

**MINUTES OF THE TAYLOR MILL
BOARD OF ADJUSTMENTS
June 29, 2000
7:00 P.M.**

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

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

The minutes of the March 2, 2000 meeting were not available for review by the Board members and therefore approval of the aforementioned minutes was postponed until the next regularly scheduled meeting.

OLD BUSINESS

4516 Valley View Lane, Taylor Mill, Kentucky

Ms. Cain (City Administrator) provided the board members with a copy of an appeal filed by Ms. Louise Armstrong as a result of the board's final action during the January 6, 2000 Board of Adjustment hearing, and requested that they review the document and contact Mr. Frank Wichmann, City Attorney, for additional discussion.

PUBLIC HEARING #1

5632 Taylor Mill Road, Taylor Mill, Kentucky

Request for termination of the non-conforming use of the real estate as a service station or any other use which is not allowed by the R-1C zoning thereof described in section 10.3 of the Taylor Mill Zoning Ordinance #1-11-82.

Frank Wichmann, City Attorney, representing the City of Taylor Mill (applicant) was present. Mr. Wichmann provided the board members with section 9.12, subsection B, item 3 of the Taylor Mill Zoning Ordinance which outlines the process and requirements necessary to terminate a non-conforming use.

Mr. Wichmann presented the Board and representatives of the property owners with the following exhibits:

Applicant's Exhibit No. 1 - The Deed to the property located at 5632 Taylor Mill Road.

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Applicant's Exhibit No. 2 - The Applicant's application requesting the termination of the non-conforming use of the real estate located and known as 5632 Taylor Mill Road, Taylor Mill, KY. as a service station or any other use which is not allowed by the R-1C zoning.

Applicant's Exhibit No. 3 - The Notice to the property owners and abutting property owners regarding the B.O.A. Hearing in accordance with the Taylor Mill Zoning Ordinances #1-11-82.

Applicant's Exhibit No. 4 - Receipts for certified mail to property owners Bobby and Janis Harper.

Applicant's Exhibit No. 5 - Copy of the R-1C Zoning Regulations.

Applicant's Exhibit No. 6 - Section 9.10 of the Taylor Mill Zoning Regulations.

Applicant's Exhibit No. 7 - Section 9.12 of the Taylor Mill Zoning Regulations which provides for the termination of a non-conforming use.

Mr. Wichmann explains to the Board that he would like to call several witnesses to testify regarding this issue. In summary the following occurred:

Witness #1 - Ms. Jill Cain, City Administrator, City of Taylor Mill was sworn in by Mr. Jack Osterhage of the Taylor Mill Board of Adjustments. She described her position with the City of Taylor Mill and indicated that she has received numerous complaints regarding the condition of the property located at 5632 Taylor Mill Road. She further indicated that the condition of the building was poor, the property was overgrown with weeds, vehicles were stored on the property, the building had several broken windows, furniture and other miscellaneous junk was dumped on the rear of the site, and the building has peeling paint. Exhibits No. 12A - 12B -12C were introduced and presented to the Board Members. The exhibit consists of pictures of the property. Ms. Cain also indicated that the City operates their own water utility and that the water meter was pulled from the property on 4/5/96. Exhibit No. 8 was introduced and presented to the Board Members. The exhibit consisted of a record from the water department indicating the meter was pulled on 4/5/96. Mr. Wichmann introduced Exhibit No. 9 which was a letter from Larry Harper, President of Harper Oil requesting that the meter at 5632 Taylor Mill Road be pulled from the location. Ms. Cain stated that the City has an Occupation & Tax Ordinance that requires businesses within the City to obtain an annual occupational license and to pay taxes. Mr. Wichmann presented Exhibit No. 10 & 11 which were copies of the aforementioned ordinances. Ms. Cain indicated that she has seen no signs on the property advertising it for sale or lease.

Witness #2 - Mr. John Lackey, 5638 Taylor Mill Road, was sworn in by Mr. Jack Osterhage of the Taylor Mill Board of Adjustments. He indicated that he purchased his property in November of 1990 and that the property adjacent to his is 5632 Taylor Mill Road and it was operating as a Chevron Service Station at that time. Mr. Lackey described the current condition of the gas station and indicated that the fuel tanks and pumps were removed from the property in approximately 1992. He said shortly after

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that time an auto repair shop was opened and then went out of business. He indicated that a lot of vehicles use this location currently to turn around in, and that the building has deteriorated since it has been vacant. He also indicated that many neighbors use the lot for additional parking. Mr. Lackey said no maintenance nor upkeep has occurred to maintain the building and he has seen no signs advertising the building for sale or lease.

Witness #2 - Barbara Black, 786 Lakewood Drive, was sworn in by Mr. Jack Osterhage of the Taylor Mill Board of Adjustments. Ms. Black indicated that she moved back to Taylor Mill approximately seven (7) years ago and that the building located at 5632 Taylor Mill Road has been vacant with no activity since her return. Ms. Black described the condition of the building to be overgrown weeds, broken windows, and peeling paint. She further indicated that she has seen no signs advertising the building for sale or lease.

Witness #3 - Dennis Halpin, Fire Chief, was sworn in by Mr. Jack Osterhage of the Taylor Mill Board of Adjustments. Mr. Halpin stated that no Fire Inspections have been performed on the building since 1994. He further indicated that fuel tanks were removed from the site and that a monitoring device was installed for hazardous materials. He stated that the utilities (electric) were disconnected from the building in 1996. Mr. Halpin described the building as deteriorating with debris and weeds. He indicated that he has seen no signs advertising the building for sale or lease.

Witness #4 - Mary Regensburger, 5606 Taylor Mill Road, was sworn in by Mr. Jack Osterhage of the Taylor Mill Board of Adjustments. Ms. Regensburger indicated that she lived in a house adjacent to the property prior to it being developed as a city park. She indicated that the property at 5632 Taylor Mill Road was owned and operated as a service station by Dan Stahl in 1973. She added that the fuel tanks were removed from the site in 1992, and that a repair shop opened up immediately after the elimination of the tanks for a brief period of time. Ms. Regensburger said that the property has been vacant since the closing of the repair shop. She described the condition of the building to be not maintained with no business in operation since 1994. She also indicated that she has seen no signs advertising the building for sale or lease.

Witness #5 - Jeff Dean, 5477 Taylor Mill Road, was sworn in by Mr. Jack Osterhage of the Taylor Mill Board of Adjustments. Mr. Dean indicated that his father-in-law was the owner of Don Stahl's Gas Station for 25 years. He described the current condition of the building to be poor and abandoned with broken glass, concrete and asphalt deterioration with no maintenance. Mr. Dean indicated that the gasoline tanks were removed because they were leaking and that the building has been vacant since the early 1990's.

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Mr. Steve Harper, representing Bobby and Janis Harper, said that his father purchased the property known as 5632 Taylor Mill Road in the 1980's from Chevron and that Mr. Trammel ran the station after Don Stahl. He further indicated that gasoline tanks were removed in 1991 or 1992. Mr. Harper stated that Mr. Trammel continued to operate a repair business until 1992, and that the property was leased approximately two (2) more times. He also stated that he had approached the City Commission in 1994 requesting a zone change so he could operate a convenience store. He was denied this request since he did not have the minimum five acres of land required for a zone change, and that he was unsuccessful in purchasing additional acreage from adjacent property owners. He added that all cars parked on the property are there without their permission. Harper Oil has not attempted to lease the property due to other business ventures which kept them busy. Mr. Harper admitted that the property was deteriorating and that something needs to be done, but that he wants to build a convenience store on the site.

Chairman Maxfield asked if any members of the audience wished to comment on the issue.

Mark Kreimborg, Mayor, indicated that he has received numerous complaints regarding the properties condition. He further indicated that he was not in favor of spot zoning and that this area was a residential one not a commercial one.

John Lucas made a motion to terminate the non-conforming use of the property located at known as 5632 Taylor Mill Road, in the City of Taylor Mill as a service station, or any other use which is not permitted in the R-1C (Residential One -C) zone by section 10.3 of the Taylor Mill zoning ordinance #1-11-82 on the basis of the abandonment thereof as indicated by the following factual determinations:

1. Non-operation and non-use of the property as a service station or any other use which isn't permitted in the R-1C zone since 1994.
2. Removal of fuel tanks and pumps in 1992.
3. Disconnection of utilities in 1996.
4. Building deterioration since 1994.
5. Non-payment of City occupational licenses and taxes since 1994.
6. Periodic but frequent accumulations of parked cars, boats, junk and debris and overgrowth of weeds and grass since 1994.

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7. Failure to lease or advertise the property for lease of a service station or other non-conforming use since 1994.

Sherry Doggett made a second. The Administrative Assistant called the roll.

Paul Maxfield, Chairman	Yes
Jack Osterhage	Yes
Sherry Doggett	Yes
Paula Tretter Kuehne	Yes
John Lucas	Yes

MOTION CARRIED

Ms. Kuehne made a motion to adjourn. Mr. Lucas made a second. All members present were in favor. The meeting adjourned at 9:04 p.m.

 8/17/00
Paul Maxfield, Chairman

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