

**MINUTES FOR REGULAR MEETING
OLDHAM COUNTY
BOARD OF ADJUSTMENTS AND APPEALS
Thursday, December 21, 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:

Mark Allen
Gretchen Chitwood
Bill Ferko
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-23-42:

An application has been filed requesting a Road Frontage Variance for a tract located at 1600 W. Mt. Zion Road, Crestwood.

1. Presentation by Staff:

Senior Planner Ryan Fischer presented the following:

- Summary of the application. (see Exhibit A, Staff Report dated, December 21, 2023)
- Case and site history.
- Aerial photos of the site.
- Photos of property.
- No letters of support or opposition.

Chairman Otterback asked, does this property share the private access?

Senior Planner Fischer replied, yes it will share the private access.

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

Kevin Rice, 1600 W. Mt. Zion Road, Crestwood, was present and sworn in prior to presenting.

- Purchased property from daughter's grandmother for daughter to live on.
- Want to separate the 7.5 acres which would still leave 27.5 acres with the farmhouse.
- The sale of 7.5 acres would help fund the renovations for the farmhouse.

David Swinney, 1676 Mt. Zion Road, Crestwood, was present and sworn in prior to presenting.

- In favor of this and love the idea of keeping the number of homes to a minimum.
- Not opposing but want to make sure the septic system is more than adequate for the home.

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

Board Member Chitwood asked, so the 7.5 acres will be for sale to facilitate the larger property?

Mr. Rice replied, yes, we already have a buyer who wishes to build a home on this parcel.

Chairman Otterback asked, how many lots does the access road service?

Mr. Rice replied, it will only service the two lots.

Chairman Otterback asked, could we restrict this to only one residence being built on that parcel?

Mr. Rice replied, I am good with that.

Chairman Ferko asked, is it appreciate to restrict only one home to this proposed parcel?

Senior Planner Fischer replied, yes it is something that this board can do, however the way the ordinance states is only allowed two splits off of a parcel in five years and only allowed to have three entrances off of an access road, so the applicant would have to come back to this board or to the planning commission to do anything else to this property.

Attorney Combs asked, does this access easement include a maintenance agreement?

Senior Planner Fischer replied, yes it does.

Chairman Otterback asked, can you explain the concern with the septic?

Senior Planner Fischer replied, the application will not be approved for a building permit until Charlie Ward, Oldham County Health Department, inspects the property for the septic and approves the septic system.

4. Testimony of the Opposition: None

5. Questioning of the Opposition by the Board: None

6. Rebuttal Statement by the Applicant: None

7. Rebuttal Statement by the Opposition: None

8. Final Statement by the Opposition: None

9. Final Statement by the Applicant: None

10. Board Discussion and Final Decision:

Board Member Chitwood stated, this seems to be within the scope of acceptance.

Board Member Ferko stated, making a condition that only one home will be built on the proposed lot would be assuring to the neighbors.

Board Member Chitwood asked, is this already in place?

Director Urban explained, one of the Conditions of Approval states that this only applies to plans submitted today. Our regulations allow one house on a lot unless

the property owner comes back to this board to get an ADU. So yes for today they can only build one house on this property.

Findings and Decisions
Docket OC-23-042
Variance—Road Frontage
1600 W. Zion Road, Crestwood

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

Motion was made by Board Member Chitwood and seconded by Board Member Turner to approve the road frontage variance for tract 1 at 1600 W. Zion Road, 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 hazard or nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations because it will not negatively affect the area or negatively impact the adjoining properties with the correct conditions in place. The following Conditions of Approval are included in this motion.

Conditions of Approval:

1. The road frontage variance shall only apply to the application considered at the December 21, 2023, Oldham County Board of Adjustments public hearing.
2. A minor plat application and survey must be submitted to staff for review and approval prior to the issuance of any building permits.
3. A shared road maintenance agreement shall be prepared and agreed upon by all parties affected and recorded with the minor plat.

The vote was as follows:

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

No: None

Abstain: None

Absent: None

Motion approved on a vote of 5-0.

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Board Member Chitwood called and read Docket OC-23-043:

An application has been filed requesting a Maximum Square Footage Variance for a proposed addition to a detached accessory structure on property located at 2305 North Highway 53, La Grange.

1. Presentation by Staff:

Assistant Director Brian Fogle presented the following:

- Summary of the application. (see Exhibit A, Staff Report dated, December 21, 2023)
- Case History.

- Aerial photos of the site.
- Photos of property.
- No letters of support or opposition.

Chairman Otterback asked, what is behind the existing garage?

Assistant Director Fogle replied, it is a shed.

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

Dan Healy, 2305 N. Hwy 53, LaGrange, was present and sworn in prior to presenting.

- I plan to retire and would like to put car lifts and specialty equipment in my garage.
- The existing garage is not tall enough for a car lift.
- The new garage will be attached to the existing garage.

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

Board Member Chitwood asked, is this only for personal use?

Mr. Healy replied, that is correct.

Board Member Otterback asked, are you ok with one of the conditions of approval being that it is only for a hobby shop and no commercial activity?

Mr. Healy replied, yes.

Board Member Otterback asked, what is the height of the proposed building?

Mr. Healy replied, 12 or 14 feet.

4. Testimony of the Opposition: None

5. Questioning of the Opposition by the Board: None

6. Rebuttal Statement by the Applicant: None

7. Rebuttal Statement by the Opposition: None

8. Final Statement by the Opposition: None

9. Final Statement by the Applicant: None

10. Board Discussion and Final Decision:

Board Member Chitwood asked, if the entire property was 0.65 acres larger then this wouldn't be a question because they would have an unlimited amount of square footage for this shop?

Assistant Director Fogle replied, that is correct.

Chairman Otterback asked, we did not ask the applicant about living space, do we need to open the floor back up and ask the applicant?

Board Member Chitwood stated, would this be covered under commercial?

Motion was made by Board Member Turner and seconded by Board Member Ferko to open the floor. Motion carried by unanimous voice vote.

Chairman Otterback asked, do you have any intent to have living space in the garage?

Mr. Healy replied, no. Maybe a restroom so I do not have to walk to the house.

Findings and Decisions
Docket OC-23-043
Variance
Maximum Size of Accessory Structure
2305 N. Hwy 53, LaGrange

Motion was made by Board Member Chitwood and seconded by Board Member Ferko to approve a maximum square footage variance for an addition to a detached accessory structure on property located at 2306 N. Hwy 53, Lagrange, 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 zoning regulations because it is within the scope of what is allowable with a variance on that property.

Conditions of Approval:

1. The variance shall only apply to the application considered at the December 21, 2023, Oldham County Board of Adjustments public hearing.
2. There shall not be any commercial and/or industrial activity conducted out of the accessory structure.
3. The accessory structure shall not be occupied as living space and no living space shall be added to the requested structure.

The vote was as follows:

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

No: None

Abstain: None

Absent: None

Motion approved on a vote of 5-0.

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Board Member Chitwood called and read Docket OC-23-44:

An application has been filed requesting a Conditional Use Permit for an Owner-Occupied Short-Term Rental Property located at 8600 Frazierstown Road, Pewee Valley.

1. Presentation by Staff:

Senior Planner Ryan Fischer presented the following:

- Summary of the application. (see Exhibit A, Staff Report dated, December 21, 2023)
- Case and site history.
- Aerial photos of the site.
- Photos of property.
- No letters of support or opposition.

Board Member Chitwood stated, I think we need to add quiet time in the conditions of approval even though this is an owner-occupied short-term rental.

Senior Planner Fischer replied, number two in the conditions states, that the applicant shall comply with all regulations concerning short-term rental properties outlined in Oldham County Zoning Regulations section 250-050.

Board Member Ferko asked, is there anything that will restrict them from doing a short-term rental on the main residence?

Senior Planner Fischer replied, this permit is only for six occupants, and the conditions of approval state studio apartment.

Board Member Chitwood asked, how did the math equations come about for the parking?

Director Urban replied, from the research of other jurisdictions of short-term rentals and it did go through the Study Review Committee the Planning Commission, and the legislated bodies and they all agreed.

Board Member Allen asked, what is the difference between short and long-term rental?

Senior Planner Fischer replied, short-term is anything less than 30 days of rental.

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

Rebecca Pate, 8600 Fraziertown Road, Pewee Valley, was present and sworn in prior to presenting.

- In the city limits of Pewee Valley no short-term rentals are allowed, and our resident is outside of the city limits and short-term rentals are in demand for this area.
- The income would help with the cost of building our residence.
- We do not intend to rent out our home, we have small children, and this is not an option.

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

Board Member Chitwood asked, what is your advertising plan?

Mrs. Pate replied, we will use Airbnb as our advertising platform.

Chairman Otterback asked, is this your primary residence?

Mrs. Pate replied, yes.

Chairman Otterback asked, why short-term rental versus a long-term rental?

Mrs. Pate replied, part of it is to try this out because we have never owned rental property before, and it will be a learning curve for us. And if this ends up being successful then we might move to renting long-term.

Chairman Otterback asked, do you need a permit to rent long-term?

Senior Planner Fischer replied, since this is an attached ADU then they would not need a permit to rent long-term.

4. Testimony of the Opposition: None

5. Questioning of the Opposition by the Board: None

6. Rebuttal Statement by the Applicant: None

7. Rebuttal Statement by the Opposition: None

8. Final Statement by the Opposition: None

9. Final Statement by the Applicant: None

10. Board Discussion and Final Decision:

Board Member Ferko stated, this is significantly different than a non-owner occupied short-term rental that we have struggled with in the past.

Chairman Otterback stated, I was satisfied with Mrs. Pate's answer as it being her primary residence.

Senior Planner Fischer stated, as part of the application process for an owner occupied short-term rental they have to provide proof of residence before they will be allowed to get a permit.

**Findings and Decisions
Docket OC-23-044
Conditional Use Permit
Owner-Occupied Short-term Rental
8600 Frazierstown Rd., Pewee Valley**

Motion was made by Board Member Chitwood and seconded by Board Member Ferko to approve the Conditional Use Permit for a owner-occupied short-term rental at 8600 Frazierstown Road, Pewee Valley, 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. The Conditions of Approval are included in this motion.

Conditions of Approval:

1. The Conditional Use Permit shall only apply to the application considered at the December 21, 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 any necessary permits for the studio apartment and receive a certificate of occupancy for the space prior to receiving a Short-Term Rental Property Permit / License.
4. Conditional use permit shall be automatically revoked upon transfer / sale of the property.
5. The applicant shall apply for and be issued a Short-Term Rental Property Permit /License before renting the property.

The vote was as follows:

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

No: None

Abstain: None

Absent: None

Motion approved on a vote of 5-0.

Approval of Minutes

Motion was made by Board Member Ferko and seconded by Board Member Turner to approve the minutes of Thursday, November 16, 2023, as submitted. Motion carried by unanimous voice vote.

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Other Business

Election of Officers:

Director Urban stated, a board member needs to nominate a Chairman.

Board Member Ferko nominated Larry Otterback as Chairman.

Motion was made by Board Member Ferko and seconded by Board Member Turner to elect Larry Otterback as Chairman. Motion carried by unanimous voice vote.

Chairman Otterback asked for nominations for Vice-Chairman.

Board Member Turner nominated Bill Ferko for Vice-Chairman.

Motion was made by Board Member Turner and seconded by Board Member Chitwood to elect Bill Ferko as Vice-Chairman. Motion carried unanimous voice vote.

Chairman Otterback asked for nominations for Secretary.

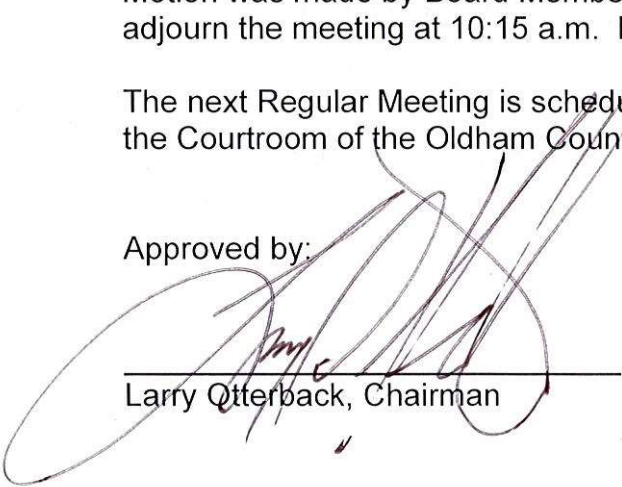
Vice-Chairman Ferko nominated Gretchen Chitwood as Secretary.

Motion was made by Vice-Chairman Ferko and seconded by Board Member Turner to elect Gretchen Chitwood as Secretary. Motion carried 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 10:15 a.m. Motion carried by unanimous voice vote.

The next Regular Meeting is scheduled for Thursday, January 18, 2024, 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