

ON MONDAY, SEPTEMBER 12, 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. **Absent:** David Prewitt.

**MINUTES:** A motion was made by Mr. Winkfield, as seconded by Mr. Estes, to approve the August 1, 2022 minutes, as submitted. The motion carried with four (4) aye votes.

**NEW BUSINESS:**

**PUBLIC HEARING** - Application #09-016-2022 - Conditional Use Permit - Logan Doris (Owner/applicant) - 1520 Shoreacres Rd - CO-1 District - Article VII, Section 721.4(D), & Article V, Section 507 (A-R) - The owner is requesting a Conditional Use Permit (CUP) to allow the operation of a two bedroom Bed & Breakfast/Inn Vacation Rental.

Chairman Turney declared the hearing open and called upon Josh Stevens, Building and Zoning Inspector, for comments. Mr. Stevens noted that the owner was requesting a Conditional Use Permit (CUP) to allow the operation of a two bedroom Bed & Breakfast/Inn Vacation Rental located on the property known as 1520 Shoreacres Road. The structure is listed as a 2 bedroom, and 1.5 bathroom residence with a total of 900 square feet of living space. The property is located at the bottom of Shoreacres Rd right off of the Kentucky River. The principal use of the property is residential. The B&B will be the new use with the owner or owner's agent residing on the same lot.

Mr. Stevens provided the related Ordinance and definition for review. All public notices were met in accordance with KRS 100.237(6). The property appeared to be of sufficient size to accommodate the proposed use. The Site Plan shows that there is adequate space to accommodate the proposed B&B.

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

1. This property is subject to all requirements of the Versailles-Midway-Woodford County Zoning Ordinance, including but not limited to Article V, Section 507(A-R).
2. 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 B&B.
3. **The Owner, Lessee, or Owners agent must reside on the same property as the B&B.**
4. **The Conditional Use Permit shall be personal with Logan Doris 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. This Conditional Use Permit will be reviewed annually for compliance with all conditions, and then when necessary by the Board, to ensure compliance with these conditions.
7. **Guests shall be limited to 4.**

8. **No Parties, No amplified music outside, and all music to cease at 10pm.**
9. **Limit overnight Parking to 4 vehicles.**
10. **Guests shall be required to wear USGC life vests while along the riverbank.**
11. **Owner shall actively monitor river levels in case of flooding and remove or prohibit guests from the premises when necessary due to water levels or weather.**

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

Logan Doris was present and noted that it was a small house and they intend to have 2-4 people staying. The property will be monitored by a camera in the driveway and do not want parties taking place. He also noted that he has another property in Frankfort on the river and all guest are above the age of 25.

Chairman Turney asked if there were any questions for the applicant. Mr. Estes asked if the applicant lived on the property. Mr. Doris noted that they are currently renovating the residence but do plan to live on the property.

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

Alan Nichols of Shoreacres Road noted that he had lived there for almost fifty years. Mr. Nichols gave some history regarding Shoreacres Road and the development of the subdivision. Mr. Nichols asked the Board to oppose the request.

Deb Pekny of Shoreacres Road was mainly concerned about adverse effects on the community, they know every car and every person that belongs on that road. From a security standpoint they have people on the road that they do not recognize. Traffic is a danger to the people that live there. Mrs. Pekny asked to be reassured that the conditions placed on this request be checked on a regular basis and that the business is being ran the way it is supposed to be run.

Julie Springer of Shoreacres Road shared similar concerns to Mrs. Pekny. Mrs. Springer questioned why a commercial entity was allowed to build and open in the floodplain. Mrs. Springer questioned if the applicant was going to greet the guests and then leave. Who was going to enforce the restrictions? If there is a problem who can they call as the neighbor? Is there a limit of B&B's on the street?

Philip Valentine of Shoreacres Road, directly across from the applicant's home and reiterated what had been previously said. Concerned with property taxes since it was going to be a commercial property. Concerned with noise. Concerned with dogs running without vaccinations and not enough parking.

Bob Pekny of Shoreacres Road noted that he had done several hours of online research regarding B&B's. He noted that he was surprised at the volume of crime related to B&B's. Concerned with the number of strangers that B&B's bring into the neighborhood. Opposed to the request and asked to help keep the neighborhood safe.

Chairman Turney asked if anyone else from the public wished to speak, hearing none, Chairman Turney called upon the applicant to address concerns.

Mr. Doris noted that there would not be guests at the house every day so there should not be much traffic. Mr. Doris did not believe there would be criminals and they obtain all information on guests and they have cameras.

Chairman Turney asked the Board members if they had any questions for the applicant. Mr. Estes asked if they could put restrictions on pets. Chairman Turney noted that he would be in favor of no pets. Mr. Doris noted that they were not opposed to banning pets. All parking would be in the driveway and no street parking. Chairman Turney asked where the applicant would be residing on the property and Mr. Doris noted that there would be an owner's suite on the lower level of the residence. Chairman Turney noted that the Board had no control over property taxes and that question would need to be taken to PVA.

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. Shockley, to approve, based on the record and the eleven noted conditions and with the following: every lessee would be above 25 years of age and anyone under 25 years of age must be related, no pets allowed, cannot open until receiving occupancy certificate, off street parking only limited to two vehicles and no outdoor camping including recreational vehicles. Application #09-016-2022 - Conditional Use Permit - Logan Doris (Owner/applicant) - 1520 Shoreacres Rd - CO-1 District - Article VII, Section 721.4(D), & Article V, Section 507 (A-R) - The owner is requesting a Conditional Use Permit (CUP) to allow the operation of a two bedroom Bed & Breakfast/Inn Vacation Rental. The motion carried with four (4) aye votes.**

**PUBLIC HEARING** - Application #09-017-2022 -Conditional Use Permit - Jaysen Waggoner (Owner/applicant) - 204-206 W Main St - R-3 District - Article VII, Section 705.4(H) via 709.4(A), & Article V, Section 507 (A-R) - The owner is requesting a Conditional Use Permit (CUP) to allow the operation of a three bedroom Bed & Breakfast/Inn Vacation Rental.

Chairman Turney declared the hearing open and called upon Mr. Stevens for comments. Mr. Stevens noted that the owner is requesting a Conditional Use Permit (CUP) to allow the operation of a Bed & Breakfast/Inn Vacation Rental located on the property known as 204-206 W. Main St. The structure is listed as a two story duplex with, five bedrooms, and three bathrooms and a total of 3960 square feet of living space. The upstairs loft of 204 consisting of one bedroom and one bathroom shall be available to B&B tenants, with all of 206 consisting of three bedrooms and two bathrooms being available for tenants. The owner shall reside in the downstairs portion of 204. The principal use of the property is residential. The B&B will be the new use. All public notifications were met.

Mr. Stevens provided ten (10) suggested conditions to be included if the Board approves the request and highlighted six of those:

1. This property is subject to all requirements of the Versailles-Midway-Woodford County Zoning Ordinance, including but not limited to Article V, Section 507(A-R).
2. 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 B&B.

3. **The Owner, Lessee, or Owners agent must reside on the same property as the B&B.**
4. **The Conditional Use Permit shall be personal with Jaysen Waggoner 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. This Conditional Use Permit will be reviewed annually for compliance with all conditions, and then when necessary by the Board, to ensure compliance with these conditions.
7. **Guests shall be limited to 10, with available guest rooms limited to 4.**
8. **No Parties, No amplified music outside, and all music to cease at 10pm.**
9. **Limit Parking to 5 vehicles.**
10. **The applicant shall provide 5 parking spaces prior to operation of the B&B, these spaces shall be approved by obtaining a letter of approval from the City Of Midway to have 5 on street parking spaces along W Main St and/or N Turner Street. All parking spaces if approved by the city shall be paved.**

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

Jaysen Waggoner was present and noted that the house was built in 1850's and is a duplex style house. Mr. Waggoner noted that he was going to live in one side and rent the other side. Mr. Waggoner noted that there was no driveway but has 75' of road frontage on West Main Street and is one block from downtown.

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. Shockley, to approve, based on the record and with the ten (10) conditions as listed and the addition of no pets allowed. Application #09-017-2022 -Conditional Use Permit - Jaysen Waggoner (Owner/applicant) - 204-206 W Main St - R-3 District - Article VII, Section 705.4(H) via 709.4(A), & Article V, Section 507 (A-R) - The owner is requesting a Conditional Use Permit (CUP) to allow the operation of a three bedroom Bed & Breakfast/Inn Vacation Rental. The motion carried with four (4) aye votes.**

PUBLIC HEARING - Application #09-018 -2022 -Dimensional Variance - Gurjinderpal Singh (Owner/applicant) - 400 Lexington Rd - B-4 District - Article VI, Section 600.2(2)(B)-Applicant is requesting a variance from the requirement for parking to not be located within the front yard or side street side yard setback.

Chairman Turney declared the hearing open and called upon Mr. Stevens for comments. Mr. Stevens noted that the Applicant is requesting a variance from the requirement for parking to not be located within the front yard or side street side yard setback. The submitted site plan illustrates the proposed location of the new commercial building and its associated parking. The property is located at the intersection of Lexington Street and Laval Heights, and is zoned B-4 (Highway Business District). The new dimensional variance request is for new construction as shown on site plan. Existing building will be demolished in process of new construction if approved.

All public notifications were met. The request for a variance does appear to meet the four necessary criteria listed above and as described on the application.

Mr. Stevens provided four (4) suggested conditions to be included if the Board approves the request and highlighted six 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 parking layout 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.

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

Gaines Womack with Womack Construction was present on behalf of the applicant/owner. Mr. Womack noted that the lot was very small and to conform to the new building standards they had to readjust the location of the building and therefore needed to seek the variance to fit parking. Chairman Turney questioned the distance of the turn-in from Lexington Road.

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

David Hudson of Laval Heights questioned if the drive-thru exit was going to be on Laval Heights or Lexington Road. Chairman Turney noted that both entrance and exit was on Laval Heights. Mr. Hudson asked if a light would be installed at the intersection. Mr. Hudson was concerned about getting blocked in his driveway because of traffic on Laval Heights. Mr. Womack could not address the amount of traffic that would be generated.

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 four (4) conditions as listed Application #09-018 -2022 -Dimensional Variance - Gurjinderpal Singh (Owner/applicant) - 400 Lexington Rd - B-4 District - Article VI, Section 600.2(2)(B)-Applicant is requesting a variance from the requirement for parking to not be located within the front yard or side street side yard setback. The motion carried with four (4) aye votes.**

**A motion was made by Mr. Winkfield, so moved by Chairman Turney, to adjourn at 7:28 p.m. The motion carried with four (4) aye votes.**

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Tim Turney, Chairman

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