

ON FEBRUARY 1ST, 2010 THE BOARD OF ADJUSTMENT HELD A MEETING IN THE 2ND FLOOR COURTROOM OF THE WOODFORD COUNTY COURTHOUSE TO HEAR THE FOLLOWING APPEALS:

Sam Dozier opened the meeting at 6:00 p.m. with those being in attendance as follows:

MEMBERS PRESENT: Sam Dozier, Al Schooler, David Prewitt, Tim Turney, Frank Stark, Staff Paul Noel Jr. and Petra Dotson

MEMBERS ABSENT: None

MINUTES: Tim Turney moved, as seconded by Frank Stark, to accept the December 7th 2010 minutes as distributed. Motion carried 5-0.

Mr. Noel referred to the updated report from the Castle and asked the Board if they would like it read. Mr. Stark stated there was no need and let the record show it has been reviewed by the Board.

01-100-2010 **CONDITIONAL USE PERMIT:** Cleveland Holdings, Inc./Life Adventure Center – 520 Milner Road – A1 & CO-1 Zoning District – Section 701.4 (I) - Applicant is seeking to expand the current agri-tourism programs of the involved land.

Mr. Noel advised the Board Cleveland Holdings has purchased approximately 250 acres adjacent to the land already owned on Milner Pike. The applicant has previously been in front of the Board for an approved Conditional Use Permit of the original land owned in excess of 250 acres to run a Life Adventure Center. The center provides youth programs of various types, meeting places, getaways etc and is open to the public. Mr. Noel referred to the maps in the packet and the larger map displayed on the easel. He suggested the Board look at the light green shaded part of the map which is the land already owned and the darker green shaded area which is the 250 acres recently purchased. Mr. Noel stated the area is mostly trees and the swathe in the middle is a Kentucky Utility easement. This case has already been submitted to and recommended by the Agricultural Advisory Board.

The applicant, Don Fulford introduced himself. He advised he was with Tracy Wright and Jeff Greenwell, both long time employees of the Life Adventure Center. Mr. Fulford explained he provided the supporting documentation found in the packets and believes it is self-explanatory. He indicated he would be happy to answer any questions. The Life Adventure Center would like to expand in to the additional acres recently purchased. He explained the land which was previously approved by the Board for a lodge and cabins is on tillable land. Therefore they would like to move the lodge and cabins away from the tillable land so they can continue to use the land for things like hay bailing. There were no comments from the Board or the audience so the hearing was closed.

Mr. Turney moved to approve the Conditional Use Permit as presented, as seconded by Frank Stark. Motion carried 5-0 in favor.

01-001-2010 **DIMENSIONAL VARIANCE:** Gregory Neal Marsee – 400 Sweetbay Court – R-1B Zoning District – Section 504.2 & 706.6 – Applicant is seeking a 21 foot front yard variance from the required 25 foot setback in order to allow a 6 foot fence to remain

Mr. Noel advised the property is on a corner lot. The fence is currently up because the applicant was not aware of the requirements when the fence was installed. Mr. Noel referred to the overhead and advised the 21 foot variance is from the extreme point. Mr. Stark and the rest of the Board members advised they have been out to inspect the fence. Mr. Noel further explained when the fence leaves the house, it runs 10 or 12 feet up the side, out to the street but not to all the way to the sidewalk. The fence makes a 90 degree, and then a 45 degree turn back following the sidewalk but off of it to the rear property line which would be about 10 or 12 feet from the sidewalk. The entire fence is legal except for portion where it is within 25' from the sidewalk. There have been no calls. There are several adjoining property owner letters acknowledging the fence and all owners stated they have no problems with it. There has not been any negative response.

Mr. Turney asked about the house located behind the applicant with the house number of 311. Mr. Noel stated there have been contact attempts with that owner but because she works and is a student it has been difficult to reach her. This owner has been consulted when the fence was being put up and the owner expressed the desire to add on to it and had no problems with the fence at that time. Mr. Noel referred to two photos in the packet to show the clear visibility up to the street. Mr. Turney advised he turned in the applicant's driveway and there were no visibility issues. Mr. Stark advised he did not think there were any safety issues.

The applicant came forward and apologized to the Board for not obtaining a variance or permit. He said he checked the subdivision by-laws and checked with all the utility companies but overlooked Woodford County. He once again apologized

Mr. Schooler asked about the homeowner located behind the applicant and asked if the owner was a student. The applicant advised she is a student but also thinks she works for the state full time. Mr. Schooler asked if she had any children and the applicant advised she does not. There were no further questions or comments from the Board and no response from the audience so the hearing was closed.

Mr. Turney moved to approve the dimensional variance as seconded by Mr. Prewitt. Motion carried 5-0 in favor.

Mr. Turney moved to adjourn the meeting as seconded by Mr. Stark. Motion carried 5-0 in favor.

Sam Dozier III, Chairman