

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

Thursday, March 17, 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:

Mike Allen
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-16-005:

Docket OC-16-005 – An application has been filed requesting a Conditional Use Permit for an off-premises sign to be located at 4200 block of West Highway 146, Buckner.

(1) Presentation by Staff:

Senior Planner Amy Alvey presented the following:

- Summary of the application.
- Case History (see Staff Report dated March 17, 2016 Exhibit A).
- Notes.
- Site plan and aerial photos of the site
- Presented photos of the existing sign, a drawing of the proposed sign, photos of property and surrounding area.

Ms. Alvey responded to questions from the Board:

- Meets all the sign regulations.
- Sign is under the height requirement and under the maximum square footage allowed.
- Explained that under I-1 and I-2 regulations, the sign can sit as close as five feet.
- James Shaw, who is present, is the property owner.

- There are no records for an off-premise sign.

Administrator Jim Urban informed the Board that the sign has been there a long time and is considered a legal non-conforming sign. The fact that there is not a permit does not mean that it is not appropriate. Their intent is to expand a legal non-conforming use.

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

Jonathan Wells, Attorney, 113 West Main Street, LaGrange, was present to speak on behalf of this application.

- The off-premise sign is for advertisement of the LaGrange Farm Bureau office.
- Asking approval of the existing sign and also approval to attach a sign on the reverse side advertising the Crestwood office.

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

Kathy Dowden, 6011 Cottage Lane, Crestwood
Rochelle Howe, 3410 North Buckeye Lane, Goshen

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

Ms. Alvey confirmed as follows:

- Applicant is asking for approval of existing off-premise sign and asking for approval of the extension of the use of the sign.
- Applicant is asking that the Board approve the location of the sign and allowing them to use the front and rear of the sign as it is a legal non-conforming sign.

Administration Urban stated that if they wish to approve the sign, the motion would state that that they approving a “conforming” sign.

Attorney Wells responded as follows:

- They have no intentions of lighting the sign.
- The size and color of the sign will remain.
- The logo will be the same on the back side; the only thing that will change is the agent’s names.
- They will have to move the sign slightly and will be straightened in order to be more visible from the road.
- The purpose of the off-premise sign in Buckner is to welcome people as they are entering LaGrange and welcome them as they are driving towards Crestwood.

Administrator Urban stated that staff does not have records of complaints regarding the existing sign and the sign does not obstruct sight distance at any point.

Ms. Alvey responded that if the sign would become in disrepair, that would be an issue for Code Enforcement. The sign is metal and the poles are made of wood.

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

The existing sign is there and meets all the regulations.

Motion to open the floor for more questioning was made by Board Member Allen and seconded by Board Member Riley. Motion carried by unanimous voice vote.

- Kathy Dowden responded regarding maintenance of the sign, that the corporate office provides funds to each agency for continued maintenance of signage.

Continued Discussion by the Board:

Administrator Urban stated that although there was testimony that the sign would not be lit, the Board may wish to consider a condition of approval that the sign will not be lit.

Findings and Decisions Docket OC-16-005 Conditional Use Permit – Off-Premise Sign

Motion was made by Board Member Houchens and seconded by Board Member Riley to approve Docket OC-16-005, because:

- There is evidence that the proposed sign fits within the conditional use off-premise sign regulations.
- The proposed use is desirable to the community.
- The character and objectives of the proposed use and the potential impacts on the community and its surroundings are appropriate.

Conditions of Approval:

- The Conditional Use Permit shall only apply to the application considered at the March 17, 2016 Oldham County Board of Adjustments Public hearing.
- The sign shall not be lit.

The vote was as follows:

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

No: None

Abstain: None.

Absent: None

Motion carried on a vote of 5-0.

Board Member Riley called and read Docket OC-16-006:

Docket OC-16-006 – An application has been filed requesting Front Yard Setback and Side Yard Setback Variances for a proposed building on property located at 4800 Old LaGrange Road, Buckner.

(1) Presentation by Staff:

Senior Planner Amy Alvey presented the following:

- Summary of the application.
- Case History (see Staff Report dated March 17, 2016 Exhibit A).
- Notes.
- Site plans, aerial photos of the site.
- Photos of property, surrounding properties, buildings including setbacks, businesses and roadway.
- Rendering of proposed building.

Ms. Alvey responded to questions from the Board:

- Confirmed that photo showing adjoining property to the North has a building that appears to be used as a residence that sits 50 feet from the front property line although the property is zoned I-2.
- That photo actually shows two houses (on one parcel) which received a conditional use permit; the houses sit 50 feet from the front property line although the property is zoned I-2.
- Presented the applicant's site plan showing how many feet they wish to build from the property line.
- Ms. Alvey responded to questions regarding the setbacks for the existing buildings on adjoining property.
- The size of the lot is 70 feet by 160 feet.
- Explained that although the properties were zoned Industrial, tiered zoning was previously allowed and therefore, residential use was allowed on the properties.
- Confirmed that the drawing of the lot shows the size of the lot is 70' by 180', however, the deed shows the property is 70' by 160'.

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

Berry Baxter, Attorney, 117 West Main Street, LaGrange, was present to speak on behalf of this application.

- Attorney Baxter presented a revised building rendering (Exhibit B) stating that the proposed building will be 80 feet long.
- Showed where the left front part of the building will be under cover but not enclosed, much like a carport.
- The building will sit 55 feet back from the front property line.
- Presented the revised site plan (Exhibit C) stating that the left rear part of the building has been changed and now will only need about a one foot variance as it will sit 24 feet from the left side property line.
- The proposed building will sit 55 feet from the front property line, requiring a variance of 45 feet; there will be no issue with the set back at the rear property line.
- Mr. Wilson was not aware that he would need a variance when he purchased the property. It was when he applied for the building permit that he realized he need for a variance.

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

Joe Wilson, 4020 Sheehan Drive, Buckner, was present and sworn prior to speaking on behalf of this application.

- The building will be built of steel.
- The width of the building is 42 feet.
- Proposes a warehouse and office and will be housing scaffolding and trusses.
- The building will sit about five feet from the side property line and the distance in between the adjoining property building and his proposed building will be about 15 feet.
- There will be no hazardous materials stored in the building.

Administrator Urban reminded the Board that this is an old Industrial park. It is a mixed use industrial park consisting of vehicle repairs, and even old houses that have been converted to industrial businesses.

Motion was made by Board Member Houchens and seconded by Board Member Riley to take a ten minute recess giving the applicant time to return with a better drawing. Motion carried by unanimous voice vote.

At 9:58 a.m., motion was made by Board Member Houchens and seconded by Board Member Riley to return to session. Motion carried by unanimous voice vote.

Continued Response by the applicant:

Attorney Baxter continued as follows:

- Presented the final corrected site plan; the surveyor that accompanied Mr. Wilson to the site informed him that the lot is wider and deeper than what the deed describes.
- An updated front and side yard variance was requested as follows:
 - A 20 foot variance on the left side of the property
 - A 25 foot variance at the right side of the property
 - A 45 foot variance for the front of the property
- The foot print of the building will be 80 by 42.
- Exhibit D was presented, updating the requested variances.

Attorney Baxter responded to concerns by the Board:

- Should there be a fire, ten feet should be plenty of room in between the two buildings.
- The aerial shows an open space where there is parking behind their building and the proposed building abuts that parking area.
- With reference to the aerial from the staff report, Mr. Wilson explained that the reason for the placement of the building is because of the way the lot falls towards the back corner of the property.

At this time, Chairman Otterback cautioned the Board Members the importance of focusing on the property in question and not the adjoining properties.

Attorney Baxter continued:

- Mr. Wilson requests another amendment that the building be allowed to sit 50 feet from the front property line.
- For the record, the proposed building will be 80 feet by 42 feet.

Mr. Wilson confirmed as follows:

- He purchased the property with the intent to construct the 80 by 42 foot building.
- He has no intentions of purchasing properties to the left or to the right of the subject property.
- There was an old residential structure on the property but because the building was in such poor condition and a hazard, he obtained a demolition permit and had that building demolished.

(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:

Ms. Alvey informed the Board that it is required that a site plan be reviewed by Staff prior to submitting a building permit. It is also required that fire department approval be received prior to submitting a building permit.

Findings and Decisions

Docket OC-16-006
Side and Front Yard Setback Variance

Motion made by Board Member Houchens and seconded by Board Member Davis to approve side and front yard setback variances for Docket OC-16-006 as follows:

1. Allow the structure to be constructed 50 feet from the front property line requiring a variance of 50 feet.
2. Allow the structure to be constructed 15 feet from the left side property line requiring a variance of 20 feet:
3. Allow the structure to be constructed 10 feet from the right side property line requiring a variance of 25 feet:

The following are the reasons for the approval:

- The variance will not adversely affect the public health, safety or welfare.
- Will not alter the essential character of the general vicinity.
- Will improve the character of the general vicinity based on the condition of the property before it was purchased.
- Will not cause a hazard or nuisance to the public.

Conditions of Approval:

1. The variance shall only apply to the application considered at the March 17, 2016 Oldham County Board of Adjustments public hearing.
2. Nothing shall be stored outside of the building nor in between the building and the right side property line.
3. The applicant shall submit a revised site plan for staff review and approval as outlined in Division 390 of the Oldham County Comprehensive Zoning Ordinance.
4. The applicant shall submit a landscape plan for staff review and approval as outlined in Division 300 of the Oldham County Comprehensive Zoning Ordinance.

The vote was as follows:

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

No: None

Abstain: None.

Absent: None

Motion carried on a vote of 5-0

Approval of Minutes

Motion was made by Board Member Riley and seconded by Board Member Davis, to approve the minutes of February 18, 2016 as submitted.

Motion carried by unanimous voice vote.

Other Business

Motion was made by Board Member Houchens and seconded by Board Member Davis to approve two hours for the recent training session for Board Members Allen, Houchens, Otterback and Riley and one hour of training for Board Member Davis.

Motion carried by unanimous voice vote.

Administrator Urban informed the Board of an all-day training opportunity sponsored by KACO in Frankfort on May 19, 2016, specifically for Board of Adjustment and Commission members.

Because of the scheduled Board of Adjustments meeting scheduled for that same day, there may be a conflict. However, if it is possible to attend, one must register seven days prior to that meeting.

Motion was made by Board Member Riley and seconded by Board Member Houchens to adjourn the meeting at 10:25 a.m. Motion carried by unanimous voice vote.

The next Regular Meeting is scheduled for Thursday, April 21, 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