

ORDINANCE NO. 25-21

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 **R2** to **R3**, said properties being more particularly described in Exhibit "A" attached hereto and incorporated herein in full by reference, located at **350 Pumphouse Rd** Somerset, Kentucky, and having PVA Parcel #: **075-3-1-35**.
- 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 OCTOBER 13, 2025

SECOND READING OCTOBER 27, 2025

Approved: _____


Mayor

Attest: _____


City Clerk

CITY OF SOMERSET, KENTUCKY
PLANNING AND ZONING COMMISSION

FINDINGS OF FACT,
CONCLUSIONS AND RECOMMENDED MAP AMENDMENT

CASE NO: ZC-2025-06

RE: Zone Change/Zone Determination: Lake Cumberland Rentals, LLC

For Recording purposes,
Listed below are the parties involved in the Zone Change for
350 Pumphouse Road
Somerset, Kentucky
A portion of PVA Parcel 075-3-1-35

Party One
City of Somerset,
Planning & Zoning Commission
PO Box 989
Somerset, Kentucky, 42502

Party Two
Lake Cumberland Rentals, LLC
PO Box 3515
West Somerset, Kentucky, 42564

The Planning and Zoning Commission having heard testimony at a public hearing conducted before the Commission on the 30th day of September 2024 and based on the evidence presented, the Planning and Zoning Commission enters the following FINDINGS OF FACT, CONCLUSIONS AND MAP AMENDMENT.

FINDINGS OF FACT

Lake Cumberland Rentals, LLC is the owner of record of four parcels of land on the east side of Pumphouse Road north of the Somersport Park, more specifically being those tracts of land conveyed to Lake Cumberland Rentals, LLC by Deed of Conveyance dated the 1st of April 2013 by P & B Properties, LLC and of record in Deed Book 896 Page 705.

This rezoning deals with a portion of Tract 1, which is a 1.9752-acre tract designated as PVA Parcel 075-3-1-35. Only the west half of the tract is located within the City of Somerset, having been annexed in Ordinance 87-12 and being Tract 4 of same.

That portion of the tract is zoned R-2 and the requested zoning is R-3. The tract is improved with a 10,082 square foot apartment building housing 8-units. There is a second building on the tract, 340 Pumphouse Road, that contains 1,190 square feet and is a duplex. This building is in the unannexed portion of the tract.

David Guffey, member of Lake Cumberland Rentals, LLC, was asked during the public hearing section of the meeting if he intended to annex the remainder of the tract. He stated that he is going to ask for the annexation of the remainder and in fact submitted a request on Monday, October 6, 2025. This request was returned as there are deficiencies that need to be addressed in the application.

The buildings were constructed by Clark Massey, and he bought this tract in November 1988 after the front portion was annexed in 1987.

The annexation paperwork asked that this portion of the tract be zoned B-2.

It is unknown if he built the building in stages, as the earliest online picture is from 1997 showing the 8-units in place as well as the duplex.

A second annexation in 1998 annexed the remaining tracts owned by Lake Cumberland Rentals, LLC, excluded the rear portion of the 1.9752-acre tract.



Unshaded area is outside the city limits. Map is from Secretary of States offices

The parcel is zoned R-2. The future use of the property is Residential.

To the south of the tract is the following parcel;

310 Pumhouse Road Parcel 075-3-1-34 City of Somerset (Somersport Park), Zone R-1.

Present us is allowed per Article 4.2 Low Density Residential

B. Principal Uses

2. Parks and Playgrounds operated by government

To the north of the tract is:

410 Pumphouse Road, Parcel 075-3-1-38, David & Christine Cothron, Zone R-2,
Present use is allowed per Article 4.4 Low to Moderate Density Residential

B. Principal Uses

1. The principal uses permitted in R-1 Zone

B. Principal Uses (R-1)

1. Single Family Residences

To the east of the tract is:

330 Pumphouse Road, Parcel 075-3-1-36, Lake Cumberland Rentals, LLC, Zone R-2,

Tract is improved with one building, 7,700 square feet and houses 6 units.

The present use is not allowed in a R-2 zone. It is permitted in a R-3 zone.

Article 3.4 CONTINUATION OF NON-CONFORMING USES/SITUATIONS addresses this issue, stating:

The lawful use of a building or premise existing at the time of adoption of any zoning regulation affecting it may be continued, although such use does not conform to the provisions of such regulations,

East of the properties owned by the applicant is 200 Cory Lane, a townhouse complex with nine units in two buildings, that are owned by seven different owners. A townhouse complex is a conditional use in R-2, R-3 & R-1A zones. The parent tract is zoned R-3 and the use is permissible as detailed in Article 4.5 Medium Density Residential,

D. Conditional Use

5. Townhouses.

See also Article 2.44 MULTI-FAMILY DWELLING UNITS & TOWNHOUSES
DEVELOPMENT PLAN REQUIRED

To the west of the tract (across Pumphouse Road) is:

345 Pumphouse Road, Parcel 060-9-1-58, East Somerset Baptist Church, Zone B-2

Present use is allowed per Article 4.8 Highway Oriented Commercial

B. Principal Uses

28. Churches

The applicant has asked that the tract be rezoned from R-2 to R-3, so that he may build additional units on the front portion of the parcel. During the public hearing phase of the meeting, he was asked what he plans to construct and stated that he was going to build two six-plexes.

After the applicant spoke in the public hearing, no one came forward with comments or questions.

In addition to the zone change, it is felt that the portion of the tract that will be annexed should also be zoned R-3. City Attorney John Adams, felt that designating a zone determination at this time if the owner applies for annexation in a reasonable time is permissible.

The building appears to have been built in a single instance, as there is no obvious break in design indicating the starting/stopping of construction. As such, the initial zone designation is inappropriate, and the requested zone designation is deemed to be the appropriate zone.

The requested use is in agreement with the future use; Residential, complying with

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,

And based on present improvements, it is obvious that the initial and present zone designation is inappropriate, and the requested zone designation is appropriate, thus complying with

KRS 100.213 (1) b) That the existing zoning classification given to the property is inappropriate and that the proposed zoning classification is appropriate;

CONCLUSIONS

The board felt that the proposed zone change meets the requirements of KRS 100.213 (1) and KRS 100.213 b) and voted to rezone the property from R-2 to R-3, voting 7-0 in favor of said change with Burgin, Floyd, Holland, Lynch, Rogers, Stringer and Vaught voting in favor of the rezoning.

RECOMMENDED MAP AMENDMENT

It is hereby recommended by this Commission that the map amendment be granted, having met the requirements of KRS 100.231 (1) and KRS 100.231 (1) b).

The Commission further recommends that the unannexed portion of the property be zoned R-3 if the property is annexed in a reasonable time after this determination.

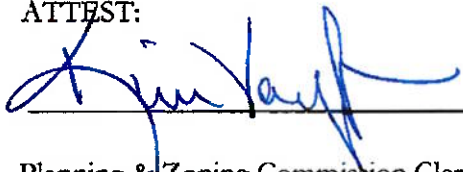
A true and correct copy of this Findings of Fact, Conclusions and Recommended Map Amendment shall be sent to the City of Somerset City Council for adoption.

DONE AND ORDERED this 6th day of October 2025.



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