

**Taylor Mill Board of Adjustment Meeting 4/1/04
7:00 p.m.**

- A. Call Meeting to Order
- B. Minutes of Last Meeting
- C. Old Business
- D. Public Hearing TM2004-0005/3258 and 3260 McCowan Dr.
 - 1. Introduction of Applicant & Procedural Review
 - 2. Staff Report & Preliminary Board/Staff Review
 - 3. Presentation/Comments by Applicant
 - 4. Discussion between Board and Applicant
 - 5. Comments from General Public
 - 6. Final Discussion between Board and Applicant
 - 7. Close Public Hearing
 - 8. Final Discussion by Board Members
 - 9. Motion/Second-Regarding Findings of Fact
 - 10. Vote
- E. Public Hearing TM2004-0006/5150 Taylor Mill Rd.
- F. Announcements
- G. Adjournment

**Taylor Mill Board of Adjustments
Regular Meeting
April 1, 2004**

The Administrative Secretary called the roll.

Mr. Fuller	Here
Mr. Noll	Here
Chairman Lucas	Here
Mr. Osterhage	Here
Mr. Sears	Here

Chairman Lucas confirmed that a quorum was present and called the meeting to order at 7:00 p.m.

Mr. Noll made a motion to accept the minutes of the October 23, 2003 meeting as presented. Mr. Fuller made a second. The Administrative Secretary called the roll.

Mr. Fuller	Yes
Mr. Noll	Yes
Chairman Lucas	Yes
Mr. Osterhage	Abstain
Mr. Sears	Yes

MOTION CARRIED

OLD BUSINESS

PUBLIC HEARING

Chairman Lucas stated the purpose of the meeting and reviewed for the applicant the procedure process.

APPLICANT: Mr. Rudy Kreutzjans
LOCATION: 3258 & 3260 McCowan Drive
Taylor Mill, KY 41015
Zone R-1E

Mr. Rudy Kreutzjans, Ross Kreutzjans (524 General Drive, Ft. Wright, KY) and Greg Berling (120 Ardmore Drive, Oxford, OH) were present.

DESCRIPTION OF REQUEST: Mr. Rudy Kreutzjans is requesting a variance on each side of the common side lot line shared by the lots pertaining to the construction of a single family residence on each lot in the R-1E Zone.

STAFF REPORT AND REVIEW: Our Zoning Administrator, Ms. Susan Conrad presented the professional staff report. The lots in question are lots 122 and 123 of Section 15 of the Taylor Creek Subdivision as it appears on Plat Slide A-283. The most current land use of the site in question are two vacant lots. That is the only use that has been made of the property since these lots and the surrounding lots were created by the subdividing of the original farm. The property is surrounded to the north, south, east and west by residential uses. The property is zoned R-1E and the Taylor Mill Zoning Ordinance identifies a minimum side yard width of ten (10) feet on each side in this zone. It is the opinion of the Zoning Administrator to approve the variance requested.

PRESENTATION/COMMENTS BY APPLICANT: The two lots in question are different in topography from any other lots in the subdivision as they climb over 10+ feet from the street to the back of the lots at the building line and slope from left to right at the building line the same height. Because of the steep grade of these two lots, you can not put a deep home on the site. There is also an easement to the west of lot 122A to the rear of lot 122 and further narrows the width of the lot. Applicant is trying to build a style of home that has been built in this subdivision to help maintain the area property values. The applicant cannot cut anywhere else in the proposed 3 bedroom and make it a marketable home in that subdivision, nor can he make the house deeper as the topography of the lot does not permit it.

COMMENTS FROM THE GENERAL PUBLIC:

CLOSED PUBLIC HEARING: Chairman Lucas closed the public hearing at 7:35 p.m.

The Board Members reviewed the material provided by our Zoning Administrator and discussed the request at length.

Mr. Osterhage made a motion approve the application TM20040005 for a variance of 1' - 10' on each side of the common lot line, from the minimum side yard requirement of 10' - 0' to construct a single family residence on each lot. This approval is with an understanding of the finding of fact that the BOA in granting the variance notes that it will not adversely affect the public health, safety, or welfare, and will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations. The variance arises from special circumstances; the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would cause unnecessary hardship on the applicant. Chairman Lucas made a second. The Administrative Secretary called the roll.

Mr. Osterhage	Yes
Chairman Lucas	Yes
Mr. Fuller	Yes
Mr. Noll	No
Mr. Sears	Yes

MOTION CARRIED

The requested variance was approved.

APPLICANT: Mr. Mark Halpin
LOCATION: 5150 Taylor Mill Road
Taylor Mill, KY 41015
Zone R-1C

Mark Halpin and his wife Mary Ann were both present at the hearing.

DESCRIPTION OF REQUEST: (1) A conditional use permit for the construction of an addition on a dental office at the location described herein, which is currently zoned R-1C (a single family residential); and (2)

Variance(s) pertaining to the construction of the dental office addition within the R-1C Zone.

STAFF REPORT AND REVIEW: The following provides a summary of previous reviews pertaining to the site in question and areas in the vicinity of the site in question:

On March 1, 1977, following a public hearing, the Taylor Mill Board of Adjustment granted a conditional use permit for the construction of a two story medical care facility at the intersection of Cardinal Drive and Taylor Mill Road, with the following conditions: (1) That there is adequate off street parking; (2) That there is a minimum of 10 feet of buffer between the parking area and paved street (Cardinal Drive); and (3) No business traffic is to enter or exit onto Taylor Mill Road (ST RT 16)

The site in question is currently zoned R-1C permitting single family dwellings on a minimum lot area of 12,500 square feet. Within the R1-C Zone, institutions for human medical care-hospitals, clinic sanitariums, convalescent homes, nursing homes and homes for the aged, are identified as a conditional use with a minimum lot area of 22,500 square feet, provided they are located adjacent to an arterial street.

The proposed setbacks for the addition indicated the need for front and side yard variances for a conditional use in the R-1C Zone:

	Proposed	Required	Variance
Front Yard	6 Feet	50 Feet	44 Feet
Side Yard	6 Feet	50 Feet	44 Feet

It is the opinion of the Zoning Administrator to disapprove the proposed conditional use permit and variances. Basis for denial: (1) The existing proposed use is more appropriately identified as a medical office; (2) The applicant has not submitted a scaled site plan with sufficient information to determine the appropriate dimensions for any necessary variances; (3) Insufficient information has been submitted to determine if sufficient off-street parking has been provided.

Discussion was held as to who owns the right of way next to the existing dental office. Chairman Lucas stated that we have not received all the

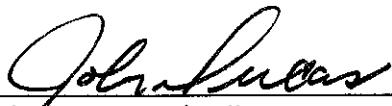
sufficient information to make the determination of whether to grant the variance or deny it. Discussion was held on pre-existing non-conforming use. It was determined that clarification from the City Attorney, Frank Wichmann, was needed to determine if the Board of Adjustment can expand the use of the property. It was suggested also that Mr. Halpin check into purchasing the lot suggested for the expansion on the dental office.

Motion made by Lou Noll to postpone the decision to grant or deny the variance until June 3, 2004, Board of Adjustment meeting. Mr. Osterhage made a second. Administrative Secretary called the roll.

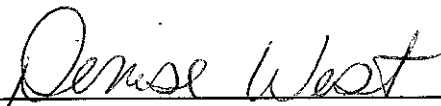
Mr. Noll	Yes
Mr. Osterhage	Yes
Mr. Fuller	Yes
Chairman Lucas	Yes
Mr. Sears	Yes

MOTION CARRIED

There being no further business to come before the Board, Mr. Fuller made a motion to adjourn. Mr. Noll made a second. The meeting adjourned at 8:10 p.m.



Chairman, John Lucas

ATTEST: 

Denise West, Administrative Secretary

DATE: 6-3-04