

ON MONDAY, NOVEMBER 6, 2017, 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, David Prewitt

**MINUTES:** A motion was made by Mr. Schooler, as seconded by Mr. Prewitt, to approve the October 9, 2017 minutes, as submitted. The motion carried with four (4) aye votes.

**OLD BUSINESS:**

Amended Application 09-015-2017 – Dimensional Variance – Rodney King/Bluegrass Lawn Care - 185 Frankfort St – B-4 District – Article V, Section 508.2 – Applicant is seeking a 30’ variance from the required 30’ setback for a free standing sign to be located at the edge of Frankfort Street right-of-way.

Chairman Turney opened the hearing and called upon Isaac Hughes, Building Inspector for comment. Mr. Hughes noted that the owner is seeking a 30 foot variance from the required 30 foot front yard setback for a freestanding sign to be located at the edge of the Frankfort Street right-of-way. The property is Zoned B-4 (Highway Business District) and lies on the southwest side of Frankfort Street about 450 feet southwest of Camden Avenue. In September 2017 the BOA approved the lawn care business use as a similar use to other B-4 uses. The applicant is amending their application from September’s board meeting from a monument to a freestanding sign. The utility company removed a power line and raised the telephone line, allowing more height for a freestanding sign. There is no history of other variances on the subject property. However there have been several variances granted in this vicinity, as noted in the packet. The minimum setbacks for freestanding (instead of monument, typo error in packet) signs in the Highway Business District (B-4) are established in Article V, Section 508.2. The minimum setback for this type of sign is 30 feet from the right-of-way. Mr. Hughes noted that Article IV, Section 401(C) gives the BOA the authority to hear and decide variances based on specific criteria. Mr. Hughes noted that the applicant had met all criteria as noted it in the staff report. Letters were mailed to adjoining property owners and the notice was published in the Woodford Sun. Mr. Hughes noted that there were four conditions listed in the staff report and should be added if the variance is approved. Conditions are as follows:

- 1. This property is subject to all requirements of the Versailles-Midway-Woodford County Zoning Ordinance.**
- 2. The approved variance is granted only for the construction of the freestanding sign.**
- 3. Any future structures or additions shall conform to the standards of the Zoning Ordinance.**
- 4. The owner shall obtain all necessary permits from the Versailles-Midway-Woodford County Building Inspector for the construction of this structure.**

Chairman Turney called upon the applicant for comments. Mr. King noted that the proposed sign will not hang over the sidewalk and will be six feet off the ground. Chairman Turney asked if there was any public comment. Hearing none, Chairman Turney closed the hearing and asked for a motion to approve or deny the Dimensional Variance request.

**A motion was made by Mr. Schooler, as seconded by Mr. Powers, to approve the Amended Application 09-015-2017 – Dimensional Variance – Rodney King/Bluegrass Lawn Care - 185 Frankfort St – B-4 District – Article V, Section 508.2 – Applicant is seeking a 30’ variance from the required 30’ setback for a free standing sign to be located at the edge of Frankfort Street right-of-way with the four (4) noted conditions in the staff report. The motion carried with four (4) aye votes.**

**NEW BUSINESS:**

Application 11-021-2017 – Conditional Use – Connie and Mac Smith & Elizabeth Weisenberger Bright Estate – 301 S. Turner St - R-1B District – Article VII, Sections 706.4, 705.4(H) & Article V, Section 507 – The owner/applicant is seeking a Conditional Use Permit to operate a 2 room Bed & Breakfast.

Chairman Turney opened the hearing and called upon Mr. Hughes for comments. Mr. Hughes noted that Mr. & Mrs. Smith are requesting a Conditional Use Permit (CUP) to allow the operation of a two room Bed & Breakfast/Inn and the subject property is approximately 1/3 acre and is currently zoned R-1B (Single Family Residential). The property is located on the southwest corner of South Turner Street and West Stephens Street, one block west of North Winter Street/US 62. There are no previous Board of Adjustment cases involving this property. The principal use of the property will be the Applicant’s home. The B&B will be an accessory use and will be limited to the existing house providing up to two guest rooms. Since the property is located on a corner there is adequate parking to accommodate the applicant’s two vehicles on the West Stephens Street side where the existing garage and driveway are located. The guest parking will be parallel to South Turner Street where the front door of the home is located. Mr. Hughes noted that Bed & Breakfast/Inns are allowed in the R-1B zone as a conditional use per Article VII Section 706.4 via 705.4(H) which refers to Article V, Section 507, (attached to the application). Article II #212 Defines a *Bed and Breakfast/Inn Establishment as An establishment in a dwelling or structure located on land which is occupied and operated by the owner, lessee or owner’s agent, that supplies temporary accommodations to overnight guests for a fee.*

The applicant’s property appears to be of sufficient size to accommodate the proposed use. The Site Plan shows that there is adequate space to accommodate off-street parking. The Board of Adjustment is justified in issuing the C.U.P. because The Versailles-Midway-Woodford County Zoning Ordinance, Article VII, Section 706.4 via 705.4(H) explicitly allows Bed & Breakfast/Inns in conjunction with Article V, Section 507 and Definition # 212. The request for the CUP appears to meet all of the necessary criteria listed above and within the associated Ordinances.

Mr. Hughes noted that the following conditions should be attached if the request was approved:

- 1. The applicants will operate no more than two (2) guest rooms located within the main home with guest parking parallel on South Turner Street.**
- 2. This property is subject of all requirements of the Versailles-Midway-Woodford County Zoning Ordinance, more specifically; B&B/Inn Conditions, A-R Section 507.**
- 3. The C.U.P shall be personal with Connie and Mac Smith and shall become null and void upon sale or transfer of the property.**

4. **The Applicants 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.**
5. **The Applicants shall return to the Board prior to any changes in the scope or area of the approved conditions.**
6. **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 the applicant wanted to speak. Connie Smith, applicant, noted that she and her husband had been looking for a home and had a business and would like to have another small business and had been looking in Midway for a couple of years.

David Shaw, owner of 129 W. Stephens Street, noted that he was thrilled to have a B&B across the street because it would be convenient for his out of town family to stay. Mr. Shaw noted that people, who tend to use B&B, tend to be relatively affluent and it would be a benefit for the economy of Midway and he was in favor of the request.

Clemente Conde, resident of 310 S. Turner Street, noted that he and his wife support the request for a B&B for the same reasons as noted by Mr. Shaw. They felt it would support tourism in the area and would give family members a place to stay during visits.

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

Mr. Powers noted that it was stated that there had been parking on the street for years but noted that the photo shows that it is primarily grass and questioned if it was really available for parking. Mr. Hughes noted that the City had done waterline work at one time and put gravel there and people had been parking there in the past.

**A motion was made by Mr. Prewitt, as seconded by Mr. Schooler, to approve Application 11-021-2017 – Conditional Use – Connie and Mac Smith & Elizabeth Weisenberger Bright Estate – 301 S. Turner St - R-1B District – Article VII, Sections 706.4, 705.4(H) & Article V, Section 507 – The owner/applicant is seeking a Conditional Use Permit to operate a 2 room Bed & Breakfast with the noted conditions in the staff report. The motion carried with four (4) aye votes.**

Application 11-020-2017 - Dimensional Variance – David L. and Deanna Ramsey – 205 Frankfort St – B-4 District - Article V, Section 508.2 – Applicant is seeking a 30’ variance from the required 30’ setback for a free standing sign to be located at the edge of Frankfort Street right-of-way.

Chairman Turney opened the hearing and called upon Mr. Hughes for comments. Mr. Hughes noted the owners are seeking a 30 foot variance from the required 30 foot front yard setback in order to place a Free Standing sign at the right-of-way of Frankfort Street. The property is Zoned B-4 (Highway Business District) and lies on the southwest side of Frankfort Street about 400 feet northwest of Camden Avenue.

The building on this site was granted a front setback variance in 2006 and a rear yard setback in 2007. However there have been several variances granted in this vicinity as noted in the packet. The minimum setbacks for Free Standing signs in the Highway Business District (B-4) are established in Article V, Section 508.2. The minimum setback for this type of sign is 30 feet from the right-of-way. Article IV, Section 401(C) gives the BOA the authority to hear and decide variances based on specific criteria as noted in the packet. The request for a variance appeared to meet the necessary criteria listed. Mr. Hughes noted that all public notices have been met.

Mr. Hughes noted that the following conditions be attached to the variance if approved by the Board:

1. **This property is subject to all requirements of the Versailles-Midway-Woodford County Zoning Ordinance.**
2. **The approved variance is granted only for the construction of the free standing sign.**
3. **Any future structures or additions shall conform to the standards of the Zoning Ordinance.**
4. **The owner shall obtain all necessary permits from the Versailles-Midway-Woodford County Building Inspector for the construction of this structure.**

Chairman Turney asked if the applicant wanted to speak. Darrell Young with Young Sign Company was present on behalf of the Ramsey's and noted that they are moving their business to Frankfort Street and the location of the sign required a variance. Mr. Young noted that the sign would not interfere with egress and ingress. Mr. Young noted that it would not interfere with sight distance. Chairman Turney asked how far down is the bottom placard to the ground. Mr. Young stated that it was close to four feet. The overall height of the sign is approximately 8 ½ feet.

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

Mr. Prewitt asked for clarification of the total height of the sign. Mr. Young noted that he would drop it down to eight feet.

**A motion was made by Mr. Powers, as seconded by Mr. Prewitt, to approve Application 11-020-2017 - Dimensional Variance – David L. and Deanna Ramsey – 205 Frankfort St – B-4 District - Article V, Section 508.2 – Applicant is seeking a 30' variance from the required 30' setback for a free standing sign to be located at the edge of Frankfort Street right-of-way with the noted conditions in the staff report. The motion carried with four (4) aye votes.**

Application 11-022-2017 – Conditional Use – Claire Parisel – 119 Cottage Garden Ln - R-1C District – Article VII, Sections 707.4, 705.4(H) & Article V, Section 507 – The owner/applicant is seeking a Conditional Use Permit to operate a 2 room Bed & Breakfast.

Chairman Turney opened the hearing and called upon Mr. Hughes for comments. Mr. Hughes noted that Francois & Clare Parisel (Applicants) are requesting a Conditional Use Permit (CUP) to allow the operation of a 2 guest room Bed & Breakfast/Inn in their home. The subject structure is the primary residence and is currently zoned Residential in an R-1C neighborhood. The property is located 4 houses

southeast of Old Towne Walk, on the southwest side of Cottage Garden Lane. In June of 2016 it was brought to the attention of the Planning and Zoning Office that a B&B was in existence without a conditional use permit. It stopped operation after a letter to cease was sent to the property owner. There are no previous Board of Adjustment cases involving this property.

The principal use of the property is the Applicant's residence. The **B&B/Inn** will be an accessory use and will be limited to the existing house providing up to 2 guest rooms (suites). No events will be offered or held in conjunction with this CUP request. 2 guest parking spaces will be provided in the driveway. Mr. Hughes noted that Bed & Breakfast/Inns are allowed in the R-1C zone as a conditional use (**Article VII Section 707.4 via 705.4 H which refers to Article V, Section 507**). Mr. Hughes reviewed Article 212 definition of a Bed & Breakfast/Inn Establishment which was included in the staff report. All public notices were mailed and published in the Woodford Sun. The applicant's property appears to be of sufficient size to accommodate the proposed use. The Site Plan shows that there is adequate space to accommodate required off-street parking for 2 guestrooms. The request for the CUP appears to meet all of the necessary criteria listed above and within the associated Ordinances.

Mr. Hughes noted that if the Board approved the request then the following conditions should be required:

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 CUP.**
3. **The Applicants 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/Inn.**
4. **The Conditional Use Permit shall become null and void upon the sale or transfer of the property.**
5. **The Applicants shall return to the Board prior to ANY changes to the approved conditions.**
6. **The Applicants will operate no more than two (2) guestrooms located within the main house.**
7. **B&B/Inn Conditions A-R –Section 507 will all be met.**
8. **No more than one passenger vehicle per guest room at one time and no trailers.**

Chairman Turney asked if any Board members had any questions, hearing none, Chairman Turney called upon the applicant for discussion.

Clare Parisel, owner/applicant was present. Ms. Parisel noted that they have lived there for 12-14 years and her children have moved away and now she has empty rooms. Ms. Parisel noted that she had owned a business in Midway for many years and people would inquire about where to stay in Midway. Ms. Parisel noted that she had opened her AirBnB and there would only be a few people here and there and is not there sole income. Chairman Turney questioned that the guest park in the driveway and

wanted to know where the owners park. Ms. Parisel noted that they have on-street parking and they park out front. Mr. Hughes noted that there was public parking on the street in Midway.

Chairman Turney asked if any Board members had questions, hearing none, Chairman Turney asked if the public had any comments.

Jacob Bowman, Vice-President of Northridge Estates Homeowner Association and as a neighbor at 115 Cottage Garden Lane. Mr. Bowman noted that the board had reviewed the matter and had a couple of concerns, largely due to logistics of the parking. Mr. Bowman noted that parking is limited if not parking in the driveway; some lots can accommodate 2-3 cars on the street. Parking could become an issue if both rooms are filled at the same time. Mr. Bowman noted that they were concerned about having a business and other nuisances with having a business in a residential area. They were worried about a traffic issue in the area and Mr. Bowman presented a letter on behalf of the board with Association regulations. Mr. Bowman noted that the board took a concern from one of the neighbors about the allowance of the business.

James Woodrum of 117 Cottage Garden Lane asked the Board to approve the request of the Homeowner Association to deny the Bed & Breakfast. Mr. Woodrum questioned research of the impact on property values that are next door to B&B's. Mr. Woodrum was concerned about the parking and asked if there could be restrictions to allow only one vehicle per guest room and that a tractor trailer or UPS size vehicle not be allowed to be parked on the street. Mr. Woodrum asked if it was possible to vet the renters in any way.

Mr. Schooler asked Mr. Woodrum if the school children walk to school or does the bus travel Cottage Garden Lane. Mr. Woodrum noted that some children walk to school and some ride the bus and yes it does travel on that street.

John C'deBaca of 113 Coach Station Road noted that he and his wife have lived there for twenty years and that the neighborhood is peaceful and harmonious and that the subdivision was planned residential without any commercialization intruding into it. Mr. C'deBaca noted that the HOA board felt they have to keep the interest of the whole community in view and they see it as a possible nuisance that would change the character and flavor of the community now. Mr. C'deBaca asked the Board members to deny the request for a B&B. Mr. C'deBaca distributed a letter from the HOA. Mr. Schooler asked how many people in the neighborhood would agree with the letter that was presented. Mr. C'deBaca noted that there were a total of 124 homes and they did not poll the entire neighborhood. Chairman Turney asked if there was anything within the HOA that precludes this. Mr. C'deBaca noted that there were a couple of places in the restrictions which would preclude it; no obnoxious or offensive activities or anything considered a nuisance.

Chairman Turney asked if there was any further public comment, hearing none, Chairman Turney called upon Ms. Parisel.

Ms. Parisel noted that it is an AirBnB and shared the views of the people that have stayed in the past. Chairman Turney asked how long the B&B has been in operation. Ms. Parisel noted that it has been in operation since spring 2016 and has had really nice people there and has never had a problem with parking.

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

Chairman Turney noted that some of the issues raised regarding parking were semi-appropriate and offered an additional condition that would restrict one car per guest room and that guest have to park off-street and no trailers. Mr. Schooler noted that he had a problem with vehicles parking on the street because school buses use the street. Chairman Turney noted that the street is public and anyone can park there.

**A motion was made by Mr. Schooler, as seconded by Mr. Prewitt, to approve Application 11-022-2017 – Conditional Use – Claire Parisel – 119 Cottage Garden Ln - R-1C District – Article VII, Sections 707.4, 705.4(H) & Article V, Section 507 – The owner/applicant is seeking a Conditional Use Permit to operate a 2 room Bed & Breakfast with the noted conditions in the staff report and the addition of condition #8. The motion carried with four (4) aye votes.**

Application 11-018-2017 – Administrative Review – Thomas J. Moungey – 3600 Cummins Ferry Road – A-4 (Small Community) District – Appealing Zoning Administrator’s decision that operating a sawmill in the A-4 District is not a permitted use and must cease or be relocated to I-1 (Light Industrial) or I-2 (Heavy Industrial) Zoning District.

Chairman Turney called upon Tim Butler, Legal Counsel for Versailles-Midway-Woodford County Planning Commission. Mr. Butler explained the authority of the Board of Adjustment and noted that Kentucky Revised Statute Chapter 100, Section 257 provides that the Board of Adjustment has the power to hear and decide the cases where it is alleged by an applicant that there is an error in any order, requirement, decision, grant or refusal made by the administrative official in the enforcement of the zoning regulation. Mr. Butler noted that there had to be an allegation of an error. KRS 100, Section 271 outlines the power of the zoning administrator, which in the case is Mrs. Wilson, and her power is limited in that as an administrator she cannot “permit any use or change of use which does not conform to the literal terms of the zoning regulations”; the BOA cannot allow that either as part of an administrative review. The powers of the BOA are to do Dimensional Variances, Conditional Uses and Administrative Appeals. As the BOA, they cannot act as the Planning Commission; the BOA cannot determine that although not allowed by the zoning regulation any uses appropriately located and cannot do use variances, which is rezoning. Nor, given the facts of a particular case that related to the operation of use that the zoning regulation should be made or rewritten to allow it as something that would benefit the community; that would be amending the zoning ordinance. Mr. Butler noted that the appeal was limited to two questions regarding the Administrative Appeal or interpretation. The questions before the BOA were: was there an error made in the interpretation or enforcement of the regulation and was the administrator’s finding that the operation in question, was a sawmill correct or was there an error and the second was the administrator’s finding that the A-4 zone does not allow sawmills, correct. If the BOA finds that both are correct then they would not have the authority to say that the business can stay and if they found that something was incorrect then they would have to find what the correct interpretation would be with the information provided. Mr. Butler noted that in order for the BOA to act within their powers, they should limit their consideration and the public comments should be limited to, is this a sawmill and should it be allowed in an A-4 zone.

Chairman Turney called upon Patricia Wilson, Planning Director for comment. Mrs. Wilson noted that the Planning and Zoning office received a verbal anonymous complaint and Mr. Hughes as the Building and Zoning Inspector visited the property and it appeared that the use did appear that the use did consist as a sawmill business and was being operated at 3600 Cummins Ferry Road, zoned Small Community District, A-4 (Map #21) (Exhibit H). This is not a permitted use based on the Versailles-Midway-Woodford County Zoning Ordinance- Article VII, Section 704. (Exhibit D)

Mrs. Wilson noted that the following was based on observations and information:

- Inspector made site visit on August 9 and found:
  - Saw mill (portable) (Photo – Exhibit C)
  - Large metal building containing an assortment of milled wood (Photo – Exhibit C) and the building had been expanded since the process began; an addition had been added to the side of the building
  - Kiln
  - Business card from owner (Exhibit C)
- Numerous correspondences contained in the Exhibits from Mr. Moungey that verify that he is operating a business.
- Mr. Moungey acknowledges that he also has a planer that is essential to his business that is loud.
- His business is posted on Craig's List with pictures and prices of his inventory and his contact numbers for making appointments. This confirms that customers come to his property to pick up inventory.
- An email statement of support from a customer, Brian Talbert (Exhibit F) mentions "lumber business" and buying lumber as do many other numerous letters of support that have been received since the packet was prepared.

Mrs. Wilson noted the Small Community District Ordinance, A-4 zone (Section 704) and Principal Accessory and Conditional Uses. The saw mill business occurring here would be considered an industrial use based on the fact that lumber is being milled (prepared), stored and distributed wholesale.

This type of use would be permitted in the Light Industrial District (I-1) or the Heavy Industrial District (I-2) as a Principal Use of Wholesale Business and Warehouse as attached to the summary of the staff report.

Mrs. Wilson noted the list of exhibits of documents and correspondences between the Moungeys and Mrs. Wilson as well as letters received from the public.

Chairman Turney asked if any Board members had questions for Mrs. Wilson. Hearing none, Chairman Turney called upon Mr. Moungey for comments.

Mr. Moungey noted that he was the appellant in the case and stated that people have trouble pronouncing his last name. Mr. Moungey introduced his wife, Susan. Mr. Butler reminded Mr. Moungey that he had a five minute limitation for comments as listed on the agenda and publicized. Mr.

Moungey asked Chairman Turney if it was his right to have a little more time. Chairman Turney noted that they would give a little more time. Mr. Moungey noted that his operation had the characteristics of a non-commercial operation which would be allowed in Small Community A-4 zoning. It is a principal use, listed under "B".

Mr. Moungey noted that when Mr. Hughes came onto his property on August 8, 2017 around noon, he was carrying a clipboard and stated the three elements of the complaint were: hardwood flooring business (which is clearly incorrect, sawmill was never mentioned until after Mr. Hughes mentioned the other two elements), loud noise at 6 a.m., heavy traffic up and down the driveway. Mr. Moungey noted the total number of customer vehicles for purchasing lumber in 2016 was 91 with a gross income of \$7078.00. In July 2017 he had 23 customers, August 2017 – 24 customers, September 2017 – 20 customers and in October 2017 – 15 customers. Mr. Moungey noted that production and sales picked up this year because the inventory was low in 2016 because he had just bought the new sawmill. Mr. Moungey stated that he started the operation in 2014 and didn't really get going until 2016 due to personal reasons. Chairman Turney asked Mr. Moungey if he was selling lumber and using the sawmill as a sawmill. Mr. Moungey stated "yes" he was selling lumber and it is a portable sawmill. Mr. Moungey questioned if the Board members received the Portable Sawmill book that he delivered and Mrs. Wilson noted that they received everything that was given to staff. Mr. Moungey explained that a sawmill has a broad definition and his portable sawmill is on the lower end of sawmills. Mr. Moungey read the definition for commercial vs. non-commercial and reviewed his business hours and advertisement (business card). Mr. Moungey noted that he does not have any employees and he is the only one that operates the sawmill and is the only one qualified. Mr. Moungey added that he was retired and has no intention to grow to large scale; this was only his hobby and passion. The work hours of the saw are regular and average about six hours a week. Milling hours are limited by Mr. Moungey's strength, stamina, daylight hours, weather, climate conditions and residuals of Non-Hodgkin's Lymphoma. Mr. Moungey noted that he doesn't ship any goods, has limited non-commercial equipment, does have some farming equipment and F-250 pickup truck and 16 foot open trailer. All lumber comes from trees already down. Lumber is not purchased from any other suppliers. When the logs are towed to Mr. Moungey's home, they become his personal property. The Craig List offer is his personal property just like other items he sells on Craig List. Mr. Moungey noted that he believed that Woodford County would want a small non-commercial operation to come to the county. Mr. Moungey noted that two gentleman had approached him to teach them the use of a portable sawmill. Mr. Moungey makes donations to schools and other entities. Mr. Moungey requested that the Board primarily interpret and rule that the operation of said sawmill could be allowed as a non-commercial or accessory use in the A-4 zone. As an alternative the Board could exercise its powers in the same zoning ordinance in Section 401(F). Mr. Moungey shared with the Board a letter received from a shop teacher at Cane Middle School in Mercer County thanking him for his donation of lumber. Mr. Moungey noted that he hoped the Board would find that his sawmill was an agricultural non-commercial operation.

Chairman Turney asked the Board members if they had any questions, hearing none, Chairman Turney asked if there was any public comment.

Melinda Ciampolillo of Versailles noted that she and her husband had gone to Mr. Moungey's property and purchased wood. Mrs. Ciampolillo noted that the term sawmill was confusing to her because it is a broad term; it is not a Home Depot and Lowe's type business, it is personal. She lives in a neighborhood and hears chainsaws and people cutting firewood and putting it on Craig's List and selling it and does

not see anyone saying that can't be done in a residential area. She noted that she has been to his location numerous times and did not see an increase in traffic. She noted that her neighbors' dogs are probably louder than his planer. Mrs. Ciampolillo noted that the Board needed to look at the definition of a sawmill and using Craig's List and it is not a business web site. Mr. Butler asked at what point would the limit be to put something somewhere other than in a residential area, what would that definition be. Mrs. Ciampolillo stated that is the problem, there is no definition and are being subjective. Mr. Butler noted that it was not subjective at all because it relates to all sawmills and the issue is that the Zoning Regulations can be written to allow small operations to operate with certain conditions and criteria. Mr. Butler noted that the Board did not have the authority to change Zoning Regulations.

Janet Cameron of Cummins Ferry Road noted that she had not noticed any increase in traffic and lives about a half a mile away and does not hear noise. She noted that Mr. Moungey comes and cleans up any fallen trees at no charge.

David Meekins of Versailles noted that his father took a couple of trees to Mr. Moungey and just wanted a few pieces of lumber out of it to make some cribs. Mr. Meeks believes that it is neighbor helping neighbor.

Tom Ollinger who used to live on Cummins Ferry Road discussed the cost of a portable sawmill and noted that what Mr. Moungey does is a hobby and does not make enough money for it to be considered a commercial business.

Ned Meekins of Oregon Road noted that he needed Mr. Moungey's services for trees that had fallen or encroached his house and noted that in the past had taken them to Scott and Jerry Lancaster but could not locate them. Mr. Meekins noted that access to this type of service on occasion is essential to those who live in Woodford County and especially those with wooded land. Mr. Meekins noted that this seem to be arbitrary and inconsistent with the county allowing Mr. Lancaster to operate on McCowans Ferry and urged support in favor of Mr. Moungey.

Marilyn McDaniel of Cummins Ferry Road noted that she lives across the road from Mr. Moungey. Mrs. McDaniel noted that the ordinance does not define this type of operation and Nonesuch is a hotbed of small businesses; there are automobile and tractor repairs, window tinting, chimney sweep and people need these businesses. Mrs. McDaniel stated that it is unfair that the ordinance was not clear whether his operation was permitted or not; the sawmill is not a mill. There has to be a way to find in the ordinance to allow Mr. Moungey to continue his operation. Mrs. McDaniel noted that she had never heard any complaints and she had heard the mill operate and hoped that the Board could make this possible.

Tim Ciampolillo of Versailles noted that Mr. Moungey has quality wood and the work that he puts into it on a small scale and has been an inspiration to him. He requested that the Board overlook the violation and let him continue his operation.

David Seay of 3955 Cummins Ferry Road noted that he was in support of Mr. Moungey and his wife. Mr. Seay noted that he had known Mr. Moungey for approximately ten years and lives down the road and never hears anything. Mr. Moungey has been involved with a lot of things and sees this operation as hobby.

Chairman Turney asked if anyone else would like to speak, hearing none, Chairman Turney asked Mr. Moungey to give his closing comments.

Mr. Moungey noted that he had sent an information request to Mrs. Wilson requesting a list of any other sawmills in Woodford County and Mrs. Wilson was not aware of any other sawmills. Mr. Moungey noted that there are three to four other sawmills with portable band sawmills and was only aware of his by a complaint. Jerry Lancaster still has his sawmill and is on storage on McCowans Ferry Road, Mike Vincent on Patterson Lane was approached by Woodford County at one time for occupational sales tax and is a sole proprietor, John Creech on Mundy's Landing is a builder and has one that he uses to make his trim and the other one is on the Woodford County and Franklin County border. There is also a historic sawmill on Paul's Mill Road.

Chairman Turney closed the public hearing. Chairman Turney noted that there were more avenues that are more appropriate as far as changing text amendment and the Board is limited to what they can do and can't do per Mr. Butler; there are other ways to get this accomplished. There was discussion about commercial vs. non-commercial and land use. Mr. Butler discussed an example of a small business in Bardstown that expanded. Mr. Butler noted that the best way to accommodate Mr. Moungey's operation would be a regulation amendment. Chairman Turney noted that two decisions needed to be made and told the Board that they would either uphold the decision that Mrs. Wilson made or render it void. Mr. Prewitt noted that Mrs. Wilson and Mr. Hughes made a good review and decision on the conclusion that a sawmill should not be operated in an A-4 District. Chairman Turney noted that there are avenues to remedy this because it would be a worthwhile venture to have.

Chairman Turney asked for a motion to uphold or overturn the decision of the Planning Administrator.

Mr. Schooler stated that from what he had heard during the meeting, that it was not a sawmill, in his opinion.

**A motion was made by Mr. Prewitt, as seconded by Mr. Powers, to uphold the decision of the Planning Administrator on Application 11-018-2017 – Administrative Review – Thomas J. Moungey – 3600 Cummins Ferry Road – A-4 (Small Community) District – Appealing Zoning Administrator's decision that operating a sawmill in the A-4 District is not a permitted use and must cease or be relocated to I-1 (Light Industrial) or I-2 (Heavy Industrial) Zoning District. The motion carried with three (3) aye votes Prewitt, Powers, Turney and one (1) nay vote Schooler.**

**A motion was made by Mr. Prewitt, seconded by Mr. Schooler, to adjourn at 8:08 p.m. The motion carried with four (4) aye votes.**

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Tim Turney, Chairman

TT/ko