

TAYLORSVILLE-SPENCER COUNTY
BOARD OF ADJUSTMENT
Meeting Minutes

The Taylorsville-Spencer County Board of Adjustment held a meeting on Thursday, November 9, 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, Jan Kehne and Duane Hume. Also, present Administrator Julie Sweazy and Admin. Assistant Angie Helton.

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

Approval of the minutes for September 14, 2023: Motion to approve by Mr. Hume, second Mr. Ethington, all in favor, 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 **Ronald L & Lisa M Brooks** requesting a Conditional Use Permit to operate a short-term rental located at 3213 Brashears Creek Road. The applicants purchased the property out of foreclosure. They cleaned the property up and made many repairs and major upgrades to the home. They are requesting to offer the property as a short-term rental. In your packets you have a letter they submitted with their application. In that letter they're explaining how they acquired the property; upgrades they have made to the home and landscaping. (See letter exhibit A) The house sits on 5.1 acres with woods surrounding the house creating a barrier from the neighbors.

Ronald Brooks: We acquired this property from my brother-in-law. We have a little over \$100,000 invested in this property and would like to lease it on a short-term lease.

Chairman Murphy: You have parking. What about the septic, has it been tested?

Mr. Brooks: No, we have not had it tested.

Chairman Murphy: How many bedrooms?

Mr. Brooks: 3 bedrooms and a loft. 2 baths and walk out basement. New heat and air.

Chairman Murphy: How lease?

Mr. Brooks: We would like to lease it on a month to month or weekends. If someone offered a long time lease, we would consider it. Our plan is to try this for a year and if it doesn't work out, we will sell the property.

Chairman Murphy: What about insurance?

Mr. Brooks: I've got insurance.

Mrs. Kehne: How are you going to monitor quiet time?

Mr. Brooks: It will be posted. Not sure how I can monitor it.

Mrs. Kehne: Are you going to allow hunting on the property?

Mr. Brooks: No.

Mr. Hume: How close are your neighbors?

Mr. Brooks: Maybe football field length with trees around the property.

Chairman Murphy: Has there been any complaints?

Administrator Sweazy: No.

Mrs. Kehne: You are aware with a Conditional Use Permit, if we start getting complaints you will have to come back in here?

Mr. Brooks: Yes.

Chairman Murphy: Any more questions?

Mr. Humes: I make a motion to approve the application of Ronald L & Lisa M Brooks requesting a Conditional Use Permit to operate a short-term rental at 3213 Brashears Creek Road. The granting of the Conditional Use Permit will allow proper integration into the community of uses which are specifically named in the Zoning Regulations, which may be suitable only in specific locations and rezoned only if certain conditions are met.

Mrs. Kehne: Let's add quiet time, 10pm on weeknights and 11pm on weekends. He has to get a business license, pay tourism tax, no hunting on the property, maximum of 10 occupants and you need to have the septic checked.

Mrs. Hoene: Second.

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

Administrator Sweazy: We have the application of **Paul & Candice Jette** requesting a Conditional Use Permit to allow a secondary dwelling per Article 303.3(i) in the AG-2, agricultural zone on their property located at 4237 Plum Creek Road. Construction at the location is planned in two phases. Phase I will be the accessory dwelling unit. It is a three-car garage with attached living quarters (976 sq. ft.). This will serve as the temporary residence while they build Phase II which is the primary dwelling. Once the primary residence is complete the accessory structure will become an extension of their living space. The septic system will be built large enough to accommodate both dwellings. They have received their Stream Construction Permit from the Division of Water since the property is border line floodplain. Per our zoning regulations, if you're zoned AG2, you're allowed with a Conditional Use Permit a secondary dwelling, but it can't be over 1,000 sq. ft.

Paul Jette: My wife's brother bought it then we divided it into two lots, and we bought one lot from him. We did our research to see where the floodplain was to see what we could do.

Chairman Murphy: Are you building this for an AirBnB or your residence?

Mr. Jette: This will be our primary residence.

Chairman Murphy: So, you're building the garage and going to live in it.

Mr. Hume: How long before you build the primary dwelling?

Mr. Jette: We're not sure. With the way the market is I'm trying to move as quickly as I can.

Chairman Murphy: You're aware of the floodplain?

Mr. Jette: Yes, and that's been confirmed by the state.

Administrator Sweazy: They do have their Stream Construction Permit. The State gives them a flood level they have to meet, and the County says they have to be two feet higher.

Chairman Murphy: You do have flood insurance?

Mr. Jette: Yes.

Chairman Murphy: I'll entertain a motion.

Mrs. Hoene: I'll make a motion to approve the application of Paul & Candice Jette requesting a Conditional Use Permit to allow a secondary dwelling per Article 303.3(i) in the AG2, agricultural zone on their property located at 4237 Plum Creek Road.

Mrs. Kehne: I want to add it will not exceed 1000 sq ft dwelling and the septic will be built as directed by the Health Department.

Mr. Ethington: Second.

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

Administrator Sweazy: We have the application of **Mother Land G LLC** requesting a Variance for the size of a pole sign located at 26 Commerce Drive aka Lot 1-E1A of Commerce Center. The applicant desires to construct a gasoline sales sign shown on the attached sign design diagram. The sign will be located as shown on the attached site drawing in the same place as a previously planned sign. A variance is needed due to the fact the sign is larger than currently permitted by the existing sign ordinance. The allowed is 50 sq. ft. and the applicant is requesting 110 sq. ft. which includes the width of the columns on the outside of the sign. The property has Binding Elements in regards to signs not allowed that are backlit. If approved for the size the applicant plans to go before the Planning Commission to request the zoning be changed to amend the Binding Element pertaining to signs. I have giving you Article X, Section 1002 which is signage for B1.

Mohanjit Singhdhaliwal: I'm making this request because with Arco we signed a contract for 10 years and we have to have a sign of 110 sq ft. for the gasoline station.

Mrs. Kehne: We had someone come in prior and said they had to have the sign so big and now I'm seeing their signs much smaller in different counties. I don't understand it has to be, there are smaller signs.

Mr. Singhdhaliwal: We'd like to make an impression because of Arco contract for 10 years. They financed us some money towards this project and that's their requirements.

Chairman Murphy: Did you know this before you signed the lease?

Mr. Singhdaliwal: No. I asked if I could have a smaller sign and they said they can go up to 200 sq ft but we should at least have 110 sq ft sign.

Mrs. Kehne: We're going to start looking like Dixie Highway if we keep putting these signs up. I know gas stations have smaller signs. It's dark through there so no matter what size sign you put up you're going to be able to see it several miles away. It seems like we've become a glowing bulb with signs.

Mr. Signhdhaliwal: It's not really lit up bright, it's pretty light it won't affect anybody's driving or any neighbors.

Mr. Hume: How much bigger is this one than the Marathon one we did?

Mr. Singhdaliwal: It's the same size.

Mr. Hume: What size sign did the BP have there, previously?

Mr. Singhdhaliwal: Bigger than the 50 sq ft. but it was taking down for some reason.

Administrator Sweazy: It was over what it was allowed to be, and they put it up without a permit. So, we made them take it down.

Mrs. Kehne: Are the gas prices on the canopy?

Mr. Singhdaliwal: Not anymore. Being a new store, they don't allow any sign on the canopy.

Administrator Sweazy: For a free-standing sign it can be 30 feet maximum height.

Chairman Murphy: What are we asking for here?

Mr. Singhdaliwal: 24.

Administrator Sweazy: Not as high as it could be. As far as the overall sign itself they're allowed 50 sq ft.

Chairman Murphy: And he's wanting 110?

Administrator Sweazy: Yes, but his 110 goes from the top of the sign to the bottom where that blue is and all the way out to encompass the poles.

Chairman Murphy: What about the neighbors?

Administrator Sweazy: We have neighbors signed up.

Cindy Brooks: 5655 Taylorsville Road. I'm the house closest to the gas station on the same side of the road. We've lived here about 29 years. I'm a customer of Mo's. But we opposed the exceptions to the binding elements. The sign will not only be two times bigger but also glowing. The binding elements were done to protect the residential neighbors from this oversized, always lit up sign, what I would call an eye sore. When I sit at my dining room table and look out the door beside my table, I see the gas station and I will be impacted by this sign. We really disagree with this. Why should exceptions be made so Arco Corporate sign standards can be meant. We went through this before and the BOA did uphold the regulations and binding elements. This company has been liable now for about 18 years, so I don't see why this is a necessary request. There's nothing personal against the owner.

Michael Brooks: 5655 Taylorsville Road. I lived here 28 years. I'm sure some of you were here when this property was rezoned in 1997. Planning and Zoning recommended to not rezone Commerce Drive at all. As neighbors we went to three Fiscal Court Meetings over 60 days and negotiated that we would agree to let it be rezoned if we had these binding elements. Everyone agreed. The first binding element says no back lit signs. This is an electronic sign. When you go to section 1005 under signs, he's really down to 15 sq ft and he wants 110. This sign is not what we were promised by the Fiscal Court on these binding elements.

Administrator Sweazy: I will explain a little bit. When the zoning took place they put binding elements on it, which is like a restriction. Where the Planning & Zoning can enforce binding elements but not restrictions. So, these are binding elements set out on the development of Commerce Center. This is kind of a two-phase situation here. There asking for the variance on the size of the sign because of what's in our regulations and he is aware if you all approve the variance or not or he ends up with a sign of any kind he wants it to be back lit because it states in the binding elements it can't be, he has to go to the Planning Commission and request to change the zoning to amend the binding elements.

Chairman Murphy: Why wouldn't it have gone to Planning & Zoning before it came here?

Mr. Humes: Do those binding elements not have a size a well?

Administrator Sweazy: No. Number one says, Lighting will be installed such that it will not cause a glare to the neighboring properties, using hooded or spotlights. No signs will be backlit. Number 10 says Signage: Developers agree to comply with all applicable Planning and Zoning regulations regarding signage. But in the sign regulations they have an option to ask for a variance. Either way he has to go before both.

Mrs. Kehne: Is this digital?

Administrator Sweazy: The numbering I think would be considered digital.

Mrs. Kehne: So, on digital there's a certain percentage you can have on the face of the sign. Does he meet that requirement?

Administrator Sweazy: Under the electronic portion of the sign, on the electronic it states in there that there's a percentage of a portion of your electronic numbers can be. We've never used that for these types of signs.

Mrs. Kehne: Why?

Administrator Sweazy: We just never have. They did the numbering in gas station signs before we even came to the electronic sign ordinance. The electronic sign ordinance we have applied more to the screens like what's in the German American Bank and some of the churches now have those. Where the whole surface is a screen.

Mr. Singhdaliwal: On the air sign, the lighting from this sign doesn't go sideways so it won't affect the house. It's LED but if you go 10 feet you can't read the sign.

Mr. Hume: So, you're saying it doesn't project light.

Mr. Singhdaliwal: Yes. You can see the light from far away, but you can't read it until about 30 feet from it. If you don't have a sign, you will lose business. Light wise it doesn't affect anybody.

Mr. Hume: Do you have documentation from Arco stating that they need this size sign?

Mr. Singhdaliwal: Yes, but I don't have it with me but can bring that.

Mr. Hume: Can you bring back with you all the size signs Arco has?

Mr. Singhdaliwal: Yes.

Mr. Hume: This is different than being here in town, this is next to residential.

Mr. Singhdaliwal: Actually, there's a lot between that so it's a couple hundred feet between us and residential.

Chairman Murphy: Anyone else to speak?

Josh Long: I run a business behind Mo's. When he bought this station it was a blessing to us. He has made a huge improvement to the station and the employees. I'm not saying yes or no to the sign size. I'm saying I think Mo has proved himself to the community by the way he keeps up Cricket's. He's not going to put something in that looks terrible. I agree with Jan, I don't want it to look like Dixie Hwy either. But there's some other things in Elk Creek area that might look like Dixie Hwy that are not sign related, so we have to keep that in mind as well. Mo has done good with both gas stations. I think he's a good businessman and he's an asset to our community. He's been a blessing to me running adjoining business because prior to Mo, there were all kinds of things that went on at that gas station that don't happen now. It's been a huge improvement.

Scott Heath: I'm a Consulting Rep for Mo on different projects at times. He has hired me for some Commercial work and consulting. Mo did say that this property is buffered with adjacent property that is not neighbors that are present. We went out today and took a drone and went up 24 feet, which would be the top of the sign and there are trees buffering the property now that exceed that height. I have those images if you want to look at them. (Showed board members the images and will email them to Julie for the record.)

Mr. Hume: Who owns the vacant lot?

Mr. Brooks: Newcomb Oil but it's a residential lot and part of the subdivision and its 2.3 acres.

Mr. Heath: There's 6 lots in that subdivision and all those owners have signed off on this sign plan that are in favor of removing the binding elements. To my understanding the binding elements can only be voted on to be removed by those 6 lots. Is that correct?

Administrator Sweazy: No. There are 5 lots not 6. When binding elements are put in place the only way it can be changed is those neighbors do have to agree to it, but you go through the same process as a zoning change. So, if he only wanted to remove item one, he would complete an application to go from B1 with 17 binding elements to B1 with 16 binding elements but it's still the same process.

Mr. Hume: Do you have any documentation on that?

Mr. Heath: Yes, a signed diagram and that was going to an attorney to create a document, but Mo decided to ask for a bigger sign and not light it at this time.

Mrs. Kehne: But if you go to Planning & Zoning and they deny, you got a sign that you can't light.

Mr. Heath: Right.

Mr. Hume: If that sign is not lit it's not good for anything. You won't be able to see the pricing or anything.

Mr. Heath: Does the lighted sign include the pricing or the backlit of the name?

Mr. Hume: Seems like both to me.

Mrs. Kehne: I think you all are just trying to pull a fast one with that one.

Mr. Heath: I ask Mo today, how are we going to put up a sign and not light it? Me and Julie had this conversation today. Can they illuminate the LED for the pricing and not the sign at night?

Administrator Sweazy: Just the digital portion as far as the gas numbering but you can't anything else.

Mr. Singhdhaliwal: We like to just have the number on at nighttime but during the day you won't see it.

Mrs. Kehne: But it will still be 110 sq ft regardless. Which is above what our regulation is.

Mr. Heath: That's the reason for the variance, variances are granted all day long.

Administrator Sweazy: Personally, I think he has to go through the Planning Commission before he can even put the sign up.

Mrs. Kehne: I think it should have gone to Planning and Zoning first.

Chairman Murphy: I agree.

Mrs. Kehne: I make a motion to send this to Planning & Zoning for the consideration on the binding elements, pending recommendation of back lighting, then to Fiscal Court for approval, then come back to BOA for a variance. In the meantime Mother Land G LLC will send documentation from Arco about lighting on signs, sign sizes, and website to research sign sizes.

Mr. Hume: Second.

Chairman Murphy: Motion made, second, discussion, all in favor, motion carries. Get the information to Julie and we will review it. After you go to Planning and Zoning, we will go from there.

Administrator Sweazy: Next meeting date will be December 14, 2023.

Mrs. Kehne: Motion to adjourn.

Mr. Hume: Second.

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

Secretary

Chairman