# Oldham County Planning and Development Services
## Application for Waiver of Regulations

*For Staff Use Only:*

Date: _____ Plat No: _____ Staff: _____ Fee: _____

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

### General Information:

Name of Applicant(s): Newcomb Oil Co., LLC

Project Address: 4703 LaGrange Road

Subdivision Name: Floyd Hartlage Family Subdivision

Current Land Use: Vacant Parcel ID: 31-00-004Z

Current Zoning: C-2 Total Acreage: 2.01ac.

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

12/20/16 - PZ16-036/037/038

### Signatures:

***Owner(s):***

Name: Newcomb Oil Co., LLC Signature: J L Newcomb Jr President

Address: 951 Withrow Court, Bardstown, KY 40004

Phone: [redacted] Email Address: [redacted]

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

Name: Brad Miles, PE Signature: Brad Miles

Address: 951 Withrow Court, Bardstown, KY 40004

Phone: [redacted] Email Address: [redacted]

***Contact:***

Name: N/A Signature: _____

Address: _____

Phone: _____ Email Address: _____

***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.

***Submittal Checklist:***

✓ 1. Complete Oldham County Planning and Zoning Waiver Application. (Owner's signature is required.)

✓ 2. Required $250.00 application fee.

✓ 3. Notice fees equal to $5.00 per adjoining property owner.

✓ 4. Mailing Labels for all adjoining property owners, including name and address of all 1st tier adjoining parcels. 1st tier adjoining parcels include all those that border the property, including those across streets. (*See note below for PVA directions)

✓ 5. Property information for the project location as listed by the Property Valuation Administration (PVA). (*See note below for PVA directions)

✓ 6. A copy of the current recorded deed along with any applicable easement deeds or maintenance agreements. Include any existing surveys of the property, if available.

✓ 7. One copy of an original survey. All surveys must be created by a licensed surveyor and must meet the minimum criteria listed within the Oldham County Subdivision Regulations under Section 3.5, page 8. (The Subdivision Regulations are accessible via the internet at www.oldhamcounty.net/property under the public documents section of the webpage.)

✓ 8. Twenty additional copies of the survey. (These copies may be photocopies of the original survey)

✓ 9. Any proposed access easement agreements.

✓ 10. Any other supporting documents and/or photographs

** Accessing PVA information: Property information may be accessed on the internet at www.oldhampva.com. In order to search for a property, users must select "Tax Payer Info" from the left column then select "Property Search". Once located, users may print the information using the print command on their internet browser. For adjoining property owners or further assistance contact PVA at 110 W. Jefferson Street in LaGrange or at (502)222-9320.*

**Waiver Justification**

Newcomb Oil Co., LLC

4703 LaGrange Road

The applicant requests a waiver from the maximum average illumination level requirement set forth in Section 310 of the Oldham County Planning and Development Services Zoning Ordinance. Given the need for safe, secure canopy and store lighting, it is difficult to achieve an overall average of 8 foot candles.

Strict compliance with the 8 foot-candle limit would create an undue hardship due to the functional design requirements of the site, including building entrances, internal circulation routes, fuel pumping areas, and active parking areas. These elements require higher localized illumination to ensure safe vehicular and pedestrian movement. Given the site layout constraints and necessary placement of lighting fixtures, the average may exceed the maximum. These conditions are directly related to the physical and operational characteristics of the development and cannot be reasonably mitigated without compromising safety.

The proposed lighting plan represents a coordinated design approach that prioritizes safety, functionality, and compatibility with surrounding development while maintaining the overall intent of Section 310. Specifically:

- The lighting plan utilizes full cutoff/downward-directed fixtures intended to minimize glare and light trespass.
- Illumination levels exceeding the average are limited to small, concentrated areas necessary for safety and visibility.
- Average site lighting levels remain compatible with surrounding development patterns.
- Lighting at the property boundaries remains controlled to reduce impacts on adjacent properties and public rights-of-way.
- The proposed lighting improves site safety and security for customers, employees, and emergency access.

Accordingly, granting the requested waiver will allow for safe and efficient site operation while preserving the underlying intent of the lighting regulations and minimizing adverse impacts on surrounding properties and the community.

**Waiver Justification**

Newcomb Oil Co., LLC

4703 LaGrange Road

The applicant requests a waiver from the maximum impervious surface requirement established in the C-2 Community Business District (Section 160-040) to permit approximately 70% impervious surface coverage, where 65% is otherwise permitted.

The subject property is located adjacent to an existing industrial park and along KY 146, where access is limited. The location of the access on KY 146 creates the need for additional impervious area to accommodate maneuvering of vehicles through the site. The surrounding area is characterized by substantial existing impervious surfaces, vehicular circulation infrastructure, parking areas, and a mix of commercial and industrial land uses. The proposed development consists of a convenience store and fueling station intended to serve surrounding industrial, commercial, and traveling traffic demands.

Strict compliance with the 65% impervious surface limitation would create an undue hardship due to the operational and site design requirements of a convenience store and fueling station. The proposed use requires adequate space for fuel dispensing areas, safe vehicular maneuvering, stacking, parking, delivery access, and safe ingress and egress. Reducing impervious surface coverage to 65% would compromise circulation patterns, restrict necessary vehicle movements, and impair the overall functionality and safety of the development.

The proposed development reflects a functional site design that is consistent with the character and development pattern of the surrounding area, which includes similar uses and site configurations. The requested increase in impervious coverage is modest and supports a design that achieves the underlying objectives of the Zoning Ordinance by promoting safe, efficient, and orderly development. The proposal remains consistent with the overall intent of the Oldham County Zoning Ordinance while allowing for reasonable use of the property and will not adversely affect the character of the surrounding area.

Approval of the requested waiver will allow the site to operate safely and efficiently while preserving the intent of the zoning regulations and maintaining compatibility with the surrounding development pattern.