

Hardin County Board of Adjustment 9 September 2021

County Government Center
Second Floor Meeting Room

Owner: Amanda Stopher
Applicant: Randall Gray



Location A 3.072 acre site located at 4399 Glendale Hodgenville Road West, Glendale, KY, known as Lot 1 of Tiny J Acres.

Zoned Rural Residential (R-2)

Requesting an Amended Conditional Use Permit for Automotive Storage to continue to allow for up to 20 vehicles to be parked on site.

Initial CUP: Sept. 2017 – Sept. 2018 (1 year)

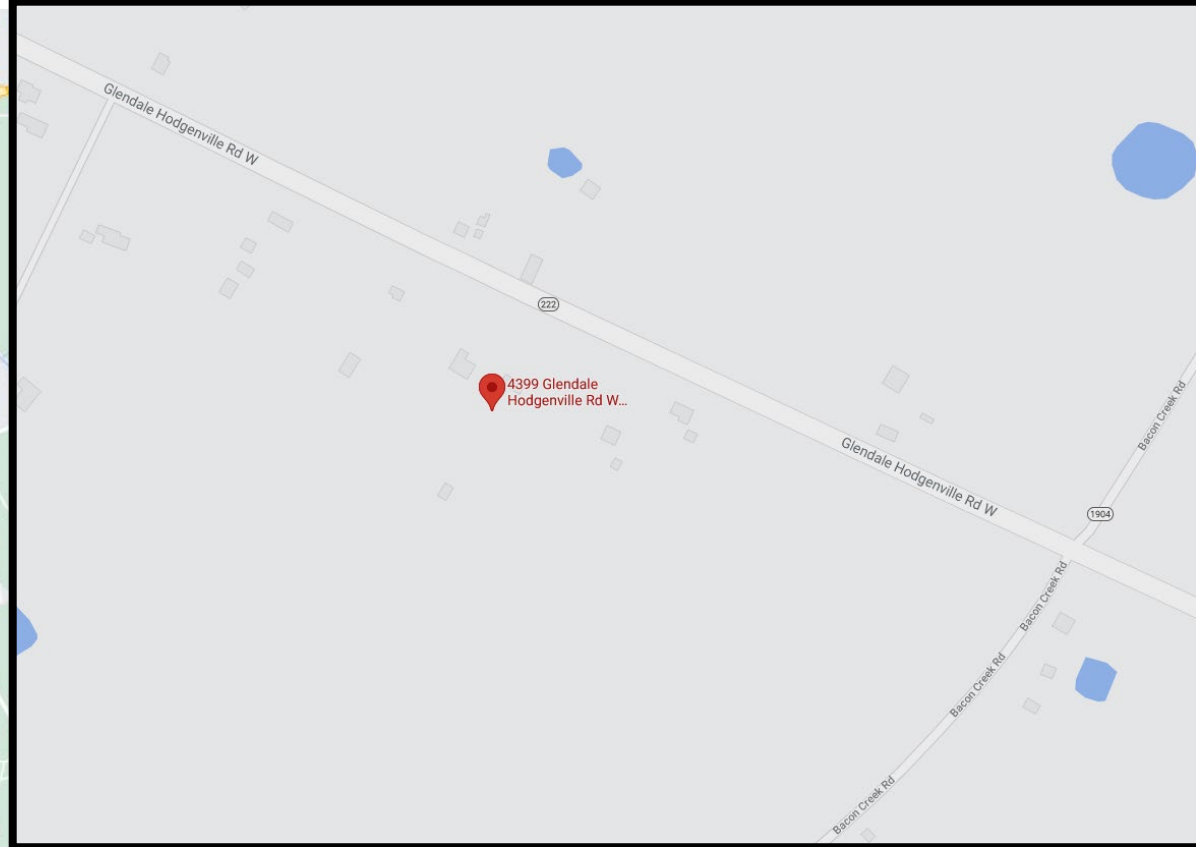
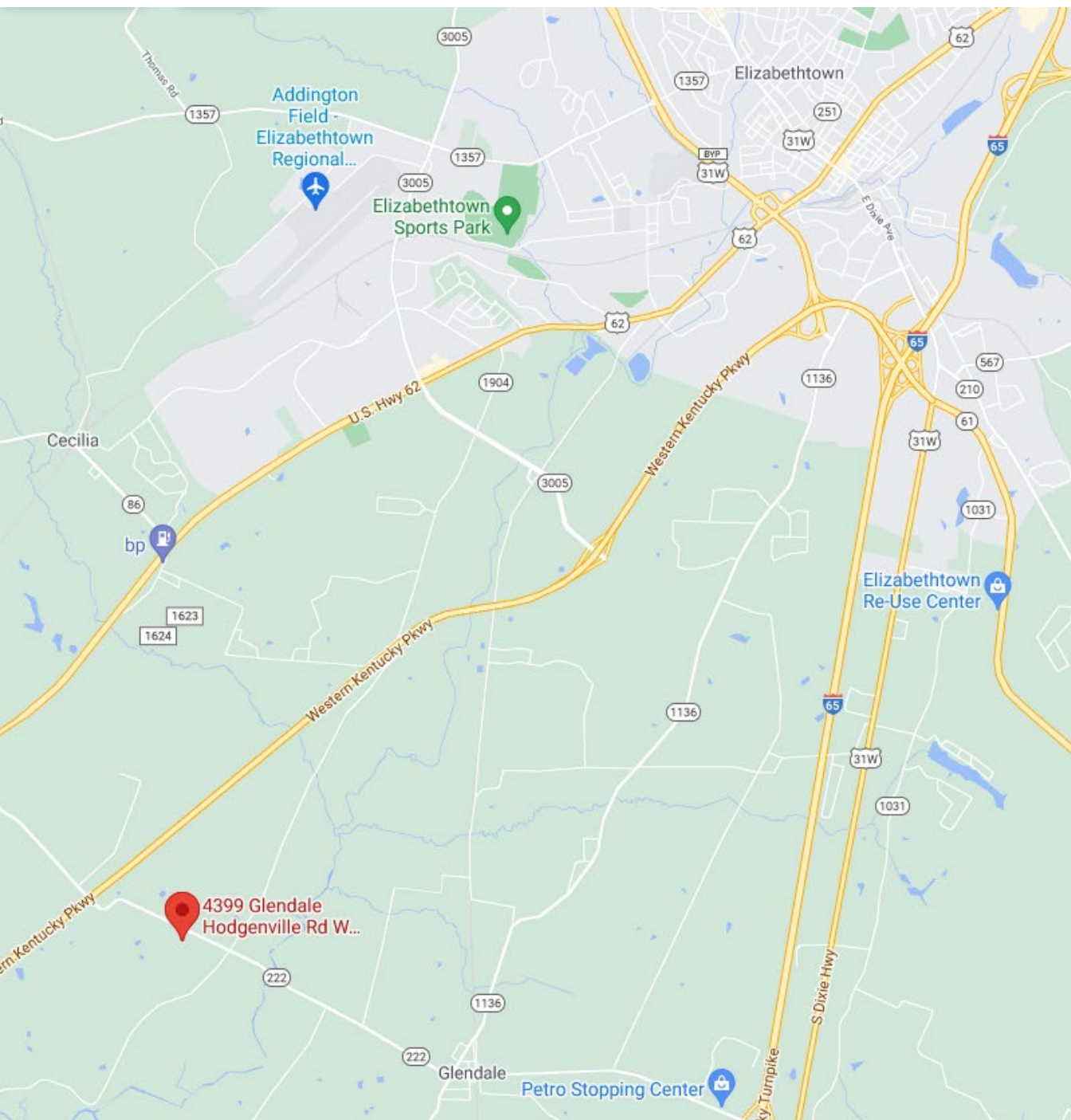
Amended CUP: Sept. 20, 2018 – Sept. 20, 2021 (3 years)

4399 Glendale Hodgenville Road West
Amended Conditional Use Permit
SUMMARY REPORT

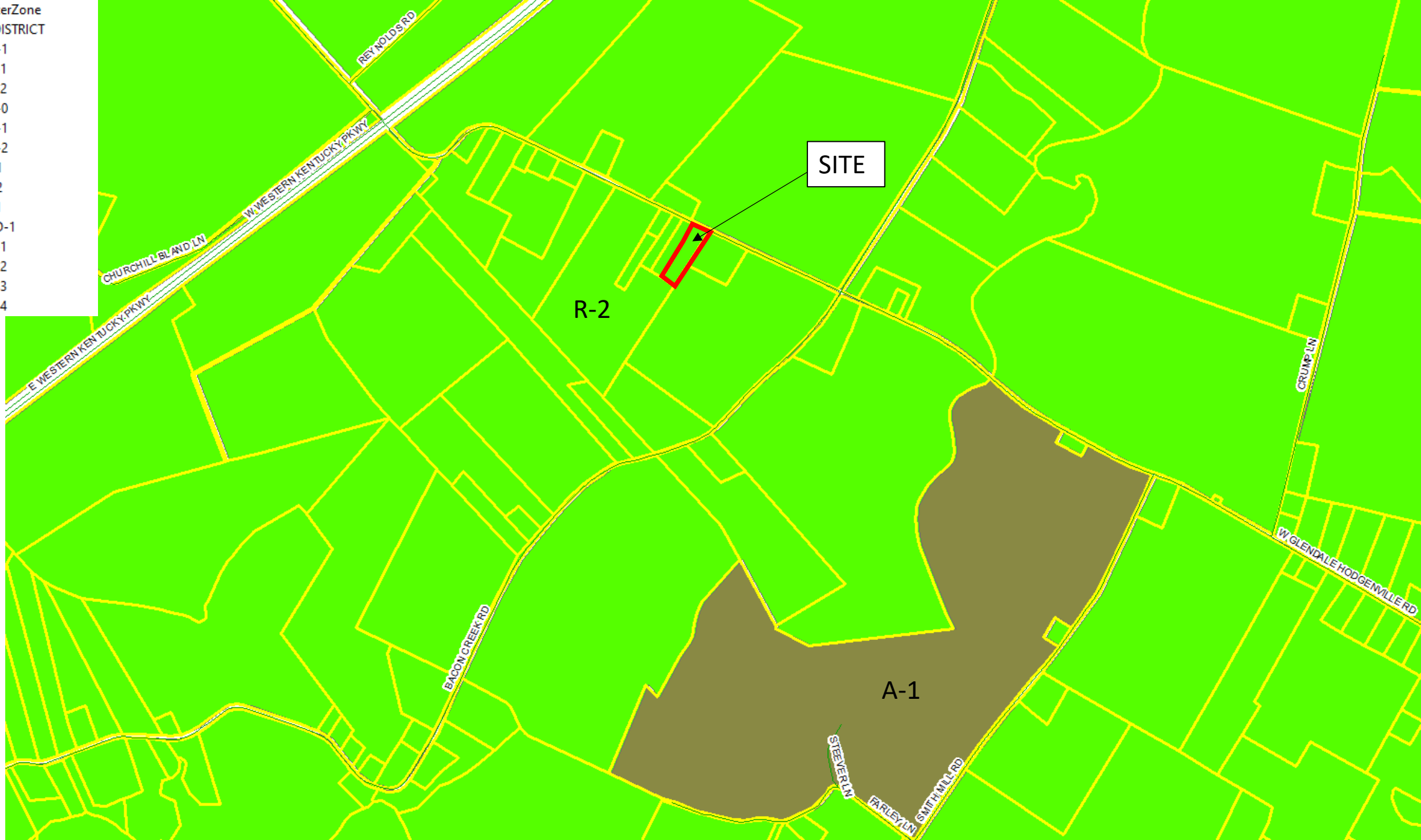
LISTING OF EXHIBITS

- A. Vicinity Map**
- B. Zoning Map**
- C. Aerial Photos**
- D. Plat of Tiny J Acres (2008)**
- E. Site Plan**
- F. Photographs**
- G. Analysis of previous approvals on site**
- H. *Comprehensive Development Guide**
- I. *Development Guidance System Ordinance**

* Not Provided in PowerPoint



- A-1
- B-1
- B-2
- C-0
- C-1
- C-2
- I-1
- I-2
- IH
- PD-1
- R-1
- R-2
- R-3
- R-4

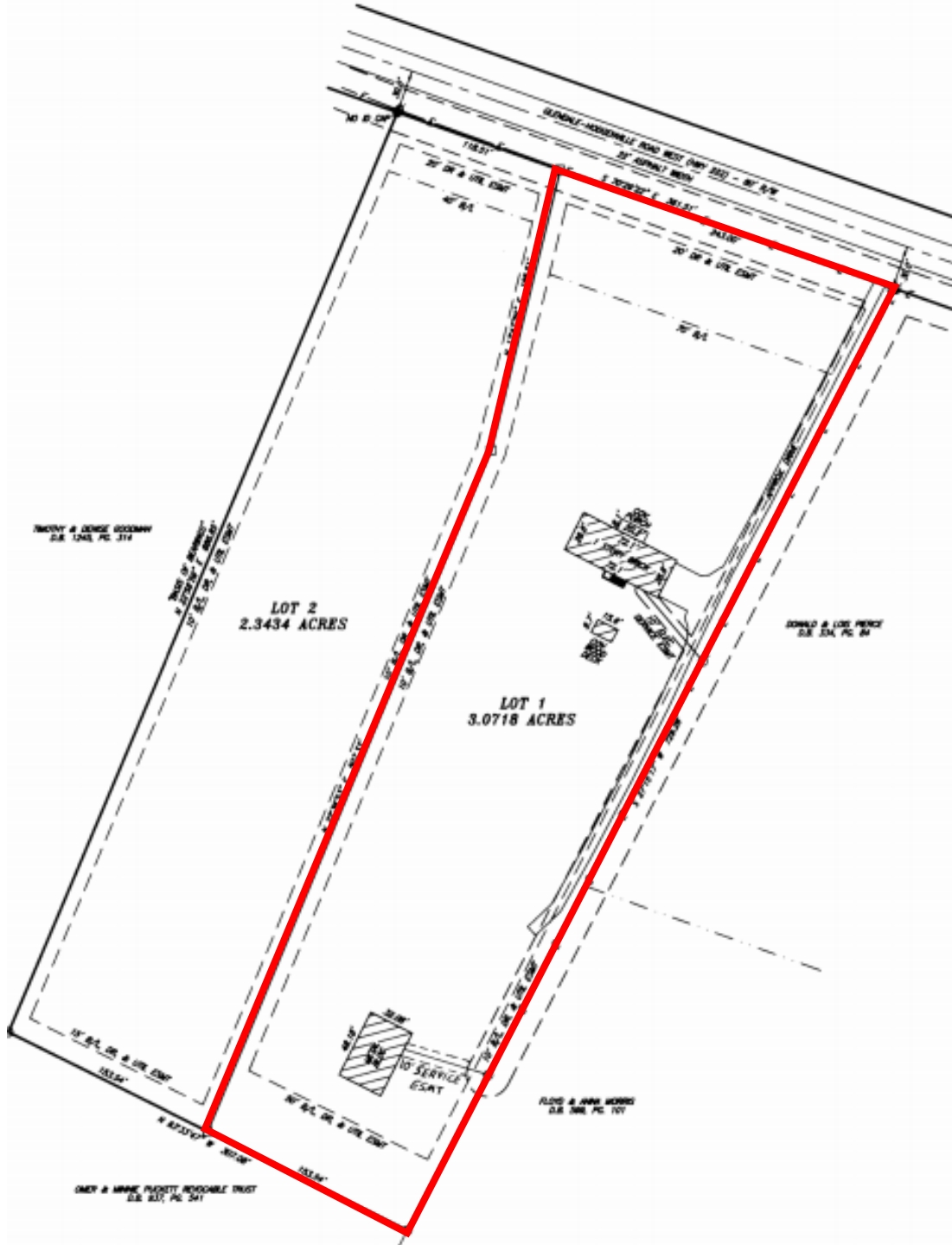




2020 Aerial Photos



1-Story Ranch (1988)
2,784 sq. ft.



RECORD PLAT OF:

TINY J ACRES

GLENDALD-HODGENVILLE RD. W, GLENDALD, HARDIN CO., KY

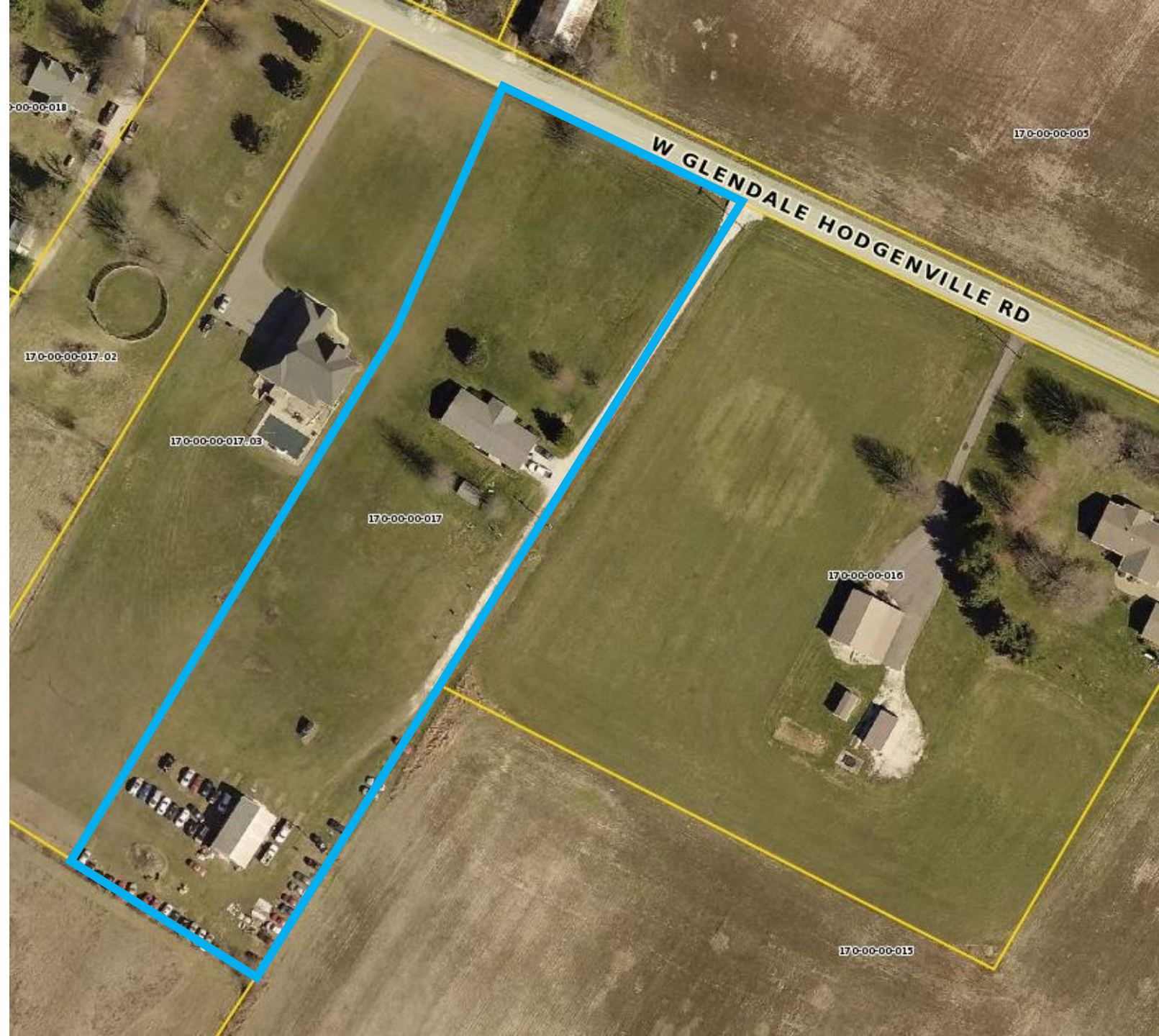
OWNER\CLIENT: RANDALL & VICKI GRAY
4399 GLENDALE-HODGENVILLE RD. W
GLENDALE, KY 42740

SCALE: 1 IN. = 50 FT.	DWG. BY: W. McCCLURE	PAR #: 170-00-00-017
DATE: 5/22/2008	AREA: 5.4152 ACRES	DWG. NAME: C:\DRAWINGS\HARDIN\HWY222
BILL# 08-070	SOURCE: D.B. 1246, PG. 447	

TURNER ENGINEERING
A DIVISION OF NEW BANKS INC.

5735 NORTH DIXIE HIGHWAY
ELIZABETHTOWN, KENTUCKY 42701
PH. (270) 737-3232 ~ FAX (270) 769-5497

2017 Aerial Photo



Photos of site from
September of 2017



Photos of site from
December of 2017



Amanda Stopher (Owner)
2,784 sq. ft. ranch house (1988)



Proximity to Randall Gray
(Applicant) home at 431 W
Glendale Hodgenville Road





1,728 sq. ft. pole barn (1995)



All vehicles are to be parked in
fenced in area



5 shrubs and 2 trees were
required to be planted along
the fence







iWorQ Analysis for 4399 West Glendale Hodgenville Road

Permit Date	Parcel	Owner	Type	Zone	Listed Use (Dvpl, Cup, Var, Maps)	Project / Subdivision Name	Request	Site Address	Acre (All Permits)	Status
07/30/2021	170-00-00-017	BOONE AMANDA	CONDITIONAL USE PERMIT (AMENDED)	R-2 - RURAL RESIDENTIAL ZONE	AUTOMOTIVE STORAGE (2-5 VEHICLES)	RANDALL GRAY - AUTOMOTIVE STORAGE	AUTOMOTIVE STORAGE OF UP TO 20 VEHICLES ON SITE	4399 WEST GLENDALE HODGENVILLE ROAD, GLENDALE, KY, 42740	3.072	PENDING
08/14/2018	170-00-00-017	BOONE AMANDA	CONDITIONAL USE PERMIT (AMENDED)	R-2 - RURAL RESIDENTIAL ZONE	AUTOMOTIVE STORAGE (2-5 VEHICLES)	RANDY GRAY - AUTOMOTIVE STORAGE	TO ALLOW FOR AUTOMOTIVE STORAGE OF UP TO 20 VEHICLES ON SITE	4399 W GLENDALE HODGENVILLE RD	3.072	APPROVED
06/22/2017	170-00-00-017	BOONE AMANDA	CONDITIONAL USE PERMIT	R-2 - RURAL RESIDENTIAL ZONE	AUTOMOTIVE STORAGE (2-5 VEHICLES)		AUTOMOTIVE STORAGE TO ALLOW UP TO 32 VEHICLES TO BE STORED ON SITE	4399 W GLENDALE HODGENVILLE RD	3.072	APPROVED
05/05/2017	170-00-00-017	BOONE AMANDA	VIOLATION	R-2 - RURAL RESIDENTIAL ZONE		INOPERABLE VEHICLES	CONTACT OUR OFFICE	4399 W GLENDALE HODGENVILLE ROAD	3.072	COMPLIANCE
05/28/2008	170-00-00-017	RANDALL & VICKI GRAY	PLAT (RECORD)	R-2 - RURAL RESIDENTIAL ZONE		/ TINY J ACRES		0 GLENDALE HODGENVILLE ROAD (KY 222)	5.415	APPROVED
Records 1 to 5 (of 5)										

Conditional Use Permits for Auto Storage

Permit Date ↕	Parcel ↕	Owner ↕	Type ↕	Zone ↕	Listed Use (Dvpl, Cup, Var, Maps) ↕	Project / Subdivision Name ↕	Request ↕	Site Address ↕	Acre (All Permits) ↕	Status ↕
07/30/2021	170-00-00-017	BOONE AMANDA	CONDITIONAL USE PERMIT (AMENDED)	R-2 - RURAL RESIDENTIAL ZONE	AUTOMOTIVE STORAGE (2-5 VEHICLES)	RANDALL GRAY - AUTOMOTIVE STORAGE	AUTOMOTIVE STORAGE OF UP TO 20 VEHICLES ON SITE	4399 WEST GLENDALE HODGENVILLE ROAD, GLENDALE, KY, 42740	3.072	PENDING
08/14/2018	170-00-00-017	BOONE AMANDA	CONDITIONAL USE PERMIT (AMENDED)	R-2 - RURAL RESIDENTIAL ZONE	AUTOMOTIVE STORAGE (2-5 VEHICLES)	RANDY GRAY - AUTOMOTIVE STORAGE	TO ALLOW FOR AUTOMOTIVE STORAGE OF UP TO 20 VEHICLES ON SITE	4399 W GLENDALE HODGENVILLE RD	3.072	APPROVED
06/22/2017	170-00-00-017	BOONE AMANDA	CONDITIONAL USE PERMIT	R-2 - RURAL RESIDENTIAL ZONE	AUTOMOTIVE STORAGE (2-5 VEHICLES)		AUTOMOTIVE STORAGE TO ALLOW UP TO 32 VEHICLES TO BE STORED ON SITE	4399 W GLENDALE HODGENVILLE RD	3.072	APPROVED

16-3 STANDARDS FOR ISSUANCE

The Board of Adjustment shall issue a CUP only after all of the following standards satisfy the language of the Ordinance:

- A.** The use shall not tend to change the character and established pattern of development of the area of the proposed use;
- B.** 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;
- C.** 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;
- D.** The use shall not adversely affect the health or safety of persons residing or working in the vicinity of the proposed use;
- E.** The use shall not be detrimental to the public welfare or injurious to property or improvements in the vicinity; and,
- F.** The use shall be in accordance with the purposes of the Zoning Ordinance and the Comprehensive Plan.

GENERAL CONDITIONS In granting any Conditional Use Permit, the Board shall designate such conditions in connection therewith as will, in its opinion, assure that the use will conform to the requirements set out in the Zoning Ordinance and that it will continue to so do. Such conditions may include, but are not limited to the following:

- A. Secure a financial security to insure completion or construction of imposed conditions;
- B. Reasonable time limits may be imposed to insure completion of the project in question or any individual components of the project, if none are established, the project shall be complete in one year;
- C. Conditions may be imposed to abate or restrict noise, smoke, dust, light, or other elements that may affect surrounding properties;
- D. Establish building setbacks and yard requirements necessary for orderly expansion and to prevent traffic congestion;
- E. Provide for adequate parking and ingress and egress to public streets and roads;
- F. Provide the adjoining property with a buffer or shield from view of the proposed use;
- G. Establish minimum dwelling unit square foot requirements in order to protect property values;
- H. Establish Hours of Operation for businesses and commercial activities;
- I. Establish limits as to the scope and intensity of activities conducted under the Conditional Use Permit;
- J. Establish time limits for the Conditional Use Permit at which time the permit shall expire or require renewal;
- K. Conditional Uses shall comply with all applicable standards of the Zoning Ordinance, including the parking, landscape, lighting and signage regulations. Additional standards may be included in the listed requirements for a particular use;
- L. All other plans, licenses, permits and documentation from/for other agencies may be required by the Board.

16-14 AUTOMOTIVE STORAGE (2-5 VEHICLES)

1. Number of Vehicles. The Board may regulate the maximum number of vehicles that shall be located on the property at one time.
2. Screening. Vehicles must be appropriately screened from view from public rights-of-way and all adjoining properties.
3. Location. The designated vehicles must be located on the subject property as shown on the Site/Development Plan.
4. Parking Surface. The designated parking area must be of an appropriate type surface such as gravel, concrete or pavement.

Conditions may include, but are not limited to the following:

DGS [5-3(A)]

*I make a Motion to **Approve** the Amended Conditional Use Permit with the Following Conditions:*

Based on the Staff Presentation and the Testimony presented in the Public Hearing and that it satisfies the Standards for Issuance outlined in the Development Guidance System, Zoning Ordinance 16-3.

1. Hours of Operation shall be from 12:00 pm–9:00 pm Monday–Friday and 2:00 pm-7:00 pm on Saturday.
2. 20 vehicles may be stored on site and shall be **completely screened from view of the right-of-way and adjoining properties in the designated area**. The areas shall be 80’x125’ gravel parking area to the west side and rear of the existing building. 10 of these vehicles may be non-operational and/or non-licensed and registered.
3. The vehicles will be screened via a 6’ tall solid wood privacy fence **with landscaping (5 shrubs and 2 trees) along the front side facing the road. Landscaping must be installed by May 1, 2019.**
4. An inventory of vehicles on site will be conducted and maintained.
5. There shall only be no employees of the business who do not reside on the premises.
6. This Conditional Use Permit shall allow for general Auto Repair and the storage of vehicles. There shall be no retail sales of parts/vehicles.
7. This Conditional Use Permit shall be issued to the current property owners, Amanda Boone & Randall Gray and is not transferable.
8. All building activities shall conform to provisions of the Kentucky Building Code.
9. This Conditional Use Permit shall be for a period of _____ years and expire on September 9, _____.
10. A Certificate of Land Use Restrictions shall be recorded in the Hardin County Clerk’s Office.
11. An Emergency Response and Spill Prevention Plan is on file with our office and shall be required.

Owner: Sherry & Timothy
Ernspiker



Location A 1.42 acre site located at 2995 Nacke Pike Road, Cecilia, KY,
known as Lot 1 of The Other Place.

Zoned Rural Residential (R-2)

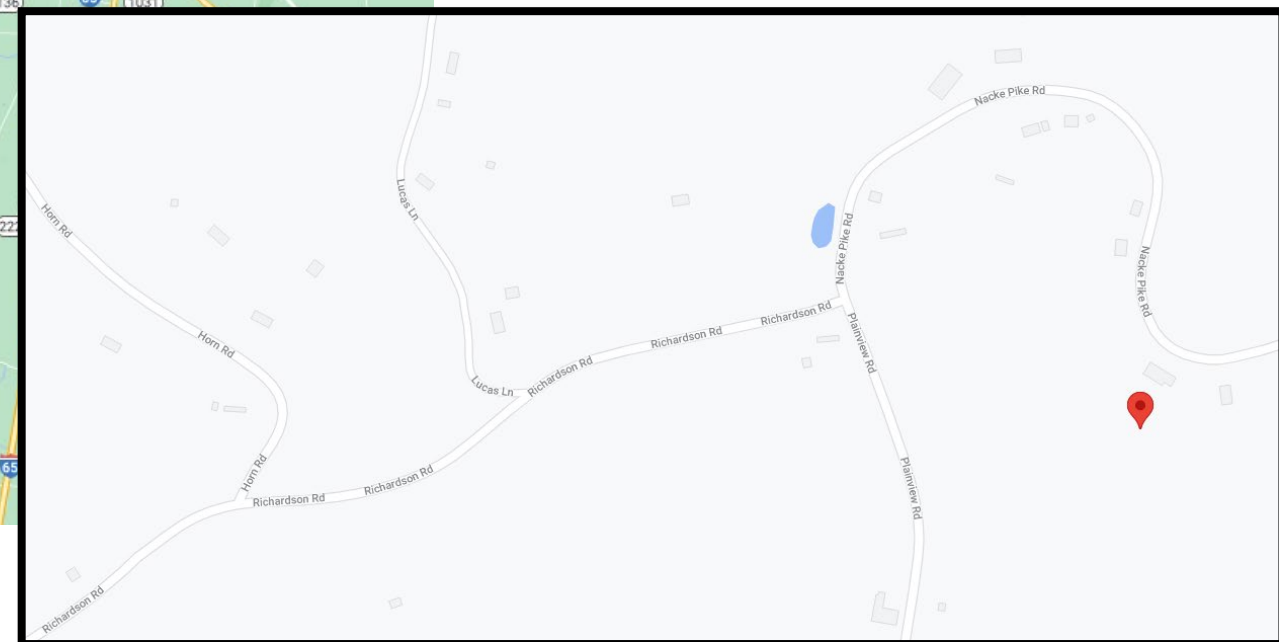
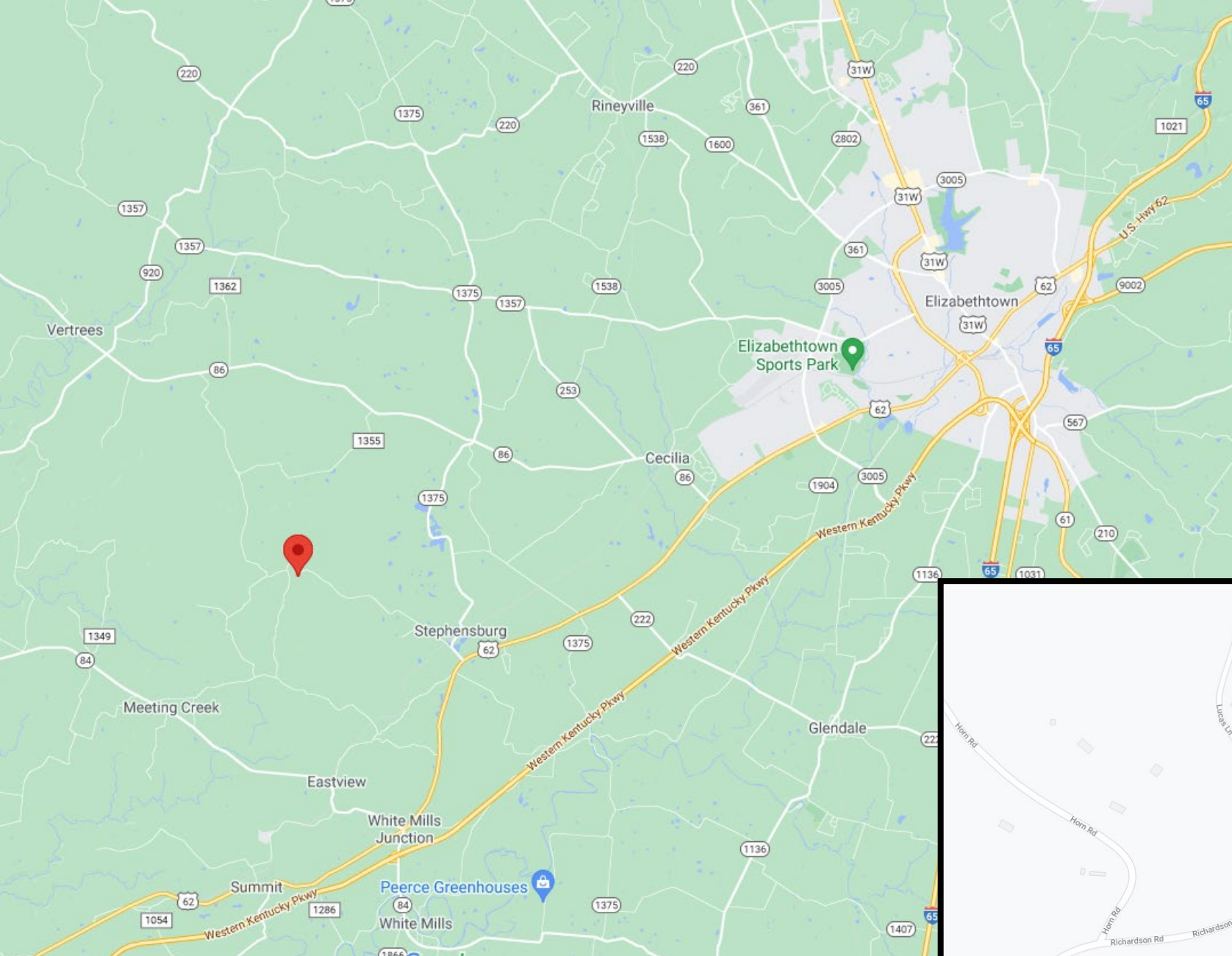
Requesting a **Conditional Use Permit to allow for the operation of a home occupation (woodworking shop) within a proposed detached accessory structure (48'x72' pole barn) on site.**

2995 Nacke Pike Road
Conditional Use Permit
SUMMARY REPORT

LISTING OF EXHIBITS

- A. Vicinity Map**
- B. Zoning Map**
- C. Aerial Photo**
- D. Record Plat of Other Place (2003)**
- E. Site Plan**
- F. Photographs**
- G. Analysis of other Conditional Use Permits for Home Occupations**
- H. Analysis of other Accessory Structures in the Area**
- I. Definition of a Home Occupation (Zoning Ordinance)**
- J. *Comprehensive Development Guide**
- K. *Development Guidance System Ordinance**

* Not Provided in PowerPoint



☐ MasterZone

DISTRICT

- ☐ A-1
- ☐ B-1
- ☒ B-2
- ☐ C-0
- ☐ C-1
- ☐ C-2
- ☐ I-1
- ☐ I-2
- ☐ IH
- ☐ PD-1
- ☐ R-1
- ☐ R-2
- ☐ R-3
- ☐ R-4





Proposed 48'x72' Pole Barn
for Woodworking Business



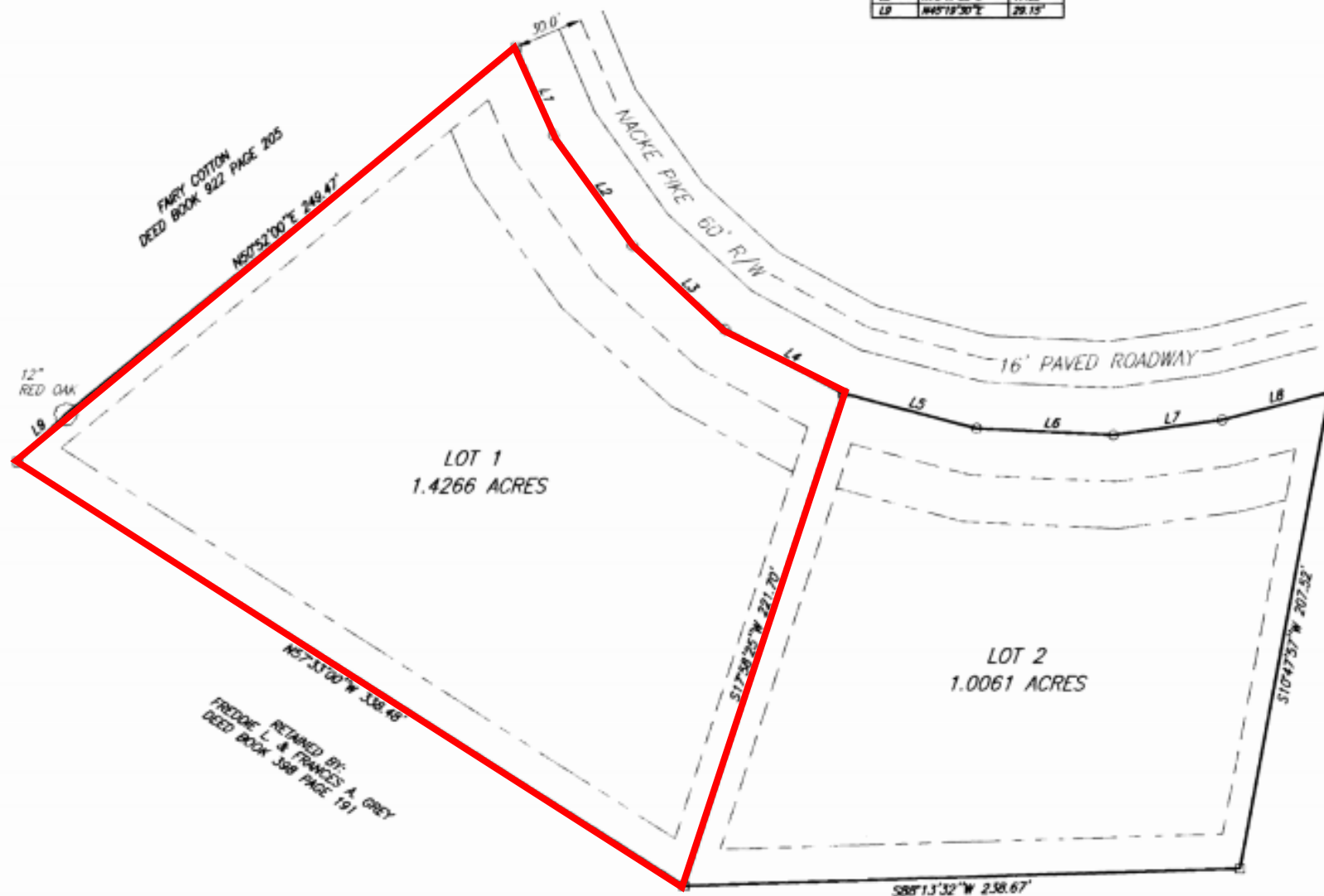
NACKE PIKE



1-Story Ranch (2006) – 3,490 sq. ft.

LINE TABLE

NUMBER	DIRECTION	DISTANCE
L1	S22°48'18"E	41.17'
L2	S30°24'50"E	38.07'
L3	S47°46'57"E	53.44'
L4	S81°30'53"E	57.81'
L5	S75°16'50"E	59.41'
L6	S87°19'05"E	58.80'
L7	N85°08'29"E	47.39'
L8	N75°47'53"E	47.88'
L9	N45°19'30"E	29.15'



RETAINED BY:
FREDDIE L. & FRANCES A. GREY
DEED BOOK 398 PAGE 191

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FREDDIE L. & FRANCES A. GREY
DEED BOOK 398 PAGE 191

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FREDDIE L. & FRANCES A. GREY
DEED BOOK 398 PAGE 191

RECORD PLAT OF:

THE OTHER PLACE

NACKE PIKE ROAD HARDIN COUNTY, KY.

OWNER: TIM ERNSPIKER
740 RINEYVILLE SCHOOL ROAD
RINEYVILLE KY. 40162

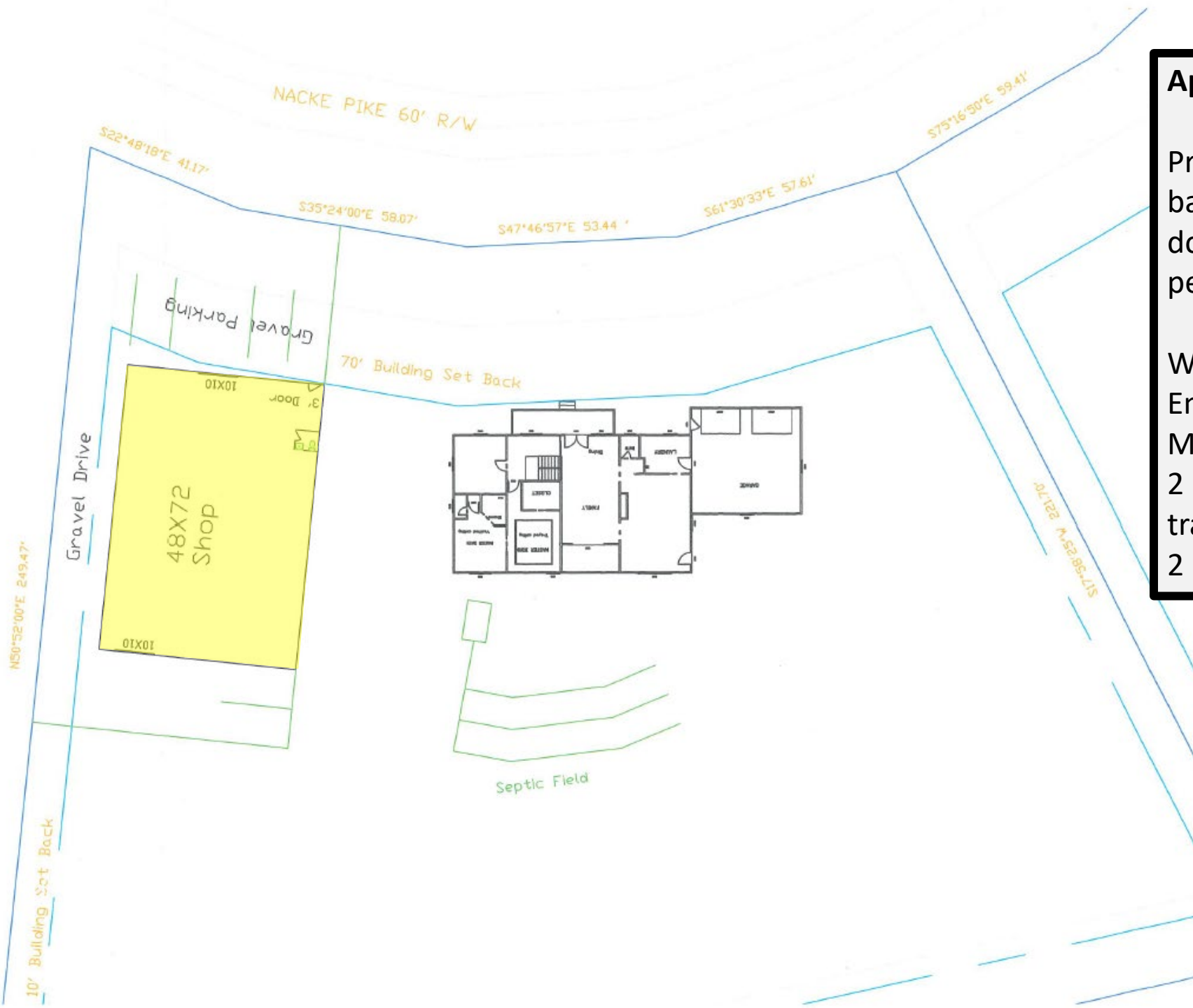
SCALE: 1 IN. = 40 FT. DATE: 5-16-03

DWG. BY: JP AREA: 2.4327 ACRES

CHK. NAME: C:\P2007\WWW\JLW\JLW.DWG

TURNER ENGINEERING

DIVISION OF NEW TURN INC.
5735 NORTH DIXIE HIGHWAY
ELIZABETHTOWN, KENTUCKY 42701
PH. (270) 737-3232 FAX (270) 769-5497



Applicant's Proposal

Proposed 48'x72' black metal pole barn with a light grey roof. 10' tall doors 4:12 roof pitch, 20' tall at peak

Wood Working Business

Employees – 2 sons and 1 daughter

Monday-Friday 8am-5pm

2 pick up trucks with pull behind trailers

2 delivery trucks per month

Staff recommendation that a hammer head (3 point turn around) be required so no vehicles back out into road

3,490 sq. ft. house (2006)



Proposed Building Site







Nacke Pike, 60' right-of-way, 19' paved, 40 mph











Conditional Use Permits for Home Occupations

Permit Date ⇅	Parcel ⇅	Owner ⇅	Type ⇅	Zone ⇅	Listed Use (Dvpl, Cup, Var, Maps) ⇅	Project / Subdivision Name ⇅	Request ⇅	Site Address ⇅	Acres (All Permits) ⇅	Status ⇅
08/05/2021	070-00-00-018.01	ERNSPIKER TIMOTHY A & SHERRY D	CONDITIONAL USE PERMIT	R-2 - RURAL RESIDENTIAL ZONE	HOME OCCUPATION	ERNSPIKER POLE BARN	TO ALLOW FOR AN EXPANDED HOME OCCUPATION FOR A WOOD WORKING SHOP IN A PROPOSED POLE BARN	2995 NACKE PIKE ROAD, CECILIA, KY	1.420	PENDING
01/19/2021	147-00-01-025	JONES BARRY & BOBBIE	CONDITIONAL USE PERMIT (AMENDED)	R-2 - RURAL RESIDENTIAL ZONE	HOME OCCUPATION	ENCHANTED ACRES, LOT 25A - KITCHEN DESIGNS	TO ALLOW FOR AN EXISTING HOME OCCUPATION (KITCHEN DESIGNS) TO REMAIN ON THE PROPERTY WITHIN A DETACHED ACCESSORY STRUCTURE	164 N SUNSET AVENUE CECILIA, KY	1.673	APPROVED
11/05/2019	162-00-02-019	THOMPSON, JASON & DEBORAH	CONDITIONAL USE PERMIT (AMENDED)	R-1 - URBAN RESIDENTIAL ZONE	HOME OCCUPATION	LOT 19A COUNTRY WAY ESTATES - GRASS IS GREENER	TO CONTINUE TO ALLOW FOR A HOME OCCUPATION - LAWN AND LANDSCAPE BUSINESS	320 COUNTRY LANE, RADCLIFF, KY	3.500	APPROVED
11/05/2019	224-00-03-012	WINTERS ANDREA D	CONDITIONAL USE PERMIT	R-2 - RURAL RESIDENTIAL ZONE	HOME OCCUPATION	RIPPLE RIDGE SUB, LOT 12, #1	TO ALLOW FOR AN EXPANDED HOME OCCUPATION WITHIN A DETACHED ACCESSORY BUILDING (12' X 20' =240')	80 BOTTLE DRIVE	.000	APPROVED
07/31/2019	141-00-00-034	MCCAIN STEVEN	CONDITIONAL USE PERMIT	R-1 - URBAN RESIDENTIAL ZONE	HOME OCCUPATION	MCCAIN'S WILD GAME MEAT SERVICES	CUP FOR EXPANDED HOME OCCUPATION TO ALLOW FOR MEAT PROCESSING FOR HIS 501C3 NON-PROFIT "MCCAIN'S WILD GAME SERVICES"	220 BURNS RD	2.870	APPROVED
05/15/2019	234-00-0B-004	EWING ROGER DALE	CONDITIONAL USE PERMIT	R-1 - URBAN RESIDENTIAL ZONE	HOME OCCUPATION	CONCORD HEIGHTS LOT 4A	TO ALLOW FOR THE CONSTRUCTION OF A 48' X 60' GARAGE THAT EXCEED THE SIZE OF THE HOME AND TO ALLOW FOR A WINDOW TINTING BUSINESS TO BE OPERATED FROM THE PROPOSED DETACHED GARAGE (HOME OCCUPATION)	1635 LOCUST GROVE RD	1.014	APPROVED
04/09/2018	142-00-02-024	HEDRICK RAYMOND L	CONDITIONAL USE PERMIT (AMENDED)	R-1 - URBAN RESIDENTIAL ZONE	HOME OCCUPATION	HOME OCCUPATION / BOARDWALK ESTATE LOT 24	RENEWAL OF THE CONDITIONAL USE PERMIT TO CONTINUE TO ALLOW FOR THE HOME OCCUPATION- RAY'S PLUMBING IN A DETACHED ACCESSORY STRUCTURE	1584 FRED BURNS RD	3.280	APPROVED
11/16/2017	162-00-02-019	THOMPSON, JASON & DEBORAH	CONDITIONAL USE PERMIT	R-1 - URBAN RESIDENTIAL ZONE	HOME OCCUPATION	LOT 19A COUNTRY WAY ESTATES	TO ALLOW FOR HOME OCCUPATION - LAWN AND LANDSCAPE BUSINESS	320 COUNTRY LANE	3.500	APPROVED
01/25/2016	147-00-01-025	JONES BARRY & BOBBIE	CONDITIONAL USE PERMIT (AMENDED)	R-2 - RURAL RESIDENTIAL ZONE	HOME OCCUPATION	KITCHEN DESIGNS	TO ALLOW FOR AN EXISTING HOME OCCUPATION (KITCHEN DESIGNS) TO REMAIN ON THE PROPERTY WITHIN AN ACCESSORY STRUCTURE	164 N SUNSET AVENUE	.950	APPROVED
09/30/2014	165-00-00-014	SMITH THOMAS E & VALERIE	CONDITIONAL USE PERMIT	R-1 - URBAN RESIDENTIAL ZONE	HOME OCCUPATION	AUTO TRIM DESIGN / VALLEY FIELDS SUBDIVISION LOT 1	EXPANDED HOME OCCUPATION IN DETACHED ACCESSORY STRUCTURE	3634 RINEYVILLE RD	2.404	APPROVED
04/23/2013	142-00-02-024	RAY HEDRICK	CONDITIONAL USE PERMIT (AMENDED)	R-1 - URBAN RESIDENTIAL ZONE	HOME OCCUPATION	HOME OCCUPATION / BOARDWALK ESTATE -RAY'S PLUMBING	TO CONTINUE TO ALLOW FOR A HOME OCCUPATION - RAY'S PLUMBING - IN THE URBAN RESIDENTIAL ZONE (R-1)	1584 FRED BURNS ROAD	3.281	APPROVED
08/02/2012	199-20-02-002	ALEXANDER NIEVES	CONDITIONAL USE PERMIT	R-1 - URBAN RESIDENTIAL ZONE	HOME OCCUPATION	HOME OCCUPATION - ALEX KARATE STUDIO / PFEIFFER ESTATES	TO ALLOW FOR A HOME OCCUPATION THAT EXCEEDS THE DEFINITION	295 TERESA RD	.410	APPROVED
05/17/2012	248-00-00-005.03	ROY NEAL & SUSAN MCDOWELL	CONDITIONAL USE PERMIT	R-2 - RURAL RESIDENTIAL ZONE	HOME OCCUPATION	HOME OCCUPATION / GEHR ESTATES	TO CLOSE IN THE PORCH TO THE EXISTING DETACHED GARAGE AND CHANGE THE USE TO A HOME OCCUPATION	339 WILLIAMS CEMETARY RD	3.251	APPROVED
02/03/2011	147-00-01-025	JONES BARRY & BOBBIE	CONDITIONAL USE PERMIT	R-2 - RURAL RESIDENTIAL ZONE	HOME OCCUPATION	HOME OCCUPATION - KITCHEN DESIGNS / ENCHANTED ACRES SUBDIVISION	TO ALLOW AN EXISTING HOME OCCUPATION TO REMAIN ON THE PROPERTY	164 N SUNSET AVE	.950	APPROVED
10/28/2010	142-00-02-024	RAY HEDRICK	CONDITIONAL USE PERMIT	R-1 - URBAN RESIDENTIAL ZONE	HOME OCCUPATION	HOME OCCUPATION / BOARDWALK ESTATE	HOME OCCUPATION - RAY'S PLUMBING - IN URBAN RESIDENTIAL ZONE (R-1)	1584 FRED BURNS ROAD	3.281	APPROVED

Records 1 to 15 (of 15)

15 Total: 14 Approved & 1 Pending

Accessory Structures in the area



Home Occupation

Any activity carried out for gain by a resident conducted as an accessory use within the principle structure. Such activity shall not cause the description or appearance of the property to change by virtue of the existence of a home occupation. The activity must have no employees working on the premises who are not members of the family, and who do not live in the dwelling unit; must not generate more traffic than the uses existing in the same neighborhood; and must not involve warehousing or storage of any inventory or goods to be transferred to third parties; nor make use of any equipment not normally used for domestic purposes. (To exceed this definition requires a Conditional Use Permit, See 16-27, Pg. 136)



Development Guidance System
Zoning Ordinance, 2009



Hardin County

Planning and Development Commission

WATER SUPPLY
PROTECTION AREA
REPORT SPILL
911 OR 1-800 928-7

16-27 HOME OCCUPATION

A home occupation is an accessory use which is incidental to the use of the dwelling for residential purposes. All home occupations must meet the standards listed in this section. Home occupations do not imply or convey permission to violate or be exempt from any existing or subsequent lawfully enacted deed restrictions or subdivision restrictions for the property of the proposed home occupation.

A home occupation shall be considered an accessory use with administrative approval from the Director when the following standards are met Applications for home occupations must seek a Conditional Use Permit from the Board to exceed the standards below. All applicants shall provide a site plan for the proposed use with the application. This plan shall include, but not be limited to, a Site Plan illustrating the property and all structures, building setbacks, parking and driveways; the proposed scope of the business, the number of employees, occupation, vehicles (including type, weight and size of vehicles) to be used, and estimated daily traffic.

1. Employees. No person other than a resident of the dwelling unit shall be engaged or employed in the home occupation.
2. Signage. No business signs shall be permitted on the house or property.
3. Exterior Modifications. There shall be no exterior evidence of the conduct of a home occupation.
4. Outdoor storage. There shall be no storage of equipment or materials used in connection with the home occupation outside a dwelling unit or accessory structure.
5. Traffic & Parking. The home occupation shall not generate more traffic or a demand for parking than the uses existing in the same neighborhood.

16-3 STANDARDS FOR ISSUANCE

The Board of Adjustment shall issue a CUP only after all of the following standards satisfy the language of the Ordinance:

- A.** The use shall not tend to change the character and established pattern of development of the area of the proposed use;
- B.** 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;
- C.** 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;
- D.** The use shall not adversely affect the health or safety of persons residing or working in the vicinity of the proposed use;
- E.** The use shall not be detrimental to the public welfare or injurious to property or improvements in the vicinity; and,
- F.** The use shall be in accordance with the purposes of the Zoning Ordinance and the Comprehensive Plan.

GENERAL CONDITIONS In granting any Conditional Use Permit, the Board shall designate such conditions in connection therewith as will, in its opinion, assure that the use will conform to the requirements set out in the Zoning Ordinance and that it will continue to so do. Such conditions may include, but are not limited to the following:

- A. Secure a financial security to insure completion or construction of imposed conditions;
- B. Reasonable time limits may be imposed to insure completion of the project in question or any individual components of the project, if none are established, the project shall be complete in one year;
- C. Conditions may be imposed to abate or restrict noise, smoke, dust, light, or other elements that may affect surrounding properties;
- D. Establish building setbacks and yard requirements necessary for orderly expansion and to prevent traffic congestion;
- E. Provide for adequate parking and ingress and egress to public streets and roads;
- F. Provide the adjoining property with a buffer or shield from view of the proposed use;
- G. Establish minimum dwelling unit square foot requirements in order to protect property values;
- H. Establish Hours of Operation for businesses and commercial activities;
- I. Establish limits as to the scope and intensity of activities conducted under the Conditional Use Permit;
- J. Establish time limits for the Conditional Use Permit at which time the permit shall expire or require renewal;
- K. Conditional Uses shall comply with all applicable standards of the Zoning Ordinance, including the parking, landscape, lighting and signage regulations. Additional standards may be included in the listed requirements for a particular use;
- L. All other plans, licenses, permits and documentation from/for other agencies may be required by the Board.

Conditions may include, but are not limited to the following:

DGS [5-3(A)]

*I make a Motion to **Approve** the Conditional Use Permit with the Following Conditions:*

Based on the Staff Presentation and the Testimony presented in the Public Hearing and that it satisfies the Standards for Issuance outlined in the Development Guidance System, Zoning Ordinance 16-3.

-
1. This Conditional Use Permit shall allow for an expanded home occupation to allow for a cabinet/wood working business in a proposed 48'x'72' pole barn.
 2. Hours of Operation shall be from 8:00 am–5:00 pm Monday–Friday.
 3. There shall be no outdoor storage of materials on site and all trucks and trailer shall be parked behind the proposed building.
 4. A hammerhead or three point turnaround must be provided on site so that no vehicles back out into Nacke Pike Road.
 5. There shall only be _____ employees of the business who do not reside on the premises.
 6. This Conditional Use Permit shall be issued to the current property owners, Sherry & Timothy Ernspiker, and is not transferable.
 7. A Site Plan in compliance with Section 7 of the Zoning Ordinance shall be required.
 8. All building activities shall conform to provisions of the Kentucky Building Code.
 9. This Conditional Use Permit shall be for a period of _____ years and expire on September 9, _____.
 10. A Certificate of Land Use Restrictions shall be recorded in the Hardin County Clerk's Office.

Owner: Patricia & Richard
Campbell



Location A 0.172 acre site located at 220 Colesburg Road, Elizabethtown, KY.

Zoned Rural Residential (R-2)

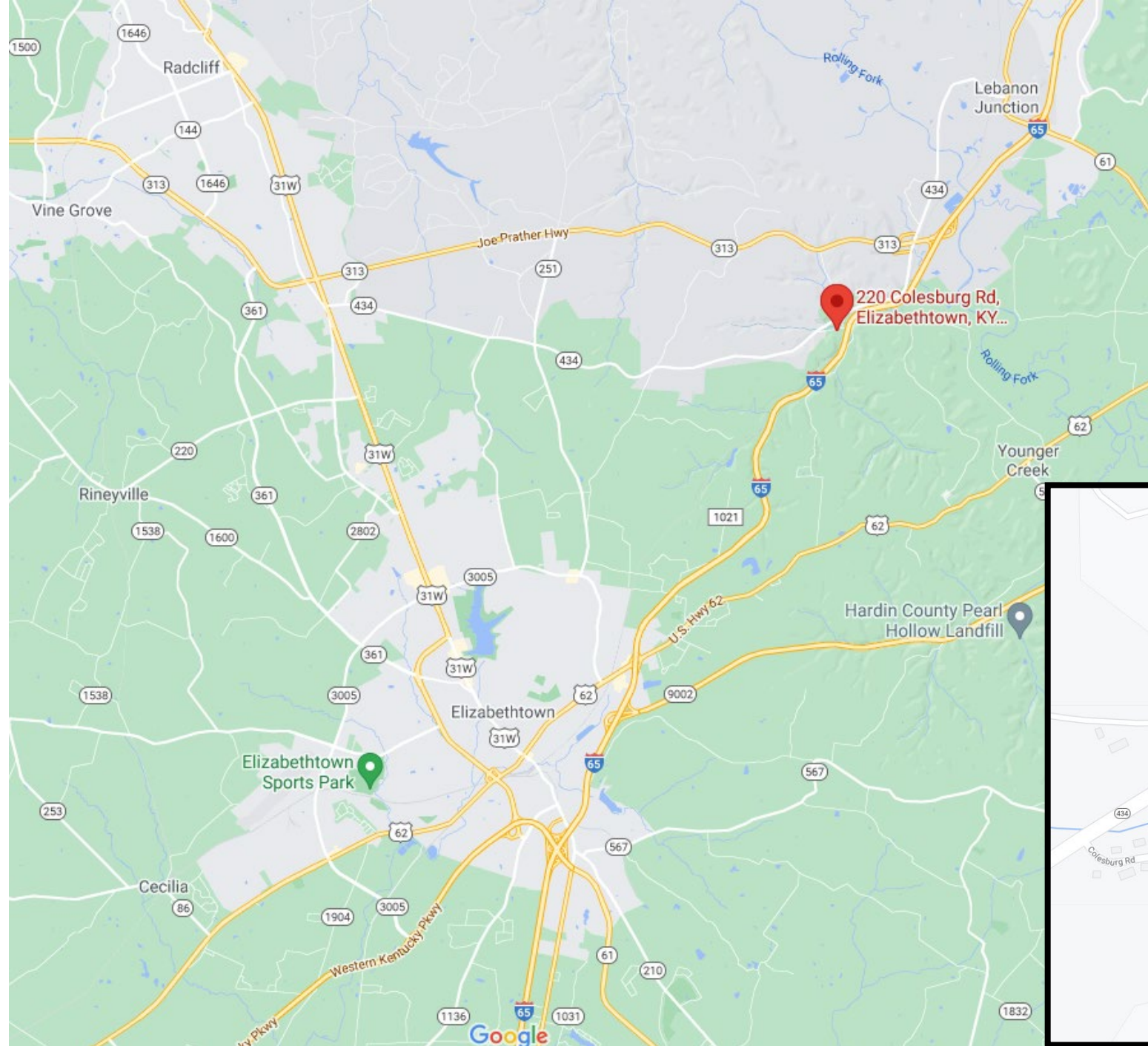
Requesting a **Variance from the front building setback along Colesburg Road for a proposed 8'x32' covered front porch and a 6'x30' addition to the side of existing home.**

220 Colesburg Road
Variance
SUMMARY REPORT

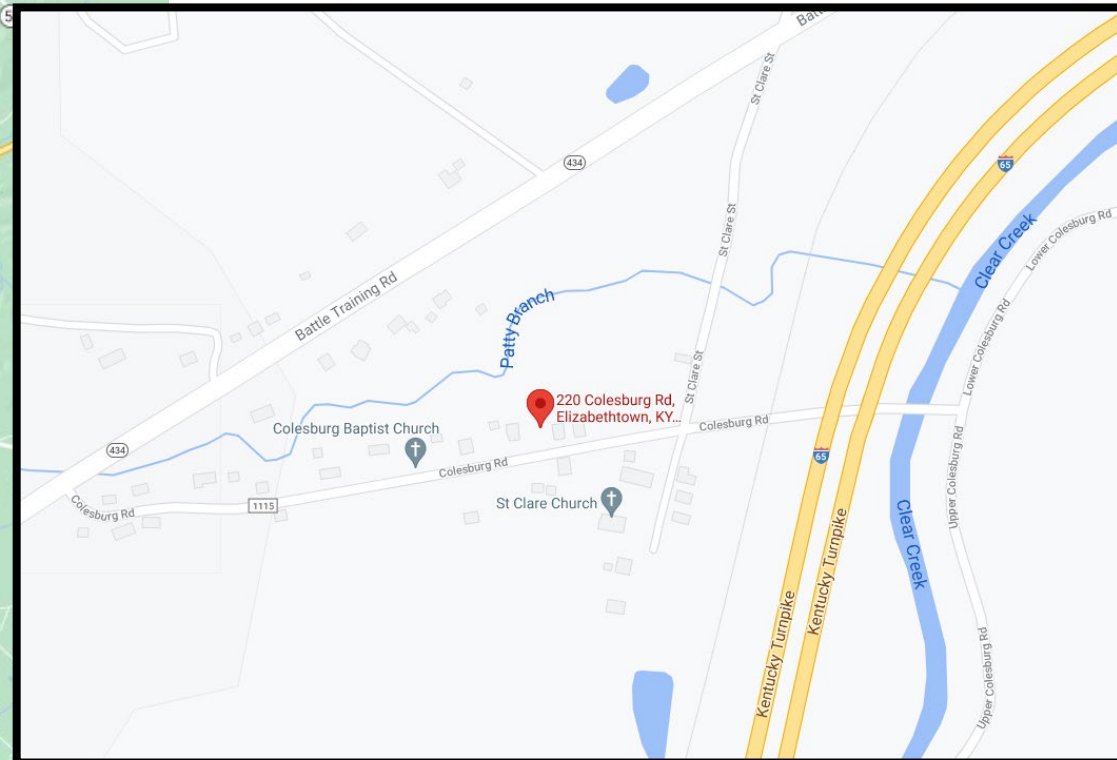
LISTING OF EXHIBITS

- A. Vicinity Map**
- B. Zoning Map**
- C. Flood Map**
- D. Aerial Photo**
- E. Site Plan**
- F. Photographs**
- G. Analysis of the Character of the Area**
- H. Elevation Certificate from County Engineer, Charlie Allen P.E.**
- I. *Comprehensive Development Guide**
- J. *Development Guidance System Ordinance**

* Not Provided in PowerPoint



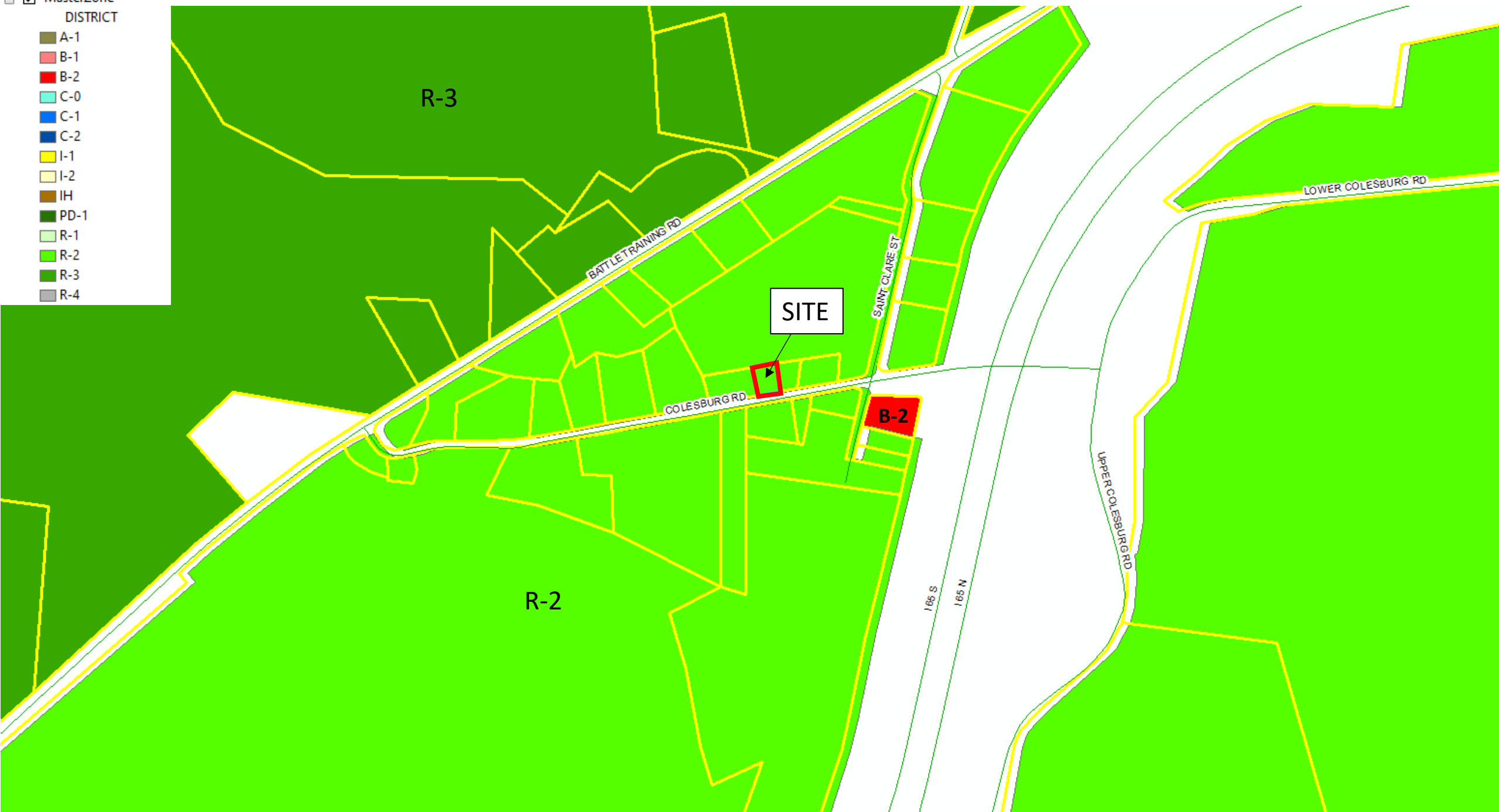
Colesburg, KY



☒ MasterZone

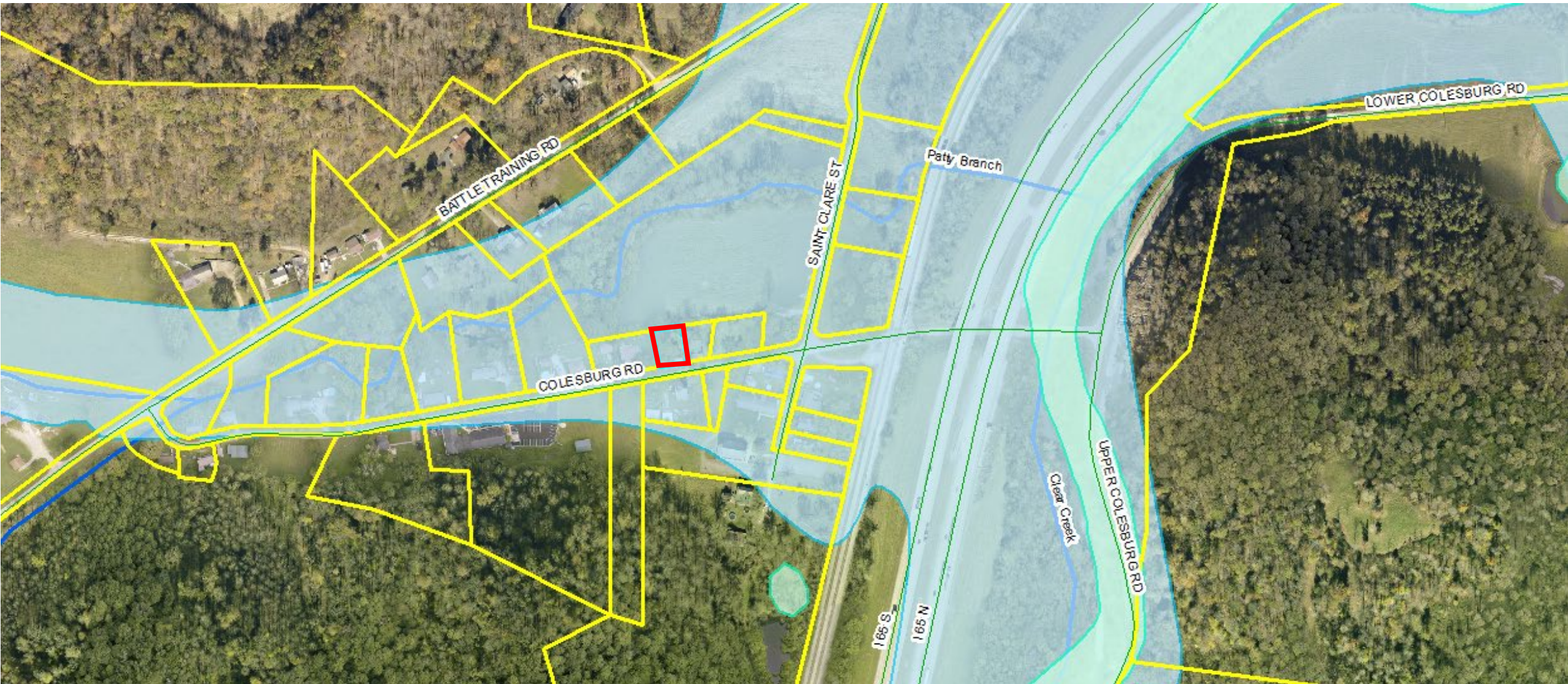
DISTRICT

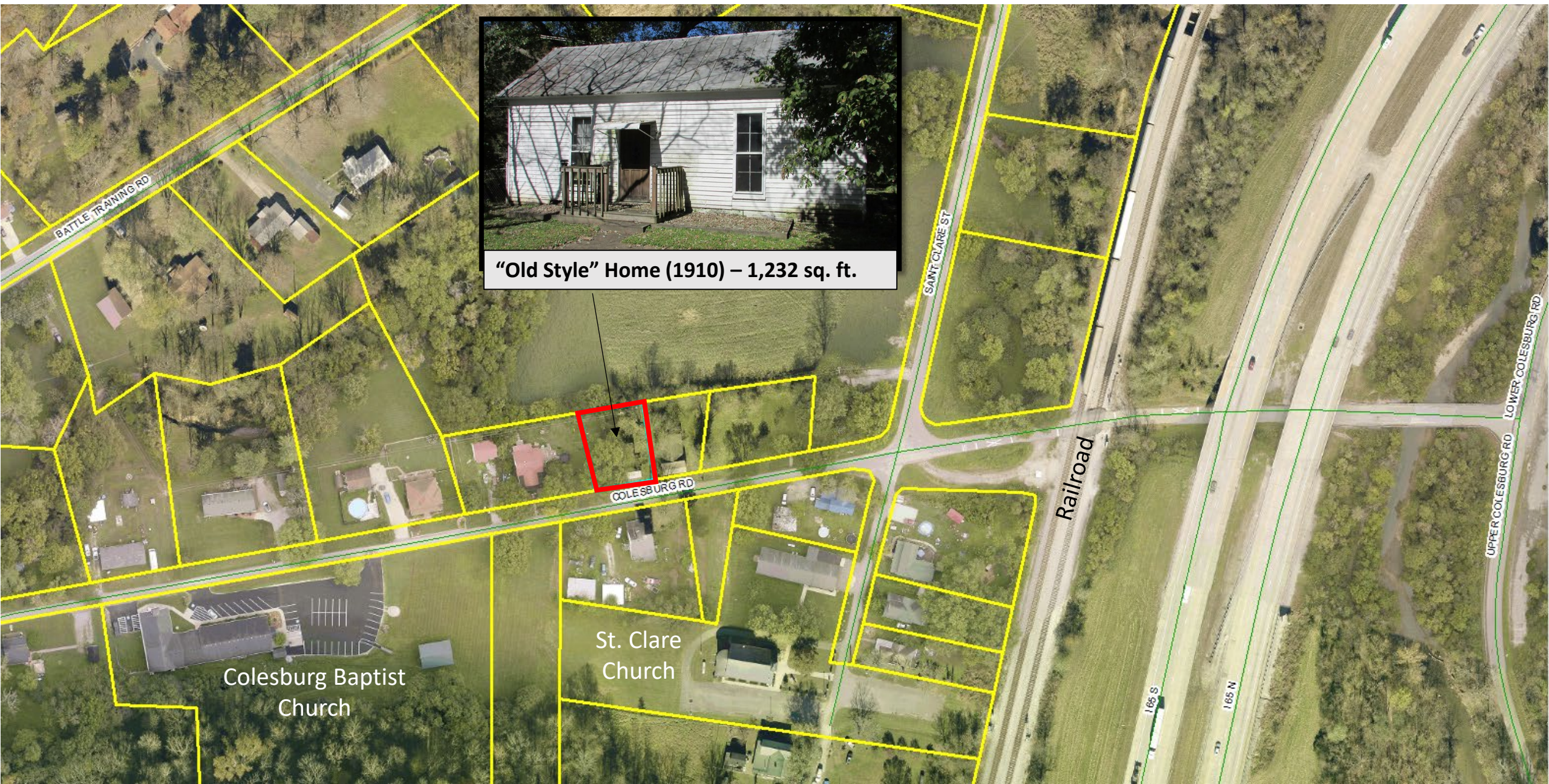
- A-1
- B-1
- B-2
- C-0
- C-1
- C-2
- I-1
- I-2
- IH
- PD-1
- R-1
- R-2
- R-3
- R-4



FLOODPLAIN

(Entire property is within the floodplain)





"Old Style" Home (1910) – 1,232 sq. ft.

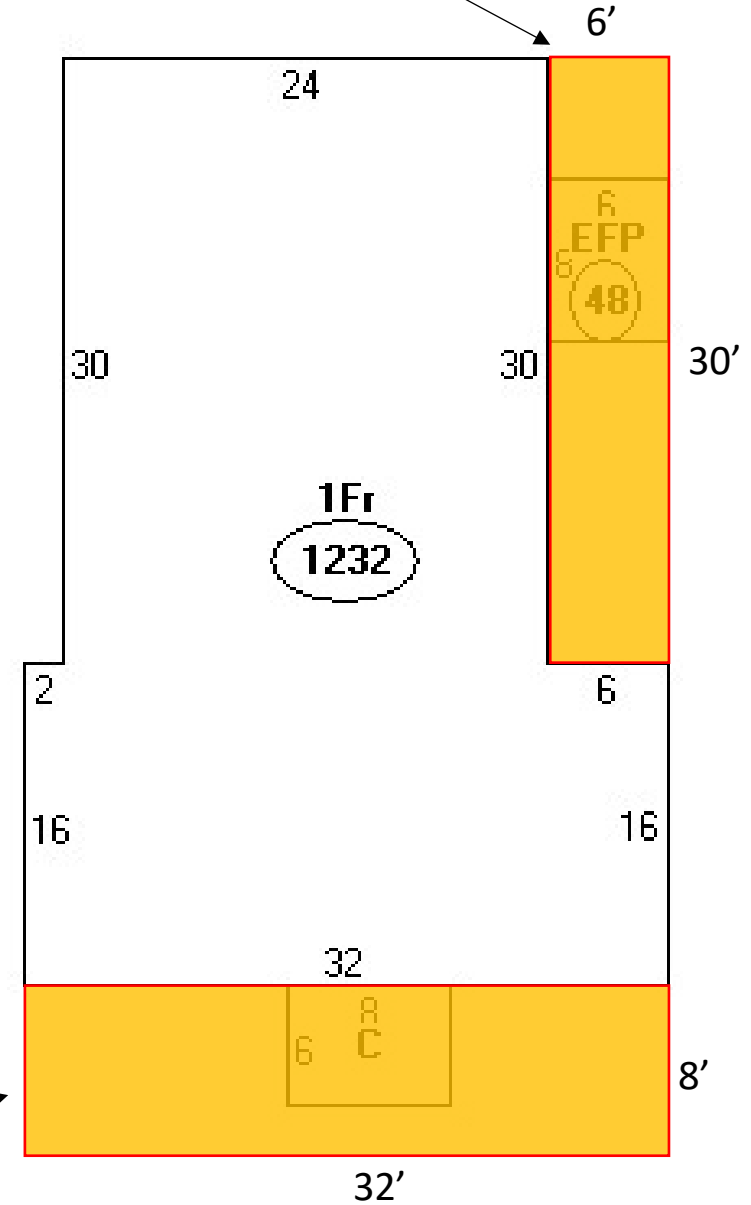
2017 Aerial

VARIANCE REQUEST

- 40' Front Setback in R-2 (60' to the Centerline of Colesburg Road)
- Request is 22' & 46' to the Centerline of Colesburg Road
- = 38' Variance for front porch
- = 14' Variance for side addition



Addition to Existing House

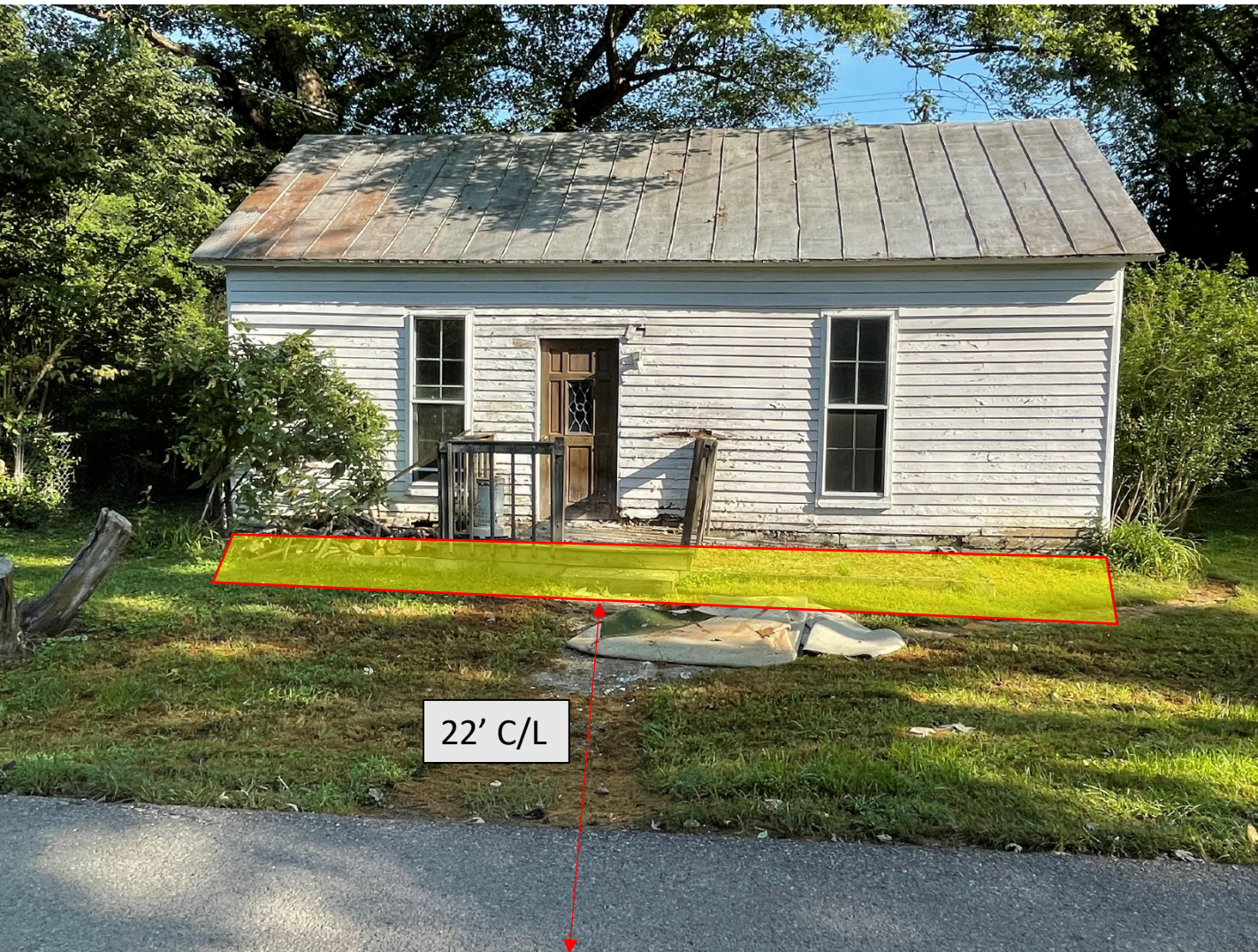


Covered Front Porch



Existing house (1910) – 1,232 sq. ft.





Colesburg Road is a county maintained road with no dedicated right-of-way, 15' of pavement width and a 15 mph speed limit



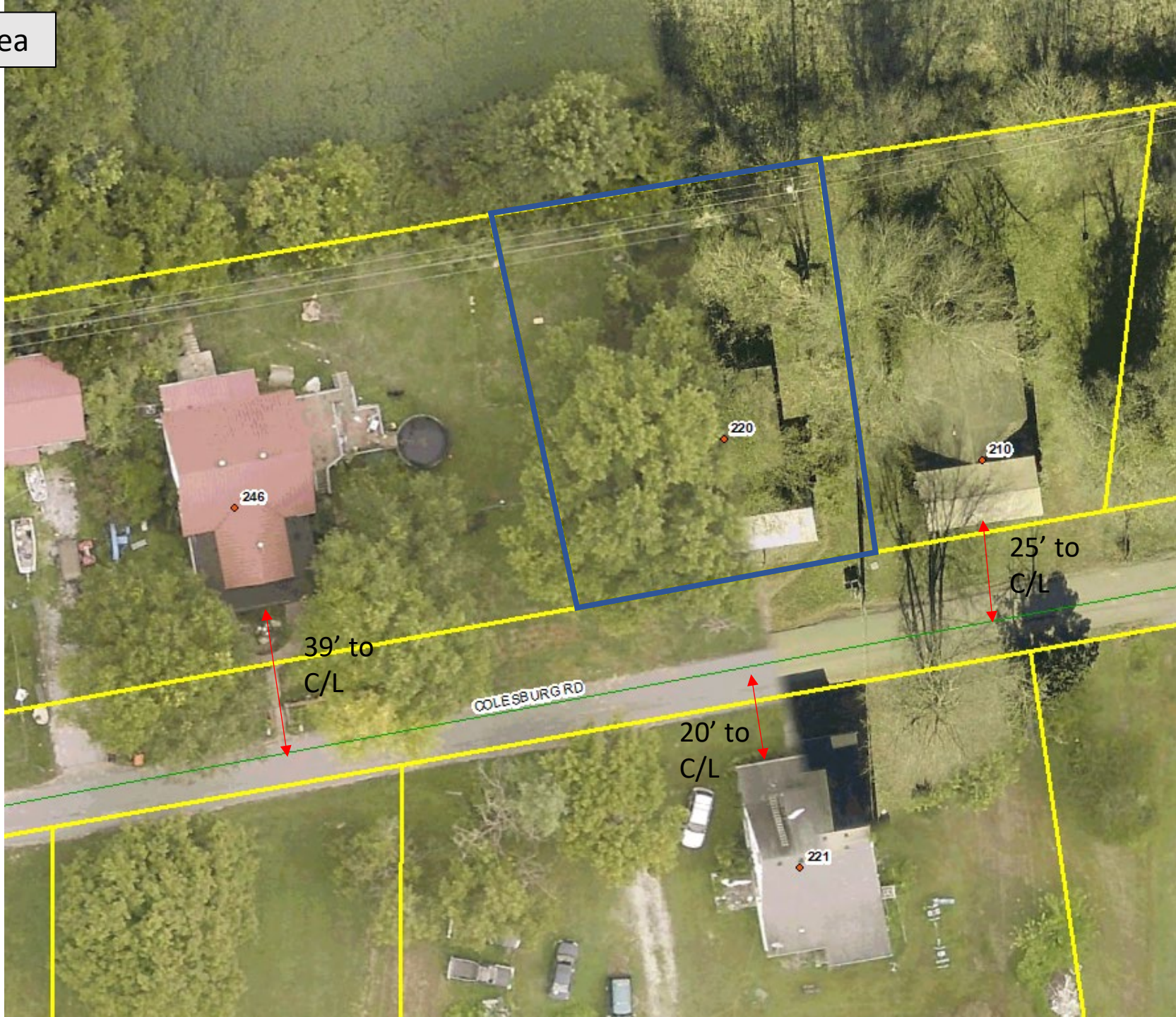


Looking towards I-65



Looking towards Colesburg Baptist Church

Character of the Area





20' C/L



25' C/L



39' C/L

Character of the Area

Variances within the Colesburg Area

Permit Date	Owner	PVA Map Number	Type	Zone	Listed Use (Dvpl, Cup, Var, Maps)	Project / Subdivision Name	Request	Site Address	Acres (All Permits)	Status
08/18/2021	CAMPBELL, RICHARD & PATRICIA	251-20-00-022	VARIANCE	R-2 - RURAL RESIDENTIAL ZONE	SINGLE FAMILY DWELLING	VARIANCE FOR COVERED FRONT PORCH AND EXPANSION OF EAST SIDE OF EXISTING HOUSE	FROM THE FRONT BUILDING SETBACK TO ALLOW FOR A 8'x32' COVERED FRONT PORCH AND A 6'x30' EXPANSION OF THE EXISTING HOUSE.	220 COLESBURG ROAD, ELIZABETHTOWN, KY, 42701	.172	PENDING
04/06/2007	MIRANDA BAKER & DAVID LAMMLEIN	251-20-00-001	VARIANCE			FRONT AND REAR SETBACK LINES /	TO REDUCE FRONT AND REAR SETBACK LINES TO ACCOMMODATE A PROPOSED GARAGE.	8068 BATTLE TRAINING ROAD (KY 434)	.000	APPROVED
11/08/1999	COLESBURG BAPT CH.	251-20-00-007	VARIANCE			COLESBURG ROAD /		COLESBURG ROAD		APPROVED
09/29/1997	KEITH	251-20-00-026	VARIANCE			COLESBURG ROAD /		COLESBURG ROAD	.000	APPROVED

Records 1 to 4 (of 4)

On November 18, 1999 a Variance was granted for the Colesburg Baptist Church to be 11.7' to the centerline of Colesburg Road



On October 23, 1997 a Variance was granted for the house to be 38' to the centerline of Colesburg Road





Hardin County Government

*Charles A. Allen, P.E.
County Engineer*

**Hardin County Planning and Development
Dale Campbell – Owner
220 Colesburg Road
Elevation Verification for Parcel 251-20-00-022**

August 17, 2021

Hardin County Engineering visited the site to determine if an existing structure was at or above a minimum BFE of 445.96'. This elevation includes the 1' freeboard that is required by Hardin County. We utilized our Carlson BRx7 GPS equipment and shot the top of the deck in front of the entry door and confirmed an elevation of 448.63'.

Recommendation: The existing building meets the minimum finished floor elevation requirement.

Findings necessary for Granting Variances

KRS 100.243 and DGS 5-3(B)

1. Before any variance is granted, the Board of Adjustment must find that the granting of the variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of this regulation. In making these findings, the board shall consider whether:
 - a. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity;
 - b. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant;
 - c. The circumstances are the result of actions of the applicant taken subsequent to the adoption of this regulation from which relief is sought.
2. The Board shall deny any request for variance arising from circumstances that are the result of willful violations of this regulation by the applicant subsequent to the adoption of this regulation.

*I make a Motion to **Approve** the Variance with the Following Conditions:*

Based on the Staff Presentation and the Testimony presented in the Public Hearing and that it satisfies the Standards for Variances outlined in the Development Guidance System, Zoning Ordinance 5-3(B)(1) with Finding of Fact:

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

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

(C) The circumstances are the result of actions of the applicant taken subsequent to the adoption of this regulation from which relief is sought.

Motion to Approve the proposed Variance :

1. To allow for a Variance from the 40' front building setback line to allow for a proposed 8'x32' covered front porch to be no closer than ____' from the center line of Colesburg Road.
2. To allow for a Variance from the 40' front building setback line to allow for a 6'x30' addition to the existing home to be no closer than ____' from the center line of Colesburg Road.
3. A Site Plan in compliance with Section 7 of the Zoning Ordinance shall be required.
4. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

OR

Motion to Deny

Owner: Minde & Joseph Malcomson

Applicant: Solar Is Freedom



Location A 6.905 acre site located at 2191 Roundtop Road, Elizabethtown, KY, known as Lot 3E of Gregwarren Subdivision.

Zoned Rural Residential (R-2)

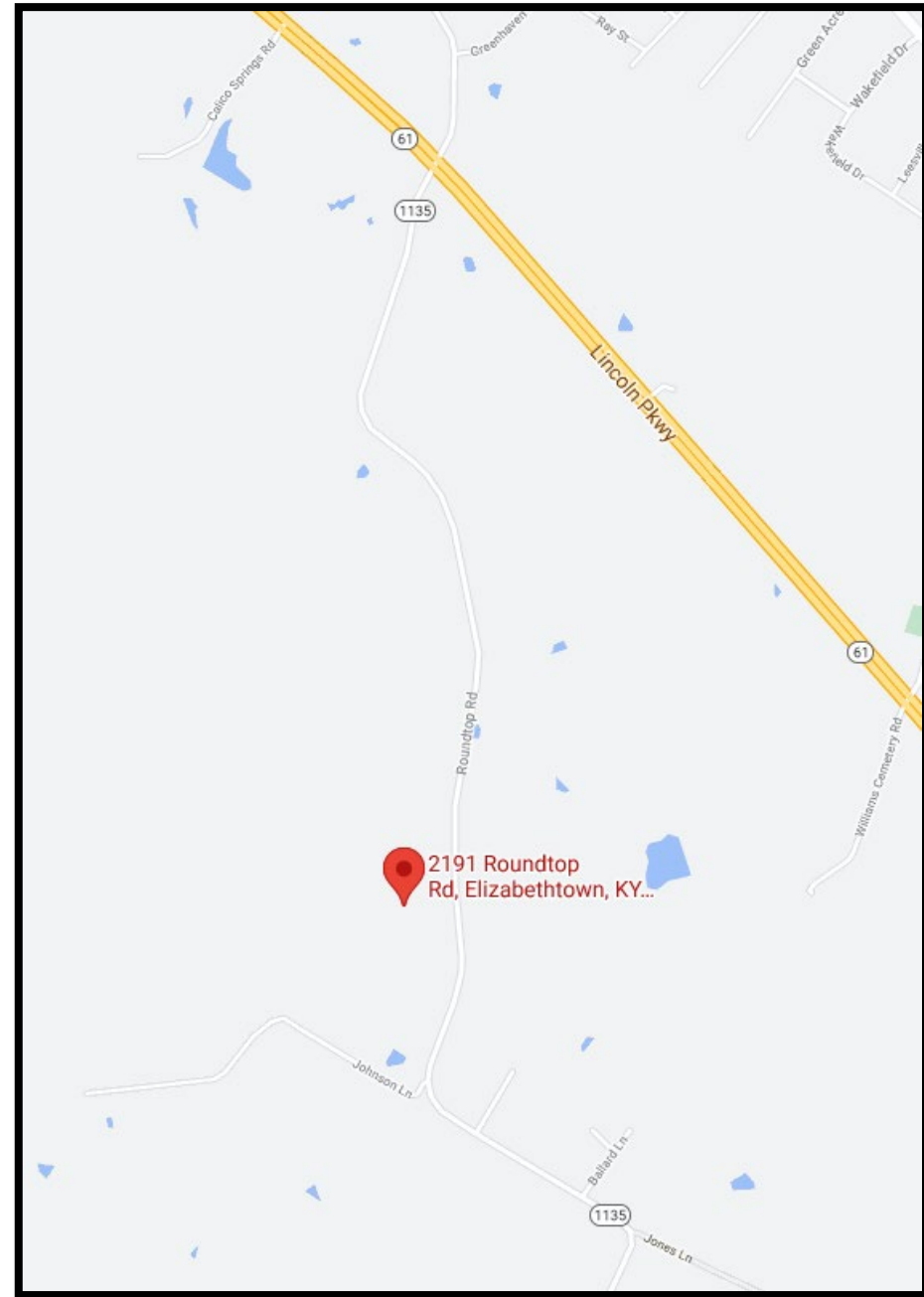
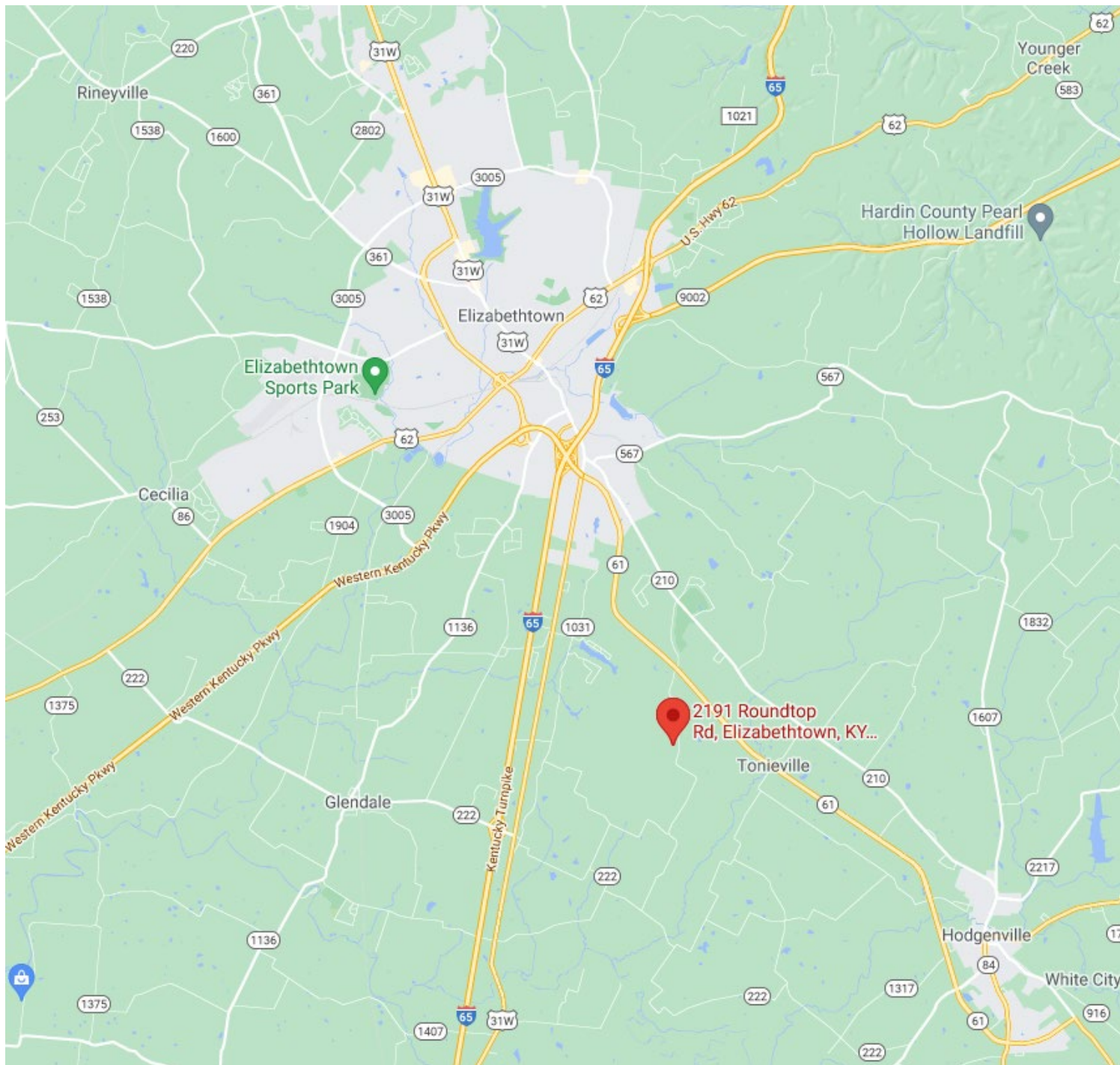
Requesting a Conditional Use Permit to allow for two proposed 751 sq. ft. Ground Mount Solar Systems to be installed on site.

2191 Roundtop Road
Conditional Use Permit
SUMMARY REPORT

LISTING OF EXHIBITS

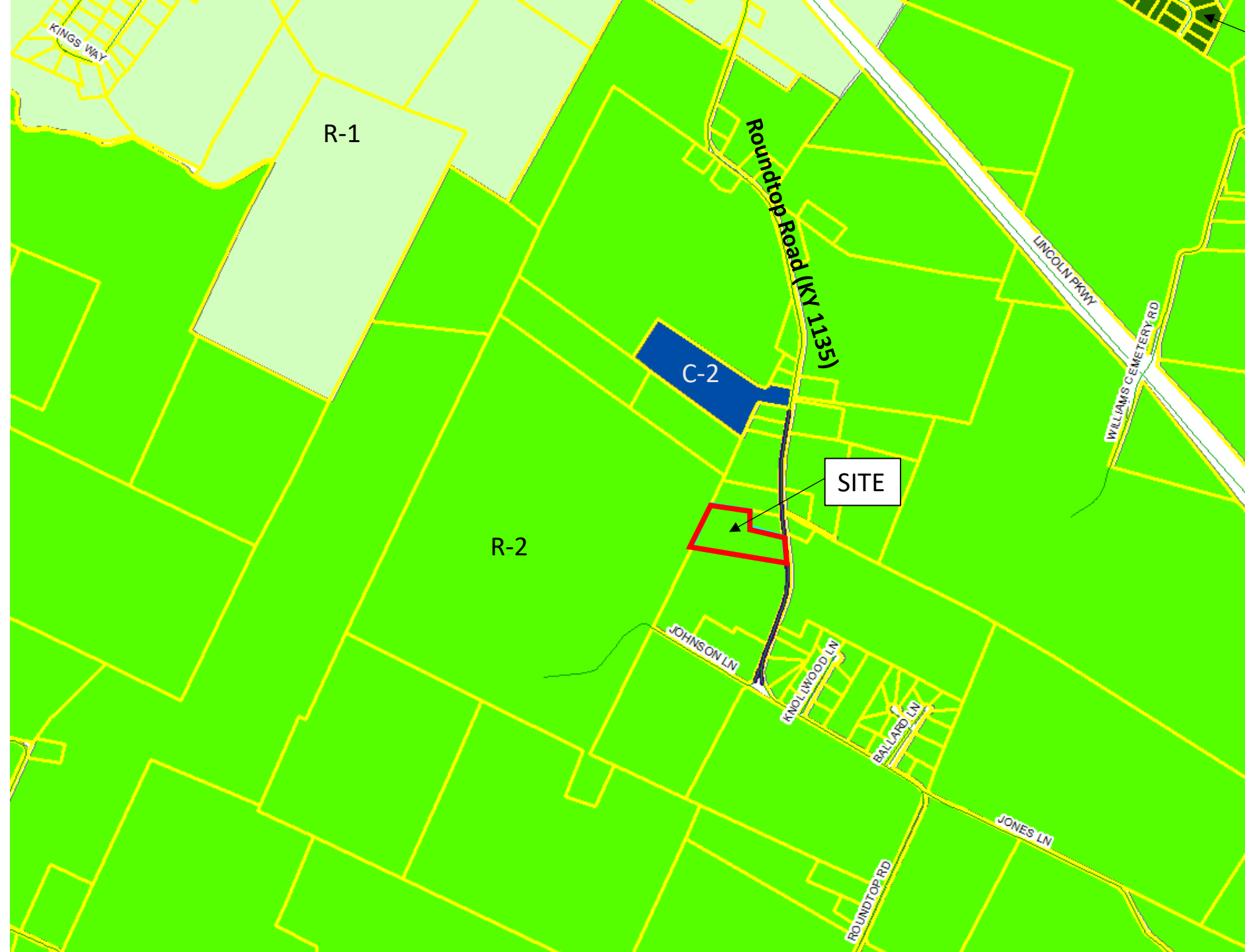
- A. Vicinity Map**
- B. Zoning Map**
- C. Aerial Photo**
- D. Plat of Gregwarren Subdivision, Lot 3E (2020)**
- E. Site Plan & Solar Schematics**
- F. Photographs**
- G. Planning Commission Resolution 2020-011 (Nonlisted Use – Solar)**
- H. Analysis of other Conditional Use Permits for ground mount solar**
- I. *Comprehensive Development Guide**
- J. *Development Guidance System Ordinance**

* Not Provided in PowerPoint



DISTRICT

- A-1
- B-1
- B-2
- C-0
- C-1
- C-2
- I-1
- I-2
- IH
- PD-1
- R-1
- R-2
- R-3
- R-4



PD-1





2-Story Home (1994) – 2,352 sq. ft.

Two Proposed 751 sq. ft.
Ground Mount Systems



JAMES SUTHERLAND
D.B.1368, PG.501
GREGWARREN SUBDIVISION LOT 3C
P.C.1, SHEET 2504

TOMMY LEE & THERESA CLARK
D.B.847, PG.47

Lot 3E
6.905 Acres
***Lot 3E is NOT eligible to be further subdivided because 2 lots have
now been created from the 8.170 acres.***

TOMMY LEE & THERESA CLARK
D.B.943, PG.11
GREGWARREN SUBDIVISION LOT 3A
P.C.1, SHEET 2504

STREAM BUFFER ZONE NOTE

COMPLIES WITH 201 KAR 18:150.
**AMENDED RECORD PLAT OF
GREGWARREN SUBDIVISION, LOT 3B**

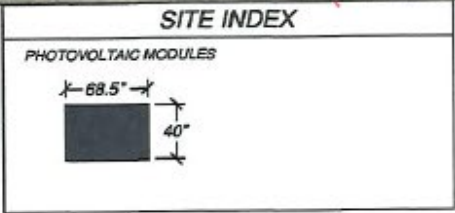
OWNER AND DEVELOPER-Joseph and Minde Malcomson 2191 Roundtop Rd, Elizabethtown, Ky, 42701		
SURVEYED BY- CLEMONS AND ASSOCIATES - DARREN L. CLEMONS 622 NORTH MULBERRY STREET, ELIZABETHTOWN, KY, 42701		
TOTAL # OF LOTS: 2	TOTAL AREA OF LOTS BEING SUBDIVIDED: 8.170 ACRES	
PV#1: 238-00-00-527	SOURCE OF TITLE: 14497	
SCALE: 1" = 50'	DATE: 06/24/2023	LOCATION - ROUNDTOP ROAD
BEARINGS - KY STATE PLANE SINGLE ZONE		
DRAWN BY: DC	COUNTY - HAYDEN	PROJECT: 2191 ROUNDTOP ROAD
DISTANCES: GPS	STATE - KENTUCKY	DRAWING NO.



**AC DISCONNECT LOCATED 10' OR LESS FROM UTILITY METER

**PV Modules cannot be installed over vents

WIRES LOCATED IN READILY ACCESSIBLE LOCATIONS SHALL BE GUARDED PER NEC 690.51(A)



PHONE: 513-402-6394
4007 Bach Buxton Rd, Amelia, OH 45102
www.solarisfreedom.com

CONFIDENTIAL - THE INFORMATION HEREIN CONTAINED SHALL NOT BE USED FOR THE BENEFIT OF ANYONE EXCEPT SOLAR IS FREEDOM NOR SHALL IT BE DISCLOSED IN WHOLE OR IN PART TO OTHERS OUTSIDE RECIPIENT'S ORGANIZATION, EXCEPT IN CONNECTION WITH THE SALE AND USE OF THE RESPECTIVE EQUIPMENT, WITHOUT THE WRITTEN PERMISSION OF DBM SOLAR DESIGN AND CONSULTING COMPANY, LLC

SITE INFORMATION:
Mindo Malcomson
2191 Roundtop Road
Elizabethtown, KY 42701
System Size: 28.12 kW

DBM DESIGN
DBM SOLAR DESIGN AND CONSULTING COMPANY, LLC
P. (501) 693-8517
WWW.DBMSOLAR.COM

DESIGNED BY: W. Owens
DATE: 8/18/2021
PROJECT #: 2021-SOLARISFREEDOM
SHEET NAME: PROPERTY DETAIL
PAGE # P V02 REVISION: 0

JAMES SUTHERLAND
 D.B. 1286, PG. 501
 CREEDMOR SUBDIVISION LOT 3C
 P.C. 1, SHEET 2304

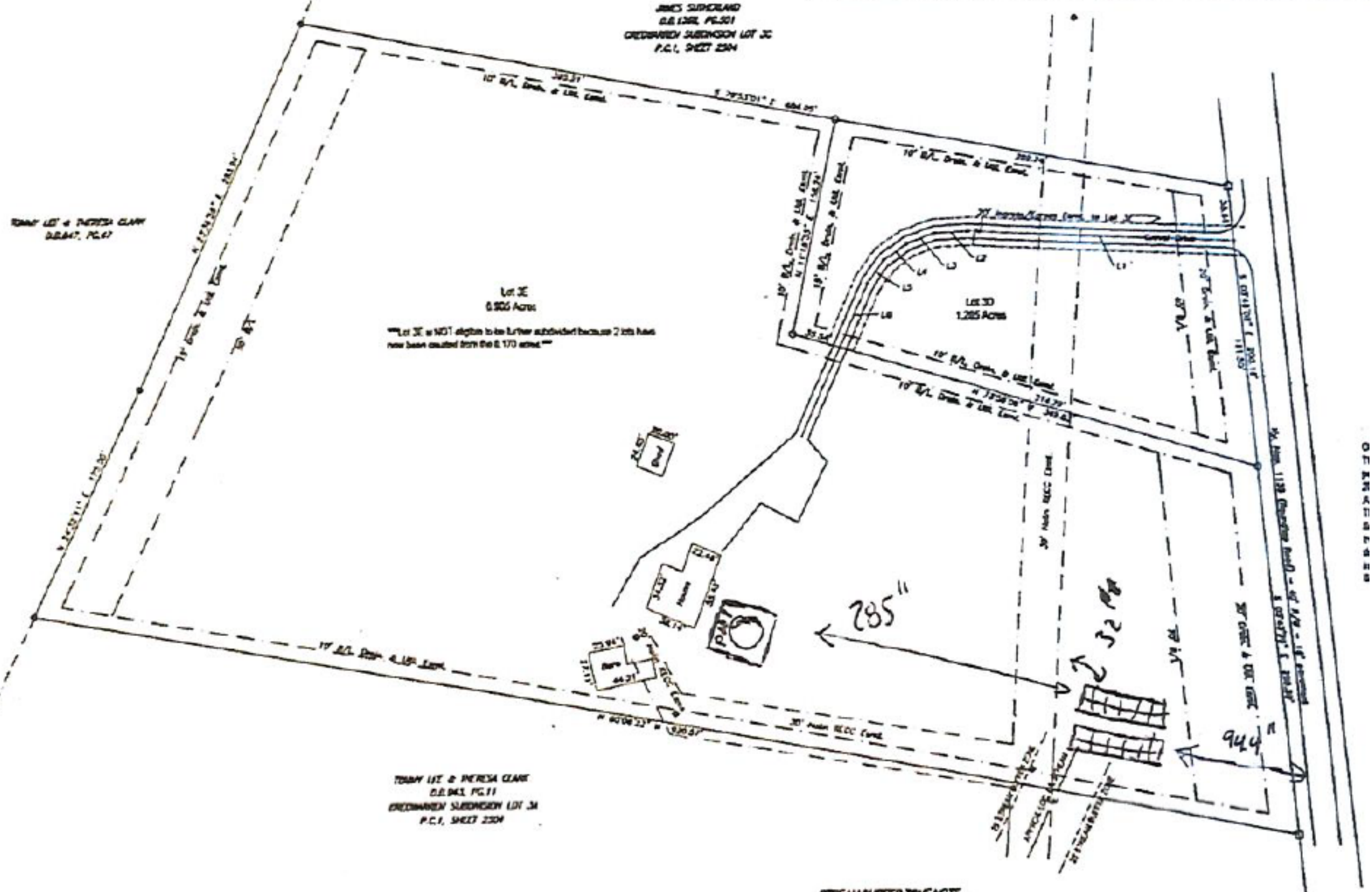
TOWN LOT 4, THERESA CLARK
 D.B. 847, PG. 67

Lot 3C
 0.905 Acres

Lot 3C is NOT eligible to be further subdivided because 2 lots have
 now been created from this 0.170 acre.

Lot 3D
 1.285 Acres

TOWN LOT 2, THERESA CLARK
 D.B. 843, PG. 11
 CREEDMOR SUBDIVISION LOT 3A
 P.C. 1, SHEET 2304



0.170 ACRES

STREAM BUFFER ZONE NOTE

Two proposed 751 sq. ft. Ground Mount Systems exceed the 200 sq. ft. threshold per Resolution 2020-011



PHONE: 513-428-8904
4007 Bach Boston Rd, Amelia, OH 45102
www.solarisfreedom.com

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SITE INFORMATION:
Milde Malcomson
2191 Roundtop Road
Elizabethtown, KY 42701
System Size: 28.12 kW



DESIGNED BY: W. Owens
DATE: 8/18/2021
PROJECT #: 2021-SOLARISFREEDOM
SHEET NAME: PROPERTY DETAIL
PAGE: PV02 REVISION: 0

TRENCHED CONDUIT RUN MUST BE AT LEAST 18" DEEP USING SCH. 40 PVC

JUNCTION BOX

PV MODULES

65'-3"

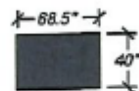
11'-5"

320'

**AC DISCONNECT LOCATED 10' OR LESS FROM UTILITY METER
**PV Modules cannot be installed over vents

SITE INDEX

PHOTOVOLTAIC MODULES



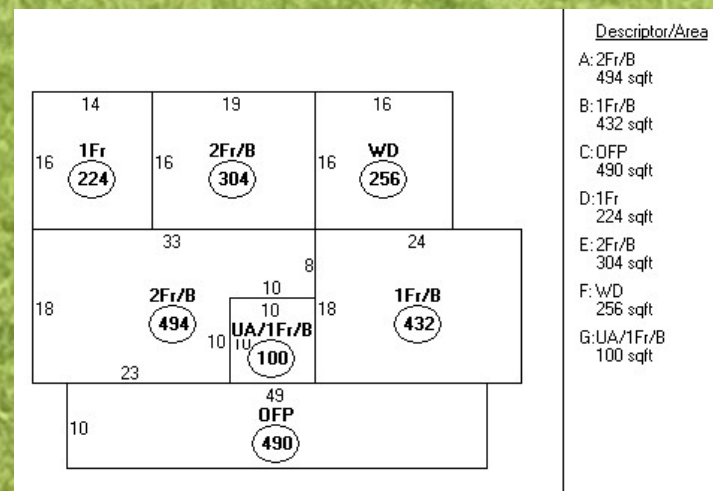
ARRAY DETAIL

	A	B	C	D
AZIMUTH	180°			
TILT ANGLE	25°			
MODULE COUNT	76			



Improvement Information

Description	GREGWARREN SUBD LT 3E		
Type of Residence	2-STORY	Finished Basement %	0
Year Built	1994	Bedrooms	3
Num Stories	2	Full Baths	2
Above Ground Sqft	2352	Half Baths	1
Total Living Area	2352	Exterior	FRAME
Basement	FULL	Heat	ELECTRIC
Basement Sqft	494	Air Condition	CENTRAL/AC
Basement Sqft Finish	0	Fireplace	1



- A: 2Fr/B
494 sqft
- B: 1Fr/B
432 sqft
- C: OFF
490 sqft
- D: 1Fr
224 sqft
- E: 2Fr/B
304 sqft
- F: WD
256 sqft
- G: UA/1Fr/B
100 sqft

**Two proposed 751 sq. ft. Ground Mount Systems (65'3" x 11' 5")
exceed the 200 sq. ft. threshold established per Planning
Commission Resolution 2020-011**







Looking ??? back towards Lincoln Parkway

Looking ??? down Roundtop Road





Looking towards Roundtop Road (KY 1135)



Cars passing by









**HARDIN COUNTY PLANNING
AND DEVELOPMENT COMMISSION
RESOLUTION # 2020-011
NONLISTED USE:
SOLAR FARM**

- WHEREAS** the Hardin County Fiscal Court and the Hardin County Planning and Development Commission have adopted a Comprehensive Plan, Land Use Regulations, and Subdivision Regulations;
- WHEREAS** the above-mentioned regulations are designed to protect the public health, safety and welfare of the citizens of Hardin County;
- WHEREAS** the Development Guidance System, Zoning Ordinance, 2009 outlines the Procedures for Nonlisted Uses in Section 15-8;
- WHEREAS** if a use is not specifically permitted and an application is made for such use, the application shall be referred to the Commission for consideration;
- WHEREAS** this proposal is to allow for the Nonlisted Use of a Solar Farm;

NOW THEREFORE, BE IT RESOLVED, by the Hardin County Planning and Development Commission that a request for the Nonlisted Use of a Solar Farm (greater than 1 acre in size) be considered on a case by case basis in the A-1, I-1 and I-2 Zones as a Conditional Use Permit because it will not adversely affect long-range planning with the proper conditions based on setbacks, screening, height limits, lighting, signage, phasing, erosion & sediment control measures, stormwater regulations, environmental protections and decommissioning/bonding requirements and is in agreement with the Comprehensive Plan as follows:

Goal 5, Objectives 1, 2 & 4

Goal 6, Objective 5

Goal 9, Objective 2

Goal 13, Objectives 2 & 3

Rooftop Solar Systems mounted to code compliant structures (house, barn or other structure) shall be permitted in all zones as a permitted use by right.

Ground Mount Solar Systems up to 200 sq. ft. in size shall be permitted in all zones as a permitted use by right.

Ground Mount Solar Systems from 200 sq. ft. in size up to 1 acre in size shall be a Conditional Use Permit in all zones.

ADOPTED THIS SEVENTEENTH DAY OF NOVEMBER 2020.


Mark Hinton, Chairman


Adam C. King, AICP, Director

Conditional Use Permits for Ground Mount Solar Systems

Permit Date ⬆	Parcel ⬆	Owner ⬆	Type ⬆	Zone ⬆	Listed Use (Dvpl, Cup, Var, Maps) ⬆	Project / Subdivision Name ⬆	Request ⬆	Site Address ⬆	Acres (All Permits) ⬆	Status ⬆
08/19/2021	236-00-00-027	MALCOMSON JOSEPH D & MINDE	CONDITIONAL USE PERMIT	R-2 - RURAL RESIDENTIAL ZONE	SOLAR - GROUND MOUNT	GREGWARREN SUBDIVISION LOT 3E - MALCOMSON TWO 751 SQ FT SOLAR ARRAYS	TO ALLOW FOR TWO GROUND MOUNT SOLAR SYSTEMS OVER 200 SQUARE FEET	2191 ROUNDTOP ROAD, ELIZABETHTOWN, KY 42701	6.905	PENDING
06/25/2021	234-00-01-005	CRUZE DEWEY & KELLY	CONDITIONAL USE PERMIT	R-1 - URBAN RESIDENTIAL ZONE	SOLAR - GROUND MOUNT	BUCK RUN ESTATES, LOT 5A - CRUZE 308 SQ FT & 270 SQ FT SOLAR ARRAYS	TO ALLOW FOR 2 GROUND MOUNT SOLAR SYSTEMS THAT EACH EXCEED 200 SQUARE FEET	136 BUCK RUN LANE ELIZABETHTOWN, KY	11.119	APPROVED
06/25/2021	222-00-01-041	WINFIELD BRYCE & WENDY	CONDITIONAL USE PERMIT	R-1 - URBAN RESIDENTIAL ZONE	SOLAR - GROUND MOUNT	FOUR SEASONS, SECTION 3, LOT 41 -WINFIELD 308 SQ FT SOLAR ARRAY	TO ALLOW FOR A GROUND MOUNT SOLAR SYSTEM OVER 200 SQUARE FEET	48 W RAINBOW WAY ELIZABETHTOWN, KY	.690	APPROVED
01/21/2021	142-00-00-005	SMITH JEFFREY A & REBECCA	CONDITIONAL USE PERMIT	R-1 - URBAN RESIDENTIAL ZONE	SOLAR - GROUND MOUNT	SMITH 522 SQ. FT. SOLAR ARRAY	TO ALLOW FOR A GROUND MOUNT SOLAR SYSTEM OVER 200 SQUARE FEET	423 MILIMISH LANE, VINE GROVE, KY	27.700	APPROVED

Records 1 to 4 (of 4)

4 Total: 3 Approved & 1 Pending

16-3 STANDARDS FOR ISSUANCE

The Board of Adjustment shall issue a CUP only after all of the following standards satisfy the language of the Ordinance:

- A.** The use shall not tend to change the character and established pattern of development of the area of the proposed use;
- B.** 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;
- C.** 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;
- D.** The use shall not adversely affect the health or safety of persons residing or working in the vicinity of the proposed use;
- E.** The use shall not be detrimental to the public welfare or injurious to property or improvements in the vicinity; and,
- F.** The use shall be in accordance with the purposes of the Zoning Ordinance and the Comprehensive Plan.

GENERAL CONDITIONS In granting any Conditional Use Permit, the Board shall designate such conditions in connection therewith as will, in its opinion, assure that the use will conform to the requirements set out in the Zoning Ordinance and that it will continue to so do. Such conditions may include, but are not limited to the following:

- A. Secure a financial security to insure completion or construction of imposed conditions;
- B. Reasonable time limits may be imposed to insure completion of the project in question or any individual components of the project, if none are established, the project shall be complete in one year;
- C. Conditions may be imposed to abate or restrict noise, smoke, dust, light, or other elements that may affect surrounding properties;
- D. Establish building setbacks and yard requirements necessary for orderly expansion and to prevent traffic congestion;
- E. Provide for adequate parking and ingress and egress to public streets and roads;
- F. Provide the adjoining property with a buffer or shield from view of the proposed use;
- G. Establish minimum dwelling unit square foot requirements in order to protect property values;
- H. Establish Hours of Operation for businesses and commercial activities;
- I. Establish limits as to the scope and intensity of activities conducted under the Conditional Use Permit;
- J. Establish time limits for the Conditional Use Permit at which time the permit shall expire or require renewal;
- K. Conditional Uses shall comply with all applicable standards of the Zoning Ordinance, including the parking, landscape, lighting and signage regulations. Additional standards may be included in the listed requirements for a particular use;
- L. All other plans, licenses, permits and documentation from/for other agencies may be required by the Board.

Conditions may include, but are not limited to the following:

DGS [5-3(A)]

I make a Motion to Approve the Conditional Use Permit with the Following Conditions:

Based on the Staff Presentation and the Testimony presented in the Public Hearing and that it satisfies the Standards for Issuance outlined in the Development Guidance System, Zoning Ordinance 16-3.

- 1.This Conditional Use Permit shall allow for two, 751 sq. ft. ground mount solar arrays that exceed the 200 sq. ft. threshold for ground mount solar 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 in the front yard.
5. Additional landscaping or screening in the form of _____ shall be required between the panels and the roadway.
- 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.