

Hardin County Board of Adjustment

Minutes: 17 October 2013

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Chairman Krausman called to order the three hundredth and fourteenth meeting of the Hardin County Board of Adjustment at 5:05 p.m. on Thursday, 17 October 2013, in the R.R. Thomas Meeting Room on the second floor of the R.R. Thomas County Government Building. In addition to Chairman Krausman, Board Member Brent Goodin and Board Member Steve Steck were in attendance. Also in attendance were Interim Director Wesley Wright, Interim Assistant Director Adam King, AICP, and the individuals listed on the attached sign-in sheet. County Engineer Vicki Meredith, P E was not present. Hardin County Attorney Jennifer B. Oldham, legal counsel for the Board, was not requested to attend the meeting.

At 5:05 p.m. Chairman Krausman appointed Board Member Goodin to serve as the hearing officer. This is an Amended Conditional Use Permit request to allow for a Temporary Accessory Dwelling (Manufactured Home) for a caregiver/family situation to remain on the property. The property is a 3.0 acre site located in the Natural Resource Area and zoned Rural Residential (R-2) with the PVA Map Parcel Number 105-00-00-016. It is located on the north side of Stephensburg Loop with an address of 115 Stephensburg Loop and is owned by **John and Margaret Copeland**. Vice Chairman Goodin conducted the swearing in ceremony for all individuals in attendance that may provide testimony. Interim Assistant Director King reviewed the application and presented the exhibits. John Copeland, the owner, provided testimony and answered questions from the Board Members and staff. Verlin Smith of 125 Stephensburg Loop, Cecilia provided testimony in favor of the request. The Hearing Officer closed the hearing at 5:30 p.m. Board Member Goodin stated that this request for a Conditional Use Permit does satisfy the language of the DEVELOPMENT GUIDANCE SYSTEM Ordinance (Section 3.12) Standards for Issuance of a Conditional Use Permit as follows:

- The use does not tend to change the character and established pattern of development of the area;
- The use is in harmony with the uses permitted by right under the sector and district in question and it does not affect adversely the use of neighboring properties;
- The use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair their value;
- The use shall not adversely affect the health or safety of persons residing or working in the vicinity of the proposed use;
- the use shall not be detrimental to the public welfare or injurious to property or improvements in the vicinity;

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

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Adjustment, Board Member Goodin made the motion to grant the Conditional Use Permit (CUP) with the following conditions:

1. The Temporary Accessory Dwelling shall be a temporary use for no longer than three years from 17 October 2013 and must be removed from the property by 17 October 2016.
2. The Temporary Accessory Dwelling (16'x76' manufactured home) is for a family need situation and shall only be occupied by Melissa Smith and her immediate family.
3. The Temporary Accessory Dwelling shall not be available to the public for rent.
4. Upon the vacancy of the Temporary Accessory Dwelling, it must be removed from the property within six (6) months.
5. This Temporary Accessory Dwelling shall have a sewerage system (septic tank and lateral lines) approved by the Environmental Services Office of the Hardin County Health Department.
6. The Temporary Accessory Dwelling shall be placed on the property as illustrated on the proposed Site Plan.
7. This Conditional Use Permit shall be issued to the current property owners, John & Margaret Copeland, and shall expire when the property is transferred and not be transferable to another property owner.
8. A Site Plan in compliance with Section 7 of the Zoning Ordinance shall be required.
9. The skirting on the manufactured home must be maintained.
10. A Change of Use Building Permit shall be required converting the Log home (circa 1850) into a Residential Storage Building.
11. All construction activities on this site shall conform to the provisions of the Kentucky Building Code.
12. A Certificate of Land Use Restrictions shall be recorded in the office of the Hardin County Clerk.

Member Steck provided the second. Motion passed unanimously.

At 5:35 p.m. Chairman Krausman announced that the next item on the agenda is a request for an Amended Conditional Use Permit to continue to operate an automotive repair business. The proposed site is a 1.0 acre tract located at 3273 South Dixie Highway and being Lot 4 of Reffett Estates. The PVA Map Parcel Number is 223-00-05-004, it is zoned General Commercial (C-2) and is in the South Dixie Corridor Planning Area. The property is owned by **Frankie Riggs**. Interim Assistant Director King reviewed the application and exhibits. The owner, Frankie Riggs provided testimony and answered questions from the Board Members and staff. At 5:40 p.m., the Hearing Officer closed the hearing. Board

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Member Steck stated that this request for a Conditional Use Permit does satisfy the language of the DEVELOPMENT GUIDANCE SYSTEM Ordinance (Section 3.12) Standards for Issuance of a Conditional Use Permit is as follows:

- The use does not tend to change the character and established pattern of development of the area;
- The use is in harmony with the uses permitted by right under the sector and district in question and it does not affect adversely the use of neighboring properties;
- The use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair their value;
- The use shall not adversely affect the health or safety of persons residing or working in the vicinity of the proposed use;
- The use shall not be detrimental to the public welfare or injurious to property or improvements in the vicinity; and,
- The use shall be in accord with the purposes of this ordinance and the Comprehensive Development Guide System and the comprehensive Development Guide;

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

1. A maximum of thirty (30) vehicles shall be located on the property at one time.
2. A maximum of five (5) wrecked vehicles are allowed to be on the property at one time.
3. Wrecked vehicles must be placed behind a screen to block them from view from South Dixie Highway and all adjoining properties.
4. Only automobile repair work may be performed. No painting or body work shall be performed.
5. The hours of operation shall be 8:00 am to 6:00 pm Monday through Saturday.
6. No driveway entrances shall be permitted onto South Dixie Highway (US 31W).
7. An Emergency Response Plan must be submitted and approved by the County Engineer that includes a Spill Reporting Procedure.
8. An existing Development Plan is on file for this site.
9. This Conditional Use Permit is issued to the current property owner, Frankie Riggs, it is not transferable, and shall expire if the property is transferred.

Member Goodin provided the second. Motion passed unanimously.

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At 5:40 p.m. Chairman Krausman appointed Board Member Goodin to serve as the hearing officer. This is an Amended Conditional Use Permit request to allow for a Temporary Accessory Dwelling (Manufactured Home) to remain on the property. The property is a 9.625 acre site located in the East Hardin Area and zoned Rural Residential (R-2) with the PVA Map Parcel Number 257-00-00-012.01. It is located on the north side of Middle Creek Road with an address of 2968 Middle Creek Road and is owned by **Charles Edlin**. Interim Director Wright reviewed the application and presented the exhibits. Charles Edlin, the owner, provided testimony and answered questions from the Board Members and staff. Roxie Edlin, the applicant, provided testimony in favor of the request. As part of the discussion, the application was modified from a Temporary Accessory Dwelling to that of a Permanent Accessory Dwelling. The Hearing Officer closed the hearing at 6:00 p.m. Board Member Goodin stated that this request for a Conditional Use Permit does satisfy the language of the DEVELOPMENT GUIDANCE SYSTEM Ordinance (Section 3.12) Standards for Issuance of a Conditional Use Permit as follows:

- The use does not tend to change the character and established pattern of development of the area;
- The use is in harmony with the uses permitted by right under the sector and district in question and it does not affect adversely the use of neighboring properties;
- The use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair their value;
- The use shall not adversely affect the health or safety of persons residing or working in the vicinity of the proposed use;
- the use shall not be detrimental to the public welfare or injurious to property or improvements in the vicinity;

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

1. The property owner, Charles Edlin, must occupy either the principal dwelling unit or the accessory dwelling as their principal residence, and at no time receive rent for the owner-occupied unit.
2. Adequate on-site parking must be designated on an approved Site Plan.
3. The existing driveway shall be a shared driveway.
4. The existing Temporary Accessory Dwelling (28'x56' manufactured home) shall become a Permanent Accessory Dwelling and shall not exceed 1568 sq. ft. and the Principal Dwelling is the existing approximately 2672 sq. ft. log cabin.
5. The Permanent Accessory Dwelling shall be located in the rear yard and

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- shall be located as illustrated on the approved Site Plan and in accordance with building setback lines.
6. The Permanent Accessory Dwelling (28'x56' manufactured home) shall have log siding installed to match the Principal Dwelling within one year (by 17 October 2014).
 7. The Permanent Accessory Dwelling shall have a sewerage system approved by the Environmental Services Office of the Hardin County Health Department.
 8. This Permit is not transferable and the new owners must reapply for the Conditional Use Permit and meet the necessary requirements.
 9. A new Site Plan shall not be required due to an existing one on file.
 10. A Certificate of Land Use Restrictions shall be recorded in the office of the Hardin County Clerk.

Member Steck provided the second. Motion passed unanimously.

Chairman Krausman called for consideration and action on the **Minutes** of the 22 August 2013 meeting. Member Goodin made a motion to approve the minutes as presented. Member Steck provided the second. Motion passed unanimously.

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

PERMIT MANAGEMENT SYSTEM (IworQ)

On Monday 23, September 2013 the Planning Commission launched a new Permit Management Software. The System is called IworQ and is web-based. The previous management system had been used since 1995.

APA-KY FALL CONFERENCE (September 27) The 1-day Conference was held at the Derby Museum/Churchill Downs in Louisville, KY. This event was attended by Brent Goodin, Bill Ball, Steve Steck, Adam King and Sandra Martinez.

BUILDING INSPECTOR CONFERENCE (October 14-15) attended by Rusty Boone and Jimmy Morgan in Lexington, KY. Topics include standards from the IRC 2012.

ADMINISTRATIVE ASSISTANT RESIGNS

Rachel Daugherty is leaving the Commission to pursue her calling as an Educator. She will stay on with the Commission temporarily to offer insight to the new hire. We wish Rachel the best in her endeavors.

ADMINISTRATIVE ASSISTANT HIRED

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The newest member of the Planning Commission staff will be Susan Bowen. Susan has a Business Management degree from ECC and 33 years of experience of working in three different physician's offices. Her first day of employment will be Friday, 1 November.

AUGUST 2013 REPORT

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|--|--|
| Plats Recorded: <ul style="list-style-type: none">• 8 Subdivision plats were approved for the month• 59 Subdivision plats were approved for the year 2013• 58 Five-year average (Jan-Aug) | Lots Created: <ul style="list-style-type: none">• 2 Lots were approved for the month• 82 Lots were approved for the year 2013• 85 Five-year average (Jan-Aug) |
| Single Family Building Permits: <ul style="list-style-type: none">• 11 Permits were issued for the month• 87 Permits were approved for the year 2013• 124 Five year average (Jan-Aug) | Building Inspections Performed SFD: <ul style="list-style-type: none">• 58 SFD Residential Inspections for the month• 366 Inspections for the year 2013• 313 Five year average (Jan-Aug) |
| Commercial Building Inspections Performed: <ul style="list-style-type: none">• 7 Commercial Inspections for the month• 39 Commercial Inspections for the year 2013• 45-Five-year average (Jan-Aug) | Plan Reviews: 15 reviews for the month 106 reviews for the 2013 year |

THE FOLLOWING SUBDIVISION PLATS HAVE BEEN APPROVED AND RECORDED:

| SUBDIVISION NAME | LOTS | RECORDED |
|---|------|------------|
| Colesburg Farms Subdivision | 2 | 04-Sept-13 |
| Kenneth Goff Subdivision, Section 1, Lots 2 & 3 | -1 | 06-Sept-13 |
| Wakefield Farms Section 1, Lots 43 & 44 | -1 | 19-Sept-13 |
| Hicks Property Subdivision Section 2, Lot 2 | 3 | 26-Sept-13 |
| Sadler Acres | 1 | 01-Oct-13 |
| Blackburn Estates Section 2 Lots 110 & 111 | -1 | 04-Oct-13 |
| Bird Haven Section 1, Lots 6 & 7 | -1 | 09-Oct-13 |
| NEW LOTS SINCE LAST MEETING | 2 | |
| 2013 TOTAL | 86 | |

Chairman Krausman declared the meeting adjourned at 6:30 p.m.

ADOPTED AND APPROVED THIS 7th DAY OF NOVEMBER 2013 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.

Steve Steck, Secretary

Hardin County Board of Adjustment

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Chairman Krausman called to order the three hundredth and thirteenth meeting of the Hardin County Board of Adjustment at 5:05 p.m. on Thursday, 22 August 2013, in the R.R. Thomas Meeting Room on the second floor of the R.R. Thomas County Government Building. In addition to Chairman Krausman, Board Member Brent Goodin and Board Member Steve Steck were in attendance. Also in attendance were Interim Director Wesley Wright, Interim Assistant Director Adam King, AICP, County Engineer Vicki Meredith, P E and the individuals listed on the attached sign-in sheet. Hardin County Attorney Jennifer B. Oldham, legal counsel for the Board, was not requested to attend the meeting.

At 5:05 p.m. Chairman Krausman appointed Board Member Goodin to serve as the hearing officer. This is a Conditional Use Permit request to allow for a Temporary Accessory Dwelling (Manufactured Home) for a caregiver/family situation. The property is an 11.8 acre site located in the Natural Resource Area and zoned Rural Residential (R-2) with the PVA Map Parcel Number 067-00-00-003.04. It is located on the north side of Saint John Road between Beagle Club Lane and Harris School Road with an address of 11028 Saint John Road and is owned by **Calvin & Rita Reames**. Vice Chairman Goodin conducted the swearing in ceremony for all individuals in attendance that may provide testimony. Interim Assistant Director King reviewed the application and presented the exhibits. Calvin Reames, the owner, provided testimony and answered questions from the Board Members and staff. The Hearing Officer closed the hearing at 5:20 p.m. Board Member Steck stated that this request for a Conditional Use Permit does satisfy the language of the DEVELOPMENT GUIDANCE SYSTEM Ordinance (Section 3.12) Standards for Issuance of a Conditional Use Permit as follows:

- The use does not tend to change the character and established pattern of development of the area;
- The use is in harmony with the uses permitted by right under the sector and district in question and it does not affect adversely the use of neighboring properties;
- The use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair their value;
- The use shall not adversely affect the health or safety of persons residing or working in the vicinity of the proposed use;
- the use shall not be detrimental to the public welfare or injurious to property or improvements in the vicinity;

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

Hardin County Board of Adjustment

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Adjustment, Board Member Steck made the motion to grant the Conditional Use Permit (CUP) with the following conditions:

1. The Temporary Accessory Dwelling shall be a temporary use for no longer than five years from 22 August 2013 and must be removed from the property by 22 August 2018.
2. The Temporary Accessory Dwelling is for a family need situation and shall only be occupied by Calvin Reames Sr. and his immediate family & caregiver.
3. The Temporary Accessory Dwelling shall not be available to the public for rent.
4. Upon the vacancy of the Temporary Accessory Dwelling, it must be removed from the property within six (6) months.
5. This Temporary Accessory Dwelling shall have a sewerage system (septic tank and lateral lines) approved by the Environmental Services Office of the Hardin County Health Department.
6. The Temporary Accessory Dwelling shall be placed on the property as illustrated on the proposed Site Plan.
7. This Conditional Use Permit shall be issued to the current property owners, Calvin & Rita Reames, and shall expire when the property is transferred and not be transferable to another property owner.
8. A Site Plan in compliance with Section 7 of the Zoning Ordinance shall be required.
9. The skirting on the manufactured home must be maintained.
10. All construction activities on this site shall conform to the provisions of the Kentucky Building Code.
11. A Certificate of Land Use Restrictions shall be recorded in the office of the Hardin County Clerk.

Member Goodin provided the second. Motion passed unanimously.

At 5:25 p.m. Chairman Krausman appointed Board Member Goodin to serve as the hearing officer. Hearing Officer Goodin announced that the next item on the agenda is a request for a Conditional Use Permit for the construction of an Accessory Structure (2160 sq. ft. pole barn) that exceeds the size of the dwelling (1162 sq. ft.) on site. The property is a 10 acre site located on the south side of Valley Creek Road (KY 567) east of Hunt Road with an address of 5451 Valley Creek Road and identified with the PVA Map Number 256-00-00-039. The property is owned by **David & Mona Waldeck** and it is located in the East Hardin Planning Area and is zoned Rural Residential (R-2). Interim Assistant Director King reviewed the application and presented exhibits and slides of the property

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(attached). David Waldeck, the owner, provided testimony and answered questions from the Board Members and staff. The Hearing Officer closed the hearing at 5:45 p.m. Board Member Goodin stated that this request for a Conditional Use Permit does satisfy the language of the DEVELOPMENT GUIDANCE SYSTEM Ordinance (Section 3.12) Standards for Issuance of a Conditional Use Permit is as follows:

- The use does not tend to change the character and established pattern of development of the area;
- The use is in harmony with the uses permitted by right under the sector and district in question and it does not affect adversely the use of neighboring properties;
- The use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair their value;
- The use shall not adversely affect the health or safety of persons residing or working in the vicinity of the proposed use;
- the use shall not be detrimental to the public welfare or injurious to property or improvements in the vicinity;

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

1. This Conditional Use Permit shall allow for the two (2) proposed 2160 sq. ft. pole barns (36' x 60') to be constructed on the 10 acre tract at 5451 Valley Creek Road. Both barns exceed the size of the dwelling (1162 sq. ft.) on site.
2. The proposed pole barns are for agricultural & residential storage and shall not be used for any Commercial Activity.
3. The proposed pole barns shall be placed on the property as illustrated on the plans submitted and in accordance with the building setback lines established for the designated zone.
4. The exterior siding of the proposed pole barns shall be wood sided fronts with metal exteriors and metal roofs.
5. Additional landscaping and/or screening shall not be required.
6. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7. (Health Department approval not required)
7. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

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Member Steck provided the second. Motion passed unanimously.

Chairman Krausman called for consideration and action on the **Minutes** of the 8 August 2013 meeting. Member Goodin made a motion to approve the minutes as presented. Member Steck provided the second. Motion passed unanimously.

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

COMPREHENSIVE PLAN REVIEW – The comprehensive plan is required to be reviewed by the planning commission at least once every five (5) years and amended or readopt.

VETERAN'S NURSING HOME The Department of Defense has transferred 185 acres of Fort Knox property to the Commonwealth of Kentucky for a Veterans Nursing Home. This is near Kentucky Veterans Cemetery-Central. A \$33 million in federal and state money has been committed for the nursing home and will consist of a 120-bed facility and employ around 170 staff members. Construction will begin in the spring of 2013 with an anticipated completion date of fall of 2015.

BLUEGRASS PIPELINE An open House was conducted on 8 August 2013 by Wilson Company who is conducting a study to find a feasible route for a new "Bluegrass Pipeline" to transport natural gas liquids from the Utica and Marcellus Shale plays in Eastern Ohio to facilities on the Louisiana and Texas Gulf Coast. The pipeline would carry 200,000 barrels a day of mixed natural gas liquids from Ohio, West Virginia and Pennsylvania, with a possible expanded capacity of 400,000 barrels a day to meet demand.

CHINOE HILLS ROAD CLOSING The Commission provided an unfavorable recommendation to close the right-of-way extension from Cedar Pointe Court to Shacklette Court. On 13 August 2013, the Fiscal Court voted 8-0 to uphold the Commission's recommendation to keep the right-of-way open to Hansbrough Hills.

WASTEWATER ORDINANCE – Discussions continued on 1 August 2013 in preparing a Draft Wastewater Ordinance for the unincorporated area of Hardin County. A public hearing presentation is scheduled to inform the public and gain public comment as follows: Elizabethtown – New Highland Elementary School Tuesday, 1 October, 6:00 pm AND Radcliff – Woodland Elementary School Thursday, 3 October, 6:00 pm

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THE FOLLOWING SUBDIVISION PLATS HAVE BEEN APPROVED AND RECORDED:

| SUBDIVISION NAME | LOTS | RECORDED |
|---------------------------------------|-------------|-----------------|
| Dupin Loop Subdivision, Lots 6, 7 & 8 | -2 | 07-Aug-13 |
| Hagan Farm Subdivision, | 2 | 07-Aug-13 |
| Entropy Acres, Lot 1 | 0 | 07-Aug-13 |
| NEW LOTS SINCE LAST MEETING | 2 | |
| 2013 TOTAL | 82 | |

Chairman Krausman declared the meeting adjourned at 6:00 p.m.

**ADOPTED AND APPROVED THIS 5th DAY OF SEPTEMBER 2013 BY THE
HARDIN COUNTY BOARD OF ADJUSTMENT.**

Steve Steck, Secretary

Hardin County Board of Adjustment

Minutes: 8 August 2013

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Chairman Krausman called to order the three hundredth and twelfth meeting of the Hardin County Board of Adjustment at 5:05 p.m. on Thursday, 8 August 2013, in the R.R. Thomas Meeting Room on the second floor of the R.R. Thomas County Government Building. In addition to Chairman Krausman, Board Member Brent Goodin and Board Member Steve Steck were in attendance. Also in attendance were Interim Assistant Director Adam King, AICP, and the individuals listed on the attached sign-in sheet. Interim Director Wesley Wright and County Engineer Vicki Meredith, P E were not present. Hardin County Attorney Jennifer B. Oldham, legal counsel for the Board, was not requested to attend the meeting.

At 5:05 p.m. Chairman Krausman appointed Board Member Goodin to serve as the hearing officer. Hearing Officer Goodin announced that the first item on the agenda is a request for a Conditional Use Permit for the construction of an Accessory Structure (32' x 42' pole barn) prior to a dwelling being built on site. The property is a 5.7 acre site being Lot 1F of Charolais Country Subdivision, located behind 97 Lombardy Drive and identified with the PVA Map Number 168-00-01-023. The property is owned by **Murrill & Frances Kizer** and it is located in the Cecilia Rural Village and is zoned Urban Residential (R-1). Interim Assistant Director King reviewed the application and presented exhibits and slides of the property (attached). Frances Kizer, the owner, provided testimony and answered questions from the Board Members and staff. The Hearing Officer closed the hearing at 5:20 p.m. Board Member Steck stated that this request for a Conditional Use Permit does satisfy the language of the DEVELOPMENT GUIDANCE SYSTEM Ordinance (Section 3.12) Standards for Issuance of a Conditional Use Permit is as follows:

- The use does not tend to change the character and established pattern of development of the area;
- The use is in harmony with the uses permitted by right under the sector and district in question and it does not affect adversely the use of neighboring properties;
- The use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair their value;
- The use shall not adversely affect the health or safety of persons residing or working in the vicinity of the proposed use;
- the use shall not be detrimental to the public welfare or injurious to property or improvements in the vicinity;

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

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1. This Conditional Use Permit shall allow for the proposed 1344 sq. ft. pole barn (32' x 42') to be constructed on Lot 1F of Charolais Country Subdivision that is currently vacant.
2. The proposed pole barn is for agricultural & residential storage and shall not be used for any Commercial Activity.
3. The proposed pole barn shall be placed on the property as illustrated on the plans submitted and in accordance with the building setback lines established for the designated zone
4. The exterior siding of the proposed 32' x 42' pole barn shall be corrugated steel.
5. Additional landscaping and/or screening shall not be required.
6. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7. (Health Department approval not required).
7. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Member Goodin provided the second. Motion passed unanimously.

Chairman Krausman called for consideration and action on the **Minutes** of the 18 July 2013 meeting. Member Goodin made a motion to approve the minutes as presented. Member Steck provided the second. Motion passed unanimously.

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

PERMIT MANAGEMENT WEBINAR – Commission Staff participated in an IworQ webinar on 24 July 2013 that present information about the Permit Management to be purchased for FY 2014. The presenter shared their knowledge and information about the program.

WASTEWATER MEETING IN GLENDALE The Hardin County Water District No. 2 held a public meeting for residents in the Nolin River Watershed Area on Thursday, June 25th at 6:00 pm. The meeting was held at Glendale Christian Church to review a PowerPoint presentation on the Glendale Sewer Project and area impacts.

WASTEWATER ORDINANCE –Discussions continued on 1 August 2013 in preparing a Draft Wastewater Ordinance for the unincorporated area of Hardin County. An Open House presentation will be scheduled to inform the public and gain public comment.

FORT KNOX TOWN HALL MEETING -31 July 2013 Deactivation of 3/1 was among topics of discussion by Maj. Gen. Jeff Smith, commander of U.S. Army

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Cadet Command at a town hall meeting at the Hardin County Schools Performing Arts Center at John Hardin High School. The meeting provided an update on Fort Knox and addressed lingering concerns about the post. The inactivation of the 3rd Brigade Combat Team, 1st Infantry Division; ongoing and planned construction; and Cadet Command transformation initiatives pertaining to Fort Knox were discussed among other topics.

JULY 2013 REPORT

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| Plats Recorded: <ul style="list-style-type: none"> • 9 Subdivision plats were approved for the month • 51 Subdivision plats were approved for the year 2013 • 50 Five-year average (Jan-Jul) | Lots Created: <ul style="list-style-type: none"> • 9 Lots were approved for the month • 80 Lots were approved for the year 2013 • 86 Five-year average (Jan-Jul) |
| Single Family Building Permits: <ul style="list-style-type: none"> • 11 Permits were issued for the month • 77 Permits were approved for the year 2013 • 104 Five year average (Jan-Jul) | Building Inspections Performed SFD: <ul style="list-style-type: none"> • 76 SFD Residential Inspections for the month • 308 Inspections for the year 2013 • 437 Five year average (Jan-Jul) |
| Commercial Building Inspections Performed: <ul style="list-style-type: none"> • 4 Commercial Inspections for the month • 32 Commercial Inspections for the year 2013 • 39 Five-year average (Jan-Jul) | Plan Reviews: 14 reviews for the month 91 reviews for the 2013 year |

THE FOLLOWING SUBDIVISION PLATS HAVE BEEN APPROVED AND RECORDED:

| SUBDIVISION NAME | LOTS | RECORDED |
|---|------|------------|
| Charolais Country Subdivision, Lot 1 | 0 | 08-July-13 |
| Harned Subdivision, Section 2 | 0 | |
| Lone Oak Farm | 3 | |
| Willyard Farm Subdivision, Lots 12 & 15 | 0 | |
| Cedar Creek Farms, Lot 6B | 1 | |
| Tanbark Estates Section 1, Lot 2 | 2 | |
| Ashlyndale Farms | 2 | |
| Nolan Subdivision | 1 | |
| Hillview Heights, Lots 1-12 | 0 | |
| SINCE LAST MEETING | 9 | |
| 2013 TOTAL | 80 | |

Chairman Krausman declared the meeting adjourned at 5:45 p.m.

ADOPTED AND APPROVED THIS 22nd DAY OF AUGUST 2013 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.

 Steve Steck, Secretary

Hardin County Board of Adjustment

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Chairman Krausman called to order the three hundredth and eleventh meeting of the Hardin County Board of Adjustment at 5:05 p.m. on Thursday, 18 July 2013, in the R.R. Thomas Meeting Room on the second floor of the R.R. Thomas County Government Building. In addition to Chairman Krausman, Board Member Steve Steck was in attendance. Also in attendance were Interim Director Wesley Wright, Interim Assistant Director Adam King, AICP, County Engineer Vicki Meredith, P E and the individuals listed on the attached sign-in sheet. Board Member Brent Goodin was not present. Hardin County Attorney Jennifer B. Oldham, legal counsel for the Board, was not requested to attend the meeting.

Interim Director Wright reported that he would perform the administration of the oath of office as set forth in the Constitution of Kentucky (Section 228) to Steve Steck, who was appointed to the Board of Adjustment by Fiscal Court. Upon completion of the oath, Steve Steck began his term of office as Hardin County Board Adjustment Member for a term to expire 30 June 2017.

At 5:15 p.m. Chairman Krausman announced that the first item on the agenda is a Variance request for relief from the front building setback line along Victory Circle. The site is a 4.363 acre tract located at Lot 40A of Beckley Woods Subdivision in the North Glendale Urban Planning Area and zoned Planned Unit Development (PD-1). The PVA Map Number is 189-00-02-040 and is owned by **Tim Aulbach**. Interim Director Wright reviewed the application and the history of the property and presented exhibits. At 5:20 p.m., the Hearing Officer closed the hearing. Board Member Krausman made a motion to grant a variance due to the fact it will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and that this request does satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243. Findings necessary for granting variances) which is as follow:

- 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 following variance was granted with the noted conditions:

1. To allow for a Variance to reduce the front building setback line from 70' to 45' to allow for the construction of a single family house due to the Floodplain and the character of the neighborhood.
2. An Amended Subdivision Plat shall be required.
3. A Certificate of Land Use Restrictions will be recorded in the Office of the Hardin County Clerk

Hardin County Board of Adjustment

Minutes: 18 July 2013

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Member Steck provided the second. Motion passed unanimously.

At 5:20 p.m. Chairman Krausman announced that the next item on the agenda is request for a Conditional Use Permit to operate an automotive repair business out of the existing detached garage in the R-2 zone. The proposed site is an 11.036 acre tract located at 6421 South Dixie Highway and being Lot 1A of Glendale Junction Farm. The PVA Map Parcel Number is 225-00-03-001, it is zoned Rural Residential (R-2) and is in the South Dixie Corridor Planning Area. The property is owned by **Arthur & Linda Hurley**. Interim Assistant Director King reviewed the application and exhibits. The owner, Arthur Hurley provided testimony and answered questions from the Board Members and staff. Paul Kenny of 295 Hendersonwood Drive, provided testimony and answered questions from the Board Members and staff. At 5:40 p.m., the Hearing Officer closed the hearing. Board Member Krausman stated that this request for a Conditional Use Permit does satisfy the language of the DEVELOPMENT GUIDANCE SYSTEM Ordinance (Section 3.12) Standards for Issuance of a Conditional Use Permit is as follows:

- The use does not tend to change the character and established pattern of development of the area;
- The use is in harmony with the uses permitted by right under the sector and district in question and it does not affect adversely the use of neighboring properties;
- The use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair their value;
- The use shall not adversely affect the health or safety of persons residing or working in the vicinity of the proposed use;
- The use shall not be detrimental to the public welfare or injurious to property or improvements in the vicinity; and,
- The use shall be in accord with the purposes of this ordinance and the Comprehensive Development Guide System and the comprehensive Development Guide;

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

1. Business Hours of Operation shall be from 8:00 AM to 6:00 PM Monday – Friday and 8:00 AM to 12 Noon on Saturday.
2. Only fifteen (15) vehicles shall be parked outdoors on site at one time.

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3. Three (3) non-operational or non-licensed and registered vehicles may be on site and shall be completely screened from view of the right-of-way and adjoining properties in the designated area.
4. A single 3'x2' sign shall be permitted along the US 31W road frontage.
5. There shall only be two (2) employees of the business who does not reside on the premises.
6. This Conditional Use Permit shall allow for general Auto Repair with Paint & Auto Body work not being permitted.
7. This property shall have a sewerage system (septic tank and lateral lines) approved by the Hardin County Health Center.
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, Arthur Hurley, and is not transferable.
10. All building activities shall conform to provisions of the Kentucky Building Code.
11. This Conditional Use Permit shall be for a period of five (5) years and expire on 17 July 2018.
12. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.
13. There shall be no outdoor storage of any materials or parts.

Member Steck provided the second. Motion passed unanimously.

At 5:45 p.m. Chairman Krausman announced that the next item on the agenda is a Variance request for relief from the front building setback at 407 Boone Road to accommodate a proposed manufactured home to replace the existing home. The site is a 0.344 acre tract located at 407 Boone Road and being Lot 31 of Peyton Estates in the North Urban Planning Area and zoned Urban Residential Commercial (R-1). The PVA Map Number is 183-20-00-003 and is owned by **Eric Cook**. Interim Assistant Director King reviewed the application and the history of the property and presented exhibits. The owner, Eric Cook, provided testimony and answered questions. Clay Scott, Jr. of 12200 Dixie Highway, Louisville representing the owner, provided testimony and answered questions from the Board Members and staff. At 6:05 p.m., the Hearing Officer closed the hearing. Board Member Krausman made a motion to grant a variance due to the fact it will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and that this request does satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243. Findings necessary for granting variances) which is as follow:

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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 following variance was granted with the noted conditions:

1. To allow for a Variance from the front building setback to allow for the proposed manufactured home to replace the existing home. The proposed manufactured home may include a 12'x12' deck with a 4'x4' covered awning.
2. A Site Plan in compliance with Section 7 shall be required.
3. A Certificate of Land Use Restrictions will be recorded in the Office of the Hardin County Clerk.
4. A Building Permit shall be required for the proposed manufactured home.

Member Steck provided the second. Motion passed unanimously.

Chairman Krausman called for consideration and action on the **Minutes** of the 20 June 2013 meeting. Member Krausman made a motion to approve the minutes as presented. Member Steck provided the second. Motion passed unanimously.

Chairman Krausman called for consideration and action on the Annual Election of Officers. Board Member Krausman made a motion for the following members to fill the designated offices; Robert Krausman, Chairman, Brent Goodin, Vice Chairman and Steve Steck, Secretary. Board Member Steck provided a second. Motion unanimously passed.

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

PATRIOT WAY AND RING ROAD EXTENSION MEETING held at the KYTC on 26 June 2013 to discuss sections of excess rights-of-way to be transferred from the state and former state roads and new curb-cuts to be maintained by the county.

INFORMATION TECHNOLOGY WORK GROUP held a meeting on 27 June 2013 to discuss File Management (folder and file organization) and Personal File Management.

WASTEWATER ORDINANCE –Discussions continued on 11 July 2013 in preparing a Draft Wastewater Ordinance for the unincorporated area of Hardin

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County. An Open House presentation will be scheduled to inform the public and gain public comment.

CHINOE HILLS ROAD CLOSING HEARING tabled by Fiscal Court on 11 July 2013 in order for site visits to be conducted by the Court. The Commission provided an unfavorable recommendation to close the right-of-way extension from Cedar Pointe Court to Shacklette Court. Discussions will take place at the 6 August 2013 Public Works Committee on the request. Fiscal Court will reconvene on 13 August 2013.

JUNE 2013 REPORT

| | |
|--|--|
| Plats Recorded: <ul style="list-style-type: none"> • 1 Subdivision plats were approved for the month • 44 Subdivision plats were approved for the year 2013 • 42 Five-year average (Jan-Jun) | Lots Created: <ul style="list-style-type: none"> • 0 Lots were approved for the month • 71 Lots were approved for the year 2013 • 78 Five-year average (Jan-Jun) |
| Single Family Building Permits: <ul style="list-style-type: none"> • 12 Permits were issued for the month • 66 Permits were approved for the year 2013 • 90 Five year average (Jan-Jun) | Building Inspections Performed SFD: <ul style="list-style-type: none"> • 42 SFD Residential Inspections for the month • 232 Inspections for the year 2013 • 311 Five year average (Jan-Jun) |
| Commercial Building Inspections Performed: <ul style="list-style-type: none"> • 7 Commercial Inspections for the month • 28 Commercial Inspections for the year 2013 • 34 Five-year average (Jan-Jun) | Plan Reviews: 15 reviews for the month 77 reviews for the 2013 year |

THE FOLLOWING SUBDIVISION PLATS HAVE BEEN APPROVED AND RECORDED:

| SUBDIVISION NAME | LOTS | RECORDED |
|--|------|------------|
| Wyatt Farm, Lot 1B and Wyatt Farm Section 2, Lot 4 | 0 | 25-June-13 |
| | | |
| SINCE LAST MEETING | 0 | |
| 2013 TOTAL | 71 | |

Chairman Krausman declared the meeting adjourned at 6:25 p.m.

ADOPTED AND APPROVED THIS 8th DAY OF AUGUST 2013 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.

Steve Steck, Secretary

Hardin County Board of Adjustment

Minutes: 20 June 2013

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Chairman Krausman called to order the three hundredth and tenth meeting of the Hardin County Board of Adjustment at 5:10 p.m. on Thursday, 20 June 2013, in the R.R. Thomas Meeting Room on the second floor of the R.R. Thomas County Government Building. In addition to Chairman Krausman, Vice-Chairman Jack Holman and Secretary Brent Goodin were in attendance. Also in attendance were Interim Director Wesley Wright, Interim Assistant Director Adam King, AICP, and the individuals listed on the attached sign-in sheet. County Engineer Vicki Meredith, P E was not present. Hardin County Attorney Jennifer B. Oldham, legal counsel for the Board, was not requested to attend the meeting.

At 5:10 p.m. Chairman Krausman appointed Vice Chairman Holman to serve as the hearing officer. Hearing Officer Holman announced that the first item on the agenda is a continuance from the 6 June 2013 hearing for a Conditional Use Permit request to allow for a Temporary Accessory Dwelling (Manufactured Home) as the third dwelling on the property. The property is a 2.056 acre site with the PVA Map Parcel Number 182-00-00-019. The property address is 93 Masters Drive and the property is owned by **Gary Masters**. Interim Assistant Director King reviewed the application and presented the exhibits. Gary Master, the owner, provided testimony and answered questions from the Board Members and staff. Belva Master of 6594 North Dixie Highway, provided testimony, presented pictures, and answered questions from the Board Members and staff. An alternative proposal was presented to locate the proposed manufactured home on Lot 1 instead of Lot 2, where it would be the second dwelling on the property (instead of the third dwelling on Lot 2). Lot 1 of Harold Estates is a 22.84 acre site with a PVA Map Parcel Number of 182-00-00-016. The property address is 6994 North Dixie Highway and it is owned by Harold & Belva Masters. The Hearing Officer closed the hearing at 5:35 p.m. Board Member Goodin stated that this request for a Conditional Use Permit does satisfy the language of the DEVELOPMENT GUIDANCE SYSTEM Ordinance (Section 3.12) Standards for Issuance of a Conditional Use Permit as follows:

- The use does not tend to change the character and established pattern of development of the area;
- The use is in harmony with the uses permitted by right under the sector and district in question and it does not affect adversely the use of neighboring properties;
- The use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair their value;
- The use shall not adversely affect the health or safety of persons residing or working in the vicinity of the proposed use;
- the use shall not be detrimental to the public welfare or injurious to property or improvements in the vicinity;

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

1. The Temporary Accessory Dwelling shall be a temporary use for no longer than five (5) years from 6 June 2013 and must be removed from the property by 6 June 2018.
2. The Temporary Accessory Dwelling is for a family need situation and shall only be occupied by Gary Masters daughter and her immediate family.
3. The Temporary Accessory Dwelling shall not be available to the public for rent.
4. Upon the vacancy of the Temporary Accessory Dwelling, it must be removed from the property within six (6) months.
5. This Temporary Accessory Dwelling shall have a sewerage system (septic tank and lateral lines) approved by the Environmental Services Office of the Hardin County Health Department.
6. The Temporary Accessory Dwelling shall be placed on Lot 1 of Harold Estates as illustrated on the proposed Site Plan.
7. This Conditional Use Permit shall be issued to the current property owners, Harold & Belva Masters, and shall expire when the property is transferred and not be transferable to another property owner.
8. A Site Plan in compliance with Section 7 of the Zoning Ordinance shall be required.
9. The skirting on the manufactured home must be maintained.
10. All construction activities on this site shall conform to the provisions of the Kentucky Building Code.
11. A Certificate of Land Use Restrictions shall be recorded in the office of the Hardin County Clerk.

Member Holman provided the second. Motion passed unanimously.

At 5:35 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. This request is for a Conditional Use Permit to operate an automotive repair business out of the existing detached garage. The proposed site is a 3.0 acre tract located at 1600 Harris School Road and the PVA Map Parcel Number is 066-00-00-018.02. The property is owned by **Frank Anglin, Jr.** Assistant Director King reviewed the application and exhibits. The owner, Frank

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Minutes: 20 June 2013

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Anglin, Jr. provided testimony and answered questions from the Board Members and staff. Randy Robinson of 2344 Hutcherson Lane, provided testimony and answered questions from the Board Members and staff. Terry Brakebill of 45 Meredith Road, provided testimony and answered questions from the Board Members and staff. At 6:15 p.m., the Hearing Officer closed the hearing. Board Member Goodin stated that this request for a Conditional Use Permit does satisfy the language of the DEVELOPMENT GUIDANCE SYSTEM Ordinance (Section 3.12) Standards for Issuance of a Conditional Use Permit is as follows:

- The use does not tend to change the character and established pattern of development of the area;
- The use is in harmony with the uses permitted by right under the sector and district in question and it does not affect adversely the use of neighboring properties;
- The use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair their value;
- The use shall not adversely affect the health or safety of persons residing or working in the vicinity of the proposed use;
- The use shall not be detrimental to the public welfare or injurious to property or improvements in the vicinity; and,
- The use shall be in accord with the purposes of this ordinance and the Comprehensive Development Guide System and the comprehensive Development Guide;

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

1. Business Hours of Operation shall be from 8AM and 8PM Monday – Friday.
2. Only five (5) customer vehicles shall be parked outdoors on site at one time.
3. Fifteen (15) vehicles may be stored site and shall be completely screened from view of the right-of-way and adjoining properties in the two designated areas. The areas shall be 40' x 50' in size with a gravel parking surface and a minimum of 100' off the property lines. Five (5) of these vehicles may be non-operational and/or non-licensed and registered.
4. The two manufactured homes on site being used for storage must be removed from the property within 60 days.

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5. All of the building materials, debris, flat bed trailers and the camper trailer must be moved, to not be visible from the right-of-way and adjoining properties within 60 days.
6. There shall only be no employees of the business who does not reside on the premises.
7. This Conditional Use Permit shall allow for general Auto Repair with Paint & Auto Body work not being permitted.
8. This property shall have a sewerage system (septic tank and lateral lines) approved by the Hardin County Health Center.
9. A Site Plan in compliance with Section 7 of the Zoning Ordinance shall be required.
10. This Conditional Use Permit shall be issued to the current property owner, Frank Anglin Jr., and is not transferable.
11. All building activities shall conform to provisions of the Kentucky Building Code.
12. This Conditional Use Permit shall be for a period of three (3) years and expire on 20 June 2016.
13. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Member Holman provided the second. Motion passed unanimously.

Chairman Krausman called for consideration and action on the **Minutes** of the 6 June 2013 meeting. Member Goodin made a motion to approve the minutes as presented. Member Holman provided the second. Motion passed unanimously.

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

JACK HOLMAN SERVES 18 YEARS In recognition of Jack Holman's 18 years of serving the citizens of Hardin County on the Hardin County Board of Adjustment, Jack was joined at the Whistle Stop in Glendale by fellow Board of Adjustment members and staff on June 12 for a luncheon.

Hardin County Board of Adjustment
 Minutes: 20 June 2013
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MAY 2013 REPORT

| | |
|---|---|
| Plats Recorded: <ul style="list-style-type: none"> • 15 Subdivision plats were approved for the month • 43 Subdivision plats were approved for the year 2013 • 35 Five-year average (Jan-May) | Lots Created: <ul style="list-style-type: none"> • 19 Lots were approved for the month • 69 Lots were approved for the year 2013 • 60 Five-year average (Jan-May) |
| Single Family Building Permits: <ul style="list-style-type: none"> • 16 Permits were issued for the month • 54 Permits were approved for the year 2013 • 77 Five year average (Jan-May) | Building Inspections Performed SFD: <ul style="list-style-type: none"> • 44 SFD Residential Inspections for the month • 190 Inspections for the year 2013 • 192 Five year average (Jan-May) |
| Commercial Building Inspections Performed: <ul style="list-style-type: none"> • 3 Commercial Inspections for the month • 21 Commercial Inspections for the year 2013 • 30 Five-year average (Jan-May) | Plan Reviews: 7 reviews for the month 62 reviews for the 2013 year Site Visits: 0 visits for the month 21 visits for the 2013 year |

THE FOLLOWING SUBDIVISION PLATS HAVE BEEN APPROVED AND RECORDED:

| SUBDIVISION NAME | LOTS | RECORDED |
|---------------------------|------|-----------|
| McAtee Acres Subdivision | 2 | 28-May-13 |
| Douthitt Acres | 2 | 28-May-13 |
| | | |
| SINCE LAST MEETING | 4 | |
| 2013 TOTAL | 71 | |

Chairman Krausman declared the meeting adjourned at 6:25 p.m.

ADOPTED AND APPROVED THIS 18th DAY OF JULY 2013 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.

 Brent Goodin, Secretary

Hardin County Board of Adjustment

Minutes: 6 June 2013

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Chairman Krausman called to order the three hundredth and ninth meeting of the Hardin County Board of Adjustment at 5:00 p.m. on Thursday, 6 June 2013, in the R.R. Thomas Meeting Room on the second floor of the R.R. Thomas County Government Building. In addition to Chairman Krausman, Vice-Chairman Jack Holman and Secretary Brent Goodin were in attendance. Also in attendance were Interim Director Wesley Wright, Interim Assistant Director Adam King, AICP, County Engineer Vicki Meredith, P E, and the individuals listed on the attached sign-in sheet. Hardin County Attorney Jennifer B. Oldham, legal counsel for the Board, was not requested to attend the meeting.

At 5:00 p.m. Chairman Krausman appointed Vice Chairman Holman to serve as the hearing officer. Hearing Officer Holman announced that the first item on the agenda is a request for a Temporary Accessory Dwelling (Manufactured Home) to remain on the property for an additional three (3) months. The property is a 5.0 acre site with the PVA Map Parcel Number 223-00-04-010. The property address is 601 & 611 W. Rhudes Creek Road and the property is owned by **Carolyn Day**. Interim Assistant Director King reviewed the application and presented the exhibits. David Day, the applicant, provided testimony and answered questions from the Board Members and staff. The Hearing Officer closed the hearing at 5:10 p.m. Board Member Goodin stated that this request for a Conditional Use Permit does satisfy the language of the DEVELOPMENT GUIDANCE SYSTEM Ordinance (Section 3.12) Standards for Issuance of a Conditional Use Permit as follows:

- The use does not tend to change the character and established pattern of development of the area;
- The use is in harmony with the uses permitted by right under the sector and district in question and it does not affect adversely the use of neighboring properties;
- The use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair their value;
- The use shall not adversely affect the health or safety of persons residing or working in the vicinity of the proposed use;
- the use shall not be detrimental to the public welfare or injurious to property or improvements in the vicinity;

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

1. The Temporary Accessory Dwelling shall be a temporary use for no longer than six and a half months from 6 June 2013 and must be removed from the property by 31 December 2013.

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2. The Temporary Accessory Dwelling shall contain a minimum of 924 square feet of living space which is less than the Local Average Square Foot Standard of 1716 square feet.
3. The Temporary Accessory Dwelling is for a family need situation and shall only be occupied by David Day and his immediate family.
4. The Temporary Accessory Dwelling shall not be available to the public for rent.
5. Upon the vacancy of the Temporary Accessory Dwelling, it must be removed from the property within six (6) months.
6. This Temporary Accessory Dwelling shall have a sewerage system (septic tank and lateral lines) approved by the Environmental Services Office of the Hardin County Health Department.
7. The Temporary Accessory Dwelling shall be placed on the property as illustrated on the existing Site Plan.
8. This Amended Conditional Use Permit shall be issued to the current property owner, Carolyn Day, and shall expire when the property is transferred and not be transferable to another property owner.
9. An existing and approved Site Plan is on file with our office.
10. The skirting on the manufactured home must be maintained.
11. A Certificate of Land Use Restrictions shall be recorded in the office of the Hardin County Clerk.

Member Holman provided the second. Motion passed unanimously.

Chairman Krausman called for consideration and action on the **Minutes** of the 23 May 2013 meeting. Member Goodin made a motion to approve the minutes as presented. Member Holman provided the second. Motion passed unanimously.

At 5:15 p.m. Chairman Krausman appointed Vice Chairman Holman to serve as the hearing officer. Hearing Officer Holman announced that the next item on the agenda is a Variance request for relief from the front building setback line along Dillard Avenue to accommodate a proposed porch to the existing manufactured home. The site is a 0.9013 acre tract located at 97 Dillard Avenue and being Lot 182A of Blackburn Estates in the Rineyville Rural Village Planning Area and zoned Convenience Commercial (C-1). The PVA Map Number is 121-00-0B-182 & 121-00-0B-183 and is owned by **Freddie Ogletree**. Interim Director Wright reviewed the application and the history of the property and presented exhibits. At 5:25 p.m., the Hearing Officer closed the hearing. Board Member Goodin made a motion to grant a variance due to the fact it will not alter the essential

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character of the general vicinity, will not cause a hazard or a nuisance to the public, and that this request does satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243. Findings necessary for granting variances) which is as follow:

- 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 following variance was granted with the noted conditions:

1. The Approved Amended Subdivision Plat will be substituted for the Site Plan.
2. A Certificate of Land Use Restrictions will be recorded in the Office of the Hardin County Clerk.
3. A Building Permit shall be required for the proposed deck.
4. The proposed deck shall not be covered or enclosed.

Member Holman provided the second. Motion passed unanimously.

At 5:30 p.m. Chairman Krausman appointed Vice Chairman Holman to serve as the hearing officer. Hearing Officer Holman announced that the next item on the agenda is an Amended Conditional Use Permit to operate a commercial kennel and dog daycare. The site is a ±1.17 acre tract located on the east side of North Dixie Avenue (US 31W) and doing business as Sit, Stay and Play. The property address is 6280 North Dixie Avenue and is owned by **Sugar Mill Properties**. Interim Assistant Director King reviewed the application and exhibits. The applicant, Jeremy Chapman, of 6280 N Dixie Highway, provided testimony and answered questions from the Board Members and staff. Ernestine Hilton of 299 Hill Court, Vine Grove, provided testimony and answered questions from the Board Members and staff. Hank Beatty of 6332 N. Dixie Highway provided testimony and answered questions from the Board Members and staff. At 6:15 p.m., the Hearing Officer closed the hearing. Board Member Goodin stated that this request for an Amended Conditional Use Permit does satisfy the language of the DEVELOPMENT GUIDANCE SYSTEM Ordinance (Section 3.12) Standards for Issuance of a Conditional Use Permit is as follows:

- The use does not tend to change the character and established pattern of development of the area;
- The use is in harmony with the uses permitted by right under the sector and district in question and it does not affect adversely the use of neighboring properties;

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- The use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair their value;
- The use shall not adversely affect the health or safety of persons residing or working in the vicinity of the proposed use;
- The use shall not be detrimental to the public welfare or injurious to property or improvements in the vicinity; and,
- The use shall be in accord with the purposes of this ordinance and the Comprehensive Development Guide System and the comprehensive Development Guide;

According to provisions of the Kentucky Revised Statutes, the Hardin County Development Guidance System, and the proceedings before the Board of Adjustment, Board Member Goodin made the motion to grant the 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 sixty-five (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.
4. At all other times only four (4) 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 Gerald Foley (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. An Amended Development Plan shall not be required due to an existing Development Plan on file and no significant changes being made on site.
10. This Amended Conditional Use Permit shall be issued to the current property owner and applicant, and is not transferable.
11. All building activities shall conform to provisions of the Kentucky Building Code.

Hardin County Board of Adjustment

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12. This Amended Conditional Use Permit shall be for a period of 2 years and expire on 6 June 2015.

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

Member Holman provided the second. Motion passed unanimously.

At 6:20 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. This request is for a Conditional Use Permit to operate an automotive paint & body repair business to be operated out of the two existing detached garages. The proposed site is a 2 acre tract located on Lot 1 of Harvel Lakes Subdivision. The property address is 10112 Leitchfield Road, Cecilia and is owned by **Kelley Depew**. Assistant Director King reviewed the application and exhibits. The owner, Kelley Depew and the applicant, Arthur Brown of 10112 Leitchfield Road, provided testimony and answered questions from the Board Members and staff. Miles Boyd of 63 Daphne Court, provided testimony and answered questions from the Board Members and staff. At 7:00 p.m., the Hearing Officer closed the hearing. Board Member Goodin stated that this request for a Conditional Use Permit does satisfy the language of the DEVELOPMENT GUIDANCE SYSTEM Ordinance (Section 3.12) Standards for Issuance of a Conditional Use Permit is as follows:

- The use does not tend to change the character and established pattern of development of the area;
- The use is in harmony with the uses permitted by right under the sector and district in question and it does not affect adversely the use of neighboring properties;
- The use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair their value;
- The use shall not adversely affect the health or safety of persons residing or working in the vicinity of the proposed use;
- The use shall not be detrimental to the public welfare or injurious to property or improvements in the vicinity; and,
- The use shall be in accord with the purposes of this ordinance and the Comprehensive Development Guide System and the comprehensive Development Guide;

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

Hardin County Board of Adjustment

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1. Business Hours of Operation shall be from 9 A.M. to 5 P.M., Monday - Saturday.
2. The maximum number of vehicles on site shall be nine (9).
3. Customer vehicles must be stored inside one of the detached garages by 6 PM.
4. The existing driveway off of Zeus Road shall require an Encroachment Permit from the County Road Department with the proper culvert installed.
5. All customer vehicles must enter & exit from the driveway off of Leitchfield Road.
6. There shall only be one (1) employee of the business who does not reside on the premises.
7. This property shall have a sewerage system (septic tank and lateral lines) approved by the Hardin County Health Center.
8. The existing dumpster shall be screened from view with a fence.
9. A Site Plan in compliance with Section 7 of the Zoning Ordinance shall be required.
10. This Conditional Use Permit shall be issued to the current property owner, Kelley Depew and applicant, Arthur Brown, and is not transferable.
11. All building activities shall conform to provisions of the Kentucky Building Code.
12. This Conditional Use Permit shall be for a period of two (2) years and expire on 6 June 2015.
13. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.
14. Site activities must comply with all applicable State & Federal regulations concerning Environmental Protection & Air Quality. Including but not limited to **NESHAP** (National Emission Standards for Hazardous Air Pollutants). Please contact the Kentucky Department for Environmental Protection regarding the Environmental Compliance Assistance Program.
15. A sign no larger than six (6) square feet shall be permitted in the front yard facing Leitchfield Road (US 62).

Member Holman provided the second. Motion passed unanimously.

At 7:05 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. This is a Conditional Use Permit request to allow for a Temporary Accessory Dwelling (Manufactured Home) as the third dwelling on the property. The property is a 2.056 acre site with the PVA Map Parcel Number 182-00-00-019. The property address is 93 Masters Drive and the property is owned by **Gary Masters**. Interim Director Wright reviewed the application and presented the exhibits. Gary Master, the owner, provided testimony and

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answered questions from the Board Members and staff. Adam Cart of 102 Dixie Highway, representing the owners, provided testimony and answered questions from the Board Members and staff. Board Member Goodin request to table until the next Board meeting so that a Site Visit could be conducted by the members of the Board and made a motion to table until the next Board meeting on Thursday, 18 July 2013. Member Holman provided the second. Motion passed unanimously.

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

COUNTY EMPLOYEE PICNIC Staff attended the picnic held at Freeman Lake Park at the Ernie Williams Pavilion on Thursday, May 30th. A drawing was held to which 2 of our staff were recipients of the numerous prizes. We provided a gift card to Back Home Restaurant in the amount of \$25 for the drawing. Ronnie Goodman and some of his staff from the Hardin County Road Department cooked the bar-b-qu. Judge Berry thanked the county employees for their dedication to the people of Hardin County.

HARDIN COUNTY PREMIER OF THE NEW COUNTY GOVERNMENT CENTER Staff was invited by invitation only to view the plans for the new center on May 30th in the R.R. Thomas Building. Along with viewing the floor plan and building design, a layout of our office was provided, to be on the 2nd floor of the new center. Popcorn, candy and drinks were provided by Judge Berry's Office.

HB55 TRAINING Bob Krausman attended the training on May 30th at the Area Development District.

COURT HOUSE FIELD TRIP PRESENTATION Interim Assistant Director King, gave a presentation on Planning & Zoning to a 5th Grade Class Field Trip to the Court House on May 24th. Topics included the Comprehensive Plan, the Zoning Ordinance, Plats & Development Plans and the daily activities of our office.

THE FOLLOWING SUBDIVISION PLATS HAVE BEEN APPROVED AND RECORDED:

| SUBDIVISION NAME | LOTS | RECORDED |
|---|------|-----------|
| Blackburn Estates Subdivision Section 2, Lots 182 & 183 | | 16-May-13 |
| Lake Reed Estates, Lots 5 & 6 | 2 | 17-May-13 |
| Beckner Subdivision Section 2, Lot 2B | | 23-May-13 |
| SINCE LAST MEETING | | |
| 2013 TOTAL | 66 | |

Chairman Krausman declared the meeting adjourned at 7:30 p.m.

ADOPTED AND APPROVED THIS 20th DAY OF JUNE 2013 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.

Brent Goodin, Secretary

Hardin County Board of Adjustment

Minutes: 23 May 2013

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Chairman Krausman called to order the three hundredth and eighth meeting of the Hardin County Board of Adjustment at 5:00 p.m. on Thursday, 23 May 2013, in the R.R. Thomas Meeting Room on the second floor of the R.R. Thomas County Government Building. In addition to Chairman Krausman, Vice-Chairman Jack Holman and Secretary Brent Goodin were in attendance. Also in attendance were Interim Director Wesley Wright, Interim Assistant Director Adam King, AICP, County Engineer Vicki Meredith, P E, and the individuals listed on the attached sign-in sheet. Hardin County Attorney Jennifer B. Oldham, legal counsel for the Board, was not requested to attend the meeting.

At 5:00 p.m. Chairman Krausman appointed Vice Chairman Holman to serve as the hearing officer. Hearing Officer Holman announced that the first item on the agenda is a continuance from the 18 April 2013 hearing of a Variance request for relief from the front building setback line along Leitchfield Road to accommodate a proposed canopy to the existing showroom building. The site is a 3.415 acre tract located at 5670 Leitchfield Road and being Lot 3 of Three T Estates in the Leitchfield Road Corridor Planning Area and zoned Convenience Commercial (C-1). The PVA Map Number is 168-20-00-035.01 and is owned by **David & Monica Taul**. Vice Chairman Holman conducted the swearing in ceremony for all individuals in attendance that may provide testimony. Interim Assistant Director King reviewed the application and the history of the property and presented exhibits. David Taul, the owner, provided testimony and answered questions from the Board Members and staff. At 5:10 p.m., the Hearing Officer closed the hearing. Board Member Goodin made a motion to grant a variance due to the fact it will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and that this request does satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243. Findings necessary for granting variances) which is as follow:

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

The following variance was granted with the noted conditions:

1. To allow for a Variance from the front building setback to allow for the proposed awnings to the existing showroom building.
2. The Proposed Development Plan will be edited to illustrate the proposed awnings.
3. A Certificate of Land Use Restrictions will be recorded in the Office of the Hardin County Clerk.

Member Holman provided the second. Motion passed unanimously.

Hardin County Board of Adjustment

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At 5:10 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. Hearing Officer Holman announced that the next item on the agenda is a request for a Conditional Use Permit for the construction of an Accessory Structure (30' x 48' garage) prior to a dwelling being built on site. The property is a 0.782 acre site being Lot 58A of Hillview Heights, on Hodgenville Road and identified with the PVA Map Number 247-00-03-012. The property is owned by **Twain & Debra Childress** and it is located in the Valley Creek Urban Planning Area and zoned Urban Residential (R-1). Interim Assistant Director King reviewed the application and presented exhibits and slides of the property (attached). Twain Childress, the owner, provided testimony and answered questions from the Board Members and staff. The Hearing Officer closed the hearing at 5:20 p.m. Board Member Goodin stated that this request for a Conditional Use Permit does satisfy the language of the DEVELOPMENT GUIDANCE SYSTEM Ordinance (Section 3.12) Standards for Issuance of a Conditional Use Permit is as follows:

- The use does not tend to change the character and established pattern of development of the area;
- The use is in harmony with the uses permitted by right under the sector and district in question and it does not affect adversely the use of neighboring properties;
- The use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair their value;
- The use shall not adversely affect the health or safety of persons residing or working in the vicinity of the proposed use;
- the use shall not be detrimental to the public welfare or injurious to property or improvements in the vicinity;

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

1. This Conditional Use Permit shall allow for the proposed 1440 sq. ft. garage (30' x 48') to be constructed on Lot 58A of Hillview Heights that is currently vacant.
2. The proposed garage is for residential storage and shall not be used for any Commercial Activity.
3. The proposed garage shall be placed on the property as illustrated on the plans submitted and in accordance with the building setback lines established for the designated zone.
4. The exterior siding of the proposed garage (30' x 48') shall be metal with a metal roof and overhead doors.

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5. Additional landscaping shall not be required.
6. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.
7. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Member Holman provided the second. Motion passed unanimously.

Chairman Krausman called for consideration and action on the **Minutes** of the 18 April 2013 meeting. Member Goodin made a motion to approve the minutes as presented. Member Holman provided the second. Motion passed unanimously.

At 5:35 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. This request is for a Conditional Use Permit for the operation of an Asphalt Manufacturing Plant – Scotty's Contracting & Stone, LLC. The property is located at 1904 Battle Training Road in the Kentucky 313 Corridor Planning Area and zoned Heavy Industrial (I-2). The property is owned by **Dale Irwin – Waco** and identified with the PVA Map Numbers 198-00-00-006, 198-00-00-007 and 198-00-00-007.01. Interim Assistant Director King reviewed the application, the exhibits and presented the slides of the property (attached). Mike Law, of Bowling Green, representing the applicant, Scotty' Contracting & Stone, provided testimony and answered questions from the Board Members and staff. The topics that were addressed in the testimony included, but not limited to; drainage, traffic safety, and widening of the entrance. The Hearing Officer closed the hearing at 6:05 p.m. Board Member Goodin stated that this request for a Conditional Use Permit does satisfy the language of the DEVELOPMENT GUIDANCE SYSTEM Ordinance (Section 3.12) Standards for Issuance of a Conditional Use Permit is as follows:

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

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

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

1. The Asphalt Plant may be in operation from 23 May 2013 to 23 May 2018. 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 existing Commercial Entrances shall be required from the State Highway Department.
3. Landscaping in the form of sixty eight (68) white pine trees planted 5' tall and 10' on center shall be planted and maintained along the Battle Training Road (KY 434) frontage and the existing trees and vegetative screen must be maintained along the north and east boundary lines of the leased area.
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 and must be moved behind the 50' front building setback line along Battle Training Road (KY 434) within one (1) year.
10. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.
11. A diversion berm shall be required in the vicinity of the detention basin to prevent water runoff onto Battle Training Road (KY 434).

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12. The existing entrance onto Battle Training Road (KY 434) is to be widened to improve the turning radius of trucks entering the site.

Member Holman provided the second. Motion passed unanimously.

At 6:10 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. This is a request for an Amended Conditional Use Permit to allow a Home Occupation (Ray's Plumbing) to remain on the property. The property is located in the Urban Residential Zone (R-1) in the North Urban Planning Area. The request is for a 3.281 acre site located on Lot 24 of Boardwalk Estates with the address being 1584 Burns Road. The PVA Map Number is 142-00-02-024 and the property is owned by **Ray Hedrick**. Interim Assistant Director King reviewed the application, the history of the property, presented exhibits and slides of the property and determined that this proposed use will be incidental and subordinate to the existing residential use of the property. Ray Hedrick of 1584 Burns Road provided testimony and answered questions from the Board Members and staff. Donald Morris of 1732 Burns Road spoke in favor of the request. Tony Abrescia of 1327 Burns Road spoke in favor of the request. Board Member Goodin stated that this request for a Conditional Use Permit does satisfy the language of the DEVELOPMENT GUIDANCE SYSTEM Ordinance (Section 3.12) Standards for Issuance of a Conditional Use Permit is as follows:

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

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

1. This Amended Conditional Use Permit to exceed the definition of a Home Occupation shall be good for five (5) years from 23 May 2013 to 23 May 2018.
2. This Amended Conditional Use Permit will allow for the Accessory Structure (40'x60' pole barn) to be used for a Home Occupation (Ray's Plumbing).
3. The hours of operation shall be from 7:00 AM to 5:00 PM Monday thru Friday.
4. Only three (3) vehicles associated with the business activity shall be parked or kept outdoors.
5. No signage advertising the business shall be permitted.
6. There shall be no outdoor storage of equipment or materials associated with the Home Occupation (Ray's Plumbing), except two (2) trailers and a backhoe.
7. No deliveries or semi-truck traffic shall be permitted on site that is associated with the business.
8. This Amended Conditional Use Permit shall be issued to the current property owner, Ray Hedrick, and shall expire when the property is transferred and not be transferable to another property owner.
9. All construction activities on this site shall conform to the provisions of the Kentucky Building Code.
10. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Member Holman provided the second. Motion passed unanimously.

At 6:35 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. Hearing Officer Holman announced that the next item on the agenda is a request for a Conditional Use Permit for the construction of an Accessory Structure (16' x 28' garage) in the Tourism & Convenience Commercial Zone (B-2). The property is a 0.27 acre site located at East Main Street, Glendale and identified with the PVA Map Number 190-30-01-004. The property is owned by **Barbara Key** and it is located in the Glendale Rural Village Planning Area and zoned Tourism & Convenience Commercial (B-2). Interim Assistant Director King reviewed the application and presented exhibits and slides of the property (attached). The owner was not present. The Hearing Officer closed the hearing at 6:40 p.m. Board Member Goodin stated that

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This request for a Conditional Use Permit does satisfy the language of the DEVELOPMENT GUIDANCE SYSTEM Ordinance (Section 3.12) Standards for Issuance of a Conditional Use Permit is as follows:

- The use does not tend to change the character and established pattern of development of the area;
- The use is in harmony with the uses permitted by right under the sector and district in question and it does not affect adversely the use of neighboring properties;
- The use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair their value;
- The use shall not adversely affect the health or safety of persons residing or working in the vicinity of the proposed use;
- the use shall not be detrimental to the public welfare or injurious to property or improvements in the vicinity;

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

1. The proposed garage (16' x 28') may only be used for residential purposes. In order for commercial activities to be conducted, a Change of Use Building Permit and a Development Plan shall be required.
2. The proposed garage shall be placed on the property as illustrated on the plans submitted and in accordance with the building setback lines established for the designated zone.
3. The exterior siding of the proposed 16' x 28' garage shall be constructed of yellow vinyl siding with a black metal roof and a white overhead door.
4. A site plan shall be submitted and approved in accordance with Development Guidance System, Section 7.
5. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Member Holman provided the second. Motion passed unanimously.

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

BUILDING INSPECTOR CONFERENCE (April 14-17) attended by Ed Bryan at the KY Dam Village, Gilbertsville, KY. Topics include: Fire Risk of Interior Finishes, 2006-2012 IBC/KBC update, 2006-2012 IRC/KRC update, Deck Construction and much more.

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LAKE CUMBERLAND CONFERENCE Wesley Wright and Adam King attended the APA-KY Spring Conference held at Lake Cumberland State Resort Park May 8-10th to include training in MSA Permitting Program and Finding the Community’s Voice. Rick Baumgardner also attended training on May 9th.

LIFE TIME ACHEIVEMENT AWARD Chris Hunsinger was honored with the Life Time Achievement Award at the APA-KY Spring Conference.

APRIL 2013 REPORT

| | |
|--|--|
| Plats Recorded: <ul style="list-style-type: none">• 07 Subdivision plats were approved for the month• 28 Subdivision plats were approved for the year 2013• 28 Five-year average (Jan-Apr) | Lots Created: <ul style="list-style-type: none">• 26 Lots were approved for the month• 50 Lots were approved for the year 2013• 48 Five-year average (Jan-Apr) |
| Single Family Building Permits: <ul style="list-style-type: none">• 12 Permits were issued for the month• 38 Permits were approved for the year 2013• 48 Five year average (Jan-Apr) | Building Inspections Performed SFD: <ul style="list-style-type: none">• 51 SFD Residential Inspections for the month• 146 Inspections for the year 2013• 208 Five year average (Jan-Apr) |
| Commercial Building Inspections Performed: <ul style="list-style-type: none">• 4 Commercial Inspections for the month• 18 Commercial Inspections for the year 2013• 26 Five-year average (Jan-Apr) | Plan Reviews: 8 reviews for the month 45 reviews for the 2013 year Site Visits: 4 visits for the month 21 visits for the 2013 year |

Chairman Krausman declared the meeting adjourned at 7:00 p.m.

ADOPTED AND APPROVED THIS 6th DAY OF JUNE 2013 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.

Brent Goodin, Secretary

Hardin County Board of Adjustment

Minutes: 18 April 2013

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Chairman Krausman called to order the three hundredth and seventh meeting of the Hardin County Board of Adjustment at 5:05 p.m. on Thursday, 18 April 2013, in the R.R. Thomas Meeting Room on the second floor of the R.R. Thomas County Government Building. In addition to Chairman Krausman, Vice-Chairman Jack Holman and Secretary Brent Goodin were in attendance. Also in attendance were Interim Director Wesley Wright, Interim Assistant Director Adam King, AICP, County Engineer Vicki Meredith, P E, and the individuals listed on the attached sign-in sheet. Hardin County Attorney Jennifer B. Oldham, legal counsel for the Board, was not requested to attend the meeting.

At 5:05 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. Hearing Officer Holman announced that the first item on the agenda is a request for a Conditional Use Permit to allow for a proposed 1970 Mobile Home (12' x 60') on the property. The property is a 20 acre site with the PVA Map Parcel Number 027-00-00-006. The property address is 2682 North Grandview Church Road and is owned by **Richard McAtee**. Vice Chairman Holman conducted the swearing in ceremony for all individuals in attendance that may provide testimony. Interim Assistant Director King reviewed the application and presented the exhibits. Richard McAtee, the owner, provided testimony and answered questions from the Board Members and staff. The Hearing Officer closed the hearing at 5:15 p.m. Board Member Goodin stated that this request for a Conditional Use Permit does satisfy the language of the DEVELOPMENT GUIDANCE SYSTEM Ordinance (Section 3.12) Standards for Issuance of a Conditional Use Permit as follows:

- The use does not tend to change the character and established pattern of development of the area;
- The use is in harmony with the uses permitted by right under the sector and district in question and it does not affect adversely the use of neighboring properties;
- The use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair their value;
- The use shall not adversely affect the health or safety of persons residing or working in the vicinity of the proposed use;
- the use shall not be detrimental to the public welfare or injurious to property or improvements in the vicinity;

According to provisions of the Kentucky Revised Statutes, the Hardin County Development Guidance System, and the proceedings before the Board of Adjustment, Board Member Goodin made the motion to grant the Conditional Use Permit (CUP) for a 1970 Mobile Home with the following conditions:

1. The 12' x 60' Mobile Home (1970) shall contain a minimum of 720 square feet of living space.

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2. The Mobile Home shall have a sewerage system (septic tank and lateral lines) approved by the Environmental Services Office of the Hardin County Health Department.
3. The Mobile Home shall be placed on the property in compliance with building setbacks and be illustrated on the proposed plat.
4. The proposed plat shall substitute for the required Site Plan.
5. The skirting on the manufactured home must be maintained.
6. All construction activities on this site shall conform to the provisions of the Kentucky Building Code.
7. A Certificate of Land Use Restrictions shall be recorded in the office of the Hardin County Clerk.

Member Holman provided the second. Motion passed unanimously.

At 5:20 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. This is a Conditional Use Permit request to allow for a Temporary Accessory Dwelling (Manufactured Home) to remain on the property for one year. The property is a 5.2 acre site with the PVA Map Parcel Number 066-00-00-044. The property address is 3742 Blue Ball Church Road and the property is owned by **Gloria Anglin**. Interim Director Wright reviewed the application and presented the exhibits. Gloria Anglin, the owner, provided testimony and answered questions from the Board Members and staff. The Hearing Officer closed the hearing at 5:30 p.m. Board Member Goodin stated that this request for a Conditional Use Permit does satisfy the language of the DEVELOPMENT GUIDANCE SYSTEM Ordinance (Section 3.12) Standards for Issuance of a Conditional Use Permit as follows:

- The use does not tend to change the character and established pattern of development of the area;
- The use is in harmony with the uses permitted by right under the sector and district in question and it does not affect adversely the use of neighboring properties;
- The use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair their value;
- The use shall not adversely affect the health or safety of persons residing or working in the vicinity of the proposed use;
- the use shall not be detrimental to the public welfare or injurious to property or improvements in the vicinity;

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

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1. The Temporary Accessory Dwelling (14' x 80' manufactured home) shall be a temporary use for no longer than 1 year from 18 April 2013 and must be removed from the property by 18 April 2014.
2. The Temporary Accessory Dwelling shall not be occupied.
3. The Temporary Accessory Dwelling shall not be available to the public for rent.
4. The Temporary Accessory Dwelling shall be placed on the property as illustrated on the Proposed Site Plan.
5. This Conditional Use Permit shall be issued to the current property owner, Gloria Anglin, and shall expire when the property is transferred and not be transferable to another property owner.
6. A Site Plan in compliance with Section 7 shall be required.
7. A Certificate of Land Use Restrictions shall be recorded in the office of the Hardin County Clerk.

Member Holman provided the second. Motion passed unanimously.

At 5:30 p.m. Chairman Krausman appointed Vice Chairman Holman to serve as the hearing officer. Hearing Officer Holman announced that the next item on the agenda is a Variance request for relief from the required road frontage and the lot 1:3 width-to-length ratio to allow for the property to be further subdivided. The owner is also requesting approval of a Conditional Use Permit to allow for a Permanent Accessory Dwelling (apartment above the garage). The site is a 33 acre tract located at 221 & 231 Cedar Creek Drive and being Lot 6B of Cedar Creek Farms in the KY 313 Corridor Planning Area and zoned Residential Estate (R-3). The PVA Map Number is 229-00-00-001 and is owned by **Patty Hester**. Interim Assistant Director King reviewed the application and the history of the property and presented exhibits. Patty Hester, the owner, and Roger Weiss, the applicant, provided testimony and answered questions from the Board Members and staff. At 5:55 p.m., the Hearing Officer closed the hearing. Board Member Holman made a motion to grant a variance due to the fact it is in the KY 313 Corridor, on a dead end road and that it allow them to subdivide the 33 acres into two lots, That it will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and that this request does satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243. Findings necessary for granting variances) which is as follow:

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

The following variance was granted with the noted conditions:

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1. To allow for a Variance from the 1:3 lot width-to-length ratio and from the required 300' of road frontage to allow for Lot 6B of Cedar Creek Farms to be further subdivided.
2. An Amended Plat shall be required.
3. A Certificate of Land Use Restrictions will be recorded in the Office of the Hardin County Clerk.

Member Krausman provided the second. The motion passed 2-1 with Member Goodin voting to deny the Variance.

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

- The use does not tend to change the character and established pattern of development of the area;
- The use is in harmony with the uses permitted by right under the sector and district in question and it does not affect adversely the use of neighboring properties;
- The use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair their value;
- The use shall not adversely affect the health or safety of persons residing or working in the vicinity of the proposed use;
- the use shall not be detrimental to the public welfare or injurious to property or improvements in the vicinity;

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

11. The property owners, Patty Hester and/or Roger Weiss, must occupy either the principal dwelling unit or the accessory dwelling as their principal residence, and at no time receive rent for the owner-occupied unit.
12. Adequate on-site parking must be designated on an approved Site Plan.
13. A shared driveway shall be required.
14. The Permanent Accessory Dwelling is a 600 sq. ft. apartment above a detached garage and the Principal Dwelling is the 1096 sq. ft. dwelling built in 2010.
15. The Permanent Accessory Dwelling shall be located in the rear yard and shall be located as illustrated on the approved Site Plan and in

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- accordance with building setback lines.
16. The exterior finish materials of the Permanent Accessory Dwelling must be the same and visually match the Principal dwelling on Site (white siding with grey shingled roof).
 17. The Permanent Accessory Dwelling shall have a sewerage system approved by the Environmental Services Office of the Hardin County Health Department.
 18. This Permit is not transferable and the new owners must reapply for the Conditional Use Permit and meet the necessary requirements.
 19. An Amended Plat shall be required and shall substitute for the required Site Plan.
 20. A Certificate of Land Use Restrictions shall be recorded in the office of the Hardin County Clerk.

Member Krausman provided the second. The motion passed 2-1 with Member Goodin voting to deny the Conditional Use Permit.

At 6:00 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. Hearing Officer Holman announced that the next item on the agenda is a request for a Conditional Use Permit for the construction of an Accessory Structure (36' x 40' pole barn) prior to a dwelling being built on site. The property is a 2.8 acre site being Lot 4 of Westgate Estates, on Sonora Hardin Springs Road and identified with the PVA Map Number 033-00-00-020.03. The property is owned by **KY Land Co.** and the applicant is **Frank Murray** and it is located in the West Hardin Planning Area and zoned Rural Residential (R-2). Interim Assistant Director King reviewed the application and presented exhibits and slides of the property (attached). Frank Murray, the applicant, provided testimony and answered questions from the Board Members and staff. The Hearing Officer closed the hearing at 6:15 p.m. Board Member Goodin stated that this request for a Conditional Use Permit does satisfy the language of the DEVELOPMENT GUIDANCE SYSTEM Ordinance (Section 3.12) Standards for Issuance of a Conditional Use Permit is as follows:

- The use does not tend to change the character and established pattern of development of the area;
- The use is in harmony with the uses permitted by right under the sector and district in question and it does not affect adversely the use of neighboring properties;
- The use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair their value;
- The use shall not adversely affect the health or safety of persons residing or working in the vicinity of the proposed use;

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- the use shall not be detrimental to the public welfare or injurious to property or improvements in the vicinity;

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

1. This Conditional Use Permit shall allow for the proposed 1440 sq. ft. pole barn (36' x 40') to be constructed on site prior to a dwelling being constructed.
2. The proposed pole barn is for residential storage and agricultural purposes and shall not be used for any Commercial Activity.
3. The proposed pole barn shall be placed on the property as illustrated on the plans submitted and in accordance with the building setback lines established for the designated zone.
4. The exterior siding of the proposed 36' x 40' pole barn shall be metal with oak sides and sliding doors.
5. All building activities shall conform to provisions of the Kentucky Building Code. Building and electric permits shall be acquired prior to the commencement of construction or alteration efforts.
6. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.
7. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Member Holman provided the second. Motion passed unanimously.

At 6:15 p.m. Chairman Krausman appointed Vice Chairman Holman to serve as the hearing officer. Hearing Officer Holman announced that the next item on the agenda is a Variance request for relief from the front building setback line along Leitchfield Road to accommodate a proposed canopy to the existing showroom building. The site is a 3.415 acre tract located at 5670 Leitchfield Road and being Lot 3 of Three T Estates in the Leitchfield Road Corridor Planning Area and zoned Convenience Commercial (C-1). The PVA Map Number is 168-20-00-035.01 and is owned by **David & Monica Taul**. Interim Director Wright reviewed the application and the history of the property and presented exhibits. David Taul, the owner, provided testimony and answered questions from the Board Members and staff. Rick Newton, contractor for the owner, provided testimony and answered questions from the Board Members and staff. Board Member Holman request to table until the next Board meeting so that a Site Visit could be conducted by the members of the Board and made a motion to table until the next Board meeting scheduled for 5:00 p.m. on Thursday, 23 May 2013

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in the R.R. Thomas County Government Building. Member Goodin provided the second. Motion passed unanimously.

Chairman Krausman called for consideration and action on the **Minutes** of the 7 March 2013 meeting. Member Goodin made a motion to approve the minutes as presented. Member Holman provided the second. Motion passed unanimously.

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

FY 2014 BUDGET DISCUSSION (15 March 2013) Wesley Wright and Rachel Daugherty met with Judge Berry to discuss the FY 2014 budget proposed by the Commission. The County budget will be presented to the Fiscal Court on 23 April 2013 with the first reading to occur on 14 May 2013.

FISCAL COURT APPOINTS STEVE BLAND (26 March 2013) Hardin County Fiscal Court has appointed Steve Bland to serve a four-year term on the Planning Commission. Steve will replace the expiring term of Teddi Embrey. His term will end 30 April 2017. Orientation Training will be provided by the Staff on 17 April 2013.

PATRIOT WAY (FORMER E2RC) MEETING held on 28 March 2013 to discuss re-addressing along Patriot Way and Maintenance Acceptance / "Lane" naming for the Frontage Streets

MPO – TECHNICAL ADVISORY COMMITTEE The Corradino Group gave a presentation on 3 April 2013 regarding the Public Transportation Implementation Study. Options were presented on both an Elizabethtown & Radcliff Circulator Bus Route and a US 31W Bus Route.

INFORMATION TECHNOLOGY WORK GROUP (4 April 2013) meeting held to discuss specific departmental IT strengths, weakness and needs. Next meeting will be held on 24 April 2013 to focus on File Management and Personal File Management.

FISCAL COURT RE-APPOINTS RICK BAUMGARDNER (9 April 2013) Hardin County Fiscal Court has re-appointed Rick Baumgardner to serve an additional term on the Planning Commission. His new term will end 30 April 2017.

FIRST FEDERAL 2013 SEMINAR SERIES attended by Rachel Daugherty on April 10th; Topics discussed included Payroll, Regulations including COBRA,

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HIPAA, FMLA, and ADA, Equal employment, discrimination, child labor, rest period requirements, etc.

2013 SPRING TRAINING CONFERENCE (April 14-17) attended by Ed Bryan at the KY Dam Village, Gilbertsville, KY. Topics include: Fire Risk of Interior Finishes, 2006-2012 IBC/KBC update, 2006-2012 IRC/KRC update, Deck Construction and much more.

WASTEWATER ORDINANCE – The Commission, along with Engineering and the Water Districts have had discussions and work sessions in preparing a Draft Wastewater Ordinance for the unincorporated area of Hardin County. A meeting will be held to 25 April 2013 to further the discussion.

MARCH 2013 REPORT

| | |
|--|--|
| Plats Recorded: <ul style="list-style-type: none"> • 10 Subdivision plats were approved for the month • 20 Subdivision plats were approved for the year 2013 • 5-year average (Jan-Mar): 19 | Lots Created: <ul style="list-style-type: none"> • 11 Lots were approved for the month • 24 Lots were approved for the year 2013 • 5-year average (Jan-Feb): 30 |
| Single Family Building Permits: <ul style="list-style-type: none"> • 09 Permits were issued for the month • 31 Permits were approved for the year 2013 • 5-year average (Jan-Feb): 33 | Building Inspections Requested: <ul style="list-style-type: none"> • 66 Inspections requested for the month • 225 Inspections requested for the year 2013 • 5-year average (Jan-Feb): 236 |

THE FOLLOWING SUBDIVISION PLATS HAVE BEEN APPROVED AND RECORDED:

| SUBDIVISION NAME | LOTS | RECORDED |
|--|------|------------|
| Meagher Subdivision | 3 | 27- Feb 13 |
| Mulquin Estates | 2 | 27- Feb 13 |
| Nall Lincoln Subdivision, Section 2, Lots 109, 110 & 111 | -2 | 07-Mar-13 |
| Brady Acres Subdivision | 1 | 11-Mar-13 |
| Claude Nall Farm No. 2 | 1 | 11-Mar-13 |
| Flora's Subdivision | 2 | 12-Mar-13 |
| Fellowship Place, Lot 1 | 0 | 14-Mar-13 |
| Irvin Acres | 4 | 20-Mar-13 |
| Open Door Assembly Church | 1 | 26-Mar-13 |
| Powell Estates, Lots 1 & 2 | 0 | 26-Mar-13 |
| Big Buck Valley | 2 | 26-Mar-13 |
| O'Brien Subdivision | 2 | 29-Mar-13 |
| Dolores Acres, Lots 3 & 4 | -1 | 02-Apr-13 |
| Anson Acres Subdivision | 1 | 08-Apr-13 |
| SINCE LAST MEETING | 16 | |
| 2013 TOTAL | 24 | |

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Chairman Krausman declared the meeting adjourned at 7:30 p.m.

**ADOPTED AND APPROVED THIS 21ST DAY OF MARCH 2013 BY THE
HARDIN COUNTY BOARD OF ADJUSTMENT.**

Brent Goodin, Secretary

Hardin County Board of Adjustment

Minutes: 7 March 2013

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Chairman Krausman called to order the three hundredth and sixth meeting of the Hardin County Board of Adjustment at 5:00 p.m. on Thursday, 7 March 2013, in the R.R. Thomas Meeting Room on the second floor of the R.R. Thomas County Government Building. In addition to Chairman Krausman, Vice-Chairman Jack Holman and Secretary Brent Goodin were in attendance. Also in attendance were Interim Director Wesley Wright, Interim Assistant Director Adam King, AICP, County Engineer Vicki Meredith, P E, and the individuals listed on the attached sign-in sheet. Hardin County Attorney Jennifer B. Oldham, legal counsel for the Board, was not requested to attend the meeting.

Chairman Krausman called for 32 seconds of silence in honor of the 32 years of service Chris Hunsinger, Director, had with the Commission. On 21 February 2013 Chris lost his battle with cancer.

At 5:00 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. Hearing Officer Holman announced that the first item on the agenda is a request for a Conditional Use Permit to allow for a proposed Permanent Accessory Dwelling (1488 sq. ft. house) on the property. The property is a 100 acre site with the PVA Map Parcel Number 089-00-00-065. The property address is 14798 Leitchfield Road and is owned by **Mark Waddell**. Vice Chairman Holman conducted the swearing in ceremony for all individuals in attendance that may provide testimony. Interim Assistant Director King reviewed the application and presented the exhibits. Mark and Sue Waddell, the owners, provided testimony and answered questions from the Board Members and staff. Eugene Boyd of 14604 Leitchfield Road asked the Board to explain the Conditional Use Permit. The Hearing Officer closed the hearing at 5:20 p.m. Board Member Goodin stated that this request for a Conditional Use Permit does satisfy the language of the DEVELOPMENT GUIDANCE SYSTEM Ordinance (Section 3.12) Standards for Issuance of a Conditional Use Permit is as follows:

- The use does not tend to change the character and established pattern of development of the area;
- The use is in harmony with the uses permitted by right under the sector and district in question and it does not affect adversely the use of neighboring properties;
- The use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair their value;
- The use shall not adversely affect the health or safety of persons residing or working in the vicinity of the proposed use;
- the use shall not be detrimental to the public welfare or injurious to property or improvements in the vicinity;

Hardin County Board of Adjustment

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

1. The property owner, Mark Waddell, must occupy either the principal dwelling unit or the accessory dwelling as their principal residence, and at no time receive rent for the owner-occupied unit.
2. Adequate on-site parking must be designated on an approved Site Plan.
3. A shared driveway shall be required.
4. The Permanent Accessory Dwelling is an existing 832 sq. ft. detached dwelling and the Principal Dwelling is the proposed 1488 sq. ft. home.
5. The Permanent Accessory Dwelling shall be located in the side yard and shall be located as illustrated on the approved Site Plan and in accordance with building setback lines.
6. The exterior finish materials of the Permanent Accessory Dwelling must be the same and visually match the Principal Dwelling on site (log siding with red metal roof).
7. The Permanent Accessory Dwelling shall have a sewerage system approved by the Environmental Services Office of the Hardin County Health Department.
8. This Permit is not transferable and the new owners must reapply for the Conditional Use Permit and meet the necessary requirements.
9. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.
10. A Certificate of Land Use Restrictions shall be recorded in the office of the Hardin County Clerk.

Member Holman provided the second. Motion passed unanimously.

At 5:25 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. Hearing Officer Holman announced that the next item on the agenda is the continuation of a request for a Conditional Use Permit for an existing Accessory Structure (20' x 24' garage), on a tract without a dwelling, to receive electricity. The property is a 2 acre site being Lot 7 of Cartwright Estates, Section 6, located at 387 Cartwright Estates Road and identified with the PVA Map Number 259-00-01-041. The property is owned by **Aaron Houser** and is located in the KY 313 Corridor Planning Area and is zoned Residential Estate (R-3). Interim Director Wesley Wright reviewed the application. Aaron Houser, the

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owner, provided testimony and answered questions from the Board Members and staff. Kevin Weaver of 10780 Battle Training Road, spoke in opposition of the request in regards to meth labs and pins for his property lines missing since Mr. Houser cleared his property. Mr. Weaver also presented a 2002 survey as exhibit L. Greg Kelly, of 236 Cartwright Estates Road, spoke in opposition of the request in regards to; condition of the neighborhood, no septic on the property, meth labs and crack trailers, health issues, EPA, Division of Water, Corp. of Engineers and FEMA, drainage and flood issues, and that the request is out of character with the neighborhood. Sue Kelly, of 328 Cartwright Estates Road, spoke in opposition of the request in regards to; access issues, flooding issues, health hazard, no water and no septic on the property, the condition of the garage, and the building being used as a body shop. Roger Hutchins of 490 Cartwright Estates Road, spoke in opposition of the request in regards to no septic on the property (needs a port-a-pot), FEMA, and would prefer the owner to live on the property. Roy Webb of 491 Cartwright Estates Road, spoke in opposition of the request in regards to the height of the electrical line and not being able to turn the electric off during flooding which would create a fire hazard. Aaron Houser, the owner, stated that he wanted to formally withdraw the request for the Conditional Use Permit.

Chairman Krausman called for consideration and action on the **Minutes** of the 21 February 2013 meeting. Member Goodin made a motion to approve the minutes as presented. Member Holman provided the second. Motion passed unanimously.

THE FOLLOWING SUBDIVISION PLATS HAVE BEEN APPROVED AND RECORDED:

| SUBDIVISION NAME | LOTS | RECORDED |
|--|-------------|-----------------|
| McCracken Hill Subdivision | 5 | 14- Feb -13 |
| Carman Subdivision Section 1, Lots 3 & 5 | 0 | 21- Feb -13 |
| Hillsdale Estates Section 2, Lot 12 | 0 | 25- Jan -13 |
| SINCE LAST MEETING | 5 | |
| 2013 TOTAL | 8 | |

Chairman Krausman declared the meeting adjourned at 7:30 p.m.

ADOPTED AND APPROVED THIS 21ST DAY OF MARCH 2013 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.

Brent Goodin, Secretary

Hardin County Board of Adjustment

Minutes: 21 February 2013

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Chairman Krausman called to order the three hundredth and fifth meeting of the Hardin County Board of Adjustment at 5:00 p.m. on Thursday, 21 February 2013, in the R.R. Thomas Meeting Room on the second floor of the R.R. Thomas County Government Building. In addition to Chairman Krausman, Vice-Chairman Jack Holman and Secretary Brent Goodin were in attendance. Also in attendance were Senior Planner Wesley Wright, Planner Adam King, AICP, County Engineer Vicki Meredith, P E, and the individuals listed on the attached sign-in sheet. Hardin County Attorney Jennifer B. Oldham, legal counsel for the Board, was not requested to attend the meeting. Director Chris Hunsinger, was not present

At 5:05 p.m. Chairman Krausman appointed Board Member Goodin to serve as the hearing officer. Hearing Officer Goodin announced that the first item on the agenda is a request for a Variance from the required 1:4 width to length ratio for a proposed 8.0 portion of a 53 acre tract to be merged to the existing Lot 2 of Speckles Place Subdivision. The PVA Map Parcel Numbers are 179-00-00-011.01 and 180-00-00-004 and being proposed Lots 2A of Speckles Place Subdivision. The property address is 269 Falling Springs Road and the property is owned by **Rodney & Nancy Richardson**. Hearing Officer Goodin conducted the swearing in ceremony for all individuals in attendance that may provide testimony. Planner King reviewed the application and presented the exhibits. Rodney Richardson of 269 Falling Springs Road, the owner, provided testimony and answered questions from the Board Members and staff. At 5:25 p.m., the Hearing Officer closed the hearing. Board Member Goodin made a motion to grant a variance due to it not altering the essential character of the general vicinity, and it will not cause a hazard or a nuisance to the public, and that this request does satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243. Findings necessary for granting variances) which is as follow:

- 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 following variance was granted with the noted conditions:

1. To allow for a Variance from the 1:4 lot width-to-length ratio to allow for additional acreage to be merged to Lot 2 of Speckles Place Subdivision.
2. An Amended Plat shall be required.
3. A Certificate of Land Use Restrictions will be recorded in the Office of the Hardin County Clerk.

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Member Krausman provided the second. Motion passed unanimously.

At 5:25 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. Hearing Officer Holman announced that the next item on the agenda is a request for a Conditional Use Permit for an existing Accessory Structure (20' x 24' garage), on a tract without a dwelling, to receive electricity. The property is a 2 acre site being Lot 7 of Cartwright Estates, Section 6, located at 387 Cartwright Estates Road and identified with the PVA Map Number 259-00-01-041. The property is owned by **Aaron Houser** and is located in the KY 313 Corridor Planning Area and is zoned Residential Estate (R-3). Planner King reviewed the application and presented exhibits and slides of the property (attached). Aaron Houser, the owner, provided testimony and answered questions from the Board Members and staff. Greg Kelly, of 236 Cartwright Estates Road, spoke in opposition of the request in regards to; pollution / contaminants, the condition of the building, drainage and flood issues, the use of the building for commercial purposes, and presented pictures as exhibit K. Roger Hutchens, of 490 Cartwright Estates Road, spoke in opposition of the request in regards to; flooding issues, number of vehicles, condition of the building and regulations not being enforced. Raymond Webb, of 491 Cartwright Estates Road, spoke in opposition of the request in regards to odors with the fixing and painting of the vehicles. Sue Kelly, of 328 Cartwright Estates Road, spoke in opposition of the request in regards to: flooding issues, condition of the neighborhood, condition of the property, property becoming a junkyard, pollution / contaminants from the chemicals, and the building being used as a body shop. Board Member Krausman request to table until the next Board meeting so that a Site Visit could be conducted by the members of the Board. Board Member Holman made a motion to table until the next Board meeting scheduled for 5:00 p.m. on Thursday, 7 March 2013 in the R.R. Thomas County Government Building. Member Goodin provided the second. Motion passed unanimously.

Chairman Krausman called for consideration and action on the **Minutes** of the 7 February 2013 meeting. Member Goodin made a motion to approve the minutes as presented. Member Holman provided the second. Motion passed unanimously.

Senior Planner Wright announced the **Employment Anniversary** of Planner Adam King, AICP. Adam was hired on 15 February 2008 and has completed five years of employment.

Hardin County Board of Adjustment

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THE FOLLOWING SUBDIVISION PLATS HAVE BEEN APPROVED AND RECORDED:

| SUBDIVISION NAME | LOTS | RECORDED |
|---------------------------------------|-------------|-----------------|
| Poynter Subdivision | 1 | 15- Jan -13 |
| Strange Estates Section 3, Lots 3 & 4 | -1 | 15- Jan -13 |
| My Blessitt Valley Subdivision | 1 | 15- Jan -13 |
| Byre Knoll Subdivision | 2 | 28- Jan -13 |
| Old Chestnut Estates | 0 | 29- Jan -13 |
| SINCE LAST MEETING | 3 | |
| 2013 TOTAL | 3 | |

Chairman Krausman declared the meeting adjourned at 6:45 p.m.

**ADOPTED AND APPROVED THIS 7th DAY OF MARCH 2013 BY THE
HARDIN COUNTY BOARD OF ADJUSTMENT.**

Brent Goodin, Secretary

Hardin County Board of Adjustment

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Chairman Krausman called to order the three hundredth and fourth meeting of the Hardin County Board of Adjustment at 5:00 p.m. on Thursday, 7 February 2013, in the R.R. Thomas Meeting Room on the second floor of the R.R. Thomas County Government Building. In addition to Chairman Krausman, Vice-Chairman Jack Holman and Secretary Brent Goodin were in attendance. Also in attendance were Senior Planner Wesley Wright, Planner Adam King, AICP, County Engineer Vicki Meredith, P E, Assistant Hardin County Attorney Philip Moore, legal counsel for the Board, and the individuals listed on the attached sign-in sheet. Director Chris Hunsinger, was not present

At 5:00 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. Hearing Officer Holman announced that the first item on the agenda is the continuance of a request for a Conditional Use Permit to allow for a 250' Radio Broadcast Tower on the property. The property is a 42 acre site located within the Urban Residential (R-1) zone with the PVA Map Parcel Number 230-00-00-033.02. The property address is 380 Arbor Lane and is owned by **Leroy Smith**. The hearing was closed on 17 January 2013 therefore no additional testimony was heard. Senior Planner Wright reviewed the request and Planner King presented potential conditions (20 Items) for the Board to consider should the request gain favorable approval. Board Member Krausman requested an additional condition (1 Item) to be placed on the Permit regarding preserving the existing tree line to the west of the property for the adjoining property owners in Arbor View Subdivision. Board Member Goodin stated that this request for a Conditional Use Permit does satisfy the language of the DEVELOPMENT GUIDANCE SYSTEM Ordinance (Section 3.12) Standards for Issuance of a Conditional Use Permit is as follows:

- The use does not tend to change the character and established pattern of development of the area;
- The use is in harmony with the uses permitted by right under the sector and district in question and it does not affect adversely the use of neighboring properties;
- The use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair their value;
- The use shall not adversely affect the health or safety of persons residing or working in the vicinity of the proposed use;
- the use shall not be detrimental to the public welfare or injurious to property or improvements in the vicinity;

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

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Adjustment, Board Member Goodin made the motion to grant the Conditional Use Permit (CUP) for a Radio Broadcast Tower with the following conditions:

1. A Development Plan shall be prepared with the appropriate certifications.
2. The lease or sale agreement for the property on which the tower is proposed to be located and containing the portion of the agreement that specifies, in the case of abandonment, a method that the utility will follow in dismantling and removing the proposed tower including a timetable for removal shall be required.
3. A written report, prepared by a professional engineer or land surveyor, of findings as to the proximity of the proposed site to flood hazard areas.
4. The Development Plan, shall show the proposed location of the tower and all easements and existing structures within five hundred (500) feet of the proposed site on the property on which the tower will be located, and all easements and existing structures within two hundred (200) feet of the access drive, including the intersection with the public street system shall be required.
5. A vertical profile sketch of the tower indicating the height of the tower must be provided illustrating the placement of all proposed antennas.
6. The tower and foundation design plans and a description of the standard according to which the tower was designed must be provided.
7. A map, drawn to a scale no less than one (1) inch equals two hundred (200) feet, that identifies every structure and every owner of real estate within five hundred (500) feet of the proposed tower must be provided.
8. A brief description of the character of the general area in which the tower is proposed to be constructed, which includes the existing land use and zoning (R-1, Urban Residential) for the specific property involved must be provided.
9. A map of the area in which the tower is proposed to be located, that is drawn to scale, and that clearly depicts the necessary search area within which an antenna tower should, pursuant to radio frequency requirements, be located must be provided.
10. The tower must be located a minimum distance of 347-feet from the nearest property line.
11. The tower must be maintained in a galvanized steel finish or be painted light gray or light blue in color.
12. The tower must be located a minimum distance of not less than 250 feet from all existing residential structures.
13. The maximum height of the tower may not exceed 250' in height.
14. The lightning of the tower may be artificially lighted ONLY with steady-burning red obstruction lights (FAA type L-810) or flashing red obstruction lights (FAA type L-864) flashing no faster than twenty (20) flashes per

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- minute. Flashing red obstruction lights (FAA type L-864) flashing faster than twenty (20) flashes per minute, medium intensity flashing white obstruction lights (FAA type L-865 or L-866), high intensity flashing white lights (FAA type L-856 or L-857), or dual flashing red obstruction lights and medium intensity flashing white obstruction lights (FAA types L-864/L-865) may be used ONLY when the FAA specifies that the specific lighting pattern is the ONLY lighting pattern acceptable to promote aviation safety.
15. The tower site is to be unstaffed. Personnel may periodically visit the site for maintenance, equipment modification, or repairs.
 16. Access to the site shall be only from an encroachment point approved by the Hardin County Road Department, and there shall be provided on site an area sufficient to accommodate the parking of the service vehicle.
 17. The ground facilities of the site must be enclosed by an eight foot (8') high solid wood security fence. The use of barbed wire or sharp pointed fences shall be prohibited.
 18. Screening shall be provided by evergreen trees, with a minimum height of five (5) feet, planted in a staggered pattern at a maximum distance of ten (10) feet on center. A break in the landscape screening, not to exceed fifteen (15) feet in width, shall be allowed for access of maintenance personnel and vehicles.
 19. The facility must comply with the FCC's regulations concerning radio frequency emissions.
 20. The option and/or site lease agreements shall not prohibit the possibility of co-location.
 21. The existing tree line to the west must be maintained along the western property line of the site adjacent to adjoining Lots 41-44 and 50B of Arbor View Subdivision with the exception of the necessary clearing for the installation of guy wires.

Member Holman provided the second. Motion passed unanimously.

At 5:15 p.m. Chairman Krausman appointed Vice Chairman Holman to serve as the hearing officer. Hearing Officer Holman announced that the next item on the agenda is a Variance request for relief from the required front building setback line to accommodate a proposed handicap ramp. The site is a 0.932 acre tract located at 135 Tunnel Hill Road in the East Urban Planning Area and zoned Urban Residential (R-1). The PVA Map Number is 231-40-00-017 and is owned by **Frances Poteet**. Hearing Officer Holman conducted the swearing in ceremony for all individuals in attendance that may provide testimony. Planner King reviewed the application and the history of the property and presented exhibits. Cathy Basham of 4168 Hardinsburg Road, Cecilia, representing the

Hardin County Board of Adjustment

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owner, provided testimony and answered questions from the Board Members and staff. At 5:30 p.m., the Hearing Officer closed the hearing. Board Member Goodin made a motion to grant a variance due to it not altering the essential character of the general vicinity, and it will not cause a hazard or a nuisance to the public, and that this request does satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243. Findings necessary for granting variances) which is as follow:

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

The following variance was granted with the noted conditions:

1. To allow for a Variance from the front building setback line to allow for the construction of a proposed access ramp. The ramp shall not be covered or enclosed. All future structures or additions shall comply with the building setbacks.
2. A Site Plan shall be required with a Variance Note included.
3. A Certificate of Land Use Restrictions will be recorded in the Office of the Hardin County Clerk.

Member Holman provided the second. Motion passed unanimously.

At 5:30 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. This request is for an Amended Conditional Use Permit to operate a commercial kennel – Circletop Farm. The proposed site is an 11 acre tract located on the east side of Jenkins Road. The property address is 840 Jenkins Road and is owned by **Mark & Pam Adams**. Planner King reviewed the application and exhibits. The owners, Mark and Pam Adams, of 840 Jenkins Road, provided testimony and answered questions from the Board Members and staff. At 5:45 p.m., the Hearing Officer closed the hearing. Board Member Goodin stated that this request for a Conditional Use Permit does satisfy the language of the DEVELOPMENT GUIDANCE SYSTEM Ordinance (Section 3.12) Standards for Issuance of a Conditional Use Permit is as follows:

- The use does not tend to change the character and established pattern of development of the area;
- The use is in harmony with the uses permitted by right under the sector and district in question and it does not affect adversely the use of neighboring properties;
- The use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair their value;

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- The use shall not adversely affect the health or safety of persons residing or working in the vicinity of the proposed use;
- The use shall not be detrimental to the public welfare or injurious to property or improvements in the vicinity; and,
- The use shall be in accord with the purposes of this ordinance and the Comprehensive Development Guide System and the comprehensive Development Guide;

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

1. Hours of Operation shall be from 6:00 A.M. to 6:00 P.M., seven days a week.
2. The maximum number of animals on site shall be 45 and no more than 15 dogs will be allowed outdoors at one time.
3. No outdoor boarding of animals shall be permitted. All boarding facilities shall be indoors with dogs taken outdoors for exercise and "potty" breaks.
4. The facility shall obtain and maintain a valid Kennel License from Hardin County Animal Control and comply with Ordinance Number 249, Series 2007 "An ordinance relating to Animal Control and Welfare". Annual inspections 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 Gerald Foley 270-763-2205).
5. All dogs on site must have a valid license and Rabies vaccinations.
6. This property shall have a sewerage system (septic tank and lateral lines) approved by the Hardin County Health Center.
7. The kennels shall be screened from view of the adjoining properties with a solid wood privacy fence.
8. An existing Site Plan is on file with Hardin County Planning & Development.
9. This Conditional Use Permit shall be issued to the current property owners Mark & Pam Adams, and is not transferable.
10. A Change of Use Building Permit has been obtained for the kennel.
11. This Conditional Use Permit shall be for a period of five years and expire on 7 February 2018.
12. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Member Holman provided the second. Motion passed unanimously.

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At 5:45 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. At this time Board Member Goodin asked to be recused from the hearing. This request is for a Variance for relief from the required side building setback line to allow for the construction of an attached garage and deck. The property is a 0.46 acre tract located at 87 Oak Hill Drive and known as Lot 12 of Hillsdale Estates, Section 2 in the East Urban Planning Area and zoned Urban Residential (R-1). The PVA Map Number is 243-00-02-012. The property is owned by **Shirley Powell**. Planner King reviewed the application and exhibits. Shirley Powell, the owner, provided testimony and answered questions from the Board Members and staff. Doug Johnson, of Douglas Land Surveying and representative of the owner, provided testimony and answered questions from the Board Members and staff. At 5:55 p.m., the Hearing Officer closed the hearing. Board Member Holman made a motion to grant a variance due to it not altering the essential character of the general vicinity, that it will not cause a hazard or a nuisance to the public, and that this request does satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243. Findings necessary for granting variances) which is as follow:

- 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 following variance was granted with the noted conditions:

1. To allow for a Variance from the side building setback line to allow for the construction of a proposed garage and deck. All future structures or additions must comply with the building setbacks.
2. An Amended Plat with a Variance Note shall substitute for the Site Plan.
3. A Certificate of Land Use Restrictions will be recorded in the Office of the Hardin County Clerk.

Member Krausman provided the second. Motion passed unanimously.

At 5:55 p.m. Board Member Goodin returned to the meeting.

Chairman Krausman called for consideration and action on the **Minutes** of the 17 January 2013 meeting. Member Goodin made a motion to approve the minutes as presented. Member Holman provided the second. Motion passed unanimously.

Planner King announced that he and his wife have a new son, Landon Quade King, who was born on 26 December 2012.

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Senior Planner announced that the position of **Administrative Assistant** has been advertised due to Pam Mink leaving the Commission for personal reasons. Candidates can submit applications to the Planning Commission until 4 February 2013.

THE FOLLOWING SUBDIVISION PLATS HAVE BEEN APPROVED AND RECORDED:

| SUBDIVISION NAME | LOTS | RECORDED |
|---------------------------------------|------|-------------|
| Poynter Subdivision | 1 | 15- Jan -13 |
| Strange Estates Section 3, Lots 3 & 4 | -1 | 15- Jan -13 |
| My Blessitt Valley Subdivision | 1 | 15- Jan -13 |
| SINCE LAST MEETING | 1 | |
| 2013 TOTAL | 1 | |

At 6:00 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. This is a Conditional Use Permit request to allow for a Temporary Accessory Dwelling (Manufactured Home) to remain on the property and a Variance from the required 1:4 width to length ratio for Lot 2. The property is a 24.878 acre site with the PVA Map Parcel Number 185-00-00-023 and 185-00-00-024 and being proposed Lots 1 & 2 of Burnett Estates. The property address is 1309 St John Road and the property is owned by **William Burnett**. Hearing Officer Holman conducted the swearing in ceremony for all individuals in attendance that may provide testimony. Planner King reviewed the application and presented the exhibits. Mike Billings of Engineering Design Group 3153 Mulberry Street, representing the owner, provided testimony and answered questions from the Board Members and staff regarding the use of the property, Lot 2 being annexed into the Elizabethtown city limits, and the removal of the existing manufactured home. Charlie Wise of 5916 Battle Training Road, provided testimony and answered questions from the Board Members and staff regarding the proposed new school and the removal of the manufactured home. Rick Thomas, of 6770 St John Road, provided testimony opposing the request with concerns regarding traffic and water run-off. Ed Poppe, Director, City of Elizabethtown Planning Commission, 200 W. Dixie, provided testimony regarding the city's requirement of sanitary sewers and that schools are allowed in all residential zones within the city limits as a permitted use and that they would have to submit a Development Plan for storm water, parking design standards, etc.. Roxanne Chambers of 1206 St John Road, provided testimony opposing the request with concerns regarding traffic, core drillings and environmental analysis. Gary Milby with Hardin County Schools, 146 Cecilianna Drive, provided testimony regarding traffic concerns. Board Member Goodin stated he would like to do a site visit prior to making a decision. Mike Billings stated that his client needed an answer immediately and therefore would withdraw the request for the Variance in order for the Board to make a decision on the Conditional Use Permit. The Hearing Officer closed the hearing at 7:00 p.m. Board Member

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

- The use does not tend to change the character and established pattern of development of the area;
- The use is in harmony with the uses permitted by right under the sector and district in question and it does not affect adversely the use of neighboring properties;
- The use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair their value;
- The use shall not adversely affect the health or safety of persons residing or working in the vicinity of the proposed use;
- the use shall not be detrimental to the public welfare or injurious to property or improvements in the vicinity;

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

1. The Temporary Accessory Dwelling (20' x 52' manufactured home) shall be a temporary use for no longer than 1 year from 7 February 2013 and must be removed from the property by 7 February 2014.
2. The Temporary Accessory Dwelling shall not be occupied.
3. The Temporary Accessory Dwelling shall not be available for rent.
4. The Temporary Accessory Dwelling shall be placed on the property as illustrated on the Proposed Record Plat.
5. This Conditional Use Permit shall be issued to the current property owner, William Burnett, and shall expire when the property is transferred and not be transferable to another property owner.
6. A Record Plat shall substitute for the required Site Plan.
7. A Certificate of Land Use Restrictions shall be recorded in the office of the Hardin County Clerk.

Member Holman provided the second. Motion passed unanimously.

Chairman Krausman declared the meeting adjourned at 7:15 p.m.

ADOPTED AND APPROVED THIS 21st DAY OF FEBRUARY 2013 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.

Brent Goodin, Secretary

Hardin County Board of Adjustment

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Chairman Krausman called to order the three hundredth and third meeting of the Hardin County Board of Adjustment at 5:00 p.m. on Thursday, 17 January 2013, in the R.R. Thomas Meeting Room on the second floor of the R.R. Thomas County Government Building. In addition to Chairman Krausman, Vice-Chairman Jack Holman and Secretary Brent Goodin were in attendance. Also in attendance were Senior Planner Wesley Wright, Planner Adam King, AICP, County Engineer Vicki Meredith, P E, Assistant Hardin County Attorney Philip Moore, legal counsel for the Board, and the individuals listed on the attached sign-in sheet. Director Chris Hunsinger, was not present

At 5:00 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. Hearing Officer Holman announced that the first item on the agenda is a Conditional Use Permit to expand the former NFO Livestock Auction/Stockyards. The property is located S. Dixie Highway in the South Dixie Corridor Resource Planning Area and zoned Convenience Commercial (C-1). The property is owned by **Elizabethown NFO, Inc.** Vice Chairman Holman conducted the swearing in ceremony for all individuals in attendance that may provide testimony. Planner King reviewed the application and presented the exhibits. Tim Aulbach P.O. Box 418, Elizabethtown and Joe Choate, P.O. Box 278, Munfordville, the applicants, provided testimony and answered questions from the Board Members and staff. Board Member Goodin stated that this request for a Conditional Use Permit does satisfy the language of the DEVELOPMENT GUIDANCE SYSTEM Ordinance (Section 3.12) Standards for Issuance of a Conditional Use Permit is as follows:

- The use does not tend to change the character and established pattern of development of the area;
- The use is in harmony with the uses permitted by right under the sector and district in question and it does not affect adversely the use of neighboring properties;
- The use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair their value;
- The use shall not adversely affect the health or safety of persons residing or working in the vicinity of the proposed use;
- the use shall not be detrimental to the public welfare or injurious to property or improvements in the vicinity;

According to provisions of the Kentucky Revised Statutes, the Hardin County Development Guidance System, including the Convenience Commercial (C-1) standards, and the proceedings before the Board of Adjustment, Board Member

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

1. The Lot Size for this proposal is 14.427 acres which complies with the established 5 acre minimum lot size.
2. All buildings, structures, pens and yards shall be at least one hundred (100) feet from all property lines and rights-of-way.
3. An adequate water supply shall be available on site to maintain the premises in a sanitary condition at all times.
4. The applicant shall work with the Hardin County Engineer and the Health Department to demonstrate adequate provisions to prevent surface water quality impacts due to animal wastes.
5. The Livestock Auction & Stockyard shall have a sewerage system approved by the Environmental Services Office of the Hardin County Health Department.
6. The applicants shall comply with any and all Department of Agriculture rules and regulations.
7. The KY Transportation Cabinet shall be required to approve any existing or proposed encroachments onto South Dixie Highway (US 31W). Applicants will pursue a shared entrance via the Fairgrounds entrance road.
8. A 100' landscape buffer must be maintained along the property line to the north. The area between the building and US 31W must be seeded in grass and any existing mature trees preserved.
9. A Development Plan shall be submitted and approved in accordance with Development Guidance System, Section 6.
10. A Certificate of Land Use Restrictions shall be recorded in the office of the Hardin County Clerk.

Member Holman provided the second. Motion passed unanimously.

At 5:30 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. Hearing Officer Holman announced that the next item on the agenda is a request for a Conditional Use Permit to allow for a 250' Radio Broadcast Tower on the property. The property is a 42 acre site with the PVA Map Parcel Number 230-00-00-033.02. The property address is 380 Arbor Lane and is owned by **Leroy Smith**. Vice Chairman Holman conducted the swearing in ceremony for all individuals in attendance that may provide testimony. Assistant County Attorney Moore addressed the difference between a Cell Tower/Telecommunication Tower and a Radio Broadcast Tower. Senior Planner Wright reviewed the application and presented the exhibits. Dwight Preston,

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representing the owner, presented a letter from the FCC granting approval for the change in height for the tower from 264' to 250' (exhibit J) provided testimony and answered questions from the Board Members and staff regarding; FCC & FAA requirements, no adverse health impacts, how & where the tower would fall, and the benefits to the community. Dale Thornhill, Vice President of Commonwealth Broadcasting, P.O. Box 627, Brownsville, the applicant, provided testimony and answered questions from the Board Members and staff regarding; the history of WIEL's tower, AM vs. FM, the light on the tower, health issues and the benefits to the community. Barry Williams, Broadcast Engineer Consultant 439 Briggs Hill Place, Bowling Green, provided testimony and answered questions from the Board Members and staff regarding; frequency, coverage, interference, health issues, aesthetic issues and fencing requirements. Lewis Graham, 108 E. Dixie Ave., Elizabethtown, Attorney representing adjoining property owners Donald & Jennifer Fulford, provided testimony and answered questions from the Board Members and staff in opposition to the request regarding; location of the tower, lighting, not in character of the neighborhood, health & safety issues, aesthetic issues and adverse property value. Danny O'Bryan, 1010 Pawnee Drive, Elizabethtown, Realtor spoke in opposition to the request stating that the tower would adversely affect the surrounding property values, that he is not a licensed appraiser and that it will affect the marketability of the properties the same as a water tower or power lines do. Dwight Preston responded to Mr. O'Bryan's comments by stating the owner, Leroy Smith, would not do anything that would drastically reduce his property value. Tom Cooper, 215 N. Mulberry Street, Elizabethtown, responded to Mr. O'Bryan's comments by stating that 36 to 40 lots developed & homes bought and sold with the other tower in view. Ben Humphries, 108 E. Poplar, Elizabethtown, Attorney representing adjoining property owners Donald & Jennifer Fulford, provided testimony and answered questions from the Board Members and staff in opposition to the request regarding; limiting the height of the tower, location of the tower, other sites would be better, not in character with the neighborhood, lighting, setbacks, and adverse property value. Melissa French 933 Blueball Church Road, Elizabethtown, provided testimony and answered questions from the Board Members and staff in opposition to the request regarding adverse effects of other towers that were near her home. Toby Martinez, 500 Aspen Court, Elizabethtown, provided testimony and answered questions from the Board Members and staff in opposition to the request regarding; location of the tower, lighting, not in character of the neighborhood, health & safety issues, aesthetic issues and adverse property values. Frank Garcia 204 Apple Lane, Elizabethtown, provided testimony and answered questions from the Board Members and staff in opposition to the request regarding; not in character of the neighborhood. Maria Judy 469 Arbor Lane, Elizabethtown, provided testimony and answered questions from the Board Members and staff in opposition to the

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Request regarding adverse effects of towers interfering with other electronic devices. The Hearing Officer closed the hearing at 7:40 p.m. Senior Planner Wright gave a summary of the proposal and presented the Standards for Issuance established in KRS and the Development Guidance System ordinance for approving a Conditional Use Permit. Board Member Krausman made a motion to table until the next Board meeting scheduled for 5:00 p.m. on Thursday, 7 February 2013 in the R.R. Thomas County Government Building so that a Site Visit could be conducted by the members of the Board. No additional testimony will be taken. Tonya Miller, 199 Apple Lane, Elizabethtown, requested that the Board Members do a Site Visit in the day light as well as at night.

Board Member Holman provided the second. Motion passed unanimously.

Chairman Krausman called for consideration and action on the **Minutes** of the 6 December 2012 meeting. Member Goodin made a motion to approve the minutes as presented. Member Holman provided the second. Motion passed unanimously.

Planner King announced that he and his wife have a new son, Landon Quade King, who was born on 26 December 2012.

Senior Planner announced that the position for **Administrative Assistant** has been advertised due to Pam Mink leaving Commission for personal reasons. Candidates can submit applications to the Planning Commission until 4 February 2013.

THE FOLLOWING SUBDIVISION PLATS HAVE BEEN APPROVED AND RECORDED:

| SUBDIVISION NAME | LOTS | RECORDED |
|---|------|-------------|
| Collinbrook Subdivision Section 1, Lots 27, 32, 49 & 50 | -1 | 05- Dec -12 |
| Metsland Subdivision | 1 | 05- Dec -12 |
| Wexford Place Section 2, Lot 38A | 0 | 06- Dec -12 |
| Elva Acres | 1 | 10- Dec -12 |
| Beckner Subdivision, Lot 2A and Beckner Subdivision Section 3 | 1 | 14- Dec -12 |
| Maudie & John Henry Place | 1 | 17- Dec -12 |
| Five Acres Subdivision, Lots 1 and 2 | -1 | 19- Dec -12 |
| Shamrock Subdivision | 1 | 19- Dec -12 |
| Abby Acres | 2 | 21- Dec -12 |
| Sagebrush Corner Section 2, Lot 3B | 1 | 27- Dec -12 |
| 2012 TOTAL | 155 | |

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Chairman Krausman announced that the next Board meeting is scheduled for Thursday, 7 February 2013, and declared the meeting adjourned at 6:30 p.m.

**ADOPTED AND APPROVED THIS 7th DAY OF FEBRUARY 2013 BY THE
HARDIN COUNTY BOARD OF ADJUSTMENT.**

Brent Goodin, Secretary