

**MINUTES FOR REGULAR MEETING
OLDHAM COUNTY
BOARD OF ADJUSTMENTS AND APPEALS
Thursday, August 17, 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:

Bill Ferko

Charles Turner

Charlie Ward

Member absent: 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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Board Member Ward called and read Docket OC-23-028:

An application has been filed requesting a Conditional Use for an Animal Kennel and Dog Park and a Perimeter Landscape Buffer Area Waiver on property located at 2411 South Highway 53, La Grange. The property is zoned C-3 General Business District.

1. Presentation by Staff:

Senior Planner Ryan Fischer presented the following:

- Summary of the application. (see Exhibit A, Staff Report dated, August 17, 2023)
- Case History.
- Aerial photos of the site.
- Photos of property.
- No letters were received on the application.

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

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

- Expansion of an existing veterinary business.
- Pet services are a growing industry.
- This is a large lot in a commercial zone.
- Designed for maximum flexibility, which means it will be able to accommodate different types of pets and different types of temperaments.
- Will have different packages available for the pet's care.

- Will have a buffer zone around the kennel and animal services buildings.
- No foreseeable noise, odor, drainage, or dust issues sufficient to affect adjacent property due to the proximity away from the proposed kennel building.
- Animal maintenance will be kept primarily indoors, with runs immediately adjacent to the building.
- Park setting would preserve the remaining landscape barrier and would be used during daytime hours by the public.

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

Board Member Ward asked, why a 15' buffer waiver?

Attorney Brammell replied, the dog park backs up to a church parking lot and it also backs up to a vacant piece of property that is landlocked.

Robert Widman, 4606 Sunnyhill Drive, Crestwood, was present and sworn in prior to presenting.

- One reason for the waiver is the cost perspective.
- The fence will be placed on the property line.

Board Member Ward asked, can you move the fence back 15 feet to have a grass buffer?

Mr. Widman replied, the idea is to maximize the 5.7 acres by placing the fence on property line and the other reason is for ground maintenance. But could move the fence in 15 feet.

Board Member Ward asked, how many acres is the dog park?

Mr. Widman replied, four acres.

Chairman Otterback asked, what is the reason for the landscape buffer waiver?

Mr. Widman replied, one property is zoned R-2 and is landlocked and the other property is zoned R-2 and is a church and the idea is to not have to put a landscape buffer along the property line.

Chairman Otterback asked, is cost the reason?

Mr. Widman replied, yes.

Chairman Otterback asked, how far is the nearest residence?

Mr. Widman replied, 100 feet to the residence and 420 feet to the proposed kennel.

Chairman Otterback asked, what type of fence are you planning to install?

Mr. Widman replied, a 4-foot aluminum decorative fence is to go around the perimeter of the property.

Chairman Otterback asked, how many employees and what are the hours of operations?

Mr. Widman replied, eventually up to 30 employees and Monday - Friday 6am-6pm.

Chairman Otterback asked, what about the weekends?

Mason Chick, Running the Kennel, 103 Silverview Road, Smithfield, KY, was present and sworn in prior to replying, the dog park will be closed during wintertime and the kennel will operate 365 days a year.

Chairman Otterback asked, explain the type of sign and lights?

Mr. Widman replied, will meet the LaGrange City requirements for signage but will have a monument sign out front by US Hwy 53 and signage on the building itself, and some small signs on the gates leading into the dog park. No lighting in the dog park because the dog park will close before it gets dark. There will be parking lot lights that face downward and lights on buildings that face downwards.

Board Member Ward asked, are you charging a fee to get into the dog park?

Mr. Widman replied, no, the dog park is free and open to the public during daylight hours.

Board Member Ward explained, I am concerned for the safety of kids getting out of a parked vehicle at the church and the fence is right on the property line for the dog park, I think this would be an attractive nuisance for children.

Mr. Widman replied, I do not disagree, I am hoping we can find a happy medium.

Board Member Ferko asked, how many feet would you be comfortable with for a buffer?

Mr. Widman replied, to maximize the use of the property then maybe 5 to 10 feet landscape buffer.

Board Member Turner asked, what would it cost to maintain the outside of the fence?

Mr. Widman replied, wants to maximize the property so my question would be with the 15' landscaping buffer would the fence have to be set outside of that?

Director Urban asked, the intent for a landscape buffer is for visual screening, but could you put in a 4-foot privacy fence along the church parking lot? That way people can't see the dogs and the dogs cannot see the people.

4. Testimony of the Opposition: None

5. Questioning of the Opposition by the Board: None

6. Questioning of the staff by the Board:

Board Member Ferko asked, will this require a turning lane or traffic light?

Director Urban replied, this land use does not trigger a traffic impact state study.

The state transportation cabinet just hired an engineering firm to do a set of construction plans to widen Hwy 53 from I -71 to Ballardsville.

Chairman Otterback asked, what is the church's zoning?

Director Urban answered, the church is zoned R-2.

Board Member Ferko asked, is there a norm for buffers for properties like this?

Director Urban replied, there is a regulation, and the requirement is 15 feet for landscape buffer, minimum screening is six feet, and supposed to have one large tree for every 40 linear feet, but the trees really do not block views as they are large trees. When we review the landscape plan, we look at the intent of the regulation to be met, so I thought of the idea of a privacy fence that would screen the adjoining property owners.

7. Rebuttal and Final Statement by the Applicant: None

8. Rebuttal and Final Statement by the Opposition: None

9. Board Discussion and Final Decision:

Board Member Ferko stated, five-foot buffer and six-foot privacy fence along the church parking lot but not sure what to do with the landlocked lot and maybe just go along the whole property line to keep it uniform.

Chairman Otterback, I am good with just keeping it along the church parking lot.

Findings and Decisions Docket OC-23-028 Conditional Use Permit Animal Kennel / Dog Park 2411 S. Hwy 53, LaGrange

Motion was made by Board Member Ward and seconded by Board Member Ferko to approve the Conditional Use Permit for the animal kennel/dog park at 2411 S. Hwy 53, 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 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 for the Animal Kennel and Dog Park shall only apply to the application considered at the August 17, 2023, Oldham County Board of Adjustments public hearing.
2. The operator of the kennel must meet state animal control requirements and the standards in the Oldham County Dog Licensing and Animal Control Ordinance.
3. The applicant shall apply for and be issued a sign permit for the monument sign.

The vote was as follows:

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

No: None

Abstain: None

Absent: Board Member Chitwood.

Motion passed on a vote of 4-0.

**Findings and Decisions
Docket OC-23-028
Landscape Buffer Waive
Animal Kennel / Dog Park
2411 S. Hwy 53, LaGrange**

Motion was made by Board Member Ward and seconded by Board Member Turner to approve the landscape buffer waiver for the animal kennel/dog park at 2411 S. Hwy 53, LaGrange, because the design innovations of this case will achieve the basic objectives of the regulations with the requirement that there be a five-foot setback on the adjacent R2 zoned area to the east and north and the height of the fence in all areas will be six feet around the perimeter and there will be a six-foot privacy fence along the property that is currently occupied by the church.

Conditions of Approval

1. The waiver shall only apply to the plan reviewed at the August 17, 2023, Oldham County Board of Adjustments public hearing.

The vote was as follows:

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

No: None

Abstain: None

Absent: Board Member Chitwood.

Motion passed on a vote of 4-0.

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Board Member Ward called and read Docket OC-23-029:

An application has been filed requesting a Conditional Use for a Non-Owner-Occupied Short-Term Rental Property located at 6219 Osage Road, Crestwood.

1. Presentation by Staff:

Senior Planner Ryan Fischer presented the following:

- Summary of the application. (see Exhibit A, Staff Report dated, August 17, 2023)
- Case History.
- Aerial photos of the site.
- Photos of property.

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

Khadija Jafferji, 7158 Baskerville Run, Mississauga Ontario, Canada, was present and sworn in prior to presenting.

- Restoring the A-frame cottage on the property to be a great family retreat.
- When we are not using the cottage want to rent it out as a short-term rental.
- Will have a local property management company to manage the property.

- Cameras and noise detectors on the property will alert me and the property manager.
- Will only rent to people who are over 25 years old.
- Renters will have to sign a rental agreement.

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

Board Member Ward asked, when did you purchase the property?

Mrs. Jafferji replied, we closed on the property about three months ago.

Board Member Ferko asked, in those three months how much time have you spent here?

Mrs. Jafferji replied, "I came to town three times and the home is not livable yet. When I am here, I am working with contractors and working on renovating the home.

Board Member Ferko asked, what is the plan for the local management?

Mrs. Jafferji replied, we have hired Toni Boer, who runs her own property management company and will take care of all day-to-day outreach with the guests or any issues that may occur. Also, since the renovations, we now have a plumber, electrician, handyman, and landscaper.

Board Member Turner asked, how do you plan to manage the property from Canada?

Mrs. Jafferji replied, my husband and I have an E2 Visa which allows us to live and work in the United States. And with hiring the property management and with the technology of the cameras that dings my phone with any activity that would occur on the property.

Board Member Turner asked, does the property manager have the same resources to take care of the property as you do?

Mrs. Jafferji replied, yes.

Board Member Turner asked, if an emergency was to arise when the property is rented would the property manager have authority to make decisions on the property?

Mrs. Jafferji replied, yes. They would have the authority to make decisions.

Board Member Ward asked, do you live in Oldham County?

Toni Boer, Property Manager, 1074 Morning Glory, Shelbyville, was present and sworn in prior to replying, I lived in Oldham County for 14 years and now I reside in Shelby County, and I am within the 25-mile radius of this property.

Board Member Ward asked, will you be handling booking or just strictly maintenance management for the property?

Mrs. Boer replied, I will be helping with communications with the guest, I will be doing the maintenance on the property as well as making sure that the right number of guests are on the property and monitoring the property.

4. Testimony of the Opposition:

Wayland Blakely, 6215 Osage Rd., Crestwood, was present and sworn in prior to presenting.

- Concerned with the safety of the current residents because Osage Road is about a mile and half long and it is a skinny road that is curvy and hilly. Do not want any more traffic on the road.

Beverly Young, 6225 Osage Rd., Crestwood, was present and sworn in prior to presenting.

- Concerned with the safety of people driving the road that are not familiar with the road.
- These owners are real estate investors, they have a podcast called Savvy Investing and they only bought this property to make money.

Katie Cothron, 6217 Osage Rd., Crestwood, was present and sworn in prior to presenting.

- My residence is next door to this property.
- The residents in this neighborhood all know each other.

Tom Kinney, 6223 Osage Rd., Crestwood, was present and sworn in prior to presenting.

- Concur with the others about the dangerous road.
- Short-term renters are normally looking for a place that has access to entertainment and this would not draw the right type of people for our neighborhood.
- This STR does not fit into our neighborhood.

Michael Stich, 6220 Osage Rd., Crestwood, was present and sworn in prior to presenting.

- The road to outsiders is a very dangerous road.
- Neighbors help each other when trees fall across the road and with storm damage.
- Short-term rentals does not fit into this neighborhood.

Dale Clover, 1000 Cedar Creek Rd., Crestwood, was present and sworn in prior to presenting.

- Rental property decreases property value by 25%.
- Concerned with them advertising as a retreat.
- The road cannot handle the amount of traffic that this property will bring.

Motion was made by Board Member Ward and seconded by Board Member Turner to extend the time by five minutes. Motion passed unanimously by voice vote.

Kenny Feger, 6211 Osage Rd., Crestwood, was present and sworn in prior to presenting.

- How many people will be allowed on this property?

- How many days will this be available to rent a year?
- Neighbors look out for each other.
- Own racehorses and I do not want people coming in to look at my horses.
- Local deliveries do not go all the way to the end because the road is so dangerous.

Linda Blakely, 6215 Osage Rd., Crestwood, was present and sworn in prior to presenting.

- Single-lane road with a speed limit that is 25mph.
- We are a community.
- Her main objective is to make money.

Whitney Sims, 6224 Osage Rd., Crestwood, was present and sworn in prior to presenting.

- Concerned for our safety with not knowing the potential renters being in our neighborhood.

5. Questioning of the Opposition by the Board:

Board Member Ferko asked, how many children reside on this road that is under the age of 15 years old?

Mrs. Blakely replied, roughly 12 children.

Board Member Ward asked, are there school buses that come down the road?

Mrs. Blakely replied, as of right now the bus only comes to the front of the subdivision, however with the road being paved we believe the buses will start to come to the end of the road.

Board Member Turner asked, has the road been inspected by an official regarding the safety of the road?

Mrs. Blakely replied, at one point Kentucky Acres wanted to connect the two subdivisions and the engineers came out to evaluate the road then.

Mr. Feger explained, the road was gravel for several years and the neighbors paid to have the road blacktopped. Then the county engineer came out to inspect the road and now the road has been accepted into the county road system.

Board Member Turner asked, do you have anything in writing that states this road is unsafe?

Mr. Feger replied, I can probably go back and find it, but it was a gravel road at the time that Kentucky Acres wanted to have an entrance/exit onto our road.

Director Urban explained, what he had stated was true. There have been several attempts to connect to Osage Road. We did not allow the connection because it is a narrow road.

Board Member Ferko asked, is the Kavanaugh Center on this road?

Director Urban answered, no it is located on Kavanaugh Road in Crestwood.

6. Rebuttal Statement by the Applicant:

Mrs. Jafferji rebuttal statement.

- We are not in the short-term rental business, and this is our first short-term rental and we picked it because we love the area and the property. We do

have long-term rentals, but this is not our intention when purchasing this property.

- We are potentially looking into relocating to the United States.
- We do intend to spend some time on this property.
- I am very familiar with the conditions of the road.
- We will be very diligent and make sure our guests are aware of the narrow, curvy, and hilly road.
- Eight-person max limit for this property.
- The property is a 5-bedroom, 2-bath home and we are converting it into a 4-bedroom, 3-bath home.

Mrs. Boer rebuttal statement.

- Own two properties in Anderson County which is much more rural, and the roads are narrow and curvy. Most guests check the roads ahead of time and usually drive slower on roads they do not know.
- I do check on the properties and we do have husbands and other men that are on our team for maintenance who would be happy to help with chainsaws.
- I have grown relationships with neighbors to short-term rental properties that I manage and have helped them with many different issues along with going out to eat with those families.

7. Rebuttal Statement by the Opposition:

Mrs. Young rebuttal statement.

- Reiterate on the YouTube video about real estate mistakes that you should avoid when an investor mistake number two states, "sticking to a market because it is close to home because it is comfortable but not necessarily a great investment, I now focus on investing in the southeast United States".
- This YouTube video explains to people how to make money from Airbnb, which tells me that this is her primary focus.
- The road has very steep embankments along with it being narrow and curvy.

Mr. Stich rebuttal statement.

- I would still like to know how many short-term rentals are in neighborhoods like ours.
- This is a narrow road and at times vehicles get off the road completely to allow the other vehicle to pass.
- We do have restrictions in our subdivision that state for residential property only.

Mr. Blakely rebuttal statement.

- The road is very unsafe and should not be driven by people who don't know the road.

Mr. Feger rebuttal statement.

- Went through this a couple of years ago and don't understand why this has been brought back up again.

8. Final Statement by the Opposition: None.

9. Final Statement by the Applicant:

Mrs. Jafferji final statement.

- Mrs. Boer and I spent a good amount of time combing the rules and regulations and did not find anything regarding the use of the property.
- Would like to ask for grace and the ability to prove ourselves to this board and to the neighbors.

Board Member Ferko asked, how many accidents have occurred on this road?

Mrs. Young replied, there had been a plumbing truck, school bus, lumber truck, UPS truck, and mail truck that ran off the road.

Board Member Ferko asked, are there any plans to make this road safer.

Director Urban replied, not at this time.

10. Board Discussion and Final Decision:

Board Member Ferko stated, given the testimony that 12 children do reside on the road and numerous accidents have occurred on this road and safety is a concern and I would feel bad if someone got hurt.

Board Member Turner stated, as we all know how people drive, and if you don't live in the area then it simply increases risk. And my concern is the safety of the guest driving on this road.

**Findings and Decisions
Docket OC-23-029
Conditional Use Permit
Non-Owner-Occupied
Short-Term Rental
6219 Osage Road, Crestwood**

Motion was made by Board Member Ward and seconded by Board Member Ferko to deny the Conditional Use Permit for a non-owner-occupied short-term rental at 6219 Osage Road, Crestwood, because the proposed use is not essential or desirable to the community because of the conclusions due to limited road access and safety concerns related to this property.

The vote was as follows:

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

No: None

Abstain: None

Absent: Board Member Chitwood.

Motion was denied on a vote of 4-0.

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Motion was made by Board Member Ward and seconded by Board Member Turner to take a 5-minute recess at 11:05 am. Motion carried unanimously by voice vote.

Motion was made by Board Member Turner and seconded by Board Member Ferko to meeting back in session at 11:10 am. Motion carried unanimously by voice vote.

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Board Member Ward called and read Docket OC-23-030:

An application has been filed requesting a Conditional Use for a Carting & Hauling Establishment, Contractor Equipment Storage, and Self-Storage Facility on property located at 5101 West. Hwy. 146, Crestwood. The property is zoned C-4 Highway Service District.

1. Presentation by Staff:

Assistant Director Brian Fogle presented the following:

- Summary of the application. (see Exhibit A, Staff Report dated, August 17, 2023)
- Case History.
- Aerial photos of the site.
- Photos of property.

Board Member Ward asked, are they just going to park semi-trucks?

Assistant Director Fogle replied, yes.

Board Member Ward asked, what about the storage for construction equipment?

Assistant Director Fogle replied, I will let the applicant answer that question.

Board Member Ward asked, are the current storage facilities in Oldham County restricted to recreational and other equipment?

Chairman Otterback asked, what storage units are you asking about?

Board Member Ward replied, the storage unit that was named Rocket Storage.

Director Urban explained, there are two different types of storage, one is on Hwy 329 which is contractor's storage and then there are RV, boat, and personal storage units which do not allow contractor's storage.

Board Member Ferko asked, is all the plans for parcel 26F and no plans for 26A?

Assistant Director replied, that is correct.

Chairman Otterback asked, why did the staff suggest the conditions of approval.

Assistant Director Fogle replied, numbers 1 and 2 are the standards for any type of mini warehouse per the zoning ordinance in Oldham County. If the applicant decides to use the two existing buildings as mini warehouse facilities those two things would stipulate that they must comply with the standards of the zoning ordinance.

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

Gant Jones, 2910 Darby Creek Drive, Crestwood, was present and sworn in prior to presenting.

- This property offers plenty of exterior parking spaces.

- I don't want to just have semi-trucks but there could be opportunities for contractors who can have container storage.
- The front parking lot is not structured for semi-truck weight, and it doesn't look good driving by either, but the back parking lot is structured for semi-trucks.

Jay Hall, 1503 Kamer Drive, LaGrange, was present and sworn in prior to presenting.

- This property has been vacant for several years and we are trying to improve the property and trying to come up with a long-term plan for the property.
- One of the drawbacks of this property is sewers are not available. Which makes us cautious about who can rent this property.
- There have been conversations with MSD to expand sewers to this part of the county and this property will look different when the sewers do come to this part of the county.
- Trying to keep the property looking good and generate some revenue.

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

Board Member Ferko asked, what is planned for the parcel 26A area?

Mr. Jones replied, at the moment nothing.

Chairman Otterback asked, what would the storage look like?

Mr. Jones replied, we do not anticipate building anything at this time.

Chairman Otterback asked, how many spaces?

Mr. Jones replied, probably about 30-40 spaces in the rear of the property.

Mr. Hall replied, attempting to put storage along the interstate ramp side and along the back of the property where it would be least visible.

4. Testimony of the Opposition:

Barry Laws, 3411 Fendley Mill Road, LaGrange, was present and sworn in prior to presenting.

- Not opposed but right now I do agree that it is an eyesore and to have tractor-trailers parking there will be an even bigger eyesore.
- Maybe put in a buffer zone for visuals to help mask the eyesore.

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 Ward stated, how about we approve only 26F instead of approving both 26F and 26A.

Chairman Otterback stated, we could do that. But also do we want to limit the amount of storage?

Board Member Turner stated, I believe 30-40 will be ok for storage.

**Findings and Decisions
Docket OC-23-030
Conditional Use Permit
5101 W Hwy 146, Buckner**

Motion was made by Board Member Ward and seconded by Board Member Ferko to approve the Conditional Use Permit for carting and hauling establishment, contractor equipment storage, and self-storage facility at 5101 West Hwy 146, Buckner, because the proposed use is desirable to the community and not in conflict with the elements, objectives and policies of the Comprehensive Plan because the proposed use is compatible with surrounding land uses and the general character of the area and the approval is limited to tax parcel 31-00-00-26F and will have a maximum of 40 parking spaces.

Conditions of Approval

1. The Conditional Uses shall only apply to the application considered at the August 17, 2023, Oldham County Board of Adjustments public hearing.

The vote was as follows:

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

No: None

Abstain: None

Absent: Board Member Chitwood.

Motion passed on a vote of 4-0.

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Board Member Ward called and read Docket OC-23-031:

An application has been filed requesting a Conditional Use for an Event Venue located at 2201 Fendley Mill Road, La Grange.

1. Presentation by Staff:

Senior Planner Ryan Fischer presented the following:

- Summary of the application. (see Exhibit A, Staff Report dated, August 17, 2023)
- Case History.
- Aerial photos of the site.
- Photos of property.
- Received one letter in support and two letters opposing.

Board Member Ward asked, have they been charging admission to use the lake?

Senior Planner Fischer answered, yes.

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

Carah Carnes, 2202 Fendley Mill Road, LaGrange was present and sworn in prior to presenting.

- Property has been utilized as it is since 1998.
- Only 18 and older are allowed to float because the water is so deep.

- Wanting to start having private events on the property such as weddings, birthday parties, celebration of life events, and graduation parties.
- The events will be controlled.
- Will have security.
- The lake sits down in a hole with rock walls around it which helps contain the noise.
- The maximum capacity is 400 people.
- The tenant that rents the facility for a private event will have to have their own insurance for the day of the event.

Samantha Chandler, Event Planner, 5504 Pearce Way, Crestwood, was present and sworn in prior to presenting.

- Maintain a respectful relationship with the neighbors.
- Do not foresee any complications with traffic on Fendley Mill Road or 4th Street.

Michael Vogt, 4111 Blakemore Lane, LaGrange, was present and sworn in prior to presenting.

- This property is unique to our county, and this would be positive for our county to have country festivals.

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

Board Member Turner asked, what are the hours again?

Ms. Chandler replied, Friday and Saturday hours are 8 am - 11 pm and then weekdays would close at 9 pm. The contract will state everyone needs to be off the property by 11 pm.

Board Member Ferko asked, are there limitations on the size of motor for boats?

Mrs. Carnes replied, no motorized boats allowed in the water. Only kayaks, paddleboards and floats are allowed in the water.

Board Member Ferko asked, do you have a liquor license?

Mrs. Carnes replied, no and we have no intention to apply for a liquor license.

Board Member Ward asked, what are the current age restrictions?

Mrs. Carnes replied, 18 years old or older to float.

Board Member Ward asked, will you be changing your age restrictions for events?

Mrs. Carnes replied, age restrictions will be lifted for private events, but during the floating season it's 18 and older because it involves the water.

Chairman Otterback asked, has this property already been operating under everything that you have mentioned today?

Mrs. Carnes replied, yes.

Board Member Ferko asked, what are the alcohol regulations?

Direct Urban replied, they are not our regulations they are the ABC regulations.

But for the floating events, they do not allow drugs and/or alcohol and they do search every vehicle that comes into the property during this event. For the special events, and if they have it catered, then the caterer will have the alcohol licenses.

Board Member Ferko asked, how will you police the alcohol at the events?

Mrs. Carnes replied, anyone hosting an event will have to sign a contract that will be very detailed about the use of alcohol. They will have to have a caterer that has an alcohol license along with their own event insurance and the caterer's insurance and we will still have our own police security onsite during the events.

Chairman Otterback asked, you do have security onsite?

Mrs. Carnes replied, yes, since 2016 I pay off-duty Oldham County police officers to be onsite not only for the safety of the people but also to help protect the property.

Chairman Otterback asked, are you ok with that being set as a condition of approval?

Mrs. Carnes answered, yes.

Board Member Ferko asked, do you have lifeguards?

Mrs. Carnes answered, no, you must have a floatation device to be in the water.

4. Testimony of the Opposition:

Barry Laws, 3411 Fendley Mill Road, LaGrange, was present and sworn in prior to presenting.

- Ms. Carnes has kept a tight rein on the property in the last few years, the trash has receded, the noise has receded, and the drunk driving has receded.
- I am concerned with her giving her control over for the events.
- If she oversaw the events, I would not have any concerns, but I have concerns when the host rents the venue and serves alcohol at their event, then comes the drunk driving, trash, and noise again.

John Warren, 2811 Fendley Mill Road, LaGrange, was present and sworn in prior to presenting.

- My farm adjoins the quarry.
- I am concerned about liability.
- I am concerned with people getting out wandering and falling from the rock wall.
- Can they put up a fence along the rock wall?

Robin Willard, 2297 Fendley Mill Road, LaGrange, was present and sworn in prior to presenting.

- Mrs. Carnes has really done a fabulous job of taking care of a lot of the issues since she took the property over.
- We do smell the marijuana on our property and then I will see that she makes a post on Facebook that no drugs are allowed, and she does make them leave.
- Main concern is when she allows alcohol at the events then things will get out of hand again.
- People have been caught on our property trespassing.
- We can hear the announcements that she makes during the floating times.
- Concerned that the traffic will get out of hand when the quarry is rented out for events.

Cecil Crouch, 3400 Fendley Mill Road, LaGrange, was present and sworn in prior to presenting.

- Concern with her turning the control over during the events.
- Concern with the traffic and the road is curvy.
- The noise does travel, and we hear it.

Motion was made by Board Member Turner and seconded by Board Member Ferko to extend the time by five minutes. Motion passed unanimously by voice vote.

Don Wassell, 3310 Fendley Mill Road, LaGrange, was present and sworn in prior to presenting.

- Concerned about the traffic on Fendley Mill Road. This road is agriculture and there are tractors, combines, and hay wagons that travel the road.

Linda Bottorff, 2086 Fendley Mill Road, LaGrange, was present and sworn in prior to presenting.

- I agree with all the other neighbors.
- Just a reminder that a couple of miles down the road is the little league fields that runs until 10 pm and if there is an event at the quarry with alcohol and it ends at 11 pm then you have a mixture of the people traveling on this road.

Wendy Wassell, 3310 Fendley Mill Road, LaGrange, was present and sworn in prior to presenting.

- Concerned when they have kids at an event, what or how are they going to control the kids from wandering around the quarry because it is 18 and over.
- Fendley Mill Road is hilly and curvy, and it's a safety issue.

5. Questioning of the Opposition by the Board: None

6. Rebuttal Statement by the Applicant:

Mrs. Carnes rebuttal statement.

- This property is personal to me, and I want to be able to share it with the community. I do have control over this property, and I can deny any application that comes in to rent the venue.
- If someone comes in with kids, they will be responsible for their children and they will have an insurance policy to cover the children.
- All the big cliffs have a pile of rock that lays at the border of the cliffs so people cannot get near the cliffs. Along with signs on the cliffs that state stay away.
- As far as the smell of marijuana I really do not know because we search every vehicle that comes onto the property. We have a strict no-drug policy.
- Fendley Mill Road has several businesses located on the road, a couple of junk yards, a lawn care business, a roofing business, and a garage service business that also bring in extra traffic and this is a drive-through road and a lot of people do travel this road to avoid the 4-way in LaGrange.
- We do have lights around the quarry, some are solar, and some are put in by KU.

- We will request that events be over before dark. However, for some events like the firework shows it must be dark and once the fireworks show is over everybody exits the property.

Ms. Chandler rebuttal statement.

- All the trash on the road is not just quarry related.
- We do encourage our neighbors to contact us if they see any of the quarry guest doing something they are not supposed to do because we will reach out to them and let them know if they want to visit the quarry then they must abide by the rules and respect our neighbors as well.

7. Rebuttal Statement by the Opposition:

Mr. Laws rebuttal statement.

- Concern with the type of renters that might rent the property.

Mr. Crouch rebuttal statement.

- My only concern is safety.

Mrs. Borttorff rebuttal statement.

- Just concerned about Mrs. Carnes turning this event venue over to someone else to run and she will lose control over the property.

Mrs. Willard rebuttal statement.

- Concerned with the noise level.

Mr. Warren rebuttal statement.

- I would like Mrs. Carnes to address safety of the perimeter of the quarry.

Mrs. Wassell rebuttal statement.

- The quarry might have lights, however, Fendley Mill Road does not, and it gets dark at nighttime, and I am concerned for the safety of the guest traveling this road at night.

Mr. Wassell rebuttal statement.

- Concern for the safety of the vehicles traveling the road.

8. Final Statement by the Opposition: None

9. Final Statement by the Applicant:

Mrs. Carnes final statement.

- Just to reiterate that if any neighbors have any issues with any of the events they can call me, text me, knock on my door or even reach out on Facebook to me and I will handle the issue.
- I will be at every single event, or a staff member will be at every single event and there will be security for all the events.
- I will not be giving up control of my property.

Board Member Ferko asked, is there a noise ordinance in Oldham County?

Director Urban replied, it is really a nuisance ordinance.

Board Member Ferko asked, here are some conditions of approval that I would like to put on this property, anytime liquor is consumed a caterer must be onsite.

Director Urban responded, that is an ABC law. They cannot serve liquor without a licensed caterer.

Board Member Ferko asked, any event that more than 30 people are onsite a police officer will be onsite to monitor safety, alcohol, and drug use.

Director Urban responded, I was going to recommend that in any event that has alcohol use a security officer must be onsite.

Board Member Ferko asked, the entrance gate will be locked at 11 pm every day.

Director Urban responded, you can ask Mrs. Carnes because she probably already does it anyways.

Chairman Otterback asked, maybe we can say that no serving alcohol after 9 pm.

Board Member Turner asked, do we have the right to change the alcohol laws?

Director Urban responded, no because we are not changing the law, we are just stating that they must stop serving the alcohol at the time for an event.

Chairman Otterback asked, do you always hire a police officer onsite?

Mrs. Carnes answered, yes.

Chairman Otterback asked, if you had a kids birthday party do you hire a police officer?

Mrs. Carenas replied, if there is alcohol involved yes. But if it's just a kid's birthday party with no alcohol then no. But if a group of college kids want to party and whether they have alcohol or not I will hire security.

Mr. Vogt explained, if the county is proposing that a police officer be onsite then the county should pay for the security.

Director Urban explained, the county does not police private property events and this is private property. Also, I would recommend that you say security and not a police officer.

10. Board Discussion and Final Decision:

Board Member Ward stated, I don't think we need to manage how she runs her company. I don't believe it is our responsibility, it is the owner's responsibility.

Board Member Ferko stated, I generally agree with you, but there must be some type of redline.

Board Member Turner stated, she already told us what she is doing, and it had not been bad. She is willing to work with the community.

Chairman Otterback stated, I am concerned because the CUP runs with the land. Which means if she sales then it stays with the land. The difference between this event venue and the others is the water. I do agree with Board Member Ward however, because of the water we need to put some conditions on this property.

**Findings and Decisions
Docket OC-23-031
Conditional Use Permit
Private Event Space
2201 Fendley Mill Road, LaGrange**

Motion was made by Board Member Ward and seconded by Board Member Ferko to approve the Conditional Use Permit for a private event space at 2201 Fendley Mill Road, LaGrange, because the proposed use is 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 regulations.

Conditions of Approval:

1. The conditional use permit for the private event space/event venue shall only apply to the application considered at the August 17, 2023, Oldham County Board of Adjustments public hearing.
2. A Maximum guest capacity shall be no greater than 400 people.
3. Any amplified music shall not be played beyond 10 pm.
4. Events will end at 11pm.
5. Security personnel will be present whenever alcohol is being served.
6. No alcohol is to be served beyond 9 pm.

The vote was as follows:

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

No: None

Abstain: None

Absent: Board Member Chitwood.

Motion passed on a vote of 4-0.

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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, June 15, 2023, as submitted. Motion carried by unanimous voice vote.

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Other Business

Chairman Otterback proposed to the board to change the ten-minute procedure for the opposed/in favor because they normally go over and the board votes to extend the time. The public comment for the Oldham County Fiscal Court gets four minutes for each person to talk.

Director Urban explained, unrelated to a docketed item, each person gets four minutes to talk.

Chairman Otterback suggest, if there are more than two people who want to talk then everybody gets four minutes.

Board Member Ferko stated, if they have 20 people then that would be 80 minutes. Director Urban stated, I think we just increase the time.

Board Member Turner stated, maybe we say each person has three minutes. Board Member Ferko stated, do three minutes for each person but a total of 15 minutes collectively.

Chairman Otterback stated, we could just keep it as it is and continue to motion to extend the time.

Director Urban explained, I think the important thing is that everyone needs to be able to be heard. Even when time runs out, the time needs to be extended so everyone can speak.

Board Member Ward stated, I do not have a problem with extending the time when time runs out.

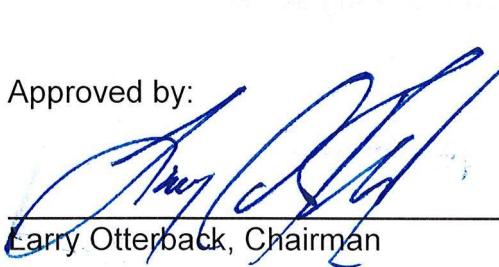
Chairman Otterback stated, so keeping the time as it is.

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Motion was made by Board Member Ward and seconded by Board Member Turner to adjourn the meeting at 1:05 p.m. Motion carried by unanimous voice vote.

The next Regular Meeting is scheduled for Thursday, September 21, 2023, at 9:00 a.m., in the Courtroom of the Oldham County Fiscal Court Building, LaGrange, Kentucky.

Approved by:


Larry Otterback, Chairman

Respectfully Submitted by:


Christy Edgar, Secretary