

**MINUTES FOR REGULAR MEETING
OLDHAM COUNTY
BOARD OF ADJUSTMENTS AND APPEALS**

Thursday, March 19, 2015

At 9:00 a.m., local time, on the above date, this meeting of the Oldham County Board of Adjustments and Appeals, hereinafter, called the Board, was called to order in the Courtroom of the Oldham County Fiscal Court, LaGrange, Kentucky, by Chairperson Larry Otterback.

The following members were present:

Stephen Davis
Robert Houchens
Larry Otterback
Mike Riley

Director Jim Urban and Senior Planner Amy Alvey of Oldham County Planning and Development Services were present and sworn in. Administrative Assistant Ethel Foxx and Attorney Travis Combs were also present.

Board Member Riley called and read Docket OC-15-003.

Docket OC-15-003 – An application has been filed requesting a Conditional Use Permit for an Accessory Dwelling Unit located at 6606 Mint Springs Branch Road, Prospect.

(1) Presentation by Staff:

Senior Planner Amy Alvey presented the following:

- Summary of the application.
- Case History (see Staff Report dated 2015 Exhibit A).
- Notes.
- Ariel Photos of the site
- Photos of property.

Ms. Alvey responded to questions from the Board:

- There is no State standard to determine whether or not a structure is considered an accessory dwelling unit.
- As to being subordinate to the structure and size, referred to Exhibit B, the assessment card from PVA which shows the basement as 2,152 square feet and the square feet for the living area is 3,292; may wish to ask the Applicant if the 3,292 includes the finished space.

Administrator Urban responded as follows:

- There is a definition in the Building Code which describes certain forms of occupancy when there are eating facilities and sleeping quarters and whether it rises to a level of a residential unit.
- Anytime someone is going to sleep in a building, it must meet building code, with or without cooking facilities and in this case it does have cooking facilities.

- The reason for this hearing today is for the Board to remove all doubt and consider whether or not this is an appropriate structure and use for this property, whether it is connected by a breezeway or not.

(2) Presentation by the Applicant in support of the application:

Nancy Forsha, 6606 Mint Springs Branch Road, Prospect, was present and sworn prior to speaking on behalf of this application.

- The second level is to be used as a guest house for their parents from Wisconsin who wish to visit during the winter.
- There are no intentions of ever renting the space and will be strictly used for family.

(3) Questioning of the Applicant or representative and others in support of the application by the Board:

Mrs. Forsha responded to questions by the Board:

- There is a breezeway that can be connected to the house and enclosed and used as a hallway should the Board desire.
- Her husband will also use the proposed building as an office allowing him to work from home but does have an office in downtown Louisville.
- They have not yet contacted an architect to draw up the plans for the proposed building.
- There will be no elevation difference between the proposed structure and the home.
- Will be removing the existing driveway and excavating to ensure the structures will be even.
- They no longer have plans for a garage underneath the office area due to the elevation difference.
- When they purchased their home it consisted of 3,292 square feet and the basement was not finished; they have now finished the basement and a total of 5,000 square feet of finished living space.

Planner Alvey responded as follows:

- Presented Exhibit B showing that the finished basement consists of 2,152 square feet.
- The house is a two-story home which consists of 3,292 square feet; the 2,152 square feet is for the basement that has been finished.
- The total square footage for the proposed building is 3,800 square feet, 1,900 square feet per level which includes the first level garage.

Mrs. Forsha continued responding to questions by the Board:

- Referred to photos showing the location of the proposed building which will be next to the primary structure and at an angle.
- All overhead electric lines have been buried.
- Clarified the proposed location of the breezeway and structure in relation to primary structure.
- Because of the existing driveway which is the neighbor's access easement, there is only one place the building can be placed.
- Confirmed that the building would be used as a guest house and not permanent resident for immediate family members, structure will not be rented, agrees to enclose the breeze if the board requested, will be subordinate in use to the primary structure and the garage area will be used daily but the second level of living space would be used just a few times per year.
- Clarified location of the driveway and proposed building.
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- Does not believe the proposed structure will project in front of the existing house due to the location of the driveway.
- Existing propane tank is located at the front next to the location of the proposed structure and if asked to move the structure they would have to move the propane tank which would be an issue.
- Confirmed that both families use the same driveway to get to their homes.
- Mint Springs Branch is similar to a cul-de-sac and all spring off Mint Sprint Branch; the Brauner's access veers to the left, the Lewis's to the right, and hers straight ahead.
- The new structure is not that close to her home; emergency vehicles such as fire trucks can easily get through.

Planner Alvey responded to questions by the Board:

- Presented photos showing location of the building and referred to the plans that show the breezeway coming off the existing porch; if one looks at the plans will show the first floor plan and where it connects to the breezeway.
- Technically if the structure is attached it becomes a part of the primary structure and would be no different than an addition to an existing home.
- Being in front of the primary structure should not be an issue because it is going to be attached to the primary structure.
- Reminded the Board that Applicant is here today because of the length and size of the breezeway.

(4) Testimony of the Opposition:

Carrie Brauner, 6608 Mint Springs Branch Road, Prospect, was present and sworn prior to speaking in opposition to this application.

- Her property is located to the rear of the Forshas.
- She is not so much in opposition to the Forshas building a garage as they do need one, but does have concerns.
- Bob White, the builder of the Forsha home, did not construct new driveway to the Forsha property so Ms. Brauner's family gave Mr. White permission to use their driveway to get to the Forsha property in order to construct that house.
- The Forshas are the fourth family to live there since 2001 and is concerned that a future property owner may decide to rent the second home to another family.
- After her father built their home on Mint Springs Branch Road he was sued for having done so because it was recorded that only one house would be allowed on that road and there were stipulations that no more homes were to be constructed off that drive.
- Concerned that the driveway that her family owns 100 percent will be used by heavy construction equipment and there is no agreement that the Forshas will repair the driveway.
- Concerned having the driveway blocked by the current homeowners and construction vehicles.
- Because they are planning on a three-car garage near her easement, the building needs to be moved farther back to ensure clear access.
- An underground electric box has been placed at the easement and concerned what will happen to her power pole.
- Understands the need of having elderly parents close by, but not sure this is the right way especially because of issues of the driveway.
- Would like it in writing that if the driveway is damaged that the Forshas will fix it and that the driveway not be blocked whatsoever especially during construction.

J.D. Sparks, 6516 Ashbrook Drive, Pewee Valley, was present and sworn prior to speaking in opposition to this application:

- If restrictions are placed that the additional building cannot be rented out it would be a nightmare for Code Enforcement.
- Feels it best that the permit not be issued at all.

Rebecca Clycomb, 840 Lancelot Court, Jeffersonville, Indiana

- Agrees with Mr. Brauner's concerns of the driveway being blocked for access to the home by the owners, visitors and emergency personnel. .

(5) Questioning of the Opposition by the Board:

Ms. Brauner responded to the Board as follows:

- Requests that the building not be rented, that the driveway be returned to its existing or better condition if damaged, that the construction vehicles not block the driveway and have an area set up where she would not have to go off the road to get to her home.
- Referred to Exhibit A, photo showing the location of the existing driveway that starts at the mailbox; the driveway goes all the way back to her house behind the Forsha home and back to the woods.
- Her driveway existed ten years before the Forsha home was built.
- The Forshas driveway is by easement on her property.

(6) Rebuttal and Final Statement by the Applicant:

Mrs. Forsha made the following statement:

- Regarding the power pole all the wires are buried and the only thing on that pole is the AT&T phone line.
- The Brauner's electric is already connected to the underground box and AT&T thinks the lines are already in for the Brauners and no reason for the pole to be there.
- Does her best asking people not to park in the driveway but not everybody listens to her.
- Have intentions of repaving the whole driveway when construction is complete and will also widen that area so that there will be room to turn around and room for parking.

Questioning of the Applicant by the Board:

- The garage has to be 25 feet from the electrical box and it is located at the corner.

(7) Rebuttal and Final Statement by the Opposition: None

(8) Board Discussion and Final Decision:

**Findings and Decisions
Docket OC-15-003
Conditional Use Permit
Accessory Dwelling Unit**

Motion is made by Board Member Houchens and seconded by Board Member Riley, to approve Docket OC-15-003, Conditional Use Permit for an Accessory Dwelling Unit because:

1. The proposed use is essential or desirable to the Community.
2. Is not in conflict with the elements, objectives and policies of the Comprehensive Plan.

3. The character and objectives of the proposed use and the potential impacts on the community and its surroundings are appropriate.

Conditions of Approval:

1. The proposed unit that is being built cannot be rented.
2. The breezeway must be enclosed.
3. The driveway shall be brought up to current standard, existing standard, or improved after construction.
4. There shall be no commercial activities operated out of the proposed structure.
5. The conditional use permit shall only apply to the application considered at the March 19, 2015 Oldham County Board of Adjustments public hearing.

The vote was as follows:

Yes: Board Members Davis, Otterback, Houchens and Riley.
No: None
Abstain: None.
Absent: Board Member Allen

Motion carried on a vote of 4-0.

After a brief recess, meeting reconvened at 9:30 a.m.

Board Member Riley called and read Docket OC-15-002.

Docket OC-15-002 – An application has been filed requesting a Conditional Use Permit for an Accessory Dwelling Unit located at 4800 Tingle Lane, Westport.

(1) Presentation by Staff:

Senior Planner Amy Alvey presented the following:

- Summary of the application.
- Case History (see Staff Report dated March 19, 2015 Exhibit A).
- Notes.
- Ariel Photos of the site
- Photos of property.

Ms. Alvey responded to questions from the Board:

- Tingle Lane is not a County Road, but not an access easement
- Cannot see the current structure from the road.
- Confirmed and outlined the tracts that the Applicant owns.
- There may be steps behind what appears to be trees as the property falls away towards the river.

(2) Presentation by the Applicant in support of the application:

Cliff Ashburn, Attorney, Wyatt, Tarrant and Combs, 500 West Jefferson Street, Suite 2800, Louisville, was present to speak on behalf of the application.

- Referred to the site plan and confirmed to that the building at the front of the property is the farm manager's residence.
- There are plans for renovation of the existing farm house and are here requesting for an additional structure on the property.
- Showed the parking area for both structures and confirmed to previous question that the area to the rear is a ramp to the lower level; showed the location of the bedroom at the lower level which looks out to the river and the parking area.
- The main structure will be 4,360 square feet once renovations are completed.
- The proposed structure will be 1940 square feet and will not have kitchen facilities.
- The proposed structure will be strictly a guest quarters for someone visiting to sleep and have privacy.

Others present in support of the Application:

J.D. Sparks, 6516 Ashbrook Drive, Pewee Valley, was present and sworn prior to speaking in favor of this application:

- This is a text book example of what is an appropriate ADU.
- Recommends the Board approve this application.

Keith Hammond, Box 192, Harrods Creek, was present and sworn prior to speaking on behalf of this application.

- Manages the property adjacent to the subject property.
- Referred to aerial of the property and has no objections to the application.
- Mike Toolage manages the subject property and they have been good neighbors.
- The family of the property he manages has been there for 50 years.
- They have no objections to the construction of the accessory dwelling unit.

(3) Questioning of the Applicant or representative and others in support of the application by the Board:

Mr. Ashburn responded to questions from the Board as follows:

- Confirmed there will be no kitchen in the proposed structure and is strictly guest quarters.
- Consists of one bedroom, one sitting room and a bath and one-half.
- Not intended to be used as a primary structure and will not be rented.
- Not know the frequency of guests; the owners live out of town and do not reside there.

Steve Barger, 100 Weist Place, Louisville, was present and sworn prior to speaking on behalf of this application.

- Confirmed that there could be two to three occupants and friends that may have a child; it is considered a week-end retreat and could be 100 days out of the year.

Keith Hammond responded to questions by the Board:

- A portion of Tingle Lane from Highway 524 to the gate is a County Road; from the gate to the house is considered a private lane.
- He has road frontage on Tingle Lane.
- Reiterates they have been good neighbors and have no objections whatsoever to this application.

- (4) Testimony of the Opposition: None
- (5) Questioning of the Opposition by the Board: None
- (6) Rebuttal and Final Statement by the Applicant: None
- (7) Rebuttal and Final Statement by the Opposition: None

(8) Board Discussion and Final Decision:

**Findings and Decisions
Docket OC-15-002
Conditional Use Permit
Accessory Dwelling Unit because:**

Motion is made by Board Member Houchens and seconded by Board Member Davis, to approve Docket OC-15-002, Conditional Use Permit for an Accessory Dwelling Unit because:

1. The proposed use is essential or desirable to the Community.
2. Is not in conflict with the elements, objectives and policies of the Comprehensive Plan.
3. The character and objectives of the proposed use, the potential impacts on the community and its surroundings are appropriate.

Conditions of Approval:

1. The additional unit that is being built cannot be rented.
2. There shall be no commercial activities operated out of the new structure.
3. The conditional use permit shall only apply to the application considered at the March 19, 2015 Oldham County Board of Adjustments public hearing.

The vote was as follows:

Yes: Board Members Davis, Otterback, Houchens and Riley.

No: None

Abstain: None.

Absent: Board Member Allen

Motion carried on a vote of 4-0.

Board Member Riley called and read Docket 15-004.

Docket OC-15-004 – An application has been filed requesting a Road Frontage Variance for a proposed tract located at 6310 Shrader Lane, LaGrange.

(1) Presentation by Staff:

Senior Planner Amy Alvey presented the following:

- Summary of the application.
- Case History (see Staff Report dated March 19, 2015 Exhibit A).
- Notes.
- Ariel Photos of the site
- Photos of property.

Ms. Alvey responded to questions by the Board:

- The required road frontage for the 24 acre tract is 300 feet.

(2) Presentation by the Applicant in support of the application:

Julie Hofelich, 6310 Shrader Lane, LaGrange, was present and sworn prior to speaking on behalf of this application:

- Wishes to create a lot at that location in order to construct her home.
- The building shown in the photo is a barn.
- The width of the existing property is 655 feet wide.
- The driveway will be located in the access easement.

Albert Harrison, 114 McMakin Manor, LaGrange, was present and sworn prior to speaking on behalf of this application.

- The distance between the proposed access easement and the driveway will be 350 feet.
- Confirmed the width of the subject property is 655 feet wide; the width of the proposed lot will be about 150 feet wide.
- It is the intention that the proposed building will meet the required setbacks once the lot is created.
- Gave a history of the properties on Shrader Lane.
- It is not an unusual situation to have this type of division and there have been several similar requests on Shrader Lane.

(3) Questioning of the Applicant or representative and others in support of the application by the Board:

Mrs. Hofelich responded to questions by the Board:

- She and her husband will maintain the easement as they will be living in the proposed house.
- Her parents live at the front property and her sister and family live on the lot that is outlined in red.

Albert Harrison responded to questions by the Board:

- Reason for location of the proposed lot is that Mr. Nichter (father of Applicant) has a working hay field at the front of the property and wish to minimize any effect on the hay field and continue working farm it.
- Propose to do the same as on her sister's property having the driveway running along the west side of her property line and Mrs. Hofelich will be using the easement at the east side of the property line.
- They have cattle at the rear of the property where the barn is shown in the photo.
- There are no plans to build anymore accessory buildings.

(4) Testimony of the Opposition: NONE

(5) Questioning of the Opposition by the Board: NONE

(6) Rebuttal and Final Statement by the Applicant: NONE

(7) Rebuttal and Final Statement by the Opposition: NONE

(8) Board Discussion and Final Decision

Motion is made by Board Member Houchens and seconded by Board Member Riley to approve Docket OC-15-004, Road Frontage Variance, because:

- The variance will not adversely affect the public health, safety or welfare and will not alter the essential character of the general vicinity.

Conditions of Approval:

1. The variance shall only apply to the application considered at the March 19, 2015 Oldham County Board of Adjustments public hearing.

The vote was as follows:

Yes: Board Members Davis, Otterback, Houchens and Riley.

No: None

Abstain: None.

Absent: Board Member Allen

Motion carried on a vote of 4-0.

Board Member Riley called and read Docket 15-005.

Docket OC-15-005 – An application has been filed requesting a Conditional Use Permit to have off premises signs on property located at 2401 W. Highway 146, LaGrange.

(1) Presentation by Staff:

Senior Planner Amy Alvey presented the following:

- Summary of the application.
- Case History (see Staff Report dated March 19, 2015 Exhibit A).
- Notes.
- Ariel Photos of site
- Photos of Fairgrounds and surrounding property.

Ms. Alvey responded to questions by the Board:

- Confirmed that Applicant is requesting to place signs along the fence parallel to Highway 146.
- There is no need for the Applicant to request approval for the size of each sign; they are asking for a package as the signs will be interchangeable.

(2) Presentation by the Applicant in support of the application:

Rob Riley, Attorney, 115 West Main Street, LaGrange, was present to represent Friends of the Oldham County Fair Board.

- The Fair Board is requesting to be allowed what they have been doing for the last 20 years.
- Referred to an aerial from Exhibit A showing the surrounding area and location of an existing fence which sits on Highway 146 from about Button Lane to the Reformatory property.
- The Fair Board has been selling space for the past 20 years for signs sized 3 x 3 or 3 x 7 to be placed on the fence that sits 18 feet from the road.

- Referred to signs that are prohibited by the Oldham County Zoning Ordinance and the Fair Board will not violate those regulations.
- Presented a photo of a sign placed on the fence and stressed that there will not be any distractions to drivers and there will be no visual issues.
- There are 120 spaces available on the fence but requesting only 80 spaces.
- Only way the Fair Board can pay for events for the Fair and other Oldham County activities is by charging for admission and selling space for signage on the fence.
- The only thing they have done wrong is not having received permission to do this for the last 20 years.

(3) Questioning of the Applicant or representative and others in support of the application by the Board:

Attorney Riley responded to questions by the Board as follows:

- The small signs sell for about \$500 per year and \$1,000 per for the larger signs

Rae Ann Roley, 7409 Sunset Lane, Crestwood, was present and sworn prior to speaking on behalf of this application.

- Is on the Oldham County Fair Board.
- The average annual revenue from the signs last year was about \$60,000.00; \$27,000.00 of that was in-kind services which consists of supplies, items or labor which counts towards a sponsorship.
- The Fair Board pays to have the sign made.
- If they could not continue with selling sign space the Fair Board would lose income and not be able to support other for non-profit organizations in Oldham County that use the fairgrounds because utilities would still need to be used and paid for by the Fair Board.
- The LaGrange Fire Department Auxiliary has used the fair grounds for the last four years for Halloween and safety festivals.
- Without these funds they would not be able to sponsor Special Needs Pageants and provide crowns, sachets and scholarships.
- Without the sign revenue the Fair Board would be unable to maintain the buildings and provide shows, such as horse shows, which are not revenue generating but feel that it is important to have horse shows in Oldham County.
- Pay monthly expenses such as insurance, electricity and water whether there is an event.
- When there are events, expenses are about \$1,000.00 a month.
- Friends of the Oldham County Fair own the subject property and have never had anyone complain about their signs.
- The largest sign is 3 by 8 feet (24 square feet) and within the allowed square footage.

Rob Riley responded as follows:

- Asking for only 80 signs (although 120 is allowed) as simply a way to compromise.
- The signs were affixed to the fence and upon receiving the complaint, they took down the signs immediately.

(4) Testimony of the Opposition:

J.D. Sparks, was present and sworn prior to speaking in opposition to this application.

- The fact that they are non-profit is irrelevant to allowing placement of signs all around the property.

- Does not feel that the signs should be allowed as other no-profits may wish to do the same.
- Signs can create a safety hazard as they are only 18 feet from the road and should be 50 feet.
- There are 80 signs that people are supposed to look at while driving down the road at 45 mph.
- Signs are too close to the road, there are too many of them and this is not an off-premise sign for the Fair Board; other companies should be here asking for the off-premise signs.
- The community and the people living in the subdivision will not have to look at them every day.
- They can comply by putting them inside the facility and could even be seen from the road.
- These are definitely commercial signs and there to make money; they are not there to help the community.
- Only one off-premise sign is allowed and they want to put up 80 signs.
- These are not signs that provide a service and rotating in and out.
- He does wish them well and hope there will be more events for revenue.
- This request does not meet the Ordinance as there are too many signs and too close to the road.
- Not our job to give them a source of revenue.

(5) Questioning of the Opposition by the Board:

Mr. Sparks responded to the Board as follows:

- He is not aware of anybody else that is opposed to the signs.

(6) Rebuttal and Final Statement by the Applicant:

Attorney Riley stated as follows:

- The Fair Board are the right people to be here representing the entity of people.
- As to being 50 feet from the intersection, the intersection is at the opposite side of the road.
- Presented photos from Exhibit A showing how those passing by will have an unobstructed view.
- There will be no obstruction view and are in compliance with the Ordinance.
- The signs that are being placed are not money making signs; but more like a placard as if to say, they are "Friends of the Oldham County Fair Board."

(7) Rebuttal and Final Statement by the Opposition:

J.D. Sparks stated the following:

- The photos Attorney Riley presented show they are clearly in violation being so close to the intersection.
- Signs should be placed 50 feet from the edge of the road and will only be 18 feet from the road.
- If the signs are not doing their job as people are driving down the road, they should be removed.
- Because they are non-profit is not a good reason to allow them to place 80 signs so close to the road.
- They can still sell their signs and make their money by placing the signs on the inside.
- The signs advertise and show their phone numbers and are clearly commercial; there are standards that signs should not line the roads.
- There are people that live nearby, have nice homes and do not want commercial signs lining their highway.

Others Present for Clarification to the Board:

Dennis Case, 1221 Dawkins Road, LaGrange responded to questions by the Board:

- Is on the Fair Board Grounds Beautification Committee

- If one is driving a car, measuring from the white line to the edge of the fence is 18 feet.

(8) Board Discussion and Final Decision:

- Ms. Alvey described what is referred to as the sight triangle at an intersection of a street (Button Lane) and no signs are allowed inside that sight triangle. The requirement for an intersection is 50 feet.
- Only one off-premise sign is allowed per lot.

**Findings and Decisions
Docket OC-15-005
Conditional Use Permit – Off-Premise Signs**

Motion is made by Board Member Houchens and seconded by Board Member Davis to approve Docket OC-15-005, Conditional Use Permit for off-premise signs because:

- The proposed use is essential or desirable to the community.
- Is not in conflict with the elements, objectives and policies of the Comprehensive Plan.
- The character and objectives of the proposed use, the potential impacts on the community and its surroundings are appropriate.
- The community or neighborhood and the Fair Grounds has a need for the proposed use.

Conditions of Approval:

1. Signs are not to exceed 24 square feet.
2. No signage to be powered.
3. No moving parts or pieces on the signs.
4. Signs are to be firmly affixed to the fence.
5. Signs are not to exceed the height of the fence.
6. Signs are to be maintained.
7. The conditional use shall only apply to the application considered at the March 19, 2015 Oldham County Board of Adjustments public hearing.

The vote was as follows:

Yes: Board Members Davis, Otterback, Houchens and Riley.

No: None

Abstain: None.

Absent: Board Member Allen

Motion carried on a vote of 4-0.

Board Member Riley called and read Docket 15-006.

Docket OC-15-006 – An application has been filed requesting a Conditional Use Permit to have a Farm Implement Repair business on property located at 5040 Hanna Road, Crestwood.

(1) Presentation by Staff:

Senior Planner Amy Alvey presented the following:

- Summary of the application.

- Case History (see Staff Report dated March 19, 2015 Exhibit A).
- Notes.
- Ariel Photos of the site
- Photos of property.

Ms. Alvey responded to questions by the Board:

- The reason this is here today is that there was a complaint through the Code Enforcement Officer that there was a business being run out of the home and the property is not zoned commercial.
- The Ordinance was first adopted around 1969 and the current Ordinance updated in 2008.

Administrator Jim Urban responded to Questions by the Board:

- There were conditions such as several items having been stored outside but the Applicant has addressed that concern and has brought the property into compliance.

(2) Presentation by the Applicant in support of the application:

Donald Workman, 93 Jericho Ridge Road, Smithfield, was present and sworn prior to speaking on behalf of this application.

- Inherited the property from his parents.
- Recently remodeled the home and was in the process of cleaning up the property of tires and junk that had been accumulated by his father over the last 30 plus years.
- There are pine trees across the front of the property and plans to put a privacy fence so the property will not be visible from the road.
- All the equipment will be stored inside the storage building.
- Has been a good neighbor and the farmers come to him for repairs.
- Has hauled off scrap, has remodeled the house and plans to put up a six foot fence; produced a receipt as to what it will cost to put up the fence.
- Has several trucks and keeps them all in good working condition.

(3) Questioning of the Applicant or representative and others in support of the application by the Board:

Mr. Workman responded to questions by the Board:

- Does not have a trucking business being operated from this property.
- Drivers take their trucks home with them and live in other counties.
- Does perform the maintenance on those vehicles at this location.
- There is no transferring of items being hauled between vehicles at this location.
- Repairs farmers and neighbor's tractors and farm equipment on the property.
- The repair business and hauling of farm byproducts is the main source of income.
- They have hauled grain, cattle, soybeans and hay but nothing comes to his property.
- Referred to site map and photos of the property, Exhibit A showing where the six foot fence will be placed and where there are already pine trees.
- The building shown in the photo is his shop; the building behind it was stacked with tires and that is when the complaint occurred.
- The building was constructed so that he could put everything inside and has cleaned up the property.

Administrator Jim Urban continued responded to questions by the Board:

- Some of these complaint items would have been dealt with by the Code Enforcement Board if they had not been remedied.
- At the first complaint, the Code Enforcement Officer inspected the property and found multiple semi-trucks, trailers, a boat, semi-truck tires stored on the property, a commercial dumpster near the barn, a garage where there is operation of repair service.
- Had a meeting with Mr. Workman to schedule time to clean up the property.
- He had already removed and disposed of 48 tires and removed the dump truck, the boat is to be removed by March 20th and a tractor and dump truck are to be removed by March 27th.
- An enclosed trailer that he uses for his personal use is not an issue.
- Is to install a fence by March 29 depending on the weather.
- There was a Farm Implement Repair business that has been there since 1984 and would require a conditional use permit but no one has ever made an issue out of it until now.
- It was recommended to be brought to this Board as to whether he can continue that use.
- The things that remain are his own vehicles that he uses for his own farm products.
- In terms of code enforcement, he is on schedule with cleaning up the property.
- For the record he has never been issued a notice of violation on those code enforcement issues; had he not cooperated and cleaned up the property, he would have received a notice of violation and a citation.
- He is here requesting a conditional use for a farm implement repair.

(4) Testimony of the Opposition: NONE

(5) Questioning of the Opposition by the Board: NONE

(6) Rebuttal and Final Statement by the Applicant:

Mr. Workman stated he has done all that has been requested except for the fence which will be put up soon. The driveway also has new gravel.

(7) Rebuttal and Final Statement by the Opposition: NONE

(8) Board Discussion and Final Decision:

**Findings and Decisions
Docket OC-15-006
Conditional Use Permit – Farm Implement Repair**

Motion is made by Board Member Houchens and seconded by Board Member Riley, to approve Docket OC-15-006, Conditional Use Permit to allow a Farm Implement Repair business because:

- The proposed use is desirable to the community
- Is not in conflict with the elements, objectives and policies of the Comprehensive Plan.
- Granting the conditional use permit will allow the proper integration into the community of a use specifically named in the zoning regulation.

Conditions of Approval:

1. The conditional use shall only apply to the application considered at the March 19, 2015 Oldham County Board of Adjustments public hearing.

The vote was as follows:

Yes: Board Members Davis, Otterback, Houchens and Riley.
No: None
Abstain: None.
Absent: Board Member Allen

Motion carried on a vote of 4-0.

Approval of Minutes – February 19, 2015

Motion was made by Board Member Davis and seconded by Board Member Houchens to approve the minutes of February 19, 2015 as submitted and corrected.

The vote was as follows:

Yes: Board Members Riley, Houchens, Otterback and Davis
No: None.
Abstain: None.
Absent: Board Member Allen

Motion carried on a vote 4-0.

Other Business

Ms. Alvey advised that the Board Members can meet on April 16th regardless of whether or not there are any applications to have a training session.

There was discussion that if there are no applications for the April 16 meeting, members will meet Thursday, April 23, 2015 at 3:00 p.m. for House Bill 55 training.

Motion is made by Board Member Riley and seconded by Board Member Houchens to adjourn the meeting at 11:30 a.m. Motion carried by unanimous voice vote.

The next Regular Meeting is scheduled for Thursday, April 16, 2015, at 9:00 a.m., in the Courtroom of the Oldham County Fiscal Court Building, LaGrange, Kentucky.

Respectfully Submitted,

Ethel Foxx
Administrative Assistant

Approved:

Larry Otterback, Chairperson