

ON MONDAY, MARCH 4, 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

OATH OF OFFICE: Pattie Wilson, Planning Director, administered the Oath of Office to new member David Prewitt.

ELECTION OF OFFICERS: A motion was made by Mr. Powers, as seconded by Mr. Prewitt, to leave the slate of Officers as they were in the previous year: Tim Turney as Chairman, David Prewitt as Vice Chairman, and Frank Stark as Secretary. The motion carried with four (4) aye votes.

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

MINUTES: A motion was made by Mr. Schooler, as seconded by Mr. Powers, to approve the January 7, 2019 minutes, as submitted. The motion carried with four (4) aye votes.

Application #03-003-2019 – Dimensional Variance – Sean Endicott – 424 Barroway Ln – R-1A District – Article VI, Section 600.2 (G)(1)(B)(2) – Owner is seeking a four (4) foot side property variance in order to build a driveway on property line.

Chairman Turney opened the hearing and called upon Pattie Wilson, Planning Director for comments. Mrs. Wilson noted that the owners were seeking a 4' side yard variance so they can extend the driveway up to their property line. The property is located in Helmsley I, a subdivision that was started in 1995. This neighborhood is zoned R-1A, Single Family Residential. A building permit was issued to the Endicotts in January 2018. There are no records of any prior variances granted to this property. Note #5 on the recorded plat states: There is a 10 foot drainage and utility easement along all side lot lines unless otherwise shown (centered on lot line 5.0' on each side).

There have been other variances granted in this vicinity but they were fence variances. There were no driveway setback variances of record. The Versailles-Midway-Woodford County Zoning Ordinance, Article VI, Section 600.2 states that the minimum setback for driveways from side property lines is four feet.

Mrs. Wilson noted that there were four criteria the KRS states need to be addressed and she noted the following:

- A. Applicant indicates that the utility easements, storm drainage and detention easement, and the building setback line are what caused the narrow driveway scenario. Staff noted that 428 Barroway (Lot #16) has more restrictive easements with less buildable area and no variances were needed.**
- B. Applicant indicates that the turn angle is not adequate to enter and exit the side entry garage, proving to be a challenging situation. Not granting the variance would deprive owner of reasonable use.**
- C. The 1995 recorded plat, including all setbacks and easements, and the Zoning Ordinance has included the driveway setback requirement since at least 1994, so these circumstances are the result of willful actions by the applicant subsequent to the adoption of the ordinances.**

- D. Paving within a recorded drainage and utility easement could create issues and doing so would be at the owner's own risk. Applicant will be providing a landscape buffer to limit visibility of the widened area from the street view.**

Mrs. Wilson noted that the Board shall not grant a variance unless all of these general criteria are met. Public notices were mailed to adjacent property owners in accordance with KRS 100.237(6) and a Public Notice was published in The Woodford Sun on February 21, 2019. The request for this variance did not appear to meet the necessary criteria as listed. Mrs. Wilson highlighted three of the proposed conditions to be attached to the Variance:

- 3. The variance is granted only for the 4' x 50' driveway addition as shown on the "Site Plan" received on February 13, 2019, as highlighted in yellow.**
- 4. Evergreen shrubs shall be planted and maintained along the edge of the driveway between the sidewalk and the widened portion of the driveway to screen the new area. Shrubs shall be a minimum of 24" tall when planted.**
- 5. Any future modifications to the driveway 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.

Mike Hall with Andover Construction was present and noted that Mr. Endicott had purchased one of the last lots in Helmsley. Mr. Hall noted that he had never heard of a driveway setback line. Chairman Turney asked if any members had questions for Mr. Hall.

Chairman Turney asked Mrs. Wilson if the Board were to grant the variance could they make one of the conditions refer to Criteria "D". Mrs. Wilson noted that could be done. Mr. Hall noted that several driveways in Helmsley had been added to and that there was a precedent. Mrs. Wilson questioned the site plan and construction of the east wall of the house, it showed that it was flush except for a bay window but in the field there is an offset. Was that a change during construction? Mr. Hall did not think so. Mr. Powers asked if there were utilities in the variance location or was it just an easement if they wanted to go through there. Mrs. Wilson did not know if any exist. Mr. Hall noted that he verified with the utility companies that there are no existing lines in the easement and noted there was a storm water easement.

Chairman Turney asked if there were any more questions or comments from the Board.

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

Tim Thompson of 420 Barroway Lane noted that he was a neighbor and had no objections to the variance.

Mr. Schooler asked for clarification as to where the driveway extension would begin and Mrs. Wilson noted that it would be at the building line, 35' back from the sidewalk. Mr. Schooler asked about adding an extra condition relating to criteria "D".

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

A motion was made by Mr. Prewitt, as seconded by Mr. Powers, to approve Application #03-003-2019 – Dimensional Variance – Sean Endicott – 424 Barroway Ln – R-1A District – Article VI, Section 600.2 (G)(1)(B)(2) – Owner is seeking a four (4) foot side property variance in order to build a driveway on property line with the five conditions previously noted, plus the condition that paving within a recorded drainage and utility easement could create issues and doing so would be at the owner's own risk. Owner accepts responsibility for construction in the utility easement. The motion carried with four (4) aye votes.

A motion was made by Mr. Powers, so moved by Chairman Turney, to adjourn at 6:47 p.m. The motion carried with four (4) aye votes.

Tim Turney, Chairman

TT/ko