

**MINUTES FOR REGULAR MEETING
OLDHAM COUNTY
BOARD OF ADJUSTMENTS AND APPEALS
Thursday, March 19, 2026**

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 Vice Chairman David Grey.

The following members were present:

Mark Allen
Laura Tapp

Chairman Bill Ferko and Board Member Amanda Ross were absent.

Others present and sworn in were Planning and Development Services Director Ryan Fischer and Assistant Director Anna Barge. County Attorney Berry Baxter was present at the meeting. Christy Edgar was the Secretary for the meeting.

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Board Member Mark Allen called and read Docket OC-26-001:

Administrative Hearing on the Revocation of a Previously Issued Conditional Use Permit at 1112 Evondale Way, Goshen.

1. Presentation by the Appellant and questions by the board.

Director Ryan Fischer, Oldham County Planning and Development, presented the following.

- Presented the case.
- Explained Kentucky Revised Statute (KRS) 100.237 to the board.
- Explained some conflicting testimony that was provided by the applicant.
- Showed photos of property.
- Showed the building permit that was issued.

Vice-Chairman Grey asked, what is the total height of the accessory structure?

Director Fischer replied, 16 feet.

Vice-Chairman Grey asked, is that the side wall or to the peak?

Director Fischer replied, that's to the bottom of the trusses.

2. Testimony from those speaking in favor of the Appellant and questions from the board.

Sean Paris, Pearson & Paris, PSC, 306 W. Jefferson St., LaGrange, was present and representing the HOA for Goshen Hills presented the following.

- Introduced the President of the HOA for Goshen Hills

Ralph Mathison, HOA President, 11804 Springmeadow Lane, Goshen, was present and sworn in prior to presenting.

- The Goshen Hills Restrictions overrides this board's decision that was made on October 16, 2025, for the Conditional Use Permit.
- Per the minutes from October 16, 2025, board hearing, Mr. Gonzalez stated that he had verbal board approval, however, the HOA Board has not received the plans, nor did the HOA Board approve the plans.
- This board members should have tabled the docket because no written approval from the HOA Board was presented.
- This size of accessory structure makes this home unsellable.
- Requesting this board to require the applicant to restore this property back to its original state, prior to the start of the project.

Attorney Paris asked, would the HOA approve this type of project if the HOA had the plans to review?

Mr. Mathison replied, no, the HOA would only approve a garage, not any type of building like this.

Attorney Paris asked, is this subdivision governed by a set of restrictive covenants?

Mr. Mathison replied, that is correct.

Attorney Paris asked, do these covenants prohibit the use of any lot within the subdivision for commercial purposes?

Mr. Mathison replied, yes.

Attorney Paris asked, do the covenants require that any project be approved by the architectural review committee?

Mr. Mathison replied, yes.

Attorney Paris asked, was a approval ever provided by that committee?

Mr. Mathison replied, no.

Attorney Paris asked, does the HOA Board have concerns about the placement of the accessory building on the lot?

Mr. Mathison replied, yes, not only the size of the building but they have two garages which are located underneath this house and there is no access to those bottom two garages. Which makes this house unsellable.

3. Presentation by the Respondent and questions from the board.

Rich Hornung, Hebel, Hornung & Merrifield, PSC, 6511 Glenridge Park, Louisville, was present and representing the respondent.

- Introduced the respondent, Kilder and Jessica Gonzalez.

Attorney Hornung asked, part of preparation for the October hearing, did you talk to the HOA President?

Mr. Gonzalez, was present and sworn in prior to replying, yes, sir.

Attorney Hornung asked, what was that discussion about?

Mr. Gonzalez replied, it was about the structure that we planned to build, and we asked if we needed anything in writing and the president told us that his authorization was sufficient.

Attorney Hornung asked, did you describe what you intended to build?

Mr. Gonzalez replied, yes, the president of the HOA, told me that it should not be a problem because he has a two-car garage as well. And I did say that ours will be

taller to serve the purpose of a basketball court. The president stated, it was ok with him but we still needed to get the county's permits.

Attorney Hornung asked, at any time did the president tell you that you must submit a plan or get something in writing from the association?

Mr. Gonzalez replied, no, at the end of our conversation, we asked him twice if we needed anything in writing and said we did not and that his authorization was sufficient.

Attorney Hornung asked, at that time did you have any copies of the governing documents for the association?

Mr. Gonzalez replied, no I did not.

Attorney Hornung asked, did he offer to give you those?

Mr. Gonzalez replied, no.

Attorney Hornung asked, did you later get a copy of them?

Mr. Gonzalez replied, I did after we broke ground for the building.

Attorney Hornung asked, so after the hearing and after the CUP permit was issued is when someone gave you the copies of those governing documents?

Mr. Gonzalez replied, yes.

Attorney Hornung asked, what did you do after you received the stop work order?

Mr. Gonzalez replied, I reached out to Director Fischer, and he said that I needed to stop work that day.

Attorney Hornung asked, did you ask what was the issue?

Mr. Gonzalez replied, they told me that we could not build it until we resolved this matter.

Attorney Hornung asked, did you receive anything in writing saying what is wrong with what is being built?

Mr. Gonzalez replied, no.

Attorney Hornung asked, did Mr. Mathison, the HOA Board President come to your home?

Mr. Gonzalez replied, yes.

A Video was played showing Mr. Mathison and Mrs. Gonzalez.

Attorney Hornung asked, did Mr. Mathison recognize that he had given approval but did not understand the nature of what was being built?

Jessica Gonzalez was present and sworn in prior to replying, yes, I asked him specifically. I thought we had a conversation, and he said yes.

Attorney Hornung asked, after the stop work order was issued, did you again approach the HOA to try to resolve and find out what was wrong with your plan?

Mr. Gonzalez replied, yes, multiple times.

Attorney Hornung asked, did you send emails and what were in the emails?

Mrs. Gonzalez replied, yes, we asked for clarity of what we did wrong and direction and consistency.

Attorney Hornung asked, did you get answers from the HOA Board?

Mrs. Gonzalez replied, we received one reply that said, we will address your concerns after the planning and zoning meeting.

Attorney Hornung asked, what has happened to the structure since the stop work order?

Mrs. Gonzalez replied, all the materials have suffered damage from the harsh Kentucky winter.

Attorney Hornung asked, what is the actual square footage of those structures?

Mr. Gonzalez replied, the square footage of our house is 2570 and the square footage of the structure is 1428.

Board Member Allen asked, did you ask for written agreement or approval from the HOA?

Mrs. Gonzalez replied, he gave verbal approval, we asked if it needed to be written and he said no, his verbal approval is sufficient.

Board Member Tapp asked, when you asked for approval, did you tell him what the dimensions of this building would be?

Mr. Gonzalez replied, we did not tell him the specific number because at that time we did not know, but we did tell him it would be significantly taller than a normal garage because it was going to be a basketball court.

4. Testimony from those speaking in favor of the Respondent and questions from the board.

Bob Geis, 1110 Evondale Way, Goshen, was present and sworn in prior to presenting.

- We live next door to Gonzalez's family.
- We do not see a problem with what they are building.
- I think the building will blend in just fine and don't see any problem with them doing their training with the kids.
- We support this idea and the building.

5. Rebuttal Statement by the Appellant:

Attorney Paris asked, when did you give them a copy of the deed restrictions?

Mr. Mathison replied, I gave Mrs. Gonzalez copy of the restriction covenants in August when they first approached me about a garage.

Attorney Paris asked, when they discussed the size of the garage, did they tell you about the purpose of commercial use?

Mr. Mathison replied, no.

Attorney Paris asked, do the covenants state, no use for any business purposes?

Mr. Mathison replied, yes.

Attorney Paris asked, did that use come up in any conversations with them?

Mr. Mathison replied, no.

Attorney Paris asked, do the covenants state, that structures must be submitted and approved in writing from the HOA Board?

Mr. Mathison replied, yes.

Board Member Allen asked, were you aware of the dimensions of the building when they first approached you?

Mr. Mathison replied, no.

Board Member Allen asked, is it usual for the board to approve these types of buildings?

Mr. Mathison replied, I never had to approve one before. I had built my garage and at that time the HOA discussed it and approved it.

Board Member Allen asked, was it in writing?

Mr. Mathison replied, no. But we never had to do this before, we have never had someone want to build a two-story barn in their backyard.

6. Rebuttal Statement by the Respondent:

Attorney Hornung asked, since you have received the government documents have you reviewed them since?

Mr. Gonzalaz replied, yes.

Attorney Hornung asked, did you see anything in regard to the dimensions or height or square footage required in those restrictions?

Mr. Gonzalaz replied, no.

Attorney Hornung stated, in fact the President of the HOA just testified that there has never been written submissions from anyone before. The pictures you showed and put into testimony today, do they show buildings larger than your proposed building?

Mr. Gonzalaz replied, yes, and they are also as high as the house, which is what we intend in our building. The pitch of the roof is not going to surpass the house.

Mr. Gonzalaz stated, the proposed structure will have garage doors, and we will have access to our attached garage through the proposed structure. And if I cannot do the business side of this, then we still want the building because we want it for our kids and family as well.

7. Final Statement by the Respondent:

Attorney Hornung's final statement:

- The Conditional Use Permit was properly adopted, and there has been no testimony that shows any condition has been violated by my client.
- We have never received a response from the HOA to date as to the violations, the alleged guidelines violated, other than hearing that material matching was a problem.
- All the other structures including the HOA President's house, does not have matching material for their detached accessory structures.
- We feel that this is arbitrary and it's somewhat spiteful at this point that the board is taking this tack of first denying the approval then the video shows that was untrue.
- The HOA Board does not operate with requirements that they should according to their documents.

8. Final Statement by the Appellant:

Attorney Paris' final statement:

- The initial communication was a two to three car garage which should not have been a problem.

- The covenants which govern the land use in the subdivision allows for detached garages.
- This is not actually a garage. It is a basketball court which is to be taller than the residence and will cut off use of the garage that is underneath the house.
- The commercial purposes were not disclosed.

9. Final Questioning by the Board of any party.

Vice-Chairman Grey asked, if this board were to reaffirm this Conditional Use of the property?

Attorney Paris replied, the HOA Board would immediately file a declaratory judgment action with or without a preliminary injunction and will litigate it in court.

Vice-Chairman Grey asked, how would one ask for architectural control committee approval?

Attorney Paris replied, ultimately, it's a discretionary function.

Vice-Chairman Grey asked, would an individual email the building plans effectively to the board? Does the board have a certain time limit in which to respond?

Attorney Paris replied, I think the guiding rule in law is that if you don't have specific requirements on time or architectural style, you must fall back on a reasonable standard.

Director Fischer stated, you have heard a lot of testimony today about the covenants and restrictions, when those were provided, and if they received them or not. You've heard testimony about structure height and what's allowed and what's not allowed. You have heard stuff about exterior material and what it needs to be. I think at the end of the day, this is a clear-cut decision for you all as a board to make on whether or not the evidence and testimony that was provided in that hearing in October, was true or false and whether or not that led you all as a board to approve that based on his testimony that the HOA had approved. You have heard testimony that they talked to the HOA that they thought they had verbal approval. So, this board needs to decide on whether the testimony that the respondent and appellant has given is true or not. This board does not make any decisions on covenants and restrictions of a neighborhood; this board makes decisions based on our zoning ordinance.

Board Member Allen asked, do they meet the requirements for the dimensions of the building that we approved?

Director Fischer replied, they got a maximum square footage variance. They did not meet those restrictions, but they asked you all for a variance for size and they got that.

10. Board Discussion and Final Decision.

Board Member Allen stated, we don't argue HOA's. And if they've met the requirements that we have granted them, then we must give them approval.

Vice-Chairman Grey stated, based on the evidence we've seen today, it's reasonable to assume that they did at least speak with the President of the HOA,

whether there was a misunderstanding or not, I don't think there was a factual misrepresentation on purpose by them.

Board Member Allen stated, things need to be in writing.

Vice-Chairman Grey stated, it does seem to be an established precedent of not requiring written submissions.

Board Member Tapp stated, based on testimony today, there was a misrepresentation of the communications that happen between the homeowners and HOA based on the commercial aspect of what that building was going to be used for as well as the square footage. I also think there was a miscommunication between the neighbors who sent in letters saying they were not approached and did not know about this building.

County Attorney Baxter stated, there has been a lot of talk about the deed restrictions, and I think this board has an understanding that the deed restrictions are not a question for us today. The question is was there a representation made to this board in October 2025, that you relied upon in making your decision that was material that turned out to be false.

Findings and Decisions
Docket OC-26-001
Revoke of Conditional Use Permit
1112 Evondale Way, Goshen

Motion was made by Board Member Allen and seconded by Vice-Chairman Grey to not revoke the Conditional Use Permit located at 1112 Evondale Way, Goshen, because they seem to meet all the requirements that we have stated in the October 2025 Oldham County Board of Adjustments hearing and if there was representations made to the board before it was given to us and this is a problem for them to work out between themselves which could be a legal battle.

County Attorney Baxter asked, indicating that the representations before made to the board and how they gotten an approval and there was a misunderstanding about the nature of the approval.

Board Member Allen stated, the homeowner was right and did not misrepresent his statement.

County Attorney Baxter asked, is this based upon his understanding when he appeared in front of us in October?

Board Member Allen replied, yes.

Vice Chairman Grey restated the motion, a motion not to revoke the application because there was not a material misrepresentation of evidence during the October hearing and based on evidence submitted during today's meeting.

Board Member Allen replied, I accept that.

Vice-Chairman Grey stated, I will second that.

The vote was as follows:

Yes: Board Members Allen and Vice Chairman Grey.

No: Board Member Tapp.

Abstain: None.

Absent: Board Member Ross and Chairman Ferko.

Motion was passed on a vote of 2-1.

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Board Member Mark Allen called and read Docket OC-26-010:

An application has been filed requesting a Conditional Use Permit, a Sign Height Variance, and Setback Variance for two Digital Signs for property located at 2812 S. Hwy 393, Buckner.

1. Presentation by Staff:

Assistant Director Anna Barge presented the following:

- Summary of the application. (see Exhibit A, Staff Report dated, March 19, 2026)
- Case and site history.
- Aerial photos of the site.
- Photos of property.
- No letters in support or opposition received.

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

Jon Baker, Bricker Grayson Wyatt, LPP, 400 W. Market Street, Louisville, was present and representing the applicant.

- The Conditional Use is for the store to have electronic signage which is within character to have the digital signage for just fuel pricing.
- There will be no videos and no animation on the digital sign.
- The height variance is so they can fit their sign.
- The height variance is to fit the sign.
- The sign is pleasing to the eye.
- The Hwy 393 side of the sign requires a setback variance.
- It is close to the property line, but it is still a good way away from the actual pavement of Hwy 393.
- There is a large right of way that envelopes Hwy 393.

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:**
 Board Member Allen asked, where are we adding the height for the sign?
 Attorney Baker replied, it is primarily the foundation.

Samuel Smith, Engineer Manager for Wawa, 313 Hawks Landing Dr., Charlestown, IN, was present and sworn in prior to final statement.

- The foundation does raise the sign up however, we could also put nice landscaping at the base of the sign.
- This will give a better-looking aesthetic sign with the bricks matching the building.

10. Board Discussion and Final Decision: None

**Findings and Decisions
 Docket OC-26-006
 Conditional Use Permit
 Digital Sign
 2812 S. Hwy 393**

Motion was made by Board Member Tapp and seconded by Board Member Allen to approve the conditional use permit for electronic/digital sign located at 2812 S. Highway 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 granting the conditional use permit will allow the proper integration into the community of a use specifically names in the zoning regulations and the character and objectives of the proposed impacts on the community and its surroundings are appropriate. The following 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 March 19, 2026, Oldham County Board of Adjustments public hearing.
2. The applicant shall submit and receive a sign permit for the signs through the Oldham County Planning and Development Office.

The vote was as follows:

Yes: Board Members Allen, Tapp, and Vice Chairman Grey.

No: None.

Abstain: None.

Absent: Chairman Ferko and Board Member Ross.

Motion was approved for a conditional use permit on a vote of 3-0.

**Findings and Decisions
Docket OC-26-010
Variance for Height
2812 S. Hwy 393**

Height Variance for both monument signs

Maximum Sign Height in IPD: 6 feet (72 inches)
Requested Road Sign Height: 7 feet 10 inches (94 inches)
Variance Requested: 22 inches

Motion was made by Board Member Tapp and seconded by Vice-Chairman Grey to approve the variance for the height of a digital sign located at 2812 S. Hwy 393, 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 the zoning regulations because the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant. The following conditions of approval are included in this motion.

Conditions of Approval:

1. The variance shall only apply to the application considered at the March 19, 2026 Oldham County Board of Adjustments public hearing.
2. The applicant shall and receive submit a sign permit for the signs through the Oldham County Planning and Development Office.

The vote was as follows:

Yes: Board Members Allen, Tapp, and Vice Chairman Grey.

No: None.

Abstain: None.

Absent: Chairman Ferko and Board Member Ross.

Motion was approved for a variance on a vote of 3-0.

**Findings and Decisions
Docket OC-26-010
Setback Variance
2812 S. Hwy 393**

Front Yard Setback Variance for a monument sign along S. Highway 393

Required Front Yard Setback: 10 feet
Requested Front Yard Setback: 6.7 feet
Variance Requested: 3.3 feet

Motion was made by Board Member Tapp and seconded by Vice-Chairman Grey to approve the setback variance for a digital sign at 2812 S. Hwy 393, 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 the zoning regulations because the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

Conditions of Approval:

1. The variance shall only apply to the application considered at the March 19, 2026 Oldham County Board of Adjustments public hearing.
2. The applicant shall submit and receive a sign permit for the signs through the Oldham County Planning and Development Office.

The vote was as follows:

Yes: Board Members Allen, Tapp, and Vice Chairman Grey.

No: None.

Abstain: None.

Absent: Chairman Ferko and Board Member Ross.

Motion was approved for a variance on a vote of 3-0.

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Approval of Minutes

Motion was made by Board Member Tapp and seconded by Vice-Chairman Grey to approve the minutes of Thursday, February 19, 2026, as submitted. Motion carried by unanimous voice vote.

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Other Business

None

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Motion was made by Board Member Allen and seconded by Board Member Tapp to adjourn the meeting at 10:40 a.m. Motion carried by unanimous voice vote.

The next meeting scheduled is on Thursday, April 19, 2026, at 9:00 a.m., in the Courtroom of the Oldham County Fiscal Court Building, LaGrange, Kentucky.

Approved by:

Respectfully Submitted by:



David Grey, Vice Chairman



Christy Edgar, Secretary