

ON MONDAY, SEPTEMBER 13, 2021, THE BOARD OF ADJUSTMENT HELD THEIR MEETING IN THE 2<sup>ND</sup> 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. **ABSENT:** David Prewitt.

**MINUTES: A motion was made by Mr. Winkfield, as seconded by Mr. Shockley, to approve the August 2, 2021 minutes, as submitted. The motion carried with four (4) aye votes.**

Application #09-016-2021- Dimensional Variance - Stephen Busick & Rachael Fannin-Ryst - 119 North Turner Street - R-2 District – Article VII, Section 708.6 & Article V, Section 504.4 (A) - Applicants are seeking a variance from the requirement to limit accessory structures to rear yard only, in order to construct a garden shed in the side yard.

Chairman Turney declared the hearing open and called upon Josh Stevens, Building Inspector, for comments. Mr. Stevens noted that the Applicant was seeking a variance from the requirement to limit accessory structures to the rear yard only. The submitted site plan illustrates the proposed location of the new accessory building. There is no useable rear yard area. The only place for the shed is in the side yard. The required setbacks of accessory structures will be maintained.

Mr. Stevens noted that the request did meet all four criteria. Mr. Stevens provided the appropriate Ordinances for the request. All public notifications were met.

Mr. Stevens provided four (4) suggested conditions to be included if the Board approves the request and highlighted one (1) 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 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.

Chairman Turney asked if any members had questions regarding the staff report. Chairman Turney asked if they need to add a condition so that it would not be used as a residence. Mr. Stevens noted that it could be added. The Board members present were in agreement with the addition of the 5<sup>th</sup> condition: Building shall not be used as a residence. Chairman Turney called upon the applicant for comments.

Stephen Busick was present and did not have any comments.

Chairman Turney asked if there were any questions. 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 #09-016-2021- Dimensional Variance - Stephen Busick & Rachael Fannin-Ryst - 119 North Turner Street - R-2 District – Article VII, Section 708.6 & Article V, Section 504.4 (A) - Applicants are seeking a variance from the requirement to limit accessory structures to rear yard only, in order to construct a garden shed in the side yard with the five (5) conditions as noted and amended. The motion carried with four (4) aye votes.**

Application #09-017-2021- Conditional Use - Bradley & Kimberly Burford - 1426 Shannon Run Rd – CO-1 District – Article VII, Section 721.4 (D), Article V, Section 507 & Article II, Def. #212 - Applicants are seeking a Conditional Use Permit to operate a two bedroom B&B/Inn Vacation Rental.

Chairman Turney declared the hearing open and called upon Mr. Stevens 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 1426 Shannon Run Road. The structure was listed as a two bedroom, one bathroom home. The main building was constructed in 1992, the B&B existing residence has been assumed to be early 1900's. No other dimensional variances or conditional uses have been granted for this property. The property appears 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 the appropriate Ordinances for the request. All public notifications were met.

Mr. Stevens provided nine (9) suggested conditions to be included if the Board approves the request and highlighted five (5) of those:

1. This property is subject to all requirements of the Versailles-Midway-Woodford County Zoning Ordinance.
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 Bradley & Kimberly Burford 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. **Limit overnight guests to 4.**
8. **Limit overnight Parking to 2 vehicles.**
9. **No music or unnecessary noise outside the dwelling.**

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

Bradley and Kimberly Burford were present. Mr. Burford noted that he and his wife purchased the property about 2 ½ years ago and there are two existing homes. The property and house was in demise and chose to refurbish the entire property and wanted to maintain the integrity and charm of the old farmhouse. They spent the time and money to recondition it to its original state. They believe that it is a great opportunity for people to stay and see the beautiful county.

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. Estes, as seconded by Mr. Shockley, to approve, based on the record and staff report Application #09-017-2021- Conditional Use - Bradley & Kimberly Burford - 1426 Shannon Run Rd – CO-1 District – Article VII, Section 721.4 (D), Article V, Section 507 & Article II, Def. #212 - Applicants are seeking a Conditional Use Permit to operate a two bedroom B&B/Inn Vacation Rental with the nine (9) conditions. The motion carried with four (4) aye votes.**

**COMMUNICATIONS:**

By-law Amendment on Meeting Procedure – Article IX - Hearings

Chairman Turney called upon Kim O'Reel, Administrative Assistant, for discussion. Mrs. O'Reel noted the Board of Adjustment did not currently have public hearing presentation time limits for meeting in their By-laws and that the Planning Commission had adopted the proposed procedures. The proposed procedures were as follows:

**Applicant's Opening Presentation and Presentation of Witnesses** – 30 minutes – Cross-examination or questions from the Board can follow related to the presentation.

**Represented Public or Opposition's Legal Opening Presentation and Presentation of Witnesses** – 30 minutes – Cross-examination or questions from the Board can follow related to the presentation.

**Individual Public Comment** – 5 minutes – Redundant comments will be limited but there is no limit on the number of persons wishing to speak.

**Closing Statement**- 5 minutes for Applicant.

**NOTES:**

Those representing the public and individuals wishing to speak must sign up upon arriving at the meeting and will be called upon to speak in that order. Time cannot be yielded to others.

Written comments can be submitted prior to or at the meeting and will be made part of the public record.

If more than one opposition group has legal representation, the 30 minutes shall be split between groups.

Chairman Turney noted that he would prefer the public comment to be limited to three minutes because the Board of Adjustment does not seem to have the issues that P&Z does. Having five minutes could run into a very long meeting and the amended time would not hinder the public's ability to speak. Chairman Turney asked if any Board member was in opposition to that change. Hearing none, the change was made to three minutes for Individual Public Comment.

Chairman Turney asked for a motion to approve or deny the By-law Amendment on Meeting Procedure – Article IX – Hearings, as amended. Mr. Shockley asked if the Board needed to consider the thirty minutes total for legal representation. Chairman Turney noted that the 30 minutes would be split among the attorneys and Mrs. O'Reel noted that staff usually knew ahead of time who would be speaking but that it is up to the chair to yield additional time if deemed necessary.

**A motion was made by Mr. Shockley, as seconded by Mr. Winkfield, to approve, By-law Amendment on Meeting Procedure – Article IX – Hearings as presented and amended. The motion carried with four (4) aye votes.**

**A motion was made by Mr. Estes, so moved by Chairman Turney, to adjourn at 6:44 p.m. The motion carried with four (4) aye votes.**

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Tim Turney, Chairman

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