

**WINCHESTER/CLARK COUNTY BOARD OF ADJUSTMENTS**  
**MINUTES OF MEETING HELD**  
**ON JUNE 9, 2022**

A meeting of the Winchester/Clark County Board of Adjustments was held on Thursday, June 9<sup>th</sup>, 2022 at 6:00 pm. Chairman Angel presided over the meeting. Those present were:

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

**MINUTES** – Chairman Angel called the meeting to order and presented the May 12<sup>th</sup>, 2022 minutes. Mr. Puckett made a motion to approve the minutes with changes. Mr. Shortridge 2<sup>nd</sup> the motion to approve minutes. Motion carried unanimously. Mr. Shortridge presented the treasurer’s report and accounts payable. Mr. Shortridge made a motion to approve the treasurer’s report, Mr. Puckett made a 2<sup>nd</sup> motion. Motion carried.

**PUBLIC COMMENTS:** There were none.

**9-22-V Review a variance application reducing the side yards along the property line shared by the properties located at 259 and 261 Prescott Lane from 7 feet to 5 feet.**

Mr. Jeffries presented the application. The applicant (W&R Rentals) is requesting a variance to allow the homes proposed and being constructed at 259 and 261 Prescott to be constructed closer to the property line shared by both 259 and 261 Prescott Lane. They would like to reduce the side setback along this property line shared by both 259 and 261 Prescott Lane. They would like to reduce the side setback along this property line from 7 feet to 5 feet, requiring a two-foot side yard setback variance.

KU (Kentucky Utilities) has underground utilities in the area on 259 Prescott Lane (Lot 21) that has forced the applicant to move the house at 259 Prescott Lane closer to the south property line shared with 261 Prescott Lane. In order to rectify the problem, they would like to relocate the property line between the two properties (259&261 Prescott) so that each home /property can maintain a 5.25-foot setback for each home along the shared property line providing more than 10 feet separation from both of the proposed homes.

Mr. Brian Thomas (attorney) spoke on behalf of the applicant. He just stated they found out KU utilities expanded more on their property than they thought when they started this project.

Chairman Angel closed the meeting for further discussion and action by the board. Mr. Puckett made a motion to approve the two foot side yard variance for 259 and 261 Prescott Lane, along the shared property line, allowing a 5.25 foot side yard setback for each home along this shared property line based on the fact that the request is the result of the KU utilities being installed on 259 Prescott Lane and requiring the developer to relocate the home on the lot so that it does not interfere with the utilities. 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 2<sup>nd</sup> motion to approve the variance. Motion passed unanimously.

**10-22-CU Review a Conditional Use application to allow a church to locate in the building at 136 East Broadway.**

Mr. Jeffries presented the application. The applicant (Cody Commercial Properties, Inc.) is requesting a Conditional Use application to allow a church to locate in the building located at 136 East Broadway. The property is located in a General Business (B-4) zoning district. Article 6.143 of the Winchester/Clark County Zoning Ordinance list churches as a conditional use within the B-4 zoning district.

The building has a parking lot and the need to provide for the parking standard as set forth in the Winchester/Clark County Zoning Ordinance. One (1) parking space will need to be provided for each four (4) seats within the sanctuary/meeting space. If pews are used instead of individual seats, 18 inches would be considered one seat as it pertains to the Kentucky Building Code.

Mr. Jeffries stated a site plan would have to be submitted to show the parking. It will need to show sufficient parking, if they do not have sufficient parking a variance will have to be applied for.

Mr. Ray Watson of 148 Winn Ave .and Mr. Joe Richardson of 708 Williamsburg Drive were sworn in to testify on behalf of this application. Mr. Watson said he is the owner of this property and would like to use this building for a church.

Mr. Shortridge asked how many church members would attend. Mr. Richardson said probably around 40. They have approximately 6 pews. So, the church would hold approximately 54 people. Mr. Watson said the church adjacent to them would let them use their parking lot if an overflow of attendees are at church.

No one was there 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 Conditional Use Permit to allow a church to operate in the building located at 136 East Broadway if a site plan is approved and meets the Winchester/Clark County zoning requirements for parking. Mr. Shortridge 2<sup>nd</sup> the motion. Motion carried unanimously.

**11-22-V Review a Variance application allowing the parcel located at 14 Western Ave. to be divided into two parcels each having a lot width of 33.1 feet along Western Avenue, varying from the minimum lot width requirement of 75 feet for R-1C Single Family zoned property.**

Mr. Jeffries presented the application. The applicant (Rimar Property and Rentals) is requesting a variance to allow the parcel located at 14 Western Avenue to be divided into two parcels, each parcel having a lot width of 33.1 feet along the Western Avenue property line. The variance varies from the minimum lot width requirement of 75 feet for R-1C Single Family Zoning Districts.

The plat depicts how they would like to divide the property into two parcels. The applicant is no longer wanting to proceed with dividing it into three parcels/lots as shown and is only pursuing the division of the two acre tract into two lots. Lot A totaling at 20,372 square feet and Lot B totaling at 40,960 square feet.

Mr. Jeffries said basically there will be 2 tracts total. He said there is 41.9 foot variance that will need to be approved for these 2 lots.

Mr. William Perry and Sarah Perry of 2467 Pilot View Road were sworn in to testify on behalf of the application. He said this a unique property of 2 acres located in the city. He said they would like to build new houses on these properties and tear the existing house down.

Ms. Rebecca McDanial of 106 Southern Court was sworn in. Mr. Jeffries explained about variances on different zoning classifications. He showed her where the proposed houses would be built. Her concern was the driveway

for each lot since the lots were narrow. Mr. Jeffries explained they will use a shared entrance that will split off into two driveways.

Mr. Tim McDaniels of 133 Alabama Street was sworn in. He said he was concerned that these lots might keep having additional structures added.

Mr. Shortridge said with this zoning no more structures could be added.

Mr. Perry showed where the proposed driveways would be located.

Mr. Jeffries asked Council Dykeman if the board could request a shared entrance. Council Dykeman said yes, the board could request this.

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

Mr. Shortridge said he is very familiar with the area, and to build new residences on this property would be an improvement, and a shared entrance would be a good idea.

Mr. Shortridge made a motion to approve the 41.9 foot variance allowing the parcel at 14 Western Avenue to be divided into two parcels with only 33.1 foot lot width along Western Avenue to be divided into two parcels having a lot width of 33.1 feet each, based on the fact that the property is an odd shape and size for an R1-C single family zoned property. This is due to the fact that the original plan to extend Western Avenue was abandoned and closed, as identified on the plat, 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. There will be one shared entrance splitting into two driveways that makes it safer at this curve of Western Avenue and Short Street. Mr. Puckett made a 2<sup>nd</sup> motion to approve the variance. Motion carried unanimously.

**Board member comments:** Chairman Angel said in the last meeting he was not there but an applicant was turned down for a front yard setback. Another neighbor down the road is closer than 75 feet to the property line and she has to drive by this every day and wondered why they could and she could not. This needs to be consistent for all property owners. Chairman Angel suggested an ordinance requiring property lines be marked before the building inspector comes out.

Council Dykeman said this could be done in house without an ordinance. Planning and Zoning could require a survey from a licensed surveyor to be performed before a permit is issued.

Chairman Angel said it just makes the board look bad when other people are not going by the rules and people that do try to do it right are turned down etc.

Mr. Jeffries said he spoke with Mr. Cartwright and he said he is pursuing other options. Mr. Jeffries wanted to know if a timeline would have to be giving to Mr. Cartwright. Council Dykeman said he recommends giving Mr. Cartwright a 60-day window, but he would need to resubmit another application since the circumstances are changing.

Mr. Puckett made a motion to remove the tabled application of Mr. Cartwright. Mr. Shortridge 2<sup>nd</sup> the motion. Motion carried unanimously.

The board discussed getting paid for training but the money is not there anymore for this.

**Staff comment:** There were none.

Mr. Puckett made a motion to adjourn.

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Chairman/Chairperson