

Hardin County Board of Adjustment

Minutes: 26 March 2020

Page 1 of 2

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

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

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

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

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

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

Hardin County Board of Adjustment

Minutes: 26 March 2020

Page 2 of 2

The Variance was granted with the noted conditions:

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

Secretary Steck provided the second. The motion passed unanimously.

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

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

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

Steve Steck, Secretary

Hardin County Board of Adjustment

Minutes: 5 March 2020

Page 1 of 6

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

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

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

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

Hardin County Board of Adjustment

Minutes: 5 March 2020

Page 2 of 6

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

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

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

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

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

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

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

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

Hardin County Board of Adjustment

Minutes: 5 March 2020

Page 3 of 6

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

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

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

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

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

Hardin County Board of Adjustment

Minutes: 5 March 2020

Page 4 of 6

5. This Temporary Accessory Dwelling shall have a sewerage system (septic tank and lateral lines) approved by the Environmental Services Office of the Hardin County Health Department.
6. The Temporary Accessory Dwelling shall be placed on the property as illustrated on the proposed Site Plan.
7. This Amended Conditional Use Permit shall be issued to the current property owners, Roger & Shirley Stillwell, and shall expire when the property is transferred and not be transferable to another property owner.
8. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.
9. The skirting on the manufactured home must be maintained.
10. A Certificate of Land Use Restrictions shall be recorded in the office of the Hardin County Clerk.

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

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

No one spoke in opposition to the proposal.

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

Hardin County Board of Adjustment

Minutes: 5 March 2020

Page 5 of 6

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

The Variance was granted with the noted conditions:

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

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

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

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

FEBRUARY 2020 REPORT

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

Hardin County Board of Adjustment

Minutes: 5 March 2020

Page 6 of 6

SUBDIVISION PLATS RECORDED IN FEBRUARY 2020

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

Total Records: 6

3/2/2020

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

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

Steve Steck, Secretary

Hardin County Board of Adjustment

Minutes: 20 February 2020

Page 1 of 8

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

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

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

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

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

Hardin County Board of Adjustment

Minutes: 20 February 2020

Page 2 of 8

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

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

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

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

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

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

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

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

Hardin County Board of Adjustment

Minutes: 20 February 2020

Page 3 of 8

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

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

Vice Chairman Youngblood provided the second. Motion passed unanimously.

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

Hardin County Board of Adjustment

Minutes: 20 February 2020

Page 4 of 8

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

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

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

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

The Variance was granted with the noted conditions:

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

Secretary Steck provided the second. Motion passed unanimously.

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

Hardin County Board of Adjustment

Minutes: 20 February 2020

Page 5 of 8

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

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

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

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

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

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

Hardin County Board of Adjustment

Minutes: 20 February 2020

Page 6 of 8

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

Vice Chairman Youngblood provided the second. Motion passed unanimously.

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

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

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

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

Hardin County Board of Adjustment
 Minutes: 20 February 2020
 Page 7 of 8

JANUARY 2020 REPORT

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

SUBDIVISION PLATS RECORDED IN JANUARY 2020

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

Total Records: 6

2/3/2020

Hardin County Board of Adjustment

Minutes: 20 February 2020

Page 8 of 8

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

Steve Steck, Secretary

Hardin County Board of Adjustment

Minutes: 6 February 2020

Page 1 of 7

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

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

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

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

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

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

Hardin County Board of Adjustment

Minutes: 6 February 2020

Page 2 of 7

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

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

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

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

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

Hardin County Board of Adjustment

Minutes: 6 February 2020

Page 3 of 7

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

Vice Chairman Youngblood provided the second. Motion passed unanimously.

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

Hardin County Board of Adjustment

Minutes: 6 February 2020

Page 4 of 7

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

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

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

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

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

Hardin County Board of Adjustment

Minutes: 6 February 2020

Page 5 of 7

Vice Chairman Youngblood provided the second. Motion passed unanimously.

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

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

The variance was granted with the noted conditions:

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

Vice Chairman Youngblood provided the second. Motion passed unanimously.

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

Hardin County Board of Adjustment

Minutes: 6 February 2020

Page 6 of 7

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

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

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

The variance was granted with the noted conditions:

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

Secretary Steck provided the second. Motion passed unanimously.

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

Hardin County Board of Adjustment

Minutes: 6 February 2020

Page 7 of 7

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

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

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

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

Vice Chairman Youngblood provided the second. Motion passed unanimously

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

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

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

Steve Steck, Secretary

Hardin County Board of Adjustment

Minutes: 16 January 2020

Page 1 of 4

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

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

No one spoke in opposition to the proposal.

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

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

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

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

Hardin County Board of Adjustment

Minutes: 16 January 2020

Page 2 of 4

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

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

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

Secretary Steck provided the second. Motion passed unanimously.

Hardin County Board of Adjustment

Minutes: 16 January 2020

Page 3 of 4

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

No one additional spoke in favor of the proposal.

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

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

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

Hardin County Board of Adjustment

Minutes: 16 January 2020

Page 4 of 4

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

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

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

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

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

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

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

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

Steve Steck, Secretary