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OWENSBORO METROPOLITAN BOARD OF ADJUSTMENT

DECEMBER 5, 2002

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The Owensboro Metropolitan Board of Adjustment met in regular session at 6:00 p.m. on Thursday, December 5, 2002, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

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

* * * * *

CHAIRMAN: Want to call the Owensboro Metropolitan Board of Adjust to order.

Want to welcome you all tonight. Set some guidelines. I think I've repeated these to you before, Mr. Kamuf. We'll come to the microphone, be sworn in so she can get all the information down for the record. Everybody will have a chance to be heard. With that we'll proceed.

First item on the agenda is to consider the minutes of the last meeting. They're on file in

1 the office. I don't think there's been any problems
2 have been found with them, have they?

3 MS. STONE: No.

4 CHAIRMAN: Entertain a motion.

5 MR. WILLIAMS: Motion to approve.

6 MS. MASON: Second.

7 CHAIRMAN: A motion has been made and a
8 second has been made. All in favor raise your right
9 hand.

10 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

11 CHAIRMAN: Motion carries.

12 Next item on the agenda, Becky.

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14 CONDITIONAL USE PERMITS

15 ITEM 2

16 1920 McFarland Avenue, in an I-2 zone
17 Consider request for a Conditional Use Permit to
18 operate an impound yard or yard for storage of
19 abandoned, dismantled, partially dismantled, obsolete
20 or wrecked automobiles.
21 Reference: Zoning Ordinance, Article 8,
22 Section 8.2G4/27
23 Applicant: West Side Auto Parts, Inc., Henry E.
24 Phillips, and Mary E. Posey

21 MS. STONE: This item has been advertised.
22 Adjoining property owners have been notified. It's
23 ready for your consideration.

24 The property has just recently been
25 rezoned from B-4 to I-2. The Planning Commission

1 attached to that rezoning a number of conditions which
2 I would like to read into the record.

3 1) Driveway access shall be limited to
4 one access point onto Old Henderson Road, not to
5 exceed 50 feet in width at the property line;

6 2) Driveway access on Old Henderson Road
7 shall be paved to a minimum distance of 50-feet inside
8 the property boundary;

9 3) The existing driveway access on
10 McFarland Avenue shall be closed, and the entire
11 frontage on McFarland shall be maintained and screened
12 with a minimum 8-foot high continuous solid element
13 with one tree per 40-feet of linear boundary to be
14 located outside of the required roadway buffer;

15 4) The gravel in the area between the
16 street pavement on McFarland Avenue and the fence
17 boundary shall be removed and the area returned to
18 grass;

19 5) The applicant shall apply for a
20 conditional use permit and variances from the required
21 setback buffers from the Owensboro Metropolitan Board
22 of Adjustment. Unless these items are approved, the
23 property may not be used for the proposed use;

24 6) Existing fencing around the property
25 on the east, west and south boundaries shall be

1 replaced with a minimum 8-foot high boundary and
2 maintained;

3 7) Storage of vehicles or materials on
4 the site may not exceed the height of the fencing
5 surrounding the property;

6 8) All conditions must be met prior to
7 the use of the subject property for the storage of
8 vehicles;

9 9) A pest control plan must be
10 implemented annually.

11 CHAIRMAN: Has there been any objections
12 filed in the office?

13 MS. STONE: No, sir.

14 CHAIRMAN: Anyone in the audience wishing
15 to object?

16 (NO RESPONSE)

17 CHAIRMAN: If not, does the applicant want
18 to come forward and add anything to it?

19 MR. ELLIOTT: State your name, please.

20 MR. KAMUF: Charles Kamuf.

21 (MR. CHARLES KAMUF SWORN BY ATTORNEY.)

22 MR. KAMUF: I think Becky has stated it
23 completely. The property has recently been rezoned to
24 I-2. We agreed to those conditions that are set out.
25 We're in agreement.

1 CHAIRMAN: Any board member have any
2 questions of the applicant?

3 (NO RESPONSE.)

4 MR. KAMUF: I have some charts of it if
5 you want to see what we're talking about. I think
6 Becky understands it completely.

7 MS. STONE: I didn't mention that the site
8 plan, they have submitted a site plan with this
9 Conditional Use Permit requesting also the variance
10 requested. That site plan does reflect the intent to
11 adhere to these conditions.

12 CHAIRMAN: Any board member have any
13 questions or comments?

14 (NO RESPONSE)

15 CHAIRMAN: Hearing none the chair will
16 entertain a motion to dispose of the item.

17 MS. DIXON: Move to approve subject to the
18 nine conditions proposed by the Planning Commission of
19 the October meeting.

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

22 MR. MILLER: Second.

23 CHAIRMAN: Any other discussion?

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, Becky.

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6 VARIANCE

7 ITEM 3

8 1920 McFarland Avenue, in an I-2 zone
9 Consider request for a Variance to waive the buffer
10 requirements to operate an impound yard or yard for
11 storage of abandoned, dismantled, partially
12 dismantled, obsolete or wrecked automobiles. The
13 request proposes a 95-foot setback from residential
14 property to the north, 0-foot setback from residential
15 property to the west and 0-foot setback from general
16 business property to the east.
17 Reference: Zoning Ordinance, Article 8,
18 Section 8.2G4/27
19 Applicant: West Side Auto Parts, Inc., Henry E.
20 Phillips and Mary E. Posey

21 MS. STONE: The item has been advertised
22 for public hearing. All adjoining property owners
23 have been notified and it's ready for your
24 consideration.

25 CHAIRMAN: The conditions you read awhile
ago be tied to the variance too?

MS. STONE: The staff had recommended that
all conditions attached to the zoning change request
shall be in places before any vehicles are stored on
the subject property as a condition of approval.

CHAIRMAN: The applicant have anything he

1 wish to add on?

2 MR. KAMUF: No, I don't, Mr. Chairman.

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

5 (NO RESPONSE)

6 CHAIRMAN: Hearing none the Chair will
7 entertain a motion to dispose of the item.

8 MR. PEDLEY: Mr. Chairman, I make a motion
9 for approval for reason it will not adversely affect
10 the public health, safety and welfare; will not alter
11 the essential character of the general vicinity; will
12 not cause a hazard or nuisance to the public; will not
13 allow an unreasonable circumvention of the
14 requirements of the Zoning Regulations; with all
15 conditions attached to the zoning change request shall
16 be in place before any vehicles are stored on the
17 subject property.

18 MR. WARREN: Second.

19 CHAIRMAN: A motion has been made and a
20 second. Any other discussion or comment?

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.

1 Next item.

2 MR. WILLIAMS: Motion to adjourn.

3 MS. DIXON: Second.

4 CHAIRMAN: Before I entertain that, being
5 this is the last meeting before Christmas, Merry
6 Christmas and Happy New Year to all of you.

7 All in favor of the motion raise your
8 right hand.

9 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

10 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 8 typewritten pages; and that no signature
15 was requested to the foregoing transcript.

16 WITNESS my hand and notarial seal on this
17 the 6th day of December, 2002.

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