

ON MONDAY, JANUARY 7, 2019, 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.

Chairman Turney called the meeting to order.

### **Pledge of Allegiance**

**ELECTION OF OFFICERS: Chairman Turney suggested postponing the election of officers until the next meeting because two members were not in attendance. Members present agreed.**

**Members Present:** Al Schooler, Tim Turney, Fred Powers

**Minutes: A motion was made by Mr. Powers, as seconded by Mr. Schooler to approve the December 3, 2018 meeting minutes as submitted. Motion passed with three (3) aye votes.**

### **NEW BUSINESS**

Application #01-001-2019 – Conditional Use Permit – CrossPointe Church – 124 Dry Ridge Road – A-1 District – Article VII, Section 701.4(K) – Owner is seeking a Conditional Use Permit for a church.

Chairman Turney opened the hearing and called upon Pattie Wilson, Planning Director for comments. Mrs. Wilson noted that Owner/Applicants are requesting a Conditional Use Permit (CUP) for a Church. The property is zoned Agriculture and consists of 7.14 acres. It is an island of land bound by Troy Pike/Highway 33, Dry Ridge Road and the on ramp of the Bluegrass Parkway. The piece of property was actually created because of the construction of that on ramp when they realigned Dry Ridge Road and this piece of property was severed from the Margaret Jones farm. The action of creating this tract was done by the government, creating a legal non-conforming tract. The property was sold to St Andrew's Anglican Church. The BOA approved a CUP for a church on March 7, 2005 (Mrs. Wilson included the minutes) with a re-approval by the Board on April 6, 2009. The permit expired due to inactivity but would not have been transferable upon sale of the property. On January 13, 2017 CrossPointe Church purchased the property from St. Andrews.

CrossPointe Church is currently located at 130 Depot Street but plans to transition to their new property. Their priority is to construct a 40' x 100' pavilion in two phases with the sanctuary phase coming at a later date.

Mrs. Wilson provided the Ordinance, Article VII, Section 701.4 (K) permits "Churches" as a Conditional Use in the Agricultural Districts and definition Article II, #227. All required public notices were met. Mrs. Wilson noted that one neighbor did request to view the file.

The property appeared to be of sufficient size to accommodate the proposed use of a church. A map of the site was attached to the application which showed their proposed site layout. The request for the CUP appears to meet all of the necessary criteria listed in the report and within the associated Ordinances.

Mrs. Wilson noted there were nine proposed conditions and highlighted the last five conditions 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 church.**
4. **The Conditional Use Permit shall be personal with CrossPointe Church 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.**
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.**
8. **A Final Development Plan shall be submitted for approval to the Planning Commission as required per 701.4 (K) prior to any construction.**
9. **Adequate parking spaces will need to be depicted on the Final Development Plan and installed, prior to occupancy of each phase.**

Mrs. Wilson noted that the Board may want to consider, as a condition, any outdoor lighting be directed downward as was previously required.

Bill Brown, Board Member/Trustee of CrossPointe Church, was present for discussion. Mr. Brown noted that the church originally started in the old Nostalgia Station in 1947 and they now have four buildings on their current property. They have inadequate property and no room for expansion and their long term plan is to move to 124 Dry Ridge Road. Their first stage is to build a pavilion at the site. Mr. Brown noted that every year the church host a community wide Easter egg hunt and that site would provide for the room to host other things as well. Mr. Schooler questioned the direction of the building. Mr. Brown noted that they had not finalized anything but the church would face KY33. Mr. Brown noted that the pavilion would be on the lower side closer to the parkway and described where the other structures would be located.

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

Ingrid Bowling of Bluegrass Estates asked for clarification as to where the pavilion would be located. Mrs. Wilson gave a brief description as depicted on the picture as submitted with the application.

Maria Daugherty of Bluegrass Estates questioned the seating capacity of the church and the capacity of the pavilion. Pastor Roberts noted that the church would probably hold 350 people and the pavilion 125. Ms. Daugherty asked how many cars would be able to park in their parking lot. Mr. Brown noted that they have not completed that part of the planning process by the Planning and Zoning will let them

know how many spaces they need. Mrs. Wilson explained that if the BOA approves this request then the next step would be for them to prepare a Final Development Plan to show more detail of the property and that is reviewed by the Technical Review Committee and Planning Commission; then that is followed by site Construction Plans. Ms. Daugherty questioned where the entrances would be. Mr. Brown showed her the preliminary site plan with the one entrance off Dry Ridge Road. Mrs. Daugherty asked how their neighborhood would be affected by the traffic generated from this development. Mrs. Wilson noted that she was not an engineer and that maybe the applicant could address how many people might come in a car and how many that would generate. Thad Baker, Board member with the church, noted that they would not be using the property every Sunday at this time only periodically for events until they build the church.

Chairman Turney asked if there were any additional questions, hearing none, Chairman Turney closed the hearing and asked for a motion to approve or deny the Conditional Use Permit request.

**Motion was made by Mr. Schooler, as seconded by Mr. Powers to approve Application #01-001-2019 – Conditional Use Permit – CrossPointe Church – 124 Dry Ridge Road – A-1 District – Article VII, Section 701.4(K) – Owner is seeking a Conditional Use Permit for a church, as presented and with the nine conditions as listed and adding all exterior lighting must be directed downward. The motion carried with three (3) aye votes.**

Application #01-002-2019 – Dimensional Variance – James and Laura Stouffer – 1470 Clifton Road – A-1 District - Article VII, Section 701.2(E) and 306 A(h) – Owners are seeking a 150 foot variance from the required 300 foot setback for special events and usage of the indoor parlor to be located no closer than 150 feet to the west property line; a 100 foot variance from the required 300 foot setback for special events to be located no closer than 200 feet to the south property line; a 200 foot variance from the required 300 foot setback for usage of the barn for special events to be located no closer than 100 feet to the north property line and a 200 foot variance from the required 300 foot setback for usage of the barn for special events to be located no closer than 100 feet to the east property line in order to have a Tourist Destination.

Chairman Turney opened the hearing and called upon Mrs. Wilson for comments. Mrs. Wilson noted that this request was before the Board in the recent past. Mrs. Wilson noted that the applicants were seeking the variances under the operation of a Tourist Destination. The property was purchased by the Stouffers in the fall of 2017 and was part of the Prichard Farm which originally consisted of 150 acres. The Victorian home, which they reside in and are restoring, was known as “Heartland” and was constructed in 1886. The property is currently in the application phase of being listed on the National Register of Historic Places. The property is zoned Agricultural (A-1), consists of 30 acres and is located on the north side of Clifton Road approximately ½ mile from the city limits of Versailles.

The Board of Adjustment granted dimensional variances on May 7, 2018 (Application #05-011-2018) for Tourist Destination events. Mrs. Wilson cited the specific Ordinances as related to Tourist Destinations: Article VII, Section 701.2(E), Article II, Section 306A(h).

Mrs. Wilson noted the following criteria:

- A. **The historic home has existed since 1886 and makes the property eligible to be utilized as a Tourist Destination. The barn is also considered historic and is being preserved and restored. The other remaining tracts of this farm do not have existing structures on them making this tract unique in this A-1 zoning district. In addition when the Prichard's divided the farm the center tract was designed to be very deep and narrow leaving approximately 70 feet of useable area not encumbered by the 300 foot setback. The property has very unique environmental features with a wooded area around the historic home, pasture land, and bordered by Glens Creek in the rear.**
- B. **The 300 foot setback line for Tourist Destination uses cuts through the center of the home and is very near the front of the home. By restricting the use of the historic home structure and its immediate yard area would be denying the owners reasonable use of their property. The historic barn lies entirely within the 300 foot area and this would eliminate the opportunity to restore it for reuse as a Tourist Destination, again denying the owners reasonable use of their property.**
- C. **The Seller's created the parcel in this very narrow configuration, not realizing the impact it could have on the use of the property as a Tourist Destination.**
- D. **This variance will not harm the public safety or welfare of the area. In fact it maximizes the preservation of the historic structures (house and barn) remaining on the farm.**

All of the public notices were met and in addition, Mrs. Stouffer contacted her neighbors, and the Planning office did not receive any inquiries from the public. The request for a variance does appear to meet the necessary criteria listed above and on the application.

Mrs. Wilson noted there were three conditions and highlighted number three:

- 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 uses and areas noted herein and as shown on associated maps. Any future structures or additions shall conform to the standards of the Zoning Ordinance.**

Chairman Turney asked if any members had questions for Mrs. Wilson, hearing none, Chairman Turney called upon the applicant.

Laura Stouffer, owner/applicant was present and presented an aerial photo of the property. Mrs.

Stouffer noted that they have state approval to add an additional entrance to their property. Mrs. Stouffer distributed photos of the house and barn and reviewed the architectural plan for the facility. With the Variance it would allow them to use the central hall and parlor or to have a ceremony on the front steps of the house. Mrs. Stouffer noted that they wanted to give different options for ceremonies for people to choose. It is important to them to maintain the character of the farm. Mrs. Stouffer reviewed the primary parking for events. Mrs. Stouffer noted that she and her husband had spoken to the adjoining neighbors and they were all supportive. The Bradshaw's to the east had expressed to Mr. Stouffer that they would like to have a fence installed and they had planned for that and for a fence that borders the Seitz' farm.

Tom Brown, resident of Clifton Road, noted that he was really excited about this. Mr. Brown noted that there was discussion among the Clifton/McCracken Neighborhood Historic Property whether 25 years or so ago if this was included or not. Mr. Brown noted there was a picture in a prior edition of the *Woodford Sun*, and questioned if this was the intention 25 years ago. Mrs. Wilson noted that Mrs. Stouffer was trying to research that now and hired a professional to do the research.

Chairman Turney asked if there were any more questions, hearing none, Chairman Turney closed the hearing and asked for a motion to approve or deny the Dimensional Variance request.

**Motion was made by Mr. Schooler, as seconded by Mr. Powers to approve Application #01-002-2019 – Dimensional Variance – James and Laura Stouffer – 1470 Clifton Road – A-1 District - Article VII, Section 701.2(E) and 306 A(h) – Owners are seeking a 150 foot variance from the required 300 foot setback for special events and usage of the indoor parlor to be located no closer than 150 feet to the west property line; a 100 foot variance from the required 300 foot setback for special events to be located no closer than 200 feet to the south property line; a 200 foot variance from the required 300 foot setback for usage of the barn for special events to be located no closer than 100 feet to the north property line and a 200 foot variance from the required 300 foot setback for usage of the barn for special events to be located no closer than 100 feet to the east property line in order to have a Tourist Destination, as presented and with the three conditions as listed. The motion carried with three (3) aye votes.**

**Motion was made by Mr. Schooler, so moved by Chairman Turney to adjourn at 7:08 p.m. Motion carried with three (3) aye votes.**

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**Chairman Tim Turney**  
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