

WINCHESTER/CLARK COUNTY BOARD OF ADJUSTMENTS
MINUTES OF MEETING HELD
ON MARCH 4th, 2021

A meeting of the Winchester/Clark County Board of Adjustments was held on Thursday, March 4, 2021 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 March 4th, 2021 minutes. Mr. Shortridge asked if everyone received the revised copy they stated they received it. Mr. Shortridge made a motion to approve the minutes as presented. Mr. Puckett made a 2nd motion. Motion carried unanimously.

Mr. Shortridge presented the treasurer's report. He asked if everyone got the revised copy and they stated they received it. Mr. Shortridge made a motion to approve the treasurers as presented. Ms. Riddell 2nd the motion to approve. Motion carried unanimously.

PUBLIC COMMENTS: There were none.

3-21-CU Review Conditional Use permit to allow a Campground, Bed & Breakfast, and events such as weddings on an active farm at 6450 Bybee Rd.

Mr. Jeffries presented the staff report. The applicants (David Scott & Kim Miller) are requesting a conditional use permit to allow a camping/bed and breakfast, as well as events such as weddings, on the property located at 6450 Bybee Rd. The applicants intend to raise bees on the farm and possibly farm Christmas trees as well. There would be a total of (7) canvas tents/lodges built on wooden platforms, and advertisement describing the style of tent/lodge is provided in the staff report. The structures would need to adhere to the Kentucky Building Codes.

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

Bed and Breakfast home. The Board of Adjustments shall consider and make a finding that the number of rooms permitted shall not have an adverse effect on surrounding properties. In addition, the Board of Adjustments shall take into consideration the number of bed and breakfast homes, if any, within the general neighborhood, that is, within one mile of the property being considered for such use.

Other appropriate uses as determined by the Board of Adjustments based on the Board's findings that the proposed use is of an agricultural character and a use that contributes to the agricultural economy, such as agritourism, agribusiness, value added agricultural activities or other alternative agricultural opportunities.

Mr. Jeffries presented the power point showing sample of how the campground, bed & breakfast would look.

Kim Miller of 1017 Betty Lane, Mt. Sterling KY was sworn in to testify on her own behalf. Mrs. Miller asked if anyone had any questions. She said this will not be a big campground. She stated she would like to keep the Christmas tree farm going that her dad owns. Mr. Shortridge asked if the tents would have electric and restrooms

in the tents. Mrs. Miller said yes there would be electric in the tents and the restrooms and the restrooms would either be in the tents or a community bath house. She said they would be on septic for sewer. Mr. Shortridge asked if only 7 campsites, Mrs. Miller said yes there would be seven campsites. She said they will try and promote the different restaurants in the area and they would be selling their local honey. Mr. Shortridge asked about the weddings. Mrs. Miller said they would probably use the same barn they use to sell Christmas trees, in the off season. Mr. Shortridge asked about the noise at the weddings, bands etc. She said they would have music. Mr. Shortridge stated there is a noise ordinance and she said they would follow the ordinance. Mr. Shortridge said he believes the ordinance doesn't allow loud noise after 10:00 pm. Mr. Shortridge stated with the additional lots that have been platted in the area would there will be a lot more traffic on Bybee Rd. Mr. Jeffries asked if they plan to plat any lots off. Mrs. Miller said no they would like to keep it a farm. They would also like to have tours to learn about the bees.

Elizabeth Brian of 6237 Bybee Rd. was sworn in to speak. She stated she lives across the road from this property. She is concerned this campground will bring the value of her property down. She said she is concerned with the expanding of the campground. She suggested putting some restrictions on this.

Ruby Jacobs of 6565 Bybee Road was sworn in to testify. Mrs. Jacobs asked if someone could show her exactly where tent/etc. would be located. Mr. Jeffries then pointed to the power point and showed her the locations of tents, barn etc. She was concerned about the noise at night. She asked if people would be flying in and out for glamping. She is worried about the noise & traffic.

Mr. Jeffries passed out a couple of emails to the board members that were against the proposed campground. Chairman Angel asked if anyone on zoom wanted to comment please do so by a show of hands. There was no one to comment.

Mrs. Miller was brought back to talk about the landing strip. She stated this is just a grass landing strip no lights would be on the strip. Mr. Shortridge asked Mrs. Miller if people would primarily be coming into the campground by cars/trucks and not RVs or pulling trailers. Mrs. Miller said there might be friends with horse trailers to come visit them. She will not have people riding four wheelers. Mr. Shortridge said he has no problem with friends coming in horse trailers to visit. He just doesn't want this to happen often with big trailers etc. because it's a safety issue due to the small road.

Carla Crane of 630 Miller Hunt Rd was sworn in. She said she wondered what the difference between glamping & camping. Mr. Jeffries stated there was no definition in our zoning ordinance. Chairman Angel explained that if this was approved it would be approved for camping not glamping. Kevin Brian of 6237 Bybee Rd. was sworn in. He was also concerned about campers or trailers on that road. Mr. Jeffries read an email from Ruby Jacobs regarding the campground, air strip and she said it will have a negative impact on this area. He read another email from Carrie and Shannon Phillips of 5275 Bybee Rd. stated they moved out on Bybee Rd. to retire and be in a peaceful area. They are concerned about the plane and helicopter noise etc. and the value of property going down.

Chairman Angel closed the hearing for further discussion and action by the board. Mr. Shortridge said he is not sure this is the correct location.

Chairman Angel made a motion to approve the conditional use permit to allow for up to seven tent/lodges as described in the meeting to be located near the south property line (as shown on the map) of the property located at 6450 Bybee Rd. Let the motion show no campers are allowed and no loud noise after 10:00 p.m. per noise ordinance. Mr. Puckett made a 2nd motion to approve. Motion passed 3-1.

4-21-CU Review a Conditional Use permit to allow a mobile home or removable Amish built home on an agriculturally zoned property, in addition to the principal dwelling located at 370 Miller Hunt Rd.

Mr. Jeffries presented the staff report. The applicant (Karol Poulas) is requesting a conditional use permit to allow a mobile home, or removable Amish built home, on the property in addition to the principal dwelling located at 370 Miller Hunt Rd. The applicant's son will be living in the home currently on the property (the principal dwelling). The applicant (Karol Poulas) will be living in the mobile home or Amish built removable home.

The Winchester/Clark County Zoning Ordinance states the following as conditional uses permitted in the Agricultural District (A-1):

1. On a parcel of not less than seven (7) acres, one (1) Class A, B, or C single wide mobile/manufactured home in addition to the principal dwelling, when occupied by a member and spouse; if that family member/spouse no longer resides in the home, the mobile/manufactured home shall be removed or the property owner shall request approval from the BZA for another immediate family member and spouse to move into the structure.
2. Structure shall not be altered in any way that prevents or impedes removal of the structure at a future time.
3. Structure shall not be converted from personal property to real property. Structure is not eligible for affidavit of conversion.

Mr. John Rompf (attorney) spoke and he said the application that was submitted is not what the ordinance states. He said the application should be resubmitted with the correct information on it. The application needs to state also only a mobile home as well as the owner to live in the house, son to live in the mobile home. Carla Crane of 630 Miller Hunt Rd. was sworn in. She wanted to know the acreage required for a mobile home. Mr. Jeffries told her a mobile home is same acreage as a house which is 1 acre or more. Ms. Poulas asked about putting a house on it, she was told she would have to parcel out an acre or more with 250 feet of road frontage with each parcel. Mr. Puckett made a motion to deny the conditional use permit based on the guidelines for a conditional use that states the owner of property must live in the permanent dwelling and other family member live in the mobile home. The fee for the new application will be waived. The deadline for reapplying will be March 5, 2021 to get on April's meeting. 2nd motion was made by Mr. Shortridge. Motion to deny was unanimous.

Board Member comments: Mr. Shortridge asked about the carport on Lexington Ave. He stated the board decided before that Mr. Noble's carport is supposed to be removed in the off season. Mr. Jeffries said if Steve Noble tells him he is taking over he can leave the carport for the fruit market.

Staff Member comments: Mr. Jeffries read the calendar for 2021 to the board. Mr. Puckett asked if the zoom meetings could stop. Mr. Jeffries said as long as the space can accommodate and meet the guidelines of Governors order. Mr. Shortridge made a motion to approve the 2021 calendar dates as presented by Mr. Jeffries.

Mr. Jeffries presented the budget for FY 2021. Mr. Puckett made a motion to approve the FY2021 budget. Ms. Riddell made a 2nd to approve. Motion passed unanimously.

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

Chairman/Chairperson