

ON MONDAY, AUGUST 3, 2020, THE BOARD OF ADJUSTMENT HELD THEIR SPECIAL MEETING VIA ZOOM VIDEO CONFERENCING AT 6:30 P.M.

Chairman Turney opened the meeting and called upon Pattie Wilson, Planning Director to administer the Oath of Office to new member Lonnie Estes, and an appointee by the Mayor of Versailles, to finish out the term vacated by Frank Stark.

MEMBERS PRESENT: David Prewitt, Tim Turney, Ken Winkfield, Lonnie Estes. **Absent:** Al Schooler

MINUTES: A motion was made by Mr. Prewitt, as seconded by Mr. Estes, to approve the March 2, 2020 minutes, as submitted. The motion carried with four aye votes.

Application #04-006-2020 – Dimensional Variance – Lepore Company LLC (Owner) and Donnie Perkins (Applicant) – 173 Macey Avenue - R-4 District - Article VII, Section 710.6 and Article VIII, Section 803(B) – Owner is seeking a 10’ variance from the minimum required 20’ front yard setback and a 2’-6” variance from the minimum 5 foot side yard in order to reconstruct a legal non-conforming structure.

Chairman Turney declared the hearing open and called upon Joshua Stevens, Building and Zoning Inspector, for comments. Mr. Stevens noted that the application was an owner/applicant application and that they were seeking a 10’ variance from the minimum required 20’ front yard setback and a 2’6” variance from the minimum 5’ side yard in order to reconstruct a legal non-conforming structure. Mr. Stevens noted that the property was located in the Southwest side of Versailles near the old Versailles Elementary building. The residence on the property is listed as a 2 story, 3 bedroom, 1 bath home. The location of the residence on the lot as well as the size of the lot are both legally non-conforming. The owner purchased the property in October 2019 with the intentions of remodeling the home. In March 2020 an application was made for a building permit and it was determined that the improvements would exceed the 50% maximum rule and a dimensional variance would be necessary. Mr. Stevens report noted that all four criteria were met.

Mr. Stevens provided the appropriate Ordinances for the request as well as all associated definitions. All public notifications were met.

Mr. Stevens provided four suggested conditions to be included if the Board approves the request and highlighted two 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 owners as a result of the approval of the Variance.
3. **The approved Variance is granted only for the single family dwelling in the location shown on attached site plan.**
4. **The owner shall obtain all necessary permits from the Versailles-Midway-Woodford County Building Inspector for the remodeling of the single family residence.**

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

Deni Hamilton, representative for Lepore LLC, noted that they are not building anything outside the current existing walls. All remodeling would be inside the home. Ms. Hamilton noted that the house did not have 2x4 walls in some places and understood that the cost exceeded the maximum for repair and that is why the variance was needed.

Chairman Turney asked if there were any questions or if anyone from the public wished to speak, hearing none, he closed the hearing and asked for a motion to approve or deny.

A motion was made by Mr. Prewitt, as seconded by Mr. Estes, to approve, based on the staff report record and with the four conditions as listed, Application #04-006-2020 – Dimensional Variance – Lepore Company LLC (Owner) and Donnie Perkins (Applicant) – 173 Macey Avenue - R-4 District - Article VII, Section 710.6 and Article VIII, Section 803(B) – Owner is seeking a 10’ variance from the minimum required 20’ front yard setback and a 2’-6” variance from the minimum 5 foot side yard in order to reconstruct a legal non-conforming structure. The motion carried with four aye votes.

Application #08-008-2020 – Conditional Use Permit – General Enterprises of Lexington, Inc (owner) and Woodford Church of Christ (applicant) – 123 Big Sink Rd – R-3 District – Article IV, Section 401(B)(1)(F) – Owner and applicant are seeking a Conditional Use Permit to operate a church.

Chairman Turney declared the hearing open and called upon Mr. Stevens for comments. Mr. Stevens noted that the Owner/Applicants are requesting a Conditional Use Permit (CUP) for a Church. The Owners will not be operating the Church but leasing the property to the Woodford Church of Christ. Services and activities will primarily be held on Sundays (9AM-1PM) and Wednesdays (6PM-9PM). No social functions or food services, no outside activities or music shall be conducted. The property is located on the northwest side of Big Sink Road approximately 200 feet before the railroad spur serving Quad Graphics. The applicant’s property appeared to be of sufficient size to accommodate the proposed use of a church. A map of the site is attached to the application which shows that there is adequate access and parking for this use. The request for this CUP appeared to meet all of the necessary criteria listed above and within the associated Ordinances.

Mr. Stevens provided the appropriate Ordinances for the request as well as all associated definitions. All public notifications were met.

Mr. Stevens provided seven suggested conditions to be included if the Board approves the request and highlighted two 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 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 church.
4. **The Conditional Use Permit shall be personal with General Enterprises of Lexington Inc. and shall become null and void upon the sale, rent or lease of the property to any other party other than Woodford Church of Christ.**
5. **Services and activities will primarily be held on Sundays (9AM-1PM) and Wednesdays (6PM-9PM). No social functions or food services, no outside activities or music shall be conducted.**
6. The applicant shall return to the Board prior to ANY changes to the approved conditions.
7. 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.

Chairman Turney asked if the church decided to have host a wedding, would that be permissible, due to music. Mr. Stevens noted that it was not requested on the application because the application stated no music. Chairman Turney asked if any members had questions regarding the staff report. Hearing none, Chairman Turney called upon the applicant for comment.

Wayde Miller, Pastor of Woodford Church of Christ was present on the Zoom meeting. Mr. Miller didn't have any further comments. Mrs. Wilson clarified that the church can have inside music, just not outside.

Chairman Turney asked if there were any questions or if anyone from the public wished to speak, hearing none, he 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 seven conditions as listed, Application #08-008-2020 – Conditional Use Permit – General Enterprises of Lexington, Inc (owner) and Woodford Church of Christ (applicant) – 123 Big Sink Rd – R-3 District – Article IV, Section 401(B)(1)(F) – Owner and applicant are seeking a Conditional Use Permit to operate a church. The motion carried with four aye votes.

Application #08-009-2020 – Conditional Use Permit – Brian and Tammy VanSteenbergh – 116 N Winter St – B-2 District – Article VII, Section 714.4(B) – Owners are seeking a Conditional Use Permit to allow 1st floor residential use at the rear of the existing building (business will remain in front on the 1st floor).

Chairman Turney declared the hearing open and called upon Mr. Stevens for comments. Mr. Stevens noted that the applicants were seeking a conditional use permit to allow a residential use located on the first floor in the back of an existing business. Both the first and second floor at the rear will be one residential unit. The property is located in the City of Midway and is zoned B-2, Central Business District. Currently the building is used as a salon and spa business. There are no records of any prior Conditional Use Permits for this address. The applicant has applied for a building permit to remodel the downstairs to meet required fire separation between commercial and residential uses. The property is sufficient size to accommodate the proposed use. The Site Plan shows that there is adequate space to accommodate visitor parking. On premise parking is not required in a B-2 zone, however the site plan indicates adequate space to accommodate visitor and resident parking with on street spaces or the city

parking lot located adjacent to the subject property. The request for the CUP appears to meet all of the necessary criteria listed above and within the associated Ordinances.

Mr. Stevens provided the appropriate Ordinances for the request as well as all associated definitions. All public notifications were met.

Mr. Stevens provided nine suggested conditions to be included if the Board approves the request and highlighted five 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 applicant shall obtain all necessary permits, if any, from the Versailles-Midway-Woodford County Building Inspector and the Woodford County Health Department prior.
4. **The Conditional Use Permit shall be personal with Brian and Tammy VanSteenbergh 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. **The building shall be renovated to ensure proper fire separation from the residence to the business with all renovations being compliant with the 2018 KBC.**
7. **Directional signage will be established on the property to direct visitors to the rear residence.**
8. **The use is only permitted for the rear portion of the structure as identified in the application.**
9. 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.

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

Brian and Tammy VanSteenbergh were present on the Zoom meeting and did not have any comments.

Chairman Turney asked if there were any questions or if anyone from the public wished to speak, hearing none, he 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. Prewitt, to approve, based on the record and with the nine conditions as listed, Application #08-009-2020 – Conditional Use Permit – Brian and Tammy VanSteenbergh – 116 N Winter St – B-2 District – Article VII, Section 714.4(B) – Owners are seeking a Conditional Use Permit to allow 1st floor residential use at the rear of the existing building (business will remain in front on the 1st floor). The motion carried with four aye votes.

Application #08-010-2020 – Dimensional Variance - Donald and Jennie Rowe – 215 Rose Hill Ave – OHR-2 District – Article V, Section 504.4 – Owners are seeking a 40’ variance from the required setback of 90 feet in order to construct an in-ground pool in the side yard due to steep grade in rear yard and being a corner lot.

Chairman Turney declared the hearing open and called upon Mr. Stevens for comments. Mr. Stevens noted that the owners are seeking a dimensional variance to allow an in ground swimming pool to be located in their side yard. They are seeking a 40' variance from the required setback of 90 feet in order to construct an in-ground pool 20 feet from the front fence in the side yard. The property is located on the corner of Rose Hill and Park Street directly behind the Woodford County Historical Society building, and is zoned OHR-2 (Low Density Multiple Family Residential). The residence consists of 5 bedrooms and 4 bathrooms. The property and home were purchased by the current owners in June 2015. In 2016 a Certificate of Appropriateness was approved to replace an existing chain link fence with a 6' privacy fence and driveway gate. Recently in March 2020 a Building Permit application was approved for a detached garage that is currently under construction. Mr. Stevens noted that the request did appear to meet all four criteria listed.

Mr. Stevens provided the appropriate Ordinances for the request as well as all associated definitions. All public notifications were met.

Mr. Stevens provided five 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 owners as a result of the approval of the Variance.
3. The approved Variance is granted only for the in ground pool in the location shown on attached site plan.
4. The owner shall obtain all necessary permits from the Versailles-Midway-Woodford County Building Inspector for the construction of the pool.
5. **The existing fence and home shall meet all requirements of the 2018 KRC for pool barrier requirements.**

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

Donnie Rowe was present on the Zoom meeting and noted that they would make sure the fence met all requirements for a pool enclosure. Chairman Turney asked if they would be adding the landscaping around the pool as noted on the submitted plan. Mr. Rowe noted that the whole side yard would be landscaped thoroughly. Chairman Turney asked if any members had questions. Hearing none, Chairman Turney asked Mrs. Wilson if anyone had commented on the request. Mrs. Wilson noted that when adjoining property owner letters were sent out that the office did receive a phone call from a neighbor and they did not indicate that they would join in the Zoom meeting but expressed concern about noise in the late evening, and did not ask for that to be a condition.

Chairman Turney asked if there were any questions or if anyone from the public wished to speak, hearing none, he closed the hearing and asked for a motion to approve or deny.

A motion was made by Mr. Prewitt, as seconded by Mr. Winkfield, to approve, based on the staff report record and with the five conditions as listed, and that it complies with the four criteria Application #08-010-2020 – Dimensional Variance - Donald and Jennie Rowe – 215 Rose Hill Ave – OHR-2 District – Article V, Section 504.4 – Owners are seeking a 40’ variance from the required setback of 90 feet in order to construct an in-ground pool in the side yard due to steep grade in rear yard and being a corner lot. The motion carried with four aye votes.

A motion was made by Mr. Winkfield, so moved by Chairman Turney, to adjourn at 6:53 p.m. The motion carried with four (4) aye votes.

Tim Turney, Chairman

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