

TAYLORSVILLE-SPENCER COUNTY
BOARD OF ADJUSTMENT
Meeting Minutes

The Taylorsville-Spencer County Board of Adjustment held a meeting on Thursday, March 24, 2022, at 4:00 pm in the Fiscal Court meeting room at 28 East Main St., Taylorsville, Kentucky.

Chairman Greg Murphy called the meeting to order. Present were Annelle Hoene, Charlie Ethington, Greg Murphy, Jan Kehne, Doug Goodlett. Also present Admin. Assistant Angie Helton, Enforcement Officer Ashlee Welch and Attorney John Dale.

Approval of the Docket: Motion to approve by Mrs. Hoene, second Mr. Goodlett, all in favor, opposed. motion carries.

Approval of the minutes for 2/24/22: Motion to approve by Mr. Ethington, second Mrs. Hoene, all in favor, opposed, motion carries.

Chairman Murphy: Any Committee Reports.

Administrator Assistant Helton: None.

Attorney John Dale: Swearing in of applicants wishing to speak.

Chairman Murphy: Unfinished business.

Administrator Assistant Helton: None.

Chairman Murphy: New Business.

Administrator Assistant Helton: We have the application of Anthony Santilli requesting a variance to be 30 feet from the right of way for the purpose of building a residence located at Inglenook Dr aka Early Wyne Plantation Lot 54. Mr. Santilli is requesting the variance to allow the home to be constructed 30 feet from the right of way in lieu of the required 50-foot setback. The property is in a cul-de-sac and the lot falls off to the rear. As you can see the property is served by Sanitary Sewer therefore there will be no concern of lateral lines or septic tanks. The property owner will be ultimately responsible for having the City of Taylorsville locate and mark the actual sewer line within the Sanitary Sewer Easement.

Anthony Santilli: (Passed out a packet that he brought in with him) Introduced his wife Lynn and explained they live in Michigan right now and the reason they are wanting to build is so they can move to be closer to their Daughter, Son-in-Law and Grandchildren. If you look at page two of the packet, I gave you. The reason we are asking for this is that as you can see the sewer line runs across the center of the property which limits where we can put the home in addition to the utility easement which is the curve part in the front there. Which doesn't give us much space to build the home, and the shape of the court. On page five I did a search based upon the size that we could build a 30-foot-deep home that also has a requirement of 1650 sq ft. and has to have a side garage. Of that search I found 31,230 plans out of those there was only one that came back that would fit those guidelines. If you look at those pictures, there it's not necessarily a home you really want to live in and it's not a side garage it's a front garage.

I understand the idea of setbacks. The first one on record is 1850 from St Louis Missouri a brother and sister inherited a farm and they wanted to build a residence because the city was growing. In this residence they decided to have a .5 foot set back they wanted some uniformity plus it was for the residents that had walked into the neighborhood at that time, then in the early 1880's that expired. Then in the 1900's it came back but this time it came back for the government to be able to widen the road. They have the set back so if they wanted to widen the roads cause the Model Ts were popular they would have the ability to do that. As far as I can tell there is no need to widen the roads in this subdivision especially being on a court I can't imagine traffic is moving steady that it would need widened roads. There will still be access to utility easement. As far as aesthetics if you look on page three, I went to google earth and I typed in the address and I used the measuring tool on google earth it's the reference between residence that are on our street and the numbers that are marked there and how far they are from the road they vary anywhere from 45 feet to 214 feet so there is really no uniformity there. There is quite a bit of variance yes, we would be out a little bit more closer to the road but where we set on the curve from the cul-de-sac our house will still be blocked from the house next door to us. I think the intent of the easement is if you have a straight street I grew up in Michigan in the 60's but every house looked exactly the same and was exactly the same distance from the street exactly the same distance between houses. Here it is 2020 I don't think we necessarily all want to live in a subdivision that is exactly the same and the distances are exactly the same I know that we don't and that is why we wanted to move here it is up on a hill on a court and the houses all look different. I think that is about all I have to say feel free to ask questions and answer questions as you can see the house next to us is built there above the star the house below the star is house 12 that house is 55 feet from the road the closet one to the road is house 18. If you look on page three you can see the information there. There is quite a bit of variety of where the houses are. Again, I request that you grant us this easement, any questions I will be happy to answer them.

Chairman Murphy: Does the back of it drop off? It drops off tremendously, doesn't it? I saw that on my docket.

Mr. Santilli: Yes, it does the problem is not so much the drop off but where he chose to put the sewer line it goes right through the center of our property so we really don't have much choice where we can put the home. If we can't build there, I don't think anyone is going to be able to build there, unless they want to build a 30 foot deep home. Which is like a single trailer which is one of the things you can't have in that particular subdivision.

Chairman Murphy: I know there are restrictions.

Mr. Goodlett: So, you're pushing it back 30 feet?

Mr. Santilli: Up towards the road 30 feet.

Mr. Goodlett: Is that still away from the sewer?

Mr. Santilli: Yes.

Mr. Goodlett: It still gives you pretty width on the side each side end?

Mr. Santilli: Yes, we made sure we did that.

Mr. Goodlett: So, your still good on that the only thing your doing is pushing it forward?

Mr. Santilli: Yep, pushing it forward closer to the utility easement just because otherwise it's not going to fit.

Mr. Goodlett: I seen that in the paper a discrepancy of the sewer line. Are you sure that you're staying pretty far away from that?

Mr. Santilli: Yes, if you look on page 4 (I'm a math teacher so I spent a lot of time on this page 4) is a survey that we had done, and the blue box is kind of (I use math to figure) what the size of the house would be. We have to be in front of that sanitary sewer from what our survey said 15 feet, he tried to contact the county to see if it was 15 feet or 10 feet, he said it varies from county to county. That is what we did we have to be in front of the sewer. Cause if we build on top of it if something goes wrong, we have to go through our house.

Mr. Goodlett: Are you putting in a basement?

Mr. Santilli: A walk out.

Mr. Goodlett: But is it going to walk out next to the sewer or the back of the sewer is that going to get in the way of a walk out?

Mr. Santilli: No.

Mr. Goodlett: No? because it falls that quick does the grade fall off that much?

Mr. Santilli: Back there it is pretty steep, but the walk out is going to end where the back of the house is. So, you will walk out and still have 15 feet to where the sewer will be. The picture of the blue rectangle is probably a better picture because that includes the porch it really doesn't include the footprint of the house.

Mr. Goodlett: Usually the walk out goes out past the house it's to drain water away from the house, so it doesn't wash it out it sometimes goes out 50, 75, 100 feet.

Mr. Santilli: Maybe your definition of a walk out is different than mine.

Mr. Goodlett: Is the back of it going to be open and just goes out in the back all open?

Mr. Santilli: We are hoping not, were hoping we are not going to have to dig anything up cause the slope is so steep that we can build the house up like the back of the house. You can walk out and walk right out onto level ground. We have to have, or he suggested 10 feet high lower level to accommodate that slope.

Mr. Goodlett: But the back of it is not going to be open its going to be concrete all the way around the back also?

Mr. Santilli: It's going to have a sliding door and windows; I don't think I'm following you.

Mr. Goodlett: It's a discrepancy.

Mr. Santilli: Yes.

Mrs. Kehne: I'm with you because for that you will have to put a deck on it. With your deck will you still be able to stay out of this easement?

Mr. Santilli: We will definitely stay out of that we are actually willing to see or go to an architect to make sure that the house fits all the requirements if we are granted this. We will have the room to see an architect and have that taken care of. I don't want to build something and have you guys come back and say hey that's actually not right you got to tear it down. I'm sure you have building inspectors that come out and checks the progress of the building.

Chairman Murphy: Are you going to drive to the side of it or to the back of it?

Mr. Santilli: We were told that we either have to have a side load or a reverse load our plans are to do a side load.

Chairman Murphy: Ok.

Mr. Santilli: These are things that we will talk to the architect about too.

Mrs. Kehne: Is this the size of the house to scale, the blue box.

Mr. Santilli: Yes.

Mrs. Kehne: And how far is the setback line, is it about three quarters of the way to the left, how far are you from the line, do you know?

Mr. Santilli: Which line?

Mrs. Kehne: The left-hand side.

Mr. Santille: The left-hand side, that is about (an inch is 50 feet) so that is about 25 feet.

Mrs. Kehne: So that would be your driveway?

Mr. Santille: Yes, that would be the driveway it's my understanding it might be different here but in Michigan our driveway can be all the way up to the property line.

Mrs. Kehne: It can in the front of the house is... I guess my concern about you getting a car in since the front of the house pulled so close, you being able to get a driveway in to be able to pull into the garage it would have to be on the left hand side for you to be able to turn into it.

Mr. Santilli: Correct the house that we currently live in is a sideway garage also the width of ours is 19 feet we would have 25 feet.

Mrs. Kehne: Ok.

Mr. Santilli: Cause your right we don't want to have an issue getting to our garage.

Mrs. Kekne: No, I was just saying there is no measurements, so I am just doing a little thinking here.

Mr. Santilli: And maybe I should have met with an architect first to me it didn't seem like much sense to spend that money first if we can't get it.

Mrs. Kehne: Is this square 50 feet

Mr. Santilli: The blue square is 80 feet by 60 foot deep

Mrs. Kehne: Ok, is this off of the plat where they say approximately, the sanitary sewer is?

Mr. Santilli: That is from the survey, and he based it upon where the two manholes are, the two little circles you see there. That is the exact survey, other than the blue rectangle.

Mrs. Kehne: Alright.

Mr. Goodlett: I see that if it doesn't walkout, you're going to have a great big wall in the back which means you're going to have to back fill a lot which puts you back over top of your sewer, your dirt wise. You can't move the sewer you would have to get permission from the city I don't know that....

Mr. Santilli: No, we don't want to do that we don't want to mess with any of that.

Mr. Goodlett: And if you do walkout, I haven't seen the grade so you can't dig out dirt that's over top of the sewer either.

Mr. Santilli: Correct we won't do that.

Mr. Goodlett: Everything has to fall into place.

Mr. Santilli: Exactly and that is up to the builder.

Mr. Goodlett: And I haven't seen the grade but I'm sure it can be done.

Mr. Santilli: The front part is fairly flat and then it drops down so the front of the house if we get the variance will be on the flat portion but like the builder said if we go with a 10-foot lower level that would help because of the steepness of the grade.

Mr. Goolett: So, you're not planning on having concrete in the back?

Mr. Santilli: No, it's going to be bricked just like the rest of it.

Mr. Goodlett: So, it falls of pretty rapidly.

Mr. Santilli: I say so I mean if I go to the bottom and walk up, I am 62 years old I am tired. My grand-kids they are running up and down and rolling around and stuff.

Mrs. Kehne: Because he won't be able to put any retaining walls or anything off the back of it?

Mr. Goodlett: It depends on how close he is to the sewer. Are they going to do a sewer survey to let you know exactly where the sewer is?

Mr. Santilli: I think that is a requirement.

Mr. Goodlett: Ok

Mr. Murphy: Would you be responsible for that?

Mr. Santilli: I think somebody said that. Did you read where it states that it's our responsibility.

Administrator Assistant Helton: "The property owner will ultimately be responsible for having the City of Taylorsville locate and mark the actual sewer line within the sanitary sewer easement."

Mr. Santilli: I assumed I would be responsible for everything the only thing the city is going to get out of it is an increase in tax cause right now we are paying 500 dollars a year and I would imagine it will go up quite a bit when we put the home on there.

Mr. Kehne: And you'll have a sewer tax with the city.

Attorney John Dale: I have a couple questions actually I think I want to show you something you show this is a 50-foot building?

Mr. Santilli: Yes

Attorney John Dale: Where is that measured from?

Mr. Santilli: They measured it from the easement.

Attorney John Dale: Not from the road?

Mr. Santilli: No

Attorney John Dale: If you go from the cul-de-sac your actually about 20 feet short.

Mr. Santilli: Correct and there is a survey of the plat map in there that looks like the plat map was measured from the road. The gentleman that sold us the property came out after we purchased, and we had it surveyed the surveyor said you only have a 30-foot depth there. He came out and did his measurement and he said something about the center of the court being 50 feet radius he stressed the importance of that. Now I don't know if he was trying to tell me that was the set back from the center which didn't make sense but now I have found out a ton about setbacks from purchasing this lot. He guaranteed us that it was buildable I guess we are here because it's not buildable and we want you guys to give us permission to build on it.

Attorney John Dale: You're talking about this is measured from the utility easement and not from the road?

Mr. Santilli: Correct and even the 20 foot is measured from the utility not measured from the road either.

Attorney John Dale: Of course, it's a little closer because of the sewer, it doesn't look like to me you need 60 feet but that is up to you all.

Mr. Santilli: On the diagram that I gave you on page 4, if we follow that circle of the 50-foot easement it goes right through that house that's next to us so depending on which one is correct he is 55 feet back. So based on this survey the 50 foot goes thru the center of his house.

Attorney John Dale: And that would be the same here for you that doesn't look like it would be from that point looks like it would be from the easement you still need a variance just not as much.

Mr. Santilli: Correct

Mrs. Hoene: You're saying when you walk out your walkout basement that you're going to be on level ground.

Mr. Santilli: I would not say level ground I would say it's not going to be dug out around then you will walk down the hill to the pond.

Mrs. Hoene: Ok and then the sewer line as you're going down the hill where is the sewer line?

Mr. Santilli: We will cross the sewer line after about 15 feet if you all give us the option to build where we need to build.

Mrs. Hoene: It's down underneath the ground?

Mr. Santilli: It's from my understanding that it is an 8-inch line buried at least 10 feet underground.

Mrs. Hoene: All this behind the sewer line is your property is that just wooded area?

Mr. Santilli: That's wooded area and marshy. When it's the wet season my lawnmower guy can't even mow in there cause it's too wet. If we built on the other side of the line all the water will drain down towards our house if we build where we want to build, then that isn't going to be a problem.

Mrs. Hoene: That was what I was wondering about the drainage.

Attorney John Dale: It looks like the adjoining house violates the 50 feet based on your drawing.

Mrs. Kehne: Do you know if any houses came to the board of adjustments for setback variance?

Enforcement Officer Welch: I believe that Julie said that she doesn't have any variances for any of the other houses.

Mrs. Kehne: Ok

Mr. Santilli: A purpose of a setback is uniformity and as it sets on that street there is non,e the houses vary. To me if your house has to be 50 foot back that house that's 214-foot back that's not uniform at all and there are very few houses that are the same distance looks like 60's, 58, 59, 60 is the closest.

Attorney John Sale: The adjoining house from the cul-de-sac is basically within the 50 feet.

Chairman Murphy: Anyone else want to speak?

Administrator Assistant Helton: Gordon Deapon

Mr. Deapon: Good afternoon my name is Gordon Deapon and I'm not used to being on this side of the podium so this may take a little bit of adjustment for me. I live at 18 Cambridge which is in the subdivision. I am also the vice president of the newly formed HOA and when I say newly formed, we were formed in January of last year. I am speaking on behalf of the HOA today. I have some documents that I would like to hand out. Let me start by saying with one possible exemption we have no dispute with the presentation that you just heard our concern is we might have some philosophical differences. Our concern has to do with the fact that in the documents I have just given you the second document shows that this is the HOA restrictions. Which were filed with the county clerk on March 8 of 2000 and have been continuously existence since then. I draw your attention to the first page section 4 setbacks and limited access which reads no structure shall be located on any lot nearer to the front lot line or the side street line and the minimum building set back lines shown on the recorded plat which in this case is indicated by the red line. It says however the permit by zoning regulations that this can make an exemption for 6 feet of a front sidewalk or a porch. Couple of points about that number one both with planning and zoning which I am more acquainted with then in your function here we steer away from enforcing requirements of an HOA or restrictions of an HOA. I think that our board thinks that is distinctively different from violating their restrictions which what would be happening here if you were to grant that variance. As a result our board and I am going to say this with some reluctance has voted unanimously to oppose this request of a variance. Another point I would make is I didn't give you these documents but if you go through all of our documents you would see several places where the board has the authority to make an exception this is not one of them we can't make an exemption to this particular requirement as you see from looking at that. I could be wrong about this but I was told by the planning and zoning office that the presentation that you're looking at that the house plan is reversed on that because of the way the property lays if that's the case then the garage is not on the left hand side your garage is on the right hand side I could be wrong but my impression was that I was looking at there the actual building would be reversed completely from that and if I am wrong on that I will stand down on that point. I don't know who dreamed up of putting that easement through where they did it's a very poor plan we are not without sympathy on it. Particularly with the new HOA and a fact that you may or may not know we have a new phase of Early Wyne going to the right of this location we had a concern that we had a duty to represent per the contract that each owner signed when they moved in there saying that they will abide by these rules. I don't have anything else if you have any questions I'll be glad to try to answer.

Mr. Goodlett: Why is the HOA against this so much?

Mr. Deapon: Because I can only reiterate what I have already said that we have a very specific restriction in there on item 4 which I gave you which says that there should be no building ahead of that building line.

Mr. Goodlett: Do they have restrictions that say how far it's got to be built back?

Mr. Deapon: They do not.

Mr. Goodlett: So then they really don't have restrictions other than cities restrictions and subdivision restriction showing how far they have to be set back it really doesn't show that it has to be here in a certain spot.

Mr Deapon: I disagree we say it can't be closer than we are not saying that every house has to be "X" number of feet from the street we say it can't be closer than that number. Our argument is by having that in here that takes it out of the Board of Adjustments ability to say in this case you're not over riding just the city's requirements or just Planning and Zoning requirements but also a legally established document that has been in affect probably before the 50 feet was.

Chariman Murphy: How did the other houses get by with it if it's on this form?

Mr Deapon: Let me be very clear on that the way this was structured we don't want to make any attempt there are several houses it appears that are not in compliance with this. I'll be the first to admit it the developers were the HOA until January of last year. In January of last year, they created the HOA that I am now a part of that's part of our concern they did several things that we didn't agree with its not limited to this, but it puts us in a position as we are still continuing to develop structure. How do we now deal with the fact if we don't oppose this variance? What do we do when Mr. Brown wants to make some variances on the 14 lots he is putting up there it makes the whole document somewhat worthless if we don't at least attempt to come down and defend it.

Chairman Murphy: A lot of this falls on the developer when the developer started this because it's not set up right.

Mr. Deapon: We agree and it's not their fault it's not anything any of us can do other than to try to maintain some of the regulation from this point forward.

Mr. Goodlett: I think the Board of Adjustments deals with this situation all the time somebody's hardship, cause the ground is to steep the easements are in the way numerous cases all the time we deal with these as to why they want to move these houses up move them to the side, put a garage here put a garage there, close to the easements. I don't see this any different I see this as he has a sewer line that the developer screwed up when they put that sewer line in right in the way the man has bought a lot and wants to build a house on it and the only way he is going to make this house work is if we give him these numbers right here. The restrictions are not our responsibility the streets are not out responsibility, just the numbers and the numbers if he can make this work without messing up with the sewer and you yourself admitted that there are numerous houses there that don't meet these restrictions now. He's not doing anything different, that hasn't been done before.

Mr. Deapon: Actually, he is and this is the pathetic thing of it I'm not unaware of the irony of what I am about to say he is the first one to come in and ask for a variance the others just didn't.

Attorney John Dale: If I may I hate to go against you Gordon this is a legal perspective that I see here to as you know the commissions or the board don't enforce the restrictions I'm not sure that a HOA can dictate to a government as to what they can and can't do these are just some legal questions that I don't really know the answer to but what I'm thinking is the HOA may have restriction but you can't tell the government entity that they have to follow the restrictions. You have a right to enforce those through the court of the law you can take to court and bring action against it if this body rules against you. You will have the right to appeal in 30 days to the circuit court on the basis of arbitrary capricious not based on the fact they make the ultimate fact here. The other thing that troubles me, in the bylaws or restrictions it doesn't say anything about not granting a variance it just states not to be any closer than 50 feet if I'm understanding that correctly.

Mr. Deapon: It doesn't say 50 feet it says the setback line

Mrs. Hoene: But you know that's why the Planning and Zoning couldn't approve it and that's what were here for. When Planning and Zoning don't want to approve for whatever reason then they come to us and ask for a variance and that's what we try to sort out and that's what we are doing.

Attorney John Dale: Another thing about your restrictions I don't see anything in there about who is authorized to enforce it and I think the landowner or lot owner would be able to but it doesn't say that. Normally the developer is to enforce there after its spelled out the order or an association to enforce it so that's another legal issue I think you all have as far as whether the association itself can enforce these or it comes to you as the property owner those things that can be taken up to the circuit court.

Mr. Deapon: Yes, we don't see that differently.

Mrs. Hoene: Don't you think that your kind of opening a can of worms here? If this is turned down then somebody could come along and say all these various other houses that have been there are not in compliance either. I mean is that something that you have anticipated that might come up at some point somebody is going to say well their house is to close or to far away or whatever and as you have said that there is houses in there that are not in compliance and they went ahead and done it anyways.

Mr. Deapon: The term that you just used opening a can of worms was used by the board as we discussed this issue. We don't think there is a nice clean solution to this given the can we have been dealt we are aware of this.

Mrs. Hoene: I can see problems down the road. He is asking for a variance because that is the only option that he has to put any kind of structure on the property he isn't saying that he won't comply with the other rules of the association. What he is asking is if he can put his house plan on this lot because it's not feasible.

Mr. Deapon: Permission if I can, let me repeat two things that I have said. One is the HOA came to this conclusion reluctantly.....

Mrs. Kehne: I mean you're keeping someone from being able to build on a piece of property that they own. You said this yourself because Trevor Brown is opening up another part for development, I just don't understand...

Mr. Deapon: let me repeat one more time....

Chairman Murphy: I think this falls back on the developer and the realtor.

Mr. Deapoon: I think we agree but for us not to at least come down to this formal hearing and state that we find this to be not in compliance with the HOA restrictions concerns us as it has to do with going forward. With the vary issue you brought up because we fully expect that we are going to have that thrown in our face if we didn't at least come down here and explain to you what our concerns were.

Attorney John Dale: You just want it in the record to give you standings to proceed either to circuit court if they rule against you or to take separate actions.

Mr. Deapoon: Yes, I believe that is well put.

Mrs. Hoene: You couldn't have said that those people that built their houses in there that are not in compliance you couldn't have just grandfathered them in because they built them, and they are in there the ones that are not in compliance that are in there now.

Mr. Deapoon: I don't think we have the authority to do that. I don't think we are saying very much different from each other I think everybody here understands that there is some historical 20–22-year worth of messes that have occurred and we would like to be able to go forward with a clean slate. I can say that it is extremely unlikely that the board plans to take any legal action based on whatever decision you were to make that's different from saying that any HOA member doesn't have standings to do that if they do that but we felt strongly that if we didn't at least come down here and explain the position and throw it in as part of your decision and you're going to rule what you're going to rule. We would not be doing our duty to our members if we didn't at least come down and get this into the records.

Attorney John Dale: You just didn't want to way that position.

Mr. Deapoon: Well put

Administrator Assistant Helton: We have another speaker, Ronald Barnett.

Mr. Barnett: I am the next-door neighbor to that property and I really hesitate to rock the boat and go against the HOA for me personally only a personal opinion I think having a home of that quality next to me would not be a detriment. I understand the HOA's goal I applaud it I don't want to rock the boat any way, but I am saying for me as the next-door neighbor they have no choice other than to sell the property and move on.

Mr. Goodlett: I agree with you 100 percent

Mrs. Hoene: And you're at 55?

Mr. Barnett: Yes, and I don't at all disagree with the HOA's effort there is several places that should have been stopped during construction they weren't. They are very small homes in comparison to everything else in the subdivision unlike the home that is being proposed which is a nice size and attractive home. There are already issues there and I am not the HOA I want to be part of it I want to encourage infirmity but in this particular case that same sewer line that goes behind their property goes along the side of mine. I know exactly where it is it makes a straight line to the other property doesn't

make any "S" curves or anything and either they can build or they can't, but I am personally not opposed to it.

Chairman Murphy: Thank you, would you like to say one more thing?

Mr. Santilli: The house we are building is not huge its about 2200 sq foot it is going to be a nice house. It sounds to me that it has already been set, they have already let people without enforcing the rules to approach upon that easement. I don't want to, but I think if I did go to court I think that we have a good case because they have already let people build within the 50 feet. My question is if someone is going to sue us would somebody on the board like to buy that lot we would be more than happy to sell it to them cause it's not buildable without this approval. I'm a school teacher I don't have a lot of money we want to retire here to be close to our grandkids and our son in law and our daughter we would be 5 miles, 7-minute drive right now it's a 7 hour drive. I appreciate the time that you have given us and again if it is turned down I am more than happy to sell the lot to any one because it's not buildable thank you very much.

Chairman Murphy: Thank you

Mr. Deapon: Can I respond to that? Let me just repeat what I said a few minutes ago I feel quite certain that the HOA has no intention of following up with legal action. That's different then making the representation that no one in the community could. I will say for the last time we took that vote reluctantly we don't disagree with your situation whatsoever I'm very unhappy with builders and some other parties about what you wound up with there.

Chairman Murphy: Thank you

Mr. Goodlett: I am ready to make a motion. I am going to make a motion to approve this, but I am also going to add a note in here. That the sewer is strictly your responsibility that you don't cut dirt or add dirt, that you meet with the city about the easement and make all this work out with the city. That is my only concern that your deck might be over the sewer easement or the walls or dirt whatever its your responsibility to make sure this works out right on that part. Other than that it 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; will not allow an unreasonable circumvention of the requirements of the zoning regulations.

Chairman Murphy: Motion has been made do I hear a second?

Mrs. Kehne: I second

Chairman Murphy: All in favor? Opposed? Motion carries.

Administrator Assistant Helton: We have the application of Aaron Lancaster requesting a variance to be 10 feet on a side yard setback for the purpose of building a garage located at 43 Pilots Way in Perfect Landing. Mr. Lancaster is requesting the variance to allow a garage to be constructed 10 feet from the side yard property line in lieu of the required 15-foot setback. The property has limited space for an accessory structure due to the layout of the septic system. Since the utility easement in Perfect Landing subdivision is 10 feet there will be no need to obtain releases from the utility companies. The variance

will accommodate the rule of accessory structures being constructed to the rear of the primary dwelling.

Chairman Murphy: If you would like to step up to the mic please.

Mr. Lancaster: Thank you all very much for you time this afternoon. We moved to Spencer County in Perfect Landing in December from Shepherdsville. It's been wonderful so far the town the community its fantastic. Moving from Shepherdsville, its very busy, the crime is kind of getting up there so we were very fortunate to put ourselves in a position in life where we could afford to move to this subdivision this community. We bought the property with the understanding that we could build a garage unfortunately the septic survey is not accurate. I went out and probed myself to find where the rear lateral line was it's supposed to come off 40 feet back from the corner of the house and curve up to the back right of the property unfortunately it doesn't it actually comes off the house 40 feet and maybe about 60 from the right-hand corner of the house so it's not quite accurate. From my understanding they don't have to be as long as it's approved when they come out and review it to build. The space that I'm looking for, I am a mechanic by trade I have a lot of equipment a lot of stuff that I keep at home in the standard two car garage that is attached to the home just isn't enough to keep your lawn equipment and stuff like that in. Unfortunately because of the septic line I have to move it very close to the house within 12 feet of the house and what that is going to do is if I have a 15 foot easement then that means almost 10 feet of it is behind the home. With two 10-foot doors basically means that I won't have access to my left-hand side door if the structure is built that way so basically I would have a useless door. I would have a door on the right that I would have access to. Let's say even if I had an 18-foot door on the structure I really wouldn't have the room to get let's say I have two vehicles to get in I couldn't get in on the left-hand side by moving it over the 5 feet give me the access I need for two doors.

Mr. Goodlett: The easement you're asking for is it a sideline?

Mr. Lancaster: Yes sir.

Mr. Goodlett: In other words you would be 10 feet instead of 15 feet so you want to move over 5 feet?

Mr. Lancaster: Yes, I would like to move the garage over 5 feet.

Mr. Goodlett: Just closer to the utility easement that they don't use?

Mr. Lancaster: Correct so there are no utilities there, so we just have a four-point fence between me and my neighbor with two feet in between. The HOA says that we can have them on the property line I went 2 feet off that way I can have access to mow behind it and maintain the fence.

Chairman Murphy: You have talked to the neighbor?

Mr. Lancaster: Yes, Mike lives on our right absolutely probably the nicest guy I've met in such a long time super easy going. We have had several conversations about it and he has no issues with it at all he actual brought me the letter to read said "hey did you know that your home was considered" I said great if you want to come with me you can speak if you have an issue with it and he said he doesn't.

Mrs. Kehne: Do you sit higher than he does?

Mr. Lancaster: No, we are pretty level.

Mrs. Hoene: All the neighbors have been notified?

Mr. Lancaster: As far as I know there is a home across the street a new build that just recently was moved into within the last week, I would doubt they have received anything cause it didn't actually have an address yet. The gentleman to the left of me also came to me said that he had gotten a letter and that he had no opposition whatsoever he actually wanted to know what process I had to go through because he would like to do the same thing but after talking I don't think he is going to have to.

Mrs. Hoene: Do you have an HOA that requires a certain size or certain anything?

Mr. Lancaster: Yes, we do and the requirements is as long as the front of the garage matches the house so it has to be bricked. We are actually going to spend the extra cause I personal want it to add value to the home and look good even for the neighbors in the rear, so I am going to do brick all the way around. It's an additional expense but we want to make it look like it was built with the home.

Mrs. Kehne: Do you plan on doing any business in this?

Mr. Lancaster: No absolutely not this is for personal use only in fact it's going to be for me to work on my own cars. It's going to be storage my idea of this is to finish the interior it's going to be like an addition to the house for us not attached but we are going to go out there and enjoy our time. Put an entertainment area in the corner of it, it's all one big structure, it's not going to be a living structure just a place we can hang out in and enjoy.

Mrs. Kehne: The reason I'm asking if you're up higher is drainage on to your neighbor with it being that close, will there be gutters?

Mr. Lancaster: The plan is to tie in any drainage from the garage to the underground drainage of the gutters on the home. My home has underground and goes to the front of the lot so water will flow away from the home we don't have a walk out we just have standard we direct all our water out to the front we were going to attach it all to the same.

Chairman Murphy: It's going to be a garage/party room?

Mr. Lancaster: Yes, you can call it that I won't have a lot of company I keep my circle pretty small.

Mr. Goodlett: Usually these septic lines are pretty accurate they do that in case they have to go back and find the box they are meant to be pretty accurate could be off a little bit.

Mr. Lancaster: That is usually my experience could be that there was a change because there is a decent amount of rocks on our property could have been that once they started digging they hit that and had to continue on the other way.

Mrs. Hoene: I make a motion we approve this variance it will not adversely affect the public health safety or welfare; will not alter the essential character to the general vicinity; will not cause hazard or a nuisance to the public; will not allow an unreasonable circumvention of the requirements of the zoning regulations.

Chairman Murphy: Motion has been made do I hear a second?

Mr. Ethington: I second it

Chairman Murphy: Questions? Motion was made by Mrs. Heone second by Charlie Ethington all in favor? Opposed? You're in business.

Mr. Lancaster: Thank you all for you time.

Administrator Assistant Helton: Next we have the applicant of Madonna McGuffin for McGuffin Storage requesting a variance on a rear yard setback and the northern side yard setback for the purpose of building storage units located at 15 Elk Park Dr. The McGuffins are requesting the variance to allow commercial storage buildings to be constructed 20 feet from the northern side yard property line in lieu of the required 50-foot setback and at the property line of the rear yard in lieu of the required 25 foot setback. The McGuffins own both lots 1 and 2 of the Elk Creek Industrial Park. The existing driveway there serves the storage units on lot 2 is proposed to serve the storage units on lot 1. No new entrance proposed to be constructed. The proposing shared driveway is the reasoning for requesting the extreme variance on the rear yard.

Chairman Murphy: Would you like to speak?

Jack Craig: I'm Jack Craig this is Madonna McGuffin we finished building on lot 2 on Elk Park Dr all we basically want to do is mirror the ones there and pull them further from the road. Basically, against the property line so we can share the driveway.

Mr. Goodlett: Are you going to build in the yellow? Is that what you're saying?

Mr. Craig: Yes, up against the property line to the right.

Mr. Goodlett: The property lines serves both sides??

Mr. Craig: Yes, we plan to make a nice buffer around the side we are going to start this spring on this side.

Mr. Goodlett: How far are the buildings on the right-hand side?

Mr. Craig: It's 75 feet

Mr. Goodlett: 75 feet off the road?

Mr. Craig: From Elk Park I believe 60 to 80 and then the same on this side.

Mr. Goodlett: It's 80 off the road, how much are you wanting to do the other side?

Mr. Craig: This is lot 1 so lot 2 is 60 and then the driveway and then it will be 80 foot the way it's shaped it will go 60 to 70 to 80.

Mrs. McGuffin: Our problem is our lots are not adjoined they are separate lots so they want us to be further off so instead of adjoining the lots we were just wanting to change the variance. We are keeping away from the road we just want to get them closer to our buildings that are there.

Mrs. Kehne: You're building on lot 1 and there is a drive way in between that is the dividing line for the two lots?

Mr. Craig & Mrs. McGuffin: Yes

Mrs. Kehne: Ok I got it

Mr. Craig: We just want to mirror them over just like a book.

Mrs. Kehne: 3 buildings?

Mr. Craig: Yes, 100x11 feet long 11 units to each one.

Mrs. Kehne: You will still meet the start highway setback?

Mr. Craig: We are 100 and something foot 140 actually we will probably come back and ask to do another building there to help with our buffer and for signage. I was thinking maybe have one facing this way because that's just going to be a gravel road and you don't want to look at that from the highway.

Mrs. Hoene: Besides Elk Park Drive is that the only entrance you have into there??

Mr. Craig: Yes, we are not going to use the gate entrance the one on the highway and it will be right across from the daycare.

Mrs. Hoene: What backs up to that?

Mrs. McGuffin: Moes or Cheeks Produce I talked to him and he had no problem with it

Mrs. Kehne: You're going to do the buffering and shrubbier in the spring cause its almost spring

Mrs. McGuffin: As soon as they can get to it

Chairman Murphy: You're going to put shrubbier?

Mr. Craig: Yes, on lot 1 there is a big easement a big ditch line the powerline easement it's hard to mow I'm going to try to get some big rock in there.

Chairman Murphy: Any more questions?

Mr. Goodlett: It's all industrial out there isn't it?

Mr. Craig & Mrs. McGuffin: Yes

Mr. Goodlett: I'll make a motion to pass it. It will not adversely affect the public health safety or welfare; will not alter the essential character of the general vicinity; will not cause hazard or a nuisance to the public; will not allow an unreasonable circumvention of the requirements of the Zoning Regulations. With you already having some on the other side it all looks good I see no reason to not allow you to do that.

Mrs. Hoene: I second the motion.

Chairman Murphy: Motion has been made by Mr. Goodlett and second by Mrs. Hoene all in favor? Opposed? Motion carries.

Mr. Craig and Mrs. McGuffin: Thank You

Mrs. Hoene: Do you want to set another date?

Administrative Assistant Helton: We are asking for April 28?

All agreed

Chairman Murphy: I make a motion to adjourn.

Mr. Ethington: I'll make that motion.

Mrs. Hoene: I second.

Chairman Murphy: Motion been made, been second, motion carries adjourn.

Secretary

Chairman