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OWENSBORO METROPOLITAN BOARD OF ADJUSTMENT

MARCH 6, 2003

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

- MEMBERS PRESENT: Ward Pedley, Vice Chairman
- Gary Noffsinger, Planning Director
- Marty Warren
- Ruth Ann Mason
- Judy Dixon
- Tim Miller
- Sean Dysinger
- Stewart Elliott
- Attorney

* * * * *

CHAIRMAN: Good evening. Owensboro Metropolitan Board of Adjust will come to order.

Anyone wishing to speak on any item may do so. We ask that you come to one of the podiums, state your name and be sworn in.

First item on the agenda is to consider the minutes of the February 6, 2003, meeting. They have been read and placed on file in the Planning Office.

(NO RESPONSE)

1 CHAIRMAN: If not, Chair is ready for a
2 motion.

3 MS. DIXON: Move to approve.

4 MR. DYSINGER: Second.

5 CHAIRMAN: We have a motion and a second.
6 All in favor raise your right hand.

7 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

8 CHAIRMAN: It's an unanimous vote. The
9 minutes are approved.

10 CHAIRMAN: Next item.

11 -----

12 CONDITIONAL USE PERMITS

13 ITEM 2

14 1547 Hagan Lane South, in an A-R zone
15 Consider request for a Conditional Use Permit to
16 operate a seasonal corn maize, soybean maize, pumpkin
17 patch with sales and education areas on a portion of a
18 farm.

Reference: Zoning Ordinance, Article 8, Section
8.2K7, 8.2E4

Applicant: Phillip G. & Patricia Lambert

19 MR. NOFFSINGER: Mr. Chairman, this
20 application has been reviewed by the Planning Staff.
21 It's found to be in order.

22 It's my understanding that this activity
23 will occur on 13 acres, which is a portion of about a
24 38 acre farm. Should this board approve this
25 Conditional Use Permit tonight, Planning Staff would

1 recommend that you do so subject to an annual review.
2 What that would do would be allow us to gage the
3 activity at this site and give neighbors or others in
4 the community an opportunity for this to be reheard in
5 the future should there be some issues that need to be
6 addressed such as amount of traffic, parking, perhaps
7 noise. We really don't know a whole lot about this
8 activity at this time. Sounds like a good proposal.
9 Sounds like a lot of fun, but we would want the
10 ability to come back in the future should there be
11 some issues and address those. That's why we're
12 recommending an annual review.

13 CHAIRMAN: Is anyone here wishing to speak
14 on behalf of the application?

15 MR. ELLIOTT: State your name, please.

16 MR. MEYER: Ladies and Gentlemen of the
17 Commission, my name is J.D. Meyer. I'm an attorney
18 representing Phil and Pat Lambert who are the owners
19 of the property that propose the conditional use of a
20 pumpkin maize as Mr. Noffsinger has described.

21 (MR. J.D. MEYER SWORN BY ATTORNEY.)

22 MR. MEYER: We're just here tonight to
23 answer any questions that any members may have.

24 CHAIRMAN: Any board members have any
25 questions of Mr. Meyer?

1 MR. HAYDEN: Could you sort of just
2 describe the activities that will take place there.

3 MR. MEYER: Generally this is going to be
4 a planned corn maize. Part of the main goal and the
5 main groups of people that we hope to bring in are
6 students from the area high schools, and grade
7 schools, and middles schools, and whatnot.

8 Not only to provide them with a fun
9 activity, but also an educational learning experience
10 about the different areas in agriculture and the
11 different activities in which they can engage in as
12 far as in the future in the farming business.

13 So it will be an educational opportunity,
14 but also a family fun oriented opportunity where the
15 maize will be open on the weekends for families or
16 children to come out. They'll go through this maize
17 which has a set of clues and there are different hints
18 and things for these people to find their way through
19 the maize. In the end, have a whole lot of family fun
20 together.

21 MR. DYSINGER: Can I ask something real
22 quick?

23 CHAIRMAN: Yes.

24 MR. DYSINGER: Do you guys anticipate at
25 this time any kind of annual festival like they have

1 at Reid's Orchard that would lend itself to higher
2 numbers of traffic in the day-to-day operation?

3 MR. MEYER: Not at this time. I think
4 that that's something that will just be explored in
5 the future. Of course, we'd come and bring that
6 before the board.

7 CHAIRMAN: Any other questions?

8 (NO RESPONSE)

9 MR. MEYER: Thank you.

10 CHAIRMAN: Thank you.

11 See if we have any opposition. Anyone
12 here wishing to speak in opposition to this
13 application?

14 (NO RESPONSE)

15 CHAIRMAN: Chair is ready for a motion.

16 MS. DIXON: Move to approve subject to
17 annual review.

18 MR. WARREN: Second.

19 CHAIRMAN: We have a motion and a second.

20 All in favor raise your right hand.

21 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

22 CHAIRMAN: That's a unanimous vote. The
23 motion is approved.

24 ITEM 3

25 7084, 7142 KY 56, in an A-U zone

1 Consider request for a Conditional Use Permit to
operate a cemetery.
2 Reference: Zoning Ordinance, Article 8, Section 8.2J1
Applicant: St. Mary Magdalene Parish, Robert I.
3 Knott, Jr., Raw Prawn Properties, LLC

4 MR. NOFFSINGER: Mr. Chairman, this
5 application has been reviewed by the Planning Staff.
6 Found to be in order and ready for consideration.

7 If it is approved, it should be approved
8 subject to consolidation of the lots as shown on the
9 attached site plan.

10 CHAIRMAN: Anyone here representing the
11 applicant?

12 APPLICANT REP: Yes.

13 CHAIRMAN: Would you like to speak on
14 their behalf?

15 APPLICANT REP: Only if there's questions,
16 Mr. Chairman.

17 CHAIRMAN: Let me see if we've got any
18 opposition.

19 Anyone here wishing to speak in opposition
20 of this application?

21 (NO RESPONSE)

22 CHAIRMAN: Any board members have any
23 questions?

24 (NO RESPONSE)

25 CHAIRMAN: Chair is ready for a motion.

1 MR. DYSINGER: Move to approve the
2 Conditional Use Permit subject to the consolidation of
3 lots.

4 CHAIRMAN: Do we have a second?

5 MS. MASON: Second.

6 CHAIRMAN: We have a motion and a second.

7 Any question on the motion?

8 (NO RESPONSE)

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

11 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

12 CHAIRMAN: Motion carries unanimous.

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14 VARIANCES

15 ITEM 4

16 9063 KY 1389, in an A-R zone
17 Consider request for a Variance to reduce the
18 front-yard building setback from 60 feet from the
19 centerline of KY 1389 to 49 feet from the centerline
20 of KY 1389 in order to place a manufactured home on
the property.

19 Reference: Zoning Ordinance, Article 8, Section
8.5.1(c)

20 Applicant: Larry and Debra Smeathers

21 MR. NOFFSINGER: Mr. Chairman, this
22 application for Variance is to replace an existing
23 manufactured home that was previously located on the
24 property. This previous home building permit was
25 issued and the home actually encroached upon the

1 required setback line. This is a replacement home and
2 it will encroach upon that setback a little bit
3 more. Maybe two feet, I believe, more than what the
4 previous home did; however, if we were to try to meet
5 the setback lines, it would interfere with an existing
6 septic field as well as it's my understanding that the
7 lot falls off to the rear and it would be topography
8 issue that would have to be dealt with. So with that
9 and if there are not any concerns by any neighbors or
10 anyone in the community, we would recommend approval
11 based upon the findings and considerations contained
12 in KRS 100.

13 CHAIRMAN: Anyone wishing to speak on
14 behalf of the application?

15 APPLICANT: Only if there's a question.

16 CHAIRMAN: Anyone here wishing to speak in
17 opposition of this application?

18 (NO RESPONSE)

19 CHAIRMAN: Any board member have any
20 questions?

21 (NO RESPONSE)

22 CHAIRMAN: Chair is ready for a motion.

23 MS. MASON: Mr. Chairman, I move for
24 approval that it will not adversely affect the public
25 health, safety or welfare; it will not alter the

1 essential character of the general vicinity; will not
2 cause a hazard or a nuisance to the public; and will
3 not allow an unreasonable circumvention of the
4 requirements of the zoning regulations.

5 MR. MILLER: Second.

6 CHAIRMAN: We have a motion and a second.

7 Any question on the motion?

8 (NO RESPONSE)

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

11 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

12 CHAIRMAN: Motion carries unanimous vote.

13 ITEM 5

14 1101, 1109 East Sixth Street, in an R-4DT zone
15 Consider request for a Variance to reduce the
16 front-yard building setback from a platted average
17 setback of 22.5 feet to 20 feet along East 6th Street
18 and to reduce the rear-yard setback from 20 feet to 10
19 feet in order to construct a single-family residence
20 on each lot.

Reference: Zoning Ordinance, Article 8, Section
21 8.5.11(c), 8.5.11(e)

22 Applicant: Audie Martin

23 MR. NOFFSINGER: Mr. Chairman, this
24 application has been reviewed by the Planning Staff.

25 It's found to be in order.

If this board does consider approval of
this variance, it should be conditioned upon the two
homes on the property facing East Sixth Street and

1 there shall be no direct access points permitted on
2 Breckenridge Street. I think these conditions are
3 consistent with a zoning application that was approved
4 by the Planning Commission and the Owensboro City
5 Commission.

6 This variance request would also be
7 consistent with a variance that this board approved
8 back some months ago just across the alley, I believe,
9 and facing East Sixth Street. With that it's ready
10 for your consideration.

11 CHAIRMAN: Anyone wishing to speak on
12 behalf of the applicant?

13 APPLICANT: Only if there's opposition.

14 CHAIRMAN: Is anyone here wishing to speak
15 in opposition of this application?

16 (NO RESPONSE)

17 CHAIRMAN: Any board members have any
18 questions?

19 (NO RESPONSE)

20 CHAIRMAN: Chair is ready for a motion.

21 MS. DIXON: Move to approve because
22 granting this variance will not adversely affect the
23 public health, safety or welfare; will not alter the
24 essential character of the general vicinity; will not
25 cause a hazard or a nuisance to the public; will not

1 allow an unreasonable circumvention of the
2 requirements of the zoning regulations; and subject to
3 the conditions that, Number 1, the houses shall face
4 East Sixth Street and, Number 2, no access points
5 shall be permitted on Breckenridge Street.

6 MR. DYSINGER: Second.

7 CHAIRMAN: We have a motion and a second.
8 Any question on the motion?

9 (NO RESPONSE)

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

12 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

13 CHAIRMAN: Motion carries unanimous.

14 I need one more motion.

15 MR. WARREN: Motion to adjourn.

16 MR. MILLER: Second.

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

19 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

20 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 11 typewritten pages; and that no signature
15 was requested to the foregoing transcript.

16 WITNESS my hand and notarial seal on this
17 the 8th day of March, 2003.

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