

**MINUTES FOR REGULAR MEETING
OLDHAM COUNTY
BOARD OF ADJUSTMENTS AND APPEALS
Thursday, January 19, 2023**

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:

Gretchen Chitwood

Charles Turner

Charlie Ward

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 Gretchen Chitwood called and read Docket OC-23-0001:

An application has been filed requesting a Conditional Use Permit for a detached accessory dwelling unit/recreational camp located at 6100 Old LaGrange Road, Crestwood.

1. Presentation by Staff:

Senior Planner Ryan Fischer presented the following:

- Summary of the application. (see Exhibit A, Staff Report dated, January 19, 2023)
- Case History.
- Aerial photos of the site.
- Photos of property.
- No response from adjoining neighbors.

Board Member Ward asked, do they not have a permit from the health department for septic?

Senior Planner Fischer replied, not yet and that is why we have made it a condition of approval if this case passes.

Chairman Otterback asked, what are the ADU regulations?

Senior Planner Fischer replied, they have to be no more than 25% of the primary structure and they have to be placed behind the primary structure.

Chairman Otterback asked, how many structures can they have?

Senior Planner Fischer replied, the regulations apply to accessory structures.

Director Urban explained that this docket is different because there will be up to four units like a recreational camp.

Chairman Otterback asked, why do we have the ADU regulation?

Director Urban explained, the regulations were put in place when planning office was receiving requests for accessory units for different purposes. Fiscal Court restricted the sizes so there weren't two large homes on one lot.

Board Member Chitwood asked, is four the maximum units allowed on this lot?

Senior Planner Fischer replied, four is what comes with the recreational campground.

Director Urban replied, this is a regulation for recreational camp. Because we don't have anything for Farm Stay.

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

Jessica Wuchterl, 6100 Old LaGrange Road, Crestwood, was present and sworn in prior to presenting:

- Wanting to make property a Farm Stay.
- Farm Stay is for people to vacation and learn how to garden, can vegetables, ride horses, and tend to chicken coups.
- Current primary residence is a short-term rental.
- Wanting to build up to four units on the farm for Farm Stay.
- Will keep the units as close to the interior of the property to make sure there is plenty of distance from traffic and neighbors.

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

Board Member Chitwood asked, will this property be on a rental website?

Mrs. Wuchterl replied, yes we will start out listing it on Airbnb.com but eventually would build our own website to market the farm stay.

Chairman Otterback asked, can you explain what makes a farm stay different from a recreational stay?

Mrs. Wuchterl replied, the location, customers will ride horses, farm a garden, learn how to can vegetables, gather eggs from chicken coup, and will have other activities that consist of farming.

Chairman Otterback asked, do you intend to have any more than four units?

Mrs. Wuchterl replied, no.

Chairman Otterback asked, do you intend to consolidate the three lots into one lot to expand the operation?

Mrs. Wuchterl replied, no. We have horses and animals on the other lots.

Chairman Otterback asked, how many employees will you employ?

Mrs. Wuchterl replied, maybe two.

Chairman Otterback asked, how many guests at one time would be here?

Mrs. Wuchterl replied, up to 30 at the most.

Board Member Turner asked, so this is a place that the public can come to and experience farm life?

Mrs. Wuchterl replied, yes.

Director Urban explained, this application is a request for detached accessory dwelling unit and for a recreational camp.

Board Member Chitwood asked, will this require a second motion for the use of a recreational camp?

Director Urban replied, yes.

Board Member Chitwood asked, is there any restrictions on how many nights guest can stay?

Director Urban replied, no.

Senior Planner Fischer explained, the recreational campground ordinance states that no occupancy extending more than six months.

Board Member Chitwood asked, is there any regulations on the container units?

Senior Planner Fischer replied, no. However, they will have to meet the building codes and be inspected by the building inspector.

Chairman Otterback asked, explain the parking, lighting and sounds, and hours of operation?

Mrs. Wuchterl replied, the guest will park around the existing barn and the entrance will have a waist high sign. Quiet hour will start at 10:00 p.m. This is not a "party" environment this is a "family" environment.

Board Member Turner asked, do you plan on any events?

Mrs. Wuchterl replied, no large events but we will have small events - an example would be family reunions.

Thomas Nelson, 6002 Old LaGrange Rd., Crestwood, was sworn in prior to presenting.

- Owner of the property that surrounds this property.
- Fabulous idea and will be great for this county.

- 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:**

Board Member Chitwood replied, would like to add in the Conditions of Approval hours of operations.

Director Urban explained, agriculture uses are permitted uses and we cannot regulate those. However, related to the camp you can put regulations on those.

Chairman Otterback asked, what are the thoughts from the board members on the number of units and the number of guests?

Board Member Turner replied, I do not think there will be 40 people by looking at the number of bedrooms in the units.

Findings and Decisions
Docket OC-23-001
Conditional Use Permit
Recreational Camp/Farm Stay
6100 Old LaGrange Road, Crestwood

Motion was made by Board Member Chitwood and seconded by Board Member Turner to approve the Conditional Use Permit for a recreational camp/farm stay at 6100 Old LaGrange Road, 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 based on the character and objectives of the proposed use and the potential impacts on the community and its surroundings are appropriate.

Conditions of Approval:

1. The conditional use permit shall only apply to the plan considered at the January 19, 2023, Oldham County Board of Adjustments public hearing.
2. No outdoor events after 10:00 p.m. or before 6:00 a.m. for the recreational camp/farm stay.
3. All lighting needs to be low-level lighting.
4. Occupancy of 40 people max.

The vote was as follows:

Yes: Board Members Chitwood, Turner, Ward and Chairman Otterback.

No: None

Abstain: None

Absent: None

Motion passed on a vote of 4-0

Findings and Decisions
Docket OC-23-001
Conditional Use Permit
Accessory Dwelling Units
6100 Old LaGrange Road, Crestwood

Motion was made by Board Member Chitwood and seconded by Board Member Turner to approve the Conditional Use Permit for a detached accessory dwelling unit for recreational camp/farm stay at 6100 Old LaGrange Road, 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 based the proposed use will not impair the integrity and character of the zone if there are specific restrictions on location, size, extent and character of performance.

Conditions of Approval:

1. The conditional use permit shall only apply to the plan considered at the January 19, 2023, Oldham County Board of Adjustments public hearing.

2. Approval for the sewage disposal system from Oldham County Health Department will be required prior to the issuance of any building permits.

The vote was as follows:

Yes: Board Members Chitwood, Turner, Ward and Chairman Otterback.

No: None

Abstain: None

Absent: None

Motion passed on a vote of 4-0

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Board Member Chitwood called and read Docket OC-23-002:

An application has been filed requesting a Conditional Use Permit for a non-owner occupied short-term rental property located at 1124 Riverside Drive, Prospect.

1. Presentation by Staff:

Senior Planner Ryan Fischer presented the following:

- Summary of the application. (see Exhibit A, Staff Report dated, January 19, 2023)
- Case History.
- Aerial photos of the site.
- Photos of property.

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

Austin and Sally Hays, 265 Persimmon Ridge Drive, Louisville, was present and sworn in prior to presenting.

- Use the property for short-term rentals.
- Have already had family and friends show interest in renting for weekends on the river.

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

4. Testimony of the Opposition:

William Schmitt, 1110 Riverside Drive, Prospect, was present and sworn in prior to presenting.

- Vice-President of the Harmony Village Homeowner's Association.
- Applicants has not joined the HOA.
- Harmony Village HOA Deed of Restrictions dated 1947 state lots are to be used for residence purposes only.
- Applicant has not made contact with any HOA members.
- Applicant just purchased the property within the last 2 months.
- Driveway of this property is very short.

5. Questioning of the Opposition by the Board:

Attorney Combs asked, did the Harmony Village HOA go through the legal process of changing the articles.

Mr. Schmitt replied HOA has not done this yet.
Attorney Combs asked, what percent of the residence does the articles require to make a change to the regulation?
Mr. Schmitt replied, majority.
Attorney Combs asked, how many homeowners are in the community?
Mr. Schmitt replied, 65 lots.
Attorney Combs explained, until you get the majority votes and go through the legal process then the requirements have not been met to change the regulations.
Mr. Schmitt replied, in the bylaws it states that the trustees can act in the interest of the community.
Attorney Combs explained, at this time this is not in violation of the articles.

Board Member Ward asked, is the 1947 deed restrictions valid at this point? And how many residences in Harmony Village are currently short-term rentals?

Mr. Schmitt, replied, I believe there are two approved short-term rentals.
Director Urban replied, I know there was approval last year but at this time I do not know if the short-term rentals renewed for this year.
Attorney Combs stated, that deed restrictions expire after 30-years until they are renewed.

Director Urban explained, the case that was reference Hensley vs. Gab affirms that short-term rentals are commercial in nature. In a neighborhood in another part of the county the restrictions states no commercial activity, therefore because of the case Hensley vs. Gab then no short-term rental is allowed in this neighborhood.

Chairman Otterback replied, this board does not determine a conditional use permit on what the deed restrictions do or don't allow.

Director Urban explained, I believe in this case the board will need to look at the restrictions to determine a decision for this conditional use permit. Why would the board approve this conditional use permit then once the applicant applies for the short-term rental and be denied because of the deed restrictions.

Attorney Combs replied, the applicant can go to the HOA before they come here to get approval.

Bill Hildebrand, 1104 Riverside Drive, Prospect, was present and sworn in prior to presenting

- HOA has consulted with an attorney and the attorney did say without 100% participation from the homeowners that the deed restrictions cannot be changed.

- 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-23-002
Conditional Use Permit**

**Non-Owner Occupied Short-Term Rental Property
1124 Riverside Drive, Prospect**

Motion was made by Board Member Chitwood and seconded by Board Member Ward to continue this case after the board can read the deed restrictions for Harmony Village and read the case Hensley vs Gab to make a decision for the Conditional Use Permit for Non-owner Occupied Short-term Rental Property at 1124 Riverside Drive, Prospect.

The vote was as follows:

Yes: Board Members Chitwood, Turner, Ward and Chairman Otterback.

No: None

Abstain: None

Absent: None

Motion passed on a vote of 4-0

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Motion was made by Board Member Ward and seconded by Board Member Chitwood to take a 5-minute recess. Motion passed by voice vote at 10:35 a.m.

Motion was made by Board Member Chitwood and seconded by Board Member Turner to call the meeting back in session at 10:40 a.m. Motion passed by voice vote.

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Board Member Chitwood called and read Docket OC-23-003:

An application has been filed requesting a Conditional Use Permit for a detached accessory dwelling unit / pool house located at 7304 Sunset Lane, Crestwood.

1. Presentation by Staff:

Senior Planner Ryan Fischer presented the following:

- Summary of the application. (see Exhibit A, Staff Report dated, January 19, 2023)
- Case History.
- Aerial photos of the site.
- Photos of property.

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

Alex Lemon, Twin Spires Remodeling, 11844 Capital Way, Louisville, was present and sworn in prior to representing the applicant.

- Propose structure is for the homeowner's mother to stay in when she is visiting.
- Pool House will not be lived in full-time.

Board Member Turner asked, does the pool house have a bedroom, and what is the bedroom for?

Mr. Lemon replied, the bedroom is for the mother to stay in when she comes to visit. The pool house will also have a bathroom.

Chairman Otterback asked, will the pool house have its own septic and its own electric?

Mr. Lemon replied, yes.
Chairman Otterback asked, what is the distance to the neighboring property?
Mr. Lemon replied, looks like 26 feet.

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 and Final Statement by the Applicant: None**
7. **Rebuttal and Final Statement by the Opposition: None**
8. **Board Discussion and Final Decision:**
Board Member Chitwood commented, looks like it is within the setback requirements and the structure is behind the primary residence.

Findings and Decisions
Docket OC-23-003
Conditional Use Permit
Detached Accessory Dwelling Unit / Pool House
7304 Sunset Lane, Crestwood

Motion was made by Board Member Chitwood and seconded by Board Member Ward to approve the Conditional Use Permit for the detached accessory dwelling/pool house located at 7304 Sunset Lane, 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 based on the character and objectives of the proposed use and the potential impacts on the community and its surroundings are appropriate.

Conditions of Approval

1. The conditional use permit shall only apply to the plan considered at the January 19, 2023, Oldham County Board of Adjustments public hearing.
2. The accessory dwelling / pool house shall not be used for a rental or any commercial use.

The vote was as follows:

Yes: Board Members Chitwood, Turner, Ward and Chairman Otterback.

No: None

Abstain: None

Absent: None

Motion passed on a vote of 4-0

Board Member Chitwood called and read Docket OC-23-004:

An application has been filed requesting a Conditional Use Permit for a private event space (Windy Meadows Event Center) located at 1309 Bluegrass Parkway, LaGrange.

1. Presentation by Staff:

Senior Planner Ryan Fischer presented the following:

- Summary of the application. (see Exhibit A, Staff Report dated, January 19, 2023)
- Case History.
- Aerial photos of the site.
- Photos of property.
- Received two-letters both in support of the application.

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

Ellen Troutman, 1309 Bluegrass Pkwy., LaGrange, was present and sworn in prior to presenting:

- Limited weekend wedding events May – October.
- Paid security and staff during the events.
- No sparklers, fireworks, candles, and open flames.
- Entrance is from Bluegrass Pkwy and the driveway is paved and wide.
- Event will end at 11:00 P.M.

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

Chairman Otterback asked, is anything going to change from what it is currently going on today?

Mrs. Troutman replied, no.

Director Urban explained, all equestrian-related events are permitted under the zoning of the property. This Conditional Use Permit application is for non-farm-related events.

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: None

**Findings and Decisions
Docket OC-23-004
Conditional Use Permit
Private Event Center
1309 Bluegrass Pkwy, LaGrange**

Motion was made by Board Member Ward and seconded by Board Member Turner to approve the Conditional Use Permit for the private event center at 1309 Bluegrass Pkwy, LaGrange, 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 based on the proper integration into the community of use specifically named in the zoning regulations.

Conditions of Approval:

1. The conditional use permit for the private event center shall only apply to the application considered at the January 19, 2023, Oldham County Board of Adjustments public hearing.
2. Event space shall only be used from May through October.
3. Event space hours of operation shall only be on Saturdays and Sundays with ending times at 11:00 P.M.
4. A maximum guest capacity shall be no greater than 100 people.

The vote was as follows:

Yes: Board Members Ward, Turner, and Chairman Otterback.

No: None

Abstain: Board Member Chitwood

Absent: None

Motion passed on a vote of 3-0

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Board Member Chitwood called and read Docket OC-23-005:

An application has been filed requesting a side and rear yard Setback Variance for a proposed additions to an existing structure located at 7006 Newstead Court, Crestwood.

1. Presentation by Staff:

Senior Planner Ryan Fischer presented the following:

- Summary of the application. (see Exhibit A, Staff Report dated, January 23, 2023)
- Case History.
- Aerial photos of the site.
- Photos of property.
- One-letter in opposition letter from the neighbor.

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

Rodney Williams, 7006 Newstead Ct., Crestwood, was present and sworn in prior to presenting:

- Add two additions to home.
- One side to add additional space to master bath.
- On the other side of the home to add a three-car garage with living/office space above the garage.

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

Chairman Otterback asked, what would the hardship be if this case was denied on the rear setbacks?

Mr. Williams replied, only 15% will go past the 25-foot setback. Changed jobs and work from home now and would like to have an office again. Also, have parents that live out of state and when they come here they will have a place to sleep and living room.

4. Testimony of the Opposition:

Deborah Myers, 7008 Newstead Court, Crestwood, was present and sworn in prior to presenting.

- Live next door on the side with the larger proposed addition.
- The additional seems to be as large as a whole other home.
- Do not want a home that close. We enjoy our open green space.
- The setbacks are significant request.
- This home would not fit into the neighborhood after these additions.

Wade Myers, 7008 Newstead Court, Crestwood, was present and sworn in prior to presenting.

- Do not believe the basement square footage was included in the living space on the application.
- The pool per the GIS Map looks as if it is already over the property boundary line.

5. Questioning of the Opposition by the Board:

Board Member Ward asked, looking at the GIS Map it looks like the driveway of the opposition is on the applicant's property?

Senior Planner Fischer replied, our GIS Mapping software is not a survey map.

6. Rebuttal and Final Statement by the Applicant:

Rodney Williams stated the following,

- There is a recorded survey on file for this property and with the lot that was purchased directly behind my home.
- There is a property state that shows that the pool is not on the neighbor's property.
- The total square footage including the finished basement is 4751 sq. ft.
- The total square footage with the proposed addition would be 6372 square footage.
- There are many homes in this subdivision that are bigger.

7. Rebuttal and Final Statement by the Opposition:

Deborah Myers stated the following,

- Yes, there are large homes in our subdivision but none of them have a six-car garage.

8. Board Discussion and Final Decision:

Board Member Ward asked, is there any restrictions on the square footage of a home on this lot size?

Director Urban replied, as long as the home is within the setbacks, there aren't any minimum or maximum size. However, we do not know if there are any deed restrictions.

Chairman Otterback explained, the side yard setback is good, but the rear yard setback seems to be too much.

Findings and Decisions
Docket OC-23-005
Setback Variance
Side and Rear Yard
7006 Newstead Court, Crestwood

Motion was made by Board Member Chitwood and seconded by Board Member Ward to deny the side and rear yard setback variances for the proposed additions at 7006 Newstead Court, Crestwood, because the addition would alter the essential character of the general vicinity because of being too close to the boundary lines.

The vote was as follows:

Yes: Board Members Chitwood, Turner, Ward and Chairman Otterback.

No: None

Abstain: None

Absent: None

Motion was denied on a vote of 4-0
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Board Member Chitwood called and read Docket OC-23-006:

An application has been filed requesting a Variance for the number of signs allowed for the Goodwill Industries Donation Center, 6400 W. Hwy 146, Crestwood.

1. Presentation by Staff:

Assistant Director Brian Fogle presented the following:

- Summary of the application. (see Exhibit A, Staff Report dated, January 19, 2023)
- Case History.
- Aerial photos of the site.
- Photos of property.

Board Member Chitwood asked, is the free-standing sign a two-sided sign?

Assistant Director Brian Fogle replied, yes.

Board Member Ward asked, does Crestwood have any city ordinances on signs?

Assistant Director Brian Fogle replied, City of Crestwood goes by the county ordinances.

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

Attorney Don Williams, 105 S. 1st Street, LaGrange, was present and representing the applicant.

- Introduced Lloyd Graves with Signarama.

Lloyd Graves, Signarama Louisville East, 9824 Bluegrass Pkwy., Louisville, was present and sworn in prior to presenting.

- Sign application was submitted and per the permit clerk with Oldham County, the application was approved.
- After the signs were in production, we received a call back saying it was a mistake and was only allowed two wall signs.
- Then asked how we can get these signs approved and was told to come to this board.
- Other businesses in the area have more than two wall signs.

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

Chairman Otterback asked, so you were told you could have up to 150 square foot of signage, and does this only include the wall signs?

Mr. Graves replied, yes

Assistant Director Brian Fogle explained, the ordinance states any site is allowed two identification signs. And now they are wanting two additional signs.

John Barnet, Goodwill Industries of KY, 1325 S. 4th Street, Louisville, was present and sworn in prior to presenting.

- One sign is at the donation canopy to let clients know where to drop donations off.
- One sign above the entrance into the store and one sign is a monument sign at the entrance of the parking lot.

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:

Board Member Chitwood, looking at the pictures and the placement of the extra signs it does not seem to be too excessive of signage.

Chairman Otterback agrees with Board Member Chitwood.

Board Member Ward, I have no doubt that is a Goodwill Store. The monument sign covers the East and West bound traffic. I think there is plenty of signatures already and I do not support the extra signage.

Findings and Decisions
Docket OC-22-006
Variance
Number of Signs
6400 W. Hwy 146, Crestwood

Motion was made by Board Member Chitwood and seconded by Board Member Turner to approve the Variance of two-additional signs at 6400 W. Hwy. 146, 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 a hazard or nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations because the signs are not excessive and are within the square footage restrictions.

The vote was as follows:

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

No: Board Member Ward.

Abstain: None

Absent: None

Motion passed on a vote of 3-1

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Approval of Minutes

Motion was made by Board Member Chitwood and seconded by Chairman Otterback to approve the minutes of Thursday, December 15, 2022, as submitted.

Motion carried by unanimous voice vote.

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Other Business:

Director Urban address the board, Vice-Chairman Ron Fonk was appointed to the Oldham County Water Board and Bill Ferko will be the new member to this board. The board will elect officers at the next board meeting.

Chairman Otterback also suggested that this board will need to have training or discussion about short-term rentals.

Director Urban replied, agreed.

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Motion was made by Board Member Chitwood and seconded by Board Member Ward to adjourn the meeting at 12:00 p.m. Motion carried by unanimous voice vote.

The next Regular Meeting is scheduled for Thursday, February 16, 2023, at 9:00 a.m., in the Courtroom of the Oldham County Fiscal Court Building, LaGrange, Kentucky.

Approved by:

Respectfully Submitted by:

Larry Otterback, Chairman

Christy Edgar, Secretary