

WINCHESTER/CLARK COUNTY BOARD OF ADJUSTMENTS
MINUTES OF MEETING HELD
ON MARCH 10, 2022

A meeting of the Winchester/Clark County Board of Adjustments was held on Thursday, March 10th, 2022 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
Robert Jeffries, Staff
William Dykeman Attorney

MINUTES - Chairman Angel called the meeting to order and presented the February 24th, 2022 minutes. Ms. Riddell made a motion to approve the minutes. Mr. Puckett made a 2nd motion. Motion carried unanimously. Mr. Shortridge presented the treasurers report. Mr. Puckett made a motion to approve the treasurers report. Ms. Quisenberry 2nd the motion. Motion carried unanimously.

PUBLIC COMMENTS: There were none.

6-22-CU Review application for a Conditional Use Permit to remove the existing modular structures placed at 15 Redwing Drive for Calvary Christian School and place a new modular building containing 6 classrooms behind the existing building located at 109 Redwing Drive.

Mr. Jeffries presented the staff report. The applicant (Calvary Christian Church) is requesting a conditional use permit to allow for the new modular building containing 6 classrooms to be placed behind the existing building located at 109 Redwing Drive. The existing modular structures will be removed by May of 2022, as per the motion made by the Board of Adjustments during the February 9, 2017 meeting. The need for the Conditional Use Permit arises from the proposed expansion of Calvary Christian School and Calvary Christian Church.

The Winchester/Clark County Zoning Ordinance states the following as conditional uses permitted in the Single-Family Zoning District (R-1C): Churches, libraries and country clubs are conditional uses permitted, subject, however, to the same conditions set forth in subsection 6.23A of section 6.2 of Article 6

The applicant included a narrative statement, pictures, and site plans pertaining to the location and layout of the new modular structure. Also, attached are the meeting minutes from July 13th, 2012, December 4, 2014, and February 9, 2017 – all pertaining to the properties located on Redwing Drive.

See staff report for KRS 100.237 Conditional Uses Permits

Ms. Kathy Smith of 143 Boone Ave. was sworn in. Ms. Smith said since Covid the school has expanded tremendously. She stated registration for next year is close to 500 kids which also includes the Mt. Caramel location. The new classroom will be one building. She stated the proposed building would have pillars under it because of the flood zone. She said as soon as school is over, they will move the existing class rooms. Mr. Shortridge asked her if it was better to leave the existing modular classrooms until the other ones are ready. Mr. Shortridge said he would appreciate it if the school would remind the parents to slow down when letting school out. Mr. Shortridge also asked if the children had anywhere to go in case of severe weather. She said they would go in the hallways of the main building.

There was no one there 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 conditional use for the Calvary Christian School, and allow a new 6 classroom modular structure to be placed behind the building located at 109 Redwing Drive, based on the fact that the modular structures previously used at 15 Redwing Drive for the school will be removed when the school year starts in fall of 2022. Mr. Puckett made a 2nd motion to approve. Motion passed unanimously.

5-22-V Review a Variance request reducing the rear setback to a 25-foot setback, instead of the required 50-foot setback, for the proposed home to be located at 6080 Ironworks Road.

The applicants (Kerry and Tammy Creech) are requesting a variance to reduce the rear setback to 25 feet, reducing the setback 50% from what is required. Agricultural Zoning Districts require a 50-foot setback from the rear property line. The adjoining properties were all notified of the request. The proposed location of the home would exceed both the side and front setback requirements, as shown on the attached site plans. The home will be 66.62 feet from the east property line, which is the only adjoining property line that is not owned by Mr. and Ms. Creech. The property along the west and north property lines is also owned by Mr. and Ms. Creech. Ironworks Road runs along the south property line, making up the required road frontage.

See staff report KRS 100.243

Mr. Jeffries showed a presentation where the house would be going. He stated they exceeded the setback requirement on the left side.

Mr. Kerry Creech of 123 Avawam Drive, Richmond was sworn in. He stated what they are asking for a 25-foot variance to build a new house. The reason for the variance is it would be on a slope if they build it with the required setbacks and it would also be a lot of extra cost to level it off to be able to build

Mr. Shawn Neely of 4005 Clarks Run Road was sworn in. Mr. Neely is the contractor for this project. He testified that the biggest reason for the variance is because of the fall of/slope if they built to the required setbacks.

There was no one to speak against the application.

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

Mr. Puckett made a motion to approve the rear setback variance, allowing the rear setback to be 25.36 feet from the rear property line (abutting the Creech property) for the proposed home located at 6080 Ironworks Road, based on the fact that the variance will allow the home to be built in an area conducive to the slab foundation, as what was discussed and identified on the application and during the meeting, based on the fact that 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 and also making it cost effective for the applicant. Ms. Quisenberry made a 2nd motion to approve. Motion carried unanimously.

Mr. Puckett made a motion to take the variance for 115 E. Lexington & 31 S. Highland and off the table. Mr. Shortridge made a 2nd motion to take off table. Motion carried unanimously.

1-22-V Discuss lease agreement for parking at 115 E. Lexington & 31 S. Highland Street.

Council Dykeman has looked at the lease agreement for parking at 31 S. Highland Street for extra parking for 115 E. Lexington Ave. He said the lease looks like the language is sufficient. A 40-year lease agreement is what is stated on the lease.

Mr. Jeffries asked Mr. Dykeman if gravel parking was an issue if approved tonight. Mr. Dykeman said this board can only approve the number of parking spots needed for the proposed apartments. The planning department would be the one to approve landscaping, parking requirements, drainage etc.

Mr. Jeffries has approved the 7 units based on the 15 parking spaces from the site plan that Mr. Booker presented. This isn't including the retail space that is proposed. Mr. Jeffries stated he would have to comply to the current building codes and this would help calculate parking that would be needed.

Mr. Booker was sworn in via zoom. He said in his plans they have proposed lights. These will light up the whole parking lot. There will be enough space for the them to walk up the alley but not sidewalks.

Mr. Shortridge asked about lighting in the parking lot. He said for safety purposes this is needed. Mr. Shortridge said maybe the board could require some kind of lighting for the proposed parking lot for safety concerns. Mr. Jeffries said if the Board put some stipulations on it such as lighting, they would have to find facts and findings to back the requirements up.

There was further discussion regarding drainage. There was also discussion regarding fencing of adjoining property owners' yards for screening.

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

Chairman Angel asked Mr. Jeffries how many parking spots he would need for the 7 apartments and retail space.

Mr. Jeffries said Mr. Booker hasn't been approved for retail space. With 7 units he would need 15 spaces.

Ms. Riddle asked if access would be from Highland St. & Hodgkin Alley. Mr. Booker said it would have access from both.

Much of the audio from Mr. Booker was unintelligible via zoom.

Chairman Angel said his concerns the tenants will have to walk 300 feet or more to get to their apartments. So, he feels a lot of tenants would just be parking on the street.

Chairman Angel said he doesn't feel comfortable approving the extra parking spaces and it will put a hardship on the existing neighborhood. He said in his opinion tenants won't want to walk 300 feet to carry groceries etc. and it will be a hardship with parking on the neighborhood.

Chairman Angel made a motion to deny the variance for extra parking spaces for 115 E. Lexington Ave. He referred to KRS 100.243 of the zoning ordinance. He said the way the parking is laid out that it will cause an undue hardship to the public and safety issue and welfare for the neighborhood. Mr. Puckett made a 2nd motion to deny. Roll call was taken. All voted to deny the variance.

Budget FY23: Mr. Jeffries presented the budget for the BOA account for FY 23. He said he requested the same amount as last year. He went over the figures in the budget.

Mr. Shortridge made a motion to approve the FY23 budget. Mr. Puckett 2nd motion to approve the budget. Motion carried unanimously.

Board comments: Mr. Shortridge asked if Mr. Jeffries had thought anymore about the building inspectors to make sure when a permit is pulled for a new build to look at the pins in ground. Mr. Jeffries said he had spoke to them regarding this. He said they can only eyeball/estimate it right now. They can't measure the exact property lines because they don't have the tools to do this. Site plans are supplied with the building permits, maybe this could be checked when doing the footer inspections. The zoning ordinance could also be changed to be more exact and simpler for people to understand and follow.

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

Chairman/Chairperson