

## Hardin County Board of Adjustment

Minutes: 5 November 2020

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Chairman Robert Krausman called to order the four hundred and thirty second meeting of the Hardin County Board of Adjustment at 5:03 p.m. on Thursday, 5 November 2020, in the Hardin County Government Center, 2nd Floor Meeting Room. The other board member in attendance was Secretary Steve Steck. Also, in attendance were Director Adam King, AICP, Planner Nicole McCamish, Planning Assistant Julia McBeth and the individuals listed on the attached sign-in sheet. Vice Chairman Greg Youngblood was not in attendance. Chairman Krausman appointed Secretary Steve Steck to serve as the Hearing Officer and to conduct the swearing in ceremony for all those in attendance who planned to speak.

At 5:04 p.m. Secretary Steck announced the first item on the agenda is a request for a Variance from the front building setback along Hitchcock Lane to accommodate the existing detached garage. The property is a 1 acre site located at 23802 Sonora Hardin Springs Road in Big Clifty, KY known as Lot 1 of Perry Subdivision within the West Hardin Area and is zoned Rural Residential (R-2). The PVA map number is 005-00-00-011.01. The property is owned by **NANCY RUTH PERRY**. Director King reviewed the application, the plans for the property and presented the exhibits into the record. Nancy Ruth Perry of 23802 Sonora Hardin Springs Road in Big Clifty, KY provided testimony and answered questions from the Board members and staff. She stated her 1 acre lot was sold to her for \$1.00 from her father, the garage was placed in 2014 to store her father's belongings and no building permit was obtained as her builder advised one wasn't needed. Ms. Perry further explained both houses on Hitchcock Lane are vacant, and other than a farmer tending twice a day to his cattle, there is no other traffic on Hitchcock Lane. Judy Smith of 10592 Leitchfield Road in Cecilia, KY stated it was a stressful time due to their father's sickness and it was built to house their father's items and they weren't aware they needed a building permit.

No one else spoke in favor or opposition to the proposal. At 5:24 p.m. Chairman Krausman closed the hearing to public discussion.

Secretary Steck made a motion to grant the Variance based on the staff presentation and the testimony provided in the public hearing. He stated Hitchcock Lane is a narrow, dead-end road, it's a remote rural area and there are no safety concerns. He stated it will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of this regulation and will satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243 and DGS 5-3 (B) (1) Findings necessary for granting variance) which are as follows:

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

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

The Variance was granted with the noted conditions:

1. To allow for a Variance from the 40' front building setback along Hitchcock Lane to accommodate the existing detached garage.
2. A Site Plan in compliance with Section 7 of the Zoning Ordinance shall be required.
3. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Chairman Krausman provided the second. The motion passed unanimously.

At 5:26 p.m. Secretary Steck announced the second item on the agenda is a request for a Variance from the rear building setback to allow for an in-ground pool. The property is a 3.021 acre site located at 195 Williams Drive in Elizabethtown, KY known as Lot 16 of WF Williams Subdivision, Section 4 within the Natural Resource Area and is zoned Rural Residential (R-2). The PVA map number is 257-00-00-029.06. The property is owned by **KENT & LORI WILLIAMS**. Director King reviewed the application, the plans for the property and presented the exhibits into the record. Kent Williams of 195 Williams Drive in Elizabethtown, KY provided testimony and answered questions from the Board members and staff. He indicated his father owns a 5 acre lot with a strip behind his house, he mows and maintains the family owned area around him and he's wanting to have a 18'x36' pool built.

No one else spoke in favor or opposition to the proposal. At 5:37 p.m. Chairman Krausman closed the hearing to public discussion.

Secretary Steck made a motion to grant the Variance based on the staff presentation and the testimony provided in the public hearing. He noted there's no safety concern and that family owns the land around the property. He stated it will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of this regulation and will satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243 and DGS 5-3 (B) (1) Findings necessary for granting variance) which are as follows:

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

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

The Variance was granted with the noted conditions:

1. To allow for a Variance from the 50' rear building setback to allow for the construction of the proposed in ground pool.
2. A Site Plan in compliance with Section 7 of the Zoning Ordinance shall be required.
3. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Chairman Krausman provided the second. The motion passed unanimously.

At 5:39 p.m. Secretary Steck announced the third item on the agenda is a request for a Variance from the front building setback for a proposed manufactured home and front deck. The property is a 0.714 acre site located at 210 Kelley Lane in Elizabethtown, KY known as Lot 16 of Pleasant Valley Manor Subdivision, Section 2 within the St. John Road Corridor Planning Area and is zoned Urban Residential (R-1). The PVA map number is 166-00-0A-016. The property is owned by **C A HOUSE INC.** Director King reviewed the application, the plans for the property and presented the exhibits into the record. Adam House of 297 Thomas Lane in Elizabethtown, KY provided testimony and answered questions from the Board members and staff. He stated he purchased the manufactured home months ago, COVID-19 hit, he hired a structural engineer to certify the existing footer, but didn't obtain a building permit prior to having the manufactured home placed. He didn't think the placement wouldn't meet the setbacks as it's in line with the other manufactured homes along Kelley Lane, which is a private, gravel road.

No one else spoke in favor or opposition to the proposal. At 5:46 p.m. Chairman Krausman closed the hearing to public discussion.

Secretary Steck made a motion to grant the Variance based on the staff presentation and the testimony provided in the public hearing. He noted there's no safety concern and it's not any closer to the private, gravel road than the rest of the manufactured homes on Kelley Lane. He stated it will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of this regulation and will satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243 and DGS 5-3 (B) (1) Findings necessary for granting variance) which is as follows:

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

The Variance was granted with the noted conditions:

- 1) To allow for a Variance from the 40' front building setback to accommodate the proposed manufactured home and an 8'x8' deck on the front of the home. The deck may be covered but shall not be enclosed.
- 2) A Site Plan in compliance with Section 7 of the Zoning Ordinance shall be required.
- 3) A Certificate of Land Use Restrictions shall be recorded in the Office of Hardin County Clerk.

Chairman Krausman provided the second. The motion passed unanimously.

At 5:49 p.m. Secretary Steck announced the fourth item on the agenda is a request for a Variance from the sign regulations (number of signs, size of signs, height of signs and spacing of signs). The property is a 72 acre site located at 5617 South Dixie Highway in Glendale, KY within the South Dixie Corridor Planning Area and is zoned Convenience Commercial (C-1). The PVA map number is 224-00-00-004. The property is owned by **HARDIN COUNTY COMMUNITY FAIR BOARD**. Director King reviewed the application, the plans for the property and presented the exhibits into the record. Marty Fulkerson (President of the Hardin County Community Fair Board) of 1404 Essex Court in Elizabethtown, KY provided testimony and answered questions from the Board members and staff. He explained they're requesting 2 double-stacked, double-sided signs totaling 756 sq. ft. on both lots and they're going to restrict advertisements to no adult entertainment. He stated they don't want to cut down trees if they don't have to, they're going to use the existing electrical pole and they're requesting the height of the signs to clear workers and RV's that camp in that area. Mr. Fulkerson further advised they went through a Zone Change to commercial earlier this year and that previously, they had a McDonald's billboard that was blown down by a storm. Chris Barr of Barr Media, LLC. of 1111 Old US-60 Hardinsburg, KY stated signage serves a public purpose by attracting people and bringing revenue to the area, the average time people look at a billboard is 6 seconds and due to road clearance being 13'6" they always go with a 14' tall pole. Bruce Reeves, Secretary of the Hardin County Community Fair Board stated there are 14 new signs north and south of Hardin County. Terri Bennett, Treasurer of the Hardin County Community Fair Board said double stacked signs catch her eye more than single stacked signs do. No one else spoke in favor or in opposition.

Chairman Krausman stated he wants to visit the site as he has concerns regarding the spacing of the signs, the stacking of the signs and the sign sizes.

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Secretary Steck made a motion to table the proposal until 19 November 2020 at 5 p.m. to allow for the board members to visit the site. Chairman Krausman provided the second. The motion passed unanimously.

At 6:30 p.m. Chairman Krausman called for consideration and action on the minutes from the 22 October 2020 meeting of the Board of Adjustment. Secretary Steck made a motion to approve the minutes as presented. Chairman Krausman provided the second. The motion passed unanimously.

Chairman Krausman announced that the next scheduled meeting will be held on Thursday, November 19, 2020 at 5:00 p.m. and the meeting was adjourned at 6:32 p.m.

**ADOPTED AND APPROVED THIS 19th DAY OF NOVEMBER 2020 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.**

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**Greg Youngblood, Vice Chairman**

## Hardin County Board of Adjustment

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Chairman Robert Krausman called to order the four hundred and thirty first meeting of the Hardin County Board of Adjustment at 5:01 p.m. on Thursday, 22 October 2020, in the Hardin County Government Center, 2nd Floor Meeting Room. The other board member in attendance was Vice Chairman Greg Youngblood. Also, in attendance were Director Adam King, AICP, Administrative Assistant Susan Bowen and the individuals listed on the attached sign-in sheet. Secretary Steve Steck was not in attendance. Chairman Krausman appointed Vice Chairman Greg Youngblood to serve as the Hearing Officer and to conduct the swearing in ceremony for all those in attendance who planned to speak.

At 5:02 p.m. Hearing Officer Youngblood announced the first item on the agenda is a request for a Variance from the front building setback to accommodate the existing house and garage and to allow for the construction of a proposed addition and covered deck on the house. The property is a 1 acre site located at 297 Red Mill Road in Elizabethtown, KY known as Lot 3 of Hatfield Subdivision Section 2 within the Valley Creek Urban Area and is zoned Urban Residential (R-1). The PVA map number is 247-00-00-021.04. The property is owned by **LINDA & ERVIN MARTIN**. Director King reviewed the application, the plans for the property and presented the exhibits into the record. Jeremy Lynch of Lynch Land Surveying at 457 Hayden School Road, Elizabethtown, KY provided testimony and answered questions from the Board members and staff. He indicated that the house and garage have been on the property for over 17 years. When the house and garage were built, Lila Lane was not yet a developed road and the owners/builder assumed the setback was a 10' side instead of a 40' front setback.

No one else spoke in favor or opposition to the proposal. At 5:20 p.m. Chairman Krausman closed the hearing to public discussion.

Vice Chairman Youngblood made a motion to grant the Variance based on the staff presentation and the testimony provided in the public hearing. He referenced that Lila Lane is a dead end subdivision street with a large 60' right-of-way and that the proposal is not any closer to the road than the existing house. He stated it will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of this regulation and will satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243 and DGS 5-3 (B) (1) Findings necessary for granting variance) which are as follows:

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

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

The Variance was granted with the noted conditions:

1. To allow for a Variance from the 40' front building setback along Lila Lane to accommodate the existing house, existing 40'X60' garage and the proposed room addition and covered deck. The deck may be covered but shall not be enclosed.
2. A Site Plan in compliance with Section 7 of the Zoning Ordinance shall be required.
3. A Certificate of Land Use restrictions shall be recorded in the Office of the Hardin County Clerk.

Chairman Krausman provided second. The motion passed unanimously.

At 5:21 p.m. Hearing Officer Youngblood announced the second item on the agenda is a request for a Variance from the rear building setback to allow for the construction of a 24'x 36' barn. The property is a 7.4 acre site located at 8393 Rineyville Big Springs Road in Rineyville, KY known as Lot 5 of Gary Subdivision with the Natural Resource Planning Area and is zoned Rural Residential(R-2). The PVA map number is 081-00-00-016.05. The property is owned by **BRIAN & ALLISON HOWARD**. Director King reviewed the application, the plans for the property and presented the exhibits into the record. Brian Howard of 8393 Rineyville Big Springs Road, Rineyville, KY provided testimony and answered questions from the Board members and staff. He stated they wanted the barn close to the house for security reasons and there was already a previous gravel pad for parking that he will utilize. He also stated that with the extreme topography of the property that the gravel pad was the most logical spot for the proposed barn.

Scott Maddox of 133 Thunderwood Drive, Rineyville, KY who owns property behind the Howard's spoke in favor of the request and indicated that he did not plan to ever build on his wooded acreage.

No one else spoke in favor or opposition to the proposal. At 5:31 p.m. Chairman Krausman closed the hearing to public discussion.

Vice Chairman Youngblood made a motion to grant the Variance based on the staff presentation and the testimony provided in the public hearing. He referenced the topography of the property as a reason for granting the Variance. He stated it will not

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

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

The Variance was granted with the noted conditions:

1. To allow for a Variance from the 50' rear building setback to allow for the proposed 24' x 36' pole barn.
2. A Site Plan in compliance with Section 7 of the Zoning Ordinance shall be required.
3. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Chairman Krausman provided the second. The motion passed unanimously.

At 5:35 p.m. Hearing Officer Youngblood announced the third item on the agenda is a request for a Variance from the front building setback along High Street to allow for a proposed addition to the home. The property is a 1 acre site located at 226 South Bell Avenue, Glendale, KY within the Glendale Rural Village and is zoned Tourism & Convenience Commercial (B-2). The PVA map number is 190-30-02-010. The property is owned by **PATRICIA & GREG STITH**. Director King reviewed the application, the plans for the property and presented the exhibits into the record. Greg Stith of 226 South Bell Ave., Glendale, KY provided testimony and answered questions from the Board members and staff. He indicated he wants to add onto the existing bedroom and bath on the back of the home but that his proposed addition (12'x30') is not getting any closer to the road. Chairman Krausman asked what the exterior finish materials would be. Mr. Stith replied that it will have vinyl siding to match the existing home.

No one else spoke in favor or opposition to the proposal. At 5:40 p.m. Chairman Krausman closed the hearing to public discussion.

Vice Chairman Youngblood made a motion to grant the Variance based on the staff presentation and the testimony provided in the public hearing. He explained that the proposed addition is no closer to the road than the existing home, that High Street is a



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dead end road with very little traffic and that the request was not out of character for the Glendale Rural Village. He stated it will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of this regulation and will satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243 and DGS 5-3 (B) (1) Findings necessary for granting variance) which is as follows:

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

The Variance was granted with the noted conditions:

1. To allow for a Variance from the 40' front building setback along High Street to allow for the proposed 12' x 30 master suite addition.
2. A Site Plan in compliance with Section 7 of the Zoning Ordinance shall be required.
3. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Chairman Krausman provided the second. The motion passed unanimously.

At 5:43 p.m. Hearing Officer Youngblood announced the fourth item on the agenda is a request for a Variance from the side building setbacks to allow for the existing attached carport to be rebuilt and the existing deck to be covered. The property is a 0.15 acre site located at 102 Lakeshore Drive, Elizabethtown, KY known as Lots 10 & 11 of Sportsman Lake Subdivision, Block 3 within the Valley Creek Urban Area and is zoned Urban Residential (R-1). The PVA map number is 223-00-0D-028. The property is owned by **MADONNA & LARRY FOHL**. Director King reviewed the application, the plans for the property and presented the exhibits into the record. Larry Fohl of 102 Lakeshore Drive, Elizabethtown, KY provided testimony and answered questions from the Board members and staff. Mr. Fohl indicated that once the survey was completed and it indicated that the carport was in fact over the side property line that they were no longer requesting to rebuild the carport but that they would like to cover the front and side decks. Chairman Krausman expressed concerns on utility workers or emergency services being able to access the rear of the property.

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Madonna Fohl of 102 Lakeshore Drive, Elizabethtown, KY explained that the utility repairmen go behind the property where a neighbor has a driveway for service repairs and there is room between properties for a fire hose.

Mary Cantwell of 1900 Rogersville Road, Radcliff, KY stated that she owns the property next door to the carport and doesn't want to lose any of her land if the Fohl's decide to rebuild the carport.

Michael Cook of 378 Sycamore Drive, Radcliff, KY stated that he is also part owner in the land next door and that he has no issue with the Variance for the covered deck and his property can be used for access to the rear of the property in case of an emergency.

No one else spoke in favor or opposition to the proposal. At 6:20 p.m. Before closing the hearing, Chairman Krausman clarified that the requested Variance was only to cover the existing deck and that rebuilding the carport over the property line was not possible.

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

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

The Variance was granted with the noted conditions:

1. To allow for a Variance from the 10' side building setback line to allow for the existing deck to be covered. The deck may be covered but shall not be enclosed.

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2. An amended Record Plat shall be required and shall substitute for the required Site Plan.
3. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Chairman Krausman provided the second. The motion passed unanimously.

Chairman Krausman called for consideration and action on the **Minutes from the 17 September 2020 meeting** of the Board of Adjustment. Vice Chairman Youngblood made a motion to approve the minutes as presented. Chairman Krausman provided the second. The motion passed unanimously.

Chairman Krausman announced that the next scheduled meeting will be held on Thursday, November 5, 2020 at 5:00 p.m. and the meeting was adjourned at 6:32 p.m.

**ADOPTED AND APPROVED THIS 5TH DAY OF NOVEMBER 2020 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.**

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**Steve Steck, Secretary**

## Hardin County Board of Adjustment

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Chairman Robert Krausman called to order the four hundred and thirtieth meeting of the Hardin County Board of Adjustment at 5:01 p.m. on Thursday, 17 September 2020, in the Hardin County Government Center, 2nd Floor Meeting Room. The other Board Members in attendance were Vice Chairman Greg Youngblood and Secretary Steve Steck. Also, in attendance were Director Adam King, AICP, Planner Chris Butz and the individuals listed on the attached sign-in sheet. Chairman Krausman appointed Secretary Steve Steck to serve as the Hearing Officer and to conduct the swearing in ceremony for all those in attendance who planned to speak.

At 5:02 p.m. Hearing Officer Steck announced the first item on the agenda is a continuation from a hearing that was tabled on August 20, 2020 and September 3, 2020 to allow for the Board members to conduct a site visit. It is a request for a Conditional Use Permit to allow for the construction of a 30' x 30' detached garage on a vacant lot. The property is a 1.030 acre site located on Jimmy Court in Radcliff, KY known as Lot 35 of Little Ireland Subdivision, Section 4 within the North Urban Planning Area and is zoned Urban Residential (R-1). The PVA map number is 163-00-02-035. The property is owned by **MERIAH & JACK MAIN III**. Planner Butz reviewed the application, the plans for the property and presented the exhibits into the record. He noted that the Main's own Lot 35 that has an existing garage on it, Lot 36 that is vacant and Lot 37 is where there home is located.

Jack Main III, of 920 Jimmy Court, Radcliff, KY, provided testimony and answered questions from the Board members and staff. Mr. Main said there had been no changes to the proposal since the last hearing but he was open to other options for the property like adding a lean-to or an addition to the existing garage. He reiterated that his main concern is getting his cars and other belonging under some type of shelter to protect them from the weather. Mr. Main added that he would eventually like to add a garden or greenhouse to the adjoining lot. Chairman Krausman expressed concerns about having two accessory structures on a vacant lot and whether there would be room for a dwelling and septic on the lot. He also had concerns with whether an additional detached structure could meet the 10' side building setback along the property line.

Chairman Krausman suggested and Mr. Main was agreeable to modifying his request to be a 30'x30' addition to the existing garage on site.

No one else spoke in favor or opposition to the proposal. At 5:18 p.m. Chairman Krausman closed the hearing.

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

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

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

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

1. This Conditional Use Permit shall allow for the construction of a 30'x30' addition to the existing garage without a dwelling on site.
2. The proposed addition shall be in a white & black color scheme.
3. The proposed structure is for residential storage and shall not be occupied or used for any Commercial Activity.
4. Additional landscaping and/or screening shall not be required but the existing mature tree lines to the south side and rear of the property on Lot 35 shall be preserved.
5. The proposed addition must comply with a 10' side setback between Lots 35 & 36 to avoid the necessity of an Amended Plat to merge the lots together.
6. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.
7. Building and Electrical permits must be secured thru the KBC Building Program of our office.
8. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Vice Chairman Youngblood provided the second. The motion passed unanimously

At 5:23 p.m. Hearing Officer Steck announced the second item on the agenda is a request for a Variance from the minimum road frontage and the 1:3 lot width-to-length ratio. The property is a 3.9 acre site located between S. Railroad Street and Templeman Street, in Cecilia, KY, within the Cecilia Rural Village Planning Area and is

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zoned Convenience Commercial (C-1). The PVA map number is 147-30-01-077. The property is owned by **DAVID & CLARISSA YATES and TINA & DARRELL BIRD**. Director King reviewed the application, the plans for the property and presented the exhibits into the record.

David Yates, of 161 Lewis Lane, Cecilia, KY, provided testimony and answered questions from the Board members and staff. Mr. Yates said the reasoning behind the request was that he's selling his mother's property that adjoins the lot in question. The buyer would also like to purchase the 3.9 acre lot from Mr. Yates. However, Mr. Yates would prefer to keep a portion of that lot for his commercially zoned lot to the east. Mr. Yates said he felt the existing 80 feet of road frontage was not necessary for the lot because it bottlenecks to a 10' gate further up the lot. Mr. Yates also mentioned the entire lot was non-buildable due to the amount of floodplain on the site. He added that the bank was waiting for the outcome of these Variances before they went forward on the sale of his mother's property.

No one else spoke in favor or opposition to the proposal. At 5:38 p.m. Chairman Krausman closed the hearing.

Vice Chairman Youngblood made a motion to grant the Variance based on the staff presentation and the testimony provided in the public hearing. He cited the character of the area, the narrow dead-end road, the unusual property that narrowed down to 10' at a gate and the lot being non-buildable due to the floodplain. He stated it will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of this regulation and will satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243 and DGS 5-3 (B) (1) Findings necessary for granting variance) which is as follows:

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

The Variance was granted with the noted conditions:

1. To allow for a Variance from the 100' minimum road frontage and the 1:3 lot width-to-length ratio to allow for the existing tract to be reduced to having 40.10' of road frontage and platted as Lot 3 of Railroad Acres.
2. The proposed Record Plat will substitute for the required Site Plan.
3. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

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Secretary Steck provided the second. The motion passed unanimously

At 5:40 p.m. Hearing Officer Steck announced the 3rd item on the agenda is a request for an Amended Conditional Use Permit to continue to allow for the operation of a sawmill on site. The property is a 22.68 acre site located at 16508 Leitchfield Road in Big Clifty, KY, being in the West Hardin Planning Area and is zoned Light Industrial (I-1). The PVA map number is 060-00-00-006. The property is owned by **D & T LOG AND LUMBER, LLC**. Director King reviewed the application, the plans for the property and presented the exhibits into the record.

Tyler Pence, of 1981 Clifty Church Road, Big Clifty, KY provided testimony and answered questions from the Board members and staff. Mr. Pence said not much had changed since their last Conditional Use Permit was granted. However, he would prefer not to plant the screening trees along Leitchfield Road because the land is so rocky he feels the trees would not survive. He pointed out the rose garden landscaping they had added and on occasions had to replace rose bushes that were stolen. Mr. Pence said they have received no complaints since their last hearing. They addressed the original complaint made by a neighbor in 2017 about water and mud draining onto the surrounding properties/road. Mr. Pence said they cut a drain along Leitchfield Road which kept any drainage from flowing off site. Finally, Mr. Pence said they would like to ask for 7 years for this Conditional Use Permit and adjusting the hours so they can start earlier in the morning to beat the summer heat.

No one else spoke in favor or in opposition to the proposal. At 6:05 p.m. Chairman Krausman closed the hearing.

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

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

## Hardin County Board of Adjustment

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

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

1. This Conditional Use Permit shall allow for a Saw Mill operation to include outdoor log storage and retail sales of firewood.
2. Prior to the use of the entrance to the west, the applicants shall contact the KY Transportation Cabinet and request an inspection of the gravel entrance to the site. An encroachment permit for a Commercial Entrance shall be required from the KY Transportation Cabinet (Please contact Kevin Dixon).
3. Adequate parking areas must be designated on the Development Plan along with an area provided for semi-trucks to turn around.
4. Due to the rocky soil conditions, and in lieu of the previous required pine tree buffer and/or screening attached to the fence; Screening is no longer required along Leitchfield Road (US 62).
5. The logs shall be stored on the back half of the property with only firewood and finished material stored between the loading dock area and the chain link fence.
6. The existing tree line to the east and west sides of the property shall be preserved, along with existing trees along Leitchfield Road frontage.
7. The applicants shall be responsible for dust control onsite of the sawdust and gravel areas. A semi-trailer shall be located on-site to contain the sawdust. The gravel areas must be watered down as needed to minimize the amount of dust.
8. No open fires shall be allowed onsite in conjunction with the Saw Mill operation.
9. The Hours of Operation shall be 6AM to 6PM Monday – Friday, 7AM to 5PM Saturday, with no operations on Sunday.
10. This Conditional Use Permit is issued to the proposed property owners, Dean & Tyler Pence (doing business as D & T Log and Lumber, LLC) and shall expire if the property is transferred.
11. The Conditional Use Permit is valid for three (7) years. Expiring on 17 September 2027. After which time, a renewal hearing must be held before the Board of Adjustment.
12. An Erosion & Sediment Control Plan using Best Management Practices shall be required that complies with the County's Ordinance and be approved by the County Engineer.
13. The operation of the Saw Mill shall be performed in accordance with all applicable County, State and Federal rules and regulations.



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- 14.A Development Plan prepared by a Licensed Surveyor or Engineer shall be required.
- 15.A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.
- 16.Any expansion beyond storage on the 9.63 acre site to the west shall require an Amended Conditional Use Permit.

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

Chairman Krausman called for consideration and action on the **Minutes from the 3 September 2020 meeting** of the Board of Adjustment. Vice Chairman Youngblood made a motion to approve the minutes as presented. Secretary Steck provided the second. The motion passed unanimously.

Chairman Krausman announced that the next scheduled meeting will be held on Thursday, October 22, 2020 at 5:00 p.m. and the meeting was adjourned at 6:15 p.m.

**ADOPTED AND APPROVED THIS 22nd DAY OF OCTOBER 2020 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.**

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**Steve Steck, Secretary**

## Hardin County Board of Adjustment

Minutes: 3 September 2020

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Chairman Robert Krausman called to order the four hundred and twenty ninth meeting of the Hardin County Board of Adjustment at 5:00 p.m. on Thursday, 3 September 2020, in the Hardin County Government Center, 2nd Floor Meeting Room. The other Board Members in attendance were Vice Chairman Greg Youngblood and Secretary Steve Steck. Also, in attendance were Director Adam King, AICP, Planning Assistant Julia McBeth and the individuals listed on the attached sign-in sheet. Planner Chris Butz was not in attendance. Chairman Krausman appointed Secretary Steve Steck to serve as the Hearing Officer and to conduct the swearing in ceremony for all those in attendance who planned to speak.

At 5:01 p.m. Hearing Officer Steck announced the first item on the agenda is a continuation from a hearing that was tabled on August 20, 2020 to allow for the Board members to conduct a site visit. It is a request for a Variance from the front & side building setbacks to allow for the construction of a 30'x 62' pole barn on site. The property is a 15.047 acre site located at 6402 Wooldridge Ferry Road in Elizabethtown, KY, being known as Lot 5 of Reservation Farms, located within the KY 313 Corridor Planning Area and is zoned Residential Estate (R-3). The PVA map number is 239-00-00-005. The property is owned by **RHONDA & STEVEN HALCHISHICK**. Director King reviewed the application, the plans for the property and presented the exhibits into the record. Steven Halchishick, of 6402 Wooldridge Ferry Rd, Elizabethtown, KY provided testimony and answered questions from the Board members and staff. Secretary Steck stated the road is narrow, no traffic concerns exist and asked Director King what the road width is. Director King advised the road is 12ft wide per the plat and County Road listing. Vice Chairman Youngblood asked if there could be further development of the area and Director King explained the road wouldn't be able to be extended due to the pavement width, the 10 acre minimum lot size, and with the Fort Knox Military Reservation being across the street there is not future development potential. He also noted that county maintenance ends at the Halchishick's driveway.

No one else spoke in favor or opposition to the proposal. At 5:11 p.m. Chairman Krausman closed the hearing.

Vice Chairman Youngblood made a motion to grant the Variance based on the staff presentation and the testimony provided in the public hearing. He cited the character of the area, the narrow road, lack of traffic, being a dead end road, no safety concerns and extreme topography as reasoning for the motion. He stated it will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of this regulation and will satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243 and DGS 5-3 (B) (1) Findings necessary for granting variance) which are as follows:

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

The Variance was granted with the noted conditions:

1. To allow for a Variance from the 70' front building setback to allow for the proposed pole barn to be 10' from the front property line and 14' off the side property line.
2. A Site Plan in compliance with Section 7 of the Zoning Ordinance shall be required.
3. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

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

At 5:13 p.m. Hearing Officer Steck announced the second item on the agenda is a request for a Conditional Use Permit for a Permanent Accessory Dwelling to allow for two existing homes on one property. The property is a +25 acre site located at 105 & 109 Stewart Road, Lebanon Junction, KY, within the Kentucky 313 Corridor Planning Area and is zoned Residential Estate (R-3). The PVA map number is 250-00-00-005. The properties are owned by **JOSH REED and DENISE & JAMES MYERS**. Director King reviewed the application, the plans for the property and presented the exhibits into the record. Josh Reed, of 109 Stewart Road, Lebanon Junction, KY provided testimony and answered questions from the Board members and staff. Mr. Reed stated he plans on purchasing the property next to his, identified as 105 Stewart Road from Denise & James Myers, moving into the vacant home after the necessary renovations are made, that the properties were originally all part of one farm before an auction was held 5 years ago and that the house in the back would be used for family members who are visiting.

No one else spoke in favor or opposition to the proposal. At 5:27 p.m. Chairman Krausman closed the hearing.

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

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

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

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

1. This Conditional Use Permit for a Permanent Accessory Dwelling will allow for the approval of two dwellings on a single tract, the existing 1,294 sq.ft. house (circa 1920) and the 2,454 sq. ft. house (circa 1911).
2. The property owner, Josh Reed, must occupy either the principal dwelling unit or the permanent accessory dwelling as their principal residence, and at no time receive rent for the owner-occupied unit.
3. Adequate on-site parking must be designated on an approved site plan.
4. Both dwellings shall use the existing shared driveway from Stewart Road.
5. The Permanent Accessory Dwelling is the existing 1,294 sq.ft. cape-cod style home and the Principal Dwelling is the existing 2,454 sq.ft. two story home.
6. 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.
7. Both dwellings 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. Additional landscaping or screening shall not be required.
10. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.
11. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

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

## Hardin County Board of Adjustment

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At 5:30 p.m. Hearing Officer Steck announced the 3rd item on the agenda is a request for a Variance from the front building setback to allow for the construction of a proposed 32'x50' detached garage. The property is a 5.0194 acre site located at 1176 Brizendine Lane, Vine Grove, KY, known as Lot 1 of Foggy Hollow Subdivision, being in the Natural Resource Planning Area and is zoned Rural Residential (R-2). The PVA map number is 063-00-00-035. The property is owned by **RHONDA & MIKE HAUSER**. Director King reviewed the application, the plans for the property and presented the exhibits into the record. Mike Hauser, of 1176 Brizendine Lane, Vine Grove, KY provided testimony and answered questions from the Board members and staff. Mr. Hauser stated he retired from the military in 2015, the land has rough terrain, this is their forever home and he plans to store cars and a boat in the proposed garage. He believes the garage will add value to his property, it will match his house and the existing garage, with clay siding and will have 4 garage doors. He further mentioned that he was previously granted a Variance in 2011 for the existing detached garage. Vice Chairman Youngblood asked what the setbacks would be if the lot was smaller and Director King explained that it would be a 40' front setback if the lot was less than 3 acres as opposed to a 70' setback. Chairman Krausman discussed reducing the garage by 5' to make it 60' from the centerline of Brizendine Lane and he expressed his concern with 2 variances being approved for one site.

No one else spoke in favor or in opposition to the proposal. At 6:03 p.m. Chairman Krausman closed the hearing.

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

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

The Variance was granted with the noted conditions:

1. To allow for a Variance from the 70' front building setback to allow for the proposed 32'x50' detached garage to be no closer than 60' from the centerline of the road.
2. A Site Plan in compliance with Section 7 of the Zoning Ordinance shall be required.

## **Hardin County Board of Adjustment**

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

Secretary Steck provided the second. The motion passed unanimously.

At 6:05 p.m. Secretary Steck announced the 4<sup>th</sup> item on the agenda is a continuation from a hearing that was tabled on August 20, 2020 to allow for the Board members to conduct a site visit. The applicants, **MERIAH & JACK MAIN III** were not in attendance. Secretary Steck made a motion to table the hearing until September 17, 2020 at 5:00 p.m. for the applicants to attend and Vice Chairman Youngblood provided the second. The motion passed unanimously.

Chairman Krausman called for consideration and action on the **Minutes from the 20 August 2020 meeting** of the Board of Adjustment. Vice Chairman Youngblood made a motion to approve the minutes as presented. Secretary Steck provided the second. The motion passed unanimously.

Chairman Krausman announced that the next scheduled meeting will be held on Thursday, September 17, 2020 at 5:00 p.m. and the meeting was adjourned at 6:08 p.m.

**ADOPTED AND APPROVED THIS 17th DAY OF SEPTEMBER 2020 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.**

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**Steve Steck, Secretary**

## Hardin County Board of Adjustment

Minutes: 20 August 2020

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Chairman Bob Krausman called to order the four hundred and twenty eighth meeting of the Hardin County Board of Adjustment at 5:01 p.m. on Thursday, 20 August 2020, in the Hardin County Government Center, 2nd Floor Meeting Room. The other Board Member in attendance was Secretary Steve Steck. Also, in attendance were Director Adam King, AICP, Planner Chris Butz, and the individuals listed on the attached sign-in sheet. Vice Chairman Greg Youngblood was not in attendance. Chairman Krausman appointed Secretary Steve Steck to serve as the Hearing Officer and to conduct the swearing in ceremony for all those in attendance who planned to speak.

At 5:03 p.m. Hearing Officer Steck announced the first item on the agenda is a request for a Variance from the front building setback to allow for the construction of an addition to the existing home. The property is a 0.56 acre site located at 110 E. Railroad Avenue, Glendale, KY being in the Glendale Rural Village and is zoned Tourism and Convenience Commercial (B-2). The PVA map number is 190-30-00-017. The property is owned by **DON & MILLIE BAKER**. Director King reviewed the application, the plans for the property and presented the exhibits into the record.

Joe Shirley, of 6515 Aetna Furnace Hwy, Magnolia, KY provided testimony and answered questions from the Board members and staff. Mr. Shirley, the contractor hired by Mr. and Mrs. Baker said the owners wanted to add a master bedroom and bathroom to the first floor. He added that because of the owners' age they did not want to travel up and down the stairs so they'd prefer their bedroom to be on the first floor. Mr. Shirley also said the addition would not be any closer to the road than the existing home.

No one else spoke in favor or opposition to the proposal. At 5:10 p.m. Chairman Krausman closed the hearing to public discussion.

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

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

The Variance was granted with the noted conditions:

## Hardin County Board of Adjustment

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1. To allow for a Variance from the 40' front building setback to allow for a proposed bedroom/bathroom addition to the existing house to be no closer to the road than the existing house.
2. A Site Plan in compliance with Section 7 of the Zoning Ordinance shall be required.
3. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Secretary Steck provided the second. The motion passed unanimously

At 5:15 p.m. Hearing Officer Steck announced the second item on the agenda is a request for a Variance from the 1:4 lot width-to-length ratio to allow for the property to be further subdivided. The property is a 8.771 acre site located on the east side on Hodgenville Road (KY 210) Elizabethtown, KY within the Valley Creek Urban Planning Area and is zoned Urban Residential (R-1). The PVA map number is 235-30-00-006. The property is owned by **DOROTHY POWELL**. Planner Butz reviewed the application, the plans for the property and presented the exhibits into the record.

Emily Wortham, of 107 Noltemeyer Way, Apt. 1D, Elizabethtown, KY, provided testimony and answered questions from the Board members and staff. Ms. Wortham said her grandmother, who just turned 94 years old, owns the property and lives next door. They want to subdivide the existing 8.771 acres into two lots so Ms. Wortham can build a house on Lot 1 and live closer to her grandmother so she can help take care of her. Lot 2 of the subdivided property would continue to be used to cut hay and be retained by the family.

No one else spoke in favor or opposition to the proposal and the hearing was closed at 5:22 p.m.

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

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



## Hardin County Board of Adjustment

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The Variance was granted with the noted conditions:

1. To allow for a Variance from the 1:4 lot width-to-length ratio for a two lot subdivision of the 8.771 acre site.
2. A proposed two lot subdivision plat shall substitute for the required Site Plan.
3. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Chairman Krausman provided the second. The motion passed unanimously

At 5:30 p.m. Hearing Officer Steck announced the third item on the agenda is a request for a Variance from the front and side building setbacks to allow for the construction of a 30' x 62' pole barn on site. The property is a 15.047 acre site located at 6402 Wooldridge Ferry Road, Elizabethtown, KY and within the KY 313 Corridor and zoned Residential Estate (R-3). The PVA Map number is 239-00-00-005. The property is owned by **RHONDA & STEVEN HALCHISHICK**. Director King reviewed the application, the plans for the property and presented the exhibits into the record.

Steven Halchishick, of 6402 Wooldridge Ferry Road, Elizabethtown, KY, provided testimony and answered questions from the Board members and staff. Mr. Halchishick said he was informed by the contractor that a permit was not required for the pole barn. If he had known a permit was required, he would have gone through the proper channels. He added that the topography of the lot limits where they could put the pole barn. The spot they chose was the most level and required the fewest trees to be removed. Mr. Halchishick also stated that the only other neighbor that would pass the pole barn to reach their home at the end of the road does not have a problem with it.

Patrick Land, of 6300 Wooldridge Ferry Road, Elizabethtown, KY, spoke in favor of the requested variances. Mr. Land said he lives next door to the applicant and his property shares the side property line next to the newly constructed pole barn. He added that he has no problem with the variance.

No one else spoke in favor or opposition to the proposal and the hearing was closed at 5:53 p.m.

Chairman Krausman, citing the size of the variance, made a motion to table the hearing until September 3<sup>rd</sup>, 2020 so the board members could visit the site for themselves.

Secretary Steck provided the second. The motion passed unanimously.

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At 5:54 p.m. Hearing Officer Steck announced the fourth item on the agenda is a request for a Variance from the side building setback to allow for the replacement of a 12' x 24' attached garage. The property is a 2.580 acre site located at 196 Browns Lane, Vine Grove, KY within the North Urban Area and is zoned Urban Residential (R-1). The PVA map number is 119-00-00-027. The property is owned by **CHARLES & LINDA LEHMAN**. Planner Butz reviewed the application, the plans for the property and presented the exhibits into the record.

Robbie Lee Dupin, of 3949 High Plains Road, Vine Grove, KY, the contractor for the project, provided testimony and answered questions from the Board members and staff. He said the new garage would not be any closer to the side property line than the existing garage. He added that the original plan was to renovate the existing garage. However, after further inspection, they realized the existing garage was beyond repair. Mr. Lee mentioned that in addition to the 12' x 24' attached garage, he will add a 10' carport on the front of the garage. He also requested an additional 1' Variance just in case it was needed so that the proposed structure would be no closer than 6' from the side property line.

No one else spoke in favor or in opposition to the proposal and the hearing was closed to the public at 6:06 p.m.

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

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

The Variance was granted with the noted conditions:

1. To allow for a Variance from the 10' side building setback to allow for the existing 12'x24' attached garage to be rebuilt in the same location along with a 10' carport (no closer than 6' from the side property line).
2. A Site Plan in compliance with Section 7 of the Zoning Ordinance shall be required.

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

Chairman Krausman provided the second. The motion passed unanimously.

At 6:09 p.m. Hearing Officer Steck announced the fifth item on the agenda is a request for a Conditional Use Permit to allow for the construction of a 30' x 30' garage on a vacant lot. The property is a 1.030 acre site located on Jimmy Court in Radcliff, KY known as Lot 35 of Little Ireland Subdivision, Section 4 within the North Urban Planning Area and is zoned Urban Residential (R-1). The PVA map number is 163-00-02-035. The property is owned by **MERIAH & JACK MAIN III**. Planner Butz reviewed the application, the plans for the property and presented the exhibits into the record. He noted that the Main's own Lot 35 that has an existing garage on it, Lot 36 that is vacant and Lot 37 is where their home is located.

Jack Main III, of 920 Jimmy Court, Radcliff, KY, provided testimony and answered questions from the Board members and staff. Mr. Main said the reason for the extra garage is to have a place to store his camper and car. He said the new garage would have 8' doors and would be 5' off of the existing garage on site to meet the fire/building code. However, Mr. Main could not give the distance between the new garage and the side property line.

Lisa Scheid, of 810 Ramona Court, Radcliff, KY, spoke on the proposed Conditional Use Permit. She said she wasn't clear if the proposal was for a commercial development. She added that she is not in favor of any commercial activity in the subdivision but would be fine with an additional garage if the mature tree line between her and Mr. Main's property wasn't cut down.

Mr. Main said he had no plans on cutting down the mature tree line but wanted to know what would happen if he did. He disagreed that anyone could keep him from cutting down trees on his property. He added that the reason he hasn't tried to merge the 3 lots he owns is because an Amended Record Plat was substantially more expensive than a Variance request from the Board of Adjustment.

Chairman Krausman informed Mr. Main that saving money was not a sufficient cause for granting a variance and that he could not remember an instance where the Board had approved two accessory structures on a vacant lot.

No one else spoke in favor or in opposition to the proposal and the hearing was closed to the public at 6:55 p.m.

## **Hardin County Board of Adjustment**

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Chairman Krausman, citing the ability for the homeowner to adjoin the lots and the uniqueness of having two accessory structures on a lot without a dwelling, made a motion to table the hearing until September 3<sup>rd</sup>, 2020 so the board members could visit the site for themselves.

Secretary Steck provided the second. The motion passed unanimously.

Chairman Krausman called for consideration and action on the **Minutes from the 6 August 2020 meeting** of the Board of Adjustment. Secretary Steck made a motion to approve the minutes as presented. Chairman Krausman provided the second. The motion passed unanimously.

Chairman Krausman announced that the next scheduled meeting will be held on Thursday, September 3<sup>rd</sup>, 2020 at 5:00 p.m. and the meeting was adjourned at 7:00 p.m.

**ADOPTED AND APPROVED THIS 3RD DAY OF SEPTEMBER 2020 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.**

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**Steve Steck, Secretary**

## Hardin County Board of Adjustment

Minutes: 6 August 2020

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Chairman Bob Krausman called to order the four hundred and twenty seventh meeting of the Hardin County Board of Adjustment at 5:01 p.m. on Thursday, 6 August 2020, in the Hardin County Government Center, 2nd Floor Meeting Room. The other Board Members in attendance were Vice Chairman Greg Youngblood and Secretary Steve Steck. Also, in attendance were Director Adam King, AICP, Planner Chris Butz, and the individuals listed on the attached sign-in sheet. Chairman Krausman appointed Secretary Steve Steck to serve as the Hearing Officer and to conduct the swearing in ceremony for all those in attendance who planned to speak.

At 5:03 p.m. Hearing Officer Steck announced the first item on the agenda is a request for a Variance from the front building setback to allow for the construction of a single family home replacing an existing singlewide manufactured home. The property is a 12.34 acre site located at 151 Horn Road, Cecilia, KY being in the Natural Resource Planning Area and zoned Rural Residential (R-2). The PVA map number is 054-00-00-016. The property is owned by **MICHAEL & AMANDA SPARKS**. Planner Chris Butz reviewed the application, the plans for the property and presented the exhibits into the record.

Michael Sparks, of 151 Horn Road, Cecilia, KY provided testimony and answered questions from the Board members and staff. Mr. Sparks said the property and preexisting manufactured home had belonged to his step father who had passed away. The manufactured home had been on the property for 20 years and now Mr. & Mrs. Sparks are looking to build their forever home on the same spot. Mr. Sparks added that the location of existing septic system prevents them from moving the home further from Horn Road. They would like to keep the septic system because it is a 4-bedroom system and their proposed home will only have 3 bedrooms.

No one else spoke in favor or opposition to the proposal. At 5:15 p.m. Chairman Krausman closed the hearing to public discussion.

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

## Hardin County Board of Adjustment

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

The Variance was granted with the noted conditions:

1. To allow for a Variance from the 70' front building setback to allow for the proposed house to be no closer than 70' from the center of Horn Road. The front porch may be covered but shall not be enclosed.
2. A Site Plan in compliance with Section 7 of the Zoning Ordinance shall be required.
3. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Secretary Steck provided the second. The motion passed unanimously

At 5:16 p.m. Hearing Officer Steck announced the second item on the agenda is a request for a Conditional Use Permit to allow for the construction of an accessory structure (46' x 48' barn) on a vacant lot. The property is a 4.7 acre site located to the rear of 2886 Sportsman Lake Road in Elizabethtown, KY within the Valley Creek Urban Planning Area and is zoned Urban Residential (R-1). The PVA map number is 224-00-00-080. The property is owned by **TERRY & KATHY RIGGS**. Director King reviewed the application, the plans for the property and presented the exhibits into the record.

Terry Riggs, of 2886 Sportsman Lake Road, Elizabethtown, KY, provided testimony and answered questions from the Board members and staff. Mr Riggs said the barn would be used to store his camper. None of his existing barns are tall enough to house a camper. Mr. Riggs added that the proposed location for the barn allows plenty of space on the lot for a future home. Although he has no interest in running water to the barn he will add electricity.

No one else spoke in favor or opposition to the proposal and the hearing was closed at 5:30 p.m.

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

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

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

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

1. This Conditional Use Permit shall allow for the construction of a 48' X 46' detached accessory structure (pole barn) on a vacant tract.
2. The proposed pole barn shall be constructed with burgundy/brown metal siding and burgundy metal roofing.
3. The proposed structure is for residential storage and shall not be occupied or used for any Commercial Activity.
4. Additional landscaping and/or screening shall not be required.
5. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.
6. Building and Electrical permits must be secured thru the KBC Building Program of our office.
7. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Vice Chairman Youngblood provided the second. The motion passed unanimously

At 5:33 p.m. Hearing Officer Steck announced the third item on the agenda is a request for a Variance from the front building setback to allow for the construction of a 10'x10' covered porch. The property is a 3.825 acre site located at 6112 S. Dixie Hwy, Glendale, KY and within the South Dixie Corridor and zoned Rural Residential (R-2). The PVA Map number is 224-00-00-005. The property is owned by **CHURCH OF GOD OF PROPHECY - VICTORY LIFE FELLOWSHIP**. Planner Butz reviewed the application, the plans for the property and presented the exhibits into the record.

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Roy Smith, the contractor of Leitchfield, KY, provided testimony and answered questions from the Board members and staff. Mr. Smith said the porch would extend off the existing gable and match the style and color of the church. The extended roof would only cover the 10'x10' landing and be supported by two columns. Mr. Smith added that the porch itself would only be covered and not enclosed. Staff explained to the Mr Smith and the Board that per our Building Inspector, it did not appear that the ramp would meet the building code for handicap accessibility.

No one else spoke in favor or opposition to the proposal and the hearing was closed at 5:51p.m.

Vice Chairman Youngblood made a motion to grant the Variance based on the staff presentation and the testimony provided in the public hearing. He cited the character of the area and the large right-of-way and ditch on US 31W as reasoning for the motion. He stated it will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of this regulation and will satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243 and DGS 5-3 (B) (1) Findings necessary for granting variance) which are as follows:

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

The Variance was granted with the noted conditions:

1. To allow for a Variance from the 40' front building setback to allow for the proposed 10'x10' covered porch to be no closer than 12' from the front property line. The porch may be covered but shall not be enclosed.
2. A Development Plan in compliance with Section 6 of the Zoning Ordinance shall be required.
3. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Secretary Steck provided the second. The motion passed unanimously.



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At 5:52 p.m. Hearing Officer Steck announced the fourth item on the agenda is a request for an Amended Conditional Use Permit to allow for a motorcycle repair shop "Suicidal Motorsports" to remain on the property. The property is a 2.28 acre site located at 1790 Glendale Hodgenville Road West in Glendale, KY and known as Lot 1 of Loving Subdivision, within the Glendale Rural Village and is zoned Rural Residential (R-2). The PVA map number is 190-30-00-022. The property is owned by **TODD MCGUFFIN**. Director King reviewed the application, the plans for the property and presented the exhibits into the record.

Jessica Kaminski, of 1790 Glendale Hodgenville Road West, Glendale, KY, provided testimony and answered questions from the Board members and staff. Ms. Kaminski said the tires in the site photos would be moved to the garage addition once it's cleared out. She added that the barrels behind the garage were empty and would also be removed. Ms. Kaminski said she had not received any complaints from the public since the first public hearing in 2019. She also noted that they print a notice to all customers on their receipts asking customers to respect the neighbors by not leaving the property driving fast and loud. Ms. Kaminski said the shop has probably 4-6 bikes in the garage at one time with no employees other than the owner, Todd McGuffin.

No one else spoke in favor or in opposition to the proposal and the hearing was closed to the public at 6:05 p.m.

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

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

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

1. This Conditional Use Permit shall allow for an expanded Home Occupation of a motorcycle repair shop within the detached garage on site.
2. Business Hours of Operation shall be from 6PM to 8PM Monday – Friday and 10AM to 3PM Saturday.
3. There shall be no customer vehicles or motorcycle parts parked or stored outside.
4. There shall be no employees of the business who do not reside on the premises.
5. This property shall have a sewerage system (septic tank and lateral lines) approved by the Hardin County Health Center.
6. The existing sign on the garage and 2'x2' sign on the mailbox shall be permitted to remain.
7. A Site Plan in compliance with Section 7 of the Zoning Ordinance shall be required.
8. This Conditional Use Permit shall be issued to the current property owner, Todd McGuffin and is not transferable.
9. This Conditional Use Permit shall be for a period of 2 years and expire on 6 August 2022.
10. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.
11. An emergency response & spill prevention plan shall be required.
12. There shall be no outdoor storage of tires, parts or fluids related to the business.

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

Chairman Krausman called for consideration and action on the **Minutes from the 23 July 2020 meeting** of the Board of Adjustment. Secretary Steck made a motion to approve the minutes as presented. Vice Chairman Youngblood provided the second. The motion passed unanimously.

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

### **APA-KY ANNUAL MEETING**

Adam participated in the APA-KY Annual Meeting over Zoom on 24 July 2020. As Chair of the Awards Committee, he presented former Hardin County Planning Director, Dennis Gordon, FAICP with the William Bowdy Award for Lifetime Achievement by a KY Planner. Dennis is retiring after a 45 year career in Planning.

**18 YEARS OF SERVICE**

Building Inspector, Ed Bryan celebrated 18 years of service with the Planning Commission on 31 July 2020.

**MEADE COUNTY MEETING**

Adam & Madeline met with Karen & Allison from Meade County Planning to discuss our Iworq Permit Software System, zoning and building & electrical permit numbers in our jurisdictions.

**JULY 2020 REPORT**

<b>Plats Recorded:</b> <ul style="list-style-type: none"><li>• 10 Subdivision plats were approved for the month</li><li>• 54 Subdivision plats were approved for the year</li></ul>	<b>New Lots Created:</b> <ul style="list-style-type: none"><li>• 7 New lots approved for the month</li><li>• 34 Net lots approved for the year</li></ul>
<b>Building Permits:</b> <ul style="list-style-type: none"><li>• 21 SFD Permits for the month</li><li>• 85 SFD Permits for the year</li><li>• 101 Total Building Inspections for the month</li><li>• 703 Total Building Inspections for the year</li><li>• 296 Total Building Permits for the year</li></ul>	<b>Electrical Permits (6 Jurisdictions):</b> <ul style="list-style-type: none"><li>• 109 Total Permits for the month</li><li>• 609 Total Permits for the year</li><li>• 176 Total Electrical Inspections for the month</li><li>• 1,125 Total Electrical Inspections for the year</li></ul>

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**SUBDIVISION PLATS RECORDED IN JULY 2020**

Project / Subdivision Name	Site Address	Lots +/-	Acres (All Permits)	Completed Date	Final Date
AMENDED RECORD PLAT OF LINCOLN ACRES, PORTION OF LOT 9, AMENDED RECORD PLAT OF IRWIN SUBDIVISION, SECTION 1, LOT 1 & RECORD PLAT OF IRWIN SUBDIVISION, SECTION 2	459 LINCOLN ROAD & 1614 BATTLE TRAINING ROAD	1	177.8000	3/2/2020	7/1/2020
AMENDED RECORD PLAT OF COUNTRY CLUB ESTATES, LOTS 15-17	442, 496 ROUNDTOP RD	-1	0.0000	6/15/2020	7/1/2020
AMENDED BOUNDARY SURVEY OF THE AMOS HALL FARM, TRACTS 13A AND 14A & RECORD PLAT OF HELL'S GATE SUBDIVISION	ST JOHN RD	2	37.1530	6/30/2020	7/8/2020
AMENDED RECORD PLAT OF EUNICE ACRES SUBDIVISION	SONORA HARDIN SPRINGS ROAD	1	3.0000	6/17/2020	7/16/2020
AMENDED RECORD PLAT OF ROYAL OAKS SUBDIVISION, LOTS 1A, 8A, 10, AND 11A	81 & 101 RITA WAY, ALISHA WAY & 1595 SPORTSMAN LAKE RD	-1	0.0000	7/1/2020	7/16/2020
AMENDED RECORD PLAT OF KIDDER ESTATES, LOTS 3 & 5	SALT RIVER RD	-1	0.0000	6/25/2020	7/20/2020
AMENDED RECORD PLAT OF NALL-LINCOLN SUBDIVISION LOTS 28 & 33	LINCOLN AVE	-1	0.0000	7/20/2020	7/20/2020
AMENDED RECORD PLAT OF WINDING BROOK SUBDIVISION, LOT 1B & RECORD PLAT OF WINDING BROOK, SECTION 2	1495 BEWLEY HOLLOW RD	1	2.6530	7/21/2020	7/27/2020
STINNETT PLACE	1019 TUNNEL HILL ROAD	2	2.5740	7/1/2020	7/27/2020
BLACKBURN EST SEC 2	106 DEFEW AVE	-1	0.0000	6/4/2020	7/28/2020
		2	223.1800		

**Total Records: 10**

**8/3/2020**

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Chairman Krausman announced that the next scheduled meeting will be held on Thursday, August 20, 2020 at 5:00 p.m. and the meeting was adjourned at 6:15 p.m.

**ADOPTED AND APPROVED THIS 20th DAY OF AUGUST 2020 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.**

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**Steve Steck, Secretary**

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Chairman Bob Krausman called to order the four hundred and twenty sixth meeting of the Hardin County Board of Adjustment at 5:02 p.m. on Thursday, 23 July 2020, in the Hardin County Government Center, 2nd Floor Meeting Room. The other Board Members in attendance were Vice Chairman Greg Youngblood and Secretary Steve Steck. Also, in attendance were Director Adam King, AICP, Planner Chris Butz, and the individuals listed on the attached sign-in sheet. Chairman Krausman appointed Secretary Steve Steck to serve as the Hearing Officer and to conduct the swearing in ceremony for all those in attendance who planned to speak.

At 5:03 p.m. Hearing Officer Steck announced the first item on the agenda is a request for an Amended Conditional Use Permit to allow for a garden shed to remain on a vacant lot. The property is a 1.246-acre site located on Roswell Drive, Elizabethtown, KY known as Lot 145 of Santa Fe Subdivision, and being in the East Urban Planning Area and zoned Rural Residential (R-2). The PVA map number is 242-00-02-145. The property is owned by **JOSEPH & DEBRA SULLIVAN**. Planner Chris Butz reviewed the application, the plans for the property and presented the exhibits into the record.

Joseph Sullivan, of 44 Buena Vista Court, Elizabethtown, KY provided testimony and answered questions from the Board members and staff. Mr. Sullivan stated that not much has changed since the original CUP hearing. He has purchased an additional lot on Roswell Drive so now they own all of the lots surrounding the cul-de-sac. Mr. Sullivan also said he has no plans on moving for at least 8 years because his son is still in school.

No one else spoke in favor or opposition to the proposal. At 5:15 p.m. Chairman Krausman closed the hearing to public discussion.

Secretary Steck said he had no issues with extending the Conditional Use Permit for 7 years due to the fact the planning staff has not received any complaints from neighbors.

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

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

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

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

1. This Conditional Use Permit shall allow for a proposed 12' X 20' garden shed without a dwelling on the property.
2. The proposed shed is for residential & agricultural storage and shall not be occupied without a dwelling on the property.
3. The 12' X 20' shed shall be newly constructed of wood siding with a metal roof.
4. Additional landscaping and/or screening shall not be required.
5. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.
6. A Building Permit must be secured through the KBC Building Program of our office.
7. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.
8. This Conditional Use Permit is issued to the current owners, Joseph & Debra Sullivan. It is not transferrable without an additional hearing before the Board of Adjustment.
9. The Conditional Use Permit shall be for a period of 7 years and expire on July 23, 2027.
10. The Lot must be mowed once a month from May to October.

Secretary Steck provided the seconded and the motion passed unanimously.

At 5:16 p.m. Hearing Officer Steck announced the second item on the agenda is a request for a Variance from the front building setback to allow for the construction of a 16'x30' lean-to attached to an existing barn. The property is a 4.431-acre site located at 1450 Springfield Road, Elizabethtown, KY within the Valley Creek Urban Planning Area and is zoned Urban Residential (R-1). The PVA map number is 232-20-00-009. The property is owned by **PATRICIA & CRAIG BROWN**. Planner Butz reviewed the application, the plans for the property and presented the exhibits into the record.

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Craig Brown, of 1450 Springfield Road, Elizabethtown, KY, provided testimony and answered questions from the Board members and staff. Mr. Brown said the reason for needing the additional 16'x30' lean-to was to protect his bales of hay. The previous year Mr. Brown was not able to fit all 50 bales of hay under the existing lean-to. Those bales left uncovered and exposed to the elements were damaged by rainfall. Mr. Brown went on to say that the chain-link fence wraps around the barn and house. The barn itself sits on a slight incline from the road. That along with the existing fence may act as a natural buffer for oncoming traffic.

No one spoke in opposition to the proposal and the hearing was closed at 5:35 p.m.

Secretary Steck made a motion to grant the Variance based on the staff presentation and the testimony provided in the public hearing. He cited existing fence and hill as providing a buffer from traffic and that the 45' distance from the center of Springfield Road is not out of character with the area. He stated it will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of this regulation and will satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243 and DGS 5-3 (B) (1) Findings necessary for granting variance) which are as follows:

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

The Variance was granted with the noted conditions:

1. To allow for a Variance from the 40' front building setback along Springfield Road to allow for the proposed 16'x30' lean-to addition to the existing barn.
2. The lean-to may be covered but not enclosed.
3. A Site Plan in compliance with Section 7 of the Zoning Ordinance shall be required.
4. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Vice Chairman Youngblood provided the second. The motion passed unanimously

At 5:37 p.m. Hearing Officer Steck announced the third item on the agenda is a request for a Conditional Use Permit to allow for the erection of two radio towers. The property is a 7.823 acre site located at 2964 Webb Mill Road in Eastview, KY and within the South



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Hardin Planning Area and zoned Rural Residential (R-2). The PVA Map number is 090-00-01-005. The property is owned by **ROSONNA & KERRY REEVES**. Director King reviewed the application, the plans for the property and presented the exhibits into the record.

Kerry Reeves, of 2964 Webb Mill Road, Eastview, KY, provided testimony and answered questions from the Board members and staff. Mr. Reeves explained that he has been an amateur radio operator since 1987 and has erected many towers and antennas over the years. His family moved to their current home on Webb Mill Road in 2016 to be closer to his mother-in-law who lives on the neighboring property. Mr. Reeves went on to clarify his need for two towers was due to the multiple antennas that allow for a variety of take-off angles that create the required radio frequencies to produce a signal strong enough to reach Europe and Asia. Mr. Reeves said the towers would be set in the middle of his property so if the towers were to fall they would not land on the adjacent properties. He added that in times of natural disasters or emergencies amateur radio operators often assist in providing communication between rescue groups and citizens when cell towers are not operating. Regarding the safety requirements for the towers, Mr. Reeves said he is going above and beyond the steps taken by the tower manufacturer ROHN.

No one spoke in opposition to the proposal and the hearing was closed at 5:54 p.m.

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

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

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

1. This Conditional Use Permit shall allow for two radio towers to be erected on site.
2. A Site Plan in compliance with Section 7 of the Zoning Ordinance shall be required.
3. A vertical profile sketch of the tower indicating the height of the tower must be provided illustrating the placement of all proposed antennas.
4. The tower and foundation design plans and a description of the standard according to which the tower was designed must be provided.
5. The tower must be located a minimum distance of 150/100 feet from all property lines.
6. The tower must be maintained in a galvanized steel finish or be painted light gray or light blue in color.
7. The tower must be located a minimum distance of not less than 74 feet from all existing residential structures.
8. The maximum height of the tower may not exceed 150 in height.
9. The lighting of the tower may be artificially lighted ONLY with steady-burning red obstruction lights (FAA type L-810) or flashing red obstruction lights (FAA type L-864) flashing no faster than twenty (20) flashes per minute. Flashing red obstruction lights (FAA type L-864) flashing faster than twenty (20) flashes per minute, medium intensity flashing white obstruction lights (FAA type L-865 or L-866), high intensity flashing white lights (FAA type L-856 or L-857), or dual flashing red obstruction lights and medium intensity flashing white obstruction lights (FAA types L-864/L-865) may be used ONLY when the FAA specifies that the specific lighting pattern is the ONLY lighting pattern acceptable to promote aviation safety.
10. Access to the site shall be only from the existing driveway or an encroachment point approved by the Hardin County Road Department.
11. The facility must comply with the FCC's regulations concerning radio frequency emissions.

Secretary Steck provided the second. The motion passed unanimously.

At 5:57 p.m. Hearing Officer Steck announced the fourth item on the agenda is a request for a Conditional Use Permit to allow for an automotive repair shop. The property is a 2.49-acre site located at 2855 Leitchfield Road (US 62) in Elizabethtown, KY and within the Leitchfield Road Corridor Planning Area and zoned General

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Commercial (C-2). The PVA map numbers are 186-40-00-031 and 186-40-00-032. The property is owned by **VERNON CHAD FULKERSON & JAMIE MARIE BUTLER**. Director King reviewed the application, the plans for the property and presented the exhibits into the record.

Vernon Chad Fulkerson, of 1605 Sonora Hardin Springs Road, Sonora, KY, provided testimony and answered questions from the Board members and staff. Mr. Fulkerson said he's been in business for 18 years. His previous shop is located down the road from the new site where he has been renting his garage space. He wanted to stay in the area and preserve his client base but also wanted to own his own property. He said he works Monday through Friday 8:00 a.m. to 5:30 p.m., and while he doesn't anticipate working on Saturdays, it could be a possibility in the future. Mr. Fulkerson added that he would use the existing sign pole and is ok with adding screening but would prefer to rotate the building so the garage doors faced Leitchfield Road. Mr. Fulkerson said he spoke with the Transportation Cabinet and has agreed to blacktop the entrance within the next two years while keeping the parking area gravel. He added the existing building in the back of the property would be fixed up and used as storage. He would not do body work and would not have outdoor storage. The proposed building would have 4 garage doors, 14' tall ceilings and security lights on the outside. When asked about the number of cars on site, Mr. Fulkerson said he could have up to 20 or so cars at one time and would hope to hire 2 employees in the future. He also noted he would have the surveyor make the necessary changes on his Development Plan.

Shannon Sheen, of 111 Bacon Creek Road, Elizabethtown, KY, said he was concerned with the existing fencing between his property and Mr. Fulkerson's property that connects to the existing metal building on site. Mr. Sheen wanted both the building and the fence preserved. He also was concerned about the lighting on the property

Mr. Fulkerson said he was planning on preserving the fence and restoring the metal building. He added that the security lighting will be facing into the property and not toward the neighboring houses.

Thomas Reynolds, of 2975 Leitchfield Road, Elizabethtown, KY, said he owns the pizza restaurant down the street and wanted to show his support for the proposed development. He said he was happy to see the empty lot finally being utilized and the auto repair business would be a good fit for the area.

Tom Kayrouz, of 55 Bacon Creek Road, Elizabethtown, KY, spoke in opposition to the proposal. He told the Board that the previous two owners of the lot in question promised to build a fence between the property and that of Mr. Kayrouz, but never did. He ended up building his own privacy fence that runs the length of his rear property line. He would like to see an additional privacy fence run from his fence and continue along the rear

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property line of his neighbor, Mrs. Wood. Mr. Kayrouz said a fence would be better than the proposed tree line shown on the development plan. He continued to voice additional concerns over the environmental impact of the development and drainage concerns.

Chairman Krausman asked Mr. Fulkerson if a privacy fence running along the property line adjacent to adjoining owner Woods was acceptable over the required evergreen trees due to the existing rocky conditions. Mr. Fulkerson agreed to install 95' of fencing along the east side property line. Chairman Krausman clarified that because the development is disturbing less than 1 acre a stormwater pond is not required and that an emergency response/spill prevention plan would be required.

Jamie Butler, of 5072 Rineyville Road, Elizabethtown, KY, spoke clarifying that the tree line in the back of the property would be preserved.

No one else spoke in favor or in opposition to the proposal and the hearing was closed to the public at 6:55 p.m.

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

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

According to provisions of the Kentucky Revised Statutes, the Hardin County Development Guidance System Zoning Ordinance, and the proceedings before the Board of Adjustment (the staff presentation and the testimony presented in the Public

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Hearing); Secretary Steck made the motion to grant the Conditional Use Permit (CUP) with the following conditions:

1. This Conditional Use Permit shall allow for an automotive repair business on site.
2. This Conditional Use Permit is issued to the current owners, Chad Fulkerson & Jamie Butler. The Permit is transferable if future owners are agreeable to the present conditions. Otherwise an Amended Conditional Use Permit shall be required to amend the conditions.
3. The hours of operation shall be Monday through Friday 8:00 a.m. to 5:30 p.m. and Saturday 8:00 a.m. to 1:00 p.m.
4. There shall be no more than 23 customer vehicles parked outside at one time.
5. Additional landscaping and/or screening in the form of a 6' tall privacy fence up to 95' in length shall be required along the east side of the property. Additionally, the existing mature trees around the rear property lines shall be preserved.
6. If a dumpster is located on site, it must be screened from view of the right-of-way and all adjoining properties.
7. A Development Plan in compliance with Section 6 of the Zoning Ordinance shall be required.
8. Building & Electrical permits shall be required.
9. A Certificate of Land Use Restrictions shall be recorded in the office of the Hardin County Clerk.
10. An Emergency Response & Spill Prevention Plan shall be required.

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

At 6:56 p.m. Hearing Officer Steck announced the fifth item on the agenda is a request for a Conditional Use Permit for the expansion of a slaughter house and a variance from the front building setback for a proposed 24'x24' canopy addition. The property is a 1.232 acre site located at 64 First Union Church Road, Glendale, KY and within the South Dixie Corridor Planning Area and zoned Heavy Industrial (I-2). The PVA Map number is 224-00-00-048. The property is owned by **RONALD & TAMBERLY BEARD** and the applicant is **GEORGE SAMUTIN**. Director King reviewed the application, the plans for the property and presented the exhibits into the record.

George Samutin, of 5088 Smithsville Road, Shelbyville, KY, provided testimony and answered questions from the Board members and staff. Mr. Samutin said it's very difficult to process lamb in Kentucky and the site on First Union Church Road offers the

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perfect set up and location for their distributors. He added the business would only run weekdays from 7:00 a.m. to 5:00 p.m. with 2-3 shipments per week. The proposed 24' x 24' overhang is needed to protect the boxes from rain and snow during pickup. He said a gate will be added for security and a small sign will be placed on the building's facade to identify the building for the truck drivers.

Valerie Samutin, of 5088 Smithsville Road, Shelbyville, KY, described the details of the processing business. Mrs. Samutin said their business, Freedom Run Farm, specializes in high end lamb products with a mission to bring lamb farming back to Kentucky. They have partnerships with grocery stores and restaurants all over the country including Kroger and Churchill Downs. The lamb being processed comes from their 130-acre Shelbyville farm and their partner shepherds across the state.

No one spoke in opposition to the proposal and the hearing was closed at 7:25 p.m.

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

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

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

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1. This Conditional Use Permit shall allow for the expansion of an existing slaughter house (24'x24' canopy to front of existing building).
2. The proposed site is pre-existing and does not meet the minimum lot size of 5 acres.
3. The existing building is located within 24 feet of the west side property line and 75 feet from the east side which are less than the recommended 100' feet from all property lines.
4. Approval of the sewerage system (septic tank and lateral lines) by the Environmental Services Office of the Hardin County Health Department shall be required.
5. A Contract or plan for removal of the blood and waste from the facility must be provided to the Planning office.
6. Yearly inspections by the United States Department of Agriculture shall be required.
7. A "Kentucky No-Discharge Agricultural Waste Permit" shall be obtained by the waste hauler from the Kentucky Division of Water for compliance with holding tank disposal regulations.
8. All facilities shall be adequately screened and landscaped so as to not become a nuisance to adjoining properties. This shall be evergreen trees or a solid privacy fence along the west side property line. Any trees planted shall be 5' tall and planted 10' on center. Fencing must be at least 6' tall. Any proposed shipping containers used for storage shall be screened and landscaped on the east side facing the church. Additionally, the mature tree line along the rear property line must be preserved.
9. A Development Plan shall be required in compliance with Section 6 of the Zoning Ordinance.
10. The hours of operation shall be 6 a.m. to 6 p.m. Monday through Friday.
11. The outdoor storage of materials and equipment shall be prohibited.
12. The permit is issued to the applicant, Bluegrass Meat Co. doing business as Bluegrass Meat Processing and shall not be transferable. New owners must reapply for the Conditional Use Permit and meet the necessary requirements.
13. The permit shall be good for 3 years from 23 July 2020 until 23 July 2023. After which time it shall require a renewal hearing.
14. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

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

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

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

The Variance was granted with the noted conditions:

1. To allow for a Variance from the 50' front building setback along First Union Church Road to allow for the proposed 24'x24' canopy addition to the existing facility. It may be covered but shall not be enclosed.
2. A Development Plan in compliance with Section 6 of the Zoning Ordinance shall be required.
3. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

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

Chairman Krausman called for consideration and action on the **Minutes from the 9 July 2020 meeting** of the Board of Adjustment. Secretary Steck made a motion to approve the minutes as presented. Vice Chairman Youngblood provided the second. The motion passed unanimously.

Chairman Krausman announced that the next scheduled meeting will be held on Thursday, August 6, 2020 at 5:00 p.m. and the meeting was adjourned at 7:30 p.m.

**ADOPTED AND APPROVED THIS 6th DAY OF AUGUST 2020 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.**

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**Steve Steck, Secretary**



## Hardin County Board of Adjustment

Minutes: 9 July 2020

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Chairman Bob Krausman called to order the four hundred and twenty fifth meeting of the Hardin County Board of Adjustment at 5:02 p.m. on Thursday, 9 July 2020, in the Hardin County Government Center, 2nd Floor Meeting Room. The other Board Members in attendance were Vice Chairman Greg Youngblood and Secretary Steve Steck. Also, in attendance were Director Adam King, AICP, Planner Chris Butz, and the individuals listed on the attached sign-in sheet. Chairman Krausman appointed Secretary Steve Steck to serve as the Hearing Officer and to conduct the swearing in ceremony for all those in attendance who planned to speak.

At 5:02 p.m. Hearing Officer Steck announced the first item on the agenda is a request for an Amended Conditional Use Permit to continue to allow for an Auto Repair Business to remain on site. The property is a 2-acre site located at 10112 Leitchfield Road, Cecilia, KY known as Lot 1 of Harvel Lakes and being in the Stephensburg Rural Village Planning Area and zoned Rural Residential (R-2). The PVA map number is 105-00-00-030. The property is owned by **KELLY & ARTHUR BROWN**. Planner Chris Butz reviewed the application, the plans for the property and presented the exhibits into the record.

Arthur Brown, of 10112 Leitchfield Road, Cecilia, KY provided testimony and answered questions from the Board members and staff. Mr. Brown stated that he moved to the area in 2013 and since then business for his auto repair shop has been good. He added that he tries to be a good neighbor and does a lot of work for the residents in the neighboring Ambrook Subdivision. Mr. Brown said the cars located outside are his personal vehicles while all work is contained within the two garages. His work consists mostly of bodywork with some mechanical work such as oil changes and brakes. He added that the business has not received a single complaint. When asked about the flow of customers, Mr. Brown said he gets about 2-3 customers a day on average and tries to schedule appointments so customer cars don't sit outside the garage. At the moment He has one employee per the previous CUP but would like to amend the conditions to allow for a second employee.

No one else spoke in favor or opposition to the proposal. At 5:18 p.m. Chairman Krausman closed the hearing to public discussion.

Secretary Steck said he had no issues with allowing an additional employee.

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

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

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

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

1. Business Hours of Operation shall be from 9 A.M. to 5 P.M., Monday - Saturday.
2. The maximum number of vehicles on site shall be nine (9).
3. Customer vehicles must be stored inside one of the detached garages by 6 PM.
4. The existing driveway off of Zeus Road shall require an Encroachment Permit from the County Road Department with the proper culvert installed.
5. All customer vehicles must enter & exit from the driveway off of Leitchfield Road.
6. There shall only be two (2) employees of the business who do not reside on the premises.
7. This property shall have a sewerage system (septic tank and lateral lines) approved by the Hardin County Health Center.
8. The existing dumpster shall be screened from view with a fence.
9. A Site Plan in compliance with Section 7 of the Zoning Ordinance shall be required.
10. This Conditional Use Permit shall be issued to the current property owner, Kelley Depew and applicant, Arthur Brown, and is not transferable.
11. All building activities shall conform to provisions of the Kentucky Building Code.

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12. This Conditional Use Permit shall be for a period of seven (7) years and expire on 9 July 2027.

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

14. Site activities must comply with all applicable State & Federal regulations concerning Environmental Protection & Air Quality. Including but not limited to NESHAP (National Emission Standards for Hazardous Air Pollutants). Please contact the Kentucky Department for Environmental Protection regarding the Environmental Compliance Assistance Program.

15. A sign no larger than six (6) square feet shall be permitted in the front yard facing Leitchfield Road (US 62).

Secretary Steck provided the seconded and the motion passed unanimously.

At 5:19 p.m. Hearing Officer Steck announced the second item on the agenda is a request for a Conditional Use Permit to allow for a proposed 2,560 sq. ft. pole barn to exceed the size of the dwelling on site. The property is a 5-acre site located at 3564 South Dixie Hwy, Elizabethtown, KY within the South Dixie Corridor Planning Area and is zoned Urban Residential (R-1). The PVA map number is 223-30-00-034. The property is owned by **KACI & RANDELL FIELDS**. Director King reviewed the application, the plans for the property and presented the exhibits into the record.

Randell Fields, of 3564 S. Dixie Highway, Elizabethtown, KY, provided testimony and answered questions from the Board members and staff. Mr. Fields said the reason for the pole barn's size is a need for additional storage and preparing for an additional car for his now 13-year-old son. He added that he would do most of the construction work himself. He was still considering 20' tall ceilings or 14' tall ceilings depending on the price. Finally, Mr. Fields said the color of the exterior will match that of the existing house, charcoal grey with white trim and a black roof.

No one spoke in opposition to the proposal and the hearing was closed at 5:32 p.m.

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

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

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

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

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

1. This Conditional Use Permit shall allow for the construction of a 40' X 64' detached accessory structure on site that exceeds the size of the dwelling.
2. The proposed barn shall be constructed with black metal siding and black metal roofing.
3. The proposed structure is for residential storage and shall not be occupied or used for any Commercial Activity.
4. Additional landscaping and/or screening shall not be required if the existing trees to the side and rear are preserved.
5. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.
6. Building and Electrical permits must be secured thru the KBC Building Program of our office.
7. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

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

At 5:34 p.m. Hearing Officer Steck announced the third item on the agenda is a request for a variance from the front building setback to allow for the construction of a proposed home. The property is a 1.313 acre site located on Roswell Drive and known as Lot 146 of Santa Fe Subdivision in Elizabethtown, KY within East Urban Planning Area and is zoned Rural Residential (R-2). The PVA Map number is 242-00-02-146. The property is owned by **Joseph & Debra Sullivan** and the applicants are **Joshua & Kelcey Pruegert**. Planner Chris Butz reviewed the application, the plans for the property and presented the exhibits into the record.

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Debra Sullivan, of 44 Buena Vista Court, Elizabethtown, KY, provided testimony and answered questions from the Board members and staff. Mrs. Sullivan said the house was for her son and they wanted a small backyard for entertaining but the terrain of the lot was so steep the house would need to be closer to the road. She added that it is very difficult to even walk to the rear of the property due to the over 100' drop in elevation.

No one spoke in opposition to the proposal and the hearing was closed at 5:47 p.m.

Vice Chairman Youngblood made a motion to grant the Variance based on the staff presentation and the testimony provided in the public hearing. He cited the topography of the lot and that the variance from a 45' front building setback to a 30' front building setback would not be out of character with Santa Fe Subdivision. He stated it will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of this regulation and will satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243 and DGS 5-3 (B) (1) Findings necessary for granting variance) which are as follows:

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

The Variance was granted with the noted conditions:

1. To allow for a variance from the 45' front building setback shown on the plat to allow for the proposed house to be no closer than 30' from the front property line.
2. A Site Plan in compliance with Section 7 of the Zoning Ordinance shall be required.
3. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Secretary Steck provided the second. The motion passed unanimously

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At 5:49 p.m. Hearing Officer Steck announced the fourth item on the agenda is a request for an Amended Conditional Use Permit for a Recreational Enterprise (RV Campground) to continue to operate on site. The property is a 12.7 acre site located at 4685 South Wilson Road, Elizabethtown, KY and known as Lot 16A of Longview Subdivision within the North Urban Planning Area and is zoned Urban Residential (R-1). The PVA map number is 182-10-00-017. The property is owned by **T & J PRICE PROPERTIES, LLC**. Director King reviewed the application, the plans for the property and presented the exhibits into the record.

Jeff Price, of 60 Karmandy Lane, Brandenburg, KY, provided testimony and answered questions from the Board members and staff. Mr. Price said the park has been going well and they were looking to extend the CUP. Most of the tenants are in the military or passing through on month-to-month leases or daily rates. Mr. Price also mentioned he's at the property every day. Both Mrs. and Mr. Price requested an amendment to the CUP to allow scout troops to camp in the wooded area to the rear of the property.

No one else spoke in favor or in opposition to the proposal and the hearing was closed to the public at 6:07 p.m.

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

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

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

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

- 1 .This Conditional Use Permit shall allow for a Recreational Enterprise (RV Campground) on site and permit up to 19 additional RV spaces.
2. The proposed RV spaces must be connected to public water and sanitary sewer.
3. A wire fence shall be required along the southern boundary line adjoining the Clark property from approximately the back corner of the existing mobile home park to the pavilion.
4. Additional landscaping and/or screening in the form of evergreen trees planted 5' tall and 10' on center shall be required approximately 10' off the rear property line adjacent to Lots 9 & 10 in the adjoining Cowley Crossing development.
5. A Development Plan shall be submitted and approved in accordance with Development Guidance System, Section 6.
6. The 6.7 acre area to the rear shall be preserved as Open Space with no recreational vehicles or mobile/manufactured homes to be located there.
7. The existing tree lines to the rear of the property and along the side property lines shall be preserved.
8. No trespassing signage shall be installed at the property boundary with 4 signs adjacent to the Clark property to the south and 2 signs in the rear adjacent to Cowley Crossing.
9. There shall be no discharging of firearms or hunting on site.
10. The lake shall be for catch & release fishing only with no swimming.
11. Fires shall be restricted to the fire rings provided and the site must comply with any applicable fire bans imposed by Hardin County.
12. The site shall not be used as a live music or entertainment venue.
13. A Lights out/quiet time shall be observed from 10 PM to 7 AM and 11 PM to 7 AM on Holidays.
14. Garbage shall be contained at this existing dumpster area near the mobile home park.
15. Pets shall be required to be leashed.
16. This Conditional Use Permit is being issued to Jeff & Theresa Price (T&J Properties), it is only transferable after a Public Hearing before the Board of Adjustment with any new/prospective owner.
17. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.
18. This property shall maintain a valid Mobile Home Park/RV Park License with the Health Department.
19. Any expansion beyond 19 additional spaces shall require a Zone Change to Commercial.

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20. This Conditional Use Permit is good for 5 years and shall expire on 9 July 2025. It may be renewed after a Hearing before the Board of Adjustment.

21. Tent camping shall be permitted for scouts in groups no larger than 25 for a total of 7 days in one calendar year.

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

Chairman Krausman called for consideration and action on the **Minutes from the 18 June 2020 meeting** of the Board of Adjustment. Secretary Steck made a motion to approve the minutes as presented. Vice Chairman Youngblood provided the second. The motion passed unanimously.

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

### JUNE 2020 REPORT

<b>Plats Recorded:</b> <ul style="list-style-type: none"><li>• 13 Subdivision plats were approved for the month</li><li>• 44 Subdivision plats were approved for the year</li></ul>	<b>New Lots Created:</b> <ul style="list-style-type: none"><li>• 18 New lots approved for the month</li><li>• 32 Net lots approved for the year</li></ul>
<b>Building Permits:</b> <ul style="list-style-type: none"><li>• 8 SFD Permits for the month</li><li>• 64 SFD Permits for the year</li><li>• 104 Total Building Inspections for the month</li><li>• 603 Total Building Inspections for the year</li><li>• 225 Total Building Permits for the year</li></ul>	<b>Electrical Permits (6 Jurisdictions):</b> <ul style="list-style-type: none"><li>• 101 Total Permits for the month</li><li>• 499 Total Permits for the year</li><li>• 176 Total Electrical Inspections for the month</li><li>• 949 Total Electrical Inspections for the year</li></ul>



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**SUBDIVISION PLATS RECORDED IN JUNE 2020**

Project / Subdivision Name	Site Address	Lots +/- (Plats)	Acres (All Permits)	Completed Date	Final Date
AMENDED RECORD PLAT OF HURST FARM DIVISION, SECTION 1, LOT 1 AND RECORD PLAT OF HURST FARM DIVISION, SECTION 3	615 FOWLER LN	1	28.0840	5/21/2020	6/1/2020
RECORD PLAT OF CHRISTINE'S ACRES SUBDIVISION	995 NOLIN ROAD	2	6.0890	4/14/2020	6/5/2020
RECORD PLAT OF GRANDEL MEADOW SUBDIVISION, SECTION 2	4974 RINEYVILLE RD	1	5.0000	5/14/2020	6/11/2020
AMENDED RECORD PLAT OF OREO ESTATES, LOT 2 AND BOUNDARY SURVEY OF THE DOUGLAS GARDNER PROPERTY	SMITH MILL RD	1	0.0000	5/21/2020	6/11/2020
BEE CEE ESTATES, LOT 2	1409 OPTIMIST RD	1	0.0000	1/30/2020	6/12/2020
RECORD PLAT OF CLAGGETT'S ACRES SUBDIVISION	18373 SONORA HARDIN SPRINGS ROAD.	4	45.8880	3/16/2020	6/12/2020
LORA ACRES LOT 7 & 8	IRELAND SCHOOL ROAD	-1	0.0000	4/8/2020	6/15/2020
FULKERSON ADDITION LOTS 43 & 44A; RECORD PLAT OF FARMER ESTATES	502 BOONE ROAD	4	0.0000	4/10/2020	6/15/2020
WOODHAVEN ESTATES LOTS 32, 33, AND 35 THRU 39	MAPLE DRIVE	-5	0.0000	4/2/2020	6/17/2020
JEAN LEARY PROPERTY LOT 13A	BACON CREEK RD	0	0.0000	4/3/2020	6/18/2020
RECORD PLAT OF BURRIS ESTATES	1984 DUGGIN SWITCH RD	2	3.1870	4/16/2020	6/24/2020
AMENDED RECORD PLAT OF CEDAR HILLS SUBDIVISION LOTS 1-6	212 CEDAR HILL DR	-5	0.0000	6/03/2020	6/24/2020
RECORD PLAT OF K AND K SUBDIVISION	551 BENNETT RD	2	20.0000	6/11/2020	6/26/2020
		6	108.2480		

**Total Records: 13**

**7/1/2020**

**Hardin County Board of Adjustment**

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Chairman Krausman announced that the next scheduled meeting will be held on Thursday, July 23rd, 2020 at 5:00 p.m. and the meeting was adjourned at 6:10 p.m.

**ADOPTED AND APPROVED THIS 23RD DAY OF July 2020 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.**

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**Steve Steck, Secretary**

## Hardin County Board of Adjustment

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Chairman Bob Krausman called to order the four hundred and twenty fourth meeting of the Hardin County Board of Adjustment at 5:08 p.m. on Thursday, 18 June 2020, in the Hardin County Government Center, 2nd Floor Meeting Room. The other Board Members in attendance were Vice Chairman Greg Youngblood and Secretary Steve Steck. Also, in attendance were Director Adam King, AICP, Planner Chris Butz, and the individuals listed on the attached sign-in sheet. Chairman Krausman appointed Secretary Steve Steck to serve as the Hearing Officer and to conduct the swearing in ceremony for all those in attendance who planned to speak.

At 5:10 PM Hearing Officer Steck announced the first item on the agenda is a continuation from 5 March 2020, a request for a Conditional Use Permit to allow for a Permanent Accessory Dwelling (800 sq ft guest house). The property is a 0.799 acre site located at 3345 Fred Burns Road, Rineyville, KY, known as Lot 11 of Wise Berry Estates, Section 2 within the West Urban Planning Area and is zoned Urban Residential (R-1). The PVA map number is 143-00-01-045. The property is owned by **BRAD HOLLOMAN**. Director King reviewed the application, the plans for the property and presented the exhibits into the record. New items entered into the record included an existing septic system inspection performed by the Health Department in 2020, an Open Records Request to the Health Department for the property and the Zoning Change and Court documentation for the property from 2001-2002.

Brad Holloman, of 3345 Fred Burns Road, Rineyville, KY provided testimony and answered questions from the Board members and staff. Mr. Holloman reiterated he plans to rent out the accessory dwelling to a coworker to supplement his mortgage payment. He added the intention is to have only one tenant occupy the accessory dwelling.

Matt Belrose, of 69 McDreamy Court, Rineyville, KY spoke in opposition to the proposal. He mentioned that he believed that multi-family properties would decrease the value of surrounding properties. Mr. Belrose went on to say other Conditional Use Permits for Permanent Accessory Dwellings granted in Hardin County were given to properties with larger lots than the one in question. He also said privacy was a concern with the accessory dwelling being so close to his property line. When asked if a vegetative screening would help with that issue Mr. Belrose replied that he didn't think there would be enough room for additional vegetation. Mr. Belrose also stated that the accessory dwelling would not be in agreement with the comprehensive plan in his opinion.

Sherri Gilliam, of 35 McDreamy Court, Rineyville, KY spoke in favor of the proposal. She stated that from her house she can see both dwellings and she has no problem with Mr. Holloman renting out the structure. She went on to say the accessory dwelling could be a possible housing option for her 85-year-old mother in the near future. Mrs. Gilliam said people live in the detached garage in the adjacent property and she knew in

## Hardin County Board of Adjustment

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2008 when she purchased the property that there was a possibility of the accessory dwelling being occupied by a renter.

Roger Ashley, of 3321 Burns Road, Rineyville, KY spoke in favor of the proposal. He referenced the health department's approval of the septic system. He also noted that David Wise had lived in the cottage on and off for some time and there weren't any problems. Mr. Ashley said a privacy fence could be a good idea. He added that a fence used to exist on the adjoining property with a pool but had since been taken down.

No one else spoke in favor or opposition to the proposal. Chairman Krausman closed the hearing to public discussion at 5:35 PM.

Secretary Steck said he had no issues with the proposal. Chairman Krausman said some type of screening should be placed to the rear of the cottage.

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

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

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

## Hardin County Board of Adjustment

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1. This Conditional Use Permit for a Permanent Accessory Dwelling will allow for the approval of an 800 sq. ft. dwelling (currently approved as an accessory structure).
2. The property owner, Brad Holloman, must occupy either the principal dwelling unit or the permanent accessory dwelling as their principal residence, and at no time receive rent for the owner-occupied unit.
3. Adequate on-site parking must be designated on an approved site plan.
4. The Permanent Accessory Dwelling shall utilize and share the existing driveway from Burns Road.
5. The Permanent Accessory Dwelling is the proposed 800 sq. ft. guest house (currently an accessory structure) and the Principal Dwelling is the existing 1,264 sq. ft. log cabin.
6. 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.
7. The exterior finish materials of the Permanent Accessory Dwelling shall be tan vinyl siding with white trim and a shingle roof.
8. Both dwellings shall have a sewerage system approved by the Environmental Services Office of the Hardin County Health Department.
9. This Permit is not transferable and the new owners must reapply for the Conditional Use Permit and meet the necessary requirements.
10. Change of Use Building & Electrical Permits shall be required from a detached accessory structure to a dwelling.
11. Additional landscaping or screening in the form of a solid privacy fence or evergreen trees along the length of the concrete patio shall be required.
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.

Vice Chairman Youngblood provided the seconded and the motion passed unanimously.

At 5:43 PM Hearing Officer Steck announced the second item on the agenda is a request for a Variance from the front building setback line to allow for the construction of a proposed 30' x 30' detached garage. The property is a 2.068 acre site located at 50 Deerfield Court, Elizabethtown, KY and known as Lot 8A of Sycamore Bend, Section 1 within the KY 313 Corridor Planning Area and is zoned Residential Estate (R-3). The PVA map number is 216-00-0A-008. The property is owned by **ARGELIS & GEORGE RAY**. Director King reviewed the application, the plans for the property and presented the exhibits into the record.

## Hardin County Board of Adjustment

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George Ray, of 50 Deerfield Court, Elizabethtown, KY provided testimony and answered questions from the Board members and staff. Mr. Ray said he had purchased the two lots on Deerfield Court so he could eventually place a garage on the adjoining lot. He had a surveyor combine the lots in an amended record plat for that very reason. He did not realize a variance was also required until after he had moved in dirt for the foundation. Mr. Ray went on to say if it wasn't for the radius of the cul-de-sac, the garage would be in compliance with the setback and in line with his existing house. Chairman Krausman asked if instead of a 30' x 30' garage, he could build a 24' x 40' garage allowing the structure to sit 6 additional feet further back from the cul-de-sac, therefore requiring a smaller variance. Mr. Ray said that he would be fine with that change. Director King clarified that the staff measured the original proposed location of the garage to be 60' from the center of the cul-de-sac. This new variance of 24' as opposed to the original 30' requested would require Mr. Ray to place the garage at least 66' from the center of Deerfield Court.

No one spoke in opposition to the proposal and the hearing was closed to the public at 6:00 PM.

Secretary Steck made a motion to grant the Variance based on the staff presentation and the testimony provided in the public hearing. He cited the property being located at the end of a cul-de-sac with no safety concerns and referenced the previously approved variances in Sycamore Bend. He stated it will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of this regulation and will satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243 and DGS 5-3 (B) (1) Findings necessary for granting variance) which is as follows:

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

The Variance was granted with the noted conditions:

1. To allow for a Variance from the 40' front building setback to allow for the proposed detached garage to be no closer than 66' from the center line of the cul-de-sac.
2. A Site Plan in compliance with Section 7 of the Zoning Ordinance shall be required.

## Hardin County Board of Adjustment

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

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

At 6:05 PM Hearing Officer Steck announced the third item on the agenda is a request for a Conditional Use Permit to allow for an automotive repair business on site. The property is a 1.39 acre site located at 13259 Leitchfield Road, Eastview, KY within Natural Resource Planning Area and is zoned Convenience Commercial (C-1). The PVA Map number is 107-00-00-009. The property is owned by **ADAM & BROOK ANSON AND BEV AND LINDA MORRIS** the applicant is **LEE BROCK**. Planner Chris Butz reviewed the application, the plans for the property and presented the exhibits into the record.

Lee Brock, of 8315 Leitchfield Road, Eastview, KY provided testimony and answered questions from the Board members and staff. Mr. Brock said the owner, Bev Morris lives across the street and had been trying to sell the property ever since the pawn shop closed in 2011. He added that the building is perfect for an auto repair business and the location is also ideal because there aren't any auto shops in the area. At the moment Mr. Brock is the only employee but may hire someone in the near future. When asked by Chairman Krausman how many total employees could work at the business, Mr. Brock said because the building only has room for two cars, he would only need at most two employees.

No one spoke in opposition to the proposal and the hearing was closed to the public at 6:24 PM.

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

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

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

According to provisions of the Kentucky Revised Statutes, the Hardin County Development Guidance System Zoning Ordinance, and the proceedings before the Board of Adjustment (the staff presentation and the testimony presented in the Public Hearing);

Vice Chairman Youngblood made the motion to grant the Conditional Use Permit (CUP) with the following conditions:

1. This Conditional Use Permit shall allow for an automotive repair business to be operated from the existing commercial building on site.
2. This Conditional Use Permit is issued to the current owner/applicants, Adam Anson & Lee Brock and is not transferable, the Conditional Use Permit is good for 3 years and will expire on 18 June 2023. After which time it shall require a renewal hearing before the Board of Adjustment.
3. The hours of operation shall be Monday through Friday 9:00 am to 5:00 pm and Saturday 9:00 am to 1:00 pm.
4. There may be up to 3 employees.
5. There shall be no more than 12 customer vehicles parked outside at one time.
6. Additional landscaping and/or screening shall not be required.
7. If a dumpster is located on site, it must be screened from view of the right-of-way and all adjoining properties.
8. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7 in lieu of a Development Plan since no new construction is proposed.
9. A Change of Use Building Permit shall be required.
10. A Certificate of Land Use Restrictions shall be recorded in the office of the Hardin County Clerk.
11. An Emergency Response & Spill Prevention Plan shall be required.

Secretary Steck provided the second. The motion passed unanimously.

At 6:25 PM Hearing Officer Steck announced the fourth item on the agenda is a request for a Conditional Use Permit for a temporary accessory dwelling to allow for a manufactured home on site for a family caretaker situation. The property is a 10.371 acre site located at 173 Gilbert Lane, Eastview, KY and known as Lot 9B of Donna



## Hardin County Board of Adjustment

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Acres within the West Hardin Planning Area and is zoned Rural Residential (R-2). The PVA map number is 072-00-01-008. The property is owned by **PAUL & TAMMI BOLIN-JOHNSON**. Planner Chris Butz reviewed the application, the plans for the property and presented the exhibits into the record.

Tammi Bolin-Johnson, of 173 Gilbert Lane, Eastview, KY provided testimony and answered questions from the Board members and staff. Mrs. Bolin-Johnson said her mother had passed away recently and she doesn't want her father to continue to live on his own in Bullitt County. She added that she doesn't want to put her father in a nursing home and having him live in the doublewide on her property would allow her father to maintain some independence. Mrs. Bolin-Johnson also said the doublewide is paid off and the site already has septic and utilities.

No one spoke in opposition to the proposal and the hearing was closed at 6:40 PM.

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

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

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

## Hardin County Board of Adjustment

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1. The Temporary Accessory Dwelling shall be a temporary use for no longer than 7 years from 18 June 2020 and must be removed from the property by 18 June 2027 or apply for a renewal of the Conditional Use Permit.
2. The existing 30'x64' Manufactured Home on site is the principal dwelling and the proposed 24'x52' manufactured home will be the Temporary Accessory Dwelling.
3. The Temporary Accessory Dwelling is for a family need situation shall only be occupied by the father of Tammi Bolin-Johnson 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. 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, Paul & Tammi Bolin-Johnson, 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.
9. The skirting on the manufactured home must be maintained.
10. A Certificate of Land Use Restrictions shall be recorded in the office of the Hardin County Clerk.

Secretary Steck provided the second. The motion passed unanimously.

At 6:43 PM Chairman Krausman called for consideration and action on the **Minutes from the 26 March 2020 meeting** of the Board of Adjustment. Vice Chairman Youngblood made a motion to approve the minutes as presented. Secretary Steck provided the second. The motion passed unanimously.

At 6:45 PM Chairman Krausman called for consideration and action on the **Annual Election of Officers** of the Board of Adjustment. Vice Chairman Youngblood made a motion for the officers to remain the same. Secretary Steck provided the second. The motion passed unanimously.

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

### **1 YEAR OF SERVICE & GRADUATION**

Chris Butz, Planner, celebrated 1 year of service with the Planning Commission on 11 May 2020.

## Hardin County Board of Adjustment

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Chris also completed his Masters of Urban Planning Degree at the University of Louisville in May and received the Outstanding Student Award!

### **NATIONAL PLANNING CONFERENCE**

Adam & Chris are participating in the first ever, online National Planning Conference hosted by the American Planning Association with the ability to obtain over 20 hours of continuing education.

### **EAST ELIZABETHTOWN CONNECTIVITY STUDY**

Adam attended a Zoom meeting with various planners and engineers from the area on 27 May 2020 that was the kick off of the East Elizabethtown Connectivity Study being funded by the Elizabethtown-Radcliff Metropolitan Planning Organization and KY Transportation Cabinet District #4. QK4 from Louisville was awarded the contract and Adam is on the project team.

### **APA-KY MEETING**

Adam attended a Zoom meeting of the KY Chapter of the American Planning Association on 27 May 2020. The topics of discussion were rescheduling the Spring & Fall conferences and finalizing the 2019 Annual Report.

### **WEST POINT TRAIL MEETING**

Adam participated in a Zoom meeting of the West Point Revitalization Committee to continue the discussion of a trail network to connect West Point to the Louisville Loop.

### **BUILDING INSPECTOR CONTINUING EDUCATION**

Ed & Jimmy are obtaining continuing education hours online in June participating in a workshop series hosted by the American Institute of Architects, Code Administrators Association of KY and the KY Office of Housing, Buildings and Construction.

### **MARCH 2020 REPORT**

<b>Plats Recorded:</b> <ul style="list-style-type: none"><li>• 9 Subdivision plats were approved for the month</li><li>• 21 Subdivision plats were approved for the year</li></ul>	<b>New Lots Created:</b> <ul style="list-style-type: none"><li>• 8 New lots approved for the month</li><li>• 21 Net lots approved for the year</li></ul>
<b>Building Permits:</b> <ul style="list-style-type: none"><li>• 10 SFD Permits for the month</li><li>• 35 SFD Permits for the year</li><li>• 87 Total Building Inspections for the month</li><li>• 284 Total Building Inspections for the year</li><li>• 97 Total Building Permits for the year</li></ul>	<b>Electrical Permits (6 Jurisdictions):</b> <ul style="list-style-type: none"><li>• 74 Total Permits for the month</li><li>• 230 Total Permits for the year</li><li>• 124 Total Electrical Inspections for the month</li><li>• 424 Total Electrical Inspections for the year</li></ul>

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**SUBDIVISION PLATS RECORDED IN MARCH 2020**

Project / Subdivision Name	Site Address	Lots +/- (Plats Final)	Acres (All Permits)	Completed Date	Final Date
MACI DILL ACRES	HARDINBURG ROAD (KY 86)	3	17.9150	1/1/1900	3/3/2020
RECORD PLAT OF C AND C ESTATES	8855 NEW GLENDALE ROAD	1	3.3450	2/27/2020	3/3/2020
AMENDED RECORD PLAT OF CALVERT ESTATES, SECTION 1, LOTS 1 & 2	1887 S. LONG GROVE RD.	0	0.0000	1/7/2020	3/5/2020
RECORD PLAT OF HURST FARM DIVISION	615 FOWLER LN.	1	5.0000	1/6/2020	3/10/2020
AMENDED RECORD PLAT OF GARDEN VIEW ESTATES, LOT 2	71 TRIBUTE COURT	0	0.0000	2/28/2020	3/10/2020
MELS ACRES SUBDIVISION, LOT 2	11 TRIBUTE COURT, RADCLIFF, KY	1	0.0000	2/18/2020	3/12/2020
SPORTSMAN LAKE LOTS 6A, 9-11 & 12A OF BLOCK 5 AND LOTS 3,4 & 5 OF BLOCK 6	304 LAKE SHORE DR	-5	0.0000	1/6/2020	3/23/2020
RECORD PLAT OF CAK FARMS	HOOVER HOLLOW RD	1	14.7250	3/4/2020	3/25/2020
AMENDED RECORD PLAT OF REBECCA ROSE FARM, LOT 1B	3903 SALT RIVER ROAD, RINEYVILLE, KY	1	0.0000	2/10/2020	3/27/2020
		<b>3</b>	<b>40.985</b>		

**Total Records: 9**

**4/2/2020**

Chairman Krausman announced that the next scheduled meeting will be held on Thursday, July 9th, 2020 at 5:00 p.m. and the meeting was adjourned at 6:47 p.m.

**ADOPTED AND APPROVED THIS 9TH DAY OF July 2020 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.**

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**Steve Steck, Secretary**

## Hardin County Board of Adjustment

Minutes: 26 March 2020

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Chairman Bob Krausman called to order the four hundred and twenty third meeting of the Hardin County Board of Adjustment at 5:00 p.m. on Thursday, 26 March 2020, in the first floor lobby of the Hardin County Government Center. (Due to the COVID-19 outbreak, social distancing of 6' or greater was maintained by everyone in attendance). The other Board Members in attendance were Vice Chairman Greg Youngblood and Secretary Steve Steck. Also, in attendance were Director Adam King, AICP, and the individuals listed on the attached sign-in sheet. Chairman Krausman appointed Secretary Steve Steck to serve as the Hearing Officer and to conduct the swearing in ceremony for all those in attendance who planned to speak.

At 5:02 p.m. Hearing Officer Steck announced the first item on the agenda is a request for a Variance from the front building setback to accommodate the existing single family dwelling under construction. The property is a 13 acre site located at 881 George Tabb Road, Upton, KY and known as Lot 1 of Angela's Acres within the South Hardin Planning Area and is zoned Rural Residential (R-2). The PVA Map number is 177-00-00-002.01. The property is owned by **CHRIS & ANGELA KNIGHT**. Director King reviewed the application, the plans for the property and presented the exhibits into the record.

Chris Knight, of 881 George Tabb Road, Upton, KY provided testimony and answered questions from the Board members and staff. Mr. Knight explained that due to the overhead electric lines behind the home, he had shifted the house location slightly and that upon receiving his mortgage survey that it was discovered that the house was 12.5' too close to the road on one corner.

No one spoke in opposition to the proposal. Chairman Krausman closed the hearing at 5:12 p.m.

Vice Chairman Youngblood made a motion to grant the Variance based on the staff presentation and the testimony provided in the public hearing. He cited that its location was not out of character with the structures on the adjoining farm and that the house is located approximately 15-20' above the grade of the road. He stated it will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of this regulation and will satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243 and DGS 5-3 (B) (1) Findings necessary for granting variance) which is as follows:

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

## **Hardin County Board of Adjustment**

Minutes: 26 March 2020

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The Variance was granted with the noted conditions:

1. To allow for a Variance from the 70' front building setback along George Tabb Road to accommodate the existing house under construction to be no closer than 57.5' from the front property line.
2. A Site Plan in compliance with Section 7 of the Zoning Ordinance shall be required.
3. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Secretary Steck provided the second. The motion passed unanimously.

At 5:14 p.m. Chairman Krausman called for consideration and action on the **Minutes from the 5 March 2020 meeting** of the Board of Adjustment. Secretary Steck made a motion to approve the minutes as presented. Vice Chairman Youngblood provided the second. The motion passed unanimously.

Chairman Krausman announced that the next scheduled meeting will be held on Thursday, May 7, 2020 at 5:00 p.m. and the meeting was adjourned at 5:15 p.m.

**ADOPTED AND APPROVED THIS 18th DAY OF JUNE 2020 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.**

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**Steve Steck, Secretary**

## Hardin County Board of Adjustment

Minutes: 5 March 2020

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Chairman Bob Krausman called to order the four hundred and twenty second meeting of the Hardin County Board of Adjustment at 5:00 p.m. on Thursday, 5 March 2020, in the Hardin County Government Center, 2nd Floor Meeting Room. The other Board Members in attendance were Vice Chairman Greg Youngblood and Secretary Steve Steck. Also, in attendance were Director Adam King, AICP, Planner Chris Butz, and the individuals listed on the attached sign-in sheet. Chairman Krausman appointed Secretary Steve Steck to serve as the Hearing Officer and to conduct the swearing in ceremony for all those in attendance who planned to speak.

At 5:03 p.m. Hearing Officer Steck announced the first item on the agenda is a request for a Conditional Use Permit to allow for a Permanent Accessory Dwelling (800 sq ft guest house). The property is a 0.799 acre site located at 3345 Fred Burns Road, Rineyville, KY, known as Lot 11 of Wise Berry Estates, Section 2 within the West Urban Planning Area and is zoned Urban Residential (R-1). The PVA map number is 143-00-01-045. The property is owned by **BRAD HOLLOMAN**. Director King reviewed the application, the plans for the property and presented the exhibits into the record. Brad Holloman, of 3345 Fred Burns Road, Rineyville, KY provided testimony and answered questions from the Board members and staff. Mr. Holloman said he plans to rent out the accessory dwelling to a coworker to supplement his mortgage payment. But if the Conditional Use Permit was not approved he would use the space as a gathering area for friends and family. He went on to say Charlotte from the Health Department had performed an existing septic system inspection and found two systems. Chairman Krausman asked about the exterior finish of the accessory dwelling and whether or not it could be modified to match the log cabin on site. Mr. Holloman said they could modify it if necessary. Vice Chairman Youngblood asked if the driveway would be extended to reach the accessory dwelling. Mr. Holloman said it would and eventually he would like to pave the driveway.

Barry Carr, of 124 Cooley Lane, Rineyville, KY spoke in favor of the proposed permanent accessory dwelling. He said he was Mr. Holloman's realtor and he's seen 6 or 7 properties in the area with detached living quarters. He also said that he was under the impression that the property adjoining Mr. Holloman had someone living in an apartment above a detached garage. He added the new home owners should not be punished for the actions of the previous owner.

Matt Belrose, of 69 McDreamy Court, Rineyville, KY spoke in opposition to the proposal. He pointed out that his property was located behind Mr. Holloman's property and his house was the closest to the accessory dwelling. He explained that his property has a problem with flooding and drainage issues, and that he can often smell waste around his property. He was concerned that a second septic system would worsen the situation. He added "Exhibit L" into the record, which was a letter from the Lincoln Trail District Health Department from 2001 stating that the lot could not support two systems.

## Hardin County Board of Adjustment

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Judy Wise, of 3374 Burns Road, Rineyville, KY, spoke neither in support nor opposition to the proposal. She addressed the question previously raised by the Board of if someone had ever lived in the accessory dwelling. Mrs. Wise said in the fall of 2017 that David Wise had told her he had been living in the accessory dwelling.

Brad Holloman questioned Exhibit L, that his lot was not too small to accommodate two septic systems and the existing system inspection performed by the Health Department in 2020 supported this.

Barry Carr added that a septic installer, Scotty Gardner, told him that the septic system could be redirected to the front yard of the property if necessary. Mr. Carr believed the smell in question was coming from the property owned by Mr. Belrose, not that of the applicant.

Chairman Krausman said tabling the hearing to allow the staff to reach out to the Health Department may be the best option.

Secretary Steck made a motion to table the hearing until March 26<sup>th</sup>, 2020 at 5:00 p.m. Vice Chairman Youngblood provided the seconded and the motion passed unanimously.

At 6:02 p.m. Hearing Officer Steck announced the second item on the agenda is a request for an Amended Conditional Use Permit to continue to allow for a temporary accessory dwelling (20'x30' manufactured home) to remain on the property as a third dwelling on site. The property is a 9 acre site located at 408 Summit Eastview Road, Eastview, KY, known as Lot 7 of Tree Top Estates within the West Hardin Planning Area and is zoned Rural Residential (R-2). The PVA map number is 073-00-00-020. The property is owned by **ROGER & SHIRLEY STILLWELL**.

At 6:04 p.m. Secretary Steck announced that he was recusing himself from the hearing because he is the owner of an adjoining property. Planner Butz then went on to review the application, the plans for the property and presented the exhibits into the record.

Shirley Stillwell, of 408 Summit Eastview Road, Eastview, KY provided testimony and answered questions from the Board members and staff. Mrs. Stillwell sited her health as the reasoning for needing the temporary accessory dwelling. Currently, her daughter and grandson occupy the doublewide while another grandson lives in the singlewide. Her plan is to eventually get rid of the pre-existing singlewide and keep the doublewide on site since it was in better condition. The grandson in the singlewide is planning on moving to Indiana within the year. The Board agreed to allow for the doublewide to become the pre-existing, non-conforming structure that is grandfathered on the lot and for the singlewide manufactured home to now be the temporary accessory dwelling.



## Hardin County Board of Adjustment

Minutes: 5 March 2020

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No one spoke in opposition to the proposal and the hearing was closed at 6:20 p.m.

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

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

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

1. The Temporary Accessory Dwelling shall be a temporary use for no longer than 2 years from 5 March 2020 and must be removed from the property by March 5, 2022.
2. The existing 12'x60' single wide manufactured home on site is a Temporary Accessory Dwelling and has 720 square feet of living space. The principal dwelling is the 1735 sq. ft. ranch house and the 20'x30' manufactured home on site is a pre-existing, non-conforming grandfathered in structure.
3. The Temporary Accessory Dwelling is for a family need situation shall only be occupied by Samantha Stillwell and her immediate family.
4. Upon the vacancy of the Temporary Accessory Dwelling, it must be removed from the property within six (6) months.

## Hardin County Board of Adjustment

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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 Amended Conditional Use Permit shall be issued to the current property owners, Roger & Shirley 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 accordance with Development Guidance System, Section 7.
9. The skirting on the manufactured home must be maintained.
10. A Certificate of Land Use Restrictions shall be recorded in the office of the Hardin County Clerk.

Chairman Krausman provided the second. The motion passed 2-0.

At 6:22 p.m. Hearing Officer Steck announced the third item on the agenda is a request for a Variance from the front building setback to allow for the construction of a 60'x60' agricultural barn. The property is a 6 acre site located at 1906 Lee School Road, Sonora, KY and known as Lot 1 of Strader's Acres Subdivision within the South Hardin Planning Area and is zoned Rural Residential (R-2). The PVA Map number is 110-00-00-001.03. The property is owned by **WILLIAM & ANGELA ANDERSON**. Director Adam King reviewed the application, the plans for the property and presented the exhibits into the record. William Anderson, of 1906 Lee School Road, Sonora, KY provided testimony and answered questions from the Board members and staff. Mr. Anderson said the proposed barn would be for hay and equipment storage. He said the new barn would be 15' further from the front property line than the previous barn. Mr. Anderson added that moving the barn further from the road would prevent him from being able to access another of his barns and would prevent the barn from being able to be driven thru. He also noted that moving it elsewhere on the property would take away from productive hay ground.

No one spoke in opposition to the proposal.

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

## Hardin County Board of Adjustment

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

The Variance was granted with the noted conditions:

1. To allow for a Variance from the 70' front building setback to allow for the proposed agricultural barn to be no closer than  $\pm 45'$  from the center line of Lee School Road.
2. A Site Plan in compliance with Section 7 of the Zoning Ordinance shall be required.
3. An Agricultural Zoning Permit must be obtained from the KBC Program of our office.
4. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

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

At 6:34 p.m. Chairman Krausman called for consideration and action on the **Minutes from the 20 February 2020 meeting** of the Board of Adjustment. Secretary Steck made a motion to approve the minutes as presented. Vice Chairman Youngblood provided the second. The motion passed unanimously.

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

### FEBRUARY 2020 REPORT

<b>Plats Recorded:</b> <ul style="list-style-type: none"><li>• 6 Subdivision plats were approved for the month</li><li>• 12 Subdivision plats were approved for the year</li></ul>	<b>New Lots Created:</b> <ul style="list-style-type: none"><li>• 6 New lots approved for the month</li><li>• 18 Net lots approved for the year</li></ul>
<b>Building Permits:</b> <ul style="list-style-type: none"><li>• 12 SFD Permits for the month</li><li>• 25 SFD Permits for the year</li><li>• 82 Total Building Inspections for the month</li><li>• 196 Total Building Inspections for the year</li><li>• 70 Total Building Permits for the year</li></ul>	<b>Electrical Permits (6 Jurisdictions):</b> <ul style="list-style-type: none"><li>• 65 Total Permits for the month</li><li>• 156 Total Permits for the year</li><li>• 144 Total Electrical Inspections for the month</li><li>• 301 Total Electrical Inspections for the year</li></ul>

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### SUBDIVISION PLATS RECORDED IN FEBRUARY 2020

Project / Subdivision Name	Site Address	Lots +/- (Plats Final)	Acres (All Permits)	Completed Date	Final Date
RECORD PLAT OF DONNIE'S ACRES , PROPERTY BY LAUREL RIDGE FRAMING	15340 SALT RIVER RD.	3	9.5700	1/16/2020	2/4/2020
SKEES ACRES LOTS 8C & 9B	345 ST AMBROSE CHURCH LANE	0	0.0000	1/10/2020	2/5/2020
AMENDED RECORD PLAT OF MCCORMACK SUBDIVISION, BLOCK D, LOTS 40- 43 AND 1/2 OF LOT 39	138 MCCORMACK AVE	-3	0.0000	1/1/1900	2/6/2020
AMENDED RECORD PLAT OF ELMORE SUBDIVISION, LOTS 2 & 3	9133 & 9081 LEITCHFIELD RD	2	7.7000	1/1/1900	2/14/2020
AMENDED RECORD PLAT OF TRUBY ACRES SUBDIVISION, LOT 1 AND BOUNDARY SURVEY OF THE DOUBLE L PROPERTIES, LLC TRACT A	6532 HARDINSBURG RD	0	0.0000	2/10/2020	2/19/2020
G CHILDREN'S HOME SUBDIVISION, SECTION 4, LOT 20	2125 GILEAD CHURCH RD.	1	0.0000	12/9/2019	2/21/2020
		<b>3</b>	<b>17.2700</b>		

Total Records: 6

3/2/2020

Chairman Krausman announced that the next scheduled meeting will be held on Thursday, March 26, 2020 at 5:00 p.m. and the meeting was adjourned at 6:45 p.m.

**ADOPTED AND APPROVED THIS 26th DAY OF MARCH 2020 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.**

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**Steve Steck, Secretary**

## Hardin County Board of Adjustment

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Chairman Bob Krausman called to order the four hundred and twenty first meeting of the Hardin County Board of Adjustment at 5:04 p.m. on Thursday, 20 February 2020, in the Hardin County Government Center, 2nd Floor Meeting Room. The other Board Members in attendance were Vice Chairman Greg Youngblood and Secretary Steve Steck. Also, in attendance were Director Adam King, AICP, Planner Chris Butz, and the individuals listed on the attached sign-in sheet. Chairman Krausman appointed Secretary Steve Steck to serve as the Hearing Officer and to conduct the swearing in ceremony for all those in attendance who planned to speak.

At 5:05 p.m. Hearing Officer Steck announced the first item on the agenda is a continuation from a hearing that was tabled on January 16, 2020 to allow for the Board members to conduct a site visit. It is a request for a Conditional Use Permit to allow for an Automotive Repair Business within a proposed 32'x48' detached garage. The property is a 3-acre site located at 4824 Roundtop Road, Elizabethtown, KY, known as Lot 1A of Wheeler Estates within the Natural Resource Planning Area and is zoned Rural Residential (R-2). The PVA map number is 238-00-00-008.02. The property is owned by **RAJA RIDING & WELLNESS, LLC** and the applicant is **CHARLIE PEPPERS**. Director King reviewed the application, the plans for the property and presented the exhibits into the record. Charlie Peppers, of 4824 Roundtop Road, Elizabethtown, KY provided testimony and answered questions from the Board members and staff. He said he and Director King had come up with a few ideas regarding the site plan to resolve any concerns from the neighbors. He went on to propose a third site plan idea where the open end of the garage would face the backside of the home and gravel would be added to make room for parking. The proposed garage would still be located 25' off the side property line near the driveway. Mr. Peppers said all vehicles would be placed between the garage and existing home. Mr. Peppers said having the entrance face the house would decrease the amount of noise coming from the garage. Mr. Peppers added he owns four personal vehicles and currently has three customer vehicles in his shop. He said he could fit four customer vehicles in the proposed garage at one time.

Jenny Greenough, of 4824 Roundtop Road, Elizabethtown, KY, spoke in favor of the request and said sometimes there's an overlap between customers and room for three additional customer cars is needed but not anticipated to be used often.

Vice Chairman Youngblood asked Mr. Peppers about the noise. Mr. Peppers said there wouldn't be much noise. His current shop is located next to a barber shop and other commercial properties and has never received a complaint.

Ray Allen Mackie, of 3884 Round Top Road, Elizabethtown, KY spoke in opposition to the proposal. He said he has no personal issue with the business, but he thought the use was out of character with the area. He stated the proposed building isn't the issue, that the type of business doesn't fit in with rural residences and surrounding farmland.

## **Hardin County Board of Adjustment**

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At 5:25 p.m. Chairman Krausman asked the Board for discussion.

Secretary Steck said he doesn't see how they can deny the applicant the opportunity to have this business when they've approved many similar proposals in other parts of the county. He stated that the Zoning Ordinance allows for it and that the Conditional Use Permit allows oversight of the activity.

Vice Chairman Youngblood stated he had concerns with how the property looked. He noted that the area had well maintained homes and was surrounded by farmland. He encouraged the applicant to take care of the property.

Mr. Peppers replied that part of the reason for building a shop at his home was to spend more time at home and take care of things around the house.

Chairman Krausman stated his preference for the building and overhead doors to face the existing home and for the building to be in a color scheme that matched the house. He also suggested screening in the form of a fence or evergreen trees.

Chairman Krausman closed the hearing at 5:45 p.m.

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

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

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

1. This Conditional Use Permit shall allow for an automotive repair business to be operated from the proposed 32'x48' detached garage on site. The proposed garage will be in a color scheme similar to the house on site with the overhead door facing the house.
2. This Conditional Use Permit is issued to the current owner/applicant, Charlie Peppers and is not transferable, the Conditional Use Permit is good for 2 years and expire on 2/20/2022. After which time it shall require a renewal hearing before the Board of Adjustment.
3. The hours of operation shall be Monday through Saturday 8am – 6 pm.
4. There shall be no employees who do not reside in the dwelling on site.
5. A single sign (no larger than 6 sq. ft.) shall be permitted advertising the business and shall not be lit.
6. There shall be no more than 5 vehicles total parked outdoors at a time with no wrecked vehicles parked outdoors. Additionally, no automotive parts or equipment may be stored outdoors.
7. Additional landscaping and/or screening shall not be required because the parking area will be screened from view by the location of the existing house and shed.
8. If a dumpster is located on site, it must be screened from view of the right-of-way and all adjoining properties.
9. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.
10. Building and electrical permits must be secured through the KBC Building Program of our office.
11. A Certificate of Land Use Restrictions shall be recorded in the office of the Hardin County Clerk.
12. An Emergency Response & Spill Prevention Plan shall be required.

Vice Chairman Youngblood provided the second. Motion passed unanimously.

At 5:52 p.m. Hearing Officer Steck announced the second item on the agenda is a request for a Variance from the front and rear building setbacks to allow for the construction of a 12'x14' shed. The property is a 0.930 acre site located at 6810 Bardstown Road, Elizabethtown, KY, known as Lot 1 of Robin Wood Manor within the East Hardin Planning Area and is zoned Rural Residential (R-2). The PVA map number is 262-00-01-001. The property is owned by **MERRYE SWENSON**. Planner Chris Butz reviewed the application, the plans for the property and presented the exhibits into the

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record. Merrye Swenson, of 6810 Bardstown Road, Elizabethtown, KY, provided testimony and answered questions from the Board members and staff. Ms. Swenson said the shed was for storage of lawn equipment and Christmas decorations. She was unaware that a building permit was required and also not aware she would have a front building setback along Coon Hunters Lane since she owns a corner lot. She stated the shed could not be moved because the posts are all set in concrete. She intends to finish the shed in boards to be painted to match the house.

No one spoke in opposition to the proposal and the hearing was closed at 6:07 p.m.

Vice Chairman Youngblood made a motion to grant the Variances based on the staff presentation and the testimony provided in the public hearing. He cited the narrow 10' width of Coon Hunters Lane, the low traffic dead end road, and the fact that the shed was farther from the road than the existing house. He stated it will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of this regulation and will satisfy the language of the language of the KENTUCKY REVISED STATUTES (Section 100.243 and DGS 5-3 (B) (1) Findings necessary for granting variance) which is as follows:

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

The Variance was granted with the noted conditions:

1. To allow for a Variance from the 40' front building setback along Coon Hunters Lane to allow for the proposed shed to be no closer than 32' from the center line of the road and a Variance from the 15' rear building setback to allow for the shed to be no closer than 5' from the rear line.
2. A Site Plan in compliance with Section 7 of the Zoning Ordinance shall be required.
3. Building & Electrical permits must be obtained from the KBC Program of our office.
4. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Secretary Steck provided the second. Motion passed unanimously.

At 6:09 p.m. Hearing Officer Steck announced the third item on the agenda is a request for a Conditional Use Permit for a Permanent Accessory Dwelling to allow for the construction of a 1200 sq. ft. guest house. The property is an 11.03 acre site located at 6421 South Dixie Highway, Glendale, KY and known as Lot 1A of Glendale Junction Farm within the South Dixie Planning Area and is zoned Rural Residential (R-2). The



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PVA map number is 225-00-03-001. The property is owned by **ARTHUR & LINDA HURLEY**. Director King reviewed the application, the plans for the property and presented the exhibits into the record. Arthur Hurley, of 6421 South Dixie Highway, Glendale, KY, provided testimony and answered questions from the Board members and staff. Mr. Hurley mentioned the previous Conditional Use Permit for multiple dwellings were manufactured homes on the property for his mother and his son but they are no longer on the property. The proposed Permanent Accessory Dwelling is for his family members who visit from out of town during the holidays and need a place to stay.

No one spoke in opposition to the proposal and the hearing was closed at 6:21 p.m.

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

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

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

1. This Conditional Use Permit for a Permanent Accessory Dwelling will allow for the construction of a 1200 sq. ft. dwelling.

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2. The property owners, Arthur & Linda Hurley, must occupy either the principal dwelling unit or the accessory dwelling as their principal residence, and at no time receive rent for the owner-occupied unit.
3. Adequate on-site parking must be designated on an approved site plan.
4. The Permanent Accessory Dwelling shall utilize and share the existing driveway from South Dixie Highway (US 31W).
5. The Permanent Accessory Dwelling is the proposed 1200 sq. ft. house located on site and the Principal Dwelling is the existing 2128 sq. ft. home (previous 28'x76' doublewide manufactured home – see Affidavit of Conversion).
6. The Permanent Accessory Dwelling shall be located in the side yard and shall be located as illustrated on the approved Site Plan and in accordance with building setback lines.
7. The exterior finish materials of the Permanent Accessory Dwelling shall be tan vinyl siding with a green roof to match the principal dwelling.
8. Both dwellings shall have a sewerage system approved by the Environmental Services Office of the Hardin County Health Department.
9. This Permit is not transferable and the new owners must reapply for the Conditional Use Permit and meet the necessary requirements.
10. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.
11. A Certificate of Land Use Restrictions shall be recorded in the office of the Hardin County Clerk.

Vice Chairman Youngblood provided the second. Motion passed unanimously.

At 6:28 p.m. Chairman Krausman called for consideration and action on the **Minutes from the 6 February 2020 meeting** of the Board of Adjustment. Secretary Steck made a motion to approve the minutes as presented. Vice Chairman Youngblood provided the second. The motion passed unanimously.

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

**12 years of service** Adam C. King, AICP, Director, celebrated 12 years of service with the Planning Commission on February 15, 2020.

Chairman Krausman announced that the next scheduled meeting will be held on Thursday, March 5, 2020 at 5:00 p.m. and the meeting was adjourned at 6:30 p.m.

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**JANUARY 2020 REPORT**

<b>Plats Recorded:</b> <ul style="list-style-type: none"> <li>• 6 Subdivision plats were approved for the month</li> <li>• 6 Subdivision plats were approved for the year</li> </ul>	<b>New Lots Created:</b> <ul style="list-style-type: none"> <li>• 19 New lots approved for the month</li> <li>• 15 Net lots approved for the year</li> </ul>
<b>Building Permits:</b> <ul style="list-style-type: none"> <li>• 13 SFD Permits for the month</li> <li>• 154 SFD Permits for the year</li> <li>• 114 Total Building Inspections for the month</li> <li>• 114 Total Building Inspections for the year</li> <li>• 39 Total Building Permits for the year</li> </ul>	<b>Electrical Permits (6 Jurisdictions):</b> <ul style="list-style-type: none"> <li>• 90 Total Permits for the month</li> <li>• 90 Total Permits for the year</li> <li>• 157 Total Electrical Inspections for the month</li> <li>• 157 Total Electrical Inspections for the year</li> </ul>

**SUBDIVISION PLATS RECORDED IN JANUARY 2020**

Project / Subdivision Name	Site Address	Lots +/- (Plats Final)	Acres (All Permits)	Completed Date	Final Date
HAMILTON HILL SUBD.	MEETING CREEK RD.	1	1.0000	10/24/2018	1/7/2020
ANNA LEE MEADOWS SEC. 2	111 HARTLEY LANE	1	3.0010	10/1/2019	1/15/2020
RECORD PLAT OF THE STATION AT OTTER CREEK AND BOUNDARY SURVEY OF THE PAMELA AND SCOTT MATTINGLY FARM	BURNS RD.	1	11.1940	1/13/2020	1/17/2020
RECORD PLAT OF MY BLESSITT VALLEY SUBDIVISION, SECTION 2	11585 FLINT HILL RD.	2	24.8200	1/14/2020	1/23/2020
ROSEY-TULIP SUBDIVISION	GAITHER STATION ROAD	14	16.0560	11/13/2019	1/23/2020
AMENDED RECORD PLAT OF LYNNWOOD SUBDIVISION # 3, LOTS 18-22	ECHO LN.	-4	0.0000	10/11/2019	1/24/2020
		<b>15</b>	<b>56.071</b>		

**Total Records: 6**

**2/3/2020**

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**ADOPTED AND APPROVED THIS 5th DAY OF MARCH 2020 BY THE HARDIN  
COUNTY BOARD OF ADJUSTMENT.**

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**Steve Steck, Secretary**

## Hardin County Board of Adjustment

Minutes: 6 February 2020

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Chairman Bob Krausman called to order the four hundred and twentieth meeting of the Hardin County Board of Adjustment at 5:00 p.m. on Thursday, 6 February 2020, in the Hardin County Government Center, 2nd Floor Meeting Room. The other Board Members in attendance were Vice Chairman Greg Youngblood and Secretary Steve Steck. Also, in attendance were Director Adam King, AICP, Planner Chris Butz, and the individuals listed on the attached sign-in sheet. Chairman Krausman appointed Secretary Steve Steck to serve as the Hearing Officer and to conduct the swearing in ceremony for all those in attendance who planned to speak.

At 5:00 p.m. Hearing Officer Steck announced the first item on the agenda is a request for an Amended Conditional Use Permit to continue to allow for Wedding & Event Venue on site. The property is a 12 acre site located at 495 Gilead Church Road, Glendale KY within the Glendale Industrial Planning Area and is zoned Rural Residential (R-2). The PVA Map number is 208-00-00-016 and the property is owned by **EDWARDS WW PROPERTIES, LLC**. Director Adam King, AICP, reviewed the application, the history of the property and presented exhibits into the record. John Edwards of 700 Howe Valley Road, Cecilia, KY provided testimony and answered questions from the board members and staff. He said no major changes have occurred since the past CUP approval. Director King asked how much activity the venue is experiencing. Mr. Edwards said it depends on the time of year with most of their events occurring in the Fall.

Ranetta Deramos, of 633 Gilead Church Road, Glendale, KY, spoke in opposition to the proposal. She said noise is still an issue. She also said there are two trees that are dead in the tree line that was required in the original Conditional Use Permit. She asked how that can be corrected and if they can be evergreens since most of the events are in the fall.

Johnathon Deramos, of 633 Gilead Church Road, Glendale, KY, spoke in opposition to the proposal. He also stated the noise is still an issue. He said he can hear the bass of the music from the event from inside his home. Mr. Deramos went on to say on one occasion the police were called on him when he was shooting his rifle in his lawn.

Director King asked about the history of the trees planted. Mr. Edwards said he originally planted the 15 required trees and then added an additional 7 trees. However, they have had issues with keeping some trees alive. Chairman Krausman asked when he could replace the trees. Mr. Edwards said he could have the trees in by the spring. He's just trying to find a good species of tree that is strong enough to survive planting. When asked about the noise, Mr. Edwards said the DJs always sign a contract to remain below 95 decibels.

Chairman Krausman asked if six months would be enough time to replace the two dead trees. Mr. Edwards said that would be doable.

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Chairman Krausman closed the hearing at 5:24 p.m.

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

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

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

1. This Conditional Use Permit shall allow for the existing barn, cottage and residence to be used as a wedding/event venue. Any additional structures shall require approval from the Board of Adjustment.
2. Any dead trees along the edge of the parking lot, planted to protect the view shed of the adjoining properties to the west must be replaced within 6 months. These screening trees must be maintained. Additionally, the existing tree line along the property line shall be preserved.

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3. Only 50 large events (over 100 participants) per year shall be permitted. An unlimited number of small events shall be permitted.
4. The Hours of Operation shall be 10am – 10pm Sunday – Thursday and 10am – 12am on Friday & Saturday.
5. Music inside the building shall not exceed a decibel level of 95db as measured by DJ inside of the building. This restriction shall be written into the Edwards contract for parties renting the facility.
6. A single sign 3'x2' no taller than 8' in height shall be permitted. The applicant shall be required to add lighting to the existing sign.
7. All outdoor lighting must be pointed down and not spill onto adjoining properties.
8. The existing entrance into the property shall serve as the primary entrance and the "future entrance" shown on the Development Plan may only be constructed after a public hearing for a Revised Conditional Use Permit to discuss additional screening.
9. Outdoor activities shall be restricted to the area behind the barn and the "Orchard area" beside the house.
10. The Conditional Use Permit is valid for five (5) years and expires on February 6, 2025. After which time, a Renewal Hearing must be held before the Board of Adjustment.
11. This Conditional Use Permit is issued to current owners, John & Michelle Edwards, it is not transferable, and shall expire if the property is transferred.
12. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Vice Chairman Youngblood provided the second. Motion passed unanimously.

At 5:29 p.m. Hearing Officer Steck announced the second item on the agenda is a request for a Conditional Use Permit to allow for a 16'x24' addition to an existing accessory structure without a dwelling on site and a Variance from the front building setback line. The property is a 1.52 acre site located at 1296 Rineyville School Road, Rineyville, KY, known as Lot 88B of Lavista Estates within the West Urban Planning Area and is zoned Urban Residential (R-1). The PVA Map number is 122-00-01-026.01. The property is owned by **Beverly Puckett**. Planner Butz reviewed the application, the plans for the property and presented the exhibits into the record. Beverly Puckett, of 212 First Union Church Road, Glendale, KY provided testimony and answered questions from the board members and staff. She explained that the purpose of structure is to store her father's antique truck that was left to her after his passing. She said she had cleaned up the area and has received compliments from neighbors. Ms. Puckett also said the developer of Lavista said that he doesn't care what she does with the property. The stream cuts her off from Lavista Subdivision. Chairman Krausman asked if she planned to remove any trees. Ms. Puckett said she would like to plant more.

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No one spoke in opposition of the proposal. Chairman Krausman closed the hearing at 5:43 p.m.

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

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

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

1. This Conditional Use Permit shall allow for the construction of a 24'x16' addition to the existing 24'x30' pole barn without a dwelling on site.
2. The proposed addition shall be constructed with metal siding and metal roofing in a tan/brown color scheme.
3. The proposed structure is for residential storage and shall not be occupied or used for any Commercial Activity.
4. The existing mature trees between the building and Rineyville School Road must be preserved.
5. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.
6. Building and Electrical permits must be secured thru the KBC Building Program of our office.
7. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.



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Vice Chairman Youngblood provided the second. Motion passed unanimously.

Secretary Steck then made a motion to grant a Variance based on the staff presentation and the testimony provided in the public hearing. He noted that the addition is no closer to Rineyville School Road than the existing building and stated it will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of this regulation and will satisfy the language of the language of the KENTUCKY REVISED STATUTES (Section 100.243 and DGS 5-3 (B) (1) Findings necessary for granting variance) which is as follows:

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

The variance was granted with the noted conditions:

1. To allow for a Variance from the 40' front building setback along Rineyville School Road to allow for the proposed addition to be no closer than the existing pole barn ( $\pm 67.5'$  from the center line of the road).
2. A Site Plan in compliance with Section 7 of the Zoning Ordinance shall be required.
3. Building & Electrical permits must be obtained from the KBC Program of our office.
4. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Vice Chairman Youngblood provided the second. Motion passed unanimously.

At 5:46 p.m. Hearing Officer Steck announced the third item on the agenda is a request for a Variance from the front building setback line to allow for additions to the house. The property is a 0.55 acre site located at 4730 N. Long Grove Road, Cecilia, KY, within the Natural Resource Planning Area and is zoned Rural Residential (R-2). The PVA Map number is 103-00-00-026. The property is owned by **Tim & Tara Martin**. Planner Butz reviewed the application, the plans for the property and presented the exhibits into the record. Tim Martin, of 7630 N. Long Grove Road, Cecilia, KY provided testimony and answered questions from the board members and staff. He explained he did not know that building permits or a variance was needed. He is remodeling and adding on to the existing home built in 1911 with additions to the front and rear of the home.

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No one spoke in opposition of the proposal. Chairman Krausman closed the hearing at 5:56 p.m.

Vice Chairman Youngblood made a motion to grant a Variance based on the staff presentation and the testimony provided in the public hearing. He noted that it was not out of character for the area, that it was near an intersection so that traffic should be decreasing in speed, that the proposed additions were no closer to the home than the existing house from 1911 and that there were existing mature trees between the road and the home. He stated it will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of this regulation and will satisfy the language of the language of the KENTUCKY REVISED STATUTES (Section 100.243 and DGS 5-3 (B) (1) Findings necessary for granting variance) which is as follows:

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

The variance was granted with the noted conditions:

1. To allow for a Variance from the 40' front building setback along Hansborough Road to allow for the proposed additions to the existing home (circa 1911) to be no closer than ±58' from the center line of the road for the front porch addition and ±45' from the center line of the road for the rear bathroom addition.
2. The proposed front porch may be covered but shall not be enclosed as living space.
3. A Site Plan in compliance with Section 7 of the Zoning Ordinance shall be required.
4. Building & Electrical permits must be obtained from the KBC Program of our office.
5. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.
6. The existing mature trees along the Hansborough Road side of the property shall be maintained.

Secretary Steck provided the second. Motion passed unanimously.

At 6:10 p.m. Hearing Officer Steck announced the fourth item on the agenda is a request for a Variance from the front building setback line to allow for an addition to the existing detached garage. The property is a 3 acre site located at 45 Akers School Road, Upton, KY, within the South Hardin Planning Area and is zoned Rural Residential

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(R-2). The PVA Map number is 135-00-00-001.01. The property is owned by **Joseph & Elizabeth Vance**. Director King reviewed the application, the plans for the property and presented the exhibits into the record. Joseph Vance, of 45 Akers School Road, Upton, KY provided testimony and answered questions from the board members and staff. He said he built both the house and the garage himself. He'd like the addition in the back of the existing garage to make one continuous garage with storage in the attics. Director King presented two alternative locations nearby for the structure. Mr. Vance also mentioned the slope towards the south side of the garage that could make construction in a different location difficult. Mr. Vance also noted his septic system limits the location of the proposed addition. Chairman Krausman asked if the addition would be in the same style as the original garage. Mr. Vance said it would and he would do the work.

No one spoke in opposition. Chairman Krausman closed the hearing at 6:20 p.m.

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

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

Vice Chairman Youngblood provided the second. Motion passed unanimously

At 6:28 p.m. Chairman Krausman called for consideration and action on the minutes from the 16 January 2020 meeting of the Board of Adjustment. Steve Steck made a motion to approve the minutes as presented. Vice Chairman Youngblood provided the second. The motion passed unanimously.

Chairman Krausman announced that the next scheduled meeting will be held on Thursday, February 20, 2020 at 5:00 p.m. and the meeting was adjourned at 6:30 p.m.

**ADOPTED AND APPROVED THIS 20th DAY OF FEBRUARY 2020 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.**

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**Steve Steck, Secretary**

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Chairman Bob Krausman called to order the four hundred and nineteenth meeting of the Hardin County Board of Adjustment at 5:00 p.m. on Thursday, 16 January 2019, in the Hardin County Government Center, 2nd Floor Meeting Room. The other Board Members in attendance were Vice Chairman Greg Youngblood and Secretary Steve Steck. Also, in attendance were Director Adam King, AICP, Planner Chris Butz, and the individuals listed on the attached sign-in sheet. Chairman Krausman appointed Secretary Steve Steck to serve as the Hearing Officer and to conduct the swearing in ceremony for all those in attendance who planned to speak.

At 5:01 p.m. Hearing Officer Steck announced the first item on the agenda is a request for a Conditional Use Permit to allow for the construction of a 60'x80' barn that will exceed the size of the home on site. The property is a 2.35 acre site located at 2637 Cecilia Road, Elizabethtown, KY known as Lot 12 of Ruth Estates within the West Urban Planning Area and is zoned Urban Residential (R-1). The PVA Map number is 166-00-01-012 and the property is owned by **DEBRA & MARK NELSON**. Director Adam King, AICP, reviewed the application, the history of the property and presented exhibits into the record. Mike Billings, of Engineering Design Group at 315 S. Mulberry Street, Elizabethtown, KY provided testimony and answered questions from the board members and staff on behalf of the applicant. Mr. Billings said the purpose for the barn is storage, there will be no bathroom and no running water. The barn would be about 25' tall with no driveway leading back to the barn. Mr. Billings mentioned a vintage car may be stored in the barn as well. Director King mentioned 25 letters were sent out to surrounding property owners and the planning office has received no calls in opposition. Mr. Billings reiterated that the tree line on three sides of the property would act as a natural buffer between the barn and neighboring homes. Hearing Officer Steck clarified that larger structures exist on the adjacent farm.

No one spoke in opposition to the proposal.

Chairman Krausman cited the size of the home, the size of the lot, and the existing natural screening as reasons why the Conditional Use Permit could be approvable.

Chairman Krausman closed the hearing at 5:18 p.m.

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

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

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

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

1. This Conditional Use Permit shall allow for the construction of a 60' X 80' detached accessory structure on site that exceeds the size of the dwelling.
2. The proposed barn shall be constructed with metal siding and a metal roof in a white & black color scheme.
3. The proposed structure is for residential storage and shall not be occupied or used for any Commercial Activity.
4. Additional pine trees shall be planted to fill in the gap along the rear property line and along the existing side property line to the north behind the home at 35 W Anjou Court.
5. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.
6. Building and Electrical permits must be secured thru the KBC Building Program of our office.
7. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Secretary Steck provided the second. Motion passed unanimously.

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At 5:22 p.m. Hearing Officer Steck announced the second item on the agenda is a request for a Conditional Use Permit to allow for an Automotive Repair Business within a proposed 32'x48' detached garage. The property is a 3-acre site located at 4824 Roundtop Road, Elizabethtown, KY, known as Lot 1A of Wheeler Estates within Natural Resource Planning Area and is zoned Rural Residential (R-2). The PVA Map number is 238-00-00-008.02. The property is owned by the **RAJA RIDING & WELLNESS, LLC** and the applicant is **CHARLIE PEPPERS**. Director King reviewed the application, the plans for the property and presented the exhibits into the record. Charlie Peppers, of 4824 Roundtop Road, Elizabethtown, KY (the applicant) provided testimony and answered questions from the board members and staff. He explained he currently rents shop space in Radcliff but now he'd like to work closer to home and not pay rent. His current shop is slightly smaller than the proposed shop. He has no employees and his business model is to not let the cars sit for too long. The proposed building would be about 20 feet tall with a metal roof and siding with a concrete floor and he is considering installing a lift. Mr. Peppers said the parking would be a gravel lot behind the shop. Director King asked how many personal vehicles are on the lot. Mr. Peppers said only 2 would be on the lot with no more than 6 cars total parked outdoors at a time. Vice Chairman Youngblood asked about fluids. Mr. Peppers said he is careful to properly dispose of used oils and greases. He does not dump anything on site. Mr. Peppers said he's been in the automotive repair business for many years.

No one additional spoke in favor of the proposal.

Don Summers of 4825 Roundtop Road, Elizabethtown, KY spoke in opposition to the proposal. He stated he owns the farm next door to the applicant and owns the driveway that is currently used by the home and that the proposed shop would use. Mr Summers uses the drive to access his adjoining farmland, barn and grain bins. His primary concern is the shop being placed too close to the property line and that cars or equipment would spill onto his property and block the driveway. Mr. Summers said he'd be more comfortable with a 50-foot setback from the side property line.

Steve England of 4968 Roundtop Road, Elizabethtown, KY spoke in opposition to the proposal and stated he owns the property to the south of Mr. Peppers which he purchased in 2012. They were drawn to the beauty and peacefulness of the area. He is concerned with the noise and operating hours.

Ray Allen Mackey of 3884 Roundtop Road, Elizabethtown, KY spoke in opposition to the proposal. He said he was not there to speak against the applicant but rather the Conditional Use Permit. He said he has lived on Roundtop Road all his life and this type of business is out of character with this rural farming area. He went on to say the road is not well suited for an increase in traffic due to no shoulders. Mr. Mackey estimated 25 cars would be coming in and out of the applicant's business per week.

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Mr. Mackey stated that the roads are barely sufficient for the local residents and farm traffic and was concerned with the upkeep of the rural roads and maintaining the rural character and way of life in the area. He suggested the proposal be tabled to allow the board to perform a site visit. He informed the board that during harvest time grain and heavy equipment is being transported along Roundtop Road and additional traffic may be hazardous.

Chairman Krausman asked Mr. Mackey what could be done to the building to make it more compatible with the area. Mr. Mackey said it's not the building but the presence of the business that would conflict with the area's character.

Director King added that if it was tabled, the staff could sit down with Mr. Peppers and better define his site plan to address the parking concerns brought up by Mr. Summers.

Mr. Peppers added that at his current location he hasn't received one noise complaint. He also said he had 3 cars leave his current shop this week. Mr. Peppers said he's going beyond the required 10' side building setback and placing the building 20' from the side property line.

Secretary Steck made a motion to table the proposal until 20 February, 2020 at 5 p.m. Vice Chairman Youngblood provided the second. The motion passed unanimously.

At 6:20 p.m. Chairman Krausman called for consideration and action on the minutes from the 19 December 2019 meeting of the Board of Adjustment. Vice Chairman Youngblood made a motion to approve the minutes as presented. Secretary Steck provided the second. The motion passed unanimously.

Chairman Krausman announced that the next scheduled meeting will be held on Thursday, February 6, 2020 at 5:00 p.m. and the meeting was adjourned at 6:25 p.m.

**ADOPTED AND APPROVED THIS 6th DAY OF FEBRUARY 2020 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.**

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**Steve Steck, Secretary**