

Taylorsville-Spencer County  
Joint Planning and Zoning Commission

The regular meeting of the Taylorsville-Spencer County Joint Planning and Zoning Commission was held September 21, 2023, in the Fiscal Court meeting room located at 28 East Main Street, Taylorsville, Kentucky.

Vice Chairman Faue called the meeting to order.

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

Vice Chairman Faue: In your packets you have a copy of the minutes from the last meeting for September 7, 2023. I will entertain a motion to approve those minutes.

Commissioner Hunt: Made a motion to approve the minutes with changes for the September 7, 2023, meeting.

Commissioner Noel: Second.

Vice Chairman Faue: Roll call please.

Administrator Sweazy: Roll called, motion carries.

Vice Chairman Faue: Any committees?

Administrator Sweazy: None.

Vice Chairman Faue: Anyone wanting to testify tonight must be signed in on the sheet and must be sworn in.

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

Vice Chairman Faue: Old business. The application for **MR Smith** on Whitfield Lane has been continued until October 5, 2023, at 7pm.

Vice Chairman Faue: New business.

Administrator Sweazy: We have the application of **Ronald L & Norena Jo Booth** requesting AG-1, agricultural to B-3, commercial on 4.017 acres located at 931 Old Louisville Road. The comprehensive plan recommended land use map indicates the area should be low density residential. The property was operated under a Non-Conforming Use for years as a junk yard/scrap yard. The property changed hands within the family and that particular use ceased around 2019. Therefore, losing the Non-Conforming Status. In August of 2022, Mr. & Mrs. Booth purchased the property. The applicants are requesting the change to allow the prospective new owners to operate their dumpster rental business. They will be using the property to store large commercial dumpsters on site.

Ronald Booth: 22 Sunset Farm Road, Cox's Creek, KY. When I bought this property, I had no idea it was not commercial property because it's always had a junk yard on it until I went to talk to the zoning people. I had two people looking to buy it. One wanted to store dumpsters on it. The other is a fencing business that just wants to store equipment there and fencing. It's been a junk yard for 30 years and I don't know why it should change now. There's nothing there except the building, the house burned down, and they had a trailer up on the hill, but it's gone also.

Vice Chairman Faue: Questions from the commission? So, there's nothing on this property but a garage?

Mr. Booth: Yes, a 30x30 garage, and to my understanding there's two septic tanks. One went to the house, and one went to the shop. The trailer was hooked up to one of those, but the trailer is gone.

Vice Chairman Faue: Do we have anyone signed up to speak?

Administrator Sweazy: We do. But in your books, I gave you all the B3 Commercial Zoning because I knew that would cover the uses he is talking about and the screening and buffering requirements.

Long Nguyen: 914 Old Louisville Road. I live across the street. Concerned with traffic, water flow, future. The road is dangerous. With water flow, there's a stream on my property and all water flow runs into that stream, which runs to salt river.

Chase Harrod: 1215 Old Louisville Road. I think this could set a bad present for zoning regulations going forward. If you do spot zoning to a business on this small parcel, what are we setting for the future? This road used to be a heavy traffic traveled road and it still sees a lot of traffic. Noise at times, what would be going into our streams? I think this is something that could be called spot zoning and I prefer it not to be in my back yard.

Commissioner Brown: Has the junk yard been cleaned up?

Mr. Harrod: Yes.

Commissioner Wheatley: Going from a junk yard to a storage for dumpsters or fencing. What's the major difference for you guys?

Mr. Harrod: It's not zoned right. If we zone it out this way, it can be sold for the future. I don't think it should have ever been zoned this way.

Commissioner Wheatley: I just think in my mind being cars there, verses dumpsters, is a step up.

Mr. Harrod: Again, it hasn't been a junk yard in at least 10 years.

Attorney Dale: What else is around there?

Mr. Harrod: Agricultural.

Commissioner Travis: There's no businesses there close.

Mr. Harrod: The only thing I can think of commercial in the area is High Grove Store and the Antique Store.

Mr. Booth: I don't know how much noise will be made by these dumpsters. With the water flow, I'm in agreement with that but that's not me, that's either the county or the state, who ever has that road now. The dumpster people want to clean the ground and make it flatter.

Vice Chairman Faue: Will they be bringing these big trucks in there with these dumpsters? What kind of driveway is there to this property? I would like to hear from the person wanting to buy this.

Mr. Booth: But he may not buy it. As far as access with a big vehicle the road is about 9-10 foot wide.

Attorney Dale administered the oath of testimony to Norena Booth.

Norena Booth: The road was busy when it was the primary road. But once the new road was built people don't rush up and down the old road now. It's now more like a neighborhood road.

Commissioner Wheatley: My concern is if going to be a dumpster storage then we need to know that in advance and know what they will be doing there.

Attorney Dale: Let me remind you of the statute. It says the Comprehensive Plan recommends agricultural/residential. There is one of three findings you have to make before you can rezone this.

Vice Chairman Faue: Where is that at? I would like to read it.

Attorney Dale: It says. One is that the existing zoning classification given to the property is inappropriate and how the proposed zoning classification is appropriate. The other is that there has not been major changes of an economic, physical or social nature within the area involved, which were not anticipated in the Comprehensive Plan and which have substantially altered the basic character of such area. You would have to make a finding of at least one of those two things before you can do a zone change. This is a state law to change zoning. The Comprehensive Plan only allows for agricultural/residential zoning in that area.

Mr. Booth: Until you all granted it to someone to have it there for 50 years.

Attorney Dale: It was illegal/inappropriate at that time.

Mr. Booth: Why wasn't it shut down? How was I allowed to buy it when it was already non-compliance?

Attorney Dale: Did you have a title examination done?

Mr. Booth: Would that have shown non-compliance?

Attorney Dale: It should have.

Administrator Sweazy: That was already there before zoning went into effect.

Commissioner Travis: I'm like you I'd like to see if they're going to have dumpsters.

Commissioner Noel: But he hasn't sold it to anybody yet.

Mr. Booth: No but let me clarify this dumpster thing.

Commissioner Brown: I don't think it matters because I don't think he can have commercial there regardless. That would be spot zoning and that's against the law.

Commissioner Wheatley: Now you can work on your own cars there, but you can't have a business in that area.

Mr. Booth: So, you're saying it can't be used for any business.

Commissioner Wheatley: That's correct. Nothing has changed drastically in that area.

Attorney Dale: That's what they would call spot zoning, which is illegal.

Mr. Booth: Why did we have this meeting?

Attorney Dale: We didn't know this until the facts were presented.

Vice Chairman Faue: So, he can either withdraw his application or we reject it.

Administrator Sweazy: Right. He can withdraw his application, or you all can take action on it and send it on to Fiscal Court.

Vice Chairman Faue: Mr. Booth you can withdraw your application, or we can put it to a vote and accept or reject your application.

Mr. Booth: You can't accept it.

Vice Chairman Faue: Exactly. So, it would probably be rejected. We would have to make a motion to vote on it to reject it or you can withdraw it. But with our findings under the State Law we can't change this property to commercial. It would have to remain agricultural. Everything in that area is agricultural or residential, it would be spot zoning and we can't do that.

Administrator Sweazy: But it can't remain AG-1 because it's not enough land. So, that's the next thing it needs to be changed to residential zoning.

Attorney Dale: Can he amend his application?

Administrator Sweazy: Yes, he can.

Mr. Booth: Why can't I leave it like it is?

Vice Chairman Faue: Because it's out of compliance. AG-1 must be 10 acres or more and AG-2 has to be 5-9.9 acres. This is under 5 acres so it cannot be agriculture zoning, it will need to be residential zoning.

Vice Chairman Faue: You have two options. One you can withdrawal this and amend this application and take those 4 acres back to residential. Two we can reject it and you have to start all over.

Mr. Booth: So, I'm going to have to pay \$750 to get this mistake rectified?

Administrator Sweazy: Are you going to amend the application?

Mr. Booth: I guess you're giving me no choice.

Administrator Sweazy: I will ask the Fiscal Court to lower it to the residential rate, not the commercial because commercial is more expensive and if we lower it you will get \$400 back.

Vice Chairman Faue: So, do you want to amend your application?

Mr. Booth: Yes, that's all I can do.

Vice Chairman Faue: So, you want to amend this tonight as moving those 4 acres to R-1. Is that correct?

Administrator Sweazy: We have different types of residential zoning. R-1 means it has to be a house built on site. R-3, it could be a manufactured home or mobile home. RM, it could only be a manufactured home.

Commissioner Hunt: Made a motion to accept the applicants request to amend the application for Ronald L & Norena Jo Booth requesting a zone change from AG-1, agricultural to now be amended to go to R-3, multi-family residential district on a 4.017-acre tract of land located at 931 Old Louisville Road. This application will be scheduled and heard on October 19, 2023. It will be advertised, and notice sent to adjoining property owners.

Commissioner Brown: Second.

Vice Chairman Faue: Discussion, roll call.

Administrator Sweazy: Roll called, Commissioner Travis sustained, motion carries.

Vice Chairman Faue: General questions or discussion.

Administrator Sweazy: Could we maybe add in there the recommendation to lower the price of the application.

Commissioner Hunt: I make a motion for the application of Ronald L & Norena Jo Booth requesting a zone change from AG-1, agricultural to R-3, residential that we ask that The Fiscal Court lower the application fee to the residential fee and any other fees that would be associated with readvertising and notices.

Commissioner Brown: Second.

Vice Chairman Faue: All in favor, motion carries.

Administrator Sweazy: Next meeting will be October 5, 2023.

Commissioner Travis: Motion to adjourn.

Commissioner Wheatley: Second.

Vice Chairman Fauc: All in favor, meeting adjourned.

Attest:

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Secretary

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Chairman