

ORDINANCE NO. 23-15

AN ORDINANCE AMENDING ORDINANCE NO. 00-18, KNOWN AS THE CITY'S ZONING ORDINANCE, AND ALTERING THE ZONING MAP TO REFLECT SAID AMENDMENT, BASED ON THE FINDINGS OF FACT MADE BY THE PLANNING AND ZONING BOARD, AND BASED ON SAID BOARD'S RECOMMENDATION OF A ZONE CHANGE.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF SOMERSET, KENTUCKY:

That Ordinance No. 00-18, known as the Zoning Ordinance, Somerset, Kentucky, is hereby amended by altering the Zoning Map in the following manner:

- I. By changing a boundary of land presently zoned **R-2** to **R-1A**, said properties being more particularly described in Exhibit "A" attached hereto and incorporated herein in full by reference, located at 119 Langdon St, Somerset, Kentucky, and having PVA Parcel # **061-5-3-34.1**.
- II. The City Clerk of the City of Somerset, Kentucky is hereby authorized to alter the Zoning Map to reflect said changes.
- III. This Ordinance shall be in full force and effect from and after adoption and publication according to law.

FIRST READING AUGUST 28, 2023

SECOND READING SEPTEMBER 11, 2023

Approved:



Mayor

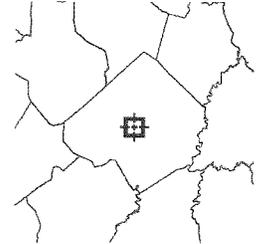
Attest:



City Clerk



Overview



Legend

- Parcels
- Roads
- Land hook

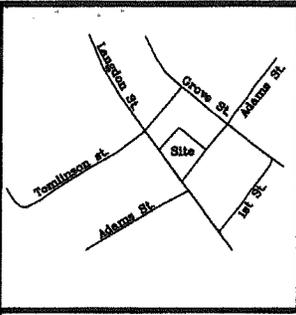
Parcel ID	061-5-3-34	Mailing Address	ELLIS LONZA LYNN	Total Value	\$8,000	Last 2 Sales			
Class	RESIDENTIAL		110A HAMILTON AVE			Date	Price	Reason	Qual
Taxing District	22		LANCASTER, KY 40444			8/9/2022	\$8000	B	U
Acres/Lot	1.0	Physical Address	119 LANGDON ST			8/17/1978	\$20000	G	U
			Somerset City						

Brief Tax Description LANGDON ST

(Note: Not to be used on legal documents)

Date created: 8/23/2023
 Last Data Uploaded: 8/22/2023 8:12:55 PM

Developed by Schneider
 GEOSPATIAL



EASEMENT NOTE

Please note that this plat depicts all visible easements and easements of record only as discovered through the course of this survey and does not warrant the depiction of all easements and/or encumbrances.

UTILITY NOTE

All utilities should be field verified before any construction begins. Any contractor, owner, or designer using the information shown hereon is hereby forewarned that any excavation upon this site may result in the discovery of additional underground utilities not shown hereon.

PLAT CAB. _____, SLIDE _____

LEGEND

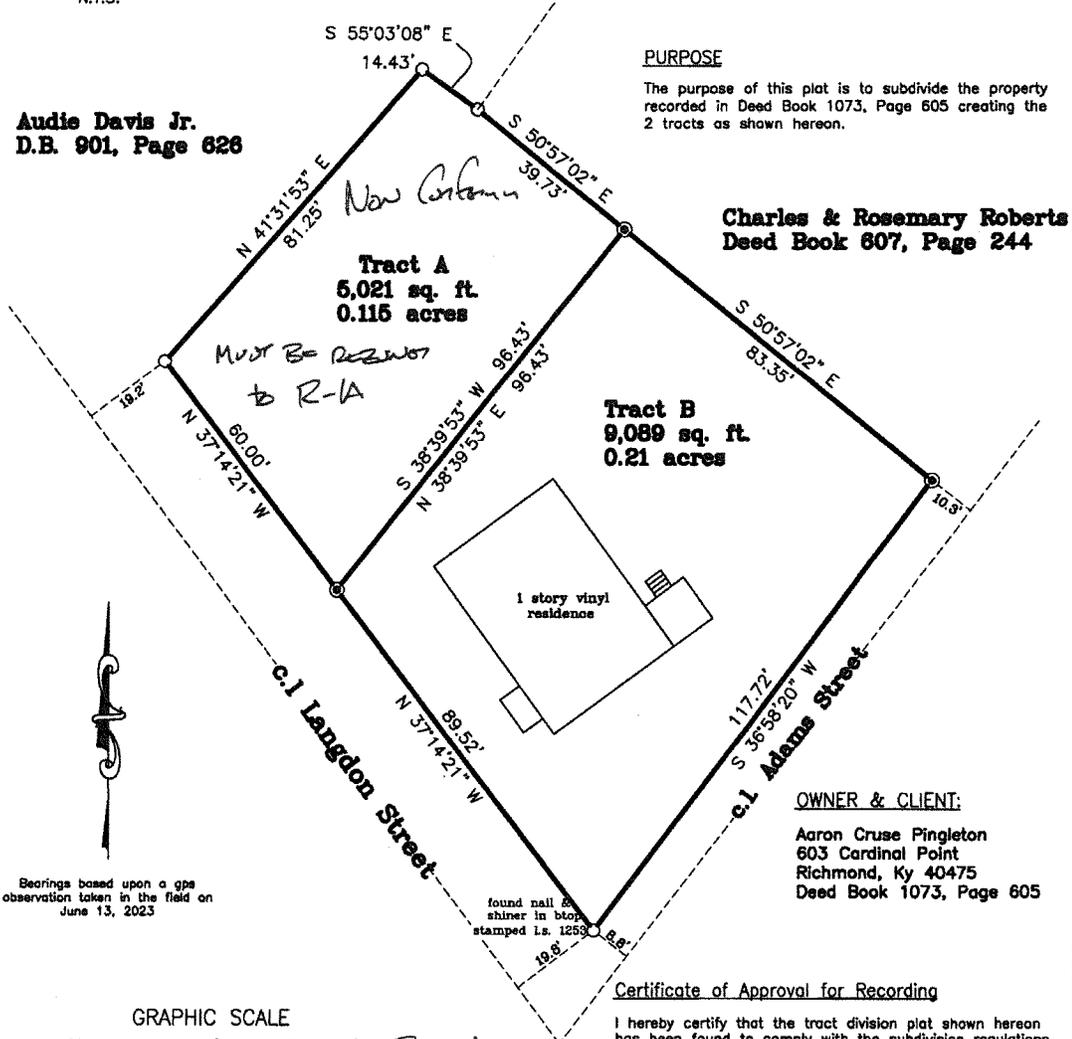
- ⊙ — Set 1/2" diameter, 18" in length rebar with yellow plastic cap stamped 'LPLS 3205'
- — Found 1/2" diameter rebar with yellow plastic cap stamped Thompson 2133
- △ — Unmonumented Meander Point
- 🌳 — Tree
- ⤵ — Utility Pole

VICINITY MAP
N.T.S.

Audie Davis Jr.
D.B. 901, Page 626

PURPOSE

The purpose of this plat is to subdivide the property recorded in Deed Book 1073, Page 605 creating the 2 tracts as shown hereon.



Charles & Rosemary Roberts
Deed Book 607, Page 244

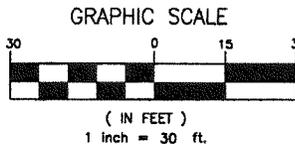
Tract B
9,089 sq. ft.
0.21 acres

Tract A
5,021 sq. ft.
0.116 acres

OWNER & CLIENT:

Aaron Cruse Pingleton
603 Cardinal Point
Richmond, Ky 40475
Deed Book 1073, Page 605

Bearings based upon a gps observation taken in the field on June 13, 2023



Certificate of Approval for Recording

I hereby certify that the tract division plat shown hereon has been found to comply with the subdivision regulations for (Somerset) Pulaski County, Kentucky with the exception of such variances, if any as are attached to this plat and are noted in the minutes of the planning commission and that it has been approved for recording in the office of the county clerk.

[Signature] 7-31-2023
Chair of the Secretary of Planning Commission Date

CERTIFICATE OF ACCURACY AND ADEQUACY

I hereby certify as a Kentucky licensed land surveyor that the survey depicted by this plat was done by me, or persons under my direct supervision. By method of GPS survey using Carlson BRX 7 frequency receivers and RTK gps surveying methods for ties to monuments, corners, evidence of corners, and radial stake-out of set corners. The Relative Positional accuracy of this survey is 0.04± 100 ppm. This survey was not adjusted. The survey as shown herein is a Urban Class survey and accuracy and precision of said survey meets all the specifications of this class in accordance with The Standards of Practice for Professional Land Surveyors (201 KAR 18.150). The reference meridian basis for directions of this survey was GPS static observation with OPUS solution transformed to Kentucky State Plane and Coordinates. (Single Zone).

[Signature] Rick Isaacs P.L.S. #3205 6/19/23 Date

Tract Division For			
Aaron Cruse Pingleton			
Langdon Street			
Somerset, Pulaski County, Kentucky		P.O. Box 501 - Berea, KY 40403 Phone (859) 314-7671 http://www.americanheritagelandsurveyors.com	
Date: June 15, 2023	Scale: 1" = 30'	Project: 5598	Drawn/Checked by: RI

**CITY OF SOMERSET, KENTUCKY
PLANNING AND ZONING COMMISSION**

**FINDINGS OF FACT,
CONCLUSIONS AND RECOMMENDED MAP AMENDMENT**

CASE NO: _____

RE: Zone Change Aaron Cruse Pingleton, 119 Langdon Street

For Recording purposes,
Listed below are the parties involved in the Zone Change for
119 Langdon Street
Somerset, Kentucky
PVA Parcel 061-5-3-34.1

Party One

City of Somerset, Planning and Zoning Commission
PO Box 989
Somerset, Kentucky, 42502

Party Two

Aaron Cruse Pingleton
603 Cardinal Point
Richmond, Kentucky, 40475

The Planning and Zoning Commission having heard testimony at a public hearing conducted before the Commission on the 22nd of August 2023 and based on the evidence presented, the Planning and Zoning Commission enters the following FINDINGS OF FACT, CONCLUSIONS AND MAP AMENDMENT.

FINDINGS OF FACT

Aaron Cruse Pingleton is the owner of record of a tract of land at 119 Langdon Street, per deed of conveyance dated the 18th of April 2023 and of record in Deed Book 1073 Page 605. The tract is zoned R-2 and was of sufficient size that the tract can be subdivided.

Pingleton Contracting, LLC constructed a single-family house on the south portion of the lot and provided a preliminary plat to the City of Somerset for review and approval of the subdivision of the lot on the 21st of July 2023.

This draft had two lots, Tract A and Tract B.

Tract B was in compliance with Article 4.4 Low – Moderate Density Residential (R-2) Lot, Yard and Height Requirements

Tract A did not have enough road frontage or square footage to meet the aforementioned lot dimensional requirements.

A note was left on the plat stating the required dimensions for Tract A or a second option of rezoning the lot to R-1A.

On the 31st of July, Mr. Pingleton met with the Mark Vaught, Chairman of the Planning and Zoning Commission for approval of the lot. The second draft had Tract A in compliance with the road frontage requirement (60') but lacked the necessary square footage, 5,021 square feet versus the required 6,500 square feet.

Mr. Pingleton was told of the shortcomings and based on the location of the house, it appeared that Tract A could not be brought into compliance, and that the only option moving forward was to rezone Tract A to Single Family Residential-(R-1A)-Small Lot.

Mr. Pingleton then went on to inform Vaught that he had scheduled the closing of the house on Tract B (117 Langdon Street) for 4:00 PM that day, having already postponed the closing once before. At this time calls were made to the City Engineer and City Attorney by Vaught, and the three agreed that the plat would be approved with the understanding that the owner would apply for the rezoning of Tract A to R-1A and that a notation would be placed on the plat stating that Tract A was "nonconforming" and "must be rezoned to R-1A". The plat was recorded in Plat Cabinet G Slide 272 B (attached).

A public hearing was conducted on the 22nd of August 2023 for the rezoning of the lot from Low - Moderate Density Residential (R-2) to Single Family Residential (R-1A) Small Lot.

It was found that the proposed use-Single Family Residential (R-1A) Small Lot-agrees with the Comprehensive Plan, which has the future use of the tract remaining residential and meets the requirements for *KRS 100.213 (1) Before any map amendment is granted, the planning commission or the legislative body or fiscal court must find that the map amendment is in agreement with the adopted comprehensive plan.*

All adjoining tracts are zoned R-2 and are improved with single family residences. There is a small apartment complex at 130 Langdon Street that was constructed in 1995 (approximately 350 feet north). The applicant stated that he has a contract to construct a single-family residence on the tract that will contain 1,000 square feet if the property is rezoned to R-1A Single Family Residential-Small Lot.

It is readily apparent that the proposed zone (R-1A) is more compatible with the nature of the surrounding tracts than the current zoning, which allows the construction of duplexes and triplexes.

CONCLUSIONS

The requested rezoning is in agreement with the future use outlined in the comprehensive plan. There were no citizens present to comment in favor for or against the rezoning. The commission appears to be in agreement with the assessment of the applicant that the present zoning (R-2) is inappropriate, and the requested zoning (R-1A) is more appropriate having voted 5-0 in favor of the rezoning.

RECOMMENDED MAP AMENDMENT

It is hereby recommended by this Commission that the map amendment be granted, as it meets the requirements of KRS 100.213 (1) and the proposed rezoning is more appropriate than the present zoning, due to the nature of the surrounding properties.

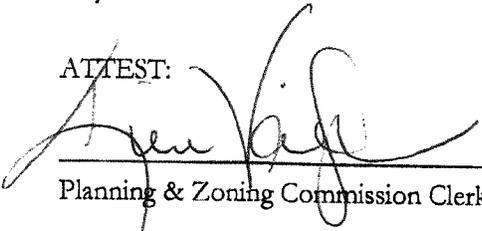
A true and correct copy of this Findings of Fact, Conclusions and Recommended Map Amendment shall be sent to the City of Somerset City Council for adoption.

DONE AND ORDERED this 22nd of August 2023.



Chairman, Planning and Zoning Commission
City of Somerset

ATTEST:



Planning & Zoning Commission Clerk

This document was prepared by the staff of the Planning and Zoning Department under the supervision of John Adams, City Attorney

City Attorney

Mark H Vaught
108 S Church Street Somerset,
Kentucky

July 31, 2023

Kim Vaught
Reggie Chaney
Somerset Planning Commission
306 E Mount Vernon Street
PO Box 989
Somerset, Kentucky 42502

This is in regards to the property owned by Aaron Cruse Pingleton at the intersection of Adams Street and Langdon Street in Somerset. Mr. Pingleton recently purchased the tract in April 2023 as recorded in Deed Book 1073 Page 605.

Findings of Facts

- 1) Mr. Pingleton has constructed a single-family residence on the lot since purchase.
- 2) On July 21, 2023 Mr. Pingleton had dropped off at the office a plat dividing the purchased tract into two lots; Tract A & Tract B. After review it was found that Tract A was in compliance with the Article 4.4 Low – Moderate Density Residential (R-2) Lot, Yard and Height Requirements and Tract B was insufficient in lot frontage and lot size. A note was left on the plat stating the required frontage (60') and size (6500 SF) along with a second option was to have the tract rezoned to Single Family Residential (R-1A) - Small Lot
- 3) On July 31, 2023, Mr. Pingleton brought in a second plat. I was at the office at this time and upon review, Tract A was found to be of insufficient size 5,021 square feet. Tract A is non-conforming and the division of the tract is in violation of

City of Somerset Zoning Ordinance Article 3.2

NON-CONFORMING LOTS OF RECORD

B. If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this regulation and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this regulation and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this regulation nor shall any division or any parcel be made which creates a lot with width or area below the requirements stated in this regulation.

- 4) Mr. Pingleton at this time informed the office of the pending sale of Tract B that day, having delayed the action once already. I called the City Engineer and the City Attorney asking for possible solutions.

Recommendations

After a discussion with the City Engineer and City Attorney, it is felt that the only possible solution is that the plat be approved with the note on same stating that Tract A was non-conforming and must be rezoned to Single Family Residential (R-1A)- Small Lot prior to any development of the lot. The plat was so denoted and has been recorded in Plat Book G Page 272 B (attached).

Mr. Pingleton requested a zone change during the July 31 meeting and it is felt that he will rezone the property, having several projects ongoing in the City of Somerset.

If you have any further comments or questions regarding this matter, please do not hesitate to contact me.

Thank You

Mark H Vaught