



# OLDHAM COUNTY PLANNING COMMISSION

August 26, 2025

## Summary of Application:

Docket:	PZ-25-021	
Request:	Waiver for residential use in a commercial zoning	
Applicant:	Willard Properties, LLC	
Location:	3401 E. Hwy 42, Pendleton	
Existing Land Use:	Residential	
Existing Zoning:	C - 3	
Total Site Size:	7.08 acres	
Tax Parcel:	51-00-00-23A	

## Surrounding Zoning:

North – Land Use: Residential  
Zoning: R-2: Residential District

East – Land Use: Residential  
Zoning: C- 3: General Business District

South – Land Use: Residential/ Undeveloped  
Zoning: AG-1: Agricultural

West – Land Use: Residential/Undeveloped  
Zoning: C- 3: General Business District

## Planning Commission Action:

**DOCKET PZ-25-021** – An application has been filed by Willard Properties, LLC. requesting a Waiver to allow residential use in a Commercial District on property located at 3401 E. Hwy 42, Pendleton. The property is 7.08-acres and zoned C-3, Commercial District.

## Site History:

No Site History.

## Case History:

Posted to County Website: 7/25/2025  
Adjoining Property Owner Notices Mailed: 8/5/2025  
Public Notice Appeared in Oldham Era: 8/7/2025

**Notes:**

1. The property was purchased in 2011. At that time, the owner believed the zoning to be Residential.
2. Initially the property was part of a larger parcel which had commercial use and was zoned commercially. At some point, the parcel was divided into three parcels, including the parcel being considered in the application
3. There is an existing single-family dwelling on site that was constructed in 1940.
4. The home is currently occupied by the owner's son as a rental.
5. The residential use is classified as a legal non-conforming under current zoning regulations.
6. Because the applicant is going to demolish the existing house and build a new, larger house, the parcel loses its legal non-conforming status, thus necessitating the waiver.

**Motions and Findings:**

Every motion to approve a zoning change, variance, waiver, preliminary subdivision plan or development plan which is not a subdivision plan 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.

These are procedural due process requirements for all cases before the Commission. Suggested motions to approve or deny are set out below.

**Waiver of Residential Use in Commercial District:**

Move approval of the waivers because (either of the following):

- a. strict compliance with the regulations would create an undue hardship because of the exceptional unique topographic or natural or man-made physical conditions of the property which are \_\_\_\_\_; and/or
- b. the design innovations of this case which are \_\_\_\_\_ will achieve the basic objectives of the regulations.

Move denial of the waivers because (any one or all of the following):

- a. Strict compliance with the regulations will not create an undue hardship because \_\_\_\_\_;
- b. There are no exceptional unique topographic or natural or man-made physical conditions of the property to justify the waivers because \_\_\_\_\_.
- c. The design innovations of this case will not achieve the basic objectives of the regulations because \_\_\_\_\_.

Other considerations for approving or denying the waivers may include without limitation the following points:

- a. Detriment to the public good;
- b. Impairment of the purposes, basic objectives and intent of the subdivision regulations; and
- c. Impairment of the desirable general development of the neighborhood and the community as proposed by the Comprehensive Plan.

**Proposed Conditions of Approval:**

1. The waiver shall only apply to the plan reviewed at the August 26, 2025, Planning Commission public hearing.

## DIVISION 170 C-3 GENERAL BUSINESS DISTRICT

### Sec. 170-010 C-3 General Business District: Intent

The purpose of the C-3 General Business District is to provide for appropriate locations for a wide variety of businesses, commercial, mass merchant and miscellaneous service activities, but does not include land uses characterized by extensive warehousing or frequent heavy trucking activity.

### Sec. 170-020 C-3 General Business District: Development Regulations

#### Minimum Lot Area:

- 6,000 square feet with sanitary sewers
- 43,560 square feet without sanitary sewers
- 43,560 square feet within the city of Pewee Valley

#### Minimum Lot Width:

- 50 feet; or
- 150 feet without sanitary sewers

#### Maximum Density/Intensity:

- 1.0 Floor Area Ratio

#### Maximum Structure Height:

- 45 feet (agriculture structures are exempt)

#### Minimum Front Yard Setback:

- None

#### Minimum Side Yard Setback:

- None except when abutting a residential district (shall take on that of the abutting district)

#### Minimum Street Side Yard Setback:

- None except when abutting a residential district (shall take on that of the abutting district)

#### Minimum Rear Yard Setback:

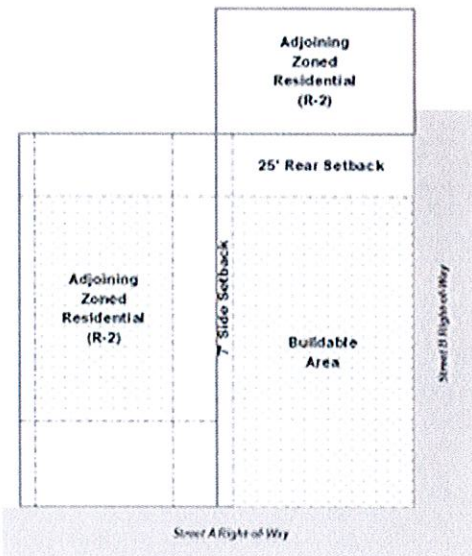
- None except when abutting a residential district (shall take on that of the abutting district)

#### Maximum Lot Coverage for Structures:

- 40 percent of the lot area

#### Maximum Impervious Surface Including Structures:

- 65 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. 170-030 C-3 General Business District:  
Permitted Uses**

**Agricultural Uses**

Agricultural Uses  
Farmers Market  
Riding Academies and Stables

**Commercial**

Adult Entertainment Establishments  
Building Material Sales  
Firework Sales (Permanent, Ancillary, and Seasonal)  
Funeral Homes and Mortuaries  
Hotels and Motels  
Nursing Homes  
Printing and Lithograph Shops  
Retail and Personal Services Establishments with a gross  
floor area < 100,000 square feet  
Vehicle Repair including service stations  
Vehicle Sales and Display  
Vehicle Wash  
Vocational Schools

**Community Facilities**

Adult Day Centers  
Colleges and Schools, not for profit (CF)  
Nursery Schools and Childcare Centers  
Parks, Playgrounds, Community Centers, and Similar  
Uses  
Public and Government Buildings and Facilities

**Eating Establishments**

Eating Establishments of any kind

**Light Industrial**

Boat and Marine Supplies  
Building and Related Trades Shops  
Lumber Storage, Millwork, and Sales  
Storage Facilities for Frozen Products

**Office**

Business and Professional Offices including Clinics and  
Immediate Care Facilities

**Public Parks and Recreation**

Boat Docks and Launching Areas, Recreational Camps,  
Resorts Public Parks and Forest Preserves

**Sec. 170-040 General Business District:  
Conditional Uses**

**Commercial**

Auto Auctions  
Veterinary Hospitals and Kennels

**Community Facilities and Services**

Marinas or Boat Rental

**Health Services**

Hospitals and Institutions

**Light Industrial**

Contractor's Equipment Storage  
Grain and Feed Storage and Sales  
Mini-Warehouses/Self Storage Facilities

**Natural Resource**

Borrow Pits, Quarry, Gravel Pit, or Stone Mill  
Extraction and Development of Natural  
Resources,

**Recreation**

Aviaries and Zoos  
Indoor Sports Facilities

**Residential**

Community Residences

**Special**

Airports, Heliports, and other Airship or Flying Machine  
Take-off or Landing  
Facilities  
Cemeteries, Mausoleums and Crematories  
Commercial Lakes

**Utilities**

Private Utility Buildings and Facilities  
Sewage Treatment Plants



Oldham County Planning and Development Services  
Application for Waiver of Regulations

Oldham County

JUL 18 25

Planning &  
Development

Date: \_\_\_\_\_ Plat No: P2-26-021 Staff: SR Fee: 295

This application must be submitted in person at the Planning and Zoning Office.

PD 7/18/25  
CK# 2104

**General Information:**

Name of Applicant(s): Willard Properties, LLC

Project Address: 3401 E. Hwy 42 Pendleton, Ky 40055

Subdivision Name: N/A

Current Land Use: Residential Parcel ID: 51-00-00-23A

Current Zoning: C-3 Commercial Total Acreage: 7.08 Acres

Are there any past or present related Planning and Zoning cases, including minor plats, on this property? If yes, please list the cases:

**Signatures:**

Owner(s): Willard Properties, LLC  
Name: Robin Willard Signature: Robin R. Willard

Address: 2717 Thompson Rd LaGrange Ky 40031

Phone: 502-727-2106 Email Address: rwillard0905@gmail.com

**Applicant(s): (if other than owner)**

Name: \_\_\_\_\_ Signature: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email Address: \_\_\_\_\_

**Contact:**

Name: Same As Above Signature: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email Address: \_\_\_\_\_

***Application for Waiver***  
***(Page 2)***

***Explanation:***

The Commission may reduce or otherwise grant waivers from the requirements of the Oldham County Subdivision regulations whenever it encounters the situations described below.

- A. Exceptional Hardship – Where the Commission finds that strict compliance with these regulations would create an undue hardship because of exceptional unique topographic or other natural or man-made physical conditions encountered on the particular land, the Commission may modify these regulations to the extent necessary to relieve the undue hardship.
- B. Design Innovation and Large Scale Development – These regulations may be modified by the Commission in the case of plans for complete neighborhoods or other design innovations which, in the Commissions opinion, still achieve the basic objectives of these regulations.

Please explain how this request relates to one or both of the above situations.

See attached letter

**Comments for Application for Waiver**  
**Willard Properties, LLC / Robin Willard – Applicant**  
**Willard Properties, LLC – Owner**

I respectfully submit this application seeking a waiver under Oldham County zoning regulations to permit continued and future residential use of my property located at 3401 E Hwy 42, Pendleton, KY 40055 – Parcel 51-00-00-23A, which is currently zoned C-3 Commercial.

We have owned this property since March 2011 with deeding into Willard Properties, LLC in November 2013. We were not aware that the property was zoned C-3 Commercial until I started the building application process. The current old structures on the property are a small 878 sf vinyl siding home and a 900 sf metal garage.

Although the property is situated within a commercial zoning district, it has historically been used as a residence and I wish to preserve that long standing residential use. Currently, my son and his family reside in the current home as the tenant, and he intends to purchase the property in the future to continue its residential use. In addition, I plan to construct a new, larger single-family home and a garage on the site to better meet practical and family needs. I believe that allowing this waiver would preserve the property's long-standing residential character and use.

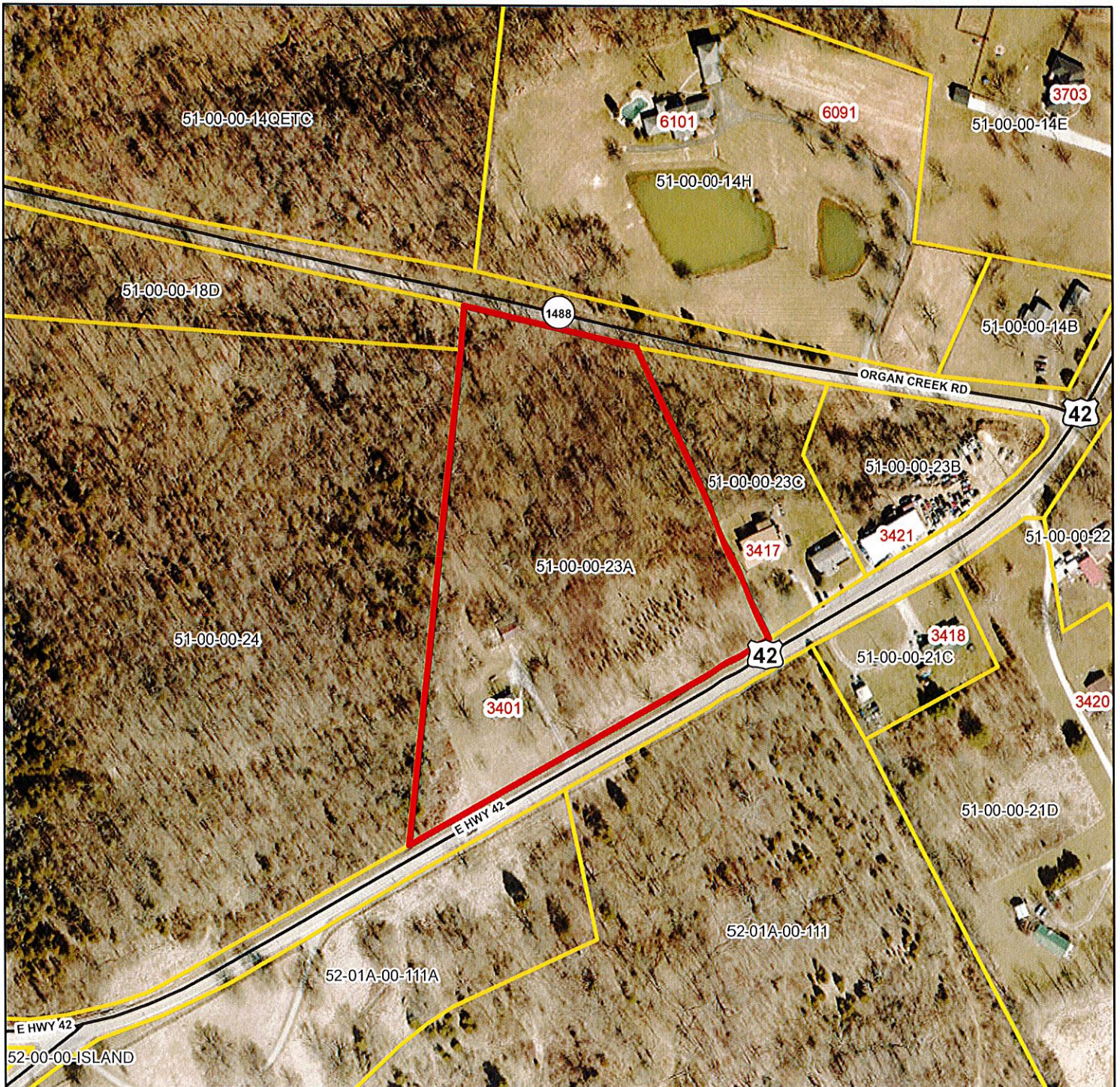
Thank you for considering this waiver request. I appreciate your attention and look forward to working with the commission to achieve a solution that honors both zoning intent and the property's existing residential character.

# Oldham County Planning Commission

Docket Number PZ-25-021  
Residential Use Waiver

C-3

3401 E HWY 42  
51-00-00-23A



0 137.5 275 550 Feet

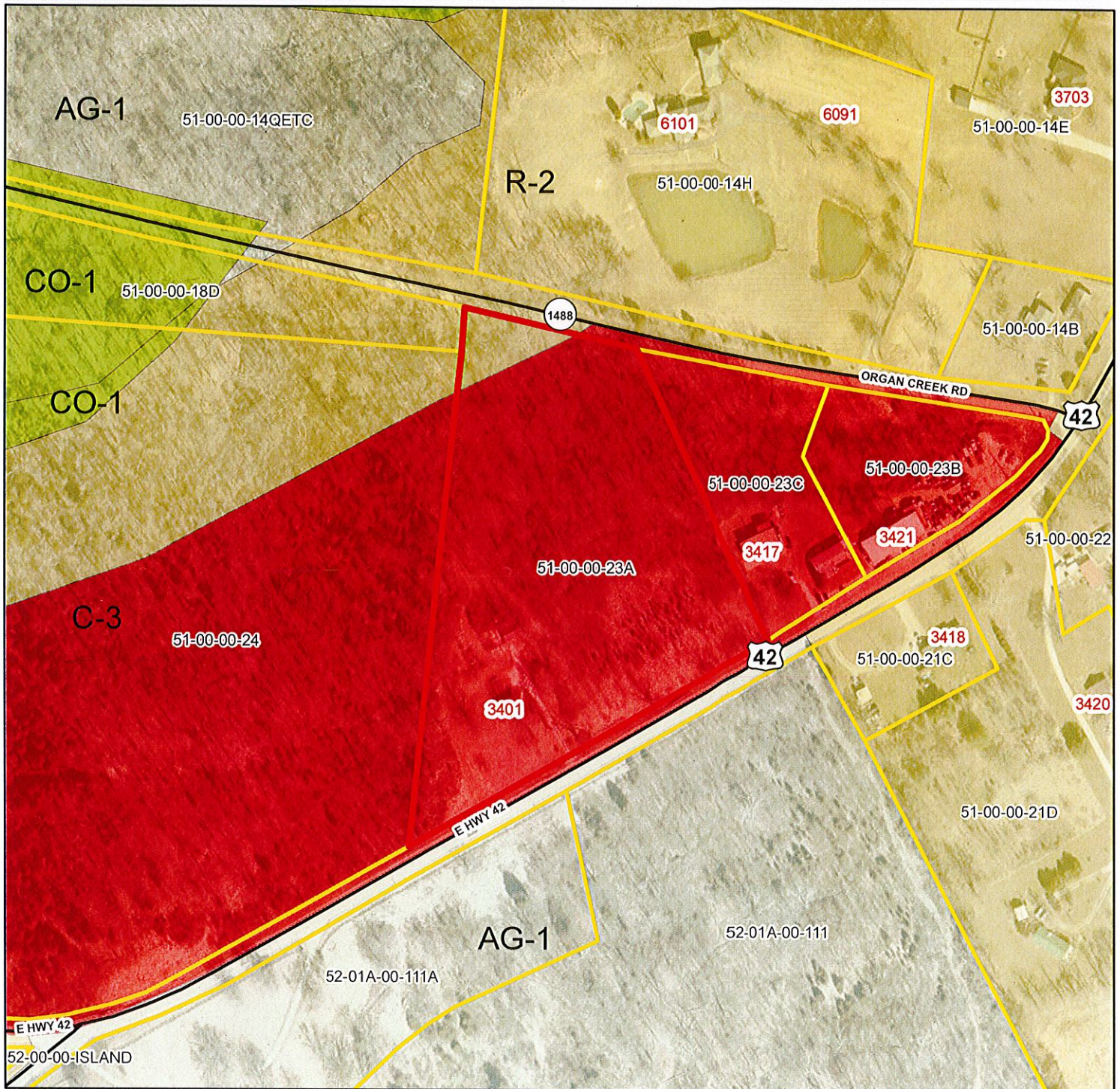
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Residential Use Waiver

C-3

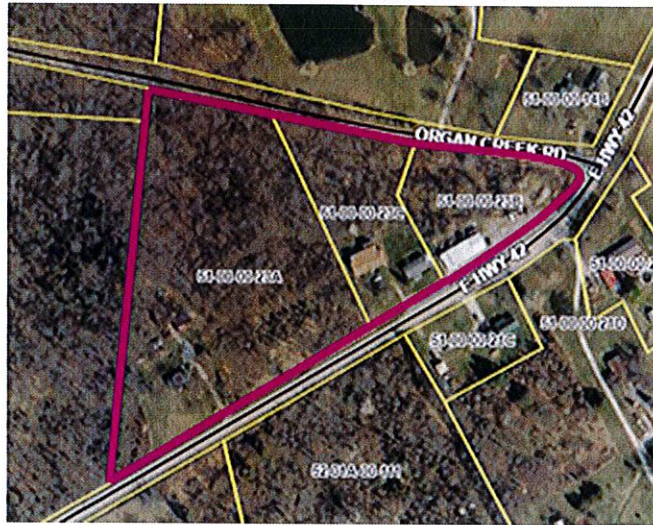
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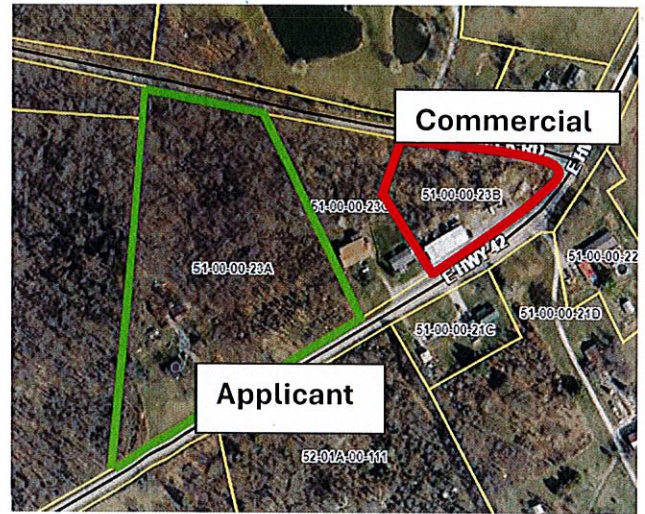
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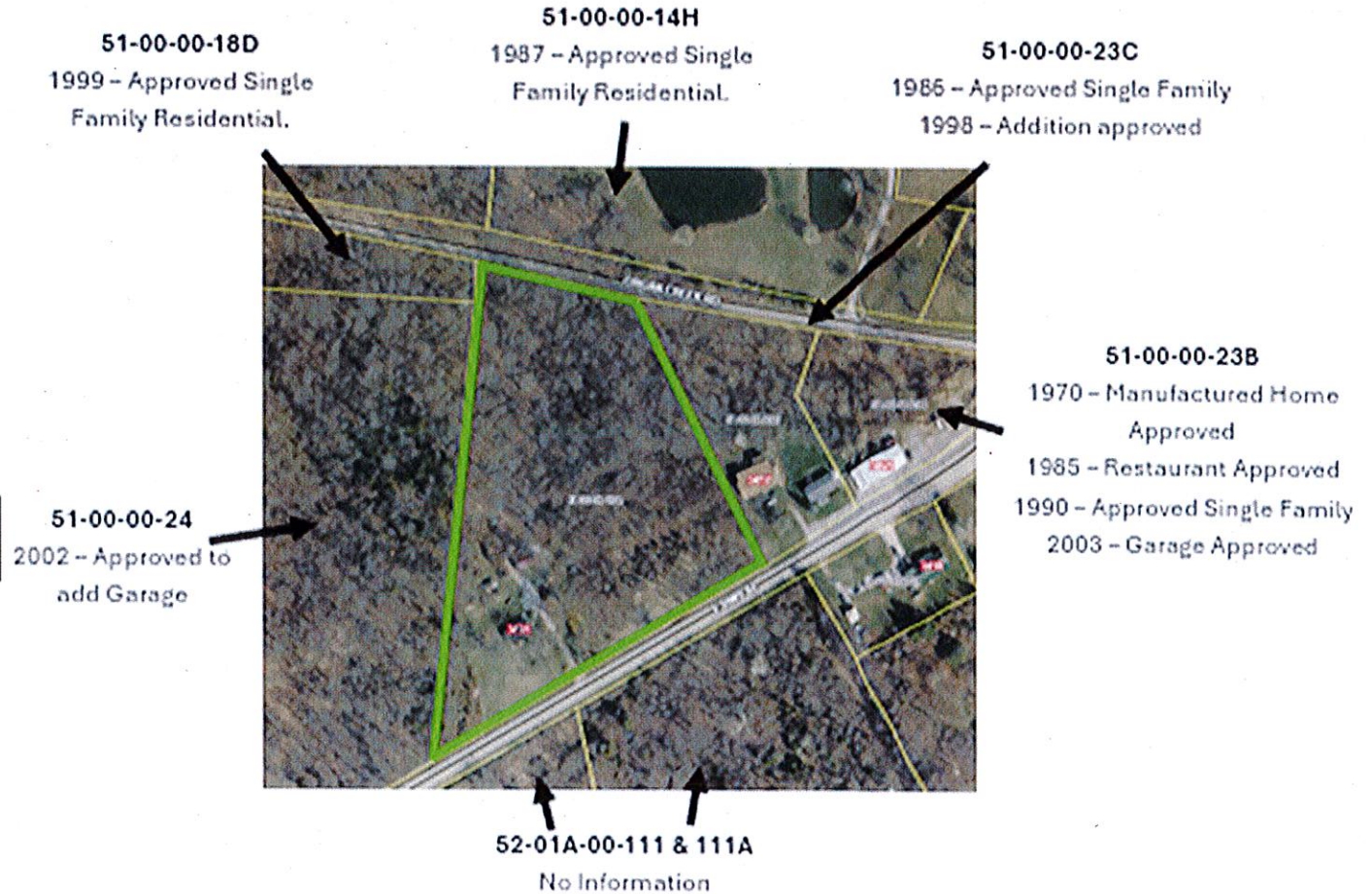
## Original Parcel

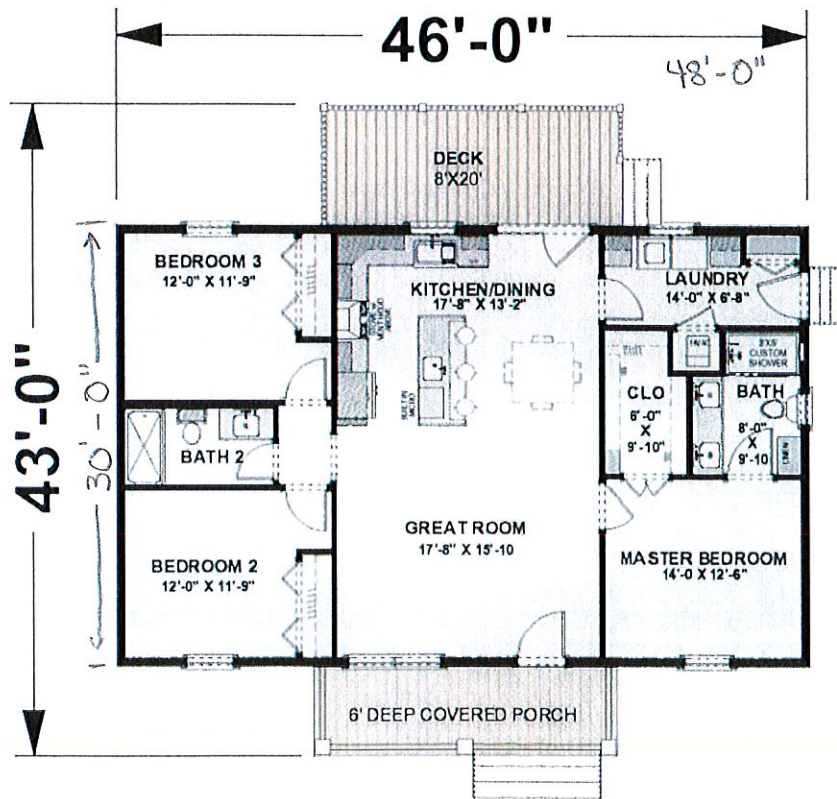
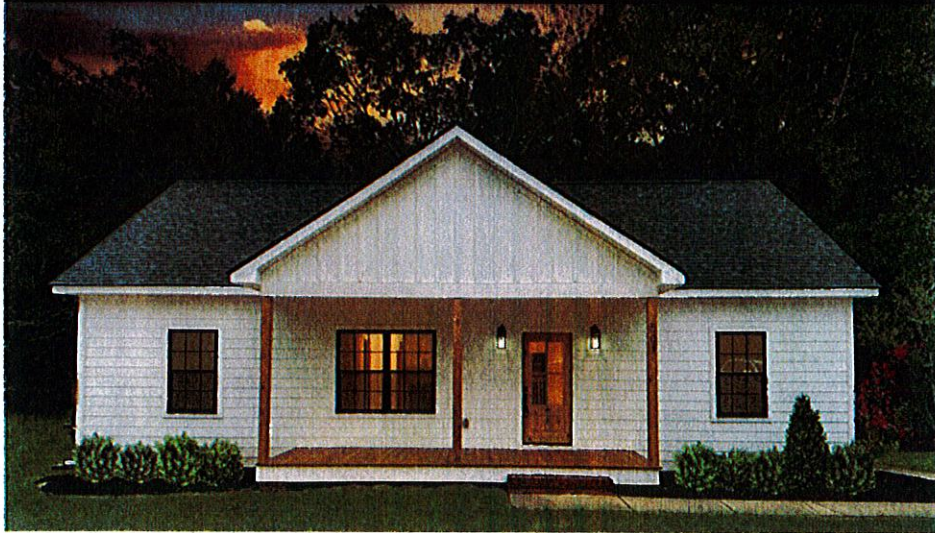


## Post Split



## Surrounding Land Uses





30x48