

TAYLORSVILLE-SPENCER COUNTY
BOARD OF ADJUSTMENT
Meeting Minutes

The Taylorsville-Spencer County Board of Adjustment held a meeting on Thursday, July 6, 2021 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, Administrator Julie Sweazy, Admin. Assistant Angie Helton and Code Enforcer Ashlee Ingram. Doug Goodlett was absent.

Approval of the Docket: Motion to approve by Mrs. Hoene, second Mr. Ethington, discussion none, all in favor, motion carried.

Approval of the minutes: Motion to approve by Mrs. Hoene, second Mrs. Kehne, discussion none, all in favor, motion carried.

Chairman Murphy: Any Committee Reports.

Administrator Sweazy: None, but I am working on finding some training or we may have someone come here and do it. I also want to welcome Jan Kehne to the board, this is her first meeting. I also want to introduce Ashlee Ingram, our new Code Enforcer.

Administrator Sweazy: Swearing in of applicants wishing to speak.

Chairman Murphy: Unfinished Business.

Administrator Sweazy: Read the application of **Rodrick & Gaye Waldrige** requesting a side yard & rear yard setback variance to allow a previously installed storage building located at 978 Townhill Road. At our last meeting there was discussion about property lines and things of that nature. I have not had any new surveys brought in. Everything is still the same way that it was. So, for determining the true property line, I do not have that answer.

Chairman Murphy: At the last meeting we tabled this due to lack of information.

Rodrick Waldrige: I do not want to argue with my neighbors. So, if Ben Mills wants me to move the building down the hill some, then I will move it or I will pay him a lease. I just want to get this over with.

Chairman Murphy: Mr. Mills are you okay with this.

Mr. Mills: That's up to the board.

Chairman Murphy: Did you find the markers?

Mr. Waldrige: No, I couldn't find anything.

Chairman Murphy: Did you find your deed?

Mr. Waldrige: No.

Administrator Sweazy: I do have a copy of his deed but theres not a plot drawing with it. I had Pam at the PVA plot this for me to give me an idea of it but that's not a legal survey.

Mrs. Hoene: Didn't the Mills say they had it surveyed when they bought it?

Administrator Sweazy: We did talk to Jamie Brown, he didn't do a new drawing, he just went around and made sure if there wasn't a pin from the original then he put a pin in place. There should be pins in place.

Administrator Sweazy: At the last meeting you were concerned where your lateral lines are? You can't put it on your lateral lines. You have to stay clear of those.

Mr. Waldrige: I will move it if that's what needs to be done.

Mrs. Hoene: How hard will it be to move it?

Mr. Waldrige: It will be hard to move it, but I'll get it done.

Administrator Sweazy: On our end of things, you're supposed to be 25 feet off the back property line. When we went up and measured, we measured from the fence as if that was the property line, because that's what we assumed, it's not too far off the mark.

Mr. Waldrige: Where Mr. Mills fence is, is not the property line.

Administrator Sweazy: What about the propane tank?

Mr. Waldrige: The propane tank has been there since I've been there.

Administrator Sweazy: Do you think the propane tank is on you?

Mr. Waldrige: I thought the property line was behind the propane tank.

Administrator Sweazy: So, you can't move it any further in on that part, but you would still need a variance on the back even if you moved it into the backyard more. I think as long as he was able to move the building even with or further in towards the house, he would be okay on the side yard but we would still need that variance on the back yard.

Ben Mills: 992 Townhill Road. I have nothing against the building. I had this property surveyed by Jamie Brown, he didn't tell me I had to take the new information to the courthouse. I put that fence behind his house about 2 feet off the property line. He needs to survey his property. I don't mind the building being there, he just needs to move it forward into his backyard.

Chairman Murphy: Last time we tabled this you said the building was on your property.

Mr. Mills: Its close to the easement. I'm just going by what Mr. Brown said.

Chairman Murphy: So, you object to the building being there?

Mr. Mills: No, I don't. He needs to move it in a little bit. The corner of my fence where that gas tank is is just 20 feet to the center of my driveway. So, whatever you all decide. Because I don't care if he has the building up as long as he moves it over a little bit on the back side.

Chairman Murphy: So, you're in agreement with moving it.

Mr. Waldrige: So, at the corner of the fence is an easement? I didn't approve of an easement coming all the way over to my yard.

Mr. Mills: The state did that. At one point they were going to subdivide that property. They gave the easement out front but the driveway out front was 135 feet from corner to corner. Somebody told her she couldn't put houses back there, so I bought it.

Chairman Murphy: Did the state put an easement in there?

Administrator Sweazy: What I am looking at here is a deeded right-a-way. There is a joint access easement that's only 50 foot wide its not 135 feet and that's what's on that survey.

Mr. Ethington: You said it should be 25 feet on each side from the center of the road. Is that correct?

Administrator Sweazy: But that gravel may not be in the center of the 50 feet, and I think that is our issue. I think the gravel is all on one side. On a survey from 1994 its shows that right-a-way goes all the way over to the center of the loop drive on the neighbors. There's only a couple of ways to do this. Either he needs to have a survey done of his property or the building would need to be moved way inward.

Chairman Murphy: Neither one of you came up with a survey to tell us what to do. I don't understand that. You've had plenty of time.

Mr. Mills: I've had my property surveyed. Mr. Brown told me the other day he didn't take the survey he did for me and put it in the courthouse.

Mrs. Hoene: Do you have that with you?

Mr. Mills: It's the same thing you're looking at. He didn't tell me I had to file it, but that's my fault for not asking. It's not my place to bring you my survey, he needs to get his property surveyed.

Chairman Murphy: We have to have a survey.

Mrs. Kehne: The property owner should be able to show how far he's going to be off the property line. So, he needs to have it surveyed.

Mrs. Kehne: Is it on a concrete slab?

Mr. Waldrige: It's on blocks.

Chairman Murphy: When we tabled this Mr., Mills said the building was on his property. Yet neither of you brought in a survey. We need to know what's what.

Administrator Sweazy: Even if you brought in a paper copy that still isn't going to show us anything different. It's a matter of where it is on the ground. It going to have to be flagged and staked in order to determine this. Mr. Waldrige needs to know where his lines are so he knows where he can put it.

Mr. Waldrige: Are you all going to give me a variance to let the building be there and just move it a little bit. The reason its there is because Gaye and me can't hardly walk and it's a playhouse for our granddaughter.

Chairman Murphy: We can't give you a variance until we know where the property lines are.

Mrs. Kehne: You need to know where the line is. It's possible you might not have to move it.

Chairman Murphy: We have to have proof. You need to get it surveyed.

Administrator Sweazy: Here my suggestion. Get in touch with Garland Armstrong, he did the survey back in 1994 and have him meet you up there and find the pins or reset them.

Chairman Murphy: We are going to have to table this again until we get a survey.

Administrator Sweazy: You won't table it; you will have to continue it.

Mrs. Hoene: I make a motion we continue this until we have proof of property lines.

Mr. Ethington: Second.

Chairman Murphy: Motion has been made and second, all in favor say aye, motion carried.

Administrator Sweazy: I do need to schedule our next meeting. Meeting will be July 29, 2021, at 4pm.

Administrator Sweazy: We have the application of Nicole Ducate & David Seabold requesting a Conditional Use permit for a home occupation located at 35 Saddlebrook Trail. The applicants are requesting the Conditional Use to allow them to continue operating their business from their home. They are known as Derby City Supply, Inc. and have a hose assembly, hose fittings and accessories shop in their basement. The normal business hours are 9-5, Monday – Friday. They sell products business to business, with the majority of products being delivered to the customers location. They have had a few walk-in customers that pick up at their property which is typically the local road departments and a few local farmers periodically. Which is less than 10% of their business. The plan is to have a commercial location within the next 12 months. They are currently looking for a location that suits their needs and their budget. The applicant has already obtained a business license with the county.

Chairman Murphy: You're already operating this business. How much traffic do you have?

David Seabold: That's the main thing, about 7% of our business is local pickup. So, not massive amounts of traffic.

Chairman Murphy: Do you have a large parking area?

Mr. Seabold: A driveway.

Chairman Murphy: Do you have small or large trucks?

Mr. Seabold: We have one F-150 and the rest are actually cars.

Mrs. Hoene: How long have you been in this business?

Mr. Seabold: We moved the business from Louisville in 2018 and got our business license in 2019.

Chairman Murphy: Are you planning on expanding or continue as you are?

Mr. Seabold: No, we are actually looking for a commercial location because we can't grow anymore if we stay where we're at. So, we are looking for something close to where we are at that is a commercial location.

Mrs. Hoene: How often does product come to your home?

Mr. Seabold: Typically, once every month we see a tractor trailer and the street has plenty of room for it.

Mrs. Kehne: Do you have employees?

Mr. Seabold: Yes, myself, my partner and three others.

Chairman Murphy: Have we had any complaints?

Administrator Sweazy: I only had one person ask what was going on there. Which is what made us go check it out.

Mrs. Kehne: Is that a private road or a county road?

Administrator Sweazy: County.

Mrs. Kehne: How do you expose of waste?

Mr. Seabold: There is none. When we cut a piece, we do not throw anything away. But any metal we have left over we give to a neighbor of ours that does scrap metal for recycling.

Mrs. Kehne: What time do trucks come?

Mr. Seabold: That can be anytime of the day.

Mrs. Kehne: Can you see anything of what you're doing from outside of the house?

Mr. Seabold: It's all under tarps and not an eye sore.

Chairman Murphy: Any more questions?

Administrator Sweazy: With a Conditional Use you can revoke it if want to. When he moves from there the Conditional Use is gone.

Mrs. Hoene: I make a motion we grant the Conditional Use Permit under the conditions that if it becomes an issue with adjoining property owners that we review this again. If they have not moved to a commercial site in 12 months, they need to come back for review.

Mr. Ethington: Second.

Chairman Murphy: Motion been made, all in favor say aye, motion carried.

Mrs. Hoene: Motion to adjourn, second by Mr. Ethington.

Chairman Murphy: All in favor, meeting adjourned.