

Hardin County Board of Adjustment

Minutes: 19 May 2011

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Chairman Krausman called to order the two hundredth and seventy fifth meeting of the Hardin County Board of Adjustment at 5:05 p.m. on Thursday, 5 May 2011, in the R.R. Thomas Meeting Room on the second floor of the R.R. Thomas County Government Building. In addition to Chairman Krausman, Vice-Chairman Jack Holman was in attendance. Also in attendance were Director Chris Hunsinger, Planner Adam King, Planning Assistant Sandra Martinez and the individuals listed on the attached sign-in sheet. Secretary Brent Goodin, Senior Planner Wesley Wright and County Engineer Vicki Meredith, P.E. were not present and County Attorney Jenny Oldham, legal counsel for the Board, was not requested to attend the meeting.

At 5:05 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. Hearing Officer Holman announced that the first item on the agenda is a request for a Revised Conditional Use Permit to operate a commercial kennel and dog daycare. The proposed site is a ± 1.17 acre site located on the east side of North Dixie Avenue (US 31W). The property address is 6280 North Dixie Avenue and is owned by **Sugar Mill Properties**. This request had been tabled from the 5 May 2011 meeting. Board Member Holman stated that the request needed to be continued and made a motion to table the request until the next Board meeting scheduled for 9 June 2011. Board Member Krausman provided the second. Motion passed unanimously.

At 5:10 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. This request is for a Variance for relief from road frontage and the Lot Configuration standard (DGS 3-2 C.2.) for the "width to length" ratio of 1:3. The request is for a +10 acre site located off Turkey Roost Lane in the Rural Residential Zone (R-2) in the West Hardin Planning Area and the PVA Map Number is 040-00-00-010.04. The property is owned by **Gary Cooper, Sr.** Hearing Officer Holman conducted the swearing in ceremony for all individuals in attendance that may provide testimony. Planner King reviewed the application and the history of the property and presented exhibits. Gary Cooper Sr., of 85 Turkey Roost Lane, the owner, provided testimony and answered questions from the Board Members and staff. Gary Cooper Jr. and Angela Cooper, of 220 Haycraft, the applicants, provided testimony and answered questions from the Board Members and staff. At 5:50 p.m., the Hearing Officer closed the hearing. Board Member Holman made a motion to deny the requested variance because appropriate findings in compliance with KRS 100.243 were not presented. Member Krausman provided the second. Motion passed unanimously.

At 6:00 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. Hearing Officer Holman announced that the next item on the agenda is a request for a Revised Conditional Use Permit for a Temporary

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Accessory Dwelling (12' x 60' manufactured home) to remain on the property. The property is a 0.95 acre site with an address of 2039 Nolin Road, and identified with the PVA Map Number 192-30-00-015. The property is owned by **Leona Polly** and the applicant is Patricia Devore Sams. The property is located in the Natural Resource Planning Area and is zoned Rural Residential (R-2). Planner King reviewed the application and presented exhibits and slides of the property (attached). Patricia Devore Sams, the applicant, provided testimony and answered questions from the Board Members and staff and stated that this was still for a "care giver" situation. No additional testimony was presented. At 6:15 p.m. the Hearing Officer closed the hearing. Board Member Holman stated that this request for a Revised Conditional Use Permit does satisfy the language of the DEVELOPMENT GUIDANCE SYSTEM ordinance (Section 16.3) Standards for Issuance of a Conditional Use Permit as follows:

- The use does not tend to change the character and established pattern of development of the area;
- The use is in harmony with the uses permitted by right under the sector and district in question and it does not affect adversely the use of neighboring properties;
- The use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair their value;
- The use shall not adversely affect the health or safety of persons residing or working in the vicinity of the proposed use;
- The use shall not be detrimental to the public welfare or injurious to property or improvements in the vicinity; and,
- The use shall be in accord with the purposes of this ordinance, the Development Guide System 2009 and the Comprehensive Development Guide 2008;

According to provisions of the Kentucky Revised Statutes, the Hardin County Development Guidance System, and the proceedings before the Board of Adjustment, Board Member Holman made the motion based on the described family situation and "caregiver" need that the request is still in character with the neighborhood and vicinity, to grant a Revised Conditional Use Permit (CUP) to allow the existing Temporary Accessory Dwelling to remain on the property with the following conditions:

1. The Temporary Accessory Dwelling shall be a temporary use for no longer than four years from 19 May 2011 and must be removed from the property by 19 May 2015.
2. The existing Manufactured Home on site is a Temporary Accessory Dwelling and has 720 square feet of living space which is less than the Local Average Square Foot Standard of 1162 square feet.

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3. The Temporary Accessory Dwelling is for a caregiver situation and shall only be occupied by Patricia Devore and her immediate family.
4. Upon the vacancy of the Temporary Accessory Dwelling, it must be removed from the property within six (6) months.
5. This Temporary Accessory Dwelling shall have a sewerage system (septic tank and lateral lines) approved by the Environmental Services Office of the Hardin County Health Department.
6. This Revised Conditional Use Permit shall be issued to the current property owner, Leona Polly, and shall expire when the property is transferred and not be transferable to another property owner.
7. A Site Plan shall in compliance with Section 7 of the Zoning Ordinance shall be required. (Health Department & Road Department signatures shall not be required)
8. The skirting on the manufactured home must be maintained.
9. All construction activities on this site shall conform to the provisions of the Kentucky Building Code.
10. A Certificate of Land Use Restrictions shall be recorded in the office of the Hardin County Clerk

Board Member Krausman provided the second. Motion passed unanimously.

At 6:15 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. Hearing Officer Holman announced that the next item on the agenda is a request for a Conditional Use Permit for a proposed Accessory Structure (32' x 64' pole barn) to be constructed on a tract without a dwelling. The property is an 1.19 acre site located on the north side of Middle Creek Road and identified with the PVA Map Number 246-00-00-012. The property is owned by **Donald & Sharon Walters** and is located in the Valley Creek Urban Planning Area and is zoned Urban Residential (R-1). Hearing Officer Holman conducted the swearing in ceremony for all individuals in attendance that may provide testimony. Planner King reviewed the application and presented exhibits and slides of the property (attached). Donald & Sharon Walters, the owners, provided testimony and answered questions from the Board Members and staff. No additional testimony was presented. At 6:30 p.m. the Hearing Officer closed the hearing. Board Member Holman stated that this request for a Conditional Use Permit does satisfy the language of the DEVELOPMENT GUIDANCE SYSTEM ordinance (Section 16.3) Standards for Issuance of a Conditional Use Permit as follows:

- The use does not tend to change the character and established pattern of development of the area;

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- The use is in harmony with the uses permitted by right under the sector and district in question and it does not affect adversely the use of neighboring properties;
- The location and height of buildings, the location, nature, and height of walls and fences and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof;
- The use shall not adversely affect the health or safety of persons residing or working in the vicinity of the proposed use;
- The use shall not be detrimental to the public welfare or injurious to property or improvements in the vicinity; and,
- The use shall be in accord with the purposes of the Development Guide System 2009 and the Comprehensive Development Guide 2008;

According to provisions of the Kentucky Revised Statutes, the Hardin County Development Guidance System, and the proceedings before the Board of Adjustment, Board Member Holman stated that based on the size and characteristics of the property can accommodate a future dwelling and the proposal is in character with the properties in the vicinity, Board Member Holman made the motion to grant the Conditional Use Permit (CUP) with the following conditions:

1. The proposed accessory structure (32' x 64' pole barn) shall be no larger than 2048 square feet.
2. The proposed pole barn is for residential storage and shall not be used for commercial purposes.
3. No other Accessory structures shall be built on the parcel prior to the construction of a dwelling.
4. A driveway encroachment permit from the County Road Department shall be required and the driveway must be shared with future dwelling.
5. The pole barn shall be placed on the property as illustrated on an approved Site Plan in accordance with the building setback lines established for the zone.
6. A Site Plan shall be required in accordance with Section 7 of the Zoning Ordinance. (Health Department signature shall not be required).
7. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

At 6:30 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. This request is for a Variance for relief from road frontage and the Lot Configuration standard (DGS 3.1 C.3.) for the "width to length" ratio

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of 1:4. The request is for a +7.3 acre tract being Lot 2 of Clemminton Estates and located at 45 Milimish Lane. The property is in the Rural Residential Zone (R-1) in the North Urban Planning Area and the PVA Map Number is 142-00-00-002. The property is owned by **David and Diana Nordyke**. Planner King reviewed the application and the history of the property and presented exhibits. David and Diana Nordyke, of 100 Oakwood Drive, Vine Grove, the owners, provided testimony and answered questions from the Board Members and staff. At 7:00 p.m., the Hearing Officer closed the hearing. Board Member Holman made a motion to deny the requested variance because appropriate findings in compliance with KRS 100.243 were not presented. Member Krausman provided the second. Motion passed unanimously.

At 7:05 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. Hearing Officer Holman announced that the next item on the agenda is a request for a Variance from the front building setback line to accommodate the proposed covered porch. The request is for property located on a 3.397 acre tract at 1340 Rineyville Big Springs Road (KY 220). The property is in the Urban Residential Zone (R-1) in the Urban Residential Planning Area and is identified with the PVA Map Number 163-00-00-090. The property is owned by **Troy & Tammy Wise**. Planner King reviewed the application and the history of the property and presented exhibits and slides of the property (attached). Bill Druy of 1340 Rineyville Big Springs Road, representative of the owners, provided testimony and answered questions from the Board Members and staff. Tony Moore of the Kentucky Transportation Cabinet provided testimony and answered questions from the Board Members and staff. No additional testimony was presented. At 7:20 p.m. the Hearing Officer closed the hearing. Board Member Holman made a motion to grant the requested variance due to the fact that it will not alter the essential character of the general vicinity, that additional Right of Way purchased by State for drainage & sight-distance did not cause changes to existing Earl Wise Lane thus the distance from the center line of Earl Wise Lane to deck had not changed and that this request does satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243. Findings necessary for granting variances) which is as follow:

- 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;

The following variance was granted with the noted conditions:

1. This VARIANCE will allow for the existing deck to be covered with a roof.

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2. A Site Plan in Compliance with Section 7 of the Zoning Ordinance shall be required.
3. The existing deck may be covered but shall not be enclosed.
4. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Member Krausman provided the second. Motion passed unanimously.

At 7:25 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. This request is for an Administrative Review of a decision to not revoke the subdivision plat of Honey Locust Estates and/or a request for relief from the required road frontage standard and the lot 1:3 width-to-length ration. The proposed site is three tracts totaling 13.479 acres with addresses of 5012, 4028 and 5032 Sonora Hardin Springs Road and being Lots 1 & 2 of Honey Locust Estates. The owners are **Glynda Himebaugh and John Ferguson**. Planner King reviewed the application and exhibits. The owners, Glynda Himebaugh, of 5032 Sonora Hardin Springs Road and John Ferguson, of 5012 Sonora Hardin springs Road, provided testimony and answered questions from the Board Members and staff. John Tabb of 6332 North Dixie Avenue spoke in favor of the request. Board Member Holman made a motion to table the request until the next Board meeting scheduled for 9 June 2011 so that the owners be allowed time to seek legal advise. Board Member Krausman provided the second. Motion passed unanimously.

Chairman Krausman called for consideration and action on the **Minutes** of the 21 April 2011 meeting. Member Holman made a motion to approve the minutes as presented. Member Krausman provided the second. Motion passed unanimously.

Director Hunsinger announced that on Thursday 26 May from 5:00 to 8:00 p.m. at LTADD, David Pike will be providing training on *Ethics in Planning & Zoning, Regulation Signs and New Cell Tower Regulations*. Board members Krausman and Holman have been registered to attend this training.

Director Hunsinger stated that the Board of Adjustment had received a letter from the Director of the Lincoln Trail 4-C Program concerning the zoning regulations and the cooperation that has been provided to child Care Providers.

Director Hunsinger announced that on Saturday 14 May, Planner Adam King successfully passed the American Institute of Certified Planners (AICP) exam. This is an important step and shows Adam's dedication to the profession.

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Director Hunsinger also added that Wesley Wright was hired by the Planning Commission on 18 May 2000. He has served Hardin County for eleven years.

THE FOLLOWING DEVELOPMENT PLANS HAVE BEEN APPROVED

DATE	DEVELOPMENT PLAN	OWNER	ACCESS ROAD
21-Apr-11	Church	Eastview Wesleyan Church	Sonora Hardin Springs Road
21-Apr-11	Off Site Signage	Longview Property, LLC	N. Dixie Highway
Since Last Meeting		2	
2011 Total		5	

THE FOLLOWING SITE PLANS HAVE BEEN APPROVED

DATE	SITE PLAN	OWNER	ACCESS ROAD
06-Apr-11	Manufactured Home – Variance	Earl Burgin	Wilson Lane
15-Apr-11	Circlotop Farm – Kennel	Mark and Pam Adams	Jenkins Road
Since Last Meeting		2	
2011 Total		8	

THE FOLLOWING SUBDIVISION PLATS HAVE BEEN APPROVED AND RECORDED:

FP RECORDED	SUBDIVISION NAME	LOTS	ACCESS ROAD
06 Apr-11	Tommyhill Subdivision, Lot 1	0	Rineyville Road
18 Apr-11	Great Lake Estates	2	Arvel Wise Lane
21 Apr-11	Tribly Heights	3	Hardinsburg Road
SINCE LAST MEETING		5	
2011 TOTAL		19	

Chairman Krausman announced that the next Board meeting is scheduled for Thursday, 9 June 2011, and declared the meeting adjourned at 8:30 p.m.

ADOPTED AND APPROVED THIS 9th DAY OF JUNE 2011 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.

Brent Goodin, Secretary