

Taylorsville-Spencer County
Joint Planning and Zoning Commission

The regular meeting of the Taylorsville-Spencer County Joint Planning and Zoning Commission was held March 16, 2023, in the Fiscal Court meeting room located at 28 East Main Street, Taylorsville, Kentucky.

Chairman Deapen called the meeting to order.

Present were Valerie Hunt, Paula Wheatley, Marsha Mudd, Gordon Deapen, Anthony Travis, Teddy Noel and Attorney Dale. Jacob Brown and Diana Faue were absent. Also present was Administrator Julie Sweazy and Admin. Assistant Angie Helton.

Chairman Deapen: In your packets you have a copy of the minutes from the last meeting for March 2, 2023. I will entertain a motion to approve those minutes.

Commissioner Noel: Made a motion to approve the minutes for the March 2, 2023, meeting.

Commissioner Mudd: Second.

Chairman Deapen: Discussion, roll call please.

Administrator Sweazy: Roll called, motion carries.

Chairman Deapen: Any committees?

Administrator Sweazy: None.

Chairman Deapen: We do have a 3-minute limit on speaking and anyone wishing to speak must be sworn in.

Attorney Dale administered the oath of testimony to all wishing to speak.

Chairman Deapen: Old business.

Administrator Sweazy: We have the application of **Paul & Cheryl Whitehead** requesting R-1, residential to AG-1, agricultural on 29.66 acres located at 319 Wills Way. Mr. Whitehead is present.

Paul Whitehead: 319 Wills Way. The things that I have researched to show proof that I'm not a member of the HOA, that the property wasn't. A few things I found are the HOA has had like six amendments in the last several years. This was mainly lot amendments. My property is not lotted or platted. You can go to the PVA and pull my plat it doesn't exist. That should tell you I'm not in the lot or the plat. I haven't had it surveyed, I trusted the real estate agent when he said it's this much property. They are going to have something about sewer tap. There is sewer there, the sewer is on my property. When I bought it I was told there's three points of access for me to hook into sewer. I've been on septic my whole life and excited about sewers. I signed everything and thought I had it all taken care of and come to find out on the bottom it says the systems required pursuant to the deed restrictions of the Top Flight HOA. I did not see that in the fine

print when I did that. I have not broken ground yet, have not dug the first hole. I will back out of that and do a septic. I will go to the Health Department and do what I need to do. I have not broken ground yet, I have only cleared some ground and cleaned up the property. Other than that every deed I have, the deeds I got from the lawyers and title searches, nothing shows that that plot, originally it was sold at 88 acres, years before I bought it. They sold that for lots, some was sold to existing homeowners to make their yards bigger and they sold some lots in the back of it. That 29.66 acres that I have has never been platted, it was originally going to be a golf course. I'm assuming a golf course is agricultural, is that correct? I can't imagine it be residential. I don't know when it turned into residential. I'm assuming when they bought it so they could lot out the back lots that are now HOA. I would like to know that in the six amendments they wrote, why isn't my plot recorded with that plat? It's not a part of the amendments they put in there that joined the HOA. So, if it's never been in there, I'm not in, its as simple as that. Another thing is, if this has been the HOA all these years, how much is HOA dues a year?

Mrs. Bellucci: \$100.00 a year.

Mr. Whitehead: I'd like to see dated receipts for every year that was paid. If its been paid all these years, I just like to see that. That would make sense to anybody, if it's been paid all these years obviously its in there. But I was never told that and that's the reason I bought it.

Attorney Jim Hodge: For the HOA. I want to point out from the start, Mr. Whitehead did sign up for the sewer treatment plant which requires him to agree to membership. Now tonight he tells us he's going to back out of that. I believe there's a little bit more to it than that. I think he's going to have to come back to us with his request for modification on that. Which is where he should have been in the first place. He has not brought that to the attention of any of the members within our organization.

Chairman Deapen: Brought what?

Attorney Hodge: If he wants to withdraw an application, the same way as he made an application to come in. But not having done that we're still a member organization, which he's a member by having signed on before. We have our experts here tonight to discuss whether he's a member by virtue or the position of the land. The issues of binding elements that we discussed before is not going to drop any notice or attention to those matters that obviously matter to us and are part of our restrictions that address our properties. Next talking about our properties we are obviously a residential community and the residential community, that we'll hear about tonight, is basically subdivision residential community. What you expect to see in a homeownership type of residential subdivision is created. That's why it was created. With the edges being brought into it with another use because of the desire to change is not what was contemplated when all of this ground was put together in a cohesive way to form a residential subdivision. To come along now and say we're going to farm or we're going to motocross or we're going to hunt, things that are not exactly cohesive to a residential community. Brings into play for certain the needs of these residents to have their property treated like residential properties and not treated like any other causal property without a foundation for a subdivision residence. That's the heart and soul we get to when we're talking about restrictions and the

cohesiveness of a community and the direction of a board to operate throughout its history then to have someone come along on the edge of it and say none of it applies to me and I can do what ever I want is not cohesive to this development. I want to let you hear from the board president Laura Bellucci.

Chairman Deapen: Before we do that, I asked you last time to bring me any documentation that you had that shows that he's incorrect.

Attorney Hodge: You're going to get that from our witnesses tonight.

Chairman Deapen: Documentation?

Attorney Hodge: Engineer and Board Members and whatever they have.

Laura Bellucci: 16 Fairway Court. We are not asking you all to enforce our deed restrictions we have no problem doing that ourselves. The amendments Mr. Whitehead was referencing, we done it before, the homeowners took over the HOA from the developer. We just took over the HOA in October 2021. With the dues for the first time in 2022 and now in this year in 2023. We are all brand new at this because we didn't have control of the HOA from the developer until October 2021. The paperwork I received when we took it over showed that HOA dues cover the grass cutting and hay bailing on that property. We also have a copy of a deed book showing the 88.2 acres labeled as tract 4 for our neighborhood. Tract 4 in our neighborhood consist of six streets where there are homes that have been built that are deeded to our neighborhood. 29.66 of that 88.2 acres are Mr. Whitehead's property. If we built homes on half of that property, then deeded those homes to our deed restrictions then how is 29 acres all of a sudden not part of those deed restrictions.

Chairman Deapen: But I need you to show me that it is part.

Mrs. Bellucci: I have the deed book right here (holds up her phone). I didn't print it out because I didn't have time. I didn't know we were supposed to come. I got a phone call today stating that he had an attorney that wanted to set down with the HOA and that this meeting was going to be postponed to April 6 or April 20th. Obviously, that didn't happen because we're all here right now. So, we weren't prepared to print all this out because we thought we had until your next meeting.

Administrator Sweazy: Could you tell me what deed book and page number it is?

Mrs. Bellucci: Deed Book 284, Page 62.

Administrator Sweazy: Had a copy and gave it to the Chairman.

Mrs. Bellucci: And if you read DB270, Pg. 88 and all the pages attached to that as well listing all the properties that back up to this.

Administrator Sweazy: Each deed has its own set of numbers. So, if you're bouncing around from one deed to another then they might not necessarily match.

Chairman Deapen: What are you relying on in here to show that property is part of the HOA? I don't see anything that suggest that.

Mrs. Bellucci: It says that the 88.2 acres labeled Tract 4. One of these amendments that was done from our deed restrictions, that nobody voted on because we didn't have control of the neighborhood at the time it was processed in October 2021 which is right when we took over so I'm surprised the neighborhood was not notified to vote on this before we took it over. But it says the land was purchased and the unbuilt lots and vacant land in Top Flight Subdivision was sold in 2015 to Top Flight Development, LLC and Bart and Angela Stark. It shows it was in DB284, Pg. 62, which is what you have. When you look at the deed book it says it's 88.2 acres. When you look at the lots that are on here it says the number of lots which doesn't incorporate all 88.2 acres, its half of that property. So, where is the rest of that 88.2 acres. That's what I'm trying to figure out. Like I said we weren't planning on having to be here this evening because we got a call this morning this was being cancelled.

Chairman Deapen: That's not our responsibility. We made it very clear that we're going to take a vote tonight and any evidence you wanted to present needed to be presented tonight. He is entitled to an answer tonight.

Mrs. Bellucci: That's fine. So, the 88.2 acres labeled as tract 4 is listed as tract 4 in this amendment. I do not know if the amendment is valid because the neighborhood didn't actually vote on this amendment but it is recorded as an amendment to our deed restrictions.

Chairman Deapen: Do you have a plat?

Mrs. Bellucci: We do have a plat but the person that was supposed to give it to me is at a tennis match. Which she rescheduled because she didn't think we were having this meeting this evening.

Administrator Sweazy: So, you're saying there's something else that's an amendment to that?

Mrs. Bellucci: We have a whole bunch of amendments to our deed restrictions. We don't know how they got through when nobody voted on them.

Amanda White: 15 Goldenview. I'm a board member of Top Flight HOA. My question is for Mr. Whitehead.

Chairman Deapen: You can ask the question to us.

Mrs. White: I just want to know why we were contacted by an attorney to do this in mediation then the attorney not come through and now we're here.

Chairman Deapen: We didn't have anything to do with that. You're going to have to ask the person that had something to do with it.

Mrs. White also submitted another amendment document.

Commissioner Hunt: This is DB285, Pg. 670. This is the third amendment. Looks like recorded in 2017.

Sharon McCarty: 128 Parkers Cove. My issue is we were told two weeks ago we would come to the meeting and a final decision would be made. Then Paul Whitehead apparently contacts our HOA Board and says he wants to meet with them to make some kind of mediation and then last minute at like 6:00 tonight we get word that the meeting is still on. That caused us to maybe not have some of our expert witnesses to show up because we thought everything was off the board or cancelled. I have a real issue with that.

Chairman Deapen: I could not have been clearer that we were going to have the meeting tonight. We had nothing to do with that.

Mrs. McCarty: But Paul is the one that did this.

Chairman Deapen: Is Paul running this or are we running it?

Mrs. McCarty: You're running it.

Chairman Deapen: Then you should have listened to what I told you.

Mrs. McCarty: But what kind of person are we dealing with? Does that not give you cause to wonder what's going to happen going forward if this is the kind of shenanigans he pulls?

Chairman Deapen: I was very clear and have not seen evidence yet. I keep getting told theres a plat out there that I can see that's going to include these 29 acres. I haven't seen it yet.

Mrs. McCarty: Apparently, we can't find it either.

Chairman Deapen: Well, that's what we need.

Mrs. McCarty: I don't how many times we've had someone go to the Court House to find it. I think there's some shenanigans going on. That's all.

Steve Emly: 7612 Cooper Chapel Road, Louisville. I'm the Engineer working on behalf of the owner of the Top Flight sewer system. We were asked to appear tonight to answer questions related to the sewer tap that was sold to Mr. Whitehead. As many of you may not know the sewer system currently operates, not under the jurisdiction of the Public Service Commission, because they operate under the guides of the HOA. Jack Kaninberg, the owner of the system, went to great links to make sure he doesn't violate those terms. When we got the request of the sale of the sewer tap from Mr. Whitehead, we looked at the original subdivision plat of Top Flight Subdivision, this paper were clearly marked as the original subdivision plat and based on those facts, Jack did choose to sale the sewer tap to Mr. Whitehead. I wanted to make that fact clear.

Chairman Deapen: Do you have any documentation?

Mr. Emly: Until about 20 minutes ago, I was under the impression this what not on the document tonight. So, I do not.

Attorney Hodge: Mr. Emly, can you tell us if membership of the sewer facility is controlled by the HOA?

Mr. Emly: The rate setting of the sewer system is controlled of the guy that the HOA in the subdivision covers.

Attorney Hodge: And if the person...

Chairman Deapen: Okay we're going to do the questioning. If you have additional testimony you want to give you can certainly do that. But we're not going to have you questioning our witnesses from the front roll.

Attorney Hodge: I want to ask him about his...

Chairman Deapen: He gave his testimony. If you have something you want to add we will give you the opportunity to do that.

Administrator Sweazy: Steve, were you here during the swearing in?

Mr. Emly: I was not.

Attorney Dale administered the oath of testimony to Steve Emly.

Charlene Bishop: 576 The Landings. My property backs up to the water. Most of my questions have been answered. But I agree with everyone else. Who's fault is it this was changed at the last minute because we could have had more people that would have been here. I just think it should be cancelled.

Chairman Deapen: It's not going to be. Under the law I can't do that. You guys made a decision on how to handle some rumors going around. We had nothing to do with that. We're not going to cancel the meeting based on some rumors.

Mrs. Bishop: Well, I think that's unfair and just want that stated. The other question I have is, I can't remember what the paper was that Mr. Whitehead said that at the bottom of it said HOA.

Chairman Deapen: I believe that was the signing up for the sewer tap.

Mrs. Bishop: Under my understanding from the last meeting he acknowledged, I don't know if I'm right or not, that that was property of the HOA.

Chairman Deapen: He did not.

Mrs. Bishop: I thought he did when he signed the paper for the sewer.

Chairman Deapen: He did not.

Trevor Brown: 71 Andrew Drive, Fisherville, KY. I am the original developer, so I've been involved in this the whole time. First off this property has never had anything, the only thing ever done to it is Johnathon O'Dell has baled hay on it for free. There's never been any payments or anything like that. This property has been treated as agriculture. I think there's a really big misunderstanding of what Paul wants to do with this property. We have this piece of property that is at the back of the subdivision that has a sewer treatment plant on it that really nothing could really be done with it. So, Paul wants to build a house on it, have a couple of mini cows

and cut hay on it. He's not doing a dirt track. Does his son ride a motorcycle? Of, course he does, he has 29 acres, there's nothing wrong with that. I own property behind this, and I would be affected by anybody and if I felt this affected it do you think I would be up here supporting Paul and what he's going to do because I'm the one he would hurt the most. This property, I've had two Attorney's look at this and there's nothing that says this is any part of the HOA because it was already reserved for the future subdivision. It's always just been a piece of grass land and he just wants to have a little mini farm. He's not trying to turn it into a farming operation, he just wants to build a house on it and be a good neighbor. We've got some other neighbors mad because they used to use his road to trespass in order to get to the back of their property and we were nice. But it was never anything other than a piece of land at the back of the subdivision.

Administrator Sweazy: I don't have anyone else signed up but I do want to make a statement. If anyone called this office, they were not told that this was not going to happen at the meeting tonight. I also have an email with Mr. Emly where he asked me if it was on or not earlier today and I told him yes and right around 4:00 I responded back and told him it was still on because I told him if the status changed I would let him know. I don't want it being said that the staff misguided anybody because that did not happen.

Attorney Dale: This is Planning and Zoning and Planning and Zoning authority comes under KRS-100 which gives it the authority to deal with zoning maps. There's no jurisdiction that deals with land maps, that's where Circuit Court comes in. Sounds like you all have a legal dispute and Planning and Zoning doesn't have the authority to deal with land disputes. We'll deal with zoning issues. We cannot answer questions about your HOA about this land. A Circuit Judge is going to have to resolve this issue. All we can deal with is your zoning issues.

Chairman Deapen: Do we have anyone else signed up?

Administrator Sweazy: No. But she has a plat and I was trying to see if we could see where its recorded so maybe I could pull it up for everyone to see but we can't read it. She also wants to submit for the record.

Mrs. Bellucci: The printer for the big paper wasn't working so had to print very small.

Chairman Deapen: Any discussion from the commission?

Commissioner Travis: It's going to be hard for us to make a decision to be fair to the parties involved. Attorney Dale said would have to be settled in Circuit Court.

Chairman Deapen: I agree with you but I think the matter before us is has he met the requirements to change this from R-1 to AG-1. I'll entertain a motion.

Commissioner Wheatley: I make a motion to recommend to rezone the application of Paul & Cheryl Whitehead requesting a zone change from R-1, residential to AG-1, agricultural on a 29.66 acre tract of land located at 319 Wills Way. The recommended land use map in the comprehensive plan recommends low density residential, the change would be in compliance with the comprehensive plan and we have heard testimony from concerned citizens but I think its clear we can rezone it.

Commissioner Mudd: Second.

Chairman Deapen: Further discussion from the commission, call roll.

Administrator Sweazy: Roll called, motion carries.

Chairman Deapen: New Business.

Administrator Sweazy: We have the application of **Joshua & Lindsay Moore** requesting R-1, residential to AG-1, agricultural on Lot 1 consisting of 1.171 acres and Lot 2 consisting of 1.188 acres located in Shawnee Springs located on Little Mount Road, Hwy. 44. The comprehensive plan recommended land use map indicates the area should be medium density residential. In October 2003, the Tindle Brothers zoned 158 acres R-1 for Shawnee Springs Subdivision and in February 2003, Lots 7B & 8, Ratcliffe Farm were conveyed together creating a 8.1141 acre tract as the primary tract for the Moore's. The current zoning on the 8.1141-acre tract is AG-1, agricultural and the owner also has deed for Lot 1 & Lot 2 of Shawnee Springs that is zoned R-1, residential. They are requesting to change the zoning to combine all acreage to create a 10.395 acre tract.

Lindsay Moore: 7311 Little Mount Road. We are just wanting to combine the two lots in the subdivision with our current tract. We are hoping to build a garage with a carriage house above it. With the zoning and because of the square footage of this garage and its considered a second dwelling so we need to combine to make 10 acres.

Chairman Deapen: Questions from the commission. No. Do we have anyone signed up on this one?

Administrator Sweazy: We do not.

Chairman Deapen: Discussion from the commission.

Commissioner Travis: Your home is one of those original lots.

Mrs. Moore: It's on the 8-acre tract.

Chairman Deapen: Anything to keep us from proceeding tonight? If no objection, I'll entertain a motion.

Commissioner Hunt: I make a motion to recommend to rezone the application of Joshua & Lindsay Moore requesting a zone change from R-1, residential to AG-1, agricultural on Lot 1 consisting of 1.171 acres and Lot 2 consisting of 1.188 acres of Shawnee Springs located on Little Mount Road, Hwy. 44. The recommended land use map in the comprehensive plan recommends medium density residential. The change would be in compliance with the comprehensive plan and there's no one here to speak against it.

Commissioner Noel: Second.

Chairman Deapen: Any further discussion from the commission? Read roll.

Administrator Sweazy: Roll called, motion carries.

Administrator Sweazy: We have the application of **WCM Land, Series 22** requesting preliminary plat approval of Foreman Subdivision #1 consisting of 9 lots containing a total of 9.52 acres located at 2525 Lilly Pike, Hwy. 623. In 1998, 700 acres was zoned R-1 w/Binding Elements and in 2022, the Binding Elements were modified. Applicant is requesting preliminary plat approval for the purpose of developing and selling 9 residential lots. The County Engineer has looked at this with no problems.

Attorney Charlie Tichenor: For WCM Land, Series 22. I'm here representing the LLC. We're asking for approval of the Preliminary Plat. At this point the entrance has been approved by the State Road Department. The county Engineer has reviewed it and it applies with your normal regulations. It is in compliance with the Binding Elements that are on the property. Now we're ready to proceed with these 9 lots. This is where the old original Foreman house was.

Chairman Deapen: Questions from the commission.

Commissioner Hunt: Will anyone have driveways off of Lilly Pike?

Attorney Tichenor: No.

Commissioner Travis: Is this under the old restrictions or the ones that were amended?

Attorney Tichenor: They're under the amended binding elements. Which if I remember correctly the only adjustments we made were we shrunk the frontage down to meet current regulations and the exterior of storage buildings didn't have to be brick.

Chairman Deapen: Anyone signed up for this one?

Administrator Sweazy: Yes.

Dwayne Martin: 311 Day Road. I'm part owner of a farm on Lilly Pike. I travel this road 5-6 days a week. There's been several accidents over the last few years. There was a propane truck that turned over there at the top of Foreman Hill a year or so ago. There was a head on collision between Bobby Yates and Foreman Ford Bridge a couple of years ago. In that same area Henry Steele was hauling asphalt or gravel he ran off the road and hit a tree. Several years ago there was a firetruck apparatus tanker truck that turned over on this road. There's no shoulders on the road and there sharp and drop offs on the pavement. I was wondering if you could table this or postpone until possibly see if the State could come in and widen the road.

Chairman Deapen: The problem with that is if the State has already signed off on the road being adequate, I'm not sure what different outcome we would expect. They already given their seal of approval. I'm I correct?

Attorney Tichenor: That is my understanding. They have approved proposed location for the entrance.

Chairman Deapen: I think we're probably bound by that. We would be unbiased to table or postpone due to already being approved. Thank you. Discussion from the commission.

Commissioner Wheatley: That's what this Cassidy Drive is for, to take the entrances off Lilly Pike for traffic reasons.

Commissioner Noel: As far as entrances but not traffic. It's still going to have more traffic on the main road.

Commissioner Mudd: So a minimum of 9 cars if its only 1 car per lot but will more than likely be 2 cars. Were any of the accident caused by speed or anything of that nature, things that are beyond our control? People have to be cautious on their own.

Commissioner Wheatley: If the driveways were coming off Lilly Pike I think I would have a little bit more concern, but there not.

Commissioner Travis: I move we approve the Preliminary Plat of Foreman Subdivision #1 consisting of 9 lots containing a total of 9.52 acres located at 2525 Lilly Pike, Hwy. 623. It meets the guidelines and the state has accepted the plat entrance.

Commissioner Wheatley: Second.

Chairman Deapen: Further discussion from the commission. Read roll.

Administrator Sweazy: Roll called, motion carries.

Chairman Deapen: Additional new business.

Administrator Sweazy: We have the application of **Mt. Eden Christian Church, Inc. and The Estate of Nathan Davenport for Susan A. Cox** requesting R-3, residential to B-2, commercial on 1.047 acres located at the corner of Mt. Eden Road, Hwy.44 and Van Buren Road, Hwy. 636. The comprehensive plan recommended land use map indicates the area should be mixed use. On 5/16/2022, Spencer County Fiscal Court voted to do the closure/discontinue Second Street. The proposal is to zone commercial to allow the construction of a Dollar General Store. You have a copy of the plat in your folders. You also have a site map and a development plan.

Chairman Deapen: Who's speaking on this?

Daniel Reed: On behalf of the applicant and the owners. I'm standing in for Attorney John Baker he got caught up in a meeting in Louisville tonight.

Chairman Deapen: Are you also an attorney?

Attorney Reed: Yes. I thought I would give an overview of the development and requested zone change. Then talk a little bit about the requested change. Then I will turn it over to Brandy Zachary. She is with Arnold Consulting Engineer Services. She is the Engineer for the project. The proposed rezoning will allow the applicant to construct and locate a Dollar General Store and parking lot on the property. Which will provide much needed grocery, convenience, and sundry items to Mt. Eden residents. It will increase tax revenue. In addition the way this case actually got here was the Mt. Eden residents realize the lack of available retail. They reached out to the applicant, Susan Cox inquiring whether she might be able to develop a Dollar General in Mt. Eden. That's why we're here today. The Dollar General will be open from 9am-9pm with 6-

10 employees with 2 employees working in the store at any given time. The intent for B-2 zoning is to provide areas for major retail services and goods providers without the limitations. The square footage of this Dollar General is 9,350 square feet. We're asking for the commission to approve the zone change.

Chairman Deapen: Questions from the commission. Does it identify in here what the sides will be made out of?

Attorney Reed: I would refer to Brandy on that.

Brandy Zachary: With Arnold Consulting Engineer Services. 1136 South Park Drive, Bowling Green, KY. I'm here to discuss the development plan. The face of the building that is facing Mt. Eden Road will be the standard mason material. Right now the plan was, since there were no requirements for the rear and side of the building it would be the standard pre-engineered steel building.

Commissioner Mudd: What about signage?

Mrs. Zachary: Signage will have to follow all the zoning regulations. I know in the past they have agreed to a monument type sign when that has been requested verses the taller signs.

Commissioner Mudd: Do you have any plans to show us the landscaping?

Mrs. Zachary: The landscaping is not shown on this development plan. We will be submitting full construction plans to Julie which will include our landscaping, erosion control and everything that goes along with it for all the state permitting. We have already been in respondents with KYTC. We went through several different versions of layouts with them and they already visited the site I believe three times because they were trying to determine if they prefer the entrance be in the old location where the Second Street entrance was. That was with correspondence with Jason Richardson of District 5 out of Louisville's office. We've also already had some conversations with the Health Department for septic. They did not find any issue with having a septic system there. They just advised, because of the previous development that had happened on the lot, it would likely have to be fill and wait pad where you have to have a holding tank underground that you pump for the first year until they come back and check the soil and then they will let you bypass that pump tank out to a septic field.

Commissioner Hunt: My concern is with the exterior of the building if you're only planning on doing a nice front. This is so close to all these roads I would like to see it all be the mason material.

Mrs. Zachary: I know she has agreed on that to past locations. That is a question I will have to get approval from her on before I agree to it on the record.

Chairman Deapen: Further questions from the commission.

Administrator Sweazy: I would like to ask, in our zoning regulations our front yard setback, which makes this difficult because in a lot of guidelines it talks about your front yard or your street side yard, it specifies the street, with this being boxed in by streets, how would our best

way be to handle our setback requirements being it fronts multiple streets? Is it something the Board could do a variance on?

Attorney Dale: I think that was set up more for residential property but I think a variance would be necessary.

Chairman Deapen: Any questions from the commission? Do you have people signed up?

Administrator Sweazy: We do. Just to let you know both owners of the property are present.

David Burgin: 461 Cat Ridge. I'm representing Mt. Eden Christian Church. We did contact them about this. Where you were talking about the setback, there is a building there right now. I'm assuming their going to tear it down. I do appreciate you bringing up the appearance of the building. That's all I got to say.

Administrator Sweazy: John Tsain. (Responded he was okay it had been taken care of)

Chairman Deapen: Is that everything?

Administrator Sweazy: Yes. Next meeting will be April 6, 2023. Gordon let me clarify are you all continuing this or voting on it tonight?

Chairman Deapen: I'm suggesting we not vote on this tonight.

Mrs. Zachary: We just need to come on April 6th with the answers to those questions.

Chairman Deapen: Yes. If we can clarify those couple of issues at that meeting. Okay so the next meeting is April 6th.

Commissioner Travis: Motion to adjourn.

Commissioner Noel: Second.

Chairman Deapen: All in favor say aye, any opposed, meeting adjourned.

Attest:

Secretary

Chairman