

## Hardin County Board of Adjustment

Minutes: 9 November 2023

Page 1 of 5

Chairman Bob Krausman called to order the four hundred seventy ninth meeting of the Hardin County Board of Adjustment at 5:00 p.m. on Thursday 9 November 2023, in the Hardin County Government Center, 2nd Floor Meeting Room. The other Board Member in attendance was Secretary Steve Steck. Also, in attendance were Director Adam King, AICP, Planner Haley Goodman, and the individuals listed on the attached sign-in sheet. Chairman Krausman appointed Secretary Steck to serve as the Hearing Officer and to conduct the swearing in ceremony for all those in attendance who planned to speak. Vice Chairman, Greg Youngblood and Planner I, Nikki McCamish were absent from this meeting.

At 5:01 p.m. Chairman Krausman announced that the first item on the agenda is a request for a Conditional Use Permit to allow for an 18' x 40' carport on a vacant lot. The property is a 4.45 acre site located on Oakwood Court, Rineyville, KY, known as Lot 1A of Oakwood Farms within the North Urban Planning Area and is zoned Urban Residential (R-1). The PVA Map Number is 143-00-03-014. The property is owned by **CAROL & FLOYD STEPHENS**. Planner Goodman reviewed the application, the plans for the property, and presented exhibits into the record.

Floyd Stephens, of 1 Oakwood Court, Elizabethtown, KY provided testimony and answered questions from the board members and staff. Mr. Stephens explained that they want the carport to cover their RV currently on site. He stated that the carport will be a prefabricated kit type, and that his contractor is going to install it. Mr. Stephens explained that they have no plans to enclose the carport but they may install a sun screen to keep the sun off of the RV.

No one else spoke in favor or in opposition of the proposal.

At 5:09 p.m. Hearing Officer Steck closed the hearing to public discussion.

Chairman Krausman asked Mr. Stephens if he is okay with a condition that they cannot enclose the carport, and Mr. Stephens said yes.

Secretary Steck stated the request for the Conditional Use Permit does satisfy the language of the Development Guidance System Ordinance (Section 16-3) Standards of Issuance of a Conditional Use Permit as follows:

- The use shall not tend to change the character and established pattern of development of the area of the proposed use;
- The use shall be in harmony with the uses permitted by right under the Zone in question and shall not affect adversely the use of neighboring properties;
- The location and height of buildings, the location, nature, and height of walls and fences and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof;

## Hardin County Board of Adjustment

Minutes: 9 November 2023

Page 2 of 5

- The use shall not adversely affect the health or safety of persons residing or working in the vicinity of the proposed use;
- The use shall not be detrimental to the public welfare or injurious to property or improvements in the vicinity; and,
- The use shall be in accordance with the purposes of the Zoning Ordinance and the Comprehensive Plan.

According to provisions of the Kentucky Revised Statutes, the Hardin County Development Guidance System Zoning Ordinance, and the proceedings before the Board of Adjustment (the staff presentation and the testimony presented in the Public Hearing); Secretary Steck made the motion to grant the Conditional Use Permit (CUP) with the following conditions:

1. This Conditional Use Permit shall allow for an 18' x 40' carport to be placed on site.
2. The structure is for residential/agricultural storage and shall not be occupied as a dwelling or used for any commercial activity.
3. The carport shall not be totally enclosed on all sides.
4. Additional landscaping and/or screening shall not be required.
5. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.
6. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Chairman Krausman provided the second. The motion passed unanimously.

At 5:13 p.m. Chairman Krausman called for consideration and action on the **Minutes for the meeting held on October 19, 2023**. Secretary Steck made a motion to accept the minutes as presented. Chairman Krausman provided the second. The motion passed unanimously.

At 5:15 p.m. Chairman Krausman called for consideration and action on the second item on the agenda, a request for a Variance from the 1:4 lot width-to-length ratio to allow for the property to be further subdivided. The property is a 3.266 acre site located at 3664 and 3688 Rineyville Road, Elizabethtown, KY, within the Kentucky 1600 Corridor Planning Area and is zoned Urban Residential (R-1). The PVA Map Number is 165-00-00-013. The property is owned by **SALLY HARROD**. Director King reviewed the application, the plans for the property, and presented exhibits into the record.

## Hardin County Board of Adjustment

Minutes: 9 November 2023

Page 3 of 5

Lisa Shelton, of 296 Forest Trace, Radcliff, KY provided testimony and answered questions from the board members and staff. Ms. Shelton explained that she is Mrs. Harrod's realtor, and that they are just trying to clean up the situation. Ms. Shelton stated that the home in the rear has no road frontage currently, Ms. Harrod plans to continue living in that house, and they are not trying to subdivide further than reshaping the existing two tracts into one.

No one else spoke in favor or in opposition of the proposal.

At 5:23 p.m. Hearing Officer Steck closed the hearing to public discussion.

Chairman Krausman stated that the Variance request is not desirable, but considering the properties date back to the 1950's they are making it a little bit more compliant with today's regulations.

Secretary Steck made a motion to grant a Variance from the 1:4 lot width-to-length ratio for the property to be reconfigured based on the staff presentation and the testimony provided in the public hearing. He noted the proposal is pre-existing from the 1950's, is coming more into compliance, there are no safety concerns, 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 and will satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243 and DGS 5-3 (B) (1) Findings necessary for granting variance) which is as follows:

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.

The Variance was granted with the noted conditions:

1. To allow for a Variance from the 1:4 lot width-to-length ratio (Lot 2) to allow for the property (two tracts) to be reconfigured and platted as two lots.
2. A Record Plat shall substitute for the required site plan.
3. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Chairman Krausman provided the second. The motion passed unanimously.

At 5:30 p.m. Chairman Krausman called for consideration and action on the third item on the agenda, a Variance from the front building setback along Chestnut Grove Road to allow for the construction of a new single family dwelling. The property is a 0.68 acre site located at the intersection of Bardstown Road (US 62) and Chestnut Grove Road,

## Hardin County Board of Adjustment

Minutes: 9 November 2023

Page 4 of 5

Elizabethtown, KY, within the East Urban Planning Area and is zoned Urban Residential (R-1). The PVA Map Number is 253-00-00-057. The property is owned by **ARPROPS, LLC**. Director King reviewed the application, the plans for the property, and presented exhibits into the record.

Aaron Pennington, of 332 West Poplar Street, Elizabethtown, KY provided testimony and answered questions from Board Members and staff. Mr. Pennington explained that he is building the proposed house to sell, and actually already has it under contract. Mr. Pennington explained that the garage on the Chestnut Grove Road side of the property and the driveway are the reasons for the variance. The house, garage and driveway locations are being dictated by the necessary septic location.

No one else spoke in favor or in opposition of the proposal.

At 5:47 p.m. Hearing Officer Steck closed the hearing to public discussion.

Secretary Steck made a motion to grant a Variance from the Front Building Setback along Chestnut Grove Road and Bardstown Road to allow for the construction of a new Single Family Dwelling based on the staff presentation and the testimony provided in the public hearing. He noted the proposal has no safety concerns, 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 and will satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243 and DGS 5-3 (B) (1) Findings necessary for granting variance) which is as follows:

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.

The Variance was granted with the noted conditions:

1. To allow for a Variance from the front building setback along Chestnut Grove Road and Bardstown Road (US 62) to allow for the proposed single family dwelling to be no closer than 31.64' from the front property line along Chestnut Grove Road and no closer than 39.7' from the front property line along Bardstown Road (US 62).
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.
4. Building and Electrical permits must be pulled through the KBC program of our office.

Chairman Krausman provided the second. The motion passed unanimously.

## **Hardin County Board of Adjustment**

Minutes: 9 November 2023

Page 5 of 5

The following items are for informational purposes only and do not require any action:

**MPO Meeting** The Radcliff / Elizabethtown Metropolitan Planning Organization met on 20 October 2023 to discuss the Public Transportation Study.

**BOSK Meeting** Adam attended a Zoom Meeting on 24 October 2023 with BlueOval SK representatives and economic development officials from Tennessee to discuss the planning efforts for BlueOval City in Stanton, TN.

**Electrician Training** Electrical Inspector, Greg Carwile hosted a training on inground pools on 27 October 2023 with over 25 electricians in attendance.

**Administrative Assistant Hired** On 3 November 2023, Rachel Derting, JD started as an Administrative Assistant. Rachel is a native of Bardstown, KY with a Bachelors Degree in International Studies and a Juris Doctorate from the University of Kentucky.

**10 Years of Service** Financial & Operations Coordinator, Susan Bowen celebrated 10 years of service with the Planning Commission on 1 November 2023.

**31 Years of Service** KBC Coordinator, Madeline Hornback celebrated 31 years of service with the Planning Commission on 2 November 2023.

**3 Years of Service** Planner I, Nikki McCamish celebrated 3 years of service with the Planning Commission on 6 November 2023.

**1 Year of Service** Electrical Inspector, Greg Carwile celebrated 1 year of service with the Planning Commission on 7 November 2023.

Chairman Krausman announced that the next regular scheduled meeting will be held on Thursday, 7 December 2023 at 5:00 p.m. and called for the meeting to be adjourned at 5:50 p.m.

**ADOPTED AND APPROVED THIS 7<sup>th</sup> DAY OF DECEMBER 2023 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.**

---

**Steve Steck, Secretary**

## Hardin County Board of Adjustment

Minutes: 19 October 2023

Page 1 of 5

Chairman Bob Krausman called to order the four hundred seventy eighth meeting of the Hardin County Board of Adjustment at 5:02 p.m. on Thursday 19 October 2023, in the Hardin County Government Center, 2nd Floor Meeting Room. The other Board Members in attendance were Vice Chairman Greg Youngblood and Secretary Steve Steck. Also, in attendance were Director Adam King, AICP, Planner I Nikki McCamish, Planner Haley Goodman, and the individuals listed on the attached sign-in sheet. Chairman Krausman appointed Secretary Steck to serve as the Hearing Officer and to conduct the swearing in ceremony for all those in attendance who planned to speak.

At 5:03 p.m. Chairman Krausman announced that the first item on the agenda is a request for a Variance from the rear building setback along the railroad to allow for a 30'x36' barn to be constructed on site. The property is a 5.141 acre site located at 17090 Leitchfield Road, Big Clifty, KY, within the West Hardin Planning Area and is zoned Rural Residential (R-2). The PVA Map Number is 060-00-00-003. The property is owned by **TERRI SHARP**. Planner I McCamish reviewed the application, the plans for the property, and presented exhibits into the record.

Clayton Ellis, of 65 Cypress Drive, Elizabethtown, KY provided testimony and answered questions from the board members and staff. Mr. Ellis stated that he is Terri Sharp's son and would be speaking on her behalf. Mr. Ellis explained that there will be a retaining wall behind the garage, and the railroad is supposed to maintain the fence line but they do not do much work on it.

Director King explained that there was an agricultural exempt permit pulled for the structure, but after it was built the contractor noticed it was closer to the rear property line than they originally thought.

No one else spoke in favor or in opposition of the proposal.

At 5:09 p.m. Hearing Officer Steck closed the hearing to public discussion.

Vice Chairman Youngblood made a motion to grant a Variance for the 30' x 36' barn with a 10' x 20' lean to and an 8' x 16' porch based on the staff presentation and the testimony provided in the public hearing. He noted the proposal is built within an existing bank adjacent to the railroad, the topography issues, there are no safety concerns, 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 and will satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243 and DGS 5-3 (B) (1) Findings necessary for granting variance) which is as follows:

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.

The Variance was granted with the noted conditions:

## Hardin County Board of Adjustment

Minutes: 19 October 2023

Page 2 of 5

1. To allow for a Variance from the rear building setback along the railroad to allow for a 30'x36' barn with a 10'x20' lean-to and an 8'x16' porch to be no closer than 38' from 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.
4. Building and Electrical permits must be pulled through the KBC program of our office.

Secretary Steck provided the second. The motion passed unanimously.

At 5:10 p.m. Chairman Krausman called for consideration and action on the **Minutes for the meeting held on September 21, 2023**. Secretary Steck made a motion to accept the minutes as presented. Vice Chairman Youngblood provided the second. The motion passed unanimously.

At 5:15 p.m. Hearing Officer Steck called for consideration and action on the second item on the agenda, a request for a Variance from the rear building setback to allow for a 25' x 25' garage to be constructed on site. The property is a 3.514 acre site located at 1330 Battle Training Road, Elizabethtown, KY within the KY 313 Corridor Planning Area and is zoned Residential Estate (R-3). The PVA Map Number is 198-00-00-030.01. The property is owned by **TANYA & DANIEL CALDERA**. Director King reviewed the application, the plans for the property, and presented exhibits into the record.

Tanya Caldera, of 1330 Battle Training Road, Elizabethtown, KY provided testimony and answered questions from the board members and staff. Mrs. Caldera explained that she had some photos of the storm damage and submitted **EXHIBIT M. Photos From The Applicant**. Mrs. Caldera stated that the wind storms from March caused this damage, and not only tore down the garage but also destroyed their pool and damaged the roof of the house. Mrs. Caldera explained that the land slopes downward towards her house so this is the most level spot, and would have to spend thousands to level the ground out to site the building anywhere else. Mrs. Caldera stated that the original garage was there for 27 years, and they are using the same footprint of the original building.

No one else spoke in favor or in opposition of the proposal.

At 5:27 p.m. Hearing Officer Steck closed the hearing to public discussion.

Secretary Steck made a motion to grant a Variance for the 25' x 25' garage based on the staff presentation and the testimony provided in the public hearing. He noted the proposal going right back into the original building's footprint, the topography issues, there are no safety concerns with the industrial site to the rear, will not adversely affect the public

## Hardin County Board of Adjustment

Minutes: 19 October 2023

Page 3 of 5

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 and will satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243 and DGS 5-3 (B) (1) Findings necessary for granting variance) which is as follows:

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.

The Variance was granted with the noted conditions:

1. To allow for a Variance from the rear building setback to allow for a 25'x25' garage to be 6' off the rear property line in the location of a previous garage destroyed by a storm.
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.
4. Building and Electrical permits must be pulled through the KBC program of our office.

Vice Chairman Youngblood provided the second. The motion passed unanimously.

At 5:30 p.m. Hearing Officer Steck called for consideration and action on the third item on the agenda, a request for a Variance from the side building setback to allow for a carport to be 8' from the side property line. The property is a 1.41 acre site located at 29 South Ridge Road, Elizabethtown, KY, known as Lot 58 of Quail Hollow Subdivision, Section 1, within the KY 313 Corridor Planning Area and is zoned Residential Estate (R-3). The PVA Map Number is 228-00-01-58. The property is owned by **MARSHA MCLAIN**. Planner Goodman reviewed the application, the plans for the property, and presented exhibits into the record.

Marsha McLain, of 29 South Ridge Road, Elizabethtown, KY provided testimony and answered questions from the board members and staff. Ms. McLain stated that the carport will not be enclosed, and it will not interfere with the propane tank.

No one else spoke in favor or in opposition of the proposal.

At 5:36 p.m. Hearing Officer Steck closed the hearing to public discussion.



## **Hardin County Board of Adjustment**

Minutes: 19 October 2023

Page 4 of 5

Chairman Krausman stated that he had no issues with the application considering the topography, the character of the area, and there are no safety concerns.

Secretary Steck made a motion to grant a Variance for the 28' x 18' carport based on the staff presentation and the testimony provided in the public hearing. He noted the proposal has topography issues, is not out of character for the area, there are no safety concerns, 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 and will satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243 and DGS 5-3 (B) (1) Findings necessary for granting variance) which is as follows:

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.

The Variance was granted with the noted conditions:

1. To allow for a Variance from the side building setback to accommodate a proposed 28'x18' carport to be 8' off the side 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.

Vice Chairman Youngblood provided the second. The motion passed unanimously.

The following items are for informational purposes only and do not require any action:

**Chamber of Commerce Meeting** – Adam attended the Hardin County Chamber of Commerce's BlueOvalSK Economic Transformation Project – Steering Committee Meeting on September 19, 2023 for the public unveiling and press conference on the completed study.

**CAAK Fall Conference** – Edwin attended the Code Administrators of KY's Fall Conference in Owensboro from September 17-21, 2023 to obtain his necessary continuing education hours.

**16 Years of Service** – Building Inspector, Jimmy Morgan celebrated 16 years of service with the Planning Commission on September 27, 2023.

## **Hardin County Board of Adjustment**

Minutes: 19 October 2023

Page 5 of 5

**3 Years of Service** – Building Inspector, Edwin Alicea celebrated 3 years of service with the Planning Commission on October 14, 2023.

**KY League of Cities Meeting** – Adam attended the KY League of Cities on September 28, 2023 – BlueOvalSK Leaders Meeting at the Lincoln Trail Area Development District office to discuss regional infrastructure needs.

**APA-KY Meeting** – Adam attended the KY Chapter of the American Planning Association Meeting on September 29, 2023 at the Urban Design Studio in Downtown Louisville to discuss the University of Louisville’s Master of Urban Planning Program.

Chairman Krausman announced that the next regular scheduled meeting will be held on Thursday, 9 November 2023 at 5:00 p.m. and called for the meeting to be adjourned at 5:39 p.m.

**ADOPTED AND APPROVED THIS 9<sup>th</sup> DAY OF NOVEMBER 2023 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.**

---

**Steve Steck, Secretary**

## Hardin County Board of Adjustment

Minutes: 21 September 2023

Page 1 of 3

Chairman Bob Krausman called to order the four hundred seventy seventh meeting of the Hardin County Board of Adjustment at 5:00 p.m. on Thursday 21 September 2023, in the Hardin County Government Center, 2nd Floor Meeting Room. The other Board Members in attendance were Vice Chairman Greg Youngblood, and Secretary Steve Steck. Also, in attendance were Planner I Nikki McCamish, Planner Haley Goodman, and the individuals listed on the attached sign-in sheet. Chairman Krausman appointed Secretary Steck to serve as the Hearing Officer and to conduct the swearing in ceremony for all those in attendance who planned to speak. Director Adam King, AICP was absent from the meeting.

At 5:01 p.m. Chairman Krausman announced that the first item on the agenda is a request for a Variance from the front building setback along Boullion Boulevard (KY 361) to allow for a 60'x12' carport to remain on site. The property is a 9.536 acre site located at 1020 Red Hill Road, Vine Grove, KY, known as Lot 1D of Merritt Subdivision, within the KY 361 Corridor Planning Area and is zoned Urban Residential (R-1). The PVA Map Number is 117-00-00-045.01. The property is owned by **DOMETRIO & ALEJANDRA ARROYO**. Planner Goodman reviewed the application, the plans for the property, and presented exhibits into the record.

Dometrio Arroyo, of 1020 Red Hill Road, Vine Grove, KY provided testimony and answered questions from the board members and staff. Mr. Dometrio stated that Boullion Boulevard was built around the time he purchased the property and that he did not realize the road created new setbacks for his property. When he purchased the property the shed was already there and his realtor told him he could build his carport in line with the shed. Mr. Dometrio apologized for not knowing and explained that he just needed something to keep the weather off his equipment.

No one else spoke in favor or in opposition.

At 5:10 p.m. Hearing Officer Steck closed the hearing to public discussion.

Secretary Steck made a motion to grant a Variance for the 60'x12' carport based on the staff presentation and the testimony provided in the public hearing. He noted the proposal is not out of character for the area, is a special circumstance created by the construction of Bullion Boulevard (KY 361) creating a double frontage lot, the topography of the site with the shed above the roadway, there are no safety concerns, 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 and will satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243 and DGS 5-3 (B) (1) Findings necessary for granting variance) which is as follows:

## Hardin County Board of Adjustment

Minutes: 21 September 2023

Page 2 of 3

- 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.

The Variance was granted with the noted conditions:

1. To allow for a Variance from the front building setback along KY 361 for the 12'x60' carport. The carport may be no closer than 8' to the front property line along KY 361.
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.
4. Building and Electrical permits must be pulled through the KBC program of our office.

Vice Chairman Youngblood provided the second. The motion passed unanimously.

At 5:15 p.m. Chairman Krausman called for consideration and action on the second item on the agenda a request for a Variance from the front building setback along Victorson Street to allow for a carport to be no closer than 41' from the centerline of Victorson Street. The property is a 0.5 acre site located at 17 Victorson Street, Rineyville, KY, known as Lot 25 of Fulkerson Addition, within the North Urban Planning Area and is zoned Urban Residential (R-1). The PVA Map Number is 183-30-01-017. The property is owned by **SCOTT & LEAH STOUT**. Planner I McCamish reviewed the application, the plans for the property, and presented exhibits into the record.

Julian Stout, of 17 Victorson Street, Rineyville, KY provided testimony and answered questions from the board members and staff. Mrs. Stout stated that her husband and herself have owned the property for twenty years and they were not aware of the setback. She stated that they got the carport to help improve her husband's quality of life and to make things easier getting him in and out of the vehicle, as well as providing shade for him to sit outside. Lastly, Mrs. Stout stated they wanted to push the carport further back, but couldn't because of the underground gas line.

No one else spoke in favor or in opposition.

At 5:23 p.m. Hearing Officer Steck closed the hearing to public discussion.

Vice Chairman Youngblood made a motion to grant a Variance for the carport to be no closer than 41' from the centerline of Victorson Street based on the staff presentation and the testimony provided in the public hearing. He noted the proposal is not out of character for the area, has no safety concerns, 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

## Hardin County Board of Adjustment

Minutes: 21 September 2023

Page 3 of 3

requirements of this regulation and will satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243 and DGS 5-3 (B) (1) Findings necessary for granting variance) which is as follows:

- 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.

The Variance was granted with the noted conditions:

1. To allow for a Variance from the front building setback along Victorson Street to allow for the existing 18'x20' carport to remain on site. The carport shall be no closer than 41' to the centerline of Victorson Street.
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.
4. Building and Electrical permits must be pulled through the KBC program of our office.
5. The carport shall not be enclosed.

Secretary Steck provided the second. The motion passed unanimously.

At 5:27 p.m. Chairman Krausman called for consideration and action on the third item on the agenda, the **Minutes for the meeting held on September 7, 2023**. Secretary Steck made a motion to accept the minutes as presented. Vice Chairman Youngblood provided the second. The motion passed unanimously.

Chairman Krausman announced that the next regular scheduled meeting will be held on Thursday, 19 October 2023 at 5:00 p.m. and called for the meeting to be adjourned at 5:29 p.m.

**ADOPTED AND APPROVED THIS 19<sup>th</sup> DAY OF OCTOBER 2023 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.**

---

**Steve Steck, Secretary**

## Hardin County Board of Adjustment

Minutes: 7 September 2023

Page 1 of 6

Chairman Bob Krausman called to order the four hundred seventy sixth meeting of the Hardin County Board of Adjustment at 5:00 p.m. on Thursday 7 September 2023, in the Hardin County Government Center, 2nd Floor Meeting Room. The other Board Members in attendance were Vice Chairman Greg Youngblood, and Secretary Steve Steck. Also, in attendance were Director Adam King AICP, Planner I Nikki McCamish, Planner Haley Goodman, and the individuals listed on the attached sign-in sheet. Chairman Krausman appointed Secretary Steck to serve as the Hearing Officer and to conduct the swearing in ceremony for all those in attendance who planned to speak.

At 5:01 p.m. Chairman Krausman announced that the first item on the agenda is a request for an Amended Conditional Use Permit for Automotive Repair to allow for the continued operation of KY Boat Life, a boat repair & storage business on site. The property is a 1.396 acre site located at 56 West Quarry Ridge Court, Elizabethtown, KY, known as Lot 27A of Waco Subdivision, within the Bardstown Road Corridor Planning Area and is zoned Heavy Industrial (I-2). The PVA Map Number is 243-00-07-027. The property is owned by **JANICE & WILFORD FIELDS** and the applicant is **NEIL BOWEN**. Planner Goodman reviewed the application, the plans for the property, and presented exhibits into the record.

Neil Bowen, of 56 West Quarry Ridge Court, Elizabethtown, KY provided testimony and answered questions from the board members and staff. Mr. Bowen stated that business has been going good and he has not had any issues. Mr. Bowen explained that he does basic repairs from the trailer up, and that he does not do upholstery, power blasting, painting, or boat storage. Mr. Bowen stated that he does have several boats of his own on site to collect spare parts from. Mr. Bowen explained that he has had no complaints on the sound and that all of his neighbors are commercial or industrial sites.

No one else spoke in favor or in opposition.

At 5:11 p.m. Hearing Officer Steck closed the hearing to public discussion.

Secretary Steck stated that there have been no complaints, the business is located within an industrial park, and is a one man operation.

Vice Chairman Youngblood stated the request for the Amended Conditional Use Permit does satisfy the language of the Development Guidance System Ordinance (Section 16-3) Standards of Issuance of a Conditional Use Permit as follows:

- The use shall not tend to change the character and established pattern of development of the area of the proposed use;
- The use shall be in harmony with the uses permitted by right under the Zone in question and shall not affect adversely the use of neighboring properties;
- The location and height of buildings, the location, nature, and height of walls and fences and the nature and extent of landscaping on the site shall be such that the

## Hardin County Board of Adjustment

Minutes: 7 September 2023

Page 2 of 6

use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof;

- The use shall not adversely affect the health or safety of persons residing or working in the vicinity of the proposed use;
- The use shall not be detrimental to the public welfare or injurious to property or improvements in the vicinity; and,
- The use shall be in accordance with the purposes of the Zoning Ordinance and the Comprehensive Plan.

According to provisions of the Kentucky Revised Statutes, the Hardin County Development Guidance System Zoning Ordinance, and the proceedings before the Board of Adjustment (the staff presentation and the testimony presented in the Public Hearing); Vice Chairman Youngblood made the motion to grant the Amended Conditional Use Permit (CUP) with the following conditions:

1. Business hours of operation shall be from 9 am – 6 pm Monday-Friday and 9 am – 2 pm Saturday.
2. Additional landscaping or screening shall not be required.
3. This Amended Conditional Use Permit shall allow for boat repair with paint body work not being permitted.
4. This property shall have a sewerage system (septic tank and lateral lines) approved by the Hardin County Health Center.
5. An existing development plan is on file for the property. Any additional construction shall require an Amended Development Plan.
6. This Conditional Use Permit shall be issued to the current property owners, Janice & Wilford Fields, and applicant, Neil Bowen of KY Boat Life, it is not transferable.
7. All building activities shall conform to provisions of the Kentucky Building Code.
8. This Conditional Use Permit shall be for a period of 10 years and expire on September 7, 2033.
9. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.
10. An Emergency Response and Spill Prevention Plan shall be required to include the storage and containment of fluids and chemicals.

Secretary Steck provided the second. The motion passed unanimously.

At 5:13 p.m. Chairman Krausman called for consideration and action on the fourth item on the agenda, the **Minutes for the meeting held on August 17, 2023**. Secretary Steck made a motion to accept the minutes as presented. Vice Chairman Youngblood provided the second. The motion passed unanimously.

## Hardin County Board of Adjustment

Minutes: 7 September 2023

Page 3 of 6

At 5:15 p.m. Hearing Officer Steck called for consideration and action on the second item on the agenda, a Conditional Use Permit to allow for a dog kennel for 10 dogs within the detached garage on site. The property is a 3.548 acre site located at 51 Laurel Ridge Road, Eastview, KY, known as Lot 7A of Newman Estates, within the West Hardin Planning Area and is zoned Rural Residential (R-2). The PVA Map Number is 033-00-02-007. The property is owned by **ALEXIS & ROBERT RAY**. Planner I McCamish reviewed the application, the plans for the property, and presented exhibits into the record.

Alexis Ray, of 51 Laurel Ridge Road, Eastview, KY provided testimony and answered questions from the board members and staff. Mrs. Ray stated that she and her husband built the garage with this business venture in mind, and that they have already ordered professional kennels to put inside. Mrs. Ray explained that she will only be boarding dogs for her current clients at her dog grooming business, and that she expects no more than 10 dogs at a time, with an average of 6. Mrs. Ray stated that they used spray foam insulation in the building to help buffer the noise, and that her husband stays at home so there will be someone on site with the dogs at all times.

Secretary Steck stated that there is really only one neighbor that should be able to see or hear the dogs. Chairman Krausman stated that he is really only concerned about the noise, and that he is very sensitive to any future complaints from surrounding property owners.

Mrs. Ray explained that there are no windows the dogs will be able to see out of, and that she plans to install a solid privacy fence. Mrs. Ray stated that while she and her husband are still trying to figure out the schedule, she expects the dogs will be let out 4-5 times a day for about an hour at a time. Mrs. Ray also stated that she does not intend on having a sign or being open to the public, and has one outdoor light on the building.

No one else spoke in favor or in opposition of the proposal.

At 5:36 p.m. Hearing Officer Steck closed the hearing to public discussion.

Secretary Steck stated the request for the Conditional Use Permit does satisfy the language of the Development Guidance System Ordinance (Section 16-3) Standards of Issuance of a Conditional Use Permit as follows:

- The use shall not tend to change the character and established pattern of development of the area of the proposed use;
- The use shall be in harmony with the uses permitted by right under the Zone in question and shall not affect adversely the use of neighboring properties;



## Hardin County Board of Adjustment

Minutes: 7 September 2023

Page 4 of 6

- The location and height of buildings, the location, nature, and height of walls and fences and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof;
- The use shall not adversely affect the health or safety of persons residing or working in the vicinity of the proposed use;
- The use shall not be detrimental to the public welfare or injurious to property or improvements in the vicinity; and,
- The use shall be in accordance with the purposes of the Zoning Ordinance and the Comprehensive Plan.

According to provisions of the Kentucky Revised Statutes, the Hardin County Development Guidance System Zoning Ordinance, and the proceedings before the Board of Adjustment (the staff presentation and the testimony presented in the Public Hearing); Secretary Steck made the motion to grant the Conditional Use Permit (CUP) with the following conditions:

1. This Conditional Use Permit will allow for a kennel in the detached accessory structure on site.
2. The maximum number of animals on site shall be 10.
3. No outdoor boarding of animals shall be permitted. All boarding facilities shall be indoors with dogs taken outdoors for exercise and “potty” breaks within the fenced in dog yard.
4. Per Hardin County Animal Control a valid Kennel License is not needed for this kennel until further expansion.
5. All dogs on site must have a valid License and Rabies Vaccinations.
6. This kennel does not currently require a sewerage system (septic tank and lateral lines) approved by the Hardin County Health Center.
7. The Kennel & Outdoor Play Area shall be fenced in and screening by a 6’ tall solid privacy fence from the house to the kennel building in the northeast corner.
8. A Site Plan in compliance with Section 7 of the Zoning Ordinance shall be required.
9. This Conditional Use Permit shall be issued to the current property owner and applicant, Alexis & Robert Ray, and is not transferable.
10. This Conditional Use Permit shall be for a period of two years from 7 September 2023 to 7 September 2025.
11. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

## Hardin County Board of Adjustment

Minutes: 7 September 2023

Page 5 of 6

12. Building/Zoning/Electrical Permits must be applied for through the KBC program of our office for the two chicken coops and the pre-fab shed. All structures must comply with building setbacks.

Vice Chairman Youngblood provided the second. The motion passed unanimously.

At 5:37 p.m. Hearing Officer Steck announced the third item on the agenda, a request for a Variance from the front and side building setbacks to allow for the construction of a new home on an existing foundation on site. The property is a 0.17 acre site located at 172 West Airview Drive, Elizabethtown, KY, known as Lot 172 of Airview Subdivision, Section 3, within the North Urban Planning Area and is zoned Urban Residential (R-1). The PVA Map Number is 200-10-01-172. The property is owned by **TC CONSTRUCTION, LLC**. Director King reviewed the application, the plans for the property, and presented exhibits into the record.

Tim Lohden, of 3020 Saint John Road, Elizabethtown, KY provided testimony and answered questions from the board members and staff. Mr. Lohden explained that the house that was previously on this lot burned down, and his niece was living in it. Mr. Lohden stated that he bought the lot from his mother-in-law and would like to rebuild using the existing foundation. Mr. Lohden explained that he needed the side variances to account for the overhangs, and that the house would not look right without them.

No one else spoke in favor or in opposition of the proposal.

At 6:01 p.m. Hearing Officer Steck closed the hearing to public discussion.

Secretary Steck made a motion to grant a Variance for the 40' x 27' home with an 18' x 3.3' covered porch based on the staff presentation and the testimony provided in the public hearing. He noted the proposal is not out of character for the area, is being built on an existing footprint, has no safety concerns, 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 and will satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243 and DGS 5-3 (B) (1) Findings necessary for granting variance) which is as follows:

- 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.

The Variance was granted with the noted conditions:

## Hardin County Board of Adjustment

Minutes: 7 September 2023

Page 6 of 6

1. To allow for Variances from the front and side building setbacks for the proposed home. The home may be no closer than 45' to the centerline of West Airview Drive and 7.5' to the side property lines.
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.
4. Building and Electrical permits must be pulled through the KBC program of our office.

Vice Chairman Youngblood provided the second. The motion passed unanimously.

The following items are for informational purposes only and do not require any action:

**Administrative Assistant Hired** On August 25, 2023 Jackie Mather started as our new Administrative Assistant. Jackie is a Hardin County native with an Associates Degree in Science from ECTC and 25 years of banking experience at South Central and Kentucky Neighborhood Banks.

**Regional Housing Roundtable #2** On August 24, 2023 Adam attended the second Regional Housing Roundtable hosted by the Lincoln Trail Area Development District's Workforce Development Board in Lebanon, KY to discussing housing needs related to BlueOvalSK.

Chairman Krausman announced that the next regular scheduled meeting will be held on Thursday, 21 September 2023 at 5:00 p.m. and called for the meeting to be adjourned at 6:03 p.m.

**ADOPTED AND APPROVED THIS 21<sup>st</sup> DAY OF SEPTEMBER 2023 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.**

---

**Steve Steck, Secretary**

## Hardin County Board of Adjustment

Minutes: 17 August 2023

Page 1 of 10

Chairman Bob Krausman called to order the four hundred seventy fifth meeting of the Hardin County Board of Adjustment at 5:00 p.m. on Thursday 17 August 2023, in the Hardin County Government Center, 2nd Floor Meeting Room. The other Board Members in attendance were Vice Chairman Greg Youngblood, and Secretary Steve Steck. Also, in attendance were Director Adam King AICP, Planner I Nikki McCamish and the individuals listed on the attached sign-in sheet. Chairman Krausman appointed Secretary Steck to serve as the Hearing Officer and to conduct the swearing in ceremony for all those in attendance who planned to speak. Planner Haley Goodman was absent from this meeting.

At 5:01 p.m. Chairman Krausman announced that the first item on the agenda is a request for a Conditional Use Permit for a Permanent Accessory Dwelling to allow for the construction of a 1,840 sq. ft. second dwelling in addition to the 3,275 sq. ft. home to be constructed on site. The property is an 11.179 acre site located on the south side of Bardstown Road, in Elizabethtown, KY, known as Lot 2 of Kindervater Subdivision within the Bardstown Road Corridor Planning Area and is zoned Rural Residential (R-2). The PVA Map Number is 254-00-00-002.01. The property is owned by **KARL & JULIE HAWKINS**. Planner I McCamish reviewed the application, the plans for the property, and presented exhibits into the record.

Karl Hawkins, of 6834 South Dixie Highway, Glendale, KY provided testimony and answered questions from the board members and staff. Mr. Hawkins explained that the total square footage for the permanent accessory dwelling will be 1,840 sq. ft. total with 1,200 sq. ft. living space, and that the home would be for his parents. He stated the homes will be about 1,000' apart and only in the winter would anyone possibly be able to see the principal dwelling at the rear of the property.

Robert Cooper, of 5264 Bardstown Road, Elizabethtown, KY provided testimony and answered questions from the board members and staff. Mr. Cooper stated that he is one of the neighbors and that he has no issues with the proposal.

Julie Hawkins, of 6834 South Dixie Highway, Glendale, KY provided testimony and answered questions from the board members and staff. Mrs. Hawkins explained that the brick of the principal dwelling will match the color of the white/burgundy metal roof and sided permanent accessory dwelling. She stated even though the homes won't be able to be seen from each other, she still wants them to match and complement each other.

No one else spoke in favor or in opposition of the proposal.

At 5:33 p.m. Hearing Officer Steck closed the hearing to public discussion.

Secretary Steck stated that the Board has approved other permanent accessory dwellings that didn't quite comply with all 10 criteria as established in the Zoning Ordinance. Vice Chairman Youngblood stated that in this proposal the homes are so far apart, that he doesn't have a problem with the finish materials differing and the permanent accessory dwelling being located in the front. Chairman Krausman stated the lot also has very little

## Hardin County Board of Adjustment

Minutes: 17 August 2023

Page 2 of 10

road frontage so the only way it could be subdivided would be if a county maintained road was built into it.

Vice Chairman Youngblood stated the request for the Conditional Use Permit does satisfy the language of the Development Guidance System Ordinance (Section 16-3) Standards of Issuance of a Conditional Use Permit as follows:

- The use shall not tend to change the character and established pattern of development of the area of the proposed use;
- The use shall be in harmony with the uses permitted by right under the Zone in question and shall not affect adversely the use of neighboring properties;
- The location and height of buildings, the location, nature, and height of walls and fences and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof;
- The use shall not adversely affect the health or safety of persons residing or working in the vicinity of the proposed use;
- The use shall not be detrimental to the public welfare or injurious to property or improvements in the vicinity; and,
- The use shall be in accordance with the purposes of the Zoning Ordinance and the Comprehensive Plan.

According to provisions of the Kentucky Revised Statutes, the Hardin County Development Guidance System Zoning Ordinance, and the proceedings before the Board of Adjustment (the staff presentation and the testimony presented in the Public Hearing); Vice Chairman Youngblood made the motion to grant the Conditional Use Permit (CUP) with the following conditions:

1. This Conditional Use Permit for a Permanent Accessory Dwelling will allow for a 1,840 sq. ft. second dwelling (permanent accessory dwelling) to be constructed in addition to the 3,275 sq. ft. home (principal dwelling) to be constructed on site.
2. The property owners, Karl & Julie Hawkins, must occupy either the principal dwelling or the permanent accessory dwelling as their principal residence, and at no time receive rent for the owner-occupied unit.
3. Adequate on-site parking must be designated on an approved site plan.
4. The existing driveway entrance will be shared by both dwellings.
5. The Permanent Accessory Dwelling is the proposed 1,840 sq. ft. second dwelling and the 3,275 sq. ft. house (to be constructed) is the Principal Dwelling.

## Hardin County Board of Adjustment

Minutes: 17 August 2023

Page 3 of 10

6. The exterior finish materials of the principal dwelling will be brick with a shingled roof and the permanent accessory dwelling will be white/burgundy metal roof and walls, with treated wood porch posts.
7. Both dwellings shall have septic systems approved by the Environmental Services Office of the Health Department.
8. This Permit is not transferable and the new owners must reapply for the Conditional Use Permit and meet the necessary requirements.
9. Additional landscaping or screening shall not be required.
- 10.A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.
- 11.A Certificate of Land Use Restrictions shall be recorded in the office of the Hardin County Clerk.

Secretary Steck provided the second. The motion passed 2-1 with Chairman Krausman in opposition.

At 5:35 p.m. Hearing Officer Steck announced the second item on the agenda is a request for an Amended Conditional Use Permit to continue to allow for a slaughter house to operate on site. The property is a 1.232 acre site located at 64 First Union Church Road, Glendale, KY, known as Lot 1 of Bush Property Subdivision, within the South Dixie Corridor Planning Area and is zoned Heavy Industrial (I-2). The PVA Map Number is 224-00-00-048. The property is owned by **BLUEGRASS MEAT PROCESSING**. Planner I McCamish reviewed the application, the plans for the property, and presented exhibits into the record.

Valerie Samutin, of 64 First Union Church Road, Glendale, KY provided testimony and answered questions from the board members and staff. Mrs. Samutin explained that this business is a great opportunity and is in the perfect location. She stated they have good relationships with all the neighbors. Mrs. Samutin explained that she felt it was better to put the privacy fence up rather than the landscaping to help block views, but also to keep her neighbors free range chickens off the property. She said they are only the third company to receive the BRC certification in the state of Kentucky and that the USDA inspectors appreciate how clean of an operation they run. Lastly, she stated they slaughter about 60-80 lambs a week, with hopes to expand soon, and that their lamb is sold in the local Kroger but also in restaurants in New York City, Atlanta and other big cities.

No one else spoke in favor or in opposition of the proposal.

At 6:01 p.m. Hearing Officer Steck closed the hearing to public discussion.

## Hardin County Board of Adjustment

Minutes: 17 August 2023

Page 4 of 10

Secretary Steck stated the request for the Amended Conditional Use Permit does satisfy the language of the Development Guidance System Ordinance (Section 16-3) Standards of Issuance of a Conditional Use Permit as follows:

- The use shall not tend to change the character and established pattern of development of the area of the proposed use;
- The use shall be in harmony with the uses permitted by right under the Zone in question and shall not affect adversely the use of neighboring properties;
- The location and height of buildings, the location, nature, and height of walls and fences and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof;
- The use shall not adversely affect the health or safety of persons residing or working in the vicinity of the proposed use;
- The use shall not be detrimental to the public welfare or injurious to property or improvements in the vicinity; and,
- The use shall be in accordance with the purposes of the Zoning Ordinance and the Comprehensive Plan.

According to provisions of the Kentucky Revised Statutes, the Hardin County Development Guidance System Zoning Ordinance, and the proceedings before the Board of Adjustment (the staff presentation and the testimony presented in the Public Hearing); Secretary Steck made the motion to grant the Amended Conditional Use Permit (CUP) with the following conditions:

1. This Amended Conditional Use Permit shall allow for the continued operation of an existing slaughter house (Bluegrass Lamb Company).
2. The proposed site is pre-existing and does not meet the minimum lot size of 5 acres.
3. The existing building is located within 24 feet of the west side property line and 75 feet from the east side which are less than the recommended 100' from all property lines.
4. Approval of the sewerage system (septic tank and lateral lines) by the Environmental Services Office of the Hardin County Health Department shall be required.
5. A Contract or plan for removal of the blood and waste from the facility must be provided to the Planning office.
6. Yearly inspections by the United States Department of Agriculture shall be required.
7. A "Kentucky No-Discharge Agricultural Waste Permit" shall be obtained by the waste hauler from the Kentucky Division of Water for compliance with holding tank disposal regulations.

## Hardin County Board of Adjustment

Minutes: 17 August 2023

Page 5 of 10

8. The existing landscaping and screening shall be preserved.
9. A Development Plan shall be required in compliance with Section 6 of the Zoning Ordinance.
10. The hours of operation shall be 6 a.m. to 6 p.m. Monday through Friday.
11. The outdoor storage of materials and equipment shall be prohibited.
12. All construction activities on this site shall conform to the provisions of the Kentucky Building Code. The 24' x 75' canopy currently under construction requires a building permit.
13. The airstream on site being used for a temporary office must be removed 30 days after construction of the canopy commences.
14. The permit is issued to the applicants, George & Valerie Samutin doing business as Bluegrass Lamb Company and shall not be transferable. New owners must reapply for the Conditional Use Permit and meet the necessary requirements.
15. A renewal hearing shall be required if the operation is expanded.
16. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Vice Chairman Youngblood provided the second. The motion passed unanimously.

At 6:03 p.m. Hearing Officer Steck announced the third item on the agenda is a request for a Variance from the front building setback to allow for a 30'x50' garage to be built on site. The property is a 1.75 acre site located at 271 Ireland School Road, Radcliff, KY, known as Lot 1 of Lora Acres Subdivision, within the North Urban Planning Area and is zoned Urban Residential (R-1). The PVA Map Number is 162-00-08-001. The property is owned by **PHILLIP MCCOY**. Director King reviewed the application, the plans for the property, and presented exhibits into the record.

Phillip McCoy, of 271 Ireland School Road, Radcliff, KY provided testimony and answered questions from the board members and staff. Mr. McCoy explained that when he bought his property there was not a road next to him, so his setback was 10' from the property line not the 40' required now that he is a corner lot. He stated he wants the garage to face Ireland School Road so he can keep an eye on the doors. Lastly, he stated the other options shown would not work because of the location of his septic system.

Chairman Krausman asked Director King if there could be more homes developed off Emmanuel Court. Director King responded saying the cul-de-sac would have to be paved or the road extended before any additional homes/lots could be developed.

Director King stated this properties situation is unique in the fact that originally there was a 10' side setback but then a road was built so it became a 40' front setback. Also, that it



## Hardin County Board of Adjustment

Minutes: 17 August 2023

Page 6 of 10

was unique that Emmanuel Court has a 60' dedicated right-of-way when most residential roads in the county only have a 40' dedicated right-of-way.

No one else spoke in favor or in opposition of the proposal.

At 6:24 p.m. Hearing Officer Steck closed the hearing to public discussion.

All three of the Board members agreed that the alternative option of 40' from the centerline of Emmanuel Court was more appropriate due to the fact that the lot originally would have had a 10' side setback & one half of the 60' right-of-way to arrive at the recommended 40' from centerline distance, there are no safety concerns, the 60' dedicated right-of-way is unique, this is a corner lot and there are only two homes on Emmanuel Court.

Vice Chairman Youngblood made a motion to grant a Variance for the 30' x 50' garage based on the staff presentation and the testimony provided in the public hearing. He noted the proposal is unique due to the 60' dedicated right-of-way, was previously a 10' side setback, has no safety concerns due to this being a low speed and only two homes on the road, 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 and will satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243 and DGS 5-3 (B) (1) Findings necessary for granting variance) which is as follows:

- 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.

The Variance was granted with the noted conditions:

1. To allow for a Variance from the front building setback along Emmanuel Court to allow for the 30' x 50' garage to be no closer than 40' from the center line of Emmanuel Court.
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.
4. Building and Electrical permits must be pulled through the KBC program of our office.

Secretary Steck provided the second. The motion passed unanimously.

At 6:31 p.m. Chairman Krausman announced that the fourth item on the agenda is a continued hearing from June 22, 2023, July 20, 2023 and August 3, 2023 for a Conditional Use Permit to allow for a Recreational Enterprise (Outdoor) for a Wedding Venue &

## Hardin County Board of Adjustment

Minutes: 17 August 2023

Page 7 of 10

Petting Zoo known as “Whispering Dandelion Farm” to operate on site. The property is a 7.36 acre site located at 3583 Nolin Road, in Sonora, KY, known as Lot 1 of Weeping Willow Farm within the Natural Resource Planning Area and is zoned Rural Residential (R-2). The PVA Map Number is 172-00-00-015. The property is owned by **CARLA ALBEA**. Director King reviewed the application, the plans for the property, and presented exhibits into the record.

Phil & Heidi Sturycz, of 3431 Nolin Road, Sonora, KY spoke in opposition of the proposal. Mr. & Mrs. Sturycz stated that they appreciated the board members coming out, but that the test that was done in the field was not done with the same speaker system, so they didn't feel it was a valid test. Mrs. Sturycz said her son goes to bed at 7pm and the proposed 10pm end of event time will be a problem. Both Mr. & Mrs. Sturycz asked the board members to redo the decibels test because they didn't feel that it was done accurately. Director King and the board members all stated that the test was done to the best of the boards ability and decibels readings are a measurement of sound so the test was valid. Lastly, Mr. Sturycz asked if Mrs. Albea must show proof of waste removal. Director King responded yes; a copy of the waste hauling contract will be required.

Troy Albea, of 3583 Nolin Road, Sonora, KY provided testimony and answered questions from the board members and staff. Mr. Albea explained the speaker system in his vehicle, that was used for the decibel readings, has nineteen speakers, a sub-woofer and amplifiers. Lastly, he stated that he even tested his lawnmower and the lawnmower was 90 decibels which is louder than the proposed 80 decibels.

Chairman Krausman stated that he was okay with the proposed staff recommendation of conditions. Secretary Steck stated he would like added to the decibel condition that the speakers must be pointed at the Albea's home and away from any neighbors' homes.

No one else spoke in favor or in opposition of the proposal.

At 6:53 p.m. Hearing Officer Steck closed the hearing to public discussion.

Director King asked the board members about deadlines to meet compliance with the proposed landscaping requirement, driveway/entrance requirement and parking area. Chairman Krausman suggested December 1, 2023 for landscaping and 90 days for all parking/driving area requirements. Secretary Steck and Vice Chairman Youngblood both agreed.

Secretary Steck stated the request for the Conditional Use Permit does satisfy the language of the Development Guidance System Ordinance (Section 16-3) Standards of Issuance of a Conditional Use Permit as follows:

- The use shall not tend to change the character and established pattern of development of the area of the proposed use;
- The use shall be in harmony with the uses permitted by right under the Zone in question and shall not affect adversely the use of neighboring properties;

## Hardin County Board of Adjustment

Minutes: 17 August 2023

Page 8 of 10

- The location and height of buildings, the location, nature, and height of walls and fences and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof;
- The use shall not adversely affect the health or safety of persons residing or working in the vicinity of the proposed use;
- The use shall not be detrimental to the public welfare or injurious to property or improvements in the vicinity; and,
- The use shall be in accordance with the purposes of the Zoning Ordinance and the Comprehensive Plan.

According to provisions of the Kentucky Revised Statutes, the Hardin County Development Guidance System Zoning Ordinance, and the proceedings before the Board of Adjustment (the staff presentation and the testimony presented in the Public Hearing); Secretary Steck made the motion to grant the Conditional Use Permit (CUP) with the following conditions:

1. This Conditional Use Permit shall allow for the existing gazebo and the area behind the barn to be used for outdoor weddings & events. The use of any additional structures (house and/or barns) shall require approval from KBC Program for compliance with the KY Building Code and require an Amended Conditional Use Permit.
2. Additional screening in the form of 2 rows of evergreen trees (5' tall, 10' on center) on the west side of the property for a distance of 175' from the rear of the barn, and between the parking area and adjoining property (addressed as 3579 Nolin Road) shall be required. The screening must be planted by December 1, 2023. The parking area and portable restroom shall be screened from the adjoining properties.
3. Only 10 events/weddings per year shall be permitted. Prior to each wedding/event notification to the planning office is required.
4. The Hours of Operation for the petting zoo shall be 9am-7pm on Saturday and Sunday, and by appointment only during the week between the hours of 9am-7pm. Wedding & Event hours shall be 1pm-10pm Friday-Sunday and limited to 60 people per event.
5. Music shall not exceed a decibel level of 80 db as measured at the speakers on site. This restriction shall be written into the contract for anyone renting the facility. Speakers must be facing the Albea's home to the south.
6. A single sign 3'x2' no taller than 8' in height shall be permitted.
7. All outdoor lighting must be pointed down and not spill onto adjoining properties.

## Hardin County Board of Adjustment

Minutes: 17 August 2023

Page 9 of 10

8. The existing gravel entrance shall obtain an existing encroachment permit from the Hardin County Road Department. The entrance must be improved to accommodate two way traffic (in/out). Additionally, the parking area must be improved to a gravel surface parking area. These requirements must be satisfied by November 17, 2023.
9. Outdoor activities shall be restricted to the pasture area, and the area around the barn.
10. There shall be no camping on site in a camper or a tent.
11. A contract with an approved waste handler must be provided for the portable restroom on site. The restroom and handwashing station must also be moved to be adjacent to the barn.
12. The proposed parking layout must comply with the parking standards as outlined in Section 8 of the Zoning Ordinance.
13. A Site Plan in compliance with Section 7 of the Zoning Ordinance shall be required illustrating the parking areas, driving lanes, etc.
14. The Conditional Use Permit is valid for 1 year and will expire on August 17, 2024. After which time, a Renewal Hearing must be held before the Board of Adjustment.
15. This Conditional Use Permit is issued to current owner, Carla Albea, it is not transferable, and shall expire if the property is transferred.
16. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.
17. Signage or property boundary line markers must be installed to prevent trespassing.

Vice Chairman Youngblood provided the second. The motion passed unanimously.

At 7:12 p.m. Chairman Krausman called for consideration and action on the fifth item on the agenda, the **Minutes for the meeting held on August 3, 2023**. Secretary Steck made a motion to accept the minutes as presented. Vice Chairman Youngblood provided the second. The motion passed unanimously.

The following items are for informational purposes only and do not require any action:

**Hardin County Government Picnic** On July 28, 2023 the staff attended the County Picnic at Freeman Lake Park.

**Radcliff-Elizabethtown Metropolitan Planning Organization** On August 2, 2023 Adam, Nikki and Haley hosted the MPO at the County Government Building. The 2024 SHIFT process was the topic of discussion.

## **Hardin County Board of Adjustment**

Minutes: 17 August 2023

Page 10 of 10

**Kentucky League of Cities – BOSK Local Leaders Summit** On August 8, 2023 Adam attended the KY League of Cities event at the State Theater in Elizabethtown to plan regionally for growth due to BlueOvalSK and brainstorm funding strategies.

**Hardin County Chamber of Commerce Luncheon** On August 9, 2023 Adam, Nikki and Haley attended the Chamber Lunch at Phillips Grove in Radcliff to hear the results from the Elizabethtown – Fort Knox Transformation Project Study.

Chairman Krausman announced that the next regular scheduled meeting will be held on Thursday, 7 September 2023 at 5:00 p.m. and called for the meeting to be adjourned at 7:17 p.m.

**ADOPTED AND APPROVED THIS 7th DAY OF SEPTEMBER 2023 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.**

---

**Steve Steck, Secretary**

## Hardin County Board of Adjustment

Minutes: 3 August 2023

Page 1 of 5

Chairman Bob Krausman called to order the four hundred seventy fourth meeting of the Hardin County Board of Adjustment at 5:02 p.m. on Thursday 3 August 2023, in the Hardin County Government Center, 2nd Floor Meeting Room. The other Board Members in attendance were Vice Chairman Greg Youngblood, and Secretary Steve Steck. Also, in attendance were Director Adam King AICP, Planner I Nikki McCamish, Planner Haley Goodman, and the individuals listed on the attached sign-in sheet. Chairman Krausman appointed Secretary Steck to serve as the Hearing Officer and to conduct the swearing in ceremony for all those in attendance who planned to speak.

At 5:02 p.m. Chairman Krausman announced that the first item on the agenda is a continued hearing from June 22, 2023 and July 20, 2023 for a Conditional Use Permit to allow for a Recreational Enterprise (Outdoor) for a Wedding Venue & Petting Zoo to operate on site. The property is a 7.36 acre site located at 3583 Nolin Road, in Sonora, KY, known as Lot 1 of Weeping Willow Farm within the Natural Resource Planning Area and is zoned Rural Residential (R-2). The PVA Map Number is 172-00-00-015. The property is owned by **CARLA ALBEA**. Director King reviewed the application, the plans for the property, and presented exhibits into the record.

Carla & Troy Albea, of 3583 Nolin Road, Sonora, KY provided testimony and answered questions from the board members and staff. Mrs. Albea explained the proposal again, and stated that they are requesting to operate an agri-tourism petting zoo to educate school/church groups, and they would occasionally like to host weddings on the weekends. Mrs. Albea explained that the petting zoo operates primarily on the weekends from 3pm-7pm, and by appointment only on weekdays from 9am-7pm. Mrs. Albea explained that they can handle 1-2 school buses full of children on site per day. Mrs. Albea stated that a typical site visit consists of barnyard games, a tour around the petting zoo, and will last for about 2 hours. Mrs. Albea stated that they have fit up to 20 cars in the parking area. Mr. Albea stated that they have gotten some feedback that they need more animals in the petting zoo, and that they need to add some signage marking the property lines and the parking area. Mrs. Albea stated that the aunt is very aware that the parking area is next to her property and has no issues with the proposal.

Phil & Heidi Sturycz, of 3431 Nolin Road, Sonora, KY spoke in opposition of the proposal. Mrs. Sturycz stated that she loves animals and mostly has no issues with the petting zoo. Mrs. Sturycz, asked if she needed signage around her electric fence? Director King stated that would be a question for her insurance agent. Mr. Sturycz stated that they have no issues with the parking and have not noticed any extra traffic. Mrs. Sturycz explained that it was irritating that they could hear the music from the grand opening, but that they did shut down at 7pm like they said they would.

Carla & Troy Albea, of 3583 Nolin Road, Sonora, KY provided testimony and answered questions from the board members and staff. Mr. & Mrs. Albea explained the wedding venue part of the application. Mrs. Albea stated that they would use either the barnyard or the gazebo area as the background, and that clients would have to bring their own tent.

## Hardin County Board of Adjustment

Minutes: 3 August 2023

Page 2 of 5

Mrs. Albea explained that weddings and events would only be for weekend evenings and that she would rather be restricted than not be able to do weddings at all. Mrs. Albea explained that she is asking for 25 events per year limited at 50-60 people, and she would like for her business hours to be 1pm – 11pm. Mrs. Albea explained that she is surprised Mrs. Sturcyz heard the guitar, and that they kept it below 70 decibels. Mrs. Albea stated that they would like to plant some trees to block some of the view and noise. Mrs. Albea stated that the speakers need to be facing their house, and they would use some string lights for the wedding that would be taken up and down between events.

Phil & Heidi Sturycz, of 3431 Nolin Road, Sonora, KY spoke in opposition of the proposal. Mrs. Sturycz explained that noise is still their biggest concern, but they are also worried about alcohol, and anything going on past 7pm would keep their son awake. Mr. & Mrs. Sturycz stated that they would prefer no more than 1 event per month, and that they do not want to have to police this proposal for compliance with the conditions.

Vice Chairman Youngblood asked how far away the Sturycz's house is from the proposed venue and Director King responded 800 feet.

Carla & Troy Albea, of 3583 Nolin Road, Sonora, KY provided testimony and answered questions from the board members and staff. Mrs. Albea explained that when she advertised having 'parties' on site she was referring to birthday parties. Mrs. Albea addressed the alcohol concerns and stated she does not intend to allow hard liquor on site, and will ask people to leave if they become too intoxicated. Mrs. Albea also stated that if 25 events per year is too much, she would be happy to start with even cutting that in half. Mr. Albea stated that they really need the weddings to help financially.

Chairman Krausman stated that he has no issues at all with the petting zoo, but he does have some concerns over the wedding venue. He stated that parking, sound, and clear markings of the property boundary are all going to be an issue.

Secretary Steck stated that they need to build a parking lot, and that he would like to go out and do a decibel reading and listen from the neighbors properties.

Secretary Steck made a motion to table the hearing until the next regularly scheduled meeting, August 17<sup>th</sup>, 2023. Vice Chairman Youngblood provided the second. The motion passed unanimously.

At 6:03 p.m. Hearing Officer Steck announced the second item on the agenda is a request for a Conditional Use Permit for a Permanent Accessory Dwelling to allow for the construction of a 1,500 sq. ft. garage with 664 sq. ft. of living quarters on site in addition to the 1,110 sq. ft. home currently on site. The property is a 13.773 acre site located at 8350 Bardstown Road, Elizabethtown, KY, known as Lot 3 of Dillard's Hollow Subdivision, within the East Hardin Planning Area and is zoned Rural Residential (R-2). The PVA Map Number is 262-00-00-067. The property is owned by **JAMIE & BRIAN HART**. Planner Goodman reviewed the application, the plans for the property, and presented exhibits into the record.

## Hardin County Board of Adjustment

Minutes: 3 August 2023

Page 3 of 5

Jamie Hart, of 8350 Bardstown Road, Elizabethtown, KY provided testimony and answered questions from the board members and staff. Mrs. Hart explained that she wants to build the house for her dad who is disabled and getting older. Mrs. Hart stated that he has some health issues and she wants him to be close by for her to take care of him. Mrs. Hart stated that they do not wish to subdivide the property at all. Mrs. Hart also explained that they want to put a new driveway in because the existing one is very dangerous, especially in the winter time.

Kerry Evans, of 7888 Bardstown Road, Elizabethtown, KY provided testimony and answered questions from the board members and staff. Mrs. Evans explained that she drives past the Hart residence every day and they take very good care of it. Mrs. Evans stated that it is a good application, they are good people, and they are surrounded by family as well.

Brian Hart, of 8350 Bardstown Road, Elizabethtown, KY provided testimony and answered questions from the board members and staff. Mr. Hart stated that he has lived there for 40 years, and that his family lives right there in the area as well. Mr. Hart added that they have no intentions of selling or subdividing, and hope that their children will keep the property once they have passed on.

Jamie Hart, of 8350 Bardstown Road, Elizabethtown, KY provided testimony and answered questions from the board members and staff. She noted that she does not even let the kids catch the school bus out at their driveway because it is so dangerous. Additionally, she added that the proposed dwelling will match the color of their current dwelling except for having a black metal roof instead of shingles.

No one else spoke in favor or in opposition of the proposal.

At 6:24 p.m. Hearing Officer Steck closed the hearing to public discussion.

Secretary Steck stated the request for the Conditional Use Permit does satisfy the language of the Development Guidance System Ordinance (Section 16-3) Standards of Issuance of a Conditional Use Permit as follows:

- The use shall not tend to change the character and established pattern of development of the area of the proposed use;
- The use shall be in harmony with the uses permitted by right under the Zone in question and shall not affect adversely the use of neighboring properties;
- The location and height of buildings, the location, nature, and height of walls and fences and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof;
- The use shall not adversely affect the health or safety of persons residing or working in the vicinity of the proposed use;



## Hardin County Board of Adjustment

Minutes: 3 August 2023

Page 4 of 5

- The use shall not be detrimental to the public welfare or injurious to property or improvements in the vicinity; and,
- The use shall be in accordance with the purposes of the Zoning Ordinance and the Comprehensive Plan.

According to provisions of the Kentucky Revised Statutes, the Hardin County Development Guidance System Zoning Ordinance, and the proceedings before the Board of Adjustment (the staff presentation and the testimony presented in the Public Hearing); Secretary Steck made the motion to grant the Conditional Use Permit (CUP) with the following conditions:

1. This Conditional Use Permit for a Permanent Accessory Dwelling will allow for a 1,500 sq. ft. garage with 664 sq. ft. of living space (permanent accessory dwelling) to be constructed in addition to and to exceed the size of the current 1,110 sq. ft. home on site (principal dwelling).
2. The property owners, Jamie & Brian Hart, must occupy either the principal dwelling or the permanent accessory dwelling as the principle residence, and at no time receive rent for the owner-occupied unit.
3. Adequate on site parking must be designated on an approved site plan.
4. The existing driveway entrance and a proposed entrance off of Mountain View Estates Road will be shared by both dwellings.
5. The Permanent Accessory Dwelling is the proposed 1,500 sq. ft. garage with 664 sq. ft. of living space and the 1,110 sq. ft. house currently on site is the Principal Dwelling.
6. The exterior finish materials of the permanent accessory dwelling will be tan vinyl/black metal siding with a black metal roof to match the principle dwelling.
7. Both dwellings shall have septic systems approved by the Environmental Services Office of the Health Department.
8. This Permit is not transferable and the new owners must reapply for the Conditional Use Permit and meet the necessary requirements.
9. Additional landscaping or screening shall not be required.
10. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.
11. A Certificate of Land Use Restrictions shall be recorded in the office of the Hardin County Clerk.

Vice Chairman Youngblood provided the second. The motion passed unanimously.

## **Hardin County Board of Adjustment**

Minutes: 3 August 2023

Page 5 of 5

At 6:29 p.m. Chairman Krausman called for consideration and action on the third item on the agenda, the **Minutes for the meeting held on July 20, 2023**. Secretary Steck made a motion to accept the minutes as presented. Vice Chairman Youngblood provided the second. The motion passed unanimously.

Chairman Krausman announced that the next regular scheduled meeting will be held on Thursday, 17 August 2023 at 5:00 p.m. and called for the meeting to be adjourned at 6:29 p.m.

**ADOPTED AND APPROVED THIS 17th DAY OF AUGUST 2023 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.**

---

**Steve Steck, Secretary**

## Hardin County Board of Adjustment

Minutes: 20 July 2023

Page 1 of 9

Chairman Bob Krausman called to order the four hundred seventy third meeting of the Hardin County Board of Adjustment at 5:02 p.m. on Thursday 20 July 2023, in the Hardin County Government Center, 2nd Floor Meeting Room. The other Board Members in attendance were Vice Chairman Greg Youngblood, and Secretary Steve Steck. Also, in attendance were Director Adam King AICP, Planner I Nikki McCamish, Planner Haley Goodman, and the individuals listed on the attached sign-in sheet. Chairman Krausman appointed Secretary Steck to serve as the Hearing Officer and to conduct the swearing in ceremony for all those in attendance who planned to speak.

At 5:03 p.m. Chairman Krausman announced that the first item on the agenda is a continued hearing from June 22, 2023 for a Conditional Use Permit to allow for a Recreational Enterprise (Outdoor) to allow for a Wedding Venue & Petting Zoo to operate on site. The property is a 7.36 acre site located at 3583 Nolin Road, in Sonora, KY, known as Lot 1 of Weeping Willow Farm within the Natural Resource Planning Area and is zoned Rural Residential (R-2). The PVA Map Number is 172-00-00-015. The property is owned by **CARLA ALBEA**. Chairman Krausman stated that this hearing is being tabled until the next meeting on August 3, 2023 due to the applicants not being able to attend.

At 5:04 p.m. Hearing Officer Steck announced the second item on the agenda is a request for a Variance from the front building setback along Horn Road to allow for a 24' x 30' accessory structure to remain on site. The property is a 3.133 acre site located at 488 Horn Road, in Cecilia, KY, being known as Lot 7C of Emmons Estates, within the Natural Resource Planning Area and is zoned Rural Residential (R-2). The PVA Map Number is 054-00-01-007. The property is owned by **HEATH & SABRINA DURBIN**. Planner Goodman reviewed the application, the plans for the property, and presented exhibits into the record.

Heath Durbin, of 488 Horn Road, Cecilia, KY provided testimony and answered questions from the board members and staff. Mr. Durbin explained that when the house was built, he poured a concrete pad as a turnaround spot for his truck because the driveway was narrow, and eventually placed a carport over the pad. Mr. Durbin stated that a storm had taken out the carport in late 2019, and he replaced it with a prefab metal building. Mr. Durbin explained that he was ignorant to the fact that Hardin County requires permits for accessory structures because he is originally from Grayson County where less permitting is required. Mr. Durbin stated that he was sorry for his mistake and explained that the building is in the best spot on his property. Mr. Durbin stated that anything to the side of his house would encroach into the side setback or on top of his garden, his septic field is directly behind the house, and his backyard has many drainage issues because of the topography and the soil types. Mr. Durbin even went so far as to dig a pond in his backyard to help with the drainage issues.

Chairman Krausman stated that the Board typically does not approve Variances of this size.

## Hardin County Board of Adjustment

Minutes: 20 July 2023

Page 2 of 9

Vice Chairman Youngblood stated that he had no issues with the request because it is not a safety concern on this road and is not blocking the view of anything.

Secretary Steck stated that the Board has approved accessory structures to be in front of a residence before due to adverse ground conditions, and that the drainage issues on Mr. Durbin's property would be a concern.

No one else spoke in favor or in opposition of the proposal.

At 5:26 p.m. Hearing Officer Steck closed the hearing to public discussion.

Vice Chairman Youngblood made a motion to grant a Variance for the 24' x 30' accessory structure based on the staff presentation and the testimony provided in the public hearing. He noted the proposal is in a curve in the road which slows traffic, has no safety concerns due to this being a low speed rural road, is located on a lot with drainage issues, 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 and will satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243 and DGS 5-3 (B) (1) Findings necessary for granting variance) which is as follows:

- 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.

The Variance was granted with the noted conditions:

1. To allow for a Variance from the front building setback along Horn Road to allow for the 24' x 30' garage to remain on site and be no closer to the center line of Horn Road than 50'.
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.
4. Building and Electrical permits must be pulled through the KBC program of our office.

Secretary Steck provided the second. The motion passed 2-1 with Chairman Krausman in opposition.

At 5:27 p.m. Hearing Officer Steck called for consideration and action on the third item on the agenda, a Variance from the side building setback to allow for a storage shed to be placed 7 foot off the side property line. The property is a 0.697 acre site located at 661 Red Hill Road, in Vine Grove, KY, known as Lot 5 of Prairie View Estates, within the North Urban Planning Area and is zoned Urban Residential (R-1). The property is owned by

## Hardin County Board of Adjustment

Minutes: 20 July 2023

Page 3 of 9

**LAURA HART.** The PVA Map Number is 117-00-03-005. Director King reviewed the application, the plans for the property, and presented exhibits into the record.

Laura Hart, of 661 Red Hill Road, Vine Grove, KY provided testimony and answered questions from the board members and staff. Ms. Hart stated that she bought the shed to store furniture that she refurbishes, and placed it close to the driveway so that she could back her truck up next to it. Ms. Hart explained that she did not know she needed a permit for a prefab shed and cannot move the shed due to her septic tank location. Ms. Hart stated that there are trees and a 6' tall solid privacy fence between the shed and the property line.

Lynn Mercer, of 679 Red Hill Road, Vine Grove, KY spoke in opposition of the proposal. Mrs. Mercer stated that she got a permit for her shed and placed the structure in compliance with the building setbacks even though she would prefer the shed closer to her driveway. Mrs. Mercer stated that Ms. Hart should have to follow the rules just like she did. Mrs. Mercer stated that the shed is only 6' off her property line not 7', and that she is not comfortable with the shed being there at all. Mrs. Mercer explained that the shed is within a gap between the trees, and it is just unsightly to her.

Laura Hart, of 661 Red Hill Road, Vine Grove, KY explained that she just replanted 3 trees next to the shed so there will no longer be a gap once they are fully grown.

Chairman Krausman stated that he had no issues with the request because of the septic field location, the privacy fence and mature trees screening the view, and the structure being behind the house.

Secretary Steck stated that he had no issues with the request as well.

No one else spoke in favor or in opposition of the proposal.

At 5:54 p.m. Hearing Officer Steck closed the hearing to public discussion.

Secretary Steck made a motion to grant a Variance for the storage shed based on the staff presentation and the testimony provided in the public hearing. He noted the septic field location, the established tree line with a 6 ft tall privacy fence, and the proposal 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 and will satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243 and DGS 5-3 (B) (1) Findings necessary for granting variance) which is as follows:

## Hardin County Board of Adjustment

Minutes: 20 July 2023

Page 4 of 9

- 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.

The Variance was granted with the noted conditions:

1. To allow for a Variance from the side building setback to allow for a storage shed to remain 7 foot off the side 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.
4. Building and Electrical permits must be pulled through the KBC program of our office.

Vice Chairman Youngblood provided the second. The motion passed unanimously.

At 5:55 p.m. Hearing Officer Steck called for consideration and action on the fourth item on the agenda, a request for a Conditional Use Permit for a Permanent Accessory Dwelling to allow for the construction of a 1,680 sq. ft. home on site in addition to the 4,349 sq. ft. home currently under construction on site. The property is a 33.062 acre site located on the west side of Salt River Road, Rineyville, KY, known as Revised Tract A of McCoy Farm, within the Natural Resource Planning Area and is zoned Rural Residential (R-2). The property is owned by **DAVID & SHERRY CHANDLER**. The PVA Map Number is 063-00-00-018.02. Planner I McCamish reviewed the application, the plans for the property, and presented exhibits into the record.

Rob Krauser, of 416 Knox Ave, Vine Grove, KY provided testimony and answered questions from the board members and staff. Mr. Krauser noted that he is the contractor for the house and stated that their intentions were to build the houses simultaneously, but they had to wait for approval of the permanent accessory dwelling. Mr. Krauser stated that the application is for Mr. Chandlers daughter and son-in-law who are currently living in the old house next door to this site.

Chairman Krausman stated that the request met all the Board's typical criteria for permanent accessory dwellings.

No one else spoke in favor or in opposition of the proposal.

At 6:09 p.m. Hearing Officer Steck closed the hearing to public discussion.

Vice Chairman Youngblood stated the request for the Conditional Use Permit does satisfy the language of the Development Guidance System Ordinance (Section 16-3) Standards of Issuance of a Conditional Use Permit as follows:

## Hardin County Board of Adjustment

Minutes: 20 July 2023

Page 5 of 9

- The use shall not tend to change the character and established pattern of development of the area of the proposed use;
- The use shall be in harmony with the uses permitted by right under the Zone in question and shall not affect adversely the use of neighboring properties;
- The location and height of buildings, the location, nature, and height of walls and fences and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof;
- The use shall not adversely affect the health or safety of persons residing or working in the vicinity of the proposed use;
- The use shall not be detrimental to the public welfare or injurious to property or improvements in the vicinity; and,
- The use shall be in accordance with the purposes of the Zoning Ordinance and the Comprehensive Plan.

According to provisions of the Kentucky Revised Statutes, the Hardin County Development Guidance System Zoning Ordinance, and the proceedings before the Board of Adjustment (the staff presentation and the testimony presented in the Public Hearing); Vice Chairman Youngblood made the motion to grant the Conditional Use Permit (CUP) with the following conditions:

1. This Conditional Use Permit for a Permanent Accessory Dwelling will allow for a 1,680 sq. ft. second house (permanent accessory dwelling) to be constructed in addition to the currently under construction 4,349 sq. ft. home (principal dwelling).
2. The property owners, David & Sherry Chandler, must occupy either the principal dwelling or the permanent accessory dwelling as their principle residence, and at no time receive rent for the owner-occupied unit.
3. Adequate on site parking must be designated on an approved site plan.
4. The existing driveway entrance will be shared by both dwellings.
5. The Permanent Accessory Dwelling is the proposed 1,680 sq. ft. guest house and the 4,349 sq. ft. house (currently under construction) is the Principal Dwelling.
6. The exterior finish materials of the principal dwelling and the permanent accessory dwelling will be white hardy board with black roofs to match.
7. Both dwellings shall have septic systems approved by the Environmental Services Office of the Health Department.
8. This Permit is not transferable and the new owners must reapply for the Conditional Use Permit and meet the necessary requirements.

## Hardin County Board of Adjustment

Minutes: 20 July 2023

Page 6 of 9

9. Additional landscaping or screening shall not be required.
10. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.
11. A Certificate of Land Use Restrictions shall be recorded in the office of the Hardin County Clerk.

Secretary Steck provided the second. The motion passed unanimously.

At 6:11 p.m. Hearing Officer Steck called for consideration and action on the fifth item on the agenda a request for a Conditional Use Permit for a Permanent Accessory Dwelling to allow for the construction of a 4,800 sq. ft. brick ranch in addition to the existing 1,358 sq. ft. home on site. The property is a 73.25 acre site located at 7 Ridge Top Lane in Big Clifty, KY, within the West Hardin Planning Area, and is zoned Rural Residential (R-2). The property is owned by **GLENN & JENNIFER HELM**. The PVA Map Number is 002-00-00-008. Planner Goodman reviewed the application, the plans for the property, and presented exhibits into the record.

Glenn Helm, of 7 Ridge Top Lane, Big Clifty, KY provided testimony and answered questions from the board members and staff. Mr. Helm explained that the existing home is not big enough to accommodate his family, and he wants to build a new one but hates to tear this one down in case their parents need to live close by in the future. Mr. Helm stated that other than the house being too small, it also has several problems such as not having floor joist anymore. Mr. Helm explained that although PVA dates the house to 1968, it is actually much older and was remodeled in 1968. Mr. Helm also stated that the building materials for the new house will be brick and a shingle roof instead of a metal roof due to the interference with cell phone reception.

Chairman Krausman noted that the application has a shared driveway and the dwellings will have similar building materials.

No one else spoke in favor or in opposition of the proposal.

At 6:25 p.m. Hearing Officer Steck closed the hearing to public discussion.

Secretary Steck stated the request for the Conditional Use Permit does satisfy the language of the Development Guidance System Ordinance (Section 16-3) Standards of Issuance of a Conditional Use Permit as follows:

- The use shall not tend to change the character and established pattern of development of the area of the proposed use;
- The use shall be in harmony with the uses permitted by right under the Zone in question and shall not affect adversely the use of neighboring properties;



## Hardin County Board of Adjustment

Minutes: 20 July 2023

Page 7 of 9

- The location and height of buildings, the location, nature, and height of walls and fences and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof;
- The use shall not adversely affect the health or safety of persons residing or working in the vicinity of the proposed use;
- The use shall not be detrimental to the public welfare or injurious to property or improvements in the vicinity; and,
- The use shall be in accordance with the purposes of the Zoning Ordinance and the Comprehensive Plan.

According to provisions of the Kentucky Revised Statutes, the Hardin County Development Guidance System Zoning Ordinance, and the proceedings before the Board of Adjustment (the staff presentation and the testimony presented in the Public Hearing); Secretary Steck made the motion to grant the Conditional Use Permit (CUP) with the following conditions:

1. This Conditional Use Permit for a Permanent Accessory Dwelling will allow for the existing 1,358 sq. ft. house (permanent accessory dwelling) to remain on site in addition to the proposed 4,800 sq. ft. home to be constructed on site (principal dwelling).
2. The property owners, Glenn & Jennifer Helm, must occupy either the principal dwelling or the permanent accessory dwelling as the principle residence, and at no time receive rent for the owner-occupied unit.
3. Adequate on site parking must be designated on an approved site plan.
4. The existing driveway entrance will be shared by both dwellings.
5. The Permanent Accessory Dwelling is the existing 1,358 sq. ft. brick ranch house and the proposed 4,800 sq. ft. brick ranch is the Principal Dwelling.
6. The exterior finish materials of the principal dwelling and the permanent accessory dwelling will be brick with the permanent accessory dwelling having a metal roof and the principal dwelling having a shingle roof.
7. Both dwellings shall have septic systems approved by the Environmental Services Office of the Health Department.
8. This Permit is not transferable and the new owners must reapply for the Conditional Use Permit and meet the necessary requirements.
9. Additional landscaping or screening shall not be required.

## Hardin County Board of Adjustment

Minutes: 20 July 2023

Page 8 of 9

10. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.
11. A Certificate of Land Use Restrictions shall be recorded in the office of the Hardin County Clerk.

Vice Chairman Youngblood provided the second. The motion passed unanimously.

At 6:27 p.m. Chairman Krausman called for consideration and action on the sixth item on the agenda, the **Minutes for the meeting held on June 22, 2023**. Secretary Steck made a motion to accept the minutes as presented. Vice Chairman Youngblood provided the second. The motion passed unanimously.

The following items are for informational purposes only and do not require any action:

**Meeting with Semonin Realtors** On June 20, 2023 Adam, Nikki and Haley met with a group of realtors with Semonin to discuss updates to the county's Comprehensive Plan.

**BlueOvalSK Meeting in Glendale** On June 27, 2023 Adam attended a meeting at Glendale Christian Church facilitated by State Representative Samara Heavrin with BlueOvalSK and the residents of Glendale to receive updates on the project.

**Fiscal Court reappoints Bob Krausman** Hardin County Fiscal Court has reappointed Bob Krausman to serve an additional term on the Board of Adjustment. His term will end June 30, 2027.

**Metropolitan Planning Organization – Technical Advisory Committee Meeting** On July 11, 2023 Adam attended the MPO Meeting and topics discussed included an RFP for a Public Transit Study. He was also elected as Chairman of the group after previously serving as Vice Chair.

**Sonora City Council Meeting** On July 13, 2023, Adam, Madeline, Jimmy and Edwin attended the Sonora City Council Meeting to discuss our KY Building Code program and the potential to implement building inspections within the city limits of Sonora.

Chairman Krausman announced that the next regular scheduled meeting will be held on Thursday, 3 August 2023 at 5:00 p.m. and called for the meeting to be adjourned at 6:28 p.m.

**Hardin County Board of Adjustment**

Minutes: 20 July 2023

Page 9 of 9

**ADOPTED AND APPROVED THIS 3<sup>RD</sup> DAY OF AUGUST 2023 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.**

---

**Steve Steck, Secretary**

## Hardin County Board of Adjustment

Minutes: 22 June 2023

Page 1 of 7

Chairman Bob Krausman called to order the four hundred seventy second meeting of the Hardin County Board of Adjustment at 5:02 p.m. on Thursday 22 June 2023, in the Hardin County Government Center, 2nd Floor Meeting Room. The other Board Member in attendance was Secretary Steve Steck. Also, in attendance were Director Adam King AICP, Planner I Nikki McCamish, Planner Haley Goodman, and the individuals listed on the attached sign-in sheet. Chairman Krausman appointed Secretary Steck to serve as the Hearing Officer and to conduct the swearing in ceremony for all those in attendance who planned to speak. Vice Chairman Greg Youngblood was absent from this meeting.

At 5:02 p.m. Hearing Officer Steck announced the first item on the agenda is a request for a Conditional Use Permit for an Accessory Structure to allow for the property to be further subdivided and a 32'x45' Agricultural Barn to be on a vacant lot. The property is a 1.965 acre site located at 350 Soldier Court in Vine Grove, KY, known as Lot 1B of Safari Trail Subdivision, within the KY 361 Corridor Planning Area and is zoned Urban Residential (R-1). The PVA Map Number is 116-00-00-020.02. The property is owned by **JOANNE HARRISON** and the applicants are **KEVIN & SHARI DENNIS**. Planner I McCamish reviewed the application, the plans for the property, and presented exhibits into the record.

Doug Johnson, with Douglas Land Surveying, of 21500 Sonora Hardin Springs Road, Big Clifty, KY provided testimony and answered questions from the board members and staff. Mr. Douglas explained that the applicants have had a contract for deed for the barn and they have fulfilled those requirements. He explained that Mrs. Harrison has passed away, so the family is just trying to get the estate settled.

Kevin Dennis, of 20 Briggs Lane, Vine Grove, KY provided testimony and answered questions from the board members and staff. Mr. Dennis explained that he owns the property around the barn, and he plans to keep using it to store hay, just as he has been since 2007.

Chairman Krausman asked if this lot could be merged with any of his surrounding land so a Conditional Use Permit was not necessary? Mr. Johnson explained that his house lot does not adjoin the proposed lot with the barn, and all of his surrounding property is also vacant. Mr. Dennis explained that he would rather not merge the lots together.

No one else spoke in favor or in opposition of the proposal.

At 5:16 p.m. Hearing Officer Steck closed the hearing to public discussion.

Secretary Steck stated that he has no issues with it because the board has approved similar applications, the applicant is just having to deal with what he is left with, and the proposed owner lives near the property.

## Hardin County Board of Adjustment

Minutes: 22 June 2023

Page 2 of 7

Secretary Steck stated the request for the Conditional Use Permit does satisfy the language of the Development Guidance System Ordinance (Section 16-3) Standards of Issuance of a Conditional Use Permit as follows:

- The use shall not tend to change the character and established pattern of development of the area of the proposed use;
- The use shall be in harmony with the uses permitted by right under the Zone in question and shall not affect adversely the use of neighboring properties;
- The location and height of buildings, the location, nature, and height of walls and fences and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof;
- The use shall not adversely affect the health or safety of persons residing or working in the vicinity of the proposed use;
- The use shall not be detrimental to the public welfare or injurious to property or improvements in the vicinity; and,
- The use shall be in accordance with the purposes of the Zoning Ordinance and the Comprehensive Plan.

According to provisions of the Kentucky Revised Statutes, the Hardin County Development Guidance System Zoning Ordinance, and the proceedings before the Board of Adjustment (the staff presentation and the testimony presented in the Public Hearing); Secretary Steck made the motion to grant the Conditional Use Permit (CUP) with the following conditions:

1. This Conditional Use Permit shall allow for the property to be further subdivided and the pre-existing 32'x45' Agricultural Barn to now be on a vacant lot.
2. The structure is for residential/agricultural storage and shall not be occupied as a dwelling or used for any commercial activity.
3. Additional landscaping and/or screening shall not be required.
4. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.
5. An Amended Plat with a Conditional Use Permit note shall be required.
6. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Chairman Krausman provided the second. The motion passed unanimously.

## Hardin County Board of Adjustment

Minutes: 22 June 2023

Page 3 of 7

At 5:18 p.m. Hearing Officer Steck announced the second item on the agenda is a request for an Amended Conditional Use Permit to allow for the expansion of an Asphalt Manufacturing Plant at the Upton Rock Quarry. The property is a 20.32 acre portion of the site located at 607 Quarry Road in Upton, KY, within the South Hardin Planning Area and is zoned Heavy Industrial (I-2). The PVA Map Numbers are 197-00-00-012, 197-0-00-013, & 197-00-00-014. The property is owned by **HEIDELBERG MATERIALS MIDWEST AGG INC** and the applicant is **SCOTTY'S CONTRACTING & STONE LLC**. Director King reviewed the application, the plans for the property, and presented exhibits into the record.

Phillip Kemp, with Scotty's Contracting, of 70 Roark Road, Leitchfield, KY provided testimony and answered questions from the board members and staff. Mr. Kemp explained that the facility on site at the Upton Quarry is a 1985 model, and they are looking to update the plant to a newer, cleaner, quieter, and more efficient model. Mr. Kemp stated that with the proximity to BlueOval SK, their workload has dramatically increased, and they are looking to expand their capacity. Mr. Kemp explained that the new site is further off the road, and that they are open to preserving the existing tree line along Quarry Road. Mr. Kemp stated that they do not want to clear out any more trees than they must.

No one else spoke in favor or in opposition of the proposal.

At 5:35 p.m. Hearing Officer Steck closed the hearing to public discussion.

Secretary Steck stated that he had no issues with the application and reiterated that they are moving farther out of sight from Quarry Road.

Secretary Steck stated the request for the Conditional Use Permit does satisfy the language of the Development Guidance System Ordinance (Section 16-3) Standards of Issuance of a Conditional Use Permit as follows:

- The use shall not tend to change the character and established pattern of development of the area of the proposed use;
- The use shall be in harmony with the uses permitted by right under the Zone in question and shall not affect adversely the use of neighboring properties;
- The location and height of buildings, the location, nature, and height of walls and fences and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof;
- The use shall not adversely affect the health or safety of persons residing or working in the vicinity of the proposed use;
- The use shall not be detrimental to the public welfare or injurious to property or improvements in the vicinity; and,

## Hardin County Board of Adjustment

Minutes: 22 June 2023

Page 4 of 7

- The use shall be in accordance with the purposes of the Zoning Ordinance and the Comprehensive Plan.

According to provisions of the Kentucky Revised Statutes, the Hardin County Development Guidance System Zoning Ordinance, and the proceedings before the Board of Adjustment (the staff presentation and the testimony presented in the Public Hearing); Secretary Steck made the motion to grant the Amended Conditional Use Permit (CUP) with the following conditions:

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

## Hardin County Board of Adjustment

Minutes: 22 June 2023

Page 5 of 7

10. The existing asphalt plant is to be removed within 270 days of completion of the new plant.
11. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Chairman Krausman provided the second. The motion passed unanimously.

At 5:37 p.m. Hearing Officer Steck announced the third item on the agenda is a request for a Conditional Use Permit to allow for a Recreational Enterprise (Outdoor) to allow for a Wedding Venue & Petting Zoo to operate on site. The property is a 7.36 acre site located at 3583 Nolin Road, in Sonora, KY, known as Lot 1 of Weeping Willow Farm within the Natural Resource Planning Area and is zoned Rural Residential (R-2). The PVA Map Number is 172-00-00-015. The property is owned by **CARLA ALBEA**. Planner Goodman reviewed the application, the plans for the property, and presented exhibits into the record.

Carla & Troy Albea, of 3583 Nolin Road, Sonora, KY provided testimony and answered questions from the board members and staff. Mrs. Albea explained that she has lived on this site for 23 years and has always had dreams of opening an agritourism business. Mrs. Albea sees her business as a service to the community, considering it will operate year-round as opposed to only one season per year. Mrs. Albea explained that working with her neighbors is important to her. Mrs. Albea stated that she has been working with day camps for mentally handicapped adults and is wanting her business to be entertaining as well as educational. Mrs. Albea explained that she had a grand opening on Mother's Day, shut operations down after the first complaint, and is hoping to reopen this weekend.

Chairman Krausman explained that he had concerns over the wedding venue portion of the application relating to noise, parking and traffic control.

Mrs. Albea addressed Chairman Krausman's concerns and stated that the sound will be easy to keep down and stated that she doesn't plan to be open much past 8 p.m. Mrs. Albea explained that the reception area is also a good distance away from any nearby neighbors. Mrs. Albea stated that farm tours will be by appointment only, and that her aunt is okay with the proposed parking area next to her house. Mrs. Albea stated that she also planned to get a sign after receiving approval for the Conditional Use Permit.

Secretary Steck stated that screening would need to be addressed, and that the board almost always does a site visit to wedding venue applications because of their potential impacts on neighbors.

Phillip and Heidi Sturycz, of 3431 Nolin Road, Sonora, KY spoke in opposition of the proposal. Mrs. Sturycz stated that they live just up the hill from the Albea's and were not



## Hardin County Board of Adjustment

Minutes: 22 June 2023

Page 6 of 7

aware of Mrs. Albea's plans for the property until they saw a Facebook post. Mrs. Sturycz stated that she has several concerns with the application. Mrs. Sturycz explained that she had concerns over fireworks, bonfires, karaoke, concerts, overnight stays, live music, weddings, party venue, Airbnb, noise, hours, alcohol, firearms, manure management, animal containment, open fires, and asked who would be policing the Conditional Use Permit.

Director King stated that the Planning Commission Staff oversees that the conditions are being met, with the help of the surrounding property owners. Director King also stated that the barn on site is not currently permitted for the public to use.

Carla & Troy Albea, of 3583 Nolin Road, Sonora, KY provided testimony and answered questions from the board members and staff. Mrs. Albea explained that the music and fireworks were just for the grand opening. Mr. Albea stated that they have turned the basement apartment into an Airbnb as another way for some supplemental income, and that it is only one bedroom that they could only host one small family at a time. Mrs. Albea explained that they did intend to host wedding receptions on site, and they would likely want to serve alcohol. Mr. Albea stated that he already plays music outside nearly every day and has never had any complaints. Mr. Albea also explained that he shovels all of the animal manure. Mrs. Albea explained that the participants should not leave the barnyard area, but they can put in a new fence if they need to. Mrs. Albea stated firearms would not be permitted on site, and that their business hours would primarily be 1-7 pm on the weekends.

Director King asked about a more permanent parking situation, and Mrs. Albea stated that they would like a gravel parking area as the business grows and funds are available.

Chairman Krausman stated that he wanted to go look at the site before they decided, and Secretary Steck agreed.

Secretary Steck made a motion to table the hearing until the next regularly scheduled meeting, on July 20, 2023, so that the board members have a chance to go look at the site. Chairman Krausman provided the second. The motion passed unanimously.

At 6:21 p.m. Chairman Krausman called for consideration and action on the fourth item on the agenda, the **Minutes for the meeting held on June 8, 2023**. Secretary Steck made a motion to accept the minutes as presented. Chairman Krausman provided the second. The motion passed unanimously.

The following items are for informational purposes only and do not require any action:

## **Hardin County Board of Adjustment**

Minutes: 22 June 2023

Page 7 of 7

**KLC Meeting on BlueOvalSK** On June 7, 2023 Adam attended a meeting at the State Theater in Elizabethtown hosted by the KY League of Cities and Lincoln Trail Area Development District to discuss the regional growth and impacts anticipated due to BlueOvalSK.

**Young Professionals Network Meeting** On June 9, 2023 Adam, Nikki and Haley attended a meeting with the Young Professionals Network of Hardin County here at the County Government Building to discuss the updates to the Comprehensive Plan.

Chairman Krausman announced that the next regular scheduled meeting will be held on Thursday, 20 July 2023 at 5:00 p.m. and called for the meeting to be adjourned at 6:26 p.m.

**ADOPTED AND APPROVED THIS 20<sup>th</sup> DAY OF JULY 2023 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.**

---

**Steve Steck, Secretary**

## Hardin County Board of Adjustment

Minutes: 8 June 2023

Page 1 of 6

Vice Chairman Greg Youngblood called to order the four hundred seventy first meeting of the Hardin County Board of Adjustment at 5:00 p.m. on Thursday 8 June 2023, in the Hardin County Government Center, 2nd Floor Meeting Room. The other Board Member in attendance was Secretary Steve Steck. Also, in attendance were Director Adam King AICP, Planner I Nikki McCamish, Planner Haley Goodman, and the individuals listed on the attached sign-in sheet. Vice Chairman Youngblood appointed Secretary Steck to serve as the Hearing Officer and to conduct the swearing in ceremony for all those in attendance who planned to speak. Chairman Bob Krausman was absent from this meeting.

At 5:00 p.m. Hearing Officer Steck announced the first item on the agenda is a request for a Variance from the front building setback along Dutch Girl Lane to allow for a 28'x60' Doublewide Manufactured Home with a 4'x4' front deck to be placed on site. The property is a 1 acre site located at 198 Dutch Girl Lane in Glendale, KY, known as Lot 4 of Dutch Girl Farms Subdivision, within the Urban Planning Area and is zoned Rural Residential (R-2). The PVA Map Number is 225-00-04-004. The property is owned by **CARL MASTERS**. Planner I McCamish reviewed the application, the plans for the property, and presented exhibits into the record.

Carl Masters, of PO Box 14 Cecilia, KY provided testimony and answered questions from the Board members and staff. Mr. Masters stated that the house is going to go in almost the same exact location as the former house. Mr. Masters explained that he has no intentions of living There, and that he does real estate, and the property will likely be for rent.

Secretary Steck stated that he does not have any issues with it, since it will actually be a few feet further back than the original home.

No one else spoke in favor or in opposition of the proposal.

At 5:09 p.m. Hearing Officer Steck closed the hearing to public discussion.

Secretary Steck made a motion to grant a Variance for the 28'x60' Doublewide Manufactured Home with a 4'x4' front deck based on the staff presentation and the testimony provided in the public hearing. He noted the proposal 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 and will satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243 and DGS 5-3 (B) (1) Findings necessary for granting variance) which is as follows:

- 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

## Hardin County Board of Adjustment

Minutes: 8 June 2023

Page 2 of 6

The Variance was granted with the noted conditions:

1. To allow for a Variance from the front building setback along Dutch Girl Lane to allow for the construction of a 28'x60' Doublewide Manufactured Home with a 4'x4' front deck to be no closer than 55' & 51' to the centerline of Dutch Girl Lane.
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.
4. Building and Electrical permits must be pulled through the KBC program of our office.

Vice Chairman Youngblood provided the second. The motion passed unanimously.

At 5:15 p.m. Hearing Officer Steck announced the second item on the agenda is a request for a Variance from the 1:3 lot width-to-length ratio to allow for the property to be subdivided. The property is a 26.270 acre site located at 711 Tabb Road, Cecilia, KY, being known as Lot 2 of Marvin Gardens Subdivision, within the Natural Resource Planning Area and is zoned Rural Residential (R-2). The PVA Map Number is 124-00-00-018. The property is owned by **TAMMY & DOUG LUCAS**. Planner Goodman reviewed the application, the plans for the property, and presented exhibits into the record.

Doug Lucas, of 711 Tabb Road, Cecilia, KY provided testimony and answered questions from the board members and staff. Mr. Lucas explained that his daughter and son-in-law are planning to move out of Louisville on to the family farm, and this location is the most desirable spot for them to build. Mr. Lucas explained that the farm has been in the family since 1963 and he intends to keep it that way. Mr. Lucas stated that he has already installed the gravel entrance per the Hardin County Road Departments standards.

Rick Thomas, of 6770 Saint John Road, Elizabethtown, KY asked if there could only be one entrance in this area? Director King stated that would be up to the road department, but they typically like to see 150 ft. between entrances. Mr. Thomas asked if there was potential to put in another lot here, and stated that it looked like the proposed lot was circumventing the subdivision regulations. Director King explained that the owner would have to build a road, which may not be economically viable with the pond in the middle, and the 3 acre minimum lot size, and stated that the owner was just proposing the two lots.

No one else spoke in favor or in opposition of the proposal.

At 5:30 p.m. Hearing Officer Steck closed the hearing to public discussion.

Secretary Steck made a motion to grant a Variance from the 1:3 lot width-to-length ratio to allow for the property to be subdivided based on the staff presentation and the testimony provided in the public hearing. He noted the proposal will not adversely affect

## Hardin County Board of Adjustment

Minutes: 8 June 2023

Page 3 of 6

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 and will satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243 and DGS 5-3 (B) (1) Findings necessary for granting variance) which is as follows:

- 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.

The Variance was granted with the noted conditions:

1. To allow for a Variance from the 1:3 lot width-to-length ratio (Lot 2A) to allow for Lot 2 of Marvin Gardens to be further subdivided.
2. An Amended Record Plat with a Variance Note shall substitute for the required site plan.
3. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Vice Chairman Youngblood provided the second. The motion passed unanimously.

At 5:32 p.m. Hearing Officer Steck announced the third item on the agenda is a request for a Variance from the 100' setback where Industrial Zoned property adjoins residential property to allow for a proposed 100'x120' warehouse to be constructed on site. The property is a 7.028 acre site located at 6671 Shepherdsville Road, Elizabethtown, KY, within the Kentucky 313 Corridor Planning Area and is zoned Light Industrial (I-1). The PVA Map Number is 216-00-00-038.05. The property is owned by **VH PROPERTIES, LLC**. Director King reviewed the application, the plans for the property, and presented exhibits into the record.

Mike Billings, of 315 South Mulberry Street, Elizabethtown, KY, engineer for the project, provided testimony and answered questions from the board members and staff. Mr. Billings explained that the proposed building is still very far from the nearest houses despite the variance request. Mr. Billings also stated that the building would be in line with the existing building.

Chris Hardin, of 916 Lyle Court, LaGrange, KY provided testimony and answered questions from the board members and staff. Mr. Hardin explained that the warehouse is for wholesale door material, and that there will be one forklift inside and they only operate Monday-Friday.

## **Hardin County Board of Adjustment**

Minutes: 8 June 2023

Page 4 of 6

Mr. Billings reiterated that the topography dictates that the building will be dug into the hillside.

Director King noted that although they are asking for a big variance, it matches what is already on site, and the topography is limiting as well.

Secretary Steck stated that with the existing building on site this will not be out of character, and it will also be down in the ground quite a bit.

Jannie Jackson, of 119 Masters Street, Radcliff, KY asked if this proposal would affect the zoning of her church property at all? Director King explained that this site is Industrial, and has always been zoned industrial, and that the new proposed warehouse would not affect the zoning of the surrounding properties at all.

No one else spoke in favor or in opposition of the proposal.

At 5:54 p.m. Hearing Officer Steck closed the hearing to public discussion.

Secretary Steck made a motion to grant a Variance from the 100' setback adjoining residential property to allow for a proposed 100'x120' warehouse to be constructed on site based on the staff presentation and the testimony provided in the public hearing. He noted the proposal 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 and will satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243 and DGS 5-3 (B) (1) Findings necessary for granting variance) which is as follows:

- 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

The Variance was granted with the noted conditions:

1. To allow for a Variance from the 100' setback where Industrial zoned property adjoins Residential zoned property.
2. An Amended Development Plan shall be required.
3. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Vice Chairman Youngblood provided the second. The motion passed unanimously.

## **Hardin County Board of Adjustment**

Minutes: 8 June 2023

Page 5 of 6

At 5:56 p.m. Vice Chairman Youngblood called for consideration and action on the fourth item on the agenda, the **Annual Nomination and Election of Officers**. Vice Chairman Youngblood asked if there were any new nominations, and there were none. Secretary Steck made a motion to keep the current officers in their existing roles. Vice Chairman Youngblood provided the second. The motion passed unanimously.

At 5:56 p.m. Vice Chairman Youngblood called for consideration and action on the fifth item on the agenda, the **Minutes for the meeting held on May 4, 2023**. Secretary Steck made a motion to accept the minutes as presented. Vice Chairman Youngblood provided the second. The motion passed unanimously.

The following items are for informational purposes only and do not require any action:

**MPO Meeting** On April 18, 2023, Director King attended the Technical Advisory Committee Meeting of the Radcliff/Elizabethtown Metropolitan Planning Organization.

**Comprehensive Plan Meetings** On April 21, 2023, the staff held the second subcommittee meetings on Agriculture and on Housing.

**Fiscal Court Re-appoints Greg Lowe & Steve Steck** (April 25, 2023) Hardin County Fiscal Court has re-appointed Greg Lowe and Steve Steck to serve an additional term on the Planning Commission. Their terms will end April 30, 2027.

**Promotion to Planner** Congratulations to Haley Goodman for her promotion from Planning Technician to Planner on May 1, 2023.

**Promotion to Planner I** Congratulations to Nikki McCamish for her promotion from Planner to Planner I on May 1, 2023.

**APA-KY Spring Conference** Adam & Haley attended the APA-KY Spring Conference at Barren River Lake State Park on May 17-19, 2023 and presented a session titled, "Glendale, KY from Railroad Beginnings to an Electric Vehicle Future".

**Housing Roundtable** Adam & Haley attended a Housing Roundtable hosted by the Lincoln Trail Area Development District to discuss regional housing needs in relation to BlueOvalSK.

**2 Years of Service** Planner, Haley Goodman celebrated 2 years of service with the Planning Commission on June 4, 2023.

**Hardin County Board of Adjustment**

Minutes: 8 June 2023

Page 6 of 6

Chairman Krausman announced that the next regular scheduled meeting will be held on Thursday, 22 June 2023 at 5:00 p.m. and called for the meeting to be adjourned at 5:57 p.m.

**ADOPTED AND APPROVED THIS 22<sup>nd</sup> DAY OF JUNE 2023 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.**

---

**Steve Steck, Secretary**



## Hardin County Board of Adjustment

Minutes: 4 May 2023

Page 1 of 6

Chairman Bob Krausman called to order the four hundred seventieth meeting of the Hardin County Board of Adjustment at 5:00 p.m. on Thursday, 4 May 2023, in the Hardin County Government Center, 2nd Floor Meeting Room. The other Board Member in attendance was Secretary Steve Steck. Also, in attendance were Director Adam King AICP, Planner I Nikki McCamish, Planner Haley Goodman, Administrative Assistant Michaila Barren and the individuals listed on the attached sign-in sheet. Chairman Krausman appointed Secretary Steck to serve as the Hearing Officer and to conduct the swearing in ceremony for all those in attendance who planned to speak. Vice Chairman Greg Youngblood was absent.

At 5:00 p.m. Hearing Officer Steck announced the first item on the agenda is a request for a Conditional Use Permit for an Automotive Repair Shop to operate on site. The property is a 0.471 acre site located at 9221 Bardstown Road, in Elizabethtown, KY, within the East Hardin Planning Area and is zoned Convenience Commercial (C-1). The PVA Map Number is 270-10-00-017. The property is owned by **JESS & LEAH CLEARY**. Planner Goodman reviewed the application, the plans for the property, and presented exhibits into the record.

Jess Cleary, of 4760 Youngers Creek Road, New Haven, KY, provided testimony and answered questions from the board members and staff. Mr. Cleary explained he plans to do electrical/diagnostic high-tech work (more in-depth than typical free diagnostics) with no auto body repair. He will be doing all work inside and plans to work by appointment only. He does not plan to leave cars parked outside. Customers will pull into the business for appointment and cars will then be pulled inside to begin work. When business is closed, all vehicles will be locked inside the shop.

Chairman Krausman asked Mr. Cleary if he would ever have a need to park a car outside. Mr. Cleary stated he did not see a need. Chairman Krausman stated he did not have a problem with there being a vehicle parked outside if there were ever a need. Director King stated it would be okay to dial back the proposed landscaping given the small scale nature of the business and because Mr. Cleary was making improvements to the entrance on Bardstown Road (US 62). Secretary Steck agreed that all the landscaping was not necessary, only some shrubbery up close to the shop building.

No one else spoke in favor or in opposition of the proposal.

At 5:11 p.m. Hearing Officer Steck closed the hearing to public discussion.

Secretary Steck stated the request for the Conditional Use Permit does satisfy the language of the Development Guidance System Ordinance (Section 16-3) Standards of Issuance of a Conditional Use Permit as follows:

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

## Hardin County Board of Adjustment

Minutes: 4 May 2023

Page 2 of 6

- The use shall be in harmony with the uses permitted by right under the Zone in question and shall not affect adversely the use of neighboring properties;
- The location and height of buildings, the location, nature, and height of walls and fences and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof;
- The use shall not adversely affect the health or safety of persons residing or working in the vicinity of the proposed use;
- The use shall not be detrimental to the public welfare or injurious to property or improvements in the vicinity; and,
- The use shall be in accordance with the purposes of the Zoning Ordinance and the Comprehensive Plan.

According to provisions of the Kentucky Revised Statutes, the Hardin County Development Guidance System Zoning Ordinance, and the proceedings before the Board of Adjustment (the staff presentation and the testimony presented in the Public Hearing); Secretary Steck made the motion to grant the Conditional Use Permit (CUP) with the following conditions:

1. Business Hours of Operation shall be from 8 AM to 6 PM Monday-Friday and by appointment only on Saturdays.
2. There shall be no more than one vehicle stored outdoors.
3. The employee and customer parking shall be in the area as labeled on the Development Plan.
4. There shall be no more than 2 employees of the business other than the owner, Jess Cleary.
5. This Conditional Use Permit shall allow for Automotive Repair (Electrical Diagnostics).
6. A Development Plan in compliance with Section 6 of the Zoning Ordinance shall be required.
7. This Conditional Use Permit shall be issued to the current property owners, Jess & Leah Cleary, and is not transferrable.
8. There shall be no wrecked vehicles on site.
9. This Conditional Use Permit shall be for a period of 4 years and expire on May 4, 2027.

## Hardin County Board of Adjustment

Minutes: 4 May 2023

Page 3 of 6

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

11. An Emergency Response and Spill Prevention Plan shall be required.

Chairman Krausman provided the second. The motion passed unanimously.

At 5:18 p.m. Hearing Officer Steck called for consideration and action on the second item on the agenda, a request for a Variance from the front building setback along Leitchfield Road (US 62) to allow for the construction of a 30' x 32' barn on site. The property is a 24.083 acre site located at 13943 Leitchfield Road in Eastview, KY, within the Natural Resource Planning Area and is zoned Rural Residential (R-2). The PVA Map Number is 089-00-00-084. The property is owned by **MATTHEW & KIMBERLY ENNIS**. Planner I McCamish reviewed the application, the plans for the property, and presented exhibits into the record.

Matthew Ennis, of 13943 Leitchfield Road, Eastview, KY, provided testimony and answered questions from the board members and staff. Mr. Ennis explained that his first contractor visited Planning and Development to ask about permitting, he was given all the information needed, but did not relay the message that they did need to pull a permit. Mr. Ennis stated he switched contractors due to difficulties getting the initial one to start work, the second contractor began construction without a permit, and a stop work letter was sent. As soon as the letter was received, Mr. Ennis stopped construction and came into the office to apply.

Secretary Steck stated that he drives past this address every day, and the building is not a safety hazard.

Planner I McCamish added that while driving to the location to take pictures for the hearing, she almost passed it because she could not see the barn at first, due to the existing trees.

Chairman Krausman asked Mr. Ennis if he planned to leave the trees in the ditch line between the barn and Leitchfield Road. Mr. Ennis confirmed that he will. He also stated that the barn is already further from the road than his home, and he could not move it back any further as the septic system is directly behind it.

Kimberly Ennis, of 13943 Leitchfield Road, Eastview, KY, stated that it has been an honor to restore a historic home in the area and that God sent them this land with the mission of healing the community.

No one else spoke in favor or in opposition of the proposal.

At 5:43 p.m. Hearing Officer Steck closed the hearing to public discussion.

## Hardin County Board of Adjustment

Minutes: 4 May 2023

Page 4 of 6

Secretary Steck made a motion to grant a Variance for the 30' x 32' barn based on the staff presentation and the testimony provided in the public hearing. He noted the proposal 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 and will satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243 and DGS 5-3 (B) (1) Findings necessary for granting variance) which is as follows:

- 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

The Variance was granted with the noted conditions:

1. To allow for a Variance from the front building setback to allow for a 30' x 32' agriculture barn to be 67' from the center line of Leitchfield Road at its closest point.
2. A Site Plan shall be required.
3. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.
4. The existing tree stand between Leitchfield Road (US 62) and the 30' x 32' agricultural barn shall be preserved.

Chairman Krausman provided the second. The motion passed unanimously.

At 5:46 p.m. Hearing Officer Steck announced the third item on the agenda is a request for a Conditional Use Permit for a Permanent Accessory Dwelling to allow for the construction of a 900 sq. ft. second dwelling in addition to the 2,951 sq. ft. home on site. The property is a 1.519 acre site located at 246 Huntington Lane, Rineyville, KY, known as Lot 18A of Shannondoah Estates Subdivision, Section 3, within the Kentucky 1600 Corridor Planning Area and is zoned Urban Residential (R-1). The PVA Map Number is 120-00-01-020. The property is owned by **BART & SONYA MEDICK**. Planner I McCamish reviewed the application, the plans for the property, and presented exhibits into the record.

Bart & Sonya Medick, of 246 Huntington Lane, Rineyville, KY, provided testimony and answered questions from the board members and staff. Mrs. Medick explained that she has elderly parents in poor health whom they are wanting to move to their property to care for. They also have family and friends who visit from out of state that they wish to provide with a place to stay. They have spoken to their neighbors about the proposed second dwelling and have received nothing but support.

## Hardin County Board of Adjustment

Minutes: 4 May 2023

Page 5 of 6

Director King noted that of the twenty-two notice letters sent to all properties within 1200' of road frontage, no responses were received.

Chairman Krausman stated, this is one of the better examples of an accessory dwelling that they've seen, and it should fit in the neighborhood well.

No one else spoke in favor or in opposition of the proposal.

At 5:58 p.m. Hearing Officer Steck closed the hearing to public discussion.

Secretary Steck stated the request for the Conditional Use Permit does satisfy the language of the Development Guidance System Ordinance (Section 16-3) Standards of Issuance of a Conditional Use Permit as follows:

- The use shall not tend to change the character and established pattern of development of the area of the proposed use;
- The use shall be in harmony with the uses permitted by right under the Zone in question and shall not affect adversely the use of neighboring properties;
- The location and height of buildings, the location, nature, and height of walls and fences and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof;
- The use shall not adversely affect the health or safety of persons residing or working in the vicinity of the proposed use;
- The use shall not be detrimental to the public welfare or injurious to property or improvements in the vicinity; and,
- The use shall be in accordance with the purposes of the Zoning Ordinance and the Comprehensive Plan.

According to provisions of the Kentucky Revised Statutes, the Hardin County Development Guidance System Zoning Ordinance, and the proceedings before the Board of Adjustment (the staff presentation and the testimony presented in the Public Hearing); Secretary Steck made the motion to grant the Conditional Use Permit (CUP) with the following conditions:

1. This Conditional Use Permit for a Permanent Accessory Dwelling will allow for a 900 sq. ft. guest house (permanent accessory dwelling) to be constructed in addition to the existing 2,951 sq. ft. home (principal dwelling).
2. The property owners, Bart & Sonya Medick, must occupy either the principal dwelling or the permanent accessory dwelling as their principle residence, and at no time receive rent for the owner-occupied unit.
3. Adequate on-site parking must be designated on an approved site plan.
4. The existing driveway entrance will be shared by both dwellings.

## Hardin County Board of Adjustment

Minutes: 4 May 2023

Page 6 of 6

5. The Permanent Accessory Dwelling is the proposed 900 sq. ft. guest house and the 2,951 sq. ft. house (1999) is the Principal Dwelling.
6. The exterior finish materials of the principal dwelling is brick with white vinyl sided dormers and the permanent accessory dwelling will be brick front, vinyl siding on the sides and rear and dormers to match.
7. Both dwellings shall have septic systems approved by the Environmental Services Office of the Health Department.
8. This Permit is not transferable and the new owners must reapply for the Conditional Use Permit and meet the necessary requirements.
9. Additional landscaping or screening shall not be required.
10. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.
11. A Certificate of Land Use Restrictions shall be recorded in the office of the Hardin County Clerk.

Chairman Krausman provided the second. The motion passed unanimously.

At 6:02 p.m. Chairman Krausman called for consideration and action on the fourth item on the agenda, the **Minutes for the meeting held on April 20, 2023**. Chairman Krausman made a motion to accept the minutes as presented. Secretary Steck provided the second. The motion passed unanimously.

Chairman Krausman announced that the next regular scheduled meeting will be held on Thursday, 8 June 2023 at 5:00 p.m. and called for the meeting to be adjourned at 6:03 p.m.

**ADOPTED AND APPROVED THIS 8<sup>th</sup> DAY OF JUNE 2023 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.**

---

**Steve Steck, Secretary**

## Hardin County Board of Adjustment

Minutes: 20 April 2023

Page 1 of 7

Chairman Bob Krausman called to order the four hundred and sixty ninth meeting of the Hardin County Board of Adjustment at 5:00 p.m. on Thursday, 20 April 2023, in the Hardin County Government Center, 2nd Floor Meeting Room. The other Board Members in attendance were Secretary Steve Steck and Vice Chairman Greg Youngblood. Also, in attendance were Director Adam King AICP, Planner, Nikki McCamish Planning Technician, Haley Goodman, and the individuals listed on the attached sign-in sheet. Chairman Krausman appointed Secretary Steck to serve as the Hearing Officer and to conduct the swearing in ceremony for all those in attendance who planned to speak.

At 5:00 p.m. Hearing Officer Steck announced the first item on the agenda is a request for a Conditional Use Permit for a Permanent Accessory Dwelling to allow for the construction of a 1,308 sq. ft. cottage in addition to the existing 5,800 sq. ft. house/barn on site. The property is a 282-acre site located at 835 Edlin Lane in Elizabethtown, KY, within the East Urban Planning Area and is zoned Urban Residential (R-1). The PVA Map Number is 243-00-00-040. The property is owned by **PHILLIP "PETE" EDLIN**. Planning Technician Goodman reviewed the application, the plans for the property, and presented exhibits into the record.

Pete Edlin, of 835 Edlin Lane, Elizabethtown, KY provided testimony and answered questions from the board members and staff. Mr. Edlin explained that the main dwelling only has 2 bedrooms, so they would like a guesthouse to use for when family is in town. Mr. Edlin explained that the building materials will almost exactly match what was used for the principle dwelling, and that he wants it to look like it was all built at the same time. Mr. Edlin mentioned that he has cut the water off to the historical home on site and that no one is living in it.

No one else spoke in favor or in opposition of the proposal.

At 5:12 p.m. Hearing Officer Steck closed the hearing to public discussion.

Chairman Krausman stated that he typically likes to see these dwellings behind the main house, but since this site is so far off the road that it is not an issue here.

Vice Chairman Youngblood stated the request for the Conditional Use Permit does satisfy the language of the Development Guidance System Ordinance (Section 16-3) Standards of Issuance of a Conditional Use Permit as follows:

- The use shall not tend to change the character and established pattern of development of the area of the proposed use;
- The use shall be in harmony with the uses permitted by right under the Zone in question and shall not affect adversely the use of neighboring properties;
- The location and height of buildings, the location, nature, and height of walls and fences and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof;

## Hardin County Board of Adjustment

Minutes: 20 April 2023

Page 2 of 7

- The use shall not adversely affect the health or safety of persons residing or working in the vicinity of the proposed use;
- The use shall not be detrimental to the public welfare or injurious to property or improvements in the vicinity; and,
- The use shall be in accordance with the purposes of the Zoning Ordinance and the Comprehensive Plan.

According to provisions of the Kentucky Revised Statutes, the Hardin County Development Guidance System Zoning Ordinance, and the proceedings before the Board of Adjustment (the staff presentation and the testimony presented in the Public Hearing); Vice Chairman Youngblood made the motion to grant the Conditional Use Permit (CUP) with the following conditions:

1. This Conditional Use Permit for a Permanent Accessory Dwelling will allow for the 1,308 sq. ft. cottage (permanent accessory dwelling) to be constructed in addition to the existing 5,800 sq. ft. home/barn (principal dwelling). The 820 sq. ft. house constructed in 1946 that is located on the property has historical significance. It shall not be occupied as a dwelling, but may be preserved on the site.
2. The property owner, Phillip "Pete" Edlin, must occupy either the principal dwelling or the permanent accessory dwelling as the principle residence, and at no time receive rent for the owner-occupied unit.
3. Adequate on-site parking must be designated on an approved site plan.
4. The existing driveway entrance will be shared by both dwellings.
5. The Permanent Accessory Dwelling is the proposed 1,308 sq. ft. cottage and the 5,800 sq. ft. house/barn (2011) is the Principal Dwelling. The pre-existing 820 sq. ft. house (1946) may remain on site but shall not be occupied.
6. The Permanent Accessory Dwelling shall be connected to the principle dwelling via a breezeway/carport.
7. The exterior finish materials of the principal dwelling is stone with metal siding and cedar trim and the permanent accessory dwelling is stone, cedar and metal to match.
8. Both dwellings shall have septic systems approved by the Environmental Services Office of the Health Department.
9. This Permit is not transferable and the new owners must reapply for the Conditional Use Permit and meet the necessary requirements.
10. Additional landscaping or screening shall not be required.



## Hardin County Board of Adjustment

Minutes: 20 April 2023

Page 3 of 7

11. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.
12. A Certificate of Land Use Restrictions shall be recorded in the office of the Hardin County Clerk.

Secretary Steck provided the second. The motion passed unanimously.

At 5:16 p.m. Hearing Officer Steck called for consideration and action on the second item on the agenda, a request for an Amended Conditional Use Permit to continue to allow for a sawmill to operate on site. The property is a 25.36-acre site located at 2207 Millerstown Road, Upton, KY, within the South Hardin Planning Area and is zoned Agriculture (A-1). The PVA Map Number is 177-00-00-033. The property is owned by **LEVI & VERNA YODER**. Planner McCamish reviewed the application, the plans for the property, and presented exhibits into the record.

Levi Yoder, of 124 Millerstown Loop, Upton, KY provided testimony and answered questions from the board members and staff. Mr. Yoder explained that he is only doing about 25% of what he had been doing, and that he is requesting to scale his business down. Mr. Yoder stated that all of his boys have moved away and that he is just working with his daughter now. Mr. Yoder stated that he may build a permanent building to replace the saw mill structure that was affected by storm damage if his boys ever come back. Mr. Yoder also stated that he is requesting to alter the existing development plan by hand as opposed to hiring a surveyor again for a new one since his business is not bringing in as much money. He also requested to no longer have the port-a-pot on site since both he and his daughter reside in the house on the farm.

Chairman Krausman asked Mr. Yoder about what happened to all of the trees he was required to plant on site, and Mr. Yoder explained that he just couldn't keep them alive. Mr. Yoder noted that he owns all of the surrounding properties, and that the tree line along Millerstown Road is still in good standing.

No one else spoke in favor or in opposition of the proposal.

At 5:32 p.m. Hearing Officer Steck closed the hearing to public discussion.

Secretary Steck stated the request for the Conditional Use Permit does satisfy the language of the Development Guidance System Ordinance (Section 16-3) Standards of Issuance of a Conditional Use Permit as follows:

- The use shall not tend to change the character and established pattern of development of the area of the proposed use;
- The use shall be in harmony with the uses permitted by right under the Zone in question and shall not affect adversely the use of neighboring properties;
- The location and height of buildings, the location, nature, and height of walls and fences and the nature and extent of landscaping on the site shall be such that the

## Hardin County Board of Adjustment

Minutes: 20 April 2023

Page 4 of 7

use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof;

- The use shall not adversely affect the health or safety of persons residing or working in the vicinity of the proposed use;
- The use shall not be detrimental to the public welfare or injurious to property or improvements in the vicinity; and,
- The use shall be in accordance with the purposes of the Zoning Ordinance and the Comprehensive Plan.

According to provisions of the Kentucky Revised Statutes, the Hardin County Development Guidance System Zoning Ordinance, and the proceedings before the Board of Adjustment (the staff presentation and the testimony presented in the Public Hearing); Secretary Steck made the motion to grant the Amended Conditional Use Permit (CUP) with the following conditions:

1. This Conditional Use Permit shall allow for a Saw Mill operation on a 1.650-acre portion of the 25.36 acre farm. Any expansion outside of the existing fenced area shall require an Amended Conditional Use Permit.
2. An encroachment permit for a concrete, Commercial Entrance shall be required from the KY Transportation Cabinet (Please contact Jacob Riggs). The temporary entrance to the east must be removed and revegetated.
3. Adequate parking areas must be designated on the Development Plan along with an area provided for semi-trucks to turn around.
4. The port-a-pot may be removed from the site while the only employees are Mr. Yoder & his daughter, once Mr. Yoder's son return the port-a-pot must return and be maintained on site with a contract provided to the Planning Commission.
5. The lumber and finished products shall be stored in the designated area only and shall not inhibit the growth of the required screening.
6. The applicants shall be responsible for dust control on site of the sawdust and gravel areas. The gravel areas must be watered down as needed to minimize the amount of dust. An enclosed semi-trailer shall be used for sawdust storage.
7. No open fires shall be allowed on site in conjunction with the Saw Mill operation.
8. The Hours of Operation shall be 8AM to 5:30PM Monday – Friday for the saws to be in operation, with no operations on Saturday or Sunday.
9. This Conditional Use Permit is issued to the current property owners, Levi & Verna Yoder and shall expire if the property is transferred.
10. The Conditional Use Permit is valid for 3 years and expires on 4/20/2026. After which time, a renewal hearing must be held before the Board of Adjustment.

## Hardin County Board of Adjustment

Minutes: 20 April 2023

Page 5 of 7

11. An Erosion & Sediment Control Plan using Best Management Practices shall be required that complies with the County's Ordinance and be approved by the County Engineer.
12. The operation of the Saw Mill shall be performed in accordance with all applicable County, State and Federal rules and regulations.
13. A Development Plan prepared by a Licensed Surveyor or Engineer shall be required.
14. A Certificate of Land Use Restrictions shall be Recorded in the Office of the Hardin County Clerk.
15. Mature evergreen trees must be maintained along the entire road frontage of Millerstown Road (KY 224).

Vice Chairman Youngblood provided the second. The motion passed unanimously.

At 5:45 p.m. Hearing Officer Steck announced the third item on the agenda is a request for a Conditional Use Permit for a Permanent Accessory Dwelling to allow for the 1,428 sq. ft. garage on site to be converted into a house in addition to the existing 1,824 sq. ft. home on site. The property is a 2.47 acre site located at 2836 Rineyville Big Springs Road & 182 Versailles Drive in Rineyville, KY, known as Lot 1 of David's Way Estates, within the Rineyville Rural Village Planning Area and is zoned Urban Residential (R-1). The PVA Map Number is 143-00-01-008.01. The property is owned by **DAVID WISE**. Director King reviewed the application, the plans for the property, and presented exhibits into the record.

David Wise, of 2766 Rineyville Big Springs Road, Rineyville, KY provided testimony and answered questions from the board members and staff. Mr. Wise explained that he was originally approved for a garage and then decided to build a house.

Chairman Krausman stated that rules don't change after a project is started, and that this application doesn't meet any of our requirements, so he would not vote to approve it.

Mr. Wise stated that his septic permit was approved for a two-bedroom system, and Director King responded that his septic permit is in the powerpoint and it explicitly states "garage with a bathroom". Mr. Wise stated that he had changed his mind after he pulled the permits, and Chairman Krausman stated that he should have changed the applications beforehand.

Rick Newton, of 2724 Rineyville Big Springs Road, Rineyville, KY spoke in opposition of the proposal. Mr. Newton stated that he has several questions and concerns over the application. Mr. Newton asked how the proposal could be approved if he is lying about living there? Mr. Newton stated that Mr. Wise has claimed to have two primary addresses tonight.

## Hardin County Board of Adjustment

Minutes: 20 April 2023

Page 6 of 7

Director King stated that the Planning office has not yet issued an electrical permit because we were told the structure was a garage not a house.

Secretary Steck stated that the structure needs to be converted back to a garage or the property needs to be subdivided.

Chairman Krausman stated that this process does not allow for two rental properties on the same lot, and that if Mr. Wise is not living there, it definitely doesn't meet our standards. Additionally, he stated that the secondary dwelling is not within close proximity of the primary dwelling or have a shared driveway.

Secretary Steck stated the request for the Conditional Use Permit does not satisfy the language of the Development Guidance System Ordinance (Section 16-3) Standards of Issuance of a Conditional Use Permit and made a motion to Deny the request citing that it appears to be two separate stand-alone dwellings that are oriented facing separate roads, there is no shared driveway, the size of the two dwellings does not meet the requirement and an option to subdivide the property exists.

Vice Chairman Youngblood provided the second. The motion passed unanimously.

At 6:21 p.m. Chairman Krausman called for consideration and action on the fourth item on the agenda, the **Minutes for the meeting held on March 23, 2023**. Vice Chairman Youngblood made a motion to accept the minutes as presented. Secretary Steck provided the second. The motion passed unanimously.

The following items are for informational purposes only and do not require any action:

**Comprehensive Plan Open Houses** On March 29, 2023 the Planning & Development staff held an Open House on the Comprehensive Plan update at the Woodland Elementary School in Radcliff. There were over 25 in attendance.

**Comprehensive Plan Glendale Subcommittee** On March 31, 2023 the Planning & Development staff held the first Glendale Subcommittee meeting at the County Government Center regarding the Comprehensive Plan. There were 14 in attendance.

**Comprehensive Plan Meeting with Fort Knox** On April 14, 2023 the Planning Commission staff held our second meeting with Fort Knox to discuss the Comprehensive Plan update and the KY 313 Corridor language.

**Hardin County Board of Adjustment**

Minutes: 20 April 2023

Page 7 of 7

Chairman Krausman announced that the next regular scheduled meeting will be held on Thursday, 4 May 2023 at 5:00 p.m. and called for the meeting to be adjourned at 6:25 p.m.

**ADOPTED AND APPROVED THIS 4<sup>th</sup> DAY OF MAY 2023 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.**

---

**Steve Steck, Secretary**

## Hardin County Board of Adjustment

Minutes: 23 March 2023

Page 1 of 8

Chairman Bob Krausman called to order the four hundred and sixty eighth meeting of the Hardin County Board of Adjustment at 5:02 p.m. on Thursday, 23 March 2023, in the Hardin County Government Center, 2nd Floor Meeting Room. The other Board Members in attendance were Secretary Steve Steck and Vice Chairman Greg Youngblood. Also, in attendance were Director Adam King AICP, Planner, Nikki McCamish Planning Technician, Haley Goodman, Administrative Assistant, Miranda Garrison, and the individuals listed on the attached sign-in sheet. Chairman Krausman appointed Secretary Steck to serve as the Hearing Officer and to conduct the swearing in ceremony for all those in attendance who planned to speak.

At 5:02 p.m. Hearing Officer Steck announced the first item on the agenda is a request for a Conditional Use Permit for a Permanent Accessory Dwelling to allow for the pre-existing 1950's ranch home on site, currently used as storage, to be converted back into a dwelling. The property is a 4.974 acre site located at 1949 & 1965 Locust Grove Road in Elizabethtown, KY, within the Urban Planning Area and is zoned Urban Residential (R-1). The PVA Map Number is 234-00-00-084. The property is owned by **JANICE & JOHN CRAWFORD**. Planner McCamish reviewed the application, the plans for the property, and presented exhibits into the record.

Janice Crawford, of 1965 Locust Grove Road, Elizabethtown, KY provided testimony and answered questions from the board members and staff. Mrs. Crawford explained that the 1950's ranch was her family's original home, and that it has been used in the past as well by various family members. Mrs. Crawford stated that in between her parents living in the home they had done a change of use permit to convert home be used for storage. Mrs. Crawford explained that no one is living in the home now, but considering she is the youngest of 8 siblings, she would like for the home to be available in case any family members need to use it in the future.

Carroll Vinson, of 1950 Locust Grove Road, Elizabethtown, KY provided testimony and answered questions from the board members and staff. Mr. Vinson explained that he lives across the street from the Crawfords, and would like to see someone living in the house as opposed to it being vacant for safety purposes.

No one else spoke in favor or in opposition of the proposal.

At 5:13 p.m. Hearing Officer Steck closed the hearing to public discussion.

Chairman Krausman stated that the application was not typical and arises from special circumstances since it predates the permanent accessory dwelling regulations in the zoning ordinance. He noted that the property can not be further subdivided, and that it was a pre-existing situation.

Secretary Steck also stated that he had no issues with the proposal.

## Hardin County Board of Adjustment

Minutes: 23 March 2023

Page 2 of 8

Secretary Steck stated the request for the Conditional Use Permit does satisfy the language of the Development Guidance System Ordinance (Section 16-3) Standards of Issuance of a Conditional Use Permit as follows:

- The use shall not tend to change the character and established pattern of development of the area of the proposed use;
- The use shall be in harmony with the uses permitted by right under the Zone in question and shall not affect adversely the use of neighboring properties;
- The location and height of buildings, the location, nature, and height of walls and fences and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof;
- The use shall not adversely affect the health or safety of persons residing or working in the vicinity of the proposed use;
- The use shall not be detrimental to the public welfare or injurious to property or improvements in the vicinity; and,
- The use shall be in accordance with the purposes of the Zoning Ordinance and the Comprehensive Plan.

According to provisions of the Kentucky Revised Statutes, the Hardin County Development Guidance System Zoning Ordinance, and the proceedings before the Board of Adjustment (the staff presentation and the testimony presented in the Public Hearing); Secretary Steck made the motion to grant the Conditional Use Permit (CUP) with the following conditions:

1. This Conditional Use Permit for a Permanent Accessory Dwelling will allow for the 940 sq. ft. previous dwelling on site, currently used as storage, to be converted back into a dwelling in addition to the existing 1,530 sq. ft. home (principal dwelling) on site.
2. The property owners, Janice & John Crawford, must occupy either the principal dwelling unit or the permanent accessory dwelling as their principal residence, and at no time receive rent for the owner-occupied unit.
3. Adequate on site parking must be designated on an approved site plan.
4. The existing driveway entrance will be shared by both dwellings.
5. The Permanent Accessory Dwelling is the pre-existing 940 sq. ft. 1-Story Ranch (1952) on site and the Principal Dwelling is the pre-existing 1,530 sq. ft. 1-Story Ranch (2008) on site.
6. The Permanent Accessory Dwelling is pre-existing and is located at the front of the property, with the Principal Dwelling being located at the rear of the property, and shall be illustrated on the approved Site Plan.

## Hardin County Board of Adjustment

Minutes: 23 March 2023

Page 3 of 8

7. The exterior finish materials of the principal dwelling is brick with a shingled roof and the pre-existing permanent accessory dwelling is white vinyl siding with a shingled roof.
8. Both dwellings shall have septic systems approved by the Environmental Services Office of the Health Department.
9. This Permit is not transferable and the new owners must reapply for the Conditional Use Permit and meet the necessary requirements.
10. Additional landscaping or screening shall not be required.
11. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.
12. A Certificate of Land Use Restrictions shall be recorded in the office of the Hardin County Clerk.

Vice Chairman Youngblood provided the second. The motion passed unanimously.

At 5:21 p.m. Hearing Office Steck announced the second item on the agenda is a request for a Conditional Use Permit for an Accessory Structure to allow for a 36'x56' garage and a 22'x32' greenhouse to be constructed without a dwelling on site. The property is a 1.03 acre site located on the east side of Sportsman Lake Road in Elizabethtown, KY, known as Lot 2 of Split Rail Subdivision, within the Natural Resource Planning Area and is zoned Rural Residential (R-2). The PVA Map Number is 224-00-00-060.02. The property is owned by **WESLEY KINDERVATER**. Planning Technician Goodman reviewed the application, the plans for the property, and presented exhibits into the record.

Wesley Kindervater, of 3778 Sportsman Lake Road, Elizabethtown, KY provided testimony and answered questions from the board members and staff. Mr. Kindervater explained that he wants the building to store his camper, truck, and some of his construction equipment in. Mr. Kindervater stated that the greenhouse is for his wife's personal use and that they will not be selling anything. Mr. Kindervater stated that he would be fine with a condition that all equipment must be stored under roof. He also explained that he did not want to merge the lot with the property his house is on to keep his options open in the future should he want to build a house on this lot and sell it.

Brad Kindervater, of 21 Princess Court, Elizabethtown, KY provided testimony and answered questions from the board members and staff. Mr. Kindervater explained that Wesley has lived there for about 5 years and at the time he wanted to put the building behind the house but that never happened. Mr. Kindervater explained that he has no issues with Wesley building the garage, as long as he keeps it tidy and all of the equipment is under roof.



## Hardin County Board of Adjustment

Minutes: 23 March 2023

Page 4 of 8

Carol Jameson, of 3669 Sportsman Lake Road, Elizabethtown, KY spoke in opposition of the proposal. Mrs. Jameson explained that she is not against the proposal per say, but wants to know if Mr. Kindervater can subdivide the property any further? Director King explained that the lot is already below the minimum acreage requirement for the zone that it is in, and that it could not be divided further, so if the property sold, then the garage would go with it. Mrs. Jameson also expressed concerns over the property becoming 'Kindervater Construction' and how that would affect her property value. Director King explained that if Mr. Kindervater does not comply with the conditions of his equipment being stored under roof, then she needs to call the planning office.

No one else spoke in favor or in opposition of the proposal.

At 5:38 p.m. Hearing Officer Steck closed the hearing to public discussion.

Vice Chairman Youngblood stated the request for the Conditional Use Permit does satisfy the language of the Development Guidance System Ordinance (Section 16-3) Standards of Issuance of a Conditional Use Permit as follows:

- The use shall not tend to change the character and established pattern of development of the area of the proposed use;
- The use shall be in harmony with the uses permitted by right under the Zone in question and shall not affect adversely the use of neighboring properties;
- The location and height of buildings, the location, nature, and height of walls and fences and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof;
- The use shall not adversely affect the health or safety of persons residing or working in the vicinity of the proposed use;
- The use shall not be detrimental to the public welfare or injurious to property or improvements in the vicinity; and,
- The use shall be in accordance with the purposes of the Zoning Ordinance and the Comprehensive Plan.

According to provisions of the Kentucky Revised Statutes, the Hardin County Development Guidance System Zoning Ordinance, and the proceedings before the Board of Adjustment (the staff presentation and the testimony presented in the Public Hearing); Vice Chairman Youngblood made the motion to grant the Conditional Use Permit (CUP) with the following conditions:

1. This Conditional Use Permit shall allow for the placement of a 36' x 56' garage and a 22' x 32' greenhouse on a vacant lot.
2. The proposed structures are for residential/agricultural storage and shall not be occupied as a dwelling or used for any commercial activity.

## Hardin County Board of Adjustment

Minutes: 23 March 2023

Page 5 of 8

3. No additional landscaping and/or screening shall be required.
4. There shall be no outdoor storage of building materials or equipment on site.
5. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.
6. Building and Electrical permits must be secured thru the KBC Building Program of our office.
7. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Secretary Steck provided the second. The motion passed unanimously.

At 5:42 p.m. Hearing Officer Steck announced the third item on the agenda is a request for a Variance from the 1:3 lot width-to-length ratio to allow for proposed Lot 4 of Oldham Orchard. The property is an 11.097 acre site located at 329 Akers School Road in Upton, KY, within the South Hardin Planning Area and is zoned Rural Residential (R-2). The PVA Map Number is 113-00-00-006.02. The property is owned by **NATHAN MCCLURE** and **DOROTHY & BRIAN VINSON**. Director King reviewed the application, the plans for the property, and presented exhibits into the record.

Mike Billings, with Engineering Design Group, of 315 South Mulberry Street, Elizabethtown, KY provided testimony and answered questions from the board members and staff. Mr. Billings explained that Mr. McClure used to own all of these lots, and years ago when they deeded off the area being shown as Lot 4, a surveyor was not hired, and the property line was never marked in the field. Mr. Billings explained that for years the applicants thought the property line went to the fence, so now they are correcting it with a survey, but Lot 4 does not meet the 1:3 ratio.

Brian Vinson, of 329 Akers School Road, Upton, KY provided testimony and answered questions from the board members and staff. Mr. Vinson explained that his grandfather had originally bought the land from his father years ago, and that they assumed the fence was the property line.

No one else spoke in favor or in opposition of the proposal.

At 5:51 p.m. Hearing Officer Steck closed the hearing to public discussion.

Secretary Steck made a motion to approve the Variance based on the staff presentation and the testimony provided in the public hearing. He noted the proposal 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 and will satisfy the

## Hardin County Board of Adjustment

Minutes: 23 March 2023

Page 6 of 8

language of the KENTUCKY REVISED STATUTES (Section 100.243 and DGS 5-3 (B) (1) Findings necessary for granting variance) which is as follows:

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.

The Variance was granted with the noted conditions:

1. To allow for a Variance from the 1:3 lot width-to-length ratio (Lot 4) to allow for the property to be reconfigured.
2. A Record Plat shall substitute for the required site plan.
3. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Vice Chairman Youngblood provided the second. The motion passed unanimously.

At 5:53 p.m. Hearing Officer Steck announced the fourth item on the agenda is a request for a Variance from the 1:4 lot width-to-length ratio to allow for the property to be reconfigured for proposed Lot 20A. The property is 10.6 acre site located at 223 Boone Road in Rineyville, KY, known as Lots 20-22 & a portion of Tract 4 of Peyton Estates, within the North Urban Planning Area and is zoned Urban Residential (R-1). The PVA Map Number is 183-40-00-015. The property is owned by **WALTER & UTE HINOTE** and the applicant is **HODGES AUCTION**. Director King reviewed the application, the plans for the property, and presented exhibits into the record.

Phillip Tabb, with Hodges Auction Company, of 319 South Mulberry Street, Elizabethtown, KY provided testimony and answered questions from the board members and staff. Mr. Tabb explained that they are trying to combine the property so that they can get the most money out of it, and that this is the best they can get with the scenario that they have. Mr. Tabb explained that the owners plan to sell on June 17, and then move out of state.

Charlie Stanley, of 311 Stanley Lane, Rineyville, KY asked how many houses could go on the bigger lot? Director King responded one. Mr. Stanley also asked how big the powerline easement is, and Director King said 150 ft.

Darren Clemons, with Clemons Land Surveying, of 522 North Mulberry Street, Elizabethtown, Ky provided testimony and answered questions from the board members and staff. Mr. Clemons stated that the large lot has been approved for a driveway entrance, and at this point there is not enough information to know if a subdivision with streets could be created here. Mr. Clemons explained that although that is not the plan at the moment, it could not be ruled out yet.

## Hardin County Board of Adjustment

Minutes: 23 March 2023

Page 7 of 8

No one else spoke in favor or in opposition of the proposal.

At 6:09 p.m. Hearing Officer Steck closed the hearing to public discussion.

Secretary Steck made a motion to approve the Variance based on the staff presentation and the testimony provided in the public hearing. He noted the proposal 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 and will satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243 and DGS 5-3 (B) (1) Findings necessary for granting variance) which is as follows:

(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.

The Variance was granted with the noted conditions:

1. To allow for a Variance from the 1:4 lot width-to-length ratio (Lot 20A) to allow for the property to be reconfigured.
2. An Amended Record Plat shall substitute for the required site plan.
3. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Vice Chairman Youngblood provided the second. The motion passed unanimously.

At 6:11 p.m. Chairman Krausman called for consideration and action on the fifth item on the agenda, the **Minutes for the meeting held on February 23, 2023**. Vice Chairman Youngblood made a motion to accept the minutes as presented. Secretary Steck provided the second. The motion passed unanimously.

The following items are for informational purposes only and do not require any action:

**BlueOvalSK Meeting** On February 24, 2023, Director King attended a meeting at the Hardin County / Elizabethtown Industrial Foundation with other government and elected officials to discuss BlueOvalSK and its impacts on the region.

**Comprehensive Plan Open Houses** On March 1, 2023, the Planning & Development staff held an Open House on the Comprehensive Plan update at the Old East Hardin Middle School in Glendale. There were over 200 in attendance.

## **Hardin County Board of Adjustment**

Minutes: 23 March 2023

Page 8 of 8

**Lincoln Trail Homebuilders Association Meeting** On March 2, 2023, Director King and Building Inspectors Edwin & Jimmy met with the Registered Home Builders group at Lincoln Trail Homebuilders Association to review the 2022 Annual Report.

**MPO Meeting** On March 8, 2023, Director King attended the Technical Advisory Committee Meeting of the Radcliff-Elizabethtown Metropolitan Planning Organization. The topic of discussion was the SHIFT 2024 (Strategic Highway Investment Formula for Tomorrow) sponsorship process.

**KYTC US 62 Corridor Planning Study** On March 9, 2023, Director King, Planner McCamish and Planning Technician Goodman attended a meeting at the Elizabethtown Tourism office to preview the initial planning concepts for the US 62 Corridor and Exit 94 Interchange.

**City of Elizabethtown Planning Commission Meeting** On March 14, 2023, Director King, Chairman Hinton and Vice Chairman Lowe attended the City of Elizabethtown's Planning Commission Meeting to present our 2022 Annual Report.

Chairman Krausman announced that the next regular scheduled meeting will be held on Thursday, 20 April 2023 at 5:00 p.m. and called for the meeting to be adjourned at 6:13 p.m.

**ADOPTED AND APPROVED THIS 20<sup>th</sup> DAY OF APRIL 2023 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.**

---

**Steve Steck, Secretary**

## Hardin County Board of Adjustment

Minutes: 23 February 2023

Page 1 of 5

Chairman Bob Krausman called to order the four hundred and sixty seventh meeting of the Hardin County Board of Adjustment at 5:02 p.m. on Thursday, 23 February 2023, in the Hardin County Government Center, 2nd Floor Meeting Room. The other Board Members in attendance were Secretary Steve Steck and Vice Chairman Greg Youngblood. Also, in attendance were Director Adam King AICP, Planner, Nikki McCamish Planning Technician, Haley Goodman and the individuals listed on the attached sign-in sheet. Chairman Krausman appointed Secretary Steck to serve as the Hearing Officer and to conduct the swearing in ceremony for all those in attendance who planned to speak.

At 5:02 p.m. Hearing Officer Steck announced the first item on the agenda is a request for a Variance from the minimum road frontage requirement and the 1:3 lot width-to-length ratio for proposed Lot 4 and a Variance from the 1:3 lot width-to-length ratio for proposed Lot 5 to allow for a proposed subdivision. The property is a 5.770 acre site located on the northwest side of Leitchfield Road (US 62) in Cecilia, KY, within the Urban Planning Area and is zoned Convenience Commercial (C-1). The PVA Map Number is 168-00-00-006. The property is owned by **BUCHANAN PROPERTY GROUP, LLC**. Director King reviewed the application, the plans for the property, and presented exhibits into the record.

Mike Billings, the engineer for the project, with Engineering Design Group, of 315 South Mulberry Street, Elizabethtown, KY provided testimony and answered questions from the board members and staff. Mr. Billings stated that the Hardin County Board of Education is in negotiations with the current property owners to get driveway access off of Leitchfield Road (US 62) via this property for the proposed new West Hardin Middle School. Mr. Billings explained that the current property owners did not want to give the school district more than what was necessary for the driveway which is why the variance is being requested.

Secretary Steck asked if the real estate purchase is contingent upon the Variance being approved?

John Stith, with Hardin County Public Schools, of 98 Canary Drive, Elizabethtown, KY provided testimony and answered questions from the board members and staff. Mr. Stith explained that he is here to speak on behalf of the Hardin County Board of Education, and stated that they are ready to purchase the property and have had an agreement prepared that is contingent upon making sure everything is done correct. Mr. Stith stated that the variance is one of the necessary steps in purchasing the property.

Director King explained that the Kentucky Transportation Cabinet has approved access off of this lot, and that it will be labeled as a non-buildable lot on the plat.

## Hardin County Board of Adjustment

Minutes: 23 February 2023

Page 2 of 5

Secretary Steck asked if they could add a condition on the variance that the non-buildable lot note will also state that it is for the sole purpose of a driveway, and Director King responded yes.

No one else spoke in favor or in opposition of the proposal.

At 5:18 p.m. Hearing Officer Steck closed the hearing to public discussion.

Secretary Steck made a motion to approve the Variance based on the staff presentation and the testimony provided in the public hearing. He noted the proposal 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 and will satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243 and DGS 5-3 (B) (1) Findings necessary for granting variance) which is as follows:

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.

The Variance was granted with the noted conditions:

1. To allow for a Variance from the minimum road frontage (Lot 4) AND the 1:3 lot width-to-length ratio (Lots 4 & 5) to allow for the property to be further subdivided.
2. A Record Plat shall substitute for the required site plan.
3. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.
4. Lot 4 is being approved as a non-buildable lot for the sole purpose of a driveway access.

Vice Chairman Youngblood provided the second. The motion passed unanimously.

At 5:20 p.m. Hearing Officer Steck announced the second item on the agenda is a request for an Amended Conditional Use Permit to allow for the dog kennel (known as Dixie Pet Stop) to remain on site. The property is a 1.17 acre site located at 6280 North Dixie Highway in Elizabethtown, KY, known as Lot 19 of Windsor Hills, Section 2, within the Urban Area and is zoned General Commercial (C-2). The PVA Map Number is 182-00-01-019. The property is owned by **SUGAR MILL PROPERTIES, LLC** and the applicant is **DIXIE PET STOP**. Planning Technician Goodman reviewed the application, the plans for the property, and presented exhibits into the record.

Corinna Shively, of 1314 Bramblett Boulevard, Radcliff, KY provided testimony and answered questions from the board members and staff. Mrs. Shively stated that she is

## Hardin County Board of Adjustment

Minutes: 23 February 2023

Page 3 of 5

proposing no changes to her previous conditions. Mrs. Shively explained that she is in the process of making some updates to the building, including a few new dog houses, repainting the floor, and a new roof. Mrs. Shively stated that the business has been on site for almost 18 years. Mrs. Shively explained that on an average day they have 40-50 dogs, and more on-site during holidays. Mrs. Shively stated that she hears dogs in the neighborhood behind the building that are louder than hers, and that the building is so big that you would never know they are in there.

No one else spoke in favor or in opposition of the proposal.

At 5:32 p.m. Hearing Officer Steck closed the hearing to public discussion.

Vice Chairman Youngblood stated the request for the Amended Conditional Use Permit does satisfy the language of the Development Guidance System Ordinance (Section 16-3) Standards of Issuance of a Conditional Use Permit as follows:

- The use shall not tend to change the character and established pattern of development of the area of the proposed use;
- The use shall be in harmony with the uses permitted by right under the Zone in question and shall not affect adversely the use of neighboring properties;
- The location and height of buildings, the location, nature, and height of walls and fences and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof;
- The use shall not adversely affect the health or safety of persons residing or working in the vicinity of the proposed use;
- The use shall not be detrimental to the public welfare or injurious to property or improvements in the vicinity; and,
- The use shall be in accordance with the purposes of the Zoning Ordinance and the Comprehensive Plan.

According to provisions of the Kentucky Revised Statutes, the Hardin County Development Guidance System Zoning Ordinance, and the proceedings before the Board of Adjustment (the staff presentation and the testimony presented in the Public Hearing); Vice Chairman Youngblood made the motion to grant the Amended Conditional Use Permit (CUP) with the following conditions:

1. Business 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 65.
3. A maximum of ten (10) animals shall be permitted outdoors at one time between the hours of 6:30 A.M. to 9:00 AM, 12:30 P.M. to 2:00 PM and 4:00 P.M. to 5:00 P.M.



## Hardin County Board of Adjustment

Minutes: 23 February 2023

Page 4 of 5

4. At all other times only two (2) animals shall be outdoors at one time.
5. No outdoor boarding of animals shall be permitted. All boarding facilities shall be indoors with dogs taken outdoors for exercise and “potty” breaks.
6. 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 Mike McNutt (270-763-2205) at Hardin County Animal Control.
7. All dogs on site must have a valid License and Rabies Vaccinations.
8. This property shall have a sewerage system (septic tank and lateral lines) approved by the Hardin County Health Center.
9. The Kennel & Outdoor Play Area shall be screened from view of the adjoining properties with a 10’ tall solid fence along the north property line with Mr. Beatty for a distance from the front gate to the existing white vinyl fence panels. The fence shall be installed by 31 August 2011.
10. An Amended Development Plan shall not be required due to an existing Development Plan on file and no significant changes being made on site.
11. This Amended Conditional Use Permit shall be issued to the current property owner and applicants, Corinna Shively & Caterina Finley and is not transferable without a hearing before the Board of Adjustment.
12. All building activities shall conform to provisions of the Kentucky Building Code.
13. This Amended Conditional Use Permit shall be for a period of 7 years and expire on 23 February 2030.
14. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Secretary Steck provided the second. The motion passed unanimously.

At 5:38 p.m. Chairman Krausman called for consideration and action on the third item on the agenda, the **Minutes for the meeting held on February 9, 2023**. Secretary Steck made a motion to accept the minutes as presented. Vice Chairman Youngblood provided the second. The motion passed unanimously.

**Hardin County Board of Adjustment**

Minutes: 23 February 2023

Page 5 of 5

The following items are for informational purposes only and do not require any action:

**15 Years of Service** Director Adam King, AICP celebrated 15 years of service with the Planning Commission on 15 February 2023.

Chairman Krausman announced that the next regular scheduled meeting will be held on Thursday, 23 March 2023 at 5:00 p.m. and called for the meeting to be adjourned at 5:41 p.m.

**ADOPTED AND APPROVED THIS 23<sup>rd</sup> DAY OF MARCH 2023 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.**

---

**Steve Steck, Secretary**

## Hardin County Board of Adjustment

Minutes: 9 February 2023

Page 1 of 7

Chairman Bob Krausman called to order the four hundred and sixty sixth meeting of the Hardin County Board of Adjustment at 5:00 p.m. on Thursday, 9 February 2023, in the Hardin County Government Center, 2nd Floor Meeting Room. The other Board Members in attendance were Secretary Steve Steck and Vice Chairman Greg Youngblood. Also, in attendance were Director Adam King AICP, Planner, Nikki McCamish Planning Technician, Haley Goodman and the individuals listed on the attached sign-in sheet. Chairman Krausman appointed Secretary Steck to serve as the Hearing Officer and to conduct the swearing in ceremony for all those in attendance who planned to speak.

At 5:01 p.m. Hearing Officer Steck announced the first item on the agenda is a request for an Amended Conditional Use Permit to continue to allow for a wedding and event venue (known as Glendale Gardens) to remain on site. The property is a 5 acre site located at 2638 Glendale Hodgenville Road West in Glendale, KY, within the Natural Resource Planning Area and is zoned Rural Residential (R-2). The PVA Map Number is 190-10-00-008. The property is owned by **CARL & WANDA EDWARDS**. Planning Technician Goodman reviewed the application, the plans for the property, and presented exhibits into the record.

Wanda Edwards, of 2638 Glendale Hodgenville Road West, Glendale, KY provided testimony and answered questions from the board members and staff. Mrs. Edwards explained that business started to pick up more heavily last year coming out of the pandemic. Mrs. Edwards stated that they have made some minor improvements to the business and are getting closer to their vision. Mrs. Edwards stated that there have not been any changes to the way they operate. Mrs. Edwards explained that their busy season typically runs from late April to mid-November with some occasional holiday parties in between.

Barbara Bullock, of 2600 Glendale Hodgenville Road West, Glendale, KY provided testimony and answered questions from the board members and staff. Mrs. Bullock stated that she lives next door to Glendale Gardens and has no issues with the owners at all. Mrs. Bullock explained that she and her husband do frequently sit outside on the patio and they can occasionally hear the music, but it does typically end at 10 PM.

No one else spoke in favor or in opposition of the proposal.

At 5:14 p.m. Hearing Officer Steck closed the hearing to public discussion.

Secretary Steck stated the request for the Amended Conditional Use Permit does satisfy the language of the Development Guidance System Ordinance (Section 16-3) Standards of Issuance of a Conditional Use Permit as follows:

- The use shall not tend to change the character and established pattern of development of the area of the proposed use;
- The use shall be in harmony with the uses permitted by right under the Zone in question and shall not affect adversely the use of neighboring properties;

## Hardin County Board of Adjustment

Minutes: 9 February 2023

Page 2 of 7

- The location and height of buildings, the location, nature, and height of walls and fences and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof;
- The use shall not adversely affect the health or safety of persons residing or working in the vicinity of the proposed use;
- The use shall not be detrimental to the public welfare or injurious to property or improvements in the vicinity; and,
- The use shall be in accordance with the purposes of the Zoning Ordinance and the Comprehensive Plan.

According to provisions of the Kentucky Revised Statutes, the Hardin County Development Guidance System Zoning Ordinance, and the proceedings before the Board of Adjustment (the staff presentation and the testimony presented in the Public Hearing); Secretary Steck made the motion to grant the Amended Conditional Use Permit (CUP) with the following conditions:

1. This Conditional Use Permit shall allow for the existing pavilion to be used as a wedding and event space in addition to the area behind the house & barn to be used for outdoor weddings & events. The use of any additional structures (house and/or barns) shall require approval from KBC Program for compliance with the KY Building Code and require an Amended Conditional Use Permit.
2. The existing tree line along the side and rear property lines shall be preserved.
3. Only 50 events per year shall be permitted.
4. The Hours of Operation shall be 10am – 10pm Monday – Thursday and 10am – 12am on Friday & Saturday and 12pm-8pm Sunday.
5. Music shall not exceed a decibel level of 95db as measured by DJ. This restriction shall be written into the contract for parties renting the facility.
6. A single sign 3’x2’ no taller than 8’ in height shall be permitted.
7. All outdoor lighting must be pointed down and not spill onto adjoining properties.
8. The existing paved entrances shall obtain an existing encroachment permit from the KYTC. One driveway shall serve as an entrance and the other as the exit.
9. Outdoor activities shall be restricted to the area behind the house and barn.
10. The proposed parking layout must comply with the parking standards as outlined in Section 8 of the Zoning Ordinance.

## Hardin County Board of Adjustment

Minutes: 9 February 2023

Page 3 of 7

11. A Site Plan in compliance with Section 7 of the Zoning Ordinance shall be required illustrating the parking areas, driving lanes, etc.

12. The Conditional Use Permit is valid for 5 years and shall expire on 9 February 2028. After which time, a Renewal Hearing must be held before the Board of Adjustment.

13. This Conditional Use Permit is issued to current owners, Carl & Wanda Edwards and Alan Ash, it is not transferable, and shall expire if the property is transferred.

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

Vice Chairman Youngblood provided the second. The motion passed unanimously.

At 5:16 p.m. Hearing Officer Steck announced the second item on the agenda is a request for an Amended Conditional Use Permit to continue to allow for a dog kennel (known as Circletop Farms) to remain on site. The property is an 11 acre site located at 840 Jenkins Road in Rineyville, KY, within the West Urban Planning Area and is zoned Rural Residential (R-2). The PVA Map Number is 099-00-00-009. The property is owned by **ANDREA & JAMIE ROBERTS**. Director King reviewed the application, the plans for the property, and presented exhibits into the record.

Andrea Roberts, of 840 Jenkins Road, Rineyville, KY provided testimony and answered questions from the board members and staff. Mrs. Roberts explained that there have been no changes to the business since the previous CUP application. Mrs. Roberts stated that she typically does not let more than 8 dogs outside at a time, and she is mindful not to let out the loud barking dogs early in the morning. Mrs. Roberts explained that it would be a safety concern to let all of the dogs out at once. Mrs. Roberts also stated that she cannot hear the outside dogs from inside of her house.

No one else spoke in favor or in opposition of the proposal.

At 5:26 p.m. Hearing Officer Steck closed the hearing to public discussion.

Secretary Steck stated the request for the Amended Conditional Use Permit does satisfy the language of the Development Guidance System Ordinance (Section 16-3) Standards of Issuance of a Conditional Use Permit as follows:

- The use shall not tend to change the character and established pattern of development of the area of the proposed use;
- The use shall be in harmony with the uses permitted by right under the Zone in question and shall not affect adversely the use of neighboring properties;
- The location and height of buildings, the location, nature, and height of walls and fences and the nature and extent of landscaping on the site shall be such that the

## Hardin County Board of Adjustment

Minutes: 9 February 2023

Page 4 of 7

use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof;

- The use shall not adversely affect the health or safety of persons residing or working in the vicinity of the proposed use;
- The use shall not be detrimental to the public welfare or injurious to property or improvements in the vicinity; and,
- The use shall be in accordance with the purposes of the Zoning Ordinance and the Comprehensive Plan.

According to provisions of the Kentucky Revised Statutes, the Hardin County Development Guidance System Zoning Ordinance, and the proceedings before the Board of Adjustment (the staff presentation and the testimony presented in the Public Hearing); Secretary Steck made the motion to grant the Amended Conditional Use Permit (CUP) with the following conditions:

13. Hours of Operation shall be from 6:00 A.M. to 6:00 P.M., seven days a week.
14. The maximum number of animals on site shall be 45 and no more than 15 dogs will be allowed outdoors at one time.
15. No outdoor boarding of animals shall be permitted. All boarding facilities shall be indoors with dogs taken outdoors for exercise and “potty” breaks.
16. 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 are 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 Hardin County Animal Control (POC Mike McNutt 270-763-2205).
17. All dogs on site must have a valid license and Rabies vaccinations.
18. This property shall have a sewerage system (septic tank and lateral lines) approved by the Hardin County Health Center.
19. The kennels shall be screened from view of the adjoining properties with a solid wood privacy fence.
20. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.
21. This Conditional Use Permit shall be issued to the property owners, Jamie & Andrea Roberts, and is transferable to a new owner after a hearing before the Board of Adjustment.
22. This Amended Conditional Use Permit is valid for 7 years and shall expire on 9 February 2030.

## Hardin County Board of Adjustment

Minutes: 9 February 2023

Page 5 of 7

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

Vice Chairman Youngblood provided the second. The motion passed unanimously.

At 5:28 p.m. Hearing Officer Steck announced the third item on the agenda is a request for an Amended Conditional Use Permit to allow for the continued operation of a welding & fabrication business (known as Hart's Welding) on site. The property is a 4.08 acre site located at 4084 South Dixie Highway in Glendale, KY, within the South Dixie Corridor Planning Area and is zoned Urban Residential (R-1). The PVA Map Number is 223-00-00-021. The property is owned by **CHRISTOPHER & RACHEL HART**. Planner McCamish reviewed the application, the plans for the property, and presented exhibits into the record.

Christopher Hart, of 4084 South Dixie Highway, Glendale, KY provided testimony and answered questions from the board members and staff. Mr. Hart explained that he has added a fence around the shop to store trailers within, but other than that there have been no changes. Mr. Hart stated that he does not have any employees, and that he has not heard of any complaints from his neighbors. Mr. Hart explained that he has 3-4 customers a week at his busiest, and still has a separate full time job.

Chairman Krausman noted that the applicant has a lot of land, and is located in a prime, commercial area.

No one else spoke in favor or in opposition of the proposal.

At 5:38 p.m. Hearing Officer Steck closed the hearing to public discussion.

Vice Chairman Youngblood stated the request for the Amended Conditional Use Permit does satisfy the language of the Development Guidance System Ordinance (Section 16-3) Standards of Issuance of a Conditional Use Permit as follows:

- The use shall not tend to change the character and established pattern of development of the area of the proposed use;
- The use shall be in harmony with the uses permitted by right under the Zone in question and shall not affect adversely the use of neighboring properties;
- The location and height of buildings, the location, nature, and height of walls and fences and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof;
- The use shall not adversely affect the health or safety of persons residing or working in the vicinity of the proposed use;
- The use shall not be detrimental to the public welfare or injurious to property or improvements in the vicinity; and,

## Hardin County Board of Adjustment

Minutes: 9 February 2023

Page 6 of 7

- The use shall be in accordance with the purposes of the Zoning Ordinance and the Comprehensive Plan.

According to provisions of the Kentucky Revised Statutes, the Hardin County Development Guidance System Zoning Ordinance, and the proceedings before the Board of Adjustment (the staff presentation and the testimony presented in the Public Hearing); Vice Chairman Youngblood made the motion to grant the Amended Conditional Use Permit (CUP) with the following conditions:

1. This Conditional Use Permit shall allow for a welding shop in the R-1 Zone within the detached garage on site.
2. The hours of operation shall be Monday thru Friday 4pm-8pm and Saturday & Sunday 8am-8pm.
3. There shall be no employees who do not reside on site.
4. Additional Screening or landscaping shall not be required.
5. A single, thirty two (32) sq. ft. sign shall be permitted. (Exceeding the typical 6 sq. ft. allowable due to it being a 4 acre lot on a state maintained highway with a 55 mph speed limit)
6. Adequate parking must be provided on site with a turnaround provided so that no cars back out onto South Dixie Highway or Rhudes Creek Road. Any outdoor work or parking must take place immediately in front of the shop and be limited to a 3 day duration.
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, Chris Hart 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. There shall be no outdoor storage of any materials associated with the business.
11. This Conditional Use Permit shall be good for 5 years and expire on 9 February 2028.

Secretary Steck provided the second. The motion passed unanimously.



## **Hardin County Board of Adjustment**

Minutes: 9 February 2023

Page 7 of 7

At 5:41 p.m. Chairman Krausman called for consideration and action on the fourth item on the agenda, the **Minutes from the 5 January 2023 meeting** of the Board of Adjustment. Vice Chairman Youngblood made a motion to approve the minutes as presented. Secretary Steck provided the second. The motion passed unanimously.

The following items are for informational purposes only and do not require any action:

**Comprehensive Plan Meetings** On 11 January 2023, the Planning Commission staff met with Fort Knox to discuss the Comprehensive Plan update. On 13 January 2023, the staff held the first subcommittee meetings on Agriculture and on Housing.

**APA-KY Meeting** Director King conducted his first meeting as President of the KY Chapter of the American Planning Association held virtually on 27 January 2023. He will serve a two year term as President followed by a one year term as Immediate Past President.

Chairman Krausman announced that the next regular scheduled meeting will be held on Thursday, 23 February 2023 at 5:00 p.m. and called for the meeting to be adjourned at 5:43 p.m.

**ADOPTED AND APPROVED THIS 23<sup>rd</sup> DAY OF FEBRUARY 2023 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.**

---

**Steve Steck, Secretary**

## Hardin County Board of Adjustment

Minutes: 5 January 2023

Page 1 of 7

Chairman Bob Krausman called to order the four hundred and sixty fifth meeting of the Hardin County Board of Adjustment at 5:01 p.m. on Thursday, 5 January 2023, in the Hardin County Government Center, 2nd Floor Meeting Room. The other Board Members in attendance were Secretary Steve Steck and Vice Chairman Greg Youngblood. Also, in attendance were Director Adam King AICP, Planning Technician, Haley Goodman and the individuals listed on the attached sign-in sheet. Planner, Nikki McCamish was absent from this meeting. Chairman Krausman appointed Secretary Steck to serve as the Hearing Officer and to conduct the swearing in ceremony for all those in attendance who planned to speak.

At 5:01 p.m. Hearing Officer Steck announced the first item on the agenda is a request for a Variance from the government-maintained road frontage requirement for proposed Lot 2B and a Variance from the minimum road frontage requirement for proposed Lot 2A to allow for the property to be further subdivided. The property is a 1.703 acre site located at 434 East Main Street in Glendale, KY, known as Lot 2 of Williams Corner Subdivision, within the Glendale Rural Village Planning Area and is zoned Planned Unit Development (PD-1). The PVA Map Number is 190-30-00-020.01. The property is owned by **BENNIES BARN LLC**. Director King reviewed the application, the plans for the property, and presented exhibits into the record.

Gerald Lush, of 122 East Railroad Avenue, Glendale, KY provided testimony and answered questions from the board members and staff. Mr. Lush explained that there was a driveway marked on the record plat as temporary, but there is a permanent ingress egress easement that has been recorded. Mr. Lush stated that they want to subdivide to create a vacant lot to sell off because they are not currently using it. Mr. Lush explained that he also needs to sell the land in order to support their current business because antique revenues are not what they used to be.

Josh Hubbard, of 502 West Dixie Avenue, Elizabethtown, KY spoke as a neighbor of the proposal. Mr. Hubbard stated that he is not aware of any ingress/egress easement behind the West Point Bank property for the driveway connection, and that they may want to block that gravel drive off from their property in the future.

Annette Jones, of 452 East Main Street, Glendale, KY provided testimony and answered questions from the board members and staff. Ms. Jones explained that she would like to see another shop in the area, however she does have concerns over the driveway. Ms. Jones asked if the drive could ever become a county road, and Mr. King explained that someone would have to pay for the road to be built to county standards before it can be accepted into county maintenance. Ms. Jones stated that she wants Mr. Lush to be able to do what he wants with his land.

Chairman Kruasman stated that the proposal would create a landlocked lot, which does not set a good precedence for the Board.

## Hardin County Board of Adjustment

Minutes: 5 January 2023

Page 2 of 7

Mr. Lush stated that there is a maintenance agreement for the easement, and argued that the drive is a 'public thoroughfare' so it does not really create any landlocked lots.

Director King explained that the zoning ordinance does not allow for anyone to subdivide off an easement, and the original conditions for approval of the PD-1 Zone Change included a maximum of 2 lots. Director King suggested the applicants apply for a map amendment to the B-2 Zone which allows for both residential and small commercial uses. Additionally, the applicants could merge the house and the Bennie's Barn site and then request a variance for Lot 2A (vacant lot) to have 30' of road frontage.

Mr. Lush stated that merging the house and barn could be messy, and that it would take a unique buyer in the future to want the house and the business. Mr. Lush asked if he could take some of his road frontage off of the house Lot, and add it to the barn Lot?

Director King stated that if the house were connected to sewer the minimum Lot size is 12,000 sq. ft. with 75' of road frontage. So, he would have the acreage to give up, if he were to rezone the Lots, then he could ask for a Variance for 30' of road frontage on both lots. Director King suggested that the Board deny this request, and make a recommendation to the Planning Commission on approval of a future Zone Change to the B-2 Zone with the necessary Variances from the minimum road frontage requirement. In this scenario, there would not be any new landlocked lots, and stated to Mr. Lush that his house would have to be connected to sewer before the plat is recorded.

No one else spoke in favor or in opposition of the proposal.

At 5:49 p.m. Hearing Officer Steck closed the hearing to public discussion.

Secretary Steck made a motion to deny the Variance based on the staff presentation and the testimony provided in the public hearing. He noted the proposal is not in agreement with the approved Zone Change, creates a second landlocked property, and is not consistent with past approvals. Additionally, Secretary Steck made a favorable recommendation to the Planning Commission for a Map Amendment to the B-2 Zone to allow for a lot to be created using road frontage off of Railroad Avenue. The proposal would also require a variance.

Vice Chairman Youngblood provided the second. The motion passed unanimously.

At 5:56 p.m. Hearing Officer Steck announced the second item on the agenda is a request a Conditional Use Permit to allow for an automotive painting/detailing business in the C-1 Zone. The property is a 6.766 acre site located at 6300 Rineyville Road, Rineyville, KY, known as Lot 1C of Brookside Estates, Section 1, within the Rineyville Rural Village Planning Area, and is zoned Convenience Commercial (C-1). The PVA Map Number is 143-10-01-001. The property is owned by **EXTREME POLISHING & DETAILING LLC**. Planning Technician Goodman reviewed the application, the plans for the property, and presented exhibits into the record.

## Hardin County Board of Adjustment

Minutes: 5 January 2023

Page 3 of 7

Nelson Rodriguez, of 2934 Crockett Court, Radcliff, KY provided testimony and answered questions from the board members and staff. Mr. Rodriguez explained that he has been in business for 7 years, and was formerly on South Wilson Road in Elizabethtown. Mr. Rodriguez stated that he needed a bigger location so that the business could grow, so they moved to Rineyville. Mr. Rodriguez explained that they do sandblasting, detailing, polishing, and that they just purchased a semi truck paint booth which will go inside of the big building.

Vanessa Rodriguez, of 2934 Crockett Court, Radcliff, KY provided testimony and answered questions from the board members and staff. Mrs. Rodriguez explained that they purchased the paint booth from Accudraft Booths, and that the building is ready for it to be hooked up. Mrs. Rodriguez stated that Superior Industrial out of Louisville collects all of their drums of chemical waste such as lacquer thinner, reducer, and leftover paint. Mrs. Rodriguez explained that all fumes and exhausts are captured within the building, and that the lit sign outside is the same as the one that was owned by the former business on site, Leasor Electric.

Mr. Rodriguez explained that outdoor parking is only for 3-4 days, and that they mostly work on semi-trucks.

Tiffany Engle, of 6100 Rineyville Road, Rineyville, KY spoke in opposition of the proposal. Mrs. Engle stated that KY 1600 has horrible traffic, and this business will only bring more congestion to the area. Mrs. Engle stated that she also had concerns over environmental issues, but that Mr. Rodriguez had already addressed them. Mrs. Engle asked how much more traffic the business would bring to the area?

Mr. Rodriguez stated that, on average, he will have 10-20 customers per week. Mr. Rodriguez also stated that the semi trucks typically stay on site for a few days to a few weeks, and up to two months if they are having everything done to them.

Fred Dewitt, of 101 Creekview Lane, Rineyville, KY spoke in opposition of the proposal. Mr. Dewitt asked if Mr. Rodriguez is going to have vehicles parked in the hoop barns?

Mr. Rodriguez stated that they currently are doing polishing in one of the hoop barns and plan to concrete the other one for polishing work.

Mr. Dewitt asked if there was a restriction that prevented any additional buildings being built closer to Creekview Lane? Mr. Dewitt stated that he thought it was in the subdivision restrictions. Director King responded that there are no private subdivision restrictions for Brookside Estates Subdivision.

Deborah Berry, of 115 Creekview Lane spoke in opposition of the proposal. Mrs. Berry asked if they were going to increase their operating hours? Director King replied that in the summer time they request to be open until 8 PM Monday through Friday. Mrs. Berry

## Hardin County Board of Adjustment

Minutes: 5 January 2023

Page 4 of 7

stated that the noise of music coming from the site is a concern to her, because it does go on past 5 PM and is a health and safety concern for the workers on site.

Mr. Rodriguez stated that the only music she should be hearing is from the detailing building but that she should not be able to hear anything because he doesn't want his customers to hear the music. Mr. Rodriguez reiterated that his business hours are 8AM-5PM Monday through Friday and 9AM to 3PM on Saturdays. Mr. Rodriguez stated that he is requesting to be open until 8 PM in the summer from the months of May-September.

Mr. Dewitt explained that the only issue he has with the request is that there is not supposed to be anything in those hoop barns. Mr. Dewitt stated that the whole subdivision voted on it back in the 1990's, and no one can seem to find the document that stated this.

Director King addressed his concerns and stated that the Planning Commission office has no record of any proposal with conditions stating that.

Mrs. Berry stated that she has no issues with the noise and is mostly concerned with the health and safety of the workers. Mrs. Berry explained that if their music is too loud, they won't be paying attention to what they are doing.

No one else spoke in favor or in opposition of the proposal.

At 6:52 p.m. Hearing Officer Steck closed the hearing to public discussion.

Secretary Steck stated the request for the Conditional Use Permit does satisfy the language of the Development Guidance System Ordinance (Section 16-3) Standards of Issuance of a Conditional Use Permit as follows:

- The use shall not tend to change the character and established pattern of development of the area of the proposed use;
- The use shall be in harmony with the uses permitted by right under the Zone in question and shall not affect adversely the use of neighboring properties;
- The location and height of buildings, the location, nature, and height of walls and fences and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof;
- The use shall not adversely affect the health or safety of persons residing or working in the vicinity of the proposed use;
- The use shall not be detrimental to the public welfare or injurious to property or improvements in the vicinity; and,
- The use shall be in accordance with the purposes of the Zoning Ordinance and the Comprehensive Plan.

According to provisions of the Kentucky Revised Statutes, the Hardin County Development Guidance System Zoning Ordinance, and the proceedings before the Board

## Hardin County Board of Adjustment

Minutes: 5 January 2023

Page 5 of 7

of Adjustment (the staff presentation and the testimony presented in the Public Hearing); Secretary Steck made the motion to grant the Conditional Use Permit (CUP) with the following conditions:

1. Business Hours of Operation shall be from 8 AM to 5 PM Monday-Friday, 9AM to 3PM on Saturdays, and 8 AM to 8 PM Monday-Friday during the months of May through September.
2. There shall be only 5 semi trucks parked outdoors.
3. The semi trucks must be parked in the area as labeled on the Site Plan.
4. The existing trees and landscaping on site shall be preserved.
5. There shall be no more than 18 employees of the business.
6. This Conditional Use Permit shall allow for general Automotive detailing, painting, and polishing.
7. A Site Plan in compliance with Section 7 of the Zoning Ordinance shall be required. The existing Development Plan on file to be modified by the applicant.
8. This Conditional Use Permit shall be issued to the current property owner, Extreme Polishing & Detailing LLC (Nelson Rodriguez), and is not transferrable.
9. All paint booths and equipment must be inspected and comply with all KY Environmental Protection Agency and KY Office of Occupational Safety and Health standards. There shall be no painting of vehicles or semi trucks outdoors.
10. Site must comply with all State & Federal regulations concerning Environmental Protection & Air Quality to include NESHAP (National Emission Standards for Hazardous Air Pollutants).
11. All wrecked vehicles must be screened from view of adjoining properties and road right-of-ways within a privacy fenced area.
12. This Conditional Use Permit shall be for a period of 2 years and expire on January 5, 2025.
13. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.
14. An Emergency Response and Spill Prevention Plan shall be required.
15. There shall be no driveway access to the residential streets of Creekbrook Lane & Oakbrook Lane.

Vice Chairman Youngblood provided the second. The motion passed unanimously.

## Hardin County Board of Adjustment

Minutes: 5 January 2023

Page 6 of 7

At 6:55 p.m. Hearing Officer Steck called for consideration and action on the third item on the agenda, a request for a Variance from the front building setback along Leitchfield Road (US 62) to allow for a new 30'.4"x7'.6" outdoor walk in cooler to be built on site. The property is a 0.40 acre site located at 13461 Leitchfield Road in Eastview, KY, within the Natural Resource Planning Area and is zoned Convenience Commercial (C-1). The PVA Map Number is 089-00-00-049. The property is owned by **SHREE GANESH 2022 LLC** and the applicant is **BHIKHABHAI PATEL**. Director King reviewed the application, the plans for the property, and presented exhibits into the record.

Bhikhabhai Patel, of 1002 Spindletop Court, Elizabethtown, KY provided testimony and answered questions from the board members and staff. Mr. Patel explained that he needs the walk in cooler for drinks and water. Mr. Patel explained that he also built a drive thru without the necessary Land Use approvals or a building permit.

Chairman Krausman stated that the Board will not allow for anyone to build in the road right-of-way because that is illegal.

Director King stated that the dashed triangle outlined on the development plan is the only buildable area on the property, and that it is essentially a non-buildable lot. Director King asked if the board wanted to go ahead and grant a Variance for the drive thru that was built?

Chairman Krausman noted that because it is within the roofed area of the existing building that he did not see any concerns.

No one else spoke in favor or in opposition of the proposal.

At 7:19 p.m. Hearing Officer Steck closed the hearing to public discussion.

Vice Chairman Youngblood made a motion to deny the Variance for the walk in cooler, but to grant a Variance for the Drive Thru window based on the staff presentation and the testimony provided in the public hearing. He noted the proposal 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 and will satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243 and DGS 5-3 (B) (1) Findings necessary for granting variance) which is as follows:

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.

The Variance was granted with the noted conditions:

1. To allow for a Variance from the front building setback along Leitchfield Road and Sonora Hardin Springs Road for a Drive Thru window as it has been constructed.

## Hardin County Board of Adjustment

Minutes: 5 January 2023

Page 7 of 7

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.
4. Building and Electrical permits must be pulled through the KBC program of our office.

Secretary Steck provided the second. The motion passed unanimously.

At 7:25 p.m. Chairman Krausman called for consideration and action on the fourth item on the agenda, the **Minutes from the 8 December 2022 meeting** of the Board of Adjustment. Vice Chairman Youngblood made a motion to approve the minutes as presented. Secretary Steck provided the second. The motion passed unanimously.

The following items are for informational purposes only and do not require any action:

**Administrative Assistant Hired** Miranda Garrison has been hired as our new Administrative Assistant. Miranda's first day was 30 December 2022. She is graduate of Elizabethtown High School and has completed coursework in Electronics Engineering at ECTC.

**BlueOvalSK Meeting** On 20 December 2022, Director King and Chairman Hinton attended a meeting with Judge Executive Taul at the Elizabethtown - Hardin County Industrial Foundation to meet with leaders from the City of Elizabethtown to discuss planning efforts and cooperation regarding Glendale & the BlueOvalSK project.

**KYTC Meeting on US 62** On 13 December 2022, Director King attended the Local Officials meeting regarding KYTC's corridor planning study on a Mulberry Street / Exit 94 at the Elizabethtown Tourism Building.

**Comprehensive Plan Open Houses** On 12 & 14 December 2022, the Planning & Development staff held two open houses to gain additional public input on the Comprehensive Plan update at Rineyville Elementary & Cecilia Valley Elementary.

Chairman Krausman announced that the next regular scheduled meeting will be held on Thursday, 9 February 2023 at 5:00 p.m. and called for the meeting to be adjourned at 7:25 p.m.

**ADOPTED AND APPROVED THIS 9<sup>th</sup> DAY OF FEBRUARY 2023 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.**

---

**Steve Steck, Secretary**