

**WINCHESTER/CLARK COUNTY BOARD OF ADJUSTMENTS**  
**MINUTES OF MEETING HELD**  
**ON APRIL 8<sup>th</sup>, 2021**

A meeting of the Winchester/Clark County Board of Adjustments was held on Thursday, April 8th, 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 April 8<sup>th</sup>, 2021 minutes. Mr. Puckett made a motion to approve the minutes as written. Mr. Shortridge 2<sup>nd</sup> the motion. Motion to approve minutes was unanimous.

Mr. Shortridge presented the treasurer's report and made a motion to approve. Ms. Riddell made a 2<sup>nd</sup> motion to approve treasurer's report. Motion passed 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 2<sup>nd</sup> the motion to approve. Motion carried unanimously.

**PUBLIC COMMENTS:** There were none.

**4-21-CU Review Conditional Use—application to place a mobile home for an immediate family member 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, on the property in addition to the principal dwelling located at 370 Miller Hunt Rd. The applicant's son would be living in the mobile home; the property owner will live in the home already on the property.

The Winchester/Clark County Zoning Ordinance states the following as conditional uses permitted in the Agricultural District (A-1): On a parcel of not less than seven (7) acres, one (1) Class A, B or C single wide mobile/manufactured home (as defined in Article 8. &8.5) in addition to the principal dwelling, when occupied by a member of the immediate family and spouse of the owner of the principal dwelling.

Mr. Jeffries presented a power point of images of the property. Ms. Poulas the applicant was sworn in to testify on her own behalf. She showed where the proposed 2<sup>nd</sup> entrance to mobile home would be. She stated there used to be a mobile home on site at one time.

Mr. John Rompf was sworn in to testify on behalf of his client. He asked if Ms. Poulas if she was living at 370 Miller Hunt Road at this time.

Ms. Poulas made statements concerning how she has not fully moved in and how her son is currently residing in the home. She is planning on moving into the home fulltime. Discussion was held concerning all the properties she currently owns and whether this property is intended to be an investment property.

Mr. Rompf made statements concerning his interpretation of the zoning ordinance and how he thought the purpose of the zoning ordinance was for an immediate family member to live in the mobile home and the owner to live in the primary residence. More discussion was held concerning this interpretation and whether or not Ms. Poulas has lived primarily in the home.

Mr. Rompf discussed the 1031 exchange, how the home was purchased by the property owner - Ms. Poulas. The Deed was reviewed and discussed; claims were made concerning the type of purchase and how typically it is used for investment property.

Discussion was held concerning the classes A, B, or C mobile home and how these are referenced in the ordinance. The proposed location for the mobile home was discussed. Arguments were held concerning whether the Applicant (Ms. Poulas) has established residency in the home and whether she intends to live there permanently.

Chairman Zeldon Angel directed a question to Mr. Dykeman concerning the 1031 exchange and how it would affect the Conditional Use Permit.

Mr. Dykeman stated he does not believe it has any affect on the application, it's clear that the ordinance requires specific circumstances; he made statements concerning how the circumstances could take place within a reasonable amount of time.

Chairman Angel opened the floor for individuals to speak for and against the application.

Clint Jako, 2535 Ecton Road, approached the Board of Adjustments in opposition to the application. He also owns property on Miller Hunt Road and his property is located across the road from the applicant. He made statements concerning how he has been in the home and is familiar with the property. The street images included in the PowerPoint presentation was reviewed. He made claim that he was under the impression that a mobile home could not be placed on the property. He was informed of the trailer that was previously located on the property. He then made statements that the property would not meet the requirements to be divided up (road frontage requirement, etc). He also mentioned that it would be difficult to move a mobile home onto the property. He discussed the stipulations in his personal deeds to the property(s) he owns and how mobile homes were not allowed on his property(s). More discussion was held concerning the application and how he is opposed to it as presented and discussed at the meeting.

Randy Rison, 315 Miller Hunt Road, approached the Board of Adjustments in opposition of the application. He discussed the fact that he thought all the properties in the area where not allowed to have mobile homes. Mr. Rompf addressed questions to Mr. Rison. His questions concerned the type of mobile home proposed and whether he has seen the site plan.

Mr. Rompf readdressed the Board of Adjustments concerning the application and the testimonies made at the hearing. Mr. Rompf spoke more concerning the intent of the conditional use permit to allow a mobile home on the property. He continued to discuss whether or not the applicant lives in the home and whether the intent of the ordinance is being met.

Ms. Poulas approached the Board of Adjustments and addressed the allegations.

Mr. Jeffries approached the Board of Adjustments concerning how these types of applications have been taken up by the Board of Adjustments in the past. Mr. Jeffries made statements concerning how applications have stated specific names of the family members on the application and how the applications have listed "son" or "daughter" and was clarified during the meetings. Notices were discussed and how adjoining property owners and the public are notified. Mr. Jeffries quoted out of KRS Chapter 100 concerning how notices for conditional uses must include the time and date of the meeting. He stated that he believes the notice requirement was met. He also read the ordinance from the Zoning Ordinance and stated that the Board's motions have included the specific names of the family members proposed to live in the mobile home.

Mr. Dykeman made statement concerning whether there has been a lack of notice and he does not believe so either.

Mr. Jeffries read the current zoning ordinance.

Chairman Angel closed the hearing for further discussion and action by the Board & Council. Mr. Puckett made a motion to table the application until the next meeting so applicant can show proof of residency. Mr. Shortridge 2<sup>nd</sup> the motion. Motion carried unanimously.

**05-21-CU – Review a Conditional Use application to place a mobile home for an immediate family member on an agriculturally zoned property, in addition to the principal dwelling located at 6200 Ironworks Rd.**

The applicant Patricia Porter, 6200 Ironworks Road, is requesting a conditional use permit to allow a mobile home, on the property in addition to the principal dwelling located at 6200 Ironworks Road. The applicant's granddaughter will be living in the mobile home. The applicant has indicated that the mobile home will be placed where a previous mobile home was, and the utilities should still be available. Mr. Jeffries read the zoning ordinance regarding mobile home for immediate family members.

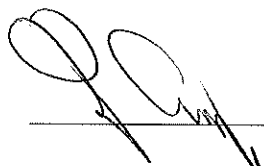
Mr. Jeffries presented PowerPoint showing the proposed location of the mobile home.

Ms. Patricia Porter of 6200 Ironworks Rd. was sworn in to testify on her own behalf. She stated her granddaughter, Felicia Burt would be living in the mobile home. She was asked if she currently resides at the property, she said yes, she does. There was no one there to speak against the application for the conditional use for a mobile home to be placed at 6200 Ironworks Rd.

Mr. Puckett made a motion to approve the conditional use permit to allow a mobile home to be placed on the property in addition to the principal dwelling at 6200 Ironworks Road, to be occupied by Felicia Burt the property owner's granddaughter. If she no longer resides in the mobile home, the mobile/manufactured home shall be removed from the property. Mr. Shortridge made a 2<sup>nd</sup> motion to approve. Motion approved unanimously.

Board member comments: Chairman Angel asked Mr. Jeffries if he could give all board members a copy of the current zoning ordinance. Mr. Jeffries discussed the ordinance regarding mobile home for immediate family members.

Mr. Puckett made a motion to adjourn. Motion carried unanimously.



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Chairman/Chairperson