

**Taylor Mill Board of Adjustments
Regular Meeting
September 2, 2004**

The City Clerk called the roll.

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

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

Mr. Fuller made a motion to accept the minutes of the June 3, 2004, Board of Adjustment meeting as presented. Mr. Noll made a second. All B.O.A. members were in favor.

MOTION CARRIED

OLD BUSINESS

PUBLIC HEARING

TM2004-0027

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

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

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

DESCRIPTION OF REQUEST: 1) A conditional use permit for the construction of additions on a dental office which is currently zoned R-1C and 2) variances pertaining to the construction of the dental office additions within the R-1C zone.

STAFF REPORT AND REVIEW: Zoning Administrator, Ms. Susan Conrad presented the professional staff report, which was previously distributed to all board members. Ms. Conrad recommended that the board disapprove the proposed conditional use permit and variances. The R-1C Zone identifies hospitals, clinics sanitarium, convalescent homes, nursing homes and homes for the aged as conditional uses. The existing proposed use is more appropriately identified as a medical office. While the proposed addition to the dental office, at the proposed location, would provide a service to the community and would contribute to the general well being of the community, the proposed use is not a permitted conditional use in the R-1C Zone.

PRESENTATION/COMMENTS BY APPLICANT: Dr. Halpin stated the he had spoken with the City Attorney, Frank Wichmann, and it was the opinion of Mr. Wichmann that the board could rule on the condition use. Additionally, Dr. Halpin explained the reason for the expansion was to enlarge his practice to include his son.

COMMENTS FROM GENERAL PUBLIC: None

CLOSED PUBLIC HEARING: Chairman Lucas closed the public hearing at 7:20 P.M.

Chairman Lucas determined that there would be two findings.

The Board Members reviewed the material provided by our zoning administrator and discussed the request.

Mr. Noll made a motion to over rule the Zoning Administrator, and consider this to be a legitimate non-conforming use and to allow the expansion. Additionally, that the proposed use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general well being of the neighborhood or the community; and that such use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity. Mr. Fuller made a second. The City Clerk called the roll.

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

MOTION CARRIED

The requested conditional use was approved.

Chairman Lucas directed the board to rule on the variances.

The Board Members reviewed the material provided by our zoning administrator and discussed the request.

Mr. Fuller made a motion to allow the variance change as presented with the requirement of a landscape plan that meets the zoning ordinance of the city; that there may not be any second floor addition to the north side; and that it meets the requirements of Section 9.19 because the requested variances arises from special circumstances exist which do not generally apply to land in the general vicinity, in that the shape of the land is unique. The strict application of the provisions of the Ordinance would deprive the applicant of a reasonable use of the land and would create an unnecessary hardship on the applicant. The circumstances are not the result of any actions taken by the applicant prior to the submission of the request for the variance. The variance will not allow unreasonable circumstance of the requirements of the zoning regulations and will not alter the essential character of the neighborhood. Mr. Noll made a second. The City Clerk called the roll.

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

MOTION CARRIED

The requested variance was approved.

There being no further business to come before the Board, Mr. Noll made a motion to adjourn. Mr. Fuller made a second. The meeting adjourned at 7:49 P.M.



Chairman, John Lucas

ATTEST: 

Karen L. Griffith/City Clerk

DATE: 11-4-04