

ON MONDAY, JUNE 7, 2021, THE BOARD OF ADJUSTMENT HELD THEIR MEETING IN THE 2ND FLOOR COURTROOM OF THE WOODFORD COUNTY COURTHOUSE AT 6:30 P.M.

PLEDGE OF ALLEGIANCE

Chairman Turney called the meeting to order.

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

MINUTES: A motion was made by Mr. Prewitt, as seconded by Mr. Winkfield, to approve the May 3, 2021 minutes, as submitted. The motion carried with four (4) aye votes.

Application #06-011-2021 – Conditional Use Permit – Church Barn Farm LLC (Owner/Applicant) – 4440, 4448, & 4430 Fords Mill Rd – R-2 District – Article VII, Section 708.4 (B) – Owners are seeking a Conditional Use Permit to use the Church Barn, Schoolhouse and Firehouse buildings to host social event venues.

Chairman Turney declared the hearing open and called upon Joshua Stevens, Building and Zoning Inspector, for comments. Mr. Stevens noted that the Owners are seeking a Conditional Use Permit to operate recreational buildings to host social event venues, such as weddings and seasonal outdoor events. The subject properties are approximately 19 acres together, with 2 main buildings, being used for events. The proposed buildings are located in the R-2 (Two Family Residential) Zoning District. The first building located at 4448 Fords Mill Road, is known as the Church Barn and will be used primarily for indoor/outdoor wedding and reception venues. The second building located at 4440 Fords Mill Road, known as the Old School House, will be used primarily for bridal showers, small receptions, birthday parties, and art shows. The third property, 4430 Fords Mill Road, will be used for outdoor events and tent pads and the old fire station building will remain storage only. The owner's property appears to be of sufficient size to accommodate the proposed use. The Site Plan shows that there is adequate space to accommodate the proposed Social/Recreational Buildings and associated parking

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 7 suggested conditions to be included if the Board approves the request and highlighted three of those:

1. The properties shall be 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. **The CUP shall be personal with Church Barn Farm LLC, and shall become null and void upon the sale, lease or transfer of the property.**
4. Owner shall return to the Board prior to ANY changes to the approved conditions with the CUP.
5. This CUP shall be reviewed annually for compliance with all conditions, and then when necessary by the Board, to ensure compliance with these conditions.

- 6. The applicant shall obtain all necessary permits, if any, from the Versailles-Midway-Woodford County Planning & Zoning and the Woodford County Health Department prior to operation of the event buildings.**
- 7. Applicant shall adhere to all proposed conditions in their application. (See Attached)**

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

Phyllis Mattingly, representing Church Barn Farm, LLC, and their request for a Conditional Use Permit as explained by Mr. Stevens. Mrs. Mattingly noted that Church Barn Farm, LLC is a family owned LLC and all members were present at the meeting, Mary Don Coyle, and her four sons, Andrew, Roy, John Paul and Matthew. They had sought approval from all of their neighbors in the area and had obtained and presented approval letters from all but one. Mrs. Mattingly reviewed the application and noted conditions that the applicant had set forth that they thought were necessary and appropriate. Chairman Turney asked which building the tent pad was associated with. Mrs. Mattingly noted that it would be primarily associated with the Church Barn and could be located on the Fire House lot. Mrs. Mattingly introduced Andrew Coyle.

Mr. Coyle noted that he was the oldest son of the late John "Bear" Coyle and Mary Don Coyle. Mr. Coyle explained why they were applying for the Conditional Use Permit to have a social venue at Church Barn Farm. Mr. Coyle noted that his father had worked in the courthouse for 32 years and twelve of those in the courtroom. Mr. Coyle noted that they are working together to make his mother's and father's a dream a reality and create something their family can be proud of for generations to come. Church Barn Farm is a small farm just shy of twenty acres, in southern Woodford County. The farm was used to grow tobacco and for cattle. Since the burley market dried up there was no sustainable source of income. Mr. Coyle noted that one brother got married at Church Barn Farm. Several people approached the late John Coyle and asked if he had ever considered establishing a social venue at the farm and that got Mr. and Mrs. Coyle thinking about it. Mr. Coyle noted that Nonesuch was established around 1870 at the crossroads of Cummins Ferry and Fords Mill Roads. Mr. Coyle gave a brief history of the family farm. Mr. Coyle noted that the Nonesuch School, across the road, was converted into a gallery and restaurant. For small communities like Nonesuch, the heart of the community was often the school and the church. For the families that have lived in Nonesuch for generations, the Church Barn and School House are historical buildings of local significance. Mr. Coyle noted that he and his family were eager to carry on the 127 year story of Church Barn Farm by providing a social venue for the local community as well as visitors from all over central Kentucky. Mr. Coyle asked the Board to allow the family to turn their father's dream into a reality.

Mrs. Mattingly noted that Mr. Coyle gave the history of the farm and stated that the buildings have uniquely Woodford connections to the community and explained very well why the buildings are an integral part of Nonesuch but also an integral part of Woodford County. Mrs. Mattingly asked the Board to consider the use of the buildings for social events such as weddings, receptions, birthday parties, and reunions. Mrs. Mattingly noted that the buildings had been remodeled and the School House building would be limited to 50 people. There is a bathroom and a catering kitchen. The Firehouse will only be

used for storage but the grounds can be used for vendors or parking. The Church Barn would only have a season of April thru November and only 31 events per year. Mrs. Mattingly reviewed the conditions which the applicants agreed to and submitted with their application for the Church Barn and Schoolhouse buildings. Chairman Turney asked about amplified music and noted that in the evening, amplified music travels a long way, and they were asking to have music until 11:00 p.m. and he asked to reduce that to 10:00 p.m. for any indoor or outdoor amplified music. Chairman Turney also asked to amend the lighting on the Church Barn to be downward facing lighting.

Chairman Turney asked if there were any questions for the applicant. Mr. Shockley asked if there would be any free standing lights to help people get back to vehicles. Mr. Coyle noted that they will have shrubs in the parking area as well as lighting along the ground (directional lighting). Chairman Turney asked if anyone from the public wished to speak.

Emily McCauley of Irish Acres spoke in favor of the application as presented.

Chairman Turney 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 and record with the amended applicants condition for amplified music and downward lighting and with the seven (7) conditions listed, Application #06-011-2021 – Conditional Use Permit – Church Barn Farm LLC (Owner/Applicant) – 4440, 4448, & 4430 Fords Mill Rd – R-2 District – Article VII, Section 708.4 (B) – Owners are seeking a Conditional Use Permit to use the Church Barn, Schoolhouse and Firehouse buildings to host social event venues.

Chairman Turney asked if there was any discussion on the motion. **The motion carried with five (5) aye votes.**

Application #06-012-2021 – Conditional Use Permit – Coyle Brothers LLC (Owner/Applicant) – 15 Lower Clifton Rd – CO-1 District – Article VII, Section 721.4(B) – Owners are seeking a Conditional Use Permit to operate a private camp.

Chairman Turney declared the hearing open and called upon Mr. Stevens for comments. Mr. Stevens noted that the Owners are seeking a Conditional Use Permit to operate a private camp. The subject property is zoned Conservation (CO-1) and is approximately 1 acre, with 1 main cabin building, a storage building, onsite tent areas, fishing, and fire pit locations. The proposed private camp would be a recreational and seasonal destination to include camping, fishing, birdwatching, kayaking, campfires, yard games, and enjoying natural features. The Owner's property appears to be of sufficient size to accommodate the proposed uses. The Site Plan shows that there is adequate space to accommodate the proposed private camp and associated parking

Mr. Stevens provided seven suggested conditions to be included if the Board approves the request and highlighted nine of those:

1. The properties shall be 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. **The CUP shall be personal with Coyle Brothers LLC, and shall become null and void upon the sale, lease or transfer of the property.**
4. Owner shall return to the Board prior to ANY changes to the approved conditions with the CUP.
5. This CUP shall be reviewed annually for compliance with all conditions, and then when necessary by the Board, to ensure compliance with these conditions.
6. The applicant shall obtain all necessary permits, if any, from the Versailles-Midway-Woodford County Planning & Zoning and the Woodford County Health Department prior to operation of the private camp.
7. **Guests shall be required to wear USGC life vests while along the riverbank.**
8. **Guests shall be limited to a maximum of 8 overnight guests, with no more than 4 vehicles allowed onsite. (as amended to reduce from 8 to 4)**
9. **No recreational vehicles of any kind will be allowed.**
10. **No amplified music will be allowed on property.**
11. **Owner shall actively monitor river levels in case of flooding and remove or prohibit guests from the premises when necessary due to water levels or weather.**
12. **No fires allowed on the premises outside of the designated fire pit.**
13. **All parking will take place in the private driveway on the property.**
14. **No events shall take place on property.**

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

Andrew Coyle noted that he and his brothers all live in Woodford County and grew up on the river at Lock 6 on Oregon Road and they enjoy and respect the river. They had the opportunity to purchase the house on the river and decided they needed to share the experience with others. Mr. Coyle noted that if the family is not at the camp then others could rent and enjoy the space and contribute to the tourism and take part in the Bourbon being distilled a couple miles away.

Chairman Turney asked if there were any questions for the applicant. Mr. Shockley asked for clarification on renting to overnight visitors. Mr. Coyle noted that they primarily plan to enjoy it as a family but when not there they would like to offer it for others to stay and enjoy the river. Chairman Turney asked if the number of vehicles could be reduced to four. Mr. Coyle was agreeable to that change. Chairman Turney asked Mr. Coyle to define a recreational vehicle. Mr. Coyle noted that there was no way to get a fifth wheel, trailer (a or c class) on property and/or no ATV's. 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. Estes, as seconded by Mr. Shockley, to approve, based on the record and staff report with the fourteen (14) conditions as listed with #8 amended to 4 vehicles, Application #06-012-2021 – Conditional Use Permit – Coyle Brothers LLC (Owner/Applicant) – 15 Lower Clifton Rd –

CO-1 District – Article VII, Section 721.4(B) – Owners are seeking a Conditional Use Permit to operate a private camp. The motion carried with five (5) aye votes.

Application #06-013-2021 – Dimensional Variance – Jacob Malcomb Gonzalez & Lauren Marie Huston – 288 S. Main St and 109 Montgomery Ave – R-1C District – Article VII, Section 707.6 – Owners are seeking a Dimensional Variance to reduce the required setbacks from the front and sides to zero and reduce the required building width to 46.7’, in order to convert an accessory structure to a principal structure on its own lot.

Chairman Turney declared the hearing open and called upon Mr. Stevens for comments. Mr. Stevens noted that the owners were requesting dimensional variances to allow the change of an accessory garage to primary residence. The first variance is for a 13.3’ decrease from the required 60’ minimum width at the building line. The second, is for a 25’ decrease from the required 25’ setback from the front. The last is for an 8’ decrease on both sides of the structure from the required 8’ side yard setback, and an 18’ overall side yard decrease from the required 18’ sum of sides. These variances will allow for a 47.7’ building line width, with 0’ setbacks on the front and sides. This property is zoned Single Family Residential (R-1C) and the garage is part of the 288 S. Main St property, but if approved the lot will be separated and the accessory structure with the address 109 Montgomery Avenue will become the new primary residence on a new lot. This structure was originally the carriage house for the Taylor Manor home located at 288 S Main St. The limited historical information for this building establishes the construction date for the carriage house prior to 1900. There is no record of the structure ever being used as a primary residence and is assumed to have always been an accessory structure. As an accessory structure, it is legally non-conforming on front and side yard setbacks.

There were no records of any prior variances to the subject property. Mr. Stevens noted that the request did meet all four criteria.

Mr. Stevens provided the appropriate Ordinances for the request. All public notifications were met.

Mr. Stevens provided five (5) suggested conditions to be included if the Board approves the request and highlighted three (3) of those:

1. 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 owners as a result of the approval of the Variance.
3. **The approved Variance is granted only for the specific setback for the carriage house addressed as 109 Montgomery, as shown on the site plan. Future structures or additions shall conform to the standards of the Zoning Ordinance setback requirements.**
4. **The owner shall obtain all necessary permits from the Versailles-Midway-Woodford County Planning and Zoning Building Inspector for the change of occupancy from accessory structure to primary residence, and shall comply with all required fire ratings for lot line setbacks.**

5. **The existing residence lot located at 288 S Main St shall be subdivided from the newly created lot of 109 Montgomery Avenue prior to occupancy of structure as illustrated on the site plan.**

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

Jacob Gonzalez, owner, noted that the main house at 288 S. Main Street was for sale and he and his family will be moving to Knoxville for a job but still have family in the area and plan to come back.

Chairman Turney asked if there were any questions. Chairman Turney asked for clarification of the zero setbacks. Mr. Gonzalez confirmed that the front and side would be zero. Chairman Turney noted that there is concern from a fire standpoint and that the building is close to the road. Chairman Turney asked how the building would be accessed. Mr. Gonzalez noted that they have a couple of options. If they subdivide they could create an easement down the driveway from the main house to the back of the property. There are two carriage house doors, one in the front and one in the rear, with living space upstairs. Chairman Turney noted that he has safety concerns if converted.

Chairman Turney noted that correspondence was received on June 1, 2021 from Barbara A. Fischer in opposition. Chairman Turney asked if anyone from the public wished to speak.

Barbara Fischer of 111 Montgomery Ave noted that she was concerned because the structure was inhabitable and if Mr. Gonzalez will not be living in town that creates a safety issue because no one would be around to oversee it. Ms. Fischer was concerned that it is too close to both adjoining houses.

Mr. Shockley asked if the structure was uninhabitable, was there a plan to minimize rodents, stray animals or raccoons. Mr. Gonzalez stated that they will be checking on the property. Mr. Estes asked if the property sells, what are the plans to start working on the carriage house. Mr. Gonzalez noted that he did not have a timeframe but probably within a year. Chairman Turney asked about the windows on the side of the house. Mr. Gonzalez said it was his understanding that windows could not be on ground floor on side of building because of the distance between houses. Mr. Stevens noted that no windows were allowed if less than three feet from property line, regardless of the height. Pattie Wilson, Planning Director, noted that the back lot can be subdivided and has plenty of land to create two lots. However, it would leave an accessory structure on a subdivided lot; a home could be built on the same lot with the Carriage House.

Chairman Turney closed the hearing and asked for a motion to approve or deny the request.

A motion was made by Mr. Prewitt, as seconded by Mr. Winkfield, to deny, based on safety hazards as discussed and the record, Application #06-013-2021 – Dimensional Variance – Jacob Malcomb Gonzalez & Lauren Marie Huston – 288 S. Main St and 109 Montgomery Ave – R-1C District – Article VII, Section 707.6 – Owners are seeking a Dimensional Variance to reduce the required setbacks from the front and sides to zero and reduce the required building width to 46.7', in order to convert an accessory structure to a principal structure on its own lot. The motion carried with five (5) aye votes.

A motion was made by Mr. Winkfield, so moved by Chairman Turney, to adjourn at 7:32 p.m. The motion carried with five (5) aye votes.

Tim Turney, Chairman

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