

**MINUTES FOR REGULAR MEETING  
OLDHAM COUNTY  
BOARD OF ADJUSTMENTS AND APPEALS  
Thursday, June 15, 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

Bill Ferko

Charlie Ward

Member absent: 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-23-018:**

An application has been filed requesting a Conditional Use Permit for a Non-Owner-Occupied Short-Term Rental Property located at 2590 N. Hwy. 393, LaGrange. ***(Tabled from May 2023 meeting)***

**1. Presentation by Staff:**

Senior Planner Ryan Fischer presented the following:

- Summary of the application. (see Exhibit A, Staff Report dated, June 15, 2023)
- Case History.
- Aerial photos of the site.
- Photos of property.

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

Stephen Houston, Stephen A. Houston, PLLC, 10801 US Hwy 42, Prospect, was present and representing the applicant.

- Introduce the applicant.
- Have met the CUP guidelines and the short-term rental guidelines.

Kelly Jacobson, 6009 Grove Park, Knoxville, was present and sworn in prior to presenting.

- Family run business.
- Two other rental properties one in Texas and one in Tennessee and both properties are considered “super host” per the rental websites.

- Have tenant screening before acceptance of the booking.
- Property has cameras.
- House Rules:
  - No Parties or events.
  - Must be 21 years old to rent.
  - Quiet hours are 10:00pm – 8:00am.
- Since purchasing the property, we have fixed several issues.
  - Installed fence around the pool.
  - Removed a family of raccoons that were living in the attic.
  - Fixed foundation issues.
- Have hired Stewarts Cleaning & Restoration to maintain the property. They not only clean the property but also are property management.

Janessa Stewart, Stewarts Cleaning & Restoration, 1838 Pattons Creek Rd., Pendleton, was present and sworn in prior to presenting.

- Owner and operator of the company.

Chairman Otterback asked, are you employed by Stewarts Cleaning & Restorations?

Mrs. Stewart replied, I am the owner and operator.

Chairman Otterback asked, are you the responsible party for other short-term rental properties?

Mrs. Stewart replied, I have two other short-term rental properties that I work for, and I have several other cleaning contracts as well.

Attorney Houston explained, the cleaning company has owned this company for over a decade, and she will be available 24 hours a day 7 days a week. And if she is on vacation then another employee will be available.

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:**

**Findings and Decisions  
Docket OC-23-018  
Conditional Use Permit  
Non-Owner-Occupied  
Short-Term Rental  
2590 N. Hwy 393, LaGrange**

Motion was made by Board Member Chitwood and seconded by Board Member Ferko to approve the Conditional Use Permit for non-owner-occupied short-term rental at 2590 N. Hwy 393, 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 because the character and objectives of the proposed use and the potential impacts on the community and its surrounding are appropriate.

**Conditions of Approval**

1. The Conditional Use Permit shall only apply to the application considered at the June 15, 2023, 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. The applicant shall apply for and be issued a Short-Term Rental Property Permit before renting the property.

**The vote was as follows:**

**Yes:** Board Members Chitwood, Ferko, Ward and Chairman Otterback.

**No:** None

**Abstain:** None

**Absent:** Turner

**Motion passed on a vote of 4-0**

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**Board Member Chitwood called and read Docket OC-23-019:**

An application has been filed requesting a Conditional Use Permit for a Non-Owner-Occupied Short-Term Rental Property located at 7408 Floydsburg Road, Crestwood.  
***(Tabled from May 2023 meeting)***

**1. Presentation by Staff:**

Senior Planner Ryan Fischer presented the following:

- Summary of the application. (see Exhibit A, Staff Report dated, June 15, 2023)
- Case History.
- Aerial photos of the site.
- Photos of property.

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

Patrick Dwyer, 1258 W. Alabama Way, Lakewood, CO, was present and sworn in prior to presenting.

- Purchased property for vacations with family and to use as a short-term rental for additional income.

Toni Boer, 1074 Morning Glory, Shelbyville, was present and sworn in prior to presenting.

- Responsible party for the short-term rental.
- Works within tourism throughout several counties.

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

Chairman Otterback asked, what is your business?

Toni Boer replied, short-term rental real estate agent, property management, and tourism.

**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, they seem to have it organized by having a local company managing the rental property.

**Findings and Decisions  
Docket OC-23-019  
Conditional Use Permit  
Non-Owner-Occupied  
Short-Term Rental  
7408 Floydsburg Road, Crestwood**

Motion was made by Board Member Chitwood and seconded by Board Member Ferko to approve the Conditional Use Permit for a non-owner-occupied short-term rental at 7408 Floydsburg 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 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 application considered at the June 15, 2023, 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. The applicant shall apply for and be issued a Short-Term Rental Property Permit before renting the property.

**The vote was as follows:**

**Yes:** Board Members Chitwood, Ferko, Ward and Chairman Otterback.

**No:** None

**Abstain:** None

**Absent:** Turner

**Motion passed on a vote of 4-0**

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**Board Member Chitwood called and read Docket OC-23-022:**

An application has been filed for a front setback variance to allow an existing structure to encroach into the 50-foot front setback on property located at 3902 Ballard Woods Drive, Smithfield.

**1. Presentation by Staff:**

Assistant Director Brian Fogle presented the following:

- Summary of the application. (see Exhibit A, Staff Report dated, June 15, 2023)
- Case History.
- Aerial photos of the site.
- Photos of property.

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

Charles Podgorski, 7321 New LaGrange Rd., Louisville, was present and sworn in prior to presenting.

- We simply made a calculation error when we surveyed the property because of the curve in the front property line.
- The mistake was found by the loan holder's surveyor and brought to our attention.
- The garage is encroaching into the front yard.

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

Board Member Ferko asked, how can this be prevented in the future?

Director Urban replied, this is a rare and unique case, we don't get too many of these where a mistake is made.

**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, I think it is just a relatively minor adjustment to be made for an inadvertent error, which was due to the curve of the road and oversight.

**Findings and Decisions  
Docket OC-23-022  
Front Yard Setback  
Variance  
3902 Ballard Woods Drive**

Required Front Yard Setback	50.00 Feet
Proposed Front Yard Setback	48.34 Feet
Variance Requested	1.66 Feet

Motion was made by Board Member Chitwood and seconded by Board Member Ward to approve the front yard setback Variance at 3902 Ballard Woods Drive, 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 a hazard or nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations because it is a minor difference.

**Conditions of Approval**

1. The Variance shall only apply to the application considered at the June 15, 2023, Oldham County Board of Adjustments public hearing.

**The vote was as follows:**

**Yes:** Board Members Chitwood, Ferko, Ward and Chairman Otterback.

**No:** None

**Abstain:** None

**Absent:** Turner

**Motion passed on a vote of 4-0**

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**Board Member Chitwood called and read Docket OC-23-023:**

An application has been filed requesting a Maximum Square Footage Variance for a proposed pole barn on property located at 8107 Speer Lane, Crestwood.

**1. Presentation by Staff:**

Senior Planner Ryan Fischer presented the following:

- Summary of the application. (see Exhibit A, Staff Report dated, June 15, 2023)
- Case History.
- Aerial photos of the site.
- Photos of property.

Board Member Ward asked, are there any other structures on the property?

Senior Planner Fischer replied, no.

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

Gerald Offutt, 8107 Speer Lane, Crestwood, was present and sworn in prior to presenting.

- The reason for such a large pole barn is to store a motor home.
- The only part of the building that is visible from road will be the front.

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

Chairman Otterback asked, what is in the front of the neighbor's house?

Mr. Offutt replied, it's a shed and stack of wood.

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-23-023**  
**Variance**  
**Maximum Square Footage**  
**8107 Speer Lane, Crestwood**

Maximum Allowable Floor Area:	1,800 square feet
Proposed Floor Area:	2,400 square feet
Requested Variance:	600 square feet

Motion was made by Board Member Ferko and seconded by Board Member Ward to approve the square foot Variance for an accessory structure at 8107 Speer Lane, 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 size of the lot is large.

**Conditions of Approval:**

1. The conditional use permit shall only apply to the plan considered at the June 15, 2023, 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.

**The vote was as follows:**

**Yes:** Board Members Chitwood, Ferko, Ward and Chairman Otterback.

**No:** None

**Abstain:** None

**Absent:** Turner

**Motion passed on a vote of 4-0**

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**Board Member Chitwood called and read Docket OC-23-024:**

An application has been filed requesting a Conditional Use Permit for a Non-Owner-Occupied Short-Term Rental Property located at 5601 Old Floydsburg Road, Crestwood.

**1. Presentation by Staff:**

Senior Planner Ryan Fischer presented the following:

- Summary of the application. (see Exhibit A, Staff Report dated, June 15, 2023)
- Case History including previous CUP.
- Aerial photos of the site.
- Photos of property.

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

Joni Bottorff, Bottorff Law Group, 6100 Crestwood Station, Crestwood, was present and representing the applicant.

- Across from Duncan Memorial Chapel.
- Would be a great extension for the wedding party that gets married at Duncan Memorial Chapel.
- Owner lives two miles from this rental.

Scott & Jonna Ellis, 3040 W. Mt. Zion Road, Crestwood, was present and sworn in prior to presenting.

- Duncan Memorial Chapel does not have a dressing area for wedding parties and this home would be great for the wedding party.

**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:**

Chairman Otterback asked, why did the CUP expire after two years in 1988?

Senior Planner Fischer explained, yes, the Board of Adjustments put this in their conditions of approval.

Board Member Chitwood explained, this county has multiple weddings and venues that are booked. This shows there is a need.

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**Findings and Decisions  
Docket OC-23-024  
Conditional Use Permit  
Non-Owner-Occupied  
Short-Term Rental  
5601 Old Floydsburg Road, Crestwood**

Motion was made by Board Member Chitwood and seconded by Board Member Ferko to approve the Conditional Use Permit for non-owner occupied short-term rental at 5601 Old Floydsburg 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 community or neighborhood has a need for the proposed use and there are potential benefits to the community or neighborhood and the proposed use will not impair the integrity and character of the zone.

**Conditions of Approval:**

1. The Conditional Use Permit shall only apply to the application considered at the June 15, 2023, 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. The applicant shall apply for and be issued a Short-Term Rental Property Permit before renting the property.

**The vote was as follows:**

**Yes:** Board Members Chitwood, Ferko, Ward and Chairman Otterback.

**No:** None

**Abstain:** None

**Absent:** Turner

**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 10-minute recess at 10:30am. Motion carried unanimously by voice vote.

Motion was made by Board Member Ward and seconded by Board Member Chitwood to bring meeting back into session at 10:40am. Motion carried unanimously by voice vote.

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**Board Member Chitwood called and read Docket OC-23-025:**

An application has been filed requesting a Conditional Use Permit for a Non-Owner-Occupied Short-Term Rental Property located at 3601 Wedgewood Circle, LaGrange.

**1. Presentation by Staff:**

Senior Planner Ryan Fischer presented the following:

- Summary of the application. (see Exhibit A, Staff Report dated, June 15, 2023)
- Case History.
- Aerial photos of the site.
- Photos of property.

Chairman Otterback asked, has there been in any letters for or against this short-term rental?

Senior Planner Fischer replied, yes, we have received several opposing letters.

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

Chelsey Brammell, Brammell Law Office, 401 W. Jefferson Street, LaGrange, was present and representing the applicant.

- Local owner with 15 years of experience with short-term rentals.
- Available 24 hours a day seven days a week.
- Large trees which are a great buffer for neighbors.
- He has a door-to-door services. He meets clients at the property to give them keys.

Torrey Smith, PresEquity, LLC, 21 Blairwood Court, Shelbyville, was present and sworn in prior to presenting.

- Short-term rentals are a growing concept.
- This will support the local economy, promoting tourism, and fostering cultural exchange.
- High-end short-term rental.
- This property is on five acres and less than six miles from the interstate.

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

**4. Testimony of the Opposition:**

Steve Furrow, 2020 Clearview Drive, LaGrange, was present and sworn in prior to presenting.

- Do not have adequate internet services in the area, which would be hard to keep surveillance cameras connected.
- This area is in the part of the county that takes emergency crews about 30 minutes to respond.
- Do not think a rental property would be of any contribution to the neighborhood.
- Only one way in and out of the neighborhood.

Board Member Ferko asked, where do you live from the subject property?

Mr. Furrow replied, right around the corner. Three houses from this property.

Aaron Stack, 1934 Clearview Drive, LaGrange, was present and sworn in prior to presenting.

- Violation of the HOA.
- Violation of the zoning ordinance.
- Read from letter submitted to the record
- It goes against the Comprehensive Plan.
- It is not essential nor desirable to our neighborhood.

Motion was made by Board Member Chitwood and seconded by Board Member Ward to extend the opposition presentation by ten minutes. Motion carried unanimously by voice vote.

Darrel Reinbold, 2101 Clearview Drive, LaGrange, was present and sworn in prior to presenting.

- Violation of item 1, 9 & 10 of the HOA.
- One way in and out.
- With the additional people coming in and out it will make a very dangerous entryway.

Jessica Randall, 1906 Clearview Drive, LaGrange, was present and sworn in prior to presenting.

- Increase of the traffic coming through the neighborhood.
- Do not want the increase of curiosity of people around the neighborhood.

Kevin Dant, 3600 Wedgewood Circle, LaGrange, was present and sworn in prior to presenting.

- There are several short-term rentals in Oldham County and only 25% is booked a year.
- Wedgewood Circle is 16 feet wide, and two cars cannot pass.
- Very rural community and the noise travels.
- Not in the character of neighborhood or community.

Mr. Stack,

- This neighborhood is for agricultural use.

## **5. Questioning of the Opposition by the Board:**

Senior Planner Fischer displayed multiple opposition letters on the overhead.

## **6. Rebuttal and Final Statement by the Applicant:**

Attorney Chelsey Brammell,

- Not a violation of the HOA.
- The applicant will abide by all guidelines for short-term rentals that are in Oldham County's regulations.
- No guarantee that people will not speed in the neighborhood.
- The property is zoned agriculture and residential is a permitted use for this zoning.

Mr. Smith responded

- If this board feels that this short-term rental will disturb the quiet enjoyment of the neighbors, then I am going to ask for this board to not approve it.
- I can't guarantee that people will not speed in the neighborhood.
- I can provide guidelines for the people that come and stay at this short-term rental and I can communicate with the renters.
- My other short-term rental is occupied about 50% a year so there would not be anyone there the other 50% of the year.

## **7. Rebuttal and Final Statement by the Opposition:**

Cynthia Ashby, 3604 Wedgewood Circle, LaGrange, was present and sworn in prior to presenting.

- The neighbors respect the ordinances and each other.
- Neighbors help each other.

Mr. Reinbold explained, I raise hay on my land. A farmer comes over and cuts and bales the hay.

Mrs. Randall explained, I raise 20 chickens and sell eggs.

Mr. Stack's rebuttal:

- These are five-acre minimum lot sizes, there are eight and ten-acre lots in our neighborhood.
- Some raise hay on their lots, some raise chickens and bees on their lots and some have horses on their lots which is all agricultural uses and are within the zoning regulations of this neighborhood.
- The difference between this short-term rental and others is this one is in a neighborhood.
- Wouldn't it be better for economic prosperity if this home was occupied at 100% vs only being occupied by 50%.

## **8. Board Discussion and Final Decision:**

Board Member Ward asked, what is our ability to determine if the short-term rental is in violation of the HOA on the short-term rental application?

Director Urban replied, the deed restrictions were placed on the overhead however, you probably didn't have a chance to read them.

Board Member Ward asked, what is our position on how to determine who is telling the truth, will this be a civil matter on who is telling the truth about the deed restrictions?

Attorney Combs replied, the staff brought this to the board based upon the legitimate position of planning zoning, staff believes this is properly zoned, and forget the homeowner terms for now, the actual zoning regulations that would approve this in the first place notwithstanding other legal arguments.

Director Urban explained, it is an application that is appropriate to be considered by this board. We need to consider is there a potential conflict with deed restrictions. This board does not enforce deed restrictions, but we've got to read them, because why would we issue a Conditional Use Permit if it would be in conflict with the deed restrictions? I suggest that this board take a few minutes and read page two of your staff report to help you approve or deny this application.

Board Member Ward asked, how can selling hay and eggs not be commercial? Director Urban answered, the definition of agricultural uses is five or more contiguous acres, and the sale of those products is part of agricultural use.

Board Member Chitwood commented, this is a two-part process, and this board has heard a lot of conjecture and speculation about what could happen, I think I read in one of the letters that said ruffraff roaming the streets, we can't rule on that type of thing that is not within our scope. We must rule on whether it is essential and desirable to the community, all the other factors about the HOA are not under our control, but we have to consider everything that is presented.

Board Member Ferko commented, I don't see that this is compatible with the surroundings of the neighborhood.

Board Member Ward commented, I don't think this will fit the neighborhood however, we have had other cases today that did fit their location, but this one does not.

**Findings and Decisions**  
**Docket OC-23-025**  
**Conditional Use Permit**  
**Non-Owner-Occupied**  
**Short-Term Rental**  
**3601 Wedgewood Circle, LaGrange**

Motion was made by Board Member Chitwood and seconded by Board Member Ferko to deny the Conditional Use Permit for non-owner-occupied short-term rental at 3601 Wedgewood Circle, LaGrange, because the proposed use is not essential or desirable to the community.

**The vote was as follows:**

**Yes:** Board Members Chitwood, Ferko, Ward and Chairman Otterback.

**No:** None

**Abstain:** None

**Absent:** Turner

**Motion denied on a vote of 4-0**

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Motion was made by Board Member Ward and seconded by Board Member Ferko to take a 10-minute recess at 11:50am. Motion carried unanimously by voice vote.

Motion was made by Board Member Ward and seconded by Board Member Ferko to bring meeting back into session at 12:00pm. Motion carried unanimously by voice vote.

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**Board Member Chitwood called and read Docket OC-23-026:**

An application has been filed requesting a Conditional Use Permit for a Non-Owner-Occupied Short-Term Rental Property located at 1407 Robertson Drive, Crestwood.

**1. Presentation by Staff:**

Senior Planner Ryan Fischer presented the following:

- Summary of the application. (see Exhibit A, Staff Report dated, June 15, 2023)
- Case History.
- Aerial photos of the site.
- Photos of property.
- One letter of support.
- One letter of opposition.

Board Member Ward asked, what are the setback requirements for agriculture, the house looks like it is close.

Senior Planner Fischer answered, the rear yard setback is 40'.

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

Stephen Houston, Stephen A. Houston, PLLC, 10801 US Hwy 42, Prospect, was present and representing the applicant.

- Will benefit the area and will bring tourism.
- Introduced the property management company.

Toni Boer, 1074 Morning Glory, Shelbyville, was present and sworn in prior to presenting.

- Will manage the property.
- Applicant bought the property about three months ago for his family to vacation here.
- Applicant wants to rent the property while he is not occupying the home.
- This home cannot be seen from the road.
- Home has been vacant for several years.

Erin Wergzyn, 4716 Sunny Hill Drive, Crestwood, was present and sworn in prior to presenting.

- Met the applicant/owner when he was doing the rehab.
- Has helped him move furniture.
- Live less than a mile away.

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

**4. Testimony of the Opposition:**

Brent Prince, 1406 Robertson Drive, Crestwood, was present and sworn in prior to presenting.

- Lives across the street from this short-term rental.
- Home is listed on VRBO and the description shows it will house 18 people.
- Owner lives in California.
- Noise carries.

Henry Podgursky, 1405 Robertson Drive, Crestwood, was present and sworn in prior to presenting.

- Share property lines.
- The noise carries throughout the neighborhood.
- Worried about people using the property to shoot guns.

Greg Galbraith, 1503 Robertson Drive, Crestwood, was present and sworn in prior to presenting.

- Neighborhood has deed restrictions that states lots are to be used as residential purposes only.
- Property already been advertising on VRBO before it was approved.
- Sleeps 18 people and this could be a party house.
- Concerned that hunters will rent the property.
- Sound carries and with this many people in the rental the noise will carry.

Motion was made by Board Member Chitwood and seconded by Board Member Ward to extend the opposition presentation by two minutes. Motion carried unanimously by voice vote.

Betsy Gilbert, 1402 Robertson Drive, Crestwood, was present and sworn in prior to presenting.

- Dangerous road with blind curves and hills.
- Concerned with people driving fast.

Senior Planner Fischer explained, that the property was listed on VRBO because the applicant was just listing the property to get the site ready to go live but it is not active to rent.

**5. Questioning of the Opposition by the Board: None**

**6. Rebuttal and Final Statement by the Applicant:**

Toni Boer rebuttal statement.

- Applicant plans to come in town often to check on the property.
- Typical guest does not spend their time at the home, most guest come in to go out during the day and come back to relax at the home.
- Applicant will be using the Minut Home Sensor which will monitor the noise level in the home.

Attorney Houston rebuttal statement.

- We cannot prevent people from driving too fast on the road or prevent others from shooting guns.
- Not this board's responsibility to prevent anything bad from happening.

## **7. Rebuttal and Final Statement by the Opposition:**

Mr. Galbraith rebuttal statement.

- This is a subdivision this is not right off a highway.
- The renters will occupy the space because of the way it is advertised.

Mrs. Gibert rebuttal statement.

- The HOA does not allow business in our neighborhood.

## **8. Board Discussion and Final Decision:**

Board Member Chitwood explained, this was a dilapidated property, and the property was vacant. Now the property has been renovated for the purpose of the owner's use and for short-term rental. The road is passible by two vehicles. I do not think this falls outside of the reasonable use of this property by the owner.

Board Member Ward explained, I agree with the reasonable use of the property however I am concerned with the consideration of the neighbors and the noise and the traffic. I encourage the owner to use it, however trying to recover his cost by turning it into a rental I have an issue with.

Chairman Otterback explained, there are a lot of check marks that say yes however, there are check boxes that say no. One of them is that this is not desirable to the community. All of the opposition came from the immediate neighbors of this property.

Board Member Ferko asked, can we put a condition that this expires if approved?

Director Urban answered, all the short-term rentals are only good for one year and then they must re-apply.

**Findings and Decisions  
Docket OC-23-026  
Conditional Use Permit  
Non-Owner-Occupied  
Short-Term Rental  
1407 Robertson Drive, Crestwood**



Motion was made by Board Member Chitwood and seconded by Board Member Ferko to approve the Conditional Use Permit for a non-owner-occupied short-term rental at 1407 Robertson Drive, Crestwood, because the character and objectives of the proposed use and the potential impacts on the community and its surroundings are appropriate and the proposed use will not impair the integrity or the character of the zone if there are specific restrictions on the character of the performance.

**Conditions of Approval:**

1. The Conditional Use Permit shall only apply to the application considered at the June 15, 2023, 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. The applicant shall apply for and be issued a Short-Term Rental Property Permit before renting the property.

**The vote was as follows:**

**Yes:** Board Members Chitwood and Ferko.

**No:** Board Member Ward and Chairman Otterback.

**Abstain:** None

**Absent:** Turner

**Motion failed with a tie vote of 2-2.**

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**Approval of Minutes**

Motion was made by Board Member Ferko and seconded by Board Member Ward to approve the minutes of Thursday, May 18, 2023, as submitted.

Motion carried by unanimous voice vote.  
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Motion was made by Board Member Ward and seconded by Board Member Chitwood to adjourn the meeting at 1:00 p.m. Motion carried by unanimous voice vote.

The next Regular Meeting is scheduled for Thursday, July 20, 2023, at 9:00 a.m., in the Courtroom of the Oldham County Fiscal Court Building, LaGrange, Kentucky.

Approved by:

Respectfully Submitted by:

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Larry Otterback, Chairman

\_\_\_\_\_  
Christy Edgar, Secretary