

TRIPLE S BOARD OF ADJUSTMENTS & APPEALS AGENDA

August 25, 2022

7:00 p.m.

Stratton Community Center
215 Washington Street, Shelbyville, Kentucky

CALL TO ORDER

GENERAL BUSINESS

1. Approval of July 28, 2022 Meeting Minutes

NEW BUSINESS

1. **Variance Request – Docket #975-8-22 – Burks Branch Baptist Church – 1971 Fox Run Road – Shelby County** – The request is for a 45 feet front yard setback variance to construct an 11' x 14' front porch 55 feet from the front property line. The request is from Section 652.4 of the Shelby County Zoning Regulations. The property is zoned Agricultural (A).
2. **Variance Request – Docket #976-8-22 – Rachel R. Morgan – 530 Peytona Beach Road – Shelby County** – The request is for a 25 feet front yard setback variance to add a 24' x 36' storage area 75 feet from the front property line. The request is from Section 652.4 of the Shelby County Zoning Regulations. Regulations. The property is zoned Agricultural (A).

ADJOURN

Reminder: Next Regularly Scheduled Meeting of the Triple S Board of Adjustments and Appeals will be October 27, 2022 at 7:00 p.m. in the Stratton Center

TRIPLE S BOARD OF ADJUSTMENTS & APPEALS
July 28, 2022
Meeting Minutes

Members in Attendance: Wayne Long, Darren Wills, Joey Budd, Matthew Page, Lisa Bolin, Doyle Mayton & Josh Hurst

Members Absent:

Others in Attendance: : Stuart Ulferts, Board Attorney, Ryan Libke, Executive Director, Michael Firkins, Planner/Zoning Enforcement

Call to Order

Chairman Wayne Long called the July 28, 2022 meeting of the Triple S Board of Adjustments and Appeals to order at 7:00 p.m.

Approval of the June 30, 2022, Minutes

Mr. Mayton: For the record here, I am getting accused of saying a lot of things that I never said. They have got me and somebody else mixed up. Ryan is going to check into that. Somebody said it and it sounds good.

Chairman Long: Are there any other comments or suggestions regarding the minutes?

Mr. Libke: Are we going to hold off on approving them?

Stuart Ulferts: I mean you can adopt them and just say we know this was said, but we do not know who said it, but we know this was spoken. Not sure which board member said it.

Mr. Wills: Because it is recorded, and they both have similar voices.

Mr. Ulferts: So, I would make a motion to approve subject to a typographical correction of identification of the speaker.

Mr. Mayton made a motion to approve the minutes with corrections of who spoke.

Ms. Bolin seconded the motion.

Motion Carried (6-0)

NEW BUSINESS:

Docket #974-7-22 – Variance Request – Centro Latino Shelbyville, Inc. – 120 Main Street – Shelbyville

Kerry Magan: I am here as a friend of Centro Latino Board Members. I also have with me the Executive Director of Centro Latino, Sister Pat Reno.

The sign that Centro Latino has, which is 96 square feet, and this was done without an understanding of the permit process and understanding of sections of the regulations that apply to signs and the applications, thereof. Centro Latino received a notice violation a couple of months ago, and as a result Centro Latino has done two things, three things, Sister Pat called me and the other things was that we completed the application for the sign that is there, which is 96 square feet, and we also had another sign on the side of the building

Board of Adjustments & Appeals Minutes

July 28, 2022

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which is a smaller sign that was in compliance as far as the size except that there was only one sign permitted. Realizing the cost of the sign application and asking for another variance, we decided that it wasn't worth the expense or the risk of submitting the application and being turned down, or even if it was approved.

So, what I would like to do is on behalf of Centro Latino ask that the Board approve the variance of the sign at 96 square feet. The building that is shown there has a frontage of 47 feet, and one-half times the 47 square feet is 70.5 square feet, and of course we are at 96 square feet, so we would like to do is we realize that is above the 50 square feet limitation for staff to approve.

It is something that we think looks appropriate to the building. It has a message board under the logo portion. The sign that has the logo on it is 64 square feet and then the message below that is another 38 square feet.

One way of looking at it is that we have a logo sign, and an incidental sign, but I would like to just go ahead and ask for a variance for the entire sign board, and see if there any objections to that from the board, and if there are, I would like an opportunity to discuss it with you, if there is a change that it might not be approved.

Sister Pat, do you have anything that you would like to add to what we already said.

Sister Pat Reno, well I wanted a big sign, because I want people to be able to find us. We are able to help people with their rent, utilities regularly each week, give out food, we have a clothes closet, we have household furnishings, and really, we do a great service and we had to move across the street to this location and I wanted to make sure people could find us. I had no idea that there was a problem with the sign size, so I am so sorry that we put up such a big sign, but I do ask your forgiveness and to keep the sign.

Mr. Wills: Could you tell us your name please?

Ms. Reno: Yes, I am Sister Pat Reno.

Mr. Long: Do we have any questions or comments from the Board?

Mr. Wills: You said it is not illuminated?

Mr. Megan: It is not illuminated, that is correct.

Mr. Wills: And the lower part is a message board?

Mr. Magan: It is message board, it is just a welcome to the folks who would request services, one is in English, and one is in Spanish.

Mr. Hurst: It is not electronic? It doesn't change

Mr. Magan: It doesn't change, it is not electronic. I am assuming a plastic or a fiberglass board, something that is hopefully durable enough, that they won't have to replace very often.

Mr. Libke: So, it is a permanent message.

Mr. Magan: It is a permanent message.

Sister Pat Reno: Could I add a point that, although, the name is Centro Latino, we do take care of anybody that who comes with a need. So, the majority of the people that come are Latinos, but we have a lot of African Americans, and a lot of Caucasian people who come, because they are short on money, usually, and in this last couple of years what we found is people would not be laid off but, they would have their hours cut, and when you have your hours cut all of a sudden the money you have planned for rent, and utilities, food, and so on does not go as far as it usually does. So, I like having a big sign, and people can find us, and we can take care of their needs.

Mr. Magan: Centro Latino and Sister Pat are in business of Human Services and complying with Planning and Zoning.

Inaudible: Everybody is talking at the same time.

Mr. Long: Any more comments from the Board?

Mr. Hurst made a motion to approve the variance request of a 46 square foot sign variance to allow a 96 square foot fascia sign on the building. The variance will not adversely affect the public health, safety, or welfare, and will not alter the essential character of the general vicinity, will not cause a hazard or nuisance to the public, and will not allow unreasonable circumventions of the requirements of the zoning regulations.

Mr. Wills seconded the motion.

Motion Carried (6-0)

Mr. Ulferts: Mr. Chairman can we talk about this for a second? I am reading an opinion on another decision, and the court is this opinion, it is not related to this application at all, was very concerned about findings in the motion to grant, in this case was a Conditional Use Permit, findings in the motion did not have what the court considered had sufficient justification or explanation.

So, there is an old phrase in the case law in these kinds of decisions. Are you charactering the statue, or are you talking about facts on the ground, things that you learned or experienced? So, that you know, drive by there every day.

So, for an example why would it not adversely. There is also a legal illustration you have to make as to whether the applicant request stems from some action on the part of the applicant. Why are putting up a sign there. They have a high hurdle; you have a lot of discretions. Your job in these situations is to craft a motion that shows you have some facts at the ready to justify your decision.

Sister, I mean this with the greatest respect in the world. Saying we need the sign to let people know we are here, is not a good argument for them, that is not something they can turn into a legally justifiable variance, but, I did see something in maybe your justification or maybe it is in the staff report, that says this is an older part of town, there are all kinds of different sizes of signs, shapes and sizes. So, yes that makes a lot of sense, because in that kind of environment, you are not affecting the character of the area, because it is already a hodge-podge.

Mr. Hurst: So, saying it is unintrusive and fits the esthetics of the building.

Mr. Ulferts: That is good, but I would say why. It looks good on the building, but there are also a bunch of different kinds of signages in that immediate vicinity

Mr. Hurst: And it is flushed pretty much with the building

Mr. Ulferts: I would even tell it is not electronic, not telling you what to say, but those are the things that came to my mind, and I think they are fair to say.

Mr. Libke: Size and scale with the building with the gable side of the building. It fits appropriately within that area.

Mr. Hurst: I would like to add to the motion that the justification for the variance, that it does not adversely affect the ecstastic of the area, because it is not illuminated, it is flush to the building, it fits the surroundings of the variety of signage that is on the surrounding buildings some that is adjacent to that property.

Mr. Libke: Did you amend your motion, Mr. Wills?

Board of Adjustments & Appeals Minutes

July 28, 2022

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Mr. Wills: Yes.

Mr. Magan: Is there anything that I need to add, as far as my presentation?

Mr. Ulferts: You testified that there are a lot of different signs in the area, if that is in fact your observation.

Mr. Magan: Yes, it is.

Mr. Long: So that everyone understands the discussion here, at one point moving forward is something, as a board that we really need to consider that we are faced with these kinds of variances. In the past we have voted on variances to have larger sign, but we did not go on to add to that motion, why we are making that decision. So, it was a very good point that was made, because, occasionally, we do not have justification to, and we are probably adding versatility to what we call is a variance to code and restriction justifications to open records requests. This is why they did it and justifying it makes sense.

Mr. Ulferts: It is not just you all, I mean it is every board, it is a huge struggle, it is very hard.

Mr. Long: So, we will go ahead and take a vote.

Mr. Wills: Yes.

Mr. Mayton: Yes.

Ms. Bolin: Yes.

Mr. Budd: Yes

Mr. Hurst: Yes.

Mr. Page: Yes.

Motion Carried (6-0)

Meeting adjourned at 7:28 p.m.

Submitted By: Juanita Stivers, Receptionist

Approval Date: _____

Motion By: _____

Seconded By: _____

Secretary/Treasurer: _____

Triple S Board of Adjustments and Appeals Variance Staff Report



Date: August 25, 2022

Docket Number: 975-8-22 Variance

Applicant: Burks Branch Baptist Church
1971 Fox Run Road Shelby County, Kentucky

Purpose:

A request for a front yard setback variance of forty-five (45) feet variance to construct an 11' x 14' front porch to the existing single family dwelling.

Background:

The property is located on 1971 Fox Run Road (PVA # 049-00-001) and is zoned Agricultural. The applicant is requesting a front yard setback variance of forty-five (45) feet to construct an 11' x 14' front porch to the existing single family dwelling. The request is from Section 652.4 of Shelby County Zoning Regulations. In the Agricultural zoning district the required front yard setback is one hundred (100) feet. The request would allow the porch addition to sit fifty-five (55) feet instead of the required one hundred (100) feet.

Findings Necessary for Granting Variances (KRS 100.243):

- (1) Before any variance is granted, the board must find that the granting of the variance will not adversely affect the public health, safety, or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations. In making these findings, the board shall consider whether:
 - The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone.
 - The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.
 - The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.
- (2) The board shall deny any request for a variance arising from circumstances that are the result of willful violations of the zoning regulation by the applicant subsequent to the adoption of the zoning regulation from which relief is sought.

Motions

Motion to **Approve** the **Variance** Request:

I make the motion to **approve** the request at 1971 Fox Run Road, Docket number **975-8-22**: a variance of 45 feet from the minimum front yard setback of 100 feet, to allow the front yard setback to be 55 feet for the proposed 11' x 14' porch addition.

The testimony presented in this public hearing has shown that the granting of this variance will not adversely affect the public health, safety, or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations.

Or

Motion to **Deny** the **Variance** Request:

I make the motion to **deny** the request at 1971 Fox Run Road, Docket number **975-8-22**: a variance of 45 feet from the minimum front yard setback of 100 feet, to allow the front yard setback to be 55 feet for the proposed 11' x 14' porch addition.

Sufficient testimony has not been presented in this public hearing that the requested variance meets the criteria set forth in KRS 100.243, "Findings necessary for granting variances," as;

(Choose one or more appropriate finding(s) and specific items)

- **will** adversely affect the public health, safety or welfare.
- **will** alter the essential character of the general vicinity
- **will** cause a hazard or a nuisance to the public
- **will** allow an unreasonable circumvention of the requirements of the zoning regulations

The proposed application does **not** show the requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same;

The proposed application does **not** show the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant;

The circumstances are the result of willful violations of the zoning regulation by the applicant subsequent to the adoption of the zoning regulations from which relief is sought.

Attachments:

1. Variance Application
2. Site Plan

Variance Application

Triple S Board of Adjustments and Appeals
 419 Washington Street
 Shelbyville, Kentucky 40065
 Telephone: (502) 633-1718
 www.shelbypz.com

For Office Use Only:

Docket #: 975-8-22

Date Filed: 7-27-22

Filing Fees: \$ 196.00

Hearing Date: 8-25-2022

Please type or print (blue or black ink)

Application Date: 7/25/22

Instructions

Applicant must be all owner(s) of the property. Spouse and/or any other parties with legal or equitable interest must join in this application. Use additional sheets, if necessary.

If Applicant/Owner is different than the Developer, provide the Developer's name, address, telephone, and email address

If an attorney represents the applicant, please provide the attorney's name, address, telephone and email address

Applicant Information

Applicant/Owner name: BURKS BRANCH BAPT CHURCH Additional pages attached

Mailing Address: 2023 FOX RUN RD

City: Shelbyville State: Ky Zip Code: 40065

Telephone: 502-321-1918 Email: AD TRAVIS 2AT@gmail.com

Co-Applicant/Developer Name: N/A

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone: _____ Email: _____

Applicant's Attorney: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone: _____ Email: _____

Instructions

If an actual street address is not available, identify the property's location along the roadway and distance to intersecting public roadways on each side of the property.

Check appropriate jurisdiction where the property is located

Describe the property's current zoning classification and how the property is presently used

Property Information

Street Address: 1971 FOX RUN RD Shelbyville Ky 40065

Lot#/Subdivision Name (if applicable): _____

Property Location:

The subject property is located on the north south east west side of Hwy 53 and approximately 1 feet miles

north east south west of Hwy 53

and approximately 1.5 feet miles north south east

west of Shelbyville

Jurisdiction: Shelbyville Simpsonville Shelby County

Parcel: 049-00-001 Deed Book/Page #: 222 PVA #: 049-00-001

Existing Zoning: Agri/retail

Existing Use: Church PARSONAGE

Instructions	Variance Description
<p>Describe the requested variance. Specify the use and type of structure (accessory or principal) if applicable. Use additional sheets, if necessary.</p> <p>Check the type of variance requested.</p> <p>Specify the Zoning Regulation provision from which variance is sought.</p> <p>Specify dimension required by the Zoning Regulations and the proposed dimension.</p> <p>If yes, attach copy of the refusal or decision.</p> <p>If yes, specify action type (zone change, conditional use permit, variance, or appeal), application number and date.</p>	<p>Provide a <i>detailed</i> description of the requested variance. Use additional sheets, if necessary.</p> <p><u>FRONT PORCH ON HOUSE</u> <u>ROOM ADDITION ON REAR OF HOUSE</u></p> <p>Type of variance requested:</p> <p><input checked="" type="checkbox"/> Front yard setback <input type="checkbox"/> Side yard (right)</p> <p><input type="checkbox"/> Secondary front yard setback (corner lots only) <input type="checkbox"/> Structure height</p> <p><input type="checkbox"/> Rear yard setback <input type="checkbox"/> Lot coverage</p> <p><input type="checkbox"/> Side yard setback (left) <input type="checkbox"/> Other Specify: _____</p> <p>Zoning Regulation provision from which variance is requested: Section <u>652.4</u></p> <p>Required dimension: <u>100'</u> ⁽³⁴⁾ <u>66'</u> Proposed dimension: <u>11'x14' PORCH</u> <u>24'x28' ROOM</u></p> <p>Is this variance application based on a refusal or decision by the Administrative Official? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Has this property been subject of previous action by the Board of Adjustment and Appeals or Triple S Planning Commission? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Action Type : _____ Docket #: _____ Date: _____</p>

Instructions	Variance Justification
<p>Before any variance is granted the Board of Adjustments and Appeals must find that the variance <u>will not</u> (KRS 100.243):</p> <p>(1) Adversely affect the public health, safety, or welfare;</p> <p>(2) Alter the essential character of the general vicinity;</p> <p>(3) Cause a hazard or nuisance to the public; and,</p> <p>(4) Allow an unreasonable circumvention of the requirements of the Zoning Regulations</p>	<p>Provide written justification for the variance (use additional pages, if necessary):</p> <p><u>TO PROVIDE A COVERED FRONT PORCH</u> <input type="checkbox"/> Additional pages attached.</p> <p><u>TO PROVIDE ADDITIONAL LIVING SPACE</u></p> <hr/> <p>1. Describe the reasons that the requested variance will not adversely affect the public health, safety, or welfare, will not alter the essential character of the general vicinity, will not cause a hazard, or nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the Zoning Regulations.</p> <p><u>THE PROPERTY IS LOCATED ON A RURAL CO. ROAD</u> <u>THE WILL BE NO EFFECT ON TRAFFIC OR PUBLIC HEALTH. THERE IS NO RESIDENT IN CLOSE VICINITY OF THE DWELLING</u></p>

Instructions	Variance Justification (continued)
<p>In making these findings, the Board of Adjustments and Appeals shall consider whether :</p> <p>(1) The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;</p> <p>(2) The strict application of the regulations would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant; and,</p> <p>(3) The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.</p> <p>The Board of Adjustment and Appeals shall deny any request for a variance arising from circumstances that are the result of willful violations of the Zoning Regulations by the applicant subsequent to the adoption of the Zoning Regulation from which relief is sought.</p>	<p>2. Identify the circumstances that are special to property which do not generally apply to the Land in the general vicinity or in the same zoning classification.</p> <p style="text-align: center;">N/A</p> <p>3. Describe how the strict application of the regulation would deprive you the reasonable use of the property or create an unnecessary hardship.</p> <p style="text-align: center;">The PASORS Family needs more Living space with additional Bed Rooms</p> <p>4. Specify actions that have been taken subsequent to the adoption of the Zoning Regulations that cause the circumstances for which the variance is sought .</p> <p style="text-align: center;">N/A</p>

Required Supporting Documentation

The following supporting documentation and fees must be submitted with the completed and signed application:

- 1. Two (2) copies no larger than 24" x 36" and two (2) copies no larger than 11" x 17" of a Development Plan drawn by a land surveyor or engineer noting placement of the structure, location of road(s), parking spaces, loading spaces, utility lines, easements, drainage, landscaping and any other pertinent information .
- 2. A copy of the deed. ¹
- 3. Complete listing of all names and mailing address for all adjoining property owners within, contiguous to, and directly across the street. Adjacent property information shall be obtained from the PVA office.
- 4. Variance filing fee, non-refundable, payable to the Triple S Board of Adjustments and Appeals (see Fee Schedule).

Applicant/Owner Certification

I (We) do hereby certify that the information provided herein is both complete and accurate to the best of my (our) knowledge, and I (we) understand that any inaccuracies may be considered just cause for invalidation of this application and any action taken on this application. I (We) further certify that I am (we are) the owner(s) of the property for which the variance application is filed or that I (we) have the authority to file this application based on properly executed with the owner of this property. I (We) further hereby certify that as owner(s) of this property proposed for the conditional use, I am (we are) aware of the development plan submitted as part of the application and aware of the variance hearing process under the Zoning Regulations and KRS 100. I (We) further hereby certify that I (we) agree that the filing of this application constitutes an agreement with all owners and other parties having an interest in the subject property, their heirs, successors, and assigns, to comply with the conditions imposed by the Triple S Planning Board of Adjustments and Appeals and the Zoning Regulations.

These signatures constitute all owners of the subject property necessary to convey fee title, their attorney, or their legally constituted attorney-in-fact. If the signature is of an attorney, then such signature is certification that the attorney represents each and every owner of the affected property.

Additional pages attached.

Signatures of Applicant & Owners:

Title:

Date:

Regan T. Lewis

Ch TRUSTEE

7/25/22

For Office Use Only

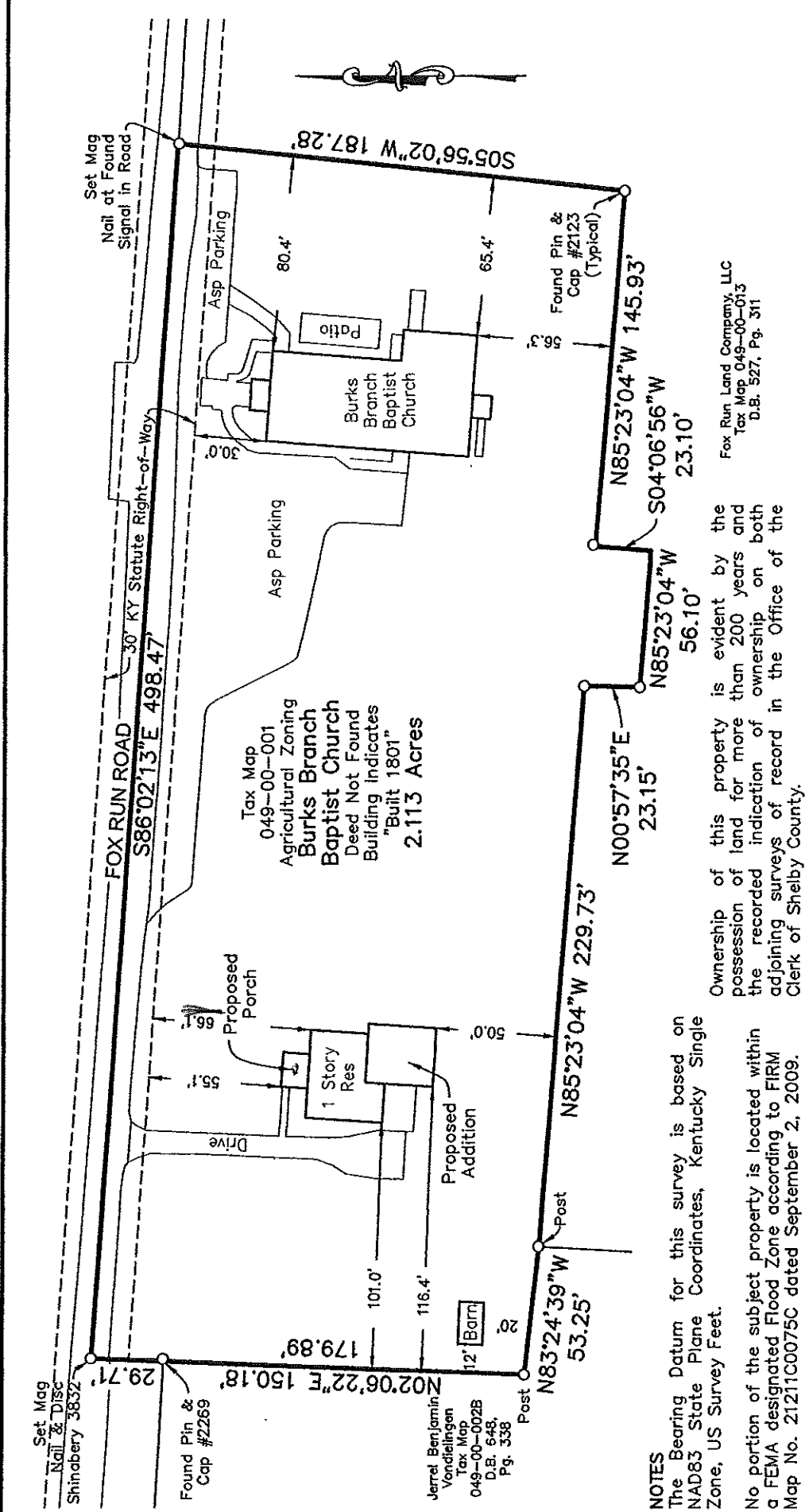
Date Application Received : 7-27-22 Received by: J.S.

Filing Fee Paid: \$ 196.00 Check# 10988 Cash Other (specify): _____

Notice to Newspaper (Date): 8/12/2022 : 8/17/2022 Adjacent Mailings (Date): 8/9/2022

Public Hearing (Date) 8-25-22 BOA Meeting (Date): 8-25-22

BOA Decision: _____



LAND SURVEYOR'S CERTIFICATE
I hereby certify that this plat and survey were made under my supervision and that the angular and linear measurements as witnessed by monuments shown hereon are true and correct to the best of my knowledge and belief. This survey was made by the method of GPS observation on May 27, 2022 with a Spectra SP80-GNSS receiver utilizing the KYTC CORS NTRIP service. The relative positional accuracy of the adjusted real time kinematic network is +/-0.06+100 PPM which meets or exceeds the minimum standards of the governing authorities for a Rural Survey.

Benjamin P. Shinabery
3832
LICENSED PROFESSIONAL LAND SURVEYOR

Benjamin P. Shinabery
Land Surveyor
Date 05/27/2022

Benjamin P. Shinabery, PLS
565 Veechdale Road, Simpsonville, KY 40067
Phone: 502-618-6255 email: beshinabery@hotmail.com

SCALE 1"=60' PROJ. #2205BS4 DATE:05/27/2022 SHEET 1

Ownership of this property is evident by the possession of land for more than 200 years and the recorded indication of ownership on both adjoining surveys of record in the Office of the Clerk of Shelby County.

Fox Run Land Company, LLC
Tax Map 049-00-013
D.B. 527, Pg. 311

GRAPHIC SCALE IN FEET
0 30 60

NOTES
The Bearing Datum for this survey is based on NAD83 State Plane Coordinates, Kentucky Single Zone, US Survey Feet.
No portion of the subject property is located within a FEMA designated Flood Zone according to FIRM Map No. 21211C0075C dated September 2, 2009.

LOCATION MAP
No Scale

PLOT PLAN SURVEY
BURKS BRANCH BAPTIST CHURCH
Deed Book 109, Page 222
TAX MAP 049-00-001 ~ Agricultural Zoning
1971 FOX RUN ROAD
Shelbyville, KY 40065

Triple S Board of Adjustments and Appeals Variance Staff Report



Date: August 25, 2022

Docket Number: 976-8-22 Variance

Applicant: Rachel Morgan
530 Peytona Beach Road Shelby County, Kentucky

Purpose:

A request for a front yard setback variance of twenty-five (25) feet variance to add a 24' x 36' storage area to the existing barn.

Background:

The property is located on 530 Peytona Beach Road (PVA # 091-00-045B) and is zoned Agricultural. The applicant is requesting a front yard setback variance of twenty-five (25) feet to add a 24' x 36' storage area to the existing barn. The request is from Section 652.4 of Shelby County Zoning Regulations. In the Agricultural zoning district the required front yard setback is one hundred (100) feet. The request would allow the 24' x 36' barn addition to sit seventy-five (75) feet instead of the required one hundred (100) feet.

Findings Necessary for Granting Variances (KRS 100.243):

- (1) Before any variance is granted, the board must find that the granting of the variance will not adversely affect the public health, safety, or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations. In making these findings, the board shall consider whether:
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 - The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.
 - The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.
- (2) The board shall deny any request for a variance arising from circumstances that are the result of willful violations of the zoning regulation by the applicant subsequent to the adoption of the zoning regulation from which relief is sought.

Motions

Motion to **Approve** the **Variance** Request:

I make the motion to **approve** the request at 530 Peytona Beach Road, Docket number **976-8-22**: a variance of 25 feet from the minimum front yard setback of 100 feet, to allow the front yard setback to be 75 feet for the proposed 24' x 36' barn addition.

The testimony presented in this public hearing has shown that the granting of this variance will not adversely affect the public health, safety, or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations.

Or

Motion to **Deny** the **Variance** Request:

I make the motion to **deny** the request at 530 Peytona Beach Road, Docket number **976-8-22**: a variance of 25 feet from the minimum front yard setback of 100 feet, to allow the front yard setback to be 75 feet for the proposed 24' x 36' barn addition.

Sufficient testimony has not been presented in this public hearing that the requested variance meets the criteria set forth in KRS 100.243, "Findings necessary for granting variances," as;

(Choose one or more appropriate finding(s) and specific items)

- **will** adversely affect the public health, safety or welfare.
- **will** alter the essential character of the general vicinity
- **will** cause a hazard or a nuisance to the public
- **will** allow an unreasonable circumvention of the requirements of the zoning regulations

The proposed application does **not** show the requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same;

The proposed application does **not** show the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant;

The circumstances are the result of willful violations of the zoning regulation by the applicant subsequent to the adoption of the zoning regulations from which relief is sought.

Attachments:

1. Variance Application
2. Site Plan

Variance Application

Triple S Board of Adjustments and Appeals
419 Washington Street
Shelbyville, Kentucky 40065
Telephone: (502) 633-1718
www.shelbypz.com

For Office Use Only:

Docket #: 976-8-22
Date Filed: 7-27-22
Filing Fees: \$ \$231.00
Hearing Date: 8-25-22

Please type or print (blue or black ink)

Application Date: _____

Instructions

Applicant must be all owner(s) of the property. Spouse and/or any other parties with legal or equitable interest must join in this application. Use additional sheets, if necessary.

If Applicant/Owner is different than the Developer, provide the Developer's name, address, telephone, and email address

If an attorney represents the applicant, please provide the attorney's name, address, telephone and email address

Applicant Information

Applicant/Owner name: Jackie Kincaid and Rachel Morgan Additional pages attached

Mailing Address: 530 Peytona Beach Road

City: Waddy State: KY Zip Code: 40076

Telephone: 502-330-2490 Email: Rmorgan2130@yahoo.com

Co-Applicant/Developer Name: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone: _____ Email: _____

Applicant's Attorney: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone: _____ Email: _____

Instructions

If an actual street address is not available, identify the property's location along the roadway and distance to intersecting public roadways on each side of the property.

Check appropriate jurisdiction where the property is located

Describe the property's current zoning classification and how the property is presently used

Property Information

Street Address: 530 Peytona Beach Road

Lot#/Subdivision Name (if applicable): _____

Property Location:

The subject property is located on the north south east west side of _____ and approximately _____ feet miles

north east south west of _____

and approximately _____ feet miles north south east

west of _____

Jurisdiction: Shelbyville Simpsonville Shelby County

Parcel: _____ Deed Book/Page #: DU47/533-535 PVA #: _____

Existing Zoning: Residential

Existing Use: Residential

Instructions	Variance Description
<p>Describe the requested variance. Specify the use and type of structure (accessory or principal) if applicable. Use additional sheets, if necessary.</p> <p>Check the type of variance requested.</p> <p>Specify the Zoning Regulation provision from which variance is sought.</p> <p>Specify dimension required by the Zoning Regulations and the proposed dimension.</p> <p>If yes, attach copy of the refusal or decision.</p> <p>If yes, specify action type (zone change, conditional use permit, variance, or appeal), application number and date.</p>	<p>Provide a <i>detailed</i> description of the requested variance. Use additional sheets, if necessary.</p> <p><u>adding on to existing structure, Existing structure is a pole barn - adding 3 walls and 24 feet for shed.</u></p> <p>Type of variance requested:</p> <p><input checked="" type="checkbox"/> Front yard setback <input type="checkbox"/> Side yard (right)</p> <p><input type="checkbox"/> Secondary front yard setback (corner lots only) <input type="checkbox"/> Structure height</p> <p><input type="checkbox"/> Rear yard setback <input type="checkbox"/> Lot coverage</p> <p><input type="checkbox"/> Side yard setback (left) <input type="checkbox"/> Other Specify: _____</p> <p>Zoning Regulation provision from which variance is requested: _____ Section: <u>652.4</u></p> <p>Required dimension: <u>100</u> ⁽²⁵⁾ Proposed dimension: <u>75</u></p> <p>Is this variance application based on a refusal or decision by the Administrative Official? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Has this property been subject of previous action by the Board of Adjustment and Appeals or Triple S Planning Commission? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Action Type : _____ Docket #: _____ Date: _____</p>

Instructions	Variance Justification
<p>Before any variance is granted the Board of Adjustments and Appeals must find that the variance will not (KRS 100.243):</p> <p>(1) Adversely affect the public health, safety, or welfare;</p> <p>(2) Alter the essential character of the general vicinity;</p> <p>(3) Cause a hazard or nuisance to the public; and,</p> <p>(4) Allow an unreasonable circumvention of the requirements of the Zoning Regulations</p>	<p>Provide written justification for the variance (use additional pages, if necessary):</p> <p style="text-align: right;"><input type="checkbox"/> Additional pages attached.</p> <hr/> <p>1. Describe the reasons that the requested variance will not adversely affect the public health, safety, or welfare, will not alter the essential character of the general vicinity, will not cause a hazard, or nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the Zoning Regulations.</p> <p><u>Other structures on the same road have a much smaller variance. I am adding on to a existing structure. Both adjoining properties variance is less than 100 feet. my neighbor who faces the same road to the left of me variance is 25 feet.</u></p>

Instructions	Variance Justification (continued)
<p>In making these findings, the Board of Adjustments and Appeals shall consider whether :</p> <p>(1) The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;</p> <p>(2) The strict application of the regulations would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant; and,</p> <p>(3) The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.</p> <p>The Board of Adjustment and Appeals shall deny any request for a variance arising from circumstances that are the result of willful violations of the Zoning Regulations by the applicant subsequent to the adoption of the Zoning Regulation from which relief is sought.</p>	<p>2. Identify the circumstances that are special to property which do not generally apply to the Land in the general vicinity or in the same zoning classification.</p> <p>On more than Sacres and I have an existing Pole Barn that 2 of the adjoining properties do not have.</p> <p>3. Describe how the strict application of the regulation would deprive you the reasonable use of the property or create an unnecessary hardship.</p> <p>I would be unable to have a storage/flower barn and make it look the exact same as the existing structure. I would have to add a whole new structure on a different part of the property.</p> <p>4. Specify actions that have been taken subsequent to the adoption of the Zoning Regulations that cause the circumstances for which the variance is sought .</p> <p>N/A</p>

Required Supporting Documentation

The following supporting documentation and fees must be submitted with the completed and signed application:

- 1. Two (2) copies no larger than 24" x 36" and two (2) copies no larger than 11" x 17" of a Development Plan drawn by a land surveyor or engineer noting placement of the structure, location of road(s), parking spaces, loading spaces, utility lines, easements, drainage, landscaping and any other pertinent information .
- 2. A copy of the deed.
- 3. Complete listing of all names and mailing address for all adjoining property owners within, contiguous to, and directly across the street. Adjacent property information shall be obtained from the PVA office.
- 4. Variance filing fee, non-refundable, payable to the Triple S Board of Adjustments and Appeals (see Fee Schedule).

Applicant/Owner Certification

I (We) do hereby certify that the information provided herein is both complete and accurate to the best of my (our) knowledge, and I (we) understand that any inaccuracies may be considered just cause for invalidation of this application and any action taken on this application. I (We) further certify that I am (we are) the owner(s) of the property for which the variance application is filed or that I (we) have the authority to file this application based on properly executed with the owner of this property. I (We) further hereby certify that as owner(s) of this property proposed for the conditional use, I am (we are) aware of the development plan submitted as part of the application and aware of the variance hearing process under the Zoning Regulations and KRS 100. I (We) further hereby certify that I (we) agree that the filing of this application constitutes an agreement with all owners and other parties having an interest in the subject property, their heirs, successors, and assigns, to comply with the conditions imposed by the Triple S Planning Board of Adjustments and Appeals and the Zoning Regulations.

These signatures constitute all owners of the subject property necessary to convey fee title, their attorney, or their legally constituted attorney-in-fact. If the signature is of an attorney, then such signature is certification that the attorney represents each and every owner of the affected property.

Additional pages attached.

Signatures of Applicant & Owners:

Title:

Date:



owner

7/27/2022

For Office Use Only

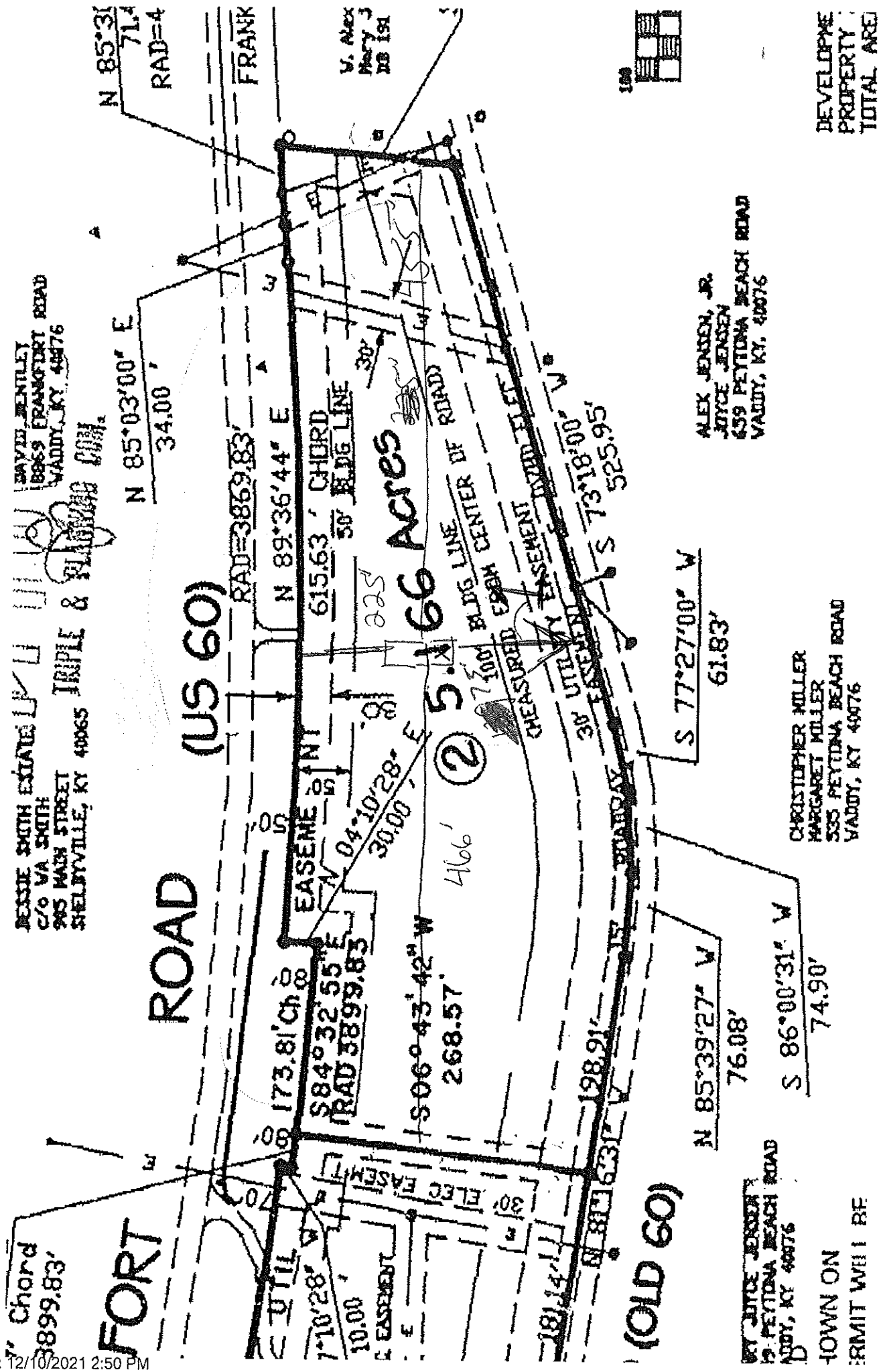
Date Application Received : 7-27-22 Received by: J.S.

Filing Fee Paid: \$ 231.00 Check# 2460 Cash Other (specify): _____

Notice to Newspaper (Date): 8/12/2022 ; 8/17/2022 Adjacent Mailings (Date): 8/9/2022

Public Hearing (Date) 8-25-22 BOA Meeting (Date): 8-25-22

BOA Decision: _____



DAVID BENTLEY
1865 FRANKFORT ROAD
WADDY, KY 40076

BESSIE SMITH ESTATE
C/O VA SMITH
205 MAIN STREET
SHELBYVILLE, KY 40065

JOYCE JENSEN
639 PEYTONA BEACH ROAD
WADDY, KY 40076

TRIPLE & BROTHERS CO.

CHRISTOPHER MILLER
MARGARET MILLER
535 PEYTONA BEACH ROAD
WADDY, KY 40076

ALEX JENSEN, JR.
JOYCE JENSEN
639 PEYTONA BEACH ROAD
WADDY, KY 40076

FRANK
V. Alex
Mary J
DB 191

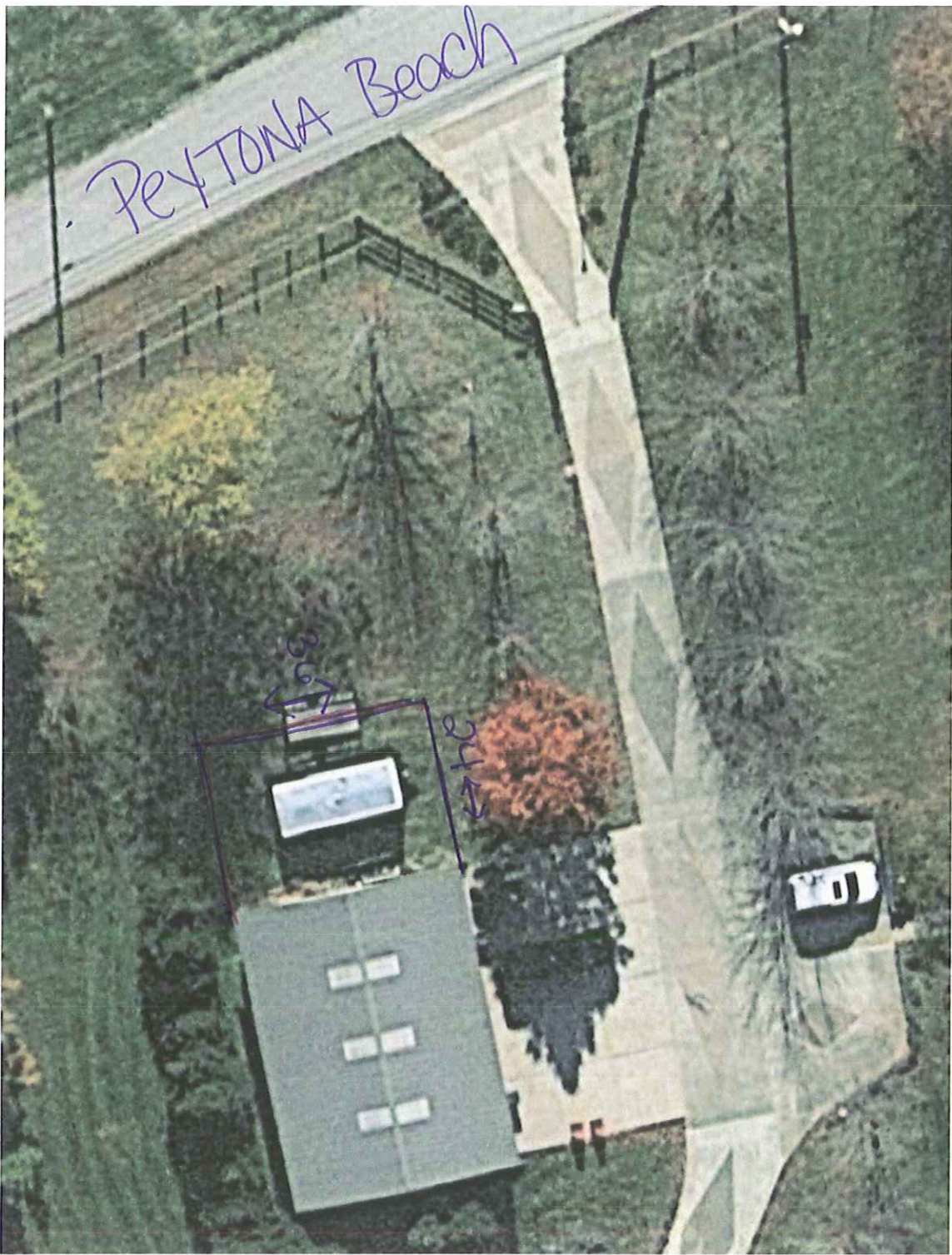
66 Acres



DEVELOPME
PROPERTY
TOTAL ARE

CHRISTOPHER MILLER
MARGARET MILLER
535 PEYTONA BEACH ROAD
WADDY, KY 40076

TOWN ON
ERMIT WEL I BE



Peytona Beach

300

100

