

ON MONDAY, DECEMBER 4, 2017, THE BOARD OF ADJUSTMENT HELD A MEETING IN THE 2<sup>ND</sup> FLOOR COURTROOM OF THE WOODFORD COUNTY COURTHOUSE AT 6:30 P.M.

**PLEDGE OF ALLEGIANCE**

**MEMBERS PRESENT:** David Prewitt, Al Schooler, Frank Stark, Tim Turney, Fred Powers

**MINUTES: A motion was made by Mr. Schooler, as seconded by Mr. Prewitt, to approve the November 6, 2017 minutes, as submitted. The motion carried with five (5) aye votes.**

Application 12-023-2017 – Dimensional Variance – Tressa Wilson – 1006 Scotts Way – R.R. District – Article VII, Section 703.5(E) – Owner/Applicant is seeking a 20 foot rear yard variance from the required minimum 150 foot setback for a home built in this location in 2003.

Chairman Turney declared the hearing open and called upon Isaac Hughes, Building Inspector for comments. Mr. Hughes summarized the staff report that was distributed to the board members. Mr. Hughes noted that owner is requesting a dimensional variance of 20' from the 150' minimum rear yard setback for a single family residence built in 2003. The property is zoned R.R. (Rural Residential). It is the last house on the West side of the cul-de-sac on Scotts Way. In the R.R. Zone, lots that are adjacent to other farms must have a 150' minimum building setback as shown on recorded plat. The home was constructed in 2003 with site plan showing the correct placement. However, the home ended up being built further back on the lot than thought. There are no records of any prior variances to the subject property. Mr. Hughes recognized the applicable ordinances. Mr. Hughes noted that all criteria had been met.

All public notifications were met.

Mr. Hughes noted that if the Board were to approve the variance that it should be approved with the conditions listed as follows:

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 Principle residence, any future structures or additions shall conform to the standards of the Zoning Ordinance setback.**

Chairman Turney asked if there were any further questions for Mr. Hughes.

Mr. Powers questioned the 20' variance that Mr. Hughes referred to. Mr. Powers asked for clarification of the 20' or 30'. Patricia Wilson, Planning Director responded that the scaled drawings showed 20'.

Chairman Turney asked if the applicant would like to speak. The applicant didn't have anything further to add.

Chairman Turney asked 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. Stark, as seconded by Mr. Powers, to approve as presented Application 12-023-2017 – Dimensional Variance – Tressa Wilson – 1006 Scotts Way – R.R. District – Article VII, Section 703.5(E) – Owner/Applicant is seeking a 20 foot rear yard variance from the required minimum 150 foot setback for a home built in this location in 2003 with the noted three conditions. The motion carried with five (5) aye votes.**

Application 12-024-2017 – Dimensional Variance – Edgar Saborit – 103 Mack St – R-3 District – Article V, Section 502.3(B) – Owner/Applicant is seeking a 10 foot variance from 60 foot lot width to 50 foot lot width in order to build two townhouses.

Chairman Turney declared the hearing open and called upon Mr. Hughes. Mr. Hughes summarized the staff report that was distributed to the board members. Mr. Hughes noted that the owner was seeking a 10 foot variance from width of lot. Ordinance requires minimum 60 feet, the lot is 50 feet; needs 10 foot variance from total lot width in order to build a two unit townhouse. The property is zoned R-3 (Medium Density Residential Zone) and lies on the west side of Mack Street about 170 feet Northeast of Clifton Road. Article VII, Section 709.2(B) allowing Townhouses with special provisions of 709.6 as required in Article V, Section 502.3(B) #9, which states a requirement of the minimum lot width at the front yard line of sixty feet in the R-3 Zone. There are no prior Dimensional Variances requested to this property. Previous Dimensional Variances have been approved by the BOA for similar townhomes at 133 Mack Street. A demolition permit was issued on September 29, 2017 for this residence. Mr. Hughes reviewed the applicable ordinances. Mr. Hughes noted that all criteria had been met.

Mr. Hughes noted that if the Board were to approve the variance that it should be approved with the conditions listed as follows:

1. **This property is subject to all requirements of the Versailles-Midway-Woodford County Zoning Ordinance.**
2. **The owners 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 townhouses as shown on the site plan dated November 28, 2017. Any future structures or additions shall conform to the standards of the Zoning Ordinance.**
4. **The owner shall obtain all necessary permits from the Versailles-Midway-Woodford County Building Inspector for the construction of the townhouses.**

All public notifications were met.

Chairman Turney asked if there were any further questions for Mr. Hughes.

Chairman Turney asked if two lots had been combined to create 133 Mack Street. Mr. Hughes noted that the lot does look wide. Mrs. Wilson noted that 133 was a split for townhouse.

Chairman Turney asked if the applicant would like to speak and if anyone from the public would like to speak, hearing none, Chairman Turney closed the hearing and asked for a motion to approve or deny.

**A motion was made by Mr. Prewitt, as seconded by Mr. Schooler, to approve Application 12-024-2017 – Dimensional Variance – Edgar Saborit – 103 Mack St – R-3 District – Article V, Section 502.3(B) – Owner/Applicant is seeking a 10 foot variance from 60 foot lot width to 50 foot lot width in order to build two townhouses with the noted four conditions. The motion carried with five (5) aye votes.**

Application 12-025-2017 – Dimensional Variance – Antony C. Bays – 5799 Midway Rd – A-1 District – Owner/Applicant is seeking a 10 foot variance from the 25 foot minimum side yard (each side) requirement and a 25 foot variance from the minimum 50 foot minimum rear yard requirement in order to build a single family residence.

Chairman Turney noted that the application had been postponed and will be placed on the January 2018 agenda.

Application 12-027-2017 – Conditional Use - Philip Gerrow – 2365 Lexington Rd – A-1 District – Article VII, Section 701.4(l) - Applicant is seeking a Conditional Use Permit to operate a kennel/dog training facility in an A-1 zoned area.

Chairman Turney declared the hearing open and called upon Mr. Hughes. Mr. Hughes summarized the staff report that was distributed to the board members. Mr. Hughes noted the Applicant is requesting a Conditional Use Permit (CUP) to allow for the operation of a Dog Training Facility/Kennel business. The subject property is zoned A-1 (Agriculture) and consists of 23.872 acres. The property is located on the south side of US 60/Lexington Road and the west side of the Bluegrass Parkway. The tract was created as an In-Family Conveyance from Grandparents to Grandson in August of 2005, with access granted via a 15 foot access easement through the grandparents remaining farm. (See attached plat) There are currently two structures on the farm. One is a two story storage structure and the other a barn. The owner resides next door on the family farm in a cabin behind the main residence.

In November 2017 a building permit application was made for construction of new structure as shown on the attached aerial photo with the new structure highlighted in orange. At this time it was discovered that an existing training/kennel business, "Sit Means Sit" was already in operation without proper permits. The owner/applicant is seeking proper approvals at this time for expansion of this business. There have been no other Board of Adjustment actions involving this property.

Mr. Hughes recognized the applicable ordinances. Mr. Hughes noted that all criteria had been met.

All public notifications were met.

Mr. Hughes noted that if the Board were to approve the variance that it should be approved with the conditions listed as follows:

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 dog training/kennel.**
4. **The Conditional Use Permit shall be personal with Philip Robert Gerrow, Jr. 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. **All fecal matter from the dog training/kennel shall be disposed of by removing from the property via waste management company such as Rumpke.**
7. **The buildings and training areas shall be kept clean so there is no odor and shall be managed so any barking or nuisance dogs are removed from outside runs/exercise pens to inside buildings.**
8. **The training of all canines will be completed on-leash in a controlled environment. Any off-leash training will be completed in a designated fenced-in area that instructors will have control over.**
9. **Visitors are by appointment only. No walk-ins are permitted.**
10. **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 there were any further questions for Mr. Hughes.

Chairman Turney asked if the applicant would like to speak; the applicant did not have any comments to add.

Chairman Turney asked if any Board members had any questions. Mr. Stark asked if any letters had been received from neighbors. Mr. Hughes noted that staff had received on call and they wanted a map showing where the facility was being located on the farm but did not have any complaints.

Chairman Turney asked if anyone from the public would like to speak.

Lindsey Cox McHatton, representing Miriam Cox of 2369 Lexington Road noted that she did not have any objections.

Chairman Turney closed the hearing and asked for a motion to approve or deny.

**A motion was made by Mr. Stark, as seconded by Mr. Prewitt, to approve Application 12-027-2017 – Conditional Use - Philip Gerrow – 2365 Lexington Rd – A-1 District – Article VII, Section 701.4(l) - Applicant is seeking a Conditional Use Permit to operate a kennel/dog training facility in an A-1 zoned area with the ten noted conditions. The motion carried with five (5) aye votes.**

**A motion was made by Mr. Stark, so moved by Chairman Turney, to adjourn at 7:52 p.m. The motion carried with five (5) aye votes.**

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Tim Turney, Chairman

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