



OLDHAM COUNTY BOARD OF ADJUSTMENTS AND APPEALS

September 18, 2025

Summary of Application:

Docket:	OC-25-038	
Request:	Conditional Use Permit: Detached ADU Variance: Maximum Square Footage Location	
Applicant:	Ann Howard & Leslie Hagan	
Location:	5950 Old La Grange Rd.	
Existing Land Use:	Residential	
Existing Zoning:	R-2	
Total Site Size:	1.914 acres	
Tax Parcel:	32-00-00-8A	

Surrounding Zoning:

North – Land Use: Residential
Zoning: R-2

South – Land Use: Residential & Agricultural
Zoning: R-2

East – Land Use: Residential
Zoning: R-2

West – Land Use: Residential
Zoning: R-2

Board of Adjustments Action:

An application has been filed requesting a Conditional Use Permit, Location Variance, and Maximum Square Footage Variance for property located 5950 Old La Grange Rd., Crestwood.

Site History:

No site history.

Case History:

Posted to Website: 08/29/2025

Adjoining Property Owner Notices Mailed: 09/02/2025

Public Notice Appeared in Oldham Era: 09/11/2025

Notes:

1. The applicant is proposing a 684 square foot Accessory Dwelling Unit that is wheelchair accessible.
2. The applicant is requesting a Conditional Use Permit for a Detached Accessory Dwelling Unit.
3. According to Oldham County Zoning Ordinance Section 250-040, E.1, Detached Accessory Dwelling Units may be allowed only after approval of a Conditional Use Permit.
4. The applicant is also requesting two variances, one for a maximum square footage and the other for being located between the house and the road.
5. According to Oldham County Zoning Ordinance Section 250-040, E.5, Detached Accessory Dwelling Units shall not exceed 25 percent of the primary structure's square footage.
6. According to the PVA, the primary residence is 1,453 square feet. This allows a maximum of 363.25 square feet of living space.
7. The applicant is requesting 684 square feet or 47% of the primary structure, a variance of 320.75 square feet.
8. According to Oldham County Zoning Ordinance Section 250-040, E.8, Detached Accessory Dwelling Units shall not be located in front of the primary structure.
9. Because of the layout of the lot in reference to Old La Grange Road, the proposed Detached Accessory Dwelling Unit is located between the house and the road. However, the proposed ADU will have a larger front yard setback than the house.

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.

(1) Conditional Use Permit:

The applicant is requesting a Conditional Use Permit for a detached Accessory Dwelling Unit located at 5950 Old La Grange Road, Crestwood.

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 September 18, 2025 Oldham County Board of Adjustments public hearing.
2. The detached ADU will not be used as a Short-Term Rental Property.

Considerations:

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

-or-

Move to **deny** the variance 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 _____.

(2) Maximum Square Footage Variance:

The applicant is requesting a Maximum Square Footage Variance for a detached Accessory Dwelling Unit located at 5950 Old La Grange Road, Crestwood.

Proposed Maximum Square Footage Detached ADU Variance:

Maximum Square Footage Allowed: 363.25 square feet

Requested Square Footage: 684 square feet

Requested Variance: 320.75 square feet

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 September 18, 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 variance 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_____.

Considerations:

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

-or-

Move to **deny** the variance 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_____.

(3) Location Variance:

The applicant is requesting a Location Variance for a detached Accessory Dwelling Unit at 5950 Old La Grange Road, Crestwood.

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:

- d. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or in the same zone;
- e. 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
- f. 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 September 18, 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 variance 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_____.

Considerations:

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

-or-

Move to **deny** the variance 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_____.

E. Detached Accessory Dwelling Units

1. Detached Accessory Dwelling Units may be allowed only after approval of a Conditional Use

Oldham County Comprehensive Zoning Ordinance
Division 250 Special Provisions

Permit.

2. Detached Accessory Dwelling Units shall be allowed in the AG-1, CO-1, R-1, R-1A, R-2, and R-2A zoning districts only upon granting of a Conditional Use Permit.
3. Detached Accessory Dwelling Units will count as a whole unit (1.0) toward density calculations.
4. Detached Accessory Dwelling Units shall meet the minimum setbacks for primary structures.
5. Detached Accessory Dwelling Units shall not exceed 25 percent of the primary structure's square footage.
6. Detached Accessory Dwelling Units must be at least five (5) feet from the primary structure.
7. Detached Accessory Dwelling Units shall not exceed the height of the primary structure.
8. Detached Accessory Dwelling Units shall not be located in front of the primary structure.

F. Variances

1. Upon application, the Board of Adjustments may grant variances from these regulations.

DIVISION 060 R-2 RESIDENTIAL DISTRICT

Sec. 060-010 R-2 Residential District: Intent

The purpose of the R-2 Residential District is to allow, preserve and protect the character of low density, detached single-family areas and neighborhoods at densities up to 3.63 dwelling units per acre.

Sec. 060-020 R-2 Residential District: Development Regulations

Minimum Lot Area:

- 12,000 square feet with sanitary sewers
- 43,560 square feet without sanitary sewers
- 43,560 square feet within the city of Pewee Valley

Minimum Lot Width:

- 80 feet; or
- 150 feet for lots without sanitary sewers

Maximum Density/Intensity:

- 3.63 dwelling units per acre
- 0.35 Floor Area Ratio

Maximum Structure Height:

- 35 feet (agriculture structures are exempt)

Minimum Front Yard Setback:

- 35 feet

Minimum Side Yard Setback:

- 7 feet
- 25 feet total for both sides

Minimum Street Side Yard Setback:

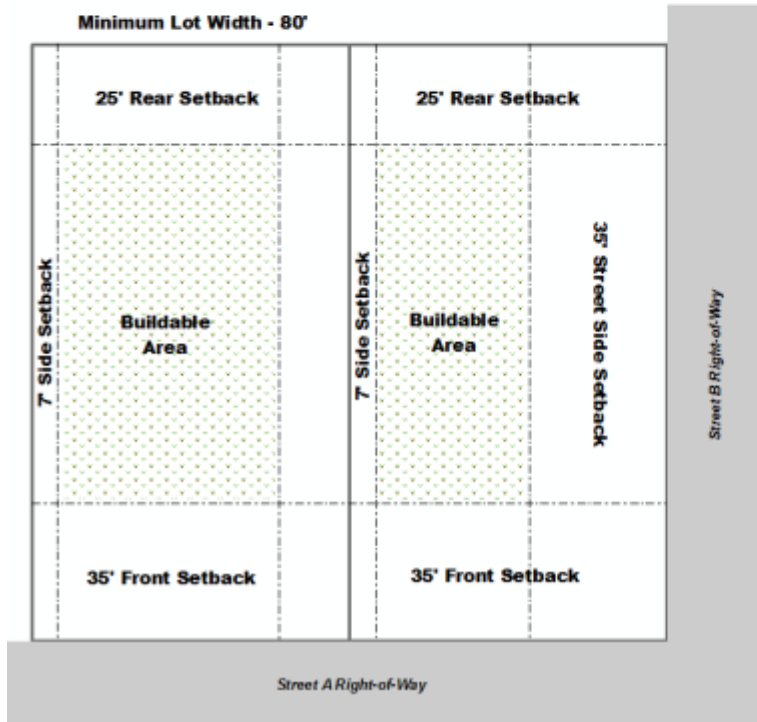
- 35 feet

Minimum Rear Yard Setback:

- 25 feet

Maximum Lot Coverage for Structures:

- 30 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
- Landscaping.....Division 300
- Lighting.....Division 310
- Parking.....Division 280
- Signs.....Division 290

Oldham County Comprehensive Zoning Ordinance
Division 060 R-2 Residential District

**Sec. 060-030 R-2 Residential District:
Permitted Uses**

Agricultural Uses

Agricultural Uses

Community Facilities and Services

Colleges and Schools, Not for Profit

Community Centers, Not for Profit

Public and Government Buildings and Facilities

Public Utility Buildings & Facilities

Public Parks and Recreation

Boat Docks and Launching Areas

Public Parks and Forest Preserves

Public Picnic Grounds, Beaches, Bridle and

Bicycle Paths

Religious Institutions

Churches and Other Religious Institutions

Residential

Accessory Dwelling Units (ADUs) – Attached

Accessory Dwelling Units (ADUs) - Interior

Dwellings – Single Family Detached

Residential Care Facility

Special

Lakes (man-made) non commercial

**Sec. 060-040 R-2 Residential District:
Conditional Uses**

Agricultural Uses

Riding Academies and Stables Less than 5 Acres

Commercial

Day Care Facilities for Four or More Children

(Up to 12 Children)

Community Facilities and Services

Hospitals and Institutions

Private Utility Building and Facilities

Recreation

Marinas and Boat Rental

Private Clubs, Country Clubs and Golf Courses except

Miniature Courses and Commercial Driving Ranges

Recreational Camps/Resorts

Swimming Pools, Tennis Courts and Similar Enterprises

Residential

Accessory Dwelling Units (ADUs) - Detached

Manufactured Homes – Single Family Detached

Nursing Homes

Special

Agritourism Buildings

Borrow Pits, Quarry, Gravel Pit or Stone Mill

Cemeteries, Mausoleums and Crematories

Commercial Lakes

Extraction and Development of Natural Resources