

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

Thursday, April 21, 2016

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, Senior Planner Amy Alvey and Community Planner Brooke Radcliffe Viehmann 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-16-007.

No one being present at this time the Docket was moved to the end of the agenda.

Board Member Riley called and read Docket OC-16-008.

Docket OC-16-008 – An application has been filed requesting a Conditional Use Permit for an off-premise sign to be located at 4500 block of West Highway 146 and Cedar Point Road, Buckner.

(1) Presentation by Staff:

Community Planner Viehmann presented the following:

- Summary of the application.
- Case History (see Staff Report dated April 21, 2016, Exhibit A).
- Notes.
- Aerial and site photos of the site.
- Photos of proposed sign.
- Photos of property.

Community Planner Viehmann responded to questions from the Board:

- The existing sign on the property is not an off-premise sign; it is a sign for Buckner Point Properties and is not a subdivision sign.
- Because there is adequate road frontage on the two streets, two signs are allowed on the property.
- Confirmed that the applicant is proposing only one sign.

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

Ray Roelandt, Attorney, 6506 West Highway 22, Crestwood, was present to speak on behalf of Inverness Homes.

- Because the approved subdivision is not on a main thoroughfare, marketing is essential and is important for those looking for housing in this area.
- At the intersection, the Con-Agra warehouse is on one side and across the intersection is the land between the railroad and Highway 146; the condominium units are behind it.
- The sign meets the goals for development of the county as there will be more homes developed and will be important to the community and to the developer.
- Although it was not shown on the application, there is a request to place a double sided sign rather than a single sided sign which will allow the sign to be viewed for those traveling from both directions.
- The sign will be identical on both sides and important for those looking for the subdivision.

Doug Partington, Inverness Homes, 11305 Reed Hartman Highway, Cincinnati, was present and sworn prior to speaking on behalf of this application.

- Is looking forward to developing in Oldham County and they wish to be good neighbors.
- They build quality homes and feel this development is appealing.
- The sign will be important for those looking for the subdivision and will be good for marketing.

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

Mr. Partington responded as follows:

- Confirmed that will only need the sign for a three year period.
- They would not be opposed to a condition of approval that the sign is to be removed in four years or when all the lots are sold.
- Confirmed that they are requesting a double sided sign although the original request stated a single sided sign.
- There are no plans to light the sign.

(4) Testimony of the Opposition: None

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

(6) Rebuttal and Final Statement by the Applicant:

Attorney Roelandt stated that because the sign is so critical, they are requesting approval of the off-premise sign and also requesting that it be allowed to be a two sided sign.

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

(8) Board Discussion and Final Decision:

**Findings and Decisions
Docket OC-16-008
Conditional Use Permit – Off-premise Two-Sided Sign**

Motion was made by Board Member Houchens and seconded by Board Member Riley to approve Docket OC-16-008, allowing the placement of an off-premise, two-sided sign because:

- The proposed use is essential or desirable to the community.
- It is not in conflict with the elements, objectives and policies of the Comprehensive Plan.
- Evidence presented that the sign meets the regulations and is desirable in the fact that housing is needed in the county.

Conditions of Approval:

- The sign shall be removed on or before April 21, 2020, or when all the lots are sold in the subdivision.
- The sign shall not be lighted.
- The conditional use approval shall only apply to the plan considered at the April 21, 2016 Oldham County Board of Adjustments public hearing.

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

No: None

Abstain: None.

Absent: Board Member Allen.

Motion carried on a vote of 4-0.

Board Member Riley called and read Docket OC-16-009:

Docket OC-16-009 – An application has been filed requesting a Conditional Use Permit for an Accessory Structure without a primary structure located at 3805 Tara Drive, LaGrange.

(1) Presentation by Staff:

Community Planner Viehmann presented the following:

- Summary of the application.
- Case History (see Staff Report dated April 21, 2016, Exhibit A).
- Notes.
- Aerial Photos of the site, the surrounding area and including the property on which he resides.
- Photos of property and surrounding area.

Community Planner Viehmann responded to questions from the Board:

- There is an accessory structure on the Applicant's property but now sure what type structure it is.
- The unnamed road may be a private drive.
- Letters of opposition are not given to the applicant although some in opposition are present.

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

Jarve White, 3503 South Highway 393, LaGrange, was present and sworn prior to speaking on behalf of this application:

- Purchased lot 12 on Tara Drive in 2015 with the sole purpose of building a garage on the property.
- Was not aware of the restrictions and primary structure requirements.
- The small building on his property has a wood floor and is not a garage.
- Does not have room on his property to build a large building which is needed to store large items such as a mower, tractor, bush hog, trucks, trailer, four wheeler and would like to put inside and out of the elements.
- Will be a nice attractive structure and not close to other structures or properties.
- Thinks the road in question is a state road; the State also owns Lot 10 and the existing house was removed during the road widening project.

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

Mr. White responded as follows:

- As to the possibility of building near his house, the land in that area is very steep.

- The driveway area and house are located next to a ravine and feels a garage could not be built in that area.
- The proposed metal building will be constructed by Classic Builders, will be 36 feet by 64 feet, with overhead doors.
- Approximate building cost will be \$70,000.00.
- Building will be strictly for storage and personal use and have no commercial activity.
- About 15 years ago, he did apply for a second accessory building as wanted somewhere to store his equipment due to complaints from the neighbors.
- The 3503 Highway 393 address on which his home sits is not part of the subdivision.
- Presently his equipment sits alongside the access road and would like to have the ability to construct a building to store the equipment.
- Showed the access from his home to the proposed site of the building he wishes to construct.

(4) Testimony of the Opposition:

The following were present and sworn prior to speaking in opposition to this application:

- Karen Best, 3903 Red Oak Drive, LaGrange
- Wayne Cunningham, 3803 Tara Drive, LaGrange,
- Nancy Lewis, 3807 Tara Drive, LaGrange

The following were concerns of the opposition:

- An aerial of their properties were presented showing where their homes are located.
- There are too many accessory structures in the neighborhood.
- Concerns that their property values will be depreciated if the construction of the garage is allowed.
- The structure is too large and will give the appearance of an industrial neighborhood.
- Applicant has room to construct on the property where his home is located.
- Do not understand why so much equipment is needed since most of the property is not usable.

(5) Questioning of the Opposition by the Board:

- Those in opposition pointed out the location of the storage buildings.
- Are very opposed to the many storage buildings in the residential neighborhood.
- All in opposition responded that they are definitely opposed to Mr. White constructing a building on the lot not having a principal structure.
- Reiterated that the building will be a detriment to their subdivision.

- They do not have a homeowners association but are in the process of forming one.

(6) Rebuttal and Final Statement by the Applicant:

- There are many large lots on which barns and garages are built.
- Has already been to this Board requesting a second accessory building and was denied.
- Purchased the lot for the simple reason of constructing a building on that lot.
- Argues that he does not have room to build on the lot on which his house is located.
- If this were approved, agrees to plant more trees closer to Tara Drive.
- If the building was moved farther back some of the existing trees which are nice size trees would have to be removed, being the reason he chose the location.
- Would abide by conditions that everything would be stored in the building and to the rear of the building where it cannot be seen by the neighbors.

(7) Rebuttal and Final Statement by the Opposition:

Those in opposition reiterated that this is not a good place to construct the accessory building. They feel Mr. White can construct the building on the lot on which his house sits.

Motion to Recess For a Site Visit at the end of regular business:

Motion was made by Board Member Houchens and seconded by Board Member Davis to table Docket OC-16-009 to the end of the meeting and recess for a site visit at the property.

Motion carried by unanimous voice vote.

Board Member Riley called and read Docket.

Docket OC-16-010 – An application has been filed requesting a Road Frontage Variance for a proposed tract located at 5201 Bennett Lane, LaGrange.

(1) Presentation by Staff:

Senior Planner Amy Alvey presented the following:

- Summary of the application.
- Case History (see Staff Report dated April 21, 2016, Exhibit A).
- Notes.
- Aerial Photos of the site
- Photos of property.

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

Jay and Deborah Hall, 1503 Kamer Drive, LaGrange, were present to speak on behalf of this application.

- Would like to construct a single family home on the 140 acre tract for themselves and eventually retire on the property.
- Because there is already an existing home on the property they would like to create a one acre tract for that existing home.
- The existing home has been there for about 64 years, is in good condition and would like the home to remain for the family that has lived there for years and work the farm.

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

Mr. Hall responded to questions by the Board:

- Has no plans to develop the remaining property at this time
- There are no plans for commercial use of the property.
- At this time only wishes to construct the single family residence.
- The property is a working farm and the existing home is for the family that works on the farm.

Mrs. Hall responded to questions by the Board:

- There will be approximately 1100 feet from the new home site to the existing home.

(4) Testimony of the Opposition:

Wendy Gladfelter, 5200 Bennett Lane, LaGrange, was present and sworn prior to stating her concerns regarding this application.

- Is concerned that there is so much traffic in the area and opposed should the property be developed.

Planner Amy Alvey responded to Ms. Gladfelter:

- Referred to where the house will be constructed on the 140 acre tract.
- They wish to create a one acre tract for the existing house within the 140 acres.

Board Member Houchens explained as follows to Ms. Gladfelter that because the existing house sits farther back it is necessary to provide an easement to that proposed one acre tract. If the house was located at the front of the property they would have the

required 150 feet of road frontage and would not even be here today requesting the variance.

(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:

Administrator Jim Urban informed the Board that because the occupants of the existing house are farm workers there is a clause in the Zoning Ordinance that they can put another house on the farm; multiple houses are allowed on a farm. Staff recommended they do this and instead of having two houses on the property that they request approval from the Board to allow the existing farm house to have its own lot.

Planner Alvey informed the Board that there are provisions for farm hands and tenant farmers to live on a farm and can have multiple homes as long as it is a working farm and the people that live in those structures are farm hands.

**Findings and Decisions
Docket OC-16-010
Variance – Road Frontage**

Motion is made by Board Member Houchens and seconded by Board Member Riley to approve Docket OC-16-010 because:

- Evidence has been presented that there will be two residents only per the access road on the property and limitation is three.
- Staff has clarified the reasons for this approval.
- The variance will not adversely affect the public health, safety or welfare,
- It will not alter the essential character of the general vicinity

Conditions of Approval:

The variance shall only apply to the application considered at the April 21, 2016 Oldham County Board of Adjustments public hearing.

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 of 4-0.

Docket OC-16-007 – An application has been filed requesting a Conditional Use Permit for a second accessory structure located at 14425 River Glades Lane, Prospect.

Planner Alvey informed the Board that Applicant has a conflict and cannot make today's meeting. Applicant has requested that this application be tabled to the May meeting.

Motion was made by Board Member Davis and seconded by Board Member Houchens to table Docket OC-16-007 to the May 19, 2016 meeting.

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

No: None

Abstain: None.

Absent: Board Member Allen.

Motion carried on a vote of 4-0.

A motion was made by Board Member Davis and seconded by Board Member Houchens to recess the meeting at 10:47 a.m. and reconvene at the property located at 3805 Tara Drive. Motion carried by unanimous voice vote.

Motion to Return from Recess:

Board members returned at 11:21 a.m.

Motion was made by Board Member Houchens and seconded by Board Member Davis to continue regarding the hearing for Docket OC-16-009. Motion carried by unanimous voice vote.

Board Member Riley did not attend the site visit or return to the hearing.

(8) Board Discussion and Final Decision:

- There are two buildable sites available on the applicant's property and if necessary could allow him to build a second accessory building on the home site.
- Applicant could also remove the existing shed and replace it with the proposed structure and therefore has other options.
- At the left of the driveway there is not a buildable area for construction of the structure as the property drops off significantly. There is a need to construct a building on the subject property as there is a need to store his equipment.

**Findings and Decisions
Docket OC-16-009**

**Conditional Use
Accessory Structure Without A Primary Structure**

Motion was made by Board Member Davis and seconded by Board Member Otterback to deny Docket OC-16-009 because:

- The proposed use is not essential or desirable to the community.
- It is in conflict with the elements and objectives of the Comprehensive Plan.
- It is not in compliance with the zoning regulations.

Yes: Board Members Otterback and Davis.

No: Board Member Houchens

Abstain: None.

Absent: Board Member Allen & Riley.

Motion carried on a vote of 2-1.

Approval of Minutes

Motion was made by Board Member Houchens and seconded by Board Member Riley to approve the minutes of March 17, 2016. Motion carried by unanimous voice vote.

Other Business

Tribute to Mike and Ann Riley:

Board Member Houchens stated that Board Member Riley is resigning from the Board and will be missed. Mr. Riley and his wife, Ann, both served on the Board and did a wonderful job and always had the best interest for Oldham County. Their time and dedication to the community is very much appreciated.

Motion is made by Board Member Davis and seconded by Board Member Houchens to adjourn the meeting at 11:50 a.m. Motion carried by unanimous voice vote.

The next Regular Meeting is scheduled for Thursday, May 19, 2016, 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