

WINCHESTER/CLARK COUNTY BOARD OF ADJUSTMENTS
MINUTES OF MEETING HELD
ON JULY 9th, 2020

A meeting of the Winchester/Clark County Board of Adjustments was held on Thursday, July 9th, 2020 at 6:00 p.m. via zoom 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 June 11, 2020 minutes. Mr. Puckett made a motion to approve the minutes with corrections. Mr. Shortridge made a 2nd motion. Motion carried unanimously. Mr. Shortridge presented the treasurer's report. Mr. Shortridge made a motion to approve treasurer's report as presented. Ms. Quisenberry made 2nd motion to approve. Motion carried unanimously.

PUBLIC COMMENTS: There were none.

6-20-CU Review Conditional Use permit to allow a sign painted directly on the building located at 61 N. Maple St.

The Applicant (Rajwinder Kaur) is requesting a conditional use permit to allow a sign to be painted directly on the building located at 61 N. Maple Street. Murals are currently being painted on the East, South and West side of the building. The south side of the building depicts a mural with the sign advertising the Smoke Shop. The sign is painted directly on the building and would need to be reviewed by the Board of Adjustments in order to be allowed on the building. A sign permit would still need to be obtained from the Planning Department, after the Conditional Use Permit has been reviewed.

Mr. Jeffries went over the sign regulations. They are attached to the staff report. Mr. Jeffries stated the board would not be approving the mural, just the advertising of the Smoke Shop that is painted on the building. Mr. Shortridge asked if the mural would be ok if no advertising is on the mural? Mr. Jeffries stated the mural would be permitted if no advertising. This mural covers more than 15% of the wall space permitted by sign regulations. Mr. Jaswand Jsings of 125 Sheffield Way was sworn in to speak on his own behalf of the application. Ms. Quisenberry asked what is the name of his business? Mr. Jsings said it is "The Smoke Shop". Mr. Shortridge asked what merchandise would be sold there; Mr. Jsings said it was a tobacco shop. Mr. Shortridge asked about a sign in the front of the store. Mr. Jsings said there were no plans for a sign in the front of the store. Mr. Jeffries explained the sign is more than 15% of the allowable requirements. Ms. Quisenberry said the applicant needs to reduce the signage and come into compliance with the sign regulations. Mr. Jeffries suggested to the board that the sign is brought into compliance before voted on. Mr. Shortridge made a motion to table the application for the conditional use permit for 61 N. Maple Street. The board will give the applicant time to bring the sign in compliance with current regulations. This application will need to be brought back to the board with the correct measurements and in order to be in compliance with sign regulations.

07/20-CU Review Conditional Use permit to place a mobile home on an agriculturally zone property, in addition to the principal dwelling, and to be used by an immediate family member at 501 Hollow Rd.

The applicants (Jamie, Steven, and Celena Sparks) are requesting a conditional use to allow a family member to occupy a mobile home on their property (zoned Agricultural) at 501 Hollow Road, in addition to the principal dwelling located on the property. Please refer to Article 6.13 of the Winchester/Clark County Zoning Ordinance for more details pertaining to the conditional use regulation. The family members occupying the mobile home will be Steven & Celena Sparks. If they no longer occupy the mobile home, the mobile home will have to be removed. Jamie Sparks of 501 Hollow Rd. was sworn in to testify on his own behalf. Chairman Angel asked how big the lot was Mr. Sparks said PVA shows 25 plus acres. Mr. Sparks told them where the mobile home would be placed. After further discussion by the board, Chairman Angel closed the hearing for action by the board. Ms. Quisenberry made a motion to approve the conditional use allowing Steven and Celena Sparks to occupy the mobile home to be located on the property, in addition to the primary residence, at 501 Hollow Rd. The mobile

home shall be placed on the property in accordance with Article 6.13 of the Winchester/Clark County Zoning Ordinance. The motion is subject to the 15 day public comment period. Mr. Puckett made a 2nd motion to approve. Motion approved unanimously.

08-20-V Review a variance to keep an accessory structure (a carport) in the front yard approximately 26 feet from the front property line at 1330 West Lexington Ave.

The applicant (Phyllis Noble) is requesting a variance in order to keep the carport in the front of the building at 1330 West Lexington Ave. The property is zoned B-3 Highway Business. Buildings within the B-3 zone need to maintain a 50 feet front setback. The carport is approximately 26 feet from the backside of the sidewalk along West Lexington Avenue.

The property was brought before the Planning Commission and they considered the final development plan on March 4, 2014. The fruit market was originally operated in the garage located in the rear of the property. During the meeting the planning director stated that “no structure could be placed within the 50’ building setbacks along Lexington Ave. & Meadowbrook Drive”

Mr. Jeffries stated the applicants have spoken to the City Manager and me throughout the application process. The applicants would prefer to keep the carport in the current location and continue to operate their business under the carport instead of operating the business in the garage-as they did previously. Chairman Angel asked Mr. Dykeman if the Board of Adjustments has the authority to overrule the Planning Commission’s previous decision. Mr. Dykeman said this application should go before the Planning Commission.

Dexter Noble of 1330 W. Lexington Ave. was sworn in on his own behalf. Mr. Noble stated that the structure is a portable unit. He stated they have put up a fence and signs to satisfy the adjacent property owner. He feels their produce is some of the best around and the community is glad to have the produce stand. Mr. Noble went on to speak about various businesses in Winchester being closer than 50 ft. from property line and not following the correct guidelines. Chairman Angel made a motion to forward this application to the Planning Commission because the board feels this would create a hardship to Mr. Noble because of the 50 ft. setback and based on the fact that the board feels he should be allowed to have a variance for the structure. The applicant should be allowed to operate while waiting on the Planning Commission’s ruling. Mr. Puckett made a 2nd motion. Motion carried unanimously.

Staff Comments: . Mr. Dykeman swore in Cassandra Riddell to become a new Board member.

Board Member Comments: Being no further business, Mr. Puckett made a motion to adjourn. Meeting was adjourned.

Chairman/Chairperson