

WINCHESTER/CLARK COUNTY BOARD OF ADJUSTMENTS  
MINUTES OF MEETING HELD  
ON JANUARY 7<sup>th</sup>, 2021

A meeting of the Winchester/Clark County Board of Adjustments was held on Thursday, January 7th, 2021 at 6:00 p.m. Chairman Zeldon Angel presided over the meeting. Those present were:

Zeldon Angel, Chairman  
David Puckett  
Leo Shortridge  
Cassie Riddell  
Candace Quisenberry absent  
Robert Jeffries, Staff  
William Dykeman Attorney

**MINUTES** - Chairman Angel called the meeting to order and presented the Nov. 12<sup>th</sup>, 2020 minutes. Mr. Puckett made a motion to approve the minutes. Mr. Shortridge made a 2<sup>nd</sup> motion. Motion carried unanimously. Mr. Shortridge presented the treasurer's report. He stated they need to replace the report that Robert had sent with this one there was a \$100 discrepancy, and it was corrected. Mr. Shortridge made a motion to approve. Ms. Riddell 2<sup>nd</sup> the motion to approve. Motion carried unanimously.

Mr. Shortridge asked if November's treasure's report can be approved. Mr. Angel said it could be. Mr. Shortridge explained the change on that. It was a check that was made out incorrect. Mr. Shortridge made a motion to approve the November 5, 2020 balance sheet as written. Mr. Puckett made a 2<sup>nd</sup> to approve. Motion approved unanimously.

**PUBLIC COMMENTS:** There were none.

**14-20-CU Review Conditional Use permit to allow a kitchen design business as a home occupation located at 4566 Colby Rd.**

Mr. Jeffries presented the staff report. The applicant Amy Evans of Red River Cabinets is requesting a conditional use permit to allow a kitchen design business as a home occupation located in an A-1 Agricultural Zoning District at 4566 Colby Road.

Article 12, states the following:

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 the 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, atmosphere pollution, light flashes, glare, odors, noise, vibration, or truck or heavy equipment traffic; (7) adequate off-street parking is provided.

Amy Evans of 4566 Colby Rd. was sworn in to testify on her own behalf. Mr. Shortridge asked if any cabinets would be stored on site. Ms. Evans said there would not be any cabinets stored on site. Ms. Evans said just an occasional client would be on site to discuss design etc. She stated the cabinets are delivered to the client's home.

There was no one to speak against the application.

Chairman Angel closed the meeting for further discussion and action by the board. Mr. Shortridge made a motion to approve the Conditional Use permit for a Kitchen Design business, known as Red River Cabinets, to be located in the home at 4566 Colby Road for Amy Evans, based on the fact that the business is incidental to the principal residential use, it is conducted entirely in the dwelling, no alteration is being made to the exterior of the building, the business will be conducted by appointment and no cabinet construction, storage or distribution would be on site

and this would not adversely affect the neighborhood by generating excessive traffic, and the definition for a home occupation is being adhered to as defined in Article 12 of the Winchester/Clark County Zoning Ordinance. Ms. Riddell made a 2<sup>nd</sup> motion to approve. Motion carried unanimously.

**1-21-CU Review a Conditional Use permit to allow a gunsmith business as a home occupation at 308 Debbia Drive.**

Mr. Jeffries presented the staff report. The applicant (Jammie McQuade) is requesting a conditional use permit to allow a gunsmith business as a home occupation in a residential neighborhood located in a PD Planned Development Zoning District at 308 Debbia Drive.

Mr. Jeffries read Article 12 of the Winchester/Clark County Zoning Ordinance regarding home occupations. Mr. Jammie McQuade of 308 Debbia Drive was sworn in to testify on his own behalf.

Mr. Shortridge asked if a sign is required, Mr. McQuade said no sign is required. Mr. Shortridge asked if adequate parking was available. Mr. McQuade said there was adequate parking. Mr. McQuade said they have done this as a hobby for years but would like to make this legal, which will meet ATF's requirement regarding local zoning. ATF will ask if zoning has been contacted regarding the business.

Mr. Gould of 306 Debbia Drive was sworn in. He stated looking at the house you cannot tell a firearm business is in the house and he had no problem with a gunsmith business operating in the neighborhood.

There was no one to speak against the application.

Chairman Angel closed the meeting for further discussion & action by the board.

Mr. Puckett made a motion to approve the conditional use permit to allow a gunsmith business, as described in this meeting, as a home occupation at 308 Debbia Drive for Jammie McQuade, based on the fact that the business is incidental to the principal residential use, it is conducted entirely in the dwelling, no alteration is being made to the exterior of the building, the business will be conducted by appointment and would not adversely affect the neighborhood by generating excessive traffic, and the definition for a home occupation if being adhered to as defined in Article 12 of the Winchester/Clark County Zoning Ordinance. Mr. Shortridge 2<sup>nd</sup> the motion to approve. Motion carried unanimously.

**2-21-V Review a 25-foot front setback variance on a gas station canopy to be located at 103 Linden Ave.**

Mr. Jeffries presented the staff report. The applicant KPS Holdings, LLC is requesting a 25- foot setback variance on a new gas station canopy to be constructed at 103 Linden Ave. A site plan is attached to the staff report. The old canopy will be demolished, and a new gas station and canopy is proposed for the site. The property is zoned B-3 Highway Business. Mr. Jeffries showed the dimensions on the staff report. Judging by the attached site plan, the store is meeting the front yard setback on both Linden Avenue and North Maple Street. However, the canopy is proposed with a 25-foot front setback along Linden Ave. and North Maple St. which would require a 25- foot variance.

Mr. Shortridge asked if any existing buildings are on the site now. Mr. Jeffries stated there was an existing canopy but the new one will be out of the existing footprint so a variance is required.

Mr. Worth Ellis of Lawson Lane, Lexington Ky was sworn in to testify on behalf of the applicant. Mr. Ellis said there is excessive right of way, so therefore a variance is needed. Mr. Ellis was not sure of exact size of the new proposed canopy. He stated a new building is also intended to be located at that site. Mr. Ellis stated that he believes this is consistent with the area.

There was no one to speak against the application.

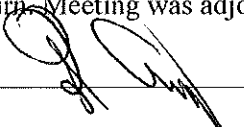
Chairman Angel closed the hearing for further discussion and action by the board. Mr. Shortridge made a motion to approve the variance allowing a 25- foot variance on both the Linden Avenue and North Maple Street setbacks

for the proposed canopy at 103 Linden Ave., based on the fact that the store/business is meeting the front setback and only the canopy needs the variance. The request 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 any unreasonable circumvention of the requirements of the zoning regulations. Ms. Riddell made a 2<sup>nd</sup> motion to approve. Motion passed unanimously.

**Board Member comments:** none

**Staff Member comments:** Mr. Jeffries stated the FY22 budgets will be reviewed at the March meeting. Mr. Dykeman said the last court proceedings for Stuff's is in February and he can send the Zoom information if anyone wants to sit in by Zoom.

Being no further business, Mr. Shortridge made a motion to adjourn. Meeting was adjourned.



---

Chairman/Chairperson