



Hardin County Board of Adjustment

21 May 2026

**County Government Center
Second Floor Meeting Room**

Owner: Dennis & Marliese Brown



Location

A 0.688 acre site located at 711 Ranch Road, Vine Grove, KY

Zoned

Urban Residential (R-1)

Requesting a **Variance from the front building setback to allow for a covered wheelchair ramp**

711 Ranch Road

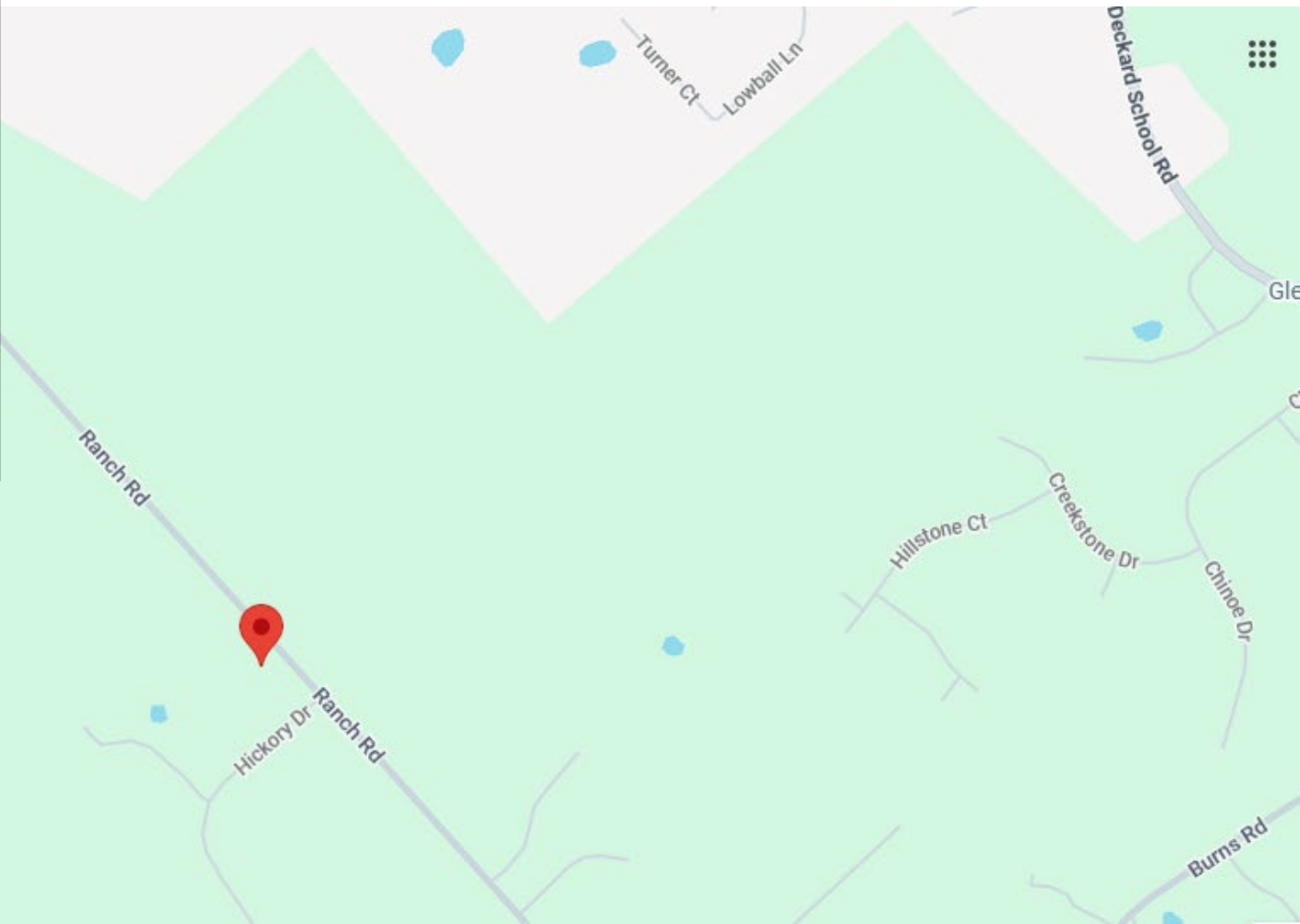
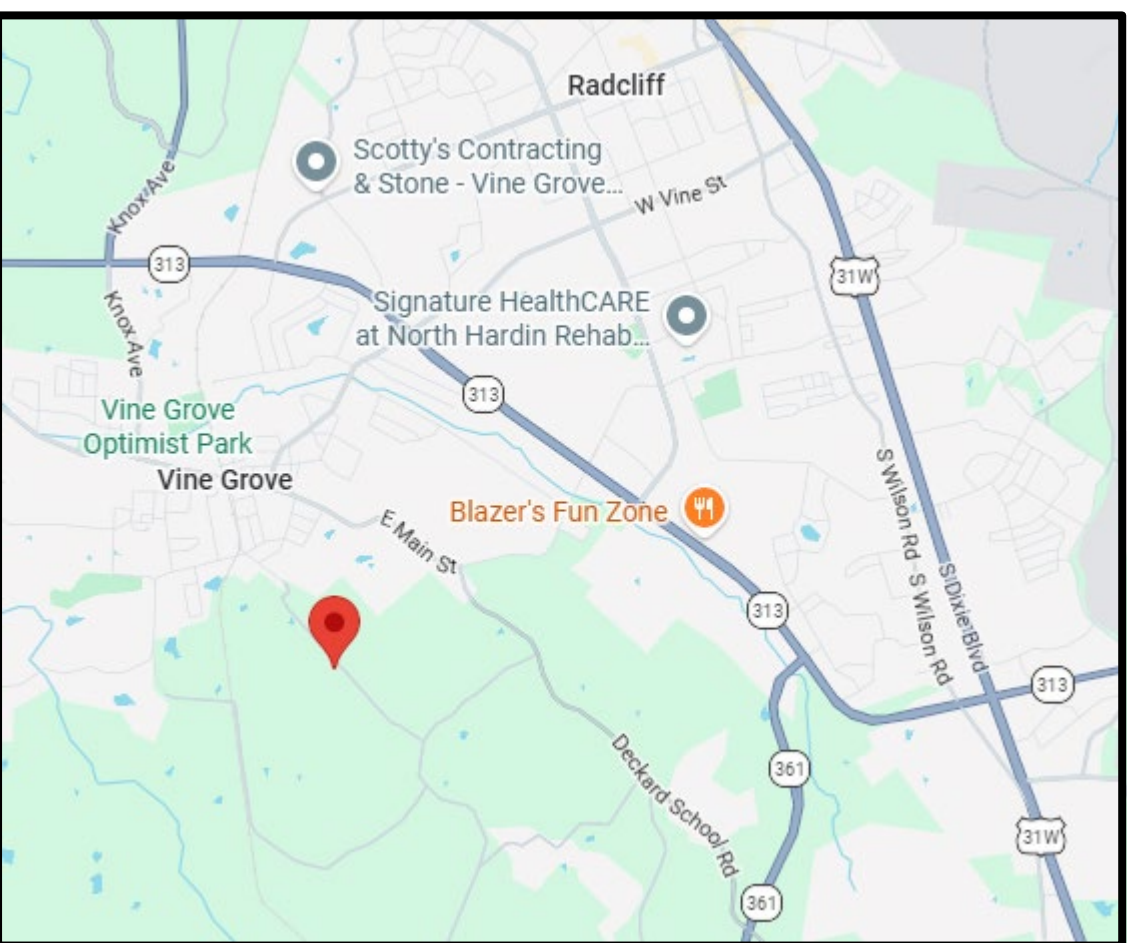
Variance

SUMMARY REPORT

LISTING OF EXHIBITS

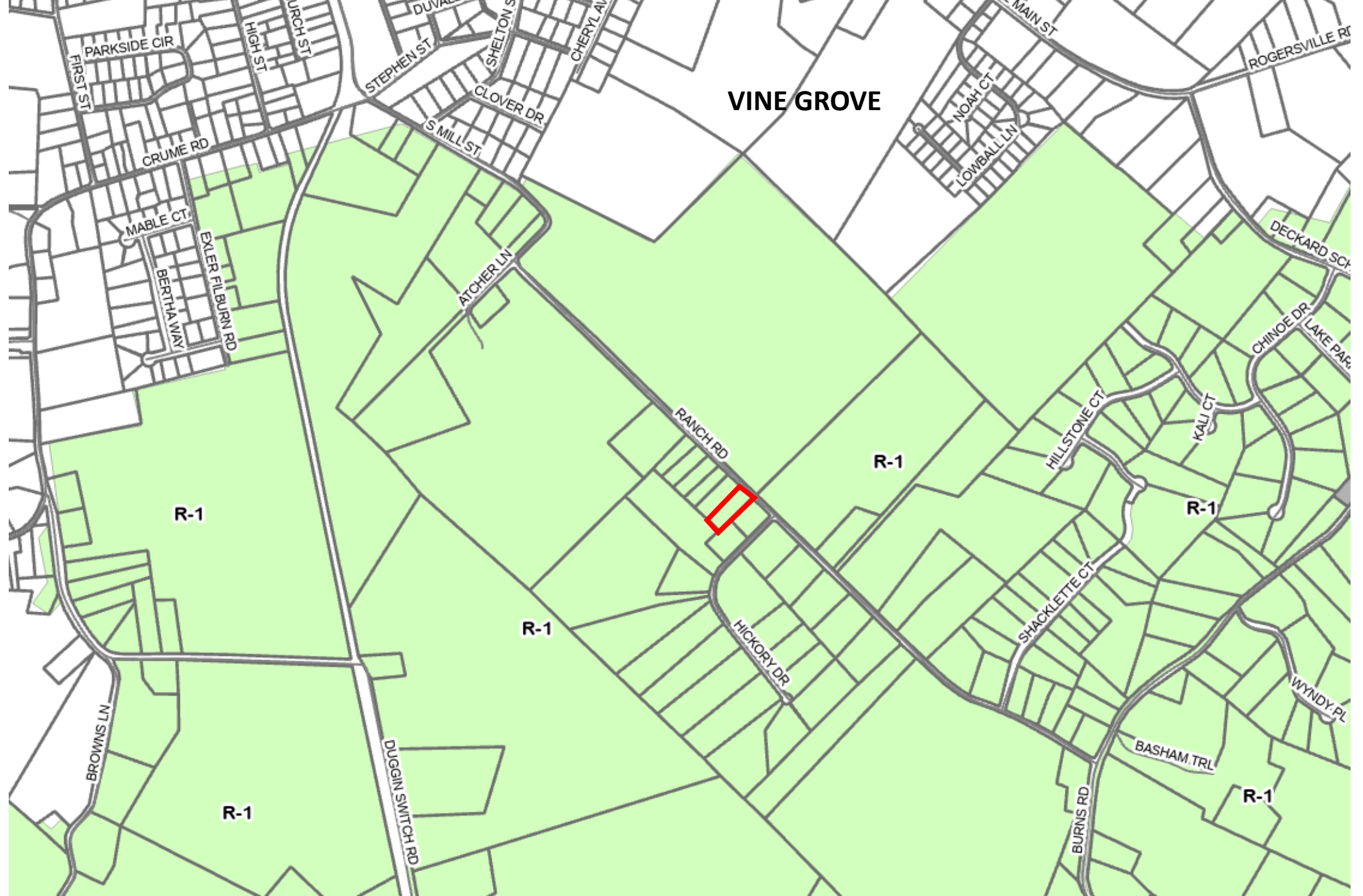
- A. Vicinity Map**
- B. Zoning Map**
- C. Environmental Features**
- D. Plat of Hickory Heights (1982)**
- E. Character of the site**
- F. Site Plan**
- G. Photos of the Site**
- H. Analysis of other setbacks & variances on Ranch Road**
- I. *Comprehensive Development Guide**
- J. *Development Guidance System Ordinance**

* Not Provided in PowerPoint



MasterZone
DISTRICT

- A-1
- B-1
- B-2
- C-0
- C-1
- C-2
- I-1
- I-2
- IH
- PD-1
- R-1
- R-2
- R-3
- R-4



- Streams 2023
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- Hardin_Wetlands
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- Hardin_100Flood
■
- hardin_sinkhole
■









Description	HICKORY HGTS LT 03 #2	Finished Basement %	0
Type of Residence	1-STORY RANCH	Bedrooms	3
Year Built	1983	Full Baths	1
Num Stories	1	Half Baths	1
Above Ground Sqft	1232	Exterior	ALUM/VINYL
Total Living Area	1232	Heat	ELECTRIC
Basement	FULL	Air Condition	CENTRAL/AC
Basement Sqft	1232	Fireplace	0
Basement Sqft Finish	0		



38.5' to C/L

Ranch Road

VARIANCE REQUEST

40' B/L
 30' to C/L (60' R/W)
 = 70' to C/L

31.5' variance



Description	HICKORY HGTS LT 03 #2	Finished Basement %	0
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Basement Sqft	1232	Fireplace	0
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38.5' to C/L

Ranch Road

VARIANCE REQUEST
40' B/L
30' to C/L (60' R/W)
= 70' to C/L
31.5' variance



PLANT FAIR
THIRD SATURDAY
OF MAY
8 AM - 2 PM
Hardin Co. Extension Office
75 Opportunity Way
Lodi, MO



Other Setbacks on Ranch Road



VARIANCE REQUEST
40' B/L
30' to C/L (60' R/W)
= 70' to C/L
31.5' variance

Findings necessary for Granting Variances

KRS 100.243 and DGS 5-3(B)

1. Before any variance is granted, the Board of Adjustment must find that the granting of the variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of this regulation. In making these findings, the board shall consider whether:
 - a. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity;
 - b. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant;
 - c. The circumstances are the result of actions of the applicant taken subsequent to the adoption of this regulation from which relief is sought.
2. The Board shall deny any request for variance arising from circumstances that are the result of willful violations of this regulation by the applicant subsequent to the adoption of this regulation.

*I make a Motion to **Approve** the Variance with the Following Conditions:*

Based on the Staff Presentation and the Testimony presented in the Public Hearing and that it satisfies the Standards for Variances outlined in the Development Guidance System, Zoning Ordinance 5-3(B)(1) with Finding of Fact:

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

(B) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant;

(C) The circumstances are the result of actions of the applicant taken subsequent to the adoption of this regulation from which relief is sought.

Motion to Approve the proposed Variance :

- 1. To allow for a Variance from the front building setback for the wheelchair ramp to be no closer than 38.5' from the centerline of Ranch Road. The wheelchair ramp may be covered but shall not be enclosed as living space.**
- 2. Building and electrical permits must be obtained through the KBC program of our office.**
- 3. A Site Plan in compliance with Section 7 of the Zoning Ordinance shall be required.**
- 4. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.**

OR

Motion to Deny

Owner: Roy & Donna Snider



Location A 5.683 acre site located at 2900 Lower Colesburg Road, Elizabethtown, KY known as Lot 1B of Aquaview Subdivision

Zoned Rural Residential (R-2)

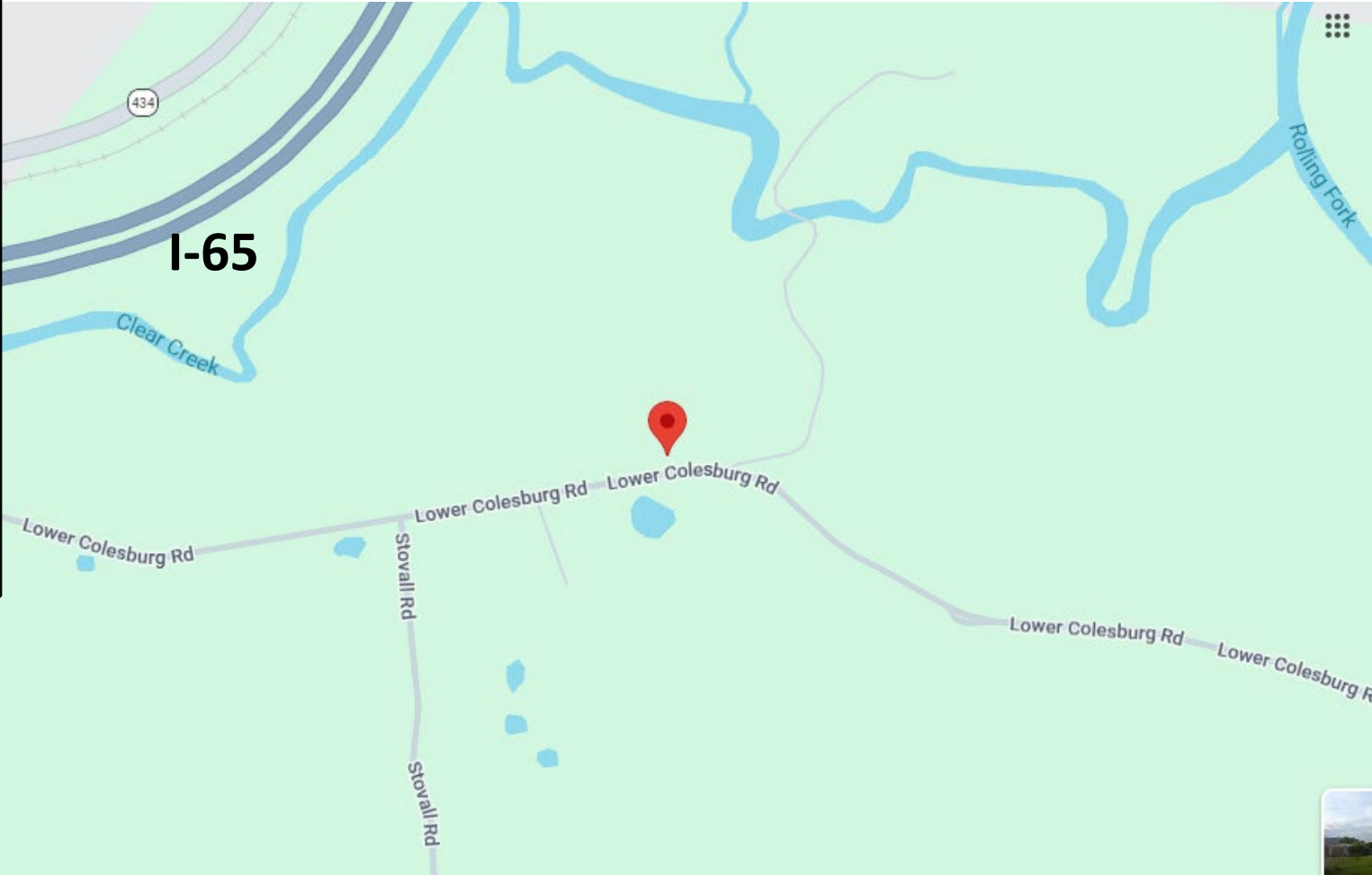
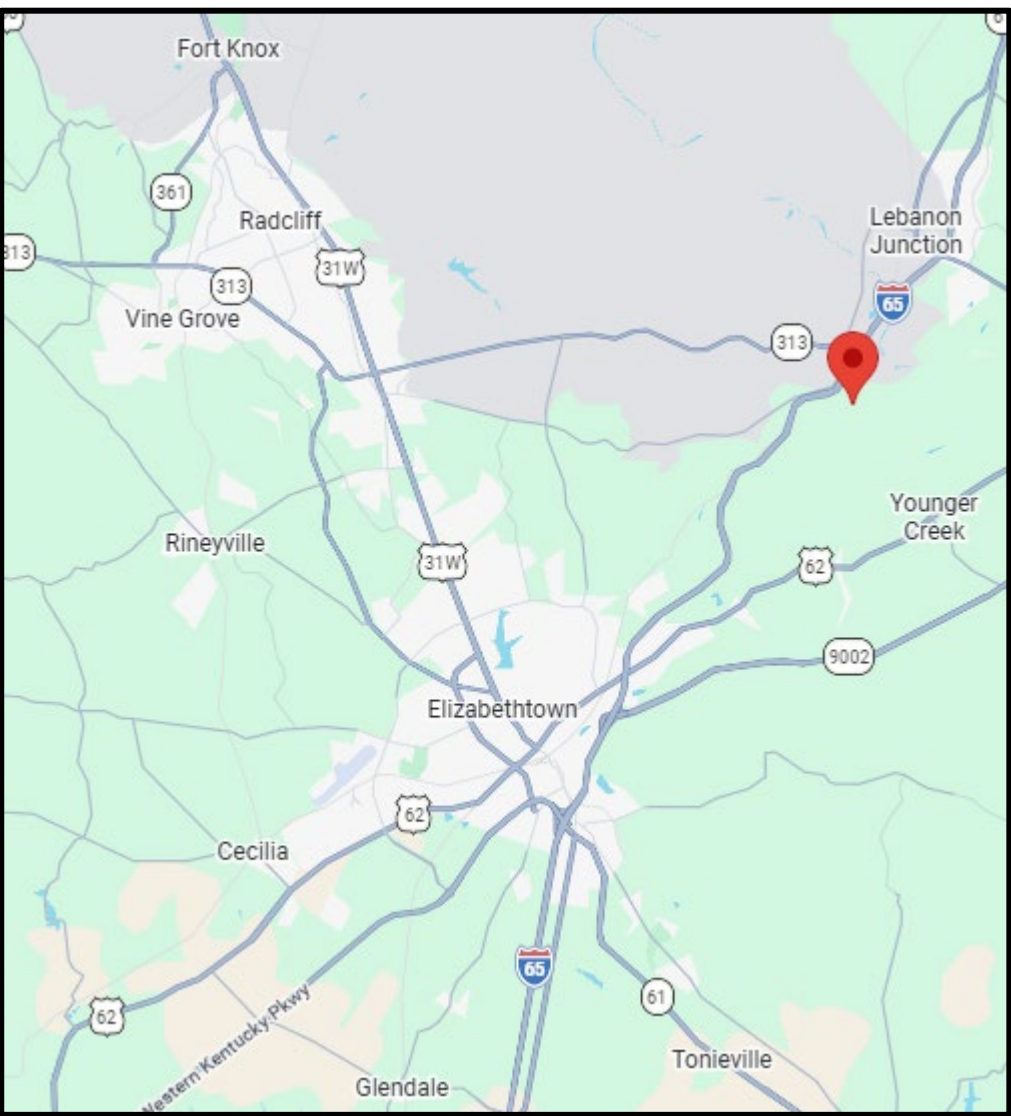
Request for a **Variance from the front building setback line to allow for construction of a 16'x12' deck**

2900 Lower Colesburg Road
Variance
SUMMARY REPORT

LISTING OF EXHIBITS

- A. Vicinity Map**
- B. Zoning Map**
- C. Environmental Features**
- D. Character of the Site Analysis**
- E. Plats of Aquaview Subdivision (2003 & 2014)**
- F. Site Plan**
- G. Photos of the Site**
- H. Details of previous Variance approval (2002)**
- I. Analysis of Variances on Lower Colesburg Road**
- J. *Comprehensive Development Guide**
- K. *Development Guidance System Ordinance**

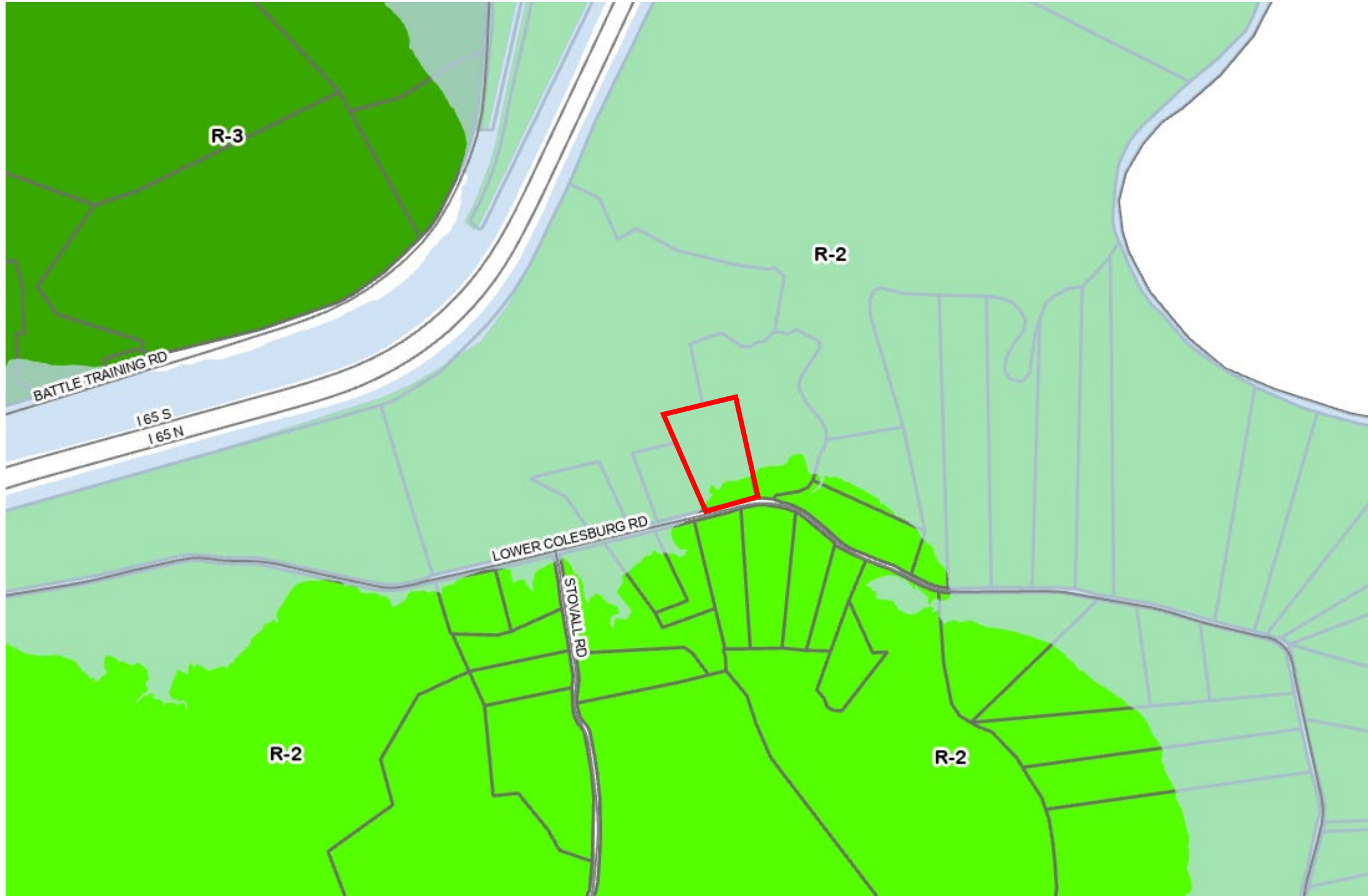
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MasterZone

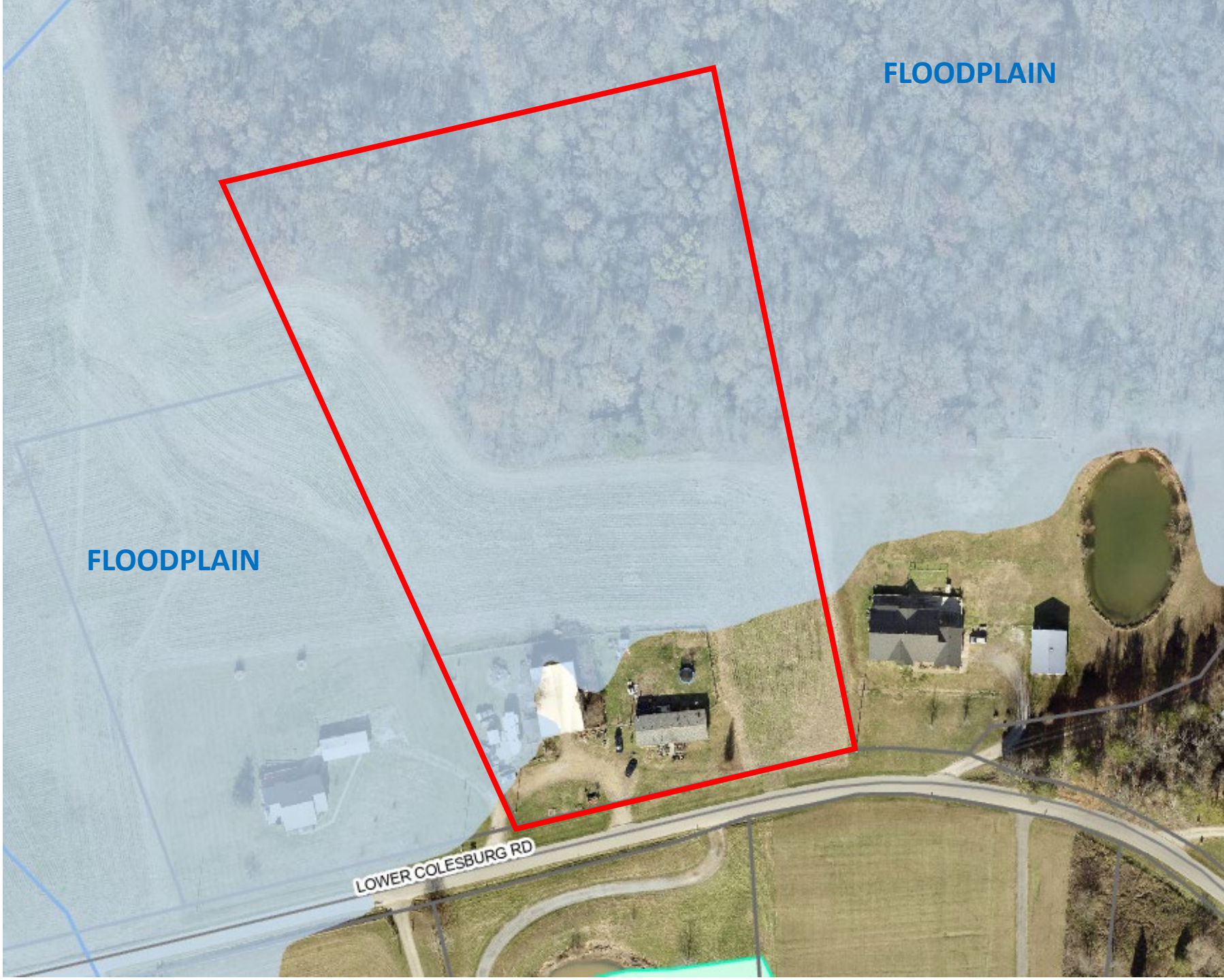
DISTRICT

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- R-2
- R-3
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- Streams 2023
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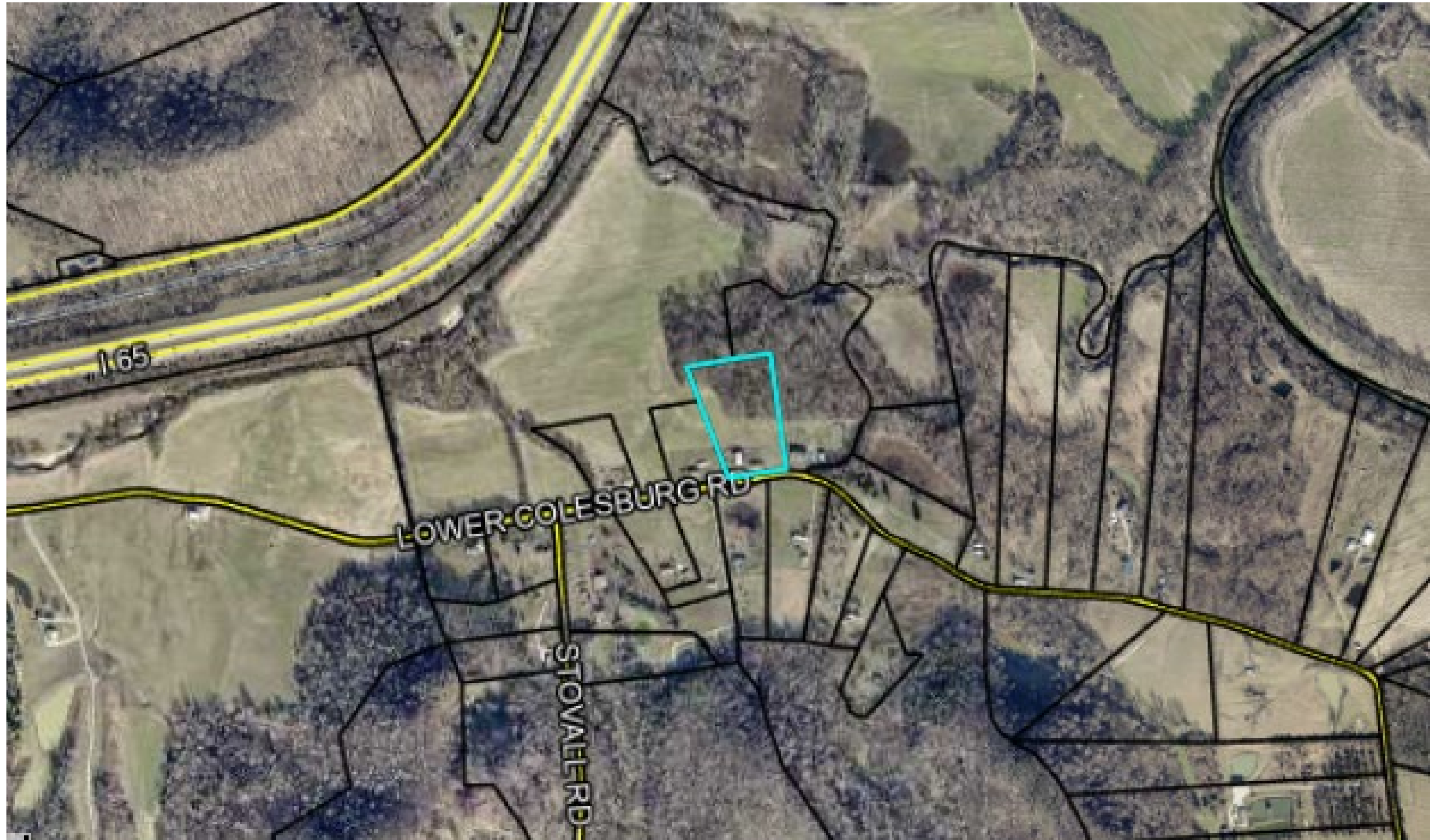




FLOODPLAIN

FLOODPLAIN

LOWER COLESBURG RD



165

LOWER COLESBURG RD

STOVAHLER RD





LOWER COLESBURG RD



1680 sq. ft. manufactured home (2002)



2800 sq. ft. pole barn (1980)



CHARACTER OF THE SITE

AMENDED RECORD PLAT:

○ 1/2" STEEL REBAR

AQUAVIEW SUBDIVISION LOT #1

SURVEY PLAT BY: CLEMONS ENGINEERING
100 CHASE WAY SUITE 5 ELIZABETHTOWN, KY 42701

OWNER & DEVELOPER: LEABERT MILES
2900 LOWER COLESBURG RD. ELIZABETHTOWN, KY 42701

AQUAVIEW SUBDIVISION SECTION 2, LOT #3
PLAT CABINET 1, SHEET 3042

MARY WORTHAN
DEED BOOK 977, PAGE 123
260 - 00 - 00 - 4.03

VARIANCE AND RESTRICTION NOTE

A VARIANCE WAS GRANTED BY THE HARDIN COUNTY BOARD OF ADJUSTMENT ON 21 NOVEMBER 2002 TO REDUCE THE FRONT BUILDING SETBACK LINE FOR LOT 1 OF AQUAVIEW SUBDIVISION. THE FRONT BUILDING SETBACK LINE WILL ONLY BE REDUCED TO ACCOMMODATE THE EXISTING STRUCTURE. THE FRONT BUILDING SETBACK ON THE AMENDED RECORD PLAT SHALL REMAIN AT SEVENTY FEET EXCEPT FOR THE LOCATION OF THE STRUCTURE WHERE THE SETBACK SHALL FOLLOW THE PERIMETER OF THE DWELLING.

FLOOD PLAIN BUILDING NOTE

NO STRUCTURE SHALL BE LOCATED IN THE FLOODPLAIN UNLESS APPROVAL IS RECEIVED IN COMPLIANCE WITH THE HARDIN COUNTY ORDINANCE ADOPTED 30 OCTOBER 1995 RELATING TO FLOOD DAMAGE PREVENTION AND THE NATIONAL FLOOD INSURANCE PROGRAM AS RECORDED IN ORDINANCE BOOK 3, PAGE 6 AND FISCAL COURT ORDER BOOK 42, PAGE 127 IN THE HARDIN COUNTY CLERK.



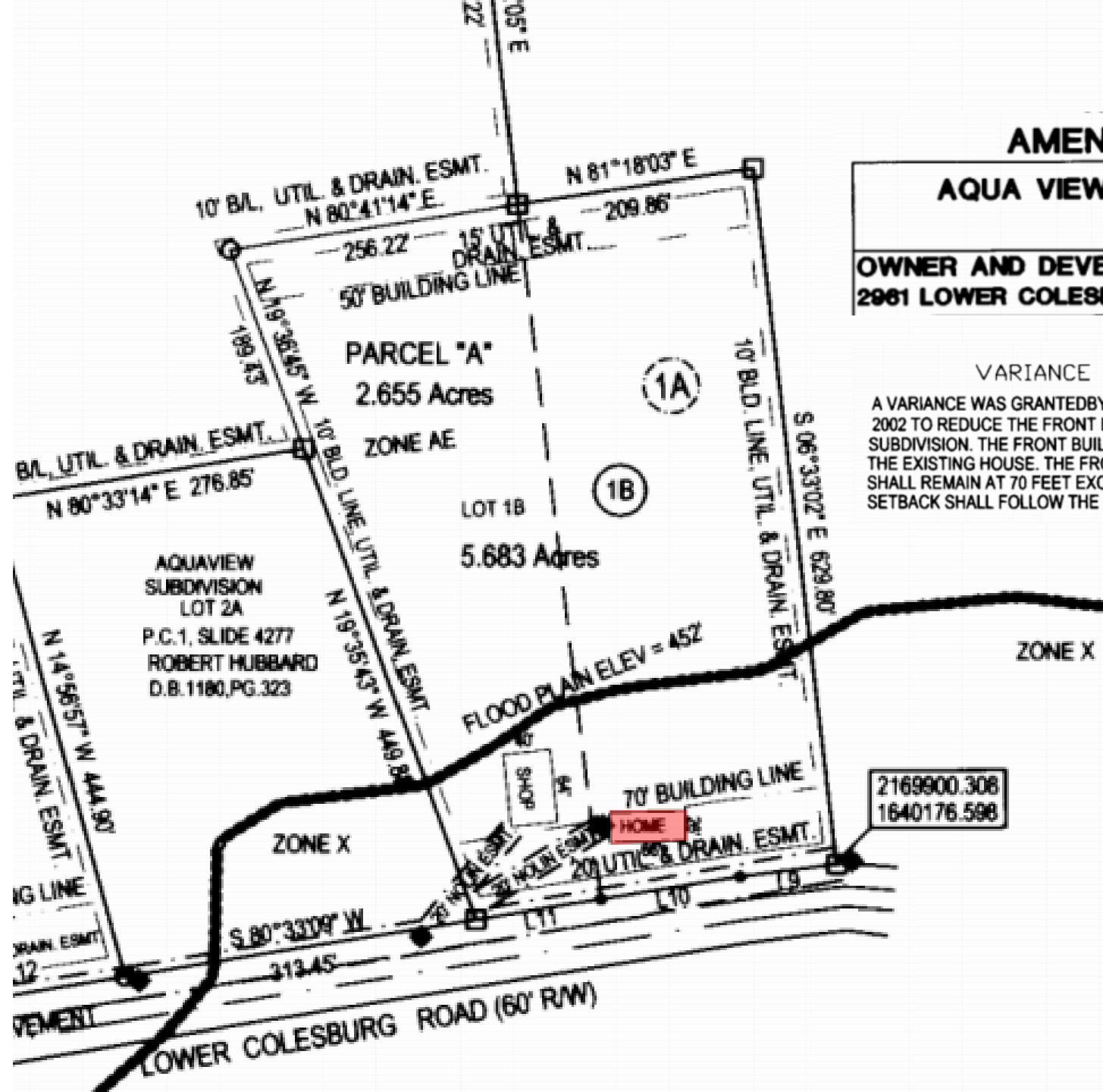
AMENDED RECORD PLAT OF:

AQUA VIEW SUBDIVISION LOTS 1A AND 3F

**OWNER AND DEVELOPER: ROY AND DONNA SNIDER
2961 LOWER COLESBURG ROAD, ELIZABETHTOWN, KY.42701**

VARIANCE AND RESTRICTION NOTE

A VARIANCE WAS GRANTED BY THE HARDIN COUNTY BOARD OF ADJUSTMENT ON 21 NOVEMBER 2002 TO REDUCE THE FRONT BUILDING SETBACK LINE OF LOT 1 OF THE AQUAVIEW SUBDIVISION. THE FRONT BUILDING SETBACK LINE WILL ONLY BE REDUCED TO ACCOMMODATE THE EXISTING HOUSE. THE FRONT BUILDING SETBACK ON THE AMENDED RECORD PLAT SHALL REMAIN AT 70 FEET EXCEPT FOR THE LOCATION OF THE STRUCTURE WHERE THE SETBACK SHALL FOLLOW THE PERIMETER OF THE DWELLING.





VARIANCE REQUEST

16' wide x 12' deep deck is
58' to centerline of road

70' B/L
30' to C/L (60' R/W)
=100' to C/L

42' Variance requested



Improvement Information

Description	MOBILE HOME DOUBLE WIDE
Type of Residence	
Year Built	2002
Num Stories	
Above Ground Sqft	1680
Total Living Area	1680
Basement	
Basement Sqft	0
Basement Sqft Finish	0

VARIANCE REQUEST

16' wide x 12' deep deck is 58' to centerline of road

70' B/L
30' to C/L (60' R/W)
=100' to C/L

42' Variance requested



VARIANCE REQUEST

16' wide x 12' deep deck is 58' to centerline of road

70' B/L
30' to C/L (60' R/W)
=100' to C/L

42' Variance requested







Minutes from 21 November 2002

This variance is granted because of the close proximity of a flood zone to the rear of this property and the location of the septic system and lateral lines. Additionally, to approve this variance to reduce the front building setback line on Lot 1 owned by LEABERT MILES & KATHY MILES (Deed Book 1014 Page 429), the following conditions are imposed:

The front building setback line will only be reduced to accommodate the portion of the existing dwelling not in compliance. The front building setback on the amended record plat shall remain at seventy feet except for the location of the dwelling. The setback shall follow the perimeter of the dwelling.

A covered front porch may not be constructed. Any building addition must be constructed in compliance with the seventy-foot front building setback line.

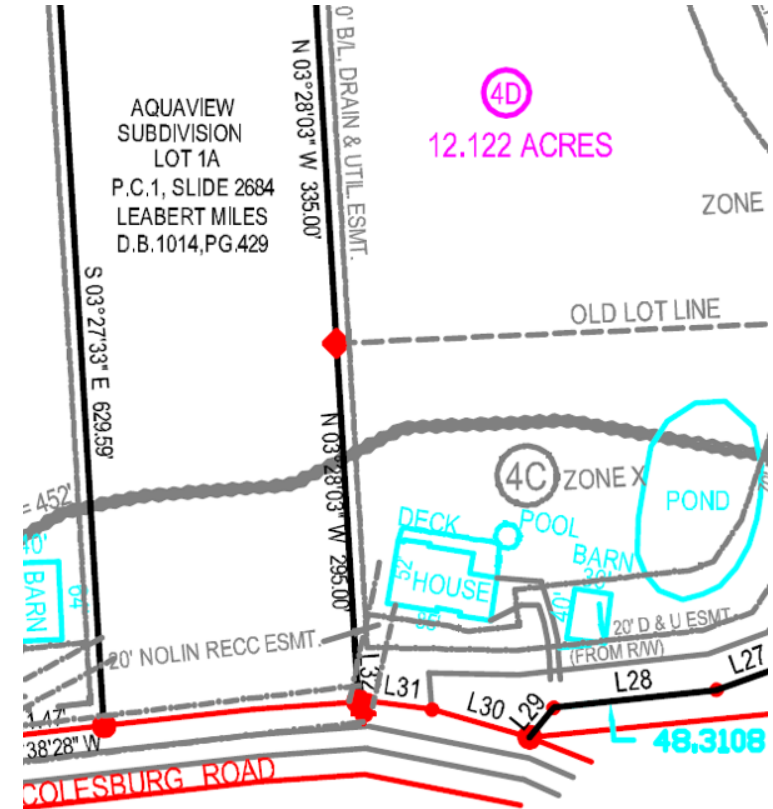
An amended subdivision plat of Aquaview Subdivision Lot 1, conforming to the Subdivision Regulations and illustrating the revised building setback line, must be submitted to the Planning Commission for approval. Following the plat being recorded in the office of the Hardin County Clerk, a corrected deed must be recorded referencing the amended subdivision plat.

Board member Goodin provided a second. Motion passed unanimously.

Other Variances on Lower Colesburg Road

Permit Date	Owner	PVA Map Number	Type	Zone	Project / Subdivision Name	Request	Site Address	Status
04/21/2026	SNIDER, ROY & DONNA	260-00-00-004.02	VARIANCE	R-2 - RURAL RESIDENTIAL ZONE	AQUAVIEW SUBDIVISION, LOT 1B - VARIANCE FOR FRONT DECK	16'X12' FRONT DECK WITHIN BUILDING SETBACKS	2900 LOWER COLESBURG ROAD, ELIZABETHTOWN, KY	PENDING
05/07/2014	MORNING MYST, LLC C/O ROBERT BROWN	260-00-00-009.01	VARIANCE	R-2 - RURAL RESIDENTIAL ZONE	ROAD FRONTAGE / BRITTWILL FARM	RELIEF FROM THE REQUIRED ROAD FRONTAGE	2260 LOWER COLESBURG ROAD	APPROVED
01/04/2011	JAMES & DONNA HAND	260-00-00-004.04	VARIANCE	R-2 - RURAL RESIDENTIAL ZONE	ROAD FRONTAGE AND 1:3 WIDTH TO LENGTH RATIO / AQUAVIEW SUBDIVISION SECTION 2, LOT 4D	RELIEF FROM THE 70' FRONT SETBACK FOR EXISTING 40' X 30' POLE BARN	2890 LOWER COLESBURG ROAD	APPROVED
11/04/2002	MILES	260-00-00-004.02	VARIANCE		/ AQUAVIEW SUBDIVISION		LOWER COLESBURG ROAD	APPROVED

Records 1 to 4 (of 4)



Findings necessary for Granting Variances

KRS 100.243 and DGS 5-3(B)

1. Before any variance is granted, the Board of Adjustment must find that the granting of the variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of this regulation. In making these findings, the board shall consider whether:
 - a. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity;
 - b. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant;
 - c. The circumstances are the result of actions of the applicant taken subsequent to the adoption of this regulation from which relief is sought.
2. The Board shall deny any request for variance arising from circumstances that are the result of willful violations of this regulation by the applicant subsequent to the adoption of this regulation.

*I make a Motion to **Approve** the Variance with the Following Conditions:*

Based on the Staff Presentation and the Testimony presented in the Public Hearing and that it satisfies the Standards for Variances outlined in the Development Guidance System, Zoning Ordinance 5-3(B)(1) with Finding of Fact:

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

(B) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant;

(C) The circumstances are the result of actions of the applicant taken subsequent to the adoption of this regulation from which relief is sought.

Motion to Approve the proposed Variance :

- 1. To allow for a Variance from the front building setback to allow for a proposed 16' x 12' deck to be no closer than 58' to the centerline of Lower Colesburg Road.**
- 2. The deck shall be covered but not enclosed as living space.**
- 3. A Site Plan in compliance with Section 7 of the Zoning Ordinance shall be required.**
- 4. Building and electrical permits must be obtained through the KBC program of our office.**
- 5. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.**

OR

Motion to Deny

Owner: Peiyin Zhou



Location: A 5 acre site located at 639 Stovall Road, Elizabethtown, KY

Zoned Rural Residential (R-2)

Requesting an Amended Conditional Use Permit to continue to allow for the antique/vintage/lumber business to remain on site.

Initial CUP: 2019 (2 years)

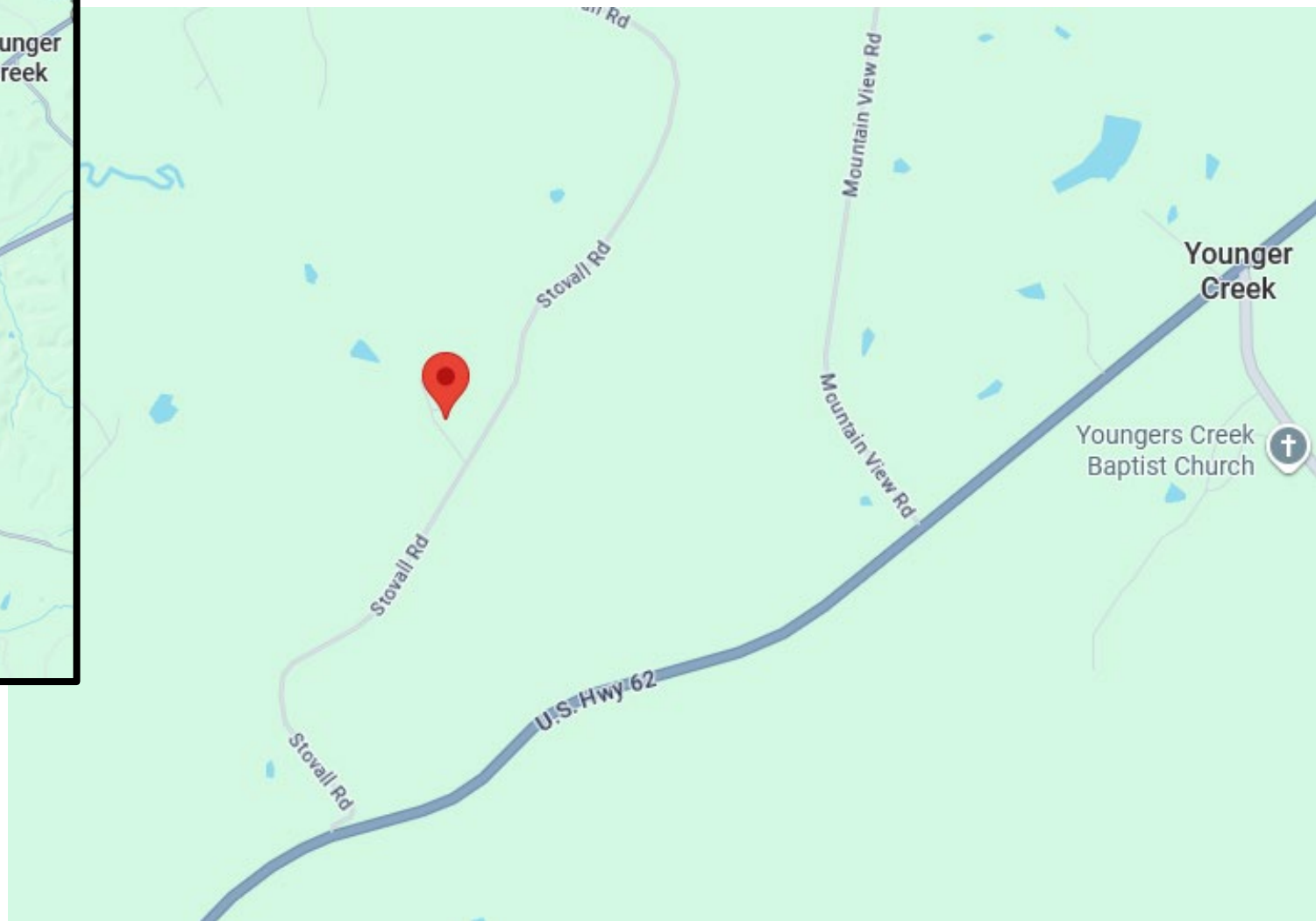
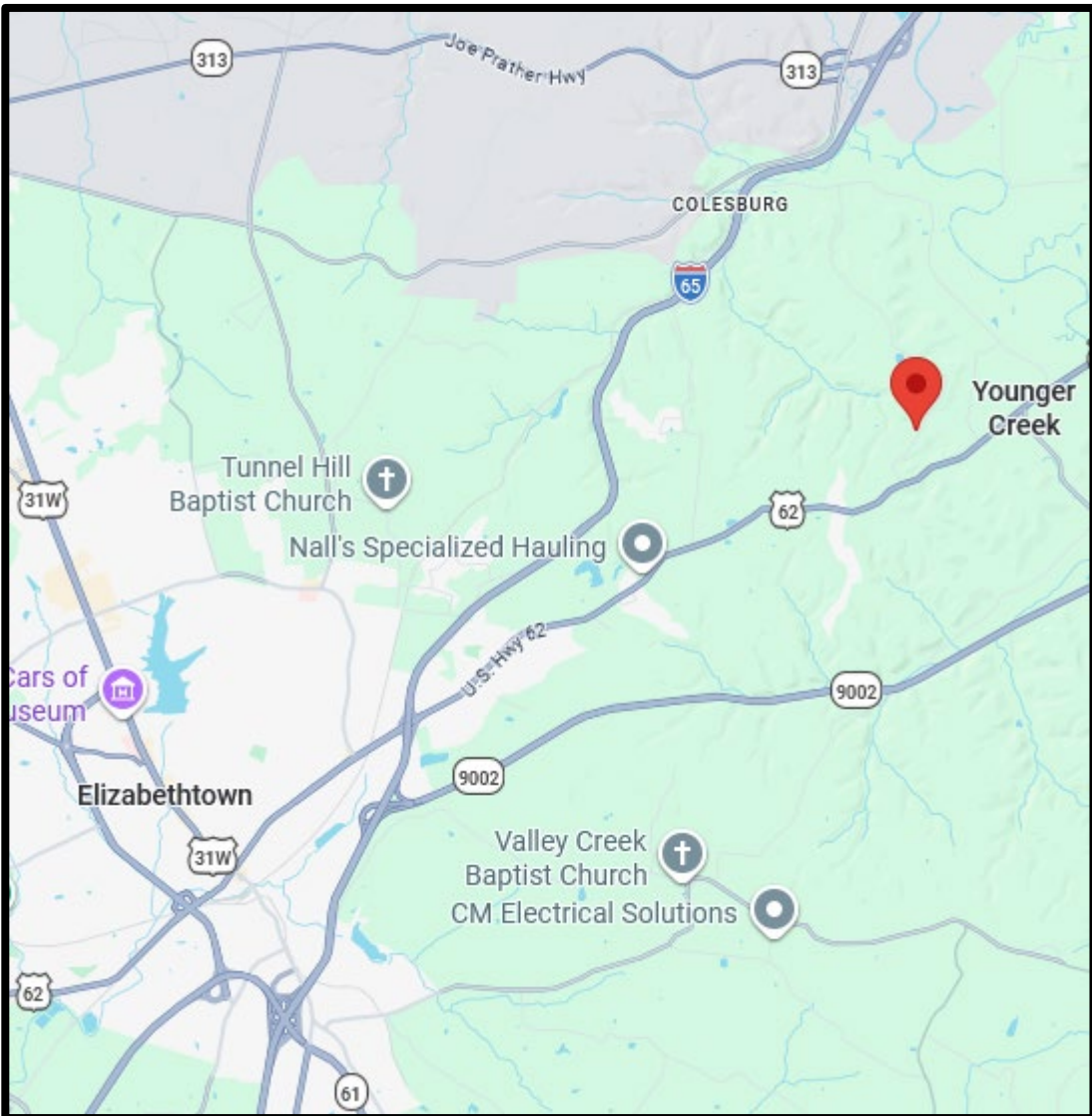
2nd CUP: 2021 (5 years)

639 Stovall Road
Amended Conditional Use Permit
SUMMARY REPORT

LISTING OF EXHIBITS

- A. Vicinity Map**
- B. Zoning Map**
- C. Environmental Features**
- D. Character of the Site**
- E. Site Plan**
- F. Photos of the Site**
- G. Previous Conditional Use Permit Approvals**
- H. *Comprehensive Development Guide**
- I. *Development Guidance System Ordinance**

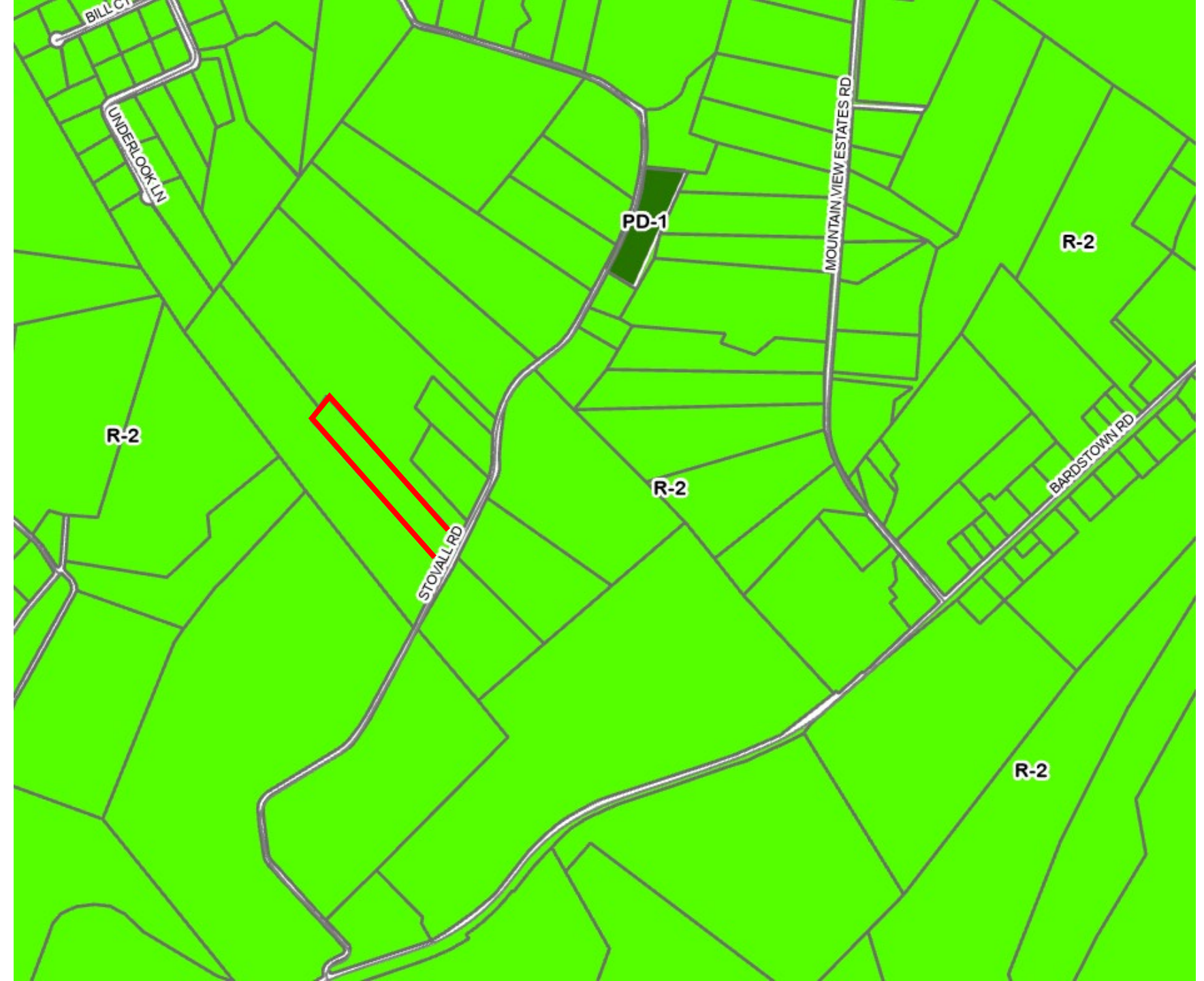
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MasterZone

DISTRICT

- A-1
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- R-3
- R-4



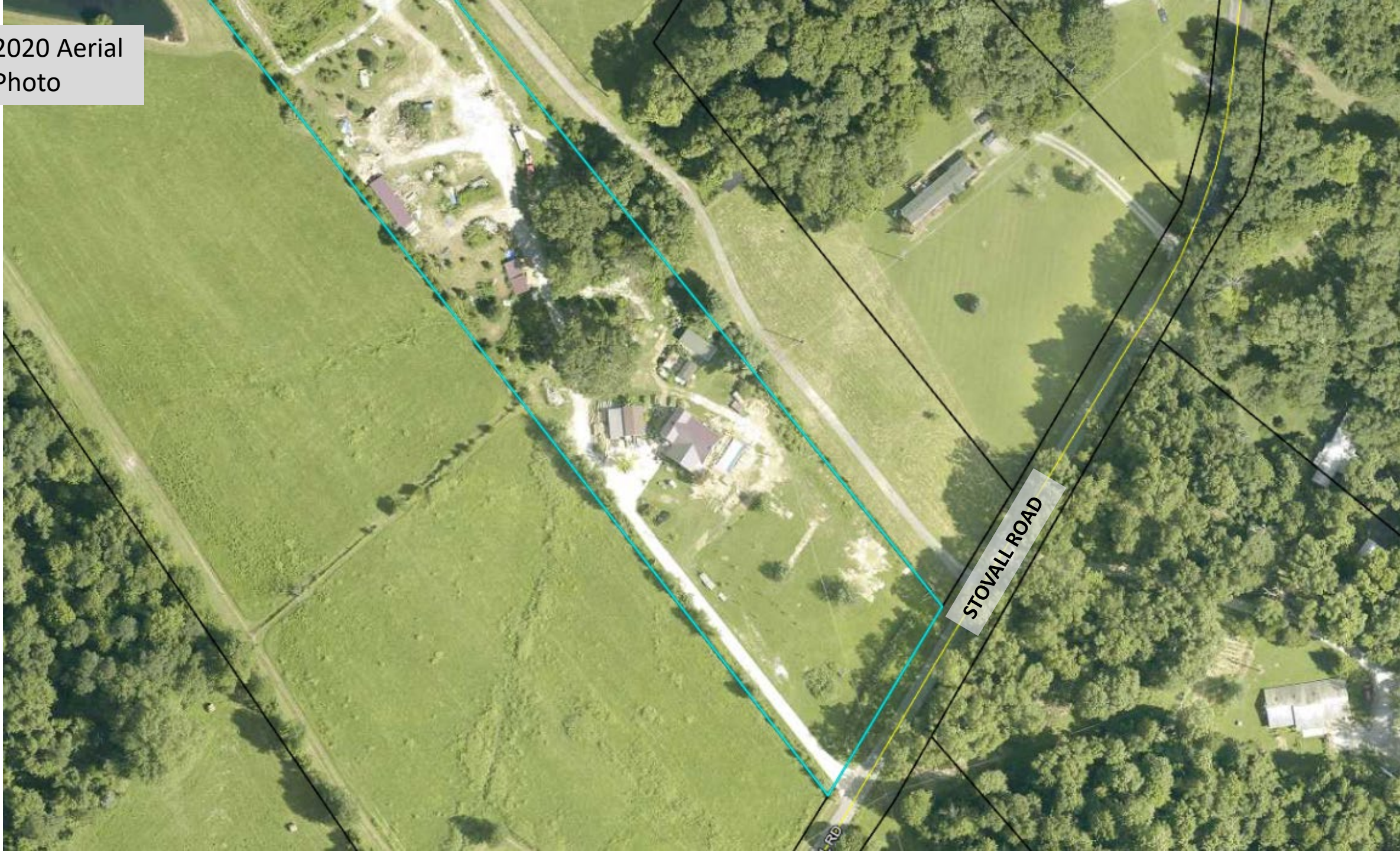
- Streams 2023
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- hardin_sinkhole
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2020 Aerial
Photo



STOVALL ROAD

RD



2,674 sq. ft. house (1980)



468 sq. ft. accessory building (2012)

















Previously the Hart's received a Conditional Use Permit from the Board for a Welding Shop on this Site (2014 - 2017)

Conditional Use Permit
Welding Shop in a Detached Garage
Chris & Rachel Hart, 639 Stovall Road



Permit Date	Owner	PVA Map Number	Type	Zone	Listed Use (Dvpl, Cup, Var, Maps)	Project / Subdivision Name	Request	Site Address	Status
04/27/2026	ZHOU PEIYIN	262-00-00-007	CONDITIONAL USE PERMIT (AMENDED)	R-2 - RURAL RESIDENTIAL ZONE	RETAIL SALES OF MERCHANDISE	VINTAGE & ANTIQUE SALES	TO ALLOW FOR THE BUSINESS TO REMAIN ON SITE	639 STOVALL ROAD, ELIZABETHTOWN, KY	PENDING
04/12/2021	HELSEL, JOSHUA	262-00-00-007	CONDITIONAL USE PERMIT (AMENDED)	R-2 - RURAL RESIDENTIAL ZONE	RETAIL SALES OF MERCHANDISE	VINTAGE / ANTIQUE SALES	TO ALLOW FOR A RETAIL SALES BUSINESS (VINTAGE / ANTIQUES) IN A DETACHED GARAGE TO REMAIN ON SITE	639 STOVALL ROAD, ELIZABETHTOWN, KY	APPROVED
02/08/2019	HELSEL, JOSHUA	262-00-00-007	CONDITIONAL USE PERMIT	R-2 - RURAL RESIDENTIAL ZONE	RETAIL SALES OF MERCHANDISE	RETAIL SALES BUSINESS (VINTAGE / ANTIQUES)	TO ALLOW FOR RETAIL SALES OF MERCHANDISE WITHIN THE R-2 ZONE	639 STOVALL ROAD	APPROVED
11/08/2018	HELSEL, JOSHUA	262-00-00-007	VIOLATION	R-2 - RURAL RESIDENTIAL ZONE	RETAIL SALES OF MERCHANDISE	HOME OCCUPATION		639 STOVALL ROAD	COMPLIANCE
02/17/2014	CHRISTOPHER & RACHEL HART	262-00-00-007	CONDITIONAL USE PERMIT	R-2 - RURAL RESIDENTIAL ZONE	WELDING SHOP	HOME OCCUPATION - HART'S WELDING	TO ALLOW FOR WELDING REPAIR FABRICATION BUSINESS IN THE R-2 ZONE	639 STOVALL ROAD	APPROVED

16-3 STANDARDS FOR ISSUANCE

The Board of Adjustment shall issue a CUP only after all of the following standards satisfy the language of the Ordinance:

- A. The use shall not tend to change the character and established pattern of development of the area of the proposed use;
- B. 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;
- C. 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;
- D. The use shall not adversely affect the health or safety of persons residing or working in the vicinity of the proposed use;
- E. The use shall not be detrimental to the public welfare or injurious to property or improvements in the vicinity; and,
- F. The use shall be in accordance with the purposes of the Zoning Ordinance and the Comprehensive Plan.

GENERAL CONDITIONS In granting any Conditional Use Permit, the Board shall designate such conditions in connection therewith as will, in its opinion, assure that the use will conform to the requirements set out in the Zoning Ordinance and that it will continue to so do. Such conditions may include, but are not limited to the following:

- A. Secure a financial security to insure completion or construction of imposed conditions;
- B. Reasonable time limits may be imposed to insure completion of the project in question or any individual components of the project, if none are established, the project shall be complete in one year;
- C. Conditions may be imposed to abate or restrict noise, smoke, dust, light, or other elements that may affect surrounding properties;
- D. Establish building setbacks and yard requirements necessary for orderly expansion and to prevent traffic congestion;
- E. Provide for adequate parking and ingress and egress to public streets and roads;
- F. Provide the adjoining property with a buffer or shield from view of the proposed use;
- G. Establish minimum dwelling unit square foot requirements in order to protect property values;
- H. Establish Hours of Operation for businesses and commercial activities;
- I. Establish limits as to the scope and intensity of activities conducted under the Conditional Use Permit;
- J. Establish time limits for the Conditional Use Permit at which time the permit shall expire or require renewal;
- K. Conditional Uses shall comply with all applicable standards of the Zoning Ordinance, including the parking, landscape, lighting and signage regulations. Additional standards may be included in the listed requirements for a particular use;
- L. All other plans, licenses, permits and documentation from/for other agencies may be required by the Board.

Conditions may include, but are not limited to the following:

DGS [5-3(A)]

I make a Motion to Approve the Conditional Use Permit with the Following Conditions:

Based on the Staff Presentation and the Testimony presented in the Public Hearing and that it satisfies the Standards for Issuance outlined in the Development Guidance System, Zoning Ordinance 16-3.

1. This Conditional Use Permit shall allow for retail sales in the R-2 Zone within the detached structure on site.
2. The hours of operation shall be 8am to 6pm, 7 days a week.
3. There shall be no employees who do not reside on site.
4. **All materials stored on site must be screened from view of the right-of-way and adjoining properties.**
5. A single, 6 sq. ft. sign shall be permitted.
6. Adequate parking must be provided on site with a turnaround provided adjacent to the detached structure so that no cars back out onto Stovall Road.
7. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.
8. This Conditional Use Permit is being issued to the current owner, Peiyin Zhou and is not transferable. Any new owners or proposals shall come back before the Board of Adjustment for approval.
9. A Certificate of Land Use Restrictions shall be recorded in the office of the Hardin County Clerk.
10. This Conditional Use Permit is **for _____ years and shall expire on 21 May _____**. After which time it shall require a renewal hearing before the Board of Adjustment.
11. The existing tree line along the driveway on the southwest side of the property shall be preserved.

Continued from 7 May 2026 ...

Owner: Karen & Kenneth White



Location A 6.96 acre site located at 728 W Rhudes Creek Road, Glendale, KY known as Lot 4H Nellis Phillips Subdivision

Zoned Urban Residential (R-1)

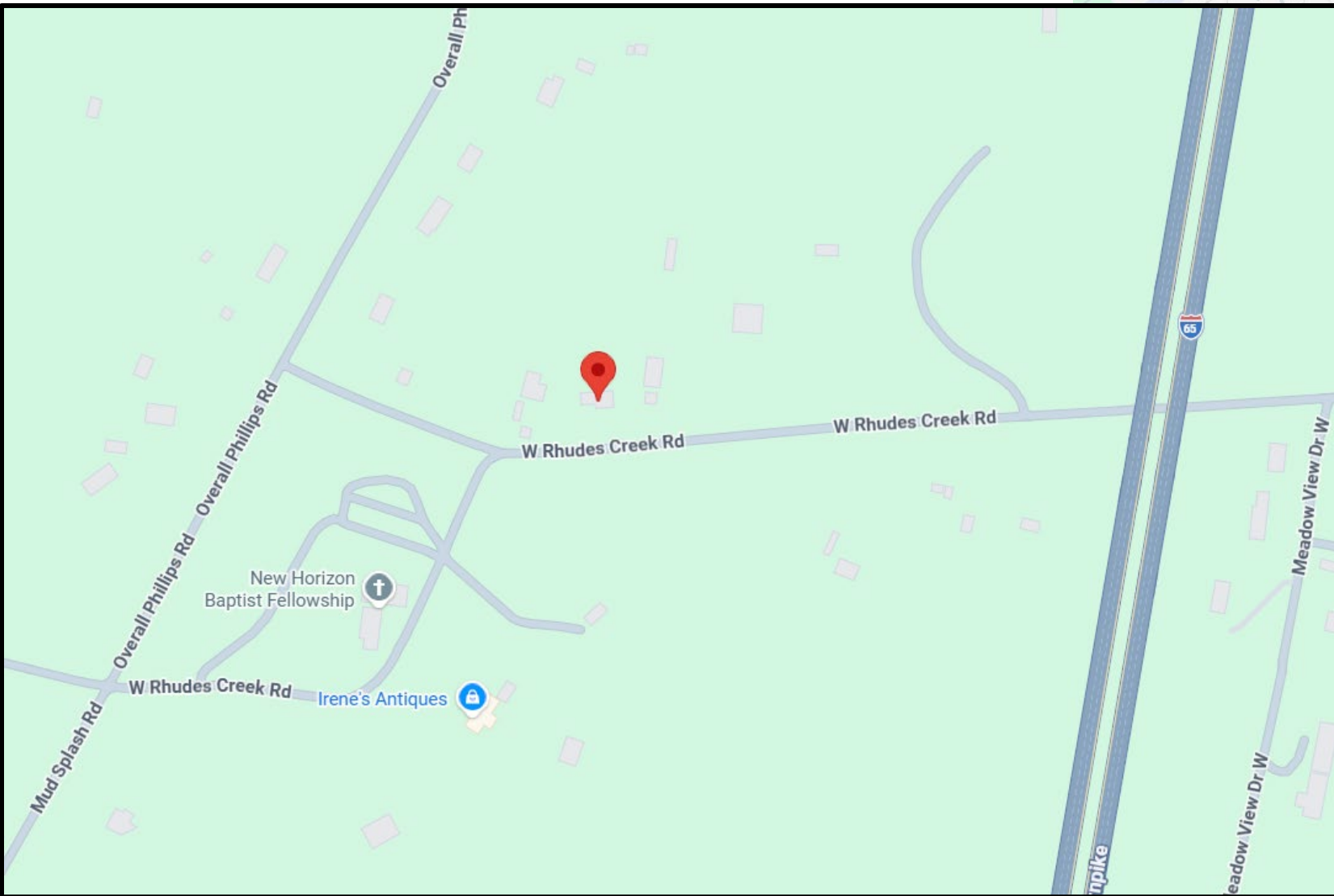
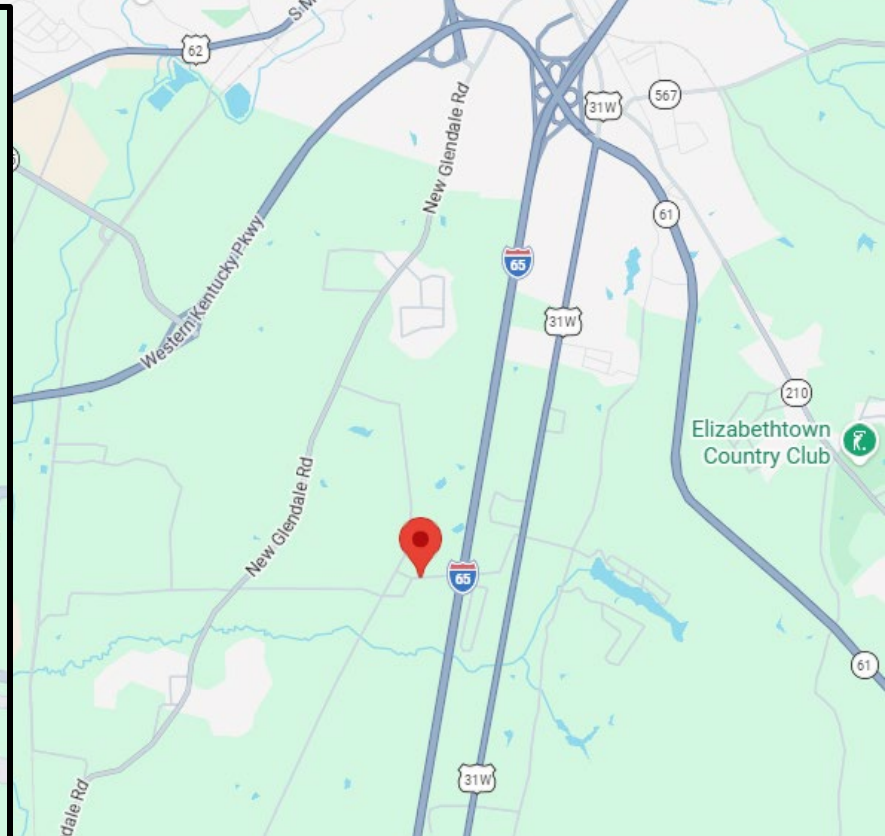
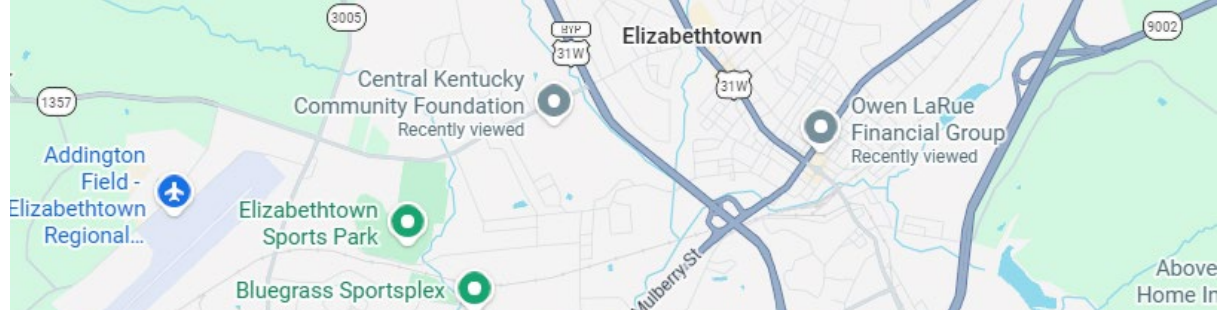
Request for a **Variance from the front building setback line to allow for construction of a 32'x48' pole barn to replace an existing barn.**

728 W Rhudes Creek Road
Variance
SUMMARY REPORT

LISTING OF EXHIBITS

- A. Vicinity Map**
- B. Zoning Map**
- C. Environmental Features**
- D. Character of the Site Analysis**
- E. Amended Record Plat of Nellis Phillips Subdivision (1986)**
- F. *Comprehensive Development Guide**
- G. *Development Guidance System Ordinance**
- H. Presentation from Clint Lewis**

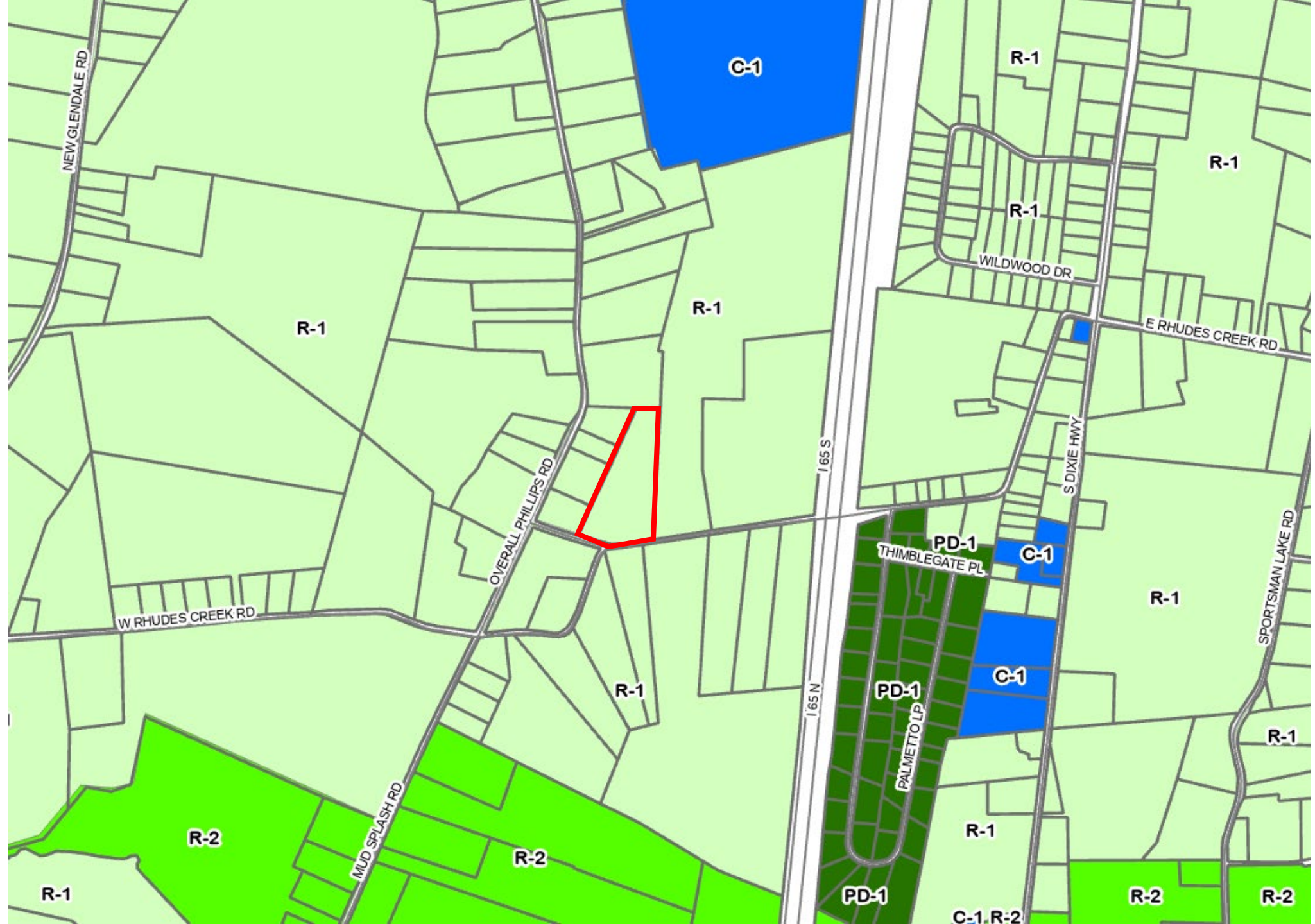
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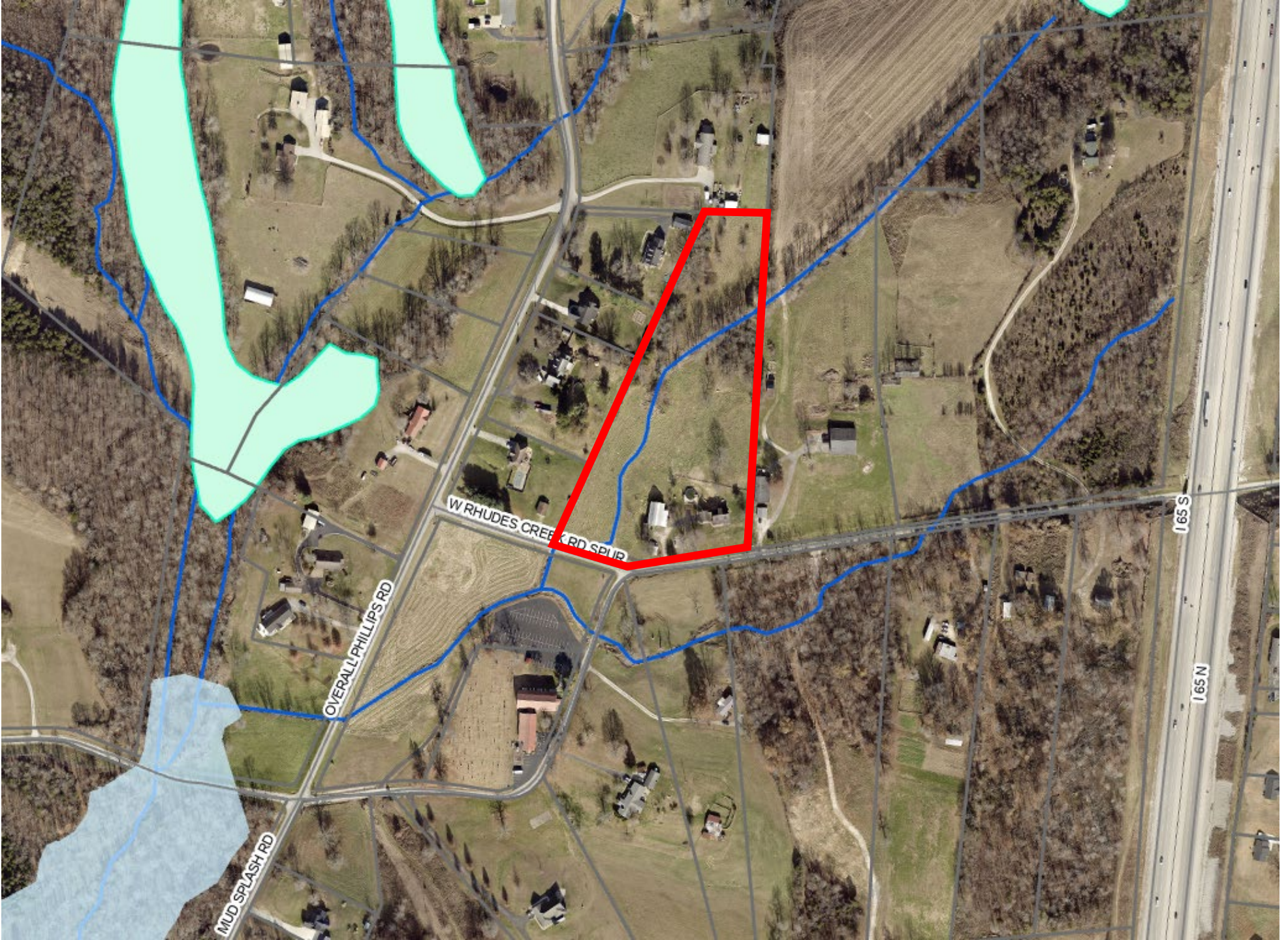
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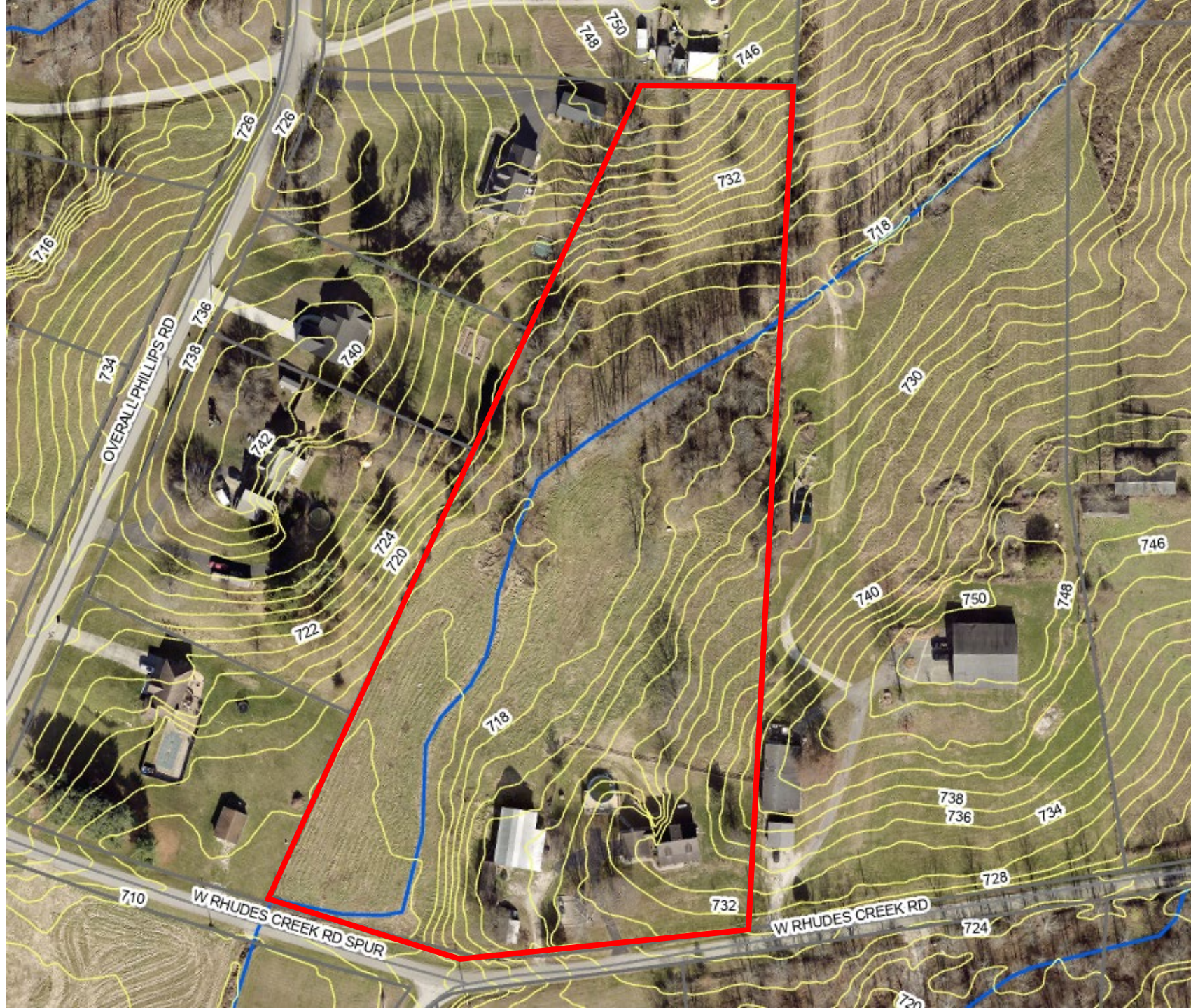
DISTRICT

- A-1
- B-1
- B-2
- C-0
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- C-2
- I-1
- I-2
- IH
- PD-1
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- R-3
- R-4

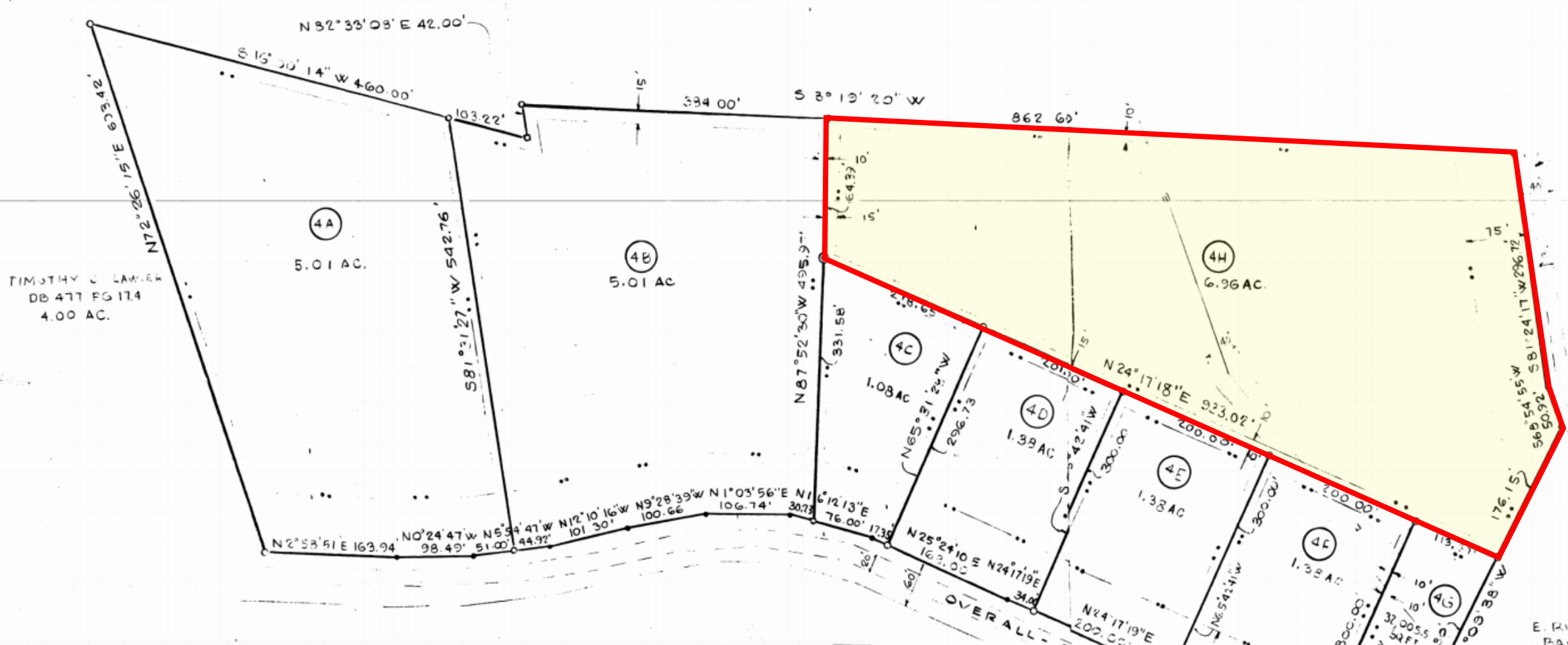


- Streams 2023
- Hardin_Wetlands
- Hardin_100Flood
- hardin_sinkhole









TIMOTHY C. LAWLER
DB 477 PG 174
4.00 AC.

AMENDED RECORD PLAT for LOT # 4
 NELLIS PHILLIPS SUB DIVISION
 PROPERTY OWNER: NELLIS PHILLIPS, 210 CARDINAL DR
 ELIZABETHTOWN, KENTUCKY 42701
 DRAWN BY: DATE: DGS NO: DRAWING NO:

IAL SYSTEMS
 DIVISION FULLY

E. BARNES
 BARTIST
 20424 P...
 LOT NO 3

Proposed 32'x48' pole barn
to replace existing barn

35' to C/L

40' front B/L

20' to C/L (1/2 40' R/W)
= 60' to C/L

25' Variance request





Improvement Information

Description	PHILLIPS AC SUBD LT 04H	Finished Basement %	0
Type of Residence	CAPE COD 1.5	Bedrooms	3
Year Built	1999	Full Baths	2
Num Stories	1.5	Half Baths	1
Above Ground Sqft	2112	Exterior	ALUM/VINYL
Total Living Area	2112	Heat	ELECTRIC
Basement	FULL	Air Condition	CENTRAL/AC
Basement Sqft	1280	Fireplace	0
Basement Sqft Finish	0		

Description	POLE FRAME BUILDING WOOD, FOUR SIDES CLOSED	Square Footage	3200
Year Built	1960	Condition	D
<hr/>			
Description	SHED FRAME UTILITY SHED	Square Footage	496
Year Built	1965	Condition	D
<hr/>			
Description	SHED FRAME UTILITY SHED	Square Footage	168
Year Built	1960	Condition	D



























W Rhudes Creek and
W Rhudes Creek Spur
are 40' R/W, 18'
paved, 35 mph

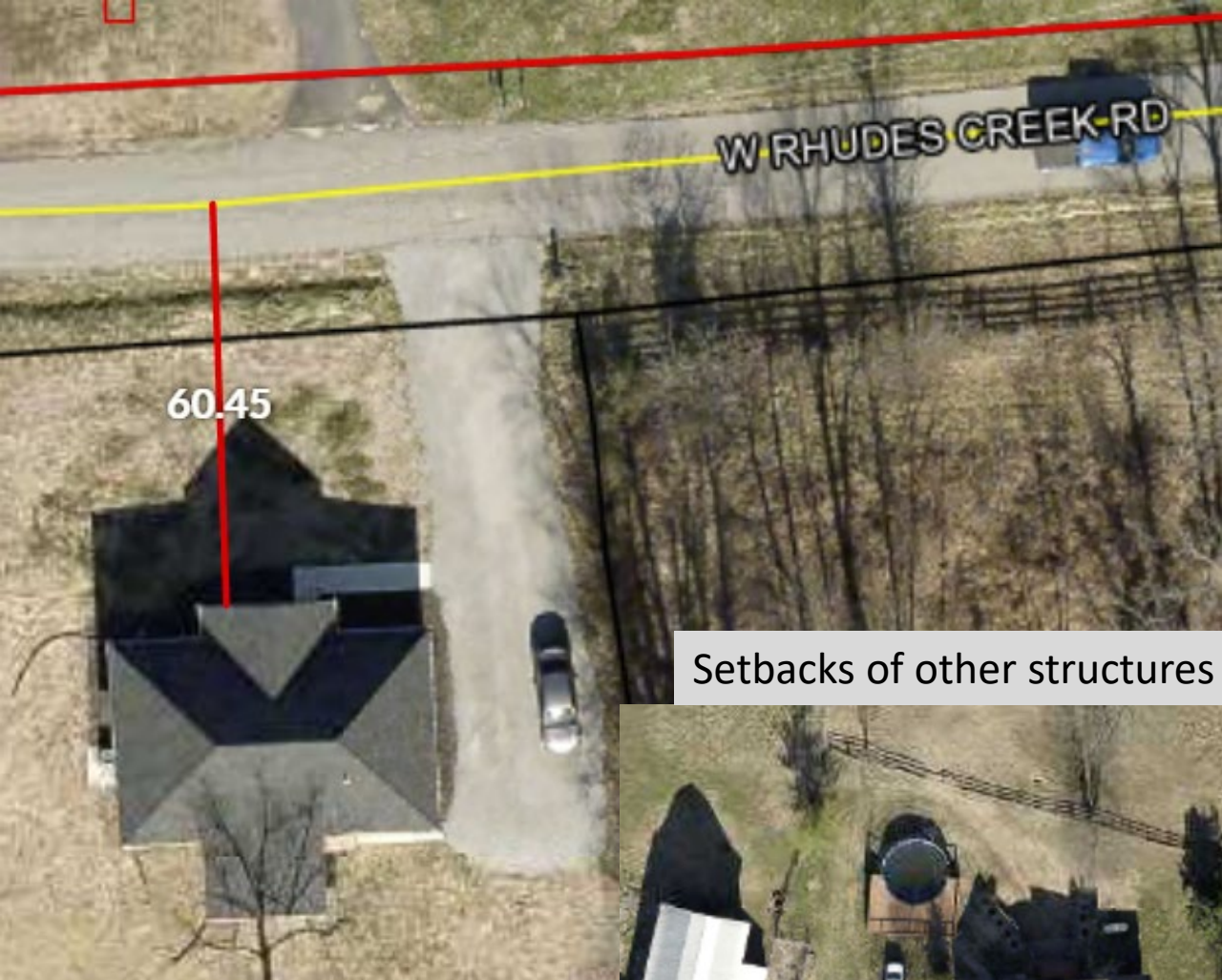


Other Variances on W Rhudes Creek Road

Permit Date	Owner	PVA Map Number	Type	Zone	Listed Use (Dvpl, Cup, Var, Maps)	Project / Subdivision Name	Request	Site Address	Status
04/02/2026	WHITE, KENNETH W & KAREN J	223-00-00-013	VARIANCE	R-1 - URBAN RESIDENTIAL ZONE	ACCESSORY STRUCTURE	NELLIS PHILLIPS SUBDIVISION - LOT 4H	VARIANCE FROM THE FRONT SETBACK TO ALLOW FOR EXISTING BARN TO BE REPLACED WITH A 32'X48' POLE BARN	728 W RHUDES CREEK ROAD, GLENDALE, KY	PENDING
01/10/2025	ASHBY FARMS	223-20-00-061	VARIANCE	C-1 - CONVENIENCE COMMERCIAL ZONE	PROFESSIONAL OFFICE	ASHBY FARMS - OFFICE BUILDING	TO ALLOW FOR A VARIANCE FROM THE FRONT BUILDING SETBACK FOR A COVERED FRONT PORCH	17 W RHUDES CREEK ROAD, GLENDALE, KY	APPROVED
12/03/2024	HORNBACK, RUSSELL STEVEN	223-20-00-060	VARIANCE	R-1 - URBAN RESIDENTIAL ZONE	DWELLING; SINGLE FAMILY	HORNBACK - VARIANCE FROM FRONT SETBACK	VARIANCE FROM THE FRONT BUILDING SETBACK LINE TO ALLOW FOR A PROPOSED COVERED FRONT PORCH	33 W RHUDES CREEK ROAD, GLENDALE, KY 42740	APPROVED
11/21/2024	ASHBY FARMS INC	223-20-00-064	VARIANCE	R-1 - URBAN RESIDENTIAL ZONE	SINGLE FAMILY DWELLING	ASHBY FARMS	TO ALLOW FOR A VARIANCE FROM THE FRONT BUILDING SETBACK ALONG W RHUDES CREEK ROAD TO ALLOW FOR A SINGLE FAMILY DWELLING TO BE BUILT IN THE EXISTING FOOTPRINT	187 W RHUDES CREEK RD	APPROVED

Records 1 to 4 (of 4)





Setbacks of other structures in the immediate area



Proposal for Allowing Replacement Within Existing Setback

The applicant respectfully requests approval to construct a new building within the same footprint and setback as the existing structure, originally built between 1960 and 1965. While current zoning regulations require greater roadway setbacks, there are compelling and practical reasons to allow reconstruction in its current location.

The existing building represents a long-standing, lawful condition that has coexisted with the roadway for decades without documented safety or operational concerns. Rebuilding within the same footprint does not introduce a new encroachment, but instead maintains an established and functional relationship between the structure and the public right-of-way.

Importantly, the proposed project will **improve roadway visibility and safety conditions**. The removal of existing trees, overgrown brush, and vegetation surrounding the current structure will significantly enhance sightlines for drivers. This improvement directly addresses a key safety concern and results in a net benefit compared to the existing condition, where visibility is currently restricted.

In addition, there are **significant physical constraints on the property that limit alternative building locations**. Other areas of the site are not suitable for construction due to:

- Low-lying portions of the property that are prone to drainage issues and are not appropriate for building
- The presence of a blue water stream, which restricts development due to environmental and setback considerations
- The need to maintain clear and unobstructed access to the far side of the existing barn, which serves as a critical entry point for servicing and feeding livestock
- Existing septic system components, including the tank and lateral lines located behind the owner's residence, which cannot be disturbed or built upon

Together, these constraints significantly limit feasible building locations on the property. Requiring relocation to meet current setbacks would either interfere with essential agricultural operations, impact environmentally sensitive areas, or encroach upon critical infrastructure.

Requiring full compliance with modern setbacks would therefore impose a disproportionate hardship on the property owner and could make redevelopment impractical. This would discourage reinvestment and potentially result in the continued use of an outdated structure.

The proposed building represents a substantial improvement. It will meet current building codes, improve structural safety, and enhance the overall appearance and value of the property. Denying the ability to rebuild in place may unintentionally incentivize maintaining older structures rather than encouraging modernization and reinvestment.

This request is also consistent with common zoning principles that allow for the replacement of nonconforming structures, provided the degree of nonconformity is not increased. The proposed

building will not extend further into the setback or intensify any impacts beyond what has historically existed.

From a planning perspective, the current building alignment is already part of the established character of the property and surrounding area. Maintaining this alignment avoids creating inconsistencies in the built environment.

Finally, the existing location is already integrated with site access, utilities, and grading. Relocating the structure would introduce unnecessary cost, disruption, and potential environmental impacts without providing a clear public benefit.

Proposed Barn Construction
Prepared for Kenneth W. White

728 West Rhudes Creek Road
Glendale Ky 42740

32' X 48'
Pole Barn



Page 1 – Project Overview & Request


Title:

Request to Rebuild Within Existing Setback


Main Points (keep concise):

- Replacement of existing structure (built 1960–1965)
- Request to rebuild within current (nonconforming) setback
- New structure will be larger but will not encroach further into setback
- Continuation of a long-standing, lawful site condition

Visual Space (bottom or side):

 Photo of existing building from roadway



 Aerial view showing current placement



Proposal Statement

Page 1. Project Overview & Request

Page 2. Safety & Visibility Improvements

Page 3. Site Constraints & Hardship

Page 4. Justification & Community Benefit

Closing Statement

Page 2 – Safety & Visibility Improvements

Title:
Improved Safety and Roadway Visibility

Main Points:

- Removal of trees, brush, and overgrowth
- Significantly improved sightlines for drivers
- Safer ingress/egress to property
- Net safety improvement over current conditions
- Setback itself is not the primary safety issue—visibility is

Visual Space:

📷 "Before" photo (vegetation obstructing view)



📷 "After" or marked-up photo showing cleared sightlines



Page 3 – Site Constraints & Hardship

Title:
Physical Constraints Limit Alternative Locations

Main Points:

- Low-lying areas unsuitable for construction (drainage concerns)
- Presence of blue water stream restricting buildable area
- Required access to barn must remain open for livestock operations
- Septic system and lateral lines behind residence cannot be disturbed
- These factors severely limit feasible relocation options

Visual Space:

📷 Site map with constraints labeled

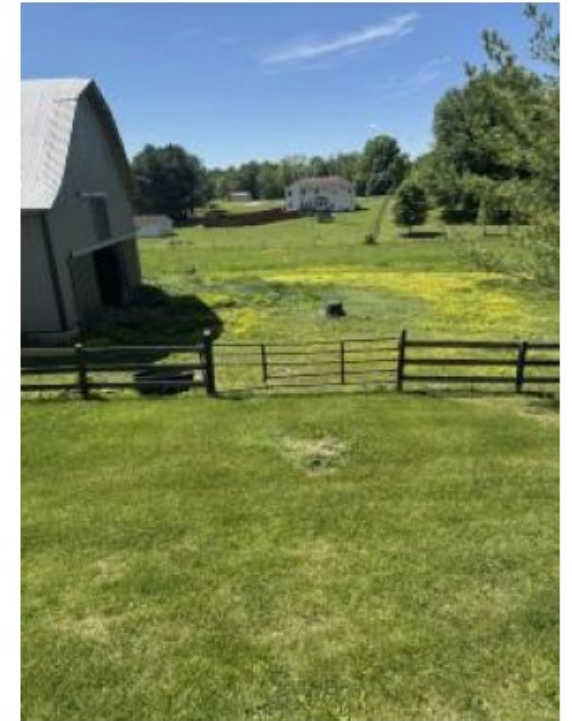
Blue: Blue line Stream in lower laying wet area

Red: Access to existing barn entry and exit for feeding and watering livestock

Yellow: Septic and Lateral Field for Residence



📷 Photo of barn access / livestock pathway



Page 4 – Justification & Community Benefit

Title:

Reasonable Request with No Increased Impact


Main Points:

- No increase in setback encroachment
- Aligns with principles for replacing nonconforming structures
- Upgrades safety, structure quality, and property value
- Maintains existing site layout and rural/agricultural function
- Avoids unnecessary environmental and site disturbance


Closing Line (bold):

“This request maintains the past, improves the present, and avoids creating new impacts.”

Visual Space:

 Concept drawing rendering of new building



 Comparison diagram (existing vs. proposed footprint)

Red: Existing Structure

Yellow: New Structure



Closing Statement

In summary, approving this request will:

- Maintain a long-standing and functional site condition
- Allow a larger, improved structure **without increasing setback encroachment**
- **Improve roadway visibility and safety through vegetation removal**
- Respect significant natural and infrastructure constraints on the property
- Preserve critical access for agricultural operations
- Avoid disturbance to environmentally sensitive areas and septic systems
- Support reinvestment and modernization

For these reasons, the request represents a practical, reasonable, and balanced solution that benefits both the property owner and the broader community.

Findings necessary for Granting Variances

KRS 100.243 and DGS 5-3(B)

1. Before any variance is granted, the Board of Adjustment must find that the granting of the variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of this regulation. In making these findings, the board shall consider whether:
 - a. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity;
 - b. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant;
 - c. The circumstances are the result of actions of the applicant taken subsequent to the adoption of this regulation from which relief is sought.
2. The Board shall deny any request for variance arising from circumstances that are the result of willful violations of this regulation by the applicant subsequent to the adoption of this regulation.

*I make a Motion to **Approve** the Variance with the Following Conditions:*

Based on the Staff Presentation and the Testimony presented in the Public Hearing and that it satisfies the Standards for Variances outlined in the Development Guidance System, Zoning Ordinance 5-3(B)(1) with Finding of Fact:

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

(B) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant;

(C) The circumstances are the result of actions of the applicant taken subsequent to the adoption of this regulation from which relief is sought.

Motion to Approve the proposed Variance :

- 1. To allow for a Variance from the front building setback to allow for a proposed barn to be no closer than 35' to the centerline of West Rhudes Creek Road.**
- 2. A Site Plan in compliance with Section 7 of the Zoning Ordinance shall be required.**
- 3. Building and electrical permits must be obtained through the KBC program of our office.**
- 4. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.**

OR

Motion to Deny