

WINCHESTER/CLARK COUNTY BOARD OF ADJUSTMENTS
MINUTES OF MEETING HELD
ON February 24, 2022

A meeting of the Winchester/Clark County Board of Adjustments was held on Thursday, February 24th, 2022 at 5:30 p.m. Chairman Zeldon Angel presided over the meeting. Those present were:

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

MINUTES - Chairman Angel called the meeting to order and presented the Dec. 9th, 2021 minutes. Ms. Riddell made a motion to approve the minutes with some minor changes. Mr. Shortridge made a 2nd motion. Motion carried unanimously. Mr. Shortridge presented the treasurer's report. Mr. Shortridge made a motion to approve. Ms. Quisenberry 2nd the motion to approve. Motion carried unanimously.

PUBLIC COMMENTS: There were none.

1-22-V Review request for a parking variance allowing a parking arrangement between 115 E. Lexington Ave & 31 S. Highland St. for the use of the property and its tenants at 115 E. Lexington Ave.

Mr. Jeffries presented the staff report. The applicant (Booker Group Investments LLC) is requesting a variance to allow a parking arrangement between them and the neighboring property located at 31 S. Highland Street. This arrangement would be required in order to meet the parking regulations as described below and located in Article 10-Off Street Parking and Loading of the Winchester/Clark County Zoning Ordinance.

Multiple-Family Dwelling – Each Dwelling Unit requires 2 parking spaces.

The developer will need to provide two (2) spaces for every apartment unit and 50 percent less than the required parking for retail stores in order to provide parking for the proposed “low volume” retail proposed for the 2,676 square feet of floor space located on first floor of the building.

With the proposed parking arrangement, the developer can provide a total of 43 spaces, allowing for a total of 14 apartment units and low volume retail to occupy the 2,676 square feet of floor space proposed for the first floor.

(see staff report for KRS 100.243)

Mr. Jeffries said Mr. Booker first came in and he told him he could move forward with the spaces that he already had but not with the extra parking he is seeking. The applicant did not show up for the meeting. So, this application cannot move forward without representation. Mr. Jeffries presented a site plan for the existing and proposed parking. Ms. Quisenberry made a motion to table the application until next month because the applicant is not here, Ms. Riddell made a 2nd motion to table. Motion passed unanimously to table the application for 115 E. Lexington Ave.

2-22-CU Review application for a Conditional Use Permit to place a mobile home to be used by a family member, in addition to the primary residence, on a 30 acres property located at 2435 Pine Ridge Road.

The applicants (Johnny & Nancy Jones) are requesting a Conditional Use Permit to allow a mobile home on the property in addition to the principal dwelling located at 2435 Pine Ridge Road. The applicant's son would be living in the mobile home and the property owner will live in the home already on the property.

*(see staff report)

The applicants state in the attached statement that they are purchasing the home, along with 30 acres of land, and would like to place a mobile home/trailer on the property for their son and his family. They stated that they would like to place the mobile home across from the existing home at least over 500 feet away. The trailer will also be placed 900 feet or more from the road.

*(see staff report for more information KRS 100.237)

If the family member moves out of the mobile home/trailer it must be removed.

Nancy Jones of 2435 Pine Ridge Rd. was sworn in. She said they have closed on the property and that her son Jeremiah Jones would be living in the mobile home/trailer.

There was no one there to speak against the application.

Mr. Shortridge made a motion to approve the Conditional Use Permit to allow a mobile home in addition to the principle dwelling at 2435 Pine Ridge Road. The mobile home is to be occupied by the property owner's son Jeremiah Jones and his family. If he no longer resides in the mobile home, the mobile/manufactured home shall be removed from the property. All permits that are required must be obtained before mobile home is resided in. Ms. Quisenberry made a 2nd motion to approve. Motion carried unanimously.

The applicant for the 115 E. Lexington showed up.

Ms. Riddell made a motion to take off the table. Mr. Shortridge made a 2nd motion to take off table. Application was taken off table.

Mr. Booker 285 E 6th St, Lexington Ky was sworn in to testify on his own behalf. Mr. Booker said he had a lease from Mr. Hayes for a long-term lease for 26 parking spaces off Highland St. & Hodgkin Alley. He said there will be 2 handicap parking spaces in front of the building on the street.

Mr. Jeffries said the city would have to approve the handicap parking. Mr. Jeffries asked Council Dykeman if that was correct. Council Dykeman said that was correct.

Mr. Dykeman said that yes we could put a stipulation on this saying if only the city approve handicap parking on the street.

Mr. Jeffries read the lease agreement. Mr. Jeffries said all interior landscaping would have to be met.

Attorney Dykeman said the property has been up before the Administration Board for a long time for demolition.

Mr. Shortridge stated the building was in rough condition.

Mr. Booker said Mr. Hayes would like to speak to the attorney (Mr. Dykeman) if possible.

Ms. Shanda Cecil stated that this is located over the town branch and when we start putting gravel or any pavement over this could cause a problem. Her other concern was parking on the street.

Mr. Shortridge asked Mr. Jeffries what the requirement on parking areas was.

Mr. Jeffries said the water would flow through better on gravel, but you can not stirp parking spaces on gravel.

Ms. Katrina Dillion of 113 E. Lexington Ave. Ms. Miller submitted a petition against this variance to the Board. She wanted to know if something happens to Mr. Hayes or if the property is sold. She said she was concerned about the parking and drainage. Ms. Miller stated when we had that big flood it flooded her yard coming from his property.

Mr. Scott Tays of 112 E. Lexington Ave was sworn in to speak against the application. He stated the Administration Board had determined that the building needs to be demolished and there have been so many meetings on the property regarding violations. He stated there was a parking issue now and it will be even worse with apartments. He just wondered how many more meetings the neighbors had to go to for this to be resolved. It's not fair to the neighbors.

Ms. Sarah Graham of 212 Hood Ave. was sworn in to testify she owns property across the street. She stated the property at 115 E. Lexington does flood really bad, and she was concerned about the lack of parking on the street as it is now.

Chairman Angel asked Mr. Jeffries how many parking spaces were approved, he said 6 to 7 spaces are already approved.

Ms. Dillion wanted to know exactly how many apartments he plans on putting in the building.

Chairman Angel suggested this be tabled until next meeting. Ms. Riddell made a motion to table until next meeting. Ms. Quisenberry made a 2nd motion to table. Motion carried unanimously to table the hearing until March's meeting. Mr. Jeffries said Mr. Booker's attorney needed to contact him and Mr. Dykeman for some more verbiage before the next meeting.

18-21-V Review an application for a front setback variance allowing a new home to be built/placed 25 feet from the road at 1411 Old Ruckerville Road.

Mr. Jeffries presented the staff report. The applicant (Joel Arauda Hernandez) is requesting to build a new home or place a mobile home outside of the flood plain area closer to the front property line, to be built/placed 25 feet from the road. They purchased this property in 2016 and stated that they have made several improvements to the home since purchasing it, to see it flooded recently with the historic rain falls we've had this year. They would like to move it outside of the floodplain in order to prevent any future flooding. This property is zoned -1 Agricultural and the following setbacks are required:

Minimum Front Yard: 75 feet, Minimum Side Yard: 50 feet, Minimum Rear Yard: 50 feet

See staff report for KRS 100.243

Mr. Jeffries presented some pictures.

Mr. Shortridge said he needs to recuse himself from this hearing since his mother owns an adjoining property.

Mr. Jeffries asked Council Dykeman and he said Mr. Shortridge should recuse himself.

Mr. Jeffries presented some pictures of the property at 1411 Old Ruckerville Rd. He stated there was some discussion at the last meeting regarding cleaning up this property. He said it appears some effort has been made to clean it up. Mr. Jeffries said typically before any occupancies for a new home are approved the old house has to be removed or demolished.

Mr. Joel Arauda Hernandez of 1411 Old Ruckerville Rd. was sworn in.

Ms. Quisenberry asked if he was building a home or a mobile home.

Mr. Hernandez said he is planning on putting a mobile home on this property.

Ms. Melissa Harrison of 1363 Old Ruckerville Rd was sworn in to testify against the application. She has concerns with the state of the property is in now. She is concerned it will possibly flood her property with a new home on it.

Mr. Jeffries stated if it is built out of the flood plain, he doesn't have to comply with FEMA standards.

Mr. Leonard Shortridge 42 Skylark Drive was sworn in to testify for his mom. He said even though his mother does not live out there she has a farm adjacent to the property. He told Mr. Jeffries as far as the clean up, it does not look like any progress has been made, and a camper has been moved out there which is illegal to live in. Some of the mess is in the right of way. Mr. Shortridge said when it floods the water goes up way over where the flood plain is. He stated he feels the property should be cleaned up and stated in any approvals if this Conditional Use is approved.

Mr. Jeffries said it may be difficult to enforce any property maintenance issues for this county property. He stated he is concerned that there could not be 2 residences there. Mr. Jeffries asked Council Dykeman about the property being maintained properly.

Council Dykeman said yes, the board could put a contingency on the conditional use. The house needs to be torn down and they will need to comply with the county ordinance.

Ms. Mellissa Harrison wanted to know if when the house is removed if everything needs to be removed. Mr. Jeffries said yes.

Being no other comments Chairman Angel closed the hearing for further discussion & action by the board.

Ms. Riddell made a motion to approve a front setback variance allowing the home to be built/placed 25 feet from the road at 1411 Old Ruckerville Rd., based on the fact that the home will be located outside of the flood hazard area and continue to meet the side and rear yard setback requirements, and contingent upon the existing home being demolished (must be demolished and removed within 60 days from the time the mobile home is placed) also the property must comply with the county property maintenance requirements before permits are issued. 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 an unreasonable circumvention of the requirements of the zoning regulations. Ms. Quisenberry made a 2nd motion to approve. Motion carried 3-1 with Mr. Puckett voting no.

03-22- V Review an application for a 21foot front setback variance allowing the home to be 54 feet from the front setback variance allowing the home to be 54 feet from the front property line at 6973 Ecton Road, a family farm home-site is located towards the rear of the farm.

The applicants (Makenzie & Jessica Allen) are requesting a 21-foot front setback variance on a home that has already begun construction at 6973 Ecton Road. The variance will allow the home to continue to be built with the setback of 54 feet from the front property line; and Agricultural Zoning District requires homes to be built with a 75-foot front setback. The property is zoned A-1 Agricultural and the following setbacks are required.

Minimum Front Yard:75 feet

Minimum Side Yard: 50 feet

Minimum Rear Yard:50 feet

(See staff report for KRS 100.243)

Mr. Jeffries showed the site plan of the house being built.

Ms. Jessica Allen of Basil Court was sworn in to testify on her own behalf. She stated it is 1300 feet from the road, so they thought it was ok. This house was started without proper permits. Mr. Jeffries stated this is a family farm homesite that was platted off from main property, so it is too close to the property line.

There was no one there to speak against the application.

Chairman Angel closed the hearing for discussion & action by the board.

Ms. Quisenberry made a motion to approve the request for a 21 foot front setback variance, allowing the home to have a front yard setback of 54 feet, based on the fact that the home is located on a family farm home-site and is located towards the rear of the farm and is not visible from the road. Also, the request will ensure that the side and rear setbacks are being met for an Agricultural Zoning District, 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 an unreasonable circumvention of the requirements of the zoning regulations. Mr. Shortridge made a 2nd motion to approve. Application was approved unanimously.

2-22-CU Review an application for a Conditional Use to allow a campground consisting of one campsite, including a travel trailer, boat, and accessories to be located at 210 Amster Grove Court.

Mr. Jeffries presented the staff report. The applicants (John & Jennifer Brown) would like to restore and improve the current structures in disrepair to allow for a small personal use campsite. They would like to repair existing structures and build an RV carport, storage shed, open deck around the existing fireplace, and the potential of a landing and boat dock on the river.

The Winchester/Clark County Zoning Ordinance states the following as conditional uses permitted in the Agricultural District (A-1): Privately owned outdoor recreation facilities such as golf courses, country clubs, riding stables campgrounds, fishing lakes, and sportsman clubs.

See staff report for KRS 100.237 Condition Use Permits

Mr. Jeffries is concerned it might become a permanent dwelling.

Mr. John Brown of 1897 General Warfield Way of Lexington Ky was sworn in. He wanted to clarify they purchased the lot on contingency of this application approval. He stated it would not be a permanent residence. The RV would come and go after he retired but would stay in it on weekends while they were still working. Mr. Brown stated there is a big fireplace there and he would make sure it was safe before it is used.

Mr. Greg Wood of 531 Clintonville Road was sworn in. He owns this property. He and his family used to come camping at one time. He said anything Mr. Brown would do to improve the property is great.

There was no one to speak against the application.

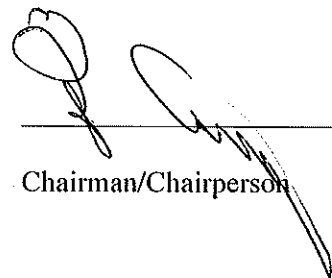
Chairman Angel closed the hearing for further discussion and action by the board.

Ms. Quisenberry made a motion to approve the Conditional Use Permit to allow for a private campground consisting of one campsite to be used recreationally and not to be lived in as a permanent residence or dwelling at 201 Amster Grove Court. Ms. Riddell made a 2nd motion. Motion carried unanimously.

Board member comments: Mr. Angel asked about the people that are building houses and then coming in for a variance setback. Mr. Jeffries stated when applicants come in for a building permit, they do submit a site plan. Mr. Shortridge suggested the building inspectors check this when inspecting footers. Mr. Jeffries said he would check into this more.

Staff comments: Mr. Jeffries said the budget would be discussed at next meeting.

Meeting was adjourned.



Chairman/Chairperson