

**WINCHESTER/CLARK COUNTY BOARD OF ADJUSTMENTS  
MINUTES OF MEETING HELD  
ON JANUARY 5th, 2017**

A meeting of the Winchester/Clark County Board of Adjustments was held on Thursday, January 5th, 2017 at 6:00 p.m. in the Commission Chambers at City Hall, Winchester, Kentucky. Vice Chair David Puckett presided over the meeting. Those present were:

Zeldon Angel, Chair (came in at 6:30)  
Leo Shortridge  
David Puckett  
Cory Johnson  
Travis Thompson  
Robert Jeffries, Staff  
Henry Rosenthal, Council

Vice Chair Puckett called the meeting to order and presented the minutes of Dec. 8, 2016. Mr. Johnson made a motion to accept the minutes with corrections to be made. Mr. Shortridge made a 2<sup>nd</sup> motion to approve with corrections. Motion to approve with corrections for Dec. 8<sup>th</sup> minutes was approved unanimously. Mr. Shortridge presented the treasurer's report and accounts payable. Mr. Johnson made a motion to approve the treasurer's report and accounts payable. Mr. Thompson 2<sup>nd</sup> the motion to approve, treasurer's report and accounts payable were approved unanimously.

There were no public comments.

**15-16-V (tabled) Dimensional Variance allowing a 40 foot tall 297 square ft wide sign along I-64 at 4775 Lexington Rd- East Ky Power**

Mr. Jeffries presented the staff report. The applicant (EKP) is requesting a variance to allow an additional freestanding sign to be located on the property located at 4775 Lexington Rd. The sign will be placed as a "V" shape with both sign panels installed at a 45 degree angle and facing interstate 64 (see attached rendering for more information). The sign will be approximately 297 square feet up to 40 feet tall.

The applicant has stated in the application that strict application of the size limitation of 32 square feet will limit the ability of East KY Power and its 16 owner-member cooperatives to properly create awareness and promote participation and knowledge to successfully convey a need for the variance due to a hardship or special circumstances which do not generally apply to land in the same zone or vicinity. Concerning this question on the application, the applicant answered: **\*see staff report\***

Mr. Jeffries stated they are only looking at the additional signage not the solar farm itself. He went out and took some measurements. Mr. Rosenthal explained EKP is not exempt from abiding by the sign regulations. John Rompf of 125 S. Main St. was sworn in to testify for the applicant. He explained the sign would help awareness of solar panels and alternative uses. The sign was designed with driver's safety in mind. Joe Settles with EKP was sworn in to testify on EKP behalf. He stated they anticipated there should be 3 poles for each sign total of 6 poles. The sign needs to go in between the transmission line and the fence. He stated they should be around 20 ft back from the right of way. Mr. Jeffries explained if the 2 signs touch this can be a variance for 1 sign not 2. There was no one there to speak against the proposed sign variance. Vice Chair Puckett closed the hearing for further discussion and action by the Board. Mr. Shortridge said if we approve we are setting a precedence and the next person that comes along will want a bigger sign also. Mr. Johnson made a motion to approve the dimensional

variance allowing for the additional freestanding sign to be located at the proposed location and erected in the “V” shape as presented and shown on the site plan for 4775 Lexington Rd. The variance will allow the sign to be erected at 297 square feet and 40 feet in height – resulting in a 265 square foot variance on the sign panels and a 32 foot variance on the height of the proposed signs. The issuing of this variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow and unreasonable circumvention of the requirements of the zoning regulations. Mr. Thompson made a 2<sup>nd</sup> motion to approve the sign variance. The motion was carried 3-1

**1-17-CU Conditional Use Permit to allow a Micro distillery in a downtown business district (B-2) to be located at 31 east Broadway- Laura Freeman.**

Mr. Jeffries presented the staff report. The applicant (Laura Freeman) is requesting a conditional use permit to operate a micro distillery at 31 East Broadway, located in a Downtown Business (B-2) Zoning District. Microbreweries, micro distilleries, micro wineries, and brewpubs are listed as conditional uses within a B-2 Zoning District.

Mr. Jeffries read definitions per zoning ordinance, article 12 titled definitions.

The structure will be restored and developed to include a distillery and event space. This location will be the beginning of the “Moonshine Trail” which would link to other successful distilleries in Eastern Kentucky and be similar to Kentucky’s “Bourbon Trail.”

The distillery will also sell “Kentucky Proud” and “Appalachian Proud” products, including produce and products from Clark County businesses/growers. A food truck is also included in their business plan. When in operation, it will be parked in front of the green garage door located on the front side of the building.

Laura Freeman of 3043 Schollsville Rd. she is the owner of the LLC that is buying the building and part owner of the distillery. Ben Pasley of 5827 Ecton Rd was sworn in. He thanked the commissioners and his supporters that were there. He said they have been working on this for about 6 months. It is currently owned by the City. They want to rehab the Jordan building and use it as a distillery where locally grown products will be sold. This project would have an economic effect on Winchester. A tour of the distillery and sample tasting etc would be available. There would be a minimal odor of the distillery. They will use local grown products to use to make the moonshine. The Moonshine Trail would draw tourism to the downtown. A food truck would also be parked in front of the distillery at times. But would travel around to other areas. He said semi trucks would not be used in this operation. He said they plan to use as much local products as possible. The Jordan building is a historical building. A historical sign would be put outside to tell about the site. They plan to demolish 2 rooms that are disrepair. They will go by the historical guidelines; he went on to talk about the proposed remodel. They plan to put a covered patio to the back of the distillery. **\*see attachments\*** Mr. Pasley said they want to create a huge tourism for downtown Winchester. Harry Enoch of 290 Gold Wings Rd Winchester. He said this has already been determined that the Jordan building is a historical building it was the first black church in Winchester. If the project does not go through it will continue to deterate and will disappear without this project. Nancy Turner was sworn in. She said she applauds the applicants for their hard work and vision on this project. She said the Bourbon Trail brings over 100,000 tourists a year to KY. And she feels this can bring many things as far as economic development. Matt Belcher City Manger of Winchester was sworn in. He said this is a good example of a good economic development and revitalization for the City of Winchester. Steve Adkins of 238 W. Hickman St. was sworn in to testify. He owns Engine House Deli and has recently bought Tom’s vacuum building. He said the distillery will help the downtown business opportunities and will help the community and is a step in the positive direction.

Mason Rhodus of Connie Lane was sworn in. He owns Mason's a downtown business. He said the distillery will bring a lot of generated traffic and help the downtown businesses. Wes Cartwright of Cartwright Designs. He said the downtown right now is not a positive situation. And he said the night life downtown will help having presence in the downtown and help with the situation of being a dead town. And he is excited that some of the buildings have been bought and are getting remodeled and will help bring the downtown back to life. Graham Johns of 306 S. Maple St. was sworn in. He is the board president of Main Street Winchester. He says he firmly supports the distillery and this is consistent with their mission with the revitalization of down town Winchester. Kurt Gilcrest of Highland Street. He has a 23 yr old business named Euro Works. He said the downtown area has really gone down hill in the last few years vandalism etc. The revitalization of this project will bring a positive impact on his business and the community as a whole. Dustin Kim of 207 Shannon Court was sworn in. He feels that keeping the historic building is a good thing. There was no one to speak against the micro distillery. Vice Chair Puckett closed the hearing for further discussion and action by the board. Mr. Johnson made a motion to approve the conditional use permit to allow a micro distillery known Wildcat Willy's Distillery LLC to operate in a (B-2) Downtown Business District located at 31 East Broadway based on the fact the use is listed as a permitted conditional use in Article 6.123 of the Zoning Ordinance. Mr. Shortridge 2<sup>nd</sup> the motion. Motion was approved unanimously.

**2-17-CU Conditional Use Permit to allow agritourism/agribusiness use in the form of events/wedding and similar activities to take place at 2955 Grimes Mill Rd. – Tazwell Vaughan**

Mr. Jeffries presented the staff report. The applicant (Tazwell Vaughn) is requesting a conditional use to allow Agritourism/Agribusiness use in the form of events/weddings and similar activities to take place on the property located at 2955 Grimes Mill Rd. The property is located in an (A-1) Agricultural Zoning District, pertaining to conditional uses the Zoning Ordinance (Zoning Ordinance, Article 6.13)

As mentioned in the application and narrative, the applicant claims the property will offer the general public the opportunity to experience country and farm-like life. Livestock, gardens, and produce/crops will be located on the property. Activities such as hiking, fishing, tenting, picnics, food events and fireside discussions will be available on the site as well. The applicant wishes to provide an educational experience in a tourist setting. Cooper Vaughan of Short St in Lexington KY (Mr. Vaughan's nephew) was sworn in to testify for the applicant. He said tenting is in conjunction with the building, a canopy tent would be added if additional coverage was needed. The building to be used is actually a house but has an open area for the events to be held. Brent Renfro of 2863 Grimes Mill Rd was sworn in. He had some concerns about the noise and extra traffic. The road is a very narrow 2 lane road and the bridge is very narrow. Mr. Jeffries read the ordinance regarding Agritourism/Agribusiness. Mr. Renfro said he isn't necessarily against it but had concerns about the noise and traffic. Vice Chair Puckett closed the meeting for further discussion and action by the board. Chairman Angel made a motion to approve the conditional use permit for Mr. Tazwell Vaughan to operate his business as described at the meeting for events/weddings and similar related activities at 2955 Grimes Mill Road, based on the fact that the proposed use has been found to be of an Agritourism/Agribusiness character and contributes to the agricultural economy. No overnight camping is allowed and no bands to play outside later than 10:00pm. Mr. Shortridge made a 2<sup>nd</sup> motion. Motion passed unanimously.

**Update fee schedule: Include fees for special called meetings.**

Mr. Jeffries said the fees would stay the same except for the fee to file the variance and conditional use applications at the County Clerk's office. He added a fee for special called meetings has been added on the fee schedule as well. The additional fee amounts are \$13.00 for the county clerk, and \$150.00 for special called meetings. Chairman Angel made a motion to pass the new fee schedule, 2<sup>nd</sup> by Mr. Shortridge. Motion carried unanimously.

**Bylaws – To clarify tabled items to placed on the following month’s agenda.**

After discussion by the board. Mr. Johnson made a motion to approve the bylaws draft Article VIII Hearings – the “tabled” item **shall** be reviewed at the next available meeting, regardless of the number of public hearings on the meeting’s agenda. Mr. Thompson made a 2<sup>nd</sup> motion to approve. Motion approved unanimously.

Staff comments: Mr. Jeffries had left some comprehensive plan update flyers on the table. He informed the members of the meeting dates etc.

Being no further business meeting was adjourned.

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Chairman/Chairperson