

TAYLORSVILLE-SPENCER COUNTY  
BOARD OF ADJUSTMENT  
Meeting Minutes

The Taylorsville-Spencer County Board of Adjustment held a meeting on Thursday, April 28, 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, and Jan Kehne. Doug Goodlett was absent. Also, present Administrator Julie Sweazy and Admin. Assistant Angie Helton.

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

Approval of the minutes for 3/24/22: Motion to approve by Mrs. Hoene, second Mrs. Kehne, all in favor, opposed, motion carries.

Chairman Murphy: Any Committee Reports.

Administrator Sweazy: None.

Administrator Sweazy: Swearing in of applicants wishing to speak.

Chairman Murphy: Unfinished business.

Administrator Sweazy: None.

Chairman Murphy: New Business.

Administrator Sweazy: We have the application of **Shane Virgin Builder for Rhonda Barnes** (owner) requesting a variance to be 33.1 feet from the right of way located at 648 Early Wyne Drive aka. Lot 88, Early Wyne Plantation. Ms. Barnes made application under the direction of the planning and zoning staff for the variance since the home is built out of compliance. The original building permit for this location was purchased in August 2002. The construction was slow going at the site. Staff put several calls in to the builder with little to no response concerning the location of the structure, the need for an updated plot drawing and possible change made to the original house plans. Staff has worked along with the building inspector on this location. When a pool permit was applied for by the pool company, that is when contact information was received for Ms. Barnes the property owner so that we could contact her directly. She was made aware of the issues regarding the location of the structure and that we put a hold on the pool permit until decision is made by the board concerning the variance at hand. Rhonda Barnes is present and will be speaking on this.

Rhonda Barnes: she explained that Shane Virgin was her builder. She had her choice of three lots in the division and chose Lot 88 because the realtor agreed that the house would fit on the lot. The realtor was Bill Drury. She got her plans approved by the developer for the lot. Thought his name was Paul Henson. Also noted that Bill Drury had been the developer and now is the realtor. They had the house platted on the property but when she and Shane met up there it was seventy feet from the road. They felt that was an error, so they measured themselves and moved it. This would allow her to have a two-car garage like she had originally planned. Over the course of the build, she has run into multiple problems with the builder. She would contact Shane and she

would indicate that she was taking care of things but wasn't. Once the zoning office contacted her, she again reached out to Shane Virgin who indicated she would take care of it, later to find that she had not. So, she came to the office, paid the fee and setup the meeting for the variance herself.

Administrator Sweazy: Explained that she felt they misunderstood Garland Armstrong's original plat of the house. His measurements are correct with it being staked at fifty feet from the right of way. So, when they moved it, they probably measured from the edge of pavement.

Jan Kehne questioned who applied for the variance.

Administrator Sweazy noted that both names were on the application to cover it.

Jan Kehne spoke regarding the change to the house plan and ask if a permit had been pulled for the changes.

Administrator Sweazy: No, a permit would not be granted until the variance is determined. I want to note that there was an additional porch on the side of the house as well as they enlarged the garage to a two car.

Jan Kehne: Are you living there?

Ms. Barnes: Yes.

Administrator Sweazy: She has been working with the building inspector on this along the way. There are some things left to be done on the home and had been told it was due to supply shortage.

Ms. Barnes: I have hired individuals myself to complete things on the house like railings, Zach Cotton to do the back fill and finish grade that was never done.

Chairman Murphy: You usually pay a builder in stages. Have you paid the builder?

Ms. Barnes replied yes that she has paid her in full. She has had several homes built for herself in western Kentucky and never had this many issues. She stated that for basically an additional fifty thousand dollars Ms. Virgin said she would take care of getting the variance! She didn't even bring the new drawing by Mr. Armstrong to the zoning office, Ms. Virgin sent a young man that worked for her to drop it off and Ms. Barnes had to pay him for his work because the builder didn't. She decided to get the variance herself and indicated that she has hired an attorney.

Kevin Wheatley: I'm not opposed to the variance. We have got some drainage issues from where the builder pushed some dirt, but Ms. Barnes has assured me she will have all that fixed, and I believe her.

(Mr. Wheatley furnished photos of standing water and drainage issues that have occurred since the construction of Ms. Barnes home that Shane Virgin never corrected. Copies kept in the file for the record)

Chairman Murphy: Questions?

Mrs. Kehne: I make a motion to approve the variance to be 33.1 feet from the right of way located at 648 Early Wyne Drive aka. Lot 88, Early Wyne Plantation. It will not adversely affect the public health, safety, or welfare; it will not alter the essential character of the general vicinity; it will not cause hazard or a nuisance to the public; it will not allow an unreasonable circumvention of the requirements of the Zoning Regulations. Ms. Barnes will also be responsible for fixing the drainage issues with the rest of the neighbors.

Mr. Ethington: Second.

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

Administrator Sweazy: We have the application of **Daniel & Christina Johnson** requesting a Conditional Use Permit to operate **Hygge Creek Cottage** as a short-term rental located at 211 Shelbyville Road, Hwy 55N. The Conditional Use Permit is being sought to operate this property as an AirBnB. You can look at the Proposal by the applicant that is in your packets.

Mrs. Hoene: How many people can this accommodate?

Christine Johnson: Four adults, no more than six people total. Also has one bathroom.

Mrs. Hoene: How many employees?

Daniel Johnson: We plan on managing ourselves. But will contract lawncare and cleaning service.

Chairman Murphy: Do you have insurance?

Mrs. Johnson: Yes.

Mrs. Kehne: What about signage? Do you have a permit?

Mrs. Johnson: We do have a sign. No permit.

Mrs. Kehne: Well, you will need to get one and follow sign guidelines.

Administrator Sweazy: Conditional Use Permits are allowed a 2' x 2' sign.

Mrs. Kehne: What about parking?

Mr. Johnson: We have 1.6 acres, and the house is rather small, but we have a 51x36 area of gravel for parking. We made it this large to accommodate for boat parking for guest going to the lake.

Chairman Murphy: What about septic and garbage?

Mr. Johnson: A new septic system was installed, and we have weekly trash pickup by Rumpke.

Chairman Murphy: How far away do you live from this location?

Mr. Johnson: Not far up the road on Spring Meadows Drive. So, we can be there quickly, and we also have a maintenance man, Joe Greenwell.

(There was no one present or requesting to speak)

Chairman Murphy: Questions?

Mrs. Kehne: We would need to add everyone inside by 11pm to reduce noise, no garbage outside, and no parking on the road.

Mrs. Hoene: Made a motion to grant the Conditional Use Permit to operate Hygge Creek Cottage as a short-term rental located at 211 Shelbyville Road with the stipulations of everyone inside by 11pm, no garbage or rubbish outside and no roadside parking. They will also be allowed to sale Kentucky Proud Products. They also need to obtain their Business License.

Mr. Ethington: Second.

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

Administrator Sweazy: We have the application of **Michael & Cheryl Klotz** requesting a front yard setback variance for the purpose of building a home closer than the required setback located at Lot 3, Tanglewood Drive. The variance is to reduce the building setback line from 35' to 25' in order to be more closely matched to existing homes on Tanglewood Drive which were built closer than 35' from the front line. This will also allow them to build further from the #10 green on Tanglewood Golf Course, decreasing the likelihood of errant golf balls hitting the home. The property is .404 acres zoned R-2.

Michael Klotz: Bought the lot from Brian Bentley. He explained that Bentley had won a lawsuit regarding tapping into the sewage treatment plant so they will be hooked to sewers. With the variance it will allow the home to be more in line with the houses already built there. He will be next to the Fosters. This will also allow him to be a little farther way from the greens so maybe the golf balls won't hit his home. They also own the remainder of the lots at the rear of the golf course.

Mr. Ethington: questioned the location of the lot.

Mr. Klotz: explained the location was between the vacant lot at the end of the condos and Mr. Fosters house.

Administrator Sweazy: adjoining property owners were notified. The only person she heard from was Mr. Carrither's across the street. Once he understood the location of the Klotz lot he was no longer concerned.

Mr. Klotz: felt it wouldn't affect him at all.

(There was no one present or requesting to speak)

Mrs. Hoene: Made motion to grant the variance to a 25' building setback line. It will not adversely affect the public health, safety, or welfare; it will not alter the essential character of the general vicinity; it will not cause a hazard or a nuisance to the public; it will not allow an unreasonable circumvention of the requirements of the Zoning Regulations.

Mr. Ethington: Second.

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

Chairman Murphy: General questions or discussion?

Administrator Sweazy: Our next meeting will be May 26, 2022.

Mrs. Hoene: I made a motion to adjourn.

Mr. Ethington: Second.

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

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Secretary

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Chairman