

ON MONDAY, NOVEMBER 4, 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.

## PLEDGE OF ALLEGIANCE

**MEMBERS PRESENT:** Al Schooler, Tim Turney, Fred Powers

**MINUTES:** A motion was made by Mr. Powers, as seconded by Mr. Schooler, to approve the September 9, 2019 minutes, as submitted. The motion carried with three (3) aye votes.

Application #11-017-2019 – Conditional Use Permit – Petra Dotson – 131 South Hill Road – R-2 District – Article VII, Sections 708.4(A) & 705.4(A) & Definition 260 – Owner is seeking a Conditional Use Permit to have a Home Occupation to conduct personal training and nutrition counseling as a professional service.

Chairman Turney opened the hearing and called upon Pattie Wilson, Planning Director for comments. Mrs. Wilson noted that Ms. Dotson was seeking a Conditional Use Permit to have a Home Occupation to conduct personal training and nutritional counseling in her home as a professional service. The owner is self-employed and will have no employees. The applicant has owned the home since 2008 and is located in South Hill Subdivision, an established neighborhood and the home was constructed in 1995. The property contains a side driveway that extends to the rear of the home with a rear entry garage. Mrs. Wilson noted that in researching the property she found no prior BOA reviews. The Zoning Ordinance does permit Home Occupation as a Conditional Use and Mrs. Wilson provided the Board with the appropriate sections of the Zoning Ordinance as well as the Definition of Home Occupation. Mrs. Wilson noted that there were nine standard conditions for this type of Conditional Use and she provided those to the Board.

All public notices were met as well as the notice in the Woodford Sun.

Mrs. Wilson suggested ten conditions and highlighted the last six:

1. This property is subject to all requirements of the Versailles-Midway-Woodford County Zoning Ordinance.
2. The owner/applicant shall comply with all federal state and local regulatory entities and shall provide copies to the Planning Commission office of any and all permits or approvals issued on behalf of them as a result of the approval of the CUP.
3. This CUP shall become null and void upon sale of transfer of the property.
4. The owner/applicant shall return to the Board prior to ANY changes to the approved conditions with the CUP.
5. **All noted Conditions provided with the definition of Home Occupation #1-9 shall be adhered to.**
6. **This CUP shall be reviewed annually for compliance with all conditions, and then when necessary by the Board, to ensure compliance with these conditions.**
7. **The personal training and nutrition counseling will be secondary to the use of the residence, conducted in the basement in approximately 800 square feet, 15% of the total floor area of the dwelling. Equipment will consist of a treadmill, bicycle and resistance training machines. Music played will not be amplified.**
8. **There shall be no employees.**
9. **The existing driveway will be utilized for client parking.**

- 10. Training sessions will take place Monday – Friday 6 am – 8pm, Saturday morning 9 am – 1 pm, with a maximum of 4 clients at each session. Workshops will be once a month (at most) around 6 pm – 8 pm on a weekday evening, with a maximum of 15 clients at each workshop.**

Mr. Powers questioned amplified music.

Ms. Dotson was present and noted that she would be using a mini speaker from her phone. Mr. Powers questioned the number of people that would be there at one time and the parking. Ms. Dotson noted that her training would be mainly one on one but may have up to four clients at one time. Ms. Dotson noted that she had functions at her home before with numerous cars and parking had never been an issue and she had spoken to her neighbors regarding the possibility of the training sessions. Ms. Dotson agreed to cap the training sessions to allow four clients and to cap the workshop with a maximum of fifteen clients.

Chairman Turney asked if anyone from the audience wished to speak.

No one was present for public comment.

Chairman Turney closed the hearing and asked for a motion to approve or deny the Conditional Use Permit.

**A motion was made by Mr. Schooler, as seconded by Mr. Powers, to approve, based on the Findings and Facts in staff report, Application #11-017-2019 – Conditional Use Permit – Petra Dotson – 131 South Hill Road – R-2 District – Article VII, Sections 708.4(A) & 705.4(A) & Definition 260 – Owner is seeking a Conditional Use Permit to have a Home Occupation to conduct personal training and nutrition counseling as a professional service with the attached ten (10) conditions as noted in the staff report as revised by the Board. The motion carried with three (3) aye votes.**

Application #11-018-2019 – Dimensional Variance – Kimberly Jo Wilson – 276 Dunroven Road – R-1C District – Article V, Section 504.4(B) - Owner is seeking a 6 foot height variance on an accessory building so it can be taller than the height of the existing residence.

Chairman Turney opened the hearing and called upon Mrs. Wilson for comment. Mrs. Wilson noted that the owner was seeking a six foot height variance on an accessory building so it can be taller than the existing residence. The property is located in Paddock Place Subdivision and the home was originally constructed in 1977. The applicant purchased the property in 1993. There were no records of any prior variances granted to this property. A building permit to construct a detached accessory building was issued on July 23, 2019. A framing inspection was conducted for this project on October 3, 2019, where the height of the structure was pointed out as a violation. The framing inspection was failed until this violation could be addressed. The owner indicated that she was not aware of any height restriction. The building plans approved did not disclose the proposed height of the building. The owner said that the plans showed a loft with a window making it obvious that the structure was going to be taller than the home. Mrs. Wilson provided the Board with the appropriate Zoning Ordinance that the relief was being sought from, that limits accessory buildings adjacent to a one story building, not to exceed the height of

the principal structure.

Mrs. Wilson summarized the four criteria as follows:

- A. **This lot is one of the largest lots in this area of Paddock enabling the accessory structure to be located farther away from the house, visually making the structure to appear more in keeping with the home.**
- B. **If the variance isn't granted the owner would have to demolish the structure and start over creating a financial burden. The structure is reasonable as there are other accessory buildings taller than homes throughout the neighborhood. (Staff notes that in December 2006 the ordinance was amended to prohibit this from happening).**
- C. **Owner relied on the plan review process which approved what was built. Owner was completely unaware that there was any ordinance that regulated the height of the proposed building.**
- D. **This variance will not adversely affect the neighborhood's character because there are others similar in the neighborhood. It has been constructed and painted in such a way to not stand out and the home will be trimmed to coordinate with it. It will not affect the public health, safety or welfare.**

All public notices were adhered to and it appeared from the four criteria that were reviewed, the application did comply.

Mrs. Wilson noted the following conditions:

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 20' x 30' accessory building permitted on July 23, 2019. All or structures or additions shall conform to the standards of the Zoning Ordinance.**
4. **This building cannot be used as a dwelling nor for business purposes.**

Mrs. Wilson noted that she asked Josh Stevens, Building Inspector, to attend the meeting since he was involved with plan review and inspections. Chairman Turney asked what the plans are for the property located behind this property. Mrs. Wilson noted that it had been zoned for single family residential and there were some existing treed areas that are supposed to be maintained as landscape buffers, but had not been recorded yet.

Chairman Turney asked the owner if they had any comments.

Kimberly Wilson was present and noted that she installed an 8 foot privacy fence at the end of the driveway to help mask the view of the structure and the paint color will match the house. Chairman Turney asked if there was a window in the upper rear portion of the structure that would overlook the future development. Ms. Wilson noted that it was the only window in the building.

Chairman Turney asked if anyone from the audience wished to speak.

No one was present for public comment.

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

**A motion was made by Mr. Schooler, as seconded by Mr. Powers, to approve, based on the Findings and Facts in staff report, Application #11-018-2019 – Dimensional Variance – Kimberly Jo Wilson – 276 Dunroven Road – R-1C District – Article V, Section 504.4(B) - Owner is seeking a 6 foot height variance on an accessory building so it can be taller than the height of the existing residence, with the four noted conditions. The motion carried with three (3) aye votes.**

Application #11-019-2019 – Dimensional Variance – Gerry Prout – 537 Berlin Drive – R-1B District – Article VII, Section 706.6 - Owner is seeking a 19 foot variance from the required 35 foot minimum rear yard setback in order to add a bedroom and porch on the 1<sup>st</sup> floor.

Chairman Turney opened the hearing and called upon Mrs. Wilson for comment. Mrs. Wilson noted that the owner was seeking a 19 foot variance from the required 35 foot minimum rear yard setback in order to add a bedroom and porch on the 1<sup>st</sup> floor at rear of the house. The property is located in Colony Subdivision and the home was originally constructed in 1986. The applicant purchased the property in May of this year. There were no records of any prior variances granted to the property nor any in the immediate vicinity. Mrs. Wilson provided the Board with the appropriate Zoning Ordinance that stipulates the rear yard setback.

Mrs. Wilson summarized the four criteria as follows:

- A. The lot is a corner lot with the home facing the shallower direction of the lot. This lot also contains a 16' Utility Easement (22' total) on the south east side of the home in the side yard which eliminates the ability to add on to the side. Owner needs a bedroom on the 1<sup>st</sup> floor to accommodate ADA accessible living and also necessary separation from other family members.**
- B. If the variance isn't granted the owner would have to relocate to an ADA accessible home and this is not a feasible option on a fixed income.**
- C. This request is the result of the recent loss of her husband. Her family will be moving in to assist with her day to day life not leaving her to live alone after having a stroke.**
- D. This variance will not adversely affect the neighborhood's character because the addition will not be visible from either street due to its position on the rear of the home with existing mature trees and an existing wood privacy fence. It will not affect the public health, safety or welfare. Granting the variance will in fact improve the health, safety and welfare to the owner.**

All public notices were adhered to and it appeared from the four criteria that was reviewed, the application did comply. Mrs. Wilson noted that a letter of support was received from Allen Waits.

Mrs. Wilson noted the following conditions:

- 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 proposed 14' x 35' addition (14' x 19' bedroom addition and the 14' x 16' covered porch) as shown on the Site Plan dated October 16, 2019.**

Chairman Turney read the letter from T. Allen Waits into the record.

Chairman Turney asked the applicant if they had any comments.

Dan Prout, son of Gerry Prout, was present. Mr. Schooler asked if the plans had been reviewed by Mrs. Wilson and were they in compliance with the Zoning Ordinance. Chairman Turney noted that is why they are asking for a variance. Mr. Schooler noted that he was concerned about the height. Mr. Prout stated that they had not submitted building plans but they are having an architect draw plans. Mr. Prout noted that it would be one story addition.

Chairman Turney asked if anyone from the audience wished to speak.

No one was present for public comment.

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

**A motion was made by Mr. Powers, as seconded by Mr. Schooler, to approve, based on the Findings and Facts in staff report, Application #11-019-2019 – Dimensional Variance – Gerry Prout – 537 Berlin Drive – R-1B District – Article VII, Section 706.6 - Owner is seeking a 19 foot variance from the required 35 foot minimum rear yard setback in order to add a bedroom and porch on the 1<sup>st</sup> floor with the three noted conditions. The motion carried with three (3) aye votes.**

**A motion was made by Mr. Schooler, so moved by Chairman Turney, to adjourn at 6:59 p.m. The motion carried with three (3) aye votes.**

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Tim Turney, Chairman  
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