

**WINCHESTER/CLARK COUNTY BOARD OF ADJUSTMENTS**  
**MINUTES OF MEETING HELD**  
**On May 26, 2016**

A meeting of the Winchester/Clark County Board of Adjustments was held on Thursday, May 26th, 2016 at 6:00 p.m. in the Commission Chambers at City Hall, Winchester, Kentucky. Chair Zeldon Angel presided over the meeting. Those present were:

Zeldon Angel, Chair  
Leo Shortridge  
David Puckett  
Corey Johnson  
Travis Thompson  
Joshua Cook, Staff  
Henry Rosenthal, Council

Chairman Angel called the meeting to order and presented the minutes of March 24th, 2016. Mr. Johnson made a motion to accept the minutes. Mr. Thompson 2<sup>nd</sup> the motion, minutes were approved unanimously. Mr. Shortridge presented the treasurer's report and accounts payable. Mr. Puckett made a motion to approve the treasurer's report and accounts payable. Mr. Johnson 2<sup>nd</sup> the motion. Treasurer's report and accounts payable were approved unanimously.

There were no public comments.

**3-16-CU – Steve & Melissa Young – 8 Hillcrest Drive – Home Occupation for photography studio**

Mr. Cook presented the staff report. The applicant requests approval of a Conditional Use Permit to use their home to accommodate a photography studio. This type of use is allowed within a home with the approval of a Conditional Use Permit. In order to qualify for a Home Occupation several criteria must be met.

Article VI, Section 6.5 – Allows for Home Occupations with a Conditional Use Permit subject to Article 12 Definition for Home Occupations: Occupations involving personal and professional services, subject to the following conditions; (1) The use is clearly incidental and secondary to the principal residential use; (2) the use is conducted entirely within the dwelling and not in an accessory building; (3) the use is carried on only by residents of the dwelling; (4) no products, commodities or merchandise shall be sold or stored on the premises; (5) the use does not require alteration of the exterior of the dwelling; (6) the use does not adversely affect the neighborhood by generating excessive traffic, atmospheric pollution, light flashes, glare, odors, noise, vibration, or truck or other heavy equipment traffic; (7) adequate off-street parking is provided.

Staff has reviewed the application based on the criteria listed above and recommends approval with the following affirmation:

1. Continued compliance with the above criteria listed within the Home Occupation definition will be required as part of the Conditional Use Permit. Departure from the above criteria could result in the revocation of the Conditional Use Permit.

Melissa Young was sworn in on behalf of her application. She said there was room for 4 vehicles to park on her property however individuals coming to the home for photo sessions would be rare. There was no one to speak against the application. Chairman Angel then closed the hearing for further discussion and action by the Board. Mr. Johnson made a motion to approve the Conditional Use Permit for a home

occupation for a photography studio to be located within the existing home at 8 Hillcrest Dr. Mr. Puckett seconded the motion to approve. Motion was approved unanimously.

**4-16-Cu – Emmanuel Episcopal Church – 2410 W. Lexington Rd – Conditional Use permit for a second church to be located within an existing church.**

Mr. Cook presented the staff report. The applicant requests approval of a Conditional Use Permit to use an existing church building located at 2410 W. Lexington Rd. for a second church. The existing church located at the property will continue to be used. The Emmanuel Episcopal Church (property owners) is requesting a modification of their existing Conditional Use Permit for the property in order to share the facilities with the First Fire/First United Methodist Church. Service times will be staggered such that both congregations will not be at the site at the same time. However, if the times do overlap at some point in the future additional parking maybe required to be provided. A stipulation has been added to address this potential issue.

Staff recommends approval with the stipulations to allow the second church to share the facilities of the existing church.

1. The applicant shall obtain all necessary state and local permits, including but not limited to building, and sign permits.
2. If the times of the two churches overlap then the applicant shall provide additional parking spaces equal to a minimum of one (1) parking space per two (2) staff members and one (1) parking space per four seats.

Sabrina Puckett was sworn in on behalf of the application. Ms. Puckett stated the time of the services. She stated there was ample parking for services. There was no one to speak against the application. Chairman Angel closed the hearing for further discussion and action by the board. Mr. Johnson made a motion to approve the application. Mr. Thompson made a 2<sup>nd</sup> motion to approve. Application was approved unanimously.

Board Comments; Mr. Johnson brought up what was said at the training regarding sign ordinances. Mr. Cook said the new ruling was talking content it can't be regulated. But said the sizes etc could still be regulated. They discussed this at some length.

Being no further business, Mr. Puckett made a motion to adjourn, 2<sup>nd</sup> by Mr. Thompson.

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Chairman/Chairperson