

**Taylor Mill Board of Adjustments
Regular Meeting
July 25, 2019**

PLEDGE OF ALLEGIANCE & CALL TO ORDER

Chairman Osterhage led the Pledge of Allegiance and called the meeting to order at 7:01 p.m. The City Clerk called the roll.

Chairman Osterhage	Here
Ms. Foster	Here
Mr. Kuehne	Here
Mr. Smith	Here
Mr. Staubach	Absent

Chairman Osterhage stated that a quorum was present.

APPROVAL OF MINUTES

Chairman Osterhage called for a motion to approve the minutes of June 6, 2019. Mr. Kuehne so moved, with a second from Mr. Smith. The Board Members approved by unanimous vote.

Mr. Kuehne	Yes
Mr. Smith	Yes
Ms. Foster	Yes
Chairman Osterhage	Yes
Mr. Staubach	Absent

MOTION CARRIED

PUBLIC HEARING

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

CASE NO: BOA1906-0002

APPLICANT: Joseph and Cynthia Auciello

LOCATION: 6199 Blackstone Court

REQUEST: A variance from the required side yard setback in an R-1D (Residential One-D) Zone of the Taylor Mill Zoning Ordinance; the applicant proposes to construct a home within 8 feet of the side property lines where a distance of 10 feet is required on both sides.

CONFIRMATION OF NOTIFICATION: Mr. Patrick Denbow, Senior Planner 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.

STAFF REPORT AND REVIEW: Planning and Development Services Senior Planner Mr. Denbow reviewed the request and presented photos and maps of the site layout in various perspectives. The site is located at 6199 Blackstone Court and is located directly across from the intersection with McCowan Drive and approximately 1,100 feet from the intersection with Pride Parkway. Blackstone Court and McCowan Drive are classified within the mobility element of Direction 2030: Your Voice Your Choice as local streets. Pride Parkway is classified as an arterial street. The site is currently vacant with a small wooded area at the rear. The property is relatively flat but does drop in elevation approximately 18 feet from the front to the rear. The site in question is currently zoned R-1E (Residential One-E). The R-1E Zone currently permits single-family dwellings (detached) subject to the follow area and height requirements.(Please see PDS Staff Report handout from Planning and Development Services regarding supporting information and recommendations).

For the first request, Mr. Denbow stated the applicant is requesting a variance from the required side yard setback in R-1D Zone of the Taylor Mill Zoning Ordinance; the applicant proposes to construct a home within eight feet of the side property lines where a distance of ten feet is required on both sides. Section 10.6 of the Zoning Ordinance sets the minimum side yard setback at 10 feet on each side of the lot.

STAFF RECOMMENDATION: Unfavorable recommendation for the variance from the required side yard setback in an R-1D (Residential One-D) Zone of the Taylor Mill Zoning Ordinance; the applicant proposes to construct a home within 8 feet of the side property lines where a distance of 10 feet is required on both sides.

SUPPORTING INFORMATION/BASES FOR STAFF RECOMMENDATION:

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

1. The proposed variance will allow an unreasonable circumvention of the zoning ordinance. While the request is relatively minor in scope, it is not the result of special circumstances that apply to this property and the strict application of the zoning regulations will not deprive the applicant of the reasonable use of their land.

PRESENTATION/COMMENTS BY APPLICANT: Mrs. Joseph Auciello addressed the Board of Adjustment to explain his situation and the need for his request to be granted. Mr. Auciello purchased the land from the City of Taylor Mill on May 31, 2019 in hopes of building a home for him and his wife. Because this will be a retirement home for him and his wife, they are desiring to build a ranch style home that requires a bigger footprint and the home that they would like to build is too wide to meet the zoning requirements. They have already modified the floor plan and removed four feet from the width, but it is still four feet too wide to meet the zoning requirements of Residential-1E. Mr. Auciello was requesting the board to allow a two foot variance on each side of the structure, which would give a new setback of 8 feet on each side.

COMMENTS FROM PROPONENTS: None

COMMENTS FROM OPPONENTS: Brian and Mary Ruth Kessans, residents of 6195 Blackstone Court came forward and spoke to the Board. Mr. and Mrs. Kessans expressed their opposition. Their concern was their belief that the average side yard setback in the rest of the neighborhood was much greater than even the minimal requirement of the zoning. They also addressed concern that the ranch style home wasn't in conformity with those of the neighborhood.

Casey Russell, resident at 6203 Blackstone Court, addressed the Board. Mr. Russell was neutral as to his feelings about the variance. Mr. Russell expressed concern that the lot had been vacant and had become a neighborhood meeting place with a fire pit and while he welcomed the Auciello's he said he would miss that lot.

DECLARATION OF CONFLICTS: None.

DECLARATION OF SITE VISITS: Board Members stated familiarity with the site.

CLOSED PUBLIC HEARING: Chairman Osterhage thanked those who have shown up to voice their opinion and the public hearing portion closed at 7:34 p.m.

The Board members discussed the request for the variance side yard setback for applicant, Mr. Auciello, to construct a home within eight feet of the side property lines where a distance of ten feet is required on both sides.

Mr. Osterhage called for a motion to grant a variance from the side yard setback to Mr. & Mrs. Joseph Auciello of 6199 Blackstone Court, Case No. BOA1906-0002, to allow a home construction within eight (8) feet of the property line with the understanding that the statutes setback at this point of time is ten (10) feet. Chairman Osterhage stated based on the findings of fact, the variance will not allow for an unreasonable circumvention from the zoning regulations. Chairman Osterhage stated the strict application of the provisions of the zoning regulations will deprive the applicant of the reasonable use of the land and will create an unnecessary hardship on the applicant. Chairman Osterhage stated the request will not adversely affect the public health, safety, or welfare and would not alter the essential character of the general vicinity, and will not cause a hazard or nuisance to the public. Mr. Kuehne so moved, with a second from Mr. Smith. The role was called.

Mr. Kuehne	Yes
Mr. Smith	Yes
Ms. Foster	Yes
Chairman Osterhage	Yes
Mr. Staubach	Absent

MOTION CARRIED

ADJOURNMENT:

There being no further business before the Board, Mr. Osterhage called for a motion to adjourn. Mr. Kuehne so moved, with a second from Mr. Smith to adjourn the meeting. The motion passed with the unanimous approval of the Board, the time being 7:45 p.m.

MOTION CARRIED



Chairman Osterhage

ATTEST: 

Kristy Webb, City Clerk

DATE: 
