

**Taylor Mill Board of Adjustments
Regular Meeting
August 4, 2005**

Chairman Lucas led the Pledge of Allegiance, and then called the meeting to order at 7:00 pm. The City Clerk called the roll.

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

Mr. Noll made a motion to accept the minutes of the March 3, 2005, Board of Adjustment meeting as presented. 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

OLD BUSINESS: None.

PUBLIC HEARING

TM2005-0040

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

APPLICANT: Stephen T. Akers
LOCATION: 5336 Old Taylor Mill Road
Taylor Mill, KY 41015
Zone R-1D

DESCRIPTION OF REQUEST: 1) A conditional use permit to convert the existing cemetery administration building to a funeral home that will include building additions. 2) A variance for the building to sit 35 feet from the front property line instead of the required 50 feet.

STAFF REPORT AND REVIEW: Zoning Administrator, Ms. Megan Thompson presented the professional staff report, which was previously distributed to all board members. Ms. Thompson recommended that the board approve the request for both the conditional use permit and the variance. The location of a funeral home on the Floral Hills cemetery property will provide a facility that will contribute to the general well being of the neighborhood. The funeral home 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 as it will be an extension of the existing cemetery. The granting of the variance will not adversely affect the public health, safety, or welfare, 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 proposed 35-foot setback provides for a sufficient separation between land uses.

PRESENTATION/COMMENTS BY APPLICANT: Mr. Stephen T. Akers was present and introduced Mr. Gary Brown of Saber Management to speak on his behalf. Since purchasing the cemetery in December of 2003, they have had ample interest in the need to construct a funeral home on their property. Mr. Brown stated that when the planning stage began for the construction of the funeral home, they researched the proper building requirements and thought that they were in accordance. The minimum front set back for a regular permitted use is 35 feet, while the minimum front set back for a conditional permitted use is 50 feet from the front property line. The funeral home is being built under a conditional use permit, so the front set back is 50 feet. The construction of the addition to the existing administration building could not be moved back to accommodate the set back requirements due to existing graves sites and the topography of the land.

COMMENTS FROM GENERAL PUBLIC: Ms. Connie Houp, of 702 Lakewood Drive, attended the meeting to gather information. She stated that she was neither opposed or for the construction of the new funeral home. She asked what the building would look like and she was shown a drawing of the proposed funeral home. Additionally, she had some concerns regarding the volume of traffic.

Mr. Brown stated that the traffic volume wouldn't be much different than current traffic. The state required calculations to determine the amount of parking space required for funeral homes of this size state that this facility must have 43 parking spaces. The site has been designed to have a 44 space parking lot. Over flow parking will be able to park on the black topped streets throughout the cemetery. Saber Management is projecting to facilitate 30 funerals during their first year of business, with a projection of 100 funerals per year by their fifth year of business.

CLOSED PUBLIC HEARING: Chairman Lucas closed the public hearing at 7:40 P.M.

The Board Members discussed the request. After much discussion it was the consensus of the board to require that all exterior lighting around the building and the parking lot to reflect downward and not outward, and to require that the outside of the building to be constructed with brick or stone.

Mr. Osterhage made a motion to approve the Conditional use permit, as requested by Saber Management, with the evidence heard here tonight, it is beyond any reasonable doubt that the proposed use, at that location is necessary and desirable to provide a service and facility that contributes to the general well being of the neighborhood and community. The building that is proposed would not under the circumstances of this case be detrimental to the health, safety, or general welfare of persons residing or working in that vicinity. This will be subject to the following conditions: the lighting circumstances that exist should be placed to shine downward, and not out onto the street or into neighboring areas and the building should be constructed of either stone or brick materials. Mr. Noll made a second. The City Clerk called the roll.

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

MOTION CARRIED

Mr. Noll made a motion to grant a variance of 15 feet, to the set back requirements of the conditional use and allow a 35 feet set back rather than a 50 feet set back, because of the general conditions surrounding the existing building and the proposed building in that a new building could not be built at the 50 feet requirement without disturbing existing graves and because of the topography of the land, which is not seen in similar circumstances. Those are special circumstances which do not generally apply to land in the general vicinity or in the same zone. Strict application of the provisions of the regulation would deprive the applicant of reasonable use of the land. The circumstances are not the result of actions by the applicant taken subsequent to the adoption of the zoning regulations. Granting of the variance would not adversely affect the public health, safety or welfare, it would not alter the essential character of the general vicinity, and it would not create a hazard or nuisance to the public, and would not allow an unreasonable circumvention of the requirements of the zoning regulations. 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

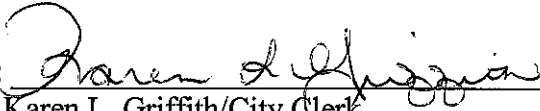
MOTION CARRIED

Chairman Lucas announced that both the conditional use and the variance will be granted.

There being no further business to come before the Board, Chairman Lucas made a motion to adjourn. Mr. Fuller made a second. The meeting adjourned at 7:52 P.M.



Chairman, John Lucas

ATTEST: 

Karen L. Griffith/City Clerk

DATE: 12-1-05