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OWENSBORO METROPOLITAN BOARD OF ADJUSTMENT

OCTOBER 4, 2001

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The Owensboro Metropolitan Board of Adjustment met in regular session at 6:00 p.m. on Thursday, October 4, 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
- Tim Miller
- Stewart Elliott
- Attorney

* * * * *

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

The first item on the business is to consider the minutes of the July 5th meeting. They're on file in the office and have been checked. I don't think any mistakes have been found in them.

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

Want to welcome you all this evening. Lay down a few ground rules that we operate under. If you want to speak on any of the items on the agenda, you

1 need to come to one of the microphones, be sworn in by
2 our attorney because the court reporter can get all it
3 down for the record. You'll have the opportunity to
4 speak on any item you wish.

5 First item on the agenda this evening is
6 to consider the minutes of the September 6th meeting.
7 They're on file in the office. They've been checked
8 and there doesn't seem to be any problems with them.
9 Hearing that what's the pleasure of the commission?

10 MR. MILLER: Motion to approve the
11 minutes.

12 CHAIRMAN: A motion has been made. Is
13 there a second?

14 MS. MASON: Second.

15 CHAIRMAN: Motion been made and a second.
16 All in favor say aye.

17 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

18 CHAIRMAN: Motion carries.

19 First item on the agenda, please, sir.

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21 CONDITIONAL USE PERMIT

22 ITEM 2

23 5691 West 5th Street Road, in an A-U zone
24 Consider request for a Conditional Use Permit in order
25 to construct a 30-foot by 40-foot garage building to
be used by the Gospel Kingdom Church.

Reference: Zoning Ordinance, Article 8, Section 8.2B4

Applicant: Gospel Kingdom Church, Steve M. Wills

Ohio Valley Reporting

(270) 683-7383

1 MR. NOFFSINGER: Mr. Chairman, this
2 application has been advertised for public hearing at
3 this time. All adjoining property owners of record
4 have been notified. The application has been reviewed
5 by the Planning Staff. It's found to be in order. It
6 is an addition to an existing garage for the storage
7 of lawn equipment and the church van. With that it's
8 ready for your consideration.

9 CHAIRMAN: Has there been any objections
10 or anything filed in the office?

11 MR. NOFFSINGER: No, sir.

12 CHAIRMAN: Is there anyone in the audience
13 wishing to speak in opposition to this particular
14 item?

15 (NO RESPONSE)

16 CHAIRMAN: Is the applicant here? Do they
17 have anything they want to add to it?

18 (NO RESPONSE)

19 CHAIRMAN: What's the board's wishes? Do
20 you have any questions of the applicant?

21 (NO RESPONSE)

22 CHAIRMAN: Chair will entertain a motion
23 to dispose of the item.

24 MR. MILLER: Mr. Chairman, motion to
25 approve the Conditional Use Permit since there are no

1 objections from any of the adjoining property owners
2 and based on staff's recommendation.

3 CHAIRMAN: Is there a second?

4 MR. WARREN: Second.

5 CHAIRMAN: Motion been made and a second.

6 Is there 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 unanimously.

12 Next item, please.

13 ITEM 3

14 11235 Grandview Road, in an A-R zone
15 Consider request for a Conditional Use Permit in order
16 to construct a 30-foot by 30-foot addition to the
17 existing church building.

Reference: Zoning Ordinance, Article 8, Section 8.2B4

Applicant: Dawson Memorial Baptist Church, c/o Jane
Chrisler

18 MR. NOFFSINGER: Mr. Chairman, I have a
19 letter in the file from the applicant's legal counsel
20 asking this item be postponed and considered again at
21 the next meeting of the Board of Adjustment which will
22 be held on the first Thursday in November at the same
23 time and same place. We do need to take a vote on
24 postponement.

25 CHAIRMAN: We need a motion to postpone

1 the item. Chair will entertain a motion.

2 MS. MASON: I make a motion to postpone
3 due to the applicant's request.

4 CHAIRMAN: Is there a second?

5 MR. MILLER: Second.

6 CHAIRMAN: Motion been made and a second.
7 All in favor raise your right hand.

8 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

9 CHAIRMAN: Motion carries unanimously. It
10 will be heard next month.

11 Next item, please, sir.

12 ITEM 4

13 815 Triplett Street, in a P-1 zone
14 Consider request for a Conditional Use Permit in order
15 to use a room in The Enrichment Center to provide
16 day-care service for an additional five (5) disabled
17 school-age children, increasing the total number of
18 children served on the site from 56 to 61.
19 Reference: Zoning Ordinance, Article 8, Section 8.2B3
20 Applicant: Wendell Foster's Campus for Developmental
21 Disabilities, Inc.

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 advertised for
25 public hearing at this time and all adjoining property
owners of record have been notified. With that it's
ready for your consideration.

26 CHAIRMAN: Has there been any objections
or anything filed in the office?

1 MR. NOFFSINGER: No, sir.

2 CHAIRMAN: Is there anyone in the audience
3 wishing to speak in objection to this?

4 (NO RESPONSE)

5 CHAIRMAN: Does the applicant have
6 anything they want to add on it.

7 MR. PFEIFER I'm Mark Pfeifer here if
8 anyone has any questions.

9 (MR. PFEIFER SWORN BY ATTORNEY.)

10 CHAIRMAN: Does any board member have any
11 questions of the applicant?

12 (NO RESPONSE)

13 CHAIRMAN: Hearing none the Chair will
14 entertain a motion to dispose of the item.

15 MR. MILLER: Mr. Chairman, motion to
16 approve the Conditional Use Permit at 815 Triplett
17 based on the information in the Conditional Use Permit
18 application.

19 CHAIRMAN: Is there a second?

20 MS. MASON: Second.

21 CHAIRMAN: Any other discussion?

22 (NO RESPONSE)

23 CHAIRMAN: Hearing none all in favor raise
24 your right hand.

25 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

1 CHAIRMAN: Motion carries unanimously.

2 Next item, please.

3 -----

4 VARIANCES

5 ITEM 5

6 1079 Southgate Drive, in an R-1A zone
7 Consider request for a Variance to reduce the front
8 building setback from 25 feet from the property line
9 to 20 feet from the property line, and to reduce the
10 rear yard setback from 20 feet from the property line
11 to 5 feet from the property line in order to place a
12 manufactured home on the property.
13 Reference: Zoning Ordinance, Article 8, Section
14 8.5.5(c), Section 8.5.5(e)
15 Applicant: Jay White, Don Pearson

16 MR. NOFFSINGER: Mr. Chairman, this
17 application has been advertised for public hearing at
18 this time. All adjoining property owners of record
19 have been notified. The application has been reviewed
20 by the Planning Staff. It's found to be in order.
21 This is for the replacement of an existing home on the
22 property out near I believe or on Carpenter's Lake.
23 The way the property is oriented with easements and
24 the bank or the access easement for Carpenter's Lake
25 it makes it very difficult for this property to be
developed and meet the setbacks. The applicant is
requesting a variance. We have prepared a
recommendation to you of approval and attached
findings to that. Should you consider this favorably,

1 you should make your recommendation based upon the
2 attached findings. Those would need to be read into
3 the record.

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

6 MR. NOFFSINGER: No, sir.

7 CHAIRMAN: Anyone in the audience wishing
8 to object to this?

9 (NO RESPONSE)

10 CHAIRMAN: Is the applicant here? Do you
11 want to add anything?

12 APPLICANT: No.

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

15 (NO RESPONSE)

16 CHAIRMAN: You understand the conditions?
17 We will read those in the record. You've been
18 explained those already in the office?

19 APPLICANT: Yes.

20 CHAIRMAN: Chair will entertain a motion
21 to dispose of the item.

22 MR. MILLER: Mr. Chairman, I'll make a
23 motion that the variance be granted. The application
24 of the building setback would create a situation where
25 the applicant cannot use the property. Granting this

1 variance will not adversely affect the public health,
2 safety or welfare; it will not alter the essential
3 character of the general vicinity; it will not cause a
4 hazard or a nuisance to the public; it will not allow
5 unreasonable circumvention of the requirements of the
6 zoning regulation. With the condition that the
7 existing lots must be consolidated.

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

10 MR. WARREN: I'll make a second.

11 CHAIRMAN: A motion has been made and a
12 second. Is there any other questions from the
13 applicant concerning the condition?

14 APPLICANT: No.

15 CHAIRMAN: Any board member have any other
16 questions?

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, please, sir.

23 ITEM 6

24 2969 Turfway Drive, in an R-1C zone
25 Consider request for a Variance to reduce the front
building setback from 25 feet from the property line

1 to 23 feet from the property line in order to bring an
2 existing structure into conformance with the Zoning
Ordinance requirements.

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

4 Applicant: Thompson Homes, Inc.

5

6 MR. NOFFSINGER: Mr. Chairman, this
7 application has been advertised for public hearing at
8 this time. All adjoining property owners of record
9 have been notified. The application has been reviewed
by the Planning Staff and is found to be in order.

10 This is the second variance request to
11 come before this board in the Down Subdivision within
12 just a few short months.

13 The Planning Staff has reviewed the
14 application, has reviewed the request. We are not
15 making a favorable recommendation at this site due to
16 the fact that we feel it will allow an unreasonable
17 circumvention under the requirements of the zoning
18 regulations in that adequate room was available on
19 this property for the home that's located there to
20 meet the setback. What has happened the builder has
21 crowded that front setback line too close and in doing
22 so and once the block is laid and whatnot has caused
23 this encroachment. We feel that based upon the site
24 plans that were submitted for the building permit that
25 clearly indicated there was to be a 25-foot front

1 building setback line, that the granting of the
2 variance would unreasonably circumvent the ordinance
3 and should not be granted. With that it's ready for
4 your consideration.

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

7 MR. NOFFSINGER: No, sir.

8 CHAIRMAN: Anyone in the audience wishing
9 to object?

10 (NO RESPONSE)

11 CHAIRMAN: Is anyone here representing the
12 applicant?

13 MR. DeARMOND: Yes.

14 CHAIRMAN: Would you come forward and
15 state your name for the record and be sworn in,
16 please.

17 MR. ELLIOTT: State your name, please.

18 MR. DeARMOND: Terry DeArmond.

19 (MR. DeARMOND SWORN BY ATTORNEY.)

20 CHAIRMAN: I have a question. Being the
21 size of that lot, why do you need a setback? I know
22 what you've got in the minutes and the application.

23 MR. DeARMOND: Again, as Gary said it's a
24 human error, but it wasn't found until the mortgage
25 company sent the survey team out to survey the

1 property, closing the loan, at the time of closing.
2 It's like the last one. It's in a radius. It's going
3 down to a cul-de-sac. There is a retention basin on
4 one side and it's only really affecting one lot in
5 front of this which the way the street runs it's
6 really not going to affect or hinder view of
7 anything. There's little houses past this. Again,
8 it's going into a cul-de-sac, a radius. Retention
9 basin on the one side of this lot.

10 We've gone to extensive measures, and I
11 talked to Jim maybe and with Jim's recommendation
12 maybe when we put footers in maybe we need to have
13 Riney - Hale, Riney & Gilmore does our surveying - to
14 verify the setbacks to assure this is not happening
15 again. The other situation was the same thing. It
16 was in a cul-de-sac and a radius.

17 Tommy has taken a little weight off of our
18 foundation crew on the back side to try to assure on
19 our part that they watch. Our superintendent is going
20 to double check before any foundations are poured, is
21 settled. I mean again we're at your mercy. We're
22 just asking for your help. The house is built and
23 ready to close.

24 CHAIRMAN: That seems to be the same
25 presentation you had last time.

1 MR. DeARMOND: I wasn't here. Tommy
2 Thompson was here.

3 CHAIRMAN: Almost verbatim.

4 MR. DeARMOND: That's the only problem
5 we've had. Again, it's been in the radius of those
6 two particular lots. We've done a lot more radiuses
7 and not had that problem. Again, Tommy - -

8 CHAIRMAN: This almost sounds like a habit
9 instead of an accident.

10 MR. DeARMOND: It's not, sir. I promise.
11 I mean like they said there was enough room on the
12 lot. If I can show you, I have a little demonstration
13 to give.

14 CHAIRMAN: We have a copy of it right
15 here.

16 MR. DeARMOND: He set the one corner 27
17 foot back and instead of finding - - he set the other
18 corner 27-foot back and just a portion corner of the
19 garage is into the setback about one foot eight
20 inches, I believe. Not the whole house. Not the
21 whole garage, but just the one corner.

22 CHAIRMAN: Thank you, sir. Any other
23 board member have any questions or comments?

24 MR. MILLER: I'd like to ask something.

25 I just don't understand. Why do you crowd

1 the front so much when you have so much lot area in
2 the back? What's the purpose? I know you say he
3 didn't do it intentionally, but why not move it back
4 to make sure that you are in the acceptable area
5 rather than put it right up on the line?

6 MR. DeARMOND: A lot of those plats and
7 site plans they don't really show the topography or
8 exactly what's in the back either. On these
9 particular lots the pins are up a ten foot banking and
10 over some trees somewhere and the backs are crowding
11 the usable space on the lot. So we try to hold them
12 27-foot.

13 Again, we've built you know, close to 200
14 houses out there and this is twice. You know, it's
15 not trying to justify it, but it was a human error.
16 It wasn't - - that had a 50-foot easement in the back,
17 utility easement. With the patio and the way the
18 street was caught.

19 Again, we found our four corners, but the
20 one corner in the middle of the house, the garage
21 corner ended up with the one foot eight over. It
22 wasn't intentionally. Again, it was found at closing
23 when the mortgage company had it surveyed.

24 MR. NOFFSINGER: If I may.

25 Mr. DeArmond, as you know at that point

1 it's too late. You know, have you talked to Tommy
2 Thompson about the requirement of a survey? Once that
3 foundation walls goes in that you stop work and the
4 surveyor comes out and performs a survey to verify
5 that you are within the setbacks? Have you shared
6 that with him?

7 MR. DeARMOND: I just talked to Jim about
8 it. Hadn't got to talk to Tommy. Again, if that's
9 the recommendation or requirement for us, if we're in
10 a radius lot or any lot, but we'll gladly do that.

11 MR. NOFFSINGER: I think it's a good idea.
12 It can prevent, help to prevent situations like this
13 board and Thompson Homes and a perspective buyer is in
14 right now. However, it's going to cost money.
15 Someone is going to have to pay and there's going to
16 be some down time. We're often criticized for
17 increasing the cost of development for having to
18 require this and that, but these are some of the
19 reasons.

20 Now, this surveyor coming out is going to
21 cost additional money and someone is going to pay for
22 it. It appears that it is necessary to prevent
23 situations like this because once the home is
24 constructed and they go out to do a mortgage survey
25 it's too late. I understand what Mr. DeArmond is

1 saying and given the fact that the home has been
2 finished and is constructed, you know, that is a
3 rather unique situation.

4 Could cause a hardship; however, if this
5 board approves or decides to approve this variance the
6 Planning Staff would ask for direction as to what do
7 we do in the future? Should we be requiring these
8 surveys in close situations when those foundation
9 walls go up?

10 CHAIRMAN: You have one other choice.
11 Take it down.

12 MR. NOFFSINGER: That's the other option.

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

15 MR. DeARMOND: We realize that. At this
16 point it would be beneficial, even money-wise to have
17 a surveyor come out and check the lots from now on to
18 try to assure the board that we'll do what we need to
19 do. Again, we did not do this purposely or
20 intentionally. There was enough room on the back of
21 the lot. The two front corners, far exterior corner
22 are in the setback. It's just the one corner of the
23 garage. Again, it's human error that we're trying and
24 want to correct. I don't want to be here tonight I
25 promise you. I, again, just asking for your help on

1 this one and recommendations on it. We can take steps
2 not to let it happen again.

3 CHAIRMAN: Any other questions from the
4 board?

5 (NO RESPONSE)

6 CHAIRMAN: Hearing none the Chair will
7 entertain a motion to dispose of the item one way or
8 the other.

9 MR. MILLER: Mr. Chairman, I'll make a
10 motion with a comment. I think it tries the patience
11 of the Staff when this thing has not only happened
12 once but twice, especially by one of the more
13 prominent builders in town. It makes it tough on us
14 trying to uphold and stick to the rules and
15 regulations as they're written.

16 As builders and professional, surely you
17 all can do a better job. I think that's the bottom
18 line. In this case where the residence is positioned,
19 it's unlikely that the street will ever be widened.
20 As I see it it poses no hazard to the general public.
21 Does not alter the character of the general vicinity.
22 I'll make a motion that we grant the variance this
23 time.

24 CHAIRMAN: You've heard the motion. Is
25 there a second?

1 MR. WARREN: I'll second it.

2 CHAIRMAN: A motion has been made and a
3 second. Is there any other comment by Staff?

4 MR. NOFFSINGER: Mr. Miller, did you
5 intend as a part of that motion to give Staff some
6 direction in terms of how to proceed in the future in
7 these particular cases with a survey to verify where
8 that building wall is?

9 MR. MILLER: Is that a condition we can
10 attach?

11 MR. NOFFSINGER: Well, not a condition to
12 give the Planning Staff some direction, Building Code
13 Staff some direction in terms of what you see coming
14 before this board and these cases on variances. If we
15 can make a difference, if there's something we can be
16 doing to perhaps reduce the number of these, no one
17 wants to be here obviously for this particular reason.
18 We need some direction in terms of what we should be
19 requiring out in the field.

20 Now, we've made a recommendation to you.
21 Mr. DeArmond has echoed that, that's probably what
22 needs to be done will be agreeable to it and that our
23 staff be following that procedure to in these close
24 situations. That surveyor come out and verify the
25 location of that foundation wall prior to them

1 continuing on with the house or with the building.

2 CHAIRMAN: I think it'd be correct to vote
3 on this and then add the next item on the agenda
4 stating a recommendation to the Staff proper procedure
5 to handle situations like this, but the thing that
6 makes it hard we turn somebody down that comes in
7 before they may know and ask for a condition for a
8 variance and we turn them down and they went to the
9 trouble of being sure that they were right with the
10 staff in trying to get a variance. They have it
11 constructed and they don't get the opportunity to and
12 they're not in hardship where you build and then ask
13 for a variance. With that we'll proceed to vote. All
14 in favor raise your right hand.

15 MR. ELLIOTT: Probably as far as this item
16 is concerned, this particular builder as I understand
17 this is the second time. We can give notice to him
18 now that from any future construction that he should
19 be required to have one of those.

20 CHAIRMAN: We can do that next?

21 MR. ELLIOTT: Yes, you can do that. I
22 mean as far as this particular builder is concerned,
23 if he acknowledged the fact that he understands that,
24 that you have a survey done prior to construction.

25 MR. DeARMOND: Every, all 60, 70 houses,

1 every house or just in situations with radius?

2 MR. NOFFSINGER: In situations where it's
3 close. We're going to be monitoring it as well. In
4 other words, we don't want to see you back. You don't
5 want to be here.

6 MR. DeARMOND: I agree. Condition is
7 we're going to do what we need to do to not come back.
8 I understand. I see your point. If it happens again,
9 make us tear the house down. That's kind of where I'm
10 at. That's how serious we are about not coming back.

11 MR. NOFFSINGER: Well said.

12 CHAIRMAN: Good deal. That is in the
13 record.

14 We have a motion on the floor and second.
15 All in favor of the motion raise your right hand.

16 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

17 CHAIRMAN: Motion carries unanimously.

18 Hopefully we don't see you any more, sir.

19 Now, lets from the board make a
20 recommendation of the staff on proper way to handle
21 these proceedings to maybe prevent this in the long
22 run.

23 MS. MASON: I personally don't think it's
24 fair to penalize other builders just because one
25 builder has caused problems on two different

1 occasions. I agree with what Stewart may be saying.
2 Just maybe on - - if that's what I understood.

3 MR. ELLIOTT: While we had him here I
4 thought we'd make that clear to him.

5 MS. MASON: Yes. I don't know if we need
6 to do every house or just the houses that are - -

7 MR. ELLIOTT: I think what Gary is saying
8 just on the close cases.

9 MR. NOFFSINGER: On the close cases. Not
10 to discriminate against builders. We don't want to do
11 that or certain ones, but in these close cases I feel
12 like that's what we need to be doing so we can reduce
13 the number of these. We're not going to catch all of
14 them. Mr. DeArmond is right. You have human error,
15 but where it's close like this we do need to verify
16 with a survey and it's not going to be a requirement
17 on every permit, but if you're going to build right up
18 at that building setback line you can expect it.

19 MS. MASON: So you're going to determine
20 the ones that are close?

21 MR. NOFFSINGER: Right. Mr. Mischel may
22 have something to say in regard to that.

23 (MR. JIM MISCHEL SWORN BY ATTORNEY.)

24 MR. MISCHEL: Jim Mischel. I think what
25 should be required is if you have a builder not only

1 the front setback but a side or if there's a utility
2 easement or something, let's just say somebody
3 building on the side and there's a 6-foot utility
4 easement on the side and they want to build six feet
5 one inch off that side but yet on the other side they
6 might have 20 something feet. I think they ought to
7 be given the option. Either to scoot it over to where
8 we can tell or if they do want to crowd that side go
9 ahead and once they get that foundation in get a
10 surveyor to verify that.

11 Our guys out in the field probably run
12 into - - if they've got to be six feet, five feet off
13 the side property line and they're crowding it. When
14 they dig that footer it might be two foot wide.
15 They're standing out there and at the time the builder
16 is saying, well, our foundation is only going to be
17 whatever the block they use. We've got plenty of
18 room.

19 Of course, we're not out there when the
20 block layer is out there. So you don't. Block layer
21 he could move it over, shift it a little bit to try to
22 square the house up and mistakenly he might not know
23 but it's critical. If they do crowd, I think this
24 would be a good preventive measure to catch it right
25 then. Lots of times when you explain that to people

1 they will go ahead and move it over, but some people
2 want it that way. There's reasons.

3 Like he said sometimes the lay of the lot
4 doesn't allow for that. Sometimes people want to
5 drive on the side to go around to the back of the
6 house and that's fine, but if it's that close we need
7 to catch it then instead of, you know, and it's not
8 easy unless you have a transit or something to shoot
9 that all the time.

10 CHAIRMAN: I think the staff understands
11 where the board is coming from and you all can take
12 appropriate action in the future.

13 Next item, please, sir.

14 ADMINISTRATIVE APPEAL

15 ITEM 7

16 6762 Lamplite Circle, in a MHP zone
17 Consider request for an administrative review
18 concerning a request to place an educational classroom
19 for the Head Start Program within the manufactured
20 housing park as a community facility.
Reference: Zoning Ordinance, Article 11, Section
11.32
Applicant: Audubon Area Community Services, Inc.
(Head Start Program)

21 MR. NOFFSINGER: Mr. Chairman, this appeal
22 has been advertised for public hearing at this time.
23 All parties of record have been notified. The
24 application has been reviewed by the Planning Staff.
25 It's found to be in order. This as contained in the

1 application is a program to serve the residents of
2 Lamplite Manufactured Housing Park. It's ready for
3 your consideration.

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

6 MR. NOFFSINGER: No, sir.

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

9 (NO RESPONSE)

10 CHAIRMAN: Is the applicant here?

11 MS. SMITH: Yes.

12 CHAIRMAN: Would you come forward and be
13 sworn in.

14 MS. SMITH: Michelle Smith.

15 (MS. SMITH SWORN BY ATTORNEY.)

16 CHAIRMAN: Do you have anything you want
17 to add?

18 MS. SMITH: No. We just hope we get to do
19 it. Just providing some services out there.

20 MR. WARREN: Ms. Smith, who are you going
21 to be providing these services for?

22 MS. SMITH: The children within the
23 Lamplite Mobile Home Park. Right now we are pulling a
24 lot of children and transporting them to the school
25 system and the classrooms are overflowing. It's a

1 contract with the school systems. It's a good
2 opportunity here. They're willing to give us a place
3 if we can put a mobile in there so that we can provide
4 on-site child care and some social services out there
5 in the area through the facility. We're hoping to
6 serve 17 to 20, 3 and 4-year olds and then about eight
7 toddlers to parents who are working or going to
8 school. There's a lot of need out there. There are
9 400 mobile homes.

10 MR. WARREN: And these are parents in the
11 Lamplite Estate.

12 MS. SMITH: Yes.

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

15 MR. NOFFSINGER: Mr. Chairman, I just
16 might state for the record the reason this is before
17 the board is there are specific uses that are allowed
18 by the Zoning Ordinance to occur in manufactured
19 housing parks and those uses are specifically listed.
20 In the event that we have a particular use that's not
21 specifically listed, then they have a right to request
22 that use before the Board of Adjustment. So that's
23 why it's here before you tonight.

24 CHAIRMAN: Is there anybody in the
25 audience have any other comments or questions?

1 (NO RESPONSE)

2 CHAIRMAN: Hearing none the Chair will
3 entertain a motion to dispose of the item.

4 MR. MILLER: Mr. Chairman, I wanted to ask
5 Mr. Noffsinger a question. Are there any parking
6 requirements associated with this type of building?

7 MR. NOFFSINGER: This particular type use
8 is somewhat reminds me of a child care facility. In a
9 child care facility typically I think you're required
10 to have two parking spaces plus one for every ten
11 children you have; however, to my knowledge there's no
12 particular parking requirement stated by the Zoning
13 Ordinance for this use in this development.

14 The use as stated on record is strictly
15 for residence of that development. With that there
16 are a couple of parking spaces on the property.
17 There's on street parking that is available there. We
18 did not make an issue of parking. There are no
19 problems brought to our attention. Felt like it could
20 be handled within the complex itself.

21 CHAIRMAN: Chair will entertain a motion.

22 MR. WARREN: Mr. Chairman, since this
23 development seems to meet the requirements for the
24 zoning I make a motion that we approve the
25 Administrative Appeal or grant the Administrative

1 Appeal.

2 CHAIRMAN: Is there a second to the
3 motion?

4 MR. MILLER: Second.

5 CHAIRMAN: A motion has been made and a
6 second. Any other questions by the Staff or comments
7 from the audience?

8 (NO RESPONSE)

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

11 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

12 CHAIRMAN: Motion carries unanimously.
13 Anything else on the agenda this evening,
14 sir?

15 MR. NOFFSINGER: No, sir.

16 MS. MASON: Make a motion for dismissal.

17 MR. MILLER: Second.

18 CHAIRMAN: All in favor raise your right
19 hand.

20 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

21 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 27 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 October, 2001.

18

19

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

22 COMMISSION EXPIRES:
DECEMBER 19, 2002

23

24 COUNTY OF RESIDENCE:
DAVIESS COUNTY, KENTUCKY

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