

**MINUTES FOR REGULAR MEETING  
OLDHAM COUNTY  
BOARD OF ADJUSTMENTS AND APPEALS  
Thursday, November 16, 2023**

Director Urban recommends Secretary Gretchen Chitwood be the Acting Chairman for this meeting because the Chairman and Vice Chairman are absent, and Board Member Chitwood is the senior member of the board.

Motion was made by Board Member Ferko and seconded by Board Member Turner to appoint Gretchen Chitwood as Acting Chairman for this meeting. Motion carried by unanimous voice vote.

At 9:10 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 Acting Chairman Gretchen Chitwood.

The following members were present:

Mark Allen

Bill Ferko

Charles Turner

Member absent: Chairman Larry Otterback

Others present and sworn in were Planning and Development Services Director Jim Urban 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 Urban called and read Docket OC-23-040:**

An application has been filed requesting a Conditional Use Permit to allow a private utility contractor building on a property located at 1111 Dawkins Road, LaGrange.

**1. Presentation by Staff:**

Senior Planner Ryan Fischer presented the following:

- Summary of the application. (see Exhibit A, Staff Report dated, November 16, 2023)
- Case and site history.
- Aerial photos of the site.
- Photos of property.
- No letters of support or opposition.

Board Member Ferko asked, is the 2014 Conditional Use Permit expired?

Director Urban replied, the board required that the applicant come back annually to make sure they were compliant with the conditions and the previous use has been discontinued.

Board Member Turner asked, what does the applicant define as scrap metal?

Senior Planner Fischer replied, any remnants of metal and or cars that are on the property, however, the applicant will need to answer this question.

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

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

- Less than an acre out of the 14-acre property to be used as a private utility facility.
- This company works for utility companies and works only for utility companies.
- The hours of operation would be 7:30 am – 4:30 pm.
- A mechanic will be on-site during the hours of operation.
- Employees will only be on site for vehicle exchange.
- All equipment will be behind the fence and building, out of sight from the public except for the employee's vehicles that will be parked in front.
- Material for jobs is normally purchased and placed on the job sites and not stored at the facility.

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

Board Member Ferko asked, what type of utility work?

Attorney Ashburner replied, primarily water and sewer but occasionally they will run conduit underground.

Board Member Ferko asked, do they do anything with transformers or transformer oil?

Dan Dunlevy, 2424 Meadow Road, Louisville, was present and sworn in prior to replying, mainly in directional drilling, it could be electric, fiber, ethernet, and gas or water lines but specifically for underground utilities.

Board Member Ferko asked, does the drilling machines use any type of fluids to do the drilling?

Mr. Dunlevy replied, they use water.

Board Member Turner asked, will there be any hazardous material left at the facility?

Attorney Ashburner replied, there wouldn't be anything there that you wouldn't find in a mechanic shop. So, only oil and fuel would be on site.

Board Member Allen asked, how many trucks a day would be coming and going and how big are the trucks.

Attorney Ashburner replied, there will be five to six employees that will come in and leave in company vehicles, the trucks will vary in size from an F350 to F550.

**4. Testimony of the Opposition:**

Josh Strader, 1201 Dawkins School Road, LaGrange, was present and sworn in prior to presenting.

- Will the equipment damage the road?
- Would like to see the buffer zone stay in force from the previous conditional use permit.
- Can the junkyard CUP be removed from this property?



Director Urban stated he believes the previous CUP ceased for over two years. The CUP should be considered for revocation by the board (per the minutes dated October 17, 2013). A separate decision would need to be made by this board to revoke the prior CUP.

Board Member Ferko asked, can we do this today?

Director Urban replied, I believe it will need to be done in a separate hearing.

Gary Crigeillis, 435 Dawkins Road, LaGrange, was present and sworn in prior to presenting.

- Will the cleaning of scrap metal include all of the property?
- Like to see an appropriate barrier between properties.
- Would like to request periodic reviews of the CUP.

Chairman Chitwood asked, would the buffer zone be left in place and not used?

Attorney Ashburner replied, in regards to the previously granted conditional use permit I do think that the condition that was placed requires that the planning administrator find that the use has been abandoned and that it needs to come back to the board. We did voluntarily abandon the CUP concerning the 0.92 acres that are being discussed today. Outside of the 0.92 acres is the subject of a later action. Currently, there is no plan for anything to go in the buffer area. Also, we have not received any information that the road needs to be improved, the equipment that's being used here is not heavy trucks but heavier than passenger vehicles but not the kind that would create a problem for the road.

Board Member Ferko asked, what is the maximum number of trucks that will be at the site?

Attorney Ashburner replied, right now the applicant has six trucks.

Director Urban asked, there is a corrugated metal fence that goes around a good portion of the property, would your client be willing to maintain the fence and make this one of the Conditions of Approval? Also, about how long would it take your clients to remove the rest of the scrap?

Mr. Dunlevy replied, I believe it will take a couple more months for the real tough stuff in the rear of the property.

Director Urban asked, would a year be enough time?

Mr. Dunlevy replied, yes. The fence to the east of the property is an eyesore and our plan is to remove it if the neighbor does not want to maintain it. We will maintain the fence that is in front of the property.

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:

Attorney Ashburner's final statement, this board has heard sufficient evidence today to find that this conditional use permit is appropriate and desirable for the community and asks that you vote in the affirmative on our application.

**10. Board Discussion and Final Decision:**

Chairman Chitwood asked, since the applicate has acknowledged that they have abandoned the previous CUP does this board still need to vote on this?

Director Urban replied, the previous CUP is on the whole property, and they have voluntarily surrendered the old CUP on 0.92 acres. At next month's meeting we can consider it on the rest of the property.

**Findings and Decisions  
Docket OC-23-040  
Conditional Use Permit  
Private Utility Contractor  
1111 Dawkins Road, LaGrange**

Motion was made by Board Member Ferko and seconded by Board Member Allen to approve the Conditional Use Permit for a private utility contractor building at 1111 Dawkins Road, LaGrange on 0.92 acres because the proposed use is essential or desirable to the community and not in conflict with the elements, objectives and policies of the Comprehensive Plan based on the 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, lighting or appearance and because the proposed use will not impair the integrity and character of the zone and there are specific restrictions on location, size extent and character and performance and it does support existing business retention and growth and improves the physical appearance of the city and improves the quality of Oldham County's natural resources. 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 November 16, 2023, Oldham County Board of Adjustments public hearing.
2. No material storage outside of the fenced area.
3. The hours of operations shall be 7:30 am-4:30 pm.
4. Max of ten operational trucks not including passage vehicles on the property and a limited amount of material as necessary for their operation.
5. Will maintain the fence within 50 yards of Dawkins Road.
6. The existing scrap and autos must be removed within one year.

**The vote was as follows:**

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

**No:** None

**Abstain:** None

**Absent:** Chairman Otterback.

**The application was denied on a vote of 4-0.**

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**Director Urban called and read Docket OC-23-041:**

An application has been filed requesting a Conditional Use Permit for a Home Occupation (Hair Salon) located at 2611 N. Hwy. 53, LaGrange.

**1. Presentation by Staff:**

Senior Planner Ryan Fischer presented the following:

- Summary of the application. (see Exhibit A, Staff Report dated, November 16, 2023)
- Case History.
- Aerial photos of the site.
- Photos of property.
- No letters of support or opposition.

Board Member Ferko asked, since the regulations state no signage allowed, can they put their name on the mailbox?

Senior Planner Fischer replied, yes, regulations state no alterations to the external appearance shall be made to change the residential character, including signage. Director Urban replied, we do not regulate mailboxes. The important thing is the street address needs to be on the mailbox for emergency services.

Board Member Ferko asked, no retail allowed, but can a client purchase hair products?

Director Urban replied, the regulation is to restrict or prevent large-scale retail versus products ancillary to the service provided. I believe it is only for retail but if the client comes in for those services, then they could sell the product.

Chairman Chitwood replied, I believe this is put into restrictions so that there is no traffic coming in and going to this place to buy monthly supplies. But selling the product to a client that is already there getting services is different.

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

Beach Craigmyle, Attorney, 105 South 1<sup>st</sup> Street, LaGrange, was present and representing the applicant.

- Clients will be by appointment only.
- This is consistent with the goals of the comprehensive plan to promote economic development in the county.
- One neighbor said they do not want to see any signs for advertising.
- Will not generate any traffic because it will be by appointment only which will generate one or maybe two cars.

Board Member Ferko asked, is Mrs. Norman the property owner?

Attorney Craigmyle replied, yes she and her husband own the property.

Jessica Norman, 2611 N. Hwy 53, LaGrange, was present and sworn in prior to presenting.

- Will be a small studio that will specialize in extensions, color, and sculpting.
- Run by appointment only and no walk-ins at any time.

- The address will not be posted but sent to the client when booking the appointment.
- One styling chair and wash bowl.
- Small front desk for check-in and out.
- Will have coffee and snack bar.
- Storage area for products.
- One bathroom.
- The goal is to grow the business to where I can eventually rent a commercial space.

Board Member Turner asked, do you understand that you can only sell products to clients that are there and no one outside of your client list?

Mrs. Norman replied, yes.

Barry McRoberts, 5600 Tobacco Road, LaGrange, was present and sworn in prior to presenting.

- Mr. & Mrs. Norman bought the property from her grandparents.
- This is a great way for young entrepreneurs to be able to have the ability to start their business and to have it at a financial cost that makes sense.

Attorney Combs asked, what is the definition of a beauty shop? What will the limitations be?

Mrs. Norman replied, I will specialize in hair and maybe some eyebrow waxing. I do not do nails or spa services.

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:**

Chairman Chitwood stated, I believe the specifications and the conditions are very important in this.

Director Urban summarized the Conditions of Approval.



**Findings and Decisions  
Docket OC-23-041  
Conditional Use Permit  
Home Occupation (Hair Salon)  
2611 N. Hwy 53, LaGrange**

Motion was made by Board Member Ferko and seconded by Board Member Turner to approve the Conditional Use Permit for a home occupation, hair salon, at 2611 N. 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 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 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 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 and there are adequate public facilities available, such as, including transportation, sanitation, water, sewer, drainage, emergency services, education, and recreation. This motion includes the following Conditions of Approval.

**Conditions of Approval:**

1. The conditional use permit shall only apply to the plan considered at the November 16, 2023, Oldham County Board of Adjustments public hearing.
2. No alterations to the external appearance shall be made to change the residential character, including signage.
3. No on-street parking shall be allowed at any time.
4. No goods, products, or commodities shall be available for sale except for the express purpose of sale to clients.
5. Applicant shall apply for and obtain any required building permits and inspections for the proposed shed.
6. Conditional use permit shall be automatically revoked upon transfer/sale of the property.
7. The hours of operation are Tuesday – Friday from 9:00am – 7:00pm and Saturdays from 9:00am – 4:00pm.

**The vote was as follows:**

**Yes:** Board Members Ferko, Turner, and Chairman Chitwood.

**No:** None

**Abstain:** None

**Absent:** Chairman Otterback.

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

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**Approval of Minutes**

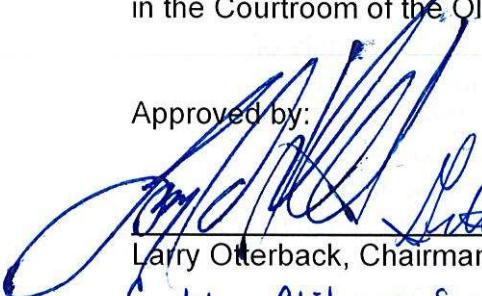
Motion was made by Board Member Ferko and seconded by Board Member Turner to approve the minutes of Thursday, October 19, 2023, as submitted. Motion carried by unanimous voice vote.

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Motion was made by Board Member Ferko and seconded by Board Member Turner to adjourn the meeting at 10:50 a.m. Motion carried by unanimous voice vote.


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

Approved by:

Respectfully Submitted by:

  
Larry Otterback, Chairman

  
Gretchen Chitwood, Secretary

  
Christy Edgar, Secretary