

**MINUTES FOR REGULAR MEETING
OLDHAM COUNTY
BOARD OF ADJUSTMENTS AND APPEALS
Thursday, January 18, 2024**

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 Chairman Larry Otterback.

The following members were present:

Mark Allen
Gretchen Chitwood
Bill Ferko
Charles Turner

Others present and sworn in were Planning and Development Services Director Jim Urban, Assistant Director Brian Fogle and Senior Planner Ryan Fischer. County Attorney Travis Combs was present for the meeting. Christy Edgar was the Secretary for the meeting.

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Board Member Chitwood called and read Docket OC-24-001:

An application has been filed requesting Conditional Use for a kennel, including pet daycare & grooming services, on property located at 5998 Pleasant Colony Court Suite 17, Crestwood. The property is zoned C-3 General Business District.

1. Presentation by Staff:

Assistant Director Brian Fogle presented the following:

- Summary of the application. (see Exhibit A, Staff Report dated, January 18, 2024)
- Case and site history.
- Aerial photos of the site.
- Photos of property.
- No letters of support or opposition.

Board Member Turner asked, what constitutes a soundproof building?

Assistant Director Fogle replied, the ordinance states it has to be a soundproof building, however, it does not give specific standards. Need to ask the applicant.
Board Member Chitwood asked, so is it up to the board to set a maximum number of animals?

Assistant Director Fogle replied, yes that is correct.

Board Member Allen asked, who takes care of the waste?

Assistant Director Fogle replied, the property is located on sewers, and I am not aware of any health department regulations.

2. Presentation by the Applicant in support of the application:

Cliff Ashbournier, Dinsmore & Shohl LLP, 101 S. Fifth Street, Louisville, was present and representing the applicant.

- This space has been vacant since 2016.
- The space is 4053 square feet.
- The entire operation will be indoors.

Shelley Beggs, 7411 Grand Oaks Drive, Crestwood, was present and sworn in prior to presenting.

- Hounds Town USA is a franchise business.
- This will be a doggie daycare and boarding business, open to housing cats but will need to see if there is a need for them.
- Will have 37 suites (kennels) and five play areas.
- No outdoor runs or play area.
- A professional soundproofing engineer will assist with the indoor sound mitigation.
- The first year there is one employee per 12 dogs and then after that it is one employee per 15 dogs.

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

Board Member Turner asked, concerned about the dogs barking and the storage and cleanup of feces.

Mr. Ashbournier replied, there will be continuous cleaning by the staff as the dogs are in the play area, and solid waste will be stored indoors until it is disposed and don't believe there will be any odors.

Chairman Otterback asked, is there any health department regulations?

Mr. Ashbournier replied, we do not know of any health regulations.

Board Member Chitwood asked, what about the families that have more than one dog?

Mrs. Beggs replied, we do have double suites.

Board Member Ferko asked, how many franchisees are there?

Mrs. Beggs replied, 50.

Board Member Ferko asked, is there a franchise agreement?

Mrs. Beggs replied, yes, they dictate how you run the business, there are many rules and it helps with guidance.

Chairman Otterback asked, explain how you come up with square footage per dog.

Mrs. Beggs replied, the franchise likes to have 45 square feet per dog.

Attorney Combs asked, is there a vet on staff?

Mrs. Beggs replied, will be contacting a veterinarian in the area to set up a relationship.

Board Member Turner asked, what is the maximum number of dogs?

Mrs. Beggs replied, up to 70 dogs a day, however only a max of 37 boarding dogs.

Director Urban stated, I did reach out to Charlie Ward with the Oldham County Health Department to ask if there are any regulations concerning dog waste and Charlie Ward replied no.

4. Testimony of the Opposition: None
5. Questioning of the Opposition by the Board: None
6. Rebuttal Statement by the Applicant: None
7. Rebuttal Statement by the Opposition: None
8. Final Statement by the Opposition: None
9. Final Statement by the Applicant:

Mr. Ashburner's final statement.

- We comply with the zoning ordinance.
- We comply with the animal control ordinance.
- Testimony heard today also demonstrates that this is essential and would be beneficial to the community.

10. Board Discussion and Final Decision:

Board Member Chitwood stated, the fact that there is no opposition from the surrounding neighbors is significant and the testimony from Mrs. Beggs is that there are no known issues after the operation has begun with any of the other franchisees, so I am in favor.

Board Member Ferko stated, I do believe there is a need in the community for this type of business and the franchise model is helpful, so I am in favor.

**Findings and Decisions
Docket OC-24-001
Conditional Use Permit
Kennel
5998 Pleasant Colony Court Suite 17**

Motion was made by Board Member Chitwood and seconded by Board Member Turner to approve the Conditional Use Permit for a kennel at 5998 Pleasant Colony Court Suite 17, Crestwood, because the proposed use is essential or desirable to the community and not in conflict with the elements, objectives and policies of the Comprehensive Plan; also the character and objectives of the proposed use and the potential impacts on the community and its surroundings are appropriate and the community or neighborhood has a need for the proposed use and there are potential benefits to the community or neighborhood and the proposed use is compatible with surrounding land uses and the general character of the area, including such factors as: height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lightning, or appearance. The following Conditions of Approval are included in this motion.

Conditions of Approval:

1. The Conditional Use shall only apply to the application considered at the January 18, 2024, Oldham County Board of Adjustments public hearing.
2. The applicant shall provide details of the sound mitigation efforts undertaken for the common walls with adjacent commercial tenants.

3. The applicant shall provide details of the odor mitigation efforts undertaken for the kennel business.
4. The kennel business shall be restricted to indoor operation and shall not have outdoor runs and/or play areas.
5. The kennel business must comply with all established federal, state, and county ordinances and requirements.

The vote was as follows:

Yes: Board Members Allen, Chitwood, Ferko, Turner, and Chairman Otterback.

No: None

Abstain: None

Absent: None

Motion approved on a vote of 5-0.

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Board Member Chitwood called and read Docket OC-24-002:

An application has been filed requesting a Variance in road frontage for a property located at 3411 West Highway 524, Westport.

1. Presentation by Staff:

Assistant Director Brian Fogle presented the following:

- Summary of the application. (see Exhibit A, Staff Report dated, January 18, 2024)
- Case History.
- Aerial photos of the site.
- Photos of property.
- Received one phone call from a neighbor asking questions but was not opposed or in support.

Chairman Otterback asked, where is the road frontage?

Assistant Director Fogle replied, it's on Hidden Valley Road.

Chairman Otterback asked, do we need the variance on the 206 acres?

Director Urban replied, the subject matter is the 11-acre tract only and it is pre-existing on the residual property, and it is for estate planning purposes only.

2. Presentation by the Applicant in support of the application:

Travis Wilson, Dentons Bingham Greenebaum, LLP, 101 S. 5th Street., Louisville, was present and representing the applicant.

- Want to carve out the 11 acres that are being used by Robert Steele and then the remaining 206 acres will be placed in a trust and the trust will be controlled by Ryan Steele.
- No use changes to the property.
- There will be a maintenance agreement for access between the trust and Robert Steele.

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

Board Member Ferko asked, is the variance being granted to the trust?

Mr. Wilson replied, no it is being granted to Robert Steele.

Assistant Director Fogle explained, regardless of who owns the land the variance is being granted to the land, not the ownership.

4. Testimony of the Opposition:

JoAnn Fowler, 2802 Arden Road, Louisville, was present and sworn in prior to presenting.

- Own the last lot on Hidden Valley Road and the Steele property borders the lot. Will they be doing anything with that part of the property?

Chairman Otterback replied, what has been brought in front of us today is the 11 acres that are being sectioned off and they are asking for a variance on the road frontage. So, regarding the rest of the property, none of that is being brought before the board today.

5. Questioning of the Opposition by the Board: None

6. Rebuttal Statement by the Applicant: None

7. Rebuttal Statement by the Opposition: None

8. Final Statement by the Opposition: None

9. Final Statement by the Applicant: None

10. Board Discussion and Final Decision: None

**Findings and Decisions
Docket OC-24-002
Variance
Minimum Road Frontage
3411 W. Hwy 524, Westport**

Required Minimum Road Frontage	300 Feet
Proposed Minimum Road Frontage	0 Feet
Variance Requested	300 Feet

Motion was made by Board Member Chitwood and seconded by Board Member Ferko to approve the minimum road frontage variance at 3411 W. Hwy 524, Westport, because it will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations. The following Conditions of Approval are included in this motion.

Conditions of Approval:

1. The variance shall only apply to the application considered at the January 18, 2024, Oldham County Board of Adjustments public hearing.
2. The maintenance agreement will be filed for the common drive.

The vote was as follows:

Yes: Board Members Allen, Chitwood, Ferko, Turner, and Chairman Otterback.

No: None

Abstain: None

Absent: None

Motion approved on a vote of 5-0.

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Board Member Chitwood called and read Docket OC-24-003:

An application has been filed requesting a Conditional Use Permit for an Owner-Occupied Short-Term Rental Property located at 7801 Covington Ridge Cutoff, Westport.

1. Presentation by Staff:

Senior Planner Ryan Fischer presented the following:

- Summary of the application. (see Exhibit A, Staff Report dated, January 18, 2024)
- Case and site history.
- Aerial photos of the site.
- Photos of property.
- No letters of support or opposition.

Board Member Ferko asked, explain the owner-occupied regulations.

Senior Planner Fischer explained, the regulations state that the owners that live on the property or adjacent to the property are owner-occupied.

Board Member Ferko asked, does the owner also own the LLC?

Director Urban replied, yes. And if the LLC changes ownership, then, according to the regulations, they would have to come back to this board to get approval.

2. Presentation by the Applicant in support of the application:

Mike Swansburg, Swansburg & Smith, PLLC, 117 W. Main St. LaGrange, was present and representing the applicant.

- The subject property is 1.65 acres and is zoned as both AG-1 and CO-1.
- Rick & Stephanie Barter are sole members/managers of Barter Property Management, LLC and personally own and reside within all the land adjacent to the subject property.
- We propose a binding element that if the Barter's sell any parcel, even if they continue to own the subject property, the approval will cease to exist.
- Guest cabin for family and friends visiting.
- Lodging for participating in events on the adjacent farm for blacksmithing classes that he teaches.
- Short-term rental would help pay the bills when this cabin is not being used for family and friends and the customers for the blacksmithing classes.

Rick Barter, 7821 Covington Ridge Cutoff, Westport, was present and sworn in prior to presenting.

- Had to parcel the property off because of an existing house on the property and could not build a house without it being on its own parcel.
- Classes range from one day to a weekend class.
- They will not be an absentee owner for this STR because the farm is a working farm.
- Have contacted the neighbors to inform them about the proposed STR and none had any issues with this being a STR.
- No renter under 25 years of age will be allowed.

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

Board Member Turner asked, is this all one farm?

Attorney Swansburg replied, yes.

Chairman Otterback asked, would you be open to consolidating the two properties.

Mr. Barter replied, no problem with consolidating, we just have not done it because we bought the two tracts after we had already consolidated the whole farm.

Chairman Otterback asked, if this board considers the subject property is adjacent, would this be a problem?

Board Member Turner stated, that's why I wanted to know if this is all one farm.

Attorney Combs replied, I like following the recommendations of the staff and I like the suggested binding element that the applicant proposed.

4. Testimony of the Opposition: None

5. Questioning of the Opposition by the Board: None

6. Rebuttal Statement by the Applicant: None

7. Rebuttal Statement by the Opposition: None

8. Final Statement by the Opposition: None

9. Final Statement by the Applicant: None

10. Board Discussion and Final Decision:

Board Member Chitwood stated, I am torn on this one because a lot of work went into writing the new ordinance because of the many issues of the STR and the ordinance states that the primary residence must be adjacent to the STR property, and this does not meet that standard.

Chairman Otterback stated, I am comfortable with this because of the suggested binding element that if the adjacent property sells, then the STR stops.

Board Member Turner stated, I am not comfortable because the ordinance was just changed.

Director Urban asked what would make this contiguous, does it have to just have 50 feet contiguous, or does it have to have the entire boundary and there's no previous discussion or precedent to consider? The property lines are invisible on the ground, so the lines are only on the map that distinguishes the property boundary.

Findings and Decisions
Docket OC-24-03
Conditional Use Permit
Owner-Occupied Short-term Rental
7801 Covington Ridge Cutoff, Westport

Motion was made by Board Member Chitwood and seconded by Board Member Ferko to approve the Conditional Use Permit for an owner-occupied short-term rental at 7801 Covington Ridge Cutoff, Westport, because the proposed use is essential or desirable to the community and not in conflict with the elements, objectives and policies of the Comprehensive Plan because the character and objectives of the proposed use and the potential impacts on the community and its surroundings are appropriate. The Conditions of Approval are included in this motion.

Conditions of Approval:

1. The Conditional Use Permit shall only apply to the application considered at the January 18, 2024, Oldham County Board of Adjustments public hearing.
2. The applicant shall comply with all regulations concerning Short Term Rental Properties outlined in Oldham County Zoning Regulations Section 250-050.
3. Conditional use permit shall be automatically revoked upon transfer/sale of the property.
4. The applicant shall apply for and be issued a Short-Term Rental Property Permit before renting the property.
5. If parcel 7811 Covington Ridge Cutoff, Westport, at any time transfers ownership the Conditional Use Permit shall be rendered void.
6. No commercial activity shall be conducted out of the property that's requested for a Conditional Use Permit.

The vote was as follows:

Yes: Board Members Allen, Chitwood, Ferko, Turner, and Chairman Otterback.

No: None

Abstain: None

Absent: None

Motion approved on a vote of 5-0.

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Attorney Combs left the meeting at 11:00am.

Board Member Chitwood called and read Docket OC-24-004:

An application has been filed requesting a Location and Maximum Square Footage Variance for a Detached Accessory Structure (carport) on a property located at 4201 South Highway 53, Ballardsville.

1. Presentation by Staff:

Senior Planner Ryan Fischer presented the following:

- Summary of the application. (see Exhibit A, Staff Report dated, January 18, 2024)

- Case and site history.
- Aerial photos of the site.
- Photos of property.
- No letters of support or opposition.

2. Presentation by the Applicant in support of the application:

George Minges, 4201 S. Hwy 53, Crestwood, was present and sworn in prior to presenting.

- The carport is 12 feet in front of the main residence; however, it is only 1.5 feet in front of the existing deck that is on the front of the main residence.
- The carport is 100 feet from Highway 53.
- Neighbor does not have any issues with the carport placement and has expressed that he would like to have one as well.

Tim Butrum, 4203 S. Hwy 53, Crestwood, was present and sworn in prior to presenting.

- Fully support the carport.
- Helped neighbor construct the carport.

3. Questioning of the Applicant or representative and others in support of the application by the Board: None

4. Testimony of the Opposition: None

5. Questioning of the Opposition by the Board: None

6. Rebuttal Statement by the Applicant: None

7. Rebuttal Statement by the Opposition: None

8. Final Statement by the Opposition: None

9. Final Statement by the Applicant: None

10. Board Discussion and Final Decision:

Board Member Chitwood stated, the carport does not seem to be an issue being in the front given the way the house sits on the property.

Findings and Decisions

Docket OC-24-004

Location Variance

Maximum Square Footage Variance

Accessory Structure

4201 S. Hwy 53, Crestwood

Maximum Allowable Floor Area: 1,200 Square Feet

Existing Detached Garage: 1,260 Square Feet

Proposed Floor Area: 240 Square Feet

Total Floor Area of Accessory Structures (Existing & Proposed): 1,500 Square Feet

Variance Requested: 300 Square Feet

Motion was made by Board Member Chitwood and seconded by Board Member Allen to approve the location and maximum square footage variance for a detached accessory

structure at 4201 South Hwy 53, Crestwood, because it will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause hazard or nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations because the impact is minimal and the justification is reasonable. The following Conditions of Approval are included in this motion.

Conditions of Approval:

1. The variance shall only apply to the application considered at the January 18, 2024, Oldham County Board of Adjustments public hearing.

The vote was as follows:

Yes: Board Members Allen, Chitwood, Ferko, Turner, and Chairman Otterback.

No: None

Abstain: None

Absent: None

Motion approved on a vote of 5-0.

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Approval of Minutes

Motion was made by Board Member Ferko and seconded by Board Member Allen to approve the minutes of Thursday, December 21, 2023, as submitted. Motion carried by unanimous voice vote.

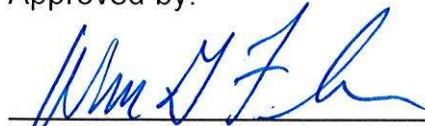
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Other Business

None

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Motion was made by Board Member Ferko and seconded by Board Member Chitwood to adjourn the meeting at 11:25 a.m. Motion carried by unanimous voice vote.

The next Regular Meeting is scheduled for Thursday, February 15, 2024, at 9:00 a.m., in the Courtroom of the Oldham County Fiscal Court Building, LaGrange, Kentucky.

Approved by:



Bill Ferko, Vice Chairman

Respectfully Submitted by:



Christy Edgar, Secretary