

**WINCHESTER/CLARK COUNTY BOARD OF ADJUSTMENTS
MINUTES OF SPECIAL CALLED MEETING HELD
ON JANUARY 19th, 2017**

A special called meeting of the Winchester/Clark County Board of Adjustments was held on Thursday, January 19th, 2017 at 6:00 p.m. in the Commission Chambers at City Hall, Winchester, Kentucky. Chairman Angel presided over the meeting. Those present were:

Zeldon Angel, Chair
David Puckett
Cory Johnson
Travis Thompson
Leo Shortridge was absent
Robert Jeffries, Staff
Henry Rosenthal, Council

Chairman Angel called the meeting to order and presented the minutes of Jan. 5th, 2017. Mr. Puckett made a motion to accept the minutes with a correction to be made. Mr. Thompson made a 2nd motion to approve with correction. Motion to approve with correction for Jan. 5th minutes was approved unanimously.

There were no public comments.

2-17-V (tabled) Dimensional Variance request for 53 parking space variance for Kroger at 1661 By-Pass Rd.

Mr. Jeffries presented the staff report. The applicant (Winchester Plaza Investments, LLC) is requesting a 53 parking space variance for the Kroger parking lot located at 1661 By-Pass Rd. Kroger will be expanding, additional parking will need to be provided due to the increase in floor space. As stated in the application and narrative:

“Kroger will expand from its existing footprint to a much larger Kroger Market place facility. The Kroger Marketplace will be a state of the art facility consisting of approximately 123,000 square feet of space with an expanded selection of groceries and specialty departments”

With the expansion, the applicant is also proposing the construction of 34 additional parking spaces at the southern end of the parking area (along Redwing). This bring the total number of available parking spaces to 801 spaces, 854 parking spaces is required. This results in a need for a 53 parking space variance. The applicant states, “This equated to a 6 percent reduction in the required number of parking spaces for the development.” Mr. Jeffries said the study done on the lot there was a minimum of 340 parking spaces available throughout the development during the study periods. Mr. Jeffries explained the reason for the variance is they are expanding in the back of Burke’s and the nail salon. Mr. Jason Hall of Louisville Ky was sworn in to speak on Kroger’s behalf. He explained there will be some bunk outs in the front and they would loose some of that parking as well. Mr. Hall said the parking study was done a few days before Thanksgiving. Mr. Benton Sea from Louisville KY was sworn in to testify. He stated Kroger does anticipate there will be an increase in customers. This expanded Kroger will have a lot more non grocery items. Mr. Jeffries explained the ordinance has a minimum for parking spaces not a maximum. So if they want to add more spaces they can in the future. Mr. Sea said if this is approved they will have to go to the board to get final approval on this project. This project might take as long as 2-3 years to complete. Burke’s contract doesn’t run out till July of 2017. Robert Blanton of Short St., Winchester Ky was sworn in. He said improvements to the entrance by the pharmacy could be improved all the traffic is at the other entrance and it’s always really busy and congested. There was no one to speak against the variance

application for Kroger's parking spaces. After further discussion by the board Chairman Angel closed the hearing for action by the board. Mr. Thompson made a motion to approve the 87 parking space variance (not the 53 that was in staff report) for the Kroger parking lot due to the expansion in floor space for Kroger Marketplace. Based on the parking space study the applicant performed on the property and the fact that strict application of the zoning regulation would deprive the applicant of reasonable use of the land he stated looks like most of the space they are adding wont change much because Burke's is already there and the parking lot in front of Burke's is always open. Mr. Johnson made a 2nd motion to approve. Motion approved unanimously.

4-17-V Dimensional Variance request to allow garage in front yard with a 45 foot front setback variance at 2390 Crowe Ridge Rd.

Mr. Jeffries presented the staff report. The applicant (David Drago) is requesting a 45 foot variance on an existing accessory structure (garage) that was recently constructed in the front yard at 2390 Crowe Ridge Rd. Mr. Drago was not aware of the necessary permits and setback requirements before he began construction of the garage. The ordinance states no accessory building shall be erected in any required court or in any yard other than the rear yard. And front setback would need to be 75 ft back from the property line. Mr. Drago would need a 45 ft variance to even comply with front yard setback. Mr. Jeffries said there is a slope in the back and it would be difficult to locate to the rear of house. He came in to get the electric permit and was told he would need a building permit first and this is when he found out his building was not in compliance with the setback codes. Mr. Drago was sworn in to speak on his own behalf. He stated this is the only practical place to put the garage because of the slope in land. He will be using this for his wood working shop for hobby. There was no one there to speak against the application. After further discussion by the board Chairman Angel then closed the hearing for action by the board. If this is not approved the building would have to come down or moved. There are no neighbors complaining about this. Mr. Puckett made a motion to approve the variance request to allow and existing garage in the front yard with a 45 foot yard setback variance located on the property at 2390 Crowe Ridge Rd., based on the fact that the strict application of the zoning regulation would deprive the applicant of reasonable use of the land when locating a garage/accessory building on this property. The granting of the 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 an unreasonable use of the land. Mr. Thompson made a 2nd motion to approve. Motion to approve passed unanimously.

Board Member Comments: Chairman Angel asked about what we need to do in the future when something is built without approval.

Staff Comments: Mr. Jeffries had some forms for some board members to fill out for the City Clerk. Only the members that were appointed by the city needed to fill out forms.

Being no further business, Chairman Angel made a motion to adjourn. Mr. Puckett made a 2nd motion. Meeting was adjourned.

Chairman/Chairperson