

**MINUTES FOR REGULAR MEETING
OLDHAM COUNTY
BOARD OF ADJUSTMENTS AND APPEALS**

Thursday, February 19, 2015

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 Chairperson Larry Otterback.

The following members were present:

Mike Allen
Stephen Davis
Robert Houchens
Larry Otterback
Mike Riley

Director Jim Urban and Senior Planner Amy Alvey of Oldham County Planning and Development Services were present and sworn in. Administrative Assistant Ethel Foxx and Attorney Travis Combs were also present.

Chairman Otterback introduced and welcomed Mike Allen as newest Board Member to the Oldham County Board of Adjustments and Appeals.

Board Member Riley called and read Docket OC-15-001.

Docket OC-15-001 – An application has been filed requesting a Front Yard Variance and Side Yard Variances for a proposed structure to be located at 2916 Belknap Beach Road, Prospect.

(1) Presentation by Staff:

Senior Planner Amy Alvey presented the following:

- Summary of the application.
- Case History (see Staff Report dated February 19, 2015, Exhibit A).
- Notes.
- Ariel Photos of the site
- Photos of property.

Ms. Alvey responded to questions by the Board:

- The existing structure is not in compliance at the right or left side yards but does meet the current regulations for front and rear yard setbacks.
- The current structure sits 2.7 feet from the right side yard; the proposed house will sit 5 feet from the right side yard and will be an increase in distance between the adjoining property structures.
- The distance between the proposed structure and the homes on each side is 18.9 feet on the left and 12.9 feet on the right.

- The International Building (fire) Code (Exhibit B) requires 5 feet between structures.

(2) Presentation by the Applicant in support of the application:

Kyle and Anissa Goldsmith, 2912 Belknap Beach Road, Prospect, were present and sworn in prior to speaking on behalf of this application.

- Current owners of the property.
- Introduced Mark Madison of Milestone Design Group.

Mark Madison, Milestone Design Group, 108 Daventry Lane, Louisville, was present and sworn in prior to speaking on behalf of this application.

- Presented the original 1920 record plat (Exhibit C) and stated the justification for approving this request.
- Presented nine photos (Exhibit D) that the Goldsmiths provided showing the existing homes located on Belknap Beach Road that sit less than ten feet apart; photos also demonstrate how other homes sit in relation to the street.
- Although the homes may not sit uniformly along Belknap Beach Road, they do align at the rear property line to maintain the view of the river.
- The front yard variance is being requested to preserve the view of the neighboring homes of the river by moving the house towards the street.
- The side property line setbacks will be improved; the neighbor that will most be affected is present to speak on behalf of this application.
- The proposed house will be as far away as possible from the neighbor to the left and still meet the intent of the ordinances.
- The proposed structure will not detrimentally affect the neighbors or the public, will not affect the public health, safety and welfare as the existing dilapidated building will be removed to build a new home and will improve property values.
- They have done everything they can do to comply with the regulations.

Joe Gathright, 2914 Belknap Beach Road, Prospect, was present and sworn prior to speaking on behalf of this application.

- He and his wife are neighbors of the Goldsmiths and have owned their property for about 18 years.
- Eight years ago they requested a variance which was granted allowing them to make modifications to increase the size of the house and now live on the property all year round.
- Are in favor of the Goldsmiths' request to construct a home that will allow more room for their family.
- The Goldsmiths have been good neighbors and look forward to them living on the site permanently.
- Appreciate the Goldsmiths making an effort to not extend the proposed house toward the river which would block their view.
- Request that the Board approve the variances as requested by the Goldsmiths.

Holly Gathright, 2914 Belknap Beach Road, Prospect, was present and sworn prior to speaking on behalf of this application.

- Presented photo (Exhibit E) taken from their deck showing the location of the Goldsmith's proposed home downstream.
- The proposed house will be taller but will not affect them or their view of the river if the variance is approved.

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

Mr. Madison responded to question by the Board:

- Presented a drawing of the proposed house showing the front elevation (Exhibit F).
- The variance is coming from the closest covered front portion of the residence which is the porch.
- The rear of the residence will be in line with all the other residences.
- The house will meet the height requirements.
- The natural drainage will flow into the Ohio; application has been made to the Division of Water for construction of the home in the floodplain and are waiting for approval.
- Applicants have been diligent as to where they wish to construct their home being the reason for the requested variances.

Mr. Gathright responded to questions by the Board:

- They are on the upstream side (property shown on the right side on the drawing).
- There is a wood fence about six feet high that extends from the property line at the front and about 30 feet at the rear.
- Confirmed the location of a concrete ramp that goes down the hill from street level to the rear yard.
- The front setback of his home and garage is 27 feet back.

Mr. Madison returned and responded to questions by the Board:

- Presented photos showing the rear elevations of the proposed house (Exhibit G).
- The depth of the covered porch is 12.5 feet.

Administrator Urban responded to the Board that the five foot requirement is the minimum required by the fire code between the structures. Anything less than five feet must be fire rated. The setback requirement is based on the generalized code for minimum distances.

(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-15-001
Front Yard and Side Yard Variances**

Motion was made by Board Member Houchens and seconded by Board Member Riley to approve Docket OC-15-00, front yard and side yard variances as follows:

- Front Yard Setback Variance of 43.3 feet requiring a variance of 6.7 feet

- Right side yard setback variance of 5 feet requiring a variance of 10 feet
- Left Side Yard Setback variance of 9.6 feet requiring a variance of 5.4 feet

Findings:

1. Is consistent with the area.
2. Improves the ability for fire safety.
3. Will not allow an unreasonable circumvention of the requirements of the zoning regulations.

Conditions of Approval:

1. The variance shall only apply to the application considered at the February 19, 2015 Oldham County Board of Adjustments public hearing.

The vote was as follows:

Yes: Board Members Houchens, Riley, Otterback, Allen and Davis.
 No: None
 Abstain: None.
 Absent: None
 Motion carried on a vote of 5-0.

Approval of Minutes

Motion was made by Board Member Davis and seconded by Board Member Houchens to approve the minutes of December 18, 2014 as submitted.

The vote was stated and motion carried by unanimous voice vote.

Other Business

Discussion regarding Docket 14-031

- Conditional Use Permit was approved December 18, 2014, with one of the conditions being that the existing mobile home was to be removed from the property before the manufactured home is placed on the property.
- The existing mobile home has not yet been removed from the property.
- Administrator Urban stated that a request will be made to Code Enforcement Officer Tyree to visit the property owner as to why the modular home has not yet been removed.

Election of Officers

Motion was made by Board Member Houchens and seconded by Board Member Riley to nominate Board Member Otterback as Chairman of the Oldham County Board of Adjustments and Appeals.

Vote taken and motion carried by unanimous voice vote.

Motion made by Board Member Riley and seconded by Board Member Otterback to nominate Board Member Houchens as Vice Chairman of the Oldham County Board of Adjustments and Appeals.

Vote taken and motion carried by unanimous voice vote.

Motion made by Board Member Houchens and seconded by Board Member Davis to nominate Board Member Riley as Secretary of the Oldham County Board of Adjustments and Appeals.

Vote taken and motion carried by unanimous voice vote.

Motion was made by Board Member Riley and seconded by Board Member Houchens to adjourn the meeting at 9:50 a.m. Motion carried by unanimous voice vote.

The next Regular Meeting is scheduled for Thursday, March 19 2015, at 9:00 a.m., in the Courtroom of the Oldham County Fiscal Court Building, LaGrange, Kentucky.

Respectfully Submitted,

Ethel Foxx
Administrative Assistant

Approved:

Larry Otterback, Chairperson