

S U M M A R Y M I N U T E S

CITY-COUNTY BOARD OF ADJUSTMENTS

January 10, 2019 @ 5:00 p.m.
City Commission Chambers
1001 College Street, Bowling Green, Kentucky

MEMBERS PRESENT:

Mike Davenport
Danny Howell
Courtlan Atkinson
Lloyd Ferguson
Elaine Price
Jim Lockwood

The City-County Board of Adjustments of Warren County was called to order by the Chairman Mike Davenport.

A. ROLL CALL:

Chairman Davenport then requested Jessica Martin to call the roll. It was determined that a quorum was present with six (6) of the seven (7) members in attendance at the time of roll call.

B. APPROVAL OF MINUTES:

Chairman Davenport asked if there were any questions or comments about the Summary Minutes of the previous meeting held December 13, 2018. There were no questions or comments. The Motion was made by Mr. Lockwood, seconded by Mrs. Atkinson, and the Board of Adjustments' members (5 years and 1 pass) approved the Summary Minutes of the December 13, 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 (January 10, 2019), 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 Ben Peterson, 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 Davenport so ordered and swore in the witnesses. Hon. Hoy Hodges explained that there is an item on the Agenda for an application 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 the other 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. In making these findings, the board shall consider whether the requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone, the strict application of the provisions of the regulations would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant and/or the circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought. Hon. Hoy Hodges stated for the case to prevail, it will need a majority vote of four 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 Davenport announced the first item on the agenda has been moved to the last item to be discussed.

***2018-V-01 – Gemstone Property Development, LLC** has applied for variances/waivers on the property located at 715 Kenton Street. This property is zoned GB (General Business).*

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

Chairman Davenport asked if there were any questions from the Board. Being none, he asked if the applicant was present. He stood in the back of the room. Chairman Davenport asked if there were any questions or opposition from the audience. Being none, he asked for a motion.

ACTION: A motion was made by Mrs. Atkinson, seconded by Mr. Danny Howell, to deny the request for a variance at 715 Kenton Street, Docket number 2019-V-01: a variance of 10 feet from the rear property line, from the required setback of 40 feet from a single family residential use. Sufficient testimony has not been presented in this public hearing that the requested variance meets the criteria set forth in KRS 100.243, "Findings necessary for granting variances" as it will allow an unreasonable circumvention of the requirements of the zoning regulations, because the adjacent properties have not had these variances. The proposed development plan does not show that the requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone; The proposed development plan does not show that the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant; The circumstances are the result of willful violations of the zoning regulation by the applicant subsequent to the adoption of the zoning regulation from which relief is sought.

The applicant asked if he can speak or comment on this. Chairman Davenport had him come forward. Mr. Kevin Crabbe, 715 Kenton Street, came forward and was sworn in. He stated he had signed statements from his neighbors that own the single family homes (he stated they are rental property) that states they are ok with this application with one requesting additional landscaping (EXHIBIT 1). He stated they purchased this property and refurbished and existing old building. He stated that if they purchased the property vacant they would have redesigned the property to where they would not have to request this variance. Mr. Crabbe stated his business has grown and needs more space and would like the variance to grown and not have to remove parking spaces. Mr. Ferguson asked if there was an alley way

behind this property. Mr. Crabbe pointed out the concrete drainage area on the property that prohibits parking areas. Mrs. Hurt explained that the parking that is shown on the drawing is what is existing today and no additional parking would be required for the proposed addition. She continued to explain that there appears to be 5 extra parking spaces than what would be required in the Zoning Ordinance. Hon. Hoy Hodges explained that there is a motion, and seconded, for denial. He further explained that if there is a majority in support, than it is denied; if not, the application for the variance fails unless there is a motion to approve.

The vote was one (1) yea (Mrs. Atkinson) and five (5) nays, so the motion failed.

Chairman Davenport opened the floor for another motion.

ACTION: A motion was made by Mrs. Price, seconded by Mr. Lockwood, to approve the request for a variance at 715 Kenton Street, Docket number 2019-V-01: a variance of 10 feet from the rear property line, from the required setback of 40 feet from a single family residential use. 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 and one (1) nay (Mrs. Atkinson), the motion was approved.

Chairman Davenport announced the next item on the agenda:

2019-C-01 - Bluegrass Vineyard, LLC and Drew and Jessica Rogers have filed an application for a Conditional Use Permit for an agritourism use, more specifically a vineyard and event venue, and for a bed and breakfast on the property located at 4896 Smiths Grove-Scottsville Road. This property is zoned AG (Agriculture).

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

Chairman Davenport asked if there were any questions from the Board. Chairman Davenport asked if there were a maximum number of people for the event venue. Mrs. Hurt explained that they did not limit that in their conditions and it would be a question for the applicant. Chairman Davenport asked if there were any other questions for the staff. Being none, Drew Rogers, 4956 Smiths Grove-Scottsville Road, came forward and was sworn in as the applicant. Mr. Rogers stated they were thinking the maximum for the events would be 200. He stated they are looking at building a 5,000 square foot building and had a wedding at the vineyard before with about 130 people there. Chairman Davenport asked if he would have adequate parking for that. Mr. Rogers answered yes. Mr. Ferguson asked what the name of the vineyard would be and would they be growing their own grapes. Mr. Rogers stated it is Bluegrass Vineyard and they have been growing grapes and selling wine already on the adjoining property. Mr. Ferguson asked if they would grow enough grapes to supply their wine at these events/bed and breakfast or would they need to purchase grapes elsewhere. Mr. Rogers explained that they harvested 4,000 pounds of grapes last fall but will buy some grapes from Scottsville, blackberries from Allen County and blueberries from Russellville. He further explained that currently they are open only one day a week since him and his wife have existing day jobs. His plan is to be open at least 5 consecutive days a week eventually so he will be able to have a sign on I-65. Chairman Davenport asked if there are any further

questions for the applicant. Being none, he asked if there were any questions or opposition from the audience.

Mr. Ronnie Wilson, 5212 Smiths Grove – Scottsville Road, came forward and was sworn in. He stated he lived in his house, three houses up from the application, for 43 years and had a neighbor call twice concerned about the application that couldn't be there tonight. He was apprehensive of the type of people coming in and the noise. He felt like he needed to be the voice of the surrounding neighbors. He asked if they really needed another wedding venue in that area when they already have one or two. Chairman Davenport asked if he heard the limit of events to be till 10 p.m. Mr. Wilson stated yes. Chairman Davenport stated that is earlier than most places that have a limit of 1 or 2 in the morning. Mr. Wilson stated he was getting old so 10 was late for him. Chairman Davenport asked if there were any further comments. Mrs. Jessica Rogers, 4956 Smiths Grove-Scottsville Road came forward and was sworn in. She stated they do not like noise either and that is why they live out in the country and want to be respectful of their neighbors. She stated they want to keep things as much indoors as possible to buffer the noise. She stated she would hate to limit their venue to 200 people if they get larger in the future and build something more in the back of the property since they have 10 acres. Chairman Davenport stated the fire inspector determines the number of capacity. Chairman Davenport asked if there were any further question or comments. Being none, he asked for a motion.


ACTION: A motion was made by Ms. Atkinson, seconded by Mr. Lockwood, to approve the Conditional Use Permits, Docket number 2019-C-01, for an agritourism use and bed and breakfast located at 4896 Smiths Grove-Scottsville Road with the following conditions: 1) Days and hours for the proposed operation will be Sunday through Saturday 8:00am – 10:00pm, with additional exceptions for event set-up and take-down, as well as to accommodate bed-and-breakfast operations. 2) Uses allowed: wine sampling and sales, weddings, bed-and-breakfast, private events, business or political events, parties, concerts, tours, craft fairs, and/or other special events/occasions. 3) No music outside after 10:00 p.m. 4) Any lighting associated with Agritourism use on the property shall be arranged in such a way as to minimize light trespass onto adjacent properties. 5) Any new access to the property will be coordinated with and approved by the Kentucky Transportation Cabinet. 6) All driveways, parking areas and other travelways shall be properly drained so as not to cause an additional runoff to leave the site. 7) Ample parking will be available to accommodate special events. 8) Any buildings or structures associated with any Agritourism use (excluding buildings used for livestock, horses or other animals, farm machinery and equipment, grain, hay or crop storage) shall meet any applicable building regulations, as directed by the Building Inspector. 9) For the proposed bed-and-breakfast, there will be a maximum of three bedrooms for rent. 10) The property will receive approval through the Barren River District Health Department for all sanitary provisions to be located on the property, including on-site lodging, restroom and kitchen facilities. The testimony presented in this public hearing has shown that: A. The uses are not detrimental to the public health, safety or welfare in the zone in which they are proposed; B. The uses will not contribute toward an overburdening of municipal services; C. The uses will not result in increased traffic congestion, additional parking problems, substantial increase in population density, environmental problems or constitute a nuisance; D. That the uses otherwise meet the requirements of the Zoning Ordinance. The vote was six (6) yeas, so approved.

D. OLD BUSINESS:

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

E. NEW BUSINESS:

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



MIKE DAVENPORT, CHAIRMAN

2/14/19

Date

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