

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

OWENSBORO METROPOLITAN
BOARD OF ADJUSTMENT

JUNE 6, 2002

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

OWENSBORO METROPOLITAN BOARD OF ADJUSTMENT

May 6, 2002

* * * * *

The Owensboro Metropolitan Board of Adjustment met in regular session at 6:00 p.m. on Thursday, May 6, 2002, 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
- Judy Dixon
- Tim Miller
- Bill Williams
- Ward Pedley
- Stewart Elliott,
- Attorney

* * * * *

CHAIRMAN: Call the Owensboro Metropolitan Board of Adjustment to order. I want to welcome all of you this evening. We've got a few rules that we try to follow. Anyone

1 that wishes to be heard, come to one of the
2 microphones, be sworn in, and then you present
3 your side of the story, whatever it may be. With
4 that, we'll go on to our agenda.

5

6 ITEM 1
7 Consider the minutes of the last meeting.

8

9 CHAIRMAN: The first item on the agenda
10 is the minutes of last meeting. They're on
11 record in the office. I don't think there's been
12 any problems.

13 MR. NOFFSINGER: No, sir.

14 CHAIRMAN: Is there any corrections that
15 needed to be added to them? If not, I'll
16 entertain the motion to dispose of the item.

17 MS. DIXON: Move to approve.

18 CHAIRMAN: Motion made. Is there a
19 second?

20 MR. WARREN: Second.

21 CHAIRMAN: Motion been made in the
22 second. All in favor of the minutes as they are
23 in the office, raise your right hand.

24 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

25 CHAIRMAN: Opposed, like sign. Motion
carries unanimously.

1 Next item, please, sir.

2

3 CONDITIONAL USE PERMITS

4

5 ITEM 2
3415 Buckland Square in an R-3MF zone (Map N-65)
6 Consider request to amend a Conditional Use
Permit to permit a vinyl or wood screen fence as
7 screening for the public community center.
Reference: Zoning Ordinance, Article 8, Section
8 8.2B(7)
Applicant: Cliff Hagan Boys & Girls Club,
9 William O'Bryan Wright, O'Bryan Heirs

10

11 MR. NOFFSINGER: Item No. 2 is 3415
12 Buckland Square in an R3-MF zone. Consider
13 request to amend a Conditional Use Permit to
14 permit a vinyl or wood screen fence as screening
15 from the public community center. Reference:
16 This is zoning ordinance Article 8, Section
17 8.2B(7). The applicant is Cliff Hagan Boys &
18 Girls Club, William O'Bryan Wright, O'Bryan
19 Heirs.

20 Mr. Chairman, this Conditional Use
21 Permit application has been advertised for public
22 hearing at this time, and all adjoining property
23 owners have been notified, and it's ready for
24 your consideration.

25 CHAIRMAN: Is there -- before we start

1 with the one that's asking for the Conditional
2 Use Permit, is there anyone in the audience
3 wishing to object to this? If not, do you all
4 want to present your conditional request, please?
5 State your name.

6 MS. HUBBS: My name is Emily Hubs, and
7 I'm representing the Cliff Hagan Boys & Girls
8 Club.

9 MR. ELLIOTT: I need to swear you in,
10 Ms. Hubbs.

11 (MS. EMILY HUBBS SWORN BY ATTORNEY.)

12 MS. HUBBS: And I would just like to
13 answer any questions you all have about it.

14 CHAIRMAN: Okay.

15 MS. HUBBS: Like you said, we are
16 requesting --

17 MR. WARREN: Ms. Hubbs, would you mind
18 pulling the microphone up just a little? I
19 can't --

20 MS. HUBBS: Sure.

21 MR. WARREN: Thank you.

22 MS. HUBBS: They're requesting that it
23 be said we can use vinyl or wood for the screen
24 fence around the property.

25 CHAIRMAN: Do any Board members have any

1 questions of the applicant? Anyone in the
2 audience have any questions?

3 (NO RESPONSE.)

4 CHAIRMAN: Hearing none, I'll -- the
5 Chair will entertain a motion to dispose of the
6 item.

7 MR. WILLIAMS: Motion to approve.

8 MS. MASON: Second.

9 CHAIRMAN: Any other discussion? All in
10 favor, raise your right hand. Opposed, like
11 sign.

12 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

13 CHAIRMAN: Motion carries. You can go
14 vinyl or wood. Thank you. Next item, please,
15 sir.

16

17 Item 3
18 101 Daviess Street, in a B-2 zone (Map N-4)
(POSTPONED)
19 Consider request for a Conditional Use Permit to
20 construct a new RiverPark Center patio in a
floodway.
21 Reference: Zoning Ordinance, Article 8, Section
18-6(b)(2)(a)
Applicant: City of Owensboro, RiverPark Centers

22

23 MR. NOFFSINGER: Item No. 3, 101 Daviess
24 Street in a (b) (2) zone. This was postponed
25 from our last meeting. Consider request for a

1 Conditional Use Permit to construct a new
2 RiverPark Center patio in a floodway. Reference
3 is zoning ordinance Article 8, Section 18-6
4 (b)(2)(a). The applicant is the City of
5 Owensboro, RiverPark Center.

6 Mr. Chairman, this application has been
7 reviewed by the Planning Staff. It's found to be
8 in order. Adjoining property owners were
9 previously notified as well as it had previously
10 been advertised for public hearing. The
11 application includes a no-impact statement from a
12 professional engineer regarding the floodway as
13 well as the Division of Water Approval.

14 And with that, it's ready for your
15 consideration.

16 CHAIRMAN: Is there any objection to
17 this clause?

18 MR. NOFFSINGER: No, sir.

19 CHAIRMAN: Is anyone in the audience
20 wishing to object to this item? Is the applicant
21 here and wish to make any statements? Any Board
22 members have any comments? Terry, I'll entertain
23 a motion to dispose of the item.

24 MS. DIXON: Move to approve.

25 CHAIRMAN: Is there a second?

1 MR. WARREN: Second.

2 CHAIRMAN: Motion made in the second.

3 Any other discussion? All in favor, raise your
4 right hand.

5 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

6 CHAIRMAN: Opposed, like sign. Motion
7 carries.

8 Next item, please, sir.

9

10 ITEM No. 4
11 3095 Girl Scout Road, in an A-R zone (Map CO-58)
12 Consider request for a Conditional Use Permit in
13 order to operate an existing Girl Scout Camp and
14 to replace the existing lodge building on the
15 campgrounds.
16 Reference: Zoning Ordinance, Article 8, Section
17 8.2K(7)
18 Applicant: Frances Fach, Kentuckiana Girl Scout
19 Council, Inc.

20 MR. NOFFSINGER: Item No. 4 is 3095 Girl
21 Scout Road in an A-R zone. Consider request for
22 a Conditional Use Permit in order to operate an
23 existing Girl Scout Camp and to replace the
24 existing lodge building on the campground. The
25 reference is Zoning Ordinance, Article 8, Section
8.2K(7). The applicant is Frances Fach,
Kentuckiana Girl Scout Council, Inc.

Mr. Chairman, this application has been
reviewed by the Planning Staff, found to be in

1 order. It has been advertised for public hearing
2 at this time, and all adjoining property owners
3 have been notified.

4 CHAIRMAN: Is there anyone wishing to
5 object? Is there any notices or any objection in
6 the office, sir?

7 MR. NOFFSINGER: No, sir.

8 CHAIRMAN: Is the applicant here and
9 wish to make any statements? Any Board members
10 have any questions, comments?

11 (NO RESPONSE.)

12 CHAIRMAN: Hearing none, I'll entertain
13 a motion to dispose of the item.

14 MR. MILLER: Motion to approve.

15 MS. DIXON: Second.

16 CHAIRMAN: Motion been made and a
17 second. Any other discussion? Hearing none, all
18 in favor raise your right hand.

19 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

20 CHAIRMAN: Opposed, like sign. Motion
21 carries unanimously.

22 Next item, please.

23

24 ITEM 5
25 2101 KY 554, in an R-1A, A-R zone (Map CO-37)
Consider a request for a Conditional Use Permit
to place a Class B Manufactured Home for the use
Ohio Valley Reporting
(270) 683-7383

1 as a church parsonage on the existing church
property.
2 Reference: Zoning Ordinance, Article 8, Section
8.2A10B, 8.2B4
3 Applicant: First Church of God, Robert
Ketterman, Treasurer
4

5 MR. NOFFSINGER: Item No. 5 is 2101
6 Kentucky 554 in an R-1A, A-R zone. Consider
7 request for a Conditional Use Permit to place a
8 Class D manufactured home for use as a church
9 parsonage on the existing church property. The
10 reference is Zoning Ordinance, Article 8, Section
11 8.2A10B, 8.2B4. The applicant is the First
12 Church of God, Robert Ketterman, Treasure.

13 Mr. Chairman, this application has been
14 reviewed by the Planning Staff. It's found to be
15 in order. All adjoining property owners have
16 been notified, and the application has been
17 advertised for public hearing at this time.

18 The home that's proposed to be placed on
19 the property is -- well, appears to be, let's
20 see. I'm sorry. I do not have that information
21 I see in the file. We will need to know the
22 size of the home that's being proposed on the
23 property.

24 MR. WARREN: It says 14 by 70.

25 MR. NOFFSINGER: 14 by 70, I'm sorry.

1 And with that, it's ready for your consideration.

2 CHAIRMAN: Do you have any objections
3 filed in the office?

4 MR. NOFFSINGER: No, sir.

5 CHAIRMAN: Anyone in the audience
6 wishing to object to this? Is the applicant
7 here?

8 MR. KETTERMAN: Yes.

9 CHAIRMAN: Do you have anything you want
10 to add to the record, sir? Come in and be sworn
11 in, please, sir.

12 MR. ELLIOTT: State your name, please.

13 MR. KETTERMAN: Robert I. Ketterman.

14 (MR. ROBERT KETTERMAN SWORN BY ATTORNEY.)

15 MR. KETTERMAN: Kind of one reason we'd
16 like to put it there is for security. We're
17 having trouble with people coming in the parking
18 lot and doing donuts. And if we have somebody
19 there living, we can probably stop that problem.

20 MR. NOFFSINGER: I do have one question.
21 The home, how far off of rear property line will
22 that be.

23 MR. KETTERMAN: I think it shows 25
24 feet.

25 MR. NOFFSINGER: 25 feet? That looks

1 like it's off the side property line. You're
2 showing 12 feet off the rear.

3 MR. KETTERMAN: Yeah, it's 12.

4 MR. NOFFSINGER: Okay. We need to have
5 the staff person, Jim Mischel, address the rear
6 yard setback, please.

7 MR. ELLIOTT: State your name, please.

8 MR. MISCHEL: Jim Mischel.

9 (MR. JIM MISCHEL WAS SWORN BY ATTORNEY.)

10 MR. MISCHEL: Yes, the required setback
11 on the rear yard would be 20 feet. I also notice
12 that this property has two zones, R-1A and A-R
13 zone. I believe the rear of the property is an
14 A-R zone. And if that's so, there's different
15 standards in that R-1A zone as far as a
16 single-wide mobile home.

17 And I think that towards the front of
18 the property in that R-1A zone, we would have to
19 have a concrete block foundation and a few other
20 things. But this is on the back of the property.
21 It should be okay, but I don't know. But it does
22 require a 20-foot setback.

23 CHAIRMAN: Okay. So -- thank you, Jim.

24 MR. NOFFSINGER: Let the record show
25 that the cite plan should reflect a 20-foot rear

1 yard setback as opposed to the 12 foot setback
2 that's shown.

3 CHAIRMAN: Do you understand that and
4 can meet that, satisfied?

5 MR. KETTERMAN: Yes, sir. We have no
6 problem with that.

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

9 (NO RESPONSE.)

10 CHAIRMAN: Hearing none, entertain a
11 motion to dispose of the item.

12 MR. PEDLEY: Motion to approve.

13 MR. WILLIAMS: Second.

14 CHAIRMAN: Motion been made in the
15 second. Is there any other discussion? There
16 appears to be none. All in favor, raise your
17 right hand.

18 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

19 CHAIRMAN: Opposed, like sign. Motion
20 carries. Next item, please, sir.

21

22 VARIANCES

23

24 Item 6
25 2425 Fredrica Street, in a B-4 zone (Map N-8)
Consider request for Variance to reduce the
required roadway buffer along Fredrica Street
Ohio Valley Reporting
(270) 683-7383

1 from 60 feet from the centerline to 34 feet from
the centerline.
2 Reference: Zoning Ordinance, Article 13, Section
13.6221
3 Applicant: Independence Bank of Kentucky, Inc.,
J. Frank Hartz Testamentary Trust c/o Maxine G. &
4 Max S. Hartz Trustees

5
6 MR. NOFFSINGER: The Variances, Item No.
7 6, 2425 Fredrica Street in a B-4 zone. Consider
8 request for a Variance to reduce the required
9 roadway buffer along Fredrica Street from 60 feet
10 from the centerline to 34 feet from the
11 centerline. Reference is Zoning Ordinance,
12 Article 13, Section 13.6221. The applicant is
13 Independence Bank of Kentucky, Inc., J. Frank
14 Hartz Testamentary Trust, c/o of Maxine G. & Max
15 S. Hartz Trustees.

16 Mr. Chairman, this application has been
17 reviewed by the Planning Staff. It's found to be
18 in order. All adjoining property owners have
19 been notified, and it has been advertised for
20 public hearing at this time.

21 I believe the applicant is present as
22 well as represented by counsel tonight to answer
23 any questions you might have.

24 CHAIRMAN: Is there any objections filed
25 in the office?

1 MR. NOFFSINGER: No, sir.

2 CHAIRMAN: I don't see anyone else left
3 in the audience to object. Does the applicant
4 have anything they want to add?

5 AUDIENCE MEMBER: Only if there's any
6 questions.

7 CHAIRMAN: Does any Board member have
8 any questions of the applicant?

9 MR. NOFFSINGER: Mr. Chairman, the
10 Planning Staff will be making a recommendation
11 for approval on this item. And if it please the
12 Board, would like to read the findings as well as
13 the conditions that we would recommend.

14 CHAIRMAN: Okay. Go to it.

15 MR. NOFFSINGER: Findings in support of
16 this Variance would be that it will not adversely
17 affect the public health, safety or welfare; will
18 not alter the essential character of the general
19 vicinity; will not cause a hazard or nuisance to
20 the public and will not allow unreasonable
21 circumvention of the requirements of the zoning
22 regulations.

23 Approval conditions: 1) Consolidation
24 of all lots to create a single lot, 2) Closing of
25 the public alley right-of-way running through the

1 site that runs, I believe, between 24th and 25th
2 Street, and OMPC approval of a development plan.

3 CHAIRMAN: Does that meet with the
4 applicant's approval?

5 MR. THACKER: Yes, it does. The
6 conditions are acceptable.

7 CHAIRMAN: Do you have anything else you
8 want to add to it?

9 MR. THACKER: No.

10 CHAIRMAN: Do any Board members have any
11 questions of the applicant?

12 (NO RESPONSE.)

13 CHAIRMAN: Hearing none, I'll entertain
14 a motion to dispose of the item.

15 MR. PEDLEY: Motion to approve.

16 CHAIRMAN: Second?

17 MS. DIXON: Second.

18 CHAIRMAN: This will be subject to
19 findings of facts and conditions.

20 MS. MASON: I second.

21 CHAIRMAN: Motion been made and a
22 second. Any other discussion?

23 (NO RESPONSE.)

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

1 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

2 CHAIRMAN: Opposed, like sign. Motion
3 carries. Next item, please.

4

5 Item 7
3601 Fredrica Street, in a B-4 zone (Map N24)
6 Consider request for a Variance to reduce the
required roadway buffer along Fredrica Street
7 from 60 feet from the street centerline to 43
feet from the street centerline.
8 Reference: Zoning Ordinance, Article 13, Section
13.6221
9 Applicant: Massie - Clark Development Co., Inc.

10

11 MR. NOFFSINGER: Item No. 7 is 3601
12 Fredrica Street in a B-4 zone. Consider request
13 for a Variance to reduce the required roadway
14 buffer along Fredrica Street from 60 feet from
15 the street centerline to 43 feet from the street
16 centerline. The reference is Zoning Ordinance,
17 Article 13, Section 13.6221. The applicant is
18 Massie - Clark Development Company, Inc.

19 Mr. Chairman, the Planning Staff has
20 reviewed this application. It's found to be in
21 order. All adjoining property owners have been
22 notified, and it has been advertised for public
23 hearing at this time. The Planning Staff will be
24 making a recommendation for approval on this
25 particular item with the findings that it will

1 not adversely affect the public health, safety or
2 welfare; will not alter the essential character
3 of the general vicinity; will not cause a hazard
4 or a nuisance to the public; will not allow an
5 unreasonable circumvention and requirements of
6 the zoning regulations.

7 CHAIRMAN: Is there any objections filed
8 in the office?

9 MR. NOFFSINGER: No, sir.

10 CHAIRMAN: Anyone representing the
11 applicant? Okay. Do you have any comments you
12 want to make, sir?

13 AUDIENCE MEMBER: No, sir.

14 CHAIRMAN: Any Board member have any
15 comments or questions of the applicant?

16 MR. PEDLEY: Mr. Chairman, make a motion
17 for approval based on the facts stated by Mr.
18 Noffsinger.

19 CHAIRMAN: Okay. Is there a second?

20 MS. DIXON: Second.

21 MR. WARREN: Second.

22 CHAIRMAN: Any other discussion? All in
23 favor, raise your right hand.

24 (ALL BOARD MEMBER PRESENT RESPONDED AYE.)

25 CHAIRMAN: Opposed, like sign. Motion

1 carries. Any other business, sir?

2 MR. NOFFSINGER: No, sir.

3 CHAIRMAN: Entertain a motion for
4 adjournment.

5 MS. DIXON: Motion to adjourn.

6 CHAIRMAN: All in favor, stand up and
7 proceed.

8 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 STATE OF KENTUCKY)
2)SS: REPORTER'S CERTIFICATE
3 COUNTY OF HENDERSON)
4

5 I, CYNTHIA D. AMBROUS, Notary Public in and
6 for the State of Kentucky at Large, do hereby
7 certify that the foregoing Owensboro Metropolitan
8 Board of Adjustment meeting was held at the time
9 and place as stated in the caption to the
10 foregoing proceedings; that each person were as
11 stated in the caption; that said proceedings were
12 taken by me in stenotype and electronically
13 recorded and was thereafter, by me, accurately
14 and correctly transcribed into the foregoing 19
15 typewritten pages; and that no signature was
16 requested to the foregoing transcript.

17 WITNESS my hand and notarial seal on this,
18 the 28th day of May, 2002.

19
20
21 _____
22 CYNTHIA D. AMBROUS, NOTARY PUBLIC
23 OHIO VALLEY REPORTING SERVICE
24 202 WEST THIRD STREET, SUITE 2
25 OWENSBORO, KENTUCKY 42303