

Hardin County Board of Adjustment

Minutes: 8 December 2022

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Chairman Bob Krausman called to order the four hundred and sixty fourth meeting of the Hardin County Board of Adjustment at 5:01 p.m. on Thursday, 8 December 2022, in the Hardin County Government Center, 2nd Floor Meeting Room. The other Board Member in attendance was Secretary Steve Steck. Also, in attendance were Director Adam King AICP, Planner Nikki McCamish, Planning Technician, Haley Goodman and the individuals listed on the attached sign-in sheet. Vice Chairman Greg Youngblood was absent from this meeting. Chairman Krausman appointed Secretary Steck to serve as the Hearing Officer and to conduct the swearing in ceremony for all those in attendance who planned to speak.

At 5:01 p.m. Hearing Officer Steck announced the first item on the agenda is a request for a Conditional Use Permit for an Accessory Structure to allow for the construction of 12'x52' Equipment Shed without a dwelling on site. The property is a 3.629 acre site located on Salt River Road in Rineyville, KY, known as Lot 4 of Kenneth Goff Subdivision, Section 1, within the Natural Resource Planning Area and is zoned Rural Residential (R-2). The PVA Map Number is 063-00-00-012. The property is owned by **SHARON & PAUL STURGEON**. Planner McCamish reviewed the application, the plans for the property, and presented exhibits into the record.

Paul Sturgeon, of 1741 Salt River Road, Rineyville, KY provided testimony and answered questions from the board members and staff. Mr. Sturgeon stated that he is requesting the building to store wood in so that it is closer to the house, and so that they can put solar panels on the roof. Mr. Sturgeon explained that they did contact a surveyor and discussed merging the lots, but decided to go the Conditional Use Permit route in order to save money.

Chairman Krausman stated that he was concerned about placing the building in front of the house, and asked if they could move it back to be in line with the existing garage. Mr. Sturgeon explained that they would have to discuss with the solar company, but that it should be able to work.

Director King stated that the stakes look too close to the road, and stated that it would need to comply with the front building setbacks, which is 70' (100' from the center line of the road).

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

At 5:23 p.m. Hearing Officer Steck closed the hearing to public discussion.

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

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

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

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

1. This Conditional Use Permit shall allow for the placement of a 12'x52' detached accessory structure on a vacant lot.
2. The proposed structure is for residential/agricultural storage and shall not be occupied as a dwelling or used for any commercial activity. Additionally the roof will be covered in solar panels.
3. No additional landscaping and/or screening shall be required.
4. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.
5. Building and Electrical permits must be secured thru the KBC Building Program of our office.
6. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Chairman Krausman provided the second. The motion passed unanimously.

At 5:29 p.m. Chairman Krausman called for consideration and action on the second item on the agenda, the **Minutes for the meeting held on November 17, 2022** of the Board of Adjustment. Secretary Steck made a motion to approve the minutes as presented. Chairman Krausman provided the second. The motion passed unanimously.

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

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Electrical Inspector Hired Greg Carwile has been hired as our new contract electrical inspector. Greg's first day was 7 November 2022. He had previously served as the electrical inspector in Breckenridge, Grayson and Hancock counties of Kentucky.

Cecilia Ruritan Presentation Director King attended the Cecilia Ruritan Club Meeting to present information regarding the updated Comprehensive Plan on 21 November 2022.

Fort Knox Compatible Use Plan Meeting Director King attended a meeting at the Lincoln Trail Area Development District to discuss implementation strategies for the Fort Knox Compatible Use Plan on 29 November 2022.

KBC Assistant Resigns Julia McBeth's last day of employment with the Commission was 1 December 2022. Julia accepted a position with Schuler Bauer to start a career in Real Estate.

Chairman Krausman announced that the next regular scheduled meeting will be held on Thursday, 5 January 2023 at 5:00 p.m. and called for the meeting to be adjourned at 5:34 p.m.

ADOPTED AND APPROVED THIS 5th DAY OF JANUARY 2022 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.

Steve Steck, Secretary

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Chairman Bob Krausman called to order the four hundred and sixty third meeting of the Hardin County Board of Adjustment at 5:02 p.m. on Thursday, 17 November 2022, in the Hardin County Government Center, 2nd Floor Meeting Room. The other Board Members in attendance were Vice Chairman Greg Youngblood and Secretary Steve Steck. Also, in attendance were Director Adam King AICP, Planning Technician, Haley Goodman and the individuals listed on the attached sign-in sheet. Planner Nikki McCamish was absent from this meeting. Chairman Krausman appointed Secretary Steck to serve as the Hearing Officer and to conduct the swearing in ceremony for all those in attendance who planned to speak.

At 5:02 p.m. Hearing Officer Steck announced the first item on the agenda is a request for a Conditional Use Permit for an Accessory Structure to allow for the construction of a 40' x 48' (Olympic Steel) building to be constructed without a dwelling on site. The property is a 1.49 acre site located on Hickory Drive in Vine Grove, KY, known as Lot 7 of Hickory Heights, Section 1, within the North Urban Planning Area and is zoned Urban Residential (R-1). The PVA Map Number is 141-00-02-006. The property is owned by **PATRICK & MELISSA MORGAN**. Director King reviewed the application, the plans for the property, and presented exhibits into the record.

Patrick Morgan, of 921 Hickory Road, Vine Grove, KY provided testimony and answered questions from the board members and staff. Mr. Morgan stated that he would like to have the garage to store his vehicles in. Mr. Morgan explained that the building will be 14' tall on the side walls with an eave of 17.5', with a gray exterior and a separate driveway. Mr. Morgan explained that he currently has 7 cars on the lot, and 4 of them should be able to fit in the garage with only one of them being inoperable. Mr. Morgan stated that the garage will also give him space to work on his personal projects. Mr. Morgan explained that they chose to go this route instead of merging the lots because it was the cheaper option.

Rick Ward, of 924 Hickory Drive, Vine Grove, KY spoke in opposition of the proposal. Mr. Ward explained that whenever he got the letter in the mail, he was concerned that it would be turned into an automotive business. Mr. Ward explained that from what he has heard in the meeting, and the potential conditions that he no longer has any issues with the application. Mr. Ward added that he probably will not even be able to see the garage from his house, and that he would be fine with a few cars parked in the driveway.

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

Chairman Krausman proposed a condition that there shall be no more than 3 cars parked outside of the building permanently and the other board members agreed.

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Chairman Krausman also noted the mature landscaping on site and several other existing accessory structures in the subdivision.

At 5:21 p.m. Hearing Officer Steck closed the hearing to public discussion.

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

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

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

1. This Conditional Use Permit shall allow for the placement of a 40'x48' detached accessory structure on a vacant lot.
2. The proposed structure is for residential storage and shall not be occupied or used as a dwelling or for any commercial activity.
3. There shall be no outdoor storage of materials on site and only 3 vehicles may be parked outdoors and all must be licensed/registered and operational.
4. Additional landscaping and/or screening shall not be required.
5. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.

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6. Building and Electrical permits must be secured thru the KBC Building Program of our office.
7. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

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

At 5:23 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 along Bluegrass Road to allow for a 12'x32' prefab shed on site. The property is a 0.46 acre site located at 623 Bluegrass Road, Elizabethtown, KY, known as Lot 89 of Farmgate Estates, Section 3, within the North Urban Planning Area and is zoned Urban Residential (R-1). The PVA Map Number is 231-10-01-089. The property is owned by **ELLIOT SPENCER KECK**. Planning Technician Goodman reviewed the application, the plans for the property, and presented exhibits into the record.

Elliot Spencer Keck, of 623 Bluegrass Road, Elizabethtown, KY provided testimony and answered questions from the board members and staff. Mr. Keck explained that he bought the property earlier this year and was unaware of the multiple issues it had. Mr. Keck stated that they placed the shed on the property because the basement has been flooding and they needed somewhere to store their belongings while they resolved the issue. Mr. Keck also stated that he was not aware of the void pool permit when he bought the property, and is actively trying to fix that as well as replace the pool pump.

Director King stated that the pool permit would have to be re-opened before a permit for the shed could be issued, and that the shed is not permitted to be a garage due to it having a wooden (combustible) floor.

Chairman Krausman stated that the shed being 10' closer to the road than the existing home is not acceptable for him, and that it needs to be in line with the house. Mr. Keck stated that once the new pool fence is in place he could remove the chain link fence and push the shed back.

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

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

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

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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 front building setbacks along Bluegrass Road to allow for a proposed 12'x32' shed to be no closer to the center of Bluegrass Road than the existing home with a deadline of April 15, 2023 to have the shed moved.
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. Structure would only be approvable as a storage shed and NOT a garage due to having a wooden (combustible) floor. Additionally, the void pool permit must be re-opened before any permits are issued for the shed.

Secretary Steck provided the second. The motion passed unanimously.

At 5:51 p.m. Hearing Officer Steck called for consideration and action on the third item on the agenda, a continued hearing from the November 3, 2022 meeting to allow for the Board members to do a site visit, it is a request for a Variance from the front building setback along W.C. Quiggins Lane to allow for the construction of a barn on site. The property is a 9.883 acre site located at 22978 Sonora Hardin Springs Road, Big Clifty, KY, known as Lot 1 of Beauchamp Acres, within the West Hardin Planning Area and is zoned Rural Residential (R-2). The PVA Map Number is 012-00-00-013.01 The property is owned by **SHANNON COX** and the applicant is **ROBERT GUTHRIE**. Planning Technician Goodman reviewed the application, the plans for the property, and presented exhibits into the record.

Robert Guthrie, of 22978 Sonora Hardin Springs Road, Big Clifty, KY provided testimony and answered questions from the board members and staff. Mr. Guthrie explained that he cannot move the barn back because of the drains on the property. Mr. Guthrie stated that he needs the barn for tool and equipment storage. Mr. Guthrie explained that he has lost a lot of tools in the barn off site due to theft and wants his belongings closer to the house so that he can keep an eye on things.

Chairman Krausman stated that he does not like to approve variances this large, but noted the low traffic on along W.C. Quiggins Lane and the 9 ft. of pavement width.

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Mr. Krausman also stated that the drains on the property are exactly where Mr. Guthrie said they were.

Secretary Steck asked if the barn could be moved 5 ft. closer to the house and further from the road. Mr. Guthrie stated he would be fine with that.

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

At 6:07 p.m. Hearing Officer Steck closed the hearing to public discussion.

Vice Chairman Youngblood made a motion to grant the Variance based on the staff presentation and the testimony provided in the public hearing. He noted the proposal is located on a low traffic dead-end road, arises from special circumstances due to the drainage ways on the property, will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public and will not allow an unreasonable circumvention of the requirements of this regulation and will satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243 and DGS 5-3 (B) (1) Findings necessary for granting variance) which is as follows:

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

The Variance was granted with the noted conditions:

1. To allow for a Variance from the front building setback along W.C. Quiggins Lane to allow for the construction of an Ag Barn to be no closer than 50' & 60' to the centerline of W.C. Quiggins 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 (will qualify for Ag Exemption) and Electrical permits must be pulled through the KBC program of our office.

Secretary Steck provided the second. The motion passed unanimously.

At 6:09 p.m. Chairman Krausman called for consideration and action on the fourth item on the agenda, the **Minutes from the 3 November 2022 meeting** of the Board of Adjustment. Vice Chairman Youngblood made a motion to approve the minutes as presented. Secretary Steck provided the second. The motion passed unanimously.

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

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30 Years of Service KBC Coordinator, Madeline Hornback celebrated 30 years of service with the Planning Commission on 2 November 2022.

AM Rotary Presentation Director King attended the AM Rotary Club Meeting at Memorial Methodist Church to present information regarding the updated Comprehensive Plan on 4 November 2022.

2 Years of Service Planner, Nikki McCamish celebrated 2 years of service with the Planning Commission on 6 November 2022.

Chairman Krausman announced that the next regular scheduled meeting will be held on Thursday, 6 December 2022 at 5:00 p.m. and called for the meeting to be adjourned at 6:12 p.m.

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

Steve Steck, Secretary

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Chairman Bob Krausman called to order the four hundred and sixty second meeting of the Hardin County Board of Adjustment at 5:00 p.m. on Thursday, 3 November 2022, in the Hardin County Government Center, 2nd Floor Meeting Room. The other Board Members in attendance were Vice Chairman Greg Youngblood and Secretary Steve Steck. Also, in attendance were Director Adam King AICP, Planner Nikki McCamish, Planning Technician, Haley Goodman and the individuals listed on the attached sign-in sheet. Chairman Krausman appointed Secretary Steve Steck to serve as the Hearing Officer and to conduct the swearing in ceremony for all those in attendance who planned to speak.

At 5:01 p.m. Hearing Officer Steck announced the first item on the agenda is a request for a Variance from the front building setback along Tabor Lane to allow for the construction of a 30'x40' barn on site. The property is a 5.51 acre site located across from 587 Tabor Lane, Elizabethtown, KY, known as Lot 37 of Valleydale Subdivision, Section 2, within the Kentucky 313 Corridor Planning Area and is zoned Residential Estate (R-3). The PVA Map Number is 228-00-0C-037. The property is owned by **BRYAN & LISA MANIS**. Planner McCamish reviewed the application, the plans for the property, and presented exhibits into the record.

Bryan Manis, of 587 Tabor Lane, Elizabethtown, KY provided testimony and answered questions from the board members and staff. Mr. Manis stated that he wants to build the 30 ft. x 40 ft. pole barn for a workshop and to have extra storage. Mr. Manis noted that the proposed site is the only flat part on the property. Mr. Manis explained that he measured the 95 ft. off the center line of Tabor Lane as required by the current zoning and he had already dropped 10 ft. by that point.

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

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

Vice Chairman Youngblood made a motion to grant the Variance based on the staff presentation and the testimony provided in the public hearing. He noted the proposal is in a remote area on a private, dead-end road, noted the limiting topography, has no safety concerns, and 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 along Tabor Lane to allow for the 30'x40' barn to be constructed no closer than 55' to the centerline of Tabor 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 (may qualify for Ag Exemption) and Electrical permits must be pulled through the KBC program of our office.

Secretary Steck provided the second. The motion passed unanimously.

At 5:23 p.m. Hearing Officer Steck announced the second item on the agenda is a request for a Variance from the front building setback along Myers Lane to allow for the construction of a 48'x45' home, a 24'x48' workshop & a 30'x30' pool on site. The property is a 9.07 acre site located on the northeast side of Myers Lane, Elizabethtown, KY, known as Lot 12 of Valleydale Subdivision, Section 1, within the Kentucky 313 Corridor Planning Area and is zoned Residential Estate (R-3). The PVA Map Number is 228-00-0C-012. The property is owned by **DALE, MARY & BENJAMIN HENWOOD**. Planning Technician Goodman reviewed the application, the plans for the property, and presented exhibits into the record.

Mary Henwood, of 105 Noltemeyer Way, Apartment 1H, Elizabethtown, KY provided testimony and answered questions from the board members and staff. Mrs. Henwood explained that the pool and workshop are for much farther down the road, and that they will just be building the house for now. Mrs. Henwood explained that they wanted to go ahead and get approval just in case they build the pool and workshop in the future. Mrs. Henwood stated that they have decided to close in what was previously shown on the plans as a covered porch, to be a garage instead. Mrs. Henwood stated that after the last stake for the house the land immediately starts to drop off, and that they are using the only flat piece of land on the property. Mrs. Henwood also stated that they will only have one driveway, and that this house is going to be their retirement home.

Dale Henwood, of 105 Noltemeyer Way, Apartment 1H, Elizabethtown, KY provided testimony and answered questions from the board members and staff. Mr. Henwood stated that the ditch in front of the proposed house is big enough to shield traffic from the house. Additionally, Mr. Henwood stated that they intend to plant trees in front of the house and would be okay with that being a condition.

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Mark Blanton, of 371 Myers Lane, Elizabethtown, KY spoke in opposition of the proposal. Mr. Blanton explained that he lives across from the site, and stated that their proposed site plan will not work because of flooding issues. Mr. Blanton also stated that they cannot plant trees in front of the proposed house location because of the power lines.

Dale Henwood, of 105 Noltemeyer Way, Apartment 1H, Elizabethtown, KY stated that they will have room to plant trees behind the power line.

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

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

Chairman Krausman stated that this is the best case scenario for this property.

Secretary Steck made a motion to grant the Variance based on the staff presentation and the testimony provided in the public hearing. He noted the proposal is in a remote area on a dead-end road, noted the limiting topography, has no safety concerns, and 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 setbacks along Myers Lane to allow for a proposed house, pool, and workshop to be 35' from the front property line at their closest.
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.
5. A minimum of 5 trees must be planted between the home and the right-of-way.

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

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At 5:41 p.m. Hearing Officer Steck announced the third item on the agenda is a request for a Variance from the front building setback along W.C. Quiggins Lane to allow for the construction of a barn on site. The property is a 9.883 acre site located at 22978 Sonora Hardin Springs Road, Big Clifty, KY, known as Lot 1 of Beauchamp Acres, within the West Hardin Planning Area and is zoned Rural Residential (R-2). The PVA Map Number is 012-00-00-013.01. The property is owned by **SHANNON COX** and the applicant is **ROBERT GUTHRIE**. Planner McCamish reviewed the application, the plans for the property, and presented exhibits into the record.

Robert Guthrie, of 22978 Sonora Hardin Springs Road, Big Clifty, KY provided testimony and answered questions from the board members and staff. Mr. Guthrie explained that he wants to put the building within the setback because of the placement of his driveway and his new fence. Mr. Guthrie explained that he needs the building for storage space because he is running out of room. Mr. Guthrie also stated that he has no where else on the property to place the building.

Chairman Krausman stated that variances are supposed to be given out very sparingly, and that if he has another option for a building location that he should use it. Chairman Krausman stated that he would like to go look at the site.

Secretary Steck made a motion to table the hearing until the next regularly scheduled meeting, on November 17, 2022, so that the board members have a chance to go look at the site. Vice Chairman Youngblood provided the second. The motion passed unanimously.

At 5:59 p.m. Hearing Officer Steck announced the fourth item on the agenda is a request for a Variance from the minimum road frontage requirement & the 1:3 lot width-to-length ratio to allow for the property to be further subdivided into two lots. The property is an 18 acre site located at 3280 Sportsman Lake Road, Elizabethtown, KY, within the Valley Creek Urban Area and is zoned Rural Residential (R-2). The PVA Map Number is 224-00-00-084. The property owner is **BRENT FISHEL** and the applicant is **JACOB TAYLOR**. Director King reviewed the application, the plans for the property, and presented exhibits into the record.

Brent Fishel, of 3280 Sportsman Lake Road, Elizabethtown, KY provided testimony and answered questions from the board members and staff. Mr. Fishel explained that they will continue to share the driveway, and explained the property to the south has an easement to access the drive as well.

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Jacob Taylor, of 708 Glendale Hodgenville Road West, Glendale, KY provided testimony and answered questions from the board members and staff. Mr. Taylor explained that they plan to build a home on the proposed lot.

Director King stated that the purpose of the smaller lot and the need for the variance is to keep the floodplain off of the proposed lot to avoid costly flood insurance, and then he asked Mr. Fishel if the property had ever flooded and Mr. Fishel responded it has not flooded once in the past 29 years that he has lived there.

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

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

Vice Chairman Youngblood made a motion to grant the Variance based on the staff presentation and the testimony provided in the public hearing. He noted the proposal is limited by the floodplain, the existing depth of the site, and 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 200' minimum road frontage and the 1:3 lot width-to-length ratio (Lot 1) to allow for the property to be further subdivided.
2. A Record 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.

Secretary Steck provided the second. The motion passed unanimously.

At 6:11 p.m. Hearing Officer Steck announced the fifth item on the agenda is a request for a Variance from the government maintained road frontage requirement to allow for the property to be reconfigured. The property is a 2 acre site located at 294 Pierce Lane, Elizabethtown, KY, within the North Urban Area and is zoned Urban Residential (R-1). The PVA Map Number is 164-00-01-015. The property is owned by **KAITLYN MOUSER & BAILEY HALL**. Director King reviewed the application, the plans for the property, and presented exhibits into the record.

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Bailey Hall, of 294 Pierce Lane, Elizabethtown, KY provided testimony and answered questions from the board members and staff. Mr. Hall explained that they purchased the land from Kaitlyn's father earlier this year and want to expand their yard a little bit. Mr. Hall explained that most of the property is wooded.

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

At 6:18 p.m. Hearing Officer Steck closed the hearing to public discussion.

Secretary Steck made a motion to grant the Variance based on the staff presentation and the testimony provided in the public hearing. He noted the proposal arises from special circumstances of the existing tract, will not create any additional homes or traffic on the private road, and 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 government maintained road frontage to allow for the property to be reconfigured.
2. A Record Plat shall substitute for the required site plan.
3. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

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

At 6:20 p.m. Chairman Krausman called for consideration and action on the sixth item on the agenda, the **Minutes from the 20 October 2022 meeting** of the Board of Adjustment. Secretary Steck made a motion to approve the minutes as presented. Vice Chairman Youngblood provided the second. The motion passed unanimously.

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

Meeting with City of Elizabethtown Planning On 19 October 2022, Director King & Chairman Hinton met with Elizabethtown City Manager, Ed Poppe and Planning

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Commission Chairman, Steve Rice to discuss coordination between the two Planning Commissions and an annual joint meeting.

5 Years of Service K.B.C. Assistant, Julia McBeth celebrated 5 years of service with the Planning Commission on 31 October 2022.

9 Years of Service Financial & Operations Coordinator, Susan Bowen celebrated 9 years of service with the Planning Commission on 1 November 2022.

Chairman Krausman announced that the next regular scheduled meeting will be held on Thursday, 17 November 2022 at 5:00 p.m. and called for the meeting to be adjourned at 6:22 p.m.

ADOPTED AND APPROVED THIS 17th DAY OF NOVEMBER 2022 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.

Steve Steck, Secretary

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Chairman Bob Krausman called to order the four hundred and sixty first meeting of the Hardin County Board of Adjustment at 5:01 p.m. on Thursday, 20 October 2022, in the Hardin County Government Center, 2nd Floor Meeting Room. The other Board Members in attendance were Vice Chairman Greg Youngblood and Secretary Steve Steck. Also, in attendance were Director Adam King AICP, Planner Nikki McCamish, Planning Technician, Haley Goodman and the individuals listed on the attached sign-in sheet. Chairman Krausman appointed Secretary Steve Steck to serve as the Hearing Officer and to conduct the swearing in ceremony for all those in attendance who planned to speak.

At 5:01 p.m. Hearing Officer Steck announced the first item on the agenda is a request for a Variance from the 1:3 lot width-to-length ratio to allow for the property to be further subdivided into two lots. The property is a 14.733 acre site located at 331 Lewis Lane, White Mills, KY, within the South Hardin Planning Area and is zoned Rural Residential (R-2). The PVA Map Numbers are 109-00-00-007 & 109-00-00-008. The property is owned by **LEENA & BRADLEY SKEES**. Planning Technician Goodman reviewed the application, the plans for the property, and presented exhibits into the record.

Eric Spurrier, of 1102 Pawnee Drive, Elizabethtown, KY, surveyor for the applicants, provided testimony and answered questions from the board members and staff. Mr. Spurrier stated that Mr. Skees owns the farm to the east of this site, and that the ingress/egress is just for an additional access onto the property. Mr. Spurrier stated that Mr. Skees plans to keep Tract 1 and sell both Lots, and that he understands Tract 1 cannot be further subdivided.

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

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

Director King explained that both proposed Lots are coming more into compliance with the width to length ratio.

Vice Chairman Youngblood made a motion to grant the Variance based on the staff presentation and the testimony provided in the public hearing. He noted the proposal is coming more into compliance, has no safety concerns, and 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 1:3 lot width-to-length ratio (Lots 1 and 2) to allow for the proposed Record Plat of Leena Hills Subdivision and Boundary Survey of the Brad Skees Farm
2. The proposed Record Plat shall substitute for the required Site Plan.
3. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Secretary Steck provided the second. The motion passed unanimously.

At 5:15 p.m. Hearing Officer Steck announced the second item on the agenda is a request for a Variance from the front building setback along Pipeline Road to allow for the construction of a 26'x36' barn on site. The property is a 11.237 acre site located at 3190 Wooldridge Ferry Road, Elizabethtown, KY, known as Lot 1 of Our Wheeling Hills, within the Kentucky 313 Corridor Planning Area and is zoned Residential Estate (R-3). The PVA Map Number is 229-00-00-032. The property is owned by **SCARLETT & RICHARD WHEELING**. Planner McCamish reviewed the application, the plans for the property, and presented exhibits into the record.

Richard Wheeling, of 3190 Wooldridge Ferry Road, Elizabethtown, KY provided testimony and answered questions from the board members and staff. Mr. Wheeling explained that he has owned this property since before Pipeline Road was built. Mr. Wheeling stated that he has talked to his new neighbor, Charlie, who is building a house next door and he says he has no issues with the proposed building. Mr. Wheeling stated that the Variance was necessary due to the topography of the site. Mr. Wheeling explained that he needs the building to park his tractors in. Mr. Wheeling stated that he owns most of the land on the south side of Pipeline Road, and that he used to put gravel on the road himself. Mr. Wheeling explained that he did contact the pipeline company first to ensure the building would not be in their way and it will not.

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

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

Secretary Steck made a motion to grant the Variance based on the staff presentation and the testimony provided in the public hearing. He noted the proposal arises from special circumstances with the topography and placement of the pipeline, the low likelihood that Pipeline Road will ever be developed, has no safety concerns, and 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

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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 setbacks along Pipeline Road to allow for a proposed barn to be 42' from the center line of Pipeline 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.
4. Building (will qualify for Ag Exemption) and Electrical permits must be pulled through the KBC program of our office.

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

At 5:38 p.m. Hearing Officer Steck called for consideration and action on the third item on the agenda, a request for a Conditional Use Permit for a proposed 4480 sq. ft. Accessory Structure to exceed the size of the home on site and a request for a Conditional Use Permit to allow for an Automotive Repair business within the proposed accessory structure. The property is a 4.484 acre site located at 8179 Leitchfield Road, Cecilia, KY, known as Lot 13A of Green Acres within the Natural Resource Planning Area and is zoned Rural Residential (R-2). The PVA Map Number is 127-00-01-002.01. The property owners are **MELISSA & DAVID EDWARDS**. Director King reviewed the application, the plans for the property, and presented exhibits into the record.

David Edwards, of 8179 Leitchfield Road, Cecilia, KY provided testimony and answered questions from the board members and staff. Mr. Edwards explained that he needs a new barn, and that he wants to make it big enough to get a couple of diesel trucks inside. Mr. Edwards explained that he occasionally does engine repair on diesel trucks, and would like to have an indoor space to work on them. Mr. Edwards stated that he would be able to work on no more than 3-4 trucks a week, and sometimes the trucks will stay there for weeks at a time. Mr. Edwards explained that he also works on tractors and small diesel trucks. Mr. Edwards stated that there is a privacy fence on both sides of the property, and several trees/bushes as well. Mr. Edwards explained that ideally, his business hours would be 6p.m. to 9p.m. on weeknights and 8 a.m. to 7 p.m. on some weekends. Mr. Edwards stated that the only noise that may come from the business is if the trucks are running, and there will not be anything running for the

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majority of the time. Mr. Edwards explained that he has no issues with maintaining the pre-existing screening.

Bill Redmond, of 8145 Leitchfield Road, Cecilia, KY spoke in opposition of the proposal. Mr. Redmond expressed concerns of large trucks coming down the Edwards' narrow driveway and getting into his yard.

Chairman Krausman addressed Mr. Redmond's concerns and told him that this application is not permanent, and told him to let the planning staff know if he faces any issues with Mr. Edwards business before the renewal period is up.

Theresa Redmond, of 8145 Leitchfield Road, Cecilia, KY spoke in opposition of the proposal. Mrs. Redmond expressed concerns over their well water and asked if there were any protocols in place for Mr. Edwards to dispose of any waste (oils/greases) from the business?

Director King addressed Mrs. Redmond's concerns, and stated that any auto businesses have to maintain an Emergency Spill Response and Prevention Plan with the Planning office.

David Edwards, of 8179 Leitchfield Road, Cecilia, KY provided testimony and answered questions from the board members and staff. Mr. Edwards explained that all of the fluids will be stored in the shop, and any waste will be put in a 55-gallon drum to be taken away by a recovery business or donated to friends with oil furnaces.

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

At 6:16 p.m. Hearing Officer Steck closed the hearing to public discussion.

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

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

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

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

1. This Conditional Use Permit shall allow for the construction of a 4,480 sq. ft. (under roof) detached accessory structure that exceeds the size of the dwelling on site (1,932 sq. ft.).
2. This Conditional Use Permit shall allow for an automotive repair business to be operated from the proposed 4,480 sq. ft. detached garage on site.
3. This Conditional Use Permit is issued to the current owners, David & Melissa Edwards and is not transferable.
4. The hours of operation shall be 6:00 PM to 9:00 PM on weekdays and 8:00 AM to 7:00 PM on weekends.
5. There shall be no employees who do not reside in the dwelling on site.
6. There shall be no customer vehicles parked outdoors.
7. This Conditional Use Permit is for repair only with no paint or body work performed on site.
8. Additional landscaping and/or screening shall not be required, but all existing landscaping/screening shall be preserved/maintained.
9. If a dumpster is located on site, it must be screened from view of the right-of-way and all adjoining properties.
10. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.
11. A Certificate of Land Use Restrictions shall be recorded in the office of the Hardin County Clerk.
12. An Emergency Response & Spill Prevention Plan shall be required.

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13. The Conditional Use Permit for Auto Repair is good for two years and shall expire on October 20, 2024. After which time it shall require a renewal hearing before the Board of Adjustment.

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

At 6:24 p.m. Hearing Officer Steck called for consideration and action on the fourth item on the agenda, a request for an Amended Conditional Use Permit for a Junkyard to continue operation on site. The property is a 3.8 acre site located at 247 First Street, Elizabethtown, KY, known as Lot 61 of Plantation Park Subdivision, Section 2, within the North Urban Planning Area and is zoned Convenience Commercial (C-1). The PVA Map Number is 199-20-01-001. The property is owned by **EMERY MARTIN**. Director King reviewed the application, the plans for the property, and presented exhibits into the record.

Emery Martin, of 257 Airview Drive, Elizabethtown, KY provided testimony and answered questions from the board members and staff. Mr. Martin explained that he has spent copious amounts of time in the hospital the past few years, and that is where he was when the complaint issues arised. Mr. Martin stated that the gentlemen running the business for him while he was away no longer works for him, and that those issues will not be happening again. Mr. Martin also stated that he will be doing less work than he has been doing because he is aging and is just not physically able anymore.

John Jordan, of 366 Theresa Road, Elizabethtown, KY provided testimony and answered questions from the board members and staff. Mr. Jordan explained that he owns the lot behind Mr. Martin, and that he has never had any issues with him. Mr. Jordan explained that Mr. Martin is an excellent neighbor and he hopes to build a house on his lot someday.

Amy Bates, of 268 First Street, Elizabethtown, KY provided testimony and answered questions from the board members and staff. Ms. Bates explained that she does not have an issue with Mr. Martin as long as the road stays clean. Ms. Bates stated that she never had an issue out of Mr. Martin until last year when he was out of commission and someone else was running his business. Ms. Bates stated that her issues are all taken care of now and if she does have an issue, she will just call Mr. Martin.

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

At 6:45 p.m. Hearing Officer Steck closed the hearing to public discussion.

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

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

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

1. This property shall only be used as a Vehicle Storage Facility that is open to the public by appointment only with the sale of used auto parts permitted on Mondays and Fridays. The repair or disassembly of vehicles, crushing of vehicles, or stacking of vehicles shall not be permitted on the property.
2. The maximum number of vehicles permitted on site shall be 200 and shall be limited to passenger vehicle; no commercial trucks/vehicles.
3. A six-foot tall solid privacy fence, constructed of metal and wood as shown on the Development Plan, shall be installed and maintained on the property to screen vehicles from view of the right-of-way and adjoining property owners.
4. The hours of operations shall be from 8:00 am to 5:00 pm, Monday thru Saturday with no business activities on Sundays.
5. An Encroachment Permit for a Commercial Entrance shall be required from the Hardin County Road Department.

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6. A "Recyclers" Permit from the KY State Transportation Cabinet shall be required as authorized by KRS 177.905 – 177.950 and 603 KAR 3:051.
7. The existing trees and vegetative screen must be maintained along the rear property line.
8. This Conditional Use Permit is temporary and shall expire 5 years from 20 October 2022, with an Expiration date of 20 October 2027.
9. Compliance with Federal, State and Local Industrial Stormwater requirements including USEPA MSGP (Multi Sector General Permit), KDOW KPDES Permit, and all local Stormwater / Erosion Prevention and Sediment Control permits shall be required.
10. All construction activities on this site shall conform to the provisions of the Kentucky Building Code.
11. An Amended Development Plan and Amended Conditional Use Permit shall be required for the crushing of cars on site.
12. A Best Management Plan which includes an Emergency Response Plan must be prepared, submitted to the Planning Commission Staff and County Engineer for review and acceptance.
13. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.
14. There shall be NO storage of vehicles outside of the fenced area. The rollback trucks must be parked and stored off the right-of-way.

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

At 6:59 p.m. Chairman Krausman called for consideration and action on the fifth item on the agenda, the **Minutes from the 22 September 2022 meeting** of the Board of Adjustment. Secretary Steck made a motion to approve the minutes as presented. Vice Chairman Youngblood provided the second. The motion passed unanimously.

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

15 Years of Service – Building Inspector, Jimmy Morgan celebrated 15 years of service with the Planning Commission on 27 September 2022.

OKI Regional Planning Conference - Adam, Nikki and Haley attended the Ohio-Kentucky-Indiana Regional Planning Conference in Louisville hosted by APA-KY on September 28-30, 2022.

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KYTC: Glendale Mobility Study - On October 13, 2022 Adam attended the Local Officials Meeting hosted by the KY Transportation Cabinet at Glendale Christian Church. KYTC and their consultants gave updates on the current and proposed road projects near Glendale. See www.GlendaleStudy.com for more info.

2 Years of Service - Building Inspector, Edwin Alicea celebrated 2 years of service with the Planning Commission on 14 October 2022.

Chairman Krausman announced that the next regular scheduled meeting will be held on Thursday, 3 November 2022 at 5:00 p.m. and called for the meeting to be adjourned at 7:00 p.m.

ADOPTED AND APPROVED THIS 3rd DAY OF NOVEMBER 2022 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.

Steve Steck, Secretary

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Chairman Bob Krausman called to order the four hundred and sixtieth meeting of the Hardin County Board of Adjustment at 5:02 p.m. on Thursday, 22 September 2022, in the Hardin County Government Center, 2nd Floor Meeting Room. The other Board Members in attendance were Vice Chairman Greg Youngblood and Secretary Steve Steck. Also, in attendance were Director Adam King AICP, Planner Nikki McCamish, Planning Technician, Haley Goodman and the individuals listed on the attached sign-in sheet. Chairman Krausman appointed Secretary Steve Steck to serve as the Hearing Officer and to conduct the swearing in ceremony for all those in attendance who planned to speak.

At 5:02 p.m. Hearing Officer Steck announced the first item on the agenda is a request for an Amended Conditional Use Permit for a Home Occupation (Motorcycle Repair Shop) to continue within the detached garage in the R-2 Zone. The property is a 2.280 acre site located at 1790 Glendale Hodgenville Road West, Glendale, KY, known as Lot 1 of Loving Subdivision within the North Glendale Urban Planning Area and is zoned Rural Residential (R-2). The PVA Map Number is 190-30-00-022. The property is owned by **TODD MCGUFFIN**. Director King reviewed the application, the plans for the property, and presented exhibits into the record.

Todd McGuffin, of 1790 Glendale Hodgenville Road West, Glendale, KY, provided testimony and answered questions from the board members and staff. Mr. McGuffin explained that business has been going well, and that he is not requesting any changes. Mr. McGuffin stated that he typically has 5-6 bikes in the shop from customers, and that he has 7 of his own.

Chairman Krausman asked if there had been any complaints, and Director King responded that there has been one call within the past two years and that 13 notifications were sent out for this hearing and there were no responses.

Mr. McGuffin stated that he is very mindful of his neighbors, and stated that his invoice stated to be respectful of the neighborhood. Mr. McGuffin also explained that his customers typically bring the bikes in on a trailer and are slow and quiet.

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

At 5:13 p.m. Hearing Officer Steck closed the hearing to public discussion.

Secretary Steck noted that he had no issues with the application because there has been only one complaint and that Mr. McGuffin is only operating 15 hours a week.

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

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

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

1. This Conditional Use Permit shall allow for an expanded Home Occupation of a motorcycle repair shop within the detached garage on site.
2. Business Hours of Operation shall be from 6PM to 8PM Monday – Friday and 10AM to 3pm Saturday.
3. There shall be no customer vehicles or motorcycle parts parked or stored outside.
4. There shall be no employees of the business who do not reside on the premises.
5. This property shall have a sewerage system (septic tank and lateral lines) approved by the Hardin County Health Center.
6. The existing sign on the garage and 2'x2' sign on the mailbox shall be permitted to remain.
7. A Site Plan in compliance with Section 7 of the Zoning Ordinance shall be required.

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8. This Conditional Use Permit shall be issued to the current property owner, Todd McGuffin and is not transferable.
9. This Conditional Use Permit shall be for a period of 4 years and expire on 22 September 2026.
10. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.
11. An emergency response & spill prevention plan shall be required.
12. There shall be no outdoor storage of tires, parts or fluids related to the business.

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

At 5:18 p.m. Hearing Officer Steck announced the second item on the agenda is a request for a Conditional Use Permit for a Permanent Accessory Dwelling to allow for the construction of a 1,280 sq. ft. apartment above the existing detached garage on site. The property is a 0.995 acres site located at 350 Nancy Drive, Elizabethtown, KY, known as Lot 27A of Concord Heights Subdivision, Section 1 within the Valley Creek Urban Planning Area and is zoned Urban Residential (R-1). The PVA Map Number is 234-00-0B-027. The property is owned by **DONALD & ROXANNE KEELING**. Planning Technician Goodman reviewed the application, the plans for the property, and presented exhibits into the record.

Donald Keeling, of 350 Nancy Drive, Elizabethtown, KY provided testimony and answered questions from the board members and staff. Mr. Keeling explained that his children and grandchildren are living with him and his wife at the moment and they have run out of room. Mr. Keeling stated that they need more space for when family comes into town as well, and that they have no intentions of renting out the apartment. Mr. Keeling explained the garage is built with walls that are actually 2 inches thicker than what is required for a basement. Mr. Keeling explained that the proposed porch addition will be on the second story, and that the proposed dwelling will closely match the finishing materials of the main dwelling.

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

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

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

1. This Conditional Use Permit for a Permanent Accessory Dwelling will allow for a 1,280 sq. ft. apartment to be constructed above the existing detached garage in addition to the existing Principal Dwelling with 2503 sq. ft. of living space.
2. The property owners, Roxanne and Donald Keeling, must occupy either the principal dwelling unit or the permanent accessory dwelling as their principal residence, and at no time receive rent for the owner-occupied unit.
3. Adequate on site parking must be designated on an approved site plan.
4. The existing driveway entrance will be shared by both dwellings.
5. The Permanent Accessory Dwelling is the pre-existing 1,280 sq. ft. garage with proposed 1,280 sq. ft. of living space above on site and the Principal Dwelling is the pre-existing home with 2,751 sq. ft. under roof and 2,503 sq. ft. of living space.
6. The Permanent Accessory Dwelling shall be located to the rear and south of the proposed home and shall be located as illustrated on the approved Site Plan.

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7. The exterior finish materials of the proposed accessory dwelling shall be tan vinyl siding and a brown metal roof to closely match the principal dwelling that has tan vinyl siding with a brown metal roof.
8. Both dwellings shall have septic systems approved by the Environmental Services Office of the Health Department.
9. This Permit is not transferable and the new owners must reapply for the Conditional Use Permit and meet the necessary requirements.
10. Additional landscaping or screening shall not be required.
11. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.
12. A Certificate of Land Use Restrictions shall be recorded in the office of the Hardin County Clerk.

Secretary Steck provided the second. The motion passed unanimously.

At 5:45 p.m. Hearing Officer Steck announced the third item on the agenda is a request for a Variance from the front building setback along a 60' undeveloped right-of-way for future street to allow for an 18' X 36'-8" addition to the back of the existing home on site. The property is a 0.71 acre site located at 95 Nancy Drive, Elizabethtown, KY, known as Lot 11 of Concord Heights Subdivision, Section 1 within the Valley Creek Urban Planning Area and is zoned Urban Residential (R-1). The PVA Map Number is 234-00-0B-011. The property is owned by **STEPHEN BUSH**. Planner McCamish reviewed the application, the plans for the property, and presented exhibits into the record.

Stephen Bush, of 95 Nancy Drive, Elizabethtown, KY provided testimony and answered questions from the board members and staff. Mr. Bush explained that they will not be getting any closer to the dedicated right-of-way than the existing dwelling. Mr. Bush stated that the proposed addition would match the exterior materials of the existing house.

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

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

Chairman Krausman stated that there are no safety concerns, nor is the application out of character for the area.

Secretary Steck made a motion to grant the Variance based on the staff presentation and the testimony provided in the public hearing. He noted the proposal is not out of

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character for the area, has no safety concerns, will not be any closer to the dedicated right-of-way than the existing dwelling and will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public and will not allow an unreasonable circumvention of the requirements of this regulation and will satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243 and DGS 5-3 (B) (1) Findings necessary for granting variance) which is as follows:

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

The Variance was granted with the noted conditions:

1. To allow for a Variance from the front building setback along a 60' Undeveloped Right-of-Way to allow for an 18'x36'-8" addition to the back of the existing home on site, to be no closer than 55' to the centerline of the right-of-way.
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.

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

At 5:51 p.m. Chairman Krausman called for consideration and action on the fourth item on the agenda, the **Minutes from the 8 September 2022 meeting** of the Board of Adjustment. Secretary Steck made a motion to approve the minutes as presented. Vice Chairman Youngblood provided the second. The motion passed unanimously.

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

Lincoln Trail Homebuilders and Heart of KY Association of Realtors Meeting – On September 12, 2022 Adam & Edwin attended this joint meeting of the Homebuilders Association and the Association of Realtors at Freeman Lake. The guest speaker was Steven Freed with Barton Malow to give an update on the BlueOvalSK project in Glendale.

KYTC Meeting on Ring Road - On September 15, 2022 Adam attended the KY Transportation Cabinet's Meeting at New Hope Community Church to discuss the extension of Ring Road (KY 3005) from the Western KY Parkway over to I-65 and South Dixie Highway (US 31W).

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Comprehensive Plan Open House – On September 20, 2022 the Planning Commission held an Open House for the general public on the Comprehensive Plan update at the State Theater in Elizabethtown with our consultants from TSW Design Group.

Chairman Krausman announced that the next regular scheduled meeting will be held on Thursday, 20 October 2022 at 5:00 p.m. and called for the meeting to be adjourned at 5:54 p.m.

ADOPTED AND APPROVED THIS 20th DAY OF OCTOBER 2022 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.

Steve Steck, Secretary

Hardin County Board of Adjustment

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Chairman Bob Krausman called to order the four hundred and fifty ninth meeting of the Hardin County Board of Adjustment at 5:02 p.m. on Thursday, 8 September 2022, in the Hardin County Government Center, 2nd Floor Meeting Room. The other Board Members in attendance were Vice Chairman Greg Youngblood and Secretary Steve Steck. Also, in attendance were Director Adam King AICP, Planner Nikki McCamish, and the individuals listed on the attached sign-in sheet. Planning Technician Haley Goodman was absent from this meeting. Chairman Krausman appointed Secretary Steve Steck to serve as the Hearing Officer and to conduct the swearing in ceremony for all those in attendance who planned to speak.

At 5:02 p.m. Hearing Officer Steck announced the first item on the agenda is a request for an Amended Conditional Use Permit to continue to allow for an automotive repair business within a detached garage in the R-2 Zone. The property is a 5.020 acre site located at 20567 Sonora Hardin Springs Road, Eastview, KY, known as Lot 3 of Faith Meadows Subdivision within the West Hardin Planning Area and is zoned Rural Residential (R-2). The PVA Map Number is 021-00-01-003. The property is owned by **ROBERT & CORTNEY DAVIS**. Director King reviewed the application, the plans for the property, and presented exhibits into the record.

Robert Davis, of 20567 Sonora Hardin Springs Road, Eastview, KY provided testimony and answered questions from the board members and staff. Mr. Davis explained that he is staying busy and that working on these cars and agricultural equipment has mainly always been his full time job. He wants to continue to do this on his property and is asking for five additional years.

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

At 5:10 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;

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

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

1. This Conditional Use Permit shall allow for an automotive repair business to be operated from the 1440 sq. ft. detached garage on site.
2. This Conditional Use Permit is issued to the current owners, Robert & Cortney Davis and is not transferable.
3. The hours of operation shall be 10am – 7pm Monday thru Saturday.
4. There shall be no employees who do not reside in the dwelling on site.
5. A single, 2'x4' sign shall be permitted advertising the business and shall not be lit.
6. There shall be no more than 20 vehicles parked outdoors and all customer vehicles must be parked behind the fence.
7. Additional landscaping and/or screening in the form of a 6' tall solid wood privacy fence shall be required between the parking area and Sonora Hardin Springs Road (KY 84).
8. If a dumpster is located on site, it must be screened from view of the right-of-way and all adjoining properties.
9. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.
10. A Certificate of Land Use Restrictions shall be recorded in the office of the Hardin County Clerk.
11. An Emergency Response & Spill Prevention Plan shall be required.
12. The Conditional Use Permit is good for five years and shall expire on September 8, 2027. After which time it shall require a renewal hearing before the Board of Adjustment.

Secretary Steck provided the second. The motion passed unanimously.

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At 5:14 p.m. Chairman Krausman called for consideration and action on the **Minutes from the 4 August 2022 meeting** of the Board of Adjustment. Secretary Steck made a motion to approve the minutes as presented. Vice Chairman Youngblood provided the second. The motion passed unanimously.

At 5:15 p.m. Hearing Officer Steck announced the second item on the agenda is a request for a Variance from the 20' side building setback to allow for the construction of a proposed covered side porch. The property is a 1.129 acre site located at 260 Phillip Stuecker Road, Elizabethtown, KY within the Industrial Park Planning Area and is zoned Industrial Holding (IH). The PVA Map Number is 187-00-00-026.01. The property is owned by **MARK & WESLEY KATHERINE THOMAS**. Director King reviewed the application, the plans for the property, and presented exhibits into the record.

Mark Thomas, of 260 Phillip Stuecker Road, Elizabethtown, KY provided testimony and answered questions from the board members and staff. Mr. Thomas explained their home was built by his grandparents years ago and that he and his wife are just trying to make it a little more functional, to be their forever home with his parent's 175 acre farm surrounding their property. They are adding a front porch and this covered side porch to connect to the current sunroom at the back of the home. Director King noted for the record that this covered porch would comply with setbacks if this site was zoned residential and had the standard 10' side setback.

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

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

Secretary Steck made a motion to grant the Variance based on the staff presentation and the testimony provided in the public hearing. He noted the proposal is not out of character for the area, is unique due to having a 20' side setback as a result of the Industrial Holding (IH) Zone, it adjoins the 175 acre family owned farm and 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 20' side building setback to allow for a proposed covered porch to be 15 feet off the property line.

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

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

At 5:30 p.m. Hearing Officer Steck announced the third item on the agenda is a request for a Variance from the 1:4 lot width-to-length ratio for Lot 1 and from the government maintained road frontage for Lot 2 of a proposed two lot subdivision. The property is two tracts totaling 16.03 acres located on West Main Street and Park Lane in Cecilia, KY within the Cecilia Rural Village Planning Area and is zoned Urban Residential (R-1). The PVA Map Numbers are 147-30-01-001 & 147-30-01-007. The property is owned by **BOB OWSLEY** and the applicant is **JONATHAN COLSON**. Director King reviewed the application, the plans for the property, and presented exhibits into the record.

Jonathan Colson, of 315 Bethlehem Academy Road, Cecilia, KY provided testimony and answered questions from the board members and staff. Mr. Colson explained that he and his wife are wanting to build a house on Lot 1 and would prefer their driveway to come off of Park Lane crossing Lot 2, even though they have road frontage on Hardinsburg Road (KY 86). Director King stated that an ingress/egress easement could be shown across Lot 2 giving access to Lot 1 on the plat.

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

At 5:41 p.m. Hearing Officer Steck closed the hearing to public discussion.

Vice Chairman Youngblood made a motion to grant the Variance based on the staff presentation and the testimony provided in the public hearing. He noted the proposal is not out of character for the area, they are just reshaping two existing tracts into two lots and 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 1:4 lot width-to-length ratio for proposed Lot 1 and from government maintained road frontage for proposed Lot 2.
2. A Record Plat shall substitute for the required Site Plan.
3. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Secretary Steck provided the second. The motion passed unanimously.

At 5:45 p.m. Hearing Officer Steck announced the fourth item on the agenda is a request for a Variance from the 1:3 lot width-to-length ratio to allow for the property to be further subdivided into two lots. The property is a 17.4 acre site located at 702 Upper Colesburg Road in Elizabethtown, KY within the East Urban Planning Area and is zoned Rural Residential (R-2). The PVA Map Numbers is 253-00-00-027. The property is owned by **CLYDE HUNT**. Planner McCamish reviewed the application, the plans for the property, and presented exhibits into the record.

Larry Jury, of 168 Chestnut Grove Road, Elizabethtown, KY provided testimony and answered questions from the board members and staff. Mr. Jury explained that he is Clyde Hunts son-in-law and that Mr. Hunt is in assisted living now. He stated that Mr. Hunt's grandson is wanting to buy proposed Lot 2 to build a house on and farm it and that Lot 1 with the current home on site will be sold, if approved tonight.

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

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

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

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

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The Variance was granted with the noted conditions:

1. To allow for a Variance from the 1:3 lot width-to-length ratio for proposed Lot 2 to allow for the property to be further subdivided into two lots.
2. A Record Plat shall substitute for the required Site Plan.
3. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

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

At 5:55 p.m. Chairman Krausman called for consideration and action on the fifth item on the agenda, the **2023 Meeting Schedule**. Secretary Steck made a motion to accept the meeting schedule 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:

MPO Meeting – On August 10, 2022 Adam attended the Technical Advisory Committee Meeting of the Radcliff-Elizabethtown Metropolitan Planning Organization. Consultants from QK4 and KYTC gave an update on the Glendale Area Transportation projects.

Administrative Assistant Hired – The newest member of the Planning Commission staff is Michaila Barren. Michaila is a graduate of ECTC & Western Kentucky University with a Bachelor's degree in Elementary Education. She was previously employed with the Swope Family of Dealerships as a Receptionist and as a Third Grade Teacher at Vine Grove Elementary.

Chairman Krausman announced that the next regular scheduled meeting will be held on Thursday, 22 September 2022 at 5:00 p.m. and called for the meeting to be adjourned at 5:56 p.m.

ADOPTED AND APPROVED THIS 22nd DAY OF SEPTEMBER 2022 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.

Steve Steck, Secretary

Hardin County Board of Adjustment

Minutes: 4 August 2022

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Chairman Bob Krausman called to order the four hundred and fifty eighth meeting of the Hardin County Board of Adjustment at 5:02 p.m. on Thursday, 4 August 2022, in the Hardin County Government Center, 2nd Floor Meeting Room. The other Board Members in attendance were Vice Chairman Greg Youngblood and Secretary Steve Steck. Also, in attendance were Director Adam King AICP, Planner Nikki McCamish, Planning Technician Haley Goodman, and the individuals listed on the attached sign-in sheet. Chairman Krausman appointed Secretary Steve Steck to serve as the Hearing Officer and to conduct the swearing in ceremony for all those in attendance who planned to speak.

At 5:03 p.m. Hearing Officer Steck announced the first item on the agenda is a request for a Variance from the front building setbacks along Methodist Street and an unnamed 30' right-of-way (alley) to allow for a proposed storage building. The property is a 0.408 acre site located at 103 Methodist Street, Cecilia, KY within the Cecilia Rural Village Planning Area and is zoned Convenience Commercial (C-1). The PVA Map Number is 147-30-01-019. The property is owned by **FIRST CECILIAN BANCORP INC.** Director King reviewed the application, the plans for the property, and presented exhibits into the record.

Tracy Helm, of 2075 Needham Road, Eastview, KY provided testimony and answered questions from the board members and staff. Mr. Helm explained that he is the contractor for the project, and the bank intends to build this structure to store their furniture. Mr. Helm explained that it will be a typical metal storage building, and that it will be a controlled environment with 3 overhead garage doors and 2 man doors. Mr. Helm stated that the walls would be 17 ft tall with a 19 ft peak. Mr. Helm explained that the bank intends to store their marketing van in the building as well, and that they have not decided on a color yet, but that it will likely be grey and black.

Clint Lindor, with Cecilian Bank, of 14035 Sonora Hardin Springs Road, Eastview, KY provided testimony and answered questions from the board members and staff. Mr. Lindor explained that the furniture is coming from all of their bank locations, and that they also will have tools, ladders, marketing tents, and the marketing van to store in the building. Director King stated that there would be 2 or 3 parking spaces and some landscaping required. Mr. Linder explained that they were waiting to hire a surveyor to complete the development plan. Mr. Linder stated that there would be simple LED lighting that faces downward by the garage doors, no signage, and that the structure will not block any site distance.

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.

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Secretary Steck made a motion to grant the Variance based on the staff presentation and the testimony provided in the public hearing. He noted the proposal is not out of character for the area, is located within the Cecilia Rural Village, there are no safety issues, complies with setbacks on KY Highway 86, and 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 setbacks along Methodist Street and an unnamed 30' right-of-way (alley) to allow for a proposed storage building to be 20' from the front property line in both locations.
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.

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

At 5:22 p.m. Hearing Officer Steck announced the second item on the agenda is a request for a Variance from the front building setback along Anna Drive to allow for a proposed 16' X 80' manufactured home (1992 model). The property is a 0.573 acre site located at the intersection of Anna Drive and Rineyville Boulevard, Rineyville, KY known as Lot 54 of Blackburn Estates within the Rineyville Rural Village Planning Area and is zoned Urban Residential (R-1). The PVA Map Number is 121-00-0A-038. The property is owned by **AFFORDABLE INVESTMENTS LLC** and the applicant is **MIKE RISINGER**. Planner McCamish reviewed the application, the plans for the property, and presented exhibits into the record.

Mike Risinger, of 157 Milby Lane, Elizabethtown, KY provided testimony and answered questions from the board members and staff. Mr. Risinger explained that this lot has always been vacant, and that this is an investment property for him. Mr. Risinger stated that his manufactured home installer explained to him that the home needs to be placed this close to the road because of the topography and the septic location. Mr. Risinger

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stated that it would be impossible to place it in compliance with the setbacks because the land drops off so much.

Suwan Whipkey, of 166 Rineyville Boulevard, Rineyville, KY spoke in opposition of the proposal. Ms. Whipkey explained that she experienced a power surge that she thought was Mr. Risinger's fault, however, she now knows that it was not. Ms. Whipkey stated that she has no issues with the Variance application.

Mike Risinger, of 157 Milby Lane, Elizabethtown, KY provided testimony and answered questions from the board members and staff. Mr. Risinger apologized for Ms. Whipkey's confusion and stated that he had no intentions of using her power pole. Chairman Krausman asked if he could bring the manufactured home closer to Rineyville Boulevard, if that would allow the home to be farther off Anna Drive? Mr. Risinger stated that if he moved up 10 feet closer to Rineyville Boulevard, then he could be at least 45' from the centerline of Anna Drive.

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 made a motion to grant the Variance 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, arises from special circumstances with this being a corner lot, the topography is limiting, and will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public and will not allow an unreasonable circumvention of the requirements of this regulation and will satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243 and DGS 5-3 (B) (1) Findings necessary for granting variance) which is as follows:

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

The Variance was granted with the noted conditions:

1. To allow for a Variance from the front building setback along Anna Drive and Rineyville Boulevard to allow for a proposed 16'x80' single wide manufactured home (1992) to be no closer than 45' to the centerline of Anna Drive and no closer than 60' to the centerline of Rineyville Boulevard.
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.

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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 5:57 p.m. Hearing Officer Steck announced the third item on the agenda is a request for a Variance from the front building setback along South Ridge Road to allow for a proposed 10' X 16' shed. The property is a 2.540 acre site located at 55 South Ridge Road, Elizabethtown, KY known as Lot 57 of Quail Hollow Subdivision within the Kentucky 313 Corridor Planning Area and is zoned Residential Estate (R-3). The PVA Map Number is 228-00-01-057. The property is owned by **WILLIAM H. KNIGHT**. Director King reviewed the application, the plans for the property, and presented exhibits into the record.

William H. Knight, of 55 South Ridge Road, Elizabethtown, KY provided testimony and answered questions from the board members and staff. Mr. Knight explained that the shed is sitting on the flattest piece of his property, and that the pipeline actually owns to the edge of his property line so he cannot move it to the other side of his lawn. Mr. Knight stated that he just uses the shed to store his lawnmower and other garden equipment. Mr. Knight explained that he has COPD and he cannot walk very far, and that he actually had an older shed in this exact spot before he bought the new one.

Chairman Krausman stated that this is a dead end road that has a low speed limit, there is extreme topography, and there are just a few other residences on the road, which indicates there is limited traffic.

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

At 6:09 p.m. Hearing Officer Steck closed the hearing to public discussion.

Secretary Steck made a motion to grant the Variance based on the staff presentation and the testimony provided in the public hearing. He noted the proposal is not out of character for the area, and 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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1. To allow for a Variance from the front building setback to accommodate the 10'x16' shed to be no closer than 30' from the centerline of South Ridge 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.
4. The shed must receive permits through the KBC program of our office.

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

At 6:11 p.m. Hearing Officer Steck called for consideration and action on the fourth item on the agenda, the **Annual Nomination and Election of Officers**. Chairman Krausman asked if there were new nominations, and there were none. Secretary Steck made a motion to keep the current officers in their existing roles. Vice Chairman Youngblood provided the second. The motion passed unanimously.

At 6:12 p.m. Chairman Krausman called for consideration and action on the fifth item on the agenda, the **Minutes from the 21 July 2022 meeting** of the Board of Adjustment. Secretary Steck made a motion to approve the minutes as presented. Vice Chairman Youngblood provided the second. The motion passed unanimously.

Chairman Krausman announced that the next regular scheduled meeting will be held on Thursday, 8 September 2022 at 5:00 p.m. due to there being a lack of agenda items for the 18 August 2022 meeting and called for the meeting to be adjourned at 6:12 p.m.

ADOPTED AND APPROVED THIS 8th DAY OF SEPTEMBER 2022 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.

Steve Steck, Secretary

Hardin County Board of Adjustment

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Chairman Bob Krausman called to order the four hundred and fifty seventh meeting of the Hardin County Board of Adjustment at 5:00 p.m. on Thursday, 21 July 2022, in the Hardin County Government Center, 2nd Floor Meeting Room. The other Board Members in attendance were Vice Chairman Greg Youngblood and Secretary Steve Steck. Also, in attendance were Director Adam King AICP, Planner Nikki McCamish, Planning Technician Haley Goodman, and the individuals listed on the attached sign-in sheet. Chairman Krausman appointed Secretary Steve Steck to serve as the Hearing Officer and to conduct the swearing in ceremony for all those in attendance who planned to speak.

At 5:03 p.m. Hearing Officer Steck announced the first item on the agenda is a request for an Amended Conditional Use Permit to continue to allow for a window tinting business in a detached garage. The property is a 1.014 acre site located at 1635 Locust Grove Road, Elizabethtown, KY known as Lot 4A of Concord Heights within the Valley Creek Urban Planning Area and is zoned Urban Residential (R-1). The PVA Map Number is 234-00-0B-004. The property is owned by **HILBERT POWERS** doing business as **POWERS PERFORMANCE AND WINDOW TINTING PLUS**. Director King reviewed the application, the plans for the property, and presented exhibits into the record.

Hilbert Powers, of 1635 Locust Grove Road, Elizabethtown, KY provided testimony and answered questions from the board members and staff. Mr. Powers explained that nothing about the business has changed since the last time he came in, and that he has complied with all of the conditions previously established. Mr. Powers stated that no neighbors have complained, and that he actually gets a lot of business from them. Mr. Powers explained that he has no employees, and he does not plan to hire any. Mr. Powers noted that he tends to stay booked out a month in advance, and that he does 3 to 4 cars per day. Mr. Powers stated that he has been in business for 7 years, and he intends to keep his business at this current steady pace. Mr. Powers explained that his new shop building will be bigger so that he can fit more cars inside, as well as motor homes and semi trucks because he is currently not able to do vehicles that large. Mr. Powers stated that there is ample parking and turn around space, he has one sign, security cameras, and no obnoxious lighting.

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.

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;

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

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

1. This Conditional Use Permit shall allow for the construction of a 48'x60' garage that will exceed the size of the dwelling on site.
2. The detached garage shall be constructed of gray metal with a maroon roof and 3 overhead doors.
3. This Conditional Use Permit will also allow for an "expanded home occupation" of a Window Tinting Business to be operated from the proposed detached garage.
4. The hours of operation shall be 8:30 – 5:30 Monday thru Friday and 8:30 – 12:00 on Saturday.
5. There shall be no employees who do not reside in the dwelling on site.
6. A single, 4'x6' sign shall be permitted advertising the business and shall not be lit.
7. There shall be no more than 3 customer vehicles parked outside at one time.
8. Additional landscaping and/or screening in the form of foundation plantings (shrubs or bushes) shall be required along the east side of the building.

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9. If a dumpster is located on site, it must be screened from view of the right-of-way and all adjoining properties.
- 10.A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.
11. Building and electrical permits must be secured through the KBC Building Program of our office.
- 12.A Certificate of Land Use Restrictions shall be recorded in the Hardin County Clerk's Office.
- 13.3 parking spaces shall be provided on site along with a turn around so that no cars have to be backed out onto Locust Grove Road.
- 14.This Conditional Use Permit is good for five (5) years with an expiration date of July 21, 2027.

Secretary Steck provided the second. The motion passed unanimously.

At 5:18 p.m. Hearing Officer Steck announced the second item on the agenda is a request for a Conditional Use Permit to allow for the construction of a new home with 4,727 sq. ft. under roof and to allow for the existing detached garage with 576 sq. ft. of living space to remain on site as a permanent accessory dwelling. The property is a 60 acre site located at 91 Roundtop Road, Elizabethtown, KY within the Valley Creek Urban Planning Area and is zoned Urban Residential (R-1). The PVA Map Number is 235-00-00-008. The property is owned by **PATRICIA & MARK BRACKETT**. Planner McCamish reviewed the application, the plans for the property, and presented exhibits into the record.

Mark and Patricia Brackett, of 91 Roundtop Road, Elizabethtown, KY provided testimony and answered questions from the board members and staff. Mrs. Brackett explained that they had a survey of the property done, and found out that they actually own 65 acres. Mr. Brackett explained that they are building the house in front of the garage, and they would like to keep the living quarters as an extra storage place, and possibly as an office space. Mr. Brackett stated that it is a nice and functional area and he hates to remove it.

Director King stated that they do have the option to subdivide, but that the Brackett's want to keep the property as one large farm.

Chairman Krausman asked if the building materials of the house would be similar, and Planner McCamish responded yes and read proposed condition number 7.

All board members stated that they had no issues with the application.

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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.

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

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

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

1. This Conditional Use Permit for a Permanent Accessory Dwelling will allow for a 4727 sq. ft. second dwelling to be constructed on site in addition to the existing detached garage with 576 sq. ft. of living space.
2. The property owners, Patricia & Mark Brackett, must occupy either the principal dwelling unit or the permanent accessory dwelling as their principal residence, and at no time receive rent for the owner-occupied unit.
3. Adequate on site parking must be designated on an approved site plan.
4. The existing driveway entrance will be shared by both dwellings.
5. The Permanent Accessory Dwelling is the pre-existing 2,640 sq. ft. garage with 576 sq. ft. of living space on site and the Principal Dwelling is the proposed home with 4,727 sq. ft. under roof and 2,506 sq. ft. of living space.

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6. The Permanent Accessory Dwelling shall be located to the rear and west of the proposed home and shall be located as illustrated on the approved Site Plan.
7. The exterior finish materials of the proposed principal dwelling shall be brick with gray siding and a black metal roof to closely match the pre-existing permanent accessory dwelling that has grey siding with a black metal roof.
8. Both dwellings shall have septic systems approved by the Environmental Services Office of the Health Department.
9. This Permit is not transferable and the new owners must reapply for the Conditional Use Permit and meet the necessary requirements.
10. Additional landscaping or screening shall not be required.
11. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.
12. A Certificate of Land Use Restrictions shall be recorded in the office of the Hardin County Clerk.

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 is a request for a Conditional Use Permit to allow for the construction of a Hoop Barn on a vacant lot. The property is a 0.8 acre site located at 778 Oak Drive, Radcliff, KY to become known as Lot 32A of Twin Oaks Subdivision within the North Urban Planning Area and is zoned Urban Residential (R-1). The PVA Map Number is 180-10-03-032. The property is owned by **WILBURN & KATHY SISCO**. Director King announced that this application had been withdrawn because Mr. Sisco had recently passed away and his widow did not wish to proceed with building the barn.

At 5:38 p.m. Chairman Krausman called for consideration and action on the fourth item on the agenda, the **Minutes from the 7 July 2022 meeting** of the Board of Adjustment. Secretary Steck made a motion to approve the minutes as presented. Vice Chairman Youngblood provided the second. The motion passed unanimously.

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

Lincoln Trail Home Builders Association – On July 18, 2022 Adam, Edwin & Jimmy attended a meeting of the Lincoln Trail Home Builders Association at Heartland Golf Club. Adam presented on the development activity for 2021 and the first half of 2022 in addition to the upcoming update to the Comprehensive Plan.

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KYTC: Glendale Mobility Study – On July 14, 2022 Adam attended the Local Officials Meeting hosted by the KY Transportation Cabinet at Glendale Christian Church. KYTC and their consultants gave updates on the current and proposed road projects near Glendale.

Chairman Krausman announced that the next regular scheduled meeting will be held on Thursday, 4 August 2022 at 5:00 p.m. and called for the meeting to be adjourned at 5:39 p.m.

ADOPTED AND APPROVED THIS 4th DAY OF AUGUST 2022 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.

Steve Steck, Secretary

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Chairman Bob Krausman called to order the four hundred and fifty sixth meeting of the Hardin County Board of Adjustment at 5:00 p.m. on Thursday, 7 July 2022, in the Hardin County Government Center, 2nd Floor Meeting Room. The other Board Members in attendance were Vice Chairman Greg Youngblood and Secretary Steve Steck. Also, in attendance were Director Adam King AICP, Planner Nikki McCamish, Planning Technician Haley Goodman, Assistant County Attorney Catherine Clemons and the individuals listed on the attached sign-in sheet. Chairman Krausman appointed Secretary Steve Steck to serve as the Hearing Officer and to conduct the swearing in ceremony for all those in attendance who planned to speak.

At 5:01 p.m. Hearing Officer Steck announced the first item on the agenda is a continued hearing from the June 23, 2022 meeting; a request for a Conditional Use Permit to allow for a welding shop in the 74' x 80' detached accessory structure on site. The property is a 25 acre site located at 1404 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 PVA Map Number is 030-00-00-011. The property is owned by **ROBERT DECKARD** doing business as **HEARTLAND FABRICATING, LLC**. Director King reviewed the application, the plans for the property, and presented exhibits into the record. He also noted for the record that all of the Board members in attendance had visited the property.

At 5:02 p.m. Secretary Steck made a motion to open the hearing back up for 5 minutes of testimony for both those in favor and those in opposition of the proposal. Vice Chairman Youngblood provided the second. The motion passed unanimously.

Robert Deckard, of 1404 Constantine Road, Cecilia, KY provided testimony and answered questions from the board members and staff. Mr. Deckard explained that as of June 27th his contract with Mattress Firm terminated, and that their last delivery was on June 29th. Mr. Deckard stated that all of his work will now consist of various repairs and one-off projects. Mr. Deckard stated that today they created 4 racks for a forklift. Mr. Deckard stated that he still intends on having 3 employees, keeping his business hours from 8 a.m. to 5 p.m. Monday through Friday, and that he would still call this business a welding shop.

Director King stated that the Zoning Ordinance does not define welding or manufacturing, and that many Zoning Ordinances throughout the state also do not define these terms.

Assistant County Attorney Clemons stated that she did conduct some legal research, but that the only Kentucky case law definition she found was regarding taxing issues for manufacturing.

Secretary Steck stated that there is probably not a welding shop in the country that has not 'manufactured' something. Secretary Steck also stated that he visited the site today, and he heard no noise but was not sure whether or not they were working at the time.

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Vice Chairman Youngblood stated that if his whole operation is going to change to one-off jobs, then he does not see that as manufacturing. Secretary Steck agreed with this statement and said that he needs to be put in the same category as other welding shops.

Chairman Krausman stated that welding shop and manufacturing will need to be better defined with the upcoming update of the Comprehensive Plan. Chairman Krausman explained to Mr. Deckard that if his operation transitions back into a more manufacturing style business, that he should probably look at a better location for it.

Mr. Deckard asked if it were okay for him to operate on his personal work after regular business hours, and Director King stated that the Board could not regulate his personal activity. Mr. Deckard stated that he is okay with putting the visual screening in place.

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

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

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

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

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1. This 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.
2. Hours of Operation shall be from 8:00 AM – 5:00 PM Monday - Friday.
3. 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.
4. There shall only be 3 employees of the business who do not reside on the premises.
5. The single existing sign on the building shall be permitted.
6. The existing dumpster on site and all business materials must be screened from view of the adjoining properties.
7. This Conditional Use Permit shall be issued to the current property owner, Robert Deckard, and is not transferable.
8. All customer and employee parking must be on site as shown on the Site Plan.
9. A Site Plan in compliance with Section 7 of the Zoning Ordinance shall be required.
10. This Conditional Use Permit shall be for a period of two years and expire on July 7, 2024.
11. 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 5:26 p.m. Hearing Officer Steck announced the second item on the agenda is an Amended Conditional Use Permit to continue to allow for the 16'x76' Manufactured Home to remain on site. The property is a 22.840 acre site located at 26 Masters Drive,

Elizabethtown, KY, known as Lot 1 of Harold Estates within the North Dixie Corridor Planning Area and is split zoned General Commercial (C-2) and Urban Residential (R-1). The PVA Map Number is 182-00-00-016. The property is owned by **HAROLD & BELVA MASTERS** and the applicant is **SHELBY MASTERS FIELDS**. Director King reviewed the application, the plans for the property and presented the exhibits into the record.

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Shelby Fields, of 26 Masters Drive, Elizabethtown, KY provided testimony and answered questions from the board members and staff. Mrs. Fields explained that they have been looking for a house for 3 years now, and have had no luck. Mrs. Fields stated that they are just asking for 2 more years to allow for them to buy a house.

Chairman Krausman asked if she is okay with reducing the time to 2 years, and Mrs. Fields responded yes.

Vice Chairman Youngblood stated that he would be okay with giving her 3 years, given the current housing market.

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.

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

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

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

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

1. The Temporary Accessory Dwelling is the 16'x76' manufactured home on site and shall be for a temporary use no longer than three years and expire on July 7, 2025.

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2. The Temporary Accessory Dwelling is for a family need situation and shall only be occupied by the owners' granddaughter, Shelby Fields, 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.
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, Harold & Belva Masters, 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 office of the Hardin County Clerk.

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

At 5:35 p.m. Hearing Officer Steck announced the third item on the agenda is a Conditional Use Permit to allow for a permanent accessory dwelling to allow for the construction of a 1020 sq. ft. second house on site. The property is a 2.333 acre site

located at 629 Homestead Avenue, Radcliff, KY, known as Lot 20 of Bens Acres within the North Urban Planning Area and is zoned Urban Residential (R-1). The PVA Map Number is 162-00-01-108. The property is owned by **SHERLENE SAN NICOLAS**. Planner McCamish reviewed the application, the plans for the property and presented the exhibits into the record.

Sherlene San Nicolas, of 629 Homestead Avenue, Radcliff, KY provided testimony and answered questions from the board members and staff. Mrs. San Nicolas explained that they need the second dwelling because her granddaughter is about to have her fifth brain surgery, and she needs to be close to family. Mrs. San Nicolas stated that her

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granddaughter will be living there with her two children. Mrs. San Nicolas explained that if they were to put the dwelling behind the main home, then it would look too crowded. Mrs. San Nicholas also explained that the septic tank is directly behind the house. Mrs. San Nicholas state that they will be sharing the existing driveway.

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.

Chairman Krausman asked if Mrs. San Nicholas could move the second dwelling 5 ft closer to the existing dwelling to be more in compliance, and she replied yes.

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

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

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

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

1. This Conditional Use Permit for a Permanent Accessory Dwelling will allow for a 1020 sq. ft. second dwelling to be constructed on site.
2. The property owner, Sherlene San Nicolas, must occupy either the principal dwelling unit or the permanent accessory dwelling as their principal residence, and at no time receive rent for the owner-occupied unit.

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3. Adequate on site parking must be designated on an approved site plan.
4. The existing driveway entrance will be shared by both dwellings.
5. The Permanent Accessory Dwelling is the proposed 1020 sq. ft. home and the Principal Dwelling is the existing 1064 sq. ft. cabin on site.
6. The Permanent Accessory Dwelling shall be located to the rear and west of the existing home and shall be located as illustrated on the approved Site Plan.
7. The exterior finish materials of the permanent accessory dwelling shall be brown siding with a metal roof and the existing cabin will have a metal roof installed to match.
8. Both dwellings shall have septic systems approved by the Environmental Services Office of the Health Department.
9. This Permit is not transferable and the new owners must reapply for the Conditional Use Permit and meet the necessary requirements.
10. Additional landscaping or screening shall not be required.
11. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.
12. A Certificate of Land Use Restrictions shall be recorded in the office of the Hardin County Clerk.

Secretary Steck provided the second. The motion passed unanimously.

At 5:53 p.m. Hearing Officer Steck announced the fourth item on the agenda is an Amended Conditional Use to allow for the Child Care Center for up to 33 children to remain on site. The property is a 1.94 acre site located at 2872 Valley Creek Road,

Elizabethtown, KY within the Valley Creek Urban Planning Area and is zoned Urban Residential (R-1). The PVA Map Number is 245-00-00-046. The property is owned by **MARCELLA & RANDY TROMBLEY** doing business as **A TREASURE CHEST CHILDCARE & PRESCHOOL**. Planner McCamish reviewed the application, the plans for the property and presented the exhibits into the record.

Marcella Trombley, of 2872 Valley Creek Road, Elizabethtown, KY provided testimony and answered questions from the board members and staff. Mrs. Trombley explained that they have 33 children that attend the daycare, and that they have 3 shifts. Mrs. Trombley stated that she tries to keep her business as much like a home as possible for the children. Mrs. Trombley stated that many childcare centers do not offer 24 hour services like she does, and that she often has calls asking if she has any availability.

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

At 6:06 p.m. Hearing Officer Steck closed the hearing to public discussion.

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

- The use shall not tend to change the character and established pattern of development of the area of the proposed use;
- The use shall be in harmony with the uses permitted by right under the Zone in question and shall not affect adversely the use of neighboring properties;
- The location and height of buildings, the location, nature, and height of walls and fences and the nature and extent of landscaping on the site shall be such that the 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. All outdoor recreation areas shall remain fenced and to the rear of the existing home.
2. The maximum number of children at the day care shall be thirty three (33).
3. The sign advertising the day care shall be no larger than 15 square feet, and the sign shall not be illuminated.
4. This Conditional Use Permit shall be a temporary use for no longer than ten years from 7 July 2022 to 7 July 2032.
5. The Residential character and appearance of the existing structure must be maintained. No substantial alterations or improvements shall be made to the structure which would impair the structures use as a residence in the future.

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6. The hours of operation shall be twenty four (24) hours a day, seven (7) days a week.
7. This Conditional Use Permit shall be issued to the current property owners, Randy & Marcella Trombley, and shall expire when the property is transferred and not be transferable to another property owner.
8. The existing Development Plan on file shall substitute for the Site Plan.
9. All construction activities on this site shall conform to the provisions of the Kentucky Building Code.
10. Screening shall consist of a solid 6' fence on the east & west sides from the rear of the house to the rear of the playground to block the view of the adjoining residential property shall be required.
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 6:08 p.m. Hearing Officer Steck announced the fifth item on the agenda is requesting a Variance from the front building setback to allow for a proposed addition to the church. The property is a 2.3 acre site located at 231 Cave Road, White Mills, KY, known as Lot 1 of White Mills Christian Church Subdivision within the Natural Resource Planning Area and is zoned Rural Residential (R-2). The PVA Map Number is 108-00-00-021. The property is owned by **WHITE MILLS CHRISTIAN CHURCH**. Director King reviewed the application, the plans for the property and presented the exhibits into the record.

Trinity Searcy, of 445 Star Mills Eastview Road, Glendale, KY provided testimony and answered questions from the board members and staff. Mr. Searcy explained that they plan to build a new building with a slightly larger footprint than the existing building. Mr. Searcy stated the church is asking for a Variance because of the location of the powerlines, the elevation and the connection between the existing building and the proposed addition. Mr. Searcy explained that they are coming out in line with the current location of the church's wall, but because of the curve along the street it gets closer to the road. Mr. Searcy guessed that the speed limit is either 25 or 35 mph because there are no signs posted. Mr. Searcy stated that the retaining wall will be revamped but will stay in place, and explained that because of the wall, the church has never flooded.

Gelana White, of 65 Riverbend Lane, White Mills, KY spoke with a question about the proposal. Ms. White stated that she is just concerned about the ingress/egress that allows them to access their property behind the church. Ms. White explained that the proposed building will come through their easement, and she is just concerned about there being enough room for emergency services being able to access their house.

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Director King stated that there is no deed recorded for the easement, and that it is just shown on the plat, so they will be required to show a new ingress/egress in the most convenient placement on their Development Plan.

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

At 6:27 p.m. Hearing Officer Steck closed the hearing to public discussion.

Vice Chairman Youngblood and Secretary Steck both stated that they have no issues with the application.

Chairman Krausman explained that the Variance is not out of character for the area, and there is a powerline in the rear of the property that restricts building placement as well.

Vice Chairman Youngblood made a motion to grant the Variance based on the staff presentation and the testimony provided in the public hearing. He noted the proposal is on a low traffic road, is not out of character for the area, has powerlines in the rear, and the topography 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 accommodate the proposed addition to the church to be no closer than 16.5' from the front property line.
2. An Amended Development Plan in compliance with Section 6 of the Zoning Ordinance shall be required.
3. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Secretary Steck provided the second. The motion passed unanimously.

At 6:31 p.m. Chairman Krausman called for consideration and action on the sixth item on the agenda, the **Minutes from the 23 June 2022 meeting** of the Board of Adjustment. Vice Chairman Youngblood made a motion to approve the minutes as presented. Secretary Steck provided the second. The motion passed unanimously.

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Chairman Krausman announced that the next regular scheduled meeting will be held on Thursday, 21 July 2022 at 5:00 p.m. and called for the meeting to be adjourned at 6:32 p.m.

ADOPTED AND APPROVED THIS 21st DAY OF JULY 2022 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.

Steve Steck, Secretary

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Chairman Bob Krausman called to order the four hundred and fifty fifth meeting of the Hardin County Board of Adjustment at 5:00 p.m. on Thursday, 23 June 2022, in the Hardin County Government Center, 2nd Floor Meeting Room. The other Board Member in attendance was Vice Chairman Greg Youngblood. Also, in attendance were Director Adam King AICP, Planner Nikki McCamish, Planning Technician Haley Goodman, and the individuals listed on the attached sign-in sheet. Secretary Steve Steck was absent from this meeting. Chairman Krausman appointed Vice Chairman Greg Youngblood to serve as the Hearing Officer and to conduct the swearing in ceremony for all those in attendance who planned to speak.

At 5:01 p.m. Hearing Officer Youngblood announced the first item on the agenda is a continued hearing from the May 19, 2022 meeting; a request for a Conditional Use Permit to allow for a welding shop in the 74' x 80' detached accessory structure on site. The property is a 25 acre site located at 1404 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 PVA Map Number is 030-00-00-011. The property is owned by **ROBERT DECKARD** doing business as **HEARTLAND FABRICATING, LLC**. Director King reviewed the application, the plans for the property, and presented exhibits into the record. He also noted for the record that both Board members in attendance had visited the property.

Robert Vincent, of 1234 Constantine Road, Cecilia, KY spoke in opposition of the proposal. Mr. Vincent explained that manufacturing is not a permitted land use in the R-2 Zone according to the County's Zoning Ordinance. Mr. Vincent also stated that the Zoning Ordinance explains that a Conditional Use Permit shall not change the character of the area, or affect the neighboring properties adversely. Mr. Vincent explained how the application affects him adversely because of the smoke that comes from the business in the winter. Chairman Krausman stated that burning wood is a use by right, and the County has no regulations on that. Mr. Vincent further explained that this is not a welding shop, but a manufacturing facility and that the noise from it has increased his stress level.

Mr. Vincent then submitted **Exhibit J**. Photos Submitted by Vincent of Finished Products from Site.

Chairman Krausman asked Vice Chairman Youngblood if he could hear the grinder at Mr. Vincent's house during the site visit. Vice Chairman Youngblood stated that he could hear it, but that you could still have a conversation outside.

Mr. Vincent submitted **Exhibit K**. Photos of Smoke Submitted by Vincent, **Exhibit L**. Letter from Vincent's Pulmonologist, **Exhibit M**. Photos of Work Taking Place at Night

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from Vincent, **Exhibit N.** Photos of Neighbors Working at the Business, and **Exhibit O.** Videos Submitted into the Record from Vincent.

Vice Chairman Youngblood stated that the photos of work taking place at night do not contain any people, it just shows a light is on.

Director King explained that the Zoning Ordinance allows Conditional Use Permits for welding shops, but not manufacturing, and that neither of those terms are defined in the Zoning Ordinance.

Gary Gringle, of 1440 Constantine Road, Cecilia, KY provided testimony and answered questions from the Board Members and staff. Mr. Gringle asked to see **Exhibit N.** Photos of Neighbors Working at the Business. Mr. Gringle explained that his 17 year old daughter is in one of the photos, and she does not work for Mr. Deckard. Mr. Gringle stated that Mr. Deckard has been teaching her how to weld, and that he is very upset with Mr. Vincent for taking photos of his minor daughter. Mr. Gringle stated that this is an invasion of his privacy.

Amanda Gringle, of 1440 Constantine Road, Cecilia, KY provided testimony and answered questions from the Board Members and staff. Mrs. Gringle reiterated that their daughter does not work for Mr. Deckard, and that he is just teaching her how to weld because it helps with her anxiety.

Jeannie Deckard, of 1404 Constantine Road, Cecilia, KY provided testimony and answered questions from the Board Members and staff. Mrs. Deckard explained that their dumpster only gets picked up every 2 weeks, and on Mother's Day her husband was only doing personal work. Mrs. Deckard stated that they do often leave the lights on in the shop, but that doesn't mean they are working after hours. Mrs. Deckard offered to install trees and a privacy fence blocking the Vincent's view. Mrs. Deckard stated that they only burn wood in the wood stove, and that several of the neighbors come hang out at the shop, but that Mr. White is the only one who does work for them. Mrs. Deckard explained that the business only runs from 8 a.m. to 5 p.m. and anything done outside of those hours is personal work.

Gary White, of 1328 Constantine Road, Cecilia, KY provided testimony and answered questions from the Board Members and staff. Mr. White stated that the smoke coming from the wood stove last winter was his fault because he is not the best at making fires.

Robert Vincent, of 1234 Constantine Road, Cecilia, KY spoke in opposition of the proposal. Mr. Vincent explained that in **Exhibit N.** Photos of Neighbors Working at the Business, he was not taking pictures of the minor child but of the car. Mr. Vincent explained that he did not mean to become the villain.

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Julia Vincent, of 1234 Constantine Road, Cecilia, KY spoke in opposition of the proposal. Mrs. Vincent explained that she is responsible for taking the photos of the neighbors, not her husband.

Director King explained that since the Ordinance does not define welding shop or manufacturing, the Board could contact the County Attorney for a legal clarification/opinion on the matter.

Chairman Krausman stated that he wanted to table the hearing to receive guidance.

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

At 5:53 p.m. Hearing Officer Youngblood closed the hearing to public discussion.

Chairman Krausman announced that they would table the hearing until the next regularly scheduled meeting, July 7, 2022, to get legal clarification before making a decision.

A motion was made by Chairman Krausman to table the hearing. Vice Chairman Youngblood provided the second. The motion passed unanimously.

At 5:56 p.m. Hearing Officer Youngblood announced the second item on the agenda is an Amended Conditional Use Permit to continue to allow for wild game processing in a detached garage as an expanded home occupation. The property is a 2.87 acre site located at 220 Burns Road, Vine Grove, KY within the North Urban Planning Area and is zoned Urban Residential (R-1). The PVA Map Number is 141-00-00-034. The property is owned by **VICTORIA & STEPHEN MCCAIN** doing business as **MCCAIN'S WILD GAME SERVICES**. Director King reviewed the application, the plans for the property and presented the exhibits into the record.

Steve McCain, of 220 Burns Road, Vine Grove, KY provided testimony and answered questions from the Board members and staff. Mr. McCain explained that he mostly does wild game, but that some local farmers have recently been bringing him livestock on an average basis of every other week. Mr. McCain stated that in February and March he did have 1 or 2 livestock a week for about 5 weeks. Mr. McCain explained that he also uses this business to raise money for his nonprofit organization for veterans.

Chairman Krausman asked how he is putting the livestock down. Mr. McCain stated that he has a pistol that he uses, and that he has had to do a few onsite, but that he usually goes to the farm. Mr. McCain further explained that the leftovers from the processing goes into biobags and taken to the landfill during deer season. Mr. McCain stated that the heads and carcasses are kept in the fridge until the night before the trash runs, and then he puts them in the dumpster. Mr. McCain explained that he had issues with the previous trash pickup company refusing to pick up from his dumpster causing an odor issue. However, the only issues he has with the new company is on holiday weekends.

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Director King stated that a slaughter house is not permitted on residential property, and Mr. McCain stated that he would not operate that way if he is not allowed. Mr. McCain also stated that he did get permission from all of his neighbors before processing livestock on the property. Mr. McCain stated that most of his money does come from deer season, explained that he does want to expand his cooler area, and that he is hoping to grow into a larger operation that understood would require finding an alternative, non-residential site. Mr. McCain also explained that he can prevent the odor by not putting waste out if the trash is not going to run, and stated that he always cleans the dumpster out after the trash is picked up.

Tim Adkins, of 114 Burns Road, Vine Grove, KY spoke in opposition of the proposal. Mr. Adkins stated that Mr. McCain never got with him and his wife before bringing livestock on the property. Mr. Adkins expressed concerns of the smell, and stated that he would be okay if Mr. McCain were limited to wild game because deer aren't processed in the summer.

Chairman Krausman explained to Mr. McCain that he needs to limit himself to what the original application was for, and to look for a new location if he wants to expand.

Vice Chairman Youngblood stated that he was okay with the fridge expansion because it should help the problem.

Chairman Krausman reiterated that the operating months should be limited to August 15th through February 1st, limited to wild game only, and there needs to be visual screening in the form of fencing or landscaping around the dumpster.

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

At 6:41 p.m. Hearing Officer Youngblood 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;

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

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

1. This Conditional Use Permit shall allow for an expanded Home Occupation to allow for meat processing of wild game only within the detached garage on site.
2. Business Hours of Operation shall be from 9am to 8pm, Monday through Saturday, between August 15th to February 1st of each year.
3. There shall be a designated parking area with adequate room for vehicles to turn around on site so that no vehicles back out onto Burns Rd.
4. There shall only be no employees of the business who do not reside on the premises.
5. This property shall have a sewage system (septic tank and lateral lines) approved by the Hardin County Health Department.
6. A single sign no larger than 6 sq. ft. shall be permitted.
7. Additional screening or landscaping shall be required around the dumpster.
8. Any proposed dumpster shall be screened from view of the right-of-way and adjoining properties.
9. A Site Plan in compliance with Section 7 of the Zoning Ordinance shall be required.
10. This Conditional Use Permit shall be issued to the current property owner, Steven McCain, and is not transferable.
11. This Conditional Use Permit shall be for a period of three years and expire on June 23, 2025.
12. A Certificate of Land Use Restrictions shall be recorded in the Hardin County Clerk's Office.
13. The proposed 15' addition to the building shall receive all necessary permits through the KBC program of our office.

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Chairman Krausman provided the second. The motion passed unanimously.

At 6:43 p.m. Hearing Officer Youngblood announced the third item on the agenda is a request for a Variance from the side building setback to allow for an 18' x 32' pool deck. The property is a ±0.718 acre site located at 47 Sarah Court, Rineyville, KY known as Lot 23 of Cottonwood Estates, Section 1 within the North Urban Planning Area and is zoned Urban Residential (R-1). The PVA Map Number is 142-00-06-023. The property is owned by **LEAH & CURTIS STONE**. Planner McCamish reviewed the application, the plans for the property and presented the exhibits into the record.

Leah Stone, of 47 Sarah Court, Rineyville, KY provided testimony and answered questions from the board members and staff. Mrs. Stone stated that they did not know

they needed a permit whenever they built the deck 2 years ago. Mrs. Stone stated that they have not had any complaints from their neighbors. Mrs. Stone stated that they only built it there because of the lateral lines and the septic tank, and that they had no better location for it. Mrs. Stone explained that there was some electrical wiring done on it.

Director King stated that there will be no issues with the framing inspection because the bottom of the deck is not enclosed, and that it meets the 5 ft fire code. Director King also stated the neighbor's privacy fence helps from a visual perspective.

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

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

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

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

The Variance was granted with the noted conditions:

1. To allow for a Variance from the side building setback to accommodate the proposed 18'x32' pool deck to be no closer than 5' from the side property line.
2. A Site Plan in compliance with Section 7 of the Zoning Ordinance shall be required.

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3. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.
4. Building and electrical permits must be obtained from the Hardin County Planning and Development Commission office.
5. The deck shall not be covered or enclosed.

Chairman Krausman provided the second. The motion passed unanimously.

At 6:56 p.m. Hearing Officer Youngblood announced the fourth item on the agenda is a request for a Variance from the front building setback along South Ridge Road to allow for a covered 26' x 10' front porch. The property is a \pm 1.41 acre site located at 29 South Ridge Road, Elizabethtown, KY known as Lot 58 of Quail Hollow, Section 1 within the Kentucky 313 Corridor Planning Area and is zoned Residential Estate (R-3). The PVA Map Number is 228-00-01-058. The property is owned by **MARSHA MCLAIN**. Planner

McCamish reviewed the application, the plans for the property and presented the exhibits into the record.

Marsha McLain, of 29 South Ridge Road, Elizabethtown, KY provided testimony and answered questions from the board members and staff. Ms. McLain stated that she would love to have a 10' x 26' porch to cover the existing concrete slab. Ms. McLain explained that the front door gets hot, and she just wants some shade for it. Ms. McLain stated that porch will just be made of wood and she has no plans to enclose it. Ms. McLain also stated that there is very little traffic on this low speed road.

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

At 7:04 p.m. Hearing Officer Youngblood closed the hearing to public discussion.

Chairman Krausman and Vice Chairman Youngblood both stated that they have no issues with the application.

Vice Chairman Youngblood made a motion to grant the Variance based on the staff presentation and the testimony provided in the public hearing. He noted the proposal is not out of character for the area, is located on a low speed limit road, arises from special topography conditions, poses no safety issues, 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 to accommodate the proposed 26'x10' covered front porch to be no closer than 56' from the centerline of South Ridge Road. The porch may be covered but shall not be enclosed.
2. A Site Plan in compliance with Section 7 of the Zoning Ordinance shall be required.
3. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.
4. The sheds on the property must all receive permits through the KBC program of our office.

Chairman Krausman provided the second. The motion passed unanimously.

At 7:07 p.m. Hearing Officer Youngblood announced the fifth item on the agenda is a request for a Conditional Use Permit to allow for a 30' x 60' permanent accessory dwelling with 645 sq. ft. of living space on site. The property is a 185.7 acre site located at 555 Masters Lane, Elizabethtown, KY, known as Lot 2A of Irwin Subdivision, Section 2 within the KY 313 Corridor Planning Area and is zoned Residential Estate (R-3). The PVA Map Number is 198-00-00-029. The property is owned by **DALE IRWIN**. Director King reviewed the application, the plans for the property and presented the exhibits into the record.

Dale Irwin, of 555 Masters Lane, Elizabethtown, KY provided testimony and answered questions from the board members and staff. Mr. Irwin explained that his in laws live an hour away, and they watch his child so he just wants them to be closer. Mr. Irwin explained that the exterior of the dwelling will be green and sandstone metal to match the other structures on site. Mr. Irwin explained that he had no plans to subdivide the property.

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

At 7:16 p.m. Hearing Officer Youngblood closed the hearing to public discussion.

Vice Chairman Youngblood stated he had no issues with the application.

Vice Chairman Youngblood stated the request for the Conditional Use Permit arises from special circumstances including the size of the property, the structure will be out of site from the road and any neighboring properties, 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); Vice Chairman Youngblood made the motion to grant the Conditional Use Permit (CUP) with the following conditions:

12. This Conditional Use Permit for a Permanent Accessory Dwelling will allow for a 30'x60' detached accessory structure with 645 sq. ft. of living space on site.
13. The property owner, Dale Irwin, must occupy either the principal dwelling unit or the permanent accessory dwelling as their principal residence, and at no time receive rent for the owner-occupied unit.
14. Adequate on site parking must be designated on an approved site plan.
15. The existing driveway entrance will be shared by both dwellings.
16. The Permanent Accessory Dwelling is the proposed 30'x60' detached accessory structure with 645 sq. ft. of living space and the Principal Dwelling is the existing 832 sq. ft. home.
17. The Permanent Accessory Dwelling shall be located to the north of the existing home on the shared driveway and shall be located as illustrated on the approved Site Plan.
18. The exterior finish materials of the permanent accessory dwelling shall be sandstone colored metal with a green metal roof.

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19. Both dwellings shall have septic systems approved by the Environmental Services Office of the Health Department.
20. This Permit is not transferable and the new owners must reapply for the Conditional Use Permit and meet the necessary requirements.
21. Additional landscaping or screening shall not be required.
22. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.
23. 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 7:21 p.m. Chairman Krausman called for consideration and action on the sixth item on the agenda, the **Minutes from the 19 May 2022 meeting** of the Board of Adjustment. Vice Chairman Youngblood made a motion to approve the minutes as presented. Chairman Krausman provided the second. The motion passed unanimously.

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

1 Year of Service Planning Technician, Haley Goodman celebrated 1 years of service with the Planning Commission on 4 June 2022.

RFP for Comprehensive Plan Update A Request for Proposals has been issued for a professional planning consultant to assist with updating the Comprehensive Plan. The deadline for submissions is June 10th with an estimated start date of July 5th.

Chairman Krausman announced that the next regular scheduled meeting will be held on Thursday, 7 July 2022 at 5:00 p.m. and called for the meeting to be adjourned at 7:22 p.m.

ADOPTED AND APPROVED THIS 7th DAY OF JULY 2022 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.

Steve Steck, Secretary

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Chairman Bob Krausman called to order the four hundred and fifty fourth meeting of the Hardin County Board of Adjustment at 5:00 p.m. on Thursday, 19 May 2022, in the Hardin County Government Center, 2nd Floor Meeting Room. The other Board Members in attendance were Vice Chairman Greg Youngblood and Secretary Steve Steck. Also, in attendance were Director Adam King AICP, Planner Nikki McCamish, Planning Technician Haley Goodman, and the individuals listed on the attached sign-in sheet. Chairman Krausman appointed Secretary Steck to serve as the Hearing Officer and to conduct the swearing in ceremony for all those in attendance who planned to speak.

At 5:00 p.m. Hearing Officer Steck announced the first item on the agenda is a continued hearing from the May 5, 2022 meeting; a request for a Variance from Section 3-1(C)7 of the Zoning Ordinance, requiring new subdivision streets must intersect with an 18' wide paved road, to allow for a potential subdivision with streets off Tunnel Hill Church Road. The property is a \pm 420 acre site (3 PVA Parcels) located at 726 Tunnel Hill Church Road, Elizabethtown, KY within the North Urban Planning Area and is zoned Urban Residential (R-1). The PVA Map Numbers are 230-00-00-031, 230-00-00-032, & 230-00-00-045. The property is owned by **GEORGE L WALKER REVOCABLE LIVING TRUST** and the applicant is **SULPHUR SPRINGS FARM LLC**. Director King reviewed the application, the plans for the property and presented the exhibits into the record.

Jason Waters, of 111 Anniston Way, Elizabethtown, KY provided testimony via Zoom on a laptop at the podium and answered questions from the board members and staff. Mr. Waters apologized that he could not be at the hearing in person, and explained that he was on an important work trip.

Earl Wieman, of 722 Tunnel Hill Church Road, Elizabethtown, KY spoke in opposition of the proposal. Mr. Wieman expressed concerns about the protection of nature and the preservation of agricultural land.

Jason Waters, of 111 Anniston Way, Elizabethtown, KY provided testimony via Zoom explaining that he is excited to be Mr. Wieman's neighbor, and that he too cares about the protection of nature.

Chairman Krausman restated that at the previous meeting a consensus was being formed for a maximum of 45 lots, and a minimum lot size of 5 acres.

Secretary Steck stated that a minimum lot size requirement makes no difference to him, just the 45 lot maximum.

Chairman Krausman stated that he would prefer to go with what Mr. Waters has offered. Mr. Waters explained that he would prefer to redact the 5 acre minimum lot size if

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possible. Chairman Krausman replied that 10-30 acres was the initial offer, and then they came to a 5 acre minimum lot size consensus.

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

Vice Chairman Youngblood made a motion to grant the Variance based on the staff presentation and the testimony provided in the public hearing. He noted the proposal arises from special circumstance of the road width being measured between 17-17.5 ft, is within close proximity to the city limits of Elizabethtown, 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 Section 3-1(C)7 of the Zoning Ordinance that new subdivision streets must intersect with an 18' wide paved road.
2. The Variance will allow for a proposed subdivision with streets off Tunnel Hill Church Road not to exceed 45 total lots with a 5 acre minimum lot size.
3. An encroachment permit from the Hardin County Road Department shall be required. The proposed subdivision street entrance must comply with sight distance standards and have the required culvert pipe and turning radii.
4. A Record 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.

Secretary Steck provided the second. The motion passed unanimously.

At 5:25 p.m. Hearing Officer Steck announced the second item on the agenda is a Conditional Use Permit to allow for an expanded home occupation (retail sales - aquatic pet store) within the basement of the home. The property is a 0.69 acre site located at 113 Reserve Court, Elizabethtown, KY, known as Lot 43 of Thousand Oaks Subdivision, Section 4, within the Valley Creek Urban Planning Area and is zoned Urban Residential (R-1). The PVA Map Number is 247-00-04-043. The property is owned by **HARVEY AND DAWN CASTEEL** doing business as **BOURBON COUNTRY**

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CORALS, LLC. Planner McCamish reviewed the application, the plans for the property and presented exhibits into the record.

Harvey Casteel, of 113 Reserve Court, Elizabethtown, KY provided testimony and answered questions from the Board Members and staff. Mr. Casteel explained that he and his wife have been in business for 4 years, and it is a unique business because it is the only one like it within 50 miles. Mr. Casteel explained that they currently operate Monday through Friday after 5:00 p.m. and on Saturdays from 12:00 p.m. to 6:00 p.m., but that he is retiring soon and would like to expand his business hours by appointment only. Mr. Casteel stated that they have had a lot of repeat customers, and a lot of customers come off of I65 since it is only a few miles from their house. Mr. Casteel stated that many of their customers do linger for an hour or two to discuss and learn about the aquatic life and equipment, but they do not have more than 1-2 appointments per day. Mr. Casteel also stated that the customers have plenty of room to turn around in their driveway.

Mike Medley, of 162 Camara Court, Elizabethtown, KY provided testimony and answered questions from the Board Members and staff. Mr. Medley explained that he lives near the Casteel's, is aware of their business, and that he has not noticed any increases in traffic.

Paul Van Glider, of 179 Camara Court, Elizabethtown, KY provided testimony and answered questions from the Board Members and staff. Mr. Van Glider explained that he lives just across from the Casteel's, and that he works from home so he sees their property from his office. Mr. Van Glider also noted that they are great neighbors and there have been no increases in traffic because of their business.

Brandon Thompson, of 179 Camara Court, Elizabethtown, KY provided testimony and answered questions from the Board Members and staff. Mr. Thompson stated that he also thinks they are great neighbors, and that their business has not caused any increases in traffic.

Gabriele Medley, of 162 Camara Court, Elizabethtown, KY provided testimony and answered questions from the Board Members and staff. Mrs. Medley explained that she lives across the street with her husband, and she has also not noticed an increase in traffic.

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

At 5:44 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 does satisfy the language of the Development Guidance System Ordinance (Section 16-3) Standards of Issuance of a Conditional Use Permit as follows:

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

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

24. This Conditional Use Permit shall allow for an expanded home occupation to allow for a retail sales (aquatic pet store) within the basement of the home.
25. Hours of Operation shall be from 8:00 am-8:00 pm Monday-Sunday, by Appointment only.
26. There shall be no employees of the business who do not reside on the premises.
27. A single sign no larger than 6 sq. ft. shall be permitted.
28. This Conditional Use Permit shall be issued to the current property owners, Dawn & Harvey Casteel, and is not transferable.
29. All customer parking must be in the driveway as shown on the Site Plan and not within Reserve Court.
30. All business must be in the basement of the home, and not expand into the other areas of the home.

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31. A Site Plan in compliance with Section 7 of the Zoning Ordinance shall be required.
32. This Conditional Use Permit shall be for a period of 5 years and expire on May 19, 2027.
33. 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 third item on the agenda is a request for a Conditional Use Permit 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 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 PVA Map Number is 030-00-00-011. The property is owned by **ROBERT DECKARD** doing business as **HEARTLAND FABRICATING, LLC**. Director King reviewed the application, the plans for the property, and presented the 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 had not planned on starting a business, but the opportunity just fell in his lap. Mr. Deckard explained that they are making bed frames for the local Mattress Firm in Elizabethtown. Mr. Deckard stated that he has 3 employees, they work 8 a.m. to 5 p.m. Monday through Friday, and he offers competitive pay. Mr. Deckard explained that he has one sign on the front of the building, he picks up the materials and delivers the products, and all of the materials are pre-cut. Mr. Deckard stated that he is on the verge of outgrowing this location, but he is waiting to see if the project will continue long term before he invests in a new building elsewhere. Mr. Deckard stated that all materials are kept inside, and he is okay with a condition that they must be stored inside.

Gary White, of 1328 Constantine Road, Cecilia, KY provided testimony and answered questions from the Board Members and staff. Mr. White explained that he is a neighbor to Mr. Deckard, he has no problem with the business, verified Mr. Deckard gave an accurate description of the business, and he has no noise complaints with the business.

Gary Gringle, of 1440 Constantine Road, Cecilia, KY provided testimony and answered questions from the Board Members and staff. Mr. Gringle explained that he wishes all of his neighbors were as great as Mr. Deckard, and that he has no complaints.

Amanda Gringle, of 1440 Constantine Road, Cecilia, KY provided testimony and answered questions from the Board Members and staff. Mrs. Gringle explained that she also has no complaints about the business.

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William Brady, of 1415 Constantine Road, Cecilia, KY provided testimony and answered questions from the Board Members and staff. Mr. Brady explained that he also has no complaints about the business.

Jeremy Aldridge, of 2411 Ring Road, Suite 102, Elizabethtown, KY spoke in opposition of the proposal. Mr. Aldridge explained that he is an attorney speaking on behalf of adjoining property owner's, The Vincent's. Mr. Aldridge stated that his clients live 530' away from Mr. Deckard's building, and they have no noise or visual buffers. Mr. Aldridge explained that they have several complaints against Mr. Deckard's business, including noise, privacy, and employees urinating outside. He stated they have more than 3 employees and that the business has changed the character of the area.

Robert Vincent, of 1234 Constantine Road, Cecilia, KY spoke in opposition of the proposal. Mr. Vincent explained that Mr. Deckard's business is not just a welding shop, but an industrial factory. Mr. Vincent expressed several concerns of noise and privacy. Mr. Vincent stated that there is no buffer between their properties, and that he moved his family to the country for peace and quiet. Mr. Vincent stated that he has spoken with Mr. Deckard several times and tried to resolve this issue, but that they have done nothing to resolve it. Mr. Vincent also stated that all of the neighbors that spoke in favor of the proposal are also employees of the business.

Julia Vincent, of 1234 Constantine Road, Cecilia, KY spoke in opposition of the proposal. Mrs. Vincent explained that she homeschools her special needs son, and has a hard time concentrating now because of the noise coming from Mr. Deckard's property. Mrs. Vincent explained that the employees can see her from her back deck, and the noise often keeps her family up late at night. Mrs. Vincent stated that she feels as if they live on their neighbor's schedule now. She also raised concerns with noise, privacy, traffic, and trash collection. She entered **Exhibit I** into the record, which was an audio recording from May 13, 2022 at 9 a.m. of noise coming from the business.

Chairman Krausman noted for the record that there is no noise ordinance in the county, and if there were an agriculture operation next door there could be just as much noise.

Jeannie Deckard, of 1404 Constantine Road, Cecilia, KY provided testimony and answered questions from the Board Members and staff. Mrs. Deckard explained that she was not aware of employees urinating outside, but that they would take action on it because there is a bathroom in the building. Mrs. Deckard explained that they do have a farm, and that any noise coming from their property after business hours is from them working on their personal and agricultural related vehicles/equipment. Mrs. Deckard stated that they do have a timeclock for the employees and could provide evidence of their work hours. Mrs. Deckard explained that the dumpster is at the front of the building, out of Mr. & Mrs. Vincent's view, and that they cannot control what time the garbage runs. Mrs. Deckard also explained that the dump truck and trailers on site are

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part of their farm equipment, and do not belong to the business. Mrs. Deckard stated that they have tried to accommodate Mr. Vincent's complaints of smoke and noise regarding their stove, but it hasn't been good enough, and he even started calling them while they are on vacation.

Robert Vincent, of 1234 Constantine Road, Cecilia, KY clarified that he had never seen any of the employees urinating outside, and that it was a miscommunication between he and his attorney.

Gary Gringle, of 1440 Constantine Road, Cecilia, KY provided testimony and answered questions from the Board Members and staff. Mr. Gringle stated that he does not work for Mr. Deckard.

At 6:36 p.m. Hearing Officer Steck closed the hearing to public discussion.

All Board Members stated that they would like a chance to go look at the site.

Secretary Steck made a motion to table the hearing for a site visit until the next regularly scheduled meeting, on June 23, 2022. Vice Chairman Youngblood provided the second. The motion passed unanimously.

At 6:39 p.m. Hearing Officer Steck announced the fourth item on the agenda is a request for a Conditional Use Permit to allow for a 1,031 sq. ft. permanent accessory dwelling. The property is an 8.057 acre site located at 232 Bittersweet Drive, Elizabethtown, KY, known as Lot 1 of Senta Hill Subdivision within the North Urban Planning Area and is zoned Urban Residential (R-1). The PVA Map Number is 217-00-00-023.02. The property is owned by **CAROLYN & ADAM PALM**. Planner McCamish 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 hired contractor speaking on behalf of Mrs. Palm. Mr. Berry stated that they have a very large family from New York, and their mother-in-law is moving in. Mr. Berry explained that the accessory dwelling will have similar exterior materials as the house, the same color of vinyl, a new septic system, and that neither of the houses are visible from the private drive.

Mitch Stokan, of 6 Bittersweet Drive, Elizabethtown, KY stated he was not in opposition to the proposal but had questions. Mr. Stokan expressed concerns about what this

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would do to his property value, and what the term “permanent accessory dwelling” meant.

Director King responded that there is no future subdivision potential because of the private road, one of the homes must be owner occupied, no manufactured homes would be allowed, and it has to be behind the main dwelling with a shared driveway and that the exterior finish materials are required to match.

Chuck Henderson, of 144 Woods Court, Elizabethtown, KY spoke in opposition of the proposal. Mr. Henderson stated that he was concerned about the restrictions for The Woods Subdivision, but after viewing the presentation he realized this property is not part of that subdivision, and so he no longer has any concerns.

Carolyn Palm, of 232 Bittersweet Drive, Elizabethtown, KY provided testimony and answered questions from the Board Members and staff. Mrs. Palm explained that this is just for her mother because this is all the family that she has left and she is moving from New York. Mrs. Palm stated that she has 10 children, and they do not plan to leave or turn the accessory dwelling into a rental unit.

At 6:57 p.m. Hearing Officer Steck closed the hearing to public discussion.

Vice Chairman Youngblood stated the request for the Conditional Use Permit compliments the existing structure, does not change the character of the area, 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 the motion to grant the Conditional Use Permit (CUP) with the following conditions:

1. This Conditional Use Permit for a Permanent Accessory Dwelling will allow for a 1,031 sq. ft. second dwelling on site.
2. The property owners, Carolyn & Adam Palm, must occupy either the principal dwelling unit or the permanent accessory dwelling as their principal residence, and at no time receive rent for the owner-occupied unit.
3. Adequate on-site parking must be designated on an approved site plan.
4. The existing driveway entrance will be shared by both dwellings.
5. The Permanent Accessory Dwelling is the proposed 1,031 sq. ft. second dwelling and the Principal Dwelling is the existing 2,594 sq. ft. home.
6. The Permanent Accessory Dwelling shall be located behind the existing home and shall be located as illustrated on the approved Site Plan.
7. The exterior finish materials of the permanent accessory dwelling shall be brown brick with tan siding and a shingled roof to match the house.
8. Both dwellings shall have septic systems approved by the Environmental Services Office of the Health Department.
9. This Permit is not transferable and the new owners must reapply for the Conditional Use Permit and meet the necessary requirements.
10. Additional landscaping or screening shall not be required.
11. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.
12. A Certificate of Land Use Restrictions shall be recorded in the office of the Hardin County Clerk.
13. The prefab shed, deck and enclosed garage must all receive permits through the KBC program of our office.

Secretary Steck provided the second. The motion passed unanimously.

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At 7:02 p.m. Hearing Officer Steck announced the fifth item on the agenda is a continued hearing from the May 5, 2022 meeting; a request for a Conditional Use Permit to allow for a 528 sq. ft. ground mount solar system to be installed on site. The property is an 11.938 acre site located at 1635 Sportsman Lake Road, Elizabethtown, KY, known as Lot 9A of Royal Oaks Subdivision within the South Dixie Corridor Planning Area and is zoned Urban Residential (R-1). The PVA Map Number is 223-30-00-027. The property is owned by **TERRI & ANDERS SIMONSSON** and the applicant is **SOLAR TITAN USA**. Planner McCamish reviewed the application, the plans for the property, and presented the exhibits into the record.

Anders Simonsson, of 1635 Sportsman Lake Road, Elizabethtown, KY provided testimony and answered questions from the Board Members and staff. Mr. Simonsson explained that the power comes into the accessory building, but is supplying his house also. Mr. Simonsson stated that they agreed to a roof mount system, but that the installation team just put them on the ground. Mr. Simonsson explained that he is unimpressed with the installation, and that it only has 10 ground anchors while it is supposed to have 20. Mr. Simonsson explained that he is upset because he has been making payments on it, and it is still not in operation.

Chairman Krausman stated that the location of the panels is very ideal, because there are no neighbors in a close proximity, they have a large property, and the panels are behind a building.

Brock Smith, of 414 North Peters Road, Knoxville, TN provided testimony and answered questions from the Board members and staff. Mr. Smith explained that he is the new regional manager for Solar Titan USA, and he is trying to fix whatever mistakes his company has made in the past. Mr. Smith apologized for Mr. Simonsson's troubles and stated that the panels needed to be installed per the manufacturer's specifications.

At 7:15 p.m. Hearing Officer Steck closed the hearing to public discussion.

Secretary Steck stated the request for the Conditional Use Permit is not visible from any surrounding properties, 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 the motion to grant the Conditional Use Permit (CUP) with the following conditions:

1. This Conditional Use Permit shall allow for a 528 sq. ft. ground mount solar array that exceeds the 200 sq. ft. threshold for ground mount solar systems as established by the Planning Commission with Resolution 2020-011.
2. An electrical permit and the necessary inspections shall be required from the KBC program of our office.
3. The proposed solar array shall comply with building setbacks.
4. The proposed solar array shall be located behind the detached garage.
5. Additional landscaping or screening shall not be required.
6. A Site Plan in compliance with Section 7 of the Zoning Ordinance shall be required.
7. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.
8. The panels must be installed per the schematics/engineered plans that have been submitted.

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

At 7:19 p.m. Chairman Krausman called for consideration and action on the **Minutes from the 5 May 2022 meeting** of the Board of Adjustment. Secretary Steck made a motion to approve the minutes as presented. Vice Chairman Youngblood provided the second. The motion passed unanimously.

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Chairman Krausman announced that the next regular scheduled meeting will be held on Thursday, 23 June 2022 at 5:00 p.m. and called for the meeting to be adjourned at 7:20 p.m.

ADOPTED AND APPROVED THIS 23rd DAY OF JUNE 2022 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.

Steve Steck, Secretary

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Chairman Bob Krausman called to order the four hundred and fifty third meeting of the Hardin County Board of Adjustment at 5:05 p.m. on Thursday, 5 May 2022, in the Hardin County Government Center, 2nd Floor Meeting Room. The other Board Members in attendance were Vice Chairman Greg Youngblood and Secretary Steve Steck. Also, in attendance were Director Adam King AICP, Planner Nikki McCamish, Planning Technician Haley Goodman, 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 5:06 p.m. Hearing Officer Steck announced the first item on the agenda is a request for a Conditional Use Permit to allow for the construction of a 2,557 sq. ft. permanent accessory dwelling with 1,033 sq. ft. of living space. The property is a 21 acre site located at 1099 Jenkins Road, Rineyville, KY within the West Urban Planning Area and is zoned Rural Residential (R-2). The PVA Map Number is 099-00-00-007. The property is owned by **HUTCHISON HOLDINGS LLC** and the applicant is **MELISSA HUTCHISON**. Director King reviewed the application, the plans for the property and presented the exhibits into the record.

Melissa Hutchison, of 154 Shepherds Way, Rineyville, KY provided testimony and answered questions from the board members and staff. Mrs. Hutchison explained that she and her husband want to build an "in-law suite" to get her father-in-law out of the basement. Mrs. Hutchison stated that he has lived with them for the past 10 years and it is time for him to have his own space. Mrs. Hutchison explained that the proposed dwelling will contain a 3 car garage, a storage unit, and living quarters. Mrs. Hutchison stated that they are still waiting on the plans but that it will match the exterior of the main dwelling, which is currently being remodeled. Mrs. Hutchison stated that there is a cow pasture on one side of the property, and the closest neighbor is a good distance away. Mrs. Hutchison also stated that they will have to install another septic system, per the health department.

Chairman Krausman asked Mrs. Hutchison if they had any future plans to subdivide the property, and she said no. Chairman Krausman stated that this is a great application, and that it checks off all of our boxes.

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

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

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

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

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

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

1. This Conditional Use Permit for a Permanent Accessory Dwelling will allow for the construction of a detached home with 1,033 sq. ft. of living space and 2,557 sq. ft. under roof.
2. The property owners, Melissa and Howard Hutchison Jr., must occupy either the principal dwelling unit or the permanent accessory dwelling as their principal residence, and at no time receive rent for the owner-occupied unit.
3. Adequate on-site parking must be designated on an approved site plan.
4. The existing driveway entrance will be shared by both dwellings.
5. The Permanent Accessory Dwelling is the proposed 2,557 sq. ft. home and the Principal Dwelling is the existing 3,703 sq. ft. home.
6. The Permanent Accessory Dwelling shall be located next to the existing home and shall be located as illustrated on the approved Site Plan.
7. The exterior finish materials of the permanent accessory dwelling shall be yellow siding and a shingled roof to match the house.
8. Both dwellings shall have septic systems approved by the Environmental Services Office of the Health Department.

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9. This Permit is not transferable and the new owners must reapply for the Conditional Use Permit and meet the necessary requirements.
10. Additional landscaping or screening shall not be required.
11. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.
12. A Certificate of Land Use Restrictions shall be recorded in the office of the Hardin County Clerk.

Secretary Steck provided the second. The motion passed unanimously.

At 5:22 p.m. Hearing Officer Steck called for consideration and action on the second item on the agenda, a request for a Conditional Use Permit to allow for a 528 sq. ft. ground mount solar system to be installed on site. The property is an 11.938 acre site located at 1635 Sportsman Lake Road, Elizabethtown, KY, known as Lot 9A of Royal Oaks Subdivision within the South Dixie Corridor Planning Area and is zoned Urban Residential (R-1). The PVA Map Number is 223-30-00-027. The property is owned by **TERRI & ANDERS SIMONSSON** and the applicant is **SOLAR TITAN USA**. Director King announced that this request had been postponed until the May 19, 2022 meeting, because additional information is still needed from the applicants.

At 5:23 p.m. Chairman Krausman called for consideration and action on the **Minutes from the 14 April 2022 meeting** of the Board of Adjustment. Vice Chairman Youngblood made a motion to approve the minutes as presented. Secretary Steck provided the second. The motion passed unanimously.

At 5:26 p.m. Chairman Krausman announced that he was going to recuse himself from the next two hearings because he has a business relationship with the applicant, Daily Green Power, and he left the meeting room.

At 5:29 p.m. Hearing Officer Steck called for consideration and action on the third item on the agenda, a request for a Conditional Use Permit to allow for a 1,300 sq. ft. ground mount solar system to be installed on site. The property is a 1.565 acre site located 49 Rimrock Court, Elizabethtown, KY, known as Lot 14 of Stoneridge Subdivision, Section 2, within the Colesburg Area Planning Area and is zoned Rural Residential (R-2). The PVA Map Number is 241-00-03-014. The property is owned by **JOHN & AMELDA ROUGEUX** and the applicant is **DAILY GREEN POWER**. Planner McCamish reviewed the application, the plans for the property and presented the exhibits into the record.

David Gomez, with Daily Green Power, of 1105 Julianna Court, Suite 6, Elizabethtown, KY provided testimony and answered questions from the board members and staff. Mr. Gomez explained that studies from the American Solar Energy Society have found that solar panels actually help increase property values. Additionally, Mr. Gomez explained

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the panels do not emit any noise, glare, or spillage of toxic chemicals. Mr. Gomez stated that many airports across the U.S. now contain solar panels, which they could not do if they produced glare. Mr. Gomez clarified that the main components of the panels are glass and silicon.

Director King asked if the panels could be moved back closer to the tree line, and Mr. Gomez responded that is where they originally wanted to put the panels, but that it would hit the septic lines in that location.

Vice Chairman Youngblood asked about screening, and Mr. Gomez responded that they have screening in the rear that hides the wires, but that they block the sun from the panels with the trees.

Secretary Steck asked if it would be possible to put some low shrubs along the front, and Mr. Gomez stated that the front of the panels will only be 3 feet off of the ground, and they will be placed on a gravel pad.

Bobby Alexander, of 491 Boulder Drive, Elizabethtown, KY stated that he owns Lots 20, 21, and 23 of Stone Ridge Subdivision, and he is concerned about the panels being visible from his lots. Mr. Alexander also questioned if the responsibility of the maintenance of the panels would fall on the homeowner, and who would clean up any broken panels. Mr. Alexander also asked about the kind of materials going into the panels, what their life expectancy is, and also, he stated that he disagrees that solar panels would increase a property's value. Director King stated that if the CUP is approved, and that the conditions are not satisfied then another hearing would be held to revoke the application.

Mr. Gomez stated that all of the materials are made in America and that they try to stay away from foreign made materials. Mr. Gomez explained that the materials they use have been around for 40 years, so the life expectancy is for 40+ years. Mr. Gomez explained that the mounting structure is made of galvanized steel and can withstand up to 150 mph winds, so they are very sturdy. Mr. Gomez reiterated that there are no contaminants in any of the components, and that they are completely safe. Mr. Gomez explained that including the gravel pad, the footprint of the structure is 15'x87'.

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

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

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

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

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

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

1. This Conditional Use Permit shall allow for a 1,300 sq. ft. ground mount solar array that exceeds the 200 sq. ft. threshold for ground mount solar systems as established by the Planning Commission with Resolution 2020-011.
2. An electrical permit and the necessary inspections shall be required from the KBC program of our office.
3. The proposed solar array shall comply with building setbacks.
4. The proposed solar array shall be located behind the existing home.
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 2-0 with Chairman Krausman having recused himself from the proceedings.

At 6:03 p.m. Hearing Officer Steck called for consideration and action on the fourth item on the agenda, a request for a Conditional Use Permit to allow for a 964 sq. ft. and a 536 sq. ft. ground mount solar systems to be installed on site. The property is a 1.25-acre site located at 307 Oakwood Circle, Vine Grove, KY known as Lot 17B of Country Meadows Estates within the KY 361 Corridor Planning Area and is zoned Urban Residential (R-1). The PVA Map Number is 117-00-01-017. The owners are **JOSEPH**

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AND BERTA CALVERT and the applicant is **DAILY GREEN POWER**. Planner McCamish reviewed the application, the plans for the property and presented the exhibits into the record.

David Gomez, with Daily Green Power, of 1105 Julianna Court, Suite 6, Elizabethtown, KY provided testimony and answered questions from the board members and staff. Mr. Gomez explained that this was originally 1 single panel, but that would not comply with setbacks so they turned it into two panel systems. Mr. Gomez stated this system is 3 ft off the ground in the front and 11 ft off the ground in the back, and a gravel pad just like the previous application. Mr. Gomez restated the materials have a life expectancy of 40 years, with a warranty of 25 years, the products are American made, there is no glare, no noise, and no toxic spillage from the panel system.

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

At 6:17 p.m. Hearing Officer Steck closed the hearing to public discussion.

Secretary Steck stated the request for the Conditional Use Permit has a noticeable distance from the closest neighbor, has natural vegetative screening already in place, is right next to a four lane highway, and does satisfy the language of the Development Guidance System Ordinance (Section 16-3) Standards of Issuance of a Conditional Use Permit as follows:

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

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

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1. This Conditional Use Permit shall allow for a 964 sq. ft. and a 536 sq. ft. ground mount solar array that exceeds the 200 sq. ft. threshold for ground mount solar systems as established by the Planning Commission with Resolution 2020-011.
2. An electrical permit and the necessary inspections shall be required from the KBC program of our office.
3. The proposed solar array shall comply with building setbacks.
4. The proposed solar array shall be located behind the existing home.
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 2-0 with Chairman Krausman having recused himself from the proceedings.

At 6:22 p.m. Chairman Krausman rejoined the meeting.

At 6:23 p.m. Hearing Officer Steck called for consideration and action on the fifth item on the agenda, a request for a Variance from the 1:4 lot width-to-length ratio to allow for a portion of Fernwood Subdivision, Section 4, Lot 65 to be merged with Fernwood Subdivision, Section 2, Lot 31. The property is a proposed 10.977 acre site located at 195 Fernwood Boulevard, Elizabethtown, KY within the Valley Creek Urban Planning Area and is zoned Urban Residential (R-1). The PVA Map Number is 235-00-00-015. The owners are **CATHY AND BEN RIGGS** and the applicant is **ALLISON AND LOUIS COLEMAN**. Director King reviewed the application, the plans for the property and presented the exhibits into the record.

Louis Coleman, of 271 Fernwood Boulevard, Elizabethtown, KY provided testimony and answered questions from the board members and staff. Mr. Coleman explained that this variance would allow for them to build a garage that meets the 10' side setback requirement. Chairman Krausman clarified that it is the depth of the larger lot which requires the variance.

Cathy Riggs, of 65 Fernwood Boulevard provided testimony and answered questions from the board members and staff. Mrs. Riggs explained that they had a survey done when they first bought the property that showed their driveway as being one more lot over. Mrs. Riggs explained that they bought the adjoining lot and are considering merging it with their current one, which may eliminate the need for this variance in the future.

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

At 6:33 p.m. Hearing Officer Steck closed the hearing to public discussion.

Secretary Steck and Vice Chairman Youngblood both stated that they have no issues with the application.

Chairman Krausman stated that he also has no issues with the application, it almost meets the requirements, and that there are no safety hazards.

Vice Chairman Youngblood made a motion to grant the Variance based on the staff presentation and the testimony provided in the public hearing. He noted the proposal arises from special circumstance of the shape of the subdivision lot, poses no safety issues, 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 1:4 lot width-to-length ratio (Lot 65A) to allow for the proposed lot line amendment between Lots 31 & 65 of Fernwood Subdivision
2. The proposed 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.

Secretary Steck provided the second. The motion passed unanimously.

At 6:38 p.m. Hearing Officer Steck conducting the swearing in ceremony for all of the new attendees in the audience who planned to speak.

At 6:39 p.m. Hearing Officer Steck called for consideration and action on the sixth item on the agenda, a request for a Variance from Section 3-1(C)7 of the Zoning Ordinance, requiring new subdivision streets must intersect with an 18' paved road, to allow for a potential subdivision with streets off Tunnel Hill Church Road. The property is a \pm 420 acre site (3 PVA Parcels) located at 726 Tunnel Hill Church Road, Elizabethtown, KY within the North Urban Planning Area and is zoned Urban Residential (R-1). The PVA Map Numbers are 230-00-00-031, 230-00-00-032, and 230-00-00-045. The property is owned by **GEORGE L WALKER REVOCABLE LIVING TRUST** and the applicant is

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SULPHUR SPRINGS FARM LLC. Director King reviewed the application, the plans for the property and presented the exhibits into the record.

Jason Waters, with Sulphur Springs Farm LLC, of 111 Anniston Way, Elizabethtown, KY provided testimony and answered questions from the board members and staff. Mr. Waters explained that he and his wife are going to potentially buy the Walker Farm to live on and develop with their two children. Mr. Waters explained that this is a large investment, and that this application is really to protect that investment in the future. Mr. Waters explained that if they do develop the property, that the intention would be for mini farms, with estate homes and 10-30 acre lot sizes. Mr. Waters stated that they have no intentions of creating 200+ small lots, and that they are not even certain that they will develop it into a subdivision. Chairman Krausman asked if he was agreeable to a limitation on lot size, and Mr. Waters said yes.

Secretary Steck asked about a road entrance, and Director King replied that the Hardin County Road Department has already completed the site distance evaluation, and they have approved a new encroachment for a future street, between Sunrise Children's Home and Tunnel Hill Baptist Church.

Scott Alicna, of 706 Vanderbilt Drive, Elizabethtown, KY provided testimony and answered questions from the board members and staff. Mr. Alicna stated that several surveyors have actually shown 18' of pavement width on parts of Tunnel Hill Church Road, but the road width is not uniform. Mr. Alicna explained that this proposal is for a 425 acre farm located within 1.5 miles of Elizabethtown city limits, and is less than a foot short from the minimum road requirement. Mr. Alicna asked the board members to approve the Variance request based on KRS Section 100.243 and DGS 5-3 (B) (1) Findings necessary for granting variance: 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.

Earl Wieman, of 722 Tunnel Hill Church Road, Elizabethtown, KY spoke in opposition of the proposal. Mr. Wieman explained that his property is surrounded by this farm, and that they share the private road. Mr. Wieman stated that there was a previous application for a subdivision with streets for an adjoining farm in 1995, which was approved, but then later overturned by fiscal court for road safety concerns. Mr. Wieman explained that at the time there were only 2 families on this road, but now there are over 50 mailboxes. Director King stated that in 1995 the records indicate the road width was only 14' of pavement, and has since been widened. Mr. Wieman stated that in order to access a large portion of this property, the new owners will have to cross his property/driveway.

Steve Crutcher, of 230 Tunnel Hill Church Road, Elizabethtown, KY spoke in opposition of the proposal. Mr. Crutcher stated that the traffic study shown in the presentation had

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misleading information because the correct speed limit is 25 mph and not 35 mph. Mr. Crutcher also stated that he knows of at least 2 other wrecks on Tunnel Hill Church Road that were not reported. Vice Chairman Youngblood asked if he is concerned about the speed limit or the additional traffic, and Mr. Crutcher stated both. Chairman Krausman stated that if the county were to come out and widen the road by a few inches, he will not have to ask for permission. Mr. Crutcher said to make Mr. Waters wait until the road is widened.

Phillip James, of 1187 Tunnel Hill Church Road, Elizabethtown, KY spoke in opposition of the proposal. However, Mr. James stated that if Mr. Waters commits to the 10-30 acre lot size he has no issues.

Ron Wurth, of 931 Adams Lane, Elizabethtown, KY spoke in opposition of the proposal. Mr. Wurth explained that he is concerned about trespassing onto his adjoining land. Secretary Steck explained that if he subdivides the land to sell lots, then a surveyor would have to mark the property lines.

John O'Boyle, of 761 Tunnel Hill Church Road, Elizabethtown, KY spoke in opposition of the proposal. Mr. O'Boyle explained that he is concerned about traffic, and light pollution into the house of the woman that lives directly across from the proposed entrance. Mr. O'Boyle also explained that there have been more than 4 wrecks on this road. Vice Chairman Youngblood asked how much traffic the church brings to the road? Mr. O'Boyle stated that it does not bring very much traffic, and that it is mostly on Sundays. Mr. O'Boyle also stated that water runoff is really bad on this road, and he does not want to see it get any worse. Director King explained that any new subdivision with streets would require drainage plans designed by an engineer.

Diane Overton, of 914 Tunnel Hill Church Road, Elizabethtown, KY spoke in opposition of the proposal. Mrs. Overton explained that she lives just past the church, and that the water runoff is very bad in this area. Mrs. Overton stated that she saw a woman overturn her van in front of the church one day because of flooding on the road.

Earl Wieman, of 722 Tunnel Hill Church Road, Elizabethtown, KY asked if this variance is granted, what regulations are in place to prevent any future land owner from developing the land any way that they want? Director King explained that the variance runs with the land, so the conditions placed with the variance would apply to whoever buys the land in the future. Director King also explained that these conditions could change if the road is widened or if the zoning ordinance is amended. Under these circumstances, the variance could potentially no longer be needed and thus the conditions would cease to exist. Mr. Wieman asked who decides on these conditions, and Director King responded the Board of Adjustment could decide on them tonight.

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Chris Overton, of 914 Tunnel Hill Church Road, Elizabethtown, KY stated that his property touches the Walker Farm property, and that he feels much better after hearing Mr. Waters testimony with the larger lot sizes.

Jason Waters, of 111 Anniston Way, Elizabethtown, KY provided testimony and answered questions from the board members and staff. Mr. Waters explained that the private road is something he and Mr. Wieman need to have a conversation about and figure out who truly owns it. Mr. Waters explained that the road is currently being used by both parties, and that access cannot be blocked to either party. Mr. Waters stated that safety is his number one concern because he is potentially going to be living here with his two young kids. Mr. Waters explained that trespassing is a major concern to him as well, and that he likes that the creek acts as a natural barrier, and that he would have the property surveyed to figure out where the boundaries lay. Mr. Waters stated that he would be comfortable with developing about 200 of the acres, and keeping 200 acres for his family. Mr. Waters stated that he would prefer to have a maximum of around 40 lots, ranging from 10-30 acres in size.

Miguel Rivera, of 1010 Tunnel Hill Church Road, Elizabethtown, KY asked for clarification on the proposal because he has several different acreages and lot sizes mentioned. Mr. Rivera stated that they just need to quantify the amount, and that he is also concerned about the increased traffic not following the speed limit. Mr. Rivera asked the Board to go look at the existing entrance by the curve. Chairman Krausman stated that the County Road Department will do an evaluation to approve an entrance. Secretary Steck stated that the Board does have the opportunity to determine the lot size requirements. Mr. Rivera stated that he doesn't want to infringe on the applicants rights regarding what he can do with the property, but he would prefer 20 lots over 200.

Scott Alicna, of 706 Vanderbilt Drive, Elizabethtown, KY provided testimony and answered questions from the board members and staff. Mr. Alicna noted that there are more lots in the area surrounding the proposed subdivision entrance than there will be in the entire proposed subdivision.

Jason Waters, of 111 Anniston Way, Elizabethtown, KY provided testimony and answered questions from the board members and staff. Mr. Waters provided clarification from his earlier testimony that he was using the term 'mini' farms and not 'many' farms.

Chairman Krausman thanked the audience for their input on this hearing, and stated that this is their moment to have any kind of say on the decision at hand.

Brian Jones, of 881 Tunnel Hill Church Road, Elizabethtown, KY stated that he would prefer big lots of around 40 acres in size, and less houses if it is going to be developed.

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Ron Wurth, of 931 Adams Lane, Elizabethtown, KY spoke in opposition of the proposal. Mr. Wurth stated that they need to decide on a number of lots and acreage, and that he suggests a 20 acre lot size average. Director King explained that it is going to be much better to regulate the number of lots rather than the acreage, due to issues with banks and lending issues on very large lots.

Vice Chairman Youngblood asked Mr. Waters how much of the 420 acres can be developed? Mr. Waters explained that the survey has not been done yet, but he believes 200-250 acres could potentially be developed. Director King stated that not all people will want a large lot to take care of, but they may still want to be surrounded by farms. Mr. Waters suggested a 5 acre minimum lot size, with a maximum of 45 lots. Vice Chairman Youngblood asked what they needed to do about the shared driveway situation, and Director King explained it would be part of the surveying process. Chairman Krausman stated that they may want to get a title attorney to address the driveway issue. Vice Chairman Youngblood asked about the stormwater runoff issue, and Director King replied that the storm water ponds developed by an engineer would probably make the situation better.

Miguel Rivera, of 1010 Tunnel Hill Church Road, Elizabethtown, KY asked for clarification on the lot size, and why the number keeps going down. He stated that we were taking 200 acres to develop, and then we went from 20 acre lots, to 10 acre lots, to now over 80 lots. Director King clarified that while the lot size went down to 5 acres, he still cannot have more than 45 lots.

Mr. Wieman, of 722 Tunnel Hill Church Road, Elizabethtown, KY, asked if the size of the lots was shrinking, and the board members replied yes, but we are still limiting the number of lots. Mr. Wieman said we started at 10-30 acres, and now we are at 5 acres, and it is too much of a decrease. Chairman Krausman stated that financing on very large lots can sometimes be an issue, and he wants to do this right the first time so that we do not have to address the issue again.

Chairman Krausman stated that he would like to go look at the property before making a decision.

Director King stated that we could table the hearing until the next meeting, May 19th.

Secretary Steck made a motion to table the public hearing until the next regularly scheduled meeting so that the board members have a chance to look at the site. Vice Chairman Youngblood provided the second. The motion passed unanimously.

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

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APA-KY Regional Conference

On April 21-22, 2022 Director Adam King, Planner Nikki McCamish and Planning Technician Haley Goodman attended the APA-KY Regional Conference in Owensboro, KY. They presented on the past, present and future of Planning & Zoning in Hardin County.

Chairman Krausman announced that the next regular scheduled meeting will be held on Thursday, 19 May 2022 at 5:00 p.m. and called for the meeting to be adjourned at 8:05 p.m.

ADOPTED AND APPROVED THIS 19th DAY OF MAY 2022 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.

Steve Steck, Secretary

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Chairman Bob Krausman called to order the four hundred and fifty second meeting of the Hardin County Board of Adjustment at 5:02 p.m. on Thursday, 14 April 2022, in the Hardin County Government Center, 2nd Floor Meeting Room. The other Board Members in attendance were Vice Chairman Greg Youngblood and Secretary Steve Steck. Also, in attendance were Director Adam King AICP, Planner Nikki McCamish, Planning Technician Haley Goodman, 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 request for a Variance from the minimum road frontage along Leitchfield Road (US 62) and the lot width-to-length ratio to allow for the property to be further subdivided. The property is a 24.9 acre site located at 10889 & 10961 Leitchfield Road, Cecilia, KY within the Stephensburg Rural Village Planning Area and is zoned Rural Residential (R-2). The PVA Map Number is 105-00-00-084.01. The property is owned by **THE ESTATE OF BARBARA GREY** and the applicant/executrix is **MONICA HAYES**. Director King reviewed the application, the plans for the property and presented the exhibits into the record.

Monica Hayes, of 319 West Center Street, Munfordville, KY provided testimony and answered questions from the board members and staff. Ms. Hayes explained that there is a shared driveway for this site that serves both existing manufactured homes. Ms. Hayes stated that there are steep slopes along both sides of the road frontage, and a large drainage area on the eastern side. Ms. Hayes explained that the State Highway Department would not allow for two entrances due to the cross tile under the road, which has also created a wetland area. Ms. Hayes explained that her parents previously owned the property, and that the will stated that both houses on the property were to be given to 2 separate grandsons. Ms. Hayes explained that her parents likely did not see this becoming a problem when they wrote the will.

Melissa Pitman, of 11610 Leitchfield Road, Cecilia, KY provided testimony and answered questions from the board members and staff. Ms. Pitman explained that she is a co-executrix of the estate, and stated that she did not believe there is as much road frontage on proposed Lot 2 as is shown on the powerpoint.

Director King responded that both surveys done on the property (including the proposed plat) show the correct amount, and that she owns more along the road than she thinks she does.

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

At 5:21 p.m. Hearing Officer Steck closed the hearing to public discussion.

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Vice Chairman Youngblood made a motion to grant the Variance based on the staff presentation and the testimony provided in the public hearing. He noted the proposal arises from special circumstance of the topography, the location of the state cross tile, and the existing shared entrance (that promotes the goal of access management), 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 200' minimum road frontage requirement and the 1:3 lot width-to-length ratio (Lot 2) to allow for the property to be further subdivided into two lots. A shared driveway shall be required.
2. The proposed Record Plat shall substitute for the required Site Plan.
3. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Secretary Steck provided the second. The motion passed unanimously.

At 5:24 p.m. Hearing Officer Steck announced the second item on the agenda is a request for a Conditional Use Permit to allow for an 880 sq ft ground mount solar system to be installed on site. The property is a 3.133 acre site located at 2945 Glendale Hodgenville Road West, Glendale, KY, known as Lot 1D of Tapp Subdivision within the Natural Resource Planning Area and is zoned Rural Residential (R-2). The PVA Map Number is 190-10-00-019.07. The property is owned by **TONYA & DOUG OSBORNE** and the applicant is **SOLAR IS FREEDOM**. Planner McCamish reviewed the application, the plans for the property, and presented the exhibits into the record.

Greg Lekson, of 4007 Bach Buxton Road, Amelia, OH provided testimony and answered questions from the board members and staff. Mr. Lekson explained that they have proposed a 44 panel system facing south, and the proposed location of the array was actually decided upon after guidance from the Hardin County Planning & Development staff. Chairman Krausman stated that the issue at hand is that the proposed array is above the allowed 200 sq. ft. maximum. Mr. Lekson stated that their average home install consists of 36 panels, so this project is just above average for

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them. Chairman Krausman asked if screening was proposed, and Mr. Lekson stated no. Mr. Lekson explained that the homeowner can however put up any screening that they wish, as long as it does not shade the panels.

Doug Osborne, of 2945 Glendale Hodgenville Road West, Glendale, KY provided testimony and answered questions from the board members and staff. Secretary Steck asked if he would be opposed to installing screening around the solar arrays? Mr. Osborne stated that to him it would be more of an eyesore if landscaping was planted and not maintained by the next owner of the property. Director King stated that there is a good distance of over 2000 feet between the proposed solar panel location and the house behind Mr. Osborne's, so it may not be very visible to them. Chairman Krausman stated that solar panels are a new issue for the Board of Adjustment, so they are just trying to make sure it's not an issue for the surrounding property owners. Mr. Osborne explained that the solar panels will not be visible from the road, and unless you are coming to see him or Mr. Sego, you will not see the solar panels. Chairman Krausman stated that we also have to think of the future, and the vacant lot next to him is much closer to the proposed location of the panels.

Ben Sego, of 3005 Glendale Hodgenville Road West, Glendale, KY provided testimony and answered questions from the board members and staff. Mr. Sego stated that he has no issue with the application, and that he will be able to see the solar panels from his house. Mr. Sego stated that he is even closer to the house behind both properties, and that he can not even see if there is a car parked in their driveway, so they should not have much visibility of the solar panels. Chairman Krausman asked what he thought of a tree line as screening, and Mr. Sego responded that it would be difficult to maintain. Director King stated that screening has only been required on 2 out of the 6 approved conditional use permit applications for ground mount solar systems and those were in platted subdivision with streets.

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

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

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

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

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

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

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

7. This Conditional Use Permit shall allow for an 880 sq. ft. ground mount solar array that exceeds the 200 sq. ft. threshold for ground mount solar as established by the Planning Commission with Resolution 2020-011.
8. An electrical permit and the necessary inspections shall be required from the KBC program of our office.
9. The proposed solar array shall comply with building setbacks.
10. The proposed solar array shall be located behind the existing home.
11. A Site Plan in compliance with Section 7 of the Zoning Ordinance shall be required.
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 5:50 p.m. Hearing Officer Steck announced the third item on the agenda is a request for an Amended Conditional Use Permit to all for the continued operation of an Automotive Repair Business within the 32'x48' detached garage on site. The property is a 3 acre site located at 4824 Roundtop Road, Elizabethtown, KY and known as Lot 1A of Wheeler Estates within the Natural Resource Planning Area and is zoned Rural Residential (R-2). The PVA Map Number is 238-00-00-008.02. The property is owned by **RAJA RIDING AND WELLNESS, LLC** and the applicant is **CHARLIE PEPPERS**. Director King reviewed the application, the plans for the property, and presented the exhibits into the record.

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Charlie Peppers, of 4824 Roundtop Road, Elizabethtown, KY provided testimony and answered questions from the board members and staff. Mr. Peppers explained that business is good, and that he stays very busy. Mr. Peppers stated that he is asking for 3 additional vehicles to be parked outside. Director King asked if he had a preference on screening if that becomes a condition, Mr. Peppers said no, it is just hard to plant trees because of overspray of pesticides from the surrounding crop fields. Vice Chairman Youngblood asked if he had any salvaged vehicles on site, Mr. Peppers replied no, all of the vehicles are to be fixed. Chairman Krausman asked Mr. Peppers how many vehicles can be parked in the garage, Mr. Peppers responded 3 plus his rollback truck. Chairman Krausman stated that a fence may be better for screening than trees.

Steven England, of 4968 Roundtop Road, Elizabethtown, KY provided testimony and answered questions from the board members and staff. Mr. England stated that he is Charlie's neighbor, and that he really doesn't see any reason for him to put any fence up. Mr. England stated that Mr. Peppers has been a great neighbor, and that they can see the cars, but they do not bother him nor do they have any noise complaints.

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

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

Vice Chairman Youngblood stated the request for the Amended Conditional Use Permit is in good standing with the surrounding property owners, 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 the motion to grant the Amended Conditional Use Permit (CUP) with the following conditions:

1. This Conditional Use Permit shall allow for an automotive repair business to be operated from the 32'x48' detached garage on site. The garage will be in a color scheme similar to the house on site with the overhead door facing the house.
2. This Conditional Use Permit is issued to the current owner/applicant, Charlie Peppers and is not transferable, the Conditional Use Permit is good for 5 years and expire on 4/14/2027. After which time it shall require a renewal hearing before the Board of Adjustment.
3. The hours of operation shall be 8am – 6pm Monday thru Saturday.
4. There shall be no employees who do not reside in the dwelling on site.
5. A single sign (no larger than 6 sq. ft.) shall be permitted advertising the business and shall not be lit.
6. There shall be no more than 7 vehicles total parked outdoors at a time with no wrecked vehicles parked outdoors. Additionally, no automotive parts or equipment may be stored outdoors.
7. Additional landscaping and/or screening shall not be required because the parking area will be screened from view by the location of the existing house and shed.
8. If a dumpster is located on site, it must be screened from view of the right-of-way and all adjoining properties.
9. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.
10. Building and electrical permits must be secured through the KBC Building Program of our office.
11. A Certificate of Land Use Restrictions shall be recorded in the office of the Hardin County Clerk.
12. An Emergency Response & Spill Prevention Plan shall be required.

Secretary Steck provided the second. The motion passed unanimously.

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At 6:15 p.m. Hearing Officer Steck announced the fourth item on the agenda is a request for a Variance from the front building setback along Lucas Grove Road to allow for a proposed 24' x 48' barn (covered cattle working facility). The property is a 104.2 acre site located at 1071 Lucas Grove Road, Upton, KY, within the South Hardin Planning Area and is zoned Rural Residential (R-2). The PVA Map Number is 133-00-00-013. The property is owned by **JOSH DENNIS**. Director King reviewed the application, the plans for the property, and entered the exhibits into the record.

Josh Dennis, of 1071 Lucas Grove Road, Upton, KY provided testimony and answered questions from the board members and staff. Mr. Dennis explained that he originally wanted to place the barn further back, but because of the slope he could not find a way to make the structure work for the cattle. Mr. Dennis also explained that the bottom half of the property is not technically floodplain, but because of the blue line stream it floods frequently. Mr. Dennis also stated that this structure is primarily just for working cattle, and that it will not be enclosed. Mr. Dennis stated that if he had a better place to put it, then he would have put it there. He also noted the overhead electric lines which limited the structures placement.

Chairman Krausman asked how many cars drive down this road. Mr. Dennis replied just 1-2 cars per hour on average.

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

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

Secretary Steck & Vice Chairman Youngblood both discussed that this variance request is not out of character for the area.

Chairman Krausman noted that because of the sloping topography and the blue line stream, this is really the only good location to put the structure.

Vice Chairman Youngblood made a motion to grant the Variance based on the staff presentation and the testimony provided in the public hearing. He noted the project arises from special circumstance of the sloping topography, the location of the blue line stream, is not out of character for the area, presents no safety issues, and it will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public and will not allow an unreasonable circumvention of the requirements of this regulation and will satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243 and DGS 5-3 (B) (1) Findings necessary for granting variance) which is as follows:

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

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The Variance was granted with the noted conditions:

1. To allow for a Variance from the front building setback to accommodate the proposed 28'x48' barn (open pavilion – cattle working facility) to be no closer than 45' from the center line of Lucas Grove 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 6:31 p.m. Hearing Officer Steck announced the fifth item on the agenda is a continued hearing from the March 17, 2022 meeting; a request for a Conditional Use Permit to allow for a 314.5 sq. ft. ground mount solar system to be installed on site. The property is a 0.689 acre site located at 75 Casablanca Court, Cecilia, KY, known as Lot 3 of Ranch Hollywood Subdivision within the West Urban Planning Area and is zoned Urban Residential (R-1). The PVA Map Number is 169-00-02-003. The property is owned by **VICTOR VOGT** and the applicant is **POWER HOME SOLAR**. Planner McCamish reviewed the application, the plans for the property, and submitted exhibits into the record.

Victor Vogt of 75 Casablanca Court, Cecilia, KY provided testimony and answered questions from the board members and staff. Mr. Vogt explained that he originally wanted the panels on the roof, but was told that his roof could not support the panels. Mr. Vogt explained that he does not care to put some shrubs up for screening if he has to, and stated that the panels will be facing toward the house. Secretary Steck stated that shrubs on either side of the panels would be nice for some screening.

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

At 6:42 p.m. Hearing Officer Steck closed the hearing to public discussion.

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

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

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

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

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

1. This Conditional Use Permit shall allow for a 314.56 sq. ft. ground mount solar array that exceeds the 200 sq. ft. threshold for ground mount solar systems as established by the Planning Commission with Resolution 2020-011.
2. An electrical permit and the necessary inspections shall be required from the KBC program of our office.
3. The proposed solar array shall comply with building setbacks.
4. The proposed solar array shall be located behind the existing home.
5. Additional landscaping or screening in the form of a couple bushes/shrubs on both sides of the panels shall be required.
6. A Site Plan in compliance with Section 7 of the Zoning Ordinance shall be required.
7. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

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

At 6:47 p.m. Chairman Krausman called for consideration and action on the **Minutes from the 17 March 2022 meeting** of the Board of Adjustment. Secretary Steck made a motion to approve the minutes as presented. Vice Chairman Youngblood provided the second. The motion passed unanimously.

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

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Commercial Building Inspector

Congratulations to Building Inspector, Edwin Alicea for passing the International Code Council's Commercial Building Inspector exam to become a KY Certified Level 1 Commercial Building Inspector.

Muddy Water Blues Training

On March 23, 2022 Planner Nikki McCamish attended an all-day training hosted by Mid-TN Erosion & Sediment Control, Inc. in Bowling Green, KY.

Chairman Krausman announced that the next regular scheduled meeting will be held on Thursday, 5 May 2022 at 5:00 p.m. and called for the meeting to be adjourned at 6:48 p.m.

ADOPTED AND APPROVED THIS 5th DAY OF MAY 2022 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.

Steve Steck, Secretary

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Chairman Bob Krausman called to order the four hundred and fifty first meeting of the Hardin County Board of Adjustment at 5:00 p.m. on Thursday, 17 March 2022, in the Hardin County Government Center, 2nd Floor Meeting Room. The other Board Members in attendance were Vice Chairman Greg Youngblood and Secretary Steve Steck. Also, in attendance were Director Adam King AICP, Planner Nikki McCamish, Planning Technician Haley Goodman, and the individuals listed on the attached sign-in sheet. Chairman Krausman appointed Secretary Steck to serve as the Hearing Officer and to conduct the swearing in ceremony for all those in attendance who planned to speak.

At 5:01 p.m. Hearing Officer Steck announced the first item on the agenda is a continued hearing from the February 24, 2022 meeting, a request for a Variance from the front building setbacks along East Main Street (KY 86) and Saint Ambrose Church Lane to allow for the construction of an addition, a covered patio and a covered walkway. The property is a 1.9 acre site located at 609 East Main Street, Cecilia, KY within the Cecilia Rural Village Planning Area and is zoned Urban Residential (R-1). The PVA map number is 147-40-00-021. The property is owned by **ST. AMBROSE CATHOLIC CHURCH**. Director King reviewed the application, the plans for the property and presented the exhibits into the record. He explained that the hearing was continued so that the staff could stake out the additions on site and so that the Board members could conduct site visits.

Raymond Thomas of 6770 Saint John Road, Elizabethtown, KY provided testimony and answered questions from the board members and staff on behalf of the church. Mr. Thomas stated that the new pictures show exactly what they tried to explain last time.

Vice Chairman Youngblood asked Mr. Thomas if he would be willing to move the sign that is currently blocking sight of oncoming traffic at the intersection beside the church? Mr. Thomas responded yes, if the board members feel that is necessary, they will remove that sign and replace the other, wooden sign with a single new sign in the location of the current wooden one. Director King stated that they are permitted to do so and the new sign must not exceed 8 ft. in height and 48 sq. ft. in area.

Chairman Krausman stated that he was surprised to find that there are no dedicated utility easements on this property and that he would like for the addition to maintain at least 10 feet off the property line along St. Ambrose Church Lane. Chairman Krausman asked how far off of the property line the proposal is? Director King replied the proposed addition is 5.4 feet off of the property line at its closest point. Chairman Krausman asked if they could make the addition 5 feet shorter so that it is at least 10 feet off of the property line. Mr. Thomas explained that they really needed that extra square footage for storage, plus they are now losing some space in the addition because they are required to install 2 bathrooms, which was not originally depicted on the plans. Secretary Steck stated that if they move it back 2 feet they would be 7.5 feet off the

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property line, and Mr. Thomas stated that they could make a 2 foot reduction in the addition better than a 5 foot reduction. Vice Chairman Youngblood asked if they could bring the covered patio in line with the existing building. Mr. Thomas stated that they had already entertained that option and that it would not look right.

Sonny Ashlock, of 355 St. Ambrose Church Lane, Cecilia, KY spoke in opposition to the proposal. Mr. Ashlock stated that he feels the church is asking for too large of a variance and feels that the additions could be oriented towards the rear closer to the priest house and further off Saint Ambrose Church Lane.

Chairman Krausman asked if they had decided how long the covered walkway would extend. Mr. Thomas explained that they still were unsure because there are internal discussions on the covered walkway covering their proposed new stained glass windows.

Mr. Ashlock asked if it will be taller or shorter than the current awning. Mr. Thomas said that it will be a little shorter in height and that it will not be enclosed.

Vice Chairman Youngblood asked what it would be built out of? Mr. Thomas said they are not sure yet, but are planning for just some small posts anchored into the concrete. Vice Chairman Youngblood stated that he thinks the sign is the biggest hindrance right now to sight distance.

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

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

Secretary Steck made a motion to grant the Variance based on the staff presentation and the testimony provided in the public hearing. He noted the project is not out of character for the area, that the 2 foot reduction in building length will allow for potential utility improvements if necessary, it arises from special circumstance that the existing church is oriented towards the intersection, that the church and addition sit above both roadways, it will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public and will not allow an unreasonable circumvention of the requirements of this regulation and will satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243 and DGS 5-3 (B) (1) Findings necessary for granting variance) which is as follows:

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

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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 front building setback lines along East Main Street (KY 86) and along St. Ambrose Church Lane to allow for the proposed addition, covered patio and covered walkways. The addition may be no larger than 28' x 26'. The patio and walkways may be covered but shall not be enclosed.
2. A Development Plan in compliance with Section 6 of the Zoning Ordinance shall be required.
3. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.
4. The existing stone sign must be removed to improve sight distance.

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

At 5:44 p.m. Hearing Officer Steck announced the second item on the agenda is a request for a Conditional Use Permit to allow for a 314.5 square foot ground mount solar system to be installed on site. The property is a 0.689 acre site located at 75 Casablanca Court, Cecilia, KY, known as Lot 3 of Ranch Hollywood Subdivision within the West Urban Planning Area and is zoned Urban Residential (R-1). The PVA map number is 169-00-02-003. The property is owned by **VICTOR VOGT**. Planner McCamish reviewed the application, the plans for the property and presented the exhibits into the record.

Director King stated that neither the owner nor the solar company were present at the hearing.

Secretary Steck made a motion to table the request until April 14, 2022 so that the applicant has the chance to provide his testimony and discuss the potential conditions. 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 is a request for a Variance from the front building setback along Lincoln Avenue to allow for a proposed 6'x12' front porch. The property is a 0.469 acre site located at 93 Lincoln Avenue, Elizabethtown, KY, known as Lot 40A of Nall Lincoln Subdivision within the KY 313 Corridor Planning Area and is zoned Residential Estate (R-3). The PVA map number is 216-00-0C-049.01. The property is owned by **NANCY DAVIS & EARL DAVIS JR.** Planner McCamish reviewed the application, the plans for the property and presented the exhibits into the record.

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Earl Davis Jr, of 3329 Bardstown Road, Elizabethtown, KY provided testimony and answered questions from the board members and staff. Mr. Davis explained that he had bought the house and had it moved to this property 7 years ago. Mr. Davis stated that they finally started on the improvements last summer, and explained that he wanted to make this home accessible to an elderly person, and thus made a porch that a hover round could easily be turned around on not realizing he needed an additional permit and that it was too close to the road. Mr. Davis explained that he made more room inside including adding another half bath. Mr. Davis stated that his intentions were good, but if there is a problem with it, he will remove the porch and put a set of steps in.

Chairman Krausman asked Mr. Davis if he would agree to a condition that the deck cannot be enclosed. Mr. Davis stated that he would agree to that.

Edel McGlone, of 338 Amy Avenue, Elizabethtown, KY provided testimony and answered questions from the board members and staff. Ms. McGlone stated that she lives in the house across the road, and that she made an appearance at the meeting because she received a notification letter. Ms. McGlone stated that she thinks the house is beautiful, and she has no objection to the proposal.

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

At 6:15 p.m. Hearing Officer Steck closed the hearing to public discussion.

Chairman Krausman stated that the proposal has no safety issues, is in character with surrounding properties, and is located on a residential subdivision street with a low speed limit.

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

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

The Variance was granted with the noted conditions:

1. To allow for a Variance from the front building setback lines along Lincoln Avenue to allow for the proposed 6'x12' front porch to encroach no more than

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- 3.47' into the 40' front setback. The deck may be covered but shall not be enclosed.
2. A Site Plan in compliance with Section 7 of the Zoning Ordinance shall be required.
 3. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Secretary Steck provided the second. The motion passed unanimously.

At 6:19 p.m. Hearing Officer Steck announced the fourth item on the agenda is a request for a Conditional Use Permit to allow for a 620 square foot permanent accessory dwelling (apartment above a detached garage). The property is 2.096 acre site located at 631 Roswell Drive, Elizabethtown, KY known as Lot 148 of Santa Fe Subdivision within the East Urban Planning Area and is zoned Rural Residential (R-2). The PVA map number is 242-00-02-148. The property is owned by **RICKY & STEPHANIE BLEVINS**. Director King reviewed the application, the plans for the property and presented the exhibits into the record.

Stephanie Blevins, of 631 Roswell Drive, Elizabethtown, KY provided testimony and answered questions from the Board members and staff. Mrs. Blevins explained that she is here on her husband's behalf because he was deployed last week, but she would answer their questions to the best of her ability. Mrs. Blevins explained that her mother will be living with them for the foreseeable future and wants to have an area of her own. Mrs. Blevins also stated that she plans for her children to use the garage apartment once they are in high school and college.

Chairman Krausman stated that the only thing out of compliance with this proposal is that the structure is not behind the house, but that the matching building materials make up for that. Director King explained that the steep hill and septic line location prohibit any construction behind the house.

Chairman Krausman asked if they would need another septic tank? Mrs. Blevins explained that her husband was in the middle of communicating with the health department when he left, so she is not sure. However, she says they will do whatever the health department requires them to do.

Chairman Krausman stated that this is a good application in his opinion, because the materials match the house, it is the right size, and the closest neighbor is a good distance away.

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

At 6:28 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 not out of character for the area, and does satisfy the language of the Development Guidance System Ordinance (Section 16-3) Standards of Issuance of a Conditional Use Permit as follows:

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

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

8. This Conditional Use Permit for a Permanent Accessory Dwelling will allow for an apartment in the detached garage with living quarters (620 sq. ft. apartment) above.
9. The property owner, Ricky & Stephanie Blevins, must occupy either the principal dwelling unit or the permanent accessory dwelling as their principal residence, and at no time receive rent for the owner-occupied unit.
10. Adequate on site parking must be designated on an approved site plan.
11. The existing driveway entrance will be shared by both dwellings.
12. The Permanent Accessory Dwelling is the proposed 620 sq. ft. garage apartment above the detached garage and the Principal Dwelling is the existing 2,875 sq. ft. home.
13. The Permanent Accessory Dwelling shall be located next to the existing home and shall be located as illustrated on the approved Site Plan.
14. The exterior finish materials of the permanent accessory dwelling shall be brown brick with tan siding and a shingled roof to match the house.
15. Both dwellings shall have septic systems approved by the Environmental Services Office of the Health Department.

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16. This Permit is not transferable and the new owners must reapply for the Conditional Use Permit and meet the necessary requirements.
17. Additional landscaping or screening shall not be required.
18. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.
19. 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 6:32 p.m. Chairman Krausman called for consideration and action on the **Minutes from the 24 February 2022 meeting** of the Board of Adjustment. Secretary Steck made a motion to approve the minutes as presented. Vice Chairman Youngblood provided the second. The motion passed unanimously.

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

Leadership Hardin County Director Adam King presented to the Hardin County Chamber of Commerce's Leadership group on their tour of the Hardin County Government Center on 3 March 2022.

Heart of KY Association of Realtors Director Adam King, Planner Nikki McCamish and Planning Technician Haley Goodman attended the Heart of KY Association meeting on 7 March 2022. Adam presented a 10 year history on building and land use statistics, the 2021 Annual Report and gave a brief overview of the Zoning Ordinance and Comprehensive Plan.

Chairman Krausman announced that the next regular scheduled meeting will be held on Thursday, 14 April 2022 at 5:00 p.m. and called for the meeting to be adjourned at 6:34 p.m.

ADOPTED AND APPROVED THIS 14th DAY OF APRIL 2022 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.

Steve Steck, Secretary

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Chairman Bob Krausman called to order the four hundred and fiftieth meeting of the Hardin County Board of Adjustment at 5:00 p.m. on Thursday, 24 February 2022, in the Hardin County Government Center, 2nd Floor Meeting Room. The other Board Members in attendance were Vice Chairman Greg Youngblood and Secretary Steve Steck. Also, in attendance were Director Adam King AICP, Planner Nikki McCamish, Planning Technician Haley Goodman, and the individuals listed on the attached sign-in sheet. Chairman Krausman appointed Secretary Steck to serve as the Hearing Officer and to conduct the swearing in ceremony for all those in attendance who planned to speak.

At 5:00 p.m. Hearing Officer Steck announced the first item on the agenda is a request for a Variance from the front building setbacks along East Main Street (KY 86) and Saint Ambrose Church Lane to allow for the construction of an addition, a covered patio and a covered walkway. The property is a 1.9 acre site located at 609 East Main Street, Cecilia, KY within the Cecilia Rural Village Planning Area and is zoned Urban Residential (R-1). The PVA map number is 147-40-00-021. The property is owned by **ST. AMBROSE CATHOLIC CHURCH**. Director King reviewed the application, the plans for the property and presented the exhibits into the record.

Father Benedict Brown, 609 East Main Street, Cecilia, KY provided testimony and answered questions from the Board members and staff. Father Brown stated that he has been the priest of St. Ambrose Catholic Church since June of 2016, and has been thinking of ways to improve the church since he started. Mr. Brown feels the need to expand the church due to the upcoming BlueOvalSK Battery Plant in Glendale, KY. Mr. Brown referenced a study he read on a catholic church in Georgetown, KY that grew from 300 families to 600 families after the construction of the Toyota plant in the 1990's.

Raymond E. (Rick) Thomas, of 6770 Saint John Road, Elizabethtown, KY provided testimony and answered questions from the Board members and staff. Mr. Thomas thanked Mr. King and his staff for their excellent presentation. He explained that the church lacks a handicap entrance and the proposed addition and renovations would address this and would also include bathrooms which they do not currently have in the church building. The addition will also contain a gathering area, a storage area, a cry room and they will be adding stained glass windows. He explained that the church dates back to 1955 and the special circumstances are the small lot size and the existing church location oriented very close to the intersection.

Chairman Krausman asked how tall the covered walkway would be, and Mr. Thomas replied that it will be 8 feet tall, and it will not be enclosed.

Vice Chairman Youngblood asked what the length of the covered walkway will be, and Director King replied 92 feet, the entire length of the building.

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Chairman Krausman asked if this project would interfere with sight distance. Mr. Thomas replied that he has no issues turning in either direction now, and that he believes the current sign interferes more with sight distance than the proposed additions will. Mr. Thomas stated that they are willing to move the sign, and that they do want to be good neighbors. Chairman Krausman stated that they have to make sure that this is as safe as possible, and asked if Mr. Thomas would be okay with a condition that prohibits enclosing the walkway? Mr. Thomas said yes. Chairman Krausman asked for clarification on the plans, and Director King replied that the covered walkway would be 5 feet off of the front property line, and that KY 86 being a state highway, has a larger right of way than county roads. Director King stated that looking west, the proposed project looks like it would be in line with the neighboring house.

Mr. Thomas stated that he is not sure if they will even extend the covered walkway as far as it is shown on the plans because they do not want to hide the new stained-glass windows.

Chairman Krausman asked if the addition had to be placed in the proposed spot, and Director King asked if the HVAC and the gas lines were behind the church? Mr. Thomas replied yes, those lines are behind the church, as well as a Nolin RECC Electric easement, and the proposed septic lines. Chairman Krausman asked about the rear entrance, and Mr. Thomas responded that it is already being utilized, but because of the steps it is not handicap accessible.

Sonny Ashlock, of 355 Saint Ambrose Church Lane, Cecilia, KY spoke in opposition to the proposal. Mr. Ashlock stated that he is not opposed to this project, but he does not want the sight distance at the intersection to become any worse. Mr. Ashlock explained how he has to slow down way before he reaches the church, and looks between the building and the sign to see if there is traffic coming from either direction, and for anyone pulling into Saint Ambrose Church Lane he has to back up because there is not enough room for two vehicles at the intersection. Additionally, Mr. Ashlock asked why they could not put the covered patio between the house and the church, and stated that the covered walkway is not necessary.

Director King stated that there is no turning radius at this intersection, and Secretary Steck asked if there were any school buses that come down this road. Mr. Ashlock responded no. Chairman Krausman asked if the sign were raised or relocated if that would help. Mr. Ashlock responded that it could. Mr. Ashlock stated that safety is his biggest issue, and that the covered porch area will be so close to the road that it will be too loud for the children.

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Director King stated that the proposal is not out of character, and that Mr. Ashlock has received 3 variances in this area as well. Director King also stated that moving the sign would absolutely improve the sight distance.

Chairman Krausman stated that he and the other Board members would want to go look at the site, and asked if the proposed additions could be physically staked out on site. Mr. Thomas responded yes, and also noted that the building addition will not be as wide as the church currently is. Chairman Krausman asked about the septic field, and Mr. Thomas responded that their general contractor said there was enough room for the septic.

Secretary Steck announced that he would like to go look at the site as well.

Vice Chairman Youngblood asked if they were opposed to moving the sign and Mr. Thomas said no.

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

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

Secretary Steck made a motion to table the request until March 17th, so that all Board members have a chance to go look at the site with the proposed additions staked off. Vice Chairman Youngblood provided the second. The motion passed unanimously.

At 5:52 p.m. Hearing Officer Steck announced the second item on the agenda is a request for a Conditional Use Permit to allow for an Automotive Towing & Storage Lot Business on site. The property is two lots known as Lots 1 & 2 of Masters Farm Supply Subdivision, totaling 1.873 acres located at 10659 & 10697 Hardinsburg Road, Cecilia, KY within the West Hardin Planning Area and is zoned Convenience Commercial (C-1). The PVA map numbers are 042-00-00-031 & 042-00-00-031.01. The property is owned by **TROY & DENISE DUSCH AND CRAIG STAPLES**. Planner McCamish reviewed the application, the plans for the property and presented the exhibits into the record.

Craig Staples, of 88 Tom Duvall Lane, Cecilia, KY provided testimony and answered questions from the Board members and staff. Mr. Staples stated that his proposed business will be for automotive towing and recovery, and that he does not expect to exceed more than 50 vehicles on site at a time. Mr. Staples stated that he wants to get on an impound list for both the state and the county, and that the vehicles will only be there for 5-7 days before they are rotated out. Mr. Staples intends to keep everything within the fenced area, with overflow parking area being within the buildings. Mr. Staples replied that the only repair work that will be going on will be on his personal vehicles, and that he has no intentions of starting a junkyard.

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Chairman Krausman asked if Mr. Staples would be doing any retail sales, and Mr. Staples said no. Chairman Krausman asked about spills, and Director King responded that he would need an Emergency Response & Spill Prevention Plan that he and the Hardin County Planning and Development Commission office would both keep on file.

Mr. Staples explained that he already has a location for the motor oil to go, and he has already put a privacy fence up. Mr. Staples stated that he has spent months cleaning the place up, and has had several neighbors thank him for making it look much nicer.

Chairman Krausman asked if he was agreeable to all of the conditions, and Mr. Staples said yes. Chairman Krausman asked if he had any employees, and Mr. Staples said it is just himself, but he is hopeful for 3 employees in the future.

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

At 6:10 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, and does satisfy the language of the Development Guidance System Ordinance (Section 16-3) Standards of Issuance of a Conditional Use Permit as follows:

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

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

1. Business Hours of Operation shall be from 8 AM to 5 PM Monday-Friday.

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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. Landscaping in the form of 9 shrubs shall be required for the 90' section of fence running parallel with Hardinsburg Road (KY 86) and 3 evergreen trees shall be planted adjacent to the residential property on the east side.
5. There shall be no more than 2 employees of the business who do not reside on the premises (currently 0).
6. This Conditional Use Permit shall allow for general Automotive Storage / Towing Business with automotive repair only on their personally owned vehicles.
7. A Development Plan in compliance with Section 6 of the Zoning Ordinance shall be required.
8. This Conditional Use Permit shall be issued to the current property owners, Craig Staples & Troy Dusch, and is not transferrable.
9. All building activities shall conform to provisions of the Kentucky Building Code.
10. This Conditional Use Permit shall be for a period of 2 years and expire on 2/24/2024.
11. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.
12. An Emergency Response and Spill Prevention Plan shall be required.

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

At 6:12 p.m. Hearing Officer Steck announced the third item on the agenda is a request for a Conditional Use Permit to allow for the construction of a 9,220 sq. ft. accessory structure that will contain living quarters (Permanent Accessory Dwelling), will also contain a business (Expanded Home Occupation - Elite Contracting) and the proposed structure will exceed the size of the dwelling on site. The property is a 39.979 acre site located at 2252 Constantine Road, Eastview, KY within the West Hardin Planning Area and is zoned Rural Residential (R-2). The PVA map number is 030-00-00-014.09. The property is owned by **DOUGLAS & DONNA REED** and the applicant is **DAN WINKLE**.

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Director King reviewed the application, the plans for the property and presented the exhibits into the record.

Dan Winkle, of 2252 Constantine Road, Eastview, KY provided testimony and answered questions from the board members and staff. Mr. Winkle stated that this building will not be visible from the road or any surrounding properties, and will be a nice building with finishes that match the house. Mr. Winkle stated that he will be implementing a key code system on his front gate for any employees coming on site, no clients will be allowed on site, and no products will be sold from the site. Mr. Winkle explained that business is going very well and he is trying to expand into commercial ventures rather than residential projects. Mr. Winkle stated that he will not have more than 12 employees, 4 of whom live on site.

Chairman Krausman asked about signage, and Mr. Winkle said there would be no signage. Chairman Krausman asked about security lights and Mr. Winkle replied that he will have security cameras and lights all around the building that will face downwards.

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

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

Vice Chairman Youngblood stated the request for Conditional Use Permit is not visible from the surrounding properties, will be located on a large tract, 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

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

1. This Conditional Use Permit for a Permanent Accessory Dwelling will allow for the construction of a 9,220 sq. ft. (under roof) detached garage with 2,839 sq. ft. of living space within it.
2. This Conditional Use Permit shall allow for the construction of a 9,220 sq. ft. (under roof) detached accessory structure that exceeds the size of the dwelling on site (5,314 sq. ft.).
3. This Conditional Use Permit shall allow for an expanded home occupation to allow for a general contracting business within the proposed 9,220 sq. ft. accessory structure.
4. Hours of operation shall be 8am-5pm Monday – Saturday.
5. There shall be no outdoor storage of equipment and materials on site that would be visible from an adjoining property.
6. There shall only be 8 employees who do not reside on the premises.
7. The applicant and future property owner, Dan Winkle, must occupy either the principal dwelling unit or the permanent accessory dwelling as his principal residence, and at no time receive rent for the owner-occupied unit.
8. Adequate on site parking must be designated on an approved site plan.
9. A shared driveway shall be required.
10. The Permanent Accessory Dwelling is the proposed 2,839 sq. ft. apartment within the 9,220 sq. ft. detached garage and the Principal Dwelling is the existing 5,314 sq. ft. home.
11. The Permanent Accessory Dwelling shall be located in the side yard and shall be located as illustrated on the approved Site Plan.
12. The exterior finish materials of the detached accessory structure / permanent accessory dwelling shall be slate grey siding with a black metal roof and wood columns with stone.
13. Both dwellings shall have septic systems approved by the Environmental Services Office of the Health Department.
14. This Permit is not transferable and the new owners must reapply for the Conditional Use Permit and meet the necessary requirements.
15. Additional landscaping or screening shall not be required.

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16. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.
17. The proposed structure will require a Building permit thru the KY Department of Housing, Building and Construction and a \$50 local building permit.
18. 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 6:34 p.m. Chairman Krausman called for consideration and action on the **Minutes from the 17 February 2022 meeting** of the Board of Adjustment. Secretary Steck made a motion to approve the minutes as presented. Vice Chairman Youngblood provided the second. The motion passed unanimously.

Chairman Krausman announced that the next regular scheduled meeting will be held on Thursday, 17 March 2022 at 5:00 p.m. and called for the meeting to be adjourned at 6:35 p.m.

ADOPTED AND APPROVED THIS 17th DAY OF MARCH 2022 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.

Steve Steck, Secretary

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Chairman Bob Krausman called to order the four hundred and forty ninth meeting of the Hardin County Board of Adjustment at 5:02 p.m. on Thursday, 17 February 2022, in the Hardin County Government Center, 2nd Floor Meeting Room. The other Board Members in attendance were Vice Chairman Greg Youngblood and Secretary Steve Steck. Also, in attendance were Director Adam King AICP, Planner Nikki McCamish, Planning Technician Haley Goodman, and the individuals listed on the attached sign-in sheet. Chairman Krausman appointed Secretary Steck to serve as the Hearing Officer and to conduct the swearing in ceremony for all those in attendance who planned to speak.

At 5:02 p.m. Hearing Officer Steck announced the first item on the agenda is a request for a Variance from the front building setback along Lincoln Parkway (KY 61) to allow for the construction of a 6,000 sq. ft. metal service building with a 20' wide covered equipment display area that will encroach into the 50' building setback. The property is a 3 acre site located at 51 Harvest Drive, Elizabethtown, KY being known as Lot 2A of Harvest View Subdivision within the Valley Creek Urban Planning Area and is zoned Light Industrial (I-1). The PVA map number is 235-10-00-018.06. The property is owned by **JANE & HARRY OWEN** and the applicant is **BOBCAT EQUIPMENT SALES**. Planner McCamish reviewed the application, the plans for the property and presented the exhibits into the record.

Mike Billings, with Engineering Design Group Inc., of 315 South Mulberry Street, Elizabethtown, KY, provided testimony and answered questions from the Board members and staff. Mr. Billings stated that the variance is for the covered display area, which is more like a covered porch which would be within the front building setback. He stated the project is within the old footprint of the previous building, that was blown down by a tornado.

Tim Riley, with Bobcat Enterprises, of 13117 Middletown Industrial Boulevard, Louisville, KY, provided testimony and answered questions from the Board members and staff. Mr. Riley stated that both buildings would match, with the pre-existing building being office space and the new building being the shop. He explained that although the new building will be a shop, it will not look like your typical shop once it is completed with nice lighting and landscaping. Mr. Riley stated they plan to have two signs on site, one on the front of the building and the other replacing the current sign on site. He also stated there will be six to eight employees. Lastly, Mr. Riley stated he had no issue with adding a condition that the covered overhang cannot be enclosed.

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

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

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

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

The Variance was granted with the noted conditions:

1. To allow for a Variance from the front building setback lines along Lincoln Parkway (KY 61) to allow for the proposed 100'x60' metal service building's 20'x100' covered overhang for equipment display to encroach no more than 11.5' into the 50' front setback. The equipment display may be covered but shall not be enclosed.
2. A Development Plan in compliance with Section 6 of the Zoning Ordinance shall be required.
3. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Secretary Steck provided the second. The motion passed unanimously.

At 5:28 p.m. Hearing Officer Steck announced the second item on the agenda had been postponed.

At 5:29 p.m. Hearing Officer Steck announced the third item on the agenda is an Administrative Review. Hearing Officer Steck called for consideration and action on the Administrative Review on the interpretation of the zoning boundaries for **PELLMAN CONSTRUCTION**, owned and operated by the Pellman family continuously since 1967 and being a 1.09 acre site located at 1590 Hodgenville Road (KY 210) as per KRS 100.257. (Staff Report & Resolution 2022-007 attached). The PVA map number is 234-00-0C-038 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 1960's. 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 Pellman family name and platted in a subdivision that it had been overlooked.

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Secretary Steck made a motion to approve Resolution 2022-007 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 6: To improve and promote Hardin County as a place for commerce and industry.

Objective 1: To provide adequate space for the proper location of commercial and industrial land uses.

Objective 7: To promote the expansion of existing business and industry.

Objective 8: To promote the development and prosperity of small businesses.

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

At 5:39 p.m. Chairman Krausman called for consideration and action on the **Minutes from the 9 December 2021 meeting** of the Board of Adjustment. Secretary Steck made a motion to approve the minutes as presented. Vice Chairman Youngblood provided the second. The motion passed unanimously.

At 5:40 p.m. Chairman Krausman called for consideration and action on the **Amendment to the Hardin County Planning & Development Board of Adjustment By-Laws, Article II – Members Compensation**. Director King stated that both he and Planning Commission Chairman Mark Hinton were approached by members of Hardin County Fiscal Court about increasing the compensation of the Planning Commission and Board of Adjustment members due to the controversial decisions being required, the volume and length of the hearings, and to help retain quality members.

Director King announced that after comparing 21 similar jurisdictions he proposed that each board member would receive \$150 per meeting which is what was already approved by the Planning Commission. However, the Chairman of the Planning Commission receives \$250 per meeting due to increased responsibilities and time commitments. He said the proposal is supported by Judge Berry, Deputy Judge London and multiple members of Fiscal Court that he has spoken to. He also explained that this amount was more in line with the comparable and growing jurisdictions of Bowling Green, KY and Georgetown, KY.

Secretary Steck explained that he is not serving for the money and that he anticipates even more hearings in the future due to the Ford announcement in Glendale.

Chairman Krausman explained that the \$50 compensation rate had been in place for over 30 years and that he just always wanted to make sure his expenses were covered for traveling to sites.

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Secretary Steck made a motion to amend Article II – Members Compensation of the Hardin County Planning & Development, Board of Adjustment By-Laws to increase the compensation to \$150 per meeting. Vice Chairman Youngblood provided the second. The motion passed unanimously.

At 5:54 p.m. Vice Chairman Youngblood made a motion to move into a closed session to discuss pending litigation (KRS 61.810(1)(C)). Secretary Steck provided the second. The motion passed unanimously.

At 5:58 p.m. Secretary Steck made a motion to come out of the closed session. Chairman Krausman noted for the record that no action was taken during the closed session. Vice Chairman Youngblood provided the second. The motion passed unanimously.

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

Radcliff-Elizabethtown Metropolitan Planning Organization Technical Advisory Committee Meeting

On 1 December 2021, Director Adam King attended a virtual meeting of the MPO Technical Advisory Committee Meeting to discuss the FY 2023 Unified Planning Work Program.

KY Chapter of the American Planning Association Meeting

On 10 December 2021, Director Adam King attended the APA-KY meeting in Louisville, KY to discuss the Ohio-Kentucky-Indiana Regional Planning Conference for the Fall of 2022.

1&2 Family Building Inspector

Congratulations to Building Inspector, Edwin Alicea for passing the International Code Council's Residential Mechanical Inspector exam to become a KY Certified One & Two Family Dwelling Inspector.

David Veirs Retirement

Congratulations to Electrical Inspector, David Veirs on his well-deserved retirement after 40 years of Service to the Planning Commission. David has served as the contract Electrical Inspector for the Commission since 1981. His last day of inspections will be 14 January 2022 and we will be hosting a Retirement Celebration on Friday 28 January at 3pm.

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Electrical Inspector Hired

James “Bud” Thompson has been hired as David Veir’s replacement after previously serving as David’s backup. Bud is an Elizabethtown native with Associates Degrees in both Science and Applied Science. He worked as a Master Electrician for Thompson & Son Electric since 2006 and received his Electrical Inspector license in 2020. Bud’s first day with the Planning Commission was 17 January 2022.

14 Years of Service Director Adam King, AICP celebrated 14 years of service with the Planning Commission on 15 February 2022.

Chairman Krausman announced that the next regular scheduled meeting will be held on Thursday, 24 February 2022 at 5:00 p.m. and called for the meeting to be adjourned at 5:59 p.m.

ADOPTED AND APPROVED THIS 24th DAY OF FEBRUARY 2022 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.

Steve Steck, Secretary