

TAYLORSVILLE-SPENCER COUNTY  
BOARD OF ADJUSTMENT  
Meeting Minutes

The Taylorsville-Spencer County Board of Adjustment held a meeting on Thursday, July 13, 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, Greg Murphy and Duane Hume. Also, present Enforcement Officer Ashlee Welch and Admin. Assistant Angie Helton. Jan Kehne was absent.

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

Approval of the minutes for June 29, 2023: Motion to approve by Mr. Ethington, second Mrs. Hoene, all in favor, opposed, motion carries.

Chairman Murphy: Any Committee Reports.

Admin. Assistant Helton: None.

Admin. Assistant Helton: Swearing in of everyone wishing to speak.

Chairman Murphy: Unfinished business.

Admin. Assistant Helton: We have none.

Chairman Murphy: New business.

Admin. Assistant Helton: We have the application of **Michael Greenwell** of MAG Property Management LLC requesting a variance on the front yard setback as well as being forward of the primary residence located at 539 Elder Drive aka. Lot 1 Bluegrass Farms. Mr. Greenwell is requesting the variance to allow the construction of a 20x30 carport style structure on this property. Due to the lay of the land his property has a large amount of road frontage, however not so deep before it falls off over a steep hillside. He is also boxed in with the location of his septic and lateral field. Mr. Greenwell is requesting to place the carport at the front right corner of his property to make it easily accessible from the existing driveway and convenient to his home. The structure will be forward of the primary residence so a variance to Article II, Section 204.14. The property runs to the center of the road with the following easements established per the plat of record: 30-foot road easement, 50-foot utility easement, and 80-foot building limit. It was recommended he contact the utility companies prior to the meeting since the structure is drawn at 52', with gravel roads sometimes the gravel moves over time and may not be in the center of the easement which could cause him to encroach into the easement. We felt it was better to address all avenues at once. Mr. Greenwell has obtained letters allowing encroachment into the utility easement from the utility companies and had such letters recorded in the clerk's office.

Chairman Murphy: What's the 93 feet line in the back?

Michael Greenwell: That's to the property line.

Chairman Murphy: What's that building to the right?

Mr. Greenwell: That's a barn on the neighbor's property.

Mrs. Hoene: So, this building is 30'.

Mr. Greenwell: It's 24x30.

Mr. Hume: Is it stick built or one that you just buy?

Mr. Greenwell: Handed out a drawing of the proposed building. Which will be metal.

Mr. Hume: Do you think you would ever close it in in the future or leave it as a carport?

Mr. Greenwell: I have no plans to close it in.

Chairman Murphy: All the neighbors have been notified?

Admin. Assistant Helton: Yes and no one has come in or called.

Mrs. Hoene: What about the septic system?

Mr. Greenwell: It's on the other side of the house.

Chairman Murphy: You checked about the lateral lines and checked with the utility people.

Mr. Greenwell: Yes, and I have that paperwork.

Mrs. Hoene: When are you building this?

Mr. Greenwell: As soon as I get an answer here.

Mrs. Hoene: I make a motion we grant this variance 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. Hume: Second.

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

Admin. Assistant Helton: We have the application of **Larry Sweatt** requesting a variance on the front and side yard setback as well as being forward of the primary residence located at 135 Cotton Lane. Mr. Sweatt came into the office to purchase a permit for a new building he is having set. Staff made him aware that the proposed building as well as a storage shed, he had set a little over a year ago would both need a variance to remain. He was not aware a portable shed needed a permit. The side of the

existing shed is approximately 7-foot from the fence and the proposed building is sitting right against the fence which is on the property line. Our regulations require 15 feet. The proposed building is approximately 50 feet from the edge of pavement. Cotton Lane has a 60 foot right of way with 16-foot pavement width. Therefore, he needs at least a 28-foot variance on the front yard. The structure will be forward of the primary residence so a variance to Article II, Section 204.14 would be needed. You have drawings in you packets which includes a special note regarding the building shown on the bottom left corner that reads accessory buildings which are not any part of the main building and are separated from it by 15 feet, may be constructed in a required rear yard, provided such accessory buildings do not occupy a total area greater than 30 percent of the area of the required rear yard in the district in which they are located and are not placed closer than 5 feet to the rear lot line nor closer than 2 feet to a side lot line. This building has been here for over 10 years.

Chairman Murphy: That one building has been there 10 years and you wasn't aware you had to have a variance for that and now you want to put another one in front of it?

Mr. Hume: Looks like there's a building in the back and it's been there a while, then there's a portable one.

Larry Sweatt: Probably in the 80's.

Mr. Hume: Then I guess you had the portable one set there?

Mr. Sweatt: Yes, about a year ago.

Patricia Bishoff: It's not tied down and can be moved a guess.

Chairman Murphy: Has the one in the back been there since you bought the property?

Ms. Bishoff: Yes.

Chairman Murphy: The shed there, what is it used for?

Ms. Bishoff: Like a she shed.

Mr. Hume: Is the other one going to be portable or stick built?

Mr. Sweatt: It's just a two-car garage.

Chairman Murphy: Are they bringing it in on a trailer?

Mr. Sweatt: It's already there. We had the concrete there then we received a letter at the same time they put the building up.

Mrs. Hoene: Is it on your property line? How many acres do you have?

Mr. Sweatt: I have 7 acres.

Chairman Murphy: It's supposed to be 15 feet off the property line and its right on the line.

Ms. Bishoff: We didn't know.

Mrs. Hoene: Can it be moved?

Chairman Murphy: It's on a concrete slab.

Mr. Sweatt: Evan Goodlett lives on the other side and was okay with it.

Ms. Bishop: We didn't know.

Chairman Murphy: Have any of the neighbors complained about it.

Admin. Assistant Helton: No.

Chairman Murphy: Are you going to have lights and electricity in it.

Mr. Sweatt: No, just a two-car garage.

Mrs. Hoene: So, the portable one is going to stay there?

Ms. Bishoff: Yes.

Mrs. Hoene: You said something about you could take it down.

Ms. Bishoff: No, I said it's not tied down.

Mrs. Hoene: What kind of floor is in that?

Ms. Bishoff: Wood and its set up off the ground.

Mr. Hume: How close is the little woodshed from the line itself?

Admin. Assistant Helton: Its setting 7 foot from the fence and the fence is on the property line. The proposed new building is right on the property line and is supposed to be 15 feet from the property line.

Chairman Murphy: Questions? Angie, have you got anything to say?

Admin. Assistant Helton: To my understanding the side of the existing shed is approximately 7 feet from the fence and the proposed building is setting right against the fence so they need a variance for both of those and there needs to be at least a 28-foot variance on the front part of the proposed building.

Mr. Hume: Is there any reason why you couldn't have moved it 15 feet from that fence?

Mr. Sweatt: The yard slopes and that was the only place I could put it or it would be on top of the driveway.

Mrs. Hoene: So, the concrete is poured and building already on it.

Mr. Sweatt: Yes.

Mr. Hume: That's the hard part. I don't like where it is. Don't know what we can do about it. Being right on the line, even though no one has said anything about it. It's already there and now that's what we're dealing with.

Admin. Assistant Helton: I don't have the measurements from the fence to the driveway.

Mr. Hume: On the photo it looks like they have some room.

Ms. Bishoff: It doesn't show it in that photo but its right up against the driveway.

Mr. Hume: So, it does go up to the driveway?

Ms. Bishoff: It goes from the fence to the driveway.

Mr. Hume: How big is it?

Ms. Bishoff: 25x26.

Chairman Murphy: We're between a rock and a hard place. You've already poured the concrete, building is set, no neighbors complaining, not on lateral lines but you are on the property line.

Mr. Hume: I can live with a variance from the road but the being right on the line.

Mr. Ethington: The only thing I could see is if the people next door sold it and the people moving in might have a problem with it being that close.

Admin. Assistant Helton: But it's already there so if someone is going to buy it they're going to see it so they would know ahead of time.

Mrs. Hoene: The variance stays with the property.

Chairman Murphy: I'll entertain a motion.

Mr. Hume: On the small shed, is there electricity in it?

Ms. Bishoff: No.

Chairman Murphy: Questions?

Chairman Murphy: I'll entertain a motion on the first variance of the small shed.

Mr. Hume: I make a motion to grant a 7-foot variance for the small shed. 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: Now variance on the garage.

Admin. Assistant Helton: The garage is approximately 50 feet from the edge of pavement and the back sets right on the property line. So, it needs a front yard variance of 28 feet and it sets on the property line.

Mr. Hume: I know there's a fence there. But I'm going to ask was there a survey done to find out if it's that close to the property line or does it encroach on the other property?

Mr. Sweatt: When the neighbor bought that the lady that owned it had it surveyed.

Mrs. Hoene: So you know that the fence is not on their property?

Ms. Bishoff: Yes.

Mr. Hume: I just have an issue with it being that close to the property line. Especially if a survey was not done. I would feel a lot better about it if I knew if that building was right on the line, off a foot or past a foot. Without that survey I would be hesitant on voting either way.

Mr. Ethington: What if we approve it today with the stipulation, they get the survey to show it doesn't extend over the property line. They can bring it into the office.

Admin. Assistant: That's the same as laying it over.

Mr. Ethington: But we wouldn't have to meet again if they met the criteria.

Chairman Murphy: You can make a motion to do that, or we can come back and revisit it.

Mr. Hume: If he makes a motion like that and it's on their property it's good but if it's over the property line that's another issue. I would feel better about laying it over and getting the survey done to see. They don't have to do the whole property just that line.

Mr. Ethington: I just don't want them to spend money to come back here.

Admin. Assistant Helton: If we lay it over, they don't have to pay the fees again.

Chairman Murphy: I entertain a motion to lay it over.

Mr. Hume: I make a motion to lay it over for you to get a survey done on that line where the fence is and then we will revisit it.

Mrs. Hoene: Second.

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

Admin. Assistant Helton: You get that survey done then get in touch with our office and we will get another meeting scheduled.

Mrs. Hoene: Motion to adjourn.

Mr. Hume: Second.

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

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Secretary

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Chairman