

**BY-LAWS OF THE LAND OF LINCOLN  
BOARD OF ADJUSTMENTS**

**ARTICLE I -- OBJECTIVES**

The objectives of the Land of Lincoln Board of Adjustments shall be those as set forth in the Revised Statutes of the Commonwealth of Kentucky, Chapter 100 et seq., including all amendments and supplements thereto, and further, those powers and duties delegated to the Board of Adjustments by the City of Hodgenville and the County of LaRue, Kentucky as adopted and recorded in Order Book in accordance with the above-mentioned statutes.

**ARTICLE II -- MEMBERS**

The Land of Lincoln Board of Adjustments shall be composed of five (5) citizen members, and not more than two (2) of whom may be citizen members of the Land of Lincoln Planning Commission. The term of office for Board members shall be as set forth in KRS 100.217.

The members of the Board shall not be compensated except for necessary expenses incurred by them in the performance of their duties. Each Member of the Board in attendance shall receive a per diem for each day or part thereof the Board is in regular or special meeting and said per diem shall be limited to seventy five dollars (\$75.00) per meeting.

Vacancies on the Board shall be filled within sixty (60) days by the appropriate appointing authority; however, if the appointing authority fails to act within that time, the Land of Lincoln Planning & Zoning Commission shall then fill the vacancy.

When a vacancy occurs other than through expiration of the term of office, it shall be filled for the remainder of that term. Any member of the Land of Lincoln Board of Adjustments may be removed by the appropriate authority for inefficiency, neglect of duty, malfeasance with the procedure set out in KRS 100.217 and in accordance with all applicable law.

**ARTICLE III – OFFICERS**

Officers of the Land of Lincoln Board of Adjustments shall consist of the Chairman, and Vice-Chairman.

The Chairman shall be the presiding officer at all meetings and hearings of the Board. He shall also conduct business only for the benefit of the Board and shall reflect no personal prejudice in any matter. The Vice-Chairman shall assist the Chairman in any way possible subject to the Chairman's request. Upon the absence of the Chairman, the Vice-Chairman shall automatically become the presiding officer of the Board.

An employee of the Commission shall keep records and minutes of each meeting or hearing of the Board, which shall be maintained by the Board, and shall perform other duties, which may be assigned.

The terms of office for the Chairman and Vice-Chairman shall be one (1) year each, or until their successors are elected and qualified.

#### **ARTICLE IV – NOMINATION AND ELECTION OF OFFICERS**

Nominations of officers shall be made from the citizen members at its first regular meeting held after July of each year. Election of officers shall take place immediately following nominations. Voting shall take place in one of the following ways: by secret ballot, voice, show of hands, rising, balloting, or roll call.

The candidate receiving a majority vote of the entire membership of the Board shall be declared elected and shall serve for a term of one (1) year or until a successor is elected and qualified.

Vacancies in unexpired terms of office shall be filled immediately by regular election procedures.

#### **ARTICLE V -- MEETINGS**

All meetings of the Board shall be held in conformance to KRS 100.221. Regular meetings of the Board shall be held bimonthly to hear and decide applications for a conditional use permit or variance, or an appeal of a decision of an administrative official as outlined in KRS 100.257. The meetings shall be held in the LaRue County Courthouse, Fiscal Courtroom, unless notice of an alternative meeting site is provided. The meeting times shall be established by the Board.

A quorum is a simple majority (over one-half) of the total membership of the Board as established by regulation. For the purpose of establishing a quorum, a member of the Board shall not be counted if he has any direct or indirect financial interest in the outcome of any question before the Board.

To transact any official business, a simple majority vote of all members present that constitute a quorum shall be necessary. All meetings and hearings at which official action is taken shall be open to the general public.

Special meetings may be called by the Chairman. Such meetings may be requested by a quorum of the Board and must be called by the Chairman. The notice of such meetings shall specify the purpose of such meeting and no other business may be considered except by unanimous consent of the Board. The Chairman shall notify all members of the Board by oral or written notice not less than seven (7) days in advance of such special meeting. This notice shall contain the date, time, place and subject or subjects which shall be discussed.



The vice-chairman shall assist the chairman in any way possible subject to the chairman's request. Upon the absence of the chairman, the vice-chairman shall automatically become the preceding officer of the commission.

#### **ARTICLE VI – ORDER OF BUSINESS**

The order of business at regular meetings shall be:

1. Call to order; determination of the presence of a quorum;
2. Committee Reports as necessary;
3. Unfinished business;
4. New business;
5. Questions and/or comments from the floor; and
6. Adjournment.

#### **ARTICLE VII – TRANSACTION OF BUSINESS**

Any member of the Board who has any financial interest in any question called to vote shall notify the board of such interest and thus disqualify himself from voting on the matter.

#### **ARTICLE VIII – EMPLOYEES, PERSONNEL POLICIES, AND LEGAL COUNSEL**

The Board may employ a staff or contract with a planner or other persons as it deems necessary to accomplish its assigned duties. The Land of Lincoln Planning & Zoning Commission may select an attorney who is licensed to practice law in the Commonwealth of Kentucky. Said attorney shall attend the regularly scheduled meetings of the Board of Adjustment, if requested by the Chairman of the Board or if requested by the Planning Administrator. The Attorney shall consult with the Board and the staff as requested and shall engage in training activities. The Attorney shall perform other appropriate tasks related to service as legal counsel for the Board and staff.

#### **ARTICLE IX – HEARINGS**

In addition to those required by law, the Board may hold public hearings at its discretion when it is apparent that such hearings will be in the public interest. Notice of such hearings shall be distributed to the publication area as defined in KRS 424.100, and in accordance with the applicable laws of KRS 100.111 et seq. A record shall be kept of those speaking before the Board by an employee of the Commission or other designated person.

#### **ARTICLE X – NOTICE OF HEARING**

When the Board of Adjustment considers an application for Conditional Use Permit or Dimensional Variance, written notice shall be given at least fourteen (14) days in advance of the public hearing on the application to the applicant, the administrative official and to the owner of

every parcel of property adjoining the property to which the application applies. Written notice shall be by first-class mail, with certification by an employee of the Commission or other officer that the notice was mailed. It shall be the duty of the applicant to furnish to the Board the name and address of an owner of each parcel of property as described in this subsection. Records maintained by the property valuation administrator may be relied upon conclusively to determine the identity and address of said owner.

### ARTICLE XI – DECISIONS

The Board shall make decisions regarding variance requests and requests for Conditional Use Permits no later than its next regular meeting. Board Members may visit sites prior to voting.

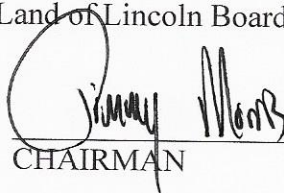
### ARTICLE XII – FISCAL YEAR

The fiscal year of the Land of Lincoln Board of Adjustment shall be from 1 July to 30 June of each and every year. The Board, as authorized by KRS 100.227, shall have the right to receive, hold and spend funds which it legally received from any and every source both in and out of the Commonwealth of Kentucky for the purpose of carrying out the provisions of KRS 100.111 et seq.

### ARTICLE XIII – AMENDMENT

These By-Laws may be amended by a vote of a simple majority of the total membership of the Board at a regular or special meeting.

ADOPTED AS AMENDED by the Land of Lincoln Board of Adjustments, this 8  
day of JUNE, 2023.

  
\_\_\_\_\_  
CHAIRMAN

6/8/23  
\_\_\_\_\_  
DATE