

## Hardin County Board of Adjustment

Minutes: 19 December 2024

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Chairman Bob Krausman called to order the four hundred ninety-seventh meeting of the Hardin County Board of Adjustment at 5:03 p.m., on Thursday, 19 December 2024, 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 I 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 5:03 p.m., Hearing Officer Steck announced the first item on the agenda is a Variance from the minimum road frontage requirement to allow for Lot 1 of Penny Lane Subdivision to be further subdivided. The property is a 3.427 acre site located on Arbor Lane in Elizabethtown, KY, within the North Urban Planning Area and is zoned Urban Residential (R-1). The PVA Map Numbers are 243-00-00-001.01 & 230-00-00-033. The property is owned by **BARRY GOODIN** and the applicant is **CHRISTOPHER JANSEN**. Director King reviewed the application, the plans for the property, and presented exhibits into the record.

Chris Jansen, of 218 Arbor Lane, Elizabethtown, KY, provided testimony and answered questions from the board members and staff. Mr. Jansen explained that he is just trying to acquire some land from Mr. Goodin, and that his adjoining property is a pre-existing tract with no road frontage.

Jayde Poulos, of 365 Arbor Lane, Elizabethtown, KY asked about the difference in road names for Penny Lane and Arbor Lane. Director King explained that Penny Lane was just the name of the subdivision.

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

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

Secretary Steck made a motion to grant the Variance from the minimum road frontage requirement to allow for Lot 1 of Penny Lane Subdivision to be further subdivided. He based the motion on the staff presentation and the testimony provided in the public hearing.

He noted the variance is an improvement to the situation, the landlocked tract will now have frontage on a right-of-way, there were no safety concerns, that it will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public and will not allow an unreasonable circumvention of the requirements of this regulation and will satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243 and DGS 5-3 (B) (1) Findings necessary for granting variance) which is as follows:

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

The Variance was granted with the noted conditions:

1. To allow for a Variance from the government maintained road frontage requirement to allow for Lot 1 of Penny Lane Subdivision to be further subdivided and reconfigured with the adjacent landlocked parcel.
2. An Amended 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.

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

At 5:17 p.m. Hearing Officer Steck announced the second item on the agenda is a request for a Variance from the front building setback along West Rhudes Creek Road to allow for a single family dwelling to be built on an existing foundation. The property is a 1.2 acre site located at 187 West Rhudes Creek Road, Glendale, KY, within the South Dixie Corridor Planning Area and is zoned Urban Residential (R-1). The PVA Map number is 223-20-00-064. The property is owned by **ASHBY FARMS INC.** Director King reviewed the application, the plans for the property, and presented exhibits into the record.

Richard Ashby, of 6557 Flint Hill Road, Sonora, KY, provided testimony and answered questions from the board members and staff. Mr. Ashby stated that he bought the house to do some repairs and was not planning on rebuilding, but that the further they got into the project, the more they had to tear down. Mr. Ashby explained that there were several structural problems such as the building had two roofs and the floor was different levels. Mr. Ashby stated that they will be using the pre-existing foundation.

Chairman Krausman asked if Mr. Ashby could preserve the existing trees in the front yard to serve as a safety buffer from the road. Mr. Ashby stated that he had no problem with preserving the existing trees.

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

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

Vice Chairman Youngblood made a motion to grant the Variance from the front building setback along West Rhudes Creek Road to allow for a single-family dwelling to be built on an existing foundation. He based the motion on the staff presentation and the testimony provided in the public hearing.

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He noted the variance is on a pre-existing foundation, there were no safety concerns, that it will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public and will not allow an unreasonable circumvention of the requirements of this regulation and will satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243 and DGS 5-3 (B) (1) Findings necessary for granting variance) which is as follows:

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

The Variance was granted with the noted conditions:

1. To allow for a Variance from the front building setback to allow for the proposed home to be no closer than 45' to the centerline of W Rhudes Creek Road. The front porch may be covered but shall not be enclosed.
2. The existing mature trees between the road and the home must be preserved.
3. A Site Plan in compliance with Section 7 of the Zoning Ordinance shall be required.
4. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.
5. Building and Electrical permits must be pulled through the KBC program of our office with stop work penalties for both the home and the detached garage.

Secretary Steck provided the second. The motion passed unanimously.

At 5:32 p.m. Hearing Officer Steck announced the third item on the agenda is a request for a Conditional Use Permit for an accessory structure on a vacant lot to allow for a 14' x 40' fishing/kayak storage shed on site. The property is a 3.394 acre site located on the north side of West White Mills Glendale Road, Glendale, KY known as Lot 4 of Star Mills Estates, within the Natural Resource Planning Area, and is zoned Rural Residential (R-2). The PVA Map Number is 129-00-00-002.05. The property is owned by **JEFFREY & MICHELLE EMMERLING**. Planner I Goodman reviewed the application, the plans for the property, and presented exhibits into the record.

Michelle Emmerling, of 515 Exum Lane, Bonnieville, KY provided testimony and answered questions from the board members and staff. Mrs. Emmerling stated that she and her husband live in Bonnieville and that they bought this property to use for recreational purposes. She explained that the building will have wooden walls, and a barn style metal roof. She stated that the structure is pre-fab and that they have already ordered it. She also asked about a 20' x 20' pavilion in between the proposed shed and wetland area.

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Director King stated that we could add the pavilion to the approval to avoid having to have a second hearing. Secretary Steck stated that he had no issues with that since there was no opposition to the request.

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

At 5:47 p.m. Hearing Officer Steck closed the hearing to public discussion.

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

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

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

1. This Conditional Use Permit shall allow for a 14' x 40' shed and a 20' x 20' pavilion on a vacant lot.
2. The shed shall be used for kayak/fishing storage with no commercial activity permitted. It shall also not be occupied as a dwelling without meeting the KY Residential Building Code as such.
3. No additional landscaping or screening shall be required.
4. This permit shall be issued to the current owners, Jeffrey & Michelle Emmerling, and is not transferable.

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5. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.
6. Building & Electrical Permits shall be pulled through the KBC 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 5:49 p.m. Hearing Officer Steck announced the fourth item on the agenda was a Variance from the front building setback along Silver Mine Road to allow for the construction of a new church. The property is a 2.946 acre site located at 1975 Silvermine Road, Sonora, KY, within the South Hardin Planning Area, and is zoned Rural Residential (R-2). The PVA Map Number is 154-00-00-005. The property is owned by **OLIVE HILL MISSIONARY BAPTIST CHURCH**. Planner I Goodman reviewed the application, the plans for the property, and presented exhibits into the record.

Alan Hazelip, of 646 Glendale Hodgenville Road East, Elizabethtown, KY, provided testimony and answered questions from the board members and staff. Mr. Hazelip explained that they are planning to build a new church in the existing location, and stated that the existing church does not qualify for remodel. He stated that during construction they will hold church in the dining hall which currently does not have a restroom so they will add that first.

Director King suggested the applicants add some small trees along the road frontage to act as a safety barrier. Chairman Krausman stated that he would feel more comfortable with the request if there were some trees, bushes, or a split rail fence to slow an oncoming car down.

Mr. Hazelip was agreeable to a landscape or fencing buffer.

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

At 6:03 p.m. Hearing Officer Steck closed the hearing to public discussion. Secretary Steck made a motion to grant the Variance from the front building setback along Silver Mine Road to allow for the construction of a new church. He based the motion on the staff presentation and the testimony provided in the public hearing.

He noted the variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public and will not allow an unreasonable circumvention of the requirements of this regulation and will satisfy the

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

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

The Variance was granted with the noted conditions:

1. To allow for a Variance from the front building setback to allow for a new church to be 30.5' from the center of Silver Mine Road.
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.
4. Building and Electrical permits must be pulled through the KBC program of our office.
5. Screening in the form of trees, shrubs, or a split rail fence shall be required along the road frontage as a safety barrier and must be shown on the approved Development Plan.

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

At 6:07 p.m. Chairman Krausman called for consideration and action on the fifth item on the agenda, the **Minutes for the meeting held on December 5, 2024**. Vice Chairman Youngblood made a motion to accept the minutes as presented. Secretary Steck provided the second. The motion passed unanimously.

Chairman Krausman announced that the next regularly scheduled meeting will be held on Thursday, 9 January 2025, at 5:00 p.m., and called for the meeting to be adjourned at 6:08 p.m.

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

**MPO Meeting** On 4 December 2024, Adam attended the Technical Advisory Committee of the Radcliff Elizabethtown Metropolitan Planning Organization to discuss the 2050 Metropolitan Transportation Plan.

**APA-KY Webinar** On 5 December 2024, Adam attended a Continuing Education session hosted by the KY Chapter of the American Planning Association on Housing Affordability strategies across the Commonwealth.

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**Fort Knox Compatible Use Plan** On 12 December 2024, Adam attended a stakeholder meeting at the Lincoln Trail Area Development District regarding implementation of the Fort Knox Compatible Use Plan.

**ADOPTED AND APPROVED THIS 9<sup>th</sup> DAY OF JANUARY 2025 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 ninety-sixth meeting of the Hardin County Board of Adjustment at 5:04 p.m., on Thursday, 5 December 2024, 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 I 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 5:04 p.m., Hearing Officer Steck announced the first item on the agenda was a Conditional Use Permit to allow for a 620 sq. ft. garage to be converted into a pool house as a Permanent Accessory Dwelling. The property is a +/- 0.958 acre site located at 1599 Hardinsburg Road, Cecilia, KY, known as Lot 8 of Aleene Acres, within the Natural Resource Planning Area and is zoned Rural Residential (R-2). The PVA Map Number is 147-00-02-008. The property is owned by **VICTORIA & KASPER UNDERWOOD**. Planner I Goodman reviewed the application, the plans for the property, and presented exhibits into the record.

River Stallings, of 130 Gilbert Court, Vine Grove, KY provided testimony and answered questions from the board members and staff. Mr. Stallings stated that he is the contractor for the project. Mr. Stallings explained that the brick matched the house, they plan on removing the garage door and adding a sliding door, and that they are also replacing the pool.

Chairman Krausman mentioned that the proposal is behind the principal dwelling, there is a shared driveway, and the dwellings exterior materials match.

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.

Chairman Krausman asked if Mr. Underwood would be willing to relocate the shed, and he said yes. Director King explained that it just needs to be 10' off of the side property line.

Secretary Steck & Vice Chairman Youngblood stated that they had no issues with the request, and that it met the criteria for a Permanent Accessory Dwelling.

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

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



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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 a 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 An existing 620 S.F. garage to be converted into a 'pool house' (Permanent Accessory Dwelling) in addition to the 1,692 S.F. home (Principal Dwelling) on site.
2. The property owners, Kasper & Victoria Underwood, must occupy either the principal dwelling or the permanent accessory dwelling as the principal residence, and at no time receive rent for the owner-occupied unit (Owner's residence must be proven by driver's license - address).
3. Adequate on-site parking must be designated on an approved site plan.
4. The exterior finishes of the Permanent Accessory Dwelling shall remain red brick with a black shingle roof to match the Principal Dwelling on the site.
5. The existing driveway entrance from Hardinsburg Road will be shared by both dwellings.
6. The Permanent Accessory Dwelling is the proposed 620 S.F. garage apartment, and the pre-existing 1,692 S.F. house is the Principal Dwelling.
7. Both dwellings shall have septic systems approved by the Environmental Services Office of the Health Department.
8. This Permit is not transferable, and the new owners must reapply for the Conditional Use Permit and meet the necessary requirements.

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9. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.
10. A Certificate of Land Use Restrictions shall be recorded in the office of the Hardin County Clerk.
11. A zoning permit shall be acquired for the new shed on site.

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

At 5: 22 p.m. Hearing Officer Steck called for consideration and action on the second item on the agenda, **interpretation of the zoning boundaries for property owned by Addington Properties, LLC** and being a 0.44 acre site located on Hodgenville Road (KY 210) and known as Hillview Heights, Section 2, Lots 37-40 as per KRS 100.257. (Staff Report & Resolution 2024-022 attached) The PVA Map Number is 247-00-03-006 and the property has been zoned Urban Residential (R-1) on the Official Zoning Map since July of 1995. Director King, reviewed the history of the property and presented exhibits into the record including historical aerial photographs showing the commercial building on site since the 1980's and a Conditional Use Permit for Automotive Sales in 1992. Director King explained that in 1995, windshield surveys were done on properties that had a business name on the PVA tax roll and that it could be assumed that since the property was just in the Payton family name and platted in a subdivision that it had been overlooked.

Vice Chairman Youngblood made a motion to approve Resolution 2024-022 interpreting that the zoning designation for the site should be Convenience Commercial (C-1) rather than Urban Residential (R-1) based on the staff presentation as presented and the following goals and objectives:

- Goal 5: ECONOMIC DEVELOPMENT: Create opportunities for commerce and industry that support a broad range of workforce opportunities, increase the quality of life, and capitalize on the region's lower cost of living.
- Objective 5.4: Provide adequate space for the proper location of commercial and industrial land.
- Objective 5.10: Support small business development and entrepreneurship within Hardin County.

Secretary Steck provided the second. The motion passed unanimously.

At 5:37 p.m. Chairman Krausman called for consideration and action on the third item on the agenda, the **Minutes for the meeting held on November 7, 2024**. Vice Chairman Youngblood made a motion to accept the minutes as presented. Chairman Krausman provided the second. The motion passed unanimously.

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Chairman Krausman announced that the next regularly scheduled meeting will be held on Thursday, 19 December 2024, at 5:00 p.m., and called for the meeting to be adjourned at 5:49 p.m.

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

**11 Years of Service** Financial & Operations Coordinator, Susan Bowen celebrated 11 years of service with the Planning Commission on 1 November 2024.

**32 Years of Service** KBC Coordinator, Madeline Hornback celebrated 32 years of service with the Planning Commission on 2 November 2024.

**1 Year of Service** Planning & Permit Tech, Rachel Derting, JD celebrated 1 year of service with the Planning Commission on 3 November 2024.

**2 Years of Service** Electrical Inspector, Greg Carwile celebrated 2 years of service with the Planning Commission on 7 November 2024.

**ADOPTED AND APPROVED THIS 19<sup>th</sup> DAY OF DECEMBER 2024 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 ninety-fifth meeting of the Hardin County Board of Adjustment at 5:03 p.m., on Thursday, 7 November 2024, 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 I 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 5:03 p.m., Hearing Officer Steck announced the first item on the agenda was a Conditional Use Permit to allow for a 1,620 sq. ft. garage with 900 sq. ft. of living space as a permanent accessory dwelling in addition to the 1,875 sq. ft. existing dwelling on site. The property is a +/- 5-acre site located at 201 Grace Peak Road, Elizabethtown, KY known as Lot 2 of Sutherland Place, within the KY 361 Corridor Planning Area and is zoned Urban Residential (R-1). The PVA Map Number is 184-00-00-006.02. The property is owned by **TARA BLAND**. Planner I Goodman reviewed the application, the plans for the property, and presented exhibits into the record.

Chris Bland, of 201 Grace Peak Road, Elizabethtown, KY provided testimony and answered questions from the board members and staff. Mr. Bland explained that the proposed dwelling will be for his mother-in-law, Virginia Dewitt, and that the existing home has been given to his wife Tara. The proposed dwelling will be 10 ft. to the right and 10 ft. in front of the existing dwelling, due to the fall of the land and an attempt to make the home more accessible. Mr. Bland stated that there will be a level walking path between the dwellings, and that from the front the accessory dwelling will just look like a detached garage. He also explained that the exterior siding and roof will match the existing house.

Al March, of 158 Grace Peak Road, Elizabethtown, KY spoke in opposition of the proposal. Mr. March asked how far the proposed dwelling will be from his property and asked if there would be any commercial activity allowed on site.

Director King pulled up the plat and stated that there was at least 330' between the Blands and Mr. March's property according to the property lines.

Chairman Krausman asked if Mr. Bland was okay with a condition that no commercial activity would be allowed on site, and Mr. Bland said yes. Mr. Bland stated that this is their residence and they have no intentions of commercial activity, and that he does work on some cars in the garage but they are all his personal vehicles.

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

At 5:25 p.m. Hearing Officer Steck closed the hearing to public discussion.

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

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

According to provisions of the Kentucky Revised Statutes, the Hardin County Development Guidance System Zoning Ordinance, and the proceedings before the Board of Adjustment (the staff presentation and the testimony presented in the Public Hearing); Secretary Steck made a 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 a 1,650 S.F. garage with 900 S. F. of living space (Permanent Accessory Dwelling) to be constructed in addition to the 1,875 S.F. home (Principal Dwelling) on site.
2. The property owner, Tara Bland, must occupy either the principal dwelling or the permanent accessory dwelling as the principal residence, and at no time receive rent for the owner-occupied unit (Owner's residence must be proven by driver's license - address).
3. Adequate on-site parking must be designated on an approved site plan.
4. The exterior finishes of the Permanent Accessory Dwelling shall be yellow siding with an asphalt shingle roof to match the Principal Dwelling on the site.
5. The proposed driveway entrance from Grace Peak Road will be shared by both dwellings.

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6. The Permanent Accessory Dwelling is the proposed 1,650 S.F. garage with 900 S. F. of living space, and the pre-existing 1,875 S.F. house is the Principal Dwelling.
7. Both dwellings shall have septic systems approved by the Environmental Services Office of the Health Department.
8. This Permit is not transferable, and the new owners must reapply for the Conditional Use Permit and meet the necessary requirements.
9. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.
10. A Certificate of Land Use Restrictions shall be recorded in the office of the Hardin County Clerk.
11. No commercial activity shall be allowed on site.

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

At 5:33 p.m. Hearing Officer Steck announced the second item on the agenda was a request for a Variance from the rear building setback to allow for an inground pool and a retaining wall on site. The property is a +/-3.775 acre site located at 371 Maple Drive, Elizabethtown, KY known as Lot 28A of Woodhaven Estates, within the Kentucky 313 Corridor Planning Area and is zoned Residential Estate (R-3). The PVA Map Number is 216-00-01-015. The property is owned by **JOHN & AMANDA CHISM**. Planner I Goodman reviewed the application, the plans for the property, and presented exhibits into the record.

John Chism, of 371 Maple Drive, Elizabethtown, KY provided testimony and answered questions from the board members and staff. Mr. Chism stated that the land is very steep and that is the reason for the retaining wall. Mr. Chism explained that the pool will be inground but that it will be built up on the back side because of the slope of the land, and that the retaining wall will be over 3 feet but the exact size they are not sure of just yet. Mr. Chism also stated that both of the adjoining lots are vacant, and he is not sure if they are developable or not because of the topography.

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

At 5:37 p.m. Hearing Officer Steck closed the hearing to public discussion.

Vice Chairman Youngblood made a motion to grant the Variance from the rear building setback to allow for an inground pool and a retaining wall on site. He based the motion on the staff presentation and the testimony provided in the public hearing.

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He noted the topography issues, the irregular shaped lot, there were no safety concerns, that 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 rear building setback to allow for a retaining wall and a pool to be 26' from the rear property line.
2. A Site Plan in compliance with Section 7 of the Zoning Ordinance shall be required.
3. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.
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 5:40 p.m. Hearing Officer Steck announced the third item on the agenda is a request for a Variance from the front building setback along Loretto Drive to allow for a 24' x 50' garage on site. The property is a +/- 1.01 acre site located at 63 Loretto Drive, Elizabethtown, KY, known as Lot 136 of Santa Fe Subdivision, within the North Urban Planning Area, and is zoned Rural Residential (R-2). The PVA Map Number is 242-00-02-136. The property is owned by **JEREMY MOORE**. Director King reviewed the application, the plans for the property, and presented exhibits into the record.

Jeremy Moore, of 63 Loretto Drive, Elizabethtown, KY provided testimony and answered questions from the board members and staff. Mr. Moore stated that he hired a contractor who said that he did not need a permit. Mr. Moore explained that he was a little ignorant to the process but that he has now learned his lesson. He stated that if the concrete had not been poured already that they could move the building back, but that there would have been some minor topography issues. He also stated that he is a retired mechanic, but that he does not intend to run a business on site, just to tinker and rebuild personal cars.

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Chairman Krausman stated that he had issues with the building being in front of the dwelling, and that if an error can be corrected then it should be and this is a correctable error. He asked if the building size could be reduced?

Director King explained that the applicants have purchased a 24' x 50' pre-fab building to place on site, so reducing the size is not really an option.

Secretary Steck stated that it is not an ideal situation, but that adding onto the concrete would be problematic. He also explained that we have done other variances in Santa Fe Subdivision. Secretary Steck stated that these contractors need to start being held accountable.

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

At 5:52 p.m. Hearing Officer Steck closed the hearing to public discussion.

Secretary Steck made a motion to grant the Variance from the front building setback to allow for a detached garage on site. He based the motion on the staff presentation and the testimony provided in the public hearing.

He noted the variance is not out of character with the other approvals in this subdivision, there were no safety concerns, that it will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public and will not allow an unreasonable circumvention of the requirements of this regulation and will satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243 and DGS 5-3 (B) (1) Findings necessary for granting variance) which is as follows:

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

The Variance was granted with the noted conditions:

1. To allow for a Variance from the front building setback to allow for the proposed detached garage to be no closer than 60' from the centerline of Loretto Drive.
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. The motion passed 2-1 with Chairman Krausman in opposition.



## Hardin County Board of Adjustment

Minutes: 7 November 2024

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At 6:02 p.m. Hearing Officer Steck announced the fourth item on the agenda is a request for a Variance from the front building setback along Hilltop Drive to allow for a house to be built on site. The property is a +/-0.6 acre site located at the corner of Hilltop and Lakeshore Drive, known as Lots 1-7 & 27 of Hardin County Sportsman Lake Subdivision, within the Valley Creek Urban Area Planning Area, and is zoned Urban Residential (R-1). The PVA Map Number is 223-00-0D-047. The property is owned by **HARDIN COUNTY SPORTSMAN LAKE INC** and the applicants are **EMILY & JOHN WEST**. Director King reviewed the application, the plans for the property, and presented exhibits into the record.

Emily & John West, of 1209 Hansborough Road, Cecilia, KY provided testimony and answered questions from the board members and staff. Mrs. West explained that she has staked the house out since the application submission, and they really only need a 20' variance not a 30' as illustrated. Director King stated that 20' off the property line would keep them out of the drainage & utility easement. Mrs. West explained that they are moving the electric line on site and burying it. Mr. West stated that they have also angled the house a bit since the original site drawing and moving the east side down a little.

Chairman Krausman stated that they really need to respect the 20' drainage & utility easement.

Michael Bradfield, of 403 Highland Avenue, Vine Grove, KY provided testimony and answered questions from the board members and staff. Mr. Bradfield explained that he is the treasurer for Sportsman Lake, and that they are excited to have someone interesting in developing the property which really took a unique buyer to do. Mr. Bradfield stated that many of the members voted in favor of this, and that it will be the first house you see around the corner of the pool.

Steven Pollock, of 101 Woods Road, Elizabethtown, KY provided testimony and answered questions from the board members and staff. Mr. Pollock stated that his house was adjacent to the rear of this property, where the West's planned to put their driveway at. Mr. Pollock expressed his concerns over the new house obstructing his view of the lake, and the driveway potentially impacting his lateral field. Mr. Pollock stated that his lateral lines are essentially where the proposed driveway is going.

Director King explained that the roads in Sportsman Lake are private so there are no driveway permits, and no tile or culvert requirements. He also stated that there would not be enough room to park a truck and trailer between Hilltop Drive and the proposed house if its only 20' off the property line.

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

At 6:46 p.m. Hearing Officer Steck closed the hearing to public discussion.

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Minutes: 7 November 2024

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Chairman Krausman stated that the applicants and their neighbor could work out the driveway location outside of the hearing in a neighborly fashion.

Vice Chairman Youngblood made a motion to grant the Variance from the front building setback along Hilltop Drive to allow for single family dwelling on site. He based the motion on the staff presentation and the testimony provided in the public hearing.

He noted the private roadways, that the proposal is not out of character for the subdivision, there were no safety concerns, that it will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public and will not allow an unreasonable circumvention of the requirements of this regulation and will satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243 and DGS 5-3 (B) (1) Findings necessary for granting variance) which is as follows:

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

The Variance was granted with the noted conditions:

1. To allow for a Variance from the front building setback line for the attached garage on a proposed house to be no closer than 20' from the front property line along Hilltop Drive.
2. The Amended Record Plat with a Variance Note shall substitute for the Site Plan.
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 6:48 p.m. Chairman Krausman called for consideration and action on the fifth item on the agenda, the **Minutes for the meeting held on October 17, 2024**. Vice Chairman Youngblood made a motion to accept the minutes as presented. Chairman Krausman provided the second. The motion passed unanimously.

Chairman Krausman announced that the next regularly scheduled meeting will be held on Thursday, 5 December 2024, at 5:00 p.m., and called for the meeting to be adjourned at 6:49 p.m.

**ADOPTED AND APPROVED THIS 5<sup>th</sup> DAY OF DECEMBER 2024 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.**

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**Steve Steck, Secretary**

## Hardin County Board of Adjustment

Minutes: 17 October 2024

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Chairman Bob Krausman called to order the four hundred ninety-fourth meeting of the Hardin County Board of Adjustment at 5:01 p.m., on Thursday, 17 October 2024, in the Hardin County Government Center, 2nd Floor Meeting Room. The other Board Member in attendance was Vice Chairman Greg Youngblood. Also in attendance were Director Adam King, AICP, Planner I Haley Goodman, Planning & Permits Technician Rachel Derting, and the individuals listed on the attached sign-in sheet. Secretary Steve Steck was not in attendance. Chairman Krausman appointed Vice Chairman Youngblood to serve as the Hearing Officer and to conduct the swearing in ceremony for all those in attendance who planned to speak.

At 5:02 p.m., Hearing Officer Youngblood announced the first item on the agenda was an Amended Conditional Use Permit for a Bed & Breakfast and Wedding & Event Venue to allow for the continued operation of the business under new ownership. The property is a 2.173-acre site located at 66 Osborne Lane, Rineyville, KY, known as Lot 1 of Leasor's Landing Subdivision, within the Rineyville Rural Village Planning Area and is zoned Urban Residential (R-1). The property is owned by **OLD FARMHOUSE INN & VENUE LLC**. Planner I Goodman reviewed the application, the plans for the property, and presented exhibits into the record.

Chad Dudley, of 88 Ben Court, Rineyville, KY, provided testimony and answered questions from the board members and staff. Mr. Dudley stated that he lives in the adjoining Cottonwood Subdivision and purchased the Bed & Breakfast at a recent auction. He wants to continue operating the bed & breakfast with occasional weddings or events similar to how the Leasor's operated the business. Presently they are only serving food to guests on the weekends and the home features 4 bedrooms and can sleep up to 10 people.

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

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

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

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

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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 a motion to grant the Amended Conditional Use Permit (CUP) with the following conditions:

- 1.This Conditional Use Permit shall allow for the existing Bed & Breakfast/Wedding & Event Venue (Recreational Enterprise – Outdoor) to operate on site.
- 2.Osborne Lane (county maintained road) shall serve as the principal entrance for the bed & breakfast.
- 3.This Permit is issued to current owners, The Old Farmhouse Inn & Event Venue LLC, and shall expire if the property is transferred.
- 4.The owners must maintain a guest log with names, dates of stay, permanent addresses and motor vehicle license numbers.
- 5.The bed & breakfast shall have a maximum of 5 guest rooms/suites available for rent (Maximum overnight guest load of 10) for no longer than 7 consecutive days.
- 6.Only 30 large events (over 100 guests with a maximum of 200 guests) shall be permitted per year. Outdoor events will conclude by midnight on the weekends and holidays and by 10 pm throughout the week.
- 7.Temporary tents may be used for outdoor events.
- 8.A Site Plan shall be required illustrating the proposal and compliance with the Development Guidance System as follows:
  9. The parking area must be designated and at no time shall parking be permitted on Osborne Lane, which would impede traffic flow to the other two existing dwellings.
  10. A single sign no greater than 6SF in area and no taller than 8' in height shall be permitted.
  11. All outdoor lighting must be pointed down and not spill onto adjoining properties.
  12. Any dumpster unit shall be screened from view via solid wood fence.

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13. If an acre or more of ground is disturbed a Stormwater/Drainage Plan shall be required.
14. Health Department approval shall be required for the bed & breakfast and the event venue to include food preparation and septic systems (902 KAR 45:006).
15. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.
16. 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.
17. The Conditional Use Permit is valid for 5 years. The Conditional Use Permit expires October 17, 2029, after which time, a Renewal Hearing must be held before the Board of Adjustment.

Chairman Krausman provided the second. The motion passed unanimously.

At 5:20 p.m., Chairman Krausman called for consideration and action on the Minutes for the meeting held on September 19, 2024. Vice Chairman Youngblood made a motion to accept the minutes as presented. Chairman Krausman provided the second. The motion passed unanimously.

Chairman Krausman announced that the next regularly scheduled meeting will be held on Thursday, 7 November 2024, at 5:00 p.m., and called for the meeting to be adjourned at 5:25 p.m.

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

**MPO Meeting** – On September 19, 2024 Adam attended the Radcliff-Elizabethtown Metropolitan Planning Organization Meeting. The topic of discussion was the draft Public Transportation Study.

**Fort Knox Compatible Use Plan Meeting** – On September 20, 2024 Adam attended a meeting at the Lincoln Trail Area Development District regarding the Fort Knox plan and Conservation, Housing and Policy/Communication.

**17 Years of Service** – Building Inspector, Jimmy Morgan celebrated 17 years of service with the Planning Commission on September 27, 2024.

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**CAAK Conference** - Building Inspector, Edwin Alicea attended the Code Administrators Association of KY's annual conference in Bowling Green, KY on September 29 – October 2, 2024 to obtain his required continuing education hours.

**Planner Lawler** – John Michael's last day with the Planning Commission will be October 17, 2024. He is moving to Dacono, Colorado for a Planning position.

**ADOPTED AND APPROVED THIS 7<sup>th</sup> DAY OF NOVEMBER 2024 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.**

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**Steve Steck, Secretary**

## Hardin County Board of Adjustment

Minutes: 19 September 2024

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Vice Chairman Greg Youngblood called to order the four hundred ninety-third meeting of the Hardin County Board of Adjustment at 5:01 p.m., on Thursday, 19 September 2024, 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 I Haley Goodman, Planner John Michael Lawler, and the individuals listed on the attached sign-in sheet. Chairman Bob Krausman was not in attendance. Vice Chairman Youngblood appointed Secretary Steck to serve as the Hearing Officer and to conduct the swearing in ceremony for all those in attendance who planned to speak.

At 5:03 p.m., Hearing Officer Steck announced the first item on the agenda was a Variance from the 1:4 lot width-to-length ratio to allow a property to be further subdivided. The property is an 11.247-acre site located adjacent to 602 Thompson Road, Rineyville, KY, known as Lot 8 of Leasor's Landing Subdivision, within the Rineyville Rural Village and is zoned Urban Residential (R-1). The property is owned by **MARTHA & TERRY SKAGGS**. Planner John Michael Lawler reviewed the application, the plans for the property, and presented exhibits into the record.

Terry Skaggs, of 34 Malmaison Court, Rineyville, KY, provided testimony and answered questions from the board members and staff. Mr. Skaggs stated that he was planning to sell about 100' of frontage to his neighbor, and that the neighbor would be merging the land with his adjoining lot in Cottonwood Estates. Mr. Skaggs said he already owned a house in Rineyville but would potentially build on Lot 8 of Leasor's Landing later. He said that he has been in talks with the County engineer regarding crossing a blue line stream when considering where and how to put a driveway into the property.

Andy Hall, of 602 Thompson Road, Rineyville, KY, provided testimony and answered questions from the board members and staff. Mr. Hall stated that he had met Mr. Skaggs at the auction for the Leasor farm and had discussed buying a small piece of land from Mr. Skaggs once they acquired the lot. Mr. Hall stated that he had no intention of building on the land he will acquire from Mr. Skaggs.

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

At 5:10 p.m., Hearing Officer Steck closed the hearing to public discussion.

Secretary Steck made a motion to grant the Variance from the 1:4 lot width-to-length ratio to allow the property to be further subdivided. He based the motion on the staff presentation and the testimony provided in the public hearing.

He noted that there were no safety concerns, that 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

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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 a Variance from the 1:4 lot width-to-length ratio to allow for the property to be further subdivided with the proposed changes to Lot 8 exceeding the ratio.
2. The Amended Record Plat with a Variance Note shall substitute for the Site Plan.
3. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

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

At 5:12 p.m., Vice Chairman Youngblood called for consideration and action on the Minutes for the meeting held on September 5, 2024. Secretary Steck made a motion to accept the minutes as presented. Vice Chairman Youngblood provided the second. The motion passed unanimously.

At 5:15 p.m., Hearing Officer Steck announced the second item on the agenda was an Amended Conditional Use Permit for an Expanded Home Occupation to allow for the continuation of a plumbing business in an existing detached accessory structure. The property is a 3.281-acre site located at 1584 Burns Road, Radcliff, KY, known as Lot 24 of Boardwalk Estates, within the North Urban Planning Area and is zoned Urban Residential (R-1). The property is owned by **RAYMOND HEDRICK**. Planner John Michael Lawler reviewed the application, the plans for the property, and presented exhibits into the record.

Raymond Hedrick, of 1584 Burns Road, Radcliff, KY, provided testimony and answered questions from the board members and staff. Mr. Hedrick stated that he has been operating there since 2010, with only a brief pause from July 2022 to May 2023 when he sold a portion of his business. Mr. Hedrick said the uncertainty around continuing the business during that time was the reason for not renewing the Conditional Use Permit prior to its expiration. He stated he now plans to continue operating on his property for the foreseeable future. When prompted, Mr. Hedrick stated there had been no changes to the operations of his business. He only has 2 employees on the site, they start at 7:30 a.m., he does not have retail operations, and he may have a food truck on the property once a month for plumbing repairs.



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Director King wanted clarification on what business-related equipment was still on the property, and Mr. Hedric stated it was the same pickups, trailers, and backhoe from previous approvals. Mr. Hedrick also clarified that no material comes to the site except the occasional run of pipe or new water heaters that are waiting to be installed.

Dale Doolin, of 1589 Burns Road, Radcliff, KY, provided testimony and answered questions from the board members and staff. Mr. Doolin stated that he was primarily concerned about the property values, as a neighbor, and that he just wanted to ensure no materials from the business were left outside that could be seen from the road. He noted that stuff does not tend to stay outside for long, and that as long as the property is cleaned up, he understands that Mr. Hedrick needs to make a living.

Vice Chairman Youngblood asked Mr. Hedrick if the materials being left outside could be rectified with his neighbor. Mr. Hedrick indicated that he could make sure the materials are put away to the side of the building so they cannot be seen from the road.

Vice Chairman Youngblood also asked if Mr. Hedrick was still okay with the 3-vehicle restriction. Mr. Hedrick stated that 3 vehicles should be plenty, but an increase could cover him on the off chance they have more vehicles on the site. Vice Chairman Youngblood indicated that he was willing to change the limit to 4 business-related vehicles. Secretary Steve Steck mentioned that the Board could also modify the starting time to 7:30 a.m. to accommodate a slightly earlier start time.

Secretary Steck asked if a 5-year renewal was appropriate. Mr. Hedrick stated that he plans on being retired in 11 years. Vice Chairman Youngblood suggested an 8-year renewal for the Conditional Use Permit and Secretary Steck agreed.

No one else spoke in favor of, or in opposition to, 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 is in compliance and does satisfy the language of the Development Guidance System Ordinance (Section 16-3) Standards of Issuance of a Conditional Use Permit as follows:

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

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

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

1. The Amended Conditional Use Permit to exceed the definition of a Home Occupation shall be good for eight (8) years from September 19, 2024, to September 19, 2032.
2. This Amended Conditional Use Permit will allow for the Accessory Structure (40'x60' pole barn) to be used for a Home Occupation (Platinum Service Pros, formerly Ray's Plumbing).
3. The hours of operation shall be from 7:30 A.M. – 5:00 P.M., Monday – Friday.
4. Only four (4) vehicles associated with the business activity shall be parked or kept outdoors.
5. No signage advertising the business shall be permitted.
6. There shall be no outdoor storage of equipment or materials associated with the Home Occupation (Platinum Service Pros, formerly Ray's Plumbing), except for two (2) trailers and a backhoe.
7. No deliveries or semi-truck traffic shall be permitted on-site that is associated with the business.
8. This Amended Conditional Use Permit shall be issued to the current property owner, Raymond Hedrick, and shall expire when the property is transferred and not be transferable to another property owner.
9. All construction activities on this site shall conform to the provisions of the Kentucky Building Code.
10. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

## Hardin County Board of Adjustment

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

At 5:32 p.m., Hearing Officer Steck announced the third item on the agenda was a Variance from the side building setbacks to allow for a single-family dwelling on site to be remodeled within the existing footprint. The property is a 0.170-acre site located at 135 East Main Street, Glendale, KY, within the Glendale Rural Village and is zoned Urban Residential (R-1). The property is owned by **IMPROV PROPERTIES, LLC**. The Applicant is **SUNRISE FARMS CONSTRUCTION**. Planner I Haley Goodman reviewed the application, the plans for the property, and presented exhibits into the record.

No one spoke in favor of, or in opposition to, the proposal.

Director King noted that the house was taken down to the studs, and that the project amounted to a complete rebuild of the home. Secretary Steck asked if the house was going back on the same foundation, and Director King said it was. Vice Chairman Youngblood said he was fine with the proposal as it was not increasing the level of encroachment into the required setbacks.

Secretary Steck made a motion to grant the Variance from the side building setbacks to allow for a single-family dwelling on site to be remodeled within the existing footprint. He based the motion on the staff presentation and the testimony provided in the public hearing.

He noted that the property was located in the Glendale Rural Village, that the proposed structure was within the same footprint of the existing structure, that there were no safety concerns, that 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 a Variance from the side building setbacks for a complete remodel of the existing home and front deck to be 5' from the west property line and 8' from the east 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.

**Hardin County Board of Adjustment**

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

Vice Chairman Youngblood announced that the next regularly scheduled meeting will be held on Thursday, 17 October 2024, at 5:00 p.m., and called for the meeting to be adjourned at 5:45 p.m.

**ADOPTED AND APPROVED THIS 17<sup>th</sup> DAY OF OCTOBER 2024 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.**

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**Steve Steck, Secretary**

## Hardin County Board of Adjustment

Minutes: 5 September 2024

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Chairman Bob Krausman called to order the four hundred ninety-second meeting of the Hardin County Board of Adjustment at 5:02 p.m., on Thursday, 5 September 2024, 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 John Michael Lawler, and the individuals listed on the attached sign-in sheet. Planner I Haley Goodman was not in attendance. Chairman Krausman appointed Secretary Steck to serve as the Hearing Officer and to conduct the swearing in ceremony for all those in attendance who planned to speak.

At 5:03 p.m., Hearing Officer Steck announced the first item on the agenda was a Conditional Use Permit for an Accessory Structure to allow for a shed (10'x24') on a vacant lot. The property is a 1.430-acre site located on the west side of Santa Fe Trail, Elizabethtown, KY, known as Lot 63 of Wingate West Subdivision, within the West Urban Planning Area and is zoned Rural Residential (R-2). The property is owned by **RONNIE & MICHELE ROGERS**. Director King reviewed the application, the plans for the property, and presented exhibits into the record.

Ronnie Rogers, of 393 Santa Fe Trail, Elizabethtown, KY, provided testimony and answered questions from the board members and staff. Mr. Rogers indicated that his wife wanted a she-shed, and that a swale on the property would not allow for it to be placed on the property with their home without obstructing their view of the property from their porch. Mr. Rogers pointed out the lot would still have plenty of room for a future house after the shed was placed on it, and that he cannot use the existing outbuildings for their desired purpose. Mr. Rogers indicated that his wife had a stressful job and enjoyed relaxing on the porch outside during her days off, so they wanted to preserve their view.

Vice Chairman Youngblood asked what the materials of the proposed shed were, and Mr. Rogers said it would be wood siding. Chairman Krausman asked how long the Rogers had lived on the property and Mr. Rogers said it had been 3 years.

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

At 5:15 p.m., Hearing Officer Steck closed the hearing to public discussion.

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

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

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

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

1. This Conditional Use Permit shall allow for a 10'x24' shed on a vacant lot.
2. The shed shall be used for agricultural/residential storage with no commercial activity permitted.
3. No additional landscaping or screening shall be required.
4. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.
5. A Certificate of Land Use Restrictions shall be recorded in the office of the Hardin County Clerk.

Secretary Steck provided the second. The motion passed unanimously.

At 5:16 p.m., Hearing Officer Steck announced the second item on the agenda was an Amended Conditional Use Permit for an Expanded Home Occupation to allow for the continuation of a woodworking business in an existing pole barn. The property is a 1.410-acre site located at 2995 Nacke Pike, Cecilia, KY, known as Lot 1 of The Other Place, within the West Hardin Planning Area and is zoned Rural Residential (R-2). The property is owned by **TIMOTHY & SHERRY ERNSPIKER**. Planner John Michael Lawler reviewed the application, the plans for the property, and presented exhibits into the record.

Tim Ernspiker, of 2995 Nacke Pike, Cecilia, KY, provided testimony and answered questions from the board members and staff. Mr. Ernspiker indicated the business had gotten off to a slow start but is now steady. Mr. Ernspiker indicated he would like to make the use permanent, and that everything about the business was the same as their original request.

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Chairman Krausman asked if the business still had 5 or less employees and Mr. Ernspiker said yes, that would still work.

Mr. Ernspiker indicated that he would like to make the driveway wider for the accessory structure, and he was working with the County Road Department to make that happen.

Chairman Krausman asked if Mr. Ernspiker did any metalworking on site and Mr. Ernspiker said no, but his son may do some personal projects that include metalwork.

Secretary Steck made mention of how rural the area was and asked how long Mr. Ernspiker had been on the property. Mr. Ernspiker said he had been there since 2006. Chairman Krausman asked if Mr. Ernspiker had any security lighting on the property and Mr. Ernspiker said no, though he had considered installing some soon. Chairman Krausman asked that any installed lighting be shielded from the road and pointed inward at the property. Chairman Krausman also asked if there was any signage for the business and Mr. Ernspiker said there was not.

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

At 5:28 p.m., Hearing Officer Steck closed the hearing to public discussion.

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

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

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

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

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

At 5:34 p.m., Chairman Krausman called for consideration and action on the **Minutes for the meeting held on August 22, 2024**. Vice Chairman Youngblood made a motion to accept the minutes as presented. Secretary Steck provided the second. The motion passed unanimously.

Chairman Krausman announced that the next regularly scheduled meeting will be held on Thursday, 19 September 2024, at 5:00 p.m., and called for the meeting to be adjourned at 5:40 p.m.

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

**MPO Meeting** On August 22, 2024, Adam attended the Technical Advisory Committee Meeting of the Radcliff-Elizabethtown Metropolitan Planning Organization at the Lincoln Trail Area Development District. The Public Transportation Study being conducted by Michael Baker International, Inc. was discussed.



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**ADOPTED AND APPROVED THIS 19<sup>th</sup> DAY OF SEPTEMBER 2024 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 ninety-first meeting of the Hardin County Board of Adjustment at 5:00 p.m., on Thursday, 22 August 2024, 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 I Haley Goodman, Planner John Michael Lawler, 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 was unfinished business from the Board of Adjustment meeting held on August 8, 2024. The request was for a Conditional Use Permit for a Permanent Accessory Dwelling to allow for a 1,475 S.F. apartment within an existing detached garage. The property is a 1.015-acre site located at 434 Brentwood Drive, Elizabethtown, KY, known as Lot 10 of Sunset Subdivision, Section 4, within the North Glendale Urban Planning Area and is zoned Rural Residential (R-2). The property is owned by **NATHAN HUGGINS**. Planner I Haley Goodman reviewed the application, the plans for the property, and presented three new exhibits into the record verifying ownership of the property.

Stacy Bowling, of 434 Brentwood Drive, Elizabethtown, KY, provided testimony and answered questions from the board members and staff. Mrs. Bowling indicated that Mr. Huggins and his wife would be occupying the proposed permanent accessory dwelling as the owners of the property. Mrs. Bowling said Mr. Huggins had already been living on the property for three years prior to the hearing, and that he will likely buy the property outright when her mother passes away.

Nathan Huggins, of 434 Brentwood Drive, Elizabethtown, KY, provided testimony and answered questions from the board members and staff. Mr. Huggins stated that he's lived in the neighborhood for 13 years, and he looks forward to staying there. He also confirmed that he plans to purchase full interest in the house when Mrs. Bowling's mother (his sister) passes away. He also thanked the board for their due diligence regarding the matter of ownership.

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

At 5:06 p.m., Hearing Officer Steck closed the hearing to public discussion.

Chairman Krausman asked if the quitclaim deed resolved the issue of ownership, and Director King confirmed it did.

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

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

According to provisions of the Kentucky Revised Statutes, the Hardin County Development Guidance System Zoning Ordinance, and the proceedings before the Board of Adjustment (the staff presentation and the testimony presented in the Public Hearing); Secretary Steck made a 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 a 1,475 S.F. apartment within an existing detached garage (permanent accessory dwelling) to be constructed in addition to the 2,197 S.F. home (principal dwelling) on site.
2. The property owner, Nathan Huggins, must occupy either the principal dwelling or the permanent accessory dwelling as the principal residence, and at no time receive rent for the owner-occupied unit. (Owner's residence must be proven by driver's license - address)
3. Adequate on-site parking must be designated on an approved site plan.
4. The existing driveway entrance from Brentwood Drive will be shared by both dwellings.
5. The exterior finish materials of the permanent accessory dwelling is red brick and a shingled roof to match the principal dwelling.
6. The Permanent Accessory Dwelling is the proposed 1,475 S.F. apartment within the existing detached garage, and the pre-existing 2,197 S.F. house is the Principal Dwelling.

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7. Both dwellings shall have septic systems approved by the Environmental Services Office of the Health Department.
8. This Permit is not transferable, and the new owners must reapply for the Conditional Use Permit and meet the necessary requirements.
9. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.
10. A Certificate of Land Use Restrictions shall be recorded in the office of the Hardin County Clerk.
11. The existing 12'x20' shed on site shall require a building permit and meet a 10' side setback or request a variance.

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

At 5:09 p.m., Hearing Officer Steck announced the second item on the agenda was a Conditional Use Permit for a Permanent Accessory Dwelling to allow for an 872 S.F. second house to be built on the site. The property is a 140.9-acre site located at 7865 Leitchfield Road, Cecilia, KY, within the Leitchfield Road Corridor Planning Area and is zoned Rural Residential (R-2). The property is owned by **JAMES & CHARLOTTE CLARK**. Planner John Michael Lawler reviewed the application, the plans for the property, and presented exhibits into the record.

James Clark, of 7865 Leitchfield Road, Cecilia, KY, provided testimony and answered questions from the board members and staff. He stated that his daughter is getting married and is going to live in the proposed dwelling. He noted that the proposed structure's finish materials will match the primary structure. When Chairman Krausman mentioned that the property would be hard to subdivide with the proposed location of the dwelling, Mr. Clark indicated he had no intention of subdividing the property. Mr. Clark said his daughter will likely move into the main house and he and his wife will occupy the permanent accessory dwelling in the future.

Vice Chairman Youngblood asked Mr. Clark what he planned to do with the proposed dwelling if his daughter moved out and Mr. Clark indicated he would use the dwelling as a farm office.

Vice Chairman Youngblood also asked if Mr. Clark planned to extend the driveway all the way to the proposed dwelling, and Mr. Clark indicated that he would run it along the side of the existing shop building.

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

At 5:17 p.m., Hearing Officer Steck closed the hearing to public discussion.

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Chairman Krausman noted that the application was good, met all the standards for issuance, and that he was ready to entertain a motion.

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

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

According to provisions of the Kentucky Revised Statutes, the Hardin County Development Guidance System Zoning Ordinance, and the proceedings before the Board of Adjustment (the staff presentation and the testimony presented in the Public Hearing); Vice Chairman Youngblood made a 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 an 872 S.F. second house (permanent accessory dwelling) to be constructed in addition to the 3,810 S.F. home (principal dwelling) on site.
2. The property owners, James & Charlotte Clark, must occupy either the principal dwelling or the permanent accessory dwelling as the principal residence, and at no time receive rent for the owner-occupied unit. (Owner's residence must be proven by driver's license - address)
3. Adequate on-site parking must be designated on an approved site plan.
4. The exterior finishes of the Permanent Accessory Dwelling shall be white siding with a black asphalt shingle roof to match the Principal Dwelling on the site.
5. The proposed driveway entrance from Leitchfield Road (US 62) will be shared by both dwellings.

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6. The Permanent Accessory Dwelling is the proposed 872 S.F. second house, and the pre-existing 3,810 S.F. house is the Principal Dwelling.
7. Both dwellings shall have septic systems approved by the Environmental Services Office of the Health Department.
8. This Permit is not transferable, and the new owners must reapply for the Conditional Use Permit and meet the necessary requirements.
9. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.
10. A Certificate of Land Use Restrictions shall be recorded in the office of the Hardin County Clerk.

Secretary Steck provided the second. The motion passed unanimously.

At 5:20 p.m., Hearing Officer Steck announced the third item on the agenda was a Variance from the rear building setback to allow for a pool pavilion. The property is a 5.141-acre site located at 17090 Leitchfield Road, Big Clifty, KY, within the West Hardin Planning Area and is zoned Rural Residential (R-2). The property is owned by **TERRI SHARP**. Planner John Michael Lawler reviewed the application, the plans for the property, and presented exhibits into the record.

Randall Ice, of 1068 Sutzer Creek Lane, the contractor for the project, provided testimony and answered questions from the board members and staff on behalf of the owner. Mr. Ice said the pavilion was built for Ms. Terri Sharp's grandkids to provide shade for them when they swim.

Chairman Krausman asked if the pavilion was already built when they requested the variance. Mr. Ice indicated that they found out they needed a variance for the pavilion when they came to pull the permit for it. He and Ms. Sharp had assumed that the previous variance for a garage, approved in October of 2023, covered this as well.

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

At 5:28 p.m., Hearing Officer Steck closed the hearing to public discussion.

Chairman Krausman stated the railroad made the request easier to justify. He noted the lot was an unusual shape, hemmed in by the railroad at the rear, with no safety concerns.

Secretary Steck made a motion to grant the Variance from the rear building setback to allow a pool pavilion to be no closer than 11' to the rear property line, a variance of 39'. He based the motion on the staff presentation and the testimony provided in the public hearing.

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He noted that there were no safety concerns, that the lot was an unusual shape, that the railroad ran behind the property, that 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:

4. To allow a Variance from the 50' rear building setback for a proposed pool pavilion (20'x20') to be no closer than 11' from the rear property line, a variance of 39'.
5. A Site Plan in compliance with Section 7 of the Zoning Ordinance shall be required.
6. 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 5:30 p.m., Chairman Krausman called for consideration and action on the **Minutes for the meeting held on August 8, 2024**. Secretary Steck made a motion to accept the minutes as presented. Vice Chairman Youngblood provided the second. The motion passed unanimously.

Chairman Krausman announced that the next regularly scheduled meeting will be held on Thursday, 5 September 2024, at 5:00 p.m., and called for the meeting to be adjourned at 5:31 p.m.

**ADOPTED AND APPROVED THIS 5<sup>th</sup> DAY OF SEPTEMBER 2024 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 ninetieth meeting of the Hardin County Board of Adjustment at 5:00 p.m., on Thursday, 8 August 2024, 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 I Haley Goodman, Planner John Michael Lawler, 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 was a Variance from the front building setback along Carriewood Drive to allow for a 28' x 56' manufactured home on the site. The property is a 1.615-acre site located at the corner of Carriewood Drive and Idlewood Court in Cecilia, KY, known as Lot 21 of Carriewood Estates, Section 3, within the Natural Resource Planning Area and is zoned Rural Residential (R-2). The PVA Map Number is 085-00-01-021. The property is owned by **SHEERAN ENTERPRISES, LLC**. Planner I Haley Goodman reviewed the application, the plans for the property, and presented exhibits into the record.

Ben Sheeran, of 1839 Shot Hunt Road, Vine Grove, KY, provided testimony and answered questions from the board members and staff. Mr. Sheeran stated that the home needed to be placed where it was proposed due to the septic system layout.

Director King noted that many of the homes in the subdivision were placed strangely on the lots due to the potential for sinkholes throughout the development.

Vice Chairman Youngblood asked if the home was being marketed for sale or as a rental. Mr. Sheeran said the home will be sold.

Chairman Krausman asked Mr. Sheeran if he would be willing to plant trees in-front of the house to help screen the home and provide protection. Mr. Sheeran agreed.

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

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

Chairman Krausman proposed a condition whereby 4 hardwood trees must be planted between the corner of Idlewood Court & Carriewood Drive and the bend north in Carriewood Drive. The trees must be 4 feet tall at planting and must be in place by January 1, 2025. He also proposed a condition clarifying that the front porch may be covered, but not enclosed. Mr. Sheeran agreed to the conditions.

Vice Chairman Youngblood made a motion to grant the Variance from the front building setback along Carriewood Drive to allow for a 28' x 56' manufactured home on the site, and he based it on the staff presentation and the testimony provided in the public hearing.



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Vice Chairman Youngblood noted that the proposal is subject to potential sinkholes, with adverse topography on the site, the speed limit is 25 mph along Carriewood Drive, there were no safety concerns, it will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public and will not allow an unreasonable circumvention of the requirements of this regulation and will satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243 and DGS 5-3 (B) (1) Findings necessary for granting variance) which is as follows:

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

The Variance was granted with the noted conditions:

1. To allow for a Variance from the front building setback for a manufactured home and front deck to be 41' from the center of Carriewood Drive. The deck may be covered but may not be enclosed.
2. A Site Plan in compliance with Section 7 of the Zoning Ordinance shall be required.
3. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.
4. Four trees shall be planted between the intersection of Idlewood Court & Carriewood Drive and the bend north in Carriewood Drive. The trees must be 4' tall at planting and must be in place by January 1, 2025.

Secretary Steck provided the second. The motion passed unanimously.

At 5:17 p.m., Hearing Officer Steck announced the second item on the agenda was a Conditional Use Permit for a Permanent Accessory Dwelling to allow for a 1,475 S.F. apartment within an existing detached garage. The property is a 1.015-acre site located at 434 Brentwood Drive, Elizabethtown, KY, known as Lot 10 of Sunset Subdivision, Section 4, within the North Glendale Urban Planning Area and is zoned Rural Residential (R-2). The property is owned by **STACY ANN BOWLING**. Planner I Haley Goodman reviewed the application, the plans for the property, and presented exhibits into the record.

Stacy Bowling, of 434 Brentwood Drive, Elizabethtown, KY, provided testimony and answered questions from the board members and staff. Mrs. Bowling stated that her mother lives in the main house, and that the property was transferred into her name for estate reasons. The intent behind getting the permanent accessory dwelling is to provide a place for caregivers to stay while maintaining her mother's privacy. Both Stacy Bowling and Nate Huggins (Stacy's uncle, the mother's brother) plan on utilizing the space as caregivers. Mrs. Bowling stated the family has no intention of renting the proposed space, and no additional cars will be on site.

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Chairman Krausman asked staff if the property could be further subdivided, and Director King stated the lot does not have the acreage or road frontage necessary.

David Vessels, of 403 Queens Lane, Elizabethtown, KY, provided testimony and answered questions from the board members and staff. Mr. Vessels opposed having an apartment that could be rented in the future. Mr. Vessels stated that the road had no outlet, and the proposal would increase traffic in the area. He questioned whether the site had adequate parking for the proposal, and brought up the fact that the structure, as proposed, is greater than the 900 S.F. limit for a permanent accessory dwelling within the zoning ordinance.

Chairman Krausman clarified that the board may grant relief from certain requirements related to conditional use permits. He stated that Fiscal Court passed the Zoning Ordinance for permanent accessory dwellings to provide additional housing stock, and to accommodate caregiver situations like the one being proposed.

Mr. Vessels mentioned there are still 3 vacant lots in the subdivision, and he was concerned each lot has the potential to double their single-family residential density with this as an option.

Chairman Krausman stated the board has never heard complaints about permanent accessory dwellings they had previously approved, and Vice Chairman Youngblood reiterated that the building was already there, with no new impact to the neighborhood.

Kema Vessels, of 403 Queens Lane, Elizabethtown, KY, provided testimony and answered questions from the board members and staff. Mrs. Vessels wanted to know how the subdivision could guarantee the final three lots wouldn't be developed with two homes on each of them. She stated that there were already water pressure issues within the subdivision, and that it was not designed to handle higher-density development.

Director King mentioned that the subdivision does have private deed restrictions that would address Mrs. Vessels' concerns about increased density, but that planning staff and the Board were not party to the agreement, and couldn't enforce the restrictions.

Secretary Steck asked how many lots were in the subdivision, and Planner I Goodman responded with 16.

Mrs. Vessels then alleged that the property is not the primary residence of the applicant, and that it violates the requirements of the conditional use permit, as set forth in the Zoning Ordinance.

Megan Bates, of 58 Sharps Court, Elizabethtown, KY, provided testimony and answered questions from the board members and staff. Mrs. Bates was worried that an inevitable sale of the property would change the outcome associated with the proposal. She was

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also concerned about homeowners in the subdivision disregarding the private deed restrictions moving forward.

John Overbay, of 511 Brentwood Drive, Elizabethtown, KY, provided testimony and answered questions from the board members and staff. Mr. Overbay echoed the sentiments of his neighbors, saying he was concerned about future ownership of the property, not the current situation. He said many people buy their homes with the covenants in mind, and that abusing the covenants takes away from the perceived value of the properties.

Secretary Steck clarified that every subsequent owner would have to reside on the site if they wanted to utilize the second unit, so there was no possibility for two rental units on the property. Planner Lawler added that any new owner would have to renew the CUP with a public hearing being required. Director King reviewed the other permanent accessory dwellings that had been approved in subdivisions with streets.

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

At 5:51 p.m., Hearing Officer Steck closed the hearing to public discussion.

Chairman Krausman stated that the board cannot turn down proposals based on the fear of what might happen. He said that smaller units do not imply worse residents and stated that the building was already there. Vice Chairman Youngblood said there may be one additional car on site, and Secretary Steck said there was plenty of room for parking on site.

Chairman Krausman reminded the applicants that even if the Board approves their request, their neighborhood could potentially seek legal action regarding the private deed restrictions.

Vice Chairman Youngblood asked if the applicant lived on the site. He was concerned that the owner of the property did not appear to live there, and he didn't want to provide an opening for people to abuse the regulations through a new precedent. Director King said that verification of your primary residence is required prior to issuing the CUP.

Vice Chairman Youngblood stated that he would like to table the matter until after the Planning Commission attorney could weigh in on the question of primary residency.

Vice Chairman Youngblood made a motion to continue the case to the next meeting of the Board of Adjustments on August 22, 2024. Secretary Steck provided the second. The motion passed unanimously.

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At 6:00 p.m., Hearing Officer Steck announced the third item on the agenda was a Conditional Use Permit for a Permanent Accessory Dwelling to allow a 752 S.F. apartment within a pole barn. The property is a 58.646-acre site located at 4869

Bardstown Road, Elizabethtown, KY, known as Lot 3A of Dolores Acres, within the Bardstown Road Corridor Planning Area and is zoned Rural Residential (R-2). The property is owned by **MICHAEL PAUL**. Planner John Michael Lawler reviewed the application, the plans for the property, and presented exhibits into the record.

Dan Winkle, of 2252 Constantine Road, Cecilia, KY, the contractor for the project, provided testimony and answered questions from the board members and staff. Mr. Winkle said Mr. Paul originally planned to have a kitchen and bathroom for the apartment, but they were removed from the scope of the work. As a result, Mr. Winkle pulled a permit for an agricultural barn for the project. He stated that Mr. Paul is not interested in renting the unit. Mr. Paul plans on living in the unit while renovating the primary structure on the property. After the renovation, Mr. Paul would use the space for family gatherings or personal events.

Chairman Krausman said the building looked nice, noted that it matches the other accessory structure on the site, is less than 900 S.F., and is on a separate septic system.

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

At 6:13 p.m., Hearing Officer Steck closed the hearing to public discussion.

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

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

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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 a 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 a 752 S.F. apartment within a detached garage (permanent accessory dwelling) to be constructed in addition to the 5,266 S.F. home (principal dwelling) on site.
2. The property owner, Michael Paul, must occupy either the principal dwelling or the permanent accessory dwelling as the principal residence, and at no time receive rent for the owner-occupied unit (Owner's residence must be proven by driver's license address).
3. Adequate on-site parking must be designated on an approved site plan.
4. The proposed driveway entrance from Bardstown Road (US 62) will be shared by both dwellings.
5. The exterior finish materials of the permanent accessory dwelling is grey siding with a black metal roof and the principal dwelling is brick with a shingled roof.
6. The Permanent Accessory Dwelling is the proposed 752 S.F. apartment within the detached garage, and the pre-existing 5,266 S.F. house is the Principal Dwelling.
7. Both dwellings shall have septic systems approved by the Environmental Services Office of the Health Department.
8. This Permit is not transferable, and the new owners must reapply for the Conditional Use Permit and meet the necessary requirements.
9. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.
10. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

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

At 6:15 p.m., Hearing Officer Steck announced the fourth item on the agenda was a Variance from the front building setback to allow a deck to be 84' from the centerline of Hardinsburg Road, a variance of 16'. The property is a 15-acre site located at 5235 Hardinsburg Road, Cecilia, KY, within the Natural Resource Planning Area and is zoned Rural Residential (R-2). The property is owned by **JOHN W PICKERING**. Planner John Michael Lawler reviewed the application, the plans for the property, and presented exhibits into the record.

John Pickering, of 5235 Hardinsburg Road, Cecilia, KY, provided testimony and answered questions from the board members and staff. Mr. Pickering said he did not

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realize what he was getting into when he set out to rebuild the deck. He said the deck had to be replaced, and the variance was necessary due to where the door was on the side of the house.

Vice Chairman Youngblood asked if the deck would be roofed, and Mr. Pickering stated that his wife wanted him to ask if they could roof it. Chairman Krausman asked if Mr. Pickering would be okay with a condition that would allow for the deck to be covered but not enclosed, and Mr. Pickering said that was okay.

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

At 6:28 p.m., Hearing Officer Steck closed the hearing to public discussion.

Vice Chairman Youngblood made a motion to grant the Variance from the front building setback to allow a deck to be 84' from the centerline of Hardinsburg Road, a variance of 16', and he based it on the staff presentation and the testimony provided in the public hearing.

He noted that there were no safety concerns, 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:

7. To allow a Variance from the front building setback for a deck to be 84' from the centerline of Hardinsburg Road, a variance of 16'. The deck may be covered but shall not be enclosed.
8. A Site Plan in compliance with Section 7 of the Zoning Ordinance shall be required.
9. 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 6:31 p.m., Hearing Officer Steck announced that the fifth item on the agenda, a Variance requested by **ELIZABETH VINSON**, was withdrawn.

At 6:32 p.m., Chairman Krausman called for consideration and action on the **Minutes for the meeting held on July 18, 2024**. Secretary Steck made a motion to accept the

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minutes as presented. Vice Chairman Youngblood provided the second. The motion passed unanimously.

Chairman Krausman announced that the next regularly scheduled meeting will be held on Thursday, 22 August 2024, at 5:00 p.m., and called for the meeting to be adjourned at 6:33 p.m.

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

**City of Elizabethtown Housing Meeting** On July 17, 2024, Adam attended a meeting at the State Theater with developers, home builders, engineers, and the City of Elizabethtown staff to discuss potential amendments to the City of Elizabethtown's residential zoning regulations.

**KYTC Glendale Bypass Meeting** On July 30, 2024, Adam attended a meeting with KYTC to discuss the northeast Glendale Bypass at Glendale Christian Church.

**ADOPTED AND APPROVED THIS 22<sup>nd</sup> DAY OF AUGUST 2024 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 eighty-ninth meeting of the Hardin County Board of Adjustment at 5:01 p.m., on Thursday, 18 July 2024, 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 I Haley Goodman, Planner John Michael Lawler, 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 was a Conditional Use Permit for a Recreational Enterprise to allow for a 4-space primitive campground on site. The property is a 62.078-acre site located on the north side of the 3000 block of Hardinsburg Road, Cecilia, KY, known as Tract A of the JoAnn Taul Revocable Trust Property, within the Natural Resource Planning Area and is zoned Rural Residential (R-2). The PVA Map Number is 125-00-00-019.04. The property is owned by **JOANN TAUL REVOCABLE TRUST**. Director Adam King reviewed the application, the plans for the property, and presented exhibits into the record.

Megan Taul, of 3136 Hardinsburg Road, Cecilia, KY, provided testimony and answered questions from the board members and staff. Mrs. Taul stated that Hipcamp, the reservation platform, reached out to them several years ago about listing their farm as a place to stay. Mrs. Taul stated they had listed the farm on the site for roughly a year prior to requesting the Conditional Use Permit, unaware of the requirement. She reiterated that the campsites are primitive, and that they have no intention of renting spaces for RVs or fifth wheels. She covered the review process for those that request to stay, and stated they have insurance for the business. Mrs. Taul also stated that a few furnishings can be purchased or rented on-site, such as firewood, canoes, and hayrides.

Chairman Krausman asked Mrs. Taul how long the average stay was, and Vice Chairman Youngblood asked what the average size of a group was. Mrs. Taul stated that most people stay one night, and the average size of a group was 2-6 people.

Dave Peterson, of 325 Berrytown Road, Rineyville, KY, spoke in opposition to the proposal. Chairman Krausman asked Mr. Peterson what connection he had to the property, and Mr. Peterson stated that he owned a 120-acre farm adjacent to the subject property. He said it was used as a pasture for cows. Mr. Peterson was interested in who the users of the property were and what activities would be allowed. Chairman Krausman reiterated the intended use as proposed by the applicant.

Mr. Peterson asked if 4-wheelers, motorbikes, or hiking would be allowed, as he had issues with them trespassing onto his property. Chairman Krausman stated that the applicant had already assured no 4-wheelers or dirt bikes would be allowed on the site.



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Mr. Peterson repeated his concerns over trespassing on his property, that signs were not enough of a deterrent, and asked for a barrier to be placed between the Taul property and his own.

Vice Chairman Youngblood asked if there was an existing barrier between the properties, and Mr. Peterson stated there was a fence row with dense vegetation between the two properties, with some gaps present.

Mrs. Taul came back to the podium and stated that no hunting would be allowed on the property, but fishing was permitted. Mrs. Taul reiterated that they live adjacent to the subject property, so they will always have eyes on the site. She also emphasized the primitive nature of the campsites being provided. She said the area where 4-wheelers and dirt bikes gain access is a right-of-way between the two properties in question.

Vice Chairman Youngblood reminded Mr. Peterson there will be site rules in place, and Chairman Krausman mentioned the CUP would come up for renewal, with the ability to bring up issues, if it was approved.

Chairman Krausman asked Mrs. Taul how many campers were allowed per site, and she said she thought it was 8 per site. Director King stated the listing has a 10 camper per site limit. Chairman Krausman asked if Mrs. Taul would be comfortable with limiting the total number of campers to 32, and Mrs. Taul said yes. Chairman Krausman also asked if there was a quiet time, and Mrs. Taul stated it was from 10 p.m. to 7 a.m.

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

At 5:36 p.m., Hearing Officer Steck closed the hearing to public discussion.

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

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

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

1. This Conditional Use Permit shall allow for a Recreational Enterprise (Campground) on site and permit 4 primitive camp sites.
2. The existing restroom in the barn must have a functioning septic system.
3. Additional fencing or landscaping shall not be required.
4. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.
5. No trespassing signage shall be installed at any breaks in the fencerow along the property lines.
6. There shall be no discharging of firearms, hunting, 4-wheelers, dirt bikes or golf carts from campers.
7. Fires shall be restricted to the fire rings provided and the site must comply with any applicable fire bans imposed by Hardin County.
8. The site shall not be used as a live music or entertainment venue.
9. A lights out/quiet time shall be observed from 10 p.m. to 7 a.m.
10. Garbage shall be contained within garbage cans or dumpster on site.
11. This Conditional Use Permit is being issued to Megan Taul, it is only transferable after a Public Hearing before the Board of Adjustments with any new/prospective owner/operator.
12. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.
13. This Conditional Use Permit is good for 1 year and shall expire on September 1, 2025.
14. All dogs must be leashed or restrained while on site.

Secretary Steck provided the second. The motion passed unanimously.

At 5:47 p.m., Hearing Officer Steck announced the second item on the agenda was a request for a Variance from the 1:4 lot width-to-length ratio to allow for the property to be further subdivided into two lots. The property is a 10.96-acre site located at 237 Brock Road, Rineyville, KY, within the North Urban Planning Area and is zoned Urban Residential (R-1). The property is owned by **BLAIR LIVING TRUST**. Planner John Michael Lawler reviewed the application, the plans for the property, and presented exhibits into the record.

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Ellis Leon Blair, of 237 Brock Road, Rineyville, KY, provided testimony and answered questions from the board members and staff. Secretary Steck asked Mr. Blair why the lot needed to be 200' wide. Mr. Blair stated that a neighbor was interested in buying his home and 8 acres from the existing lot. Mr. Blair had purchased a home in Elizabethtown to be closer to the hospital while his wife was sick, but she had since passed away. Mr. Blair now wanted to build a new home on the proposed lot that required the variance. He said the proposed lot width was due to the topography on the site, which provided a natural place to subdivide the property.

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

At 5:58 p.m., Hearing Officer Steck closed the hearing to public discussion.

Secretary Steck made a motion to grant the Variance from the 1:4 lot width-to-length ratio based on the staff presentation and the testimony provided in the public hearing. He noted that the proposal has no safety concerns, 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:

10. To allow for a Variance from the 1:4 lot width-to-length ratio to allow for the property to be further subdivided with the proposed Lot 9 exceeding the ratio.
11. The Record Plat with a Variance Note shall substitute for the Site Plan.
12. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

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

At 6:00 p.m., Hearing Officer Steck announced the third item on the agenda was a Conditional Use Permit to allow for an accessory structure (20'x10' shed) on a vacant lot. The property is a 1.9-acre site located on the east side of the 3000 block of Burns Road, Rineyville, KY, to be known as Lot 8C of Sipes Subdivision, Section 1, within the North Urban Planning Area and is zoned Urban Residential (R-1). The property is owned by **LINDA & THOMAS GIELOW**. Planner John Michael Lawler reviewed the application, the plans for the property, and presented exhibits into the record.

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Linda Gielow, of 3076 Burns Road, Rineyville, KY, provided testimony and answered questions from the board members and staff. Mrs. Gielow said she and her husband bought the lots with the intention of consolidating them to build a house. The shed was placed on the lot to provide storage for garden equipment and a mower.

Chairman Krausman asked why the Gielows had placed the shed where it was. Chairman Krausman stated he didn't want to make a habit of approving accessory structures in front of primary structures. Mrs. Gielow stated that the shed was placed there due to the topography of the site. It was the flattest piece of land that wouldn't be occupied by the future home.

Chairman Krausman asked where the home would be placed on the site, and Mrs. Gielow stated it would be located about 15' behind and to the side of the shed. Secretary Steck stated that he wasn't sure there was a better place for the shed, and Director King asked if the Board would like to continue the case to August 8<sup>th</sup>, 2024 so they could visit the site. Secretary Steck stated that the existing mature trees along the road, combined with the topography, should provide adequate screening for the shed. Mrs. Gielow said they had no plans to remove the trees at the front of the property.

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

At 6:12 p.m., Hearing Officer Steck closed the hearing to public discussion.

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

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

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

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

1. This Conditional Use Permit shall allow for a 10'x20' shed on a vacant lot.
2. The shed shall be used for agriculture/residential storage with no commercial activity permitted.
3. No additional landscaping or screening shall be required.
4. The proposed Amended Plat shall substitute for the required Site Plan.
5. A Certificate of Land Use Restrictions shall be recorded in the office of the Hardin County Clerk.

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

At 6:24 p.m., Hearing Officer Steck announced the fourth item on the agenda was a Variance from the front building setback along Twin Oak Drive to allow for a single wide manufactured home on the site. The property is a 0.58-acre site located at 55 Twin Oak Drive, Radcliff, KY, known as Lot 59 of Twin Oaks Subdivision, Section 1, within the North Urban Planning Area and is zoned Urban Residential (R-1). The property is owned by **KY LAND HOLDING OF ELIZABETHTOWN** and the applicant is James Maxwell. Planner I Haley Goodman reviewed the application, the plans for the property, and presented exhibits into the record.

James Maxwell, of 55 Twin Oak Drive, Radcliff, KY, provided testimony and answered questions from the board members and staff. Mr. Maxwell said he found the property after his home was destroyed by a storm in Louisville. The installer he contracted with placed the manufactured home too close to the road and he said he was currently litigating the situation. He had no intention of setting the home too close to the road, and felt the mobile home was stuck where it was given its age and the topography of the site. Mr. Maxwell also mentioned that there was another home close by that seemed to be just as close to the road as his own.

Chairman Krausman asked where the septic field was for the home and Mr. Maxwell told him it was to the right of the home, along Twin Oak Drive.

Dean Kuhn, of 107 Helmwood Drive, Elizabethtown, KY, spoke in opposition to the proposal. He stated he owned the adjacent property to the right, along Twin Oak Drive, and that he didn't think the manufactured home was installed properly on the subject site. Director King informed Mr. Kuhn that the home would have to be inspected by the State and local building inspectors prior to occupancy.

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Chairman Krausman asked if Mr. Maxwell would be willing to plant three or four trees along Twin Oak Drive to screen and protect the home, and Mr. Maxwell said that he would comply with anything they may request of him.

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

At 6:34 p.m., Hearing Officer Steck closed the hearing to public discussion.

Director King asked if the Board would like to add a new condition of approval that would read, "By October 31<sup>st</sup>, 3 hardwood trees must be planted and continually maintained along Twin Oak Drive to shield and screen the home from the road.". Chairman Krausman agreed to the language.

Vice Chairman Youngblood made a motion to grant the Variance from the front building setback along Twin Oak Drive to allow for a single wide manufactured home on the site based on the staff presentation and the testimony provided in the public hearing. He noted that the proposal has no safety concerns, 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.

He also cited the topography of the property, that the request was not out of character with the area, and that the speed limit was 25 mph for the road.

The Variance was granted with the noted conditions:

1. To allow for a Variance from the front building setback for a single wide manufactured home with a ramp or stairs parallel to the home to be 46' to the center of Twin Oaks Drive.
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. By October 31, 2024, 3 hardwood trees must be planted and continually maintained along Twin Oak Drive to shield and screen the home from the road.

Secretary Steck provided the second. The motion passed unanimously.

At 6:36 p.m., Hearing Officer Steck announced the fifth item on the agenda was an Amended Conditional Use Permit to continue to allow for a welding shop in the 74'x80' detached accessory structure on site. The property is a 25-acre site located at 1404

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Constantine Road, Cecilia, KY, known as Lot 4 of Coogle Estates, within the West Hardin Planning Area and is zoned Rural Residential (R-2). The property is owned by **ROBERT DECKARD** d.b.a. Heartland Fabricating, LLC. Director Adam King reviewed the application, the plans for the property, and presented exhibits into the record.

Robert Deckard, of 1404 Constantine Road, Cecilia, KY, provided testimony and answered questions from the board members and staff. Mr. Deckard stated that he bought a building on Dixie Highway in Valley Station for his welding business. In seeking a renewal of his Conditional Use Permit, Mr. Deckard wanted to keep his options open moving forward. Mr. Deckard noted that his initial business was welding bed frames, but he has since moved on to welding roll off dumpsters. Mr. Deckard stated he has been in Louisville since June 23, 2023, and that the building on the subject site is mostly used for personal projects at this time.

Gary White, of 1328 Constantine Road, Cecilia, KY, spoke in support of the proposal. He said he had no issues with the use, and he can't hear anything from his house while they are working.

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

At 6:47 p.m., Hearing Officer Steck closed the hearing to public discussion.

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

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

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

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

12. This Amended Conditional Use Permit shall allow for a welding shop in the R-2 Zone within the 7,000 sq. ft. accessory structure on site. The business may not be expanded without an Amended Conditional Use Permit.
13. Hours of Operation shall be from 8:00 AM – 5:00 PM, Monday – Friday.
14. Additional Screening or Landscaping in the form of a solid privacy fence with 10 evergreen trees (two staggered rows of 5) that are a minimum of 5' tall and planted 5' on center on the north side of the accessory structure, with the trees being furthest north shall be required. The privacy fence must be installed within 60 days and the trees need to be planted within 60 days after the fence is installed.
15. There shall only be 3 employees of the business who do not reside on the premises.
16. The single existing sign on the building shall be permitted.
17. The existing dumpster on site and all business materials must be screened from view of the adjoining properties.
18. This Conditional Use Permit shall be issued to the current property owner, Robert Deckard, and is not transferable.
19. All customer and employee parking must be on site as shown on the Site Plan.
20. A Site Plan in compliance with Section 7 of the Zoning Ordinance shall be required.
21. This Conditional Use Permit shall be for a period of 4 years and expire on July 18, 2028.
22. 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 6:50 p.m., Hearing Officer Steck announced the sixth item on the agenda was a Conditional Use Permit for a Permanent Accessory Dwelling to allow for a 943 S.F. apartment above a detached garage. The property is a 10.000-acre site located at 6314 Shepherdsville Road, Elizabethtown, KY, within the Kentucky 313 Corridor Planning Area and is zoned Residential Estate (R-3). The property is owned by **VH PROPERTIES, LLC** and the applicant is Vince Heuser. Planner I Haley Goodman reviewed the application, the plans for the property, and presented exhibits into the record.

Vince Heuser, of 6314 Shepherdsville Road, Elizabethtown, KY, provided testimony and answered questions from the board members and staff. Mr. Heuser stated that the garage was the result of the new roundabout being put in, which required a new driveway for their home. Mr. Heuser also stated that the proposed building will be finished in white, vertical siding, which will match the house once it is refinished.



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Chairman Krausman asked how close the permanent accessory dwelling was to the house. Mr. Heuser stated that it is roughly 30 feet from the house.

Secretary Steck stated that he had no issue with the proposal.

Carmen Blackburn, of 3172 Battle Training Road, Elizabethtown, KY, spoke in support of the proposal. She said she had no issues with the proposed structure or use, and that it would only serve to increase the value of the property.

Kimberly Clementine, of 6387 Shepherdsville Road, Elizabethtown, KY, spoke in support of the proposal. She said the proposed structure and use looked great, and she had never heard any noise from the construction of the garage. She also noted that the Heusers had improved and enlarged the pond.

Keith Lefevre, of 2850 Parkers Grove Road, Magnolia, KY, spoke in support of the proposal. Mr. Lefevre stated that he owned 15 acres adjacent to the Dollar General, and asked which side of Battle Training Road the subject site was on. He noted that he had owned the land since 1991, and thought the proposal was a nice addition to the area.

Theresa Bailey, of 3192 Battle Training Road, Elizabethtown, KY, spoke in support of the proposal. She noted that she had been in the area since 1985 and had no issues with the proposed structure or use.

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

At 7:06 p.m., Hearing Officer Steck closed the hearing to public discussion.

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

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

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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 a 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 a 943 S.F. apartment above a detached garage (permanent accessory dwelling) to be constructed in addition to the 2,983 S.F. home (principal dwelling) on site.
2. The property owner, Vince Heuser, must occupy either the principal dwelling or the permanent accessory dwelling as the principal residence, and at no time receive rent for the owner-occupied unit (Owner's residence must be proven by driver's license address).
3. Adequate on-site parking must be designated on an approved site plan.
4. The proposed driveway entrance from Shepherdsville Road (KY 251) will be shared by both dwellings.
5. The Permanent Accessory Dwelling is the proposed 943 S.F. apartment above the detached garage, and the pre-existing 2,983 S.F. house is the Principal Dwelling.
6. Both dwellings shall have septic systems approved by the Environmental Services Office of the Health Department.
7. This Permit is not transferable, and the new owners must reapply for the Conditional Use Permit and meet the necessary requirements.
8. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.
9. 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 7:08 p.m., Hearing Officer Steck called for consideration and action on the **Minutes for the meeting held on May 23, 2024**. Vice Chairman Youngblood made a motion to accept the minutes as presented. Chairman Krausman provided the second. The motion passed unanimously.

At 7:09 p.m., Chairman Krausman called for consideration and action on the **Annual Nomination and Election of Officers**. Secretary Steck made a motion to maintain the current positions held. Vice Chairman Youngblood provided the second. The motion passed unanimously.

Chairman Krausman announced that the next regularly scheduled meeting will be held on Thursday, 8 August 2024, at 5:00 p.m., and called for the meeting to be adjourned at 7:10 p.m.

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

**3 Years of Service** Planner I, Haley Goodman, celebrated 3 years of service with the Planning Commission on June 4, 2024.

**ADOPTED AND APPROVED THIS 8<sup>th</sup> DAY OF AUGUST 2024 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 eighty-eighth meeting of the Hardin County Board of Adjustment at 5:00 p.m. on Thursday 23 May 2024, in the Hardin County Government Center, 2nd Floor Meeting Room. The other Board Member in attendance was Vice Chairman Greg Youngblood. Also in attendance were Director Adam King, AICP, Planner Haley Goodman, Planner John Michael Lawler, and the individuals listed on the attached sign-in sheet. Secretary Steve Steck was absent from this meeting. Chairman Bob 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 5:05 p.m., Chairman Krausman announced the first item on the agenda was a Variance to allow less than the required minimum road frontage, and a Variance to allow a lot that exceeds the 1:4 lot width-to-length ratio. The property is a +/- 2.218-acre site located on Trinity Drive, Rineyville, KY known as Lot 35 of Cottonwood Estates, within the Rineyville Rural Village Planning Area and is zoned Urban Residential (R-1). The PVA Map Number is 142-00-06-035. The property is owned by **DAVION NELSON**. Planner John Michael Lawler reviewed the application, the plans for the property, and presented exhibits into the record.

Davion Nelson, of 35 Trinity Drive, Rineyville, KY, provided testimony and answered questions from the board members and staff. Mr. Nelson explained that he always envisioned subdividing the single lot into two lots.

Chairman Krausman asked where Mr. Nelson planned on siting the houses and for clarification on the uses proposed on each lot. Mr. Nelson stated that the homes would be built to the front of each lot, and that he planned to have a Permanent Accessory Dwelling on the proposed southernmost lot.

Chairman Krausman asked about the possibility of splitting the frontage evenly between the two proposed lots, and Mr. Nelson agreed that may be a better use of the land.

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

At 5:20 p.m., Hearing Officer Youngblood closed the hearing to public discussion.

Director King recommended editing the first part of the proposed motion to read "with each lot having 90' of road frontage and each lot extending back to the rear property line".

Vice Chairman Youngblood made a motion to grant the Variances from the required minimum road frontage and the 1:4 lot width-to-length ratio based on the staff presentation and the testimony provided in the public hearing. He noted that the proposal has no safety concerns, 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

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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 requirement and the 1:4 lot width-to-length ratio to allow for the property to be further subdivided into two lots, with each lot having 90' of road frontage.
2. An Amended Plat shall substitute for the 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 5:23 p.m., Chairman Krausman announced the second item on the agenda was a request for a Variance from the requirement for government-maintained road frontage to allow for a lot to be subdivided and subsequently merged with an adjacent property. The property is a +/- 46.758-acre site located at 4497 Salt River Road, Rineyville, KY, known as Lot 3A of Del Moral Subdivision, within the Natural Resource Planning Area and is zoned Rural Residential (R-2). The property is owned by **JOHN & KRISTINA TAPIO**. The PVA Map Number is 065-00-00-001.03. Director King reviewed the application, the plans for the property, and presented exhibits into the record.

John Tapio, of 4497 Salt River Road, Rineyville, KY, provided testimony and answered questions from the board members and staff. Mr. Tapio stated that he did not have use for the entire tract of land, and that he bought the property with the intent to sell the remainder of the lot to his stepfather, who would merge the balance with the adjoining farm for recreational purposes.

Michael O'Reilly, of 611 Whitfill Lane, Hardinsburg, KY, provided testimony and answered questions from the board members and staff. Mr. O'Reilly was the surveyor and noted that the proposed lot size for Mr. Tapio's home was more in-line with the lots along Salt River Road.

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

At 5:33 p.m., Hearing Officer Youngblood closed the hearing to public discussion.

Vice Chairman Youngblood made a motion to grant the Variance from the requirement for government-maintained road frontage based on the staff presentation and the testimony provided in the public hearing. He noted that the proposal has no safety

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concerns, 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 government-maintained road frontage requirement to allow for Lot 3A of Del Moral Subdivision to be further subdivided.
2. The Amended Plat and Boundary Survey shall substitute for the 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 5:37 p.m., Chairman Krausman called for consideration and action on the **Minutes for the meeting held on May 9, 2024**. Vice Chairman Youngblood made a motion to accept the minutes as presented. Chairman Krausman provided the second. The motion passed unanimously.

Chairman Krausman announced that the next regularly scheduled meeting will be held on Thursday, 18 July 2024 at 5:00 p.m., and called for the meeting to be adjourned at 5:42 p.m.

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

**APA-KY Spring Conference** On May 15-17, 2024, Adam, Haley, & John Michael attended the Spring Planning Conference at Dale Hollow Lake State Park.

**Outstanding Plan Award** At the Spring Planning Conference, the *Comprehensive Development Guide, 2024* won an award for Outstanding Comprehensive Plan from APA-KY.

**ADOPTED AND APPROVED THIS 18th DAY OF JULY 2024 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.**

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**Steve Steck, Secretary**

## Hardin County Board of Adjustment

Minutes: 9 May 2024

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Chairman Bob Krausman called to order the four hundred eighty seventh meeting of the Hardin County Board of Adjustment at 5:00 p.m. on Thursday 9 May 2024, in the Hardin County Government Center, 2nd Floor Meeting Room. The other Board Member in attendance was Vice Chairman Greg Youngblood. Also, in attendance were Director Adam King, AICP, Planner Haley Goodman, Planner John Michael Lawler, and the individuals listed on the attached sign-in sheet. Secretary Steve Steck was absent from this meeting. Chairman Bob 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 5:01 p.m., Chairman Bob Krausman announced the first item on the agenda was a Conditional Use Permit for a Permanent Accessory Dwelling Permit to allow for a 606 sq. ft. Permanent Accessory Dwelling (apartment above existing detached garage) on site. The property is a +/- 0.570-acre site located at 3995 Bardstown Road, Elizabethtown, KY known as Lot 8 of Hillsdale Estates, Section 1, within the Bardstown Road Corridor Planning Area and is zoned Urban Residential (R-1). The PVA Map Number is 243-00-01-008. The property is owned by **SHELBY BLANTON** and the applicant is **KAREN KINNEY**. Planner John Michael Lawler reviewed the application, the plans for the property, and presented exhibits into the record.

Ryan Berry, of 716 Sunrise Lane, Elizabethtown, KY, provided testimony and answered questions from the board members and staff. Mr. Berry explained that he is the general contractor for the project and stated that they will be remodeling the upstairs part of the garage from a former woodshop to an apartment. Mr. Berry explained that Ms. Kinney is the caregiver for her mom and wants to live closer to her instead of having to drive to her house multiple times per day. Mr. Berry stated that the health department has approved the septic, and that they will be adding a deck onto the back of the garage.

Chairman Bob Krausman noted that the garage is already on site and has been for 30 years, is behind the house, and has similar exterior finishing.

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

At 5:12 p.m., Hearing Officer Youngblood closed the hearing to public discussion.

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

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

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

According to provisions of the Kentucky Revised Statutes, the Hardin County Development Guidance System Zoning Ordinance, and the proceedings before the Board of Adjustment (the staff presentation and the testimony presented in the Public Hearing); Vice Chairman Greg Youngblood made a 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 a 606 S.F. apartment above a detached garage (permanent accessory dwelling) to be constructed in addition to the 1,482 S.F. home (principal dwelling) on site.
2. The property owner, Shelby Blanton, must occupy either the principal dwelling or the permanent accessory dwelling as the principal residence, and at no time receive rent for the owner-occupied unit. (Owner's residence must be proven by driver's license - address)
3. Adequate on-site parking must be designated on an approved site plan.
4. The existing driveway entrance from Bardstown Road (US 62) will be shared by both dwellings.
5. The Permanent Accessory Dwelling is the proposed 606 S.F. apartment above the detached garage, and the pre-existing 1,482 S.F. house is the Principal Dwelling.
6. Both dwellings shall have septic systems approved by the Environmental Services Office of the Health Department.
7. This Permit is not transferable, and the new owners must reapply for the Conditional Use Permit and meet the necessary requirements.
8. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.



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9. A Certificate of Land Use Restrictions shall be recorded in the office of the Hardin County Clerk.

Chairman Bob Krausman provided the second. The motion passed unanimously.

At 5:15 p.m., Chairman Bob Krausman announced the second item on the agenda was a request for a Variance from the front & side building setbacks to allow for the construction of a single-family dwelling. The property is a +/- 0.978-acre site located at 80 Stovall Road, Elizabethtown, KY within the East Hardin Planning Area and is zoned Rural Residential (R-2). The property is owned by **LUCKY ACQUISITIONS, LLC**. The PVA Map Number is 262-00-00-071. Planner Haley Goodman reviewed the application, the plans for the property, and presented exhibits into the record.

Landon Goff, of 338 E Dixie Ave, Elizabethtown, KY, provided testimony and answered questions from the board members and staff. Mr. Goff stated that the variance was necessary because of the extreme topography present on the site. Mr. Goff reiterated that the new home would be in roughly the same position as the previous mobile home and would be no closer to the road than before. Chairman Bob Krausman asked if Mr. Goff would be willing or able to save any of the trees along the road. Mr. Goff stated that he would do his best to save as many trees as possible.

Director Adam King suggested the Board change the language on Condition 2 to read "Some of the existing mature trees", not "The existing trees".

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

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

Vice Chairman Greg Youngblood made a motion to grant a Variance from the front & side building setbacks to allow for the construction of a single-family dwelling based on the staff presentation and the testimony provided in the public hearing. He noted the property's extreme topography, that the proposal has no safety concerns, 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:

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4. To allow for a Variance from the front building setback to allow for the proposed dwelling to be no closer than 44' from the centerline of Stovall Road and a variance from the side building setback line to allow for the dwelling to be no closer than 6' to the side line.
5. Some of the existing mature trees along Stovall Road must be maintained.
6. A Site Plan in compliance with Section 7 of the Zoning Ordinance shall be required.
7. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Chairman Bob Krausman provided the second. The motion passed unanimously.

At 5:27 p.m., Chairman Krausman called for consideration and action on the **Minutes for the meeting held on April 18, 2024**. Vice Chairman Greg Youngblood made a motion to accept the minutes as presented. Chairman Bob Krausman provided the second. The motion passed unanimously.

Chairman Krausman announced that the next regular scheduled meeting will be held on Thursday, 23 May 2024 at 5:00 p.m., and called for the meeting to be adjourned at 5:28 p.m.

**ADOPTED AND APPROVED THIS 23<sup>rd</sup> DAY OF MAY 2024 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.**

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**Steve Steck, Secretary**

## Hardin County Board of Adjustment

Minutes: 18 April 2024

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Chairman Bob Krausman called to order the four hundred eighty sixth meeting of the Hardin County Board of Adjustment at 5:00 p.m. on Thursday 18 April 2024, 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 Haley Goodman, Planner John Michael Lawler, 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 5:04 p.m. Chairman Krausman announced the first item on the agenda was a Conditional Use Permit for a Permanent Accessory Dwelling to allow for the construction of an 864 sq. ft. home, to the rear of the existing home. The property is a +/- 1.097 acre site located at 2766 Rineyville Big Springs Road, Rineyville, KY, known as Lot 5A of David's Way Estates, within the Rineyville Rural Village Planning Area and is zoned Urban Residential (R-1). The PVA Map Number is 143-00-01-008. The property is owned by **DAVID WISE**. Director King reviewed the application, the plans for the property, and presented exhibits into the record.

At 5:15 p.m., Hearing Officer Steck asked who owned the lots adjacent to this site.

Chairman Krausman asked if there was a road coming from the adjacent subdivision.

Director King stated that David Wise owned most of the adjacent lots, and that there was no road coming from the cul-de-sac of the adjacent subdivision.

At 5:16 p.m., David Wise, of 2672 Rineyville Big Springs Road, Rineyville, KY provided testimony and answered questions from the board members and staff. Mr. Wise stated that the presentation was accurate, and that he planned to live in the proposed Permanent Accessory Dwelling after he sells his current home. Mr. Wise plans to rent the primary residence on the subject site. Mr. Wise answered questions from Chairman Krausman, confirming that he would consider staff's proposed location for the Permanent Accessory Dwelling, and that the proposed structure would use substantially similar building materials to the existing structures on the site and in the immediate area.

At 5:21 p.m., Jon A Crowley, of 668 Taffey Tower Road, Hartford, KY provided testimony and answered questions from the board members. Mr. Crowley stated that he will build the structure with Mr. Wise. He stated that he and Mr. Wise were agreeable to the staff's proposed location of the structure, and that Mr. Wise was willing to provide landscaping, a fence, or both to help screen the northeastern property line from Mr. Rick Newton's property.

At 5:22 p.m., Rick Newton, of 2724 Rineyville Big Springs Road, Rineyville, KY spoke in opposition to the proposal. Mr. Newton expressed concern over the way development had been undertaken on the adjacent properties, especially those owned by Mr. Wise.

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Mr. Newton stated that he did not like the applicant's proposed location for the Permanent Accessory Dwelling, preferring the staff's proposed location instead. Mr. Newton also expressed support for requiring a fence and landscaping along the shared property line between his home and the subject site.

At 5:26 p.m., Nedra Charbonneau, of 61 Rita Way, Elizabethtown, KY asked board members and the staff how the proposed structure was considered accessory to the primary use, and whether the property could be subdivided into two separate lots. Director King explained that Hardin County Planning & Development has its own definition of accessory uses in the code, and that the lot is too small to meet the requirements for two lots. Chairman Krausman noted that Permanent Accessory Dwellings were being promoted in the current code and comprehensive plan to create more opportunities for affordable housing in the county.

At 5:27 p.m., Mr. Newton asked how the Conditional Use Permit would be transferred to a new owner, and wanted clarification on the owner-occupancy requirement. Director King and Chairman Krausman provided details on the process for transferring Conditional Use Permits to new owners, as well as the process for revoking Conditional Use Permits that do not meet the owner-occupancy requirement.

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

At 5:31 p.m. Hearing Officer Steck closed the hearing to public discussion.

Secretary Steck stated that he had no issues with the proposal, so long as it was located in the staff's proposed location, with screening provided along the shared property line with Mr. Newton. Secretary Steck preferred landscaping rather than a fence.

Chairman Krausman stated the screening should be a fence or 4' tall arborvitae. Mr. Krausman noted that bushes could also accomplish the screening.

Director King recommended a condition of approval that required 3 evergreen trees, at least 4' tall at planting, that must be maintained in perpetuity and planted prior to receiving a Certificate of Occupancy for the proposed structure.

Director King also proposed a condition of approval requiring that Mr. Wise move into the proposed structure within 30 days of receiving its Certificate of Occupancy.

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

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1. This Conditional Use Permit for a Permanent Accessory Dwelling will allow for a 864 sq. ft. second dwelling (permanent accessory dwelling) to be constructed in addition to the 2,200 sq. ft. home (principal dwelling) on site.
2. The property owner, David Wise, must occupy either the principal dwelling or the permanent accessory dwelling as the principal residence, and at no time receive rent for the owner-occupied unit. (Owner's residence must be proven by driver's license address)
3. Adequate on-site parking must be designated on an approved site plan.
4. The existing driveway entrance on Lot 6 David's Way will be shared by both dwellings on Lot 5A.
5. The Permanent Accessory Dwelling is the proposed 864 sq. ft. second dwelling, and the pre-existing 2,200 sq. ft. house is the Principal Dwelling.
6. The exterior finish materials of the Permanent Accessory Dwelling shall be white vinyl siding with a shingled roof to match the principal dwelling.
7. Both dwellings shall have septic systems approved by the Environmental Services Office of the Health Department.
8. This Permit is not transferable, and new owners must reapply for the Conditional Use Permit and meet the necessary requirements.
9. Additional landscaping / screening in the form of three evergreen trees (4' tall at planting) or a 6' tall solid privacy fence must be installed prior to the certificate of occupancy on the east side of the home.
10. The proposed Permanent Accessory Dwelling shall be located no further than 20' off the west side property line as illustrated on the approved Site Plan.
11. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.
12. A Certificate of Land Use Restrictions shall be recorded in the office of the Hardin County Clerk.
13. Mr. Wise must reside in the permanent accessory dwelling or the principal dwelling as his permanent primary residence within 30 days of the issuance of a certificate of occupancy for the Permanent Accessory Dwelling.

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

At 5:40 p.m., Chairman Krausman called for consideration and action on the **Minutes for the meeting held on March 21, 2024**. Secretary Steck made a motion to accept the minutes as presented. Vice Chairman Youngblood provided the second. The motion passed unanimously.

Chairman Krausman announced that the next regular scheduled meeting will be held on Thursday, 9 May 2024 at 5:00 p.m. and called for the meeting to be adjourned at 5:42 p.m.

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**ADOPTED AND APPROVED THIS 9<sup>th</sup> DAY OF MAY 2024 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.**

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**Steve Steck, Secretary**

## Hardin County Board of Adjustment

Minutes: 21 March 2024

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Chairman Krausman called to order the four hundred eighty fifth meeting of the Hardin County Board of Adjustment at 5:00 p.m. on Thursday 21 March 2024, 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 was Director Adam King, AICP, Planner, 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. Chairman Krausman announced the first item on the agenda is a Variance from the front building setback along North Bell Avenue to allow for a rear deck to be built on site. The property is a +/- 0.48 acre site located at 150 East Main Street, Glendale, KY, within the Glendale Rural Village Planning Area and is zoned Tourism and Convenience Commercial (B-2). The PVA Map Number is 190-30-01-007. The property is owned by **SETH & LAURIE BRIGGS**. Director King reviewed the application, the plans for the property, and presented exhibits into the record.

Seth Briggs, of 150 East Main Street, Glendale, KY provided testimony and answered questions from the board members and staff. Mr. Briggs explained that the presentation was very accurate, they are staying in line with the side of the existing house and garage. Mr. Briggs also explained that the deck will be wooden with a metal roof to match the house and garage, and they have no intentions to enclose the deck.

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

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

Vice Chairman Youngblood and Secretary Steck both stated that they had no issues with the proposal, it will be in line with the existing house, and is not out of character for Downtown Glendale.

Secretary Steck made a motion to grant a Variance from the front building setback along North Bell Avenue to allow for a covered rear deck to be built on site based on the staff presentation and the testimony provided in the public hearing. He noted the proposal has no safety concerns, 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.

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The Variance was granted with the noted conditions:

1. To allow for a Variance from the front building setback for a 10' x 30' covered deck to be 43' to the center of North Bell Avenue.
2. A Site Plan in compliance with Section 7 of the Zoning Ordinance shall be required.
3. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.
4. The deck may be covered but shall not be enclosed as living space.

Greg Youngblood provided the second. The motion passed unanimously.

At 5:13 p.m. Chairman Krausman called for consideration and action on the **Minutes for the meeting held on March 7, 2024**. Vice Chairman Youngblood made a motion to accept the minutes as presented. Secretary Steck provided the second. The motion passed unanimously.

At 5:16 p.m. Chairman Krausman announced the second item on the agenda is a Variance from the front building setback along Cartwright Estate Road to allow for a stair replacement. The property is a +/- 1.08 acre site located at 354 Cartwright Estate Road, Lebanon Junction, KY, known as Lot 8B of Cartwright Estates within the Kentucky 313 Corridor Planning Area and is zoned Residential Estate (R-3). The PVA Map Number is 259-00-01-032. The property is owned by **JOSEPH GREER**. Planner Goodman reviewed the application, the plans for the property, and presented exhibits into the record.

Joseph Greer, of 354 Cartwright Estates Road, Lebanon Junction, KY provided testimony and answered questions from the board members and staff. Mr. Greer apologized for his ignorance and explained that he was unaware that he needed a permit but has stopped working on the stairs since receiving a Stop Work letter. Mr. Greer explained that the previous stairs were too steep and narrow and his wife fell down them multiple times.

Director King explained that no floodplain permits are needed since the structure is completely open, and that the property is also in a curve in the road which should slow down traffic.

No one else spoke in favor or in opposition.

At 5:24 p.m. Hearing Officer Steck closed the hearing to public discussion.

Greg Youngblood made a motion to grant a variance from the front building setback along Cartwright Estate Road to allow for a stair replacement. based on the staff presentation and the testimony provided in the public hearing. He noted the low speed limit, there are only 5 homes on the road, that the stair replacement is actually a safety improvement for



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the house, the proposal has no safety concerns, 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 to allow for a 4' x 12' stairwell to be 32'6" to the center of Cartwright Estates Road.
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 5:30 p.m. Chairman Krausman announced the third item on the agenda is a request for a Conditional Use Permit for a Temporary Accessory Dwelling to allow for a single-wide manufactured home on site for a caregiver situation. The property is a +/- 0.9 acre site located at 6337 St. John Road, Elizabethtown, KY, known as Lot 2 of Shadowlawn Estates within the St. John Road Corridor Planning Area and is zoned Rural Residential (R-2). The PVA Map Number is 123-00-00-025. The property is owned by **JACKIE & JOAN MITCHELL**. Planner Goodman reviewed the application, the plans for the property, and presented exhibits into the record.

Angela Clater, of 421 East Main Street, Cecilia, KY provided testimony and answered questions from the board members and staff. Ms. Clater explained that she is the daughter of the applicants, and that the temporary accessory dwelling will be for her sister Sandy. Ms. Clater stated that her mother has COPD and is on oxygen and can no longer take care of herself and that her dad is not as strong as he used to be and cannot care for her either. Ms. Clater explained that her sister has been taking care of her since she only works part time, but that she lives in Hodgenville which is too far away, and needs to be closer to their parents especially during the night time. Ms. Clater explained that the single wide is a 1997 model, they will be putting in a new septic system which has been approved by the health department, and that they plan to paint the home to match the existing dwelling. She also stated that the fence is in poor condition and needs to come down but they can put a new one up if need be. She stated that her parents have lived

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out here for 41 years, and that her sister is single but will have a 16-year-old son coming to live with her as well.

Raymond Thomas, of 6770 St John Road, Elizabethtown, KY spoke in opposition of the proposal. Mr. Thomas raised concerns over the size of the lot, the size of the current home, and whether the driveway would be shared or not.

Tim Davis, of 6109 St John Road, Elizabethtown, KY spoke in opposition of the proposal. Mr. Davis stated that he has lived out there for 30 years and knows that the land does not perc well for septic. Mr. Davis explained that he has concerns over the septic system and what will happen to the home when the 3 year time period is up.

Vice Chairman Youngblood explained that in 3 years unless the owners ask for a renewal, they will be forced to remove the home from the property.

Art Gregory, of 6235 St John Road, Elizabethtown, KY spoke in opposition of the proposal. Mr. Gregory explained that he also has concerns about the septic system because the ground is so wet, and he has concerns about his property value.

Chairman Krausman explained that the purpose of a temporary accessory dwelling is to provide for people in hardship situations, and that renewals are typically less time than initial approvals if they are even necessary.

Steve Huddleston, of 6405 St John Road, Elizabethtown, KY spoke in opposition of the proposal. Mr. Huddleston asked how long they had to complete the underpinning and who would be taking care of the mom while the sister is at work.

Angela Clater, of 421 East Main Street, Cecilia, KY provided testimony and answered questions from the board members and staff. Ms. Clater explained that they have no intentions of trying to make this a permanent situation, and that this was the easiest route to get care for their mom. Ms. Clater also stated that her dad is always with her but she can stay by herself for a few hours.

Chairman Krausman stated that it is a tough situation and that the Board is trying to find some middle ground to help the applicants and to put the neighbors at ease. He asked if they would be willing to plant some fast growing trees behind the home, and Ms. Clater said yes.

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

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

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

## Hardin County Board of Adjustment

Minutes: 21 March 2024

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

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

1. The Temporary Accessory Dwelling is the 14'x70' manufactured home on site and shall be for a temporary use no longer than 3 years and expire on March 21, 2027.
2. The Temporary Accessory Dwelling is for a family need situation and shall only be occupied by the owners' daughter Sandy, and her immediate family.
3. The Temporary Accessory Dwelling shall not be available to the public for rent.
4. Upon vacancy of the Temporary Accessory Dwelling, it must be removed from the property within six (6) months.
5. The Temporary Accessory Dwelling shall have a sewerage system (septic tank and lateral lines) approved by the Environmental Services Office of the Hardin County Health Department.

## **Hardin County Board of Adjustment**

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6. The Temporary Accessory Dwelling shall be placed on the property as illustrated on the site plan.
7. This Conditional Use Permit shall be issued to the current property owners, Jackie & Joan Mitchell, and shall expire when the property is transferred and not be transferable to another property owner.
8. A Site Plan in compliance with Section 7 of the Zoning Ordinance shall be required.
9. The skirting on the manufactured home must be maintained.
10. All construction activities on this site shall conform to the provisions of the Kentucky Building Code.
11. A Certificate of Land Use Restrictions shall be recorded in the Hardin County Clerk's Office.
12. Screening in the form of three evergreen trees, 4 feet tall at planting, shall be required at the southwest property corner, and the single wide must be painted to match the home by August 1, 2024.

Secretary Steck provided the second. The motion passed unanimously.

Chairman Krausman announced that the next regular scheduled meeting will be held on Thursday, 18 April 2024 at 5:00 p.m. and called for the meeting to be adjourned at 5:18 p.m.

**ADOPTED AND APPROVED THIS 18<sup>th</sup> DAY OF APRIL 2024 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.**

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**Steve Steck, Secretary**

## Hardin County Board of Adjustment

Minutes: 7 March 2024

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Chairman Krausman called to order the four hundred eighty fourth meeting of the Hardin County Board of Adjustment at 5:00 p.m. on Thursday 7 March 2024, 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 was Director Adam King, AICP, Planner, 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. Chairman Krausman announced the first item on the agenda is a Variance from the minimum pavement width requirement to allow a property to be further subdivided. The property is a +/- 0.575 acre site located at 6487 New Glendale Road, Glendale, KY, known as Lots 13, 14 & 15 of Craddock Addition to Glendale within the Rural Village Planning Area and is zoned Urban Residential (R-1). The PVA Map Number is 190-30-00-010. The property is owned by **MILES IMPROVEMENTS, LLC**. Planner Goodman reviewed the application, the plans for the property, and presented exhibits into the record.

Jeff Miles, of 375 Mud Splash Road, Glendale, KY provided testimony and answered questions from the board members and staff. Mr. Miles explained that he just wants to subdivide the property and that in the future they may build a new home on the site, but as of now there are no plans. Mr. Miles stated that he is renovating the existing home and plans to either sell or rent it soon. He also noted that the existing home and proposed lot will both connect to the Hardin County Water District #2 sewer system.

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

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

Secretary Steck stated that he had no issues with the proposal, sewer is available to the site, and that the property is within the Glendale Rural Village.

Secretary Steck made a motion to grant a Variance from the minimum pavement width requirement to allow for the lot to be further subdivided based on the staff presentation and the testimony provided in the public hearing. He noted the proposal has no safety concerns, 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: 7 March 2024

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The Variance was granted with the noted conditions:

1. To allow for a Variance from the minimum pavement width requirement to allow for the property to be further subdivided.
2. An Amended 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.

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

At 5:15 p.m. Chairman Krausman called for consideration and action on the **Minutes for the meeting held on February 22, 2024**. Vice Chairman Youngblood made a motion to accept the minutes as presented. Secretary Steck provided the second. The motion passed unanimously.

Chairman Krausman announced that the next regular scheduled meeting will be held on Thursday, 21 March 2024 at 5:00 p.m. and called for the meeting to be adjourned at 5:18 p.m.

**ADOPTED AND APPROVED THIS 21<sup>st</sup> DAY OF MARCH 2024 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.**

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**Steve Steck, Secretary**

## Hardin County Board of Adjustment

Minutes: 22 February 2024

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Chairman Krausman called to order the four hundred eighty third meeting of the Hardin County Board of Adjustment at 5:00 p.m. on Thursday 22 February 2024, 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 was Director Adam King, AICP, Planner I, Nikki McCamish, Planner, Haley Goodman, Administrative Assistant, Rachel Derting and the individuals listed on the attached sign-in sheet. Chairman Krausman appointed Secretary Steck to serve as the Hearing Officer and to conduct the swearing in ceremony for all those in attendance who planned to speak.

At 5:00 p.m. Chairman Krausman announced the first item on the agenda is a request for an Amended Conditional Use Permit to continue to allow for an Automotive Repair/Storage shop on site. The property is a +/- 3 acre site located at 1600 Harris School Road, Rineyville, KY within the Natural Resource Planning Area and is zoned Rural Residential (R-2). The PVA Map Number is 066-00-00-018.02. The property is owned by **FRANK ANGLIN JR.** Planner Goodman reviewed the application, the plans for the property, and presented exhibits into the record.

Frank Anglin, of 1600 Harris School Road, Rineyville, KY provided testimony and answered questions from the board members and staff. Mr. Anglin stated that business has been going good and that there have been no changes in the last 5 years. Mr. Anglin explained that he is retired now and is looking to slow down his operation and that the only vehicle on site that is not his will be removed soon and the semi trailer is full of supplies from his former pizza restaurant operation which will be leaving the property soon.

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

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

Secretary Steck stated the request for the Amended Conditional Use Permit is in compliance, is screened from the road, and does satisfy the language of the Development Guidance System Ordinance (Section 16-3) Standards of Issuance of a Conditional Use Permit as follows:

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

## Hardin County Board of Adjustment

Minutes: 22 February 2024

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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. Business Hours of Operation shall be from 8AM and 8PM Monday – Friday.
2. Only five (5) customer vehicles shall be parked outdoors on site at one time.
3. Fifteen (15) vehicles may be stored on site and shall be completely screened from view of the right-of-way and adjoining properties in the two designated areas. The areas shall be 40' x 50' in size with a gravel parking surface and a minimum of 100' off the property lines. Five (5) of these vehicles may be non-operational and/or non-licensed and registered.
4. There shall be no employees of the business who do not reside on the premises.
5. This Conditional Use Permit shall allow for general Auto Repair with Paint & Auto Body work not being permitted.
6. This property shall have a sewerage system (septic tank and lateral lines) approved by the Hardin County Health Center.
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, Frank Anglin Jr., and is not transferable.
9. All building activities shall conform to provisions of the Kentucky Building Code.
10. This Conditional Use Permit shall be for a period of 5 years and expire on 22 February 2029.



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Minutes: 22 February 2024

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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 5:17 p.m. Chairman Krausman announced the second item on the agenda is a request for an Amended Conditional Use Permit to continue to allow for an Automotive Repair shop for personal vehicles and a towing business on site. The properties are two tracts totaling +/- 1.873 acres located at 10659 & 10697 Hardinsburg Road, Cecilia, KY, known as Lots 1 & 2 of Masters Farm Supply within the Rural Planning Area and is zoned Convenience Commercial (C-1). The PVA Map Number is 042-00-00-031. The property is owned by **CRAIG STAPLES** doing business as **REDNECKS DEAD CAR TOWING & RECOVERY**. Planner I McCamish reviewed the application, the plans for the property, and presented exhibits into the record.

Craig Staples, of 10659 Hardinsburg Road, Cecilia, KY provided testimony and answered questions from the board members and staff. Mr. Staples explained that he has been trying really hard to clean the property up. Mr. Staples stated that he mostly does towing and the only auto repair he has done has been on his personal vehicles.

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

At 5:29 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.

## Hardin County Board of Adjustment

Minutes: 22 February 2024

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

1. Business Hours of Operation shall be from 8 AM to 5 PM Monday-Friday.
2. All salvaged vehicles must be parked within the fenced area. Only personal, licensed and operable vehicles may be parked outside of the fenced area outside of a single 1940's Ford pickup used as the business sign.
3. The vehicles within the fenced area must be screened from view with the use of privacy slats, vinyl mesh or a combination of the two.
4. There shall be no more than 2 employees of the business who do not reside on the premises.
5. This Conditional Use Permit shall allow for general Automotive Storage / Towing Business with automotive repair only on their personally owned vehicles.
6. A Development Plan in compliance with Section 6 of the Zoning Ordinance shall be required.
7. This Conditional Use Permit shall be issued to the current property owners, Craig Staples, and is not transferrable.
8. All building activities shall conform to provisions of the Kentucky Building Code.
9. This Conditional Use Permit shall be for a period of 5 years and expire on 2/22/2029.
10. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.
11. An Emergency Response and Spill Prevention Plan shall be required.

Secretary Steck provided the second. The motion passed unanimously.

At 5:34 p.m. Chairman Krausman called for consideration and action on the **Minutes for the meeting held on January 18, 2024**. Secretary Steck made a motion to accept the minutes as presented. Vice Chairman Youngblood provided the second. The motion passed unanimously.

At 5:35 p.m. Director King presented the **2023 Annual Report**.

## **Hardin County Board of Adjustment**

Minutes: 22 February 2024

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Chairman Krausman announced that the next regular scheduled meeting will be held on Thursday, 7 March 2024 at 5:00 p.m. and called for the meeting to be adjourned at 5:36 p.m.

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

**APA-KY Meeting** On January 19, 2024 Adam attended a virtual meeting of the APA-KY Executive Committee. A date of May 15-17, 2024 was set for the Spring Conference to be held at Dale Hollow Lake State Park.

**Glendale Lions Club Meeting** On January 25, 2024 Adam presented at the Glendale Lions Club Meeting to discuss the update to the Comprehensive Plan and the Creating Vibrant Communities Grant that will create a small area plan for Downtown Glendale.

**Comprehensive Plan Open House** On January 30, 2024 we hosted an Open House to unveil the draft Comprehensive Plan update for public comment at the County Government Building. Approximately 100 attendees signed in. The event was covered by The News Enterprise and WQXE.

**APA-KY Conference** On February 2, 2024 Adam, Nikki, Haley, Vice Chairman Greg Lowe and Attorney Josh Cooper attended a one day conference at the State Theater in Elizabethtown for continuing education. Adam presented with Joe Reverman the Planning Director of Elizabethtown to discuss 2023 and the growth associated with BlueOvalSK

**MPO Meeting** On February 7, 2024 Adam chaired the meeting of the Radcliff Elizabethtown Metropolitan Planning Organization's Technical Advisory Committee. They received an update on the Public Transit Study being performed by Michael Baker International, Inc.

**16 years of Service** On February 15, 2024 Director King celebrated his 16<sup>th</sup> year of service to the Planning Commission.

**Planner I, Mccamish** Nikki's last day with the Planning Commission will be February 22, 2024. After 3 years with the Commission, Nikki has accepted the position to become the Planning Director at the Joint City-County Planning Commission of Nelson County. We wish Nikki the best in her new endeavor!

**ADOPTED AND APPROVED THIS 7<sup>th</sup> DAY OF MARCH 2024 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.**

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**Steve Steck, Secretary**

## Hardin County Board of Adjustment

Minutes: 18 January 2024

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Vice Chairman Greg Youngblood called to order the four hundred eighty second meeting of the Hardin County Board of Adjustment at 5:00 p.m. on Thursday 18 January 2024, in the Hardin County Government Center, 2nd Floor Meeting Room. The other Board Member in attendance was Secretary Steve Steck. Also, in attendance was Director Adam King, AICP and the individuals listed on the attached sign-in sheet. Vice Chairman Greg Youngblood appointed Secretary Steck to serve as the Hearing Officer and to conduct the swearing in ceremony for all those in attendance who planned to speak. Chairman Bob Krausman, Planner I, Nikki McCamish, and Planner, Haley Goodman were absent from this meeting.

At 5:00 p.m. Vice Chairman Youngblood 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 to allow for the lot to be further subdivided. The property is a 6.108 acre site located at 1540 South Black Branch Road, Cecilia, KY, known as Lot 1 of Grey & Hammons Subdivision within the Natural Resource Planning Area and is zoned Rural Residential (R-2). The PVA Map Number is 126-00-00-006. The property is owned by **JAMES & MELISSA JENKINS**. Director King reviewed the application, the plans for the property, and presented exhibits into the record.

Doug Johnson, of 21500 Sonora Hardin Springs Road, Big Clifty, KY provided testimony and answered questions from the board members and staff. Mr. Johnson explained that he is the surveyor for the project and stated that Mr. Jenkins intends to sell the lots or build homes on them.

James Jenkins, of PO Box 2051, Elizabethtown, KY 42701 provided testimony and answered questions from the board members and staff. Mr. Jenkins explained that he intends to build two nice slab houses on the lots that would be around 1,600 sq. ft. each.

Secretary Steck asked if he intended on removing the manufactured home soon and Mr. Jenkins responded yes, it will be gone in a few months.

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

Secretary Steck made a motion to grant a Variance from the minimum road frontage requirement and the 1:3 lot width-to-length ratio to allow for the lot to be further subdivided based on the staff presentation and the testimony provided in the public hearing. He noted the proposal has no safety concerns, 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:

## Hardin County Board of Adjustment

Minutes: 18 January 2024

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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 minimum road frontage and the 1:3 lot width-to-length ratio to allow for Lot 1 of Grey Hammons Subdivision to be further subdivided.
2. Ingress & Egress easement must be maintained along the north side property line.
3. An Amended Record Plat shall be required.
4. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.
5. The manufactured home shall be removed within 6 months.

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

At 5:15 p.m. Vice Chairman Youngblood called for consideration and action on the **Minutes for the meeting held on January 4, 2024**. Secretary Steck made a motion to accept the minutes as presented. Vice Chairman Youngblood provided the second. The motion passed unanimously.

Vice Chairman Youngblood announced that the next regular scheduled meeting will be held on Thursday, 22 February 2024 at 5:00 p.m. and called for the meeting to be adjourned at 5:17 p.m.

**ADOPTED AND APPROVED THIS 22<sup>nd</sup> DAY OF FEBRUARY 2024 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.**

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**Steve Steck, Secretary**

## Hardin County Board of Adjustment

Minutes: 4 January 2024

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Chairman Bob Krausman called to order the four hundred eighty first meeting of the Hardin County Board of Adjustment at 5:01 p.m. on Thursday 4 January 2024, 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 I, Nikki McCamish, Planner, 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. Chairman Krausman 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 10'x12' front deck. The property is a 0.18 acre site located at 99 East Airview Drive, Elizabethtown, KY, known as Lot 99 of Airview Estates within the North Urban Planning Area and is zoned Urban Residential (R-1). The PVA Map Number is 200-10-01-099. The property is owned by **RODNEY & LINDA DARROW**. Planner Goodman reviewed the application, the plans for the property, and presented exhibits into the record.

Rodney Darrow, of 99 East Airview Drive, Elizabethtown, KY provided testimony and answered questions from the board members and staff. Mr. Darrow explained that he just wanted a porch on the front of his house and did not realize there were issues with the placement until he went to apply for the building permit. Mr. Darrow stated he is not going to cover or enclose the front deck. Mr. Darrow stated that the former concrete porch is underneath the wooden deck and it stuck out 3 feet from the house, so they are essentially only going to be 7 feet closer to the road.

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

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

Secretary Steck made a motion to grant a Variance from the front building setback for the deck to be constructed based on the staff presentation and the testimony provided in the public hearing. He noted the proposal is not out of character for the area, there are no safety concerns, 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:

## Hardin County Board of Adjustment

Minutes: 4 January 2024

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1. To allow for a Variance from the front building setback to allow for the construction of a 10' x 12' front deck to be no closer than 49' to the centerline of East Airview Avenue.
2. The deck 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. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.
5. Building and Electrical permits must be pulled through the KBC program of our office.

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

At 5:19 p.m. Hearing Officer Steck called for consideration and action on the second item on the agenda, a request for a Variance from the front building setback to allow for a double wide manufactured home with an 8' x 10' front porch to be placed on site. The property is a 1 acre site located at 198 Dutch Girl Lane, Glendale, KY, known as Lot 4 of Dutch Girl Farms, Section 1 within the South Dixie Corridor Planning Area and is zoned Rural Residential (R-2). The PVA Map Number is 225-00-04-004. The property is owned by **THIRD GENERATION ENTERPRISES**. Planner I McCamish reviewed the application, the plans for the property, and presented exhibits into the record.

Roger Gonterman, of 12050 South Dixie Highway, Sonora, KY provided testimony and answered questions from the board members and staff. Mr. Gonterman explained that they thought the home was in compliance with the previous variance approval, but measured after it was set and realized they were too close to the road. Mr. Gonterman stated that this unit is a 4 bedroom and may be bigger than the home that the previous variance was granted for. Mr. Gonterman explained that they sat the home right on the existing foundation. Mr. Gonterman also stated that the house will be a rental, the house is the last one before the cul-de-sac, and the porch will be uncovered.

Chairman Krausman stated that he felt more comfortable with reducing the size of the porch to 6' x 10'.

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 made a motion to grant a Variance from the front building setback for the double wide with a 6' x 10' front deck based on the staff presentation and the testimony provided in the public hearing. He noted there are no safety concerns, will not adversely affect the public health, safety or welfare, will not alter the essential

## Hardin County Board of Adjustment

Minutes: 4 January 2024

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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 for a Doublewide Manufactured Home with an 6' x 10' front deck to be no closer than 42' to the centerline of Dutch Girl Lane.
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 5:35 p.m. Chairman Krausman called for consideration and action on the **Minutes for the meeting held on December 7, 2023**. Secretary Steck made a motion to accept 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 any action:

**APA-KY Meeting** Adam hosted the KY Chapter of the American Planning Association's Executive Board Meeting in Elizabethtown on November 17, 2023.

**APA-KY Winter Conference** The Planning staff all attended a one day conference in Owensboro on December 1, 2023. Adam, Nikki & Haley gave a Christmas themed presentation titled, "Twas the Year before BlueOval" that highlighted 2023 and the Comp Plan update. Other staff members shadowed the Owensboro Planning Office's Building Department.

Chairman Krausman announced that the next regular scheduled meeting will be held on Thursday, 18 January 2024 at 5:00 p.m. and called for the meeting to be adjourned at 5:37 p.m.



**Hardin County Board of Adjustment**

Minutes: 4 January 2024

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**ADOPTED AND APPROVED THIS 18<sup>th</sup> DAY OF JANUARY 2024 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.**

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**Steve Steck, Secretary**