

ON MONDAY, OCTOBER 4, 2021, THE BOARD OF ADJUSTMENT HELD THEIR MEETING IN THE 2ND FLOOR COURTROOM OF THE WOODFORD COUNTY COURTHOUSE AT 6:30 P.M.

PLEDGE OF ALLEGIANCE

Chairman Turney called the meeting to order.

MEMBERS PRESENT: Tim Turney, Ken Winkfield, Lonnie Estes, Bart Shockley, David Prewitt.

MINUTES: A motion was made by Mr. Winkfield, as seconded by Mr. Prewitt, to approve the September 13, 2021 minutes, as submitted. The motion carried with five (5) aye votes.

PUBLIC HEARING - Application #10-018-2021- Dimensional Variance – Stephen C. Simoff – 424 S Winter St – R-3 District – Article VII, Section 709.6 & Article V, Section 504.4 (B) - Applicant is seeking a 14' variance from the required 25' front yard setback in order to complete a partially constructed carport.

Chairman Turney declared the hearing open and called upon Pattie Wilson, Planning Director, for comments. Mrs. Wilson noted that the Applicant was seeking a 14 foot variance from the required 25 foot front yard setback on Charlie Lane in order to finish a partially constructed accessory carport. The applicant submitted a site plan to illustrate the existing location of the new carport. The carport was constructed without application or approval of a building permit. Mrs. Wilson noted that the subject property contains a residence and garage that is currently zoned Medium Density Residential. The Board of Adjustment did grant a Conditional Use Permit for a Bed & Breakfast on the property in May 2016.

Mrs. Wilson noted that the Ordinances for the request had been cited and noted in the staff report. Specifically, a 25 foot setback from the right-of-way, both on Winter Street and the alley. All public notifications were met. It appeared that 3 of the 4 criteria were complied with.

Mrs. Wilson provided four (4) suggested conditions to be included if the Board approves the request and highlighted two (2) of those:

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 carport/accessory structure location shown on the "Site Plan" attached to the application. Any future structures or additions shall conform to the standards of the Zoning Ordinance.**
4. **The applicant shall apply for a building permit with the Versailles-Midway-Woodford County Planning & Zoning office prior to any construction or continuation with any construction started prior to obtaining a permit.**

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

Steve Simoff was present and provided the Board with pictures of the structure and noted that his original plan was to use a tarp and discovered that a new one would be too expensive and then discovered an old one in his garage. He noted that he made a mistake and the building got out of hand. Chairman Turney asked if the carport would be used to sit under or to park a car under. Mr. Simoff noted that it was for a vehicle. Mr. Shockley asked if sides would be added to the carport. Mr. Simoff noted that it would only have a roof covering and no sides. The plan is for a metal roof.

Chairman Turney asked if there were any further questions or if anyone in the audience 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. Shockley, as seconded by Mr. Prewitt, to approve, based on the record and staff report, Application #10-018-2021- Dimensional Variance – Stephen C. Simoff – 424 S Winter St – R-3 District – Article VII, Section 709.6 & Article V, Section 504.4 (B) - Applicant is seeking a 14' variance from the required 25' front yard setback in order to complete a partially constructed carport with the four (4) conditions as noted. The motion carried with five (5) aye votes.

PUBLIC HEARING - Application #10-019-2021- Conditional Use – Donald C. Bowles – 168 Gleneagles Way – R-1B District – Article VII, Section 706.4 & 705.4(A); Article II, Def. #260 - Applicant is seeking a Conditional Use Permit to operate a home occupation consisting of using laser equipment to engrave or cut bourbon barrel heads and firearm components.

Chairman Turney declared the hearing open and called upon Mrs. Wilson for comments. Mr. Wilson noted that the owner was requesting a Conditional Use Permit (CUP) for a Home Occupation that consisted of laser equipment to engrave or cut bourbon barrel heads and firearm components. The subject property is Single Family Residential that consist of a single family dwelling constructed in May 2011. There are no previous variance request or conditional uses associated with the address. This Conditional Use Permit is being required because of some unique circumstances with the firearm regulations. The applicant is a licensed Federal Firearm License (FFL) holder and in order for the applicant to receive and ship the firearm components for engraving, the home address must be listed as the business address. In the interest of transparency, it was decided a Conditional Use Permit would need to be obtained. The applicant plans to conduct web based business only, and has agreed that at no time will there be any onsite sales, meetings, or foot traffic.

The staff report provided the associated Ordinances for the request. All public notifications were met. It appeared that the property was of sufficient size to accommodate the proposed use.

Mrs. Wilson provided eleven (11) suggested conditions to be included if the Board approves the request and highlighted seven (7) of those:

1. The properties shall be subject to all requirements of the Versailles-Midway-Woodford County Zoning Ordinance.
2. Owner 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.
3. **The CUP shall be personal with Donald C. Bowles, and shall become null and void upon the sale, lease or transfer of the property.**

4. **Owner shall return to the Board prior to ANY changes to the approved conditions with the CUP.**
5. This CUP shall be reviewed annually for compliance with all conditions, and then when necessary by the Board, to ensure compliance with these conditions.
6. The applicant shall obtain all necessary permits, if any, from the Versailles-Midway-Woodford County Planning & Zoning and the Woodford County Health Department prior to operation.
7. **No meetings, foot traffic, or customers shall be allowed on the premises.**
8. **No sales shall be allowed on premises.**
9. **No signs for business allowed on the premises.**
10. **The applicant will stay current with FFL and all required regulations associated with license.**
11. **All Conditions noted in Definition #260.**

Mrs. Wilson noted that normally you could have a home office without a Conditional Use Permit but because of the FFL requirements, staff determined that it was best to apply for Home Occupation use.

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

Donald Bowles was present and reiterated that he had to have his home address for the FFL to receive stuff in the mail. Chairman Turney asked how many firearms were kept on the premises at one time. Mr. Bowles noted there weren't many because turnover is quick and customer's items are kept in a safe in the garage. Mr. Winkfield asked what type of equipment was used for engraving. Mr. Bowles noted that he uses a CO₂ laser and fiber laser. Mrs. Wilson noted that Mr. Bowles sells the other engraved items in a store in Versailles. Mr. Bowles noted that there would never be foot traffic on the premises. Mr. Shockley asked what other security measures are involved. Mr. Bowles noted that he has cameras and alarm system.

Chairman Turney asked if there were any questions or 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. Estes, to approve, based on the record and staff report Application #10-019-2021- Conditional Use Permit – Donald C. Bowles – 168 Gleneagles Way – R-1B District – Article VII, Section 706.4 & 705.4(A); Article II, Def. #260 - Applicant is seeking a Conditional Use Permit to operate a home occupation consisting of using laser equipment to engrave or cut bourbon barrel heads and firearm components with the eleven (11) conditions. The motion carried with five (5) aye votes.

A motion was made by Mr. Winkfield, so moved by Chairman Turney, to adjourn at 6:47 p.m. The motion carried with five (5) aye votes.

Tim Turney, Chairman

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