

ON MONDAY, AUGUST 1, 2022, THE BOARD OF ADJUSTMENT HELD THEIR REGULAR MEETING IN THE 2nd FLOOR COURTROOM OF THE WOODFORD COUNTY COURTHOUSE AT 6:30 P.M.

PLEDGE OF ALLEGIANCE

Chairman Turney introduced Steve Hunter as the new Planning Director, succeeding Pattie Wilson.

MEMBERS PRESENT: Tim Turney, Ken Winkfield, Lonnie Estes, Bart Shockley, David Prewitt.

MINUTES: A motion was made by Mr. Winkfield, as seconded by Mr. Prewitt, to approve the June 6, 2022 minutes, as submitted. The motion carried with five (5) aye votes.

NEW BUSINESS:

PUBLIC HEARING – Application #08-013-2022 – Conditional Use Permit – Clinton & Darlene Tupts (Owner/applicant) – 270 Germany Rd - A-1 District - Article VII, Section 701.4, & Article V, Section 507 (A-R) – The owner is requesting a Conditional Use Permit (CUP) to allow the operation of a two bedroom Bed & Breakfast/Inn Vacation Rental located on the property known as 290 Germany Rd.

Chairman Turney declared the hearing open and called upon Josh Stevens, Building and Zoning Inspector, for comments. Mr. Stevens noted that the owner was requesting a Conditional Use Permit (CUP) to allow the operation of a two bedroom Bed & Breakfast/Inn Vacation Rental located on the property known as 290 Germany Rd. The structure is listed as a single story, two bedroom, and one bathroom residence with a total of 1350 square feet of living space. The principal use of the property is residential. The B&B will be the new use with the owner's residing on the same lot.

Mr. Stevens provided the related Ordinance and definition for review. All public notices were met in accordance with KRS 100.237(6). The property appeared to be of sufficient size to accommodate the proposed use. The Site Plan shows that there is adequate space to accommodate the proposed B&B.

Mr. Stevens provided ten (10) suggested conditions to be included if the Board approves the request and highlighted six of those:

1. This property is subject to all requirements of the Versailles-Midway-Woodford County Zoning Ordinance, including but not limited to Article V, Section 507(A-R).
2. The applicant shall obtain all necessary permits, if any, from the Versailles-Midway-Woodford County Building Inspector and the Woodford County Health Department prior to operation of the B&B.
3. **The Owner, Lessee, or Owners agent must reside on the same property as the B&B. Owner has applied for consolidation of lots, consolidation must be finalized prior to operation of the B&B.**
4. **The Conditional Use Permit shall be personal with Clinton & Darlene Tupts and shall become null and void upon the sale, rent or lease of the property to any other party.**
5. The applicant shall return to the Board prior to ANY changes to the approved conditions.
6. This Conditional Use Permit will be reviewed annually for compliance with all conditions, and then when necessary by the Board, to ensure compliance with these conditions.
7. **Guests shall be limited to 8.**
8. **No Parties, No amplified music outside, and all music to cease at 10pm.**

9. **Limit overnight Parking to 4 vehicles.**

10. **Fire pit can be used but water hose must be available and pit must be out by 10PM.**

Chairman Turney asked if any members had questions regarding the staff report, hearing none, Chairman Turney called upon the applicant for comment.

Darlene Tupts was present and noted that she was part owner of the residence.

Chairman Turney asked if there were any questions for the applicant. Chairman Turney asked for clarification of the application; guests shall be limited to 8 for a two bedroom home. Mrs. Tupts agreed to limiting guests to four people.

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 request.

A motion was made by Mr. Estes, as seconded by Mr. Shockley, to approve, based on the record and the ten noted conditions as amended. Application #08-013-2022 – Conditional Use Permit – Clinton & Darlene Tupts (Owner/applicant) – 270 Germany Rd - A-1 District - Article VII, Section 701.4, & Article V, Section 507 (A-R) – The owner is requesting a Conditional Use Permit (CUP) to allow the operation of a two bedroom Bed & Breakfast/Inn Vacation Rental located on the property known as 290 Germany Rd. The motion carried with five (5) aye votes.

PUBLIC HEARING - Application #08-014-2022 –Dimensional Variance – Kenneth Scott & Myra L Cheak (Owner/applicant) – 340 Lower Clifton - CO-1 District - Article VII, Section 721.6, & Article V, Section 504.4– Owner is seeking a 40 foot variance from the 80 foot minimum front yard setback in order to build a boat storage building in the side yard, 40 feet from the right of way of the road.

Chairman Turney declared the hearing open and called upon Mr. Stevens for comments. Mr. Stevens noted that the owner was seeking a 40 foot variance from the 80 foot minimum front yard setback in order to build a boat storage building in the side yard, 40 feet from the right of way of the road. The residence was constructed in 1990. The property is listed as 4 bedroom, 3 bath, with 2940 square feet of living space. The property is located north of the Kentucky River backing up to the Clifton Road side. The request appeared to meet all of the necessary criteria and the associated Ordinances. All public notifications were met.

Mr. Stevens provided four (4) suggested conditions to be included if the Board approves the request and highlighted one of those:

1. This property is subject to all requirements of the Versailles-Midway-Woodford County Zoning Ordinance.
2. The owner shall comply with all other federal, state and local regulatory entities and shall provide copies to the Planning Commission office of any and all permits issued on behalf of the owner as a result of the approval of the Variance.

3. **The approved variance is granted only for the proposed storage building of the “Site Plan” attached to the application. Any future structures or additions shall conform to the standards of the Zoning Ordinance.**
4. The applicant shall apply for a building permit with the Versailles-Midway-Woodford County Planning & Zoning office prior to any construction or continuation with any construction started prior to obtaining a permit.

Chairman Turney asked if any members had questions regarding the staff report, hearing none, Chairman Turney called upon the applicant for comment.

Scott Cheak was present and noted that his father had recently passed and owned the adjacent property with a little higher elevation than his and if he were to get that property that is where he would like to build the storage building. Chairman Turney noted that the variance runs with the land. Mr. Cheak noted that he should know within the next few months who would get the property. Chairman Turney noted that they could withdraw the application or move forward with it. Mr. Cheak noted that he would like to proceed. Mr. Shockley asked if they storage building is built, will the other structures remain. Mr. Cheak stated that they would remain and park cars under it.

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 request.

A motion was made by Mr. Shockley, as seconded by Mr. Prewitt, to approve, based on the record and with the four (4) conditions as listed Application #08-014-2022 –Dimensional Variance – Kenneth Scott & Myra L Cheak (Owner/applicant) – 340 Lower Clifton - CO-1 District - Article VII, Section 721.6, & Article V, Section 504.4– Owner is seeking a 40 foot variance from the 80 foot minimum front yard setback in order to build a boat storage building in the side yard, 40 feet from the right of way of the road. The motion carried with five (5) aye votes.

PUBLIC HEARING – Application #08-015-2022 – Conditional Use Permit – Robert Alexander Grubbs (Owner/applicant) – 417 Georgetown Rd – R-1B District - Article VII, Section 706.4, & Article V, Section 507 (A-R) – The owner is requesting a Conditional Use Permit (CUP) to allow the operation of a two bedroom Bed & Breakfast/Inn Vacation Rental located on the property known as 417 Georgetown Rd.

Chairman Turney declared the hearing open and called upon Mr. Stevens for comments. Mr. Stevens noted that the owner was requesting a Conditional Use Permit (CUP) to allow the operation of a three bedroom Bed & Breakfast/Inn Vacation Rental located on the property known as 417 Georgetown Rd. The structure is listed as a single story, three bedroom, and two bathroom residence with a total of 1824 square feet of living space. The principal use of the property is residential. The B&B will be the new use with the owner residing on the same lot. The property appeared to be of sufficient size to accommodate the proposed use. All public notifications were met.

Mr. Stevens provided eleven (11) suggested conditions to be included if the Board approves the request and highlighted six of those:

1. This property is subject to all requirements of the Versailles-Midway-Woodford County Zoning Ordinance, including but not limited to Article V, Section 507(A-R).
2. The applicant shall obtain all necessary permits, if any, from the Versailles-Midway-Woodford County Building Inspector and the Woodford County Health Department prior to operation of the B&B.
3. **The Owner, Lessee, or Owners agent must reside on the same property as the B&B.**
4. **The Conditional Use Permit shall be personal with Robert Alexander Grubbs and shall become null and void upon the sale, rent or lease of the property to any other party.**
5. The applicant shall return to the Board prior to ANY changes to the approved conditions.
6. This Conditional Use Permit will be reviewed annually for compliance with all conditions, and then when necessary by the Board, to ensure compliance with these conditions.
7. **Guests shall be limited to 8.**
8. **No Parties, No amplified music outside, and all music to cease at 10pm.**
9. **Limit overnight Parking to 4 vehicles.**
10. Fire pit can be used but water hose must be available and pit must be out by 10PM.
11. **Guests limited to owners property no travel allowed on neighbor's property.**

Chairman Turney asked if any members had questions regarding the staff report, hearing none, Chairman Turney called upon the applicant for comment.

The applicant did not have any comments.

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 request.

A motion was made by Mr. Winkfield, as seconded by Mr. Prewitt, to approve, based on the record and with the eleven (11) conditions as listed Application #08-015-2022 – Conditional Use Permit – Robert Alexander Grubbs (Owner/applicant) – 417 Georgetown Rd – R-1B District - Article VII, Section 706.4, & Article V, Section 507 (A-R) – The owner is requesting a Conditional Use Permit (CUP) to allow the operation of a two bedroom Bed & Breakfast/Inn Vacation Rental located on the property known as 417 Georgetown Rd. The motion carried with five (5) aye votes.

PUBLIC HEARING – Application #08-016-2022 - Conditional Use Permit – Midway University – 176 Weisenberger Mill Road – A-1 District - Article VII, Section 701.4 (B) – Owner is seeking to amend their existing CUP for “school for Academic Instruction” to construct a track and football field for practice and competition on the south side of their existing baseball complex.

Chairman Turney declared the hearing open and called upon Mr. Stevens for comments. Mr. Stevens noted that the owner was requesting to amend their existing Conditional Use Permit (Case# 12-023-2016) for “School for Academic Instruction” to utilize the East side of their property South of the baseball field to construct a track and football field for practice and competition. The subject property is zoned A-1 (Agriculture) and consists of 92 acres. In December of 2016 a conditional use permit for the baseball field was approved. The field was constructed and has been in use since that time. The applicant’s property appears to be of sufficient size to accommodate the proposed use. All public notifications were met.

Mr. Stevens provided ten (10) suggested conditions to be included if the Board approves the request and highlighted seven of those:

1. This property is subject to all requirements of the Versailles-Midway-Woodford County Zoning Ordinance.
2. The applicant shall comply with all other federal, state and local regulatory entities and shall provide copies to the Planning Commission office of any and all permits issued on behalf of the Owner as a result of the approval of the CUP.
3. **The Conditional Use Permit shall be personal with Midway University and shall become null and void upon the sale, rent or lease of the property to any other party.**
4. **This CUP is only for the track and football field and supporting amenities as shown on the attached site plan. Any other changes to this area will require Board approval.**
5. This conditional use permit shall be reviewed annually for compliance with all conditions, and then when necessary by the Board, to ensure compliance with these conditions.
6. **Any future university uses proposed for this A-1 area shall require Board approval with Final Development Plan approval by the Planning Commission, and site construction plans.**
7. **Lighting shall be directed towards the field away from Stephens street, and shall be aimed and shielded to minimize light pollution outside the perimeter of the field. Lighting shall be used only during evening and night practices and game activities.**
8. **The sound system will be directed towards the field projected inward away from Stephens street. The system will be used only during game events and shall not be used during practices.**
9. **There is an existing zoning violation with regard to parking lot that was constructed east of the Anne Hart Raymond Center. This violation needs to be brought into compliance prior to the start of construction for the track and football field complex.**
10. **No planned new parking, or public facilities are being added for this project. If added in the future the applicant will need to amend the CUP to include locations and follow all required regulations.**

Mr. Shockley noted that the company he is employed with provides food service for the University and he recused himself and left the meeting.

Chairman Turney reviewed the three minute time limit for public comment and thirty minute limit for applicant and opposition if represented.

Chairman Turney asked if any members had questions regarding the staff report. Chairman Turney asked if construction had been started. Mr. Stevens noted that dirt was being moved in the proposed location.

Chairman Turney called upon the applicant for comment.

John Carmen, Architect, on behalf of Midway University. Mr. Carman noted in attendance with him was Leah Barth Rice, Ellen Gregory, Rusty Kennedy, and Donna Moore Campbell all from Midway University. Mr. Carman noted that this property was located in an agricultural zone and the request was for an athletic facility to be used for the sprint football, running track and field events and soccer (clarified). Midway University is a stellar member of the community and bring great benefits. It is becoming a great institution that offers great academics and great social environment; along with that comes athletics and recreation. Midway University wants to be able to offer the facilities that the students deserve and that is why they are coming forward to offer the programs. Mr. Carman gave a summary of sprint football. Mr. Carman shared photos on the overhead monitors of different aerial views of the project and campus. Mr. Carman noted that the Board of Trustees had approved the project in 2021 and there has been planning as to where the field would be located; to preserve trees. Mr. Carman noted that a decision was made not to have access onto Stephens Street and did not request access with the application. They wanted to make sure that access was controlled at the existing entry points of the campus. The Board had approved a CUP in 2016 for the baseball field, north of this project. There has been a demolition applied for to demolish a structure to the west of the proposed field. Mr. Carman noted that to the southeast a buffer area needs to be maintained and would not be disrupted. Mr. Carman noted that the project would be for a 400 m track with a contained field to be used for football and soccer and would like to add soccer to condition #4. There could be bleachers and the field would be lit. They will be replacing the paddock areas that will be displaced and Mr. Carmen shared the location. Mr. Carman noted that the application complies with the Zoning Ordinance. This facility would have a positive impact on the students and is not an intrusion into the surrounding properties. Lighting would be directed into the field and the sound would be directed toward the north. Traffic should not increase and would help traffic on Stephens and Grand. They agreed to bring the parking into compliance and agreed with the findings of the staff report.

Chairman Turney asked if there was legal counsel representing the opposition, hearing none, Chairman Turney asked if anyone from the public wished to speak.

Davant Latham of Midway noted that he lived directly across from the proposed facility and noted that he would see the lights when looking up from Stephens Road, unless a wall is built. Mr. Latham completed that the location of the baseball field and noted that the track and football field should be placed to the east of the baseball field over the ridge. Mr. Latham questioned the use of the original bar to be demolished. Light pollution is a concern and placement of field.

Alex Vorhaus commented on the history of Midway University. Concerned with light and noise pollution that would come from facility. Mr. Vorhaus was concerned that it would disrupt the natural habitat for numerous wildlife and birds. Mr. Vorhaus did not believe that the University should be a full-fledged athletic school because the charm of the school is its smallness; it is an equine school and did not believe that there was space equal to what would be lost.

Donna Moore Campbell, Chair of the Board of Trustees of Midway University, reiterated what Mr. Carman said that this was very carefully and deeply discussed by the Board. They took all issues into consideration and is in full cooperation.

Will Sidebottom, student at Midway University, noted that he was a soccer player at the University and that the field was susceptible to flooding. A good facility would be very beneficial to allow them to play even when it rains. Mr. Sidebottom supported the improvements to the athletic facilities.

Gabbi Funk, Graduate student at Midway University, noted that she ran distance track and cross country and noted that it was difficult to train without a track. The school does have access to the Woodford County High School track which is overcrowded and is difficult to facilitate transportation to get to the track.

Caylee Thompson, student athlete at Midway University, noted that she plays soccer and the current field is in a ditch and in wet weather hinders the practice and playing times. The new facility would be beneficial to all sports.

Jennifer Stanley, with Parker, Inc, noted that they were an equine construction company. She was asked by the University to look at the old barn that is to be demolished and noted that the building was past its expiration date. She was part of the thought process and noted that their decision was not decided upon hastily; thought went into saving trees, making sure that the pasture was being used wisely.

Robert West, owns Milford Farm directly across from the facility. Mr. West did not have an issue with the facility as described and was pleased to hear that there would not be an entrance from Weisenberger Mill Road.

Helen Rentch, of Midway, noted that the mission of the school has always been to facilitate children who would not otherwise have the opportunity to succeed in college. Supported the football concept.

Joe Haydon, of Midway, asked if it would be possible to put up temporary lighting and sound and bring neighbors out to see what the effect would be.

Bob Rathom, of Midway, was concerned with light pollution and sound should be directed away from Stephens Street but will affect Walter Bradley Park and is a peaceful nature area.

Mr. Carman noted that the barn was an older barn and could not guarantee that the lighting would not be seen but would be minimal glare impact. Mr. Carman noted that Midway wants to provide a great social, academic, recreational and athletic environment for their students. The University is concerned with the sound as well because they do not want to impose on other activities that would be taking place on the campus. Mr. Carman noted that they agreed with the conditions and asked to include soccer to #4.

Chairman Turney asked the Board members if they had questions for Mr. Carman.

Mr. Prewitt asked if they had thought about putting any evergreen green trees for a buffer along Stephens Street and the facility. Mr. Carman noted that it had been discussed but not acted upon and could be considered. Chairman Turney asked what the distance was between the new facility and Stephens Street. Mr. Carman made an estimate of 600-650 feet. Chairman Turney asked if there were plans to replace the barn that would be demolished. The barn will be replaced with a new 18 stall barn. They will be

rearranging the paddocks to the north of the proposed facility. Chairman Turney suggested hosting a public meeting prior to Phase II on the sound and lighting.

Rebecca Briley noted that if the facility was moved from the ridge it would solve all the problems.

Chairman Turney closed the hearing and noted that Board had received five letters and they were for and against the CUP and would be entered into the record. Chairman Turney asked for a motion to approve or deny the request.

A motion was made by Mr. Winkfield, as seconded by Mr. Prewitt, to approve, contingent on bringing parking into compliance and based on the record with the ten (10) conditions as listed with amendment to #4 adding soccer and with additional conditions: that all paddocks lost will be replaced; University to host public meeting when entering Phase II to discuss lighting and sound; and need suitable landscape buffer between the proposed athletic field and creek - Application #08-016-2022 - Conditional Use Permit – Midway University – 176 Weisenberger Mill Road – A-1 District - Article VII, Section 701.4 (B) – Owner is seeking to amend their existing CUP for “school for Academic Instruction” to construct a track and football field for practice and competition on the south side of their existing baseball complex. The motion carried with four (4) aye votes.

A motion was made by Mr. Winkfield, so moved by Chairman Turney, to adjourn at 7:30 p.m. The motion carried with four (4) aye votes.

Tim Turney, Chairman

TT/ko