

ON MONDAY, FEBRUARY 1, 2021, 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 Bart Shockley, and an appointee by the Mayor of Midway.

ELECTION OF OFFICERS: Mr. Prewitt made a motion, as seconded by Mr. Estes to nominate Tim Turney, Chairman; David Prewitt, Vice-Chairman; Ken Winkfield, Secretary. The motion carried with five (5) aye votes.

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

MINUTES: A motion was made by Mr. Estes, as seconded by Mr. Winkfield, to approve the November 2, 2020 minutes, as submitted. The motion carried with five (5) aye votes.

Application #11-016-2020 – Conditional Use Permit – Doris Ott – 665 Fintville Rd – CO-1 District – Article VII, Section 721.4 (D); Article V, Section 507 and Definition 212 – Owner is seeking a Conditional Use Permit to operate a Bed & Breakfast/Inn consisting of 2 guest rooms as a vacation rental.

Chairman Turney declared the hearing open and called upon Joshua 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 located on the property known as 665 Fintville Rd. The property is listed as a two bedroom, one bathroom home with unfinished basement. The building was constructed in 1983. The current owner purchased the property in 2001. There are no records of prior conditional uses granted for this property. The principle use of the property is single family residential. The B&B will be the new use and will be limited to a maximum of 4 guests with two bedrooms and one bathroom available.

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

Mr. Stevens provided six 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 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 Applicant will operate no more than two (2) guest rooms to be occupied by no more than 4 (four) total guests.**
4. **The Conditional Use Permit shall be personal with Doris Ott 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.

Chairman Turney asked if any members had questions regarding the staff report. Hearing none, Chairman Turney called upon the applicant for comment. The applicant was not present.

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. Winkfield, as seconded by Mr. Prewitt, to approve, based on the staff report record and with the six (6) conditions listed, Application #11-016-2020 – Conditional Use Permit – Doris Ott – 665 Fintville Rd – CO-1 District – Article VII, Section 721.4 (D); Article V, Section 507 and Definition 212 – Owner is seeking a Conditional Use Permit to operate a Bed & Breakfast/Inn consisting of 2 guest rooms as a vacation rental. The motion carried with five (5) aye votes.

Application #12-020-2020 – Dimensional Variance – JPG Rental and Storage (owner) and Nashgrove LLC (applicant) – 1021 Tyrone Pike (aka 1051 Tyrone Pike) – I-1 District – Article VI, Section 600.2(G)(2)(B) - Applicant is seeking a 15' variance from the required setback of 25' in order to have required parking 10' from the front property line within the front yard setback.

Chairman Turney declared the hearing open and called upon Mr. Stevens for comments. Mr. Stevens noted that the Applicant was seeking a 15 foot variance from the required setback of 25 feet, in order to have required parking 10 feet from the front property line, within the front yard setback. The property is located near the intersection of Tyrone Pike and Falling Springs Boulevard, and is zoned I-2 (Heavy Industrial). The property has been developed recently and has plans to add industrial businesses. One of the buildings planned for this lot is an 11,000 square foot warehouse which would have 27 required parking spaces. If all of the parking spaces are setback at the 25 foot requirement, 15 spaces would need to be shifted to the rear of the building because of spacing requirements. Having parking in the rear of the building would cause maneuvering problems because of trucks utilizing the loading dock. The plat also has an existing retention basin located in the rear to the south. There are no records of any prior variances granted to this property. The request appeared to meet all of the necessary criteria and the associated Ordinances. 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 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 parking area shown on 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.**

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

Matt Carter with Vision Engineering and Delia Nash, Owner were present on Zoom. Mr. Carter noted that they were in agreement with the conditions as stated.

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 four (4) conditions as listed, Application #12-020-2020 – Dimensional Variance – JPG Rental and Storage (owner) and Nashgrove LLC (applicant) – 1021 Tyrone Pike (aka 1051 Tyrone Pike) – I-1 District – Article VI, Section 600.2(G)(2)(B) - Applicant is seeking a 15' variance from the required setback of 25' in order to have required parking 10' from the front property line within the front yard setback. The motion carried with five (5) aye votes.

Application #02-001-2021 – Conditional Use Permit – Guy Kemper – 109 Martin Street – B-2 District (Central Business District) – Article VII, Section 714.4(B) – Owner is seeking a Conditional Use Permit to use the one story structure for residential use.

Chairman Turney declared the hearing open and called upon Mr. Stevens for comments. Mr. Stevens noted that the applicant is seeking a conditional use permit to allow a residential use in B-2 zone located on the first floor in the existing single story building. The property is located in the City of Midway, and is zoned B-2, Central Business District. Currently the building is not in use, but has historically been used as a residence. A building permit was obtained to remodel the structure for single occupancy residential use in October 2020. The permit is ready for final inspection and just lacks Board approval to be officially issued occupancy for single family residential use. There are no records of any prior conditional uses granted to this property. The request for the CUP appeared to meet all of the necessary criteria listed 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 six 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 to occupancy.
4. **The Conditional Use Permit shall be personal with Guy Kemper and shall become null and void**

upon the sale 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.

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

Guy Kemper was present on the Zoom meeting and had a questions regarding condition #5. Mr. Stevens confirmed that if the applicant wished to change the use then they would need to come back before the Board.

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. Shockley, as seconded by Mr. Prewitt, to approve, based on the record and with the six (6) conditions as listed, Application #02-001-2021 – Conditional Use Permit – Guy Kemper – 109 Martin Street – B-2 District (Central Business District) – Article VII, Section 714.4(B) – Owner is seeking a Conditional Use Permit to use the one story structure for residential use. The motion carried with five (5) aye votes.

Application #02-002-2021 – Conditional Use Permit – Walter E. and Elaine Schott (owners) and Iglesia de Dios Peniel (applicant) – 125 Lexington Street - OHB-2 District (Central Business District) – Article IV, Section 401(B)(1)(F) - Owner/Applicants are seeking a Conditional Use Permit for 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 Owner will not be operating the Church but leasing the property to the Iglesia De Dios Peniel (Church of God "Face of God"). Services and activities will primarily be held on Sundays (2PM-10PM) and week nights, Tuesday & Thursday (6PM-9PM). No social functions or food services, no outside activities or music shall be conducted. The scheduled times for services are to alleviate downtown traffic congestion. Parking for the church would be primarily public parking areas, such as the library or city parking lots and on street parking. The subject property is zoned OHB-2 (Old Historic Central Business District). The building has been vacant for many years but was previously used as a theater. The building was purchased in 2013 by the current owner and is located in the heart of downtown Versailles near the corner of North Main and Lexington Street. There are no prior CUP issued for this property. The property has been verified via engineer, local building inspector, state building inspector, fire marshal to be of the sufficient type of construction to support the requested use. 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 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 Iglesia De Dios Peniel and shall become null and void upon the sale or lease of the property to any other party.**
5. **Services and activities will primarily be held on Sundays (2PM-10PM) and week nights Tuesday & Thursday (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 any members had questions regarding the staff report. Hearing none, Chairman Turney called upon the applicant for comment.

Trey Schott was present on the Zoom meeting and noted that the building had been vacant several years before he purchased it and the downtown parking has been an issue to get a tenant in the space for professional office or retail use. The Church consists of about 20 Hispanic families from Versailles. They are installing pews and carpet and will be installing a new HVAC system. They scheduled their hours not to cause additional issues with parking.

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. Winkfield, as seconded by Mr. Estes, to approve, based on the staff report record and with the seven (7) conditions as listed, Application #02-002-2021 – Conditional Use Permit – Walter E. and Elaine Schott (owners) and Iglesia de Dios Peniel (applicant) – 125 Lexington Street - OHB-2 District (Central Business District) – Article IV, Section 401(B)(1)(F) - Owner/Applicants are seeking a Conditional Use Permit for a Church. The motion carried with five (5) 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 five (5) aye votes.

Tim Turney, Chairman
TT/ko