

WINCHESTER/CLARK COUNTY BOARD OF ADJUSTMENTS
MINUTES OF MEETING HELD
ON MAY 21, 2020

A meeting of the Winchester/Clark County Board of Adjustments was held on Thursday, May 21, 2020 at 6:00 p.m. The meeting was held via Zoom Web Conferencing. Chairman Zeldon Angel presided over the meeting. Those present were:

Zeldon Angel, Chairman
David Puckett
Leo Shortridge
Cory Johnson
Candace Quisenberry
Robert Jeffries, Staff
William Dykeman Attorney

MINUTES - Chairman Angel called the meeting to order and presented the March 5, 2020 meeting minutes. Mr. Shortridge forwarded minor corrections to the Planning Office prior to the meeting. Mr. Puckett made a motion to approve the minutes. Mr. Johnson seconded the motion. Motion passed unanimously.

Mr. Shortridge presented the treasurer's report. Mr. Shortridge made a motion to approve treasurer's report and accounts payable. Ms. Quisenberry seconded the motion to approve. Motion passed unanimously.

PUBLIC COMMENTS: Mr. Jeffries stated that public comments for items not on the agenda will need to be emailed to the Planning and Community Development Depart at rjeffries@winchesterky.com.

01-20-V Proposed Four (4) Foot Variance Allowing an Eleven (11) Foot Rear Setback on the Home Located at 117 Teakwood Court.

Mr. Jeffries presented the staff report. The applicants (Richard and Charlene Broaddus) are requesting a variance to allow an eleven (11) foot rear setback on the home located at 117 Teakwood Court. The Board would need to entertain a four (4) foot variance on the rear setback. Discussion was held concerning the Applicant's plans to enlarge the back patio and to extend the roof of the house over the patio area. Mr. Jeffries read portions of the Applicant's narrative filed with the application. The Winchester/Clark County Zoning Ordinance and KRS Chapter 100 were reviewed concerning the issuance of variances. Mr. Jeffries shared slides with satellite images depicting the property located at 117 Teakwood Court.

Discussion was held concerning how to handle public comments for this application and all the applications on tonight's agenda. Bill made a statement regarding making the motions tonight conditional and giving the public 10 days to respond to the motions. If there were any comments received that were contrary to what is decided, then it would need to be considered again. The Board Discussed and chose to move forward in making motions tonight and giving 10 days for the public to make comment, if any contrary comments then they will review it again at the next Board of Adjustment meeting.

More discussion was held concerning the expansion of the roof and covering the expanded deck/patio. The Applicant, Mr. Broaddus was sworn in and addressed the application with the Board. He clarified that they would be replacing the current deck with a concrete patio and covering the patio with a roof; the roof would be an extension of the existing house. Renderings of the proposed project was shared with the Board of Adjustments.

Mr. Corey Johnson made a motion to approve the four (4) foot rear setback variance allowing a rear setback of 11 feet at 117 Teakwood Court, based on the fact that the roof is only being extending and will cover an open patio, no walls are proposed on the patio and the extended roof is the only structure encroaching the rear property line. Granting the variance will not adversely affect the public health, safety or welfare, or cause a hazard or nuisance to the public. This motion is subject to no contrary comments by the general public within 10 days of this meeting. Mr. David Puckett seconded the motion, a roll call vote was made - the motion passed unanimously.

02-20-V Proposed Variance Allowing an Existing Parcel Located at 214 Hampton Ave to Decrease in Size From 0.304 Acres and the Existing Parcel Located at 212 Hampton Ave to Increase in Size From 0.269 Acres to 0.316 Acres, Both Parcels Would Be Below The Minimum Lot Area of 0.321 Acres (14,000 Square Feet)

Mr. Jeffries presented the staff report. The applicants (Steve and Kim Berryman) are requesting a variance allowing the existing parcel addressed at 214 Hampton Ave to decrease in size from 0.304 acres to 0.257 acres and the parcel addressed at 212 Hampton Ave to increase in size from 0.269 acres to 0.316 acres. Mr Jeffries continued to read the staff report, sharing the definition for a variance as found in the Zoning Ordinance and reviewing Section 910 entitled "Variance" from the Winchester/Clark County Subdivision and Development Regulations. Mr. Jeffries presented the staff report and PowerPoint presentation describing the proposal, he addressed the Board for questioning.

The Applicants, Mr. and Mrs. Berryman were sworn in addressed the Board for their application. The Applicants would like to purchase the land from the adjoining property (25 feet to the right) in order to build a detached garage beside the house.

Mr. Leo Shortridge made a motion to approve the variance allowing the parcel located at 214 Hampton Avenue to decrease in size from 0.304 acres to 0.257 acres and allowing the parcel located at 212 Hampton Avenue to increase in size from 0.269 acres to 0.316 acres, based on the fact that both properties were existing nonconforming parcels below the minimum lot area for R-1B Zoning and will remain nonconforming parcels with similar acreage, and 212 Hampton Avenue will be bringing the property more in compliance to the Zoning Order. Granting the variance will not adversely affect the public health, safety or welfare, or cause a hazard or nuisance to the public. Depending on if we do not have any negative comments within the next 10 days. Mr. Corey Johnson seconded the motion, a roll call vote took place and the motion passed unanimously

03-20-CU Proposed Conditional Use Permit to Place a Mobile Home on an Agriculturally Zoned Property, in Addition to the Principal Dwelling, and to be Used by an Immediate Family Member at 2731 Old Ruckerville Road.

Mr. Jeffries presented the staff report. The applicants (Orane White and Stacy Fletcher) are requesting a conditional use permit to allow a family member to occupy a mobile home on their property (zoned Agricultural) at 2731 Old Ruckerville Road, in addition to the principal dwelling. Mr. Jeffries read a portion of the Applicant's narrative stating that the manufactured home will be the sole use of the property owners and immediate family members until all the renovations on the existing home is complete. The Applicant is applying for the Conditional Use for Angeleta Fletcher and Dervin Parkinson, mother and stepfather of Stacy Fletcher, property owner.

Mr. Jeffries shared Article 6.13 of the Winchester/Clark County Zoning Ordinance covering the conditional uses listed for Agricultural Zoning Districts. Mr. Jeffries reviewed the conditional use requirement listed concerning immediate family members occupying a mobile/manufactured home. Mr. Jeffries presented the staff report and addressed the Board for questioning.

Images and a description identifying where the manufactured home is proposed to be located were reviewed and outlined on the PowerPoint presentation. Discussion was held concerning the location; Mr. Johnson asked questions regarding the proposed location to ensure the location meets the requirements. The size of the property was discussed.

The Applicants, Mr. Orane White and Stacy Fletcher were sworn into the meeting. The Board asked them questions concerning the application and the size of the property. The property is 10 acres in size. Mr. Puckett made a statement regarding the process of the conditional use, regarding if the family member(s) were to move then the manufactured home would either need to move off the property or a new conditional use be applied for.

Before making a motion, Mr. Johnson asked clarifying questions regarding the differences of variance and conditional uses and the 10 day time period the Board is giving tonight for the public to make comments, due to the fact that the meeting is being held via Zoom Web Conferencing and not in person. Mr. Jeffries addressed the comment Mr. Dykeman made concerning the contingency placed on the motions tonight for any party to make comments. Mr. Dykman made comment concerning the public hearing format and how it has been modified to accommodate web conferencing during the Pandemic. Ms. Quisenberry asked a question regarding the time frame for renovation included in the sample motion and how it would figure into this proposal. Mr. Jeffries made a statement regarding it and how he wanted it discussed at the meeting. However it may not need to be included in the motion. Mr. Angel stated that he didn't feel comfortable putting a time restraint on it, Mr. Johnson agreed.

Mr. Corey Johnson made a motion to approve the conditional use allowing Angeleta Fletcher and Dervin Parkinson to occupy the mobile home, or the property owners, to be located on the property at 2731 Old Ruckerville Road. During

renovations to the primary dwelling, the property owners may also occupy the mobile home. Once renovations are completed on the primary dwelling, only Angela Fletcher and Dervin Parkinson are to occupy the mobile home. If they no longer reside in the mobile home, it is to be removed from the property or another conditional use application shall be brought to the Board of Adjustments for a different immediate family member to occupy. Mr. Johnson added a time frame to the motion, subject to no contrary comments from the public within 10 days of this meeting. Ms. Quisenberry seconded the motion, a roll call vote took place and the motion passed unanimously.

04-20-V Proposed Four (4) Parking Space Variance and a Two (2) Foot Dimensional Variance on the 9FT by 16FT Compact Parking Spaces Proposed for the Parking Provided for the Four (4) Apartment Units at 101 South Burns Ave.

The applicant (GNR Vintage LLC) is requesting a variance on the Number of parking spaces and the size of the parking spaces for the apartment building currently under renovation at 101 South Burns Ave. Mr. Jeffries explained that currently the apartment building does not have parking spaces and residents would have to park on the street. He reviewed the parking requirement with the Board of Adjustments, making a statement regarding the current parking regulation requiring two (2) parking spaces per dwelling unit, which would require the apartment building to have a total of eight (8) parking spaces. He made a statement regarding how adding the four (4) spaces would bring the property more in compliance with the parking requirement. Mr. Jeffries also spoke on the Applicant's proposal to install compact spaces at 9ft by 16ft, instead of the regular parking dimensions of 9ft by 18ft. He continued to read the staff report and addressed the Board for questioning.

Discussion was held concerning the use of the building and whether it was apartments before. Mr. Jeffries stated that based on the signage located on the building that describes it as an apartment building. Mr. Shortridge commented and stated that it has always been an apartment building and how the tenants used to park at the old Gulf Service Station across Lexington Avenue, now is a green space owned by Central Baptist Church. Mr. Angel asked questions concerning why they need to install parking now. Mr. Jeffries stated that they do not have to install parking but the new owners would like to install the spaces and how they would like to have designated parking for their tenants.

Mr. Jeffries shared the digital renderings with the Board; he also read the Applicant's narrative as found in the staff report. Pictures taken before the meeting was shared with the Board members. Discussion concerning alley access and how it is not available for this property and the 35 foot site visibility triangle on the corner of Burns Avenue and Lexington Avenue were discussed. Mr. Shortridge commented on the one parking space directly across Burns Avenue, how it was installed for a tenant that used to occupy one of the apartment units at this apartment.

Discussion was held concerning the proposed compact vehicles and how it would be policed and who would enforce it. Discussion was also held concerning the sidewalk and how it appears to become narrow around the proposed compact spaces. Mr. Shortridge made comment concerning how it would change the aesthetics of the neighborhood.

Mr. Daron Stephens, the City Engineering Technician, spoke concerning the City's Public Right of Way Ordinance that was passed in 2019. He spoke about the encroachment on Lexington Avenue and how by ordinance they would only be allowed up to a double driveway of a maximum of twenty foot onto Burns Ave, either a single driveway of 12 feet or a double driveway of twenty feet. He spoke more about how the ordinance allows three connections on any given corner lot. Mr. Stephens also commented on issues with the length of the front end of vehicles and how it could affect the encroachment onto the sidewalks and front stairs. He made comment concerning the encroachment permit and how it would be difficult to pass an encroachment permit for this proposal of four parking spaces backing onto the city street.

Mr. Jeffries spoke concerning the site plan and how the Applicants are on the Zoom Web Conference and spoke more concerning the encroachment permit procedure. He spoke about how the City Commission would be the governing body varying from the encroachment permit ordinance, this is in the City Code of Ordinances and not the Zoning Ordinance. The Applicant, Meredith Guy, was sworn in and joined the meeting. She discussed the building was built in 1914 and was always used as an apartment building. She stated that it was landlocked. She spoke concerning the major problems involving the building and how they purchased it to renovate and improve. She made comments regarding how difficult it would for them to rent this building if they do not have parking. Discussion was held concerning how parking is only allowed on one side of burns and how crossing Lexington Avenue would not be safe for the tenants. She discussed the compact parking guidelines in Lexington and how they would be meeting the guidelines; currently Winchester does not have compact parking guidelines. She made comment concerning how they would be responsible for managing the compact parking. More discussion was held concerning the 35 foot sight visibility triangle, they would be able to reduce the width of the parking spaces and still adhere to the compact parking guidelines. Ms. Guy stated that they are willing to go in front of the City Commission. Mr. Johnson asked a question regarding the fire hydrant, Mr. Jeffries commented on the visibility triangle and how they would need to

meet that requirement and how he'd have to clarify with the Fire Marshal. Mr. Stephens commented that 6 foot on either side of the triangle would need to be clear. Mr. Jeffries discussed the variance on the right of way encroachment with Ms. Guy.

Discussion was held concerning areas nearby for parking. The applicants have spoken with Central Baptist but how they feel it would be unsafe for their tenants to cross Lexington Ave. Discussion was held concerning the empty lot that is owned by Scobee Funeral Home and whether it could be used for parking. More discussion was held concerning the public right of way ordinance.

Discussion was held concerning whether it would be appropriate to table the application to give the applicant more time to look at solutions for parking and give staff time to review the ordinances. Mr. David Puckett made a motion to table the application until the next meeting in order to give time to research and obtain more information. Ms. Quisenberry seconded the motion, a roll call vote took place and the motion passed unanimously.

Board Member comments: Discussion was held concerning the procedure for the public to make comment. Discussion was also held about how moving the June meeting to the second week would give more time to notify the public for the June meeting. Mr. David Puckett made a motion to move the June meeting to June 11th as a special called meeting. The motion was seconded by Mr. Leo Shortridge and passed unanimously.

Staff Comments: The FY2021 Budget was discussed and how the Pandemic has affected the budget and how the Board budget is being reduced. Discussion was held concerning how to save money moving forward. The Board discussed different ways to save, it was discussed to reduce the BOA pay to \$25 and possibly raise the application fees. Mr. Jeffries stated that we didn't have to make the decision tonight and can bring it back at the next meeting.

Being no further business, Mr. Puckett made a motion to adjourn.

Chairman/Chairperson