

ON MONDAY, SEPTEMBER 10, 2018, 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: David Prewitt, Frank Stark, Al Schooler, Tim Turney, Fred Powers

Pledge of Allegiance

Minutes: July 9, 2018 – A motion was made by Mr. Stark, as seconded by Mr. Prewitt to approve the minutes as submitted. Motion passed with five (5) aye votes.

NEW BUSINESS

Application #09-017-2018 – Conditional Use Permit – Kathy Burgess dba GoldenQuest LLC– 12641 Troy Pike – A-1 District – Article VII, Section 701.4 (H) – Applicant/Owner is seeking to amend their existing Conditional Use Permit for a dog kennel for a business that breeds dogs and also offers research/education opportunities, etc. by adding an additional **8,000 sq. ft.** (instead of 100'x100' building) commercial building to support existing business needs; an additional 1,000 sq. ft. isolation building; and move existing 15'x35' cabin behind the new building.

Chairman Turney opened the hearing and called upon Pattie Wilson, Planning Director for comments. Mrs. Wilson noted that the applicant was seeking to amend Conditional Use Permits (CUP) **Application #12-014-2015** and **#06-013-2018**, for the addition of an 8,000 square foot building (instead of the 100' x 100' building previously approved). They are also seeking approval of an additional 1,000 square foot building for isolation use and the relocation of an existing cabin that is 15' x 35' to be adjacent to the new facility. These improvements are for the expansion of the existing business. The subject property is zoned A-1 (Agriculture) and consists of approximately 31.58 acres. This property was reviewed by the Board of Adjustment on five previous occasions, most recently on June 4, 2018. At that time the approved amendment was for the addition of 100'x100' building, including all of the previous conditions. Mrs. Wilson provided a copy of the meeting minutes with her report.

The appropriate Zoning Ordinance was listed in the report. All public notices were met. With regard to Findings and Facts the property appeared to be of sufficient size to accommodate the proposed amendment to add an eight thousand square foot building (instead of the previously approved 100' x 100' building), a separate one thousand square foot building for isolation use, and relocation of a cabin (15' x 35'). A map of the site was attached to the application. The request for this CUP appeared to meet all of the necessary criteria listed above and within the associated Ordinances.

Mrs. Wilson recommended that if the Board chose to approve the application then the following conditions be applied:

- 1. This property is subject to all requirements of the Versailles-Midway-Woodford County Zoning Ordinance.**
- 2. The applicant 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 CUP.**

3. The applicant shall obtain all necessary permits, if any, from the Versailles-Midway-Woodford County Building Inspector and the Woodford County Health Department prior to operation of the kennel, remodeling of existing buildings or construction of new buildings.
4. The Conditional Use Permit shall be personal with Kathy Burgess and shall become null and void upon the sale, rent or lease of the property to any other party.
5. The applicant shall return to the Board prior to ANY changes to the approved conditions.
6. The applicant will live on the premises.
7. All fecal matter from the kennel shall be disposed of in one of the following ways:
 - a. Disposed of in the septic system that has been designed or approved by the local health department, or in a manner approved by the health department for use in a kennel situation.
 - b. Disposed of by removing from the property via waste management company such as Rumpke.
8. The buildings shall be kept clean so there is no odor and shall be managed so any barking or nuisance dogs are removed from outside runs/exercise pens.
9. No dog kenneling, dog training, related dog activity or business parking shall be conducted forward of a line running from the residence located on the front of the property, which is now called the manager's house, to the boundaries of the property as per the attached Site Plan.
10. Visitor hours are M-F 9-6 and Saturday 10-12. Extended hours will occasionally be offered to accommodate visitors.
11. The conditional use permit shall not allow the applicant to engage in any activity which shall be detrimental to the rural character of the area nor will be a nuisance nor interfere with the quiet use and enjoyment of adjoining property owners.
12. This conditional use permit shall be reviewed annually for compliance with all conditions, and then when necessary by the board, to ensure compliance with these conditions.
13. The Site Plan shall be adhered to including the locations of the additional 8,000 square foot building (in place of the 100' x 100' building); a 1,000 square foot isolation building; and, a relocated cabin (15' x 35'), as amended herewith.

Chairman Turney asked if any members had questions for the Mrs. Wilson, hearing none, Chairman Turney asked if the applicant wished to speak.

Kathy Burgess was present.

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

Dan Primm of 12660 Troy Pike noted that he was concerned when notified because of noise and traffic but met with the owner and showed him the facility and he is satisfied with her business plan and noise reduction.

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

Motion was made by Mr. Stark, as seconded by Mr. Powers to approve Application #09-017-2018 – Conditional Use Permit – Kathy Burgess dba GoldenQuest LLC– 12641 Troy Pike – A-1 District – Article VII, Section 701.4 (H) – Applicant/Owner is seeking to amend their existing Conditional Use Permit for a dog kennel for a business that breeds dogs and also offers research/education opportunities, etc. by adding an additional 8,000 sq. ft. (instead of 100'x100' building) commercial building to support existing business needs; an additional 1,000 sq. ft. isolation building; and move existing 15'x35' cabin behind the new building, as presented and with conditions as listed. The motion carried with five (5) aye votes.

Application #09-018-2018 – Dimensional Variance – John Vance & Jan Smith – 2064 Rose Bay Road – R-1B District – Article V, Section 504.2 – Owners are seeking an eleven foot variance from the minimum 30 foot front yard setback to place a 48" fence 19 feet from the sidewalk (at the closest point) along Pine Grove Road to secure an in-ground pool.

Chairman Turney opened the hearing and called upon Mrs. Wilson for comments. Mrs. Wilson noted that the owners were seeking an eleven foot variance from the required 30 foot front yard setback to place a 48" tall fence 19 feet from the sidewalk (at the closest point) along Pine Grove Road to secure a new in-ground swimming pool. The property is located at the southeast corner of Rose Bay Road and Pine Grove Road in Rose Ridge Subdivision; the property is zoned R-1B, which is Single Family Residential. The home was originally constructed in 2015. The Owner/Applicant acquired the property in May of this year. In December of 2017 a fence contractor inquired about obtaining a building permit for a 42" tall plank fence around the property and was advised that no permit was necessary for a fence of that height or less. The fence was subsequently installed. The pool contractor, Nature's Expressions, applied for a pool permit in August of this year. They thought the existing fence met the code requirements for a pool. Upon further inspection they realized the fence was 42" and it did not meet the 48" minimum enclosure requirements. There are no records of any prior variances granted to this property or any others in this vicinity. Mrs. Wilson included the appropriate Zoning Ordinance in her report. Mrs. Wilson reviewed the four criteria:

- A. The shape of the back yard dictates that a rectangular pool can only be placed parallel to the rear of the home which makes it have a north/south orientation. Given the underground utilities that serve the house on the southerly side the pool deck needs to be on the northerly side of the pool. This is the only corner lot in this vicinity that has a 42" plank fence as well as one with a planned in-ground pool.**
- B. The patio and pool design maximizes the use of the property for homeowner considering the easements associated with the property. Alterations of the current design would create and unnecessary hardship on the applicant.**
- C. The owner purchased the home with the existing 42" plank fence. They were unaware that this fence did not meet the Kentucky Building Code for pools. This is why they are now having to install an added 48" tall fence.**

- D. This variance will not adversely affect the neighborhood's character because as it will be a decorative fence. It will not affect any site distance as there are no driveways close enough to be impacted on this portion of Pine Grove Road. The 48" decorative fence will eliminate a hazard by having an in-ground pool that is property secured.**

All public notifications were met and it did appear to meet the four necessary criteria listed above and as described on the application.

Mrs. Wilson noted the following conditions be attached to the Variance if approved:

- 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 48" decorative fence 19 feet from Pine Grove Road right-of-way, as specifically shown on the Site Plan prepared by Nature's Expression dated 6/19/2018. Future structures or additions shall conform to the standards of the Zoning Ordinance.**

Chairman Turney asked if any members had questions for the Mrs. Wilson, hearing none, Chairman Turney asked if the applicant wished to speak.

Dale Flygstad with Natures Expression was present for the applicant. Chairman Turney asked if the existing fence would be staying. Mr. Flygstad noted that the fence was gone and would not be replaced. The only fence going up would be the one around the pool.

Mrs. Wilson noted that there was a letter received from 2061 Rose Bay Road and it was in the packet. 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 variance request.

Motion was made by Mr. Powers, as seconded by Mr. Prewitt to approve Application #09-018-2018 – Dimensional Variance – John Vance & Jan Smith – 2064 Rose Bay Road – R-1B District – Article V, Section 504.2 – Owners are seeking an eleven foot variance from the minimum 30 foot front yard setback to place a 48" fence 19 feet from the sidewalk (at the closest point) along Pine Grove Road to secure an in-ground pool, as presented and with conditions as listed. The motion carried with five (5) aye votes.

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

Chairman Tim Turney
TT/ko