

**MINUTES FOR REGULAR MEETING  
OLDHAM COUNTY  
BOARD OF ADJUSTMENTS AND APPEALS  
Thursday, February 15, 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 Vice-Chairman Bill Ferko.

The following members were present:

Mark Allen

Charles Turner

The following members were absent:

Chairman Larry Otterback

Gretchen Chitwood

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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**Director Jim Urban called and read Docket OC-24-005:**

An application has been filed requesting a Variance from the Minimum Setback Distance Requirements (Section 290-100) for a Monument Sign at the entrance of Royal Oaks Subdivision Section Two, Crestwood.

**1. Presentation by Staff:**

Assistant Director Brian Fogle presented the following:

- Summary of the application. (see Exhibit A, Staff Report dated, February 15, 2024)
- Case and site history.
- Aerial photos of the site.
- Photos of property.
- No letters of support or opposition.

Vice-Chairman Ferko asked, can you elaborate on the gas transmission line?

Assistant Director Fogle replied, the gas transmission line runs from Texas to northeastern Ohio. The Texas Gas Transmission Line runs through this subdivision, and the easement is approximately 130 feet wide.

Vice-Chairman Ferko asked, can anyone build on the transmission line?

Director Urban replied, you can cross the line, you cannot build a structure on the line.

Board Member Allen asked, what is the setback from the centerline of the road?

Assistant Director replied, 20 feet from the edge of the sign to Hawley Gibson

Road and the other sign would be 15 feet from the edge of the sign to Hawley Gibson Road. The signs are parallel to the road.

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

John Talbott, Bardenwerper, Talbott & Roberts, PLLC 1000 N. Hurstbourne Pkwy, Louisville, was present and representing the applicant.

- Because of the Texas Gas Transmission Easement, we need a variance to place the monument signs for the subdivision.
- The monument signs are still outside of the site triangle.

**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: None**

**Findings and Decisions**

**Docket OC-24-005**

**Variance**

**Setbacks for Two Subdivision Entrance Signs**

**Royal Oaks Subdivision, Crestwood**

First Identification Sign

Required Minimum Setback	15.00 Feet
Proposed Setback	0.64 Feet
Variance Requested	14.36 Feet

Second Identification Sign

Required Minimum Setback	15.00 Feet
Proposed Setback	1.42 Feet
Variance Requested	13.58 Feet

Motion was made by Board Member Allen and seconded by Board Member Turner to approve the variance for the minimum setbacks on Royal Oaks Subdivision Entrance Signs 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 February 15, 2024, Oldham County Board of Adjustments public hearing.
2. The Subdivision Entrance Identification Sign shall comply with all established federal, state, and local ordinances and requirements at the time of approval.

**The vote was as follows:**

**Yes:** Board Members Allen, Turner, and Vice-Chairman Ferko.

**No:** None

**Abstain:** None

**Absent:** Chairman Otterback and Board Member Chitwood.

**Motion approved on a vote of 3-0.**

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**Director Jim Urban called and read Docket OC-24-006:**

An application has been filed for a street-side yard Setback Variance for a proposed structure at Royal Oaks Subdivision Section Two, Lot 107 at Gibson Way and Champion Oak Drive, Crestwood.

**1. Presentation by Staff:**

Assistant Director Brian Fogle presented the following:

- Summary of the application. (see Exhibit A, Staff Report dated, February 15, 2024)
- Case History.
- Aerial photos of the site.
- Photos of property.
- No letters of support or opposition.

Vice-Chairman Ferko asked, what type of road is Gibson?

Assistant Director Fogle replied, it is a road within the subdivision.

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

John Talbott, Bardenwerper, Talbott & Roberts, PLLC 1000 N. Hurstbourne Pkwy, Louisville, was present and representing the applicant.

- This is the only corner lot in this subdivision that the applicant is asking for a side yard setback.
- The home would not impact any sight line on Gibson Way.

Curtis Mucci, Elite Homes, 16218 Shelbyville Road, Louisville, was present and sworn in prior to presenting.

- Encroaching in the side yard setback would allow for additional floor plans for potential buyers to pick from.

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

Board Member Turner asked, how many other variances will be brought to this board?

Attorney Talbott replied, not asking for a variance for any other corner lot in this subdivision.

Director Urban asked, if this was not on a corner lot would the house meet the setbacks in the zoning classification?

Attorney Talbot replied, yes it would.

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: None

**Findings and Decisions**  
**Docket OC-24-006**  
**Variance**  
**Minimum Streetside Yard Setback**  
**Lot 107 Royal Oaks Subdivision**

Minimum Street Side Yard Setback

Required Minimum Street Side Yard Setback	35 Feet
Proposed Street Side Yard Setback	25 Feet
Variance Requested	10 Feet

Motion was made by Board Member Turner and seconded by Board Member Allen to approve the minimum street side yard setback variance at Lot 107 Royal Oaks Subdivision, 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. 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 February 15, 2024, Oldham County Board of Adjustments public hearing.
2. The development of Lot 107 shall comply with all established federal, state, and local ordinances and requirements at the time of approval.

**The vote was as follows:**

**Yes:** Board Members Allen, Turner, and Vice-Chairman Ferko.

**No:** None

**Abstain:** None

**Absent:** Chairman Otterback and Board Member Chitwood.

**Motion approved on a vote of 3-0.**



**Director Jim Urban called and read Docket OC-24-007:**

An application has been filed requesting a Conditional Use Permit for a proposed detached Accessory Dwelling Unit on property located at 3107 Halls Hill Road, Crestwood.

**1. Presentation by Staff:**

Senior Planner Ryan Fischer presented the following:

- Summary of the application. (see Exhibit A, Staff Report dated, February 15, 2024)
- Case and site history.
- Aerial photos of the site.
- Photos of property.
- No letters of support or opposition.

Vice-Chairman Ferko asked, will the existing remolded structure be completed before the ADU is started?

Senior Planner Fischer replied, need to ask the applicant.

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

Jim Bowling, Bluebeam Builders, 1871 Woodfill Way, was present and representing the applicant.

- The ADU is for the mother.
- Would like to start on the ADU while the existing home is under renovation.
- The main home should be complete about a month before the ADU and the mother would live in the basement while the ADU is being finished.

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

Director Urban stated, Board Member Allen asked if the main structure would be finished before the ADU is started. And the answer is no, the applicant wants to proceed with the construction of both at the same time.

Director Urban asked, do you plan on getting the Certificate of Occupancy on the main house before the completion of the ADU or at the same time?

Mr. Bowling replied, the ADU will not be completed before the home but hoping it will be close but will not be done at the same time.

Vice-Chairman Ferko asked, are there any plans for the ADU to be used as a short-term rental?

Mr. Bowling replied, no. It could be used for grandchildren or when family comes in to visit.

**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:**

Vice-Chairman Ferko stated, I know where this property is located and I am comfortable with approving this ADU.

**Findings and Decisions  
Docket OC-24-07  
Conditional Use Permit  
Detached ADU  
3107 Halls Hill Road**

Motion was made by Board Member Allen and seconded by Board Member Turner to approve the Conditional Use Permit for a detached accessory dwelling unit at 3107 Halls Hill 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 because 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 Conditions of Approval are included in this motion.

**Conditions of Approval:**

1. The Conditional Use Permit shall only apply to the plan considered at the February 15, 2024, Oldham County Board of Adjustments public hearing.
2. The construction of the primary residence must be complete before the ADU.

**The vote was as follows:**

**Yes:** Board Members Allen, Turner, and Vice-Chairman Ferko.

**No:** None

**Abstain:** None

**Absent:** Chairman Otterback and Board Member Chitwood.

**Motion approved on a vote of 3-0.**

**Director Jim Urban called and read Docket OC-24-008:**

An application has been filed requesting a Road Frontage Variance for a property located at 5959 South Highway 53, Smithfield.

**1. Presentation by Staff:**

Senior Planner Ryan Fischer presented the following:

- Summary of the application. (see Exhibit A, Staff Report dated, February 15, 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:**

Mark Osborne, 6001 S. Hwy 53, Smithfield, was present and sworn in prior to presenting.

- This is for son to have 12 acres to construct new residence on the family farm.
- The new tract will utilize the existing driveway and access easement.

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

Vice-Chairman Ferko asked, so the house will not be right on the road?

Mr. Wes Osborne 5609 LaGrange Road, Shelbyville, was present and sworn in prior to replying, no the house will be over 1000 feet from road.

**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: None**

**Findings and Decisions  
Docket OC-24-008  
Variance  
Road Frontage  
5959 South Hwy 53, Smithfield**

Required Road Frontage:	300 feet
Requested Road Frontage:	0 feet
Variance Requested:	300 feet

Motion was made by Board Member Turner and seconded by Board Member Allen to approve the road frontage variance at 5959 South Hwy 53, Smithfield, 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. The following Conditions of Approval are included in this motion.

**Conditions of Approval:**

1. The road frontage variance shall only apply to the application considered at the February 15, 2024, Oldham County Board of Adjustments public hearing.
2. A minor plat application and survey must be submitted to staff for review and approval prior to the issuance of any building permits.

3. A shared access and road maintenance agreement shall be prepared and agreed upon by all parties affected and recorded with the minor plat.

**The vote was as follows:**

**Yes:** Board Members Allen, Turner, and Vice-Chairman Ferko.

**No:** None

**Abstain:** None

**Absent:** Chairman Otterback and Board Member Chitwood.

**Motion approved on a vote of 3-0.**

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**Director Jim Urban called and read Docket OC-24-009:**

An application has been filed requesting a Maximum Square Footage Variance for an addition to an existing Detached Accessory Structure (garage) on a property located at 7608 Frazierstown Road, Pewee Valley.

**1. Presentation by Staff:**

Senior Planner Ryan Fischer presented the following:

- Summary of the application. (see Exhibit A, Staff Report dated, February 15, 2024)
- Case and site history.
- Aerial photos of the site.
- Photos of property.
- No letters of support or opposition.

Vice-Chairman Ferko asked, what is on the adjoining properties at 7604, 7610 and 7612?

Senior Planner Fischer replied, you will need to ask the applicant.

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

Eric Schneider, 7608 Frazierstown Road, Pewee Valley, was present and sworn in prior to presenting.

- The property at 7610 is an abandoned trailer that has been there for years.
- The property at 7612 somebody is trying to rehab.
- The property at 7604 is a vacant lot.
- Need a pole barn to store vehicles, boats, and other toys I own.
- Trying to work with the Code Enforcement Officer to tidy up my yard and make Frazierstown look a little nicer.
- The original garage on the property is used for grooming dogs.

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

Vice-Chairman Ferko asked, do have any intentions to use pole barn for commercial?

Mr. Schneider replied, no, only for storage.



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:

**Findings and Decisions**  
**Docket OC-24-009**  
**Variance**  
**Maximum Square Footage**  
**Detached Accessory Structure Addition**  
**7608 Fraziertown Road, Pewee Valley**

Proposed Maximum Floor Area Variance:  
Maximum Allowable Floor Area: 1,800 square feet  
Proposed Floor Area: 2,800 square feet  
Requested Variance: 1,000 square feet

Motion was made by Board Member Allen and seconded by Board Member Turner to approve the maximum square footage variance for an addition to an existing detached accessory structure at 7608 Fraziertown, Pewee Valley, 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. The following Conditions of Approval are included in this motion.

**Conditions of Approval:**

1. The conditional use permit shall only apply to the plan considered at the February 15, 2024, Oldham County Board of Adjustments public hearing.
2. There shall be no commercial activity conducted out of the accessory structure.
3. The accessory structure shall not be occupied as living space.
4. The approval only applies to this new application which is the addition.

**The vote was as follows:**

**Yes:** Board Members Allen, Turner, and Vice-Chairman Ferko.

**No:** None

**Abstain:** None

**Absent:** Chairman Otterback and Board Member Chitwood.

**Motion approved on a vote of 3-0.**

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**Director Jim Urban called and read Docket OC-24-010:**

An application has been filed requesting a Conditional Use for an Owner-Occupied Short-Term Rental Property located at 1205 South Buckeye Lane, Goshen.

**1. Presentation by Staff:**

Senior Planner Ryan Fischer presented the following:

- Summary of the application. (see Exhibit A, Staff Report dated, February 15, 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:**

Margaret Shea, 1205 S. Buckeye Lane, Goshen was present and sworn in prior to presenting.

- This is a working farm and many people like to come and experience farm life.
- Renovated the main farmhouse and this gives us another source of income to help offset the farmhouse renovation.
- The rental cabin tucked into the woods cannot be seen from the roadway, but we can see the cabin and can keep an eye on the renters.

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

Board Member Turner asked, do you have plans to deal with noise?

Mrs. Shea replied, four is the maximum number of tenants in the cabin and we do not allow parties. Also, we live onsite and can keep an eye on the tenants.

Vice-Chairman Ferko asked, what is the name of the farm?

Mrs. Shea replied, the farm's name is Field 51. The rental cabin's name is The Coop.

**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 Ferko stated, this sounds like it is nice and it looks like the adjoining properties will not be impacted by this being a short-term rental.

**Findings and Decisions  
Docket OC-24-010  
Conditional Use Permit  
Owner-Occupied Short-term Rental  
1205 S. Buckeye Lane, Goshen**



Motion was made by Board Member Turner and seconded by Board Member Allen to approve the Conditional Use Permit for an owner-occupied short-term rental at 1205 South Buckeye Lane, Goshen, 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 granting the conditional use permit will allow the proper integration into the community of a use specifically named in the zoning regulation and 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. The following 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 February 15, 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 / License before renting the property.

**The vote was as follows:**

**Yes:** Board Members Allen, Turner, and Vice-Chairman Ferko.

**No:** None

**Abstain:** None

**Absent:** Chairman Otterback and Board Member Chitwood.

**Motion approved on a vote of 3-0.**  
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**Director Jim Urban called and read Docket OC-24-011:**

An application has been filed requesting a Conditional Use for an Owner-Occupied Short-Term Rental Property located at 2177 Belknap Farm Road, Goshen.

**1. Presentation by Staff:**

Senior Planner Ryan Fischer presented the following:

- Summary of the application. (see Exhibit A, Staff Report dated, February 15, 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:**

Ian Belknap, 2177 Belknap Farm Road, Goshen, was present and sworn in prior to presenting.

- This short-term rental helps with the rising cost of farm supplies.
- The maximum number of guests is seven.

- The short-term rental is located on the same farm that I live on.

Thomas Bachman, 3970 US Hwy 53, LaGrange, was present and sworn in prior to presenting.

- I have been leasing the front portion of the farm for 40 years and the short-term rental is in the middle of the portion of the farm that I lease.
- Many out-of-town guests come here to get the farm experience.
- I am in favor of this short-term rental.

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

Director Urban asked, do you have an event venue on this farm that came through this board?

Mr. Belknap replied, yes.

Director Urban asked, will this short-term rental benefit the event venue?

Mr. Belknap replied, yes it does. It is a huge draw for the event venue to have a place for the bridal party.

Vice-Chairman Ferko asked, where is the event venue located for the short-term rental?

Mr. Belknap replied, about a mile back on the farm.

Board Member Turner asked, where is your home located on the farm?

Mr. Belknap replied, about .8 miles from the short-term rental.

- 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: None**

**Findings and Decisions  
Docket OC-24-011  
Conditional Use Permit  
Owner-Occupied Short-term Rental  
2177 Belknap Farm Road, Goshen**

Motion was made by Board Member Turner and seconded by Board Member Allen to approve the Conditional Use Permit for an owner-occupied short-term rental at 2177 Belknap Farm Road, Goshen 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 granting the conditional use permit will allow the proper integration into the community of a use specifically named in the zoning regulation and 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. The following 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 February 15, 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 / License before renting the property.

**The vote was as follows:**

**Yes:** Board Members Allen, Turner, and Vice-Chairman Ferko.

**No:** None

**Abstain:** None

**Absent:** Chairman Otterback and Board Member Chitwood.

**Motion approved on a vote of 3-0.**

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**Approval of Minutes**

Motion was made by Board Member Allen and seconded by Board Member Turner to approve the minutes of Thursday, January 18, 2024, 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 Turner and seconded by Board Member Allen to adjourn the meeting at 10:45 a.m. Motion carried by unanimous voice vote.

The next Regular Meeting is scheduled for Thursday, March 21, 2024, at 9:00 a.m., in the Courtroom of the Oldham County Fiscal Court Building, LaGrange, Kentucky.

Approved by:



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Larry Otterback, Chairman

Respectfully Submitted by:



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Christy Edgar, Secretary