

Staff Report

Bourbon County Joint Board of Adjustment
January 19, 2021

Case Number: CUP 20-06
Applicant: Justin Menke
Location: 161 Levy Rd, Paris, KY 40361
Jurisdiction: Unincorporated Bourbon County
Request: Conditional Use Permit
Farm Gift Shop
Zoning: A-1 (Agricultural)
Application Date: December 28, 2020
Legal Ad Publication Date: December 31, 2020



Proposal:

Applicant requests a conditional use permit to operate a farm gift shop at an agritourism farm.

Background:

Parcel 062-00-00-002.00 and 062-00-00-002.02

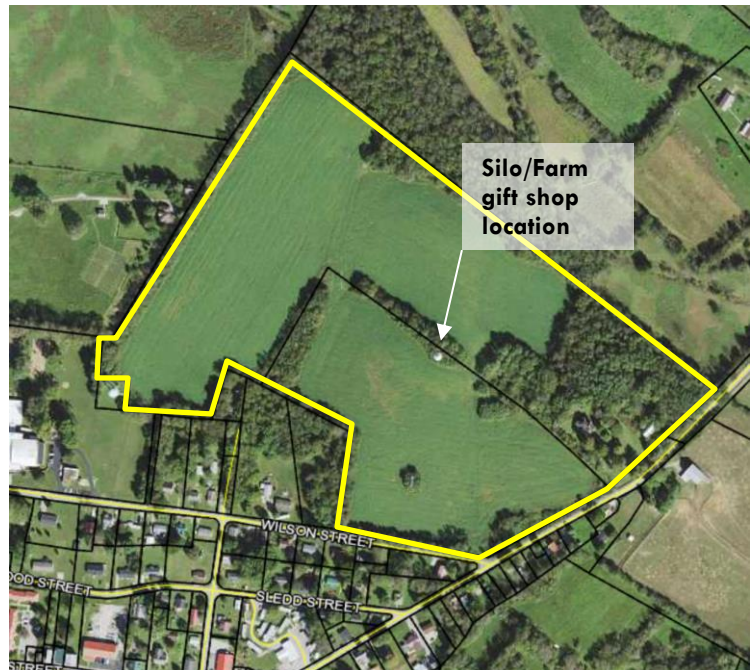
Owner: John Combs

Parcel Size: 47 acres

Existing Structure(s): 1 single family home and agricultural silo and two barns.

Floodplain: No

Ingress/egress: There are two (2) existing entrances to the property from Levy Rd.



Proposed Use: Farm gift shop at agritourism facility not to exceed 500 sf. Activities offered on-site will be agricultural in nature; u-pick produce with play areas that allow customers to interact with harvested crops (corn, hay, etc.). The intention is to repurpose the existing 600 sf silo located on site into a farm gift shop not to exceed 500 sf in size. The silo is located over 700 ft from Levy Road.

Access to property: The subject property is located on Levy Rd; a State road that is approximately 19 ft wide. The existing farm entrance is proposed for use by customers. It is proposed to be two vehicles in width, paved at the entrance with a gravel drive (see applicant's site plan and narrative). See photos to the right which show the street level view from this entrance.

As of December 29, 2020, Staff reached out to District 7 of the Transportation Cabinet to inquire about encroachment permitting requirements for the property for use as an agritourism facility. If required, a condition of approval would be an approved commercial encroachment permit.

Anticipated Days and Hours of Operation: Seasonal weekends (FR-SAT-SUN) during daylight hours.

Southwest view from existing farm entrance

image source: Googlemaps



Northeast view from existing farm entrance

image source: Googlemaps



Existing farm entrance

image source: Staff 12/23/2020



Aerial view of existing silo

image source: Eagleview Connect Explorer



Ground level view of silo and electric utility pole

image source: Applicant

Surrounding properties: There are two residences located across the road from the subject property, each located approximately 50 ft from Levy Rd. One has an entrance located almost directly across from the farm entrance to the subject property (see entrance photos above).

Parking: Applicant is proposing paved parking adjacent to gift shop and restroom facility and field parking with temporary fencing/parking bays with parking attendants.

Water Utilities: Currently water is provided by Kentucky American Water.

Wastewater: This property has an existing septic system that serves the residence. Short-term plans for restroom access will be to use portable restrooms.

In the long-term, the applicant intends to obtain a site evaluation to install new septic to receive wastewater from new permanent restroom facilities. Building plans will need to be reviewed and approved by the Bourbon County Joint Building Inspector.

One application requirement for the new restroom building will be to supply the Bourbon County Health Department site evaluation report to the Planning Office along with the building permit application.

Electric: Kentucky Utilities, overhead electric exists from Levy Rd to proposed gift shop and restroom site. (See site plan in application for more detail). Applicant will be responsible for working with the electric utility for additional service to shop and restroom area.

Garbage Removal: Applicant proposes to provide on-site garbage receptacles. Trash removal available by Rumpke.

A “conditional use” is a use which is essential to or would promote the public health, safety, or welfare in one (1) or more zones, but which would impair the integrity and character of the zone in which it is located, or in adjoining zones, unless restrictions on location, size, extent, and character of performance are imposed in addition to those imposed in the zoning regulation.

A “conditional use permit” is the legal authorization to undertake a conditional use...as authorized by the board of adjustment, consisting of:

1. A statement of the factual determination by the board of adjustment which justifies the issuance of the permit; and
2. A statement of the specific conditions which must be met in order for the use to be permitted.

STAFF RECOMMENDATION: Staff recommends approval of the conditional use permit application CUP 20-06 for a farm gift shop at 161 Levy Rd with the finding that the proposed use will not be detrimental to the health, safety, or welfare of the community. This recommendation is made with the following conditions:

- The gift shop shall not exceed 500 square feet.
- Comply with Americans with Disability Act to install ramp upon entrance to gift shop.
- Applicant obtain commercial encroachment permit from the Kentucky Transportation Cabinet District 7 office (if necessary).
- Applicant submit all building permit application materials including site evaluation from the Bourbon County Health Department to the Bourbon County Planning Office.
- Applicant erect signage at the farm entrance and on the approach to the entrance for wayfinding purposes. All signage shall be installed in accordance with the Bourbon County Zoning Ordinance.

Additional site visit photos

image source: Staff 12/23/2020

