



# **OLDHAM COUNTY BOARD OF ADJUSTMENTS AND APPEALS**

**August 6, 2025**

## **Summary of Application:**

<b>Docket:</b>	<b>OC-25-035</b>	
<b>Request:</b>	<b>Accessory Structure Location Variance and Conditional Use Permit</b>	
<b>Applicant:</b>	Todd Polston	
<b>Location:</b>	3706 Brookside Cir., La Grange	
<b>Existing Land Use:</b>	Residential/Agricultural	
<b>Existing Zoning:</b>	AG-1/CO-1	
<b>Total Site Size:</b>	7 acres	
<b>Tax Parcel:</b>	54-22B-00-18	

## **Surrounding Zoning:**

North – Land Use: Residential  
Zoning: AG-1, Agricultural

East – Land Use: Residential  
Zoning: AG-1, Agricultural & CO-1, Conservation

South – Land Use: Residential & Agricultural  
Zoning: CO-1, Conservation

West – Land Use: Residential  
Zoning: AG-1, Agricultural & CO-1, Conservation

## **Board of Adjustments Action:**

An application has been filed requesting a Conditional Use Permit and a Location Variance for a proposed accessory structure for property located at 3706 Brookside Circle in La Grange.

## **Site History:**

No site history.

### **Case History:**

Agenda Posted to Planning Website: 7/24/2025

Adjoining Property Owner Notices Mailed: 7/24/2025

Public Notice Appeared in Oldham Era: 7/31/2025

### **Notes:**

1. The applicant is requesting a 60-feet x 40-feet (2,400 square feet) detached garage to be placed in front and to the side of the primary structure.
2. The applicant states that the location of the accessory structure is necessary due to the shape of the property and location of the septic system.
3. Section 250-030 B. states that two accessory structures are permitted on parcels over 5 acres. One additional structure is allowed with a Conditional Use Permit.
4. Section 250-030 of the Oldham County Zoning Ordinance states that with parcels greater than 5 acres, there are no size limitations on accessory structures.
5. The proposed accessory structure meets the standards of Section 250-030 Accessory Uses and Structures (with and without dwelling units), except for Item E.
  - a. Section 250-030 (E) Relationships to Street Setbacks states:
    - No accessory use or structure shall be located in between the principal building and the front yard property line. Accessory structures shall adhere to street-side yard setbacks.

### **Conditional Use Permit:**

The applicant is requesting a Conditional Use Permit to allow for a third accessory structure on their property.

### **Motions:**

Move to **approve** the conditional use 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 one or more of the following factors:

☐ granting the conditional use permit will allow the **proper integration** into the community of a use specifically named in the zoning regulation.

☐ the **character and objectives** of the proposed use and the **potential impacts** on the community and its surroundings are appropriate.

☐ the **community or neighborhood has a need** for the proposed use and there are **potential benefits** to the community or neighborhood.

☐ 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.

☐ 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.

☐ there are adequate **public facilities** available, such as, including transportation, sanitation, water, sewer, drainage, emergency services, education, and recreation.

The specific conditions or restrictions which must be met in order for the proposed use to be permitted for any of the above reasons are as follows:

**Potential Conditions of Approval:**

1. The Conditional Use Permit shall only apply to the application considered at the August 6, 2025, Oldham County Board of Adjustments public hearing.

**Considerations:**

\* Refer to the applicant's justification statement and other evidence in the record.

-or-

Move to **deny** the conditional use because the proposed use is **not** essential or desirable to the community, or is in conflict with the elements and objectives of the Comprehensive Plan, or is not in compliance with the zoning regulations, based on the following factual determinations and conclusions \_\_\_\_\_.

**Motions and Findings:**

Every motion to approve a variance or conditional use must state the finding(s) required by statute or regulation and must also state the reasons for the motion. Every motion to deny must state the reasons for the motion.

Suggested motions to approve or deny are set out below.

**Variance:**

The applicant is requesting a Location Variance to allow the placement of an accessory structure in front of the primary structure.

**Motions:**

Move to **approve** the variance 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 \_\_\_\_\_.

Motion to **deny** the variance because (any one or all of the following):

- a. It will adversely affect the public health, safety or welfare because \_\_\_\_\_;
- b. It will alter the essential character of the general vicinity because \_\_\_\_\_;
- c. It will cause a hazard or nuisance to the public because \_\_\_\_\_;
- d. It will allow an unreasonable circumvention of the requirements of the zoning regulations because \_\_\_\_\_.

In deciding on a variance, you may consider whether:

- a. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or in the same zone;
- b. 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; and
- c. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

You cannot approve a variance which is the result of willful violations of the zoning regulation by the applicant subsequent to the adoption of the zoning regulation from which relief is sought.

**Potential Conditions of Approval:**

1. The Variance shall only apply to the application considered at the August 6, 2025, Oldham County Board of Adjustments public hearing.
2. The applicant shall obtain all necessary building permits and inspections from the appropriate agencies.

**Considerations:**

\* Refer to the applicant's justification statement and other evidence in the record.

-or-

Move to **deny** the conditional use because the proposed use is **not** essential or desirable to the community, or is in conflict with the elements and objectives of the Comprehensive Plan, or is not in compliance with the zoning regulations, based on the following factual determinations and conclusions\_\_\_\_\_.

## **DIVISION 250 SPECIAL PROVISIONS**

### **Sec. 250-010 Special Provisions: Purpose**

The purpose of this Division is to address specific land uses or conditions and set minimum standards in order to permit proper integration of these items into the community and establish provisions for the protection of the health, safety, and general welfare of the public and for the protection of surrounding properties, persons, and neighborhood values.

### **Sec. 250-020 Applicability**

The requirements set forth in this Division qualify or supplement the district requirements appearing elsewhere in the ordinance.

### **Sec. 250-030 Accessory Uses and Structures (without dwelling units)**

#### **A. Agricultural Uses and Related Accessory Structure**

1. Accessory structures for agricultural uses shall comply with the setback requirement for the principal structures of the zoning district in which it is located.
2. No other sections below apply to agricultural uses or related accessory structures (e.g. barns, stables).

#### **B. Number of Accessory Structures**

1. The number of allowed accessory structures over 120 square feet and the total maximum floor area shall be as follows:

<b>Size of Parcel</b>	<b>Total Maximum Floor Area of Accessory Structures Allowed</b>	<b>Maximum Number of Accessory Structures Allowed</b>
Equal to or Less than 20,000 sq. ft.	800 sq. ft.	2
20,001 sq. ft. to 0.99 acres	1,200 sq. ft.	2
1.0 acre to 2.99 acres	1,800 sq. ft.	2
3.0 acres to 5.0 acres	2,700 sq. ft.	2
5.01 acres or larger	No restriction on size	2, 3 allowed with Conditional Use Permit

2. Conditional use permits for additional accessory structures over two (2) shall not be allowed on parcels less than 5.0 acres.

#### **C. Shall Follow Principle Use**

No accessory use or structure may be developed until after the start of the construction of the principal use on the building site, and no accessory use or structure may be used unless the principal use or

**Oldham County Comprehensive Zoning Ordinance**  
Division 250 Special Provisions

structure has been developed except after review and approval as a Conditional Use. Accessory units shall comply with the applicable density standards of the zoning district in which it is located.

**D. Same Parcel**

Except as otherwise specifically permitted elsewhere in the Zoning Ordinance, accessory uses and structures shall be located on the same parcel as the associated principal use.

**E. Relationships to Street Setbacks**

No accessory use or structure shall be located in between the principal building and the front yard property line. Accessory structures shall adhere to street-side yard setbacks.

**F. Breezeway**

When an accessory structure is attached to a principal building by a breezeway, roofed passage or similar structure, it shall be deemed to be part of the principal building and shall maintain the yard requirements of the principal building.

**G. Minimum Distance Between Buildings**

The minimum distance between buildings shall be five feet (5').

**H. Rear Yard Rules for Accessory Structures**

1. All accessory structures shall be set back from the rear and side property lines a minimum of five feet (5').
2. Accessory structures shall not occupy more than thirty-five percent (35%) of the area between the rear property line and the principal structure.



## DIVISION 030 CO-1 CONSERVATION/RESIDENTIAL DISTRICT

### Sec. 030-010 CO-1 Conservation/Residential District: Intent

The Conservation/Residential District is intended to promote and protect significant natural features, wooded areas, water courses, existing and potential lake sites, other recreational and conservation resources, wildlife habitat, present and future water supplies, and to minimize erosion of soil and the siltation and pollution of streams and lakes.

### Sec. 030-020 CO-1 Agricultural/Residential District: Development Regulations

#### Minimum Lot Area:

43,560 square feet

#### Minimum Road Frontage:

150 feet for lots under 2.5 acres

300 feet for lots 2.5 acres or more

#### Minimum Lot Width:

150 feet for lots under 2.5 acres

300 feet for lots 2.5 acres or more

#### Minimum Lot Depth:

200 feet

#### Maximum Structure Height:

35 feet (agriculture structures are exempt)

#### Minimum Front Yard Setback:

50 feet; or

75 feet when adjacent to an arterial roadway

#### Minimum Side Yard Setback:

15 feet

#### Minimum Street Side Yard Setback:

50 feet; or

75 feet when adjacent to an arterial roadway

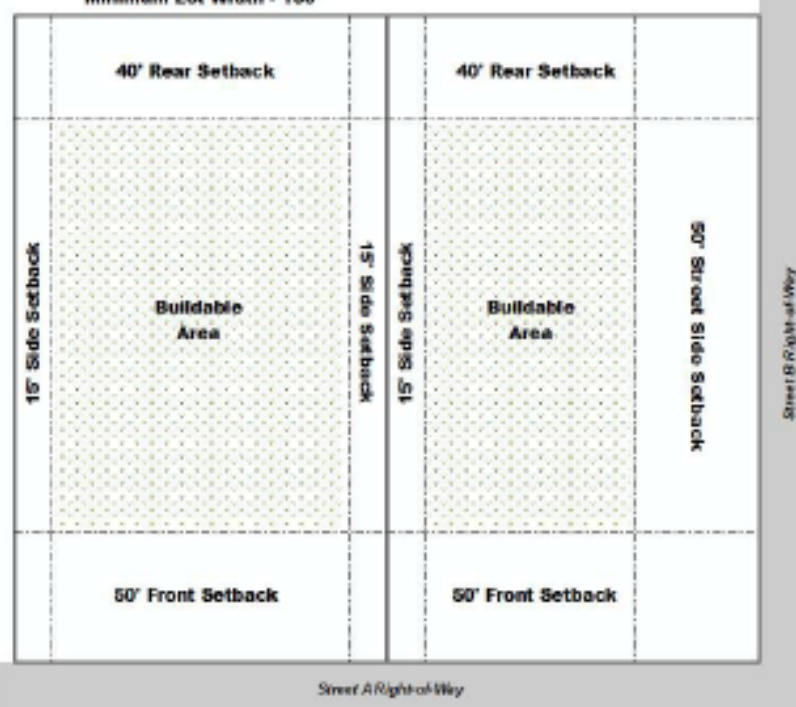
#### Minimum Rear Yard Setback:

40 feet

#### Maximum Lot Coverage for Structures:

20 percent of the lot area

Minimum Lot Width - 150'



#### **Additional Standards that may Apply:**

Accessory Dwelling Units.....	Sec 250-040
Accessory Uses & Struc.....	Sec 250-030
Agritourism Buildings.....	Sec 260-035
Barrel Warehouses.....	Sec 250-320
Brew pubs.....	Sec 250-310
Distillery & Brewery.....	Sec 250-300
Height.....	Sec 330-010
Home Occupation.....	Sec 260-230
Fences & Walls.....	Sec 250-090
Capacity of Infrastructure.....	Division 270
Highway 53 Overlay Dist. ....	Division 245
Historic Preservation.....	Division 240
Landscaping.....	Division 300
Lighting.....	Division 310
Parking.....	Division 280
Signs.....	Division 290

## DIVISION 020 AG-1 AGRICULTURAL/RESIDENTIAL DISTRICT

### Sec. 020-010 AG-1 Agricultural/Residential District: Intent

The AG-1 Agricultural/Residential District is intended to: (1) support and encourage agriculture for the purpose of recognizing the cultural heritage of the community and the agricultural contribution to the economic base; and (2) minimize urban-type development in rural areas until urban-type services and utilities can be efficiently provided.

### Sec. 020-020 AG-1 Agricultural/Residential District: Development Regulations

#### Minimum Lot Area:

43,560 square feet

#### Minimum Road Frontage:

150 feet for lots under 2.5 acres

300 feet for lots 2.5 acres or more

#### Minimum Lot Width:

150 feet for lots under 2.5 acres

300 feet for lots 2.5 acres or more

#### Minimum Lot Depth:

200 feet

#### Maximum Structure Height:

35 feet (agriculture structures are exempt)

#### Minimum Front Yard Setback:

50 feet

#### Minimum Side Yard Setback:

15 feet

#### Minimum Street Side Yard Setback:

50 feet; or

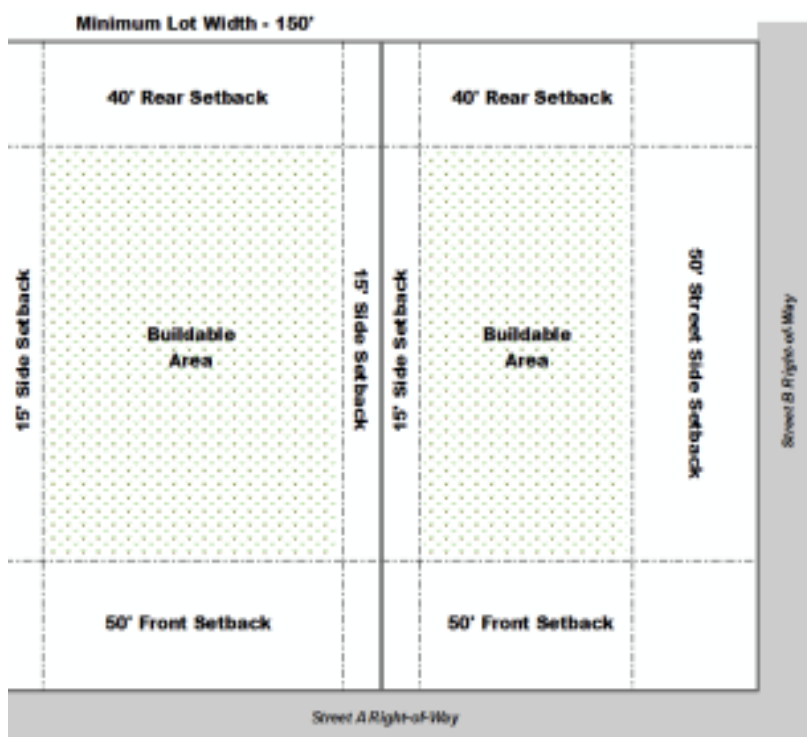
75 feet when adjacent to an arterial roadway

#### Minimum Rear Yard Setback:

40 feet

#### Maximum Lot Coverage for Structures:

20 percent of the lot area



#### **Additional Standards that may Apply:**

Accessory Dwelling Units.....	Sec 250-040
Accessory Uses & Struc.....	Sec 250-030
Agritourism Buildings.....	Sec 260-035
Barrel Warehouses.....	Sec 250-320
Brew pubs.....	Sec 250-310
Distillery & Brewery.....	Sec 250-300
Height.....	Sec 330-010
Home Occupation.....	Sec 260-230
Fences & Walls.....	Sec 250-090
Capacity of Infrastructure.....	Division 270
Highway 53 Overlay Dist. ....	Division 245
Historic Preservation.....	Division 240
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Signs.....	Division 290