

AGENDA FOR THE BOARD OF ADJUSTMENT MEETING

November 21, 2014

- I. **ATTENDANCE** - The Chair will call the meeting to order at 1:30 p.m. in the Council Chambers, 200 East Main Street, November 21, 2014.
- II. **APPROVAL OF MINUTES** - The Chair will announce that the minutes of the October 31, 2014 meeting will be considered at this time.
- III. **PUBLIC HEARING ON ZONING APPEALS**

- A. **Sounding the Agenda** - In order to expedite completion of agenda items, the Chair will sound the agenda in regard to any postponements, withdrawals, and items requiring no discussion.
 1. **Postponement or Withdrawal of any Scheduled Business Item** - The Chair will announce that any person having an appeal or other business before the Board may request postponement or withdrawal of such at this time.
 2. **No Discussion Items** - The Chair will ask if there are any other agenda items where no discussion is needed...that is, (a) The staff has recommended approval of the appeal and related plan(s), (b) The appellant concurs with the staff's recommendations. Appellant waives oral presentation, but may submit written evidence for the record, (c) No one present objects to the Board acting on the matter at this time without further discussion. For any such item, the Board will proceed to take action.
- B. **Transcript or Witnesses** - The Chair will announce that any applicant or objector to any appeal before the Board is entitled to have a transcript of the meeting prepared at his expense and to have witnesses sworn.
- C. **Variance Appeals** - As required by KRS 100.243, in the consideration of variance appeals before the granting or denying of any variance the Board must find:

That the granting of the variance will not adversely affect the 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. In making these findings, the Board shall consider whether:

- (a) The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;
- (b) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant; and
- (c) The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

The Board shall deny any request for a variance arising from circumstances that are the result of willful violations of the zoning regulation by the applicant subsequent to the adoption of the zoning regulations from which relief is sought.

Note: No dimensional variances have been requested this month.

- D. **Conditional Use Appeals**

1. **C-2014-71: MALIBU JACK'S, LLC** – appeals for a conditional use permit to add square footage to an indoor recreational facility in a Wholesale and Warehouse Business (B-4) zone, at 3025 Blake James Drive (Council District 7).

The Staff Recommended: Approval, for the following reasons:

- a. Granting the requested amendment to add buildable area as part of this conditional use should not adversely affect the subject or surrounding properties. Adequate off-street parking will be provided, even after this addition, and the facility will have convenient access to Todds Road and Man o' War Boulevard. The surrounding land uses (commercial, industrial and professional office) are unlikely to be adversely affected by activities at an indoor recreational facility.
- b. All necessary public facilities and services are available and adequate for the proposed use.

This recommendation of approval is made subject to the following conditions:

1. The facility shall be operated and conducted in accordance with the submitted application and site plan, or as amended by the Planning Commission.

2. All necessary permits shall be obtained from the Division of Building Inspection prior to any construction or remodeling of the building. In addition, prior to a certificate of occupancy being obtained from the Division of Building Inspection, a zoning compliance permit shall be obtained from the Division of Planning.
3. The final design of the parking lot shall be subject to review and approval by the Division of Traffic Engineering.
4. The parking lot shall be paved, with spaces delineated, and landscaped/screened in accordance with the requirements of Articles 16 and 18 of the Zoning Ordinance and the approved Final Development Plan.
5. A storm water management plan shall be implemented in accordance with the requirements of the adopted Engineering Manuals, subject to acceptance by the Division of Engineering.

E. **Administrative Reviews**

Note: No administrative reviews have been requested this month.

IV. **BOARD ITEMS** - The Chair will announce that any items a Board member wishes to present will be heard at this time.

- A. **DISTRIBUTION OF 2015 MEETING & FILING SCHEDULE** - The staff will present copies of the adopted "Official Meeting and Filing Schedule for 2015" for use by the Board of Adjustment and the general public. The Board of Adjustment adopted the 2015 schedule at their meeting on October 31st.

V. **STAFF ITEMS** - The Chair will announce that any items a Staff member wishes to present will be heard at this time.

- A. **Landscape Review Committee** - The term of Richard Weber, Landscape Architect member of the Landscape Review Committee, will expire on November 30 of this year. Mr. Weber has agreed to be re-appointed for another four-year term. Names and terms of current Landscape Review Committee members are as follows:

<u>TERM</u>	<u>NAME</u>	<u>REPRESENTING</u>
Term on BOA	Jim Griggs	Board of Adjustment
11/30/2015	Ms. Karen Angelucci	Tree Board
11/30/2016	Mr. Mike Cravens	Lexington Homebuilders
11/30/2017	Mr. Louis Hillenmeyer, III	Nurseryman
11/30/2018	Mr. Richard Weber	Landscape Architect

- B. The staff would like to wish the Board members and their families a safe and happy Thanksgiving holiday.

VI. **NEXT MEETING DATE** - The Chair will announce that, due to the Christmas holiday, the next meeting date will be December 12, 2014, two weeks earlier than usual.

VII. **ADJOURNMENT** - If there is no further business, the Chair will declare the meeting adjourned.