

ON MONDAY, SEPTEMBER 11, 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, Frank Stark, Tim Turney, Fred Powers, David Prewitt

**MINUTES:** A motion was made by Mr. Stark, as seconded by Mr. Prewitt, to approve the July 10, 2017 minutes, as submitted. The motion carried with five (5) aye votes.

Application 09-013-2017 – Dimensional Variance Permit – Woodford Habitat for Humanity – 246&248 Martin Luther King Jr. Blvd – R-3 District – Article V, Section 502.3 - Owner is seeking a six (6) foot variance from the required minimum lot width at the front yard of 60 feet and one (1) foot variances on both side yards from the minimum of six(6) feet in order to build two(2) townhouses.

Chairman Turney opened the hearing and called upon Isaac Hughes, Building Inspector for comments. Mr. Hughes noted that the owners were requesting two variances. One is a six foot variance from the total width of the front of the lot and the second is one foot variance on both side yards from the required minimum of six feet. Mr. Hughes noted that it is located in the R-3 zone. Mr. Hughes referred to Article VII, Section 709.2(B) allowing Townhouses with special provisions of 709.7 as required in Article V, Section 502.3(B) #3, which states a requirement of Side Yard: The minimum side yard shall be (6) feet on the side yard for a row of attached townhouse units when no units or only one unit fronts on that side yard. Previous Dimensional Variances have been approved by BOA for side yard width for similar townhouses on lots adjacent to these lots, which were also owned by the same owner. Mr. Hughes noted that all four criteria had been met. Mr. Hughes noted that notices were mailed to adjoining property owners and notification was published in the Woodford Sun. Mr. Hughes noted the following conditions to be attached to the variance:

1. **This property is subject to all requirements of the Versailles-Midway-Woodford County Zoning Ordinance.**
2. **The owners 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 owners as a result of the approval of the Variance.**
3. **The approved Variance is granted only for the townhouses as shown on the site plan (aerial photograph) dated August 21, 2017. 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 the townhouses.**

Chairman Turney asked if the applicant had any comments.

Chairman Turney asked if anyone from the public would like to speak, hearing none the hearing was closed.

Chairman Turney asked for a motion to approve or deny the dimensional variance.

**A motion was made by Mr. Stark, as seconded by Mr. Prewitt, to approve Application #09-013-2017 – Dimensional Variance Permit – Woodford Habitat for Humanity – 246&248 Martin Luther King Jr. Blvd – R-3 District – Article V, Section 502.3 - Owner is seeking a six (6) foot variance from the required**

**minimum lot width at the front yard of 60 feet and one (1) foot variances on both side yards from the minimum of six(6) feet in order to build two(2) townhouses with noted conditions. The motion carried with five (5) aye votes.**

Application 09-014-2017 – Administrative Review - Thomas E. Jones & Rodney King – 185 Frankfort St – B-4 District – Owner/Applicant is requesting permission to operate a lawn care business in a B-4 zone since this use is of the same general character as other B-4 uses and will not be detrimental to this area.

Chairman Turney opened the hearing and called upon Patricia Wilson, Planning Director for comments. Mrs. Wilson noted that presently Rodney King, who owns Bluegrass Lawn Care, is seeking a determination from the BOA is similar to other permitted uses in the B-4 zone. Mrs. Wilson noted that the provision was set forth in **Article VII, Section 716.2 (H)** of the Versailles-Midway-Woodford County Zoning Ordinance. In June 2007 Mr. Thomas Jones applied to the BOA for a similar review for an Auto Body Shop under the same provision. (Case No. 06-006-2007) This Administrative Review was approved and Mr. Jones then constructed a new structure on his property which was completed in April 2014. The property has been used for an auto body repair shop since that time. No complaints were received to date. At the present time Mr. Rodney King is operating his lawn care business from Crossfield Drive in an I-1 (Light Industrial District). He wished to own his own business location and has an option to purchase the subject property to use for his lawn care business. Mrs. Wilson noted that there were similar uses in Article VII, Section 716.2 and pointed out that the definition of Commercial Greenhouse mentions “site planning, contactors services”, but specifically notes: “when not the primary activity”, which they are in this case. Employees will park here and then drive vehicles with the equipment on them to customers, returning at the end of the day. Mrs. Wilson noted that the existing building is suitable for this type of use with the double street frontage will accommodate this type of vehicular movement given the garage type doors and bays.

Public notices were complied with. In Findings and Facts, it appears that a Lawn Care Business is similar to permitted uses in E and C. Furthermore, it appears that the lawn care business would not be detrimental to the area.

Mr. Powers asked if it would be replacing the auto care center and Mrs. Wilson noted that it would. Mr. Powers asked about chemical storage and Mrs. Wilson noted that Mr. King would address that.

Chairman Turney asked if the applicant had any comments. Rodney King, owner of Bluegrass Lawn Care was present along with his wife, Jeri King. Mr. King noted that he does store some chemicals but not in large amounts and nothing different than what Southern States or Lowe’s carries.

Chairman Turney asked if the Board members had any other questions, hearing none, Chairman Turney asked if the public would like to speak. There were no comments from the public and closed the hearing.

Chairman Turney asked for a motion to approve or deny the Administrative Review.

**A motion was made by Mr. Powers, as seconded by Mr. Schooler, to approve Application 09-014-2017 – Administrative Review - Thomas E. Jones & Rodney King – 185 Frankfort St – B-4 District – Owner/Applicant is requesting permission to operate a lawn care business in a B-4 zone since this use**

**is of the same general character as other B-4 uses as noted in the staff report and will not be detrimental to this area. The motion carried with five (5) aye votes.**

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 10’ variance from the required 10’ setback for a monument sign to be located at the edge of Frankfort Street right-of-way behind the sidewalk.

Chairman Turney opened the hearing and called upon Mr. Hughes for comments. Mr. Hughes noted that Mr. King is requesting a 10 foot variance from the required 10 foot front yard setback in order to place a monument sign with its leading edge behind the sidewalk/right-of-way of Frankfort Street. 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 staff report. The minimum setbacks for monument 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 10 feet. Mr. Hughes noted that all four criteria have been met and all public notices were satisfied. Mr. Hughes noted that if the Board approves the request then the following conditions be required:

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 monument 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 noted that the Board members were given sign artwork at the meeting and noted that one of the options would not qualify as a monument sign. Chairman Turney noted that he had some concerns with what was being proposed due to sight distance and height.

Chairman Turney asked the Board members if they had any questions. Mr. King noted that they have attempted to design a sign so that if someone was backing out of their driveway they could have good visibility. Mr. Prewitt asked what the width would be at the bottom near the ground. Mr. King noted that it would be 2 ½ feet. Chairman Turney asked what the distance would be from the ground to the bottom of the digital board. Mr. King noted it would be 2.8 feet. Mrs. Wilson noted that when the Board discusses fences, that 42” is the maximum fence allowed without a variance in the front yard, so that is the height that the ordinance anticipates being able to see over at a corner in a parked car. Mrs. Wilson noted that you could not see under the sign at the lowest point or the whole sign should be 42” or less. The other option would be if they want to pursue a real free standing sign, it could be advertised that way and they could ask for a variance for the setback. The Kings did express concern about the overhead lines if the sign got too tall. They have been in touch with Windstream and Kentucky Utilities. Windstream told them they would approve a setback of 8’. Chairman Turney asked if there would be much drive-in traffic. Mr. King noted that people do stop in and he wanted to use the reader board for seasonal reminders. Mr. King noted that at 42” he would be limited to what went on the sign and probably could not use the digital part. Mr. King noted that a building sign could not be seen very well because the building sits back 50’. The island in the front can only accommodate 59” sign width.

Mrs. Wilson noted that a free standing sign has to be 12' off the ground. Mr. King noted that they can only go up 8' because of the utility lines.

Chairman Turney suggested continuing this and work out details with Ruggles Sign, Mrs. Wilson and the utility companies.

**A motion was made by Mr. Powers, as seconded by Mr. Schooler, to continue for the purpose of location and size of sign, 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 10' variance from the required 10' setback for a monument sign to be located at the edge of Frankfort Street right-of-way behind the sidewalk. The motion carried with five (5) aye votes.**

Application 09-016-2017 – Dimensional Variance – JMS Real Estate, LLC – 237, 239, 241 and 243 Abbey Road – R-4/PUD District – New Urban Code, Chapter IV – The owner/applicant is seeking a 6" variance from the 12" required front porch elevation.

Chairman Turney opened the hearing and called upon Mr. Hughes for comments. Mr. Hughes noted that variances of (6") from 12" to 6" height above sidewalk elevation. This variance shall only apply to the houses located at 237, 239, 241, 243 Abbey Road. The development is zoned R-4/PUD (High Density Residential), New Urban Code, Chapters IV and V (see Attachments pages IV-14 to IV-16 and pages 7 and 8). A previous Dimensional Variance was approved by BOA for the elevation of 18" to 12" in the month of April 2017. The buildings were built with the porches 6" too low, the mistake due to miscalculations, and were found during a final inspection of the units. The New Urban Code for Woodford County, City of Versailles and the City of Midway was implemented back in January 2002 as a guide for future development. Mr. Hughes noted that all public notifications were satisfied. Mr. Hughes noted that if the Board approves the request then the following conditions be required:

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 buildings listed above and shown on the site plans. Any future structures or additions shall conform to the standards of the Zoning Ordinance and The Architectural Standards of the New Urban Code, as amended.**

Mr. Hughes noted that all four criteria have been met and all public notices were satisfied.

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

Jon Storm, representative for the applicant JMS Real Estate noted that they had been granted dimensional variances for Wooldridge Gardens earlier in the year. One of the variances did allow for porches to be built 12" above the sidewalk instead of 18". Mr. Strom noted that four houses have been built with the porches 6" too low, this was due to a miscalculation made while determining the height of the porch in relation to the height of the sidewalk. At the time that the elevation of the house was determined the sidewalk had not been poured to write a benchmark for the right height. The builder had to use the height of the curb to determine certain heights and during this process a miscalculation

was made. Mr. Strom noted that it would be a very expensive mistake for them to fix as they are currently built and they do meet the goals of the New Urban Code.

Mr. Strom asked for approval as requested and with the conditions as listed the staff report.

Chairman Turney asked if any Board members had questions. Mr. Powers asked if on 243 Abbey Road, is there any elevation at all. Mr. Strom noted that it does slope up and is 6" above the sidewalk. Mrs. Wilson noted that it is the elevation of the street sidewalk. Mr. Strom noted that they have confirmed that the rest of the houses are 12" above the sidewalk.

Chairman Turney asked if the public would like to speak, hearing none he closed the hearing.

Chairman Turney 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 Application 09-016-2017 – Dimensional Variance – JMS Real Estate, LLC – 237, 239, 241 and 243 Abbey Road – R-4/PUD District – New Urban Code, Chapter IV – The owner/applicant is seeking a 6" variance from the 12" required front porch elevation with noted conditions. The motion carried with five (5) aye votes.**

**A motion was made by Mr. Stark and so moved by Chairman Turney to adjourn at 6:58 p.m. The motion carried with five (5) aye votes.**

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Tim Turney, Chairman  
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