

ON MONDAY, December 5, 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

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

MINUTES: A motion was made by Mr. Winkfield, as seconded by Mr. Shockley, to approve the November 7, 2022 minutes, as submitted. The motion carried with four (4) aye votes.

NEW BUSINESS:

DECISION - Application #11-019-2022 – Dimensional Variance – Toni Congleton – 107 High Street – R-3 District - Article VII, Section 709.6 – Applicant is requesting a 23’2” rear yard variance from setback and 5’7” side yard variance from setback along alley side in order to use structure as a residence.

Chairman Turney noted that the Board was waiting for a neighbor to bring a survey before they took action and as of this date and time they have not produced one. Chairman Turney asked if any members had comments. Hearing none, Chairman Turney asked for a motion.

A motion was made by Mr. Estes, as seconded by Mr. Shockley, to approve Application #11-019-2022 – Dimensional Variance – Toni Congleton – 107 High Street – R-3 District - Article VII, Section 709.6 – Applicant is requesting a 23’2” rear yard variance from setback and 5’7” side yard variance from setback along alley side in order to use structure as a residence, based on the record and plat as presented. The motion carried with four (4) aye votes.

PUBLIC HEARING - Application #12-022-2022 – Dimensional Variance – Paul Francis – 2625 Lillards Ferry Rd – CO-1 District - requesting a 30-foot front yard setback variance and 10-foot rear yard setback variance in order build a Single-Family residential structure on the property.

Chairman Turney declared the hearing open and called upon Mr. Hunter for comments. Mr. Hunter shared a photo on the monitors of the lot when a structure stood on it. The lot is below the minimum size for the CO-1 District, which is 30 acre minimum. The applicant wishes to put another structure on the property and needed a variance to meet the setbacks. The applicant provided the drawings for the proposed structure.

Mr. Hunter provided three (3) suggested conditions to be included if the Board approves the request:

1. This property is subject to all requirements of the Versailles-Midway-Woodford County Zoning Ordinance. 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.
2. The approved variance is granted only for the existing structure location referenced in the application. Any future structures or additions shall conform to the standards of the Zoning Ordinance.

3. The applicant shall apply for a Building Permit with the Versailles-Midway-Woodford County Planning & Zoning office prior to any construction.

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

Paul Francis was present and noted that the property was used as a dumping place and they have cleaned it up and hope to build a small cottage to use to be close to relatives on weekends.

Chairman Turney asked if any Board members had questions for the applicant. Mr. Estes asked Mr. Francis to address the septic. Mr. Francis noted that he had been working with Mr. Schoeck at the Health Department and will need to bring fill in and that is why the house needs to be located closer than the minimum setback.

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. Shockley, to approve Application #12-022-2022 – Dimensional Variance – Paul Francis – 2625 Lillards Ferry Rd – CO-1 District - requesting a 30-foot front yard setback variance and 10-foot rear yard setback variance in order build a Single-Family residential structure on the property, with the noted conditions and the testimony as presented in this public hearing that has shown that the granting of this variance meets the criteria set forth in KRS 100.243, "Findings necessary for granting variances," as the request will not adversely affect the public health, safety or welfare and will not cause a hazard or a nuisance to the public. The motion carried with four (4) aye votes.

PUBLIC HEARING - Application #12-023-2022 – Dimensional Variance – Diversified Property Group LLC – 259 W Higgins St– R-2 District - The Applicant is requesting a 6-foot front yard setback variance, 6-foot side yard setback variance and a 20-foot lot width variance in order to subdivide the existing property into two 50-foot wide residential lots.

Chairman Turney declared the hearing open and called upon Mr. Hunter for comments. Mr. Hunter shared aerial photos on the monitors. Mr. Hunter noted that the property originally had four structures and two have been removed. The property owner's desire is to sub-divided the property and get one house on each lot. Due to the location of the structures on the lots, necessitated a need for the variances to allow a plat to be filed.

Chairman Turney called upon the applicant for comment.

Tom Hatfield with EA Partners was present on behalf of Diversified Property Group. Mr. Hatfield reiterated that it was a lot that has had four houses on it in the R-2 District, on a 100 foot lot built back in the 60's or 70's and they had been run down and vacant and the applicant was proposing to split the lot into two 50' lots which is similar to what exist on Higgins Street. There is currently two unoccupied homes on the lot.

Chairman Turney asked if anyone would like to speak to the variance. 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. Winkfield, to approve the request for a 20-foot lot width variance, a 19-foot variance from the front setback requirement and a 6-foot variance from the side setback requirement for the property located at 259 West Higgins Street Court. The testimony has been presented in this public hearing that has shown that the granting of this variance meets the criteria set forth in KRS 100.243, "Findings necessary for granting variances," as requested and would not alter the essential character of the general vicinity and the proposed request does show that the requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone. The motion carried with four (4) aye votes.

2023 Meeting Schedule – The meeting schedule was distributed.

A motion was made by Mr. Shockley, as seconded by Mr. Estes, to adopt the 2023 Meeting Schedule as presented. The motion carried with four (4) aye votes.

HB 55 Training Hours – Mr. Hunter noted that the members needed to obtain their training hours. It is 8 hours every two years from the appointment date.

A motion was made by Mr. Shockley, so moved by Chairman Turney, to adjourn at 6:55 p.m. The motion carried with four (4) aye votes.

Tim Turney, Chairman

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