

MINUTES  
JEFFERSON COUNTY ZONING BOARD OF APPEALS  
JANUARY 15, 2004

The Jefferson County Zoning Board of Appeals met on Thursday, January 15, 2004 at 3:00 p.m., in the Jefferson County Meeting Room. Members present were Tiffany Hine, Thomas Trumble, Jeff Bresee and Douglas Rockwell. Paul Raco, Executive Director, Michael Cassell, Assistant Prosecuting Attorney and Rebecca Burns, Executive Secretary were also present.

The meeting was called to order by Mr. Hine at 3:04 p.m. Mr. Groh by letter to the County Commission resigned from the Board since he is now employed by the County.

NEW BUSINESS

1. Election of Officers. Mr. Bresee motioned to nominate Tiffany Hine as Chair/President. Mr. Trumble seconded the nomination. Mr. Bresee motioned to close nominations. Mr. Trumble seconded the motion. The motions passed with a vote of 3 for and 1 abstention (Ms. Hine).

Mr. Bresee motioned to nominate Thomas Trumble as Vice Chair. Mr. Rockwell seconded the nomination. Mr. Bresee motioned to close nominations. The motions passed with a vote of 3 for and 1 abstention (Mr. Trumble).

Mr. Trumble motioned to accept the Minutes of the December 18, 2003 meeting. Mr. Bresee seconded the motion which carried with a vote of 3 for and 1 abstention (Mr. Rockwell because he was not present at this meeting).

Mrs. Burns swore in individuals who indicated they would be speaking.

2. Request by Cameron Run LLC for a variance to allow a temporary sales trailer office on Lot 19 of the Abelow Farms Subdivision, Section II (Article 4, Section 4.18). Annette van Hilst on behalf of Cameron Run LLC withdrew the request at this time.

3. Request by Ora W. Cooper for a variance from the frontage road requirements adjacent to U.S. Route 340 (Article 5, Section 5.8.b.9). Ms. van Hilst presented the request stating they currently use Halltown Road as access to this property. Ms. van Hilst stated that physically it would be impossible to extend the access road beyond the boundary of this particular lot because it does not exist along the other lots fronting on U.S. Route 340 and would serve no useful purpose. Mr. Raco stated that Halltown Road itself serves as a frontage road to U.S. Route 340. Mr. Raco stated the use of the land is proposed to be a funeral home. There was no public comment.

4. Discussion and/or action by the Board and Staff on the Order of the Circuit Court of Jefferson County for Brownshop Road LLC (Case No. 03-C-111). Mr. Rockwell excused himself from the meeting room for this portion of the meeting. Mr. Cassell stated the Order is not productive in language and it is up to the Board as to what they would like to have reheard. James Campbell on behalf of Brownshop Road LLC stated they believe it should be remanded

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back to the Board to recalculate the points or direct the Staff to do the same. Mr. Raco stated the approach taken in the Harvest Hills decision was to remand the matter back to the person who initially calculated the points. Mr. Rockwell returned to the meeting room.

5. Findings of Fact and Conclusions of Law for the request by Aubrey E. and Debora Henry for a variance from the nonconforming use requirements to re-establish a previous nonconforming use restaurant destroyed by fire (Article 4, Section 4.3h). Mr. Bresee motioned to accept the Findings of Fact and Conclusions of Law with the rewording of #7 (copy attached) and authorize Ms. Hine to sign. Mr. Trumble seconded the motion which carried with a vote of 3 for and 1 abstention (Mr. Rockwell).

6. Findings of Fact and Conclusions of Law for the request by Jeffrey Steplowski for a variance from the side setback requirements from 12' to 6' for a proposed 2 car garage (Article 5, Section 5). Mr. Bresee motioned to accept the Findings of Fact and Conclusions of Law as presented and authorize Ms. Hine to sign (copy attached). Mr. Trumble seconded the motion which carried with a vote of 3 for and 1 abstention (Mr. Rockwell).

7. There was no correspondence.

Mr. Trumble motioned to go into deliberations. Mr. Bresee seconded the motion which carried unanimously. Mr. Rockwell motioned to return to regular session. Mr. Trumble seconded the motion which carried unanimously.

3. Mr. Rockwell motioned to grant the variance to Ora W. Cooper for a variance from the frontage road requirements adjacent to U.S. Route 340 based on the uniqueness of the property in that it is triangular in shape and is bounded by roadway on two sides; Route 340/12 (Halltown Road) serves various parcels of land which also front on U.S. Route 340 thus the purpose of a frontage road is eliminated; and, the topography of these parcels fronting on U.S. Route 340 is such that they do not have access to U.S. Route 340. Mr. Trumble seconded the motion which carried unanimously.

4. Mr. Bresee motioned to direct Mr. Raco to (1) recalculate the linear feet on the undeveloped portion of land; and, (2) have Mr. Raco re-review the calculations for the rest of the LESA scores and report back to the Board at the next meeting of his findings for Blackford Farms/Brownshop Road LLC. Mr. Trumble seconded the motion which carried with a vote of 3 for and 1 abstention (Mr. Rockwell).

Mr. Rockwell motioned to adjourn the meeting at 3:58 p.m. Mr. Trumble seconded the motion which carried unanimously.

A detailed transcript of this meeting can be found on Tape(s) #3. These Minutes were prepared by Rebecca F. Burns.