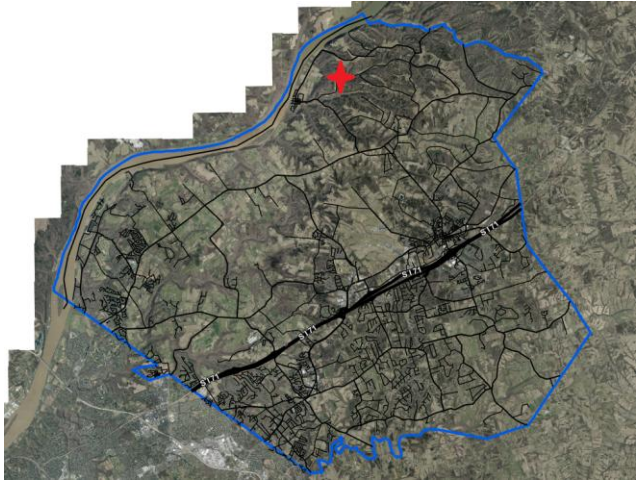




OLDHAM COUNTY BOARD OF ADJUSTMENTS AND APPEALS

September 17, 2026

Summary of Application:

Docket:	OC-26-025	
Request:	Variances: Road Frontage and Minimum Lot Width	
Applicant:	Maria and Spencer Merwin	
Location:	5201 Eighteen Mile Creek Rd.	
Existing Land Use:	Residential	
Existing Zoning:	AG-1, Agricultural District/ CO-1 Conservation District	
Total Site Size:	11.4-acres	
Tax Parcel:	27-00-00-3A&3C	

Surrounding Zoning:

North – Land Use: Residential
Zoning: CO-1

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

South – Land Use: Residential
Zoning: CO-1

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

Board of Adjustments Action:

An application has been filed requesting a Road Frontage Variance for four proposed lots, and a Minimum Lot Width Variance for one of the proposed lots on property located at 5201 Eighteen Mile Creek Rd., Westport.

Site History:

On June 23, 2026, Oldham County Planning Commission approved a Waiver of the Minor Plat Rule to allow the creation of four lots. Motion was approved on a vote of 11-0 (PZ-26-011).

Case History:

Posted to Website: 8/28/2026

Adjoining Property Owner Notices Mailed: 9/3/2026

Public Notice Appeared in Oldham Era: 9/10/2026

Notes:

1. The applicant is proposing to divide the 11.4-acre tract into four lots to be inhabited by family.
2. According to Oldham County Zoning Ordinances 020-020 and 030-020, lots under 2.5 acres in these zoning districts are required to have 150 ft of road frontage while lots over 2.5 acres are required to have 300 ft of road frontage.
3. Tract one is proposed to be 2.49 acres with 100.70 feet of road frontage requiring a 49.3-foot variance.
4. Tract two is proposed to be 6.08 acres with 40.15 feet of road frontage requiring a 259.85-foot road frontage variance.
5. Tract three is proposed to be 1.08 acres with 60.39 feet of road frontage requiring an 89.61-foot road frontage variance.
6. The residual tract is proposed to be 1.32 acres with 118.52 feet of road frontage requiring a 31.48-foot road frontage variance.
7. Additionally, both Section 020-020 and 030-020 have a minimum lot width requirement of 150 feet.
8. The plan proposes the residual lot's width to be 118.44 feet requiring a lot width variance of 31.56 feet.

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.

An application has been filed requesting a road frontage variance for four lots and a minimum lot width variance for one lot on property at 5201 Eighteen Mile Creek Rd, Westport.

1. Road Front Variance Tract 1:

Proposed Road Frontage Variance Tract 1:

Required Road Frontage: 150 feet

Requested Road Frontage: 100.7 feet

Requested Variance: 49.3 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 17, 2026, Oldham County Board of Adjustments public hearing.
2. The applicant shall obtain all necessary building permits and inspections from the appropriate agencies.
3. A Minor Plat shall be submitted to Planning and Development for staff approval.

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 _____.

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.

2. Road Frontage Variance Tract 2:

Proposed Road Frontage Variance Tract 2:

Required Road Frontage: 300 feet

Requested Road Frontage: 40.15 feet

Requested Variance: 259.85 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:

- 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 17, 2026, Oldham County Board of Adjustments public hearing.
2. The applicant shall obtain all necessary building permits and inspections from the appropriate agencies.
3. A Minor Plat shall be submitted to Planning and Development for staff approval.

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 _____.

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.

4. Road Frontage Variance Tract 3:

Proposed Road Frontage Variance Tract 3:

Required Road Frontage: 150 feet

Requested Road Frontage: 60.39 feet

Requested Variance: 89.61 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:

- g. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or in the same zone;
- h. 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
- i. 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 17, 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 _____

5. Road Frontage Variance Residual Tract:

Proposed Road Frontage Variance Tract 3:

Required Road Frontage: 150 feet

Requested Road Frontage: 60.39 feet

Requested Variance: 89.61 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:

- j. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or in the same zone;
- k. 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
- l. 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:

3. The variance shall only apply to the application considered at the September 17, 2026, Oldham County Board of Adjustments public hearing.
4. 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 _____.

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.

5. Minimum Lot Width Variance:

Proposed Minimum Lot Width Variance Residual Tract:

Required Lot Width: 150 feet

Requested Lot Width: 118.44 feet

Requested Variance: 31.56 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:

- m. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or in the same zone;
- n. 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
- o. 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:

6. The variance shall only apply to the application considered at the September 17, 2026, Oldham County Board of Adjustments public hearing.
7. 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 _____.

Sec. 020-020 AG-1 Agricultural/Residential District: Development Regulations

Minimum Lot Area:

43,560 square feet

Minimum Road Frontage:

150 feet for lots under 2.5 acres

300 feet for lots 2.5 acres or more

Minimum Lot Width:

150 feet for lots under 2.5 acres

300 feet for lots 2.5 acres or more

Minimum Lot Depth:

200 feet

Maximum Structure Height:

35 feet (agriculture structures are exempt)

Minimum Front Yard Setback:

50 feet

Minimum Side Yard Setback:

15 feet

Minimum Street Side Yard Setback:

50 feet; or

75 feet when adjacent to an arterial roadway

Minimum Rear Yard Setback:

40 feet

Maximum Lot Coverage for Structures:

20 percent of the lot area

Sec. 030-020 CO-1 Agricultural/Residential District: Development Regulations

Minimum Lot Area:

43,560 square feet

Minimum Road Frontage:

150 feet for lots under 2.5 acres

300 feet for lots 2.5 acres or more

Minimum Lot Width:

150 feet for lots under 2.5 acres

300 feet for lots 2.5 acres or more

Minimum Lot Depth:

200 feet

Maximum Structure Height:

35 feet (agriculture structures are exempt)

Minimum Front Yard Setback:

50 feet; or

75 feet when adjacent to an arterial roadway

Minimum Side Yard Setback:

15 feet

Minimum Street Side Yard Setback:

50 feet; or

75 feet when adjacent to an arterial roadway

Minimum Rear Yard Setback:

40 feet

Maximum Lot Coverage for Structures:

20 percent of the lot area