

**Taylor Mill Board of Adjustments
Regular Meeting
February 13, 2020**

OATH OF OFFICE

Chairman Osterhage led the Pledge of Allegiance and called the meeting to order at 6:59 p.m. The City Clerk called the roll.

Chairman Jack Osterhage	Present
Ms. Janice Foster	Present
Mr. Ed Kuehne	Present
Mr. Russell Staubach	Present

Chairman Osterhage stated that a quorum was present.

APPROVAL OF MINUTES

Chairman Osterhage called for a motion to approve the minutes of November 7, 2019 Board of Adjustments meeting as submitted. Mr. Kuehne so moved, with a second from Mr. Staubach. The City Clerk called the roll.

Mr. Ed Kuehne	Yes
Mr. Russell Staubach	Yes
Chairman Jack Osterhage	Yes
Ms. Janice Foster	Yes

MOTION CARRIED

PUBLIC HEARING

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

CASE NO: BOA2001-0003

APPLICANT: Ron Wilson on behalf of Covington Moose Lodge #1469

LOCATION: 5247 Taylor Mill Road, Taylor Mill, Kentucky 41015

REQUEST: Variances from the required front and side yard setbacks and a conditional use permit for outdoor dining in a NC (Neighborhood Commercial) Zone of the Taylor Mill Zoning Ordinance; the applicant proposes to construct a 10 foot by 20-foot patio addition to the existing lodge within 22 feet of the front property line in common with Taylor Mill Road where 50 feet is required and within 11 feet of the side property line in common with 5249 Taylor Mill Road where 50 feet is required.

CONFIRMATION OF NOTIFICATION: Mr. Patrick Denbow of Planning and Development Services of Kenton County stated that all interested parties had been notified in accordance with Kentucky Revised Statutes.

Chairman Osterhage gave a brief explanation of the hearing process for everyone present.

DECLARATION OF CONFLICTS: None.

DECLARATION OF SITE VISITS: None.

STAFF REPORT AND REVIEW: Planning and Development Services Senior Planner Mr. Patrick Denbow reviewed the request and maps of the site layout in various perspectives. The site in question, containing an area of approximately 0.73 acres, is located on the south side of Taylor Mill Road between Vogelpohl Court and Lorraine Court. Taylor Mill Road is classified within the mobility element of Direction 2030: Your Voice Your Choice as a major collector street. Vogelpohl Court and Lorraine Court are classified as local streets.

The site is currently occupied by the existing lodge and associated parking. The lodge contains a 236 square foot bar area, a 1,262 square foot social room, a 2,651 square foot meeting hall, and a 445 square foot kitchen area. The total existing area is 5,978 square feet. The Lodge has stated that there are currently 75 seats in the social room area. The Lodge has also indicated that the meeting hall, which does not have fixed seats, has a maximum capacity of approximately 210 persons (according to a certificate of occupancy). There are currently 35 paved off-street parking spaces on the property with a gravel area toward the rear of the site.

The surrounding area is mostly residential in nature. The applicant has indicated that a parking arrangement/agreement exists between the Lodge and the church located to the west of the site.

STAFF RECOMMENDATIONS:

1st Recommendation: Favorable recommendation for the variance from the required front and side yard setback requirements; the applicant proposes to construct a 10-foot by 20-foot patio addition to the existing lodge within 22 feet of the property line in common with Taylor Mill Road where 50 feet is required and within 11 feet of the side property line in common with 2549 Taylor Mill Road where 50 feet is required subject to the following conditions:

1. That permanent barriers be installed in the row of parking along Taylor Mill Road so that all maneuvering into and out of the spaces will take place entirely within the lot;
2. That the applicant replaces any parking space lost with new paved spaces meeting all required standards of off-street parking spaces on the site; and
3. That the applicant formalizes the referenced parking and access agreement with the church and adjacent property owner and records the agreements.

2nd Recommendation: Favorable recommendation for the conditional use permit to allow outdoor dining associated with a private club or lodge with wine and drink license subject to the following condition: 1) that the setback variance is approved.

SUPPORTING INFORMATION/BASES FOR STAFF RECOMMENDATION:

Mr. Denbow reviewed supporting information for staff recommendations for the two requests:

1st Request: The variance request, as conditioned, will not adversely affect 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. Section 11.2, G. of the Taylor Mill Zoning Ordinance states the maximum width of an access point in a commercial zone is 48 feet. The site currently has an access point that extends the entire frontage of the lot along Taylor Mill Road (approximately 160 feet). The recommended condition to install a permanent barrier will bring the site into more conformance with requirements of the zoning ordinance and ensure safer conditions for both patrons and employees of the lodge and those who travel Taylor Mill Road.

2nd Request: 1) The existing lodge provides a desirable service which contributes to the general well-being of the community. Allowing a patio for members to utilize for tobacco use will separate this activity from the main entryway into the facility. 2) The proposed patio 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. If the variance request is approved, the proposed patio addition will meet all of the requirements of this use.

PRESENTATION/COMMENTS BY APPLICANT: Mr. Ron Wilson on behalf of the Moose Lodge 1469 addressed the Board of Adjustment. Mr. Wilson explained that the Moose International voted that all Moose Lodge facilities were to be smoke and tobacco free effective January 1, 2020. The Moose Lodge 1469 are in compliance with the new decision, but is seeking a way to better accommodate patrons who smoke and use tobacco. Mr. Wilson explained that they came to the conclusion that their best and only option is to ultimately build a 10-foot by 20-foot addition off from the social quarters. Mr. Wilson said that the room would be built on the patio and that it would match the exterior structure of the building. The room would be enclosed and there would be no

exterior door. Mr. Wilson also requested that the three (3) parking spots be waived with the idea that the patrons will be using the church parking lot.

COMMENTS FROM PROPONENTS: None

COMMENTS FROM OPPONENTS: None

CLOSED PUBLIC HEARING: Chairman Osterhage thanked those who have attended the meeting and the public hearing portion closed at 8:10 p.m.

The Board members discussed the request.

The Board approved the setback variance of 22 feet of the property line and 11 feet of the side property line for the construction of the patio room. The recommendation from the staff will be amended from a conditional use permit for 10-foot by 20-foot outdoor dining patio to an enclosed room. The patio must be enclosed by September 30, 2020. Prior to the enclosure, there is to be no outdoor use. This includes entertainment, tables, chairs, sound, speakers or electrical appliances.

The Board modified the recommendation #3 of the staff's report to eliminate the adjacent property owner of the gravel lot since there is independent access onto the property. The Board also eliminated #2 of the recommendation referencing the need for three additional parking spaces because of the written agreement with the church to utilize their parking spaces. The written parking agreement between the church and the lodge will need to be on record with the court to ensure that the lodge has a legal right to use the access and off-street parking on the adjacent properties.

To ensure safer conditions for both patrons and employees of the lodge, there will need to be an installation of a permanent galvanized guard rail in front of the new addition. It will need to be two to three feet away from the building (28 inches high/12 inches tall) to create a permanent barrier in the row of parking spots to make sure there is no parking in the three spots that are taken due to the construction of the new addition. Guard rail needs to be aesthetically pleasing.

The Board approved to grant an amended conditional use permit to allow for construction of an enclosed patio room, that will be identified as smoking room for their members. Additional zoning and building permits will be required prior to construction.

Chairman Osterhage made a motion to follow the Staff recommendation with approved amendments to grant the variance. Mr. Staubach made a second. The Clerk called the role.

Chairman Jack Osterhage	Yes
Mr. Russell Staubach	Yes
Ms. Janice Foster	Yes
Mr. Ed Kuehne	Yes

MOTION CARRIED

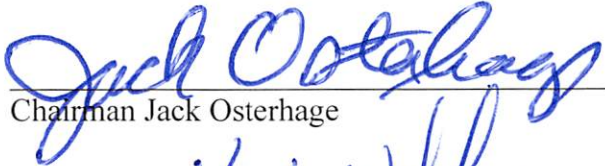
Chairman Osterhage made a motion to grant an amended conditional use permit to allow an enclosed patio room. Mr. Kuehne made a second. The Clerk called the roll.

Chairman Jack Osterhage	Yes
Mr. Ed Kuehne	Yes
Ms. Janice Foster	Yes
Mr. Russell Staubach	Yes

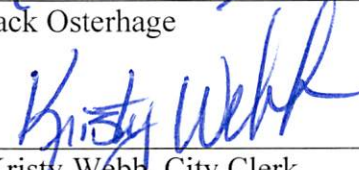
MOTION CARRIED

ADJOURNMENT: There being no further business before the Board, Chairman Osterhage made a motion to adjourn. Mr. Kuehne seconded. The motion passed with the unanimous approval of the Board, the time being 8:23 p.m.

MOTION CARRIED



Chairman Jack Osterhage

ATTEST: 

Kristy Webb, City Clerk

DATE: 7/8/2021
