

ON MONDAY, JULY 8, 2019, 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: David Prewitt, Frank Stark, Al Schooler, Tim Turney, Fred Powers

MINUTES: A motion was made by Mr. Schooler, as seconded by Mr. Prewitt, to approve the June 3, 2019 minutes, as submitted. The motion carried with five (5) aye votes.

Pattie Wilson, Planning Director, introduced Josh Stevens, new Building Inspector, to the Board.

Application #07-011-2019 – Conditional Use Permit – Clare Young – 110 Carriage Lane – R-1C/PUD District – Article VII, Section 707.4 via 705.4(H); Article V, Section 507; and Definition #212 – Owner is seeking a Conditional Use Permit to operate a one bedroom Bed and Breakfast/Inn as a vacation rental.

Chairman Turney opened the hearing and called upon Mrs. Wilson for comments. Mrs. Wilson summarized her staff report and noted that the owner was seeking a one bedroom Bed & Breakfast/Inn as a vacation rental in the residence. The property is located in North Ridge Estates and the home was constructed in 2000 and Ms. Young purchased the home in 2007. There were no previous Board of Adjustment cases involving this property. However, in November of 2017 a CUP was approved for a 2 room B&B/Inn at 119 Cottage Garden Lane in North Ridge Estates and Mrs. Wilson noted that she had not received any complaints on it. The principal use of the property is the Owner's home. The B&B will be an accessory use and will be limited to one existing bedroom in the home. There is adequate parking to accommodate the owner's vehicles as well as one vehicle for the guest in the driveway. (Aerial photo attached with application).

Mrs. Wilson cited the applicable Zoning Ordinances that pertained to the request in the staff report. All public notices were satisfied. The property/structure appeared to be of sufficient size to accommodate the proposed use and the site plan showed that there was adequate parking to accommodate off street parking. The request for the CUP appeared to meet all of the necessary criteria as required in the Zoning Ordinances.

Mrs. Wilson highlighted four of the seven proposed conditions to be attached to the Permit:

- 1 The Applicant will operate no more than one (1) guest room, to be occupied by no more than two (2) guests at a time, located in the residence.**
- 2 Guests will park car (limit one) in the driveway as shown in aerial photo.**
- 3 This property is subject to all requirements of the Versailles-Midway-Woodford County Zoning Ordinance, more specifically; B&B/Inn Conditions, A-R Section 507.**
- 4 The C.U.P shall be personal with Clare Young and shall become null and void upon sale or transfer of the property.**
- 5 The Applicant shall obtain all necessary permits from the Versailles-Midway-Woodford County Building Inspector and the Woodford County Health Department prior to operation of the B&B, if required.

- 6 The Applicants shall return to the Board prior to any changes in the scope or area of the approved conditions.
- 7 This C.U.P shall be reviewed annually for compliance with all noted conditions, and then when necessary by the Board, to ensure compliance with these conditions.

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

Clare Young, owner/applicant spoke and noted that she was excited to have the opportunity to have a one room Air B&B in her house.

Chairman Turney asked if any members had questions for Ms. Young. Mr. Schooler asked how many residents currently live in the house. Ms. Young noted that it was just her.

Chairman Turney asked if anyone from the public would like to comment. Hearing none, Chairman Turney closed the hearing and asked for a motion to approve or deny the Conditional Use Permit with the seven conditions.

A motion was made by Mr. Stark, as seconded by Mr. Prewitt, to approve, based on the Findings and Facts, Application #07-011-2019 – Conditional Use Permit – Clare Young – 110 Carriage Lane – R-1C/PUD District – Article VII, Section 707.4 via 705.4(H); Article V, Section 507; and Definition #212 – Owner is seeking a Conditional Use Permit to operate a one bedroom Bed and Breakfast/Inn as a vacation rental with the attached seven (7) conditions as noted in the staff report. The motion carried with five (5) aye votes.

Application #07-012-2019 – Conditional Use Permit – Laura and James Stouffer – 1470 Clifton Road – A-1 District – Article VII, Section 701.4 (I) and 701.8 (A&B) – Owners are seeking a Conditional Use Permit for an Agricultural Enterprise for Agri-tourism under Tourist Destination for event venues such as: Weddings and receptions, conferences, educational seminars and farm to table events. Educational tours and seminars will be offered in the future.

Chairman Turney opened the hearing and called upon Mrs. Wilson for comments. Mrs. Wilson noted that the Owners are seeking a Conditional Use Permit for an Agricultural Enterprise for Agri-Tourism under Tourist Destination for event venues. Mrs. Wilson noted that the Board had reviewed two dimensional variances associated with the Stouffers request. Mrs. Wilson included history of the property in the staff report. Since the variances were granted, the property has been entered in the National Register of Historic Places on May 30, 2019. This designation has had an impact on their overall plan for a Tourist Destination which limits activities to existing buildings. Therefore, they were now seeking a Conditional Use Permit for an Agricultural Enterprise for Agri-tourism under Tourist Destination.

Mrs. Wilson provided the Board with the related Ordinances for the request in the staff report. All public notice requirements were met. Mrs. Wilson highlighted eight (8) of the noted thirteen (13) conditions:

1. **The Versailles-Midway-Woodford County Zoning Ordinances allows for the requested Conditional Use per noted ordinances.**
2. **The AARC reviewed and has recommended the request after a Site Visit on June 6, 2019 and a Public Meeting on June 12, 2019 (Minutes attached hereto).**
3. **A new entrance on the eastern side of the farm has been conditionally approved by the KYDOT.**
4. **The number of commercial events to be no more than 30 per year.**
5. **The applicant will follow the site plans as modified by approval from the National Register of Historic Places.**
6. **The applicant will adhere to the other conditions established by the Tourist Destination ordinance (attached hereto).**
7. This property is subject to all requirements of the Versailles-Midway-Woodford County Zoning Ordinance.
8. 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.
9. **The CUP 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.**
10. **The C.U.P shall be personal with Laura and James Stouffer and shall become null and void upon sale or transfer of the property.**
11. The Applicants shall obtain all necessary permits from the Versailles-Midway-Woodford County Building Inspector and the Woodford County Health Department prior to hosting any events.
12. The Applicants shall return to the Board prior to any changes in the scope or area of the approved conditions.
13. This C.U.P shall be reviewed annually for compliance with all noted conditions, and then when necessary by the Board, to ensure compliance with these conditions.

Chairman Turney asked if any members had questions for Mrs. Wilson. Chairman Turney called upon the applicant for comments.

Laura Stouffer, owner of 1470 Clifton Road noted that with the Conditional Use Permit it would allow them to construct a new structure. After review with the National Historic Registry and their consultant regarding the existing barn they determined that it was a three sided barn and they were wanting to have a climate controlled structure. Mrs. Stouffer noted that the new barn would have a better flow for traffic. They do have a grant to help move the project forward and want to designate an area for ornamental flowers to be utilized at the venue or at farmers market. The structure would be located behind the Carriage House ruins. The use of the new structure would be for events and would still have the choice of using a tent.

Chairman Turney asked Mrs. Stouffer what their plans were for music and lighting. Mrs. Stouffer noted that that they will have directional lighting and will be complying with the Ordinance regarding amplified

music. Mr. Powers asked when the entrance would be constructed. Mrs. Stouffer noted that they are still finalizing paperwork with KYDOT and securing excavation contractor. Mr. Stark asked if there had been any letters or complaints from neighbors. Mrs. Wilson noted that Mrs. Stouffer had reached out to her neighbors and only one had concerns.

Chairman Turney asked if there were any comments from the public.

David Bradshaw, owner of 1200 Clifton Road, noted that he did not know that the operation was of the proposed magnitude to include a parking lot but thought the email he had received stated a road would be going in. Mr. Bradshaw opposed the issuance of the Conditional Use Permit. Mr. Bradshaw objected to the placement of the new road and the nature of use. Mr. Bradshaw summarized comments from a letter that he submitted into the record. He addressed changes to the character and nature of the neighborhood, privacy, drainage and erosion, buffer zone/fencing and not approved use for current zoning.

Chairman Turney asked if any members had questions. Hearing none, Chairman Turney asked Mrs. Stouffer if she had any further comments.

Mrs. Stouffer noted that since they are now on the National Register for Historic Places, the property was listed as a Woodland Savannah and the entire property was scrutinized. Their consultant/architect had been in touch with the representatives from the National Register and they felt that the proposed structure was of appropriate scale and ideal location to be tucked in behind the ruins. They are planning to have gravel as parking area. Mrs. Stouffer noted that the area would be screened by trees.

Chairman Turney asked Mr. Bradshaw if there was currently a property line fence. Mr. Bradshaw stated, no. Chairman Turney asked him how he kept his horses in. Mr. Bradshaw noted that they use the property for hay at the present time and lease farms until they get a fence installed. The Bradshaw's do not currently have animals on their property. Mrs. Stouffer noted that there is old wire fence in the tree line and they will be assessing the natural barriers and filling in voids.

Chairman Turney asked if there were any further comments from the public. Hearing none, Chairman Turney closed the hearing and asked for a motion to approve or deny the Conditional Use Permit request.

A motion was made by Mr. Stark, as seconded by Mr. Powers, to approve, based on the Findings and Facts, Application #07-012-2019 – Conditional Use Permit – Laura and James Stouffer – 1470 Clifton Road – A-1 District – Article VII, Section 701.4 (I) and 701.8 (A&B) – Owners are seeking a Conditional Use Permit for an Agricultural Enterprise for Agri-tourism under Tourist Destination for event venues such as: Weddings and receptions, conferences, educational seminars and farm to table events; Educational tours and seminars will be offered in the future with the attached thirteen (13) conditions as noted in the staff report. The motion carried with five (5) aye votes.

Application #07-013-2019 – Dimensional Variance – Gerald & Melinda Cooper (owners) and Dan Hall (applicant) – 6140 Hiddenaway Lane – RR District – Article VII, Section 703.7 – Owners and applicant are seeking a 26.5 foot variance from the required minimum 150' width at the building line in order to

position a house on the lot due to location of existing sink hole. (115' Building will be reduced to an 85' Building line).

Chairman Turney opened the hearing and called upon Mrs. Wilson for comments. Mrs. Wilson highlighted a few items in the staff report and noted that the Owner/Applicant was requesting a 26.5' variance on the lot in order to position a home on the vacant lot due to an existing sink hole on the property. The platted 115' building line would be reduced to an 85' building line. Hiddenaway Estates is a Rural Residential "cluster" development located off of KY Hwy 169 (Pinckard Pike). The developers of this neighborhood wanted to utilize the existing wooded area to create secluded residential building sites maximizing their remaining farm for agricultural purposes. The major obstacles in locating the lots in such an area are preservation of the trees and working with varying topography including sinkholes. There have not been any variances on the subject property but there have been three variances granted in Hiddenaway Estates, which Mrs. Wilson provided in the staff report.

Mrs. Wilson cited the applicable Zoning Ordinances that pertained to the request in the staff report. All public notices were satisfied. Mrs. Wilson noted the following four criteria:

- 1. This lot is subject to natural conditions including a sinkhole that is located southwest of the proposed residence location. They also need to avoid possible drainage issues related to the building site as the septic system area.**
- 2. The owner would have to build their house in the sinkhole area or build a much smaller home that would not be equivalent to others in the neighborhood in the same zone.**
- 3. The conditions and circumstances are not the result of actions of the Applicant. The natural topography of the land is as it has been for many years. However, the record plat of this area did not indicate there was a sinkhole on this lot as it did for others in this area. It was only discovered after Rhodes Consulting Group LLC provided a geotechnical analysis to the buyer.**
- 4. This variance will not harm the public safety or welfare of the area. By granting the variance the house will be able to be sited properly avoiding potential drainage issues and protecting the most trees. It will not be detrimental to the neighborhood.**

The request for the variance did appear to meet all of the necessary criteria listed above. Mrs. Wilson highlighted one of the four suggested conditions:

1. This property is subject to all requirements of the Versailles-Midway-Woodford County Zoning Ordinance.
2. The applicants 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 Applicant as a result of the approval of the Variance.
- 3. The approved variance is granted only for the residence as shown on the site plan dated June 28, 2019 as prepared by Eagle Engineer. Any future structures or additions shall conform to the standards of the Zoning Ordinance.**
4. The Applicant shall obtain all necessary permits from the Versailles-Midway-Woodford County Building Inspector for the construction of this residence.

Chairman Turney asked if any Board member had questions for Mrs. Wilson. Hearing none, Chairman Turney asked if the applicant wanted to speak.

Brad Woodward, attending on behalf of the applicant noted that Mrs. Wilson covered everything.

Chairman Turney asked if there were any other comments from the public. Hearing none, Chairman Turney closed the hearing and asked for a motion to approve or deny the variance request.

A motion was made by Mr. Powers, as seconded by Mr. Schooler, to approve, based on the Findings and Facts, Application #07-013-2019 – Dimensional Variance – Gerald & Melinda Cooper (owners) and Dan Hall (applicant) – 6140 Hiddenaway Lane – RR District – Article VII, Section 703.7 – Owners and applicant are seeking a 26.5 foot variance from the required minimum 150' width at the building line in order to position a house on the lot due to location of existing sink hole. (115' Building will be reduced to an 85' Building line) with the attached four (4) conditions as noted in the staff report. The motion carried with five (5) aye votes.

Mrs. Wilson reminded the Board members that they needed 8 hours of Continuing Education credits before the end of 2019.

A motion was made by Mr. Stark, so moved by Chairman Turney, to adjourn at 7:11 p.m. The motion carried with five (5) aye votes.

Tim Turney, Chairman
TT/ko