

Hardin County Board of Adjustment

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Chairman Krausman called to order the two hundredth and seventy eighth meeting of the Hardin County Board of Adjustment at 5:05 p.m. on Thursday, 7 July 2011, in the R.R. Thomas Meeting Room on the second floor of the R.R. Thomas County Government Building. In addition to Chairman Krausman, Vice-Chairman Jack Holman was in attendance. Also in attendance were Director Chris Hunsinger, Senior Planner Wesley Wright, Planner Adam King, Planning Assistant Sandra Martinez, County Engineer Vicki Meredith, P.E., and the individuals listed on the attached sign-in sheet. Secretary Brent Goodin was not in attendance. Hardin County Attorney Jennifer B. Oldham, legal counsel for the Board, was not requested to attend the meeting.

At 5:05 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. Hearing Officer Holman announced that the first item on the agenda is a request for a Conditional Use Permit for a Recreational and Amusement Enterprise to operate a paintball facility known as **Conder's Paint Ball**. Vice Chairman Holman conducted the swearing in ceremony for all individuals in attendance that may provide testimony. The proposed site is a ±78 acre site located on the south side of Ford Highway. The property address is 187 Ford Highway and is owned by **Dennis Conder**. Planner King reviewed the application and exhibits. The owners, Dennis Conder and Beverly Conder, of 813 Hawkins Drive, provided testimony and answered questions from the Board Members and staff. A neighbor, Robert Boone of 3355 Valley Creek Road, provided testimony and answered questions from the Board Members and staff. At 5:40 p.m., the Hearing Officer closed the hearing. Board Member Holman stated that this request for a Conditional Use Permit does satisfy the language of the DEVELOPMENT GUIDANCE SYSTEM Ordinance (Section 3.12) Standards for Issuance of a Conditional Use Permit is as follows:

- The use does not tend to change the character and established pattern of development of the area;
- The use is in harmony with the uses permitted by right under the sector and district in question and it does not affect adversely the use of neighboring properties;
- The use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair their value;
- 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,

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- The use shall be in accord with the purposes of this ordinance and the Comprehensive Development Guide System and the comprehensive Development Guide;

According to provisions of the Kentucky Revised Statutes, the Hardin County Development Guidance System, and the proceedings before the Board of Adjustment, Board Member Holman made the motion to grant the Conditional Use Permit (CUP) with the following conditions:

1. The existing tree line/buffer between the paintball fields and the adjoining properties must be illustrated on the Site Plan and maintained.
2. Adequate on site parking must be designated on an approved Site Plan.
3. Adequate driving lanes must be maintained from Ford Highway to the parking area to allow for the ingress/egress of Emergency Vehicles.
4. A "Change of Use" Building Permit to Commercial shall be required for the Quonset Building that contains the indoor playing field, retail shop and snack bar.
5. Hours of Operations for outside activities shall be 8:00 am to 7:30 pm Monday thru Friday, 10:00 am to 7:30 pm on Saturday and 11:00 am to 7:30 pm on Sunday. Hours of Operations for indoor activities shall be 8:00 am to 9:00 pm.
6. Five large competitions (defined as exceeding 100 participants) shall be held per year.
7. Health Department approval shall be required for the snack bar operations and the existing septic systems.
8. This Conditional Use Permit for Recreational and Amusement Enterprises is for Paintball only and any expansion such as rifle/pistol gun or archery ranges shall require the Conditional Use Permit to be amended.
9. This Conditional Use Permit shall be good for three years from 7 July 2011 to 7 July 2014.
10. One sign advertising the business shall be permitted (no larger than 6 square feet) and illustrated on the approved Site Plan.
11. This Permit is not transferable and the new owners must reapply for the Conditional Use Permit and meet the necessary requirements.
12. A Site Plan shall be submitted and approved in accordance with Development Guidance System, Section 7.
13. A Certificate of Land Use Restrictions shall be recorded in the office of the Hardin County Clerk.

Board Member Holman provided the second. Motion passed unanimously.

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At 5:40 p.m. Chairman Krausman appointed Board Member Holman to serve as the hearing officer. Member Holman announced that the next item on the agenda is a request for a Conditional Use Permit to allow for the expansion of an existing Truck Terminal located on Bardstown Road (US 62) for a business known as Nall Specialized Hauling. The property is a 9.17 acre site with an address of 4880 Bardstown Road and identified with the PVA Map Number 187-30-00-015. The property is owned by **Nall & Sons, LLC** and is located in the Urban Area in the Bardstown Road Corridor planning area and is zoned Heavy Industrial (I-2). Vice Chairman Holman conducted the swearing in ceremony for all individuals in attendance that may provide testimony. Planner King reviewed the application and the history of the property and presented exhibits and slides of the property (attached). Mike Billings of Engineering Design Group and the engineer for the proposal and a witness for the owner provided testimony and answered questions from the Board Members and staff. Billings requested that the Board and staff evaluate the activities occurring on the property to determine if the use is a "Truck Terminal" or a "Tractor Trailers (Parking & Storage)". Charles Nall, the owner, provided testimony and answered questions from the Board Members and staff. At 6:25 p.m. the Hearing Officer closed the hearing. Board Member Holman stated that pending the evaluate of the use and the need for a CUP, this request for a 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 does not tend to change the character and established pattern of development of the area;
- The use is in harmony with the uses permitted by right under the sector and district in question and it does not affect adversely the use of neighboring properties;
- The use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair their value;
- 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 accord with the purposes of this ordinance and the Comprehensive Development Guide System and the comprehensive Development Guide;

According to provisions of the Kentucky Revised Statutes, the Hardin County Development Guidance System, and the proceedings before the Board of Adjustment, Board Member Holman made the motion that if required based on the use, to grant the Conditional Use Permit (CUP) with the following conditions:

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1. The maximum number of semi-trucks and/or tractor trailers on site shall be 100 and a maximum of 80 passenger vehicles shall be on site.
2. The trucks and/or tractor trailers shall be parked in the designated areas as illustrated on the approved Development Plan.
3. Tractor trailers shall be limited to using the entrance off of Quarry Ridge Road for ingress and egress to the site and shall not use the driveway onto Bardstown Road (US 62).
4. The existing row of white pine trees along the boundary line with the residential property to the east must be maintained.
5. Landscaping in compliance with the Development Guidance System, Section 10, shall be planted along the East Quarry Ridge and Bardstown Road frontage and illustrated on the approved Development Plan.
6. Tractor trailers shall not be stacked on site.
7. Any outdoor storage of materials on site must be screened from view, may only occur on the rear half of the property; and must comply with Development Guidance System, Section 17-11 and be illustrated on the approved Development Plan.
8. The existing fuel pump and tank on site must comply with all State and Federal regulations.
9. This Permit is not transferable and the new owners must reapply for the Conditional Use Permit and meet the necessary requirements.
10. This Development Plan is for Lots 4, 9, 46 and 47 of Waco Subdivision. If any of these lots are sold separately the existing Development Plan will need to be amended and a new Developed Plan shall be required for the transferred property.
11. A Development Plan shall be submitted and approved in accordance with Development Guidance System, Section 6.
12. A Certificate of Land Use Restrictions shall be recorded in the office of the Hardin County Clerk.

Member Krausman provided the second. Motion passed unanimously.

At 6:25 p.m. Chairman Krausman announced that there were unfinished business items on the agenda. On 23 June 2011, the Board had tabled a request for a Variance for relief from the required front building setback line to accommodate a proposed addition and a covered porch. The proposed site is two tracts totaling 0.34 acre tract with an addresses of 113 McMillen Drive in the East Urban Planning Area and zoned Urban Residential (R-1). The PVA Map Numbers are 231-40-01-037 and 231-40-01-038. The owners are **Charles & Kimberly Ricketts**. Planner King reviewed the application and the history of the property and presented exhibits. Charles Ricketts, the owner, provided testimony and answered questions from the Board Members and staff.

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No additional testimony was presented. At 6:50 p.m. the Hearing Officer closed the hearing. Board Member Holman made a motion to grant a variance due to the fact that it will not alter the essential character of the general vicinity, the proposal is on a dead end street with minimal traffic and no safety concerns were identified and that this request does satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243. Findings necessary for granting variances) which is as follow:

- The requested variance arises from special circumstances which do not generally apply to land in the general vicinity and 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 following variance was granted with the noted conditions:

4. This VARIANCE will allow for the proposed addition and a covered porch.
5. The existing porch may be covered but shall not be enclosed nor greater than five (5) feet in width or thirty-five (35) feet in length.
6. A Record Plat merging the two properties together shall be required with a Variance Note included.
7. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Member Krausman provided the second. Motion passed unanimously.

At 6:50 p.m. Chairman Krausman announced that there were two additional unfinished business items on the agenda. On 5 May 2011, the Board had tabled a request for an Administrative Review of a decision to not revoke the subdivision plat of Honey Locust Estates and/or a request for relief from the required road frontage standard and the lot 1:3 width-to-length ration. The proposed site is three tracts totaling 13.479 acres with addresses of 5012, 4028 and 5032 Sonora Hardin Springs Road and including Lots 1 & 2 of Honey Locust Estates Subdivision. The owners are **Glynda Himebaugh and John Ferguson**. Director Hunsinger stated that the request needed to be continued until additional information is provided to the staff. The item will remain tabled until the next Board meeting scheduled for 5:00 p.m. on Thursday, 21 July 2011 in the R.R. Thomas County Government Building.

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At the 23 June Board meeting a request for a Variance for relief from the front building setback line to accommodate a proposed pole barn (42' x 52') was tabled. The request was for a 3.7 acre tract located at 11230 Sonora Hardin Springs Road (KY 84) in the Natural Resource Planning Area and zoned Rural Residential (R-2). The PVA Map Number is 089-00-00-064. The property is owned by **Anne Rene Bailey and Margaret Bailey**. Director Hunsinger announced that the Variance request had been withdrawn.

Chairman Krausman called for consideration and action on the **Minutes** of the 23 June 2011 meeting. Member Holman made a motion to approve the minutes as presented. Member Krausman provided the second. Motion passed unanimously.

Chairman Krausman called for consideration and action on the Annual Election of Officers. Board Member Holman made a motion for the current Officers to maintain their designated offices; Robert Krausman, Chairman, Jack Holman, Vice Chairman and Brent Goodin, Secretary. Board Member Krausman provided a second. Motion unanimously passed.

Director Hunsinger reviewed a chart illustrating the number of **Building Inspections Requested** in 2011 compared to the previous two years.

Director Hunsinger reported that Jimmy Morgan, the Planning Commission's Regular Part Time Residential Building Inspector, passed the **Residential Mechanical Inspector** Exam on Thursday 30 June. Jimmy is now qualified as a 1 & 2 Family Residential Building Inspector.

Director Hunsinger reported that he is serving as a member of the Local Planning Committee for the **Hardin County School System**. The committee is reviewing and updating the District Facilities Plan.

Director Hunsinger announced that a forum in the Sustainable City Series will be held in Louisville on July 19th addressing how to integrate agricultural elements into new and existing neighborhoods. This would be an opportunity for Board Members to earn **Continuing Education Hours**.

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THE FOLLOWING SITE PLANS HAVE BEEN APPROVED

DATE	SITE PLAN	OWNER	ACCESS ROAD
20-June-11	Accessory Dwelling	Leona Polly	Nolin Road
20-June-11	Accessory Structure	Robert Ammerman	Valley Creek Road (KY 567)
Since Last Meeting		2	
2011 Total		12	

THE FOLLOWING SUBDIVISION PLATS HAVE BEEN APPROVED AND RECORDED:

FP RECORDED	SUBDIVISION NAME	LOTS	ACCESS ROAD
13 June 11	Painted Places	1	Howard Lane
20 June 11	Dranes Lake Subdivision	1	Long Grove Road (KY 1375)
SINCE LAST MEETING		2	
2011 TOTAL		17	

Chairman Krausman announced that the next Board meeting is scheduled for Thursday, 21 July 2011, and declared the meeting adjourned at 7:15 p.m.

ADOPTED AND APPROVED THIS 21st DAY OF JULY 2011 BY THE HARDIN COUNTY BOARD OF ADJUSTMENT.

 Brent Goodin, Secretary