



OLDHAM COUNTY BOARD OF ADJUSTMENTS AND APPEALS

April 16, 2026

Summary of Application:

Docket:	OC-26-018	
Request:	Conditional Use Permit - Accessory Structure Without a Primary Structure	
Applicant:	Brandon & April Berry	
Location:	3300 E. Hwy 22	
Existing Land Use:	Agricultural	
Existing Zoning:	AG-1, CO-1	
Total Site Size:	20.097-acres	
Tax Parcel:	56-00-00-12G	

Surrounding Zoning:

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

East – Land Use: Residential/ Agricultural
Zoning: AG-1

South – Land Use: Agricultural
Zoning: AG-1, CO-1

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

Board of Adjustments Action:

An application has been filed requesting a Conditional Use Permit for an Accessory Structure without a Primary Structure on property located at 3300 E. Hwy 22, Smithfield. The property is zoned AG-1, Agricultural and CO-1, Conservation.

Site History:

None

Case History:

Agenda Posted to Planning Website: 3/27/2026
Adjoining Property Owner Notices Mailed: 3/31/2026
Public Notice Appeared in Oldham Era: 4/09/2025

Notes:

1. The applicant is seeking a Conditional Use Permit for an Accessory Structure without a Primary Structure.
2. The applicant has stated they intend to build a barn type structure that will house play/ recreational space for their family as well as agricultural equipment.
3. The property is currently zoned AG-1/CO-1 which requires the applicant to obtain a Conditional Use Permit for the Accessory Structure with no Primary Structure per Section 250-030(C).

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.

Conditional Use Permit:

The applicant is requesting a Conditional Use Permit for an Accessory Structure without a Primary Structure on the property located at 3300 E. Hwy 22 in Smithfield.

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 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 April 16, 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_____.

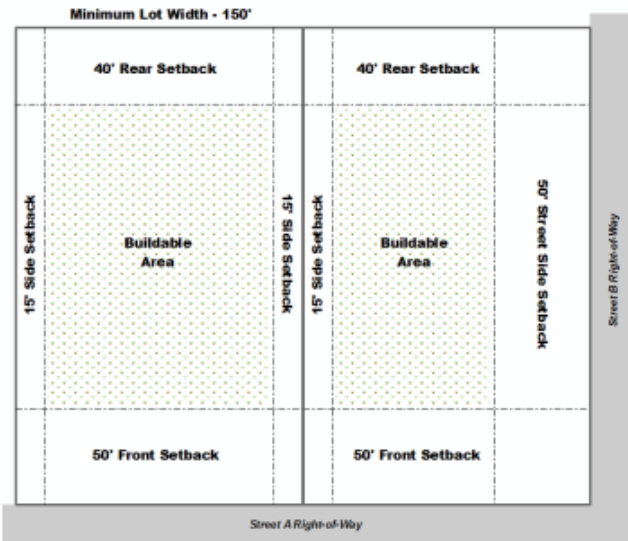
DIVISION 020 AG-1 AGRICULTURAL/RESIDENTIAL DISTRICT

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

<u>Minimum Lot Area:</u> 43,560 square feet	<u>Minimum Front Yard Setback:</u> 50 feet
<u>Minimum Road Frontage:</u> 150 feet for lots under 2.5 acres 300 feet for lots 2.5 acres or more	<u>Minimum Side Yard Setback:</u> 15 feet
<u>Minimum Lot Width:</u> 150 feet for lots under 2.5 acres 300 feet for lots 2.5 acres or more	<u>Minimum Street Side Yard Setback:</u> 50 feet; or 75 feet when adjacent to an arterial roadway
<u>Minimum Lot Depth:</u> 200 feet	<u>Minimum Rear Yard Setback:</u> 40 feet
<u>Maximum Structure Height:</u> 35 feet (agriculture structures are exempt)	<u>Maximum Lot Coverage for Structures:</u> 20 percent of the lot area



Additional Standards that may Apply:

- Accessory Dwelling Units.....Sec 250-040
- Accessory Uses & Structures.....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

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.