

ON MONDAY, MAY 6, 2019, THE BOARD OF ADJUSTMENT HELD A MEETING IN THE 2ND FLOOR COURTROOM OF THE WOODFORD COUNTY COURTHOUSE AT 6:30 P.M.

Chairman Turney called the meeting to order.

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

MINUTES: A motion was made by Mr. Schooler, as seconded by Mr. Prewitt, to approve the April 1, 2019 minutes, as submitted. The motion carried with five (5) aye votes.

Application #05-006-2019 – Conditional Use Permit – Cynthia DeLancey – 102 Georgia St – R-1C District – Article VII, Section 706.4, 705.4(A); Article II, #260 – Home Occupation – Owner is seeking a Conditional Use Permit for a Home Occupation to operate a bakery to prepare cakes, cupcakes and cookies.

Chairman Turney called upon Pattie Wilson, Planning Director for comments. Mrs. Wilson noted that the owners of the property were seeking a Conditional Use Permit to have a Home Occupation to operate a bakery business in their home. The owner is self-employed and will have no employees. The subject property has been owned by the DeLanceys since 2008 and contains a single family residential home in an existing established neighborhood, Merewood, which is zoned R-1C, Single Family Residential. The home was constructed in 1968. The property is located on the northeast corner of Georgia and Mildred Street. Mildred Street dead ends into the railroad spur adjacent to Ruggles, formerly Kulhman Electric.

There is one previous BOA appeal associated with this property. In 1969 the owner applied for a building permit to add an attached garage on to the Mildred Street side of the home. This was denied and appealed to the BOA. The BOA denied the request. In 1995 a building permit was issued for a swimming pool in the backyard.

The Zoning Ordinance allows for a Home Occupation and Mrs. Wilson provided the definition and conditions for that use. All public notices were met and Mrs. Wilson highlighted several of the conditions as follows:

1. This CUP shall become null and void upon sale of transfer of the property.
2. The owner/applicant shall return to the Board prior to ANY changes to the approved conditions with the CUP.
3. All noted Conditions provided with definition of Home Occupation #1-9 shall be adhered to.
4. This CUP shall be reviewed annually for compliance with all conditions, and then when necessary by the Board, to ensure compliance with these conditions.
5. There shall be no employees.
6. The owner will try to deliver as much as possible but if pick up is required the hours of would be 9:00 AM to 5:00 PM Monday – Friday and occasionally on Saturday or Sunday if needed.
7. The existing driveway can be utilized for parking but there is adequate space on the dead-end street as well as in front of the residence.

Mrs. Wilson provided the Board with copies of the Ordinances, and pictures submitted by the owners, an aerial photo, a zoning map and a plat for that area.

Chairman Turney asked if there were any questions for Mrs. Wilson. Hearing none, Chairman Turney called upon the applicant for comment. They had no comment.

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 Conditional Use Permit application.

A motion was made by Mr. Powers, as seconded by Mr. Stark, to approve Application #05-006-2019 – Conditional Use Permit – Cynthia DeLancey – 102 Georgia St – R-1C District – Article VII, Section 706.4, 705.4(A); Article II, #260 – Home Occupation – Owner is seeking a Conditional Use Permit for a Home Occupation to operate a bakery to prepare cakes, cupcakes and cookies to include the conditions as listed in the staff report. The motion carried with five (5) aye votes.

Application #05-007-2019 – Dimensional Variance – Marlin Anness – 251 Church St – R-1C District – Article VII, Section 707.6 and Article VIII, Section 803(B) – Owner is seeking a five (5) foot side yard variance from the minimum side yard of eight (8) feet, and a nine (9) foot variance from the minimum sum of the side yards of eighteen (18) feet in order to improve an existing non-conforming residence more than 50%.

Chairman Turney called the hearing open and called upon Mrs. Wilson for comments. Mrs. Wilson noted that the Anness' were the owners of the property on Church Street they were seeking a five foot side yard variance from the minimum side yard of eight feet, and a nine foot variance from the minimum sum of the side yards of eighteen feet, in order to improve an existing non-conforming residence more than 50% of the structure's value. The property is located in Wooldridgetown Neighborhood (unrecorded plat attached) which was part of an urban renewal project in the early 90's. The City of Versailles received a Community Development Block Grant for the neighborhood. The majority of the area was downzoned from R-4 (High Density Residential) to R-1C (Single Family Residential) in 1994 to help preserve the character of the area.

The location of the residence on the lot, as well as the size of the lot, are both legally non-conforming. In an R-1C zone the minimum lot size is 7,500 square feet. The property is 4,512 square feet. The minimum width of an R-1C lot is 60 feet, with this lot being about 35 feet wide.

In 1991 a building permit was issued for this residence under the HUD Renovations program. The applicants purchased the property in August 2017 with the intentions of remodeling the home. In March an application was made for a building permit and it was determined that the improvements would exceed the 50% maximum and a dimensional variance would be necessary.

Mrs. Wilson provided the Board with a copy of the Ordinance and highlighted the following criteria:

- 1. The applicant is trying to help preserve a structure that was part of the CDBG program. The existing foundation and framework of the structure is being utilized creating a more green approach to reconstruction.**
- 2. The applicant would not be able to remodel the home, bringing it up to current building codes without approval of the variances.**

3. **The applicant did not know at the time of purchase that they would be limited to only improving the residence up to 50% of the structures value. The neighborhood and residence predate the Versailles- Midway – Woodford County Zoning Ordinance.**
4. **The Applicant will be increasing the value of the land and beautifying the area and will be improving the public safety and welfare by reconstructing a home that will meet the Kentucky Building Code.**

All public notices were met and did appear to meet all four criteria required by the statute.

Mrs. Wilson highlighted two of the four conditions as follows:

3. **The approved Variance is granted only for the single family dwelling in the location shown on attached site plan.**
4. **The owner shall obtain all necessary permits from the Versailles-Midway-Woodford County Building Inspector for the remodeling of the single family residence.**

Chairman Turney asked if any Board members had questions for Mrs. Wilson. Mr. Stark questioned the owner of 261 Church Street. Mrs. Wilson noted that was Jonathan Woolums and he was recently provided a demolition permit. Chairman Turney asked if the applicant would like to speak and they had no comment. 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 Dimensional Variance with the four conditions.

A motion was made by Mr. Stark, as seconded by Mr. Prewitt, to approve Application #05-007-2019 – Dimensional Variance – Marlin Anness – 251 Church St – R-1C District – Article VII, Section 707.6 and Article VIII, Section 803(B) – Owner is seeking a five (5) foot side yard variance from the minimum side yard of eight (8) feet, and a nine (9) foot variance from the minimum sum of the side yards of eighteen (18) feet in order to improve an existing non-conforming residence more than 50% based on the record and to include the conditions as listed in the staff report. The motion carried with five (5) aye votes.

Chairman Turney moved to go into Executive Session at 6:40 p.m. regarding personnel matters, as seconded by Mr. Prewitt. Chairman Turney noted after they came out of Executive Session that no action was taken.

A motion was made by Mr. Stark, so moved by Chairman Turney, to adjourn at 6:44 p.m. The motion carried with five (5) aye votes.

Tim Turney, Chairman

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