



Hardin County Board of Adjustment

4 September 2025

**County Government Center
Second Floor Meeting Room**

Owner: Michael & Clifford Dale Miller



Location: A \pm 15 acre site located at 475 Millerstown Loop, Upton, KY

Zoned: Rural Residential (R-2)

Requesting a **Variance** from the minimum pavement width requirement of 16' to allow for the property to be further subdivided into a less than 5 acre lot

475 Millerstown Loop, Upton, KY

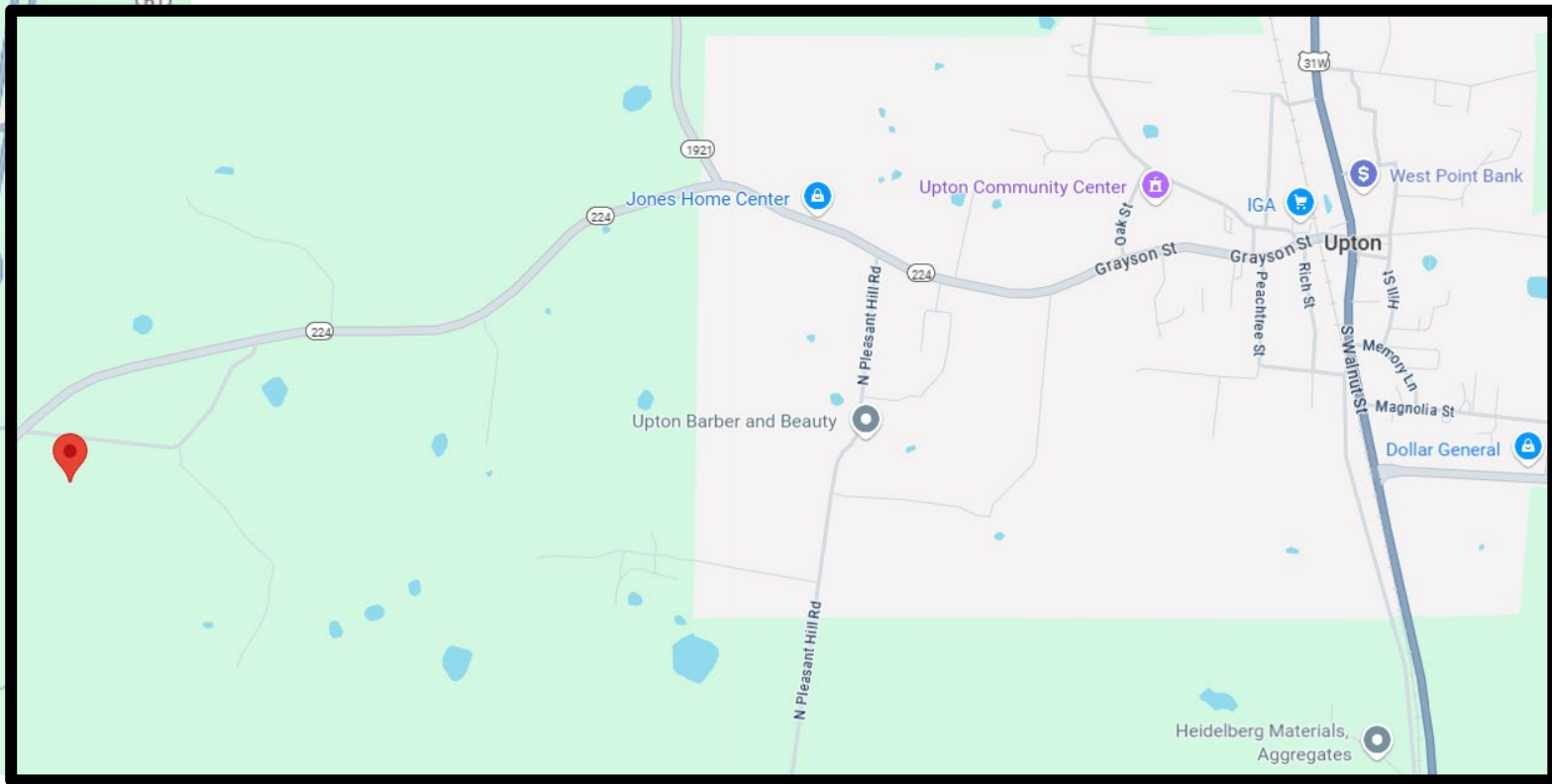
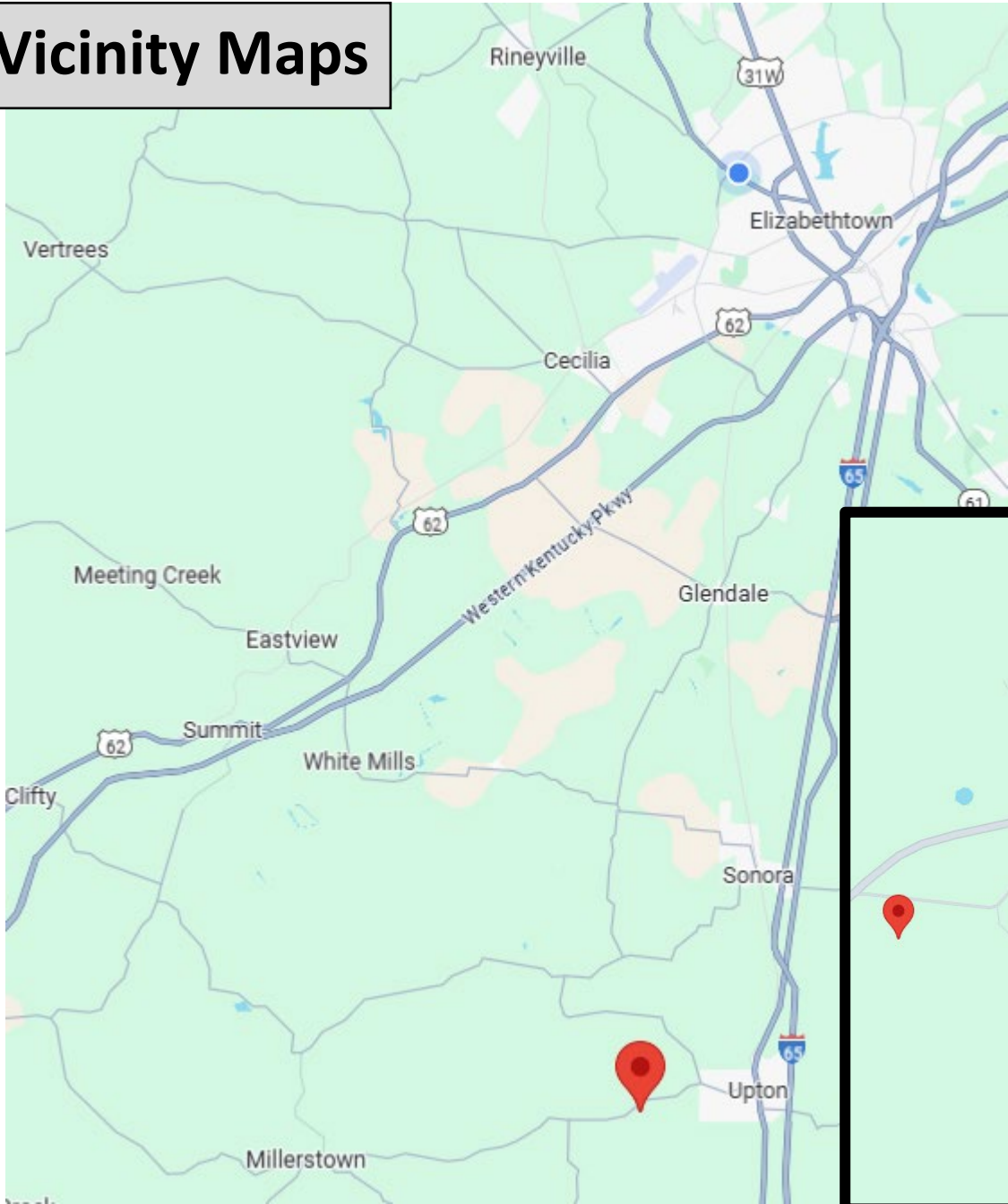
Variance

Summary Report

LISTING OF EXHIBITS

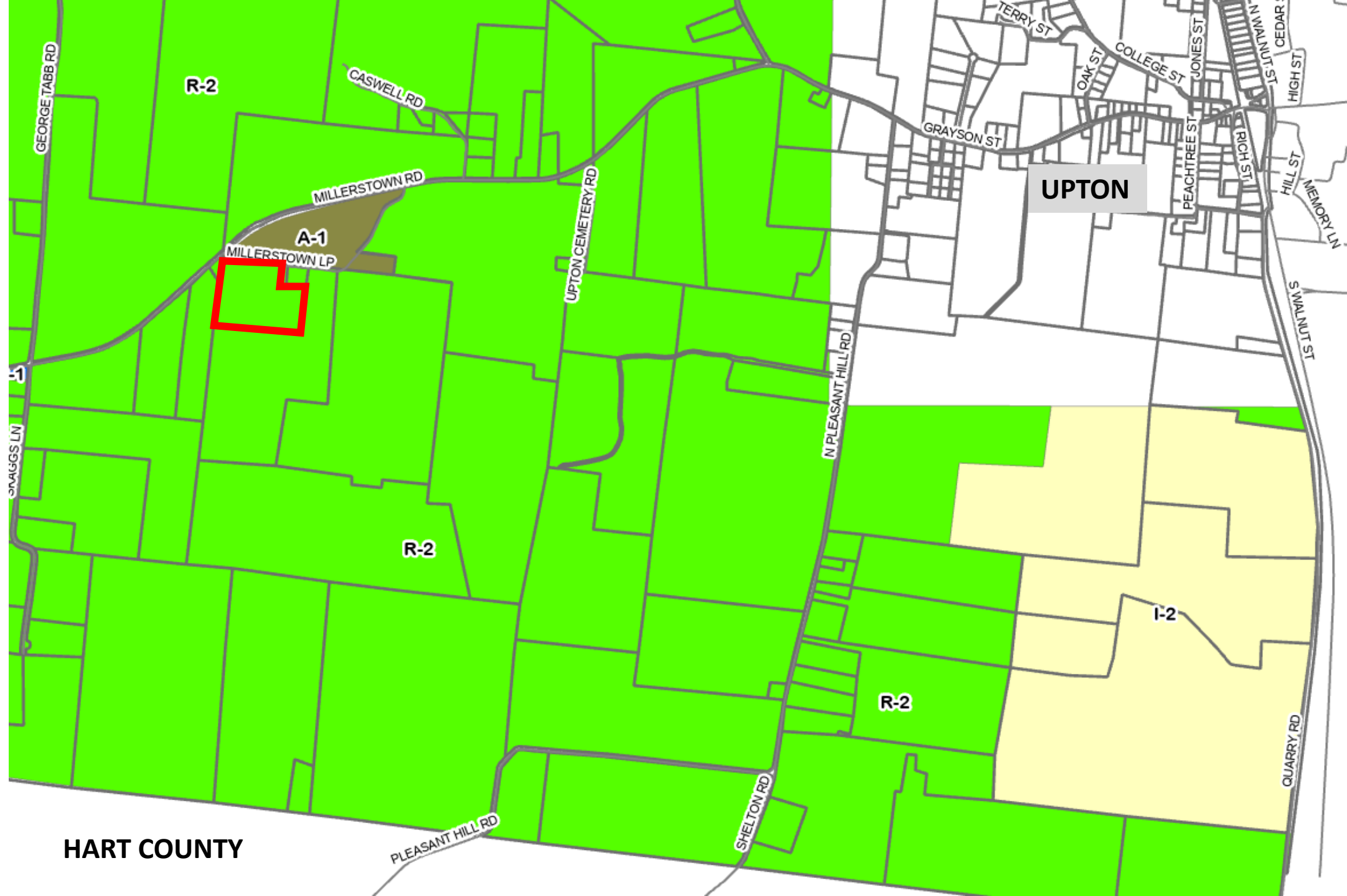
- A. Vicinity Map
 - B. Zoning Map
 - C. Aerial Photos
 - D. Pavement width measurements from Clemons Land Surveying
 - E. Proposed two lot Subdivision Plat
 - F. Analysis of other Variances from pavement width regulations
 - G. *Comprehensive Development Guide
 - H. *Development Guidance System Ordinance
- * Not Provided in PowerPoint

Vicinity Maps



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



- ☒ Hardin_Wetlands
- ☒ Hardin_100Flood
- ☒ Streams 2023
- ☒ hardin_sinkhole



PROPOSED



Michael & Clifford Miller
475 Millerstown Loop, Upton, KY
Variance from minimum pavement
width requirement to allow for
property to be further subdivided

3-2 RURAL RESIDENTIAL ZONE (R-2)

A. INTENT

This Zone is intended for low-density development of single family dwellings, located where private or public water supply is available and individual on-site wastewater treatment is permitted by the Hardin County Health Department.

B. USES FOR THE ZONE

The Permitted, Accessory and Conditional Uses for lots and structures are set forth in the Land Use Table (Table 1, Pg. 56).

C. DIMENSION AND AREA REGULATIONS

The regulations on the dimensions and area for lots and yards are set forth as follows:

1. Minimum Lot Size;
 - 12,000 square feet for property having Sewer or Wastewater Treatment Alternatives;
 - Open Space Subdivision Design (Pg. 146)
 - 80,000 square feet for property having access to a government maintained roadway with a 16 foot paved surface or greater; or
 - 3.0 acres for property having access to a government maintained roadway with a 16 foot paved surface or greater, but without public water available at the site
 - 5.0 acres for property having access to a government maintained roadway with less than 16 foot paved surface.
2. Minimum Lot Frontage - 200';
3. Minimum Width to Length Ratio – 1:3 until 300' of frontage;
4. Minimum Front Yard Setback - 40'; or 70' for property 3.0 acres or greater.
5. Minimum Side Yard Setback - 10'; 100' for Subdivision lots platted after the adoption of this ordinance and adjoining A-1, I-1, I-2 zones
6. Minimum Rear Yard Setback - 15'; 50' for property 3 acres or greater; 100' for Subdivision lots platted after the adoption of this ordinance and adjoining A-1, I-1, I-2 zones.
7. Street Construction – New subdivision streets must intersect with government maintained roads with a minimum of 40 foot dedicated right-of-way and a minimum 18-foot paved road surface. To achieve street connectivity the Commission may approve secondary streets to intersect with other government maintained roads.

ADDITIONAL STANDARDS THAT MAY APPLY

Planned Unit Development, Pg. 46
 Site Plan Requirements, Pg. 85
 Signage Standards, Pg. 97

Building and Electric Permits, Pg. 117
 Special Provisions, Pg. 143

- Open Space Subdivision Design, Pg. 146
- Sewer or Wastewater Treatment Alternatives, Pg. 149







Description		Finished Basement %	0
Type of Residence	1-STORY BUNGALOW	Bedrooms	2
Year Built	1960	Full Baths	1
Num Stories	1	Half Baths	0
Above Ground Sqft	1212	Exterior	ALUM/VINYL
Total Living Area	1212	Heat	ELECTRIC
Basement	PART	Air Condition	BASIC
Basement Sqft	1212	Fireplace	0
Basement Sqft Finish	0		









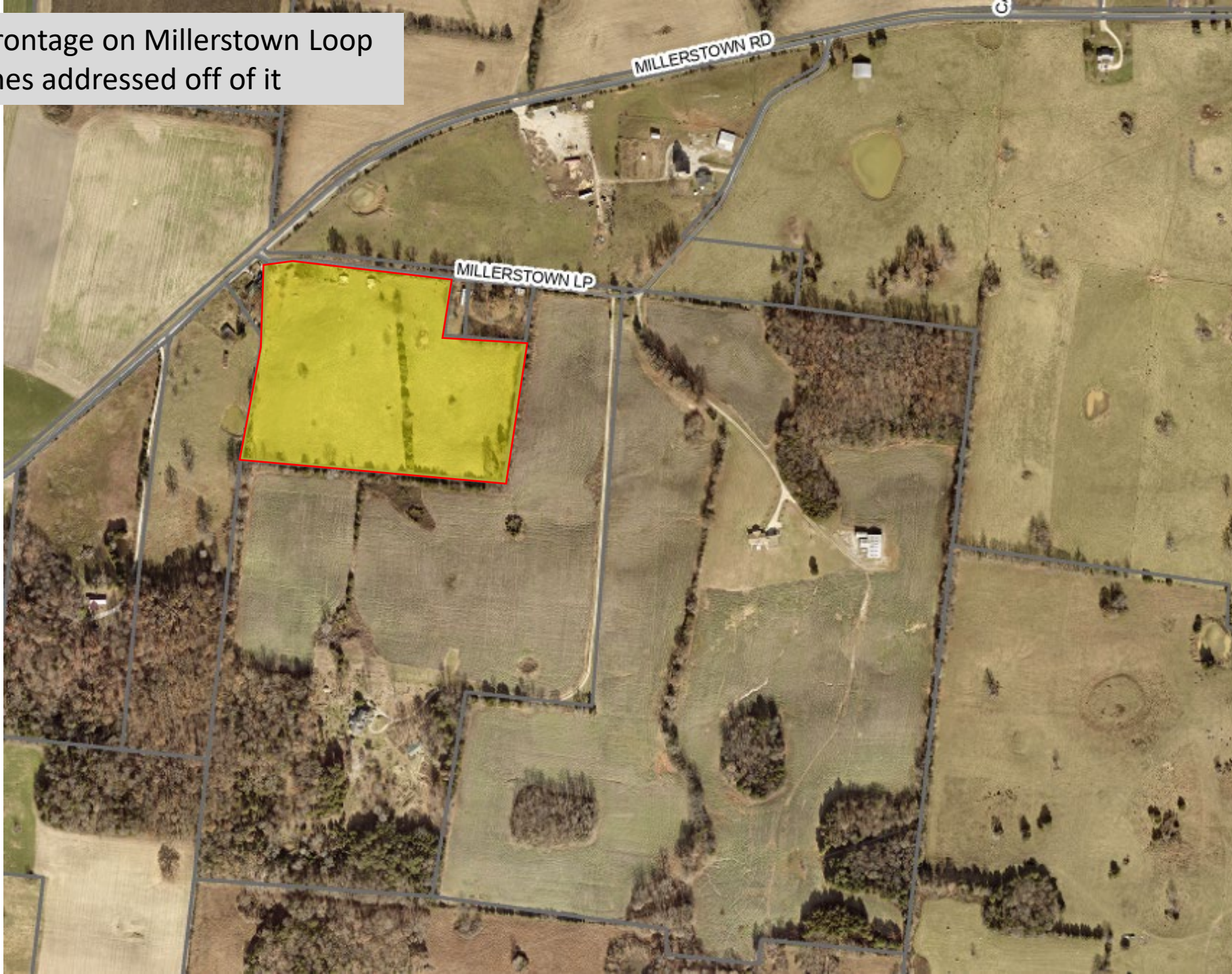








8 parcels have frontage on Millerstown Loop
There are 7 homes addressed off of it



Other Variances from pavement width

Permit Date	Owner	PVA Map Number	Type	Zone	Project / Subdivision Name	Request	Site Address	Acres (All Permits)	Status	Final Date
07/22/2025	MILLER MICHAEL J & CLIFFORD DALE MILLER	177-00-00-036	VARIANCE	R-2 - RURAL RESIDENTIAL ZONE	MILLER VARIANCE FROM ROAD FRONTAGE	TO ALLOW FOR A VARIANCE FROM THE MINIMUM ROAD PAVEMENT WIDTH REQUIREMENT FOR THE PROPERTY TO BE FURTHER SUBDIVIDED	475 MILLERSTOWN LOOP	15.000	PENDING	
02/05/2024	MILES IMPROVEMENTS LLC	190-30-00-010	VARIANCE	R-1 - URBAN RESIDENTIAL ZONE	MILES IMPROVEMENTS, LLC VARIANCE	TO ALLOW FOR A VARIANCE FROM THE MINIMUM PAVEMENT WIDTH REQUIREMENT	W MAPLE STREET	.575	APPROVED	03/07/2024
04/11/2023	BENNIES BARN LLC	190-30-00-020.01; 190-30-00-016	VARIANCE	PD-1 - PLANNED UNIT DEVELOPMENT	AMENDED WILLIAMS CORNER , LOTS 1 & 2	TO ALLOW FOR A VARIANCE FROM THE MINIMUM ROAD FRONTAGE AND PAVEMENT WIDTH REQUIREMENTS AND THE 1:4 LOT WIDTH-TO-LENGTH RATIO	434 E MAIN STREET & 122 E RAILROAD AVENUE, GLENDALE, KY	2.265	APPROVED	06/06/2023
04/13/2022	WALKER GEORGE L REVOCABLE LIVING TRUST	230-00-00-031, 230-00-00-032 & 230-00-00-045	VARIANCE	R-1 - URBAN RESIDENTIAL ZONE	PROPOSED SULPHUR SPRINGS FARM	FROM SECTION 3-1(C)7 OF THE ZONING ORDINANCE, NEW SUBDIVISION STREETS MUST INTERSECT WITH AN 18' WIDE PAVED ROAD. (PAVEMENT WIDTH)	726 TUNNEL HILL CHURCH ROAD, ELIZBETHTOWN, KY	420.000	APPROVED	05/19/2022
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 minimum pavement width requirement to allow for the property to be further subdivided into a less than 5 acre lot.**
2. **A Record Plat prepared by a licensed surveyor shall be required.**
3. **A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.**

OR

Motion to Deny

Owners: Lisa & Jeffrey Boulden



Location: A 3.104 acre site located at 10296 Salt River Road, Cecilia, KY known as Lot 3 of Masters Farm Supply Subdivision, Section 2

Zoned: Rural Residential (R-2)

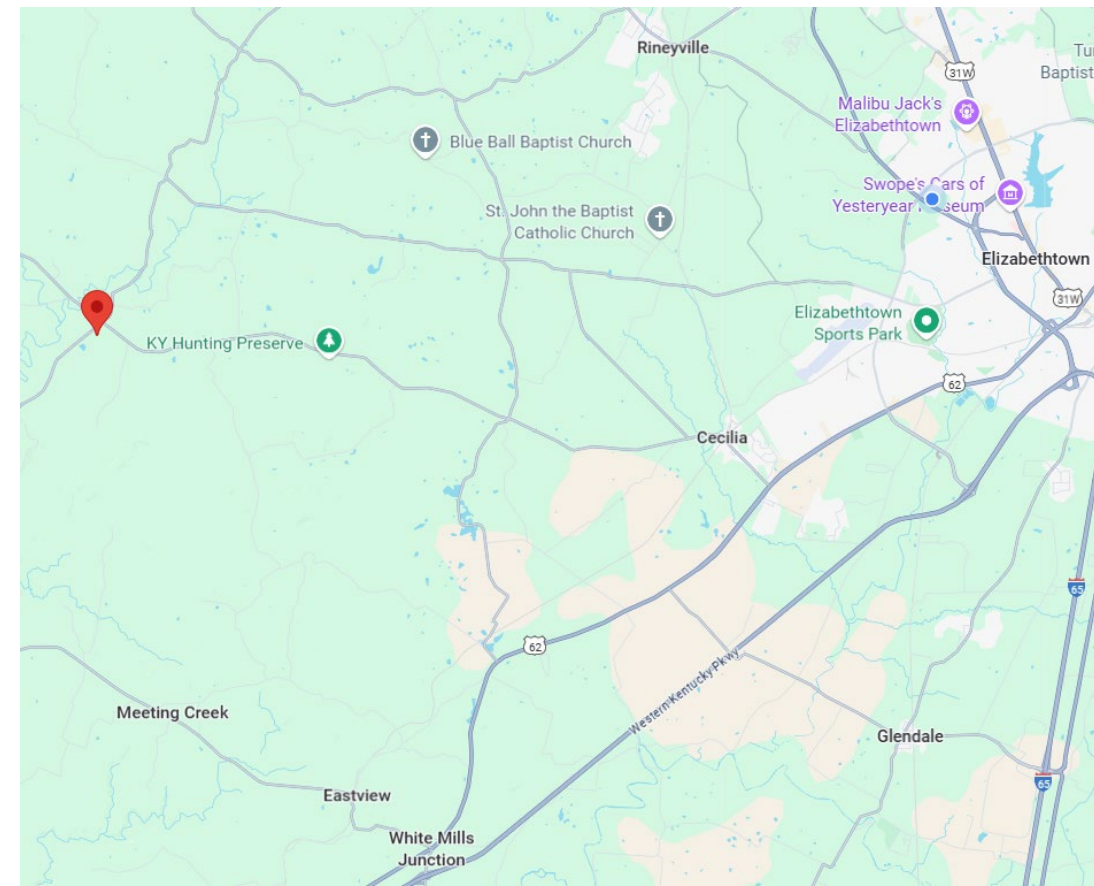
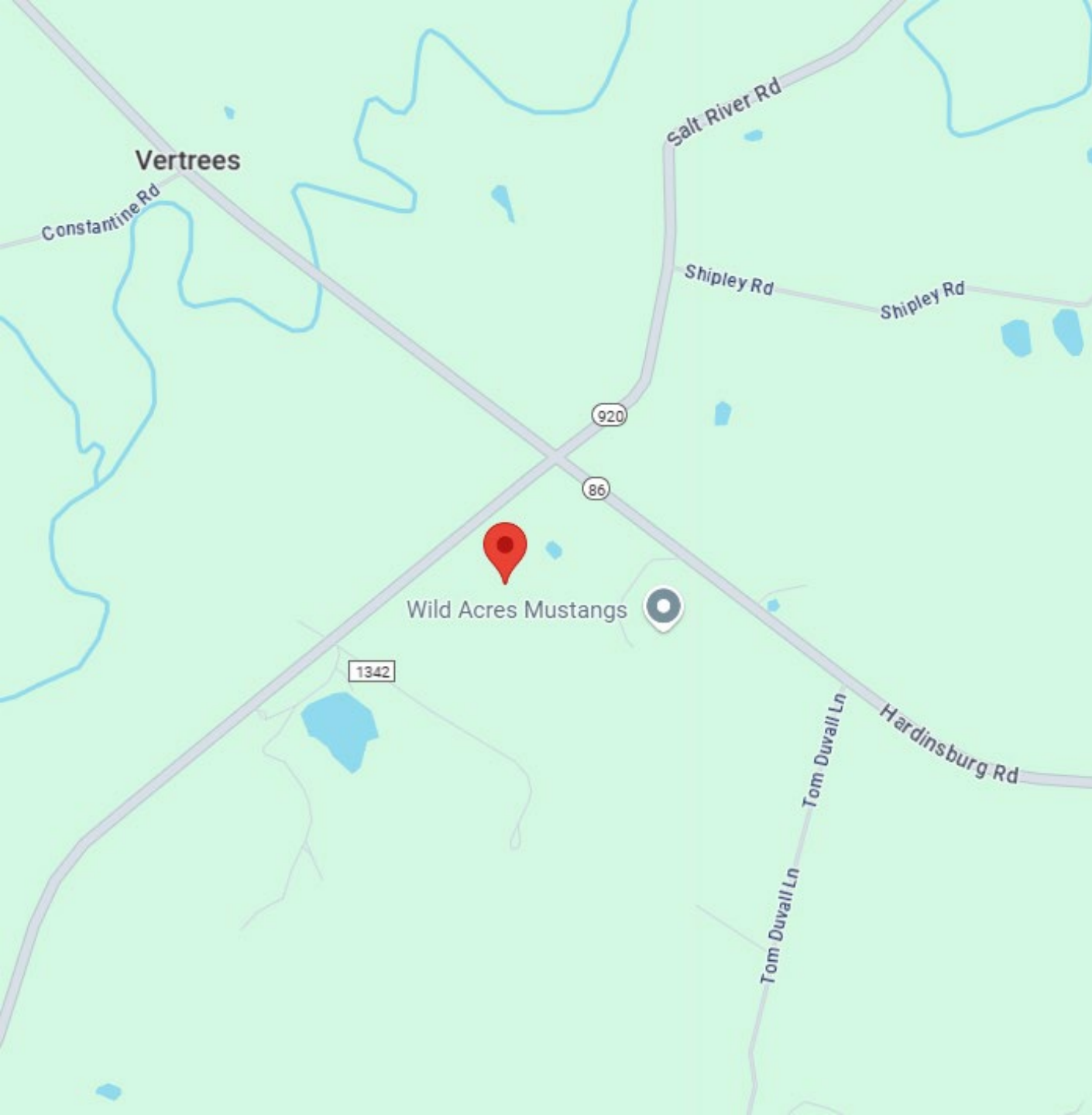
Requesting a **Variance** from the 50' rear building setback to allow for the construction of a 40'x40' garage on site

10296 Salt River Road, Cecilia, KY
Variance
Summary Report

LISTING OF EXHIBITS

- A. Vicinity Map
- B. Zoning Map
- C. Aerial Photos
- D. Character of the Site
- E. Plat of Masters Farm Supply Subdivision, Section 2 (2000)
- F. Site Plan
- G. Release of Easement from East KY Power
- H. Photos of the Site
- I. Character of the area
- J. *Comprehensive Development Guide
- K. *Development Guidance System Ordinance

* Not Provided in PowerPoint



Vicinity Maps

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



- ☒ Hardin_Wetlands
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- ☒ Streams 2023
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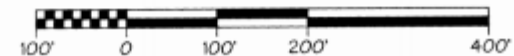




Lisa & Jeff Boulden
10296 Salt River Road, Cecilia, KY
Proposed 40'x40' garage within the 50' rear building setback

vicinity map 1" = 1000' (approx.)

- B. Existing Structure Note:
The existing structures shown on this plat are nonconforming uses as governed by KRS 100.253 and are exempt from the building setback lines. Any additions to these structures and all future structures shall be subject to the building setback lines as shown on this plat.



Scale 1" = 100'

FILED PA. ST. CLERK 15.00
 2017 MAR
 15 10 37 AM PMD:KJL:JLD
 AND SEP 19 A B 24
 "NATIONAL" GREEN
Pathologic
 #2716

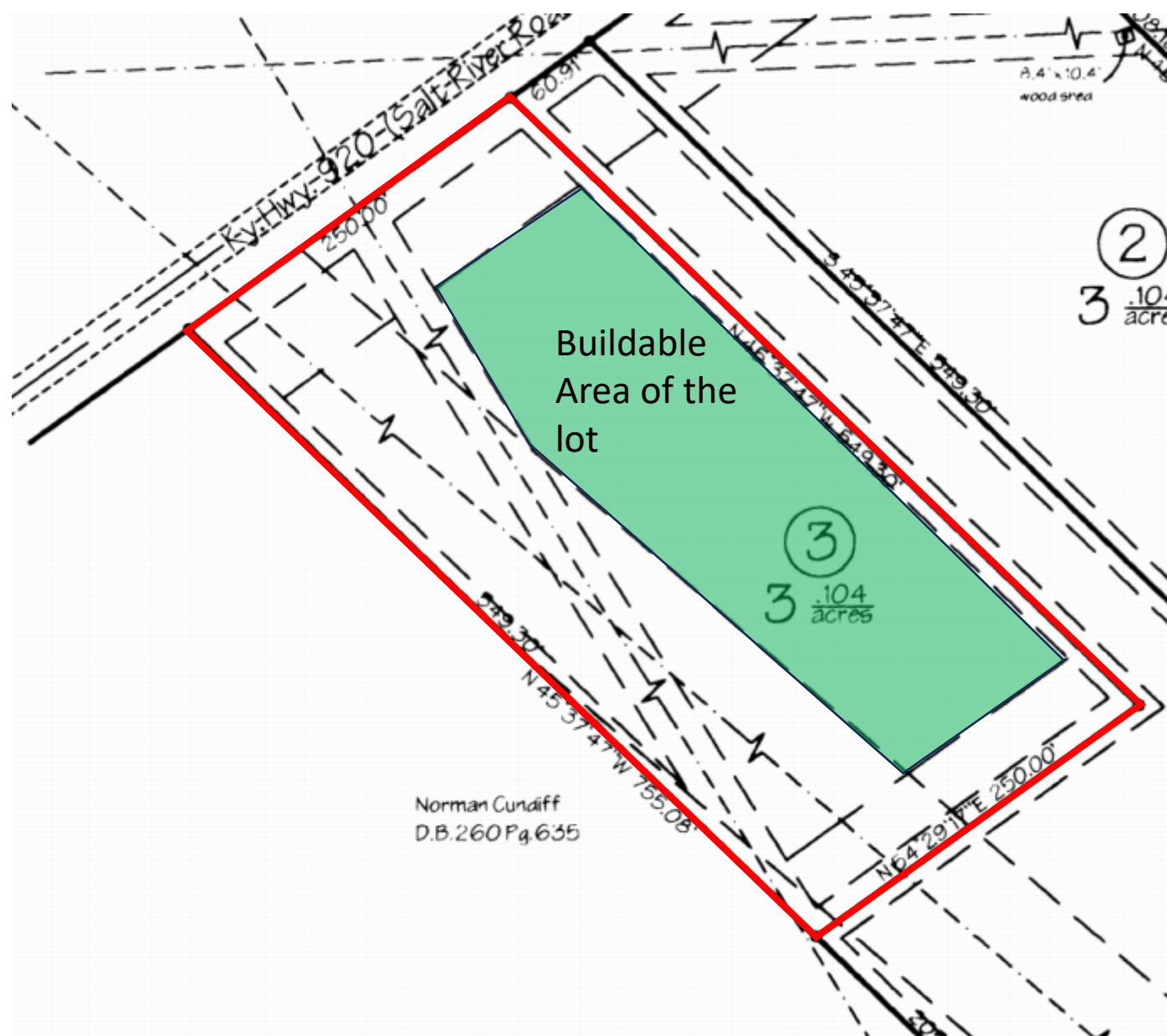


Description	MASTERS FARM SUPPLY SUBD	Finished Basement %	0
Type of Residence	CAPE COD 1.5	Bedrooms	3
Year Built	2002	Full Baths	2
Num Stories	1.5	Half Baths	1
Above Ground Sqft	2720	Exterior	ALUM/VINYL
Total Living Area	2720	Heat	GAS
Basement	FULL	Air Condition	CENTRAL/AC
Basement Sqft	1302	Fireplace	0
Basement Sqft Finish	0		

Variance Request

Proposed 40'x40' garage on a 50'x50' concrete pad.
Garage will be metal and match color scheme of house

Requesting a 20' rear setback (30' variance)



40' x 40' Garage on 50' x
50' Concrete Pad
Proposed 20' from Rear
Property Line
50' Setback Requirement
= 30' Variance

House is
Approximately
75' off rear
property line




Doc ID: 012992360003 Type: DOR
Kind: E REL
Recorded: 08/05/2025 at 09:59:04 AM
Receipt#: 2025-00009152
Page 1 of 3
Fees: \$46.00
Hardin County Clerk
Brian D. Smith Clerk
BK 1588 PG 96-98

Release of
easement for
transmission line
recorded on
August 5, 2025

RELEASE OF EASEMENT

THIS RELEASE OF EASEMENT, is made and entered into this the 5th
day of August, 2025, by and between EAST KENTUCKY POWER
COOPERATIVE, INC., a Kentucky corporation, with its principal offices at 4775
Lexington Road, P.O. Box 707, Winchester, Kentucky 40392-0707, hereinafter referred
to as "First Party," and JAMES G. & AMANDA D. SMITH of 2177 Horn Road, Cecilia,
KY 42724, DON ALLEN & THERESA ANN ALEXANDER of 116 Berkley Lane,
Frankfort, KY 40601, THOMAS AND LYNETTE SNIDER TRUST of 486 Clearview
Farm Lane, Shepherdsville, KY 40165, GARRETT & KELSIE MURRAY of 4165
Springfield Road, Elizabethtown, KY 42701, and JEFFREY L. & LISA M. BOULDEN
of 10296 Salt River Road, Cecilia, KY 42724, hereinafter referred to as "Second Party".

WITNESSETH:

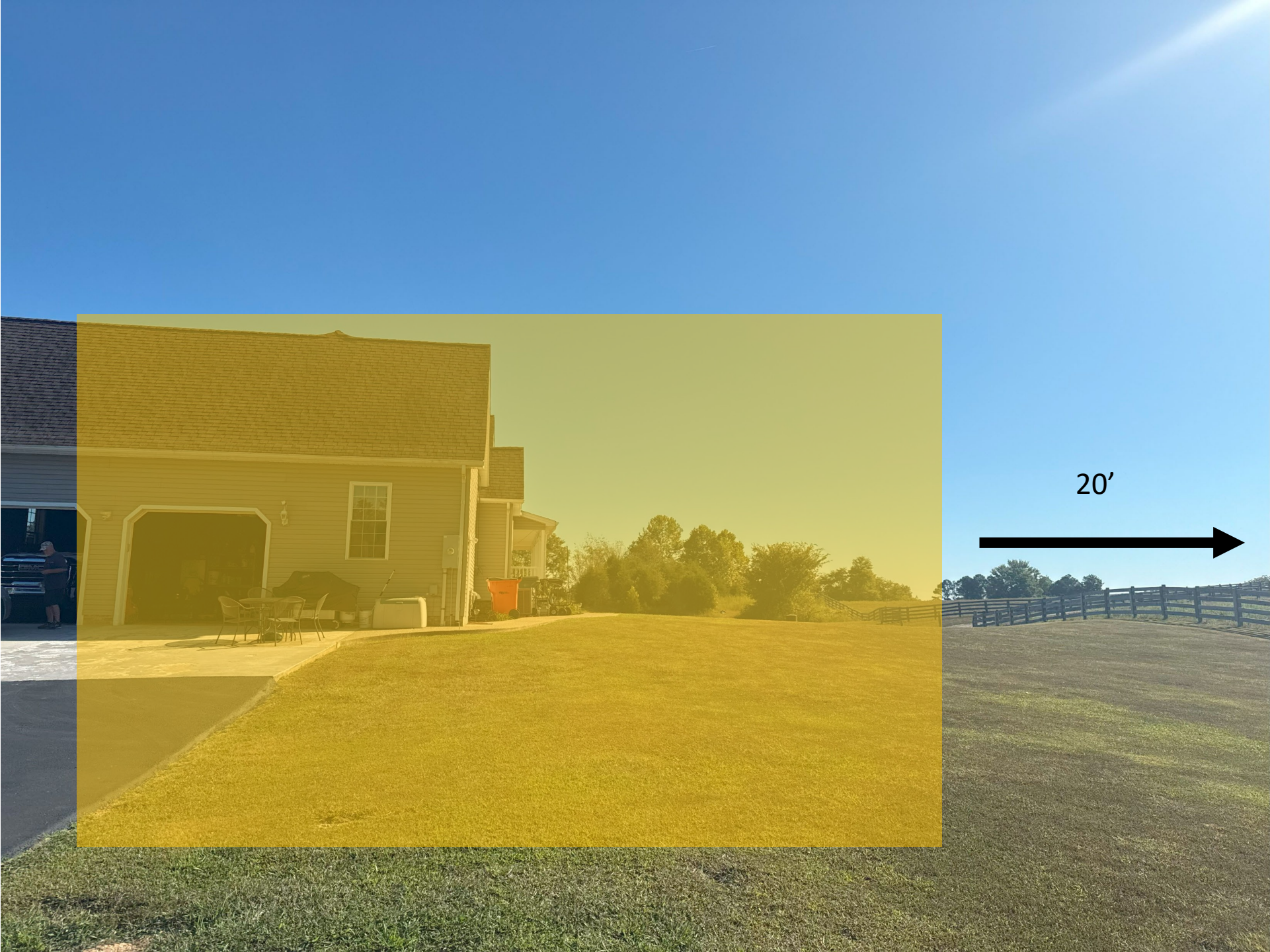
WHEREAS, First Party was conveyed a Transmission Line easement from E. E.
and America Miller dated September 4, 1957 and recorded in Deed Book 155, Page 274 in
the Hardin County Clerk's Office, (hereinafter "Easement");

WHEREAS, the Easement is no longer needed by the First Party;

NOW, THEREFORE, for valuable consideration, the receipt of which is hereby
acknowledged, the First Party does hereby release, relinquish, and quitclaim unto the
Second Party all of its right, title, and interest, if any, in and to the Easement.

It is the intention of the First Party to forever extinguish its interest in the easement
described above and Second Party, its successors and assigns forever, shall hereafter have
and enjoy its property free and discharged from the interests of the First Party as to said
easement; provided, however, that this Release shall not extinguish First Party's interest in
any other portion of the easement or any other easement other than as specifically described
hereinabove.











Garage will be placed at the edge
of paved driveway

From road looking down driveway



From house looking up driveway



Sinkhole area in front yard



Opposite side yard



Substation directly across from
driveway





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KRS 100.243 and DGS 5-3(B)

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Motion to Approve the proposed Variance :

1. To allow for a Variance from the rear building setback to allow for a 40' x 40' garage to be 20' off the rear property line.
2. A Site Plan in compliance with Section 7 of the Zoning Ordinance shall be required.
3. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

OR

Motion to Deny