

Taylor Mill Board of Adjustment Meeting 3/3/05
7:00 p.m.

- A. Call Meeting to Order
- B. Minutes of Last Meeting
- C. Old Business
- D. Public Hearing TM2005-0004/7900 Decoursey Pike
 - 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 TM2005-0005/678 Manor Drive
- F. Announcements
- G. Adjournment

**Taylor Mill Board of Adjustments
Regular Meeting
March 3, 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. Fuller made a motion to accept the minutes of the January 6, 2005, Board of Adjustment meeting as presented. Mr. Noll made a second. All B.O.A. members were in favor.

MOTION CARRIED

Chairman Lucas asked Mr. Droganes if he would have any objections to allowing Mr. Voelker's case to be heard first, due to time constraints on Mr. Voelker relating to another commitment later in the evening. Mr. Theissen representing Mr. Droganes stated that they had no problem with the Voelker case being heard first.

OLD BUSINESS: None.

PUBLIC HEARING

TM2005-0005

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

APPLICANT: Brandon Voelker
LOCATION: 678 Manor Drive
Taylor Mill, KY 41015
Zone R-1C

Mr. Fuller and Mr. Noll both disclosed that they had driven by the site in question.

DESCRIPTION OF REQUEST: Variances from the minimum front yard and side yard requirements pertaining to the construction of a garage addition on a single family residence in the R-1C Zone. The R-1C Zone identifies a minimum front yard depth of 35 feet and a minimum side yard depth of 12 feet; the proposed addition would leave a 22 feet front yard depth and would require a 13 feet variance, and would leave a 10 feet side yard depth and would require a 2 feet variance.

STAFF REPORT AND REVIEW: Zoning Administrator, Ms. Susan Conrad was unable to attend the meeting, so Dennis Uchtman appeared on her behalf, and presented the professional staff report, which was previously distributed to all board members. Mr. Uchtman recommended that the board approve the requested variance with the condition that a 2 foot side yard variance is also granted. The request does arise from special circumstances. Granting of the variance will not alter the essential character of the general vicinity and will allow a reasonable circumvention of the requirements of the zoning regulations. All of the houses on Manor Drive have a front yard set back between 20 to 30 feet, granting of the variance will not alter the character of the streetscape because neighboring houses have similar setbacks. The adjacent structures have front yard setbacks of 27 feet and 21 feet. The existing structure is nonconforming for side and front yard setbacks. The new garage addition cannot enlarge the nonconforming structure unless a front yard and side yard variance is granted.

PRESENTATION/COMMENTS BY APPLICANT: The proposed addition would enhance and expand the kitchen/dining room area, and provide additional living space. The architectural design of the addition is consistent with the neighborhood and would compliment the existing home. To place the addition in the rear of the house would be economically unreasonable, and the side yard would not accommodate such an addition.

COMMENTS FROM GENERAL PUBLIC: None.

CLOSED PUBLIC HEARING: Chairman Lucas closed the public hearing at 7:15 P.M.

The Board Members discussed the request.

Mr. Fuller made a motion to grant the front yard setback variance of 13 feet and a 2 feet side yard variance. Mr. Sears made a second. The City Clerk called the roll.

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

MOTION CARRIED

Chairman Lucas announced that the variance will be granted.

PUBLIC HEARING

TM2005-0004

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

APPLICANT: Sam Droganes
LOCATION: 7900 Decoursey Pike
Taylor Mill, KY 41015
Zone I-4

Mr. Fuller disclosed that he had driven by the site in question.

DESCRIPTION OF REQUEST: An appeal of the Zoning Administrator's decision pertaining to the storage of consumer fireworks as a permitted use in the I-4 Zone. The applicant contends that their intended use of the subject property is "warehousing", a permitted use in the I-4 Zone, not "bulk storage and/or transfer stations for materials that are of a flammable or explosive nature", a conditional use in the I-4 Zone.

STAFF REPORT AND REVIEW: Zoning Administrator, Ms. Susan Conrad was unable to attend the meeting, so Dennis Uchtman appeared on her behalf, and presented the professional staff report, which was previously distributed to all board members. The NKAPC staff recommends denial of the appeal request. While the term "bulk" is defined as goods or cargo not in packages, boxes, bags, etc., the term can also be defined as goods or cargo in large quantities.

PRESENTATION/COMMENTS BY APPLICANT: Mr. Tim Theissen, from Strauss & Troy, addressed the board on behalf of his client Mr. Sam Droganes, the applicant, and Premium Fireworks Inc. He briefly explained that the applicant intended to purchase the site at 7900 Decoursey Pike, clear the site, and then build a 45,000 square foot building that would warehouse pre-packaged fireworks. He stated that Premium Fireworks Inc. is a wholesaler and not a retailer. He presented and opened a case of "sparklers", showing that the contents of the case were pre-packaged and ready for consumer sales. Mr. Theissen contended that the merchandise that would be stored at this facility should be considered as warehouse storage and not bulk storage. He recited from several different sources, the definition of bulk storage.

COMMENTS FROM GENERAL PUBLIC: Mr. Victor Goetz, 675 Leland Drive, was opposed to the building and storing of fireworks on the property that sits 25 feet from his property line. Mr. Fuller and Mr. Noll explained to Mr. Goetz that the purpose of this hearing was not to discuss whether or not they could build and store fireworks, but only to decide if the storage of the fireworks would be considered warehousing or bulk storage.

CLOSED PUBLIC HEARING: Chairman Lucas closed the public hearing at 8:47 P.M.

The Board Members discussed the request. They worked to define the term "bulk" storage, and then tried to differentiate between the meaning of bulk storage and warehousing.

Mr. Osterhage made a motion to overrule the decision of the zoning administrator and to grant the petition of Mr. Groganes to allow him to use the facility as warehousing and not bulk storage. Mr. Noll made a second. The City Clerk called the roll.

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

MOTION CARRIED

Chairman Lucas announced that by a 4 to 1 vote to uphold the appeal of the zoning administrator specifically pertaining to the storage of the consumer fireworks that is a permitted use under the I-4 Zone.

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 8:58 P.M.



Chairman, John Lucas

ATTEST: 

Karen L. Griffith/City Clerk

DATE: 8-4-05