



# OLDHAM COUNTY BOARD OF ADJUSTMENTS AND APPEALS

## April 16, 2026

### Summary of Application:

<b>Docket:</b>	<b>OC-26-019</b>
<b>Request:</b>	<b>Conditional Use Permit- ADU, Variance- Maximum Square Footage</b>
<b>Applicant:</b>	Chris & Katie Fitzner
<b>Location:</b>	4210 Dana Rd., Crestwood
<b>Existing Land Use:</b>	Residential
<b>Existing Zoning:</b>	AG-1
<b>Total Site Size:</b>	5.4-acres
<b>Tax Parcel:</b>	42-42B-01-21



### Surrounding Zoning:

North – Land Use: Residential  
Zoning: AG-1  
South – Land Use: Residential  
Zoning: AG-1

East – Land Use: Residential  
Zoning: AG-1  
West – Land Use: Residential  
Zoning: AG-1

### Board of Adjustments Action:

An application has been filed requesting a Conditional Use Permit for an Accessory Dwelling Unit, and a Maximum Square Footage Variance for property located at 4210 Dana Rd., Crestwood.

### Site History:

No site history.

### Case History:

Posted to Website: 3/27/2026  
Adjoining Property Owner Notices Mailed: 3/30/2026  
Public Notice Appeared in Oldham Era: 4/9/2026

**Notes:**

1. The applicant is requesting a Conditional Use Permit to construct an Accessory Dwelling Unit for a Mother & Father In-Law Suite that is 936 square feet.
2. According to Section 250-040.E.1, detached Accessory Dwelling Units (ADU) may be allowed only after the approval of a Conditional Use Permit.
3. The applicant has stated that the detached ADU will be used for the applicant's aging parents.
4. According to Section 250-040(e)5, Detached Accessory Dwelling Units shall not exceed 25% of the Primary Structure's square footage.
5. The primary structure is 3,529 square feet according to PVA documentation.
6. Based on the Primary Structure's square footage, the maximum allowable size of a detached Accessory Dwelling Unit would be 882.25 square feet.
7. The proposed accessory dwelling unit is 936 square feet.
8. The applicant is requesting a variance of 163.75 square feet.
9. The applicant has stated that the ADU will never be used as a Short-Term Rental.

**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:**

An application has been filed requesting a Conditional Use Permit for an Accessory Dwelling Unit, and a Maximum Square Footage Variance for property located at 4210 Dana Rd., 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 April 16, 2026 Oldham County Board of Adjustments public hearing.
2. The Accessory Dwelling Unit shall not be used as a short-term rental.
3. 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 Permit 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.Variance:**

An application has been filed requesting a Conditional Use Permit for an Accessory Dwelling Unit, and a Maximum Square Footage Variance for property located at 4210 Dana Rd., Crestwood.

**Proposed Maximum Floor Area Variance:**

*Primary Structure Floor Area:3,529 square feet*

*Maximum Allowable Floor Area of ADU: 882.25 square feet*

*Proposed Floor Area of ADU: 936 square feet*

**Requested Variance: 53.75 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 April 16, 2026 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 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\_\_\_\_\_

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**E. Detached Accessory Dwelling Units**

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

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**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.

**Oldham County Comprehensive Zoning Ordinance**  
Division 020 AG-1 Agricultural/Residential District

**Sec. 020-030 AG-1 Agricultural/Residential District: Permitted Uses**

**Agricultural Uses**

- Agricultural Uses
- Game Farms

**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
- Recreational Camps/Resorts
- 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. 020-040 AG-1 Agricultural/Residential District: Conditional Uses**

**Commercial**

- Day Care Facilities for Four or More Children (Up to 12 Children)
- Veterinary Hospitals and Kennels

**Community Facilities and Services**

- Private Utility Building and Facilities
- Sewage Treatment Facilities

**Light Industrial**

- Farm Implement Repair

**Recreation**

- Aviaries and Zoos
- Circus and Carnival Grounds
- Commercial Rifle, Pistol and Skeet Ranges
- Drive-in Theaters
- Livestock Arenas
- Marinas and Boat Rental
- Private Clubs, Country Clubs and Golf Courses except Miniature Courses and Commercial Driving Ranges
- Recreational Vehicle Parks and Campgrounds
- Swimming Pools, Tennis Courts & Similar Enterprises

**Residential**

- Accessory Dwelling Units (ADUs) – Detached
- Manufactured Homes – Single Family Detached

**Special**

- Agritourism Buildings
- Airports, Heliports & Other Airship or Flying Machine, Take-off or Landing Facilities
- Bed and Breakfasts
- Borrow Pits, Quarry, Gravel Pit or Stone Mill
- Cemeteries, Mausoleums and Crematories
- Commercial Lakes
- Extraction and Development of Natural Resources
- Race Tracks