



# OLDHAM COUNTY BOARD OF ADJUSTMENTS AND APPEALS

## May 21, 2026

**Summary of Application:**

<b>Docket:</b>	<b>OC-26-021</b>	
<b>Request:</b>	<b>Maximum Square Footage Variance- Accessory Structure</b>	
<b>Applicant:</b>	Konrad Kraft	
<b>Location:</b>	2802 Whirlaway Cir.	
<b>Existing Land Use:</b>	Residential	
<b>Existing Zoning:</b>	AG-1	
<b>Total Site Size:</b>	1.02 acres	
<b>Tax Parcel:</b>	08-09A-00-61	

**Surrounding Zoning:**

North – Land Use: Residential  
Zoning: AG-1

East – Land Use: Residential  
Zoning: AG-1

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

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

**Board of Adjustments Action:**

An application has been filed requesting a Maximum Square Foot Variance for an Accessory Structure for a property located at 2802 Whirlaway Cir., Goshen.

**Site History:**

No site history.

**Case History:**

Agenda Posted to Planning Website: 4/30/2026  
Adjoining Property Owner Notices Mailed: 5/1/2026  
Public Notice Appeared in Oldham Era: 5/14/2026

**Notes:**

1. The applicant is proposing a 40-foot x 55-foot (2,200 square foot) detached garage located behind the principal structure.
2. The property is 1.02-acres according to PVA records.
3. Section 250-030 of the Oldham County Zoning Ordinance states that for parcels between 1.00 and 2.99-acres, the maximum square footage of accessory structures is 1,800 square feet. The Applicant is asking for a 2200 square foot structure.
4. The applicant is therefore asking for a 400 Square Foot Variance to allow the construction of a 2,200 square foot accessory structure.

**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) Variance:**

The applicant is requesting a Maximum Square Foot Variance for an Accessory Structure for property located at 2802 Whirlaway Cir., Goshen.

**Proposed Maximum Square Foot Accessory Structure Variance:**

Maximum Square Foot Accessory Structure Variance: *1,800 square feet*

*Requested Square Foot Accessory Structure Variance: 2,200 square feet*

**Requested Variance: 400 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 May 21, 2026, Oldham County Board of Adjustments public hearing.
2. The applicant shall obtain all necessary building permits and inspections from the appropriate agencies before occupying the Accessory Structure.

**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:

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