# GEORGETOWN BOARD OF ADJUSTMENT MEETING SCOTT COUNTY FISCAL COURT 101 EAST MAIN STREET

September 2, 2025 5:30 P.M. AGENDA

# I. BUSINESS

- a) Swear in speakers.
- b) Approval of August 4,2025 Minutes

# II. APPLICATIONS - OLD

a) G-2025-16: Janet Morgan is requesting a dimensional variance from the required front and side yard setback requirements for the construction of a home at 411 Ely Ave. POSTPONED

# III. APPLICATIONS - NEW

- a) G-2025-17: Kevin and Marie Mann are requesting a variance to reduce the side yard setback from 7.5 feet to two feet for the construction of a home addition at 121 East Jackson Street. [Schedule of Area & Dimension Regulations]
- b) G-2025-18: JTA Properties are requesting a variance to reduce the side yard setback from 7.5 feet to zero feet for the division of a duplex unit into two separate parcels at 220-222 Tanbark Drive. [Schedule of Area & Dimension Regulations]
- c) G-2025-19: Yvonne Walters is requesting a variance to reduce the side yard setback along the northern property line for the construction of a home addition at 617 Second Street. [Schedule of Area & Dimension Regulations]

# IV. OTHER

a) None

# V. ADJOURN



# Georgetown Board of Adjustment August 4, 2025, Minutes

The meeting was called to order at 5:30 p.m. All members were present, except Volk. Rhett Shirley and Mark Carper were present as Staff to the Board.

Upon motion by Emerson, second by Allen, the Board unanimously approved the July 7, 2025, minutes.

Upon motion by Allen, second by McIntyre, the Board unanimously approved the July 22, 2025, Special Meeting minutes.

The Board attorney administered the oath to those signed in to speak.

# **Old Applications:**

a. G-2025-12: Serena Florentino-Alfaro, 120 Blossom Park Drive, Georgetown, KY, requested a Conditional Use Permit (CUP) for certification of a type II in home childcare at 120 Blossom Park Drive, Georgetown, The property is zoned Residential, R-1C. The applicable provision is Zoning Ordinance § 4.33. Required notices were given. There was significant opposition.

Mark presented the application. He read the Type II daycare ordinance provisions. He stated the minimal number is the reason for recommending approval. He recited the circumstances: parking requires two (2) off street, applicant has 4, meeting the requirement. Concerning traffic: according to the original traffic count for this subdivision, there would be 826 trips per day. The proposed use would create only ten (10) trips a day. He addressed need for childcare, citing the 2023 Kids Count Data Book. He cited Scott County Statistics showing a total of slots for children the age applicant proposes to be 2357. There are 3664 kids under the age of 5 in Scott County. This use is listed as a CUP under our Ordinance. There is a significant need. The limited number of children envisioned by this application and the need of the community justify approval. Mark presented his findings and recommended conditions of approval. Staff concluded saying the proposed use is listed as CUP in the Ordinance. It would not impair the integrity and character of the area and would benefit Scott County. Applicant was not present. Chair opened the public hearing to testimony.

Numerous residents of the subdivision addressed the Board. They objected to approval of this application on the bases of traffic, HOA restrictions which prohibit business uses in the subdivision, and harm to existing bona fide childcare businesses. They objected due to her absence and contradictions within applicant's statements on this application and those made to the HOA. There were questions of the impact approval of this application would have on the sex offender residing within the prohibited distance of applicant's home.

Another objected due to traffic that now includes Planet Fitness which was not counted in the original traffic count. She noted fifty (5) more houses are currently planned, which were not in that traffic count. Another argued there is parking on one (1) side of the street, not two (2). The street width is reduced in this area due to medians and the curvature

Georgetown Board of Adjustment August 4, 2025, Minutes Page two

of the street. Residents asked how the limited number of kids and their ages would be enforced. What about the conflict between the applicant not being able to work and being full time? If she'll break HOA rules, why would the Board expect her to obey theirs?

Holden stated if the Board conditions an approval, staff would enforce it. The question should be, "Are the conditions sufficient to protect the neighborhood? If not, the application should be denied."

Board attorney explained the Board need not deny simply because applicant is not present. But, if the Board cannot protect the area by appropriate conditions, it should deny for that reason.

Upon motion to deny by Teague, second by Allen, the Board unanimously denies despite the use being beneficial to community and listed in the Ordinance, because: numerous issues were presented by the neighbors, e.g., excessive traffic, parking, differing hours, differing numbers of children, and applicant availability in the home for which applicant presented no response due to her absence.

# **New Applications:**

a. G-2025-15: USA Signs, LLC 196 Westridge Drive, Danville, KY, for Dutch Brother's Coffee, 100 Osborne Way, Georgetown, KY 40324, requested a variance to allow additional building signage at 100 Osborne Way (former O'Charley's). The property is zoned B-5, General Commercial Park. The applicable provision is the Georgetown Sign Ordinance and KRS 100.243. Required notices were given. There was no opposition. Staff recommended approval.

Rhett presented the application, explained the circumstances, his proposed findings, and his recommended conditions of approval. Applicant concurred.

Anneaugh.

Upon motion by Emerson, second by McIntyre, the Board unanimously approved the application, subject to the Staff report.

There being no further business, the meeting was adjourned.

Attested:	Арриочец.	
Charlie Perkins, Board Attorney and Recording Secretary	Nate Schwartz, Chair	

# VARIANCE APPLICATION 121 EAST JACKSON STREET

# Staff Report to the Georgetown Board of Adjustment September 2, 2025

FILE NUMBER: G-2025-17

**PROPOSAL:** Variance request to reduce the

minimum R-2 single-family side yard setback requirements (7.5 FT) to 2 feet for the construction of an addition to a pre-existing non-conforming structure.

LOCATION: 121 East Jackson Street

APPLICANT: Kevin & Marie Mann

CONSULTANT: N/A

STATISTICS:

Zone: R-2 (Medium Density Residential)

Surrounding Zone (s): R-2

Site Acreage: 0.14 acres (6,118.41 sq ft)

Lot Width 52 feet

Access (Direct): East Jackson Street

Access (Arterial): South Broadway (US-25) East Main Street (US-460)

BACKGROUND:

Kevin & Marie Mann ("Applicant") are seeking approval for a side setback variance request for the construction of a ground-floor addition to a pre-existing, legal non-conforming structure. This addition would consist of a laundry and storage space.

The structure has legal non-conforming status under section 2.41 of the zoning ordinance:

- The southeast corner of the structure does not meet the minimum setback requirements for a single-family home in the R-2 zone.
- The parcel does not meet the minimum lot area (7,500 SF) or minimum lot width (60 SF) for a single-family home in the R-2 zone.

Therefore, if the variance request is approved, it would also constitute the granting of a variance for relief from restrictions regarding addition/expansion of a legal non-conforming structure, as found in section 2.41 of the *Zoning Ordinance*. This legal non-conforming status is no fault of the Applicant; the home was built before such R-2 minimum standards were implemented.

#### **ISSUES & ANALYSIS:**

When considering an application for a variance, the Applicant must demonstrate compliance with related state statutes, included below.

"KRS 100.243 Findings necessary for granting variances."

1. Before any variance is granted, the board must find that the granting of the variance 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. In making these findings, the board shall consider whether:



- a. The requested variance arises from special circumstances which do not generally apply to land in the 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 regulations from which relief is sought.
- The board shall deny any request for a variance arising from circumstances that are the result of willful violations of the zoning regulation by the applicant subsequent to the adoption of the zoning regulations from which relief is sought."

It is the applicant's burden to provide evidence justifying findings of fact satisfying KRS 100.243. The purpose of this stringent standard is to uphold the zoning ordinance while providing for equitable relief, in particular, to isolated circumstances. All decisions to grant relief must be supported by findings based on substantial evidence. Without such support, the decision shall be deemed arbitrary.

The Applicant has provided written justification for the addition regarding the requirements of KRS 100.243, summarized below:

The Applicant proposes constructing an additional ground-level room to the rear right/ northeast corner of the existing structure (where the building makes an "L" shape on the map). The intent of this addition to the structure would be to provide first-floor access to laundry and food storage facilities for the occupants, which currently are in the basement of the home.

The Applicant has stated that the basement of the home is a potential safety hazard, due to the condition of the basement as well as the health conditions of one of the occupants. The Applicant(s) states that the stair access to the basement is steep and unsafe. They further state that the basement is predisposed to flooding issues as well as potentially hazardous radon levels (despite the existence of a functional radon mitigation system). Said unsafe conditions do not result from any fault of the applicant, but rather from the age of the home itself, which was constructed before 1930.

The Applicant states that the addition will not encroach upon the property line to the abutting parcel to the east (125 East Jackson) any more than the front of the already existing structure, as can be seen in plans for the addition. The Applicant has submitted preliminary plans of the proposed structure, demonstrating in good faith that the addition will not further encroach upon the property line. The Applicant states that upon consultation with qualified contractors, the proposed location is the only reasonable location for the addition, citing home infrastructure systems (plumbing, electrical, and HVAC), limited inconvenience to neighbors, and cost-effectiveness.

Section 2.41 of the Zoning Ordinance states the following:

"Alterations: a non-conforming structure shall not be enlarged, replaced, or altered except in conformance with the Zoning Ordinance..."

To reiterate, given the non-conforming status of the structure, approval of this request would also entail a variance from the restrictions of section 2.41 of the *Zoning Ordinance*.

# Findings:

- 1. The property is a 0.14 acre (6,118.41 sq ft) R-2 zoned parcel.
- 2. The requested variance arises from special circumstances that do not generally apply to land in the general vicinity, in the form of the health concerns of the applicant and the age/non-conforming status of the home.
- 3. The strict application of the R-2 setback regulations in this case would deprive the applicant of the reasonable, and more importantly, safe use of their home.
- 4. The non-conforming status of the structure is the result of the parcel being developed before R-2 standards were implemented.
- 5. The non-conforming structure's east side is approximately 2 feet from the property line.
- 6. The applicant has provided a preliminary plan demonstrating the addition will not further encroach upon the property line to the east. The encroachment will remain 2 feet.
- 7. The applicant has provided documentation that the non-conforming status of the structure is the result of the home's construction being completed well before R-2 setback requirements were implemented.

- 8. The addition of the structure would create little to no disturbance to the neighboring property at 125 East Jackson, nor would the proposal alter the character of the general vicinity. The applicant has demonstrated that the addition would not be visible from the street.
- 9. Staff finds that denying the request will create undue hardship on the Applicant and deprive them full use of their property in a manner consistent with the surrounding area.

#### RECOMMENDATION:

Staff Recommends **Approval** for the variance request from the side setback requirements of the R-2 zoned property at 121 East Jackson Street from a minimum of 7.5 feet to 2 feet. It must be noted that this variance also constitutes relief from section 2.41 of the *Zoning Ordinance* regarding expansion or addition to an existing non-conforming structure.

Should the Board approve this application, staff recommends including the following conditions of approval:

- 1. The property, including the addition to the primary structure, shall be subject to all requirements of the Georgetown-Scott County Zoning Ordinance and Subdivision and Development Regulations.
- 2. The applicant shall comply with all requirements of other federal, state, and local regulatory entities. The applicant shall provide copies to the Board of Adjustment of all permits issued on behalf of the applicant as the result of this approval, including, but not limited to, business-related certifications, licenses, regulatory permits, and recertifications if required.
- 3. The applicant shall obtain a building permit from the Building Inspection office prior to beginning construction for the addition.
- 4. The Applicant shall return to the Board prior to any changes in the approved conditions.
- 5. The Applicant shall be granted a variance from section 2.41 of the zoning ordinance only regarding this specific proposed addition.
- 6. The structural addition must be constructed with fire-deterrent materials.

# VICINITY MAP



# SURVEY NOTES

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JIA PROPERTIES, LLC

BATE.

1. THE SUBJECT PROPERTY IS SUBJECT TO ALL
EXEMPLITS, AMAINAU SCRIACKS, AND RESTRICTIONS AS
DEPOTED ON PLAT OF RECORD AT PLAT CARRET 5, SUDE
2025 IN THE SCOTT COUNTY CLERK'S GPREE.
2. A LETTIN DUTED MAY 27, 2025 MAS BEEN PREPARED
BY ELAME WHETSTIME, HOME RESPECTORY 200421, STATING
THAT THERE IS A FREE-PARED OFFSUM BOARD FREWALL
BETWEEN THE TWO UNITS.

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GIS ANALYST / TECHNICIAN

DATE

# OWNER / CLIENT INFORMATION

JTA PROPERTIES LLC 106 WHISTLER COURT GEORGETOWN, KY 40324 DEED BOOK 337, PAGE 437

ARCA: NUMBER OF LOTS: SITE STATISTICS

(14203 S.F.) R-2

0.326 ACRES

OWNEERS CERTIFICATION
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PUBLIC OR PRIVATE USE AS SHOWN, IN ACCOMPLIANCE WITH THE GEORGATOWN—SCOTT
COUNTY SUDDIVISION AND DESCRIPTION REQULATIONS, MULICIA OTHERWISE MORTH.

PROPERTIES, LLC

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GARY ROLAND, PLS

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CERTIFICATE OF ACCURACY

DATE

CERTIFICATION OF THE PROVISION OF SEWER ONLY

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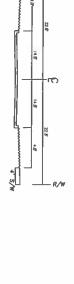
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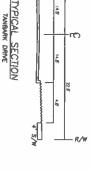
FOREST OAKS SUBDIVISION MINOR PLAT

GEORGETOWN, SCOTT 220-222 TANBARK DRIVE AUGUST 2025 KENTUCKY LOT 23 COUNTY,





THE PURPOSE OF THIS PLAT IS TO SUBDIVIDE ONE LOT INTO TWO LOTS. PURPOSE OF PLAT



SURVEYING

@621.211# @5@62 6762



# APPLICATION TO BOARD OF ADJUST

RECENED

PLANNING COST MAIN Street, Georgetown, KY 40324

Phone (502) 867-3701

Fax (502) 867-3725

FOR OFFICIAL USE ONLY: APPLICATION NO: 6 2025-17 DAT	TE FEE RECEIVED: 8-8-25	_CKyll 2702
1. APPLICANT	Kevin & Marie Mann	
MAILING ADDRESS		
PHONE NO.	EMAIL	
2. TYPE OF REQUEST (Check one of more)	X VARIANCE	□ CONDITIONAL USE PERMIT
	□ HOME OCCUPATION (CUP)	□ ADMINISTRATIVE REVIEW
3. PROJECT SITE 121 E. Jackson Street, Georg	etown, KY 37014	
4. JURISDICTION (Please Circle) Georgetown /	Sadleville / Stamping Ground / Scott	County
5. EXISTING USE Residential		ZONING DISTRICT R-2
6. DESCRIPTION OF REQUEST Minimize require		
of occupant. Please see the accompanying p 100.243	etition describing the request and su	pporting materials consistent with KY
SUPPORTING INFORMATION:		

VARIANCE (\$150.00) — Attach plans drawn to scale showing the dimensions and shape of the lot or land, the size and location of existing buildings, the location and dimensions of proposed buildings or additions, and any natural or topographic peculiarities of the lot in question. In order for a variance to be granted, the applicant must prove to the Board that the following items are true: (Please attach these comments on a separate sheet)

- A. Special conditions exist peculiar to the lot, land, or building(s) in question.
- B. That a literal interpretation of the zoning ordinance would deprive the applicant of the rights enjoyed by other property owners.
- C. That the special conditions do not result from previous actions of the applicant.
- D. That the requested variance is the minimum variance that will allow a reasonable use of the lot, land, or building(s).

CONDITIONAL USE PERMIT (CUP) (\$150.00) — Attach a plan for the proposed use showing the location of buildings, parking and loading areas, traffic access and circulation drives, open space, landscaping, utilities, signs, yards, and refuse service areas. Also, attach a narrative statement relative to the above requirements and also explain any economic, noise, glare, or odor effects on adjoining property and the general compatibility with other properties in the district.

HOME OCCUPATION (CUP) (\$150.00) - In order for a home occupation conditional use permit to be granted, the applicant must prove to the Board that the following items are true: (Please attach these comments on a separate sheet)

- A. The home occupation must be incidental to the principal residential use of the residence and be limited to 25% of the ground floor area, in no event to exceed 300 square feet.
- B. The home occupation shall result in no exterior evidence, except an unlighted wall sign not to exceed five (5) square feet in area, which may identify the home occupation.
- C. The home occupation shall not generate any atmospheric pollution, light flashes, glare, odor, noise, vibration, truck or other heavy traffic.

ADMINISTRATIVE REVIEW (\$150.00) – Attach a narrative statement describing the action or decision made by the administrative official including an outline of information supporting your claim for which relief is sought.

# APPLICANT OR REPRESENTATIVE MUST BE PRESENT AT MEETING FOR THE BOARD TO CONSIDER APPLICATION

I hereby certify that the information contained in this application and supporting attachments is true and correct. I acknowledge that if I withdraw my case, the paid fee will not be returned after legal notice have been submitted. If the applicant is not the owner of the project site, an affidavit will need to be completed.

Marie Mann	Their	٤.	Man	August 8, 2025	
APPLICANT				DATE	

C707. 0 8 00W

Kevin & Marie Mann Kylie & Manuel Contero 121 E. Jackson Street Georgetown, KY 40324

August 8, 2025

Georgetown – Scott County Planning Commission 230 E. Main Street Georgetown, KY 40324

Re:

Variance Request for Building Setback

121 E. Jackson

First floor bathroom / laundry addition

# A. Project description

The owners / petitioners would like to improve the residence by adding a first floor bathroom and laundry. The current home was built in 1929 with a basement typical of that era. The home has only 1 bathroom on the first floor, which is generally inaccessible to guests, as access is provided through the single bedroom on the first floor.

The laundry is in the basement which is subject to flooding, coupled with exposure to radon (despite an operational radon mitigation system). Access to the laundry requires the occupants to navigate steep, typical stairs of a home built in 1929. This, along with the radon exposure, is risky for the wife as she has a previous traumatic brain injury and spinal fusion surgery. Lastly, and most importantly, she is also currently pregnant with their first child, expected in early 2026. Non-perishable, food storage is also currently limited to the basement, making access unfeasible considering the care and supervision required for a newborn child.

Current zoning is R-2.

Current lot size per survey conducted in 2025 and consistent with historical records is 5935 square feet. R-2 zoning requires a minimum 7,500 square feet if served by sanitary sewer.

Current lot width is fifty-two (52) feet. R-2 zoning requires minimum lot width at building line to be sixty (60) ft.

Being subdivided and built on in 1929, the property was obviously subdivided and platted long before the current R-2 zoning designation was established.

The current footprint of the home is depicted in Drawing A below:

As is evident from the drawing (as verified in a drone image of the home dated August 2025), the original construction has the East side of the home (historically constructed) within 2 feet of the property line.

The proposed addition would adopt the historically built structure line, essentially squaring off the home as depicted in Drawing B.

The proposed site takes advantage of current infrastructure (plumbing, roof lines, electrical) minimizing construction cost and site preparation.

B. Application with KRS sec 100.243 and R-2 Zoning Purposes

The petitioners are confident that the request is consistent with KRS 100.243 and will not unreasonably interfere with the fundamental urban design purpose behind the R-2 zoning philosophy.

Sec 100.243 – findings required to approve a variance

(a) The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;

The current and unchangeable lot dimensions and width fall below the current required minimums due to the historic nature of the original property development in the early 1920s. The lot subdivision occurred as part of one of the original urban planning residential divisions prior to 1929. The home was constructed and originally sold in 1929. The home was purchased from the Montgomery Ward "home catalog" (Trenton model) and constructed prior to 1929. (see copy of description of catalog advertisement).

The current footprint as depicted in Drawing A demonstrates the proposed addition is within the historical footprint and avoids further encroachment, merely adopting the current building lines.

Lastly, the proposed addition will not interfere with any R-2 zoning philosophy regarding visual impact from the street or material impact on neighboring properties.

The photo included demonstrates from the street the addition will not be visible, considering the existing residential footprint.

(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;

After considerable research and consultation with qualified builders, the only reasonable method to construct the proposed addition is as described. The location takes advantage

of current home infrastructure (HVAC, plumbing and electrical), is nonintrusive to neighbors, and cost effective due to the placement.

Additionally, considering the occupant's medical history and personal risk, which are unique to her and the family, the variance provides an appropriate accommodation to the unique medical history (as outlined at the outset in paragraph 2) with minimal to no impact on the zoning aspects of R-2.

(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.

The petitioner purchased the home in December, 2023. Accordingly, the lot dimensions, square footage of the lot, site planning all predate by almost 100 years petitioner's ownership. Additionally, petitioners have invested in improvements to ensure viability of the neighborhood (landscaping, hardscape, and maintenance). Petitioners are not asking for the variance because of any actions or inactions taken by petitioners.

## Conclusions:

Petitioners are the parents of the occupants, who are recently married and starting a family. Petitioners purchased the home in partnership with their daughter (moving from Lafayette, Indiana). Petitioner's daughter and husband will purchase the home from petitioners in the very near future. He has a promising career at Toyota and she is expecting their first child in February. They intend to reside in the home for many years.

Petitioners and their daughter and husband hope to have the addition completed prior to the birth of their first child. The addition will facilitate child and home care, avoiding multiple trips down basement stairs for laundry and storage, mitigating further risk to the previous traumatic brain injury. The additional bathroom will facilitate accommodation of family offering support to the young couple during the highly demanding transition into parenthood.

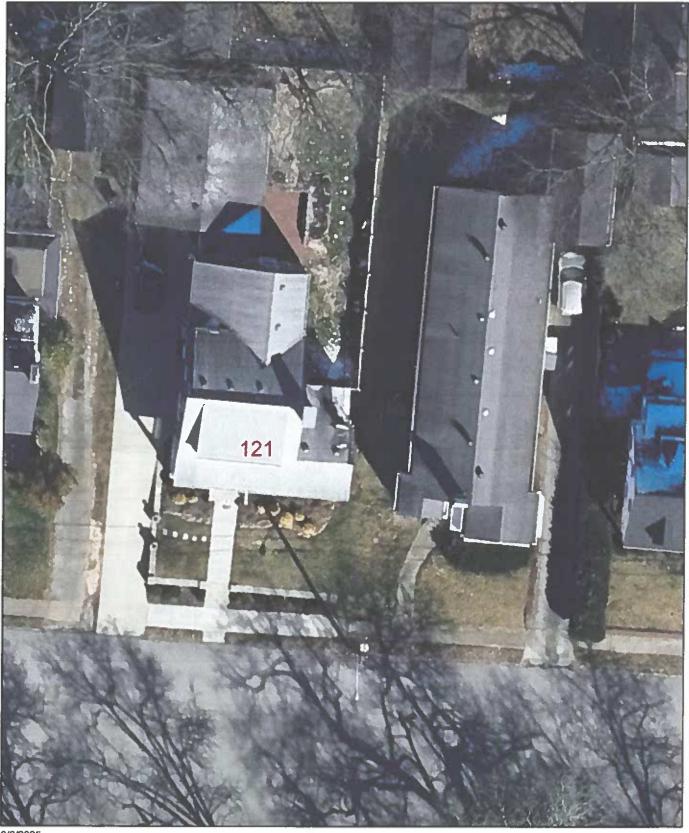
Petitioners believe the approval of the variance is clearly within the terms of KRS Sec 100.243 and highly consistent with the zoning philosophy of R-2.

Respectfully,

Mann Petition August 8, 2025

121 F. Jackson

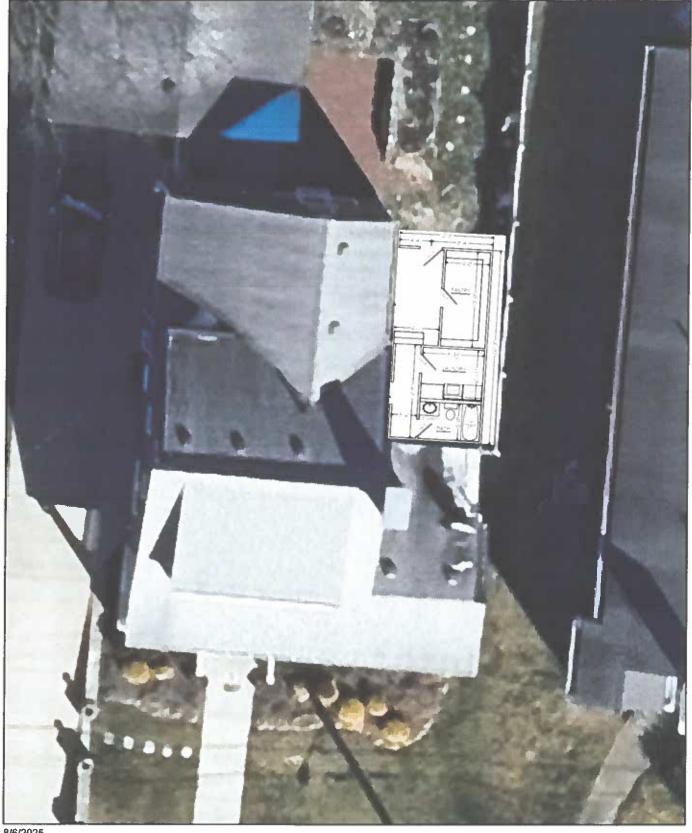
Page 3





Light\_Gray\_Canvas\_Base

# Orth ( noto 121 E Jackson St - Ex nsion



KyFromAbove Phase3 leaf-off 3" ortho imagery (Image Service)

Green: Band\_2

Blue: Band\_3

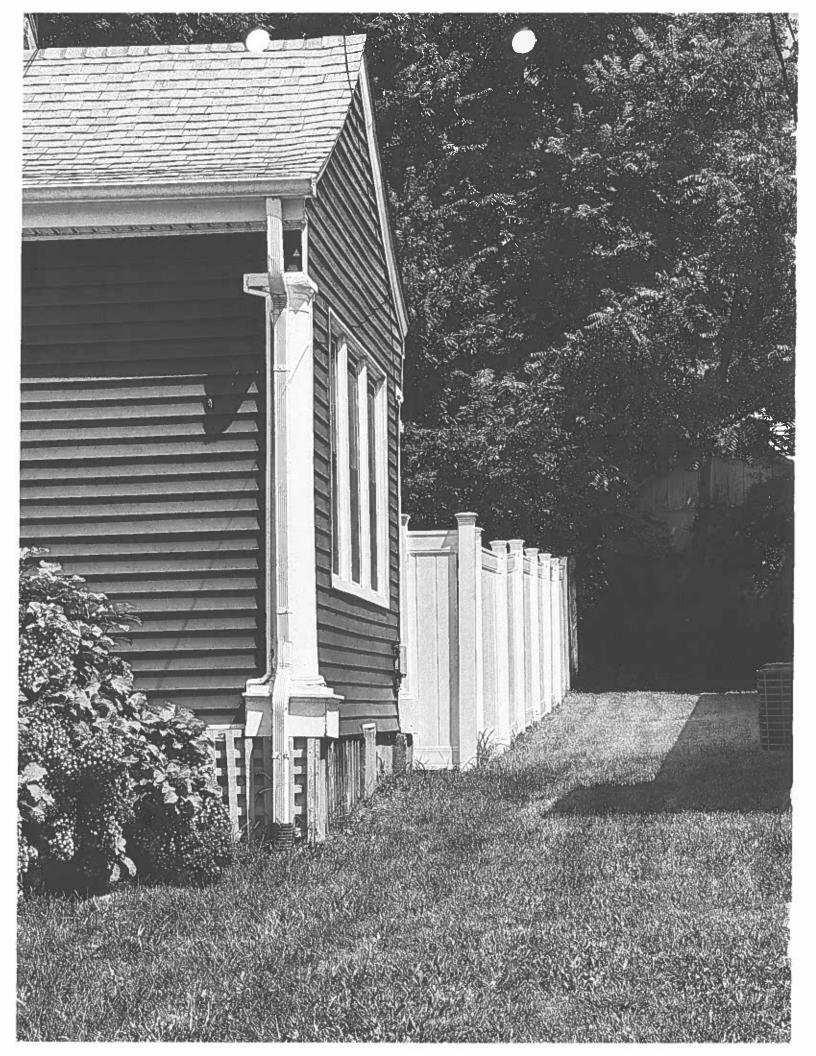
Blue: Band\_3

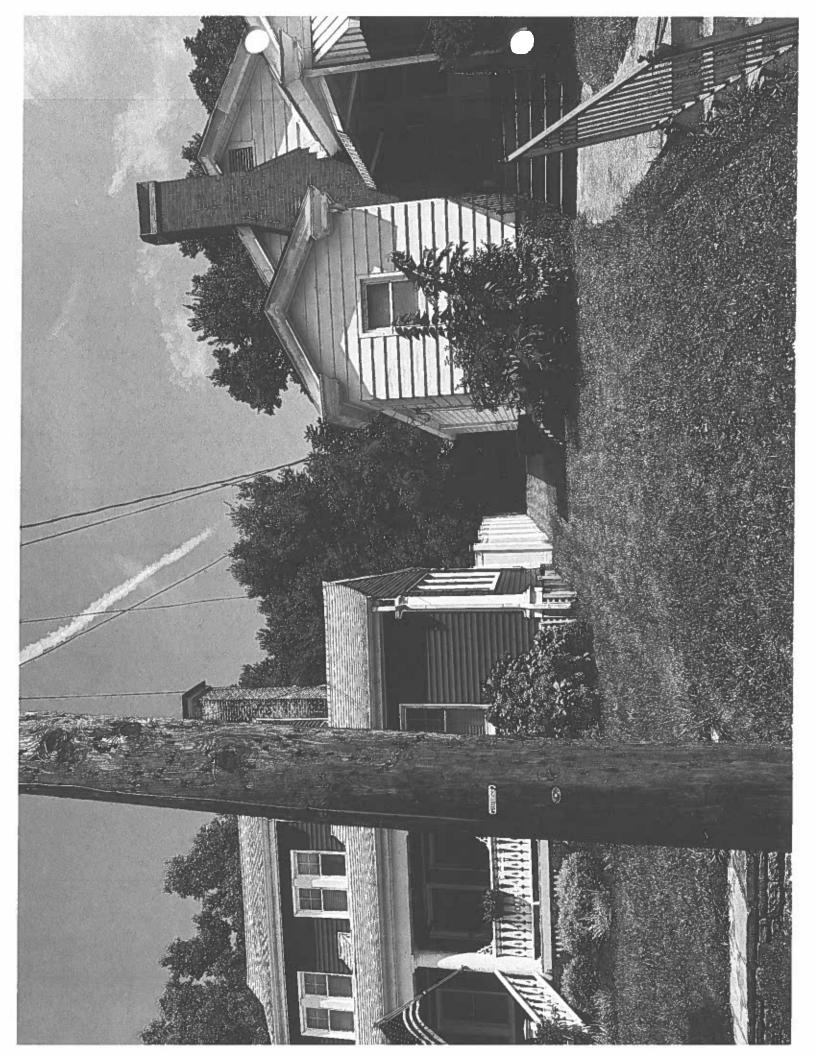
County Boundary Polygons

Light\_Gray\_Canvas\_Base

Red: Band\_1

KyFromAbove Program Partners, DGI, Kentucky Division of Geographic information (DGI), Lexington-Fayette Urban Crist, HERE, Garmin, GeoTechnologies, Inc., USGS, EPA







# Trenton (1929-1931 Ready-Cut)

1929 (\$2367), 1930 (\$2598), 1931 (\$2462)

Similar to Sterling Homes Lawnsette and othe popular Plan Books designs

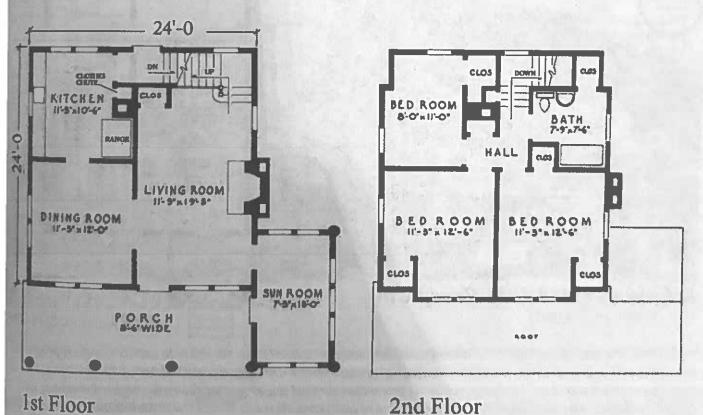
"Here is an architectural masterpiece - a real gem of a home! And it's not necessary to have a large income a big bank account to own the Trenton. It is remarkably low priced - easy and inexpensive to build. And Wards will help you to finance its construction. As you stand out in front of the Trenton, you are impressed with the graceful sweep of the roof, the wonderful sun parlor, front porch with colonial columns - and the pleasing general effect. Step inside, and you are charmed by the inviting, cozy interior. Every room, you will note, has windows on at least two sides. the sun room with windows on four sides will especially appeal to you. Every detail - every feature is modern to the minute. Such a home is sure to please you and draw admiration of your friends.

A living room of real distinction. A charming background for your new or old furnishings, the fireplace lends atmosphere of cheer and warmth and is one of those details which helps make this a really charming home. It floors are included - and like fine old furniture, time only serves to make them mellow. The completed room reflect your own individuality. The "homey" inviting dining room. Real distinction in decoration is made easy this inviting dining room. It has balance, charm and dignity which you will especially appreciate when entertaining. Your guests will long cherish recollections of the teas and luncheons you will serve them here and this room will create for you a reputation for bounteous hospitality."

- 1929 Wardway Homes



A 1929 Montgomery-Ward Trenton built for General Motors in Flint Michigan (photograph by Dale Wolicki).



2nd Floor

One and One Half Story Side Gable - Page 163

When the stock market crashed in October 1929 its immediate irk. .ct on the mail-order housing industry was minimal as the building season was over. Although traditional housings starts were down for 1930, sales of pre-cut homes surpassed those of 1929 thanks to the expanded mortgage programs. "Much the same type of plan for home-building and financing announced recently by Sears, Roebuck and Company has been adopted by Montgomery Ward Company", reported Business Week in March of 1930. When Wards announced that pre-cut housing sales for the 1931 building season were running 28% ahead of 1930 the Chicago Daily Tribune though the news worthy of an interview with Wardway Homes manager J.A. Webber.

The continuous increase in sales of Wardway homes during the last fourteen and one-half months seems to upset the commonly accepted notion that people are not prepared to build at this time. In the early part of 1930 Ward's announced a new loan plan which made available a huge fund for those who intended to build one or two family residences.... The construction of homes made possible by these loans helped to keep thousands of men employed during the last year. (April 5, 1931)

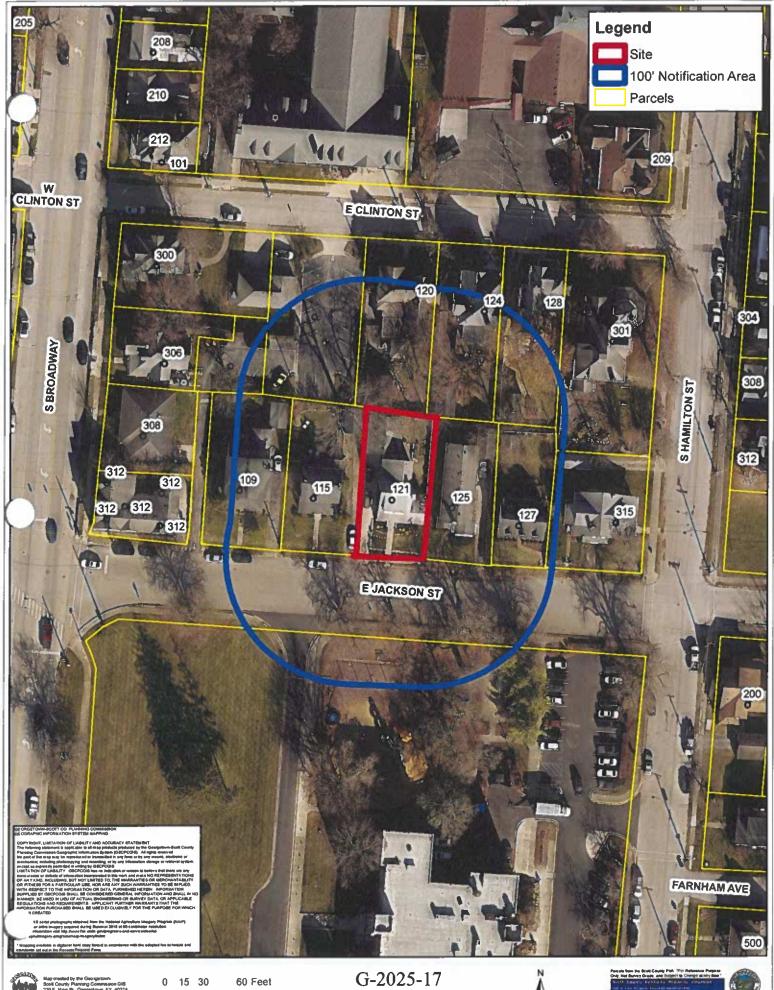
The sales increases were largely the result of Sears and Montgomery Ward having dropped their credit requirements and offering additional incentives. Robert Betcone, son of David Betcone (a staff architect within the Sears Modern Homes department 1926-1934) explained that salesmen pushed hard for customers to take on heavy mortgages, regardless of their credit or income. Throughout 1930 and 1931 sales climbed but mortgage defaults soared.

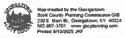
On January 22, 1932 Congress established the Reconstruction Finance Corporation, an agency that provided loans to the banking and mortgage industry. It was hoped that an infusion of tax dollars into the banks would repair the badly wounded mortgage industry. With this fresh cash, mortgage bankers could offer sweeter would repair the badly wounded mortgage industry. Unable to compete for new mortgages, Montgomery deals than their competitors – like Montgomery Ward. Unable to compete for new mortgages, Montgomery Ward eliminated their home mortgage program in 1932.



J.A. & Eva Tolman built this *Trenton* in Georgetown, Kentucky with a Wardway mortgage in 1929 (photograph by Dale Wolicki).

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Georgetown, Kentucky







# VARIANCE APPLICATION 220-222 TANBARK DRIVE

# Staff Report to the Georgetown Board of Adjustment September 2, 2025

**FILE NUMBER:** G-2025-18

PROPOSAL: Variance to reduce the side

> yard setback from 7.5 feet to 0 feet to facilitate the division of a duplex into two separate

parcels/properties

220-222 Tanbark Drive LOCATION:

JTA Properties / Amy Barron APPLICANT:

CONSULTANT:

N/A

STATISTICS:

R-2 (Single Family Residential) Zone:

Surrounding R-2 (Single Family Residential)

Site Acreage: 0.32 ac

Access (Direct): Timberland Way to Tanbark Drive

Access (Arterial): Cherry Blossom Way

East of Cherry Blossom Way, South of Timberland Way Context:

# **BACKGROUND:**

JTA Properties / Amy Barron ("applicant"), is applying for a Variance to reduce the side yard setback from 7.5 feet to 0 feet to facilitate the division of a duplex into two separate parcels/properties.

## **ISSUES & ANALYSIS:**

"KRS 100,243 Findings necessary for granting variances.

- 1. Before any variance is granted, the board must find that the granting of the variance 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. In making these findings, the board shall consider whether:
  - The requested variance arises from special circumstances which do not generally apply to land in the 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 regulations from which relief is sought.
- 2. The board shall deny any request for a variance arising from circumstances that are the result of willful violations of the zoning regulation by the applicant subsequent to the adoption of the zoning regulations from which relief is sought."





Though "zero lot line" arrangements are not uncommon for duplexes and other attached single family structures, as they allow for independent ownership of units, our zoning ordinance does not grant this by right. A variance from our dimensional regulations is required to allow for the platting as proposed to occur. Additionally, a certification of appropriate firewall separation between units is required on the new plat to ensure proper safety measures have been put in place. This may be done by a certified and licensed home inspector.

Denial of the requested variance would create hardship for the applicant, as it would not allow for independent ownership of attached single family units at this location.

## FINDINGS:

- 1. The Project Site is a 0.32 acre parcel in the R-2 Zone.
- 2. Though "zero lot line" arrangements are not uncommon for duplexes and other attached single family structures, as they allow for independent ownership of units, our zoning ordinance does not grant this by right.
- 3. Denial of the requested variance would create hardship for the applicant, as it would not allow for independent ownership of attached single family units at this location.
- 4. Approval of the variance would not create a situation that is not in line with the general character and circumstances afforded to other attached single family structures.

# **RECOMMENDATION:**

Staff recommends **Approval** of the requested Variance to reduce the side yard setback from 7.5 feet to 0 feet to facilitate the division of a duplex into two separate parcels/properties.

Should the Board approve the application, staff recommends including the following conditions of approval: Conditions of Approval:

- 1. This property is subject to all requirements of the Georgetown Scott County Zoning Ordinance and Subdivision and Development Regulations.
- 2. The Applicant shall comply with all requirements of other federal, state, and local regulatory entities and shall provide copies to the Board of Adjustment of all permits issued on behalf of the Applicant as a result of this approval including, but not limited to, business-related certifications, licenses, regulatory permits, and any recertification when required.
- 3. The Applicant must provide certification on the new plat from a certified licensed home inspector ensuring the existence of a proper fire wall separating the two units being divided.
- 4. The Applicant shall return to the Board prior to any changes in the approved conditions.



7/27/2025 Elaine Whetstine KY License #296271

220 & 222 Tanbark Dr., Georgetown, KY 40324

Each residence has a dedicated sewer line and exterior cleanout.

A firewall is present between the adjoining townhouse units. Based on visual inspection, the firewall appears to be constructed using fire-rated gypsum board and is sealed at joints and penetrations with fireblock foam. The assembly is installed on both sides of the shared attic space and extends vertically to the roof sheathing and laterally to all visible edges. No gaps or breaches were observed at the time of inspection. However, the inspection was non-invasive, and verification of internal materials, construction methods, or fire-resistance ratings is beyond the scope of a visual home inspection.

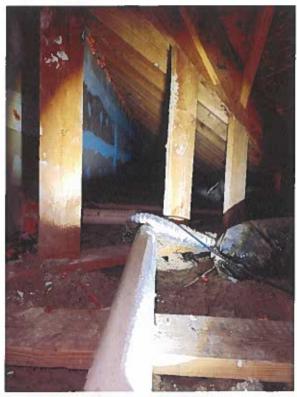
Images are attached for reference.

Elaine Whetstine

# **HouseMaster**

Home Inspections of Central KY







# VICINITY MAP



1. THE SUBJECT PROPERTY IS SUBJECT TO ALL DESIGNATION MAINTING STORAGE, AND RESPONDENT AS DEPOCITED ON PLAT OF RECORDS AT PLAT CLEBRICT S. SLUCE STOCK TO WITH CLEBRIC'S PROPE ENCE.

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GS ANALYST / TECHNICAN

OWNER / CLIENT

JTA PROPERTIES LLC 106 WHISTLER COURT GEORGETOWN, KY 40324 DEED BOOK 337, PAGE 437

SITE STATISTICS

JA PROPERTIES, ULC

0.326 ACRES R-2 NUMBER OF LOTS: (14203 S.F.) AREA:

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CARY ROLAND, PLS

DATE

# CERTIFICATION OF THE PROMSION OF SEWER ONLY

I HERBY CERTIFY THAT GEORGETOWN MANACIPAL WATER & SENER SERVICE (GAMES) HAS FACULIES WITHIN THE SAWTARY SEWER DISTINBUTION COLLECTION SYSTEM TO SUPPLY THE PROPERTY LOCATED AT 220–222 TAMBARK DRIVE (LOTS) 234 & 238) WITH SAMENEY STORING, PROVISION OF DEVILORMENT, ODERSTRUCTURE OF STORING OF CONSTRUCTION OF STORING OF STOR COMPRIANCE SYSTEM SHALL BE AT HIS COST OF THE DAYLOFER WITHOUT PEUBLISCHED HE AT HE COST OF THE DAYLOFER WITHOUT CHRISCHED HE WASHALL SHAME SHOUNDING TO CHRISCHED HE PROPRIED PLANS AND SPECIFICITIONS.

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GIMMES GENERAL MANAGER,

# OAKS SUBDIVISION MINOR PLAT FOREST

COUNTY, 220-222 TANBARK DRIVE GEORGETOWN, SCOTT AUGUST 2025 KENTUCKY LOT 23

# SURVEY NOTES

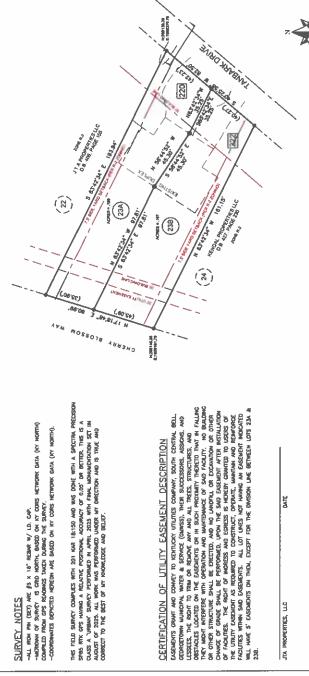
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CERTIFICATION OF UTILITY EASEMENT DESCRIPTION

JTA PROPERTIES, LLC

PATE

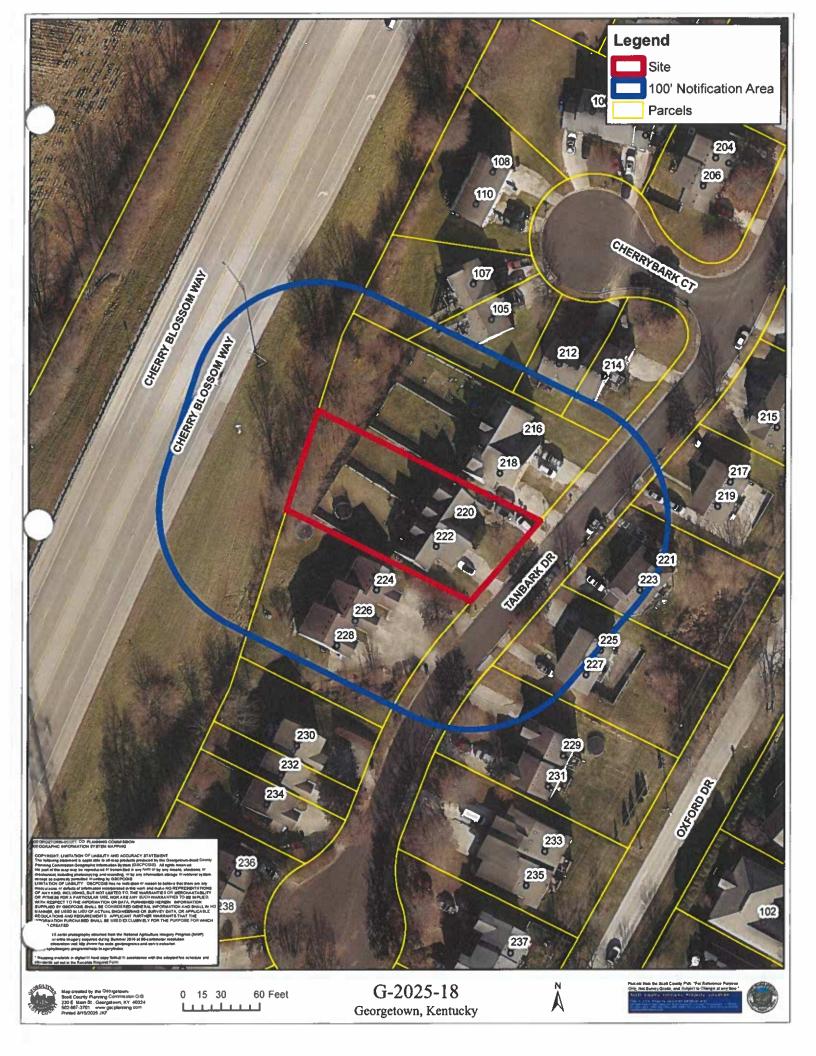
PURPOSE OF PLAT

SURVEYIN PEZ12116 (859)621.07

TYPICAL SECTION TANBARK DRINE

THE PURPOSE OF THIS PLAT IS TO SUBDIMIDE ONE LOT INTO TWO LOTS.

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# **VARIANCE APPLICATION**

# 617 2ND STREET

# Staff Report to the Scott County Board of Adjustment September 2, 2025

FILE NUMBER: G-2025-19

PROPOSAL: Variance to reduce the side

yard setback for lateral expansion of existing

dwelling.

**LOCATION:** 617 2<sup>nd</sup> Street

APPLICANT: Yvonne Walters

CONSULTANT: n/a

STATISTICS:

Zone: R-2 (Medium Density Residential)

Surrounding Zone (s): R-1B, A-1

Site Acreage: 0.16 acres (6,970 square feet)

Access (Directly): Second Street

Access (Nearest Arterial): South Broadway [KY-25]

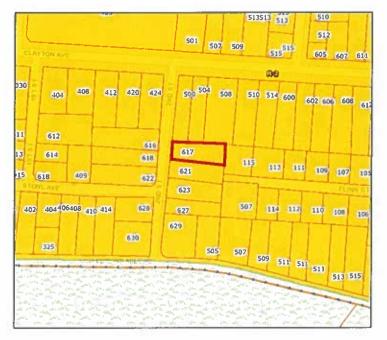
#### **BACKGROUND:**

Yvonne Walters is requesting a 3.5-foot Variance from the required 7.5-foot side yard setback requirement along the northern property line for parcel 167-20-095.000 located at 617 2<sup>nd</sup> Street to allow for a lateral expansion of the existing dwelling. The Project Site is 0.16 acres and is located in the R-2 zoning district. There are no previous applications to the Board of Adjustment for the Project Site.

## **ISSUES & ANALYSIS:**

"KRS 100.243 Findings necessary for granting variances.

- 1. Before any variance is granted, the board must find that the granting of the variance 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. In making these findings, the board shall consider whether:
  - a. The requested variance arises from special circumstances which do not generally apply to land in the 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 regulations from which relief is sought.
- 2. The board shall deny any request for a variance arising from circumstances that are the result of willful violations of the zoning regulation by the applicant subsequent to the adoption of the zoning regulations from which relief is sought."

Constructed prior to the current bulk standards regulations, the existing dwelling sets 4 feet from the northern property line and already encroaches 3.5 feet into the required 7.5-foot side yard setback. The proposed home expansion will follow the northern wall line of the existing structure 7 feet, remaining parallel to the norther boundary line, encroaching no further into the side yard setback than that of the existing dwelling. A wooden privacy fence runs along the northern property line. The proposed 7-foot by 16-foot (112-square-foot) expansion will provide more living space in the dwelling.

## FINDINGS:

- 1. The Project Site is a zoned R-2.
- 2. The side yard setback in the R-2 zoning district is 7.5 feet.
- 3. The existing dwelling is 4 feet from the northern property line.
- 4. A wooden privacy fence is along the northern boundary line.
- 5. The proposed home expansion will follow the northern wall line of the existing dwelling, encroaching no further into the side yard setback than that of the existing structure.
- 6. The proposed 112-foot expansion would largely be unnoticed.
- 7. It is a common feature in the neighborhood for homes to be non-conforming in regard to side yard setback encroachment on one side for the full length of the dwelling.
- 8. The proposed action will not adversely impact public health, safety, or welfare; will not alter the essential character of neighborhood; nor cause a hazard or nuisance.

# **RECOMMENDATION:**

Staff recommends **Approval** of a 3.5-foot Variance to reduce the side yard setback from 7.5 feet to 4 feet along the northern boundary line for the proposed home expansion. Should the Board approve the application, staff recommends including the following conditions of approval:

# Conditions of Approval:

- 1. This property is subject to all requirements of the Georgetown Scott County Zoning Ordinance and Subdivision and Development Regulations.
- 2. The Applicant shall comply with all requirements of other federal, state, and local regulatory entities. The Applicant shall provide copies to the Board of Adjustment of all permits issued on behalf of the Applicant as a result of this approval including, but not limited to, business-related certifications, licenses, regulatory permits, and any recertification when required.
- 3. The Applicant shall obtain a building permit from the Building Inspection Office prior to any construction.
- 4. The Applicant shall return to the Board prior to any changes in the approved conditions.

APPLICATION TO BOARD OF ADJUSTMENT	
230 E. Main Street, Georgetown, KY 40324 Phone (502) 867-3701 Fax (502) 867-3725	
APPLICATION NO: 6-2025-19 DATE FEE RECEIVED: 73125 422040	
1. APPLICANT VONNE Walters	
MAILING ADDRESS	_
PHONE NO EMAIL	_
2. TYPE OF REQUEST (Check one or more) XVARIANCE - CONDITIONAL USE PERMIT	
□ HOME OCCUPATION (CUP) □ ADMINISTRATIVE REVIEW	
3. PROJECT SITE <u>617 Second Street</u>	
4. JURISDICTION (Please Circle) Georgetown) Sadieville / Stamping Ground / Scott County	
5. EXISTING USE <u>primary residence</u> ZONING DISTRICT <u>R-Z</u>	_
6. DESCRIPTION OF REQUEST 3 May house; need to extend berdroom to add move	_
Nable Space.	_
7. SUPPORTING INFORMATION:	
VARIANCE (\$150.00) – Attach plans drawn to scale showing the dimensions and shape of the lot or land, the size and location of existing buildings, the location and dimensions of proposed buildings or additions, and any natural or topographic peculiarities of the in question. In order for a variance to be granted, the applicant must prove to the Board that the following items are true: (Please attach these comments on a separate sheet)  A. Special conditions exist peculiar to the lot, land, or building(s) in question.  B. That a literal interpretation of the zoning ordinance would deprive the applicant of the rights enjoyed by other properly owner.  C. That the special conditions do not result from previous actions of the applicant.  D. That the requested variance is the minimum variance that will allow a reasonable use of the lot, land, or building(s).	
CONDITIONAL USE PERMIT (CUP) (\$150.00) - Attach a plan for the proposed use showing the location of buildings, parking and	

loading areas, traffic access and circulation drives, open space, landscaping, utilities, signs, yards, and refuse service areas. Also, attach a narrative statement relative to the above requirements and also explain any economic, noise, glare, or odor effects on adjoining property and the general compatibility with other properties in the district.

HOME OCCUPATION (CUP) (\$150.00) - In order for a home occupation conditional use permit to be granted, the applicant must prove to the Board that the following items are true; (Please attach these comments on a separate sheet)

- A. The home occupation must be incidental to the principal residential use of the residence and be limited to 25% of the ground floor area, in no event to exceed 300 square feet.
- B. The home occupation shall result in no exterior evidence, except an unlighted wall sign not to exceed five (5) square feet in area, which may identify the home occupation
- C. The home occupation shall not generate any atmospheric pollution, light flashes, glare, odor, noise, vibration, truck or other heavy traffic

ADMINISTRATIVE REVIEW (\$150.00) - Attach a narrative statement describing the action or decision made by the administrative official including an outline of information supporting your claim for which relief is sought.

# APPLICANT OR REPRESENTATIVE MUST BE PRESENT AT MEETING FOR THE BOARD TO CONSIDER APPLICATION

I hereby certify that the information contained in this application and supporting attachments is true and correct. I acknowledge that if I withdraw my case, the paid fee will not be returned after legal notice have been submitted. If the applicant is not the owner of the project site, an affidavit will need to be completed

01/29/25

July 29, 2025

Re: 617 Second Street

To Whom It May Concern,

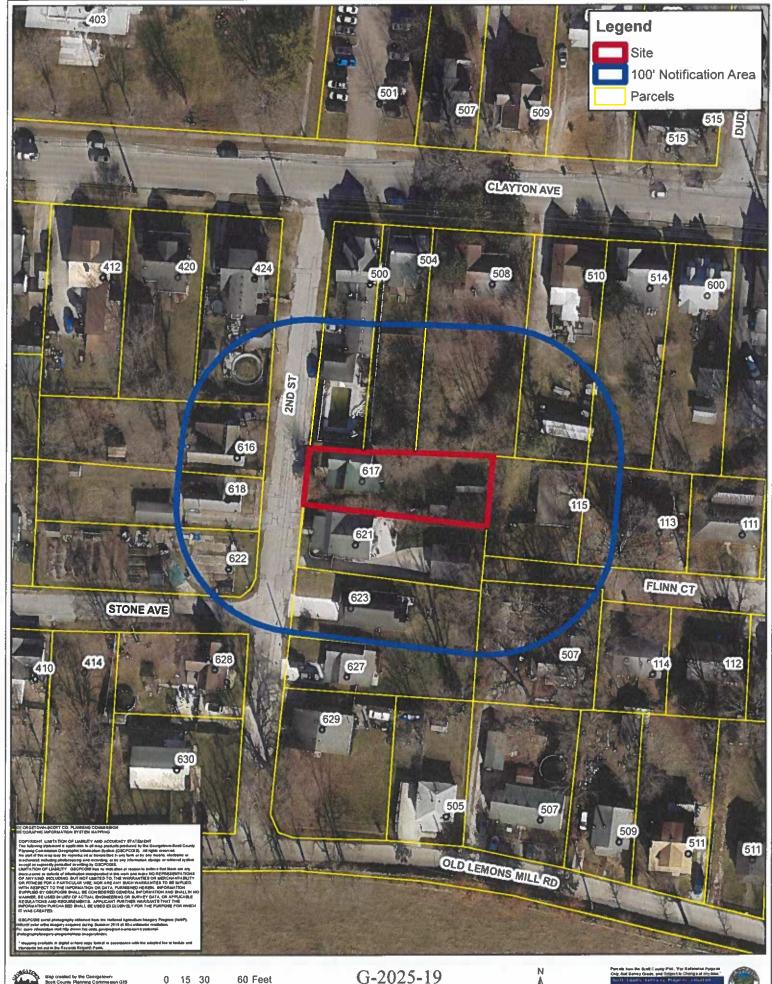
I am requesting to add additional space (footage) to the back, left side of the property, to extend the bedroom, for more livable space. The home is approximately 1000 feet.

Respectfully requested,

**Yvonne Walters** 

**Property Owner** 

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Georgetown, Kentucky





