

**Taylor Mill Board of Adjustments
Regular Meeting
November 5, 2009**

Chairman Lucas called the meeting to order at 7:00 p.m. The City Clerk called the roll.

Mr. Fuller	Absent
Chairman Lucas	Here
Mr. Meyer	Absent
Mr. Osterhage	Here
Mr. Sears	Here

Chairman Lucas stated that a quorum was present.

Mr. Osterhage made a motion to accept the minutes from the August 6, 2009, Board of Adjustment meeting as submitted. Mr. Sears made a second. The City Clerk called the roll.

Mr. Osterhage	Yes
Mr. Sears	Yes
Chairman Lucas	Yes

MOTION CARRIED

OLD BUSINESS: None.

PUBLIC HEARING

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

FILE NO.: 09090002
APPLICANT: Sarah Check
LOCATION: 681 Meadow Lane
Taylor Mill, KY 41015
ZONE: R-1C

CONFIRMATION OF NOTIFICATION: Mr. Ionna stated that all interested parties had been notified of the meeting; legal advertisement published, and packets sent out.

DECLARATION OF CONFLICTS: None

DECLARATION OF SITE VISITS: None

DESCRIPTION OF REQUEST: To seek a conditional use permit to establish a nursery school (day care facility) in the R-1C Zone; the applicant proposes establishment of a Type II Day Care Facility within the existing residential dwelling to provide care for seven to twelve children.

PRESENT AT THE HEARING: Zoning Administrator Michael Ionna, City Clerk Karen Griffith, applicant Sarah Check and her husband Jason Check, and 19 other residents.

STAFF REPORT AND REVIEW: Zoning Administrator, Mr. Michael Ionna presented and read aloud the professional staff report, which had been previously distributed to all board members. He read the detailed "Considerations" numbered 1 thru 9 including the specifics regarding "Conditional Use Permits". Mr. Ionna recommended that the board disapprove the requested conditional use permit.

PRESENTATION/COMMENTS BY APPLICANT: Mrs. Check stated the Conditional Use Permit for both her and her husband would only allow for nine unrelated children, to be in their care. They would have five infants and 4 toddlers. There would be no signage erected on their property. Their business would be legitimately run, abiding by all rules and regulations, and they would file and pay all appropriate taxes. They (she and her husband Jason Check) have applied for and completed all necessary certifications and documents from the State of Kentucky to open a child care facility with the exception of obtaining this conditional use permit. It is their intention to move the day care offsite after they acquire the 12 months of experience operating a type II day care, as required by the state, before operating a larger facility. Mr. and Mrs. Check walked around on their street talking to neighbors and circulating a petition in support of their opening a child care center in their home. They received signatures from 16 homes, which is half of the homes on Meadow Lane. The petition has been submitted to be included with the minutes of this meeting.

COMMENTS FROM GENERAL PUBLIC: Chairman Lucas stated that everyone that wished to speak would have a chance to do so.

Residents that spoke in Support:

Ted Lenihan 677 Meadow Lane

Rebecca Lenihan 677 Meadow Lane

Jennifer Claudy 679 Meadow Lane

Terry Jones 684 Meadow Lane

Lenore Millette 5432 Stone Hill Drive

The people speaking in support of the day care facility cited; a much needed service would be provided, the children would be well cared for, and the Check's would run a legitimate state approved day care.

Residents that spoke Against:

Don Harmeling 685 Meadow Lane

James Ball 672 Meadow Lane (He would like his name removed from the petition.)

Carol Darpel 663 Meadow Lane

Charlie Darpel 663 Meadow Lane (He would like his name removed from the petition.)

Carol Harmeling 685 Meadow Lane

David Utz 632 Cardinal Drive

Peyton Lewis 665 Meadow Lane

Mrs. Neiheisel 667 Meadow Lane

Sharon Treadway 682 Meadow Lane

Ron Jones 683 Meadow Lane

The people speaking against the day care facility cited; traffic concerns, narrow street, on-street parking, traffic congestion during drop-off and pick-up times, the number of children attending the day care, and anxiety that this approval could lead to many other in-home businesses on their street.

CLOSED PUBLIC HEARING: Chairman Lucas closed the public hearing at 7:49 p.m.

The board members discussed the request.

Mr. Sears made a motion to approve the Conditional Use Permit with the following conditions: the conditional use permit would expire in 18 months, their driveway would always have 2 parking spaces available, no signage would be erected on the property, and no more than 9 children unrelated to the Cheeks would be enrolled and/or cared for at the day care. Mr. Lucas made a second. The City clerk called the roll.

Mr. Sears	Yes
Chairman Lucas	No
Mr. Osterhage	No

MOTION FAILED


Mr. Osterhage made a motion to accept the recommendation of the NKAPC staff and deny the request for the Conditional Use Permit. The site in question does not meet the minimum requirements needed to allow for a nursery school or day care facility as a conditional use within the R-1C Zone. Mr. Sears made a second. The City Clerk called the roll.

Mr. Osterhage	Yes
Mr. Sears	No
Chairman Lucas	Yes

MOTION CARRIED

Chairman Lucas announced that the request for the Conditional Use Permit had been denied.

There being no further business to come before the Board, Mr. Osterhage made a motion to adjourn 8:09 p.m.



Chairman, John Lucas

ATTEST: Denise Skirvin
Karen L. Griffith/City Clerk

DATE: 10/6/11

NOTE: The Board approved these minutes on October 6, 2011 however Karen Griffith is no longer employed by the City of Taylor Mill. Denise Skirvin was appointed City Clerk as a result of the vacancy created.