



Mr. Bryan Kelley  
 June 11, 2014  
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	<b>SERVICES:</b>											
753	Automotive Repair (1)							P11	P	P		P
754	Automotive Service							P11	P	P		P

B. Development conditions.

11. The repair work or service shall only be performed in an enclosed building, and no outdoor storage of materials. SIC Industry No. 7532-Top, Body, and Upholstery Repair Shops and Paint Shops is not allowed."

Automotive Repair business includes those uses listed in the 1987 Standard Industrial Classification (SIC) Manual under SIC# 753. Automotive Service business includes those uses listed under SIC# 754.

The language of Development Condition 11 states that repair and/or service work is to be performed in an enclosed building only and that there is to be no storage of materials outdoors. The term "materials" covers equipment, tools and apparatus used to repair, diagnose and/or service vehicles, and in this instance includes but is not limited to the outdoor mechanical lift.

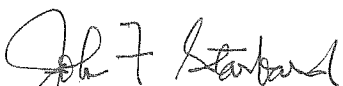
**Decision**

K.C.C. 21A.08.050 prohibits servicing or repairing of vehicles in any place other than an enclosed building. It also prohibits outdoor storage of materials.

Mr. Kelley's location and use of a mechanical lift outside of the enclosed building where his automotive service and repair business is located is clearly prohibited by K.C.C. 21A.08.050.A. and K.C.C. 21A.08.050.B.11.

**Finality of Code Interpretations**

Under K.C.C. 2.100.040, a code interpretation that relates to a permit application or a code enforcement action is final when the department makes its decision on the underlying permit or code enforcement action. Under K.C.C. 2.100.050, the administrative appeal of a code interpretation that relates to a code enforcement case is consolidated with the appeal of the underlying code enforcement action. The Director determines that this code interpretation relates to Code Enforcement cases ENFR13-0779 and ENFR14-0098. Any appeal of this code interpretation shall be consolidated with an appeal of the department's decision on Code Enforcement case ENFR14-0098.



John F. Starbard, Director  
 Department of Permitting and Environmental Review

06/11/14

Date