

ON MONDAY, APRIL 1, 2019, THE BOARD OF ADJUSTMENT HELD A MEETING IN THE 2ND FLOOR COURTROOM OF THE WOODFORD COUNTY COURTHOUSE AT 6:30 P.M.

PLEDGE OF ALLEGIANCE

MEMBERS PRESENT: Al Schooler, David Prewitt, Tim Turney

MINUTES: A motion was made by Mr. Prewitt, as seconded by Mr. Schooler, to approve the March 4, 2019 minutes, as submitted. The motion carried with three (3) aye votes.

Application #04-004-2019 – Dimensional Variance – Olivier & Rikkie Gayou – 328 Amsden Ave – R-3 District – Article VII, Section 709.6 – Owners are seeking a six foot variance from the least side from seven feet to one foot, and a six foot variance from the minimum sum of the side yards of fourteen feet, in order to add onto the house and garage, joining them together as one principal structure.

Chairman Turney called upon Pattie Wilson, Planning Director for comments. Mrs. Wilson noted that the owners of the property were wanting to add on to their home and would connect the house and the garage. With that connection the garage becomes part of the principle structure and the side yard and the sum of the side yards have to meet the requirement. The owners are seeking a six foot variance from the least side yard from seven feet to one foot, and a six foot variance from the minimum sum of the side yards from 14 feet. The property is located on Amsden Avenue two doors from Bluegrass Community Hospital. This area of Versailles is zoned R-3, Medium Density Residential. The date of construction of the home is unknown but in May of 1992 a permit for a room addition on the west side was issued. The current owners purchased the property in July of 2018. There are no records of any prior variances granted to this property or others in this vicinity. Mrs. Wilson cited the Ordinance that the case refers to from Article VII, Section 709.6. Mrs. Wilson noted that there were four criteria that had to be met in order for the Board’s action and read the following into the record:

- A. **This lot is the only 100 foot wide lot with an existing home and detached garage on the street making it unique. By allowing the variance, therefore the addition, it will be the only house on this block with an attached garage, making it more unique.**
- B. **The owner would be unable to have an attached garage and mud room, which is the main objective to the remodeling due to their having four children.**
- C. **The property, home and garage all predate the zoning regulations.**
- D. **The existing structures on the property will not be getting any closer to the side property lines so the essential character of the area will not change and the addition will not create a hazard or a nuisance. In fact this will improve the area.**

Public notices were mailed to adjacent property owners in accordance with KRS 100.237(6) and a Public Notice was published. As far as Findings and Facts, it did appear that the request for the variance did meet all the necessary criteria listed above and on the application. Mrs. Wilson noted that there were three conditions and highlighted the third one as follows:

- 3. **The approved variance is granted only for the addition as shown on the “Site Plan” received on March 8, 2019 attached to the application. Any future structures or additions shall conform to the standards of the Zoning Ordinance.**

Chairman Turney asked if there were any questions for Mrs. Wilson. Hearing none, Chairman Turney called upon the applicant for comment.

Olivier Gayou, owner, was present and stated that the house was built in 1901. Chairman Turney asked if anyone from the public wished to speak. Hearing none, Chairman Turney closed the hearing and asked for a motion to approve or deny the Dimensional Variance application.

A motion was made by Mr. Schooler, as seconded by Mr. Prewitt, to approve Application #04-004-2019 – Dimensional Variance – Olivier & Rikkie Gayou – 328 Amsden Ave – R-3 District – Article VII, Section 709.6 – Owners are seeking a six foot variance from the least side from seven feet to one foot, and a six foot variance from the minimum sum of the side yards of fourteen feet, in order to add onto the house and garage, joining them together as one principal structure, based on the four criteria and to include the conditions as listed in the staff report. The motion carried with three (3) aye votes.

Application #04-005-2019 – Conditional Use Permit Amendment – Carlos & Evelyn Charry, Owners and Brian Charry, Applicant – 4125 W. Leestown Rd – A-1 District – Article VII, Section 701.4(H) – Owners and Applicant are seeking to amend the Conditional Use Permit to operate a kennel for “Premier K9 Training”; to relocate it on the eastern property line, 400 feet back from W. Leestown Road.

Chairman Turney called the hearing open and called upon Mrs. Wilson for comments. Mrs. Wilson noted that the applicant was before the Board in April 2018 and Board approved a Conditional Use Permit for the operation of a kennel/dog training facility in the northwest corner of the subject property. The amended request is to locate the kennel to the northeast corner, no closer than 400 feet to the right-of-way of W. Leestown Road. Mrs. Wilson noted that she did provide the Board with a copy of the April 2, 2018 minutes. In May 2018 the CUP was appealed to Circuit Court by David Phillips, a property owner across W. Leestown Road. In June of 2018, Carlos and Evelyn Charry purchased the property from the Shoemakers. Mrs. Wilson noted that it appeared that both parties came to an agreement with regard to the relocation of the kennel as shown on the attached site plan dated March 13, 2019. Since this is a change from what was originally approved BOA review is necessary (Condition #6). Mrs. Wilson provided the Board with the Ordinance that permits the kennel, as well as the definition of “kennel”.

Public notices have been met in accordance with KRS 100.237(6). Letters were sent to all adjoining property owners and the Notice was published in The Woodford Sun.

The applicant’s property appeared to be of sufficient size to accommodate the proposed use. An amended map of the site is attached to the application dated March 13, 2019. All conditions previously required would apply hereto with the modification to the noted location. Mrs. Wilson suggested adding a condition to the previous seventeen conditions, as follows:

18. **The eastern most existing driveway shall be used for kennel and training business access (Firegate #56A).**

Mrs. Wilson highlighted condition #6, which was the Site Plan requirement which referenced the amended plan and also reminded them that the CUP is reviewed annually and when necessary by the Board to ensure compliance with all the conditions.

Chairman Turney asked if any Board members had questions for Mrs. Wilson. Hearing none, Chairman Turney asked if the applicant would like to speak. Charlie Jones, representative for the applicant noted that they agreed with the staff report and had nothing else to add.

Chairman Turney asked if anyone from the public wished to speak. Richard Murphy, attorney for David Phillips thanked the applicant and their attorney for working with him to reach a settlement/agreement and are agreeable with the eighteen conditions as listed in the staff report.

Chairman Turney closed the hearing and asked for a motion to approve or deny the Amended Conditional Use Permit with the eighteen conditions.

A motion was made by Mr. Prewitt, as seconded by Mr. Schooler, to approve Application #04-005-2019 – Conditional Use Permit Amendment – Carlos & Evelyn Charry, Owners and Brian Charry, Applicant – 4125 W. Leestown Rd – A-1 District – Article VII, Section 701.4(H) – Owners and Applicant are seeking to amend the Conditional Use Permit to operate a kennel for “Premier K9 Training”; to relocate it on the eastern property line, 400 feet back from W. Leestown Road and to include the eighteen conditions as listed in the staff report. The motion carried with three (3) aye votes.

A motion was made by Mr. Prewitt, so moved by Chairman Turney, to adjourn at 6:41 p.m. The motion carried with three (3) aye votes.

Tim Turney, Chairman

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