

Taylorsville-Spencer County  
Joint Planning and Zoning Commission

The regular meeting of the Taylorsville-Spencer County Joint Planning and Zoning Commission was held September 1, 2022, in the Fiscal Court meeting room located at 28 East Main Street, Taylorsville, Kentucky.

Chairman Deapen called the meeting to order.

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

Chairman Deapen: If you've had an opportunity to review the minutes for August 18, 2022. I will entertain a motion to approve those minutes.

Commissioner Mudd: Made a motion to approve the minutes for the August 18, 2022, meeting.

Commissioner Hunt: Second.

Chairman Deapen: Discussion, roll call please.

Administrator Sweazy: Roll called, motion carries.

Chairman Deapen: Any committees?

Administrator Sweazy: This is not a committee issue, but we always elect a Chairman, Vice Chairman and Secretary. When Dwight Clayton left that opened our Vice Chairman seat. We need to either bump our Secretary to the Vice Chairman seat and elect a new Secretary or just elect a new Vice Chairman.

Chairman Deapen: What's the pleasure of the commission?

Commissioner Noel: I nominate Diana Faue as the new Vice Chairman.

Commissioner Mudd: Second.

Administrator Sweazy: Called roll, motion carries. Now Secretary.

Commissioner Mudd: I nominate Valerie Hunt for Secretary.

Commissioner Noel: Second.

Administrator Sweazy: Roll called, motion carries.

Chairman Deapen: For our bylaws, people who intend to speak, need to 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 **Bellwood Estates**, but they have asked to continue that again because the surveyor wasn't able to provide a final plat with the corrections.

Commissioner Faue: Made a motion to move the old business of Bellwood, LLC to the next meeting on September 15, 2022.

Commissioner Noel: Second.

Chairman Deapen: Any further discussion?

Chairman Deapen: Read the roll.

Administrator Sweazy: Roll called, motion carries.

Chairman Deapen: New Business.

Administrator Sweazy: We have the application of **Brandon & Ashley Cantrell** requesting AG-1, agricultural to R-1, single family residential on it was originally a 2.092-acre tract and they have gotten a new survey done dedicating a 30 foot right away. So, that brings it to a 1.9051-acre tract located in the 3000 block of Dutchman Creek Road. The comprehensive plan recommended land use map indicates the area should be low density residential. In 1984 the Porter family created a few small tracts for their children. The property was transferred by deed and no zoning changes were done. The property has passed hands now to the grandchildren and they are requesting the zoning to be changed for compliance to allow them to build a residence.

Vicki Raisor: This is my husband, Terry Raisor. We are going to be joint owners of the property with my son Brandon Cantrell and his wife Ashley Cantrell. We are actually building a pole barn and a house on the lot. It's next to their home. It's a 50x80 pole barn and 35x50 house.

Chairman Deapen: Questions from the commission?

Commissioner Brown: What are the two dotted overhead lines, are those electric?

Mrs. Raisor: Its utility. We had the electric company come out and look and we are going to be far enough away from the lines that its not going to affect them.

Commissioner Brown: I wonder why they don't have an easement.

Attorney Dale: They usually don't have easements they just put them up, you can see it. If they've cleared it with them, they should be fine. They don't usually do easements anymore.

Commissioner Brown: With the floodplain...

Mrs. Raisor: That particular site is not in the floodplain by what we understand.

Chairman Deapen: It noted on here that it's not in the 100-year-old floodplain.

Commissioner Hunt: You said you're going to be part owners, has that not been done yet by deed?

Mrs. Raisor: There was a mistake, and we were supposed to be on last weeks meeting and were unable to, so it got changed to this week.

Chairman Deapen: Anything else? Do we have anyone signed up to speak on this?

Administrator Sweazy: No.

Chairman Deapen: Does anyone have any objection to proceeding? I'll entertain a motion.

Commissioner Faue: I'll make a motion to rezone for Brandon & Ashley Cantrell as well as Mr. & Mrs. Raisor property located in the 3000 block of Dutchman Creek Road from AG-1, agricultural to R-1, single family residential on 1.9051 acres. The recommended land use map in the comprehensive plan recommends low density residential. The change would be in compliance with the comprehensive plan and there's no one to speak against it.

Commissioner Travis: Second.

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

Administrator Sweazy: Roll called, motion carries.

Administrator Sweazy: We have the application of **Roof Ranger, LLC** requesting AG-1, agricultural to R-3, residential on 4.58 acres located at 599 Bentley Lane. The comprehensive plan recommended land use map indicates the area should be low density residential. Mr. La Favers purchased the property and is requesting the zone change to bring the property into compliance since the acreage falls below the AG-1, agricultural minimum of ten acres. He is requesting R-3 since the property has an existing manufactured home on it however the plat states its going to be removed.

Kevin La Favers: I represent the Roof Ranger's which owns the property. The plan with that property was to clean it up, eventually remove the mobile home and build a single-family residence on it.

Chairman Deapen: Why are we asking for R3 if the intentions are to get rid of the mobile home?

Administrator Sweazy: Well, we ask for the R3 because of the mobile home that's there now and not sure how long its going to be there before he removes it. R3 allows single family, site built as well as a manufactured home. I think that would be left up to the board if you wanted to put a binding element on it.

Commissioner Wheatley: Is someone living in the mobile home now?

Mr. La Favers: I do have it rented out. With the county, with the downturn it's taking with interest rates, I'm not in a hurry to start a single family residents right now. It's a tough area out that far for resale. I'd probably like to sit on it for a year or so to see what happens with the economy. I'm trying to get it in compliance so when I'm ready to build I don't have to go through this then.

Chairman Deapen: Any questions from the commission?

Commissioner Hunt: When did you purchase the property?

Mr. La Favars: It's not quite been a year ago.

Commissioner Hunt: And the mobile home is the only structure on there?

Mr. La Favars: Yes.

Chairman Deapen: Do we have anyone signed up on this one?

Administrator Sweazy: We do have a couple of people. Ann Colman (family stated was good).

Dr. James Strong: I'm not good.

Administrator Sweazy: You have to come up, state who you are and be sworn in.

Dr. Strong: First of all I didn't hear anything you said, I can't hear.

Chairman Deapen: Could you state your name please.

Dr. Strong: I'm Dr. James Strong. R3 makes no sense. That has to be on public sewers as I understand and that's out of the question. To consider that it seems to be... on the part of Planning & Zoning. I'll stop right there; I don't think I need to say anymore on that. On a different note, the problem I've seen from the PVA and the Sheriff not sending me a tax bill for the last 3 years is a problem I need to address at a different time. I am opposed to any R3, which is row housing. Ann and I played in that creek and we already have the algae problem in the lake and that's not far from the lake. Of course, they want to put a trailer park there.

Chairman Deapen: I need to get a clarification, were you sworn in?

Dr. Strong: I can't hear you. Can you come up here?

Chairman Deapen: Approached the podium. Were you sworn in for testimony at the beginning of the meeting?

Attorney Dale: Administrated the oath of testimony to Dr. Strong.

Dr. Strong: I think I'm done. It's just out of the question. R1 possibly.

Chairman Deapen: That isn't correct that R3 requires public sewers.

Dr. Strong: I thought it did but it's definitely unsuitable for row housing. Isn't R3 row housing?

Chairman Deapen: If he were proposing to build a trailer park out there but not for just one unit. (Strong family member told Dr. Strong it's not for a trailer park)

Dr. Strong: What's R1?

Administrator Sweazy: That's for site-built homes. You can build 1 house on the property.

Dr. Strong: What they're saying is not consistent.

Chairman Deapen: Ask Dr. Strong to return to the podium if he wished to speak.

Dr. Strong: Please, I have emphysema and I'm out of breath from talking and I just don't want to stand up. I'm not able to, I have a disability. If anybody can't hear me, I will just speak up. I've said what I've said but the corruption I've seen here, behind my office, putting my office in somebody's name. I don't trust anything any of you people do. I'm out of here.

Administrator Sweazy: Ask Ann Coleman if she had any questions to better clarify what's happening.

(Family stated they were concerned about a trailer park or multiple homes, but with one family, one we are okay with that.)

Administrator Sweazy: David Kissel.

Attorney Dale: Administrated to oath of testimony to Mr. Kissel.

David Kissel: 2507 Saratoga Drive, Louisville, KY. I have an address on Bentley Lane. My wife and I own the house at 871 Bentley Lane which is adjacent to La Favars property. The R3 concerns me greatly for several reasons. One, a plan was filed with no description of what was going to be done, other than a mobile home and in another place remove the mobile home. R3 is a pretty high-density destination for a country lane. A country lane is a country road, its ten feet wide, marginally maintained, it serves its purpose. But I don't see how it can support 4-5 houses, whatever, trailer court which greatly worries me.

Chairman Deapen: You are aware that that's not what's being ask.

Mr. Kissel: Now I am, after I heard what Mr. La Favars said. But there's nothing in writing that says that's not going to happen. That's why I'm standing here. The trouble is the plat is somewhat misleading. The land drops off to the creek. The fact that the road has 25' more for easement and then building 50 feet from there, there's no more building room. I really don't think that R3 should be permitted there, the road can't handle it and the land is not easily laid out to build on at that density. The recommendations I would have are, can we put a binding element where you could say you can't put a trailer court, and he can't have more than two dwellings. I would like to see it in writing as opposed to my plan verbally is to build only one house in the future. I would welcome that, but things change and if its not in writing there's no binding and the R3 is going to be there forever. So, I would like to see a binding element of only two dwelling units if it stays R3 or do we consider an R2. I do have pictures of Bentley Lane, it's a gravel road and badly rutted. Also, the application said no known easements. There is a waterline that runs down Bentley Lane that we get water from. It's US60 Water District out of Bagdad.

Chairman Deapen: Is there anyone else signed up? Ask Mr. La Favars to come back up. You've heard the same testimony we heard. Are you opposed to a binding element to keeping the dwelling you have on there now unless you replace it with a stick-built home?

Mr. La Favars: I would object because I am considering maybe building two or three. The land could support three lots. Its just under 5 acres. I've had it perked and I've had an excavator there that said its no problem to put the septic in for that. I don't know that I want to do three houses

there but I don't know why this commission would want to tie my hands to do that. I mean would he be willing to have a stipulation that he can only put one house on his property.

Chairman Deapen: That's not how it works. You've answered my question.

Mr. La Favers: It just seemed unreasonable.

Chairman Deapen: Any other questions?

Commissioner Faue: What about the contour of the land?

Mr. La Favers: It does not fall out like he said. It's a very deep lot that I cleared, and bush hogged and I've not even got to the part where it starts to slope. But even where it slopes it's a very gradual easy walk down to the bottom.

Commissioner Mudd: So, did I misunderstand you when you first approached the podium that the plan long term was to remove the mobile home and build a stick home?

Mr. La Favers: Yes.

Commissioner Mudd: A stick home, not two or three.

Mr. La Favers: Well, I want the options. If I think I can sell them, I might build two. But if I think I can build one and get the most money out of it, then I would build one. Maybe I can make the most money building two. I don't know.

Commissioner Mudd: I'm just under the impression you're going to build one home.

Mr. La Favers: That's the plan at this point. I always like to have options to change plans. I don't want to lie to the commission and say there's absolutely no way I wouldn't build two.

Commissioner Mudd: I just didn't understand the possibility.

Commissioner Hunt: So, this could be done under an R1 as well with nonconforming use. Correct?

Attorney Dale: It would be a nonconforming use. The thing about the R3 without the binding element and something happen to you, someone else comes along and wants one thing. Maybe your intentions are just the one, but they may want to do something more than that. R1 wouldn't restrict you but you could still divide that up in another tract or two.

Mr. La Favers: I'm not sure why we're asking for the R3.

Commissioner Noel: My understanding is because it has a modular home on it.

Mr. La Favers: Julie suggested it. I just said okay.

Chairman Deapen: Based on what you told us, I understand why she did. Because we can't give you an R1, you would have to take the mobile home off of it before we could give you R1.

Administrator Sweazy: It's nonconforming now. If you read the definition of nonconforming, we can't create nonconforming.

Attorney Dale: No, but you can do R1...

Administrator Sweazy: You can't do R1 knowing that mobile home is setting there creating a nonconforming. That's not the definition of nonconforming.

Chairman Deapen: That's why I ask you at the very beginning if you intended to take the mobile home off.

Mr. La Favers: Eventually I do.

Chairman Deapen: Eventually isn't going to work. You're not asking for zoning eventually, your asking for zoning now. So, it has to be compliant. If there's no other testimony or questions from the commission, we will take this up again at the next meeting.

Chairman Deapen: Next item of business.

Mr. La Favers: So, it's just put off until the next meeting?

Administrator Sweazy: Yes, the 15<sup>th</sup> of September.

Administrator Sweazy: We have the application of **Shannon & Julia Wright** requesting AG-1, agricultural to AG-2, agricultural on 5.217 acres located in the 2100 block of Mitchell Lane. The comprehensive plan recommended land use map indicates the area should be low density residential. The Wright's are requesting to change the zoning on this tract to bring it into compliance. They have plans to sale the property and the zoning needs to be corrected prior to sale.

Julia Wright: We are just trying sell off a 5-acre tract that is located in front of where we live. We don't use it, but we do keep the maintenance and up keep on it. So, we figured we would just sell it. We would like it to be a stick built or a manufacture mobile.

Chairman Deapen: Questions from the commission?

Commissioner Fae: Where do you live on the lot?

Mrs. Wright: We live on the 13-acre tract.

Commissioner Fae: So, you have access to both properties on that one little road?

Administrator Sweazy: Yes.

Chairman Deapen: Questions from the commission? Any objections of us moving forward on this? If not, I will entertain a motion.

Commissioner Travis: I move we approve the zoning change from AG-1 to AG-2 for Shannon and Julia Wright on a 5.217-acre tract located in the 2100 block of Mitchell Lane. It is within the recommended land use map of low density residential, and the change would be in compliance with the comprehensive plan and there's not been anyone 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 **Plum Creek Agriculture, LLC** requesting AG-1, agricultural to R-3, residential on 5.000 acres located on Whitfield Land, aka Tract 10, Whitfield Farm Division. The comprehensive plan recommended land use map indicates the area should be medium density residential. This tract is part of an original farm division that was done prior to the regulations creating a smaller tract agricultural zone. Therefore, it remains as AG-1. The applicants feel that the area is better suited as a residential class since the property or properties around it are no longer being used for agricultural purposes. The tract previously had a mobile home that has been removed. So, there is an existing septic system and encroachment onto the property. When I went up front, I called Mr. Smith because I knew there was no one present, and he said he completely forgot. I will leave it up to the commission if you want to do anything with this or move it to the next meeting.

Chairman Deapen: I will have some concerns of why we're going to R-3 and I will feel better if we move to the next meeting.

Commissioner Faue: I make a motion to move this to the September 15<sup>th</sup> meeting.

Commissioner Travis: Second.

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

Administrator Sweazy: Roll called, motion carries.

Administrator Sweazy: The last thing on our docket is the Readoption of the current Taylorsville/Spencer County Comprehensive Plan.

Chairman Deapen: We have no one here to speak on it. Let's get a motion to readopt and then we will discuss it.

Commissioner Travis: Made the motion to readopt the Comprehensive Plan.

Commissioner Wheatley: Second.

Administrator Sweazy: So, the way this works is the Comprehensive Plan as a whole does not have to be recommended to the Fiscal Court and City. But the goals and objectives are what will go to them. I've not gotten any phone calls, and no one has been in the office to review it.

Chairman Deapen: Okay, we have a motion and a second. Read roll. Motion carried.

Commissioner Travis: We had the discussion last week about redistricting. I went over and ask the County Judge and he said that won't be done this year.

Chairman Deapen: Read the roll.

Administrator Sweazy: Roll called, motion carries. Our next meeting is the September 15<sup>th</sup>. The training in Frankfort is October 5<sup>th</sup>, please let me know if you can attend.



Commissioner Travis: Motion to adjourn.

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

Attest:

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Secretary

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Chairman