 Valley View Lane
(Request for a variance at the above address from the
minimum requirements of section 10.4, subsection D,
Items 4 and 5 of the Taylor Mill Zoning Ordinance).

ADJOURNMENT:

"Taylored with Pride"

**MINUTES OF THE TAYLOR MILL
BOARD OF ADJUSTMENTS
December 2, 1999
7:00 P.M.**

Chairman Maxfield called the meeting to order at 7:05 p.m. The Secretary called the role.

Paul Maxfield, Chairman	Present
Cary Bushman	Absent
Sherry Doggett	Absent
Jack Osterhage	Present
Lee Flischel	Present
Paula Tretter Kuehne	Present
John Lucas	Present

Mr. Flischel made a motion to accept the minutes of the February 5, 1998 meeting. Mr. Lucas made a second. All members present were in favor of the motion as presented.

Motion Passed.

Mr. Lucas made a motion to accept the minutes of the November 5, 1998 meeting. Chairman Maxfield made a second. All members present were in favor of the motion as presented.

Motion Passed.

There being no Old or New Business, Chairman Maxfield opened the public hearing portion of the meeting.

PUBLIC HEARING #1

4516 Valley View Lane, Taylor Mill, Kentucky
Request to grant a variance from the minimum requirements of section 10.4, paragraph D, subsection 3 and 4 of the Taylor Mill Zoning Ordinance.

Cynthia Tuemler (applicant) was present.

Chairman Maxfield asked Ms. Tuemler to provide an explanation of the drawing/sketch that was submitted with her request for a variance.

Ms. Tuemler identified the location of the front of her home, the pool, and the location of any pre-existing decked area which is enclosed with a privacy fence. Ms. Tuemler indicated that she needed the deck to make her yard usable, and that the prior condition of the yard was weeds, rock, grass and concrete.

B.O.A. Minutes 12/02/99

Ms. Tuemler indicated that the deck was approximately 1' from the ground. She indicated that she had started construction then quit, and that the project remained unfinished. She also identified that a portion of the existing privacy fence belonged to her neighbor Mrs. Armstrong (4514 Valley View Lane), and that the privacy fence enclosed the entire backyard. She identified that Mrs. Armstrong had a problem with her side porch and the location of the steps. Ms. Tuemler indicated that she would include a landing at the bottom of the steps and run the steps down if it would eliminate the problem.

Additional discussion and clarification occurred between Ms. Tuemler and the members of the Board of Adjustments on the existing and proposed deck, porch and step areas.

Ms. Louise Armstrong (4514 Valley View Lane) requested that Ms. Tuemler's deck be set a minimum of 6" back from the property line. Judy Meyer (3105 Hudnall Lane, Edgewood) is Ms. Armstrong's daughter and spoke on her behalf. She indicated that she was very familiar with both properties.

Ms. Meyer submitted pictures and indicated that if the deck and steps were constructed as Ms. Tuemler had requested it would be very disruptive to her mother. She indicated that her mother's bedroom window was directly adjacent to the area of proposed construction. She also felt that these proposed changes would be very intrusive upon her mother's privacy.

Discussion between the Board of Adjustments, Ms. Tuemler, and Ms. Meyer involved the existing concrete porch and what was built initially and what has existed for the last 10 years. Ms. Tuemler indicated that Ms. Armstrong had never previously complained about her porch and that it was torn down because it had become dilapidated and a hazard. Ms. Armstrong indicated that her husband did not complain about the prior structure because he didn't want to be arguing with family.

Chairman Maxfield asked Ms. Tuemler if 10 years ago when the porch was constructed if they had obtained a building permit. Ms. Tuemler indicated that she doubted it. Chairman Maxfield indicated that if a permit had been obtained, right or wrong, by this point the structure would be grandfathered in. He further indicated that Ms. Tuemler would typically be allowed to replace the structure in the same identical footprint as before if it had become a maintenance issue. Ms. Tuemler indicated that she did not have any pictures of the area prior to the porch being removed.

Chairman Maxfield asked Ms. Meyer and Ms. Armstrong if they could provide the Board an alternative construction method that they would be comfortable with. Ms. Meyer requested that it be built within the building code specifications as they exist today, and wants the stairway coming out of the porch built back as it existed previously.

B.O.A. Minutes 12/02/99

Ms. Meyer explained that Mr. Barbian (Taylor Mill Building Inspector) informed her that if Ms. Tuemler continued to build outside of the building code they would have to tear it down, and rebuild it to the Code of the City.

Ms. Armstrong felt like her fence was 6" inside of her property line, and that Ms. Tuemler's deck was on her property.

The Board of Adjustments discussed various construction options with Ms. Armstrong, Ms. Meyer, and Ms. Tuemler in an attempt to have the parties arrive at a amicable solution. Chairman Maxfield informed Ms. Meyer that this was not a building code issue, it was related to the zoning code and minimum setbacks required. He further explained that they were trying to find a compromise that all parties could live with.

Ms. Meyer indicated that she felt the Board of Adjustments should allow Ms. Tuemler only 50% if they were not going to enforce the code. Which means that if the setback was 10' then she should have no more than 5'. Ms. Tuemler felt that this solution only penalized her.

Chairman Maxfield explained to the parties the options the Board of Adjustment could exercise.

Ms. Cain explained that the Building Inspector had not indicated to her that he had a problem with the Board of Adjustments approving Ms. Tuemler's variance request.

Ms. Tuemler requested that if be on the record that Mr. Barbian had never informed her she would have to tear any of this down. She indicated that the deck and porch were hazards in their existing conditions. Ms. Armstrong indicated that Mr. Barbian told her three times that Ms. Tuemler had never submitted any plans and that she may have to tear it down. Ms. Tuemler requested that the Board talk to Mr. Barbian.

After additional discussion on the issue, Mr. Flischel made a motion to postpone a decision on the issue, until they can hear a presentation from Mr. Barbian on the issue at a meeting to be held on January 6, 2000 at 7:00 p.m. Mr. Osterhage made a second. All members present were in favor of the motion as presented.

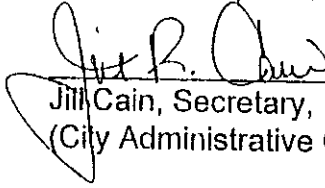
MOTION PASSED

Mr. Osterhage encouraged the parties to try to come to some sort of compromise on the issue. He also requested that the Board be notified if this occurred.

B.O.A. Minutes 12/02/99

Mr. Maxfield made a motion to adjourn. Mr. Bushman made a second. All members present were in favor. The meeting adjourned at 8:05 p.m.

Paul Maxfield, Chairman



Jill Cain, Secretary, B.O.A.
(City Administrative Officer)