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OWENSBORO METROPOLITAN BOARD OF ADJUSTMENT

FEBRUARY 6, 2003

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The Owensboro Metropolitan Board of Adjustment met in regular session at 6:00 p.m. on Thursday, February 6, 2003, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

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

* * * * *

CHAIRMAN: Call the Owensboro Metropolitan Board of Adjustment to order. Want to welcome you all this evening. Set a couple of guidelines.

If you have any comments or anything you want to say, come to the microphone and be sworn in and then address the chair and we'll try to come up with the answers or whatever you have to say will be put in for the record. We want to be sure and get it in the record with our court reporter.

First item on the agenda this evening is

1 the minutes of last January 2nd meeting. They're on
2 record in the office. I don't think there's been any
3 problems found with any of them or any additions that
4 need to be made.

5 MR. NOFFSINGER: That's correct.

6 CHAIRMAN: Entertain a motion to dispose
7 of them.

8 MS. DIXON: Move to approve.

9 CHAIRMAN: Motion been made to approve
10 without reading.

11 MR. MILLER: Second.

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

14 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

15 CHAIRMAN: Motion carries unanimously.

16 Next item please, sir.

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18 CONDITIONAL USE PERMITS

19 ITEM 2

20 2200 East Parrish Avenue, Lot A, in a P-1 zone
21 Consider request for a Conditional Use Permit to
22 operate an ambulatory surgical center consisting of
23 approximately 8,000 square feet within Building A on
24 Lot A of The Springs Centre.
Reference: Zoning Ordinance, Article 8, Section 8.2C1
Applicant: RealMed, LLC, c/o Physicians Affiliated
Care, PSC, Shirish N. Patel, M.D.

25 MR. NOFFSINGER: Mr. Chairman, this

1 application has been advertised for public hearing at
2 this time and all adjoining property owners have been
3 notified. Planning Sstaff has reviewed this
4 application. Found to be in order.

5 If you do approve this Conditional Use
6 Permit application, it should be approved with the
7 condition that it be consistent within Certificate of
8 Need issued by the State of Kentucky and that
9 Certificate of Need Number 030-03-3562-2.

10 CHAIRMAN: Has there been any objections
11 or comments filed in the office?

12 MR. NOFFSINGER: No, sir. That
13 Certificate of Need is filed in our application.

14 CHAIRMAN: Anyone wishing to speak in
15 opposition to this particular item?

16 (NO RESPONSE)

17 CHAIRMAN: Does the applicant have
18 anything they'd like to add to it?

19 (NO RESPONSE)

20 CHAIRMAN: Any board members have any
21 questions they would like to ask?

22 (NO RESPONSE)

23 CHAIRMAN: Hearing none, do I hear a
24 motion to dispose of the item?

25 MS. DIXON: Move to approve with the

1 condition that it is consistent with the Certificate
2 of Need issued by the state.

3 CHAIRMAN: Is there a second?

4 MS. MASON: Second.

5 CHAIRMAN: Motion has been made and a
6 second. Any other question or discussion?

7 (NO RESPONSE)

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

10 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

11 CHAIRMAN: Motion carries unanimously.

12 Next item, please.

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14 VARIANCES

15 ITEM 3

16 1302 Allen Street, in an R-4DT zone
17 Consider request for a Variance to reduce the
18 side-yard building setback from 3 feet to 2 feet 5
19 inches (29") along the south property line in order to
20 construct a detached enclosed accessory building
21 (garage).

19 Reference: Zoning Ordinance, Article 3,
Section 3-7(b)(2)

20 Applicant: Jason & Kate Higdon, William & Nancy
21 Higdon

22 MR. NOFFSINGER: Mr. Chairman, this
23 Variance has been advertised for public hearing at
24 this time and all adjoining property owners have been
25 notified. The application has been reviewed by the

1 Planning Staff. Found to be in order. The Planning
2 Staff had prepared a review of the application for
3 your review. We are recommending approval for the
4 findings that we have described.

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

7 MR. NOFFSINGER: No, sir. In fact, there
8 have been two letters from adjoining property owners
9 that have been in support of the variance.

10 CHAIRMAN: Is there anyone in the audience
11 wishing to speak in objection to it?

12 (NO RESPONSE)

13 CHAIRMAN: Does the applicant have
14 anything they'd like to add to it?

15 (NO RESPONSE)

16 CHAIRMAN: Any board members have any
17 questions of the applicant?

18 (NO RESPONSE)

19 CHAIRMAN: Hearing none entertain a motion
20 to dispose of the item.

21 MR. PEDLEY: Mr. Chairman, I make a motion
22 for approval based on findings it will not adversely
23 affect the public health, safety or welfare; will not
24 alter the essential character of the general vicinity;
25 will not cause a hazard or a nuisance to the public;

1 will not allow an unreasonable circumvention of the
2 requirements of the zoning regulations.

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

5 MR. DYSINGER: Second.

6 CHAIRMAN: Any other questions or
7 comments?

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 Next item, please, sir.

14 ITEM 4

15 910 West Second Street, in an R-4DT zone (POSTPONED)
16 Consider request for a Variance to reduce the
17 side-yard building setback from 5 feet to 3 feet along
18 the west property line in order to construct a new
19 single-family residence.

Reference: Zoning Ordinance, Article 8,
Section 8.5.11(d)

Applicant: Brad Hutchins, Richard & Rita Collinsworth

20 MR. NOFFSINGER: Mr. Chairman, this
21 application has been been revised and re-advertised to
22 show the setback on the west property line at 3 feet
23 and the setback on the east property line of 5 feet.
24 This will provide a common share or room for a common
25 shared driveway off of Second Street between the

1 property at 906 and 910 West Second Street. Parking
2 will be provided to the rear of these two
3 structures. If you do approve this Variance, we
4 recommend it be approved with the findings so stated
5 in the Staff review and condition upon parking being
6 provided to the rear of the property owner.

7 CHAIRMAN: Anybody have questions of the
8 Staff?

9 (NO RESPONSE)

10 CHAIRMAN: Entertain a motion to dispose
11 of the item.

12 MR. MILLER: Mr. Chairman, motion to
13 approve since granting this Variance will not
14 adversely affect the public health, safety or welfare;
15 will not alter the essential character of the general
16 vicinity; will not cause a hazard or a nuisance to the
17 public; will not allow an unreasonable circumvention
18 of the requirements of the zoning regulations; and
19 with the condition that parking be provided to the
20 rear only.

21 CHAIRMAN: Is there a second?

22 MS. DIXON: 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.

4 I need one last motion.

5 MR. MILLER: Motion to adjourn.

6 MS. DIXON: Second.

7 CHAIRMAN: All in favor raise your right

8 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 11th day of February, 2002.

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, 2006

23

24 COUNTY OF RESIDENCE:
DAVIESS COUNTY, KENTUCKY

25