

Hardin County Board of Adjustment

Minutes: 17 March 2011

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Chairman Krausman called to order the two hundredth and seventy second meeting of the Hardin County Board of Adjustment at 5:00 p.m. on Thursday, 17 March 2011, in the R.R. Thomas Meeting Room on the second floor of the R.R. Thomas County Government Building. In addition to Chairman Krausman, Vice-Chairman Jack Holman and Secretary Brent Goodin were in attendance. Also in attendance were Director Chris Hunsinger, Planner Adam King Planning Assistant Sandra Martinez, County Engineer Vicki Meredith, P.E. and the individuals listed on the attached sign-in sheet. Senior Planner Wesley Wright was not present and County Attorney Jenny Oldham, 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 operate a home occupation that exceeds the standards – Kitchen Designs. The proposed site is a 0.96 acre tract located in Enchanted Acres Subdivision on North Sunset Avenue. The property address is 164 North Sunset Avenue and is owned by **Barry and Bobbie Jones**. Planner King reviewed the application and exhibits. The owner, Barry Jones, 164 North Sunset Avenue, provided testimony and answered questions from the Board Members and staff. Cedric Jones of 138 North Sunset Avenue and Brenda Skees of 248 Bethlehem Academy Road spoke in favor 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 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 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 and the Comprehensive Development Guide System and the comprehensive Development Guide;

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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) with the following conditions:

1. This Conditional Use Permit to exceed the definition of a Home Occupation shall be good for five years from 17 March 2011 to 17 March 2016.
2. This Conditional Use Permit will allow for the existing Accessory Structure (24'x28' pole barn) to be used for Kitchen Designs Cabinet Shop.
3. A Change of Use Building Permit to commercial shall be required.
4. The hours of operation shall be from 7:00 am to 6:00 pm Monday thru Saturday.
5. The maximum number of employees on site shall be one.
6. Only three vehicles (two trucks and one box trailer) associated with the business activity shall be parked or kept on site and must be parked to the side of the building, not visible from the road.
7. No signage advertising the business shall be permitted.
8. There shall be no outdoor storage of equipment or materials associated with the cabinet business.
9. A Site Plan in compliance with Section 7 of the Zoning Ordinance shall be required.
10. The existing building and vehicle/equipment parking area landscape shall be maintained and illustrated on the Site Plan.
11. Deliveries shall be limited to a twenty foot box truck once a week. No semi truck deliveries shall be permitted.
12. This Conditional Use Permit shall be issued to the current property owner, Barry & Bobbie Jones, and shall expire when the property is transferred and not be transferable to another property owner.
13. An Amended Subdivision Plat of Enchanted Acres Lot 25 merging the property into a single lot (Lot 25A) shall be required.
14. 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 6:05 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. Hearing Officer Holman announced that the next item on the agenda is a request for a Variance from the front building setback line to accommodate the proposed structure. The request is for property located on Wilson Lane and is a 171 acre tract. The property is in the Rural Residential Zone (R-2) in the West Hardin Planning Area and is identified with the PVA Map Number 004-00-00-002. The property is owned by **Earl Burgin**. Planner King

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reviewed the application and the history of the property and presented exhibits and slides of the property (attached). Earl Burgin, the owner, and Rose Burgin, the applicant, provided testimony and answered questions from the Board Members and staff. No additional testimony was presented. At 6:10 p.m. the Hearing Officer closed the hearing. Board Member Goodin made a motion to grant the requested variance due to the placement of the septic system and the utility easement in the rear plus it will not alter the essential character of the general vicinity and that this request does satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243. Findings necessary for granting variances) which is as follow:

- The requested variance arises from special circumstances which do not generally apply to land in the general vicinity;
- 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 from the front building setback line will allow for the proposed manufactured home (16' x 70') to be approximately 70' from the center line of Wilson Lane (with the addition of the stairs and deck (8 x 10). The deck may be covered but not closed for living space and the stairs must be on the side of the deck.
2. A Site Plan in compliance with Section 7 of the Zoning Ordinance shall be required.
3. Building & Electrical Permits shall be required.
4. 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 6:15 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. This request is for a Variance for relief from the Lot Configuration standard (DGS 5.5 A.1.e.) for the "width to length" ratio of 1:3 in the Rural Residential District (R-2) in the Valley Creek Urban Planning Area. The request is for a 4.058 acre site located at 756 Ford Highway to be known as Lot 6A of Fox Chase Subdivision, Section 2 and the PVA Map Numbers are 256-00-

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02-006 & 231-40-00-055. The property is owned by **Keith and Lisa Beshear**. Planner King reviewed the application and the history of the property and presented exhibits. Mark Haynes of 153 Grand Canyon Drive, representative of the owners, 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 request will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a 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;

The following variance was granted with the noted conditions:

1. This VARIANCE will allow for proposed Lot 6A to have less than the required 200' of road frontage in the Rural Residential (R-2) zone and to exceed the 1:3 lot width-to-length ratio.
2. An Amended Subdivision Plat with a Variance Note shall be required and be substituted for the required Site Plan.
3. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Board member Holman provided the second. Motion unanimously passed.

At 6:25 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. Hearing Officer Holman announced that the next item on the agenda is a request for a Variance from the front building setback line to accommodate the proposed covered front porch and attached garage. The request is for property located on 372 Wonderland Cavern Road and is a 0.653 acre tract. The property is in the Rural Residential Zone (R-2) in the Stephensburg Rural Village Planning Area and is identified with the PVA Map Number 105-00-00-086. The property is owned by **Joshua and Lindsey Clayton**. Planner King reviewed the application and the history of the property and presented exhibits and slides of the property (attached). Joshua Clayton, the owner, provided testimony and answered questions from the Board Members

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and staff. No additional testimony was presented. At 6:35 p.m. the Hearing Officer closed the hearing. Board Member Goodin made a motion to deny the request for the front porch and to grant the requested variance for the attached garage because it will not alter the essential character of the general vicinity and that this request does satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243. Findings necessary for granting variances) which is as follow:

- The 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. This VARIANCE from the front building setback line will allow for the proposed attached garage.
2. A Site Plan in compliance with Section 7 of the Zoning Ordinance shall be required.
3. A Building Permit shall be required for the garage.
4. All future structures and additions must comply with the Building Setbacks as established for the Rural Residential (R-2) Zone.
5. 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.

Chairman Krausman called for consideration and action on the **Minutes** of the 3 March 2011 meeting. Member Goodin made a motion to approve the minutes as presented. Member Holman provided the second. Motion passed unanimously.

Director Hunsinger announced that a Tour of Fort Knox has been scheduled for 29 March 2011 at 9:00 with lunch to follow. Attendees are to meet at the R.R. Thomas County Government Building at 7:00 am with return to Elizabethtown at approximately 1:30 pm.

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THE FOLLOWING SITE PLANS HAVE BEEN APPROVED

DATE	SITE PLAN	OWNER	ACCESS ROAD
08-Mar-11	Accessory Structure	Marty Sutherland	Hodgenville Road (KY210)
	Since Last Meeting	1	
	2011 Total	5	

THE FOLLOWING DEVELOPMENT PLANS HAVE BEEN APPROVED

DATE	DEVELOPMENT PLAN	OWNER	ACCESS ROAD
	Since Last Meeting	0	
	2011 Total	3	

THE FOLLOWING SUBDIVISION PLATS HAVE BEEN APPROVED AND RECORDED:

FP RECORDED	SUBDIVISION NAME	LOTS	ACCESS ROAD
09-Mar-11	Glen Foundit Trace	2	Red Hill Road
07-Mar-11	Moore Estates	1	Battle Training Road (KY 434)
07-Mar-11	Pfeiffer Estates, Section 3, Lot 1A and Tracts 2 & 3	-1	Teresa Road
	SINCE LAST MEETING	2	
	2011 TOTAL	6	

Chairman Krausman announced that the next Board meeting is scheduled for Thursday, 21 April 2011, and declared the meeting adjourned at 6:50 p.m.

ADOPTED AND APPROVED THIS 21st DAY OF APRIL 2011 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.

 Brent Goodin, Secretary

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Chairman Krausman called to order the two hundredth and seventy first meeting of the Hardin County Board of Adjustment at 5:00 p.m. on Thursday, 3 March 2011, in the R.R. Thomas Meeting Room on the second floor of the R.R. Thomas County Government Building. In addition to Chairman Krausman, Vice-Chairman Jack Holman and Secretary Brent Goodin were in attendance. Also in attendance were Senior Planner Wesley Wright and Planner Adam King and the individuals listed on the attached sign-in sheet. Director Chris Hunsinger, Planning Assistant Sandra Martinez and County Engineer Vicki Brackett Meredith, P.E. were not present and County Attorney Jenny Oldham, legal counsel for the Board, was not requested to attend the meeting.

At 5:00 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 commercial kennel – Circletop Farm. The proposed site is a 11 acre tract located on the east side of Jenkins Road. The property address is 840 Jenkins Road and is owned by **Mark & Pam Adams**. Planner King reviewed the application and exhibits. The owners, Mark and Pam Adams, of 840 Jenkins Road, provided testimony and answered questions from the Board Members and staff. Lynn Kincaid of 910 Jenkins Road and Mike McWright of 1099 Jenkins Road spoke in favor 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 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 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 and the Comprehensive Development Guide System and the comprehensive Development Guide;

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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) with the following conditions:

1. Hours of Operation shall be from 6 A.M. to 6 P.M., seven days a week.
2. The maximum number of animals on site shall be 45 and no more than 15 dogs will be allowed outdoors at one time.
3. No outdoor boarding of animals shall be permitted. All boarding facilities shall be indoors with dogs taken outdoors for exercise and "potty" breaks.
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 kennels shall be screened from view of the adjoining properties with a solid wood privacy fence.
8. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.
9. This Conditional Use Permit shall be issued to the current property owners Mark & Pam Adams, and is not transferable.
10. All building activities shall conform to provisions of the Kentucky Building Code. A Change of Use Building Permit shall be required for the Kennel and a Building Permit shall be required for the barn under construction.
11. This Conditional Use Permit shall be for a period of two years and expire on 3 March 2013.
12. 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 6:10 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. Hearing Officer Holman announced that the next item on the agenda is a request for a Variance from the front building setback line to accommodate the existing accessory structure. The request is for property located at 916 Rineyville School Road which is a 1.47 acre lot and being Lot 17A

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of Farm Side Subdivision. The property is in the Urban Residential Zone (R-1) in the Rineyville Rural Village Planning Area and is identified with the PVA Map Number 143-20-00-057. The property is owned by **Francis & Janet Hardesty**. Planner King reviewed the application and the history of the property and presented exhibits and slides of the property (attached). Francis Hardesty, the owner, provided testimony and answered questions from the Board Members and staff. No additional testimony was presented. At 6:30 p.m. the Hearing Officer closed the hearing. Board Member Goodin made a motion to grant the requested variance because it will not alter the essential character of the general vicinity and that this request does satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243. Findings necessary for granting variances) which is as follow:

- The 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. This VARIANCE from the side building setback line will allow for the existing 12' x 16' shed to remain on the property.
2. An Amended Subdivision Plat with a Variance Note shall be required and be substituted 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.

Chairman Krausman called for consideration and action on the **Minutes** of the 17 February 2011 meeting. Member Goodin made a motion to approve the minutes as presented. Member Holman provided the second. Motion passed unanimously.

THE FOLLOWING SITE PLANS HAVE BEEN APPROVED

DATE	SITE PLAN	OWNER	ACCESS ROAD
14-Feb-11	Accessory Structure	Chris & Courtney Overly	James Duvall Lane
15-Feb-11	Home Occupation – Beauty Salon	Lydia Smith	Saint John Church Road
	Since Last Meeting	2	
	2011 Total	4	

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THE FOLLOWING DEVELOPMENT PLANS HAVE BEEN APPROVED

DATE	DEVELOPMENT PLAN	OWNER	ACCESS ROAD
	Since Last Meeting	0	
	2011 Total	3	

THE FOLLOWING SUBDIVISION HAS BEEN APPROVED AND RECORDED

FP RECORDED	SUBDIVISION NAME	LOTS	ACCESS ROAD
09-Feb-11	Royal Oaks Subdivision, Lots 11 & 12	-1	North Dixie Highway (US-31W)
14-Feb-11	Advantgarde Estates Section 3, Lot 23	0	Rineyville Road (KY 1600)
14-Feb-11	Marvin Gardens	2	Tabb Road
15-Feb-11	Blackburn Estates, Section 1, Lot 15 and Section 2, Lot 1	-1	Blackjack Road
16-Feb-11	Lee Roy Estates	2	Bardstown Road (US 62)
	SINCE LAST MEETING	2	
	2011 TOTAL	4	

Chairman Krausman announced that the next Board meeting is scheduled for Thursday, 17th March 2011, and declared the meeting adjourned at 7:00 p.m.

ADOPTED AND APPROVED THIS 17th DAY OF MARCH 2011 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.

 Brent Goodin, Secretary

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Chairman Krausman called to order the two hundredth and seventieth meeting of the Hardin County Board of Adjustment at 5:00 p.m. on Thursday, 17 February 2011, in the R.R. Thomas Meeting Room on the second floor of the R.R. Thomas County Government Building. In addition to Chairman Krausman, Vice-Chairman Jack Holman and Secretary Brent Goodin were 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. Senior Planner Wesley Wright and County Engineer Vicki Brackett Meredith, P.E. were not present and County Attorney Jenny Oldham, legal counsel for the Board, was not requested to attend the meeting.

At 5:00 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 a Temporary Mobile Office on the property to be used by Louisville Paving Company. The property is located in the Interstate Commercial Zone (B-1) and the Interstate and Highway Overlay Zone (IH-0) in the Glendale Junction Planning Area. The request is for Lot 1 of Quality Diesel Subdivision, an 8.138 acre site with an address of at 465 Glendale Hodgenville Road West (KY 222). The PVA Map Number is 207-00-00-041 and the property is owned by **David Allen**. Hearing Officer Holman conducted the swearing in ceremony for all individuals in attendance that may provide testimony. Planner Adam King reviewed the application, the history of the property, presented exhibits and slides of the property and proposal. Mike Billings of 215 South Mulberry Street, Elizabethtown, representative of the applicant, provided testimony and answered questions from the Board Members and staff. Jim Brooks of 1801 Payne Street, Louisville, the applicant, provided testimony and answered questions from the Board Members and staff. 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 the request is for a temporary use and that it would be in character with the neighborhood he made the motion to grant the Conditional Use Permit (CUP) with the following conditions:

1. The Temporary Mobile Office shall be a temporary use and must be removed from the property by 31 December 2011.
2. Upon the vacancy of the Temporary Mobile Office, it must be removed from the property within six (6) months.
3. This Temporary Mobile Office shall have an approved Sanitary Waste System (Port-a-Pot) approved by the Environmental Services Office of the Hardin County Health Department.
4. Due to the temporary nature of the Mobile Office and the temporary time limit, the requirement for a Development Plan prepared by a Professional Surveyor or Engineer shall be waived.
5. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.
6. The Temporary Mobile Office shall be placed on the property as illustrated on the proposed Site Plan.
7. All construction activities on this site shall conform to the provisions of the Kentucky Building Code.
8. 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 5:25 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 (20' x 30' manufactured home) to remain on the property. The property is a 9.0 acre site with an address of 408 Summit Eastview Road, and identified with the PVA Map Number 073-00-00-020.

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The property is owned by **Roger and Shirley Stillwell** and is located in the West Hardin Planning Area and is zoned Rural Residential (R-2). Planner Adam King reviewed the application, the history of the property, presented exhibits and slides of the property (attached). Shirley Stillwell, the owner, provided testimony, stated that it was for a "family need" situation and answered questions from the Board Members and staff. It was noted that the property could not be subdivided. At 5:50 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 and the described "family need" and that the request is in character with 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 (20' x 30' Manufactured Home) shall be a temporary use for no longer than five years from 17 February 2011 and must be removed from the property by 17 February 2016.
2. The Temporary Accessory Dwelling (20' x 30' Manufactured Home) has 600 square feet of living space which is less than the Local Average Square Foot Standard of 1,057 square feet.

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3. The Temporary Accessory Dwelling is for a "family need" situation and shall only be occupied by the owner's daughter, Hannah Coogle and her immediate family.
4. Upon the vacancy of the Temporary Accessory Dwelling, it must be removed from the property within six (6) months.
5. This Temporary Accessory Dwelling shall have a sewerage system (septic tank and lateral lines) approved by the Environmental Services Office of the Hardin County Health Department.
6. The Temporary Accessory Dwelling shall be placed on the property as illustrated on the proposed Site Plan.
7. This Conditional Use Permit shall be issued to the current property owners, Roger & Shirley Stillwell, and shall expire when the property is transferred and shall 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. The skirting on the manufactured home must be maintained.
10. All construction activities on this site shall conform to the provisions of the Kentucky Building Code.
11. The Mobile Home (fourth dwelling) located in the woods must be removed from the property within 12 months by 17 February 2012.
12. All used tires must be removed from the property across the street or stored within the existing garage.
13. 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.

Director Hunsinger reported on the progress to find a replacement for the position of **Administrative Assistant**.

Director Hunsinger announced that the Kentucky Transportation Cabinet will conduct a **Public Right of Way Informational Meeting** this evening from 6:00 to 8:00 p.m. at the Woodland Elementary School located at 6000 South Woodland Drive in Radcliff. The purpose of the meeting is to provide information on Section 3 (KY 220 to KY 4313) of the Elizabethtown to Radcliff Connector.

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THE FOLLOWING SITE PLANS HAVE BEEN APPROVED

DATE	SITE PLAN	OWNER	ACCESS ROAD
06-Jan-11	Accessory Structure	Carolyn Keller	Featherstone Court
10-Jan-11	Accessory Dwelling	Billy & Carol Day	W. Rhudes Creek Road
Since Last Meeting		2	
2011 Total		2	

THE FOLLOWING DEVELOPMENT PLANS HAVE BEEN APPROVED

DATE	DEVELOPMENT PLAN	OWNER	ACCESS ROAD
01-Jan-11	Hardin County Honda	Hardin County Honda	N. Dixie Highway (US-31W)
19-Jan-11	Gohmann Asphalt	Gohman Asphalt & Construction	Battle Training Road (KY 434)
19-Jan-11	Sunset Fiberglass Pools & Display	Louis & Barbara Steck	N. Dixie Highway (US-31W)
Since Last Meeting		3	
2011 Total		3	

THE FOLLOWING SUBDIVISION HAS BEEN APPROVED AND RECORDED

FP RECORDED	SUBDIVISION NAME	LOTS	ACCESS ROAD
03-Jan-11	Mopar Subdivision	1	Bardstown Road (US 62)
05-Jan-11	Zion Cave Estates, Lots 3A, 3B & 3C	0	Mount Zion Road
14-Jan-11	Austin Estate, Lot 2	1	Rock Creek Road
28-Jan-11	Mountain View Estates Subdivision, Lot 1	0	Stovall Road
04-Feb-10	Aquaview Subdivision Section 2, Lots 3E and 4C	0	Lower Colesburg Road
SINCE LAST MEETING		2	
2011 TOTAL		2	

Chairman Krausman announced that the next Board meeting is scheduled for Thursday, 3rd March 2011, and declared the meeting adjourned at 6:00 p.m.

ADOPTED AND APPROVED THIS 3rd DAY OF MARCH 2011 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.

 Brent Goodin, Secretary

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Chairman Krausman called to order the two hundredth and sixty ninth meeting of the Hardin County Board of Adjustment at 5:05 p.m. on Thursday, 3 February 2011, in the R.R. Thomas Meeting Room on the second floor of the R.R. Thomas County Government Building. In addition to Chairman Krausman Vice-Chairman Jack Holman and Secretary Brent Goodin 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 Meredith, P.E. was not present and County Attorney Jenny Oldham, legal counsel for the Board, was not requested to attend the meeting.

At 5:05 p.m. Chairman Krausman appointed Board Member Holman to serve as the Hearing Officer. This is a request for a Conditional Use Permit to allow a Beauty Shop to exceed the definition of a Home Occupation in the Urban Residential Zone (R-1) in the Rineyville Rural Village Planning Area. The request is for a 3 acre site located at 3619 St John Church Road. The PVA Map Number is 143-00-02-041 and the property is owned by **Lydia Smith**. Hearing Officer Holman conducted the swearing in ceremony for all individuals in attendance that may provide testimony. Planner Adam King 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. Chris and Rachel Carder of 3619 St John Church Road, the applicants, described the proposal to convert part of an existing attached garage into a beauty shop plus answered questions from the Board Members. 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;

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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 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 proposed design of the existing attached garage to be converted would maintain the appearance of a garage; and the increase in size of the existing parking area to allow for the ability of cars to turn around and not back out on St John Church Road; the "Home Occupation" would be in character with the neighborhood and he made the motion to grant the Conditional Use Permit (CUP) with the following conditions:

1. This Conditional Use Permit is good for three (3) years from 3 February 2011 to 3 February 2014.
2. The Beauty Shop may have one (1) employee who does not reside in the dwelling, but would require the installation of a handicapped restroom and an additional employee parking space.
3. A single sign no larger than six (6) square feet in area shall be permitted in compliance with the Development Guidance System, Section 9.
4. Additional pavement or gravel is required to provide additional area for parking and to provide a turn around. A single handicapped parking space must be provided.
5. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.
6. Compliance with the Kentucky Building Code must be achieved with a Change of Use Building Permit and the issuance of a Certificate of Occupancy.
7. The hours of operation for the Beauty Shop shall be Monday – Friday 10:00 a.m. to 8:00 p.m., and Saturday 10:00 a.m. to 4:00 p.m.
8. This Conditional Use Permit is issued to the current property owner Lydia Smith and the applicants Rachel & Chris Carder. The Conditional Use Permit may not be transferred.
9. 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.

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At 5:25 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 for a Temporary Accessory Dwelling (20' x 30' manufactured home) to remain on the property in the West Hardin Rural Planning Area and is zoned Rural Residential (R-2). The request is for a 9 acre site located at 408 Summit-Eastview Road. The PVA Map Number is 073-00-00-020 and the property is owned by **Roger & Shirley Stillwell**. This request had been postponed from the 20 January meeting due to weather conditions. The applicant could not be present for the hearing due to a previously scheduled medical procedure and asked that the request be continued to the 17 February meeting. Board Member Goodin made a motion to continue the request to the next scheduled meeting on 17 February at 5:00 p.m. Member 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 for a proposed Accessory Structure (2,400 square feet) that exceeds the size of the dwelling (1,248 square feet) on the property. The property is a 13.7 acre site located at 580 James Duvall Lane and identified with the PVA Map Number 102-00-00-013. The property is owned by **Chris & Courtney Overly** 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. Planner King reviewed the application and presented exhibits and slides of the property (attached). Chris and Courtney Overly, the owners, 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 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 the proposal is in character with the properties in the vicinity, that due to the large size of the property, the proposed location of the structure is behind the existing dwelling, there is limited visibility of the structure from the road, the existing woods on the property provides screening for adjacent properties, and the proposed size of the accessory structure is similar to existing accessory structures located on adjacent properties. Based on these findings, Board Member Goodin made the motion to grant the Conditional Use Permit (CUP) with the following conditions:

1. The proposed Accessory Structure (40' x 60' pole barn) shall be a maximum of 2,400 square feet, which is larger than the existing dwelling (1,248 square feet under roof).
2. The proposed Accessory Structure shall be placed on the property in accordance with the building setback lines established for the designated zone as illustrated on the approved Site Plan.
3. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7. The Wastewater Certification with an approval signature from the Hardin County Health Department shall not be required.
4. Construction activities must be in compliance with the *Kentucky Building Code* by obtaining Building and Electrical Permits.
5. 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 5:45 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 the existing garage. The request is for property located at

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2890 Lower Colesburg Road which is a 12 acre lot and being Lot 4D of Aquaview Subdivision. The property is in a Rural Residential Zone (R-2) in the East Hardin Planning Area and is identified with the PVA Map Number 260-00-00-004.04. The property is owned by **James & Donna Hand**. Hearing Officer Holman conducted the swearing in ceremony for all individuals in attendance that may provide testimony. Planner King reviewed the application and the history of the property and presented exhibits and slides of the property (attached). Jeff Pitts, representative of 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 made a motion to grant the requested variance because it will not alter the essential character of the general vicinity, that the private road is a gravel surface that services only 2 parcels with low traffic volumes, the properties on the private gravel road are located in the Flood Hazard Area that limits potential development activities, the private gravel road would need to be improved to county roads standards in order for there to be subdivision lots created and for future development to occur, and that the existing accessory structure does 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:

4. 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:

5. This VARIANCE from the front building setback line will allow for the existing 40' x 30' pole barn to remain on the property.
6. An Amended Subdivision Plat with a Variance Note shall be required and be substituted for the required Site Plan.
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.

Chairman Krausman called for consideration and action on the **Minutes** of the 9 December 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 reported that the Kentucky Transportation Cabinet will conduct a Public Right of Way Informational Meeting on Thursday, 20 January from 6:00 to 8:00 p.m. at the Woodland Elementary School located at 600 South Woodland Drive in Radcliff. The purpose of the meeting is to provide information on Section 3 (KY 220 to KY 313) of the Elizabethtown to Radcliff Connector.

Director Hunsinger reported that the position for the **Administrative Assistant** has been advertized and 35 applications have been received. Potential candidates have been interviewed and the selection process is continuing.

THE FOLLOWING SITE PLANS HAVE BEEN APPROVED

DATE	SITE PLAN	OWNER	ACCESS ROAD
8-Dec-10	Accessory Dwelling	Norris & Carol Sizemore	Jenkins Road
10-Dec-10	Off Site Sign	Louis & Margaret Brothers	Bardstown Road (US 62)
13-Dec-10	Agricultural Zone	Hugh & Kimberly Bland	Farley Lane
22-Dec-10	Accessory Structure / Ray's Plumbing	Ray Hedrick	Burns Road
Since Last Meeting		4	
2010 Total		44	

THE FOLLOWING DEVELOPMENT PLANS HAVE BEEN APPROVED

DATE	DEVELOPMENT PLAN	OWNER	ACCESS ROAD
Since Last Meeting		0	
2010 Total		29	

THE FOLLOWING SUBDIVISION HAS BEEN APPROVED AND RECORDED

FP RECORDED	SUBDIVISION NAME	LOTS	ACCESS ROAD
17-Dec-10	Mulberry Park Subdivision, Lots 6 & 7	-1	Tunnel Hill Road
SINCE LAST MEETING		-1	
2010 TOTAL		278	

Chairman Krausman announced that the next Board meeting is scheduled for Thursday, 17th February 2011, and declared the meeting adjourned at 6:15 p.m.

ADOPTED AND APPROVED THIS 17th DAY OF FEBRUARY 2011 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.

Brent Goodin, Secretary

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This regularly scheduled meeting was CANCELLED due to inclement weather.
All the scheduled hearings were rescheduled for 3 February 2011.

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This regularly scheduled meeting was CANCELLED because there were no hearings scheduled and no other business to attend to.