

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

Thursday, January 17, 2013

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:

Larry Otterback
Ken Hodge
Ann Riley
Roger Wampler
Rob Houchens

Assistant Director Brian Davis and Administrative Services Coordinator Amy Alvey of Oldham County Planning and Development Services were present and sworn in. Board Attorney Travis Combs was present.

Board Member Wampler called and read Docket OC-13-001.

Docket OC-12-013 – An application has been filed requesting Variances for lot area, lot width and side yard setback for an existing accessory structure on property located at 4203 S Hwy 53, Crestwood.

(1) Presentation by Staff:

Assistant Director Brian Davis presented the following:

- Summary of the application.
- Case History (see Staff Report dated 01/17/2013 Exhibit A).
- Notes.
- Photos of the site.

Mr. Davis responded to questions from the Board:

- Homes are on a septic system.
- Applicant did not shift property line to meet the 5-foot setback for accessory structures to try to maximize the area for Lot 2.

Todd LaFollette, Oldham County Health Department, 1786 Commerce Parkway, LaGrange, after being sworn presented the following:

- Presented a letter (Exhibit B) stating that at the time of field inspection on January 16, 2013 there was no sign of system malfunction. There is adequate system repair space for 4201 S Highway 53.

Mr. LaFollette responded to questions from the Board:

- Due to the age of the homes, the Health Department does not have record of the septic systems to confirm that they are on separate systems.

(2) Presentation by the Applicant:

Sarah Roberts, 4200 E Hwy 22, Smithfield, after being sworn presented the following:

- History of property.
- Dividing property to sell homes as individual pieces of property.

Albert Harrison, 114 McMakin Manor Drive, LaGrange, after being sworn presented the following:

- History of property and deeds.
- Site photos.
- Maps of property line variations.

(3) Questioning of the Applicant by the Board:

Ms. Roberts responded to questions from the Board:

- The property is owned by a trust and she is a member of the trust.
- Lot 2 does have a separate septic tank because it has been pumped since 1999.

Mr. Harrison responded to questions from the Board:

- The width of Lot 2 is 149.01 feet. The width requirement is 150 feet therefore needing a variance of 0.99 feet.
- The home located at 4201 S Hwy 53 is rental property and has one person living in the home.
- The home located at 4203 S Hwy 53 is currently vacant.
- Lateral fields appear to be on each separate lot but have no record of their actual location.
- Provided location of septic tank for Lot 1 on map.

(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-13-001– Variances**

Motion made by Board Member Hodge and seconded by Board Member Wampler to approve the following three Variance requests:

1. Section 060-040, Minimum Lot Area: 0.145 acre
2. Section 250-030g.,1, Side Yard Setback for Accessory Structure: 3 feet

3. Section 060-040, Minimum Lot Width: 0.99 feet

For property located at 4201 and 4203 S Hwy 53, Crestwood, because:

- It will not adversely affect the public health, safety or welfare.
- It will not alter the essential character of the general vicinity because the homes have been present for many years.
- It will not cause a hazard or nuisance to the public.
- It will not allow an unreasonable circumvention of the requirements of the zoning regulations.
- The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land and would create an unnecessary hardship on the applicant.

Conditions of Approval:

1. The variances shall only apply to the plan considered at the January 17, 2013 Oldham County Board of Adjustments public hearing.

The vote was as follows:

Yes: Board Members Hodge, Otterback, Riley, Houchens and Wampler.

No: None.

Abstain: None.

Absent: None.

Motion carries on a vote of 5 to 0.

Board Member Wampler called and read Docket OC-13-002.

Docket OC-13-002 – An application has been filed requesting a Variance for an existing building addition on property located at 4803 Morgan Place Boulevard, LaGrange.

(1) Presentation by Staff:

Assistant Director Brian Davis presented the following:

- Summary of the application.
- Case History (see Staff Report dated 01/17/2013 Exhibit A).
- Notes.
- Photos of the site.

(2) Presentation by the Applicant:

Anthony Brigham, 8012 National Turnpike, Louisville, was sworn in to represent the property owner and responded to questions from the Board:

- Uncertain why property owner is not present at hearing.
- Performs and oversees construction of projects and it not an owner of Atlas Siding & Window Company.
- Steve Mingus is a salesman for Atlas Siding & Window Company.

Attorney Combs stated that the owner of the property or legal representative must be present to testify on behalf of the applicant. Mr. Brigham could testify on behalf of the contractor who constructed the sunroom but not on behalf of the property owner.

Motion made by Board Member Houchens and seconded by Board Member Hodge to table Docket OC-13-002 to the February 21, 2013 meeting.

The vote was as follows:

Yes: Board Members Hodge, Otterback, Riley, Houchens and Wampler.

No: None.

Abstain: None.

Absent: None.

Motion carries on a vote of 5 to 0.

Election of Officers

Motion made by Member Hodge and seconded by Member Houchens to elect Larry Otterback as Board Chairman.

Motion carried by unanimous voice vote.

Motion made by Member Otterback and seconded by Member Wampler to elect Ken Hodge as Board Vice Chairman.

Motion carried by unanimous voice vote.

Motion made by Member Hodge and seconded by Member Houchens to elect Ann Riley as Board Secretary.

Motion carried by unanimous voice vote.

Other Business

The Board reviewed and discussed hearing procedures for approval. The following suggestions were made:

- Variance & Conditional Use—change 7a time limit from 20 minutes to 10 minutes.
- Variance & Conditional Use—add 8a to read Questioning of the Applicant by the Board.
- Variance & Conditional Use—add 9a to read Questioning of the Applicant by the Board.
- Change wording from Cheat to Informational on the cover page for applicant.

Motion made by Board Member Hodge and seconded by Board Member Wampler to approve the amended hearing procedures as presented and to update the bylaws with the new hearing procedures and time limits.

The vote was as follows:

Yes: Board Members Hodge, Otterback, Riley, Houchens and Wampler.

No: None.

Abstain: None.
Absent: None.

Motion carries on a vote of 5 to 0.

Approval of Minutes – December 20, 2012

Motion was made by Board Member Riley and seconded by Board Member Hodge to approve the minutes as submitted.

The vote was as follows:

Yes: Board Members Hodge, Otterback and Riley.
No: None.
Abstain: Houchens and Wampler.
Absent: None.

Motion carries on a vote of 3 to 0.

Motion made by Board Member Hodge and seconded by Board Member Wampler to adjourn the meeting at 10:00 a.m. Motion carried by unanimous voice vote.

The next Regular Meeting is scheduled for Thursday, February 21, 2013, at 9:00 a.m., in the Courtroom of the Oldham County Fiscal Court Building, LaGrange, Kentucky.

Respectfully Submitted,

Amy Alvey
Administrative Services Coordinator

Approved:

Larry Otterback, Chairperson