

Taylor Mill Board of Adjustment Meeting
Thursday, July 19, 2012
7:00 p.m.

Agenda

1. Roll Call
2. Confirmation of Quorum
3. Adoption of Minutes
4. Public Hearing 12070001
 - a. Confirmation of Notification
 - b. Declaration of Conflicts
 - c. Declaration of Site Visit
 - d. NKAPC Staff Report
 - e. Comments from Applicant
 - f. Comments from Proponents
 - g. Comments from Opponents
 - h. Discussion by Board Members
 - i. Motion/Second Regarding Findings of Facts
 - j. Vote
6. Adjournment

**Taylor Mill Board of Adjustments
Regular Meeting
July 19, 2012**

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

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| Mr. Coppage | Absent (Resigned) |
| Mr. Fuller | Absent |
| Chairman Lucas | Here |
| Mr. Meyer | Here |
| Mr. Osterhage | Here |

Chairman Lucas stated that a quorum was present.

Mr. Meyer made a motion to accept the minutes from the June 21, 2012, Board of Adjustment meeting as submitted. Mr. Osterhage made a second. The City Clerk called the roll.

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| Mr. Meyer | Yes |
| Mr. Osterhage | 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.

APPLICANT: Taylor Mill United Methodist Church per Greg Schultz, Land Surveyor

LOCATION: 5160 Taylor Mill Road
Taylor Mill, KY 41015

REQUEST: The applicant requests to seek the following: (a) a conditional use permit to establish a church, consisting of an existing sanctuary, one (1) accessory building and one (1) off-street parking area within the R-1C Zone. The church currently exists as a nonconforming use, and; (b) to seek a variance to the side yard setbacks for a conditional use within the R-1C Zone. The applicant proposes to place an accessory structure with a side yard setback of 29.7 feet where 50 is required, and; (c) to

seek a variance to the rear yard setbacks for a conditional use within the R-1C Zone. The applicant proposes to place a church sanctuary with a rear yard setback of 22.9 feet where 50 is required.

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

PRESENT AT THE HEARING: Zoning Administrator Mike Ionna, City Clerk Denise Skirvin, and Ms. Deborah Chalk (representing the Church).

STAFF REPORT AND REVIEW: Mike Ionna stated that there were some typographical errors in the report that had been previously supplied to the Board Members, but have since been corrected and new ones were provided. Error one (1) was in Section F: Background and Summary: The Taylor Mill United Methodist Church was referred to as the Taylor Mill Baptist Church. Section H: Existing Land Use: The Taylor Mill United Methodist Church was referred to as the Taylor Mill Baptist Church. Section L: Staff Recommendations: Favorable recommendation of the proposed 27.1 foot variance was referred to as the 17.1 foot variance.

Mike Ionna presented and read aloud the professional staff report, which had been previously distributed to all board members. He went over in depth the site description and zoning requirements. Mr. Ionna had a favorable recommendation of the proposed conditional use permit to establish a church, consisting of an existing sanctuary, one (1) accessory building and one (1) off-street parking area within the R-1C Zone. Mr. Ionna had a favorable recommendation of the 20.3 foot variance to the side yard setbacks for a conditional use located within the R-1C Zone. Mr. Ionna also had a favorable recommendation of the proposed 27.1 foot variance to the rear yard variance for a conditional use located within the R-1C Zone.

PRESENTATION/COMMENTS BY APPLICANT: Ms. Deborah Chalk, 728 St. Matthews Circle was representing the Church for Mr. Schulte who could not be present. Ms. Chalk stated that the Church would like to get out of the rental business and that is the reason for the requests before the Board.

CLOSED PUBLIC HEARING: Chairman Lucas closed the public hearing at 7:15 p.m.

The board members discussed the request.

Mr. Lucas made a motion to uphold the NKAPC staff's favorable recommendation of the proposed conditional use permit to establish a church, consisting of an existing sanctuary, one (1) accessory building and one (1) off-street parking area within an R-1C Zone.

Request A – Conditional Use Permit.

1. The church as been in operation since prior to the adoption of the current zoning regulations. Continued operation of the church would be desirable as it provides a service and a facility that contributes to the general well being of the neighborhood and community.
2. Granting the church a conditional use permit would bring the church into conformity with the current zoning regulations.
3. Continued operation of the church 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. Osterhage made a second to the motion. The City Clerk called the roll.

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| Chairman Lucas | Yes |
| Mr. Osterhage | Yes |
| Mr. Meyer | Yes |

MOTION CARRIED

Mr. Lucas made a motion to uphold the NKAPC staff's favorable recommendation of the 20.3 foot variance to the side yard setbacks for a conditional use located with an R-1C Zone and for the proposed 27.1 foot variance to the rear yard variance for a conditional use located within the R-1C Zone.

Requests B and C – Side and Rear Yard Variances

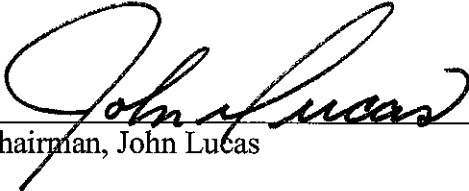
1. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone. All parcels surrounding the site in question contain only one primary building. There is currently what could be used as three primary structures located on the site in question which is inconsistent with Section 9.10 which states that there shall only be one (1) principal structure located on a lot. Approval of the proposed variance would bring the property into conformity with the current zoning regulations.
2. The proposal does not include the construction of any improvements to the site in question which will further encroach on the distances that each building maintains from one another. As such, approval of the proposed variance is not going to have any additional impact than those conditions presently in existence on the site and in the surrounding areas. Therefore, the strict application of the zoning regulations would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.
3. The existing single family home, currently leased by the church, is a reasonable and appropriate use of the land and is consistent and compatible with the other uses, primarily single family residential dwellings, located within the surrounding areas.

Mr. Meyer made a second to the motion. The City Clerk called the roll.

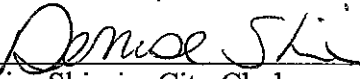
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| Chairman Lucas | Yes |
| Mr. Meyer | Yes |
| Mr. Osterhage | Yes |

MOTION CARRIED

There being no further business to come before the Board, Mr. Meyer made a motion to adjourn 7:25 p.m.



Chairman, John Lucas

ATTEST: 

Denise Skirvin, City Clerk

DATE: 11/29/12