

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

July 2, 2025

5:00 P.M.

AGENDA

I. BUSINESS

a) Approval of June 5, 2025 minutes.

b) Swear in speakers.

II. APPLICATIONS - OLD

III. APPLICATIONS - NEW

a) S-2025-19 - Henry Almiron is seeking a Variance to reduce the side yard setback from 50 feet to 20 feet for the construction of a pole barn at 3560 Ironworks Road. [Zoned A-1]

IV. OTHER

V. ADJOURN

**Scott County Board of Adjustments
June 6, 2025, Minutes**

The meeting was called to order at 5:00 p.m. All members were present except Volk. Rhett Shirley and Mark Carper were present as Staff to the Board.

Upon Motion by Cooper, second by Meadows, the Board unanimously approved May 1, 2025, minutes. The Board Attorney administered the oath to those signed in to speak.

Applications Old: None

Applications: New

a. **S-2025-14: Ashley Queen/Royally Boarded, 95 La Costa Drive, Georgetown, KY 40324**, requested a Conditional Use Permit (CUP) for pet boarding and grooming services at 95 La Costa Drive, Georgetown, KY 40324. The property is zoned A-1, Agricultural. The applicable provision is Zoning Ordinance, Section 4.12 (g). Required notices were given. There was Opposition. Staff recommended approval. Reference should be made to the video for more complete record of the proceeding.

Mark Carper presented the application. He presented background information, his proposed findings, and recommended conditions of approval. The application meets all Ordinance requirements. The proposed use is listed as a conditional use in the Ordinance. He explained the proposed operation parameters. All facilities to be 100 feet from property line. He displayed photos of facilities. Recommended approval with conditions to avoid adverse impact. His conditions included one hundred (100) feet set back.

The Chair noted applicant has adjusted to shorter hours, and asked if there were other changes? [The number of dogs was also reduced from thirty (30) to fourteen (14).] This is a new application. Is there anything else distinctively changed from the last application? Mark answered there is more detail in the management of the dogs and between the boarding and grooming operations.

Chair asked applicant's attorney to summarize the changes between this application and the previous one.

Andre Regard, applicant's attorney, answered that the changes Mark went through are the changes that have been made. We were in communication with your staff in the preparation of this application. He noted the reduction in the number of animals and hours. He was pleased Staff recommended approval for the second time. Attorney then commented on Staff recommendations saying that applicant has already complied with the applicable regulations. The Board could approve this application as submitted. He then discussed the fence location. He explained the dogs' sleeping areas are in the house. Applicant and family want no extra noise, much less what neighbors might hear. The attorney questioned the need for additional perimeter landscaping. Applicant's attorney then asked for approval of the application.

Board member Cooper asked if applicant were still operating. The attorney acknowledged applicant is still operating due to advanced scheduling, which was discussed with P&Z staff.

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The Chair said the only change to the prior application is the number of dogs and the hours of time, which when we denied this a lot of this was due to just the suitability of the proximity to the residential properties and that's not changed. She then asked whether the Board has the right to say this is not a new application?

The Board attorney answered: If the Board feels this is substantially the same application, albeit with some smaller numbers, then the appeal time for the last decision is over and they really shouldn't be here. That is, if the Board feels this is substantially the same application. If that is so, the Board could make a motion, state it's reasons why this is the same application, and move that we are not going to hear this. At that point, applicant still can't appeal the original decision, because time for that is thirty (30) days and that time is up. They can appeal your decision not to hear this application. The first thing I would mention is that we don't have a rule that says applicant can't come back. But, the law on conditional use permits is, as well as any other actions of the Board of Adjustment, they have a right of appeal under a specific statute and it's to the Circuit Court. It's within thirty (30) days. That appeal is not what this is. The statute does not provide for a rehearing of a denial any more than an opponent could come in and say they want a rehearing on an approval. The statute provides one appeal that goes to Circuit Court. That time is up.

The Board attorney added, the motion needs to say, we've heard this. This application is substantially the same. Time for appeal is run. It is not proper for this Board.

Attorney Regard addressed the issue: "There is not a provision for time periods between applications in Scott County. There's no time-period that says when an application could be resubmitted. So, when it comes to the point of whether it's a rehearing of the same application, it's not relevant, because there's no provision that says what time-period must expire before our application can be made. Secondly, at this point you've already taken testimony. So, I would argue as the Board is considering this, you've already put yourself in a position that you're hearing this. If you had not chosen to hear it; then that should have been stated by the Board of Adjustment before staff made their recommendation, and you should have chosen that you did not have jurisdiction. I would like to make my record that you did not have jurisdiction.

The Chair said to the Board's attorney, that she could not choose whether its new until they have a chance to tell me if it's new.

The Board attorney responded that the gentleman is making his record. The counter statement to that is: You could not have made that decision until you had some basis on which to decide it. The only way you have a basis on which to decide it is receive a presentation and you then say, "that's the same one." Otherwise, you would be making a decision based on something that's not here on the official record. You can't do that.

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Attorney Regard argued this application is substantially different from the former one. It is in the same location, but it was thirty (30) animals versus ten (10) animals overnight. He expressed surprise that this use is addressed as a commercial use. He said that the Board is talking about ten (10) animals hopefully being there multiple nights, two (2) or three (3) cars and maybe a grooming dog now and then. This is substantially different from a "vet clinic" with people scheduled throughout the day. This is a substantially different application.

Board member Cooper moved for the Board not to hear application S-2025-14. He said we've heard this from both sides. The present application is substantially the same as the application we've already heard. If applicant wanted to appeal, it should have been appealed. This is not the right place for that. [Board's attorney assisted with Board member Cooper's motion, with Cooper stating when asked, "Yes, that is what I am saying."] Board member Holland seconded the motion. The motion was approved by unanimous vote.

The Chair announced a five-minute recess to allow persons to exit.

b. S-2025-15: Donna and John Peabody, 681 Skinnersburg Road, Stamping Ground, KY 40379, requested a Conditional Use Permit (CUP) to prepare and package food products for off-site sales at project site, 681 Skinnersburg Road, Stamping Ground Road. The property is zoned A-1, Agriculture. The applicable provision is Zoning Ordinance, Section 4.12 (g) (??) and Section 2.1 of the zoning Ordinance. Required notices were given. There was no opposition. Staff recommended approval.

Rhett presented the application. He presented background information, his proposed findings, and recommended conditions of approval. The application meets all Ordinance requirements. The proposed use is listed as a conditional use in the Ordinance. Approval would not adversely impact the health, safety, and welfare of the area or community, nor would it adversely impact the character of the neighborhood.

Upon motion by Holland, second by Cooper, the Board unanimously approved the application, subject to the Staff Report.

c. S-2025-16: Jason Sammet, Industrial Tech Services, 321 TriPort Road, Georgetown, KY 40324, requested a variance to reduce the front yard setback for an accessory structure from fifty (50) feet to thirteen (13) feet for the construction of a parking lot canopy on which solar panels will be arrayed at 321 TriPort Road. The canopy will be approximately twenty-one hundred (2100) square feet. The property is zoned I-1. The applicable provision is Section 2.53 of the Zoning Ordinance and KRS 100.243. Notices were given. There was no opposition. Staff recommended approval.

Rhett presented the application, the circumstances, his proposed findings, and conditions of approval. The application meets all Ordinance requirements. Solar parking canopy over existing parking spaces. Applicant, as a Toyota contractor, is doing this to comply with TMMK's Carbon Neutral Challenge. The Comp Plan encourages solar. The proposal meets statutory

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requirements in KRS 100.243. The requested variance creates no further encroachment since it only covers a section of existing parking. Approval would not adversely impact the health, safety, and welfare of area or community, nor would it adversely impact the character of the neighborhood. Approval would not constitute an unreasonable circumvention of the Ordinance.

Applicant, Jason Sammet, described need to plan. Meadows asked regarding maintenance and ultimate decommissioning of the array. Sammet addressed her concerns.

Upon motion by Holland, second by Meadows, the Board unanimously approved the application, subject to the Staff Report.

d. **S-2025-17: Shannon Causey, Wilderness Trace Solar**, 70 Stewarts Lane North, Danville, KY 40422, requested a variance to reduce the side yard setback from fifty (50) feet to twenty (20) feet for the installation of a small-scale solar array of less than twenty-five hundred (2500) square feet at 391 Etter Lane, Georgetown, KY 40324. The property is zoned A-1, Agriculture. Required notices were given. There was no opposition. Staff recommended approval.

Rhett presented the application, circumstances, proposed findings, and conditions of approval, including approval of a prior installation and the current smaller installation. The application meets all Ordinance requirements and those of the statute, KRS 100.243.

Meadows questioned whether this installation, as it degrades, would threaten surrounding A-1 area. She asked about the array's maintenance. Applicant responded to her questions.

Upon motion by Meadows, second by Barrett, the Board unanimously approved the application, subject to the Staff Report.

e. **S-2025-18: Ronnie and Emily Lewis, Sioux Trail, Georgetown, KY 40324**, requested a variance from the required fifty (50) feet to fifteen (15) feet for the construction of a home on Gaines Road, parcel 102-00-003.000 as designated by PVA. The property is zoned A-1, Agriculture. The applicable provision is KRS 100.243. Required notices were given. There was opposition.

Mark presented the application, the circumstances, his proposed finding, and recommended conditions of approval. Staff recommended approval due to topography.

Neighbors, Katie and Doug Adams, and Dean and Jean Gillispie opposed the application. After lengthy discussion of the location of a shared drive, the property line, and a water line serving the Gillispie family, the Chair asked for a motion.

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Upon motion by Cooper, second by Holland, the Board unanimously approved the application, subject to the Staff Report.

Attested:

Approved:

Charlie Perkins, Board Attorney
and Recording Secretary

Sonja Barrett, Chair

VARIANCE APPLICATION
3560 IRONWORKS ROAD
Staff Report to the Scott County Board of Adjustment
July 2, 2025

FILE NUMBER: S-2025-19

PROPOSAL: Variance to reduce the side yard setback from 50 feet to 20 feet for the construction of a pole barn

LOCATION: 3560 Ironworks Road

APPLICANT: Henry Almiron

CONSULTANT: n/a

STATISTICS:

Zone:	A-1 (Agricultural)
Surrounding Zone (s):	A-1
Site Acreage:	5 acres
Access (Directly):	Ironworks Road
Access (Nearest Arterial):	US-25
Context:	West of US-62



BACKGROUND:

Henry Almiron ("Applicant") is seeking approval of a Variance to reduce the side yard setback from 50 feet to 20 feet for the construction of a pole barn at the property addressed 3560 Ironworks Road ("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."*

The applicant has provided justification to support the requirements of KRS 100.243:

The applicant proposes constructing the building on the south side of the property near the end of an existing driveway. The septic tank and field are north and east of the proposed location, precluding any excavation, grading, or construction further in from the encroached property line. There are deed restrictions on the property that would not allow the applicant to locate the building any further north or west to reduce encroachment upon the setback. Deed restrictions preclude the construction of any accessory structures beyond the back line of any existing homes. There are other existing structures in the northern part of the parcel that would make it difficult to erect an accessory structure as proposed within the required setbacks.

The applicant has supplied drawings and documents supporting these statements.

FINDINGS:

1. The Project Site is a 5-acre A-1 zoned parcel.
2. The septic tank and field are north and east of the proposed location, precluding any excavation, grading, or construction further in from the encroached property line.
3. There are deed restrictions on the property that would not allow the applicant to locate the building any further north or west to reduce encroachment upon the setback
4. The applicant has supplied drawings and documents supporting these statements.
5. Denying the requested variance will cause hardship to the applicant as it will limit their ability to fully utilize their property in a manner consistent with other properties in the vicinity.

RECOMMENDATION:

Staff recommends **Approval** of the Variance to reduce the side yard setback from 50 feet to 20 feet for the installation of a small scale solar array (less than 2500 square feet) at the property addressed 391 Etter Lane.

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

FOR OFFICIAL USE ONLY:

APPLICATION NO: _____

DATE FEE RECEIVED: 4-6-25 paid

JUN 06 2025

PLANNING COMMISSION

1. APPLICANT Henry Almon

MAILING ADDRESS 3560 Iron Works Road Georgetown KY 40324

PHONE NO. 502-542-7681

EMAIL Henry Almon@gmail.com

2. TYPE OF REQUEST (Check one or more)

☒ VARIANCE

☐ CONDITIONAL USE PERMIT

☐ HOME OCCUPATION (CUP)

☐ ADMINISTRATIVE REVIEW

3. PROJECT SITE 3560 Iron Works Road Georgetown KY 40324

4. JURISDICTION (Please Circle) Georgetown / Sadieville / Stamping Ground / Scott County

5. EXISTING USE Residential

ZONING DISTRICT _____

6. DESCRIPTION OF REQUEST Variance to allow for pole barn structure to be built 20ft from property line

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 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.

APPLICANT

DATE

6/6/2025


Dear Planning committee,

My name is Henry Almiron, I live at 3560 Iron Works Rd, Georgetown KY. I am planning to build a 30 x 40 pole barn for personal use on my property. Attached are property plat, a basic build plan for the pole barn and my deed restriction.

Due to a combination of factors, the locations I would like to build my pole barn is 20 ft from my property line as shown, for the following reasons:

1. Deed restriction Item 11 limits me to building any auxiliary building behind the back line of the house as shown with the orange line.
2. My driveway runs along the left side of my property.
3. The septic tank, septic line and Leach fields are as shown in brown boxes. The Pole barn as shown is 20ft from the leach lines.

Hence my request for a variance of 30ft from my plats 50ft S.B.L so I can build 20ft from the property line.

Sincerely,


06-06-2025



Gravel driveway

088-20-002.001

Gravel driveway

Septic Tank

Pole barn
30x40

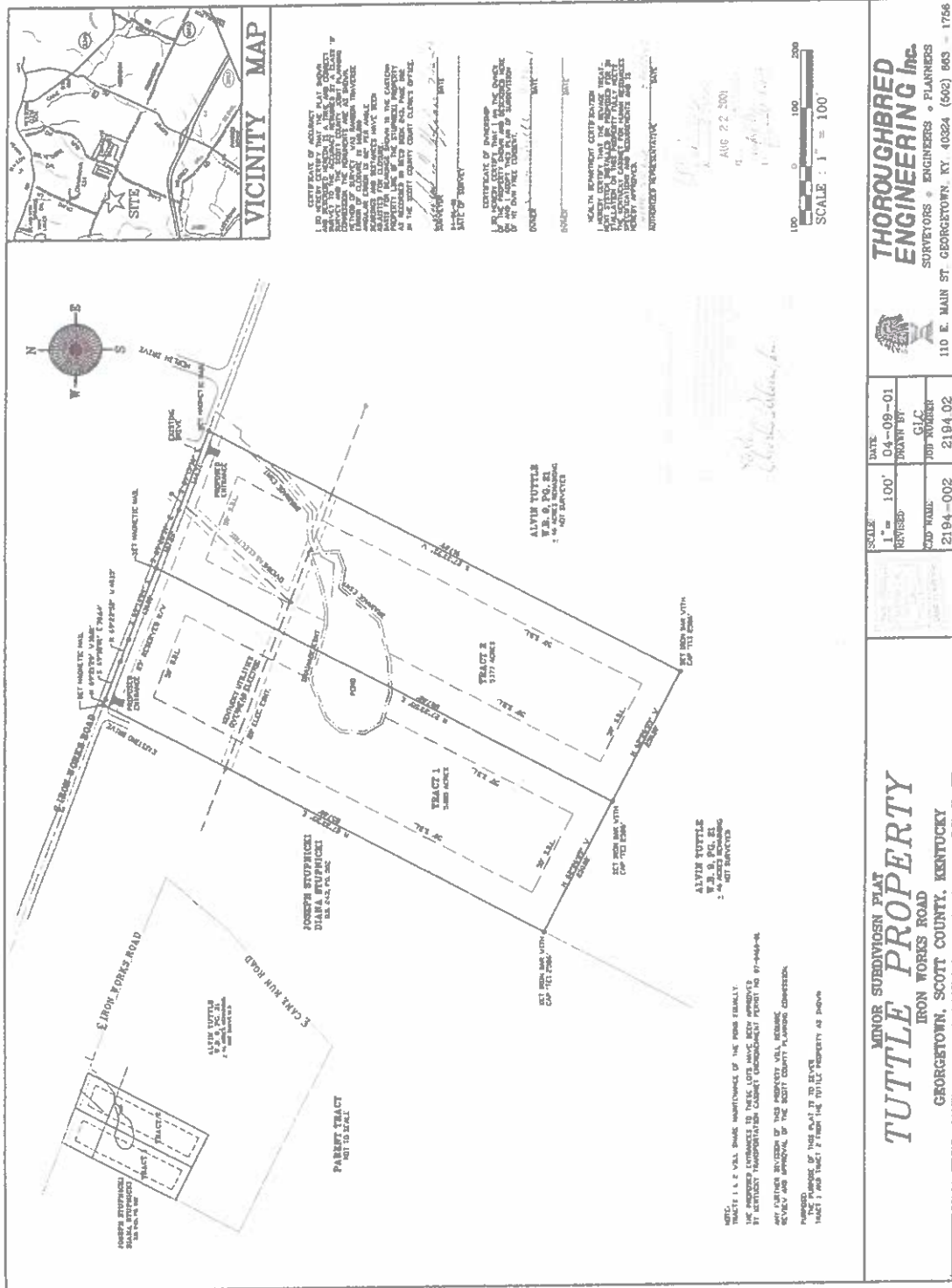
Leach field

20.04

40.12

20.04

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Restrictions

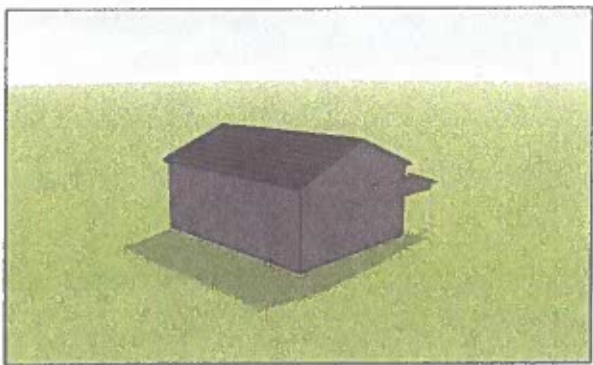
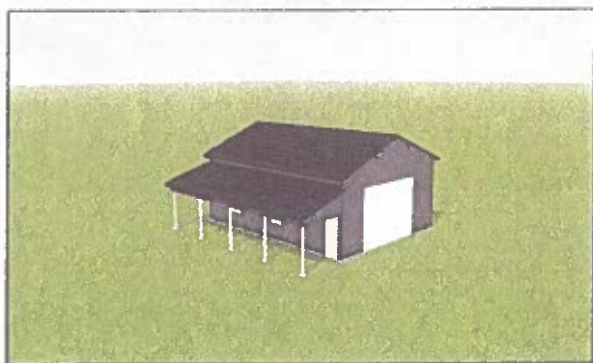
1. There shall be no manufactured (single wide or double wide), or systems-built or modular homes built or located upon any lot; no previously constructed homes; no buses situated on any lot as a residence or for storage, whether temporary or permanent. (No storage pods). Modular pre-fabricated, or pre-constructed framing, with the exception of roof trusses and floor joists, shall not be permitted.
2. No "barndominiums" or living structures which house residents along with boarding facilities for the residents' horses, cows and/or livestock.
3. Floor structures shall have a minimum living area, exclusive of porches, open decks, basements, attics, and garages of 2000 square feet measured exterior to exterior.
4. Story structures shall have a minimum living area, exclusive of porches, open decks, basements, attics, and garages of 2200 square feet measured exterior to exterior, provided however, the first floor must have minimum of 1200 square feet.
5. Garages must be attached two (2) or more car garage. "Attached" is defined as a contiguous and integral part of the main dwelling. In addition, there shall be no carports, attached or unattached.
6. There shall be no exposed block or poured concrete on the exterior of any residence and / or other improvements or structures. Brick or stone must cover exterior foundation

from grade to sill plate. Chimneys constructed on exterior walls shall be of brick or stone.

7. There must be plan of erosion control during the period of construction which shall be designed to prevent the runoff of dirt, mud, or other construction-related debris onto any adjoining lot, right-of-way, or pond during the period of construction and until the lot is seeded or sodded. No grading shall be done in any sinkhole or drainage easement.
8. Solar arrays may be placed on rooftops or permanent structures. Arrays will only be positioned behind the front edge line of primary residence. Solar arrays are required to be of low reflective quality. Homeowners will ensure their arrays do not reflect onto others' property.
9. All driveways must be properly constructed of crushed stone, concrete or blacktop and must be completely installed prior to or upon completion of residence. Culverts of proper size must be installed prior to commencement of construction - when required by Planning and Zoning.
10. Except during initial construction within the Properties, no tent, utility shed, shack, trailer, mobile home or other structure shall be placed upon a Lot or any part of the Properties. This restriction does not apply to a permanent outbuilding constructed. Only one outbuilding per lot is permitted.
11. Any ancillary structure must be constructed/positioned behind the backline of the back of the primary residence on the lot. An ancillary structure must be constructed, not pre-

fabricated and moved onto lot (Example: A pre-built storage shed is not allowed). No structure, other than a fence, may be placed within 20 feet of a property line. Acceptable external building materials are wood, brick, brick veneer, cement siding, stucco, fiber cement (Hardie board), stone and/or stone veneer. No greater than 50% vinyl, which includes some of the newer vinyl products (such as Cellular PVC or CPVC) 75% metal can be used for siding. Vinyl and metal cannot be used in combination to meet the 50% minimum.

12. No tractor-trailer trucks, house trailers, non-operational vehicles or mobile homes may be stored or regularly parked on any lot. An owner's recreational vehicle (RV) may be parked beside or behind a residence. Permanent residence in any type of camping equipment is strictly forbidden.
13. Any livestock must be contained from behind the backline of primary residence on the lot Basically – no horses, cows, pigs, poultry in the "front yard". No swine of any kind shall be raised, bred or kept on any lot, including "pet pigs". All household pets (dogs, cats, etc) are permitted provided such pets are not kept, bred or maintained for commercial purposes. All household pets may be permitted shall be kept in an enclosed area on each Lot and not permitted to run or stray upon any other lot.
14. Chain-link, barbed wire or privacy fencing shall NOT be used from the front edge of the house forward. Front yard fences shall not exceed 4.5 feet in height.



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