

## Hardin County Board of Adjustment

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Chairman Robert Krausman called to order the four hundred and thirty fourth meeting of the Hardin County Board of Adjustment at 5:03 p.m. on Thursday, 4 February 2021, in the Hardin County Government Center, 2nd Floor Meeting Room. The other Board Members in attendance were Vice Chairman Greg Youngblood and Secretary Steve Steck. Also, in attendance were Director Adam King, AICP, Planner Nikki McCamish and the individuals listed on the attached sign-in sheet. 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 for a Permanent Accessory Dwelling to allow for the construction of a 2,314 sq. ft. dwelling on site in addition to the existing 1,344 sq. ft. garage apartment. The property is a 17.4 acre site located at 426 Needham Road in Eastview, KY and being Lot 2 of Newman Estates within the West Hardin Planning Area and is zoned Rural Residential (R-2). The PVA map number is 033-00-02-002. The property is owned by **ASHLEY & ADAM MARTIN**. Director King reviewed the application, the plans for the property and presented the exhibits into the record.

Ashley Martin, of 426 Needham Road, Eastview, KY provided testimony and answered questions from the Board members and staff. Mrs. Martin said the reason they want to keep the garage apartment is mainly for parties, to be able to have an indoor / outdoor kitchen by opening the garage doors, and her husband has been working from home so it would give him more of an office space. Mrs. Martin said the new house will have a tan brick with black metal roofing, while the garage is a grey tan metal siding with a black shingle roof so that both buildings are cohesive but it doesn't look like two separate houses on the property. Finally, Mrs. Martin stated that both the dwellings share the same driveway.

No one else spoke in favor or in opposition to the proposal. At 5:16 p.m. Chairman Krausman closed the hearing, to public discussion.

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

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

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

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

1. This Conditional Use Permit for a Permanent Accessory Dwelling will allow for the approval of two dwellings on a single tract, the existing 1,344 sq. ft. garage/apartment and the proposed 2,314 sq. ft. house.
2. The property owners, Ashley & Adam Martin, must occupy either the principal dwelling unit or the permanent accessory dwelling as their principal residence, and at no time receive rent for the owner-occupied unit.
3. Adequate on site parking must be designated on an approved site plan.
4. Both dwellings shall use the existing shared driveway from Needham Road.
5. The Permanent Accessory Dwelling is the existing 1,344 sq. ft. garage apartment and the Principal Dwelling is the proposed 2,314 sq. ft. home.
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 dwellings shall be: grey-tan siding with black shingles (Garage Apartment) and tan brick with black metal roof (Single Family Dwelling under construction).
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. Additional landscaping or screening shall not be required.
11. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.
12. A Certificate of Land Use Restrictions shall be recorded in the office of the Hardin County Clerk.

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

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At 5:20 p.m. Hearing Officer Steck announced the second item on the agenda is a request for a Variance from the front building setback line to allow for the construction of a proposed covered porch. The property is a 95 acre site located at 1254 Meeting Creek Road in Eastview, KY within the West Hardin Planning Area and is zoned Rural Residential (R-2). The PVA map number is 087-00-00-012. The property is owned by **FERN & DAVID GREY**. Director King reviewed the application, the plans for the property and presented the exhibits into the record.

Kevin Grey of 1254 Meeting Creek Road, Eastview, KY provided testimony and answered questions from the Board members and staff. Mr. Grey stated he is the son of Fern & David Grey and decided to move into the home at 1254 Meeting Creek Road to be closer to his parents to help take care of them. Mr. Grey also stated that the house upon his inspection was infested with termites and needed to be remodeled. When asked Mr. Grey said the porch will be covered but not enclosed, and that the exterior of the house will be the same exterior and roof as the new pole barn. It was brought to the Board of Adjustments attention that the pole barn was already built and that it would also need a variance from the front building setback line. Mr. Grey stated that barn is about 4 ft. closer to the road than the house, but that it was built directly on top of where the previous barn was.

No one else spoke in favor or opposition to the proposal. At 5:35 p.m. Chairman Krausman closed the hearing, to public discussion.

Vice Chairman Youngblood made a motion to grant the Variance based on the staff presentation and the testimony provided in the public hearing. He stated Meeting Creek Road has a low speed limit and the area has challenging topography. 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 are 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;

The Variance was granted with the noted conditions:

1. To allow for a Variance from the 70' front building setback along Meeting Creek Road to allow for the replacement and expansion of the existing covered porch (8' deep off the house). The porch may be covered but shall not be enclosed. Additionally, A Variance is granted for the 40'x30' pole barn.

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2. A Site Plan in compliance with Section 7 of the Zoning Ordinance shall be required.

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

Secretary Steck provided the second. The motion passed unanimously.

At 5:38 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 4,023 sq. ft. dwelling on site in addition to the existing 1,112 sq. ft. apartment within barn. The property is a 2.074 acre site located at 123 Twelve Point Buck Blvd in Elizabethtown, KY and being Lot 10B of Deer Field Estates, Section 4 within the Kentucky 1600 Corridor Planning Area and is zoned Urban Residential (R-1). The PVA map number is 165-00-00-024.12. The property is owned by **BRENDA & JON PIRTLE JR.** Director King reviewed the application, the plans for the property and presented the exhibits into the record.

Jon Pirtle, of 123 Twelve Point Buck Blvd, Elizabethtown, KY provided testimony and answered questions from the Board members and staff. Mr. Pirtle said the reason they want to keep the barn apartment is because he and his wife plan to live in the barn apartment while their new home is being built. Mr. Pirtle also stated that once the house is built and they move into it, he doesn't plan to have any renters in the barn apartment. Finally, Mr. Pirtle said that the barn apartment is about 100 foot from the house, and that the exterior of the house will be stone, white board siding with cedar posts and black windows which will be cohesive with the wood sided barn.

No one else spoke in favor or in opposition to the proposal. At 5:50 p.m. Chairman Krausman closed the hearing, to public discussion.

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

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

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

1. This Conditional Use Permit for a Permanent Accessory Dwelling will allow for the approval of two dwellings on a single tract, the existing 1,112 sq. ft. apartment within the barn and the proposed 4,023 sq. ft. house.
2. The property owners, Brenda & Jon Pirtle, Jr., must occupy either the principal dwelling unit or the permanent accessory dwelling as their principal residence, and at no time receive rent for the owner-occupied unit.
3. Adequate on site parking must be designated on an approved site plan.
4. Both dwellings shall use the existing shared driveway from Twelve Point Buck Blvd.
5. The Permanent Accessory Dwelling is the existing 1,112 sq. ft. barn apartment and the Principal Dwelling is the proposed 4,023 sq. ft. home.
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 barn apartment is wood siding and the dwelling shall be stone, white board siding with cedar posts and black windows.
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. Additional landscaping or screening shall not be required.
11. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.

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

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At 5:53 p.m. Hearing Officer Steck announced the fourth item on the agenda is a request for a Conditional Use Permit to allow for an auto sales lot. The property is a 2.614 acre site located at 4447 Hardinsburg Road in Cecilia, KY within the Natural Resource Planning Area and is zoned Convenience Commercial (C-1). The PVA map number is 103-00-00-019. The property is owned by **COUNTRY CROSSROADS INVESTMENTS, LLC**. Director King reviewed the application, the plans for the property and presented the exhibits into the record.

Tim Lohden, of 6532 Hardinsburg Road, Cecilia, KY provided testimony and answered questions from the Board members and staff. Mr. Lohden stated he & his wife own Country Crossroads Investments, LLC. and that he previously owned 62 Auto Sales with his brother. Mr. Lohden also stated this auto sales will be a wholesale business and that he plans to have most the cars parked inside on lifts to be more like a show room. When asked about the mobile home on the property, Mr. Lohden said the gentleman that lives in the mobile home has lived there for 30 years, is 71 years old, and he didn't want to evict him from his home. Once the tenant leaves or passes away, Mr. Lohden said he plans to have the mobile home removed. Finally, Mr. Lohden said he plans for the building to look "Country" and to fit into the area, and that his sign will either be on the building or he will have a 6 ft. by 4 ft. sign that is about 4 ft. tall.

Brandon Hall, of 4499 Hardinsburg Road, Cecilia, KY is the next door neighbor to the west of the proposed auto sales lot and voiced some concerns about how many cars would be on site, how busy the property was going to be and the privacy measures for his family due to the recent construction of a swimming pool.

After Mr. Hall voiced his concerns, Mr. Lohden asked the Board and Director King if he could change the proposed development plan to install a privacy fence from the back corner of the building to the adjoining property line with Mr. Hall so that no one could see onto Mr. Hall's property from the auto sales lot. Also Mr. Lohden asked if he could move the parking spots along the west side of the building to the opposite side of the building so they would be farther away from Mr. Hall's property. Finally, Mr. Lohden asked if he could also change the landscaping on the proposed development plan along the front of the property, he wants to keep with his "Country" look and do 6 shrubs along a split rail fencing.

No one else spoke in favor or in opposition to the proposal. At 6:24 p.m. Chairman Krausman closed the hearing, to public discussion.

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Vice Chairman Youngblood stated the request for the Conditional Use Permit does satisfy the language of the Development Guidance System Ordinance (Section 16-3) Standards 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. Business Hours of Operation shall be from 8AM – 6:00PM Monday – Saturday.
2. There shall be no more than 12 vehicles displayed outdoors for sale at a time.
3. Vehicles for sale shall be displayed in the parking area between the proposed buildings and KY 86.
4. There shall be no vehicles parked in the right-of-way of KY 86.
5. This Conditional Use Permit shall allow for Automotive Sales.
6. This property shall have a sewerage system (septic tank and lateral lines) approved by the Hardin County Health Center.
7. A Development Plan in compliance with Section 6 of the Zoning Ordinance shall be required.
8. This Conditional Use Permit shall be issued to the current property owners, Tim & Leah Lohden (doing business as Country Crossroads Investments, LLC, and is transferable after an additional hearing before the Board of Adjustment.
9. All building activities shall conform to provisions of the Kentucky Building Code.
10. This Conditional Use Permit shall be for a period of 3 years and expire on 4 February 2024.
11. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

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12. There shall be no wrecked or inoperable vehicles, parts, etc. stored outside at any time.
13. Screening in the form of a solid 6' tall privacy fence off the rear of the building to the west side property line shall be required. Additionally evergreen trees shall be planted to the west side of the parking area in addition to the east and south sides of the gravel parking areas.
14. KYTC shall require either a concrete or paved entrance from KY 86 to the edge of the right-of-way line within 2 years.
15. Landscaping along the front of the parking lot shall be 6 shrubs with a split rail fence west of the driveway.
16. A single free standing sign no larger than 6'x4' and 4' tall shall be permitted in addition to the wall mounted signage.

Secretary Steck provided the second. The motion passed unanimously.

At 6:25 p.m. Chairman Krausman called for consideration and action on the **minutes from the 19 November 2020 meeting** of the Board of Adjustment. Vice Chairman Youngblood made a motion to approve the minutes as presented. Secretary Steck provided the second. The motion passed unanimously.

At 6:27 p.m. Chairman Krausman called on Director King to present the **2020 Annual Report**. Director King then distributed paper copies of the report.

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

**3 Years of Service** Julia McBeth celebrated 3 years of service with the Planning Commission on 31 October 2020.

**7 Years of Service** Susan Bowen celebrated 7 years of service with the Planning Commission on 1 November 2020.

**28 Years of Service** Madeline Hornback celebrated 28 years of service with the Planning Commission on 2 November 2020.

**Residential Inspector Exam** Edwin Alicea passed the International Code Council B1, Residential Building Inspector exam on 16 January 2021. Congrats Edwin!



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Chairman Krausman announced that the next scheduled meeting will be held on Thursday, February 18, 2021 at 5:00 p.m. and the meeting was adjourned at 6:29 p.m.

**ADOPTED AND APPROVED THIS 4th DAY OF MARCH 2021 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.**

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**Steve Steck, Secretary**