

**MINUTES FOR REGULAR MEETING  
OLDHAM COUNTY  
BOARD OF ADJUSTMENTS AND APPEALS  
Thursday, June 19, 2025**

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  
Bill Ferko  
David Grey  
Charles Turner

Others present and sworn in were Planning and Development Services Director Ryan Fischer, Senior Planner Anna Barge, Planner John Hine, Planner Sandie Rugroden and County Engineer Jim Silliman. County Attorney Travis Combs was present at the meeting. Christy Edgar was the Secretary for the meeting.

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Attorney Connor Sturgill, Vaughan Petitt Legal Group, PLLC, 7500 US Hwy 146, Pewee Valley, was present for this docket and the attorney.

Motion was made by Board Member Turner and seconded by Board Member Ferko to approve the Appeals Procedure. Motion carried by unanimous voice vote.

**Secretary Mark Allen called and read Docket OC-25-020, OC-25-021, OC-25-022:**

A combined hearing for applications filed by Robert Houchens, Nana Lampton, and We Are Oldham County/Nathan & David Oberg, requesting an appeal of an administrative decision concerning the determination of Private Utility for data center use on the property located at 3557 N. Hwy 53, La Grange.

**1. Presentation by Staff:**

Senior Planner Anna Barge presented the following:

- Summary of the application. (see Exhibit A, Staff Report dated, June 19, 2025)
- Case and site history.
- Aerial photos of the site.
- Photos of property.

**2. Presentation by the Planning Director:**

Keith Brown, Pike Legal Group, PO Box 369, Shepherdsville, was present and representing Director Fischer.

- Introduced Director Fischer.

Ryan Fischer, Director, 100 W Jefferson Street, LaGrange, represent and sworn in prior to presenting.

- When approached about a data center was coming to Oldham County, I immediately started to research what a data center was.
- As a zoning Director, my job is to figure out what applies or if a zoning change needs to be done.
- After reaching out to other Planning and Zoning Directors in Kentucky, I determined that the closest fit for a data center was private utility, since we do not have any regulations for a data center.
- I also told WHP that they are required to go to the TRC meeting to get a second public hearing, which is something we don't normally have conditional use permits go for.

Attorney Brown.

- I ask this board to think about the due diligence that he applied to his decision.
- These appeals are untimely, and this board does not have jurisdiction to hear them.
- I am asking this board to deny these appeals as untimely.
- Kentucky law applies strict compliance to these appeals.
- All the appeals are for the original address, for which that application has been withdrawn which means these appeals are moot.

Board Member Allen asked, what about changing the zoning regulations to include data centers?

Director Fischer replied, we are in the process of doing that.

Board Member Ferko asked, what are the steps that you go through to change the regulations?

Director Fischer replied, it takes about two-three months, and it goes through the Study Review Committee, and it will have to be approved by the legislative body.

Board Member Ferko asked, how often does something come in that doesn't quit fit into the regulations?

Director Fischer replied, weekly.

### **3. Presentation by Appellant Houchens.**

Rob Houchens, 1400 Yager Lane, LaGrange, was present and sworn in prior to presenting.

- A data center is not a private utility.
- The regulations say specifically named and data center is not specifically named for a conditional use permit.
- Private utility is a conditional use permit in AG-1, CO, R-1, R-2, all the R's, all the industrial and all commercial zonings.
- The private utility for a data center is a misuse of regulations.



Motion was made by Board Member Grey and seconded by Board Member Turner to extend each rebuttal time to a total of 15 minutes. Motion carried by unanimous voice vote.

#### **4. Presentation by Appellant Lampton.**

Randy Strobo, Strobo Barkley PLLC, 730 W. Main Street, Louisville, was present and representing the appellant.

- Did the Planning and Zoning Office publish the application on March 31, 2025?
  - Senior Planner Barge replied, yes.
- Do you consider that giving notice?
  - Senior Planner Barge replied, yes.
- Are you familiar with KRS-100-261 procedure for all appeals to board?
  - Senior Planner Barge replied, yes.
- It is unclear when the determination was made and what the determination was based on.
- There is nothing stopping the applicant from filing the same application in future.
- My client has not received any notice of the determination.
- During an open records request we discovered that Director Fischer has deemed the data center as a private utility.

Greg Dale, FAICP, McBride Dale Clarion, 5721 Dragon Way, Cincinnati, OH, was present and sworn in prior to presenting.

- I am a professional community planner. I'm certified by the American Institute.
- My work has been for both public and private sector clients on planning and zoning issues throughout the country with a particular focus on Ohio, Kentucky, and Indiana.
- Data centers are not permitted use anywhere in Oldham County and do not fit within the term private utility.

Tom Fitzgerald, 1600 Dundee Way, Louisville, was present and sworn in prior to presenting.

- I have been teaching energy law, environmental law, and environmental practice on a rotating basis since 1986.
- I have reviewed the application for Highway 53 and a data center is not a private utility under the Oldham County Zoning Ordinance.
- There is not a state in the nation where data centers are a public utility.
- Data centers do place a tremendous demand on electric utilities because of their energy use and several states are trying to address that and protect other rate payers from having to subsidize the new energy demands of data centers.

Board Member Ferko asked, what is the difference between notice given and notice received?

Attorney Strobo replied, the court says, when the appellant receives notice is what they believe.

Board Member Ferko asked, in terms of notice is something that is published in the Oldham Era and on the planning and zoning website is this count as notice?

Attorney Strobo replied, I think it is very fact specific and it's when my client received notice.

**5. Presentation by Appellant Oberg/We Are Oldham County.**

Hank Graddy, Graddy Law, 137 N. Main Street, Versailles, was present and representing the appellant.

- The notice does not state the decision of the zoning administrator.
- The application became final when the fee was paid.
- Data center is not a good fit into private utility.

Motion was made by Board Member Grey and seconded by Board Member Allen to take a 10-minute break at 10:55 a.m. Motion carried by unanimous voice vote.

Motion was made by Board Member Grey and seconded by Board Member Allen to come back in session at 11:07 a.m. Motion carried by unanimous voice vote.

**6. Testimony of those speaking in favor of the appeals.**

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

- Who is operating this data center?

Jamie Hillegonds, 7925 Organ Creek Rd., Pendleton, was present and sworn in prior to presenting.

- Data centers are not necessary for public health, safety and welfare.
- There are potentially negative consequences.
- Data centers, depending on their size and design, could require millions of gallons of diesel fuel storage on site, could use millions of gallons of water per day, could generate polluted wastewater, could power heavy polluting diesel generators during power outages, and will impact on the ambient temperature and humidity levels of the local ambient environment.

Jennifer Towell, 3905 Hambletonian Rd., LaGrange, was present and sworn in prior to presenting.

- Calling the data center a utility will open for anything wanting to come in here and call itself a private utility.



Olivia Tipton, 3601 Alexander Dr., LaGrange, was present and sworn in prior to presenting.

- KRS 100.237 Section 6 specifically says they must mail out notice to adjoining property owners must be via certified mail.
- I am an adjoining property owner, and I did not receive this via certified mail.

Kathy Herakovic, 1002 Cherry Ridge Run, LaGrange, was present and sworn in prior to presenting.

- We can hear the interstate from Cherrywood Subdivision.
- I don't know what we will hear if the data center gets approved.
- Asking for this board to grant the appeal.

Robin Vessels, 1320 Bluegrass, LaGrange, was present and sworn in prior to presenting.

- Read the zoning ordinance for public utility.
- What is stored on the servers at a data center is not good, you have human trafficking and child pornography, and there is no way that this is for the public health, well-being of the community.

Arthur Blake, 1813 Foxboro Rd., LaGrange, was present and sworn in prior to presenting.

- How am I safer with the data center.
- Will this help my welfare when my bills increase.

Mary Lowry, 326 Maple Ave, Pewee Valley, was present and sworn in prior to presenting.

- I am here to support the appellants.
- We want what's best for our county and we want you to listen to us.

Motion was made by Board Member Ferko and seconded by Board Member Grey to extend the time by an additional 5 minutes. Motion carried by unanimous voice vote.

Liz Englert, 5400 Old Sligo Rd., LaGrange, was present and sworn in prior to presenting.

- We do not want the county to become industrialized.

Garrett Ackles, 4008 Oakridge Dr., Crestwood, was present and sworn in prior to presenting.

- I am a real estate agent.
- For the first time ever, in May 2025 we were down 58% on pending sales compared to May of 2024.
- Same month in May 2025 are listings are up 86% over May 2024.
- This is what drives the property values and June will be worse.

Fred Burr, 12113 Ridgeview Dr., Goshen, was present and sworn in prior to presenting.

- This should be decided by electric officials not appointed officials with public judgement and input.
- This seems to be a move to chase tax dollars and a few jobs at the expense of character and quality of life in Oldham County.

**7. Presentation by WHP.**

Cliff Ashburner, Dinsmore & Shohl LLP, 101 S. Fifth St., Louisville, was present and representing Western Hospitality Partners.

- We are in support of the interpretation that was made by Director Fischer.
- All three appeals are not timely, and all three appeals are moot as they apply to one application that has since been withdrawn.
- All three appeals were filed after April; the application was known community wide in late March.
- Nowhere in the comprehensive zoning ordinance does it say a specific notice that is provided to the public beyond the publication of applications.
- These appeals were written about a specific application and that application has been withdrawn; therefore, all the appeals can be dismissed as being moot.

**8. Testimony of those speaking in opposition to the appeals. None.**

**9. Rebuttal by the Planning Director.**

Attorney Brown's rebuttal statement on behalf of Director Fischer.

- Director Fischer did due diligence on the review and looked at several provisions of the zoning ordinance and looked at what other communities were doing and then made his decision.

**10. Rebuttal by Appellant Houchens.**

Mr. Houchens' rebuttal statement.

- There is no date put at the top on the application and there is no payment information on the application.
- Director Fischer has gone beyond his scope when making the decision that the Data Center can be a private utility.

**11. Rebuttal by Appellant Lampton.**

Attorney Strobo's rebuttal statement on behalf of Nana Lampton.

Attorney Strobo asked, when did you make the verbal response about the data center being a private utility?

Director Fischer replied, February 10, 2025.

Attorney Strobo asked, who was in the meeting?

Director Fischer replied, Anna Barge, Jim Urban, Cliff Ashburner and me.

Attorney Strobo asked, was the determination made in that meeting?

Director Fischer replied, yes, it was solely my determination.

Attorney Strobo asked, did you give notice to anybody else outside of that meeting?

Director Fischer replied, no.



Attorney Strobo asked, Mr. Fitzgerald, do you have any rebuttal?

Mr. Fitzgerald replied, the justification provided by the general assembly for why they decided not to impose rate and other regulation on broadband which is telecommunications rather than data centers. The house bill does not mention data centers being a private utility. As matter of law a data center does not fit into private utility.

Attorney Stobo stated, LG&E/KU stated that WHP has not withdrawn their transmission service request.

#### **12. Rebuttal by Appellant Oberg/We Are Oldham County.**

Attorney Graddy rebuttal statement on behalf of Nathan Oberg, David Oberg, and We Are Oldham County LLC.

- During Director Fischer's research he stated he emailed other directors across Kentucky, and not one of them used private utility as a basis to place a data center.
- Director Fischer's search from other planners across Kentucky should have been a warning.

#### **13. Rebuttal by WHP.**

Attorney Ashburner's rebuttal statement on behalf of WHP.

- Mr. Houchin's was aware of this application on March 19, and his appeal was outside of the appeals window.
- Mr. Oberg's Facebook Page shows that he had knowledge of the application being filed as of April 5, and again his appeal was outside the appeal window.
- Director Fischer exercised his rights as an administrator and said, "looking at the characteristics of the proposed use, and the definitions that we have in our ordinance, these line up and there for I will accept the application".
- I believe these appeals should be dismissed.

#### **14. Final statement of the Planning Director.**

Attorney Brown's final statement for Director Fischer.

- These appeals are untimely, and the mootness issue remains, and I ask that these appeals are to be dismissed.

#### **15. Final statement of WHP. None.**

#### **16. Final statement of Appellant Houchens.**

Mr. Houchens' final statement.

- This application does not conform to the zoning regulations so therefore it cannot be done.
- I just want the rules to be followed and the process to be followed.

**17. Final statement of Appellant Lampton.**

Attorney Strobo's final statement.

- This appeal is timely, my client received the notice in May, and the appeal was filed within 30 days.
- This is not moot, because this determination could be used again.
- A data center is not a private utility.

**18. Final statement of Appellant Oberg & Oberg/We Are Oldham County.**

- Our appeal was turned in on time from the time we received the notice.
- This is not a private utility.

**19. Final questioning by the board of any party.**

Board Member Grey asked, Director Fischer, does your position give you authority to deny any application that is coming to the board?

Director Fischer replied, no.

Chairman Otterback asked, when was the application withdrawn?

Senior Planner Barge replied, June 2, 2025.

Board Member Ferko asked, since the application was withdrawn, what are we appealing?

Attorney Sturgill replied, this is a different type of procedure than this board is used to hearing. This is an appeal and the statute that governs KRS 100.261, and this statute requires the board to hear appeals of what we've called today administrative determinations.

**20. Board discussion and motion.**

Board Member Ferko stated, the issue comes down to timeline of notice and the mootness since the application has been withdrawn.

Chairman Otterback stated, the application has been withdrawn and this is moot.

Board Member Ferko asked, what makes a case moot?

Attorney Sturgill replied, something is moot when there is not a live controversy about it anymore, and when a decision is not going to have any practical effect or repercussion on the issue that brought it to the board.

Board Member Allen stated, I agree this is moot.



**Findings and Decisions  
Docket OC-25-020  
Administrative Appeal  
Robert Houchens  
3557 N. Hwy 53, LaGrange**

Motion was made by Board Member Allen and seconded by Board Member Grey to deny the administrative appeal for Robert Houchens because the application for 3557 N. Hwy 53, LaGrange has been withdrawn by the applicant and the application is moot.

**The vote was as follows:**

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

**No:** None

**Abstain:** None

**Absent:** None

**Motion was approved for the variance on a vote of 5-0.**

**Findings and Decisions  
Docket OC-25-021  
Administrative Appeal  
Nana Lampton  
3557 N. Hwy 53, LaGrange**

Motion was made by Board Member Allen and seconded by Board Member Grey to deny the administrative appeal for Nana Lampton because the application for 3557 N. Hwy 53, LaGrange has been withdrawn by the applicant and the application is moot.

**The vote was as follows:**

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

**No:** None

**Abstain:** None

**Absent:** None

**Motion was approved for the variance on a vote of 5-0.**

**Findings and Decisions  
Docket OC-25-022  
Administrative Appeal  
We Are Oldham County/David Oberg/Nathan Oberg  
3557 N. Hwy 53, LaGrange**

Motion was made by Board Member Allen and seconded by Board Member Grey to deny the administrative appeal for We Are Oldham County/David Oberg/Nathan Oberg because the application for 3557 N. Hwy 53, LaGrange has been withdrawn by the applicant and the application is moot.

**The vote was as follows:**

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

**No:** None

**Abstain:** None

**Absent:** None

**Motion was approved for the variance on a vote of 5-0.**

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Motion was made by Board Member Allen and seconded by Board Member Ferko to take a 30-minute lunch at 1:15 p.m. Motion carried by unanimous voice vote.

Motion was made by Board Member Grey and seconded by Board Member Ferko to bring board members back into session at 1:50 p.m. Motion carried by unanimous voice vote.

**Secretary Mark Allen called and read Docket OC-25-023:**

An application has been filed requesting a Conditional Use Permit for a manufactured home located at the 7400 block of Beechdale Rd., Crestwood.

**1. Presentation by Staff:**

Planner John Hine presented the following:

- Summary of the application. (see Exhibit A, Staff Report dated June 19, 2025)
- Case and site history.
- Aerial photos of the site.
- Photos of property.
- No letters received for support or opposition.

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

Robert Deibel III, 7405 E. Kilgus Circle, Crestwood was present and sworn in prior to presenting.

- I want to place a manufactured home on a lot that has been parceled off from my greenhouse property for my son.
- All the utilities are already on the lot.
- My son cannot afford to build a house.
- I am bringing my son into the greenhouse business.

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

Chairman Otterback asked, has the property been deeded?

Mr. Deibel replied, yes.

Board Member Grey asked, where will the home be located?

Mr. Deibel replied, in line with the other homes on Beechdale.

Chairman Otterback asked, are there other manufactured homes in the area?

Mr. Deibel replied, yes, there are two or three on Kavanaugh Road.

Chairman Otterback asked, will the manufactured home fit into the general character of the area.



Mr. Deibel replied, yes, it will be 1500 sq. ft. with a shingled roof, vinyl siding, and setting on a block foundation.

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 Allen stated, I am good with this.

**Findings and Decisions  
Docket OC-25-023  
Conditional Use Permit  
Manufactured Home  
7400 Block of Beechdale Road**

Motion was made by Board Member Turner and seconded by Board Member Grey to approve the conditional use permit for a manufactured home at 7400 Block of Beechdale Road, Crestwood, 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 and the community or neighborhood has a need for the proposed use and there are potential benefits to the community or neighborhood 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, order, drainage, dust, lighting, or appearance. 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 June 19, 2025, Oldham County Board of Adjustments public hearing.
2. The applicant shall comply with all regulations concerning Manufactured Homes outlined in Oldham County Zoning Regulations Section 260-280.
3. The applicant shall obtain all necessary building permits and inspections from the appropriate agencies before occupying the Manufactured Home.

**The vote was as follows:**

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

**No:** None.

**Abstain:** None.

**Absent:** None.

**Motion was approved for a Conditional Use Permit on a vote of 5-0.**

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**Secretary Mark Allen called and read Docket OC-25-024:**

An application has been filed requesting a Side Yard Setback Variance for property located at 6609 Clore Lake Rd., Crestwood.

**1. Presentation by Staff:**

Senior Planner Anna Barge presented the following:

- Summary of the application. (see Exhibit A, Staff Report dated, June 19, 2025)
- Case and site history.
- Aerial photos of the site.
- Photos of property.
- Received one letter of opposition.

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

Tanner Nichols, Attorney, 400 W. Market Street, Louisville, was present and representing the applicant.

- The house is complete.
- The mistake was not made intentionally.
- The house encroaches more in the front than in the back.

Daniel Hale, Bowman Consulting Group, Ltd, 3001 Taylor Springs Rd., Louisville, was present and sworn in prior to presenting.

- The western adjacent line is plotted as 15 degrees northwest.
- The back pin is 19 degrees and 50 minutes and there is a 4 ½ degree bust in that record plat that they used to produce these plot plans.

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

Board Member Grey asked, will this affect other houses that have been built in the area?

Mr. Hale replied, it could affect lot 78.

Board Member Allen asked, was this just a surveyor's error?

Mr. Hale replied, yes.

**4. Testimony of the Opposition:**

Andrea Murphy, Real Estate Broker, 1401 Silven Way, Louisville, was present and sworn in prior to presenting and representing Mr. and Mrs. Anthony Kurland who owns lot 80.

- Strongly urge the board to deny this setback variance.
- Since construction started, lot 80 have endured excessive storm water runoff which has flowed directly into their garage.
- The construction crew has created damage to lot 80's garage which resulted in a hole in the side of the garage which came through to the inside of garage.
- Nail and construction debris has been found in lot 80's lawn, driveway and in the pool.
- The HVAC unit has been placed 5.5 feet from property line.



- Also, during construction a vehicle took out a portion of lot 80's wrought iron fence.
- If this board considers granting any form of variance, we respectfully request the following conditions:
  - A certified stormwater management plan to resolve the current drainage problems.
  - A relocation of the HVAC unit to maintain legal and functional distance.
  - A permanent fence installed along the property line at the applicant's expense.
  - Written insurances that the construction crews will not trespass on lot 80 moving forward.

#### **5. Questioning of the Opposition by the Board:**

Board Member Grey asked, has the damage been repaired?

Mrs. Murphy replied, yes.

Board Member Grey asked, was the stormwater issues just during construction?

Mrs. Murphy replied, yes, however the erosion has continued.

Board Member Ferko asked, if all your conditions are added to the proposed conditions would you, withdrawal your objection to the setback variance?

Mrs. Murphy replied, I would need to consult with my clients.

#### **6. Rebuttal Statement by the Applicant:**

Attorney Nichols rebuttal statement.

- During the building of the home, the breaks went out on the equipment, and it slid down and went into lot 80's garage, which all had been repaired.
- The water runoff is no more than what was already running onto lot 80.
- The HVAC is allowed to be in the encroachment area.
- The HOA will only allow fence in the backyard.

#### **7. Rebuttal Statement by the Opposition:**

Mrs. Murphy's rebuttal statement.

- This is damage that has occurred and part of it has been fixed, the problem is lot 80 is no longer worth what they are being taxed at because of the structural integrity of the side of the garage being damaged.

#### **8. Final Statement by the Opposition: None**

#### **9. Final Statement by the Applicant: None**

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

Chairman Otterback stated, the setback variance has nothing to do with the damage to lot 80's walls or even water runoff or really anything that opposition has told us. It was very unfortunate that those things happened and I'm sorry.

Board Member Ferko stated, they do need to do water mitigation and the other items if they are not settled then they can settle that in other venues.

County Engineer Silliman stated, they could submit the storm water mitigation plan to Oldham County Engineer Department for review.

**Findings and Decisions**  
**Docket OC-25-024**  
**Side Yard Setback Variance**  
**6609 Clore Lake Road, Crestwood**

**Side Yard Setback Variance**

Required Side Yard Setback:	7 Feet
Requested Side Yard Setback:	4.75 Feet
Requested Variance:	2.25 Feet

Motion was made by Board Member Ferko and seconded by Board Member Grey to approve the variance for the side yard setback at 6609 Clore Lake 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 a hazard or nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations. 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 June 19, 2025, Oldham County Board of Adjustments public hearing.
2. The applicant will provide a plan and execute the plan that is approved by the Oldham County Engineer Department for water mitigation that comes from the applicant's property and is currently flowing to the opposition's property.

**The vote was as follows:**

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

**No:** None.

**Abstain:** None.

**Absent:** None.

**Motion was approved for a variance on a vote of 5-0.**

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Judge Voegelé stated, I want to thank Chairman Otterback for all the years of service he has provided to this board and hope he enjoys his retirement.

**Secretary Mark Allen called and read Docket OC-25-015:**

An application has been filed requesting a Side Yard Setback Variance for property located at 8516 Brookside Dr., Pewee Valley.



**1. Presentation by Staff:**

Planner Sandie Rugroden presented the following:

- Summary of the application. (see Exhibit A, Staff Report dated, June 19, 2025)
- Case and site history.
- Aerial photos of the site.
- Photos of property.
- No letters of support or opposition.

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

Monica Smith, 8516 Brookside Drive, Pewee Valley, was present and sworn in prior to presenting.

- I want to remodel the home and use the attached garage as living space which would add an additional 1200 square feet for our growing family.
- Add a new attached garage to our home for the parking space.

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

Board Member Ferko asked, is the service door in the proposed garage required by regulations.

Director Fischer replied, no.

Board Member Ferko asked, if the service door is removed from the proposed garage would this still need the variance?

Director Fischer replied, would need the five-foot setback variance because she is making the current garage into living space.

Chairman Otterback asked, would you consider reducing the size of the garage.

Mrs. Smith replied, we really need the extra garage space for parking, and storage of other items.

Board Member Grey asked, have you considered building a detached garage?

Mrs. Smith replied, we have considered it, however, it would take most of our backyard.

Board Member Allen asked, what is next door?

Mrs. Smith replied, it is a residential home, and the bedrooms are on the side of the proposed garage.

Board Member Grey asked, are there other homes that look similar.

Mrs. Smith replied, yes, two doors down.

**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 Grey stated, the character of the neighborhood has this type of structure behind the home.

Chairman Otterback stated, I do not see the hardship with the size that it is. The setback variance is a significant amount.

**Findings and Decisions**  
**Docket OC-25-015**  
**Side Yard Setback Variance**  
**8516 Brookside Drive, Pewee Valley**

**Side Yard Setback Variance:**

Required Side Yard Setback:	15 Feet
Requested Side Yard Setback:	5 Feet
Requested Variance:	10 Feet

Motion was made by Board Member Ferko and seconded by Board Member Grey to deny the variance for the side yard setback at 8516 Brookside Drive, Pewee Valley, because it will alter the essential character of the general vicinity and it will allow an unreasonable circumvention of the requirements of the zoning regulations because the applicant could make modifications to comply with the regulations.

**The vote was as follows:**

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

**No:** None.

**Abstain:** None.

**Absent:** None.

**Motion was approved for a variance on a vote of 5-0.**

.....  
**Secretary Mark Allen called and read Docket OC-25-025:**

An application has been filed requesting a Conditional Use Permit for a Short-Term Rental Property permit on property located at 1724 Riverside Dr., Prospect.

**1. Presentation by Staff:**

Planner John Hine presented the following:

- Summary of the application. (see Exhibit A, Staff Report dated June 19, 2025)
- Case and site history.
- Aerial photos of the site.
- Photos of property.

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

Jake Thompson, Crawford & Baxter Attorneys PSC, 523 Highland Ave, Carrollton, was present and representing the applicant.

- My client has submitted documents for proof of residency.

David Zachman, 1724 Riverside Drive, Prospect, was present and sworn in prior to presenting.



- I have lived in the residence since May 2024.
- I am a pilot, and I fly afternoon turns, which means I leave in the afternoon and return at 2:00 a.m. and I am home in my bed every night.
- My neighbor Scott Stevens has agreed to look after the property while I am at work.
- The whole house, except for a bedroom on the second floor, will be rented.
- I will be staying in the bedroom on the second floor while the house is rented.

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

Board Member Grey asked, is there an annual inspection of the elevator?

Mr. Zachman replied, the elevator was just reconditioned because of the recent flood.

**4. Testimony of the Opposition:**

Cindy Harbin, 1220 Riverside Drive, Prospect, was present and sworn in prior to presenting.

- The applicant does not live at the residence, and we have not seen him living there.
- The garage is being turned into something else and through the flood plan it must be elevated to 4.53 before any living spaces can take place.

**5. Questioning of the Opposition by the Board: None**

**6. Rebuttal Statement by the Applicant:**

Attorney Thompson's rebuttal statement:

- The house is built to flood plain specifications.
- I am not sure why the neighbors think he does not live there, he has sworn under oath that he does live there.
- There is no plan to turn the first level into an additional living space.

Mr. Zachman's rebuttal statement:

- I am not sure why she does not think I don't live there, maybe it's because of my work schedule and they don't see me there in the evenings.

**7. Rebuttal Statement by the Opposition:**

Mrs. Harbin's rebuttal statement:

- There is construction going on in his garage and it is visible, and I just want to make sure he is following the guidelines.

**8. Final Statement by the Opposition:**

Mrs. Harbin's final statement:

- Just asking that this board denies this application because the applicant does not live there and the construction that is taking place in his garage.

**9. Final Statement by the Applicant:**

Attorney Thompson final statement:

- My client does live there and as far as the neighbors not seeing him it might be because he does work until 2 a.m. and he is not there in the evening hours.
- My client is there in the morning hours when the neighbors might not be there and then he is at work in the evening hours when the neighbors are there.
- The construction in the basement/garage is repair work from the flood and there is no new building in this area.

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

Board Member Ferko stated, I am satisfied with his testimony that he does live there and has provided documentation for proof.

### **Findings and Decisions Docket OC-25-025 Conditional Use Permit Owner Occupied Short-Term Rental 1724 Riverside Drive, Prospect**

Motion was made by Board Member Ferko and seconded by Board Member Grey to approve the conditional use permit for an owner occupied short-term rental at 1724 Riverside Drive, Prospect, 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 and the community or neighborhood has a need for the proposed use and there are potential benefits to the community or neighborhood. 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 June 19, 2025, 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. Conditional Use Permit shall be automatically revoked upon transfer / sale of the property.
4. 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, Ferko, Grey, Turner, and Chairman Otterback.

**No:** None.

**Abstain:** None.

**Absent:** None.

**Motion was approved for a Conditional Use Permit on a vote of 5-0.**

#### **Approval of Minutes**



Motion was made by Board Member Ferko and seconded by Board Member Allen to approve the minutes of Thursday, May 15, 2025, as submitted. Motion carried by unanimous voice vote.

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**Other Business**

Director Fischer stated, thank you to Chairman Otterback for the many years of serving on the Oldham County Board of Adjustments and want to wish him a great retirement as a board member.

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Motion was made by Board Member Ferko and seconded by Board Member Grey to adjourn the meeting at 3:50 p.m. Motion carried by unanimous voice vote.

The next Regular Meeting is scheduled for Thursday, July 17, 2025, at 9:00 a.m., in the Courtroom of the Oldham County Fiscal Court Building, LaGrange, Kentucky.

Approved by:

  
\_\_\_\_\_  
Bill Ferko, Vice-Chairman

Respectfully Submitted by:

  
\_\_\_\_\_  
Christy Edgar, Secretary