

ON MONDAY, NOVEMBER 7, 2022, THE BOARD OF ADJUSTMENT HELD THEIR REGULAR MEETING IN THE 2nd FLOOR COURTROOM OF THE WOODFORD COUNTY COURTHOUSE AT 6:30 P.M.

PLEDGE OF ALLEGIANCE

MEMBERS PRESENT: Tim Turney, Ken Winkfield, Lonnie Estes, Bart Shockley, David Prewitt. Planning Commission's attorney Scott Schuette was present.

MINUTES: A motion was made by Mr. Winkfield, as seconded by Mr. Estes, to approve the September 12, 2022 minutes, as submitted. The motion carried with five (5) aye votes.

NEW BUSINESS:

PUBLIC HEARING – Application #11-019-2022 – Dimensional Variance – Toni Congleton – 107 High Street – R-3 District - Article VII, Section 709.6 – Applicant is requesting a 23'2" rear yard variance from setback and 5'7" side yard variance from setback along alley side in order to use structure as a residence.

Chairman Turney declared the hearing open and called upon Steve Hunter, Planning Director, for comments. Mr. Hunter noted that the owner was requesting a 23-foot variance from the rear setback requirement of 30 feet and a 2-foot variance from the side setback requirement of 5 feet (12 feet combined) to construct a residential structure; in the Multi-Family Residential (R-3) zoning district. Mr. Hunter shared photos on the monitors of the current and past structures. Mr. Hunter provided the lot requirements for District R-3. The applicant came to the Building Inspector to renovate the accessory structure and was told that if the cost was more than 50% of the value then it had to be brought into compliance with the current zoning and that is why she has applied for the variance. Mr. Hunter reviewed the appropriate definitions as provided in his staff report.

Mr. Hunter provided three (3) suggested conditions to be included if the Board approves the request:

1. This property is subject to all requirements of the Versailles-Midway-Woodford County Zoning Ordinance. 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.
2. The approved variance is granted only for the existing structure location referenced in the application. Any future structures or additions shall conform to the standards of the Zoning Ordinance.
3. The applicant shall apply for a Building Permit with the Versailles-Midway-Woodford County Planning & Zoning office prior to any construction.

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

Toni Congleton, owner, noted she owns an adjacent property at 216 Rose Hill Avenue. Ms. Congleton noted that the plat provided to the Board was recorded in the Deed Book and the plat that she had been taxed by and the setbacks that are being requested are for her to proceed.

Chairman Turney asked if there were any questions for the applicant. Chairman Turney asked if the applicant was changing the footprint of the building. Ms. Congleton noted that she was not. Ms. Congleton stated that it had been a residence for 20+ years and needed to be remodeled. Mr. Shockley questioned if the remodel constituted a demolition. Mr. Hunter noted that he was new to the community and was not demolition verbiage that he was used to, but that is how they interpret the 50% interior remodel rule.

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

Loretta Hafley, owner of 222 Rose Hill Avenue. Mrs. Hafley noted that the reason for Planning and Zoning was to provide cohesiveness in the community and to protect the property owners on either side of the line; 23 feet is excessive for a variance because it is only 7 feet from her property line and would affect how she used her property in the future. Would that set a precedence for anyone who had a garage and wanted to make it into a residential piece of property and just ask for a variance for whatever that property line would be. Mrs. Hafley noted that it could be unsafe and an upset to the balance of the neighborhood that Planning and Zoning provides conditions for and could potentially threaten property values. Chairman Turney asked how long the garage had been there. Mrs. Hafley noted that it had been there for a while "as a garage" and people assembled in there and it was never a residence.

Lucy Hicks Worrell, of 228 Rose Hill Avenue, noted that she has a rear entrance on High Street that adjoins the property. Mrs. Worrell discussed the plat that was in the record, dated 2014, and noted that the owner at the time interpreted that the entire line of the property line was to be an easement right, but in the description it was a driveway easement. The abandoned alley was acquired in 1958 by the previous owners of 228 Rose Hill Avenue. Mrs. Worrell noted that the variance setback request needed to be recalculated to be the proper numbers. Mrs. Worrell noted that she is having a survey done for the fourth time. There are different types of surveys that are done. Mr. Hunter noted that there is a property line dispute. The alley is not in use and is deeded to Terry and Lucy Worrell. Mrs. Worrell gave history of how the alley was originally deeded. Chairman Turney asked if the stakes that are out there today are what Mrs. Worrell believes to be the property line. Mrs. Worrell stated correct. Mrs. Worrell noted that she just wants the correct numbers of the variance request and there was a sewer line that runs in the area.

Chairman Turney asked if anyone else from the public wished to speak, hearing none, Chairman Turney asked the Board members if they had any questions, hearing none, Chairman Turney closed the public hearing.

There was discussion among the Board members.

A motion was made by Mr. Shockley, as seconded by Mr. Prewitt, to postpone the decision until December, based on the record and awaiting survey from neighbor for Application #11-019-2022 – Dimensional Variance – Toni Congleton – 107 High Street – R-3 District - Article VII, Section 709.6 – Applicant is requesting a 23'2" rear yard variance from setback and 5'7" side yard variance from setback along alley side in order to use structure as a residence. The motion carried with five (5) aye votes.

PUBLIC HEARING – Application #11-021-2022 – Conditional Use Permit – Jackson Watts and Elizabeth Turley (owners) and Holly Kruse (applicant) – 131 Morgan St – OHB-2 District - Applicant is requesting a Conditional Use Permit to use the 1st floor of the building as a residence.

Chairman Turney declared the hearing open and called upon Mr. Hunter for comments. Mr. Hunter noted that the Applicant was requesting a Conditional Use Permit to use the 1st floor of the building as residential use in the Central Business District (B-2) zone. Mr. Hunter provided the appropriate Zoning Ordinance and definitions.

Mr. Hunter provided six (6) suggested conditions to be included if the Board approves the request:

1. The Applicant agrees that the use on the property will be limited to a Single-Family Residence and/or the Commercial Uses permitted in the Central Business District (B-2) zone.
2. Applicant agrees to one monument sign on the site, not to exceed a height of 6 feet and maximum total area of 24 square feet. Wall Signs shall be limited to maximum total area of 4 square feet.
3. The Applicant agrees to use of the dwelling unit for the commercial use shall be clearly incidental and subordinate to its use for residential purposes by its occupants and there shall be no major change in the outside appearance of the dwelling or premises. No new building or accessory structures will be installed on the property.
4. The applicant shall obtain all necessary permits, if any, from the Versailles-Midway-Woodford County Planning Commission and shall obtain the approval of the Board of Architectural Review prior any exterior renovations to the existing structure.
5. The property is subject to all requirements of the Versailles-Midway-Woodford County Zoning Ordinance. The 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 issued on behalf of the Applicant as a result of the approval of the CUP.
6. The applicant Owner shall return to the Board of Adjustment prior to any changes to the approved CUP conditions.

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

Holly Kruse noted that the current owners were committed to preserving the history of the home and she felt the same way. Ms. Kruse noted that she needed the CUP in order for her to purchase the home.

Chairman Turney asked if any Board members had questions for the applicant. Mr. Estes asked if there was a second floor entrance. Ms. Kruse noted that there was not a second floor entrance. Mr. Estes asked what type of business would be in the building. Ms. Kruse noted it would be a salon.

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. Winkfield, as seconded by Mr. Prewitt, to approve the Conditional Use Permit for a 1st Floor Residential Use in a Central Business District (B-2) zone, located at 131 Morgan

Street, with the six noted conditions in the staff report and the testimony presented in this public hearing has shown that the use does meet the requirements of the Zoning Ordinance. The motion carried with five (5) aye votes.

PUBLIC HEARING - Application #11-020-2022 – AMEND Conditional Use Permit – John Davis (Owner/applicant) – 5486 Cummins Ferry Rd – CO-1 District - Article VII, Section 721.4(B) – The owner is requesting to amend the Conditional Use Permit (CUP) to allow the operation of the campground from January 1st thru December 31st and to increase the number of RV parking spaces to 28.

Chairman Turney declared the hearing open and called upon Mr. Hunter for comments. Mr. Hunter noted that there were several emails of support or opposition received after packets went out and they were distributed to members tonight. Mr. Hunter provided photos on the monitors for all to view. The applicant has asked to amend the conditions. The request would expand and authorize the Camp/Campground to be utilized as a year-round facility in Conservation District zone and add five campsites. Mr. Hunter provided the Zoning Ordinance and definition pertaining to the request.

1. The Property Conditions approved on June 7, 2010, are being replaced and re-stated with the following property Conditions:
2. The Applicant agrees that the use on the property will be limited to a Camp/Campground and permitted accessory uses as defined in Article II of the Versailles-Midway-Woodford County Zoning Ordinance.
3. Applicant agrees to one monument sign on the site, not to exceed a height of 10 feet and maximum total area of 32 square feet and shall be located on the Cummins Ferry Road frontage in the area of the campsite driveway. The facility (with the exception of the riverside, public right-of-way and county property) will have a fence around it no less than 3 ½ feet tall with signs posted every 50 yards stating that any trespassing will be illegal. A sign shall be installed stating all registered campers are to park their trailers and cars at the campsite, not at the boat ramp.
4. The applicant agrees the Camp/Campground shall be limited to three (3) special events a year, specifically Memorial Day, Fourth of July, and Labor Day holidays. The facility may have fireworks on Fourth of July only. Notification to all residents within two miles of campground, when there are going to be special events.
5. **No** firearms shall be permitted at any time on campground.
6. ATV's, golf carts or side-by-sides shall be operated on camp property only.
7. There shall be 24-hour supervision onsite the campground.
8. Campground Store shall only be used only by the campers and guests. Hours of operation to be left up to the owner. Months of operation to be same as campground. Video or arcade games must be indoors with hours of operation from 8 am-11 pm.

9. There shall be no more than 240 total people at one time at the campground including guests and visitors.
10. All lighting should be shielded and angled downward and shall not illuminate the sky in any way with the exception of the light at the entrance which is required for safety.
11. All pets must be on leashes or restrained. Fires are to be in fire rings only.
12. No generators that can be heard off of camp property will be permitted. Campground Quiet Time shall be from 11PM to 8AM.
13. There shall be no more than 30 full hook up RV sites permitted on the property.
14. The Applicant agrees to provide no more than 25% total lot coverage throughout the property.
15. No new building, accessory structures or campsite will be installed within 100' of any adjacent property-line.
16. No building on the property shall exceed one (1) story in height.
17. Applicant agrees that this property shall be served by the one existing access points onto Cummins Ferry Road.
18. No new permanent building or accessory structures will be installed on the property.
19. The applicant shall obtain all necessary permits, if any, from the Versailles-Midway-Woodford County Planning Commission prior any exterior renovations to the existing structures.
20. The property is subject to all requirements of the Versailles-Midway-Woodford County Zoning Ordinance. The 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 issued on behalf of the Applicant as a result of the approval of the CUP.
21. The applicant Owner shall return to the Board of Adjustment prior to any changes to the approved CUP conditions.

Chairman Turney questioned whether the Board can change what is said in Definition 223 Camps or Campgrounds, specifically says used for seasonal recreational. Mr. Hunter stated that the seasonal nature is unique to our ordinance but that's not what is in the state law and the seasonal may refer to the use of the campgrounds opposed to the structures. Mr. Hunter noted that the terms are very dated but are our definitions in the current Zoning Ordinance.

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

John Davis, owner, noted that this was his thirteenth season at the campground. Mr. Davis noted that crime and drug sales and drug use have been eliminated at the boat ramp. Mr. Davis noted that they have established that they follow every regulation of the CUP, even though he didn't agree with some of it. He doesn't want people living on the property and noted that it was more of a destination campground because of location. People stay six to eight months of the year or weekly and monthly. The river is accessible and clientele has changed over the year and most are retired or middle aged couples and other professionals. They have set their pricing for that clientele. They are more than a campground, there camper support the store. Mr. Davis took a petition to the owner of the store and he facilitated getting signatures; Mr. Davis entered it into the record. Mr. Davis noted that the visitors spend money in the county and attend the tourist attractions. Mr. Davis noted that it is community living, recreational style. Chairman Turney questioned where the additional five campsites would be located. Mr. Davis showed on a drawing. Chairman Turney noted that boats should not be stored on the property. Chairman Turney noted that he did not wanted people living there year round. Mr. Davis noted that people do live there for 2-3 months and some for 6 months looking for a place to live in the county. Mr. Davis stated that he doesn't want people living there year round. Mr. Estes asked if there was anything in the contract with the renter that they must upkeep there camper. Mr. Davis noted that he did not but it's his standard to not have those type of campers.

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

Spurgeon Chapman an adjoining property owner respectfully requested that the Board maintain the present operating dates of the campground. It doesn't need to be turned into a trailer park. He has an RV and understands that it is a seasonal type thing for most people. It's in the floodplain. Mr. Chapman did not have a problem with expanding the number of sites but was opposed to the year round operation. Mr. Chapman noted that it is still a gypsy camp to a point and noted that another person had sent in a letter in opposition. The campground should not become a storage area.

Tim Wright of Woodford County noted that the campground betters the economy and would benefit the area if opened year round. There are travel professionals that stay. Mr. Wright noted that this does not compare to a trailer park. All campers are on wheels and if the water starts rising it is easy to hook to them and pull them out. Mr. Wright noted that in 2002 he opened the campground for Ray Watkins under the code of Recreational Vehicle Park and he is in support of it.

Jim Rice noted that he came to Woodford County in 2010 to work at WinStar and was probably one of the first campers at the park. Mr. Rice manages the campground and is in and out during the winter. If water begins to rise and they can't reach the owner then they pull the campers to higher ground.

George Andrew (could not confirm last name) lives down the road from the campground and fishes year round and noted that there are no eyesores, it is family oriented and have never had an issue. Mr. Andrew noted that Mr. Davis brings money to the community.

Steve Reed noted that he pays monthly to keep his camper there year round and there should not be restrictions on the business. It is a family friendly and safe place.

Carol Edwards, originally from Ohio, landed at the campground while traveling to Florida and happened upon the campground. She never wants to leave the campground.

Tammie Wright noted that the park is an RV community and not a gypsy camp. They are a group of friends and family.

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. Winkfield, to approve, based on the record and with the twenty-one (21) conditions as listed; Application #11-020-2022 – AMEND Conditional Use Permit – John Davis (Owner/applicant) – 5486 Cummins Ferry Rd – CO-1 District - Article VII, Section 721.4(B) – The owner is requesting to amend the Conditional Use Permit (CUP) to allow the operation of the campground from January 1st thru December 31st and to increase the number of RV parking spaces to 28. The motion carried with five (5) aye votes.

Board adjourned to executive session.

Board reconvened to regular meeting.

A motion was made by Mr. Winkfield, so moved by Chairman Turney, to adjourn at 7:55 p.m. The motion carried with four (4) aye votes.

Tim Turney, Chairman
TT/ko