

ON OCTOBER 5TH, 2009 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, Staff Paul Noel Jr., Petra Dotson and Planning and Zoning Commission Attorney Tim Butler

MEMBERS ABSENT: Tim Turney, Frank Stark

MINUTES: David Prewitt moved, as seconded by Al Schooler, to accept the September 8, 2009 minutes as distributed. Motion carried 3-0.

NEW BUSINESS:

PUBLIC HEARING:

10-104-2009

CONDITIONAL USE PERMIT: Thomas R. Post/William K. Moore – 230 Pisgah Road – A-1 Zoning District – Section 701.4(G) - Applicant is seeking to amend conditions of the Conditional Use Permit granted on May 2nd, 2005 (case #03-107-2005) to include number of charitable events and events hosted by registered guests.

Mr. Butler indicated a letter was given to the Board which makes reference to the Board being contacted outside the hearing. In addition, he received an email which was also copied to all the Board members from the County Judge in regards to his support of the Castle property request. Chairman Dozier also received contact from the Mayor in support of the application. Mr. Butler explained that if any Board member feels influenced by that communication and can't decide the case based on the record, testimony at the hearing, information given by opponents or proponents, and based on those communications should recuse themselves. Mr. Butler stated that his first thought is that the Board should not consider those communications/contacts ; however if there has been similar communication opposed to the application and the Board does consider those then all communications should be considered with no weight and no one should be unduly influenced. He stated once again that if anybody in the Board cannot fairly decide the case based on the record and if there are pre-decisions based on previous communications from anyone pro or con then the member needs to recuse themselves. Mr. Dozier asked the Board members if anybody wanted to recuse themselves and all responded they did not.

Mr. Noel stated the applicant presently has land on US 60 that is used as a tourist home. The request is to amend or delete some of the conditions on the Conditional Use Permit

granted in May 2005. Mr. Noel referred the Board to the description of the request attached to the application and turned the hearing over to the applicant.

Bill Moore distributed an amended site plan (Exhibit #1). There was an original site plan submitted with the application; however there have been updates. The plan was prepared by Tony Barret. The plan shows the update on the parking area based on the conditions created by the Board and it shows what the Castle looks like today. The site plan shows the Castle structure in the middle, tennis courts, upper level, swimming pool, basketball court, parking on the interior and exterior (behind the Castle), and overflow parking to the right of the Castle.

Mr. Moore advised the Board members to interrupt if they have any questions. He distributed a compilation of letters and statements to be recorded as evidence (Exhibit #2). The letters and statements are from people who have been at the Castle which has been open since the beginning of the year. The people who wrote these letters and statements say what a wonderful facility the Castle is, what things it has to offer and what a great benefit it is to the Woodford community. They also say how appreciative they are to have stayed at the Castle and also for the use of the Castle for a charitable purpose. Mr. Moore stated Mr. Post has taken an eye sore and turned it in to a real asset to the community and the letters and statements he distributed will justify that.

Mr. Post was in front of the Board in 2005. At that time, the Board granted a Conditional Use Permit to offer the tourist home in April of 2005. The Board placed various restrictions on it. This was the first tourist home that had been authorized to exist in Woodford County. There is no history as to what a tourist home is and as a result there have been substantial proceedings involving Pattie Wilson to define a tourist home. Mrs. Wilson provided a definition for a tourist home as well as what was allowed and not allowed for a tourist home. The end result of all the proceedings is a list of conditions under which that permit to operate the tourist home as a Conditional Use was granted. Those conditions were based on the fact that there were many people from the community attending the Board hearings to express their concerns about the Conditional Use and how it may not be a good thing for the community. Those people did not have faith that Mr. Post was going to do what he promised to do; there were also concerns of traffic and noise. These people believe the Castle is a detriment to the community. Mr. Moore explained it was their understanding that the Conditional Use Permit had fairly restrictive conditions, i.e. one charitable event per month. There is also restrictive language with regards to the number of events that individuals can have. It was their understanding the purpose of those restrictions was to let Mr. Post operate under those conditions and see how it works. After Mr. Post gets some experience with operating the Castle, he could then go back to the Board and ask that those conditions be eased. Mr. Moore stated that since Mr. Post is enhancing the community then he should be allowed to enhance the use of the property and do the things Mr. Post originally intended to do. Basically, Mr. Post is operating a smaller version of a 5 star hotel.

Mr. Moore explained the prior concern dealt with noise and traffic. Mr. Moore distributed a letter (Exhibit #3) from John Willhoit, chief of the Versailles Police

Department. This letter indicates there have been no complaints since the property opened. He also distributed a letter (Exhibit #4) written by Bridgett Parker of Parker View Farms who owns the property adjoining the Castle property. This letter is addressed to the Board stating as owner of the farm, she wishes to show her support for the application to expand the Castle business. In the letter, Ms. Parker explains her property directly adjoins the Castle property to the rear and she has had no problems with any activity conducted by Mr. Post and has no objections to present or future plans. Mr. Moore stated he has submitted the letter as evidence to show that people who would be most closely affected by the operations of the Castle have no issues with the operation.

Mr. Post has hired 6 employees on a full time basis in order to operate the kitchen facility to feed the guests. Part-time employees have also been hired to include valets, off-duty law enforcement officers to make sure there are no traffic issues and others to assist with the events that take place. Mr. Post has benefited the community by creating employment, creating cash revenues in property taxes and in employment taxes that are payable to the Fiscal Court. This is hard to do when you have a full time staff but can only operate part time. This is why Mr. Post is requesting the conditions be eased so that he could properly operate the Castle property. There are several opportunities that are affected by the current restrictions.

Mr. Moore distributed a copy of the original conditions which are 11 in total. The conditions were printed out verbatim and treated like it was an ordinance. The amendments being requested were shown on this same copy. Mr. Moore explained he struck through the language in paragraph 4(condition #4) and requested that be eliminated entirely; in condition #5 he struck the language which states “and shall be in number no more than 1 per month (in addition to the events allows in condition #4 above). The third request is to modify condition #9 to read as follows “No restaurant shall be operated on the property with meals being limited to that served to registered guests who have made reservations at least 24 hours in advance, or catered events”. Mr. Moore explained that Mr. Post is not requesting permission to open a restaurant rather he is requesting that a registered guest with a reservation of at least 24 hours in advance be allowed to have dinner at the Castle. He explained these are the 3 amendments that are being requested.

Mr. Moore stated that based on the conditions, charities are limited to one per month. Those charities have raised approximately \$500,000 this year even though Mr. Post is limited to one per month. Mr. Post advised he wanted to pass around some plaques, awards and statements of support from the various charities. Mr. Butler requested that copies be made because if they are passed around they would have to be entered as evidence. Instead, Mr. Butler requested Mr. Moore provide a summary and Mr. Moore agreed since he knows that Mr. Post wanted to keep the various items from the charities. The following is the summary provided by Mr. Moore with regards to what Mr. Post received from various charities:

- 1- Letter from the Scott County Humane Society to Mr. Post stating the “Furball” function was a huge success. The fundraiser nearly raised \$40,000 for the

spay/neuter education adoption program. That amount is more than double of what they netted last year. Due to the success of the event the Humane Society is able to purchase equipment for the spay/neuter clinic. Mr. Moore indicated that in their application it states there is no charge for the use of the facility; only a charge for the food and beverages.

- 2- Plaque that was presented to Mr. Post in appreciation for his support for the University of Kentucky School of Music.
- 3- Plaque presented to Mr. Post for generosity and support of the Susan G. Komen For the Cure.
- 4- Plaque for Mr. Post in appreciation of the Cinderella evening at Castle Post on 9/12/09 which is a benefit for tomorrow's children.
- 5- Plaque from the Georgetown Humane Society for the FurBall.
- 6- Plaque received from the Chamber of Commerce in 2006.
- 7- Plaque from Ms. Lexington scholarship pageant.
- 8- Photo of Mr. Post receiving an award from Ten United Professional Horseman Association with a letter written to Mr. Post thanking him for the use of the Castle. The function raised \$20,000 for the Association.

Mr. Moore stated the Castle had 6 events in the past 6 months and asked how many more charities could be benefited? Therefore, there is no reason to limit the number of charitable events. This is the reason to amend the condition to eliminate the limit on the number of charitable events.

The second request in the application deals with the use of the facility by others not including charitable events. Mr. Moore stated the wording is somewhat confusing; however the last part of the condition reads "and shall be in number no more than 1 per month (in addition to the events allowed in condition #4 above). Examples of this would be a wedding, reception or anniversary party. Mr. Moore asked what purpose does it serve to put a limitation on that? He indicated it has been demonstrated that the use of the Castle is beneficial to the community and it does not harm the community in any way. It will bring more people to Woodford County, more business to Woodford County and promote tourism and the economy. Therefore, they see no reason to put those conditions on it.

Mr. Moore stated the 9th condition relates to eating at the Castle. Based on the condition created by the Board, in order to eat at the Castle you have to be an overnight guest with a minimum charge of \$250 a night or you have to be attending an event. Mr. Moore explained that if a business man wants to take a client out to eat they would not be allowed to do it at the Castle unless a room is rented. Dinner at the Castle is a black tie event. Based on the language of the condition, anybody local could not eat at the Castle. Mr. Post hired a full time staff so that he can operate a kitchen of the caliber that one would expect from a facility like the Castle and that will prepare the number of meals based on occupancy of the Castle. It is permitted that Mr. Post have 16 rooms. The staff prepares food for those rooms on a nightly basis. There are nights where the Castle is not fully occupied. The ability for people to call in advance and obtain reservations allows Mr. Post to keep his kitchen staff full time as opposed to restricting them to part-time.

There is a limited amount of food served. The request for the amendment in the condition deals with the overage of food production for rooms where the food is not being utilized. This permits the staff to work full time and keep the quality of service and food that one would expect from the Castle. It allows the service to be provided to locals as well as people from out of town. This will include things like special events, mother coming to town and dinners with a business associate. Meals are limited to dinner. Mr. Moore explained Mr. Post is not looking for people to be able to just walk up to the Castle and have dinner; rather he is looking for the dinners to be planned out and the service be appropriate and spectacular.

Mr. Moore explained he has provided the Board with the list of conditions and the proposal for the amendments. He then distributed a motion of proposed findings and explained to the Board that if they agree to the amendments that would be the appropriate motion.

Mr. Moore advised the Board the Castle uses Kentucky products, feature local wineries and distilleries and tries to grow as much as they can in the garden behind the Castle which promotes Kentucky agriculture and Kentucky tourism.

Mr. Schooler asked when the Castle is at full occupancy how many people are there? Mr. Moore stated there are 16 rooms and each room allows for two people; some rooms can add a bed so there can be approximately 32 to 35 people in total. The food that is prepared is for that amount of people. Mr. Schooler asked if that would be the maximum for the facility a night. Mr. Moore stated it would be.

Mr. Dozier asked if the storm water retention has already been addressed? Mr. Moore indicated it has been addressed and everything that was in the Conditional Use Permit has been addressed to include the storm water retention and parking. Mr. Dozier asked if they were going to do the additional storm water retention. Mr. Moore stated they were not. Throughout the construction there were issues of supervision; initially Mr. Noel was supervising and then the state got involved. Mr. Moore stated Mr. Post has done everything that he has been asked to do. Mr. Moore stated Mr. Post wants to make the Castle a five star facility.

Mr. Schooler asked about the area near Pisgah Pike and if that is where the septic leach is? Mr. Schooler mentioned that there was a lot of construction and wanted to know if that was where sewer drainage is? Mr. Moore explained the area he is describing is where Mr. Post straightened the road because of visibility issues. People who were coming out of the Castle and couldn't see to the left towards US60 had a problem with visibility. Department of Highways intended on doing this however there was no money in the budget. Mr. Dozier asked if that was the improvement on Pisgah Road and Mr. Moore said it was to address the sight restrictions.

Mr. Schooler asked if there is any live music to entertain guests? Mr. Moore indicated there is but it is restricted to the inside of the Castle structure. Mr. Post is asking to have it outside the structure but within the walls. Mr. Moore explained there was a fundraiser

at the Castle in the past before the Castle was even there. There was a band playing inside the walls and it could not be heard outside the walls. The walls screen the property for noise.

Mr. Schooler asked if the facility operates 7 nights a week?. Mr. Moore stated it does. Mr. Dozier asked if the Board had any questions and all responded that they did not.

Lee Searcy Dotson introduced herself to the Board. She is from Woodford County and lives in Scott County currently. Ms. Dotson chaired the Furball fundraiser at the Castle. She stated she is appreciative to Mr. Post for donating the Castle. The fundraiser netted almost \$40,000 and raised a grand total of over \$65,000. Ms. Dotson stated she believes the Castle is a beautiful Kentucky treasure and having a major event there was a pleasure. The guests at the fundraiser raved about the function and it is a high event venue. The fundraiser was set up both inside and out. Traffic was not an issue. The band was inside in the grand ballroom. She believes the Castle is a wonderful gem to showcase Woodford County and what it has to offer. There were guests who came from Ohio, Indiana, California and the Chicago area. A lot of those guests had never been to Woodford County and were impressed and overwhelmed by the beauty of the County when they traveled through Pisgah Pike. The non-profit organization is now beginning their capital campaign because they are planning to open up an adoption center. It is a county operated animal shelter and animals are pulled from outside the shelter and moved into the foster care system. Ms. Dotson stated that Scott County is considered a dry county and because of that they moved their function to Woodford County. Before the Furball event, the Scotty County Humane Society was going to have to cut some of the spay/neuter and adoption programs. Due to job losses and cutbacks a lot of families have requested help in paying emergency vet bills. Because of the event at the Castle, the Humane Society is now able to expand the programs. The event was so successful that some of the attendees have said they will be returning next year.

Sue Fossen introduced herself and stated she lives on Pisgah Pike. She is representing the Board of Directors of the Pisgah Community Historic District. The Board is interested in the preservation of the Agricultural District and supports tourism. The Board does not object to the use of the Castle facility as a tourist home but there are concerns. In 2005 the Board was alarmed that the original proposal for the property was beyond the bounds of a tourist home. Without significant restrictions placed on the conditional use, the property will become a commercial hotel providing accommodations for overnight guests but primarily hosting events unrelated to overnight stays. In essence, the Board of Directors believes the application for a tourist home as a conditional use in an agricultural area was a guise for a commercial endeavor that is a way around the Planning and Zoning regulations of the County. The Board of Directors of the Pisgah Community Historic District was grateful the Board of Adjustments listened to the concerns and placed conditions on the permit that limited extraneous events. The conditions as they currently stand do not limit the use of the property as a place for overnight paying guests. The conditions placed on the property in 2005 restricted the number of events. The Board is asking that not be altered. She stated they appreciate the Board of Adjustment listening to their opinions.

Ms. Fossen stated she also wanted to add her own opinion. In listening to the presentation, she thinks Mr. Post has done a marvelous job at resurrecting an eye sore to an area where people are stopping on the road just to take pictures. It is a wonderful five star hotel which is what the problem is. She stated it is a great facility but in the wrong place. The zoning rules and regulations do not allow a hotel as a conditional use in an agricultural area. She wished it would be in another area like the Rubleoff property where it would be an appropriate venue; however at this moment it is sitting in an agricultural area which is the concern and the worry of the people in the area.

Mr. Dan Rosenberg introduced himself. He is a resident of Woodford County since 1978. He was a general manager of Three Chimneys Farm for 30 years. He lives at 3150 Lexington Road, Versailles. In the Woodford Sun, it stated Mr. Post was going to move in the Castle and make a residence. Mr. Rosenberg indicated he met with Mr. Post on several occasions who assured him that was the case. It is clear to him now that was not Mr. Post's intent and that he wants to use it as a hotel and as a commercial property. Mr. Post agreed to the restrictions placed upon him. Mr. Rosenberg was told at the hearings the Castle will provide room/board and housing for missionaries from the church across the street, and that it would provide customers for Sweet Potatoes and other business in Woodford County and that has not happened. The Pisgah District is a protected historical agricultural district and having a commercial property at the entrance to that agricultural historic district threatens whether or not that status can be maintained. It is Mr. Rosenberg's opinion that it is wonderful that Mr. Post provided the facility to charitable organizations. One of the reasons that has been effective is that everybody has been so enthralled with the idea of having access to the Castle that any event becomes a must attend event; this is also because there are only 12 events a year. If an event takes place every other week, or every other night it loses that very appeal that makes it something special. This is also the same thing with weddings. Mr. Rosenberg indicated that Mr. Moore asked why events should be restricted? His answer is having as many events as the Castle chooses would affect the neighborhood and traffic. He stated he believes Mr. Post has made some bad business decisions to include hiring of a full time staff. It is not up to the County and the Board to excuse and make allowances for that. He asked if that meant the Mansion is now eligible for meals? Mr. Rosenberg works in Lexington and lives in Woodford County. There are many places where he is able to take his clients without going to the Castle. His clients can always stay at the Castle and he would be fine with meeting his clients at the Castle for dinner.

Mr. Butler advised the Mansion across the street is a separate Conditional Use Permit application and nothing at this hearing will affect that.

Ms. Diane Webb stated she is a resident of Woodford County. For 30 years she has driven by the Castle and would wonder if the County would ever be fortunate enough for someone to buy and finish it to make it the beautiful place it is now. She stated as far as she is concerned the Castle faces Versailles Road and there are many business on Versailles Road. The Castle does not go that far back that it would affect the people on Pisgah Pike. Ms. Webb stated she is very grateful to Mr. Post for buying the Castle,

completing it and for putting all the time into it. There are very few Castles in the United States and Woodford County is very fortunate for Castle Post. It is very nice and beneficial to the county to have the fundraisers. She supports Mr. Post.

Ms. Ifland introduced herself and stated she lives at 4120 Pisgah Pike. She commented on Mr. Moore's previous comment and stated that the Castle was not given the original restrictions to see how it goes and if it goes well the restrictions can be eased. The restrictions were put in place because any fewer restrictions would mean that it longer was in the category of a tourist home. Few restrictions would make the Castle more like a hotel or event center which is not appropriate for A-1 zoning. Ms. Ifland stated that Mr. Post knew what he was purchasing when he bought the Castle and if he wanted a hotel or event center he should have bought one in a different location. She further stated to let the restrictions or rules change just because a lot of money was spent on the property would be like her saying I put a concrete runway in my backyard and a lot of money was spent on it and therefore I should be allowed to run an airport there. She stated she believes in following the rules and not changing them.

Tammy Bater of the Chamber and Tourism of Woodford County introduced herself. She indicated she wanted to share information about the economical impact the Castle would have on the community. Woodford County had expenditures towards tourism related activity of \$35,000,000. This has created an impact on Woodford County through employment, occupation taxes, people (in addition to being in Woodford County) are buying gas and visiting shops. There is a true impact the Castle can have on the community. If the Board wants to allow that to grow it would be important to look at the dynamics of the potential. The Chamber office is a great resource for a lot of people inside and outside the community to call and inquire about places such as the Castle. The Chamber receives calls on a regular basis asking if they can visit the facility or whether they can hold an event. It is a challenge for them to explain to people what the restrictions are and it does affect opportunities for Woodford County. The state of Kentucky employs right under \$200,000 employees in the tourist industry as well as creating 3.5 billion in salary. Places such as Castle Post do have a benefit of being in a community. With the downturn in the economy and loss of employment, the potential of more events will bring opportunity to the community and that should be considered. The Chamber and Tourism view this as a potential asset. They believe they have a one of a kind and it is a great opportunity for the community.

Jenny Gilkeson Doyle introduced herself and stated she was born and raised in Woodford County. She believes the community is very fortunate Mr. Post came in to the county and built the Castle. She works for Parker View Farm. There is never any noise from the property and even when the construction was going on they never heard anything. The noise issue it not an issue. Ms. Doyle commented on the previous comment about a runway; the only person the Castle property would affect is Bridgett Parker. Her property sits directly behind the Castle property. It has taken an eyesore from her farm and made it into a beautiful property. As far as agricultural, the hay is still mowed and there is a garden. She stated her father was born and raised on Pisgah Road.

Donna Allen introduced herself and stated she has adjoining property to the Castle. She read from a letter. Mr. Post's application stated there have been no complaints. Ms. Allen stated she has complained on two separate occasions showing that this kind of facility does not belong in an agricultural zone. She has listened to several people on how lovely the facility it is but stated it is still in an agricultural zone. Ms. Allen stated she reported her issues with Mrs. Wilson and her Magistrate. She also reported it to the Castle and left a message on their voice mail. Ms. Allen read the 2005 definition of a tourist home according to Webster. A tourist home is a private home in which a bedroom is rented to tourist or travelers. In his application, Mr. Post talks about the benefits of his charitable events as they are mostly black tie and well attended. A state of the art kitchen has been installed. Ms. Allen asked how that benefits tourism in the county? People who attend black tie events don't stay overnight, don't shop the next day or take advantage of what the county has to offer. Generally, these people arrive after dark, leave after the event and therefore she doesn't understand how it could benefit Woodford County? The application states several niceties that are just fluff to sound impressive. She stated Mr. Post doesn't seem concerned about renting his room to a tourist since they are priced way above what the ordinary tourist wants or could pay; however that is Mr. Post's choice. Mr. Post is using an archaic definition, really no longer used, to make an event or convention center or 5 star hotel. It was ruled by a higher court that Mr. Post could not have a tourist home at its property across the street. She requested the Board deny the disguised request and don't make a mockery of the zoning rules and regulations.

Mr. Noel asked Ms. Allen what the two complaints were? Ms. Allen stated during construction they did have noise and trash blew on to her property. Her second complaint was that a dog belonging to Castle Post came on her property and cornered her mare and he was vicious. She stated her mare subsequently lost her foal. Ms. Allen stated she can't prove that is why the foal was twisted around or disconnected. She stated she can't prove the dog is what caused the mare to lose its foal but the Board couldn't prove that it wasn't either. She stated another issue is the bright lights. She said the lights shine right in to her guestroom and the rooms upstairs. Therefore, it does affect the agriculture.

Donna Martin introduced herself and stated she hosts the special events at the Castle. She mostly works on the charitable organizations and helps assist the kitchen staff with the overnight guests. On a daily basis she gets phone calls asking if the Castle has tours. The Castle does not do tours as they try to save the excitement for the overnight guests. There are only 16 guest rooms and the Castle is a very small luxury tourist home. It is rare, unless it's the weekend, that the Castle has a full house. For the benefit of everyone who can come to Castle Post, it is a huge part of the community. People from all over have expressed so much gratitude that it is in existence today.

Ms. Allen added that even after the Castle opened, trash from the Castle blew on to her property. There was an ice storm and wind storm. Three young fillies went through the fence and injured themselves. She stated the Castle does have an impact on the farm next door. Someone from the audience asked what she meant and Ms. Allen stated the wind blew the trash on to her property causing the horses to get excited.

Bridgett Parker stated the trash that blew around from the Castle was debris from the insulation when they were building the Castle which happens to everyone. Ms. Parker called the Castle and reported the trash and the Castle came over in 20 minutes and had it cleaned up. She stated it wasn't anything you wouldn't expect from a construction site. As far as her horses, she regularly runs 50-75 horses right next to the Castle property and she has never had one come through the fence or been frightened from the debris. She has never had a problem. The trash that blew over only happened a few times while the Castle was under construction.

Sandy Bromagen lives on Pisgah Pike. She reminded the Board that twice people have spent countless hours working on the comprehensive plan. There is a 10 year plan for the community that was hammered out which people argued over. Mr. Post is an educated man that bought agricultural land. Ms. Bromagen asked how you buy agricultural land and then say you want to put a hotel on it? You can designate a tourist home but whatever it is makes it commercial property. A person who wants commercial property should look for commercial zoning. Mr. Post came in and bought agricultural land and now is trying to change that. Ms. Bromagen referred to a story about the camel and the Arab. The camel and the Arab are out in the dessert and a windstorm is coming. The Arab builds a tent and crawls in the tent. The camel asks if he can put his head in the tent because of the sand blowing around. The Arab allows him to. The camel then asks to put his feet in the tent which the Arab allows the camel to do. This continues until the camel is in the tent and the Arab is out of the tent. Mr. Post has not respected what has been given to him in the past which was in 2005 and now he wants more. She asked if that meant Mr. Post will be back in 2 years asking for more? Somewhere along the line it has to be accepted as is.

Jeff Johnson, a pastor of the church across the street, has been a pastor since 1995. He used to be a Versailles and Lexington fireman. He stated he does not have a dog in the fight and has never met Mr. Post. Some of the people from the church have had charitable events at the Castle and he appreciates a community who will do that kind of thing. He stated he knows what it's like to have 400 people live in a community and trying to get them to agree on the same thing. Some of the people in the audience have come to his church, there are likely people in the community who would not want his church or even the Kingsway church to exist. He believes God has put him there but he wants them to be the best neighbors they can be. He stated he has done his best and recognizes that people live in a community and have to figure out what is best for everybody. Pastor Johnson came because he wanted to meet some of his neighbors. He stated he just wanted to speak a word of encouragement to the Board. He lives in the community and has been in a situation like them and had to make tough choices. He just wanted the Board to know from one resident to another that his faith and trust is in them and they have a difficult decision. He does not know if there an absolute perfect solution. But the fact remains that he wants to be a good neighbor to those around him and he is sure those neighbors feel the same. His confidence is in the Board that they will find a perfect compromise so that everybody can enjoy the property they have.

Bridgett Parker asked if there were any written communications. Mr. Noel stated there are 3 communications opposed to the Castle Post request and 1 was a concern over contacting the Board members which Mr. Butler addressed earlier.

Mr. Dozier asked if there were any other audience members who wish to speak and there were none.

Mr. Moore stated he appreciates everybody's opinion and it is an important decision for everybody. Pastor Johnson was the perfect person to close; however he wanted to address a few things previously said. Ms. Allen has expressed concern over lights. He asked if that is something that needs to be addressed and if so the Board should include this as part of the Conditional Use Permit. The benefit of having the conditional use is that the Board can put whatever restrictions that are needed to make sure it does not interfere with adjoining property. Mr. Butler stated there is a condition that states permanent lighting is limited to that necessary for safety and shall be full cutoff lighting which means directed down. Mr. Moore stated this is the first he has heard of any complaint from Ms. Allen about lighting. He stated that can be addressed. Mr. Butler asked Mr. Moore if he was proposing that condition be changed? In addition, was he willing to have it subject to enforcement? Mr. Moore stated he is. He indicated he was saying that if there is a complaint about the use of the Castle, since it is a conditional use the use is conditional with whatever restrictions the Board proposes and that should be addressed. If it is addressed by enforcing the lighting condition that is currently in place that is fine with Mr. Moore; if that does not address it then something needs to be done to address it. It is not Mr. Post's intent to give anybody a disadvantage. Ms. Allen described the wind storm and Mr. Moore stated he remembers losing his glasses because of hurricane force winds. Ms. Parker described what she did and that Mr. Post corrected the situations.

Mr. Moore indicated earlier Mr. Rosenberg stated if he had clients staying at the Castle and are having dinner he would be happy to join them. However, under the conditions that are presently placed on the Castle the people who can eat at the Castle are the overnight guests. Therefore, if Mr. Rosenberg has a client staying as an overnight guest at the Castle and is invited to join him for dinner Castle would have to stop him because he is not allowed under the conditions. There is no reason why Mr. Rosenberg shouldn't be able to have dinner with a client at the Castle. He should be able to be a guest under the overnight guest.

Mr. Moore stated Mr. Post did not build the Castle rather he had to take the Castle where he found it. It was a terrible situation prior to Mr. Post owning it and he took it to make it what it is today. There was no choice to put the Castle on the Ruebloff property or any other property. Mr. Moore stated you can either let it rot and fall down or make something of it. The city or county did not have the money to do it and Mr. Post came in and made it something to be proud of. It is not Mr. Post's fault that the Castle was built there. There is an opportunity there as described by Ms. Baker. Mr. Moore asked that the Board allow the Castle the request.

Mr. Prewit asked how much the rooms are actually being used on a regular basis taking aside the charitable events. Ms. Martin stated weekends are always better. During the Keenland season, there is an opportunity to bring people in to the community. There are farms, and she did not want to name names, that are in support of the Castle because it facilitates a place for the out of town guests to stay. These are people who want to buy horses during the sale. On the weekends the Castle has almost 75% occupancy and during the week (Tuesday through Thursday) approximately 50% occupancy. Mr. Rosenberg asked if that was all year long. Ms. Martin stated the Castle has been open since the first part of March. She stated the Castle has just started however she would say it would be all year along. Since Keenland season is starting, this may be different and now that people know more about the accommodations people are pleased that they have a place to go since it is close to Keenland and the airport. Keenland is in support of the Castle as it can support guests from all over the world.

Mr. Rosenberg indicated he agrees with what Mr. Moore stated in that the Castle cannot be moved and it is where it is. Mr. Post bought the Castle stating publicly he did that to move there. Mr. Post knew it was agricultural land and he knew he could not put a hotel there. Mr. Post added to the record that he does stay there. Mr. Moore indicated that Mr. Post is asking for a tourist home which is a conditional use in an agricultural zone. He is not trying to do anything illegal, only make use of the property in a way where he can afford to keep the property up.

Mr. Dozier asked if the Board has questions for Mr. Moore and they did not.

Mary Gay Bridgeforth began to ask Ms. Martin a question when Mr. Moore asked the chairman if the hearing should be closed. Mr. Butler stated now is not the time to go back and forth. Mr. Dozier advised Ms. Bridgeforth that back and forth discussion is not allowed and she is required to address the Board. She indicated she did not want to address the Board. Ms. Bridgeforth advised she was confused about what Ms. Martin said about occupancy. She wanted to know what the occupancy was for June or August. Ms. Martin stated on the weekends the Castle probably has 75% occupancy and through the week it is approximately 50%.

Mr. Dozier asked if anybody in the audience had any questions in addition to the Board members. There were no questions. Mr. Dozier asked if Mr. Butler had any comments. He indicated he does after the hearing is closed. Mr. Dozier then closed the hearing.

Mr. Butler explained the motion the Board would need is to amend the conditions. He stated he has two problems with 2 requests which he has previously explained to Mr. Moore. The first relates to the amended condition #9 which is the one with the strike through and the underlines. As pointed out by Mrs. Wilson, the way the condition would read is that it would be limited to registered guests who have made reservations 24 hours in advance. Mr. Butler stated he believes this in fact is a restaurant. He explained that if he opened his home, primarily used it as a house but served meals to anybody who makes reservations within 24 hours it would be a restaurant. Mr. Butler explained that he believes it is an issue. The other issue is that if it was advertised as listed on the agenda it

only talks about the number of charitable events and the number of events hosted by registered guest. It does not list the food service and need for the restaurant. He does not think it was advertised to address the food service issue. Mr. Butler explained that based on Mrs. Wilson's opinion which is very important since she is the Zoning Administrator, there is no difference between number 9 as amended and a restaurant. It may not be called a restaurant, but if all you have to do is make a reservation and your only purpose for being there is the food then that is a restaurant. Mr. Butler indicated he has no legal objections to the other amendments.

Mr. Moore asked if he can address the legal issue. Mr. Noel stated the hearing was closed. Mr. Dozier stated he asked the Board members if there was anything. Mr. Moore stated he would like an opportunity to explain his discussions with Mrs. Wilson's about the food service issue before a decision is made.

Mr. Dozier asked Mr. Butler his opinion who stated he does not have a problem with that; however if Mr. Moore has a particular issue about what Mrs. Wilson ruled then he would have to appeal that to the Board in a separate motion or action. Mr. Butler advise that if Mr. Moore wants to state why it would not be considered a restaurant he does not have a problem with that and can state it for the record.

Mr. Moore stated when the original application was made the application was to strike paragraph #9 altogether. The implication is, if Mr. Post wants to open a restaurant he can. Mr. Noel forwarded an opinion to Mr. Moore from Mr. Butler that the Castle can't operate a restaurant. That is why the request was changed to the language they are requesting today which starts with "no restaurant shall be on the property". The issue of restaurant has been known for quite some time. If Mrs. Wilson's decision is that it is considered a restaurant then an appeal is an option. The term defined in zoning ordinance is for an eating establishment. The purpose of the amendment is not an eatery.

Mr. Butler stated that the restaurant or food service issue was not advertised in the Woodford Sun. It should not be on the application as it relates to condition #9. The only condition amendment advertised relates to charitable events and registered guest events. Since condition #9, the food service, was not advertised it cannot be addressed.

Mr. Butler pointed out that since board members, Mr. Stark and Mr. Turney are not present the Board has the option to allow time and wait for next month's hearing or they still can act tonight because there is a quorum.

Mr. Schooler motioned to delay the decision to next month's hearing, as seconded by Mr. Prewitt. Motion carried 3-0 in favor. Mr. Butler indicated the decision the Board has to make must be limited to what was presented at this hearing only.

Mr. Prewitt moved to adjourn the meeting, as seconded by Mr. Schooler. Motion carried 3-0 in favor.

Sam Dozier III, Chairman