

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

Thursday, June 18, 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. Community Planner Brooke Radcliffe and Attorney Travis Combs were also present.

Board Member Riley called and read Docket OC-15-011.

Docket OC-15-011 – An application has been filed requesting a Variance for a proposed accessory structure located at 5466 East Highway 22, Smithfield.

(1) Presentation by Staff:

Senior Planner Amy Alvey presented the following:

- Summary of the application.
- Case History (see Staff Report dated June 18, 2015, Exhibit A).
- Notes.
- Aerial Photos of the site
- Photos of property.

Ms. Alvey responded to questions by the Board:

- The applicant's property is labeled "Tract B" on the survey and is four acres.
- Size comparison is the first floor of the primary structure, also known as the footprint, not total finished square footage (first floor and second floor) because of a previous case that came to the Board.
- New proposed regulations in the comprehensive zoning ordinance require that the size of the accessory structure be based off of the size of the property, not the size of the primary structure. The applicant would not have to come before the board when the new regulations are in place.
- Previous accessory structures/barns have all been removed.
- The applicant's property used to be part of a larger 25-acre hog farm, which was subdivided.
- It is common to see accessory structures that are larger than the primary structure in AG-1 zoning districts and in the vicinity of the applicant's property.

- The aerial view of the property shows a structure in the front of the tree line, fronting Hwy 22. The view is from 2012 and that structure is no longer there.
- The existing farm silo would not be considered an accessory structure.

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

Lucretia Heil, 5466 E. Highway 22, Smithfield, was present and sworn in prior to speaking on behalf of the application:

- Current property owner.
- Is requesting a variance to allow the proposed detached accessory structure to be larger than the principal structure.
- Wants to down size because all of the children have moved out.
- Pole barn will hold multiple cars, a tractor and tools.
- Primary structure will also have a 320 square foot porch that surrounds the home, which will make it look larger.
- The pole barn will be hidden by the tree line and will serve as a buffer between the neighboring property's large barn and farm animals.
- All of the structures that were previously on the property have been torn down except for the silo/grain bin.

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

Mrs. Heil responded to questions by the Board:

- There is an overhead electric line cutting vertically through the property, the pole barn is to the north of the line and the house is to the south of the line.
- The line of trees fronting Hwy 22 will hide the pole barn in both directions.
- The barn on the neighbor's property is very large and sits close to the property line.
- The neighbor's house is about an acre and a half away from the applicant's property.
- Two of the buildings that were torn down are at least double the size of the proposed structure.
- Was not able to "grandfather" the pole barn in place of the structures that were torn down.
- The tree line will remain along Highway 22.
- The pole barn will not house any commercial activity.
- The round structure on the property is an old silo and it will not be removed because it is a unique piece of the original farm.

(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 was made by Board Member Houchens and seconded by Board Member Davis to approve Docket OC-15-011 for a Variance for a proposed accessory structure:

- 1. It will not adversely affect the public health, safety or welfare;
- 2. Will not alter the essential character of the general vicinity;
- 3. Will not cause a hazard or nuisance to the public and
- 4. Will not allow an unreasonable circumvention of the requirements of the zoning regulations.

Conditions of Approval:

- 1. The variance shall only apply to the application considered at the June 18, 2015 Oldham County Board of Adjustments public hearing.
- 2. No commercial activity shall be conducted in the accessory structure.

The vote was as follows:

Yes: Board Members Houchens, Otterback, Riley and Davis.
 No: None.
 Abstain: None.
 Absent: None
 Motion carried on a vote of 4-0.

Approval of Minutes – May 21, 2015

Motion was made by Board Member Riley and seconded by Board Member Davis to approve the minutes of April 23, 2015 as submitted.

The vote was stated and motion carried by unanimous voice vote.

Other Business:

The application for a Front Yard Variance tabled at the May 21, 2015 meeting (Docket OC-15-007) has been withdrawn by the applicant, Creek Alley Contracting LLC. A revised site plan and construction plans were submitted to staff, showing that the house will not have a basement and will be located behind the required front yard setback. The applicant was able to make the house fit on the property while adhering to the zoning regulations and Health Department septic standards. The adjoining property owners will be notified that the application has been withdrawn from the Oldham County Board of Adjustments.

Motion was made by Board Member Houchens and seconded by Board Member Davis to take Docket OC-15-007 off the table.

The vote was as follows:

Yes: Board Members Houchens, Otterback, Riley and Davis.
 No: None.
 Abstain: None.
 Absent: None
 Motion carried on a vote of 4-0.

Motion was made by Board Member Riley and seconded by Board Member Davis to adjourn the meeting at 9:30 a.m. Motion carried by unanimous voice vote.

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

Respectfully Submitted,

Brooke Radcliffe
Community Planner

Approved:

Larry Otterback, Chairperson