

TAYLORSVILLE-SPENCER COUNTY
BOARD OF ADJUSTMENT
Meeting Minutes

The Taylorsville-Spencer County Board of Adjustment held a meeting on Thursday, June 29, 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. Kehne, second Mr. Ethington, all in favor, opposed, motion carries.

Approval of the minutes for May 11, 2023: Motion to approve by Mrs. Hoene, second Mr. Hume, all in favor, opposed, motion carries.

Chairman Murphy: Any Committee Reports.

Administrator Sweazy: None.

Administrator Sweazy: Swearing in of everyone wishing to speak.

Chairman Murphy: Unfinished business.

Administrator Sweazy: We have none.

Chairman Murphy: New business.

Administrator Sweazy: We have the application of **Dale & Angela Harrison** requesting a variance on the front yard setback from the approved 30' building line to be 25.26' for property located on Ravenswood, Lot 139A, in Top Flight Landing. The applicants are requesting a variance to build a home on their property. With the SS&D Easements as well as the Building Setback line on the recorded plat it has become challenging to fit their floor plan onto the lot. We have a drawing they provided showing measurements of how much they would encroach into the front building line and into the sanitary sewer and drain easement. I do have a statement from the Engineer and the operator of the sanitary sewers in Top Flight Landing granting them the variance to be in the sanitary sewer easement on the back side. On the overhead view it shows the majority of the remaining lot is a lake.

Dale Harrison: 9905 Hazel Tree Drive, Louisville, KY. The lake is about 2 acres itself. I bought 2 lots to include the whole lake to my property. At the time I bought the lots I was not told there was a sewer line down the side and across the back. I talked to Ruth Holland, the closing Attorney and she said I don't think any of that stuff is back there, I think it was back there when it was going to be a golf course so I think you can put your house anywhere you want on that lot. We came here to get the building permit. I called 811 before I started digging, then I went out there and they had green flags across the back of the lot where I had the house. So, there was sewer back there. At this point we either have to change the house plans, sell the lots or get a variance. Jack, the owner of the sewer, said we're

okay to move it back a little as long as we're not on the pipe. But we won't know until we dig and find the sewer line.

Administrator Sweazy: Like I said, I have a statement from the operator of the sewer system allowing them to encroach that much.

Mrs. Hoene: So, it's the garage that sticks out.

Administrator Sweazy: Yes, that point that comes out.

Mr. Harrison: It's probably about a 4-foot corner that sticks out there.

Mr. Hume: I see why you can't go back any further. But would you want to go back behind the pipe?

Mr. Harrison: You wouldn't have room for it without getting into the woods.

Mrs. Hoene: Is it a two-story house?

Mr. Harrison: It's a one-story ranch.

Chairman Murphy: You got the Engineer to adjust the house, lake takes up part of the land, what about electric, is it going to be underground?

Mr. Harrison: Yes.

Mrs. Kehne: Do you meet your sideline requirements?

Mr. Harrison: Yes.

Mrs. Kehne: I make a motion that this 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. We will allow a variance in the front yard of 5 feet.

Mrs. Hoene: Is there a HOA out there? If so, any problems?

Mr. Harrison: Yes. I've not had anybody say anything.

Chairman Murphy: We have a motion by Mrs. Kehne, do I hear a second?

Mr. Hume: Second.

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

Administrator Sweazy: Under general questions and discussion. I hope it was okay but I went ahead and scheduled the next meeting for 7/13/23 because I have two applications.

Mr. Hume: Do we want to have discussion about this other issue?

Administrator Sweazy: We can.

(Discussion about the storage units on Turnpike Avenue)

Mr. Hume: It's a mess. I didn't understand when they were here that they were going to dig down 15-20 feet to put this in. I thought they were going to fence around it with some trees. If we get a lot of rain its going to run across to the people living across the street.

Administrator Sweazy: It already has. That's something we're dealing with now and I'm working with the city on that. Originally, we got the layout and the design where it showed the buildings, berms, they even gave us things for the view shed. But if you were standing in the back part of those houses, they had arrows pointing up over top the treetops showing that those trees would hide those units. So, everything that we got visual showed they were above. But the construction plans that were part of it and if you read the topography, it does show it falls. I even had the County Engineer go look at it. At first I thought they were bringing dirt in, but turns out they were taking it out. There's about 2200 truckloads of dirt sitting out there. That's when I started asking questions to see what was going on. The County Engineer says the construction plans that were given to us does show on the contour line that it's going to drop that tremendously. It shows it's gradually dropping then when it hits the back of where that building going to be, that will now be a retaining wall, it falls 15 feet.

Mrs. Hoene: The pictures they had that day all look like they were above ground.

Administrator Sweazy: They did, I agree.

Mr. Ethington: I didn't see the necessity to dig down that far. After all the rain we had the other day it washed out into the road and all the way down that hill and you had to drive through deep mud.

Mr. Hume: What are they going to do about drainage in there? Where is all that water going to go?

Administrator Sweazy: Right now, there are concrete pipes out there that you can probably crawl through. It will go into the storm drain. They will pump it out there to it. They're going to bring in 8 inches of gravel to cover that whole thing. So, it drains through the gravel. The lady that owns it was out there this morning and there is some silk fencing up, but the rain came so fast it just washed under it. So, I suggested that they add straw bales. The parking area of the apartments was covered.

Mrs. Kehne: Does this have anything to do with what we granted them?

Mrs. Hoene: I think they mislead us with the pictures.

Mrs. Kehne: If they gave us the topography.

Administrator Sweazy: They gave us the construction plans with that on there.

Mrs. Kehne: Maybe in the future with this type of construction we need more information? Because I know right now, and I may have this wrong, but we don't even have a regulation requiring silk fencing in the County or the City.

Administrator Sweazy: This has definitely gotten everybody's attention. Nobody expected this mud. The County Engineer, City Engineer, Todd Burch and I were out there yesterday. It even took the builder by surprise. He didn't understand why going so deep either but that was what was on the plans. You will see the building out front but, in the back, that back wall will be the retaining wall. That's where we are with it right now, footers have been poured and he's got supplies out there to put in for the drainage.

Mrs. Kehne: Are there any options for us? Can we call them back in? On what basis?

Administrator Sweazy: I don't know that there would be. They came here for a conditional use permit which you have to have on commercial property to do storage units. They are still going to put up the fence and plant the trees like they said they would.

Mrs. Hoene: It was misleading for all the people that live around there.

Mrs. Kehne: The letters were sent out and nobody came in.

Administrator Sweazy: I've not had complaints about how deep it is. The problem has been the mud and no fencing as a safety feature to keep a child from falling in the hole.

Mr. Hume: If I lived out there in one of those houses I would have been in here asking what was going on.

Mrs. Kehne: What, with our permitting and regulations, would prevent them from building it? They presented the actual paperwork, Steve Clark looks at the plans (Julie stated he doesn't look at the grade). There's nothing in anything we have that says you can't dig down in the ground. If they go by everything in the building code book, I don't think there's any way you can stop it.

Mr. Ethington: The only thing I see we could actually work on is the drainage and mud.

Mrs. Kehne: That's where we don't have anything saying you have to put fencing up or straw down. If they don't mandate it builders won't spend the money to do it.

Administrator Sweazy: Well hopefully by morning we will see something different because they were all out there today. I can go back and see how the minutes read for their conditional use.

Mrs. Kehne: I would seek legal counsel on it.

Mr. Hume: I think it's too late now. I just wish we understood it better at the time.

Administrator Sweazy: I'm hoping once they get it seeded and get some grass growing, trees put in and the mud gone it will look better. Our next meeting will be July 13, 2023.

Mrs. Hoene: Motion to adjourn.

Mr. Ethington: Second.

Chairman Murphy: Motion made, second, all in favor. Adjourn.

Secretary

Chairman