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OWENSBORO METROPOLITAN BOARD OF ADJUSTMENT

MAY 3, 2001

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The Owensboro Metropolitan Board of Adjustment met in regular session at 6:00 p.m. on Thursday, May 3, 2001, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

- MEMBERS PRESENT: C. A. Pantle, Chairman
- Marty Warren
- Ruth Ann Mason
- Judy Dixon
- Tim Miller
- Bill Williams
- Ward Pedley
- Gary Noffsinger,
- Planning Director
- Stewart Elliott
- Attorney

* * * * *

CHAIRMAN: Call the meeting of the Owensboro Metropolitan Board of Adjustment to order.

I want to welcome you tonight and state a couple of guidelines before we get started. If you want to speak on any item, please come to one of the podiums by the mike, state your name and be sworn in and then you'll have the opportunity to speak. With that we'll go ahead.

The first item on the agenda is consider the minutes of the last board meeting of April 5th.

1 They're on record in the office. There's been no
2 problem with them or anything. The Chair will
3 entertain a motion to approve those as recorded.

4 MS. DIXON: Move to approve.

5 MR. WILLIAMS: Second.

6 CHAIRMAN: Motion been made and second.

7 Any other discussion?

8 (NO RESPONSE)

9 CHAIRMAN: All in favor raise your right
10 hand.

11 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

12 CHAIRMAN: Motion carries.

13 First item of business, sir.

14 -----

15 CONDITIONAL USE PERMITS

16 ITEM 2

17 1 Executive Boulevard, in a B-4 zone
(Map N-4) (POSTPONED)
18 Consider request for a Conditional Use Permit for
19 construction and operation of a marina facility for
docking of pleasure boats.
Reference: Zoning Ordinance, Article 8, Section
20 8.2K7, Article 18, Section 18-6(b)(2)(f)
Applicant: Executive Marina of Owensoro, Inc., John
21 V. Bays and David Howerton

22 MR. NOFFSINGER: Mr. Chairman, this
23 application has been reviewed by the Planning Staff.
24 It's found to be in order. It has been approved by
25 the Corp of Engineers. It is to provide a docking

1 facility at the Executive Inn. It's ready for your
2 consideration.

3 CHAIRMAN: Before we proceed, has there
4 been any objections filed in the office?

5 MR. NOFFSINGER: None to my knowledge;
6 however, there has been someone in attendance in the
7 past meetings that did have questions relating to the
8 applicant.

9 CHAIRMAN: Is there anyone tonight before
10 we proceed wishing to object or have questions on this
11 this particular item?

12 (NO RESPONSE)

13 CHAIRMAN: No one has any problems with
14 it?

15 (NO RESPONSE)

16 CHAIRMAN: Is the applicant here?

17 MR. HOWERTON: Yes.

18 CHAIRMAN: Does any board member have any
19 questions of the applicant?

20 (NO RESPONSE)

21 CHAIRMAN: Do you have anything you would
22 like to add to it, sir?

23 MR. HOWERTON: No, sir.

24 CHAIRMAN: Chair will entertain a motion
25 if there's no questions or anything to dispose of the

1 item.

2 MR. PEDLEY: Mr. Chairman, hearing no
3 opposition I make a motion for approval.

4 MS. DIXON: Second.

5 CHAIRMAN: You've heard the motion and
6 there's a second. Any other discussion?

7 (NO RESPONSE)

8 CHAIRMAN: Hearing none all in favor raise
9 your right hand.

10 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

11 CHAIRMAN: Motion carries.

12 Next item, sir.

13 ITEM 3

14 730 Hall Street, in a R-4DT zone (Map N-5)
15 Consider request for a Conditional Use Permit to
16 construct a 12-foot by 20-foot outdoor recreational
17 shelter.

18 Reference: Zoning Ordinance, Article 8, Section 8.2K7

19 Applicant: Boulware Center Mission, Inc., Rosemary
20 Lawson, CEO

21 MR. NOFFSINGER: Mr. Chairman, this
22 application has been advertised for public hearing at
23 this time. All adjoining property owners have been
24 notified. The application has been reviewed by the
25 Planning Staff. It's found to be in order.

26 The next item is related to this. It's a
27 variance to allow this picnic shelter to be built 23
28 feet from the property line off of Eighth Street as

1 opposed to 25 feet. This application is found to be
2 in order and ready for your consideration.

3 CHAIRMAN: Has there been any objections
4 filed in the office on this item?

5 MR. NOFFSINGER: No, sir.

6 CHAIRMAN: Is there anyone in the audience
7 wishing to speak in opposition or opposed to this
8 particular item?

9 (NO RESPONSE)

10 CHAIRMAN: Is the applicant here?

11 MS. LAWSON: Yes.

12 CHAIRMAN: Do you have anything you want
13 to add to it?

14 MS. LAWSON: Thank you. My name is
15 Rosemary Lawson. I'm the director of Boulware
16 Mission. I want to thank you very much for the
17 consideration that's been given to the shelter.

18 CHAIRMAN: Let me interrupt you and get
19 you sworn in, please.

20 MR. ELLIOTT: Raise your right hand,
21 please.

22 (MS. ROSEMARY LAWSON SWORN BY ATTORNEY.)

23 MS. LAWSON: Is there something else that
24 I need to say?

25 CHAIRMAN: Any board member have any

1 questions on this particular item?

2 (NO RESPONSE)

3 CHAIRMAN: Hearing none I think not.

4 MS. LAWSON: Thank you very much.

5 CHAIRMAN: Chair will entertain a motion
6 to dispose of this Conditional Use Permit.

7 MS. WILLIAMS: Mr. Chairman, I propose we
8 issue this permit and also give the variance.

9 MS. MASON: Second.

10 CHAIRMAN: The Conditional Use Permit
11 first.

12 A motion has been made and a second to
13 approve the Conditional Use Permit. Any other
14 discussion or questions?

15 (NO RESPONSE)

16 CHAIRMAN: Hearing none all in favor raise
17 your right hand.

18 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

19 CHAIRMAN: Motion carries unanimously.

20 Now we'll go to the related item.

21 Related Item

22 ITEM 3A

23 720 Hall Street, in a R-4DT zone (Map N-5)
24 Consider request for a Variance to reduce the street
25 yard setback along Eighth Street from 25 feet to 23
feet to construct a 12-foot by 20-foot outdoor
recreational shelter.

1 Reference: Zoning Ordinance, Article 8, Section
8.5.11c
2 Applicant: Boulware Center Mission, Inc., Rosemary
Lawson, CEO
3

4 MR. NOFFSINGER: Mr. Chairman, this
5 application has been reviewed by the Planning Staff.
6 It's found to be in order. It has been advertised for
7 public hearing at this time and all adjoining property
8 owners have been notified. If this item is
9 recommended for approval, remind the board that you do
10 need to attach findings to your recommendation.

11 CHAIRMAN: You've heard the item. Any
12 board member have any question of the applicant on
13 this?

14 (NO RESPONSE)

15 CHAIRMAN: Chair is ready for a motion.

16 MS. DIXON: Move to approve the Variance
17 because it will not affect the public health, safety
18 or welfare; will not alter the essential character of
19 the general vicinity; will not cause a hazard or
20 nuisance to the public; and will not allow an
21 unreasonable circumvention of the requirements of the
22 zoning regulations.

23 MR. PEDLEY: Second.

24 CHAIRMAN: You've heard the motion. A
25 motion has been made and a second. Is there any other

1 questions of the applicant or comment by the board?

2 (NO RESPONSE)

3 CHAIRMAN: Hearing none all in favor raise
4 your right hand.

5 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

6 CHAIRMAN: Motion carries unanimously.

7 Next item please, sir.

8 ITEM 4

9 3825 Riverside Drive, in an R-1A zone
(Map N-36)(POSTPONED)

10 Consider request for a Conditional Use Permit for
11 construction of a private boat dock and stairs to
12 descend to the Ohio River.

Reference: Zoning Ordinance, Article 18, Section
18-6(b)(2)

Applicant: David Howerton and Georgine Howerton

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14 MR. NOFFSINGER: Mr. Chairman, this
15 application has been reviewed by the Planning Staff.
16 It's found to be in order. It has been approved by
17 the Corp of Engineers and it's ready for your
18 consideration.

19 CHAIRMAN: Has there been any objections
20 filed in the office on this?

21 MR. NOFFSINGER: No, sir.

22 CHAIRMAN: Is there anyone in the audience
23 wishing to object to this item?

24 (NO RESPONSE)

25 CHAIRMAN: Is the applicant here?

1 MR. HOWERTON: Yes.

2 CHAIRMAN: Is there anything you want to
3 add on this?

4 MR. HOWERTON: No.

5 CHAIRMAN: Any board members have any
6 question of the applicant?

7 (NO RESPONSE)

8 CHAIRMAN: Hearing none the Chair will
9 entertain a motion to dispose of the item.

10 MR. PEDLEY: Mr. Chairman, hearing no
11 opposition I make a motion for approval.

12 CHAIRMAN: You've heard the motion.

13 MR. WARREN: Second.

14 CHAIRMAN: Any other questions or comments
15 by the board?

16 (NO RESPONSE)

17 CHAIRMAN: Hearing none all in favor raise
18 your right hand.

19 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

20 CHAIRMAN: That's unanimous.

21 Next item, sir.

22 ITEM 5

23 1416 West Second Street, in a B-4 zone (Map N-3)
24 Consider request for a Conditional Use Permit to
25 operate a child day care facility serving a maximum of
40 children with hours of operation from 6:00 a.m. to
6:00 p.m.

1 Reference: Zoning Ordinance, Article 8, Section 8.2B3
2 Applicant: Lifeline Revival Center, Pastor Bob Eden,
3 Nicholas A. Pavlas

3 MR. NOFFSINGER: Mr. Chairman, this
4 application has been advertised for public hearing at
5 this time and all adjoining property owners have been
6 notified. The application has been reviewed by the
7 Planning Staff. It's found to be in order.

8 It's my understanding that this facility
9 will be operating within the existing church facility.
10 The applicant is proposing to pave all vehicular use
11 areas and screen in from the public rights of way.
12 Should this Conditional Use Permit be approved, it
13 should be approved with the condition that all
14 vehicular use areas be paved and screened for public
15 rights of way.

16 CHAIRMAN: Has there been any objections
17 in the office?

18 MR. NOFFSINGER: No, sir.

19 CHAIRMAN: Is anyone in the audience
20 wishing to speak in objection to this?

21 We'll take the applicant first. Will the
22 applicant come forward.

23 APPLICANT: I'm the applicant.

24 CHAIRMAN: Oh, I thought you were
25 objecting. Excuse me.

1 There's no objections?

2 (NO RESPONSE)

3 CHAIRMAN: Any board member have any
4 questions of the applicant?

5 (NO RESPONSE)

6 CHAIRMAN: You understand the conditions
7 that were set on by the Staff, correct?

8 APPLICANT: I heard them, but I didn't
9 hear them real good.

10 CHAIRMAN: Would you state those again,
11 please.

12 MR. NOFFSINGER: Yes. All vehicular use
13 areas shall be paved and screened from the public
14 right of way which would be West Second Street as
15 indicated on your proposed site plan.

16 CHAIRMAN: You agree to that?

17 APPLICANT: Got that.

18 CHAIRMAN: Any board members have any
19 questions of the applicant?

20 (NO RESPONSE)

21 CHAIRMAN: Hearing none the Chair will
22 entertain a motion to dispose of the item.

23 MS. DIXON: Hearing no objection I move to
24 approve the Conditional Use Permit.

25 CHAIRMAN: Is there a second?

1 MS. MASON: Second.

2 CHAIRMAN: A motion has been made and a
3 second. Any other discussion or comments?

4 (NO RESPONSE)

5 CHAIRMAN: Hearing none all in favor raise
6 your right hand if you approve.

7 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

8 CHAIRMAN: Motion carries unanimously.

9 Next item, please.

10 ITEM 6

11 212, 218 West Eighth Street, in a proposed B-2 zone
(Map N-4)

12 Consider request for a Conditional Use Permit to
construct a dormitory.

13 Reference: Zoning Ordinance, Article 8, Section 8.2A7
14 Applicant: Brescia University, Inc.

15 MR. NOFFSINGER: Mr. Chairman, this
16 application has been advertised for public hearing at
17 this time and all adjoining property owners have been
18 notified. The application has been reviewed by the
19 Planning Staff. It's found to be in order. It is for
20 a reconstruction of a dormitory. It's a 60 bed
21 facility and it's ready for your consideration.

22 CHAIRMAN: Has there been any objections
23 filed in the office on this?

24 MR. NOFFSINGER: No, sir.

25 CHAIRMAN: Is there anyone in the audience

1 wishing to object to this particular item?

2 (NO RESPONSE)

3 CHAIRMAN: Is the applicant here?

4 APPLICANT: Yes.

5 CHAIRMAN: Any board members have any
6 questions they need to ask the applicant or do you
7 have anything you want to add to it.

8 (NO RESPONSE)

9 CHAIRMAN: Hearing none the Chair will
10 entertain a motion to dispose of the item.

11 MR. WILLIAMS: Mr. Chairman, I make a
12 motion we approve this since there's no objection.

13 MS. DIXON: Second.

14 CHAIRMAN: We have a motion and a second
15 has been made. Any other questions or comments by the
16 board members or Staff?

17 (NO RESPONSE)

18 CHAIRMAN: Hearing none all in favor raise
19 your right hand.

20 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

21 CHAIRMAN: Motion carries unanimously.

22 Next item, sir.

23 Related Item:

24 212 West Eighth Street, in a proposed B-2 zone
(Map N-4)
25 Consider request for a Variance to reduce the 10 foot

1 wide landscape easement to 0 feet along the east
2 property line and to reduce the 6 foot high required
3 element to 0 feet along the east property line.
4 Reference: Zoning Ordinance, Article 17, Section
5 17.311, 17.3112 and 17.3114
6 Applicant: Brescia University

7 MR. NOFFSINGER: This application has been
8 advertised for public hearing at this time. All
9 adjoining property owners have been notified. The
10 application has been reviewed by the Planning Staff
11 and it's found to be in order. The applicant is
12 requesting this Variance because they own the
13 adjoining properties that would receive the benefit
14 from this buffer and they do not wish to receive that
15 benefit. If this Variance is approved, it needs to be
16 approved with findings.

17 CHAIRMAN: Is there any objections on this
18 filed in the office?

19 MR. NOFFSINGER: No, sir.

20 CHAIRMAN: Is there anyone in the audience
21 wishing to object?

22 (NO RESPONSE)

23 CHAIRMAN: Hearing none the Chair will
24 entertain a motion to dispose of the item?

25 MR. WARREN: Motion to grant the Variance
due to there are special circumstances that do not
generally apply to the land in the general vicinity or

1 the same zone; that it would create a hardship and
2 deprive the applicant of the reasonable use of the
3 land; that will not adversely affect the public
4 health, safety or welfare; will not alter the
5 essential character of the general vicinity; will not
6 cause a hardship or a nuisance to the public; and will
7 not allow an unreasonable circumvention of the
8 requirements of the zoning regulations.

9 CHAIRMAN: Is there a second to the
10 motion?

11 MR. MILLER: Second.

12 CHAIRMAN: A motion has been made and a
13 second. Any other questions or comments by the board
14 members?

15 (NO RESPONSE)

16 CHAIRMAN: Hearing none all in favor of
17 the motion raise your right hand.

18 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

19 CHAIRMAN: Motion carries unanimously.

20 Next item, sir.

21 -----

22 VARIANCES

23 ITEM 7

24 901 Crabtree Avenue, in a B-4 zone (Map N-10)
25 Consider request for a Variance to reduce the required
roadway buffer from 30 feet to 20 feet.

1 Reference: Zoning Ordinance, Article 13, Section
13.622, 13.6221

2 Applicant: David L. Clark, D.J. Clark

3 MR. NOFFSINGER: Mr. Chairman, this
4 application has been advertised for public hearing at
5 this time. All adjoining property owners have been
6 notified. The application has been reviewed by the
7 Planning Staff and it's found to be in order and ready
8 for your consideration at this time.

9 CHAIRMAN: Has there been any objections
10 or comments filed in the office on this?

11 MR. NOFFSINGER: No, sir.

12 CHAIRMAN: Is there anyone wishing to
13 object on this particular item?

14 (NO RESPONSE)

15 CHAIRMAN: Any board members have any
16 questions or comments?

17 (NO RESPONSE)

18 CHAIRMAN: Do you have anything you want
19 to add, sir? Come to the microphone and be sworn in,
20 please.

21 MR. ELLIOTT: State your name, please.

22 MR. CLARK: David Clark.

23 (MR. DAVID CLARK SWORN BY ATTORNEY)

24 MR. CLARK: I can just explain to you more
25 of what I need it for if you need to.

1 What it is this piece of property it's so
2 narrow and to get the size of the building for the
3 size of the parking lot requirements I need this
4 10-foot to get my parking lot. Ten foot or close to
5 it is what I'm saying. It cuts us down so close on
6 the building size that we can't revise the building.

7 CHAIRMAN: Any board members have any
8 questions of the applicant?

9 (NO RESPONSE)

10 CHAIRMAN: Staff has a comment, please.

11 MR. NOFFSINGER: Yes. I'd just like to
12 add for the record to Mr. Clark that the right-of-way
13 along Crabtree Avenue is a 40-foot right-of-way.
14 Crabtree is classified as a major collector.
15 Typically on a major collector we have at least a
16 60-foot full right-of-way to handle the existing
17 roadway volume and the improvement as well as future
18 improvements to that roadway. With the 40 foot
19 right-of-way that only gives us a 20-foot half
20 right-of-way from the center line of the road to the
21 property line. The existing curb on Crabtree Avenue
22 is about three feet from the property line. This
23 roadway buffer is set in place so that as you're
24 developing vacant land, that your plans for
25 development could take into account future

1 improvements and necessary improvements to that
2 roadway not only to serve the motoring public, the
3 general public, but also the public that visits your
4 store. The roadway buffer is set up so that as you're
5 developing this property that your required
6 landscaping and parking is set back so that in the
7 future when and if that roadway is improved it can be
8 improved without affecting your development and
9 causing you a loss of your landscaping and a loss of
10 parking. So the roadway buffer encourages you to take
11 into account possible improvements down the road so
12 that you're not affected now.

13 The Planning Staff in review of this
14 application would recommend that the roadway buffer be
15 honored and that the variance not be granted. In
16 terms of required parking, there's adequate parking on
17 the site to meet the minimum and far exceed the
18 minimum parking requirements of the ordinance.

19 The Planning Staff feel that this
20 particular variance due to the existing right-of-way
21 of Crabtree Avenue and the future improvements that
22 are likely to come down the road so that it will not
23 affect your business and its operation that it not be
24 granted because it will adversely affect the public
25 health, safety and welfare and it will allow an

1 unreasonable circumvention of the requirements of the
2 zoning regulations.

3 We've had properties that have recently
4 developed along Crabtree Avenue. Two of which I would
5 name near, they're both near the new Rite-Aid store.
6 The Rite-Aid store complied with the roadway buffer.
7 Across from the Rite-Aid store we just had a CPA
8 office go in on a vacant piece of property. The
9 roadway buffer for that property was met in the
10 development. We also had some improvements to an
11 existing lot across from Crabtree Avenue in that same
12 block of the CPA office that made improvements and
13 honored that roadway buffer. So as development has
14 occurred up and down Crabtree, the roadway buffer has
15 been developed. We realize there are existing
16 developments along Crabtree Avenue that do not meet
17 this buffer; however, those properties as they are
18 subject to development would be expected to address
19 that roadway buffer.

20 MR. CLARK: Right. I understand that.

21 MR. NOFFSINGER: Your property now is
22 undeveloped and we feel that it would be in the
23 public's best interest and the interest of this
24 business to continue operation in the future and not
25 be affected by improvements that the roadway buffer be

1 honored.

2 MR. CLARK: Okay.

3 CHAIRMAN: Any board members have any
4 questions or comments?

5 (NO RESPONSE)

6 MR. PEDLEY: Mr. Chairman, are you ready
7 for a motion?

8 CHAIRMAN: Chair will entertain a motion.

9 MR. PEDLEY: I make a motion for denial
10 for the reasons there are no special circumstances
11 that do not generally apply to land in the general
12 vicinity or in the same zone, and it will adversely
13 affect the public health, safety or welfare; it will
14 allow an unreasonable circumvention of the
15 requirements of the zoning regulations.

16 CHAIRMAN: You've heard the motion.

17 MS. DIXON: Second.

18 CHAIRMAN: A motion has been made and a
19 second. Any other comments or questions from the
20 board?

21 (NO RESPONSE)

22 CHAIRMAN: Hearing none all in favor of
23 the motion raise your right hand.

24 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

25 CHAIRMAN: Motion carries unanimously.

1 Motion is denied.

2 Next item, sir.

3 ITEM 8

4 3515, 3525 Frederica Street, in a B-4 zone (Map N-24)
5 Consider request for a Variance to reduce the required
6 roadway buffer from 60 feet to 50 feet.

7 Reference: Zoning Ordinance, Article 13, Section
8 13.622, 13.6221

9 Applicant: Massie-Clark Development Company

10 MR. NOFFSINGER: Mr. Chairman, this
11 application has been reviewed by the Planning Staff.
12 It's found to be in order. All adjoining property
13 owners have been notified and it has been advertised
14 for public hearing at this time.

15 This particular property, a portion of it,
16 has already been developed. It has been developed in
17 such a manner that the 60-foot roadway buffer was not
18 honored, it was not in affect at that time. In fact,
19 there was a 50-foot roadway buffer that was in affect
20 and I think the variance has been granted within this
21 particular area to allow the required landscaping
22 materials and that roadway buffer be reduced from
23 50-feet down to 45-feet.

24 Back just a few years ago the roadway
25 buffer was increased from 50-feet to 60-feet. Since a
26 portion of this property has already been developed
27 and with what's been approved within that particular

1 area, Staff would recommend approval of the variance
2 and remind the board that if it is approved that you
3 attach findings to that approval.

4 CHAIRMAN: Has there been any objections
5 filed in the office?

6 MR. NOFFSINGER: No, sir.

7 CHAIRMAN: Is anyone in the audience
8 wishing to object?

9 (NO RESPONSE)

10 CHAIRMAN: Hearing none, does the
11 applicant have any comments you want to add?

12 APPLICANT: Available for any questions.

13 CHAIRMAN: Any board member have any
14 questions of the applicant?

15 (NO RESPONSE)

16 CHAIRMAN: Chair will entertain a motion.

17 MR. WARREN: Motion to grant the variance
18 due that there are special circumstances that do not
19 generally apply to the land in the general vicinity or
20 in the same zone; that there are hardships; that it
21 will not adversely affect the public health, safety or
22 welfare; it will not alter the essential character of
23 the general vicinity; it will not alter the essential
24 character of the general vicinity; it will not cause a
25 hazard or a nuisance to the public; and will not allow

1 an unreasonable circumvention of the requirements of
2 the zoning regulations.

3 CHAIRMAN: You've heard the motion. Is
4 there a second?

5 MR. MILLER: Second.

6 CHAIRMAN: A second has been made. Any
7 other questions or comments from the board or Staff?

8 (NO RESPONSE)

9 CHAIRMAN: Hearing none all in favor of
10 the item raise your right hand.

11 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

12 CHAIRMAN: Motion carries.

13 Next item, sir.

14 ITEM 9

15 142 Goldfinch Drive, in an R-1C zone (Map N-82)
16 Consider request for a Variance to reduce the street
17 yard setback from 25 feet to 15 feet along the
18 undeveloped street.

19 Reference: Zoning Ordinance, Article 8, Section
20 8.5.7(c)

21 Applicant: Robert J. Wimsatt, Wimsatt Development Co.

22 MR. NOFFSINGER: Mr. Chairman, this
23 application has been advertised for public hearing at
24 this time. All adjoining property owners have been
25 notified. The application has been reviewed and found
to be in order. This particular property was
preliminary platted back around 1985 and on that
preliminary plat it was approved with a 15-foot

1 building setback off of this undeveloped street. When
2 the final plat came in back just a year or two ago I
3 believe in '98, it was platted with a 25-foot setback
4 along this particular street. It was platted that way
5 because that's what the zoning ordinance would have
6 required; however, the property across this
7 undeveloped street from the subject property was
8 platted with a 15-foot setback and the building wall,
9 as I understand, is at that building setback line. So
10 with what has occurred on the history of this property
11 and developed within the area, Staff would recommend
12 approval and remind the board to attach findings to
13 any recommendation.

14 CHAIRMAN: Has there been any objections
15 filed in the office on this?

16 MR. NOFFSINGER: No, sir.

17 CHAIRMAN: Anyone in the audience wishing
18 to object?

19 (NO RESPONSE)

20 CHAIRMAN: Board members have any
21 questions of the applicant?

22 (NO RESPONSE)

23 CHAIRMAN: Does the applicant have
24 anything they want to add to it?

25 MR. WIMSATT: No comment, Mr. Chairman.

1 CHAIRMAN: Hearing none the chair will
2 entertain a motion to dispose of the item?

3 MR. PEDLEY: Mr. Chairman, I make a motion
4 for approval for reason it will not adversely affect
5 the public health, safety or welfare; it will not
6 alter the essential character of the general vicinity;
7 will not cause a hazard or a nuisance to the public;
8 will not allow an unreasonable circumvention of the
9 requirements of the zoning regulations.

10 CHAIRMAN: Is there a second to that
11 motion.

12 MS. MASON: Second.

13 CHAIRMAN: A motion has been made and a
14 second. Any board member have any comments or other
15 questions?

16 (NO RESPONSE)

17 CHAIRMAN: You understand the conditions
18 that were put on it?

19 MR. WIMSATT: I'm not aware of the
20 conditions, Mr. Chairman. I'm sorry.

21 CHAIRMAN: Well, the requirements. Excuse
22 me. There wasn't any. I'm sorry.

23 All in favor of the motion raise your
24 right hand.

25 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

1 CHAIRMAN: Motion carries unanimously.

2 One last motion.

3 MR. WARREN: Motion to adjourn.

4 CHAIRMAN: You've heard the motion.

5 MS. DIXON: Second.

6 CHAIRMAN: All in favor raise your right

7 right.

8 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

9 CHAIRMAN: Meeting is adjourned.

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1 STATE OF KENTUCKY)
) SS: REPORTER'S CERTIFICATE
2 COUNTY OF DAVIESS)

3 I, LYNNETTE KOLLER, Notary Public in and for
4 the State of Kentucky at Large, do hereby certify that
5 the foregoing Owensboro Metropolitan Board of
6 Adjustment meeting was held at the time and place as
7 stated in the caption to the foregoing proceedings;
8 that each person commenting on issues under discussion
9 were duly sworn before testifying; that the Board
10 members present were as stated in the caption; that
11 said proceedings were taken by me in stenotype and
12 electronically recorded and was thereafter, by me,
13 accurately and correctly transcribed into the
14 foregoing 26 typewritten pages; and that no signature
15 was requested to the foregoing transcript.

16 WITNESS my hand and notarial seal on this
17 the 8th day of May, 2001.

18
19 _____
20 LYNNETTE KOLLER, NOTARY PUBLIC
21 OHIO VALLEY REPORTING SERVICE
202 WEST THIRD STREET, SUITE 2
OWENSBORO, KENTUCKY 42303

22 COMMISSION EXPIRES:
23 DECEMBER 19, 2002

24 COUNTY OF RESIDENCE:
25 DAVIESS COUNTY, KENTUCKY