

SUMMARY MINUTES CITY-COUNTY BOARD OF ADJUSTMENTS

**December 13, 2018 @ 5:00 p.m.
City Commission Chambers
1001 College Street, Bowling Green, Kentucky**

MEMBERS PRESENT:

**Dr. John Fitts
Danny Howell
Lloyd Ferguson
Elaine Price
Jim Lockwood**

The City-County Board of Adjustments of Warren County was called to order by the Chairman Dr. John Fitts.

A. ROLL CALL:

Chairman Fitts then requested Ben Peterson to call the roll. It was determined that a quorum was present with five (5) of the seven (7) members in attendance at the time of roll call.

B. APPROVAL OF MINUTES:

Chairman Fitts asked if there were any questions or comments about the Summary Minutes of the previous meeting held October 11, 2018. There were no questions or comments. The Motion was made by Mrs. Price, seconded by Mr. Lockwood, and the Board of Adjustments' members (5 years) approved the Summary Minutes of the October 11, 2018, meeting as written.

Hon. Hoy Hodges requested the Chairman order that the Joint Zoning Ordinance of Warren County, Kentucky; and the Comprehensive Plan with all of its elements effective as of this date (December 13, 2018), and the staff reports with all attachments, together with the Board's file for the applications be introduced as exhibits for each of tonight's hearings. He also asked that the Oath be administered to Monica Ramsey and Rachel Hurt and asked that they be sworn in as witnesses before the Board of Adjustments and their oath and qualifications as a Zoning Administrator be reflected in the record for tonight's hearing. Chairman Fitts so ordered and swore in the witnesses. Hon. Hoy Hodges stated one item on the Agenda is a Variance/Waiver. Hon. Hoy Hodges explained that there are certain findings the Board must make before approving a Variance/Waiver. Regarding a Variance/Waiver, the findings that the Board must make are established under KRS 100.243, wherein the Board must find the following in order to prevail: the requested Variance/Waiver will not adversely affect the public health, safety, or welfare; 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. Hon. Hoy Hodges explained that there are applications on the Agenda for a Conditional Use Permit. He explained that there are certain findings the Board must make before approving a Conditional Use Permit and they are set forth in the Zoning Ordinance. In order to prevail, the Board must find that the proposed Conditional Use is not detrimental to the public health, safety or welfare in the zone in which it is proposed; the use will not contribute toward an overburdening of municipal services; the use will not result in increased traffic congestion, additional parking problems, substantial increase in population density, environmental problems or constitute a nuisance; and that the use otherwise meets

the requirements of the Zoning Ordinance. Hon. Hoy Hodges stated for the case to prevail, it will need a majority vote of three positive votes and a “pass” vote has no force or affect. If in the event any party disagrees with the Board’s decision, they would have thirty (30) days to file an appeal directly to Warren Circuit Court.

C. PUBLIC HEARINGS:

Chairman Fitts announced the first item on the agenda:

2018-V-22 - James B. Ashworth, Jr. has applied for variances/waivers on the property located at 2492 Ewing Ford Road. This property is zoned AG (Agriculture), R-E (Residential Estate) and F (Floodplain).

Mrs. Monica Ramsey stepped to the podium to present the staff report. *(Note: Staff report available upon Open Records Request).*

Chairman Fitts asked if there were any questions from the board. Chairman Fitts asked if there were any questions or opposition from the audience. Mr. Harvey Johnston came forward as a neighbor from next door. He stated the way the building is located is the only way to have it on the lot and stated he has no opposition to this request. Chairman Fitts asked if there were anyone else with a question, comment or opposition. Being none, he asked for a motion.

ACTION: A motion was made by Mr. Lockwood, seconded by Mrs. Price, to approve the request for a variance at 2492 Ewing Ford Road, Docket number 2018-V-22: a variance of 21 feet to allow the proposed building to be located 4 feet from the front property line. The testimony presented in this public hearing has shown that the granting of this variance will not adversely affect the public health, safety or welfare; 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. The vote was five (5) yeas, so approved.

Chairman Fitts announced the next item on the agenda:

2018-C-13 - Cindy L. Finn and John C. Finn have filed an application for a Conditional Use Permit for a childcare facility to operate on the property located at 1225 Huron Way. This property is zoned RS-1C (Single Family Residential), with a general development plan.

Mrs. Monica Ramsey stepped to the podium to present the staff report. *(Note: Staff report available upon Open Records Request).*

Chairman Fitts asked if there were any questions from the board. Being none, Chairman Fitts asked if there were any questions or opposition from the audience. Mr. William Tompkins, 1216 Huron Way, came forward and was sworn in. He stated the applicants are great people and doesn’t see a problem with the application or that traffic will be an issue. Chairman Fitts asked if anyone else would like to come forward. Chairman Fitts asked for the applicant, Cindy Finn, 1225 Huron Way, to come forward and be sworn in. Chairman Fitts asked how the applicant will insure the safety of the children with entering/exiting the house and backing out of the driveway. Ms. Finn stated she had been doing this for 10 years and the parents bring the children into and out of the house and she has never had a wreck. She stated she keeps them from newborn to 5 years old. Mrs. Pierce asked if there was a fence in the back

yard. Mrs. Finn stated not yet but that is in the plan. Chairman Fitts asked if there were any other questions or opposition. Being none, he asked for a motion.

ACTION: A motion was made by Mr. Lockwood, seconded by Mr. Howell, to approve the Conditional Use Permit, Docket number 2018-C-13, for a home occupation located at 1225 Huron Way with the following conditions: 1) The child facility will have no more than six (6) children; 2) The hours of operation will be 6:30 a.m. to 5:30 p.m. Monday through Friday; 3) The site will not generate more traffic than would be expected in a residential neighborhood; 4) The child care facility will meet City and State guidelines; 5) The site will have no signs in the yard; 6) If the facility ceases to exist or the property is sold, the Conditional Use Permit will become null and void. The testimony presented in this public hearing has shown that: The use is not detrimental to the public health, safety or welfare in the zone in which it is proposed; The use will not contribute toward an overburdening of municipal services; The use will not result in increased traffic congestion, additional parking problems, substantial increase in population density, environmental problems or constitute a nuisance; That the use otherwise meets the requirements of the Zoning Ordinance. The vote was four (4) yeas and one (1) nay (Dr. Fitts because of concerns with the traffic situation in neighborhood), so approved.

Chairman Fitts announced the next item on the agenda:

***2018-C-14 – Michael Killen and Sara Chou** have filed an application for a Conditional Use Permit for a Craft Beverage Production facility to operate on the properties located at 1351 Slim Island Road. These properties are zoned AG (Agriculture) and F (Floodplain).*

Mrs. Rachel Hurt stepped to the podium to present the staff report. (*Note: Staff report available upon Open Records Request*).

Chairman Fitts asked if there were any questions from the board. Mr. Ferguson commented about the sanitation sewer should be needed for this type of use. Mrs. Hurt explained that the Zoning Ordinance does allow some non-residential use to be on septic if the Barren River Health Department signs off on it. Michael Killen came forward, 1351 Slim Island Road, and was sworn in. He explained the operation and use of water/waste water. He stated the most he sees is about 20 people every other Saturday. He explained that he is a professor at Western and has a PHD in Micro-Biology. Chairman Fitts explained the lane /roadway is very narrow in places. Mrs. Hurt stated she talked to the County Public Works and they stated the county maintained roadway is wide enough for two people to pass but the private section is from 10-12 feet. Mr. Killen stated they had birthday parties with their children where almost 150 people were present and they didn't have any problems along with moving in and out farm equipment. He explained that in most places there is enough room on both sides of the roadway for someone to pull over if need be. Mr. Ferguson stated with the county being wet now, and he was sure that they would see more applications like this; he didn't want to make any mistakes or future problems for the citizens of Warren County. Mr. Ben Peterson came forward and was sworn in. Mr. Peterson suggested the following changes to the conditions: that the hours of operation condition doesn't specify public or operation and/or limit the amount of customers to get started and can amend to an increase in future years if the growth is there. Mr. Killen discussed possibly making a pull around. Mr. Ferguson suggested widening the road. There was discussion about conditions on private road upgrades, number of people to attend events and special events. Mr. Devin Bell, 7749 KY HWY 185, came forward and discussed the federal process of applying for a brewer and they have waste water regulations that they have to go by and

mandated by the Federal Government. Chairman Fitts asked if there were any questions or opposition from the audience or if there were any other questions from the board. Being none, he asked for a motion.

ACTION: A motion was made by Mr. Ferguson, seconded by Ms. Price, to approve the Conditional Use Permit, Docket number 2018-C-14, for craft beverage production located at 168 Lock Bend Road with the following conditions: 1) Days and hours of operation for the production will be 24/7 – 7days a week; 2) Uses allowed shall be: craft beverage production in conjunction with onsite tasting room or restaurant as specified by Article 5, Section 5.1; Hours open to the Public for tasting will be 11:00 a.m. to 11:00 p.m. 3) The property will receive approval through the Barren River District Health Department for all sanitary provisions located on the property associated with craft beverage production; 4) Any buildings or structures associated with craft beverage production shall meet any applicable building regulations, as directed by the building inspector; 5) All by-products of beverage production will be sustainably managed/recycled in such a way as to prevent any environmental impact. There will be a pull off approximately one quarter mile apart on the gravel road. 6) There will be a limit of 25 people per public tasting event and the applicant will be entitled to 4 special events which much apply for a permit. The testimony presented in this public hearing has shown that: The use is not detrimental to the public health, safety or welfare in the zone in which it is proposed; The use will not contribute toward an overburdening of municipal services; The use will not result in increased traffic congestion, additional parking problems, substantial increase in population density, environmental problems or constitute a nuisance; That the use otherwise meets the requirements of the Zoning Ordinance. The vote was five (5) yeas, so approved.

Chairman Fitts announced the next item on the agenda:

2018-C-15 – Stacey Hendershot and Trident Properties of Bowling Green, LLC have filed an application for a Conditional Use Permit to operate a group living facility on the property located at 1117 ½ A Kentucky Street. This property is zoned RM-4 (Multi-Family Residential).

Mrs. Rachel Hurt stepped to the podium to present the staff report. *(Note: Staff report available upon Open Records Request).*

Chairman Fitts asked if there were any questions from the board. Being none, Chairman Fitts asked if there were any questions or opposition from the audience. Ms. Tara Crafton, apartment at 123 East 11th Ave, Apt 1, came forward and was sworn in. She expressed concerns of the location of the access and how three individuals have already blocked the alley way beside the house. She expressed the concern about certain individuals that have already made her uncomfortable and could continue. Mr. Ferguson asked Ms. Crafton questions about the alley way and what she feels is a nuisance. Mr. Eric Sack, 9665 Twin Bridges Road, came forward and was sworn in. He stated he owns the house next door since 2009. He stated he had some of the same concerns as Ms. Crafton. He stated he pulled up the PVA information on how big the house is and stated it is about 1787 square feet and felt that is small for 12 people. He stated the trash service goes in/out of the alley. He felt the number of residence would be an over burden of parking and safety. He stated this could adversely affect the area and isn't consistent with the college housing around the area. Cindy Hines, 1080 Old Greenhill Road, came forward and was sworn in. She stated she opposes the application because her mother lives on the other side of the alley. She expressed concerns about the safety and property value of her mother's home. She expressed concern about these

individuals being crowded around smoking and hanging out with potential of people stopping by and stated there is a 90% relapse rate. Mr. Ferguson asked about the entrance to her mother's house from the alley. Chairman Fitts asked if there were anyone else in the audience that would like to speak about this application. Stacey Hendershot, 936 Shive Lane Lot 184, came forward and was sworn in. She stated she started this mission with an individual (Dr. Harveston) here in Bowling Green along with the two she operates at Drakesboro, KY. She stated there is a Men's recovery home around the block that does not have a CUP and she has heard horror stories. She stated she has three individuals currently going to college with one working on his master's degree. She stated she does not tolerate non-sense and that her tenants smoke on the front porch and not the alley way. They cannot throw their cigarettes down or their privilege gets taken away and don't smoke in the house. She stated if you look at the rules she felt like she is pretty strict on the tenants. She explains her service and the tenants she receives. Mr. Ferguson asked about the size of the house. Ms. Hendershot stated the house is setup to board 13 and stated the tenants shouldn't be in the rooms a lot since they have to have jobs (unless they are disable), go to meetings and have other functions and duties they are supposed to do. She stated there are 5 bedrooms and two baths. Chairman Fitts asked if Ms. Hendershot agrees to a condition that the CUP will cease if she is no longer the administrator. Ms. Crafton returned to the podium to discuss the problem of parking and where are the visitors going to park. Ms. Hendershot stated most of the tenants don't have licenses which are why she has a 15 passenger van and only two people on the property currently have a car. Ms. Crafton asked if this property is the best location for recovery with the T-Mart, college, etc. so close by that has bad gossip surrounding the T-Mart especially. Ms. Hendershot stated she is working on a certificate for addiction education along with being a double masters and teaching criminal justice at WKU. She invites anyone to come to the property and check her tenants out and see the difference. Mr. Sacks came up and asked if Ms. Hendershot would be there all the time since she teaches and has two in Drakesboro. Mrs. Hurt stated the condition could be confusing that there will be a max of 12 people with the employee but it was said tonight that it is 12 residents and one employee. Mr. Ferguson asked if there is a state guideline that requires a certain amount of square footage per live in resident. Ms. Hendershot stated she spoke to the Fire Inspector about fire code of the house and let them know how many would be in the house. Chairman Fitts asked if there were any more questions, comments or opposition. Being none, he asked for a motion.

ACTION: A motion was made by Mr. Ferguson, seconded by Mr. Lockwood, to approve the Conditional Use Permit, Docket number 2018-C-15, for a group living facility located at 1117 ½ Kentucky Street, with the following conditions: 1) There will be a director or monitor on duty at all times. The director serves in their position full time, however he can and does get relieved of his duties when he has obligations outside of the property. Every resident has permission to step in for the director on a temporary basis as approved by the Administrator Stacey Hendershot. 2) The property will adhere to the city of Bowling Green Kentucky noise ordinance providing for quiet enjoyment. A Covenant that promises that the grantee or tenant of an estate in real property will be able to possess the premises in peace, without disturbance by hostile claimants. Quiet enjoyment is a right to the undisturbed use and enjoyment of real property by a tenant or landowner. 3) There will be no violent crime offenders or registered sex offenders. We preform criminal background checks on potential residents. 4) Smoking must be done outside with an appropriate disposal furnished outside to avoid litter. 5) Residents must be 18 years of age. 6) The property will have a maximum occupancy of 13 adults including at least one staff member (12 residents and one staff member). 7) The number of occupants permitted to have a vehicle on site will be limited to the number of total parking spaces located on site, minus one space per employee. There will be a limit of 3 vehicles at 1117 Kentucky Street for the 4 available spaces

giving staff parking. 8) Occupants shall be subject to the list of House Rules provided and signed-off when moving in. 9) Residents are subject to random drug tests. 10) There are random personal property inspections to avoid contraband, such as, drugs, alcohol, weapons all of which are forbidden. These are some of our cardinal rules that are enforced through discharge and or incident reported to law enforcement. 11) There will be no signage on the property. 12) The CUP will be null and void if Ms. Hendershot is no longer the owner and/or administrator. The testimony presented in this public hearing has shown that: The use is not detrimental to the public health, safety or welfare in the zone in which it is proposed; The use will not contribute toward an overburdening of municipal services; The use will not result in increased traffic congestion, additional parking problems, substantial increase in population density, environmental problems or constitute a nuisance; That the use otherwise meets the requirements of the Zoning Ordinance. The vote was four (4) yeas and one (1) nay (Mrs. Price because of the number of people in the facility with bedroom/bathroom and size of structure), so approved.

D. OLD BUSINESS:

Chairman Fitts asked if there were any old business. Being none, he moved to new business.

E. NEW BUSINESS:

Chairman Fitts asked if there was any new business. Being none, the meeting was adjourned.



MIKE DAVENPORT, CHAIRMAN



Date

** Audio is available upon Open Records request. This concludes the Summary of Minutes.*