

ON MONDAY, FEBRUARY 5, 2018, THE BOARD OF ADJUSTMENT HELD A MEETING IN THE 2ND FLOOR COURTROOM OF THE WOODFORD COUNTY COURTHOUSE AT 6:30 P.M.

PLEDGE OF ALLEGIANCE

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

MINUTES: A motion was made by Mr. Schooler, as seconded by Mr. Prewitt, to approve the January 8, 2018 minutes, as submitted. The motion carried with four (4) aye votes.

OLD BUSINESS

BOARD ACTION ONLY - 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 (south side ONLY) 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 this was for the Board only and that they had received the new site plan. Chairman Turney asked if any board members had any questions. Hank Graddy, from the audience asked to speak. Chairman Turney denied his request and noted that the public hearing was closed at the January 8, 2018 meeting. Chairman Turney noted that the variances on the current site plan do match what was originally requested in the application.

Chairman Turney asked for a motion to approve or deny the request, if there are no further questions. Mr. Schooler asked for clarification on the front of the lot and the Columbia Gas easement. Chairman Turney noted that the variance is on the west side of the property and not the front of the lot.

A motion was made by Mr. Schooler, as seconded by Mr. Powers, to approve 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 (south side ONLY) requirement and a 25 foot variance from the minimum 50 foot minimum rear yard requirement in order to build a single family residence with conditions as listed. The motion carried with four (4) aye votes.

Application #02-003-2018 – Conditional Use Permit – Eckert’s Inc. and J&L KY Farms LLC– 1396 Pinckard Pk - A-1 District – Article VII, Section 701.4(l) and 701.8 (A&B) – Owners are seeking to amend their Conditional Use Permit for an existing agricultural orchard enterprise. Amendments include: additional activities on Friday and Saturday evenings until 10:00 p.m., which include hayrides around the farm with retail barn remaining open; lighting the existing parking lot to ensure visitor safety; and increasing the size of the playground area so additional activities can be added.

Chairman Turney called the hearing open and called upon Isaac Hughes, Building Inspector for comments. Mr. Hughes noted that the Owners are seeking to amend their Conditional Use Permit for an existing Agricultural Orchard Enterprise. Amendments include: Additional activities on Friday and Saturday evenings until 10:00 p.m., which include hayrides around the farm with retail barn and concessions remaining open; lighting the existing parking lot to ensure visitor safety; and increasing the size of the playground area so additional activities can be added. Mr. Hughes noted the subject property was operated as an orchard for many years by the Kaenzig Family. Terry & Susie Boyd purchased the

property and in 2004 sought a recommendation from the Agricultural Advisory Review Committee for an agricultural tourism enterprise. The Boyds then applied to the Board of Adjustment for a Conditional Use Permit which was approved and in effect until they sold the property in March of 2017. Upon approval of the CUP in 2004 the Boyds constructed the main retail building and improved all of the other buildings on the property. In 2016 two of the barns used for storage burned and they have been replaced with a hoop style agricultural building. The Eckerts, Inc. and J & L KY Farms, LLC bought the property in March of 2017 and were approved for a Conditional Use Permit in May of 2017 to continue using the land as new owners. (Conditional Use Permits do not transfer with the land).

The Eckerts continue hosting church, school and other group tours for educational entertainment. They grow and market fruits and vegetables, have a café style restaurant, outdoor concessions, playgrounds, petting zoo, hayrides, photo-ops, birthday parties, campfire events for groups, evening cookouts, few festival weekends along with other similar activities.

Mr. Hughes reviewed the Ordinance as noted in the report in the packet.

Public notices were sent to adjoining property owners and placed in the Woodford Sun.

The Owner's property appears to be of sufficient size to accommodate the proposed amended uses. The Site Plan shows that there is adequate space to accommodate the extension of the Agri-tourism Enterprise, as permitted by Article VII, 701.8(A & B) and 704.4(l) as long as the Conditions proposed by the Owners and supplemented by the AARC are adhered to.

Mr. Hughes noted that if the Board approves this application, it is recommended that the following conditions be attached to the Conditional Use Permit:

1. **This property is subject to all requirements of the Versailles-Midway-Woodford County Zoning Ordinance.**
2. **Owner shall comply with all 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 Applicant as a result of the approval of the CUP.**
3. **Owner's Conditional Use Permit shall become null and void upon the sale or transfer of the property.**
4. **Owner shall return to the Board prior to ANY changes to the approved conditions with the CUP.**
5. **Expansion of nightly events shall be open on Friday and Saturday evenings during Fall Festival weekends (September-October). Hours from 7:00 P.M.-10:00 P.M, last departing ride at 9:30 p.m.**
6. **Expansion of nightly activities will be held on the farm as illustrated on the Haunted Hayride aerial view layout dated January 10th and 14th, 2018.**
7. **All exterior lighting will be low intensity and fixtures will be shielded to direct lighting downward. All exterior lighting will be turned off when last customer leaves but no later than 10:30 p.m. and limited to #5 above.**

8. **Owner agrees to conduct the enterprise in conformance with the site plan, (January 10th & 14th, 2018) business plan, and other supporting information submitted with this application.**
9. **All prior conditions still apply except as amended herein.**

Chairman Turney asked if any board members had any questions for Mr. Hughes, hearing none, Chairman Turney called upon the applicant for comment.

Chris Eckert of Eckert's Inc. was present. Mr. Eckert noted that their goal with the request is to facilitate a haunted hayride on the farm and not change any noticeable way the activities that they do but expand the natural evolution of the business. Mr. Eckert commended the Boyds for building the business up and noted that they were busting at the seams and there was so much traffic there on weekends and that they need to expand the playground area to make it more comfortable for the current traffic. It was important to note that they will be investing in new orchards in the Spring and within the next ten years they will be replacing the entire apple orchard.

Chairman Turney asked if Board members had questions for Mr. Eckert. Chairman Turney questioned the time of the last ticket sold and asked what time did the last hayride leave. Mr. Eckert noted that the farm would close at 10:00 p.m. so they would stop selling tickets well in advance to prevent any rides after 10:00. Mr. Eckert noted that the rides are approximately fifteen minutes long. Mr. Eckert noted that through experience at their other farms, most people leave by 9:30.

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

Hans Albrecht of 195 Million Lane noted that he was concerned about increased traffic on Shannon Run Road when the Orchard is open and increased activity especially if it goes until 10:00. Mr. Albrecht reflected on Hodge Arena and noted the noise from the amplification during rodeos and Mexican bingo and it resonates through their neighborhood. Mr. Albrecht voiced concerned about the lights being on until 11:00.

Dan Damon of 310 Million Lane noted that he was not against hayrides but noted that when the fire occurred at Boyds made him realize how close he was to the Orchard. Mr. Damon noted that the speed and traffic on Shannon Run Road and Pinckard Pike are a concern. Mr. Damon noted that he did not think the light was appropriate and concerned about what would be next. Mr. Damon is in favor of kids getting out and doing things with family but overall does not like the idea of the late hours and increased traffic.

Chairman Turney asked Mr. Albrecht and Mr. Damon if they could hear noise from Eckert's Orchard. They both responded no.

Chairman Turney asked if there were any additional comments or questions. Mr. Schooler asked what the speed limit was on Pinckard Pike. Chairman Turney noted that it was a state road and was probably 55 mph.

Mr. Eckert addressed the comment about amplified music. Mr. Eckert noted that they have Bluegrass or Country music during the day which is acoustic and do not anticipate having any amplified music at night and noted that the current zoning doesn't allow amplified music after nightfall.

Chairman Turney closed the hearing and asked for a motion to approve or deny the request for a Conditional Use Permit. Chairman Turney recommended changing the time of the last ride to 9:30 p.m. and turning the lights off no later than 10:30 p.m. The Board agreed to include the change in the proposed conditions.

A motion was made by Mr. Powers, as seconded by Mr. Prewitt, to approve Application #02-003-2018 – Conditional Use Permit – Eckert's Inc. and J&L KY Farms LLC– 1396 Pinckard Pk - A-1 District – Article VII, Section 701.4(l) and 701.8 (A&B) – Owners are seeking to amend their Conditional Use Permit for an existing agricultural orchard enterprise. Amendments include: additional activities on Friday and Saturday evenings until 10:00 p.m., which include hayrides around the farm with retail barn remaining open; lighting the existing parking lot to ensure visitor safety; and increasing the size of the playground area so additional activities can be added with the noted conditions. The motion carried with four (4) aye votes.

A motion was made by Mr. Schooler, so moved by Chairman Turney, to adjourn at 6:51 p.m. The motion carried with four (4) aye votes.

Tim Turney, Chairman

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