

**Taylor Mill Board of Adjustments
Regular Meeting
June 3, 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 April 1, 2004 meeting as presented. Mr. Osterhage made a second. The Administrative Secretary called the roll.

Mr. Fuller	Yes
Mr. Noll	Yes
Chairman Lucas	Yes
Mr. Osterhage	Yes
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: Mark Halpin
LOCATION: 5150 Taylor Mill Road
Taylor Mill, KY 41015
Zone R-1C

Mark Halpin was present.

DESCRIPTION OF REQUEST: (1) A conditional use permit for the construction of an addition on a dental office at 5150 Taylor Mill Road, which is currently zoned R-1C (Residential-One C); and (2) Variance(s) pertaining to the construction of the dental office addition within the R-1C zone. This issue was tabled at the April 1, 2004 meeting of the Taylor Mill Board of Adjustment.

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.

Chairman Lucas has been in contact with City Attorney Frank Wichmann and it was decided that the Board could act on this issue. Mark Halpin stated that he had not located who owns the right of way or the piece of property to the south of his current dental office. The Board cannot decide on this appeal until a clear title is found and Mr. Halpin obtains permission to purchase this property. Mr. Halpin withdrew his application, file number TM20040006, without prejudice.

APPLICANT: John Hoffman
LOCATION: 1030 Robertson Road
Taylor Mill, KY 41015
Zone R-1D

John and Susan Hoffman were present.

DESCRIPTION OF REQUEST: (1) An appeal of the Zoning Administrators decision to deny a permit for an accessory building based upon an interpretation of the definition for accessory buildings in regards to the structure not being subordinate in area. The property is located within the R-1D 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:

- (a) On May 7, 2004, the Zoning Administrator denied a permit for a 3,000 square foot accessory structure because the size of the accessory structure was greater than 50% of the gross floor area of the 4,210 square foot primary structure.
- (b) On May 12, 2004, John Hoffman made application to appeal the Zoning Administrator's denial of the permit based upon the interpretation of the size of the proposed accessory structure.

The site in question, containing approximately 3.44 acres, is located at the northwest side of Robertson Road. The lot is approximately 887 feet deep by 125 feet wide.

The site in question, as well as all areas adjacent to the site in question, is currently zoned R-1D. The R-1D zone permits single family dwellings on a minimum lot area of 9,000 square feet. The R-1D zone permits customary accessory buildings and uses.

The following provides the area and height regulations for permitted uses in the R-1D zone, as regulated by the Taylor Mill Zoning Ordinance:

Minimum Lot Area	22,500 square feet
Minimum Lot Width	75 Feet
Minimum Front Yard Depth	35 Feet
Minimum Side Yard Width	10 Feet
Minimum Rear Yard Depth	25 Feet
Maximum Building Height	35 Feet

The site in question is currently occupied by a single family residence. The area located to the north, south, east and west of the site in question is occupied by residential dwellings.

The Recommended Land Use Map of the 2001 Area-Wide Comprehensive Plan Update identifies the site in question, as well as, adjacent areas for Residential Development density of 4.1-7.0 dwellings per net acre.

The applicant indicated the following reason for the appeal:

- (1) Appealing Article VII, Section 7.0, A of Accessory Buildings. Nowhere in this article is there a stated percentage amount or definition of subordinate or area.
- (2) The accessory structure is less than the principal building.
- (3) Building would be located out of sight from the neighbors and traffic from the street.

It is the opinion of the Zoning Administrator to disapprove the proposed appeal. Basis for this recommendation: (1) Article VII, Section 7.0 Accessory Building or Use, in part, is defined as one which is subordinate to and serves the principal building or principal use, and is subordinate in area, extent or purpose to the principal building or principal use served.

NKAPC has adopted uniform interpretations, which specifies the following interpretation for a subordinate accessory structure:

“An accessory structure cannot be more than one-half (1/2) the size of the principal structure, unless other provisions are stated in the zoning ordinance.”

The gross floor area of the applicant’s primary structure including the first floor and finished basement is 4,210 square feet. The proposed accessory structure is 3,000 square feet.

After discussion on the appeal, Lou Noll made a motion to grant the appeal of the Zoning Administrator’s decision to deny the permit for an accessory building based upon the interpretation of the definition for accessory buildings in regards to size in the Taylor Mill Zoning Ordinance. Todd Fuller made a second.

Todd Fuller	Yes
Chairman Lucas	Yes
Lou Noll	Yes
Jack Osterhage	Yes
Ken Sears	No

MOTION CARRIED.

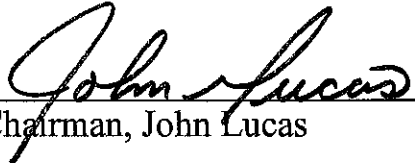
Lou Noll made a motion to ask City Council to establish a maximum square footage for an accessory building. John Lucas made a second.

Todd Fuller	No
Chairman Lucas	Yes
Lou Noll	Yes
Jack Osterhage	Yes
Ken Sears	Yes

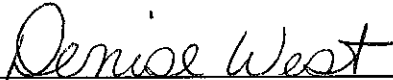
MOTION CARRIED.

Ken Sears said that at a previous meeting there had been discussion about the fees that were established. Susan Conrad reported that there were negotiations with the City to establish "one stop shop" prices. It was decided that no action would be taken at this time.

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 8:20 p.m.



 Chairman, John Lucas

ATTEST: 

 Denise West, Administrative Secretary

DATE: 11-04-04

Taylor Mill Board of Adjustment Meeting 6/3/04
7:00 p.m.

1. Roll Call
2. Confirmation Of Quorum
3. Approval Of Minutes
4. Public Hearing TM20040006, 5150 Taylor Mill Road
 - a. Confirmation of Notification
 - b. Declaration of Conflicts
 - c. Declaration of Site Visits
 - d. Professional staff report-Susan Conrad
 - Questions by Board Members
 - e. Zoning Administrator Report With Witnesses
 - Questions by Board Members
 - f. Applicant Report With Witnesses
 - Questions by Board Members
 - g. Interested Parties Report
 - Questions by Board Members
 - h. Closing Statements-Applicant & Zoning Administrator
 - i. Discussion by Board Members
 - j. Motion/Second-Regarding Findings of Fact
5. Public Hearing TM20040020-1030 Robertson Road
6. Adjournment