

Hardin County Board of Adjustment

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

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

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

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

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

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

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

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

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

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

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

The Variance was granted with the noted conditions:

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

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

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

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

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

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

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

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

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

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

1. Business Hours of Operation shall be from 6 A.M. to 6 P.M., seven days a week.
2. The maximum number of animals on site shall be 65.
3. A maximum of ten (10) animals shall be permitted outdoors at one time between the hours of 6:30 A.M. to 9:00 AM, 12:30 P.M. to 2:00 PM and 4:00 P.M. to 5:00 P.M.

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4. At all other times only two (2) animals shall be outdoors at one time.
5. No outdoor boarding of animals shall be permitted. All boarding facilities shall be indoors with dogs taken outdoors for exercise and “potty” breaks.
6. The facility shall obtain and maintain a valid Kennel License from Hardin County Animal Control and comply with Ordinance Number 249, Series 2007 “An ordinance relating to Animal Control and Welfare”. Annual inspections to be conducted by Hardin County Animal Control to check health and welfare of animals on site and verify clean and sanitary conditions of the facility. Please contact Mike McNutt (270-763-2205) at Hardin County Animal Control.
7. All dogs on site must have a valid License and Rabies Vaccinations.
8. This property shall have a sewerage system (septic tank and lateral lines) approved by the Hardin County Health Center.
9. The Kennel & Outdoor Play Area shall be screened from view of the adjoining properties with a 10’ tall solid fence along the north property line with Mr. Beatty for a distance from the front gate to the existing white vinyl fence panels. The fence shall be installed by 31 August 2011.
10. An Amended Development Plan shall not be required due to an existing Development Plan on file and no significant changes being made on site.
11. This Amended Conditional Use Permit shall be issued to the current property owner and applicants, Corinna Shively & Caterina Finley and is not transferable without a hearing before the Board of Adjustment.
12. All building activities shall conform to provisions of the Kentucky Building Code.
13. This Amended Conditional Use Permit shall be for a period of 7 years and expire on 23 February 2030.
14. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Secretary Steck provided the second. The motion passed unanimously.

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

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

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

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

ADOPTED AND APPROVED THIS 23rd DAY OF MARCH 2023 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.

Steve Steck, Secretary

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

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

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

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

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

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

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

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

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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 Amended Conditional Use Permit (CUP) with the following conditions:

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

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

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

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

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

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

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

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

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

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

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

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

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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 Amended Conditional Use Permit (CUP) with the following conditions:

1. Hours of Operation shall be from 6:00 A.M. to 6:00 P.M., seven days a week.
2. The maximum number of animals on site shall be 45 and no more than 15 dogs will be allowed outdoors at one time.
3. No outdoor boarding of animals shall be permitted. All boarding facilities shall be indoors with dogs taken outdoors for exercise and “potty” breaks.
4. The facility shall obtain and maintain a valid Kennel License from Hardin County Animal Control and comply with Ordinance Number 249, Series 2007 “An ordinance relating to Animal Control and Welfare”. Annual inspections are to be conducted by Hardin County Animal Control to check health and welfare of animals on site and verify clean and sanitary conditions of the facility. Please contact Hardin County Animal Control (POC Mike McNutt 270-763-2205).
5. All dogs on site must have a valid license and Rabies vaccinations.
6. This property shall have a sewerage system (septic tank and lateral lines) approved by the Hardin County Health Center.
7. The kennels shall be screened from view of the adjoining properties with a solid wood privacy fence.
8. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.
9. This Conditional Use Permit shall be issued to the property owners, Jamie & Andrea Roberts, and is transferable to a new owner after a hearing before the Board of Adjustment.
10. This Amended Conditional Use Permit is valid for 7 years and shall expire on 9 February 2030.

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

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

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

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

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

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

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

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

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

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

1. This Conditional Use Permit shall allow for a welding shop in the R-1 Zone within the detached garage on site.
2. The hours of operation shall be Monday thru Friday 4pm-8pm and Saturday & Sunday 8am-8pm.
3. There shall be no employees who do not reside on site.
4. Additional Screening or landscaping shall not be required.
5. A single, thirty two (32) sq. ft. sign shall be permitted. (Exceeding the typical 6 sq. ft. allowable due to it being a 4 acre lot on a state maintained highway with a 55 mph speed limit)
6. Adequate parking must be provided on site with a turnaround provided so that no cars back out onto South Dixie Highway or Rhudes Creek Road. Any outdoor work or parking must take place immediately in front of the shop and be limited to a 3 day duration.
7. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.
8. This Conditional Use Permit is being issued to the current owner, Chris Hart and is not transferable. Any new owners or proposals shall come back before the Board of Adjustment for approval.
9. A Certificate of Land Use Restrictions shall be recorded in the office of the Hardin County Clerk.
10. There shall be no outdoor storage of any materials associated with the business.
11. This Conditional Use Permit shall be good for 5 years and expire on 9 February 2028.

Secretary Steck provided the second. The motion passed unanimously.

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

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

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

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

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

ADOPTED AND APPROVED THIS 23rd DAY OF FEBRUARY 2023 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.

Steve Steck, Secretary

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Variance was granted with the noted conditions:

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

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2. A Site Plan in compliance with Section 7 of the Zoning Ordinance shall be required.
3. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.
4. Building and Electrical permits must be pulled through the KBC program of our office.

Secretary Steck provided the second. The motion passed unanimously.

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

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

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

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

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

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

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

ADOPTED AND APPROVED THIS 9th DAY OF FEBRUARY 2023 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.

Steve Steck, Secretary