

## Hardin County Board of Adjustment

Minutes: 8 December 2011

Page 1 of 5

Chairman Krausman called to order the two hundredth and eighty-fourth meeting of the Hardin County Board of Adjustment at 5:00 p.m. on Thursday, 8 December 2011, in the R.R. Thomas Meeting Room on the second floor of the R.R. Thomas County Government Building. In addition to Chairman Krausman, Secretary Brent Goodin and Vice-Chairman Jack Holman were in attendance. Also in attendance were Senior Planner Wesley Wright, Planner Adam King, Planning Assistant Sandra Martinez and the individuals listed on the attached sign-in sheet. Director Chris Hunsinger, and County Engineer Vicki Meredith, P.E. were not in attendance. Hardin County Attorney Jennifer B. Oldham, legal counsel for the Board, was not requested to attend the meeting.

At 5:00 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. Hearing Officer Holman announced that the first item on the agenda is a request for a Revised Conditional Use Permit to allow a Temporary Accessory Dwelling (28' x 56' manufactured home) to remain on the property. The property is a 9.6 acre site located on the north side of Middle Creek Road with the address of 2968 Middle Creek Road and identified with the PVA Map Number 257-00-00-012.01. The property is owned by **Charles and Devonda Edlin** and is located in the East Hardin Planning Area and is zoned Rural Residential (R-2). Hearing Officer Holman conducted the swearing in ceremony for all individuals in attendance that may provide testimony. Planner King reviewed the application and presented exhibits and slides of the property (attached). Devonda Edlin, the owner, and Roxie Edlin, the applicant, provided testimony and answered questions from the Board Members and staff. No additional testimony was presented. At 5:20 p.m. the Hearing Officer closed the hearing. Board Member Goodin stated that this request for a Conditional Use Permit does satisfy the language of the DEVELOPMENT GUIDANCE SYSTEM ordinance (Section 16.3) Standards for Issuance of a Conditional Use Permit as follows:

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

## Hardin County Board of Adjustment

Minutes: 8 December 2011

Page 2 of 5

- The use shall be in accord with the purposes of the Development Guide System 2009 and the Comprehensive Development Guide 2008;

According to provisions of the Kentucky Revised Statutes, the Hardin County Development Guidance System, and the proceedings before the Board of Adjustment, Board Member Goodin stated the request is in character with the neighborhood and vicinity. Board Member Goodin made the motion to grant the revised Conditional Use Permit (CUP) with the following conditions:

1. The Temporary Accessory Dwellings shall be a temporary use for no longer than two (2) years from 8 December 2011 and must be removed from the property by 8 December 2013.
2. The existing Manufactured Home (28' x 56') on site is a Temporary Accessory Dwelling and has approximately 1568 square feet of living space which is less than the Local Average Square Foot Standard of 1748 square feet.
3. The Temporary Accessory Dwelling is for a family situation and shall only be occupied by the owners' mother, Roxie Edlin and her immediate family.
4. Upon the vacancy of the Temporary Accessory Dwelling, it must be removed from the property within six (6) months.
5. The Temporary Accessory Dwelling shall have a sewerage system (septic tank and lateral lines) approved by the Environmental Services Office of the Hardin County Health Department.
6. This Conditional Use Permit shall be issued to the current property owner, Charles & Devonda Edlin, and shall expire when the property is transferred and not be transferable to another property owner.
7. A new Site Plan shall not be required due to an existing one on file with our office.
8. The skirting on the manufactured home must be maintained.
9. All construction activities on this site shall conform to the provisions of the Kentucky Building Code.
10. A Certificate of Land Use Restrictions shall be recorded in the office of the Hardin County Clerk.

Board Member Holman provided the second. Motion passed unanimously.

At 5:25 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. Hearing Officer Holman announced that the next item on the agenda is a request for a Conditional Use Permit to convert part of the existing garage (48' x 20' = 960 sq. ft.) to be used as a Permanent Accessory Dwelling

## Hardin County Board of Adjustment

Minutes: 8 December 2011

Page 3 of 5

located at 462 Martin Road. The property is a 1.0 acre site and being Lot 1 of Farewell Subdivision, and identified with the PVA Map Number 081-00-00-024.

The property is owned by **Joseph Lamar and Sue Hardesty**. The property is located in the Natural Resource Planning Area and is zoned Rural Residential (R-2). Hearing Officer Holman conducted the swearing in ceremony for all individuals in attendance that may provide testimony. Planner King reviewed the application and presented exhibits and slides of the property (attached). Joseph Lamar and Sue Hardesty of 462 Martin Road, the owners, provided testimony and answered questions from the Board Members. Neighbors, Glenn & Debbie Driskill of 334 Martin Road, provided testimony and answered questions from the Board Members and staff. Neighbor, Steve Klotz of 206 Martin Road, provided testimony and answered questions from the Board Members and staff. No additional testimony was presented. Board Member Goodin stated that the request needed to be continued with a rendering of the proposal provided and made a motion to table the request until the next Board meeting scheduled for 5:00 p.m. on Thursday, 5 January 2012 in the R.R. Thomas County Government Building. Board Member Holman provided the second. Motion passed unanimously.

At 6:20 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. This is a request for a Conditional Use Permit to allow a Mobile Home (12' x 54' 1973 model) to be installed on the property. The property is a 6.12 acre site on Summit Eastview Road being Lot 6A of Cushman Place, and identified with the PVA Map Number 073-00-00-010. The property is owned by **Donald Stillwell** and is located in the West Hardin Planning Area and is zoned Rural Residential (R-2). Planner King reviewed the application and the history of the property, presented exhibits, and presented slides of the property (attached). Donald Stillwell, the owner, provided testimony and answered questions from the Board Members and staff. At 6:30 p.m. the Hearing Officer closed the hearing. Board Member Goodin stated that this request for a Conditional Use Permit does satisfy the language of the DEVELOPMENT GUIDANCE SYSTEM ordinance (Section 16.3) Standards for Issuance of a Conditional Use Permit as follows:

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

## Hardin County Board of Adjustment

Minutes: 8 December 2011

Page 4 of 5

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

- The use shall not adversely affect the health or safety of persons residing or working in the vicinity of the proposed use;
- The use shall not be detrimental to the public welfare or injurious to property or improvements in the vicinity; and,
- The use shall be in accord with the purposes of the Development Guide System 2009 and the Comprehensive Development Guide 2008;

According to provisions of the Kentucky Revised Statutes, the Hardin County Development Guidance System, and the proceedings before the Board of Adjustment, Board Member Goodin stated that based on the testimony presented, the request would be in character with the neighborhood and vicinity, and made the motion to grant a Conditional Use Permit (CUP) to allow a Mobile Home on the property with the following conditions:

1. The mobile home shall be a temporary use for no longer than 10 years from 8 December 2011 and must be removed from the property by 8 December 2021.
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.
5. This mobile home shall have a sewerage system (septic tank and lateral lines) approved by the Hardin County Health Center.
6. The mobile home shall be placed on the property as illustrated on the approved Site Plan.
7. 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.
8. A Site Plan shall be submitted and approved in compliance with the Development Guidance System, Section 7. The need for Environmental Services and the Hardin County Road Departments signature on the Site Plan is waived due to existing approvals on file.
9. The skirting on the mobile home must be maintained.
10. A B-1 seal from the State Fire Marshall shall be required.
11. All construction activities on this site shall conform to the provisions of the Kentucky Building Code.

Board Member Holman provided the second. Motion passed unanimously.

Chairman Krausman called for consideration and action on the proposed amendment to the Commission By-Laws **Article V - Meetings** on the location of the regular meetings of the Board (attached). Senior Planner Wright reviewed

**Hardin County Board of Adjustment**

Minutes: 8 December 2011

Page 5 of 5

the Article. Chairman Krausman announced that proposed amendment is tabled at this time, no action taken at this time.

Chairman Goodin called for consideration and action on the adoption of the Board of Adjustment 2012 Meeting Schedule. Board Member Goodin made a motion to adopt the 2012 Meeting Schedule as presented. Board Member Holman provided the second. Motion passed unanimously.

Chairman Krausman called for consideration and action on the **Minutes** of the 17 November 2011 meeting. Member Goodin made a motion to approve the minutes as presented. Member Holman provided the second. Motion passed unanimously.

Senior Planner Wright reported that the Commission did accept an extension of the **Contract** with David Viers for the performance of electrical inspections for the calendar year 2012. The terms and conditions of the contract are to remain unchanged. Senior Planner Wright also reported that the Commission did accept extension of the **Employment Agreement** of Jimmy Morgan, the Planning Commissions' Regular Part Time Residential Building Inspector, for the performance of Building Inspections and of Sher DeCamp, for the "Emergency Part-Time" position of KBC Clerk/Receptionist.

**THE FOLLOWING SUBDIVISION PLATS HAVE BEEN APPROVED AND RECORDED:**

RECORDED	SUBDIVISION NAME	LOTS	ACCESS ROAD
09 Nov 11	Aches and Pains Subdivision, Lot 1 & Aches and Pains, Section 2	1	Gilead Church Road
11 Nov 11	Gookhead Acres	1	Sonora Hardin Springs Road
14 Nov 11	Ennis Subdivision, Lot 13, 14 & 15	-1	Bardstown Road
18 Nov 11	Eric View Place	2	Wonderland Cavern Road
18 Nov 11	Santa Fe Subdivision, Lots 22B & 23B	0	Upper Coleburg Road
<b>SINCE LAST MEETING</b>		3	
<b>2011 TOTAL</b>		2	

Chairman Krausman announced that the next Board meeting is scheduled for Thursday, 5 January 2012, and declared the meeting adjourned at 7:00 p.m.

**ADOPTED AND APPROVED THIS 5th DAY OF JANUARY 2012 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.**

---

Brent Goodin, Secretary

## Hardin County Board of Adjustment

Minutes: 17 November 2011

Page 1 of 5

Chairman Krausman called to order the two hundredth and eighty-third meeting of the Hardin County Board of Adjustment at 5:00 p.m. on Thursday, 17 November 2011, in the R.R. Thomas Meeting Room on the second floor of the R.R. Thomas County Government Building. In addition to Chairman Krausman, Secretary Brent Goodin and Vice-Chairman Jack Holman were in attendance. Also in attendance were Senior Planner Wesley Wright, Planning Assistant Sandra Martinez and the individuals listed on the attached sign-in sheet. Director Chris Hunsinger, Planner Adam King and County Engineer Vicki Meredith, P.E. were not in attendance. Hardin County Attorney Jennifer B. Oldham, legal counsel for the Board, was not requested to attend the meeting.

At 5:00 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. Hearing Officer Holman announced that the first item on the agenda is a request for a Conditional Use Permit to allow for a dog kennel/animal rescue facility doing business as Harley's TLC Kennels and Pet Sitting, LLC and a Variance for an 18 square foot sign which is larger than the 6 square feet that is permitted on the property. The proposed site is a  $\pm 1.753$  acre site located on the north side of Gilead Church Road (KY 1136). The property address is 1838 Gilead Church Road and is owned by **Nicholai Loutchaninoffd and Jeffrey Vaughn**. Hearing Officer Holman conducted the swearing in ceremony for all individuals in attendance that may provide testimony. Senior Planner Wright reviewed the application and exhibits. The applicants, Nicholai Loutchaninoffd and Jeffrey Vaughn, of 1838 Gilead Church Road, provided testimony and answered questions from the Board Members and staff. Mitchell Noble provided testimony and answered questions from the Board Members and staff. At 5:50 p.m., the Hearing Officer closed the hearing. Board Member Goodin stated that this request for a Conditional Use Permit does satisfy the language of the DEVELOPMENT GUIDANCE SYSTEM Ordinance (Section 3.12) Standards for Issuance of a Conditional Use Permit is as follows:

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

## Hardin County Board of Adjustment

Minutes: 17 November 2011

Page 2 of 5

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

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

1. Business Hours of Operation shall be from 5:30 A.M. to 7:30P.M. Sunday through Saturday.
2. The maximum number of animals on site shall be 14.
3. A maximum of 4 animals shall be permitted outdoors at one time.
4. No outdoor boarding of animals shall be permitted. All boarding facilities shall be indoors with dogs taken outdoors for exercise and "potty" breaks.
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 to be conducted by Hardin County Animal Control to check health and welfare of animals on site and verify clean and sanitary conditions of the facility. Please contact Gerald Foley (270-763-2205) at Hardin County Animal Control.
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 screened with a 4 foot high "wind screen" material.
9. This Conditional Use Permit shall be issued to the current property owners and is not transferable.
10. This Conditional Use Permit shall be for a period of 3 years and expire 17 November 2014.
11. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Board Member Holman provided the second. Motion passed unanimously.

The owners requested to withdraw the application for the sign Variance.

## Hardin County Board of Adjustment

Minutes: 17 November 2011

Page 3 of 5

At 5:50 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. This request is for a Conditional Use Permit to allow for improvements to be made to the existing 1008 square foot two story bungalow on the property. The property is a 0.62 acre tract located at 6960 South Wilson Road in the North Urban Planning Area and zoned Urban Residential (R-1). The PVA Map Numbers is 183-40-01-021. The property is owned by **Mattias Lambert**. Hearing Officer Holman conducted the swearing in ceremony for all individuals in attendance that may provide testimony. Senior Planner Wright reviewed the application and the history of the property and presented exhibits. Mattias Lambert., the owner, provided testimony and answered questions from the Board Members and staff. Reedie Dailey of 49 Crutz Lane spoke in favor of the applicant. Board Member Goodin stated that the request needed to be continued and made a motion to table the request until the next Board meeting scheduled for 5:00 p.m. on Thursday, 8 December 2011 in the R.R. Thomas County Government Building. Board Member Holman provided the second. Motion passed unanimously.

At 6:20 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. Hearing Officer Holman announced that the next item on the agenda is a request for a Variance for relief from the required rear building setback line to accommodate a proposed porch addition to the existing pole barn and proposed in-ground swimming pool. The proposed site is a 4.108 acre tract with an address of 5190 Rineyville Big Springs Road (KY 220) and being Lot 3 of Half Moon Acres, Section 2 in the West Urban Planning Area and zoned Rural Residential (R-2). The PVA Map Number is 121-00-00-011.03. The owner is **Joseph Ashley**. Senior Planner Wright reviewed the application and the history of the property and presented exhibits. Joseph Ashley, the owner, provided testimony and answered questions from the Board Members and staff. No additional testimony was presented. At 6:35 p.m. the Hearing Officer closed the hearing. Board Member Holman made a motion to grant a variance due to the fact that it will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and that this request does satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243. Findings necessary for granting variances) which is as follow:

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



## Hardin County Board of Adjustment

Minutes: 17 November 2011

Page 4 of 5

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

The following variance was granted with the noted conditions:

1. The existing Site Plan on file with our office shall be Amended to include and illustration of the pool and covered porch but, new signatures shall not be required.
2. A Certificate of Land Use Restrictions will be recorded in the Office of the Hardin County Clerk.

Board Member Goodin provided the second. Motion passed unanimously.

At 6:35 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. Hearing Officer Holman announced that the next item on the agenda is a request for a Revised Conditional Use Permit for a temporary dwelling (28' x 52' manufactured home) to remain on the property. The proposed site is a 2.0 acre tract located on the north side of Hardinsburg Road west of James Duvall Lane and located in the Natural Resource Planning Area and zoned Rural Residential (R-2). The PVA Map Number is 084-00-00-066. The owner is **Larry and Patricia Hicks**. Senior Planner Wright reviewed the application and the history of the property and presented exhibits. The owners were unable to attend the meeting. At 6:40 p.m. the Hearing Officer closed the hearing. Board Member Goodin made a motion to deny the Conditional Use Permit and that the unit must be removed by 1 June 2012 due to the fact that this request does not satisfy the requirements of the Zoning Ordinance and that it is out of character with the area.

Board Member Holman provided the second. Motion passed unanimously.

Chairman Krausman called for consideration and action on the **Minutes** of the 3 November 2011 meeting. Member Goodin made a motion to approve the minutes as presented. Member Holman provided the second. Motion passed unanimously.

**Hardin County Board of Adjustment**  
Minutes: 17 November 2011  
Page 5 of 5

**THE FOLLOWING SUBDIVISION PLATS HAVE BEEN APPROVED AND RECORDED:**

RECORDED	SUBDIVISION NAME	LOTS	ACCESS ROAD
07 Nov 11	Secluded Acres	7	Burns Road
<b>SINCE LAST MEETING</b>		7	
<b>2011 TOTAL</b>		-1	

Chairman Krausman announced that the next Board meeting is scheduled for Thursday, 8 December 2011, and declared the meeting adjourned at 6:50 p.m.

**ADOPTED AND APPROVED THIS 8th DAY OF DECEMBER 2011 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.**

---

Brent Goodin, Secretary

## Hardin County Board of Adjustment

Minutes: 3 November 2011

Page 1 of 4

Chairman Krausman called to order the two hundredth and eighty-second meeting of the Hardin County Board of Adjustment at 5:00 p.m. on Thursday, 3 November 2011, in the R.R. Thomas Meeting Room on the second floor of the R.R. Thomas County Government Building. In addition to Chairman Krausman, Secretary Brent Goodin and Vice-Chairman Jack Holman were in attendance. Also in attendance were Senior Planner Wesley Wright, Planner Adam King, Planning Assistant Sandra Martinez and the individuals listed on the attached sign-in sheet. Director Chris Hunsinger and County Engineer Vicki Meredith, P.E. were not in attendance. Hardin County Attorney Jennifer B. Oldham, legal counsel for the Board, was not requested to attend the meeting.

At 5:00 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. Hearing Officer Holman announced that the first item on the agenda is a request for a Variance for relief from the required road frontage to amend Lots 23A & 26A of Dr. Aud's Addition and relief from the 1:4 lot width-to-length ratio for Lot 23A. The proposed site is a 0.60 acre tract at 735 E Main Street and being Lot 26A of Dr. Aud's Addition to Cecilia and a 2.3 acre tract at 136 Church Street and being Lot 23A of Dr. Aud's Addition to Cecilia and located in the Cecilia Rural Village Planning Area and zoned Urban Residential (R-1). The PVA Map Numbers are 147-40-00-046 and 147-40-00-046.01. The owners are **Eric Peake and Margaret Peake**. Hearing Officer Holman conducted the swearing in ceremony for all individuals in attendance that may provide testimony. Planner King reviewed the application and the history of the property and presented exhibits. Eric Peake and Margaret Peake, the owners, provided testimony and answered questions from the Board Members and staff. No additional testimony was presented. At 5:15 p.m. the Hearing Officer closed the hearing. Board Member Goodin made a motion to grant a variance due to the fact that it will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, that these are pre-existing, non-conforming lots and that this request does satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243. Findings necessary for granting variances) which is as follow:

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

## Hardin County Board of Adjustment

Minutes: 3 November 2011

Page 2 of 4

The following variance was granted with the noted conditions:

- The **VARIANCE** from the required road frontage be approved for proposed Lot 26B.
- The **VARIANCE** from the required road frontage and the lot 1:4 width-to-length ratio be approved for proposed Lot 23B.
- An Amended Subdivision Plat shall be required with a Variance Note included.
- A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Board Member Holman provided the second. Motion passed unanimously.

At 5:20 Chairman Krausman announced that the next item on the agenda had been withdrawn.

Chairman Krausman called for consideration and action on the **Minutes** of the 20 October 2011 meeting. Member Goodin made a motion to approve the minutes as presented. Member Holman provided the second. Motion passed unanimously.

At 5:30 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. Hearing Officer Holman announced that the next item on the agenda is a request for a Variance for relief from the required front building setback for the existing metal shop building (30' x 40'). The proposed site is a 9.005 acre tract at 2344 Wonderland Cavern Road and located in the Rural Residential Planning Area and zoned Rural Residential (R-2). The PVA Map Number is 128-00-00-024.03. The owner is **Norman Goodman**. Hearing Officer Holman conducted the swearing in ceremony for all individuals in attendance that may provide testimony. Planner King reviewed the application and the history of the property and presented exhibits. Norman Goodman, the owner, provided testimony and answered questions from the Board Members and staff. No additional testimony was presented. At 5:45 p.m. the Hearing Officer closed the hearing. Board Member Goodin made a motion to grant a variance due to the fact that it will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, that the building is near a curve in the

## Hardin County Board of Adjustment

Minutes: 3 November 2011

Page 3 of 4

road which helps to slow traffic, that the topography of the property did not allow for it to be constructed elsewhere due to the embankment and that this request does satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243. Findings necessary for granting variances) which is as follow:

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

The following variance was granted with the noted conditions:

- The **VARIANCE** will allow for the existing 40' x 30' metal shop to remain on the property. All future structures and additions must comply with the building setbacks as illustrated on the plat.
- Proposed Lot 2 shall be less than three acres so that the front building setback line is 40' from the front property line.
- A Subdivision Plat shall be required with a Variance Note included.
- A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Board Member Holman provided the second. Motion passed two to one.

At 5:45 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. Hearing Officer Holman announced that the next item on the agenda is a request for a Conditional Use Permit for a Recreational Enterprise (one space campground) to allow for the "horse trailer" to remain on site until the proposed house is completed. The proposed site is a 10.499 acre tract located on Rineyville Big Springs Road (KY 220) and being Lot 14 of Huffer Farm Subdivision and located in the Natural Resource Planning Area and zoned Ruban Residential (R-2). The PVA Map Number is 082-00-01-014. The owner is **Danny Byers**. Planner King reviewed the application and the history of the property and presented exhibits. Danny Byers, the owner, provided testimony and answered questions from the Board Members and staff. No additional testimony was presented. At 6:10 p.m. the Hearing Officer closed the hearing. Board Member Goodin made a motion to deny the Conditional Use Permit due to the fact that this request does not satisfy the requirements of the Zoning

**Hardin County Board of Adjustment**

Minutes: 3 November 2011

Page 4 of 4

Ordinance and would be out of character with the area. Board Member Holman provided the second. Motion passed unanimously. Board Member Goodin made an additional motion to extend the temporary use of the horse trailer as Temporary Living Quarters for an additional 60 days but must discontinue to use the horse trailer as living quarters six months after the temporary use permit expires. Board Member Holman provided the second. Motion passed unanimously.

**THE FOLLOWING SITE PLANS HAVE BEEN APPROVED**

DATE	SITE PLAN	OWNER	ACCESS ROAD
24 Oct 11	Residential Addition	Ben & Mindy Woosley	Case Loop
02 Nov 11	Accessory Structure	Leonard Winiarski	Bardstown Road
<b>Since Last Meeting</b>		2	
<b>2011 Total</b>		22	

**THE FOLLOWING SUBDIVISION PLATS HAVE BEEN APPROVED AND RECORDED:**

RECORDED	SUBDIVISION NAME	LOTS	ACCESS ROAD
13 Oct 11	La Dolce Vita Subdivision	1	Bewley Hollow road
14 Oct 11	Country Meadows Subdivision, Lot 17A	0	Oakwood Circle
20 Oct 11	Kenwood Acres	1	Youngers Creek Road
25 Oct 11	Osborne Trace Estates Section 3, Lots 47 & 48	-1	Chase Lake Road
26 Oct 11	Caden Acres	1	Smith Mill Road
27 Oct 11	Relaxing Acres, Lots 11 & 12	-1	Spears Lane
28 Oct 11	Loretta Acres	2	Limp Road
31 Oct 11	Wolfe Estates Section 3	1	Hutcherson Lane
31 Oct 11	Honey Locust Estates Subdivision, Lot 1 & 2	1	Sonora Hardin Spring Road
02 Nov 11	Bit of Heaven, Lot 3A and Bit of Heaven Section 2	1	Bewley Hollow Road
<b>SINCE LAST MEETING</b>		6	
<b>2011 TOTAL</b>		-8	

Chairman Krausman announced that the next Board meeting is scheduled for Thursday, 17 November 2011, and declared the meeting adjourned at 6:10 p.m.

**ADOPTED AND APPROVED THIS 17th DAY OF NOVEMBER 2011 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.**

\_\_\_\_\_  
Brent Goodin, Secretary

## Hardin County Board of Adjustment

Minutes: 20 October 2011

Page 1 of 5

Chairman Krausman called to order the two hundredth and eighty-second meeting of the Hardin County Board of Adjustment at 5:00 p.m. on Thursday, 20 October 2011, in the R.R. Thomas Meeting Room on the second floor of the R.R. Thomas County Government Building. In addition to Chairman Krausman, Secretary Brent Goodin and Vice-Chairman Jack Holman were in attendance. Also in attendance were Senior Planner Wesley Wright, Planner Adam King, County Engineer Vicki Meredith, P.E., and the individuals listed on the attached sign-in sheet. Director Chris Hunsinger and Planning Assistant Sandra Martinez were not in attendance. Hardin County Attorney Jennifer B. Oldham, legal counsel for the Board, was not requested to attend the meeting.

At 5:05 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. Hearing Officer Holman announced that the first item on the agenda is a request for a Revised Conditional Use Permit to allow an Accessory Dwelling (12' x 56' manufactured home) to remain on the property. The property is a 5.769 acre site located on the south side of Crume Road on South Mill Street and identified with the PVA Map Number 119-30-00-042. The property is owned by **Elsie Carneal** and is located in the North Urban Planning Area and is zoned Urban Residential (R-1). Hearing Officer Holman conducted the swearing in ceremony for all individuals in attendance that may provide testimony. Planner King reviewed the application and presented exhibits and slides of the property (attached). Elsie Carneal, the owner, provided testimony and answered questions from the Board Members and staff. No additional testimony was presented. At 5:20 p.m. the Hearing Officer closed the hearing. Board Member Holman stated that this request for a 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 does not tend to change the character and established pattern of development of the area;
- The use is in harmony with the uses permitted by right under the sector and district in question and it does not affect adversely the use of neighboring properties;
- The location and height of buildings, the location, nature, and height of walls and fences and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof;
- The use shall not adversely affect the health or safety of persons residing or working in the vicinity of the proposed use;
- The use shall not be detrimental to the public welfare or injurious to property or improvements in the vicinity; and,
- The use shall be in accord with the purposes of the Development Guide System 2009 and the Comprehensive Development Guide 2008;

## Hardin County Board of Adjustment

Minutes: 20 October 2011

Page 2 of 5

According to provisions of the Kentucky Revised Statutes, the Hardin County Development Guidance System, and the proceedings before the Board of Adjustment, Board Member Holman stated the request is in character with the neighborhood and vicinity. Board Member Holman made the motion to grant the Conditional Use Permit (CUP) with the following conditions:

1. The Temporary Accessory Dwellings shall be a temporary use for no longer than four years from 20 October 2011 and must be removed from the property by 20 October 2015.
2. The existing Manufactured Home (12' x 56') on site is a Temporary Accessory Dwelling and has approximately 672 square feet of living space which is less than the Local Average Square Foot Standard of 1022 square feet.
3. The Temporary Accessory Dwelling is for a family situation and shall only be occupied by the owner's mother, Gladys Lancrain and her immediate families.
4. Upon the vacancy of the Temporary Accessory Dwelling, it must be removed from the property within six (6) months.
5. The Temporary Accessory Dwelling shall have a sewerage system (septic tank and lateral lines) approved by the Environmental Services Office of the Hardin County Health Department.
6. This Conditional Use Permit shall be issued to the current property owner, Elsie Carneal, and shall expire when the property is transferred and not be transferable to another property owner.
7. A new Site Plan shall not be required due to an existing one on file with our office.
8. The skirting on the mobile home must be maintained.
9. All construction activities on this site shall conform to the provisions of the Kentucky Building Code.
10. A Certificate of Land Use Restrictions shall be recorded in the office of the Hardin County Clerk.

Board Member Goodin provided the second. Motion passed unanimously.

At 5:20 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. Hearing Officer Holman announced that the next item on the agenda is a request for a Variance for relief from the required front building setback line to accommodate a proposed detached garage. The proposed site is a 4.211 acre tract and being Lot 22C of Santa Fe Subdivision and located in the East Urban Planning Area and zoned Rural Residential (R-2). The PVA Map Number is 242-00-02-022 and 242-00-02-024. The owner is **Natalie Romans**. Planner King reviewed the application and the history of the property and presented exhibits. Natalie Romans, the owner, provided testimony and



## Hardin County Board of Adjustment

Minutes: 20 October 2011

Page 3 of 5

answered questions from the Board Members and staff. No additional testimony was presented. At 5:30 p.m. the Hearing Officer closed the hearing. Board Member Holman made a motion to grant a variance due to the fact that it will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, that the topography of the property will not allow for it to be constructed elsewhere and that this request does satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243. Findings necessary for granting variances) which is as follow:

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

The following variance was granted with the noted conditions:

- The **VARIANCE** will allow for proposed Lot 22C of Santa Fe Subdivision to have a 45' front building setback line as previously illustrated on the Record Plat.
- An Amended Subdivision Plat shall be required with a Variance Note included.
- A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Board Member Goodin provided the second. Motion passed unanimously.

At 5:30 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. Hearing Officer Holman announced that the next item on the agenda is a request for a Variance for relief from the required front building setback line to accommodate a proposed addition to the existing house. The proposed site is a 19 acre tract with the address of 246 Case Loop and located in the North Glendale Planning Area and zoned Rural Residential (R-2). The PVA Map Number is 242-00-02-022 and 242-00-02-024. The owners are **Ben & Mindy Woosley**. Planner King reviewed the application and the history of the property and presented exhibits. Ben Woosley, the owner, provided testimony and answered questions from the Board Members and staff. No additional testimony was presented. At \_\_\_\_ p.m. the Hearing Officer closed the hearing. Board Member Goodin made a motion to grant a variance due to the fact that it will not alter the essential character of the general vicinity, will not cause a

## Hardin County Board of Adjustment

Minutes: 20 October 2011

Page 4 of 5

hazard or a nuisance to the public, that the topography of the property will not allow for it to be constructed elsewhere and that this request does satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243. Findings necessary for granting variances) which is as follow:

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

The following variance was granted with the noted conditions:

- The VARIANCE will allow for the proposed addition (25' x 25') to be no closer than 70' to the center line of Case Loop. All Future Structures or Additions must comply with building setbacks.
- A Site Plan in compliance with Section 7 of the Zoning Ordinance shall be required.
- Building & Electrical Permits shall be required for the proposed Addition.
- A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Board Member Goodin provided the second. Motion passed unanimously.

Chairman Krausman called for consideration and action on the **Minutes** of the 22 September 2011 meeting. Member Goodin made a motion to approve the minutes as presented. Member Holman provided the second. Motion passed unanimously.

### THE FOLLOWING SITE PLANS HAVE BEEN APPROVED

DATE	SITE PLAN	OWNER	ACCESS ROAD
10 Oct 11	Home Occupation – Rick’s Detailing	Rick & Shelia Fegett	Rineyville Big Springs Road
	<b>Since Last Meeting</b>	1	
	<b>2011 Total</b>	20	

**Hardin County Board of Adjustment**  
 Minutes: 20 October 2011  
 Page 5 of 5

**THE FOLLOWING DEVELOPMENT PLANS HAVE BEEN APPROVED**

DATE	DEVELOPMENT PLAN	OWNER	ACCESS ROAD
12 Oct 11	T & C Mini Warehouses	Philip Taylor & Eric Cox	Sage Court
<b>Since Last Meeting</b>		1	
<b>2010 Total</b>		9	

**THE FOLLOWING SUBDIVISION PLATS HAVE BEEN APPROVED AND RECORDED:**

RECORDED	SUBDIVISION NAME	LOTS	ACCESS ROAD
30 Sept 11	Dolores Acres	5	Bardstown Road (US 62)
30 Sept 11	Fragrant Acres, Lot 2	2	Hardinsburg Road
03 Oct 11	Cushman Place, Lot 6	1	Summit Eastview Road
10 Oct 11	Mocking Bird Heights, Lots 9, 10 & 11	-2	Joseph Avenue
11 Oct 11	Lakewood Subdivision Section 1, Lots 3B & 4B	-1	Cecil Avenue
11 Oct 11	Serene Oaks Subdivision Section 2, Lots 44, 45 & 46	0	Gaither Station Road
11 Oct 11	JoJanRic Subdivision	2	Berrytown Road
<b>SINCE LAST MEETING</b>		7	
<b>2011 TOTAL</b>		-14	

Chairman Krausman announced that the next Board meeting is scheduled for Thursday, 3 November 2011, and declared the meeting adjourned at \_\_\_\_ p.m.

**ADOPTED AND APPROVED THIS 3<sup>rd</sup> DAY OF NOVEMBER 2011 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.**

\_\_\_\_\_  
 Brent Goodin, Secretary

## Hardin County Board of Adjustment

Minutes: 22 September 2011

Page 1 of 3

Chairman Krausman called to order the two hundredth and eighty-first meeting of the Hardin County Board of Adjustment at 5:05 p.m. on Thursday, 22 September 2011, in the R.R. Thomas Meeting Room on the second floor of the R.R. Thomas County Government Building. In addition to Chairman Krausman, Secretary Brent Goodin and Vice-Chairman Jack Holman were in attendance. Also in attendance were Senior Planner Wesley Wright, Planner Adam King, Planning Assistant Sandra Martinez, County Engineer Vicki Meredith, P.E., and the individuals listed on the attached sign-in sheet. Director Chris Hunsinger was not in attendance. Hardin County Attorney Jennifer B. Oldham, legal counsel for the Board, was not requested to attend the meeting.

At 5:05 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. Hearing Officer Holman announced that the first item on the agenda is a request for a Conditional Use Permit for a proposed Accessory Structure (40' x 30' pole barn with 2-10' x 40' lean to's) to be constructed on a tract without a dwelling. The property is a 7.51 acre site located on the north side of Bardstown Road (US 62) and identified with the PVA Map Number 270-10-00-009.01. The property is owned by **Leonard Winiarski** and is located in the East Hardin Planning Area and is zoned Rural Residential (R-2). Hearing Officer Holman conducted the swearing in ceremony for all individuals in attendance that may provide testimony. Planner King reviewed the application and presented exhibits and slides of the property (attached). Leonard Winiarski, the owner, provided testimony and answered questions from the Board Members and staff. No additional testimony was presented. At 5:25 p.m. the Hearing Officer closed the hearing. Board Member Holman stated that this request for a 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 does not tend to change the character and established pattern of development of the area;
- The use is in harmony with the uses permitted by right under the sector and district in question and it does not affect adversely the use of neighboring properties;
- The location and height of buildings, the location, nature, and height of walls and fences and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof;
- The use shall not adversely affect the health or safety of persons residing or working in the vicinity of the proposed use;
- The use shall not be detrimental to the public welfare or injurious to property or improvements in the vicinity; and,

## Hardin County Board of Adjustment

Minutes: 22 September 2011

Page 2 of 3

- The use shall be in accord with the purposes of the Development Guide System 2009 and the Comprehensive Development Guide 2008;

According to provisions of the Kentucky Revised Statutes, the Hardin County Development Guidance System, and the proceedings before the Board of Adjustment, Board Member Holman stated that based on the proposed structure location and the size and characteristics of the property, a future dwelling can be accommodated on the property and the proposed accessory structure is in character with the structures located on properties in the vicinity. Board Member Holman made the motion to grant the Conditional Use Permit (CUP) with the following conditions:

1. The proposed Accessory Structure (30' x 40' pole barn with (2) 10' x 40' lean to's) shall be no larger than 2000 sq. ft., which is less than the proposed future dwelling (2500 sq. ft.).
2. The Accessory Structure shall be placed on the property as illustrated on an approved Site Plan and in accordance with the building setback lines established for the zone.
3. A Site Plan shall be required in accordance with Section 7 of the Zoning Ordinance. (Health Department signature shall not be required)
4. Additional Landscaping shall not be required but the existing tree line along the rear of the property shall be preserved.
5. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Board Member Krausman provided the second. Motion passed unanimously.

At 5:25 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. Hearing Officer Holman announced that the next item on the agenda is a request for a Variance for relief from the required side building setback line to accommodate the two existing buildings. The proposed site is a 1.250 acre tract with an address of 307 Oakwood Circle and being Lot 17B of Country Meadows Estates and located in the North Urban Planning Area and zoned Urban Residential (R-1). The PVA Map Number is 117-00-01-017. The owners are **Joseph & Berta Calvert**. Planner King reviewed the application and the history of the property and presented exhibits. Joseph Calvert, the owner, provided testimony and answered questions from the Board Members and staff. No additional testimony was presented. At 5:50 p.m. the Hearing Officer closed the hearing. Board Member Goodin made a motion to deny the variance due to the fact that this request does not satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243).

**Hardin County Board of Adjustment**

Minutes: 22 September 2011

Page 3 of 3

Board Member Holman provided the second. Motion passed unanimously.

Chairman Krausman called for consideration and action on the **Minutes** of the 8 September 2011 meeting. Member Holman made a motion to approve the minutes as presented. Member Goodin provided the second. Motion passed unanimously.

**THE FOLLOWING SUBDIVISION PLATS HAVE BEEN APPROVED AND RECORDED:**

RECORDED	SUBDIVISION NAME	LOTS	ACCESS ROAD
06 Sept 11	Alcorn Hills	1	Horn Road
09 Sept 11	Cal's Court	9	Saint John Church Road
13 Sept 11	Gentle Ewe Subdivision	2	Copelin Road
<b>SINCE LAST MEETING</b>		12	
<b>2011 TOTAL</b>		-30	

**THE FOLLOWING DEVELOPMENT PLANS HAVE BEEN APPROVED**

DATE	DEVELOPMENT PLAN	OWNER	ACCESS ROAD
02 Sept 11	Millennial Firework, LLC	Sugar Mill Properties	N. Dixie Avenue (UA 31W)
29 July 11	Nall's Specialized Hauling	Nall's & Son's, LLC	Bardstown Road (US 62)
<b>Since Last Meeting</b>		2	
<b>2010 Total</b>		8	

**THE FOLLOWING SITE PLANS HAVE BEEN APPROVED**

DATE	SITE PLAN	OWNER	ACCESS ROAD
1 Sept 11	Accessory Structure	Joseph Ashley	Rineyville Big Springs Road
<b>Since Last Meeting</b>		1	
<b>2011 Total</b>		18	

Chairman Krausman announced that the next Board meeting is scheduled for Thursday, 20 October 2011, and declared the meeting adjourned at 6:30 p.m.

**ADOPTED AND APPROVED THIS 20<sup>th</sup> DAY OF OCTEMBER 2011 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.**

\_\_\_\_\_  
Brent Goodin, Secretary

## Hardin County Board of Adjustment

Minutes: 8 September 2011

Page 1 of 4

Chairman Krausman called to order the two hundredth and eightieth meeting of the Hardin County Board of Adjustment at 5:05 p.m. on Thursday, 8 September 2011, in the R.R. Thomas Meeting Room on the second floor of the R.R. Thomas County Government Building. In addition to Chairman Krausman, Vice-Chairman Jack Holman was in attendance. Also in attendance were Senior Planner Wesley Wright, Planner Adam King, Planning Assistant Sandra Martinez, County Engineer Vicki Meredith, P.E., and the individuals listed on the attached sign-in sheet. Secretary Brent Goodin and Director Chris Hunsinger were not in attendance. Hardin County Attorney Jennifer B. Oldham, legal counsel for the Board, was not requested to attend the meeting.

At 5:05 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. Hearing Officer Holman announced that the first item on the agenda is a request for a Variance for relief from the required front building setback line to accommodate a proposed detached garage. Vice Chairman Holman conducted the swearing in ceremony for all individuals in attendance that may provide testimony. The proposed site is a 5.019 acre tract with an address of 1176 Brizendine Lane and being Lot 1 of Foggy Hollow Subdivision and located in the Natural Resource Planning Area and zoned Rural Residential (R-2). The PVA Map Number is 063-00-00-035. The owner is **Michael Hauser**. Planner King reviewed the application and the history of the property and presented exhibits. Michael Hauser, the owner, provided testimony and answered questions from the Board Members and staff. Jeremy Lynch, of Turner Engineering, spoke in favor of the request based on the topography of the property. No additional testimony was presented. At 5:30 p.m. the Hearing Officer closed the hearing. Board Member Holman made a motion to grant a variance due to the fact that it will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, that the topography of the property will not allow for it to be constructed elsewhere and that this request does satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243. Findings necessary for granting variances) which is as follow:

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

The following variance was granted with the noted conditions:

## Hardin County Board of Adjustment

Minutes: 8 September 2011

Page 2 of 4

1. This VARIANCE will allow for the proposed garage (24' x 36') to be no closer than 55' from the centerline of Brizendine Lane due to the topography of the property and the limited traffic on Brizendine Lane (a dead end road).
2. Landscaping in the form of two (2) evergreen trees is required between the garage and the road.
3. The existing shed must be moved to comply with setbacks or removed from the property.
4. A Site Plan in compliance with Section 7 of the Zoning Ordinance shall be required (Health Department approval not required).

Board Member Krausman provided the second. Motion passed unanimously.

At 5:30 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. Hearing Officer Holman announced that the next item on the agenda is a request for a Variance for relief from the required front building setback line to accommodate a proposed house to be constructed in the footprint of a previous house that was destroyed by a tornado. Vice Chairman Holman conducted the swearing in ceremony for all individuals in attendance that may provide testimony. The proposed site is a 0.68 acre tract with an address of 170 Bethlehem Academy Road (KY 253) and being Lot 5 of Enchanted Acres Subdivision and located in the Cecilia Rural Village Planning Area and zoned Rural Residential (R-2). The PVA Map Number is 147-00-01-005. The owner is **Curtis Goodman**. Planner King reviewed the application and the history of the property and presented exhibits. Curtis Goodman, the owner, provided testimony and answered questions from the Board Members and staff. No additional testimony was presented. At 5:40 p.m. the Hearing Officer closed the hearing. Board Member Holman made a motion to grant a variance due to the fact that it will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, that the proposed dwelling will be built in the footprint of the previous dwelling and that this request does satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243. Findings necessary for granting variances) which is as follow:

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



## Hardin County Board of Adjustment

Minutes: 8 September 2011

Page 3 of 4

The following variance was granted with the noted conditions:

1. This VARIANCE will allow for the proposed house to be no closer than 50' from the center line of Twilight Drive and in the footprint of the previous house that was destroyed by a tornado. The proposal is in character with the other three (3) corner lots on Twilight Drive and in character with the Cecilia Rural Village.
2. A Site Plan in compliance with Section 7 of the Zoning Ordinance shall be required.

Board Member Krausman provided the second. Motion passed unanimously.

At 5:40 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. Hearing Officer Holman announced that the next item on the agenda is a request for a Variance for relief from the required front building setback line along Battle Training Road (KY 434) and Shepherdsville Road (KY 251) to accommodate the existing storage building (30' x 125') that was constructed in 2001. The proposed site is a 2.5 acre tract at the corner of Battle Training Road and Shepherdsville Road with an address of 3060 Battle Training Road and being Lot 6A of Battle Heights Subdivision and located in the Kentucky 313 Corridor Planning Area and zoned General Commercial (C-2). The PVA Map Numbers are 216-00-0D-011 and 216-00-0D-014. The owners are **William & Melody Goodin**. Planner King reviewed the application and the history of the property and presented exhibits. Jeremy Lynch, of Turner Engineering and representative of the owners, provided testimony and answered questions from the Board Members and staff. No additional testimony was presented. At 6:45 p.m. the Hearing Officer closed the hearing. Board Member Holman made a motion to grant a variance due to the fact that it will not alter the essential character of the general vicinity, it will not cause a hazard or a nuisance to the public, and that this request does satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243. Findings necessary for granting variances) which is as follow:

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

The following variance was granted with the noted conditions:

**Hardin County Board of Adjustment**

Minutes: 8 September 2011

Page 4 of 4

1. This VARIANCE will allow for the existing storage facility to be no closer than 12' from the property line at the intersection of Battle Training Road (KY 434) Shepherdsville Road (KY 251). Due to the special circumstances of the flared right of way at the unique intersection of KY 434 & KY 251 and the large 100' right of way KY 434.
2. A building permit shall be required for the proposal.
3. An Amended Subdivision Plat illustrating the proposal shall be required.

Board Member Krausman provided the second. Motion passed unanimously.

Chairman Krausman announced that the owners for the next item on the agenda were not present and therefore it will be tabled until the 22 September 2011 meeting date.

Chairman Krausman called for consideration and action on the **Minutes** of the 18 August 2011 meeting. Member Holman made a motion to approve the minutes as presented. Member Krausman provided the second. Motion passed unanimously.

**THE FOLLOWING SUBDIVISION PLATS HAVE BEEN APPROVED AND RECORDED:**

FP RECORDED	SUBDIVISION NAME	LOTS	ACCESS ROAD
09 Aug 11	Boundary Survey for reminder of Bewley Estates Section 2	0	Freedom Court
11 Aug 11	Fox Chase Subdivision, Section 1 Lot 6 and Section 2, Lot 17	-53	Ford Highway
15 Aug 11	Fannin Estates	3	Wooldridge Ferry Road
23 Aug 11	Avantgarde Estates Section 3, Lots 21A and 22C	0	Ceciliana Drive
25 Aug 11	Blooming Hills Section 1, Lots 3, 5 6, 7 and 9 thru 16	0	Blueball Church Road
26 Aug 11	Substation Division	1	Rineyville Big Springs Road
30 Aug 11	Deer Field Estates Section 3, Lot 1 and Dew Berry Rise	1	Rineyville Road (KY 1600)
<b>SINCE LAST MEETING</b>		-48	
<b>2011 TOTAL</b>		-42	

Chairman Krausman announced that the next Board meeting is scheduled for Thursday, 6 October 2011, and declared the meeting adjourned at 7:50 p.m.

**ADOPTED AND APPROVED THIS 6<sup>th</sup> DAY OF OCTEMBER 2011 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.**

---

Brent Goodin, Secretary

## **Hardin County Board of Adjustment**

Minutes: 18 August 2011

Page 1 of 7

Chairman Krausman called to order the two hundredth and seventy ninth meeting of the Hardin County Board of Adjustment at 5:00 p.m. on Thursday, 18 August 2011, in the R.R. Thomas Meeting Room on the second floor of the R.R. Thomas County Government Building. In addition to Chairman Krausman, Vice-Chairman Jack Holman and Secretary Brent Goodin were in attendance. Also in attendance were Director Chris Hunsinger, Senior Planner Wesley Wright, Planner Adam King, Planning Assistant Sandra Martinez, County Engineer Vicki Meredith, P.E., and the individuals listed on the attached sign-in sheet. Hardin County Attorney Jennifer B. Oldham, legal counsel for the Board, was not requested to attend the meeting.

At 5:00 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. Hearing Officer Holman announced that the first item on the agenda is a request for a Variance for relief from the required side building setback line to accommodate the existing building. Vice Chairman Holman conducted the swearing in ceremony for all individuals in attendance that may provide testimony. The proposed site is a 0.54 acre tract with an address of 27 Whirlaway Court and being Lot 11 Farmgate Estates, Section 2 and located in the North Urban Planning Area and zoned Urban Residential (R-1). The PVA Map Number is 231-10-01-011. The owner is **Ronald Martin**. Planner King reviewed the application and the history of the property and presented exhibits. Ronald Martin, the owner, provided testimony and answered questions from the Board Members and staff. Jenny Puckett of 213 Blue Grass stated that she was not in opposition of the construction of the garage however she did what the building setback line to be enforced. No additional testimony was presented. At 5:25 p.m. the Hearing Officer closed the hearing. Board Member Goodin made a motion to deny the variance due to the fact that this request does not satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243).

Board Member Holman provided the second. Motion passed unanimously.

At 5:25 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. Hearing Officer Holman announced that the next item on the agenda is a request for a Conditional Use Permit for two existing Temporary Accessory Dwellings (14' x 70' mobile home and 1024 sq. ft. house) to be allowed to remain on the property. The property is a 8.313 acre site with the addresses of 256 & 293 Earl Wise Lane, and identified with the PVA Map Number 163-00-00-091. The property is owned by **Joseph & Frances Wise**. The property is located in the E2RC Planning Area and is zoned Urban Residential (R-1). Planner King reviewed the application and presented exhibits and slides of the property (attached). Joseph Wise, the owner, provided testimony including that it is a care giver situation. They then answered

## Hardin County Board of Adjustment

Minutes: 18 August 2011

Page 2 of 7

questions from the Board Members and staff. No additional testimony was presented. At 5:50 p.m. the Hearing Officer closed the hearing. Board Member Goodin stated that this request for a Conditional Use Permit does satisfy the language of the DEVELOPMENT GUIDANCE SYSTEM ordinance (Section 16.3) Standards for Issuance of a Conditional Use Permit as follows:

- The use does not tend to change the character and established pattern of development of the area;
- The use is in harmony with the uses permitted by right under the sector and district in question and it does not affect adversely the use of neighboring properties;
- The use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair their value;
- The use shall not adversely affect the health or safety of persons residing or working in the vicinity of the proposed use;
- The use shall not be detrimental to the public welfare or injurious to property or improvements in the vicinity; and,
- The use shall be in accord with the purposes of this ordinance, the Development Guide System 2009 and the Comprehensive Development Guide 2008;

According to provisions of the Kentucky Revised Statutes, the Hardin County Development Guidance System, and the proceedings before the Board of Adjustment, Board Member Goodin made the motion to grant the Conditional Use Permit (CUP) to allow the existing manufactured dwelling to be a Temporary Accessory Dwelling because the request is in character with the neighborhood and vicinity, the property is a large tract of land, and that the situation arises out of circumstances beyond the owner's control (the path of the E2RC (KY 361) Right of Way) with the following conditions:

1. The Temporary Accessory Dwelling (14' x 70' Mobile Home [1975]) shall be a temporary use for no longer than 10 years from 18 August 2011 and must be removed from the property by 18 August 2021.
2. The Temporary Accessory Dwelling (one story frame house [circa 1900]) shall be a temporary use indefinitely with William Wise (father) having lifetime tenancy.
3. The existing Mobile Home and 1 story frame house on site are Temporary Accessory Dwellings and have 980 and 1024 square feet of living space respectively which is less than the Local Average Square Foot Standard of 1472 square feet.
3. The Temporary Accessory Dwelling is for a family situation and shall only be occupied by William Wise, Patrick Wise and their immediate families.
4. Upon the vacancy of the Temporary Accessory Dwellings, they must

## Hardin County Board of Adjustment

Minutes: 18 August 2011

Page 3 of 7

- be removed from the property within six (6) months.
5. These Temporary Accessory Dwelling shall have a sewerage system (septic tank and lateral lines) approved by the Environmental Services Office of the Hardin County Health Department.
  6. This Conditional Use Permit shall be issued to the current property owners, Joseph & Francis Wise, and shall not be transferable to another property owner.
  7. A Subdivision Plat shall substitute for the required Site Plan.
  8. The skirting on the mobile home must be maintained.
  9. All construction activities on this site shall conform to the provisions of the Kentucky Building Code.
  10. A Certificate of Land Use Restrictions shall be recorded in the office of the Hardin County Clerk.

Board Member Krausman provided the second. Motion passed unanimously.

At 5:50 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. Hearing Officer Holman announced that the next item on the agenda is a request for a Conditional Use Permit for a Permanent Accessory Dwelling located at 6640 Bardstown Road. The property is a 3.2 acre site and being Lots 13, 14 and 15 of Ennis Subdivision, and identified with the PVA Map Number 253-00-00-041. The property is owned by **Cheri Green**. The property is located in the East Hardin Planning Area and is zoned Rural Residential (R-2). Planner King reviewed the application and presented exhibits and slides of the property (attached). Cheri Green of 6640 Bardstown Road, the owner, provided testimony and answered questions from the Board Members. No additional testimony was presented. At 6:10 p.m. the Hearing Officer closed the hearing. Board Member Goodin stated that this request for a Conditional Use Permit does satisfy the language of the DEVELOPMENT GUIDANCE SYSTEM ordinance (Section 16.3) Standards for Issuance of a Conditional Use Permit as follows:

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

## **Hardin County Board of Adjustment**

Minutes: 18 August 2011

Page 4 of 7

- The use shall be in accord with the purposes of this ordinance, the Development Guide System 2009 and the Comprehensive Development Guide 2008;

According to provisions of the Kentucky Revised Statutes, the Hardin County Development Guidance System, and the proceedings before the Board of Adjustment, Board Member Goodin made the motion based on the fact that the request is in compliance with the criteria in the Zoning Ordinance, will not change the character of the neighborhood and that the garage was converted to living space in 1978 therefore it was grandfathered in, to grant a Conditional Use Permit (CUP) to allow for a Permanent Accessory Dwelling on the property with the following conditions:

1. The property owner, Cheri Green, 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.
2. Adequate on-site parking must be designated on an approved Site Plan.
3. A shared driveway shall be required.
4. The Permanent Accessory Dwelling may contain a maximum of 970 square feet of living space.
5. The Permanent Accessory Dwelling shall be located in the rear yard and shall be located as illustrated on the approved Site Plan and in accordance with building setback lines.
6. The exterior finish materials of the Permanent Accessory Dwelling must be the same or visually match those of the Principal Dwelling in type, size and placement (tan brick, white vinyl with black shutters and black shingled roof).
7. The Permanent Accessory Dwelling shall have a sewerage system approved by the Environmental Services Office of the Hardin County Health Department.
8. This Conditional Use Permit is not transferable. New owners must reapply for the Conditional Use Permit and meet the necessary requirements.
9. An Amended Subdivision Plat merging the lots together shall be required and shall substitute for the Site Plan.
10. A Building Permit shall be granted prior to the approval of the Amended Subdivision Plat with confirmation from the surveyor. However, the Certificate of Occupancy for the Permanent Accessory Dwelling will be withheld until the Amended Plat is record.
11. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

## Hardin County Board of Adjustment

Minutes: 18 August 2011

Page 5 of 7

Board Member Holman provided the second. Motion passed unanimously.

At 6:10 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. Hearing Officer Holman announced that the next item on the agenda is a request for a Variance for relief from the required rear building setback line to accommodate a proposed pole barn (36' x 42'). The proposed site is a 4.108 acre tract with an address of 5190 Rineyville Big Springs Road (KY 220) and being Lot 3 of Half Moon Acres, Section 2 in the West Urban Planning Area and zoned Rural Residential (R-2). The PVA Map Number is 121-00-00-011.03. The owner is **Joseph Ashley**. Planner King reviewed the application and the history of the property and presented exhibits. Joseph Ashley, the owner, provided testimony and answered questions from the Board Members and staff. No additional testimony was presented. At 6:25 p.m. the Hearing Officer closed the hearing. Board Member Holman made a motion to grant a variance due to the fact that it will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and that this request does satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243. Findings necessary for granting variances) which is as follow:

- The requested variance arises from special circumstances which do not generally apply to land in the general vicinity and 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 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 circumstances are the result of actions of the applicant taken subsequent to the adoption of this regulation from which relief is sought.

The following variance was granted with the noted conditions:

1. To allow for the proposed pole barn (36' x 42') to be no closer than 15' from the rear building setback due to the topography of the property.
2. A Site Plan with a Variance Note shall be required.
3. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Board Member Goodin provided the second. Motion passed unanimously.

## Hardin County Board of Adjustment

Minutes: 18 August 2011

Page 6 of 7

Director Hunsinger reported that Commission Staff and Rod Grusy attended the Sustainable City Forum in Louisville on 19 July to receive **Continuing Education Hours**. There is a copy of the book available at the Commission office.

Director Hunsinger reported that Judge Berry has requested the Planning commission to assist in the preparation of a **Wastewater Ordinance**.

Director Hunsinger reported that the Commission Office has upgraded their software to **Office 2010** from version 2003.

Director Hunsinger announced that a **Special Election** has been scheduled for 4 October 2011 therefore the Commission meeting will be held in the Fiscal Court Meeting Room on the third floor of the H.B. Fife Courthouse.

### THE FOLLOWING DEVELOPMENT PLANS HAVE BEEN APPROVED

DATE	DEVELOPMENT PLAN	OWNER	ACCESS ROAD
29 July 11	Quality Diesel Service	Randall Buckles	Glendale Hodgenville Road
	<b>Since Last Meeting</b>	1	
	<b>2010 Total</b>	6	

### THE FOLLOWING SITE PLANS HAVE BEEN APPROVED

DATE	SITE PLAN	OWNER	ACCESS ROAD
25 July 11	Child Care Center	Kim & Terri Jackson	Burns Road
26 July 11	Recreational Enterprise	Dennis Conder	Ford Highway
01 Aug 11	Residential Addition and Garage	Charles & Lisa Jeffries	Jeffries Road
02 Aug 11	Permanent Accessory Dwelling	Mack & Lola Morgan	Bethlehem Academy Road
02 Aug 11	Temporary Accessory Dwelling	Kevin & Lee Ann Baily	Bardstown Road
	<b>Since Last Meeting</b>	5	
	<b>2011 Total</b>	17	



**Hardin County Board of Adjustment**  
 Minutes: 18 August 2011  
 Page 7 of 7

**THE FOLLOWING SUBDIVISION PLATS HAVE BEEN APPROVED AND RECORDED:**

FP RECORDED	SUBDIVISION NAME	LOTS	ACCESS ROAD
18 July 11	Fox Run Subdivision Section 5, Lots 15 & 17	0	Bryan Street
26 June 11	Enchanted Acres Subdivision, Lot 25	0	Sunset Avenue
03 Aug 11	Cedar Grove Acres Section B, Lots 1 & 2	-1	Spring Meadow Drive
<b>SINCE LAST MEETING</b>		-1	
<b>2011 TOTAL</b>		6	

Chairman Krausman announced that the next Board meeting is scheduled for Thursday, 4 August 2011, and declared the meeting adjourned at 8:15 p.m.

**ADOPTED AND APPROVED THIS 8<sup>th</sup> DAY OF SEPTEMBER 2011 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.**

\_\_\_\_\_  
 Brent Goodin, Secretary

## Hardin County Board of Adjustment

Minutes: 21 July 2011

Page 1 of 10

Chairman Krausman called to order the two hundredth and seventy ninth meeting of the Hardin County Board of Adjustment at 5:05 p.m. on Thursday, 21 July 2011, in the R.R. Thomas Meeting Room on the second floor of the R.R. Thomas County Government Building. In addition to Chairman Krausman, Vice-Chairman Jack Holman and Secretary Brent Goodin were in attendance. Also in attendance were Director Chris Hunsinger, Planner Adam King, Planning Assistant Sandra Martinez, County Engineer Vicki Meredith, P.E., and the individuals listed on the attached sign-in sheet. Senior Planner Wesley Wright was not in attendance. Hardin County Attorney Jennifer B. Oldham, legal counsel for the Board, was not requested to attend the meeting.

At 5:05 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. Hearing Officer Holman announced that the first item on the agenda is a request for a Variance for relief from the required side building setback line to accommodate the existing building. Vice Chairman Holman conducted the swearing in ceremony for all individuals in attendance that may provide testimony. The proposed site is a 0.90 acre tract with an address of 6270 N. Dixie Highway and being Lot 20 Windsor Hills, Section 2 and located in the North Dixie Corridor Planning Area and zoned General Commercial (C-2). The PVA Map Number is 182-00-01-020. The owner is **James Crouch**. Planner King reviewed the application and the history of the property and presented exhibits. James Crouch, the owner, provided testimony and answered questions from the Board Members and staff. No additional testimony was presented. At 5:20 p.m. the Hearing Officer closed the hearing. Board Member Holman made a motion to grant a variance due to the fact that it will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, the structure was constructed in 1998 and that this request does satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243. Findings necessary for granting variances) which is as follow:

- The requested variance arises from special circumstances which do not generally apply to land in the general vicinity and 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 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 circumstances are the result of actions of the applicant taken subsequent to the adoption of this regulation from which relief is sought.

## Hardin County Board of Adjustment

Minutes: 21 July 2011

Page 2 of 10

The following variance was granted with the noted conditions:

5. This VARIANCE will allow for the existing structure to encroach into the 10' side building setback due to no safety hazards or concerns.
6. An Amended Development Plan with a Variance Note shall be required.
7. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Board Member Goodin provided the second. Motion passed unanimously.

At 5:20 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. Hearing Officer Holman announced that the next item on the agenda is a request for a Conditional Use Permit for a Home Occupation to operate an Automotive Repair business known as **Rick's Detailing** that exceeds the definition of a home occupation. Vice Chairman Holman conducted the swearing in ceremony for all individuals in attendance that may provide testimony. The proposed site is a 0.701 acre site located on the north side of Rineyville Big Springs Road (KY 220). The property address is 1668 Rineyville Big Springs Road and is owned by **Rickie & Sheila Fegett**. Planner King reviewed the application and exhibits. The owners, Rickie & Sheila Fegett, of 1668 Rineyville Big Springs Road, provided testimony and answered questions from the Board Members and staff. Neighbors, Bobby Jones of 1614 Rineyville Big Springs Road and Carolyn Jones of 1614 Rineyville Big Springs Road, provided testimony and answered questions from the Board Members and staff. At 5:50 p.m., the Hearing Officer closed the hearing. Board Member Goodin stated that this request for a Conditional Use Permit does satisfy the language of the DEVELOPMENT GUIDANCE SYSTEM Ordinance (Section 3.12) Standards for Issuance of a Conditional Use Permit is as follows:

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

## Hardin County Board of Adjustment

Minutes: 21 July 2011

Page 3 of 10

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

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

1. This Conditional Use Permit to allow the definition of a Home Occupation to be exceeded shall be good for three years from 21 July 2011 to 21 July 2014.
2. This Conditional Use Permit will allow for the existing Accessory Structure (20' x 27' garage) to be used for Rick's Automotive Detailing Business.
3. A Building Permit shall be required for the garage and existing carport on site. Additionally, the carport must be moved to comply with the building setbacks.
4. The hours of operation shall be from 8:30 am to 6:00 pm Monday thru Saturday.
5. Only four vehicles associated with the business activity shall be parked or kept on site and must be parked behind the privacy fence. In addition, three (3) personal vehicles and one (1) school bus may also be parked on site.
6. A single sign no larger than six (6) square feet in size may be permitted on site and shall not be located in the Right of Way of Rineyville Big Springs Road (KY220).
7. A Site Plan in compliance with Section 7 of the Zoning Ordinance shall be required.
8. A turnaround shall be provided to prevent vehicles from having to back out into Rineyville Big Springs Road (KY 220).
9. The existing privacy fence must be maintained.
10. This Conditional Use Permit shall be issued to the current property owners, Rick & Sheila Fegett, and shall expire when the property is transferred and not be transferable to another property owner.
11. All construction activities on this site shall conform to the provisions of the Kentucky Building Code.
12. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Board Member Holman provided the second. Motion passed unanimously.

## Hardin County Board of Adjustment

Minutes: 21 July 2011

Page 4 of 10

At 5:50 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. Hearing Officer Holman announced that the next item on the agenda is a request for a Conditional Use Permit for an existing Accessory Dwelling (16' x 76' manufactured home) to be allowed to remain on the property. The property is a 36 acre site with an address of 9796 Bardstown Road, and identified with the PVA Map Number 269-00-00-016. The property is owned by **Kevin & Lee Ann Byerly**. The property is located in the East Hardin Planning Area and is zoned Rural Residential (R-2). Planner King reviewed the application and presented exhibits and slides of the property (attached). Kevin and Lee Ann Byerly, the owners, provided testimony including that they want to replace a manufactured home with a site built home, remove from the property a manufactured home used for storage and allow the existing manufactured (16' x 76') to remain on the property. They then answered questions from the Board Members and staff. No additional testimony was presented. At 6:10 p.m. the Hearing Officer closed the hearing. Board Member Goodin stated that this request for a Conditional Use Permit does satisfy the language of the DEVELOPMENT GUIDANCE SYSTEM ordinance (Section 16.3) Standards for Issuance of a Conditional Use Permit as follows:

- The use does not tend to change the character and established pattern of development of the area;
- The use is in harmony with the uses permitted by right under the sector and district in question and it does not affect adversely the use of neighboring properties;
- The use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair their value;
- The use shall not adversely affect the health or safety of persons residing or working in the vicinity of the proposed use;
- The use shall not be detrimental to the public welfare or injurious to property or improvements in the vicinity; and,
- The use shall be in accord with the purposes of this ordinance, the Development Guide System 2009 and the Comprehensive Development Guide 2008;

According to provisions of the Kentucky Revised Statutes, the Hardin County Development Guidance System, and the proceedings before the Board of Adjustment, Board Member Goodin made the motion to grant the Conditional Use Permit (CUP) to allow the existing manufactured dwelling to be a Temporary Accessory Dwelling because the request is in character with the neighborhood and vicinity, the property is a large tract of land, 36 acres and the dwelling cannot be seen from the public right-of-way, to remain on the property with the following conditions:

## Hardin County Board of Adjustment

Minutes: 21 July 2011

Page 5 of 10

1. The Temporary Accessory Dwelling, a Manufactured Home (16'x76') located on the property, shall be a temporary use for no longer than five years from 21 July 2011 and must be removed from the property by 21 July 2016.
2. The existing Manufactured Home on site is the Temporary Accessory Dwelling and has 1,216 square feet of living space which is less than the Local Average Square Foot Standard of 1,707 square feet.
3. The Temporary Accessory Dwelling is for a "family situation" and shall only be occupied by Jerry Byerly and his immediate family.
4. Upon the vacancy of the Temporary Accessory Dwelling, it must be removed from the property within six (6) months.
5. This Temporary Accessory Dwelling shall have a sewerage system (septic tank and lateral lines) approved by the Environmental Services Office of the Hardin County Health Department.
6. This Conditional Use Permit shall be issued to the current property owners, Kevin & Lee Ann Byerly, and shall expire when the property is transferred and not be transferable to another property owner.
7. A Site Plan in compliance with Section 7 of the Zoning Ordinance shall be required.
8. The skirting on the Manufactured Home must be maintained.
9. All construction activities on this site shall conform to the provisions of the Kentucky Building Code.
10. A Certificate of Land Use Restrictions shall be recorded in the office of the Hardin County Clerk.

Board Member Holman provided the second. Motion passed unanimously.

At 6:15 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. Hearing Officer Holman announced that the next item on the agenda is a request for a Conditional Use Permit for a Permanent Accessory Dwelling to be located at 1769 Bethlehem Academy Road. The property is a 5.75 acre site and being Lot 7 of Cowherd Estates, and identified with the PVA Map Number 124-00-00-024.06. The property is owned by **Mack & Lola Morgan**. The property is located in the Natural Resource Planning Area and is zoned Rural Residential (R-2). Planner King reviewed the application and presented exhibits and slides of the property (attached). Kevin Vittitoe of 1769 Bethlehem Academy Road, representative of the owner, provided testimony and answered questions from the Board Members. Floyd and Irene Dodson of 1769 Bethlehem Academy Road provided testimony and answered questions from the

## Hardin County Board of Adjustment

Minutes: 21 July 2011

Page 6 of 10

Board Members and staff. Eddie Bunnell of 1825 Bethlehem Academy Road spoke in opposition to the request stating the property is only allowed one dwelling and permitting the second was not in character of the neighborhood. No additional testimony was presented. At 6:50 p.m. the Hearing Officer closed the hearing. Board Member Goodin stated that this request for a Conditional Use Permit does satisfy the language of the DEVELOPMENT GUIDANCE SYSTEM ordinance (Section 16.3) Standards for Issuance of a Conditional Use Permit as follows:

- The use does not tend to change the character and established pattern of development of the area;
- The use is in harmony with the uses permitted by right under the sector and district in question and it does not affect adversely the use of neighboring properties;
- The use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair their value;
- The use shall not adversely affect the health or safety of persons residing or working in the vicinity of the proposed use;
- The use shall not be detrimental to the public welfare or injurious to property or improvements in the vicinity; and,
- The use shall be in accord with the purposes of this ordinance, the Development Guide System 2009 and the Comprehensive Development Guide 2008;

According to provisions of the Kentucky Revised Statutes, the Hardin County Development Guidance System, and the proceedings before the Board of Adjustment, Board Member Goodin made the motion based on the fact that the request is in compliance with the criteria in the Zoning Ordinance, will not change the character of the neighborhood and vicinity based on location and screening, to grant a Conditional Use Permit (CUP) to allow for a Permanent Accessory Dwelling on the property with the following conditions:

1. The property owners, Mack & Lola Morgan, must occupy either the principal dwelling unit or the Permanent Accessory Dwelling unit as their principal residence, and at no time receive rent for the owner-occupied unit.
2. Adequate on- site parking must be designated on an approved Site Plan.
3. A shared driveway shall be required.
4. The Permanent Accessory Dwelling may contain a maximum of 1,006 square feet of living space.
5. The Permanent Accessory Dwelling shall be located in the rear yard and shall be located as illustrated on the approved Site Plan and in accordance with building setback lines.

## Hardin County Board of Adjustment

Minutes: 21 July 2011

Page 7 of 10

6. The exterior finish materials of the proposed Permanent Accessory Dwelling must be the same or visually match those of the existing principal dwelling in type, size and placement (beige vinyl siding with a green metal roof).
7. Landscaping in the form of 20 white pines trees, 5' tall at planting, planted 10' on center must be illustrated on the Site Plan and maintained. Fifteen (15) trees shall be planted in two staggered rows (eight (8) trees in the front row and seven (7) trees in the back row) along the side property line to the north. Five (5) trees are required along the side property line to the south.
8. The Permanent Accessory Dwelling shall have a sewerage system approved by the Environmental Services Office of the Hardin County Health Department.
9. This Conditional Use Permit is not transferable. New owners must reapply for the Conditional Use Permit and meet the necessary requirements.
- 10.A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.
- 11.A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Board Member Holman provided the second. Motion passed unanimously.

At 7:00 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. Hearing Officer Holman announced that the next item on the agenda is a request for a Variance for relief from the required front building setback line to accommodate a proposed residential addition and an attached garage. The proposed site is a 3.0 acre tract with an address of 465 Jeffries Road and being Lot 1 of Stark Subdivision in the Natural Resource Planning Area and zoned Planned Unit Development (PD-1). The PVA Map Number is 1225-00-00-062.01. The owners are **Charles and Lisa Jeffries**. Planner King reviewed the application and the history of the property and presented exhibits. Charles and Lisa Jeffries the owners, provided testimony and answered questions from the Board Members and staff. Charles and Romona Jeffries of 670 Jeffries Road provided testimony and answered questions from the Board Members and staff. James Jeffries of 576 Jeffries Road provided testimony and answered questions from the Board Members and staff. No additional testimony was presented. At 8:00 p.m. the Hearing Officer closed the hearing. Board Member Holman made a motion to grant a variance due to the fact that it will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and that this request does satisfy the language of the



## Hardin County Board of Adjustment

Minutes: 21 July 2011

Page 8 of 10

KENTUCKY REVISED STATUTES (Section 100.243. Findings necessary for granting variances) which is as follow:

- The requested variance arises from special circumstances which do not generally apply to land in the general vicinity and 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 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 circumstances are the result of actions of the applicant taken subsequent to the adoption of this regulation from which relief is sought.

The following variance was granted with the noted conditions:

4. This VARIANCE will allow for the construction of a residential addition and attached garage that are no closer to the front property line than the existing house and a covered front porch no larger than 5' x 12' that shall not be enclosed.
5. A Site Plan with a Variance Note shall be required.
6. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Board Member Krausman provided the second. Motion passed unanimously.

At 8:00 p.m. Chairman Krausman announced that there were two additional unfinished business items on the agenda. On 5 May 2011, the Board had tabled a request for an Administrative Review of a decision to not revoke the subdivision plat of Honey Locust Estates and/or a request for relief from the required road frontage standard and the lot 1:3 width-to-length ratio. The proposed site is three tracts totaling 13.479 acres with addresses of 5012, 4028 and 5032 Sonora Hardin Springs Road and including Lots 1 & 2 of Honey Locust Estates Subdivision. The owners are **Glynda Himebaugh and John Ferguson**. Director Hunsinger stated that the request needed to remain tabled until additional information is provided to the staff. The item will remain tabled until the next Board meeting.

**Hardin County Board of Adjustment**

Minutes: 21 July 2011

Page 9 of 10

Director Hunsinger reported that the County Attorney had made the decision that Charles Nall & Sons' facility did meet the definition of a **truck terminal** and therefore the Conditional Use Permit would be required. Chairman Krausman called for consideration and action on the Conditional Use Permit as presented at the 7 July 2011 meeting. Member Goodin made a motion to approve the Conditional Use Permit as presented. Member Holman provided the second. Motion passed unanimously.

Chairman Krausman called for consideration and action on the **Minutes** of the 7 July 2011 meeting. Member Goodin made a motion to approve the minutes as presented. Member Holman provided the second. Motion passed unanimously.

Director Hunsinger reported **Gary Cooper Jr.** (Variance denied in 2011 & Conditional Use Permit denied in 2010) has purchased Lot 1 of Song Dog Way (two properties away from his father's 11 acres).

Director Hunsinger reported that the civil court case of **Tabor v Hatfield** resulted in a \$30,000 credit as part of the Civil Action. Hatfield has since used the credit and an additional \$81,600 to purchase 38 acres from Tabor.

Director Hunsinger reported a fire destroyed a unit at 192 Second Street in **Plantation Park** that had previously received a Variance from the Board of Adjustment.

**THE FOLLOWING SUBDIVISION PLATS HAVE BEEN APPROVED AND RECORDED:**

FP RECORDED	SUBDIVISION NAME	LOTS	ACCESS ROAD
22 June 11	Dranes Lake Subdivision	1	Long Grove Road (KY 1375)
28 June 11	Zollinger Addition	1	Lower Colesburg Road
29 June 11	Shipley Estates	1	Rineyville Road (KY 1600)
05 June 11	Pump Station Subdivision	1	Ford Highway
08 June 11	Fragrant Acres	2	Hardinsburg Road (KY 86)
08 June 11	Essex Place, Lots 30 & 31	-2	Flint Hill road (KY 720)
13 June 11	High School Court Subdivision of Tom Smith Farm	-14	Howe Valley Road
<b>SINCE LAST MEETING</b>		-10	
<b>2011 TOTAL</b>		7	

**Hardin County Board of Adjustment**  
Minutes: 21 July 2011  
Page 10 of 10

**THE FOLLOWING SITE PLANS HAVE BEEN APPROVED**

DATE	SITE PLAN	OWNER	ACCESS ROAD
05-July-11	Accessory Structure	Donald & Sharon Walters	Middle Creek Road
05-July-11	Accessory Structure	Robert & Debra Krieger	Berrytown Road
	<b>Since Last Meeting</b>	2	
	<b>2011 Total</b>	12	

Chairman Krausman announced that the next Board meeting is scheduled for Thursday, 4 August 2011, and declared the meeting adjourned at 8:15 p.m.

**ADOPTED AND APPROVED THIS 18<sup>th</sup> DAY OF AUGUST 2011 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.**

---

Brent Goodin, Secretary

## Hardin County Board of Adjustment

Minutes: 7 July 2011

Page 1 of 7

Chairman Krausman called to order the two hundredth and seventy eighth meeting of the Hardin County Board of Adjustment at 5:05 p.m. on Thursday, 7 July 2011, in the R.R. Thomas Meeting Room on the second floor of the R.R. Thomas County Government Building. In addition to Chairman Krausman, Vice-Chairman Jack Holman was in attendance. Also in attendance were Director Chris Hunsinger, Senior Planner Wesley Wright, Planner Adam King, Planning Assistant Sandra Martinez, County Engineer Vicki Meredith, P.E., and the individuals listed on the attached sign-in sheet. Secretary Brent Goodin was not in attendance. Hardin County Attorney Jennifer B. Oldham, legal counsel for the Board, was not requested to attend the meeting.

At 5:05 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. Hearing Officer Holman announced that the first item on the agenda is a request for a Conditional Use Permit for a Recreational and Amusement Enterprise to operate a paintball facility known as **Conder's Paint Ball**. Vice Chairman Holman conducted the swearing in ceremony for all individuals in attendance that may provide testimony. The proposed site is a ±78 acre site located on the south side of Ford Highway. The property address is 187 Ford Highway and is owned by **Dennis Conder**. Planner King reviewed the application and exhibits. The owners, Dennis Conder and Beverly Conder, of 813 Hawkins Drive, provided testimony and answered questions from the Board Members and staff. A neighbor, Robert Boone of 3355 Valley Creek Road, provided testimony and answered questions from the Board Members and staff. At 5:40 p.m., the Hearing Officer closed the hearing. Board Member Holman stated that this request for a Conditional Use Permit does satisfy the language of the DEVELOPMENT GUIDANCE SYSTEM Ordinance (Section 3.12) Standards for Issuance of a Conditional Use Permit is as follows:

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

## Hardin County Board of Adjustment

Minutes: 7 July 2011

Page 2 of 7

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

According to provisions of the Kentucky Revised Statutes, the Hardin County Development Guidance System, and the proceedings before the Board of Adjustment, Board Member Holman made the motion to grant the 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. A "Change of Use" Building Permit to Commercial shall be required for the Quonset Building that contains the indoor playing field, retail shop and snack bar.
5. Hours of Operations for outside activities shall be 8:00 am to 7:30 pm Monday thru Friday, 10:00 am to 7:30 pm on Saturday and 11:00 am to 7:30 pm on Sunday. Hours of Operations for indoor activities shall be 8:00 am to 9:00 pm.
6. Five large competitions (defined as exceeding 100 participants) shall be held per year.
7. Health Department approval shall be required for the snack bar operations and the existing septic systems.
8. This Conditional Use Permit for Recreational and 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.
9. This Conditional Use Permit shall be good for three years from 7 July 2011 to 7 July 2014.
10. One sign advertising the business shall be permitted (no larger than 6 square feet) and illustrated on the approved Site Plan.
11. This Permit is not transferable and the new owners must reapply for the Conditional Use Permit and meet the necessary requirements.
12. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.
13. A Certificate of Land Use Restrictions shall be recorded in the office of the Hardin County Clerk.

Board Member Holman provided the second. Motion passed unanimously.

## Hardin County Board of Adjustment

Minutes: 7 July 2011

Page 3 of 7

At 5:40 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. Member Holman announced that the next item on the agenda is a request for a Conditional Use Permit to allow for the expansion of an existing Truck Terminal located on Bardstown Road (US 62) for a business known as Nall Specialized Hauling. The property is a 9.17 acre site with an address of 4880 Bardstown Road and identified with the PVA Map Number 187-30-00-015. The property is owned by **Nall & Sons, LLC** and is located in the Urban Area in the Bardstown Road Corridor planning area and is zoned Heavy Industrial (I-2). Vice Chairman Holman conducted the swearing in ceremony for all individuals in attendance that may provide testimony. Planner King reviewed the application and the history of the property and presented exhibits and slides of the property (attached). Mike Billings of Engineering Design Group and the engineer for the proposal and a witness for the owner provided testimony and answered questions from the Board Members and staff. Billings requested that the Board and staff evaluate the activities occurring on the property to determine if the use is a "Truck Terminal" or a "Tractor Trailers (Parking & Storage)". Charles Nall, the owner, provided testimony and answered questions from the Board Members and staff. At 6:25 p.m. the Hearing Officer closed the hearing. Board Member Holman stated that pending the evaluate of the use and the need for a CUP, this request for a 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 does not tend to change the character and established pattern of development of the area;
- The use is in harmony with the uses permitted by right under the sector and district in question and it does not affect adversely the use of neighboring properties;
- The use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair their value;
- The use shall not adversely affect the health or safety of persons residing or working in the vicinity of the proposed use;
- The use shall not be detrimental to the public welfare or injurious to property or improvements in the vicinity; and,
- The use shall be in accord with the purposes of this ordinance and the Comprehensive Development Guide System and the comprehensive Development Guide;

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

## Hardin County Board of Adjustment

Minutes: 7 July 2011

Page 4 of 7

1. The maximum number of semi-trucks and/or tractor trailers on site shall be 100 and a maximum of 80 passenger vehicles shall be on site.
2. The trucks and/or tractor trailers shall be parked in the designated areas as illustrated on the approved Development Plan.
3. Tractor trailers shall be limited to using the entrance off of Quarry Ridge Road for ingress and egress to the site and shall not use the driveway onto Bardstown Road (US 62).
4. The existing row of white pine trees along the boundary line with the residential property to the east must be maintained.
5. Landscaping in compliance with the Development Guidance System, Section 10, shall be planted along the East Quarry Ridge and Bardstown Road frontage and illustrated on the approved Development Plan.
6. Tractor trailers shall not be stacked on site.
7. Any outdoor storage of materials on site must be screened from view, may only occur on the rear half of the property; and must comply with Development Guidance System, Section 17-11 and be illustrated on the approved Development Plan.
8. The existing fuel pump and tank on site must comply with all State and Federal regulations.
9. This Permit is not transferable and the new owners must reapply for the Conditional Use Permit and meet the necessary requirements.
10. This Development Plan is for Lots 4, 9, 46 and 47 of Waco Subdivision. If any of these lots are sold separately the existing Development Plan will need to be amended and a new Developed Plan shall be required for the transferred property.
11. A Development Plan shall be submitted and approved in accordance with Development Guidance System, Section 6.
12. A Certificate of Land Use Restrictions shall be recorded in the office of the Hardin County Clerk.

Member Krausman provided the second. Motion passed unanimously.

At 6:25 p.m. Chairman Krausman announced that there were unfinished business items on the agenda. On 23 June 2011, the Board had tabled a request for a Variance for relief from the required front building setback line to accommodate a proposed addition and a covered porch. The proposed site is two tracts totaling 0.34 acre tract with an addresses of 113 McMillen Drive in the East Urban Planning Area and zoned Urban Residential (R-1). The PVA Map Numbers are 231-40-01-037 and 231-40-01-038. The owners are **Charles & Kimberly Ricketts**. Planner King reviewed the application and the history of the property and presented exhibits. Charles Ricketts, the owner, provided testimony and answered questions from the Board Members and staff.

## Hardin County Board of Adjustment

Minutes: 7 July 2011

Page 5 of 7

No additional testimony was presented. At 6:50 p.m. the Hearing Officer closed the hearing. Board Member Holman made a motion to grant a variance due to the fact that it will not alter the essential character of the general vicinity, the proposal is on a dead end street with minimal traffic and no safety concerns were identified and that this request does satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243. Findings necessary for granting variances) which is as follow:

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

The following variance was granted with the noted conditions:

7. This VARIANCE will allow for the proposed addition and a covered porch.
8. The existing porch may be covered but shall not be enclosed nor greater than five (5) feet in width or thirty-five (35) feet in length.
9. A Record Plat merging the two properties together shall be required with a Variance Note included.
10. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Member Krausman provided the second. Motion passed unanimously.

At 6:50 p.m. Chairman Krausman announced that there were two additional unfinished business items on the agenda. On 5 May 2011, the Board had tabled a request for an Administrative Review of a decision to not revoke the subdivision plat of Honey Locust Estates and/or a request for relief from the required road frontage standard and the lot 1:3 width-to-length ration. The proposed site is three tracts totaling 13.479 acres with addresses of 5012, 4028 and 5032 Sonora Hardin Springs Road and including Lots 1 & 2 of Honey Locust Estates Subdivision. The owners are **Glynda Himebaugh and John Ferguson**. Director Hunsinger stated that the request needed to be continued until additional information is provided to the staff. The item will remain tabled until the next Board meeting scheduled for 5:00 p.m. on Thursday, 21 July 2011 in the R.R. Thomas County Government Building.



## **Hardin County Board of Adjustment**

Minutes: 7 July 2011

Page 6 of 7

At the 23 June Board meeting a request for a Variance for relief from the front building setback line to accommodate a proposed pole barn (42' x 52') was tabled. The request was for a 3.7 acre tract located at 11230 Sonora Hardin Springs Road (KY 84) in the Natural Resource Planning Area and zoned Rural Residential (R-2). The PVA Map Number is 089-00-00-064. The property is owned by **Anne Rene Bailey and Margaret Bailey**. Director Hunsinger announced that the Variance request had been withdrawn.

Chairman Krausman called for consideration and action on the **Minutes** of the 23 June 2011 meeting. Member Holman made a motion to approve the minutes as presented. Member Krausman provided the second. Motion passed unanimously.

Chairman Krausman called for consideration and action on the Annual Election of Officers. Board Member Holman made a motion for the current Officers to maintain their designated offices; Robert Krausman, Chairman, Jack Holman, Vice Chairman and Brent Goodin, Secretary. Board Member Krausman provided a second. Motion unanimously passed.

Director Hunsinger reviewed a chart illustrating the number of **Building Inspections Requested** in 2011 compared to the previous two years.

Director Hunsinger reported that Jimmy Morgan, the Planning Commission's Regular Part Time Residential Building Inspector, passed the **Residential Mechanical Inspector** Exam on Thursday 30 June. Jimmy is now qualified as a 1 & 2 Family Residential Building Inspector.

Director Hunsinger reported that he is serving as a member of the Local Planning Committee for the **Hardin County School System**. The committee is reviewing and updating the District Facilities Plan.

Director Hunsinger announced that a forum in the Sustainable City Series will be held in Louisville on July 19<sup>th</sup> addressing how to integrate agricultural elements into new and existing neighborhoods. This would be an opportunity for Board Members to earn **Continuing Education Hours**.

**Hardin County Board of Adjustment**  
 Minutes: 7 July 2011  
 Page 7 of 7

**THE FOLLOWING SITE PLANS HAVE BEEN APPROVED**

DATE	SITE PLAN	OWNER	ACCESS ROAD
20-June-11	Accessory Dwelling	Leona Polly	Nolin Road
20-June-11	Accessory Structure	Robert Ammerman	Valley Creek Road (KY 567)
<b>Since Last Meeting</b>		2	
<b>2011 Total</b>		12	

**THE FOLLOWING SUBDIVISION PLATS HAVE BEEN APPROVED AND RECORDED:**

FP RECORDED	SUBDIVISION NAME	LOTS	ACCESS ROAD
13 June 11	Painted Places	1	Howard Lane
20 June 11	Dranes Lake Subdivision	1	Long Grove Road (KY 1375)
<b>SINCE LAST MEETING</b>		2	
<b>2011 TOTAL</b>		17	

Chairman Krausman announced that the next Board meeting is scheduled for Thursday, 21 July 2011, and declared the meeting adjourned at 7:15 p.m.

**ADOPTED AND APPROVED THIS 21<sup>st</sup> DAY OF JULY 2011 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.**

\_\_\_\_\_  
 Brent Goodin, Secretary

## Hardin County Board of Adjustment

Minutes: 23 June 2011

Page 1 of 5

Chairman Krausman called to order the two hundredth and seventy seventh meeting of the Hardin County Board of Adjustment at 5:10 p.m. on Thursday, 23 June 2011, in the R.R. Thomas Meeting Room on the second floor of the R.R. Thomas County Government Building. In addition to Chairman Krausman, Vice-Chairman Jack Holman and Secretary Brent Goodin were in attendance. Also in attendance were Director Chris Hunsinger, Planner Adam King, County Engineer Vicki Meredith, P.E., and the individuals listed on the attached sign-in sheet. Senior Planner Wesley Wright and Planning Assistant Sandra Martinez were not in attendance. Hardin County Attorney Jennifer B. Oldham, legal counsel for the Board, was not requested to attend the meeting.

At 5:10 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. Hearing Officer Holman announced that the first item on the agenda is a request for a Conditional Use Permit for a Permanent Accessory Dwelling to be located at 45 Milimish Lane. The property is a 7.38 acre site and being Lot 2 of Clemminton Estates, and identified with the PVA Map Number 142-00-00-002. The property is owned by **David and Diana Nordyke**. The property is located in the North Urban Planning Area and is zoned Urban Residential (R-1). Planner King reviewed the application and presented exhibits and slides of the property (attached). David Nordyke, the owner, provided testimony and answered questions from the Board Members. No additional testimony was presented. At 5:30 p.m. the Hearing Officer closed the hearing. Board Member Goodin stated that this request for a Conditional Use Permit does satisfy the language of the DEVELOPMENT GUIDANCE SYSTEM ordinance (Section 16.3) Standards for Issuance of a Conditional Use Permit as follows:

- The use does not tend to change the character and established pattern of development of the area;
- The use is in harmony with the uses permitted by right under the sector and district in question and it does not affect adversely the use of neighboring properties;
- The use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair their value;
- The use shall not adversely affect the health or safety of persons residing or working in the vicinity of the proposed use;
- The use shall not be detrimental to the public welfare or injurious to property or improvements in the vicinity; and,
- The use shall be in accord with the purposes of this ordinance, the Development Guide System 2009 and the Comprehensive Development Guide 2008;

## Hardin County Board of Adjustment

Minutes: 23 June 2011

Page 2 of 5

According to provisions of the Kentucky Revised Statutes, the Hardin County Development Guidance System, and the proceedings before the Board of Adjustment, Board Member Goodin made the motion based on the described size and topography of the property and the limited visibility of the proposed new dwelling to be constructed on the property, that the request is in character with the neighborhood and vicinity, to grant a Conditional Use Permit (CUP) to allow for a Permanent Accessory Dwelling on the property with the following conditions:

1. The property owners, David & Diana Nordyke, must occupy either the Principal Dwelling unit or the Permanent Accessory Dwelling unit as their principal residence, and at no time receive rent for the owner-occupied unit.
2. Adequate on site parking must be designated on an approved Site Plan.
3. A shared driveway shall not be required and the proposed driveway to the proposed dwelling shall obtain an Encroachment Permit from the Hardin County Road Department.
4. The Permanent Accessory Dwelling may contain a maximum of 1,040 square feet of living space.
5. The Permanent Accessory Dwelling shall be located in the side yard and shall be located as illustrated on the approved Site Plan and in accordance with building setback lines.
6. The exterior finish materials of the existing dwelling designated the Permanent Accessory Dwelling shall be modified to include hardy board siding with stone around the foundation to visually match the exterior finish of the proposed dwelling in type, size and placement.
7. The Permanent Accessory Dwelling shall have a sewerage system approved by the Environmental Services Office of the Hardin County Health Department.
8. This Permit is not transferable and the new owners must reapply for the Conditional Use Permit and meet the necessary requirements.
9. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.
10. A Certificate of Land Use Restrictions shall be recorded in the office of the Hardin County Clerk.

Board Member Holman provided the second. Motion passed unanimously.

At 5:35 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. This request is for a Variance for relief from the front building setback line to accommodate a proposed addition and a covered porch. The request is for two 0.34 acre tracts located at 113 McMillen Drive in the East Urban Planning Area and zoned Urban Residential (R-1). The PVA Map Numbers are 231-40-01-037 and 231-40-01-038. The property is owned by **Charles and Kimberly Ricketts**. Planner King reviewed the application and the history of the property and presented exhibits. Kim Ricketts, the owner, provided

## Hardin County Board of Adjustment

Minutes: 23 June 2011

Page 3 of 5

testimony and answered questions from the Board Members and staff. Board Member Goodin stated that the request needed to be continued and made a motion to table the request until the next Board meeting scheduled for 5:00 p.m. on Thursday, 7 July 2011 in the R.R. Thomas County Government Building. Board Member Holman provided the second. Motion passed unanimously.

At 6:10 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. This request is for a Variance for relief from the front building setback line to accommodate a proposed pole barn (42' x 52'). The request is for a 3.7 acre tract located at 11230 Sonora Hardin Springs Road (KY 84) in the Natural Resource Planning Area and zoned Rural Residential (R-2). The PVA Map Number is 089-00-00-064. The property is owned by **Anne Rene Bailey and Margaret Bailey**. Planner King reviewed the application and the history of the property and presented exhibits. Margaret Bailey, the owner, provided testimony and answered questions from the Board Members and staff. Board Member Goodin stated that the request needed to be continued and made a motion to table the request until the next Board meeting scheduled for 5:00 p.m. on Thursday, 7 July 2011 in the R.R. Thomas County Government Building. Board Member Holman provided the second. Motion passed unanimously.

At 6:30 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. This request is for a Variance for relief from the front building setback line to accommodate a proposed handicap ramp. The request is for a 1.0 acre site located at 63 S Briggs Lane in the North Urban Planning Area and zoned Urban Residential (R-1). The PVA Map Number is 116-00-00-017. The property is owned by **Diana Hayes**. Planner King reviewed the application and the history of the property and presented exhibits. Gary Cooper Jr. and his wife Angela Cooper, of 220 Haycraft, the applicants, provided testimony and answered questions from the Board Members and staff. Diana Hayes, the owner, was not present. At 6:30 p.m. the Hearing Officer closed the hearing. Board Member Goodin made a motion to deny the requested variance because of safety concerns and that the appropriate findings in compliance with KRS 100.243 were not presented. Board Member Holman provided the second. Motion passed unanimously.

At 6:35 p.m. Chairman Krausman announced that one unfinished business item was on the agenda. On 5 May 2011, the Board had tabled a request for an Administrative Review of a decision to not revoke the subdivision plat of Honey Locust Estates and/or a request for relief from the required road frontage

**Hardin County Board of Adjustment**

Minutes: 23 June 2011

Page 4 of 5

standard and the lot 1:3 width-to-length ration. The proposed site is three tracts totaling 13.479 acres with addresses of 5012, 4028 and 5032 Sonora Hardin Springs Road and being Lots 1 & 2 of Honey Locust Estates and the owners are **Glynda Himebaugh and John Ferguson**. Director Hunsinger stated that the request needed to be continued. Board Member Holman made a motion to table the request until the next Board meeting scheduled for 5:00 p.m. on Thursday, 7 July 2011 in the R.R. Thomas County Government Building. Board Member Goodin provided the second. Motion passed unanimously.

Chairman Krausman called for consideration and action on the **Minutes** of the 9 June 2011 meeting. Member Holman made a motion to approve the minutes as presented. Member Krausman provided the second. Motion passed unanimously.

Director Hunsinger provided an update on **Continuing Education** hours and forms for credit.

Director Hunsinger reported that the local Planning Commissions are coordinating efforts to assist developers in complying with the US Postal Service requirement that **cluster box units** (CBU) be installed in all new subdivisions with streets.

**THE FOLLOWING SUBDIVISION PLATS HAVE BEEN APPROVED AND RECORDED:**

FP RECORDED	SUBDIVISION NAME	LOTS	ACCESS ROAD
01 June 11	June Estates	4	Rineyville Road (KY 1600)
01 June 11	Wakefield Farms Section 1, Lots 10 & 11	0	Hodgenville Road (KY 210)
01 June 11	Wakefield Farms Section 1, Lots 12, 13 & 14	0	Hodgenville Road (KY 210)
03 June 11	Welder's Hill Subdivision, Lot 1	0	Shelton Road
06 June 11	Stretch Estates	4	Druen Lane
	<b>SINCE LAST MEETING</b>	8	
	<b>2011 TOTAL</b>	15	

**Hardin County Board of Adjustment**

Minutes: 23 June 2011

Page 5 of 5

**THE FOLLOWING SITE PLANS HAVE BEEN APPROVED**

DATE	SITE PLAN	OWNER	ACCESS ROAD
01-June-11	Accessory Dwelling	Roger & Shirley Stillwell	Summit Eastview Road
	<b>Since Last Meeting</b>	1	
	<b>2011 Total</b>	10	

Chairman Krausman announced that the next Board meeting is scheduled for Thursday, 7 July 2011, and declared the meeting adjourned at 7:00 p.m.

**ADOPTED AND APPROVED THIS 7<sup>th</sup> DAY OF JULY 2011 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.**

---

Brent Goodin, Secretary

## Hardin County Board of Adjustment

Minutes: 9 June 2011

Page 1 of 7

Chairman Krausman called to order the two hundredth and seventy sixth meeting of the Hardin County Board of Adjustment at 5:05 p.m. on Thursday, 9 June 2011, in the R.R. Thomas Meeting Room on the second floor of the R.R. Thomas County Government Building. In addition to Chairman Krausman, Vice-Chairman Jack Holman and Secretary Brent Goodin were in attendance. Also in attendance were Director Chris Hunsinger, Senior Planner Wesley Wright, Planner Adam King, Planning Assistant Sandra Martinez, County Engineer Vicki Meredith, P.E., and the individuals listed on the attached sign-in sheet. Hardin County Attorney Jennifer B. Oldham, legal counsel for the Board, was not requested to attend the meeting.

At 5:05 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. Hearing Officer Holman announced that the first item on the agenda is a request for a Conditional Use Permit for a proposed Accessory Structure (1,200 square feet) that exceeds the size of the dwelling (1,088 square feet) on the property. The property is a 11 acre site located at 1330 Berrytown Road and identified with the PVA Map Number 098-00-00-031.04. The property is owned by **Robert & Debra Krieger** and is located in the West Urban Planning Area and is zoned Rural Residential (R-2). Hearing Officer Holman conducted the swearing in ceremony for all individuals in attendance that may provide testimony. Planner King reviewed the application and presented exhibits and slides of the property (attached). Eric Krieger, the owner, provided testimony and answered questions from the Board Members and staff. Judy and Bill Davenport of 1218 Berrytown Road asked questions regarding the size and location of the structure and requested a buffer to shield it from their view. No additional testimony was presented. At 5:40 p.m. the Hearing Officer closed the hearing. Board Member Goodin stated that this request for a Conditional Use Permit does satisfy the language of the DEVELOPMENT GUIDANCE SYSTEM ordinance (Section 16.3) Standards for Issuance of a Conditional Use Permit as follows:

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



## Hardin County Board of Adjustment

Minutes: 9 June 2011

Page 2 of 7

- The use shall not be detrimental to the public welfare or injurious to property or improvements in the vicinity; and,
- The use shall be in accord with the purposes of the Development Guide System 2009 and the Comprehensive Development Guide 2008;

According to provisions of the Kentucky Revised Statutes, the Hardin County Development Guidance System, and the proceedings before the Board of Adjustment, Board Member Goodin stated that the proposal is in character with the properties in the vicinity and the proposed size of the accessory structure is similar to existing accessory structures located on adjacent properties. Based on these findings, Board Member Goodin made the motion to grant the Conditional Use Permit (CUP) with the following conditions:

1. The proposed Accessory Structure (30' x 40' pole barn) shall be no larger than 1,200 square feet, which is greater than the dwelling (1,088 square feet manufactured home).
2. No new driveway entrances shall be permitted off of Berrytown Road.
3. The Accessory Structure shall be placed on the property as illustrated on an approved Site Plan in accordance with the building setback lines established for the zone.
4. A Site Plan shall be required in accordance with Section 7 of the Zoning Ordinance. (Health Department signature shall not be required)
5. Sixteen (16) white pine trees, 5' tall at planting in two staggered rows planted 10' on center between the proposed pole barn and the side property line. The trees shall start at the back corner of the proposed pole barn and each row shall continue approximately 80-90 feet.
6. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Board Member Holman provided the second. Motion passed unanimously.

At 5:40 p.m. Chairman Krausman appointed Board Member Holman to serve as the Hearing Officer. This is a request for a Conditional Use Permit to allow a Mobile Office on the property. The property is located in the Interstate Commercial Zone (B-1) and the Interstate and Highway Overlay Zone (IH-0) in the Glendale Junction Planning Area. The request is for Lot 2 of Quality Diesel Subdivision, a 1.149 acre site on Glendale Hodgenville Road West (KY 222). The PVA Map Number is 207-00-00-041.01 and the property is owned by **Randall Buckles**. Planner Adam King reviewed the application, the history of the property, presented exhibits and slides of the property and proposal. Randall Buckles of 473 Glendale Hodgenville Road, the owner, provided testimony and

## Hardin County Board of Adjustment

Minutes: 9 June 2011

Page 3 of 7

pictures of the proposed mobile office and answered questions from the Board Members and staff. At 5:55 p.m. the Hearing Officer closed the hearing Board Member Goodin stated that this request for a Conditional Use Permit does satisfy the language of the DEVELOPMENT GUIDANCE SYSTEM ordinance (Section 16.3) Standards for Issuance of a Conditional Use Permit as follows:

- The use does not tend to change the character and established pattern of development of the area;
- The use is in harmony with the uses permitted by right under the sector and district in question and it does not affect adversely the use of neighboring properties;
- The location and height of buildings, the location, nature, and height of walls and fences and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof;
- The use shall not adversely affect the health or safety of persons residing or working in the vicinity of the proposed use;
- The use shall not be detrimental to the public welfare or injurious to property or improvements in the vicinity; and,
- The use shall be in accord with the purposes of the Development Guide System 2009 and the Comprehensive Development Guide 2008;

According to provisions of the Kentucky Revised Statutes, the Hardin County Development Guidance System, and the proceedings before the Board of Adjustment, Board Member Goodin stated that it would be in character with the neighborhood therefore he made the motion to grant the Conditional Use Permit (CUP) with the following conditions:

1. The Mobile Office shall be a temporary use for no longer than three (3) years from 9 June 2011 and must be removed from the property by 9 June 2014.
2. Upon the vacancy of the Mobile Office, it must be removed from the property within six (6) months.
3. The Mobile Office shall have an approved Sanitary Waste System approved by the Environmental Services Office of the Hardin County Health Department.
4. A Development Plan shall be submitted and approved in accordance with Development Guidance System, Section 6.
5. The Mobile Office shall be placed on the property as illustrated on the proposed Development Plan.
6. All construction activities on this site shall conform to the provisions of the Kentucky Building Code.

## Hardin County Board of Adjustment

Minutes: 9 June 2011

Page 4 of 7

7. Skirting in the form of concrete barriers must be installed and maintained around the perimeter of the Mobile Office.
8. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Board Member Holman provided the second. Motion passed unanimously.

At 6:00 p.m. Chairman Krausman announced that one unfinished business item was on the agenda. On 5 May 2011, the Board had tabled a request for a Revised Conditional Use Permit to operate a commercial kennel and dog daycare. The proposed site is a ±1.17 acre site located on the east side of North Dixie Avenue (US 31W) doing business as Sit, Stay and Play. The property address is 6280 North Dixie Avenue and is owned by **Sugar Mill Properties/dba Sit, Stay and Play**. Planner King reviewed the application and exhibits. The applicant, Mary Meguire, of 6280 N Dixie Highway, provided testimony and answered questions from the Board Members and staff. Hank Beatty of 6332 N. Dixie Highway provided testimony and answered questions from the Board Members and staff. At 6:50 p.m., the Hearing Officer closed the hearing. Board Member Goodin stated that this request for a Conditional Use Permit does satisfy the language of the DEVELOPMENT GUIDANCE SYSTEM Ordinance (Section 3.12) Standards for Issuance of a Conditional Use Permit is as follows:

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

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

## Hardin County Board of Adjustment

Minutes: 9 June 2011

Page 5 of 7

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

1. Business Hours of Operation shall be from 6 A.M. to 6 P.M., seven days a week.
2. The maximum number of animals on site shall be 65.
3. A maximum of ten (10) animals shall be permitted outdoors at one time between the hours of 6:30 A.M. to 9:00 AM, 12:30 P.M. to 2:00 PM and 4:00 P.M. to 5:00 P.M.
4. At all other times only two (2) animals shall be outdoors at one time.
5. No outdoor boarding of animals shall be permitted. All boarding facilities shall be indoors with dogs taken outdoors for exercise and "potty" breaks.
6. The facility shall obtain and maintain a valid Kennel License from Hardin County Animal Control and comply with Ordinance Number 249, Series 2007 "An ordinance relating to Animal Control and Welfare". Annual inspections to be conducted by Hardin County Animal Control to check health and welfare of animals on site and verify clean and sanitary conditions of the facility. Please contact Gerald Foley (270-763-2205) at Hardin County Animal Control.
7. All dogs on site must have a valid License and Rabies Vaccinations.
8. This property shall have a sewerage system (septic tank and lateral lines) approved by the Hardin County Health Center.
9. The Kennel & Outdoor Play Area shall be screened from view of the adjoining properties with a 10' tall solid fence along the north property line with Mr. Beatty for a distance from the front gate to the existing white vinyl fence panels. The fence shall be installed by 31 August 2011.
10. An Amended Development Plan shall not be required due to an existing Development Plan on file and no significant changes being made on site.
11. This Amended Conditional Use Permit shall be issued to the current property owner and applicant, and is not transferable.
12. All building activities shall conform to provisions of the Kentucky Building Code.
13. This Amended Conditional Use Permit shall be for a period of 2 years and expire on 9 June 2013.
14. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Board Member Holman provided the second. Motion passed unanimously.

At 6:55 p.m. Chairman Krausman announced that one unfinished business item was on the agenda. On 5 May 2011, the Board had tabled a request for an Administrative Review of a decision to not revoke the subdivision plat of Honey

**Hardin County Board of Adjustment**

Minutes: 9 June 2011

Page 6 of 7

Locust Estates and/or a request for relief from the required road frontage standard and the lot 1:3 width-to-length ration. The proposed site is three tracts totaling 13.479 acres with addresses of 5012, 4028 and 5032 Sonora Hardin Springs Road and being Lots 1 & 2 of Honey Locust Estates and the owners are **Glynda Himebaugh and John Ferguson**. Director Hunsinger stated that the request needed to be continued. Board Member Holman made a motion to table the request until the next Board meeting scheduled for 23 June 2011. Board Member Krausman provided the second. Motion passed unanimously.

Chairman Krausman called for consideration and action on the **Minutes** of the 5 May 2011 meeting. Member Holman made a motion to approve the minutes as presented. Member Krausman provided the second. Motion passed unanimously.

Director Hunsinger reported that Pam Mink had requested and was approved for the **Family Medical Leave** and that Sher DeCamp signed an Employment Agreement as an “emergency employee” to work the days that Pam is to be out.

Director Hunsinger provided an update on **Continuing Education** hours and forms for credit.

Director Hunsinger reported on the “building code enforcement effectiveness grading” evaluation that was performed on 26 April 2011 by the **Insurance Services Office**.

Director Hunsinger announced that Planner Adam King successfully passed the American Institute of Certified Planners (**AICP**) exam and is now a Certified Planner.

**THE FOLLOWING DEVELOPMENT PLANS HAVE BEEN APPROVED**

DATE	DEVELOPMENT PLAN	OWNER	ACCESS ROAD
	Since Last Meeting	0	
	2011 Total	5	

**Hardin County Board of Adjustment**  
 Minutes: 9 June 2011  
 Page 7 of 7

**THE FOLLOWING SITE PLANS HAVE BEEN APPROVED**

DATE	SITE PLAN	OWNER	ACCESS ROAD
31-May-11	Covered Deck – Variance	Troy & Tammy Wise	Rineyville Big Springs Road
	<b>Since Last Meeting</b>	1	
	<b>2011 Total</b>	9	

**THE FOLLOWING SUBDIVISION PLATS HAVE BEEN APPROVED AND RECORDED:**

FP RECORDED	SUBDIVISION NAME	LOTS	ACCESS ROAD
27 Apr-11	Tobacco Road Subdivision	2	Tabbs Hollow Road
28 Apr-11	Bella Woods, Lots 22, 23 & 24	0	Rineyville Road (KY 1600)
03 May-11	Harden Heights Subdivision Section 1	-1	Rineyville Big Springs Road
17 May-11	Oak Ridge Manor Subdivision, Lots 37-52	-16	Wooldridge Ferry Road
23 May-11	Bir-Car Acres	2	White Mills Glendale East
23 May-11	Back Of The Yards, Lot 2A	1	Ford Highway
31 May-11	Providence Place Lots 1-15 & Ravenswood Section 2	0	Bewley Hollow Road
	<b>SINCE LAST MEETING</b>	-12	
	<b>2011 TOTAL</b>	07	

Chairman Krausman announced that the next Board meeting is scheduled for Thursday, 23 June 2011, and declared the meeting adjourned at 7:10 p.m.

**ADOPTED AND APPROVED THIS 23rd DAY OF JUNE 2011 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.**

\_\_\_\_\_  
 Brent Goodin, Secretary

## **Hardin County Board of Adjustment**

Minutes: 19 May 2011

Page 1 of 7

Chairman Krausman called to order the two hundredth and seventy fifth meeting of the Hardin County Board of Adjustment at 5:05 p.m. on Thursday, 5 May 2011, in the R.R. Thomas Meeting Room on the second floor of the R.R. Thomas County Government Building. In addition to Chairman Krausman, Vice-Chairman Jack Holman was in attendance. Also in attendance were Director Chris Hunsinger, Planner Adam King, Planning Assistant Sandra Martinez and the individuals listed on the attached sign-in sheet. Secretary Brent Goodin, Senior Planner Wesley Wright and County Engineer Vicki Meredith, P.E., were not present and Hardin County Attorney Jennifer B. Oldham, legal counsel for the Board, was not requested to attend the meeting.

At 5:05 p.m. Chairman Krausman announced that one unfinished business item was on the agenda. On 5 May 2011, the Board had tabled a request for a Revised Conditional Use Permit to operate a commercial kennel and dog daycare. The proposed site is a  $\pm 1.17$  acre site located on the east side of North Dixie Avenue (US 31W). The property address is 6280 North Dixie Avenue and is owned by **Sugar Mill Properties**. Board Member Holman stated that the request needed to be continued and made a motion to table the request until the next Board meeting scheduled for 9 June 2011. Board Member Krausman provided the second. Motion passed unanimously.

At 5:10 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. This request is for a Variance for relief from the road frontage and the Lot Configuration standard (DGS 3-2 C.2.) for the "width to length" ratio of 1:3. The request is for a +10 acre site located at the intersection of St John Road and Turkey Roost Lane in the West Hardin Planning Area and zoned Rural Residential (R-2). The PVA Map Number is 040-00-00-010.04. The property is owned by **Gary Cooper, Sr.** Hearing Officer Holman conducted the swearing in ceremony for all individuals in attendance that may provide testimony. Planner King reviewed the application and the history of the property and presented exhibits. Gary Cooper Jr. and his wife Angela Cooper, of 220 Haycraft, the applicants, provided testimony and answered questions from the Board Members and staff. Gary Cooper Sr., of 85 Turkey Roost Lane, the owner, provided testimony and answered questions from the Board Members and staff. At 5:50 p.m. the Hearing Officer closed the hearing. Board Member Holman made a motion to deny the requested variance because appropriate findings in compliance with KRS 100.243 were not presented. Member Krausman provided the second. Motion passed unanimously.

At 6:00 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. Hearing Officer Holman announced that the next item on the agenda is a request for a Revised Conditional Use Permit for a Temporary

## Hardin County Board of Adjustment

Minutes: 19 May 2011

Page 2 of 7

Accessory Dwelling (12' x 60' manufactured home) to remain on the property. The original CUP was issued for the time period February 1999 to February 2005 and was extended from June 2005 to June 2010. The property is a 0.95 acre site with an address of 2039 Nolin Road, and identified with the PVA Map Number 192-30-00-015. The property is owned by **Leona Polly** and the applicant is Patricia Devore Sams. The property is located in the Natural Resource Planning Area and is zoned Rural Residential (R-2). Planner King reviewed the application and presented exhibits and slides of the property (attached). Patricia Devore Sams, the applicant, provided testimony and answered questions from the Board Members and staff and stated that this was still for a "care giver" situation. No additional testimony was presented. At 6:15 p.m. the Hearing Officer closed the hearing. Board Member Holman stated that this request for a Revised 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 does not tend to change the character and established pattern of development of the area;
- The use is in harmony with the uses permitted by right under the sector and district in question and it does not affect adversely the use of neighboring properties;
- The use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair their value;
- The use shall not adversely affect the health or safety of persons residing or working in the vicinity of the proposed use;
- The use shall not be detrimental to the public welfare or injurious to property or improvements in the vicinity; and,
- The use shall be in accord with the purposes of this ordinance, the Development Guide System 2009 and the Comprehensive Development Guide 2008;

According to provisions of the Kentucky Revised Statutes, the Hardin County Development Guidance System, and the proceedings before the Board of Adjustment, Board Member Holman made the motion based on the described family situation and "caregiver" need that the request is still in character with the neighborhood and vicinity, to grant a Revised Conditional Use Permit (CUP) to allow the existing Temporary Accessory Dwelling to remain on the property with the following conditions:

1. The Temporary Accessory Dwelling shall be a temporary use for no longer than four years from 19 May 2011 and must be removed from the property by 19 May 2015.



## Hardin County Board of Adjustment

Minutes: 19 May 2011

Page 3 of 7

2. The existing Manufactured Home on site is a Temporary Accessory Dwelling and has 720 square feet of living space which is less than the Local Average Square Foot Standard of 1,162 square feet.
3. The Temporary Accessory Dwelling is for a caregiver situation and shall only be occupied by Patricia Devore Sams and her immediate family.
4. Upon the vacancy of the Temporary Accessory Dwelling, it must be removed from the property within six (6) months.
5. This Temporary Accessory Dwelling shall have a sewerage system (septic tank and lateral lines) approved by the Environmental Services Office of the Hardin County Health Department.
6. This Revised Conditional Use Permit shall be issued to the current property owner, Leona Polly, and shall expire when the property is transferred and not be transferable to another property owner.
7. A Site Plan in compliance with Section 7 of the Zoning Ordinance shall be required. (Health Department & Road Department signatures shall not be required)
8. The skirting on the manufactured home must be maintained.
9. All construction activities on this site shall conform to the provisions of the Kentucky Building Code.
10. A Certificate of Land Use Restrictions shall be recorded in the office of the Hardin County Clerk

Board Member Krausman provided the second. Motion passed unanimously.

At 6:15 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. Hearing Officer Holman announced that the next item on the agenda is a request for a Conditional Use Permit for a proposed Accessory Structure (32' x 64' pole barn) to be constructed on a tract without a dwelling. The property is a 1.19 acre site located on the north side of Middle Creek Road and identified with the PVA Map Number 246-00-00-012. The property is owned by **Donald & Sharon Walters** and is located in the Valley Creek Urban Planning Area and is zoned Urban Residential (R-1). Hearing Officer Holman conducted the swearing in ceremony for all individuals in attendance that may provide testimony. Planner King reviewed the application and presented exhibits and slides of the property (attached). Donald & Sharon Walters, the owners, provided testimony and answered questions from the Board Members and staff. No additional testimony was presented. At 6:30 p.m. the Hearing Officer closed the hearing. Board Member Holman stated that this request for a 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:

## **Hardin County Board of Adjustment**

Minutes: 19 May 2011

Page 4 of 7

- The use does not tend to change the character and established pattern of development of the area;
- The use is in harmony with the uses permitted by right under the sector and district in question and it does not affect adversely the use of neighboring properties;
- The location and height of buildings, the location, nature, and height of walls and fences and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof;
- The use shall not adversely affect the health or safety of persons residing or working in the vicinity of the proposed use;
- The use shall not be detrimental to the public welfare or injurious to property or improvements in the vicinity; and,
- The use shall be in accord with the purposes of the Development Guide System 2009 and the Comprehensive Development Guide 2008;

According to provisions of the Kentucky Revised Statutes, the Hardin County Development Guidance System, and the proceedings before the Board of Adjustment, Board Member Holman stated that based on the proposed structure location and the size and characteristics of the property, a future dwelling can be accommodate on the property and the proposed accessory structure is in character with the structures located on properties in the vicinity. Board Member Holman made the motion to grant the Conditional Use Permit (CUP) with the following conditions:

1. The proposed accessory structure (32' x 64' pole barn) shall be no larger than 2,048 square feet.
2. The proposed pole barn is for residential storage and shall not be used for commercial purposes.
3. No other Accessory structures shall be built on the parcel prior to the construction of a dwelling.
4. A driveway encroachment permit from the County Road Department shall be required and the driveway must be shared with future dwelling.
5. The pole barn shall be placed on the property as illustrated on an approved Site Plan in accordance with the building setback lines established for the zone.
6. A Site Plan shall be required in accordance with Section 7 of the Zoning Ordinance. (Health Department signature shall not be required).
7. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Board Member Krausman provided the second. Motion passed unanimously.

## **Hardin County Board of Adjustment**

Minutes: 19 May 2011

Page 5 of 7

At 6:30 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. This request is for a Variance for relief from Road Frontage Standard and the Lot Configuration Standard (DGS 3.1 C.3.) for the "width to length" ratio of 1:4. The request is for a +7.3 acre tract being Lot 2 of Clemminton Estates and located at 45 Milimish Lane. The property is in the Urban Residential Zone (R-1) in the North Urban Planning Area and the PVA Map Number is 142-00-00-002. The property is owned by **David and Diana Nordyke**. Planner King reviewed the application and the history of the property and presented exhibits. David and Diana Nordyke, of 100 Oakwood Drive, Vine Grove, the owners, provided testimony and answered questions from the Board Members and staff. At 7:00 p.m., the Hearing Officer closed the hearing. Board Member Holman made a motion to deny the requested variance because appropriate findings in compliance with KRS 100.243 were not presented. Member Krausman provided the second. Motion passed unanimously.

At 7:05 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. Hearing Officer Holman announced that the next item on the agenda is a request for a Variance from the front building setback line to accommodate the proposed roof to an existing deck. The request is for property located on a 3.397 acre tract at 1340 Rineyville Big Springs Road (KY 220) and at the intersection of Earl Wise Lane. The property is zoned Urban Residential (R-1) is in the E2RC Planning Area Corridor and is identified with the PVA Map Number 163-00-00-090. The property is owned by **Troy & Tammy Wise**. Planner King reviewed the application and the history of the property and presented exhibits and slides of the property (attached). Bill Druy of 1340 Rineyville Big Springs Road, contractor for the project and representative of the owners, provided testimony and answered questions from the Board Members and staff. Tony Moore of the Kentucky Transportation Cabinet (KTC) provided testimony on the right-of-way acquired for the E2RC and answered questions from the Board Members and staff. No additional testimony was presented. At 7:20 p.m. the Hearing Officer closed the hearing. Board Member Holman made a motion to grant the requested variance due to the fact that it will not alter the essential character of the general vicinity, that additional Right of Way was purchased by KTC for drainage & sight-distance that did not cause changes to existing Earl Wise Lane thus the distance from the center line of Earl Wise Lane to the existing deck had not changed and no new safety issues are created and that this request does satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243. Findings necessary for granting variances) which is as follow:

## Hardin County Board of Adjustment

Minutes: 19 May 2011

Page 6 of 7

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

The following variance was granted with the noted conditions:

11. This VARIANCE will allow for the existing deck to be covered with a roof.
12. A Site Plan in Compliance with Section 7 of the Zoning Ordinance shall be required.
13. The existing deck may be covered but shall not be enclosed.
14. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Member Krausman provided the second. Motion passed unanimously.

At 7:25 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. This request is for an Administrative Review of a decision to not revoke the subdivision plat of Honey Locust Estates and/or a request for relief from the required road frontage standard and the lot 1:3 width-to-length ration. The proposed site is three tracts totaling 13.479 acres with addresses of 5012, 4028 and 5032 Sonora Hardin Springs Road and being Lots 1 & 2 of Honey Locust Estates. The owners are **Glynda Himebaugh and John Ferguson**. Planner King reviewed the application and exhibits. The owners, Glynda Himebaugh, of 5032 Sonora Hardin Springs Road and John Ferguson, of 5012 Sonora Hardin Springs Road, provided testimony and answered questions from the Board Members and staff. John Tabb of 6332 North Dixie Avenue spoke in favor of the request. Board Member Holman made a motion to table the request until the next Board meeting scheduled for 9 June 2011 so that the owners be allowed time to seek legal advise and assistance. Board Member Krausman provided the second. Motion passed unanimously.

Chairman Krausman called for consideration and action on the **Minutes** of the 21 April 2011 meeting. Member Holman made a motion to approve the minutes as presented. Member Krausman provided the second. Motion passed unanimously.

Director Hunsinger announced that on Thursday 26 May from 5:00 to 8:00 p.m. at LTADD, David Pike will be providing training on *Ethics in Planning & Zoning*,

*Regulating Signs and New Cell Tower Regulations.* Board members Krausman and Holman have been registered to attend this training.

**Hardin County Board of Adjustment**

Minutes: 19 May 2011

Page 7 of 7

Director Hunsinger stated that the Board of Adjustment had received a letter from the Director of the Lincoln Trail 4-C Program concerning the zoning regulations and the cooperation that has been provided to Child Care Providers.

Director Hunsinger announced that on Saturday 14 May, Planner Adam King successfully passed the American Institute of Certified Planners (AICP) exam. This is an important step and shows Adam's dedication to the profession.

Director Hunsinger also added that Wesley Wright was hired by the Planning Commission on 18 May 2000. He has served Hardin County for eleven years.

**THE FOLLOWING DEVELOPMENT PLANS HAVE BEEN APPROVED**

DATE	DEVELOPMENT PLAN	OWNER	ACCESS ROAD
21-Apr-11	Church	Eastview Wesleyan Church	Sonora Hardin Springs Road
21-Apr-11	Off Site Signage	Longview Property, LLC	N. Dixie Highway
<b>Since Last Meeting</b>		2	
<b>2011 Total</b>		5	

**THE FOLLOWING SITE PLANS HAVE BEEN APPROVED**

DATE	SITE PLAN	OWNER	ACCESS ROAD
06-Apr-11	Manufactured Home – Variance	Earl Burgin	Wilson Lane
15-Apr-11	Circlotop Farm – Kennel	Mark and Pam Adams	Jenkins Road
<b>Since Last Meeting</b>		2	
<b>2011 Total</b>		8	

**THE FOLLOWING SUBDIVISION PLATS HAVE BEEN APPROVED AND RECORDED:**

FP RECORDED	SUBDIVISION NAME	LOTS	ACCESS ROAD
06 Apr-11	Tommyhill Subdivision, Lot 1	0	Rineyville Road
18 Apr-11	Great Lake Estates	2	Arvel Wise Lane
21 Apr-11	Tribly Heights	3	Hardinsburg Road
<b>SINCE LAST MEETING</b>		5	
<b>2011 TOTAL</b>		19	

Chairman Krausman announced that the next Board meeting is scheduled for Thursday, 9 June 2011, and declared the meeting adjourned at 8:30 p.m.

**ADOPTED AND APPROVED THIS 9th DAY OF JUNE 2011 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.**

---

Brent Goodin, Secretary

## Hardin County Board of Adjustment

Minutes: 5 May 2011

Page 1 of 6

Chairman Krausman called to order the two hundredth and seventy fourth meeting of the Hardin County Board of Adjustment at 5:00 p.m. on Thursday, 5 May 2011, in the R.R. Thomas Meeting Room on the second floor of the R.R. Thomas County Government Building. In addition to Chairman Krausman, Vice-Chairman Jack Holman was in attendance. Also in attendance were Planner Adam King, Planning Assistant Sandra Martinez and the individuals listed on the attached sign-in sheet. Secretary Brent Goodin, Director Chris Hunsinger, Senior Planner Wesley Wright and County Engineer Vicki Meredith, P.E. were not present and County Attorney Jenny Oldham, legal counsel for the Board, was not requested to attend the meeting.

At 5:00 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. Hearing Officer Holman announced that the first item on the agenda is a request for a Revised Conditional Use Permit for a Temporary Accessory Dwelling (28' x 68' manufactured home) to remain on the property. The property is a 1.0 acre site with an address of 1855 Springfield Road, and identified with the PVA Map Number 232-20-00-026. The property is owned by **Bruce and Mavis Bell** and the applicant is his mother Doris Bell. The property is located in the Valley Creek Urban Planning Area and is zoned Urban Residential (R-1). Hearing Officer Holman conducted the swearing in ceremony for all individuals in attendance that may provide testimony. Planner King reviewed the application and presented exhibits and slides of the property (attached). Bruce and Mavis Bell, the owners, provided testimony and answered questions from the Board Members and staff and stated that this was still for a "care giver" situation. No additional testimony was presented. At 5:20 p.m. the Hearing Officer closed the hearing. Board Member Holman stated that this request for a Revised 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 does not tend to change the character and established pattern of development of the area;
- The use is in harmony with the uses permitted by right under the sector and district in question and it does not affect adversely the use of neighboring properties;
- The use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair their value;
- The use shall not adversely affect the health or safety of persons residing or working in the vicinity of the proposed use;

## Hardin County Board of Adjustment

Minutes: 5 May 2011

Page 2 of 6

- The use shall not be detrimental to the public welfare or injurious to property or improvements in the vicinity; and,
- The use shall be in accord with the purposes of this ordinance, the Development Guide System 2009 and the Comprehensive Development Guide 2008;

According to provisions of the Kentucky Revised Statutes, the Hardin County Development Guidance System, and the proceedings before the Board of Adjustment, Board Member Holman made the motion based on the described family situation and “caregiver” need that the request is still in character with the neighborhood and vicinity, to grant a Revised Conditional Use Permit (CUP) to allow the existing Temporary Accessory Dwelling to remain on the property with the following conditions:

1. The Temporary Accessory Dwelling (Manufactured Home 28’ x 68’) shall be a temporary use for no longer than three years from 5 May 2011 and must be removed from the property by 5 May 2014.
2. The existing Manufactured Home on site is a Temporary Accessory Dwelling and has 1,904 square feet of living space which is greater than the Local Average Square Foot Standard of 836 square feet.
3. The Temporary Accessory Dwelling is for a caregiver situation and shall only be occupied by Doris Bell and her immediate family.
4. Upon the vacancy of the Temporary Accessory Dwelling, it must be removed from the property within six (6) months.
5. This Temporary Accessory Dwelling shall have a sewerage system (septic tank and lateral lines) approved by the Environmental Services Office of the Hardin County Health Department.
6. This Conditional Use Permit shall be issued to the current property owners, Bruce & Mavis Bell, and shall expire when the property is transferred and not be transferable to another property owner.
7. A Site Plan shall not be required due to an existing Development Plan on file.
8. The skirting on the manufactured home must be maintained.
9. All construction activities on this site shall conform to the provisions of the Kentucky Building Code.
10. A Certificate of Land Use Restrictions shall be recorded in the office of the Hardin County Clerk.

Board Member Krausman provided the second. Motion passed unanimously.



## Hardin County Board of Adjustment

Minutes: 5 May 2011

Page 3 of 6

At 5:20 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. This request is for a Variance for relief from road frontage and the Lot Configuration standard (DGS 5.5 A.1.e.) for the "width to length" ratio of 1:3. The request is for a +25 acre site located off Wooldridge Ferry Road in the Rural Residential Zone (R-2) in the Colesburg Planning Area and being Lots 37-52 of Oakridge Manor Subdivision and the PVA Map Number is 229-00-0C-037. The property is owned by **Mark & Tiphonie Chitwood**. Planner King reviewed the application and the history of the property and presented exhibits. Mark Chitwood, of 625 Princeton Drive, the owner, provided testimony and answered questions from the Board Members and staff. At 5:35 p.m., the Hearing Officer closed the hearing. Board Member Holman made a motion to grant the requested variance because the request 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 the proposed Amended Plat will consolidate 16 pre-existing, nonconforming lots platted off of a private "road" with the special circumstance being that the plat was recorded in 1978 and predates the establishment of the Planning Commission. This request does satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243. Findings necessary for granting variances) which is as follow:

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

The following variance was granted with the noted conditions:

1. This VARIANCE from the required road frontage and the 1:3 lot width-to-length ratio shall be approved for proposed Lot 37A.
2. An Amended Subdivision Plat shall be required and shall substitute for the Site Plan.
3. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Board member Krausman provided the second. Motion unanimously passed.

## Hardin County Board of Adjustment

Minutes: 5 May 2011

Page 4 of 6

At 5:35 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. The request is for a Revised Conditional Use Permit for a Temporary Accessory Dwelling (16' x 80' manufactured home) to remain on the property. The property is a 4.0 acre site with an address of 333 Cedar Hill Drive, and identified with the PVA Map Number 199-00-00-001. The property is owned by **Allen and Mary Francis Jamison** and the applicant is his mother Doris Jamison. The property is located in the North Urban Planning Area and is zoned Urban Residential (R-1). Hearing Officer Holman conducted the swearing in ceremony for all individuals in attendance that may provide testimony. Planner King reviewed the application and presented exhibits and slides of the property (attached). Mary Francis Jamison, the owner, and Doris Jamison, the applicant, provided testimony and answered questions from the Board Members and staff and stated that this was still for a "care giver" situation. No additional testimony was presented. At 5:55 p.m. the Hearing Officer closed the hearing. Board Member Holman stated that this request for a Revised 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 does not tend to change the character and established pattern of development of the area;
- The use is in harmony with the uses permitted by right under the sector and district in question and it does not affect adversely the use of neighboring properties;
- The use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair their value;
- The use shall not adversely affect the health or safety of persons residing or working in the vicinity of the proposed use;
- The use shall not be detrimental to the public welfare or injurious to property or improvements in the vicinity; and,
- The use shall be in accord with the purposes of this ordinance, the Development Guide System 2009 and the Comprehensive Development Guide 2008;

According to provisions of the Kentucky Revised Statutes, the Hardin County Development Guidance System, and the proceedings before the Board of Adjustment, Board Member Holman made the motion based on the described family situation and "caregiver" need that the request is still in character with the neighborhood and vicinity, to grant a Revised Conditional Use Permit (CUP) to allow the existing Temporary Accessory Dwelling to remain on the property with the following conditions:

## Hardin County Board of Adjustment

Minutes: 5 May 2011

Page 5 of 6

1. The Temporary Accessory Dwelling (Manufactured Home 14' x 66') shall be a temporary use for no longer than four years from 5 May 2011 and must be removed from the property by 5 May 2015.
2. The existing Manufactured Home on site is a Temporary Accessory Dwelling and has 924 square feet of living space which is less than the Local Average Square Foot Standard of 1,202 square feet.
3. The Temporary Accessory Dwelling is for a caregiver situation and shall only be occupied by Doris Jamison and her immediate family.
4. Upon the vacancy of the Temporary Accessory Dwelling, it must be removed from the property within six (6) months.
5. This Temporary Accessory Dwelling shall have a sewerage system (septic tank and lateral lines) approved by the Environmental Services Office of the Hardin County Health Department.
6. The Temporary Accessory Dwelling shall be placed on the property as illustrated on the proposed Site Plan.
7. This Revised Conditional Use Permit shall be issued to the current property owners, Allen & Mary Francis Jamison, and shall expire when the property is transferred and not be transferable to another property owner.
8. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7 (Health Department and County Road Department signatures shall not be required).
9. The skirting on the manufactured home must be maintained.
10. All construction activities on this site shall conform to the provisions of the Kentucky Building Code.
11. A Certificate of Land Use Restrictions shall be recorded in the office of the Hardin County Clerk.

Board Member Krausman provided the second. Motion passed unanimously.

At 6:00 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. This request is for a Conditional Use Permit to operate a commercial kennel and dog daycare. The proposed site is a ±1.17 acre site located on the east side of North Dixie Avenue (US 31W). The property address is 6280 North Dixie Avenue and is owned by **Sugar Mill Properties**. Hearing Officer Holman conducted the swearing in ceremony for all individuals in attendance that may provide testimony. Planner King reviewed the application and exhibits. The applicant, Mary McGuire, of 4280 North Dixie Avenue provided testimony and answered questions from the Board Members and staff. Henry Beatty of 6332 North Dixie Avenue questioned the application regarding fencing and noise control. Board Member Holman stated that a site visit would be

**Hardin County Board of Adjustment**

Minutes: 5 May 2011

Page 6 of 6

necessary and made a motion to table the request until the next Board meeting scheduled for 19 May 2011. Board Member Krausman provided the second. Motion passed unanimously.

Chairman Krausman called for consideration and action on the **Minutes** of the 21 April 2011 meeting. Member Holman made a motion to approve the minutes as presented. Member Krausman provided the second. Motion passed unanimously.

**THE FOLLOWING SITE PLANS HAVE BEEN APPROVED**

DATE	SITE PLAN	OWNER	ACCESS ROAD
24-Mar-11	Accessory Structure	Joshua & Lindsay Clayton	Wonderland Cavern Road
	<b>Since Last Meeting</b>	1	
	<b>2011 Total</b>	6	

**THE FOLLOWING DEVELOPMENT PLANS HAVE BEEN APPROVED**

DATE	DEVELOPMENT PLAN	OWNER	ACCESS ROAD
	<b>Since Last Meeting</b>	0	
	<b>2011 Total</b>	3	

**THE FOLLOWING SUBDIVISION PLATS HAVE BEEN APPROVED AND RECORDED:**

FP RECORDED	SUBDIVISION NAME	LOTS	ACCESS ROAD
11-Mar-11	Ragland Estates Subdivision	0	White Mills Glendale Road
11-Mar-11	Twin Hills	1	New Glendale Road (KY 1136)
11-Mar-11	Titan Ridge Subdivision, Section 2	2	Tabb Hollow Road
16-Mar-11	Mam's Acres	2	Rineyville Road (KY 1600)
21-Mar-11	Farm Side Subdivision, Lots 17 & 18	-1	Rineyville School Road
25-Mar-11	Rankin Acres	2	Cann School Lane
29-Mar-11	Monterey Subdivision Section 1, Lot 7A	0	New Glendale Road (KY 1136)
30-Mar-11	Cutts Place	0	Youngers Creek Road
04-Apr-11	Hogue Property Division	2	North Cole Lane
	<b>SINCE LAST MEETING</b>	8	
	<b>2011 TOTAL</b>	14	

Chairman Krausman announced that the next Board meeting is scheduled for Thursday, 19 May 2011, and declared the meeting adjourned at 6:50 p.m.

**ADOPTED AND APPROVED THIS 19th DAY OF MAY 2011 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.**

\_\_\_\_\_  
Brent Goodin, Secretary

## Hardin County Board of Adjustment

Minutes: 21 April 2011

Page 1 of 7

Chairman Krausman called to order the two hundredth and seventy third meeting of the Hardin County Board of Adjustment at 5:05 p.m. on Thursday, 21 April 2011, in the R.R. Thomas Meeting Room on the second floor of the R.R. Thomas County Government Building. In addition to Chairman Krausman, Vice-Chairman Jack Holman and Secretary Brent Goodin were in attendance. Also in attendance were Director Chris Hunsinger, Planner Adam King, Planning Assistant Sandra Martinez, County Engineer Vicki Meredith, P.E. and the individuals listed on the attached sign-in sheet. Senior Planner Wesley Wright was not present and County Attorney Jenny Oldham, legal counsel for the Board, was not requested to attend the meeting.

At 5:05 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. Hearing Officer Holman announced that the first item on the agenda is a request for a Revised Conditional Use Permit for a Temporary Accessory Dwelling (16' x 80' manufactured home) to remain on the property. The property is a 2.0 acre site with an address of 466 Jagers Road, and identified with the PVA Map Number 190-00-00-034. The property is owned by **Roy Perry** and the applicant is his daughter Teresa Orem. The property is located in the North Glendale Planning Area and is zoned Rural Residential (R-2). Director Hunsinger announced that it was for a "caregiver" situation and that Mr. Perry's condition has worsen, he is currently in the hospital, and that the family members were at the hospital and not able to attend the hearing. Based on the situation, Director Hunsinger recommended to the Board to allow the Temporary Accessory Dwelling to remain on the property for one year. At 5:10 p.m. the Hearing Officer closed the hearing. Board Member Goodin stated that this request for a Revised 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 does not tend to change the character and established pattern of development of the area;
- The use is in harmony with the uses permitted by right under the sector and district in question and it does not affect adversely the use of neighboring properties;
- The use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair their value;
- The use shall not adversely affect the health or safety of persons residing or working in the vicinity of the proposed use;
- The use shall not be detrimental to the public welfare or injurious to property or improvements in the vicinity; and,

## Hardin County Board of Adjustment

Minutes: 21 April 2011

Page 2 of 7

- The use shall be in accord with the purposes of this ordinance, the Development Guide System 2009 and the Comprehensive Development Guide 2008;

According to provisions of the Kentucky Revised Statutes, the Hardin County Development Guidance System, and the proceedings before the Board of Adjustment, Board Member Goodin made the motion based on the described family situation and “caregiver” need that the request is still in character with the neighborhood and vicinity, to grant a Revised Conditional Use Permit (CUP) to allow the existing Temporary Accessory Dwelling to remain on the property with the following conditions:

1. The Temporary Accessory Dwelling shall continue as a temporary use for no longer than one year from 21 April 2011 and must be removed from the property by 21 April 2012.
2. The existing Manufactured Home on site is a Temporary Accessory Dwelling and has 1,216 square feet of living space which is less than the Local Average Square Foot Standard of 1,338 square feet.
3. The Temporary Accessory Dwelling is for a “caregiver” situation and shall only be occupied by Teresa Orem and her immediate family.
4. Upon the vacancy of the Temporary Accessory Dwelling, it must be removed from the property within six (6) months.
5. This Temporary Accessory Dwelling shall have a sewerage system (septic tank and lateral lines) approved by the Environmental Services Office of the Hardin County Health Department.
6. This Conditional Use Permit shall be issued to the current property owners, Roy Perry, and shall expire when the property is transferred and not be transferable to another property owner.
9. The skirting on the manufactured home must be maintained.
10. All construction activities on this site shall conform to the provisions of the Kentucky Building Code.
11. A Certificate of Land Use Restrictions shall be recorded in the office of the Hardin County Clerk.

Board Member Holman provided the second. Motion passed unanimously.

Chairman Krausman called for consideration and action on the **Minutes** of the 17 March 2011 meeting. Member Goodin made a motion to approve the minutes as presented. Member Holman provided the second. Motion passed unanimously.

## Hardin County Board of Adjustment

Minutes: 21 April 2011

Page 3 of 7

Director Hunsinger reported on the visit to Fort Knox as well as the information gathered regarding the BRAC changes, the importance of the KY 313 Corridor and the Army Compatible Use Buffer (ACUB) Program plus the guided tour of the LTG Timothy J. Maude Complex - Human Resources Command Center and facilities.

At 5:15 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. Hearing Officer Holman announced that the next item on the agenda is a request for a Conditional Use Permit for a proposed Accessory Structure (21' x 21' storage shed) to be constructed on a tract without a dwelling. The property is an 8.2 acre site located on the south side of Valley Creek Road and identified with the PVA Map Number 273-00-00-015. The property is owned by **Robert & Tamra Ammerman** and is located in the East Hardin Planning Area and is zoned Rural Residential (R-2). Hearing Officer Holman conducted the swearing in ceremony for all individuals in attendance that may provide testimony. Planner King reviewed the application and presented exhibits and slides of the property (attached). Robert Ammerman, the owner, provided testimony and answered questions from the Board Members and staff. No additional testimony was presented. At 5:30 p.m. the Hearing Officer closed the hearing. Board Member Goodin stated that this request for a Conditional Use Permit does satisfy the language of the DEVELOPMENT GUIDANCE SYSTEM ordinance (Section 16.3) Standards for Issuance of a Conditional Use Permit as follows:

- The use does not tend to change the character and established pattern of development of the area;
- The use is in harmony with the uses permitted by right under the sector and district in question and it does not affect adversely the use of neighboring properties;
- The location and height of buildings, the location, nature, and height of walls and fences and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof;
- The use shall not adversely affect the health or safety of persons residing or working in the vicinity of the proposed use;
- The use shall not be detrimental to the public welfare or injurious to property or improvements in the vicinity; and,
- The use shall be in accord with the purposes of the Development Guide System 2009 and the Comprehensive Development Guide 2008;

## Hardin County Board of Adjustment

Minutes: 21 April 2011

Page 4 of 7

According to provisions of the Kentucky Revised Statutes, the Hardin County Development Guidance System, and the proceedings before the Board of Adjustment, Board Member Goodin stated that based on the size and characteristics of the property can accommodate a future dwelling and the proposal is in character with the properties in the vicinity, Board Member Goodin made the motion to grant the Conditional Use Permit (CUP) with the following conditions:

1. The proposed Accessory Structure (21' x 21' storage shed) shall be no larger than 441 square feet, which is less than the adjacent dwelling (1,685 square feet).
2. No other Accessory Structures shall be built on the parcel prior to the construction of a dwelling.
3. No new driveway entrances shall be permitted off of Valley Creek Road (KY 567).
4. The Accessory Structure (21'x 21' storage shed) shall be placed on the property as illustrated on an approved Site Plan in accordance with the building setback lines established for the zone.
5. A Site Plan shall be required in accordance with Section 7 of the Zoning Ordinance. (Health Department signature shall not be required)
6. The exterior siding of the garage shall be constructed of galvanized metal to visually match the adjacent house.
7. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Member Holman provided the second. Motion passed unanimously.

At 5:35 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. Hearing Officer Holman announced that the next item on the agenda is a request for a Variance from the side building setback line to accommodate the existing dwelling a manufactured home. Hearing Officer Holman conducted the swearing in ceremony for all individuals in attendance that may provide testimony. The request is for property located at 342 Horn Cemetery Road and being Lot 4 of Horn Estates, Section 2. The property is zoned Rural Residential Zone (R-2) in the West Hardin Planning Area and is identified with the PVA Map Number 018-00-00-012.04. The property is owned by **Sylvia Cunningham**. Planner King reviewed the application and the history of the property and presented exhibits and slides of the property (attached). Sylvia Cunningham, the owner, and James Mohr, the applicant and tenant, provided testimony and answered questions from the Board Members and staff.



## Hardin County Board of Adjustment

Minutes: 21 April 2011

Page 5 of 7

Larry Crawford of Horn Cemetery Road spoke in favor of the request. No additional testimony was presented. At 6:05 p.m. the Hearing Officer closed the hearing. Board Member Goodin made a motion to deny the requested variance because appropriate findings in compliance with KRS 100.242 were not presented, and proposed allowing the owner one (1) year to come into compliance with the 10' side building setback. Member Holman provided the second. Motion passed unanimously.

At 6:05 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. This request is for a Revised Conditional Use Permit to expand the operation of the existing Child Care Center. Hearing Officer Holman conducted the swearing in ceremony for all individuals in attendance that may provide testimony. The proposed site is a 1.03 acre site located on the west side of Burns Road and being Lot 2 of Aberdeen Estates. The house address is 3106 Burns Road and is owned by **TERI JACKSON & KIM JACKSON**. Planner King reviewed the application and presented exhibits and slides of the property (attached). Teri & Kim Jackson, of 3106 Burns Road, the applicants, provided testimony and answered questions from the Board Members and staff. Kathy King, the Director of Lincoln Trail Community Coordinated Child Care (4-C), 54 First Street, Elizabethtown, provided additional testimony. The Hearing Officer closed the hearing at 6:50 p.m. Board Member Goodin stated that this request for a Revised Conditional Use Permit does satisfy the language of the DEVELOPMENT GUIDANCE SYSTEM Ordinance (Section 3.12) Standards for Issuance of a Conditional Use Permit is as follows:

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

## **Hardin County Board of Adjustment**

Minutes: 21 April 2011

Page 6 of 7

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

1. The existing outdoor recreation area shall be screened from view from the right-of-way and adjoining properties with a 5' vinyl fence with landscaping along the front and side of the fencing and any expansion of this area must occur to the rear of the existing home.
2. The existing gravel turnaround must be improved / widened so as to discourage vehicles from backing out onto Burns Road.
3. The maximum number of children at the day care shall be fourteen (14) with no more than four (4) children during the hours of 9:30 p.m. to 11:00 p.m.
4. The sign advertising the day care shall be no larger than 6 square feet and less than eight feet in height, and the sign shall not be illuminated.
5. This Conditional Use Permit shall be a temporary use for no longer than three (3) years from 21 April 2011 to 21 April 2014.
6. The Residential character and appearance of the existing structure must be maintained. No substantial alterations or improvements shall be made to the structure which would impair the structures use as a residence in the future.
7. The hours of operation shall be 6:00 am to 11:00 pm. Monday through Friday. There shall be no activities outside after the hour of 6:30 pm.
8. This Conditional Use Permit shall be issued to the current property owners, Terri & Kim Jackson, and shall expire when the property is transferred and not be transferable to another property owner.
9. An updated Site Plan in compliance with Section 7 of the Zoning Ordinance shall be required.
10. All construction activities on this site shall conform to the provisions of the Kentucky Building Code.

Board Member Holman provided the second. Motion passed unanimously.

Director Hunsinger presented information about the 2010 Census.

**Hardin County Board of Adjustment**  
 Minutes: 21 April 2011  
 Page 7 of 7

**THE FOLLOWING SITE PLANS HAVE BEEN APPROVED**

DATE	SITE PLAN	OWNER	ACCESS ROAD
24-Mar-11	Accessory Structure	Joshua & Lindsay Clayton	Wonderland Cavern Road
	<b>Since Last Meeting</b>	1	
	<b>2011 Total</b>	6	

**THE FOLLOWING DEVELOPMENT PLANS HAVE BEEN APPROVED**

DATE	DEVELOPMENT PLAN	OWNER	ACCESS ROAD
	<b>Since Last Meeting</b>	0	
	<b>2011 Total</b>	3	

**THE FOLLOWING SUBDIVISION PLATS HAVE BEEN APPROVED AND RECORDED:**

FP RECORDED	SUBDIVISION NAME	LOTS	ACCESS ROAD
11-Mar-11	Ragland Estates Subdivision	0	White Mills Glendale Road
11-Mar-11	Twin Hills	1	New Glendale Road (KY 1136)
11-Mar-11	Titan Ridge Subdivision, Section 2	2	Tabb Hollow Road
16-Mar-11	Mam's Acres	2	Rineyville Road (KY 1600)
21-Mar-11	Farm Side Subdivision, Lots 17 & 18	-1	Rineyville School Road
25-Mar-11	Rankin Acres	2	Cann School Lane
29-Mar-11	Monterey Subdivision Section 1, Lot 7A	0	New Glendale Road (KY 1136)
30-Mar-11	Cutts Place	0	Youngers Creek Road
04-Apr-11	Hogue Property Division	2	North Cole Lane
	<b>SINCE LAST MEETING</b>	8	
	<b>2011 TOTAL</b>	14	

Chairman Krausman announced that the next Board meeting is scheduled for Thursday, 5 May 2011, and declared the meeting adjourned at 7:05 p.m.

**ADOPTED AND APPROVED THIS 5th DAY OF MAY 2011 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.**

\_\_\_\_\_  
 Brent Goodin, Secretary

## Hardin County Board of Adjustment

Minutes: 17 March 2011

Page 1 of 6

Chairman Krausman called to order the two hundredth and seventy second meeting of the Hardin County Board of Adjustment at 5:00 p.m. on Thursday, 17 March 2011, in the R.R. Thomas Meeting Room on the second floor of the R.R. Thomas County Government Building. In addition to Chairman Krausman, Vice-Chairman Jack Holman and Secretary Brent Goodin were in attendance. Also in attendance were Director Chris Hunsinger, Planner Adam King Planning Assistant Sandra Martinez, County Engineer Vicki Meredith, P.E. and the individuals listed on the attached sign-in sheet. Senior Planner Wesley Wright was not present and County Attorney Jenny Oldham, legal counsel for the Board, was not requested to attend the meeting.

At 5:00 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. This request is for a Conditional Use Permit to operate a home occupation that exceeds the standards – Kitchen Designs. The proposed site is a 0.96 acre tract located in Enchanted Acres Subdivision on North Sunset Avenue. The property address is 164 North Sunset Avenue and is owned by **Barry and Bobbie Jones**. Planner King reviewed the application and exhibits. The owner, Barry Jones, 164 North Sunset Avenue, provided testimony and answered questions from the Board Members and staff. Cedric Jones of 138 North Sunset Avenue and Brenda Skees of 248 Bethlehem Academy Road spoke in favor of the request. At 6:05 p.m., the Hearing Officer closed the hearing. Board Member Goodin stated that this request for a Conditional Use Permit does satisfy the language of the DEVELOPMENT GUIDANCE SYSTEM Ordinance (Section 3.12) Standards for Issuance of a Conditional Use Permit is as follows:

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

## Hardin County Board of Adjustment

Minutes: 17 March 2011

Page 2 of 6

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

1. This Conditional Use Permit to exceed the definition of a Home Occupation shall be good for five years from 17 March 2011 to 17 March 2016.
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. A Change of Use Building Permit to commercial shall be required.
4. The hours of operation shall be from 7:00 am to 6:00 pm Monday thru Saturday.
5. The maximum number of employees on site shall be one.
6. 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.
7. No signage advertising the business shall be permitted.
8. There shall be no outdoor storage of equipment or materials associated with the cabinet business.
9. A Site Plan in compliance with Section 7 of the Zoning Ordinance shall be required.
10. The existing building and vehicle/equipment parking area landscape shall be maintained and illustrated on the Site Plan.
11. Deliveries shall be limited to a twenty foot box truck once a week. No semi truck deliveries shall be permitted.
12. This Conditional Use Permit shall be issued to the current property owner, Barry & Bobbie Jones, and shall expire when the property is transferred and not be transferable to another property owner.
13. An Amended Subdivision Plat of Enchanted Acres Lot 25 merging the property into a single lot (Lot 25A) shall be required.
14. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Board Member Holman provided the second. Motion passed unanimously.

At 6:05 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. Hearing Officer Holman announced that the next item on the agenda is a request for a Variance from the front building setback line to accommodate the proposed structure. The request is for property located on Wilson Lane and is a 171 acre tract. The property is in the Rural Residential Zone (R-2) in the West Hardin Planning Area and is identified with the PVA Map Number 004-00-00-002. The property is owned by **Earl Burgin**. Planner King

## Hardin County Board of Adjustment

Minutes: 17 March 2011

Page 3 of 6

reviewed the application and the history of the property and presented exhibits and slides of the property (attached). Earl Burgin, the owner, and Rose Burgin, the applicant, provided testimony and answered questions from the Board Members and staff. No additional testimony was presented. At 6:10 p.m. the Hearing Officer closed the hearing. Board Member Goodin made a motion to grant the requested variance due to the placement of the septic system and the utility easement in the rear plus it will not alter the essential character of the general vicinity and that this request does satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243. Findings necessary for granting variances) which is as follow:

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

The following variance was granted with the noted conditions:

1. This VARIANCE from the front building setback line will allow for the proposed manufactured home (16' x 70') to be approximately 70' from the center line of Wilson Lane (with the addition of the stairs and deck (8 x 10). The deck may be covered but not closed for living space and the stairs must be on the side of the deck.
2. A Site Plan in compliance with Section 7 of the Zoning Ordinance shall be required.
3. Building & Electrical Permits shall be required.
4. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Chairman Holman provided the second. Motion passed unanimously.

At 6:15 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. This request is for a Variance for relief from the Lot Configuration standard (DGS 5.5 A.1.e.) for the "width to length" ratio of 1:3 in the Rural Residential District (R-2) in the Valley Creek Urban Planning Area. The request is for a 4.058 acre site located at 756 Ford Highway to be known as Lot 6A of Fox Chase Subdivision, Section 2 and the PVA Map Numbers are 256-00-

## Hardin County Board of Adjustment

Minutes: 17 March 2011

Page 4 of 6

02-006 & 231-40-00-055. The property is owned by **Keith and Lisa Beshear**. Planner King reviewed the application and the history of the property and presented exhibits. Mark Haynes of 153 Grand Canyon Drive, representative of the owners, provided testimony and answered questions from the Board Members and staff. At 6:25 p.m., the Hearing Officer closed the hearing. Board Member Goodin made a motion to grant the requested variance because the request 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

. This request does satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243. Findings necessary for granting variances) which is as follow:

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

The following variance was granted with the noted conditions:

1. This VARIANCE will allow for proposed Lot 6A to have less than the required 200' of road frontage in the Rural Residential (R-2) zone and to exceed the 1:3 lot width-to-length ratio.
2. An Amended Subdivision Plat with a Variance Note shall be required and be substituted for the required Site Plan.
3. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Board member Holman provided the second. Motion unanimously passed.

At 6:25 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. Hearing Officer Holman announced that the next item on the agenda is a request for a Variance from the front building setback line to accommodate the proposed covered front porch and attached garage. The request is for property located on 372 Wonderland Cavern Road and is a 0.653 acre tract. The property is in the Rural Residential Zone (R-2) in the Stephensburg Rural Village Planning Area and is identified with the PVA Map Number 105-00-00-086. The property is owned by **Joshua and Lindsey Clayton**. Planner King reviewed the application and the history of the property and presented exhibits and slides of the property (attached). Joshua Clayton, the owner, provided testimony and answered questions from the Board Members

## Hardin County Board of Adjustment

Minutes: 17 March 2011

Page 5 of 6

and staff. No additional testimony was presented. At 6:35 p.m. the Hearing Officer closed the hearing. Board Member Goodin made a motion to deny the request for the front porch and to grant the requested variance for the attached garage because it will not alter the essential character of the general vicinity and that this request does satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243. Findings necessary for granting variances) which is as follow:

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

The following variance was granted with the noted conditions:

1. This VARIANCE from the front building setback line will allow for the proposed attached garage.
2. A Site Plan in compliance with Section 7 of the Zoning Ordinance shall be required.
3. A Building Permit shall be required for the garage.
4. All future structures and additions must comply with the Building Setbacks as established for the Rural Residential (R-2) Zone.
5. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Chairman Holman provided the second. Motion passed unanimously.

Chairman Krausman called for consideration and action on the **Minutes** of the 3 March 2011 meeting. Member Goodin made a motion to approve the minutes as presented. Member Holman provided the second. Motion passed unanimously.

Director Hunsinger announced that a Tour of Fort Knox has been scheduled for 29 March 2011 at 9:00 with lunch to follow. Attendees are to meet at the R.R. Thomas County Government Building at 7:00 am with return to Elizabethtown at approximately 1:30 pm.



**Hardin County Board of Adjustment**  
 Minutes: 17 March 2011  
 Page 6 of 6

**THE FOLLOWING SITE PLANS HAVE BEEN APPROVED**

DATE	SITE PLAN	OWNER	ACCESS ROAD
08-Mar-11	Accessory Structure	Marty Sutherland	Hodgenville Road (KY210)
	<b>Since Last Meeting</b>	1	
	<b>2011 Total</b>	5	

**THE FOLLOWING DEVELOPMENT PLANS HAVE BEEN APPROVED**

DATE	DEVELOPMENT PLAN	OWNER	ACCESS ROAD
	<b>Since Last Meeting</b>	0	
	<b>2011 Total</b>	3	

**THE FOLLOWING SUBDIVISION PLATS HAVE BEEN APPROVED AND RECORDED:**

FP RECORDED	SUBDIVISION NAME	LOTS	ACCESS ROAD
09-Mar-11	Glen Foundit Trace	2	Red Hill Road
07-Mar-11	Moore Estates	1	Battle Training Road (KY 434)
07-Mar-11	Pfeiffer Estates, Section 3, Lot 1A and Tracts 2 & 3	-1	Teresa Road
	<b>SINCE LAST MEETING</b>	2	
	<b>2011 TOTAL</b>	6	

Chairman Krausman announced that the next Board meeting is scheduled for Thursday, 21 April 2011, and declared the meeting adjourned at 6:50 p.m.

**ADOPTED AND APPROVED THIS 21st DAY OF APRIL 2011 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.**

\_\_\_\_\_  
 Brent Goodin, Secretary

## Hardin County Board of Adjustment

Minutes: 3 March 2011

Page 1 of 4

Chairman Krausman called to order the two hundredth and seventy first meeting of the Hardin County Board of Adjustment at 5:00 p.m. on Thursday, 3 March 2011, in the R.R. Thomas Meeting Room on the second floor of the R.R. Thomas County Government Building. In addition to Chairman Krausman, Vice-Chairman Jack Holman and Secretary Brent Goodin were in attendance. Also in attendance were Senior Planner Wesley Wright and Planner Adam King and the individuals listed on the attached sign-in sheet. Director Chris Hunsinger, Planning Assistant Sandra Martinez and County Engineer Vicki Brackett Meredith, P.E. were not present and County Attorney Jenny Oldham, legal counsel for the Board, was not requested to attend the meeting.

At 5:00 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. This request is for a Conditional Use Permit to operate a commercial kennel – Circletop Farm. The proposed site is a 11 acre tract located on the east side of Jenkins Road. The property address is 840 Jenkins Road and is owned by **Mark & Pam Adams**. Planner King reviewed the application and exhibits. The owners, Mark and Pam Adams, of 840 Jenkins Road, provided testimony and answered questions from the Board Members and staff. Lynn Kincaid of 910 Jenkins Road and Mike McWright of 1099 Jenkins Road spoke in favor of the request. At 6:05 p.m., the Hearing Officer closed the hearing. Board Member Goodin stated that this request for a Conditional Use Permit does satisfy the language of the DEVELOPMENT GUIDANCE SYSTEM Ordinance (Section 3.12) Standards for Issuance of a Conditional Use Permit is as follows:

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

## **Hardin County Board of Adjustment**

Minutes: 3 March 2011

Page 2 of 4

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

1. Hours of Operation shall be from 6 A.M. to 6 P.M., seven days a week.
2. The maximum number of animals on site shall be 45 and no more than 15 dogs will be allowed outdoors at one time.
3. No outdoor boarding of animals shall be permitted. All boarding facilities shall be indoors with dogs taken outdoors for exercise and "potty" breaks.
4. The facility shall obtain and maintain a valid Kennel License from Hardin County Animal Control and comply with Ordinance Number 249, Series 2007 "An ordinance relating to Animal Control and Welfare". Annual inspections to be conducted by Hardin County Animal Control to check health and welfare of animals on site and verify clean and sanitary conditions of the facility. Please contact Gerald Foley (270-763-2205).
5. All dogs on site must have a valid license and Rabies vaccinations.
6. This property shall have a sewerage system (septic tank and lateral lines) approved by the Hardin County Health Center.
7. The kennels shall be screened from view of the adjoining properties with a solid wood privacy fence.
8. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.
9. This Conditional Use Permit shall be issued to the current property owners Mark & Pam Adams, and is not transferable.
10. All building activities shall conform to provisions of the Kentucky Building Code. A Change of Use Building Permit shall be required for the Kennel and a Building Permit shall be required for the barn under construction.
11. This Conditional Use Permit shall be for a period of two years and expire on 3 March 2013.
12. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Board Member Holman provided the second. Motion passed unanimously.

At 6:10 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. Hearing Officer Holman announced that the next item on the agenda is a request for a Variance from the front building setback line to accommodate the existing accessory structure. The request is for property located at 916 Rineyville School Road which is a 1.47 acre lot and being Lot 17A

**Hardin County Board of Adjustment**

Minutes: 3 March 2011

Page 3 of 4

of Farm Side Subdivision. The property is in the Urban Residential Zone (R-1) in the Rineyville Rural Village Planning Area and is identified with the PVA Map Number 143-20-00-057. The property is owned by **Francis & Janet Hardesty**. Planner King reviewed the application and the history of the property and presented exhibits and slides of the property (attached). Francis Hardesty, the owner, provided testimony and answered questions from the Board Members and staff. No additional testimony was presented. At 6:30 p.m. the Hearing Officer closed the hearing. Board Member Goodin made a motion to grant the requested variance because it will not alter the essential character of the general vicinity and that this request does satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243. Findings necessary for granting variances) which is as follow:

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

The following variance was granted with the noted conditions:

1. This VARIANCE from the side building setback line will allow for the existing 12' x 16' shed to remain on the property.
2. An Amended Subdivision Plat with a Variance Note shall be required and be substituted for the required Site Plan.
3. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Chairman Krausman provided the second. Motion passed unanimously.

Chairman Krausman called for consideration and action on the **Minutes** of the 17 February 2011 meeting. Member Goodin made a motion to approve the minutes as presented. Member Holman provided the second. Motion passed unanimously.

**THE FOLLOWING SITE PLANS HAVE BEEN APPROVED**

DATE	SITE PLAN	OWNER	ACCESS ROAD
14-Feb-11	Accessory Structure	Chris & Courtney Overly	James Duvall Lane
15-Feb-11	Home Occupation – Beauty Salon	Lydia Smith	Saint John Church Road
	<b>Since Last Meeting</b>	2	
	<b>2011 Total</b>	4	

**Hardin County Board of Adjustment**  
 Minutes: 3 March 2011  
 Page 4 of 4

**THE FOLLOWING DEVELOPMENT PLANS HAVE BEEN APPROVED**

DATE	DEVELOPMENT PLAN	OWNER	ACCESS ROAD
	<b>Since Last Meeting</b>	0	
	<b>2011 Total</b>	3	

**THE FOLLOWING SUBDIVISION HAS BEEN APPROVED AND RECORDED**

FP RECORDED	SUBDIVISION NAME	LOTS	ACCESS ROAD
09-Feb-11	Royal Oaks Subdivision, Lots 11 & 12	-1	North Dixie Highway (US-31W)
14-Feb-11	Advantgarde Estates Section 3, Lot 23	0	Rineyville Road (KY 1600)
14-Feb-11	Marvin Gardens	2	Tabb Road
15-Feb-11	Blackburn Estates, Section 1, Lot 15 and Section 2, Lot 1	-1	Blackjack Road
16-Feb-11	Lee Roy Estates	2	Bardstown Road (US 62)
	<b>SINCE LAST MEETING</b>	2	
	<b>2011 TOTAL</b>	4	

Chairman Krausman announced that the next Board meeting is scheduled for Thursday, 17<sup>th</sup> March 2011, and declared the meeting adjourned at 7:00 p.m.

**ADOPTED AND APPROVED THIS 17<sup>th</sup> DAY OF MARCH 2011 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.**

\_\_\_\_\_  
 Brent Goodin, Secretary

## Hardin County Board of Adjustment

Minutes: 17 February 2011

Page 1 of 5

Chairman Krausman called to order the two hundredth and seventieth meeting of the Hardin County Board of Adjustment at 5:00 p.m. on Thursday, 17 February 2011, in the R.R. Thomas Meeting Room on the second floor of the R.R. Thomas County Government Building. In addition to Chairman Krausman, Vice-Chairman Jack Holman and Secretary Brent Goodin were in attendance. Also in attendance were Director Chris Hunsinger, Planner Adam King, Planning Assistant Sandra Martinez and the individuals listed on the attached sign-in sheet. Senior Planner Wesley Wright and County Engineer Vicki Brackett Meredith, P.E. were not present and County Attorney Jenny Oldham, legal counsel for the Board, was not requested to attend the meeting.

At 5:00 p.m. Chairman Krausman appointed Board Member Holman to serve as the Hearing Officer. This is a request for a Conditional Use Permit to allow a Temporary Mobile Office on the property to be used by Louisville Paving Company. The property is located in the Interstate Commercial Zone (B-1) and the Interstate and Highway Overlay Zone (IH-0) in the Glendale Junction Planning Area. The request is for Lot 1 of Quality Diesel Subdivision, an 8.138 acre site with an address of at 465 Glendale Hodgenville Road West (KY 222). The PVA Map Number is 207-00-00-041 and the property is owned by **David Allen**. Hearing Officer Holman conducted the swearing in ceremony for all individuals in attendance that may provide testimony. Planner Adam King reviewed the application, the history of the property, presented exhibits and slides of the property and proposal. Mike Billings of 215 South Mulberry Street, Elizabethtown, representative of the applicant, provided testimony and answered questions from the Board Members and staff. Jim Brooks of 1801 Payne Street, Louisville, the applicant, provided testimony and answered questions from the Board Members and staff. Board Member Goodin stated that this request for a Conditional Use Permit does satisfy the language of the DEVELOPMENT GUIDANCE SYSTEM ordinance (Section 16.3) Standards for Issuance of a Conditional Use Permit as follows:

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

## **Hardin County Board of Adjustment**

Minutes: 17 February 2011

Page 2 of 5

- The use shall not adversely affect the health or safety of persons residing or working in the vicinity of the proposed use;
- The use shall not be detrimental to the public welfare or injurious to property or improvements in the vicinity; and,
- The use shall be in accord with the purposes of the Development Guide System 2009 and the Comprehensive Development Guide 2008;

According to provisions of the Kentucky Revised Statutes, the Hardin County Development Guidance System, and the proceedings before the Board of Adjustment, Board Member Goodin stated that because the request is for a temporary use and that it would be in character with the neighborhood he made the motion to grant the Conditional Use Permit (CUP) with the following conditions:

1. The Temporary Mobile Office shall be a temporary use and must be removed from the property by 31 December 2011.
2. Upon the vacancy of the Temporary Mobile Office, it must be removed from the property within six (6) months.
3. This Temporary Mobile Office shall have an approved Sanitary Waste System (Port-a-Pot) approved by the Environmental Services Office of the Hardin County Health Department.
4. Due to the temporary nature of the Mobile Office and the temporary time limit, the requirement for a Development Plan prepared by a Professional Surveyor or Engineer shall be waived.
5. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.
6. The Temporary Mobile Office shall be placed on the property as illustrated on the proposed Site Plan.
7. All construction activities on this site shall conform to the provisions of the Kentucky Building Code.
8. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk

Board Member Holman provided the second. Motion passed unanimously.

At 5:25 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. Hearing Officer Holman announced that the next item on the agenda is a request for a Conditional Use Permit for a Temporary Accessory Dwelling (20' x 30' manufactured home) to remain on the property. The property is a 9.0 acre site with an address of 408 Summit Eastview Road, and identified with the PVA Map Number 073-00-00-020.

## Hardin County Board of Adjustment

Minutes: 17 February 2011

Page 3 of 5

The property is owned by **Roger and Shirley Stillwell** and is located in the West Hardin Planning Area and is zoned Rural Residential (R-2). Planner Adam King reviewed the application, the history of the property, presented exhibits and slides of the property (attached). Shirley Stillwell, the owner, provided testimony, stated that it was for a “family need” situation and answered questions from the Board Members and staff. It was noted that the property could not be subdivided. At 5:50 p.m. the Hearing Officer closed the hearing. Board Member Goodin stated that this request for a Conditional Use Permit does satisfy the language of the DEVELOPMENT GUIDANCE SYSTEM ordinance (Section 16.3) Standards for Issuance of a Conditional Use Permit as follows:

- The use does not tend to change the character and established pattern of development of the area;
- The use is in harmony with the uses permitted by right under the sector and district in question and it does not affect adversely the use of neighboring properties;
- The use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair their value;
- The use shall not adversely affect the health or safety of persons residing or working in the vicinity of the proposed use;
- The use shall not be detrimental to the public welfare or injurious to property or improvements in the vicinity; and,
- The use shall be in accord with the purposes of this ordinance, the Development Guide System 2009 and the Comprehensive Development Guide 2008;

According to provisions of the Kentucky Revised Statutes, the Hardin County Development Guidance System, and the proceedings before the Board of Adjustment, Board Member Goodin made the motion based on the testimony presented and the described “family need” and that the request is in character with the neighborhood and vicinity, to grant a Conditional Use Permit (CUP) to allow the existing manufactured home to remain on the property with the following conditions:

1. The Temporary Accessory Dwelling (20' x 30' Manufactured Home) shall be a temporary use for no longer than five years from 17 February 2011 and must be removed from the property by 17 February 2016.
2. The Temporary Accessory Dwelling (20' x 30' Manufactured Home) has 600 square feet of living space which is less than the Local Average Square Foot Standard of 1,057 square feet.



## Hardin County Board of Adjustment

Minutes: 17 February 2011

Page 4 of 5

3. The Temporary Accessory Dwelling is for a “family need” situation and shall only be occupied by the owner’s daughter, Hannah Coogle and her immediate family.
4. Upon the vacancy of the Temporary Accessory Dwelling, it must be removed from the property within six (6) months.
5. This Temporary Accessory Dwelling shall have a sewerage system (septic tank and lateral lines) approved by the Environmental Services Office of the Hardin County Health Department.
6. The Temporary Accessory Dwelling shall be placed on the property as illustrated on the proposed Site Plan.
7. This Conditional Use Permit shall be issued to the current property owners, Roger & Shirley Stillwell, and shall expire when the property is transferred and shall not be transferable to another property owner.
8. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.
9. The skirting on the manufactured home must be maintained.
10. All construction activities on this site shall conform to the provisions of the Kentucky Building Code.
11. The Mobile Home (fourth dwelling) located in the woods must be removed from the property within 12 months by 17 February 2012.
12. All used tires must be removed from the property across the street or stored within the existing garage.
13. A Certificate of Land Use Restrictions shall be recorded in the office of the Hardin County Clerk.

Board Member Holman provided the second. Motion passed unanimously.

Director Hunsinger reported on the progress to find a replacement for the position of **Administrative Assistant**.

Director Hunsinger announced that the Kentucky Transportation Cabinet will conduct a **Public Right of Way Informational Meeting** this evening from 6:00 to 8:00 p.m. at the Woodland Elementary School located at 6000 South Woodland Drive in Radcliff. The purpose of the meeting is to provide information on Section 3 (KY 220 to KY 4313) of the Elizabethtown to Radcliff Connector.

**Hardin County Board of Adjustment**  
 Minutes: 17 February 2011  
 Page 5 of 5

**THE FOLLOWING SITE PLANS HAVE BEEN APPROVED**

DATE	SITE PLAN	OWNER	ACCESS ROAD
06-Jan-11	Accessory Structure	Carolyn Keller	Featherstone Court
10-Jan-11	Accessory Dwelling	Billy & Carol Day	W. Rhudes Creek Road
<b>Since Last Meeting</b>		2	
<b>2011 Total</b>		2	

**THE FOLLOWING DEVELOPMENT PLANS HAVE BEEN APPROVED**

DATE	DEVELOPMENT PLAN	OWNER	ACCESS ROAD
01-Jan-11	Hardin County Honda	Hardin County Honda	N. Dixie Highway (US-31W)
19-Jan-11	Gohmann Asphalt	Gohman Asphalt & Construction	Battle Training Road (KY 434)
19-Jan-11	Sunset Fiberglass Pools & Display	Louis & Barbara Steck	N. Dixie Highway (US-31W)
<b>Since Last Meeting</b>		3	
<b>2011 Total</b>		3	

**THE FOLLOWING SUBDIVISION HAS BEEN APPROVED AND RECORDED**

FP RECORDED	SUBDIVISION NAME	LOTS	ACCESS ROAD
03-Jan-11	Mopar Subdivision	1	Bardstown Road (US 62)
05-Jan-11	Zion Cave Estates, Lots 3A, 3B & 3C	0	Mount Zion Road
14-Jan-11	Austin Estate, Lot 2	1	Rock Creek Road
28-Jan-11	Mountain View Estates Subdivision, Lot 1	0	Stovall Road
04-Feb-10	Aquaview Subdivision Section 2, Lots 3E and 4C	0	Lower Colesburg Road
<b>SINCE LAST MEETING</b>		2	
<b>2011 TOTAL</b>		2	

Chairman Krausman announced that the next Board meeting is scheduled for Thursday, 3<sup>rd</sup> March 2011, and declared the meeting adjourned at 6:00 p.m.

**ADOPTED AND APPROVED THIS 3<sup>rd</sup> DAY OF MARCH 2011 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.**

\_\_\_\_\_  
 Brent Goodin, Secretary

## Hardin County Board of Adjustment

Minutes: 3 February 2011

Page 1 of 6

Chairman Krausman called to order the two hundredth and sixty ninth meeting of the Hardin County Board of Adjustment at 5:05 p.m. on Thursday, 3 February 2011, in the R.R. Thomas Meeting Room on the second floor of the R.R. Thomas County Government Building. In addition to Chairman Krausman Vice-Chairman Jack Holman and Secretary Brent Goodin were in attendance. Also in attendance were Director Chris Hunsinger, Senior Planner Wesley Wright, Planner Adam King, Planning Assistant Sandra Martinez and the individuals listed on the attached sign-in sheet. County Engineer Vicki Brackett Meredith, P.E. was not present and County Attorney Jenny Oldham, legal counsel for the Board, was not requested to attend the meeting.

At 5:05 p.m. Chairman Krausman appointed Board Member Holman to serve as the Hearing Officer. This is a request for a Conditional Use Permit to allow a Beauty Shop to exceed the definition of a Home Occupation in the Urban Residential Zone (R-1) in the Rineyville Rural Village Planning Area. The request is for a 3 acre site located at 3619 St John Church Road. The PVA Map Number is 143-00-02-041 and the property is owned by **Lydia Smith**. Hearing Officer Holman conducted the swearing in ceremony for all individuals in attendance that may provide testimony. Planner Adam King reviewed the application, the history of the property, presented exhibits and slides of the property and determined that this proposed use will be incidental and subordinate to the existing residential use of the property. Chris and Rachel Carder of 3619 St John Church Road, the applicants, described the proposal to convert part of an existing attached garage into a beauty shop plus answered questions from the Board Members. Board Member Goodin stated that this request for a 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 does not tend to change the character and established pattern of development of the area;
- The use is in harmony with the uses permitted by right under the sector and district in question and it does not affect adversely the use of neighboring properties;
- The location and height of buildings, the location, nature, and height of walls and fences and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof;
- The use shall not adversely affect the health or safety of persons residing or working in the vicinity of the proposed use;

## **Hardin County Board of Adjustment**

Minutes: 3 February 2011

Page 2 of 6

- The use shall not be detrimental to the public welfare or injurious to property or improvements in the vicinity; and,
- The use shall be in accord with the purposes of the Development Guide System 2009 and the Comprehensive Development Guide 2008;

According to provisions of the Kentucky Revised Statutes, the Hardin County Development Guidance System, and the proceedings before the Board of Adjustment, Board Member Goodin stated that because of the property size; the proposed design of the existing attached garage to be converted would maintain the appearance of a garage; and the increase in size of the existing parking area to allow for the ability of cars to turn around and not back out on St John Church Road; the "Home Occupation" would be in character with the neighborhood and he made the motion to grant the Conditional Use Permit (CUP) with the following conditions:

1. This Conditional Use Permit is good for three (3) years from 3 February 2011 to 3 February 2014.
2. The Beauty Shop may have one (1) employee who does not reside in the dwelling, but would require the installation of a handicapped restroom and an additional employee parking space.
3. A single sign no larger than six (6) square feet in area shall be permitted in compliance with the Development Guidance System, Section 9.
4. Additional pavement or gravel is required to provide additional area for parking and to provide a turn around. A single handicapped parking space must be provided.
5. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.
6. Compliance with the Kentucky Building Code must be achieved with a Change of Use Building Permit and the issuance of a Certificate of Occupancy.
7. The hours of operation for the Beauty Shop shall be Monday – Friday 10:00 a.m. to 8:00 p.m., and Saturday 10:00 a.m. to 4:00 p.m.
8. This Conditional Use Permit is issued to the current property owner Lydia Smith and the applicants Rachel & Chris Carder. The Conditional Use Permit may not be transferred.
9. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Chairman Holman provided the second. Motion passed unanimously.

## Hardin County Board of Adjustment

Minutes: 3 February 2011

Page 3 of 6

At 5:25 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. This is a request for a Conditional Use Permit to allow for a Temporary Accessory Dwelling (20' x 30' manufactured home) to remain on the property in the West Hardin Rural Planning Area and is zoned Rural Residential (R-2). The request is for a 9 acre site located at 408 Summit-Eastview Road. The PVA Map Number is 073-00-00-020 and the property is owned by **Roger & Shirley Stillwell**. This request had been postponed from the 20 January meeting due to weather conditions. The applicant could not be present for the hearing due to a previously scheduled medical procedure and asked that the request be continued to the 17 February meeting. Board Member Goodin made a motion to continue the request to the next scheduled meeting on 17 February at 5:00 p.m. Member Holman provided the second. Motion passed unanimously.

At 5:30 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. Hearing Officer Holman announced that the next item on the agenda is a request for a Conditional Use Permit for a proposed Accessory Structure (2,400 square feet) that exceeds the size of the dwelling (1,248 square feet) on the property. The property is a 13.7 acre site located at 580 James Duvall Lane and identified with the PVA Map Number 102-00-00-013. The property is owned by **Chris & Courtney Overly** and is located in the Natural Resource Planning Area and is zoned Rural Residential (R-2). Hearing Officer Holman conducted the swearing in ceremony for all individuals in attendance that may provide testimony. Planner King reviewed the application and presented exhibits and slides of the property (attached). Chris and Courtney Overly, the owners, provided testimony and answered questions from the Board Members and staff. No additional testimony was presented. At 5:45 p.m. the Hearing Officer closed the hearing. Board Member Goodin stated that this request for a Conditional Use Permit does satisfy the language of the DEVELOPMENT GUIDANCE SYSTEM ordinance (Section 16.3) Standards for Issuance of a Conditional Use Permit as follows:

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

## Hardin County Board of Adjustment

Minutes: 3 February 2011

Page 4 of 6

- The use shall not adversely affect the health or safety of persons residing or working in the vicinity of the proposed use;
- The use shall not be detrimental to the public welfare or injurious to property or improvements in the vicinity; and,
- The use shall be in accord with the purposes of the Development Guide System 2009 and the Comprehensive Development Guide 2008;

According to provisions of the Kentucky Revised Statutes, the Hardin County Development Guidance System, and the proceedings before the Board of Adjustment, Board Member Goodin stated that the proposal is in character with the properties in the vicinity, that due to the large size of the property, the proposed location of the structure is behind the existing dwelling, there is limited visibility of the structure from the road, the existing woods on the property provides screening for adjacent properties, and the proposed size of the accessory structure is similar to existing accessory structures located on adjacent properties. Based on these findings, Board Member Goodin made the motion to grant the Conditional Use Permit (CUP) with the following conditions:

1. The proposed Accessory Structure (40' x 60' pole barn) shall be a maximum of 2,400 square feet, which is larger than the existing dwelling (1,248 square feet under roof).
2. The proposed Accessory Structure shall be placed on the property in accordance with the building setback lines established for the designated zone as illustrated on the approved Site Plan.
3. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7. The Wastewater Certification with an approval signature from the Hardin County Health Department shall not be required.
4. Construction activities must be in compliance with the *Kentucky Building Code* by obtaining Building and Electrical Permits.
5. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Member Holman provided the second. Motion passed unanimously.

At 5:45 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. This request is for a Variance from the front building setback line to accommodate the existing garage. The request is for property located at

## Hardin County Board of Adjustment

Minutes: 3 February 2011

Page 5 of 6

2890 Lower Colesburg Road which is a 12 acre lot and being Lot 4D of Aquaview Subdivision. The property is in a Rural Residential Zone (R-2) in the East Hardin Planning Area and is identified with the PVA Map Number 260-00-00-004.04. The property is owned by **James & Donna Hand**. Hearing Officer Holman conducted the swearing in ceremony for all individuals in attendance that may provide testimony. Planner King reviewed the application and the history of the property and presented exhibits and slides of the property (attached). Jeff Pitts, representative of the owner, provided testimony and answered questions from the Board Members and staff. No additional testimony was presented. At 6:00 p.m. the Hearing Officer closed the hearing. Board Member Goodin made a motion to grant the requested variance because it will not alter the essential character of the general vicinity, that the private road is a gravel surface that services only 2 parcels with low traffic volumes, the properties on the private gravel road are located in the Flood Hazard Area that limits potential development activities, the private gravel road would need to be improved to county roads standards in order for there to be subdivision lots created and for future development to occur, and that the existing accessory structure does not create any safety concerns. This request does satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243. Findings necessary for granting variances) which is as follow:

4. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity;

The following variance was granted with the noted conditions:

5. This VARIANCE from the front building setback line will allow for the existing 40' x 30' pole barn to remain on the property.
6. An Amended Subdivision Plat with a Variance Note shall be required and be substituted for the required Site Plan.
7. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Chairman Krausman provided the second. Motion passed unanimously.

Chairman Krausman called for consideration and action on the **Minutes** of the 9 December 2010 meeting. Member Holman made a motion to approve the minutes as presented. Member Krausman provided the second. Motion passed unanimously.

**Hardin County Board of Adjustment**

Minutes: 3 February 2011

Page 6 of 6

Director Hunsinger reported that the Kentucky Transportation Cabinet will conduct a Public Right of Way Informational Meeting on Thursday, 20 January from 6:00 to 8:00 p.m. at the Woodland Elementary School located at 600 South Woodland Drive in Radcliff. The purpose of the meeting is to provide information on Section 3 (KY 220 to KY 313) of the Elizabethtown to Radcliff Connector.

Director Hunsinger reported that the position for the **Administrative Assistant** has been advertized and 35 applications have been received. Potential candidates have been interviewed and the selection process is continuing.

**THE FOLLOWING SITE PLANS HAVE BEEN APPROVED**

DATE	SITE PLAN	OWNER	ACCESS ROAD
8-Dec-10	Accessory Dwelling	Norris & Carol Sizemore	Jenkins Road
10-Dec-10	Off Site Sign	Louis & Margaret Brothers	Bardstown Road (US 62)
13-Dec-10	Agricultural Zone	Hugh & Kimberly Bland	Farley Lane
22-Dec-10	Accessory Structure / Ray's Plumbing	Ray Hedrick	Burns Road
<b>Since Last Meeting</b>		4	
<b>2010 Total</b>		44	

**THE FOLLOWING DEVELOPMENT PLANS HAVE BEEN APPROVED**

DATE	DEVELOPMENT PLAN	OWNER	ACCESS ROAD
<b>Since Last Meeting</b>		0	
<b>2010 Total</b>		29	

**THE FOLLOWING SUBDIVISION HAS BEEN APPROVED AND RECORDED**

FP RECORDED	SUBDIVISION NAME	LOTS	ACCESS ROAD
17-Dec-10	Mulberry Park Subdivision, Lots 6 & 7	-1	Tunnel Hill Road
<b>SINCE LAST MEETING</b>		-1	
<b>2010 TOTAL</b>		278	

Chairman Krausman announced that the next Board meeting is scheduled for Thursday, 17<sup>th</sup> February 2011, and declared the meeting adjourned at 6:15 p.m.

**ADOPTED AND APPROVED THIS 17th DAY OF FEBRUARY 2011 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.**

\_\_\_\_\_  
Brent Goodin, Secretary



**Hardin County Board of Adjustment**

Minutes: 20 January 2011

Page 1 of 1

This regularly scheduled meeting was CANCELLED due to inclement weather.  
All the scheduled hearings were rescheduled for 3 February 2011.

**Hardin County Board of Adjustment**

Minutes: 6 January 2011

Page 1 of 1

This regularly scheduled meeting was CANCELLED because there were no hearings scheduled and no other business to attend to.