

Hardin County Board of Adjustment

Minutes: 9 December 2021

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Chairman Bob Krausman called to order the four hundred and forty eighth meeting of the Hardin County Board of Adjustment at 5:03 p.m. on Thursday, 9 December 2021, in the Hardin County Government Center, 2nd Floor Meeting Room. The other Board Member in attendance was Secretary Steve Steck. Also, in attendance were Director Adam King AICP, Planner Nikki McCamish, Planning Technician Haley Goodman, and the individuals listed on the attached sign-in sheet. Vice Chairman Greg Youngblood was absent from this meeting. Chairman Krausman appointed Secretary Steck to serve as the Hearing Officer and to conduct the swearing in ceremony for all those in attendance who planned to speak.

At 5:04 p.m. Hearing Officer Steck announced the first item on the agenda is a request for an Amended Conditional Use Permit to allow for the slaughter house to remain on site. The property is a 32.5 acre site located at 2667 Eastview Road, Eastview, KY, within the West Hardin Area and is zoned Agricultural (A-1). The PVA map number is 088-00-00-044.02. The property is owned by **AMANDA BOWEN**. Director King reviewed the application, the plans for the property and presented the exhibits into the record.

At 5:10 p.m. Steve Nelson of 2411 Eastview Road, Eastview, KY provided testimony and answered questions from the Board members and staff on behalf of the applicant. Mr. Nelson stated that being a Game Warden is his full-time job, but when he is not working, he is at the slaughter house helping the owner, Amanda Bowen. Mr. Nelson stated that Amanda's sister in law is really the only other employee they have and that they have a hard time finding help. Mr. Nelson stated that they operate about every day of the week, and that they are open from 9 a.m. to 7 p.m. most days. Mr. Nelson stated that they process 3-5 beef cows, and 1-2 hogs on a typical week. They also process deer, sheep, goats, elk, and buffalo. Mr. Nelson explained the wooden boards piled outside of the shop building in one of the presentation photos are for fixing the gate, which they do often because the animals break it. Mr. Nelson explained their waste disposal process, which includes putting animal waste in some open barrels, separate from the blood which is put in a different container and is picked up by a different company. Mr. Nelson explained that everything else goes in the dumpster, and it is picked up once a week while the others are only picked up every other week. Mr. Nelson has mentioned to Mrs. Bowen that they should put all of the animal waste, excluding blood, into the dumpster, because it would cut down on bills, be more secure, and would be picked up weekly rather than bi-weekly.

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

At 5:22 p.m. Hearing Officer Steck closed the hearing to public discussion.

Director King stated that this property was actually the first Zone Change to Agriculture, and that in the past 7 years there has only been one complaint, and that was pertaining to the barrels being easily accessed by surrounding pets and wildlife. Director King made the recommendation to either have the waste barrels to be contained, or to move

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all waste disposal to the dumpsters. Mr. Nelson agreed that they would better contain the waste with either of those options.

Secretary Steck suggested another timeline of 7 years, and Chairman Krausman agreed.

Secretary Steck stated the request for the Amended Conditional Use Permit is not out of the character for the area, has been well maintained, and does satisfy the language of the Development Guidance System Ordinance (Section 16-3) Standards of Issuance of a Conditional Use Permit as follows:

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

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

1. The proposed site is 32.5 acres and part of an Agricultural Zone and exceeds the minimum lot size of five (5) acres for a slaughter house.
2. The existing building is located within 80 feet of the rear property corner which is less than the recommended 100' feet from all property lines.
3. The applicant must submit a Groundwater Protection Plan to the Kentucky Division of Water (Attn: Adam Nolte or Rob Blair 502-782-6893) due to the facility being located within the Source Water Protection Area of Hardin County Water District #2
4. Approval of the sewerage system (septic tank and lateral lines) by the Environmental Services Office of the Hardin County Health Department shall be required.
5. A Contract with Griffin Industries to remove the blood and waste from the facility must be provided.

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6. A commercial driveway Encroachment Permit must be obtained from the Hardin County Road Department for the proposed entrance to the Slaughter House.
7. Yearly inspections by the Regional Supervisor of the United States Department of Agriculture shall be required.
8. All facilities shall be adequately screened and landscaped so as to not become a nuisance to adjoining properties.
9. A professionally drawn Development Plan shall be required in place of the provided Site Plan to help illustrate the parking and driving lanes as well as any required screening and landscaping in compliance with Section 6 of the Zoning Ordinance.
10. The hours of operation shall be 6 a.m. to 8 p.m. Monday through Saturday.
*6 a.m. to 10 p.m. during Deer Season.
11. The outdoor storage of materials and equipment shall be prohibited. The dumpster must be secured.
12. The permit is issued to the current property owners, Amanda Bowen and shall not be transferable. New owners must reapply for the Conditional Use Permit and meet the necessary requirements.
13. The permit shall be good for seven (7) years from today, 9 December 2021 and expire on 9 December 2028.
14. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.
15. The blood and waste barrels must be secured.

Chairman Krausman provided the second. The motion passed unanimously.

At 5:35 p.m. Chairman Krausman called for consideration and action on the **Minutes from the 18 November 2021 meeting** of the Board of Adjustment. Secretary Steck made a motion to approve the minutes as presented. Chairman Krausman provided the second. The motion passed unanimously.

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

Planning Tech completes Provisionary Employment Period

On 4 December 2021, Planning Technician Haley Goodman successfully completed her six month provisional employment period.

KY League of Cities Planning & Zoning Training

On 17 November 2021, Planner Nikki McCamish and Planning Tech Haley Goodman attended an all-day training hosted by the KY League of Cities at the Pritchard Community Center in Elizabethtown, KY.

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KY Building Code Training

On 17 November 2021, Building Inspectors Jimmy Morgan and Edwin Alicea attended a half day training hosted by the City of Elizabethtown at the Pritchard Community Center in Elizabethtown, KY.

Army Compatible Use Planning Meeting

On 16 November 2021, Director Adam King attended a virtual meeting of the Lincoln Trail Area Development District Technical Advisory Committee Meeting to discuss the Army Compatible Use Plan.

Chairman Krausman announced that the next scheduled meeting will be held on Thursday, January 6, 2022 at 5:00 p.m. and the meeting was adjourned at 5:37 p.m.

ADOPTED AND APPROVED THIS 6th DAY OF JANUARY 2022 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.

Steve Steck, Secretary

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Chairman Bob Krausman called to order the four hundred and forty seventh meeting of the Hardin County Board of Adjustment at 5:00 p.m. on Thursday, 18 November 2021, in the Hardin County Government Center, 2nd Floor Meeting Room. The other Board Members in attendance were Vice Chairman Greg Youngblood, and Secretary Steve Steck. Also, in attendance were Director Adam King AICP, Planner Nikki McCamish, Planning Technician Haley Goodman, County Attorney Jenny Oldham, and the individuals listed on the attached sign-in sheet. Chairman Krausman appointed Secretary Steck to serve as the Hearing Officer and to conduct the swearing in ceremony for all those in attendance who planned to speak.

At 5:01 p.m. Secretary Steck made a motion to move into a closed session to discuss pending litigation with County Attorney Jenny Oldham in reference to KRS 61.810(1)(C). Vice Chairman Youngblood provided the second. The motion passed unanimously.

At 5:13 p.m. Secretary Steck made a motion to move out of the closed session. Vice Chairman Youngblood provided the second. The motion passed unanimously. No action was taken during the closed session.

At 5:15 p.m. Hearing Officer Steck announced the third item on the agenda is a request for an Amended Conditional Use Permit to allow for a 1973 model year Mobile Home to remain on site. The property is a 6.12 acre site located at 988 Summit Eastview Road, Eastview, KY known as Lot 6A of Cushman Place, within the West Hardin Area and is zoned Rural Residential (R-2). The PVA map number is 073-00-00-010.01. The property is owned by **DONALD & BONNIE STILLWELL**. Planner McCamish reviewed the application, the plans for the property and presented the exhibits into the record.

Donald Stillwell, of 988 Summit Eastview Road, Eastview, KY, provided testimony and answered questions from the Board members and staff. Mr. Stillwell stated that he has remodeled the inside of the home, and tries to keep it nice inside and outside. He would like to keep the home there permanently considering he has already been there for 10 years. Mr. Stillwell lives in the mobile home with his wife, and his daughter lives next door in another mobile home that is actually older than his. Mr. Stillwell stated that there are several mobile homes in the area that were grandfathered in, and several are even older than his mobile home.

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

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

Chairman Krausman debated the pros and cons of allowing the mobile home to be there permanently, stating that the goal is to remove older homes from the area. Director King suggested that a condition could be made to make the Conditional Use Permit non-transferable, meaning the next property owner could not continue to live in

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the mobile home at this site without coming before the board. Director King also stated that Mr. Stillwell has met all of the previously set conditions, and that there have been no complaints from neighbors in the area.

Secretary Steck stated the request for the Amended Conditional Use Permit is not out of the character for the area, has been well maintained, and does satisfy the language of the Development Guidance System Ordinance (Section 16-3) Standards of Issuance of a Conditional Use Permit as follows:

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

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

1. This Conditional Use Permit shall allow for a 1973 model mobile home to remain on site.
2. The proposed mobile home is 648 sq. ft. (12' x 54') which is less than the calculated Local Average Square Foot Standard of 862 sq. ft.
3. This mobile home shall have a sewerage system (septic tank and lateral lines) approved by the Hardin County Health Center.
4. The mobile home shall be placed on the property as illustrated on the approved Site Plan.
5. This Conditional Use Permit shall be issued to the current property owner, Donald Stillwell, and shall expire when the property is transferred and not be transferable to another property owner without an additional public hearing before the Board of Adjustment.

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6. A Site Plan shall be submitted and approved in compliance with the Development Guidance System, Section 7.
7. The skirting on the mobile home must be maintained.
8. A B-1 seal from the State Fire Marshall shall be required.
9. All construction activities on this site shall conform to the provisions of the Kentucky Building Code.

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

At 5:32 p.m. Hearing Officer Steck announced the second item on the agenda is a continued hearing from the October 21, 2021 meeting, a request for a Conditional Use Permit to allow for a Recreational Enterprise (Campground) on site. The property is a 19.28 acre site located at 189 Hawkins Lane, Eastview, KY known as Lot 3 of Shirley Estates, within the West Hardin Area and is zoned Rural Residential (R-2). The PVA map number is 019-00-00-008. The property is owned by **MANDI HALL**. Director King reviewed the application, the plans for the property, and presented the exhibits into the record.

Director King stated that although Vice Chairman Youngblood was absent from the previous meeting, he has been provided with the minutes, powerpoint presentation and all of the exhibits entered into the record. Director King also stated that new exhibits; L. Trash Collection Notice from Cooper & Cooper Law Office, M. Photos of No Trespassing Signage, and N. Site Plan submitted by the Applicant have been entered into the record since the previous meeting.

Mandi Hall, of 189 Hawkins Lane, Eastview, KY provided testimony and answered questions from the Board members and staff. Ms. Hall stated that since the previous meeting she has posted several safety signs and submitted pictures of these signs as Exhibit O. Campfire Safety, Composting Toilet and Home Biogas / Aerobic Bio-digester Signage. Ms. Hall also stated they have since put in their own gravel drive to the campsites and are no longer using the neighbors. Ms. Hall explained that they have put up 150' of bamboo along the front of the road to block the neighbors view of the campground.

Chairman Krausman expressed that a fence to keep people off of the neighboring properties would be much better than a bamboo screening. Secretary Steck stated that he is very concerned about the road, and that a large truck and camper would have issues trying to pull out of the site and turn around.

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At 5:45 p.m. Chairman Krausman opened the floor to anyone wanting to speak in opposition.

Joey Gray of 193 Hawkins Lane, Eastview, KY spoke in opposition of the proposal. Mr. Gray stated that a fifth-wheel camper has already gotten stuck trying to come out of Ms. Hall's driveway and had to use his driveway. Mr. Gray also stated that the gravel road that continues past the end of the county maintained portion of Hawkins Lane is owned by his mother, and that the PVA map boundary lines shown on the presentation were not accurate.

Rachelle Wardrip of 1180 Middle Creek Road, Elizabethtown, KY spoke in opposition to the proposal. Ms. Wardrip stated that the campground is advertised as a primitive campsite, yet there are campers and fifth-wheels coming in and out of the site. She asked for a definition of what a primitive campsite actually is.

Billy Nugent of 14734 Salt River Road, Eastview, KY spoke in opposition to the proposal. Mr. Nugent stated that he expected a better set of plans for the site. Mr. Nugent is concerned that there is not any kind of authoritative approval on any of the proposed campgrounds plans. Mr. Nugent is especially concerned over whether or not the Health Department has approved the composting toilets and if the Road Department approved a commercial entrance. Mr. Nugent also expressed concerns that signs would not be efficient at keeping 40 campers off of the neighboring properties, and that it would be best if a survey was done to know exactly where those property lines are.

Phillip Givens, of 13871 Salt River Road, Eastview, KY spoke in opposition to the proposal. Mr. Givens stated that he has already had issues with campground guests trespassing onto his property, and that the advertised rock shelter is actually half owned by his mother. Mr. Givens stated that he would not be happy until there is a survey done and a fence is established.

Charles Morris, of 1200 Williams Lane, Eastview, KY is concerned about how the bamboo will be maintained. Mr. Morris stated that he has some bamboo and it has taken over his trees because it spreads underground, so he would like to see a different type of screening.

Tammy Hall of 5351 North Dixie Highway, Elizabethtown, KY spoke in favor of the proposal. Ms. Hall stated that she is Mandi's mom and that she believes there is enough of the paved portion of the road to turn around without touching Mr. Grey's driveway.

Mandi Hall of 189 Hawkins Lane, Eastview, KY spoke in favor of the proposal, and addressed concerns from the Board members. Ms. Hall clarified that the big rock shelter is entirely on her property but that the smaller one is split by her and Mr. Givens mother's property line. Ms. Hall clarified that a primitive campsite indicates that there is

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no water or electricity hookups provided to the campers. Ms. Hall stated that the creek is only wet seasonally, and that they can typically walk up and down it. Ms. Hall explained that at max they would have 10 cars on the site because they only allow 2 cars for each of the 5 sites, and that all of the sites have never been occupied at the same time. Ms. Hall also stated she believed that this proposed campground would not change the character of the area.

Cara Hall of 553 Whitfield Lane, Taylorsville, KY spoke in favor of the proposal. Ms. Hall stated that she is Mandi's sister and she wants to see her happy. Ms. Hall stated that this property is amazing and creates awesome memories, and would love to help her sister turn this into something that everyone can enjoy. Ms. Hall stated this is something that Mandi has always wanted and she wants to make her dreams come true.

No one else spoke in favor or opposition.

At 6:10 p.m. Hearing Officer Steck closed the hearing to public discussion.

Chairman Krausman stated that having a survey of the site and having the property fenced would both be a great idea. He stated that the road is a major issue and the amount of campers coming onto the property would be out of character with the area.

Vice Chairman Youngblood stated that the issues with the proposal for him were the narrow road and he has environmental concerns regarding water runoff into the nearby creek.

Secretary Steck stated that the property line needs to be marked, there needs to be a better parking area and that he felt it needs to be limited to no more than 3 campsites occupied at any given time.

Vice Chairman Youngblood made a motion to deny the Conditional Use Permit based on the staff presentation, the current road conditions, the property lines not being delineated, the lack of a fence, drainage concerns, lack of a commercial entrance, several questions that were left unanswered, and the testimony presented in the Public Hearing and that it does not satisfy the Standards for Issuance outlined in the Development Guidance System, Zoning Ordinance 16-3:

- A. The use would change the character and established pattern of development of the area;
- B. The use is not in harmony with the uses permitted by right under the Zone in question and may affect adversely the use of neighboring properties;

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- C. The use may hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof;
- D. The use may adversely affect the health or safety of persons residing or working in the vicinity of the proposed use;
- E. The use may be detrimental to the public welfare or injurious to property or improvements in the vicinity; and,
- F. The use is not in accordance with the purposes of the Zoning Ordinance and the Comprehensive Plan.

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

At 6:20 p.m. Chairman Krausman called for consideration and action on the **Minutes from the 21 October 2021 meeting** of the Board of Adjustment. Secretary Steck made a motion to approve the minutes as presented. Vice Chairman Youngblood provided the second. The motion passed unanimously.

Chairman Krausman announced that the next scheduled meeting will be held on Thursday, December 9, 2021 at 5:00 p.m. and the meeting was adjourned at 6:25 p.m.

ADOPTED AND APPROVED THIS 9th DAY OF DECEMBER 2021 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.

Steve Steck, Secretary

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Chairman Bob Krausman called to order the four hundred and forty sixth meeting of the Hardin County Board of Adjustment at 5:01 p.m. on Thursday, 21 October 2021, in the Hardin County Government Center, 2nd Floor Meeting Room. The other Board Member in attendance was Secretary Steve Steck. Also, in attendance were Director Adam King AICP, Planner Nikki McCamish and the individuals listed on the attached sign-in sheet. Vice Chairman Greg Youngblood was absent from this meeting. Chairman Krausman appointed Secretary Steck to serve as the Hearing Officer and to conduct the swearing in ceremony for all those in attendance who planned to speak.

At 5:02 p.m. Hearing Officer Steck announced the first item on the agenda is a request for a Variance from the minimum road frontage requirement and the 1:4 lot width-to-length ratio to allow for four existing tracts to be platted as a five lot subdivision. The property is a 17.05 acre site located at 825, 827 & 829 Kraft Road in Rineyville, KY, within the West Urban Planning Area and is zoned Urban Residential (R-1). The PVA map numbers are 144-00-00-026, 144-00-00-036 & 144-00-00-037. The property is owned by **WILLIAM DAUNIS (GERTRUDE DAUNIS), RICHARD DAUNIS & BEVERLY YORK PADGETT**. Director King reviewed the application, the plans for the property and presented the exhibits into the record.

Glenn Turner, with Turner Engineering & Land Surveying, of 5735 North Dixie Highway, Elizabethtown, KY, provided testimony and answered questions from the Board members and staff. Mr. Turner stated they are improving the situation by giving two currently land locked parcels some road frontage. He also explained that the layout presented was similar to how Gertrude Daunis had divided the property in her will amongst the 5 heirs. Lastly, Mr. Turner said that technically this land has five existing deeds but that some are very old descriptions that obviously don't meet today's subdivision regulations.

William Daunis, of 740 South Second Street, Chesterton, IN, provided testimony and answered questions from the Board members and staff. Mr. Daunis stated he is just trying to settle the estate and that his mother had passed away back in 2008. He said all the heirs are happy with the plat Mr. Turner has prepared and how the land has been divided up. Mr. Daunis said growing up the family knew what land/acreage they would be getting and five lots are needed to settle the estate. He indicated that buying each other out is not an option. Lastly, Mr. Daunis stated that two of the heirs currently live on site, but that the others do not plan to build anytime soon.

Kimberly Daunis, of 114 Edgewood Drive, Apartment 1, Elizabethtown, KY, provided testimony and answered questions from the Board members and staff. Ms. Daunis stated she is William Daunis' daughter and that the family is happy with what has been presented. She stated there is already a pre-existing easement that was deeded for access to the landlocked tracts.

Terry Adams, of 617 Kraft Road, Rineyville, KY, spoke in opposition of the proposal. Mr. Adams clarified that he is not exactly opposed to the proposal, but that he is very

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concerned about safety with the new entrances to these proposed lots. He stated the two lots on the right will be coming out on a blind hill and he is worried about accidents; and that last year a salt truck turned over in this curve. Lastly, Mr. Adams stated he is not opposed to the five lots; he just does not want any more accidents than we already have on this small county road.

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

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

Secretary Steck made a motion to grant the Variance based on the staff presentation and the testimony provided in the public hearing. He noted that this is four existing tracts of which, two are currently land locked, he stated that this was not out of character for the area, it will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public and will not allow an unreasonable circumvention of the requirements of this regulation and will satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243 and DGS 5-3 (B) (1) Findings necessary for granting variance) which is as follows:

- A) The requested variance arises from special circumstances which do not generally apply to land in the general vicinity;
- B) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant;

The Variance was granted with the noted conditions:

1. To allow for a Variance for proposed Lots 3 & 4 of the Gertrude Daunis Subdivision from the 100' minimum road frontage requirement and to allow for them to exceed the 1:4 lot width-to-length ratio.
2. A Record Plat with Variance Note shall substitute for the required Site Plan.
3. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.
4. Approval of the Plat as shown is contingent on County Road Department approval of driveway encroachments with only two lots being able to share a driveway.

Chairman Krausman provided the second. The motion passed unanimously.

At 5:40 p.m. Hearing Officer Steck announced the second item on the agenda is a request for a Conditional Use Permit for residential improvements to be made on commercially zoned property to allow for a covered porch addition to an existing detached garage on site. The property is a 0.615 acre site located at 998 East Main

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Street in Cecilia, KY, within the Cecilia Rural Village Planning Area and is zoned Convenience Commercial (C-1). The PVA map number is 168-20-00-018. The property is owned by **MARIA & CHAD GOODMAN**. Planner McCamish reviewed the application, the plans for the property and presented the exhibits into the record.

Chad Goodman, of 998 East Main Street, Cecilia, KY provided testimony and answered questions from the Board members and staff. Mr. Goodman stated he just wants to build a porch onto his detached garage to grill under. He also indicated that the proposed porch will be built to match the garage.

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

At 5:45 p.m. Hearing Officer Steck closed the hearing to public discussion.

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

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

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

1. The Conditional Use Permit shall allow for a covered porch addition (720 sq. ft. under roof) to the existing 30' x 36' detached garage.
2. The covered porch shall be constructed of wood posts with a red metal roof to match the existing garage and home.

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3. A Site Plan in compliance with Section 7 of the Zoning Ordinance shall be required.
4. All building activities shall conform to provisions of the Kentucky Building Code.
5. A Certificate of Land Use Restrictions shall be recorded in the Hardin County Clerk's Office.

Chairman Krausman provided the second. The motion passed unanimously.

At 5:50 p.m. Chairman Krausman announced a five minute recess in the meeting, and for everyone in attendance to make sure to please sign in on the sign in sheet.

At 5:56 p.m. Chairman Krausman announced they would be continuing the hearing and asked Hearing Officer Steck to conduct the swearing in ceremony for all those in attendance who planned to speak.

At 5:58 p.m. Hearing Officer Steck announced the third item on the agenda is a request for a Conditional Use Permit for a Recreational Enterprise (Campground) on site. The property is a 19.28 acre site located at 189 Hawkins Lane in Eastview, KY, known as Lot 3 of Shirley Estates, within the West Hardin Planning Area and is zoned Rural Residential (R-2). The PVA map number is 019-00-00-008. The property is owned by **MANDI HALL**. Director King reviewed the application, the plans for the property and presented the exhibits into the record.

Mandi Hall, of 189 Hawkins Lane, Eastview, KY provided testimony and answered questions from the Board members and staff. Ms. Hall stated she is passionate about the property and about teaching her guests about her property. She is working on getting the rock shelter on the property added to the National Register of Historic Places. She stated she has owned this property for 14 years. She wants to help kids get back in touch with nature, and to not only provide camping on site but an educational and fun family adventure. When asked about running her campground without a Conditional Use Permit, Ms. Hall stated she did not obtain a Conditional Use Permit for her campground, because she did not realize she needed a permit. Ms. Hall said she posted the AirBNB advertisement in July of 2021 and that the most amount of campsites filled at one time since then has been three sites. When asked about the road to her property, she stated, the road is 10' wide and not busy. Ms. Hall said she greets every person that is coming to her campsite, it is by reservation only, the guests have to sign a release of liability form and that she does not want a ton of people there. Lastly, Ms. Hall stated she does have a letter of intent with Tree Walkers, and wants to eventually have walkways in the trees for her guests, with tent sites in the trees that could rent for as much as \$380 a night.

At 6:19 p.m. Hearing Officer Steck opened the floor for any individuals who wanted to speak in opposition of the proposal.

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Charles Morris, of 1200 Williams Lane, Eastview, KY, spoke in opposition of the proposal. He stated his concern is the roads are already in bad shape now and that no one stops at the stop sign. Also, he is worried about 4-wheelers and how Ms. Hall is going to keep her guests off his property.

Rachelle Gray Wardrip, of 1180 Middle Creek Road, Elizabethtown, KY, spoke in opposition of the proposal. She stated she grew up at 193 Hawkins Lane so she has been around this property for twenty-one years. Mrs. Wardrip said she is worried about safety, she said people get lost trying to find the campground and the road is not wide enough to pass on. When passing someone you either have to pull into someone's driveway, back down the road or pull into the ditch; and the road is already falling apart with just the traffic on it currently. Every time she goes down Hawkins Lane she has to stop because of something in regards to this property: animals, campers, vehicles, etc. Another concern she has is the animals are advertised as an exhibit for the guests and that they need to be contained on the property and not out in the narrow road.

Lahoma Gray, 16165 Salt River Road, Eastview, KY, spoke in opposition of the proposal. She stated she owns the 75 acres past Ms. Hall. Mrs. Gray stated she has concerns with the road and not being able to pass the other vehicles when they meet. She also said that due to Ms. Hall's narrow entrance that the campers have to drive onto her son's driveway who lives across the street and also have to use his driveway as a turnaround due to the dead end road. Mrs. Gray stated noise is also an issue, that Ms. Hall goes back and checks on the guests all hours of the night and they cut fire wood and bang on things all hours of the night. Other questions and concerns Mrs. Gray raised were about the septic, showers, and parking. She stated that ever since Planning and Zoning had been involved, that now people have broken into garages on the surrounding properties around the campground, screws have been placed in the road and that people walk on the road at all hours of the night. Lastly, Mrs. Gray stated the guests need to be limited to certain areas and that she is concerned about trespassing and does not want people on her property.

Stephanie Givens, 13871 Salt River Road, Eastview, KY, spoke in opposition of the proposal. Mrs. Givens stated her property backs up to Ms. Hall's property. She said she believes you should be able to do what you want on your own property, but that as a neighbor she does not want to hear campers running all hours of the night and also does not want Ms. Hall's animals on her property. Her husband has trails in their woods and hunts their property. Mrs. Givens stated she is concerned about safety, and questioned how Ms. Hall is going to keep the campers separated and safe from hunting activities. She said her husband has caught people on their property and even in his hunting stands, and she does not want strangers on her property. Mrs. Givens stated that Ms. Hall's property is not fenced, there are not any "no trespassing" signs posted and the actual boundaries of the property are not marked to let the guests know the property limits. She stated her husband's family has been in this specific area for 30-40

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years and she is worried about safety and someone being shot. Lastly, Mrs. Givens stated last year in one week they had three different people show up in their driveway that stated they were looking for the campground and that their google maps sent them to her house.

Cody Gray, of 13885 Saint John Road, Rineyville, KY, spoke in opposition of the proposal. Mr. Gray stated his parents live on Hawkins Lane and his own children are scared to go to their grandparent's house and play in their yard because of reasons associated with Ms. Hall's property. He stated the road is not safe and that he has had items stolen from his property recently.

Jarrett Gray, of 370 Laurel Ridge Road, Eastview, KY, spoke in opposition of the proposal. Mr. Gray questioned how many people could potentially be on the property if 5 camping spots were approved. He also noted that the other nine Recreational Enterprises shown in the staff presentation that were approved were on larger roads that were at least two lanes wide.

Emily Emery, of 199 Hawkins Lane, Eastview, KY, spoke in opposition of the proposal. She stated she lives just down from Ms. Hall and has lived there 20+ years with very little traffic on the road. Mrs. Emery stated if this proposal happens this narrow, single lane road needs to be widened. Also, that this is not primitive camping as it has been advertised, but there are multiple guests that come with campers. She stated that all homes on the road are in close proximity, and that just last week a camper from the campground came and asked her husband if he could bum a cigarette. Also, she stated she is worried about her properties value if this is approved. Mrs. Emery stated they now have to keep their garage door closed as a result of people coming onto their property, and that they shouldn't have to do that. Lastly, she stated they installed a security camera system as a result of all this, and being concerned about safety.

Richard Goodman, of 195 Hawkins Lane, Eastview, KY, spoke in opposition of the proposal. Mr. Goodman stated people in their campers have hit and knocked down his mailbox, and drove through his yard tearing it up. He said the guests are mainly in campers, not tents. Mr. Goodman asked what the hours would be, if this would be seasonal or year round and where the parking areas would be.

Billy Nugent, of 14734 Salt River Road, Eastview, KY, spoke in opposition of the proposal. He stated he is neither for or against the proposal, but wants to bring attention to some major concerns. Mr. Nugent said he has been in this area for 30 years and his main concerns are safety, traffic and the road. He stated that the road isn't wide enough for a combine tractor to get down so how is it wide enough for all these camper trailers. Mr. Nugent asked if the rock shelter was even on Ms. Hall's property and if she knew where her property lines were. In addition, he stated the proposal says five spots, but that typically would result in ten vehicles. Lastly, Mr. Nugent stated he would want the

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property lines to be figured out, property fenced, noise to be lessened, guidelines of the operation shared, the road widened and all environmental/ septic standards to be met.

Linda Gray, of 193 Hawkins Lane, Eastview, KY, spoke in opposition of the proposal. She stated her main concern is the containment of the guests on site. Mrs. Gray said she feels unsafe in her own home. Additionally the containment of Ms. Hall's animals is already an issue that needs to be resolved. Also, as already stated by many others, the road is a big issue and that many times she cannot even get to her driveway because she has to wait for Ms. Hall's guests to get out of the road, and sometimes the people pull into her driveway to try and let her by. Mrs. Gray stated she can see from her homes bay window into multiple campsites and now she has a port-a-pot within her view. Another concern Mrs. Gray discussed is the noise, she stated she has been kept up until 4:00 a.m. multiple times because of music, thumping, trucks coming in and out/ driving circles around the barn, hammering and chainsaws all coming from Ms. Hall's property. Lastly, Mrs. Gray stated the entrance and exit issue needs to be fixed and her properties driveway should not ever be blocked.

Tyler Pearman, of 251 Hawkins Lane, Eastview, KY, also known as Lot 5 of Shirley Estates, spoke in opposition of the proposal. He stated per the plat that Ms. Hall's rear property line goes to the blueline stream, but not all the way to Rough River, his property lies between Ms. Hall's and the river. Mr. Pearman stated the blueline stream only has water after it rains, and per the Conservation Office is not considered a navigable waterway. He stated Ms. Hall has advertised that her guests can walk to Rough River using the stream and he does not want these people trespassing on his land. He is concerned about safety as he hunts this property and people are now walking through the middle of his land. Mr. Pearman stated the road does not go as far as it is shown on the plat, he is maintaining part of the dedicated road and for this to work Hawkins Lane must be widened.

Willidean Givens, of 315 Williams Lane, Eastview, KY, spoke in opposition of the proposal. She stated she has been in this area since 1980 and most all of this land used to be her property. Mrs. Givens stated the blueline stream is just a little branch to the main river and that the rock shelter used to be a waterfall. She asked who contains all the fires, if Hawkins Lane was private or county maintained, are 4-wheelers allowed and what is going to be done about the trespassing? Lastly, Mrs. Givens stated she does not know Ms. Hall and she tries to stay on her own property, but that Ms. Hall's animals come on her property regularly.

At 7:09 p.m. Hearing Officer Steck announced the allotted thirty minutes for any individuals who wanted to speak in opposition of the proposal was up, and asked Ms. Hall to please come up for the Board Members to ask her some questions.

Mandi Hall, of 189 Hawkins Lane, Eastview, KY provided testimony and answered questions from the Board members and staff. She stated there are no 4-wheelers

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allowed and that she had just ordered property border signs that she will be posting this weekend. Ms. Hall stated the most number of people, if every campsite was full, would be 40 people total, which would be five campsites with eight guests at each site. Also, Ms. Hall wanted to state for the record that her guests are by reservation only, she greets each person and that they have to sign a release of liability before they are allowed to stay. There would be no employees and the campground would be open every day, with quiet hours being: Monday – Thursday 10:00 p.m. – 6:00 a.m. and Friday – Sunday and Holidays 12:00 a.m. – 6:00 a.m. In regards to screening, Ms. Hall stated she recently purchased bamboo that she will be planting along the road so the neighbors cannot see the campsites. Ms. Hall stated that listed in her rules for the campground there is no discharging of firearms or hunting allowed on the property. She did state that she did not realize the issue with walking the blueline stream to Rough River and that she no longer advertises that to her guests. In regards to parking of vehicles and the entrance to the campground, Ms. Hall stated she had just put in a 16' gravel road, the guests park at their campsites and there is plenty of room for the campers to turn onto her property to get to the campsites.

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

At 7:16 p.m. Secretary Steck stated he wanted to do a site visit and that the Board Members needed some kind of drawing showing the campsites with parking and amenities illustrated. Director King added that also illustrated needs to be the area where the guests first park to meet Ms. Hall and just more details in general. Also, Director King stated per the Zoning Ordinance a Conditional Use Permit on residential property is required to be incidental and subordinate to the principal use. Lastly, Director King stated for the record the Conditional Use Permit is still not approved so there should not be any paying customers camping on Ms. Hall's property.

At 7:21 p.m. Secretary Steck made a motion to table the proposal until 18 November 2021 at 5:00 p.m. to allow for the board members to visit the site. Chairman Krausman provided the second. The motion passed unanimously.

At 7:23 p.m. Chairman Krausman called for consideration and action on the **Minutes from the 9 September 2021 meeting** of the Board of Adjustment. Secretary Steck made a motion to approve the minutes as presented. Chairman Krausman provided the second. The motion passed unanimously.

At 7:24 p.m. Chairman Krausman called for consideration and action on the **2022 Meeting Schedule**. Secretary Steck made a motion to approve the schedule as presented. Chairman Krausman provided the second. The motion passed unanimously.

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

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APA-KY PRESEIDENT ELECT

Adam C. King, AICP was elected by his peers as the President Elect of the KY Chapter of the American Planning Association. He will take office in January of 2022 for a four year term. Serving in 2022 as President Elect, in 2023 & 2024 as President and in 2025 as Immediate Past President.

ARMY COMPATIBLE USE PLAN

Director King attended a virtual presentation on September 21, 2021 as part of the Technical Advisory Committee for the Fort Knox Compatible Use Plan. The Lincoln Trail Area Development District presented the Draft Plan to the group for feedback.

APA-KY FALL CONFERENCE

Director King attended the APA-KY Fall Conference at Lake Barkley State Park on September 22-24, 2021 and received 10 hours of continuing education.

Chairman Krausman announced that the next scheduled meeting will be held on Thursday, November 18, 2021 at 5:00 p.m. and the meeting was adjourned at 7:25 p.m.

ADOPTED AND APPROVED THIS 18th DAY OF NOVEMBER 2021 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.

Steve Steck, Secretary

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Chairman Bob Krausman called to order the four hundred and forty fifth meeting of the Hardin County Board of Adjustment at 5:00 p.m. on Thursday, 9 September 2021, in the Hardin County Government Center, 2nd Floor Meeting Room. The other Board Members in attendance were Vice Chairman Greg Youngblood, and Secretary Steve Steck. Also, in attendance were Director Adam King AICP, Planner Nikki McCamish, Planning Technician Haley Baird and the individuals listed on the attached sign-in sheet. Chairman Krausman appointed Secretary Steck to serve as the Hearing Officer and to conduct the swearing in ceremony for all those in attendance who planned to speak.

At 5:00 p.m. Hearing Officer Steck announced the first item on the agenda is a request for an Amended Conditional Use Permit for Automotive Storage to continue to allow for up to 20 vehicles to be parked on site. The property is a 3.072 acre site located at 4399 Glendale Hodgenville Road West in Glendale, KY, known as Lot 1 of Tiny J Acres, within the Natural Resource Planning Area and is zoned Rural Residential (R-2). The PVA map number is 170-00-00-017. The property is owned by **AMANDA STOPHER** and the applicant is **RANDALL GRAY**. Director King reviewed the application, the plans for the property and presented the exhibits into the record.

Randall Gray, of 4431 Glendale Hodgenville Road West, Glendale, KY provided testimony and answered questions from the Board members and staff. Mr. Gray explained that the two vehicles which were parked outside of the fenced area when Director King completed his site visit are now gone, and that cars are only parked outside of the designated area when they are staying only overnight. Director King stated that no neighbors had called to complain since the previous application, but that one neighbor had called prior to this hearing to say they appreciate the fence that was installed. Mr. Gray planted 12 arborvitae after Director King's site visit, which satisfies the previous conditions. Mr. Gray stated that he planned to plant more of the shrubs and trees along the other sides of the fence as well.

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

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

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

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

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

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

1. Hours of Operation shall be from 12:00 pm–9:00 pm Monday–Friday and 2:00 pm-7:00 pm on Saturday.
2. 20 vehicles may be stored on site and shall be completely screened from view of the right-of-way and adjoining properties in the designated area. The areas shall be 80'x125' gravel parking area to the west side and rear of the existing building. 10 of these vehicles may be non-operational and/or non-licensed and registered.
3. The vehicles will be screened via a 6' tall solid wood privacy fence with landscaping (12 shrubs) along the front side facing the road.
4. An inventory of vehicles on site will be conducted and maintained.
5. There shall only be no employees of the business who do not reside on the premises.
6. This Conditional Use Permit shall allow for general Auto Repair and the storage of vehicles. There shall be no retail sales of parts/vehicles.
7. This Conditional Use Permit shall be issued to the current property owner, Amanda Stopher and applicant, Randall Gray and is not transferable.
8. All building activities shall conform to provisions of the Kentucky Building Code.
9. This Conditional Use Permit shall be for a period of 5 years and expire on September 9, 2026.
10. A Certificate of Land Use Restrictions shall be recorded in the Hardin County Clerk's Office.
11. An Emergency Response and Spill Prevention Plan is on file with our office and shall be required.

Secretary Steck provided the second. The motion passed unanimously.

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At 5:15 p.m. Hearing Officer Steck announced the second item on the agenda is a request for a Conditional Use Permit to allow for the operation of a home occupation (woodworking shop) within a proposed 48'x72' pole barn on site. The property is a 1.42 acre site located at 2995 Nacke Pike Road in Cecilia, KY known as Lot 1 of The Other Place within the West Hardin Planning Area and is zoned Rural Residential (R-2). The PVA map number is 070-00-00-018.01. The property is owned by **SHERRY & TIMOTHY ERNSPIKER**. Director King reviewed the application, the plans for the property and presented the exhibits into the record.

Timothy Ernspiker, of 2995 Nacke Pike Road, Cecilia, KY provided testimony and answered questions from the Board members and staff. Mr. Ernspiker stated that he has always been a carpenter with dreams of building a detached shop to house his tools for his woodworking business. Mr. Ernspiker stated that this is a family business, where his children are working for him and potentially may have a couple more employees in the future. Mr. Ernspiker explained that all of his materials will need to be stored inside so they are acclimated to that environment, and the building will be insulated so there should be no noise or outdoor storage issues. Mr. Ernspiker also addressed the safety concerns of pulling in and out of the driveway because it will be placed on a curve in the road. Mr. Ernspiker stated there will only be two deliveries per month, and that there will be a drive around the west side of the building to access parking in the rear. Director King added that the road department plans to reduce the speed on the curve as well.

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

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

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

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

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

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

1. This Conditional Use Permit shall allow for an expanded home occupation to allow for a cabinet/wood working business in a proposed 48'x72' pole barn.
2. Hours of Operation shall be from 8:00 am–5:00 pm Monday–Friday.
3. There shall be no outdoor storage of materials on site.
4. A hammerhead or three-point turnaround must be provided on site so that no vehicles back out into Nacke Pike Road.
5. There shall only be 5 employees of the business who do not reside on the premises.
6. This Conditional Use Permit shall be issued to the current property owners, Sherry & Timothy Ernspiker, and is not transferable.
7. A Site Plan in compliance with Section 7 of the Zoning Ordinance shall be required.
8. All building activities shall conform to provisions of the Kentucky Building Code.
9. This Conditional Use Permit shall be for a period of 3 years and expire on September 9, 2024.
10. A Certificate of Land Use Restrictions shall be recorded in the Hardin County Clerk's Office.
11. A single sign no larger than 6 sq. ft. shall be permitted as outlined in the zoning ordinance.

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

At 5:45 p.m. Hearing Officer Steck announced the third item on the agenda is a request for a Variance from the front building setback to allow for a 8'x32' covered front porch and a 6'x30' addition to the side of the existing house. The property is a 0.172 acre site located at 220 Colesburg Road in Elizabethtown, KY, within the Colesburg Planning Area and is zoned Rural Residential (R-2). The PVA map number is 251-20-00-022. The property is owned by **RICHARD & PATRICIA CAMPBELL**. Planner McCamish reviewed the application, the plans for the property, and presented the exhibits into the record.

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Richard (Dale) Campbell of 2442 Lower Colesburg Road, Elizabethtown, KY provided testimony and answered questions from the Board members and staff. Mr. Campbell stated that he lives near the property and has wanted to buy and fix this house up for years. Mr. Campbell wants add an 8'x32' covered front porch to the house, and add a 6'x30' addition to the side of the house. Mr. Campbell intends to make this house one of the nicest in the neighborhood, and then rent it out.

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

At 5:55 p.m. Hearing Officer Steck closed the hearing to public discussion.

Vice Chairman Youngblood made a motion to grant the Variance based on the staff presentation and the testimony provided in the public hearing. He noted the low speed limit on the road and stated that this was not out of character for the area, it will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public and will not allow an unreasonable circumvention of the requirements of this regulation and will satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243 and DGS 5-3 (B) (1) Findings necessary for granting variance) which is as follows:

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

The Variance was granted with the noted conditions:

1. To allow for a Variance from the 40' front building setback line to allow for a proposed 8'x32' covered front porch to be no closer than 22' from the center line of Colesburg Road.
2. To allow for a Variance from the 40' front building setback line to allow for a 6'x30' addition to the existing home to be no closer than 46' from the center line of Colesburg Road.
3. A Site Plan in compliance with Section 7 of the Zoning Ordinance shall be required.
4. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.
5. The front porch may be covered but shall not be enclosed.

Secretary Steck provided the second. The motion passed unanimously.

At 5:59 p.m. Hearing Officer Steck announced the fourth item on the agenda is a request for a Conditional Use Permit to allow for two 751 sq. ft. ground mount solar systems to be installed on site. The property is a 6.905 acre site located at 2191 Roundtop Road, Elizabethtown, KY, known as Lot 3E of Gregwarren Subdivision within

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the Natural Resource Planning Area and is zoned Rural Residential (R-2). The PVA map number is 236-00-00-027. The property is owned by **MINDE & JOSEPH MALCOMSON**. Planner McCamish reviewed the application, the plans for the property, and presented the exhibits into the record.

Patrick Wallace, of 1805 Athens Drive, Loveland, OH provided testimony and answered questions from the Board members and staff. Mr. Wallace spoke on behalf of the solar company (Solar is Freedom) and the landowners of this application. Mr. Wallace stated the goal of this project is to offset the Malcomson's electric bill and not to fill the yard with solar panels. Mr. Wallace explained the panels would not work on the roof of the home because of the surrounding trees. Mr. Wallace stated that there was poor communication between the project manager and the permit manager, which resulted in these panels being placed on the site prior to receiving the permit. Mr. Wallace noted that the location of the panels was due to the customers preference and the existing septic system. Mr. Wallace also stated he would contact the landowners about screening the panels in with natural vegetation, and that his company would be happy to cover half if not all of the cost.

Michael Schoenbaecher, of 2051 Roundtop Road, Elizabethtown, KY spoke in opposition of the proposal. Mr. Schoenbaecher stated that he is the only neighboring property that can see the solar panels, and he is upset that the company installed the panels before they were supposed to. Mr. Schoenbaecher stated that he would be pleased with some shrubs or trees to screen the visibility of the panels from his view.

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

At 6:35 p.m. Hearing Officer Steck closed the hearing to public discussion.

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

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

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

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

1. This Conditional Use Permit shall allow for two, 751 sq. ft. ground mount solar arrays that exceed the 200 sq. ft. threshold for ground mount solar as established by the Planning Commission with Resolution 2020-011.
2. An electrical permit and the necessary inspections shall be required from the KBC program of our office.
3. The proposed solar array shall comply with building setbacks.
4. The proposed solar array shall be located in the front yard.
5. Additional landscaping or screening in the form of six shrubs shall be required along the north side of the panels. Additionally, trees shall be required to fill in the existing gaps along the fence row on Roundtop Road in the vicinity of the panels.
6. A Site Plan in compliance with Section 7 of the Zoning Ordinance shall be required.
7. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Secretary Steck provided the second. The motion passed unanimously.

At 6:41 p.m. Chairman Krausman called for consideration and action on the **Minutes from the 19 August 2021 meeting** of the Board of Adjustment. Secretary Steck made a motion to approve the minutes as presented. Vice Chairman Youngblood provided the second. The motion passed unanimously.

Chairman Krausman announced that the next scheduled meeting will be held on Thursday, October 21, 2021 at 5:00 p.m. and the meeting was adjourned at 6:42 p.m.

ADOPTED AND APPROVED THIS 21st DAY OF OCTOBER 2021 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.

Steve Steck, Secretary

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Chairman Bob Krausman called to order the four hundred and forty fourth meeting of the Hardin County Board of Adjustment at 5:00 p.m. on Thursday, 19 August 2021, in the Hardin County Government Center, 2nd Floor Meeting Room. The other Board Members in attendance were Vice Chairman Greg Youngblood, and Secretary Steve Steck. Also, in attendance were Planner Nikki McCamish, Planning Technician Haley Baird and the individuals listed on the attached sign-in sheet. Director Adam King, AICP was absent from this meeting. Chairman Krausman appointed Secretary Steck to serve as the Hearing Officer and to conduct the swearing in ceremony for all those in attendance who planned to speak.

At 5:00 p.m. Hearing Officer Steck announced the first item on the agenda is a request for a Variance from the rear building setback to allow for an 18'x36' carport. The property is a 0.422 acre site located at 8516 Hardinsburg Road in Cecilia, KY, within the Natural Resource Planning Area and is zoned Rural Residential (R-2). The PVA map number is 068-00-00-021. The property is owned by **JAMES HOWARD**. Planner McCamish reviewed the application, the plans for the property and presented the exhibits into the record.

James Howard, of 8516 Hardinsburg Road, Cecilia, Ky provided testimony and answered questions from the Board members and staff. Mr. Howard explained that the carport was a pre-fab structure placed on site by the carport company and they failed to inform him that he would need a building permit for this structure. Mr. Howard stated that the carport is in the most level spot on the property, and he has two drainage ditches that surround the sides of the structure. Mr. Howard explained that the ditches are not always wet, but they do have a bad habit of flooding. Mr. Howard also explained that the flooding is less of an issue now that his surrounding neighbors have a higher presence of cropland being farmed; Mr. Howard is using the carport to store his 36' RV, and the structure is anchored by 4' Rebar. Mr. Howard stated he has lived in this area his whole life, knows all of the neighbors, and has discussed the carport with them, which they have no issue with.

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

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

Vice Chairman Youngblood made a motion to grant the Variance based on the staff presentation and the testimony provided in the public hearing. He stated that this was not out of character for the area and it will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public and will not allow an unreasonable circumvention of the requirements of this regulation and will satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243 and DGS 5-3 (B) (1) Findings necessary for granting variance) which is as follows:

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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 Variance was granted with the noted conditions:

1. To allow for a Variance from the 15' rear building setback line to allow for the existing 18'x36' carport no closer than 3' from the rear property line.
2. A Site Plan in compliance with Section 7 of the Zoning Ordinance shall be required.
3. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

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

At 5:22 p.m. Hearing Officer Steck announced the second item on the agenda is a request for a Variance from the front building setback to allow for a 28'x68' manufactured home with a 6'x6' front porch. The property is a 3 acre site located at 133 Raizor Lane in Cecilia, KY, within the Natural Resource Planning Area and is zoned Rural Residential (R-2). The PVA map number is 083-00-00-030. The property is owned by **PHYLLIS & MILTON REEVES** and the applicant is **SONYA DURHAM**. Planner McCamish reviewed the application, the plans for the property and presented the exhibits into the record.

Jacob Kerr, of 558 Saint Andrews Drive Vine Grove, KY, a representative of Oakwood Homes, provided testimony and answered questions from the Board members and staff. Mr. Kerr stated he was unaware of the 90' setback due to the ingress/egress easement. He explained that there are only 9 houses on the road, hardly any traffic, and the proposed home will actually be farther back off the road than the original was. Mr. Kerr stated the applicant will be using the previous septic tank, and there is no requirement for a driveway encroachment permit because it is a private road.

Sonya Durham, of 281 Raizor Lane Cecilia, KY provided testimony and answered questions from the Board members and staff. Ms. Durham stated that she has had to move back home to take care of her elderly mother since her fathers recent passing. Ms. Durham explained she is from the area and knows the neighbors well, and that her mother actually owns 22 of the surrounding acres.

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

At 5:44 p.m. Secretary Steck closed the hearing to public discussion.

Secretary Steck made a motion to grant the Variance based on the staff presentation and the testimony provided in the public hearing. He referenced the topography of the site, and it being a private, dead-end road with little traffic. He stated that this was not

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out of character for the area and it will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public and will not allow an unreasonable circumvention of the requirements of this regulation and will satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243 and DGS 5-3 (B) (1) Findings necessary for granting variance) which is as follows:

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

The Variance was granted with the noted conditions:

1. To allow for a Variance from the 70' front building setback line (90' to Centerline) along Raizor Lane to allow for the construction of a 28'x68' Manufactured Home with a 6'x6' Front Porch no closer than 50' from the centerline of the road. The front porch may be covered but shall not be enclosed.
2. A Site Plan in compliance with Section 7 of the Zoning Ordinance shall be required.
3. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.
4. The existing mature trees between the proposed home and Raizor Lane shall be preserved.

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

At 5:50 p.m. Hearing Officer Steck announced the third item on the agenda is a request for a Variance from the front building setback to allow for a proposed 22'x26' attached garage addition to the existing home. The property is a 1.515 acre site located at 210 Lea Court in Rineyville, KY, known as Lot 19 of Rolling Heights Subdivision within the Rineyville Rural Village Planning Area and is zoned Urban Residential (R-1). The PVA map number is 143-00-04-019. The property is owned by **TAMMY & RAYMOND FEILER**. Planner McCamish reviewed the application, the plans for the property and presented the exhibits into the record.

Raymond Feiler, of 210 Lea Court, Rineyville, KY, provided testimony and answered questions from the Board members and staff. Mr. Feiler explained the garage is being added to the home because he and Mrs. Feiler wish to convert the current garage into living quarters, so they can live on just one level. Mr. Feiler explained the house is currently three stories, and as his wife becomes increasingly disabled, (due to a car accident) she will not be able to make it up and down the steps to do the laundry or use the restroom, because the full bathroom and laundry are on separate floors. Mr. Feiler also explained the proposed floor plan was the easiest way to make this home function for he and his wife as they age. Mr. Feiler stated the cul-de-sac is very big, which causes the front setbacks to be larger than typical setbacks for the R-1 zone.

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

At 6:02 p.m. Secretary Steck closed the hearing to public discussion.

Vice Chairman Youngblood made a motion to grant the Variance based on the staff presentation and the testimony provided in the public hearing. He referenced the 60' radius cul-de-sac as reasoning on his motion. He stated that this was not out of character for the area and it will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public and will not allow an unreasonable circumvention of the requirements of this regulation and will satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243 and DGS 5-3 (B) (1) Findings necessary for granting variance) which is as follows:

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

The Variance was granted with the noted conditions:

1. To allow for a Variance from the 40' front building setback line along Lea Court to allow for the construction of a 22'x26' attached garage and for the existing covered porch to be no closer than 28' from the front property line.
2. A Site Plan in compliance with Section 7 of the Zoning Ordinance shall be required.
3. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Secretary Steck provided the second. The motion passed unanimously.

At 6:05 p.m. Chairman Krausman called for consideration and action on the **Minutes from the 5 August 2021 meeting** of the Board of Adjustment. Vice Chairman Youngblood made a motion to approve the minutes as presented. Chairman Krausman provided the second. The motion passed 2-0 with Secretary Steck abstaining, due to his absence from the meeting.

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

RADCLIFF ELIZABETHTOWN MPO MEETING

On 4 August 2021, Adam attended the Radcliff Elizabethtown Metropolitan Planning Organization - Technical Advisory Committee Meeting. The East Elizabethtown Connectivity Study was the topic of discussion.

Chairman Krausman announced that the next scheduled meeting will be held on Thursday, September 9, 2021 at 5:00 p.m. and the meeting was adjourned at 6:05 p.m.

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ADOPTED AND APPROVED THIS 9th DAY OF SEPTEMBER 2021 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.

Steve Steck, Secretary

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Chairman Bob Krausman called to order the four hundred and forty third meeting of the Hardin County Board of Adjustment at 5:01 p.m. on Thursday, 5 August 2021, in the Hardin County Government Center, 2nd Floor Meeting Room. The other Board Member in attendance was Vice Chairman Greg Youngblood. Also, in attendance were Director Adam King, AICP, Planner Nikki McCamish, Planning Technician Haley Baird and the individuals listed on the attached sign-in sheet. Secretary Steve Steck was absent from this meeting. Chairman Krausman appointed Vice Chairman Youngblood to serve as the Hearing Officer and to conduct the swearing in ceremony for all those in attendance who planned to speak.

At 5:02 p.m. Hearing Officer Youngblood announced the first item on the agenda is a request for a Conditional Use Permit to allow for an existing structure used as an antique / craft shop to be converted back to a Single Family Dwelling in the B-2 Zone. Also, the applicant is requesting a Variance from the front building setback along North Bell Avenue to allow for a proposed 25'x40' detached garage. The property is a 0.48 acre site located at 150 East Main Street, Glendale, KY, within the Glendale Rural Village Planning Area and is zoned Tourist and Convenience Commercial (B-2). The PVA map number is 190-30-01-007. The property is owned by **THE COUNTRY GATE LLC** and the applicant is **LAURIE BRIGGS**. Director King reviewed the application, the plans for the property and presented the exhibits into the record.

Laurie Briggs, of 108 Ivy View Lane, Elizabethtown, KY provided testimony and answered questions from the Board members and staff. Mrs. Briggs explained that they are trying to buy the house to live in, but the bank denied the appraisal because the property is zoned commercial instead of residential. Mrs. Briggs also stated that this would be the primary residence for the family, and they will connect to the Hardin County Water District #2 Sewer System as soon as they move in. Mrs. Briggs then explained the application for the variance is for a detached garage that would be the same distance from North Bell Avenue as the current garage.

Seth Briggs, of 108 Ivy View Lane, Elizabethtown, KY spoke in favor of the proposal. Mr. Briggs stated the existing shed at the rear of the property is in poor condition and needs to be torn down. Mr. Briggs explained the proposed garage would be slightly bigger, and just slightly closer to the house. Mr. Briggs stated that there is very little traffic on North Bell Avenue.

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

At 5:20 p.m. Vice Chairman Youngblood closed the hearing to public discussion.

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

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

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

1. This Conditional Use Permit shall allow for a single family dwelling in the B-2 Zone.
2. The dwelling shall require a Change of Use Building Permit from a commercial antique/craft shop back into a single family dwelling from the KBC program of our office.
3. In order for the home to be used for a Commercial purpose in the future, a Change of Use Building Permit and Development Plan shall be required.
4. A Site Plan in compliance with Section 7 of the Zoning Ordinance shall be required.
5. A Certificate of Land Use Restrictions shall be recorded in the office of the Hardin County Clerk.

Vice Chairman Youngblood also made a motion to grant the Variance based on the staff presentation and the testimony provided in the public hearing. He stated that this was not out of character for the area and it will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public and will not allow an unreasonable circumvention of the requirements of this regulation and will satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243 and DGS 5-3 (B) (1) Findings necessary for granting variance) which is as follows:

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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 Variance was granted with the noted conditions:

1. To allow for a Variance from the 40' front building setback line along North Bell Avenue to allow for the construction of a 25'x40' detached garage no closer than 35' from the centerline of the road.
2. A Site Plan in compliance with Section 7 of the Zoning Ordinance shall be required.
3. The property must be connected to the Hardin County Water District #2 sewer system.
4. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Chairman Krausman provided the second. The motion passed unanimously.

At 5:24 p.m. Chairman Krausman called for consideration and action on the **Minutes from the 22 July 2021 meeting** of the Board of Adjustment. Vice Chairman Youngblood made a motion to approve the minutes as presented. Chairman Krausman provided the second. The motion passed unanimously.

Chairman Krausman announced that the next scheduled meeting will be held on Thursday, August 19, 2021 at 5:00 p.m. and the meeting was adjourned at 5:25 p.m.

ADOPTED AND APPROVED THIS 19th DAY OF AUGUST 2021 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.

Steve Steck, Secretary

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Chairman Bob Krausman called to order the four hundred and forty second meeting of the Hardin County Board of Adjustment at 5:01 p.m. on Thursday, 22 July 2021, in the Hardin County Government Center, 2nd Floor Meeting Room. The other Board Members in attendance were Vice Chairman Greg Youngblood, and Secretary Steve Steck. Also, in attendance were Director Adam King, AICP, Planner Nikki McCamish, Planning Technician Haley Baird and the individuals listed on the attached sign-in sheet. Chairman Krausman appointed Secretary Steck to serve as the Hearing Officer and to conduct the swearing in ceremony for all those in attendance who planned to speak.

At 5:02 p.m. Hearing Officer Steck announced the first item on the agenda is a request for a Conditional Use Permit to allow for an accessory structure (24'x40' barn) on the property without a dwelling on site. The property is a 1.5 acre site located at 1652 Webb Mill Road, Eastview, KY, within the South Hardin Planning Area and is zoned Rural Residential (R-2). The PVA map number is 074-00-00-054. The property is owned by **KIMBERLY & JAMES MCCOMB**. Planner McCamish reviewed the application, the plans for the property and presented the exhibits into the record.

James McComb, of 656 Rolling Hills Lane, Apartment 1, Lapierre, MI provided testimony and answered questions from the Board members and staff. Mr. McComb stated he and his wife just sold their home in Michigan, and are planning for their retirement home close to their grandchild. Mr. McComb bought the property in Eastview, KY and placed a pre-fab garage on site to start moving their stuff from Michigan. Mr. McComb explained he was not aware that he needed a building permit until he contacted the Planning office for an electrical inspection. He stated that they would be building a house within 3 to 4 years on site and moving here permanently.

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

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

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

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

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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 accordance with the purposes of the Zoning Ordinance and the Comprehensive Plan.

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

1. This Conditional Use Permit shall allow for the proposed 24'x40' barn on a vacant tract without a dwelling on site.
2. The proposed structure is for residential / agricultural storage and shall not be occupied or used as a dwelling.
3. Additional landscaping and/or screening shall not be required.
4. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.
5. Building and Electrical permits must be secured thru the KBC Building Program of our office.
6. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.
7. A building permit for a single family dwelling must be applied for within 4 years, (this Conditional Use Permit will expire on July 22, 2025).

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

At 5:15 p.m. Hearing Officer Steck announced the second item on the agenda is a request for a Conditional Use Permit to allow for a 308 sq. ft. and a 270 sq. ft. ground mount solar system to be installed on site. The property is a 11.194 acre site located at 136 Buck Run Lane, Elizabethtown, KY, known as Lot 5A of Buck Run Estates within the Valley Creek Urban Planning Area and is zoned Urban Residential (R-1). The PVA map number is 074-00-00-054. The property is owned by **KELLY & DEWEY CRUZE**. Director King reviewed the application, the plans for the property and presented the exhibits into the record.

Matthew Herko, of 2507 West Sixth Street, Mishawaka, IN provided testimony and answered questions from the Board members and staff. Mr. Herko is a representative of

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Power Home Solar and provided an explanation on the technology and schematics of the solar panels. Mr. Herko said the size of the solar panels to be installed was determined based on how much electricity was used by the residence in the past 12 months. Mr. Herko explained Lidar technology was used to determine the best placement for the panels on the property, and is also why they chose ground mount instead of roof mount solar panels. Mr. Herko also explained that these panels would be enough to power the entire home, and there is a 30 year warranty on them.

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

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

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

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

According to provisions of the Kentucky Revised Statutes, the Hardin County Development Guidance System Zoning Ordinance, and the proceedings before the Board of Adjustment (the staff presentation and the testimony presented in the Public Hearing); Vice Chairman Youngblood made the motion to grant the Conditional Use Permit (CUP) due to the site being 11 acres in size with an existing mature tree line, and no aesthetic concerns with the following conditions:

1. This Conditional Use Permit shall allow for a 308 and a 270 sq. ft. ground mount solar array that exceeds the 200 sq. ft. threshold for ground mount solar as established by the Planning Commission with Resolution 2020-011.

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2. An electrical permit and the necessary inspections shall be required from the KBC program of our office.
3. The proposed solar array shall comply with building setbacks.
4. The proposed solar array shall be located on the north side of the house in the side/rear yard.
5. Additional landscaping or screening shall not be required.
6. A Site Plan in compliance with Section 7 of the Zoning Ordinance shall be required.
7. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Secretary Steck provided the second. The motion passed unanimously.

At 5:40 p.m. Hearing Officer Steck announced the third item on the agenda is a request for a Conditional Use Permit to allow for 308 sq. ft. ground mount solar system to be installed on site. The property is a 0.69 acre site located at 48 West Rainbow Way, Elizabethtown, KY, known as Lot 41 of Four Seasons, Section 3 within the North Glendale Urban Planning Area and is zoned Urban Residential (R-1). The PVA map number is 222-00-01-041. The property is owned by **WENDY & BRYCE WINFIELD**. Director King reviewed the application, the plans for the property and presented the exhibits into the record, including a letter of opposition (Exhibit L), from Linda and Bob Shumate of 35 West Rainbow Way, Elizabethtown, KY submitted via email.

Matthew Herko, of 2507 West Sixth Street, Mishawaka, IN the representative with Power Home Solar provided testimony and answered questions from the Board members and staff. Mr. Herko addressed concerns from the board members about the aesthetics of the solar panels, because this site is a 0.69 acre lot in a subdivision where the neighbors to the east and west will be able to see the panels. Mr. Herko added that a small fence or shrubs could be placed behind the panels to improve the aesthetics without hindering the panel's productivity. Mr. Herko added that once approved, the project would be completed in 30 to 45 days and they could plant shrubs at that time as well.

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

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

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

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

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

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

1. This Conditional Use Permit shall allow for a 308 sq. ft. ground mount solar array that exceeds the 200 sq. ft. threshold for ground mount solar as established by the Planning Commission with Resolution 2020-011.
2. An electrical permit and the necessary inspections shall be required from the KBC program of our office.
3. The proposed solar array shall comply with building setbacks.
4. The proposed solar array shall be located in the rear yard.
5. Additional landscaping or screening in the form of a privacy fence, shrubs, or both must be placed to the north (rear) of the panels after installation.
6. A Site Plan in compliance with Section 7 of the Zoning Ordinance shall be required.
7. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Secretary Steck provided the second. The motion passed unanimously.

At 6:03 p.m. Hearing Officer Steck announced the fourth item on the agenda is request for a Variance from the front building setback to allow for a 28' x 35' carport on site. The property is a 1.19 acre site located at 8010 Hardinsburg Road, Cecilia, KY, within the Natural Resource Planning Area and is zoned Rural Residential (R-2). The PVA map number is 068-00-00-029. The property is owned by **CAROLYN & CHARLES SPARKS JR.** Director King reviewed the application, the plans for the property and presented the exhibits into the record.

Charles Sparks, of 8010 Hardinsburg Road, Cecilia, KY provided testimony and answered questions from the Board members and staff. Mr. Sparks explained that the

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carport was a pre-fab building placed on site by professional contractors who failed to inform him that the structure would need a permit. Mr. Sparks also stated that he will have the house and garage painted to match the carport, and that he chose this location because he would have had to take out a tree in any other location on the lot. Mr. Sparks also noted that he has no intentions of ever closing in the carport entirely, but he may add some shade panels in the future.

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

At 6:20 p.m. Secretary Steck closed the hearing to public discussion.

Secretary Steck made a motion to grant the Variance based on the staff presentation and the testimony provided in the public hearing. He stated that this was not out of character for the area and it will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public and will not allow an unreasonable circumvention of the requirements of this regulation and will satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243 and DGS 5-3 (B) (1) Findings necessary for granting variance) which is as follows:

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

The Variance was granted with the noted conditions:

1. To allow for a Variance from the front building setback line to allow for the 28'x35' carport to be no closer than 52' from the centerline of Hardinsburg Road (KY 86).
2. A Site Plan in compliance with Section 7 of the Zoning Ordinance shall be required.
3. Building & electrical permits must be obtained from the KBC Program of our Office.
4. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.
5. The carport shall not be enclosed and a 6' opening must be maintained on both sides.

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

At 6:20 p.m. Hearing Officer Steck announced the fifth item on the agenda is a request for a Variance from the front building setback along Leitchfield Road (US 62) to allow for a 26'x40' detached garage. The property is a 0.454 acre site located at 15 Joy K Lynn Street, Cecilia, KY, being Lot 2 of Paul Lee Acres within the Stephensburg Rural Village and is zoned Rural Residential (R-2). The PVA map number is 105-00-01-002. The property is owned by **CASEY & ADAM HOBBS**. Planner McCamish reviewed the application, the plans for the property and presented the exhibits into the record.

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Adam Hobbs of 15 Joy K Lynn Street, Cecilia, KY provided testimony and answered questions from the Board members and staff. Mr. Hobbs explained they have already paid for the pre-fab 26'x40' garage to put on the property because they did not expect the setback to be an issue. Mr. Hobbs said that they cannot turn or pivot the garage in any other direction, nor can they put it on the other side of the house because of the septic system. Mr. Hobbs explained that their vehicles and boat are just sitting on the gravel right now so he felt the building would be more visual appealing to the neighbors.

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

At 6:20 p.m. Secretary Steck closed the hearing to public discussion.

Vice Chairman Youngblood made a motion to grant the Variance based on the staff presentation and the testimony provided in the public hearing. He stated that this was not out of character for the area, it is on a small corner lot, will not obstruct any views, and many of the houses on this street are closer to the road. He stated it will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public and will not allow an unreasonable circumvention of the requirements of this regulation and will satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243 and DGS 5-3 (B) (1) Findings necessary for granting variance) which is as follows:

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

The Variance was granted with the noted conditions:

1. To allow for a Variance from the 40' front setback to allow for the proposed 26'x40' garage to be 37.1' from the front property line.
2. A Site Plan in compliance with Section 7 of the Zoning Ordinance shall be required.
3. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Secretary Steck provided the second. The motion passed unanimously.

At 6:36 p.m. Chairman Krausman called for consideration and action on the **Minutes from the 8 July 2021 meeting** of the Board of Adjustment. Vice Chairman Youngblood made a motion to approve the minutes as presented. Secretary Steck provided the second. The motion passed unanimously.

Chairman Krausman announced that the next scheduled meeting will be held on Thursday, August 5, 2021 at 5:00 p.m. and the meeting was adjourned at 6:37 p.m.

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ADOPTED AND APPROVED THIS 5th DAY OF AUGUST 2021 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.

Steve Steck, Secretary

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Chairman Bob Krausman called to order the four hundred and forty first meeting of the Hardin County Board of Adjustment at 5:03 p.m. on Thursday, 8 July 2021, in the Hardin County Government Center, 2nd Floor Meeting Room. The other Board Member in attendance was Secretary Steve Steck. Also, in attendance were Director Adam King, AICP, Planner Nikki McCamish, Planning Technician Haley Baird and the individuals listed on the attached sign-in sheet. Vice Chairman Greg Youngblood was not in attendance. Chairman Krausman appointed Secretary Steck to serve as the Hearing Officer and to conduct the swearing in ceremony for all those in attendance who planned to speak.

At 5:04 p.m. Hearing Officer Steck announced the first item on the agenda is a request for a Conditional Use Permit for a Permanent Accessory Dwelling to allow for the construction of a detached garage with a 1,150 sq. ft. apartment above it. The property is a 1.49 acre tract located at 360 Rineyville School Road, Rineyville, KY within the Rineyville Rural Village and is zoned Urban Residential (R-1). The PVA map number is 143-00-01-005.01. The property is owned by **ROBERT & EMILY WALKER**. Director King reviewed the application, the plans for the property and presented the exhibits into the record.

Emily Walker, of 360 Rineyville School Road, Rineyville, KY provided testimony and answered questions from the Board members and staff. Ms. Walker stated she just moved back home to her father's residence, and wants to build a garage/apartment on his property to live there and help take care of him since her mother passed away. Chairman Krausman noted that there is not enough acreage for the property to be subdivided.

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

At 5:15 p.m. Secretary Steck closed the hearing to public discussion.

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

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

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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 accordance with the purposes of the Zoning Ordinance and the Comprehensive Plan.

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

1. This Conditional Use Permit for a Permanent Accessory Dwelling will allow for the construction of a detached garage with living quarters (1,150 sq. ft. apartment) above.
2. The property owner, Robert Francis Walker, Sr., must occupy either the principal dwelling unit or the permanent accessory dwelling as his principal residence, and at no time receive rent for the owner-occupied unit.
3. Adequate on site parking must be designated on an approved site plan.
4. A new driveway entrance is proposed off Stith Lane.
5. The Permanent Accessory Dwelling is the proposed 1,150 sq. ft. garage apartment above the detached garage and the Principal Dwelling is the existing 2,120 sq. ft. home.
6. The Permanent Accessory Dwelling shall be located in the rear yard and shall be located as illustrated on the approved Site Plan.
7. The exterior finish materials of the permanent accessory dwelling shall be tan vinyl siding with a green metal roof to match the home.
8. Both dwellings shall have septic systems approved by the Environmental Services Office of the Health Department.
9. This Permit is not transferable and the new owners must reapply for the Conditional Use Permit and meet the necessary requirements.
10. Additional landscaping or screening shall not be required.
11. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.
12. A Certificate of Land Use Restrictions shall be recorded in the office of the Hardin County Clerk.

Chairman Krausman provided the second. The motion passed unanimously.

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At 5:16 p.m. Hearing Officer Steck announced the second item on the agenda is a Variance from the front and side building setbacks to allow for the construction of a modular home and detached garage on site. The property is an 8.28 acre tract located on Myers Lane, Elizabethtown, KY and known as Lot 18 of Valleydale, Section 1 within the KY 313 Corridor Planning Area and is zoned Residential Estate (R-3). The PVA map number is 228-00-0C-018. The property is owned by **HEATHER & CHAD UNDERDONK** and the application was submitted by **MARY & EARL WINE**. Director King reviewed the application, the plans for the property and presented the exhibits into the record.

Mary Wine of 302 Ridgecrest Road, Elizabethtown, KY provided testimony and answered questions from the Board members and staff. Mrs. Wine stated that she and her husband want to build a modular home and detached garage next door to their daughter and son-in-law. The location of the buildings has been determined by the topography of the site. Mrs. Wine explained that the property is on a dead-end road, with extreme topography and most other structures nearby are much closer to the road because they were grandfathered in.

David Wine of 302 Ridgecrest Road, Elizabethtown, KY provided testimony and answered questions from the Board members and staff. He explained that the property has been in the family since 1994, and the family has since torn down an old mobile home and a hunting cabin on site. Mr. Wine stated that he and Mrs. Wine want to build a smaller house, out of the city, and to be closer to their grandkids.

Heather Underdonk of 661 Myers Lane, Elizabethtown, KY provided testimony and answered questions from the Board members and staff. She noted that the proposed house and garage will not be out of character for their road and they do not intend to sell the property.

No one else spoke in opposition to the proposal.

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

Secretary Steck made a motion to grant the Variance based on the staff presentation and the testimony provided in the public hearing. He noted the extreme topography of the site that the site was located at the end of a dead end road which backed up to Fort Knox and that the proposal was not out of character for the area. He stated that this was not out of character for the area and it will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public and will not allow an unreasonable circumvention of the requirements of this regulation and will satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243 and DGS 5-3 (B) (1) Findings necessary for granting variance) which is as follows:

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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 Variance was granted with the noted conditions:

1. To allow for a Variance from the 70' front and 20' side building setback lines to allow for the construction of a modular home and detached garage on site. The home may be no closer than 80' from the center line of Myers Lane and the detached garage may be no closer than 70' from the center line of Myers Lane and 10' from the east side property line.
2. A Site Plan in compliance with Section 7 of the Zoning Ordinance shall be required.
3. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Chairman Krausman provided the second. The motion passed unanimously.

At 5:39 p.m. Chairman Krausman announced the third item on the agenda was the **Annual Election of Officers**. Chairman Krausman asked if there were new nominations, and there were none. Secretary Steck made a motion to keep the current officers in their existing roles. Chairman Krausman provided the second. Motion passed unanimously.

At 5:39 p.m. Chairman Krausman called for consideration and action on the **Minutes from the 17 June 2021 meeting** of the Board of Adjustment. Secretary Steck made a motion to approve the minutes as presented. Chairman Krausman provided the second. The motion passed unanimously.

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

MEETING WITH SURVEYORS & NOLIN RECC

On 29 June 2021, the Planning Commission hosted a meeting between the local surveyors and NOLIN RECC to discuss the subdivision plat process and ways to streamline the process moving forward including the potential for electronic signatures.

Chairman Krausman announced that the next scheduled meeting will be held on Thursday, July 22, 2021 at 5:00 p.m. and the meeting was adjourned at 5:41 p.m.

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ADOPTED AND APPROVED THIS 22nd DAY OF JULY 2021 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.

Steve Steck, Secretary

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Chairman Bob Krausman called to order the four hundred and fortieth meeting of the Hardin County Board of Adjustment at 5:00 p.m. on Thursday, 17 June 2021, in the Hardin County Government Center, 2nd Floor Meeting Room. The other Board Members in attendance were Vice Chairman Greg Youngblood and Secretary Steve Steck. Also, in attendance were Director Adam King, AICP, Planner Nikki McCamish, Planning Technician Haley Baird and the individuals listed on the attached sign-in sheet. Chairman Krausman appointed Secretary Steck to serve as the Hearing Officer and to conduct the swearing in ceremony for all those in attendance who planned to speak.

At 5:01 p.m. Hearing Officer Steck announced the first item on the agenda is a request for a Variance from the 100' minimum road frontage requirement and the 1:4 lot width-to-length ratio to allow for two pre-existing tracts to be reconfigured and platted as two lots. The property is a 3.082 acre site located at 5095 St. John Road, Elizabethtown, KY, within the St. John Road Corridor and is zoned Urban Residential (R-1). The PVA map numbers are 146-00-00-010 & 145-00-00-047. The property is owned by **DONALD & SHARON THOMAS**. Planner McCamish reviewed the application, the plans for the property and presented the exhibits into the record.

Donald Thomas, of 5095 St. John Road, Elizabethtown, KY provided testimony and answered questions from the Board members and staff. Mr. Thomas stated they want to give his grandson 2 acres to build a house so he can be more accessible to help them take care of the property. Mr. Thomas stated that the proposed lot was approved by KYTC for a new driveway but the sight distance was not great so they are proposing to have a shared driveway with an ingress / egress easement illustrated on the plat.

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

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

Vice Chairman Youngblood made a motion to grant the Variance based on the staff presentation and the testimony provided in the public hearing. He stated that this was not out of character for the area and it will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public and will not allow an unreasonable circumvention of the requirements of this regulation and will satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243 and DGS 5-3 (B) (1) Findings necessary for granting variance) which are as follows:

- A) The requested variance arises from special circumstances which do not generally apply to land in the general vicinity;
- B) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant;

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The Variance was granted with the noted conditions:

1. To allow for a Variance from the 100' minimum road frontage requirement and the 1:4 lot width-to-length ratio to allow for the two existing tracts to be reconfigured and platted as two lots.
2. The proposed Record Plat shall substitute for the required Site Plan.
3. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.
4. A shared driveway as illustrated on the proposed plat shall be required.

Secretary Steck provided the second. The motion passed unanimously.

At 5:14 p.m. Hearing Officer Steck announced the second item on the agenda is a request for a Variance from the front building setback line to allow for a 14'x76' singlewide manufactured home to be placed on site. The property is 0.39 acre tract located at 2657 Springfield Road, Elizabethtown, KY within the Valley Creek Urban Planning Area and is zoned Urban Residential (R-1). The PVA map number is 232-40-00-017.01. The property is owned by **JAMES & MICHAEL PUCKETT**. Director King reviewed the application, the plans for the property and presented the exhibits into the record.

Michael Puckett (Applicant), of 123 Creekview Lane, Rineyville, KY provided testimony and answered questions from the Board members and staff. Mr. Puckett stated the manufactured home was placed on the property by his mover without his permission. Mr. Puckett also explained how he intended to build a 3' brick retaining wall between the home and the road for safety reasons.

George Oscar Aubrey, of 2629 Springfield Road, Elizabethtown, KY spoke in opposition of the proposal. Mr. Aubrey expressed concerns regarding water runoff, litter, and the natural drainage way on the rear of the property. He stated the previous owners had filled the drainage ditch up with garbage and Mr. Aubrey is afraid that Mr. Puckett will do the same.

Shirley Beacham, of 2713 Springfield Road, Elizabethtown, KY also spoke in opposition of the proposal. Ms. Beacham expressed concerns about safety due to the sharp curve in Springfield Road and a history of accidents in the area. She was also concerned about the septic, litter and the drainage off the site clogging her driveway tile.

Jim Puckett (Owner), of 123 Creekview Lane, Rineyville, KY provided testimony that the applicants have full intentions of cleaning up the property and are open to planting additional trees on site. He also explained that the manufactured home was moved on to the site due to a mix up with the mover.

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Michael Puckett (Applicant), of 123 Creekview Lane, Rineyville, KY began to address the oppositions concerns, he added **Exhibit K** to the record which were photos of the property taken by the applicant. Mr. Puckett stated that he is working to clean the property up of litter and debris left by the previous owners. He intends to keep the natural drainage way on the rear of the property cleaned out. Mr. Puckett also explained that his septic inspection has already been approved. He also accepted the recommendation from Chairman Krausman to plant trees along the road frontage for added safety.

Bruce Thomas, of 2638 Springfield Road, Elizabethtown, KY stated that he showed up to the meeting in opposition due to the water issues, but has accepted Mr. Puckett's proposal. Mr. Thomas also suggested that a drainage ditch along the road frontage would help many of the water problems in the area.

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

Secretary Steck made a motion to grant the Variance based on the staff presentation and the testimony provided in the public hearing. He stated that this was not out of character for the area and it will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public and will not allow an unreasonable circumvention of the requirements of this regulation and will satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243 and DGS 5-3 (B) (1) Findings necessary for granting variance) which are as follows:

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

The Variance was granted with the noted conditions:

1. To allow for a Variance from the front building setback to allow for the manufactured home to be no closer than 55' from the centerline of the road. A proposed 5' deep porch on the front may be covered but shall NOT be enclosed.
2. A Site Plan in compliance with Section 7 of the Zoning Ordinance shall be required.
3. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.
4. No grading work may be done on site which will prohibit / inhibit the natural waterway along the rear of the property.
5. 3 trees (5' tall at planting) must be planted in the front yard between the home and the road right-of-way. These trees must be planted within 6 months.

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

At 5:55 p.m. Hearing Officer Steck announced the third item on the agenda is a request for an Amended Conditional Use Permit to continue to allow for an Automotive Repair Business within a detached garage on site. The property is a 17 acre tract located at 575 James Duvall Lane, Cecilia, KY within the Natural Resource Planning Area and is zoned Rural Residential (R-2). The property is owned by **VERONICA & PHILLIP REESOR**. Planner McCamish reviewed the application, the plans for the property and presented the exhibits into the record.

Phillip Reesor, of 575 James Duvall Lane, Cecilia, KY provided testimony and answered questions from the Board members and staff. Mr. Reesor stated that business is doing well, he stays busy, and is complying with all conditions previously set. Mr. Reesor said that he has planted 40 arborvitaes that are all doing well, there are still no employees other than himself, 20 vehicles are currently on the lot, and there are about 5 vehicles per week that visit his business.

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

At 6:05 p.m. Secretary Steck closed the hearing to public discussion.

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

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

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

1. Business Hours of Operation shall be from 8 AM to 8 PM Monday-Saturday.
2. There shall be only 20 vehicles parked outdoors on site at any one time.
3. Evergreen trees (5' tall planted 10' on center for a span of 120') shall be planted along the south side of the 50'x40' pole building to assist with screening the vehicles from view.
4. All of the auto parts must be moved to not be visible from the right-of-way and adjoining properties within 60 days.
5. There shall be no employees of the business who do 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. A Site Plan in compliance with Section 7 of the Zoning Ordinance shall be required.
8. This Conditional Use Permit shall be issued to the current property owner, Phillip Reesor, and is not transferrable.
9. All building activities shall conform to provisions of the Kentucky Building Code.
10. This Conditional Use Permit shall be for a period of 7 years and expire on 6/17/2028.
11. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.
12. An Emergency Response and Spill Prevention Plan shall be required.

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

At 6:10 p.m. Hearing Officer Steck announced the fourth item on the agenda is a request for a Conditional Use Permit to allow for the construction of a new single-family dwelling in the C-1 Zone. The property is a 3.656 acre tract located at 3347 Leitchfield Road, Cecilia, KY within the Leitchfield Road Corridor Planning Area and is zoned Convenience Commercial (C-1). The property is owned by **FRANCES RICHARDSON & CONNIE TAYLOR**. Director King reviewed the application, the plans for the property and presented the exhibits into the record.

Dale Taylor, of Middle Creek Road, Elizabethtown, KY, provided testimony and answered questions from the Board members and staff. Mr. Taylor explained that the property belongs to his mother in law who is getting older and that he and his wife want to live nearby to help take care of her and the property. He also explained that due to

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the depth of the property that it has limited commercial potential outside of maybe a carwash or mini warehouses. Mr. Taylor also stated that he has already gotten approval from the KY Transportation Cabinet to install a driveway off Ring Road.

At 6:23 p.m. Hearing Officer Steck opened the floor for any individuals who wanted to speak in opposition of the proposal.

Cynthia Fields, of 139 Joseph Avenue, Cecilia, KY, spoke in opposition to the proposal. Ms. Fields expressed concerns over the noise, the placement of the driveway, and the proximity of the proposed house to her property line.

Elma McGuffin, of 101 Joseph Avenue, Cecilia, KY, spoke in opposition to the proposal. Ms. McGuffin expressed concerns over the driveway and liked the property being vacant.

Joseph Edwards, of 168 Joseph Avenue, Cecilia, KY, spoke in opposition. Mr. Edwards expressed concerns over the proposed driveway onto Ring Road.

Director King addressed concerns from the neighbors that this site is zoned Commercial and that many of the permitted uses within a Commercial Zone would be less compatible with the adjoining residential area than the proposed single family dwelling.

At 6:35 p.m. Secretary Steck closed the hearing to public discussion.

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

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

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

1. This Conditional Use Permit shall allow for the construction of a new single family dwelling in the C-1 Zone.
2. The proposed dwelling shall require Building & Electrical Permits from the KBC program of our office.
3. In order for the home to be used for a Commercial purpose in the future, a Change of Use Building Permit and Development Plan shall be required.
4. A Record Plat shall be submitted subdividing the property and shall substitute for the required Site Plan.
5. A Certificate of Land Use Restrictions shall be recorded in the office of the Hardin County Clerk.

Secretary Steck provided the second. The motion passed unanimously.

At 6:37 p.m. Chairman Krausman called for consideration and action on the **Minutes from the 20 May 2021 meeting** of the Board of Adjustment. Vice Chairman Youngblood made a motion to approve the minutes as presented. Secretary Steck provided the second. The motion passed unanimously.

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

PLANNING TECHNICIAN HIRED The newest member of the Planning Commission staff is Haley Baird. Haley is a graduate of Western Kentucky University with a Bachelor's degree in Geography with a concentration in Environmental Studies and Agriculture. She also has a certificate in GIS. She was previously employed as a Soil Conservationist with the National Resource Conservation Service.

Chairman Krausman announced that the next scheduled meeting will be held on Thursday, July 8, 2021 at 5:00 p.m. and the meeting was adjourned at 6:40 p.m.

ADOPTED AND APPROVED THIS 8th DAY OF JULY 2021 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.

Steve Steck, Secretary

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Chairman Bob Krausman called to order the four hundred and thirty ninth meeting of the Hardin County Board of Adjustment at 5:00 p.m. on Thursday, 20 May 2021, in the Hardin County Government Center, 2nd Floor Meeting Room. The other Board Members in attendance were Vice Chairman Greg Youngblood and Secretary Steve Steck. Also, in attendance were Director Adam King, AICP, Planner Nikki McCamish and the individuals listed on the attached sign-in sheet. Chairman Krausman appointed Secretary Steck to serve as the Hearing Officer and to conduct the swearing in ceremony for all those in attendance who planned to speak.

At 5:01 p.m. Hearing Officer Steck announced the first item on the agenda is a request for a Conditional Use Permit for a Permanent Accessory Dwelling to allow for the construction of a barn with 768 sq. ft. of living quarters in addition to the proposed 4284 sq. ft. single family dwelling on site. The property is a 24.149 acre site on Whistling Oaks Boulevard, Glendale, KY, known as Lot 8 of Whistling Oaks, Section 2 within the North Glendale Urban Planning Area and is zoned Rural Residential (R-2). The PVA map number is 206-00-00-036. The property is owned by **LISA & JOE HALL**. Planner McCamish reviewed the application, the plans for the property and presented the exhibits into the record.

Joe Hall, of 200 South Bell Avenue, Glendale, KY provided testimony and answered questions from the Board members and staff. Mr. Hall stated they will be living in the barn while the house is being constructed. Mr. Hall stated the exterior of the barn will be black with a galvanized metal roof and wood posts that will match the wooden posts on the house that will be white siding with black trim. He stated the house will be around 70-80 feet closer to the road than the barn and the barn will be around 120-130 feet from the house. Lastly, Mr. Hall stated the barn will hold his mowing equipment and used for residential storage.

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

At 5:15 p.m. Secretary Steck closed the hearing to public discussion.

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

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

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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 accordance with the purposes of the Zoning Ordinance and the Comprehensive Plan.

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

1. This Conditional Use Permit for a Permanent Accessory Dwelling will allow for the construction of 768 sq. ft. of living quarters within a barn in addition to the proposed 4,284 sq. ft. house on site.
2. The property owners, Lisa & Joe Hall, must occupy either the principal dwelling unit or the permanent accessory dwelling as their principal residence, and at no time receive rent for the owner-occupied unit.
3. Adequate on site parking must be designated on an approved site plan.
4. Both dwellings shall share the proposed driveway entrance onto Whistling Oaks Boulevard.
5. The Permanent Accessory Dwelling is the proposed barn with 768 sq. ft. of living quarters and the Principal Dwelling is the proposed 4,284 sq. ft. home.
6. The Permanent Accessory Dwelling shall be located in the side/rear yard and shall be located as illustrated on the approved Site Plan.
7. The exterior finish materials of the dwelling shall be white siding with black trim and black/galvanized roof and the proposed barn with living quarters shall be black metal sided with galvanized roof.
8. Both the dwelling and the living quarters within the barn shall have a septic system approved by the Health Department.
9. This Permit is not transferable and the new owners must reapply for the Conditional Use Permit and meet the necessary requirements.
10. Additional landscaping or screening shall not be required.
11. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.
12. A Certificate of Land Use Restrictions shall be recorded in the office of the Hardin County Clerk.

Secretary Steck provided the second. The motion passed unanimously.

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At 5:18 p.m. Hearing Officer Steck announced the second item on the agenda is a request for a Conditional Use Permit to allow for two storage sheds on the property without a dwelling on site. The property is a 4.546 acre site located on South Long Grove Road (KY 1375) adjacent to the Nolin River in Glendale, KY, known as Lot 1 of Wildcat Run Subdivision within the Natural Resource Planning Area and is zoned Rural Residential (R-2). The PVA Map number is 128-00-00-043.02. The property is owned by **JENNIFER & GREG MILBY**. Director King reviewed the application, the plans for the property and presented the exhibits into the record.

Greg Milby, of 257 Rembrandt Drive, Elizabethtown, KY provided testimony and answered questions from the Board members and staff. Mr. Milby stated the property is used as a recreational get-a-way by his family and his parents in Louisville who are retired. The sheds are used to store garden and lawn care items because his father had been hauling the lawn equipment from Louisville. Mr. Milby stated no one will be living on the property, and that they do bring campers there on some weekends, but that the campers do not stay there permanently. They used the property to spend time together as a family, they maintain a garden there and it provides them to access the adjacent Nolin River. He was unaware that building permits were necessary due to the two sheds being portable and pre-fabricated.

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

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

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

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

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

1. This Conditional Use Permit shall allow for the placement of two prefab detached accessory structures (storage sheds) on a vacant tract.
2. The proposed structures are for residential / agricultural storage and shall not be occupied or used as a dwelling.
3. Additional landscaping and/or screening shall not be required.
4. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.
5. Building and Electrical permits must be secured thru the KBC Building Program of our office.
6. A flood permit shall be required for the shed to be located within the floodplain or it may be moved to be outside of the floodplain.
7. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

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

At 5:35 p.m. Hearing Officer Steck announced the third item on the agenda is a request for a Variance from the government maintained road frontage requirement to allow for two pre-existing tracts to be reconfigured and platted as two lots. The property consists of two tracts totaling 12.705 acres located at 10032 St. John Road, Cecilia, KY, within the Natural Resource Planning Area and is zoned Rural Residential (R-2). The PVA Map number is 083-00-00-013 & 045. The property is owned by the **FLETCHER BEARD ESTATE AND RONALD & TAMBERLEY BEARD**. Director King reviewed the application, the plans for the property and presented the exhibits into the record.

Tamberley Beard, of 10032 St. John Road, Cecilia, KY provided testimony and answered questions from the Board members and staff. Mrs. Beard stated the easement is more like a driveway that goes to her house and her daughter's house. She stated when someone is coming down the driveway she has to sit on St. John Road waiting for them. Lastly, Mrs. Beard stated she owns all the property on the plat and is now inheriting "Parcel C".

Jeremy Lynch, with Lynch Land Surveying of 457 Hayden School Road, Elizabethtown, KY provided testimony and answered questions from the Board members and staff. Mr. Lynch stated he is the surveyor who has prepared the plat and is doing the entire boundary survey to help settle the estate. Mr. Lynch stated while doing the boundary survey and trying to merge "Parcel C" with Mrs. Beard's property he realized there was no government maintained frontage and that they would need to come before the Board

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of Adjustments for a Variance. He stated also while doing the survey he realized the property line goes through the daughters manufactured home and that the barn / shop was not on Mrs. Beard's property but on "Parcel C" that she is inheriting from the estate. Lastly, Mr. Lynch stated they did the equal swap between the two lots so that the daughter's manufactured home could be on a separate lot and not have two dwellings on one piece of property.

John Flanagan, of 334 University Drive, Radcliff, KY provided testimony and answered questions from the Board members and staff. Mr. Flanagan stated he is the executor of Mr. Fletcher Beard's estate and asked the Board to please help him. He stated Mr. Fletcher wanted to take care of his family and that fixing this issue with Mrs. Beard inheriting "Parcel C" is the key to closing out the estate. Lastly, Mr. Flanagan stated that they have been working on this for over a year, and again would appreciate some help from the Board.

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

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

Secretary Steck made a motion to grant the Variance based on the staff presentation and the testimony provided in the public hearing. He stated that this was not out of character for the area due to it being a private, dead end gravel road with limited traffic and that no additional tracts were being created on the private road. He stated it will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public and will not allow an unreasonable circumvention of the requirements of this regulation and will satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243 and DGS 5-3 (B) (1) Findings necessary for granting variance) which are as follows:

- A) The requested variance arises from special circumstances which do not generally apply to land in the general vicinity;
- B) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant;

The Variance was granted with the noted conditions:

1. To allow for a Variance from the government maintained road frontage requirement to allow for two existing tracts to be reconfigured and platted as two lots.
2. The proposed Record Plat shall substitute for the required Site Plan.
3. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

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

At 5:59 p.m. Hearing Officer Steck announced the fourth item on the agenda is a continuation from the previous meeting on 6 May, 2021, it is a request for an Amended Conditional Use Permit to continue to allow for the retail sales of merchandise (Vintage & Antique sales in a detached garage) to remain on site. The property is a 5 acre site located at 639 Stovall Road, Elizabethtown, KY within the East Hardin Planning Area and is zoned Rural Residential (R-2). The PVA Map number is 262-00-00-007. The property is owned by **JOSHUA HELSEL**. Planner McCamish reviewed the application, the plans for the property and presented the exhibits into the record.

Peyan Jo (Joann Helsel), of 639 Stovall Road, Elizabethtown, Ky provided testimony and answered questions from the Board members and staff. Mrs. Helsel stated they are wanting to continue to operate their retail store. She stated they have received no complaints and have not changed anything, except improving the property by planting some more trees and flowers. Mrs. Helsel stated they do have some online customers but also sell items in person on the property. Lastly, Mrs. Helsel stated their busiest day is Saturdays with maybe six customers, with hours ranging from 10AM-5PM.

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

At 6:11 p.m. Secretary Steck closed the hearing to public discussion.

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

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

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

1. This Conditional Use Permit shall allow for retail sales in the R-2 Zone within the detached structure on site.
2. The hours of operation shall be 8am to 6pm, 7 days a week.
3. There shall be no employees who do not reside on site.
4. Additional Screening or landscaping shall not be required.
5. All materials must be stored within the existing detached structure or attached lean-to with no items stored or displayed in the yard.
6. A single, 6 sq. ft. sign shall be permitted.
7. Adequate parking must be provided on site with a turnaround provided adjacent to the detached structure so that no cars back out onto Stovall Road.
8. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.
9. This Conditional Use Permit is being issued to the current owner, Joshua Helsel and is not transferable. Any new owners or proposals shall come back before the Board of Adjustment for approval.
10. A Certificate of Land Use Restrictions shall be recorded in the office of the Hardin County Clerk.
11. This Conditional Use Permit is for 5 years and shall expire on 20 May 2026_. After which time it shall require a renewal hearing before the Board of Adjustment.
12. The existing tree line along the driveway on the southwest side of the property shall be preserved.

Secretary Steck provided the second. The motion passed unanimously.

At 6:13 p.m. Chairman Krausman called for consideration and action on the **Minutes from the 6 May 2021 meeting** of the Board of Adjustment. Vice Chairman Youngblood made a motion to approve the minutes as presented. Chairman Krausman provided the second. The motion passed 2-0, with Secretary Steck abstaining.

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

Planner completes Provisionary Employment Period On 6 May 2021, Planner Nikki McCamish successfully completed her six month provisional employment period.

Chairman Krausman announced that the next scheduled meeting will be held on Thursday, June 17, 2021 at 5:00 p.m. and the meeting was adjourned at 6:15 p.m.

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ADOPTED AND APPROVED THIS 17th DAY OF JUNE 2021 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.

Steve Steck, Secretary

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Chairman Bob Krausman called to order the four hundred and thirty eighth meeting of the Hardin County Board of Adjustment at 5:03 p.m. on Thursday, 6 May 2021, in the Hardin County Government Center, 2nd Floor Meeting Room. The other Board Member in attendance was Vice Chairman Greg Youngblood. Also, in attendance were Director Adam King, AICP, Planner Nikki McCamish and the individuals listed on the attached sign-in sheet. Secretary Steve Steck was not in attendance. Chairman Krausman appointed Vice Chairman Youngblood to serve as the Hearing Officer and to conduct the swearing in ceremony for all those in attendance who planned to speak.

At 5:04 p.m. Hearing Officer Youngblood announced the first item on the agenda is a continuation from the previous meeting on 22 April 2021, it is a request for a Variance from the front building setback line along Arbor Lane to allow for the construction of a 30'10" x 50' addition to an existing detached garage. The property is a 1.907 acre site located at 521 Wooden Lane, Elizabethtown, KY and known as Lot 1A of Wooden Subdivision within the North Urban Planning Area and is zoned Urban Residential (R-1). The PVA map number is 231-30-00-005. The property is owned by **VICKIE & DALE LEWIS**. Director King reviewed the application, the plans for the property and presented the exhibits into the record. He also presented an amendment to the applicants request to reduce the length of the building from 50' to 46'. He also presented a new alternative option / staff recommendation, for a detached garage that would not require a variance.

Dale Lewis, of 521 Wooden Lane, Elizabethtown, KY provided testimony and answered questions from the Board members and staff. Mr. Lewis stated he was asked to work with the Board so he took 4' off his proposed building, which matches the variance that was given to one of his neighbors on Felix Court. He stated the reason he doesn't want to put the building where the new staff recommendation was is because he doesn't want to be out on his pool deck staring at a building instead of trees, just like his neighbor stated in the previous meeting. Lastly, Mr. Lewis stated he didn't see how placing the building where he wants it would hurt anyone and that's where he and all his neighbors want it.

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

At 5:26 p.m. Vice Chairman Youngblood closed the hearing, to public discussion.

Vice Chairman Youngblood made a motion to deny the variance on the basis that alternative options exist, there being no justification for the requested variance and because it could cause a safety concern being too close to the road. Chairman Krausman provided the second. The motion passed unanimously.

At 5:28 p.m. Hearing Officer Youngblood announced the second item on the agenda is a request for a Conditional Use Permit for a Permanent Accessory Dwelling to allow for the construction of a 901 sq. ft. pool house on site. The property is a 3.002 acre site located at 367 Lambert Lane, White Mills, KY known as Lot 1 of Jen Lyn Estates within the South Hardin Planning Area and is zoned Rural Residential (R-2). The PVA map

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number is 091-00-00-031.01. The property is owned by **JENNIFER & CASEY WILCOX**. Director King reviewed the application, the plans for the property and presented the exhibits into the record.

Casey Wilcox, of 367 Lambert Lane, White Mills, KY provided testimony and answered questions from the Board members and staff. Mr. Wilcox stated that they do a lot of entertaining at their house and this pool house is to make the entertaining easier. He stated the pool house would allow them to not have to bring food from the house and would keep people from having to go into the house for the bathroom, etc. Mr. Wilcox stated they had thought about placing the pool house behind the house but the only logical spot to place it would be on top of their septic tanks so they had to place the pool house in the side yard, as presented..

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

At 5:40 p.m. Vice Chairman Youngblood closed the hearing, to public discussion.

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

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

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

1. This Conditional Use Permit for a Permanent Accessory Dwelling will allow for the construction of a 901 sq. ft. pool house.

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2. The property owners, Jennifer & Casey Wilcox, must occupy either the principal dwelling unit or the permanent accessory dwelling as their principal residence, and at no time receive rent for the owner-occupied unit.
3. Adequate on site parking must be designated on an approved site plan.
4. The permanent accessory dwelling shall use either the existing driveway to the house or the existing driveway on the adjoining farm for access.
5. The Permanent Accessory Dwelling is the proposed 901 sq. ft. pool house and the Principal Dwelling is the existing 5,286 sq. ft. home.
6. The Permanent Accessory Dwelling shall be located in the side/rear yard and shall be located as illustrated on the approved Site Plan.
7. The exterior finish materials of the dwelling shall be brick to match the existing house.
8. The proposed pool house shall have a septic system approved by the Health Department.
9. This Permit is not transferable and the new owners must reapply for the Conditional Use Permit and meet the necessary requirements.
10. Additional landscaping or screening shall not be required.
11. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.
12. A Certificate of Land Use Restrictions shall be recorded in the office of the Hardin County Clerk.

Chairman Krausman provided the second. The motion passed unanimously.

At 5:45 p.m. Hearing Officer Youngblood announced the third item on the agenda is a request for an Amended Conditional Use Permit to allow for the Recreational Enterprise (Conder's Paintball Facility) to remain on site. The property is a 78 acre site located at 187 & 193 Ford Highway, Elizabethtown, KY within the Valley Creek Urban Area and is zoned Rural Residential (R-2). The PVA map number is 256-00-00-011. The property is owned by **BEVERLY & DENNIS CONDER (CONDERS PAINTBALL)**. Planner McCamish reviewed the application, the plans for the property and presented the exhibits into the record.

Dennis Conder, of 813 Hawkins Drive, Elizabethtown, KY provided testimony and answered questions from the Board members and staff. Mr. Conder stated the only new items is the turf field that the speed ball players really enjoy. He stated they have been doing paintball for 34 years and that their facility is the second largest in the United States and is the largest in Kentucky. Mr. Conder stated they are open year round and that most players' favorite field is "The City". Lastly, he stated that they may have a couple hundred people come play on the weekends.

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

At 5:40 p.m. Vice Chairman Youngblood closed the hearing, to public discussion.

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

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

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

1. The existing tree line/buffer between the paintball fields and the adjoining properties must be illustrated on the Site Plan and maintained.
2. Adequate on-site parking must be designated on an approved site plan.
3. Adequate driving lanes must be maintained from Ford Highway to the parking area to allow for the ingress/egress of Emergency Vehicles.
4. Hours of Operations for outside activities shall be 8am to 7:30pm Monday thru Friday, 10am to 7:30pm on Saturday and 11am to 7:30pm on Sunday. Hours of operation for indoor activities shall be 8am to 9pm.
5. Ten (10) large competitions (defined as exceeding 100 participants) shall be held per year.
6. Health Department approval shall be required for the snack bar operations and the existing septic systems.
7. This Conditional Use Permit for Recreational/Amusement Enterprises is for Paintball only and any expansion such as rifle/pistol/gun or archery ranges shall require the Conditional Use Permit to be amended.

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8. This Amended Conditional Use Permit shall be good for 10 years from 6 May 2021 to 6 May 2031.
9. One sign advertising the business shall be permitted (no larger than 6 square feet) and illustrated on the approved Site Plan.
10. This Permit is not transferable and the new owners must reapply for the Conditional Use Permit and meet the necessary requirements.
11. An existing Site Plan is on file with our office.
12. A Certificate of Land Use Restrictions shall be recorded in the office of the Hardin County Clerk.

Chairman Krausman provided the second. The motion passed unanimously.

At 5:59 p.m. Hearing Officer Youngblood announced the fourth item on the agenda is a request for an Amended Conditional Use Permit to continue to allow for the retail sales of merchandise (Vintage & Antique sales in detached garage) to remain on site. The property is a 5 acre site located at 639 Stovall Road, Elizabethtown, KY within the East Hardin Area and is zoned Rural Residential (R-2). The PVA map number is 262-00-00-007. The property is owned by **JOSHUA HELSEL**. Director King stated that Mr. Helsel could not make it to the hearing and that Mr. Helsel requested his hearing be tabled to the next meeting on 20 May 2021.

At 5:59 p.m. Chairman Krausman called for consideration and action on the **Minutes from the 22 April 2021 meeting** of the Board of Adjustment. Vice Chairman Youngblood made a motion to approve the minutes as presented. Chairman Krausman provided the second. The motion passed unanimously.

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

American Planning Association Policy Guide Delegate

Director Adam King, AICP was appointed as the Policy Guide Delegate for Kentucky to the American Planning Association. He will serve a one year term. He will assist with the completion of policy guides on Equitable Economic Development, Legacy Cities and Zoning Reform for APA.

Chairman Krausman announced that the next scheduled meeting will be held on Thursday, May 20, 2021 at 5:00 p.m. and the meeting was adjourned at 6:03 p.m.

ADOPTED AND APPROVED THIS 20th DAY OF MAY 2021 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.

Steve Steck, Secretary

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Chairman Bob Krausman called to order the four hundred and thirty seventh meeting of the Hardin County Board of Adjustment at 5:02 p.m. on Thursday, 22 April 2021, in the Hardin County Government Center, 2nd Floor Meeting Room. The other Board Members in attendance were Vice Chairman Greg Youngblood and Secretary Steve Steck. Also, in attendance were Director Adam King, AICP, Planner Nikki McCamish and the individuals listed on the attached sign-in sheet. Chairman Bob Krausman appointed Secretary Steck to serve as the Hearing Officer and to conduct the swearing in ceremony for all those in attendance who planned to speak.

At 5:03 p.m. Hearing Officer Steck announced the first item on the agenda is a request for a Variance from the front building setback line along Fields Lane to allow for the construction of a 30'x 30' pole barn with a 8'x 30' lean-to to be 53' from the center line of the road. The property is a 72.5 acre site located on the east side of Fields Lane, Cecilia, KY within the West Hardin Planning Area and is zoned Rural Residential (R-2). The PVA map number is 029-00-00-007. The property is owned by **JENNIFER & WILLIAM MORAN**. Director King reviewed the application, the plans for the property and presented the exhibits into the record.

Bill Moran, of 103 Barberry Ct., Elizabethtown, KY provided testimony and answered questions from the Board members and staff. Mr. Moran stated the cleared area on up above the proposed location is terraced and would require major dirt work to be able to place the pole barn there. He also stated that the three houses on the road are all at the end of Fields Lane and owned by the same person.

Jennifer Moran, of 103 Barberry Ct, Elizabethtown, KY provided testimony and answered questions from the Board members and staff. Mrs. Moran stated the pole barn location was picked because it is the only area on the property where they could place the pole barn and not have flooding issues or have to cut down any trees. She stated the ditch just behind the proposed location floods all the way to the back of where the barn would be and that the lean-to could potentially have water that gets into it, but since it's open it won't be a problem. Lastly, Mrs. Moran stated the property is used for hunting and that the property had just had a wildlife study done.

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

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

Vice Chairman Youngblood made a motion to grant the Variance based on the staff presentation and the testimony provided in the public hearing. He stated there are no safety concerns and that this was not out of character for the area due to it being a private, dead end gravel road with limited traffic. He stated it will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public and will not allow an unreasonable circumvention of the requirements of this regulation and will satisfy the

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

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

The Variance was granted with the noted conditions:

1. To allow for a Variance from the 70' front building setback line to allow for the construction of a 30'x30' pole barn with an 8'x30' lean-to.
2. A Site Plan in compliance with Section 7 of the Zoning Ordinance shall be required.
3. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Secretary Steck provided the second. The motion passed unanimously.

At 5:19 p.m. Hearing Officer Steck announced the second item on the agenda is a request for a Conditional Use Permit to allow for an existing 2976 sq. ft. garage that exceeds the size of the 2472 sq. ft. dwelling on site. The property is a 3.67 acre site located at 2156 Locust Grove Road, Elizabethtown, KY within the East Urban Planning Area and is zoned Urban Residential (R-1). The PVA map number is 246-00-00-061. The property is owned by **ANNA ABDELGALIL & ELBERT JENT**. Director King reviewed the application, the plans for the property and presented the exhibits into the record.

Elbert Jent, of 2156 Locust Grove Rd., Elizabethtown, KY provided testimony and answered questions from the Board members and staff. Mr. Jent stated he bought the property in June of 2020 and moved in July of 2020. He stated they bought the house because of the location and the big garage to store everything and give himself room for his hobbies of wood working and working on antique clocks. Lastly, Mr. Jent stated he had no idea when he bought the property there was an issue with the detached garage size or that it had not been permitted.

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

At 5:33 p.m. Secretary Steck closed the hearing, to public discussion.

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

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

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

1. This Conditional Use Permit shall allow for the existing detached accessory structure (2,976 sq. ft. garage) on site that exceeds the size of the dwelling (2,472 sq. ft.).
2. The garage is constructed of tan metal siding with maroon siding and roof.
3. The garage is for residential storage and shall not be occupied or used for any Commercial Activity.
4. Additional landscaping and/or screening shall not be required.
5. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.
6. Building and Electrical permits must be secured thru the KBC Building Program of our office for the existing garage.
7. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

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

At 5:36 p.m. Hearing Officer Steck announced the third item on the agenda is a request for a Variance from the front building setback line along Arbor Lane to allow for the construction of a 30'10" x 50' addition to an existing detached garage that would be 42' from the center line of Arbor Lane. The property is a 1.907 acre site located at 521 Wooden Lane, Elizabethtown, KY and known as Lot 1A of Wooden Subdivision within the North Urban Planning Area and is zoned Urban Residential (R-1). The PVA map

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number is 231-30-00-005. The property is owned by **VICKIE & DALE LEWIS**. Director King reviewed the application, the plans for the property and presented the exhibits into the record. He also presented an alternative option / staff recommendation, for a detached garage that would not require a variance.

Dale Lewis, of 521 Wooden Lane, Elizabethtown, KY provided testimony and answered questions from the Board members and staff. Mr. Lewis stated that first he wanted to state that QHI built the covered porch and that he paid them for the permit and was assured they pulled one, he stated he has already contacted QHI and they will be pulling the proper permits and paying for them for the covered porch. Mr. Lewis then stated the reason he needs the size and location of the building is for his truck and boat and his Dad's items he inherited. He stated he didn't want to do the staff recommendation of moving the building to the side of the existing garage because he didn't want to block his neighbors view, it would make it harder for him to park his boat attached to his truck, and that his proposal would be the cheaper option.

At 6:00 p.m. Secretary Steck opened the floor for any individuals who wanted to speak in favor of the proposal.

Phillip Mabe, of 545 Wooden Lane, Elizabethtown, KY provided testimony and answered questions from the Board members and staff. Mr. Mabe stated he is Mr. Lewis' neighbor, to the right if looking at the house from Wooden Lane, and that Mr. Lewis went all over the neighborhood asking all the neighbors if they were okay with his proposal. He stated he was in favor of Mr. Lewis's proposal.

Steve Sherrard, of 490 Wooden Lane, Elizabethtown, KY provided testimony and answered questions from the Board members and staff. Mr. Sherrard stated he is Mr. Lewis' neighbor, across the street, and that he has no problem with where Mr. Lewis wants to place the building addition. He stated he does not want the building placed where the staff recommended and that he has lived in this location for over 60 years.

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

Chairman Krausman stated he wants to visit the site as he has concerns regarding how big of a variance this would be and how close the building would be to Arbor Lane.

Secretary Steck made a motion to table the proposal until 6 May 2021 at 5 p.m. to allow for the board members to visit the site. Vice Chairman Youngblood provided the second. The motion passed unanimously.

At 6:14 p.m. Chairman Krausman called for consideration and action on the **Minutes from the 18 March 2021 meeting** of the Board of Adjustment. Vice Chairman Youngblood made a motion to approve the minutes as presented. Secretary Steck provided the second. The motion passed unanimously.

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

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APA-KY Meeting On 19 March 2021, Adam participated in the KY Chapter of the American Planning Association monthly meeting via Zoom to discuss Conference planning for the Fall of 2021.

Radcliff-Elizabethtown Metropolitan Planning Association Meeting On 14 April 2021, Adam participated in the Technical Advisory Committee meeting via Zoom to discuss the SHIFT 2022 project list for transportation projects. SHIFT stands for the Strategic Highway Investment Formula for Tomorrow.

Building Inspector completes Provisionary Employment Period On 14 April 2021, Building Inspector Edwin Alicea successfully completed his six month provisional employment period.

Chairman Krausman announced that the next scheduled meeting will be held on Thursday, May 6, 2021 at 5:00 p.m. and the meeting was adjourned at 6:18 p.m.

ADOPTED AND APPROVED THIS 6th DAY OF MAY 2021 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.

Steve Steck, Secretary

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Vice Chairman Greg Youngblood called to order the four hundred and thirty sixth meeting of the Hardin County Board of Adjustment at 5:03 p.m. on Thursday, 18 March 2021, in the Hardin County Government Center, 2nd Floor Meeting Room. The other Board Member in attendance was Secretary Steve Steck. Also, in attendance were Director Adam King, AICP, Planner Nikki McCamish and the individuals listed on the attached sign-in sheet. Chairman Bob Krausman was not in attendance. Vice Chairman Youngblood appointed Secretary Steck to serve as the Hearing Officer and to conduct the swearing in ceremony for all those in attendance who planned to speak.

At 5:04 p.m. Hearing Officer Steck announced the first item on the agenda is a request for an Amended Conditional Use Permit to continue to allow for the operation of a home occupation (woodworking & cabinet shop) within a detached accessory structure on. The property is a 1.673 acre site located at 164 N. Sunset Avenue in Cecilia, KY known as Lot 25A of Enchanted Acres within the Cecilia Rural Village and is zoned Rural Residential (R-2). The PVA map number is 147-00-01-025. The property is owned by **BOBBIE & BARRY JONES**. Director King reviewed the application, the plans for the property, stated this is the third renewal of this Conditional Use Permit and presented the exhibits into the record.

Barry Jones, of 164 N. Sunset Ave, Cecilia, KY provided testimony and answered questions from the Board members and staff. Mr. Jones stated that nothing has changed with the business in the past five years, except that he has a new neighbor who has no issues with his business. He stated he probably works less hours and less days than what his conditions allow. Mr. Jones did want to state for the record that all his requirements have been met, even down to his parking in his assigned parking spot.

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

At 5:12 p.m. Secretary Steck closed the hearing, to public discussion.

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

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

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

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

1. This Conditional Use Permit to exceed the definition of a Home Occupation shall be good for 5 years: from 18 March 2021 to 18 March 2026.
2. This Conditional Use Permit will allow for the existing Accessory Structure (24'x28' pole barn) to be used for Kitchen Designs Cabinet Shop.
3. The hours of operation shall be from 7am to 6pm Monday thru Saturday.
4. The maximum number of employees on site shall be one.
5. Only three vehicles (two trucks and one box trailer) associated with the business activity shall be parked or kept on site and must be parked to the side of the building, not visible from the road.
6. No signage advertising the business shall be permitted.
7. There shall be no outdoor storage of equipment or materials associated with the cabinet business.
8. A Site Plan in compliance with Section 7 of the Zoning Ordinance shall be required.
9. The existing building and vehicle/equipment parking area shall be landscaped, maintained and illustrated on the Site Plan.
10. Deliveries shall be limited to a twenty foot box truck once a week. No semi truck deliveries shall be permitted.
11. This Conditional Use Permit shall be issued to the current owners, Barry & Bobbie Jones, and shall expire when the property is transferred and not be transferable to another property owner.
12. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.
13. There shall be no open burning/fires on the property.

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

At 5:15 p.m. Hearing Officer Steck announced the second item on the agenda is a request for an Amended Conditional Use Permit to continue to allow for the operation of a kennel & pet grooming business on site. The property is a 3.7 acre site located at 11230 Sonora Hardin Springs Road in Eastview, KY within the Natural Resource

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Planning Area and is zoned Rural Residential (R-2). The PVA map number is 089-00-00-064. The property is owned by **ANN RENE BAILEY BENZSCHAWEL**. Director King reviewed the application, the plans for the property, stated this is the third renewal of this Conditional Use Permit and presented the exhibits into the record.

Anne Rene Bailey Benzschawel, of 11230 Sonora Hardin Springs Road, Eastview, KY provided testimony and answered questions from the Board members and staff. Mrs. Benzschawel stated that the groomer is not her employee, but has her own separate business. She stated she wanted the groomer to have her own sign, the same size as her own 2'x3', in the same location to help support her. Mrs. Benzschawel stated the groomer works part time but only during Mrs. Benzschawel's operating hours, and that she receives a percentage of what the groomer makes as "rent".

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

At 5:24 p.m. Secretary Steck closed the hearing, to public discussion.

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

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

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

1. This Conditional Use Permit will allow for a kennel and pet grooming operation from the detached accessory structure on site.

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2. Business Hours of Operation shall be from 7am-7pm Monday – Sunday.
3. The maximum number of animals on site shall be 25.
4. No outdoor boarding of animals shall be permitted. All boarding facilities shall be indoors with dogs taken outdoors for exercise and “potty” breaks. The front pasture may only be utilized between the hours of 7:00 a.m. – 7:00 p.m. for 10 dogs at a time.
5. 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 at (270-763-2205).
6. All dogs on site must have a valid License and Rabies Vaccinations.
7. This property shall have a sewerage system (septic tank and lateral lines) approved by the Hardin County Health Center.
8. The Kennel & Outdoor Play Area shall be fenced in.
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 and applicant, Ann Rene Bailey Benzschawel, and is not transferable.
11. This Conditional Use Permit shall be for a period of 5 years from 18 March 2021 to 18 March 2026.
12. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.
13. An additional sign no larger than 6 sq. ft. is permitted adjacent to KY 84 advertising the kennel/pet grooming business.

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

At 5:26 p.m. Hearing Officer Steck announced they would be skipping ahead and called for consideration and action on the **Minutes from the 4 March 2021 meeting** of the Board of Adjustment. Secretary Steck made a motion to approve the minutes as presented. Vice Chairman Youngblood provided the second. The motion passed unanimously.

At 5:30 p.m. Hearing Officer Steck announced the third item on the agenda is a request for a Conditional Use Permit to allow for a 522 sq. ft. ground mount solar array. The property is a 27.7 acre site located at 423 Milimish Lane, Vine Grove, KY within the North Urban Planning Area and is zoned Urban Residential (R-1). The PVA map number is 142-00-00-005. The property is owned by **REBECCA & JEFFREY SMITH**. Director King reviewed the application, the plans for the property and presented the exhibits into the record.

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David Gomez (Daily Green Power), of 1105 Soliano Ct., Suite 2, Elizabethtown, KY provided testimony and answered questions from the Board members and staff. Mr. Gomez stated he was there on behalf of the Smith's, and that when they first began this project they were not aware of the Solar Resolution that was about to be voted on in November of 2020. He stated the Smith's have twenty-eight panels on site, with each of them weighing around 56 pounds and they are secured with 2-inch screws that are 5 feet into the ground. Mr. Gomez stated they chose the location of these panels because they will have constant sunlight. Lastly, Mr. Gomez stated that the panels the Smith's had installed will withstand golf ball size hail, 150 mph winds and require zero maintenance, except making sure the panels are clean.

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

At 5:46 p.m. Secretary Steck closed the hearing, to public discussion.

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

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

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

1. This Conditional Use Permit shall allow for a 522 sq. ft. ground mount solar array that exceeds the 200 sq. ft. threshold for ground mount solar as established by the Planning Commission with Resolution # 2020-011.

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2. An electrical permit and the necessary inspections shall be required from the KBC program of our office.
3. The proposed solar array shall comply with building setbacks.
4. The proposed solar array shall be located to the south side of the existing detached garage.
5. Additional landscaping or screening shall not be required due to the 27.7 acre lot size.
6. A Site Plan in compliance with Section 7 of the Zoning Ordinance shall be required.
7. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

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

At 5:51 p.m. Hearing Officer Steck announced the fourth item on the agenda is a request for a Conditional Use Permit to allow for the construction of a detached garage with an accessory apartment above. Additionally, the proposed structure requires a Variance from the side building setback. The property is a 0.55 acre site located at 147 E. Main Street, Glendale, KY within the Glendale Rural Village and is zoned Urban Residential (R-1). The PVA map number is 190-30-02-027. The property is owned by **LAURA TABB & DAN LINKER**. Director King reviewed the application, the plans for the property and presented the exhibits into the record.

Dan Linker, of 147 E Main Street, Glendale, KY provided testimony and answered questions from the Board members and staff. Mr. Linker stated the reason they want the apartment is for family use but that it may be used as a short term rental as well. He stated they want to keep the main house on their existing septic system for now, but that the apartment would be hooked up to the sewer. Lastly, Mr. Linker stated they are requesting the Variance so that the garage will still be functional for two cars but they were coming 5' more into compliance, and that any further over and the apartment would be encroaching on the septic system and the propane tank area.

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

At 5:56 p.m. Secretary Steck closed the hearing, to public discussion.

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

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

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

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

1. This Conditional Use Permit for a Permanent Accessory Dwelling will allow for the construction of a detached garage with living quarters (884 sq. ft.) above.
2. The property owners, Laura Tabb & Dan Linker, must occupy either the principal dwelling unit or the permanent accessory dwelling as their principal residence, and at no time receive rent for the owner-occupied unit.
3. Adequate on site parking must be designated on an approved site plan.
4. Both dwellings shall use the existing driveway from Main Street.
5. The Permanent Accessory Dwelling is the proposed 884 sq. ft. garage apartment above the detached garage and the Principal Dwelling is the existing 2,124 sq. ft. home.
6. The Permanent Accessory Dwelling shall be located in the side/rear yard and shall be located as illustrated on the approved Site Plan and no closer than 5' to the east side property line in compliance with the approved Variance.
7. The exterior finish materials of the proposed detached garage with apartment shall match the exterior finish materials of the existing two story house.
8. The proposed Permanent Accessory Dwelling (garage with apartment) shall be required to connect to the Hardin County Water District #2 sewer system.
9. This Permit is not transferable and the new owners must reapply for the Conditional Use Permit and meet the necessary requirements.
10. Additional landscaping or screening shall not be required.
11. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.
12. A Certificate of Land Use Restrictions shall be recorded in the office of the Hardin County Clerk.

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Secretary Steck also made a motion to grant the Variance based on the staff presentation and the testimony provided in the public hearing. He stated it will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public and will not allow an unreasonable circumvention of the requirements of this regulation and will satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243 and DGS 5-3 (B) (1) Findings necessary for granting variance) which are as follows:

- A) The requested variance arises from special circumstances which do not generally apply to land in the general vicinity;
- B) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant;

The Variance was granted with the noted conditions:

1. To allow for a Variance from the 10' side building setback line to allow for the construction of a detached garage with an apartment above.
2. A Site Plan in compliance with Section 7 of the Zoning Ordinance shall be required.
3. The proposed garage apartment must be connected to the Hardin County Water District #2 sewer system.
4. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Vice Chairman Youngblood provided the second. Both the Conditional Use Permit and Variance requested passed unanimously.

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

East Elizabethtown Connectivity Study On 11 March 2021, Adam participated in a Zoom Meeting of local officials and stakeholders to go over the initial project list by planning/engineering consultant, Qk4.

Vice Chairman Youngblood announced that the next scheduled meeting will be held on Thursday, April 22, 2021 at 5:00 p.m. and the meeting was adjourned at 6:16 p.m.

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ADOPTED AND APPROVED THIS 22nd DAY OF APRIL 2021 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.

Steve Steck, Secretary

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Chairman Bob Krausman called to order the four hundred and thirty fifth meeting of the Hardin County Board of Adjustment at 5:03 p.m. on Thursday, 4 March 2021, in the Hardin County Government Center, 2nd Floor Meeting Room. The other Board Members in attendance were Vice Chairman Greg Youngblood and Secretary Steve Steck. Also, in attendance were Director Adam King, AICP, Planner Nikki McCamish and the individuals listed on the attached sign-in sheet. Chairman Krausman appointed Secretary Steve Steck to serve as the Hearing Officer and to conduct the swearing in ceremony for all those in attendance who planned to speak.

At 5:04 p.m. Hearing Officer Steck announced the first item on the agenda is a request for a Conditional Use Permit to allow for the operation of a greenhouse, "Dry Creek Nursery" on site. The property is a 5 acre site located at 6938 Rineyville Road (KY 1600) in Rineyville, KY within the Rineyville Rural Village Planning Area and is zoned Urban Residential (R-1). The PVA map number is 121-00-00-006.01. The property is owned by **MICHELLE & BRADLEY WINCHELL**, and the business is operated by **KAYA WINCHELL**. Director King reviewed the application, the plans for the property and presented the exhibits into the record.

Kaya Winchell of 6938 Rineyville Road, Rineyville, KY provided testimony and answered questions from the Board members and staff. Ms. Winchell stated they built the greenhouse in 2020 and that they had no customers on site last year. She stated she really only anticipates customers a couple times during the week, but that she wants to have the opportunity to bring more people on site. Ms. Winchell stated she sells at and operates the Farmer's Market in Rineyville, but that she wanted to be able to put produce and mums next to the road on site a couple times during the year. She also stated that she is very proactive about her water runoff and protecting the stream, so she will be planting raspberries along the stream as an extra protection against water runoff. Ms. Winchell stated that she does have a semi-truck delivery of dirt / potting soil twice a year that is either delivered at her greenhouse or the Gas Station across the road. Lastly, Ms. Winchell stated she does want a sign next to the road, but that the sign would not have any lighting.

Bradley Winchell of 6938 Rineyville Road, Rineyville KY provided testimony and answered questions from the Board members and staff. Mr. Winchell stated that he put in swales around the greenhouse and french drains to help direct water to the gardens. He also stated there is very little light or noise from the greenhouse. Lastly, Mr. Winchell stated that Ms. Winchell does not use any harsh chemicals or liquid fertilizers.

At 5:20 p.m. Secretary Steck opened the floor for any individuals who wanted to speak in opposition of the proposal.

Taylor Tipton of 91 Heritage Trail, Rineyville, KY spoke in opposition of the proposal. Mr. Tipton stated he was not technically against the greenhouse operation, but he

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wanted some clarification on the hours of operation and whether the business was year round or seasonal.

Kaya Winchell told the Board that the greenhouse operation would be seasonal, April – October and that she was requesting 8am – 5pm Monday thru Saturday but that realistically she would only operate on one week day and on Saturdays.

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

At 5:31 p.m. Secretary Steck closed the hearing, to public discussion.

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

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

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

1. This Conditional Use Permit shall allow for a Greenhouse & plant nursery on site.
2. Adequate parking areas must be designated on the Site Plan along with an area provided for vehicles to turn around. Additional gravel may be necessary to accommodate employee & customer parking. The driving lane may also need to be widened to accommodate two-way traffic.
3. A single sign no larger than 24 sq. ft., 6' tall shall be permitted and must be located outside the right-of-way for Rineyville Road (KY 1600).

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4. The existing driveway entrance must be utilized and may need to be upgraded at the discretion of KYTC. No new driveway entrances shall be permitted.
5. The Hours of Operation shall be 8:00AM to 5:00PM Monday – Saturday with no operations on Sunday.
6. There shall be no more than 3 employees.
7. This Conditional Use Permit is issued to the current property owners, Michelle and Bradley Winchell & operator, Kaya Winchell and shall expire if the property is transferred.
8. The Conditional Use Permit is valid for 3 years and expires on March 4, 2024. After which time, a renewal hearing must be held before the Board of Adjustment.
9. A Site Plan in compliance with Section 7 of the Zoning Ordinance shall be required.
10. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Secretary Steck provided the second. The motion passed unanimously.

At 5:34 p.m. Hearing Officer Steck announced they would be skipping to the third item on the agenda a request for a Variance from the rear building setback line to allow for the construction of a proposed 24' x 60' metal barn. The property is a 2.065 acre site located at 4878 Valley Creek Road, Elizabethtown, KY to be known as Lot 32A of Valley Creek Estates within the Valley Creek Urban Planning Area and is zoned Rural Residential (R-2). The PVA map number is 256-00-01-046 & 046.01. The property is owned by **MONICA & DOUG CLARK**. Director King reviewed the application, the plans for the property and presented the exhibits into the record.

Doug Clark of 4878 Valley Creek Road, Elizabethtown, KY provided testimony and answered questions from the Board members and staff. Mr. Clark stated he didn't realize he needed a permit because he was building a barn with no electric or gravel. He stated the barn is to store his tractors in because his other barn is getting too full. Mr. Clark stated when measuring for the placement of his barn he measured 2-3 feet farther than the existing trailer next to the barn so he would be outside of the setbacks. Mr. Clark stated he had gotten with Land Surveyor John Wiseman to combine the three lots into one and that he also owned both the lots on the sides of the new combined lot, and that J.W. Miller owned the property and farmed behind him. He stated Mr. Miller had called him after receiving Planning and Zoning's letter and told him he had no problem with the barn. Lastly, Mr. Clark stated the barn would be metal.

No one else spoke in favor or in opposition to the proposal. At 5:43 p.m. Secretary Steck closed the hearing, to public discussion.

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Secretary Steck made a motion to grant the Variance based on the staff presentation and the testimony provided in the public hearing. He stated there's a farm behind the property and that this was not out of character for the area. He stated it will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public and will not allow an unreasonable circumvention of the requirements of this regulation and will satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243 and DGS 5-3 (B) (1) Findings necessary for granting variance) which are as follows:

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

The Variance was granted with the noted conditions:

1. To allow for a Variance from the 15' rear building setback line to allow for a proposed 24' x 60' metal barn
2. An Amended Plat shall substitute for the required Site Plan.
3. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

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

At 5:48 p.m. Hearing Officer Steck announced the next item on the agenda is a request for an Amended Conditional Use Permit to continue to allow for the operation of a saw mill on site. The property is a 25.36 acre site located on the south side of Millerstown Road (KY 224) in Upton, KY within the South Hardin Planning Area and is zoned Agriculture (A-1). The PVA map number is 177-00-00-033. The property is owned by **VERNA & LEVI YODER**. Director King reviewed the application, the plans for the property and presented the exhibits into the record.

Levi Yoder of 124 Millerstown Loop, Upton, KY provided testimony and answered questions from the Board members and staff. Mr. Yoder said he was very disappointed with the trees he received from Lowe's to plant around the sawmill. He stated he ordered 3-5' tall Arborvitaes and received trees much smaller than that, but he fertilized them three times in 2020 and already has fertilized them once this year to try and make them grow faster. Mr. Yoder said the camper on site could be moved to the rear of the site and that the only reason it was there was for shelter for the employees. He stated he had planned to build a nice shop in 2020 but with Covid-19 and having to go down to 1/3 of his staff, he was not able to build it; but that he hopes to build it this summer and

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once built the camper will no longer be needed. Mr. Yoder stated the reason for the second entrance that has now been completely removed was the concrete entrance installer asked him to put it in so they could pour the entrance on site instead of blocking KY 224. Also, Mr. Yoder stated that he agreed that planting some kind of bigger pine trees along the front of the property would be better than a fence. Lastly, Mr. Yoder asked if the State Transportation Cabinet could be contacted about placing a, "Trucks Entering and Exiting" sign near his location for the semi-truck traffic even though they only haul three times a day.

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

At 6:07 p.m. Secretary Steck closed the hearing, to public discussion.

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

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

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

1. This Conditional Use Permit shall allow for a Saw Mill operation on a 1.650 acre portion of the 25.36 acre farm. Any expansion outside of the existing fenced area shall require an Amended Conditional Use Permit.

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2. An encroachment permit for a concrete, Commercial Entrance shall be required from the KY Transportation Cabinet (Please contact Jacob Riggs). The temporary entrance to the east must be removed and revegetated.
3. Adequate parking areas must be designated on the Development Plan along with an area provided for semi-trucks to turn around.
4. A port-a-pot must be maintained on site with a contract provided to the Planning Commission.
5. The lumber and finished products shall be stored in the designated area only and shall not inhibit the growth of the required screening.
6. Evergreen trees shall be required on all 4 sides of the operation planted 5' tall and 10' on center to screen the activity.
7. The applicants shall be responsible for dust control on site of the sawdust and gravel areas. The gravel areas must be watered down as needed to minimize the amount of dust. An enclosed semi-trailer shall be used for sawdust storage.
8. No open fires shall be allowed on site in conjunction with the Saw Mill operation.
9. The Hours of Operation shall be 8AM to 5:30PM Monday – Friday for the saws to be in operation, with no operations on Saturday or Sunday.
10. This Conditional Use Permit is issued to the current property owners, Levi & Verna Yoder and shall expire if the property is transferred.
11. The Conditional Use Permit is valid for 2 years and expires on 3/4/2023. After which time, a renewal hearing must be held before the Board of Adjustment.
12. An Erosion & Sediment Control Plan using Best Management Practices shall be required that complies with the County's Ordinance and be approved by the County Engineer.
13. The operation of the Saw Mill shall be performed in accordance with all applicable County, State and Federal rules and regulations.
14. A Development Plan prepared by a Licensed Surveyor or Engineer shall be required.
15. A Certificate of Land Use Restrictions shall be Recorded in the Office of the Hardin County Clerk.
16. The RV (camper) on site must be moved away from Millerstown Road (KY 224) towards the rear of the saw mill property by 1 August 2021.
17. Mature evergreen trees must be planted along the entire road frontage of Millerstown Road (KY 224) by 1 August 2021.

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

At 6:19 p.m. Chairman Krausman called for consideration and action on the **minutes from the 4 February 2021 meeting** of the Board of Adjustment. Vice Chairman Youngblood made a motion to approve the minutes as presented. Secretary Steck provided the second. The motion passed unanimously.

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

13 Years of Service Director Adam King, AICP celebrated 13 years of service with the Planning Commission on 15 February 2021.

MPO Meeting On 3 February 2021, Adam attended the Radcliff Elizabethtown Metropolitan Planning Organization Technical Advisory Committee to discuss the Glendale Transportation Plan Update and he was elected Vice Chairman of the group for 2021-2022.

Chairman Krausman announced that the next scheduled meeting will be held on Thursday, March 18, 2021 at 5:00 p.m. and the meeting was adjourned at 6:20 p.m.

ADOPTED AND APPROVED THIS 18th DAY OF MARCH 2021 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.

Steve Steck, Secretary

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Chairman Robert Krausman called to order the four hundred and thirty fourth meeting of the Hardin County Board of Adjustment at 5:03 p.m. on Thursday, 4 February 2021, in the Hardin County Government Center, 2nd Floor Meeting Room. The other Board Members in attendance were Vice Chairman Greg Youngblood and Secretary Steve Steck. Also, in attendance were Director Adam King, AICP, Planner Nikki McCamish and the individuals listed on the attached sign-in sheet. Chairman Krausman appointed Secretary Steve Steck to serve as the Hearing Officer and to conduct the swearing in ceremony for all those in attendance who planned to speak.

At 5:03 p.m. Hearing Officer Steck announced the first item on the agenda is a request for a Conditional Use Permit for a Permanent Accessory Dwelling to allow for the construction of a 2,314 sq. ft. dwelling on site in addition to the existing 1,344 sq. ft. garage apartment. The property is a 17.4 acre site located at 426 Needham Road in Eastview, KY and being Lot 2 of Newman Estates within the West Hardin Planning Area and is zoned Rural Residential (R-2). The PVA map number is 033-00-02-002. The property is owned by **ASHLEY & ADAM MARTIN**. Director King reviewed the application, the plans for the property and presented the exhibits into the record.

Ashley Martin, of 426 Needham Road, Eastview, KY provided testimony and answered questions from the Board members and staff. Mrs. Martin said the reason they want to keep the garage apartment is mainly for parties, to be able to have an indoor / outdoor kitchen by opening the garage doors, and her husband has been working from home so it would give him more of an office space. Mrs. Martin said the new house will have a tan brick with black metal roofing, while the garage is a grey tan metal siding with a black shingle roof so that both buildings are cohesive but it doesn't look like two separate houses on the property. Finally, Mrs. Martin stated that both the dwellings share the same driveway.

No one else spoke in favor or in opposition to the proposal. At 5:16 p.m. Chairman Krausman closed the hearing, to public discussion.

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

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

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

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

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

1. This Conditional Use Permit for a Permanent Accessory Dwelling will allow for the approval of two dwellings on a single tract, the existing 1,344 sq. ft. garage/apartment and the proposed 2,314 sq. ft. house.
2. The property owners, Ashley & Adam Martin, must occupy either the principal dwelling unit or the permanent accessory dwelling as their principal residence, and at no time receive rent for the owner-occupied unit.
3. Adequate on site parking must be designated on an approved site plan.
4. Both dwellings shall use the existing shared driveway from Needham Road.
5. The Permanent Accessory Dwelling is the existing 1,344 sq. ft. garage apartment and the Principal Dwelling is the proposed 2,314 sq. ft. home.
6. 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.
7. The exterior finish materials of the dwellings shall be: grey-tan siding with black shingles (Garage Apartment) and tan brick with black metal roof (Single Family Dwelling under construction).
8. Both dwellings shall have a sewerage system approved by the Environmental Services Office of the Hardin County Health Department.
9. This Permit is not transferable and the new owners must reapply for the Conditional Use Permit and meet the necessary requirements.
10. Additional landscaping or screening shall not be required.
11. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.
12. A Certificate of Land Use Restrictions shall be recorded in the office of the Hardin County Clerk.

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

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At 5:20 p.m. Hearing Officer Steck announced the second item on the agenda is a request for a Variance from the front building setback line to allow for the construction of a proposed covered porch. The property is a 95 acre site located at 1254 Meeting Creek Road in Eastview, KY within the West Hardin Planning Area and is zoned Rural Residential (R-2). The PVA map number is 087-00-00-012. The property is owned by **FERN & DAVID GREY**. Director King reviewed the application, the plans for the property and presented the exhibits into the record.

Kevin Grey of 1254 Meeting Creek Road, Eastview, KY provided testimony and answered questions from the Board members and staff. Mr. Grey stated he is the son of Fern & David Grey and decided to move into the home at 1254 Meeting Creek Road to be closer to his parents to help take care of them. Mr. Grey also stated that the house upon his inspection was infested with termites and needed to be remodeled. When asked Mr. Grey said the porch will be covered but not enclosed, and that the exterior of the house will be the same exterior and roof as the new pole barn. It was brought to the Board of Adjustments attention that the pole barn was already built and that it would also need a variance from the front building setback line. Mr. Grey stated that barn is about 4 ft. closer to the road than the house, but that it was built directly on top of where the previous barn was.

No one else spoke in favor or opposition to the proposal. At 5:35 p.m. Chairman Krausman closed the hearing, to public discussion.

Vice Chairman Youngblood made a motion to grant the Variance based on the staff presentation and the testimony provided in the public hearing. He stated Meeting Creek Road has a low speed limit and the area has challenging topography. He stated it will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public and will not allow an unreasonable circumvention of the requirements of this regulation and will satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243 and DGS 5-3 (B) (1) Findings necessary for granting variance) which are as follows:

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

The Variance was granted with the noted conditions:

1. To allow for a Variance from the 70' front building setback along Meeting Creek Road to allow for the replacement and expansion of the existing covered porch (8' deep off the house). The porch may be covered but shall not be enclosed. Additionally, A Variance is granted for the 40'x30' pole barn.

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2. A Site Plan in compliance with Section 7 of the Zoning Ordinance shall be required.

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

Secretary Steck provided the second. The motion passed unanimously.

At 5:38 p.m. Hearing Officer Steck announced the third item on the agenda is a request for a Conditional Use Permit for a Permanent Accessory Dwelling to allow for the construction of a 4,023 sq. ft. dwelling on site in addition to the existing 1,112 sq. ft. apartment within barn. The property is a 2.074 acre site located at 123 Twelve Point Buck Blvd in Elizabethtown, KY and being Lot 10B of Deer Field Estates, Section 4 within the Kentucky 1600 Corridor Planning Area and is zoned Urban Residential (R-1). The PVA map number is 165-00-00-024.12. The property is owned by **BRENDA & JON PIRTLE JR.** Director King reviewed the application, the plans for the property and presented the exhibits into the record.

Jon Pirtle, of 123 Twelve Point Buck Blvd, Elizabethtown, KY provided testimony and answered questions from the Board members and staff. Mr. Pirtle said the reason they want to keep the barn apartment is because he and his wife plan to live in the barn apartment while their new home is being built. Mr. Pirtle also stated that once the house is built and they move into it, he doesn't plan to have any renters in the barn apartment. Finally, Mr. Pirtle said that the barn apartment is about 100 foot from the house, and that the exterior of the house will be stone, white board siding with cedar posts and black windows which will be cohesive with the wood sided barn.

No one else spoke in favor or in opposition to the proposal. At 5:50 p.m. Chairman Krausman closed the hearing, to public discussion.

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

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

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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 accordance with the purposes of the Zoning Ordinance and the Comprehensive Plan.

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

1. This Conditional Use Permit for a Permanent Accessory Dwelling will allow for the approval of two dwellings on a single tract, the existing 1,112 sq. ft. apartment within the barn and the proposed 4,023 sq. ft. house.
2. The property owners, Brenda & Jon Pirtle, Jr., must occupy either the principal dwelling unit or the permanent accessory dwelling as their principal residence, and at no time receive rent for the owner-occupied unit.
3. Adequate on site parking must be designated on an approved site plan.
4. Both dwellings shall use the existing shared driveway from Twelve Point Buck Blvd.
5. The Permanent Accessory Dwelling is the existing 1,112 sq. ft. barn apartment and the Principal Dwelling is the proposed 4,023 sq. ft. home.
6. 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.
7. The exterior finish materials of the barn apartment is wood siding and the dwelling shall be stone, white board siding with cedar posts and black windows.
8. Both dwellings shall have a sewerage system approved by the Environmental Services Office of the Hardin County Health Department.
9. This Permit is not transferable and the new owners must reapply for the Conditional Use Permit and meet the necessary requirements.
10. Additional landscaping or screening shall not be required.
11. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.

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

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At 5:53 p.m. Hearing Officer Steck announced the fourth item on the agenda is a request for a Conditional Use Permit to allow for an auto sales lot. The property is a 2.614 acre site located at 4447 Hardinsburg Road in Cecilia, KY within the Natural Resource Planning Area and is zoned Convenience Commercial (C-1). The PVA map number is 103-00-00-019. The property is owned by **COUNTRY CROSSROADS INVESTMENTS, LLC**. Director King reviewed the application, the plans for the property and presented the exhibits into the record.

Tim Lohden, of 6532 Hardinsburg Road, Cecilia, KY provided testimony and answered questions from the Board members and staff. Mr. Lohden stated he & his wife own Country Crossroads Investments, LLC. and that he previously owned 62 Auto Sales with his brother. Mr. Lohden also stated this auto sales will be a wholesale business and that he plans to have most the cars parked inside on lifts to be more like a show room. When asked about the mobile home on the property, Mr. Lohden said the gentleman that lives in the mobile home has lived there for 30 years, is 71 years old, and he didn't want to evict him from his home. Once the tenant leaves or passes away, Mr. Lohden said he plans to have the mobile home removed. Finally, Mr. Lohden said he plans for the building to look "Country" and to fit into the area, and that his sign will either be on the building or he will have a 6 ft. by 4 ft. sign that is about 4 ft. tall.

Brandon Hall, of 4499 Hardinsburg Road, Cecilia, KY is the next door neighbor to the west of the proposed auto sales lot and voiced some concerns about how many cars would be on site, how busy the property was going to be and the privacy measures for his family due to the recent construction of a swimming pool.

After Mr. Hall voiced his concerns, Mr. Lohden asked the Board and Director King if he could change the proposed development plan to install a privacy fence from the back corner of the building to the adjoining property line with Mr. Hall so that no one could see onto Mr. Hall's property from the auto sales lot. Also Mr. Lohden asked if he could move the parking spots along the west side of the building to the opposite side of the building so they would be farther away from Mr. Hall's property. Finally, Mr. Lohden asked if he could also change the landscaping on the proposed development plan along the front of the property, he wants to keep with his "Country" look and do 6 shrubs along a split rail fencing.

No one else spoke in favor or in opposition to the proposal. At 6:24 p.m. Chairman Krausman closed the hearing, to public discussion.

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

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

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

1. Business Hours of Operation shall be from 8AM – 6:00PM Monday – Saturday.
2. There shall be no more than 12 vehicles displayed outdoors for sale at a time.
3. Vehicles for sale shall be displayed in the parking area between the proposed buildings and KY 86.
4. There shall be no vehicles parked in the right-of-way of KY 86.
5. This Conditional Use Permit shall allow for Automotive Sales.
6. This property shall have a sewerage system (septic tank and lateral lines) approved by the Hardin County Health Center.
7. A Development Plan in compliance with Section 6 of the Zoning Ordinance shall be required.
8. This Conditional Use Permit shall be issued to the current property owners, Tim & Leah Lohden (doing business as Country Crossroads Investments, LLC, and is transferable after an additional hearing before the Board of Adjustment.
9. All building activities shall conform to provisions of the Kentucky Building Code.
10. This Conditional Use Permit shall be for a period of 3 years and expire on 4 February 2024.
11. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

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12. There shall be no wrecked or inoperable vehicles, parts, etc. stored outside at any time.
13. Screening in the form of a solid 6' tall privacy fence off the rear of the building to the west side property line shall be required. Additionally evergreen trees shall be planted to the west side of the parking area in addition to the east and south sides of the gravel parking areas.
14. KYTC shall require either a concrete or paved entrance from KY 86 to the edge of the right-of-way line within 2 years.
15. Landscaping along the front of the parking lot shall be 6 shrubs with a split rail fence west of the driveway.
16. A single free standing sign no larger than 6'x4' and 4' tall shall be permitted in addition to the wall mounted signage.

Secretary Steck provided the second. The motion passed unanimously.

At 6:25 p.m. Chairman Krausman called for consideration and action on the **minutes from the 19 November 2020 meeting** of the Board of Adjustment. Vice Chairman Youngblood made a motion to approve the minutes as presented. Secretary Steck provided the second. The motion passed unanimously.

At 6:27 p.m. Chairman Krausman called on Director King to present the **2020 Annual Report**. Director King then distributed paper copies of the report.

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

3 Years of Service Julia McBeth celebrated 3 years of service with the Planning Commission on 31 October 2020.

7 Years of Service Susan Bowen celebrated 7 years of service with the Planning Commission on 1 November 2020.

28 Years of Service Madeline Hornback celebrated 28 years of service with the Planning Commission on 2 November 2020.

Residential Inspector Exam Edwin Alicea passed the International Code Council B1, Residential Building Inspector exam on 16 January 2021. Congrats Edwin!

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Chairman Krausman announced that the next scheduled meeting will be held on Thursday, February 18, 2021 at 5:00 p.m. and the meeting was adjourned at 6:29 p.m.

ADOPTED AND APPROVED THIS 4th DAY OF MARCH 2021 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.

Steve Steck, Secretary