

AGENDA FOR THE BOARD OF ADJUSTMENT MEETING

December 16, 2016

- I. **ATTENDANCE** - The Chair will call the meeting to order at 1:30 p.m. in the Council Chambers, 200 East Main Street, December 16, 2016.
- II. **APPROVAL OF MINUTES** - The Chair will announce that the minutes of the November 18, 2016 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.

B. **Variance Appeals**

1. **PLN-BOA-16-00052: LANDSCAPE ENHANCEMENTS/RYAN JOHNSON** - request a variance to reduce the front yard setback from 20 feet to 7 in order to complete construction of a building feet in a Light Industrial (I-1) zone, at 1730 Bryant Road (Council District 6).

The Staff Recommends: **Disapproval**, for the following reasons:

- There appear to be other areas on the site where the building could be placed that would comply with the Zoning Ordinance.
- The reduced setback is not characteristic of the area in general and places the building quite close to the area residents; this increases the likelihood that use of the storage building will be disruptive to the adjacent residences, as well as pedestrians and cyclists who wish to utilize the Brighton East Rail Trail, which begins just past the property at the end of Bryant Road.

2. **PLN-BOA-16-00053: DOUG TACKETT** - requests a variance to increase the maximum allowable setback from 20 feet to 43 feet in order to allow reconstruction of a building in a Neighborhood Business (B-1) zone, at 411, 425 & 435 Southland Drive (Council Districts 11).

The Staff Recommends: **Approval**, for the following reasons:

- Granting the variance will not have an adverse effect on the public health, safety, and welfare as the proposed setback will bring the structure out of the floodplain.
- The proposed setback, while greater than the allotted maximum per the zoning ordinance, will allow for part of the existing parking and access aisle to remain and will fit in aesthetically with the neighboring properties more than would a setback in strict accordance with the ordinance.

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

- The facility shall be established in accordance with the submitted application and site plan, with revisions as needed to comply with the requirements of the Divisions of Engineering, Traffic Engineering, and Building Inspection.
- No more than 25% of the public floor area shall be primarily devoted to the preparation and service of malt beverages, wine, or alcoholic beverages.
- A minimum of 112 parking spaces shall be provided. The final design for the parking and drive aisles shall be subject to review and approval by the Division of Traffic Engineering.
- All necessary permits shall be obtained from the Divisions of Planning and Building Inspection, including a Certificate of Occupancy, prior to constructing and opening the facility.

C. **Conditional Use Appeals**

1. **PLN-BOA-16-00037: KROGER COMPANY** – requests a conditional use permit to construct a new parking lot and driveways in a Neighborhood Business (B-1) zone, at 445 South Ashland Avenue (Council District 3).

The Staff Recommends: **Disapproval**, for the following reasons:

- The proposed parking lot design does not provide a safe and inviting access from South Ashland over to the main Kroger parking lot for pedestrians and bikers. Such access should be treated as a critical need, given

- the relatively high density of residential uses in the surrounding area and proximity to the UK campus. With the proposed design, which has no designated access at all, pedestrians and bikers will be forced to meander through the parking lot, which is considered an unacceptable and avoidable safety risk.
- b. As currently proposed, virtually the entire lot will be devoted to drive aisles and parking spaces, with very little room for landscaping and other positive streetscape features. This would negatively impact the character of the South Ashland streetscape, which has a number of stores and other buildings that front on the street, with parking hidden to the rear of the lots.
 - c. The cumulative impact of unsafe pedestrian and biker access and absence of positive streetscape features will have an immediate and adverse impact on the subject property as well as the surrounding neighborhood. Future development will also be compromised by the substantial investment of resources for permanent improvements with only singular benefits (parking/access) at a highly visible location along South Ashland Avenue. A thoughtful redesign could provide multiple benefits by integrating pedestrian and biker needs and streetscape improvements into the overall design, with a long-term positive impact.
2. **PLN-BOA-16-00047: THE ART OF SOCCER** – requests a conditional use permit for an indoor recreational facility (soccer training) in a Light Industrial (I-1) zone, at 2430 Palumbo Drive (Council District 7).

The Staff Recommends: **Approval**, for the following reasons:

- a. Adverse impacts to surrounding properties are not anticipated, as the soccer training should not be an inherently disturbing activity and will be confined to the interior of an existing building.
- b. Surrounding properties on three sides are exclusively commercial/industrial in nature, which should greatly limit the potential for any disturbances from indoor soccer training activities, particularly since the training will be conducted during evenings and on weekends, at least initially.
- c. Adequate parking will be provided on site, and all other necessary public facilities and services (roads, sewers, garbage collection) are already in place.

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

1. The soccer training facility shall be confined to the interior of the existing building and shall be established in accordance with the submitted application and site plan.
2. Off-street parking shall be provided to ensure that there will be a minimum of 8 spaces to accommodate the soccer training facility.
3. All necessary permits, including a Zoning Compliance Permit and Certificate of Occupancy from the Divisions of Planning and Building Inspection, shall be obtained prior to opening the facility.

3. **PLN-BOA-16-00050: WAGJ, INC.** – requests a conditional use permit to operate a veterinary clinic/small animal hospital in a Neighborhood Business (B-1) zone, at 185 Pasadena Drive, Ste. 115 (Council District 10).

The Staff Recommends: **Approval**, for the following reasons:

- a. Granting the requested conditional use permit should not adversely affect the subject or surrounding properties and will not cause disturbance to the adjoining property owners. Ample parking will be provided, the existing tenant space will be soundproofed to accommodate this use, and no outdoor runs or pens will be added.
- b. Granting the requested conditional use permit will help to fill a need for this service for residents of the area. The veterinary clinic was previously located in the adjoining shopping center where traffic is much more congested. Granting this conditional use will allow better access to the small animal hospital, which is intended to be an affordable service for pet owners in the area.

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

1. The facility shall be established in accordance with the submitted application and site plan. As stated in the application, walls shall be completely soundproofed and no outdoor animal pens or runs shall be permitted as specified in the Zoning Ordinance.
2. Boarding shall take place only for animals receiving medical treatments.
3. A Zoning Compliance Permit and Certificate of Occupancy shall be obtained from the Divisions of Planning and Building Inspection prior to opening the facility.

4. **PLN-BOA-16-00051: CHRIS HARRISON (SPEEDWASH CAR WASH)** – requests a conditional use permit to allow a self-service car wash in a Neighborhood Business (B-1) zone, at 3284 Eagle View Lane (Council District 7).

The Staff Recommends: **Approval**, for the following reasons:

- a. A new fully automated self-service car wash should not adversely impact any of the surrounding properties, as the property is located in a commercialized area and there are no adjacent residential uses that might be disturbed.

- 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 car wash shall be built and operated in accordance with the submitted application, to be a fully automated self-service facility with no customized services (e.g., detailing) provided by the employees.
2. The final design of the car wash shall be subject to review and approval by the Division of Traffic Engineering.
3. All necessary permits, including a Zoning Compliance Permit and building/occupancy permits from the Divisions of Planning and Building Inspection, shall be obtained at the appropriate times during the construction process.

D. **Administrative Reviews**

1. **PLN-BOA-16-00049: PATRICIA EHRKAMP** – an administrative appeal to allow the addition of a first floor rear porch and second floor living/bedroom area to an existing nonconforming residence in a Neighborhood Business (B-1) zone, at 203 Owsley Avenue (Council District 5).

The Staff Recommends: **Disapproval**, for the following reasons:

- a. The second floor addition will enlarge the finished living area of the existing non-conforming use as a single family residence by 822 square feet, contrary to the restrictive provisions outlined in Article 4-3(a) of the Zoning Ordinance.
- b. The subject property was partially approved for a zone change to an R-2 zone in 2006, but the previous owners did not follow through with the zone change to completion. A renewed zone change request would be an appropriate option to pursue for this property.

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

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

- A. **2017 MEETING & FILING SCHEDULE** - As part of its Bylaw-related duties, each year the Board of Adjustment must adopt its Official Meeting and Filing Schedule for the following year. The Meeting and Filing Schedule for 2017 is now in draft form and will be presented to the Board for review and/or discussion prior to its official adoption.

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

VI. **NEXT MEETING DATE** - The Chair will announce that the next meeting date will be January 27, 2017.

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