

## Hardin County Board of Adjustment

Minutes: 9 December 2010

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Chairman Krausman called to order the two hundredth and sixty sixth meeting of the Hardin County Board of Adjustment at 5:05 p.m. on Thursday, 19 November 2010, in the R.R. Thomas Meeting Room on the second floor of the R.R. Thomas County Government Building. In addition to Chairman Krausman Secretary Brent Goodin was in attendance. Also in attendance were Director Chris Hunsinger, Planner Adam King, Planning Assistant Sandra Martinez, County Engineer Vicki Brackett Meredith, P.E. and the individuals listed on the attached sign-in sheet. Vice-Chairman Jack Holman and Senior Planner Wesley Wright were not present. County Attorney Steve Bland, legal counsel for the Board, was not requested to attend the meeting.

At 5:05 p.m. Chairman Krausman appointed Board Member Goodin to serve as the hearing officer. This request is for a Variance from the front building setback lines on a corner lot to accommodate the existing manufactured home. The request is for property located at 80 Teresa Road which is a  $\pm$  0.834 acre lot and being Lot 1B of Pfeiffer Estates, Section 3. The property is in an Urban Residential Zone (R-1) in the North Urban Planning Area and is identified with the PVA Map Number 183-30-02-045. The property is owned by **Gerald & Mary Dever**. Hearing Officer Goodin conducted the swearing in ceremony for all individuals in attendance that may provide testimony. Director Hunsinger reviewed the application and the history of the property and presented exhibits and slides of the property (attached). Gerald Dever, the owner, provided testimony and answered questions from the Board Members and staff. No additional testimony was presented. At 5:25 p.m. the Hearing Officer closed the hearing. Board Member Goodin made a motion to grant the requested variance because it will not alter the essential character of the general vicinity, that the building envelope is limited due to the utility easement on the rear of the property even after increasing the width of the property, and that it would not create any safety concerns. 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 is to establish the front building setback line at 30' to accommodate the existing manufactured home and carport.
2. A VARIANCE is also granted for the existing covered front porch (approximate 8' x 15') to remain. However, the porch shall not be enclosed.

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3. The carport requires a building permit prior to the recording of the Plat.
4. An Amended Subdivision Plat with a Variance Note shall be required and be substituted for the required Site Plan.
5. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Chairman Krausman provided the second. Motion passed unanimously.

At 5:25 p.m. Chairman Krausman appointed Board Member Goodin to serve as the hearing officer. This request is for a Variance for proposed Lot 1 of Mountain View Estates Subdivision for relief from the minimum road frontage requirement and from the lot "width to length" ratio (1:3) for this proposed subdivision lot containing  $\pm 14.52$  acres located in the East Hardin Planning Area and zoned Rural Residential (R-2). The property is located at 1590 Stovall Road with the PVA Map Number of 261-00-00-046. The property is owned by **James & Inez Crepps**. Hearing Officer Goodin conducted the swearing in ceremony for all individuals in attendance that may provide testimony. Director Hunsinger reviewed the application and the history of the property and presented exhibits and slides of the property (attached). James Crepps, the owner provided testimony and answered questions from the Board Members and staff. No additional testimony was presented. At 5:40 p.m., the Hearing Officer closed the hearing. Board Member Goodin made a motion to grant the requested variance because it will not alter the essential character of the general vicinity and that the request will not cause a hazard or nuisance to the public. 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. The VARIANCE will allow for proposed Lot 1A of Mountain View Estates to have less than the required 300' of road frontage and to exceed the 1:3 lot width-to-length ratio.
2. An Amended Subdivision Plat with a Variance Note shall be required.
3. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Chairman Krausman provided the second. Motion passed unanimously.

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At 5:40 p.m. Chairman Krausman appointed Board Member Goodin to serve as the hearing officer. Hearing Officer Goodin announced that the next item on the agenda is a request for a Conditional Use Permit for a proposed Accessory Structure (1,200 square feet) that exceeds the size of the dwelling (1,170 square feet) on the property. The property is a  $\pm$  0.67 acre site located at 1830 Hodgenville Road (KY210) and identified with the PVA Map Number 089-00-00-112. The property is owned by **Michael and Linda Sutherland** and is located in the Valley Creek Urban Planning Area and is zoned Urban Residential (R-1). Hearing Officer Goodin conducted the swearing in ceremony for all individuals in attendance that may provide testimony. Director Hunsinger reviewed the application and presented exhibits and slides of the property (attached). Marty Sutherland of 1830 Hodgenville Road, the applicant, provided testimony and answered questions from the Board Members and staff. No additional testimony was presented. At 6:00 p.m. the Hearing Officer closed the hearing. Board Member Goodin 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;
- 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 Goodin stated that the proposal is in character with the vicinity and that it would be similar in size of the accessory structures on adjacent properties. Board Member Goodin made the motion to grant the Conditional Use Permit (CUP) with the following conditions:

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1. The proposed Accessory Structure (25' x 56' metal building) shall be a maximum of 1,400 square feet, which is greater than the 1,170 square feet size under roof of the existing dwelling.
2. Landscaping in the form of three (3) white pine trees, five feet in height, shall be required along the eastern (rear) property line to screen the building from the adjacent dwelling. Additionally, the two existing pine trees must be maintained.
3. The proposed Accessory Structure shall be placed on the property in accordance with the building setback lines established for the designated zone and as illustrated on the approved Site Plan.
4. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7 (Health Department approval and signature is not required).
5. An Encroachment Permit shall be required for the proposed driveway.
6. Building & Electrical Permits shall be required.
7. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Chairman Krausman provided the second. Motion passed unanimously.

At 6:00 p.m. Chairman Krausman appointed Board Member Goodin to serve as the hearing officer. Hearing Officer Goodin announced that the next item on the agenda is a request for a Conditional Use Permit to allow an existing Accessory Structure to remain on a vacant parcel. The property is a 4.119 acre lot on Featherstone Court and being Lot 38 of Stoneridge Subdivision, Section 2 and identified with the PVA Map Number 241-00-03-038. The property is owned by **Carolyn Keller** and is located in the Colesburg Planning Area and is zoned Rural Residential (R-2). Director Hunsinger reviewed the application and presented exhibits and slides of the property (attached). Carolyn Keller of 11310 Cedar Creek Road, Louisville, KY, the owner, provided testimony and answered questions from the Board Members and staff. No additional testimony was presented. At 6:00 p.m. the Hearing Officer closed the hearing. Board Member Goodin 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;
- 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;

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- 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 Goodin stated that the proposal is in character with the vicinity and made the motion to grant the Conditional Use Permit (CUP) with the following conditions:

1. The existing Accessory Structure (25' x 40' garage) is for residential storage and shall not be used for a commercial business.
2. Building and Electrical permits shall be required.
3. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7. (Health Department signature shall not be required).
4. A dwelling shall be constructed within two and a half years with a Certificate of Occupancy issued by 9 June 2013.
5. An Encroachment Permit must be obtained prior to construction of a dwelling on site.
6. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Chairman Krausman provided the second. Motion passed unanimously.

At 6:15 p.m. Chairman Krausman appointed Board Member Goodin to serve as the hearing officer. Hearing Officer Goodin announced that this is a continuation of a hearing for a Conditional Use Permit to allow a Home Occupation (Ray's Plumbing) to exceed the standards presented in the ordinance. The property is located in the Urban Residential Zone (R-1) in the North Urban Planning Area. The request is for a 3.281 acre site located on Lot 24 of Boardwalk Estates Subdivision with the address being 1584 Burns Road.

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The PVA Map Number is 142-00-02-024 and the property is owned by **Ray Hedrick**. Director Hunsinger reviewed the application, exhibits and slides of the property and presented following additional information provided by the owner:

1. No employees will be working on site and no employee personal vehicles will be parked on site (secretary works off site & employees will take their trucks home)
2. Only the owner's two personal trucks (gooseneck & backhoe stored in proposed building) will be on site,
3. Hours of operation will be Monday – Friday 7:00 a.m. to 5 p.m. in the summer and Monday – Friday 8:00 a.m. to 5 p.m. in the winter,
4. No business signs will be posted and
5. Landscaping will be required by the Board.

Ray Hedrick of 1584 Burns Road provided testimony and answered questions from the Board Members and staff. Doris Morris of 1732 Burns Road spoke in opposition to the request citing the following concerns; traffic and safety, screening, equipment on site, future owners of the property conducting a business as well, and that the area is zoned residential and the applicant's business exceeds the home occupation definition. No additional testimony was presented. At 6:40 p.m. the Hearing Officer closed the hearing. Board Member Goodin 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;
- 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;

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According to provisions of the Kentucky Revised Statutes, the Hardin County Development Guidance System, and the proceedings before the Board of Adjustment, Board Member Goodin stated that the proposal is in character with the vicinity and made the motion to grant the Conditional Use Permit (CUP) with the following conditions:

1. This Conditional Use Permit to exceed the definition of a Home Occupation shall be good for 2.5 years from 9 December 2010 to 9 June 2013.
2. This Conditional Use Permit will allow for the proposed Accessory Structure (40' x 60' pole barn) to be used for a Home Occupation (Ray's Plumbing).
3. The hours of operation shall be from 7:00 am to 5:00 pm Monday thru Friday.
4. Only two (2) vehicles associated with the business activity shall be parked or kept on site.
5. No signage advertising the business shall be permitted.
6. There shall be no outdoor storage of equipment or materials associated with the Home Occupation (Ray's Plumbing), except for two (2) trailers.
7. A Site Plan in compliance with Section 7 of the Zoning Ordinance shall be required.
8. A turnaround shall be provided to prevent vehicles from having to back out into Burns Road.
9. The proposed Accessory Structure (40' x 60' pole barn) shall be in compliance with building setbacks and as illustrated on the approved Site Plan.
10. The proposed Accessory Structure and vehicle/equipment parking area shall be landscaped with ten white pine trees, five feet in height, as illustrated on the Site Plan.
11. A privacy fence six (6) feet in height shall be installed and maintained along the east side and south side of the parking area to screen it from view.
12. No deliveries or semi truck traffic shall be permitted on site that are associated with the business.
13. This Conditional Use Permit shall be issued to the current property owner, Ray Hedrick, and shall expire when the property is transferred and not be transferable to another property owner.
14. All construction activities on this site shall conform to the provisions of the Kentucky Building Code.
15. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Chairman Krausman provided the second. Motion passed unanimously.

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At 6:15 p.m. Chairman Krausman appointed Board Member Goodin to serve as the hearing officer. Hearing Officer Goodin announced that this is a continuation of a hearing for a Variance to reduce the front 40 foot building setback line to 25 feet due to topography along the road and the floodplain on the rear of the lots. The request is for property located in Zion Cave Estates Subdivision, Lots 3A, 3B and 3C. The property is in an Urban Residential Zone (R-1) in the North Urban Planning Area and is identified with the PVA Map Number 199-00-00-012.06. The property is owned by **Glenn and Sandra Turner**. Director Hunsinger reviewed the application, exhibits and slides of the property (attached). Jeremy Lynch of 5745 Dixie Highway, representative of the owner, provided written testimony from the owner (Exhibit K) and answered questions from the Board Members and staff. James Jenkins of 1210 Mt Zion Road expressed concerns regarding flooding. Steve Mahnke of 689 Mt. Zion Road expressed concerns with homes being built too close to the road and safety concerns as well as run off from septic systems and right of ways. Nancy Mahnke of 689 Mt. Zion Road expressed concerns with safety and the esthetics of the area. Vicki Bracket Meredith, County Engineer, provided testimony regarding grading, flood elevations and the option to construct basements with elevated ceiling to reduce the grade of the driveways from the road. At 7:35 p.m., the Hearing Officer closed the hearing. Board Member Goodin made a motion to grant a variance allowing a 30 foot front building setback because it will not alter the essential character of the general vicinity, that the request will not cause a hazard or nuisance to the public and that the topography of the front of the property and the floodplain to the rear of the property limits the ability to develop the property without the variance. This request does satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243. Findings necessary for granting variances) which is as follow:

- The requested variance arises from special circumstances which do not generally apply to land in the general vicinity;

The following variance was granted with the noted conditions:

1. The VARIANCE will allow for a reduction of the front building setback line from the 40' illustrated on the subdivision plat to 30' due to topography and the floodplain.
2. A revised/corrected plat with a Variance Note shall be required.
3. Double width driveways and two car attached garages shall be required to allow for the parking of multiple vehicles out of the right of way.
4. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Chairman Krausman provided the second. Motion passed unanimously.

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Chairman Krausman called for a report on the **Fiscal Court Orientation**. Director Hunsinger reported that the Commission was invited to participate in the orientation training on 7 December for the Magistrates that will take office in January. Director Hunsinger provided to attendees a summary of the activities of the Commission, Board of Adjustment and Staff.

Chairman Krausman called for a report on the **Preliminary Plats** completed. Director Hunsinger reported that four of the five preliminary plats that had been granted an extension have now been approved and recorded thus creating 124 new subdivision lots.

Chairman Krausman called for a report on the **Administrative Assistant** position. Director Hunsinger reported that the current Administrative Assistant will be moving out of state after the first of the year and that the office will be accepting application for the position until 17 December 2010.

**THE FOLLOWING SITE PLANS HAVE BEEN APPROVED**

DATE	SITE PLAN	OWNER	ACCESS ROAD
19-Nov-10	Accessory Dwelling	Douglas Thomas	Copelin Road (KY 1866)
30-Nov-10	Accessory Dwelling	David & Kelli Schultz	Adams Lane
<b>Since Last Meeting</b>		2	
<b>2010 Total</b>		38	

**THE FOLLOWING SUBDIVISIONS HAVE BEEN APPROVED AND RECORDED**

FP RECORDED	SUBDIVISION NAME	LOTS	ACCESS ROAD
16-Nov-10	Valley Creek Estates, Lots 23 & 24	-1	Valley Creek Road (KY 567)
22-Nov-10	Chinoe Hills Section 2 Lots 7, 8, 9, 10, 17, 18, 21, 22, 23, 24 26	-1	Deckard School Road
24-Nov-10	Hope Subdivision	1	Berrytown Road
29-Nov-10	Jada Acres	1	Bratcher Lane
<b>SINCE LAST MEETING</b>		0	
<b>2010 TOTAL</b>		160	

Chairman Krausman announced that the next Board meeting is scheduled for Thursday, 6<sup>th</sup> January 2011, and declared the meeting adjourned at 7:45 p.m.

**ADOPTED AND APPROVED THIS 20th DAY OF JANUARY 2011 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.**

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Brent Goodin, Secretary

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Chairman Krausman called to order the two hundredth and sixty sixth meeting of the Hardin County Board of Adjustment at 5:00 p.m. on Thursday, 19 November 2010, in the R.R. Thomas Meeting Room on the second floor of the R.R. Thomas County Government Building. In addition to Chairman Krausman Secretary Brent Goodin was in attendance. Also in attendance were Director Chris Hunsinger, Planner Adam King, Planning Assistant Sandra Martinez, County Engineer Vicki Brackett Meredith, P.E. and the individuals listed on the attached sign-in sheet. Jack Holman Vice-Chairman and Senior Planner Wesley Wright were not present. County Attorney Steve Bland, legal counsel for the Board, was not requested to attend the meeting.

At 5:00 p.m. Chairman Krausman appointed Board Member Goodin to serve as the hearing officer. This is a request for a Conditional Use Permit to allow a Mobile Home (12' x 62') to be installed on the property. The property is an 8.7 acre site adjacent to 811 Copelin Road, and identified with the PVA Map Number 090-00-00-048.01. The property is owned by **Douglas Thomas** and is located in the Natural Resource Planning Area and is zoned Rural Residential (R-2). Hearing Officer Goodin conducted the swearing in ceremony for all individuals in attendance that may provide testimony. Director Hunsinger reviewed the application and the history of the property, presented exhibits, and presented slides of the property (attached). Douglas Thomas, the owner, provided testimony and answered questions from the Board Members and staff. At 5:40 p.m. the Hearing Officer closed the hearing. Board Member Goodin 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;
- 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,

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- 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 Goodin stated that based on the testimony presented, the request would be in character with the neighborhood and vicinity, and made the motion to grant a Conditional Use Permit (CUP) to allow a Mobile Home on the property with the following conditions:

1. The mobile home shall be placed on the property to comply with building setbacks as illustrated on the approved Site Plan.
2. A new B-1 seal from the State Fire Marshall shall be required because the seal has been removed and because the mobile home has been modified.
3. The mobile home shall have a sewerage system (septic tank and lateral lines) approved by the Hardin County Health Center.
4. Skirting and siding in the form of vinyl shall be installed by 1 June 2011 and maintained.
5. The mobile home shall be landscaped with two (2) trees in the front yard and six (6) shrubs along the front skirting of the unit facing Copelin Road.
6. Upon the vacancy of the mobile home, it must be removed from the property within six (6) months.
7. A Site Plan in Compliance with Section 7 shall be required.
8. This Conditional Use Permit shall be issued to the current property owner, Douglas Thomas, and shall expire when the property is transferred and not be transferable to another property owner.
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.

Chairman Krausman provided the second. Motion passed unanimously.

At 5:30 p.m. Chairman Krausman appointed Board Member Goodin to serve as the hearing officer. This is a request for a Conditional Use Permit to allow a Home Occupation (Ray's Plumbing) to exceed the standards presented in the ordinance. The property is located in the Urban Residential Zone (R-1) in the North Urban Planning Area. The request is for a 3.281 acre site located on Lot 24 of Boardwalk Estates with the address being 1584 Burns Road. The PVA Map Number is 142-00-02-024 and the property is owned by **Ray Hedrick**.

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Hearing Officer Goodin conducted the swearing in ceremony for all individuals in attendance that may provide testimony. Director Hunsinger reviewed the application, the history of the property, presented exhibits and slides of the property and determined that this proposed use will be incidental and subordinate to the existing residential use of the property. Ray Hedrick of 1584 Burns Road described the proposal for an Accessory Structure to be constructed that is subordinate in scale to the existing principal dwelling on the property and is proposed to be used to store equipment and vehicles associated with his business along with a small office within the building, and answered questions from the Board Members and staff. Doris Morris of 1732 Burns Road spoke in opposition to the request citing the following concerns; noise, drainage, traffic and safety, screening, equipment on site, and that the area is zoned residential and the applicant's business exceeds the home occupation definition. Alice Faeh of 739 Dawson Road spoke in opposition of the request citing the following concerns; destruction of the property view and that a commercial business should not be allowed in the residential area and would only be in favor of it if everything related to the business was kept under roof. Alfonso Kelly of 713 Dawson Lane spoke in opposition to the request citing the following concerns; drainage (requesting that someone would look at the drainage situation in the neighborhood) and also the number of vehicles on the property. Jacqueline Bass of 742 Dawson Road spoke in opposition of the request citing the following concerns; that it is unsightly to the neighborhood; it has lowered the value of the surrounding property, that the applicant's business exceeds the home occupation definition, and traffic and screening concerns. Luis Ouslan of 1565 Burns Road spoke in opposition to the request citing the following concerns; drainage, property value, and the amount of equipment on the property. Dale Doolin of 1589 Burns Road spoke in opposition of the request citing the following concerns; due to the commercial activity in a residential zone causing a 15% decrease in the appraisal of their property and concerns about traffic. Donald Morris of 1732 Burns Road spoke in opposition of the request citing drainage problems. Steve Mahnke of 689 Mt Zion Road asked if the employee vehicles could be parked in the storage building while out on the job to cut down on the number of vehicles visible on the property at any given time. Ed Faeh of 739 Dawson Road spoke in opposition of the request citing the following concerns; the type of and the number of equipment parked on the property and also stated that the applicant's business exceeds the home occupation definition. Joyce Ouslan of 1565 Burns Road stated that she would not be in opposition of the request if all cars and equipment are stored within the building. Board Member Goodin requested that the hearing be continued so members and the County Engineer could visit the site.

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Director Hunsinger announced that the Hearing would be continued to the Board meeting scheduled for Thursday, 9 December 2010, in the R.R. Thomas Meeting Room on the second floor of the R.R. Thomas County Government Building.

At 7:15 p.m. Chairman Krausman appointed Board Member Goodin to serve as the hearing officer. This request is for a variance to reduce the front 40 foot building setback line to 25 feet due to topography along the road and the floodplain on the rear of the lots. The request is for property located in Zion Cave Estates Subdivision, Lots 3A, 3B and 3C. The property is in an Urban Residential Zone (R-1) in the North Urban Planning Area and is identified with the PVA Map Number 199-00-00-012.06. The property is owned by **Glenn and Sandra Turner**. Hearing Officer Goodin conducted the swearing in ceremony for all individuals in attendance that may provide testimony. Director Hunsinger reviewed the application and the history of the property and presented exhibits and slides of the property (attached). Glenn Turner, the owner, provided testimony and answered questions from the Board Members and staff. James Jenkins of 1210 Mt Zion Road expressed concerns regarding his property being landlocked. Steve Mahnke of 689 Mt. Zion Road expressed concerns with homes being built too close to the road. Kelly Scott of 286 Mt. Zion Road spoke in opposition to the request due to the fact that he had to remove a building that he had built on Mt Zion Road that did not meet the setback line requirement. Jessie Mudd of 6249 North Dixie Highway, and owner of the 509 Mt. Zion Road property, spoke in opposition of the request due to not wanting homes built too close to the road and safety concerns. Board Member Goodin requested that the hearing be continued so members could visit the site. Director Hunsinger announced that the Hearing would be continued to the Board meeting scheduled for 5:00 p.m. on Thursday, 9 December 2010, in the R.R. Thomas Meeting Room on the second floor of the R.R. Thomas County Government Building.

Chairman Krausman called for consideration and action on the **Minutes** of the 4 November 2010 meeting. Member Goodin made a motion to approve the minutes as presented. Member Krausman provided the second. Motion passed unanimously.

Director Hunsinger presented the proposed Meeting Schedule for 2011. The scheduled was discussed but no action was taken.

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**THE FOLLOWING DEVELOPMENT PLANS HAVE BEEN APPROVED**

DATE	DEVELOPMENT PLAN	OWNER	ACCESS ROAD
10-Nov-10	Pretty Petals	Mike and Sandra Jones	Leitchfield Road (US 62)
	<b>Since Last Meeting</b>	1	
	<b>2010 Total</b>	29	

**THE FOLLOWING SITE PLANS HAVE BEEN APPROVED**

DATE	SITE PLAN	OWNER	ACCESS ROAD
14-Oct-10	Accessory Dwelling	David & Janine Washle	Mt. Olive Road
15-Oct-10	Accessory Structure	Brian Kerr	Bacon Creek Road
18-Oct-10	Accessory Dwelling	Gary Bunnell	St John Road (KY 1357)
2-Nov-10	Accessory Structure	John Curtsinger	Leitchfield Road (US 62)
4-Nov-10	Accessory Dwelling	Timothy Hines	Bardstown Road (US 62)
8-Nov-10	Retail Sales of Merchandise	Lee Ann del Castillo	New Glendale Road (KY 1136)
	<b>Since Last Meeting</b>	6	
	<b>2010 Total</b>	36	

**THE FOLLOWING SUBDIVISIONS HAVE BEEN APPROVED AND RECORDED**

FP RECORDED	SUBDIVISION NAME	LOTS	ACCESS ROAD
01-Nov-10	Last Straw Acres	1	Miller Road
08-Nov-10	Foxtail Subdivision	6	Sonora Hardin Springs Road
09-Nov-10	Bratcher Subdivision	7	Bratcher Lane
	<b>SINCE LAST MEETING</b>	14	
	<b>2010 TOTAL</b>	160	

Chairman Krausman announced that the next Board meeting is scheduled for Thursday, 9<sup>th</sup> December 2010, and declared the meeting adjourned at 8:20 p.m.

**ADOPTED AND APPROVED THIS 9th DAY OF DECEMBER 2010 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.**

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 Brent Goodin, Secretary

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Chairman Krausman called to order the two hundredth and sixty fifth meeting of the Hardin County Board of Adjustment at 5:05 p.m. on Thursday, 4 November 2010, in the R.R. Thomas Meeting Room on the second floor of the R.R. Thomas County Government Building. In addition to Chairman Krausman Secretary Brent Goodin was in attendance. Also in attendance were Director Chris Hunsinger, Senior Planner Wesley Wright Planner Adam King, Planning Assistant Sandra Martinez, County Engineer Vicki Brackett Meredith, P.E. and the individuals listed on the attached sign-in sheet. Jack Holman Vice-Chairman was not present. County Attorney Steve Bland, legal counsel for the Board, was not requested to attend the meeting.

At 5:05 p.m. Chairman Krausman appointed Board Member Goodin to serve as the hearing officer. This is a request for a Conditional Use Permit to allow an Automotive Repair Shop in the General Commercial Zone (C-2) in the North Dixie Corridor Planning Area. The request is for a 5.36 acre site located on Lot 2 of Hideaway Manor Subdivision with the address being 5608 North Dixie Avenue (US 31W). The PVA Map Numbers are 182-40-02-003 and 182-40-02-004.01 and the property is owned by **Hardin County Honda – John Potts**. Hearing Officer Goodin conducted the swearing in ceremony for all individuals in attendance that may provide testimony. Director Hunsinger reviewed the application, the history of the previous applications, conditions placed on the previous Conditional Use Permits, and presented the exhibits and slides of the property. Brad Henderson of 305 Churchill Court, Architect for the owner, described the proposed Automotive Repair Shop, submitted a drawing of the elevations of the proposed building (Exhibit J.) and answered questions from the Board Members. John Potts of 2549 Chatsworth Drive, the owner, provided testimony and answered question from the Board Members. At 5:40 p.m. the Hearing Officer closed the hearing. Board Member Goodin 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;
- 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;

## **Hardin County Board of Adjustment**

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- 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 Goodin stated that with the adjacent property being zoned commercial that the request would be in character with the neighborhood and he made the motion to grant the Conditional Use Permit (CUP) with the following conditions:

1. All Building activities shall conform to provisions of the Kentucky Building Code. Building and electric permits shall be acquired prior to the commencement of construction or alteration efforts.
2. All development activities shall be completed within the time limits prescribed by the Hardin County Development Guidance System, the Kentucky Building Code, the Commission, or the Board of Adjustments.
3. Activities identified as Prohibited Uses in Section 3.15 of the Hardin County Development Guidance System shall not be permitted on this site.
4. A maximum of ninety five (95) vehicles may be displayed on the North Lot and 210 vehicles on the South Lot.
5. The hours of operation shall be 6:00 AM to 9:00 PM on weekdays and 7:00 AM to 6 PM Saturdays and NO sales activities on Sundays.
6. The vegetative landscaping along the front of the property located on each side of the entrance on to North Dixie Highway must be maintained.
7. An Amended Development Plan shall be submitted and approved by the Planning Commission which conforms with the minimum requirements of the DEVELOPMENT GUIDANCE SYSTEM, which illustrates the display of vehicles – all vehicles must be displayed out the public right-of-way.
8. An Amended Development Plan shall be submitted and approved by the Planning Commission which conforms with the minimum requirements of the DEVELOPMENT GUIDNACE SYSTEM, which includes but is not limited to screening, signage, parking and lighting.
9. An Amended Development Plan is required if the North Lot and South Lot are transferred with separate ownership.
10. The maximum number of vehicles allowed on site shall remain at 210 as previously approved by the Board of Adjustment for the southern site in 2007.

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11. All wrecked or inoperable vehicles shall be parked in the designated parking area behind the proposed building and screened from view of the right of way and adjoining properties with a six (6) foot tall chain link fence with slats.
12. Landscaping in the form of bushes shall be required to screen the wrecked vehicle storage area from the adjoining property to the rear.
13. An Amended Development Plan shall be submitted and approved in accordance with Development Guidance System, Section 6.
14. A Certificate of Land Use Restrictions shall be recorded in the office of the Hardin County Clerk.

Chairman Krausman provided the second. Motion passed unanimously.

Chairman Krausman called for consideration and action on the **Minutes** of the 21 October 2010 meeting. Member Goodin made a motion to approve the minutes as presented. Member Krausman provided the second. Motion passed unanimously.

Director Hunsinger presented a **review** of the first twelve months of applications following the adoption of the new Zoning Ordinance.

### THE FOLLOWING DEVELOPMENT PLANS HAVE BEEN APPROVED

DATE	DEVELOPMENT PLAN	OWNER	ACCESS ROAD
13-Oct-10	Scotty's Contracting & Stone	Kentucky Stone Co.	Quarry Road
22-Oct-10	Scotty's Contracting & Stone	Scotty's Contracting & Stone	Battle Training Road (KY 434)
26-Oct-10	Cart Mart of Elizabethtown	Huey Skaggs	N. Dixie Highway (US 31W)
<b>Since Last Meeting</b>		3	
<b>2010 Total</b>		28	

### THE FOLLOWING SITE PLANS HAVE BEEN APPROVED

DATE	SITE PLAN	OWNER	ACCESS ROAD
6-Oct-10	Accessory Structure	James Campbell	Airview Drive
6-Oct-10	Accessory Dwelling	David & Janine Washle	Mt Olive Road
6-Oct-10	Accessory Structure	Brian Kerr	Bacon Creek Road
6-Oct-10	Accessory Dwelling	Gary Bunnell	St John Road (KY 1357)
<b>Since Last Meeting</b>		4	
<b>2010 Total</b>		30	

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**THE FOLLOWING SUBDIVISIONS HAVE BEEN APPROVED AND RECORDED**

<b>FP RECORDED</b>	<b>SUBDIVISION NAME</b>	<b>LOTS</b>	<b>ACCESS ROAD</b>
14-Oct-10	Ad and At Subdivision	2	Watson Lane
20-Oct-10	Bird Haven Subdivision Section 2, Lots 16 & 17	-1	Charlotte Circle
21-Oct-10	Zion Cave Estates, Lots 3 & 4	2	Mount Zion Road
26-Oct-10	Sportsman Lake Block 1, Lots 5, 6 & 7	0	Sportsman Lake Road
<b>SINCE LAST MEETING</b>		-1	
<b>2010 TOTAL</b>		146	

Chairman Krausman announced that the next Board meeting is scheduled for Thursday, 19<sup>th</sup> November 2010, and declared the meeting adjourned at 6:10 p.m.

**ADOPTED AND APPROVED THIS 19th DAY OF NOVEMBER 2010 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.**

\_\_\_\_\_  
Brent Goodin, Secretary

## Hardin County Board of Adjustment

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Chairman Krausman called to order the two hundredth and sixty fourth meeting of the Hardin County Board of Adjustment at 5:00 p.m. on Thursday, 21 October 2010, in the R.R. Thomas Meeting Room on the second floor of the R.R. Thomas County Government Building. In addition to Chairman Krausman, Jack Holman Vice-Chairman and Secretary Brent Goodin were in attendance. Also in attendance were Director Chris Hunsinger, Planner Adam King, Planning Assistant Sandra Martinez, County Engineer Vicki Brackett, P.E. and the individuals listed on the attached sign-in sheet. Senior Planner Wesley Wright was not present. County Attorney Steve Bland, legal counsel for the Board, was not requested to attend the meeting.

At 5:00 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. This is a request for a Conditional Use Permit to allow "Retail Sales of Merchandise" in the Urban Residential Zone (R-1) in the North Glendale Urban Planning Area. The request is for a 3.703 acre site located on Lot 1D of Brandywine Subdivision with the address being 3106 New Glendale Road. The PVA Map Number is 205-00-00-029 and the property is owned by **Modesto and Lee Ann del Castillo**. Hearing Officer Holman conducted the swearing in ceremony for all individuals in attendance that may provide testimony. Director Hunsinger reviewed the application, the history of the property, presented exhibits and slides of the property and determined that this proposed use will be incidental and subordinate to the existing residential use of the property. Modesto and Lee Ann del Castillo of 3106 New Glendale Road described the proposal to convert an existing Accessory Structure into a store for the purpose of "Retail Sales of Merchandise" such as fresh eggs, garden produce and hand crafted items plus answered questions from the Board Members. Sharon Pullen of 2935 New Glendale Road spoke in favor of the request. At 5:25 p.m. the Hearing Officer closed the hearing. Board Member Goodin 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;
- 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;

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- 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 Goodin stated that because of the property size being greater than three acres; the size and design of the existing Accessory Structure to be converted is located behind the existing dwelling and is not visible from the road or adjacent dwellings, the size of the existing parking area and the ability for cars to turn around and not back out on New Glendale Road; therefore the "Retail Sales of Merchandise" would be in character with the neighborhood and he made the motion to grant the Conditional Use Permit (CUP) with the following conditions:

1. The Single Family Dwelling on the property is the Permitted Use in the R-1 district with the Retail Sales of Merchandise being subordinate and incidental as a Conditional Use.
2. This Conditional Use Permit for Retail Sales of Merchandise is good for four (4) years from the date of the Certificate of Occupancy at which time it shall expire or require a renewal from the Board of Adjustment.
3. The hours of operation shall be from 9:00 a.m. to 7:00 p.m. on Monday thru Saturday.
4. There shall be no employees who do not reside in the dwelling on site (Therefore, no restroom facilities are required or proposed. The Hardin County Health Department signature shall not be required on the Site Plan)
5. Adequate parking area must be provided with one parking space marked handicapped and the parking arranged so that a turnaround is provided to prevent cars from backing out into New Glendale Road.
6. One on-site sign is permitted that shall not exceed six (6) square feet in area; and eight feet in height and illustrated on the Site Plan.
7. This Conditional Use Permit shall be issued to the current property owners, Modesto & Lee Ann del Castillo, and shall expire when the property is transferred and not be transferable to another property owner.
8. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.
9. A Change of Use Building Permit from residential storage to commercial shall be required.

## Hardin County Board of Adjustment

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10.A Certificate of Land Use Restrictions shall be recorded in the office of the Hardin County Clerk.

Chairman Holman provided the second. Motion passed unanimously.

At 5:30 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 to allow a proposed Accessory Structure (barn 30' x 40' = 1,200 square feet) that exceeds the size of the dwelling (1,050 square feet) on the property. The property is a  $\pm$  1.06 acre site located at 13863 Leitchfield Road and identified with the PVA Map Number 089-00-00-112. The property is owned by **John Curtsinger** and is located in the Natural Resource Planning Area and is zoned Rural Residential (R-2). Director Hunsinger reviewed the application and presented exhibits and slides of the property (attached). John Curtsinger of 13863 Leitchfield Road, the owner, provided testimony stating the Accessory Structure would be used for residential storage to include item such as vehicles, utility trailer and lawn furniture. He provided answers to questions from the Board Members and staff. No additional testimony was presented. At 5:45 p.m. the Hearing Officer closed the hearing. Board Member Goodin 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;
- 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;

## Hardin County Board of Adjustment

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According to provisions of the Kentucky Revised Statutes, the Hardin County Development Guidance System, and the proceedings before the Board of Adjustment, Board Member Goodin stated that because this proposed Accessory Structure will replace an existing Accessory Structure that will be demolished and the proposal is in character with the vicinity, that it is smaller than some of the Accessory structures on adjacent properties, he made the motion to grant the Conditional Use Permit (CUP) with the following conditions:

1. The proposed Accessory Structure (40' x 30' pole barn) shall be a maximum of 1,200 square feet, which is greater than the 1,050 square feet under roof of the existing dwelling.
2. The proposed pole barn will replace the existing garage (14' x 22') currently on site.
3. No new driveway entrances shall be permitted off of Leitchfield Road (US 62).
4. The proposed pole barn shall be placed on the property as illustrated on the approved Site Plan submitted and in accordance with the building setback lines established for the designated zone and no closer than 12 feet from the side property line.
5. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.
6. The signature of the Hardin County Health Department shall not be required on the Site Plan.
7. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Chairman Holman provided the second. Motion passed unanimously.

At 5:45 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 Temporary Accessory Dwelling (manufactured home) to be allowed to remain on the property. The property is a ±13.2 acre site with an address of 7050 Bardstown Road, and identified with the PVA Map Number 262-00-00-015. The property is owned by **Timothy and Deborah Hines** and is located in the East Hardin Planning Area and is zoned Rural Residential (R-2). Hearing Officer Holman conducted the swearing in ceremony for all individuals in attendance that may provide testimony. Director Hunsinger reviewed the application and presented exhibits and slides of the property (attached). Timothy and Deborah Hines, the owners, provided testimony that this Temporary Accessory Dwelling has been rented for the past five years and that the renter just renewed the lease for another three years.

## **Hardin County Board of Adjustment**

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Mr. Hines stated that at the time they purchased the property the county allowed two dwellings on properties eleven acres or greater and their plans were to move back to Kentucky and build their new home and continue to rent the other dwelling. Mr. and Mrs. Hines stated that they were unaware of the changes to the Comprehensive Plan and Zoning Ordinance regarding two dwellings on one deeded property due to living out of state. The staff reviewed the option to subdivide the property and determined that adequate road frontage does not exist to comply with the standards. A street would be required. At 6:15 p.m. the Hearing Officer closed the hearing. Board Member Holman stated that this is a unique situation due to the changes in the Comprehensive Plan and Zoning Ordinance and with the owners living out of state and 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;
- 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 stated that based on the testimony presented, this being an existing manufactured home that has been located on the property since 1999 and has been used as a rental unit with an existing three year lease agreement, and because of the size of the property (+13 acres) and the placement of the proposed permanent dwelling, and distance between the dwellings, the use of a shared entrance and driveway and with the existing manufactured homes and duplexes in the vicinity the request is in character with the neighborhood, he made the motion to grant a Conditional Use Permit (CUP) to allow a Temporary Accessory Dwelling on the property with the following conditions:

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1. The Temporary Accessory Dwelling shall be a temporary use for no longer than seven years from 21 October 2010 and must be removed from the property by 21 October 2017.
2. The existing Manufactured Home on site is a Temporary Accessory Dwelling and has 1,232 square feet of living space which is less than the Local Average Square Foot Standard of 1,584 square feet.
3. One of the two dwellings on site must be owner occupied and the other dwelling shall be available to the public for rent.
4. 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.
5. The Temporary Accessory Dwelling shall be placed on the property as illustrated on the proposed Site Plan.
6. This Conditional Use Permit shall be issued to the current property owners, Timothy & Deborah Hines, and shall expire when the property is transferred and not be transferable to another property owner.
7. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.
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.

Chairman Goodin provided the second. Motion passed unanimously.

Chairman Krausman called for consideration and action on the **Minutes** of the 7 October 2010 meeting. Member Goodin made a motion to approve the minutes as presented. Member Holman provided the second. Motion passed unanimously.

Director Hunsinger stated that the Employment Agreement with Sher DeCamp, KBC Clerk, for the "Emergency Part-Time" position of Receptionist / KBC Clerk has been terminated. Sher has obtained new employment and will not be available to work for the Planning Commission on an "as needed" basis.

**THE FOLLOWING DEVELOPMENT PLANS HAVE BEEN APPROVED**

DATE	DEVELOPMENT PLAN	OWNER	ACCESS ROAD
	<b>Since Last Meeting</b>	0	
	<b>2010 Total</b>	25	

**THE FOLLOWING SITE PLANS HAVE BEEN APPROVED**

DATE	SITE PLAN	OWNER	ACCESS ROAD
09-Sept-10	Temporary Accessory Dwelling	Mark & Mary Roberts	Horn Road
06-Oct-10	Variance	James Campbell	Airview Drive
	<b>Since Last Meeting</b>	2	
	<b>2010 Total</b>	26	

**THE FOLLOWING SUBDIVISIONS HAVE BEEN APPROVED AND RECORDED**

FP RECORDED	SUBDIVISION NAME	LOTS	ACCESS ROAD
05-Oct-10	Grateful Living Subdivision	5	Rineyville Road (KY 1600)
08-Oct-10	Pebble Creek, Lots 5, 6 & 7	-1	Saint John Road (KY 1357)
12-Oct-10	Oxmoor Village, Lot 9 and Lot 1C	0	New Glendale Road (KY 1136)
12-Sept-10	The Orchard, Lots 1, 2, 3, 43A and 45A	-1	Saint John Road (KY 1357)
	<b>SINCE LAST MEETING</b>	3	
	<b>2010 TOTAL</b>	147	

Chairman Krausman announced that the next Board meeting is scheduled for Thursday, 4<sup>th</sup> November 2010, and declared the meeting adjourned at 6:15 p.m.

**ADOPTED AND APPROVED THIS 4th DAY OF NOVEMBER 2010 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.**

\_\_\_\_\_  
 Brent Goodin, Secretary

## Hardin County Board of Adjustment

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Chairman Krausman called to order the two hundredth and sixty fourth meeting of the Hardin County Board of Adjustment at 5:00 p.m. on Thursday, 7 October 2010, in the R.R. Thomas Meeting Room on the second floor of the R.R. Thomas County Government Building. In addition to Chairman Krausman, Secretary Brent Goodin 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. Board Member Jack Holman (Vice-Chairman), Senior Planner Wesley Wright and County Engineer Vicki Brackett, P.E. were not present. County Attorney Steve Bland, legal counsel for the Board, was not requested to attend the meeting.

At 5:00 p.m. Chairman Krausman appointed Board Member Goodin to serve as the hearing officer. Hearing Officer Goodin announced a request for an Amended Conditional Use Permit for a Temporary Accessory Dwelling (14' x 66' manufactured home) to be allowed to remain on the property. The property is a 5.0 acre site with an address of 611 West Rhudes Creek Road, and identified with the PVA Map Number 223-00-04-010. The property is owned by **Billy & Carolyn Day** and is located in the North Glendale Urban Planning Area and is zoned Urban Residential (R-1). Hearing Officer Goodin conducted the swearing in ceremony for all individuals in attendance that may provide testimony. Director Hunsinger reviewed the application and the history of the property including two previous Conditional Use Permits and presented exhibits and slides of the property (attached). Billy Day Jr., son of the owners and applicant and Carolyn Day, the owner, provided testimony that this Temporary Accessory Dwelling was for a family need and "care giver" situation due to the health of Billy Day. They answered questions from the Board Members and staff and the Board provided advice that a fourth request for additional time may not be granted in the future and that another option should be pursued. Grover Berry, an adjoining property owner, presented testimony in support of the application. At 5:25 p.m. the Hearing Officer closed the hearing. Board Member Goodin stated that this request for an Amended 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;

## **Hardin County Board of Adjustment**

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- 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 Goodin stated that based on the testimony presented that the request is in character with the neighborhood and vicinity because five of the twelve closest dwellings are manufactured homes, the dwelling is not visible from the public right of way, the Local Average Square Foot Standard has not changed since the previous application and that this request is for a “family need” situation and made the motion to grant an Amended Conditional Use Permit (CUP) to allow the manufactured home to remain on the property with the following conditions:

1. The Temporary Accessory Dwelling shall be a temporary use for no longer than two years from 7 October 2010 and must be removed from the property by 7 October 2012.
2. The Temporary Accessory Dwelling shall contain a minimum of 924 square feet of living space which is less than the Local Average Square Foot Standard of 1,716 square feet.
3. The Temporary Accessory Dwelling is for a family need situation and shall only be occupied by Billy Day Jr. and his immediate family.
4. The Temporary Accessory Dwelling shall not be available to the public for rent.
5. Upon the vacancy of the Temporary Accessory Dwelling, it must be removed from the property within six (6) months.
6. 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.
7. The Temporary Accessory Dwelling shall be placed on the property as illustrated on the proposed Site Plan.
8. This Conditional Use Permit shall be issued to the current property owners, Billy and Carolyn Day, and shall expire when the property is transferred and not be transferable to another property owner.
9. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.

## Hardin County Board of Adjustment

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10. The skirting on the manufactured home must be maintained.
11. All construction activities on this site shall conform to the provisions of the Kentucky Building Code.
12. A Certificate of Land Use Restrictions shall be recorded in the office of the Hardin County Clerk.

Chairman Krausman provided the second. Motion passed unanimously.

At 5:25 p.m. Chairman Krausman appointed Board Member Goodin to serve as the hearing officer. Hearing Officer Goodin announced that the next item on the agenda is a request for a Conditional Use Permit to allow a proposed Accessory Structure (garage 40' x 60' = 2,400 square feet) that exceeds the size of the dwelling (2,164 square feet) on the property. The property is a  $\pm$  2.4 acre site located at 455 Bacon Creek Road and identified with the PVA Map Number 187-30-00-021. The property is owned by **Brian & Tabitha Kerr** and is located in the Industrial Park Planning Area and is zoned Urban Residential (R-1). Director Hunsinger reviewed the application and presented exhibits and slides of the property (attached). Brian Kerr of 2041 Pear Valley Drive, the owner, provided testimony stating that the dwelling is occupied by relatives and that he will be constructing a new house on the adjacent property. He answered questions from the Board Members and staff. No additional testimony was presented. At 5:35 p.m. the Hearing Officer closed the hearing. Board Member Goodin 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;
- 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;

## Hardin County Board of Adjustment

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According to provisions of the Kentucky Revised Statutes, the Hardin County Development Guidance System, and the proceedings before the Board of Adjustment, Board Member Goodin stated that this proposed accessory structure is in character and smaller than the structure on the adjacent property and across the street, that this property is located in the Industrial Park Planning Area and made the motion to grant the Conditional Use Permit (CUP) with the following conditions:

1. The proposed accessory structure (40' x 60' garage) shall be 2,400 square feet, which is greater than the 2,164 square feet under roof of the existing dwelling.
2. No new driveway entrances shall be permitted off of Bacon Creek Road (KY 1904).
3. The proposed garage shall be placed on the property as illustrated on the approved Site Plan submitted and in accordance with the building setback lines established for the designated zone.
4. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.
5. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Chairman Krausman provided the second. Motion passed unanimously.

At 5:35 p.m. Chairman Krausman appointed Board Member Goodin to serve as the hearing officer. Hearing Officer Goodin announced that the next item on the agenda is a request for a Conditional Use Permit for a Temporary Accessory Dwelling (proposed 3 bedroom, late model manufactured home) to be allowed on the property. The property is a 28.5 acre site with an address of 3615 Star Mills Road, and identified with the PVA Map Number 107-00-00-033. The property is owned by **John Meredith** and is located in the Natural Resource Planning Area and is zoned Rural Residential (R-2). Director Hunsinger reviewed the application and presented exhibits and slides of the property (attached). John Meredith, the owner, provided testimony that this temporary Accessory Dwelling was for a "family need" situation, a daughter with three children, and that the property could be subdivided in the future to accommodate the two dwellings. Mr. Meredith also answered questions from the Board Members and staff. Dale Kersey of 473 Cave Road spoke in favor of the request. At 5:45 p.m. the Hearing Officer closed the hearing. Board Member Goodin 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:

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- 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 Goodin stated that based on the testimony presented, the request would be in character with the neighborhood and vicinity, and that the property is large and provides existing natural screening and has adequate road frontage to be subdivided and made the motion to grant a Conditional Use Permit (CUP) to allow a Temporary Accessory Dwelling on the property with the following conditions:

1. The Temporary Accessory Dwelling shall be a temporary use for no longer than three years from 7 October 2010 and must be removed from the property by 7 October 2013.
2. The Temporary Accessory Dwelling may be less than the Local Average Square Foot Standard Calculation (2010) of 1,295 square feet.
3. The Temporary Accessory Dwelling is for a family need situation and shall only be occupied by Amanda Kendall and her immediate family.
4. The Temporary Accessory Dwelling shall not be available to the public for rent.
5. Upon the vacancy of the Temporary Accessory Dwelling, it must be removed from the property within six (6) months.
6. 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.
7. The Temporary Accessory Dwelling shall be placed on the property as illustrated on the proposed Site Plan.

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8. This Conditional Use Permit shall be issued to the current property owner, John Meredith, and shall expire when the property is transferred and not be transferable to another property owner.
9. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.
10. The skirting on the manufactured home must be maintained.
11. All construction activities on this site shall conform to the provisions of the Kentucky Building Code.
12. A Certificate of Land Use Restrictions shall be recorded in the office of the Hardin County Clerk

Chairman Krausman provided the second. Motion passed unanimously.

At 5:50 p.m. Chairman Krausman appointed Board Member Goodin to serve as the hearing officer. Hearing Officer Goodin announced that this is a continuation of a hearing for a Conditional Use Permit to operate a Kennel (Bed & Biskit Doggy Day Care) in the Urban Residential Zone (R-1) in the North Urban Planning Area. The request is for a 2.609 acre lot located on the north side of Wooden Lane with the address being 595 Wooden Lane. The PVA Map Number is 231-30-00-002 and the property is owned by **Phillip Sherrard and Pamela Sherrard** and the applicants are Sandy Herbst and Rene Woods. Director Hunsinger reviewed the application and presented exhibits and slides of the property and proposal. Planner King stated that the building plans had been approved by the Building Inspector and that the applicants were proposing a different fence that would consist of solid wood 6' in height with 20 white pine trees planted 10' on the center along the rear property line and that it is to be 60 feet from the rear adjoining property line. Phillip Sherrard and Renee Woods of 595 Wooden Lane provided testimony and answered questions. Dale Lewis of 521 Wooden Lane stated that he would not be in opposition to the request as long as the animals were not allowed out in groups during the evening hours. At 6:30 p.m. the Hearing Officer closed the hearing. Board Member Goodin 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;
- 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;

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- 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 Goodin stated that because of the property size, the size, design and location of the existing accessory structure to be converted to the Kennel, the proposed fencing and distance from adjoining properties, the lot being adjacent to an Agricultural Zone and the character of the neighborhood he made the motion to grant the Conditional Use Permit (CUP) with the following conditions:

1. Business Hours of Operation shall be twenty four hours a day, seven days a week.
2. The maximum number of animals on site shall be thirty-five (35).
3. No outdoor boarding of animals shall be permitted. All boarding facilities shall be indoors with dogs taken outdoors for exercise until 6:00 p.m. and thereafter only one dog shall be allowed outside at a time.
4. The facility shall obtain and maintain a valid Kennel License from Hardin County Animal Control and comply with Ordinance Number 249, Series 2007 "An ordinance relating to Animal Control and Welfare". Annual inspections to be conducted by Hardin County Animal Control to check health and welfare of animals on site and verify clean and sanitary conditions of the facility. Please contact Gerald Foley (270-763-2205)
5. All dogs on site must have a valid license and Rabies vaccinations.
6. This property shall have a sewerage system (septic tank and lateral lines) approved by the Hardin County Health Center.
7. The outdoor play area shall be screened from view from the right-of-way and adjoining properties with a solid six (6) foot tall privacy fence and white pine trees planted 10' on center as illustrated on the approved Site Plan.
8. No employees shall work at the Kennel that do not reside in the dwelling on the property.

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- 9. A Contract with an animal waste hauler shall be maintained and a copy of the Contract shall be provided the Planning commission.
- 10. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.
- 11. This Conditional Use Permit shall be issued to the current property owner, and is not transferable.
- 12. All building activities shall conform to provisions of the Kentucky Building Code. A Change of Use Building Permit and an Electric Permit shall be acquired prior to the commencement of construction or alteration efforts.
- 13. This Conditional Use Permit shall be for a period of two years from the date of the Certificate of Occupancy.
- 14. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Chairman Krausman provided the second. Motion passed unanimously.

Chairman Krausman called for consideration and action on the **Minutes** of the 23 September 2010 meeting. Member Goodin made a motion to approve the minutes as presented. Member Krausman provided the second. Motion passed unanimously.

**THE FOLLOWING DEVELOPMENT PLANS HAVE BEEN APPROVED**

DATE	DEVELOPMENT PLAN	OWNER	ACCESS ROAD
16-Sept-10	Stanley Steamer	John Peters & Susan Mocerri	Bardstown Road (US 62)
21-Sept-10	Star Mill Tower	Tritel Communication	Churchill Bland Lane
	<b>Since Last Meeting</b>	2	
	<b>2010 Total</b>	26	

**THE FOLLOWING SITE PLANS HAVE BEEN APPROVED**

DATE	SITE PLAN	OWNER	ACCESS ROAD
	<b>Since Last Meeting</b>	0	
	<b>2010 Total</b>	24	

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**THE FOLLOWING SUBDIVISIONS HAVE BEEN APPROVED AND RECORDED**

FP RECORDED	SUBDIVISION NAME	LOTS	ACCESS ROAD
19-Sept-10	Spurrier Estates Section 2	1	Flint Hill Road (KY 720)
20-Sept-10	Tall Pine Subdivision, Section 5	12	Sportsman Lake Road
21-Sept-10	Aunt Mil's Place	2	Sonora Hardin Springs Road
22-Sept-10	Ford Estates, Lot 2A & Ford Estates Section 2	2	Ring Road (KY 3005)
24-Sept-10	Lincoln Trail Subdivision, Lots 5A & 3A	0	Bardstown Road (US 62)
<b>SINCE LAST MEETING</b>		17	
<b>2010 TOTAL</b>		144	

Chairman Krausman announced that the next Board meeting is scheduled for Thursday, 21 October 2010, and declared the meeting adjourned at 6:35 p.m.

**ADOPTED AND APPROVED THIS 21st DAY OF OCTOBER 2010 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.**

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Brent Goodin, Secretary

## Hardin County Board of Adjustment

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Chairman Krausman called to order the two hundredth and sixty third meeting of the Hardin County Board of Adjustment at 5:00 p.m. on Thursday, 23 September 2010, in the R.R. Thomas Meeting Room on the second floor of the R.R. Thomas County Government Building. In addition to Chairman Krausman, Secretary Brent Goodin was in attendance. Also in attendance were Director Chris Hunsinger, Planner Adam King, Planning Assistant Sandra Martinez, County Engineer Vicki Brackett, P.E. and the individuals listed on the attached sign-in sheet. Board Member Jack Holman (Vice-Chairman) and Senior Planner Wesley Wright were not present. County Attorney Steve Bland, legal counsel for the Board, was not requested to attend the meeting.

At 5:00 p.m. Chairman Krausman appointed Board Member Goodin to serve as the hearing officer. Hearing Officer Goodin announced a request for an Amended Conditional Use Permit for a Temporary Accessory Dwelling (16' x 76' manufactured home) to be allowed to remain on the property. The property is a 5.0 acre site with an address of 1800 Jenkins Road, and identified with the PVA Map Number 098-00-00-044.05. The property is owned by **Norris and Carol Sizemore** and is located in the West Urban Planning Area and is zoned Rural Residential (R-2). Hearing Officer Goodin conducted the swearing in ceremony for all individuals in attendance that may provide testimony. Director Hunsinger reviewed the application and the history of the property and presented exhibits and slides of the property (attached). Norris and Carol Sizemore, the owners, provided testimony that this Temporary Accessory Dwelling was for a "family need" situation. They answered questions from the Board Members and staff. **The Board and staff discussed that the property characteristics do not comply with the standards of the Rural Residential (R-2) to create a two lot subdivision but the option to request that the property be zoned to Urban Residential (R-1) and if approved the Temporary Accessory Dwelling could become a permanent dwelling on a separate lot and a Conditional Use Permit would not be required.** No additional testimony was presented. At 5:15 p.m. the Hearing Officer closed the hearing. Board Member Goodin stated that this request for an Amended 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;

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- 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 Goodin **made the motion based on the testimony presented that the request is in character with the neighborhood and vicinity because seven of the twelve closest dwellings are manufactured homes and the Local Average Square Foot Standard has not changed since the previous application**, to grant an Amended Conditional Use Permit (CUP) to allow the manufactured home to remain on the property with the following conditions:

1. The Temporary Accessory Dwelling shall be a temporary use for no longer than three (3) years from 23 September 2010 and must be removed from the property by 23 September 2013.
2. The Temporary Accessory Dwelling shall contain a minimum of 1,216 square feet of living space which is less than the Local Average Square Foot Standard of 1,279 square feet.
3. The Temporary Accessory Dwelling is for a "family need" situation and shall only be occupied by Natalie Waddell and her immediate family.
4. The Temporary Accessory Dwelling shall not be available to the public for rent.
5. Upon the vacancy of the Temporary Accessory Dwelling, it must be removed from the property within six (6) months.
6. 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.
7. The Temporary Accessory Dwelling shall be placed on the property as illustrated on the proposed Site Plan.
8. This Amended Conditional Use Permit shall be issued to the current property owners, Norris and Carol Sizemore, and shall expire when the property is transferred and not be transferable to another property owner.
9. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.
10. The skirting on the manufactured home must be maintained.

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11. All construction activities on this site shall conform to the provisions of the Kentucky Building Code.
12. A Certificate of Land Use Restrictions shall be recorded in the office of the Hardin County Clerk.

Chairman Krausman provided the second. Motion passed unanimously.

At 5:15 p.m. Chairman Krausman appointed Board Member Goodin to serve as the hearing officer. This request is for a Variance from the front building setback lines on a corner lot to accommodate a proposed front covered porch addition and from a front building setback line to accommodate a proposed new covered deck on the rear of the dwelling. The request is for property located at 167 East Airview Drive, which is a  $\pm$  0.22 acre lot located at the corner of East Airview Drive and West Airview Drive and being Lot 167 of Airview Estates Subdivision. The property is in an Urban Residential Zone (R-1) in the North Urban Planning Area and is identified with the PVA Map Number 200-10-01-167. The property is owned by **James Campbell**. Hearing Officer Goodin conducted the swearing in ceremony for all individuals in attendance that may provide testimony. Director Hunsinger reviewed the application and the history of the property and presented exhibits and slides of the property (attached). James Campbell, the owner, provided testimony and answered questions from the Board Members and staff. No additional testimony was presented. At 5:25 p.m. the Hearing Officer closed the hearing. Board Member Goodin made a **motion to grant the requested variance because it will not alter the essential character of the general vicinity, the subdivision plat recorded in 1979 established a 25 foot front building setback and that safety concerns are reduced because of the topography of the property being elevated to the street and the reduced speed limit of 25 mph posted in the subdivision plus this dwelling is served by a sewer system**. 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. The **VARIANCE** will allow for the proposed front porch addition and the proposed rear deck to be 47' and 50' respectively from the center line of Airview Drive. Any future structures or additions must comply with building setbacks.

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2. The front covered porch and rear covered deck shall not be enclosed.
3. An Amended Subdivision Plat shall not be required.
4. A site plan shall be submitted and approved in accordance with Development Guidance System, Section 7.
5. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Chairman Krausman provided the second. Motion passed unanimously.

Chairman Krausman called for consideration and action on the **Minutes** of the 9 September 2010 meeting. Member Goodin made a motion to approve the minutes as presented. Member Krausman provided the second. Motion passed unanimously.

At 5:30 p.m. Chairman Krausman appointed Board Member Goodin to serve as the hearing officer. Hearing Officer Goodin announced that the next item on the agenda is a request for a Conditional Use Permit to allow for an off-site sign (4' x 8' = 32 square feet) that exceeds the minimum standards. The property is a  $\pm$  64.1 acre site located at 3758 Bardstown Road and identified with the PVA Map Number 243-00-00-015. The property is owned by **Louis & Margaret Brothers** and is located in the Bardstown Road Corridor Planning Area and is zoned Urban Residential (R-1). Director Hunsinger reviewed the application and the history of the property and presented exhibits and slides of the property (attached). Dennis and Cindy Brothers of 110 Ethan Court, the applicants, provided testimony and answered questions from the Board Members and staff. At 5:55 p.m. the Hearing Officer closed the hearing. Board Member Goodin 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;
- 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;

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- 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 Goodin **made the motion to grant the Conditional Use Permit (CUP) because of the large size of the property (64.1 acres), the speed limit on Bardstown Road (US62) being 55 mph, and that the property is located in the Bardstown Road Corridor where the Recommended Land Use and Development Criteria include “Nonresidential uses should be limited to those portions of the area that are immediately adjacent to Bardstown Road”**, with the following conditions:

1. The Off-Site Sign, advertising Brothers Bar-B-Que, shall be no larger than 32 square feet (4' x 8') which exceeds the 6 square foot size limitation as set forth in the Development Guidance System 9-8.
2. The Off Site Sign shall be placed on the property as illustrated on the approved Site Plan.
3. No business activities or transactions of the Brothers Bar-B-Q business may be conducted on this site without additional compliance with the Zoning Ordinance and approval.
4. This Conditional Use Permit shall be issued to the current property owners, Louis & Margaret Brothers, and shall expire when the property is transferred and the Conditional Use Permit shall not be transferable to another property owner.
5. Only one sign shall be permitted on the property and the sign shall not be illuminated either externally or internally.
6. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7. The Site Plan shall require approval and a signature from the Kentucky Department of Highways but approval and signature from the Hardin County Environmental Services Office of the Hardin County Health Department shall not be required.
7. A Sign Permit shall be obtained from the Hardin County Planning & Development Commission.
8. 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.

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At 6:00 p.m. Chairman Krausman appointed Board Member Goodin to serve as the hearing officer. This is a request for a Conditional Use Permit to operate a kennel (Bed & Biskit Doggy Day Care) in the Urban Residential Zone (R-1) in the North Urban Planning Area. The request is for a 2.609 acre site located on the north side of Wooden Lane with the address being 595 Wooden Lane. The PVA Map Number is 231-30-00-002 and the property is owned by **Phillip Sherrard and Pamela Sherrard** the applicant is Sandy Herbst and Rene Woods. Hearing Officer Goodin conducted the swearing in ceremony for all individuals in attendance that may provide testimony. Director Hunsinger reviewed the application and the history of the property and presented exhibits and slides of the property. Phillip Sherrard and Renee Woods of 595 Wooden Lane described the proposal to convert an existing accessory structure to a seven day a week, twenty-four hours a day facility for a forty (40) animal day care with fifteen (15) boarding animals and presented a Site Plan and described the proposed installation of a chain link fence with slats plus answered questions from the Board Members. Dale Lewis of 521 Wooden Lane stated concerns about the request due to noise and odors from the animals and traffic. Shelley Ramsey of 146 Poplar Trace presented concerns about the request due to animals getting out and coming on to her property and stated that the fencing should be more than a chain link fence, that a six foot solid privacy would keep the animals on the property. Following a discussion on requirements of the Kentucky Building Code, Mr. Sherrard requested that the hearing be continued so that he may submit building plans to the Building Inspector for feasibility of the project. Director Hunsinger announced that the Hearing would be continued to the Board meeting scheduled for Thursday, 7 October 2010, at 5:00 p.m. in the R.R. Thomas Meeting Room on the second floor of the R.R. Thomas County Government Building.

**THE FOLLOWING DEVELOPMENT PLANS HAVE BEEN APPROVED**

DATE	DEVELOPMENT PLAN	OWNER	ACCESS ROAD
13-Sept-10	J & J Lumber, LLC – saw mill	Lahoma & Dean Gray	Salt River Road (KY 920)
15-Sept-10	E'town Solid Oak Furniture	Perry & Becky Detweiler	S. Dixie Highway (US 31W)
15-Sept-10	D & D Grocery	Vernon & Cindy Detweiler	S Dixie Highway (US 31W)
<b>Since Last Meeting</b>		3	
<b>2010 Total</b>		24	

**THE FOLLOWING SITE PLANS HAVE BEEN APPROVED**

DATE	SITE PLAN	OWNER	ACCESS ROAD
9-Sept-10	Accessory Structure	Mary Roberts	Horn Road
<b>Since Last Meeting</b>		1	
<b>2010 Total</b>		24	

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**THE FOLLOWING SUBDIVISIONS HAVE BEEN APPROVED AND RECORDED**

FP RECORDED	SUBDIVISION NAME	LOTS	ACCESS ROAD
24-Aug-10	Carman Subdivision Section 1, Lot 1A	2	Earl Wise Lane
26-Aug-10	Toby's Acres Subdivision	2	Hardinsburg Road (KY 86)
30-Aug-10	Holbert's Pointe	2	Yates Chapel Road
30-Aug-10	Nick's Acres	2	Ring Road (KY 3005)
31-Aug-10	Claude Nall Farm #2, Lots 4, 7 & 9	1	Pickerell Lane
02-Sept-10	Tim's Town Acres	2	Lafollette Road
02-Sept-10	Layne's Landing	2	Harcourt Road
02-Sept-10	Jazzy Acres	2	Hardinsburg Road (KY 86)
09-Sept-10	Blooming Hills, Section 1	18	Blueball Road
<b>SINCE LAST MEETING</b>		33	
<b>2010 TOTAL</b>		127	

Chairman Krausman announced that the next Board meeting is scheduled for Thursday, 7 October 2010, and declared the meeting adjourned at 7:00 p.m.

**ADOPTED AND APPROVED THIS 7th DAY OF OCTOBER 2010 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.**

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Brent Goodin, Secretary

## **Hardin County Board of Adjustment**

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Chairman Krausman called to order the two hundredth and sixty second meeting of the Hardin County Board of Adjustment at 5:00 p.m. on Thursday, 9 September 2010, in the R.R. Thomas Meeting Room on the second floor of the R.R. Thomas County Government Building. In addition to Chairman Krausman, Secretary Brent Goodin was in attendance. Also in attendance were Director Chris Hunsinger, Senior Planner Wesley Wright, Planner Adam King, Planning Assistant Sandra Martinez, County Engineer Vicki Brackett, P.E. and the individuals listed on the attached sign-in sheet. Board Member Jack Holman (Vice-Chairman) was not present. County Attorney Steve Bland, legal counsel for the Board, was not requested to attend the meeting.

At 5:00 p.m. Chairman Krausman appointed Secretary Goodin to serve as the hearing officer. This request is for relief from the 70' front setback line for a proposed attached garage (28' x 31') to the side of the dwelling and a rear addition (22' x 28') to the house. This property is located in the West Hardin Planning Area and zoned Rural Residential (R-2) and identified with PVA Map Number 051-00-00-020. The property is owned by **Jerry & Sherrie McCoy**. Hearing Officer Goodin conducted the swearing in ceremony for all individuals in attendance that may provide testimony. Director Hunsinger reviewed the application and the history of the property and presented exhibits and slides of the property (attached). Jerry McCoy, the owner, provided testimony, presented pictures of the property and answered questions from the Board Members and staff. At 5:30 p.m., the Hearing Officer closed the hearing. Board Member Goodin made a motion to deny the requested variance because appropriate findings necessary for granting the variance were not presented and that there are safety concerns with the dwelling being so close to a state highway with a speed limit of 55 miles per hour. Board Member Krauseman provided the second. Motion unanimously passed. Director Hunsinger announced that there is a 30 day appeal period to Circuit Court.

At 5:30 p.m. Chairman Krausman appointed Secretary Goodin to serve as the hearing officer. This request is for a Conditional Use Permit to allow for a 1600 sq. ft. Accessory Structure (40' x 40' pole barn) that exceeds the size of the dwelling (1392 sq ft) on the property. This property is located in the West Hardin Planning Area and zoned Rural Residential (R-2) and identified with PVA Map Number 008-00-00-002.

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The property is owned by **David & Shirley McCamish**. Director Hunsinger reviewed the application and the history of the property and presented exhibits and slides of the property (attached). Bryan Carwile, representative of the owners, provided testimony and answered questions from the Board Members and staff. At 5:40 p.m., the Hearing Officer closed the hearing. During this hearing it was determined that the portion of the property where the proposed structure is to be constructed is located in Breckinridge County and is therefore not in the jurisdiction of Hardin County. The Board directed the staff to close the application and refund the application fees.

Chairman Krausman called for consideration and action on the **Minutes** of the 19 August 2010 meeting. Member Goodin made a motion to approve the minutes as presented. Member Krausman provided the second. Motion passed unanimously.

Director Hunsinger presented proposed amendments to the **By-Laws** regarding Order of Business (Article VI) and Hearings (Article IX). Member Goodin made a motion to approve the proposed amendments to the By-Laws as presented. Member Krausman provided the second. Motion passed unanimously.

Director Hunsinger stated that the Employment Agreements with Jimmy Morgan, Residential Building Inspector, and Sher DeCamp, KBC Clerk, have been extended for an additional year to provide part time assistance with the Building Inspection Program on an "as needed" basis.

### THE FOLLOWING SUBDIVISIONS HAVE BEEN APPROVED AND RECORDED

RECORDED	SUBDIVISION NAME	LOTS	ACCESS ROAD
09-Aug-10	Sandstone Estates	5	Long Hollow Road
10-Aug-10	Cottonwood Estates Section 2, Lots 80-83 & 87-90	0	Thompson Road
11-Aug-10	Linmark Estates	1	Bacon Creek Road
12-Aug-10	Heritage Estates Section 1, Lot 9 & Heritage Estates Section 3	1	Heritage Trail
<b>2010 TOTAL</b>		94	

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**THE FOLLOWING SITE PLANS HAVE BEEN APPROVED**

DATE	OWNER	ADDRESS	PROPOSAL
24-Aug-10	DANIEL & ARIELA FLORY	DRY RIDGE ROAD	VARIANCE REQUEST FOR RELIEF FROM THE 70' FRONT BUILDING SETBACK
16-Aug-10	TOMMY & MAUDINA THURMAN	SALT RIVER ROAD	ACCESSORY STRUCTURE (24' X 60' GARAGE) ON A VACANT LOT
22-Jul-10	DOUGLASS & LITTIE CLARK	S MILL STREET	CONSTRUCT A 30' X 50' POLE BARN FOR RESIDENTIAL USES ON COMMERCIAL PROPERTY
21-Jul-10	ERIKA WOOD & JUERGEN SCHWAN	ANNISTON WAY	CONSTRUCT A GARAGE (40' X 60') PRIOR TO THE CONSTRUCTION OF A DWELLING THAT WILL NOT BE SUBORDINATE IN SCALE TO THE DWELLING
21-Jul-10	DONNIE SHERRARD	RINEYVILLE ROAD	CONSTRUCT A 60' X 120' POLE BARN TO REPLACE TWO EXISTING BARNs TAKEN/DAMAGED BY THE E2RC ROAD PROJECT
21-Jul-10	LARRY & PATRICIA HICKS	HARDINBURG ROAD	TO LOCATE A TEMPORARY DWELLING (28' X 52' MANUFACTURED HOME) IN THE GENERAL COMMERCIAL ZONE (C-2)
19-Jul-10	DARREN CLARY	SOUTH RIDGE ROAD	A RENEWED CONDITIONAL USE PERMIT FOR A TEMPORARY ACCESSORY DWELLING (MANUFACTURED HOME 16' X 76')
25-Jun-10	DONNIE & DEBBIE BLAIR	BACON CREEK ROAD	RENEWAL OF THE EXISTING CONDITIONAL USE PERMIT TO ALLOW UP TO FIVE SEMI TRUCKS AND TRACTOR TRAILERS ON SITE
17-Jun-10	TERRY & KATHY BARNES	HARDINBURG ROAD	TO CONTINUE TO ALLOW A TEMPORARY ACCESSORY DWELLING (16 X 80 MANUFACTURED HOME) ON THE PROPERTY
04-Jun-10	TERRANCE HARRIS	CASH ROAD	TO ALLOW A PROPOSED PERMANENT ACCESSORY STRUCTURE (POLE BARN 30' X 32' = 960 SF) THAT IS GREATER IN SQUARE FOOTAGE THAN THE DWELLING (20' X 26' = 520 SF) ON THE PROPERTY
28-May-10	WILLIAM AND ROSEMARIE COCHRAN	COCHRAN LANE	TEMPORARY ACCESSORY DWELLING
10-May-10	TIMOTHY & TAMMY GREENWELL	HALL ROAD	ACCESSORY STRUCTURE (POLE BARN 30' X 40') PRIOR TO A DWELLING BEING BUILT. BOARD APPROVAL GRANTED ON 22 APRIL 2010.
10-May-10	RICHARD & PAMELA POOR	RED HILL ROAD	
05-May-10	ROBERT MARSKI	406 TABBS HOLLOW ROAD	CONSTRUCT AN ACCESSORY BUILDING (36' X 48' POLE BARN) THAT IS GREATER IN SQUARE FOOTAGE THAN THE DWELLING ON THE PROPERTY
13-Apr-10	PHILIP EDLIN	EDLIN LANE	CONSTRUCT A PERMANENT ACCESSORY DWELLING (25' X 40') WITHIN A POLE BARN (40' X 100')
	<b>2010 Total</b>	23	

**Hardin County Board of Adjustment**  
 Minutes: 9 September 2010  
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**THE FOLLOWING DEVELOPMENT PLANS HAVE BEEN APPROVED**

DATE	OWNER	PROJECT NAME	PROPOSAL	STREET NAME
03-Sep-10	LAHOMA & DEAN GRAY	J & J LUMBER, LLC - SAW MILL	COMMERCIAL SAW MILL	SALT RIVER ROAD (KY 920)
31-Aug-10	BRIAN AND LINDSEY ALICNA	ALICNIA TURF AND LANDSCAPE	GREENHOUSE & PLANT NURSERY WITH OFFICE AND RETAIL	S MILL STREET
23-Aug-10	CROWN CASTLE PT INC	MAPLE HOLLOW CELL SITE	CO LOCATION OF A 5TH CARRIER (VERIZON WIRELESS); VARIANCE REQUEST FROM SIDE B/L FOR BUILDING.	CASEY LANE
23-Aug-10	CROWN COMMUNICATIONS	WHITFORD CELL SITE	CO LOCATION OF A 4TH CARRIER (VERIZON WIRELESS); VARIANCE REQUEST FROM SIDE B/L FOR BUILDING.	FULTZ ROAD
23-Aug-10	RICKY YOUNG	FORMERLY KIMMIES CATERING	TWO PAVILIONS.	SONORA HARDIN SPRINGS ROAD (KY 84)
23-Aug-10	CROWN CASTLE PT INC	RICKEY PUCKETT CELL SITE	CO LOCATION OF A 6TH CARRIER (VERIZON WIRELESS); VARIANCE REQUEST FROM SIDE B/L FOR BUILDING.	SOUTH DIXIE HIGHWAY (US-31W)
23-Aug-10	CROWN CASTLE PT, INC.	JOE PRATHER CELL SITE	CO LOCATION OF A 4TH CARRIER; VARIANCE REQUEST FROM SIDE B/L FOR BUILDING.	SHEPHERDSVILLE ROAD (KY 251)
22-Jul-10	ARDIS AND LULA KENNEDY	ROUTE 62 - VERIZON WIRELESS	190' SELF-SUPPORTING TOWER WITH 4 CARRIERS	BARDSTOWN ROAD (US 62)
21-Jul-10	VERIZON WIRELESS	PRODUCTION DRIVE	190' SELF-SUPPORTING TOWER WITH 4 CARRIERS	ASSEMBLY DRIVE
21-Jul-10	SAMUEL E & JERLDEAN HOWARD	OTTER CREEK - VERIZON WIRELESS	190' SELF-SUPPORTING TOWER WITH 4 CARRIERS	DAWSON LANE
16-Jul-10	VERIZON WIRELESS	YOUNGER CREEK	190' SELF-SUPPORTING TOWER WITH 4 CARRIERS	MILLER ROAD
<b>Since Last Meeting</b>			7	
<b>2010 Total</b>			21	

Chairman Krausman announced that the next Board meeting is scheduled for Thursday, 23 September 2010, and declared the meeting adjourned at 6:00 p.m.

**ADOPTED AND APPROVED THIS 23rd DAY OF SEPTEMBER 2010 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.**

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 Brent Goodin, Secretary

## Hardin County Board of Adjustment

Minutes: 19 August 2010

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Chairman Krausman called to order the two hundredth and sixty first meeting of the Hardin County Board of Adjustment at 5:00 p.m. on Thursday, 19 August 2010, in the R.R. Thomas Meeting Room on the second floor of the R.R. Thomas County Government Building. In addition to Chairman Krausman, Secretary Brent Goodin was in attendance. Also in attendance were Director Chris Hunsinger, Planner Adam King, Planning Assistant Sandra Martinez, County Engineer Vicki Brackett, P.E. and the individuals listed on the attached sign-in sheet. Board Member Jack Holman (Vice-Chairman) and Senior Planner Wesley Wright were not present. County Attorney Steve Bland, legal counsel for the Board, was not requested to attend the meeting.

At 5:00 p.m. Chairman Krausman appointed Secretary Goodin to serve as the hearing officer. This request is for a Variance for 15 lots in Santa Fe Subdivision for relief from the 70' front setback line. This subdivision is located in the East Urban Planning Area and zoned Rural Residential (R-2) and identified with PVA Map Numbers 242-00-02-037; 047; 048; 053; 061; 062; 069; 101; 102; 105; 120; 121; 122; 143 and 144. The properties are owned by **Tim Aulbach, James & Robin Barzee, Tiffany Parrish & Justin Potts and K&R Builders**. Hearing Officer Goodin conducted the swearing in ceremony for all individuals in attendance that may provide testimony. Director Hunsinger reviewed the application and the history of the property and presented exhibits and slides of the property (attached). Tim Aulbach, one of the owners provided testimony stating that the street alignment was established based on a forty (40) foot front building setback. He answered questions from the Board Members and staff regarding the topography of the lots and the advantage of the houses to be built on these lots to be in alignment with the existing houses. James Barzee, one of the owners provided testimony and answered questions from the Board Members and staff regarding the topography of the lots. Tiffany Parrish, one of the owners provided testimony and answered questions from the Board Members and staff regarding the topography of her lot and the size of her proposed house and that the new 70' setback would essentially make the lot unbuildable. At 5:20 p.m., the Hearing Officer closed the hearing. Board Member Goodin made a motion to grant the requested variance because this request is the result of the new Zoning Ordinance adopted in 2009 and the variance will not alter the essential character of the general vicinity, that that granting the variance will not cause a hazard or nuisance to the public, and will not allow an unreasonable circumvention of the requirements of this regulation. This request does satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243. Findings necessary for granting variances) which is as follow:

- The requested variance arises from special circumstances which do not generally apply to land in the general vicinity; and

## Hardin County Board of Adjustment

Minutes: 19 August 2010

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- 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. The VARIANCE will allow all lots over 3 acres in Santa Fe Subdivision to have a 45' front building setback line as illustrated on the Subdivision Plat.
2. An Amended Subdivision Plat shall not be required.
3. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Chairman Krausman provided the second. Motion passed unanimously.

At 5:20 p.m. Chairman Krausman appointed Board Member Goodin to serve as the hearing officer. Hearing Officer Goodin announced that the next item on the agenda is a request for a Conditional Use Permit to allow a proposed Accessory Structure (barn 24' x 60' = 1,360 square feet) that exceeds the size of the dwelling (720 square feet). The property is a  $\pm$  2.37 acre site located at 760 East Main Street and being Lot 2 of Ada's View Subdivision and identified with the PVA Map Number 147-00-03-002. The property is owned by **Ruby Williams** and is located in the Natural Resource Planning Area and is zoned Rural Residential (R-2). Director Hunsinger reviewed the application and the history of the property and presented exhibits and slides of the property (attached). Phillip Williams of 722 Hansbrough, Cecilia, representative of the owner, provided testimony and answered questions from the Board Members and staff. At 5:35 p.m. the Hearing Officer closed the hearing. Board Member Goodin 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;
- 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;

## Hardin County Board of Adjustment

Minutes: 19 August 2010

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- 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 Goodin made the motion to grant the Conditional Use Permit (CUP) with the following conditions:

1. The proposed Accessory Structure (34' x 40' pole barn) shall be 1,360 square feet, which is greater than the 720 square foot size of the existing dwelling.
2. No new driveway entrances shall be permitted off of Hardinsburg Road (KY 86).
3. The proposed Accessory Structure (pole barn) shall be placed on the property as illustrated on the approved Site Plan submitted and in accordance with the building setback lines established for the designated zone.
4. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.
5. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Chairman Krausman provided the second. Motion passed unanimously.

At 5:35 p.m. Chairman Krausman appointed Board Member Goodin to serve as the hearing officer. Hearing Officer Goodin announced that the next item on the agenda is a request for a Conditional Use Permit for a Temporary Accessory Dwelling (14' x 56' manufactured home) to be allowed on the property. The property is a 13.3 acre site with an address of 916 Horn Road, and identified with the PVA Map Number 054-00-00-026. The property is owned by **Mark & Mary Roberts** and is located in the Natural Resource Planning Area and is zoned Rural Residential (R-2). Hearing Officer Goodin conducted the swearing in ceremony for all individuals in attendance that may provide testimony. Director Hunsinger reviewed the application and the history of the property and presented exhibits and slides of the property (attached). Mark & Mary Roberts, the owners, provided testimony that this temporary Accessory Dwelling was for their recently married son and stated they telephoned the Commission office and understood that a second dwelling could be placed on the property because the acreage was

## Hardin County Board of Adjustment

Minutes: 19 August 2010

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over eleven (11) and that a new septic system had be installed. They answered questions from the Board Members and staff. At 5:55 p.m. the Hearing Officer closed the hearing. Board Member Goodin 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;
- 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 Goodin made the motion based on the testimony presented, the request would be in character of the neighborhood and vicinity, and that the lot is large and provides existing natural screening, to grant a Conditional Use Permit (CUP) to allow the manufactured home on the property with the following conditions:

1. The Temporary Accessory Dwelling shall be a temporary use for no longer than 5 years from 19 August 2010 and must be removed from the property by 19 August 2015.
2. The Temporary Accessory Dwelling shall contain a minimum of 784 square feet of living space which is less than the Local Average Square Foot Standard of 1,177 square feet as calculated in 2010.
3. The Temporary Accessory Dwelling is for a family need situation and shall only be occupied by Michael Roberts and his immediate family
4. The Temporary Accessory Dwelling shall not be available to the public for rent.
5. Upon the vacancy of the Temporary Accessory Dwelling, it must be removed from the property within six (6) months.

## Hardin County Board of Adjustment

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6. 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.
7. The Temporary Accessory Dwelling shall be placed on the property as illustrated on the proposed Site Plan.
8. This Conditional Use Permit shall be issued to the current property owners, Mark & Mary Roberts, and shall expire when the property is transferred and not be transferable to another property owner.
9. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.
10. The skirting on the manufactured home must be maintained.
11. All construction activities on this site shall conform to the provisions of the Kentucky Building Code.
12. 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 5:55 p.m. Chairman Krausman appointed Board Member Goodin to serve as the hearing officer. Hearing Officer Goodin announced that the next item on the agenda is a request for a Conditional Use Permit to allow for a Permanent Accessory Dwelling with 1,892 square feet of living area (43' x 44') located on the second floor of a detached garage (52' x 44'). The property is a 212 acre site with an address of 3720 Mount Olive Road and identified with the PVA Map Number 005-00-00-004. The property is owned by **David & Janine Washle** and is located in the West Hardin Area and is zoned Rural Residential (R-2). Director Hunsinger reviewed the application and the history of the property and presented exhibits and slides of the property (attached). David & Janine Washle, the owners, provided testimony and answered questions from the Board Members and staff. Anita & Brian Ashley of 3711 Mount Olive Road, Big Clifty, spoke in favor of the request. At 6:35 p.m. the Hearing Officer closed the hearing. Board Member Goodin 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;
- 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;

## **Hardin County Board of Adjustment**

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- 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 Goodin made the motion to grant the Conditional Use Permit (CUP) based on the following findings: the large size of the property (212 acres) provides adequate area and distance from the existing dwelling and property lines for the proposed size of the Permanent Accessory Dwelling located above the proposed accessory structure and that the dwelling would not be out of character of the area. Board Member Goodin stated that the following conditions be imposed:

1. The property owners, David & Janine Washle, must occupy either the Principal Dwelling unit or the Accessory Dwelling as their principal residence, and at no time receive rent for the owner-occupied unit.
2. Adequate on site parking must be designated on an approved Site Plan.
3. A shared driveway shall be required.
4. The Accessory Dwelling may contain a maximum of 1,892 square feet of living space.
5. The Accessory Dwelling shall be located in the rear/side yard and shall be located as illustrated on the approved Site Plan and in accordance with building setback lines.
6. The exterior finish materials of the Accessory Dwelling must be the same or visually match the principal residence in type, size and placement.
7. The Accessory Dwelling shall have a sewerage system approved by the Environmental Services Office of the Hardin County Health Department.
8. This Permit is not transferable and the new owners must reapply for the Conditional Use Permit and meet the necessary requirements.
9. The "old house" circa 1903 on the property may not be provided utilities, may not be used as a dwelling and requires a "Change Of Use" Building Permit to residential storage.
10. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.
11. A Certificate of Land Use Restrictions shall be recorded in the office of the Hardin County Clerk.

**Hardin County Board of Adjustment**

Minutes: 19 August 2010

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Chairman Krausman called for consideration and action on the **Minutes** of the 5 August 2010 meeting. Member Goodin made a motion to approve the minutes as presented. Member Krausman provided the second. Motion passed unanimously.

Chairman Krausman called for consideration and action on the Annual Election of Officers. Board Member Goodin made a motion for the current Officers to maintain their designated offices; Robert Krausman, Chairman, Jack Holman, Vice Chairman and Brent Goodin, Secretary. Board Member Krausman provided a second. Motion unanimously passed.

Director Hunsinger reported that a new audit requirement will be implemented this year which requires the auditor to do an **Audit Interview** with each of the Planning Commission members in person. This is a new procedure established by a national audit organization in anticipation of an increase in fraud due to the distressed economy.

**THE FOLLOWING DEVELOPMENT PLANS HAVE BEEN APPROVED**

DATE	DEVELOPMENT PLAN	PROJECT	ACCESS ROAD
	Since Last Meeting	0	
	<b>2010 Total</b>	15	

**THE FOLLOWING SITE PLANS HAVE BEEN APPROVED**

DATE	SITE PLAN	OWNER	ACCESS ROAD
	Since Last Meeting	0	
	<b>2010 Total</b>	21	

**THE FOLLOWING SUBDIVISIONS HAVE BEEN APPROVED AND RECORDED**

FP RECORDED	SUBDIVISION NAME	LOTS	ACCESS ROAD
09-Aug-10	Sandstone Estates	5	Long Hollow Road
10-Aug-10	Cottonwood Estates Section 2, Lots 80-83 & 87-90	0	Thompson Road
11-Aug-10	Linmark Estates	1	Bacon Creek Road
12-Aug-10	Heritage Estates Section 1, Lot 9 & Heritage Estates Section 3	1	Heritage Trail
	<b>SINCE LAST MEETING</b>	7	
	<b>2010 TOTAL</b>	94	

**Hardin County Board of Adjustment**

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Chairman Krausman announced that the next Board meeting is scheduled for Thursday, 9 September 2010, and declared the meeting adjourned at 6:40 p.m.

**ADOPTED AND APPROVED THIS 9th DAY OF SEPTEMBER 2010 BY THE  
HARDIN COUNTY BOARD OF ADJUSTMENT.**

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Brent Goodin, Secretary

## Hardin County Board of Adjustment

Minutes: 5 August 2010

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Chairman Krausman called to order the two hundredth and sixtieth meeting of the Hardin County Board of Adjustment at 5:05 p.m. on Thursday, 5 August 2010, 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 Senior Planner Wesley Wright, Planner Adam King, Planning Assistant Sandra Martinez, County Engineer Vicki Brackett, P.E. and the individuals listed on the attached sign-in sheet. Director Chris Hunsinger and Board Member Brent Goodin (Secretary) were not present and County Attorney Steve Bland, legal counsel for the Board, was not requested to attend the meeting.

At 5:05 p.m. Chairman Krausman appointed Vice Chairman Holman to serve as the hearing officer. This request is for a Variance for proposed Lot 1D of Carman Subdivision for relief from the minimum road frontage requirement and from the lot width to length ratio (1:4) for this proposed subdivision lot containing  $\pm 12.674$  acres located in the E2RC Corridor Planning Area and zoned Urban Residential (R-1). The property is located at 230 Wise Lane with the PVA Map Number of 163-00-00-091.01. The property is owned by **Randall & Juanita Carman**. Hearing Officer Holman conducted the swearing in ceremony for all individuals in attendance that may provide testimony. Senior Planner Wright reviewed the application and the history of the property and presented exhibits. Planner King presented the slides of the property (attached). Randall Carman, the owner provided testimony and answered questions from the Board Members and staff. Tony Moore of the Kentucky Department of Transportation provided testimony and answered questions from the Board Members and staff concerning the proposed right-of-way for the Elizabethtown to Radcliff Connector (E2RC) highway. At 5:20 p.m., the Hearing Officer closed the hearing. Board Member Holman made a motion to grant the requested variance because it will not alter the essential character of the general vicinity, that the request will not cause a hazard or nuisance to the public because of the characteristics of Wise Lane and that the approval will allow for the establishment of right-of-way for the proposed E2RC highway. This request does satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243. Findings necessary for granting variances) which is as follow:

- The requested variance arises from special circumstances which do not generally apply to land in the general vicinity; and
- 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.

## Hardin County Board of Adjustment

Minutes: 5 August 2010

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The following variance was granted with the noted conditions:

1. Proposed Lot 1D is granted relief from the minimum 100' of road frontage required in the Urban Residential (R-1) Zone and to exceed the 1:4 lot width-to-length ratio, as presented.
2. An Amended Subdivision Plat shall be required and shall substitute for the required Site Plan.
3. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Chairman Krausman provided the second. Motion passed unanimously.

At 5:20 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 to allow a proposed Accessory Structure (garage 24' x 60') on a vacant property. The property is a  $\pm$  0.92 acre site located on Salt River Road (KY 920) and identified with the PVA Map Number 053-00-00-028. The property is owned by **Tommy & Maudina Thurman** and is located in the West Hardin Planning Area and is zoned Rural Residential (R-2). Hearing Officer Holman conducted the swearing in ceremony for all individuals in attendance that may provide testimony. Senior Planner Wright reviewed the application and the history of the property and presented exhibits. Planner King presented the slides of the property (attached). Tommy Thurman, the owner, provided testimony and answered questions from the Board Members and staff. At 5:40 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;
- 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;

## Hardin County Board of Adjustment

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- 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 made the motion, that based on the finding that to merge the two properties would require an engineer to perform a flood plain study which would not be cost effective and that the proposed Accessory Structure would not be out of character with the area, to grant the Conditional Use Permit (CUP) with the following conditions:

1. The proposed garage (24' x 60' garage) shall be no larger than 1,440 square feet, which is less than the adjacent dwelling (1,736 square feet).
2. No other accessory structures shall be built on the parcel prior to the construction of the dwelling.
3. No new driveway entrances shall be permitted off of Salt River Road (KY 920).
4. The garage shall be placed on the property as illustrated on an approved Site Plan in accordance with the building setback lines established for the zone.
5. A Site Plan shall be required in accordance with Section 7 of the Zoning Ordinance.
6. The exterior siding of the garage shall be constructed of wood siding to visually match the adjacent house.
7. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Chairman Krausman provided the second. Motion passed unanimously.

At 5:40 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. This request is for a Variance from the front building setback line to accommodate a proposed second story addition and attached garage. The request is for property located at 2297 Dry Ridge Road, which is a  $\pm$  4.331 acre tract and being Lot 1 of Dry Ridge Subdivision. The property is in a Rural Residential Zone (R-2) in the West Urban Planning Area and is identified with the PVA Map Number 034-00-00-014.01.

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The property is owned by **Daniel & Ariela Flory**. Senior Planner Wright reviewed the application and the history of the property and presented exhibits. Planner King presented the slides of the property (attached). Daniel Flory, the owner, provided testimony and answered questions from the Board Members and staff. No additional testimony was presented. At 5:50 p.m. the Hearing Officer closed the hearing. Board Member Holman made a motion to grant the requested variance because it will not alter the essential character of the general vicinity, that the proposed addition is to an existing dwelling that was constructed in 1949 prior to the establishment of building setback lines and that safety concerns are reduced because of angle of the residence to the road. 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. The proposed garage (27' x 29') shall be attached and no larger than 783 square feet.
2. A Site Plan shall be submitted and approved in compliance with the Development Guidance System, Section 7.
3. Any future structures or additions must comply with the building setbacks as shown on the Subdivision Plat.
4. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Chairman Krausman provided the second. Motion passed unanimously.

At 5:40 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. This request is for a Conditional Use Permit for the operation of an Asphalt Manufacturing Plant – Gohmann Asphalt & Construction, Inc. and a Variance from the building setback from a residential zone. The property is located at 2776 Battle Training Road in the Kentucky 313 Corridor Planning Area and zoned Heavy Industrial (I-2). The property is owned by **Gohmann Asphalt & Construction, Inc.** Hearing Officer Holman conducted the swearing in ceremony for all individuals who may provide testimony. Senior Planner Wright reviewed the application and exhibits. Planner King presented the slides of the property

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(attached). Melissa Townsend, of 128 Shelton Road, Radcliff, the engineer for the project, provided testimony and answered questions from the Board Members, staff and members of the audience. Ms. Townsend presented exhibit J; a power point concerning the Conditional Use Permit and exhibit K; a power point concerning the Variance which were accepted into the record. Mike Kopp of 1630 Broadway, Clarksville, Indiana, attorney for Gohmann Asphalt; Dale Douglas of 922 Lower Colesburg Road, Elizabethtown, general manger of Gohmann Asphalt and Bobby Bullock of 1630 Broadway, Clarksville, Indiana, of Gohmann Asphalt provided testimony and answered questions from the Board Members, staff and members of the audience. The topics that were addressed in the testimony included, but not limited to; permits, hours of operation, screening of the property, drainage, lighting, traffic safety, and dust and noise control. Harvey Mink of 2270 Springfield Road, Elizabethtown, owner of the property across Battle Training Road, discussed concerns regarding the flow of rainwater drainage. The Hearing Officer closed the hearing at 7:25 p.m. Board Member Holman stated that this request for a Conditional Use Permit does satisfy the language of the DEVELOPMENT GUIDANCE SYSTEM Ordinance (Section 3.12) Standards for Issuance of a Conditional Use Permit is 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 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 this ordinance and the Comprehensive Development Guide System and the comprehensive Development Guide;

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 to grant the Conditional

## **Hardin County Board of Adjustment**

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Use Permit (CUP) for this operation of an Asphalt Manufacturing Plant with the following conditions:

1. The Asphalt Plant may be in operation year round. Normal Business Hours shall be from 7:00 a.m. to 8:00 p.m. Monday thru Saturday with no business activities on Sundays. If required by contract, the facility may be operated on a 24 hour basis for the term of the contract.
2. An existing Encroachment Permit shall be required from the Kentucky Transportation Cabinet.
3. Compliance with Federal, State and Local Industrial Stormwater requirements including USEPA MSGP (Multi Sector General Permit), KDOW KPDES Permit KYR00, and all local Stormwater / Erosion Prevention and Sediment Control permits shall be required.
4. Compliance with all State Air Quality standards and dust abatement measures shall be required.
5. An Amended Development Plan in compliance with Section 6 of the Development Guidance System, Zoning Ordinance 2009 shall be submitted and approved.
6. A Best Management Plan which includes an Emergency Response Plan must be prepared and submitted to the Planning Commission Staff and County Engineer for review and acceptance.
7. The Asphalt Plant and stock piles must be located as illustrated on the approved Development Plan.
8. A 6' solid wood fence shall be required along the existing entrance along the shared property line with Calvary Baptist Church to replace the existing "3.5' wood panel fence".
9. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.
10. A silencer is to be placed on the blower to reduce the noise level.

Chairman Krausman provided the second. Motion passed unanimously.

Board Member Holman made a motion to grant the requested variance because it will not alter the essential character of the general vicinity and that the location of the proposed equipment on the site existed on site as illustrated on the 1999 Development Plan of Gohmann Asphalt which was approved prior to the establishment of the 100' building setback line from a residential zone. This request does satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243. Findings necessary for granting variances) which is as follow:

- The requested variance arises from special circumstances which do not generally apply to land in the general vicinity;

## Hardin County Board of Adjustment

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- 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. White pine trees shall be planted as needed 10' on center to fill any gaps along the berm.
2. A 6' foot tall solid wood fence shall be constructed along the west side of the property adjacent to the Calvary Baptist Church.
3. A Development Plan shall be submitted and approved in compliance with the Development Guidance System, Section 6.
4. Any future structures or additions must comply with the building setbacks as shown on the Subdivision Plat.
5. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Chairman Krausman provided the second. Motion passed unanimously.

At 7:30 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. Hearing Officer Holman announced that this is a continuation of a request for a Conditional Use Permit to allow a Mobile Home (14' x 60') to be installed on the property. The property is a 0.688 acre site with an address of 171 Third Street, and identified with the PVA Map Number 199-20-01-029. The property is owned by **Margaret Stueve** and is located in the North 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. Senior planner reviewed the application and the history of the property and presented exhibits. Planner King presented new slides of the property (attached). Margaret Stueve, the owner, provided testimony and answered questions from the Board Members and staff regarding but not limited to; the occupancy of the proposed dwelling, the existing septic system, obtaining a B1 seal, screening and maintenance of the property. Ross Corbett of 119 3<sup>rd</sup> Street spoke in opposition of the request expressing concerns of the color of the home and presented a letter outlining his concerns as Exhibit N which was accepted into record. Mrs. Stueve stated she would prefer to withdraw her request at this time. Chairman Krausman stated that the applicant will have sixty days to remove the mobile home from the property. The Hearing Officer closed the hearing at 8:40 pm.

## Hardin County Board of Adjustment

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Chairman Krausman called for consideration and action on the **Minutes** of the 22 July 2010 meeting. Member Holman made a motion to approve the minutes as presented. Member Krausman provided the second. Motion passed unanimously.

### THE FOLLOWING DEVELOPMENT PLANS HAVE BEEN APPROVED

DATE	DEVELOPMENT PLAN	PROJECT	ACCESS ROAD
16-June-10	Cellco d/b/a Verizon Wireless	Youngers Creek	Miller Road
16-June-10	Cellco d/b/a Verizon Wireless	Otter Creek	Dawson Lane
16-June-10	Cellco d/b/a Verizon Wireless	Production Drive	Assembly Drive
16-June-10	Cellco d/b/a Verizon Wireless	Route 62	Bardstown Road (US 62)
	<b>Since Last Meeting</b>	4	
	<b>2010 Total</b>	15	

### THE FOLLOWING SITE PLANS HAVE BEEN APPROVED

DATE	SITE PLAN	OWNER	ACCESS ROAD
19-July-10	Temporary Accessory Dwelling	Darren Clary	South Ridge Road
21-July-10	Accessory Structure	Erika Wood & Juergen Schwan	Adams Lane
21-July-10	Temporary Accessory Dwelling	Larry & Patricia Hicks	Hardinsburg Road (KY 86)
21-July-10	Accessory Structure	Donnie Sherrard	Rineyville Road (KY 1600)
22-July-10	Accessory Structure	Douglas & Lettie Clark	South Mill Road
	<b>Since Last Meeting</b>	5	
	<b>2010 Total</b>	21	

### THE FOLLOWING SUBDIVISIONS HAVE BEEN APPROVED AND RECORDED

FP RECORDED	SUBDIVISION NAME	LOTS	ACCESS ROAD
15-July-10	Boundary Plat for Dittmeer	1	
27-July-10	Barkely Subdivision	2	Middle Creek Road
	<b>SINCE LAST MEETING</b>	3	
	<b>2010 TOTAL</b>	87	

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Chairman Krausman announced that the next Board meeting is scheduled for Thursday, 19 August 2010, and declared the meeting adjourned at 8:45 p.m.

**ADOPTED AND APPROVED THIS 19th DAY OF AUGUST 2010 BY THE  
HARDIN COUNTY BOARD OF ADJUSTMENT.**

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Brent Goodin, Secretary

## Hardin County Board of Adjustment

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Chairman Krausman called to order the two hundredth and fifty-ninth meeting of the Hardin County Board of Adjustment at 5:05 p.m. on Thursday, 22 July 2010, in the R.R. Thomas Meeting Room on the second floor of the R.R. Thomas County Government Building. In addition to Chairman Krausman, Board Member Brent Goodin (Secretary) and Vice-Chairman Jack Holman, were in attendance. Also in attendance were Director Chris Hunsinger, Senior Planner Wesley Wright, Planner Adam King, Planning Assistant Sandra Martinez, County Engineer Vicki Brackett, P.E. and the individuals listed on the attached sign-in sheet. County Attorney Steve Bland, 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 Conditional Use Permit to allow a Mobile Home (14' x 60') to be installed on the property. The property is a 0.688 acre site with an address of 171 Third Street, and identified with the PVA Map Number 199-20-01-029. The property is owned by **Margaret Stueve** and is located in the North 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. Director Hunsinger reviewed the application and the history of the property and presented exhibits. Planner King presented the slides of the property (attached). Margaret Stueve, the owner, provided testimony and answered questions from the Board Members and staff regarding but not limited to; the occupancy of the existing and proposed dwellings, the existing septic system and maintenance of the property. Evelyn Stosel of 147 2<sup>nd</sup> Street spoke in opposition of the request stating concerns regarding the existing septic system, occupancy of the stick built house if allowed to remain on the property and that the mobile home is out of character with the neighborhood. Clara Thompson of 290 3<sup>rd</sup> Street spoke in opposition of the request due to the increase of crime and noise in the neighborhood since the mobile home has been placed on the property. Lu Ann Meredith spoke in opposition of the request due to it being out of character of the neighborhood, that the property was unkempt and requested that if approved a short time restriction be placed on the Conditional Use Permit so that there could be another hearing for the neighbors to report on the conditions that would be placed on the property. Ross Corbett of 119 3<sup>rd</sup> Street spoke in opposition of the request due to it not being in character with the neighborhood. Mr. Corbett further stated that the stick built house should be removed from the property so that it could not be occupied, that the property would need to be cleared and maintained, that a security light be installed to help with the crime situation and that a privacy fence be put in place on the side of the property adjacent to his property. Mr. Corbett also stated that

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there should be a short time period placed on the Conditional Use Permit so that the Board could review the compliance and/or noncompliance of the conditions placed on the property. Board Member Holman requested that the hearing be continued so members could visit the site. Director Hunsinger announced that the Hearing would be continued to the Board meeting scheduled for Thursday, 5 August 2010, at 6:00 p.m. in the R.R. Thomas Meeting Room on the second floor of the R.R. Thomas County Government Building.

At 6:00 p.m. Chairman Krausman appointed Board Member Goodin to serve as the hearing officer. This request is for a Variance for relief from the minimum road frontage requirement for proposed Lots 3 & 4 of Toby's Acres and from the lot width to length ratio (1:3) for Lot 4 for property located in the Natural Resource Planning Area and zoned Rural Residential District (R-2). The two proposed lots are located at 7035 Hardinsburg Road (KY 86) with the PVA Map Number of 068-00-00-060. The property is owned by **Lloyd Horne**. Director Hunsinger reviewed the application and the history of the property and presented exhibits. Planner King presented the slides of the property (attached). Lloyd Horne, the owner provided testimony and answered questions from the Board Members and staff. At 6:25 p.m., the Hearing Officer closed the hearing. Board Member Goodin made a motion to grant the requested variance because the two existing dwelling were established as a permitted use under the previous Zoning Ordinance, that the parent tract containing approximately 26.2 acres did not meet the width to length ratio (1:3), that this request is to consolidate land located in the Natural Resource Planning Area to preserve agricultural activities (Goal 14, Objective 1) and that the request will not cause a hazard or nuisance to the public. 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:

- The **VARIANCE** will allow for proposed Lots 3 & 4 of Toby's Acres Subdivision to have less than the required 200' of road frontage in the Rural Residential (R-2) Zone and allow proposed Lot 4 to exceed the 1:3 lot width-to-length ratio.
- A Subdivision Plat shall substitute for the required Site Plan.
- A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Chairman Krausman provided the second. Motion passed unanimously.

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At 6:15 Board Member Holman excused himself from the meeting due to a previously scheduled commitment.

At 6:25 p.m. Chairman Krausman appointed Board Member Goodin to serve as the hearing officer. This request is for a Conditional Use Permit to allow for a Permanent Accessory Dwelling, 896 square feet of living area (approximately 24' x 38') located in a proposed pool house. The property is a 49 acre site with an address of 189 Adams Lane and identified with the PVA Map Number 230-00-00-035. The property is owned by **David & Kelli Schultz** and is located in the North Urban Area and is zoned Urban Residential (R-1). Director Hunsinger reviewed the application and the history of the property and presented exhibits. Planner King presented the slides of the property (attached). Kelli Schultz, the owner, provided testimony and answered questions from the Board Members and staff. Fred Butler, of Pools Plus and contractor for the applicant, provided additional testimony and also answered questions. At 6:40 p.m. the Hearing Officer closed the hearing. Board Member Goodin 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;
- 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 Goodin made the motion to grant a Conditional Use Permit (CUP) based on the following findings: the large size of the property provides adequate area and distance from the existing dwelling and property lines for the Permanent Accessory Dwelling, the location of the proposed

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Permanent Accessory Dwelling is behind the existing dwelling with limited visibility from the public right-of-way and adjacent properties. Board Member Goodin stated that the following conditions be imposed:

1. The property owners, David & Kelli Schultz, must occupy either the Principal Dwelling unit or the Accessory Dwelling as their principal residence, and at no time receive rent for the owner-occupied unit.
2. Adequate on site parking must be designated on an approved Site Plan.
3. A shared driveway shall be required.
4. The Accessory Dwelling may contain a maximum of 896 square feet of living space.
5. The Accessory Dwelling shall be located in the rear yard and shall be located as illustrated on the approved Site Plan and in accordance with building setback lines.
6. The exterior finish materials of the Accessory Dwelling must be the same or visually match the principal residence in type, size and placement.
7. The Accessory Dwelling shall have a sewerage system approved by the Environmental Services Office of the Hardin County Health Department.
8. This Conditional Use Permit is not transferable and the new owners must reapply for the Conditional Use Permit and meet the necessary requirements.
9. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.

Chairman Krausman provided the second. Motion passed unanimously.

Chairman Krausman called for consideration and action on the **Minutes** of the 8 July 2010 meeting. Member Goodin made a motion to approve the minutes as presented. Member Krausman provided the second. Motion passed unanimously.

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Director Hunsinger reported that 139 **Single Family Building Permits** had been issued in the first six months of the year which is only 3 less than the 5 year average of 142 permits.

### THE FOLLOWING DEVELOPMENT PLANS HAVE BEEN APPROVED

DATE	DEVELOPMENT PLAN	PROJECT	ACCESS ROAD
06-June-10	Sugar Mill Properties, LLC	Marty's Meats & More	Dixie Highway
	<b>Since Last Meeting</b>	1	
	<b>2010 Total</b>	11	

### THE FOLLOWING SITE PLANS HAVE BEEN APPROVED

DATE	SITE PLAN	OWNER	ACCESS ROAD
	<b>Since Last Meeting</b>	0	
	<b>2010 Total</b>	16	

### THE FOLLOWING SUBDIVISIONS HAVE BEEN APPROVED AND RECORDED

FP RECORDED	SUBDIVISION NAME	LOTS	ACCESS ROAD
30-June-10	Diamante Estates	2	Saint John Church Road (KY 1538)
07-July-10	Jake Estates	4	Salt River Road (KY 920)
	<b>SINCE LAST MEETING</b>	6	
	<b>2010 TOTAL</b>	84	

Chairman Krausman announced that the next Board meeting is scheduled for Thursday, 5 August 2010, and declared the meeting adjourned at 7:00 p.m.

**ADOPTED AND APPROVED THIS 5th DAY OF AUGUST 2010 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.**

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Brent Goodin, Secretary

## Hardin County Board of Adjustment

Minutes: 8 July 2010

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Chairman Krausman called to order the two hundredth and fifty-eighth meeting of the Hardin County Board of Adjustment at 5:00 p.m. on Thursday, 8 July 2010, in the R.R. Thomas Meeting Room on the second floor of the R.R. Thomas County Government Building. In addition to Chairman Krausman, Board Member Brent Goodin (Secretary) and Vice-Chairman Jack Holman, were in attendance. Also in attendance were Director Chris Hunsinger, Planner Adam King, Planning Assistant Sandra Martinez, County Engineer Vicki Brackett, P.E. and the individuals listed on the attached sign-in sheet. Senior Planner Wesley Wright was not present. County Attorney Steve Bland, legal counsel for the Board, was not requested to attend the meeting.

At 5:00 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 an Amended Conditional Use Permit for a Type 1 Child Care Center –Treasure Chest Child Care. The property is a 2.0 acre site with an address of 2872 Valley Creek Road, and identified with the PVA Map Number 245-00-00-046. The property is owned by **Randy & Marcella Trombley** 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. Director Hunsinger reviewed the application and the history of the property and presented exhibits. Planner King presented the slides of the property (attached). Randy & Marcella Trombley, the owners, provided testimony and answered questions from the Board Members and staff regarding the number of children present, and concerns regarding animals, noise and traffic. At 5:40 p.m. the Hearing Officer closed the hearing. Board Member Goodin stated that this request for an Amended 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 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;

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- 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 Goodin made the motion based on the testimony presented to grant an Amended Conditional Use Permit (CUP) to allow the existing Type 1 Child Care Center to remain on the property with the following conditions:

1. All outdoor recreation areas shall remain fenced and to the rear of the existing home.
2. The maximum number of children at the day care shall be thirty three (33).
3. The sign advertising the day care shall be no larger than 15 square feet, and the sign shall not be illuminated.
4. This Conditional Use Permit shall be a temporary use for no longer than five (5) years from 8 July 2010.
5. The Residential character and appearance of the existing structure must be maintained. No substantial alterations or improvements shall be made to the structure which would impair the structures use as a residence in the future.
6. The hours of operation shall be twenty four hours a day seven days a week.
7. This Conditional Use Permit shall be issued to the current property owners, Randy & Marcella Trombley, and shall expire when the property is transferred and not be transferable to another property owner.
8. The existing Development Plan on file shall substitute for the Site Plan.
9. All construction activities on this site shall conform to the provisions of the Kentucky Building Code.
10. Screening consisting of 5' white pine trees planted 10' on the center for the west side of the property from the existing garden to the fenced corral and a solid 6' fence on the east side from the rear of the house to the rear of the playground to block the view of the adjoining residential property shall be required.

Board Member Holman provided the second. Motion passed unanimously.

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At 5:40 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. Member Holman announced a request for a Conditional Use Permit to allow for a proposed garage (30' x 50') for residential use in a Convenience Commercial (C-1) zone. The property is a 0.7 acre site with an address of 134 South Mill Street and identified with the PVA Map Number 147-30-02-013. The property is owned by **Douglass & Little Clark** and is located in the Cecilia Rural Village Planning Area and is zoned Convenience Commercial (C-1). Hearing Officer Holman conducted the swearing in ceremony for all individuals in attendance that may provide testimony. Director Hunsinger reviewed the application and the history of the property and presented exhibits and slides of the property (attached). Douglass Clark, the owner, provided testimony and answered questions from the Board Members and staff. At 5:50 p.m. the Hearing Officer closed the hearing. Board Member Goodin stated that this is a unique situation due to the Convenience Commercial Zoning being established in 1995 and 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;
- 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 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 Goodin made the motion to grant the Conditional Use Permit (CUP) with the following conditions be imposed:

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1. The proposed accessory structure (30' x 50' residential garage) shall be 1,500 square feet, which is less than the 1,760 square foot size of the existing dwelling.
2. The proposed garage may only be used for residential purposes. In order for commercial activities to be conducted; a Change of Use Building Permit and a Development Plan shall be required.
3. No new driveway entrances shall be permitted off of South Mill Street.
4. The proposed garage shall be placed on the property as illustrated on the plans submitted and in accordance with the building setback lines established for the designated zone.
5. The exterior siding of the proposed 30' x 50' residential garage shall be constructed of metal.
6. The existing accessory structure (24' x 36') will be removed within three months of completion of the new accessory structure.
7. Landscaping and screening shall be provided to reduce the visual impacts of the proposed garage.
8. A site plan shall be submitted and approved in accordance with Development Guidance System, Section 7.
9. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Board Member Holman provided the second. Motion passed unanimously.

At 5:40 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 to allow a proposed Accessory Structure (pole barn 60' x 120' = 7,200 square feet) that is not subordinate in scale to the dwelling (1,772 square feet) to be placed on the property. The property is an 8 acre site with an address of 2229 Rineyville Road, and identified with the PVA Map Number 184-00-00-025.02. The property is owned by **Donnie Sherrard** and is located in the E2RC Corridor Planning Area and is zoned Urban Residential (R-1). Director Hunsinger reviewed the application and the history of the property and presented exhibits. Planner King presented the slides of the property (attached). Donnie Sherrard, the owner, provided testimony and answered questions from the Board Members and staff. Cindy Dratts, Representative of the Kentucky Acquisition Program, provided testimony and answered questions from the Board Members and staff about the impacts of the E2RC right of way on the Sherrard property. At 6:25 p.m. the Hearing Officer closed the hearing. Board Member Goodin 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:

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- 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 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 Goodin made the motion that based on the finding that the right of way for the E2RC road will cause the two existing accessory structures to be removed, plus the size of the property, the location of the proposed Accessory Structure and the existing dwelling, to grant the Conditional Use Permit (CUP) with the following conditions:

1. This Conditional Use Permit will allow for the construction of the proposed 7,200 square foot Accessory Structure (60' x 120') that replaces two existing structures, which is greater in size than the existing 3,164 square foot footprint of the home on the property.
2. A single driveway on Rineyville Road (KY 1600) will be constructed and shall be used to access the dwelling and the accessory structure.
3. Landscaping in the form of 5' white pine trees shall be planted 10' on the center and maintained on the rear of the property between the Accessory Structure and the fence.
4. All construction activities on this site shall conform to the provisions of the Kentucky Building Code.
5. The structure must be located as illustrated on the approved Site Plan.
6. A Site Plan must be submitted and approved in accordance with the Development Guidance System, Section 7.
7. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Board Member Holman provided the second. Motion passed unanimously.

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At 6:25 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. This request is for a Conditional Use Permit for the operation of an Asphalt Manufacturing Plant at the Upton Quarry – Scotty’s Upton Asphalt Plant. The property is located at 607 Quarry Road in the South Hardin Planning Area and zoned Heavy Industrial (I-2) The property is owned by **Hanson Aggregates Midwest, Inc.** Hearing Officer Holman conducted the swearing in ceremony for all individuals who may provide testimony. Director Hunsinger reviewed the application and exhibits. Planner King presented the slides of the property (attached). Michael Law, of 2300 Barren River Road, Bowling Green, representative of the applicant, provided testimony and answered questions from the Board Members and staff. The topics that were addressed in the testimony included, but not limited to; permits, hours of operation, screening of the property and removal of the old plant. The Hearing Officer closed the hearing at 6:50 p.m.

Board Member Goodin stated that this request for a Conditional Use Permit does satisfy the language of the DEVELOPMENT GUIDANCE SYSTEM Ordinance (Section 3.12) Standards for Issuance of a Conditional Use Permit is 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 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 this ordinance and the Comprehensive Development Guide System and the comprehensive Development Guide;

According to provisions of the Kentucky Revised Statutes, the Hardin County Development Guidance System, and the proceedings before the Board of Adjustment, Board Member Goodin made the motion to grant the Conditional Use Permit (CUP) for this operation of an Asphalt Manufacturing Plant with the following conditions:

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1. The Asphalt Plant may be in operation year round. Normal Business Hours shall be from 6:00 a.m. to 6:00 p.m. Monday thru Saturday with no business activities on Sundays. If required by contract, the facility may be operated on a 24 hour basis for the term of the contract.
2. An Encroachment Permit for the proposed Commercial Entrances shall be required from the County Road Department.
3. Twenty-five to forty feet of the existing trees and vegetative screen must be maintained along the southern boundary line of the leased area and additional landscaping as required by the Zoning Ordinance as shown on the Development Plan.
4. Compliance with Federal, State and Local Industrial Stormwater requirements including USEPA MSGP (Multi Sector General Permit), KDOW KPDES Permit KYR00, and all local Stormwater / Erosion Prevention and Sediment Control permits shall be required.
5. Compliance with all State Air Quality standards and dust abatement measures shall be required.
6. All construction activities on this site shall conform to the provisions of the Kentucky Building Code.
7. A Development Plan in compliance with Section 6 of the Development Guidance System, Zoning Ordinance 2009 shall be submitted and approved.
8. A Best Management Plan which includes an Emergency Response Plan must be prepared and submitted to the Planning Commission Staff and County Engineer for review and acceptance.
9. The Asphalt Plant and stock piles must be located as illustrated on the approved Development Plan.
10. The existing asphalt plant is to be removed within 270 days of completion of the new plant.
11. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Board Member Holman provided the second. Motion passed unanimously.

At 6:55 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. This request is for a Conditional Use Permit for the operation of a Junk Yard (automotive storage for up to 250 vehicles). The property is located at 247 First Street, Lot 61 Plantation Park in the North Urban Planning Area and zoned Convenience Commercial (C-1). The property is owned by

## Hardin County Board of Adjustment

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**James & Gladys Moulder.** Hearing Officer Holman conducted the swearing in ceremony for all individuals who may provide testimony. Director Hunsinger reviewed the application and exhibits. Planner King presented the slides (attached). Emery Martin, the applicant, provided testimony and answered questions from the Board Members and staff. Rachel Shelton of Cummins Mobile Home Park on First Street spoke in favor of the request. Steve Reesor of 1 Public Square, representative of an adjoining property owner, requested that a wood fence be placed along the property line for screening purposes. Henry Moyer, Jr. of 238 First Street, spoke about traffic and the layout of the road. Shirley Harris of 138 First Street spoke in opposition of the request based upon the following reasons; increase in traffic and crime, the appearance of the business and having commercial business in a residential area. Dan Channey, representative of Pearl George of 209 First Street, presented a petition signed by neighboring residents and was accepted into the record as Exhibit J. Mr. Channey also spoke of concerns regarding traffic, the appearance of the business, pest, safety, drainage, limiting the number of vehicles and limiting the time for the Conditional Use Permit to expire. Jim Moulder of 1736 Rodney Street spoke in favor of the request. Terry Fitchell of 99 First Street spoke in favor of the request but not to allow 250 vehicles to be on the property. Dave Underwood of 268 First Street requested that a wood fence be placed along the front of the property for screening. Ross Corbett of 119 Third Street was in opposition of the request due to increase crime and traffic and expressed concerns regarding safety. The Hearing Officer closed the hearing at 8:35 p.m.

Board Member Goodin stated that this request for a Conditional Use Permit does satisfy the language of the DEVELOPMENT GUIDANCE SYSTEM Ordinance (Section 3.12) Standards for Issuance of a Conditional Use Permit is 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 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,

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- The use shall be in accord with the purposes of this ordinance and the Comprehensive Development Guide System and the comprehensive Development Guide;

According to provisions of the Kentucky Revised Statutes, the Hardin County Development Guidance System, and the proceedings before the Board of Adjustment, Board Member Goodin made the motion to grant the Conditional Use Permit (CUP) for this operation of a Junk Yard with the following conditions:

1. This property shall only be used as a Vehicle Storage Facility that is not open to the public. The repair or disassembly of vehicles, crushing of vehicles, or stacking of vehicles shall not be permitted on the property.
2. The maximum number of vehicles permitted on site shall be 150 and shall be limited to passenger vehicle; no commercial trucks/vehicles.
3. A six foot tall solid privacy fence, constructed of metal and wood as shown on the Development Plan, shall be installed and maintained on the property to screen vehicles from view of the right-of-way and adjoining property owners.
4. The hours of operations shall be from 8:00 am to 5:00 pm, Monday thru Saturday with not business activities on Sundays.
5. An Encroachment Permit for a Commercial Entrance shall be required from the Hardin County Road Department.
6. A "Recyclers" Permit from the KY State Transportation Cabinet shall be required as authorized by KRS 177.905 – 177.950 and 603 KAR 3:051.
7. Landscaping in the form of 8 trees and 45 shrubberies shall be planted and maintained along the First Street road frontage within the 50' building setback to create a green space. The existing trees and vegetative screen must be maintained along the rear property line.
8. This Conditional Use Permit is temporary and shall expire two (2) years from 28 August 2010.
9. Compliance with Federal, State and Local Industrial Stormwater requirements including USEPA MSGP (Multi Sector General Permit), KDOW KPDES Permit, and all local Stormwater / Erosion Prevention and Sediment Control permits shall be required.
10. All construction activities on this site shall conform to the provisions of the Kentucky Building Code.
11. A Development Plan in compliance with Section 6 of the Development Guidance System, Zoning Ordinance 2009 shall be submitted and approved.
12. A Best Management Plan which includes an Emergency Response Plan must be prepared, submitted to the Planning Commission Staff and County Engineer for review and acceptance.

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13. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Chairman Krausman called for consideration and action on the **Minutes** of the 17 June 2010 meeting. Member Goodin made a motion to approve the minutes as presented. Member Holman provided the second. Motion passed unanimously.

**THE FOLLOWING DEVELOPMENT PLANS HAVE BEEN APPROVED**

DATE	DEVELOPMENT PLAN	PROJECT	ACCESS ROAD
06-June-10	Sugar Mill Properties, LLC	Marty's Meats & More	Dixie Highway
	<b>Since Last Meeting</b>	1	
	<b>2010 Total</b>	11	

**THE FOLLOWING SITE PLANS HAVE BEEN APPROVED**

DATE	SITE PLAN	OWNER	ACCESS ROAD
	<b>Since Last Meeting</b>	0	
	<b>2010 Total</b>	16	

**THE FOLLOWING SUBDIVISIONS HAVE BEEN APPROVED AND RECORDED**

FP RECORDED	SUBDIVISION NAME	LOTS	ACCESS ROAD
30-June-10	Diamante Estates	2	Saint John Church Road (KY 1538)
07-July-10	Jake Estates	4	Salt River Road (KY 920)
	<b>SINCE LAST MEETING</b>	6	
	<b>2010 TOTAL</b>	84	

Chairman Krausman announced that the next Board meeting is scheduled for Thursday, 22 July 2010, and declared the meeting adjourned at 9:00 p.m.

**ADOPTED AND APPROVED THIS 22nd DAY OF JULY 2010 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.**

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Brent Goodin, Secretary

## Hardin County Board of Adjustment

Minutes: 17 June 2010

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Chairman Krausman called to order the two hundredth and fifty-seventh meeting of the Hardin County Board of Adjustment at 5:05 p.m. on Thursday, 17 June 2010, in the R.R. Thomas Meeting Room on the second floor of the R.R. Thomas County Government Building. In addition to Chairman Krausman, Board Member Brent Goodin (Secretary) and Vice-Chairman Jack Holman, were in attendance. Also in attendance were Director Chris Hunsinger, Planner Adam King, Planning Assistant Sandra Martinez, County Engineer Vicki Brackett, P.E. and the individuals listed on the attached sign-in sheet. Senior Planner Wesley Wright was not present. County Attorney Steve Bland, 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 Conditional Use Permit for a Temporary Accessory Dwelling (12' x 60' manufactured home) to be allowed on the property. The property is a 5.0141 acre site with an address of 1232 Yates Chapel Road, and identified with the PVA Map Number 085-00-00-003. The property is owned by **Ruby Goodman** and is located in the Natural Resource Planning Area and is zoned Rural Residential (R-2). Hearing Officer Holman conducted the swearing in ceremony for all individuals in attendance that may provide testimony. Director Hunsinger reviewed the application and the history of the property and presented exhibits and slides of the property (attached). Ruby Goodman, the owner, provided testimony and answered questions from the Board Members and staff. It was stated that a two lot subdivision is proposed and the request is to allow the existing manufactured home to remain on proposed Lot 1 (5.0141 acres) while a new house is constructed on proposed Lot 2 (1.5059 acres) of the subdivision. The manufactured home will be removed from Lot 1 following the completion of the new house on Lot 2. At 5:15 p.m. the Hearing Officer closed the hearing. Board Member Goodin 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;
- 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;

## **Hardin County Board of Adjustment**

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- 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 Goodin made the motion based on the testimony presented and the described temporary “family circumstance” and due to the proposed two lot subdivision, the size of the proposed Lot 1, characteristic of the neighborhood and vicinity, to grant a Conditional Use Permit (CUP) to allow the existing manufactured home to remain on the property with the following conditions:

1. The Temporary Accessory Dwelling shall be a temporary use for no longer than two years from 17 June 2010 and must be removed from the property by 17 June 2012.
2. The Temporary Accessory Dwelling shall contain a minimum of 720 square feet of living space which is less than the Local Average Square Foot Standard of 1,388 square feet as calculated in 2010.
3. The Temporary Accessory Dwelling is for a family need situation and shall only be occupied by Ruby Goodman’s son and his immediate family
4. The Temporary Accessory Dwelling shall not be available to the public for rent.
5. Upon the vacancy of the Temporary Accessory Dwelling, it must be removed from the property within six (6) months.
6. This Temporary Accessory Dwelling shall have a sewerage system (septic tank and lateral lines) approved by the Hardin County Health Center.
7. The Temporary Accessory Dwelling shall be placed on the property as illustrated on the proposed subdivision plat of Holbert’s Pointe Subdivision.
8. This Conditional Use Permit shall be issued to the current property owner, Ruby Goodman, and shall expire when the property is transferred and not be transferable to another property owner.
9. A Subdivision Plat shall substitute for the Site Plan.

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Minutes: 17 June 2010

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10. The skirting on the manufactured home must be maintained.
11. All construction activities on this site shall conform to the provisions of the Kentucky Building Code.

Board Member Holman provided the second. Motion passed unanimously.

At 5:15 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. This request is for a Variance for relief from the building setback standards to allow expansion of the ground facilities with a refabricated radio equipment building at the existing cell tower facilities in the Rural Residential District (R-2). The site is a 10,000 square foot leased area on Churchill Bland Lane adjacent to the Western Kentucky Parkway with the PVA Map Number of 149-00-00-010.01. The property is owned by **Greg & Lisa Swift**. Director Hunsinger reviewed the application and the history of the property and presented exhibits. Bill Von Ohlen of 15608 Saddlecreek Drive, Louisville, representative of the Lessee, Verizon, presented Exhibits I, J and K into the record and provided testimony and answered questions from the Board Members and staff. At 5:35 p.m., the Hearing Officer closed the hearing. Board Member Goodin made a motion to grant the requested variance because the request will not alter the essential character of the general vicinity and will not cause a hazard or nuisance to the public. 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:

- The VARIANCE will allow for the existing 10,000 square foot easement area to be used for the proposed Verizon Shelter and any future structures or additions within the existing Easement (Leased Area).
- An amended Development Plan shall be required.
- The existing eight foot (8') high solid wood security fence shall be maintained. The use of barbed wire or sharp pointed fences is prohibited.

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- Screening shall be illustrated on the proposed Development Plan along the frontage of Churchill Bland Lane. The plants shall be in a staggered pattern at a maximum distance of ten (10) feet on center. The screening shall be placed within the Lease Area. A break in the landscape screening, not to exceed fifteen (15) feet in width, shall be allowed for access of maintenance personnel and vehicles.
- A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Board Member Holman provided the second. Motion passed unanimously.

Chairman Krausman called for consideration and action on the **Minutes** of the 3 June 2010 meeting. Member Holman made a motion to approve the minutes as presented. Member Goodin provided the second. Motion passed unanimously.

Chairman Krausman called for discussion on expanding the Board Membership in compliance with KRS 100.217 from three members to five citizen members. Director Hunsinger presented to the Board the number of hearings that have been held since the adoption of the new Zoning Ordinance in September 2009.

Director Hunsinger reported that Hardin county Fiscal Court had reappointed Brent Goodin to serve another term on the Board of Adjustment to begin 1 July 2010 and expire on 30 June 2014.

**THE FOLLOWING DEVELOPMENT PLANS HAVE BEEN APPROVED**

DATE	DEVELOPMENT PLAN	PROJECT	ACCESS ROAD
03-May-10	Sugar Mill Properties, Inc.	Marty's Meats & More	N. Dixie Highway (US 31W)
14-June-10	Fun Time Day Care, Inc.	Day Care	N. Dixie Highway (US 31W)
	<b>Since Last Meeting</b>	2	
	<b>2010 Total</b>	10	

**THE FOLLOWING SITE PLANS HAVE BEEN APPROVED**

DATE	SITE PLAN	OWNER	ACCESS ROAD
10-May-10	Accessory Structure	Tim & Tammy Greenwell	Hall Road
10-May-10	Manufactured home with transportation features & not on permanent foundation	Richard Poor	Red Hill Road
28-May-10	Temporary Accessory Dwelling	William & Rosemarie Cochran	Cochran Lane
04-June-10	Permanent Accessory Structure	Terrance Harris	Cash Road (KY 2800)
14-June-10	Southern Kentucky Pools	John & Sylvia Cherry	Rineyville Road
	<b>Since Last Meeting</b>	5	
	<b>2010 Total</b>	14	

**Hardin County Board of Adjustment**

Minutes: 17 June 2010

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**THE FOLLOWING SUBDIVISIONS HAVE BEEN APPROVED AND RECORDED**

FP RECORDED	SUBDIVISION NAME	LOTS	ACCESS ROAD
29-Apr-10	Leanna Acres	2	Melrose Road
29-Apr-10	Um Subdivision, Lot 1	1	Mason Road
03-May-10	Cedar Grove Acres Addition Section C, Lots 30 & 31	-1	Whippoorwill Lane
04-May-10	Forbes Place Section 2, Lots 14-17	1	House Lane
06-May-10	Miniard Acres Section 1, Lot 2 and Minard Acres Sec. 2	1	Kraft Road
06-May-10	Carter Estates	-4	Burkhead Lane
06-May-10	Youngers Creek Subdivision	0	Youngers Creek Road (KY 583)
07-May-10	Javo's Ridge Subdivision	1	Cash Road (KY 2800)
17-May-10	Priddy Acres Subdivision	3	New Glendale Road (KY 1136)
17-May-10	Dipietro Estates	4	Cecilia-Smith Mill Road
21-May-10	Hoagland Acres	1	Old Sonora Road
27-May-10	Jolly Acres	3	Shady Bower Lane
27-May-10	Serene Oaks Subdivision Section 2, Lots 28 & 29	0	Beasley Blvd
01-June-10	Whippoorwill Estates Subdivision, Lots 5C and 5D	0	West Bryan Road
07-June-10	Dowling Acres	1	Bacon Creek Road
	<b>SINCE LAST MEETING</b>	13	
	<b>2010 TOTAL</b>	50	

Chairman Krausman announced that the next Board meeting is scheduled for Thursday, 8 July 2010, and declared the meeting adjourned at 5:50 p.m.

**ADOPTED AND APPROVED THIS 8<sup>th</sup> DAY OF JULY 2010 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.**

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Brent Goodin, Secretary

## Hardin County Board of Adjustment

Minutes: 3 June 2010

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Chairman Krausman called to order the two hundredth and fifty-sixth meeting of the Hardin County Board of Adjustment at 5:10 p.m. on Thursday, 3 June 2010, in the R.R. Thomas Meeting Room on the second floor of the R.R. Thomas County Government Building. In addition to Chairman Krausman, Board Member Brent Goodin (Secretary) and Vice-Chairman Jack Holman, were in attendance. Also in attendance were Director Chris Hunsinger, Senior Planner Wesley Wright, Planner Adam King, Planning Assistant Sandra Martinez and the individuals listed on the attached sign-in sheet. County Engineer Vicki Brackett, P.E. was not present. County Attorney Steve Bland, legal counsel for the Board, was not requested to attend the meeting.

Chairman Krausman called for consideration and action on the **Minutes** of the 20 May 2010 meeting. Member Goodin made a motion to approve the minutes as presented. Member Holman provided the second. Motion passed unanimously.

At 5:15 p.m. Chairman Krausman appointed Board Member Goodin to serve as the hearing officer. This request is for a Variance for relief from the Lot Configuration standard (DGS 5.5 A.1.e.) for the "width to length" ratio of 1:3 and the minimum road frontage requirement in the Rural Residential District (R-2). The site consists of three properties in the Natural Resource Planning Area. The request is for a ±4.0 acre site located in the 5200 block of Hardinsburg Road with the PVA Map Numbers of 102-00-00-039, 102-00-00-040 & 102-00-00-045. The properties are owned by **James Jones and Donna Powell**. Hearing Officer Goodin conducted the swearing in ceremony for all individuals who may provide testimony. Director Hunsinger reviewed the application and the history of the property and presented exhibits. It was stated that the three tracts are non conforming and that the proposed subdivision would eliminate one of the non conforming parcels. James Jones of 5235 Hardinsburg Road and Donna Powell of 5213 Hardinsburg Road, the owners, provided testimony and answered questions from the Board Members and staff. At 5:35 p.m., the Hearing Officer closed the hearing. Board Member Goodin made a motion to grant the requested variance because the request will not alter the essential character of the general vicinity and will not cause a hazard or nuisance to the public and that the new subdivision of the parcels would eliminate one of the non conforming parcels and bring the remaining two parcels more into compliance. This request does satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243. Findings necessary for granting variances) which is as follow:

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- The requested variance arises from special circumstances which do not generally apply to land in the general vicinity; and
- 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:

- The **VARIANCE** will allow for the existing three parcels to be merged into two platted lots that may exceed the 1:3 width-to-length ratio and Lots 1 and 2 having less than the required amount of road frontage but not increasing the nonconformity of the road frontage.
- A Subdivision Plat shall be required to include a Variance Note.
- A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Member Holman provided the second. Motion passed unanimously.

At 5:35 p.m. Chairman Krausman appointed Board Member Goodin to serve as the hearing officer. This request is for a Variance for relief for a portion of the existing Subdivision Identification Sign that is located outside of the Sign Easement and within the Sight Triangle as established on the subdivision plat. The request is for a 0.872 acre tract known as Lot 1 of The Orchard at the intersection of St John Road (KY 1357) and Braeburn Court. The PVA Map Number is 166-00-02-001 and the property is located in the St John Road Corridor Planning Area in an Urban Residential (R-1) zone. The property is owned by **O'Bryan & Ager, LLC**. Director Hunsinger reviewed the application and the history of the property and presented exhibits (attached). At 5:45 p.m. the Hearing Officer closed the hearing. Board Member Goodin made a motion to grant the requested variance from the sign easement due to fact that the view of the on coming traffic is not blocked because of the rising grade of St John Road to the west of the subdivision and the slope of the sign, that the request will not alter the essential character of the general vicinity and will not cause a hazard or nuisance to the public. This request does satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243 and DGS 5-3(B). Findings necessary for granting variances) which is as follow:

**Hardin County Board of Adjustment**

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- The requested variance arises from special circumstances which do not generally apply to land in the general vicinity;
- The strict application of the provision 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:

- The **VARIANCE** will allow for the existing Subdivision Identification Sign to remain 3.3' within the sight triangle as illustrated.
- An Amended Subdivision Plat shall be required to include a Variance Note.
- A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Member Holman provided the second. Motion passed unanimously.

**THE FOLLOWING DEVELOPMENT PLANS HAVE BEEN APPROVED**

DATE	DEVELOPMENT PLAN	PROJECT	ACCESS ROAD
21-Apr-10	Thomas and Carrie Grey	Slaughter Plant	Eastview Road
27-Apr-10	Liberty Baptist Church	Church with parking	Hardinsburg Road
	<b>Since Last Meeting</b>	2	
	<b>2010 Total</b>	8	

**THE FOLLOWING SITE PLANS HAVE BEEN APPROVED**

DATE	SITE PLAN	OWNER	ACCESS ROAD
	<b>Since Last Meeting</b>	0	
	<b>2010 Total</b>	9	

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 Minutes: 3 June 2010  
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**THE FOLLOWING SUBDIVISIONS HAVE BEEN APPROVED AND RECORDED**

FP RECORDED	SUBDIVISION NAME	LOTS	ACCESS ROAD
19-Apr-10	Padgett View Estates Section 1, Lot 11 and Section 2, Lot 23	-1	Padgett Road
21-Apr-10	Bambi Ridge, Lots 2 and 3	0	South Dixie Highway (US 31W)
<b>SINCE LAST MEETING</b>		0	
<b>2010 TOTAL</b>		37	

Chairman Krausman announced that the next Board meeting is scheduled for Thursday, 17 June 2010, and declared the meeting adjourned at 5:45 p.m.

**ADOPTED AND APPROVED THIS 17<sup>th</sup> DAY OF JUNE 2010 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.**

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Brent Goodin, Secretary

## Hardin County Board of Adjustment

Minutes: 20 May 2010

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Chairman Krausman called to order the two hundredth and fifty-fifth meeting of the Hardin County Board of Adjustment at 5:00 p.m. on Thursday, 20 May 2010, in the R.R. Thomas Meeting Room on the second floor of the R.R. Thomas County Government Building. In addition to Chairman Krausman, Board Member Brent Goodin (Secretary) was in attendance. Also in attendance were Senior Planner Wesley Wright, Planner Adam King and the individuals listed on the attached sign-in sheet. Vice-Chairman Jack Holman, Director Chris Hunsinger, Planning Assistant Sandra Martinez and County Engineer Vicki Brackett, P.E. were not present. County Attorney Steve Bland, legal counsel for the Board, was not requested to attend the meeting.

At 5:00 p.m. Chairman Krausman appointed Board Member Goodin to serve as the hearing officer. Hearing Officer Goodin announced that the first item on the agenda is a request for a Conditional Use Permit to allow a Temporary Accessory Dwelling (32' x 64' manufactured home) to be allowed on the property for a "care giver" need. The property is a 615 acre site with an address of 88 Cochran Lane, Rineyville and identified with the PVA Map Number 038-00-00-017. The property is owned by **William and Rosemarie Cochran** and is located in the West Hardin Planning Area and is zoned Rural Residential (R-2). Hearing Officer Goodin conducted the swearing in ceremony for all individuals in attendance that may provide testimony. Senior Planner Wright reviewed the application and the history of the property and presented exhibits and slides of the property (attached). William Cochran, the owner, provided testimony and stated that his parents will live in the house and a "care giver" will live in the manufactured home. He also answered questions from the Board Members and staff. At 5:20 p.m. the Hearing Officer closed the hearing. Board Member Goodin 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;
- 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;

## **Hardin County Board of Adjustment**

Minutes: 20 May 2010

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- 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 Goodin made the motion based on the testimony presented and the "care giver needs and family circumstances" described, to grant a Conditional Use Permit (CUP) with the following conditions:

1. All building activities shall conform to provisions of the Kentucky Building Code. Building and electric permits shall be acquired prior to the commencement of construction or alteration efforts.
2. All development activities shall be completed within the time limits prescribed by the Zoning Ordinance, the Kentucky Building Code, the Commission, or the Board of Adjustment.
3. The Conditional Use shall comply with all applicable standards of the Zoning Ordinance, including the parking, landscape, lighting and signage regulations.
4. The Temporary Accessory Dwelling shall be a temporary use for no longer than 5 years from 20 May 2010 and must be removed from the property by 20 May 2015.
5. The Temporary Accessory Dwelling shall contain a minimum of 2,048 square feet of living space which exceeds the Local Average Square Foot Standard of 1,221 square feet as calculated in 2010.
6. The Temporary Accessory Dwelling is for a family "care giver" situation and shall only be occupied by a "care giver" and their immediate family. Should the family "care giver" situation no longer be needed, the dwelling must be removed from the property within six (6) months.
7. The dwelling shall not be available to the public for rent.
8. Upon the vacancy of the dwelling, it must be removed from the property within six (6) months.
9. This dwelling shall have a sewerage system (septic tank and lateral lines) approved by the Hardin County Health Center.
10. The dwelling shall be placed on the property as illustrated on the approved Site Plan.
11. This Conditional Use Permit shall be issued to the current property owner, William Cochran, and shall expire when the property is transferred and not be transferable to another property owner.

## Hardin County Board of Adjustment

Minutes: 20 May 2010

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12. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.
13. The skirting on the manufactured home must be maintained.

Member Krausman provided the second. Motion passed unanimously.

At 5:20 p.m. Chairman Krausman appointed Board Member Goodin to serve as the hearing officer. Hearing Officer Goodin announced that the second item on the agenda is a request for a Conditional Use Permit to allow a Permanent Accessory Structure (30' x 32' pole barn) that is not subordinate in scale to the dwelling (20' x 26') to be placed on the property. The property is a 2 acre site with an address of 2554 Cash Road, Upton and identified with the PVA Map Number 134-00-00-007. The property is owned by **Terrance Harris** and is located in the South Hardin Planning Area and is zoned Rural Residential (R-2). Senior Planner Wright reviewed the application and the history of the property and presented exhibits and slides of the property (attached). Terrance Harris, the owner, provided testimony and answered questions from the Board Members and staff. At 5:30 p.m. the Hearing Officer closed the hearing. Board Member Goodin 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;
- 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;

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According to provisions of the Kentucky Revised Statutes, the Hardin County Development Guidance System, and the proceedings before the Board of Adjustment, Board Member Goodin made the motion that based on the size of the property and the size and location of the proposed Accessory Structure and the existing dwelling, to grant the Conditional Use Permit (CUP) with the following conditions:

1. All building activities shall conform to provisions of the Kentucky Building Code. Building and electric permits shall be acquired prior to the commencement of construction or alteration efforts.
2. All development activities shall be completed within the time limits prescribed by the Zoning Ordinance, the Kentucky Building Code, the Commission, or the Board of Adjustment.
3. The Conditional Use shall comply with all applicable standards of the Zoning Ordinance, including the parking, landscape, lighting and signage regulations.
4. This Conditional Use Permit will allow for the construction of the proposed 960 square foot Accessory Structure (30' x 32') which is greater in size than the existing 520 square foot dwelling on the property.
5. The existing driveway from Cash Road shall be used to access the dwelling and the Accessory Structure.
6. The Accessory Structure must be located as illustrated on the approved Site Plan.
7. 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.

Chairman Krausman called for consideration and action on the **Minutes** of the 6 May 2010 meeting. Member Goodin made a motion to approve the minutes as presented. Member Krausman provided the second. Motion passed unanimously.

**THE FOLLOWING DEVELOPMENT PLANS HAVE BEEN APPROVED**

DATE	DEVELOPMENT PLAN	PROJECT	ACCESS ROAD
21-Apr-10	Thomas and Carrie Grey	Slaughter Plant	Eastview Road
27-Apr-10	Liberty Baptist Church	Church with parking	Hardinsburg Road
	<b>Since Last Meeting</b>	2	
	<b>2010 Total</b>	8	

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**THE FOLLOWING SITE PLANS HAVE BEEN APPROVED**

DATE	SITE PLAN	OWNER	ACCESS ROAD
	<b>Since Last Meeting</b>	0	
	<b>2010 Total</b>	9	

**THE FOLLOWING SUBDIVISIONS HAVE BEEN APPROVED AND RECORDED**

FP RECORDED	SUBDIVISION NAME	LOTS	ACCESS ROAD
19-Apr-10	Padgett View Estates Section 1, Lot 11 and Section 2, Lot 23	-1	Padgett Road
21-Apr-10	Bambi Ridge, Lots 2 and 3	0	South Dixie Highway (US 31W)
	<b>SINCE LAST MEETING</b>	0	
	<b>2010 TOTAL</b>	37	

Chairman Krausman announced that the next Board meeting is scheduled for Thursday, 3 June 2010, and declared the meeting adjourned at 5:40 p.m.

**ADOPTED AND APPROVED THIS 3<sup>rd</sup> DAY OF JUNE 2010 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.**

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Brent Goodin, Secretary

## Hardin County Board of Adjustment

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Chairman Krausman called to order the two hundredth and fifty-fourth meeting of the Hardin County Board of Adjustment at 5:05 p.m. on Thursday, 6 May 2010, in the R.R. Thomas Meeting Room on the second floor of the R.R. Thomas County Government Building. In addition to Chairman Krausman, Board Member Jack Holman (Vice-Chairman) was in attendance. Also in attendance were Director Chris Hunsinger, Senior Planner Wesley Wright, Planner Adam King, Planning Assistant Sandra Martinez, County Engineer Vicki Brackett, P.E. and the individuals listed on the attached sign-in sheet. Board Member Brent Goodin (Secretary) was not present and County Attorney Steve Bland, 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. Member Holman announced that the first item on the agenda is a request for an Amended Conditional Use Permit to allow the Temporary Accessory Dwelling (16' x 76' manufactured home) to remain on the property. The property is a 2.62 acre site with an address of 253 South Ridge Road and being Lot 52 of Quail Hollow Subdivision as identified with the PVA Map Number 240-00-01-052. The property is owned by **Darren T. Clary** and is located in the Kentucky 313 Corridor Planning Area and is zoned Residential Estate (R-3). Vice Chairman Holman conducted the swearing in ceremony for all individuals in attendance that may provide testimony. Director Hunsinger reviewed the application and the history of the property and presented exhibits and slides of the property (attached). Darren Clary, the owner, provided testimony and stated that his parents live in the house and he lives in the manufactured home. He also answered questions from the Board Members and staff. Jim Bates, the applicant and parent of the property owner, provided testimony and answered questions from the Board Members and staff. The adjoining neighbor Greg Seaton of 325 South Ridge Road (Lots 51 and 50), provided positive and supportive testimony for the request. At 5:25 p.m. the Hearing Officer closed the hearing. Board Member Holman stated that this request for an Amended 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;

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- 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 testimony presented and the "care giver needs and family circumstances" described, to allow a time extension and grant an Amended Conditional Use Permit (CUP) with the following conditions:

1. The Temporary Accessory Dwelling shall be a temporary use for no longer than four years from 9 June 2010 and must be removed from the property by 9 June 2014.
2. The Temporary Accessory Dwelling shall contain a minimum of 1,216 square feet of living space which exceeds the Local Average Square Foot Standard of 887 square feet as calculated in 2010.
3. The Temporary Accessory Dwelling is for a family caregiver situation and shall only be occupied by Darren Clary and his immediate family.
4. The Temporary Accessory Dwelling shall not be available to the public for rent.
5. Upon the vacancy of the Temporary Accessory Dwelling, it must be removed from the property within six (6) months.
6. This Temporary Accessory dwelling shall have a sewerage system (septic tank and lateral lines) approved by the Hardin County Health Center.
7. The Temporary Accessory Dwelling shall be placed on the property as illustrated on the approved Site Plan.
8. This Conditional Use Permit shall be issued to the current property owner, Darren Clary, and shall expire when the property is transferred and not be transferable to another property owner.
9. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.
10. The skirting on the manufactured home must be maintained.
11. All construction activities on this site shall conform to the provisions of the Kentucky Building Code.

Member Krausman provided the second. Motion passed unanimously.

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At 5:30 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. Member Holman announced that the request is for an Amended Conditional Use Permit to allow the Temporary Accessory Dwelling (12' x 65' manufactured home) to remain on the property. The property is a 1.44 acre site with an address of 5086 St John Road and being Lot 8 of Aubrey Estates as identified with the PVA Map Number 145-00-00-029. The property is owned by **Gary Bunnell** and is located in the St John Road Corridor and is zoned Urban Residential (R-1). Vice Chairman Holman conducted the swearing in ceremony for all individuals in attendance that may provide testimony. Director Hunsinger reviewed the application and the history of the property and presented exhibits and slides of the property (attached). Gary Bunnell, the owner, provided testimony and answered questions from the Board Members and staff. Juanita Payton, the applicant, provided testimony and answered questions from the Board Members and staff. At 5:25 p.m. the Hearing Officer closed the hearing. Board Member Holman stated that this request for an Amended 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 testimony presented and the "care giver needs" described, to allow an extension and grant an Amended Conditional Use Permit (CUP) with the following conditions:

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1. The Temporary Accessory Dwelling shall be a temporary use for no longer than four (4) years from 6 May 2010 and must be removed from the property by 6 May 2014.
2. The Temporary Accessory Dwelling shall contain a minimum of 780 square feet of living space which is less than the Local Average Square Foot Standard of 1,369 square feet as calculated in 2010 and is less than the Minimum Square Footage Requirement for Aubrey Estates of 1,190 square feet.
3. The Temporary Accessory Dwelling is for a family caregiver situation and shall only be occupied by Juanita Payton and her immediate family.
4. The Temporary Accessory Dwelling shall not be available to the public for rent.
5. Upon the vacancy of the Temporary Accessory dwelling, it must be removed from the property within six (6) months.
6. This Temporary Accessory Dwelling shall have a sewerage system (septic tank and lateral lines) approved by the Hardin County Health Center.
7. The Temporary Accessory Dwelling shall be placed on the property as illustrated on the approved Site Plan.
8. This Amended Conditional Use Permit shall be issued to the current property owner, Gary Bunnell, and shall expire when the property is transferred and not be transferable to another property owner.
9. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.
10. The skirting on the manufactured home must be maintained.
11. Screening in the form of shrubs creating a continuous hedge shall be required on the property along the west side of the manufactured home and along the St John Road frontage so that the manufactured home is covered from view of the adjoining property owner and the road.
12. All construction activities on this site shall conform to the provisions of the Kentucky Building Code.

Member Krausman provided the second. Motion passed unanimously.

At 5:50 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. This request is for a Variance for relief from the front and rear building setback lines to accommodate a proposed prefabricated radio equipment building (11'.6" x 30'). The request is for a 0.22 acre tract located at 7891 Shepherdsville Road near the intersection with Joe Prather Highway (KY 313). The PVA Map Number is 216-00-02-008 and the property is located in the Kentucky 313 Corridor Planning Area in a General Commercial (C-2) zone.

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The property is owned by **Crown Castle**. Hearing Officer Holman conducted the swearing in ceremony for all individuals in attendance that may provide testimony. Director Hunsinger reviewed the application and the history of the property and presented exhibits (attached). Cindy Shaffer of 10170 Linn Station Road, Louisville, Kentucky, representative of the owner and applicant, provided testimony and answered questions from the Board Members. It was determined that the request is to provide ground facilities for an additional antenna service to co-locate on the existing cell tower. At 6:10 p.m. the Hearing Officer closed the hearing. Board Member Holman made a motion to grant the requested variance from the building setback standards because the proposed building will not alter the essential character of the general vicinity and will not cause a hazard or nuisance to the public and the variance will allow additional utilization of the existing tower. This request does satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243 and DGS 5-3(B). Findings necessary for granting variances) which is as follow:

- The strict application of the provision 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:

- The variance will allow for the existing 10,000 square foot Easement Area to be used for the proposed Verizon Shelter and any future structures or additions within the existing Easement Area (Leased Area).
- An Amended Development Plan shall be required.
- The site (ground facilities) shall be enclosed by an eight foot (8') high solid wood security fence. The use of barbed wire or sharp pointed fences is prohibited.
- The proposed screening shall be illustrated on Sheet 3 of the Development Plan. The plants shall be in a staggered pattern at a maximum distance of ten (10) feet on center. The screening shall be placed within the Lease Area. A break in the landscape screening, not to exceed fifteen (15) feet in width, shall be allowed for access of maintenance personnel and vehicles.
- 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.

## Hardin County Board of Adjustment

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At 6:10 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. This request is for a Variance for relief from the side building setback lines to accommodate a proposed prefabricated radio equipment building (11'.6" x 30'). The request is for a 13.0 acre tract located at 357 Fultz Road off Roundtop Road – north of Lincoln Parkway. The PVA Map Number is 235-20-00-001 and the property is located in the Valley Creek Urban Planning Area and is zoned Urban Residential (R-1). The property is owned by **Crown Castle**. Director Hunsinger reviewed the application and the history of the property and presented exhibits (attached). Cindy Shaffer of 10170 Linn Station Road, Louisville, Kentucky, representative of the owner and applicant, provided testimony and answered questions from the Board Members. It was determined that the request is to provide ground facilities for an additional antenna service to co-locate on the existing cell tower. At 6:20 p.m. the Hearing Officer closed the hearing. Board Member Holman made a motion to grant the requested variance from the building setback standards because the proposed building will not alter the essential character of the general vicinity and will not cause a hazard or nuisance to the public and the variance will allow additional utilization of the existing tower. This request does satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243 and DGS 5-3(B). Findings necessary for granting variances) which is as follow:

- The strict application of the provision 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:

- The **VARIANCE** will allow for the existing 10,000 square foot Easement Area to be used for the proposed Verizon Shelter and any future structures or additions within the existing Easement (Leased Area).
- An Amended Development Plan shall be required.
- The site shall not be required to be enclosed by an eight foot (8') high solid wood security fence. The Existing Chain Link Fencing and the Proposed Fencing is adequate. An eight foot (8') high solid wood security fence will be evaluated upon further co-locations to the site.
- The proposed screening of the plantings shall be in a staggered pattern at a maximum distance of ten (10) feet on center. The screening shall be placed within the Lease Area. A break in the landscape screening, not to exceed fifteen (15) feet in width, shall be allowed for access of maintenance personnel and vehicles.

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- 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 6:20 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. This request is for a Variance for relief from the side building setback lines to accommodate a proposed prefabricated radio equipment building (11'6" x 30'). The request is for a .023 acre tract located at 6667 South Dixie Highway and being Lot 6C of Glendale Junction Farms off. The PVA Map Number is 225-00-03-006.01. The property is owned by **Crown Castle**. Director Hunsinger reviewed the application and the history of the property and presented exhibits (attached). Cindy Shaffer of 10170 Linn Station Road, Louisville, Kentucky, representative of the owner, provided testimony and answered questions from the Board Members. It was determined that the request is to provide ground facilities for an additional antenna service to co-locate on the existing cell tower. At 6:30 p.m. the Hearing Officer closed the hearing. Board Member Holman made a motion to grant the requested variance from the building setback standards because the proposed building location will not alter the essential character of the general vicinity and will not cause a hazard or nuisance to the public and the variance will allow additional utilization of the existing tower. This request does satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243 and DGS 5-3(B). Findings necessary for granting variances) which is as follow:

- The strict application of the provision 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:

- The **VARIANCE** to the building setback standards will allow for the existing 10,000 square foot Easement Area to be used for the proposed Verizon Shelter and any future structures or additions within the existing Easement (Leased Area).
- An Amended Development Plan shall be required.
- The site shall not be required to be enclosed by an eight foot (8') high solid wood security fence. The Existing Chain Link Fencing and the Proposed Fencing is adequate. The need for an eight foot (8') high solid wood security fence will be evaluated upon further co-locations to the site.

## Hardin County Board of Adjustment

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- The proposed screening of the plantings shall be in a staggered pattern at a maximum distance of ten (10) feet on center. The screening shall be placed within the Lease Area. A break in the landscape screening, not to exceed fifteen (15) feet in width, shall be allowed for access of maintenance personnel and vehicles.
- 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 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 the side building setback lines to accommodate a proposed prefabricated radio equipment building (11'.6" x 30'). The request is for a 27 acre tract located at 781 Casey Lane. The PVA Map Number is 241-00-03-029 and the property is located in the East Hardin Planning Area and is zoned Rural Residential (R-2). The property is owned by **Crown Castle**. Director Hunsinger reviewed the application and the history of the property and presented exhibits (attached). Cindy Shaffer of 10170 Linn Station Road, Louisville, Kentucky, representative of the owner and applicant, provided testimony and answered questions from the Board Members. It was determined that the request is to provide ground facilities for an additional antenna service to co-locate on the existing cell tower. Tom Barger of 669 Pendleton Lane, Elizabethtown asked questions concerning the property and the request. Justin Ash of 715 Casey Lane requested that screening be placed screening be place on side adjacent to his property and asked if Crown Castle would help with the maintenance of the gravel road. Kathy Casey of 680 Casey Lane inquired about possible development outside the fenced in area. With no additional testimony from the audience, at 6:50 p.m. the Hearing Officer closed the hearing. Board Member Holman made a motion to grant the requested variance from the building setback standard because the proposed building will not alter the essential character of the general vicinity and will not cause a hazard or nuisance to the public and the variance will allow additional utilization of the existing tower. This request does satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243 and DGS 5-3(B). Findings necessary for granting variances) which is as follow:

- The **VARIANCE** will allow for the existing 10,000 square foot Easement Area to be used for the proposed Verizon Shelter and any future structures or additions within the existing Easement (Leased Area).
- An Amended Development Plan shall be required.

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- The site shall be required to be enclosed by an eight foot (8') high solid wood security fence on the east and south sides to reduce visibility from Casey Lane and the Justin Ash property.
- The proposed screening with plantings shall be in a staggered pattern at a maximum distance of ten (10) feet on center. The screening shall be placed within the Lease Area. A break in the landscape screening, not to exceed fifteen (15) feet in width, shall be allowed for access of maintenance personnel and vehicles.
- 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.

Chairman Krausman called for consideration and action on the **Minutes** of the 22 April 2010 meeting. Member Holman made a motion to approve the minutes as presented. Member Krausman provided the second. Motion passed unanimously.

**THE FOLLOWING DEVELOPMENT PLANS HAVE BEEN APPROVED**

DATE	DEVELOPMENT PLAN	PROJECT	ACCESS ROAD
21-Apr-10	Thomas and Carrie Grey	Slaughter Plant	Eastview Road
27-Apr-10	Liberty Baptist Church	Church with parking	Hardinsburg Road
	<b>Since Last Meeting</b>	2	
	<b>2010 Total</b>	8	

**THE FOLLOWING SITE PLANS HAVE BEEN APPROVED**

DATE	SITE PLAN	OWNER	ACCESS ROAD
	<b>Since Last Meeting</b>	0	
	<b>2010 Total</b>	9	

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**THE FOLLOWING SUBDIVISIONS HAVE BEEN APPROVED AND RECORDED**

FP RECORDED	SUBDIVISION NAME	LOTS	ACCESS ROAD
19-Apr-10	Padgett View Estates Section 1, Lot 11 and Section 2, Lot 23	-1	Padgett Road
21-Apr-10	Bambi Ridge, Lots 2 and 3	0	South Dixie Highway (US 31W)
<b>SINCE LAST MEETING</b>		0	
<b>2010 TOTAL</b>		37	

Chairman Krausman announced that the next Board meeting is scheduled for Thursday, 20 May 2010, and declared the meeting adjourned at 7:00 p.m.

**ADOPTED AND APPROVED THIS 20<sup>th</sup> DAY OF MAY 2010 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.**

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Brent Goodin, Secretary

## Hardin County Board of Adjustment

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Chairman Krausman called to order the two hundredth and fifty-third meeting of the Hardin County Board of Adjustment at 5:05 p.m. on Thursday, 22 April 2010, in the R.R. Thomas Meeting Room on the second floor of the R.R. Thomas County Government Building. In addition to Chairman Krausman, Board Members Jack Holman (Vice-Chairman) and Brent Goodin (Secretary) were in attendance. Also in attendance were Director Chris Hunsinger, Senior Planner Wesley Wright, Planner Adam King, Planning Assistant Sandra Martinez and the individuals listed on the attached sign-in sheet. County Engineer Vicki Brackett, P.E. was not present and County Attorney Steve Bland, 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. Member Holman announced that the first item on the agenda is a request for an Amended Conditional Use Permit to allow the Temporary Accessory Dwelling (14' x 66' manufactured home) to remain on the property. The property is a 1.5 acre site with an address of 572 Red Hill Road and identified with the PVA Map Number 117-30-00-011. The property is owned by **Richard and Pamela Poor** and is located in the North Urban Area and is zoned Urban Residential (R-1). Vice Chairman Holman conducted the swearing in ceremony for all individuals in attendance that may provide testimony. Director Hunsinger reviewed the application and the history of the property and presented exhibits and slides of the property (attached). Richard and Pamela Poor, the owners, provided testimony and answered questions from the Board Members and staff. At 5:40 p.m. the Hearing Officer closed the hearing. Board Member Goodin 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;

## Hardin County Board of Adjustment

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According to provisions of the Kentucky Revised Statutes, the Hardin County Development Guidance System, and the proceedings before the Board of Adjustment, Board Member Goodin made the motion based on the testimony presented and the "family circumstances" described, to allow an extension and grant a Revised Conditional Use Permit (CUP) with the following conditions:

1. The Temporary Dwelling may contain 924 (14' x 66') square feet which is less than 1,275 square feet of living space established as the Local Average Square Foot Standard and remain on site with the transportation features intact - not on a permanent foundation.
2. The Temporary Dwelling is a temporary use and shall be removed by 1 June 2011 unless a Building Permit has not been obtained for a dwelling. If a Building Permit is obtained for a manufactured home this Conditional Use Permit shall expire on 1 September 2011. If a Building Permit is obtained for a site built home this Conditional Use Permit shall expire 30 April 2012.
3. The Temporary Dwelling shall only be occupied by an immediate family member of the property owner (son / Robert Poor) and the member's family.
4. The Temporary Dwelling shall not be available to the public for rent.
5. Upon the vacancy – the Temporary Dwelling must be removed within six (6) months.
6. Sewerage system approved by the Hardin County Health Center.
7. The skirting on the manufactured home must be maintained.
8. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.
9. Conditional Use Permit shall be issued to the current property owner and shall expire if the property is transferred and is not transferable to another property owner.

Member Holman provided the second. Motion passed unanimously.

At 5:40 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. This request is for a Conditional Use Permit to allow a proposed Accessory Structure (pole barn 36' x 48'=1,728 Square Feet) that is greater in square footage than the dwelling (1,400 Square Feet). The request is for Lot 2 of Kaydale Creek Subdivision which is a 3.9 acre site located at 406 Tabb Hollow Road and identified with the PVA Map Number 059-00-00-003.04. The property is owned by **Robert Marski** and is located in the West Hardin Planning Area and is zoned Rural Residential (R-2). Director Hunsinger reviewed the application and the history of the property and presented exhibits and slides of the property (attached).

## **Hardin County Board of Adjustment**

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Robert Marski, the owner, provided testimony and answered questions from the Board Members and staff. No additional testimony was presented. At 5:55 p.m. the Hearing Officer closed the hearing. Board Member Goodin 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;
- 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 Goodin stated that because of the size of the property, the number and types of existing Accessory Structures in the vicinity and the proposed location, made a motion to grant the Conditional Use Permit (CUP) with the following conditions:

1. This Conditional Use Permit will allow for the construction of the proposed 1,728 square foot Accessory Structure (36' x 48') which is greater in size than the existing 1,400 square foot home on the property.
2. The existing driveway shall be used to access the dwelling and the Accessory Structure.
3. A buffer (5-foot tall white pines, planted 10-feet on center) shall be planted and maintained between the Accessory Building and the residence on Lot 1 to provide screening. A minimum of five (5) white pine trees shall be planted.
4. All construction activities on this site shall conform to the provisions of the Kentucky Building Code.
5. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.
6. The Site Plan shall illustrate the location of the dwelling and septic system.

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7. The Accessory Structure must be located as illustrated on the approved Site Plan.
8. A Certificate of Land Use Restrictions shall be recorded in the office of the Hardin County Clerk.

Member Holman provided the second. Motion passed unanimously.

Board Member Goodin, candidate for Hardin County Magistrate in District 3, recused himself and departed from the meeting to avoid any perception of a conflict in interest.

At 6:00 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. This request is for a Conditional Use Permit to allow a proposed Accessory Structure (pole barn 30' x 40'=1,200 Square Feet) to be built prior to a dwelling. The request is for Lot 2 of Chambers Hill Estates, Section 2 which is an 3.39 acre site located on the south Hall Road and identified with the PVA Map Number 270-00-00-030.07. The property is owned by **TIMOTHY & TAMMY GREENWELL** and is located in the East Hardin Planning Area and is zoned Rural Residential (R-2). Director Hunsinger reviewed the application and the history of the property and presented exhibits and slides of the property (attached). Tim Greenwell, the owner, provided testimony and answered questions from the Board Members and staff. 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 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,

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- 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 that based on the size of the property and the size and location of the proposed Accessory Structure and dwelling, to grant the Conditional Use Permit (CUP) with the following conditions:

1. The proposed Accessory Structure may be built prior to the construction of the principal use (dwelling).
2. No other Accessory structures shall be built prior to the construction of the dwelling.
3. The proposed Accessory Structure (30' x 40' pole barn) shall be no larger than 1,200 square feet.
4. The dwelling constructed on site must exceed 1,200 square feet (Subdivision Restrictions require 1,600 square feet).
5. An Encroachment Permit from the County Road Department shall be required.
6. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.
7. The Accessory Structure shall be placed on the property as illustrated on the approved Site Plan and in accordance with the building setback lines established for the designated zone.
8. The Site Plan shall illustrate the location of the proposed dwelling and septic system.
9. The existing tree lines along the property lines shall be shown on the Site Plan and remain in place for screening purposes.
10. An approved On-site Soil Evaluation shall be obtained from the Hardin County Environmental Services for the location of the proposed septic system for the property.
11. A Certificate of Land Use Restriction shall be recorded in the Office of the Hardin County Clerk.

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. This request is for a Conditional Use Permit to allow a proposed Accessory Structure (garage 40' x 60' = 2,400 Square Feet) to be built

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prior to a dwelling and being larger in square footage than the proposed dwelling (1,958 Square Feet). The request is a 1.4 acre site located at 333 Adams Lane and identified with the PVA Map Number 230-00-00-044. The property is owned by **ERIKA WOOD & JUERGEN SCHWAN** and is located in the North Urban Planning Area and is zoned Urban Residential (R-1). Director Hunsinger reviewed the application and the history of the property and presented exhibits and slides of the property (attached). Bill Wood, the applicant, provided testimony and answered questions from the Board Members and staff. Joe Riney of 130 Adams Lane requested that the building be for residential use only and not commercial. Shirley Riney expressed concerns regarding traffic. No additional testimony was presented. At 6:35 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;
- 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 that based on the existing Accessory Structures in the vicinity, to grant the Conditional Use Permit (CUP) with the following conditions:

1. The proposed Accessory Structure may be built prior to the construction of the principal use (dwelling).
2. No other Accessory Structures shall be built prior to the construction of the dwelling.
3. The proposed Accessory Structure (40' x 60' pole barn) shall be no larger than 2,400 square feet.

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4. The dwelling constructed on site shall be a minimum of 1,958 square feet which is less than the size of the proposed Accessory Structure.
5. The Accessory Structure must be used for residential purposes only.
6. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.
7. The Accessory Structure shall be placed on the property as illustrated on the approved Site Plan and in accordance with the building setback lines established for the designated zone.
8. The Site Plan shall illustrate the location of the proposed dwelling and septic system.
9. An Encroachment Permit from the County Road Department shall be required.
10. An approved On-Site Soil Evaluation shall be obtained from the Hardin County Environmental Services for the location of the proposed septic system for the site.
11. A Certificate of Land Use Restriction shall be recorded in the Office of the Hardin County Clerk.

Member Krausman provided the second. Motion passed unanimously.

At 6:45 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. This request is for a proposed Temporary Accessory Dwelling (14' x 48' manufactured home). The property is a 1.0 acre site with an address of 2166 Knox Avenue and identified with the PVA Map Number 117-00-00-041. The property is owned by **Charles and Mary Borders** and is located in the North Urban Area and is zoned Urban Residential (R-1). Director Hunsinger reviewed the application and the history of the previous applications for this property and presented exhibits and slides of the property (attached). Eric Borders and Dana Smith, the applicants, provided testimony and answered questions from the Board Members and staff. Board Member Krausman requested that the hearing be continued so members could visit the site. Director Hunsinger announced that the Hearing would be continued to the Board meeting scheduled for Thursday, 6 May 2010, at 5:00 p.m. in the R.R. Thomas Meeting Room on the second floor of the R.R. Thomas County Government Building.

Chairman Krausman called for consideration and action on the **Minutes** of the 8 April 2010 meeting. Member Holman made a motion to approve the minutes as presented. Member Krausman provided the second. Motion passed unanimously.

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Director Hunsinger presented slides for the **Roundabout** at KY 220 and KY 1600 explaining the functionality of the new road and the time table for construction. This will be the first roundabout to be constructed in our Transportation District which is District 4 and consist of 11 counties.

Director Hunsinger presented slides showing how the proposed **Elizabethtown to Radcliff Connector (E2RC)** will require new addressing due to the new road name, the naming of the 5 proposed frontage roads and the new connectors.

Director Hunsinger presented a review of applications submitted under the new **Zoning Ordinance 2009** i.e. map amendments for the Agricultural Zone, Development Plans now being professionally prepared and Conditional Use Permits applications as a result of the new Zoning Ordinance.

**THE FOLLOWING DEVELOPMENT PLANS HAVE BEEN APPROVED**

DATE	DEVELOPMENT PLAN	PROJECT	ACCESS ROAD
19-Mar-10	Center Point Missionary Church #1	Fellowship Building	Center Point Road
	<b>Since Last Meeting</b>	1	
	<b>2010 Total</b>		

**THE FOLLOWING SITE PLANS HAVE BEEN APPROVED**

DATE	SITE PLAN	OWNER	ACCESS ROAD
	<b>Since Last Meeting</b>	0	
	<b>2010 Total</b>	9	

**THE FOLLOWING SUBDIVISIONS HAVE BEEN APPROVED AND RECORDED**

FP RECORDED	SUBDIVISION NAME	LOTS	ACCESS ROAD
	<b>SINCE LAST MEETING</b>	0	
	<b>2010 TOTAL</b>	38	

Chairman Krausman announced that the next Board meeting is scheduled for Thursday, 6 May 2010, and declared the meeting adjourned at 8:45 p.m.

**ADOPTED AND APPROVED THIS 6<sup>th</sup> DAY OF MAY 2010 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.**

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Brent Goodin, Secretary

## Hardin County Board of Adjustment

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Vice Chairman Holman called to order the two hundredth and fifty-second meeting of the Hardin County Board of Adjustment at 5:10 p.m. on Thursday, 8 April 2010, in the R.R. Thomas Meeting Room on the second floor of the R.R. Thomas County Government Building. In addition to Vice-Chairman Holman, Brent Goodin (Secretary) was in attendance. Chairman Krausman joined the meeting in progress during the first hearing. Also in attendance were Director Chris Hunsinger, Senior Planner Wesley Wright, Planner Adam King, Planning Assistant Sandra Martinez, County Engineer Vicki Brackett, P.E. and the individuals listed on the attached sign-in sheet. County Attorney Steve Bland, legal counsel for the Board, was not requested to attend the meeting.

At 5:10 p.m. Vice Chairman Holman announced that the first item on the agenda is a request for a Conditional Use Permit to allow for a Permanent Accessory Dwelling, 1,000 square feet of living area (25' x 40') located in a proposed pole barn (40' x 100'). The property is a 282 acre site with an address of 835 Edlin Lane and identified with the PVA Map Number 243-00-00-040. The property is owned by **Phillip Edlin** and is located in the East Urban Area and is zoned Urban Residential (R-1). Vice Chairman Holman conducted the swearing in ceremony for all individuals in attendance that may provide testimony. Director Hunsinger reviewed the application and the history of the property and presented exhibits and slides of the property (attached). Phillip Edlin, the owner, provided testimony and answered questions from the Board Members and staff. Mike Edlin, a relative of the applicant provided additional testimony and also answered questions. At 5:40 p.m. the Hearing Officer closed the hearing. Board Member Goodin 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;
- 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;

## Hardin County Board of Adjustment

Minutes: 8 April 2010

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According to provisions of the Kentucky Revised Statutes, the Hardin County Development Guidance System, and the proceedings before the Board of Adjustment, Board Member Goodin made the motion to grant the Conditional Use Permit (CUP) based on the following findings: the existing dwelling on the property constructed in 1946 possesses historical significance and should be preserved, the large size of the property (282 acres) provides adequate area and distance from the existing dwelling and property lines for the proposed size of the Permanent Accessory Dwelling located within the proposed accessory structure, the location of the proposed Permanent Accessory Dwelling is behind the existing dwelling with no visibility from the public right-of-way and adjacent properties allowing the size of the proposed dwelling to maintain the character of the area, the property is located at the end of Edlin Lane, a County maintained road, that does not qualify for a subdivision street to be developed. Board Member Goodin stated that the following conditions be imposed:

8. The property owner, Phillip Edlin, must occupy the Permanent Accessory Dwelling and at no time receive rent for the owner-occupied dwelling. The 820 square foot house constructed in 1946 that is located on the property has historical significance. It shall not be occupied as a dwelling, but may be preserved.
9. The Permanent Accessory Dwelling may contain a maximum of 1,000 square feet of living space.
10. The Permanent Accessory Dwelling shall be located in the rear yard, not visible from the public road, and shall be located as illustrated on the approved Site Plan and in accordance with building setback lines.
11. Adequate on site parking must be designated on an approved Site Plan.
12. A shared driveway shall be required.
13. The exterior finish materials of the façade for the face of the Permanent Accessory Dwelling will include wood siding to visually match the existing dwelling plus some stone veneer. The balance of the structure will be metal siding.
14. The Permanent Accessory Dwelling shall have a sewerage system approved by the Environmental Services Office of the Hardin County Health Department.
15. This Conditional Use Permit is not transferable. The new owners must reapply for the Conditional Use Permit and meet the necessary requirements.
16. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.

Member Holman provided the second. Motion passed unanimously.

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At 5:45 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. Member Holman announced a request for a Conditional Use Permit to allow for a Temporary Residential Use (28' x 52' manufactured home) in a General Commercial (C-2) zone. The property is a 2.0 acre site with an address of 5636 Hardinsburg Road and identified with the PVA Map Number 084-00-00-066. The property is owned by **Larry and Patricia Hicks** and is located in the Natural Resource Planning Area and is zoned General Commercial (C-2). Director Hunsinger reviewed the application and the history of the property and presented exhibits and slides of the property (attached). Tommy Hicks, the applicant, provided testimony and answered questions from the Board Members and staff. At 6:25 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;
- 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 Goodin made the motion to grant the Conditional Use Permit (CUP) with the following conditions be imposed:

1. The residential use shall be "temporary" and must be removed from the property in 18 months (8 October 2011).
2. The residential use shall be a 28' x 52' manufactured home (1,456 square feet).
3. At this site, the 28' x 52' manufactured home is not approved for occupancy as a dwelling but may be repaired and then relocated.

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4. No utilities shall be connected to the 28' x 52' manufactured home.
5. The 28' x 52' manufactured home shall not be available to the public for rent.
6. Compliance with the State Manufactured Home B1/B2 seal process shall be required. Please Contact State Manufactured Home Inspector, Richard Hurt (502) 573-0373 for information and compliance.
7. This Conditional Use Permit shall be issued to the current property owner, and shall expire if the property is transferred and is not transferable to another property owner.
8. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.
9. No new driveways shall be permitted and the existing driveway must be a shared driveway.
10. The number of non-licensed, not currently registered or non-operative vehicles on the property must be reduced to one.
11. A building permit and inspection shall be required for the 40' x 64' addition to the pole barn structure (circa 1992).

Member Goodin provided the second. Motion passed unanimously.

Chairman Krausman called for consideration and action on the **Minutes** of the 8 April 2010 meeting. Member Holman made a motion to approve the minutes as presented. Member Goodin provided the second. Motion passed unanimously.

Chairman Krausman called for an update of the proposed **Manufactured Homes Installation Ordinance**. Director Hunsinger reported that Phil Fentress of Carefree Homes had not presented any additional alternative types of skirting material or provided any additional engineering documents concerning the use of skirting material; therefore the staff will prepare Draft 4 of the proposed ordinance for review by the Commission Members and Fiscal Court.

Chairman Krausman called for an update of the **Continuing Education** requirements. Director Hunsinger stated that all Board members need eight (8) hours of continuing education every two (2) years that currently will end in 2011 for each member. A handout was provided listing future education opportunities and Director Hunsinger requested that Members contact the office in regards to registration.

**Hardin County Board of Adjustment**  
 Minutes: 8 April 2010  
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**THE FOLLOWING DEVELOPMENT PLANS HAVE BEEN APPROVED**

DATE	DEVELOPMENT PLAN	PROJECT	ACCESS ROAD
19-Mar-10	Sandra and Ruth Ann Dukes	Bluegrass Cellular	Springfield Road
19-Mar-10	Terry W Shortt	Tattoo Parlor	North Dixie Avenue (US-31W)
<b>Since Last Meeting</b>		2	
<b>2010 Total</b>		5	

**THE FOLLOWING SITE PLANS HAVE BEEN APPROVED**

DATE	SITE PLAN	OWNER	ACCESS ROAD
11-Mar-10	Temporary Accessory Dwelling	Mack & Lola Morgan	Bethlehem Academy Rd (KY 253)
12-Mar-10	Temporary Accessory Dwelling	Margie Mullins	Upper Colesburg Road
25-Mar-10	Permanent Accessory Dwelling	Patricia Hester	Cedar Creek Drive
<b>Since Last Meeting</b>		3	
<b>2010 Total</b>		9	

**THE FOLLOWING SUBDIVISIONS HAVE BEEN APPROVED AND RECORDED**

FP RECORDED	SUBDIVISION NAME	LOTS	ACCESS ROAD
12-Mar-10	Papaw Owen's Homestead	2	Read Mill Road
17-Mar-10	Wakefield Farms Section 1	24	Hodgenville Road (KY 210)
18-Mar-10	Memory lane Subdivision, Lots 1-7	0	Slaughter Lane
23-Mar-10	Aubrey Estates, Lots 3, 7 & 9	0	Saint John Road (KY 1357)
26-Mar-10	Joshua Place, Lot 1	0	Center Point Road
29-Mar-10	Bischoffs Pointe	1	Salt River Road (KY 920)
<b>SINCE LAST MEETING</b>		27	
<b>2010 TOTAL</b>		38	

Chairman Krausman announced that the next Board meeting is scheduled for Thursday, 22 April 2010, and declared the meeting adjourned at 6:50 p.m.

**ADOPTED AND APPROVED THIS 22<sup>ND</sup> DAY OF APRIL 2010 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.**

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 Brent Goodin, Secretary

## Hardin County Board of Adjustment

Minutes: 18 March 2010

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Chairman Krausman called to order the two hundredth and fifty-first meeting of the Hardin County Board of Adjustment at 5:05 p.m. on Thursday, 18 March 2010, in the R.R. Thomas Meeting Room on the second floor of the R.R. Thomas County Government Building. In addition to Chairman Krausman, Board Members Jack Holman (Vice-Chairman) and Brent Goodin (Secretary) were in attendance. Also in attendance were Director Chris Hunsinger, Planner Adam King, Planning Assistant Sandra Martinez, County Engineer Vicki Brackett, P.E. and the individuals listed on the attached sign-in sheet. Senior Planner Wesley Wright was not present and County Attorney Steve Bland, 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. Member Holman announced that the first item on the agenda is a request for an Amended Conditional Use Permit to allow the continued parking and storage of tractor trailers on their property for a business known as Blair Trucking. The property is a 6.85 acre site with an address of 220 Bacon Creek Road and identified with the PVA Map Number 187-30-00-015. The property is owned by **Donnie & Debbie Blair** and is located in the Industrial Area and is zoned Urban Residential (R-1). Vice Chairman Holman conducted the swearing in ceremony for all individuals in attendance that may provide testimony. Director Hunsinger reviewed the application and the history of the property and presented exhibits and slides of the property (attached). Debbie Blair, the owner, provided testimony and answered questions from the Board Members and staff. At 5:25 p.m. the Hearing Officer closed the hearing. Board Member Goodin 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:

1. Maximum number of truck cabs and tractor semi-trailers allowed to be parked or stored on the property is five (5).
2. The hours of operation shall not exceed 5 a.m. to 9 p.m. Monday through Friday.
3. Only limited routine maintenance can be performed on the property. No major works such as engine or transmission repair is allowed. No body work or painting may be performed on the property.
4. The driveway entrance must be approved by the KYTC for "semi-tractors and trailers" use.
5. No truck parts may be stored outside the building (ex. Tires, Batteries, etc.).
6. No inventory or materials associated with the trucking operation may be stored on the property.

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7. No freestanding sign may be displayed on the property.
8. The parking area for the semi-tractor and tractor trailers shall be designated on an approved Site Plan and adequately screened from adjoining properties with white pine trees 5 feet in height, 10 feet on center.
9. Only limited commercial activity like a Home Occupation is allowed and the activity must have no employees working on the premises who are not members of the family, and who do not live in the dwelling unit.
10. The facilities or property shall not be used for warehousing or storage of any inventory or goods.
11. No dumpster or waste materials shall be stored on the property that allows discharge into the environment. No hazardous fluids shall be allowed to be discharged onto the property.
12. Truck traffic shall be limited to the use of Bacon Creek Road (KY 1904) from facility entrance to Ring Road.
13. The Conditional Use Permit is granted for a period of five (5) years. The permit will expire on 18 March 2015.
14. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.

Member Holman provided the second. Motion passed unanimously.

At 5:25 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. This request is for a Variance from the front building setback line to accommodate proposed dwellings on Lots 1-4 of Laverne Acres Subdivision (12.053 acres) located on the west side of Salt River Road (KY 920). The property is in the Rural Residential Zone (R-2) in the West Hardin Planning Area and is identified with the PVA Map Number 041-00-00-006. The property is owned by **Doug Reed**. Director Hunsinger reviewed the application and the history of the property and presented exhibits and slides of the property (attached). Bart Catlett, representative for the owner, 502 North Mulberry, Elizabethtown, provided testimony and answered questions from the Board Members and staff. At 6:00 p.m. the Hearing Officer closed the hearing. Base upon the testimony given Mr. Catlett asked to have the request for a Variance be withdrawn.

Vice Chairman Holman called for consideration and action on the **Minutes** of the 4 March 2010 meeting. Member Goodin made a motion to approve the minutes as presented. Member Holman provided the second. Motion passed unanimously.

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Director Hunsinger reported on and provided some of the information presented in the **Annual Report for 2009** produced by the staff of the Planning Commission and Board of Adjustment. The annual report presents details on some of the functions and activities of the Board of Adjustment such as the number of Variances and Conditional Use Permits issued as well as Single Family Dwellings in Hardin County and other surrounding counties.

In celebration of the successful completion of 250 meetings of the Board of Adjustment, Director Hunsinger presented a listing of past Board members and photographs of memorable applications that have been reviewed by the Board.

**THE FOLLOWING DEVELOPMENT PLANS HAVE BEEN APPROVED**

DATE	DEVELOPMENT PLAN	PROJECT	ACCESS ROAD
15-Feb-10	Elite HVAC Services, LLC	Professional Office	South Dixie Highway (US-31W)
	<b>Since Last Meeting</b>	1	
	<b>2010 Total</b>	2	

**THE FOLLOWING SITE PLANS HAVE BEEN APPROVED**

DATE	SITE PLAN	OWNER	ACCESS ROAD
	<b>Since Last Meeting</b>	0	
	<b>2010 Total</b>	4	

**THE FOLLOWING SUBDIVISIONS HAVE BEEN APPROVED AND RECORDED**

FP RECORDED	SUBDIVISION NAME	LOTS	ACCESS ROAD
18-Feb-10	Miniard Acres	2	Kraft Road
19-Feb-10	Stoneridge Subdivision Section, Lots 33 & 34	0	Battle Training Road (KY 434)
	<b>SINCE LAST MEETING</b>	2	
	<b>2010 TOTAL</b>	11	

Vice Chairman Holman announced that the next Board meeting is scheduled for Thursday, 8 April 2010, and declared the meeting adjourned at 6:45 p.m.

**ADOPTED AND APPROVED THIS 8<sup>th</sup> DAY OF April 2010 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.**

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Brent Goodin, Secretary

## Hardin County Board of Adjustment

Minutes: 4 March 2010

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Vice Chairman Jack Holman called to order the two hundredth and fiftieth meeting of the Hardin County Board of Adjustment at 5:00 p.m. on Thursday, 4 March 2010, in the R.R. Thomas Meeting Room on the second floor of the R.R. Thomas County Government Building. In addition to Vice Chairman Holman Brent Goodin (Secretary) was in attendance. Also in attendance were Director Chris Hunsinger, Senior Planner Wesley Wright, Planner Adam King, Planning Assistant Sandra Martinez, County Engineer Vicki Brackett, P.E. and the individuals listed on the attached sign-in sheet. Bob Krausman (Chairman) was not present and County Attorney Steve Bland, legal counsel for the Board, was not requested to attend the meeting.

At 5:00 p.m. Vice Chairman Holman announced that the first item on the agenda is a request for an Amended Conditional Use Permit to allow the Temporary Accessory Dwelling (28' x 56' manufactured home) located on the property to be considered as a Permanent Accessory Dwelling. The property is a 9.6 acre site with an address of 2968 Middle Creek Road and identified with the PVA Map Number 257-00-00-012.01. The property is owned by **Charles and Devonda Edlin** and is located in the East Hardin Planning Area and is zoned Rural Residential (R-2). Vice Chairman Holman conducted the swearing in ceremony for all individuals in attendance that may provide testimony and appointed Board Member Goodin to serve as the hearing officer. Director Hunsinger reviewed the application and the history of the property and presented exhibits and slides of the property (attached). Charles and Devonda Edlin, the owners, provided testimony and answered questions from the Board Members and staff. At 5:25 p.m. the Hearing Officer closed the hearing. Board Member Goodin stated that this request for the Temporary Accessory Dwelling to become a Permanent Accessory Dwelling as presented did not satisfy the requirements for a Permanent Accessory Dwelling as established in Section 16-22 (A) of the Development Guidance System, Zoning Ordinance 2009:

1. Creation. Constructing a detached accessory dwelling unit on a site with an existing house – the existing Temporary Accessory Dwelling unit is a manufactured home and not an onsite constructed dwelling.
5. Maximum size. The size of the accessory dwelling may be no more than 50% of the living area of the house or 900 square feet, whichever is less - the existing Temporary Accessory Dwelling exceeds the maximum size.
8. Exterior finish materials. The exterior finish material must be the same or visually match in type, size and placement of the exterior finish material of the house – the existing Temporary Accessory Dwelling does not visually match the exterior finish of the principal dwelling.

Member Holman provided the second. Motion passed unanimously.

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At 5:25 p.m. Vice Chairman Holman appointed Board Member Goodin to serve as the hearing officer. This request is for a Variance from the front and side building setback lines to accommodate an existing accessory structure (18' x 21'). The request is for a 0.689 acre site located at 286 Mount Zion Road and being Lot 13 & 14 of Pfeiffer Estates Subdivision, Section 1. The property is in the North Urban Planning Area, is zoned Urban Residential Zone (R-1) and is identified with the PVA Map Number 200-10-00-006. The property is owned by **Jenny Scott**. Director Hunsinger reviewed the application and the history of the property and presented exhibits and slides of the property (attached). Jenny Scott, the owner, provided testimony and answered questions from the Board Members and staff. Kelly Scott of 286 Mt. Zion Road, Elizabethtown provided testimony and answered questions from the Board Members and staff. No additional testimony was presented. At 5:45 p.m. the Hearing Officer closed the hearing. Board Member Goodin stated that this variance request arising from circumstances that are the result of willful violations by the applicant including the failure of obtaining a Building Permit, the accessory structure is not in character with the structures in the general vicinity, no special circumstances were identified to support the request and therefore the request should be denied and that the existing accessory structure (18' x 21') shall be removed no later than 4 June 2010. Member Holman provided the second. Motion passed unanimously.

At 5:50 p.m. Vice Chairman Holman appointed Board Member Goodin to serve as the hearing officer. This request is for a Variance from the front building setback line to accommodate proposed dwellings on Lots 1-4 of Laverne Acres Subdivision (12.053 acres) located on the west side of Salt River Road (KY 920). The property is in the Rural Residential Zone (R-2) in the West Hardin Planning Area and is identified with the PVA Map Number 041-00-00-006. The property is owned by **Doug Reed**. Director Hunsinger reviewed the application and the history of the property and presented exhibits and slides of the property. Doug Reed, the owner, provided testimony and answered questions from the Board Members and staff. Darren Clemons, surveyor for the owner and an employee with Clemons Engineering & Land Surveying, 502 North Mulberry, Elizabethtown, provided testimony and answered questions from the Board Members and staff. Board Member Goodin requested that the hearing be continued so members could visit the site. Director Hunsinger announced that the Hearing would be continued to the Board meeting scheduled for Thursday, 18 March 2010, at 5:00 p.m. in the R.R. Thomas Meeting Room on the second floor of the R.R. Thomas County Government Building.

## Hardin County Board of Adjustment

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At 6:15 p.m. Vice Chairman Holman appointed Board Member Goodin to serve as the hearing officer. This request is a continuance of a hearing for a Revised Conditional Use Permit to continue to allow a Temporary Accessory Dwelling (16' x 80') to remain on the property. The request is for Lot 2 of TK Manor Subdivision which is an 8.6 acre site located at 7671 Hardinsburg Road and identified with the PVA Map Number 068-00-00-051.01. The property is owned by **Terry and Kathy Barnes** and is located in the Natural Resources Planning Area and is zoned Rural Residential (R-2). Director Hunsinger reviewed the application and the history of the property and presented exhibits and slides of the property (attached). Terry Barnes, the owner, provided testimony and answered questions from the Board Members and staff. No additional testimony was presented. At 6:20 p.m. the Hearing Officer closed the hearing. Board Member Goodin 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 Goodin made the motion to grant the Revised Conditional Use Permit (CUP) with the following conditions:

1. The Temporary Accessory Dwelling shall be a temporary use for no longer than two years starting on 4 March 2010 and the Temporary Accessory Dwelling must be removed from the property by 4 March 2012.

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2. The Temporary Accessory Dwelling shall contain a minimum of 1,280 square feet of living space which exceeds the minimum dwelling size of 948 square feet as established on the subdivision plat but is less than the Local Average Square Foot Standard of 1,295 square feet as calculated in 2010.
3. The Temporary Accessory Dwelling is for a "family circumstance" situation and shall only be occupied by the owner's son, Jared Barnes and his immediate family.
4. The Temporary Accessory Dwelling shall not be available to the public for rent.
5. Upon the vacancy of the Temporary Accessory Dwelling, it must be removed from the property within six (6) months.
6. This Temporary Accessory Dwelling shall have a sewerage system (septic tank and lateral lines) approved by the Hardin County Health Center.
7. The Temporary Accessory Dwelling shall be placed on the property as illustrated on the approved Site Plan.
8. This Conditional Use Permit shall be issued to the current property owner, Terry and Kathy Barnes, and shall expire when the property is transferred and not be transferable to another property owner.
9. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.
10. The skirting on the manufactured home must be maintained.
11. An Amended Subdivision Plat shall not be required.

Member Holman provided the second. Motion passed unanimously.

At 6:20 p.m. Vice Chairman Holman appointed Board Member Goodin to serve as the hearing officer. This request is a continuance of a hearing for a Variance from the front building setback line to accommodate a proposed three sided addition (16' x 35') to be constructed to an existing detached garage (30' x 32'). The request is for property located at 4311 Rineyville Road, Elizabethtown which is a  $\pm$  5 acre site located on the west side of Rineyville Road with access from an unnamed road with a Road Maintenance Agreement (Deed Book 556 Page 6). The property is in an Urban Residential Zone (R-1) in the West Urban Planning Area and is identified with the PVA Map Number 165-00-00-001.02. The property is owned by **Terry and Karen Herbert**. Director Hunsinger reviewed the application and the history of the property and presented exhibits and slides of the property (attached). Terry and Karen Herbert, the owners, provided testimony and answered questions from the Board Members and staff. No additional testimony was presented. At 6:25 p.m. the Hearing Officer closed the hearing.

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Board Member Goodin stated that this request for variance would alter the essential character of the general vicinity and no special circumstances were identified; therefore the request should be denied. Member Holman provided the second. The motion passed unanimously.

At 6:25 p.m. Vice Chairman Holman appointed Board Member Goodin to serve as the hearing officer. This request is a continuance of a hearing for a Conditional Use Permit for a "family circumstance" involving the operation of a family farm and the need to place a "Temporary Accessory Dwelling" on a 47 acre property located on the west side of Upper Colesburg Road with an address of 521 Upper Colesburg Road and identified with the PVA Map Number 253-00-00-015. The property is located in a Rural Residential Zone (R-2) in the East Urban Planning Area and is owned by **Margie Mullins**. Director Hunsinger reviewed the application and the history of the property and presented exhibits and slides of the property (attached). Trish and Bill Mullins, applicants, provided information on a new proposed location for the dwelling and answered questions from the Board Members and staff. No additional testimony was presented. At 6:35 p.m. the Hearing Officer closed the hearing. Board Member Goodin 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;
- 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 Goodin made the motion to grant the Conditional Use Permit (CUP) with the following conditions:

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1. The Temporary Accessory Dwelling shall be a temporary use for not longer than five years starting on 4 March 2010 and the Temporary Accessory Dwelling must be removed from the property by 4 March 2015.
2. The Temporary Accessory Dwelling is for a “family circumstance” and shall only be occupied by Bill and Trish Mullins and their immediate family.
3. The Temporary Accessory Dwelling shall not be available to the public for rent.
4. The Temporary Accessory Dwelling shall have a sewerage system approved by the Hardin County Health Department.
5. All construction activities on this site shall conform to the provisions of the Kentucky Building Code.
6. If the Temporary Accessory dwelling is vacated it must be removed from the property within six (6) months.
7. This Permit shall be issued to the current property owner, and shall expire if the property is transferred and is not transferable to another property owner.
8. A Subdivision Plat shall not be required.
9. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.
10. No new driveways shall be permitted and the existing driveway must be a shared driveway.
11. The skirting on the manufactured home must be maintained.
12. The Temporary Accessory Dwelling shall be a 32’ x 56’ manufactured home (1,792 square feet) which is greater than the house (1,566 square feet)

Member Holman provided the second. Motion passed unanimously.

Vice Chairman Holman called for consideration and action on the **Minutes** of the 18 February 2010 meeting. Member Goodin made a motion to approve the minutes as presented. Member Holman provided the second. Motion passed unanimously.

**THE FOLLOWING DEVELOPMENT PLANS HAVE BEEN APPROVED**

DATE	DEVELOPMENT PLAN	PROJECT	ACCESS ROAD
15-Feb-10	Elite HVAC Services, LLC	Professional Office	South Dixie Highway (US-31W)
	<b>Since Last Meeting</b>	1	
	<b>2010 Total</b>	2	

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**THE FOLLOWING SITE PLANS HAVE BEEN APPROVED**

DATE	SITE PLAN	OWNER	ACCESS ROAD
	<b>Since Last Meeting</b>	0	
	<b>2010 Total</b>	4	

**THE FOLLOWING SUBDIVISIONS HAVE BEEN APPROVED AND RECORDED**

FP RECORDED	SUBDIVISION NAME	LOTS	ACCESS ROAD
18-Feb-10	Miniard Acres	2	Kraft Road
19-Feb-10	Stoneridge Subdivision Section, Lots 33 & 34	0	Battle Training Road (KY 434)
	<b>SINCE LAST MEETING</b>	2	
	<b>2010 TOTAL</b>	11	

Vice Chairman Holman announced that the next Board meeting is scheduled for Thursday, 18 March 2010, and declared the meeting adjourned at 6:40 p.m.

**ADOPTED AND APPROVED THIS 18<sup>th</sup> DAY OF March 2010 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.**

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Brent Goodin, Secretary

## **Hardin County Board of Adjustment**

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Chairman Bob Krausman called to order the two hundredth and forty ninth meeting of the Hardin County Board of Adjustment at 5:10 p.m. on Thursday, 18 February 2010, in the R.R. Thomas Meeting Room on the second floor of the R.R. Thomas County Government Building. In addition to Chairman Krausman, Board Members Jack Holman (Vice-Chairman) and Brent Goodin (Secretary) were in attendance. Also in attendance were Director Chris Hunsinger, Senior Planner Wesley Wright, Administrative Assistant Pamela Mink, County Engineer Vicki Brackett, P.E. and the individuals listed on the attached sign-in sheet. Planner Adam King and Planning Assistant Sandra Martinez were not present and County Attorney Steve Bland, legal counsel for the Board, was not requested to attend the meeting.

At 5:10 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. This request is for a Variance from the front building setback line to accommodate a proposed three sided addition (16' x 35') to be constructed to an existing detached garage (30' x 32'). The request is for property located at 4311 Rineyville Road, Elizabethtown which is a  $\pm$  5 acre site located on the west side of Rineyville Road with access from an unnamed road with a Road Maintenance Agreement (Deed Book 556 Page 6). The property is in an Urban Residential Zone (R-1) in the West Urban Planning Area and is identified with the PVA Map Number 165-00-00-001.02. The property is owned by **Terry and Karen Herbert**. Hearing Officer Holman conducted the swearing in ceremony for all individuals in attendance that may provide testimony. Director Hunsinger reviewed the application and the history of the property and presented exhibits and slides of the property. Terry and Karen Herbert, the owners, provided testimony, submitted pictures which were entered into the record as Exhibit I and answered questions from the Board Members and staff. No additional testimony was presented. Board Member Goodin requested that the hearing be continued so members could visit the site. Chairman Krausman announced that the Hearing would be continued to the Board meeting scheduled for Thursday, 4 March 2010, at 5:00 p.m. in the R.R. Thomas Meeting Room on the second floor of the R.R. Thomas County Government Building.

At 5:37 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. This request is for a Conditional Use Permit to operate a "recreational enterprise" with retail sales (Duke's Tack shop) located on a 25 acre site on the east side of Leitchfield Road (US 62) with an address of 12115 Leitchfield Road, Cecilia and identified with the PVA Map Number 106-00-00-054.01. The property is located in a Rural Residential Zone (R-2) in the Natural Resource Planning Area and is owned by **Doug Ray**. Hearing Officer Holman conducted the swearing in ceremony for all individuals in attendance that may provide testimony.

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Director Hunsinger reviewed the application and the history of the property and presented exhibits and slides of the property (attached). Doug Ray, the owner, provided testimony and answered questions from the Board Members and staff. At 5:57 p.m. the Hearing Officer closed the hearing. Board Member Goodin 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;
- 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 Goodin made the motion to grant the Conditional Use Permit (CUP) with the following conditions:

1. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.
2. An approximate 5 acre portion of the property shall be illustrated on the Site Plan. Any changes, additions or expansions to the Site Plan shall require a Revised Conditional Use Permit and an Amended Site Plan.
3. An Encroachment Permit shall be required from the Kentucky Transportation Cabinet.
4. Adequate on site parking must be designated on an approved Site Plan for Customers - along with a gravel area to turn around vehicles.
5. The Hours of Operation shall be 8 a.m. – 8 p.m. Monday – Saturday.
6. A “Change of Use” Building Permit shall be required for the Accessory Structure to be in compliance with the Kentucky Building Code.

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7. This Conditional Use permit is not transferable and the new owners must reapply for the Conditional Use Permit and meet the necessary requirements.

Member Holman provided the second. Motion passed unanimously.

At 6:00 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. This request is for a Conditional Use Permit to construct a "Permanent Accessory Dwelling" located on Lot 6B of Cedar Creek Farms (33 acres) with an address of 221 Cedar Creek Drive and identified with the PVA Map Number 229-00-00-001. The property is owned by **Patricia and Lesley Hester** and is located in a Residential Estate Zone (R-3) in the Kentucky 313 Corridor Planning Area. Hearing Officer Holman conducted the swearing in ceremony for all individuals in attendance that may provide testimony. Director Hunsinger reviewed the application and the history of the property and presented exhibits and slides of the property (attached). Patricia and Lesley Hester, the owners, provided testimony and answered questions from the Board Members and staff. Alice Moss of 125 Glendover Drive and Mike Billings of Engineer Design Group also provided testimony and answered questions from the Board Members and staff. At 6:36 p.m. the Hearing Officer closed the hearing. Board Member Goodin 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 is as follows:

- The use shall not tend to change the character and established pattern of development of the area of the proposed use;
- The use shall be in harmony with the uses permitted by right under the Zone in question and shall 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 accordance with the purposes of the Zoning Ordinance and the Comprehensive Plan.

## **Hardin County Board of Adjustment**

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According to provisions of the Kentucky Revised Statutes, the Hardin County Development Guidance System, and the proceedings before the Board of Adjustment, Board Member Goodin made the motion to grant a Conditional Use Permit (CUP) based on the following findings: the large size of the property provides adequate area and distance from the existing dwelling and property lines for the proposed size of the Permanent Accessory Dwelling and maintains the very low density of the R-3 Zone, the location of the proposed Permanent Accessory Dwelling is behind the existing dwelling with limited visibility from the public right-of-way and adjacent properties allowing the size of the proposed dwelling to maintain the character of the area, the size of the property complies with the restrictive density standards of the R-3 Zone to create a subdivision lot but the property has limited road frontage not allowing the creation of a subdivision lot and the access road does not qualify for a subdivision street to be developed. Board Member Goodin stated that the following conditions be imposed:

1. The property owners, Patricia and Lesley Hester, must occupy either the Principal Dwelling or the Permanent Accessory Dwelling as their principal residence and at no time receive rent for the owner-occupied unit.
2. Adequate on site parking must be designated on an approved Site Plan.
3. A shared driveway shall be required.
4. The Permanent Accessory Dwelling may contain a maximum of 1,096 square feet of living space.
5. The Permanent Accessory Dwelling shall be located in the rear yard and shall be located as illustrated on the approved Site Plan and in accordance with building setback lines.
6. The exterior finish materials of the Permanent Accessory Dwelling must be the same or visually match the principal residence in type, size and placement.
7. The Permanent Accessory Dwelling shall have a sewerage system approved by the Environmental Services Office of the Hardin County Health Department.
8. This Conditional Use Permit is not transferable and the new owners must reapply for the Conditional Use Permit and meet the necessary requirements.
9. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.

Member Holman provided the second. Motion passed unanimously.

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At 6:40 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. This request is for a Conditional Use Permit for a “family circumstance” involving the operation of a family farm and the need to place a “Temporary Accessory Dwelling” on a 47 acre property located on the west side of Upper Colesburg Road with an address of 521 Upper Colesburg Road and identified with the PVA Map Number 253-00-00-015. The property is located in a Rural Residential Zone (R-2) in the East Urban Planning Area and is owned by **Margie Mullins**. Hearing Officer Holman conducted the swearing in ceremony for all individuals in attendance that may provide testimony. Director Hunsinger reviewed the application and the history of the property and presented exhibits and slides of the property. Trish and Bill Mullins, applicants, provided testimony and answered questions from the Board Members and staff. Alice Moss of 125 Glendover Drive, Etzel and Gary Stopher of 80 Glendover Drive provided testimony and answered questions from the Board Members and staff. At 7:23 p.m. the Hearing Officer closed the hearing. Board Member Goodin requested that the hearing be continued so the Board members could conduct a site visit. Chairman Krausman announced that the hearing would be continued to the Board meeting scheduled for Thursday, 4 March 2010, at 5:00 p.m. in the R.R. Thomas Meeting Room on the second floor of the R.R. Thomas County Government Building.

At 7:25 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. This request is for a Conditional Use Permit to operate an “Automotive Sales” business located at 5679 North Dixie Highway and identified with the PVA Map Number 182-40-00-029. The property is located in a General commercial Zone (C-2) in the North Dixie Corridor Planning Area and is owned by **James and Elizabeth Cutts**. Hearing Officer Holman conducted the swearing in ceremony for all individuals in attendance that may provide testimony. Director Hunsinger reviewed the application and the history of the property and presented exhibits and slides of the property (attached). Robert King of 464 East Eagle Pass Road, Phillip Bewley of 776 upper Colesburg Road., Mike Billings of Engineer Design Group, surveyor, and James Cutts, owner, provided testimony and answered questions from the Board Members and staff. At 7:38 p.m. the Hearing Officer closed the hearing. Board Member Goodin 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 is as follows:

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

## Hardin County Board of Adjustment

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- The use shall be in harmony with the uses permitted by right under the Zone in question and shall 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 accordance with the purposes of the Zoning Ordinance and the Comprehensive Plan.

According to provisions of the Kentucky Revised Statutes, the Hardin County Development Guidance System, and the proceedings before the Board of Adjustment, Board Member Goodin made the motion to grant the Conditional Use Permit (CUP) with the following conditions:

1. The Conditional Use shall comply with all applicable standards of the Zoning Ordinance, including the parking, landscape, lighting and signage regulations.
2. A maximum of sixty (60) vehicles may be located on the property at any time. This includes display, employee and customer vehicles.
3. The hours of operation shall be Monday – Saturday 8 a.m. to 8 p.m. with no business activities occurring on Sundays.
4. Only routine maintenance (no mechanical or body repair work) may be performed on the vehicles on this site.
5. Non-running or wrecked vehicles are not to be parked on the property.

Member Holman provided the second. Motion passed unanimously.

Chairman Krausman called for consideration and action on the **Minutes** of the 4 February 2010 meeting. Member Holman made a motion to approve the minutes as presented. Member Goodin provided the second. Motion passed unanimously.

**Hardin County Board of Adjustment**  
 Minutes: 18 February 2010  
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The following items are for information only and do not require Board action:

**THE FOLLOWING DEVELOPMENT PLANS HAVE BEEN APPROVED**

DATE	DEVELOPMENT PLAN	PROJECT	ACCESS ROAD
	<b>Since Last Meeting</b>	0	
	<b>2010 Total</b>	1	

**THE FOLLOWING SITE PLANS HAVE BEEN APPROVED**

DATE	SITE PLAN	OWNER	ACCESS ROAD
	<b>Since Last Meeting</b>	0	
	<b>2010 Total</b>	4	

**THE FOLLOWING SUBDIVISIONS HAVE BEEN APPROVED AND RECORDED**

FP RECORDED	SUBDIVISION NAME	LOTS	ACCESS ROAD
01-Feb-10	Lakewood Subdivision Section 7, Lot 710	1	Hackberry Road
	<b>SINCE LAST MEETING</b>	1	
	<b>2010 TOTAL</b>	9	

Chairman Krausman announced that the next Board meeting is scheduled for Thursday, 4 March 2010, and declared the meeting adjourned at 7:42 p.m.

**ADOPTED AND APPROVED THIS 4<sup>th</sup> DAY OF March 2010 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.**

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 Brent Goodin, Secretary

## Hardin County Board of Adjustment

Minutes: 4 February 2010

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Chairman Bob Krausman called to order the two hundredth and forty eighth meeting of the Hardin County Board of Adjustment at 5:05 p.m. on Thursday, 4 February 2010, in the R.R. Thomas Meeting Room on the second floor of the R.R. Thomas County Government Building. In addition to Chairman Krausman, Board Members Jack Holman (Vice-Chairman) and Brent Goodin (Secretary) were in attendance. Also in attendance were Director Chris Hunsinger, Senior Planner Wesley Wright, Planner Adam King, Planning Assistant Sandra Martinez, and the individual listed on the attached sign-in sheet. County Engineer Vicki Brackett, P.E. was not present and County Attorney Steve Bland, 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. This request is for a Revised Conditional Use Permit to continue to allow a temporary accessory dwelling (16' x 80') to remain on the property. The request is for Lot 2 of TK Manor Subdivision which is an 8.6 acre site located at 7671 Hardinsburg Road and identified with the PVA Map Number 068-00-00-051.01. The property is owned by **Terry and Kathy Barnes**. Hearing Officer Holman conducted the swearing in ceremony for all individuals in attendance that may provide testimony. Director Hunsinger reviewed the application and the history of the property and presented exhibits and slides of the property. The Hearing Officer announced that the applicant or a representative was not in attendance. Board Member Goodin requested that the hearing be continued to the Board meeting scheduled for Thursday, 4 March 2010, at 5:00 p.m. in the R.R. Thomas Meeting Room on the second floor of the R.R. Thomas County Government Building so testimony could be presented by the applicant and questions from the Board members and staff could be answered.

Chairman Krausman called for consideration and action on the **Minutes** of the 21 January 2010 meeting. Director Hunsinger requested that the minutes be amended to remove the lot size of proposed Lot 2 of Papaw Owens Homestead because the owner is having the property resurveyed to increase the lot size. Member Goodin made a motion to approve the minutes with the amendment. Member Holman provided the second. Motion passed unanimously.

The following items are for information only and do not require Board action:

**Hardin County Board of Adjustment**  
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**THE FOLLOWING DEVELOPMENT PLANS HAVE BEEN APPROVED**

DATE	DEVELOPMENT PLAN	PROJECT	ACCESS ROAD
12-Jan-10	Sugar Mill Properties	A Meat Market and Accent Homes Real Estate Office	North Dixie Avenue (US-31W)
	<b>Since Last Meeting</b>	1	
	<b>2010 Total</b>	1	

**THE FOLLOWING SITE PLANS HAVE BEEN APPROVED**

DATE	SITE PLAN	OWNER	ACCESS ROAD
21-Jan-10	Kennel - St Gertrude's Cottage	Gloria & Leland Brown	Bardstown Road (Us 62)
25-Jan-10	Storage Room Addition	Sportsman Lake Club	Lake Shore Drive
25-Jan-10	Accessory Building	Thomas and Sabine Salo	Deckard School Road
26-Jan-10	Garage	Lucas Sullenbarger	James Duvall Lane
	<b>Since Last Meeting</b>	4	
	<b>2010 Total</b>	4	

**THE FOLLOWING SUBDIVISIONS HAVE BEEN APPROVED AND RECORDED**

FP RECORDED	SUBDIVISION NAME	LOTS	ACCESS ROAD
19-Jan-10	Cottonwood Estates Section 2, Lots 61, 62, 63, 69 & 70	5	Thompson Road
20-Jan-10	Nolin River Subdivision Section 2, Lot 11C	1	Riverside Lane
20-Jan-10	Rebecca Rose Farm, Lots 1 & 2	0	Salt River Road (KY 920)
22-Jan-10	Yumon Hart View	5	Summit – Eastview Road
26-Jan-10	Beckley Woods, Lots 38-40, 48-50, 63, 65 & 66	-6	New Glendale Road (KY 1136)
	<b>SINCE LAST MEETING</b>	5	
	<b>2010 TOTAL</b>	8	

Chairman Krausman announced that the next Board meeting is scheduled for Thursday, 18 February 2010, and declared the meeting adjourned at 5:25 p.m.

**ADOPTED AND APPROVED THIS 18<sup>th</sup> DAY OF FEBRUARY 2010 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.**

\_\_\_\_\_  
 Brent Goodin, Secretary

## Hardin County Board of Adjustment

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Chairman Bob Krausman called to order the two hundredth and forty seventh meeting of the Hardin County Board of Adjustment at 5:00 p.m. on Thursday, 21 January 2010, in the R.R. Thomas Meeting Room on the second floor of the R.R. Thomas County Government Building. In addition to Chairman Krausman, Board Members Jack Holman (Vice-Chairman) and Brent Goodin (Secretary) were in attendance. Also in attendance were Director Chris Hunsinger, Senior Planner Wesley Wright, Planner Adam King, Planning Assistant Sandra Martinez, County Engineer Vicki Brackett, P.E. and the individuals listed on the attached sign-in sheet. County Attorney Steve Bland, legal counsel for the Board, was not requested to attend the meeting.

At 5:00 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. This request is for a Conditional Use Permit to allow an accessory structure (30' x 40') without a dwelling on the property. The request is for proposed Lot 2 of Papaw Owens Homestead Subdivision which is part of a parent tract approximately 36 acres located at 729 Red Hill Road and identified with the PVA Map Number 139-10-01-005. The property is owned by **Charles and Mary Armstrong**. Hearing Officer Holman conducted the swearing in ceremony for all individuals in attendance that may provide testimony. Director Hunsinger reviewed the application and the history of the property and presented exhibits and slides of the property (attached). Mark Skees of 120 S. Lorraine Street, the applicant, provided testimony and answered questions from the Board Members and staff. Mary Armstrong of 729 Red Hill Road, the owner, provided testimony and answered questions from the Board Members and staff. At 5:30 p.m. the Hearing Officer closed the hearing. Board Member Goodin 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 is 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,

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- 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 Goodin made the motion to grant the Conditional Use Permit (CUP) with the following conditions:

1. The proposed Accessory Structure may be built prior to the construction of the principal use (dwelling).
2. No other Accessory Structures shall be built prior to the construction of the dwelling.
3. The proposed Accessory Structure (40' x 30' pole barn) shall be no larger than 1,200 square feet.
4. The dwelling constructed on site must exceed 1,200 square feet.
5. A "Change of Use" Building Permit, from agriculture to residential storage, shall be required for the Accessory Structure in compliance with the Kentucky Building Code.
6. An Encroachment Permit from the County Road Department shall be required.
7. The proposed Accessory Structure shall be placed on the property as illustrated on the approved Site Plan and in accordance with the building setback lines established for the designated zone.
8. A minimum of five (5) landscape shrubs must be planted for visual screening between the building and Red Hill Road.
9. The Site Plan shall illustrate the location of the proposed dwelling and septic system.
10. An approved on-site soil evaluation shall be obtained from the Hardin County Environmental Services for the location of the proposed septic system for the site.
11. The Subdivision Plat shall be substituted for a Site Plan.
12. A Certificate of Land Use Restriction shall be recorded in the Office of the Hardin County Clerk.
13. A Certificate of Occupancy must be obtained for the proposed dwelling within 3 years (21 January 2013).

Member Holman provided the second. Motion passed unanimously.

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At 5:30 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. This request is for an Amended Conditional Use Permit to continue to allow a temporary accessory dwelling (28' x 76' manufactured home) to remain on the property. The request is for a 5.75 acre site located on the south side of Bethlehem Academy Road (KY 253) and being Lot 7 of Cowherd Estates, Section 1 and identified with the PVA Map Number 124-00-00-024.06. The property is owned by **Mack and Lola Morgan**. Hearing Officer Holman conducted the swearing in ceremony for all individuals in attendance that may provide testimony. Director Hunsinger reviewed the application and the history of the property, presented exhibits and slides of the property (attached). Mack Morgan, the owner, provided testimony and answered questions from the Board Members and staff. Eddie Bunnell of 1825 Bethlehem Academy Road, spoke in opposition of the request. At 6:05 p.m. the Hearing Officer closed the hearing. Board Member Goodin 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 is 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 Goodin made the motion to grant the Conditional Use Permit (CUP) with the following conditions:

1. The temporary accessory dwelling shall be a temporary use for not longer than 2.5 years from 23 JUNE 2010 to 23 DECEMBER 2012.
2. The temporary accessory dwelling is for a "caregiver" situation and shall only be occupied by owners' daughter Kimberly Morgan, her husband, and their immediate family.

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3. The temporary accessory dwelling shall not be available to the public for rent.
4. The temporary accessory dwelling shall have a sewerage system approved by the Hardin County Health Department.
5. All construction activities on this site shall conform to the provisions of the Kentucky Building Code.
6. If the temporary accessory dwelling is vacated it must be removed from the property within six (6) months.
7. This Conditional Use Permit shall be issued to the current property owner, and shall expire if the property is transferred and is not transferable to another property owner.
8. An Amended Subdivision Plat shall not be required.
9. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.
10. No new driveways shall be permitted. The existing driveway must be a shared driveway.
11. The skirting on the manufactured home must be maintained.
12. The temporary accessory dwelling shall be a 28' x 76' manufactured home (2,128 square feet) which is greater than the local average square foot standard of 1,513 square feet.

Member Holman provided the second. Motion passed unanimously.

Chairman Krausman called for the presentation of information to be included in the 2009 Annual Report. Director Hunsinger reviewed the slides that will be presented to Fiscal Court which included but not limited to the following information:

- Fewer subdivision plats were submitted for review in 2009 (80) than in 2008 (102) and 2007 (144).
- In 2009, 3 Preliminary Plats were submitted proposing 11 streets and 114 lots.
- As of September 8, 2009 there were 20 Preliminary Plats proposing 430 Lots pending.
- Total Construction Cost of all Building Permits issued in 2009 is \$35,183,007. (2008 is \$32,326,893; 2007 was \$46,898,067)

Chairman Krausman called for consideration and action on the **Minutes** of the 7 January 2010 meeting. Member Goodin made a motion to approve the

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minutes as presented. Member Holman provided the second. Motion passed unanimously.

**THE FOLLOWING DEVELOPMENT PLANS HAVE BEEN APPROVED**

DATE	DEVELOPMENT PLAN	PROJECT	ACCESS ROAD
	<b>Since Last Meeting</b>	0	
	<b>2010 Total</b>	0	

**THE FOLLOWING SITE PLANS HAVE BEEN APPROVED**

DATE	SITE PLAN	OWNER	ACCESS ROAD
2-Nov-09	Temporary Accessory Dwelling	Charles Sherrard	Red Mill Road
3-Nov-09	Accessory Structure	Robert Davis	Sonora Hardin Spring Rd (KY 84)
3-Nov-09	Accessory Structure in C-1 Zone	Ghassem Oshrieh	Leitchfield Rd (US 62)
16-Dec-09	Temporary Accessory Dwelling	Becker, Dominique, Hancock	Sonora Hardin Spring Rd (KY 84)
	<b>Since Last Meeting</b>	4	
	<b>2009 Total</b>	4	

**THE FOLLOWING SUBDIVISIONS HAVE BEEN APPROVED AND RECORDED**

FP RECORDED	SUBDIVISION NAME	LOTS	ACCESS ROAD
04-Jan-10	Cottrell Estates	3	Upton Millerstown Rd (KY 224)
	<b>SINCE LAST MEETING</b>	3	
	<b>2010 TOTAL</b>	3	

Chairman Krausman announced that the next Board meeting is scheduled for Thursday, 4 February 2010, and declared the meeting adjourned at 6:30 p.m.

**ADOPTED AND APPROVED THIS 4<sup>th</sup> DAY OF FEBRUARY 2010 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.**

\_\_\_\_\_  
Brent Goodin, Secretary

## Hardin County Board of Adjustment

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Chairman Bob Krausman called to order the two hundredth and forty sixth meeting of the Hardin County Board of Adjustment at 5:00 p.m. on Thursday, 7 January 2010, in the R.R. Thomas Meeting Room on the second floor of the R.R. Thomas County Government Building. In addition to Chairman Krausman, Board Members Jack Holman (Vice-Chairman) and Brent Goodin (Secretary) were in attendance. Also in attendance were Director Chris Hunsinger, Senior Planner Wesley Wright, Planner Adam King, Planning Assistant Sandra Martinez and the individuals listed on the attached sign-in sheet. County Engineer Vicki Brackett, P.E. was not present. County Attorney Steve Bland, legal counsel for the Board, was not requested to attend the meeting.

At 5:00 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. This request is for a Variance for relief from the 70' front building setback line to accommodate a proposed attached garage (24'x 24'). The request is for a 3.019 acre tract located on the east side of James Duvall Lane and being Lot 1 of Vernie Acres Subdivision with an address of 188 James Duvall Lane. The PVA Map Number is 084-00-00-035. The property is owned by **Lucas Sullenbarger**. Hearing Officer Holman conducted the swearing in ceremony for all individuals in attendance that may provide testimony. Director Hunsinger reviewed the application and the history of the property and presented exhibits (Powerpoint presentation attached). Lucas Sullenbarger of 188 James Duvall Lane, the owner, provided testimony and answered questions from the Board Members. With no additional testimony from the audience, at 5:10 p.m. the Hearing Officer closed the hearing. Board Member Goodin made a motion to grant the requested variance because the proposed garage will be attached to an existing dwelling that is a pre-existing nonconforming structure, the property is located on a dead end road with only approximately seven residences generating little traffic, the road has a posted speed limit of 25 miles per hour and the front yard and dwelling are elevated from the road therefore the proposal does not create any safety issues, that the existing septic system, water well and a mature tree does not allow for the placement of the attached garage to the rear of the existing dwelling and the request will not alter the essential character of the general vicinity and will not cause a hazard or nuisance to the public. This request does satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243 and DGS 5-3(B). Findings necessary for granting variances) which is as follow:

- The strict application of the provision of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant;

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The following variance was granted with the noted conditions:

- The VARIANCE will allow for the proposed garage to be no closer than 52' from the front property line as illustrated on the Site Plan. All future structures or additions must comply with building setback lines.
- An amended Subdivision Plat shall not be required.
- A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Member Holman provided the second. Motion passed unanimously.

At 5:10 p.m. Chairman Krausman appointed Board Member Goodin to serve as the hearing officer. This request is for a Variance for an "accessory" structure that is not subordinate in scale to the principal structure. (DGS Section 17-3. 5.) The request is for a 6.316 acre tract located at 4199 Deckard School Road and being Lot 7B of Coleman Subdivision. The PVA Map Numbers are 141-30-01-007 and 141-30-01-008. The property is owned by **Thomas and Sabine Salo**. The swearing in ceremony for all individuals who may provide testimony was accomplished during the previous hearing. Director Hunsinger reviewed the application and the history of the property and presented exhibits (Powerpoint presentation attached). Thomas Salo of 4199 Deckard School Road, the owner, provided testimony and answered questions from the Board Members. Robert Lynch of 342 Burns Road, Vine Grove, KY spoke in favor of the request. Mark Caines of 4089 Deckard School Road, Radcliff presented questions and concerns regarding the use of the building, the number of dogs housed in the building, electric, water and septic for the building, possible storm water and septic system run-off issues, ground cover and buffering and the number of vehicles on the property. Adrain Ray of 214 Villa Ray Drive, Radcliff presented questions and concerns regarding the height of the building, the visibility of the accessory structure from Deckard School Road and potential dust caused by the gravel driveway. Jaime Helminick representing his father the owner of property at 142 Burns Road, Vine Grove spoke in regards to screening the property to make the accessory structure less visible from his adjoining property. At 6:05 p.m. the Hearing Officer closed the hearing. Board Member Goodin made a motion to grant the requested variance because of the larger size of the property with the amending of the subdivision plat creating a 6.3 acre lot, the limited visibility of the accessory structure from the public right-of-way and adjoining properties with the existing and proposed screening, the size of existing accessory structures in the vicinity and that the request will not alter the essential character of the general vicinity and will not cause a hazard or nuisance to the public. This request does satisfy the language of the KENTUCKY REVISED

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STATUTES [Section 100.243 and DGS 5-3(B). Findings necessary for granting variances"] which is as follow:

- The strict application of the provision 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:

- The VARIANCE will allow for the construction of the proposed 2,976 square foot accessory structure (62' x 48') which is greater in size than the existing 2,362 square foot dwelling on the property.
- An Encroachment Permit from the Hardin County Road Department for the entrance onto Burns Road shall be required.
- With disturbance of more than one (1) acre, the applicant must meet with the County Engineering Department and comply with the County's Storm Water / Erosion & Sediment Control Ordinance.
- Landscaping in the form of forty (40) five foot tall pine trees shall be planted to reduce the visibility of the building from Burns Road and the adjoining Helminick property as illustrated on the Site Plan.
- The accessory structure must be located on the property as illustrated on the approved Site Plan.
- The accessory structure must be completed with a Certificate of Occupancy issued by 1 May 2010.
- A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Member Holman provided the second. Motion passed unanimously.

At 6:10 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. This request is for a Variance for relief from the 40' front building setback line to accommodate a proposed storage room addition (22' x 20') to the clubhouse. The request is for a 71 acre site located on the east side of Sportsman Lake Road and identified with the PVA Map Number 223-00-0D-047. The property is owned by **Sportsman Lake Club, Inc.** Hearing Officer Holman conducted the swearing in ceremony for all individuals who may provide testimony. Director Hunsinger reviewed the application and the history of the property and presented exhibits (Powerpoint presentation attached). Michael LaFollette, a member of the Sportsman Lake Board and representative of the owners, provided testimony and answered questions from the Board Members

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and staff. With no additional testimony from the public, at 6:20 p.m. the Hearing Officer closed the hearing. Board Member Goodin made a motion to grant the requested variance because the property is located on a street with a speed limit of 20 miles per hour and with the elevation of the structure above the road surface the proposed addition would not create any safety issues and the request will not alter the essential character of the general vicinity and will not cause a hazard or nuisance to the public. This request does satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243 and DGS 5-3 (B.) Findings necessary for granting variances) which is as follow:

- The strict application of the provision 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:

- The VARIANCE will allow for the proposed storage room addition to be no closer than 40' to the edge of pavement of Lake Shore Drive as illustrated on the Site Plan. All future structures or additions must comply with building setback lines.
- A Subdivision Plat shall not be required.
- A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Member Holman provided the second. Motion passed unanimously.

At 6:10 p.m. Chairman Krausman appointed Board Member Goodin to serve as the hearing officer. This request is for a Variance for relief from the 70' front building setback line to accommodate an existing manufactured home (16' x 76'). The request is for a proposed 5.077 acre lot (Lot 4 of Yumon Hart View Subdivision) a portion of the 38.552 acre parent tract site located on the south side of Summit Road and identified with the PVA Map Number 073-00-0D-009. The property is owned by **Randy and Carolyn Hart**. Director Hunsinger reviewed the application and the history of the property and presented exhibits (Powerpoint presentation attached). Randy Hart, the owner, provided testimony and answered questions from the Board Members and staff. With no additional testimony from the public, at 6:40 p.m. the Hearing Officer closed the hearing. Board Member Goodin made a motion to grant the requested variance because the property is located on a dead end road with a speed limit of 25 miles per hour and would not create any safety issues, that the location of the manufactured home was limited by the placement of the septic system and a thirty foot Nolin

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RECC overhead utility line and associated easement and the topography of the property, the character of the parent tract being subdivided with three barns constructed in the 1970's and a dwelling constructed in 1975 that are pre-existing and located within the front building setback line, that the owner agreed to reduce the size of the proposed lot to less than 3 acres therefore requiring only a 40' front building setback line and the request will not alter the essential character of the general vicinity and will not cause a hazard or nuisance to the public. This request does satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243 and DGS 5-3(B). Findings necessary for granting variances) which is as follow:

- The strict application of the provision 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:

- The VARIANCE will allow for the existing manufactured home (16' x 76') to remain on the property as illustrated on the plat on proposed Lot 4 which is to be less than 3 acres to qualify for a 40 foot front building setback. A replacement dwelling and all future structures or additions must comply with building setback lines.
- A Subdivision Plat with a Variance Note shall be required and shall be substituted for the Site Plan.
- A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Member Holman provided the second. Motion passed unanimously.

Chairman Krausman called for consideration and action on the **Minutes** of the 17 December 2009 meeting. Member Holman made a motion to approve the minutes as presented. Member Goodin provided the second. Motion passed unanimously.

The following items are for information only and do not require Board action:

### **ANNUAL REPORT**

**Plats Recorded** – For the year a total of 89 plats have been approved. This is less than the five year average of 129 plats.

**Lots created** – A total of 130 lots have been approved for the year which is less than the five year average of 417 lots.

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**Single Family Building Permits** – For the year a total of 168 permits have been issued, a 7% increase from the 156 permits issued in 2008 and less than the five year average of 306 single-family building permits.

**Building Inspections Requested** – For the year a total of 1,201 building inspections were requested. During the last half of the year, 716 inspections were requested which is a 47% increase over the first half of the year.

Director Hunsinger reported that the number of plats recorded and the number of new lots created were down from the previous year, however the number of Single Family Building Permits and the number of requested inspections were up. This increase made it possible for the two part-time Kentucky Building Code Program employees to return to full-time status.

**THE FOLLOWING DEVELOPMENT PLANS HAVE BEEN APPROVED**

DATE	DEVELOPMENT PLAN	PROJECT	ACCESS ROAD
	<b>Since Last Meeting</b>	0	
	<b>2009 Total</b>	2	

**THE FOLLOWING SITE PLANS HAVE BEEN APPROVED**

DATE	SITE PLAN	OWNER	ACCESS ROAD
16-Dec-09	Temporary Accessory Dwelling	Becker, Domingue, Hancock	Sonora Hardin Springs Rd
	<b>Since Last Meeting</b>	1	
	<b>2009 Total</b>	2	

**THE FOLLOWING SUBDIVISIONS HAVE BEEN APPROVED AND RECORDED**

FP RECORDED	SUBDIVISION NAME	LOTS	ACCESS ROAD
11-Dec-09	Cottonwood Estates Section 1, Lots 27 & 28	0	Thompson Road
15-Dec-09	Jorita, Section 2	2	Knox Avenue (KY 1500)
17-Dec-09	Cottonwood Estates Section 1, Lots 3 & 39	0	Thompson Road
17-Dec-09	Gypsy Land and June Trail	2	Wooden Lane
	<b>SINCE LAST MEETING</b>	4	
	<b>2009 TOTAL</b>	130	

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Chairman Krausman announced that the next Board meeting is scheduled for Thursday, 21<sup>st</sup> January 2010, and declared the meeting adjourned at 7:00 p.m.

**ADOPTED AND APPROVED THIS 21<sup>st</sup> DAY OF JANUARY 2010 BY THE  
HARDIN COUNTY BOARD OF ADJUSTMENT.**

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Brent Goodin, Secretary