

TAYLORSVILLE-SPENCER COUNTY  
BOARD OF ADJUSTMENT  
Meeting Minutes

The Taylorsville-Spencer County Board of Adjustment held a meeting on Thursday, March 30, 2023, 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, Jan Kehne, Greg Murphy and Duane Hume. Also, present Administrator Julie Sweazy and Admin. Assistant Angie Helton.

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

Approval of the minutes for February 23, 2023: Motion to approve by Mr. Ethington, second Mrs. Hoene, all in favor, opposed, motion carries.

Chairman Murphy: Any Committee Reports.

Administrator Sweazy: None.

Administrator Sweazy: Swearing in of everyone wishing to speak.

Administrator Sweazy: We have the application of **Dorney R. Thompson, Sr. for Plum Ridge Ky, LLC** requesting a Conditional use Permit to operate as a short-term rental/Airbnb located at 1768 Plum Ridge Road. A Conditional Use Permit is being sought to allow for short term rental/Airbnb of the residential structures on the property. There is a large cabin of 3,500 square feet with a wraparound porch, 4 bedrooms & 4.5 bathrooms that can comfortably sleep 8 to 10 people. There is a farmhouse of 2,000 square feet with a sun porch, 3 bedrooms & 2 bathrooms that can comfortably sleep 6 to 8 people. There is a little cabin of 900 square feet with 1 bedroom & 1 bathroom that can comfortably sleep 2 people. (Still under construction) The property consists of 52 acres confined by a dense buffer of trees that outline the property. There's ingress/egress directly to the state-maintained roadway. This property does not have any restrictions on it.

Dorney Thompson: I own these 52 acres with my wife. I've owned this property since 1985. My parents and I came out here and bought the farm together. They took 47 acres, and we took 5 acres, and we built a log cabin. Just shortly after we married and had our first child, we found some log cabins in the newspaper and hauled them up here from Hart County and put them together into one big cabin and I spent the rest of my life paying for it and working on it. My mom and dad lived in the farmhouse for about 35 years. About 6 years ago another little cabin fell into my lap. I was 65 years old, and someone gave it away and I took it. I still work full time and live in St. Matthews. Every chance I get I come out here and work on things. Right now, I'm renovating the farmhouse then will finish the little cabin. Hopefully within the year.

Mrs. Kehne: How far along percentage wise to you think you are?

Mr. Thompson: The outside is basically done, I need two doors on it, all the plumbing is in, the inside is finished except for trim work, I got six doors to put on it and I'm finishing up the tile in the bathroom and it needs kitchen cabinets. I'm going to put hardwood floor in it maybe this fall. Finishing out the whole thing probably won't take but about four weekends.

Mrs. Hoene: What about the septic system for the big cabin and small cabin? What kind of septic system do you have?

Mr. Thompson: Separate systems. All approved.

Chairman Murphy: Electric approved.

Mr. Thompson: Yes, on the farmhouse and the big cabin. On the little cabin when ready will come back in to get permits.

Chairman Murphy: Insurance to cover.

Mr. Thompson: Yes, with Kentucky Farm Bureau.

Mrs. Hoene: Do you think this will be short term stays?

Mr. Thompson: Yes. We are right in the middle of the Bourbon Trail. I talked to Mary Chandler, a realtor out of Shelbyville. I know nothing about VRBO, but she said she could keep us busy.

Chairman Murphy: So, you're going to let her run your business?

Mr. Thompson: Yes, I'm going to let her run the business and do the background checks. Normal garbage and plenty of parking spaces. Eight cars at the big cabin, 2-3 small cabin, 6 at the farmhouse, 2 barns on the property.

Mrs. Kehne: Do you plan to use the barns for any activities?

Mr. Thompson: I don't think so. I don't want any wedding or anything out there. I don't want it trashed; I want it taken care of.

Mrs. Kehne: So, if problems arise the guest will contact, Mary Chandler?

Mr. Thompson: Yes, she is 24-hour on duty. She's got about 140 properties, which are mostly monthly rentals, own cleaning crew, own maintenance people. Her own backup. I don't want to do any of that.

Mrs. Kehne: How is cell phone service there?

Mr. Thompson: Cell service is fine. Wi-Fi is not.

Mrs. Kehne: The one thing with a conditional use is if something happens and we get complaints you will have to come back in to discuss the problems and your conditional use can be pulled.

Mr. Hume: The only thing you can do right now is the big cabin?

Mr. Thompson: Yes, it is ready. Going to start with just the one.

Mr. Hume: How close is the farmhouse to the cabins?

Mr. Thompson: Maybe a quarter a mile.

Mr. Hume: So, they have separate entrance?

Administrator Sweazy: No, shared. Then splits in a V.

Chairman Murphy: Anybody request to speak on this? Questions?

Mrs. Kehne: What about outside noise at night? Will there be a time limit for people to be inside?

Mr. Thompson: I can do that. What do you recommend?

Mrs. Kehne: On the weekends 11pm-12am, weekdays 10pm.

Chairman Murphy: Lighting and security?

Mr. Thompson: There's plenty of lighting and Mary Chandler will take care of security.

Chairman Murphy: Any more questions?

Mrs. Hoene: I make a motion we grant the Conditional Use Permit.

Mr. Ethington: Second.

Chairman Murphy: With restrictions?

Mrs. Kehne: Weekend's 12am and 10pm weekdays curfew and keep sound down.

Mr. Hume: Is there a firepit or anything outside.

Mr. Thompson: I have a firepit out back, two small ones down at the pond and one at the farmhouse.

Mr. Hume: Will they be able to use the pond?

Mr. Thompson: I don't want people fishing in it unless they ask me. I don't want people down there leaving garbage and lines. No swimming.

Mrs. Kehne: Adding to the motion. The granting of the Conditional Use Permit will allow proper integration into the community of uses which are specifically named in the Zoning Regulations, which may be suitable only in specific locations and rezoned only if certain conditions are met. This will be a short-term rental/Airbnb with 2-4 day rental. The barns will not be used for this conditional use. Sound ordinance of 10pm weekdays and 12am weekends. On the little cabin the permits will need to be updated. Little cabin and farmhouse must be complete before being used for Airbnb.

Mr. Thompson: Do I need to let Julie know when their ready?

Mrs. Kehne: Yes and take pictures of all inspection stickers and bring into Julie. Need to comply with the Tourism Tax and get your Business License.

Chairman Murphy: Motion made by Mr. Hoene, second by Mr. Ethington and restrictions put on by Mrs. Kehne.

Chairman Murphy: Questions? All in favor, opposed, motion carries.

Administrator Sweazy: We have the application of **Larry Adam Bentley** requesting a Conditional Use Permit to create a family cemetery on a designated acre tract of land located at 1544 Murphy Lane. The applicants have had a proper survey prepared designating the area to be used and are requesting approval to create a family cemetery on their property. As required by the regulations a 25 foot right of way from center line of Murphy Lane has been dedicated by this survey. There is an existing access to the property. They have been given the state guidelines on family cemeteries. There is currently a dilapidated barn on the property as well as a couple of flatbed trailers loaded with items along with some inoperable vehicles. Mr. Bentley stated at the time of filing the application that the barn as well as the other items will be removed from the property. He also noted that the family is discussing the type of fencing they plan to use to fence the property.

Larry Bentley and Christopher Cook:

Mrs. Kehne: Are you two related?

Mr. Cook: Mr. Bentley is my grandfather. We have a one-acre tract located on the property my grandfather owns and needed a private cemetery for our family. The one-acre tract meets the requirements. The north end of the lot is 27.03 feet from the center line of the county road and the south is 29.56 feet from center line of county road. The layout proposed meets all the criteria we've been made aware of. We're wanting a conditional use permit to do this.

Administrator Sweazy: I put a copy of the proposed bylaws in your packets. As far as the State, I did contact the State to ask them if there is a maximum/minimum lot size for a family cemetery and there is not. As far as the number of lots they can have, there's not. As long as lots are not being sold for occupancy and they're giving them to family members.

Mrs. Kehne: Do you have an arial view of that property?

Administrator Sweazy: I can get you one.

Mrs. Kehne: Are you putting a new entrance in off Murphy Lane?

Mr. Cook: Right now, there is a pathway to go onto the property. The road would be more official than a grass driveway. We have two access points on the layout. One at the north from the county road and one at the south from my grandfather's driveway.

Administrator Sweazy: Here's a arial view of their property.

Mrs. Kehne: When you move these vehicles are you putting them back on the other part of the property?

Mr. Bentley: They're going to be sold, junk.

Chairman Murphy: What about maintenance on the cemetery?

Mr. Cook: The owner will be responsible for all the maintenance and upkeep.

Chairman Murphy: Is it going to be fenced in?

Mr. Cook: Yes.

Mrs. Kehne: This is a first, so I'm probably going to ask some odd questions. I've been involved with a cemetery like this where my grandmother is buried. Now that the cemetery is full and some of these graves were in the 1800's, there's no relatives to maintain the cemetery. Twice a year we volunteer to go down and maintain it. How do you anticipate for the future? You live a long time, but the cemetery is here forever. How do you see this being maintained?

Mr. Cook: The family. I expect the family to take care of this their whole life.

Mrs. Kehne: My mom was one of thirteen and there's like three of us that go do this. That's why I'm questioning how this will be handled.

Mr. Cook: If that came to pass then the property around it would have probably been sold and went to a different owner as well. If that were to occur the owner of the property itself could potentially take ownership of it.

Mr. Bentley: I'm hoping our neighbors, some have already asked if they could be buried there, will help take care of it too.

Mrs. Kehne: You won't be able to sale it to your neighbors.

Mr. Bentley: No, given to them.

Mrs. Kehne: Do you have a service that's going to open the graves, put the vaults in, those type of things?

Mr. Cook: That will be privately contracted through the funeral home.

Mr. Hume: What type of fence will you be using around it?

Mr. Cook: I plan to go with either a chain length or a rod iron fence.

Mrs. Kehne: When you do this, do you have a contract with them that they are going to help maintain this?

Mr. Cook: No. In the bylaws it says the owner will maintain.

Mr. Hume: How does that ownership change?

Mr. Cook: The ownership of a cemetery itself cannot be sold. It would be passed down through inheritance or given to another owner.

Mr. Hume: This is tough for me because I'm the same way as Mr. Kehne. My great grandfather is buried in Madison County, and I drive up there 2-3 times a summer to mow the cemetery. It's a family cemetery up on a little creek and nobody wants to take care of it. That's what I worry about is like 100 years from now, who's going to take care of it.

Mrs. Kehne: Anybody else have any questions?

Chairman Murphy: Other than who's going to maintain it on down the road.

Mr. Hume: If we approve this conditional use, I don't see how we could ever go back and disapprove it.

Mrs. Hoene: It's not a law in Kentucky that you have to have a vault.

Mrs. Kehne: Who will maintain the records of this? Are you all going to require markers on the graves?

Mr. Bentley: Yes.

Mrs. Kehne: Who will have that information and in charge of that information?

Mr. Cook: The bylaws state that the owner of the property will need to maintain a copy of the burial log with a copy of the deed. It also must be registered with the county.

Administrator Sweazy: They will have to report where the body is buried at with vital statics in Frankfort.

Mrs. Kehne: Do you have a name for the cemetery?

Mr. Cook: At Home Cemetery.

Mrs. Kehne: How long before the barn will be torn down and all vehicles removed?

Mr. Bentley: It's going to be a while because I'm doing it myself.

Mrs. Kehne: Can we guess a time frame for this?

Mr. Bentley: 6 months.

Mrs. Kehne: How many plots can be in here?

Mr. Cook: On this layout we just planned for forty. That would be 4 foot wide across, 8 plots to a roll, 5 rolls, each 10 foot long, with a 4-foot walkway at the foot of each.

Mrs. Kehne: With this you can only have a sign that's 2'x2'.

Mr. Hume: Are you going to have flat stones or up stones?

Mr. Bentley: Mostly up stones.

Mr. Hume: I've never done anything like this before. I'm not sure if we need to look at it a little further and I don't know how quick they're needing an answer.

Mr. Bentley: My son is ready to be buried.

Mrs. Kehne: What we've done before on things like this is you said 6 months, we do go out and see if the work is completed and if not that Conditional Use Permit can be pulled. We would hate to do that because evidently, you're dealing with something very personal here.

Mr. Bentley: Actually, there's not that much left on it. There is still 3 cars there and then the barn.

Mr. Hume: It still needs to be fenced.

Mrs. Kehne: Could we say a section needed to be fenced immediately, if you're needing this to take place?

Mr. Hume: I didn't know if we could revisit in 6 months to see if they can get everything done.

Mrs. Kehne: You made a statement, I don't want to get very personal, but I feel like I need to ask you something, you said you have a son that is having health issues, I'm going to take it as that.

Mr. Cook: No.

Mrs. Kehne: So, we are just wanting to get this in place then?

Mr. Bentley: We already have the place for him right now, it's cleaned off and everything. Their holding him right now to be buried.

Mrs. Kehne: So, you have an urgency for this right now?

Mr. Bentley: Yes.

Mrs. Kehne: I was totally unaware. I'm sorry for your loss. So, the place is cleaned off for him?

Mr. Bentley: Yes.

Chairman Murphy: Questions?

Mr. Hume: I don't have an issue giving this to them if everything is going to be done when it's supposed to be. I don't know how to check on it.

Mrs. Kehne: If we agree to this and you bury your son, there's no turning back.

Mr. Bentley: It's going to be done. He asks to be buried there and that's what I'm going to do. Plus, me and my wife will be buried beside him. His kids want to be buried there.

Mrs. Kehne: Now that it's more clear to me what the urgency is. Normally we would ask this work be completed before you come in.

Administrator Sweazy: Do you feel like you can have the barn down, vehicles moved, and it fenced in the next 6 months? Do you think you can get that done?

Mr. Bentley: Everything but maybe the fence.

Mrs. Kehne: If we do a year on the fence and 6 months on getting the property cleaned up, will that work?

Mr. Bentley: Yes.

Chairman Murphy: I entertain a motion with restrictions.

Mr. Ethington: I make a motion we grant this with the items Mrs. Kehne has talked about.

Mrs. Kehne: The granting of the Conditional Use Permit will allow proper integration into the community of uses which are specifically named in the Zoning Regulations, which may be suitable only in specific locations and rezoned only if certain conditions are met. Every grave has to have a marker or headstone, you have 6 months to clear the area of rubbish and none can be placed on your other property, it must be removed off the property, no lots can be sold, I'd like to see that you have to have marker or headstones added to the bylaws, make sure all records are filed with the County Clerk's office and the State, records maintained properly, sign can be no more than 2'x2', make sure being maintained, fence erected in a year.

Mrs. Hoene: Second with all the restrictions.

Chairman Murphy: Questions? All in favor, opposed, motion carries.

Administrator Sweazy: We have the application of **Sunrise Market, LLC** requesting a variance on the size of a free-standing sign to be replacing a sign located at 125 East Main Street. Applicant desires to construct a gasoline sales sign shown on the attached sign design diagram. The sign will be located as shown on the attached site drawing titled sign plan. A variance is needed due to the fact the sign is larger than currently permitted by the existing sign ordinance. I included the B-1 zoning; a free-standing sign is allowed to be 30 feet maximum height, and 50 square feet maximum area 100% identification.

Attorney Charles Tichenor: For Sunrise Market, LLC. The sign is 126 square feet verses the 50 required under the zoning. This is a standard Marathon free standing sign that they use in the majority of their locations in this area. That is what they are wanting to put back in place of the sign. There was a sign there previously but has been taken down. It will be closer to Dr. Strong's office where it used to be. My client has purchased this property and his intention is having the gas pumps back up and running shortly. With a complete renovation and remodeling within the next 6-8 months.

Mr. Ethington: Can you say what he plans on having in the building?

Attorney Tichenor: Like a Minute Mart.

Administrator Sweazy: With our current sign setback requirements. There's no way that sign can meet those requirements. But we are truly taking one sign out and putting another in the exact same spot?

Attorney Tichenor: It's not the exact same spot. It is within 3 feet of the exact same spot.

Mrs. Kehne: But isn't that a problem?

Administrator Sweazy: I would have to look back to see if we could use anything like an established setback. But really for it to work and not be a variance on the actual spot.

Attorney Tichenor: We're already in here for a variance because it doesn't meet the sign ordinance. This board has the ability to do a variance on location also.

Administrator Sweazy: What's the purpose of not putting it where that other sign is?

Attorney Tichenor: I'm not sure what the purpose is. This is what the engineer sent me.

Mrs. Kehne: Can we do something that's not advertised?

Administrator Sweazy: I don't know. On a planning commission level they can do that because they are allowed to do variances on dimensional stuff.

Attorney Tichenor: If you approve it in the exact same spot. I'm guessing it has to do with parking. The other one is 9.5 feet from the property line and the new one is 5 feet from the property line.

Mrs. Kehne: I think this sign is way to big.

Administrator Sweazy: I think it would have to be in the very same spot. The reason they do that setback requirement is if that sign blows over its going to land on top of the dental office.

Attorney Tichenor: That can be a requirement, that it be in the same place.

Administrator Sweazy: I think it would have to be. Because there's already a sign there, he can put it right where the other sign was. Because we are removing and replacing in the very same spot.

Mrs. Kehne: That's just a huge sign.

Mr. Hume: Is this the same as the sign in Elk Creek?

Attorney Tichenor: To my understanding, yes.

Mr. Hume: Do they not have an ordinance there? What's the difference in that?

Administrator Sweazy: The zoning. The one in Elk Creek is B-2 zoning which allows for a bigger sign, where this is B-1.

Mrs. Kehne: I guess my thing is, it is so much bigger and it's on Main Street. That's a big sign.

Attorney Tichenor: Its just going to be two poles at the bottom.

Mr. Hume: What's the distance from the bottom of the sign to the ground?

Attorney Tichenor: Its 10 feet off the ground. Which is open space, its not blocked. The actual sign size is 15'x 8'.

Chairman Murphy: So, they have any other sizes?

Attorney Tichenor: This is what they sent me.

Chairman Murphy: I think it needs to be smaller. You only have two ways coming to the lake and you're not going to miss that sign. Questions? Options?

Mr. Hume: Is there a way we can table it and see if they can come back with two options?

Administrator Sweazy: You can continue anything.

Chairman Murphy: I entertain a motion.

Mr. Hume: I make a motion we continue this to Thursday, April 13, 2023 at 4pm to come up with more options of what Marathon offers.

Mrs. Kehne: Second.

Chairman Murphy: Motion made, second, all in favor, opposed, motion carries.

Next meeting, April 13, 2023, at 4:00pm.

Mrs. Hoene: Motion to adjourn.

Mr. Ethington: Second.

Chairman Murphy: Motion made, second, Adjourn.

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Secretary

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Chairman