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OWENSBORO METROPOLITAN BOARD OF ADJUSTMENT

JUNE 7, 2001

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The Owensboro Metropolitan Board of Adjustment met in regular session at 6:00 p.m. on Thursday, June 7, 2001, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

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

* * * * *

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

I want to welcome you all this evening. Set a couple of guidelines for conducting the meeting. If you have anything you wish to say, come to one of the microphones and be recognized. You'll need to be sworn in and then we'll take your statement for the record. Everybody will have the opportunity to be heard if you have anything to put in for the record.

At this time we'll start with the first item. Minutes of the last meeting. They're on file

1 in the office. I don't think there's been any
2 problems or corrections discovered. What's the
3 board's pleasure on that?

4 MS. MASON: I make a motion that we
5 approve the minutes.

6 CHAIRMAN: There's been a motion made. Is
7 there a second?

8 MR. WILLIAMS: Second.

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

11 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

12 CHAIRMAN: Motion carries unanimously.

13 Next item on the agenda please, sir.

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15 CONDITIONAL USE PERMITS

16 ITEM 2

17 1035 Frederica Street, in a B-4 zone (Map N-4)
18 Consider request for a Conditional Use Permit to
19 locate and operate an adult intermediate health care
20 facility with hours of operation from 6:00 a.m. until
21 7:00 p.m.
22 Reference: Zoning Ordinance, Article 8, Section 8.2B3
23 Applicant: Commonwealth Properties, Terry Blake

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

1 This is for an adult daycare facility
2 within the existing building for a maximum of 99
3 persons and it's ready for your consideration.

4 CHAIRMAN: Thank you, sir.

5 Is there anyone here wishing to speak on
6 the item either in favor of or against it?

7 (NO RESPONSE)

8 CHAIRMAN: Has there been any objections
9 filed in the office?

10 MR. NOFFSINGER: No, sir.

11 CHAIRMAN: Is there any conditions we need
12 to put on the item or recommendations from the Staff?

13 MR. NOFFSINGER: No, sir.

14 CHAIRMAN: What's the board's pleasure on
15 the item?

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

18 CHAIRMAN: You've heard the motion. Is
19 there a second?

20 MS. MASON: Second.

21 CHAIRMAN: Any other discussion by the
22 board?

23 (NO RESPONSE)

24 CHAIRMAN: If not, all in favor raise your
25 right hand.

1 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

2 CHAIRMAN: Motion carries unanimously.

3 Next item, sir.

4 ITEM 3

5 1030 Oglesby Street, in an R-4DT zone (Map N-7)
6 Consider request for a Conditional Use Permit for
7 permanent placement of a 16'x62' Class B manufactured
8 home.

9 Reference: Zoning Ordinance, Article 8,
10 Section 8.2A10B, Section 8.4/7

11 Applicant: Herman Ann Wilson

12 MR. NOFFSINGER: Mr. Chairman, this
13 application has been advertised for public hearing at
14 this time. All adjoining property owners have been
15 notified. Planning Staff reviewed the application.
16 It appears to be in order. Planning Staff would like
17 to have a few minutes to speak with the applicant on
18 record to make sure they're aware of all installation
19 requirements of manufactured housing prior to this
20 board making the recommendation or taking final
21 action.

22 CHAIRMAN: Is the applicant here?

23 MS. WILSON: Yes.

24 CHAIRMAN: Before you come forward, anyone
25 wishing to object to this?

(NO RESPONSE)

CHAIRMAN: Any objections filed in the
office?

1 MR. NOFFSINGER: Mr. Chairman, we have had
2 one person call the office. They called today,
3 telephone call, and they ask that we read this into
4 the record.

5 This is a telephone call from Margaret
6 Rose from Elizabethtown. It states, "Robert and
7 Margaret Rose own property at 1026 Oglesby Street.
8 They are opposed to placement of a manufactured home
9 on the adjacent property. They have had difficulty
10 with trash being put on their property."

11 CHAIRMAN: So noted. That is in the
12 record.

13 Would you come forward and be sworn in by
14 our attorney.

15 MR. ELLIOTT: State your name, please.

16 MS. WILSON: Herman Ann Wilson.

17 (HERMAN ANN WILSON SWORN BY ATTORNEY.)

18 MR. NOFFSINGER: Just want to make sure
19 that our Staff has gone over the installation
20 requirements for the manufactured home. Those would
21 be the tires, tongue, wheel and axles are to be
22 removed and it's to be skirted with a masonry or
23 concrete type skirting around the perimeter of the
24 manufactured home to give it a more permanent look to
25 it. As well I see you have indicated on your site

1 plan two parking spaces on the property, there will be
2 access via 10 foot rear alley. Those parking spaces
3 are to be paved.

4 MS. WILSON: Yes, sir.

5 MR. NOFFSINGER: There appears to be an
6 existing concrete sidewalk on the front of the
7 property.

8 MS. WILSON: Yes, sir.

9 MR. NOFFSINGER: That's all I have, Mr.
10 Chairman. Thank you.

11 CHAIRMAN: Do you understand?

12 MS. WILSON: Yes, sir.

13 CHAIRMAN: You have no problems with it?

14 MS. WILSON: No, sir.

15 CHAIRMAN: What's the board's pleasure on
16 this item?

17 MR. WILLIAMS: I make a motion we approve
18 this under the conditions that Gary mentioned.

19 CHAIRMAN: You've heard the motion. Is
20 there a second?

21 MR. PEDLEY: Second.

22 CHAIRMAN: Is there any other discussion
23 by the board or questions?

24 (NO RESPONSE)

25 CHAIRMAN: Hearing none all in favor raise

1 your right hand.

2 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

3 CHAIRMAN: Motion carries unanimously.

4 Next item, please, sir.

5 MR. NOFFSINGER: Mr. Chairman, the next

6 three items are related in nature.

7 ITEM 4

8 2023 West Second Street, in an I-2 zone (Map N-3)
9 Consider request for a Conditional use Permit to
10 locate and operate an automobile impound yard for
11 storage of abandoned, dismantled, partially
12 dismantled, obsolete or wrecked automobiles.
13 Reference: Zoning Ordinance, Article 8, Section
14 8.2G4/27
15 Applicant: Nick Cambron, d/b/a Owensboro Body Shop,
16 Earl Mack and Nina Margaret Cambron

17 MR. NOFFSINGER: Mr. Chairman, this
18 application has been advertised for public hearing at
19 this time. All adjoining property owners have been
20 notified. Planning Staff reviewed the application and
21 the application appears to be in order. If this
22 Conditional Use Permit is approved, it should be
23 approved subject to the granting of variances in Items
24 4A and 4B on this agenda.

25 MR. PEDLEY: Mr. Chairman, I need to
26 disqualify myself on these next three items for reason
27 that the adjoining property is owned by my brother.

28 CHAIRMAN: So noted.

29 The applicant is here. Before we swear

1 him in, has there been any letters of objections filed
2 in the office?

3 MR. NOFFSINGER: No, sir.

4 CHAIRMAN: Mr. Cambron, would you come in
5 and be sworn in, please.

6 MR. ELLIOTT: State your name, please.

7 MR. CAMBRON: Nick Cambron.

8 (NICK CAMBRON SWORN BY ATTORNEY.)

9 MR. CAMBRON: Any questions you have I'll
10 be more than happy to answer. Basically we're doing
11 the same thing that we can do here as an accessory to
12 the business that we have which is repair automobiles.
13 There won't be any change on the property. Any
14 questions be more than happy to answer.

15 CHAIRMAN: Is there anyone in the audience
16 have any questions?

17 (NO RESPONSE)

18 CHAIRMAN: Any board members have any
19 questions of the applicant, comments or statements?

20 (NO RESPONSE)

21 CHAIRMAN: Chair will entertain a motion
22 to dispose of it one way or the other.

23 MR. WILLIAMS: Mr. Chairman, I propose
24 that we issue this Conditional Use Permit.

25 CHAIRMAN: You've heard the motion.

1 MR. WARREN: Second.

2 CHAIRMAN: Any other discussion?

3 (NO RESPONSE)

4 CHAIRMAN: You understand all of the
5 conditions and stuff that the Staff has gone over with
6 you?

7 MR. CAMBRON: Yes. There won't be a
8 vehicle left there any longer than 45 days. I think
9 I've discussed this with Mr. Noffsinger. Most of the
10 time these cars will be in and out of there within ten
11 days to two weeks.

12 CHAIRMAN: Thank you. Hearing no other
13 discussion or questions, all in favor of the item
14 raise your right hand.

15 (ALL BOARD MEMBERS PRESENT WITH THE
16 EXCEPTION OF MR. PEDLEY DISQUALIFYING HIMSELF
17 RESPONDED AYE.)

18 CHAIRMAN: Item Number 4 carries
19 unanimously. Now 4A.

20 Related Item:

21 ITEM 4A

22 2023 West Second Street, in an I-2 zone (Map N-3)
23 Consider request for a Variance to reduce the setback
24 from 300 feet to 0 feet for any building or outside
25 storage, loading or working areas adjacent to
residentially zoned property to the north.
Reference: Zoning Ordinance, Article 8, Section
8.2G4/27

1 Applicant: Nick Cambron d/b/a Owensboro Body Shop,
Earl Mack and Nina Margaret Cambron

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3 CHAIRMAN: Mr. Chairman, this grant
4 request has been advertised for public hearing at this
5 time. All adjoining property owners have been
6 notified. It's ready for your consideration at this
7 time. I believe all board members have received
8 copies of the application and I'd be happy to answer
9 any questions you may have.

10 CHAIRMAN: Again, has there been any
11 objections to the variance?

12 MR. NOFFSINGER: No, sir.

13 CHAIRMAN: Any board members have any
14 comments or questions?

15 (NO RESPONSE)

16 CHAIRMAN: You have any other items you
17 need to read into the record?

18 MR. NOFFSINGER: No, sir.

19 CHAIRMAN: Chair will entertain a motion
20 to dispose of 4A.

21 MR. WARREN: Based on the Staff's findings
22 that it will not adversely affect the public health,
23 safety or welfare; will not alter the essential
24 character of the general vicinity or cause hazard or a
25 nuisance to the public; and will not allow an

1 unreasonable circumvention of the requirements of the
2 zoning regulations, I recommend granting the variance.

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

5 MR. WILLIAMS: Second.

6 CHAIRMAN: Motion been made and a second.
7 Any other discussion?

8 (NO RESPONSE)

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

11 (ALL BOARD MEMBERS PRESENT WITH THE
12 EXCEPTION OF MR. PEDLEY DISQUALIFYING HIMSELF
13 RESPONDED AYE.)

14 CHAIRMAN: Motion carries unanimously.

15 Item 4B

16 ITEM 4B

17 2023 West Second Street, in an I-2 zone (Map N-3)
18 Consider request for a Variance to reduce the setback
19 from 100 feet to 0 feet for any building or outside
20 storage, loading or working areas adjacent to
21 properties that are zoned B-4 General Business.
Reference: Zoning Ordinance, Article 8, Section
22 8.2G4/27
Applicant: Nick Cambron d/b/a Owensboro Body Shop,
23 Earl Mack and Nina Margaret Cambron

24 MR. NOFFSINGER: Mr. Chairman, this
25 application has been reviewed by the Planning Staff.
Found to be in order and advertised for public hearing
at this time. All adjoining property owners have been

1 notified.

2 CHAIRMAN: Been no objections filed in the
3 office?

4 MR. NOFFSINGER: no, sir

5 CHAIRMAN: What's the board's pleasure?
6 Anything you want to add, Mr. Cambron?

7 MR. CAMBRON: No. Thank you Mr. Chairman.

8 MS. MASON: I make a motion that we
9 approve it based on it will not adversely affect the
10 public health, safety or welfare; will not alter the
11 essential character of the general vicinity; will not
12 cause a hazard or a nuisance to the public; and will
13 not allow an unreasonable circumvention of the
14 requirements of the zoning regulations.

15 CHAIRMAN: Is there a second to the
16 motion?

17 MR. WARREN: Second.

18 CHAIRMAN: Motion been made and a second.
19 Any other comments or questions from this board?

20 (NO RESPONSE)

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

23 (ALL BOARD MEMBERS PRESENT WITH THE
24 EXCEPTION OF MR. PEDLEY DISQUALIFYING HIMSELF
25 RESPONDED AYE.)

1 CHAIRMAN: Motion carries unanimously.

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VARIANCE

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ITEM 5

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3246 Majestic Prince, in an R-4DT zone (Map N-43)
Consider request for a Variance to reduce the required
building setback from other project boundary lines
from 20 feet to 15 feet in order to construct an
in-ground swimming pool on the property.

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Reference: Zoning Ordinance, Article 10, Section
10.431

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Applicant: Robert Donald and Debra Horton

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MR. NOFFSINGER: Mr. Chairman, this

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application has been advertised for public hearing at

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this time. All adjoining property owners have been

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notified. The application is in order. It's to

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construct an in-ground swimming pool in the rear yard

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of a particular piece of property that is part of a

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plan residential development. In plan residential

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developments there's a 20 foot non-project boundary

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setback line. This would encroach upon that setback

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by 5 feet. This setback is put in place for various

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reasons. Most important would be to give a buffer, an

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adequate buffer for non-project developments,

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properties that aren't a part of a particular

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development. Given circumstances the Board of

24

Adjustment has the ability to waive that setback.

25

This particular case we have not had any calls in the

1 office from adjoining property owners or anyone in the
2 area. So with that it's ready for your consideration.

3 CHAIRMAN: Is the applicant here?

4 MR. HORTON: Yes.

5 CHAIRMAN: Do you have anything you want
6 to add?

7 MR. HORTON: No.

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

10 MR. PEDLEY: I'd like to have Mr. Horton
11 step up to the podium, please.

12 CHAIRMAN: State your name for the record.

13 MR. HORTON: Robert Donald Horton.

14 (ROBERT DONALD HORTON SWORN BY ATTORNEY.)

15 MR. PEDLEY: Mr. Horton, I inspected your
16 property this afternoon. I noticed there's a drainage
17 swell from the end of that driveway, emergency
18 drainage swell.

19 MR. HORTON: Yes, sir.

20 MR. PEDLEY: If we approve this, one thing
21 you must make sure of that drainage swell it remains
22 open.

23 MR. HORTON: Yes.

24 MR. PEDLEY: You encroach into it a
25 little, then you move the drainage over and resod it.

1 MR. HORTON: I hope to improve that a
2 little bit from what it's got right now to give a
3 little bit more slope to it.

4 MR. PEDLEY: That's one of my concerns.
5 That's all I have.

6 CHAIRMAN: Any other board member have any
7 questions or comments?

8 (NO RESPONSE)

9 MR. PEDLEY: Thank you.

10 CHAIRMAN: Thank you.

11 Hearing none Chair will entertain a motion
12 to dispose of the item.

13 MR. PEDLEY: Mr. Chairman, I make a motion
14 for approval for reasons it will not adversely affect
15 the public health, safety or welfare; it will not
16 alter essential character of the general vicinity; it
17 will not cause a hazard or nuisance to the public; and
18 it will not allow unreasonable circumvention of the
19 requirements of the zoning regulations.

20 CHAIRMAN: Is there a second to the
21 motion?

22 MS. MASON: Second.

23 CHAIRMAN: We have a second. Any other
24 questions or comments from the board?

25 (NO RESPONSE)

1 CHAIRMAN: Hearing none all in favor raise
2 your right hand.

3 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

4 CHAIRMAN: Motion carries unanimously.
5 Any other item to come before the board?

6 MR. NOFFSINGER: No, sir.

7 CHAIRMAN: Chair will entertain one last
8 motion.

9 MR. WARREN: Motion for adjournment.

10 MR. WILLIAMS: Second.

11 CHAIRMAN: All in favor raise your right
12 hand.

13 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

14 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 16 typewritten pages; and that no signature
15 was requested to the foregoing transcript.

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

18

19

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

22 COMMISSION EXPIRES:
23 DECEMBER 19, 2002

24 COUNTY OF RESIDENCE:
25 DAVIESS COUNTY, KENTUCKY