

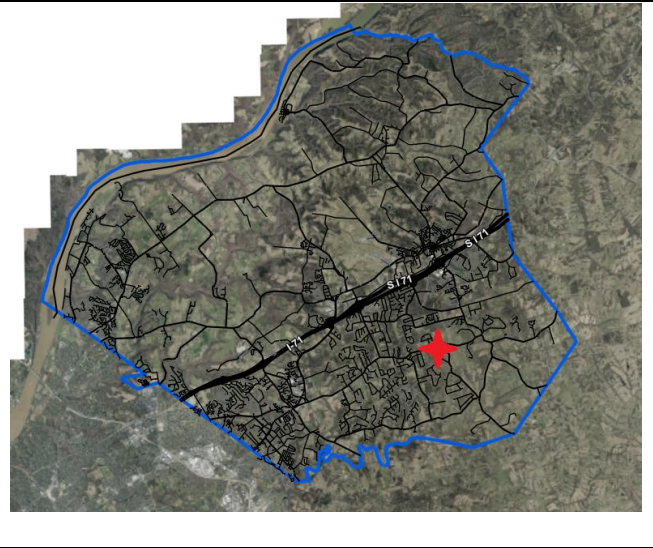


OLDHAM COUNTY BOARD OF ADJUSTMENTS AND APPEALS

April 16, 2026

Summary of Application:

| | |
|---------------------------|---|
| Docket: | OC-26-012 |
| Request: | Update to Previously Issued Variance |
| Applicant: | Sean Fawbush |
| Location: | 1106 E Hwy 22 |
| Existing Land Use: | Residential |
| Existing Zoning: | R-2, Residential District |
| Total Site Size: | 5.1-acres |
| Tax Parcel: | 48-00-00-13C |



Surrounding Zoning:

North – Land Use: Residential
 Zoning: R-2, Residential District
 South – Land Use: Residential
 Zoning: AG-1, Agricultural District

East – Land Use: Residential
 Zoning: R-1, Residential District
 West – Land Use: Residential
 Zoning: R-2, Conservation District

Board of Adjustments Action:

An application has been filed requesting an Update to a Previously Issued Variance for property located at 1106 E. Hwy 22, Crestwood.

Site History:

In February 2019, Oldham County Board of Adjustments approved a Locational Variance for an Accessory Structure to be placed in front of the primary structure (OC-19-004). During the hearing the applicant stated that there would be no plumbing installed, no commercial use of the accessory structure. The applicant also testified that there would be no renting of the structure or residential use of the structure. The variance passed 5-0.

On August 12, 2025, a Stop Work Order was issued by Oldham County Code Enforcement for the construction of an addition to the accessory structure with no building permit.

Case History

Posted to Website: 3/27/2026

Adjoining Property Owner Notices Mailed: 3/31/2026

Public Notice Appeared in Oldham Era: 4/9/2026

Notes:

1. The applicant is requesting an Update to a Previously Issued Variance (OC-19-004) that would allow him to continue building an addition to the accessory structure.
2. At the February 21, 2019, Oldham County Board of Adjustments public hearing, the applicant testified that there would be no plumbing in the structure and no commercial use of the structure.
3. The applicant is now requesting to add plumbing to the structure so that he may use it commercially for his screen-printing business.
4. No commercial use of the structure was one of the Conditions of Approval of the previously approved variance, while the statement of no plumbing was given in testimony by the applicant.
5. The applicant also stated in his 2019 testimony that the structure would not be rented out or used residentially.

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) Update to a Previously Issued Variance:

The applicant is requesting an Update to a Previously Issued Variance for an accessory structure on property located at 1106 E. Hwy 22, Crestwood.

(1) 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 April 16, 2026 Oldham County Board of Adjustments public hearing.
2. The applicant shall obtain all necessary permits and inspections from the appropriate agencies.
3. There shall be no residential use of the accessory structure without review by Planning and Development Services staff and the appropriate Board of Adjustments if necessary.

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:

| Size of Parcel | Total Maximum Floor Area of Accessory Structures Allowed | Maximum Number of Accessory Structures Allowed |
|--------------------------------------|---|---|
| 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.