

BOURBON COUNTY JOINT BOARD OF ADJUSTMENT
ADMINISTRATIVE APPEAL HEARING
MAY 18, 2021, 5:30 P.M.

Property Address: 103 Cemetery Rd
Size of Property: 13.872 acres
Parcel ID: 023-00-00-011.01
Zoning for Property: Agricultural (A-1)
Water Provider: Harrison County Water Association
Electric Provider: Kentucky Utilities
Wastewater: Unknown



Bourbon County Unincorporated Zoning Information

Highway Commercial (B-1)

B-1 Highway Commercial Zone is established to provide locations for businesses oriented primarily toward serving the motoring public and for those businesses which due to their nature are best suited to locations along major streets or highways.

General Industrial (I-1)

The industrial districts are intended primarily for manufacturing and assembly plants and warehousing conducted so the noise, odor, dust, and glare of such operation is not objectionable to neighboring uses.

3.101 Use Permitted in Light Industry

A. Manufacturing, fabrication, and /or processing of any commodity, except as set out in Section 3.112, the uses being conditionally permitted there are expressly prohibited here.

B. Retail sales of any commodity not manufactured on the premises designed especially for use in agriculture, mining, industry, business, transportation, or construction, including but not limited to the following uses.

1. Building material sales yard and lumber yard, including the sale of rock, sand, gravel, and the like as incidental part of the main business.

2. Contractor's equipment storage yard or plant, or rental of equipment commonly used by contractors.

3. Freight or trucking yard or terminal



Agricultural (A-1)

3.21 Uses Permitted

A. Production of agricultural, horticultural, floricultural or viticultural crops or livestock commodities, and incidental retail sales by the producer of those commodities raised on site.

B. Single-Family dwellings occupied by the owner or operator of the farm and such additional single-family dwellings as are necessary for occupancy by the employees of the farm operation. Additional single-family dwellings erected for this purpose and afterward found to be unnecessary for such purposes may be rented for residential use.

C. Public, semi-public, and private lands for open-space reserves that may be for permanent open spaces or for future development in accordance with this order.

D. Home occupancies as defined and restricted in Section 1.8 herein. No home occupation shall be permitted which changes the appearance of the structure from that of a residence. Home occupation permits are to be issued by the Board of Adjustments.

Registered Business Name: SIMPSON TRUCKING & EXCAVATING LLC (see Exhibit 1)

The Federal Motor Safety Administration

Additional Registration Information on Business (see Exhibit 2):

Source: Safety Measurement System, Federal Motor Safety Administration, U.S. Department of Transportation, Washington D.C., Retrieved May 17, 2022 from <https://safer.fmcsa.dot.gov/>

USDOT NUMBER: 1992929

ENTITY TYPE: Carrier. Carrier Definition: Identifies the carrier as being engaged in interstate, intrastate hazardous material, or intrastate non-hazardous material transport activities.

POWER UNITS: 12. Power Units Definition: Identifies the number of Trucks, Tractors, Hazardous Material Tank Trucks, Motor Coaches, School Buses, Mini-Bus/Vans and Limousines owned, term leased or trip leased by the motor carrier.

TOTAL NUMBER OF DRIVERS: 5. Drivers Definition: Total number of drivers employed by the carrier.

OPERATION CLASSIFICATION: Authorized for Hire, Private Property. Definitions: **Authorized-For-Hire.** A commercial motor carrier whose primary business activity is the transportation of property/passengers by motor vehicle for compensation. **Private (property).** A motor carrier whose highway transportation activities are incidental to, and in furtherance of, its primary business activity.

CARGO CARRIED: General freight, motor vehicles, building materials, grain, feed, hay, commodities dry bulk paper products, construction, oil field equipment, metal, logs, poles, beams, lumber, machinery, large objects, farm supplies. Definition: Identifies the type of cargo transported by the carrier/shipper.

CASE HISTORY:

12/1/20 – Property transfer listed in PVA. Property is shown as 13.872 acres.

According to the PVA Database, the property contains a 120 ft x 60 ft, 7,200 sf Morton-style building. There is currently no other primary structures located on the property.

Business listed on Facebook as

11/29/21 - Original Complaint received.

11/30/21 – Without the ability to conduct a site visit due to short staffing, Planning Administrator Road Supervisor visit site. Road Supervisor visited site and text messaged photos to the Planning Administrator. While regrading appeared to be occurring at that time, there did not appear to be any illegal land use activity.

12/01/21 - Property owner called Planning Administrator on morning of December 1st. Owner testified that equipment was for agricultural purpose. Planning Administrator did not initiate any further follow-up and closed case.

First week in January 2022. – Property owner visited Planning Office to follow-up on complaint and re-file her complaint.

1/04/22 – Planning Administrator conducted site visit to property and observed commercially licensed vehicles which were not present the month before. The shoulders of Cemetery Rd and Shawhan Rd were rutted out due to the wide turning radius of commercial vehicles.

Between 1/5/2022 – 1/10/22 – Planning Administrator drafted and mailed Notice of Violation.

2/20/22 - Notice of Violation did not contain enough postage for certified and return receipt mail and was returned to Planning Office. -

2/24/22 – Certified and First Class letters were sent certified with return receipt to 103 Cemetery Rd.

Property Information

Parcel Number	023-00-00-011.01
Location Address	SHAWHAN RD
Description	13.872 AC- SHAWHAN RD
Property Class	Farm
Tax District	County (District 00)
2021 Tax Rate	0.926
Acres	14
Lot	
Homestead	0

[View Map](#)

Owner

[SIMPSON REX K](#)
103 CEMETERY RD
PARISKY 40361

3/09/22 – Letter returned as “Not Deliverable as Addressed”.

3/10/22 – Planning Administrator looked up address on Secretary of State’s Website.

Organization Number	0914058
Name	SIMPSON TRUCKING AND EXCAVATING LLC
Profit or Non-Profit	P - Profit
Company Type	KLC - Kentucky Limited Liability Company
Status	A - Active
Standing	G - Good
State	KY
File Date	2/12/2015 1:56:40 PM
Organization Date	2/12/2015 1:56:40 PM
Last Annual Report	3/23/2022
Principal Office	160 CEMETERY RD CYNTHIANA, KY 41031
Managed By	Members
Registered Agent	REX SIMPSON 160 CEMETERY RD CYNTHIANA, KY 41031

3/16/22 – Letters mailed certified with return receipt and first class to 160 Cemetery Rd.

3/18/22 – Planning Administrator spoke to property owner regarding NOV. Recommended he contact an attorney.