

TAYLORSVILLE-SPENCER COUNTY
BOARD OF ADJUSTMENT
Meeting Minutes

The Taylorsville-Spencer County Board of Adjustment held a meeting on Thursday, August 24, 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 Administrator Julie Sweazy and Admin. Assistant Angie Helton. Jan Kehne was absent.

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

Approval of the minutes for July 13, 2023: Motion to approve by Mr. Hume, second Mr. Ethington, all in favor, opposed, motion carries.

Chairman Murphy: Motion made, second, 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 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. This is an application that you had at the meeting in July. You did approve a portion of the variance request, but you also ask that they provide a survey of where the new building is located. They have provided that, and it shows that the building is 3 foot off of the property line.

Chairman Murphy: You had it surveyed and you're not on any other property. Now you need the other part of the variance approved.

Administrator Sweazy: You all approved the one portion but you have to finish out with this part.

Mr. Hume: It's 3 feet and it's supposed to be 15 feet.

Chairman Murphy: Thanks for the survey, we just had to be sure. I'll entertain a motion.

Mrs. Kehne: I just have a question; I wasn't here so I'm trying to read and figure this out. Was there not anywhere else to put this on the property?

Chairman Murphy: It's beside the house they didn't have any other room for it.

Mr. Hume: You weren't here but it's already on a concrete slab.

Administrator Sweazy: When they came in to get the building permit for it, the building was already on its way.

Mrs. Kehne: We've talked about this is classes about getting a variance after the fact. I wasn't here at the time of this so I'm going to stay out.

Chairman Murphy: He did provide the survey. Questions. I'll entertain a motion.

Mr. Hume: I make a motion to approve 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. 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.

Mrs. Hoene: Second.

Chairman Murphy: Motion made, second, questions, all in favor, opposed (Jan Kehne was opposed), motion carries.

Administrator Sweazy: New business.

Administrator Sweazy: We have the application of **Alejandro Ruiz for Joma Properties, LLC** requesting a Conditional Use Permit to operate a short-term rental (VRBO) located at 441 Day Road. The applicant is requesting to rent the home on the premises as a family vacation location. For additional facts see the proposal provided by the property owner. (Exhibit A) The house is an A-frame and setting on a little over 12 acres. They have built a firepit and put in a gazebo.

Mr. Hume: Is that a creek behind it?

Administrator Sweazy: Yes.

Alejandro Ruiz: We bought the house to enjoy with the family. I bought this house with my brother, and we discussed with the expenses of the house we decided to try and rent it for a while to help cover the utilities and other expenses.

Chairman Murphy: You got grass cutter, cleaner, trash pickup, cameras and internet. Do you have insurance?

Mr. Ruiz: Yes.

Chairman Murphy: If the law has to come out there, we can revoke this.

Mr. Hume: How many bedrooms?

Mr. Ruiz: Three bedrooms.

Chairman Murphy: You said no more than seven people.

Mr. Ruiz: Yes.

Mr. Hume: Will you all be staying there sometimes?

Mr. Ruiz: Sometimes yes and sometimes my brother.

Mr. Hume: This is not your residence?

Mr. Ruiz: No. I live in Louisville.

Chairman Murphy: Do you have a firm that's going to run it or just you and your wife going to run it?

Mr. Ruiz: Me and my wife.

Mr. Hume: But it's going to be listed on VRBO website?

Mr. Ruiz: Yes.

Mrs. Kehne: No hunting, no ATV's.

Mr. Ruiz: Correct. I do have a Polaris just for my family to get around on the property.

Mr. Hume: Security. If something goes wrong, what do you have in place for that?

Mr. Ruiz: I have the doorbell cameras around the property that I can see. We will have a list of rules. I can give the neighbors my wife and my cell phone number so they can call if they have any complaints.

Chairman Murphy: What kind of lighting to you have?

Mr. Ruiz: Solar Lights.

Mr. Hume: Will everything go through VRBO?

Mr. Ruiz: Yes.

Chairman Murphy: Do we have anyone wanting to speak on this?

Administrator Sweazy: Yes.

Vickie Watson: 964 Day Road. This is a residential area and that's what it was zoned for. It was not zoned for any businesses. This will cause a lot of unwanted traffic. Most of that road is retired, and some handicapped residence. No one there wants anything other than what is already there. There were never any building permits that we know of, purchased for the firepit or gazebo. Is Day Road zoned for single family only or multifamily.

Administrator Sweazy: Most of it is agricultural. They did get a building permit for the gazebo. You don't have to get a permit for a firepit.

Mrs. Watson: No one on this road wants this because we are concerned about crime and noise. Please consider the residents' point of view and how we feel about it. Thank you.

Ruth Ann Augsborg: 651 Day Road. The back of my property abuts the back of their property. I do have concerns about the noise. 11:00pm even on weekends is later than most of us are up. It's usually quiet long before 10:00pm out there. With music, I don't like some of the words. I don't like it around my grandchildren and the sound carries very well down that road. I have concerns that people that rent this will want to go to the creek. How are they going to go? There's a hayfield directly behind their house so the easiest way to do that is to be on someone else's property. There are no fences or boundaries where people would know where to stay. I don't want anyone falling or getting hurt on my property.

Mr. Hume: So, their property doesn't have direct access to the creek?

Mrs. Augsborg: It can but you have to go through that hayfield. We keep that strip mowed because Rachael who lives next door to us, when she wants to walk down there she walks down our property and I don't mind that because people that live on the road right now, if I need something they are there for me. I'm not afraid of them or afraid to ask them for help. But I don't want strangers going up and down my yard all the time. Thank you.

Kenneth Hudson: 158 Day Road. When I purchased my property the stipulation in the deed said single family. We don't need commercial property in our subdivision. This company has no one that's going to live in the house permanently, they're not sharing the house, they are renting the house. This outfit is out of the Virgin Islands solely as a motel operation that they're requesting at that location and I don't appreciate it. Spoke about a study about when Airbnbs increase in a neighborhood, so does crime. (Handed out a copy of the article see exhibit B)

Neil Montgomery: 525 Day Road. We've lived in our home for 7 years. We are directly north of this property. I don't support someone running a commercial business in our residential neighborhood. We should have known a commercial vacation rental would be the purpose of the property when the current owners bought and invested so much money in it and without telling any of us what was going on. The property was purchased on March 24, 2023, and it took them this long to apply for a permit for a zoning change. They already put the black sign up like a real deal, which will inconvenience everyone in the neighborhood. We will not know who will be in our community and for how long they are staying. I can't see anything positive for our neighborhood. An Airbnb allows strangers to rent property without every coming into contact with the property owner. The property owner won't even know who's staying there. We're concerned for the loss of our beautiful country living. We don't want fireworks, firearms, fire irresponsible next door. Renters don't have to face the consequences of their actions and will feel free to do whatever they want. They do not have to be concerned for us they will never see us again. If this passes the people in our neighborhood and myself desire a direct line to the business owner to make complaints and there needs to be an understanding that they act on these complaints. If not, I will call the police until something is done. This is a headache waiting to happen for everyone involved.

Chairman Murphy: The people that run these are responsible for the actions of people that stay there. You have to have insurance, lighting, maintenance, parking, etc.

Mr. Hume: How many Airbnb's do we have throughout the county.

Administrator Sweazy: Around 6-8.

Chairman Murphy: The ones here do have restrictions. On his letter he proposed quiet time and stuff. But you're looking at a quiet community, the law can be called, and we can revoke anything that we do if they don't abide by the rules that we set. He's got everything covered.

Administrator Sweazy: A couple of you said something about the zoning change. This isn't a zoning change and that's one reason why they're done the way they are. It doesn't actually do a change in zoning to make it commercial, it allows them to do a use that's different than the ordinary, but the reason they do it this way is if there is problems, they can take it away from them. Whereas if you do a zoning change and you change it too commercial, once it's there it's there.

Mrs. Kehne: Something else that happens with this, if there is a call to the police department, we find out about it. If there's a party there and a phone calls made and reported to us we can bring him back in and take away his privilege of doing business. If you rezone it, we have no control over it.

Alajandro Ruiz: I don't want to cause problems to nobody here. We bought the property to enjoy with the family. My wife put the sign up because we are working here in this country for a life and she would just like to have a sign out there because this is our dream.

Mrs. Hoene: How big is the sign?

Mr. Ruiz: I would say 6.5x40. (Addressing the neighbors in attendance) If you guys say no then we agree. I don't want to cause no problems. I'll talk to my wife this evening. If they say no we will just have this house for a vacation for our family.

Mrs. Hoene: How big of a family do you have?

Mr. Ruiz: Me, my wife and 4 children. Then there's my brother and his 2 kids.

Mrs. Hoene: I think that the neighbors' concerns are it's a quiet neighborhood, so their concerned about noise, problems may come up, inappropriate music.

Chairman Murphy: Also, security, you don't know who is staying there and crime comes in different forms.

Mr. Hume: Is there a way you could make a path through that hayfield to get to the creek?

Mr. Ruiz: Pointed to where there is a path.

Mr. Hume: Are you two the only ones in with Joma Properties or is Joma Properties something else?

Mr. Ruiz: We have more properties in Louisville. But it is just me and my brother.

Chairman Murphy: Any more questions?

Mr. Hudson: I'm to understand that this is not considered a commercial operation when you have a nonresident operating, completely one from the Virgin Island and one from Jefferson County. They

have nothing to do with Spencer County other than they have a place to make money from. In my opinion that's commercial. Do the deed requirements override today's meeting?

Mr. Hume: Julie answered that earlier for you. She talked about that earlier how the regulations worked with the zoning.

Chairman Murphy: If they rezone it and it goes commercial, they can do whatever they want.

Mrs. Kehne: Another thing, he could rent that house out. If he decides not to live there, he can rent it.

Mr. Hudson: I just want it on the record that I'm against your decision to accept this operation.

Mrs. Watson: The fact of the matter is there is nobody who wants that period.

Mrs. Augsburg: With the times, most everybody out there is lights out by 9:00, seven days a week. Midnight might not seem late for a lot of people, but it is on our road.

Chairman Murphy: Questions. I'll entertain a motion.

Mrs. Kehne: I make a motion to approve the application of Alejandro Ruiz for Joma Properties, LLC requesting a Conditional Use Permit to operate a short-term rental (VRBO) at 441 Day Road with the following restrictions. This will be a short-term rental and all rentals will come through VRBO, not more than 3 days, parking for 3 cars, no boats, motorcycles, mobile homes. Maximum total of 7 occupants. Noise/curfew will be 10pm on weekdays and 11pm on weekends. There will be no hunting, fishing, ATV's, no music with vulgar lyrics, Rumpke for trash pickup. If any complaints are made the owner will be brought into the BOA and could have their Conditional Use Permit revoked. No trespassing going to the creek on any other properties. Boundary markers on property lines.

Mr. Hume: Second.

Chairman Murphy: Motion made, second, discussion.

Mr. Hume: Do we want to add that Mr. Ruiz will give his adjoining neighbors his phone number to report any issues? Can we add that to it? (All were yes except Mr. Ethington)

Chairman Murphy: Motion made, second, all in favor, opposed (Mr. Ethington was opposed), motion carries.

Chairman Murphy: Mr. Ruiz, do you understand all the conditions that we put on there?

Mr. Ruiz: Yes.

Mrs. Kehne: You need to make sure you get your business license and tourism license.

Mr. Hume: Do we need to check the sign dimensions?

Administrator Sweazy: I can go out and check it.

Administrator Sweazy: We have the application of **Michael D. Baugh** requesting a variance on the side yard to be 7' from the access of the floodwall located at 202 Garrard Street. Mr. Baugh is requesting the variance to allow the construction of a 24x30 two car garage to be constructed on his property in place of an existing storage shed that will be removed from the property. The structure will be flush with the front of the existing house and is being proposed at 7 feet from Point Street (or on his plan old access road). The rear of the structure will be further from the flood wall than the existing residence.

Mrs. Kehne: I'm an adjoining property owner and I'm on the floodwall. I have no gain from this its just we are neighbors. What I found out today is that the road going up his part of the floodwall, Dwight Martin, who is president of the floodwall, contacted the Corp of Engineer and they don't look at that as being part of the floodwall and have no problems with the building being 7' off there.

Administrator Sweazy: You have a drawing in your packets of where he plans for everything to be.

Mr. Hume: So, the building there is going to be torn down?

Michael Baugh: It's already gone. Going back in the same footprint.

Mr. Hume: Do we give the variance or does the floodwall commission have to give that variance?

Mrs. Kehne: We need to do the variance and it will be put in the minutes with the floodwall.

Chairman Murphy: I'll entertain a motion.

Mrs. Hoene: I make a motion to approve the variance for Michael D. Baugh. 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.

Administrator Sweazy: And it allows it to be 7' from the side property line.

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

Administrator Sweazy: The only thing we have left is general questions and discussion and we need to schedule a meeting.

Administrator Sweazy: Next meeting September 14, 2023.

Mrs. Kehne: Motion to adjourn.

Mrs. Hoene: Second.

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

Secretary

Chairman